

State of New Hampshire HOUSE RECORD

First Year of the 162nd General Court
Calendar and Journal of the 2011 Session

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Concord, N. H.

Wednesday, February 23, 2011

No. 21

HOUSE JOURNAL No. 7 (cont.)

Wednesday, February 16, 2011

Rep. Tucker moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 8

Wednesday, February 23, 2011

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

His Excellency, Governor John H. Lynch, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Roger Boucher of Gilmanton Iron Works. O eternal and everlasting God, we give humble and hearty thanks that You have preserved us this night past from all the dangers poor mortals are subject to and in which we find ourselves refreshed and comforted for performing the duties of this new day, in which we beseech thee to defend us from all perils of body and soul. Direct our thoughts, words and work and purge our hearts that we may with more freedom of mind and liberty of will serve thee, the everlasting God, in righteousness and holiness this day and all the days of our lives. Bless the people of this land, be a father to the fatherless, a comforter to the comfortless, a deliverer to the captives and a physician to the sick. Bless our families, friends and kindred and unite us here in all our works begun, continued and ended and make us confident for the time when we shall come to make our last account before thee. Let thy blessings guide us

this day and forever. We pray this in Your great name. Amen.

Representative Steven Cunningham, member from Croydon, led the Pledge of Allegiance.

Representative James Garrity of Atkinson led the National Anthem.

LEAVES OF ABSENCE

Reps. Ronald Belanger, Butynski, Champagne, Chris Christensen, Cote, Day, Hamm, Lynne Ober, Pepino, Pratt, Sapienza and Soltani, the day, illness.

Reps. Ahlgren, Beattie, Bradley, DeSimone, Flanders, Foose, Hawkins, Hess, Leonard, Lerandeau, Millham, Keith Murphy, Palfrey, Panek, Amy Perkins, Lawrence Perkins, Ramsey, Chip Rice, Jon Richardson, Serlin and Molly Smith, the day, important business.

Reps. Buxton and Munck, the day, illness in the family.

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

INTRODUCTION OF GUESTS

Litsa, Greg, Addison and Olivia Delage, mother, brother, nephew and niece of Rep. Scontsas. Stefanie and Abigail O'Connor and Betty Lacroix, wife, daughter and mother-in-law of Rep. Bill O'Connor. The Honorable Freida Smith, former member from Salem and Patricia Corey guests of Rep. Elliot. The Honorable Deborah Wheeler, former member from Northfield, guest of Rep. Wall. John Hohenwater, guest of Rep. Cunningham. Shawn Donovan, guest of the Lebanon Delegation. David Goldstein, guest of Rep. Emerson. Hanna Lundgren, Jim and Aud Segalini and Jesse Kiuszka, wife and guests of Rep. Lundgren. The Honorable Phyllis Woods, former member from Dover and Mike Silverwood guests of Rep. Tucker.

INTRODUCTION OF SPECIAL GUEST

The Honorable Frank Guinta, Congressman from the 1st Congressional District and former member from Manchester.

MOTION TO VACATE

Rep. James Garrity moved that the House vacate the reference of **HB 561**, prohibiting the state payment of the cost of wireless communications services for legislators and staff, to the Committee on Science, Technology and Energy.
Adopted.

The Speaker referred **HB 561** to the Committee on Legislative Administration.

CONSENT CALENDAR

Rep. Bettencourt moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 222-FN, relative to administrative rules which contain a fee increase, allowing political subdivisions to object to a proposed rule, and eliminating certain statutory provisions granting general rulemaking authority, removed by Rep. Carol McGuire.

HB 353-FN, establishing a Medicaid waiver program to provide in-home support services for children who are medically fragile or children with chronic illness, removed by Reps. O'Brien and Tucker.

HB 479-FN, relative to receivership of nursing homes and other residential health care facilities, removed by Reps. O'Brien and Tucker.

HB 146, relative to the right of jury nullification, removed by Rep. Itse.

HB 375, relative to immunity for school personnel using necessary force to protect pupils, removed by Rep. Peter Schmidt.

Consent Calendar adopted.

HB 40, relative to the number of children in a licensed foster family home. **INEXPEDIENT TO LEGISLATE.**

Rep. Carolyn M. Gargasz for Children and Family Law: This bill intended to increase the number of foster children above the six (6) allowed in foster family homes. The division of children, youth and families feels it has considerable capacity with capable families. Many foster children have been neglected or otherwise abused and need a home where they can have the most attention, structure, and nurturing. The committee did not feel this was a necessary change to our statutes. Vote 14-0.

HB 281, relative to protective custody of intoxicated or incapacitated individuals under 18 years of age. **INEXPEDIENT TO LEGISLATE.**

Rep. David S. Robbins for Children and Family Law: The bill provides procedures when a peace officer detains an intoxicated or incapacitated minor who does not require immediate medical treatment. It directs that minor be held in a non-secure area within a police station until the parent or guardian arrives or the child is referred to department of health and human services licensed childcare agency. The sponsor believes the bill needs further work and clarification and requested the bill be recommended Inexpedient to Legislate. Vote 14-0.

HB 292-FN, relative to securities regulation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donna L. Schlachman for Commerce and Consumer Affairs: This bill makes technical changes to our securities law. It changes and clarifies some definitions, improves the procedures for processing and hearing complaints, and increases the penalty for those guilty of crimes under this law. Vote 16-0.

Amendment (0196h)

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

1 Definitions. Amend the introductory paragraph of RSA 421-B:2 to read as follows:

421-B:2 Definitions. When used in this chapter, unless the context *of the section within which the term is used* otherwise requires:

2 Definitions. Amend RSA 421-B:2, IV-b to read as follows:

IV-b. "Bureau" means the bureau of securities regulation within the department of state.

IV-c. "Common enterprise" means an enterprise in which the fortunes of the investor are interwoven with those of either the person offering the investment, a third party, or other investors.

[IV-b.] **IV-d. "Complaint" means a written statement submitted within a reasonable time following the incident complained of by a person, association, partnership, corporation, state agency (including the staff of the department) or by any other legal entity that sets forth specific allegations and requests administrative action by the department.**

3 New Paragraph; Definitions. Amend RSA 421-B:2 by inserting after paragraph IX-b the following new paragraph:

IX-c. "Investment contract" means an investment in a common enterprise with the expectation of profits to be derived primarily from the efforts of a person other than the investor.

4 Definitions. Amend RSA 421-B:2, XX(a) to read as follows:

XX.(a) "Security" means the investment of money or money's worth including goods furnished and/or services performed in the risk capital of a venture with the expectation of some benefit to the investor where the investor has no direct control over the investment or policy decisions of the venture. "Security" shall include any note; stock; treasury stock; bond; debenture; evidence of indebtedness; certificate of interest or participation in any profit sharing agreement; membership interest in a limited liability

company; partnership interest in a registered limited liability partnership; partnership interest in a limited partnership; collateral trust certificate; preorganization certificate or subscription; transferable shares; investment contract; investment metal contract or investment gem contract; voting trust certificate; certificate of deposit for a security; certificate of interest or participation in an oil, gas or mining right, title or lease or in payments out of production under such a right, title or lease; or, in general, any interest or instrument commonly known as a security, or any certificate of interest or participation in, temporary or interim certificate for, receipt for guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing. "Security" does not include any insurance or endowment policy or annuity contract under which an insurance company promises to pay money either in a lump sum or periodically for life or for some other specified period.

5 New Paragraph; Definitions. Amend RSA 421-B:2 by inserting after paragraph XXII the following new paragraph:

XXIII. "Willful" or "willfully," especially in connection with RSA 421-B:24, but not limited thereto, means an intentional act or omission to perform an act in that the person was aware of what he or she was doing or failing to do. However, evil motive, scienter, intent to violate this title, or knowledge that this title was being violated is not required.

6 Sales and Purchases. The introductory paragraph of RSA 421-B:3, II is repealed and reenacted to read as follows:

II. For purposes of paragraph I(c), to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person, shall include but not be limited to:

7 Criminal Penalty. Amend RSA 421-B:24 to read as follows:

421-B:24 Criminal Penalty.

I. Any person who willfully, *as defined in RSA 421-B:2, XXIII*, violates any provisions of RSA 421-B:3, *421-B:3-a*, 421-B:4, 421-B:5 or fails to comply with an order from the secretary of state to cease and desist or for an injunction issued pursuant to RSA 421-B:23, or who fails to comply with an order to pay a fine, penalty, rescission, restitution, or disgorgement greater than \$10,000 pursuant to RSA 421-B:10, 421-B:23, or 421-B:26, or who violates RSA 421-B:19 knowing that the statement was false or misleading in any material respect, shall be guilty of a class B felony. Each of the acts specified shall constitute a separate offense and a prosecution or conviction for any one of such offenses shall not bar prosecution or conviction for any other offense.

II. Any person who willfully violates RSA 421-B:6, 421-B:11 or 421-B:20 shall be guilty of a [class A misdemeanor if a natural person, and guilty of a] **class B** felony [if any other person]. Each of the acts specified shall constitute a separate offense and a prosecution or conviction for any one of such offenses shall not bar prosecution or conviction for any other offense. [For any subsequent offense, any person shall be guilty of a class B felony.]

III. [Repealed.]

IV. Nothing in this chapter limits the power of the state to punish any person for any conduct which constitutes a crime by statute.

V. The crimes established in paragraphs I and II of this section are public welfare offenses.

8 Hearing Procedures. Amend RSA 421-B:26-a, XXI-XXVIII to read as follows:

XXI. Within a reasonable time after the hearing, the presiding officer shall issue a written decision stating the action to be taken by the department and may set forth findings of fact, conclusions of law, and disposition. All decisions shall be reached upon the basis of a preponderance of the evidence. [The decision of the presiding officer shall be construed as the decision of the secretary of state.]

XXII. Any party to whom notice has been forwarded pursuant to and in accordance with these rules who fails to appear shall have a default judgment rendered against him.

XXIII.(a) Within 30 days after a final decision or disposition of a motion for reconsideration by the presiding officer:

(1) Any party, including the bureau staff, may file an appeal of the presiding officer's decision to the secretary of state; or

(2) Upon his or her own motion, the secretary of state may elect to review a presiding officer's decision.

(b) In either case, the procedure for such proceeding shall be the same as in paragraph XXVI.

(c) The secretary of state may elect to conduct the proceeding de novo, on the record, with or without allowing the parties to supplement the record. In the latter case, the procedure shall be the same as that provided for in paragraph XVII.

(d) At the conclusion of the proceedings, by written decision, the secretary of state may accept or reject the presiding officer's decision, in whole or in part, substitute his or her own findings of fact and conclusions of law, or return the case to the original presiding officer, or to a substitute presiding officer, for action consistent with the secretary's instruction.

XXIV. The presiding officer may take judicial notice.

~~[XXIV.]~~ XXV. Where the interests of justice will be better served without prejudice to the substantial rights of any party, a presiding officer may sever one case from another or may consolidate 2 or more cases, preserving to all parties the right of appeal from the single or several decisions rendered.

~~[XXV.]~~ XXVI. Once a hearing notice has been issued commencing an adjudicatory proceeding, no party shall communicate with the presiding officer or the secretary of state concerning the merits of the case except upon notice to all parties nor shall any party cause another person to make such communications.

~~[XXVI.]~~ XXVII. Within 30 days after ~~[a]~~ **the presiding officer's** final decision, any party **including the bureau's staff**, may **but is not required to** file a motion for reconsideration which shall serve as a petition for rehearing under RSA 541. No distinctions shall be made between the terms "reconsideration" and "rehearing." A motion for reconsideration shall:

~~[(1)]~~ **(a)** Identify each error of law, error of reasoning, or erroneous conclusion contained in the final order which the moving party wishes the ~~[secretary of state]~~ **presiding officer** to reconsider.

~~[(2)]~~ **(b)** Concisely state the correct factual finding, correct reasoning, and correct conclusion being advocated.

~~[(3)]~~ **(c)** Include any memorandum of law the petitioner wishes to submit.

~~[XXVII.]~~ XXVIII. Within 30 days after a final decision, the presiding officer may reconsider, revise or reverse any final action on the presiding officer's own motion. If reconsideration is based upon the existing record, prior notice shall not be given to the parties. If the presiding officer believes further information or argument should be considered, the parties shall be provided with an appropriate notice and opportunity to be heard before any revision is made in the previous action.

~~[XXVIII.] The filing of a motion for reconsideration shall not operate as a stay of any order or decision, but a motion for stay may be combined with a motion for reconsideration.]~~

XXIX. During the process outlined in this section, any preliminary order, such as a summary cease and desist order, shall remain in full force and effect. Further, during the process of reconsideration or appeal, any order or decision shall not be stayed. However, the presiding officer or the secretary before whom the case is may consider a motion for stay.

9 Effective Date. This act shall take effect January 1, 2012.

AMENDED ANALYSIS

This bill makes various changes to securities regulation laws, including increasing criminal penalties.

Referred to the Committee on Criminal Justice and Public Safety.

HB 509-FN, relative to drinking water at temporary mass gatherings. **INEXPEDIENT TO LEGISLATE.**

Rep. Donna C. Mauro for Commerce and Consumer Affairs: This bill requires an operator of a temporary mass gathering to ensure that safe drinking water is available to participants. The committee felt that the licensing agencies at the local level should be addressing these issues. Vote 16-0.

HB 59, establishing a committee to study modification of the education laws. **INEXPEDIENT TO LEGISLATE.**

Rep. Mary Stuart Gile for Education: The committee understands the need for periodic and systematic review of all statutes and is sympathetic to the sponsor's intent. However, there are 1400 pages of education laws with associated rules and policies to be reviewed and a report to be completed by November 2, 2011. The majority of the committee agreed that the scope of the study was too broad. Vote 15-2.

HB 164, requiring legislative approval for the adoption of the common core state standards in New Hampshire. **OUGHT TO PASS.**

Rep. Rick M. Ladd for Education: Best practices and high academic standards are necessary components of a quality education. The NH board of education approved the common core standards developed through a joint project of the National Governor's Association Center for Best Practices and the Chief State School Officers. As of May 24, 2010, the department of education (DOE) had not yet received unformatted math standards. The state board of education approved the common core standards in principle on July 8, 2010. Eleven states received "Race to the Top" funding totaling \$4.35 billion to implement core standards, while NH received nothing but continues to move forward with the adoption process. NH already has an adopted curriculum framework with academic standards. Yes, those standards may require improvement, but this process should be a result of the NH DOE working closely with local school boards, educators and NH residents. Implementing the new curriculum standards will also be expensive: textbooks, testing design and implementation, teacher training, etc. This bill clearly states that common core standards shall not be adopted by rule pursuant to RSA 541-A, or included or implemented in any way in New Hampshire curriculum frameworks, or used as a measure of an adequate public education without prior approval of the general court. Vote 17-0.

HB 170, conferring degree-granting authority to the Upper Valley Educators Institute. **OUGHT TO PASS.**

Rep. Barbara E. Shaw for Education: The Upper Valley Educators Institute currently provides an extensive program giving the opportunity for people in trades or the business world to enter the teaching profession. With internship and course studies, graduates would then be allowed further degree-granting subject to the authority of the postsecondary education commission. Vote 17-0.

HB 150, relative to benefits of judicial branch employees who transfer from the judicial branch to state service in the executive branch or the legislative branch. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Maurice L. Pilotte for Executive Departments and Administration: This bill was introduced at the request of the department of justice. RSA 490:28 currently limits the maximum amount of annual and sick leave that employees who transfer, without a break in service, from the judicial branch to either the legislative or executive branch of state government to the amount that employees of the receiving branch may accumulate. These are the current limits for employees who transfer from other branches to the judicial branch. This bill and amendment clarifies that the rate of accrual of these benefits shall also be that of the receiving branch. Vote 16-0.

Amendment (0049h)

Amend RSA 490:28, II as inserted by section 1 of the bill by replacing it with the following:

II. Any full-time judicial branch employee who transfers from the judicial branch to state service in the executive branch or the legislative branch, without a break in service, may transfer all earned annual leave, sick leave, longevity pay, and bonus time already accumulated in the judicial branch, to the receiving branch of state government. The maximum amount of accumulated annual and sick leave that may be transferred shall be limited to the amount of annual and sick leave that employees of the receiving branch may accumulate, ***the rate of accrual shall be according to continuous years worked and, upon transfer, the employee's rate of accrual shall be the rate of accrual of the receiving branch.*** No leave granted at the outset of service, or without a relationship to the length of employment shall be included in earned leave.

AMENDED ANALYSIS

This bill clarifies that for judicial branch employees who transfer without a break in service from the judicial branch to state service in the executive branch or the legislative branch, the rate of accrual of annual and sick leave shall be according to continuous years worked and, upon the employee's transfer, the rate of accrual shall be the rate of accrual of the receiving branch.

HB 239, prohibiting a state agency from establishing a fee without legislative approval.
INEXPEDIENT TO LEGISLATE.

Rep. Spec Bowers for Executive Departments and Administration: This bill is unnecessary and unworkable. It prohibits a state agency from establishing a fee without legislative approval. Under JLCAR procedures it is unnecessary. Every rule already is vetted for being authorized by legislation. To the extent that the bill would require every fee to be based on legislation specifying a precise fee or an acceptable fee range, it would require multiple bills to authorize existing rules and fees. Vote 16-0.

HB 245, establishing a committee to study election of the attorney general by the legislature.
INEXPEDIENT TO LEGISLATE.

Rep. Russell C. Day for Executive Departments and Administration: This bill would establish a study committee composed of three members of the House of Representatives and two members of the state Senate to study the feasibility of amending the New Hampshire constitution to provide for the election of the attorney general. In the last 36 years there have been 17 proposals to change the manner in which the attorney general is selected. All these proposals have been rejected by the Legislature. Politicizing the selection process could infuse the process with the appearance of a conflict of interest. Concerns also would be that the incumbent could spend an undue amount of time campaigning for the position and not focused upon the duties of the position. There is also the issue of accepting campaign donations. Our citizens expect the chief law enforcement person to be above reproach. New Hampshire has a process of checks and balances in place whereby the governor of the state nominates and the executive council confirms the nominee. We do not feel that there is a need to change this process. Vote 16-0.

HB 252-L, repealing provisions regarding applications for hawkers' and peddlers' licenses.
INEXPEDIENT TO LEGISLATE.

Rep. Spec Bowers for Executive Departments and Administration: This bill perfectly illustrates that good intentions can produce bad unintended consequences. It would amend RSA 31:102-a regarding hawkers, peddlers, and itinerant vendors so as to reduce the fees for a local license and would repeal the requirement for a criminal background check. The testimony was overwhelmingly against the bill. Laconia Bike Week uses high fees to pay the town's costs for running this event. Parents and police demand the ability to do background

checks of vendors who are in close contact with young children. Vote 16-0.

HB 253, establishing a committee to determine the value of professional licensing and disciplinary practices in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Carol M. Vita for Executive Departments and Administration: This bill would establish a committee to determine the value of professional licensing and disciplinary practices in New Hampshire. This bill is essentially a committee to study existing boards. As such it is another level of bureaucracy that is of doubtful value to the state. The time and effort spent on staffing this committee would be better spent determining whether there is any benefit at all to the state of licensing. Vote 14-1.

HB 272-FN, requiring hearing aid dealers to post a surety bond. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter B. Schmidt for Executive Departments and Administration: The committee heard persuasive testimony from knowledgeable witnesses that this bill, though well-intentioned, is both unnecessary and unworkable. Several dealers testified that surety bonds of the type mandated by the bill are unavailable in the insurance market. Further, hearing aid warranties are provided by manufacturers, not dealers. Lastly, the type of difficulties which prompted the bill sponsor to bring this legislation all traced back to one franchise operation, which has since gone out of business. Vote 16-0.

HB 279, relative to gifts, grants, or donations received by the governor's commission on disability. **INEXPEDIENT TO LEGISLATE.**

Rep. Steven J. Winter for Executive Departments and Administration: This bill would permit an expansion of the authority of the governor's commission on disability to advertise for gifts, grants or donations from individuals or corporations. The purposes of the commission are education and awareness outside the disability community. No funds are used for any direct services to or for the disabled. The committee finds the bill unnecessary. Vote 15-0.

HB 364, relative to the membership of the state committee on aging. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Maurice L. Pilote for Executive Departments and Administration: This bill amends RSA 161-F:7 in re the state committee on aging membership and duties. (1) It eliminates the provision that no more than 8 of the 15 members appointed by the governor with the approval of the executive council be of the same political party. (2) The amendment provides for the quorum to consist of a majority of the current members eliminating a potential problem in the event of vacancies in the membership, and (3), adds advising the commissioner and advocating solutions to provide for better integration of older persons in the social and economic life of the state to the duties of the committee. Vote 16-0.

Amendment (0318h)

Amend RSA 161-F:7, I as inserted by section 1 of the bill by replacing it with the following:

I. There shall be a state committee on aging which shall consist of 18 members. The governor shall appoint 15 members with the approval of the *executive* council. Those appointed by the governor shall include at least one member from each county. The committee shall also include a legislator appointed by the chair of the oversight committee on health and human services, one representative appointed by the speaker of the house, and one senator appointed by the president of the senate. Each of the members shall serve for a term of 3 years except the legislative members' terms shall be co-terminus with their 2-year legislative terms. At least 8 members shall be 60 years of age or older at the time of their appointment [~~and not more than 8 members shall be of the same political party. Nine~~]. **A majority of the current** members shall constitute a quorum. No member shall serve more

than 2 consecutive terms, and no member shall have a material financial interest in any agency receiving federal or other funds administered by the ~~[division]~~ **bureau** of elderly and adult services.

HB 384, prohibiting the office of energy and planning from requiring social security numbers from applicants of any program administered by the office, except when required under federal law or regulation. **INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth H. Gould for Executive Departments and Administration: This bill seeks to maintain personal privacy. The sponsor and the ACLU are persuasive on this subject. However, the agency needs to prevent fraud in the use of taxpayer funds. Social security numbers are carefully guarded, but are needed in processing applications for fuel and other utility assistance. The committee wants to protect against fraudulent use of tax dollars. Vote 16-0.

HB 392, clarifying responsibilities of the division of homeland security and emergency management, and expanding responsibilities of the advisory committee on emergency preparedness and security. **OUGHT TO PASS.**

Rep. Mark L. Proulx for Executive Departments and Administration: This bill is a request of the department of safety. This bill is a housekeeping bill that transfers certain responsibilities to the proper divisions. The bill transfers responsibility for nuclear emergency response plan to the division of homeland security. It also transfers responsibility for hazardous materials transportation to the advisory committee on emergency preparedness and security. It will place wartime emergency fire assistance coordination within the purview of the state fire marshal. Finally it establishes an annual reporting requirement for the bureau of EMS. Vote 14-0.

HB 413, directing the joint legislative oversight committee on the emergency management system to review the duties of certain other committees. **OUGHT TO PASS.**

Rep. Mark L. Proulx for Executive Departments and Administration: This bill will look to see if there is duplication of duties and possible consolidation of committees that have emergency management duties. Vote 15-0.

HB 320, requiring the construction of a clock tower as part of the Hampton seashell complex. **INEXPEDIENT TO LEGISLATE.**

Rep. Steve Vaillancourt for Finance: The sponsor noted that he filed this bill at the request of a constituent but has since decided that we should ITL it. The committee learned that all the funds allotted for the Hampton seashell complex have been expended. There was also some question about whether a clock tower might block view of the stage. Thus, the committee is happy to comply with the sponsor's request for ITL. Vote 16-0.

HB 498-FN, relative to weed control along certain state routes. **INEXPEDIENT TO LEGISLATE.**

Rep. Beverly T. Rodeschin for Finance: The committee has determined that it is inappropriate to bond operating expenses for roadside work. Vote 17-0.

HB 570, relative to licensure of guides by the fish and game department. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David H. Watters for Fish and Game and Marine Resources: Introduced at the request of the fish and game department, this bill exempts licensed operators of for-hire vessels from licensure as guides, while operating in coastal and estuarine waters. Licensure as a vessel operator includes the training and other qualifications of a guide. Vote 14-0.

Amendment (0067h)

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

AMENDED ANALYSIS

The bill exempts persons licensed as operators of for-hire vessels for recreational fishing in coastal and estuarine waters from requirements from licensure as a guide.

This bill is a request of the fish and game department.

HB 481-FN, relative to the definition of disability for aid to the permanently and totally disabled. **INEXPEDIENT TO LEGISLATE.**

Rep. John M. Reagan for Health, Human Services and Elderly Affairs: This bill would take away a safety net for the poorest of our citizens. It would shift costs to city and town welfare departments as a result for those who are either denied Supplemental Security Income (SSI) or have a case pending an appeal. Vote 16-0.

CACR 2, relating to the tenure of judges. Providing that the general court may specify the term of office served by a judge. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M. Sorg for Judiciary: At present, Article 73, Part II of the Constitution specifies that judges hold their offices during good behavior. This constitutional amendment concurrent resolution would amend Article 73 by vesting in the legislature authority to make exceptions to this rule by statute. While some members of the committee were receptive to the idea of term limits for judges, all agreed that that this resolution was not a suitable vehicle for pursuing this objective. The broad authority this resolution would confer could result, among other things, in different judges on the same court having different terms of office, in individual term limits being legislated with respect to individual judicial appointments, and generally in unduly threatening the independence of the judiciary. Vote 15-0.

HB 128, requiring tenants to execute a financial affidavit as part of the eviction process. **INEXPEDIENT TO LEGISLATE.**

Rep. Norman A. Tregenza for Judiciary: The purpose of this bill is to mandate that if the court renders a money verdict against a tenant in default, that the tenant shall within 7 days submit a financial affidavit and current address. A tenant would be subject to a \$300 fine for failing to supply this information to the court. The committee felt that this bill exceeded the bar of fair balance between landlord and tenant. Vote 17-0.

HB 286, changing district court jurisdiction over the town of Weare. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M. Sorg for Judiciary: This bill would have changed district court jurisdiction over the Town of Weare from the Goffstown district to the Henniker-Hillsborough district. It had been filed at the request of the police chief of Weare, who after the bill had been introduced decided that the change was not needed after all, and requested the sponsors that it be withdrawn. Vote 15-0.

HB 297, allowing municipalities to establish municipal courts. **INEXPEDIENT TO LEGISLATE.**

Rep. Lenette M. Peterson for Judiciary: The bill would allow municipalities to create local courts to enforce violation level offenses. The committee felt this would be an extra burden on the towns financially and there was not enough information towards salaries. Vote 16-0.

HB 346, to incorporate the bar association of the state of New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M. Weber for Judiciary: The stated purpose of this bill is to incorporate the bar association of the state of New Hampshire. The language proposed in the bill to accomplish

the incorporation is the same as that which was actually used to charter the bar association of the State of New Hampshire in 1873, although the name of the organization was changed in 1967 to the New Hampshire bar association. Today, the bar association exists as a private not-for-profit corporation. Passage of this bill would, because of the name change, create a new and parallel bar association. The committee was not persuaded that there is any need for this duplication of effort. Vote 13-1.

HB 436*, establishing a committee to study the guardian ad litem board. **INEXPEDIENT TO LEGISLATE.*

Rep. Gregory M. Sorg for Judiciary: This bill would establish a committee to study the membership, duties and organizational structure of the guardian ad litem board established under authority of RSA 490-C, and to report to the legislature and governor its findings and recommendations for any proposed remedial legislation. This is one of several bills that have been referred to the committee on the functioning of the various components of the family court system. The committee concluded that HB 614 provides a better, more economical vehicle for undertaking a review of the guardian ad litem board than this bill. Vote 14-0.

HB 534-FN-A*, relative to nonprofit reporting requirements with the division of charitable trusts, department of justice and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.*

Rep. Gregory M. Sorg for Judiciary: This bill calls for the appropriation of \$45,000 to the division of charitable trusts of the department of justice for the purpose of paying the startup costs to allow the electronic filing of the reporting forms required under authority of RSA 7:28. The committee was intrigued by the efficiencies such a change could bring about, but concluded that by reason of the budget constraints that this session of the Legislature has made a priority, coupled with the testimony of the assistant director that the activities of the division are already fully funded by the fees charged to regulated trusts, this bill should not be passed this year. Vote 16-1.

HB 270-FN-L*, relative to cost recovery for emergency services. **INEXPEDIENT TO LEGISLATE.*

Rep. Timothy D. Copeland for Municipal and County Government: This bill is discriminatory in nature to the general public at large who are not residents of a municipality whose emergency services respond to an incident within that municipality, then charges a fee for services rendered to only non residents of that municipality through a current insurance policy, if insured. This bill could possibly instill fears in people that have knowledge of its existence, if it becomes law, giving people reservations about calling for those services, generating insurance claims and possible increases in their insurance policy renewals. People should not fear calling for help when in distress or disabled. Vote 15-0.

HB 288-FN-L*, relative to payment for election services to unincorporated places. **OUGHT TO PASS.*

Rep. Betsey L. Patten for Municipal and County Government: Unincorporated places usually have no residents living in them. However, Hales Location in Carroll County now has 136 registered voters and are designed by the secretary of state to vote in the town of Conway. HB 288 would enable the county in which the unincorporated place is located to pay the town where the residents vote the costs of the election. Those costs will be charged to the unincorporated place so this will have no fiscal impact on any other county taxpayers. Vote 15-0.

HB 303-FN*, relative to the regulation of planned unit developments. **INEXPEDIENT TO LEGISLATE.*

Rep. James E. Coffey for Municipal and County Government: This bill is unnecessary

because the subject is presently well regulated by the municipalities local planning and zoning authority. This bill as written will usurp local planning and zoning regulations by subjecting the final approval of a planned unit development to a popular vote without any method of appeal for the property owner. Vote 15-0.

HB 319*, relative to the use of clotheslines. **INEXPEDIENT TO LEGISLATE.*

Rep. Kathleen M. Stroud for Municipal and County Government: Restrictions on the use of clotheslines contained in the bylaws of co-op, condominium and homeowners' associations are private contracts. These binding contracts are entered into voluntarily, and can be amended by mutual consent of all parties. Vote 13-0.

***HB 406-L*, relative to the additional fee for the licensing and restraining of dogs.**

INEXPEDIENT TO LEGISLATE.

Rep. James E. Coffey for Municipal and County Government: This bill allows local governing bodies to raise the fee for a dog license up to three dollars over the regular fee set by statute. The committee believes that it is inappropriate to promote increases in fees or taxes at this time. Vote 15-0.

HB 44*, designating segments of the Oyster River as a protected river. **OUGHT TO PASS WITH AMENDMENT.*

Rep. Lawrence M. Kappler for Resources, Recreation and Development: This bill designates segments of the Oyster River as a protected river. The Oyster River watershed association held a very successful outreach of the riparian landowners and all four towns the river passes through. Some of this nomination consists of lower than fourth order rivers. With a current strong statewide opposition to some of the comprehensive shoreland protection act (CSPA) rules, the committee amended the bill exempting "all first, second, and third order rivers from CSPA setback requirements", thus protecting all the hard work of the nominating committee, and the wishes of the local residents and communities. The New Hampshire department of environmental services (DES) report to the general court clearly illustrates that the general court should adopt this designation into legislation. Vote 16-0.

Amendment (0120h)

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

AN ACT designating segments of the Oyster River as a protected river and exempting certain portions of the Oyster River from the provisions of the comprehensive shoreland protection act.

Amend RSA 483:15, XVII as inserted by section 1 of the bill by replacing it with the following:

XVII. Oyster River:

(a)(1) As a rural-community river immediately downstream of the Hall Road Bridge in Barrington to the upstream side of Old Mill Road in Lee.

(2) As a rural river from the upstream side of Old Mill Road in Lee to the upstream side of Route 155 crossing in Lee.

(3) As a rural-community river from the upstream side of Route 155 crossing in Lee to the upstream side of the Oyster River Dam in Durham.

(4) As a community river from the upstream side of the Oyster River Dam in Durham to the Mill Pond Dam in Durham.

(b) All 1st, 2nd, and 3rd order portions of the Oyster River shall be exempt from the comprehensive shoreland protection act under RSA 483-B.

AMENDED ANALYSIS

This bill designates segments of the Oyster River as a protected river.

This bill exempts 1st, 2nd, and 3rd order portions of the Oyster River from the provisions of the comprehensive shoreland protection act.

HB 278, setting the natural high water mark of Ossipee Lake. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Harry C. Merrow for Resources, Recreation and Development: In 1933, the natural high water mark of Ossipee Lake was set at 410' Mean Sea Level (MSL). There is no record of how this is set. This is a dammed lake, so the natural high water mark is considerably less. The department of environmental services (DES) is in agreement with this. The 410' MSL mark is causing considerable problems as many lots are below 410' and buildings were constructed prior to the shoreline protection act. As a result of this, building permits are being denied and DES has indicated to some people that they don't own the land their home is built on. Ossipee, Freedom and Effingham get a huge amount of taxes from the lake. These taxes could be in jeopardy if this were not passed. Selectmen from all three towns support this bill. Extensive testimony indicated that 407.25' MSL was the proper elevation to use. Vote 15-0.

Amendment (0297h)

Amend RSA 271:20, III as inserted by section 1 of the bill by replacing it with the following:

III. The natural high water mark of Ossipee Lake as set by the general court is 407.25 feet above mean sea level.

HB 336, designating segments of the Mascoma River as a protected river. **OUGHT TO PASS.**

Rep. Lawrence M. Kappler for Resources, Recreation and Development: This bill nominates a little over 25 miles of the Mascoma River as a protected river, including 2.8 miles that pass through a portion of the Mascoma Lake. All of this nominated portion is a fourth order river resulting in no additional CSPA setback requirements. This portion is extremely rich in culture, scoring 60 out of a possible 60 points, in this nomination category. Three years of riparian landowner and watershed community outreach resulted in unanimous support for this nomination. The New Hampshire department of environmental services (DES) report to the general court clearly illustrates that the general court should adopt this designation into legislation. Vote 15-0.

HB 555, relative to the designation of the Lower Exeter/Squamscott River as a protected river. **OUGHT TO PASS.**

Rep. Lawrence M. Kappler for Resources, Recreation and Development: This bill adds the remaining downstream portion of the Exeter/Squamscott River to the tidal segment. This addition is all fourth order river, highly supported by the three towns it passes through and their residents. This addition to the already protected river is only a little over eight miles. Vote 13-0.

HB 216, relative to the instructional authority of school boards. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David W. Hess for Special Committee on Education Funding Reform: This bill affirms in statute current and recommended practices already followed in many school districts. It reinforces one of the most critical roles our local school boards play in the partnership with the state to provide a quality education to our children. It enshrines at the local level the duty to adopt instructional policies to ensure teacher accountability and implement substantive state standards, guidelines and criteria while retaining local flexibility in carrying out those responsibilities. Finally, the amendment to this bill clarifies that this local school board authority extends to all schools under its jurisdiction, but not to charter schools or home schoolers located within its geographical boundaries. Vote 13-0.

Amendment (0207h)

Amend RSA 189:1-a, II as inserted by section 1 of the bill by replacing it with the following:

II. Elected school boards shall be responsible for establishing the structure, accountability, advocacy, and delivery of instruction in each school operated and governed in its district. To accomplish this end, and to support flexibility in implementing diverse educational approaches, school boards shall establish, in each school operated and governed in its district, instructional policies that establish instructional goals based upon available information about the knowledge and skills pupils will need in the future.

AMENDED ANALYSIS

This bill requires school boards to be responsible for establishing the structure, accountability, advocacy, and delivery of instruction.

HB 299-FN, relative to the method of financing for the judicial retirement plan. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth Hawkins for Special Committee on Public Employee Pensions Reform: This bill would allow the judicial retirement system RSA 100-C to use a 30 year time period to pay off the unfunded liability that the NH Retirement System uses instead of the Twenty year time period now used. It would result in a \$409,000 per year savings in state payments to the system. Vote 11-0.

Amendment (0140h)

Amend the bill by replacing section 1 with the following:

1 Method of Financing; Unfunded Accrued Liability. Amend RSA 100-C:13, III(d) to read as follows:

(d) Immediately following the actuarial valuation prepared under paragraph I, the board shall have an actuary determine the amount of the unfunded accrued liability as the amount of the total liabilities of the state annuity accumulation fund which is not dischargeable by the total of the funds in hand to the credit of the state annuity accumulation fund, and the normal contributions to be made on account of the members during the remainder of their active service. The amount so determined shall be known as the "unfunded accrued liability." On the basis of the unfunded accrued liability, the board shall have an actuary determine the level annual contribution required to discharge such amount over a period of ~~[20 years from the date of implementation of this chapter]~~ **30 years or the maximum period allowed by standards adopted by the Government Accounting Standards Board, whichever is less.**

HB 537-FN, reducing retirement allowances paid by the New Hampshire retirement system. **INEXPEDIENT TO LEGISLATE.**

Rep. Steven J. Winter for Special Committee on Public Employee Pensions Reform: Prior to the hearing on this bill, the committee was presented a testimony letter from the NH Retirement System stating that the bill as written was contrary to Internal Revenue Service Code to qualify the plan for favorable tax treatment (a tax exempt plan.) As a result of that information, the committee had no choice other than to recommend ITL for this bill. Vote 12-0.

HB 132, adopting and implementing the United States flag code. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank H. McCarthy for State-Federal Relations and Veterans Affairs: This bill adopts the United States flag code, codified at 4 USC sections 1 through 10, as amended, and the provisions of this chapter are herein adopted as the flag code for the state of New Hampshire. This bill will provide uniform guidelines for display, use and handling of the United States flag. The bill also includes additional occasions on which the flag may be flown at half-staff and provides that prohibitions on flying the flag at one's place of residence are unenforceable.

Vote 11-0.

Amendment (0260h)

Amend RSA 3-E:3 as inserted by section 1 of the bill by replacing it with the following:

3-E:3 Flag Display. No rule, ordinance, or agreement of any kind by a person, municipality, or other entity shall prohibit the flying of the United States flag from a private residence owned, rented, or used by a private person. Reasonable restrictions regarding the size of the flag or the manner in which the flag is displayed may be adopted and enforced.

Amend RSA 356-B:47-a as inserted by section 2 of the bill by replacing it with the following:

356-B:47-a Flag Display. Pursuant to the Freedom to Display the American Flag Act of 2005, Public Law 109-243, and notwithstanding any provision in the condominium instruments to the contrary, the unit owners' association shall not prohibit the outdoor display of the United States flag in a manner consistent with the United States flag code and RSA 3-E. The association may adopt reasonable rules regarding the size of the flag and the manner in which the flag is displayed. When a flag is flown from the unit owner's balcony or deck, from a bracket, the flag may extend over the vertical line of the unit owner's outboard deck line, which would put the flag into the common area, versus the unit owner's private space.

HB 285, prohibiting smoking in motor vehicles when a passenger under the age of 16 is in the vehicle. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard W. Hinch for Transportation: This bill prohibits smoking in motor vehicles when a passenger under the age of 16 is in the vehicle. The transportation committee was nearly unanimous in its opinion that this bill is unnecessary and unenforceable. Although the sentiment of the committee was that smoking is a severe health issue and we must be concerned about the adverse affects of second hand smoke, law enforcement indicated that such a law would be an enforcement nightmare. Vote 14-1.

HB 399, relative to nonresident registration of motor vehicles. **OUGHT TO PASS.**

Rep. John R. Cloutier for Transportation: This bill would allow nonresidents who exclusively "garage" or keep their vehicles in New Hampshire to register their vehicles in our state as a nonresident. This bill amends present law which states that nonresidents could register their vehicles in the state as nonresidents if they garaged or kept their vehicles primarily in New Hampshire for at least 350 days per year. Testimony was given at the bill's public hearing that many of our state's city and town clerks believe that present law is unenforceable and costs our municipalities the loss of revenue from uncollected fees. Thus, the city and town clerks support passage of this bill. Vote 13-2.

HB 502-FN, relative to low-digit number plates. **INEXPEDIENT TO LEGISLATE.**

Rep. Sherman A. Packard for Transportation: This bill would have every license plate from 1 to 9999 that is currently on a vehicle taken from the owners regardless of how long these people have had these plates - 1 year to 40 or 50 years. It would then set up a lottery system and if you were lucky enough to win a plate it will cost you a minimum of \$250 extra. This is setting up a new category of plates for the rich. The average working or retired person would in most cases be unable to pay the extra fee even if they were lucky in the lottery. This would be an extravagant new fee on thousands of our citizens. Vote 14-0.

HB 72-FN-A, establishing a state aeronautical fund. **OUGHT TO PASS.**

Rep. Joe Osgood for Ways and Means: This bill establishes a state aeronautical fund and authorizes the commissioner of the department of transportation to accept donations to the fund. The moneys in the fund shall be non-lapsing and continually appropriated to the Department for the purposes of funding maintenance and for planning and implementing capital improvements for the public airport system located within the state. This is

especially helpful to airports that receive no federal funds. Vote 18-1.

HB 209, establishing a study committee to recommend a continuing revenue estimating process to produce revenue forecasts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patrick F. Abrami for Ways and Means: This bill would establish a study committee to determine if there is a better way in which the legislature can do its revenue estimating. The committee would be charged with investigating if there are more accurate approaches to projecting revenue. The committee would reach out to other state legislatures, corporations, and others to determine whether there are other revenue estimating approaches that have proven to result in more accurate estimates. The bill was amended to increase the House representation to four on the committee, to broaden the type of economists that the committee would be able to solicit testimony, and to insure that cost would be determined for each alternative revenue projection approach presented. It was the unanimous belief of the committee that it should always attempt to improve upon its revenue projection techniques. Vote 18-0.

Amendment (0379h)

Amend subparagraph I(a) as inserted by section 2 of the bill by replacing it with the following:

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

Amend paragraph III as inserted by section 3 of the bill by replacing it with the following:

III. Study the processes, formal structure, and costs that other states have put in place to manage both short and long term economic and revenue forecasting, and compare their records of success with that of New Hampshire.

Amend paragraph V as inserted by section 3 of the bill by replacing it with the following:

V. Solicit information and testimony from individuals and entities with experience or expertise relevant to the study, including:

- (a) The governor's budget director.
- (b) The commissioner of the department of revenue administration.
- (c) The commissioner of the department of administrative services.
- (d) The heads of other government agencies that contribute substantially to state

revenues.

- (e) The legislative budget assistant.
- (f) Economists.
- (g) Members of the New Hampshire business community.

HB 469-FN-A, establishing a credit against the business enterprise tax for operators collecting meals and rooms taxes. **INEXPEDIENT TO LEGISLATE.**

Rep. Bill Ohm for Ways and Means: This bill would have established a 5 percent credit against the BET for operators collecting meals and rooms taxes on top of the 3 percent commission they currently get. The committee was concerned that the bill would create an unconstitutional special class of taxpayers. A straightforward alternative would have been to simply increase the 3 percent commission now being paid. Vote 18-0.

REGULAR CALENDAR

HB 172, relative to transporting school children to school and school-supported activities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ralph G. Boehm for Education: This bill would continue the practice that was in effect until a few years ago. This bill would allow local school districts to transport students in school district vehicles or their contracted vehicles with their own drivers. This bill will save local districts money. Vote 16-1.

Amendment (0094h)

Amend RSA 259:96-a as inserted by section 2 of the bill by replacing it with the following:

259:96-a Mixed Use School Bus. "Mixed use school bus" shall mean a ~~[privately owned]~~ vehicle, including a station wagon, suburban, *passenger van*, panel body vehicle, ~~[and vehicles]~~ **or vehicle** converted to a school bus, ~~[but excluding a passenger vehicle,]~~ **which bears a valid state inspection sticker and is** employed principally in transporting schoolchildren to and from school or school activities ~~[by virtue of a contract with a school board authority].~~

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 631-FN-L, repealing the requirement that all school districts offer public kindergarten.

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

Rep. Ralph G. Boehm for Majority of Education: This bill was introduced because of the questionable constitutional mandate of a couple of years ago. However, since every school district now has kindergarten, this bill would be superfluous. Vote 12-3.

Rep. J. R. Hoell for the Minority of Education: This bill is not about eliminating kindergarten; this bill is about giving local control to the voters to determine how best to finance and educate the children residing in their district. The previous legislation (2008, Ch. 384, SB 530) specifically bypassed voter approval on creating and expanding school systems at the local level. The town of Hudson in 2009 voted 2046 to 1053 against spending the \$1.2 million on expanding their school system and went to court to oppose this statewide mandate. This bill removes this state mandate and restores back to local control, issues important to the voters regarding the education of the children in their district.

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

Reps. Boehm and Gile spoke in favor.

Rep. Dan McGuire spoke against.

Rep. Gile requested a roll call; sufficiently seconded.

YEAS 213 NAYS 134

YEAS 213

BELKNAP

Accornero, Harry
Pilliod, James

Bolster, Peter
St. Cyr, Jeffrey

Fields, Dennis
Tilton, Franklin

Greemore, Robert
Tobin, William

CARROLL

Babson, David Jr
Pettengill, Laurie

Fleck, Joseph
Scala, Dino

Knox, J. David
Schmidt, Stephen

McConkey, Mark
Umberger, Karen

CHESHIRE

Byrnes, John
Dwinell, Richard
Lindsey, Steven
Parkhurst, Henry
Sterling, Franklin Jr

Carr, Daniel
Emerson, Susan
Meador, David
Roberts, Kris
Tatro, Bruce

Cartwright, Anne
Hawkes, Samuel
Moore, Charles
Sad, Tara
Weber, Lucy

Chase, Cynthia
Johnson, Jane
Moore, Robert Jr
Smith, Edwin
Weed, Charles

COOS

Coulombe, Gary
Remick, William

Daugherty, Duffy
Richardson, Herbert

Hatch, William
Theberge, Robert

Merrick, Evalyn

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Brosseau, Charles
Cooney, Mary	Eaton, Stephanie	Gould, Franklin	Harding, Laurie
Ladd, Rick Jr	Nordgren, Sharon	Pastor, Beatriz	Pierce, David
Reilly, Harold Sr	Shackett, Jeffrey	Simard, Paul	Smith, Suzanne
Sorg, Gregory	Taylor, Kathleen	Townsend, Charles	White, Andrew

HILLSBOROUGH

Balboni, Michael	Ball, J. Michael	Baroody, Benjamin	Barry, Richard
Boehm, Ralph	Brown, Kevin	Brownrigg, Randall Jr	Brunelle, Michael
Campbell, David	Cebrowski, John	Christiansen, Lars	Condra, William
Cusson-Cail, Kathleen	Doherty, Shaun	Drisko, Richard	Flanagan, Jack
Fredette, Robert	Gagne, Larry	Gandia, Laura	Gargas, Carolyn
Garrity, Patrick	Gidge, Kenneth	Gimas, John	Goley, Jeffrey
Gonzalez, Carlos	Gorman, Mary	Graham, John	Hansen, Peter
Hardwick, Harry	Hogan, Edith	Holden, Frank	Hopper, Gary
Hutchinson, Winfred	Jeudy, Jean	Kurk, Neal	Levasseur, Nickolas
Long, Patrick	Messier, Irene	Moran, Edward	Palmer, Barry
Parison, James	Pellegrino, Tony	Pilotte, Maurice	Porter, Marjorie
Proulx, Mark	Reed, Michael	Rhodes, Brian	Rokas, Ted
Rosenwald, Cindy	Rowe, Robert	Seidel, Carl	Souza, Kathleen
Sullivan, Daniel	Terrio, Ross	Twombly, Timothy	Ulery, Jordan
Whitehead, Randall			

MERRIMACK

Blankenbeker, Lynne	Bouchard, Candace	Deloge, Helen	DeStefano, Stephen
Frazer, June	Gile, Mary	Giuda, J. Brandon	Hill, Gregory
Keane, Thomas	Kidder, David	Kotowski, Frank	Lauer-Rago, Kathleen
Lockwood, Priscilla	MacKay, James	Owen, Derek	Patten, Dick
Potter, Frances	Richardson, Gary	Shurtleff, Stephen	Watrous, Rick
Williams, Robert			

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Antosz, Jason	Birdsell, Regina
Cali-Pitts, Jacqueline	Case, Frank	Chirichiello, Brian	Comerford, Timothy
Copeland, Timothy	Devine, James	DiPentima, Rich	Fesh, Robert
Garrity, James	Gould, Kenneth	Headd, James	Hutchinson, Karen
Introne, Robert	Itse, Daniel	Katsakiores, Phyllis	Lovejoy, Patricia
Lundgren, David	MacMahon, Bruce	Major, Norman	Mauro, Donna
McKinney, Betsy	Moody, Marcia	Murphy, Brian	Nevins, Chris
Norelli, Terie	O'Connor, John	Pantelakos, Laura	Peckham, Michele
Powers, James	Quandt, Marshall	Read, Robin Jr	Reichard, Kevin
Sanders, Elisabeth	Sapareto, Frank	Schlachman, Donna	Sedensky, John
Smith, William	Sullivan, James	Sullivan, Kevin	Tamburello, Daniel
Tucker, Pamela	Waddell, James	Ward, Joanne	Weyler, Kenneth

STRAFFORD

Andolina, Donald	Berube, Roger	Browne, Brendon	Ginsburg, Philip
Grassie, Anne	Hofemann, Roland	Hooper, Dorothea	Horrigan, Timothy
Kaen, Naida	Keans, Sandra	Pelletier, Marsha	Roberts, Jenna
Schmidt, Peter	Spainhower, Dale	Spang, Judith	Wall, Janet
Watters, David			

SULLIVAN

Cloutier, John
Lovett, Charlene

Gagnon, Raymond
Rodeschin, Beverly

LaCasse, Paul Sr
Schmidt, Andrew

Lefebvre, Benjamin

NAYS 134

BELKNAP

Comtois, Guy
Russell, David

Kingsbury, Robert
Simpson, Tyler

Luther, Robert
Swinford, Elaine

Malone, Robert
Worsman, Colette

CARROLL

Chandler, Gene
Tregenza, Norman

McCarthy, Frank

Morrow, Harry

Patten, Betsey

CHESHIRE

Hunt, John

COOS

Rappaport, Laurence

Tholl, John Jr

Tremblay, Marc

GRAFTON

Bulis, Lyle
Sova, Charles

Gionet, Edmond

Ingbretson, Paul

Mirski, Paul

HILLSBOROUGH

Avard, Kevin
Bergevin, Jerry
DeJong, Cameron
Haefner, Robert
Katsiantonis, Thomas
Maltz, Jonathan
McGuinness, Sean
Ohm, Bill
Robbins, David
Stepanek, Stephen
Vaillancourt, Steve

Barry, J. Gail
Burt, John
Donovan, Daniel
Hikel, John
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Palmer, Stephen
Scotsas, Lisa
Stroud, Kathleen
Villeneuve, Moe

Belanger, James
Coffey, James
Erickson, Duane
Hinch, Richard
Lambert, George
McCarthy, Michael
Notter, Jeanine
Peterson, Lenette
Silva, Peter
Swank, Matthew
Warden, Mark

Belvin, William
Daniels, Gary
Greazzo, Phil
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Ober, Russell III
Renzullo, Andrew
Soucy, Connie
Thomas, Joseph
Willette, Robert

MERRIMACK

Coffey, Jennifer
Kreis, Kenneth Sr
McGuire, Dan
Smith, Todd

Cohn, Seth
Lindsley, Mark
Reed, Dennis
Winter, Steven

Cox, Sean
McDonnell, John
Sanborn, Laurie

Hoell, J.R.
McGuire, Carol
Seaworth, G. Brian

ROCKINGHAM

Azarian, Gary
Brown, Paul
Duarte, Joe
Griffin, Mary
Kolodziej, Walter

Baldasaro, Alfred
Charron, Gene
Elliott, Robert
Hagan, Joseph
Manuse, Andrew

Bates, David
Davenport, Joshua
Ferrante, Beverly
Hoelzel, Kathleen
McMahon, Charles

Bettencourt, David
Dowling, Patricia
Garcia, Marilinda
Kappler, Lawrence
Okerman, Richard

Oligny, Jeffrey
Ritter, Glenn
Sytek, John
Webb, James

Quandt, Matt
Schroadter, Adam
Tasker, Kyle
Welch, David

Reagan, John
Sheffert, Kenneth
Tremblay, Stella
Wheaton, Gary

Rice, Frederick
Shuler, Wyman III
Waterhouse, Kevin

STRAFFORD

Cataldo, Sam
Jones, Kyle
O'Connor, William
Vita, Lucien

DeLemus, Susan
Jones, Laura
Parsons, Robbie
Weeden, Michael

Groen, Warren
Larsen, Kirsten
Pitre, Joseph

Harty, Martin
Newton, Clifford
Vita, Carol

SULLIVAN

Bowers, Spec
Smith, Steven

Cunningham, Steven

Laware, Thomas

Osgood, Joe

and the majority committee report was adopted.

Rep. Katsiantonis voted Nay and intended to vote Yea.

Rep. Lars Christiansen voted Yea and intended to vote Nay.

HB 417-FN-A, making an appropriation to the milk producers emergency relief fund.

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

Rep. Tara A. Sad for the Majority of Environment and Agriculture: Over the past four years, our dairy industry in NH has come perilously close to disappearing from our landscape. For much of 2009, our dairy farms lost approximately \$3 per cow per day, so an average farm – 110 milking cows – lost \$330 per day, \$10,230 per month and \$122,760 per year. This is through no fault of their own. Dairy farmers cannot set the price for their milk, but are at the mercy of the Federal Milk Marketing Order, a convoluted system of pricing based on the commodity futures at the Chicago Mercantile Exchange. The US Secretary of Agriculture recognizing the fact that the pricing system is broken, last year appointed a Dairy Industry Advisory Committee to investigate the problem and make recommendations to revamp the system. Unfortunately, this is tied to the next farm bill which has been delayed until 2013. Our farmers cannot wait for help. Let New Hampshire join Connecticut, Maine, Massachusetts, Vermont and New York in supporting our dairy farmers. The milk producers emergency relief fund was established 2007 and has yet to be funded. The majority feels that it is time we helped our dairy farmers. Vote 9-6.

Rep. Robert J. Malone for the Minority of Environment and Agriculture: This bill appropriates \$2,500,000 to the milk producers emergency relief fund. The state of New Hampshire is in no condition to spend money on bailouts geared towards dairy farming at this point in time. This bill takes money from taxes and fees from struggling individuals and businesses to bailout others that are struggling to turn a profit which doesn't make any sense.

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

Rep. Ladd spoke in favor.

Rep. Groen spoke against.

Rep. Sad spoke in favor and yielded to questions.

Rep. Burt requested a roll call; sufficiently seconded.

YEAS 112 NAYS 239

YEAS 112

BELKNAP

Fields, Dennis

Greemore, Robert

CARROLL

Babson, David Jr

CHESHIRE

Carr, Daniel
Hawkes, Samuel
Meador, David
Tatro, Bruce

Cartwright, Anne
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Chase, Cynthia
Johnson, Jane
Roberts, Kris
Weed, Charles

Emerson, Susan
Lindsey, Steven
Sad, Tara

COOS

Coulombe, Gary
Richardson, Herbert

Hatch, William
Theberge, Robert

Merrick, Evalyn
Thomas, Yvonne

Remick, William

GRAFTON

Aguiar, James
Harding, Laurie
Pierce, David
Townsend, Charles

Benn, Bernard
Ladd, Rick Jr
Reilly, Harold Sr
White, Andrew

Cooney, Mary
Nordgren, Sharon
Smith, Suzanne

Gould, Franklin
Pastor, Beatriz
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin
Garrity, Patrick
Judy, Jean
Mecheski, Holly
Rhodes, Brian
Sullivan, Daniel

Brunelle, Michael
Gidge, Kenneth
Katsiantonis, Thomas
Messier, Irene
Rokas, Ted

Campbell, David
Goley, Jeffrey
Levasseur, Nickolas
Pilotte, Maurice
Rosenwald, Cindy

Condra, William
Gorman, Mary
Long, Patrick
Porter, Marjorie
Shaw, Barbara

MERRIMACK

Bouchard, Candace
Gile, Mary
Owen, Derek
Shurtleff, Stephen

Deloge, Helen
Kidder, David
Patten, Dick
Watrous, Rick

DeStefano, Stephen
Lockwood, Priscilla
Potter, Frances
Williams, Robert

Frazer, June
MacKay, James
Richardson, Gary

ROCKINGHAM

Cali-Pitts, Jacqueline
Hutchinson, Karen
Moody, Marcia
Quandt, Marshall
Sapareto, Frank

Case, Frank
Lovejoy, Patricia
Norelli, Terie
Read, Robin Jr
Schlachman, Donna

DiPentima, Rich
Lundgren, David
Pantelakos, Laura
Reichard, Kevin

Gould, Kenneth
McKinney, Betsy
Powers, James
Sanders, Elisabeth

STRAFFORD

Berube, Roger
Grassie, Anne
Keans, Sandra
Spainhower, Dale

Brown, Julie
Hooper, Dorothea
Pelletier, Marsha
Spang, Judith

Browne, Brendon
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

Ginsburg, Philip
Kaen, Naida
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

NAYS 239

BELKNAP

Accornero, Harry
Luther, Robert
Simpson, Tyler
Tobin, William

Bolster, Peter
Malone, Robert
St. Cyr, Jeffrey
Worsman, Colette

Comtois, Guy
Pilliod, James
Swinford, Elaine

Kingsbury, Robert
Russell, David
Tilton, Franklin

CARROLL

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Schmidt, Stephen

Knox, J. David
Patten, Betsey
Tregenza, Norman

McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

CHESHIRE

Byrnes, John
Moore, Robert Jr

Dwinell, Richard
Smith, Edwin

Hunt, John
Sterling, Franklin Jr

Moore, Charles

COOS

Daugherty, Duffy

Rappaport, Laurence

Tholl, John Jr

Tremblay, Marc

GRAFTON

Brosseau, Charles
Ingbretson, Paul
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Eaton, Stephanie
Shackett, Jeffrey

Gionet, Edmond
Simard, Paul

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Cebrowski, John
Daniels, Gary
Drisko, Richard
Gagne, Larry
Gonzalez, Carlos
Hansen, Peter
Hogan, Edith
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Ober, Russell III
Parison, James
Reed, Michael
Scontsas, Lisa
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Balboni, Michael
Belanger, James
Brown, Kevin
Christiansen, Lars
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Graham, John
Hardwick, Harry
Holden, Frank
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Ohm, Bill
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Ball, J. Michael
Belvin, William
Brownrigg, Randall Jr
Coffey, James
Doherty, Shaun
Flanagan, Jack
Gargasz, Carolyn
Greazzo, Phil
Hikel, John
Hopper, Gary
Kurk, Neal
Marcus, Bruce
Moran, Edward
Palmer, Barry
Peterson, Lenette
Robbins, David
Silva, Peter
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

Barry, J. Gail
Bergevin, Jerry
Burt, John
Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert
Gimas, John
Haefner, Robert
Hinch, Richard
Hutchinson, Winfred
Lambert, George
McCarthy, Michael
Notter, Jeanine
Palmer, Stephen
Proulx, Mark
Rowe, Robert
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon

Coffey, Jennifer
Hill, Gregory

Cohn, Seth
Hoell, J.R.

Cox, Sean
Keane, Thomas

Kotowski, Frank
McDonnell, John
Sanborn, Laurie

Kreis, Kenneth Sr
McGuire, Carol
Seaworth, G. Brian

Lauer-Rago, Kathleen
McGuire, Dan
Smith, Todd

Lindsley, Mark
Reed, Dennis
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Copeland, Timothy
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Major, Norman
Murphy, Brian
Oligny, Jeffrey
Ritter, Glenn
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Webb, James

Allen, Mary
Bates, David
Charron, Gene
Davenport, Joshua
Elliott, Robert
Garritty, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Nevins, Chris
Peckham, Michele
Schroadter, Adam
Smith, William
Tamburello, Daniel
Waddell, James
Welch, David

Antosz, Jason
Bettencourt, David
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Quandt, Matt
Sedensky, John
Sullivan, James
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Itse, Daniel
MacMahon, Bruce
McMahon, Charles
Okerman, Richard
Rice, Frederick
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin
Wheaton, Gary

STRAFFORD

Andolina, Donald
Harty, Martin
Larsen, Kirsten
Pitre, Joseph
Weeden, Michael

Cataldo, Sam
Hofemann, Roland
Newton, Clifford
Vita, Carol

DeLemus, Susan
Jones, Kyle
O'Connor, William
Vita, Lucien

Groen, Warren
Jones, Laura
Parsons, Robbie
Watters, David

SULLIVAN

Bowers, Spec
Laware, Thomas
Schmidt, Andrew

Cunningham, Steven
Lovett, Charlene
Smith, Steven

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

and the majority committee report failed.

Rep. Bettencourt moved the minority report of Inexpedient to Legislate.

Minority committee report adopted.

HB 373, proclaiming June 3 each year in dedication of the sermon by Reverend Samuel McClintock on the commencement of the New Hampshire constitution and relative to the observance of Federal Constitution Days. **INEXPEDIENT TO LEGISLATE.**

Rep. John Sytek for Executive Departments and Administration: The committee most reluctantly makes the ITL recommendation. The entire committee wishes to see our constitutions honored by all our citizenry and to see a time set aside for that purpose. The majority was troubled by several things. The calendar already has such observations and that such a proclamation would be of questionable value. The committee did not want to see something of this importance possibly ignored or shrugged off. The minority feels that the civic and educational value is worth the risk. Vote 10-3.

Reps. Bergevin and Winter spoke against.

Rep. Bates spoke against and yielded to questions.

Rep. Sytek spoke in favor.

Rep. Carol McGuire yielded to questions.

Rep. Bergevin requested a roll call; sufficiently seconded.

YEAS 219 NAYS 133

YEAS 219

BELKNAP

Accornero, Harry
Russell, David

Bolster, Peter

Malone, Robert

Pilliod, James

CARROLL

Babson, David Jr
McConkey, Mark
Umberger, Karen

Chandler, Gene
Merrow, Harry

Fleck, Joseph
Patten, Betsey

Knox, J. David
Schmidt, Stephen

CHESHIRE

Byrnes, John
Hawkes, Samuel
Lindsey, Steven
Roberts, Kris
Weber, Lucy

Carr, Daniel
Hunt, John
Meader, David
Sad, Tara
Weed, Charles

Chase, Cynthia
Johnsen, Gladys
Moore, Robert Jr
Smith, Edwin

Dwinell, Richard
Johnson, Jane
Parkhurst, Henry
Tatro, Bruce

COOS

Coulombe, Gary
Rappaport, Laurence
Thomas, Yvonne

Daugherty, Duffy
Remick, William
Tremblay, Marc

Hatch, William
Theberge, Robert

Merrick, Evalyn
Tholl, John Jr

GRAFTON

Aguiar, James
Cooney, Mary
Ladd, Rick Jr
Shackett, Jeffrey
Townsend, Charles

Almy, Susan
Eaton, Stephanie
Nordgren, Sharon
Simard, Paul
White, Andrew

Benn, Bernard
Gould, Franklin
Pastor, Beatriz
Smith, Suzanne

Bulis, Lyle
Harding, Laurie
Pierce, David
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin
Belvin, William
Campbell, David
Erickson, Duane
Gidge, Kenneth
Gorman, Mary
Hinch, Richard
Kurk, Neal
Maltz, Jonathan
McGuinness, Sean
Palmer, Barry
Rhodes, Brian
Rowe, Robert
Swank, Matthew
Villeneuve, Moe

Barry, J. Gail
Boehm, Ralph
Cebrowski, John
Flanagan, Jack
Gimas, John
Graham, John
Hutchinson, Winfred
LeBrun, Donald
Marcus, Bruce
Moran, Edward
Pilotte, Maurice
Robbins, David
Shaw, Barbara
Terrio, Ross

Barry, Richard
Brown, Kevin
Cusson-Cail, Kathleen
Gargas, Carolyn
Goley, Jeffrey
Haefner, Robert
Jasper, Shawn
Levasseur, Nickolas
McCarthy, Michael
Ober, Russell III
Porter, Marjorie
Rokas, Ted
Stepanek, Stephen
Thomas, Joseph

Belanger, James
Brunelle, Michael
Drisko, Richard
Garritty, Patrick
Gonzalez, Carlos
Hansen, Peter
Katsiantonis, Thomas
Long, Patrick
McClarren, Donald
Ohm, Bill
Renzullo, Andrew
Rosenwald, Cindy
Stroud, Kathleen
Vaillancourt, Steve

MERRIMACK

Blankenbeker, Lynne
Deloge, Helen

Bouchard, Candace
DeStefano, Stephen

Cohn, Seth
Frazer, June

Cox, Sean
Gile, Mary

Hill, Gregory
Lockwood, Priscilla
McGuire, Dan
Richardson, Gary
Watrous, Rick

Kidder, David
MacKay, James
Owen, Derek
Seaworth, G. Brian
Williams, Robert

Kreis, Kenneth Sr
McDonnell, John
Patten, Dick
Shurtleff, Stephen

Lindsley, Mark
McGuire, Carol
Potter, Frances
Wallner, Mary Jane

ROCKINGHAM

Allen, Mary
Devine, James
Elliott, Robert
Garrity, James
Introne, Robert
McKinney, Betsy
Norelli, Terie
Powers, James
Reichard, Kevin
Sedensky, John
Tamburello, Daniel
Ward, Joanne

Azarian, Gary
DiPentima, Rich
Ferrante, Beverly
Gould, Kenneth
Katsakiores, Phyllis
McMahon, Charles
O'Connor, John
Quandt, Marshall
Ritter, Glenn
Smith, William
Tasker, Kyle
Weyler, Kenneth

Cali-Pitts, Jacqueline
Dowling, Patricia
Fesh, Robert
Griffin, Mary
Lovejoy, Patricia
Murphy, Brian
Oigny, Jeffrey
Read, Robin Jr
Sanders, Elisabeth
Sullivan, Kevin
Tucker, Pamela

Case, Frank
Duarte, Joe
Garcia, Marilinda
Headd, James
Major, Norman
Nevins, Chris
Pantelakos, Laura
Reagan, John
Schlachman, Donna
Sytek, John
Waddell, James

STRAFFORD

Andolina, Donald
Ginsburg, Philip
Hooper, Dorothea
Parsons, Robbie
Spang, Judith

Brown, Julie
Grassie, Anne
Kaen, Naida
Pelletier, Marsha
Sprague, Dale

Browne, Brendon
Harty, Martin
Keans, Sandra
Schmidt, Peter
Wall, Janet

DeLemus, Susan
Hofemann, Roland
O'Connor, William
Spainhower, Dale
Watters, David

SULLIVAN

Cloutier, John
Laware, Thomas
Rodeschin, Beverly

Cunningham, Steven
Lefebvre, Benjamin
Schmidt, Andrew

Gagnon, Raymond
Lovett, Charlene

Howard, Thomas
Osgood, Joe

NAYS 133

BELKNAP

Comtois, Guy
Luther, Robert
Tilton, Franklin

Fields, Dennis
Simpson, Tyler
Tobin, William

Greemore, Robert
St. Cyr, Jeffrey
Worsman, Colette

Kingsbury, Robert
Swinford, Elaine

CARROLL

McCarthy, Frank

Pettengill, Laurie

Scala, Dino

Tregenza, Norman

CHESHIRE

Cartwright, Anne

Emerson, Susan

Moore, Charles

Sterling, Franklin Jr

COOS

Richardson, Herbert

GRAFTON

Brosseau, Charles
Reilly, Harold Sr

Gionet, Edmond
Sorg, Gregory

Ingbretson, Paul
Sova, Charles

Mirski, Paul

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Bergevin, Jerry
Brownrigg, Randall Jr	Burt, John	Christiansen, Lars	Coffey, James
Condra, William	Daniels, Gary	DeJong, Cameron	Doherty, Shaun
Donovan, Daniel	Fredette, Robert	Gagne, Larry	Gandia, Laura
Greazzo, Phil	Hardwick, Harry	Hikel, John	Hogan, Edith
Holden, Frank	Hopper, Gary	Jeudy, Jean	Krasucki, Joseph
Lambert, George	Mecheski, Holly	Messier, Irene	Notter, Jeanine
Palmer, Stephen	Parison, James	Pellegrino, Tony	Peterson, Lenette
Proulx, Mark	Reed, Michael	Scontsas, Lisa	Seidel, Carl
Silva, Peter	Soucy, Connie	Souza, Kathleen	Sullivan, Daniel
Twombly, Timothy	Ulery, Jordan	Warden, Mark	Whitehead, Randall
Willette, Robert			

MERRIMACK

Coffey, Jennifer	Giuda, J. Brandon	Hoell, J.R.	Keane, Thomas
Kotowski, Frank	Lauer-Rago, Kathleen	Reed, Dennis	Sanborn, Laurie
Winter, Steven			

ROCKINGHAM

Abrami, Patrick	Antosz, Jason	Baldasaro, Alfred	Bates, David
Bettencourt, David	Birdsell, Regina	Brown, Paul	Charron, Gene
Chirichiello, Brian	Comerford, Timothy	Copeland, Timothy	Davenport, Joshua
Hagan, Joseph	Hoelzel, Kathleen	Hutchinson, Karen	Itse, Daniel
Kappler, Lawrence	Kolodziej, Walter	Lundgren, David	MacMahon, Bruce
Manuse, Andrew	Mauro, Donna	Okerman, Richard	Peckham, Michele
Quandt, Matt	Rice, Frederick	Sapareto, Frank	Schroadter, Adam
Sheffert, Kenneth	Shuler, Wyman III	Sullivan, James	Tremblay, Stella
Waterhouse, Kevin	Webb, James	Welch, David	Wheaton, Gary

STRAFFORD

Berube, Roger	Cataldo, Sam	Groen, Warren	Horrigan, Timothy
Jones, Kyle	Jones, Laura	Larsen, Kirsten	Newton, Clifford
Pitre, Joseph	Roberts, Jenna	Vita, Carol	Vita, Lucien
Weeden, Michael			

SULLIVAN

Bowers, Spec	LaCasse, Paul Sr	Smith, Steven
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and the committee report was adopted.

SPECIAL ORDERED

Rep. Bettencourt moved that ***HB 353-FN***, establishing a Medicaid waiver program to provide in-home support services for children who are medically fragile or children with chronic illness, be made a Special Order as the next order of business.

Rep. Bettencourt spoke in favor.

Adopted.

SPECIAL ORDER

HB 353-FN, establishing a Medicaid waiver program to provide in-home support services for children who are medically fragile or children with chronic illness. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles E. McMahon for Health, Human Services and Elderly Affairs: This bill establishes a Medicaid waiver program to try to reduce the sometimes very expensive Medicaid medical payments to support chronically ill and medically fragile children. The waiver allows a parent who wishes to provide nursing support in the home to remain at home and reduces the cost of optional institutional care. One example allows a mother to remain in the home with a stipend of \$28,000 as opposed to the institutional option at \$175,000 per year. This is a program in line with efforts to reduce the Medicaid burden on the state budget. Vote 16-0.

Amendment (0160h)

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

3 Funding Source. In each year of the biennium ending June 30, 2013, the department of health and human services shall use existing appropriations to the department to fund the pilot program established in section 2 of this act. Notwithstanding any provision of law to the contrary, the department may transfer funds between and among PAU's within the department as may be necessary to fully implement the program with state funds pending the availability of federal matching funds.

Amendment adopted.

Committee report adopted.

Referred to the Committee on Finance.

REGULAR CALENDAR (CONT'D)

HB 380, exempting the commission on the status of men from repeal on June 30, 2011 and adding a duty to the commission. **OUGHT TO PASS.**

Rep. Lawrence B. Perkins for Executive Departments and Administration: This bill would repeal a decision to eliminate the commission on the status of men. The majority believes that this is an inopportune time for such a hasty decision. The CSM is an unfunded advisory committee that enlightens the legislator on such important issues as mortality rates, prostate cancer and fatherless homes. Vote 13-2.

Committee report adopted and ordered to third reading.

HB 635-FN-A, requiring the governor to consolidate certain agency functions and making an appropriation therefor. **OUGHT TO PASS.**

Rep. Kenneth Hawkins for Executive Departments and Administration: This bill came from an ad-hoc study committee over the summer and fall of 2010. It would allow for the consolidation of services of common administrative functions of multiple agencies into one department. There are numerous back office tasks (no contact with the public) that could be handled using a call center in the North Country rather than each agency performing its own back office tasks. This action is also in the governor's budget. Vote 14-3.

Committee report adopted.

Referred to the Committee on Finance.

HB 438-FN-A, relative to funding of the Claremont, Colebrook, Milford, and Keene District Courts and establishing a committee to study the utilization of existing facilities to house courts leased by communities through the state. **OUGHT TO PASS.**

Rep. Robert H. Rowe for Judiciary: The courts which are the subject of this bill are all located in buildings leased by the state, rather than in state-owned buildings. In the last biennium, these courts were threatened with closure. They were kept open through an agreement whereby the judicial branch absorbed part of the rental costs into its existing budget, and the rest of the cost was absorbed by the host communities. The bill has three components. First, the bill requires the four courts to remain open throughout FY 2012 and 2013, with the costs to be paid by the judicial branch within its operating budget. Second,

the bill requires repayment to the host communities for the costs they absorbed in the last biennium in the total amount of \$159,430. The argument in favor of paying this sum is that this charge had been passed down to the communities after they had adopted their budgets, thus causing significant harm to the communities. Concern was expressed by some committee members that whatever the justification, such a disbursement is inappropriate in these financial times. The committee was in general agreement with the policy goal of keeping the district courts close to the people they serve, so it was decided to pass this bill on the policy issues, and let the finance committee address the question of whether to amend the bill to omit the retroactive funding. Third, the bill establishes a study committee to study the issues surrounding continued utilization of leased facilities. Vote 12-5. Committee report adopted. Referred to the Committee on Finance.

HB 538-FN, establishing a reporting system for court decisions relative to the determination of parental rights and responsibilities and the appointment of guardians ad litem.

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

Rep. Joseph M. Hagan for the Majority of Judiciary: This bill establishes a reporting system for decisions related to determination of custody and other rights and responsibilities and issues relating to guardian ad litem(GAL) processes. The committee was moved by testimony of citizens who feel wronged by the system and strongly believes fundamental reform is needed to address the inequities perpetrated during divorce proceedings. However, the committee also thought this problem would better be addressed by other legislation pending before the House. Additionally, the cost of implementation is prohibitive in these austere times. Vote 13-3.

Rep. J. Brandon Giuda for the Minority of Judiciary: This bill addresses a problem that has been discussed throughout this session, namely the total lack of transparency in the family division with regard to summarizing and analyzing court decisions that significantly impact citizens' lives. For example, the judicial branch has stated it cannot provide even basic data, such as how many marital master decisions are overturned by judges. This bill requires the judicial branch to track and report the overall statistics as family division cases make their way through the system, in order to provide greater transparency to the public and greater ability to analyze the family court decision making process. The fiscal note for the bill was extremely suspect and when challenged by the bill's sponsor, was unable to be verified. The majority voted to ITL this bill in favor of HB 614, which requires a performance audit of the guardian ad litem board and guardian ad litem services. However, the audit envisioned by HB 614 will only address guardian ad litem issues, and will miss the crux of the issue this bill addresses, as guardians ad litem do not make decisions in the family division. This bill addresses the critical issues missed by HB 614 and will provide transparency to the decision making process, for which marital masters and judges may then be held accountable if the statistics show there is a problem. The minority believes this lack of transparency needs to end.

Majority committee report adopted.

HB 614, requiring a performance audit of the guardian ad litem board and guardian ad litem services. **OUGHT TO PASS.**

Rep. Gregory M. Sorg for Judiciary: This bill would require the audit division of the legislative budget assistant to conduct a performance audit of the guardian ad litem board and of the delivery of guardian ad litem services. The committee was satisfied with the sufficiency of the evidence presented in the public hearing on this bill and on other bills dealing with the same subject that investigation of the guardian ad litem function is necessary and that the legislative budget assistant is in the best position to perform such investigation well and economically, in the course of its normal audit performance functions. Vote 10-4.

Committee report adopted and ordered to third reading.

HB 468-FN, relative to assessments for aquatic resource compensatory mitigation.

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

Rep. Christopher J. Ahlgren for the Majority of Resources, Recreation and Development: The majority of the committee feels that, as a policy matter, aquatic resource mitigation is an excellent program. The problem lies with the percentage of assessment (20%) used for the administrative fee. The bill, as introduced, recommends 10%. We as a committee believe the percentage assessment should be revisited, and are aware that this bill will be referred to Ways and Means. The proposed percentage can be evaluated and adjusted as necessary based on the committee's evaluation of the financial data. In addition, the current percentage will sunset July 1, 2012. This bill establishes a permanent percentage. Having a stable fee percentage will be good for New Hampshire businesses. Vote 10-3.

Rep. Judith T. Spang for the Minority of Resources, Recreation and Development: There was no testimony in favor of this bill from any of the program's users. The aquatic resources compensatory mitigation (ARM) program offers significant advantages to the development community. It promotes development in a time when the real estate market is struggling by giving developers an option to avoid more costly and time-consuming methods of mitigating their wetland impacts. Except for the sponsor, the committee received no testimony the current fee is too high. There was no justification offered for reducing the fees involved, although those fees were established through an exhaustive study by Ways and Means last session. The department of environmental services testified that lowering the administrative fee to 10% would threaten the viability of this valuable program, already facing a \$45,000 deficit due to the inadequate fee charged to date. It is mystifying to the minority that the bill also eliminates the sunset of the fee schedule due to occur next year. Having a year or two more of data upon which to establish the correct fee makes sense. Instead, this bill eliminates that opportunity to try out the current fee before reducing it to an unproven level that risks the viability of a program so advantageous to businesses in NH.

Majority Amendment (0269h)

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 Repeal. The following are repealed:

- I. 2010, 16:3, relative to payment for freshwater and tidal wetlands loss; version effective July 1, 2012.
- II. 2010, 16:5, relative to payment for stream or shoreline losses; version effective July 1, 2012.
- III. 2010, 16:7, relative to rulemaking; version effective July 1, 2012.

AMENDED ANALYSIS

This bill modifies the percentage rate of certain administrative assessments related to aquatic resource compensatory mitigation.

Majority committee amendment adopted.

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

Rep. Almy spoke against.

Rep. Renzullo spoke in favor.

Rep. Spang requested a roll call; sufficiently seconded.

YEAS 261 NAYS 90

YEAS 261

BELKNAP

Accornero, Harry
Greemore, Robert
Pilliod, James
Swinford, Elaine

Bolster, Peter
Kingsbury, Robert
Russell, David
Tilton, Franklin

Comtois, Guy
Luther, Robert
Simpson, Tyler
Tobin, William

Fields, Dennis
Malone, Robert
St. Cyr, Jeffrey
Worsman, Colette

CARROLL

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Schmidt, Stephen

Knox, J. David
Patten, Betsey
Tregenza, Norman

CHESHIRE

Byrnes, John
Hunt, John
Smith, Edwin

Cartwright, Anne
Johnson, Jane
Sterling, Franklin Jr

Dwinell, Richard
Moore, Charles

Emerson, Susan
Moore, Robert Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Brosseau, Charles
Ingbretson, Paul
Shackett, Jeffrey

Bulis, Lyle
Ladd, Rick Jr
Simard, Paul

Eaton, Stephanie
Mirski, Paul
Sorg, Gregory

Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Cebrowski, John
Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert
Gimas, John
Haefner, Robert
Hinch, Richard
Hutchinson, Winfred
Lambert, George
McCarthy, Michael
Messier, Irene
Ohm, Bill
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Balboni, Michael
Belanger, James
Brown, Kevin
Christiansen, Lars
Daniels, Gary
Drisko, Richard
Gagne, Larry
Gonzalez, Carlos
Hansen, Peter
Hogan, Edith
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Moran, Edward
Palmer, Barry
Peterson, Lenette
Robbins, David
Silva, Peter
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

Ball, J. Michael
Belvin, William
Brownrigg, Randall Jr
Coffey, James
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Graham, John
Hardwick, Harry
Holden, Frank
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Stephen
Proulx, Mark
Rowe, Robert
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Barry, J. Gail
Bergevin, Jerry
Burt, John
Condra, William
Doherty, Shaun
Flanagan, Jack
Gargasz, Carolyn
Greazzo, Phil
Hikel, John
Hopper, Gary
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Ober, Russell III
Parison, James
Reed, Michael
Scontsas, Lisa
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenbeker, Lynne

Coffey, Jennifer

Cohn, Seth

Cox, Sean

Giuda, J. Brandon
Kotowski, Frank
Lockwood, Priscilla
Reed, Dennis
Smith, Todd

Hill, Gregory
Kreis, Kenneth Sr
McDonnell, John
Sanborn, Laurie
Winter, Steven

Keane, Thomas
Lauer-Rago, Kathleen
McGuire, Carol
Seaworth, G. Brian

Kidder, David
Lindsley, Mark
McGuire, Dan
Shurtleff, Stephen

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Comerford, Timothy
Duarte, Joe
Garcia, Marilinda
Hagan, Joseph
Itse, Daniel
Lundgren, David
Mauro, Donna
Nevins, Chris
Peckham, Michele
Reichard, Kevin
Schroadter, Adam
Smith, William
Tamburello, Daniel
Waddell, James
Welch, David

Allen, Mary
Bates, David
Case, Frank
Copeland, Timothy
Elliott, Robert
Garrity, James
Headd, James
Kappler, Lawrence
MacMahon, Bruce
McKinney, Betsy
O'Connor, John
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sullivan, James
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Antosz, Jason
Bettencourt, David
Charron, Gene
Davenport, Joshua
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Katsakiores, Phyllis
Major, Norman
McMahon, Charles
Okerman, Richard
Quandt, Matt
Sanders, Elisabeth
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin
Wheaton, Gary

Azarian, Gary
Birdsell, Regina
Chirichiello, Brian
Devine, James
Fesh, Robert
Griffin, Mary
Hutchinson, Karen
Kolodziej, Walter
Manuse, Andrew
Murphy, Brian
Oigny, Jeffrey
Reagan, John
Sapareto, Frank
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Webb, James

STRAFFORD

Andolina, Donald
DeLemus, Susan
Jones, Laura
Parsons, Robbie
Vita, Lucien

Berube, Roger
Groen, Warren
Larsen, Kirsten
Pitre, Joseph
Weeden, Michael

Brown, Julie
Harty, Martin
Newton, Clifford
Sprague, Dale

Cataldo, Sam
Jones, Kyle
O'Connor, William
Vita, Carol

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 90

BELKNAP

None

CARROLL

None

CHESHIRE

Carr, Daniel
Lindsey, Steven
Sad, Tara

Chase, Cynthia
Meader, David
Tatro, Bruce

Hawkes, Samuel
Parkhurst, Henry
Weber, Lucy

Johnsen, Gladys
Roberts, Kris
Weed, Charles

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David
White, Andrew

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Brunelle, Michael
Goley, Jeffrey
Levasseur, Nickolas
Rhodes, Brian
Sullivan, Daniel

Campbell, David
Gorman, Mary
Long, Patrick
Rokas, Ted

Garrity, Patrick
Jeudy, Jean
Pilotte, Maurice
Rosenwald, Cindy

Gidge, Kenneth
Katsiantonis, Thomas
Porter, Marjorie
Shaw, Barbara

MERRIMACK

Bouchard, Candace
Gile, Mary
Patten, Dick
Watrous, Rick

Deloge, Helen
Hoell, J.R.
Potter, Frances
Williams, Robert

DeStefano, Stephen
MacKay, James
Richardson, Gary

Frazer, June
Owen, Derek
Wallner, Mary Jane

ROCKINGHAM

Cali-Pitts, Jacqueline
Norelli, Terie
Ritter, Glenn

DiPentima, Rich
Pantelakos, Laura
Schlachman, Donna

Lovejoy, Patricia
Powers, James

Moody, Marcia
Read, Robin Jr

STRAFFORD

Browne, Brendon
Hooper, Dorothea
Pelletier, Marsha
Spang, Judith

Ginsburg, Philip
Horrigan, Timothy
Roberts, Jenna
Wall, Janet

Grassie, Anne
Kaen, Naida
Schmidt, Peter
Watters, David

Hofemann, Roland
Keans, Sandra
Spainhower, Dale

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the majority committee report was adopted.

Referred to the Committee on Ways and Means.

Rep. Baroody declared a conflict of interest and did not participate.

HB 365-FN-A, establishing a commission to encourage broadband development and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. William H. O'Connor for Science, Technology and Energy: While high speed internet for everyone may be a worthy goal, the majority felt that spending from the general fund and diverting future communications service tax revenues to lower the cost of high speed internet is not justified. Vote 12-6.

Rep. Rappaport spoke against.

Rep. James Garrity spoke in favor.

Rep. Lambert requested a roll call; sufficiently seconded.

YEAS 284 NAYS 68

YEAS 284

BELKNAP

Accornero, Harry	Bolster, Peter	Comtois, Guy	Fields, Dennis
Greemore, Robert	Kingsbury, Robert	Luther, Robert	Malone, Robert
Pilliod, James	Russell, David	Simpson, Tyler	St. Cyr, Jeffrey
Swinford, Elaine	Tilton, Franklin	Tobin, William	Worsman, Colette

CARROLL

Chandler, Gene	Fleck, Joseph	Knox, J. David	McCarthy, Frank
Merrow, Harry	Patten, Betsey	Pettengill, Laurie	Scala, Dino
Schmidt, Stephen	Tregenza, Norman	Umberger, Karen	

CHESHIRE

Byrnes, John	Cartwright, Anne	Emerson, Susan	Hunt, John
Johnson, Jane	Meador, David	Moore, Charles	Moore, Robert Jr
Parkhurst, Henry	Smith, Edwin	Sterling, Franklin Jr	

COOS

Richardson, Herbert	Tholl, John Jr	Tremblay, Marc
---------------------	----------------	----------------

GRAFTON

Almy, Susan	Brosseau, Charles	Bulis, Lyle	Eaton, Stephanie
Gionet, Edmond	Ingretson, Paul	Mirski, Paul	Reilly, Harold Sr
Shackett, Jeffrey	Simard, Paul	Sorg, Gregory	Sova, Charles
Taylor, Kathleen			

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, J. Gail
Barry, Richard	Belanger, James	Belvin, William	Bergevin, Jerry
Boehm, Ralph	Brown, Kevin	Brownrigg, Randall Jr	Burt, John
Cebrowski, John	Christiansen, Lars	Coffey, James	Condra, William
Cusson-Cail, Kathleen	Daniels, Gary	DeJong, Cameron	Doherty, Shaun
Donovan, Daniel	Drisko, Richard	Erickson, Duane	Flanagan, Jack
Fredette, Robert	Gagne, Larry	Gandia, Laura	Gargas, Carolyn
Gidge, Kenneth	Gimas, John	Goley, Jeffrey	Gonzalez, Carlos
Gorman, Mary	Graham, John	Greazzo, Phil	Haefner, Robert
Hansen, Peter	Hardwick, Harry	Hikel, John	Hinch, Richard
Hogan, Edith	Holden, Frank	Hopper, Gary	Hutchinson, Winfred
Jasper, Shawn	Jeudy, Jean	Krasucki, Joseph	Kurk, Neal
Lambert, George	LeBrun, Donald	Levasseur, Nickolas	Long, Patrick
Maltz, Jonathan	Marcus, Bruce	McCarthy, Michael	McClarren, Donald
McGuinness, Sean	Mecheski, Holly	Messier, Irene	Moran, Edward
Notter, Jeanine	Ober, Russell III	Ohm, Bill	Palmer, Barry
Palmer, Stephen	Parison, James	Pellegrino, Tony	Peterson, Lenette
Porter, Marjorie	Proulx, Mark	Reed, Michael	Robbins, David
Rosenwald, Cindy	Rowe, Robert	Scotsas, Lisa	Seidel, Carl
Shaw, Barbara	Silva, Peter	Soucy, Connie	Souza, Kathleen
Stepanek, Stephen	Stroud, Kathleen	Swank, Matthew	Terrio, Ross
Thomas, Joseph	Twombly, Timothy	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Moe	Warden, Mark	Whitehead, Randall	Willette, Robert

MERRIMACK

Blankenbeker, Lynne	Coffey, Jennifer	Cohn, Seth	Cox, Sean
Deloge, Helen	DeStefano, Stephen	Giuda, J. Brandon	Hill, Gregory
Hoell, J.R.	Keane, Thomas	Kidder, David	Kotowski, Frank
Kreis, Kenneth Sr	Lauer-Rago, Kathleen	Lindsley, Mark	Lockwood, Priscilla
MacKay, James	McDonnell, John	McGuire, Carol	McGuire, Dan
Patten, Dick	Reed, Dennis	Sanborn, Laurie	Seaworth, G. Brian
Shurtleff, Stephen	Smith, Todd	Winter, Steven	

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Antosz, Jason	Azarian, Gary
Baldasaro, Alfred	Bates, David	Bettencourt, David	Birdsell, Regina
Brown, Paul	Case, Frank	Charron, Gene	Chirichiello, Brian
Comerford, Timothy	Copeland, Timothy	Davenport, Joshua	Devine, James
Duarte, Joe	Elliott, Robert	Ferrante, Beverly	Fesh, Robert
Garcia, Marilinda	Garrity, James	Gould, Kenneth	Griffin, Mary
Hagan, Joseph	Headd, James	Hoelzel, Kathleen	Hutchinson, Karen
Introne, Robert	Itse, Daniel	Kappler, Lawrence	Katsakiores, Phyllis
Kolodziej, Walter	Lovejoy, Patricia	Lundgren, David	MacMahon, Bruce
Major, Norman	Manuse, Andrew	Mauro, Donna	McKinney, Betsy
McMahon, Charles	Murphy, Brian	Nevins, Chris	O'Connor, John
Okerman, Richard	Oigny, Jeffrey	Pantelakos, Laura	Peckham, Michele
Quandt, Marshall	Quandt, Matt	Reagan, John	Reichard, Kevin
Rice, Frederick	Ritter, Glenn	Sanders, Elisabeth	Sapareto, Frank
Schroadter, Adam	Sedensky, John	Sheffert, Kenneth	Shuler, Wyman III
Smith, William	Sullivan, James	Sullivan, Kevin	Sytek, John
Tamburello, Daniel	Tasker, Kyle	Tremblay, Stella	Tucker, Pamela
Waddell, James	Ward, Joanne	Waterhouse, Kevin	Webb, James
Welch, David	Weyler, Kenneth	Wheaton, Gary	

STRAFFORD

Andolina, Donald	Berube, Roger	Brown, Julie	Cataldo, Sam
DeLemus, Susan	Ginsburg, Philip	Groen, Warren	Harty, Martin
Hofemann, Roland	Hooper, Dorothea	Jones, Kyle	Jones, Laura
Larsen, Kirsten	Newton, Clifford	O'Connor, William	Parsons, Robbie
Pelletier, Marsha	Pitre, Joseph	Roberts, Jenna	Spang, Judith
Sprague, Dale	Vita, Carol	Vita, Lucien	Watters, David
Weeden, Michael			

SULLIVAN

Bowers, Spec	Cloutier, John	Cunningham, Steven	Gagnon, Raymond
Howard, Thomas	LaCasse, Paul Sr	Laware, Thomas	Lovett, Charlene
Osgood, Joe	Rodeschin, Beverly	Smith, Steven	

NAYS 68

BELKNAP

None

CARROLL

Babson, David Jr	McConkey, Mark
------------------	----------------

CHESHIRE

Carr, Daniel
Johnsen, Gladys
Tatro, Bruce

Chase, Cynthia
Lindsey, Steven
Weber, Lucy

Dwinell, Richard
Roberts, Kris
Weed, Charles

Hawkes, Samuel
Sad, Tara

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Coulombe, Gary
Rappaport, Laurence

Daugherty, Duffy
Remick, William

Hatch, William
Theberge, Robert

Merrick, Evalyn
Thomas, Yvonne

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Benn, Bernard
Ladd, Rick Jr
Smith, Suzanne

Cooney, Mary
Nordgren, Sharon
Townsend, Charles

Gould, Franklin
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White, Andrew

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Baroody, Benjamin
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Sullivan, Daniel

Brunelle, Michael
Renzullo, Andrew

Garrity, Patrick
Rhodes, Brian

Katsiantonis, Thomas
Rokas, Ted

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Potter, Frances
Williams, Robert

Frazer, June
Richardson, Gary

Gile, Mary
Wallner, Mary Jane

Owen, Derek
Watrous, Rick

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Cali-Pitts, Jacqueline
Powers, James

DiPentima, Rich
Read, Robin Jr

Moody, Marcia
Schlachman, Donna

Norelli, Terie

STRAFFORD

Browne, Brendon
Keans, Sandra

Grassie, Anne
Schmidt, Peter

Horriggan, Timothy
Spainhower, Dale

Kaen, Naida
Wall, Janet

SULLIVAN

Lefebvre, Benjamin
and the committee report was adopted.

Schmidt, Andrew

RESOLUTION

Rep. Bettencourt offered the following: **RESOLVED**, that late drafting and introduction having been approved by the Rules Committee, House Bill numbered 649 shall be by this resolution read a first and second time by the therein listed title, sent for printing and referred to the therein designated committee.
Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 649, relative to the Northern Pass Project to construct and operate transmission lines from the Canadian border to a proposed terminal in Franklin, New Hampshire. (Ladd, Graf 5; Kurk, Hills 7; Rappaport, Coos 1; Aguiar, Graf 6; Harding, Graf 11; Cooney, Graf 7: Science, Technology and Energy)

The House recessed at 12:05 p.m.

RECESS

(Speaker O'Brien in the Chair)

The House reconvened at 1:05 p.m.

REGULAR CALENDAR (CONT'D)

HB 519-FN, repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Frank R. Holden for the Majority of Science, Technology and Energy: This bill, as amended, has several provisions. First, it repeals New Hampshire's participation in the Regional Greenhouse Gas Initiative (RGGI) cap and trade program for controlling carbon dioxide emissions. New Hampshire became part of RGGI in 2008 with the passage of Ch. 182, HB 1434 which stated that "Carbon dioxide (CO₂) is a significant greenhouse gas that contributes to global climate change. Therefore, the purpose of this subdivision is to reduce greenhouse gas emissions resulting from energy use in New Hampshire." During the House debate in 2008, the then-majority warned that RGGI was necessary due to the imminent dangers of global warming. During the same debate, the then-minority cautioned that the science of climate change was far from settled, and warned that a future legislature may be tempted to raid the RGGI fund to divert to the general fund. Under RGGI, each state is allotted a number of carbon allowances based on historic CO₂ emissions of electric generating power plants of more than 25 megawatts that use coal, natural gas, or oil. There are five such plants in New Hampshire, and three are owned by Public Service of New Hampshire (PSNH). New Hampshire controls 8.62 million carbon allowances. The vast majority of the state's allowances are sold at quarterly RGGI auctions along with allowances from the other nine RGGI states. The affected power plants in New Hampshire are required to buy one carbon allowance at auction for each ton of CO₂ emissions. Costs to the affected sources depend on the price of allowances during each specific auction. Costs of PSNH allowances are allowed to be passed on to PSNH electric ratepayers in their electric bills. Costs incurred by the other two plants may be priced into their go-to-market price for electricity or may simply be incurred as added expense and reduced profits. The proceeds from each RGGI auction are sent back to the member states. So far, New Hampshire has participated in nine RGGI auctions. Total proceeds for New Hampshire amount to over \$28 million. The auction proceeds are then redistributed by the Public Utilities Commission (PUC) in the form of grants to fund projects and programs intended to directly or indirectly increase energy efficiency and reduce electricity consumption which, by extension, should further reduce CO₂ emissions. Second, this bill also clarifies how the monies in the greenhouse gas emissions reduction fund (RGGI fund) may be used in the future. The committee heard testimony from many citizens and stakeholders who were not satisfied with the way the RGGI funds have been used. Most distressing was the raid of the RGGI fund in 2010 by the governor and legislature for \$3.1 million to the general fund. The majority of the committee feels that the RGGI fund balance should be used for its intended purpose: energy efficiency. Therefore, all monies in the RGGI fund as of July 1, 2011 and all monies entering the fund after that date will be allocated to the existing CORE energy efficiency programs already in existence. The majority believes that this is the most cost effective use of RGGI funds. Third, RGGI will not sunset until December 31, 2011 since that will be the end of the first 3 year compliance period, and the affected sources will still be required to fulfill obligations with the Department of Environmental Services (DES) to prove compliance with RGGI's first three year obligations. New Hampshire will still participate in three more RGGI auctions before year end and auction proceeds will be deposited in the RGGI fund to be used as directed in this amended bill. The majority of the committee favors repeal because we believe that RGGI should never have been enacted in the first place. It was clear to us

that RGGI was really all about the money and not about the climate. It is not the role of state government to subsidize or prop up private businesses; RGGI created the illusion of free money to those who were fortunate enough to receive funding, and many think that funding should continue indefinitely. The majority believes it is not the proper role of government to create burdensome mandates which take a small amount of money from the many (electric ratepayers), funnel that money through multiple levels of bureaucracy (RGGI, Inc. and NH PUC), and redistribute a large amount of money to the few. The majority believes that RGGI was a stealth tax, hidden in the electric rates of our constituents. RGGI also has added to the size and scope of New Hampshire's state bureaucracy; we need to shrink the size of government. Finally, the majority believes that New Hampshire does not need a complex and expensive multi-state scheme to find solutions to our environmental and energy challenges. New Hampshire has the ability to control emissions and protect our environment by developing uniquely New Hampshire solutions. Vote 13-5.

Rep. Naida L. Kaen for the Minority of Science, Technology and Energy: No fiscal note was provided to the committee prior to the executive session. The hearing, held in representatives' hall, began at 10:00 a.m. and concluded at 6:30 p.m. Of the sixty or more people who testified on complicated subject matter, a substantial majority spoke against the bill. No subcommittee meeting was held prior to the executive session. The executive session began with an introduction of an amendment not previously provided to committee members for review and which was essentially a rewrite of the original bill. The minority believes that this bill should have been retained in committee for a proper vetting, and to provide a better understanding of the potential consequences of its passage. Some of the possible outcomes of the passage of this legislation, as amended, are likely to be that New Hampshire electric rate-payers will continue to pay at least \$5 million on their electric bills while the State of NH gives up \$13 million annually in proceeds from the Regional Greenhouse Gas Initiative (RGGI) auction. To date more than \$28 million has gone largely to help local municipalities weatherize municipal buildings, thereby reducing local taxes, and to assist families and businesses save money by becoming more energy efficient, all of which reduces our dependence on foreign oil and ultimately reduces all ratepayers' electric rates. The minority believes that modification of the program may be warranted, but that the decision to repeal should be properly reviewed so as to avoid potential damage to NH's economy and to many citizens of the state.

Majority Amendment (0324h)

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

1 Powers and Duties of Commissioner; Reference Deleted. Amend RSA 125-O:6, I to read as follows:

I. Develop a trading and banking program to provide appropriate compliance flexibility in meeting the emission caps established under RSA 125-O:3, III [~~and allowance requirements of RSA 125-O:21 and RSA 125-O:22~~], and to encourage earlier and greater emissions reductions and the development of new emission control technologies in order to maximize the cost-effectiveness with which the environmental benefits of this chapter are achieved.

2 Rulemaking Authority. Amend RSA 125-O:8 to read as follows:

125-O:8 Rulemaking Authority.

[~~I.~~] The commissioner shall adopt rules under RSA 541-A, commencing no later than 180 days after the effective date of this section, relative to:

[~~(a)~~] **I.** The establishment of trading and banking programs as authorized by RSA 125-O:6, I.

[~~(b)~~] **II.** The establishment of a method for allocating allowances and other emissions reduction units or mechanisms as authorized by RSA 125-O:3, II and III.

[~~(c)~~] **III.** Emissions [~~and allowance~~] monitoring, [~~tracking,~~] recordkeeping, reporting, and other such actions as may be necessary to verify compliance with this chapter.

~~(d) The method and requirements for auctioning budget allowances under RSA 125-O:21, which may use regional organizations.~~

~~(e) Defining eligible projects for early reduction allowances under RSA 125-O:21, IV, and establishing criteria to quantify and grant such allowances.~~

~~(f) Defining eligible projects for offset allowances under RSA 125-O:21, V, and establishing criteria to quantify and grant such allowances, including the accreditation of third party verifiers.~~

~~(g) The forms and information required on applications for a temporary or operating permit required under RSA 125-O:22.~~

~~II. The public utilities commission shall adopt rules, under RSA 541-A, to administer the greenhouse gas emissions reduction fund pursuant to RSA 125-O:23.]~~

3 Compliance Dates. Amend RSA 125-O:9 to read as follows:

125-O:9 Compliance Dates. The owner or operator of each affected source shall comply with the provisions of this chapter, excluding the subdivision on mercury emissions, RSA 125-O:11 through 125-O:18, ~~[and the subdivision for CO₂ emissions, RSA 125-O:19 through RSA 125-O:28,]~~ by December 31, 2006.

4 Non-Severability. Amend RSA 125-O:10 to read as follows:

125-O:10 Non-Severability. No provision of ~~[RSA 125-O:1 through RSA 125-O:18 of]~~ this chapter shall be implemented in a manner inconsistent with the integrated, multi-pollutant strategy ~~[or RSA 125-O:1 through RSA 125-O:18]~~ of this chapter, and to this end, the provisions of ~~[RSA 125-O:1 through RSA 125-O:18 of]~~ this chapter are not severable.

5 Compliance. The repeal of the regional greenhouse gas initiative program on January 1, 2012 under this act shall not affect each affected CO₂ source's obligation to satisfy the program's requirements for the compliance period ending December 31, 2011, including those contained in adopted rules. All means of enforcement shall remain in place for these requirements, including the provisions of RSA 125-O:7 and any permit issued or modified by the department of environmental services in accordance with RSA 125-O:22, IV.

6 Utility Cost Recovery. All prudently incurred costs of complying with the requirements of the former regional greenhouse gas initiative program by an owner of an affected CO₂ source that is a public utility pursuant to RSA 362:2 that provides electric distribution service pursuant to RSA 374-F shall be recoverable through the utility's default service charge in a manner approved by the public utilities commission.

7 Use of Funds. Notwithstanding the provisions of RSA 125-O:23, all moneys in the greenhouse gas emissions reduction fund as of July 1, 2011, and all subsequent moneys deposited into the fund, shall be allocated by the commission as an additional source of funding to electric distribution companies for CORE energy efficiency programs that are funded by system benefits charges.

8 Repeal. The following are repealed:

I. RSA 6:12, I(b)(272), relative to moneys deposited in the greenhouse gas emissions reduction fund.

II. RSA 125-O:3, III(d), relative to carbon dioxide cap.

III. RSA 125-O:19 through 125-O:28, relative to the regional greenhouse gas initiative.

9 Effective Date.

I. Sections 1-4, 6 and paragraphs II and III of section 8 shall take effect January 1, 2012.

II. Sections 5 and 7 of this act shall take effect upon its passage.

III. Paragraph I of section 8 of this act shall take effect January 1, 2013.

AMENDED ANALYSIS

This bill repeals New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions. This bill also clarifies how the moneys in the greenhouse gas emissions reduction fund may be used.

On a division vote, 232 members having voted in the affirmative and 52 in the negative, the majority committee amendment was adopted.
Rep. James Garrity offered floor amendment (0408h).

Floor Amendment (0408h)

Amend the bill by deleting section 6 and renumbering the original sections 7-9 to read as 6-8, respectively.

Amend the bill by replacing section 8 with the following:

8 Effective Date.

I. Sections 1-4 and paragraphs II and III of section 7 shall take effect January 1, 2012.

II. Sections 5 and 6 of this act shall take effect upon its passage.

III. Paragraph I of section 7 of this act shall take effect January 1, 2013.

Rep. James Garrity spoke in favor and yielded to questions.

Floor amendment (0408h) adopted.

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

Reps. Kaen and Keans spoke against.

Rep. Pastor spoke against and yielded to questions.

Rep. James Garrity spoke in favor and yielded to questions.

Rep. Kaen moved Recommit and spoke in favor.

Rep. Jasper spoke against.

Rep. Norelli requested a roll call; sufficiently seconded.

YEAS 100 NAYS 250

YEAS 100

BELKNAP

Pilliod, James

CARROLL

None

CHESHIRE

Carr, Daniel
Johnsen, Gladys
Roberts, Kris
Weed, Charles

Chase, Cynthia
Lindsey, Steven
Sad, Tara

Dwinell, Richard
Meader, David
Tatro, Bruce

Hawkes, Samuel
Parkhurst, Henry
Weber, Lucy

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William
Thomas, Yvonne

Merrick, Evalyn

Remick, William

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David
White, Andrew

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Gidge, Kenneth
Katsiantonis, Thomas
Parison, James
Rosenwald, Cindy

Brunelle, Michael
Goley, Jeffrey
Levasseur, Nickolas
Porter, Marjorie
Shaw, Barbara

Campbell, David
Gorman, Mary
Long, Patrick
Rhodes, Brian
Sullivan, Daniel

Garrity, Patrick
Jeudy, Jean
Messier, Irene
Rokas, Ted

MERRIMACK

Bouchard, Candace
Gile, Mary
Richardson, Gary
Williams, Robert

Deloge, Helen
MacKay, James
Shurtleff, Stephen

DeStefano, Stephen
Owen, Derek
Wallner, Mary Jane

Frazer, June
Potter, Frances
Watrous, Rick

ROCKINGHAM

Cali-Pitts, Jacqueline
Moody, Marcia
Powers, James

DiPentima, Rich
Murphy, Brian
Read, Robin Jr

Gould, Kenneth
Norelli, Terie
Schlachman, Donna

Lovejoy, Patricia
Pantelakos, Laura

STRAFFORD

Berube, Roger
Ginsburg, Philip
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

Brown, Julie
Grassie, Anne
Kaen, Naida
Schmidt, Peter
Wall, Janet

Browne, Brendon
Hofemann, Roland
Keans, Sandra
Spainhower, Dale
Watters, David

Domingo, Baldwin
Hooper, Dorothea
Pelletier, Marsha
Spang, Judith

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond

Lefebvre, Benjamin

Lovett, Charlene

NAYS 250

BELKNAP

Accornero, Harry
Greemore, Robert
Russell, David
Tilton, Franklin

Bolster, Peter
Kingsbury, Robert
Simpson, Tyler
Tobin, William

Comtois, Guy
Luther, Robert
St. Cyr, Jeffrey
Worsman, Colette

Fields, Dennis
Malone, Robert
Swinford, Elaine

CARROLL

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Schmidt, Stephen

Knox, J. David
Patten, Betsey
Tregenza, Norman

CHESHIRE

Byrnes, John
Johnson, Jane
Sterling, Franklin Jr

Cartwright, Anne
Moore, Charles

Emerson, Susan
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

Tremblay, Marc

GRAFTON

Brosseau, Charles
Ingbretson, Paul
Shackett, Jeffrey

Bulis, Lyle
Ladd, Rick Jr
Simard, Paul

Eaton, Stephanie
Mirski, Paul
Sorg, Gregory

Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Cebrowski, John
Coughlin, Sean
Doherty, Shaun
Flanagan, Jack
Gargas, Carolyn
Greazzo, Phil
Hikel, John
Hopper, Gary
Kurk, Neal
McCarthy, Michael
Moran, Edward
Palmer, Barry
Proulx, Mark
Rowe, Robert
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Balboni, Michael
Belanger, James
Brown, Kevin
Christiansen, Lars
Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert
Gimas, John
Haefner, Robert
Hinch, Richard
Hutchinson, Winfred
LeBrun, Donald
McClarren, Donald
Notter, Jeanine
Palmer, Stephen
Reed, Michael
Scoutsas, Lisa
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Ball, J. Michael
Belvin, William
Brownrigg, Randall Jr
Coffey, James
Daniels, Gary
Drisko, Richard
Gagne, Larry
Gonzalez, Carlos
Hansen, Peter
Hogan, Edith
Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean
Ober, Russell III
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Barry, J. Gail
Bergevin, Jerry
Burt, John
Condra, William
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Graham, John
Hardwick, Harry
Holden, Frank
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Ohm, Bill
Peterson, Lenette
Robbins, David
Silva, Peter
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kidder, David
Lindsley, Mark
McGuire, Dan
Seaworth, G. Brian

Coffey, Jennifer
Hill, Gregory
Kotowski, Frank
Lockwood, Priscilla
Patten, Dick
Smith, Todd

Cohn, Seth
Hoell, J.R.
Kreis, Kenneth Sr
McDonnell, John
Reed, Dennis
Winter, Steven

Cox, Sean
Keane, Thomas
Lauer-Rago, Kathleen
McGuire, Carol
Sanborn, Laurie

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Case, Frank
Copeland, Timothy
Duarte, Joe
Garcia, Marilinda
Headd, James
Itse, Daniel
MacMahon, Bruce
McKinney, Betsy
Okerman, Richard
Quandt, Matt
Sanders, Elisabeth
Sheffert, Kenneth
Sytek, John

Allen, Mary
Bates, David
Charron, Gene
Davenport, Joshua
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Kappler, Lawrence
Major, Norman
McMahon, Charles
Oigny, Jeffrey
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Tamburello, Daniel

Antosz, Jason
Birdsell, Regina
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Griffin, Mary
Hutchinson, Karen
Katsakiores, Phyllis
Manuse, Andrew
Nevins, Chris
Peckham, Michele
Rice, Frederick
Schroadter, Adam
Smith, William
Tasker, Kyle

Azarian, Gary
Brown, Paul
Comerford, Timothy
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Introne, Robert
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Quandt, Marshall
Ritter, Glenn
Sedensky, John
Sullivan, James
Tremblay, Stella

Tucker, Pamela
Webb, James

Waddell, James
Welch, David

Ward, Joanne
Weyler, Kenneth

Waterhouse, Kevin
Wheaton, Gary

STRAFFORD

Andolina, Donald
Harty, Martin
Newton, Clifford
Vita, Carol

Cataldo, Sam
Jones, Kyle
O'Connor, William
Vita, Lucien

DeLemus, Susan
Jones, Laura
Parsons, Robbie
Weeden, Michael

Groen, Warren
Larsen, Kirsten
Pitre, Joseph

SULLIVAN

Bowers, Spec
Laware, Thomas
and the motion failed.

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

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

Rep. Jasper requested a roll call; sufficiently seconded.

YEAS 246 NAYS 104

YEAS 246

BELKNAP

Accornero, Harry
Kingsbury, Robert
Simpson, Tyler
Tobin, William

Comtois, Guy
Luther, Robert
St. Cyr, Jeffrey
Worsman, Colette

Fields, Dennis
Malone, Robert
Swinford, Elaine

Greemore, Robert
Russell, David
Tilton, Franklin

CARROLL

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Schmidt, Stephen

Knox, J. David
Patten, Betsey
Tregenza, Norman

CHESHIRE

Byrnes, John
Johnson, Jane
Sterling, Franklin Jr

Cartwright, Anne
Moore, Charles

Emerson, Susan
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Brosseau, Charles
Ingbretson, Paul
Shackett, Jeffrey

Bulis, Lyle
Ladd, Rick Jr
Simard, Paul

Eaton, Stephanie
Mirski, Paul
Sorg, Gregory

Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Barry, Richard

Balboni, Michael
Belvin, William

Ball, J. Michael
Bergevin, Jerry

Barry, J. Gail
Boehm, Ralph

Brown, Kevin
Christiansen, Lars
Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Graham, John
Hardwick, Harry
Holden, Frank
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Ober, Russell III
Parison, James
Reed, Michael
Scontsas, Lisa
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Brownrigg, Randall Jr
Coffey, James
Daniels, Gary
Erickson, Duane
Gandia, Laura
Greazzo, Phil
Hikel, John
Hopper, Gary
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Ohm, Bill
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Burt, John
Condra, William
DeJong, Cameron
Flanagan, Jack
Gimas, John
Haefner, Robert
Hinch, Richard
Hutchinson, Winfred
LeBrun, Donald
McCarthy, Michael
Moran, Edward
Palmer, Barry
Peterson, Lenette
Robbins, David
Silva, Peter
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

Cebrowski, John
Coughlin, Sean
Doherty, Shaun
Fredette, Robert
Gonzalez, Carlos
Hansen, Peter
Hogan, Edith
Jasper, Shawn
Long, Patrick
McClarren, Donald
Notter, Jeanine
Palmer, Stephen
Proulx, Mark
Rowe, Robert
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Sanborn, Laurie

Coffey, Jennifer
Hill, Gregory
Kreis, Kenneth Sr
McGuire, Carol
Seaworth, G. Brian

Cohn, Seth
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Smith, Todd

Cox, Sean
Keane, Thomas
Lindsley, Mark
Reed, Dennis
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Case, Frank
Copeland, Timothy
Duarte, Joe
Garcia, Marilinda
Headd, James
Itse, Daniel
MacMahon, Bruce
McKinney, Betsy
Okerman, Richard
Quandt, Matt
Sanders, Elisabeth
Sheffert, Kenneth
Sytek, John
Tucker, Pamela
Webb, James

Allen, Mary
Bates, David
Charron, Gene
Davenport, Joshua
Elliott, Robert
Garritty, James
Hoelzel, Kathleen
Kappler, Lawrence
Major, Norman
McMahon, Charles
Oigny, Jeffrey
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Tamburello, Daniel
Waddell, James
Welch, David

Antosz, Jason
Birdsell, Regina
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Griffin, Mary
Hutchinson, Karen
Katsakiores, Phyllis
Manuse, Andrew
Nevins, Chris
Peckham, Michele
Rice, Frederick
Schroadter, Adam
Smith, William
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Azarian, Gary
Brown, Paul
Comerford, Timothy
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Introne, Robert
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Quandt, Marshall
Ritter, Glenn
Sedensky, John
Sullivan, James
Tremblay, Stella
Waterhouse, Kevin
Wheaton, Gary

STRAFFORD

Andolina, Donald
Harty, Martin
Newton, Clifford
Vita, Carol

Cataldo, Sam
Jones, Kyle
O'Connor, William
Vita, Lucien

DeLemus, Susan
Jones, Laura
Parsons, Robbie
Weeden, Michael

Groen, Warren
Larsen, Kirsten
Pitre, Joseph

SULLIVAN

Bowers, Spec

Cunningham, Steven

Howard, Thomas

LaCasse, Paul Sr

Laware, Thomas
Smith, Steven

Lovett, Charlene

Osgood, Joe

Rodeschin, Beverly

NAYS 104

BELKNAP

Bolster, Peter

Pilliod, James

CARROLL

None

CHESHIRE

Carr, Daniel
Johnsen, Gladys
Roberts, Kris
Weed, Charles

Chase, Cynthia
Lindsey, Steven
Sad, Tara

Dwinell, Richard
Meader, David
Tatro, Bruce

Hawkes, Samuel
Parkhurst, Henry
Weber, Lucy

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William
Thomas, Yvonne

Merrick, Evalyn

Remick, William

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David
White, Andrew

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Drisko, Richard
Goley, Jeffrey
Levasseur, Nickolas
Rokas, Ted

Belanger, James
Gargas, Carolyn
Gorman, Mary
Messier, Irene
Rosenwald, Cindy

Brunelle, Michael
Garrity, Patrick
Judy, Jean
Porter, Marjorie
Shaw, Barbara

Campbell, David
Gidge, Kenneth
Katsiantonis, Thomas
Rhodes, Brian
Sullivan, Daniel

MERRIMACK

Bouchard, Candace
Gile, Mary
Owen, Derek
Shurtleff, Stephen

Deloge, Helen
Kidder, David
Patten, Dick
Wallner, Mary Jane

DeStefano, Stephen
Lockwood, Priscilla
Potter, Frances
Watrous, Rick

Frazer, June
MacKay, James
Richardson, Gary
Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline
Moody, Marcia
Powers, James

DiPentima, Rich
Murphy, Brian
Read, Robin Jr

Gould, Kenneth
Norelli, Terie
Schlachman, Donna

Lovejoy, Patricia
Pantelakos, Laura

STRAFFORD

Berube, Roger
Ginsburg, Philip
Horrigan, Timothy
Roberts, Jenna

Brown, Julie
Grassie, Anne
Kaen, Naida
Schmidt, Peter

Browne, Brendon
Hofemann, Roland
Keans, Sandra
Spainhower, Dale

Domingo, Baldwin
Hooper, Dorothea
Pelletier, Marsha
Spang, Judith

Sprague, Dale

Wall, Janet

Watters, David

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the majority committee report was adopted.

Referred to the Committee on Finance.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Jasper moved that the House reconsider its action whereby, on a roll call vote of 246-104, it adopted the majority committee report of Ought to Pass with Amendment on **HB 519-FN**, repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions. Rep. Jasper spoke against.

On a division vote, 90 members having voted in the affirmative and 257 in the negative, the motion failed.

MOTION TO PRINT DEBATE

Rep. Kaen moved that the debate on **HB 519-FN**, repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions, be printed in the Permanent Journal.

Rep. Kaen requested a roll call; sufficiently seconded.

YEAS 240 NAYS 108

YEAS 240

BELKNAP

Bolster, Peter

Fields, Dennis

Kingsbury, Robert

Malone, Robert

Pilliod, James

Russell, David

St. Cyr, Jeffrey

Tilton, Franklin

Worsman, Colette

CARROLL

Babson, David Jr

Knox, J. David

McCarthy, Frank

Merrow, Harry

Patten, Betsey

Scala, Dino

Schmidt, Stephen

Tregenza, Norman

Umberger, Karen

CHESHIRE

Carr, Daniel

Chase, Cynthia

Dwinell, Richard

Emerson, Susan

Hawkes, Samuel

Hunt, John

Johnsen, Gladys

Lindsey, Steven

Meador, David

Moore, Charles

Parkhurst, Henry

Roberts, Kris

Sad, Tara

Smith, Edwin

Tatro, Bruce

Weber, Lucy

Weed, Charles

COOS

Coulombe, Gary

Hatch, William

Merrick, Evalyn

Remick, William

Richardson, Herbert

Theberge, Robert

Thomas, Yvonne

GRAFTON

Aguiar, James

Almy, Susan

Benn, Bernard

Cooney, Mary

Eaton, Stephanie

Gionet, Edmond

Gould, Franklin

Harding, Laurie

Ingbretson, Paul
Pastor, Beatriz
Taylor, Kathleen

Ladd, Rick Jr
Pierce, David
Townsend, Charles

Mirski, Paul
Smith, Suzanne
White, Andrew

Nordgren, Sharon
Sova, Charles

HILLSBOROUGH

Ball, J. Michael
Brownrigg, Randall Jr
Cebrowski, John
Cusson-Cail, Kathleen
Drisko, Richard
Gandia, Laura
Gonzalez, Carlos
Hardwick, Harry
Jeudy, Jean
Long, Patrick
McGuinness, Sean
Notter, Jeanine
Rhodes, Brian
Shaw, Barbara
Stroud, Kathleen
Ulery, Jordan

Baroody, Benjamin
Brunelle, Michael
Christiansen, Lars
Daniels, Gary
Flanagan, Jack
Garrity, Patrick
Gorman, Mary
Hinch, Richard
Katsiantonis, Thomas
Maltz, Jonathan
Mecheski, Holly
Palmer, Stephen
Rokas, Ted
Silva, Peter
Sullivan, Daniel
Warden, Mark

Barry, Richard
Burt, John
Condra, William
DeJong, Cameron
Fredette, Robert
Gidge, Kenneth
Graham, John
Hopper, Gary
Krasucki, Joseph
Marcus, Bruce
Messier, Irene
Porter, Marjorie
Rosenwald, Cindy
Soucy, Connie
Terrio, Ross

Brown, Kevin
Campbell, David
Coughlin, Sean
Donovan, Daniel
Gagne, Larry
Gimas, John
Haefner, Robert
Jasper, Shawn
Levasseur, Nickolas
McClarren, Donald
Moran, Edward
Proulx, Mark
Scontsas, Lisa
Stepanek, Stephen
Thomas, Joseph

MERRIMACK

Bouchard, Candace
Frazer, June
Kotowski, Frank
McDonnell, John
Potter, Frances
Shurtleff, Stephen
Williams, Robert

Cox, Sean
Gile, Mary
Kreis, Kenneth Sr
McGuire, Carol
Reed, Dennis
Smith, Todd
Winter, Steven

Deloge, Helen
Hill, Gregory
Lindsley, Mark
Owen, Derek
Richardson, Gary
Wallner, Mary Jane

DeStefano, Stephen
Kidder, David
MacKay, James
Patten, Dick
Sanborn, Laurie
Watrous, Rick

ROCKINGHAM

Antosz, Jason
Brown, Paul
Comerford, Timothy
DiPentima, Rich
Garcia, Marilinda
Headd, James
Kolodziej, Walter
McKinney, Betsy
Norelli, Terie
Powers, James
Ritter, Glenn
Sedensky, John
Ward, Joanne

Azarian, Gary
Cali-Pitts, Jacqueline
Copeland, Timothy
Dowling, Patricia
Garrity, James
Introne, Robert
Lovejoy, Patricia
McMahon, Charles
O'Connor, John
Quandt, Marshall
Sanders, Elisabeth
Tamburello, Daniel
Webb, James

Bettencourt, David
Case, Frank
Davenport, Joshua
Elliott, Robert
Griffin, Mary
Itse, Daniel
MacMahon, Bruce
Moody, Marcia
Oigny, Jeffrey
Quandt, Matt
Sapareto, Frank
Tucker, Pamela
Welch, David

Birdsell, Regina
Chirichiello, Brian
Devine, James
Fesh, Robert
Hagan, Joseph
Kappler, Lawrence
Major, Norman
Nevins, Chris
Pantelakos, Laura
Read, Robin Jr
Schlachman, Donna
Waddell, James

STRAFFORD

Andolina, Donald
Cataldo, Sam
Hofemann, Roland
Jones, Laura
Newton, Clifford
Roberts, Jenna
Sprague, Dale

Berube, Roger
Domingo, Baldwin
Hooper, Dorothea
Kaen, Naida
O'Connor, William
Schmidt, Peter
Vita, Lucien

Brown, Julie
Ginsburg, Philip
Horrigian, Timothy
Keans, Sandra
Pelletier, Marsha
Spainhower, Dale
Wall, Janet

Browne, Brendon
Grassie, Anne
Jones, Kyle
Larsen, Kirsten
Pitre, Joseph
Spang, Judith
Watters, David

Weeden, Michael

SULLIVAN

Cloutier, John
Laware, Thomas
Rodeschin, Beverly

Cunningham, Steven
Lefebvre, Benjamin
Schmidt, Andrew

Gagnon, Raymond
Lovett, Charlene
Smith, Steven

LaCasse, Paul Sr
Osgood, Joe

NAYS 108

BELKNAP

Accornero, Harry
Simpson, Tyler

Comtois, Guy
Swinford, Elaine

Greemore, Robert
Tobin, William

Luther, Robert

CARROLL

Chandler, Gene

Fleck, Joseph

McConkey, Mark

Pettengill, Laurie

CHESHIRE

Byrnes, John
Sterling, Franklin Jr

Cartwright, Anne

Johnson, Jane

Moore, Robert Jr

COOS

Daugherty, Duffy

Rappaport, Laurence

Tholl, John Jr

Tremblay, Marc

GRAFTON

Brosseau, Charles
Simard, Paul

Bulis, Lyle
Sorg, Gregory

Reilly, Harold Sr

Shackett, Jeffrey

HILLSBOROUGH

Avard, Kevin
Belvin, William
Erickson, Duane
Hikel, John
Kurk, Neal
Ohm, Bill
Reed, Michael
Seidel, Carl
Vaillancourt, Steve

Balboni, Michael
Boehm, Ralph
Gargasz, Carolyn
Hogan, Edith
LeBrun, Donald
Palmer, Barry
Renzullo, Andrew
Souza, Kathleen
Villeneuve, Moe

Barry, J. Gail
Coffey, James
Greazzo, Phil
Holden, Frank
McCarthy, Michael
Pellegrino, Tony
Robbins, David
Swank, Matthew
Whitehead, Randall

Belanger, James
Doherty, Shaun
Hansen, Peter
Hutchinson, Winfred
Ober, Russell III
Peterson, Lenette
Rowe, Robert
Twombly, Timothy
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Hoell, J.R.
McGuire, Dan

Coffey, Jennifer
Keane, Thomas
Seaworth, G. Brian

Cohn, Seth
Lauer-Rago, Kathleen

Giuda, J. Brandon
Lockwood, Priscilla

ROCKINGHAM

Abrami, Patrick
Charron, Gene
Hoelzel, Kathleen
Mauro, Donna
Reichard, Kevin
Shuler, Wyman III

Allen, Mary
Duarte, Joe
Hutchinson, Karen
Murphy, Brian
Rice, Frederick
Smith, William

Baldasaro, Alfred
Ferrante, Beverly
Katsakiores, Phyllis
Okerman, Richard
Schroadter, Adam
Sullivan, James

Bates, David
Gould, Kenneth
Manuse, Andrew
Peckham, Michele
Sheffert, Kenneth
Sytek, John

Tasker, Kyle
Wheaton, Gary

Tremblay, Stella

Waterhouse, Kevin

Weyler, Kenneth

STRAFFORD

DeLemus, Susan
Vita, Carol

Groen, Warren

Harty, Martin

Parsons, Robbie

SULLIVAN

Bowers, Spec

Howard, Thomas

and the motion was adopted.

Rep. Manuse voted Nay and intended to vote Yea.

DEBATE ON HB 519-FN

Majority committee amendment adopted.

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

Rep. James Garrity: Thank you, Mister Speaker. I move floor amendment (0408h) printed on page 305 in your calendar and I'd like to speak to my motion.

Speaker O'Brien: Rep. Garrity moves floor amendment (0408h) and is recognized to speak to his motion.

Rep. James Garrity: Thank you everyone. This is a friendly amendment and thank you, by the way, for passing the committee amendment a minute ago. Essentially what it does is remove paragraph six from the amendment that we just passed. It removes the utility cost recovery language and it makes the bill more consumer friendly. This is based on some feedback that I picked up while we were doing our executive session. Please vote green on this floor amendment. Thank you.

Speaker O'Brien: Will the member yield to a question? The member yields.

Rep. Kaen: Would the Representative be so kind as to explain the outcome with regard to potential taking with this amendment?

Rep. James Garrity: Good question. Good question. Yes, this is sort of standard language about utility cost recovery. The utility in question would be Public Service of New Hampshire (PSNH). Under RGGI.....Can I talk about RGGI?

Speaker O'Brien: If it is necessary to answer the question, Representative.

Rep. James Garrity: Under RGGI, there are different compliance periods in years so the first compliance period went 2009/2010/2011. PSNH had to purchase allowances to emit carbon for period one, but they also had the option in these RGGI carbon auctions to purchase allowances in the last few years for compliance period two, which is 2012/2013/2014. When we repeal RGGI, any of those allowances that PSNH has purchased, they will still have them so originally this language was put in to say that PSNH could recover the cost after RGGI is repealed for the allowances that they purchased when RGGI was in place. Having giving that some analysis, the reason I put this in was because PSNH has the opportunity, even if RGGI is repealed, to sell those allowances in the secondary carbon market. The feeling was they can try to recover their costs through the carbon market. They took the risk in the first place by buying ahead without being told they had to, so I would prefer to err on the side of the consumer because we work for the consumers, we don't work for the utilities.

Speaker O'Brien: Will the member yield for an additional question? The member does yield.

Rep. Kaen: Can you further explain who you consulted with before putting this amendment before the body and who agreed with you that this in fact, despite the fact that those allowances might be sold for less than they paid for them, under the provision that they were required to participate in this program by this legislature? In that event, you think that the

company should eat those costs?

Speaker O'Brien: The member will suspend. The member is on to her third question. You might want to decide which question.

Rep. James Garrity: To be honest with you, anybody who does business in the public sector and does business in a regulated sphere or does business in a place where the government changes every once in awhile, by doing business in the public sector, you are taking a business risk that things will change. If you don't want to take those business risks, don't do business in the public sector. I called someone at the PUC and I called someone at PSNH to float the concept. Did they like the idea? Not necessarily, but again, I don't work for the PUC and I don't work for PSNH. Thank you.

Speaker O'Brien: The question before the House is the adoption of floor amendment (0408h). For what reason does the member rise? Will the member yield for another question? The member does yield.

Rep. Pastor: Thank you, Mister Speaker. This was Representative Kaen's third question, but it will be my first. Could you please tell us who did you consult with and whether they agreed with the change that you proposed or not?

Rep. James Garrity: I just did. I answered that. I told you I consulted with someone over at the PUC and someone at PSNH. Other than that, it was a legend in my own mind.

Speaker O'Brien: The question before the House is the adoption of floor amendment (0408h). Are you ready for the question? All those in favor, say Aye. All those opposed, Nay. The Ayes have it and floor amendment (0408h) is adopted. The bill is before the House on the committee recommendation on Ought to Pass with Amendment. The Chair recognizes Rep. Kaen of Lee for remarks.

Rep. Kaen: Thank you, Mister Speaker. Thank you, members of the House and in particular those whom I have known for many years and whom I greatly respect. Several careers ago, I worked as a "research officer" for a bank holding company. Just to give you a sense of how long ago that might have been, it was in the days when they gave out titles rather than pay and the overnight interest rates were 21 to 23%, a little different from today. That was early in my career and my duties, in addition to regulatory compliance for the holding company, included reviewing the annual report to make sure that it went out error free. Well, I didn't have a lot of patience for that. I really had a lot of difficulty even punching numbers into a calculator and getting the same outcome twice, but I worked at it and I learned that it was a really important thing to get things right. You don't want to send something out to the public because it's your face to the world. It's your face to the world when you put something out in writing as yours and I would suggest to you that the legislation that we bring out of the Science, Technology and Energy Committee and then comes before this House and is voted on, you, each one of you should have the confidence as we have had in all the years that I can remember that good work came before it came to this House. It's our face to the world. HB 519-FN was heard in this Hall from 10:00 a.m. to 6:30 p.m. on one day. The next time the committee gathered to deal with this issue, and mind you a number of very intelligent members are new to this committee and new to the subject matter, though some of us have been around for quite some time; it's a complicated subject matter. The next time we met, we met to exec it, and how much discussion took place among committee members? Well, each of us had an opportunity, and I was called on first, to make one statement. There was no exchange across the table. There was no discussion so there was no opportunity for people new to these complicated regulatory issues to even hear and have an exchange about some of the very important objections some of them had to the current legislated RGGI. Well we are not good at forecasting the future, none of us, and you just ask those people on Finance or on Ways and Means if they can figure out where the economy is going to go next and get every single thing right and every estimate right. Maybe there are a few things that need to be tweaked in the process and I heard some really good, very good ideas around the table and I would love to take up those ideas, but there was no opportunity. So, what's the rush? We have a new program in place and it's been in place two

years now and we had a raft of people come here and thank us. They testified what use this would have to them and their local communities and there is someone to speak after me about those particulars. I'm sticking to the process. The process included bringing it to this floor and we were given an amendment at the executive session with no chance really to read it or even consider its implications. That got voted on and it's the one on Ought to Pass as Amended. Now, we have another amendment. That, too, has not gotten any input as you just heard, other than the committee chairs. No exchange about the importance of the fact that New Hampshire ratepayers will continue to pay in rates, despite what you read in the press. What I read in the press this morning was absolutely incorrect, I assure you. A lot of the stuff that is coming in is from out of state. The robocalls are full of misinformation. These issues are complicated and should be taken up in the Science, Technology and Energy Committee where there is institutional memory, the connections to the agencies and the support of the Department of Environmental Services and the Public Utilities Commission, all of whom stand at our service to make the changes needed. So, what's the rush? Okay, it's an early bill. We are going to ramrod it through. We'll fix it in the Senate. I think we have a couple more bites at the apple. You think the Senate's got time to stop action and figure out what all the policy implications are? We didn't talk about the policy. What does Finance do? They look at the implications for the budget. They are not charged with looking at the \$17 million we will no longer be getting into the state to help reduce our ongoing electric rates. So, what's the rush? Is somebody holding a gun to our heads? Forcing us to jump off a cliff? Because that is what we are doing. We are jumping off a cliff without knowing what the consequences are. You know business people, they make decisions with imperfect information every day and that's because they have to. They have to because time is of the essence. They may lose an opportunity if they don't, but what do we have to lose by getting it right? What do we have to lose? That's all I would like you to think about at the moment. Please, let's do our work. Do we want the Senate to believe what we bring to them? They always have when it's come out of the Science, Technology and Energy Committee. What kind of precedent will this one be? Thank you for your attention and I thank all of you who I know will do the right thing.

Speaker O'Brien: The Chair recognizes Rep. Pastor from Lyme for remarks.

Rep. Pastor: Thank you, Mister Speaker. Thank you, Honorable colleagues. I have two opening statements. The first one is I rise in opposition to HB 519. The second one is that my remarks have a subtitle. The subtitle is let's cut to the chase. That's not going to be an easy task if you think of the 8 hours of testimony that we heard right here barely a week ago or if you look at the majority blurb which is probably the longest blurb I've ever seen in a house calendar. I shall try nonetheless. I could start by answering the basic question which is what is RGGI and as Rep. Kaen has pointed out, it is not an easy question to answer and I will not try to answer it here for the very simple reason that the majority blurb gives you the exact mechanism of how RGGI functions. The issue of the locations, the issue of the allowances, who pays for them, who gets them and what happens with the money that is generated from the fund created by the utilities and electric companies buying the allowances. That's in the majority blurb. I think that instead we should concentrate on a different question or I will be happy to answer questions about what is RGGI if you want to really hear the answer. The question that I really think we have to focus on today is, has it worked? In answering this question, I would like to just tell you that in terms of the reduction of CO2 emissions and in terms of the savings for our businesses and residents, there are some figures out there and I'm going to very briefly quote some of those figures. During the first year reporting period, the executive summary of the New Hampshire Greenhouse Gas Emissions Reduction Fund claims that residents and businesses saved \$1.5 million in energy costs and that they reduced CO2 emissions by 4,600 metric tons. In the second year that extends from July 2010 to June 2011, they project \$4.2 million in savings for residents and businesses and a reduction of 13,200 tons of CO2. As a lifetime saving, meaning taking into account the way in which the funds generated are invested, they project

that it will translate into a savings of \$60.6 million savings in energy cost and a reduction of almost 200,000 metric tons of CO₂. Those are figures from the Greenhouse Gas Emissions Reductions Fund. They are supported by the figures that we have gotten from the Public Utilities Commission (PUC) and also from some other state agencies. I will not clutter your mind with figures. These are almost the only figures you are going to hear. I will go to the second point, the second issue that is brought up with the discussion with RGGI when one asks has it worked. There is no question that the proceeds from the auctions, that is the RGGI fund, have allowed the state to increase energy efficiency in public buildings, to allow private residents to increase energy efficiency in their own homes, to support cost effective renewable retrofits like the solar water heaters that were supported last year with a program that was run with RGGI funds through the PUC and the Office of Energy and Planning. There is no question that they have allowed us to create new jobs in retrofitting and weatherization at a time when the building industry is really dragging in the state. All that is verifiable. I will not give the figures. If you want the figures, after the session I will be happy to direct you to the places where you can get all that specific information. So, it has fulfilled its original goals. The question is why repeal it? Why are we trying to repeal RGGI if it has done all those things? The majority blurb says because it has been raided and it says we told you so. We said at the time that it was set up, the fund, that it could be raided for the general fund and that happened last year. If this is the case, if this is the reason, the solution is surely not to repeal the program, it's to fix it. It's to amend the statute so that that becomes impossible and let me tell you, there will be a lot of Democratic support for that fix. The second reason that is brought up by the majority blurb is, "Because RGGI should never have been enacted to begin with. The science of climate change was far from settled." We've heard that argument over and over again, but that was then and this is now. There is considerable scientific evidence tying CO₂ emissions to accelerated climate change. In fact that is, as of now, the dominate position of the scientific community in the US and internationally. Let's face it. There are those who don't believe it. We heard them in testimony during the hearings and we talk to them regularly in committee and elsewhere. This is what I am going to propose. Let's for the sake of the argument give equal weight to both positions. The position that believes in the CO₂ connection to climate change and the position that says that climate change is a result of sun cycles or other natural cycles and that we have nothing to do with it. If we do that, if we say that they can be equally right or equally wrong, that moves us into what I would call the uncertainty scenario. The problem is that in the face of that supposed uncertainty the risks of doing nothing are just too great. If the predictions about CO₂ related accelerated climate change are correct and we do nothing, by the time we see unquestionable proof the damage may be well catastrophic and what is worse, irreversible. That's it. Now, let me give you an analogy on an uncertain scenario to put this into perspective. There was never any scientific evidence or certainty that the Russians were going to nuke this country during the cold war. There was never any scientific evidence and there was a great deal of uncertainty, yet every US President worth his salt prepared carefully for that possibility in order to minimize the damage. That is common sense and good risk management. It was a wise decision then just as it is a wise decision now to take protective measures against an uncertain but very possible disaster and if you are skeptical about the analogy with the President there is always Noah, isn't there? After all, Noah was in the same position. He was told there was a natural disaster about to occur and he was faced with uncertainty and he didn't know for sure whether it was going to occur or not. He could have looked out of the window and said it doesn't look like it is going to rain and he could have said I don't think that makes sense because it hasn't happened before. He made a different story and he decided to build the Ark and he saved the human race. So, in the face of the reality of making decisions in an uncertainty scenario, I think that what we see is that just as the first reason to repeal RGGI did not hold much water because it amounted to throwing the baby away with the bath water, the second one doesn't hold much water, because acting as though we are certain that something is not going to

occur when in fact there is reasonable evidence that it might occur, is an argument for accepted risk taking. When all is said and done there is yet another fundamental reason not to support HB 519 and repeal RGGI and that is a purely economic reason. Listen to our Governor, "Withdrawing from RGGI would have real costs for New Hampshire. Ratepayers would continue to pay \$6 million in additional electricity rate. We would lose more than \$12 million of funding annually." What this means is very simple. What this means is that from a purely economic view, the people of NH, I and you who will be voting on HB 519 today, only have two options. The first option would continue to pay for RGGI and reap its economic benefits which are estimated at roughly \$12 million. The second option would continue to pay for RGGI because we are tied to RGGI for as long as we are tied to ISO and that is regional structure and even though we continue to pay for RGGI we give up all the revenues which we fund to subsidize the ratepayers of other states. Those are our two real choices in this economic time. It seems to me that even in good economic times, giving up \$12 million is not a good proposition. In our current situation it seems foolish and bad. So, think about it, please. Think about it and think about the President of the US during the cold war and think about Noah and his boat and his ducks, and his cows and his elephants and think about the reality, not the rhetoric of the very simple choice you are faced with today and please when you have thought about all this, maybe not the boat and the duck, but the rest. When you've thought about all this, press the red button in position to HB 519 so that we can move to recommit the bill and we can study according to the process that Representative Kaen outlined earlier. Thank you for your attention.

Speaker O'Brien: Will the member yield for a question. The member does yield. Rep. Tamburello, you may ask your question.

Rep. Tamburello: Thank you, Mister Speaker and thank you Representative for taking my question. I just have a quick inquiry if you don't mind. The cow bill that we recently voted on today, some people in here recognized some research indicates that cows emit more damage to the environment than human activity does. Would you advocate for carbon credits to be required for dairy farmers?

Rep. Pastor: Do you really want me to answer this question seriously? I will. Would I advocate that? Not at this point, because at this point I am dealing with one very specific issue. That issue is RGGI. As much as I love cows, I don't think that the analogy between the cows and the consumption of fossil fuels really bears scrutiny, not serious scrutiny anyway.

Speaker O'Brien: Does the member yield for another question? The member does yield. Rep. Flanagan, you may inquire,

Rep. Flanagan: Thank you, Mister Speaker. Thank you for taking my question. The question is rather simple. If these projects are so good and have such a great return, why are we paying for it? Why aren't the people who are receiving the benefit paying for this out of their own pockets?

Rep. Pastor: You mean why is the state giving grants to allow our citizens to carry out energy efficiency improvements?

Rep. Flanagan: Correct. If it is so beneficial, why are we paying for it?

Rep. Pastor: For the same reason that states try to do things for the common good whenever they can. I think that citizens have to help themselves, but it has been the traditional function of states to try to fund things for the common good and if the state decides that cutting carbon emissions, reducing energy costs, breaking our dependency on foreign oil and protecting the planet are causes for the common good, it makes sense for the state to support them.

Speaker O'Brien: Does the member yield to a follow up question. The member does yield.

Rep. Flanagan: Thank you, Mister Speaker. Thank you for taking my question. So the lights that we are installing in Brookline are for the common good?

Rep. Pastor: Could you repeat the question please?

Rep. Flanagan: Brookline received a grant through RGGI for putting in new light fixtures.

How is that for the common good?

Rep. Pastor: Well, any collective action that we take to reduce our energy consumption is going to free us from dependency on fuel that we do not produce, not in the state of New Hampshire and if only in this economic way it makes sense and that is without even talking about the international issues that tie that reduction to what could be national security issues and that's part of the picture.

Speaker O'Brien: Does the member yield for another question? The member does yield.

Rep. Kaen: Representative, wouldn't you also say that every one of us who saves energy, fails to use it, contributes in that we all don't have to then pay for new power plants?

Rep. Pastor: Yes, I would say that.

Speaker O'Brien: The question before the body is on the majority committee report of Ought to Pass with Amendment. The Chair recognizes Representative Keans from Rochester.

Rep. Keans: Thank you, Mister Speaker. Mister Speaker I rise in opposition to the pending motion and in favor of the minority report of inexpedient to legislate. Mister Speaker, I have been around this House a long time and during all of those years, there have been many important battles. Sometimes I was on the winning side and often on the losing side, however, I always left this chamber believing the issue had had a fair debate on this very floor. Monday was quite an eye opener. I have never seen such a cowardly perpetration pulled on the vulnerable citizens.....

Speaker O'Brien: The member will suspend. The member will reserve her remarks to the merits of the bill and not any motivation or actions of a member.

Rep. Keans: This has nothing to do with the motivations of the bill, Mister Speaker. If you will let me continue Mister Speaker you will find out who I am referring to.

Speaker O'Brien: Then please proceed without referring to the motives of a member or characterizing their actions.

Rep. Keans: This is not the motives of the bill, but I can assure you that on Monday, many, many vulnerable citizens of my district and I assume some other districts as well had phone calls and I think it's quite ironic on President's Day, just think of that. I wonder what George Washington would have thought of those tactics, sleazy as they are. On Monday.....

Speaker O'Brien: The member will suspend. The member will heed the instructions of the Chair in her remarks from this point on. Please proceed.

Rep. Keans: On Monday I received in excess of two dozen robocalls that I can verify and I actually spoke to six individuals, senior citizens, from my district. Some knew the bill number, others did not. No one knew my phone number and they didn't know my name. Each had received a call from someone they didn't know and with no discussion or explanation were told if they wanted to prevent their electric bills from going up, just push number one on their phone. What a surprise when two of them I actually spoke to and identified myself to, realized, "Oh my gosh, I know you." This was an insidious act to frighten those folks in my district and it was wrong, Mister Speaker. This is not the way we practice democracy in New Hampshire. All the citizens of this state as well as in my district deserve better and I ask you to defeat this bill. Thank you.

Speaker O'Brien: The question before the House is on the majority committee recommendation of Ought to Pass with Amendment. The Chair recognizes Representative Garrity of Atkinson for remarks.

Rep. James Garrity: Thank you, Mister Speaker. Thank you fellow members and I rise in support of this bill as amended and will be asking you to press the green button. Mister Speaker, let me start off by saying that I am so honored to be the Chairman of a committee that has eighteen really, really sharp people. It doesn't matter what party they are from. These folks are top notch and I'm not the brightest florescent bulb in that tree, but I do get the benefit of being with them and working with them so I have intense respect for all of them. I am also very much aware that as a Chairman you never stop learning how to do your job better, how to learn from experience and I promise all of you I will never stop

learning and trying to be a better Chair and do my job better. Mister Speaker, three years ago when RGGI was approved, I was on this floor arguing against it and the good Representatives were arguing for it. Three years ago when RGGI was approved, the rallying cry was "We must join RGGI or the planet will dry up." Here we are three years later and the rallying cry we've heard from the public hearing and from the emails and everything else is, "We can't lose RGGI or the money will dry up." It's become apparent to all of us, most of us, that RGGI was never really all about the climate, it's all about the money. RGGI involves three kinds of science. RGGI should be repealed now because we should never have joined in the first place. RGGI should be repealed now because its passage three years ago rested on shaky climate science, namely the global warming apocalypse was coming and RGGI would help stop it. The majority believes that climate science is still far from settled. The majority realizes that RGGI is not about the climate. RGGI is all about the money. RGGI should be repealed now because it rests on shaky economics science, namely that the government should collect some money from all of us to redistribute that wealth to a few of us. The majority believes that our constituents' money should remain in their pockets to be spent, saved or invested as they see fit. After all, it's their money, not the governments'. The majority believes that RGGI was a stealth tax hidden in our electric bills. The majority believes that RGGI created the illusion of free money to those who benefited from its funds, but you and I all know there is no such thing as free money. RGGI should be repealed now because it rests on shaky political science, namely that bigger government is better government, that mandates are better than markets, that multi-state entangling alliances are better than New Hampshire citizens finding New Hampshire solutions to New Hampshire challenges. The majority believes in shrinking the scope, size and cost of government, not growing it. The majority believes that New Hampshire should declare its independence from the RGGI alliance so I ask you to think green when you vote. Vote to keep the green hard-earned money in our constituents' pockets. Vote to make other RGGI states green with envy when they hear we have left and vote to repeal the cap and trade scheme by pressing the green button. Thank you.

Speaker O'Brien: Will the member yield for a question? The member does yield.

Rep. Kaen: Thank you, Mister Speaker. Representative, do you believe that it is possible for New Hampshire to cut itself off from the regional electric supply?

Rep. James Garrity: No, it's not possible to do that. It is possible for New Hampshire to take care of its own carbon. In fact, you know that New Hampshire had a clean air bill that came way before RGGI that dealt with carbon. RGGI took that over so the next step after we repeal RGGI is to update our clean air act. Thank you.

Speaker O'Brien: Does the member yield for another question? The member yields.

Rep. DiPentima: Thank you, Mister Speaker and thank you Representative Garrity for taking my question. In a broader scope, do you believe that climate change is an issue that this legislature should be addressing through legislation separate from the issue of RGGI?

Rep. James Garrity: Should climate change be an issue that we are addressing through legislation? Yes, we should be really seriously looking to see whether this whole hype has any teeth to it.

Speaker O'Brien: The question before the House is the adoption of the majority committee report of Ought to Pass with Amendment. Representative Jasper requests a roll call. Is that sufficiently seconded? It is sufficiently seconded. This is a roll call vote. Members will please take their seats. For what reason does the member rise?

Rep. Kaen: To make a motion of a higher order.

Speaker O'Brien: The member is recognized for a motion. Please state your motion.

Rep. Kaen: Mister Speaker, I move to recommit HB 519 to the Committee on Science, Technology and Energy.

Speaker O'Brien: The House will come to order. The motion before the House is to recommit. Does the Representative wish to be heard on her motion?

Rep. Kaen: Mister Speaker and members of the House, an issue of this importance deserves

a lot of consideration. It has received hardly any and I do appreciate you all listening, but I wonder if you've heard all sides of the issue. One needs committees to banter about the consequences of our actions. One seldom achieves that talking to 400 people in a Hall or 399 without me. You've probably come here with your priorities and I don't blame you, but I think each of us understands how important committee work is and I am implore you to keep the respect of this House and not just pass the issue over the wall. Thank you.

Speaker O'Brien: The Chair recognizes Representative Jasper for remarks.

Rep. Jasper: Thank you, Mister Speaker. If I know....I know its part of a speech, but it's still part of the question. I know that this is the last day and you all need to know that this is the last day that we can act on this bill because it is an early bill and will be going to a second committee and the effect of this motion would be to kill it. We have also heard nothing here today that would cause us to recommit this bill. This came out of committee with a strong vote of 2 to 1 to pass it with the amendment. There is no reason that we should not do that. Let's deal with the vote, with the bill, get an up or down vote on this and not play games such as this. Thank you, Mister Speaker.

Speaker O'Brien: The question before the House is the motion to recommit. Are you ready for the question? I heard a roll call. Representative Norelli requests a roll call. Is that sufficiently seconded? It is sufficiently seconded. This is a roll call vote. Members will please take their seats. The House will come to order. The question is on the motion of Representative Kaen to recommit. This is a roll call vote. The Chair recognizes Representative Jasper for a parliamentary inquiry.

Rep. Jasper: Thank you, Mister Speaker. If I know that there is no reason to recommit this bill and Mister Speaker, if I know the effect of recommitting it would be to prevent us from acting on it this year, would I now vote no by pressing the red button?

Speaker O'Brien: The question before the body is the motion to recommit HB 519 to the Committee on Science, Technology and Energy. The Chair recognizes Representative Norelli for a parliamentary inquiry.

Rep. Norelli: Thank you, Mister Speaker. If I know as an alumna of the great Science, Technology and Energy committee, aware of the wonderful and in-depth work they do on very complex issues, if I know that recommitting this bill to that committee would give them the opportunity to do the serious work that really needs to be done on this bill, regardless of the time deadline, but knowing that the work would be the right work, would I now vote green to recommit this bill to the committee?

Speaker O'Brien: The question is on the motion of Representative Kaen to recommit. This is a roll call vote. If you are favor of recommitting, you will press the green button. If you are opposed, you'll press the red button. Voting stations are open for 30 seconds. The House will be attentive to the state of the vote. 100 members having voted in the affirmative, 250 in the negative, the motion fails. The question before the House is the adoption of the majority committee report of Ought to Pass with Amendment. This is a roll call vote. You are in your seats. The Chair recognizes Rep. Levasseur for a parliamentary inquiry.

Rep. Levasseur: Thank you, Mister Speaker and members of the House. If you know as I know that the process by which we vet all legislation is critical to the democratic process and if you know as I know that this bill was not given the attention and the diligence that is demanded by that process when it is due to an issue of this magnitude? If you know as I know that the committee voted on this bill without fully understanding all of the implications, without a fiscal note before the true economic impacts of RGGI repeal are fully known and if you know as I know that repealing RGGI will not lower electrical rates, it will not save any ratepayer money, but it will slow job growth in the state, it will cause a loss of millions of dollars of efficiency grants and of leverage funds and that these facts alone make repealing RGGI a net loss for our state? If you know as I know that a government that moves too quickly and without all the facts is a government that makes mistakes and causes harm to its people, please push the red button and overturn the committee report?

Speaker O'Brien: The question is on the adoption of the majority committee report of

Ought to Pass with Amendment. The Chair recognizes Representative Jasper for a parliamentary inquiry.

Rep. Jasper: Thank you, Mister Speaker. If I believe that neither man nor cow was responsible for global warming and I know this because I read the 1941 US Department of Agriculture report called *Climate and Man* that explained 70 years ago exactly what we could expect and I know that they were on the mark 70 years ago and they were not attributing it to man, they were attributing it to a natural cycle? Mister Speaker if I know that this committee did take the time they needed because we adopted the comprehensive amendment that they put forward and Mister Speaker if I know that what is really behind RGGI is in fact the money and that if I am not in favor of redistributing the wealth would I now push the green button and vote yes to adopted the committee report?

Speaker O'Brien: This is a roll call vote. If you are in favor of the adoption of the majority committee report of Ought to Pass with Amendment, you'll press the green button. If you are opposed, you'll press the red button. Voting stations are open for 30 seconds. The House will be attentive to the state of the vote. 246 members having voted in the affirmative and 104 in the negative, the committee report is adopted. Under the rules of the House, HB 519-FN is referred to the Committee on Finance.

REGULAR CALENDAR (CONT'D)

HB 612, establishing a commission to study existing septic systems and potential new septic technologies. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank R. Holden for Science, Technology and Energy: The majority of the committee believes that studying existing septic systems and potential new designs should be done without establishing a special commission. The objective of this bill could best be accomplished by the lakes management advisory committee which has the expertise. Other concerned parties could be included on an ad-hoc basis. Vote 17-1. Committee report adopted.

HB 208-FN-L, providing additional per pupil funding for pupils in certain public schools. **INEXPEDIENT TO LEGISLATE.**

Rep. David W. Hess for Special Committee on Education Funding Reform: The sponsor and supporters of this bill presented persuasive information concerning the diseconomies of scale for our small and very small schools that is consistent with what educational consultants have advised legislative study commissions over the years. However, these same educational consultants have also consistently advised us not to provide supplemental state aid for costs associated with smaller schools. This bill, while well-intentioned, demonstrates the difficulties of quantifying these increased costs by arbitrarily setting the amount of such supplemental aid and by arbitrarily setting the size of the schools to which this aid would be extended. In addition, this bill carries an estimated cost of almost \$8 million with no suggestion to where other education spending can be cut to fund this cost. Finally, the committee believes that this and other bills directed at specific components of state aid to education should be considered within a comprehensive review and discussion of this subject, which is ongoing. Vote 11-2. Committee report adopted.

HB 238-FN-A, relative to the assessment of the education tax by towns and cities.

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

Rep. Andrew Renzullo for the Majority of Special Committee on Education Funding Reform: This bill requires municipalities to assess the education tax on residential and commercial property only after applying a \$100,000 exemption to the valuation. This has the intended consequence of shifting the tax burden to higher value properties. According to the sponsors own figures (unverified by the committee), the break-even point would be a house valued at \$600,000. Homes of lesser value would have a lower percentage tax, while homes of greater

value would have a higher percentage tax. This is the first step toward a graduated property tax. It is an attempt to shift the tax burden to those who are apparently more affluent, or, in other words, "those who can afford it." On philosophical grounds, this is class warfare and is unacceptable. On a practical level, redistribution of the real estate tax could impose significant unintended hardship. In the southern tier, many homes have doubled, tripled or even quadrupled in value over the years. People who bought moderately priced homes years ago, and are now living on fixed retirements, have homes of high assessed value. They cannot, and should not, be required to pay the taxes of others. And finally, this legislature is looking to make changes in education funding. The education tax (state wide property tax) may or may not be part of any comprehensive plan. Thus any tinkering with the tax structure is, at best, premature. In this case, the tinkering is ill-advised and would result in negative consequences. Vote 10-3.

Rep. Gary B. Richardson for the Minority of Special Committee on Education Funding Reform: This bill would provide an exemption of \$100,000 from the State Wide Education Property Tax (SWEPT) from the assessed valuation for one principal structure per lot used for residential or commercial purposes. The proposal is revenue neutral meaning that the amount raised by the SWEPT for education would remain unchanged. The exemption would cause an increase in the tax rate from \$2.325 per thousand to \$2.77 per thousand, but would result in a reduction in taxes for small businesses and residents owning property assessed at less than \$625,000, and a minor increase for those residents and businesses assessed at more than \$625,000. For example, a residence or business assessed at \$1 million would see an increase of \$165 annually. The minority believes that this bill would assist people to find basic housing at an affordable cost and encourage small businesses that are the backbone of our economy.

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

Reps. Hatch and Gary Richardson spoke against and yielded to questions.

Rep. Renzullo spoke in favor.

Rep. Ball requested a roll call; sufficiently seconded.

YEAS 255 NAYS 91

YEAS 255

BELKNAP

Accornero, Harry
Greemore, Robert
Pilliod, James
Swinford, Elaine

Bolster, Peter
Kingsbury, Robert
Russell, David
Tilton, Franklin

Comtois, Guy
Luther, Robert
Simpson, Tyler
Tobin, William

Fields, Dennis
Malone, Robert
St. Cyr, Jeffrey
Worsman, Colette

CARROLL

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Schmidt, Stephen

Knox, J. David
Patten, Betsey
Tregenza, Norman

CHESHIRE

Byrnes, John
Hunt, John
Smith, Edwin

Cartwright, Anne
Johnson, Jane
Sterling, Franklin Jr

Dwinell, Richard
Moore, Charles

Emerson, Susan
Moore, Robert Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Brosseau, Charles
Ingbretson, Paul
Shackett, Jeffrey

Bulis, Lyle
Ladd, Rick Jr
Simard, Paul

Eaton, Stephanie
Mirski, Paul
Sorg, Gregory

Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Brown, Kevin
Christiansen, Lars
Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Graham, John
Hardwick, Harry
Holden, Frank
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Stephen
Reed, Michael
Scontsas, Lisa
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Balboni, Michael
Belanger, James
Brownrigg, Randall Jr
Coffey, James
Daniels, Gary
Drisko, Richard
Gandia, Laura
Greazzo, Phil
Hikel, John
Hopper, Gary
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Ober, Russell III
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Ball, J. Michael
Belvin, William
Burt, John
Condra, William
DeJong, Cameron
Erickson, Duane
Gargas, Carolyn
Haefner, Robert
Hinch, Richard
Hutchinson, Winfred
LeBrun, Donald
McCarthy, Michael
Messier, Irene
Ohm, Bill
Peterson, Lenette
Robbins, David
Silva, Peter
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

Barry, J. Gail
Boehm, Ralph
Cebrowski, John
Coughlin, Sean
Doherty, Shaun
Flanagan, Jack
Gonzalez, Carlos
Hansen, Peter
Hogan, Edith
Jasper, Shawn
Long, Patrick
McClarren, Donald
Moran, Edward
Palmer, Barry
Proulx, Mark
Rowe, Robert
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kidder, David
Lindsley, Mark
McGuire, Dan
Smith, Todd

Coffey, Jennifer
Hill, Gregory
Kotowski, Frank
Lockwood, Priscilla
Reed, Dennis
Winter, Steven

Cohn, Seth
Hoell, J.R.
Kreis, Kenneth Sr
McDonnell, John
Sanborn, Laurie

Cox, Sean
Keane, Thomas
Lauer-Rago, Kathleen
McGuire, Carol
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Comerford, Timothy
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Itse, Daniel
Lovejoy, Patricia
Mauro, Donna
Nevins, Chris
Peckham, Michele
Rice, Frederick
Schroadter, Adam

Allen, Mary
Bates, David
Case, Frank
Copeland, Timothy
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
MacMahon, Bruce
McKinney, Betsy
O'Connor, John
Quandt, Marshall
Ritter, Glenn
Sedensky, John

Antosz, Jason
Bettencourt, David
Charron, Gene
Davenport, Joshua
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Major, Norman
McMahon, Charles
Okerman, Richard
Quandt, Matt
Sanders, Elisabeth
Sheffert, Kenneth

Azarian, Gary
Birdsell, Regina
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Griffin, Mary
Hutchinson, Karen
Kolodziej, Walter
Manuse, Andrew
Murphy, Brian
Oigny, Jeffrey
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III

Smith, William
Tasker, Kyle
Waterhouse, Kevin
Wheaton, Gary

Sullivan, James
Tremblay, Stella
Webb, James

Sytek, John
Waddell, James
Welch, David

Tamburello, Daniel
Ward, Joanne
Weyler, Kenneth

STRAFFORD

Andolina, Donald
DeLemus, Susan
Jones, Laura
Parsons, Robbie
Weeden, Michael

Berube, Roger
Groen, Warren
Larsen, Kirsten
Pitre, Joseph

Brown, Julie
Harty, Martin
Newton, Clifford
Vita, Carol

Cataldo, Sam
Jones, Kyle
O'Connor, William
Vita, Lucien

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 91

BELKNAP

None

CARROLL

None

CHESHIRE

Carr, Daniel
Lindsey, Steven
Sad, Tara

Chase, Cynthia
Meador, David
Tatro, Bruce

Hawkes, Samuel
Parkhurst, Henry
Weber, Lucy

Johnsen, Gladys
Roberts, Kris
Weed, Charles

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pastor, Beatriz
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Garrity, Patrick
Gorman, Mary
Porter, Marjorie
Shaw, Barbara

Brunelle, Michael
Gidge, Kenneth
Jeudy, Jean
Rhodes, Brian
Sullivan, Daniel

Campbell, David
Gimas, John
Katsiantonis, Thomas
Rokas, Ted

Fredette, Robert
Goley, Jeffrey
Levasseur, Nickolas
Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
Gile, Mary
Potter, Frances

Deloge, Helen
MacKay, James
Richardson, Gary

DeStefano, Stephen
Owen, Derek
Shurtleff, Stephen

Frazer, June
Patten, Dick
Wallner, Mary Jane

Watrous, Rick

Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline
Norelli, Terie
Schlachman, Donna

DiPentima, Rich
Pantelakos, Laura

Gould, Kenneth
Powers, James

Moody, Marcia
Read, Robin Jr

STRAFFORD

Browne, Brendon
Hofemann, Roland
Keans, Sandra
Spainhower, Dale
Watters, David

Domingo, Baldwin
Hooper, Dorothea
Pelletier, Marsha
Spang, Judith

Ginsburg, Philip
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

Grassie, Anne
Kaen, Naida
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the majority committee report was adopted.

HB 231-FN, relative to payment of state retiree medical benefits for spouses and dependents. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Neal M. Kurk for Special Committee on Public Employee Pensions Reform: The amendment replaces the bill. The bill, as amended, requires state retirees to pay more for their medical benefits. At present, retirees under 65 pay \$65 per month of the \$910 monthly premium; the state picks up the balance. Retirees over 65, who are on Medicare, pay the state nothing toward the \$353 monthly premium for their Part B Medigap coverage. The statute providing for these benefits, RSA 21-1:30, states that the benefits are subject to appropriations. The bill, as amended, requires retirees to pay a larger portion of the monthly premiums. It sets up sliding premium scales, so that those with lower monthly pensions pay less toward their medical benefits and those with higher monthly pensions pay more. The sliding premium scales differ for retirees under 65 and those over 65, with those under 65 paying for a greater portion of their medical benefits than those over 65, as the committee believes retirees under 65 have more options available to them to offset the increased premiums. The bill, as amended, is intended to reduce the state's share of retiree medical benefit costs by approximately 25%, or about \$10 million per year in general funds. Should the increased premiums not save that amount, the department of administrative services is required to reduce the level of plan benefits such that the total of the additional premiums paid by retirees and the lower cost of the reduced plan benefits equals that amount. Vote 9-4.

Amendment (0317h)

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

AN ACT relative to payment of medical benefits for state retirees, their spouses, and dependents.

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

1 State Retiree Medical Benefit for Retiree, Spouse, and Dependents. Amend RSA 21-1:30, I to read as follows:

I. The state shall pay a premium *toward group hospitalization, hospital medical care, surgical care and other medical benefits plan or a self-funded alternative within the limits of the funds appropriated at each legislative session and providing any change in plan or vendor is approved by the fiscal committee of the general court prior to its adoption* for:

(a) Each state employee and permanent temporary or permanent seasonal employee as defined in RSA 98-A:3 including spouse and minor, fully dependent children, if any, and

(b) *Pursuant to the extent of eligibility under paragraph I-a*, each retired employee, as defined in paragraph II of this section, and his or her spouse, or retired employee's beneficiary, only if an option was taken at the time of retirement and the employee is not now living~~[-toward group hospitalization, hospital medical care, surgical care and other medical benefits plan or a self-funded alternative within the limits of the funds appropriated at each legislative session and providing any change in plan or vendor is approved by the fiscal committee of the general court prior to its adoption].~~

I-a.(a) For each calendar year the state shall pay a percentage of the premium for each retired employee, as defined in paragraph II of this section, and his or her spouse, or the retired employee's beneficiary until such retiree, spouse, or beneficiary attains 65 years of age, calculated as follows:

(1) *Divide the average annual state retirement annuity income of group I or group II, as the case may be, as of June 30 of the year prior to the beginning of the calendar year by the annual state retirement annuity income of the retiree,*

(2) *From the result, subtract .7 and multiply by 100 to express as a percentage; provided that the resulting percentage shall never exceed 100 nor be less than 0.*

(b) *For each calendar year the state shall pay a percentage of the premium for each retired employee, as defined in paragraph II of this section, and his or her spouse, or the retired employee's beneficiary, from 65 years of age and older, calculated as follows:*

(1) *Divide the average annual state retirement annuity income of group I or group II, as the case may be, as of June 30 of the year prior to the beginning of the calendar year by the annual state retirement annuity income of the retiree,*

(2) *From the result, subtract .4 and multiply by 100 to express as a percentage; provided that the resulting percentage shall never exceed 100 nor be less than 0.*

(c) *The amount of premium paid pursuant to subparagraphs (a) and (b) shall be reduced by the percentage determined by multiplying 1.67 percent by the number of whole years that the retiree's creditable state service is less than 30 years for group I retirees and 2-1/2 percent by the number of whole years that the retiree's creditable state service is less than 20 years for group II retirees. For split benefit retirement under RSA 100-A:19-a – 19-h, the applicable percentage and years of creditable state service shall be proportionally adjusted according to the amount of service in each group.*

I-b. The total cost to the general fund for the benefit provided in subparagraph I(b) and calculated under paragraph I-a shall not exceed \$30 million, including the administrative costs of the department, in each fiscal year of a biennium. If in any calendar year the total general fund cost of the retiree medical benefit as calculated pursuant to paragraph I-a is projected to exceed that amount, the commissioner of the department of administrative services shall, with the prior approval of the fiscal committee of the general court, adjust the plan design of the group hospitalization, hospital medical care, surgical care and other medical benefits plan or the self-funded alternative to reduce the cost of the benefit to that amount.

I-c. Funds appropriated for [this] the purpose described in this section shall not be transferred or used for any other purpose.

2 New Paragraph; Medical Benefits; Deduction Authorized. Amend RSA 21-I:30 by inserting after paragraph V the following new paragraph:

VI. If the cost of the premium for any retired employee, spouse, or beneficiary entitled to benefits under this section shall exceed the maximum amount payable by the state, the excess cost shall be paid by the retiree or qualified spouse or beneficiary and shall be deducted from retirement benefits. The state shall require, as a condition for coverage, that such excess cost be deducted from retirement benefits. In the event the retiree's monthly allowance is insufficient to cover the certified contribution amount, the retirement system shall so notify the department of administrative services, which shall invoice and collect from the retiree the remaining contribution amount.

3 New Section; Medical Benefit Subsidy. Amend RSA 100-a by inserting after section 53-e the following new section:

100-A:53-f Limitation of Medical Benefit Subsidy. Notwithstanding any provision of this subdivision to the contrary, the maximum amount payable by the retirement system pursuant to this subdivision on account of each eligible person shall not exceed the amount determined under RSA 21-I:30 for any state retiree, his or her spouse, or such retired member's beneficiary.

4 Repeal. RSA 100-A:54, III, relative to the deduction from retirement allowances of a premium contribution amount, is repealed.

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

AMENDED ANALYSIS

This bill provides that the payment by the state of the premium for the medical benefit for state retirees, their spouses, and dependents shall be calculated according to a formula and subject to a limit on total state general fund cost.

Rep. Sedensky moved Recommit and spoke in favor.

Adopted.

Recommitted to the Special Committee on Public Employee Pensions Reform.

Rep. Lars Christiansen declared a conflict of interest and did not participate.

HB 590, declaring unconstitutional under the federal Constitution the offering of federal grants-in-aid relating to matters not included among the defined powers of the federal government and declaring unconstitutional under the New Hampshire constitution their acceptance in such circumstances, and establishing a committee to review state participation in federal grant-in-aid programs. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Steven L. Cunningham for the Majority of State-Federal Relations and Veterans Affairs: The committee determined that this bill brings an appropriate resistance to encroachments on the state of New Hampshire by the federal government in areas exceeding the constitutional powers of the federal government. This will allow New Hampshire, through a joint committee, to review grants-in-aid to determine their constitutionality. Vote 8-2.

Rep. Robert L. Theberge for the Minority of State-Federal Relations and Veterans Affairs: This bill would create a committee to review whether every grant-in-aid program, at every level of state government (municipal, county and, state) that currently exists should be retained and/or funded with town, county or state money rather than federal. By not accepting federal grants-in-aid, towns, counties and the state, wishing to have the respective program in place, would have to increase revenues through an increase in property taxes. The latter would render New Hampshire less competitive and less attractive to companies wanting to locate and/or expand in the Northeast. The legislation also fails to identify any specific program for review. As a result, the jurisdiction of the committee is overly broad and would cause a waste of legislative and executive branch resources. In addition, rather than directing an objective review of grant-in-aid programs, the language of the bill labels grant-in-aid programs as "unconstitutional encroachments" on the sovereignty of New Hampshire

that amount "to all intents and purposes of bribing the state of New Hampshire". This language makes it clear that the motivation for the bill is political ideology rather than an objective analysis of grant-in-aid programs.

Majority Amendment (0293h)

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

AN ACT expressing the position of the New Hampshire general court that the offering and acceptance of federal grants-in-aid relating to matters not included among the defined powers of the federal government is unconstitutional under the state and federal Constitutions and establishing a committee to review state participation in federal grant-in-aid programs.

AMENDED ANALYSIS

This bill expresses the position of the New Hampshire general court that federal grants-in-aid relating to matters not delegated to the government of the United States by Article I, Section 8 of the federal Constitution is an unconstitutional exercise of federal authority and that acceptance by the state of New Hampshire an unconstitutional surrender of its sovereignty contrary to Part First, Article 7 of the New Hampshire constitution. The bill also establishes a committee to review state participation in federal grant-in-aid programs. Majority committee amendment adopted.

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

Reps. Theberge and Kris Roberts spoke against.

Rep. Cunningham spoke in favor.

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

YEAS 228 NAYS 111

YEAS 228

BELKNAP

Accornero, Harry
Kingsbury, Robert
Simpson, Tyler
Tobin, William

Comtois, Guy
Luther, Robert
St. Cyr, Jeffrey
Worsman, Colette

Fields, Dennis
Malone, Robert
Swinford, Elaine

Greemore, Robert
Russell, David
Tilton, Franklin

CARROLL

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Schmidt, Stephen

Knox, J. David
Patten, Betsey
Tregenza, Norman

CHESHIRE

Byrnes, John
Johnson, Jane
Sterling, Franklin Jr

Dwinell, Richard
Moore, Charles

Emerson, Susan
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Brosseau, Charles

Bulis, Lyle

Eaton, Stephanie

Gionet, Edmond

Ingbertson, Paul
Simard, Paul

Mirski, Paul
Sorg, Gregory

Reilly, Harold Sr
Sova, Charles

Shackett, Jeffrey

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Burt, John
Coughlin, Sean
Doherty, Shaun
Gagne, Larry
Graham, John
Hardwick, Harry
Holden, Frank
Krasucki, Joseph
McCarthy, Michael
Messier, Irene
Ohm, Bill
Peterson, Lenette
Robbins, David
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Willette, Robert

Balboni, Michael
Belanger, James
Cebrowski, John
Cusson-Cail, Kathleen
Donovan, Daniel
Gandia, Laura
Greazzo, Phil
Hikel, John
Hopper, Gary
LeBrun, Donald
McClarren, Donald
Moran, Edward
Palmer, Barry
Proulx, Mark
Scontsas, Lisa
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve

Ball, J. Michael
Brown, Kevin
Christiansen, Lars
Daniels, Gary
Erickson, Duane
Gimas, John
Haefner, Robert
Hinch, Richard
Hutchinson, Winfred
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Stephen
Reed, Michael
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Barry, J. Gail
Brownrigg, Randall Jr
Condra, William
DeJong, Cameron
Flanagan, Jack
Gonzalez, Carlos
Hansen, Peter
Hogan, Edith
Jasper, Shawn
Marcus, Bruce
Mecheski, Holly
Ober, Russell III
Pellegrino, Tony
Renzullo, Andrew
Silva, Peter
Stroud, Kathleen
Twombly, Timothy
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kotowski, Frank
McGuire, Dan
Smith, Todd

Coffey, Jennifer
Hill, Gregory
Kreis, Kenneth Sr
Reed, Dennis
Winter, Steven

Cohn, Seth
Hoell, J.R.
Lindsley, Mark
Sanborn, Laurie

Cox, Sean
Keane, Thomas
McGuire, Carol
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Bates, David
Charron, Gene
Duarte, Joe
Garcia, Marilinda
Headd, James
Itse, Daniel
MacMahon, Bruce
McKinney, Betsy
O'Connor, John
Quandt, Matt
Sanders, Elisabeth
Sheffert, Kenneth
Tamburello, Daniel
Ward, Joanne
Wheaton, Gary

Antosz, Jason
Bettencourt, David
Comerford, Timothy
Elliott, Robert
Garritty, James
Hoelzel, Kathleen
Kappler, Lawrence
Major, Norman
McMahon, Charles
Okerman, Richard
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Tasker, Kyle
Webb, James

Azarian, Gary
Birdsell, Regina
Davenport, Joshua
Ferrante, Beverly
Griffin, Mary
Hutchinson, Karen
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Oigny, Jeffrey
Rice, Frederick
Schroadter, Adam
Smith, William
Tremblay, Stella
Welch, David

Baldasaro, Alfred
Brown, Paul
Devine, James
Fesh, Robert
Hagan, Joseph
Introne, Robert
Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Quandt, Marshall
Ritter, Glenn
Sedensky, John
Sullivan, James
Tucker, Pamela
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Groen, Warren
Larsen, Kirsten
Pitre, Joseph

Brown, Julie
Harty, Martin
Newton, Clifford
Vita, Carol

Cataldo, Sam
Jones, Kyle
O'Connor, William
Vita, Lucien

DeLemus, Susan
Jones, Laura
Parsons, Robbie
Weeden, Michael

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 111

BELKNAP

Bolster, Peter

Pilliod, James

CARROLL

Umberger, Karen

CHESHIRE

Carr, Daniel
Lindsey, Steven
Sad, Tara

Chase, Cynthia
Meador, David
Tatro, Bruce

Hawkes, Samuel
Parkhurst, Henry
Weber, Lucy

Johnsen, Gladys
Roberts, Kris
Weed, Charles

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William
Thomas, Yvonne

Merrick, Evalyn

Remick, William

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Ladd, Rick Jr
Townsend, Charles

Cooney, Mary
Nordgren, Sharon
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Campbell, David
Garrity, Patrick
Katsiantonis, Thomas
Porter, Marjorie
Shaw, Barbara

Belvin, William
Coffey, James
Gidge, Kenneth
Kurk, Neal
Rhodes, Brian
Sullivan, Daniel

Boehm, Ralph
Fredette, Robert
Gorman, Mary
Levasseur, Nickolas
Rokas, Ted

Brunelle, Michael
Gargas, Carolyn
Jeudy, Jean
Long, Patrick
Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
Gile, Mary
MacKay, James
Potter, Frances
Watrous, Rick

Deloge, Helen
Kidder, David
McDonnell, John
Richardson, Gary
Williams, Robert

DeStefano, Stephen
Lauer-Rago, Kathleen
Owen, Derek
Shurtleff, Stephen

Frazer, June
Lockwood, Priscilla
Patten, Dick
Wallner, Mary Jane

ROCKINGHAM

Allen, Mary
Copeland, Timothy
Lovejoy, Patricia
Powers, James
Waddell, James

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

Case, Frank
Dowling, Patricia
Norelli, Terie
Schlachman, Donna

Chirichiello, Brian
Gould, Kenneth
Peckham, Michele
Sytek, John

STRAFFORD

Berube, Roger
Grassie, Anne
Keans, Sandra
Spainhower, Dale
Watters, David

Browne, Brendon
Hofemann, Roland
Pelletier, Marsha
Spang, Judith

Domingo, Baldwin
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

Ginsburg, Philip
Kaen, Naida
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John Gagnon, Raymond Lefebvre, Benjamin Schmidt, Andrew
and the majority committee report was adopted.
Referred to the Committee on Constitutional Review and Statutory Recodification.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Renzullo moved that the House reconsider its action whereby, on a roll call vote of 261-90, it adopted the majority committee report of Ought to Pass with Amendment on ***HB 468-FN***, relative to assessments for aquatic resource compensatory mitigation.
Motion Failed.

REGULAR CALENDAR (CONT'D)

HCR 19, affirming States' powers based on the Constitution for the United States and the Constitution of New Hampshire. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Alfred P. Baldasaro for the Majority of State-Federal Relations and Veterans Affairs: The Committee feels that this resolution restates and affirms the powers of the States and the people as codified in the Tenth Amendment to the Constitution for the United States. It builds upon the position of James Madison and Thomas Jefferson that it is the states and not the federal government that have the power to interpret the Constitution for the United States; "The government can not be exclusive or final judge of its delegated powers much less those it delegates to itself, for that would makes its own discretion and not the Constitution the measure of its power". It relies upon, draws upon the Constitution of New Hampshire, the Constitution for the United States and Court opinions to reinforce that opinion. It outlines actions by the federal government that are clear usurpations of power or derelictions of duty. It concludes by urging ours sister states to join us in restoring our union by engaging in our duty to enforce the limitations of the Constitution upon the government of the United States. Vote 10-2.

Rep. Theodoros V. Rokas for the Minority of State-Federal Relations and Veterans Affairs: The minority appreciates that this resolution does not deal with succession and respectfully disagrees as to what areas and to what extent the federal government is "over reaching" its' authority. This resolution seeks to reaffirm states rights based on the principles set forth in the Kentucky and Virginia Resolutions of 1798. The minority further affirms that any constitutional acts of congress is well defended by the courts and that the New Hampshire legislature is not the proper tribunal to determine the constitutionality of the laws or powers of the federal government.

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

Rep. Rokas spoke against.

Rep. Itse spoke in favor and yielded to questions.

Rep. Rokas requested a roll call; sufficiently seconded.

YEAS 223 NAYS 108

YEAS 223

BELKNAP

Accornero, Harry
Kingsbury, Robert
Simpson, Tyler
Worsman, Colette

Comtois, Guy
Luther, Robert
St. Cyr, Jeffrey

Fields, Dennis
Malone, Robert
Tilton, Franklin

Greemore, Robert
Russell, David
Tobin, William

CARROLL

Babson, David Jr
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Schmidt, Stephen

Knox, J. David
Patten, Betsey
Tregenza, Norman

McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

CHESHIRE

Byrnes, John
Johnson, Jane

Cartwright, Anne
Moore, Charles

Dwinell, Richard
Moore, Robert Jr

Emerson, Susan
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Brosseau, Charles
Mirski, Paul
Sova, Charles

Eaton, Stephanie
Reilly, Harold Sr

Gionet, Edmond
Shackett, Jeffrey

Ingbretson, Paul
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Brownrigg, Randall Jr
Condra, William
DeJong, Cameron
Flanagan, Jack
Gonzalez, Carlos
Hardwick, Harry
Holden, Frank
LeBrun, Donald
McClarren, Donald
Ober, Russell III
Pellegrino, Tony
Robbins, David
Silva, Peter
Stroud, Kathleen
Twombly, Timothy
Whitehead, Randall

Balboni, Michael
Belanger, James
Burt, John
Coughlin, Sean
Doherty, Shaun
Fredette, Robert
Greazzo, Phil
Hikel, John
Hopper, Gary
Maltz, Jonathan
McGuinness, Sean
Ohm, Bill
Peterson, Lenette
Rowe, Robert
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Willette, Robert

Ball, J. Michael
Boehm, Ralph
Christiansen, Lars
Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Haefner, Robert
Hinch, Richard
Hutchinson, Winfred
Marcus, Bruce
Mecheski, Holly
Palmer, Barry
Reed, Michael
Scotsas, Lisa
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve

Barry, J. Gail
Brown, Kevin
Coffey, James
Daniels, Gary
Erickson, Duane
Gandia, Laura
Hansen, Peter
Hogan, Edith
Krasucki, Joseph
McCarthy, Michael
Notter, Jeanine
Palmer, Stephen
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kotowski, Frank
McDonnell, John

Coffey, Jennifer
Hill, Gregory
Kreis, Kenneth Sr
McGuire, Carol

Cohn, Seth
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan

Cox, Sean
Keane, Thomas
Lindsley, Mark
Reed, Dennis

Sanborn, Laurie

Seaworth, G. Brian

Smith, Todd

Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Copeland, Timothy
Duarte, Joe
Griffin, Mary
Hutchinson, Karen
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Quandt, Marshall
Rice, Frederick
Schroadter, Adam
Smith, William
Tremblay, Stella
Welch, David

Allen, Mary
Bates, David
Charron, Gene
Davenport, Joshua
Elliott, Robert
Hagan, Joseph
Introne, Robert
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Quandt, Matt
Ritter, Glenn
Sedensky, John
Sullivan, James
Tucker, Pamela
Weyler, Kenneth

Antosz, Jason
Bettencourt, David
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Headd, James
Itse, Daniel
MacMahon, Bruce
McKinney, Betsy
Okerman, Richard
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Tamburello, Daniel
Ward, Joanne

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Dowling, Patricia
Fesh, Robert
Hoelzel, Kathleen
Kappler, Lawrence
Major, Norman
McMahon, Charles
Peckham, Michele
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Tasker, Kyle
Webb, James

STRAFFORD

Andolina, Donald
Harty, Martin
Larsen, Kirsten
Pitre, Joseph

Cataldo, Sam
Horrigan, Timothy
Newton, Clifford
Vita, Carol

DeLemus, Susan
Jones, Kyle
O'Connor, William
Vita, Lucien

Groen, Warren
Jones, Laura
Parsons, Robbie
Weeden, Michael

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

NAYS 108

BELKNAP

Pilliod, James

CARROLL

None

CHESHIRE

Carr, Daniel
Johnsen, Gladys
Roberts, Kris
Weber, Lucy

Chase, Cynthia
Lindsey, Steven
Sad, Tara
Weed, Charles

Hawkes, Samuel
Meader, David
Smith, Edwin

Hunt, John
Parkhurst, Henry
Tatro, Bruce

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William

Merrick, Evalyn

Remick, William

GRAFTON

Aguiar, James
Cooney, Mary

Almy, Susan
Gould, Franklin

Benn, Bernard
Harding, Laurie

Bulis, Lyle
Ladd, Rick Jr

Nordgren, Sharon
Townsend, Charles

Pierce, David
White, Andrew

Simard, Paul

Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Cebrowski, John
Goley, Jeffrey
Katsiantonis, Thomas
Messier, Irene
Rhodes, Brian
Sullivan, Daniel

Belvin, William
Garritty, Patrick
Gorman, Mary
Kurk, Neal
Moran, Edward
Rokas, Ted

Brunelle, Michael
Gidge, Kenneth
Jasper, Shawn
Levasseur, Nickolas
Porter, Marjorie
Rosenwald, Cindy

Campbell, David
Gimas, John
Jeudy, Jean
Long, Patrick
Proulx, Mark
Shaw, Barbara

MERRIMACK

Bouchard, Candace
Gile, Mary
Patten, Dick
Wallner, Mary Jane

Deloge, Helen
Lockwood, Priscilla
Potter, Frances
Watrous, Rick

DeStefano, Stephen
MacKay, James
Richardson, Gary
Williams, Robert

Frazer, June
Owen, Derek
Shurtleff, Stephen

ROCKINGHAM

Cali-Pitts, Jacqueline
Garritty, James
Nevins, Chris
Schlachman, Donna

Case, Frank
Gould, Kenneth
Norelli, Terie
Sytek, John

DiPentima, Rich
Lovejoy, Patricia
Powers, James

Garcia, Marilinda
Moody, Marcia
Read, Robin Jr

STRAFFORD

Berube, Roger
Grassie, Anne
Pelletier, Marsha
Sprague, Dale

Browne, Brendon
Hofemann, Roland
Roberts, Jenna
Wall, Janet

Domingo, Baldwin
Kaen, Naida
Schmidt, Peter
Watters, David

Ginsburg, Philip
Keans, Sandra
Spainhower, Dale

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond

Lefebvre, Benjamin

Lovett, Charlene

and the majority committee report was adopted.

Referred to the Committee on Constitutional Review and Statutory Recodification.

HCR 23, urging the New Hampshire congressional delegation to support earmarks for the Portsmouth Naval Shipyard. **MAJORITY: INEXPEDIENT TO LEGISLATE.**

MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Alfred P. Baldasaro for the Majority of State-Federal Relations and Veterans Affairs:
The committee disagrees with the use of the shipyard as a political ploy to get one side voting against earmarks to show we do not support the Portsmouth naval shipyard. For the record, we do not know one representative who does not support the funding of the navy ship yard and felt that we will not be used as political pawns by supporting a resolution where the president, U.S. senate and congress all came out against earmarks. The minority wanted us to amend the reference from "earmark" to "funding," but we all know the shipyard is being funded. Vote 8-3.

Rep. Theodoros V. Rokas for the Minority of State-Federal Relations and Veterans Affairs:
The minority feels that supporting the Portsmouth naval shipyard is a vital economic interest for the state of New Hampshire and for the national security of the United States. The minority also feels that by not passing this resolution the legislature will be sending the wrong message to congress, that the Portsmouth naval shipyard is not a priority for the

citizens of New Hampshire.

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

Reps. Rokas and Keans spoke against.

Rep. Pierce spoke against and yielded to questions.

Reps. Baldasaro and Vaillancourt spoke in favor and yielded to questions.

MOTION TO LAY ON THE TABLE

Rep. Cali-Pitts moved that **HCR 23**, urging the New Hampshire congressional delegation to support earmarks for the Portsmouth Naval Shipyard, be laid on the table.

On a division vote, 141 members having voted in the affirmative and 186 in the negative, the motion failed.

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

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

YEAS 241 NAYS 89

YEAS 241

BELKNAP

Accornero, Harry
Kingsbury, Robert
Russell, David
Tilton, Franklin

Comtois, Guy
Luther, Robert
Simpson, Tyler
Tobin, William

Fields, Dennis
Malone, Robert
St. Cyr, Jeffrey
Worsman, Colette

Greemore, Robert
Pilliod, James
Swinford, Elaine

CARROLL

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Schmidt, Stephen

Knox, J. David
Patten, Betsey
Tregenza, Norman

CHESHIRE

Byrnes, John
Hawkes, Samuel
Moore, Charles

Cartwright, Anne
Hunt, John
Moore, Robert Jr

Dwinell, Richard
Johnson, Jane
Smith, Edwin

Emerson, Susan
Lindsey, Steven
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Brosseau, Charles
Ingbretson, Paul
Simard, Paul

Bulis, Lyle
Mirski, Paul
Sorg, Gregory

Eaton, Stephanie
Reilly, Harold Sr
Sova, Charles

Gionet, Edmond
Shackett, Jeffrey

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Brown, Kevin

Balboni, Michael
Belanger, James
Burt, John

Ball, J. Michael
Belvin, William
Cebrowski, John

Barry, J. Gail
Boehm, Ralph
Christiansen, Lars

Coffey, James
Daniels, Gary
Erickson, Duane
Gargas, Carolyn
Haefner, Robert
Hogan, Edith
Jasper, Shawn
LeBrun, Donald
McGuinness, Sean
Ober, Russell III
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Condra, William
DeJong, Cameron
Flanagan, Jack
Gimas, John
Hardwick, Harry
Holden, Frank
Krasucki, Joseph
Maltz, Jonathan
Mecheski, Holly
Ohm, Bill
Peterson, Lenette
Robbins, David
Silva, Peter
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

Coughlin, Sean
Doherty, Shaun
Gagne, Larry
Gonzalez, Carlos
Hikel, John
Hopper, Gary
Kurk, Neal
Marcus, Bruce
Moran, Edward
Palmer, Barry
Proulx, Mark
Rowe, Robert
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Cusson-Cail, Kathleen
Donovan, Daniel
Gandia, Laura
Greazzo, Phil
Hinch, Richard
Hutchinson, Winfred
Lambert, George
McClarren, Donald
Notter, Jeanine
Palmer, Stephen
Reed, Michael
Scoutsas, Lisa
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
DeStefano, Stephen
Keane, Thomas
Lindsley, Mark
McGuire, Dan
Smith, Todd

Coffey, Jennifer
Giuda, J. Brandon
Kotowski, Frank
Lockwood, Priscilla
Reed, Dennis
Winter, Steven

Cohn, Seth
Hill, Gregory
Kreis, Kenneth Sr
McDonnell, John
Sanborn, Laurie

Cox, Sean
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Carol
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Copeland, Timothy
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Major, Norman
O'Connor, John
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sytek, John
Tucker, Pamela
Weyler, Kenneth

Allen, Mary
Bates, David
Charron, Gene
Davenport, Joshua
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Okerman, Richard
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Ward, Joanne

Antosz, Jason
Bettencourt, David
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Mauro, Donna
Peckham, Michele
Reichard, Kevin
Schroadter, Adam
Smith, William
Tasker, Kyle
Webb, James

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Itse, Daniel
MacMahon, Bruce
McMahon, Charles
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sullivan, James
Tremblay, Stella
Welch, David

STRAFFORD

Andolina, Donald
Harty, Martin
Newton, Clifford
Roberts, Jenna

Cataldo, Sam
Jones, Kyle
O'Connor, William
Vita, Carol

DeLemus, Susan
Jones, Laura
Parsons, Robbie
Vita, Lucien

Groen, Warren
Larsen, Kirsten
Pitre, Joseph
Weeden, Michael

SULLIVAN

Bowers, Spec
Laware, Thomas
Schmidt, Andrew

Cunningham, Steven
Lovett, Charlene
Smith, Steven

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 89

BELKNAP

Bolster, Peter

CARROLL

None

CHESHIRE

Carr, Daniel
Sad, Tara

Johnsen, Gladys
Tatro, Bruce

Parkhurst, Henry
Weber, Lucy

Roberts, Kris
Weed, Charles

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William

Merrick, Evalyn

Remick, William

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David
White, Andrew

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Ladd, Rick Jr
Taylor, Kathleen

Cooney, Mary
Nordgren, Sharon
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Garrity, Patrick
Jeudy, Jean
Messier, Irene
Rosenwald, Cindy

Brunelle, Michael
Gidge, Kenneth
Katsiantonis, Thomas
Porter, Marjorie
Shaw, Barbara

Campbell, David
Goley, Jeffrey
Long, Patrick
Rhodes, Brian
Sullivan, Daniel

Fredette, Robert
Gorman, Mary
McCarthy, Michael
Rokas, Ted

MERRIMACK

Bouchard, Candace
MacKay, James
Richardson, Gary

Deloge, Helen
Owen, Derek
Shurtleff, Stephen

Frazer, June
Patten, Dick
Watrous, Rick

Gile, Mary
Potter, Frances
Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline
Lovejoy, Patricia
Norelli, Terie

Case, Frank
Moody, Marcia
Powers, James

DiPentima, Rich
Murphy, Brian
Read, Robin Jr

Gould, Kenneth
Nevins, Chris
Schlachman, Donna

STRAFFORD

Berube, Roger
Grassie, Anne
Keans, Sandra
Spang, Judith

Browne, Brendon
Hofemann, Roland
Pelletier, Marsha
Sprague, Dale

Domingo, Baldwin
Horrigan, Timothy
Schmidt, Peter
Wall, Janet

Ginsburg, Philip
Kaen, Naida
Spainhower, Dale
Watters, David

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

and the majority committee report was adopted.

HR 8, urging the New Hampshire congressional delegation to sponsor and support a constitutional amendment to re-establish the authority of the states and Congress to regulate campaign spending by corporations. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Daniel J. Tamburello for the Majority of State-Federal Relations and Veterans Affairs: A constitutional amendment as requested by the bill is unnecessary and politically motivated. If there is an issue that needs to be addressed it should be submitted as a bill that results in a state law and not request a constitutional amendment. Vote 8-3.

Rep. Robert L. Theberge for the Minority of State-Federal Relations and Veterans Affairs: The issue of money in politics pits fundamental constitutional rights against each other. On the one hand, we have the right to spend our own money to influence voter opinion. But on the other, the voters have an equally fundamental right to cast an educated ballot. An ill-informed electorate, Thomas Jefferson taught us, puts democracy and self-governance at grave risk. Before the US Supreme Court's opinion in Citizens' United v. FEC, the constitution gave Congress and the states the authority to strike this balance in the voters' favor. Citizens' United stripped the voters of their rights so that corporations can enjoy theirs. After Citizens' United, 2010 campaign spending by outside groups quadrupled over prior years' spending. Some of that new money came from foreign interests because of Citizens' United and the path to American citizenship that it created. Under Citizens' United, foreign special interests need only spend a few hundred bucks to form a US corporation to earn the same right as any other American corporation to spend money to influence our elections. No doubt this is part of the reason why 80% of Americans oppose Citizens' United and want constitutional authority restored to Congress and the states. HR 8 simply urges our congressional delegation to work to restore the people's right to free and fair elections.

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

Rep. Pierce spoke against.

Rep. Tamburello spoke in favor.

Majority committee report adopted.

MOTION TO AMEND COMMITTEE REPORT STATEMENTS

Rep. Pierce moved that the committee report statements on **HCR 23**, urging the New Hampshire congressional delegation to support earmarks for the Portsmouth Naval Shipyard and **HR 8**, urging the New Hampshire congressional delegation to sponsor and support a constitutional amendment to re-establish the authority of the states and Congress to regulate campaign spending by corporations, be amended for the Permanent Journal.

Rep. Pierce spoke in favor.

Rep. Baldasaro spoke against.

On a division vote, 79 members having voted in the affirmative and 234 in the negative, the motion failed.

REGULAR CALENDAR (CONT'D)

HR 9, supporting earmarks for public safety. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank H. McCarthy for State-Federal Relations and Veterans Affairs: Although the committee believes that the safety of communities in New Hampshire is of the utmost importance, the committee is adamantly opposed to the use of earmarks. No evidence was introduced indicating funding in this area is in danger. Also, the committee felt that the issues mentioned in this bill are of less importance in our rural state and issues such as health and education were totally ignored. Vote 8-3.

Rep. Theodoros V. Rokas for the Minority of State-Federal Relations and Veterans Affairs:

The minority understands the importance of public safety programs which include not only law enforcement at every level but also impact fire fighters, EMT's and etc. Passing this resolution would ensure the security and social welfare of our constituents.

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

Rep. Patrick Garrity spoke against.

Rep. Long spoke against and yielded to questions.

Rep. Frank McCarthy spoke in favor and yielded to questions.

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

YEAS 238 NAYS 71

YEAS 238

BELKNAP

Accornero, Harry
Greemore, Robert
Pilliod, James
Swinford, Elaine

Bolster, Peter
Kingsbury, Robert
Russell, David
Tilton, Franklin

Comtois, Guy
Luther, Robert
Simpson, Tyler
Tobin, William

Fields, Dennis
Malone, Robert
St. Cyr, Jeffrey
Worsman, Colette

CARROLL

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Schmidt, Stephen

Knox, J. David
Patten, Betsey
Tregenza, Norman

CHESHIRE

Byrnes, John
Hunt, John
Moore, Robert Jr

Cartwright, Anne
Johnson, Jane
Sterling, Franklin Jr

Dwinell, Richard
Lindsey, Steven

Emerson, Susan
Moore, Charles

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Brosseau, Charles
Ingbretson, Paul
Shackett, Jeffrey

Bulis, Lyle
Ladd, Rick Jr
Simard, Paul

Eaton, Stephanie
Mirski, Paul
Sorg, Gregory

Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Brown, Kevin
Coffey, James
Daniels, Gary
Erickson, Duane
Gargas, Carolyn
Hardwick, Harry
Hopper, Gary
Kurk, Neal
Marcus, Bruce

Balboni, Michael
Belanger, James
Burt, John
Condra, William
DeJong, Cameron
Flanagan, Jack
Gonzalez, Carlos
Hikel, John
Hutchinson, Winfred
Lambert, George
McCarthy, Michael

Ball, J. Michael
Belvin, William
Cebrowski, John
Coughlin, Sean
Doherty, Shaun
Fredette, Robert
Greazzo, Phil
Hinch, Richard
Jasper, Shawn
LeBrun, Donald
McClarren, Donald

Barry, J. Gail
Boehm, Ralph
Christiansen, Lars
Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Haefner, Robert
Hogan, Edith
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean

Mecheski, Holly
Ober, Russell III
Pellegrino, Tony
Robbins, David
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Messier, Irene
Ohm, Bill
Peterson, Lenette
Rowe, Robert
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Moran, Edward
Palmer, Barry
Reed, Michael
Scontsas, Lisa
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Notter, Jeanine
Palmer, Stephen
Renzullo, Andrew
Silva, Peter
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
DeStefano, Stephen
Keane, Thomas
Lindsley, Mark
McGuire, Dan
Winter, Steven

Coffey, Jennifer
Giuda, J. Brandon
Kotowski, Frank
Lockwood, Priscilla
Sanborn, Laurie

Cohn, Seth
Hill, Gregory
Kreis, Kenneth Sr
McDonnell, John
Seaworth, G. Brian

Cox, Sean
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Carol
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Copeland, Timothy
Elliott, Robert
Gould, Kenneth
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Nevins, Chris
Quandt, Marshall
Ritter, Glenn
Sheffert, Kenneth
Sytek, John
Tucker, Pamela
Weyler, Kenneth

Allen, Mary
Bates, David
Charron, Gene
Davenport, Joshua
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Ward, Joanne

Antosz, Jason
Bettencourt, David
Chirichiello, Brian
Devine, James
Fesh, Robert
Hagan, Joseph
Itse, Daniel
MacMahon, Bruce
McMahon, Charles
Okerman, Richard
Reichard, Kevin
Schroadter, Adam
Smith, William
Tasker, Kyle
Webb, James

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Duarte, Joe
Garrity, James
Headd, James
Kappler, Lawrence
Major, Norman
Murphy, Brian
Peckham, Michele
Rice, Frederick
Sedensky, John
Sullivan, James
Tremblay, Stella
Welch, David

STRAFFORD

Andolina, Donald
Jones, Kyle
O'Connor, William
Vita, Carol

Cataldo, Sam
Jones, Laura
Parsons, Robbie
Vita, Lucien

DeLemus, Susan
Larsen, Kirsten
Pitre, Joseph
Weeden, Michael

Groen, Warren
Newton, Clifford
Roberts, Jenna

SULLIVAN

Bowers, Spec
Laware, Thomas
Schmidt, Andrew

Cunningham, Steven
Lovett, Charlene
Smith, Steven

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 71

BELKNAP

None

CARROLL

None

CHESHIRE

Carr, Daniel
Roberts, Kris
Weed, Charles

Hawkes, Samuel
Sad, Tara

Johnsen, Gladys
Tatro, Bruce

Parkhurst, Henry
Weber, Lucy

COOS

Coulombe, Gary

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Smith, Suzanne

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pierce, David

HILLSBOROUGH

Baroody, Benjamin
Gorman, Mary
Proulx, Mark
Shaw, Barbara

Garrity, Patrick
Levasseur, Nickolas
Rhodes, Brian
Sullivan, Daniel

Gidge, Kenneth
Long, Patrick
Rokas, Ted

Goley, Jeffrey
Porter, Marjorie
Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
MacKay, James
Watrous, Rick

Deloge, Helen
Potter, Frances
Williams, Robert

Frazer, June
Richardson, Gary

Gile, Mary
Shurtleff, Stephen

ROCKINGHAM

Cali-Pitts, Jacqueline
Norelli, Terie

DiPentima, Rich
Powers, James

Lovejoy, Patricia
Read, Robin Jr

Moody, Marcia
Schlachman, Donna

STRAFFORD

Browne, Brendon
Kaen, Naida
Spainhower, Dale
Watters, David

Domingo, Baldwin
Keans, Sandra
Spang, Judith

Ginsburg, Philip
Pelletier, Marsha
Sprague, Dale

Horrigan, Timothy
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
and the majority committee report was adopted.

Gagnon, Raymond

HB 539-FN, repealing the state enforcement of OBD II requirements for motor vehicles.
INEXPEDIENT TO LEGISLATE.

Rep. John A. Hikel for Transportation: While this bill was good intentioned, the OBD II (On Board Diagnostic II) emission testing program to date is contractual and has been a success with verified results. Furthermore, EPA threatens highway funding loss for non compliance and the compliance standards are becoming stricter. The repeal will also return the DMV inspection program from electronic back to an antiquated paper system. It would return us to a system where an inspection station could buy thousands of stickers and just sell them without properly doing an inspection. This would affect the safety of our roadways. We all believe in less government and fewer regulations, but when a system is more efficient and effective than the prior system it would be wrong to change it. Vote 13-1.

Reps. Lambert, Cataldo and Gionet spoke against.
Rep. Hikel spoke in favor and yielded to questions.
Rep. Cohn requested a roll call; sufficiently seconded.

YEAS 178 NAYS 125

YEAS 178

BELKNAP

Bolster, Peter
Simpson, Tyler

Fields, Dennis
St. Cyr, Jeffrey

Pilliod, James
Tilton, Franklin

Russell, David

CARROLL

Babson, David Jr
Merrow, Harry

Chandler, Gene
Patten, Betsey

Knox, J. David
Scala, Dino

McCarthy, Frank
Umberger, Karen

CHESHIRE

Carr, Daniel
Johnson, Jane
Smith, Edwin
Weed, Charles

Dwinell, Richard
Moore, Charles
Sterling, Franklin Jr

Hawkes, Samuel
Moore, Robert Jr
Tatro, Bruce

Johnsen, Gladys
Sad, Tara
Weber, Lucy

COOS

Hatch, William
Tholl, John Jr

Merrick, Evalyn

Remick, William

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Shackett, Jeffrey
Townsend, Charles

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Sova, Charles

Cooney, Mary
Pierce, David
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin
Brown, Kevin
Cusson-Cail, Kathleen
Gidge, Kenneth
Haefner, Robert
Hutchinson, Winfred
Levasseur, Nickolas
McClarren, Donald
Palmer, Barry
Robbins, David
Scontsas, Lisa
Soucy, Connie
Terrio, Ross

Barry, J. Gail
Cebrowski, John
Donovan, Daniel
Gonzalez, Carlos
Hikel, John
Jasper, Shawn
Long, Patrick
Messier, Irene
Pellegrino, Tony
Rokas, Ted
Seidel, Carl
Stepanek, Stephen
Villeneuve, Moe

Belanger, James
Christiansen, Lars
Erickson, Duane
Gorman, Mary
Hinch, Richard
Kurk, Neal
Marcus, Bruce
Moran, Edward
Proulx, Mark
Rosenwald, Cindy
Shaw, Barbara
Stroud, Kathleen
Willette, Robert

Belvin, William
Coffey, James
Gargasz, Carolyn
Graham, John
Hogan, Edith
LeBrun, Donald
McCarthy, Michael
Ohm, Bill
Rhodes, Brian
Rowe, Robert
Silva, Peter
Sullivan, Daniel

MERRIMACK

Blankenbeker, Lynne
Gile, Mary
MacKay, James
Richardson, Gary

Bouchard, Candace
Kotowski, Frank
McDonnell, John
Shurtleff, Stephen

Deloge, Helen
Lindsley, Mark
Potter, Frances
Williams, Robert

DeStefano, Stephen
Lockwood, Priscilla
Reed, Dennis
Winter, Steven

ROCKINGHAM

Allen, Mary
Birdsell, Regina
Devine, James
Garrity, James
Headd, James
Kolodziej, Walter
Moody, Marcia
O'Connor, John
Reagan, John
Sedensky, John
Welch, David

Antosz, Jason
Cali-Pitts, Jacqueline
DiPentima, Rich
Gould, Kenneth
Hoelzel, Kathleen
Lovejoy, Patricia
Murphy, Brian
Powers, James
Sanders, Elisabeth
Sullivan, James
Weyler, Kenneth

Azarian, Gary
Charron, Gene
Dowling, Patricia
Griffin, Mary
Introne, Robert
Major, Norman
Nevins, Chris
Quandt, Marshall
Schlachman, Donna
Sytek, John

Bettencourt, David
Copeland, Timothy
Elliott, Robert
Hagan, Joseph
Kappler, Lawrence
McMahon, Charles
Norelli, Terie
Read, Robin Jr
Schroadter, Adam
Tucker, Pamela

STRAFFORD

Browne, Brendon
Kaen, Naida
Pelletier, Marsha
Spang, Judith

Domingo, Baldwin
Keans, Sandra
Roberts, Jenna
Wall, Janet

Ginsburg, Philip
Larsen, Kirsten
Schmidt, Peter
Watters, David

Horrigan, Timothy
Parsons, Robbie
Spainhower, Dale

SULLIVAN

Cloutier, John
Laware, Thomas

Cunningham, Steven
Lovett, Charlene

Gagnon, Raymond
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 125

BELKNAP

Accornero, Harry
Luther, Robert
Worsman, Colette

Comtois, Guy
Malone, Robert

Greemore, Robert
Swinford, Elaine

Kingsbury, Robert
Tobin, William

CARROLL

Fleck, Joseph
Tregenza, Norman

McConkey, Mark

Pettengill, Laurie

Schmidt, Stephen

CHESHIRE

Byrnes, John
Parkhurst, Henry

Cartwright, Anne

Emerson, Susan

Hunt, John

COOS

Daugherty, Duffy

Rappaport, Laurence

Richardson, Herbert

GRAFTON

Brosseau, Charles
Ladd, Rick Jr
Sorg, Gregory

Bulis, Lyle
Mirski, Paul

Eaton, Stephanie
Reilly, Harold Sr

Gionet, Edmond
Simard, Paul

HILLSBOROUGH

Avard, Kevin
Boehm, Ralph

Balboni, Michael
Burt, John

Ball, J. Michael
Campbell, David

Barry, Richard
Condra, William

Coughlin, Sean
Flanagan, Jack
Greazzo, Phil
Lambert, George
Palmer, Stephen
Souza, Kathleen
Ulery, Jordan

Daniels, Gary
Fredette, Robert
Hardwick, Harry
Maltz, Jonathan
Peterson, Lenette
Swank, Matthew
Vaillancourt, Steve

DeJong, Cameron
Gagne, Larry
Hopper, Gary
McGuinness, Sean
Reed, Michael
Thomas, Joseph
Warden, Mark

Doherty, Shaun
Goley, Jeffrey
Krasucki, Joseph
Notter, Jeanine
Renzullo, Andrew
Twombly, Timothy
Whitehead, Randall

MERRIMACK

Coffey, Jennifer
Hill, Gregory
Lauer-Rago, Kathleen
Seaworth, G. Brian

Cohn, Seth
Hoell, J.R.
McGuire, Carol
Smith, Todd

Cox, Sean
Keane, Thomas
McGuire, Dan

Giuda, J. Brandon
Kreis, Kenneth Sr
Sanborn, Laurie

ROCKINGHAM

Abrami, Patrick
Chirichiello, Brian
Ferrante, Beverly
MacMahon, Bruce
Peckham, Michele
Ritter, Glenn
Tamburello, Daniel
Webb, James

Baldasaro, Alfred
Comerford, Timothy
Fesh, Robert
Manuse, Andrew
Quandt, Matt
Sheffert, Kenneth
Tasker, Kyle

Bates, David
Davenport, Joshua
Itse, Daniel
Mauro, Donna
Reichard, Kevin
Shuler, Wyman III
Tremblay, Stella

Brown, Paul
Duarte, Joe
Katsakiores, Phyllis
Okerman, Richard
Rice, Frederick
Smith, William
Ward, Joanne

STRAFFORD

Andolina, Donald
Jones, Kyle
Pitre, Joseph
Weeden, Michael

Cataldo, Sam
Jones, Laura
Sprague, Dale

DeLemus, Susan
Newton, Clifford
Vita, Carol

Groen, Warren
O'Connor, William
Vita, Lucien

SULLIVAN

Bowers, Spec
and the committee report was adopted.

Smith, Steven

HB 36-FN-L, reducing the fee for copies of birth certificates. **OUGHT TO PASS.**

Rep. Keith Murphy for Ways and Means: In 2010 the legislature increased the fee for a vital record search by \$3 and the fee for a vital record copy by \$2. This bill repeals those increases. The fiscal note liability of \$350,000 is minimal. Vote 19-0.

Committee report adopted and ordered to third reading.

HB 154-FN-A, increasing the threshold amounts for taxation under the business enterprise tax. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Frank V. Sapareto for the Majority of Ways and Means: This bill is designed to be nearly revenue neutral. Under testimony last session, the department of revenue administration (DRA) explained that nearly 20,000 returns were ruled under the business enterprise tax with no taxes due. The committee feels that this is a waste of taxpayer time and money as well as the department of revenue administration. By raising the filing threshold from \$150,000 to \$200,000 the largest bulk of those useless filings will be eliminated and the process streamlined. This change will increase the efficiency of the DRA. Vote 15-5.

Rep. William A. Hatch for the Minority of Ways and Means: The purpose of this bill is to decrease the filing requirements for businesses and reduce the work load for the department

of revenues. It would do so by increasing the minimums for the business profits tax required prior to filing to the department of revenue. The minimum gross receipts for a business would be increased to \$200,000 from \$150,000 and the minimum remittance amount would be increased to \$260.00 from \$200.00. It was reasoned by the majority there is little tax paid by businesses that are between \$150,000 and \$200,000 category but it is very costly and time consuming for them to produce the reports the decrease in revenue is justified. When the fact that information required is already prepared for a business to complete a federal return and is transferred to a single page form and considering the fiscal note showed the loss of revenue to be between \$1.6 million and \$6.2 million, the minority reasoned the cost far out weighs any benefit.

Majority Amendment (0153h)

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

AN ACT increasing a threshold amount for taxation under the business enterprise tax.

Amend RSA 77-E:5, I as inserted by section 1 of the bill by replacing it with the following:

I. Every business enterprise having gross business receipts in excess of ~~[\$150,000]~~ **\$200,000** as defined by RSA 77-E:1, X, during the taxable period or the enterprise value tax base of which is greater than \$75,000, shall, on or before the fifteenth day of the third month in the case of enterprises required to file a United States corporation tax return, and the fifteenth day of the fourth month in the case of all other business enterprises, following expiration of its taxable period, make a return to the commissioner. All returns shall be signed by the business enterprise or by its authorized representative, subject to the pains and penalties of perjury and the penalties provided in RSA 21-J:39.

AMENDED ANALYSIS

This bill increases a threshold amount for taxation under the business enterprise tax.
Majority committee amendment adopted.

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

Reps. Ohm and Stepanek spoke in favor.

Rep. Hatch spoke against.

Rep. Bettencourt requested a roll call; sufficiently seconded.

YEAS 235 NAYS 54

YEAS 235

BELKNAP

Accornero, Harry
Greemore, Robert
Russell, David
Tobin, William

Bolster, Peter
Luther, Robert
Simpson, Tyler
Worsman, Colette

Comtois, Guy
Malone, Robert
St. Cyr, Jeffrey

Fields, Dennis
Pilliod, James
Tilton, Franklin

CARROLL

Babson, David Jr
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Schmidt, Stephen

Knox, J. David
Patten, Betsey
Tregenza, Norman

McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

CHESHIRE

Carr, Daniel
Johnson, Jane
Tatro, Bruce

Cartwright, Anne
Moore, Charles

Dwinell, Richard
Smith, Edwin

Emerson, Susan
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence

Remick, William

Richardson, Herbert

GRAFTON

Brosseau, Charles
Ingbretson, Paul
Shackett, Jeffrey

Bulis, Lyle
Ladd, Rick Jr
Simard, Paul

Eaton, Stephanie
Mirski, Paul
Sorg, Gregory

Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Belanger, James
Burt, John
Coffey, James
Daniels, Gary
Erickson, Duane
Gargas, Carolyn
Haefner, Robert
Hogan, Edith
Kurk, Neal
Marcus, Bruce
Messier, Irene
Palmer, Barry
Proulx, Mark
Rowe, Robert
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Balboni, Michael
Belvin, William
Campbell, David
Condra, William
DeJong, Cameron
Flanagan, Jack
Gonzalez, Carlos
Hardwick, Harry
Hutchinson, Winfred
Lambert, George
McCarthy, Michael
Moran, Edward
Palmer, Stephen
Renzullo, Andrew
Scontsas, Lisa
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Ball, J. Michael
Boehm, Ralph
Cebrowski, John
Coughlin, Sean
Doherty, Shaun
Fredette, Robert
Graham, John
Hikel, John
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Notter, Jeanine
Pellegrino, Tony
Robbins, David
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Barry, J. Gail
Brown, Kevin
Christiansen, Lars
Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Greazzo, Phil
Hinch, Richard
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Ohm, Bill
Peterson, Lenette
Rosenwald, Cindy
Silva, Peter
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

MERRIMACK

Bouchard, Candace
DeStefano, Stephen
Keane, Thomas
Lindsley, Mark
McGuire, Dan
Shurtleff, Stephen

Coffey, Jennifer
Giuda, J. Brandon
Kotowski, Frank
Lockwood, Priscilla
Reed, Dennis
Smith, Todd

Cohn, Seth
Hill, Gregory
Kreis, Kenneth Sr
McDonnell, John
Sanborn, Laurie
Winter, Steven

Cox, Sean
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Carol
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Copeland, Timothy
Duarte, Joe
Garrity, James
Headd, James
Kappler, Lawrence
Major, Norman
Murphy, Brian
Peckham, Michele
Reichard, Kevin
Schroadter, Adam
Smith, William

Allen, Mary
Bates, David
Charron, Gene
Davenport, Joshua
Elliott, Robert
Gould, Kenneth
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Nevins, Chris
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sullivan, James

Antosz, Jason
Bettencourt, David
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sytek, John

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Itse, Daniel
MacMahon, Bruce
McMahon, Charles
Okerman, Richard
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel

Tasker, Kyle
Webb, James

Tremblay, Stella
Welch, David

Tucker, Pamela
Weyler, Kenneth

Ward, Joanne

STRAFFORD

Andolina, Donald
Groen, Warren
Newton, Clifford
Vita, Carol

Cataldo, Sam
Jones, Kyle
O'Connor, William
Vita, Lucien

Domingo, Baldwin
Jones, Laura
Parsons, Robbie
Weeden, Michael

Ginsburg, Philip
Larsen, Kirsten
Pitre, Joseph

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

Laware, Thomas
Smith, Steven

NAYS 54

BELKNAP

None

CARROLL

None

CHESHIRE

Hawkes, Samuel
Weber, Lucy

Johnsen, Gladys
Weed, Charles

Parkhurst, Henry

Sad, Tara

COOS

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Smith, Suzanne

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pierce, David

HILLSBOROUGH

Baroody, Benjamin
Levasseur, Nickolas
Shaw, Barbara

Gidge, Kenneth
Long, Patrick
Sullivan, Daniel

Goley, Jeffrey
Rhodes, Brian

Gorman, Mary
Rokas, Ted

MERRIMACK

Deloge, Helen
Richardson, Gary

Gile, Mary

MacKay, James

Potter, Frances

ROCKINGHAM

DiPentima, Rich
Powers, James

Lovejoy, Patricia
Read, Robin Jr

Moody, Marcia
Schlachman, Donna

Norelli, Terie

STRAFFORD

Browne, Brendon
Pelletier, Marsha

Horrigan, Timothy
Schmidt, Peter

Kaen, Naida
Spainhower, Dale

Keans, Sandra
Spang, Judith

Wall, Janet

Watters, David

SULLIVAN

Cloutier, John

Gagnon, Raymond

and the majority committee report was adopted.

Ordered to third reading.

LAID ON THE TABLE

Rep. Stepanek moved that **HB 154-FN-A**, increasing a threshold amount for taxation under the business enterprise tax, be laid on the table.

Rep. Shurtleff requested a roll call; sufficiently seconded.

YEAS 212 NAYS 86

YEAS 212

BELKNAP

Accornero, Harry
Greemore, Robert
Russell, David
Worsman, Colette

Bolster, Peter
Luther, Robert
Simpson, Tyler

Comtois, Guy
Malone, Robert
Tilton, Franklin

Fields, Dennis
Pilliod, James
Tobin, William

CARROLL

Babson, David Jr
McCarthy, Frank
Scala, Dino

Chandler, Gene
McConkey, Mark
Schmidt, Stephen

Fleck, Joseph
Merrow, Harry
Tregenza, Norman

Knox, J. David
Patten, Betsey
Umberger, Karen

CHESHIRE

Byrnes, John
Hunt, John
Sterling, Franklin Jr

Cartwright, Anne
Johnson, Jane
Tatro, Bruce

Dwinell, Richard
Moore, Robert Jr

Emerson, Susan
Smith, Edwin

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence

Remick, William

Richardson, Herbert

GRAFTON

Brosseau, Charles
Ingbretson, Paul
Shackett, Jeffrey

Bulis, Lyle
Ladd, Rick Jr
Simard, Paul

Eaton, Stephanie
Mirski, Paul
Sorg, Gregory

Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Boehm, Ralph
Christiansen, Lars

Ball, J. Michael
Brown, Kevin
Coffey, James

Belanger, James
Burt, John
Coughlin, Sean

Belvin, William
Cebrowski, John
Cusson-Cail,
Kathleen
Erickson, Duane
Gargas, Carolyn
Haefner, Robert
Hopper, Gary
Kurk, Neal

Daniels, Gary
Flanagan, Jack
Gonzalez, Carlos
Hardwick, Harry
Hutchinson, Winfred

Doherty, Shaun
Fredette, Robert
Graham, John
Hinch, Richard
Jasper, Shawn

Donovan, Daniel
Gagne, Larry
Greazzo, Phil
Hogan, Edith
Krasucki, Joseph

Lambert, George
McClarren, Donald
Notter, Jeanine
Pellegrino, Tony
Robbins, David
Silva, Peter
Swank, Matthew
Ulery, Jordan
Willette, Robert

LeBrun, Donald
McGuinness, Sean
Ohm, Bill
Peterson, Lenette
Rowe, Robert
Soucy, Connie
Terrio, Ross
Vaillancourt, Steve

Maltz, Jonathan
Messier, Irene
Palmer, Barry
Proulx, Mark
Scotsas, Lisa
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

McCarthy, Michael
Moran, Edward
Palmer, Stephen
Renzullo, Andrew
Seidel, Carl
Stroud, Kathleen
Twombly, Timothy
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Hill, Gregory
Lauer-Rago, Kathleen
McGuire, Carol
Smith, Todd

Cohn, Seth
Keane, Thomas
Lindsley, Mark
Reed, Dennis
Winter, Steven

Cox, Sean
Kotowski, Frank
Lockwood, Priscilla
Sanborn, Laurie

Giuda, J. Brandon
Kreis, Kenneth Sr
McDonnell, John
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Copeland, Timothy
Elliott, Robert
Gould, Kenneth
Hoelzel, Kathleen
Katsakiores, Phyllis
Mauro, Donna
O'Connor, John
Quandt, Matt
Sanders, Elisabeth
Smith, William
Tucker, Pamela
Weyler, Kenneth

Allen, Mary
Bates, David
Charron, Gene
Davenport, Joshua
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Kolodziej, Walter
McMahon, Charles
Okerman, Richard
Reagan, John
Sedensky, John
Sullivan, James
Ward, Joanne

Antosz, Jason
Bettencourt, David
Chirichiello, Brian
Devine, James
Fesh, Robert
Hagan, Joseph
Itse, Daniel
MacMahon, Bruce
Murphy, Brian
Peckham, Michele
Rice, Frederick
Sheffert, Kenneth
Sytek, John
Webb, James

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Dowling, Patricia
Garrity, James
Headd, James
Kappler, Lawrence
Major, Norman
Nevins, Chris
Quandt, Marshall
Ritter, Glenn
Shuler, Wyman III
Tremblay, Stella
Welch, David

STRAFFORD

Andolina, Donald
Jones, Kyle
Parsons, Robbie
Weeden, Michael

Cataldo, Sam
Jones, Laura
Pitre, Joseph

DeLemus, Susan
Larsen, Kirsten
Vita, Carol

Groen, Warren
Newton, Clifford
Vita, Lucien

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

Laware, Thomas

NAYS 86

BELKNAP

St. Cyr, Jeffrey

CARROLL

Pettengill, Laurie

CHESHIRE

Carr, Daniel
Parkhurst, Henry

Hawkes, Samuel
Sad, Tara

Johnsen, Gladys
Weber, Lucy

Moore, Charles
Weed, Charles

COOS

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Smith, Suzanne

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pierce, David

HILLSBOROUGH

Balboni, Michael
Condra, William
Gorman, Mary
Marcus, Bruce
Shaw, Barbara

Baroody, Benjamin
DeJong, Cameron
Hikel, John
Rhodes, Brian
Souza, Kathleen

Barry, J. Gail
Gidge, Kenneth
Levasseur, Nickolas
Rokas, Ted
Sullivan, Daniel

Campbell, David
Goley, Jeffrey
Long, Patrick
Rosenwald, Cindy
Warden, Mark

MERRIMACK

Bouchard, Candace
Gile, Mary
Potter, Frances

Coffey, Jennifer
Hoell, J.R.
Richardson, Gary

Deloge, Helen
MacKay, James
Shurtleff, Stephen

DeStefano, Stephen
McGuire, Dan

ROCKINGHAM

Cali-Pitts, Jacqueline
Manuse, Andrew
Read, Robin Jr
Tamburello, Daniel

DiPentima, Rich
Moody, Marcia
Reichard, Kevin
Tasker, Kyle

Duarte, Joe
Norelli, Terie
Schlachman, Donna

Lovejoy, Patricia
Powers, James
Schroadter, Adam

STRAFFORD

Browne, Brendon
Kaen, Naida
Schmidt, Peter
Wall, Janet

Domingo, Baldwin
Keans, Sandra
Spainhower, Dale
Watters, David

Ginsburg, Philip
O'Connor, William
Spang, Judith

Horrigan, Timothy
Pelletier, Marsha
Sprague, Dale

SULLIVAN

Cloutier, John

Gagnon, Raymond

Smith, Steven

and the motion was adopted.

REGULAR CALENDAR (CONT'D)

HB 187-FN-A, relative to the carry forward periods for the business enterprise tax credit against the business profits tax. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gary S. Azarian for the Majority of Ways and Means: The extension of the carry forward period gives business ample opportunity to utilize the credit. The jobs and capital improvements that will be created due to this credit will be beneficial to improving the business climate and economy of the state. This bill will retain existing business and promote new business to make an investment in New Hampshire. Vote 14-4.

Rep. William A. Hatch for the Minority of Ways and Means: This bill would increase the

carry-forward period for the business enterprise tax (BET) credit against the business profits tax (BPT) from a five year to a ten year period. This would be accomplished by going back one additional tax year to reduce taxes on business profits every year until we reach a ten-year carry-forward in 2016. It would start to hit our revenue stream in 2013 when the extra tax credits based on 2008 losses from the start of the recession kick in. This is part of the budget being worked on now so it is important to know how much loss there would be, in order to pass a balanced budget. However, there is no way as yet to estimate this. The fiscal note indicates that during the last five years an annual average of 3,264 taxpayers (out of more than 40,000 potential users) applied a BET credit against their BPT liability averaging a total of \$15,888,900 per year. However, this average included only one year in which a small recession (2001) could be used against a good year (2006), so most of this revenue loss is background noise. In the case of FY 13, the start of the great recession will be hitting a recovering year, with unknown but surely larger effect. This effect should grow over the following biennium. In addition, this does not account for the fact that unused credits from each year are added to past years, back to the start of the carry-forward, so as we go back to ten years we will double the potential liability we now carry. The department of revenue administration currently has no way of estimating that liability, and so did not try to guess the full impact in the fiscal note. They are nearly finished installing a new system that will make this estimation easier. A business tax commission was put in place last year with the directive to explore business tax issues of this type starting this year, when the new system would be available. The minority considers that to pass something at this juncture which has the potential to create large unanticipated deficits is irresponsible. The minority considers that to add this cut to others already passed without knowing where and how much spending can be cut and without revenue replacements is unreasonable. The minority is attracted to the idea of helping high-tech start-ups, but fears the majority of the money expected by this cut may go to large box store retailers, and would prefer to find another route that is more efficient to the purpose.

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

Reps. Cooney and Hatch spoke against.

Rep. Major spoke in favor and yielded to questions.

Rep. Bettencourt requested a roll call; sufficiently seconded.

YEAS 231 NAYS 60

YEAS 231

BELKNAP

Accornero, Harry
Greemore, Robert
Russell, David
Tobin, William

Bolster, Peter
Luther, Robert
Simpson, Tyler
Worsman, Colette

Comtois, Guy
Malone, Robert
St. Cyr, Jeffrey

Fields, Dennis
Pilliod, James
Tilton, Franklin

CARROLL

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

Knox, J. David
Patten, Betsey
Tregenza, Norman

McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

CHESHIRE

Byrnes, John
Hunt, John
Smith, Edwin

Cartwright, Anne
Johnson, Jane
Sterling, Franklin Jr

Dwinell, Richard
Moore, Charles

Emerson, Susan
Moore, Robert Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence Remick, William

Richardson, Herbert

GRAFTON

Brosseau, Charles
Ingbretson, Paul
Shackett, Jeffrey

Bulis, Lyle
Ladd, Rick Jr
Simard, Paul

Eaton, Stephanie
Mirski, Paul
Sorg, Gregory

Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Belanger, James
Burt, John
Coughlin, Sean
Doherty, Shaun
Fredette, Robert
Graham, John
Hikel, John
Hutchinson, Winfred
LeBrun, Donald
McClarren, Donald
Notter, Jeanine
Pellegrino, Tony
Robbins, David
Silva, Peter
Stroud, Kathleen
Twombly, Timothy
Willette, Robert

Balboni, Michael
Belvin, William
Cebrowski, John
Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Greazzo, Phil
Hinch, Richard
Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean
Ohm, Bill
Peterson, Lenette
Rowe, Robert
Soucy, Connie
Swank, Matthew
Ulery, Jordan

Ball, J. Michael
Boehm, Ralph
Coffey, James
Daniels, Gary
Erickson, Duane
Gargas, Carolyn
Haefner, Robert
Hogan, Edith
Krasucki, Joseph
Marcus, Bruce
Messier, Irene
Palmer, Barry
Proulx, Mark
Scontsas, Lisa
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve

Barry, J. Gail
Brown, Kevin
Condra, William
DeJong, Cameron
Flanagan, Jack
Gonzalez, Carlos
Hardwick, Harry
Hopper, Gary
Lambert, George
McCarthy, Michael
Moran, Edward
Palmer, Stephen
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
DeStefano, Stephen
Keane, Thomas
Lindsley, Mark
McGuire, Dan
Shurtleff, Stephen

Coffey, Jennifer
Giuda, J. Brandon
Kotowski, Frank
Lockwood, Priscilla
Reed, Dennis
Smith, Todd

Cohn, Seth
Hill, Gregory
Kreis, Kenneth Sr
McDonnell, John
Sanborn, Laurie
Winter, Steven

Cox, Sean
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Carol
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Davenport, Joshua
Elliott, Robert
Gould, Kenneth
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Nevins, Chris
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sullivan, James
Tremblay, Stella

Allen, Mary
Bates, David
Charron, Gene
Devine, James
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sytek, John
Tucker, Pamela

Antosz, Jason
Bettencourt, David
Comerford, Timothy
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Itse, Daniel
MacMahon, Bruce
McMahon, Charles
Okerman, Richard
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Ward, Joanne

Azarian, Gary
Birdsell, Regina
Copeland, Timothy
Duarte, Joe
Garritty, James
Headd, James
Kappler, Lawrence
Major, Norman
Murphy, Brian
Peckham, Michele
Reichard, Kevin
Schroadter, Adam
Smith, William
Tasker, Kyle
Webb, James

Welch, David

Weyler, Kenneth

STRAFFORD

Cataldo, Sam
Jones, Kyle
Newton, Clifford
Sprague, Dale

DeLemus, Susan
Jones, Laura
O'Connor, William
Vita, Carol

Domingo, Baldwin
Kaen, Naida
Parsons, Robbie
Vita, Lucien

Groen, Warren
Larsen, Kirsten
Pitre, Joseph
Weeden, Michael

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

Laware, Thomas
Smith, Steven

NAYS 60

BELKNAP

None

CARROLL

None

CHESHIRE

Carr, Daniel
Sad, Tara

Hawkes, Samuel
Tatro, Bruce

Johnsen, Gladys
Weber, Lucy

Parkhurst, Henry
Weed, Charles

COOS

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Taylor, Kathleen

Almy, Susan
Harding, Laurie
Townsend, Charles

Benn, Bernard
Nordgren, Sharon

Cooney, Mary
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Gorman, Mary
Rhodes, Brian
Sullivan, Daniel

Campbell, David
Kurk, Neal
Rokas, Ted

Gidge, Kenneth
Levasseur, Nickolas
Rosenwald, Cindy

Goley, Jeffrey
Long, Patrick
Shaw, Barbara

MERRIMACK

Bouchard, Candace
Potter, Frances

Deloge, Helen
Richardson, Gary

Gile, Mary

Mackay, James

ROCKINGHAM

Cali-Pitts, Jacqueline
Norelli, Terie

DiPentima, Rich
Powers, James

Lovejoy, Patricia
Read, Robin Jr

Moody, Marcia
Schlachman, Donna

STRAFFORD

Browne, Brendon
Pelletier, Marsha

Ginsburg, Philip
Schmidt, Peter

Horrigan, Timothy
Spainhower, Dale

Keans, Sandra
Spang, Judith

Wall, Janet

Watters, David

SULLIVAN

Cloutier, John

Gagnon, Raymond

and the majority committee report was adopted.

Ordered to third reading.

BILLS REMOVED FROM THE CONSENT CALENDAR

HB 222-FN, relative to administrative rules which contain a fee increase, allowing political subdivisions to object to a proposed rule, and eliminating certain statutory provisions granting general rulemaking authority. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter T. Hansen for Executive Departments and Administration: While this bill contains a number of worthy components, which may be incorporated in HB 211, it is the committee's belief that the bill requires further research, and requires additional input from the agencies affected in this sweeping and comprehensive legislation. We found the significant time and attention required by this bill to be effective would necessarily impact federal programs, current RSA's, program rules, and would negatively impact these programs during the legislative recess prior to which we feel corrective actions could not be instituted. Vote 16-0.

Rep. Carol McGuire moved Recommit and spoke in favor.

Rep. Franklin Gould spoke against.

Adopted.

Recommitted to the Committee on Executive Departments and Administration.

HB 479-FN, relative to receivership of nursing homes and other residential health care facilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laurie Harding for Health, Human Services and Elderly Affairs: This bill reestablishes language regarding procedures for receivership of nursing homes and other residential care facilities which was inadvertently repealed on July 1, 2010. The language in HB 479 is crafted to safeguard residents in long term care facilities in the event of bankruptcy or some other emergent event that puts the future of the facility in question. The goal of this legislation is to protect older adults from the disruption and possible adverse health effects that could result from an abrupt or unsuitable transfer. The bill outlines how a receiver for a long term care facility would be appointed. It identifies the qualifications and responsibilities of the receiver as well the financial obligations and eventual termination of those obligations. This bill becomes more important during a time when the future of some of our long term care facilities is precarious. Vote 16-0.

Amendment (0291h)

Amend RSA 151-H:5, I as inserted by section 1 of the bill by replacing it with the following:

I. A receiver shall not be required to honor any lease, mortgage, or secured transaction entered into by the licensee of the facility if the court finds that the lessor, lender, or secured party entered into the agreement with the lessee for a fraudulent purpose or to hinder or delay creditors or the agreement is unrelated to the operation of the facility. If the court finds that the rental, price or rate of interest required to be paid under the agreement is in excess of a reasonable market-based rent, price or rate of interest at the time the agreement was entered into based on the specific circumstances of the licensee and the facility, the receiver shall not be required to pay the excess amount.

Amend RSA 151-H:6, II as inserted by section 1 of the bill by replacing it with the following:

II. The state shall have a lien for any loan under RSA 151-H:4, VII upon the following property: the building in which the facility is located; the land on which the facility is located; and any fixtures, equipment or goods used in the operation of the facility. Such lien shall be prior to any mortgage or lien which the court finds does not have to be honored

by the receiver because it has been obtained for a fraudulent purpose, hinders or delays creditors or is unrelated to the operation of the facility, as provided in RSA 151-H:5, I. Such lien shall also be prior to a mortgage or lien held by any person with an ownership interest in the facility; or any person which controls or has the ability to directly or indirectly control to any significant degree the management of policies of the licensee or the facility; or any person related to the licensee or to the facility by any significant degree of common ownership or common control. The receiver shall cause notice of any lien created hereunder to be duly filed.

Amendment adopted.

Committee report adopted.

Referred to the Committee on Finance.

HB 146, relative to the right of jury nullification. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M. Sorg for Judiciary: This bill would require judges in all court proceedings to “instruct the jury of its inherent right to judge the law and the facts and to nullify any and all actions they find to be unjust.” The committee concluded that, as drafted, this bill would incorrectly instruct the jury to put the law on trial rather than the application of the law in the case actually before it. The committee further concluded that the so-called “Wentworth” instruction, by which the judge instructs the jury that if it finds that the prosecution has proved all of the elements of the crime beyond a reasonable doubt, it should find the defendant guilty, adequately informs the jury of its unquestioned right of nullification without misleading it. Vote 15-0.

Rep. Rowe moved Recommit and spoke in favor.

Rep. Wall spoke against.

On a division vote, 208 members having voted in the affirmative and 71 in the negative, the motion was adopted.

Recommitted to the Committee on Judiciary.

HB 375, relative to immunity for school personnel using necessary force to protect pupils. **OUGHT TO PASS WITH AMENDMENT.**

Rep. J. Brandon Giuda for Judiciary: This bill addresses a significant problem in New Hampshire schools, namely the imbalance of power favoring students who promote disruption and violence while under a teachers care and supervision. In years past, teachers were not afraid to use reasonable force to control inappropriate or violent student behavior, and generally they would receive parental support. However, in today’s litigious society, teachers are afraid to use reasonable force due to lack of parental support and fear of civil and criminal liability. Testimony supported the fact that teachers have been sued and have been criminally charged for acts that were reasonable and were done to control disruptive students. Due to the paralysis caused by legal concerns, disruptive students are controlling classrooms and students are being injured, as teachers are told to call for help when violence erupts. The committee unanimously believes that the legislature should make a strong statement to teachers, administrators, parents and students by moving the balance of power back to the teachers by providing them with immunity when using reasonable force to control students who are ruining the educational climate for others. Vote 17-0.

Amendment (0157h)

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

AN ACT relative to immunity for school personnel using reasonable force to protect pupils.

Amend RSA 627:6, II(a) as inserted by section 1 of the bill by replacing it with the following:

II.(a) A teacher or person otherwise entrusted with the care or supervision of a ~~[minor for special purposes]~~ **pupil** is justified ~~[on the premises]~~ **during the care and supervision of the pupil** in using ~~[necessary]~~ **reasonable** force against any such ~~[minor]~~ **pupil**, when the ~~[minor]~~ **pupil** creates a disturbance, or refuses to leave the premises, or

when it is necessary for the maintenance of discipline. ***A teacher or person otherwise entrusted with the care or supervision of a pupil shall be immune from any civil or criminal liability for any act or omission performed in good faith and in accordance with this paragraph.***

Amendment adopted.

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

Rep. Peter Schmidt spoke against.

Rep. Giuda spoke in favor and yielded to questions.

Committee report adopted.

Referred to the Committee on Education.

RESOLUTION

Rep. Bettencourt offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 2, 2011 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 164, requiring legislative approval for the adoption of the common core state standards in New Hampshire.

HB 170, conferring degree-granting authority to the Upper Valley Educators Institute.

HB 150, relative to benefits of judicial branch employees who transfer from the judicial branch to state service in the executive branch or the legislative branch.

HB 364, relative to the membership of the state committee on aging.

HB 392, clarifying responsibilities of the division of homeland security and emergency management, and expanding responsibilities of the advisory committee on emergency preparedness and security.

HB 413, directing the joint legislative oversight committee on the emergency management system to review the duties of certain other committees.

HB 570, relative to licensure of guides by the fish and game department.

HB 288-FN-L, relative to payment for election services to unincorporated places.

HB 44, designating segments of the Oyster River as a protected river and exempting certain portions of the Oyster River from the provisions of the comprehensive shoreland protection act.

HB 278, setting the natural high water mark of Ossipee Lake.

HB 336, designating segments of the Mascoma River as a protected river.

HB 555, relative to the designation of the Lower Exeter/Squamscott River as a protected river.

HB 216, relative to the instructional authority of school boards.

HB 299-FN, relative to the method of financing for the judicial retirement plan.

HB 132, adopting and implementing the United States flag code.

HB 399, relative to nonresident registration of motor vehicles.

HB 72-FN-A, establishing a state aeronautical fund.

HB 209, establishing a study committee to recommend a continuing revenue estimating process to produce revenue forecasts.

HB 172, relative to transporting school children to school and school-supported activities.

HB 380, exempting the commission on the status of men from repeal on June 30, 2011 and

adding a duty to the commission.

HB 614, requiring a performance audit of the guardian ad litem board and guardian ad litem services.

HB 36-FN-L, reducing the fee for copies of birth certificates.

HB 187-FN-A, relative to the carry forward periods for the business enterprise tax credit against the business profits tax.

UNANIMOUS CONSENT

Reps. Gary Richardson, Tamburello and James Belanger addressed the House.

RECESS MOTION

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

The House recessed at 6:10 p.m.

RECESS

COMMITTEE ASSIGNMENTS

The Speaker made the following changes to committee assignments:

Rep. Leonard off Labor, Industrial and Rehabilitative Services.

Rep. Peckham on Labor, Industrial and Rehabilitative Services.

RECESS

(Rep. Bettencourt in the Chair)

RESOLUTION

Rep. Ingbreton offered the following: RESOLVED, that late drafting and introduction having been approved by the House on February 15, 2011, House Bill numbered 650 shall be by this resolution read a first and second time by the therein listed title, sent for printing and referred to the therein designated committee. Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 650-FN-L, authorizing a school district to call a special meeting in the event of changes in the amount of state education funding. (L. Ober, Hills 27; R. Ober, Hills 27; C. McGuire, Merr 8: Special Committee on Education Funding Reform)

RECESS

COMMITTEE ASSIGNMENTS

The Speaker made the following changes to committee assignments:

Rep. Willette off the Special Committee on Public Employee Pensions Reform.

Rep. Bowers on the Special Committee on Public Employee Pensions Reform.

RECESS