

HOUSE RECORD

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

Vol. 32

Concord, N.H.

Wednesday, June 2, 2010

No. 51

HOUSE JOURNAL No. 20 (cont.)

Wednesday, May 19, 2010

RECESS

Rep. Foster moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 21

Wednesday, June 2, 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 the member from Salem, Representative Robert Elliott.
O mighty God, we come to the closing session of our House and we thank Thee, once again, for the gift of life and the high privilege of serving the people of New Hampshire. It has been a long session and we are tired. Each of us has given our best, but it has not been enough. Now we turn to Thee in an hour of need asking for an extra serving of patience, asking for an extra measure of the art of negotiating, asking for an extra portion of humble compromise. At the last, Thou shall be able to say to each one of us, well done, good and faithful servant. Amen.

Representative Karen Umberger, member from Kearsarge, led the Pledge of Allegiance.

The National Anthem was led by Representatives Harding, Gile, Tupper, Levesque, C. Pennington Brown and Kurk.

LEAVES OF ABSENCE

Reps. Brennan, Jennifer Brown, Gandia, John Kelley and Trinka Russell, the day, illness.
Reps. Foose, Gould, Haley, Doreen Howard, Katsakiores, O'Neil, Palfrey, Joseph Russell,
Donald Ryder, Kimberly Shaw, Timothy Soucy and Carol Williams, the day, important
business.

INTRODUCTION OF GUESTS

Lorraine Currier Seidel, wife of Rep. Seidel. Donald and Lillian Rhodes, parents of Rep.
Rhodes. Bill Sharp, guest of Rep. Friedrich. Gladys Johnson and Mel Morgan, guests of the
Keene delegation. Jim Myers, guest of Rep. Laurent. Bill Ford, guest of Rep. Cushing.

Gwendolyn Edson and Kaitlyn Klema, students at Fall Mountain Regional High School in
Langdon, Pages for the day.

INTRODUCITON OF SPECIAL GUESTS

The 2009 Junior National Rifle Team Champions, the Hudson Fish and Game Club Junior
Rifle Team: Brian Jylkka, Brad Driscoll, Jessica Levine and Adam Auclair. They were
accompanied by team director Keith Jylkka.

The World Champion Red Star Baton Twirlers of Derry, coached by Rep. Gina Hutchinson,
and who will be representing the United States as one of 24 groups performing at the
Shanghai Music Festival at the World Expo in China.

COMMUNICATION

May 25, 2010

Ms. Terri Norelli,
Speaker of the House
NH General Court
107 North Main Street
Concord, New Hampshire 03301

Dear Madame Speaker,

It is with a combined sense of personal satisfaction and sincere regret that I submit my
resignation to the NH House effective June 1, 2010, as we move from one NH district to
another.

My two terms in the NH House have been satisfying, educational, rewarding, and I hope,
productive. The colleagues I have had the pleasure of working with have been generous with
their time, energy, and wisdom. The competence of the research and legislative staffs made
it possible to function at a significantly more professional level.

It has been a privilege to serve the people of New Hampshire with you. I will be ever
grateful for the opportunity and wish you god speed and continuing success.

Sincerely,
Ms. Charlotte Houde Quimby,
Sullivan I, Plainfield, Grantham and Cornish

COMMITTEE OF CONFERENCE REPORTS ON SENATE BILLS

COMMITTEE OF CONFERENCE REPORT ON SB 59

Committee of Conference Report on SB 59, relative to the renovation and replacement of
school buildings.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 3 with the following:

3 School Building Aid; Approval of Plans. Amend RSA 198:15-c to read as follows:

198:15-c Approval of Plans, Specifications, and Costs of Construction or Purchase. A school district maintaining approved schools, desiring to avail itself of the grants herein provided shall have the plans, specifications, and cost estimates for school plant construction or proposals for the purchase of school buildings, or both, and the costs for them approved by the state board prior to the start of construction. For this purpose the district shall submit its plans, specifications, cost, and purchase estimates in writing to the department of education on such forms as the department prescribes. A school district shall also submit a copy of any application for energy efficiency reimbursement under RSA 374-F. The department of education shall coordinate with the public utilities commission to ensure that eligible school districts have submitted applications for funding reimbursement and technical assistance as available from energy utility companies to promote indoor air quality and energy efficiency in public schools. Application for school building aid shall be submitted before January 1 of each year in order to be eligible for school building aid in the fiscal year following the year of submittal. The department of education shall not approve the plans, specifications, cost, or purchase estimates, if in the department's judgment the facilities planned will not adequately meet the educational requirements, or if its cost estimates are excessive or unreasonable. The department of education shall not approve the plans, specifications, cost, or purchase estimates if in the department's judgment the proposed construction or purchase is in conflict with effective statewide planning ***pursuant to RSA 9-A or the principles of smart growth pursuant to RSA 9-B***. Necessary costs of the purchase of school buildings may be determined by any recognized method of real estate appraisal with appropriate adjustments for remodeling or other expenditures. Upon approval of the construction or purchase, or both, by the department of education, the school district shall be entitled to receive an annual grant as provided herein.

Conferees: Sens. Fuller Clark, Dist. 24; Merrill, Dist. 21; and Letourneau, Dist. 19.

Conferees: Reps. Rous, Straf. 7; Yeaton, Merr. 8; Judith Day, Rock. 13; and Stiles, Rock. 15.

Rep. Ladd spoke against.

Rep. Rous spoke in favor and yielded to questions.

On a division vote, 192 members having voted in the affirmative and 150 in the negative, the Committee of Conference Report was adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 73

Committee of Conference Report on SB 73, requiring the state government to reduce energy consumption in state buildings, to develop an energy conservation plan, and to make an annual report on the state's energy consumption.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Merrill, Dist. 21; Fuller Clark, Dist. 24; and Odell, Dist. 8.

Conferees: Reps. Robin Read, Rock. 16; Townsend, Graf. 10; Pastor, Graf. 9; and Frank Holden, Hills. 4.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 150

Committee of Conference Report on SB 150, relative to low-speed utility vehicles and relative to registration fees for certain special number plates for veterans.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 4 with the following:

4 Special Number Plates for Certain Veterans. RSA 261:86, II is repealed and reenacted to read as follows:

II. Plates furnished pursuant to subparagraphs I(a)-(c) shall be issued without charge. Plates furnished pursuant to subparagraphs I(d) and (e) shall be issued without the \$4 per plate fees under RSA 261:75 but shall require payment of the regular registration fee. Notwithstanding RSA 265:73 or any other law, any person who is issued a plate pursuant to subparagraphs I(c)-(e) shall not be entitled to free parking privileges for disabled veterans, except that a person who qualifies for special plates pursuant to subparagraph I(d) may be issued an additional special plate for a motorcycle.

Conferees: Sens. Letourneau, Dist. 19; Gilmour, Dist. 12; and Boutin, Dist. 16.

Conferees: Reps. Michael O'Brien, Hills. 26; C. Pennington Brown, Rock. 9; Robert Williams, Merr. 11; and Hinch, Hills. 19.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 157

Committee of Conference Report on SB 157, relative to the procedure for listing candidates on election ballots and establishing a citizen-funding election task force.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the introductory paragraph of section 9 of the bill by replacing it with the following:

9 Rotation of Party Columns; 2010 General Election. Immediately following the close of the period during which a person may accept the nomination of a party committee pursuant to RSA 655:32, the secretary of state or designee shall publicly select by lot the actual party columns to be positioned on the 2010 general election ballot according to the generic column rotation plan established in this section. The first actual party column drawn by lot shall occupy all positions corresponding to the generic party column "1" designation; the second actual party column drawn by lot shall occupy all positions corresponding to the generic party column "2" designation and so forth until all actual party columns are assigned positions on all ballots. If more party columns are required, the secretary of state shall establish such generic party column.

Amend the bill by replacing all after section 9 with the following:

10 Preparation of State General Election Voting Materials; Party Columns. Amend RSA 656:5 to read as follows:

656:5 Party Columns.

I. The names of all candidates nominated in accordance with the election laws shall be arranged upon the state general election ballot in successive party columns. Each separate column shall contain the names of the candidates of one party; except that, if only a part of a full list of candidates is nominated by a political party, 2 or more such lists may be arranged whenever practicable in the same column. The party columns that list the names of candidates for offices that elect more than one person shall stagger the names of the candidates so that they do not line up evenly in a horizontal direction. The left-most column shall begin one line below the column to its right. The secretary of state shall determine the *vertical* location of any additional columns that may appear on the ballot.

II. *The position of party columns shall be rotated on the ballots used so that*

each party column shall appear thereon, to the extent practicable, an approximately equal number of times in the first, last, and each intermediate column position across the state, without requiring more than one unique column order or ballot format for each town, ward, or unincorporated place. Starting with the general election for 2012 and following each new apportionment of representative districts, but before the close of the period during which a person may accept the nomination of a party committee pursuant to RSA 655:32, the secretary of state shall develop as many generic column rotation plans for use in general elections as he or she might reasonably expect to be needed for different possible numbers of party columns on the general election ballot. If the number of party columns expected on the general election ballot changes such that one or more additional generic column rotation plans are needed, the secretary of state shall, from time to time, prepare such additional plans as are needed for any general election.

III. The generic column rotation plans shall be based on a reasonably balanced rotation of party columns within and across all non-floterial state representative districts, those being the smallest representative districts to which each voting place is apportioned pursuant to part I, article 11 of the New Hampshire constitution. Consideration shall also be given to reasonably minimize any obvious, substantial, and avoidable imbalances in column rotation within senate districts. The average deviation from equal rotation for the first party column position, measured across the state as a whole and based on population according to the last decennial federal census, shall be as close to 0 percent as is practicable but in no event greater than 1 percent. Once generic column rotation plans are established the secretary of state shall publish such plans to the department's website.

IV. Immediately following the close of the period during which a person may accept the nomination of a party committee pursuant to RSA 655:32, the secretary of state or designee shall publicly select by lot the actual party columns to be positioned according to the generic column rotation plan established pursuant to paragraphs II and III. No party shall be assigned the same generic party column designation for 2 consecutive general elections.

11 Contingency. Unless HB 1535-FN of the 2010 regular legislative session becomes law after the effective date of this section, section 2 of this act shall take effect upon its passage. If HB 1535-FN of the 2010 regular legislative session becomes law after the effective date of this section, section 2 of this act shall take effect at 12:01 a.m. on the effective date of section 11 of HB 1535-FN.

12 Effective Date.

I. Section 2 of this act shall take effect as provided in section 11 of this act.

II. Section 10 of this act shall take effect January 1, 2011.

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

AMENDED ANALYSIS

This bill:

I. Establishes a procedure for the ordering of names on the ballots.

II. Changes the limitations on a candidate designating a name to be placed on the ballot.

III. Establishes a party column ordering procedure for general elections.

Conferees: Sens. Houde, Dist. 5; Lasky, Dist. 13; and Barnes, Dist. 17.

Conferees: Reps. Pierce, Graf. 9; Perry, Straf. 3; Clemons, Hills. 24; and Jasper, Hills. 27.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 181

Committee of Conference Report on SB 181, repealing the transfer of liquor enforcement to the department of safety and establishing a committee to study the administrative structure and adjudicative process at the liquor commission.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

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

IV.(a) The committee shall study:

(1) Whether the liquor commission should have an executive director rather than a full-time 3-member commission;

(2) How best to ensure impartial review of appeals of licensing and enforcement decisions;

(3) How best to ensure that the enforcement division is properly supervised, contains its function to that of a regulatory authority, and guards against overly broad interpretation of its function; and

(4) Whether a liquor commission ombudsman should be appointed and the duties and responsibilities of that office.

(b) The committee shall also identify the appropriate statutory changes required to be made for the transfer pursuant to section 3 of this act and shall include such recommendation in its report.

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

VI. The committee shall submit a report on or before November 1, 2010 of its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library.

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

3 Liquor Licensing and Education; Transfer. Notwithstanding any provision of law or rule to the contrary, all functions relating to liquor licensing and liquor education shall be transferred to the department of safety in the same manner that the functions relating to enforcement have been transferred pursuant to 2009, 144.

AMENDED ANALYSIS

This bill delays the transfer of liquor enforcement to the department of safety from July 1, 2010 until July 1, 2011. This bill transfers liquor licensing and liquor education to the department of safety in the same manner that liquor enforcement was transferred under 2009, 144. This bill also establishes a committee to study the administrative structure and adjudicative process at the liquor commission. The committee shall also identify statutory changes that are required to be made for the transfer of liquor licensing and liquor education.

Conferees: Sens. D'Allesandro, Dist. 20; Gilmour, Dist. 12; and Odell, Dist. 8.

Conferees: Reps. Foster, Hills. 4; Pantelakos, Rock. 16; Kurk, Hills. 7 and Foose, Merr. 1.

Committee of Conference Report adopted.

Rep. Andy Peterson declared a conflict of interest on **SB 181-FN-A** and did not participate.

COMMITTEE OF CONFERENCE REPORT ON SB 205

Committee of Conference Report on SB 205, making various changes to the criminal statutes.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Hassan, Dist. 23; Reynolds, Dist. 2; and Downing, Dist. 22.
Conferees: Reps. Welch, Rock. 8; Chandley, Hills. 6; Shurtleff, Merr. 10; and Mack, Hills. 1.
Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 302

Committee of Conference Report on SB 302, relative to notice of driver's license expiration.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Letourneau, Dist. 19; Fuller Clark, Dist. 24; and Kelly, Dist. 10.

Conferees: Reps. Rhodes, Hills. 22; LaPlante, Hills. 26; Rokas, Hills. 12; and Nedeau, Belk. 3.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 313

Committee of Conference Report on SB 313, extending the repeal date of the state park system advisory council and relative to field purchases and transfers of funds for the state park system and the bureau of trails.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

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

1 State Park System Advisory Council; Repeal Date Extended. Amend 2007, 359:5 to read as follows:

359:5 Repeal. Section 4 of this act is repealed effective June 30, [2010] **2012**.

2 New Section; State Park System; Field Purchases and Transfer of Funds. Amend RSA 216-A by inserting after section 3-k the following new section:

216-A:3-1 Field Purchases and Transfer of Funds.

I. Notwithstanding RSA 21-I:17-a, I, the director of the division of parks and recreation may make purchases using field purchase orders for expenditures of up to \$2,000 for the state park system and facilities through June 30, 2012.

II. The commissioner of the department of resources and economic development may transfer funds between and among the appropriations for the operation of the state park system through June 30, 2012. The commissioner shall submit a report on a quarterly basis to the fiscal committee of the general court, the governor and council, and the chairmen of the house and senate executive departments and administration committees, the chairman of the resources, recreation and economic development committee, and the chairman of the wildlife, fish and game and agriculture committee of all transfers made under this paragraph. RSA 9:17-a and RSA 9:17-c shall not apply to transfers made under this paragraph.

3 New Paragraphs; Bureau of Trails; Responsibilities. Amend RSA 215-A:3 by inserting after paragraph II the following new paragraphs:

II-a. Notwithstanding RSA 21-I:17-a, I, the director of the division of parks and recreation may make purchases using field purchase orders for expenditures of up to \$2,000 for the state trail system and facilities through June 30, 2012.

II-b. The commissioner of the department of resources and economic development may transfer funds between and among the appropriations for the bureau of trails through June 30, 2012. The commissioner shall submit a report on a quarterly basis to the fiscal committee of the general court, the governor and council, and the chairmen of the house and

senate executive departments and administration committees, the chairman of the resources, recreation and economic development committee, and the chairman of the wildlife, fish and game and agriculture committee of all transfers made under this paragraph. RSA 9:17-a and RSA 9:17-c shall not apply to transfers made under this paragraph.

4 New Paragraphs; Snowmobiles; Bureau Responsibilities. Amend RSA 215-C:2 by inserting after paragraph VIII the following new paragraphs:

VIII-a. Notwithstanding RSA 21-I:17-a, I, the director of the division of parks and recreation may make purchases using field purchase orders for expenditures of up to \$2,000 for the state trail system and facilities through June 30, 2012.

VIII-b. The commissioner of the department of resources and economic development may transfer funds between and among the appropriations for the bureau of trails through June 30, 2012. The commissioner shall submit a report on a quarterly basis to the fiscal committee of the general court, the governor and council, and the chairmen of the house and senate executive departments and administration committees, the chairman of the resources, recreation and economic development committee, and the chairman of the wildlife, fish and game and agriculture committee of all transfers made under this paragraph. RSA 9:17-a and RSA 9:17-c shall not apply to transfers made under this paragraph.

5 State Historic Sites Fund. Amend RSA 12-A:10-f, I to read as follows:

I. There is hereby established in the office of the state treasurer a fund to be known as the state historic sites fund which shall be kept separate and distinct from all other funds. Such fund shall be the depository of all **fees, rentals, revenue from operations, retail sales, net profit from concession operations**, donations, gifts, and grants received from the bureau of historic sites pursuant to RSA 12-A:10-e. All moneys in such fund shall be nonlapsing and continually appropriated to the bureau of historic sites for the purposes set forth in RSA 12-A:10-e, including the principal and interest on any bonds which may be issued in the name of the state for the purpose of capital improvements to the state historic sites properties under the administration of department of resources and economic development.

6 New Paragraph; Fees for State Park System; Fees at Jericho Mountain State Park. Amend RSA 216-A:3-g by inserting after paragraph V the following new paragraph:

VI.(a) The commissioner shall periodically review all fees paid for entrance into and use of state parks.

(b) The commissioner may immediately begin to accept donations for the use and maintenance of Jericho Mountain state park and shall require fees for the entrance into and use of Jericho Mountain state park beginning on or before January 1, 2011. All fees generated by Jericho Mountain state park shall be deposited into the state park fund established in RSA 216-A:3-i. Such fees shall be based on revenue projected in the master plan and shall be in addition to registration fees for vehicles, all terrain vehicles as defined in RSA 251-A:1, I-b, and off highway recreational vehicles as defined in RSA 215-A:1, VI.

(c) Utility terrain vehicles may be permitted in Jericho Mountain state park, provided such vehicles do not exceed the weight limit of 1,200 pounds and width limit of 60 inches in accordance with RSA 215-A:43, VII(c).

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

AMENDED ANALYSIS

This bill:

I. Extends the repeal date of the state park system advisory council to June 30, 2012.

II. Authorizes the director of the division of parks and recreation to make field purchases of up to \$2,000 for the state park system and facilities and the state trail system and facilities.

III. Authorizes the commissioner of the department of resources and economic development to transfer funds between and among appropriations for the operations of the state park system and the bureau of trails.

IV. Requires additional fees and revenues from operation of the historic sites to be

deposited into the state historic sites fund.

V. Requires fees to be imposed for the use of Jericho Mountain state park beginning on or before January 1, 2011, and establishes restrictions on certain vehicles using that state park.

Conferees: Sens. Cilley, Dist. 5; Fuller Clark, Dist. 24; and Odell, Dist. 8.

Conferees: Reps. Patricia McMahon, Merr. 3; Harding, Graf. 11; Gottling, Sull. 3; and McGuire, Merr. 8.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 319

Committee of Conference Report on SB 319, relative to purchases by on-premises alcoholic beverages licensees and relative to liquor licenses.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Odell, Dist. 8; Fuller Clark, Dist. 24; and DeVries, Dist. 18.

Conferees: Reps. Butler, Carr. 1; Meader, Ches. 3; Gidge, Hills. 24; and Hunt, Ches. 7.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 320

Committee of Conference Report on SB 320, relative to occupational exposure to the human immunodeficiency virus.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 141-F:5, V as inserted by section 1 of the bill by replacing it with the following:

V.**(a)** A physician licensed to practice in this state, or a person authorized by the physician, may, without obtaining consent to the testing, test for the presence of an antibody or antigen to a human immunodeficiency virus:

(1) When the person being tested is incapable of giving informed consent;

and

(2) When a test for the presence of an antibody or antigen to a human immunodeficiency virus is immediately necessary to protect the health of:

(A) The person; *or*

(B) *An individual who has had an occupational exposure to the person's blood or bodily fluids.*

(b) *When the test is performed under subparagraph (a) on a person who is incapable of giving informed consent, and when the reason for the test is to protect the health of another individual who has had an occupational exposure to that person's blood or bodily fluids, neither the person who is incapable of giving informed consent nor that person's insurer shall be billed for the cost of the test.*

Conferees: Sens. Gilmour, Dist. 12; Downing, Dist. 22; and Kelly, Dist. 10.

Conferees: Reps. Rosenwald, Hills. 22; Miller, Belk. 3; Batula, Hills. 19; and Butcher, Ches. 3.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 357

Committee of Conference Report on SB 357, authorizing the judicial retirement plan to deduct a health insurance premium contribution from allowances.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 100-C:11-a as inserted by section 1 of the bill by replacing it with the following:

100-C:11-a Retiree and Spouse Health Insurance Premium Contribution. Retired judges and spouses under the age of 65 years receiving medical and surgical benefits shall be responsible for payment of a premium contribution amount of \$65 per month for each such retiree and \$65 per month for each applicable spouse; provided that the charge to each household shall not exceed \$130 per month. The judicial retirement plan shall deduct the payment required under this section from the retiree's monthly retirement allowance. Deducted amounts shall be remitted to the administrative office of the courts within 14 days along with a statement identifying from whom the deduction was made, and shall be used to pay for plan retiree and spouse health care expenses and any administrative costs related thereto.

Conferees: Sens. Cilley, Dist. 6; Fuller Clark, Dist. 24; and Carson, Dist. 14.

Conferees: Reps. Patricia McMahon, Merr. 3; Daniel Sullivan, Hills. 8; Harding, Graf. 11; and Reagan, Rock. 1.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 358

Committee of Conference Report on SB 358, relative to whistleblower protection and waste prevention in state government.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 275-E:8, III as inserted by section 1 of the bill by replacing it with the following:

III. If the labor commissioner undertakes further investigation of the complaint, the commissioner shall have access to all records, confidential or otherwise, reports, audits, reviews, papers, books, documents, recommendations, correspondence, including information or data that is deemed necessary by the commissioner to carry out the investigation. The labor commissioner may request such information, cooperation, and assistance from any state, county, or local governmental agency and may coordinate activities with the attorney general's office. In carrying out his or her duties and responsibilities, the labor commissioner shall immediately report to the attorney general and either the United States Attorney or local enforcement agency any suspected violation of state or federal criminal law.

Amend RSA 275-E:9 as inserted by section 1 of the bill by replacing it with the following:

275-E:9 Protection of Public Employees. No governmental entity shall threaten, discipline, demote, fire, transfer, reassign, or discriminate against a public employee who files a complaint with the department of labor under RSA 275-E:8 or otherwise discloses or threatens to disclose activities or information that the employee reasonably believes violates RSA 275-E:2, represents a gross mismanagement or waste of public funds, property, or manpower, or evidences an abuse of authority or a danger to the public health and safety. Notwithstanding this provision of law, public employers may discipline, demote, fire, transfer, or reassign an employee so long as the action is not arbitrary or capricious and is not in retaliation for the filing of a complaint under this chapter. Any public employee who files such a complaint or makes such a disclosure shall be entitled to all rights and remedies provided by this chapter.

Conferees: Sens. Cilley, Dist. 6; DeVries, Dist. 18; and Carson, Dist. 14.

Conferees: Reps. Sally Kelly, Merr. 7; Weed, Ches. 3; Goley, Hills. 8 and Daniels, Hills. 6.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 383

Committee of Conference Report on SB 383, relative to net operating loss carryovers under the business profits tax and relative to economic revitalization zone tax credits.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after section 2 with the following:

3 Economic Revitalization Zone Tax Credit Agreement. Amend RSA 162-N:4, II to read as follows:

II. A certified copy of each agreement signed by the commissioner of resources and economic development and the taxpayer ***and a certified copy of each determination of the final amount of the credit awarded under the agreement*** shall be provided to the commissioner of revenue administration ***and the taxpayer claiming the credit no later than March 10 of each year.***

4 Limit on Total Economic Revitalization Zone Credits. RSA 162-N:5 is repealed and reenacted to read as follows.

162-N:5 Limit on Total Economic Revitalization Zone Credits. The aggregate of tax credits issued by the commissioner of resources and economic development to all taxpayers claiming the credit shall not exceed \$825,000 for any calendar year. Amounts carried forward pursuant to RSA 162-N:7 shall not be counted against this limit in any year in which they are applied. Notwithstanding RSA 162-N:6, the maximum credit which may be utilized by a taxpayer in any calendar year shall not exceed \$40,000. In the case in which the aggregate credits requested during the calendar year exceed \$825,000, each taxpayer shall receive a credit for the proportional share of the maximum aggregate credit amount.

5 Determination of Economic Revitalization Zone Tax Credits Eligible Amount. Amend RSA 162-N:6, II to read as follows:

II. The sum of the following:

(a) 4 percent of the salary for each new job created in the calendar year with a wage less than or equal to 1.75 times the then current state minimum wage.

(b) 5 percent of the salary for each new job created in the calendar year with a wage greater than 1.75 times the then current state minimum wage and less than or equal to 2.5 times the then current state minimum wage.

(c) 6 percent of the salary for each new job created in the calendar year with a wage greater than 2.5 times the then current state minimum wage.

(d) 4 percent of the lesser of the following:

(1) The actual cost incurred in the calendar year of creating a new facility or renovating an existing facility, and expenditures for machinery, equipment, or other materials, except inventory.

(2) \$20,000 for each new job created in the calendar year.

6 Applicability. This act shall apply for taxable periods ending on or after January 1, 2010.

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

Conferees: Sens. Lasky, Dist. 13; Reynolds, Dist. 2; and Odell, Dist. 8.

Conferees: Reps. Hatch, Coos 3; Vachon, Straff. 3; Walsh, Hills. 11; and Lockwood, Merr. 6.
Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 402

Committee of Conference Report on SB 402, relative to state-owned vehicles.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend paragraph II(a) of section 2 of the bill by replacing it with the following:

II.(a) Each state agency shall reduce its combined in-state travel and fleet operations costs by 6 percent for the fiscal year ending June 30, 2011 and by an additional 6 percent for the fiscal year ending June 30, 2012, unless the vehicle utilization committee established in RSA 21-I:19-h, VII concludes that to do so would not be in the best interests of the state. By September 1, 2010, each agency shall review and determine its in-state travel reimbursement costs and light duty truck and passenger vehicle fleet operations costs for the prior 12 months. By October 1, 2010, each agency shall submit to the commissioner, in writing, an action plan that contains a proposed reduction of its combined in-state travel and fleet operations costs by 6 percent for the fiscal year ending June 30, 2011 and by an additional 6 percent for the fiscal year ending June 30, 2012. Such action plan shall include sufficient detail to demonstrate how costs savings will be realized in each fiscal year.

Amend subparagraph II(d) of section 2 of the bill by replacing it with the following:

(d) If the commissioner does not concur that the action plan would be likely to reduce the combined costs by the required amount, he or she shall, by November 1, 2010, so advise the agency and the agency shall, by December 1, 2010, submit to the vehicle utilization committee established in RSA 21-I:19-h, VII either a revised plan, a request for an alteration of the reduction percentage, or a waiver of the fleet cost reduction requirement. If the committee concurs that an agency's revised plan would be likely to reduce the combined costs by the required amount or that an alteration of the reduction percentage or waiver of the fleet cost reduction requirement is appropriate, the committee shall, by December 15, 2010, so advise the agency in writing of its recommendation and the agency shall take such action as the committee specifies. If the committee does not concur that a revised plan submitted by an agency would be likely to reduce combined costs by the required amounts, or that a request for an alteration of the reduction percentage or a waiver of the fleet cost reduction requirement is appropriate, the committee shall, by December 15, 2010, so inform the agency and the agency shall institute such fleet cost reductions or alterations as are specified by the committee. The commissioner shall by December 31, 2010, provide the governor and council and the fiscal committee of the general court a report specifying the status of all action, plans, revised plans, waiver requests, and recommendations submitted under this section.

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

3 New Paragraph; Records and Certification. Amend RSA 260:14 by inserting after paragraph II the following new paragraph:

II-a. The accident report, the technical accident reconstruction report, any repair estimate, or any similar document that constitutes a motor vehicle record that is created or received as a result of any accident or collision involving a state-owned or state-leased vehicle shall be a governmental record subject to inspection and disclosure in accordance with RSA 91-A.

AMENDED ANALYSIS

This bill requires that each state agency reduce its combined in-state travel and fleet operations costs by 6 percent for the fiscal year ending June 30, 2011 and by an additional 6 percent for fiscal year ending June 30, 2012. This bill requires the disposal or reassignment of a state-owned vehicle if the nonbusiness use miles traveled by the vehicle exceeds a specified percentage of total miles traveled and establishes a procedure for the purchase or lease of vehicles by state agencies.

This bill also makes motor vehicle records of accidents or collisions involving state-owned

or state-leased vehicles governmental records subject to the right-to-know law.
Conferees: Sens. D'Allesandro, Dist. 20; Sgambati, Dist. 4; and Gallus, Dist. 1.
Conferees: Reps. Benn, Graf. 9; Eaton, Ches. 2; Bucu, Carr. 1; and Bergin, Hills. 6.
Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 408

Committee of Conference Report on SB 408, relative to purchasing alliances.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by inserting after section 8 the following and renumbering the original section 9 to read as 10:

9 Insurance Bulletin Suspended. The department of insurance bulletin INS NO. 10-008-AB is hereby suspended until July 1, 2012.

AMENDED ANALYSIS

This bill establishes a law governing purchasing alliances which may be formed for the purposes of purchasing health insurance.

This bill also establishes a study committee on the procurement of health insurance by employee leasing companies.

This bill also suspends an insurance department bulletin until July 1, 2012.

Conferees: Sens. Cilley, Dist. 6; DeVries, Dist. 18; and Carson, Dist. 14.

Conferees: Reps. DeStefano, Merr. 13; Butler, Carr. 1; Schlachman, Rock. 13; and Donald Flanders, Belk. 4.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 411

Committee of Conference Report on SB 411, relative to permitting of large groundwater withdrawals.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 2 with the following:

2 Preemption. Amend RSA 485-C:20 to read as follows:

485-C:20 Effect on Local Ordinances.

I. Nothing in this chapter shall be deemed to preempt the authority of municipalities, under other statutes, to enact local ordinances or regulations affecting groundwater, other than groundwater withdrawals; provided, however, that requirements imposed under this chapter shall be considered as minimum.

II. No regulatory decision made by the department shall abrogate or affect any applicant's obligation to comply with or obtain all applicable and lawful local ordinances, codes, regulations, and approvals not otherwise prohibited by this chapter.

Amend RSA 485-C:2, XIII-b as inserted by section 4 of the bill by replacing it with the following:

XIII-b. "Short-term use" means the temporary, non-routine withdrawal of groundwater at a specific geographical location over a period of one year or less, and withdrawal of groundwater for contaminated site remediation where the duration of the withdrawal may exceed one year and corresponds with the objectives of the remediation.

Amend RSA 485-C:24 as inserted by section 5 of the bill by replacing it with the following:

485-C:24 Short-Term Use Groundwater Withdrawals. The department shall require a short-term use, **large** groundwater withdrawal to cease and desist if such withdrawal causes unmitigated impacts as described in RSA 485-A:21, V-c.

Conferees: Sens. Cilley, Dist. 6; Lasky, Dist. 13; and Bradley, Dist. 3.

Conferees: Reps. Spang, Straf. 7; Moody, Rock. 12; Spaulding, Hills. 18; and Gottling, Sull. 3.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 420

Committee of Conference Report on SB 420, relative to the use of mail-order pharmacies for prescription drug benefits under accident and health insurance policies and plans, and establishing a committee to study pharmacy benefits management for injured workers covered by the workers' compensation law.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by deleting section 1 and renumbering the original sections 2 and 3 to read as 1 and 2, respectively.

Amend the bill by replacing section 2 with the following:

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

AMENDED ANALYSIS

The bill establishes a committee to study pharmacy benefits management for injured workers covered by the workers' compensation law.

Conferees: Sens. Cilley, Dist. 6; DeVries, Dist. 18; and Bragdon, Dist. 11.

Conferees: Reps. Sally Kelly, Merr. 7; Goley, Hills. 8; John Knowles, Hills. 27; and Daniels, Hills. 6.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 428

Committee of Conference Report on SB 428, establishing a committee to study dispatch times within the enhanced 911 system.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study dispatch times within the enhanced 911 system from the time the call is placed to the arrival of assistance on scene and all call transfers in between.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study dispatch times within the enhanced 911 system from the time the call is placed to the arrival of assistance on scene and all call transfers in between.

AMENDED ANALYSIS

This bill establishes a committee to review dispatch times within the enhanced 911 system from the time the call is placed to the arrival of assistance on scene and all call transfers in between.

Conferees: Sens. DeVries, Dist. 18; Carson, Dist. 14; and Cilley, Dist. 6.

Conferees: Reps. Suzanne Harvey, Hills. 21; Friedrich, Graf. 6; Devine, Rock. 7; and Kaen, Straf. 7.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 440

Committee of Conference Report on SB 440, relative to executive branch ethics and establishing a committee to study the impact of implementing a 10-hour per day, 4-day week for state employees.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 3 with the following:

3 Executive Branch Ethics; Complaints. Amend the introductory paragraph of RSA 21-G:31, I and RSA 21-G:31, I(a) to read as follows:

I. Each complaint shall be submitted in writing and signed under oath by the complainant. The sworn complaint shall be filed confidentially with the committee and shall contain the name and address of the complainant. ***After first examination by the committee, and unless the complaint is discharged under subparagraph (a),*** before any other action is taken by the committee, the executive branch official complained against shall be furnished with a copy of the complaint [~~and a copy shall be sent to each member of the committee for review~~]. ***All information identifying the complainant shall be removed before it is furnished to the executive branch official complained against.*** The committee may initiate a complaint on its own motion against any individual the committee has reason to believe has violated any law, guideline, rule, or regulation within the committee's jurisdiction. The committee shall promptly examine each sworn complaint and:

(a) Upon first examination, if by a unanimous vote ***of all members present for the meeting,*** it determines that a complaint is frivolous, scurrilous, retaliatory in nature, or plainly not within the committee's jurisdiction, the committee may summarily discharge the complaint without further meeting or proceeding. The committee shall notify the respondent and complainant in writing of its action.

Conferees: Sens. Merrill, Dist. 21; Cilley, Dist. 6; and Carson, Dist. 14.

Conferees: Reps. Harding, Graf. 11; Patricia McMahon, Merr. 3; Schmidt, Straf. 4; and Reagan, Rock. 1.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 442

Committee of Conference Report on SB 442, relative to the grant program to administer exotic aquatic plant prevention.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 487:26 as inserted by section 1 of the bill by replacing it with the following:

487:26 Grant Program Established. There is hereby established a grant program to be administered by the department of environmental services for the allocation of money to state agencies, non-profit organizations, and municipalities or political subdivisions of the state which seek to administer a milfoil and other exotic aquatic plants prevention program, and to institutions of higher learning which seek to conduct research on milfoil and other

exotic aquatic plants remediation techniques. The grant program shall be funded by the portion of the lake restoration and preservation fund, established in RSA 487:25, and allocated to the milfoil and other exotic aquatic plants prevention program. ~~[Up to 2/3]~~ **Approximately 3/4** of the moneys distributed from the fund to the milfoil and other exotic aquatic plants prevention program shall be allocated for the purposes of milfoil and other exotic aquatic plants prevention and the remainder shall be allocated to milfoil and other exotic aquatic plants remediation research, **as appropriate, based on grant requests**. Of the moneys in the milfoil and other exotic aquatic plants prevention program, the moneys allocated specifically for the purposes of the milfoil and other exotic aquatic plants prevention shall be distributed upon approval of the commissioner of the department of environmental services and the commissioner of safety. Of the moneys in the milfoil and other exotic aquatic plants prevention program, the moneys allocated specifically for the purposes of milfoil and other exotic aquatic plants remediation research shall be distributed upon approval of the commissioner of the department of environmental services.

Conferees: Sens. Merrill, Dist. 21; Odell, Dist. 8; and Lasky, Dist. 13.

Conferees: Reps. Almy, Graf. 11; Mack, Hills. 1; Osgood, Sull. 4; and Tupper, Merr. 6.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 478

Committee of Conference Report on SB 478, relative to the appointments to the board of home inspectors, the administrative attachment of the plumbers' board, and retired status for licensed architects.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Cilley, Dist. 6; Carson, Dist. 14; and Downing, Dist. 22.

Conferees: Reps. Houde-Quimby, Sull. 1; Beck, Hills. 2; Flurey, Hills. 16; and McGuire, Merr. 8.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 480

Committee of Conference Report on SB 480, relative to appeals of decisions by the department of environmental services.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 21-M:3, X as inserted by section 1 of the bill by replacing it with the following:

X. The hearing officer may issue a subpoena, upon the request of any party to an appeal filed after the effective date of this paragraph, and only to the extent the information or testimony sought is reasonably necessary for the determination of matters within the council's jurisdiction. A subpoena may be requested for purposes of discovery as may be allowed by the council's rules or to provide testimony at any hearing conducted in the proceeding, or both. All costs associated with the issuance of any subpoena issued by the hearing officer shall be paid by the party requesting the subpoena.

Amend RSA 21-M:3, IX(e) as inserted by section 1 of the bill by replacing it with the following:

(e) Prepare and issue written decisions on all motions and on the merits of the appeal within 90 days of the conclusion of the hearing on the merits. The hearing officer shall provide the council with a proposed written decision on the merits within 45 days of the

conclusion of the hearing on the merits. If requested to do so by the members of the council participating in the discussion, the hearing officer shall meet with those members within the 90 day period to discuss the decision.

Amend the bill by replacing section 8 with the following:

8 Report Required. No later than April 1, 2011, the attorney general shall submit a report, including any recommendations that the attorney general may deem appropriate for consideration as legislation in the 2012 legislative session to modify or otherwise alter current processes of appeals from administrative decisions issued by executive branch agencies to the president of the senate, the speaker of the house of representatives and to the chairpersons of the senate and house committees with jurisdiction over the subject matter contained in RSA 21-M:3 and RSA 21-O.

Conferees: Sens. Fuller Clark, Dist. 24; Merrill, Dist. 21; and Bradley, Dist. 3.

Conferees: Reps. Gary Richardson, Merr. 4; Wall, Straf. 7; Lucy Weber, Ches. 2; and Cote, Hills. 23.

Rep. William O'Brien spoke against and yielded to questions.

Rep. Gary Richardson spoke in favor.

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

YEAS 197 NAYS 159

YEAS 197

BELKNAP

Arsenault, Beth
Miller, Kate
Stuart, Richard

Bolster, Peter
Millham, Alida

Johnson, William
Pilliod, James

Merry, Liz
Reever, Judith

CARROLL

Bridgham, Robert
Wiley, Susan

Buco, Thomas

Butler, Edward

Knox, J. David

CHESHIRE

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

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

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

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

COOS

Hatch, William

Mears, Lucy

Merrick, Evalyn

Thomas, Yvonne

GRAFTON

Aguiar, James
Ford, Susan
Matheson, Robert
Pierce, David
Townsend, Charles

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

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

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

HILLSBOROUGH

Baroody, Benjamin
Boisvert, Ronald
Clemons, Jane

Beauchamp, Roger
Caron, June
Cote, David

Beaulieu, Jane
Chandley, Shannon
Craig, James

Beck, Catriona
Chininis, Alexis
Emerton, Larry

Farley, Michael
Gidge, Kenneth
Hammond, Jill
Hodges, Kevin
Knowles, Mary Ann
Leishman, Peter
Long, Patrick

Movsesian, Lori
Ramsey, Peter
Schulze, Joan
Thompson, Robert

Flurey, Joan
Goley, Jeffrey
Hardy, Valerie
Jeudy, Jean
Komi, Richard
Levasseur, Nickolas
Mack, Ron

Nixon, David
Rhodes, Brian
Shattuck, Gilman
Walsh, Robert Jr

Foster, Linda
Gorman, Mary
Harvey, Philip
Katsiantonis, Thomas
Kopka, Angeline
Levesque, Melanie
Marshall, Seth

Pilotte, Maurice
Rokas, Theodoros
Shaw, Barbara
Winters, Joel

Garrity, Patrick
Hackel, Paul
Harvey, Suzanne
Knowles, John
LaPlante, Roland
Lisle, Carolyn
Matarazzo, Anthony
Sr
Poznanski, Brian
Rosenwald, Cindy
Sullivan, Daniel

MERRIMACK

Bartlett, Michael
Davis, Frank
Hamm, Christine
Osborne, Jessie
Rice, Chip
Shurtleff, Stephen
Wallner, Mary Jane
Wheeler, Deborah

Bouchard, Candace
DeStefano, Stephen
Kelly, Sally
Owen, Derek
Richardson, Gary
Stetson, William
Walz, Mary Beth
Williams, Robert

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

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

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
DiPentima, Rich
Kepner, Susan
McEachern, Paul
Pettersen, Don

Splaine, James

Borden, David
Crisler, Margaret
Gould, Kenneth
Lyons, Melissa
Moody, Marcia
Read, Robin Jr

Webber, Carolyn

Brown, C. Pennington
Cushing, Robert
Henson, John
Mann, Maureen
Nord, Susi
Scamman, W.
Douglas Jr

Cali-Pitts, Jacqueline
Day, Judith
Hutchinson, Gina
McCarthy, Barbara
Pantelakos, Laura
Schlachman, Donna

STRAFFORD

Berube, Roger
Cyr, James
Horrigian, Timothy
Lewis, Robert
Rous, Emma
Vachon, Dennis

Brown, Larry
Domingo, Baldwin
Hubbard, Pamela
Perry, Robert
Schmidt, Peter
Wall, Janet

Browne, Brendon
Grassie, Anne
Kaen, Naida
Price, Susan
Smith, Marjorie
Watters, David

Burke, Rachel
Hofemann, Roland
Keans, Sandra
Rollo, Deanna
Spang, Judith

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
McClammer, Jim

Gagnon, Raymond
Skinder, Carla

Gottling, Suzanne
Sweeney, Cynthia

NAYS 159

BELKNAP

Boyce, Laurie
Russell, David
Wendelboe, Fran

Fields, Dennis
St. Cyr, Jeffrey

Flanders, Donald
Swinford, Elaine

Nedeau, Stephen
Veazey, John

CARROLL

Ahlgren, Christopher Patten, Betsey	Chandler, Gene Scala, Dino	Fleck, Joseph Stevens, Stanley	McConkey, Mark Umberger, Karen
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CHESHIRE

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

Rappaport, Laurence Tholl, John Jr	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	Belvin, William	Bergin, Peter	Boehm, Ralph
Cebrowski, John	Chase, Claudia	Christensen, Chris	Christiansen, Lars
Daniels, Gary	Day, Russell	Doherty, Shaun	Dokmo, Cynthia
Drisko, Richard	Elliott, Nancy	Gagne, Larry	Graham, John
Haefner, 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	McCarthy, Michael	Mead, Robert	Messier, Irene
Moran, Edward	O'Brien, William	Ober, Lynne	Ober, Russell III
Palmer, Stephen	Pellegrino, Tony	Peterson, Andrew	Pratt, Calvin
Price, Pamela	Renzullo, Andrew	Rowe, Robert	Seidel, Carl
Silva, Peter	Soucy, Connie	Spaulding, Jayne	Tahir, Saghir
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe	Willette, Robert

MERRIMACK

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

Allen, Mary	Baldasaro, Alfred	Bates, David	Belanger, Ronald
Bettencourt, David	Bishop, Franklin	Bridle, Russell	Comerford, Timothy
DeSimone, Debra	Devine, James	DiFruscia, Anthony	Dowling, Patricia
Elliott, Robert	Emiro, Frank	Ferrante, Beverly	Fesh, Robert
Flanders, John Sr	Garcia, Marilinda	Garrity, James	Griffin, Mary
Hagan, Joseph	Headd, James	Hoelzel, Kathleen	Hutchinson, Karen
Ingram, Russell	Introne, Robert	Itse, Daniel	Kappler, L. Mike
Kolodziej, Walter	Major, Norman	McKinney, Betsy	McMahon, Charles
Nevins, Chris	Packard, Sherman	Perkins, Amy	Perkins, Lawrence
Priestley, Anne	Quandt, Matt	Rausch, James	Reagan, John
Sanders, Elisabeth	Sapareto, Frank	Scamman, Stella	Sedensky, John
Smith, William	Stiles, Nancy	Sullivan, James	Tucker, Pamela
Weare, Everett	Welch, David	Wells, Roger	Weyler, Kenneth

STRAFFORD

Bickford, David
Ryder, Mark

Groen, Warren
Sprague, Dale

Lauterborn, Elaine
Twombly, James

Rogers, Rose Marie
Vita, Carol

SULLIVAN

Cunningham, Steven Howard, Thomas Osgood, Joe Rodeschin, Beverly
and the Committee of Conference Report was adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 485

Committee of Conference Report on SB 485, relative to ratification of cost items contained in a collective bargaining agreement for court security officers of the judicial branch.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect July 1, 2010.

Conferees: Sens. Cilley, Dist. 6; Reynolds, Dist. 2; and Downing, Dist. 22.

Conferees: Reps. Benn, Graf. 9; Baroody, Hills. 13; Keans, Straf. 1; and Lynne Ober, Hills. 27.

Committee of Conference Report adopted.

Rep. Emerton declared a conflict of interest on ***SB 485-FN-A*** and did not participate.

COMMITTEE OF CONFERENCE REPORT ON SB 486

Committee of Conference Report on SB 486, relative to the school building aid program.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing sections 2-3 with the following:

2 School Building Aid; Alternative School Building Aid.

I. Notwithstanding RSA 198:15-a through RSA 198:15-hh and RSA 198:15-u through RSA 198:15-w, and notwithstanding the school building aid funding provisions of 2009, 144:11, the commissioner of the department of education shall issue no school building aid or alternative school building aid for any project approved on or after June 30, 2010 through June 30, 2011.

II.(a) The commissioner of the department of education, upon recommendation of the state fire marshal, may grant a waiver to the suspension of school building aid under paragraph I if the state fire marshal or designee determines, based on reasonable information and belief, that:

(1) The condition of such school building or portion thereof constitutes a clear and imminent danger to the life or safety of occupants or other persons, and requires remediation prior to July 1, 2011; or

(2) A structural deficiency in the function or operation of a school building or portion thereof presents a substantial risk to the life or safety of the occupants or other persons, and is more than a technical violation of the fire code, and requires remediation prior to July 1, 2011.

(b) Any school building aid provided under a waiver granted pursuant to this paragraph shall be limited to the costs associated with the remediation of the conditions or structural deficiencies set forth in this paragraph.

III. Paragraph I of this section shall not apply to a school district which, as of the

effective date of this section, has an interest in the outcome of legal proceedings relating to school building aid or to a petition filed by a school district under RSA 197:3, provided that not more than 90 days after the court issues a final order which has the effect of allowing a special school district meeting, such school district shall be subject to the provisions of paragraph I. In this paragraph, "interest in the outcome of legal proceedings" means a school district which was a party to legal proceedings relating to school building aid during the fiscal year ending June 30, 2010, or is involved in such legal proceedings as of the effective date of this paragraph.

3 Committee to Study the School Building Aid Grant Program; Membership. Amend 2009, 144:13, I(a)-(b) to read as follows:

(a) ~~[Two]~~ **Three** members of the senate, ***one of whom shall be a member of the senate education committee***, appointed by the president of the senate.

(b) ~~[Three]~~ **Four** members of the house of representatives, ***2 of whom shall be members of the house education committee***, appointed by the speaker of the house of representatives.

AMENDED ANALYSIS

This bill:

I. Provides that no school building aid or alternative school building aid grants shall be made to school districts for projects approved on or after June 30, 2010 through June 30, 2011.

II. Provides that the commissioner of the department of education, upon recommendation of the state fire marshal, may grant a waiver to the suspension of school building aid under circumstances involving danger or risk to the life or safety of a building's occupants or other persons.

III. Amends the membership and duties of the committee to study the school building aid grant program established in 2009, 144:13.

Conferees: Sens. Kelly, Dist. 10; Lasky, Dist. 13; and Bragdon, Dist. 11.

Conferees: Reps. Rous, Straf. 7; Philip Harvey, Hills. 1; Burke, Straf. 3; and Ladd, Graf. 5.

Rep. Andy Peterson requested a roll call; sufficiently seconded.

YEAS 260 NAYS 98

YEAS 260

BELKNAP

Arsenault, Beth
Merry, Liz
Pilliod, James

Fields, Dennis
Miller, Kate
Reever, Judith

Flanders, Donald
Millham, Alida
Stuart, Richard

Johnson, William
Nedeau, Stephen
Wendelboe, Fran

CARROLL

Ahlgren, Christopher
Knox, J. David
Umberger, Karen

Bridgham, Robert
McConkey, Mark
Wiley, Susan

Buco, Thomas
Patten, Betsey

Butler, Edward
Stevens, Stanley

CHESHIRE

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

Burridge, Delmar
Carr, Daniel
Lindsey, Steven
Richardson, Barbara
Weber, Lucy

Butcher, Suzanne
Eaton, Daniel
Meador, David
Roberts, Kris
Weed, Charles

Butterworth, Timothy
Emerson, Susan
Mitchell, Bonnie
Robertson, Timothy

COOS

Hatch, William
Theberge, Robert

Mears, Lucy
Thomas, Yvonne

Merrick, Evalyn

Rappaport, Laurence

GRAFTON

Aguiar, James
Cooney, Mary
Harding, Laurie
Maybeck, Margie
Pierce, David
Townsend, Charles

Almy, Susan
Ford, Susan
Ladd, Rick Jr
Mulholland, Catherine
Preston, Philip
White, Andrew

Benn, Bernard
Friedrich, Carol
Laliberte, Suzanne
Nordgren, Sharon
Smith, Suzanne
Williams, Burton

Bulis, Lyle
Gionet, Edmond
Matheson, Robert
Pastor, Beatriz
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin
Bergin, Peter
Chase, Claudia
Cote, David
Elliott, Nancy
Foster, Linda
Gidge, Kenneth
Hammond, Jill
Hawkins, Ken
Jasper, Shawn
Kopka, Angeline
Levesque, Melanie
Marshall, Seth
Palmer, Stephen
Price, Pamela
Rosenwald, Cindy
Sullivan, Daniel
Walsh, Robert Jr

Batula, Peter
Boehm, Ralph
Chininis, Alexis
Craig, James
Emerton, Larry
Gagne, Larry
Goley, Jeffrey
Hardy, Valerie
Hebert, Roger
Jeudy, Jean
LaPlante, Roland
Lisle, Carolyn
Movsesian, Lori
Pilotte, Maurice
Ramsey, Peter
Schulze, Joan
Thompson, Robert
Willette, Robert

Beaulieu, Jane
Caron, June
Christensen, Chris
Dokmo, Cynthia
Farley, Michael
Gargasz, Carolyn
Gorman, Mary
Harvey, Philip
Hinkle, Peyton
Katsiantonis, Thomas
Leishman, Peter
Long, Patrick
Nixon, David
Poznanski, Brian
Rhodes, Brian
Shattuck, Gilman
Ulery, Jordan
Winters, Joel

Beck, Catriona
Chandleley, Shannon
Clemons, Jane
Drisko, Richard
Flurey, Joan
Garrity, Patrick
Hackel, Paul
Harvey, Suzanne
Hodges, Kevin
Komi, Richard
Levasseur, Nickolas
Mack, Ron
O'Brien, Michael Sr
Pratt, Calvin
Rokas, Theodoros
Shaw, Barbara
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
Clarke, Claire
Gile, Mary
Lockwood, Priscilla
Owen, Derek
Richardson, Gary
Stetson, William
Watrous, Rick
Yeaton, Charles

Bartlett, Michael
Davis, Frank
Hamm, Christine
McGuire, Carol
Porter, Margaret
Rodd, Beth
Tilton, Joy
Webb, Leigh

Bouchard, Candace
DeStefano, Stephen
Kelly, Sally
McMahon, Patricia
Potter, Frances
Schuett, Dianne
Tupper, Frank
Wheeler, Deborah

Brown, Carole
French, Barbara
Kidder, David
Osborne, Jessie
Rice, Chip
Shurtleff, Stephen
Wallner, Mary Jane
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Belanger, Ronald
Casey, Kimberley
DiPentima, Rich
Gould, Kenneth
Kepner, Susan
McCarthy, Barbara
Packard, Sherman
Rausch, James
Scamman, W.
Douglas Jr

Allen, Mary
Borden, David
Cushing, Robert
Dowling, Patricia
Griffin, Mary
Kolodziej, Walter
McMahon, Charles
Pettersen, Don
Read, Robin Jr
Schlachman, Donna

Baldasaro, Alfred
Brown, C. Pennington
Day, Judith
Elliott, Robert
Henson, John
Lyons, Melissa
Moody, Marcia
Priestley, Anne
Sapareto, Frank
Smith, William

Bates, David
Cali-Pitts, Jacqueline
DiFruscia, Anthony
Garrity, James
Ingram, Russell
Mann, Maureen
Nord, Susi
Quandt, Matt
Scamman, Stella
Stiles, Nancy

Tucker, Pamela

Webber, Carolyn

Welch, David

Wells, Roger

STRAFFORD

Berube, Roger
Burke, Rachel
Hofemann, Roland
Kaen, Naida
Perry, Robert
Rous, Emma
Spang, Judith
Wall, Janet

Bickford, David
Cyr, James
Horrigan, Timothy
Keans, Sandra
Price, Susan
Ryder, Mark
Sprague, Dale
Ward, Kenneth

Brown, Larry
Domingo, Baldwin
Hubbard, Pamela
Lauterborn, Elaine
Rogers, Rose Marie
Schmidt, Peter
Vachon, Dennis
Watters, David

Browne, Brendon
Grassie, Anne
Hutz, Sarah
Lewis, Robert
Rollo, Deanna
Smith, Marjorie
Vita, Carol

SULLIVAN

Cloutier, John
Harris, Sandra
Rodeschin, Beverly

Donovan, Thomas Jr
Howard, Thomas
Skinder, Carla

Gagnon, Raymond
McClammer, Jim
Sweeney, Cynthia

Gottling, Suzanne
Osgood, Joe

NAYS 98

BELKNAP

Bolster, Peter
Swinford, Elaine

Boyce, Laurie
Veazey, John

Russell, David

St. Cyr, Jeffrey

CARROLL

Chandler, Gene

Fleck, Joseph

Scala, Dino

CHESHIRE

Carlson, Nancy
Sterling, Franklin Jr

Hunt, John

Johnson, Jane

Laurent, John

COOS

Remick, William

Richardson, Herbert

Stohl, Eric

Tholl, John Jr

GRAFTON

Ingretson, Paul

Ward, Brien

HILLSBOROUGH

Beauchamp, Roger
Christiansen, Lars
Graham, John
Hogan, Edith
Infantine, William
L'Heureux, Robert

Belvin, William
Daniels, Gary
Haefner, Robert
Holden, Frank
Knowles, John
Matarazzo, Anthony
Sr

Boisvert, Ronald
Day, Russell
Hikel, John
Holden, Rip
Knowles, Mary Ann
McCarthy, Michael

Cebrowski, John
Doherty, Shaun
Hinch, Richard
Hopper, Gary
Kurk, Neal
Mead, Robert

Messier, Irene
Ober, Russell III
Rowe, Robert
Spaulding, Jayne

Moran, Edward
Pellegrino, Tony
Seidel, Carl
Tahir, Saghir

O'Brien, William
Peterson, Andrew
Silva, Peter
Villeneuve, Moe

Ober, Lynne
Renzullo, Andrew
Soucy, Connie

MERRIMACK

Blankenbeker, Lynne
Smith, Todd

Coffey, Jennifer

Kotowski, Frank

Reed, Dennis

ROCKINGHAM

Bettencourt, David
Comerford, Timothy
Emiro, Frank
Garcia, Marilinda
Hutchinson, Gina
Kappler, L. Mike
Nevins, Chris
Splaine, James

Bishop, Franklin
Crisler, Margaret
Ferrante, Beverly
Hagan, Joseph
Hutchinson, Karen
Major, Norman
Reagan, John
Sullivan, James

Bridle, Russell
DeSimone, Debra
Fesh, Robert
Headd, James
Introne, Robert
McEachern, Paul
Sanders, Elisabeth
Weyler, Kenneth

Charron, Gene
Devine, James
Flanders, John Sr
Hoelzel, Kathleen
Itse, Daniel
McKinney, Betsy
Sedensky, John

STRAFFORD

Groen, Warren

Twombly, James

SULLIVAN

Cunningham, Steven
and the Committee of Conference Report was adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 491

Committee of Conference Report on SB 491, relative to in-state preferences on state vendor contracts and criteria for debarment of vendors.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 21-I:11-c, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) All individuals or business entities submitting a bid, proposal, or quotation in response to a request for a bid, proposal, or quotation issued by the division of plant and property management shall, as part of their response, provide an affidavit signed under oath before a duly authorized notary public that all conditions listed in subparagraphs (a)(1)-(10) have been met. Failure to submit such an affidavit or, should the affidavit be false or signed by an unauthorized person, the bid, proposal, or quotation shall be automatically rejected and the resulting contract, if any, shall be deemed to be in breach. The commissioner of the department of administrative services shall adopt rules under RSA 541-A relative to the affidavit required under this subparagraph.

Conferees: Sens. Cillely, Dist. 6; DeVries, Dist. 18; and Carson, Dist. 14.

Conferees: Reps. Schmidt, Straf. 4; Harding, Graf. 11; Patricia McMahon, Merr. 3; and McGuire, Merr. 8.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 503

Committee of Conference Report on SB 503, relative to unique pupil identification.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

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

1 Delivery of an Adequate Education. Amend RSA 193-E:3 to read as follows:
193-E:3 Delivery of an Adequate Education.

I. Annually, beginning with the 2002-2003 school year, each school district shall report data to the department of education at the school and district levels on the indicators set forth in this paragraph. ***The report shall not contain personally identifiable information including but not limited to name, gender, or social security number.*** The department of education shall develop a reasonable schedule to phase-in the reporting of new data required by federal law. The requirements for data keeping and the form of the report shall be established in accordance with rules adopted by the state board of education. Indicators shall include the following areas:

- (a) Attendance rates.
- (b) Annual and cumulative drop-out rates of high school pupils and annual drop-out rates for pupils in grades 7 and 8.
- (c) School environment indicators, such as safe-schools data.
- (d) Number and percentage of graduating pupils going on to post-secondary education, military service, and advanced placement participation.
- (e) Performance on state tests administered pursuant to RSA 193-C and other standardized tests administered at local option.
- (f) Expulsion and suspension rates, including in-school and out-of-school suspensions, which shall be reported for each school year.
- (g) Number and percentage of classes taught by highly qualified teachers.
- (h) Teacher and administrative turnover rates at the school and district levels.
- (i) ***Pupil course information.***

II.(a) The department of education, with the approval of the legislative oversight committee established in RSA 193-C:7, may implement and report data on any additional indicators deemed relevant to the purposes of this section.

(b) The department of education shall enter into an agreement with the board of trustees of the university system of New Hampshire or the community college system of New Hampshire, or both, if necessary, to determine additional indicators applicable to postsecondary institutions within their respective jurisdictions which are not required under paragraph VI.

III.(a) Not later than December 1, 2003, and annually thereafter, the department of education shall issue a public report on the condition of education statewide and on a district-by-district and school-by-school basis. This report shall be entitled "New Hampshire School District Profiles" and shall be made available at every school administrative unit for public review. It shall include demographic and pupil performance data reported in paragraph I and other relevant statistics as determined by the department of education. Comparisons with state averages shall be provided for all data reported. Comparisons of each district and school to itself based on its own statewide improvement and assessment performance for the prior school year and its most recent 3-year rolling averages shall be provided. Statewide rankings of each district and school shall be provided, including a statewide ranking of each school and school district based on the percentage increase of improvement as compared with the same school district's performance in the previous year. The report shall be organized and presented in a manner that is easily understood by the public and that assists each school district with the identification of trends, strengths, and weaknesses and the development of its local school education improvement plan.

(b) Beginning with the annual report issued in 2013, the department of education shall include data provided by early childhood programs, districts, and postsecondary institutions.

IV. Data reported in paragraph I shall be disaggregated as required by federal law and shall include numbers and percentages of pupils with disabilities, limited English proficient pupils, pupils in advanced placement programs, economically disadvantaged pupils, and pupils of major ***ethnic***, racial, and multi-racial groups.

V. In order to reduce school districts' administrative time and costs, the department of education shall develop and utilize user-friendly, computer forms and programs to collect the data set forth in ~~[paragraph]~~ **paragraphs I, VI, and VII** ~~[and all enrollment and cost data related to determining the cost of an adequate education].~~

VI.(a) Annually, beginning with the 2011-2012 school year, each postsecondary institution as defined in RSA 193-E:4 shall submit a report, which shall not include any personally identifiable information such as, but not limited to, name, gender, or social security number, to the department of education containing information on indicators in the following areas:

- (1) Remedial education courses.***
- (2) Entry, withdrawal, and transfers.***
- (3) Degrees and certificates granted.***

(b) The department of education shall integrate all data collected into the data warehouse. The department of education shall have access to data solely to conduct studies, track and report annual and longitudinal pupil outcomes, and improve postsecondary readiness, retention, and articulation between educational institutions.

(c) The state board of education, in consultation with the university system of New Hampshire board of trustees and the community college system of New Hampshire board of trustees shall adopt rules, pursuant to RSA 541-A, for developing a form to be used for the report and to establish requirements for data maintenance.

VII.(a) Annually, beginning with the 2011-2012 school year, each early childhood program as defined in RSA 193-E:4 shall submit a report, which shall not include any personally identifiable information such as, but not limited to, name, gender, or social security number, to the department of education containing information on indicators in the following areas:

- (1) Program participation.***
- (2) Entry, exit, and type of program.***
- (3) Participant demographics as identified in RSA 193-E:3, IV.***

(b) The department of education shall integrate all data collected into the data warehouse. The department of education shall have access to data solely to conduct studies, track and report annual and longitudinal pupil outcomes, and improve education programs.

(c) The state board of education, in consultation with the department of health and human services, shall adopt rules, pursuant to RSA 541-A, for developing a form to be used for the report and to establish requirements for data maintenance.

2 Unique Pupil Identification; Definitions. RSA 193-E:4 is repealed and reenacted to read as follows:

193-E:4 Definitions. In this subdivision:

I. "Commissioner" means the commissioner of the department of education.

II. "Data warehouse" means the electronic system operated by the department of education that maintains the information about pupils as set forth in RSA 193-E:3, I, VI, and VII. The data warehouse shall not contain the name, address, telephone number, e-mail address, social security number, or any other personally identifiable information about any pupil.

III. "District" means a New Hampshire public school district or a district outside of New Hampshire educating publicly funded New Hampshire pupils.

IV. "District of origin" means the district in which the pupil resides at the point at which the pupil first enters the New Hampshire educational system, whether in an early childhood program, district, or postsecondary education level.

V. "Early childhood program" means a preschool or childcare program receiving

Head Start or child care scholarship funds, whether licensed or exempt from licensing, or a preschool program operated by a district. Early childhood programs not operated by a district shall report data only for pupils for which Head Start or child care scholarship funds are received.

VI. "Postsecondary institution" means the university system of New Hampshire or the community college system of New Hampshire.

VII. "Random number generator" means the electronic system that creates unique pupil identification numbers and assigns a unique pupil identification number to a pupil when an early childhood program, a district, or a postsecondary institution enters a pupil's name, date of birth, town of birth, and gender. The system shall maintain that information and the name of the district of origin, and no other information. This system shall not retain the unique pupil identification number.

VIII. "Unique pupil identifier" means a randomly generated number assigned to an early childhood program pupil, a district pupil, or postsecondary institution pupil in order to gather pupil level data.

IX. "Unique pupil identification system" means an electronic system comprised of the data warehouse and the random number generator.

3 Unique Pupil Identification. Amend RSA 193-E:5 to read as follows:

193-E:5 Unique Pupil Identification.

I. The department of education shall, using federal funds only, implement and maintain a unique pupil identification system on a statewide basis that complies with the following requirements:

(a) No personally identifiable information about a pupil including ~~[but not limited to] name[, date of birth, gender, or]~~ **and** social security number, shall be collected or maintained by the state in such a manner as to allow such information to be connected with the unique pupil identifier. Under no circumstances shall the department of education obtain or use a social security number as an identifier for any pupil~~[, or]~~. **The department shall not** use unique pupil identifiers except in connection with the data warehouse and such use shall not be accessible to the public.

(b) The random number generator shall make available to each ~~[school]~~ **early childhood program, district, or postsecondary institution** a unique pupil identifier for each pupil ~~[enrolled]~~ **pursuing an education** in a New Hampshire ~~[public school]~~ **early childhood program, district, or postsecondary institution**. The unique pupil identifier itself shall not permit pupil identification within a sub-category including, but not limited to, **early childhood program, [school] district, postsecondary institution**, sex, age, grade, or county of residence.

(c) The unique pupil identifier shall be requested and maintained by the **early childhood program, [local school] district, or postsecondary institution**. The unique pupil identifier shall remain in the pupil's file throughout his or her ~~[elementary and secondary]~~ academic career in New Hampshire.

(d) Access to the random number generator shall be limited to **an early childhood program director or designee, a district superintendent or designee, or a postsecondary institution registrar or designee**, and only for pupils ~~[enrolled]~~ **pursuing an education** in that **early childhood program, [school administrative unit], district, or postsecondary institution**. Any person who knowingly violates this provision is guilty of a class B felony and may be subject to involuntary termination of employment.

(e) The random number generator shall create and maintain a comprehensive audit trail for all users accessing the ~~[system]~~ **random number generator**.

(f) The data warehouse shall create and maintain an audit trail for all users accessing secure information.

(g) No person, including an individual, business, government, or governmental entity, shall require an individual to provide a unique pupil identifier as a condition of doing business, providing a service, or receiving a benefit of any kind, **except as provided in RSA**

193-E:5, I(c). Any person or entity ~~[violating]~~ **who knowingly violates** the provisions of this ~~[paragraph]~~ **subparagraph** shall be liable for actual damages or \$25,000, whichever is greater, for each violation. Each denial of services or benefits shall constitute a separate offense under this ~~[paragraph]~~ **subparagraph**.

(h) If a pupil's records become part of an administrative action outside of the pupil's ~~[school]~~ **early childhood program**, district, **or postsecondary institution**, or a part of any judicial or quasi-judicial proceeding, the part of the record containing the pupil's unique pupil identifier shall be redacted by the ~~[school]~~ **early childhood program**, district, **or postsecondary institution** prior to release.

(i) The information maintained in the data warehouse~~[-except for the unique pupil identifier]~~ shall be available to the department of education and to the public using the ~~[same database]~~ **data** maintained by the department of education. No personally identifiable information shall be required as a condition of access or usage under this subparagraph, nor shall such access or usage be tracked. Under no circumstances shall the unique pupil identifier be made available to ~~[the department of education or to]~~ the public.

(j) Information maintained in the random number generator shall be exempt from the provisions of RSA 91-A.

(k) Authorized personnel at the department of education shall administer and maintain the unique pupil identification system.

(l) **The department of education shall provide** no personally identifiable information **collected pursuant to this chapter**, including but not limited to name, date of birth, ~~[gender]~~ or social security number~~[-shall be provided]~~ to any person or entity, **other than an early childhood program, district, or postsecondary institution authorized to access this data**, absent a court order~~[-and]~~. Under no circumstances shall personally identifiable information **or the unique pupil identifier** be provided to any person or entity outside of New Hampshire. Any person who knowingly violates this provision is guilty of a class B felony and may be subject to involuntary termination of employment.

(m) Early childhood programs not receiving Head Start or Child Care scholarship funds, private schools comprised of kindergarten through grade 12, and all private postsecondary institutions may participate in the data warehouse and random number generator. Participating early childhood programs may volunteer to include data for pupils for which Head Start or Child Care scholarship funds are not received. Permission of a parent or legal guardian of a pupil enrolled in an early childhood program shall be obtained before a pupil may participate in the data warehouse and random number generator. For the purposes of this section, such voluntary participating early childhood programs shall be included in the definition set forth in RSA 193-E:4.

(n) Notwithstanding subparagraphs (a)-(m), to enable the department of education to ensure the accuracy of the data, the commissioner of the department of education may, in writing, grant individuals access to the data warehouse, including but not limited to, access to the unique pupil identifier for the purpose of connecting information in the warehouse with the random number generator.

(o) At the request of an early childhood program, district, or postsecondary institution, the department of education shall provide pupil-level data from the unique pupil identification system to an early childhood program, district, or postsecondary institution for pupils pursuing an education in that entity. The department shall not provide any personally identifiable pupil-level data to an entity not directly involved with the pupil's education.

(p) New Hampshire home educated pupils pursuing an education in a postsecondary institution who have not been assigned a unique pupil identifier may, without penalty, opt out of being included in the unique pupil identification system for postsecondary pupils.

(q) Nothing in this chapter shall prohibit institutions in the university

system of New Hampshire and the community college system of New Hampshire from exchanging data between themselves without the consent or involvement of the department of education.

II. Notwithstanding RSA 193-E:3, II, the legislative oversight committee established in RSA 193-C:7 shall perform any revisions to this section through legislation filed for that purpose.

III. Any contracts or agreements necessary to implement the provisions of this section shall be approved by the governor with the consent of the executive council, and the fiscal committee established in RSA 14:30-a.

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

Conferees: Sens. Kelly, Dist. 10; Merrill, Dist. 21; and Bragdon, Dist. 11.

Conferees: Reps. Rous, Straf. 7; Brien Ward, Graf. 1; Yeaton, Merr. 8; and Casey, Rock. 11.

Rep. Comerford requested a roll call; sufficiently seconded.

YEAS 218 NAYS 142

YEAS 218

BELKNAP

Arsenault, Beth
Miller, Kate

Bolster, Peter
Reever, Judith

Johnson, William
Russell, David

Merry, Liz
Stuart, Richard

CARROLL

Bridgham, Robert
Stevens, Stanley

Buco, Thomas
Wiley, Susan

Butler, Edward

Knox, J. David

CHESHIRE

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

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

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

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

COOS

Hatch, William
Theberge, Robert

Mears, Lucy
Thomas, Yvonne

Merrick, Evalyn

Remick, William

GRAFTON

Aguiar, James
Ford, Susan
Matheson, Robert
Pierce, David
Townsend, Charles

Almy, Susan
Friedrich, Carol
Mulholland, Catherine
Preston, Philip
Ward, Brien

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

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

HILLSBOROUGH

Baroody, Benjamin
Bergin, Peter
Chase, Claudia
Craig, James
Farley, Michael
Gidge, Kenneth
Hackel, Paul

Beauchamp, Roger
Boisvert, Ronald
Chininis, Alexis
Day, Russell
Flurey, Joan
Goley, Jeffrey
Hammond, Jill

Beaulieu, Jane
Caron, June
Clemons, Jane
Dokmo, Cynthia
Foster, Linda
Gorman, Mary
Hardy, Valerie

Beck, Catriona
Chandley, Shannon
Cote, David
Emerton, Larry
Garritty, Patrick
Graham, John
Harvey, Philip

Harvey, Suzanne
Jasper, Shawn
Komi, Richard
Leishman, Peter
Long, Patrick

Movsesian, Lori
Pilotte, Maurice
Rhodes, Brian
Shaw, Barbara

Hebert, Roger
Jeudy, Jean
Kopka, Angeline
Levasseur, Nickolas
Mack, Ron

Nixon, David
Poznanski, Brian
Rokas, Theodoros
Sullivan, Daniel

Hodges, Kevin
Knowles, John
Kurk, Neal
Levesque, Melanie
Marshall, Seth

O'Brien, Michael Sr
Price, Pamela
Schulze, Joan
Thompson, Robert

Infantine, William
Knowles, Mary Ann
LaPlante, Roland
Lisle, Carolyn
Matarazzo, Anthony Sr
Peterson, Andrew
Ramsey, Peter
Shattuck, Gilman
Walsh, Robert Jr

MERRIMACK

Bartlett, Michael
Davis, Frank
Kelly, Sally
Owen, Derek
Richardson, Gary
Tilton, Joy
Watrous, Rick
Yeaton, Charles

Bouchard, Candace
French, Barbara
Kidder, David
Porter, Margaret
Rodd, Beth
Tupper, Frank
Webb, Leigh

Brown, Carole
Gile, Mary
McMahon, Patricia
Potter, Frances
Schuett, Dianne
Wallner, Mary Jane
Wheeler, Deborah

Clarke, Claire
Hamm, Christine
Osborne, Jessie
Rice, Chip
Shurtleff, Stephen
Walz, Mary Beth
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Cushing, Robert
Garcia, Marilinda
Ingram, Russell
McCarthy, Barbara
Packard, Sherman
Sapareto, Frank

Splaine, James

Borden, David
Day, Judith
Gould, Kenneth
Kepner, Susan
McEachern, Paul
Pantelakos, Laura
Scamman, Stella

Webber, Carolyn

Brown, C. Pennington
DiFruscia, Anthony
Henson, John
Lyons, Melissa
Moody, Marcia
Petterson, Don
Scamman, W.
Douglas Jr
Welch, David

Casey, Kimberley
DiPentima, Rich
Hutchinson, Gina
Mann, Maureen
Nord, Susi
Read, Robin Jr
Schlachman, Donna

STRAFFORD

Berube, Roger
Cyr, James
Horrigan, Timothy
Keans, Sandra
Price, Susan
Ryder, Mark
Sprague, Dale
Watters, David

Brown, Larry
Domingo, Baldwin
Hubbard, Pamela
Lauterborn, Elaine
Rogers, Rose Marie
Schmidt, Peter
Vachon, Dennis

Browne, Brendon
Grassie, Anne
Hutz, Sarah
Lewis, Robert
Rollo, Deanna
Smith, Marjorie
Wall, Janet

Burke, Rachel
Hofemann, Roland
Kaen, Naida
Perry, Robert
Rous, Emma
Spang, Judith
Ward, Kenneth

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
McClammer, Jim

Gagnon, Raymond
Skinder, Carla

Gottling, Suzanne
Sweeney, Cynthia

NAYS 142

BELKNAP

Boyce, Laurie
Nedeau, Stephen
Veazey, John

Fields, Dennis
Pilliod, James
Wendelboe, Fran

Flanders, Donald
St. Cyr, Jeffrey

Millham, Alida
Swinford, Elaine

CARROLL

Ahlgren, Christopher	Chandler, Gene	Fleck, Joseph	McConkey, Mark
Patten, Betsey	Scala, Dino	Umberger, Karen	

CHESHIRE

Emerson, Susan	Hunt, John	Johnson, Jane	Laurent, John
Parkhurst, Henry	Sterling, Franklin Jr		

COOS

Rappaport, Laurence	Richardson, Herbert	Stohl, Eric	Tholl, John Jr
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GRAFTON

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

HILLSBOROUGH

Batula, Peter	Belvin, William	Boehm, Ralph	Cebrowski, John
Christensen, Chris	Christiansen, Lars	Daniels, Gary	Doherty, Shaun
Drisko, Richard	Elliott, Nancy	Gagne, Larry	Gargas, Carolyn
Haefner, Robert	Hawkins, Ken	Hikel, John	Hinch, Richard
Hinkle, Peyton	Hogan, Edith	Holden, Frank	Holden, Rip
Hopper, Gary	Katsiantonis, Thomas	L'Heureux, Robert	McCarthy, Michael
Mead, Robert	Messier, Irene	Moran, Edward	O'Brien, William
Ober, Lynne	Ober, Russell III	Palmer, Stephen	Pellegrino, Tony
Pratt, Calvin	Renzullo, Andrew	Rosenwald, Cindy	Rowe, Robert
Seidel, Carl	Silva, Peter	Soucy, Connie	Spaulding, Jayne
Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe
Willette, Robert	Winters, Joel		

MERRIMACK

Anderson, Eric	Blankenbeker, Lynne	Coffey, Jennifer	DeStefano, Stephen
Kotowski, Frank	Lockwood, Priscilla	McGuire, Carol	Reed, Dennis
Smith, Todd	Stetson, William		

ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Bates, David	Belanger, Ronald
Bettencourt, David	Bishop, Franklin	Bridle, Russell	Cali-Pitts, Jacqueline
Charron, Gene	Comerford, Timothy	Crisler, Margaret	DeSimone, Debra
Devine, James	Dowling, Patricia	Elliott, Robert	Emiro, Frank
Ferrante, Beverly	Fesh, Robert	Flanders, John Sr	Garrity, James
Griffin, Mary	Hagan, Joseph	Headd, James	Hoelzel, Kathleen
Hutchinson, Karen	Introne, Robert	Itse, Daniel	Kappler, L. Mike
Kolodziej, Walter	Major, Norman	McKinney, Betsy	McMahon, Charles
Nevins, Chris	Priestley, Anne	Quandt, Matt	Rausch, James
Reagan, John	Sanders, Elisabeth	Sedensky, John	Smith, William
Stiles, Nancy	Sullivan, James	Tucker, Pamela	Wells, Roger
Weyler, Kenneth			

STRAFFORD

Bickford, David	Groen, Warren	Twombly, James	Vita, Carol
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SULLIVAN

Cunningham, Steven Howard, Thomas Osgood, Joe Rodeschin, Beverly
and the Committee of Conference Report was adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 520

Committee of Conference Report on SB 520, relative to school district liability for special education costs.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Kelly, Dist. 10; Merrill, Dist. 21; and Bragdon, Dist. 11.

Conferees: Reps. Casey, Rock. 11; Barbara Shaw, Hills. 16; Stiles, Rock. 15; and Brien Ward, Graf. 1.

On a division vote, 230 members having voted in the affirmative and 127 in the negative, the Committee of Conference Report was adopted.

REVENUE ESTIMATES

HR 26, affirming revenue estimates for fiscal years 2010 and 2011.

Rep. Almy moved Ought to Pass and offered floor amendment (2108h).

Floor Amendment (2108h)

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

That the House wishes to go on record as affirming the following revenue estimates for fiscal years 2010 and 2011.

Committee estimates are based on current rates.

	<i>FY 2010</i>		<i>FY 2011</i>	
GEN'L & EDUCATION TRUST	Official	Committee	Official	Committee
FUND:				
(Dollars in Millions)	Estimate	Estimate	Estimate	Estimate
Business Profits Tax	\$313.100	\$277.200	\$317.000	\$313.300
Business Enterprise Tax	189.700	167.800	192.000	189.700
Subtotal	502.800	445.000	509.000	503.000
Meals & Rooms Tax	251.100	228.300	253.200	245.000
Tobacco Tax	217.200	236.000	206.000	218.000
Liquor Sales	117.300	117.300	127.900	127.900
Interest & Dividends Tax	117.000	90.100	125.000	90.100
Insurance Tax	85.800	84.200	86.300	80.500
Communications Tax	82.000	75.000	85.000	75.000
Real Estate Transfer Tax	84.700	85.200	90.700	89.200
Court Fines & Fees	13.900	13.200	14.100	13.200

Securities Revenue	34.000	34.000	34.000	34.000
Utility Consumption Tax	6.000	6.000	6.000	6.000
Board & Care Revenue	19.900	18.500	20.500	20.200
Beer Tax	12.800	12.800	12.800	12.800
Racing & Games of Chance	3.700 FY 2010	2.800	3.700 FY 2011	2.900
Other	67.000	63.400	69.000	67.800
Gambling Winnings Tax	5.900	2.800	7.900	3.400
Tobacco Settlement Funds	49.400	44.200	50.000	44.200
SUBTOTAL	\$1,670.500	\$1,558.800	\$1,701.100	\$1,633.200
Medicaid Enhancement Tax	99.300	98.500	114.600	108.500
Medicaid Recoveries	22.300	19.400	23.100	19.200
Lottery Transfers to Education	74.700	68.000	77.700	77.700
Bingo Lucky 7 Transfers to Education	1.300	1.300	1.300	1.300
Utility Property Tax	28.000	29.000	28.000	28.000
Statewide Property Tax	363.000	363.200	363.000	363.600
TOTAL GEN'L & ED TRUST FUNDS	\$2,259.100	\$2,138.200	\$2,308.800	\$2,231.500
HIGHWAY FUNDS: (Dollars in Millions)	Official Estimate	Committee Estimate	Official Estimate	Committee Estimate
Road Toll	\$126.500	\$124.500	\$126.500	\$126.500
Motor Vehicle Fees	150.100	145.600	134.800	133.300
Miscellaneous	19.800	25.400	19.800	20.400
TOTAL HIGHWAY FUNDS	\$296.400	\$295.500	\$281.100	\$280.200
FISH & GAME FUNDS: (Dollars in Millions)	Official Estimate	Committee Estimate	Official Estimate	Committee Estimate
Fish & Game Licenses	\$8.300	\$8.000	\$8.300	\$9.100
Fines & Miscellaneous	2.170	2.000	2.950	2.200

TOTAL FISH & GAME FUNDS	\$10.470	\$10.000	\$11.250	\$11.300
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Rep. Almy spoke in favor and yielded to questions.
Rep. Major spoke against
Rep. Eaton requested a roll call; sufficiently seconded.

YEAS 200 NAYS 166

YEAS 200

BELKNAP

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

CARROLL

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

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

COOS

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

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	Taylor, Kathleen
Townsend, Charles	White, Andrew		

HILLSBOROUGH

Baroody, Benjamin	Beauchamp, Roger	Beaulieu, Jane	Beck, Catriona
Boisvert, Ronald	Campbell, David	Caron, June	Chandley, Shannon
Chase, Claudia	Chininis, Alexis	Clemons, Jane	Cote, David
Craig, James	Farley, Michael	Flurey, Joan	Foster, Linda
Garrity, Patrick	Gidge, Kenneth	Goley, Jeffrey	Gorman, Mary
Hackel, Paul	Hammond, Jill	Hardy, Valerie	Harvey, Philip
Harvey, Suzanne	Hebert, Roger	Hodges, Kevin	Jeudy, Jean
Katsiantonis, Thomas	Knowles, John	Knowles, Mary Ann	Komi, Richard
Kopka, Angeline	LaPlante, Roland	Leishman, Peter	Levasseur, Nickolas
Levesque, Melanie	Lisle, Carolyn	Long, Patrick	Mack, Ron
Marshall, Seth	Matarazzo, Anthony Sr	Movsesian, Lori	Nixon, David
O'Brien, Michael Sr	Pilotte, Maurice	Poznanski, Brian	Ramsey, Peter
Rhodes, Brian	Rokas, Theodoros	Rosenwald, Cindy	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Thompson, Robert	Vaillancourt, Steve

Walsh, Robert Jr

Winters, Joel

MERRIMACK

Bartlett, Michael
Davis, Frank
Gile, Mary
Osborne, Jessie
Rice, Chip
Shurtleff, Stephen
Wallner, Mary Jane
Wheeler, Deborah

Bouchard, Candace
DeJoie, John
Hamm, Christine
Owen, Derek
Richardson, Gary
Stetson, William
Walz, Mary Beth
Williams, Robert

Brown, Carole
DeStefano, Stephen
Kelly, Sally
Porter, Margaret
Rodd, Beth
Tilton, Joy
Watrous, Rick
Yeaton, Charles

Clarke, Claire
French, Barbara
McMahon, Patricia
Potter, Frances
Schuett, Dianne
Tupper, Frank
Webb, Leigh

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
Henson, John
Mann, Maureen
Nord, Susi
Schlachman, Donna

Borden, David
Cushing, Robert
Hutchinson, Gina
McCarthy, Barbara
Pantelakos, Laura
Splaine, James

Brown, C. Pennington
Day, Judith
Kepner, Susan
McEachern, Paul
Pettersen, Don
Webber, Carolyn

Cali-Pitts, Jacqueline
DiPentima, Rich
Lyons, Melissa
Moody, Marcia
Read, Robin Jr

STRAFFORD

Berube, Roger
Cyr, James
Horrigan, Timothy
Keans, Sandra
Price, Susan
Ryder, Mark
Sprague, Dale
Watters, David

Brown, Larry
Domingo, Baldwin
Hubbard, Pamela
Lauterborn, Elaine
Rogers, Rose Marie
Schmidt, Peter
Vachon, Dennis

Browne, Brendon
Grassie, Anne
Hutz, Sarah
Lewis, Robert
Rollo, Deanna
Smith, Marjorie
Wall, Janet

Burke, Rachel
Hofemann, Roland
Kaen, Naida
Perry, Robert
Rous, Emma
Spang, Judith
Ward, Kenneth

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
McClammer, Jim

Gagnon, Raymond
Skinder, Carla

Gottling, Suzanne

NAYS 166

BELKNAP

Bolster, Peter
Millham, Alida
Swinford, Elaine

Boyce, Laurie
Nedeau, Stephen
Veazey, John

Fields, Dennis
Russell, David
Wendelboe, Fran

Flanders, Donald
St. Cyr, Jeffrey

CARROLL

Ahlgren, Christopher
McConkey, Mark
Umberger, Karen

Chandler, Gene
Patten, Betsey

Fleck, Joseph
Scala, Dino

Knox, J. David
Stevens, Stanley

CHESHIRE

Emerson, Susan
Roberts, Kris

Hunt, John
Sterling, Franklin Jr

Johnson, Jane

Laurent, John

COOS

Rappaport, Laurence
Tholl, John Jr

Remick, William

Richardson, Herbert

Stohl, Eric

GRAFTON

Bulis, Lyle
Ward, Brien

Gionet, Edmond
Williams, Burton

Ingbretson, Paul

Ladd, Rick Jr

HILLSBOROUGH

Batula, Peter
Cebrowski, John
Day, Russell
Elliott, Nancy
Graham, John
Hinch, Richard
Holden, Rip
Kurk, Neal
Messier, Irene
Ober, Russell III
Peterson, Andrew
Rowe, Robert
Spaulding, Jayne
Villeneuve, Moe

Belvin, William
Christensen, Chris
Doherty, Shaun
Emerton, Larry
Haefner, Robert
Hinkle, Peyton
Hopper, Gary
L'Heureux, Robert
Moran, Edward
Palmer, Stephen
Pratt, Calvin
Seidel, Carl
Sullivan, Daniel
Willette, Robert

Bergin, Peter
Christiansen, Lars
Dokmo, Cynthia
Gagne, Larry
Hawkins, Ken
Hogan, Edith
Infantine, William
McCarthy, Michael
O'Brien, William
Pellegrino, Tony
Price, Pamela
Silva, Peter
Tahir, Saghir

Boehm, Ralph
Daniels, Gary
Drisko, Richard
Gargas, Carolyn
Hikel, John
Holden, Frank
Jasper, Shawn
Mead, Robert
Ober, Lynne
Pepino, Leo
Renzullo, Andrew
Soucy, Connie
Ulery, Jordan

MERRIMACK

Anderson, Eric
Kotowski, Frank
Smith, Todd

Blankenbeker, Lynne
Lockwood, Priscilla

Coffey, Jennifer
McGuire, Carol

Kidder, David
Reed, Dennis

ROCKINGHAM

Allen, Mary
Bettencourt, David
Comerford, Timothy
DiFruscia, Anthony
Ferrante, Beverly
Garrity, James
Hagan, Joseph
Ingram, Russell
Kolodziej, Walter
Nevins, Chris
Priestley, Anne
Sanders, Elisabeth

Baldasaro, Alfred
Bishop, Franklin
Crisler, Margaret
Dowling, Patricia
Fesh, Robert
Gleason, John
Headd, James
Introne, Robert
Major, Norman
Packard, Sherman
Quandt, Matt
Sapareto, Frank

Bates, David
Bridle, Russell
DeSimone, Debra
Elliott, Robert
Flanders, John Sr
Gould, Kenneth
Hoelzel, Kathleen
Itse, Daniel
McKinney, Betsy
Perkins, Amy
Rausch, James
Scamman, Stella

Belanger, Ronald
Charron, Gene
Devine, James
Emiro, Frank
Garcia, Marilinda
Griffin, Mary
Hutchinson, Karen
Kappler, L. Mike
McMahon, Charles
Perkins, Lawrence
Reagan, John
Scamman, W.
Douglas Jr
Sullivan, James
Wells, Roger

Sedensky, John
Tucker, Pamela
Weyler, Kenneth

Smith, William
Weare, Everett

Stiles, Nancy
Welch, David

STRAFFORD

Bickford, David

Groen, Warren

Twombly, James

Vita, Carol

SULLIVAN

Cunningham, Steven
Sweeney, Cynthia

Howard, Thomas

Osgood, Joe

Rodeschin, Beverly

and floor amendment (2108h) was adopted.

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

YEAS 200 NAYS 167

YEAS 200

BELKNAP

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

CARROLL

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

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

COOS

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

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	Taylor, Kathleen
Townsend, Charles	White, Andrew		

HILLSBOROUGH

Baroody, Benjamin	Beauchamp, Roger	Beaulieu, Jane	Beck, Catriona
Boisvert, Ronald	Campbell, David	Caron, June	Chandley, Shannon
Chase, Claudia	Chininis, Alexis	Clemons, Jane	Cote, David
Craig, James	Farley, Michael	Flurey, Joan	Foster, Linda
Garrity, Patrick	Gidge, Kenneth	Goley, Jeffrey	Gorman, Mary
Hackel, Paul	Hammond, Jill	Hardy, Valerie	Harvey, Philip
Harvey, Suzanne	Hebert, Roger	Hodges, Kevin	Jeudy, Jean
Katsiantonis, Thomas	Knowles, John	Knowles, Mary Ann	Komi, Richard
Kopka, Angeline	LaPlante, Roland	Leishman, Peter	Levasseur, Nickolas
Levesque, Melanie	Lisle, Carolyn	Long, Patrick	Mack, Ron
Marshall, Seth	Matarazzo, Anthony Sr	Movsesian, Lori	Nixon, David
O'Brien, Michael Sr	Pilotte, Maurice	Poznanski, Brian	Ramsey, Peter
Rhodes, Brian	Rokas, Theodoros	Rosenwald, Cindy	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Thompson, Robert	Vaillancourt, Steve
Walsh, Robert Jr	Winters, Joel		

MERRIMACK

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

ROCKINGHAM

Abbott, Dennis	Borden, David	Brown, C. Pennington	Cali-Pitts, Jacqueline
Casey, Kimberley	Cushing, Robert	Day, Judith	DiPentima, Rich
Henson, John	Hutchinson, Gina	Kepner, Susan	Lyons, Melissa
Mann, Maureen	McCarthy, Barbara	McEachern, Paul	Moody, Marcia
Nord, Susi	Pantelakos, Laura	Petterson, Don	Read, Robin Jr
Schlachman, Donna	Splaine, James	Webber, Carolyn	

STRAFFORD

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

SULLIVAN

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

NAYS 167

BELKNAP

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

CARROLL

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

CHESHIRE

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

COOS

Rappaport, Laurence	Remick, William	Richardson, Herbert	Stohl, Eric
Tholl, John Jr			

GRAFTON

Bulis, Lyle
Maybeck, Margie

Gionet, Edmond
Ward, Brien

Ingbretson, Paul
Williams, Burton

Ladd, Rick Jr

HILLSBOROUGH

Batula, Peter
Cebrowski, John
Day, Russell
Elliott, Nancy
Graham, John
Hinch, Richard
Holden, Rip
Kurk, Neal
Messier, Irene
Ober, Russell III
Peterson, Andrew
Rowe, Robert
Spaulding, Jayne
Villeneuve, Moe

Belvin, William
Christensen, Chris
Doherty, Shaun
Emerton, Larry
Haefner, Robert
Hinkle, Peyton
Hopper, Gary
L'Heureux, Robert
Moran, Edward
Palmer, Stephen
Pratt, Calvin
Seidel, Carl
Sullivan, Daniel
Willette, Robert

Bergin, Peter
Christiansen, Lars
Dokmo, Cynthia
Gagne, Larry
Hawkins, Ken
Hogan, Edith
Infantine, William
McCarthy, Michael
O'Brien, William
Pellegrino, Tony
Price, Pamela
Silva, Peter
Tahir, Saghir

Boehm, Ralph
Daniels, Gary
Drisko, Richard
Gargas, Carolyn
Hikel, John
Holden, Frank
Jasper, Shawn
Mead, Robert
Ober, Lynne
Pepino, Leo
Renzullo, Andrew
Soucy, Connie
Ulery, Jordan

MERRIMACK

Anderson, Eric
Kotowski, Frank
Smith, Todd

Blankenbeker, Lynne
Lockwood, Priscilla

Coffey, Jennifer
McGuire, Carol

Kidder, David
Reed, Dennis

ROCKINGHAM

Allen, Mary
Bettencourt, David
Comerford, Timothy
DiFruscia, Anthony
Ferrante, Beverly
Garrity, James
Hagan, Joseph
Ingram, Russell
Kolodziej, Walter
Ne vins, Chris
Priestley, Anne
Sanders, Elisabeth

Baldasaro, Alfred
Bishop, Franklin
Crisler, Margaret
Dowling, Patricia
Fesh, Robert
Gleason, John
Headd, James
Introne, Robert
Major, Norman
Packard, Sherman
Quandt, Matt
Sapareto, Frank

Bates, David
Bridle, Russell
DeSimone, Debra
Elliott, Robert
Flanders, John Sr
Gould, Kenneth
Hoelzel, Kathleen
Itse, Daniel
McKinney, Betsy
Perkins, Amy
Rausch, James
Scamman, Stella

Belanger, Ronald
Charron, Gene
Devine, James
Emiro, Frank
Garcia, Marilinda
Griffin, Mary
Hutchinson, Karen
Kappler, L. Mike
McMahon, Charles
Perkins, Lawrence
Reagan, John
Scamman, W.
Douglas Jr
Sullivan, James
Wells, Roger

Sedensky, John
Tucker, Pamela
Weyler, Kenneth

Smith, William
Weare, Everett

Stiles, Nancy
Welch, David

STRAFFORD

Bickford, David

Groen, Warren

Twombly, James

Vita, Carol

SULLIVAN

Cunningham, Steven
Sweeney, Cynthia
and the motion was adopted.
Ordered to third reading.

Howard, Thomas

Osgood, Joe

Rodeschin, Beverly

MOTION TO SUSPEND HOUSE RULES

Rep. William O'Brien moved that House Rules be so far suspended as to permit late drafting, introduction and consideration at the present time of a resolution.

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

Rep. Gary Richardson spoke against and yielded to questions.

Rep. Eaton requested a roll call; sufficiently seconded.

YEAS 168 NAYS 200

YEAS 168

BELKNAP

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

CARROLL

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

CHESHIRE

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

COOS

Rappaport, Laurence	Remick, William	Richardson, Herbert	Stohl, Eric
Theberge, Robert	Tholl, John Jr		

GRAFTON

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

HILLSBOROUGH

Batula, Peter	Belvin, William	Bergin, Peter	Boehm, Ralph
Cebrowski, John	Christensen, Chris	Christiansen, Lars	Daniels, Gary
Day, Russell	Doherty, Shaun	Dokmo, Cynthia	Drisko, Richard
Elliott, Nancy	Emerton, Larry	Gagne, Larry	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
Kurk, Neal	L'Heureux, Robert	McCarthy, Michael	Mead, Robert
Messier, Irene	Moran, Edward	O'Brien, William	Ober, Lynne
Ober, Russell III	Palmer, Stephen	Pellegrino, Tony	Pepino, Leo
Peterson, Andrew	Pratt, Calvin	Price, Pamela	Renzullo, Andrew
Rowe, Robert	Seidel, Carl	Silva, Peter	Soucy, Connie
Spaulding, Jayne	Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Moe	Willette, Robert		

MERRIMACK

Anderson, Eric
Lockwood, Priscilla
Rodd, Beth

Blankenbeker, Lynne
McGuire, Carol
Smith, Todd

Coffey, Jennifer
Osborne, Jessie

Kotowski, Frank
Reed, Dennis

ROCKINGHAM

Allen, Mary
Bettencourt, David
Comerford, Timothy
DiFruscia, Anthony
Ferrante, Beverly
Garrity, James
Hagan, Joseph
Ingram, Russell
Kolodziej, Walter
Nevins, Chris
Priestley, Anne
Sanders, Elisabeth
Stiles, Nancy
Welch, David

Baldasaro, Alfred
Bishop, Franklin
Crisler, Margaret
Dowling, Patricia
Fesh, Robert
Gleason, John
Headd, James
Introne, Robert
Major, Norman
Packard, Sherman
Quandt, Matt
Sapareto, Frank
Sullivan, James
Wells, Roger

Bates, David
Bridle, Russell
DeSimone, Debra
Elliott, Robert
Flanders, John Sr
Gould, Kenneth
Hoelzel, Kathleen
Itse, Daniel
McKinney, Betsy
Perkins, Amy
Rausch, James
Sedensky, John
Tucker, Pamela
Weyler, Kenneth

Belanger, Ronald
Charron, Gene
Devine, James
Emiro, Frank
Garcia, Marilinda
Griffin, Mary
Hutchinson, Karen
Kappler, L. Mike
McMahon, Charles
Perkins, Lawrence
Reagan, John
Smith, William
Weare, Everett

STRAFFORD

Bickford, David
Twombly, James

Brown, Julie
Vita, Carol

Groen, Warren

Price, Susan

SULLIVAN

Cunningham, Steven

Howard, Thomas

Osgood, Joe

Rodeschin, Beverly

NAYS 200

BELKNAP

Arsenault, Beth
Reever, Judith

Johnson, William
Stuart, Richard

Merry, Liz

Miller, Kate

CARROLL

Bridgham, Robert

Buco, Thomas

Butler, Edward

Wiley, Susan

CHESHIRE

Allen, Peter
Butynski, William
Lerandeu, Alfred
Parkhurst, Henry
Sad, Tara

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

Butcher, Suzanne
Carr, Daniel
Meador, David
Roberts, Kris
Weed, Charles

Butterworth, Timothy
Eaton, Daniel
Mitchell, Bonnie
Robertson, Timothy

COOS

Hatch, William

Mears, Lucy

Merrick, Evalyn

Thomas, Yvonne

GRAFTON

Aguiar, James
Ford, Susan
Matheson, Robert
Pierce, David

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

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

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

Townsend, Charles

White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Boisvert, Ronald
Chase, Claudia
Craig, James
Garrity, Patrick
Hackel, Paul
Harvey, Suzanne
Katsiantonis, Thomas
Kopka, Angeline
Levesque, Melanie
Marshall, Seth

O'Brien, Michael Sr
Rhodes, Brian
Shattuck, Gilman
Walsh, Robert Jr

Beauchamp, Roger
Campbell, David
Chininis, Alexis
Farley, Michael
Gidge, Kenneth
Hammond, Jill
Hebert, Roger
Knowles, John
LaPlante, Roland
Lisle, Carolyn
Matarazzo, Anthony
Sr

Pilotte, Maurice
Rokas, Theodoros
Shaw, Barbara
Winters, Joel

Beaulieu, Jane
Caron, June
Clemons, Jane
Flurey, Joan
Goley, Jeffrey
Hardy, Valerie
Hodges, Kevin
Knowles, Mary Ann
Leishman, Peter
Long, Patrick
Movsesian, Lori

Poznanski, Brian
Rosenwald, Cindy
Sullivan, Daniel

Beck, Catriona
Chandley, Shannon
Cote, David
Foster, Linda
Gorman, Mary
Harvey, Philip
Jeudy, Jean
Komi, Richard
Levasseur, Nickolas
Mack, Ron
Nixon, David

Ramsey, Peter
Schulze, Joan
Thompson, Robert

MERRIMACK

Bartlett, Michael
Davis, Frank
Gile, Mary
McMahon, Patricia
Rice, Chip
Stetson, William
Walz, Mary Beth
Williams, Robert

Bouchard, Candace
DeJoie, John
Hamm, Christine
Owen, Derek
Richardson, Gary
Tilton, Joy
Watrous, Rick
Yeaton, Charles

Brown, Carole
DeStefano, Stephen
Kelly, Sally
Porter, Margaret
Schuett, Dianne
Tupper, Frank
Webb, Leigh

Clarke, Claire
French, Barbara
Kidder, David
Potter, Frances
Shurtleff, Stephen
Wallner, Mary Jane
Wheeler, Deborah

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
Henson, John
Mann, Maureen
Nord, Susi
Scamman, Stella

Webber, Carolyn

Borden, David
Cushing, Robert
Hutchinson, Gina
McCarthy, Barbara
Pantelakos, Laura
Scamman, W.
Douglas Jr

Brown, C. Pennington
Day, Judith
Kepner, Susan
McEachern, Paul
Petterson, Don
Schlachman, Donna

Cali-Pitts, Jacqueline
DiPentima, Rich
Lyons, Melissa
Moody, Marcia
Read, Robin Jr
Splaine, James

STRAFFORD

Berube, Roger
Cyr, James
Horrigan, Timothy
Keans, Sandra
Rogers, Rose Marie
Schmidt, Peter
Vachon, Dennis

Brown, Larry
Domingo, Baldwin
Hubbard, Pamela
Lauterborn, Elaine
Rollo, Deanna
Smith, Marjorie
Wall, Janet

Browne, Brendon
Grassie, Anne
Hutz, Sarah
Lewis, Robert
Rous, Emma
Spang, Judith
Ward, Kenneth

Burke, Rachel
Hofemann, Roland
Kaen, Naida
Perry, Robert
Ryder, Mark
Sprague, Dale
Watters, David

SULLIVAN

Cloutier, John
Harris, Sandra
and the motion failed.

Donovan, Thomas Jr
McClammer, Jim

Gagnon, Raymond
Skinder, Carla

Gottling, Suzanne
Sweeney, Cynthia

JOINT COMMITTEE ON ADDRESS

HA 1, for the removal of Michael Garner, marital master in the judicial branch family division in Laconia, Belknap county, from his said office. **MAJORITY: OUGHT NOT TO PASS. MINORITY: OUGHT TO PASS.**

Rep. Lucy M. Weber for the Majority of the Joint Committee on Address: This bill of address seeks the removal of Michael Garner, a marital master in the judicial branch family division. The basis for his removal is one post-divorce action. In this action, the marital master issued an order requiring a formerly home schooled 10 year old to attend public school in the upcoming school year. The sponsors assert that this order was based on an unconstitutional infringement on the mother's freedom of religion. They further argue on the basis of the orders in this single case that the marital master has a bias against religion, which necessitates his removal from office. Special Procedural Rule 7, adopted by the committee in this as in prior address proceedings, sets out the constitutional requirement that "[t]he joint committee shall recommend the Address only if it meets the following three criteria, and shall include such determination in a committee report.

- a. The Address states a reasonable cause for removal.
- b. The reasons for the removal are fully and substantially stated.
- c. The reasons for removal are not grounds for impeachment."

With respect to whether the bill states a reasonable cause for removal, the bipartisan majority finds it does not. The sponsors conceded that the address was brought on the basis of two orders made in a single case. The case is one in which parents who share decision-making responsibility for the child were unable to agree on the appropriate school placement. The mother, who had been home schooling the child, wanted to continue to do so. The father believed that a public school setting was more appropriate. Master Garner noted his reluctance to impose an educational decision on parents, and stated he had the authority to do so only because the parents were unable to agree. He based his decision to order public schooling on the advisability of a child experiencing a wide variety of "experiences, people, concepts and surroundings." The magistrate specifically noted the court's obligation to avoid any consideration of the specific tenets of any of the parties' religion. The court recognized and preserved the right of each parent to provide the child with religious training and to teach the child his or her own religious beliefs. The magistrate's orders reveal not a bias against religion, but, on the contrary, a careful attempt to preserve to each parent their own religious freedom and the right to instruct their child in accordance with their beliefs. A second concern was raised about a possible bias against home schooling. Here again, the magistrate stated that home schooling is an approved method of education in this state. He noted that had the parents agreed on a home school plan, he would have been without any authority to change that decision. The majority notes that the issues complained of in the decision are ones of first impression in this state, and the decisions are currently on appeal before the Supreme Court. The Supreme Court may ultimately find that the decisions were made in error. In that case, the remedy is reversal of the decision. Any further sanction for the master would be inappropriate. The majority is concerned that the serious nature of an address should not be used as a means by which litigants can express their disagreement or dissatisfaction with the rulings in discrete cases, particularly when significant legal or factual questions exist as to the validity of the litigant's claims. The majority finds that the requirement that the Address state a reasonable cause for removal is not met. The second flaw that the majority finds in the bill of address is grounded in the language of Part II, Article 73 of the New Hampshire Constitution, which states that "[t]he governor with consent of the council may remove any commissioned officer for reasonable cause upon the address of both houses of the legislature..." In 2000, when Michael Garner became a marital master, appointments to the position were made solely by the judicial branch. Michael Garner has continued as an at-will employee of the judicial branch to this day. He has never been commissioned by the Governor and Council. He has never held a commission of any

kind. Under the plain meaning of the language of Article 73, he cannot be subject to address. Moreover, the purpose of Article 73 is to allow for the removal, when necessary, of judges who cannot be removed from office except by impeachment or address. This is not the case with marital masters. Under the family division court rules, the administrative judge may at any time respond to a complaint against a marital master and “take whatever action is appropriate, including termination.” Part II, Article 73 also specifies that the grounds for an address “shall not be a cause which is a sufficient cause for impeachment.” Part II, Article 38 defines the causes for impeachment as “bribery, corruption, malpractice or maladministration, in office.” The relevant definition of “malpractice” in Webster’s New World Collegiate Dictionary is “[m]isconduct or improper practice in any professional or official position.” The majority notes that even if they had found that the actions complained of rose to the level of reasonable cause for removal, the actions, being in the course of the magistrate’s regular duties in his official position, would have fallen under the plain meaning of the word malpractice, and the offense, had there been one, would have been impeachable, and therefore not addressable. The minority argues that more time was necessary to consider and discuss the materials presented by the sponsors. The majority is convinced that no amount of delay or discussion could possibly have transformed Marital Master Gardner into a “commissioned officer” as required by the constitution as a condition for address. For all the foregoing reasons, the majority recommends a vote of ought not to pass. Vote 8-3.

Rep. Robert H. Rowe for the Minority of the Joint Committee on Address: A house address is a procedure authorized under Part 2, Article 73 of our Constitution whereby the House and Senate can advise the Governor and Executive Council of an appointed public official that the House and Senate believe is not behaving well and recommend the official be removed. A house address can be a process for the removal of a judge, marital master, attorney general or another public official appointed by the Governor and Executive Council for life or a term of years. In HA 1 the address was against Marital Master Michael Garner. The normal process is for a joint House and Senate committee to be appointed to investigate the behavior of the official, in this case Marital Master Michael Garner. The procedural rule established by the joint committee was to use the first day in the process to allow the sponsors (just like a regular House bill introduction) to present their facts, then the joint committee would hear comments from the public. We established that there would then be a two-week delay after the introduction to allow the named party to prepare and present a rebuttal to the joint committee. On the introduction day, the sponsors and members of the public presented their claim that Marital Master Garner “exceeded his constitutional authority and acted badly, resulting in the failure to preserve the religious rights of a citizen appearing before him ... when he recommended to the presiding justice an order removing a child from an educational setting on the basis of religious prejudice.” On the introduction day, the committee was given voluminous material at the start of the hearing, without providing for an opportunity for members to read the material before a motion of “ought not to pass” was offered at the close of presentations. The minority requested time to absorb the material handed out and receive the response from Marital Master Garner, but the committee voted it down. Subsequently, no opportunity was given for discussion of the prior vote. The issue before the committee was important, and dealt with constitutional rights. It is the opinion of the minority that the committee reached its decision without adequate time to discuss the issues involved. The process was flawed and the minority oppose the majority motion and request HA 1 be returned to the committee so the matter may be heard on the merits.

The question being adoption of the majority committee report of Ought Not to Pass.
Rep. Rowe spoke against and requested a quorum call.
The Speaker declared a quorum present.

Rep. Rowe moved Recommit.
The Speaker declared the motion out of order.

MOTION TO LAY ON THE TABLE

Rep. Rowe moved that **HA 1**, for the removal of Michael Garner, marital master in the judicial branch family division in Laconia, Belknap county, from his said office, be laid on the table.

Rep. Rowe withdrew the motion.

The question now being adoption of the majority committee report of Ought Not to Pass.

Rep. Lucy Weber spoke in favor.

On a division vote, 220 members having voted in the affirmative and 106 in the negative, the majority committee report was adopted.

INTRODUCTION OF GUESTS

Dr. Jacques Georges and Dr. Stuart Liederman, guests of Reps. Swinford and Jeudy.

The House recessed at 12:30 p.m.

RECESS

(Rep. Foster in the Chair)

The House reconvened at 1:30 p.m.

JOINT COMMITTEE ON ADDRESS (CONT'D)

HA 2, for the removal of Lucinda Sadler, district court judge, from her said office.

MAJORITY: OUGHT NOT TO PASS. MINORITY: OUGHT TO PASS.

Rep. Lucy M. Weber for the Majority of the Joint Committee on Address: This bill of address seeks the removal of Lucinda Sadler, a judge in the judicial branch family division. The complaint against Judge Sadler is that she approved and signed orders written by Marital Master Philip Cross and Marital Master Michael Garner. The orders complained of are the same orders that were the basis for HA 1 for the removal of Michael Garner and HA 3 for the removal of Philip Cross. The orders all pertain to some of the most highly contested divorce cases in the state. Special Procedural Rule 7, adopted by the committee in this as in prior address proceedings, sets out the constitutional requirement that "[t]he joint committee shall recommend the address only if it meets the following three criteria, and shall include such determination in a committee report.

- a. The Address states a reasonable cause for removal.
- b. The reasons for the removal are fully and substantially stated.
- c. The reasons for removal are not grounds for impeachment."

With respect to whether the bill states a reasonable cause for removal, the majority finds it does not. The bill alleges that Judge Sadler abused her discretion or was negligent or incompetent in the performance of her duties by failing to make due inquiry before approving orders of the marital masters. The bill alleges that the judge approved an order that held a parent in criminal contempt after a hearing noticed as a civil contempt hearing. There is no finding of criminal contempt. The complaining party concludes that he was held in criminal contempt on the basis of the terms of the order. An alternative reading of the order is that at the hearing, a determination of ability to pay the bail was made, precisely as required in an action for civil contempt. Another paragraph complains that Judge Sadler approved an order changing a child's educational placement on the basis of religious prejudice. A reading of orders in that case showed the master was extremely deferential to the religious beliefs of both parents, and made a decision on educational placement only because the parents were unable to agree on an educational placement, and had mutually exclusive desires as to the child's placement. The orders carefully preserved to both parents the right to instruct the child as to their own religious beliefs, and to provide religious training of their own choice to

the child. Several of the actions stated as grounds for removal have been appealed to the New Hampshire Supreme Court, and have been upheld by that court on appeal. The remaining complaints set out in the bill of address might also, if fully substantiated, be grounds for appeal and possible reversal, but do not, even taken as a group, amount to reasonable cause for removal from office. The exceedingly contentious nature of these specific divorce proceedings has resulted in an elevated number of appeals. A majority of the Joint Committee has already voted that the orders of the marital masters were not reasonable cause for them to be removed. It follows that the actions of the judge who read and approved those orders are likewise not reasonable cause for removal. Part II, Article 73 of the New Hampshire Constitution specifies that the grounds for an address "shall not be a cause which is a sufficient cause for impeachment." Part II, Article 38 defines the causes for impeachment as "bribery, corruption, malpractice or maladministration, in office." The relevant definition of "malpractice" in Webster's New World Collegiate Dictionary is "[m]isconduct or improper practice in any professional or official position." The majority notes that even if they had found that the actions complained of rose to the level of reasonable cause for removal, the actions, being in the course of the judge's regular duties in her official position, would have fallen under the plain meaning of the word malpractice, and the offense, had there been one, would have been impeachable, and therefore not addressable. For all the foregoing reasons the majority recommends a vote of ought not to pass. Vote 6-4.

Rep. Andrew Renzullo for the Minority of the Joint Committee on Address: New Hampshire's founding fathers, when they crafted the New Hampshire Constitution, created a system of checks and balances. As part of that system, it empowered that branch most representative of the people, the Legislative, with the tools to ensure that the Executive and the Judiciary meet the people's high standards of justice and integrity embodied in the Constitution. It should be noted that the constitution allows the Legislature to employ two modes of removal for judicial officers, a Bill of Address and Impeachment. Part II, Article 38 defines the causes for impeachment as "bribery, corruption, malpractice or maladministration, in office." Part II, Article 73 allows that "The governor with consent of the council may remove any commissioned officer for reasonable cause upon the address of both houses of the legislature." It also specifies that the grounds for an address "shall not be a cause which is a sufficient cause for impeachment." Both by structure and tradition, the legislature has used these tools sparingly. The joint committee heard testimony and accepted submissions concerning the rulings and actions of Judge Lucinda Sadler relative to several cases involving marital masters Philip Cross and Michael Garner. Both marital masters were under the "supervision" of Judge Sadler. The testimony and submissions the committee received, if taken at face value, showed a pattern of conduct inconsistent with the administration of justice. Unfortunately, the judge did not avail herself of the opportunity to counter or clarify these submissions. An argument has been made that statutorily, the judge is only providing the legal authority to enforce a master's ruling and is not ultimately accountable for the master's decision or behavior. However, it is claimed that marital masters are "at-will employees" of the judicial branch. If that is the case, then supervisory responsibilities for the marital master's conduct and work product must inure to the presiding judge. In addition, the committee received testimony claiming a vastly inordinate number of Supreme Court appeals of Judge Sadler's decisions in comparison to other judges. Again, there was no clarifying rebuttal. The legislature does not second guess the decisions of judges on a case-by-case basis. However, the legislature should determine whether a judge has behaved properly in hearing his/her cases. To allow this determination, the judge should provide the legislature the necessary information. The interests of justice demands judges to be held accountable. Based on the evidence provided, there is a reasonable argument that a recommendation of impeachment for maladministration could be made. However, lacking that option, the minority recommends the House pass the bill of address.

MOTION TO SPECIAL ORDER

Rep. Renzullo moved that **HA 2**, for the removal of Lucinda Sadler, district court judge, from her said office, be made a Special Order to after the House considers **HA 3**, for the removal of Philip Cross, marital master in the judicial branch family division in the Derry District Court, from his said office.

Reps. Renzullo and Eaton spoke in favor.

Adopted.

HA 3, for the removal of Philip Cross, marital master in the judicial branch family division in the Derry District Court, from his said office. **MAJORITY: OUGHT NOT TO PASS. MINORITY: OUGHT TO PASS.**

Rep. Lucy M. Weber for the Majority of the Joint Committee on Address: This bill of address seeks the removal of Philip Cross, a marital master in the judicial branch family division. The complaints arise out of three of the most hotly contested divorce cases in the State of New Hampshire. As a threshold matter, the majority notes the bill of address is grounded in the language of Part II, Article 73 of the New Hampshire Constitution, which states that “[t]he governor with consent of the council may remove any commissioned officer for reasonable cause upon the address of both houses of the legislature...” Part II, Article 86 provides further clarification regarding commissions, stating, “All commissions shall be in the name of the state of New Hampshire, signed by the governor....” Philip Cross was initially appointed by Governor Benson and the Executive Council in 2004. As the statute requires, he held that commission until September 8, 2007, at which time his commission expired. Philip Cross has continued as an at-will employee of the judicial branch to this day. Under the plain meaning of the language of Article 73, he cannot be subject to address. Moreover, the purpose of Article 73 is to allow for the removal, when necessary, of judges who cannot be removed from office except by impeachment or address. This is not the case with marital masters. Under the family division court rules, the administrative judge may at any time respond to a complaint against a marital master and “take whatever action is appropriate, including termination.” The majority believes this address should be summarily dismissed because Philip Cross is not a commissioned officer as required by the constitution. Turning to the merits of the bill, Special Procedural Rule 7, adopted by the committee in this as in prior address proceedings, sets out the constitutional requirement that “[t]he joint committee shall recommend the Address only if it meets the following three criteria, and shall include such determination in a committee report. The Address states a reasonable cause for removal. The reasons for the removal are fully and substantially stated.

- a. The Address states a reasonable cause for removal.
- b. The reasons for the removal are fully and substantially stated.
- c. The reasons for removal are not grounds for impeachment.”

With respect to whether the bill states a reasonable cause for removal, the bipartisan majority finds it does not. The numerous actions complained of in the bill of address arise out of only three of the hundreds of divorce cases that Master Cross has heard since his appointment in 2004. The voluminous filings in the bill of address and the testimony of the litigants complaining against Master Cross give some insight into the incredibly difficult task marital masters face in contentious cases. The combined number of docket entries in these three cases total an astounding 2,045 entries as of the week before the bill was heard. On the day after the bill was heard, one of the litigants requested copies of the Joint Committee’s records in the matter with the intent of filing further proceedings in the family court, based on what occurred at the Joint Committee hearing. While members of the majority believed that some of the allegations stated in the bill of address might, if fully proven, give grounds for concern, the allegations were such that the appropriate remedy is an appeal to the Supreme Court for review and possible reversal. The majority finds that the requirement that the address state a reasonable cause for removal is not met. The bill alleges that the Master issued an order that held a parent in criminal contempt after a

hearing noticed as a civil contempt hearing. There is no finding of criminal contempt. The complaining party concludes that he was held in criminal contempt on the basis of the terms of the order. An alternative reading of the order is that at the hearing, a determination of ability to pay the bail was made, precisely as required in an action for civil contempt. Part II, Article 73 also specifies that the grounds for an address “shall not be a cause which is a sufficient cause for impeachment.” Part II, Article 38 defines the causes for impeachment as “bribery, corruption, malpractice or maladministration, in office.” The relevant definition of “malpractice” in Webster’s New World Collegiate Dictionary is “[m]isconduct or improper practice in any professional or official position.” The majority notes that even if they had found that the actions complained of rose to the level of reasonable cause for removal, the actions, being in the course of the magistrate’s regular duties in his official position, would have fallen under the plain meaning of the word malpractice, and the offense, had there been one, would have been impeachable, and therefore not addressable. For all the foregoing reasons, the majority recommends a vote of ought not to pass. Vote 6-3.

Rep. William B. Smith for the Minority of the Joint Committee on Address: The sponsors of HA 3 and members of the public provided evidence to document all actions that they claim prove that Marital Master Cross “exceeded his authority and abused his discretion, resulting in the failure to afford justice to the parties appearing before him...” Of particular concern was evidence presented that MM Cross, 1) on more than one occasion refused to allow one parent’s argument to be heard, 2) changed the purpose of a hearing at the last moment without notice to one of the parties, 3) altered court documents previously signed by the parties without their consent, and 4) recommended conflicting orders that effectively required a parent to be in contempt. Further evidence that Cross was a Marital Master for the Family Courts in Derry and Portsmouth, which each averaged about 11 appeals per year accepted by the Supreme Court (2005-10), compared with an average to two per year for the other 22 courts. Specifically, he was involved in 31 of 37 accepted appeals from the Derry Family Court. A list of 12 appeals to the Supreme Court (2009-10) of MM Cross’s recommended orders were given. Four grievances against MM Cross have been filed with the Judicial Conduct Committee, and another four are under consideration. The appeal process and the grievance process look at one case at a time, and might not reveal a pattern of bad behavior by a Marital Master. Neither is there within the court system a process that would necessarily discover inappropriate actions as listed above. The Bill of Address allows investigation of both patterns and actions, and the minority feels that the legislature has the constitutional authority to recommend removal of a Marital Master. The fair and correct approach would be to have MM Cross appear before the Joint Committee to give his account of the testimony presented, before any determination of removal from office can be made. It is the view of the minority that Marital Master Cross breached his duty to the state and his constitutional obligation to “Behave well” according to Part II, Article 73 in our Constitution. The minority believes the original appointing authority should remove MM Cross.

The question being adoption of the majority committee report of Ought Not to Pass.

Reps. William Smith, Lawrence Perkins and Renzullo spoke against and yielded to questions.

Reps. DiFruscia, Rowe, Hopper and Baldasaro spoke against.

Rep. Lucy Weber spoke in favor.

(Speaker Norelli in the Chair)

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

YEAS 187 NAYS 155

YEAS 187

BELKNAP

Arsenault, Beth
Miller, Kate

Flanders, Donald
Reever, Judith

Johnson, William
Stuart, Richard

Merry, Liz

CARROLL

Bridgham, Robert
Patten, Betsey

Buco, Thomas
Stevens, Stanley

Butler, Edward
Wiley, Susan

Knox, J. David

CHESHIRE

Allen, Peter
Butynski, William
Lindsey, Steven
Richardson, Barbara
Weed, Charles

Burridge, Delmar
Carr, Daniel
Meader, David
Robertson, Timothy

Butcher, Suzanne
Eaton, Daniel
Mitchell, Bonnie
Sad, Tara

Butterworth, Timothy
Lerandeau, Alfred
Parkhurst, Henry
Weber, Lucy

COOS

Hatch, William

Merrick, Evalyn

Stohl, Eric

Theberge, Robert

GRAFTON

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

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

Benn, Bernard
Harding, Laurie
Pastor, Beatriz
Taylor, Kathleen

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

HILLSBOROUGH

Baroody, Benjamin
Chandlely, Shannon
Cote, David
Garrity, Patrick
Hackel, Paul
Harvey, Suzanne
Knowles, Mary Ann
Levasseur, Nickolas
Mack, Ron

Beaulieu, Jane
Chase, Claudia
Craig, James
Goley, Jeffrey
Hammond, Jill
Hodges, Kevin
Komi, Richard
Levesque, Melanie
Marshall, Seth

Beck, Catriona
Chininis, Alexis
Flurey, Joan
Gorman, Mary
Hardy, Valerie
Jeudy, Jean
Kopka, Angeline
Lisle, Carolyn
Matarazzo, Anthony
Sr

Campbell, David
Clemons, Jane
Foster, Linda
Graham, John
Harvey, Philip
Knowles, John
Leishman, Peter
Long, Patrick
Movsesian, Lori

Nixon, David
Poznanski, Brian
Shattuck, Gilman
Walsh, Robert Jr

O'Brien, Michael Sr
Ramsey, Peter
Shaw, Barbara
Winters, Joel

Peterson, Andrew
Rosenwald, Cindy
Thompson, Robert

Pilotte, Maurice
Schulze, Joan
Vaillancourt, Steve

MERRIMACK

Bouchard, Candace
Gile, Mary
Lockwood, Priscilla
Porter, Margaret
Rodd, Beth
Tilton, Joy
Webb, Leigh

Brown, Carole
Hamm, Christine
McMahon, Patricia
Potter, Frances
Schuett, Dianne
Wallner, Mary Jane
Wheeler, Deborah

Davis, Frank
Kelly, Sally
Osborne, Jessie
Rice, Chip
Shurtleff, Stephen
Walz, Mary Beth
Williams, Robert

French, Barbara
Kidder, David
Owen, Derek
Richardson, Gary
Stetson, William
Watrous, Rick
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
Gleason, John
Kepner, Susan
McEachern, Paul
Pettersen, Don

Webber, Carolyn

Borden, David
Cushing, Robert
Gould, Kenneth
Lyons, Melissa
Moody, Marcia
Read, Robin Jr

Welch, David

Brown, C. Pennington
Day, Judith
Henson, John
Mann, Maureen
Nord, Susi
Scamman, W.
Douglas Jr

Cali-Pitts, Jacqueline
DiPentima, Rich
Hutchinson, Gina
McCarthy, Barbara
Pantelakos, Laura
Schlachman, Donna

STRAFFORD

Berube, Roger
Cyr, James
Hubbard, Pamela
Lauterborn, Elaine
Rollo, Deanna
Vachon, Dennis

Brown, Larry
Domingo, Baldwin
Hutz, Sarah
Perry, Robert
Rous, Emma
Wall, Janet

Browne, Brendon
Grassie, Anne
Kaen, Naida
Price, Susan
Schmidt, Peter
Ward, Kenneth

Burke, Rachel
Horrigan, Timothy
Keans, Sandra
Rogers, Rose Marie
Spang, Judith
Watters, David

SULLIVAN

Cloutier, John
McClammer, Jim

Donovan, Thomas Jr
Skinder, Carla

Gottling, Suzanne
Sweeney, Cynthia

Harris, Sandra

NAYS 155

BELKNAP

Bolster, Peter
Nedeau, Stephen
Swinford, Elaine

Boyce, Laurie
Pilliod, James
Wendelboe, Fran

Fields, Dennis
Russell, David

Millham, Alida
St. Cyr, Jeffrey

CARROLL

Ahlgren, Christopher
Scala, Dino

Chandler, Gene
Umberger, Karen

Fleck, Joseph

McConkey, Mark

CHESHIRE

Emerson, Susan
Roberts, Kris

Hunt, John
Sterling, Franklin Jr

Johnson, Jane

Laurent, John

COOS

Mears, Lucy
Tholl, John Jr

Rappaport, Laurence
Thomas, Yvonne

Remick, William

Richardson, Herbert

GRAFTON

Bulis, Lyle
Maybeck, Margie

Gionet, Edmond
Ward, Brien

Ingbretson, Paul
Williams, Burton

Ladd, Rick Jr

HILLSBOROUGH

Batula, Peter
Boehm, Ralph
Daniels, Gary
Drisko, Richard
Gargas, Carolyn
Hikel, John

Beauchamp, Roger
Cebrowski, John
Day, Russell
Elliott, Nancy
Gidge, Kenneth
Hinch, Richard

Belvin, William
Christensen, Chris
Doherty, Shaun
Emerton, Larry
Haefner, Robert
Hinkle, Peyton

Bergin, Peter
Christiansen, Lars
Dokmo, Cynthia
Gagne, Larry
Hawkins, Ken
Hogan, Edith

Holden, Frank
Jasper, Shawn
Mead, Robert
Ober, Lynne
Pepino, Leo
Rowe, Robert
Spaulding, Jayne
Willette, Robert

Holden, Rip
Kurk, Neal
Messier, Irene
Ober, Russell III
Pratt, Calvin
Seidel, Carl
Sullivan, Daniel

Hopper, Gary
L'Heureux, Robert
Moran, Edward
Palmer, Stephen
Price, Pamela
Silva, Peter
Ulery, Jordan

Infantine, William
McCarthy, Michael
O'Brien, William
Pellegrino, Tony
Renzullo, Andrew
Soucy, Connie
Villeneuve, Moe

MERRIMACK

Anderson, Eric
Kotowski, Frank

Blankenbeker, Lynne
McGuire, Carol

Clarke, Claire
Reed, Dennis

Coffey, Jennifer
Smith, Todd

ROCKINGHAM

Allen, Mary
Bettencourt, David
Comerford, Timothy
DiFruscia, Anthony
Ferrante, Beverly
Griffin, Mary
Ingram, Russell
Kolodziej, Walter
Packard, Sherman
Rausch, James
Scamman, Stella
Sullivan, James
Weyler, Kenneth

Baldasaro, Alfred
Bishop, Franklin
Crisler, Margaret
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Introne, Robert
Major, Norman
Perkins, Lawrence
Reagan, John
Sedensky, John
Tucker, Pamela

Bates, David
Bridle, Russell
DeSimone, Debra
Elliott, Robert
Flanders, John Sr
Headd, James
Itse, Daniel
McMahon, Charles
Priestley, Anne
Sanders, Elisabeth
Smith, William
Weare, Everett

Belanger, Ronald
Charron, Gene
Devine, James
Emiro, Frank
Garritty, James
Hoelzel, Kathleen
Kappler, L. Mike
Nevins, Chris
Quandt, Matt
Sapareto, Frank
Stiles, Nancy
Wells, Roger

STRAFFORD

Brown, Julie
Vita, Carol

Groen, Warren

Hofemann, Roland

Twombly, James

SULLIVAN

Cunningham, Steven
Rodeschin, Beverly

Gagnon, Raymond

Howard, Thomas

Osgood, Joe

and the majority committee report was adopted.

Rep. Mark Ryder declared a conflict of interest on **HA 3** and did not participate.

SPECIAL ORDER

HA 2, for the removal of Lucinda Sadler, district court judge, from her said office.

MAJORITY: OUGHT NOT TO PASS. MINORITY: OUGHT TO PASS.

Rep. Lucy M. Weber for the Majority of the Joint Committee on Address: This bill of address seeks the removal of Lucinda Sadler, a judge in the judicial branch family division. The complaint against Judge Sadler is that she approved and signed orders written by Marital Master Philip Cross and Marital Master Michael Garner. The orders complained of are the same orders that were the basis for HA 1 for the removal of Michael Garner and HA 3 for the removal of Philip Cross. The orders all pertain to some of the most highly contested divorce cases in the state. Special Procedural Rule 7, adopted by the committee in this as in prior address proceedings, sets out the constitutional requirement that "[t]he joint committee shall recommend the address only if it meets the following three criteria, and shall include such determination in a committee report.

- d. The Address states a reasonable cause for removal.
- e. The reasons for the removal are fully and substantially stated.

f. The reasons for removal are not grounds for impeachment.”

With respect to whether the bill states a reasonable cause for removal, the majority finds it does not. The bill alleges that Judge Sadler abused her discretion or was negligent or incompetent in the performance of her duties by failing to make due inquiry before approving orders of the marital masters. The bill alleges that the judge approved an order that held a parent in criminal contempt after a hearing noticed as a civil contempt hearing. There is no finding of criminal contempt. The complaining party concludes that he was held in criminal contempt on the basis of the terms of the order. An alternative reading of the order is that at the hearing, a determination of ability to pay the bail was made, precisely as required in an action for civil contempt. Another paragraph complains that Judge Sadler approved an order changing a child’s educational placement on the basis of religious prejudice. A reading of orders in that case showed the master was extremely deferential to the religious beliefs of both parents, and made a decision on educational placement only because the parents were unable to agree on an educational placement, and had mutually exclusive desires as to the child’s placement. The orders carefully preserved to both parents the right to instruct the child as to their own religious beliefs, and to provide religious training of their own choice to the child. Several of the actions stated as grounds for removal have been appealed to the New Hampshire Supreme Court, and have been upheld by that court on appeal. The remaining complaints set out in the bill of address might also, if fully substantiated, be grounds for appeal and possible reversal, but do not, even taken as a group, amount to reasonable cause for removal from office. The exceedingly contentious nature of these specific divorce proceedings has resulted in an elevated number of appeals. A majority of the Joint Committee has already voted that the orders of the marital masters were not reasonable cause for them to be removed. It follows that the actions of the judge who read and approved those orders are likewise not reasonable cause for removal. Part II, Article 73 of the New Hampshire Constitution specifies that the grounds for an address “shall not be a cause which is a sufficient cause for impeachment.” Part II, Article 38 defines the causes for impeachment as “bribery, corruption, malpractice or maladministration, in office.” The relevant definition of “malpractice” in Webster’s New World Collegiate Dictionary is “[m]isconduct or improper practice in any professional or official position.” The majority notes that even if they had found that the actions complained of rose to the level of reasonable cause for removal, the actions, being in the course of the judge’s regular duties in her official position, would have fallen under the plain meaning of the word malpractice, and the offense, had there been one, would have been impeachable, and therefore not addressable. For all the foregoing reasons the majority recommends a vote of ought not to pass. Vote 6-4.

Rep. Andrew Renzullo for the Minority of the Joint Committee on Address: New Hampshire’s founding fathers, when they crafted the New Hampshire Constitution, created a system of checks and balances. As part of that system, it empowered that branch most representative of the people, the Legislative, with the tools to ensure that the Executive and the Judiciary meet the people’s high standards of justice and integrity embodied in the Constitution. It should be noted that the constitution allows the Legislature to employ two modes of removal for judicial officers, a Bill of Address and Impeachment. Part II, Article 38 defines the causes for impeachment as “bribery, corruption, malpractice or maladministration, in office.” Part II, Article 73 allows that “The governor with consent of the council may remove any commissioned officer for reasonable cause upon the address of both houses of the legislature.” It also specifies that the grounds for an address “shall not be a cause which is a sufficient cause for impeachment.” Both by structure and tradition, the legislature has used these tools sparingly. The joint committee heard testimony and accepted submissions concerning the rulings and actions of Judge Lucinda Sadler relative to several cases involving marital masters Philip Cross and Michael Garner. Both marital masters were under the “supervision” of Judge Sadler. The testimony and submissions the committee received, if taken at face value, showed a pattern of conduct inconsistent with the

administration of justice. Unfortunately, the judge did not avail herself of the opportunity to counter or clarify these submissions. An argument has been made that statutorily, the judge is only providing the legal authority to enforce a master's ruling and is not ultimately accountable for the master's decision or behavior. However, it is claimed that marital masters are "at-will employees" of the judicial branch. If that is the case, then supervisory responsibilities for the marital master's conduct and work product must inure to the presiding judge. In addition, the committee received testimony claiming a vastly inordinate number of Supreme Court appeals of Judge Sadler's decisions in comparison to other judges. Again, there was no clarifying rebuttal. The legislature does not second guess the decisions of judges on a case-by-case basis. However, the legislature should determine whether a judge has behaved properly in hearing his/her cases. To allow this determination, the judge should provide the legislature the necessary information. The interests of justice demands judges to be held accountable. Based on the evidence provided, there is a reasonable argument that a recommendation of impeachment for maladministration could be made. However, lacking that option, the minority recommends the House pass the bill of address.

LAID ON THE TABLE

Rep. Eaton moved that **HA 2**, for the removal of Lucinda Sadler, district court judge, from her said office, be laid on the table.

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

YEAS 204 NAYS 137

YEAS 204

BELKNAP

Arsenault, Beth
Miller, Kate
Stuart, Richard

Fields, Dennis
Millham, Alida
Wendelboe, Fran

Johnson, William
Nedeau, Stephen

Merry, Liz
Reever, Judith

CARROLL

Bridgham, Robert
Patten, Betsey

Buco, Thomas
Stevens, Stanley

Butler, Edward
Wiley, Susan

Knox, J. David

CHESHIRE

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

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

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

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

COOS

Hatch, William
Theberge, Robert

Mears, Lucy
Thomas, Yvonne

Merrick, Evalyn

Remick, William

GRAFTON

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

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

Benn, Bernard
Harding, Laurie
Pastor, Beatriz
Taylor, Kathleen

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

HILLSBOROUGH

Baroody, Benjamin	Beauchamp, Roger	Beaulieu, Jane	Beck, Catriona
Belvin, William	Bergin, Peter	Campbell, David	Chandley, Shannon
Chase, Claudia	Chininis, Alexis	Christensen, Chris	Clemons, Jane
Cote, David	Craig, James	Day, Russell	Dokmo, Cynthia
Flurey, Joan	Foster, Linda	Gargas, Carolyn	Garritty, Patrick
Gidge, Kenneth	Goley, Jeffrey	Gorman, Mary	Hackel, Paul
Hammond, Jill	Hardy, Valerie	Harvey, Philip	Harvey, Suzanne
Hodges, Kevin	Holden, Rip	Infantine, William	Jasper, Shawn
Jeudy, Jean	Knowles, John	Knowles, Mary Ann	Komi, Richard
Kopka, Angeline	Kurk, Neal	Leishman, Peter	Levasseur, Nickolas
Levesque, Melanie	Lisle, Carolyn	Mack, Ron	Marshall, Seth
Matarazzo, Anthony Sr	Movsesian, Lori	Nixon, David	O'Brien, Michael Sr
Pilotte, Maurice	Poznanski, Brian	Ramsey, Peter	Rosenwald, Cindy
Rowe, Robert	Schulze, Joan	Shattuck, Gilman	Shaw, Barbara
Sullivan, Daniel	Thompson, Robert	Walsh, Robert Jr	

MERRIMACK

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

ROCKINGHAM

Borden, David	Brown, C. Pennington	Cali-Pitts, Jacqueline	Casey, Kimberley
Cushing, Robert	Day, Judith	DiFruscia, Anthony	DiPentima, Rich
Fesh, Robert	Flanders, John Sr	Gleason, John	Gould, Kenneth
Henson, John	Hutchinson, Gina	Ingram, Russell	Kepner, Susan
Lyons, Melissa	Mann, Maureen	McCarthy, Barbara	McEachern, Paul
Moody, Marcia	Nord, Susi	Pantelakos, Laura	Petterson, Don
Read, Robin Jr	Scamman, Stella	Scamman, W.	Schlachman, Donna
		Douglas Jr	
Webber, Carolyn	Wells, Roger		

STRAFFORD

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

SULLIVAN

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

BELKNAP

Bolster, Peter
Russell, David

Boyce, Laurie
St. Cyr, Jeffrey

Flanders, Donald
Swinford, Elaine

Pilliod, James

CARROLL

Ahlgren, Christopher
Umberger, Karen

Chandler, Gene

Fleck, Joseph

McConkey, Mark

CHESHIRE

Emerson, Susan
Sterling, Franklin Jr

Hunt, John

Johnson, Jane

Laurent, John

COOS

Rappaport, Laurence

Richardson, Herbert

Stohl, Eric

Tholl, John Jr

GRAFTON

Bulis, Lyle
Maybeck, Margie

Gionet, Edmond
Ward, Brien

Ingbretson, Paul
Williams, Burton

Ladd, Rick Jr

HILLSBOROUGH

Batula, Peter
Daniels, Gary
Emerton, Larry
Hawkins, Ken
Hogan, Edith
Long, Patrick
Moran, Edward
Palmer, Stephen
Pratt, Calvin
Soucy, Connie
Villeneuve, Moe

Boehm, Ralph
Doherty, Shaun
Gagne, Larry
Hikel, John
Holden, Frank
McCarthy, Michael
O'Brien, William
Pellegrino, Tony
Price, Pamela
Spaulding, Jayne
Willette, Robert

Cebrowski, John
Drisko, Richard
Graham, John
Hinch, Richard
Hopper, Gary
Mead, Robert
Ober, Lynne
Pepino, Leo
Renzullo, Andrew
Ulery, Jordan
Winters, Joel

Christiansen, Lars
Elliott, Nancy
Haefner, Robert
Hinkle, Peyton
L'Heureux, Robert
Messier, Irene
Ober, Russell III
Peterson, Andrew
Seidel, Carl
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
Kotowski, Frank
Watrous, Rick

Blankenbeker, Lynne
McGuire, Carol

Clarke, Claire
Reed, Dennis

Coffey, Jennifer
Smith, Todd

ROCKINGHAM

Abbott, Dennis
Belanger, Ronald
Charron, Gene
Devine, James
Ferrante, Beverly
Headd, James
Kappler, L. Mike
Nevins, Chris
Priestley, Anne
Sanders, Elisabeth
Stiles, Nancy
Welch, David

Allen, Mary
Bettencourt, David
Comerford, Timothy
Dowling, Patricia
Garrity, James
Hoelzel, Kathleen
Kolodziej, Walter
Packard, Sherman
Quandt, Matt
Sapareto, Frank
Sullivan, James
Weyler, Kenneth

Baldasaro, Alfred
Bishop, Franklin
Crisler, Margaret
Elliott, Robert
Griffin, Mary
Introne, Robert
Major, Norman
Perkins, Amy
Rausch, James
Sedensky, John
Tucker, Pamela

Bates, David
Bridle, Russell
DeSimone, Debra
Emiro, Frank
Hagan, Joseph
Itse, Daniel
McMahon, Charles
Perkins, Lawrence
Reagan, John
Smith, William
Weare, Everett

STRAFFORD

Brown, Julie
Twombly, James

Groen, Warren
Vita, Carol

Hofemann, Roland

Schmidt, Peter

SULLIVAN

Cunningham, Steven
Rodeschin, Beverly

Gagnon, Raymond

Howard, Thomas

Osgood, Joe

and the motion was adopted.

Reps. Amy Perkins and Mark Ryder declared a conflict of interest on **HA 2** and did not participate.

SENATE MESSAGES

ADOPTION OF COMMITTEE OF CONFERENCE REPORTS

HB 230, relative to the burden of proof for a finding of abuse in domestic violence cases.

HB 431-FN, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable.

HB 621, relative to establishing procedures for identifying criminal defendants who may have a mental illness.

HB 629-FN-A, relative to habitual offenders, relative to implements of husbandry, and relative to registration of vehicles under the Unified Carrier Registration Act of 2005.

HB 651-FN, relative to regulation of private investigative agencies and security services.

HB 1168, clarifying the definition of gross misconduct for purposes of unemployment compensation.

HB 1171, repealing the prohibitions on Sunday business activities.

HB 1239, relative to processing certain environmental permits and administrative fines for violations of dredge and fill requirements.

HB 1262, relative to disabled parking signs.

HB 1267-L, relative to applications for hawkers and peddlers licenses.

HB 1326, relative to the use of long-term antibiotics for the treatment of Lyme disease.

HB 1337, relative to requirement for public forums for the assessing standards board and the equalization standards board.

HB 1361, relative to procedures for notification of parole hearings.

HB 1364, relative to Medicare unfair trade practices.

HB 1380-FN, relative to assessing fees by zoning boards of adjustment.

HB 1393, relative to the treatment of New Hampshire investment trusts.

HB 1417, allowing companion dogs in certain areas of restaurants.

HB 1448, relative to town audits.

HB 1461, relative to the municipal regulation of the sale of martial arts weapons.

HB 1462, establishing a shoreland advisory committee.

HB 1477, relative to checklist information.

HB 1486, prohibiting the mandating of fire sprinkler systems in certain dwellings and establishing a committee to study municipal residential fire sprinkler requirements.

HB 1490, establishing a citizens task force to study state revenues and expenditures.

HB 1512, establishing a deferred retirement option in the judicial retirement plan.

HB 1516-FN-A, relative to funding the Claremont, Colebrook, Milford, and Keene District Courts in fiscal year 2011.

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

HB 1607-FN-A, relative to the reasonable compensation deduction under the business profits tax.

HB 1610-FN, establishing a New Hampshire commission on Native American affairs and recognizing Native American residents of the state as a minority population in New Hampshire.

HB 1613-FN, relative to the general banking laws of the state.

HB 1620-FN-A, establishing state park number plates.

HB 1623, requiring certain patient identification for a pharmacist to dispense a schedule II or III controlled drug.

HB 2010, relative to the state 10-year transportation improvement program.

COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS

HB 230, relative to the burden of proof for finding of abuse in domestic violence cases.

(Report printed SJ 6-2-10)

Committee of Conference Report adopted.

HB 431-FN, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable. (Report printed SJ 6-2-10)

Committee of Conference Report adopted.

HB 621, relative to establishing procedures for identifying criminal defendants who may have mental illness. (Report printed SJ 6-2-10)

Committee of Conference Report adopted.

HB 629-FN-A, relative to habitual offenders, relative to implements of husbandry, and relative to registration of vehicles under the Unified Carrier Registration Act of 2005.

(Report printed SJ 6-2-10)

Committee of Conference Report adopted.

HB 651-FN, relative to regulation of private investigative agencies and security services.

(Report printed SJ 6-2-10)

Committee of Conference Report adopted.

Rep. Cloutier declared a conflict of interest on **HB 651-FN** and did not participate.

HB 1168, clarifying the definition of gross misconduct for purposes of unemployment compensation. (Report printed SJ 6-2-10)

On a division vote, 201 members having voted in the affirmative and 108 in the negative, the Committee of Conference Report was adopted.

HB 1171, repealing the prohibitions on Sunday business activities. (Report printed SJ 6-2-10)

Committee of Conference Report adopted.

HB 1239, relative to processing certain environmental permits and administrative fines for violations of dredge and fill requirements. (Report printed SJ 6-2-10)

Committee of Conference Report adopted.

HB 1262, relative to disabled parking signs. (Report printed SJ 6-2-10)

Committee of Conference Report adopted.

HB 1267-L, relative to application s for hawkers and peddlers licenses. (Report printed SJ 6-2-10)

Committee of Conference Report adopted.

HB 1326, relative to the use of long-term antibiotics for the treatment of Lyme disease.
(Report printed SJ 6-2-10)
Committee of Conference Report adopted.

HB 1337, relative to requirement for public forums for the assessing standards board and the equalization standards board. (Report printed SJ 6-2-10)
Committee of Conference Report adopted.

HB 1361, relative to procedures for notification of parole hearings. (Report printed SJ 6-2-10)
Committee of Conference Report adopted.

HB 1364, relative to Medicare unfair trade practices. (Report printed SJ 6-2-10)
Committee of Conference Report adopted.

HB 1380-FN, relative to assessing fees by zoning boards of adjustment. (Report printed SJ 6-2-10)
Committee of Conference Report adopted.

HB 1393, relative to the treatment of New Hampshire investment trusts. (Report printed SJ 6-2-10)
Rep. Keans spoke against.
Rep. Butler spoke in favor and yielded to questions.
Rep. Dokmo requested a roll call; sufficiently seconded.

YEAS 177 NAYS 150

YEAS 177

BELKNAP

Arsenault, Beth
Miller, Kate

Flanders, Donald
Pilliod, James

Johnson, William
Reever, Judith

Merry, Liz
Stuart, Richard

CARROLL

Bridgham, Robert

Buco, Thomas

Butler, Edward

Wiley, Susan

CHESHIRE

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

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

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

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

COOS

Hatch, William

Mears, Lucy

Merrick, Evalyn

Thomas, Yvonne

GRAFTON

Aguiar, James
Friedrich, Carol
Nordgren, Sharon
Taylor, Kathleen

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

Benn, Bernard
Ladd, Rick Jr
Preston, Philip
White, Andrew

Ford, Susan
Mulholland, Catherine
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin	Beauchamp, Roger	Beaulieu, Jane	Boehm, Ralph
Campbell, David	Chase, Claudia	Chininis, Alexis	Clemons, Jane
Cote, David	Craig, James	Flurey, Joan	Foster, Linda
Gagne, Larry	Garrity, Patrick	Hackel, Paul	Hammond, Jill
Hardy, Valerie	Harvey, Philip	Harvey, Suzanne	Hodges, Kevin
Holden, Frank	Holden, Rip	Jeudy, Jean	Knowles, John
Knowles, Mary Ann	Komi, Richard	Kopka, Angeline	Levesque, Melanie
Lisle, Carolyn	Long, Patrick	Mack, Ron	Marshall, Seth
Matarazzo, Anthony Sr	Movsesian, Lori	Nixon, David	O'Brien, Michael Sr
Peterson, Andrew	Pilotte, Maurice	Ramsey, Peter	Rosenwald, Cindy
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Sullivan, Daniel
Thompson, Robert	Vaillancourt, Steve	Walsh, Robert Jr	

MERRIMACK

Brown, Carole	Clarke, Claire	Davis, Frank	DeStefano, Stephen
French, Barbara	Gile, Mary	Kelly, Sally	McGuire, Carol
McMahon, Patricia	Potter, Frances	Rice, Chip	Richardson, Gary
Shurtleff, Stephen	Stetson, William	Tilton, Joy	Wallner, Mary Jane
Walz, Mary Beth	Watrous, Rick	Webb, Leigh	Williams, Robert
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Belanger, Ronald	Bettencourt, David
Borden, David	Bridle, Russell	Brown, C. Pennington	Casey, Kimberley
Comerford, Timothy	Cushing, Robert	DiPentima, Rich	Dowling, Patricia
Henson, John	Hutchinson, Gina	Itse, Daniel	Kepner, Susan
Lyons, Melissa	Mann, Maureen	McCarthy, Barbara	McEachern, Paul
Moody, Marcia	Nevins, Chris	Nord, Susi	Pantelakos, Laura
Perkins, Amy	Perkins, Lawrence	Quandt, Matt	Read, Robin Jr
Schlachman, Donna	Smith, William	Splaine, James	Webber, Carolyn

STRAFFORD

Bickford, David	Browne, Brendon	Burke, Rachel	Cyr, James
Domingo, Baldwin	Grassie, Anne	Horrigan, Timothy	Hubbard, Pamela
Hutz, Sarah	Kaen, Naida	Perry, Robert	Price, Susan
Rogers, Rose Marie	Rollo, Deanna	Rous, Emma	Ryder, Mark
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Wall, Janet
Ward, Kenneth	Watters, David		

SULLIVAN

Cloutier, John	Donovan, Thomas Jr	Gagnon, Raymond	Harris, Sandra
McClammer, Jim	Skinder, Carla		

NAYS 150

BELKNAP

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

CARROLL

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

CHESHIRE

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

COOS

Rappaport, Laurence	Remick, William	Richardson, Herbert	Stohl, Eric
Theberge, Robert	Tholl, John Jr		

GRAFTON

Bulis, Lyle	Cooney, Mary	Gionet, Edmond	Ingbretson, Paul
Laliberte, Suzanne	Maybeck, Margie	Pastor, Beatriz	Ward, Brien
Williams, Burton			

HILLSBOROUGH

Batula, Peter	Beck, Catriona	Belvin, William	Bergin, Peter
Cebrowski, John	Chandley, Shannon	Christensen, Chris	Christiansen, Lars
Daniels, Gary	Day, Russell	Doherty, Shaun	Dokmo, Cynthia
Drisko, Richard	Elliott, Nancy	Gorman, Mary	Graham, John
Haefner, Robert	Hawkins, Ken	Hikel, John	Hinch, Richard
Hogan, Edith	Infantine, William	Jasper, Shawn	Kurk, Neal
L'Heureux, Robert	Leishman, Peter	Levasseur, Nickolas	McCarthy, Michael
Mead, Robert	Messier, Irene	Moran, Edward	O'Brien, William
Ober, Lynne	Ober, Russell III	Palmer, Stephen	Pellegrino, Tony
Pratt, Calvin	Price, Pamela	Renzullo, Andrew	Rowe, Robert
Seidel, Carl	Soucy, Connie	Spaulding, Jayne	Ulery, Jordan
Villeneuve, Moe	Willette, Robert	Winters, Joel	

MERRIMACK

Anderson, Eric	Blankenbeker, Lynne	Bouchard, Candace	Coffey, Jennifer
Hamm, Christine	Kidder, David	Kotowski, Frank	Lockwood, Priscilla
Osborne, Jessie	Rodd, Beth	Schuett, Dianne	Smith, Todd
Wheeler, Deborah			

ROCKINGHAM

Baldasaro, Alfred	Bates, David	Charron, Gene	Crisler, Margaret
Day, Judith	DeSimone, Debra	DiFruscia, Anthony	Elliott, Robert
Emiro, Frank	Ferrante, Beverly	Flanders, John Sr	Garrity, James
Gleason, John	Gould, Kenneth	Griffin, Mary	Hagan, Joseph
Headd, James	Hoelzel, Kathleen	Ingram, Russell	Introne, Robert
Kappler, L. Mike	Kolodziej, Walter	Major, Norman	Packard, Sherman
Pettersen, Don	Priestley, Anne	Rausch, James	Reagan, John
Sanders, Elisabeth	Sapareto, Frank	Scamman, Stella	Scamman, W.
			Douglas Jr
Sedensky, John	Stiles, Nancy	Sullivan, James	Tucker, Pamela
Weare, Everett	Welch, David	Weyler, Kenneth	

STRAFFORD

Brown, Larry
Lauterborn, Elaine

Groen, Warren
Sprague, Dale

Hofemann, Roland
Twombly, James

Keans, Sandra
Vita, Carol

SULLIVAN

Cunningham, Steven
Rodeschin, Beverly

Gottling, Suzanne
Sweeney, Cynthia

Howard, Thomas

Osgood, Joe

and the Committee of Conference Report was adopted.

Rep. Porter declared a conflict of interest on **HB 1393** and did not participate.

HB 1417, allowing companion dogs in certain areas of restaurants. (Report printed SJ 6-2-10)

Committee of Conference Report adopted.

HB 1448, relative to town audits. (Report printed SJ 6-2-10)

Committee of Conference Report adopted.

HB 1461, relative to the municipal regulation of the sale of martial arts weapons. (Report printed SJ 6-2-10)

Reps. Coffey and Cunningham spoke against.

Rep. Cooney spoke in favor.

Rep. Coffey requested a roll call; sufficiently seconded.

YEAS 174 NAYS 147

YEAS 174

BELKNAP

Bolster, Peter
Millham, Alida

Johnson, William
St. Cyr, Jeffrey

Merry, Liz
Stuart, Richard

Miller, Kate

CARROLL

Bridgham, Robert

Buco, Thomas

Butler, Edward

Wiley, Susan

CHESHIRE

Allen, Peter
Butynski, William
Mitchell, Bonnie
Weber, Lucy

Burridge, Delmar
Carr, Daniel
Richardson, Barbara
Weed, Charles

Butcher, Suzanne
Eaton, Daniel
Robertson, Timothy

Butterworth, Timothy
Lerandeau, Alfred
Sad, Tara

COOS

Hatch, William

Mears, Lucy

Theberge, Robert

Thomas, Yvonne

GRAFTON

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

Almy, Susan
Ford, Susan
Mulholland, Catherine
Preston, Philip
White, Andrew

Benn, Bernard
Friedrich, Carol
Nordgren, Sharon
Smith, Suzanne

Bulis, Lyle
Harding, Laurie
Pastor, Beatriz
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin

Beauchamp, Roger

Beaulieu, Jane

Beck, Catriona

Bergin, Peter
Chininis, Alexis
Flurey, Joan
Hammond, Jill
Hodges, Kevin
Komi, Richard
Lisle, Carolyn

Messier, Irene
Pilotte, Maurice
Schulze, Joan

Campbell, David
Clemons, Jane
Foster, Linda
Hardy, Valerie
Jeudy, Jean
Kopka, Angeline
Mack, Ron

Movsesian, Lori
Poznanski, Brian
Shattuck, Gilman

Chandley, Shannon
Cote, David
Gorman, Mary
Harvey, Philip
Knowles, John
Levasseur, Nickolas
Marshall, Seth

Nixon, David
Ramsey, Peter
Sullivan, Daniel

Chase, Claudia
Dokmo, Cynthia
Hackel, Paul
Harvey, Suzanne
Knowles, Mary Ann
Levesque, Melanie
Matarazzo, Anthony
Sr
O'Brien, Michael Sr
Rosenwald, Cindy
Walsh, Robert Jr

MERRIMACK

Bouchard, Candace
French, Barbara
Osborne, Jessie
Richardson, Gary
Wallner, Mary Jane
Wheeler, Deborah

Brown, Carole
Hamm, Christine
Porter, Margaret
Schuett, Dianne
Walz, Mary Beth
Williams, Robert

Clarke, Claire
Kelly, Sally
Potter, Frances
Shurtleff, Stephen
Watrous, Rick
Yeaton, Charles

Davis, Frank
McMahon, Patricia
Rice, Chip
Tilton, Joy
Webb, Leigh

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
Elliott, Robert
Kepner, Susan
McEachern, Paul
Perkins, Amy
Schlachman, Donna
Weyler, Kenneth

Borden, David
Cushing, Robert
Gould, Kenneth
Lyons, Melissa
Nevins, Chris
Perkins, Lawrence
Splaine, James

Bridle, Russell
Day, Judith
Henson, John
Mann, Maureen
Nord, Susi
Petterson, Don
Stiles, Nancy

Brown, C. Pennington
DiPentima, Rich
Hutchinson, Gina
McCarthy, Barbara
Pantelakos, Laura
Read, Robin Jr
Wells, Roger

STRAFFORD

Brown, Larry
Grassie, Anne
Kaen, Naida
Price, Susan
Schmidt, Peter
Wall, Janet

Browne, Brendon
Horrigan, Timothy
Keans, Sandra
Rogers, Rose Marie
Smith, Marjorie
Ward, Kenneth

Burke, Rachel
Hubbard, Pamela
Lauterborn, Elaine
Rollo, Deanna
Spang, Judith
Watters, David

Domingo, Baldwin
Hutz, Sarah
Perry, Robert
Rous, Emma
Vachon, Dennis

SULLIVAN

Cloutier, John
Harris, Sandra

Donovan, Thomas Jr
McClammer, Jim

Gagnon, Raymond
Skinder, Carla

Gottling, Suzanne
Sweeney, Cynthia

NAYS 147

BELKNAP

Boyce, Laurie
Pilliod, James

Fields, Dennis
Russell, David

Flanders, Donald
Swinford, Elaine

Nedeau, Stephen
Wendelboe, Fran

CARROLL

Chandler, Gene
Patten, Betsey

Fleck, Joseph
Stevens, Stanley

Knox, J. David
Umberger, Karen

McConkey, Mark

CHESHIRE

Emerson, Susan
Meader, David

Hunt, John
Parkhurst, Henry

Johnson, Jane
Roberts, Kris

Lindsey, Steven
Sterling, Franklin Jr

COOS

Merrick, Evalyn
Stohl, Eric

Rappaport, Laurence
Tholl, John Jr

Remick, William

Richardson, Herbert

GRAFTON

Gionet, Edmond
Ward, Brien

Ingbretson, Paul
Williams, Burton

Ladd, Rick Jr

Maybeck, Margie

HILLSBOROUGH

Batula, Peter
Christensen, Chris
Doherty, Shaun
Gagne, Larry
Hikel, John
Holden, Frank
Jasper, Shawn
McCarthy, Michael
Ober, Lynne
Peterson, Andrew
Rowe, Robert
Spaulding, Jayne
Villeneuve, Moe

Belvin, William
Christiansen, Lars
Drisko, Richard
Graham, John
Hinch, Richard
Holden, Rip
Kurk, Neal
Mead, Robert
Ober, Russell III
Pratt, Calvin
Seidel, Carl
Thompson, Robert
Willette, Robert

Boehm, Ralph
Daniels, Gary
Elliott, Nancy
Haefner, Robert
Hinkle, Peyton
Hopper, Gary
L'Heureux, Robert
Moran, Edward
Palmer, Stephen
Price, Pamela
Shaw, Barbara
Ulery, Jordan
Winters, Joel

Cebrowski, John
Day, Russell
Emerton, Larry
Hawkins, Ken
Hogan, Edith
Infantine, William
Long, Patrick
O'Brien, William
Pellegrino, Tony
Renzullo, Andrew
Soucy, Connie
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
Kotowski, Frank

Blankenbeker, Lynne
Lockwood, Priscilla

Coffey, Jennifer
McGuire, Carol

Kidder, David
Smith, Todd

ROCKINGHAM

Allen, Mary
Bettencourt, David
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary
Ingram, Russell
Kolodziej, Walter
Quandt, Matt
Sapareto, Frank

Baldasaro, Alfred
Charron, Gene
Devine, James
Flanders, John Sr
Hagan, Joseph
Introne, Robert
Major, Norman
Rausch, James
Scamman, Stella

Bates, David
Comerford, Timothy
DiFruscia, Anthony
Garritty, James
Headd, James
Itse, Daniel
Packard, Sherman
Reagan, John
Scamman, W.
Douglas Jr
Tucker, Pamela

Belanger, Ronald
Crisler, Margaret
Emiro, Frank
Gleason, John
Hoelzel, Kathleen
Kappler, L. Mike
Priestley, Anne
Sanders, Elisabeth
Sedensky, John

Smith, William
Webber, Carolyn

Sullivan, James
Welch, David

Weare, Everett

STRAFFORD

Bickford, David
Ryder, Mark

Cyr, James
Sprague, Dale

Groen, Warren
Twombly, James

Hofemann, Roland
Vita, Carol

SULLIVAN

Cunningham, Steven

Osgood, Joe

Rodeschin, Beverly

and the Committee of Conference Report was adopted.

HB 1462, establishing a Shoreland advisory committee. (Report printed SJ 6-2-10)
Committee of Conference Report adopted.

HB 1477, relative to checklist information. (Report printed SJ 6-2-10)
Committee of Conference Report adopted.

HB 1486, prohibiting the mandating of fire sprinkler systems in certain dwellings and establishing a committee to study municipal residential fire sprinkler requirements. (Report printed SJ 6-2-10)
Committee of Conference Report adopted.

MOTION TO SUSPEND HOUSE RULES

Rep. Eaton moved that House Rules be so far suspended as to allow introduction of a Committee of Conference Report on **HB 1490**, establishing a citizens task force to study state revenues and expenditures, with a non-germane amendment.

Reps. Eaton and Packard spoke in favor.

On a division vote, 277 members having voted in the affirmative and 40 in the negative, the motion was adopted by the necessary two-thirds.

HB 1490, establishing a citizens task force to study state revenues and expenditures.
(Report printed SJ 6-2-10)
Committee of Conference Report adopted.

HB 1512, establishing a deferred retirement option in the judicial retirement plan. (Report printed SJ 6-2-10)
Committee of Conference Report adopted.

HB 1516-FN-A, relative to funding the Claremont, Colebrook, Milford, and Keene District Courts in fiscal year 2011. (Report printed SJ 6-2-10)
Committee of Conference Report adopted.

HB 1566-FN, requiring financial institutions to disclose certain information regarding recipients of medical assistance for the aged, blind, and disabled through an electronic asset verification system. (Report printed SJ 6-2-10)
Committee of Conference Report adopted.

HB 1607-FN-A, relative to the reasonable compensation deduction under the business profits tax. (Report printed SJ 6-2-10)
Committee of Conference Report adopted.

HB 1610-FN, establishing a New Hampshire commission on Native American affairs and recognizing Native American residents of the state as a minority population in New Hampshire. (Report printed SJ 6-2-10)
On a division vote, 178 members having voted in the affirmative and 135 in the negative, the Committee of Conference Report was adopted.

HB 1613-FN, relative to the general banking laws of the state. (Report printed SJ 6-2-10)
Committee of Conference Report adopted.

HB 1620-FN-A, establishing state park number plates. (Report printed SJ 6-2-10)
Committee of Conference Report adopted.

HB 1623, requiring certain patient identification for a pharmacist to dispense a schedule II or III controlled drug. (Report printed SJ 6-2-10)
Committee of Conference Report adopted.

HB 2010, relative to the state 10-year transportation improvement program. (Report printed SJ 6-2-10)
Committee of Conference Report adopted.

SENATE MESSAGE

ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 1459, relative to the board of trust company incorporation.

COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL

HB 1459, relative to the board of trust company incorporation. (Report printed SJ 6-2-10)
Reps. Horrigan, William Smith, William O'Brien and Splaine spoke against.
Rep. Winters spoke against and yielded to questions.
Reps. Butler and Pierce spoke in favor and yielded to questions.
Rep. Groen requested a roll call; sufficiently seconded.

YEAS 135 NAYS 184

YEAS 135

BELKNAP

Johnson, William	Merry, Liz	Miller, Kate	Stuart, Richard
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CARROLL

Bridgham, Robert	Buco, Thomas	Butler, Edward
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CHESHIRE

Burridge, Delmar	Butcher, Suzanne	Butterworth, Timothy	Carr, Daniel
Eaton, Daniel	Lerandeau, Alfred	Mitchell, Bonnie	Richardson, Barbara
Robertson, Timothy	Sad, Tara	Weber, Lucy	

COOS

Mears, Lucy	Merrick, Evalyn	Thomas, Yvonne
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GRAFTON

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

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Beck, Catriona	Campbell, David
Chase, Claudia	Chininis, Alexis	Clemons, Jane	Cote, David
Flurey, Joan	Foster, Linda	Garritty, Patrick	Gidge, Kenneth
Hackel, Paul	Hammond, Jill	Hardy, Valerie	Harvey, Philip
Harvey, Suzanne	Hodges, Kevin	Holden, Rip	Jeudy, Jean

Knowles, John
Mack, Ron

Nixon, David
Schulze, Joan

Knowles, Mary Ann
Marshall, Seth

O'Brien, Michael Sr
Thompson, Robert

Kopka, Angeline
Matarazzo, Anthony
Sr
Pilotte, Maurice
Walsh, Robert Jr

Levesque, Melanie
Movsesian, Lori

Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
French, Barbara
Osborne, Jessie
Richardson, Gary
Tilton, Joy
Williams, Robert

Brown, Carole
Gile, Mary
Porter, Margaret
Rodd, Beth
Wallner, Mary Jane
Yeaton, Charles

Clarke, Claire
Kelly, Sally
Potter, Frances
Schuett, Dianne
Walz, Mary Beth

Davis, Frank
McMahon, Patricia
Rice, Chip
Shurtleff, Stephen
Watrous, Rick

ROCKINGHAM

Abbott, Dennis
DiFruscia, Anthony
Kepner, Susan
Pantelakos, Laura

Brown, C. Pennington
DiPentima, Rich
McCarthy, Barbara
Read, Robin Jr

Casey, Kimberley
Henson, John
McEachern, Paul
Schlachman, Donna

Cushing, Robert
Hutchinson, Gina
Moody, Marcia

STRAFFORD

Brown, Larry
Grassie, Anne
Keans, Sandra
Rollo, Deanna
Spang, Judith

Burke, Rachel
Hofemann, Roland
Perry, Robert
Rous, Emma
Wall, Janet

Cyr, James
Hubbard, Pamela
Price, Susan
Ryder, Mark
Ward, Kenneth

Domingo, Baldwin
Hutz, Sarah
Rogers, Rose Marie
Smith, Marjorie

SULLIVAN

Donovan, Thomas Jr
McClammer, Jim

Gagnon, Raymond
Skinder, Carla

Gottling, Suzanne
Sweeney, Cynthia

Harris, Sandra

NAYS 184

BELKNAP

Bolster, Peter
Millham, Alida
St. Cyr, Jeffrey

Boyce, Laurie
Nedeau, Stephen
Swinford, Elaine

Fields, Dennis
Pilliod, James
Wendelboe, Fran

Flanders, Donald
Russell, David

CARROLL

Chandler, Gene
Patten, Betsey

Fleck, Joseph
Stevens, Stanley

Knox, J. David
Umberger, Karen

McConkey, Mark
Wiley, Susan

CHESHIRE

Butynski, William
Lindsey, Steven
Weed, Charles

Emerson, Susan
Meador, David

Hunt, John
Parkhurst, Henry

Johnson, Jane
Sterling, Franklin Jr

COOS

Rappaport, Laurence
Tholl, John Jr

Remick, William

Richardson, Herbert

Stohl, Eric

GRAFTON

Almy, Susan
Ladd, Rick Jr

Bulis, Lyle
Maybeck, Margie

Gionet, Edmond
Ward, Brien

Ingbretson, Paul
Williams, Burton

HILLSBOROUGH

Beauchamp, Roger
Cebrowski, John
Daniels, Gary
Drisko, Richard
Goley, Jeffrey
Hawkins, Ken
Hogan, Edith
Jasper, Shawn
Levasseur, Nickolas
Messier, Irene
Ober, Russell III
Pratt, Calvin
Rowe, Robert
Soucy, Connie
Vaillancourt, Steve

Belvin, William
Chandley, Shannon
Day, Russell
Elliott, Nancy
Gorman, Mary
Hikel, John
Holden, Frank
Komi, Richard
Lisle, Carolyn
Moran, Edward
Palmer, Stephen
Price, Pamela
Seidel, Carl
Spaulding, Jayne
Villeneuve, Moe

Bergin, Peter
Christensen, Chris
Doherty, Shaun
Emerton, Larry
Graham, John
Hinch, Richard
Hopper, Gary
Kurk, Neal
Long, Patrick
O'Brien, William
Pellegrino, Tony
Ramsey, Peter
Shattuck, Gilman
Sullivan, Daniel
Willette, Robert

Boehm, Ralph
Christiansen, Lars
Dokmo, Cynthia
Gagne, Larry
Haefner, Robert
Hinkle, Peyton
Infantine, William
L'Heureux, Robert
Mead, Robert
Ober, Lynne
Poznanski, Brian
Renzullo, Andrew
Shaw, Barbara
Ulery, Jordan
Winters, Joel

MERRIMACK

Anderson, Eric
Kidder, David
Smith, Todd

Blankenbeker, Lynne
Kotowski, Frank
Webb, Leigh

Coffey, Jennifer
Lockwood, Priscilla
Wheeler, Deborah

Hamm, Christine
McGuire, Carol

ROCKINGHAM

Allen, Mary
Bishop, Franklin
Crisler, Margaret
Dowling, Patricia
Flanders, John Sr
Griffin, Mary
Ingram, Russell
Kolodziej, Walter
Nevins, Chris
Perkins, Lawrence
Rausch, James
Scamman, Stella

Baldasaro, Alfred
Borden, David
Day, Judith
Elliott, Robert
Garritty, James
Hagan, Joseph
Introne, Robert
Lyons, Melissa
Nord, Susi
Pettersen, Don
Reagan, John
Scamman, W.
Douglas Jr

Bates, David
Charron, Gene
DeSimone, Debra
Emiro, Frank
Gleason, John
Headd, James
Itse, Daniel
Major, Norman
Packard, Sherman
Priestley, Anne
Sanders, Elisabeth
Sedensky, John

Bettencourt, David
Comerford, Timothy
Devine, James
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Kappler, L. Mike
Mann, Maureen
Perkins, Amy
Quandt, Matt
Sapareto, Frank
Smith, William

Splaine, James
Weare, Everett
Weyler, Kenneth

Stiles, Nancy
Webber, Carolyn

Sullivan, James
Welch, David

Tucker, Pamela
Wells, Roger

STRAFFORD

Bickford, David
Lauterborn, Elaine
Vachon, Dennis

Browne, Brendon
Schmidt, Peter
Vita, Carol

Groen, Warren
Sprague, Dale
Watters, David

Horrigan, Timothy
Twombly, James

SULLIVAN

Cloutier, John
and the Committee of Conference Report failed.

Cunningham, Steven

Osgood, Joe

Rodeschin, Beverly

SENATE MESSAGE

ADOPTION OF COMMITTEE OF CONFERENCE REPORTS

SB 59, relative to the renovation and replacement of school buildings.

SB 73-FN, requiring the state government to reduce energy consumption in state buildings, to develop an energy conservation plan, and to make an annual report on the state's energy consumption.

SB 150, relative to low-speed utility vehicles and relative to registration fees for certain special number plates for veterans.

SB 157, relative to the procedure for listing candidates on election ballots and establishing a citizen-funded election task force.

SB 181-FN-A, repealing the transfer of liquor enforcement to the department of safety and establishing a committee to study the administrative structure and adjudicative process at the liquor commission.

SB 205-FN, making various changes to the criminal statutes.

SB 302, relative to notice of driver's license expiration.

SB 313, extending the repeal date of the state park system advisory council and relative to field purchases and transfers of funds for the state park system and the bureau of trails.

SB 319, relative to purchases by on-premises alcoholic beverages licensees and relative to liquor licenses.

SB 320, relative to occupational exposure to the human immunodeficiency virus.

SB 357-FN, authorizing the judicial retirement plan to deduct a health insurance premium contribution from allowances.

SB 358-FN, relative to whistleblower protection and waste prevention in state government.

SB 383-FN, relative to net operating loss carryovers under the business profits tax and relative to economic revitalization zone tax credits.

SB 402-FN, relative to state-owned vehicles.

SB 408, relative to purchasing alliances.

SB 411, relative to permitting of large groundwater withdrawals.

SB 420, relative to the use of mail-order pharmacies for prescription drug benefits under accident and health insurance policies and plans, and establishing a committee to study pharmacy benefits management for injured workers covered by the workers' compensation law.

SB 428, establishing a committee to study dispatch times within the enhanced 911 system.

SB 440, relative to executive branch ethics and establishing a committee to study the impact of implementing a 10-hour per day, 4-day week for state employees.

SB 442, relative to the grant program to administer exotic aquatic plant prevention.

SB 478, relative to the appointments to the board of home inspectors, the administrative attachment of the plumbers' board, and retired status for licensed architects.

SB 480, relative to appeals of decisions by the department of environmental services.

SB 485-FN-A, relative to ratification of cost items contained in a collective bargaining agreement for court security officers of the judicial branch.

SB 486-FN, relative to the school building aid program.

SB 491, relative to in-state preferences on state vendor contracts and criteria for debarment of vendors.

SB 503, relative to unique pupil identification.

SB 520-FN-L, relative to school district liability for special education costs.

MOTION TO SUSPEND HOUSE RULES

Reps. Wallner and Packard moved that House Rules be so far suspended as to permit the adoption of an Amendment to House Rule 64, adding deadlines for legislative action.

Adopted by the necessary two-thirds.

AMENDMENT TO HOUSE RULES

Reps. Wallner and Packard moved that the House adopt an amendment to House Rule 64, as proposed by the Rules Committee, adding the following deadlines for legislative action:

Wednesday, September 15, 2010	First day for House incumbents running for reelection to file LSRs with complete information.
Friday, October 1, 2010 (3:00 p.m.)	Last day prior to the General election for House incumbents running for reelection to file LSRs with complete information.
Monday, November 1, 2010	Last day to file Interim Study reports.
Monday, November 15, 2010	First day for all Representatives to file LSRs with complete information. 10 day sign off period begins.
Friday, December 3, 2010 (3:00 p.m.)	Last day to file House LSRs with complete information.
Wednesday, January 12, 2011 (noon)	Last day to sign off all House LSRs, including petitions, other than petitions involving the election or qualifications of a member to serve in the House.
Wednesday, February 2, 2011	Last day to introduce HBs etc. and amend House Rules by majority vote.
Rep. Packard spoke in favor. Adopted.	

MOTION TO PRINT DEBATE

Rep. Renzullo moved that the debate on **HA 3**, for the removal of Philip Cross, marital master in the judicial branch family division in the Derry District Court, from his said office, be printed in the Permanent Journal.

On a division vote, 127 members having voted in the affirmative and 170 in the negative, the motion failed.

PETITION

Petitioner Representative Paul Ingbretson of Haverhill, on behalf of Joseph S. Haas, seeks redress relative to a dispute regarding a judge of the Grafton County Superior Court, Equity Division.

CLERK'S NOTE

Copies of petitions are on file in the Clerk's Office.

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 resolutions be by caption only and that all resolutions be read a third time and passed and when the House adjourns today it adjourn to the Call of the Chair.

Adopted.

LATE SESSION

Third reading and final passage

HR 26, affirming revenue estimates for fiscal years 2010 and 2011.

A PROCLAMATION
BY HIS EXCELLENCY JOHN H. LYNCH, GOVERNOR
WITH THE ADVICE OF THE HONORABLE EXECUTIVE COUNCIL
JUNE 2, 2010

WHEREAS, the welfare of the people of the State of New Hampshire requires the convening of the General Court for the purpose of enacting legislation to ensure that the state's budget remains balanced for the fiscal year 2010-2011 biennium; and
WHEREAS, the Executive Department is calling such a session intends an agenda limited to such measures as are necessary to ensure a balanced state budget.
NOW, THEREFORE, the Governor, with the advice of the Council, on a motion made and duly seconded, hereby exercise their executive legislative authority under Part 2, Article 50 of the New Hampshire Constitution and summon the General Court to convene in Special Session on Wednesday, June 9, 2010 at 10:00 a.m.

John H. Lynch, Governor

UNANIMOUS CONSENT

Reps. Horrigan, Rip Holden, Millham, Itse and Jeudy addressed the House.

MOTION TO PRINT REMARKS

Rep. Eaton moved that the remarks made by Rep. Millham be placed in the Permanent Journal.
Adopted.

REMARKS

Rep. Millham: Thank you, Madam Speaker. The Honorable Captain Ralph J. Rosen was an extraordinary individual. He was born in Chicago, Illinois in 1919 and died in McLean, Virginia May 11, 2010 at the age of 90. He served in this House of Representatives for 14 years from 1991 thru 2006. Ralph graduated from the Francis Parker School in Chicago and attended the University of Chicago until Pearl Harbor, when he left to enter the Naval Aviation Cadet Program. He already had a pilot's license and was a flight instructor. It was when he was a flight instructor that he met his wife Joan, while he was giving her sister flying lessons. He completed the training program, gained a commission and began flying from aircraft carriers in the Pacific in 1943. He served in Squadron VF-8 aboard the USS Bunker Hill, piloting Hellcat fighter planes. He became a fighter ace during the war, downing six Japanese planes and flying on numerous combat missions. He is credited with over 600 hours of flight time. Ralph did not often talk of his wartime experiences, but one story has been told. There was a fierce fight over Formosa. He downed three Japanese fighters, but his Hellcat plan was so badly damaged that he was barely able to get back to the carrier. Following a rough landing, a deck hand counted more than 130 bullet holes in the fuselage and wings. The plane was declared ruined and was pushed over the side into the ocean. Ralph suffered injuries during that flight for which he received the Purple Heart. After World War II, he remained in the Navy and was a test pilot in an experimental squadron VX-2. He was among the first test pilots to fly a jet from a carrier. He also worked on guided missile development, was Air Operations Officer of the aircraft carrier USS Saratoga and commanded three fighter squadrons. He served two tours of duty in the Pentagon with the Chief of Naval Operations and had diplomatic postings with the Military Assistance Advisory Group in Spain and with the Central Treaty Organization in Turkey. Ralph finished his college credits and graduated from St. Benedicts College in Atchison, Kansas long after the war. Among his many honors, he received three Distinguished Flying Crosses, nine Air Medals, as well as the Purple Heart. He retired with the rank of Captain

in 1973. After his retirement from the Navy, he spent some time with the New England Aeronautical Institute based in Nashua. When that ended, he and his wife settled in Laconia. Subsequently, he taught math and science in both the Laconia and Gilford High Schools. During his time in the House, he served five terms on the Science and Technology Committee, one term on the Transportation Committee and one term on State-Federal Relations and Veterans Affairs Committee. He was a prime sponsor of 39 bills in that time. He was an active member of the Republican Party and was the most distinguished seller of barbecue and Mount Washington cruise tickets for the Belknap County Republican Committee. He was also an ardent ham radio operator. He and Joan have three children: Mary, who is in the Washington D.C. area, John, who lives in Spain and Bill, who lives in Massachusetts. His internment will be at Arlington National Cemetery on July 27, 2010 at 10:00 a.m. Ralph Rosen was an exceptional man.

MOTION TO PRINT REMARKS

Rep. Schlachman moved that the remarks made by Rep. Rip Holden be placed in the Permanent Journal.
Adopted.

REMARKS

Rep. Rip Holden: Thank you, Madam Speaker. Members of the House and Madam Clerk, thank you. Thank you for your guidance, your tutelage, certainly all of your patience and most importantly I want to thank you for your friendship. There has not been any member who I have served with that has not affected my life for the better. This Chamber is like no other Chamber and it has taught me a great deal. As a result of this I have grown and I've learned a great measure of things. This is why my decision not to seek reelection has been an arduous one. It did not come lightly, because of my admiration for the citizens of Goffstown, Weare, New Hampshire and you, the members of this House. In the past ten years when voting I have always tried to vote my constituents, my conscience and my heart. Following my heart, I have chosen, at this time, to depart from my life as a public official. When making this determination, I found myself reminiscing about what my mom had told me when I was first elected. She said, "Rippy," as she always called me, "You have to be the epitome of a gentleman. You are now a public official and like it or not you have to set the example." I've always tried to follow this advice, although it has not been easy. I too have been blinded by my own point of view and unwilling to listen to others. This was wrong and I was wrong. In this day and age of fervent political views, the unwillingness to listen to the other side has led to a lack of civility. Often in our own dedication for our issues, our objectivity is clouded by our own beliefs. We are elected by the people and for the people. To sacrifice these principles and replace them with a desire to win the current political issue or to advocate horrors and dogma is wrong. There are 400 different political views here and none of them should be silenced by brutish behavior. Again, we are like no other Chamber. Whether or not you agree with another is irrelevant, but what is relevant is the respect we show for each other. Above all, this institution has taught me that. You, the members, have taught me that. We are a body of the people who, despite our differences, we do care for one another. I know this to be true because I have seen it. I know this to be true because I have experienced this. In my own time of anguish, members have come up to me and offered help as they would a member of their own family, even those members who I have vehemently disagreed with yet they still extended their hand and sincerely offered their help. It is this compassion that embodies this institution. It is this compassion for one another that should never be extinguished, despite our political differences. It takes a wise man to work with his adversary, but it takes a wiser man to consider that adversary his friend. Even though I am not seeking reelection, this decision was made and was heavily influenced by my heart, but there will always be a special place in my heart for this House, its members, its staff and all

those who have befriended me in the past ten years. I shall never forget the lessons you've taught me. I shall never forget you. Thank you.

RECESS MOTION

Rep. Wallner moved that the House stand in recess for the purposes of receiving Senate messages, enrolled bill amendments, enrolled bill reports and veto messages from the Governor, after which the 2010 Session will stand adjourned to the Call of the Chair. Adopted.

The House recessed at 5:40 p.m.

RECESS

(Rep. Wells in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 213, 1166, 1174, 1187, 1195, 1366, 1368, 1371, 1373, 1377, 1497, 1523, 1554, 1561, 1571, 1572 and 1615 and Senate Bills numbered 339, 405, 505 and 517.

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

RECESS

(Rep. Harding in the Chair)

ENROLLED BILL AMENDMENTS

HB 1393, relative to the treatment of New Hampshire investment trusts, and relative to pooled risk management programs.

Amendment (2359-EBA)

Amend RSA 293-B:2, IV as inserted by section 1 of the bill by replacing it with the following:

IV. "New Hampshire investment trust" means a "qualified investment company" as defined in RSA 77-A:1, XXI.

Amend RSA 293-B:8, IV(a)(1) as inserted by section 2 of the bill by replacing line 4 with the following:

or take such action at a meeting at which all trustees entitled to vote thereon were present and voted;

Amend RSA 293-B:8, IV(b) as inserted by section 2 of the bill by replacing line 4 with the following:

paragraph. For purposes of this paragraph, the term "electronic transmission" means any form of

Amend RSA 293-B:8, VII(c) as inserted by section 2 of the bill by replacing lines 1 and 2 with the following:

(c) The specified penalties or specified consequences under subparagraphs (a) and (b) may include and take the form of any penalty or consequence set forth in

Amend RSA 293-B:9, II as inserted by section 2 of the bill by replacing lines 2 and 3 with the following:

or becomes a registered investment company under the Investment Company Act of 1940, (15 U.S.C. section 80a-1 et seq.), as amended, such New Hampshire investment trust shall not be

Amend RSA 293-B:16, II as inserted by section 2 of the bill by replacing line 5 with the following:

expenses paid. The governor is authorized to draw a warrant for the sums authorized by this Adopted.

SB 370, relative to sewage disposal systems. (Amendment printed SJ 6-2-10)
Adopted.

SB 495-FN, establishing a task force on state procurement policies and procedures, and authorizing pilot projects using best value procurement. (Amendment printed SJ 6-2-10)
Adopted.

RECESS

(Rep. Almy in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 138, 219, 366, 561, 569, 1133, 1183, 1252, 1254, 1352, 1358, 1359, 1393, 1404, 1420, 1470, 1493, 1569, 1609 and 1688 and Senate Bills numbered 123, 128, 322, 323, 327, 329, 346, 368, 392, 406, 416, 424, 427, 431, 441, 448 and 483.

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

RECESS

(Rep. Lynne Ober in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 410, 523, 1167, 1177, 1259, 1270, 1372, 1398, 1411, 1415 and 1516 and Senate Bills numbered 305, 421, 436, 438, 455 and 504.

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

ENROLLED BILL AMENDMENTS

HB 1164, relative to newborn screening tests.

Amendment (2138-EBA)

Amend RSA 132:10-a, III-a as inserted by section 1 of the bill by replacing line 2 with the following:

under paragraph I destroys any samples no later than 6 months following the completion of

Adopted.

HB 1271, establishing a task force on work and family.

Amendment (2287-EBA)

Amend RSA 276-F:5 as inserted by section 1 of the bill by replacing line 2 with the following
submit an annual report of its activities and findings, including any recommendations for
proposed

Adopted.

HB 1279-FN-A, relative to the licenses of mortgage bankers and mortgage brokers.

Amendment (2154-EBA)

Amend section 1 of the bill by replacing line 6 with the following:

manager ***of a location required to be licensed as a branch office under this chapter***,
and any

Amend section 2 of the bill by replacing line 20 with the following:

abandoned the application. A mortgage originator's license may be transferred during a
Amend section 3 of the bill by replacing line 8 with the following:

required to be licensed as a branch office under this chapter shall be licensed as a
Amend section 6 of the bill by replacing line 1 with the following:

6 New Paragraph; Principal Office; Definitions. Amend RSA 397-B:1 by inserting after
Amend section 8 of the bill by replacing line 8 with the following:

required to be registered as a branch office under this chapter shall be licensed under

Adopted.

HB 1318, relative to post-conviction DNA testing, eligibility for victim's compensation for a victim of a crime in which a petition for post-conviction DNA testing was filed, and relative to victim services while the court is considering post-conviction DNA testing.

Amendment (2340-EBA)

Amend the bill by replacing the title with the following:

AN ACT relative to post-conviction DNA testing, eligibility for victim's compensation for a victim of a crime in which a petition for post-conviction DNA testing was filed, and victim services while the court is considering post-conviction DNA testing.

Amend the bill by inserting after section 6 the following and renumbering the original section 7 to read as 8:

7 Contingency. If HB 1441 of the 2010 regular legislative session becomes law, RSA 21-M:8-h, VIII as inserted by section 5 of this act shall be renumbered as RSA 21-M:8-h, IX.

Adopted.

HB 1334, relative to penalties for unpaid fines concerning hazardous materials accidents.

Amendment (2166-EBA)

Amend RSA 154:8-a, II-a(f) as inserted by section 3 of the bill by replacing line 5 with the following:

subparagraph (h) in the case of nonpayment.

Adopted.

HB 1376, relative to the regulation of pharmacies and pharmacists.

Amendment (2165-EBA)

Amend section 6 of the bill by replacing line 1 with the following:

6 Disciplinary Action; Licenses. Amend the introductory paragraph and subparagraphs (a)-(f) of RSA 318:29, V to read as follows:

Amend the bill by replacing all after section 11 with the following:

12 Prescriptions; Fraud or Deceit. Amend RSA 318:52-a to read as follows:

318:52-a Fraud or Deceit. It is unlawful to obtain or attempt to obtain a drug or device sold by prescription of a physician, dentist, optometrist, podiatrist, veterinarian, naturopathic doctor, physician assistant, or advanced practice registered nurse that bears a statement that it is to be dispensed or sold only by or on the prescription of a physician, dentist, optometrist, podiatrist, veterinarian, naturopathic doctor, physician assistant, or advanced practice registered nurse by:

~~[(a)]~~ ***I.*** Fraud, deceit, misrepresentation or subterfuge;

~~[(b) by]~~ ***II.*** The forgery or alteration of a prescription or of any written order;

~~[or (c) by]~~ ***III.*** The concealment of a material fact;

~~[or (d)]~~ ***IV.*** The use of a false name or the giving of a false address[-]; ***or***

V. Submission of an electronic or on-line medical history form that fails to establish a valid practitioner-patient relationship.

13 Contingency. If HB 1435-FN of the 2010 legislative session becomes law, section 12 of this act shall take effect on January 1, 2011 at 12:01 a.m. If HB 1435-FN of the 2010 legislative session does not become law, section 12 of this act shall not take effect.

14 Effective Date.

I. Section 12 of this act shall take effect as provided in section 13 of this act.

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

Adopted.

HB 1436, requiring a report to the general court on New Hampshire's participation in the National Violent Death Reporting System and relative to legislative security staff.

Amendment (2271-EBA)

Amend section 1 of the bill by replacing line 6 with the following:
date of this section.

Adopted.

HB 1533, establishing a committee to study the statute governing annulment of criminal records.

Amendment (2229-EBA)

Amend subparagraph I(d) of section 3 of the bill by replacing line 1 with the following:

(d) Study whether the current use of the annulment process is working
effectively, is in

Adopted.

RECESS

(Rep. Rip Holden in the Chair)

ENROLLED BILL AMENDMENTS

SB 150, relative to low-speed utility vehicles and relative to registration fees for certain special number plates for veterans. (Amendment printed SJ 6-2-10)
Adopted.

SB 319, relative to purchases by on-premises alcoholic beverages licensees and relative to liquor licenses. (Amendment printed SJ 6-2-10)
Adopted.

SB 383-FN, relative to economic revitalization zone tax credits. (Amendment printed SJ 6-2-10)
Adopted.

SB 420, relative to the use of pharmacies for prescription drug benefits under accident and health insurance policies and plans, and establishing a committee to study pharmacy benefits management for injured workers covered by the workers' compensation law. (Amendment printed SJ 6-2-10)
Adopted.

SB 435, relative to the provision of caller locations in emergency situations. (Amendment printed SJ 6-2-10)
Adopted.

SB 485-FN-A, relative to ratification of cost items contained in a collective bargaining agreement for court security officers of the judicial branch, and relative to state

reimbursement of county sheriffs costs. (Amendment printed SJ 6-2-10)
Adopted.

RECESS

(Rep. Eaton in the Chair)
ENROLLED BILL AMENDMENTS

HB 230, relative to the definition of abuse in domestic violence cases.

Amendment (2394-EBA)

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

1 Protection of Persons From Domestic Violence; Definitions. Amend the introductory paragraph of RSA 173-B:1, I to read as

Amend RSA 173-B:1, I as inserted by section 1 of the bill by replacing line 8 with the following:

her safety or well-being:

Adopted.

HB 598-FN, relative to the regulation of auctioneers by the state board of auctioneers.

Amendment (2421-EBA)

Amend RSA 311-B:4, I as inserted by section 3 of the bill by replacing line 1 with the following:

I. It shall be unlawful for any person physically located in the state of New Hampshire to:

Amend RSA 311-B:10, II as inserted by section 8 of the bill by replacing line 3 with the following:

renewal of licensure, and paid the renewal fee.

Amend RSA 311-B:11, III(g) as inserted by section 9 of the bill by replacing line 2 with the following:

area or areas in which he or she has been found deficient or requiring the person to retake the

Amend RSA 311-B:11, V as inserted by section 9 of the bill by replacing line 4 with the following:

supervision of the attorney general, employ an attorney for assistance and

Amend the bill by replacing section 15 with the following:

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

Adopted.

HB 1417, allowing the companion dogs of restaurant owners in certain areas of restaurants.

Amendment (2419-EBA)

Amend RSA 466:44, I as inserted by section 1 of the bill by replacing lines 2-3 with the following:

restaurant or any store that sells food; and no person shall allow any animal to enter [~~or remain~~] in any [~~restaurant or in any~~] store that sells food, except for guide dogs leading blind persons, and the hearing ear dog and the service

Adopted.

HB 1462, establishing a Shoreland advisory council.

Amendment (2420-EBA)

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

AN ACT establishing a shoreland advisory committee.
Adopted.

HB 1490, establishing a citizens task force to study state revenues and expenditures.

Amendment (2415-EBA)

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

AN ACT establishing a citizens task force to study state revenues and expenditures and relative to the regulation of financial institutions.

Amend RSA 21-I:89 as inserted by section 1 of the bill by replacing line 3 with the following: legislation, to the governor, the speaker of the house of representatives, the president of the senate, and

Amend section 10 of the bill by replacing line 1 with the following:

10 Duties; Commissioner. Amend RSA 383:9 to read as follows:

Amend RSA 383:9-d, I(c) as inserted by section 11 of the bill by replacing it with the following:

(c) Perform 2 examinations as required by **RSA** 383:9.

Amend RSA 383:9-d, II as inserted by section 11 of the bill by replacing line 1 with the following:

II. *An institution qualifies for examination treatment under paragraphs I and III if:*

Amend RSA 383:9-d, III(a) as inserted by section 11 of the bill by replacing lines 1 and 2 with the following:

(a) An audit report satisfying the requirements of RSA 384:43, I and II ~~if it is prepared in accordance with RSA 384:43, III(a) and (b),~~ and a fiduciary audit conforming to applicable

Amend RSA 383:9-i, I as inserted by section 12 of the bill by replacing line 2 with the following:

Reserve Act section 23A(b), (12 U.S.C. section 371c(a)), as amended from time to time, and the

Amend RSA 392:5, III(a) as inserted by section 13 of the bill by replacing line 2 with the following:

records check on the petitioner's organizers, officers, directors, or managers, and on any person in a

Amend RSA 386-A:4, II(a) as inserted by section 14 of the bill by replacing line 2 with the following:

records check on the petitioner's organizers, officers, directors, trustees, or managers and on any

Amend RSA 386-A:4, II(a) as inserted by section 14 of the bill by replacing line 5 with the following:

that owns, beneficially owns, has the right to vote, or has the power to sell or direct the sale of 10

Amend RSA 393:1-c, I as inserted by section 15 of the bill by replacing line 2 with the following:

check on the incorporators, officers, directors, and on any person in a similar position or performing

Amend RSA 393:1-c, I as inserted by section 15 of the bill by replacing line 4 with the following:

history records check on any person, including individuals, that owns, beneficially owns, has the right

Amend RSA 394-B:4-a, I as inserted by section 16 of the bill by replacing line 3 with the following:

union, and on any person in a similar position or performing similar functions.

Amend RSA 394-B:4-a, II as inserted by section 16 of the bill by replacing line 1 with the following:

II. If required by the department, the persons described in paragraph I shall submit to

Amend RSA 392:25, I as inserted by section 18 of the bill by replacing line 8 with the following:

may by rule, order, or declaratory ruling set liquidity requirements for such capital.

Amend RSA 383:10-d as inserted by section 20 of the bill by replacing lines 6 and 7 with the following:

persons adversely affected by such conduct. ***The commissioner may issue, amend, or rescind such orders as are reasonably necessary to carry out the provisions of this section and***

Amend RSA 383:9-j, I as inserted by section 21 of the bill by replacing line 4 with the following:

financial institution, new officers, and directors, and on any person in a similar position or performing

Amend RSA 392-A:6-a, I as inserted by section 22 of the bill by replacing lines 3 and 4 with the following:

percent or more of the beneficial ownership or control of the voting shares, new officers, and directors, and on any person in a similar position or performing similar functions. If the acquirer is a subsidiary,

Adopted.

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

Amendment (2367-EBA)

Amend section 1 of the bill by replacing line 6 with the following:

for medical assistance is based upon the applicant's or recipient's age, blindness, or disability. The

Amend section 2 of the bill by replacing line 8 with the following:

and recipients whose eligibility for medical assistance is based upon the applicant's or recipient's age,

Amend section 3 of the bill by replacing line 8 with the following:

medical assistance is based upon the applicant's or recipient's age, blindness, or disability.

Adopted.

HB 2010, relative to the state 10-year transportation improvement program, authorizing the issuance of federal highway grant anticipation bonds to finance the replacement of the Memorial Bridge in Portsmouth, New Hampshire, and establishing a commission to study the F.E. Everett Turnpike.

Amendment (2418-EBA)

Amend section 1 of the bill by replacing lines 3-4 with the following:

Submitted by the House Public Works and Highways Committee as Part of the Legislative Process Pursuant to RSA 228:99 and RSA 240 of the Laws of New Hampshire" and encourages expeditious

Amend RSA 240:2-a as inserted by section 9 of the bill by replacing line 1 with the following:

240:2-a Plan. In this chapter, a plan means the "State of New Hampshire Ten Year
Adopted.

RECESS

(Rep. Eaton in the Chair)
ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 621, 629, 1164, 1168, 1262, 1271, 1279, 1334, 1337, 1364, 1376, 1436, 1448, 1461, 1486, 1610 and 1620 and Senate Bills numbered 59, 73, 166, 181, 302, 320, 357, 370, 382, 394, 402, 404, 409, 411, 428, 440, 442, 457, 463, 486, 491, 503, 514 and 518.

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

RECESS

(Rep. Marjorie Smith in the Chair)
ENROLLED BILL AMENDMENTS

SB 205-FN, making various changes to the criminal statutes. (Amendment printed SJ 6-2-10)

Adopted.

SB 358-FN, relative to whistleblower protection and waste prevention in state government. (Amendment printed SJ 6-2-10)

Adopted.

SB 396-FN, limiting the use of child restraint practices in schools and treatment facilities. (Amendment printed SJ 6-2-10)

Adopted.

SB 480, relative to appeals of decisions by the department of environmental services. (Amendment printed SJ 6-2-10)

Adopted.

RECESS

(Rep. Schlachman in the Chair)
ENROLLED BILL AMENDMENTS

SB 157, relative to the procedure for listing candidates on election ballots. (Amendment printed SJ 6-2-10)

Adopted.

SB 313, extending the repeal date of the state park system advisory council, relative to field purchases and transfers of funds for the state park system and the bureau of trails, and imposing fees for the use of Jericho Mountain state park. (Amendment printed SJ 6-2-10)

Adopted.

SB 408, relative to purchasing alliances and establishing a study committee on the procurement of health insurance by employee leasing companies. (Amendment printed SJ 6-2-10)

Adopted.

RECESS

(Rep. Itse in the Chair)
ENROLLED BILL AMENDMENT

HB 1267-L, relative to applications for hawkers and peddlers licenses.

Amendment (2430-EBA)

Amend RSA 31:102-b, I as inserted by section 2 of the bill by replacing line 2 with the following:

town, or town to town, who sell, offer to sell, or take orders for merchandise or offer to perform

Amend RSA 31:102-b, I as inserted by section 2 of the bill by replacing line 7 with the following:

records, if any. To obtain a federal records check, such person shall also submit to the municipality,

Amend RSA 31:102-b, II as inserted by section 2 of the bill by replacing line 6 with the following:

Bureau of Investigation. Fingerprints taken digitally by Live Scan or similar device shall be Adopted.

RECESS

(Rep. Almy in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 230, 598, 1239, 1318, 1380, 1417, 1462, 1490, 1533, 1566 and 2010 and Senate Bills numbered 150, 205, 319, 383, 420, 435, 478, 485, 495 and 520.

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

RECESS

(Rep. Lucy Weber in the Chair)

ENROLLED BILL AMENDMENTS

HB 651-FN, relative to regulation of private investigative agencies and security services.

Amendment (2431-EBA)

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

1 Title Change; Detective Agency; Private Investigative Agency. Amend the chapter heading of RSA

Amend RSA 106-F:2, IX as inserted by section 3 of the bill by replacing line 5 with the following:

to voter preference polls, demographic surveys, or business or academic research.

Amend RSA 106-F:2, XIV as inserted by section 3 of the bill by replacing lines 3-4 with the following:

with, or hired by, the financial institution with respect to the investigation of the identity, identifying information, financial condition, and background of customers, employees, or service

Amend RSA 106-F:2-a as inserted by section 4 of the bill by replacing line 4 with the following:

investigator license ***or agency license***, under this chapter.

Amend RSA 106-F:3, I(d)-(e) as inserted by section 5 of the bill by replacing it with the following:

(d) Use of fees for administration and enforcement of this chapter; ~~and~~

(e) Revocation of licenses~~[-]; and~~

Amend RSA 106-F:3-a, I as inserted by section 6 of the bill by replacing line 7 with the following:

exceeds ½ of the 3-year term shall be deemed a full term. Initial appointments made by the governor

Amend RSA 106-F:3-a, II(a) as inserted by section 6 of the bill by replacing line 1 with the following:

(a) Three members licensed in New Hampshire as investigators and who have been so

Amend RSA 106-F:3-a, II(b) as inserted by section 6 of the bill by replacing line 5 with the following:

of the board or profession for a fee at any time during the 5 years preceding their appointments.

Amend RSA 106-F:4, II as inserted by section 7 of the bill by replacing line 5 with the following:

firearm for his or her personal protection as otherwise provided by law, except as subject to the provisions

Amend RSA 106-F:4, XIV as inserted by section 7 of the bill by replacing line 5 with the following:

plants. Such service may use the terms “security,” “safety,” “control” or like terms leading the public to

Amend RSA 106-F:5, II as inserted by section 8 of the bill by replacing lines 1-2 with the following:

II. No person shall become an employee of a private ~~[detective]~~ **investigative** agency ~~or~~, a security guard agency, **or a bail enforcement agency** without first obtaining a license to do so from

Amend RSA 106-F:6, VII(c) as inserted by section 9 of the bill by replacing line 5 with the following:

behavior, domestic violence, or abuse of any type, or an active domestic violence protective

Amend RSA 106-F:6, VII(d)(1) as inserted by section 9 of the bill by replacing line 4 with the following:

adjuster, risk manager, or claims investigator for an insurance carrier or adjusting

Amend RSA 106-F:6, VII(d)(2) as inserted by section 9 of the bill by replacing line 2 with the following:

fire service from an accredited college or university, **certification from the American Society for**

Amend RSA 106-F:6, VII(d)(5)-(6) as inserted by section 9 of the bill by replacing it with the following:

(5) Certification by the American Society for Industrial Security in security operations, and 2 years experience providing such services; or

(6) Certification by the American Society for Industrial Security in executive protection, and 2 years experience providing such services.

Amend RSA 106-F:7, I as inserted by section 10 of the bill by replacing lines 1-2 with the following:

I. Following review of the application[;] **and** the applicant’s references, and investigation into the character, competency, and integrity of the applicant, the commissioner shall as soon as practicable

Amend RSA 106-F:13, I as inserted by section 15 of the bill by replacing lines 2-5 with the following:

municipal, county, state, or federal government or agency thereof. No licensee shall use a badge of any kind for identification purposes, except a security guard, who, if he **or she** wears any type of badge, shall wear one badge on the left breast of his **or her** uniform and one on his **or her** cap while on duty as a security guard. The word “police” shall not be used in any way, on any seal, card, badge, or

Amend RSA 106-F:13-a, I as inserted by section 16 of the bill by replacing line 4 with the

following:

having jurisdiction, or the attorney general's office.

Amend RSA 106-F:13-a, II as inserted by section 16 of the bill by replacing line 1 with the following:

II. A licensee who reports criminal activity to state or local police or a county sheriff

Amend RSA 106-F:13-b, I as inserted by section 17 of the bill by replacing lines 1-3 with the following:

I. Except as permitted under RSA 173-B:5-a and RSA 633:3-a, III-d, no licensee or license holder shall engage in activity or stand in the stead or as agent or representative of a person or legal entity that is judicially or statutorily prohibited from making inquiry or having contact, or otherwise

Amend the bill by renumbering the second section 17 to read as section 18.

Amend RSA 106-F:14, I(b) as inserted by section 18 of the bill by replacing lines 1-3 with the following:

(b) Is convicted of fraud, deceit, or misrepresentation, ***or a felony of any type, or a misdemeanor associated with theft, dishonesty, physical assault, violation of a protective order, abuse of any type, or use of or sale of illegal drugs in New Hampshire or any other***

Amend RSA 106-F:16 as inserted by section 19 of the bill by replacing line 2 with the following:

investigative agency, bail enforcement agency, or security guard service without first having obtained a license therefor or

Adopted.

HB 1286, requiring public academies to obtain a criminal history records check on employees and volunteers and permitting nonpublic schools to obtain criminal history records checks on employees and volunteers.

Amendment (2357-EBA)

Amend RSA 189:13-a, II-V as inserted by section 1 of the bill by replacing them with the following:

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

III. The school administrative unit, school district, ~~or~~ chartered public school, ***or public academy*** shall submit the criminal history records release form to the New Hampshire state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. ~~[Upon completion of the background investigation,]~~ The state police shall examine the list of crimes constituting

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

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

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

HB 1535-FN, relative to absentee voting, special elections, election returns, preservation of ballots, recounts, the ballot law commission, and electronic ballot counting devices.

Amendment (2358-EBA)

Amend RSA 657:8 as inserted by section 22 of the bill by replacing line 10 with the following:

1. A member of the Uniformed Services or Merchant Marine on active duty; or, an eligible spouse or

Amend RSA 657:10-a as inserted by section 24 of the bill by replacing line 8 with the following:

UOCAVA voter requesting such ballot without delay for any request received up to 45 days before an

Amend RSA 657:23 as inserted by section 39 of the bill by replacing line 4 with the following:

applicants compiled pursuant to RSA 657:15 to the moderators in the several voting precincts

Amend the bill by replacing all after section 71 with the following:

72 Absentee Voting; Provisions for General Election. Amend RSA 657:12 to read as

follows:

657:12 Provisions for General Election. Upon receipt of a properly executed application for an official absentee ballot **for a general election**, whether the form supplied by the secretary of state, the federal **official** post card [~~application~~] form, or a written statement containing the information required by [~~the appropriate paragraph of~~] RSA 657:4, **I**, a town or city clerk shall forthwith ascertain if the applicant is on the checklist of the town or city. If the applicant is on the checklist, the clerk shall send the materials provided for in RSA 657:15 to the applicant and record the information pursuant to RSA 657:15; if not, the clerk shall refuse to certify as provided in RSA 657:16. An application may be transmitted by facsimile to a town or city clerk.

73 Sending Absentee Ballots. Amend RSA 657:15 to read as follows:

657:15 Sending Absentee Ballots. When the verification required by RSA 657:12 or 657:13 has been made, the clerk shall retain the application and, without delay, personally deliver, **email**, or mail to the applicant the appropriate ballot and materials as described in RSA 657:7 through [~~657:9~~] **657:8** or designate an assistant to deliver such materials to the applicant. The clerk may not designate as an assistant any person who is a candidate for nomination or office or who is working for such a candidate. Any ballots sent pursuant to the provisions of this section shall be mailed or delivered only by officials from the city or town clerk's office and delivered only to the applicant. If the address to which the absent voter's ballot is sent is outside the United States or Canada, such papers shall be sent by air mail. Said clerks shall keep lists of the names and addresses, arranged by voting places, of all applicants to whom official absentee ballots have been sent, and shall identify those official absentee ballots which have been returned to the clerk and shall record the absentee voter applicant information in the statewide centralized voter registration database. Candidates whose names appear on the ballot and persons bearing notarized requests or copies of notarized requests from candidates whose names appear on the ballot may obtain a list of absentee voter applicants, excluding voters who have presented to the supervisors of the checklist valid protective orders pursuant to RSA 173-B; the lists shall not be available for public inspection at any time without a court order.

74 Absentee Voting; Procedure by Clerk. Amend RSA 657:18 to read as follows:

657:18 Procedure by Clerk. Upon receipt of [~~a return~~] **an outer** envelope purporting to contain an official absentee voting ballot, the clerk of the city or town shall attach thereto the application for an absentee ballot submitted by said voter and record the information pursuant to RSA 657:15. All such envelopes shall be preserved unopened until election day.

75 Absentee Voting; Delivery to Moderator. Amend RSA 657:23 to read as follows:

657:23 Delivery to Moderator. Upon election day, prior to the closing of the polls or the time set for processing absentee ballots in accordance with RSA 659:49, the clerk shall deliver all such envelopes, the applications therefor received by him or her, and the list of absentee voter applicants compiled pursuant to RSA 657:15 to the moderators in the several voting precincts in which the absentee voters assert the right to vote, taking a receipt from the moderator thereof; except that no [~~armed services~~] **UOCAVA voter's** ballot shall be rejected by a moderator for lack of an attached application, **provided a signature is available for comparison on a voter registration document**.

76 Challenges. Amend RSA 659:51 to read as follows:

659:51 Challenges. All absentee ballots are subject to challenge after the moderator publicly announces the name of the absentee voter but not after the ballot is removed from the envelope. A person who makes a challenge shall state the reason for the challenge. If the ballot is challenged, the moderator shall write on the [~~affidavit~~] envelope containing the ballot the word "challenged" and the name and address of the person who makes the challenge and the basis of the challenge. The moderator shall also number each challenged envelope consecutively by marking, for example, the first challenged ballot "Challenged Ballot No. 1". The moderator shall then determine if the challenge to the ballot is well grounded. If the moderator decides the challenge is well grounded, the moderator shall not

open the envelope but shall preserve it with the other ballots cast at the election as provided in RSA 659:101 and shall record next to the name of the absentee voter on the clerk's list of absentee ~~[voter applicants]~~ **voters** prepared pursuant to RSA 657:15 the word "challenged" and the reason for the challenge. The clerk shall record this information in the statewide centralized voter registration database. If the moderator decides that the challenge is not well grounded, he or she shall open the ~~[affidavit]~~ envelope so the affidavit ~~[thereon]~~ is not destroyed and proceed first to mark on the reverse of the folded ballot the corresponding challenge number as previously marked on the envelope. The moderator shall then proceed to deposit the ballot as provided in RSA 659:52.

77 Opening Envelope; Depositing Ballot. Amend RSA 659:52 to read as follows:

659:52 Opening Envelope; Depositing Ballot. If the absentee ballot is not challenged, the moderator shall, after announcing the name of the voter, open the ~~[affidavit]~~ envelope containing the ballot so the affidavit ~~[on the envelope]~~ is not destroyed. The moderator shall then take the ballot out of the envelope without unfolding the ballot or without permitting the ballot to be examined, and **he or she** shall preserve the affidavit ~~[separately from]~~ **with the ballots** ~~[and deliver it to the town or city clerk upon the closing of the polls]~~ **cast at the election as provided in RSA 659:101.** The moderator shall then have a checkmark placed beside the name of the absentee voter on the checklist and write therewith the letters "A.V." in red ink and shall then deposit the ballot in the ballot box.

78 Effect. Amend RSA 654:23 to read as follows:

654:23 Effect. Unless the supervisors of the checklist shall be of the opinion that the federal post card applicant does not qualify as a UOCAVA voter in the city or town as provided in RSA 654:3, they shall, at their next session for the correction of the checklist subsequent to their receipt of such federal post card application properly executed, cause his or her name to be added to the checklist and, if the applicant is domiciled outside the United States, a mark or sign clearly indicating that the application has been entered on the checklist for the purpose of voting in federal elections only. Thereafter, if the person is domiciled outside the United States, he or she shall be entitled to vote by federal offices only absentee ballot at both federal primary and general elections. ***The supervisors shall retain the registration form in accordance with RSA 33-A:3-a and forward a copy of the form to the clerk.*** If the supervisors decide not to add the name of the applicant to the checklist, they shall send notification to the applicant in writing within 7 days stating the reason for that denial. ***The supervisors of the checklist shall write the word "REJECTED" and the date of rejection across the registration form. They shall retain the registration form and a copy of the denial notification in accordance with RSA 33-A:3-a.***

79 Refusal to Certify. Amend RSA 657:16 to read as follows:

657:16 Refusal to Certify; Procedure. If he or she refuses to certify the application, the town or city clerk shall notify the applicant in writing within 7 days to that effect. The town or city clerk shall provide the applicant with an absentee ballot and a notice that the ballot will not be counted unless the applicant submits the documents necessary to complete an absentee registration. The applicant shall be advised in writing what documents, if any, have been received in proper form and which the applicant must submit in the outer envelope that contains the absentee ballot envelope. The town or city clerk shall mark the absentee ballot application and the absentee ballot affidavit with the words "Not Registered." If the applicant returns the required documents in proper form with the absentee ballot and if the applicant is found to be qualified, ~~[he or she]~~ **the town or city clerk, shall forward the registration forms to the supervisor of the checklist and the applicant** shall be registered and his or her absentee ballot shall be processed in the same manner as the absentee ballot of a previously registered voter. If the ballot is returned without the required documents in proper form, the ballot shall be marked ~~[and preserved]~~ in the manner set ~~[for]~~ forth by law for successfully challenged absentee ballots **and preserved in accordance with RSA 33-A:3-a.** The clerk shall preserve the application of any applicant who is not

registered as a voter until the time set by law for the destruction of the ballots after the election at which time the application shall be destroyed. Any justice of the superior court has jurisdiction in equity upon such notice as he or she may order to require that the name of the person making application for an absentee ballot be placed upon the checklist or registered as a member of any party and be sent an absentee ballot.

80 Copies of Return. Amend RSA 659:75 to read as follows:

659:75 Forwarding; Retaining Copies of Return. One copy of the election return shall be forwarded by the town or ward clerk to the secretary of state in both paper and electronic form no later than 8:00 a.m. on the day following a state election unless the secretary of state orders them sooner. The other shall be kept by the town or city clerk *in accordance with RSA 33-A:3-a* and shall be open to public inspection at reasonable times. If an official state election return is sealed along with the ballots, the clerk having custody of the sealed ballots shall, at the request of the secretary of state, and in the presence of a state election official, unseal the ballots and retrieve the election return. The ballots shall be immediately resealed and the election return shall be delivered to the secretary of state by the election official.

81 Sealing and Certifying Ballots. Amend RSA 659:95 to read as follows:

659:95 Sealing and Certifying Ballots.

I. Immediately after the ballots cast at a state election have been tabulated and the result has been announced and the return has been made, the moderator or the moderator's designee, in the presence of the selectmen or their designee, shall place the cast, cancelled, and uncast ballots, including such ballots from any additional polling places, and further including the successfully challenged and rejected absentee ballots still contained in their envelopes, in the containers provided by the secretary of state as required by RSA 659:97 and shall seal such container with the sealer provided by the secretary of state as required by RSA 659:97. The moderator or the moderator's designee shall then enter in the appropriate blanks on such sealer on each container the number of cast, cancelled, and uncast ballots in such container and shall endorse in the appropriate place on such sealer a certificate in substance as follows: Enclosed are the ballots from the state election in the town of _____ (or in ward _____ in the city of _____) held on _____, 20____, Box _____ of _____, to be preserved in accordance with RSA 33-A:3-a. The moderator and the selectmen or their designee shall sign their names in the appropriate blanks on the sealer.

II. Ballots, including cast, cancelled, and uncast ballots and successfully challenged *and rejected* absentee ballots still contained in their envelopes, prepared or preserved in accordance with the election laws shall be exempt from the provisions of RSA 91-A. This exemption shall apply to any ballots or absentee voter affidavits prepared for or used in any election conducted by the state or any political subdivision, including federal elections.

82 Delivery of Ballots to Town Clerk. Amend RSA 659:98, I to read as follows:

I. The moderator, or the moderator's designee, and the selectmen, or their designee, after they have sealed and certified the state election ballots as provided in RSA 659:95 and RSA 659:96, shall deliver the sealed containers to the town or city clerk, or to the clerk's designee, who shall in their presence enter in the appropriate place on each sealer the time of day and shall sign his or her name in the appropriate blank on the sealer. Except as provided in paragraphs II and III, the clerk or *the clerk's* designee shall, without breaking the seals or otherwise changing the condition of the containers, deposit the containers in the town or city hall, where the ballots shall be kept for a period [~~of 60 days~~] *set forth in RSA 33-A:3-a*.

83 Preservation of Voting Materials. Amend RSA 659:101 to read as follows:

659:101 Preservation of Absentee Voting Materials, Election Day Affidavits, and Domicile Affidavits. The absentee ballot affidavits and application forms processed by the moderator as provided in RSA 659:50, the absentee ballots challenged and rejected as provided in RSA 659:51 and RSA 659:53, and the qualified voter affidavits and domicile affidavits as provided in RSA 654:12 and any other documentary proof of qualifications

retained by the town or city clerk, the supervisors of the checklist, or other election official shall be preserved in ~~[the same manner that ballots are preserved]~~ **accordance with RSA 33-A:3-a.** Qualified voter, voter registration, and domicile affidavits shall be retained for ~~[3 years after the election in which they are used]~~ **the period set forth in RSA 33-A:3-a,** and other materials may be destroyed after the election is settled and all appeals have expired or one year after the election, whichever is longer.

84 Contingency Provisions.

I. If HB 1529 of the 2010 regular legislative session becomes law, then sections 72-77 of this act shall take effect upon the passage of this act and sections 26, 29, 32, 39, 42, and 43 shall not take effect. If HB 1529 does not become law, then sections 72-77 of this act shall not take effect.

II. If HB 1574-FN of the 2010 regular legislative session becomes law, then sections 78-83 of this act shall take effect at 12:01 a.m. on the effective date of HB 1574-FN and sections 9, 30, 47, 54, 55, and 57 of this act shall not take effect. If HB 1574-FN does not become law, then sections 78-83 of this act shall not take effect.

III. If this act becomes law, then section 6 of HB 1529 of the 2010 regular legislative session is hereby nullified and shall not take effect.

85 Effective Date.

I. Sections 15 and 23 of this act and RSA 657:19, III and IV as inserted by section 34 of this act shall take effect September 15, 2010.

II. Sections 9, 26, 29, 30, 32, 39, 42, 43, 47, 54, 55, 57, and 72-83 of this act shall take effect as provided in section 84 of this act.

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

RECESS

(Rep. Eaton in the Chair) ENROLLED BILL AMENDMENTS

HB 1607-FN-A, relative to the reasonable compensation deduction under the business profits tax.

Amendment (2432-EBA)

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

AN ACT relative to the reasonable compensation deduction under the business profits tax, creating a committee to study safe harbors and taxation of investment organizations, and deleting a provision relative to taxation of certain income accumulated in trust.

Amend the bill by replacing all after section 4 with the following:

5 Income Accumulations; Taxation. Amend RSA 77:11 to read as follows:

77:11 Accumulations.

~~[I. Income accumulated in trust for the benefit of unborn or unascertained persons shall be taxed as if accumulated for the benefit of inhabitants of this state.~~

II.] Income accumulated in an employee benefit plan, as defined by the Employment Retirement Income Security Act of 1974, section 3, 29 United States Code § 1002(3), as amended, or in a trust comprising a part of such a plan, shall not be subject to taxation under RSA 77:1.

6 Contingency. If SB 483-FN-A of the 2010 regular legislative session becomes law, RSA 77-A:4-b as inserted by section 4 of this bill shall be renumbered as RSA 77-A:4-c.

7 Effective Date.

I. Section 5 of this act shall take effect January 1, 2011.

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

Adopted.

HB 1689, exempting certain non-regulatory boards, commissions, councils, advisory committees, and task forces from repeal on June 30, 2011, extending the report date of the commission to evaluate the long-term uses of the lakes region facility located in Laconia, and extending the telecommunications planning and development advisory committee.

Amendment (2433-EBA)

Amend section 1 of the bill by replacing subparagraph (51) with the following:

(51) RSA 194-B:21 Chartered Public Schools Joint Legislative Oversight Committee

Amend section 1 of the bill by replacing subparagraphs (60) and (61) with the following:

(60) RSA 227-L:26 Northeastern Forest Fire Protection Commission

(61) RSA 227-M:4 New Hampshire Land and Community Heritage Authority Board of Directors

Amend section 1 of the bill by replacing subparagraph (100) with the following:

(100) RSA 153-A:3 Emergency Medical and Trauma Services Coordinating Board

Amend section 1 of the bill by replacing subparagraph (112) with the following:

(112) RSA 190:1 Council for Teacher Education

Amend section 1 of the bill by replacing subparagraph (115) with the following:

(115) RSA 200-G:1 Compact for Education

Adopted.

RECESS

(Rep. Renzullo in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 651, 1267, 1286, 1535 and 1607 and Senate Bills numbered 157, 313, 358, 396, 408 and 480.

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

RECESS

(Rep. Griffin in the Chair)

ENROLLED BILL AMENDMENT

HB 1690, making statutory changes required by the repeal of certain non-regulatory boards, commissions, councils, advisory committees, and task forces.

Amendment (2434-EBA)

Amend paragraph (30) of section 1 of the bill by replacing line 2 with the following:

Agriculture, Markets, and Food

Amend RSA 200-C:13, I as inserted by section 9 of the bill by replacing line 2 with the following:

Center, **and** the governor's commission on disability [~~and the advisory committee established under RSA~~

Amend section 28 of the bill by deleting paragraphs X and XIX and renumbering paragraphs XI-XVIII to read as X-XVII, respectively.

Amend the bill by replacing all after section 28 with the following:

29 Mental Health Practice; Organization and Meetings. Amend RSA 330-A:9, II to read as follows:

II. When a quorum is not available for just and timely resolution of a specific matter,

former board members [~~or advisory committee members~~] may be appointed by the board to serve as acting board members for purposes of obtaining the minimum quorum in the resolution of that specific matter or when a particular profession cannot be represented in an adjudicatory hearing.

30 Contingencies.

I. If SB 427 of the 2010 regular legislative session becomes law, section 7 of this act shall not take effect. If SB 427 of the 2010 regular legislative session does not become law, section 7 of this act shall take effect December 31, 2010.

II. If SB 463-FN of the 2010 regular legislative session becomes law, section 29 of this act shall take effect December 31, 2010 and section 14 of this act shall not take effect. If SB 463-FN of the 2010 regular legislative session does not become law, section 14 of this act shall take effect December 31, 2010 and section 29 of this act shall not take effect.

31 Effective Date.

I. Sections 7, 14, and 29 of this act shall take effect as provided in section 30 of this act.

II. The remainder of this act shall take effect December 31, 2010.

Adopted.

RECESS

(Rep. Haefner in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 1689 and 1690.

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

RECESS

(Rep. Eaton in the Chair)

ENROLLED BILL AMENDMENT

HB 1477, relative to checklist information and relative to challenges of voters.

Amendment (2436-EBA)

Amend RSA 659:27-a, I as inserted by section 5 of the bill by replacing line 62 with the following:

a challenged voter affidavit.

Amend 659:51 as inserted by section 6 by replacing it with the following:

659:51 Challenges.

I. All absentee ballots are subject to challenge after the moderator publicly announces the name of the absentee voter, **except for voters provided for in RSA 7:46**, but not after the ballot is removed from the envelope. ~~[A person who makes a challenge shall state the reason for the challenge.]~~ **No challenge to an absentee ballot may be asserted except in conformity with the requirements of RSA 659:27-a.**

II. If the ballot is challenged, the moderator shall write on the affidavit envelope containing the ballot the word "challenged" and the name and address of the person who makes the challenge and the basis of the challenge. The moderator shall also number each challenged envelope consecutively by marking, for example, the first challenged ballot "Challenged Ballot No. 1."

III. The moderator shall then determine if the challenge to the ballot is well grounded. If the moderator decides the challenge is well grounded, the moderator shall not open the envelope but shall preserve it with the other ballots cast at the election as provided in RSA 659:101 and shall record next to the name of the absentee voter on the clerk's list of

absentee voter applicants prepared pursuant to RSA 657:15 the word “challenged” and the reason for the challenge. The clerk shall record this information in the statewide centralized voter registration database. If the moderator decides that the challenge is not well grounded, he or she shall open the affidavit envelope so the affidavit thereon is not destroyed and proceed first to mark on the reverse of the folded ballot the corresponding challenge number as previously marked on the envelope. The moderator shall then proceed to deposit the ballot as provided in RSA 659:52.

Amend the bill by replacing all after section 6 with the following:

7 Nullification. Section 2 of HB 1528 of the 2010 regular legislative session shall not take effect.

8 Challenges. Amend RSA 659:51 to read as follows:

659:51 Challenges.

I. All absentee ballots are subject to challenge after the moderator publicly announces the name of the absentee voter, ***except for voters provided for in RSA 7:46***, but not after the ballot is removed from the envelope. ~~[A person who makes a challenge shall state the reason for the challenge.]~~ ***No challenge to an absentee ballot may be asserted except in conformity with the requirements of RSA 659:27-a.***

II. If the ballot is challenged, the moderator shall write on the envelope containing the ballot the word “challenged” and the name and address of the person who makes the challenge and the basis of the challenge. The moderator shall also number each challenged envelope consecutively by marking, for example, the first challenged ballot “Challenged Ballot No. 1.”

III. The moderator shall then determine if the challenge to the ballot is well grounded. If the moderator decides the challenge is well grounded, the moderator shall not open the envelope but shall preserve it with the other ballots cast at the election as provided in RSA 659:101 and shall record next to the name of the absentee voter on the clerk’s list of absentee voters prepared pursuant to RSA 657:15 the word “challenged” and the reason for the challenge. The clerk shall record this information in the statewide centralized voter registration database. If the moderator decides that the challenge is not well grounded, he or she shall open the envelope so the affidavit is not destroyed and proceed first to mark on the reverse of the folded ballot the corresponding challenge number as previously marked on the envelope. The moderator shall then proceed to deposit the ballot as provided in RSA 659:52.

9 Contingency. If HB 1535-FN if the 2010 regular legislative session of the general court becomes law, section 6 of this act shall not take effect and section 8 of this act shall take effect upon its passage; provided that, if HB 1535-FN becomes law after this act, section 8 of this act shall take effect at 12:01 a.m. on the effective date of HB 1535-FN. If HB 1535-FN does not become law, section 8 of this act shall not take effect and section 6 of this act shall take effect upon its passage.

10 Effective Date.

I. Sections 6 and 8 shall take effect as provided in section 9 of this act.

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

Adopted.

RECESS

(Rep. Nord in the Chair)

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 1477.

Rep. Schuett, Sen. D’Allesandro for the Committee

RECESS

(Speaker Norelli in the Chair)

Rep. Wallner moved that the House adjourn.

Adopted.

The House stands adjourned to the Call of the Chair.