

HOUSE RECORD

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

Vol. 32

Concord, N.H.

Thursday, March 11, 2010

No. 24

HOUSE JOURNAL No. 9 (cont.)

Wednesday, March 10, 2010

Rep. Wallner moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 10

Thursday, March 11, 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.

O God, You are our shepherd, there is little we need. You make us lie down in pleasant places, You lead us beside still waters, You restore our souls. You lead us in the right paths for Your name's sake. Even though at times we walk through the darkest of valleys, we fear no evil, for You are with us. Your rod and Your staff and Your love, they comfort us. You prepare a feast for us even as our enemies look on, You anoint us with the oil of blessing and our cups overflow. Surely, goodness and mercy will follow us all the days of our lives and we shall dwell in the house of the Lord our whole lives long. O God, bless this day to our joy, to the needs of the people of New Hampshire and to Your vision for the way You wish this world to look. In Your Holy name, Amen.

Representative Amy Stasia Perkins, member from Seabrook, led the Pledge of Allegiance.

The National Anthem was sung by Doug Cullen of Derry.

LEAVES OF ABSENCE

Reps. Arsenault, Bishop, Clarke, Dumaine, Gidge, Hodges, Hofemann, John Kelley, Lisle, Russell Ober, Rice, Veazey, Carol Williams and Robert Williams, the day, illness.
Reps. Jennifer Brown, Burridge, Carlson, DeJoie, Dokmo, Foster, Garcia, Hagan, Hebert, Jeudy, Levasseur, Moody, Nedeau, Rausch, Rhodes, John Roberts, Rokas, Joseph Russell, Scala, Stella Scamman, W. Douglas Scamman, Stuart, James Sullivan, Tahir and Twombly, the day, important business.

INTRODUCTION OF GUESTS

John Ilves, guest of Rep. Weed. Carol Croteau, Christine Daoust, Carlene and Brianna Hartford, and Mary Michel, guests of Rep. Schlachman. Captain Alexa Quandt, U.S. Air Force, sister of Rep. Quandt. Helen Kennedy, Jerry and James McKenna, guests of Rep. Emerson. Students from McClelland Elementary School in Rochester, guests of the Rochester delegation.

Meghan Burrows and David Paiva, students from Merrimack Valley High School, Pages for the day.

RESOLUTION

Rep. Wallner offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 309, 322, 343, 349, 367, 378, 405, 413, 425, 428, 452, 455, 470, 471, 481, 484, 491, 493 and 499 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 309 FN, relative to exempting the division of fire standards and training and emergency medical services from the definition of private postsecondary career school. (Education)

SB 322, allowing the director of the division of state police to place an employee on administrative leave in extraordinary circumstances. (Executive Departments and Administration)

SB 343 FN, relative to Medicaid managed care. (Health, Human Services and Elderly Affairs)

SB 349 FN-L, relative to the procedures for appraisal of multifamily residential rental property subject to covenants under the low-income housing tax credit program. (Municipal and County Government)

SB 367, relative to games of chance. (Ways and Means)

SB 378, relative to the New Hampshire public works mutual aid program. (Public Works and Highways)

SB 405, relative to grounds for revocation of school bus driver's certificate. (Transportation)

SB 413, relative to obstructions on motor vehicle windows. (Transportation)

SB 425 FN, relative to exemptions to the right-to-know law. (Judiciary)

SB 428, establishing a committee to study dispatch times within the enhanced 911 system. (Executive Departments and Administration)

SB 452 FN, relative to jurisdiction over certain health insurers. (Commerce and Consumer Affairs)

SB 455 FN, relative to New Hampshire HealthFirst. (Commerce and Consumer Affairs)

SB 470 FN, relative to retirement system service credit for employment as a full-time police officer with the university system of New Hampshire. (Executive Departments and Administration)

SB 471 FN, relative to felonious sexual assault and sexual assault. (Judiciary)

SB 481, relative to appropriations for certain turnpike system projects. (Finance)
SB 484, allowing the New Hampshire children's trust fund to become a private not-for-profit entity. (Children and Family Law)
SB 491, relative to in-state preferences on state vendor contracts and criteria for debarment of vendors. (Executive Departments and Administration)
SB 493 FN, relative to the use of best value contracting by state agencies and establishing a best value procurement commission. (Executive Departments and Administration)
SB 499 FN, relative to administration support of certain professional regulatory boards by the department of health and human services. (Executive Departments and Administration)

REGULAR CALENDAR – SPECIAL ORDERS

SPECIAL ORDER

HB 1380-FN, relative to assessing fees by zoning boards of adjustment. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Melissa L. B. Lyons for the Majority of Local and Regulated Revenues: The majority of the committee believes that this legislation is necessary to ensure that applicants before the zoning board of adjustment pay the costs associated with their appeals or applications. Increasingly sophisticated zoning in relation to water, land and environmental regulations has required zoning boards of adjustment to collect fees for expert opinions and independent peer review in a small minority of appeals and applications. These costs have always been charged to applicants by planning boards and zoning boards of adjustment. In the past, there was concern that the fees charged by planning boards and zoning boards of adjustment lacked statutory backing. As a result, legislation was passed in the prior session that statutorily allowed planning boards to impose reasonable fees on applicants. By passing this legislation for planning boards, the legislation explicitly allowed planning boards to collect the fees and appears on its face to explicitly exclude zoning boards of adjustment from collecting the fees. There is now an uncertainty among the ability of zoning boards of adjustment to charge these fees and there has been resistance on behalf of applicants to pay the fees. The refusal to pay incurs further costs to the towns and taxpayers in litigation to collect the fees. Furthermore, the request for fees by zoning boards of adjustment is rare and the refusal to pay by applicants is even rarer, but refusal to pay is increasing as a result of the change in the planning board statute. The majority of the committee is concerned that applicants will increasingly refuse to pay the fees, thereby causing the town to pay for costs that were previously paid for by applicants. The amendment allows the zoning board of adjustment to spend the collected fees for the services without the approval of the local legislative body, which simply mirrors what is done for the planning board in RSA 676:4. Vote 13-4.

Rep. Andrew R. Peterson for the Minority of Local and Regulated Revenues: This bill, which vests zoning boards of adjustment with broad authority to impose costs on applicants for administrative fees, technical reports and review analyst's opinions opens the possibility of requiring citizens to undergo the additional costs associated with a full approval to simply find out whether or not their property can be used for an intended purpose. Simply put, zoning boards have plenty of authority to deny unsuitable applicants now, and do not need this additional power currently reserved solely for planning boards.

CLERK'S NOTE

The majority committee amendment (0148h) was adopted on March 10, 2010.

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

Rep. Gandia spoke in favor.

Rep. Groen requested a roll call; sufficiently seconded.

YEAS 198 NAYS 107

YEAS 198

BELKNAP

Bolster, Peter
Miller, Kate

Fields, Dennis
Pilliod, James

Johnson, William
Reever, Judith

Merry, Liz

CARROLL

Bridgham, Robert
Wiley, Susan

Butler, Edward

McConkey, Mark

Patten, Betsey

CHESHIRE

Allen, Peter
Carr, Daniel
Lindsey, Steven
Sad, Tara

Butcher, Suzanne
Eaton, Daniel
Mitchell, Bonnie
Sterling, Franklin Jr

Butterworth, Timothy
Laurent, John
Parkhurst, Henry
Weber, Lucy

Butynski, William
Lerandeau, Alfred
Richardson, Barbara
Weed, Charles

COOS

Hatch, William
Rappaport, Laurence

Ingersoll, Paul Sr
Theberge, Robert

Mears, Lucy
Thomas, Yvonne

Merrick, Evalyn

GRAFTON

Aguiar, James
Ford, Susan
Laliberte, Suzanne
Pastor, Beatriz
Taylor, Kathleen

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

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

Bulis, Lyle
Ladd, Rick Jr
Nordgren, Sharon
Smith, Suzanne

HILLSBOROUGH

Beauchamp, Roger
Boehm, Ralph
Chandlely, Shannon
Cote, David
Ginsburg, Ruth
Haefner, Robert
Harvey, Suzanne
Knowles, John
LaPlante, Roland
Mack, Ron
O'Brien, Michael Sr
Pellegrino, Tony
Shattuck, Gilman
Vaillancourt, Steve

Beaulieu, Jane
Boisvert, Ronald
Chase, Claudia
Craig, James
Goley, Jeffrey
Hammond, Jill
Hawkins, Ken
Knowles, Mary Ann
Leishman, Peter
Marshall, Seth
O'Neil, James
Rosenwald, Cindy
Soucy, Timothy
Walsh, Robert Jr

Beck, Catriona
Campbell, David
Christensen, Chris
Flurey, Joan
Gorman, Mary
Hardy, Valerie
Hinch, Richard
Kopka, Angeline
Levesque, Melanie
Messier, Irene
Ober, Lynne
Rowe, Robert
Sullivan, Daniel
Winters, Joel

Belvin, William
Caron, June
Clemons, Jane
Gandia, Laura
Hackel, Paul
Harvey, Philip
Jasper, Shawn
Kurk, Neal
Long, Patrick
Movsesian, Lori
Palmer, Stephen
Schulze, Joan
Thompson, Robert

MERRIMACK

Bouchard, Candace
Gile, Mary
Osborne, Jessie
Rodd, Beth

Davis, Frank
Hamm, Christine
Owen, Derek
Schuett, Dianne

Foose, Robert
Kelly, Sally
Porter, Margaret
Shurtleff, Stephen

French, Barbara
Kotowski, Frank
Richardson, Gary
Stetson, William

Tilton, Joy
Watrous, Rick

Tupper, Frank
Webb, Leigh

Wallner, Mary Jane
Wheeler, Deborah

Walz, Mary Beth
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Cali-Pitts, Jacqueline
Day, Judith
Emiro, Frank
Kepner, Susan
Nord, Susi
Read, Robin Jr
Smith, William

Allen, Mary
Casey, Kimberley
Devine, James
Flanders, John Sr
Mann, Maureen
Pantelakos, Laura
Reagan, John
Splaine, James

Borden, David
Crisler, Margaret
DiPentima, Rich
Henson, John
McCarthy, Barbara
Pettersen, Don
Russell, Trink
Webber, Carolyn

Brown, C. Pennington
Cushing, Robert
Elliott, Robert
Katsakiores, Phyllis
Nevins, Chris
Quandt, Matt
Schlachman, Donna
Welch, David

STRAFFORD

Berube, Roger
Grassie, Anne
Kaen, Naida
Perry, Robert
Ryder, Mark
Vachon, Dennis

Brennan, William
Horrigan, Timothy
Keans, Sandra
Rogers, Rose Marie
Schmidt, Peter
Wall, Janet

Brown, Larry
Hubbard, Pamela
Lauterborn, Elaine
Rollo, Deanna
Smith, Marjorie
Ward, Kenneth

Browne, Brendon
Hutz, Sarah
Lewis, Robert
Rous, Emma
Spang, Judith
Watters, David

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
Houde-Quimby,
Charlotte

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

Sweeney, Cynthia

NAYS 107

BELKNAP

Boyce, Laurie
St. Cyr, Jeffrey

Flanders, Donald
Swinford, Elaine

Millham, Alida
Wendelboe, Fran

Russell, David

CARROLL

Ahlgren, Christopher
Knox, J. David

Buco, Thomas
Stevens, Stanley

Chandler, Gene
Umberger, Karen

Fleck, Joseph

CHESHIRE

Emerson, Susan
Robertson, Timothy

Hunt, John

Johnson, Jane

Meador, David

COOS

Remick, William

Richardson, Herbert

Stohl, Eric

GRAFTON

Maybeck, Margie

Ward, Brien

Williams, Burton

HILLSBOROUGH

Baroody, Benjamin
Daniels, Gary

Batula, Peter
Day, Russell

Bergin, Peter
Doherty, Shaun

Cebrowski, John
Emerton, Larry

Gagne, Larry
Hogan, Edith
O'Brien, William
Renzullo, Andrew
Soucy, Connie

Gargas, Carolyn
Holden, Frank
Pepino, Leo
Ryder, Donald
Spaulding, Jayne

Graham, John
L'Heureux, Robert
Pratt, Calvin
Seidel, Carl
Villeneuve, Moe

Hikel, John
Mead, Robert
Price, Pamela
Silva, Peter
Willette, Robert

MERRIMACK

Anderson, Eric
Hess, David
Reed, Dennis

Blankenbeker, Lynne
Lockwood, Priscilla
Smith, Todd

Brown, Carole
McGuire, Carol

Coffey, Jennifer
Palfrey, David

ROCKINGHAM

Bailey, Clinton
Bettencourt, David
Comerford, Timothy
Garrity, James
Hoelzel, Kathleen
Kappler, L. Mike
McKinney, Betsy
Priestley, Anne
Stiles, Nancy
Weyler, Kenneth

Baldasaro, Alfred
Bridle, Russell
Dowling, Patricia
Gould, Kenneth
Ingram, Russell
Kolodziej, Walter
McMahon, Charles
Sanders, Elisabeth
Tucker, Pamela

Bates, David
Case, Frank
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Major, Norman
Perkins, Amy
Sapareto, Frank
Weare, Everett

Belanger, Ronald
Charron, Gene
Fesh, Robert
Headd, James
Itse, Daniel
McEachern, Paul
Perkins, Lawrence
Sedensky, John
Wells, Roger

STRAFFORD

Cyr, James

Groen, Warren

Sprague, Dale

Vita, Carol

SULLIVAN

Cunningham, Steven Osgood, Joe Rodeschin, Beverly
and the majority committee report was adopted.
Ordered to third reading.

SPECIAL ORDER

HB 1445-FN-A-L, eliminating the meals and rooms tax on campsites. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John D. Kelley for the Majority of Ways and Means: The rooms and meals tax is on meals and the rental of cars, hotel rooms, cabins, etc., including the rental of land and facilities in a campground. Basic tent sites with no facilities pay little tax. The more facilities the higher the tax. Campers from neighboring states which charge sales and varying local taxes are surprised that New Hampshire did not have a tax. They do not have a problem paying it. Campground owners testified that weather and the economy are what is primarily affecting current revenue from campgrounds as well as the tax. We cannot give up any revenue at this point. Vote 10-9.

Rep. David J. Bettencourt for the Minority of Ways and Means: From its conception, this new tax has generated considerable upheaval. The tax was unjustly adopted last session, without a public hearing, during the wee hours of the morning at the deadline of the budget committee of conference process. It represented the largest tax hike in the country as the tax went from zero percent to nine percent. At its core this tax causes significantly more problems that it purports to solve. During these economic difficulties, campsites barely have enough money to get through the season. At best a tax increase of this magnitude puts them at a competitive disadvantage; at worst it could put many campgrounds out of business. Additionally, this tax affects working people who cannot afford to go on expensive vacations so instead bring their families camping. Nothing can hide the fact that New Hampshire

citizens of modest means will unfortunately be digging deeper into their already empty wallets because of this tax. In the end, the minority believes that it is wrong to subject campers to the rooms and meals tax when they supply both their own rooms and meals, which essentially means we are taxing our citizens to sleep on the ground at our campsites.

The question being adoption of the majority committee report of Inexpedient to Legislate.
Rep. Herbert Richardson spoke against.
Rep. Walsh spoke in favor.

MOTION TO LAY ON THE TABLE

Rep. Marjorie Smith moved that ***HB 1445-FN-A-L***, eliminating the meals and rooms tax on campsites, be laid on the table.
Rep. Hess requested a roll call; sufficiently seconded.

YEAS 153 NAYS 171

YEAS 153

BELKNAP

Johnson, William	Merry, Liz	Miller, Kate	Reever, Judith
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CARROLL

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

Allen, Peter	Butcher, Suzanne	Butterworth, Timothy	Butynski, William
Carr, Daniel	Eaton, Daniel	Lerandean, Alfred	Meador, David
Mitchell, Bonnie	Parkhurst, Henry	Richardson, Barbara	Robertson, Timothy
Sad, Tara	Weber, Lucy	Weed, Charles	

COOS

Hatch, William	Merrick, Evalyn
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GRAFTON

Aguir, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Ford, Susan	Friedrich, Carol	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	Beck, Catriona	Campbell, David	Caron, June
Chandley, Shannon	Chase, Claudia	Clemons, Jane	Cote, David
Craig, James	Flurey, Joan	Garrity, Patrick	Ginsburg, Ruth
Goley, Jeffrey	Hackel, Paul	Haley, Robert	Hammond, Jill
Hardy, Valerie	Harvey, Philip	Harvey, Suzanne	Knowles, John
Knowles, Mary Ann	Kopka, Angeline	LaPlante, Roland	Leishman, Peter
Levesque, Melanie	Long, Patrick	Mack, Ron	Marshall, Seth
Matarazzo, Anthony Sr	Movsesian, Lori	O'Brien, Michael Sr	O'Neil, James
Rosenwald, Cindy	Schulze, Joan	Shattuck, Gilman	Shaw, Barbara

Soucy, Timothy

Thompson, Robert

Walsh, Robert Jr

MERRIMACK

Bouchard, Candace
Gile, Mary
Porter, Margaret
Shurtleff, Stephen
Walz, Mary Beth
Yeaton, Charles

Davis, Frank
Hamm, Christine
Richardson, Gary
Stetson, William
Watrous, Rick

Foose, Robert
Kelly, Sally
Rodd, Beth
Tilton, Joy
Webb, Leigh

French, Barbara
Owen, Derek
Schuett, Dianne
Wallner, Mary Jane
Wheeler, Deborah

ROCKINGHAM

Borden, David
Cushing, Robert
Henson, John
McEachern, Paul
Read, Robin Jr
Webber, Carolyn

Brown, C. Pennington
Day, Judith
Kepner, Susan
Nord, Susi
Russell, Trinka

Cali-Pitts, Jacqueline
DiPentima, Rich
Mann, Maureen
Pantelakos, Laura
Schlachman, Donna

Casey, Kimberley
Gould, Kenneth
McCarthy, Barbara
Petterson, Don
Splaine, James

STRAFFORD

Berube, Roger
Grassie, Anne
Kaen, Naida
Perry, Robert
Ryder, Mark
Vachon, Dennis

Brown, Larry
Horrigan, Timothy
Keans, Sandra
Rogers, Rose Marie
Schmidt, Peter
Wall, Janet

Browne, Brendon
Hubbard, Pamela
Lauterborn, Elaine
Rollo, Deanna
Smith, Marjorie
Ward, Kenneth

Burke, Rachel
Hutz, Sarah
Lewis, Robert
Rous, Emma
Spang, Judith
Watters, David

SULLIVAN

Cloutier, John

Skinder, Carla

Donovan, Thomas Jr

Gottling, Suzanne

Houde-Quimby,
Charlotte

NAYS 171

BELKNAP

Bolster, Peter
Millham, Alida
Swinford, Elaine

Boyce, Laurie
Pilliod, James
Wendelboe, Fran

Fields, Dennis
Russell, David

Flanders, Donald
St. Cyr, Jeffrey

CARROLL

Ahlgren, Christopher
McConkey, Mark

Chandler, Gene
Patten, Betsey

Fleck, Joseph
Stevens, Stanley

Knox, J. David
Umberger, Karen

CHESHIRE

Emerson, Susan
Lindsey, Steven

Hunt, John
Roberts, Kris

Johnson, Jane
Sterling, Franklin Jr

Laurent, John

COOS

Ingersoll, Paul Sr
Richardson, Herbert

Mears, Lucy
Stohl, Eric

Rappaport, Laurence
Theberge, Robert

Remick, William
Thomas, Yvonne

GRAFTON

Bulis, Lyle
Maybeck, Margie

Gould, Franklin
Ward, Brien

Ingbretson, Paul
Williams, Burton

Ladd, Rick Jr

HILLSBOROUGH

Batula, Peter
Bergin, Peter
Christensen, Chris
Emerton, Larry
Gorman, Mary
Hikel, John
Holden, Frank
Jasper, Shawn
Mead, Robert
Palmer, Stephen
Pratt, Calvin
Ryder, Donald
Spaulding, Jayne
Villeneuve, Moe

Beauchamp, Roger
Boehm, Ralph
Daniels, Gary
Gagne, Larry
Graham, John
Hinch, Richard
Holden, Rip
Kurk, Neal
Messier, Irene
Pellegrino, Tony
Price, Pamela
Seidel, Carl
Sullivan, Daniel
Willette, Robert

Beaulieu, Jane
Boisvert, Ronald
Day, Russell
Gandia, Laura
Haefner, Robert
Hinkle, Peyton
Hopper, Gary
L'Heureux, Robert
O'Brien, William
Pepino, Leo
Renzullo, Andrew
Silva, Peter
Ulery, Jordan
Winters, Joel

Belvin, William
Cebrowski, John
Doherty, Shaun
Gargasz, Carolyn
Hawkins, Ken
Hogan, Edith
Infantine, William
McCarthy, Michael
Ober, Lynne
Peterson, Andrew
Rowe, Robert
Soucy, Connie
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
Hess, David
Osborne, Jessie
Tupper, Frank

Blankenbeker, Lynne
Kotowski, Frank
Palfrey, David

Brown, Carole
Lockwood, Priscilla
Reed, Dennis

Coffey, Jennifer
McGuire, Carol
Smith, Todd

ROCKINGHAM

Allen, Mary
Belanger, Ronald
Charron, Gene
Dowling, Patricia
Fesh, Robert
Headd, James
Itse, Daniel
Major, Norman
Packard, Sherman
Quandt, Matt
Sedensky, John
Weare, Everett

Bailey, Clinton
Bettencourt, David
Comerford, Timothy
Elliott, Robert
Flanders, John Sr
Hoelzel, Kathleen
Kappler, L. Mike
McKinney, Betsy
Perkins, Amy
Reagan, John
Smith, William
Welch, David

Baldasaro, Alfred
Bridle, Russell
Crisler, Margaret
Emiro, Frank
Garritty, James
Ingram, Russell
Katsakiores, Phyllis
McMahon, Charles
Perkins, Lawrence
Sanders, Elisabeth
Stiles, Nancy
Wells, Roger

Bates, David
Case, Frank
Devine, James
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Nevins, Chris
Priestley, Anne
Sapareto, Frank
Tucker, Pamela
Weyler, Kenneth

STRAFFORD

Bickford, David
Groen, Warren

Brennan, William
Price, Susan

Brown, Julie
Sprague, Dale

Cyr, James
Vita, Carol

SULLIVAN

Cunningham, Steven
Osgood, Joe
and the motion failed.

Gagnon, Raymond
Rodeschin, Beverly

Harris, Sandra
Sweeney, Cynthia

McClammer, Jim

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

Reps. Infantine and Vaillancourt spoke against.

Rep. Almy spoke in favor and yielded to questions.
Rep. Sapareto requested a roll call; sufficiently seconded.

YEAS 145 NAYS 181

YEAS 145

BELKNAP

Johnson, William Reeve, Judith

CARROLL

Bridgham, Robert Bucu, Thomas Butler, Edward

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butterworth, Timothy	Butynski, William
Carr, Daniel	Eaton, Daniel	Lerandean, Alfred	Meador, David
Mitchell, Bonnie	Richardson, Barbara	Robertson, Timothy	Sad, Tara
Weber, Lucy	Weed, Charles		

COOS

Hatch, William

GRAFTON

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

HILLSBOROUGH

Baroody, Benjamin	Beck, Catriona	Campbell, David	Caron, June
Chandley, Shannon	Chase, Claudia	Cote, David	Craig, James
Farley, Michael	Flurey, Joan	Ginsburg, Ruth	Goley, Jeffrey
Hackel, Paul	Haley, Robert	Hammond, Jill	Hardy, Valerie
Harvey, Philip	Harvey, Suzanne	Knowles, John	Knowles, Mary Ann
Kopka, Angeline	LaPlante, Roland	Leishman, Peter	Levesque, Melanie
Marshall, Seth	Matarazzo, Anthony Sr	Movsesian, Lori	Nixon, David
O'Brien, Michael Sr	O'Neil, James	Pilotte, Maurice	Rosenwald, Cindy
Schulze, Joan	Shattuck, Gilman	Soucy, Timothy	Thompson, Robert
Walsh, Robert Jr			

MERRIMACK

Bouchard, Candace	Davis, Frank	Foose, Robert	French, Barbara
Gile, Mary	Hamm, Christine	Kelly, Sally	McMahon, Patricia
Owen, Derek	Porter, Margaret	Richardson, Gary	Rodd, Beth
Schuett, Dianne	Shurtleff, Stephen	Stetson, William	Wallner, Mary Jane
Walz, Mary Beth	Watrous, Rick	Webb, Leigh	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis Brown, C. Pennington Cali-Pitts, Jacqueline Casey, Kimberley

Cushing, Robert
Henson, John
McEachern, Paul
Read, Robin Jr
Webber, Carolyn

Day, Judith
Kepner, Susan
Nord, Susi
Russell, Trinka

DiPentima, Rich
Mann, Maureen
Pantelakos, Laura
Schlachman, Donna

Gould, Kenneth
McCarthy, Barbara
Pettersen, Don
Splaine, James

STRAFFORD

Berube, Roger
Grassie, Anne
Kaen, Naida
Perry, Robert
Ryder, Mark
Vachon, Dennis

Brown, Larry
Horrigan, Timothy
Keans, Sandra
Rogers, Rose Marie
Schmidt, Peter
Wall, Janet

Browne, Brendon
Hubbard, Pamela
Lauterborn, Elaine
Rollo, Deanna
Smith, Marjorie
Ward, Kenneth

Burke, Rachel
Hutz, Sarah
Lewis, Robert
Rous, Emma
Spang, Judith

SULLIVAN

Cloutier, John

Donovan, Thomas Jr

Gottling, Suzanne

Houde-Quimby,
Charlotte

McClammer, Jim

Skinder, Carla

Sweeney, Cynthia

NAYS 181

BELKNAP

Bolster, Peter
Merry, Liz
Russell, David

Boyce, Laurie
Miller, Kate
St. Cyr, Jeffrey

Fields, Dennis
Millham, Alida
Swinford, Elaine

Flanders, Donald
Pilliod, James
Wendelboe, Fran

CARROLL

Ahlgren, Christopher
McConkey, Mark
Wiley, Susan

Chandler, Gene
Patten, Betsey

Fleck, Joseph
Stevens, Stanley

Knox, J. David
Umberger, Karen

CHESHIRE

Emerson, Susan
Lindsey, Steven

Hunt, John
Parkhurst, Henry

Johnson, Jane
Roberts, Kris

Laurent, John
Sterling, Franklin Jr

COOS

Ingersoll, Paul Sr
Remick, William
Thomas, Yvonne

Mears, Lucy
Richardson, Herbert

Merrick, Evalyn
Stohl, Eric

Rappaport, Laurence
Theberge, Robert

GRAFTON

Bulis, Lyle
Maybeck, Margie

Gould, Franklin
Taylor, Kathleen

Ingbretson, Paul
Williams, Burton

Ladd, Rick Jr

HILLSBOROUGH

Batula, Peter
Bergin, Peter
Christensen, Chris
Emerton, Larry
Gorman, Mary
Hikel, John

Beauchamp, Roger
Boehm, Ralph
Daniels, Gary
Gagne, Larry
Graham, John
Hinch, Richard

Beaulieu, Jane
Boisvert, Ronald
Day, Russell
Gandia, Laura
Haefner, Robert
Hinkle, Peyton

Belvin, William
Cebrowski, John
Doherty, Shaun
Gargas, Carolyn
Hawkins, Ken
Hogan, Edith

Holden, Frank
Jasper, Shawn
McCarthy, Michael
Ober, Lynne
Peterson, Andrew
Rowe, Robert
Silva, Peter
Ulery, Jordan
Winters, Joel

Holden, Rip
Kurk, Neal
Mead, Robert
Palmer, Stephen
Pratt, Calvin
Ryder, Donald
Soucy, Connie
Vaillancourt, Steve

Hopper, Gary
L'Heureux, Robert
Messier, Irene
Pellegrino, Tony
Price, Pamela
Seidel, Carl
Spaulding, Jayne
Villeneuve, Moe

Infantine, William
Long, Patrick
O'Brien, William
Pepino, Leo
Renzullo, Andrew
Shaw, Barbara
Sullivan, Daniel
Willette, Robert

MERRIMACK

Anderson, Eric
DeStefano, Stephen
McGuire, Carol
Smith, Todd

Blankenbeker, Lynne
Hess, David
Osborne, Jessie
Tilton, Joy

Brown, Carole
Kotowski, Frank
Palfrey, David
Tupper, Frank

Coffey, Jennifer
Lockwood, Priscilla
Reed, Dennis
Wheeler, Deborah

ROCKINGHAM

Allen, Mary
Belanger, Ronald
Case, Frank
Devine, James
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Nevins, Chris
Priestley, Anne
Sapareto, Frank
Tucker, Pamela
Weyler, Kenneth

Bailey, Clinton
Bettencourt, David
Charron, Gene
Dowling, Patricia
Fesh, Robert
Headd, James
Itse, Daniel
Major, Norman
Packard, Sherman
Quandt, Matt
Sedensky, John
Weare, Everett

Baldasaro, Alfred
Borden, David
Comerford, Timothy
Elliott, Robert
Flanders, John Sr
Hoelzel, Kathleen
Kappler, L. Mike
McKinney, Betsy
Perkins, Amy
Reagan, John
Smith, William
Welch, David

Bates, David
Bridle, Russell
Crisler, Margaret
Emiro, Frank
Garritty, James
Ingram, Russell
Katsakiores, Phyllis
McMahon, Charles
Perkins, Lawrence
Sanders, Elisabeth
Stiles, Nancy
Wells, Roger

STRAFFORD

Bickford, David
Groen, Warren
Watters, David

Brennan, William
Price, Susan

Brown, Julie
Sprague, Dale

Cyr, James
Vita, Carol

SULLIVAN

Cunningham, Steven
Rodeschin, Beverly
and the majority committee report failed.

Gagnon, Raymond

Harris, Sandra

Osgood, Joe

Rep. Packard moved Ought to Pass.

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

YEAS 202 NAYS 125

YEAS 202

BELKNAP

Bolster, Peter
Merry, Liz
Russell, David

Boyce, Laurie
Miller, Kate
St. Cyr, Jeffrey

Fields, Dennis
Millham, Alida
Swinford, Elaine

Flanders, Donald
Pilliod, James
Wendelboe, Fran

CARROLL

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

CHESHIRE

Butynski, William	Carr, Daniel	Emerson, Susan	Hunt, John
Johnson, Jane	Laurent, John	Lindsey, Steven	Meador, David
Parkhurst, Henry	Roberts, Kris	Sterling, Franklin Jr	

COOS

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

GRAFTON

Bulis, Lyle	Gould, Franklin	Ingbretson, Paul	Ladd, Rick Jr
Matheson, Robert	Maybeck, Margie	Taylor, Kathleen	Ward, Brien
Williams, Burton			

HILLSBOROUGH

Batula, Peter	Beauchamp, Roger	Beaulieu, Jane	Belvin, William
Bergin, Peter	Boehm, Ralph	Boisvert, Ronald	Campbell, David
Cebrowski, John	Christensen, Chris	Craig, James	Daniels, Gary
Day, Russell	Doherty, Shaun	Emerton, Larry	Gagne, Larry
Gandia, Laura	Gargasz, Carolyn	Goley, Jeffrey	Gorman, Mary
Graham, John	Haefner, Robert	Haley, Robert	Hawkins, Ken
Hikel, John	Hinch, Richard	Hinkle, Peyton	Hogan, Edith
Holden, Frank	Holden, Rip	Hopper, Gary	Infantine, William
Jasper, Shawn	Kurk, Neal	L'Heureux, Robert	Long, Patrick
Matarazzo, Anthony Sr	McCarthy, Michael	Mead, Robert	Messier, Irene
O'Brien, William	O'Neil, James	Ober, Lynne	Palmer, Stephen
Pellegrino, Tony	Pepino, Leo	Peterson, Andrew	Pratt, Calvin
Price, Pamela	Renzullo, Andrew	Rowe, Robert	Ryder, Donald
Seidel, Carl	Shaw, Barbara	Silva, Peter	Soucy, Connie
Spaulding, Jayne	Sullivan, Daniel	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Moe	Willette, Robert	Winters, Joel	

MERRIMACK

Anderson, Eric	Blankenbeker, Lynne	Brown, Carole	Coffey, Jennifer
DeStefano, Stephen	Hamm, Christine	Hess, David	Kotowski, Frank
Lockwood, Priscilla	McGuire, Carol	Osborne, Jessie	Owen, Derek
Palfrey, David	Reed, Dennis	Rodd, Beth	Smith, Todd
Tilton, Joy	Tupper, Frank	Wheeler, Deborah	

ROCKINGHAM

Allen, Mary	Bailey, Clinton	Baldasaro, Alfred	Bates, David
Belanger, Ronald	Bettencourt, David	Borden, David	Bridle, Russell
Cali-Pitts, Jacqueline	Case, Frank	Casey, Kimberley	Charron, Gene
Comerford, Timothy	Crisler, Margaret	Devine, James	Dowling, Patricia
Elliott, Robert	Emiro, Frank	Ferrante, Beverly	Fesh, Robert

Flanders, John Sr
Hoelzel, Kathleen
Kappler, L. Mike
McKinney, Betsy
Packard, Sherman
Quandt, Matt
Sedensky, John
Weare, Everett

Garrity, James
Ingram, Russell
Katsakiores, Phyllis
McMahon, Charles
Perkins, Amy
Reagan, John
Smith, William
Welch, David

Griffin, Mary
Introne, Robert
Kolodziej, Walter
Nevins, Chris
Perkins, Lawrence
Sanders, Elisabeth
Stiles, Nancy
Wells, Roger

Headd, James
Itse, Daniel
Major, Norman
Nord, Susi
Priestley, Anne
Sapareto, Frank
Tucker, Pamela
Weyler, Kenneth

STRAFFORD

Berube, Roger
Cyr, James
Vita, Carol

Bickford, David
Groen, Warren
Watters, David

Brennan, William
Price, Susan

Brown, Julie
Sprague, Dale

SULLIVAN

Cunningham, Steven
Osgood, Joe

Gagnon, Raymond
Rodeschin, Beverly

Harris, Sandra

McClammer, Jim

NAYS 125

BELKNAP

Johnson, William

Reever, Judith

CARROLL

Bridgham, Robert

Butler, Edward

CHESHIRE

Allen, Peter
Lerandeau, Alfred
Sad, Tara

Butcher, Suzanne
Mitchell, Bonnie
Weber, Lucy

Butterworth, Timothy
Richardson, Barbara
Weed, Charles

Eaton, Daniel
Robertson, Timothy

COOS

None

GRAFTON

Aguiar, James
Ford, Susan
Mulholland, Catherine
Preston, Philip

Almy, Susan
Friedrich, Carol
Nordgren, Sharon
Smith, Suzanne

Benn, Bernard
Harding, Laurie
Pastor, Beatriz
Townsend, Charles

Cooney, Mary
Laliberte, Suzanne
Pierce, David
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Chase, Claudia
Ginsburg, Ruth
Harvey, Philip
Kopka, Angeline
Marshall, Seth
Pilotte, Maurice
Soucy, Timothy

Beck, Catriona
Cote, David
Hackel, Paul
Harvey, Suzanne
LaPlante, Roland
Movsesian, Lori
Rosenwald, Cindy
Thompson, Robert

Caron, June
Farley, Michael
Hammond, Jill
Knowles, John
Leishman, Peter
Nixon, David
Schulze, Joan
Walsh, Robert Jr

Chandley, Shannon
Flurey, Joan
Hardy, Valerie
Knowles, Mary Ann
Levesque, Melanie
O'Brien, Michael Sr
Shattuck, Gilman

MERRIMACK

Bouchard, Candace	Davis, Frank	Foose, Robert	French, Barbara
Gile, Mary	Kelly, Sally	McMahon, Patricia	Porter, Margaret
Richardson, Gary	Schuett, Dianne	Shurtleff, Stephen	Stetson, William
Wallner, Mary Jane	Walz, Mary Beth	Watrous, Rick	Webb, Leigh
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Brown, C. Pennington	Cushing, Robert	Day, Judith
DiPentima, Rich	Gould, Kenneth	Henson, John	Kepner, Susan
Mann, Maureen	McCarthy, Barbara	McEachern, Paul	Pantelakos, Laura
Petterson, Don	Read, Robin Jr	Russell, Trink	Schlachman, Donna
Splaine, James	Webber, Carolyn		

STRAFFORD

Brown, Larry	Browne, Brendon	Burke, Rachel	Grassie, Anne
Horrigan, Timothy	Hubbard, Pamela	Hutz, Sarah	Kaen, Naida
Keans, Sandra	Lauterborn, Elaine	Lewis, Robert	Perry, Robert
Rogers, Rose Marie	Rollo, Deanna	Rous, Emma	Ryder, Mark
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Vachon, Dennis
Wall, Janet	Ward, Kenneth		

SULLIVAN

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

and the motion was adopted.
Ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Packard moved that the House reconsider its action whereby it adopted the minority committee report of Ought to Pass on ***HB 1445-FN-A-L***, eliminating the meals and rooms tax on campsites.

Rep. Packard spoke against.

On a division vote, 112 members having voted in the affirmative and 215 in the negative, the motion failed.

REGULAR CALENDAR – SPECIAL ORDERS (CONT'D)

HB 1555, adding an exemption from immunization for conscientious beliefs. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Rich T. DiPentima for the Majority of Health, Human Services and Elderly Affairs: This bill would create a “conscientious” exemption that a parent or student could choose in order to opt out of the childhood immunization program required to enroll in school or childcare. This new exemption would be in addition to the current medical and religious belief exemptions. The committee heard testimony from members of the public who believe that the exemption form, developed by the commissioner of health and human services under rulemaking authority, requires a parent who opts out on religious grounds to reject all immunizations for a child. However, the language of the form does not require a parent to reject all immunizations. The director of the public health division has stated that there are families who selectively reject certain vaccines and that some families opt for a slower administration schedule than recommended prior to school or childcare entry. In addition to

finding this bill unnecessary to allow for selective opt-out or slower rate of administration, the majority is concerned about the lack of definition of “conscientious beliefs.” The majority believes that selective rejection of immunization or slower rate of administration are decisions that should be made by parents on an informed basis, following discussion with their child’s physician, and that current law provides for this. Notwithstanding the provisions of current law that allow parents to have the final say, the majority strongly believes that New Hampshire’s childhood immunization program is a critical element of our public health strategy and an essential component of a healthy population. Communicable diseases for which there are safe, effective vaccines have not gone away; outbreaks of these diseases are only greatly reduced, thanks to immunizations. Outbreaks do still occur and can lead to serious lifelong health problems for children. New Hampshire has one of the highest childhood vaccination rates in the country, yet only four out of five children in New Hampshire are fully immunized. The majority believes that parents have the necessary opportunities to reject immunization for their children but that it would be poor public policy to expand those opportunities. Vote 12-7.

Rep. John W. Cebrowski for the Minority of Health, Human Services and Elderly Affairs: This bill is about a parent’s right to choose what happens to their child. It is a freedom issue, giving concerned parents the right to make a thoughtful decision. No vaccine should be forced. Currently, the exemptions available to New Hampshire’s citizens are medical and religious in nature. Our neighbors, Vermont and Maine, are among 18 states which allow philosophic / conscientious exemptions. The current religious exemption often serves as a “cover,” as a convenient “lie.” This bill will eliminate the lying, and it may stop some parents from changing doctors when the doctors aren’t sensitive to their wishes. This is not a blanket exemption, but, rather, gives a concerned parent on a case by case basis the option of choosing not to accept a particular vaccination at a particular time. Today’s parents are very thoughtful, educated, discerning consumers because they are exposed to an abundance of information about many health topics. There is always an element of risk, and not all vaccines are perfect, so parents are rightfully cautious and concerned—and they are aware of possible consequences.

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

Reps. Cebrowski and Wiley spoke against and yielded to questions.

Rep. Schmidt requested a quorum call.

The Speaker asked the Sgt.-at-Arms to escort members to take their seats.

The Speaker declared a quorum present.

Reps. Merrick and Pilliod spoke in favor.

Reps. McConkey and Winters spoke against.

Rep. DiPentima spoke in favor and yielded to questions.

Rep. Merrick requested a roll call; sufficiently seconded.

YEAS 201 NAYS 137

YEAS 201

BELKNAP

Bolster, Peter
Millham, Alida

Johnson, William
Pilliod, James

Merry, Liz
Reever, Judith

Miller, Kate

CARROLL

Bridgham, Robert

Buco, Thomas

Butler, Edward

Knox, J. David

CHESHIRE

Allen, Peter
Carr, Daniel
Meador, David
Sad, Tara

Butcher, Suzanne
Eaton, Daniel
Mitchell, Bonnie
Weber, Lucy

Butterworth, Timothy
Lerandeau, Alfred
Parkhurst, Henry
Weed, Charles

Butynski, William
Lindsey, Steven
Robertson, Timothy

COOS

Hatch, William
Remick, William

Ingersoll, Paul Sr
Theberge, Robert

Mears, Lucy
Thomas, Yvonne

Merrick, Evalyn

GRAFTON

Aguiar, James
Cooney, Mary
Harding, Laurie
Nordgren, Sharon
Taylor, Kathleen

Almy, Susan
Ford, Susan
Ladd, Rick Jr
Pastor, Beatriz
Townsend, Charles

Benn, Bernard
Friedrich, Carol
Laliberte, Suzanne
Pierce, David
White, Andrew

Bulis, Lyle
Gould, Franklin
Matheson, Robert
Preston, Philip
Williams, Burton

HILLSBOROUGH

Baroody, Benjamin
Beck, Catriona
Caron, June
Cote, David
Farley, Michael
Ginsburg, Ruth
Haley, Robert
Harvey, Suzanne
Knowles, Mary Ann
Levesque, Melanie

Batula, Peter
Bergin, Peter
Chandley, Shannon
Craig, James
Flurey, Joan
Goley, Jeffrey
Hammond, Jill
Holden, Frank
Kopka, Angeline
Long, Patrick

Beauchamp, Roger
Boisvert, Ronald
Chininis, Alexis
Day, Russell
Gargasz, Carolyn
Gorman, Mary
Hardy, Valerie
Jasper, Shawn
LaPlante, Roland
Marshall, Seth

Beaulieu, Jane
Campbell, David
Clemons, Jane
Emerton, Larry
Garritty, Patrick
Hackel, Paul
Harvey, Philip
Knowles, John
Leishman, Peter
Matarazzo, Anthony
Sr
O'Brien, Michael Sr
Price, Pamela
Shattuck, Gilman
Sullivan, Daniel

Messier, Irene
O'Neil, James
Ramsey, Peter
Shaw, Barbara
Thompson, Robert

Movsesian, Lori
Peterson, Andrew
Rosenwald, Cindy
Shaw, Kimberly
Walsh, Robert Jr

Nixon, David
Pilotte, Maurice
Schulze, Joan
Soucy, Timothy

MERRIMACK

Bouchard, Candace
Foose, Robert
Kidder, David
Palfrey, David
Rodd, Beth
Tupper, Frank
Webb, Leigh

Brown, Carole
Gile, Mary
McMahon, Patricia
Porter, Margaret
Schuett, Dianne
Wallner, Mary Jane
Yeaton, Charles

Davis, Frank
Hamm, Christine
Osborne, Jessie
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

DeStefano, Stephen
Kelly, Sally
Owen, Derek
Richardson, Gary
Stetson, William
Watrous, Rick

ROCKINGHAM

Abbott, Dennis
Cali-Pitts, Jacqueline
Cushing, Robert
Fesh, Robert
Mann, Maureen
Pantelakos, Laura
Schlachman, Donna

Borden, David
Case, Frank
Day, Judith
Gould, Kenneth
McCarthy, Barbara
Petterson, Don
Splaine, James

Bridle, Russell
Casey, Kimberley
DiFruscia, Anthony
Henson, John
McEachern, Paul
Read, Robin Jr
Webber, Carolyn

Brown, C. Pennington
Crisler, Margaret
DiPentima, Rich
Kepner, Susan
Nord, Susi
Russell, Trinkia

STRAFFORD

Berube, Roger
Brown, Larry
Grassie, Anne
Keans, Sandra
Price, Susan
Ryder, Mark
Vachon, Dennis

Bickford, David
Browne, Brendon
Hubbard, Pamela
Lauterborn, Elaine
Rogers, Rose Marie
Schmidt, Peter
Wall, Janet

Brennan, William
Burke, Rachel
Hutz, Sarah
Lewis, Robert
Rollo, Deanna
Smith, Marjorie
Ward, Kenneth

Brown, Julie
Cyr, James
Kaen, Naida
Perry, Robert
Rous, Emma
Spang, Judith
Watters, David

SULLIVAN

Cloutier, John
Harris, Sandra

Sweeney, Cynthia

Donovan, Thomas Jr
Houde-Quimby,
Charlotte

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

NAYS 137

BELKNAP

Boyce, Laurie
St. Cyr, Jeffrey

Fields, Dennis
Swinford, Elaine

Flanders, Donald
Wendelboe, Fran

Russell, David

CARROLL

Ahlgren, Christopher
Patten, Betsey

Chandler, Gene
Stevens, Stanley

Fleck, Joseph
Umberger, Karen

McConkey, Mark
Wiley, Susan

CHESHIRE

Emerson, Susan
Richardson, Barbara

Hunt, John
Roberts, Kris

Johnson, Jane
Sterling, Franklin Jr

Laurent, John

COOS

Rappaport, Laurence

Richardson, Herbert

Stohl, Eric

GRAFTON

Gionet, Edmond
Smith, Suzanne

Ingbretson, Paul
Ward, Brien

Maybeck, Margie

Mulholland, Catherine

HILLSBOROUGH

Belvin, William
Christensen, Chris
Gagne, Larry
Hawkins, Ken
Hogan, Edith
Kurk, Neal
O'Brien, William
Pepino, Leo
Ryder, Donald
Ulery, Jordan
Winters, Joel

Boehm, Ralph
Christiansen, Lars
Gandia, Laura
Hikel, John
Holden, Rip
L'Heureux, Robert
Ober, Lynne
Pratt, Calvin
Seidel, Carl
Vaillancourt, Steve

Cebrowski, John
Daniels, Gary
Graham, John
Hinch, Richard
Hopper, Gary
McCarthy, Michael
Palmer, Stephen
Renzullo, Andrew
Silva, Peter
Villeneuve, Moe

Chase, Claudia
Doherty, Shaun
Haefner, Robert
Hinkle, Peyton
Infantine, William
Mead, Robert
Pellegrino, Tony
Rowe, Robert
Spaulding, Jayne
Willette, Robert

MERRIMACK

Anderson, Eric
Hess, David
Reed, Dennis

Blankenbaker, Lynne
Kotowski, Frank
Smith, Todd

Coffey, Jennifer
Lockwood, Priscilla
Tilton, Joy

French, Barbara
McGuire, Carol
Wheeler, Deborah

ROCKINGHAM

Allen, Mary
Belanger, Ronald
DeSimone, Debra
Emiro, Frank
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Nevins, Chris
Priestley, Anne
Sapareto, Frank
Tucker, Pamela
Weyler, Kenneth

Bailey, Clinton
Bettencourt, David
Devine, James
Ferrante, Beverly
Headd, James
Itse, Daniel
Major, Norman
Packard, Sherman
Quandt, Matt
Sedensky, John
Weare, Everett

Baldasaro, Alfred
Charron, Gene
Dowling, Patricia
Flanders, John Sr
Hoelzel, Kathleen
Kappler, L. Mike
McKinney, Betsy
Perkins, Amy
Reagan, John
Smith, William
Welch, David

Bates, David
Comerford, Timothy
Elliott, Robert
Garritty, James
Ingram, Russell
Katsakiores, Phyllis
McMahon, Charles
Perkins, Lawrence
Sanders, Elisabeth
Stiles, Nancy
Wells, Roger

STRAFFORD

Groen, Warren

Horrigan, Timothy

Sprague, Dale

Vita, Carol

SULLIVAN

Cunningham, Steven
and the majority committee report was adopted.

Howard, Thomas

Osgood, Joe

Rodeschin, Beverly

SPECIAL ORDERED

Reps. Eaton and Hess moved that ***HB 1607-FN-A***, relative to the reasonable compensation deduction under the business profits tax and ***HB 1661-FN-A***, making distributions from limited liability companies, partnerships, and associations subject to the interest and dividends tax only if they have transferable shares, be made Special Orders as the first order of business after the lunch recess.
Adopted.

The House recessed at 12:15 p.m.

RECESS

(Speaker Norelli in the Chair)

The House reconvened at 1:20 p.m.

REGULAR CALENDAR – SPECIAL ORDERS (CONT'D)

SPECIAL ORDER

HB 1607-FN-A, relative to the reasonable compensation deduction under the business profits tax. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William A. Hatch for the Majority of Ways and Means: This bill, reasonable compensation, is the work product of many that establishes a tax policy that is clear and beneficial for the businesses of New Hampshire. The bill used many recommendations from a group of CPA's, businesses, business organizations and representatives from the department of revenue administration that met to address the businesses' concerns about the lack of clarity in the policy that determines how reasonable compensation is established for tax deductions. The ways and means committee had several full committee work sessions plus two public hearings and amended the bill to its current form. The majority agreed to

many important changes suggested by the working group, such as allowing a safe harbor of \$50,000 (a safe harbor allows a deduction without records to verify), instead of a \$6,000 deduction that is in current law. This provision relieves 70% of the people who pay business profits tax from the need to keep burdensome paperwork and the fear of audit on this issue. These are the very people, our small business owners, for whom the paperwork to prove their compensation would be most difficult. Another important provision for the rest is that it applies the principles, standards and factors that are applicable to the tax structure of the state of New Hampshire from Internal Revenue Code 162. This provides a reference that businesses badly need for standards that are currently lacking. The committee amendment includes other provisions such as an enactment date of January 2009 that would allow a business to take advantage of provisions in this bill for the 2009 tax year if they choose to do so. The majority recognized that there are other safe harbors and provisions that may be included, but the current data systems in the DRA do not allow for assessments to determine how beneficial or practical these are. Considering that the DRA is updating systems that should provide the information needed within the next year, the bill provides for a study committee to review these and is required to report findings no later than November 1, 2011. Vote 11-8.

Rep. David J. Bettencourt for the Minority of Ways and Means: Small businesses are the backbone of New Hampshire's economy, which creates 65 percent of jobs in the state. This legislation is the second shoe to drop on our small businesses, the first being passage of the LLC tax. The purpose of this legislation is to empower the department of revenue administration (DRA) to set arbitrary standards of what is "reasonable compensation" for every sole proprietor, partnership, and LLC in New Hampshire. This is a vast departure from current practice in which the department examines or "audits" individual taxpayers which are flagged as unusual or suspicious. This makes the DRA commissioner the "pay czar" over every small business in New Hampshire with the power to determine how much a business owner is worth to his or her business. The overwhelming majority of partnerships and LLCs in New Hampshire are small businesses with only a handful of active members and partners. These individuals work long hours, often for years, before they begin to generate a decent profit. These are people who take risks, spend sleepless nights worrying about their employees, who often risk their personal finances by incurring debt. In short, these are the citizens who make New Hampshire's economy work. This legislation does little to help these citizens. The minority of the committee believes that state government has no right trying to determine "reasonable compensation" for our small businesses.

Majority Amendment (0785h)

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

1 Findings. The general court finds that amending RSA 77-A:4, III, as inserted by section 2 of this act, is necessary for the following reasons:

I. Good tax policy requires clear tax law that treats similarly situated business organizations equally, responds to changing business practices, provides taxpayers with clear and simple guidance, encourages compliance, and enhances the growth of jobs and income in our state.

II. Small business in particular is both a major part of our economy and the basis of our future prosperity.

III. The interest and dividends tax statute, RSA 77, was put in place in 1923 to tax unearned income, that is, income from investments of capital, excluding income earned from the provision of personal services by natural persons.

IV. The business profits tax statute, RSA 77-A, was put in place in 1970 to tax the profits of businesses, excluding income earned by their owners through the provision of personal services, when natural persons. This exclusion, called reasonable compensation, has always been one of the expenses that a business can deduct when calculating its business profits tax.

V. There is a major body of federal law, as well as judicial and administrative decisions surrounding the definition of reasonable compensation, but this is not referenced in current state law, creating needless confusion among taxpayers.

VI. Requiring every small business owner to provide the specific records of their personal services to their business organization would place an intolerable burden on small businesses and on our economy.

VII. On the other hand, allowing every business owner to designate whatever they take from their business organization as either earned or investment income, without possibility of review or challenge by the department, would shift the burden of taxation to those who report honestly, laying the tax open to constitutional challenge.

VIII. A balance is struck by providing small business owners with a record-keeping safe harbor for taking the deduction, that is a simple test of reasonable compensation below which the commissioner shall not review or challenge the taxpayer's assertion, except to verify that some personal service was provided by the natural person named. If the business organization takes a deduction for personal compensation of an owner above the record-keeping safe harbor, it will be required to provide proof that the claimed deduction is indeed reasonable.

IX. This proof shall be based on the principles, standards, and factors applicable to the tax structure in the state of New Hampshire which emanate from Internal Revenue Code section 162(a)(1), as those standards have been interpreted by the decisions of the United States Tax Court and other courts, as well as United States Treasury regulations and rulings by the Internal Revenue Service.

X. The provision in current law, last updated in 1991, which provides a minimum deduction for compensation of \$6,000 per partner or proprietor is unreasonably restrictive, and needs to be updated with a record-keeping safe harbor that reflects the realities of today's business environment.

XI. The enactment of a balanced approach with an updated safe harbor provision will simplify the business profits and interest and dividends tax rules for all businesses, eliminate costly and inefficient audits, and relieve small businesses in particular of unnecessary uncertainty and burdensome paperwork related to taking the deduction for personal compensation.

2 Reasonable Compensation. RSA 77-A:4, III is repealed and reenacted to read as follows:

III. In the case of any business organization filing a business profits tax return as a proprietorship or partnership, a deduction for an amount equal to a fair and reasonable compensation for the personal services of the proprietor, partners, or members who are natural persons actually devoting time and effort in the operation of the business organization; provided, however, that nothing contained in this section shall permit the deduction of amounts that are attributable to an owner's return on investment of capital in the business organization in determining taxable business profits. The business organization shall bear the burden of proof in demonstrating the reasonableness of any compensation deduction taken under this paragraph.

(a) The purpose of this paragraph is to permit a deduction from gross business profits of a business organization filing as a proprietorship or partnership, only of such amounts as are fairly attributable to the personal services of a proprietor, partner, or member and which such individual or individuals might reasonably earn in total compensation if performing like services as an employee or employee-owner of a corporation so that amounts attributable to the provision of personal services are determined in the same manner regardless of the form of entity through which the business activities are conducted.

(b) Reasonable compensation deductions may reduce a business organization's taxable business profits below zero for any taxable period only if such compensation has actually been paid.

(c) In determining the reasonableness of the compensation deduction claimed under this section, the business organization and the commissioner shall apply the principles, standards, and factors that are applicable to the tax structure of the state of New Hampshire which emanate from Internal Revenue Code section 162(a)(1), and relevant Treasury regulations, rulings by the Internal Revenue Service, federal court decisions, and United States Tax Court decisions.

(d) (1) In this paragraph, “record-keeping safe harbor” means that amount of compensation for personal services claimed by a business organization which does not need to be substantiated by any evidence, records, or legal or regulatory authority, except as provided in subparagraph (g) of this section.

(2) Notwithstanding subparagraph III(d)(1), the record-keeping safe harbor shall not be relevant or admissible for any purpose in determining whether a compensation deduction claimed in an amount in excess of any such record-keeping safe harbor is fair and reasonable.

(e) In lieu of substantiating the value of the personal services of proprietors, partners, or members, a business organization or group of related business organizations may elect, as a record-keeping safe-harbor, to deduct up to \$50,000 as total compensation for the tax year;

(f) The amount of any deduction claimed for reasonable compensation under this section may also include an amount not to exceed 15 percent of the gross selling price as commission on the sale of business assets.

(g) A business organization or group of related business organizations may elect the record-keeping safe-harbor option in subparagraph III(e) without a redetermination of the reasonableness of the deduction by the commissioner. Any such deduction claimed by the business organization or group of related business organizations shall not be subject to challenge; provided, that upon request, the business organization or group of related business organizations shall be required to substantiate that the proprietor or at least one partner or member performed personal services for the business organization or group of related business organizations.

(h) Related business organizations electing not to substantiate the extent of the personal services of their proprietors, partners, and members, shall be limited to the safe harbor deduction, less any owners’ compensation taken on the federal tax returns of corporate members of the group, allocated among the related business organizations. For the purposes of RSA 77-A:4, III, “related business organizations” are unitary business organizations and business organizations that would qualify as unitary but for the fact that they conduct business only within the state.

(i) Each business organization claiming a compensation deduction under RSA 77-A:4, III shall provide on a schedule attached to its annual return setting forth the following information:

(1) The total reasonable compensation deduction claimed by the business organization for the tax year; and

(2) The amount of such deduction allocated to each proprietor, partner, or member actually devoting time and effort in the operation of the business organizations entitled to the deduction.

3 Applicability.

I. Section 2 of this act shall apply for taxable periods beginning on or after January 1, 2009.

II. For tax year 2009, the entity may elect to take either the \$6,000 minimum deduction per partner, proprietor, or member available under the version of RSA 77-A:4, III(b) in effect prior to the effective date of this act, or the \$50,000 deduction available in RSA 77-A:4, III(e) as inserted by section 2 of this act.

4 New Section; Committee to Study the Record-Keeping Safe Harbors for the Compensation Deduction. Amend RSA 77-A by inserting after section 4-a the following new section:

77-A:4-b Committee to Study Safe Harbors.

I. There is established a committee to study the record-keeping safe harbors for the compensation deduction. The committee shall consist of the following individuals:

(a) Three members from the house of representatives, 2 of whom shall be members of the ways and means committee, appointed by the speaker of the house of representatives.

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

II. The committee shall:

(a) Study whether the burden of proof for safe harbors should be revised.

(b) Consider the provision of additional safe harbors based on the percentage of the gross selling price on the sale of business assets other than inventory, or the percentage of gross revenues, or the percentage of gross business profits using the independent investor return test, or any other issue related to the reasonable compensation deduction.

(c) Consider any other issue which the committee deems relevant to the study of safe harbors.

III. The committee may solicit testimony from any individual or organization with information or expertise which the committee deems relevant to its objective.

IV. Three members of the committee shall constitute a quorum. The committee shall select a chairperson from among its members. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

V. No later than November 1, 2011 and annually thereafter, the committee shall submit a report of its findings and any recommendations for legislation, to the speaker of the house of representatives, the president of the senate, and the chairpersons of the house and senate standing committees with jurisdiction over business taxation.

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

Rep. Walsh spoke in favor.

Rep. Hatch spoke in favor and yielded to questions.

Rep. Eaton requested a roll call; sufficiently seconded.

YEAS 206 NAYS 121

YEAS 206

BELKNAP

Bolster, Peter
Miller, Kate

Flanders, Donald
Millham, Alida

Johnson, William
Reever, Judith

Merry, Liz

CARROLL

Bridgham, Robert
Wiley, Susan

Buco, Thomas

Butler, Edward

Umberger, Karen

CHESHIRE

Allen, Peter
Carr, Daniel
Meador, David
Roberts, Kris
Weed, Charles

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

Butterworth, Timothy
Lerandean, Alfred
Parkhurst, Henry
Sad, Tara

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

COOS

Hatch, William
Theberge, Robert

Ingersoll, Paul Sr
Thomas, Yvonne

Mears, Lucy

Merrick, Evalyn

GRAFTON

Aguiar, James
Ford, Susan
Laliberte, Suzanne
Pastor, Beatriz
Townsend, Charles

Almy, Susan
Friedrich, Carol
Matheson, Robert
Pierce, David
Ward, Brien

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

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

HILLSBOROUGH

Baroody, Benjamin
Bergin, Peter
Chandlely, Shannon
Cote, David
Garrity, Patrick
Hackel, Paul
Hardy, Valerie
Hinkle, Peyton
LaPlante, Roland
Marshall, Seth

Beauchamp, Roger
Boehm, Ralph
Chase, Claudia
Doherty, Shaun
Ginsburg, Ruth
Haefner, Robert
Harvey, Philip
Knowles, John
Leishman, Peter
Matarazzo, Anthony
Sr

Beaulieu, Jane
Boisvert, Ronald
Chininis, Alexis
Farley, Michael
Goley, Jeffrey
Haley, Robert
Harvey, Suzanne
Knowles, Mary Ann
Levesque, Melanie
Messier, Irene

Beck, Catriona
Caron, June
Clemons, Jane
Flurey, Joan
Gorman, Mary
Hammond, Jill
Hawkins, Ken
Kopka, Angeline
Long, Patrick
Movsesian, Lori

Nixon, David
Palmer, Stephen
Schulze, Joan
Thompson, Robert
Winters, Joel

O'Brien, Michael Sr
Pilotte, Maurice
Shattuck, Gilman
Vaillancourt, Steve

O'Neil, James
Ramsey, Peter
Shaw, Barbara
Walsh, Robert Jr

Ober, Lynne
Rosenwald, Cindy
Soucy, Timothy
Willette, Robert

MERRIMACK

Bouchard, Candace
Foose, Robert
Kelly, Sally
Owen, Derek
Richardson, Gary
Stetson, William
Walz, Mary Beth
Yeaton, Charles

Brown, Carole
French, Barbara
Lockwood, Priscilla
Porter, Margaret
Rodd, Beth
Tilton, Joy
Watrous, Rick

Davis, Frank
Gile, Mary
McMahon, Patricia
Potter, Frances
Schuett, Dianne
Tupper, Frank
Webb, Leigh

DeStefano, Stephen
Hamm, Christine
Osborne, Jessie
Reed, Dennis
Shurtleff, Stephen
Wallner, Mary Jane
Wheeler, Deborah

ROCKINGHAM

Abbott, Dennis
Cali-Pitts, Jacqueline
Cushing, Robert
Elliott, Robert
Kepner, Susan
Nevins, Chris
Read, Robin Jr
Schlachman, Donna

Bettencourt, David
Case, Frank
Day, Judith
Gould, Kenneth
Mann, Maureen
Nord, Susi
Reagan, John
Splaine, James

Borden, David
Casey, Kimberley
DiFruscia, Anthony
Henson, John
McCarthy, Barbara
Pantelakos, Laura
Russell, Trink
Tucker, Pamela

Brown, C. Pennington
Crisler, Margaret
DiPentima, Rich
Katsakiores, Phyllis
McEachern, Paul
Petterson, Don
Sanders, Elisabeth
Webber, Carolyn

STRAFFORD

Berube, Roger
Browne, Brendon
Hubbard, Pamela
Lauterborn, Elaine

Bickford, David
Burke, Rachel
Hutz, Sarah
Perry, Robert

Brennan, William
Cyr, James
Kaen, Naida
Price, Susan

Brown, Larry
Horrigan, Timothy
Keans, Sandra
Rogers, Rose Marie

Rollo, Deanna
Spang, Judith
Watters, David

Rous, Emma
Vachon, Dennis

Ryder, Mark
Wall, Janet

Schmidt, Peter
Ward, Kenneth

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
Houde-Quimby,
Charlotte

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

Sweeney, Cynthia

NAYS 121

BELKNAP

Boyce, Laurie
Wendelboe, Fran

Fields, Dennis

Russell, David

Swinford, Elaine

CARROLL

Ahlgren, Christopher
McConkey, Mark

Chandler, Gene
Patten, Betsey

Fleck, Joseph
Stevens, Stanley

Knox, J. David

CHESHIRE

Emerson, Susan
Sterling, Franklin Jr

Hunt, John

Johnson, Jane

Laurent, John

COOS

Rappaport, Laurence

Remick, William

Richardson, Herbert

Stohl, Eric

GRAFTON

Bulis, Lyle
Maybeck, Margie

Gionet, Edmond
Williams, Burton

Ingbretson, Paul

Ladd, Rick Jr

HILLSBOROUGH

Batula, Peter
Christiansen, Lars
Gagne, Larry
Hikel, John
Holden, Rip
Kurk, Neal
O'Brien, William
Pratt, Calvin
Ryder, Donald
Spaulding, Jayne

Belvin, William
Daniels, Gary
Gandia, Laura
Hinch, Richard
Hopper, Gary
L'Heureux, Robert
Pellegrino, Tony
Price, Pamela
Seidel, Carl
Sullivan, Daniel

Cebrowski, John
Day, Russell
Gargas, Carolyn
Hogan, Edith
Infantine, William
McCarthy, Michael
Pepino, Leo
Renzullo, Andrew
Silva, Peter
Ulery, Jordan

Christensen, Chris
Emerton, Larry
Graham, John
Holden, Frank
Jasper, Shawn
Mead, Robert
Peterson, Andrew
Rowe, Robert
Soucy, Connie
Villeneuve, Moe

MERRIMACK

Anderson, Eric
Kidder, David
Smith, Todd

Blankenbeker, Lynne
Kotowski, Frank

Coffey, Jennifer
McGuire, Carol

Hess, David
Palfrey, David

ROCKINGHAM

Allen, Mary

Bailey, Clinton

Baldasaro, Alfred

Bates, David

Belanger, Ronald
DeSimone, Debra
Fesh, Robert
Headd, James
Itse, Daniel
McKinney, Betsy
Quandt, Matt
Stiles, Nancy
Weyler, Kenneth

Bridle, Russell
Devine, James
Flanders, John Sr
Hoelzel, Kathleen
Kappler, L. Mike
McMahon, Charles
Sapareto, Frank
Weare, Everett

Charron, Gene
Emiro, Frank
Garritty, James
Ingram, Russell
Kolodziej, Walter
Packard, Sherman
Sedensky, John
Welch, David

Comerford, Timothy
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Major, Norman
Priestley, Anne
Smith, William
Wells, Roger

STRAFFORD

Brown, Julie

Groen, Warren

Sprague, Dale

Vita, Carol

SULLIVAN

Cunningham, Steven
and the majority committee amendment was adopted.

Howard, Thomas

Osgood, Joe

Rodeschin, Beverly

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

Rep. Major offered floor amendment (0954h).

Floor Amendment (0954h)

Amend RSA 77-A:4, III(e) as inserted by section 2 of the bill by replacing it with the following:

(e) In lieu of substantiating the value of the personal services of proprietors, partners, or members, a business organization or group of related business organizations may elect, as a record-keeping safe harbor, to deduct up to \$100,000 as total compensation. Amend paragraph II of section 3 of the bill by replacing it with the following:

II. For tax year 2009, the entity may elect to take either the \$6,000 minimum deduction per partner, proprietor, or member available under the version of RSA 77-A:4, III(b) in effect prior to the effective date of this act, or the \$100,000 deduction available in RSA 77-A:4, III(e) as inserted by section 2 of this act.

Rep. Major spoke in favor and yielded to questions.

Rep. Susan Price spoke in favor.

Rep. Vachon spoke against.

On a division vote, 162 members having voted in the affirmative and 166 in the negative, floor amendment (0954h) failed.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Eaton moved that the House reconsider its action whereby it failed to adopt floor amendment (0954h) on **HB 1607-FN-A**, relative to the reasonable compensation deduction under the business profits tax.

Rep. Eaton spoke against.

On a division vote, 157 members having voted in the affirmative and 171 in the negative, the motion failed.

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

Rep. Major offered floor amendment (0955h).

Floor Amendment (0955h)

Amend the introductory paragraph of RSA 77-A:4, III as inserted by section 2 of the bill by replacing it with the following:

III. In the case of any business organization filing a business profits tax return as a proprietorship or partnership, a deduction for an amount equal to a fair and reasonable compensation for the personal services of the proprietor, partners, or members who are natural persons actually devoting time and effort in the operation of the business organization; provided, however, that nothing contained in this section shall permit the deduction of amounts that are attributable to an owner's return on investment of capital in the business organization in determining taxable business profits. The business organization shall provide evidence to demonstrate the reasonableness of any compensation deduction in excess of a record-keeping safe harbor upon inquiry by the commissioner. If a proprietor, partner, or member renders personal services to the business organization, receives monetary remuneration from the business organization, and pays Social Security and Medicare taxes on that remuneration, then that remuneration shall be prima facie evidence that such monetary amount is fair and reasonable compensation. Once the business organization has provided evidence to demonstrate the reasonableness of any compensation deduction, then the burden shall be upon the commissioner to prove that the compensation deduction is excessive and unreasonable. The commissioner shall review the reasonableness of any compensation deduction on a case-by-case, fact-intensive, and ad hoc basis and shall make his or her determination based upon the specific facts and circumstances of each taxpayer. If the commissioner issues an assessment, he or she shall set forth with specificity the grounds for issuing such assessment and, if the assessment is challenged, the commissioner shall continue to bear the burden of proving that the compensation deduction is excessive and unreasonable.

Rep. Hess spoke in favor.

Rep. Vachon spoke against and yielded to questions.

Rep. Packard requested a roll call; sufficiently seconded.

YEAS 151 NAYS 174

YEAS 151

BELKNAP

Bolster, Peter
Millham, Alida

Boyce, Laurie
Russell, David

Fields, Dennis
Swinford, Elaine

Flanders, Donald
Wendelboe, Fran

CARROLL

Ahlgren, Christopher
McConkey, Mark

Chandler, Gene
Patten, Betsey

Fleck, Joseph
Stevens, Stanley

Knox, J. David
Umberger, Karen

CHESHIRE

Emerson, Susan
Sterling, Franklin Jr

Hunt, John

Johnson, Jane

Laurent, John

COOS

Rappaport, Laurence

Remick, William

Richardson, Herbert

Stohl, Eric

GRAFTON

Bulis, Lyle
Maybeck, Margie

Gionet, Edmond
Ward, Brien

Ingbretson, Paul
Williams, Burton

Ladd, Rick Jr

HILLSBOROUGH

Batula, Peter	Belvin, William	Bergin, Peter	Boehm, Ralph
Boisvert, Ronald	Cebrowski, John	Christensen, Chris	Christiansen, Lars
Daniels, Gary	Doherty, Shaun	Emerton, Larry	Gagne, Larry
Gargas, Carolyn	Graham, John	Haefner, Robert	Hawkins, Ken
Hikel, John	Hinch, Richard	Hinkle, Peyton	Hogan, Edith
Holden, Frank	Holden, Rip	Hopper, Gary	Infantine, William
Jasper, Shawn	Katsiantonis, Thomas	Kurk, Neal	L'Heureux, Robert
McCarthy, Michael	Mead, Robert	Messier, Irene	O'Brien, William
Ober, Lynne	Palmer, Stephen	Pellegrino, Tony	Pepino, Leo
Peterson, Andrew	Pratt, Calvin	Price, Pamela	Renzullo, Andrew
Rowe, Robert	Ryder, Donald	Seidel, Carl	Shaw, Kimberly
Silva, Peter	Soucy, Connie	Ulery, Jordan	Villeneuve, Moe
Willette, Robert			

MERRIMACK

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

ROCKINGHAM

Allen, Mary	Bailey, Clinton	Baldasaro, Alfred	Bates, David
Belanger, Ronald	Bettencourt, David	Bridle, Russell	Case, Frank
Charron, Gene	Comerford, Timothy	Crisler, Margaret	DeSimone, Debra
Devine, James	DiFruscia, Anthony	Dowling, Patricia	Elliott, Robert
Emiro, Frank	Ferrante, Beverly	Fesh, Robert	Flanders, John Sr
Garrity, James	Griffin, Mary	Headd, James	Hoelzel, Kathleen
Ingram, Russell	Introne, Robert	Itse, Daniel	Kappler, L. Mike
Katsakiores, Phyllis	Kolodziej, Walter	Major, Norman	McEachern, Paul
McKinney, Betsy	McMahon, Charles	Nevins, Chris	Packard, Sherman
Priestley, Anne	Quandt, Matt	Reagan, John	Sanders, Elisabeth
Sapareto, Frank	Sedensky, John	Smith, William	Stiles, Nancy
Tucker, Pamela	Weare, Everett	Welch, David	Wells, Roger
Weyler, Kenneth			

STRAFFORD

Bickford, David	Brown, Julie	Groen, Warren	Price, Susan
Sprague, Dale	Vita, Carol		

SULLIVAN

Cunningham, Steven	Howard, Thomas	Osgood, Joe	Rodeschin, Beverly
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NAYS 174

BELKNAP

Johnson, William	Merry, Liz	Miller, Kate	Reever, Judith
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CARROLL

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

Allen, Peter
Carr, Daniel
Meador, David
Roberts, Kris
Weed, Charles

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

Butterworth, Timothy
Lerandeau, Alfred
Parkhurst, Henry
Sad, Tara

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

COOS

Hatch, William
Thomas, Yvonne

Mears, Lucy

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Ford, Susan
Laliberte, Suzanne
Pastor, Beatriz
Taylor, Kathleen

Almy, Susan
Friedrich, Carol
Matheson, Robert
Pierce, David
Townsend, Charles

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

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

HILLSBOROUGH

Baroody, Benjamin
Chandley, Shannon
Cote, David
Ginsburg, Ruth
Haley, Robert
Harvey, Suzanne
LaPlante, Roland
Marshall, Seth

Beauchamp, Roger
Chase, Claudia
Farley, Michael
Goley, Jeffrey
Hammond, Jill
Knowles, John
Leishman, Peter
Matarazzo, Anthony
Sr

Beck, Catriona
Chininis, Alexis
Flurey, Joan
Gorman, Mary
Hardy, Valerie
Knowles, Mary Ann
Levesque, Melanie
Movsesian, Lori

Caron, June
Clemons, Jane
Garritty, Patrick
Hackel, Paul
Harvey, Philip
Kopka, Angeline
Long, Patrick
Nixon, David

O'Brien, Michael Sr
Rosenwald, Cindy
Soucy, Timothy
Walsh, Robert Jr

O'Neil, James
Schulze, Joan
Sullivan, Daniel
Winters, Joel

Pilotte, Maurice
Shattuck, Gilman
Thompson, Robert

Ramsey, Peter
Shaw, Barbara
Vaillancourt, Steve

MERRIMACK

Bouchard, Candace
Foose, Robert
Kelly, Sally
Porter, Margaret
Schuett, Dianne
Tupper, Frank
Webb, Leigh

Brown, Carole
French, Barbara
McMahon, Patricia
Potter, Frances
Shurtleff, Stephen
Wallner, Mary Jane
Wheeler, Deborah

Davis, Frank
Gile, Mary
Osborne, Jessie
Richardson, Gary
Stetson, William
Walz, Mary Beth
Yeaton, Charles

DeStefano, Stephen
Hamm, Christine
Owen, Derek
Rodd, Beth
Tilton, Joy
Watrous, Rick

ROCKINGHAM

Abbott, Dennis
Cushing, Robert
Henson, John
Nord, Susi
Russell, Trinkia

Borden, David
Day, Judith
Kepner, Susan
Pantelakos, Laura
Schlachman, Donna

Brown, C. Pennington
DiPentima, Rich
Mann, Maureen
Petterson, Don
Splaine, James

Casey, Kimberley
Gould, Kenneth
McCarthy, Barbara
Read, Robin Jr
Webber, Carolyn

STRAFFORD

Brennan, William
Cyr, James
Kaen, Naida

Brown, Larry
Horrigan, Timothy
Keans, Sandra

Browne, Brendon
Hubbard, Pamela
Lauterborn, Elaine

Burke, Rachel
Hutz, Sarah
Perry, Robert

Rogers, Rose Marie
Schmidt, Peter
Wall, Janet

Rollo, Deanna
Smith, Marjorie
Ward, Kenneth

Rous, Emma
Spang, Judith
Watters, David

Ryder, Mark
Vachon, Dennis

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
Houde-Quimby,
Charlotte

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

Sweeney, Cynthia
and floor amendment (0955h) failed.

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

Rep. Almy spoke in favor.

Rep. Eaton requested a roll call; sufficiently seconded.

YEAS 183 NAYS 144

YEAS 183

BELKNAP

Johnson, William

Merry, Liz

Miller, Kate

Reever, Judith

CARROLL

Bridgham, Robert

Buco, Thomas

Butler, Edward

Wiley, Susan

CHESHIRE

Allen, Peter
Carr, Daniel
Meador, David
Roberts, Kris
Weed, Charles

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

Butterworth, Timothy
Lerandau, Alfred
Parkhurst, Henry
Sad, Tara

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

COOS

Hatch, William
Thomas, Yvonne

Mears, Lucy

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Ford, Susan
Laliberte, Suzanne
Pastor, Beatriz
Taylor, Kathleen

Almy, Susan
Friedrich, Carol
Matheson, Robert
Pierce, David
Townsend, Charles

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

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

HILLSBOROUGH

Baroody, Benjamin
Boisvert, Ronald
Chininis, Alexis
Flurey, Joan
Gorman, Mary
Hardy, Valerie

Beauchamp, Roger
Caron, June
Clemons, Jane
Garrity, Patrick
Hackel, Paul
Harvey, Philip

Beck, Catriona
Chandley, Shannon
Cote, David
Ginsburg, Ruth
Haley, Robert
Harvey, Suzanne

Bergin, Peter
Chase, Claudia
Farley, Michael
Goley, Jeffrey
Hammond, Jill
Katsiantonis, Thomas

Knowles, John
Leishman, Peter
Matarazzo, Anthony Sr
O'Neil, James
Schulze, Joan
Soucy, Timothy
Winters, Joel

Knowles, Mary Ann
Levesque, Melanie
Movsesian, Lori

Pilotte, Maurice
Shattuck, Gilman
Sullivan, Daniel

Kopka, Angeline
Long, Patrick
Nixon, David

Ramsey, Peter
Shaw, Barbara
Thompson, Robert

LaPlante, Roland
Marshall, Seth
O'Brien, Michael Sr

Rosenwald, Cindy
Shaw, Kimberly
Walsh, Robert Jr

MERRIMACK

Bouchard, Candace
Foose, Robert
Kelly, Sally
Owen, Derek
Rodd, Beth
Tilton, Joy
Watrous, Rick

Brown, Carole
French, Barbara
Lockwood, Priscilla
Porter, Margaret
Schuett, Dianne
Tupper, Frank
Webb, Leigh

Davis, Frank
Gile, Mary
McMahon, Patricia
Potter, Frances
Shurtleff, Stephen
Wallner, Mary Jane
Wheeler, Deborah

DeStefano, Stephen
Hamm, Christine
Osborne, Jessie
Richardson, Gary
Stetson, William
Walz, Mary Beth
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Cushing, Robert
Gould, Kenneth
McCarthy, Barbara
Pettersen, Don
Splaine, James

Borden, David
Day, Judith
Henson, John
McEachern, Paul
Read, Robin Jr
Webber, Carolyn

Brown, C. Pennington
DiFruscia, Anthony
Kepner, Susan
Nord, Susi
Russell, Trink

Casey, Kimberley
DiPentima, Rich
Mann, Maureen
Pantelakos, Laura
Schlachman, Donna

STRAFFORD

Berube, Roger
Burke, Rachel
Hubbard, Pamela
Lauterborn, Elaine
Rollo, Deanna
Smith, Marjorie
Ward, Kenneth

Brennan, William
Cyr, James
Hutz, Sarah
Perry, Robert
Rous, Emma
Spang, Judith
Watters, David

Brown, Larry
Domingo, Baldwin
Kaen, Naida
Price, Susan
Ryder, Mark
Vachon, Dennis

Browne, Brendon
Horrigan, Timothy
Keans, Sandra
Rogers, Rose Marie
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Harris, Sandra

Sweeney, Cynthia

Donovan, Thomas Jr
Houde-Quimby,
Charlotte

Gagnon, Raymond
McClammer, Jim

Gottling, Suzanne
Skinder, Carla

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BELKNAP

Bolster, Peter
Millham, Alida

Boyce, Laurie
Russell, David

Fields, Dennis
Swinford, Elaine

Flanders, Donald
Wendelboe, Fran

CARROLL

Ahlgren, Christopher
McConkey, Mark

Chandler, Gene
Patten, Betsey

Fleck, Joseph
Stevens, Stanley

Knox, J. David
Umberger, Karen

CHESHIRE

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

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

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

Batula, Peter Christensen, Chris Emerton, Larry Haefner, Robert Hinkle, Peyton Hopper, Gary L'Heureux, Robert O'Brien, William Pepino, Leo Renzullo, Andrew Silva, Peter Villeneuve, Moe	Belvin, William Christiansen, Lars Gagne, Larry Hawkins, Ken Hogan, Edith Infantine, William McCarthy, Michael Ober, Lynne Peterson, Andrew Rowe, Robert Soucy, Connie Willette, Robert	Boehm, Ralph Daniels, Gary Gargasz, Carolyn Hikel, John Holden, Frank Jasper, Shawn Mead, Robert Palmer, Stephen Pratt, Calvin Ryder, Donald Ulery, Jordan	Cebrowski, John Doherty, Shaun Graham, John Hinch, Richard Holden, Rip Kurk, Neal Messier, Irene Pellegrino, Tony Price, Pamela Seidel, Carl Vaillancourt, Steve
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MERRIMACK

Anderson, Eric Kidder, David Reed, Dennis	Blankenbeker, Lynne Kotowski, Frank Smith, Todd	Coffey, Jennifer McGuire, Carol	Hess, David Palfrey, David
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ROCKINGHAM

Allen, Mary Belanger, Ronald Charron, Gene Devine, James Ferrante, Beverly Griffin, Mary Introne, Robert Kolodziej, Walter Nevins, Chris Reagan, John Smith, William Welch, David	Bailey, Clinton Bettencourt, David Comerford, Timothy Dowling, Patricia Fesh, Robert Headd, James Itse, Daniel Major, Norman Packard, Sherman Sanders, Elisabeth Stiles, Nancy Wells, Roger	Baldasaro, Alfred Bridle, Russell Crisler, Margaret Elliott, Robert Flanders, John Sr Hoelzel, Kathleen Kappler, L. Mike McKinney, Betsy Priestley, Anne Sapareto, Frank Tucker, Pamela Weyler, Kenneth	Bates, David Case, Frank DeSimone, Debra Emiro, Frank Garritty, James Ingram, Russell Katsakiores, Phyllis McMahon, Charles Quandt, Matt Sedensky, John Weare, Everett
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STRAFFORD

Bickford, David Vita, Carol	Brown, Julie	Groen, Warren	Sprague, Dale
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SULLIVAN

Cunningham, Steven and the majority committee report was adopted.	Howard, Thomas	Osgood, Joe	Rodeschin, Beverly
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Ordered to third reading.

SPECIAL ORDER

HB 1661-FN-A, making distributions from limited liability companies, partnerships, and associations subject to the interest and dividends tax only if they have transferable shares.

MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.

Rep. Dennis P. Vachon for the Majority of Ways and Means: This bill would repeal the extension of the interest and dividends tax to certain distributions from limited liability companies, partnerships and associations that was contained in the budget for this biennium. It would allow the tax to continue to apply to those distributions if the business entity has transferable shares. Transferable shares are those whose owners can sell to whomever they choose. The bill's proponents argue that corporations have transferable shares and limited liability companies and partnerships do not, so that the state can constitutionally tax receipts from corporations, as we always have, but not limited liability companies and partnerships. But in New Hampshire, the vast majority of corporations, like limited liability companies, partnerships and associations are relatively small, closely-held entities which have restrictions on the transferability of shares. As a result, the committee is more inclined to conclude that the extension of the interest and dividends tax to these entities does, in fact, close a loophole which unfairly benefitted them. Most limited liability companies, partnerships and associations in New Hampshire are small businesses with active owner management and participation. The owners of those entities would be taking reasonable compensation deductions from the business profits tax for the personal services they provide, thereby leaving very little, if any, business income for distributions to themselves in the form of dividends. For these reasons, the committee voted HB 1661-FN-A into interim study so that its proponents could have an opportunity to provide further information to support their unfairness argument. The committee is also interested in determining if these issues are addressed under other legislation working its way through the legislative process relative to clarification of the reasonable compensation deduction under the business profits tax, which has an impact on amounts of business profits that are taxable as dividends when distributed to individuals with ownership interests. Vote 11-7.

Rep. David J. Bettencourt for the Minority of Ways and Means: The minority of the committee believes this legislation should be passed and not subjected to the half measure of interim study. This legislation would rightly repeal the LLC tax and return small businesses to their status before the previous budget cycle. We believe that its adoption last session, without a public hearing or prior notice, during the wee hours of the morning at the deadline of the budget committee of conference process was a mistake. This tax, which added a five percent tax increase on LLC has greatly hurt small businesses at a time when they can least afford it. This increase comes on top of an already existing 8.5 percent business profits tax because in order to tax income as dividends the law specifies that it must also be characterized as profits. The minority believes that simply stating that small businesses are the backbone of New Hampshire's economy must be more than just words, it must be believed and practiced. By repealing this tax, we will retain and stimulate businesses in New Hampshire and allow our small businesses to move us out of our current economic difficulty.

SPECIAL ORDERED

Reps. Eaton and Hess moved that **HB 1661-FN-A**, making distributions from limited liability companies, partnerships, and associations subject to the interest and dividends tax only if they have transferable shares, be made a Special Order as the first order of business on Wednesday, March 17, 2010.

On a division vote, 298 members having voted in the affirmative and 26 in the negative, the motion was adopted.

REGULAR CALENDAR – SPECIAL ORDERS (CONT'D)

HB 1583, relative to the property tax exemption for organizations with charitable activities.

MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Catherine Mulholland for Majority of Local and Regulated Revenues: This bill was brought to the committee requesting that bad debts should be excluded when considering “charitable” purposes for an organization requesting exemption from property taxes.

Testimony from the attorney general’s office indicates that there is statutory provision regarding bad debts. In fact, the definition of a charitable organization as defined by the IRS doesn’t confer automatic exemption from property taxes. It is up to the local authority to determine whether the property provides charitable services to the community and a negotiation between the parties generally results in agreement as to an appropriate payment in lieu of taxes. Vote 14-3.

Rep. Steve Vaillancourt for the Minority of Local and Regulated Revenues: This bill was introduced with a recommendation from a town counsel and an attorney at the Local Government Center who both asserted that the current statute regarding charities is vague and in need of clarification. RSA 7 states that any charity care “does not include any sums identified as bad debt, a receivable or revenue.” This language does not exist in RSA 72 definition of “charitable.” Conflict arises when “charitable” organizations seek a reduction of their property tax based on RSA 72, when they contend that bad debt is charitable giving. Towns take the position that bad debt is not charitable giving. This bill seeks clarity and consistency between definitions, thus saving time and money at the local level. The majority warns about the “unintended consequences” of this bill. While unsure what the majority was referring to, the minority is much more concerned with the intended consequences of this bill. A consequence will be that some institutions which are masquerading as charities would no longer be able to do so. They may well be required to pay local property taxes thus lowering property taxes for every other taxpayer. The majority argues that charities can already pay “in lieu of taxes” but the minority stresses that such payments are completely voluntary and often not made. In fact, the committee heard from one lobbyist opposed to this bill. He acknowledged that his business (a hospital company) generates \$220 million in annual revenues but does not pay a penny in lieu of taxes. At a time when executives of these institutions are making hundreds of thousands of dollars and lobbyists in fact are making close to six figures if not more, the minority welcomes the intended consequence that these “charities” pay their fair share of property taxes, thus relieving the burden on hard-pressed homeowners.

Majority committee report adopted.

HB 1212, relative to municipal charter statutes. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry Brown for Municipal and County Government: The committee had considerable respect for the issue raised by this bill – how shall we regulate, test and approve our own governance under charter. There was good discussion of proper threshold, the trivial and the substantive and municipal costs. Some thought it useful to identify the individuals who were gathering the signatures. Another part of the bill would limit the opportunity to gather more signatures if the first submission were insufficient. Some committee members agreed but others thought it wasn’t a critical issue. The committee agreed that increasing the number of voter signatures from 20% to 30% of registered voters in order to put an amendment on the ballot was too high a bar. The broad bi-partisan consensus was that present practice had not caused civic harm and that it was best left to a future session to document and correct a future harm. Vote 13-2.

Committee report adopted.

HB 1421-FN, establishing regional advisory councils in the state park system. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Chris Christensen for the Majority of Resources, Recreation and Development: This bill would have created seven regional advisory councils for state parks. This occurs at a time when we are trying to reduce the numbers of councils, commissions and the like and is contrary to findings of the statewide parks advisory council. The committee favors the concept of getting more feet on the ground and supporting friends groups and the adopt-a-park program. The department of resources and economic development (DRED) opposed the bill. There was no public testimony in favor. Vote 15-5.

Rep. Suzanne H. Gottling for the Minority of Resources, Recreation and Development: HB 1421 intended to create regional councils, to provide a mechanism for increased input from park neighbors to the division of parks and recreation. It also afforded an opportunity to share ideas for mutual support of each region's parks. An amendment set up just one regional council in an effort to reduce the director of parks concern that multiple councils could require excessive staff resources. The amendment failed on a 10-10 vote. Majority committee report adopted.

HCR 25, articulating the rights of the state of New Hampshire and of the several states of the United States. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS**

Rep. Cynthia P. Sweeney for the Majority of State-Federal Relations and Veterans Affairs: The majority of the committee is opposed to unfunded federal mandates and recognizes the intent of this HCR in part, to challenge the practice of the federal government requiring the states to adopt policies without providing the financial resources to the states to carry out those programs. However, the resolution as written does not distinguish between optional programs that are beneficial to the people of the state of New Hampshire, such as highway construction and support for the veterans' home for which the federal government provides financial help, and other programs where there is a federal mandate, no funding, and no opt out. The majority does not support a resolution that could be construed by congress as rejecting federal aid to the state of New Hampshire. Vote 10-6.

Rep. Lars T. Christiansen for the Minority of State-Federal Relations and Veterans Affairs: The New Hampshire legislature states that sovereignty is reserved to the people and the state as ruled by the United States supreme court in *New York V. United States*, 505 U.S. 144 (1992).

The question being adoption of the majority committee report of Inexpedient to Legislate. On a division vote, 227 members having voted in the affirmative and 89 in the negative, the majority committee report was adopted.

HB 1143, establishing an exemption from driver restrictions on persons 16 to 18 traveling to and from school-sponsored events. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Brian D. Rhodes for Transportation: This bill will change the current law pertaining to hours of motor vehicle operation applicable to youth operators. Currently 1 a.m. to 5 a.m. youth operators are prohibited from operating a motor vehicle. This bill changes the restriction to 1 a.m. to 4 a.m. There are many situations (sporting events, work commitments, etc.) in today's society that create a hardship for both parents and youth operators alike concerning the 5 a.m. restriction. Law enforcement testified that this change will not burden officers due to the overall lack of traffic at this time of the morning. All other restrictions to youth operators will be unaffected by this change. Vote 8-6.

Amendment (0508h)

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

AN ACT relative to driver restrictions on persons 16 to 18 years of age.

Amend the bill by replacing section 1 with the following:

1 Youth Operators' Licenses. Amend RSA 263:14, II(b) to read as follows:

(b) The holder of a youth operator's license shall not operate a motor vehicle between the hours of 1:00 a.m. and ~~[5:00]~~ **4:00** a.m., nor shall such holder operate a motor vehicle when the number of occupants exceeds the number of safety restraints in the vehicle.

AMENDED ANALYSIS

This bill changes the hours during which persons 16 to 18 may not operate a vehicle. Amendment adopted.

Committee report adopted and ordered to third reading.

HB 1192, relative to obstructions on motor vehicle windows. **OUGHT TO PASS.**

Rep. Jennifer R. Coffey for Transportation: This bill redefines how stickers may or may not be placed on a vehicle's rear window. The bill allows for parking permit stickers and the like to be placed on the rear window without violating current law, as is the case now. This bill is supported by the department of safety. Vote 10-4.

Committee report adopted and ordered to third reading.

HB 1180, relative to the use of clotheslines. **INEXPEDIENT TO LEGISLATE.**

Rep. Jill Shaffer Hammond for Commerce and Consumer Affairs: There is no doubt that drying laundry on clotheslines and drying racks saves energy and is a laudable practical personal green behavior. However, most of the restrictions on such use are part of the bylaws of homeowners' and condominium associations, and thus are part of private contracts. Testimony was heard from a representative of the municipalities who feels that such restrictions, or prohibitions against same, should be left to democratic action and consensus at the local level, or within the associations themselves. Vote 13-4.

Committee report adopted.

HB 1392-FN, requiring insurance companies to report to the insurance department the number of claims denied. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John B. Hunt for the Majority of Commerce and Consumer Affairs: This bill requires insurance companies to report to the commissioner of the insurance department the numbers of claims denied. The bill assumes that there is potentially information gained by noting the number of rejected claims by an insurance companies. The reality is to attempt to sort through the reasons for rejection would be costly to both the insurance companies and the insurance department for questionable data. Many denials are the fault of the providers billing the wrong insurance companies or not properly filling out the forms. Vote 10-6.

Rep. Paul McEachern for the Minority of Commerce and Consumer Affairs: The minority believes that requiring insurance companies to report to the insurance department the number of claims denied will give the insurance department important data to look more closely at a company with a high claim's denial record.

Majority committee report adopted.

HB 1486, prohibiting the mandating of fire sprinkler systems in certain dwellings. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susi Nord for Commerce and Consumer Affairs: This bill as amended does three things. First of all, it prevents the state from mandating fire sprinklers in one- or two-family homes through either the fire code or the building code. There are many reasons why mandating sprinklers in new and significantly remodeled homes is not nearly as simple as it might sound. Most importantly, the state must be very mindful of imposing mandates on our residents in the privacy of their own homes. Sprinklers can add significant cost to the price of a home, especially if the installation of a sprinkler system necessitates the installation of a water tank and pumping system sufficient to run the sprinklers for a set period of time. Additionally, there are many different types of homes that do not easily accommodate the infrastructure for sprinklers, such as log homes, which then need additional costly

modifications. Addition of sprinklers to HUD coded manufactured homes can cause the builder to conflict with requirements of federal statute. These complications and expenses make workforce housing more costly and make the dream of home ownership more difficult to achieve for families of moderate means. The second thing the bill does is create a study committee to review the current status of sprinkler requirements in one and two family homes at the federal, state and local level and make recommendations about what is appropriate for New Hampshire. Sprinklers can save lives and property and in areas with volunteer fire departments they can be part of the strategy to minimize expense for expanding safety infrastructure to remote areas. Finally the bill creates a cooling off period of three years so that the committee may do its work. Many towns have current regulations which are the result of study and input from local fire and planning officials and the majority agreed that these laws should not be affected while the committee weighs the facts. However it is also important that we have consistency and stability in our laws. The cooling off period in no way restricts towns from working with safety officials and builders to meet the needs of the town for management of available resources. It simply maintains the status quo while the larger ramifications of mandates are determined to ensure the benefits of the policy to all. At the current time, the home construction and remodeling industry is in crisis with job losses above the average for our state, and the majority feels that implementation of this bill will help stabilize this industry and not further delay recovery in this very important sector of our economy. Vote 15-3.

Amendment (0522h)

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

AN ACT prohibiting the mandating of fire sprinkler systems in certain dwellings and establishing a committee to study municipal residential fire sprinkler requirements.

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

1 State Board of Fire Control; Rules; Sprinkler Systems. Amend RSA 153:5 to read as follows:

153:5 Rules. The state fire marshal shall adopt rules, with the approval of the commissioner of safety, to be known as the state fire code, pursuant to RSA 541-A, to further the purposes of this chapter and such applicable fire safety and building laws as he shall deem necessary for the protection from fire and fire hazards for people in the state and for the general welfare of property and people within the state. The rules may include, but not be limited to, the keeping, storage, use, manufacture, sale, handling, transportation, or disposal of highly flammable materials and rubbish, and of flammable fluids and compounds and flammable tablets and may include standards for the materials and construction of receptacles and buildings to be used for any of these purposes. The fire marshal may adopt the most recent edition of the provisions of the national fire protection association code or other recognized codes as rules, in whole or in part; however, such rules shall not require automatic suppressant or sprinkler systems in **one or 2-family dwelling units, in** areas of buildings or additions[,] in which the discharge of water would be undesirable as determined by the state fire marshal, or in rooms or areas containing either generators, transformers, telecommunications equipment or facilities, or electronic data processing equipment, or in telecommunications or electric utility company equipment buildings or areas occupied exclusively for telecommunications equipment, electrical transformation and switching equipment, associated electrical distribution equipment, batteries, and standby engines or generators, provided that those spaces or areas are equipped throughout with an automatic fire detection system. The rules shall apply to the construction and remodeling of buildings and structures for the containment of flammable liquids and to the new installation and replacement of equipment used in connection with flammable liquids. The rules shall apply to existing buildings, structures, or equipment. The fire marshal may exempt a building, structure, or equipment from such rules if he **or she** finds that such exemption does not constitute a hazard to the public welfare and safety. A reasonable time, as determined by

the state fire marshal, shall be allowed to make necessary alterations. Nothing in this section shall be construed to prevent municipalities from adopting bylaws or ordinances relative to a subject area of rules adopted by the fire marshal in accordance with this section if such bylaws or ordinances are no less restrictive than those adopted by the fire marshal.

2 Fire Protection and Warning Devices in Multi-Family Dwellings. Amend RSA 153:10-a, III to read as follows:

III. The state fire marshal may adopt such rules pursuant to RSA 541-A as necessary to enforce paragraphs I, II, and II-a; ***provided that under no circumstances shall the rules require the installation of a fire sprinkler system in a one or 2-family dwelling unit that otherwise meets the requirements of this section.*** The state fire marshal shall either enforce the provisions of this section or appoint the appropriate municipal authority to enforce the provisions of this section.

3 New Paragraph; State Building Code Review Board; Fire Sprinkler Systems. Amend RSA 155-A:10 by inserting after paragraph VI the following new paragraph:

VII. The state building code review board shall not adopt or enforce any rule requiring the installation of fire sprinkler systems in any new or existing one- or 2-family dwelling. This paragraph shall not prohibit a duly adopted requirement mandating that fire sprinkler systems be offered to the owners of dwellings for a reasonable fee.

4 Municipal Sprinkler Requirements.

I. No municipality or local land use board as defined in RSA 672 shall, prior to July 1, 2013, adopt or enforce any ordinance, regulation, code, or administrative practice requiring the installation of fire sprinkler systems in any new or existing one- or 2-family dwelling. This section shall not prohibit a duly adopted requirement mandating that fire sprinkler systems be offered to the owners of dwellings for a reasonable fee.

II. The prohibition against adoption and enforcement of municipal fire sprinkler requirements in paragraph I shall not apply to any municipal ordinance or regulation adopted prior to the effective date of this section.

5 Committee to Study Municipal Residential Fire Sprinkler Requirements.

I. There is established a committee to study municipal residential fire sprinkler requirements.

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

(a) Three members of the house of representatives, one of whom shall be a member of the commerce and consumer affairs committee, one of whom shall be a member of the executive departments and administration committee, and one of whom shall be a member of the municipal and county government committee, appointed by the speaker of the house of representatives.

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

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

IV. The committee shall study existing municipal residential fire sprinkler requirements and whether the interests of safety justify authorizing municipalities to adopt sprinkler requirements for residential structures in the future.

V. 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. Three members of the committee shall constitute a quorum.

VI. 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 1, 2010.

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

AMENDED ANALYSIS

This bill prohibits the mandating of fire sprinkler systems in certain dwellings and establishes a committee to study municipal residential fire sprinkler requirements. On a division vote, 291 members having voted in the affirmative and 19 in the negative, the committee amendment was adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. On a division vote, 298 members having voted in the affirmative and 14 in the negative, the committee report was adopted.
Ordered to third reading.

HB 1488-FN*, relative to New Hampshire HealthFirst. **OUGHT TO PASS.*

Rep. Donna L. Schlachman for Commerce and Consumer Affairs: Rolled out in 2009, New Hampshire's HealthFirst was intended to create an affordable "standard wellness" policy that would bring down health care costs for businesses in the small group (less than 50 employees) market. It was also designed to reduce out of pocket expenses and to improve the health status of workers by covering routine health needs and incentivizing wellness behaviors. HealthFirst has not proven to be competitive as hoped. Many small businesses still must turn to simple high deductible policies for their employees. By adding a "basic wellness plan" to New Hampshire HealthFirst statute, we have an opportunity to examine other insurance design models for the purpose of bringing down policy costs, continuing to work to help our small businesses. Vote 14-3.
Committee report adopted and ordered to third reading.

HB 1605-FN*, requiring businesses to disclose the terms and conditions of any continuing or automatic obligation as part of the sale. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.*

Rep. John B. Hunt for the Majority of Commerce and Consumer Affairs: This bill requires businesses to disclose the terms and conditions of any continuing or automatic obligation resulting from the initial purchase of goods or services by telephone or on the Internet in bold, conspicuous language on the order form, bill, invoice, or other electronic or paper record used to process the sale or transaction. The bill exempts any transaction that may occur as a result of a mailing. Any banking, credit card or insurance transactions would also be exempt. Although the committee appreciates the intent of the bill, the wording and concerns over enforceability were such that even the amendment that was offered could not fix it. Vote 12-6.

Rep. Paul McEachern for the Minority of Commerce and Consumer Affairs: This bill addresses a practice of offering items or services, usually at the cost of mailing, without disclosing that the consumer, by taking the goods or services, obligates himself or herself for continuing charges on their credit card. The attorney general's office testified that this bill would give them some leverage to end this scheme.
Majority committee report adopted.

HB 1639-FN-L*, relative to the tethering of dogs. **INEXPEDIENT TO LEGISLATE.*

Rep. Larry G. Gagne for Criminal Justice and Public Safety: This bill would amend RSA 644:8, III to add, as a separate category of cruelty to animals, the tethering of a dog for more than fourteen cumulative hours in a twenty-four hour period. It also would contain requirements for a proper tether which the majority felt was unduly intrusive. We also felt that the current statutes are adequate at this time because this bill, if enacted, would punish all animal owners, including mushers, rather than the occasional animal abuser. Vote 13-2.
Committee report adopted.

HB 1414*, relative to teacher evaluations. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.*

Rep. Kimberly C. Shaw for the Majority of Education: The intent of the bill is clearly to require the department of education and professional standards board to review certain general and professional education certification and re-certifications requirements, and align such requirements with nationally recognized teacher and administrator personnel evaluation standards in order to develop a model for local evaluation practices. Certification and re-certification standards already exist in rules and are up for review. This bill also would require that teacher evaluations be based on multiple research-based measures. Numerous concerns regarding mandates and local control regarding specific language and terms of intent suggested that more discussion and clarification is necessary. Vote 12-8.

Rep. Pamela G. Price for the Minority of Education: The minority's belief as to why this bill should be found inexpedient to legislate is best summarized by one who stated that out of 1,000, there are 999 reasons to vote against this bill. This bill proposes that teachers be evaluated on multiple, reliable and accurate measures. The subject was motivated by the race to the top program which includes evaluation based upon only one criteria. However, a representative from a teachers union testified that they were unaware of any district that used only one measure. An amendment proposed to have the department review nationally recognized evaluation standards, and to have the state board of education adopt rules requiring teachers be evaluated using these criteria as a guideline. The majority believes that this should be studied further. The minority believes this interferes with local control. Many local employment contracts address this subject. Further, the local employer should have the ability to determine the criteria for the performance measurement. Although argued that the performance standards are intended to serve as a guide, it is the opinion of the minority that these may become the mandate for review. Finally, the minority believes that this leaves a lot of discretion to the rules process and the legislature should give as much direction as possible so the intent is clear to the department. This bill appears to be a solution to a problem which doesn't exist and it interferes with local control.

The question being adoption of the majority committee report of Refer for Interim Study. On a division vote, 184 members having voted in the affirmative and 121 in the negative, the majority committee report was adopted.

HB 1523*, revising the pupil safety and violence prevention act. **OUGHT TO PASS WITH AMENDMENT.*

Rep. Nancy F. Stiles for Education: This bill updates the state's pupil safety and violence prevention act under which public schools, including charter schools, respond to bullying, harassment and intimidation. This bill is a collaborative effort of stakeholders with bi-partisan legislative support. The committee heard testimony from students, parents, educational professionals and child advocates of the prevalence and seriousness of bullying in our schools, and the need to strengthen the law to better protect students, and to involve parents in the process. The bill clarifies the definitions by describing all types of bullying and addresses the goal of preventing "hostile educational environments" in our schools. Cyberbullying is added to the statute, and schools are given the guidance to address incidents that create a hostile educational environment though they may originate off school property. The bill offers greater guidance to school districts to improve their policies and procedures for reporting, investigation, documentation, and response to incidents of bullying, harassment, intimidation, and cyberbullying. It also requires annual training for school personnel, students and parents, and directs the department of education to collect data on substantiated incidents of bullying. The purpose and intent section is expanded to make clear the General Court's commitment to protect our children, and acknowledges that while any pupil can be the victim of bullying, research identifies some children to be more vulnerable than others to harassment, intimidation and cyberbullying. Vote 19-1.

Amendment (0764h)

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

1 Pupil Safety and Violence Prevention; Purpose. RSA 193-F:2 is repealed and reenacted to read as follows:

193-F:2 Purpose and Intent.

I. All pupils have the right to attend public schools, including chartered public schools, that are safe, secure, and peaceful environments. One of the legislature's highest priorities must be to protect our children from physical, emotional, and psychological violence by dealing with bullying, harassment, intimidation, and cyberbullying in our public schools.

II. Bullying, harassment, or intimidation in schools has historically included actions shown to be motivated a pupil's actual or perceived race, color, religion, national origin, ancestry or ethnicity, sexual orientation, socioeconomic status, age, physical, mental, emotional, or learning disability, gender, gender identity and expression, obesity, or other distinguishing personal characteristics, or based on association with any person identified in any of the above categories.

III. It is the intent of the legislature to protect our children from physical, emotional, and psychological violence by dealing with bullying, harassment, intimidation, and cyberbullying of any kind in our public schools, for all of the historical reasons set forth in this section, and to prevent the creation of a hostile educational environment.

IV. The sole purpose of this chapter is to protect all children from bullying, harassment, intimidation, and cyberbullying, and no other legislative purpose is intended, nor should any other intent be construed from the enactment of this chapter.

2 Pupil Safety and Violence Prevention; Definitions. RSA 193-F:3 through RSA 193-F:5 are repealed and reenacted to read as follows:

193-F:3 Definitions. In this chapter:

I.(a) "Bullying, harassment, or intimidation," means a single incident or pattern of significant severity involving a written, verbal, or physical act, or any electronic communication which is intended to:

- (1) Physically harm a pupil or damage the pupil's property; or
- (2) Cause substantial emotional distress to a pupil; or
- (3) Substantially interfere with a pupil's educational opportunities; or
- (4) Be severe, persistent, or pervasive so as to create an intimidating or threatening educational environment; or
- (5) Substantially disrupt the orderly operation of the school.

(b) "Bullying, harassment, or intimidation" shall also include actions shown to be motivated by an imbalance of power, based on a pupil's actual or perceived characteristics, behaviors, or beliefs, or motivated by the pupil's association with another person and based on the other person's characteristics, behaviors, or beliefs.

II. "Cyberbullying" means conduct defined in paragraph I of this section undertaken through the use of electronic devices.

III. "Electronic devices" include, but are not limited to, telephones, cellular phones, computers, pagers, electronic mail, instant messaging, text messaging, and websites.

IV. "School property" means all real property and all physical plant and equipment used for school purposes, including public or private school buses or vans.

193-F:4 Pupil Safety and Violence Prevention.

I. Bullying, harassment, intimidation, or cyberbullying shall occur when an action defined in RSA 193-F:3:

- (a) Occurs on, or is delivered to, school property or a school-sponsored activity or event on or off school property; or
- (b) Occurs off of school property or outside of a school-sponsored activity or event, if the conduct substantially disrupts the orderly operations of the school or school-sponsored activity or event.

II. The school board of each school district shall adopt a written policy prohibiting bullying, harassment, intimidation, and cyberbullying. Such policy shall include the definitions set forth in RSA 193-F:3.

III. A school district shall involve, to the greatest extent practicable, pupils, parents, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies in the process of developing the policy. To the extent possible, the school district policy should be integrated with the school's curriculum, discipline policies, behavior programs, and other violence prevention efforts.

IV. The policy shall contain, at a minimum, the following components:

(a) A statement prohibiting bullying, harassment, intimidation, or cyberbullying of a pupil.

(b) A statement prohibiting retaliation or false accusations against a victim, witness, or anyone else who in good faith provides information about an act of bullying, harassment, intimidation or cyberbullying, and a process for developing, as needed, a plan to protect pupils from retaliation.

(c) A requirement that all pupils are protected regardless of their status under the law.

(d) A statement that there shall be disciplinary consequences or interventions, or both, for a pupil who commits an act of bullying, harassment, intimidation, or cyberbullying, or falsely accuses another of the same as a means of retaliation or reprisal, or as a means of bullying, harassment, intimidation, or cyberbullying.

(e) A statement indicating how the policy shall be made known to school employees, regular school volunteers, pupils, parents, legal guardians, relative caretakers, or employees of a company under contract to a school, school district, or chartered public school. Recommended methods of communication include, but are not limited to, handbooks, websites, newsletters, and workshops.

(f) A procedure for reporting cases of bullying, harassment, intimidation, or cyberbullying that identifies all persons to whom a pupil or another person may report bullying, harassment, intimidation, or cyberbullying.

(g) A procedure outlining the internal reporting requirements within the school or school district.

(h) A procedure for notification, within 48 hours of the report, to the parent or guardian of a victim of bullying, harassment, intimidation, or cyberbullying and the parents or guardians of the perpetrator of the bullying, harassment, intimidation, or cyberbullying. The content of the notification shall comply with the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g.

(i) A provision that the superintendent or designee may, within the 48 hour period, grant the school principal or designee a waiver from the notification requirement if the superintendent or designee deems such waiver to be in the best interest of the victim or perpetrator. Any such waiver granted shall be in writing. Granting of a waiver shall not negate the school's responsibility to adhere to the remainder of its approved written policy.

(j) A written procedure for investigation of reports, to be initiated within 5 school days of the reported incident, identifying either the principal or the principal's designee as the person responsible for the investigation and the manner in which the results of the investigation shall be documented. The superintendent or designee may grant in writing an extension of the time period for the investigation and documentation of reports for up to an additional 7 school days, if necessary. The superintendent or superintendent's designee shall notify in writing all parties involved of the granting of an extension.

(k) A requirement that the principal or designee develop a response to remediate any substantiated incident of bullying, harassment, intimidation, or cyberbullying, including imposing discipline if appropriate, to reduce the risk of future incidents and, where deemed appropriate, to offer assistance to the victim or perpetrator. When indicated, the principal or designee shall recommend a strategy for protecting all pupils from retaliation of any kind.

(l) A requirement that the principal or designee report all substantiated incidents of bullying, harassment, intimidation, or cyberbullying to the superintendent or designee.

(m) A written procedure for communication with parents or guardians of victims and perpetrators regarding the school's remedies and assistance, within the boundaries of applicable state and federal law. This communication shall occur within 10 school days of completion of the investigation.

(n) Identification, by job title, of school officials responsible for ensuring that the policy is implemented.

V. The department of education may develop a model policy in accordance with the requirements set forth in this chapter which may be used by schools and school districts as a basis for adopting a local policy.

193-F:5 Training and Assessment.

I. Each school district shall provide only evidence-based educational programs in support of its efforts to reduce and prevent bullying, harassment, intimidation, or cyberbullying including:

(a) Training within 6 months of the effective date of this chapter, and annually thereafter, for school employees, regular school volunteers, parents, legal guardians, relative caretakers, or employees of a company under contract to a school, school district, or chartered public school who have significant contact with pupils in preventing, identifying, responding to, and reporting incidents of bullying, harassment, intimidation, or cyberbullying; and

(b) An educational program for pupils and parents in preventing, identifying, responding to, and reporting incidents of bullying, harassment, intimidation, or cyberbullying.

II. Nothing in this chapter shall require the inclusion of any curriculum, textbook, presentation, or other material designed to prevent bullying, harassment, intimidation, or cyberbullying in any program or activity conducted by an educational institution. The omission of such subject matter from any curriculum, textbook, presentation, or other material in any program or activity conducted by an educational institution shall not constitute a violation of this chapter.

3 New Sections; Pupil Safety and Violence Prevention; Accountability and Reporting; Immunity. Amend RSA 193-F by inserting after section 5 the following new sections:

193-F:6 Accountability and Reporting.

I. Each school district and chartered public school shall annually report substantiated incidents of bullying, harassment, intimidation, or cyberbullying to the department of education. Pursuant to the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, such reports shall not contain any personally identifiable information pertaining to any pupil. The department shall develop a form to facilitate the reporting by school districts and chartered public schools. The department shall maintain records of such reports.

II. The department of education shall prepare an annual report, which shall include a summary of substantiated incidences of bullying, harassment, intimidation, or cyberbullying. The report shall detail the current levels and nature of bullying, harassment, intimidation, or cyberbullying in the schools including recommendations for appropriate actions to address identified problems with public safety and violence. The report shall be submitted no later than November 1 of each year to the speaker of the house of representatives, the president of the senate, and the chairpersons of the house and senate education committees.

193-F:7 Immunity. A school administrative unit employee, school employee, public academy employee, regular school volunteer, pupil, parent, legal guardian, relative caretaker, or employee of a company under contract to a school, school district, school administrative unit, public academy, or chartered public school, shall be immune from civil

liability for good faith conduct arising from, or pertaining to, the investigation, findings, reporting, recommended response, or implementation of a recommended response under this chapter.

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

Amendment adopted.

Committee report adopted and ordered to third reading.

HR 21, urging the department of education to conduct a survey of New Hampshire educators. **OUGHT TO PASS.**

Rep. Pamela G. Price for Education: This resolution simply encourages the New Hampshire department of education to ask educators for their input on our education system. Teachers are a valuable source of information on what is happening in the schools. There can be positive outcomes. Additional programs, including one on leadership, were done for teachers in another state after such a survey was conducted. This could be done online at little or no cost. We believe it is important to ask those closest to the students for their input. Vote 14-6.

Committee report adopted and ordered to third reading.

HB 1264, relative to the definition of "party" for election purposes. **REFER FOR INTERIM STUDY.**

Rep. Melanie A. Levesque for Election Law: This bill would reduce the thresholds for a political organization to be recognized as a political party and have its candidates' names printed on the general election ballot. New Hampshire has one of the most restrictive ballot access laws on the books and the committee agreed that ballot access is critical to the competitiveness of our elections and to the health of our democracy. However, some competing administrative concerns were not resolved to the committee's satisfaction in time to recommend OTP. The committee is committed to studying this issue further. Vote 11-1. Committee report adopted.

HB 1608, relative to general election candidates for offices that elect more than one person. **INEXPEDIENT TO LEGISLATE.**

Rep. Melanie A. Levesque for Election Law: This bill determines the order of candidates on a ballot when there are multiple candidates. The bill requires candidates to compete head to head with the objective of making candidates compete to win an election. We have done a great deal of work to reduce the primacy effect and create random selection on the ballots with letter selection. HB 1608 runs counter to these efforts. Vote 13-4.

Committee report adopted.

HB 1172, relative to the labeling of genetically modified seeds. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Tara A. Sad for the Majority of Environment and Agriculture: The purpose of this bill was to require all genetically modified seeds (GMOs) sold in New Hampshire to be labeled as such. According to the Department of Agriculture, the only GMOs currently sold in New Hampshire are corn seeds sold to dairy farmers, and a license agreement containing all warnings and restrictions on use of the seeds, including the fact that they are genetically modified, must be signed by the purchaser prior to sale. Nevertheless, the majority of the committee felt that further research was needed on the subject of GMOs and their potential impact on agriculture in the state. Vote 13-3.

Rep. Suzanne J. Smith for the Minority of Environment and Agriculture: The consumer has the right to make an informed decision as to whether they wish to purchase and plant seeds that have been genetically modified. This simple bill would provide that knowledge. When we purchase seeds, we look for the characteristics of the plant that we are going to grow and whether or not the seeds were grown organically. HB 1172 would require seeds sold in New

Hampshire to include on the label whether or not the seeds contain genetically modified organisms.

Majority committee report adopted.

HB 1299, establishing a committee to study enacting a moratorium on the sale and use of fertilizers containing phosphorus. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert H. Haefner for Environment and Agriculture: The problem areas addressed by this bill are waterways and not residential lawns a mile from the nearest water. We think any ban should be local and not state wide. Phosphates are a naturally occurring substance and are essential to plant life. Placement of lawn fertilizers in a statute with household cleaning products is inconsistent. The science does not support an across the board ban. Even organic farmers need a source of phosphorous. The department of agriculture states that any product can be harmful if misused, but in New Hampshire we do not have a problem. Vote 15-1.

Committee report adopted.

HB 1388, establishing a cause of action for farmers sustaining damage from the use of genetically modified seeds or plants. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Robert H. Haefner for the Majority of Environment and Agriculture: This bill would allow organic farmer to sue if they sustain damage from genetically modified seeds. We already decided to study one of our two genetically modified organisms (GMO) bills. There were enough questions on this bill that we decided to study both at the same time and maybe even look at combining them. Vote 11-5.

Rep. Susan E. Wiley for the Minority of Environment and Agriculture: Currently farmers are not able to seek compensation for damage should their crops be comingled or adulterated by genetically modified seeds or organisms. This bill would have allowed for compensation. Majority committee report adopted.

HB 1456, establishing a committee to study the use of pesticides, herbicides and their alternatives in residential neighborhoods, school properties, playgrounds and other places children congregate. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Leigh A. Webb for the Majority of Environment and Agriculture: This bill calls for a study committee, and on the surface, relegating it to interim study does not seem to make sense (a committee to study whether to form a committee to study?) until one looks at the bill closely. The committee as proposed in the bill would consist of three representatives and three senators. Knowing that those representatives most qualified to be appointed would probably come from E & A, and that senators rarely have the time due to exceedingly busy schedules to attend every meeting of a study committee, and would probably whittle that number down to one or none, the committee thought it best for the E & A committee as a whole, using the information already in hand from the public hearing on this bill, to further study this issue, and actively seeking out information from any previous studies done, to use this bill as a vehicle, possibly amending it to suggest practical changes and real solutions for next year's legislature to consider. Vote 14-2.

Rep. Pamela Z. Tucker for the Minority of Environment and Agriculture: The minority believes we already have too many study committees, and another one is unnecessary. All pesticides in use and used in New Hampshire are currently regulated by the state and the federal government. The language in the bill is predisposed to looking for a moratorium on pesticide use before the commencement of the study. The minority believes with such language, the study conclusions could be arrived at by a consensus in order to achieve a certain goal. Consensus is not scientific fact.

The question being adoption of the majority committee report of Refer for Interim Study. On a division vote, 193 members having voted in the affirmative and 110 in the negative, the majority committee report was adopted.

HB 1355-FN, relative to certain Medicaid appropriations. **OUGHT TO PASS.**

Rep. John DeJoie for Finance: This bill is an attempt to retain fairness and predictability in the budgeting process for long term care. (Opponents argue this bill will remove the department of health and human services' (DHHS) flexibility.) The budget lines involved in this bill already treat these in a different and a potentially unfair manner. Passing this bill simply acknowledges the disparity and applies fairness to the long term care budget, and in fact, preserves the legislature's intent in the biennial budget. HB 1355 addresses the use of "budget neutrality" which is a tool for DHHS to ensure they do not overspend two of their budget lines. Budget neutrality is only applied when there is a shortage in the nursing home or home nursing services. HB 1355 acknowledges this and states, in part, if budget neutrality is applied, meaning there is a shortage in the line, money cannot be transferred from the budget line. The majority believes that when rates are cut because the line is underfunded, there is no fair reason to then transfer additional money from the line, which would potentially result in addition of rate cuts. Vote 13-11.

On a division vote, 270 members having voted in the affirmative and 35 in the negative, the committee report was adopted.

Ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Osborne moved that the House reconsider its action whereby it adopted the committee report of Ought to Pass on ***HB 1355-FN***, relative to certain Medicaid appropriations.

Rep. Osborne spoke against.

Motion failed.

REGULAR CALENDAR – SPECIAL ORDERS (CONT'D)

HB 1506-FN-A-L, establishing a state aeronautical fund. **REFER FOR INTERIM STUDY.**

Rep. Beverly T. Rodeschin for Finance: This bill would establish a state aeronautical fund and place revenue from the aviation fuel tax in this fund. In 2009, \$273,000 was collected from the aviation fuel tax. These funds are now directed to the state's general fund revenue. The majority believes with the on-going review of state revenues and expenditures, interim study would be an appropriate action at this time. Vote 20-2.

Committee report adopted.

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

HB 1586-FN, relative to mandated benefits review. **OUGHT TO PASS.**

Rep. Bonnie Mitchell for Finance: This legislation reestablishes the procedure for the insurance department to provide for a review of mandated benefits. The report will include the social impact of mandating the benefit, the financial impact, the medical efficacy and the balancing thereof. It was the feeling of the committee that considering those impacts will be essential to those providing the mandates and are helpful in the basic risk management process and cost benefit analysis of insurance mandates. Vote 20-1.

Committee report adopted and ordered to third reading.

SB 460-FN-A, relative to the lapse of certain legislative and judicial branch appropriations, budget reductions for the department of health and human services, and voluntary furloughs for judges. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert A. Foose for Finance: This bill allows for several actions in support of the ongoing effort to control expenses and maximize revenues in the legislative and judicial branches. It authorizes a \$3,500,000 reduction in judicial branch expenditures, the consolidation of accounts across the final fifteen months of the biennium in the health and human services department and the creation of accounts that will allow the departments of safety and administration to maximize the use of federal funds as they are received. Vote 18-4.

Amendment (0807h)

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

AN ACT relative to the lapse of certain legislative and judicial branch appropriations, budget reductions for the department of health and human services, voluntary furloughs for judges, and transfers of federal funds.

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:

5 Department Budgets; Transfers of Federal Funds. In order to maximize the use of federal grant funds and to avoid lapsing such funds where changes in the state or federal accounting systems, changes in federal grant guidelines, overestimation or underestimation of funds required in various class codes due to program needs or requirements, have occurred subsequent to the passage of the budget, notwithstanding any other provisions of law to the contrary, every department as defined in RSA 9:1 is hereby authorized, for the biennium ending June 30, 2011, subject to the prior approval of the fiscal committee and the approval of governor and council, to transfer funds in or out of any class code and to create new class codes within federally funded areas of the department's operating budget so long as such transfers do not result in an over expenditure of the grant.

AMENDED ANALYSIS

This bill:

I. Lapses certain sums appropriated to the legislative branch and the judicial branch to the general fund on or before June 30, 2011 pursuant to required operating budget adjustments.

II. Consolidates the amount to be reduced by the department of health and human services, as required under HB 1-A of the 2009 legislative session, for the biennium instead of for each fiscal year.

III. Clarifies the effect of the judicial branch furlough plan on judges who take unpaid furlough time.

IV. Allows for certain departmental budget transfers of federal funds.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 1186, prohibiting smoking within certain areas of New Hampshire state parks and historic sites. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jim U. McClammer for the Majority of Resources, Recreation and Development: The purpose of this bill is to prohibit smoking in areas where people congregate in close proximity at state parks and historic sites. The committee feels the issue of smoking in these public areas has merit, but needs additional study and discussion before being passed. Vote 11-6.

Rep. Thomas J. Howard for the Minority of Resources, Recreation and Development: The minority believes this bill is a "nanny" bill and tries to regulate social behavior. Whereas testimony was given that "people get it" in regards to being courteous to non-smokers, we feel this is too regulatory and unenforceable.

The question being adoption of the majority committee report of Refer for Interim Study.
Rep. Kappler requested a roll call; sufficiently seconded.

YEAS 174 NAYS 140

YEAS 174

BELKNAP

Bolster, Peter
Miller, Kate

Fields, Dennis
Millham, Alida

Johnson, William
Pilliod, James

Merry, Liz
Reever, Judith

CARROLL

Bridgham, Robert

Buco, Thomas

Butler, Edward

Chandler, Gene

CHESHIRE

Allen, Peter
Hunt, John
Mitchell, Bonnie
Robertson, Timothy

Butcher, Suzanne
Laurent, John
Parkhurst, Henry
Sad, Tara

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

Butynski, William
Lindsey, Steven
Roberts, Kris

COOS

Hatch, William
Thomas, Yvonne

Mears, Lucy

Merrick, Evalyn

Stohl, Eric

GRAFTON

Aguiar, James
Ford, Susan
Laliberte, Suzanne
Pierce, David
Townsend, Charles

Almy, Susan
Friedrich, Carol
Mulholland, Catherine
Preston, Philip
White, Andrew

Benn, Bernard
Gould, Franklin
Nordgren, Sharon
Smith, Suzanne

Cooney, Mary
Harding, Laurie
Pastor, Beatriz
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin
Chase, Claudia
Cote, David
Ginsburg, Ruth
Hackel, Paul
Harvey, Suzanne
Kopka, Angeline
Marshall, Seth

Beck, Catriona
Chininis, Alexis
Farley, Michael
Goley, Jeffrey
Hammond, Jill
Hopper, Gary
LaPlante, Roland
Matarazzo, Anthony
Sr

Campbell, David
Christensen, Chris
Flurey, Joan
Gorman, Mary
Hardy, Valerie
Knowles, John
Levesque, Melanie
McCarthy, Michael

Chandley, Shannon
Clemons, Jane
Garrity, Patrick
Graham, John
Harvey, Philip
Knowles, Mary Ann
Long, Patrick
Movsesian, Lori

Nixon, David
Renzullo, Andrew
Shattuck, Gilman

O'Brien, Michael Sr
Rosenwald, Cindy
Shaw, Kimberly

O'Neil, James
Rowe, Robert
Thompson, Robert

Pilotte, Maurice
Schulze, Joan
Walsh, Robert Jr

MERRIMACK

Anderson, Eric
DeStefano, Stephen
Hamm, Christine
McMahon, Patricia
Richardson, Gary

Bouchard, Candace
Foose, Robert
Kelly, Sally
Osborne, Jessie
Rodd, Beth

Brown, Carole
French, Barbara
Kotowski, Frank
Owen, Derek
Shurtleff, Stephen

Davis, Frank
Gile, Mary
Lockwood, Priscilla
Potter, Frances
Tilton, Joy

Tupper, Frank
Webb, Leigh

Wallner, Mary Jane
Wheeler, Deborah

Walz, Mary Beth
Yeaton, Charles

Watrous, Rick

ROCKINGHAM

Bettencourt, David
Crisler, Margaret
DiPentima, Rich
Hoelzel, Kathleen
McEachern, Paul
Read, Robin Jr
Weare, Everett

Borden, David
Cushing, Robert
Ferrante, Beverly
Kepner, Susan
Nord, Susi
Schlachman, Donna
Webber, Carolyn

Brown, C. Pennington
Day, Judith
Flanders, John Sr
Major, Norman
Pantelakos, Laura
Splaine, James

Casey, Kimberley
DiFruscia, Anthony
Henson, John
McCarthy, Barbara
Pettersen, Don
Stiles, Nancy

STRAFFORD

Berube, Roger
Cyr, James
Keans, Sandra
Rollo, Deanna
Smith, Marjorie

Brennan, William
Domingo, Baldwin
Perry, Robert
Rous, Emma
Spang, Judith

Brown, Larry
Hubbard, Pamela
Price, Susan
Ryder, Mark
Vachon, Dennis

Burke, Rachel
Kaen, Naida
Rogers, Rose Marie
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
McClammer, Jim

Gagnon, Raymond
Skinder, Carla

Gottling, Suzanne

NAYS 140

BELKNAP

Boyce, Laurie

Russell, David

Swinford, Elaine

Wendelboe, Fran

CARROLL

Ahlgren, Christopher
Patten, Betsey

Fleck, Joseph
Stevens, Stanley

Knox, J. David
Umberger, Karen

McConkey, Mark
Wiley, Susan

CHESHIRE

Eaton, Daniel
Sterling, Franklin Jr

Emerson, Susan

Johnson, Jane

Meador, David

COOS

Rappaport, Laurence

Remick, William

Richardson, Herbert

Theberge, Robert

GRAFTON

Bulis, Lyle
Matheson, Robert

Gionet, Edmond
Maybeck, Margie

Ingbretson, Paul
Ward, Brien

Ladd, Rick Jr
Williams, Burton

HILLSBOROUGH

Batula, Peter
Boehm, Ralph
Christiansen, Lars
Gagne, Larry
Hawkins, Ken
Holden, Frank

Beauchamp, Roger
Boisvert, Ronald
Daniels, Gary
Gargas, Carolyn
Hikel, John
Holden, Rip

Belvin, William
Caron, June
Doherty, Shaun
Haefner, Robert
Hinkle, Peyton
Infantine, William

Bergin, Peter
Cebrowski, John
Emerton, Larry
Haley, Robert
Hogan, Edith
Jasper, Shawn

Kurk, Neal
Messier, Irene
Pellegrino, Tony
Price, Pamela
Silva, Peter
Ulery, Jordan
Winters, Joel

L'Heureux, Robert
O'Brien, William
Pepino, Leo
Ryder, Donald
Soucy, Connie
Vaillancourt, Steve

Leishman, Peter
Ober, Lynne
Peterson, Andrew
Seidel, Carl
Soucy, Timothy
Villeneuve, Moe

Mead, Robert
Palmer, Stephen
Pratt, Calvin
Shaw, Barbara
Sullivan, Daniel
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Palfrey, David
Stetson, William

Coffey, Jennifer
Reed, Dennis

Kidder, David
Schuett, Dianne

McGuire, Carol
Smith, Todd

ROCKINGHAM

Abbott, Dennis
Bates, David
Comerford, Timothy
Elliott, Robert
Gould, Kenneth
Introne, Robert
Kolodziej, Walter
Packard, Sherman
Sanders, Elisabeth
Welch, David

Allen, Mary
Bridle, Russell
DeSimone, Debra
Emiro, Frank
Griffin, Mary
Itse, Daniel
Mann, Maureen
Priestley, Anne
Sedensky, John
Wells, Roger

Bailey, Clinton
Case, Frank
Devine, James
Fesh, Robert
Headd, James
Kappler, L. Mike
McKinney, Betsy
Quandt, Matt
Smith, William
Weyler, Kenneth

Baldasaro, Alfred
Charron, Gene
Dowling, Patricia
Garritty, James
Ingram, Russell
Katsakiores, Phyllis
Nevins, Chris
Reagan, John
Tucker, Pamela

STRAFFORD

Bickford, David
Horrigan, Timothy
Vita, Carol

Brown, Julie
Hutz, Sarah

Browne, Brendon
Lauterborn, Elaine

Groen, Warren
Sprague, Dale

SULLIVAN

Cunningham, Steven
Sweeney, Cynthia

Howard, Thomas

Osgood, Joe

Rodeschin, Beverly

and the majority committee report was adopted.

HB 1218, requiring a report of payments to the Association of Community Organizations for Reform Now (ACORN). **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Robert R. Cushing for the Majority of State-Federal Relations and Veterans Affairs: This bill singles out one non-profit organization, ACORN and directs that the treasurer prepare reports annually on this group. Under New Hampshire law, all non-profit and charitable organizations are supervised and regulated by the director of charitable trusts. That office within the attorney general's office has the responsibility to administer and enforce laws concerning all non-profit organizations. The director of charitable trusts informed the committee that no complaints have been made to its office with respect to the charitable entity ACORN and that no investigations were ever conducted. If there is a legitimate concern about a charitable organization in the state, the place to bring that concern is to the director of charitable trusts, rather than passing a new law to impose additional burdens on the office of the treasurer. Vote 10-6.

Rep. Frank R. Emiro for the Minority of State-Federal Relations and Veterans Affairs: There has been ample evidence by other states of the illegal action by the employees of ACORN. With this pattern of behavior well established, we as guardians of the state coffers should certainly want to see where our taxpayers' money has gone. To argue that some of the

employees have done good work is beside the point. Looking at the checks does not stop good work, it is merely exercising due diligence.

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

YEAS 176 NAYS 139

YEAS 176

BELKNAP

Johnson, William	Merry, Liz	Miller, Kate	Reever, Judith
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CARROLL

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

Allen, Peter	Butcher, Suzanne	Butterworth, Timothy	Butynski, William
Eaton, Daniel	Hunt, John	Lerandeau, Alfred	Lindsey, Steven
Meador, David	Mitchell, Bonnie	Parkhurst, Henry	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Sad, Tara	Weber, Lucy

COOS

Hatch, William	Mears, Lucy	Merrick, Evalyn	Theberge, Robert
Thomas, Yvonne			

GRAFTON

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

HILLSBOROUGH

Baroody, Benjamin	Beauchamp, Roger	Beck, Catriona	Bergin, Peter
Boisvert, Ronald	Campbell, David	Caron, June	Chandley, Shannon
Chase, Claudia	Chininis, Alexis	Clemons, Jane	Cote, David
Farley, Michael	Flurey, Joan	Garrity, Patrick	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Hackel, Paul	Haley, Robert
Hammond, Jill	Hardy, Valerie	Harvey, Philip	Harvey, Suzanne
Hinkle, Peyton	Holden, Rip	Katsiantonis, Thomas	Knowles, John
Knowles, Mary Ann	Kopka, Angeline	LaPlante, Roland	Leishman, Peter
Levesque, Melanie	Long, Patrick	Marshall, Seth	Matarazzo, Anthony
			Sr
Movsesian, Lori	Nixon, David	O'Brien, Michael Sr	O'Neil, James
Pilotte, Maurice	Rosenwald, Cindy	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Soucy, Timothy	Sullivan, Daniel	Thompson, Robert
Walsh, Robert Jr	Winters, Joel		

MERRIMACK

Bouchard, Candace	Brown, Carole	Davis, Frank	DeStefano, Stephen
Foose, Robert	French, Barbara	Gile, Mary	Hamm, Christine

Kelly, Sally
Owen, Derek
Schuett, Dianne
Tupper, Frank
Webb, Leigh

Lockwood, Priscilla
Potter, Frances
Shurtleff, Stephen
Wallner, Mary Jane
Wheeler, Deborah

McMahon, Patricia
Richardson, Gary
Stetson, William
Walz, Mary Beth
Yeaton, Charles

Osborne, Jessie
Rodd, Beth
Tilton, Joy
Watrous, Rick

ROCKINGHAM

Abbott, Dennis
Cushing, Robert
Henson, John
McCarthy, Barbara
Pettersen, Don
Webber, Carolyn

Borden, David
Day, Judith
Ingram, Russell
McEachern, Paul
Read, Robin Jr

Brown, C. Pennington
DiPentima, Rich
Kepner, Susan
Nord, Susi
Schlachman, Donna

Casey, Kimberley
Flanders, John Sr
Mann, Maureen
Pantelakos, Laura
Splaine, James

STRAFFORD

Berube, Roger
Burke, Rachel
Hubbard, Pamela
Lauterborn, Elaine
Rollo, Deanna
Smith, Marjorie
Wall, Janet

Brennan, William
Cyr, James
Hutz, Sarah
Perry, Robert
Rous, Emma
Spang, Judith

Brown, Larry
Domingo, Baldwin
Kaen, Naida
Price, Susan
Ryder, Mark
Sprague, Dale

Browne, Brendon
Horrigan, Timothy
Keans, Sandra
Rogers, Rose Marie
Schmidt, Peter
Vachon, Dennis

SULLIVAN

Cloutier, John
McClammer, Jim

Donovan, Thomas Jr
Skinder, Carla

Gagnon, Raymond
Sweeney, Cynthia

Gottling, Suzanne

NAYS 139

BELKNAP

Bolster, Peter
Pilliod, James

Boyce, Laurie
Russell, David

Fields, Dennis
Swinford, Elaine

Millham, Alida
Wendelboe, Fran

CARROLL

Ahlgren, Christopher
McConkey, Mark

Chandler, Gene
Patten, Betsey

Fleck, Joseph
Stevens, Stanley

Knox, J. David
Umberger, Karen

CHESHIRE

Emerson, Susan

Johnson, Jane

Laurent, John

Sterling, Franklin Jr

COOS

Rappaport, Laurence

Remick, William

Richardson, Herbert

Stohl, Eric

GRAFTON

Bulis, Lyle
Matheson, Robert
Williams, Burton

Gionet, Edmond
Maybeck, Margie

Ingbretson, Paul
Ward, Brien

Ladd, Rick Jr
White, Andrew

HILLSBOROUGH

Batula, Peter

Belvin, William

Boehm, Ralph

Cebrowski, John

Christensen, Chris
Emerton, Larry
Haefner, Robert
Holden, Frank
Kurk, Neal
Messier, Irene
Pellegrino, Tony
Price, Pamela
Seidel, Carl
Ulery, Jordan

Christiansen, Lars
Gagne, Larry
Hawkins, Ken
Hopper, Gary
L'Heureux, Robert
O'Brien, William
Pepino, Leo
Renzullo, Andrew
Shaw, Kimberly
Vaillancourt, Steve

Daniels, Gary
Gargas, Carolyn
Hikel, John
Infantine, William
McCarthy, Michael
Ober, Lynne
Peterson, Andrew
Rowe, Robert
Silva, Peter
Villeneuve, Moe

Doherty, Shaun
Graham, John
Hogan, Edith
Jasper, Shawn
Mead, Robert
Palmer, Stephen
Pratt, Calvin
Ryder, Donald
Soucy, Connie
Willette, Robert

MERRIMACK

Anderson, Eric
Kotowski, Frank
Smith, Todd

Blankenbeker, Lynne
McGuire, Carol

Coffey, Jennifer
Palfrey, David

Kidder, David
Reed, Dennis

ROCKINGHAM

Allen, Mary
Bettencourt, David
Comerford, Timothy
DiFruscia, Anthony
Ferrante, Beverly
Griffin, Mary
Itse, Daniel
Major, Norman
Priestley, Anne
Sedensky, John
Weare, Everett

Bailey, Clinton
Bridle, Russell
Crisler, Margaret
Dowling, Patricia
Fesh, Robert
Headd, James
Kappler, L. Mike
McKinney, Betsy
Quandt, Matt
Smith, William
Welch, David

Baldasaro, Alfred
Case, Frank
DeSimone, Debra
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Nevins, Chris
Reagan, John
Stiles, Nancy
Wells, Roger

Bates, David
Charron, Gene
Devine, James
Emiro, Frank
Gould, Kenneth
Introne, Robert
Kolodziej, Walter
Packard, Sherman
Sanders, Elisabeth
Tucker, Pamela
Weyler, Kenneth

STRAFFORD

Bickford, David

Brown, Julie

Groen, Warren

Vita, Carol

SULLIVAN

Cunningham, Steven
Rodeschin, Beverly

Harris, Sandra

Howard, Thomas

Osgood, Joe

and the majority committee report was adopted.

HCR 23, calling on Congress to audit the Association of Community Organizations for Reform Now (ACORN) funding. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Robert R. Cushing for the Majority of State-Federal Relations and Veterans Affairs: As with HB 1218, this bill singles out one non-profit organization, ACORN and calls upon congress to audit the organization. A witness at the hearing testified in support of amending the resolution to expand it to call upon congress to audit all grants and contracts to Raytheon, BAE systems, Honeywell, and other corporations with operations in New Hampshire that have received billions of dollars in federal contracts, have participated in documented instances of misconduct, and have paid billions of dollars in fines. Late last year the results of an investigation were released that found ACORN had quickly acted to correct unauthorized actions by a few employees that undermined the work and integrity of that organization. The majority believes the auditing systems that congress currently has in place are sufficient at the present time to investigate the wrongdoings of all the organizations that have been identified by the original resolution and proposed amendment, and find the resolution unnecessary. Vote 9-6.

Rep. Frank R. Emiro for the Minority of State-Federal Relations and Veterans Affairs: The resolution lists many of the illegal actions discovered that were performed by members of ACORN. It also details the organizations that have cut off funding to this organization. This resolution calls on the U.S. congress to audit all grants in order to identify funding for ACORN. Given what appears to be a misappropriation of funds by ACORN this would seem only prudent.

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

YEAS 181 NAYS 133

YEAS 181

BELKNAP

Johnson, William	Merry, Liz	Miller, Kate	Reever, Judith
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CARROLL

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

Allen, Peter	Butcher, Suzanne	Butterworth, Timothy	Butynski, William
Eaton, Daniel	Hunt, John	Lerandau, Alfred	Lindsey, Steven
Meador, David	Mitchell, Bonnie	Parkhurst, Henry	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Sad, Tara	Weber, Lucy

COOS

Hatch, William	Mears, Lucy	Theberge, Robert	Thomas, Yvonne
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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	Williams, Burton

HILLSBOROUGH

Baroody, Benjamin	Beauchamp, Roger	Beck, Catriona	Bergin, Peter
Boisvert, Ronald	Campbell, David	Caron, June	Chandley, Shannon
Chase, Claudia	Chininis, Alexis	Clemons, Jane	Cote, David
Farley, Michael	Flurey, Joan	Garrity, Patrick	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Graham, John	Hackel, Paul
Haley, Robert	Hammond, Jill	Hardy, Valerie	Harvey, Philip
Harvey, Suzanne	Katsiantonis, Thomas	Knowles, John	Knowles, Mary Ann
Kopka, Angeline	Kurk, Neal	LaPlante, Roland	Leishman, Peter
Levesque, Melanie	Long, Patrick	Marshall, Seth	Matarazzo, Anthony
			Sr
Movsesian, Lori	Nixon, David	O'Brien, Michael Sr	O'Neil, James
Pilotte, Maurice	Rosenwald, Cindy	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Shaw, Kimberly	Soucy, Timothy	Sullivan, Daniel
Thompson, Robert	Walsh, Robert Jr	Winters, Joel	

MERRIMACK

Bouchard, Candace	Brown, Carole	Davis, Frank	DeStefano, Stephen
Foose, Robert	French, Barbara	Gile, Mary	Hamm, Christine
Kelly, Sally	Lockwood, Priscilla	McMahon, Patricia	Osborne, Jessie
Owen, Derek	Potter, Frances	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	Yeaton, Charles	

ROCKINGHAM

Abbott, Dennis	Borden, David	Brown, C. Pennington	Casey, Kimberley
Cushing, Robert	Day, Judith	DiPentima, Rich	Henson, John
Kepner, Susan	Mann, Maureen	McCarthy, Barbara	McEachern, Paul
McKinney, Betsy	Nord, Susi	Pantelakos, Laura	Petterson, Don
Read, Robin Jr	Russell, Trinka	Schlachman, Donna	Splaine, James
Webber, Carolyn			

STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	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	Smith, Marjorie	Spang, Judith	Sprague, Dale
Vachon, Dennis	Wall, Janet		

SULLIVAN

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

NAYS 133

BELKNAP

Bolster, Peter	Boyce, Laurie	Fields, Dennis	Millham, Alida
Pilliod, James	Russell, David	Swinford, Elaine	Wendelboe, Fran

CARROLL

Ahlgren, Christopher	Fleck, Joseph	Knox, J. David	McConkey, Mark
Patten, Betsey	Stevens, Stanley	Umberger, Karen	

CHESHIRE

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

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

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

HILLSBOROUGH

Batula, Peter	Belvin, William	Boehm, Ralph	Cebrowski, John
Christensen, Chris	Christiansen, Lars	Daniels, Gary	Doherty, Shaun
Emerton, Larry	Gagne, Larry	Gargas, Carolyn	Haefner, Robert
Hawkins, Ken	Hikel, John	Hinkle, Peyton	Hogan, Edith
Holden, Frank	Holden, Rip	Hopper, Gary	Infantine, William
Jasper, Shawn	L'Heureux, Robert	McCarthy, Michael	Mead, Robert
Messier, Irene	O'Brien, William	Ober, Lynne	Palmer, Stephen
Pellegrino, Tony	Pepino, Leo	Peterson, Andrew	Pratt, Calvin
Price, Pamela	Renzullo, Andrew	Rowe, Robert	Ryder, Donald
Seidel, Carl	Silva, Peter	Soucy, Connie	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Moe	Willette, Robert	

MERRIMACK

Anderson, Eric	Blankenbeker, Lynne	Coffey, Jennifer	Kidder, David
Kotowski, Frank	McGuire, Carol	Palfrey, David	Reed, Dennis
Smith, Todd			

ROCKINGHAM

Allen, Mary	Bailey, Clinton	Baldasaro, Alfred	Bates, David
Bettencourt, David	Bridle, Russell	Case, Frank	Charron, Gene
Comerford, Timothy	Crisler, Margaret	DeSimone, Debra	Devine, James
DiFruscia, Anthony	Dowling, Patricia	Elliott, Robert	Emiro, Frank
Ferrante, Beverly	Fesh, Robert	Flanders, John Sr	Garritty, James
Gould, Kenneth	Griffin, Mary	Headd, James	Hoelzel, Kathleen
Ingram, Russell	Introne, Robert	Itse, Daniel	Kappler, L. Mike
Katsakiores, Phyllis	Kolodziej, Walter	Major, Norman	Nevins, Chris
Packard, Sherman	Priestley, Anne	Quandt, Matt	Reagan, John
Sanders, Elisabeth	Sedensky, John	Smith, William	Stiles, Nancy
Tucker, Pamela	Weare, Everett	Welch, David	Wells, Roger
Weyler, Kenneth			

STRAFFORD

Brown, Julie	Groen, Warren	Vita, Carol
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SULLIVAN

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

HB 1188, relative to nominating a political organization by nomination papers.

MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.

Rep. David M. Pierce for the Majority of Election Law: Easier access to the ballot is important for our elections. This bill is a small step to get us there because it opens up the ballot. First, HB 1188 keeps the sponsor's bill completely intact by changing the number of petitions that a political organization must collect to be recognized as a party. Second, it reduces the number of petitions that individual candidates must collect to get on the ballot. Vote 8-6.

Rep. Shawn N. Jasper for the Minority of Election Law: This bill as introduced was intended to remove the "hills and valleys" that a political organization filing nomination papers faces. The number of signatures required varies greatly, depending on how many people voted in the election previous to the papers being filed. Last year the committee recognized that

fairness demanded that a change be made. This bill was filed based on that realization. The number chosen represented the approximate average of what previously may have been required. While the original intent was kept in place, the amendment makes other changes which the minority feels need to be more thoroughly debated and the ramifications explored with the department of state and the office of the attorney general. The change that the minority objects to the most strenuously had no public hearing and was introduced just prior to the actual vote being taken. This change would allow anyone who collects 50 signatures, down from the current 150, to have his or her name placed on the ballot in November for the office of state representative. The minority believes that wider ballot access is a laudable goal, but as the bill would not take effect until the 2012 election, it is more important to get this legislation "right" than to send a message.

Majority Amendment (0726h)

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

AN ACT relative to nominating a candidate or political organization by nomination papers.

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

1 Nomination by Nomination Papers; Number. Amend RSA 655:42 to read as follows:
655:42 Number.

I. It shall require the names of ~~[3,000]~~ **2,000** registered voters ~~[1,500 from each United States congressional district in the state,]~~ to nominate by nomination papers a candidate for president, United States senator, or governor.

II. It shall require the names of ~~[1,500]~~ **1,000** voters registered in the district to nominate by nomination papers a candidate for United States representative; ~~[750]~~ **500** to nominate a candidate for councilor or state senator; ~~[and 150]~~ **100** to nominate a candidate for ~~[state representative or]~~ county officer; **and 50 to nominate a candidate for state representative.**

III. It shall require the names of registered voters equaling ~~[3]~~ **1-1/2** percent of the total ~~[votes cast]~~ **number of registered voters** at the previous state general election to nominate by nomination papers a political organization.

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

AMENDED ANALYSIS

The bill reduces the number of names required to nominate a candidate by nomination papers.

LAID ON THE TABLE

Rep. Pierce moved that **HB 1188**, relative to nominating a political organization by nomination papers, be laid on the table.

Adopted.

REGULAR CALENDAR – SPECIAL ORDERS (CONT'D)

HB 1528, relative to observing voter check-in. **OUGHT TO PASS.**

Rep. Kathleen M. Hoelzel for Election Law: This bill prohibits standing or sitting within 6 feet of the ballot clerk to observe voter check-in without permission of the moderator. This would give the moderators the authority to best control the polling place and to protect against interference with ballot clerks duties. Vote 13-3.

Rep. Groen requested a roll call; sufficiently seconded.

YEAS 309 NAYS 6

YEAS 309

BELKNAP

Bolster, Peter
Merry, Liz
Reever, Judith

Boyce, Laurie
Miller, Kate
Russell, David

Fields, Dennis
Millham, Alida
Swinford, Elaine

Johnson, William
Pilliod, James
Wendelboe, Fran

CARROLL

Ahlgren, Christopher
Fleck, Joseph
Umberger, Karen

Bridgham, Robert
Knox, J. David
Wiley, Susan

Buco, Thomas
Patten, Betsey

Butler, Edward
Stevens, Stanley

CHESHIRE

Allen, Peter
Eaton, Daniel
Laurent, John
Mitchell, Bonnie
Sad, Tara

Butcher, Suzanne
Emerson, Susan
Lerandeau, Alfred
Richardson, Barbara
Sterling, Franklin Jr

Butterworth, Timothy
Hunt, John
Lindsey, Steven
Roberts, Kris
Weber, Lucy

Butynski, William
Johnson, Jane
Meador, David
Robertson, Timothy

COOS

Hatch, William
Richardson, Herbert

Mears, Lucy
Stohl, Eric

Rappaport, Laurence
Theberge, Robert

Remick, William
Thomas, Yvonne

GRAFTON

Aguiar, James
Cooney, Mary
Gould, Franklin
Laliberte, Suzanne
Nordgren, Sharon
Smith, Suzanne
White, Andrew

Almy, Susan
Ford, Susan
Harding, Laurie
Matheson, Robert
Pastor, Beatriz
Taylor, Kathleen
Williams, Burton

Benn, Bernard
Friedrich, Carol
Ingbretson, Paul
Maybeck, Margie
Pierce, David
Townsend, Charles

Bulis, Lyle
Gionet, Edmond
Ladd, Rick Jr
Mulholland, Catherine
Preston, Philip
Ward, Brien

HILLSBOROUGH

Baroody, Benjamin
Belvin, William
Campbell, David
Chase, Claudia
Clemons, Jane
Emerton, Larry
Gargas, Carolyn
Gorman, Mary
Haley, Robert
Harvey, Suzanne
Holden, Frank
Katsiantonis, Thomas
Kurk, Neal
Levesque, Melanie

Batula, Peter
Bergin, Peter
Caron, June
Chininis, Alexis
Cote, David
Farley, Michael
Garrity, Patrick
Graham, John
Hammond, Jill
Hikel, John
Hopper, Gary
Knowles, John
L'Heureux, Robert
Long, Patrick

Beauchamp, Roger
Boehm, Ralph
Cebrowski, John
Christensen, Chris
Daniels, Gary
Flurey, Joan
Ginsburg, Ruth
Hackel, Paul
Hardy, Valerie
Hinkle, Peyton
Infantine, William
Knowles, Mary Ann
LaPlante, Roland
Marshall, Seth

Beck, Catriona
Boisvert, Ronald
Chandley, Shannon
Christiansen, Lars
Doherty, Shaun
Gagne, Larry
Goley, Jeffrey
Haefner, Robert
Harvey, Philip
Hogan, Edith
Jasper, Shawn
Kopka, Angeline
Leishman, Peter
Matarazzo, Anthony
Sr
Movsesian, Lori
O'Neil, James
Pepino, Leo
Price, Pamela
Ryder, Donald
Shaw, Barbara

McCarthy, Michael
Nixon, David
Ober, Lynne
Peterson, Andrew
Renzullo, Andrew
Schulze, Joan

Mead, Robert
O'Brien, Michael Sr
Palmer, Stephen
Pilotte, Maurice
Rosenwald, Cindy
Seidel, Carl

Messier, Irene
O'Brien, William
Pellegrino, Tony
Pratt, Calvin
Rowe, Robert
Shattuck, Gilman

Shaw, Kimberly
Sullivan, Daniel
Villeneuve, Moe

Silva, Peter
Thompson, Robert
Walsh, Robert Jr

Soucy, Connie
Ulery, Jordan
Willette, Robert

Soucy, Timothy
Vaillancourt, Steve
Winters, Joel

MERRIMACK

Anderson, Eric
Brown, Carole
Foose, Robert
Kelly, Sally
McGuire, Carol
Palfrey, David
Rodd, Beth
Stetson, William
Walz, Mary Beth
Yeaton, Charles

Bartlett, Michael
Coffey, Jennifer
French, Barbara
Kidder, David
McMahon, Patricia
Potter, Frances
Schuett, Dianne
Tilton, Joy
Watrous, Rick

Blankenbeker, Lynne
Davis, Frank
Gile, Mary
Kotowski, Frank
Osborne, Jessie
Reed, Dennis
Shurtleff, Stephen
Tupper, Frank
Webb, Leigh

Bouchard, Candace
DeStefano, Stephen
Hamm, Christine
Lockwood, Priscilla
Owen, Derek
Richardson, Gary
Smith, Todd
Wallner, Mary Jane
Wheeler, Deborah

ROCKINGHAM

Abbott, Dennis
Bates, David
Brown, C. Pennington
Comerford, Timothy
DeSimone, Debra
Dowling, Patricia
Fesh, Robert
Griffin, Mary
Ingram, Russell
Katsakiores, Phyllis
Mann, Maureen
Nevins, Chris
Priestley, Anne
Russell, Trinka
Smith, William
Weare, Everett
Weyler, Kenneth

Allen, Mary
Bettencourt, David
Case, Frank
Crisler, Margaret
Devine, James
Elliott, Robert
Flanders, John Sr
Headd, James
Introne, Robert
Kepner, Susan
McCarthy, Barbara
Nord, Susi
Quandt, Matt
Sanders, Elisabeth
Splaine, James
Webber, Carolyn

Bailey, Clinton
Borden, David
Casey, Kimberley
Cushing, Robert
DiFruscia, Anthony
Emiro, Frank
Garritty, James
Henson, John
Itse, Daniel
Kolodziej, Walter
McEachern, Paul
Pantelakos, Laura
Read, Robin Jr
Schlachman, Donna
Stiles, Nancy
Welch, David

Baldasaro, Alfred
Bridle, Russell
Charron, Gene
Day, Judith
DiPentima, Rich
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Kappler, L. Mike
Major, Norman
McKinney, Betsy
Pettersson, Don
Reagan, John
Sedensky, John
Tucker, Pamela
Wells, Roger

STRAFFORD

Berube, Roger
Brown, Larry
Domingo, Baldwin
Hutz, Sarah
Price, Susan
Ryder, Mark
Sprague, Dale

Bickford, David
Browne, Brendon
Groen, Warren
Kaen, Naida
Rogers, Rose Marie
Schmidt, Peter
Vachon, Dennis

Brennan, William
Burke, Rachel
Horriggan, Timothy
Lauterborn, Elaine
Rollo, Deanna
Smith, Marjorie
Vita, Carol

Brown, Julie
Cyr, James
Hubbard, Pamela
Perry, Robert
Rous, Emma
Spang, Judith
Wall, Janet

SULLIVAN

Cloutier, John
Gottling, Suzanne
Osgood, Joe

Cunningham, Steven
Harris, Sandra
Rodeschin, Beverly
Donovan, Thomas Jr
Howard, Thomas
Skinder, Carla

Gagnon, Raymond
McClammer, Jim
Sweeney, Cynthia

NAYS 6

BELKNAP

None

CARROLL

McConkey, Mark

CHESHIRE

Parkhurst, Henry

COOS

None

GRAFTON

None

HILLSBOROUGH

Hawkins, Ken

Holden, Rip

MERRIMACK

None

ROCKINGHAM

Packard, Sherman

STRAFFORD

Keans, Sandra

SULLIVAN

None

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

(Rep. Packard in the Chair)

HB 1336, relative to health care liability claims. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Gary B. Richardson for the Majority of Judiciary: This bill would have enacted a number of so called tort reforms relative to health care liability claims. Several of the provisions contained in the bill are already part of current law, albeit with slightly different language. Other provisions have previously been considered and rejected by the legislature. There was general agreement that the bill was not ready for consideration by the House. A minority of the committee wanted to refer the bill for interim study, but a majority of the committee believed that there were so many problems with the bill that interim study was not likely to be productive. Vote 11-8.

Rep. Joseph M. Hagan for the Minority of Judiciary: Substantive reform of medical malpractice claims is a necessity to promote healthcare reform. However, this proposed legislation needs further study to address the concerns of the medical and legal community.

CLERK'S NOTE

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

The question being adoption of the majority committee report of Inexpedient to Legislate.
Rep. Rowe spoke against.
Rep. Gary Richardson spoke in favor.
On a division vote, 145 members having voted in the affirmative and 117 in the negative, the majority committee report failed lacking the necessary two-thirds.

CLERK'S NOTE

The constitutionally required two-thirds of the membership for action by majority vote was declared present.

Rep. Rowe moved Refer for Interim Study.

LAID ON THE TABLE

Rep. Eaton moved that **HB 1336**, relative to health care liability claims, be laid on the table.
Rep. Cote requested a roll call; sufficiently seconded.

YEAS 178 NAYS 119

YEAS 178

BELKNAP

Flanders, Donald	Merry, Liz	Miller, Kate	Pilliod, James
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CARROLL

Ahlgren, Christopher Patten, Betsey	Bridgham, Robert	Buco, Thomas	Butler, Edward
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CHESHIRE

Allen, Peter	Butcher, Suzanne	Butterworth, Timothy	Butynski, William
Eaton, Daniel	Lerandeau, Alfred	Lindsey, Steven	Meador, David
Mitchell, Bonnie	Parkhurst, Henry	Richardson, Barbara	Robertson, Timothy
Sad, Tara	Weber, Lucy		

COOS

Hatch, William	Theberge, Robert	Thomas, Yvonne
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GRAFTON

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

HILLSBOROUGH

Baroody, Benjamin	Beauchamp, Roger	Beck, Catriona	Belvin, William
Bergin, Peter	Boisvert, Ronald	Campbell, David	Chandley, Shannon
Chase, Claudia	Chininis, Alexis	Clemons, Jane	Cote, David
Flurey, Joan	Garrity, Patrick	Ginsburg, Ruth	Goley, Jeffrey
Hackel, Paul	Haley, Robert	Hammond, Jill	Hardy, Valerie
Harvey, Philip	Harvey, Suzanne	Katsiantonis, Thomas	Knowles, John

Knowles, Mary Ann
Long, Patrick

Nixon, David
Rosenwald, Cindy
Thompson, Robert
Winters, Joel

Kopka, Angeline
Marshall, Seth

O'Brien, Michael Sr
Schulze, Joan
Vaillancourt, Steve

Leishman, Peter
Matarazzo, Anthony
Sr

O'Neil, James
Shattuck, Gilman
Villeneuve, Moe

Levesque, Melanie
Movsesian, Lori

Pilotte, Maurice
Shaw, Kimberly
Walsh, Robert Jr

MERRIMACK

Bartlett, Michael
DeStefano, Stephen
Hamm, Christine
McMahon, Patricia
Richardson, Gary
Stetson, William
Walz, Mary Beth

Bouchard, Candace
Foose, Robert
Kelly, Sally
Osborne, Jessie
Rodd, Beth
Tilton, Joy
Webb, Leigh

Brown, Carole
French, Barbara
Kidder, David
Owen, Derek
Schuett, Dianne
Tupper, Frank
Yeaton, Charles

Davis, Frank
Gile, Mary
Lockwood, Priscilla
Potter, Frances
Shurtleff, Stephen
Wallner, Mary Jane

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
Elliott, Robert
Henson, John
Mann, Maureen
Petterson, Don
Russell, Trinkia
Weare, Everett
Weyler, Kenneth

Borden, David
Cushing, Robert
Flanders, John Sr
Ingram, Russell
McCarthy, Barbara
Priestley, Anne
Sanders, Elisabeth
Webber, Carolyn

Brown, C. Pennington
Day, Judith
Gould, Kenneth
Katsakiores, Phyllis
McEachern, Paul
Read, Robin Jr
Schlachman, Donna
Welch, David

Case, Frank
DiPentima, Rich
Griffin, Mary
Kepner, Susan
Nord, Susi
Reagan, John
Splaine, James
Wells, Roger

STRAFFORD

Brown, Larry
Horrigan, Timothy
Keans, Sandra
Rogers, Rose Marie
Smith, Marjorie
Wall, Janet

Browne, Brendon
Hubbard, Pamela
Lauterborn, Elaine
Rollo, Deanna
Spang, Judith

Burke, Rachel
Hutz, Sarah
Perry, Robert
Ryder, Mark
Sprague, Dale

Domingo, Baldwin
Kaen, Naida
Price, Susan
Schmidt, Peter
Vachon, Dennis

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
McClammer, Jim

Gagnon, Raymond
Skinder, Carla

Gottling, Suzanne

NAYS 119

BELKNAP

Bolster, Peter
Russell, David

Boyce, Laurie
Swinford, Elaine

Fields, Dennis
Wendelboe, Fran

Millham, Alida

CARROLL

Fleck, Joseph
Umberger, Karen

Knox, J. David
Wiley, Susan

McConkey, Mark

Stevens, Stanley

CHESHIRE

Emerson, Susan	Hunt, John	Johnson, Jane	Laurent, John
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COOS

Rappaport, Laurence	Remick, William	Richardson, Herbert
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GRAFTON

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

Batula, Peter	Boehm, Ralph	Cebrowski, John	Christensen, Chris
Christiansen, Lars	Daniels, Gary	Day, Russell	Doherty, Shaun
Emerton, Larry	Gagne, Larry	Gargasz, Carolyn	Gorman, Mary
Graham, John	Haefner, Robert	Hawkins, Ken	Hikel, John
Hinkle, Peyton	Hogan, Edith	Holden, Frank	Holden, Rip
Hopper, Gary	Infantine, William	Jasper, Shawn	Kurk, Neal
L'Heureux, Robert	McCarthy, Michael	Mead, Robert	Messier, Irene
O'Brien, William	Ober, Lynne	Palmer, Stephen	Pellegrino, Tony
Peterson, Andrew	Pratt, Calvin	Price, Pamela	Renzullo, Andrew
Rowe, Robert	Ryder, Donald	Seidel, Carl	Silva, Peter
Soucy, Connie	Sullivan, Daniel	Ulery, Jordan	Willette, Robert

MERRIMACK

Anderson, Eric	Blankenbeker, Lynne	Coffey, Jennifer	Kotowski, Frank
McGuire, Carol	Palfrey, David	Reed, Dennis	Smith, Todd
Wheeler, Deborah			

ROCKINGHAM

Allen, Mary	Bailey, Clinton	Baldasaro, Alfred	Bates, David
Bettencourt, David	Bridle, Russell	Charron, Gene	Comerford, Timothy
Crisler, Margaret	DeSimone, Debra	Devine, James	DiFruscia, Anthony
Dowling, Patricia	Emiro, Frank	Ferrante, Beverly	Fesh, Robert
Garrity, James	Headd, James	Hoelzel, Kathleen	Introne, Robert
Itse, Daniel	Kappler, L. Mike	Kolodziej, Walter	Major, Norman
McKinney, Betsy	Nevins, Chris	Quandt, Matt	Sedensky, John
Smith, William	Stiles, Nancy	Tucker, Pamela	

STRAFFORD

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

SULLIVAN

Cunningham, Steven	Howard, Thomas	Osgood, Joe	Rodeschin, Beverly
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and the motion was adopted.

REGULAR CALENDAR – SPECIAL ORDERS (CONT'D)

HB 1564, relative to the regulation of attorneys by the supreme court and eliminating the requirement that the county attorney be a member of the New Hampshire bar. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David L. Nixon for the Majority of Judiciary: Non-judicial attempts to de-unify, or disintegrate, the state bar have been tried no less than seven times since it was established

by the supreme court in 1968 five times by a minority of legislators, once by a Constitutional Convention (1984), and once by dissenting members of the bar. The supreme court has consistently ruled that such efforts are unconstitutional as violative of the separation of powers provision of New Hampshire's constitution, Part I, Article 37 (June 2, 1784). It is the court alone which has the power and the discretion to determine the form of the bar. Unification of state bar associations has also been upheld by the United States supreme court (496 US 1 [1990]). In addition, the argument that a unified bar is an "illegal monopoly," in violation of the Sherman Anti-Trust Act, has been ruled "without merit." *Pet. Of RI. Bar Association*, 374 A 2d 802 (1997). See also *Petition of Tocci*, 137, NH 131 (1993), stating that claims of illegal monopoly, etc., have "no merit" *Id.*, @ 137-138. The unified New Hampshire bar set up, funded and managed numerous public interest programs, such as legal services for the needy, pro bono (no legal fee) programs to prevent domestic violence, support educational programs, improve disciplinary mechanisms, and establish a public protection fund to assist citizens harmed by unethical lawyers. The bill would also repeal the law requiring county attorneys to be members of the bar. The decisions of the New Hampshire supreme court, and six prior legislatures, should be followed, and this bill rejected. Vote 11-8.

Rep. Robert D. Mead for the Minority of Judiciary: This bill seeks to remove the requirements that county attorneys be members of the state bar association for election or appointment. The minority believes that the New Hampshire bar association is a monopoly in violation of Article 83, Part Second that makes membership in the association mandatory for all attorneys who seek to practice law in the state of New Hampshire. This power of monopoly illegally conferred on the association has led to control of the legal system established by the New Hampshire Constitution to protect the rights of, and provide for, remedies and redress for its citizens. This control of our legal system is now managed by a corporation, whose officers are neither employees of the state, nor elected to their position by the citizens of New Hampshire.

The question being adoption of the majority committee report of Inexpedient to Legislate.
 Reps. Ingretson, William Smith and Hopper spoke against.
 Rep. Nixon spoke in favor and yielded to questions.
 Rep. Gary Richardson spoke in favor.
 Rep. Cote requested a roll call; sufficiently seconded.

YEAS 170 NAYS 122

YEAS 170

BELKNAP

Merry, Liz	Miller, Kate	Millham, Alida	Pilliod, James
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CARROLL

Bridgham, Robert	Buco, Thomas	Butler, Edward	Knox, J. David
Wiley, Susan			

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butterworth, Timothy	Butynski, William
Eaton, Daniel	Hunt, John	Lerandean, Alfred	Lindsey, Steven
Meador, David	Richardson, Barbara	Robertson, Timothy	Sad, Tara
Weber, Lucy			

COOS

Hatch, William

Theberge, Robert

Thomas, Yvonne

GRAFTON

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

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

Benn, Bernard
Gould, Franklin
Mulholland, Catherine
Taylor, Kathleen

Cooney, Mary
Harding, Laurie
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Campbell, David
Cote, David
Gargas, Carolyn
Gorman, Mary
Hardy, Valerie
Katsiantonis, Thomas
Kurk, Neal
Marshall, Seth

Beck, Catriona
Chandley, Shannon
Day, Russell
Garrity, Patrick
Graham, John
Harvey, Philip
Knowles, John
Leishman, Peter
Matarazzo, Anthony
Sr

Bergin, Peter
Chininis, Alexis
Emerton, Larry
Ginsburg, Ruth
Hackel, Paul
Harvey, Suzanne
Knowles, Mary Ann
Levesque, Melanie
Messier, Irene

Boisvert, Ronald
Clemons, Jane
Flurey, Joan
Goley, Jeffrey
Hammond, Jill
Holden, Rip
Kopka, Angeline
Long, Patrick
Movsesian, Lori

Nixon, David
Pilotte, Maurice
Shaw, Kimberly

O'Brien, Michael Sr
Rosenwald, Cindy
Sullivan, Daniel

O'Neil, James
Schulze, Joan
Thompson, Robert

Peterson, Andrew
Shattuck, Gilman
Walsh, Robert Jr

MERRIMACK

Bartlett, Michael
DeStefano, Stephen
Hamm, Christine
Osborne, Jessie
Rodd, Beth
Tilton, Joy
Webb, Leigh

Bouchard, Candace
Foose, Robert
Kelly, Sally
Owen, Derek
Schuett, Dianne
Tupper, Frank
Wheeler, Deborah

Brown, Carole
French, Barbara
Lockwood, Priscilla
Potter, Frances
Shurtleff, Stephen
Wallner, Mary Jane
Yeaton, Charles

Davis, Frank
Gile, Mary
McMahon, Patricia
Richardson, Gary
Stetson, William
Walz, Mary Beth

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
DiPentima, Rich
Mann, Maureen
Pettersen, Don
Splaine, James

Borden, David
Cushing, Robert
Elliott, Robert
McCarthy, Barbara
Read, Robin Jr
Weare, Everett

Bridle, Russell
Day, Judith
Henson, John
McEachern, Paul
Russell, Trink
Webber, Carolyn

Brown, C. Pennington
DiFruscia, Anthony
Kepner, Susan
Nord, Susi
Schlachman, Donna

STRAFFORD

Brown, Julie
Cyr, James
Hutz, Sarah
Perry, Robert
Rous, Emma
Vachon, Dennis

Brown, Larry
Domingo, Baldwin
Kaen, Naida
Price, Susan
Schmidt, Peter
Wall, Janet

Browne, Brendon
Horrigian, Timothy
Keans, Sandra
Rogers, Rose Marie
Spang, Judith

Burke, Rachel
Hubbard, Pamela
Lauterborn, Elaine
Rollo, Deanna
Sprague, Dale

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
McClammer, Jim

Gagnon, Raymond
Skinder, Carla

Gottling, Suzanne
Sweeney, Cynthia

NAYS 122

BELKNAP

Bolster, Peter	Boyce, Laurie	Fields, Dennis	Flanders, Donald
Russell, David	Swinford, Elaine	Wendelboe, Fran	

CARROLL

Ahlgren, Christopher	Fleck, Joseph	McConkey, Mark	Patten, Betsey
Stevens, Stanley	Umberger, Karen		

CHESHIRE

Emerson, Susan	Johnson, Jane	Laurent, John	Parkhurst, Henry
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COOS

Rappaport, Laurence	Remick, William	Richardson, Herbert	
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GRAFTON

Bulis, Lyle	Gionet, Edmond	Ingbretson, Paul	Ladd, Rick Jr
Maybeck, Margie	Pierce, David	Ward, Brien	

HILLSBOROUGH

Belvin, William	Boehm, Ralph	Cebrowski, John	Chase, Claudia
Christensen, Chris	Christiansen, Lars	Daniels, Gary	Doherty, Shaun
Gagne, Larry	Haefner, Robert	Hawkins, Ken	Hikel, John
Hinkle, Peyton	Hogan, Edith	Holden, Frank	Hopper, Gary
Infantine, William	Jasper, Shawn	L'Heureux, Robert	McCarthy, Michael
Mead, Robert	O'Brien, William	Ober, Lynne	Palmer, Stephen
Pellegrino, Tony	Pepino, Leo	Pratt, Calvin	Price, Pamela
Renzullo, Andrew	Rowe, Robert	Ryder, Donald	Seidel, Carl
Silva, Peter	Soucy, Connie	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Moe	Willette, Robert	Winters, Joel	

MERRIMACK

Anderson, Eric	Blankenbeker, Lynne	Coffey, Jennifer	Kidder, David
Kotowski, Frank	McGuire, Carol	Palfrey, David	Reed, Dennis
Smith, Todd			

ROCKINGHAM

Allen, Mary	Bailey, Clinton	Baldasaro, Alfred	Bates, David
Bettencourt, David	Case, Frank	Charron, Gene	Comerford, Timothy
Crisler, Margaret	DeSimone, Debra	Devine, James	Dowling, Patricia
Emiro, Frank	Ferrante, Beverly	Fesh, Robert	Flanders, John Sr
Garrity, James	Gould, Kenneth	Griffin, Mary	Headd, James
Hoelzel, Kathleen	Introne, Robert	Itse, Daniel	Kappler, L. Mike
Katsakiores, Phyllis	Kolodziej, Walter	Major, Norman	McKinney, Betsy
Nevens, Chris	Priestley, Anne	Quandt, Matt	Reagan, John
Sanders, Elisabeth	Sedensky, John	Smith, William	Stiles, Nancy
Tucker, Pamela	Welch, David	Weyler, Kenneth	

STRAFFORD

Bickford, David

Groen, Warren

Ryder, Mark

Vita, Carol

SULLIVAN

Cunningham, Steven

Howard, Thomas

Osgood, Joe

Rodeschin, Beverly

and the majority committee report was adopted.

HB 1655-FN, relative to persons with mental illness and the corrections system.

MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Lucy M. Weber for the Majority of Judiciary: The bill is a product of Chief Justice Broderick's Task Force on Mental Illness and Criminal Justice. The goal of the bill is to reduce the time that mentally ill persons who are incompetent to stand trial spend in jail while evaluation procedures are taking place. First, the bill shortens the time period allowed for pre-trial examination from 60 days to 30 days in the case of persons who are not released pending trial. Second, the bill gives the courts broad latitude to determine an appropriate remedy if the required report is not filed in the allotted time. Third, the bill removes a current formality that requires the attorney general to name the county attorney as the attorney general's designee in each case in which a county attorney seeks an involuntary admission of a person found incompetent to stand trial. Fourth, in a case where the competency evaluation concludes that the person is incompetent to stand trial, and the court so ordered, the bill eliminates the requirement of a reevaluation to satisfy the requirement that a person must be evaluated within 5 days immediately prior to an involuntary admission. The majority was persuaded that passage of the bill would result in speedier transfers to the state hospital for necessary treatment, would not harm public safety, and would reduce county expenditures due to shorter periods of inappropriate incarceration. DHHS provided a fiscal note stating that their costs could rise by approximately \$31,000 in FY 11 and \$63,00 in FY 2012 and thereafter. This figure was based on the assumption that the bill would result in 10 additional involuntary commissions per year. It is difficult to determine from reading the bill how it would result in additional admissions, as it simply streamlines the process for transferring a mentally ill person from jail to the state hospital. Quicker and more appropriate evaluation and treatment should result in overall cost savings in the long run. Vote 11-5.

Rep. William L. O'Brien for the Minority of Judiciary: This bill would allow courts to release individuals charged with crimes or dismiss some of the charges if the courts or prosecuting agencies cannot meet a shortened period (from 60 to 30 days for persons being held for trial) to determine the competency of defendants when their competency to go to trial has been brought into question. The minority was not satisfied that in this time of apparent financial strains in the courts that the courts can satisfy this mandate and that we would not be faced with the prospect of criminals escaping prosecution for the most technical of reasons. In addition, the bill allows the possible use of prior and/or outdated competency evaluations for defendants held in correctional facilities, which the department of health and human services estimates will result in 10 additional involuntary admissions into New Hampshire hospital a year. Aside from the unfairness of holding individuals based on possibly outdated evaluations of competency, the department also estimated increased expenditures of approximately \$31,500 a year resulting from this change. The department of corrections likewise noted costs may increase, but is unsure of the amount.

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

Rep. William O'Brien spoke against.

Rep. Lucy Weber spoke in favor.

Rep. William Smith requested a roll call; sufficiently seconded.

YEAS 180 NAYS 100

YEAS 180

BELKNAP

Merry, Liz	Miller, Kate	Millham, Alida	Pilliod, James
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CARROLL

Buco, Thomas Wiley, Susan	Butler, Edward	Knox, J. David	Patten, Betsey
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CHESHIRE

Butcher, Suzanne Johnson, Jane Parkhurst, Henry Weber, Lucy	Butterworth, Timothy Lerandeau, Alfred Richardson, Barbara	Butynski, William Lindsey, Steven Robertson, Timothy	Eaton, Daniel Meader, David Sad, Tara
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COOS

Hatch, William	Richardson, Herbert	Theberge, Robert	Thomas, Yvonne
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GRAFTON

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

Baroody, Benjamin Campbell, David Cote, David Ginsburg, Ruth Hammond, Jill Holden, Rip Kurk, Neal Marshall, Seth	Beck, Catriona Chandley, Shannon Day, Russell Goley, Jeffrey Hardy, Valerie Knowles, John Leishman, Peter Matarazzo, Anthony Sr	Bergin, Peter Chase, Claudia Flurey, Joan Gorman, Mary Harvey, Philip Knowles, Mary Ann Levesque, Melanie Messier, Irene	Boisvert, Ronald Clemons, Jane Garritty, Patrick Hackel, Paul Harvey, Suzanne Kopka, Angeline Long, Patrick Movsesian, Lori
Nixon, David Rosenwald, Cindy Sullivan, Daniel Winters, Joel	O'Neil, James Schulze, Joan Thompson, Robert	Ober, Lynne Shattuck, Gilman Vaillancourt, Steve	Pilotte, Maurice Shaw, Kimberly Walsh, Robert Jr

MERRIMACK

Bartlett, Michael DeStefano, Stephen Kelly, Sally Osborne, Jessie Rodd, Beth Tilton, Joy Wheeler, Deborah	Bouchard, Candace French, Barbara Kidder, David Owen, Derek Schuett, Dianne Tupper, Frank Yeaton, Charles	Brown, Carole Gile, Mary Lockwood, Priscilla Potter, Frances Shurtleff, Stephen Walz, Mary Beth	Davis, Frank Hamm, Christine McMahon, Patricia Richardson, Gary Stetson, William Webb, Leigh
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ROCKINGHAM

Abbott, Dennis
Brown, C. Pennington
Cushing, Robert
Dowling, Patricia
Gould, Kenneth
Mann, Maureen
Pettersen, Don
Schlachman, Donna
Welch, David

Allen, Mary
Case, Frank
Day, Judith
Elliott, Robert
Henson, John
McCarthy, Barbara
Read, Robin Jr
Splaine, James

Borden, David
Casey, Kimberley
DiFruscia, Anthony
Emiro, Frank
Katsakiores, Phyllis
McEachern, Paul
Reagan, John
Stiles, Nancy

Bridle, Russell
Charron, Gene
DiPentima, Rich
Flanders, John Sr
Kepner, Susan
Nord, Susi
Russell, Trinkia
Webber, Carolyn

STRAFFORD

Bickford, David
Cyr, James
Hutz, Sarah
Perry, Robert
Rous, Emma
Sprague, Dale

Brown, Julie
Domingo, Baldwin
Kaen, Naida
Price, Susan
Ryder, Mark
Vachon, Dennis

Brown, Larry
Horrigan, Timothy
Keans, Sandra
Rogers, Rose Marie
Schmidt, Peter
Wall, Janet

Browne, Brendon
Hubbard, Pamela
Lauterborn, Elaine
Rollo, Deanna
Spang, Judith

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
McClammer, Jim

Gagnon, Raymond
Skinder, Carla

Gottling, Suzanne
Sweeney, Cynthia

NAYS 100

BELKNAP

Bolster, Peter
Russell, David

Boyce, Laurie
Swinford, Elaine

Fields, Dennis
Wendelboe, Fran

Flanders, Donald

CARROLL

Ahlgren, Christopher
Umberger, Karen

Fleck, Joseph

McConkey, Mark

Stevens, Stanley

CHESHIRE

Emerson, Susan

Hunt, John

Laurent, John

COOS

Rappaport, Laurence

Remick, William

GRAFTON

Bulis, Lyle
Ward, Brien

Ingbretson, Paul
Williams, Burton

Ladd, Rick Jr

Maybeck, Margie

HILLSBOROUGH

Belvin, William
Daniels, Gary
Gargas, Carolyn
Hogan, Edith
Jasper, Shawn
O'Brien, William
Pratt, Calvin
Ryder, Donald

Boehm, Ralph
Doherty, Shaun
Haefner, Robert
Holden, Frank
L'Heureux, Robert
Palmer, Stephen
Price, Pamela
Seidel, Carl

Cebrowski, John
Emerton, Larry
Hikel, John
Hopper, Gary
McCarthy, Michael
Pellegrino, Tony
Renzullo, Andrew
Silva, Peter

Christiansen, Lars
Gagne, Larry
Hinkle, Peyton
Infantine, William
Mead, Robert
Peterson, Andrew
Rowe, Robert
Soucy, Connie

Ulery, Jordan

Villeneuve, Moe

Willette, Robert

MERRIMACK

Anderson, Eric
McGuire, Carol

Blankenbeker, Lynne
Palfrey, David

Coffey, Jennifer
Reed, Dennis

Kotowski, Frank
Smith, Todd

ROCKINGHAM

Bailey, Clinton
Comerford, Timothy
Fesh, Robert
Hoelzel, Kathleen
Kolodziej, Walter
Priestley, Anne
Smith, William

Baldasaro, Alfred
Crisler, Margaret
Garrity, James
Introne, Robert
Major, Norman
Quandt, Matt
Tucker, Pamela

Bates, David
DeSimone, Debra
Griffin, Mary
Itse, Daniel
McKinney, Betsy
Sanders, Elisabeth
Weare, Everett

Bettencourt, David
Ferrante, Beverly
Headd, James
Kappler, L. Mike
Nevins, Chris
Sedensky, John
Weyler, Kenneth

STRAFFORD

Groen, Warren

Vita, Carol

SULLIVAN

Cunningham, Steven

Howard, Thomas

Osgood, Joe

Rodeschin, Beverly

and the majority committee report was adopted.

Ordered to third reading.

(Speaker Norelli in the Chair)

HB 1315-FN, relative to the employer's lien on damages and benefits recovered from third persons by employees who have received workers' compensation. **MAJORITY: OUGHT TO PASS. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Sally H. Kelly for the Majority of Labor, Industrial and Rehabilitative Services: Workers Compensation has been a no-fault system. The *DeBenedetto* ruling by the supreme court in 2006 changed that. As a result of this ruling, a workers compensation claim against a third party can assign fault which is then proportioned between the third party, employer and employee. The amount of award to the employee will be reduced if in fact the employer is found to be at fault, unless this legislation is passed. Here is an example: the jury found total damages to be \$100,000. The employer is found 40% at fault so the award to the employee is reduced to \$60,000. The employee has to still pay back 100% of the workers' compensation benefit he was paid by the employer's insurance carrier. This legislation says when an employer is determined to be at fault, the judge will determine what % of the recovery the employee is responsible to pay back. This legislation seeks to restore some of the fairness that was taken away by the supreme court ruling in 2006. Vote 8-3.

Rep. Gary L. Daniels for the Minority of Labor, Industrial and Rehabilitative Services: This bill will significantly change the workers' compensation relationship, a systematic relationship that has existed and worked well for 16 years. When the current systematic relationship was put in place, the labor committee worked on this as a committee of the whole for most of a session year. This year a subcommittee met two times. Facing this significant change, the minority feels that the full committee should study this issue comprehensively before disrupting a relationship that has worked well for 16 years.

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

Rep. Infantine spoke against.

Reps. Gary Richardson and DiFruscia spoke in favor.

Rep. Gary Richardson requested a roll call; sufficiently seconded.

YEAS 159 NAYS 125

YEAS 159

BELKNAP

Merry, Liz	Miller, Kate	Pilliod, James
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CARROLL

Buco, Thomas	Butler, Edward	Wiley, Susan
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CHESHIRE

Butcher, Suzanne	Butterworth, Timothy	Butynski, William	Eaton, Daniel
Lerandeau, Alfred	Lindsey, Steven	Meador, David	Parkhurst, Henry
Richardson, Barbara	Robertson, Timothy	Sad, Tara	Weber, Lucy

COOS

Hatch, William	Theberge, Robert
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GRAFTON

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

HILLSBOROUGH

Baroody, Benjamin	Beck, Catriona	Boisvert, Ronald	Campbell, David
Chandley, Shannon	Chase, Claudia	Chininis, Alexis	Clemons, Jane
Cote, David	Flurey, Joan	Garrity, Patrick	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Hackel, Paul	Hammond, Jill
Hardy, Valerie	Harvey, Philip	Harvey, Suzanne	Holden, Rip
Knowles, John	Knowles, Mary Ann	Kopka, Angeline	Leishman, Peter
Levesque, Melanie	Long, Patrick	Marshall, Seth	Movsesian, Lori
Nixon, David	O'Brien, Michael Sr	O'Neil, James	Peterson, Andrew
Pilotte, Maurice	Rosenwald, Cindy	Rowe, Robert	Schulze, Joan
Shattuck, Gilman	Shaw, Kimberly	Sullivan, Daniel	Thompson, Robert
Walsh, Robert Jr			

MERRIMACK

Bartlett, Michael	Bouchard, Candace	Brown, Carole	Davis, Frank
DeStefano, Stephen	Foose, Robert	French, Barbara	Gile, Mary
Hamm, Christine	Kelly, Sally	Lockwood, Priscilla	McMahon, Patricia
Osborne, Jessie	Owen, Derek	Potter, Frances	Richardson, Gary
Rodd, Beth	Schuett, Dianne	Shurtleff, Stephen	Stetson, William
Tilton, Joy	Tupper, Frank	Walz, Mary Beth	Webb, Leigh
Wheeler, Deborah	Yeaton, Charles		

ROCKINGHAM

Abbott, Dennis	Borden, David	Bridle, Russell	Brown, C. Pennington
Casey, Kimberley	Crisler, Margaret	Cushing, Robert	Day, Judith
DiFruscia, Anthony	DiPentima, Rich	Emiro, Frank	Henson, John
Kepner, Susan	Mann, Maureen	McCarthy, Barbara	McEachern, Paul

Nord, Susi
Schlachman, Donna

Petterson, Don
Splaine, James

Read, Robin Jr
Weare, Everett

Russell, Trink
Webber, Carolyn

STRAFFORD

Brown, Julie
Cyr, James
Hutz, Sarah
Price, Susan
Ryder, Mark
Sprague, Dale

Brown, Larry
Domingo, Baldwin
Kaen, Naida
Rogers, Rose Marie
Schmidt, Peter
Vachon, Dennis

Browne, Brendon
Horrigan, Timothy
Keans, Sandra
Rollo, Deanna
Smith, Marjorie
Wall, Janet

Burke, Rachel
Hubbard, Pamela
Perry, Robert
Rous, Emma
Spang, Judith

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
McClammer, Jim

Gagnon, Raymond
Skinder, Carla

Gottling, Suzanne
Sweeney, Cynthia

NAYS 125

BELKNAP

Bolster, Peter
Millham, Alida

Boyce, Laurie
Russell, David

Fields, Dennis
Swinford, Elaine

Flanders, Donald
Wendelboe, Fran

CARROLL

Ahlgren, Christopher
Patten, Betsey

Fleck, Joseph
Stevens, Stanley

Knox, J. David
Umberger, Karen

McConkey, Mark

CHESHIRE

Emerson, Susan

Hunt, John

Johnson, Jane

Laurent, John

COOS

Rappaport, Laurence

Remick, William

Richardson, Herbert

GRAFTON

Bulis, Lyle
Maybeck, Margie

Gionet, Edmond
Ward, Brien

Ingbretson, Paul
Williams, Burton

Ladd, Rick Jr

HILLSBOROUGH

Belvin, William
Christiansen, Lars
Emerton, Larry
Haefner, Robert
Hogan, Edith
Jasper, Shawn

Bergin, Peter
Daniels, Gary
Gagne, Larry
Hawkins, Ken
Holden, Frank
Katsiantonis, Thomas

Boehm, Ralph
Day, Russell
Gargasz, Carolyn
Hikel, John
Hopper, Gary
Kurk, Neal

Cebrowski, John
Doherty, Shaun
Graham, John
Hinkle, Peyton
Infantine, William
Matarazzo, Anthony
Sr
O'Brien, William
Pratt, Calvin
Seidel, Carl
Vaillancourt, Steve

McCarthy, Michael
Ober, Lynne
Price, Pamela
Silva, Peter
Villeneuve, Moe

Mead, Robert
Palmer, Stephen
Renzullo, Andrew
Soucy, Connie
Willette, Robert

Messier, Irene
Pellegrino, Tony
Ryder, Donald
Ulery, Jordan
Winters, Joel

MERRIMACK

Anderson, Eric
Kotowski, Frank
Smith, Todd

Blankenbeker, Lynne
McGuire, Carol

Coffey, Jennifer
Palfrey, David

Kidder, David
Reed, Dennis

ROCKINGHAM

Allen, Mary
Case, Frank
Dowling, Patricia
Flanders, John Sr
Headd, James
Kappler, L. Mike
McKinney, Betsy
Reagan, John
Stiles, Nancy

Baldasaro, Alfred
Charron, Gene
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Nevins, Chris
Sanders, Elisabeth
Tucker, Pamela

Bates, David
Comerford, Timothy
Ferrante, Beverly
Gould, Kenneth
Introne, Robert
Kolodziej, Walter
Packard, Sherman
Sedensky, John
Welch, David

Bettencourt, David
Devine, James
Fesh, Robert
Griffin, Mary
Itse, Daniel
Major, Norman
Priestley, Anne
Smith, William
Weyler, Kenneth

STRAFFORD

Bickford, David

Groen, Warren

Lauterborn, Elaine

Vita, Carol

SULLIVAN

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

Howard, Thomas

Osgood, Joe

Rodeschin, Beverly

HB 1370, requiring independent medical examination practitioners to file a report with the insurance department. **MAJORITY: OUGHT TO PASS WITH AMENDMENT.**

MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Jeffrey P. Goley for the Majority of Labor, Industrial and Rehabilitative Services: This bill will allow the department of labor to collect data on independent medical examiners, showing who hires them, how much they are paid, and if the finding of the exam favors the insurance carrier/employer or employee. The interest is to identify if these exams are truly independent or are biased toward the insurance carrier who is paying for the exam. The committee heard of problems in the system. We heard testimony that all doctors are required to ethically treat a patient for injuries present. But, we heard of independent medical examiners hired by and paid for by the insurance carrier or employer who were writing reports in favor of the carrier or employer and in many cases against what the injured workers own treating physician reported. For these reasons the committee feels this information should be gathered to help determine if these medical exams are truly independent. Vote 8-3.

Rep. William J. Infantine for the Minority of Labor, Industrial and Rehabilitative Services: The minority feels this legislation is to provide a solution to a problem that does not exist. The legislation is being filed for the sole purpose of being used to impeach the findings of a medical doctor solely based on prior findings or by who pays for the exam. A comment was made in executive session that this bill is a witch hunt. There was no testimony given that indicates there is a systemic problem with doctors who perform IME's (independent medical exams).

Majority Amendment (0704h)

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

1 New Paragraph; Workers' Compensation; Medical Examinations. Amend RSA 281-A:38 by inserting after paragraph II the following new paragraph:

III. Any health care provider who performs 10 or more independent medical examinations in a calendar year under this chapter shall file an annual report by January 31 for the preceding year with the labor commissioner. All reports shall be made available to

the public. The commissioner may suspend the health care provider from performing independent medical examinations until said annual report is filed. The commissioner shall develop a form on which health care providers shall report, at a minimum, the following information for each examination performed:

(a) The person or entity who hired the provider, including the name of the insurance carrier if applicable.

(b) The total amount that the provider was paid for each examination and for each report.

(c) Whether the finding on the causation of injury to the work-related injury or illness was for the claimant or the insurance carrier/employer.

2 Effective Date. This act shall take effect January 1, 2011.

Majority committee amendment adopted.

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

Rep. Infantine spoke against.

Rep. Goley spoke in favor.

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

YEAS 163 NAYS 112

YEAS 163

BELKNAP

Merry, Liz

Miller, Kate

CARROLL

Buco, Thomas

Butler, Edward

Wiley, Susan

CHESHIRE

Butcher, Suzanne
Lerandeau, Alfred
Richardson, Barbara

Butterworth, Timothy
Lindsey, Steven
Robertson, Timothy

Butynski, William
Meader, David
Sad, Tara

Eaton, Daniel
Parkhurst, Henry
Weber, Lucy

COOS

Hatch, William

Theberge, Robert

GRAFTON

Aguiar, James
Ford, Susan
Harding, Laurie
Pastor, Beatriz
Taylor, Kathleen

Almy, Susan
Friedrich, Carol
Laliberte, Suzanne
Pierce, David
Townsend, Charles

Benn, Bernard
Gionet, Edmond
Mulholland, Catherine
Preston, Philip

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

HILLSBOROUGH

Baroody, Benjamin
Campbell, David
Chininis, Alexis
Garrity, Patrick
Hackel, Paul
Harvey, Suzanne

Beck, Catriona
Cebrowski, John
Clemons, Jane
Ginsburg, Ruth
Hammond, Jill
Holden, Rip

Bergin, Peter
Chandley, Shannon
Cote, David
Goley, Jeffrey
Hardy, Valerie
Katsiantonis, Thomas

Boisvert, Ronald
Chase, Claudia
Flurey, Joan
Gorman, Mary
Harvey, Philip
Knowles, John

Knowles, Mary Ann
Long, Patrick
O'Brien, Michael Sr
Ryder, Donald
Sullivan, Daniel

Kopka, Angeline
Marshall, Seth
O'Neil, James
Schulze, Joan
Thompson, Robert

Leishman, Peter
Movsesian, Lori
Pilotte, Maurice
Shattuck, Gilman
Walsh, Robert Jr

Levesque, Melanie
Nixon, David
Rosenwald, Cindy
Shaw, Kimberly
Winters, Joel

MERRIMACK

Bartlett, Michael
DeStefano, Stephen
Hamm, Christine
Owen, Derek
Schuett, Dianne
Tupper, Frank
Wheeler, Deborah

Bouchard, Candace
Foose, Robert
Kelly, Sally
Potter, Frances
Shurtleff, Stephen
Wallner, Mary Jane
Yeaton, Charles

Brown, Carole
French, Barbara
McMahon, Patricia
Richardson, Gary
Stetson, William
Walz, Mary Beth

Davis, Frank
Gile, Mary
Osborne, Jessie
Rodd, Beth
Tilton, Joy
Webb, Leigh

ROCKINGHAM

Abbott, Dennis
Brown, C. Pennington
Day, Judith
Emiro, Frank
Mann, Maureen
Petterson, Don
Splaine, James

Bates, David
Case, Frank
DiFruscia, Anthony
Flanders, John Sr
McCarthy, Barbara
Read, Robin Jr
Webber, Carolyn

Borden, David
Casey, Kimberley
DiPentima, Rich
Henson, John
McEachern, Paul
Russell, Trink

Bridle, Russell
Cushing, Robert
Elliott, Robert
Kepner, Susan
Nord, Susi
Schlachman, Donna

STRAFFORD

Brown, Julie
Cyr, James
Hutz, Sarah
Rogers, Rose Marie
Schmidt, Peter
Vachon, Dennis

Brown, Larry
Domingo, Baldwin
Kaen, Naida
Rollo, Deanna
Smith, Marjorie
Wall, Janet

Browne, Brendon
Horriggan, Timothy
Keans, Sandra
Rous, Emma
Spang, Judith

Burke, Rachel
Hubbard, Pamela
Perry, Robert
Ryder, Mark
Sprague, Dale

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
McClammer, Jim

Gagnon, Raymond
Skinder, Carla

Gottling, Suzanne
Sweeney, Cynthia

NAYS 112

BELKNAP

Bolster, Peter
Millham, Alida
Wendelboe, Fran

Boyce, Laurie
Pilliod, James

Fields, Dennis
Russell, David

Flanders, Donald
Swinford, Elaine

CARROLL

Ahlgren, Christopher
Patten, Betsey

Fleck, Joseph
Stevens, Stanley

Knox, J. David
Umberger, Karen

McConkey, Mark

CHESHIRE

Emerson, Susan

Hunt, John

Johnson, Jane

COOS

Rappaport, Laurence Remick, William Richardson, Herbert

GRAFTON

Bulis, Lyle Ingbertson, Paul Ladd, Rick Jr Maybeck, Margie
Ward, Brien Williams, Burton

HILLSBOROUGH

Belvin, William	Boehm, Ralph	Christiansen, Lars	Daniels, Gary
Day, Russell	Doherty, Shaun	Emerton, Larry	Gagne, Larry
Graham, John	Haefner, Robert	Hawkins, Ken	Hikel, John
Hinkle, Peyton	Hogan, Edith	Infantine, William	Jasper, Shawn
Kurk, Neal	Matarazzo, Anthony Sr	Messier, Irene	Ober, Lynne
Palmer, Stephen	Pellegrino, Tony	Peterson, Andrew	Pratt, Calvin
Price, Pamela	Renzullo, Andrew	Seidel, Carl	Soucy, Connie
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe	Willette, Robert

MERRIMACK

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

ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Bettencourt, David	Charron, Gene
Comerford, Timothy	Crisler, Margaret	DeSimone, Debra	Devine, James
Dowling, Patricia	Ferrante, Beverly	Fesh, Robert	Garrity, James
Gould, Kenneth	Griffin, Mary	Headd, James	Hoelzel, Kathleen
Introne, Robert	Itse, Daniel	Kappler, L. Mike	Katsakiores, Phyllis
Kolodziej, Walter	Major, Norman	Nevins, Chris	Packard, Sherman
Priestley, Anne	Sanders, Elisabeth	Sedensky, John	Smith, William
Stiles, Nancy	Tucker, Pamela	Weare, Everett	Welch, David
Weyler, Kenneth			

STRAFFORD

Bickford, David	Groen, Warren	Lauterborn, Elaine	Price, Susan
Vita, Carol			

SULLIVAN

Cunningham, Steven Howard, Thomas Osgood, Joe Rodeschin, Beverly
and the majority committee report was adopted.
Ordered to third reading.

HB 1371, allowing recording of an examination by health care providers performing independent medical examinations. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Charles F. Weed for Labor, Industrial and Rehabilitative Services: The bipartisan majority recognizes that current law allows a “medical practitioner” to be a witness in workers compensation cases requiring an independent medical examination. However, the cost of hiring such a medical professional often discourages the claimant. This bill provides the right for the claimant to record the medical examination or to bring a witness of the claimant’s choosing. The majority thinks this bill protects process rights and provides accountability when work related injuries are contested. Vote 10-1.

Amendment (0804h)

Amend RSA 281-A:38, II as inserted by section 1 of the bill by replacing it with the following:

II. Any health care provider conducting independent medical examinations under this chapter shall be certified by the appropriate specialty board as recognized by the American Board of Medical Specialties or obtain the approval of the commissioner for those specialties not recognized by such board. The health care provider shall maintain a current practice in that area of specialty. The independent medical examination shall take place within a 50-mile radius of the residence of the injured employee, unless, within the discretion of the commissioner, examination outside the 50-mile radius is necessary to obtain the services of a provider who specializes in the evaluation and treatment specific to the nature and extent of the employee's injury. The injured employee shall not be required to submit to more than 2 independent medical examinations per year, unless within the discretion of the commissioner, more than 2 examinations are necessary. ***An injured employee shall have the right to record the examination or have a witness present during such examination which shall be the injured employee's choice.***

Rep. Goley spoke against.

Amendment failed.

Rep. Goley offered floor amendment (0942h).

Floor Amendment (0942h)

Amend RSA 281-A:38, II as inserted by section 1 of the bill by replacing it with the following:

II. Any health care provider conducting independent medical examinations under this chapter shall be certified by the appropriate specialty board as recognized by the American Board of Medical Specialties or obtain the approval of the commissioner for those specialties not recognized by such board. The health care provider shall maintain a current practice in that area of specialty. The independent medical examination shall take place within a 50-mile radius of the residence of the injured employee, unless, within the discretion of the commissioner, examination outside the 50-mile radius is necessary to obtain the services of a provider who specializes in the evaluation and treatment specific to the nature and extent of the employee's injury. The injured employee shall not be required to submit to more than 2 independent medical examinations per year, unless within the discretion of the commissioner, more than 2 examinations are necessary. ***An injured employee shall have the right to record the examination and/or have a witness present during such examination. In the event that a witness is present, including but not limited to a witness recording, taking notes, or observing, on behalf of the injured employee, the witness shall not interfere in the examination in any way. The injured employee shall be required to sign an authorization, as prepared by the commissioner, to the effect that he or she understands that his or her medical history and condition or conditions will be discussed during said examination and that he or she waives any right to privacy that he or she may have under the circumstances of voluntarily allowing a witness to be present on his or her behalf.***

AMENDED ANALYSIS

This bill allows an injured employee to record and/or have a witness present during the independent medical examinations required under workers' compensation.

Rep. Goley spoke in favor.

Floor amendment (0942h) adopted.

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

On a division vote, 241 members having voted in the affirmative and 32 in the negative, the committee report was adopted.

Ordered to third reading.

SPECIAL ORDERED

Without objection, the Speaker ordered the remaining bills on today's calendar to be made Special Orders for the next session day at the beginning of the 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, March 17, 2010 at 2:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 1380-FN, relative to assessing fees by zoning boards of adjustment.

HB 1445-FN-A-L, eliminating the meals and rooms tax on campsites.

HB 1607-FN-A, relative to the reasonable compensation deduction under the business profits tax.

HB 1143, relative to driver restrictions on persons 16 to 18 years of age.

HB 1192, relative to obstructions on motor vehicle windows.

HB 1486, prohibiting the mandating of fire sprinkler systems in certain dwellings and establishing a committee to study municipal residential fire sprinkler requirements.

HB 1488-FN, relative to New Hampshire HealthFirst.

HB 1523, revising the pupil safety and violence prevention act.

HR 21, urging the department of education to conduct a survey of New Hampshire educators.

HB 1355-FN, relative to certain Medicaid appropriations.

HB 1586-FN, relative to mandated benefits review.

SB 460, relative to the lapse of certain legislative and judicial branch appropriations, budget reductions for the department of health and human services, voluntary furloughs for judges, and transfers of federal funds.

HB 1528, relative to observing voter check-in.

HB 1655-FN, relative to persons with mental illness and the corrections system.

HB 1315-FN, relative to the employer's lien on damages and benefits recovered from third persons by employees who have received workers' compensation.

HB 1370, requiring independent medical examination practitioners to file a report with the insurance department.

HB 1371, allowing recording of an examination by health care providers performing independent medical examinations.

UNANIMOUS CONSENT

Rep. Wendelboe addressed the House.

MOTION TO PRINT REMARKS

Rep. Packard moved that the remarks made by Rep. Wendelboe be printed in the Permanent Journal.

Adopted.

REMARKS BY REPRESENTATIVE WENDELBOE

Rep. Wendelboe: Thank you, Madam Speaker. Upon hearing of the death of former first

lady, Gale Thomson and reflecting on my memories of her, the first thing that came to my mind was her grace. I was not surprised to see her son Tom's comment in the press. "If there is one word to sum up my mother, it would be grace." She did that as a mother and a great grand-mother and most of all she did it as one of the outstanding first ladies of our state. As a matter of fact, nearly everyone who made public comments on her passing cited her grace. New Hampshire's former first lady Gale Thomson died Monday night at her beloved Mount Cube Farm in Orford with her daughters at her side. Her death ironically came on the day of the 98th anniversary of her late husband's birth. Governor Meldrim Thomson died at the age of 89 in 2001. Gale's love and devotion to her husband of 60 years was obvious to all who knew them. A mother of four sons and two daughters, grandmother of eighteen and great-grandmother of twenty-eight, Ann Gale Kelly Thomson was born in Brooklyn, New York, 90 years ago. She was the eldest child of Ann and William Kelly. Her father was a Brooklyn naval shipyard mechanic who passed down a legacy of hard work and devotion to family. Her son Tom said that Gale learned this from her father and she wanted her children to grow up to learn how to work with their hands and to have a good work ethic and she also wanted them to get a good education. Gale Kelly met her husband at the law book company in Brooklyn, New York where he worked on his way up to becoming editor in chief with her as his secretary. They were married in 1941 and after spending some time in Long Island, New York, moved to New Hampshire in 1954 and soon after to the 400 acre Mount Cube Farm in Orford. This week, former Governor John Sununu commented, "Gale Thomson was a gracious first lady and a very significant partner to her husband." He added, "She was the classic example of the phrase, behind every great man, is an even greater woman." She was famous for what was called her kitchen table diplomacy. "Not everyone loved Mel," her son, Peter said of his controversial father, "But, everyone loved Gale." She hosted legislators of both parties at Bridges House and served up her delicious pancakes drenched with Mount Cube maple syrup. I wish I had been there back then to have experienced that. Many came to Gale's home and enjoyed her hospitality. It was almost a rite of passage for candidates for state office and presidential wannabes to visit Mount Cube Farm to seek out Gale's input and her insight. Her son Peter recalled a luncheon with the Greek magnate, Aristotle Onassis, in 1970 when he dined at Mount Cube. Onassis raved about the wine she served as being the best wine he'd ever tasted. Gale never let on that it was an inexpensive brand bought from the local state liquor store. Pretentious could never be used to describe Gale, but her gracious hospitality is legendary. Gale's service to the state continued long after her three terms as New Hampshire's first lady ended. Not only during her time in Concord but also afterward, Gale Thomson served as the trustee of the Youth Development Center and the Robert Frost Farm. She was a member of the New Hampshire Lilac Commission and later served on the Vermont/New Hampshire Visiting Nurse Alliance. Even in her later years, Gale remained politically interested and worked with son Tom in 2005 to defeat the so called "view tax." Gale's family was her first and foremost interest and love. She was an exemplary role model and the many and varied accomplishments her children and grandchildren were and are testimony to her love and nurturing. We will miss her bubbly laughter, her down to earth perspective and her gracious hospitality. Calling hours will be tomorrow, Friday at Mount Cube Farm in Orford from 2:00 to 6:00 p.m. Funeral services will be Saturday at the Baker River Bible Church in Wentworth at 3:00 p.m. Gale will be laid to rest beside her beloved husband at East Orford cemetery in a private family ceremony. Rest in peace, Gale and thank you for the years of service to our state.

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 5:40 p.m.

RECESS