HOUSE RECORD

Second Year of the 161st General Court
Calendar and Journal of the 2010 Session

Vol. 32 Concord, N.H. Wednesday, February 10, 2010 No. 16

HOUSE JOURNAL No. 5 (cont.)

Wednesday, February 3, 2010

Rep. Wallner moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 6

Wednesday, February 10, 2010

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

Prayer was offered by House Chaplain, Reverend Jared Rardin, Pastor of the South Congregational Church in Concord.
There is something about a bridge, O God, that stirs our imagination. There is grace in a bridge, held beautifully aloft in space and time as though it doesn't belong there and yet there it is, announcing itself in glory. There is audacity in a bridge, daring to set out over dangerous waters for the sake of creating passage where before there was only chasm. Help us, both in our work here and in our private lives, to be both graceful and audacious bridge builders, anchored in our concrete differences, yet aspiring to connect in ways which create new hope for many. Let our differences enrich rather than entrench us and let our ideals lead us without imprisoning us. Bless those in this House who are ill or facing hospitalization or surgery. Bless those in our districts who are experiencing special hardships today. Bless especially the poor, the homeless, the forgotten and those who live daily on little more than a shred of hope. Let our work here this day provide a few more shreds for them to hold onto. This we pray in Your Holy name. Amen.

Representative Jean Jeudy, member from Manchester, led the Pledge of Allegiance.

NATIONAL ANTHEM

The National Anthem was sung by Shakya Wheeler, a senior at Nashua High North.

LEAVES OF ABSENCE

Reps. Boisvert, Brennan, Caron, DeSimone, Flurey, Gidge, Grassie, Itse, Jane Johnson, Lisle, Marshall, Matarazzo and Carol Williams, the day, illness.
Reps. Bridle, Jennifer Brown, Hebert, Rip Holden, Kopka, Mark Preston, Priestley, Kimberly Shaw, Silva, Marjorie Smith, Todd Smith, Timothy Soucy and Twombly, the day, important business.
Reps. Butynski and Clemons, the day, illness in the family.
Rep. Katsakiores, the day, death in the family.

INTRODUCTION OF GUESTS

Students from the Adult Living Class from Mount Prospect Academy in Plymouth, guests of the House. Amanda Cebrowski, Julie Schappals and Rick Harris, wife and guests of Rep. Cebrowski. Glenna Daniels, mother of Rep. Daniels. Members of the NH Lyme community, guests of Reps. Daniels, Vita, Cebrowski, Chase and Perry. Amy Friedrich, daughter of Rep. Friedrich. Students from the Peter Woodbury School in Bedford, guests of the Bedford delegation.

Luke Anneser and Isabelle Eyman, students at Profile School in Bethlehem, Pages for the day.

HOUSE RESOLUTION NO. 23

Memorializing State Representative George N. Katsakiores of Derry

WHEREAS, we have learned with great sorrow of the death of our friend and colleague, George N. Katsakiores, who was in his fourteenth term of dedicated service to his Derry constituents; and
WHEREAS, George Katsakiores was a true son of Derry, having been born there and, with the exception of time in school and military service, lived there his entire long and productive life; and
WHEREAS, first elected to the House on November 2, 1982, George Katsakiores spent two terms on the Committee on Legislative Administration, two terms on the Committee on State and Federal Relations and his entire twenty-eight years of service on the Transportation Committee, serving four years as Chairman, four years as Chairman Emeritus and two years as Honorary Chairman; and
WHEREAS, George Katsakiores, while known for having a propensity for being somewhat of a free spirit when it came to being on time, was possessed of a very warm and friendly manner, enjoying his colleagues and serving as a mentor and guide for new members of his committee, regardless of their political affiliation – a trait appreciated by many new legislators over the years; and
WHEREAS, George Katsakiores served the citizens of Derry as a member of many governmental, civic and charitable boards and committees, as well as serving his country in the United States Army during World War II; now, therefore, be it
RESOLVED, by the House of Representatives in Regular Session convened, that George N. Katsakiores be granted the highest of accolades for his outstanding and dedicated service to his community, his state and his country, and be it further
RESOLVED, that expressions of heartfelt sympathy be extended to his family and all who loved him, and that a suitable copy of this Resolution be prepared for presentation to his family.

Offered by the House of Representatives.
Adopted unanimously by a rising vote.
A moment of silence was observed in honor and memory of Representative George N. Katsakiores.

COMMITTEE REPORTS
CONSENT CALENDAR
CLERK'S NOTE

All 89 bills from the Consent Calendar were removed by Rep. Vaillancourt.

SPECIAL ORDER OF BILLS

Without objection, the Speaker ordered that the bills assigned to a second committee from both calendars be taken up as the first order of business followed by the remainder of bills.

CLERK'S NOTE

Rep. Vaillancourt notified the Chair that he requested a division vote on all motions.

REGULAR CALENDAR – EARLY BILLS

HB 1602-FN, relative to the secure psychiatric unit. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert R. Cushing for Criminal Justice and Public Safety: This bill, as amended, establishes a committee to expedite construction and operation of a secure multi-program forensic psychiatric hospital as part of NH hospital. The majority of the committee believes it is time to end the co-mingling of people with a mental illness who have not been convicted of a crime with adjudicated persons, and time to stop treating persons with mental illness in an incarcerated setting. Vote 15-3.

Amendment (0427h)

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

1 Committee Established. There is established a committee to study establishing a secure multi-program forensic psychiatric hospital as part of New Hampshire hospital and developing a proposal to expedite construction and operation of such a treatment facility.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall:

I. Review the history of the current secure psychiatric unit and places to which persons are committed under RSA 651:8-b, RSA 135-C, RSA 171-B, and RSA 623:1, including previous efforts and proposals to locate a secure psychiatric unit in an environment more conducive to mental health care treatment rather than incarceration.

II. Study issues of federal reimbursement for the secure psychiatric unit and explore other sources of funding for the construction and operation of a secure multi-program forensic psychiatric hospital, including private charities and other entities with an interest in ensuring that consumers of health care services, including persons with severe mental illnesses who are a threat to other persons or to themselves, have adequate access to needed care.

III. Identify possible legal liabilities and court challenges that could arise from the continued co-mingling of non-adjudicated persons with severe mental illness or disorders with individuals who have been adjudicated and deemed to need mental health care intervention.

IV. Work with the commissioners of the department of corrections and the department of health and human services, to develop a proposal to expedite construction and operation of a secure multi-program forensic psychiatric hospital, including preparing to submit a request for the 2012-2013 capital budget relative to building a new facility.

V. Solicit information from any source the committee deems relevant to the purpose for which it is established.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 30, 2010.

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

AMENDED ANALYSIS

This bill establishes a committee to study establishing a secure multi-program forensic psychiatric hospital as part of New Hampshire hospital and developing a proposal to expedite construction and operation of such a treatment facility.

On a division vote, 269 members having voted in the affirmative and 63 in the negative, the amendment was adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. Rep. Willette requested a roll call; sufficiently seconded.

YEAS 275 NAYS 70

YEAS 275

BELKNAP

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

CARROLL

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

CHESHIRE

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Carlson, Nancy	Carr, Daniel	Eaton, Daniel	Hunt, John
Laurent, John	Lerandeau, Alfred	Lindsey, Steven	Meader, 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
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	Gionet, Edmond	Gould, Franklin
Harding, Laurie	Laliberte, Suzanne	Matheson, Robert	Mulholland, Catherine
Nordgren, Sharon	Pastor, Beatriz	Pierce, David	Preston, Philip
Smith, Suzanne	Taylor, Kathleen	Townsend, Charles	Ward, Brien
White, Andrew			

HILLSBOROUGH

Baroody, Benjamin	Batula, Peter	Beaulieu, Jane	Beck, Catriona
Bergin, Peter	Chandley, Shannon	Chase, Claudia	Chininis, Alexis
Christensen, Chris	Christiansen, Lars	Cote, David	Craig, James
Day, Russell	Dokmo, Cynthia	Drisko, Richard	Emerton, Larry
Farley, Michael	Foster, Linda	Gagne, Larry	Garrity, Patrick
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Graham, John
Hackel, Paul	Haley, Robert	Hammond, Jill	Hardy, Valerie
Harvey, Philip	Harvey, Suzanne	Hinch, Richard	Hodges, Kevin
Holden, Frank	Hopper, Gary	Irwin, Anne-Marie	Jeudy, Jean
Katsiantonis, Thomas	Kelley, John	Knowles, John	Knowles, Mary Ann
L'Heureux, Robert	Levesque, Melanie	Long, Patrick	Mack, Ron
Messier, Irene	Movsesian, Lori	Nixon, David	O'Brien, Michael Sr
O'Neil, James	Peterson, Andrew	Pilotte, Maurice	Pratt, Calvin
Renzullo, Andrew	Rhodes, Brian	Rosenwald, Cindy	Rowe, Robert
Ryder, Donald	Schulze, Joan	Shattuck, Gilman	Shaw, Barbara
Spaulding, Jayne	Sullivan, Daniel	Tahir, Saghir	Thompson, Robert
Ulery, Jordan	Walsh, Robert Jr	Willette, Robert	Winters, Joel

MERRIMACK

Anderson, Eric	Bartlett, Michael	Bouchard, Candace	Brown, Carole
Clarke, Claire	Davis, Frank	DeJoie, John	DeStefano, Stephen
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	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

Abbott, Dennis	Allen, Mary	Bailey, Clinton	Belanger, Ronald
Bettencourt, David	Bishop, Franklin	Borden, David	Brown, C. Pennington
Cali-Pitts, Jacqueline	Case, Frank	Casey, Kimberley	Crisler, Margaret
Cushing, Robert	Day, Judith	Devine, James	DiPentima, Rich
Dowling, Patricia	Emiro, Frank	Fesh, Robert	Flanders, John Sr
Gould, Kenneth	Griffin, Mary	Hagan, Joseph	Headd, James
Henson, John	Howard, Doreen	Ingram, Russell	Kepner, Susan
Lyons, Melissa	Major, Norman	Mann, Maureen	McCarthy, Barbara
McEachern, Paul	McMahon, Charles	Moody, Marcia	Nevins, Chris

Nord, Susi	Pantelakos, Laura	Petterson, Don	Rausch, James
Read, Robin Jr	Russell, Joseph	Russell, Trinka	Sanders, Elisabeth
Sapareto, Frank	Scamman, Stella	Scamman, W. Douglas Jr	Schlachman, Donna
Smith, William	Splaine, James	Stiles, Nancy	Sullivan, James
Tucker, Pamela	Weare, Everett	Webber, Carolyn	Welch, David
Wells, Roger	Weyler, Kenneth		

STRAFFORD

Berube, Roger	Bickford, David	Brown, Julie	Browne, Brendon
Burke, Rachel	Cyr, James	Domingo, Baldwin	Hofemann, Roland
Horrigan, Timothy	Hubbard, Pamela	Hutz, Sarah	Kaen, Naida
Keans, Sandra	Lauterborn, Elaine	Lewis, Robert	Perry, Robert
Price, Susan	Rogers, Rose Marie	Rollo, Deanna	Rous, Emma
Ryder, Mark	Schmidt, Peter	Spang, Judith	Sprague, Dale
Vachon, Dennis	Wall, Janet	Ward, Kenneth	Watters, David

SULLIVAN

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

NAYS 70

BELKNAP

Boyce, Laurie	Swinford, Elaine

CARROLL

Fleck, Joseph	Roberts, John	Scala, Dino

CHESHIRE

Emerson, Susan

COOS

None

GRAFTON

Ingbretson, Paul	Ladd, Rick Jr	Maybeck, Margie	Williams, Burton

HILLSBOROUGH

Belvin, William	Boehm, Ralph	Cebrowski, John	Daniels, Gary
Doherty, Shaun	Elliott, Nancy	Gandia, Laura	Haefner, Robert
Hawkins, Ken	Hikel, John	Hinkle, Peyton	Hogan, Edith
Infantine, William	Jasper, Shawn	Kurk, Neal	Mead, Robert
O'Brien, William	Ober, Lynne	Ober, Russell III	Palmer, Stephen
Pellegrino, Tony	Pepino, Leo	Price, Pamela	Seidel, Carl
Soucy, Connie	Vaillancourt, Steve	Villeneuve, Moe	

MERRIMACK

Blankenbeker, Lynne	Boutin, David	Coffey, Jennifer	Hess, David

Kotowski, Frank	McGuire, Carol	Reed, Dennis

ROCKINGHAM

Baldasaro, Alfred	Bates, David	Charron, Gene	Comerford, Timothy
Elliott, Robert	Ferrante, Beverly	Garcia, Marilinda	Garrity, James
Hoelzel, Kathleen	Hutchinson, Karen	Introne, Robert	Kappler, L. Mike
Kolodziej, Walter	McKinney, Betsy	Packard, Sherman	Perkins, Amy
Perkins, Lawrence	Quandt, Matt	Reagan, John	Sedensky, John

STRAFFORD

Groen, Warren	Vita, Carol

SULLIVAN

Cunningham, Steven	Howard, Thomas	Osgood, Joe	Rodeschin, Beverly

and the committee report was adopted.
Referred to the Committee on Executive Departments and Administration.

HB 1624-FN, relative to the care and treatment of dogs by breeders within the state. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**
Rep. Warren J. Groen for the Majority of Environment and Agriculture: Although amendments have been introduced to try to make this better legislation, this bill is overreaching and unnecessary with too many unintended consequences. Everyone on the committee abhors the thought of a puppy mill in New Hampshire. This is a very emotional issue for everyone; however, we must reserve the discussion to the facts. There have been only five cited cases of "puppy mills" in New Hampshire over the course of the past ten years. This bill will place undue restrictions on breeders and dog owners alike. The rules that would be applied are very generic and not breed specific, thus, dog owners could be charged with cruelty to their pets. Cruelty laws are already in existence in RSA 644:8, making this legislation unnecessary. Local animal control and law enforcement have the authority to remedy any abuses that may arise. Vote 12-1.
Rep. Susan E. Wiley for the Minority of Environment and Agriculture: Given that the existing legislation does not require that dog breeders exercise or socialize their dogs, there is a need to add language to existing statute that would allow for enforcement of minimal acceptable standards for housing and husbandry. The minority felt this bill was a first step.

The question being adoption of the majority committee report of Inexpedient to Legislate.
On a division vote, 318 members having voted in the affirmative and 25 in the negative, the majority committee report was adopted.

HB 1277-FN, relative to eligibility for medical benefits payment by the retirement system for certain vested deferred group I members. **INEXPEDIENT TO LEGISLATE.**
Rep. Patricia M. McMahon for Executive Departments and Administration: This bill would change the medical subsidy for teachers and municipal employees and extend the date of eligibility an additional year. The legislature in the past two sessions has extended the date as well as the eligibility requirements several times because of concern that school districts and communities might lose employees to retirement in order to receive a medical subsidy. Because of the extended dates some retirements were averted and other employees chose vested deferred. The bill if enacted would increase state, county and municipal expenditures. The system's actuary estimates that increases to the state would be $100,000 in FY 2012 and in each succeeding year and $300,000 for the political subdivisions in FY 2012 and in each year thereafter. Vote 13-4.
On a division vote, 325 members having voted in the affirmative and 13 in the negative, the

committee report was adopted.
Rep. Stiles declared a conflict of interest on ***HB 1277-FN*** and did not participate.

HB 1428-FN, relative to death benefits for surviving spouses of a New Hampshire retirement system member. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Ken Hawkins for Executive Departments and Administration: Last session, changes were made to RSA 100-A so that a spouse of a deceased member could continue to receive an earned pension benefit if they remarried. This change was for group II and some group I members. There were some members that were not covered in that bill. This bill now fixes that so all groups are included and allows the same earned benefit to all members of the New Hampshire retirement system. Vote 14-4.

Amendment (0388h)
Amend the bill by inserting after section 8 the following and renumbering the original section 9 to read as 10:

9 Call, Substitute, or Volunteer, Firemen; Surviving Spouse. Amend RSA 100-A:19, III-V to read as follows:

III. If, upon the receipt by the board of trustees of proper proof of the death of a call, substitute, or volunteer fireman who was eligible for benefits under this section indicating that such death was the natural and proximate result of an injury received while in the actual performance of fire duty at some definite time and place, the board decides that death was the result of an accident in the performance of fire duty and was not caused by willful negligence on the part of such fireman, an annual allowance equal to the allowance payable to the fireman on [~~his~~] becoming totally and permanently disabled, as set forth in paragraph II above, shall be payable to [~~his widow~~] ***the surviving spouse***, to continue [~~during her widowhood~~] ***until death***; or if there is no [~~widow~~] ***surviving spouse***, or if the [~~widow~~] ***surviving spouse*** dies [~~or remarries~~] before the youngest child of the deceased fireman has attained age 18, then to his ***or her*** 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 allowance 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 fireman, then to his ***or her*** dependent father or dependent mother as the board shall determine, to continue [~~for life~~] ***until death***; provided that if none of the aforementioned beneficiaries is living at the death of the fireman no benefit shall be payable under the provisions of this paragraph.

IV. For purposes of this section, firemen shall be acknowledged as performing their fire duties when they are going to, returning from, or working at a fire or other public emergency; when performing all work within the scope of employment of the fireman under the expressed or implied authority of a superior officer; and in such other cases as the board may from time to time decide to be for the public interest.

V. In the case of a call, substitute***,*** or volunteer fireman in receipt of an allowance under paragraph II above as the result of a disability received in line of fire duty, who dies while in receipt of such allowance as the result of such injury received in the performance of fire duty, the payment of such allowance shall continue to his [~~widow~~] ***or her surviving spouse*** until [~~she~~] ***the surviving spouse*** dies [~~or remarries~~], or to his ***or her*** child or children until each reaches the age of 18 years.
On a division vote, 260 members having voted in the affirmative and 79 in the negative, the amendment was adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.
On a division vote, 234 members having voted in the affirmative and 105 in the negative, the committee report was adopted.
Referred to the Committee on Finance.

HB 1530-FN-L, redefining earnable compensation of members of the New Hampshire retirement system. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**
Rep. Daniel J. Sullivan for the Majority of Executive Departments and Administration: This bill would define earnable compensation in New Hampshire retirement system to exclude any pay received except for "base salary." This concept has been discussed previously and the majority of the committee felt there were too many grey areas in this bill. This topic could be better considered as part of the ongoing study of the spiking issue by the commission set up by SB 108. Vote 12-5.
Rep. Carol M. McGuire for the Minority of Executive Departments and Administration: The issue of earnable compensation is crucial to controlling expenses in the pension system. The minority believes that this issue needs to be studied from more than one angle, and addressed for new hires as well as existing employees. The current system is unsustainable without major increases in funding and this bill should go to interim study.

The question being adoption of the majority committee report of Inexpedient to Legislate.
Rep. McGuire spoke against.
Rep. Kurk spoke against and yielded to questions.
Rep. Patricia McMahon spoke in favor.
On a division vote, 180 members having voted in the affirmative and 162 in the negative, the majority committee report was adopted.

HB 1454-FN, requiring parental consent for medical procedures and medications provided to minors. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**
Rep. Philip Preston for the Majority of Judiciary: Although the sponsors have avoided use of the 'A-word' in the title, this is vintage anti-abortion legislation. It would require parental consent for all young women who would choose abortion for an unintended pregnancy. Never mind that 75% of those minors already involve their parents and half of the balance involves another family member or trusted adult. So the number who does not, for whatever valid reason, discuss their intentions with their parents is small. And never mind the obvious: that young men are left out of the picture. Thus the target audience of this bill is that small minority of young women who will not, because they dare not, confide in their parents, fearing physical violence or emotional abuse. The alternative provided in the bill, which is to seek the permission of a judge, is almost certainly intimidating for a young person and causes delays of one or more weeks, resulting in more emotional stress and complicating what is a safe medical procedure. The bill would also prevent all minors from seeking help for alcohol or substance abuse, treatment for sexually transmitted diseases and mental health problems. Passage of this bill would have no effect on families of caring parents whose relationship with their children is one of love, support and respect. It would be devastating for those few young women unfortunate enough to be part of a dysfunctional family unit, and for this reason the majority of the committee believes this bill constitutes bad public policy. Vote 11-7.
Rep. William L. O'Brien for the Minority of Judiciary: Parents are responsible for the health and medical care of their minor children. Failure of parents to exercise proper care for minors can lead to serious criminal charges and even removal of children from their parent's custody. It is unconscionable that minors might be subject to any medical procedure without informing the parent. Informing the parent is the norm for virtually every medicine (including aspirin) or medical procedure, except abortion. New Hampshire is one of the rare states that provide no regulation of abortion; abortion clinics are not licensed in the state. This makes it especially important that parents have a role in selecting an abortionist who will be best for their child. The role of parents as advocates for the interests of their

daughter is also crucial in cases where the baby's father is considerably older and has undue influence on her. The bill does provide a process to handle unusual situations where involving the parents is viewed by a court as harmful to the child. The amendment proposed assures that the minor's consent is also required before undertaking an abortion.

The question being adoption of the majority committee report of Inexpedient to Legislate.
Reps. Kris Roberts and William Smith spoke against and yielded to questions.
Reps. Phillip Preston and Lucy Weber spoke in favor and declined to take questions.

APPEAL OF THE RULING OF THE CHAIR

Rep. Vaillancourt appealed the ruling of the Chair whereby his request that a member of the committee yield to his questions was denied and spoke in favor.

The question being notwithstanding the appeal, shall the ruling of the Chair be upheld.
Rep. Eaton requested a roll call; sufficiently seconded.

YEAS 294 NAYS 64

YEAS 294

BELKNAP

Arsenault, Beth	Bolster, Peter	Fields, Dennis	Johnson, William
Merry, Liz	Miller, Kate	Millham, Alida	Nedeau, Stephen
Pilliod, James	Reever, Judith	Russell, David	Stuart, Richard
Wendelboe, Fran			

CARROLL

Bridgham, Robert	Buco, Thomas	Butler, Edward	Chandler, Gene
Fleck, Joseph	Knox, J. David	Patten, Betsey	Roberts, John
Scala, Dino	Stevens, Stanley	Wiley, Susan	

CHESHIRE

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Carlson, Nancy	Carr, Daniel	Eaton, Daniel	Emerson, Susan
Laurent, John	Lerandeau, Alfred	Lindsey, Steven	Meader, 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
Remick, William	Richardson, Herbert	Stohl, Eric	Theberge, Robert
Thomas, Yvonne			

GRAFTON

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

HILLSBOROUGH

Baroody, Benjamin	Batula, Peter	Beaulieu, Jane	Beck, Catriona
Belvin, William	Bergin, Peter	Boehm, Ralph	Campbell, David
Chandley, Shannon	Chase, Claudia	Chininis, Alexis	Christensen, Chris
Christiansen, Lars	Cote, David	Craig, James	Daniels, Gary
Day, Russell	Doherty, Shaun	Dokmo, Cynthia	Drisko, Richard
Elliott, Nancy	Emerton, Larry	Farley, Michael	Foster, Linda
Gargasz, Carolyn	Garrity, Patrick	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Graham, John	Hackel, Paul	Haley, Robert
Hammond, Jill	Hardy, Valerie	Harvey, Philip	Harvey, Suzanne
Hikel, John	Hinch, Richard	Hodges, Kevin	Hopper, Gary
Infantine, William	Irwin, Anne-Marie	Jasper, Shawn	Jeudy, Jean
Katsiantonis, George	Katsiantonis, Thomas	Kelley, John	Knowles, John
Knowles, Mary Ann	Kurk, Neal	L'Heureux, Robert	Leishman, Peter
Levesque, Melanie	Long, Patrick	Mack, Ron	McCarthy, Michael
Messier, Irene	Movsesian, Lori	Nixon, David	O'Brien, Michael Sr
O'Brien, William	O'Neil, James	Ober, Lynne	Peterson, Andrew
Pilotte, Maurice	Poznanski, Brian	Pratt, Calvin	Price, Pamela
Ramsey, Peter	Renzullo, Andrew	Rhodes, Brian	Rosenwald, Cindy
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Sullivan, Daniel
Tahir, Saghir	Thompson, Robert	Walsh, Robert Jr	Winters, Joel

MERRIMACK

Anderson, Eric	Bartlett, Michael	Bouchard, Candace	Boutin, David
Brown, Carole	Clarke, Claire	Davis, Frank	DeJoie, John
DeStefano, Stephen	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	Palfrey, David	Porter, Margaret
Potter, Frances	Reed, Dennis	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

Abbott, Dennis	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	DiFruscia, Anthony	DiPentima, Rich
Dowling, Patricia	Elliott, Robert	Emiro, Frank	Fesh, Robert
Flanders, John Sr	Garrity, James	Gleason, John	Gould, Kenneth
Griffin, Mary	Henson, John	Howard, Doreen	Hutchinson, Karen
Ingram, Russell	Introne, Robert	Kepner, Susan	Lyons, Melissa
Major, Norman	Mann, Maureen	McCarthy, Barbara	McEachern, Paul
McKinney, Betsy	Moody, Marcia	Nevins, Chris	Nord, Susi
Packard, Sherman	Pantelakos, Laura	Perkins, Lawrence	Petterson, Don
Rausch, James	Read, Robin Jr	Russell, Joseph	Russell, Trinka
Sanders, Elisabeth	Scamman, Stella	Scamman, W. Douglas Jr	Schlachman, Donna
Splaine, James	Sullivan, James	Weare, Everett	Webber, Carolyn
Welch, David			

STRAFFORD

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

SULLIVAN

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

NAYS 64

BELKNAP

Boyce, Laurie	Flanders, Donald	St. Cyr, Jeffrey	Swinford, Elaine
Veazey, John			

CARROLL

Ahlgren, Christopher	McConkey, Mark	Umberger, Karen

CHESHIRE

Hunt, John

COOS

Rappaport, Laurence

GRAFTON

Bulis, Lyle	Gionet, Edmond	Ingbretson, Paul	Ward, Brien

HILLSBOROUGH

Cebrowski, John	Gagne, Larry	Gandia, Laura	Haefner, Robert
Hawkins, Ken	Hinkle, Peyton	Hogan, Edith	Holden, Frank
Mead, Robert	Palmer, Stephen	Pellegrino, Tony	Pepino, Leo
Rowe, Robert	Ryder, Donald	Seidel, Carl	Soucy, Connie
Spaulding, Jayne	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe
Willette, Robert			

MERRIMACK

Blankenbeker, Lynne	Coffey, Jennifer

ROCKINGHAM

Bailey, Clinton	Baldasaro, Alfred	Bates, David	Comerford, Timothy
Devine, James	Dumaine, Dudley	Ferrante, Beverly	Garcia, Marilinda
Hagan, Joseph	Headd, James	Hoelzel, Kathleen	Kappler, L. Mike
Kolodziej, Walter	McMahon, Charles	Perkins, Amy	Quandt, Matt
Reagan, John	Sapareto, Frank	Sedensky, John	Smith, William

Stiles, Nancy	Tucker, Pamela	Wells, Roger	Weyler, Kenneth

STRAFFORD

Bickford, David	Groen, Warren

SULLIVAN

Cunningham, Steven
and the ruling of the Chair was upheld.

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

YEAS 218 NAYS 140

YEAS 218

BELKNAP

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

CARROLL

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

CHESHIRE

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Carlson, Nancy	Carr, Daniel	Eaton, Daniel	Hunt, John
Lerandeau, Alfred	Lindsey, Steven	Meader, David	Mitchell, Bonnie
Parkhurst, Henry	Richardson, Barbara	Robertson, Timothy	Sad, Tara
Weber, Lucy	Weed, Charles		

COOS

Hatch, William	Ingersoll, Paul Sr	Mears, Lucy	Merrick, Evalyn
Rappaport, Laurence	Theberge, Robert	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
Taylor, Kathleen	Townsend, Charles	White, Andrew	

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Beck, Catriona	Bergin, Peter
Campbell, David	Chandley, Shannon	Chase, Claudia	Chininis, Alexis
Christensen, Chris	Cote, David	Craig, James	Dokmo, Cynthia
Drisko, Richard	Emerton, Larry	Farley, Michael	Foster, Linda
Gargasz, Carolyn	Garrity, Patrick	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Graham, John	Hackel, Paul	Haley, Robert
Hammond, Jill	Hardy, Valerie	Harvey, Philip	Harvey, Suzanne

Hodges, Kevin	Irwin, Anne-Marie	Jeudy, Jean	Katsiantonis, George
Katsiantonis, Thomas	Kelley, John	Knowles, John	Knowles, Mary Ann
Kurk, Neal	Leishman, Peter	Levesque, Melanie	Long, Patrick
Mack, Ron	Messier, Irene	Movsesian, Lori	Nixon, David
O'Brien, Michael Sr	Peterson, Andrew	Poznanski, Brian	Ramsey, Peter
Rhodes, Brian	Rosenwald, Cindy	Ryder, Donald	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Spaulding, Jayne	Sullivan, Daniel
Thompson, Robert	Walsh, Robert Jr	Winters, Joel	

MERRIMACK

Anderson, Eric	Bartlett, Michael	Bouchard, Candace	Brown, Carole
Clarke, Claire	Davis, Frank	DeJoie, John	Foose, Robert
French, Barbara	Gile, Mary	Hamm, Christine	Kelly, Sally
Kidder, David	Lockwood, Priscilla	McMahon, Patricia	Osborne, Jessie
Owen, Derek	Porter, Margaret	Potter, Frances	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

Abbott, Dennis	Belanger, Ronald	Borden, David	Brown, C. Pennington
Cali-Pitts, Jacqueline	Casey, Kimberley	Cushing, Robert	Day, Judith
DiFruscia, Anthony	DiPentima, Rich	Gleason, John	Gould, Kenneth
Henson, John	Howard, Doreen	Hutchinson, Karen	Kepner, Susan
Lyons, Melissa	Mann, Maureen	McCarthy, Barbara	McEachern, Paul
Moody, Marcia	Nord, Susi	Pantelakos, Laura	Petterson, Don
Read, Robin Jr	Russell, Joseph	Russell, Trinka	Sapareto, Frank
Scamman, Stella	Scamman, W. Douglas Jr	Schlachman, Donna	Splaine, James
Stiles, Nancy	Webber, Carolyn		

STRAFFORD

Bickford, David	Brown, Julie	Brown, Larry	Browne, Brendon
Burke, Rachel	Cyr, James	Domingo, Baldwin	Horrigan, Timothy
Hubbard, Pamela	Hutz, Sarah	Kaen, Naida	Keans, Sandra
Lauterborn, Elaine	Lewis, Robert	Perry, Robert	Price, Susan
Rogers, Rose Marie	Rollo, Deanna	Rous, Emma	Ryder, Mark
Schmidt, Peter	Spang, Judith	Sprague, Dale	Vachon, Dennis
Wall, Janet	Ward, Kenneth	Watters, David	

SULLIVAN

Cloutier, John	Gottling, Suzanne	Harris, Sandra	Houde-Quimby, Charlotte
McClammer, Jim	Sweeney, Cynthia		

NAYS 140

BELKNAP

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

CARROLL

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

CHESHIRE

Emerson, Susan	Laurent, John	Roberts, Kris	Sterling, Franklin Jr

COOS

Remick, William	Richardson, Herbert	Stohl, Eric	

GRAFTON

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

HILLSBOROUGH

Batula, Peter	Belvin, William	Boehm, Ralph	Cebrowski, John
Christiansen, Lars	Daniels, Gary	Day, Russell	Doherty, Shaun
Elliott, Nancy	Gagne, Larry	Gandia, Laura	Haefner, Robert
Hawkins, Ken	Hikel, John	Hinch, Richard	Hinkle, Peyton
Hogan, Edith	Holden, Frank	Hopper, Gary	Infantine, William
Jasper, Shawn	L'Heureux, Robert	McCarthy, Michael	Mead, Robert
O'Brien, William	O'Neil, James	Ober, Lynne	Palmer, Stephen
Pellegrino, Tony	Pepino, Leo	Pilotte, Maurice	Pratt, Calvin
Price, Pamela	Renzullo, Andrew	Rowe, Robert	Seidel, Carl
Soucy, Connie	Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Moe	Willette, Robert		

MERRIMACK

Blankenbeker, Lynne	Boutin, David	Coffey, Jennifer	DeStefano, Stephen
Hess, David	Kotowski, Frank	McGuire, Carol	Palfrey, David
Reed, Dennis			

ROCKINGHAM

Allen, Mary	Bailey, Clinton	Baldasaro, Alfred	Bates, David
Bettencourt, David	Bishop, Franklin	Case, Frank	Charron, Gene
Comerford, Timothy	Crisler, Margaret	Devine, James	Dowling, Patricia
Dumaine, Dudley	Elliott, Robert	Emiro, Frank	Ferrante, Beverly
Fesh, Robert	Flanders, John Sr	Garcia, Marilinda	Garrity, James
Griffin, Mary	Hagan, Joseph	Headd, James	Hoelzel, Kathleen
Ingram, Russell	Introne, Robert	Kappler, L. Mike	Kolodziej, Walter
Major, Norman	McKinney, Betsy	McMahon, Charles	Nevins, Chris
Packard, Sherman	Perkins, Amy	Perkins, Lawrence	Quandt, Matt
Rausch, James	Reagan, John	Sanders, Elisabeth	Sedensky, John
Smith, William	Sullivan, James	Tucker, Pamela	Weare, Everett
Welch, David	Wells, Roger	Weyler, Kenneth	

STRAFFORD

Berube, Roger	Groen, Warren	Hofemann, Roland	Vita, Carol

SULLIVAN

Cunningham, Steven	Donovan, Thomas Jr	Gagnon, Raymond	Howard, Thomas
Osgood, Joe	Rodeschin, Beverly		

and the majority committee report was adopted.

HB 1577-FN, relative to court records research fees. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Gary B. Richardson for the Majority of Judiciary: The fees for name searches by clerks of court was increased to $20 per name and $5 for every name after the first five names as a result of budget discussions last session which were part of a general increase in court fees. Without doing an in depth study, it is impossible to break out the costs that are attributable to just one of many functions performed by the clerk's office. Only one witness testified that her business has been hurt by the increase in the fee, and it was unclear whether this was due to the increase in the fee or the general state of the economy. Without analyzing all of the costs involved in operating the clerk's offices so that an appropriate allocation can be made to this one function, it is difficult to say that the fee being changed is excessive. This bill is well intended but the fiscal note indicates that it would result in a loss of revenue in FY 2010 of $105,000 and FY 2011 of $422,826. Until there is evidence to demonstrate that court fees are excessive, or that this fee in particular is excessive, the majority of the committee believes that this bill is inexpedient to legislate. Vote 11-5.

Rep. William L. O'Brien for the Minority of Judiciary: In recent legislation the court records research fee was increased without any testimony in committee that the prior fee did not cover the cost of this service. The result of this increase, according to testimony on HB 1577, was to burden companies providing research on court records to the degree that they have lost a substantial amount of work. The viability of some of those businesses, particularly the small companies, has been almost destroyed. During the public hearing on HB 1577, the minority waited for testimony that the reduced $5 per name research fee would not entirely cover the costs to the courts of these computer-generated searches or that the much higher current fees were necessary for that purpose. There was no such testimony. The minority supports this bill because we believe fees should only cover the cost of a government-provided service. Fees should not be used, as is now too often the case, to generate surplus revenue to generally fund the government. This transformation of fees into taxes unfairly burdens as is the case here, small or discrete groups that do not have the clout to effectively protest; taken cumulatively, we believe those fees are causing New Hampshire to become one of the least favorable business environments in the country. We should stop that practice now. We can begin to do so by passing HB 1577.

The question being adoption of the majority committee report of Inexpedient to Legislate.
Rep. Crisler spoke against.
Rep. Gary Richardson spoke in favor and yielded to questions.
On a division vote, 193 members having voted in the affirmative and 154 in the negative, the majority committee report was adopted.

INTRODUCTION OF SPECIAL GUESTS

Residents of the New Hampshire Veterans Home: Don Evans, Charlie Davis, Fred Teague, Ray Plummer and Bud Harvey, veterans of World War II; Bob Blanchard, veteran of the Korean War and Dave Clark, veteran of the Vietnam War.

(Rep. Foster in the Chair)

REGULAR CALENDAR – EARLY BILLS (CONT'D)

HB 1662-FN, relative to consent for abortions. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Philip Preston for the Majority of Judiciary: The restrictions on minors seeking an abortion as outlined in the majority committee report for HB 1454 also are to be found in HB 1662. But the restrictive provisions of this bill apply to all women from puberty to menopause. It is full of inaccurate or irrelevant information. It requires biased state-sanctioned counseling and it encourages providers of medical services to ignore the health and well-being of their patients or customers in order to satisfy personally held beliefs. It contains provisions of questionable constitutionality; it redefines medical terms and requires spousal notification in almost all instances when a married woman seeks an abortion. A thorough reading and acceptance of the provisions of this legislation would lead one to conclude that women are incapable of making their own decisions. The majority, however, believes that women should not be subject to the provisions of this bill. Vote 12-6.
Rep. Peter L. Silva for the Minority of Judiciary: The minority was in agreement with the objective of this bill. However, we felt there was a need for improvement in its language and study of the important issues it raises. The minority believes this bill would bring some regulation to the invasive medical procedure of an abortion. Presently, neither the person performing the abortion nor the facility is regulated. This bill would simply help regulate this procedure like all other medical procedures performed in this state.

The question being adoption of the majority committee report of Inexpedient to Legislate.
Rep. Seidel spoke against.
Reps. Lucy Weber and Phillip Preston spoke in favor.
Rep. Seidel requested a roll call; sufficiently seconded.

YEAS 243 NAYS 110

YEAS 243

BELKNAP

Johnson, William	Merry, Liz	Miller, Kate	Millham, Alida
Pilliod, James	Reever, Judith	Russell, David	Stuart, Richard
Veazey, John			

CARROLL

Ahlgren, Christopher	Bridgham, Robert	Buco, Thomas	Butler, Edward
Patten, Betsey	Wiley, Susan		

CHESHIRE

Allen, Peter	Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy
Carlson, Nancy	Carr, Daniel	Eaton, Daniel	Hunt, John
Lerandeau, Alfred	Meader, 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
Rappaport, Laurence	Stohl, Eric	Theberge, Robert	Thomas, Yvonne

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Ford, Susan	Friedrich, Carol	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	White, Andrew

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Beck, Catriona	Belvin, William
Bergin, Peter	Campbell, David	Chandley, Shannon	Chase, Claudia
Chininis, Alexis	Christensen, Chris	Christiansen, Lars	Cote, David
Craig, James	Day, Russell	Dokmo, Cynthia	Drisko, Richard
Emerton, Larry	Farley, Michael	Gargasz, Carolyn	Garrity, Patrick
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Graham, John
Hackel, Paul	Hammond, Jill	Hardy, Valerie	Harvey, Philip
Harvey, Suzanne	Hodges, Kevin	Irwin, Anne-Marie	Jeudy, Jean
Katsiantonis, George	Katsiantonis, Thomas	Kelley, John	Knowles, John
Knowles, Mary Ann	Komi, Richard	Kurk, Neal	Leishman, Peter
Levesque, Melanie	Long, Patrick	Mack, Ron	Messier, Irene
Movsesian, Lori	Nixon, David	O'Brien, Michael Sr	O'Neil, James
Ober, Lynne	Ober, Russell III	Peterson, Andrew	Poznanski, Brian
Pratt, Calvin	Price, Pamela	Ramsey, Peter	Rhodes, Brian
Rosenwald, Cindy	Ryder, Donald	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Spaulding, Jayne	Thompson, Robert	Vaillancourt, Steve
Walsh, Robert Jr	Winters, Joel		

MERRIMACK

Anderson, Eric	Bartlett, Michael	Bouchard, Candace	Brown, Carole
Clarke, Claire	Davis, Frank	DeJoie, John	Foose, Robert
French, Barbara	Gile, Mary	Hamm, Christine	Kelly, Sally
Kidder, David	Lockwood, Priscilla	McMahon, Patricia	Osborne, Jessie
Owen, Derek	Porter, Margaret	Potter, Frances	Reed, Dennis
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

Abbott, Dennis	Borden, David	Brown, C. Pennington	Cali-Pitts, Jacqueline
Case, Frank	Casey, Kimberley	Charron, Gene	Cushing, Robert
Day, Judith	DiFruscia, Anthony	DiPentima, Rich	Emiro, Frank
Ferrante, Beverly	Flanders, John Sr	Gleason, John	Gould, Kenneth
Henson, John	Howard, Doreen	Hutchinson, Karen	Kepner, Susan
Lyons, Melissa	Mann, Maureen	McCarthy, Barbara	McEachern, Paul
McKinney, Betsy	Moody, Marcia	Nord, Susi	Pantelakos, Laura
Petterson, Don	Read, Robin Jr	Russell, Joseph	Russell, Trinka
Sanders, Elisabeth	Sapareto, Frank	Scamman, Stella	Scamman, W. Douglas Jr
Schlachman, Donna	Smith, William	Splaine, James	Stiles, Nancy
Weare, Everett	Webber, Carolyn	Welch, David	Wells, Roger

STRAFFORD

Bickford, David	Brown, Julie	Brown, Larry	Browne, Brendon
Burke, Rachel	Cyr, James	Domingo, Baldwin	Horrigan, Timothy
Hubbard, Pamela	Hutz, Sarah	Kaen, Naida	Keans, Sandra
Lauterborn, Elaine	Lewis, Robert	Perry, Robert	Price, Susan
Rogers, Rose Marie	Rollo, Deanna	Rous, Emma	Ryder, Mark
Schmidt, Peter	Spang, Judith	Sprague, Dale	Vachon, Dennis
Wall, Janet	Ward, Kenneth	Watters, David	

SULLIVAN

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

NAYS 110

BELKNAP

Bolster, Peter	Boyce, Laurie	Fields, Dennis	Flanders, Donald
St. Cyr, Jeffrey	Swinford, Elaine	Wendelboe, Fran	

CARROLL

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

CHESHIRE

Emerson, Susan	Laurent, John

COOS

Remick, William	Richardson, Herbert

GRAFTON

Bulis, Lyle	Gionet, Edmond	Ingbretson, Paul	Maybeck, Margie
Ward, Brien	Williams, Burton		

HILLSBOROUGH

Batula, Peter	Boehm, Ralph	Cebrowski, John	Daniels, Gary
Doherty, Shaun	Elliott, Nancy	Gagne, Larry	Gandia, Laura
Haefner, Robert	Hawkins, Ken	Hikel, John	Hinch, Richard
Hinkle, Peyton	Hogan, Edith	Holden, Frank	Hopper, Gary
Jasper, Shawn	L'Heureux, Robert	McCarthy, Michael	Mead, Robert
Moran, Edward	O'Brien, William	Palmer, Stephen	Pellegrino, Tony
Pepino, Leo	Pilotte, Maurice	Renzullo, Andrew	Rowe, Robert
Seidel, Carl	Soucy, Connie	Sullivan, Daniel	Tahir, Saghir
Ulery, Jordan	Villeneuve, Moe	Willette, Robert	

MERRIMACK

Blankenbeker, Lynne	Boutin, David	Coffey, Jennifer	DeStefano, Stephen
Hess, David	Kotowski, Frank	McGuire, Carol	Palfrey, David

ROCKINGHAM

Allen, Mary	Bailey, Clinton	Baldasaro, Alfred	Bates, David
Bettencourt, David	Comerford, Timothy	Crisler, Margaret	Devine, James
Dumaine, Dudley	Elliott, Robert	Fesh, Robert	Garcia, Marilinda
Garrity, James	Griffin, Mary	Hagan, Joseph	Headd, James
Hoelzel, Kathleen	Ingram, Russell	Introne, Robert	Kappler, L. Mike
Kolodziej, Walter	Major, Norman	McMahon, Charles	Nevins, Chris
Packard, Sherman	Perkins, Amy	Perkins, Lawrence	Quandt, Matt

Rausch, James	Reagan, John	Sedensky, John	Sullivan, James
Tucker, Pamela	Weyler, Kenneth		

STRAFFORD

Berube, Roger	Groen, Warren	Hofemann, Roland	Vita, Carol

SULLIVAN

Cunningham, Steven	Howard, Thomas	Osgood, Joe	Rodeschin, Beverly

and the majority committee report was adopted.

(Speaker Norelli in the Chair)

HB 646-FN-L, relative to county and state obligations for costs for nursing care and services, and for court orders for children services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jessie L. Osborne for Municipal and County Government: This bill restates the relationship between the state of New Hampshire and the counties found in the budget in 2007 and as amended in 2009. It provides that when the state lowers the Medicaid rates for nursing homes, the correlating caps would be lowered by the same ratio. This bill prevents a further down-shifting of nursing home costs to county taxpayers. When the Medicaid rates for nursing homes are lowered, county costs are increased along with the amount of money to be raised by the county property taxpayers. The 2009 budget was enacted and the nursing home appropriation was not adequately funded. The department of health and human services cannot spend anymore than we, as legislators, appropriate to the department, and the only way to stop the downshifting is to fully fund the nursing home appropriation. The committee voted unanimously to reaffirm its legislative intent not to downshift additional costs to the counties. Vote 15-0.

Amendment (0192h)

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

AN ACT relative to caps on total billings to counties for nursing home care services.

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

1 New Subparagraph; County Nursing Home; Reimbursement of Funds; Adjustment of Caps. Amend RSA 167:18-a, II by inserting after subparagraph (b) the following new subparagraph:

(c) The caps on total billings established in subparagraph (a) shall be reduced for each state fiscal year in the same percentage as any average statewide nursing home rate reduction attributable to application of a budget neutrality factor from the rates in effect on July 1 of each state fiscal year.

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

AMENDED ANALYSIS

This bill requires the reduction of the annual caps on total billings to counties in the same percentage as any statewide nursing home rate reduction attributable to application of a budget neutrality factor by the department of health and human services.

Rep. Osborne spoke in favor.

On a division vote, 343 members having voted in the affirmative and 4 in the negative, the amendment was adopted.

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

On a division vote, 344 members having voted in the affirmative and 4 in the negative, the committee report was adopted.

Referred to the Committee on Finance.

HB 1481, relative to the use of turnpike tolls. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John A. Graham for Public Works and Highways: This bill, as amended, clarifies the purposes for which money collected at the toll booths along the turnpike system can be utilized, to preclude potential diversion of these funds. It mirrors to a great extent the language of Part II Article 6a of the NH Constitution. The amendment spells out in greater detail exactly what this fund may be used for. Additionally, language has been added, at the request of the treasurer and bond council, which specifically states that all payments of principal and interest on all turnpike bonds will be made. The commissioner of transportation supports both the intent and language of the bill as amended. Vote 20-0.

Amendment (0479h)

Amend RSA 237:9 as inserted by section 1 of the bill by replacing it with the following:

237:9 Tolls. The commissioner of transportation, with the approval of the governor and council, shall establish toll rates and other charges for use of the New Hampshire turnpike system or any part of the right-of-way and other property acquired in connection therewith. The governor and council shall approve or reject the commissioner's proposed toll rates and other charges within 90 days of receiving them. The tolls collected shall be deposited with the state treasurer who shall keep the same in a separate account [~~for~~] ***to be used exclusively for purposes of the New Hampshire turnpike system including, without limitation, the operating expenses, construction, reconstruction, and maintenance of*** the New Hampshire turnpike system [~~and the operating expenses and maintenance costs of the system shall be paid from said account. From the balance remaining after payment of operating expenses and maintenance costs, there shall be paid~~]**.** ***All operating expenses and maintenance costs shall be paid from said account. From the balance remaining after the payment of operating expenses and maintenance costs, there shall be paid*** the interest and principal on the bonds issued to finance the system. ***No part of such revenues shall, by transfer of funds or otherwise, be diverted to any other purpose whatsoever.*** Fourteen days previous to the time any interest or principal is payable, on any general obligation bonds issued to finance the system, the state treasurer shall examine the existing balance and, except as otherwise provided in RSA 237:10, if such balance is insufficient to make the payment, then he shall notify the governor who shall immediately draw his warrant on the highway fund to cover any deficit and if the funds in both of the above accounts are insufficient, the governor shall draw his warrant upon the state's general fund to the amount necessary to meet the payments. Any funds paid out from the state's highway fund or general fund for the above purposes shall be reimbursed from the collection of tolls as soon as such funds are available. Any funds that have been or may be expended for any portion of the system by the department of transportation shall be repaid to said department when, in the opinion of the governor and council, sufficient funds are available. Any excess income may be used for further system extensions in accordance with RSA 237:5, II(m). No provision of this chapter shall constitute a covenant with bondholders with respect to the charging, collection or disposition of tolls.

AMENDED ANALYSIS

This bill requires revenues from turnpike tolls to be used exclusively for the construction, reconstruction, and maintenance of the turnpike system.

On a division vote, 346 members having voted in the affirmative and 2 in the negative, the amendment was adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.
On a division vote, 344 members having voted in the affirmative and 4 in the negative, the committee report was adopted.
Referred to the Committee on Finance.

The House recessed at 12:35 p.m.

RECESS

The House reconvened at 1:40 p.m.

(Rep. Foster in the Chair)

REGULAR CALENDAR – EARLY BILLS (CONT'D)

HB 558-FN, establishing a procedure for leasing state parks. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter S. Bolster for Resources, Recreation and Development: This bill meets the need to improve the process of leasing state park land or infrastructure in whole or in part. The bill creates a well delineated process that includes the role of the state park system advisory council and local input. This gives to the parks department an effective tool for developing better leases in order to fund a park system which is woefully underfunded. It also gives potential private entrepreneurs a clear path to follow in devising their lease proposals. Vote 14-4.

Amendment (0417h)

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

AN ACT establishing a procedure for leasing state parks.

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

1 New Subdivision; Lease of State Parks. Amend RSA 216-A by inserting after section 6-a the following new subdivision:

Lease of State Parks

216-A:6-b Definitions. In this subdivision:

I. "Commissioner" means the commissioner of the department of resources and economic development.

II. "Director" means the director of the division of parks and recreation, department of resources and economic development.

III. "Division" means the division of parks and recreation, department of resources and economic development.

IV. "Lease" means a written instrument to which the state and a lessee are parties which provides for the development, management, or operation of a state park and the payment of rent to the state.

V. "Lease evaluation committee" or "committee" means the state park system advisory council, established in RSA 216-A:3-k. Only for the purpose of performing its duties under this subdivision relative to the evaluation of proposed leases of state parks and the monitoring of leases of state parks, the membership of the state park system advisory council shall also include the following individuals:

(a) If state historical sites or facilities are involved, the commissioner of the department of cultural resources or designee.

(b) The executive director of the fish and game department, or designee.

(c) The commissioner of the department of environmental services or designee.

(d) The director of the appropriate regional planning commission as determined by the commissioner of the department of resources and economic development.

(e) A representative from each local community who shall be appointed by the governing body of the local community.

VI. "Local community" means any municipality or unincorporated place:

(a) In which the state park which is the subject of the proposed lease is located, whether in whole or in part; or

(b) That abuts the state park which is the subject of the proposed lease; or

(c) That provides services to, or is affected by, the operation of the state park which is the subject of the proposed lease, as determined by the director in consultation with the appropriate regional planning commission.

VII. "State park" means any land or infrastructure, whether in whole or in part, owned by the state and managed by the division for recreational, cultural, historical, or educational purposes.

216-A:6-c Lease of State Parks.

I. Except as provided in this section, no state park shall be leased to any entity without legislative approval of the written report prepared pursuant to RSA 216-A:6-d, V, and subsequent approval of the lease by the governor and council.

II. This section shall not apply to operations related to souvenir and food service concessions, ski instruction, rental, or repair, or to any other similar type of auxiliary activity where the management and overall operations of the state park remains with the state.

216-A:6-d Evaluation of Proposed Lease.

I. The commissioner shall review all lease proposals and determine which proposals shall be submitted to the committee.

II. If the commissioner submits a lease proposal to the committee, the committee shall first determine if the lease proposal contains sufficient information to be evaluated under paragraph III. If the committee determines additional information is needed, it may request the lease applicant to provide such additional information as the committee determines is reasonably necessary to properly evaluate the proposal. The additional cost of providing such information to the committee shall be borne by the lease applicant.

III. The committee shall evaluate the proposed lease of a state park using the following criteria:

(a) The effect on the current 10-year strategic plan for the specific state park and the role of the state park in the state park system.

(b) The proposed lessee possesses the financial, technical, and managerial capabilities to ensure that the state park shall be managed and operated in accordance with any conditions the committee may deem necessary.

(c) The financial benefit of the proposed lease to the state park system.

(d) The benefits of the proposed lease to the public using the state park, to the public using the state park system, and to local communities and businesses in the area of the state park, and in the state as a whole.

(e) The environmental effects of the proposed lease.

(f) Any relevant issues in local communities which may be caused by the proposed lease, including land use, infrastructure issues, and emergency and other community services.

(g) Whether the activities in the proposed lease would be permitted under state or federal law.

(h) The proposed lessee agrees to the retention of as many state employees as is practicable under the proposed lease.

(i) The proposed lease will have a minimal net adverse impact on the economy, aesthetics, historical sites, public health or safety, or quality of life in a local community or in the state as a whole.

(j) The proposed lease shall specifically address any additional financial impacts to local communities in the areas of public safety and infrastructure maintenance and improvement and provide a means to meet such additional needs.

(k) The proposed lease shall contain a 10-year development plan detailing proposed expansion and improvements on the land which is the subject of the lease.

IV. The committee shall hold at least one public hearing in a local community on the proposed lease prior to the preparation of its written report. The commissioner shall post notice of the date, time, and place of the hearing at least 10 days in advance on the Internet site of the division of parks and recreation, in the town hall of each local community, and in at least one publication of general circulation in each local community.

V. Upon completion of the evaluation, the committee shall prepare a written report of its findings and recommendations on the proposed lease. Copies of the report shall be

submitted to the commissioner, the speaker of the house of representatives, the president of the senate, the chairperson of the house resources, recreation and development committee, the chairperson of the senate energy, environment and economic development committee, and to the members of the governing body in each local community.

VI. The committee shall hold an informational meeting in a local community, to occur not more than 30 days after completion of the written report. The commissioner shall post notice of the date, time, and place of the hearing at least 10 days in advance on the Internet site of the department of resources and economic development, in the town hall of each local community, and in at least one publication of general circulation in each local community.

VII. The commissioner shall not recommend a proposed lease to the legislature unless it meets the criteria set forth in paragraph III.

VIII. The committee shall monitor approved leases for the duration of the lease period to ensure compliance with lease terms.

216-A:6-e Lease Payments. All lease payments to the state shall be deposited in the state park fund established in RSA 216-A:3-i.

216-A:6-f Applicability. This subdivision shall not apply to any leases validly executed before the effective date of this subdivision or to the renewal of such leases.

2 New Paragraph; State Park System Advisory Council; Members. Amend RSA 216-A:3-k by inserting after paragraph I the following new paragraph:

I-a. In addition to the members listed in paragraph I, the council membership shall include the individuals set forth in RSA 216-A:6-b, V(a)-(e) only for the purpose of evaluating and monitoring leases of state parks pursuant to RSA 216-A:6-b through RSA 216-A:6-f.

3 Repeal. RSA 12-A:29-a, relative to terms of lease agreements for Cannon Mountain and Mount Sunapee, is repealed.

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

AMENDED ANALYSIS

This bill establishes a procedure for the leasing of state parks and repeals the lease provisions for the leasing of Cannon Mountain and Mount Sunapee.

On a division vote, 230 members having voted in the affirmative and 53 in the negative, the amendment was adopted.

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

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

Reps. Baldasaro and Swinford spoke against.

Rep. Spang spoke in favor.

Rep. Bolster spoke in favor and yielded to questions.

Rep. Baldasaro moved Recommit and spoke in favor.

Rep. Spang spoke against.

On a division vote, 127 members having voted in the affirmative and 225 in the negative, the motion failed.

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

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 213 NAYS 141

YEAS 213

BELKNAP

Arsenault, Beth	Bolster, Peter	Fields, Dennis	Johnson, William
Merry, Liz	Miller, Kate	Pilliod, James	Reever, Judith

St. Cyr, Jeffrey
Stuart, Richard

CARROLL

Ahlgren, Christopher
Bridgham, Robert
Buco, Thomas
Butler, Edward
Knox, J. David
McConkey, Mark
Wiley, Susan

CHESHIRE

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

COOS

Hatch, William
Ingersoll, Paul Sr
Mears, Lucy
Merrick, Evalyn
Rappaport, Laurence
Theberge, Robert
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
Taylor, Kathleen
Townsend, Charles
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Beaulieu, Jane
Beck, Catriona
Belvin, William
Campbell, David
Chandley, Shannon
Chininis, Alexis
Christensen, Chris
Cote, David
Craig, James
Doherty, Shaun
Emerton, Larry
Farley, Michael
Garrity, Patrick
Ginsburg, Ruth
Goley, Jeffrey
Gorman, Mary
Hackel, Paul
Haley, Robert
Hammond, Jill
Hardy, Valerie
Harvey, Philip
Harvey, Suzanne
Hodges, Kevin
Irwin, Anne-Marie
Jeudy, Jean
Kelley, John
Knowles, John
Knowles, Mary Ann
Komi, Richard
Leishman, Peter
Levesque, Melanie
Long, Patrick
Mack, Ron
Messier, Irene
Movsesian, Lori
O'Brien, Michael Sr
O'Neil, James
Pilotte, Maurice
Poznanski, Brian
Ramsey, Peter
Rhodes, Brian
Rokas, Theodoros
Rosenwald, Cindy
Schulze, Joan
Shattuck, Gilman
Shaw, Barbara
Spaulding, Jayne
Sullivan, Daniel
Tahir, Saghir
Thompson, Robert
Walsh, Robert Jr
Winters, Joel

MERRIMACK

Bartlett, Michael
Bouchard, Candace
Brown, Carole
Clarke, Claire
Davis, Frank
DeJoie, John
Foose, Robert
French, Barbara
Gile, Mary
Hamm, Christine
Kelly, Sally
Kidder, David
McMahon, Patricia
Owen, Derek
Porter, Margaret
Potter, Frances
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

Abbott, Dennis
Borden, David
Brown, C. Pennington
Case, Frank
Casey, Kimberley
Crisler, Margaret
Cushing, Robert
Day, Judith

DiPentima, Rich	Elliott, Robert	Garcia, Marilinda	Gleason, John
Gould, Kenneth	Henson, John	Howard, Doreen	Kepner, Susan
Lyons, Melissa	Mann, Maureen	McCarthy, Barbara	McEachern, Paul
McKinney, Betsy	Moody, Marcia	Nevins, Chris	Nord, Susi
Norelli, Terie	Pantelakos, Laura	Petterson, Don	Read, Robin Jr
Russell, Joseph	Russell, Trinka	Scamman, Stella	Scamman, W. Douglas Jr
Schlachman, Donna	Splaine, James	Stiles, Nancy	Webber, Carolyn

STRAFFORD

Bickford, David	Brown, Julie	Brown, Larry	Browne, Brendon
Burke, Rachel	Cyr, James	Domingo, Baldwin	Horrigan, Timothy
Hubbard, Pamela	Hutz, Sarah	Kaen, Naida	Keans, Sandra
Lauterborn, Elaine	Perry, Robert	Price, Susan	Rogers, Rose Marie
Rollo, Deanna	Rous, Emma	Ryder, Mark	Schmidt, Peter
Spang, Judith	Vachon, Dennis	Wall, Janet	Ward, Kenneth
Watters, David			

SULLIVAN

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

NAYS 141

BELKNAP

Boyce, Laurie	Flanders, Donald	Millham, Alida	Nedeau, Stephen
Russell, David	Swinford, Elaine	Wendelboe, Fran	

CARROLL

Chandler, Gene	Fleck, Joseph	Patten, Betsey	Roberts, John
Scala, Dino	Stevens, Stanley	Umberger, Karen	

CHESHIRE

Emerson, Susan	Hunt, John	Laurent, John	Roberts, Kris
Sterling, Franklin Jr			

COOS

Remick, William	Richardson, Herbert	Stohl, Eric

GRAFTON

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

HILLSBOROUGH

Bergin, Peter	Boehm, Ralph	Cebrowski, John	Christiansen, Lars
Daniels, Gary	Day, Russell	Dokmo, Cynthia	Drisko, Richard
Elliott, Nancy	Gagne, Larry	Gargasz, Carolyn	Graham, John
Haefner, Robert	Hawkins, Ken	Hikel, John	Hinch, Richard
Hinkle, Peyton	Hogan, Edith	Holden, Frank	Hopper, Gary

Infantine, William	Jasper, Shawn	Katsiantonis, George	Katsiantonis, Thomas
Kurk, Neal	L'Heureux, Robert	McCarthy, Michael	Mead, Robert
Moran, Edward	O'Brien, William	Ober, Lynne	Ober, Russell III
Palmer, Stephen	Pellegrino, Tony	Pepino, Leo	Peterson, Andrew
Pratt, Calvin	Price, Pamela	Renzullo, Andrew	Rowe, Robert
Ryder, Donald	Seidel, Carl	Soucy, Connie	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Moe	Willette, Robert	

MERRIMACK

Anderson, Eric	Blankenbeker, Lynne	Boutin, David	Coffey, Jennifer
DeStefano, Stephen	Hess, David	Kotowski, Frank	Lockwood, Priscilla
McGuire, Carol	Osborne, Jessie	Palfrey, David	Reed, Dennis

ROCKINGHAM

Allen, Mary	Bailey, Clinton	Baldasaro, Alfred	Bates, David
Belanger, Ronald	Bettencourt, David	Cali-Pitts, Jacqueline	Charron, Gene
Comerford, Timothy	Devine, James	DiFruscia, Anthony	Dowling, Patricia
Dumaine, Dudley	Emiro, Frank	Ferrante, Beverly	Fesh, Robert
Flanders, John Sr	Garrity, James	Griffin, Mary	Hagan, Joseph
Headd, James	Hoelzel, Kathleen	Hutchinson, Karen	Ingram, Russell
Introne, Robert	Kappler, L. Mike	Kolodziej, Walter	Major, Norman
McMahon, Charles	Packard, Sherman	Perkins, Amy	Perkins, Lawrence
Quandt, Matt	Rausch, James	Reagan, John	Sanders, Elisabeth
Sedensky, John	Smith, William	Sullivan, James	Tucker, Pamela
Weare, Everett	Welch, David	Wells, Roger	Weyler, Kenneth

STRAFFORD

Berube, Roger	Groen, Warren	Hofemann, Roland	Sprague, Dale
Vita, Carol			

SULLIVAN

Cunningham, Steven	Howard, Thomas	Osgood, Joe	Rodeschin, Beverly

and the committee report was adopted.
Referred to the Committee on Ways and Means.

HB 1676-FN, requiring certification of road salt applicators. **REFER FOR INTERIM STUDY.**
Rep. Judith T. Spang for Resources, Recreation and Development: The department of environmental services provided convincing data that showed salt is a major source of water quality degradation. Ninety percent of municipal and state salt applicators are trained on how to do it properly. This bill seeks to assure that commercial applicators will also have this training, with certification serving to promote compliance. The committee feels the bill is close to achieving its goals, but needs a modest amount of additional work. Vote 19-0.
On a division vote, 330 members having voted in the affirmative and 14 in the negative, the committee report was adopted.

HB 1588-FN, changing the effective date of the expiration of the motor vehicle registration surcharge. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**
Rep. Michael B. O'Brien for the Majority of Transportation: Repealing the surcharge on July 1, 2010 would throw the fiscal year 2011, which the legislature passed last year in HB 2, out of balance. The 2011 budget is for the period beginning this July and ending June 30, 2011. The next budget the legislature will develop is for the next biennium (FY 12-13) that begins

July 1, 2012. The passage of HB 1588 will throw the current budget out of balance for the final year of the budget and cause the Department of Safety and the Department of Transportation to enact even deeper cuts in their budget with no legislative input as to those cuts. Under present law, the registration surcharge will sunset at the start of the next biennium (FY 12-13). Currently there is a commission established to find sustainable long term funding for the state and municipal bridges and highways. Current law should remain and not be disturbed. Our budget was carefully crafted by the house and senate finance committees. Passage of this bill would cause a chaotic situation forcing more personnel layoffs in two major state agencies (not to mention private contractors) as well as affecting both state and municipal projects currently under design and/or construction. Public safety is of utmost concern. Vote 10-9.
Rep. Karen C. Umberger for the Minority of Transportation: The minority firmly believes it makes eminent sense to eliminate the motor vehicle registration surcharge effective July 1, 2010 rather than July 1, 2011. This surcharge has been a burden on families, the unemployed and underemployed. The minority recognizes there will be some affect on road construction, however we did not believe it to be a significant detriment to the roads throughout the state. We asked what projects would be affected and it was only suggested it would have detrimental affect on the overall program – nothing specific.

The question being adoption of the majority committee report of Inexpedient to Legislate.
Reps. Renzullo and Umberger spoke against.
Rep. Campbell spoke in favor.
Rep. Michael O'Brien requested a roll call; sufficiently seconded.

YEAS 200 NAYS 154

YEAS 200

BELKNAP

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

CARROLL

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

CHESHIRE

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

COOS

Hatch, William	Mears, Lucy	Merrick, Evalyn	Remick, William
Theberge, Robert	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
Taylor, Kathleen	Townsend, Charles	White, Andrew	

HILLSBOROUGH

Baroody, Benjamin
Beaulieu, Jane
Beck, Catriona
Campbell, David
Chandley, Shannon
Chase, Claudia
Chininis, Alexis
Cote, David
Craig, James
Farley, Michael
Foster, Linda
Garrity, Patrick
Ginsburg, Ruth
Goley, Jeffrey
Gorman, Mary
Hackel, Paul
Haley, Robert
Hammond, Jill
Hardy, Valerie
Harvey, Philip
Harvey, Suzanne
Hodges, Kevin
Irwin, Anne-Marie
Jeudy, Jean
Katsiantonis, George
Katsiantonis, Thomas
Kelley, John
Knowles, John
Knowles, Mary Ann
Komi, Richard
Leishman, Peter
Levesque, Melanie
Long, Patrick
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
Rosenwald, Cindy
Schulze, Joan
Shattuck, Gilman
Shaw, Barbara
Sullivan, Daniel
Thompson, Robert
Walsh, Robert Jr
Willette, Robert
Winters, Joel

MERRIMACK

Bartlett, Michael
Bouchard, Candace
Brown, Carole
Clarke, Claire
Davis, Frank
DeJoie, John
DeStefano, Stephen
Foose, Robert
French, Barbara
Gile, Mary
Hamm, Christine
Kelly, Sally
McMahon, Patricia
Osborne, Jessie
Owen, Derek
Porter, Margaret
Potter, Frances
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

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

STRAFFORD

Berube, Roger
Brown, Larry
Browne, Brendon
Burke, Rachel
Domingo, Baldwin
Hofemann, Roland
Horrigan, Timothy
Hubbard, Pamela
Hutz, Sarah
Kaen, Naida
Keans, Sandra
Lauterborn, Elaine
Perry, Robert
Price, Susan
Rogers, Rose Marie
Rollo, Deanna
Rous, Emma
Ryder, Mark
Schmidt, Peter
Spang, Judith
Sprague, Dale
Vachon, Dennis
Wall, Janet
Ward, Kenneth
Watters, David

SULLIVAN

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

NAYS 154

BELKNAP

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

CARROLL

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

CHESHIRE

Emerson, Susan	Hunt, John	Laurent, John	Sterling, Franklin Jr

COOS

Ingersoll, Paul Sr	Rappaport, Laurence	Richardson, Herbert	Stohl, Eric

GRAFTON

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

HILLSBOROUGH

Belvin, William	Bergin, Peter	Boehm, Ralph	Cebrowski, John
Christensen, Chris	Christiansen, Lars	Daniels, Gary	Day, Russell
Doherty, Shaun	Dokmo, Cynthia	Drisko, Richard	Elliott, Nancy
Emerton, Larry	Gagne, Larry	Gargasz, Carolyn	Graham, John
Haefner, Robert	Hawkins, Ken	Hikel, John	Hinch, Richard
Hinkle, Peyton	Hogan, Edith	Holden, Frank	Hopper, Gary
Infantine, William	Jasper, Shawn	Kurk, Neal	L'Heureux, Robert
McCarthy, Michael	Mead, Robert	Moran, Edward	O'Brien, William
Ober, Lynne	Ober, Russell III	Palmer, Stephen	Pellegrino, Tony
Pepino, Leo	Pratt, Calvin	Price, Pamela	Renzullo, Andrew
Rowe, Robert	Ryder, Donald	Seidel, Carl	Soucy, Connie
Spaulding, Jayne	Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Moe			

MERRIMACK

Anderson, Eric	Blankenbeker, Lynne	Boutin, David	Coffey, Jennifer
Hess, David	Kidder, David	Kotowski, Frank	Lockwood, Priscilla
McGuire, Carol	Palfrey, David	Reed, Dennis	

ROCKINGHAM

Allen, Mary	Bailey, Clinton	Baldasaro, Alfred	Bates, David
Belanger, Ronald	Bettencourt, David	Case, Frank	Charron, Gene
Comerford, Timothy	Crisler, Margaret	Devine, James	DiFruscia, Anthony
Dowling, Patricia	Dumaine, Dudley	Elliott, Robert	Emiro, Frank
Ferrante, Beverly	Fesh, Robert	Flanders, John Sr	Garcia, Marilinda
Garrity, James	Griffin, Mary	Hagan, Joseph	Headd, James
Hoelzel, Kathleen	Ingram, Russell	Introne, Robert	Kappler, L. Mike
Kolodziej, Walter	Major, Norman	McKinney, Betsy	McMahon, Charles

Nevins, Chris	Packard, Sherman	Perkins, Amy	Perkins, Lawrence
Quandt, Matt	Rausch, James	Reagan, John	Sanders, Elisabeth
Sedensky, John	Smith, William	Stiles, Nancy	Sullivan, James
Tucker, Pamela	Weare, Everett	Welch, David	Wells, Roger
Weyler, Kenneth			

STRAFFORD

Bickford, David	Brown, Julie	Cyr, James	Groen, Warren
Vita, Carol			

SULLIVAN

Cunningham, Steven	Howard, Thomas	Osgood, Joe	Rodeschin, Beverly

and the majority committee report was adopted.

HB 1506-FN-A-L, establishing a state aeronautical fund. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Frank V. Sapareto for the Majority of Ways and Means: The importance of establishing an aeronautical fund relies on several factors. New Hampshire is subject to northeast weather and the need for alternative airports becomes more important as weather might close your intended destination as you are enroute. Maintaining this network of available airfields relies on several privately owned and publicly owned airfields. Tax burdens and the economy make it difficult to maintain the privately owned airfields. The state has assisted many of these in the past with the understanding that they will be opened to the public and will remain open for ten years after the state has given aid for some field maintenance projects. The airports are also the agents for keeping track of the aircraft stationed in our state, thus allowing the state to charge the aircraft operating fee. A portion of the fee is then returned to the airports in proportion to the fee collected at each one. The bill, as amended, dedicates the airways toll revenue, $269,000 per year, to maintaining and improving NH airports. The majority of the committee understands that this will increase business and revenue to the state. Vote 10-8.

Rep. William G. Johnson for the Minority of Ways and Means: The minority recognizes the importance of New Hampshire airports on our economy. However, this bill represents an additional reduction to the general fund, albeit small, which will lead to further cuts in state services. Further, the minority feels the benefits of the bill will accrue to higher income individuals, while the loss of services will impact on our most vulnerable—the elderly, children and the infirm. Also, the committee did not have enough information to evaluate whether the net impact on the state economy would be positive or negative.

Majority Amendment (0500h)

Amend RSA 422:35, II as inserted by section 2 of the bill by replacing it with the following:

II. There is hereby established the state aeronautical fund. All airways toll revenue paid over by the director of the division of motor vehicles under RSA 422:34 shall be deposited in the fund. The commissioner is authorized to accept gifts to further the purposes of this chapter and shall deposit them in the fund. The moneys in the fund shall be nonlapsing and shall be continually appropriated to the department for the purpose of funding maintenance of airports within the state that are open for public use and planning and implementing capital improvements to such airports.

Amend RSA 422:35 as inserted by section 2 of the bill by inserting after paragraph II the following new paragraph:

III. The director shall annually report on the state aeronautical fund to standing committees of the senate and the house of representatives with jurisdiction

over taxation and jurisdiction over aeronautical projects. The format of the report shall be as follows:

(a) Total moneys received from each revenue source.

(b) List of projects funded and expenditure totals for each.

(c) Moneys remaining in the fund.

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect July 1, 2011.

AMENDED ANALYSIS

This bill establishes a state aeronautical fund and places revenue from the airways toll in the fund.

On a division vote, 273 members having voted in the affirmative and 64 in the negative, the majority committee amendment was adopted.

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

Reps. William Johnson and Walsh spoke against.

Rep. Joe Russell spoke in favor.

Rep. Nevins spoke in favor and yielded to questions.

On a division vote, 184 members having voted in the affirmative and 150 in the negative, the majority committee report was adopted.

Referred to the Committee on Finance.

Rep. Philip Harvey declared a conflict of interest on ***HB 1506-FN-A-L*** and did not participate.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Nevins moved that the House reconsider its action whereby, on a division vote of 184-150, the House adopted the majority committee report of Ought to Pass with Amendment on ***HB 1506-FN-A-L,*** establishing a state aeronautical fund.

On a division vote, 129 members having voted in the affirmative and 205 in the negative, the motion failed.

SPECIAL ORDERED

Reps. Wallner and Packard moved that ***HB 1522,*** relative to local spending caps, be made a Special Order for February 17, 2010 in its regular place in the Calendar.

Rep. Vaillancourt spoke in favor.

On a division vote, 280 members having voted in the affirmative and 58 in the negative, the motion was adopted.

CLERK'S NOTE

Rep. Vaillancourt withdrew his request for division votes on all motions.

MOTION TO RECONSDIER

Having voted with the prevailing side, Rep. Almy moved that the House reconsider its action whereby on February 3, 2010, on a voice vote, the House adopted the motion of Inexpedient to Legislate on ***HCR 27,*** urging that the United Kingdom return the Parthenon (Elgin) marbles to Greece.

Rep. Stella Scamman spoke in favor.

Rep. Rowe spoke against and yielded to questions.

Reps. Jasper and Bates spoke against.

Rep. Patrick Garrity requested a roll call; sufficiently seconded.

YEAS 166 NAYS 173

YEAS 166

BELKNAP

Arsenault, Beth	Fields, Dennis	Miller, Kate	Nedeau, Stephen
Pilliod, James	Reever, Judith		

CARROLL

Buco, Thomas	Butler, Edward	Wiley, Susan

CHESHIRE

Allen, Peter	Burridge, Delmar	Carr, Daniel	Eaton, Daniel
Lerandeau, Alfred	Lindsey, Steven	Mitchell, Bonnie	Richardson, Barbara
Roberts, Kris	Sad, Tara	Weed, Charles	

COOS

Merrick, Evalyn	Theberge, Robert

GRAFTON

Almy, Susan	Benn, Bernard	Cooney, Mary	Ford, Susan
Friedrich, Carol	Harding, Laurie	Laliberte, Suzanne	Nordgren, Sharon
Pastor, Beatriz	Pierce, David	Preston, Philip	Smith, Suzanne
Taylor, Kathleen	Townsend, Charles	White, Andrew	

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Beck, Catriona	Campbell, David
Chandley, Shannon	Chininis, Alexis	Cote, David	Emerton, Larry
Farley, Michael	Foster, Linda	Gagne, Larry	Garrity, Patrick
Goley, Jeffrey	Hackel, Paul	Haley, Robert	Hammond, Jill
Hardy, Valerie	Harvey, Philip	Harvey, Suzanne	Hodges, Kevin
Infantine, William	Irwin, Anne-Marie	Jeudy, Jean	Katsiantonis, George
Katsiantonis, Thomas	Kelley, John	Knowles, John	Knowles, Mary Ann
Leishman, Peter	Levesque, Melanie	Long, Patrick	Messier, Irene
Movsesian, Lori	Nixon, David	O'Brien, Michael Sr	O'Neil, James
Pepino, Leo	Peterson, Andrew	Pilotte, Maurice	Poznanski, Brian
Ramsey, Peter	Rhodes, Brian	Rokas, Theodoros	Rosenwald, Cindy
Shattuck, Gilman	Shaw, Barbara	Sullivan, Daniel	Tahir, Saghir
Thompson, Robert	Walsh, Robert Jr	Winters, Joel	

MERRIMACK

Bartlett, Michael	Bouchard, Candace	Davis, Frank	DeJoie, John
Foose, Robert	French, Barbara	Gile, Mary	Kelly, Sally
McMahon, Patricia	Owen, Derek	Palfrey, David	Porter, Margaret
Potter, Frances	Rice, Chip	Richardson, Gary	Rodd, Beth
Schuett, Dianne	Shurtleff, Stephen	Tilton, Joy	Tupper, Frank
Wallner, Mary Jane	Walz, Mary Beth	Wheeler, Deborah	Williams, Robert
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Bailey, Clinton	Baldasaro, Alfred	Borden, David
Brown, C. Pennington	Comerford, Timothy	Cushing, Robert	Day, Judith
Devine, James	Dumaine, Dudley	Emiro, Frank	Henson, John
Lyons, Melissa	Mann, Maureen	McCarthy, Barbara	Nevins, Chris
Nord, Susi	Pantelakos, Laura	Petterson, Don	Quandt, Matt
Read, Robin Jr	Russell, Joseph	Russell, Trinka	Scamman, Stella
Scamman, W. Douglas Jr	Schlachman, Donna	Splaine, James	Webber, Carolyn

STRAFFORD

Berube, Roger	Brown, Julie	Brown, Larry	Browne, Brendon
Burke, Rachel	Cyr, James	Horrigan, Timothy	Hutz, Sarah
Kaen, Naida	Keans, Sandra	Lauterborn, Elaine	Rogers, Rose Marie
Rous, Emma	Ryder, Mark	Schmidt, Peter	Vachon, Dennis
Vita, Carol	Wall, Janet	Ward, Kenneth	

SULLIVAN

Donovan, Thomas Jr	Gagnon, Raymond	Gottling, Suzanne	Harris, Sandra
Houde-Quimby, Charlotte	Sweeney, Cynthia		

NAYS 173

BELKNAP

Bolster, Peter	Boyce, Laurie	Flanders, Donald	Johnson, William
Merry, Liz	Millham, Alida	Russell, David	St. Cyr, Jeffrey
Stuart, Richard	Swinford, Elaine	Wendelboe, Fran	

CARROLL

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

CHESHIRE

Butcher, Suzanne	Butterworth, Timothy	Emerson, Susan	Hunt, John
Laurent, John	Meader, David	Parkhurst, Henry	Robertson, Timothy
Sterling, Franklin Jr	Weber, Lucy		

COOS

Mears, Lucy	Rappaport, Laurence	Remick, William	Richardson, Herbert
Stohl, Eric	Thomas, Yvonne		

GRAFTON

Aguiar, James	Bulis, Lyle	Gionet, Edmond	Gould, Franklin
Ingbretson, Paul	Ladd, Rick Jr	Matheson, Robert	Mulholland, Catherine
Ward, Brien	Williams, Burton		

HILLSBOROUGH

Belvin, William	Bergin, Peter	Boehm, Ralph	Cebrowski, John
Chase, Claudia	Christiansen, Lars	Daniels, Gary	Day, Russell
Doherty, Shaun	Dokmo, Cynthia	Drisko, Richard	Elliott, Nancy

Ginsburg, Ruth	Gorman, Mary	Graham, John	Haefner, Robert
Hawkins, Ken	Hikel, John	Hinkle, Peyton	Hogan, Edith
Holden, Frank	Hopper, Gary	Jasper, Shawn	Kurk, Neal
L'Heureux, Robert	McCarthy, Michael	Mead, Robert	Moran, Edward
O'Brien, William	Ober, Lynne	Ober, Russell III	Palmer, Stephen
Pellegrino, Tony	Pratt, Calvin	Price, Pamela	Renzullo, Andrew
Rowe, Robert	Ryder, Donald	Schulze, Joan	Seidel, Carl
Soucy, Connie	Spaulding, Jayne	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Moe	Willette, Robert		

MERRIMACK

Anderson, Eric	Blankenbeker, Lynne	Boutin, David	Brown, Carole
Clarke, Claire	Coffey, Jennifer	DeStefano, Stephen	Hamm, Christine
Hess, David	Kidder, David	Kotowski, Frank	Lockwood, Priscilla
McGuire, Carol	Osborne, Jessie	Reed, Dennis	Stetson, William
Watrous, Rick	Webb, Leigh		

ROCKINGHAM

Allen, Mary	Bates, David	Belanger, Ronald	Bettencourt, David
Case, Frank	Casey, Kimberley	Charron, Gene	Crisler, Margaret
DiFruscia, Anthony	DiPentima, Rich	Dowling, Patricia	Elliott, Robert
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
Kappler, L. Mike	Kepner, Susan	Kolodziej, Walter	Major, Norman
McEachern, Paul	McKinney, Betsy	McMahon, Charles	Moody, Marcia
Packard, Sherman	Perkins, Amy	Perkins, Lawrence	Rausch, James
Reagan, John	Sanders, Elisabeth	Sedensky, John	Smith, William
Stiles, Nancy	Sullivan, James	Tucker, Pamela	Weare, Everett
Welch, David	Wells, Roger	Weyler, Kenneth	

STRAFFORD

Bickford, David	Domingo, Baldwin	Groen, Warren	Hofemann, Roland
Hubbard, Pamela	Perry, Robert	Sprague, Dale	Watters, David

SULLIVAN

Cunningham, Steven	Howard, Thomas	McClammer, Jim	Osgood, Joe
Rodeschin, Beverly	Skinder, Carla		

and the motion failed.

BILLS REMOVED FROM THE CONSENT CALENDAR – EARLY BILLS

HB 1281-FN, relative to certain securities laws. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sandra B. Keans for Commerce and Consumer Affairs: The bill was at the request of the secretary of state in order to close loopholes in the statutes. In particular it gives the department the ability to deny licenses if the applicant has had problems with other agencies and departments. Vote 16-0.

Amendment (0318h)

Amend RSA 421-B:10, I(b)(7) as inserted by section 3 of the bill by replacing it with the following:

(7) Has engaged in dishonest or unethical practices in the [~~securities business~~] ***conduct of business in the state of New Hampshire or elsewhere***;
Amendment adopted.
Committee report adopted and ordered to third reading.

HB 1685, relative to testing the water quality of private water supply wells. **INEXPEDIENT TO LEGISLATE.**
Rep. Stephen T. DeStefano for Commerce and Consumer Affairs: This bill requires water quality testing for private water supply wells prior to the execution of a purchase and sales agreement. The cost of these tests was to be borne by the seller with a penalty of up to a $10,000 administrative fine. The department of environmental services, the well drillers, home builders and realtors all felt that this may be better handled on the seller disclosure form or through education. Vote 15-0.
Committee report adopted.

HB 1441, relative to claimant eligibility for victim's compensation. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Robert R. Cushing for Criminal Justice and Public Safety: Last year the legislature passed a bill establishing a cold case homicide unit. The unit is up and running and working to solve 113 unsolved murders. This bill makes family members of cold case victims eligible for victim's compensation for counseling expenses and expenses associated with victims' participation in pre and post conviction proceedings. All funds for this compensation come from criminal fines and penalties, with no taxpayer money involved. Vote 19-0.

Amendment (0089h)
Amend the bill by replacing section 1 with the following:
1 New Paragraph; Claimant Eligibility and Compensation. Amend RSA 21-M:8-h by inserting after paragraph VII the following new paragraph:
VIII. Any person who was a victim of a crime under investigation by the cold case homicide unit as established in New Hampshire Laws 2009, 269:1 shall be eligible for victim's compensation regardless of the date of the crime. Compensation under this paragraph shall be limited to counseling expenses and expenses associated with the victim's participation in pre- and post-conviction proceedings.
AMENDED ANALYSIS
This bill provides that a victim of a crime under investigation by the cold case homicide shall be eligible for victim's compensation regardless of the date of the crime.
Amendment adopted.
Committee report adopted.
Referred to the Committee on Ways and Means.

POINT OF ORDER
Rep. Nixon objected, pursuant to House Rule 51, to the removal of all bills from the Consent Calendar by one individual.
The Speaker ruled his objection out of order.

BILLS REMOVED FROM THE CONSENT CALENDAR – EARLY BILLS (CONT'D)
HB 1286, allowing nonpublic schools to obtain criminal history records checks on employees and volunteers. **OUGHT TO PASS WITH AMENDMENT.**
Rep. James M. O'Neil for Education: This bill, with the amendment, will expand the requirement to have a criminal history records check for any individual hired in any position by a nonpublic school or a public academy approved by the New Hampshire state board of education. The records check will be done through the New Hampshire department of safety.

A criminal history records check is currently required for employment in school administrative units, school districts and public charter schools in New Hampshire and has been for a number of years. In addition, substitute teachers, student teachers, and student interns will also need to complete a criminal records check prior to their employment or service in any school. Vote 19-1.

Amendment (0396h)

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

AN ACT requiring nonpublic schools and public academies to obtain a criminal history records check on employees and volunteers.

Amend the bill by replacing section 1 with the following:

1 School Employee and Volunteer Background Investigations. Amend RSA 189:13-a to read as follows:

189:13-a School Employee and Volunteer [~~Background Investigations~~] ***Criminal History Records Check***.

I. The employing school administrative unit, school district, or chartered public school shall complete a [~~background investigation and a~~] criminal history records check on every selected applicant for employment in any position in the school administrative unit, school district, or chartered public school prior to a final offer of employment. ***A nonpublic school or public academy approved by the New Hampshire state board of education shall submit a criminal history records check on applicants for employment pursuant to this section.*** A school administrative unit, school district, [~~or~~] chartered public school***, nonpublic school, or public academy*** may extend a conditional offer of employment to a selected applicant [~~after completing a background investigation~~], with a final offer of employment subject to a successfully completed criminal history records check. No selected applicant may be extended a [~~conditional~~] ***final*** offer of employment unless the school administrative unit, school district, [~~or~~] chartered public school***, nonpublic school, or public academy*** has [~~initiated~~] ***completed*** a criminal history records check. The school administrative unit, school district, [~~or~~] chartered public school***, nonpublic school, or public academy*** shall not be held liable in any lawsuit alleging that the extension of a conditional or final offer of employment to an applicant, or the acceptance of volunteer services from a designated volunteer, with a criminal history was in any way negligent or deficient, if the school administrative unit, school district, [~~or~~] chartered public school***, nonpublic school, or public academy*** fulfilled the requirements of this section.

II. The selected applicant for employment or designated volunteer with a school administrative unit, school district, [~~or~~] chartered public school***, nonpublic school, or public academy*** shall submit to the employer a notarized criminal history records release form, as provided by the division of state police, which authorizes the release of information regarding the presence or absence of any record of convictions of the applicant of felonies or of the crimes listed in paragraph V. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the school administrative unit, school district, [~~or~~] chartered public school***, nonpublic school, or public academy***. In the event that the first set of fingerprints is invalid due to insufficient pattern and a second set of fingerprints is necessary in order to complete the criminal history records check, the conditional offer of employment shall remain in effect. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the school administrative unit, school district, [~~or~~] chartered public school***, nonpublic school, or public academy*** may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where an applicant has lived during the past 5 years.

III. The school administrative unit, school district, [~~or~~] chartered public school***, nonpublic school, or public academy*** shall submit the criminal history records release form to the New Hampshire state police which shall conduct a criminal history records check

through its records and through the Federal Bureau of Investigation. [~~Upon completion of the background investigation,~~] The state police shall examine the list of crimes constituting grounds for non-approval of employment, or non-acceptance of volunteer services in that school administrative unit, school district, [~~or~~] chartered public school***, nonpublic school, or public academy***, and shall report the presence or absence of any such crime to the school administrative unit, school district, [~~or~~] chartered public school***, nonpublic school, or public academy***. Under no circumstances shall the criminal records be released to the school administrative unit, school district, [~~or~~] chartered public school***, nonpublic school, or public academy***. The school administrative unit, school district, [~~or~~] chartered public school***, nonpublic school, or public academy*** shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph. If the criminal history records information indicates no criminal record, the school administrative unit, school district, [~~or~~] chartered public school***, nonpublic school, or public academy*** shall destroy the information received immediately following its review of the information. If the criminal history records information indicates that the applicant has been convicted of a felony or of a crime listed in paragraph V, the school administrative unit, school district, [~~or~~] chartered public school***, nonpublic school, or public academy*** shall review the information for a hiring decision, and the division of state police shall notify the department of education of any such convictions. The school administrative unit, school district, [~~or~~] chartered public school***, nonpublic school, or public academy*** shall destroy any criminal history record information that indicates a criminal record within 30 days of receiving such information.

IV. The school administrative unit, school district, [~~or charter~~] ***chartered public*** school***, nonpublic school, or public academy*** may require the selected applicant for employment or designated volunteer to pay the actual costs of the [~~background investigation and a~~] criminal history records check.

V. Any person who has been convicted of any violation or attempted violation of RSA 630:1; 630:1-a; 630:1-b; 630:2; 632-A:2; 632-A:3; 632-A:4; 633:1; 639:2; 639:3; 645:1, II or III; 645:2; 649-A:3; 649-A:3-a; 649-A:3-b; 649-B:3; or 649-B:4; or any violation or any attempted violation of RSA 650:2 where the act involves a child in material deemed obscene; in this state, or under any statute prohibiting the same conduct in another state, territory, or possession of the United States, shall not be hired by a school administrative unit, school district, [~~or~~] chartered public school***, nonpublic school, or public academy***. By decision of the appropriate governing body, a school administrative unit, school district, [~~or~~] chartered public school***, nonpublic school, or public academy*** may deny a selected applicant a final offer of employment if such person has been convicted of any felony in addition to those listed above. The governing body may adopt a policy stating that any person who has been convicted of any felony, or any of a list of felonies, shall not be hired.

VI. This section applies to any employee, selected applicant for employment, designated volunteer, or volunteer organization which contracts with a school administrative unit, school district, [~~or~~] chartered public school***, nonpublic school, or public academy*** to provide services, including but not limited to cafeteria workers, school bus drivers, custodial personnel, or any other service where the contractor or employees of the contractor provide services directly to students of the district [~~or~~]***,*** chartered public school***, nonpublic school, or public academy***. The cost for [~~background investigations, including~~] criminal history records checks[~~,~~] for employees or selected applicants for employment with such contractors shall be borne by the contractor.

VII. The school administrative unit, school district, [~~or~~] chartered public school***, nonpublic school, or public academy*** shall not be required to complete a [~~background investigation or a~~] criminal history records check on volunteers, provided that the governing body of a school administrative unit, school district, [~~or~~] chartered public school***, nonpublic school, or public academy*** shall adopt a policy designating certain categories of volunteers

as "designated volunteers" who may be required to undergo a [~~background investigation and a~~] criminal history records check.

VIII. A school administrative unit, school district, chartered public school, ***nonpublic school, public academy,*** or school official acting pursuant to a policy establishing procedures for certain volunteers shall be immune from civil or criminal liability, provided the school administrative unit, school district, chartered public school, ***nonpublic school, public academy,*** or school official has in good faith acted in accordance with said policy. Nothing in this paragraph shall be deemed to grant immunity to any person for that person's reckless or wanton conduct.

IX.(a) Substitute teachers, student teachers, student interns, and other educational staff shall apply for a criminal history records check at the employing school administrative unit, school district, chartered public school, nonpublic school, or public academy. The division of state police shall complete the criminal history records check and, upon completion, shall issue a letter to the applicant. The letter shall be valid for 30 days from the date of issue and shall constitute satisfactory proof of compliance with this section.

(b) Student teachers and student interns shall submit a criminal history records check upon enrollment in a teacher preparation program, but shall not be required to submit additional criminal history records checks if the student teacher or student intern maintains continuous enrollment in the teacher preparation program.

(c) In addition to the criminal history records check fee, substitute teachers, student teachers, and student interns shall pay an additional fee of $25 to the division of state police to offset the additional administrative costs under this paragraph.

X. Violations of this section shall be jointly investigated by the state police and the department of education. Information obtained through such investigations shall remain confidential and shall not be subject to RSA 91-A.

XI. In this section, "public academy" shall have the same meaning as in RSA 194:23, II.

AMENDED ANALYSIS

This bill requires nonpublic schools and public academies to submit a criminal history records check through the division of state police.

This bill is a request of the department of safety.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. On a division vote, 225 members having voted in the affirmative and 61 in the negative, the committee report was adopted.

Referred to the Committee on Ways and Means.

HB 1495, relative to conditional approval of chartered public schools from July 1, 2009 through June 30, 2011. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kimberley S. Casey for Education: This bill, as amended, removes the moratorium on state board of education approval of new charter schools. It allows for the continuation of the 10 year pilot program (established in 1997, and due to end in 2013). Therefore, this bill takes a "middle ground" approach and it was the consensus of the committee to be the most appropriate action at this time. Vote 19-0.

Amendment (0146h)

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

AN ACT relative to approval of chartered public schools from July 1, 2009 through June 30, 2011.

Amend the bill by replacing section 1 with the following:

1 Chartered Public Schools. Amend 2009, 144:153 to read as follows:

144:153 Chartered Public Schools. [~~No new chartered public schools shall be approved by~~] The state board of education ***may issue approval of a chartered public school*** [~~under~~] ***in accordance with*** the provisions of RSA 194-B:3-a between July 1, 2009 and June 30, 2011.

AMENDED ANALYSIS

This bill removes the prohibition on approval of new chartered public schools between July 1, 2009 and June 30, 2011 and authorizes the state board of education to issue approval of chartered public schools within that same time period.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. On a division vote, 276 members having voted in the affirmative and 10 in the negative, the committee report was adopted.

Referred to the Committee on Finance.

HB 1512, relative to supplemental allowances for beneficiaries of the judicial retirement plan. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill is a housekeeping change to the judicial retirement system. When the judicial retirement system was created it used the New Hampshire retirement system RSA 100-A as a guide. In the New Hampshire retirement system, if a person leaves the system having worked the number of years needed to qualify for a benefit, but does not actually retire because they haven't attained the age required for retirement, they are considered vested deferred. The judicial retirement system did not include this in their RSA. This bill will add vested deferred to the judicial retirement system. Vote 17-0.

Amendment (0394h)

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

AN ACT establishing a deferred retirement option in the judicial retirement plan.

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

1 New Paragraph; Judicial Retirement Plan; Deferred Retirement Benefit. Amend RSA 100-C:5 by inserting after paragraph VII the following new paragraph:

VIII. Any member who resigns from office on or after January 1, 2010, and who has at least 7 years of creditable service, may collect a vested deferred retirement allowance beginning at an age and years of service at which the member would otherwise have been eligible to retire pursuant to paragraphs I through IV. The member shall submit a written application to the board setting forth on what date, not less than 30 days nor more than 90 days subsequent to the filing of the application, the member desires to begin deferred retirement. Upon deferred retirement, the member's deferred retirement allowance shall equal that percentage of the member's final year's salary before resigning that the member would have received pursuant to paragraphs I through IV if the member had served until retirement at the age at which the member's deferred retirement begins with the number of years of creditable service earned by the member before resigning. In lieu of receiving a vested deferred retirement allowance, the resigning member may at any time exercise the member's rights under RSA 100-C:8 for a return of the member's accumulated contributions.

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

AMENDED ANALYSIS

This bill allows judges who resign from office to elect to receive a deferred retirement benefit under the judicial retirement plan.

Amendment adopted.

Committee report adopted.

Referred to the Committee on Finance.

HB 1576-FN, relative to certain retirement system beneficiaries receiving a retirement allowance while in active service. **REFER FOR INTERIM STUDY.**
Rep. Daniel J. Sullivan for Executive Departments and Administration: The committee is concerned about a number of issues relating to the ability of certain state employees to collect a retirement allowance while working for the state. This bill addresses only some of these issues. The committee would like to review this entire issue in a comprehensive manner in interim study. Vote 17-0.
Committee report adopted.

HB 1579-FN, relative to electioneering by public employees. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Peter B. Schmidt for Executive Departments and Administration: This bill, which modifies the applicability of the prohibition against electioneering by public employees, was brought forward at the request of the attorney general's office because of a defect in the existing statute. Under the current RSA 659:44a wording, certain public employees who merely follow legitimate instructions of their superiors could be subject to prosecution for electioneering. This is both unfair and counter productive. As amended, HB 1579 would require authorization for such above mentioned legitimate instructions to be in writing so that there is a clear paper trail for any investigators to follow. Vote 17-1.

Amendment (0299h)
Amend the bill by replacing all after the enacting clause with the following:
1 Electioneering by Public Employees. RSA 659:44-a is repealed and reenacted to read as follows:
659:44-a Electioneering by Public Employees.
I. In this section:
(a) "Electioneer" means to act or communicate in any way a reasonable person would understand as intended to influence the vote of a voter.
(b) "Public employee" means any person employed by a public employer, but shall not include any elected official or any person appointed to office by the governor and executive council.
(c) "Public employer" means the state of New Hampshire and any political subdivision thereof; any state, county, or municipal council, commission, board, agency, or authority; the university system of New Hampshire; and the community college system of New Hampshire.
(d) "Public resources" means government-owned property, government-leased property, or services acquired by government for use by employees to fulfill their governmental duties, including, but not limited to, facilities, vehicles, uniforms, telephones, facsimile machines, photocopy machines, paper, printing supplies, computers, software, e-mail systems, signs, bulletin boards, web sites, or other means of communication paid for with government funds for governmental purposes.
(e) "Question" means any constitutional amendment, warrant article, or other issue to be voted on by voters at any election or at any annual or special meeting of the voters of the unit of government.
II. No public employee shall knowingly electioneer for or against a candidate for public office or political party using public resources or time when that employee is being paid to be at his or her government job.
III. Elected officials and those appointed by the governor and executive council may electioneer for a candidate for public office or political party, but they shall not knowingly endorse a candidate for public office or a political party as an official act of the state of New Hampshire or any political subdivision thereof; any state, county, or municipal council,

commission, board, agency, or authority; the university system of New Hampshire; or the community college system of New Hampshire.

IV.(a) Except as provided in this section, no public employee shall knowingly use public resources or time when being paid to be at his or her government job to electioneer for or against a question.

(b) This section shall not prohibit a public employee from electioneering using public resources and work time on a question concerning a matter over which the employee as part of his or her employment duties has responsibility, supervision, control, authority, or jurisdiction, or relating to a question on a statewide ballot relating to the authority, operation, or function of the political subdivision by which the individual is employed, provided such electioneering is authorized in writing by the employee's job description or employer's written policies, in writing by the head of the employee's department, the town or city manager, or the town administrator, or by vote, in a public meeting and duly recorded in its minutes, of the governing body of the employer.

(c) This section shall not prohibit any public employee, authorized by the employer to attend such meeting on work time, from using time when being paid to be at his or her government job to electioneer for or against any question at any annual meeting, deliberative session, public hearing, or any public meeting of a governmental body held in conformance with RSA 91-A.

V. This section shall not prohibit the use of public facilities such as the state house lawn, town commons, meeting halls, school assembly rooms, community access television, or government-owned or operated public facilities for electioneering events held in accordance with and only to the extent permitted by the public use policies of the controlling governmental authority, provided any use for electioneering allowed be on an equal opportunity and nonpartisan access basis.

VI. Any person who knowingly violates this section shall be guilty of a misdemeanor.

2 Effective Date. This act shall take effect September 1, 2010.

AMENDED ANALYSIS

This bill changes the definition of "electioneering" as it applies to public employees, modifies the applicability of the prohibition against electioneering by public employees, and permits public employees to electioneer for or against questions under specified circumstances.

Amendment adopted.
Committee report adopted.
Referred to the Committee on Criminal Justice and Public Safety.

HB 1646-FN, granting group II retirement system status to certain positions in the department of corrections. **INEXPEDIENT TO LEGISLATE.**

Rep. Patricia M. McMahon for Executive Departments and Administration: This bill seeks a review of sixty two (62) positions in the NH department of corrections that are currently in group I to consider for a change in their classification to group II status. The criteria for this category of employee require that they work within a correctional facility in close and immediate contact with prisoners on a daily basis and have responsibility for security. The committee was not able to review the analysis of each of the positions to determine if all of the proposed positions for group II retirement met the elements and criteria. These positions were reviewed by the committee in a previous session and while eleven of the job descriptions at that time met the criteria, the funds in that year were not available. Vote 16-1.
Committee report adopted.

HB 1658, relative to the adult parole board. **INEXPEDIENT TO LEGISLATE.**

Rep. Charlotte Houde-Quimby for Executive Departments and Administration: The purpose of this legislation was to establish the adult parole board as a division within the department of corrections. This would replace the nomination and confirmation process through

governor and council. While acknowledging the more informal nature of recent rule making, parole board personnel as well as members of the department of corrections agreed that it is imperative for the corrections division and parole board to work closely and promote policies and write guidelines which enhance the success of program initiatives to decrease recidivism of paroled individuals in the state of New Hampshire. Given the Pew Foundation funding for the Center for Justice, multiple committees are currently developing strategies and agreed to written guidelines that will support these strategies. Vote 17-0.
Committee report adopted.

HB 1668-FN, requiring state creditable service for group II retirees to receive state employee medical benefits. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Patricia M. McMahon for Executive Departments and Administration: This bill requires group II state employees hired after July 1, 2001 to work for the state for 20 years in order to become eligible for state retiree health benefits. This mirrors the current requirement for group I state employees. If this requirement for eligibility had been in effect in 2009, based on 2010 working rates, the savings to the state would have been approximately $353,372 in 2010. Vote 17-0.

Amendment (0401h)
Amend the bill by replacing section 1 with the following:
1 Retired State Employees; Medical and Surgical Benefits; Group II Creditable Service. Amend RSA 21-I:30, II and III to read as follows:
II. For the purposes of this section, "retired employee" means [~~each group II state employee who retires. "Retired employee" also means~~] each group I state employee who:
(a) Has at least 10 years of creditable service for the state if the employee's service began prior to July 1, 2003 or 20 years of creditable service if the employee's service began on or after July 1, 2003, and who also is at least 60 years of age at the time of retirement; or
(b) Has at least 30 years of creditable service for the state at the time of retirement, regardless of the employee's age; or
(c) Is but for the provisions of 1989, 376:10, otherwise eligible to receive medical and surgical benefits under this section notwithstanding subparagraphs (a) and (b), and paragraph IV, on June 30, 1989, and who retires between July 1, 1989, and June 30, 1994; or
(d) Dies or retires and is eligible for accidental death or accidental disability retirement benefits, regardless of the state employee's age or number of years of creditable service; or
(e) Retires and is eligible for ordinary disability retirement benefits, regardless of the state employee's age; or
(f) Dies and is eligible for ordinary death retirement benefits, if the state employee was eligible for service retirement at the time of his death, if the state employee had at least 10 years of creditable service for the state if the employee's service began prior to July 1, 2003 or 20 years of creditable service if the employee's service began on or after July 1, 2003.
II-a. For the purposes of this section, "retired employee" also means each group II state employee who:
(a) Retires if the employee's state service began prior to July 1, 2010 or who retires with at least 20 years of creditable service for the state if the employee's state service began on or after July 1, 2010; or
(b) Dies or retires and is eligible for accidental death or accidental disability retirement benefits, regardless of the state employee's age or number of years of creditable service; or
(c) Retires and is eligible for ordinary disability retirement benefits, regardless of the state employee's age; or

(d) Dies and is eligible for ordinary death retirement benefits, if the state employee was eligible for service retirement at the time of his or her death, if the state employee had at least 20 years of creditable service for the state if the employee's state service began on or after July 1, 2010.

III. Any vested deferred state retiree may receive medical and surgical benefits under this section if the vested deferred state retiree is eligible. To be eligible, a ***group I*** vested deferred state retiree shall have at least 10 years of creditable service with the state if the employee's service began prior to July 1, 2003 or 20 years of creditable service ***with the state*** if the employee's service began on or after July 1, 2003 ***and a group II vested deferred state retiree shall have at least 20 years of creditable service with the state if the employee's service with the state began on or after July 1, 2010***. In addition, if the vested deferred state retiree is a member of group I, such retiree shall be at least 60 years of age to be eligible. If the vested deferred state retiree is a member of group II, such retiree shall not be eligible until 20 years from the date of becoming a member of group II and shall be at least 45 years of age.

Amendment adopted.
Committee report adopted.
Referred to the Committee on Finance.

HB 1681-FN, including education support personnel in employees participating in the New Hampshire retirement system. **INEXPEDIENT TO LEGISLATE.**
Rep. Patricia M. McMahon for Executive Departments and Administration: This bill would require that all school districts which elect to provide retirement system coverage for their non-teacher employees must apply the minimum participation requirements of teacher classification (30 hours per week). Currently 145 of 165 districts elect retirement system coverage for their paraprofessional and support positions but select the option of employee classification (35 hours per week) to determine eligibility for those positions. Only 15 of the 145 districts currently choose to adhere to the teacher classification requirements. This bill represents a potential expansion of employees covered by the retirement system of the 130 districts that choose the employees classification. Because employer rates have been set through FY 2013, districts with additional employees eligible for system coverage will experience an increase of employer contributions. The bill is likely to increase employer contribution rates in FY 2014. The majority of the committee believes that this is a local option that should not be mandated. Vote 18-0.
Committee report adopted.

HB 1682-FN, relative to the methodology for determining retirement system contribution rates. **INEXPEDIENT TO LEGISLATE.**
Rep. Patricia M. McMahon for Executive Departments and Administration: This bill would have changed the way the New Hampshire retirement system's actuaries prepare the biennial valuation, which determines the rate paid by cities and towns. Currently, the actuaries use a method that smoothes the returns over 5 years to avoid abrupt increases in contributions paid by the municipalities and the state. This is the most common method used by other states in except for California, which uses a 1- year smoothing. HB 1682 would have changed NHRS to a 50 year smoothing, which according to the executive director of the NHRS, is very unusual and is not a sound actuarial method. Vote 18-0.
Committee report adopted.

HB 1160, relative to the tanning of minors. **INEXPEDIENT TO LEGISLATE.**
Rep. Frank R. Kotowski for Health, Human Services and Elderly Affairs: The purpose of this bill was to add to current law a requirement that minors would be required to present a written order from a physician prior to utilizing a tanning booth in a tanning facility. The majority of the committee believes that current regulations requiring parental consent,

coupled with adherence to currently recommended exposure limits over time, sufficiently addresses the issue, and that the added requirement of a written order from a physician is not necessary. Vote 16-1.
Committee report adopted.

HB 1170, relative to licensure of home health care providers. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Alida I. Millham for Health, Human Services and Elderly Affairs: Under health care facility inspection law (RSA 151:6-a) home health agencies and adult day care facilities are required to have an annual inspection. This legislative proposal would change this requirement to allow these organizations to be inspected every other year provided they meet specific criteria. The department of health and human services agrees this cost saving measure will have no adverse effect on quality of care. Vote 19-0.

Amendment (0363h)
Amend the bill by replacing section 1 with the following:
1 Health Facility Licensure; Annual Inspections. RSA 151:6-a is repealed and reenacted to read as follows:
151:6-a Annual Inspection. The department of health and human services shall make at least one annual unannounced inspection of every facility licensed under this chapter, except home health care agencies and home care service provider agencies, which shall be inspected no less frequently than once every 24 months. The purpose of the inspection shall be to determine that the facility is in compliance with all provisions of this chapter, applicable rules adopted under this chapter, and all applicable codes. For residential care facilities, the inspection shall include a review of the programs and services offered in the facility to assure that the facility is in compliance with its current level of licensure, and a survey of the most recent individual resident needs determinations where such surveys are not done under the survey and certification process for Titles XVIII and XIX of the Social Security Act, as amended, to assure that the facility and its programs and services are appropriate to the needs of the residents. The department shall also conduct compliance monitoring visits as necessary to ensure that corrective action required to correct cited violations of this chapter or rules adopted under this chapter have been appropriately implemented. Inspection results shall be provided as a written report that identifies any noncompliance with this chapter, applicable rules adopted under this chapter, and any applicable codes. The results of this inspection and any later inspection shall be posted in a conspicuous place in the facility in the manner determined by the commissioner of the department of health and human services. The results so posted shall indicate the facilities and services inspected and the results for each such facility or service. This section shall not apply to facilities or entities that have deemed status under RSA 151:5-b. If a residential care facility, as referenced under RSA 151:9, VII(a)(l) or (2) or an adult day care program as referenced under RSA 151:2, I(f) has been inspected and is found to be deficiency-free for 2 consecutive years it shall be granted a one-year waiver from the provisions of this section and thereafter shall be inspected every other year; provided, that the facility remains deficiency-free when it is inspected, that the facility is not the subject of a founded complaint investigation under RSA 151:6, and the facility remains under the same administrator who is responsible for the day-to-day operation of the facility.
AMENDED ANALYSIS
This bill clarifies the procedure for annual inspections of home health care agencies and home care service provider agencies.
Amendment adopted.
Committee report adopted.
Referred to the Committee on Executive Departments and Administration.

HB 1531, prohibiting New Hampshire physicians and medical staff from sharing patient records in a health information exchange without the patient's written consent. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert G. Bridgham for Health, Human Services and Elderly Affairs: The original bill would have required written consent by a patient (an "opt-in") for participation in a health information exchange, reversing prior action of this legislature. In 2009, we provided legislation enabling development of health information exchange in New Hampshire for "opt-out." At this bill's hearing, the prime sponsor presented a substitute amendment detailing a specific, detailed process to assure a patient's right to opt out. Development of health information exchange for New Hampshire is just under way, and bills forwarding possible architectures of exchange may come to the legislature in the 2011 session at the earliest. Action now on a specific process for assuring "opt-out" could prematurely and unknowingly rule out otherwise attractive design possibilities for health information exchange. Thus, the committee majority recommends inexpedient to legislate of this bill at this time. Vote 19-1. Committee report adopted.

HB 1537, allowing primary care providers to provide preventive oral health services to children under the state Medicaid program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rich T. DiPentima for Health, Human Services and Elderly Affairs: This bill is a recommendation from a study commission created last session charged with studying preventing dental disease among New Hampshire children. This bill would require the department of health and human services to amend the state Medicaid plan to allow primary care providers to be reimbursed for providing preventive oral health services to eligible children. The bill requires that primary care providers receive approved training prior to being allowed to obtain reimbursement under this program. Currently 36 states, including all the other New England states, offer this benefit in their Medicaid program. The evidence from these states has demonstrated that this program can reduce dental decay in young children by approximately 38%. Considering that there are only 24 pediatric dentists in New Hampshire, very few young Medicaid children actually see a dentist in their first 3 years of life. However, almost every child will see a primary care medical provider 12-15 times inuring this same period. As a result, we are missing a huge opportunity to prevent dental disease in children and reduce overall costs to the state. In 2007 and 2008 combined, 983 children required treatment in hospital operating rooms under general anesthesia for removal of seriously decayed teeth. The cost to the state Medicaid program was approximately $5,312,111. Much of this cost could have been prevented with improved prevention strategies. This cost represents only the tip of the iceberg, since dental disease in children is almost 100% preventable. Vote 18-0.

Amendment (0232h)

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

AN ACT allowing primary care providers to provide preventive oral health services to children between 0 and 3 years of age under the state Medicaid program.

Amend RSA 126-A:4-g as inserted by section 1 of the bill by replacing it with the following:

126-A:4-g Children's Oral Health Initiative.

I. The department shall seek funding for a Medicaid children's oral health initiative program as part of the department's budget for the biennium ending June 30, 2013, and each biennium thereafter. The program shall provide reimbursement to primary care providers who deliver preventative oral health services, such as dental screenings and fluoride varnish treatments, to children between 0 and 3 years of age enrolled in the state Medicaid program. Primary care providers who choose to participate in the program shall complete training approved by the department and submit evidence of program completion to the department, which shall maintain a list of trained providers. Program implementation, including

adoption of rules required by paragraph II, and submission of a Medicaid state plan amendment as required by paragraph III, shall be contingent upon sufficient funding.

II. The commissioner shall adopt rules under RSA 541-A relative to administration of the children's oral health initiative, including eligibility criteria, the type and frequency of services covered, reimbursement rates, and provider training requirements. The department also shall develop a list of approved training programs, which shall include, but may not be limited to, those offered by the American Academy of Pediatrics and the Southern New Hampshire Area Health Education Center. Upon implementation of the program, the department shall provide, upon request, a list of dentists participating in the state Medicaid program to primary care providers in the oral health initiative.

III. The department shall submit a Title XIX Medicaid state plan amendment to the Centers for Medicare and Medicaid Services for the purpose of establishing the children's oral health initiative.

AMENDED ANALYSIS

This bill directs the department of health and human services to seek funding for a children's oral health initiative that would enable primary care providers to deliver preventive oral health services to children between 0 and 3 years of age under Medicaid. The program is contingent upon future funding and approval of a state Medicaid plan amendment.

Amendment adopted.
Committee report adopted.
Referred to the Committee on Finance.

HB 1566-FN, requiring financial institutions to disclose certain information regarding recipients of medical assistance for the aged, blind, and disabled through an electronic asset verification system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert G. Bridgham for Health, Human Services and Elderly Affairs: This bill, as amended, will allow the department of health and human services to demonstrate good faith effort towards implementation of an electronic asset verification system for New Hampshire, required by recent federal law. Failure to institute such a program puts at risk $350 million received from the federal government to pay for medical assistance to the aged, blind and disabled. The bill compels cooperation in operation of the program by financial institutions doing business in New Hampshire. As amended, the bill authorizes the department to plan a program that many believe could be burdensome and expensive, but does not require the implementation of this program. The amendment allows the department control of the pace of development, provides for payment to the financial institutions that would do much of the work, and requires an effort to make the program cost effective. Vote 18-0.

Amendment (0418h)

Amend RSA 167:4-a, II as inserted by section 1 of the bill by replacing it with the following:

II. The commissioner is hereby authorized to request and receive from any bank, trust company, savings and loan association, credit union, or other financial institution doing business in this state the financial records of any applicant for or recipient of medical assistance whose eligibility for medical assistance is based upon the applicant or recipient's age, blindness, or disability. The institution shall furnish the information specified in paragraph VI within 15 days of the department's request.

Amend RSA 167:4-a, VI as inserted by section 2 of the bill by replacing it with the following:

VI. The department, in coordination with financial institutions doing business in the state, may develop and operate a data match system, using automated data exchanges to the maximum extent feasible, in which each financial institution is required to provide, when requested by the department and subject to reasonable reimbursement as set forth in Public Law 110-252, up to 5 years of information regarding the name, record address, social security number or other taxpayer identification number, monthly account balance, and other

identifying information for each applicant or recipient who maintains an account at the financial institution, as identified by the department by name and social security number or other taxpayer identification number. The system shall be based on a cost-effective search algorithm and shall include means to assure compliance with the provisions of this section. The department shall provide a status report regarding the implementation of the data match system to the oversight committee on health and human services, established in RSA 126-A:13, on or before November 1, 2010, and annually thereafter, until implementation has been fully completed. The report shall summarize the department's findings and recommendations to date, including savings generated by the asset verification system, barriers to implementation, if any, anticipated future actions, and the department's assessment of the relative success of the project.

AMENDED ANALYSIS

This bill authorizes the department of health and human services to establish an electronic asset verification system to obtain financial records in order to verify eligibility for medical assistance for the aged, blind, and disabled.

Amendment adopted.
Committee report adopted.
Referred to the Committee on Finance.

HB 1598-FN, relative to the use of Temporary Assistance to Needy Families (TANF) funds. **OUGHT TO PASS.**

Rep. Thomas E. Donovan for Health, Human Services and Elderly Affairs: In past years when temporary assistance to needy families (TANF) caseloads were lower and the federal government provided various incentives for high performance, the TANF reserve fund grew. It began to be used for a variety of needs that may or may not have truly reflected the federally identified goals of the TANF program, such as providing funding for salaries of social workers in the juvenile justice program of approximately $6 million a year. As a result of these types of actions and the major increases in the number of TANF recipients, the TANF reserve has been depleted. This bill would ensure that, in the future, if the economic climate improves and the TANF numbers decrease or possible incentives return, this fund be used solely within the TANF program. Vote 20-0.
Committee report adopted.
Referred to the Committee on Finance.

HB 1657, directing the commissioner of the department of health and human services to adopt rules regarding transfers of income to special needs trusts. **REFER FOR INTERIM STUDY.**

Rep. Suzanne S. Butcher for Health, Human Services and Elderly Affairs: This bill would require the department of health and human services to adopt rules regarding transfers of income to special needs trusts for the purposes of qualifying for home and community based care waiver services. DHHS will report to the health and human services oversight committee by May 1 the extent to which, and the process by which, to the extent permitted by federal requirements, such transfers may be made while maintaining budget neutrality. The committee recommends Interim Study so that the results of that analysis can be taken into account in considering whether to recommend further legislation. Vote 20-0.
Committee report adopted.

HB 1614-FN, relative to state employee whistleblower protection to be administered by the secretary of state. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles F. Weed for Labor, Industrial and Rehabilitative Services: The committee believes that the intent of the prime sponsor is captured in two statutes, RSA 275 whistleblower protection and RSA 98-E public employee freedom of expression. Our consensus is that whistleblower protection is working well, as enforced by the Department of

Labor. The enforcement process proposed in the bill named the secretary of state's office which as far as we know has neither the trained personnel nor resources for required investigations. The committee is concerned about the possible chilling effects on employees without greater emphasis on protection from retaliation. We wonder if the problem suggests the need for an inspector general or ombudsman for New Hampshire state employees. Vote 14-0.
Committee report adopted.

HB 1571, relative to the penalty for failure to file an annual inventory of taxable property. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Mary Beth Walz for Local and Regulated Revenues: This bill addresses a concern about inventory forms, which are used primarily by the smaller communities in New Hampshire. Under current law, a taxpayer loses his appeal rights if he fails to file the form. This bill eliminates the penalty in the year the property is transferred to a new owner when the form was delivered to the prior owner. Vote 13-1.

Amendment (0462h)
Amend the bill by replacing section 1 with the following:
1 New Paragraph; Property Taxation; Annual Inventory Form; Penalties. Amend RSA 74:7-a by inserting after paragraph II the following new paragraph:
III. If the property is transferred during the tax year to a different owner and the inventory blank was mailed or delivered to the previous owner, the penalty of loss of appeal rights shall not apply to the subsequent owner.
AMENDED ANALYSIS
This bill adds an exemption to the loss of the right to appeal for tax relief for a failure to file an annual inventory form.
Amendment adopted.
Committee report adopted and ordered to third reading.

HB 1678-FN, relative to gaming in hotels and establishing a gaming oversight authority. **INEXPEDIENT TO LEGISLATE.**
Rep. Peyton B. Hinkle for Local and Regulated Revenues: This bill would have allowed hotels to be licensed to have video machines and table games. Hotels would be required to have a specified number of guest rooms of a certain physical size available to qualify for a license. Profits from the video lottery machines and table games that exceeded a certain percentage could then be distributed among the state, the local municipality, and a gaming oversight authority established by the bill. Eligibility for a gaming license would depend upon the hotel having available family friendly, non-gaming entertainment. This bill left many aspects of expanded gambling unaddressed and the committee felt there were too many unanswered questions. Vote 13-0.
Committee report adopted.

HB 1462, establishing a shoreland advisory council. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Judith T. Spang for Resources, Recreation and Development: The comprehensive shoreland protection act has been in effect long enough now for its benefits and problems to emerge. Affected landowners feel they need an avenue for their criticisms of the Act to be heard so needed changes in statute and rule can be developed. The bill directs the department of environmental services to form an ad hoc committee for this purpose. The agency supports the creation of this source of input as they consider revisions to the act. Vote 15-0.

Amendment (0424h)

Amend the title of the bill by replacing it with the following:
AN ACT establishing a shoreland advisory committee.
Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Shoreland Advisory Committee Established Amend RSA 483-B by inserting after section 20 the following new section:

483-B:21 Shoreland Advisory Committee. The department of environmental services shall establish an ad hoc committee to address residential shorefront owner input and perspective relating to the regulation of shoreland development under this chapter and the regulation of shoreline structures under RSA 482-A.

I. The advisory committee shall consist of owners of property within the protected shoreland.

II. Membership shall represent lakes of under 1,000 acres, lakes of over 1,000 acres, rivers of fourth order or above, and tidal shoreland. There shall be 2 members from each of the 10 counties.

III. The council shall meet at least 4 times per year.

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

AMENDED ANALYSIS

This bill requires the department of environmental services to establish a shoreland advisory committee.
Amendment adopted.
Committee report adopted and ordered to third reading.

HB 1478-FN, relative to permits for dock designers. **INEXPEDIENT TO LEGISLATE.**
Rep. Jim U. McClammer for Resources, Recreation and Development: The committee believes the concepts in this bill have merit, but that there are problems that need to be worked out. We look forward to having an improved version of this bill submitted next year. Vote 19-0.
Committee report adopted.

HB 1471, requiring the board of home inspectors to adopt rules developing documents relative to home energy audits and energy efficiency for home buyers and relative to continuing education for home inspectors. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Robin P. Read for Science, Technology and Energy: Under this bill the office of energy and planning, in consultation with the board of home inspectors, will develop a document on the benefits of energy efficiency home improvements that home inspectors will provide to their clients with the inspector's home inspection report. The document will be developed through already existing energy efficiency programs administered by New Hampshire's electric utilities. Thus, no increase in funding from any source will be needed to implement this legislation. Vote 13-2.

Amendment (0327h)
Amend the title of the bill by replacing it with the following:
AN ACT requiring the governor's office of energy and planning and the board of home inspectors to develop a document relative to home energy efficiency for home buyers.
Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Home Inspectors; Home Energy Efficiency; Rulemaking. Amend RSA 310-A by inserting after section 188 the following new section:

310-A:188-a Home Energy Efficiency; Rulemaking. The governor's office of energy and planning, in consultation with the board of home inspectors, shall develop a document which shall be provided by home inspectors to their clients who are buyers or prospective buyers of single-family residential dwellings or condominium units. The document shall be provided at the time the home inspector provides the buyer or prospective buyer with the inspector's property inspection report. The document shall include where and how home buyers can

obtain information and materials on energy efficiency that is specific to New Hampshire, and shall be provided through the efficiency programs administered by the electric utilities pursuant to RSA 374-F:4, VIII. Distribution of the document by home inspectors shall begin no later than January 1, 2011. The requirement to distribute the document either in hand or electronically to clients shall be included in rules adopted by the board under RSA 541-A. No additional fees shall be imposed or collected in connection with the development and provision of the document.

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

AMENDED ANALYSIS

This bill requires the governor's office of energy and planning and the board of home inspectors to develop a document relative to home energy efficiency for home buyers and begin distribution no later than January 1, 2011.

Amendment adopted.
Committee report adopted.
Referred to the Committee on Executive Departments and Administration.

HB 1573, relative to the greenhouse gas emissions reduction fund and the renewable energy fund. **REFER FOR INTERIM STUDY.**

Rep. Charles L. Townsend for Science, Technology and Energy: The bill provides for the transfer of funds between the greenhouse gas emissions reduction fund and the renewable energy fund. While this may become a valuable tool in serving the needs for energy efficiency and renewable energy projects, the bill should be studied further before action. Vote 13-0.
Committee report adopted.

HB 1261, relative to motorcycle noise emission controls. **INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer R. Coffey for Transportation: The committee agrees that the bill is over burdensome and creates a penalty for not having an EPA sticker that has an expiration date of one year after application. The sticker is often located under other parts of the motorcycle and could require the removal of parts of the motorcycle to view the EPA sticker. This bill would have a negative impact on business and tourism in the state. Vote 19-0.
On a division vote, 267 members having voted in the affirmative and 28 in the negative, the committee report was adopted.

HB 1498, relative to obscured figures or letters on number plates attached to motor vehicles. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard W. Hinch for Transportation: The present law prohibits knowingly obscuring or permitting to be obscured the figures or letters on any number plate. The committee was unanimous in its belief that we should let the present law stand. RSA 261:61 sets the fine for a violation of this section at $150. Vote 15-0.
Rep. Wendelboe spoke against and yielded to questions.
Rep. Michael O'Brien spoke in favor.
Rep. Kurk spoke against.
On a division vote, 178 members having voted in the affirmative and 130 in the negative, the committee report was adopted.

SPECIAL ORDERED

Without objection, the Speaker ordered the remaining bills on today's Regular Calendar be made Special Orders to the beginning of next week's Regular Calendar and the remaining bills removed from today's Consent Calendar be made Special Orders in their regular place in next week's Consent Calendar.

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, February 17, 2010 at 10:00 a.m.
Adopted.

LATE SESSION

Third reading and final passage

HR 23, memorializing State Representative George N. Katsakiores of Derry.
HB 1281-FN, relative to certain securities laws.
HB 1571, relative to the penalty for failure to file an annual inventory of taxable property.
HB 1462, establishing a shoreland advisory committee.

MOTION TO SUSPEND HOUSE RULES

Reps. Bouchard and Chandler moved that House Rules be so far suspended to allow the deadline for reporting on ***HB 2010,*** relative to the state 10-year transportation improvement program, be extended to March 18, 2010.
Adopted by the necessary two-thirds.

UNANIMOUS CONSENT

Reps. Irwin, DiFruscia and Ryder addressed the House.

MOTION TO PRINT REMARKS

Rep. Andy Peterson moved that the remarks made by Rep. Irwin be printed in the Permanent Journal.
Adopted.

REMARKS BY REPRESENTATIVE IRWIN

Rep. Irwin: Thank you, Madam Speaker. My honorable colleagues, I am a recent, but passionate advocate for heart health. Last February, I talked to you about an experience that my husband had when his heart just up and out of the blue stopped and our lives turned upside down. We were lucky. We were really, really lucky. He got a second chance and he is perfect - so maybe "perfect" overstates the case. No matter what he says, he's really pretty darn good. It forced us to reconsider our priorities and my priority is my husband, David. So, I am resigning my seat effective tomorrow, Thursday. Madam Speaker and my fellow Chairs, you have set a high standard. I've tried to measure up. Thank you for the opportunity. To my committee, each one of you is special to me. I thank you for your good will and your good humor. One of the really good things about working here is the terrific staff people we have. Heather and Gail and Pete and Bill and our very excellent committee researcher, Pam Smarling, who if she is not a national treasure should at least be a state treasure. To you my colleagues, during my four terms here you have taught me a lot. Some of it, frankly, I was just as happy not knowing. I believe in the dignity of this body and the basic goodness and kindness and responsibility of this legislative body and the one thing I have learned that I want to leave with you is if you are still living your first chance, cherish it. If you get a second chance, take it. Take it, because you just never know. Thank you.

RECESS MOTION

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

Adopted.

The House recessed at 5:15 p.m.

RECESS

(Rep. Mary Allen in the Chair)

RESOLUTION

Rep. Meader offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 128 and 305 shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.
Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 128, relative to the community revitalization tax relief incentive, and clarifying the authority of towns to respond appropriately to the American Recovery and Reinvestment Act of 2009 and similar acts. (Municipal and County Government)
SB 305, naming a bridge in Lisbon in honor of Specialist Alan J. Burgess. (Public Works and Highways)

RECESS