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HOUSE RECORD

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Calendar and Journal of the 2011 Session

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HOUSE JOURNAL No. 10 (cont.)

Tuesday, March 15, 2011

Rep. Jasper moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 11

Wednesday, March 16, 2011

The House assembled at 9:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Roger Boucher.
Gracious and Heavenly Father, we pause and bow our heads to ask for Your blessing and to give thanks for the goodness that You have given us. We remember before You Representative Lynne Ober of Hudson, whose mother passed away last night, and her husband, Representative Russ Ober. Assist us, this day, with the time and the talent we need to accomplish the common good. We ask this by Your Holy name. Amen.

Speaker O'Brien addressed the House in regards to the tragedy in Japan.

MOTON TO PRINT REMARKS

Rep. James Belanger moved that the remarks made by Speaker O'Brien be printed in the Permanent Journal.
Adopted.

REMARKS

Speaker O'Brien: On behalf of the New Hampshire House of Representatives, I want to send our thoughts and prayers to our friends and the many people of Japan who were impacted by the devastating earthquake and tsunami. With the tragic loss of life coupled with what undoubtedly will be many, many months of difficult recovery for the survivors, we send our deepest sympathies and hopes that those in Northeast Japan have seen an end to the catastrophes and that they will quickly get back to having their lives in order. Thank you.

MOMENT OF SILENCE

A moment of silence was observed for those affected by the earthquake and tsunami in Japan.

Representative Frederick Rice, member from Hampton, led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Andolina, Beattie, Ronald Belanger, Cox, Day, Grassie, Katsiantonis, Kingsbury and Sapienza, the day, illness.
Reps. Ball, Chase, Comtois, Gimas, Hill, Kidder, Mark Lindsley, William O'Connor, Barry Palmer, Serlin, Shackett, Daniel Sullivan and Weed, the day, important business.
Reps. Lynne Ober and Russell Ober, the day, death in the family.

INTRODUCTION OF GUESTS

Paul Gaylord, guest of Rep. Hardwick. Bob Fellows, guest of Rep. Tucker. Fourth grade students from Bow Elementary School, guests of the Bow and Dunbarton delegation. Rich Amari and Marc Sawyer, guests of Rep. Okerman. Larry Hileman and visitors from the Heritage Baptist Church in Nashua, Eric Davis and visitors from Emmanuel Baptist Church in Hooksett, Paul Miller and visitors from Tabernacle Baptist Church in Litchfield, Sam Phillips and visitors from Nashua Baptist Church, Jorgen Stycharz and visitors from Grace Capital Church in Pembroke and Steve Ferreira, guests of Rep. Avard. The Honorable Joel Winters, former member from Manchester, Eileen Landies, Dan Garthwaite, Sandy Pierre, Steve Villee, Paul Comeau and Brandon Ross, guests of Reps. Warden, Cohn, Pratt and Carol McGuire. Loretta and Jacqueline Greazzo, mother and daughter of Rep. Greazzo. Robert Cooper, guest of Rep. Tamburello.

Emma Rourke and Alden LeClair, students from Nashua High School South, Pages for the day.

REGULAR CALENDAR (CONT'D)

SPECIAL ORDER
HB 348-FN, transferring the duties of the racing and charitable gaming commission to the lottery commission and abolishing the racing and charitable gaming commission, and prohibiting new electronic gaming devices without statutory authorization. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Kenneth H. Gould for the Majority of Executive Departments and Administration: This bill eliminates the racing and charitable gaming commission and transfers all of its duties, personnel, rules, and budget to the state lottery commission. The bill also prohibits the use of new electronic gaming devices in the state without specific statutory authorization. The amendment clarifies that gaming devices can be replaced as needed due to wear and tear. The lottery is a promotional agency and the racing and gaming commission is an

enforcement agency, but the committee senses the need to streamline state agencies in this instance. Concerns about regulation of charitable gaming should not be affected by this reorganization. Vote 9-6.
Rep. Lawrence B. Perkins for the Minority of Executive Departments and Administration: Although the minority understands the premise of combining state agencies for the purpose of lowering the budget, we also understand that charitable gaming needs regulation and enforcement and a marketing entity such as the lottery commission is not the vehicle for such an undertaking. In fact five years ago the lottery relinquished bingo and lucky 7's to charitable gaming. This bill looks to save $60,000 while jeopardizing hundreds of charities in New Hampshire.

Majority Amendment (0538h)
Amend RSA 284:6-a, VI as inserted by section 10 of the bill by replacing it with the following:

VI. Notwithstanding any law, rule or current practice to the contrary, the commission shall not authorize:

(a) Any game, lottery or other offering which was not in use by the public on or before October 1, 2010, including but not limited to any game, lottery or other offering by video slot machine and other gambling machines, devices which function or are designed to emulate a video slot machine or other gambling machine, an historical racing machine, electronic lucky 7 ticket units and computer technology to reveal instant ticket winners, whether in physical presence or through the Internet; or

(b) A reduction in the length of time between placing a wager, purchasing a lottery ticket or otherwise engaging in gambling and the announcement of the result of the wager, lottery or gamble for any game, lottery or other offering which was in use by the public on or before October 1, 2010.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Reps. Lawrence Perkins and Elliott spoke against and yielded to questions.
Reps. Kenneth Gould and Kurk spoke in favor and yielded to questions.
On a division vote, 263 members having voted in the affirmative and 69 in the negative, the majority committee report was adopted.
Ordered to third reading.

REGULAR CALENDAR (CONT'D)

HB 425-FN-A-L, making an appropriation for the special education catastrophic aid program for the 2011 fiscal year. **INEXPEDIENT TO LEGISLATE.**
Rep. Karen C. Umberger for Finance: This bill would allocate an extra $7,892,809 for FY 11 (this year) for special education catastrophic aid. While the committee supports this program, school budgets for FY 11 have already been established. There are no remaining funds available to support this increase. Vote 15-5.
Committee report adopted.

HB 482-FN-A-L, relative to county reimbursements for nursing home services. **INEXPEDIENT TO LEGISLATE.**
Rep. Cindy Rosenwald for Finance: Several years ago, when the state transferred responsibility to the counties for Medicaid long-term costs, the state capped the county costs, starting at $71.5 million a year for 2008 and rising to $105 million a year for 2012. The counties sued the state on the grounds of it being an unfunded mandate but did not prevail because the cap prevented them from being harmed. RSA 167:18-a II requires the legislature to set the cap prospectively for the next biennium. The committee understands

and agrees with the need to cap the costs. However, since the amount of the cap has been amended in the past, the committee wishes to retain the flexibility of setting the cap within the context of the entire budget. Therefore, the cap will be extended in HB 2. Vote 22-0. Committee report adopted.

HB 206-FN, establishing an apprentice hunting license. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Benjamin P. Lefebvre for Fish and Game and Marine Resources: This bill allows the fish and game department to issue an apprentice hunting license to persons who have not completed a hunter education program or provided proof of previous hunting or archery license. The committee feels that issuing an apprentice license for hunting with a bow or a firearm will provide an opportunity for new hunters to explore the enjoyment of hunting in a safe and responsible manner. Vote 9-0.

Amendment (0389h)
Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Fish and Game; Apprentice Hunting License. Amend RSA 214 by inserting after section 6 the following new section:

214:6-a Apprentice Hunting License. Any person who wishes to hunt but who has not completed a hunter education program or provided proof of a previous hunting or archery license, as required in RSA 214:23-a, may purchase an apprentice hunting license. A person holding an apprentice hunting license shall be allowed to hunt only when accompanied by a properly licensed person who is 18 years of age or over. The fees for an apprentice hunting license shall be as provided in RSA 214:9, I for a resident apprentice hunting license, as provided in RSA 214:9, VI for a nonresident apprentice hunting license, or as provided in RSA 214:9, VII-a for a nonresident small game apprentice hunting license. The properly licensed person who is 18 years of age or over accompanying the apprentice shall be fully accountable for any damage incurred or for any violations which may be committed by the apprentice while hunting. Any other permits or licenses for hunting shall be purchased as required by the apprentice hunter. The apprentice hunting license shall not be valid to take moose, shall not apply to the 3-day small game license, and shall not be used as proof of a previous license under RSA 214:23-a, I(c) or II(c). An apprentice hunting license may be purchased only once in the lifetime of the hunter.

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

AMENDED ANALYSIS

This bill allows the fish and game department to issue an apprentice hunting license to persons who have not completed a hunter education program or provided proof of previous hunting or archery license.

This bill is a request of the fish and game department.
Amendment adopted.
Committee report adopted and ordered to third reading.

HB 571-FN, relative to lobster and crab licenses issued by the fish and game department. **OUGHT TO PASS WITH AMENDMENT.**
Rep. David H. Watters for Fish and Game and Marine Resources: This bill revises criteria for lobster and crab licenses issued by the fish and game department. The bill also clarifies provisions for lobster tail permits and landing licenses for lobster and crabs. In an effort to reduce the latent catch related to individuals who are eligible to purchase a commercial lobster and crab license and have not done so, the department will require those eligible to submit a notarized affidavit indicating their intent to remain eligible to purchase such license in subsequent years. The bill was at the request of the department. Vote 9-0.

Amendment (0539h)

Amend RSA 211:18, III(e) as inserted by section 1 of the bill by replacing it with the following:

(e) Beginning January 1, 2012, any eligible individual shall purchase a commercial or limited commercial lobster and crab license for each calendar year in order to remain eligible to purchase such license in subsequent years, except that:

(1) Active duty military personnel stationed outside the state for any portion of the calendar year may submit duty orders and a written request to the executive director to obtain an exemption for that year.

(2) The purchase requirement shall not pertain to those individuals prohibited from purchasing a valid lobster and crab license for the entire calendar due to a court conviction for violation of marine fisheries regulations.

(3) The purchase requirement shall not pertain to those individuals who file with the executive director, each year, a notarized affidavit indicating their intent to remain eligible to purchase such license in subsequent years. The notarized affidavit shall be on a form provided by the department and shall be postmarked on or before June 30 of that year.

Amend the bill by replacing section 4 with the following:

4 Effective Date.

I. Sections 1 and 3 of this act shall take effect January 1, 2012.

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

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 58, relative to inter-facility transfers of critical access hospital patients. **OUGHT TO PASS.**

Rep. Laurie Harding for Health, Human Services and Elderly Affairs: This bill deletes the exception for emergency medical and trauma services to allow certain providers (MD, RN or PA) to ride alone in the back of an ambulance while transporting a critically ill patient. After much discussion, the NH hospital association, the emergency nurses' association, the NH nurses association and the NH department of safety, division of fire standards and training, emergency planning medical services came together and agreed that having only one clinician in the back of the ambulance was unsafe practice for the patient, the clinician and the hospital, especially considering current emergency medical services law requires two paramedics be in the back of an ambulance with a critically ill patient. The committee agreed. Vote 14-2.

Committee report adopted and ordered to third reading.

HB 295, relative to the use of long-term antibiotics for the treatment of Lyme disease. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laurie Harding for Health, Human Services and Elderly Affairs: Lyme disease has emerged as a devastating problem for many NH people. There is not a consensus of understanding about treatment modalities. This legislation directs the board of medicine to place a statement on their website that "no licensee may be subject to disciplinary action for prescribing, administering or dispensing long-term antibiotic therapy for a patient clinically diagnosed with Lyme disease, if diagnosis and treatment has been documented in the physician's medical record that that patient." This serves to protect persons with Lyme disease and not interfere with the practice of medicine. Vote 18-0.

Amendment (0748h)

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

1 Board of Medicine; Lyme Disease Treatment. The board of medicine established in RSA 329:2 shall post and maintain on its website the following statement: No licensee may be subject to disciplinary action solely for prescribing, administering, or dispensing long-term

antibiotic therapy for a patient clinically diagnosed with Lyme disease, if diagnosis and treatment has been documented in the physician's medical record for that patient.

2 Terms Defined. For purposes of section 1 of this act:

I. "Long-term antibiotic therapy" means the administration of oral, intramuscular, or intravenous antibiotics, singly or in combination, for periods of time in excess of 4 weeks.

II. "Lyme disease" means the disease caused by the bacterium Borrelia burgdorferi and transmitted to humans by the bite of an infected blacklegged tick. Typical symptoms include fever, headache, fatigue, and a characteristic skin rash called erythema migrans. If left untreated, infection can spread to joints, the heart, and the nervous system. Lyme disease is diagnosed based on symptoms, physical findings such as rash, and the possibility of exposure to infected ticks; laboratory testing is helpful when used appropriately.

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

AMENDED ANALYSIS

This bill requires the board of medicine to post a statement on Lyme disease treatment on its website.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 442-FN, relative to the use of marijuana for medicinal purposes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John M. Reagan for Health, Human Services and Elderly Affairs: This bill first and foremost keeps the decision of medicinal healthcare between the patient and physician and not the government. It also removes the risk of any ailing patient from arrest, prosecution and jail if legally using cannabis for medicinal purposes. For a significant number of patients, clinical experience and research confirm that marijuana serves as the only effective medicine for relieving pain, suppressing nausea, stimulating appetite, minimizing severe and chronic symptoms as a result of serious and terminal medical conditions, and creating an opportunity for patients to connect with their loves ones in their dying days. Numerous studies by blue-ribbon government panels and federally funded, peer reviewed scientific studies have consistently found that cannabis is effective for treating certain debilitating symptoms when traditional, legally prescribed, therapeutic drugs are not effective. Studies have consistently found that cannabis is an effective analgesic and antispasmodic agent, that its side effects are often less debilitating than those of drugs currently approved for treating the same ailments, and for some individuals is the only meaningful option. It is one of the safest therapeutically active substances known. For certain persons, the medical use of marijuana laws such as HB 442 are not preempted by federal law, as stated explicitly in the Federal Controlled Substance Act. As of July 2, 2010, the department of veterans affairs (a federal agency) accepts medical cannabis as an effective medicine and formally allows patients treated at its hospitals and clinics to use medicinal cannabis in those states where it is legal as an alternative medicine. Vote 14-3.

Amendment (0734h)

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

1 Findings.

I. Modern medical research has discovered beneficial uses for marijuana in treating or alleviating the pain, nausea, and other symptoms associated with a variety of debilitating medical conditions, as found by the National Academy of Sciences' Institute of Medicine in March 1999.

II. Subsequent studies since the 1999 National Academy of Sciences' Institute of Medicine report continue to show the therapeutic value of marijuana in treating a wide array of debilitating medical conditions. These include relief of the neuropathic pain caused by multiple sclerosis, HIV/AIDS, and other illnesses that often fails to respond to conventional treatments and relief of nausea, vomiting, and other side effects of drugs used to treat

HIV/AIDS and hepatitis C, increasing the chances of patients continuing on life-saving treatment regimens.

III. Marijuana has many currently accepted medical uses in the United States, having been recommended by thousands of licensed physicians to at least 500,000 patients in states with medical marijuana laws. Marijuana's medical utility has been recognized by a wide range of medical and public health organizations, including the American Academy of HIV Medicine, the American College of Physicians, the American Nurses Association, the American Public Health Association, the Leukemia & Lymphoma Society, and many others.

IV. Data from the Federal Bureau of Investigation's Uniform Crime Reports and the Compendium of Federal Justice Statistics shows that approximately 99 out of every 100 marijuana arrests in the United States are made under state law, rather than under federal law. Consequently, changing state law will have the practical effect of protecting from arrest the vast majority of seriously ill patients who have a medical need to use marijuana.

V. Alaska, California, Colorado, the District of Columbia, Hawaii, Maine, Michigan, Montana, Nevada, New Mexico, New Jersey, Oregon, Vermont, Rhode Island, and Washington have removed state-level criminal penalties from the medical use and cultivation of marijuana. New Hampshire joins in this effort for the health and welfare of its citizens.

VI. States are not required to enforce federal law or prosecute people for engaging in activities prohibited by federal law. Therefore, compliance with this act does not put the state of New Hampshire in violation of federal law.

VII. State law should make a distinction between the medical and non-medical uses of marijuana. Hence, the purpose of this act is to protect patients with debilitating medical conditions, as well as their physicians and designated caregivers, from arrest and prosecution, criminal and other penalties, and property forfeiture if such patients engage in the medical use of marijuana.

VIII. The people of the state of New Hampshire declare that they enact this act pursuant to the police power to protect the health of its citizens that is reserved to the state of New Hampshire and its people under the 10th Amendment to the United States Constitution.

2 New Chapter; Use of Marijuana for Medicinal Purposes. Amend RSA by inserting after chapter 126-U the following new chapter:

CHAPTER 126-V

USE OF MARIJUANA FOR MEDICINAL PURPOSES

126-V:1 Definitions. In this chapter:

I. "Alternative treatment center" means a not-for-profit entity registered under RSA 126-V:8 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies, or dispenses marijuana, or related supplies and educational materials, to a registered qualifying patient who has designated it, either by dispensing it directly to the registered qualifying patient or by dispensing it to his or her registered designated caregiver.

II. "Alternative treatment center agent" means a principal officer, board member, employee, manager, or volunteer of a registered alternative treatment center who is 21 years of age or older.

III. "Cardholder" means a qualifying patient, a designated caregiver, or an alternative treatment center agent who has been issued and possesses a valid registry identification card.

IV. "Chronic or terminal disease" means cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C currently receiving antiviral treatment, amyotrophic lateral sclerosis, muscular dystrophy, Crohn's disease, agitation of Alzheimer's disease, or multiple sclerosis.

V. "Debilitating medical condition" means the presence of both:

(a) A chronic or terminal disease; and

(b) Symptoms or treatment results that include at least one of the following: cachexia or wasting syndrome, severe pain that has not responded to previously prescribed medication or surgical measures for more than 3 months, severe nausea, severe vomiting, seizures, or severe, persistent muscle spasms.

VI. "Department" means the department of health and human services.

VII. "Designated caregiver" means an individual who is at least 21 years of age including a licensed health care professional, but who is not a qualifying patient, and who has agreed to assist with a patient's medical use of marijuana, including acquiring medical marijuana from an alternative treatment center and delivering it to the qualifying patient, and who has never been convicted of any drug-related offense. Except for a licensed health care professional, a designated caregiver may serve as a designated caregiver for only one qualifying patient at a time.

VIII. "Marijuana" means all parts of any plant of the Cannabis genus of plants, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, salt, derivative, mixture, or preparation of such plant, its seeds, or resin. Such term does not include the mature stalks of such plants, fiber produced from such stalks, oil, or cake made from the seeds of such plants, any other compound, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seeds of such plants which are incapable of germination.

IX. "Medical use" means the acquisition, possession, preparation, use, delivery, transfer, or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms or results of treatment associated with the registered qualifying patient's debilitating medical condition.

X. "Physician" means an individual licensed to prescribe drugs to humans under RSA 329 and who possesses certification from the United States Drug Enforcement Administration to prescribe controlled substances, except that in relation to a visiting qualifying patient, "physician" means an individual licensed to prescribe drugs to humans in the state of the patient's residence and who possesses certification from the United States Drug Enforcement Administration to prescribe controlled substances.

XI. "Qualifying patient" means an individual who has been diagnosed by a physician as having a debilitating medical condition.

XII. "Registry identification card" means a document issued by the department that identifies an individual as a qualifying patient, a designated caregiver, or a registered alternative treatment center agent.

XIII. "Seedling" means a marijuana plant that has no flowers and is less than 12 inches in height and less than 12 inches in diameter. A seedling shall meet all three criteria set forth in this paragraph.

XIV. "Usable marijuana" means the dried leaves and flowers of the marijuana plant and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant and does not include the weight of any non-marijuana ingredients combined with marijuana and prepared for consumption as food or drink.

XV. "Visiting qualifying patient" means a patient with a debilitating medical condition who is not a resident of New Hampshire or who has been a resident of New Hampshire for fewer than 30 days.

XVI. "Written certification" means a document signed by a physician stating that in the physician's professional opinion, after having completed a full assessment of the qualifying patient's medical history and current medical condition made in the course of a bona fide physician-patient relationship as defined in RSA 329:1-c of at least 3 months in duration, the qualifying patient has a debilitating medical condition, and the potential benefits of the medical use of marijuana would likely outweigh the health risks for the qualifying patient. The written certification shall be valid for up to one year and shall

specify the qualifying patient's debilitating medical condition, which also shall be noted in the qualifying patient's medical records.

126-V:2 Protections for the Medical Use of Marijuana.

I. A qualifying patient who has been issued and possesses a registry identification card shall not be subject to arrest, prosecution, or penalty, or denied any right or privilege, including but not limited to a civil penalty or disciplinary action by a court or occupational or professional licensing board or bureau, for the medical use of marijuana in accordance with this chapter, if the qualifying patient possesses an amount of usable marijuana that does not exceed 2 ounces. A qualifying patient shall remain subject to the provisions of RSA 126-V:5.

II. A designated caregiver who has been issued and possesses a registry identification card shall not be subject to arrest, prosecution, or penalty, or denied any right or privilege, including but not limited to civil penalty or disciplinary action by a court or occupational or professional licensing board or bureau, for assisting a qualifying patient to whom he or she is connected through the department's registration process with the medical use of usable marijuana in accordance with this chapter, if the designated caregiver possesses an amount of marijuana that does not exceed 2 ounces of usable marijuana. A designated caregiver shall remain subject to the provisions of RSA 126-V:5.

III.(a) A qualifying patient is presumed to be lawfully engaged in the medical use of marijuana in accordance with this chapter if the qualifying patient possesses a registry identification card and possesses an amount of marijuana that does not exceed the amount allowed under this chapter.

(b) A designated caregiver is presumed to be lawfully engaged in assisting with the medical use of marijuana in accordance with this chapter if the designated caregiver possesses a registry identification card and possesses an amount of marijuana that does not exceed the amount allowed under this chapter.

(c) The presumptions made in subparagraphs (a) and (b) may be rebutted by evidence that conduct related to marijuana was not for the purpose of treating or alleviating the registered qualifying patient's debilitating medical condition or symptoms or effects of the treatment associated with the debilitating medical condition, in accordance with this chapter.

IV.(a) An alternative treatment center may accept marijuana seeds, seedlings, plants, or useable marijuana from other registered alternative treatment centers in New Hampshire. An alternative treatment center may transfer or sell marijuana seeds, seedlings, plants, or usable marijuana to other registered alternative treatment centers in New Hampshire.

(b) An alternative treatment center may accept a donation of marijuana seeds or seedlings, without compensation, from individuals and entities from jurisdictions outside of New Hampshire who are authorized to cultivate medical marijuana in their home state.

(c) Individuals and entities from jurisdictions outside of New Hampshire who are authorized to cultivate medical marijuana in their home state shall not be subject to arrest, prosecution, or penalty, or denied any right or privilege for donating marijuana seeds or seedlings to alternative treatment centers in New Hampshire.

V.(a) No school or landlord may refuse to enroll or lease to, or otherwise penalize, an individual solely for his or her status as a registered qualifying patient or a designated caregiver, unless failing to do so would put the school or landlord in violation of federal law or regulations.

(b) For the purposes of medical care, including organ transplants, a registered qualifying patient's authorized use of marijuana in accordance with this chapter shall be considered the equivalent of the authorized use of any other medication used at the direction of a physician, and shall not constitute the use of an illicit substance.

(c) Unless a failure to do so would constitute a violation of federal law or federal regulations, an employer shall not discriminate against an individual in hiring, termination,

or any term or condition of employment, or otherwise penalize an individual, based upon either of the following:

(1) The individual's status as a registered qualifying patient or registered designated caregiver; or

(2) A registered qualifying patient's positive drug test for marijuana components or metabolites, unless the patient used or possessed, or was under the influence of or impaired by marijuana on the premises of the place of employment. For purposes of this chapter, "impaired" includes but is not limited to instances where the registered qualifying patient is not able to safely perform essential job tasks.

VI. A person otherwise entitled to custody of, or visitation or parenting time with, a minor shall not be denied such a right solely for conduct allowed under this chapter and there shall be no presumption of neglect or child endangerment.

VII. A registered designated caregiver who is a licensed health care professional may receive compensation for costs associated with assisting a registered qualifying patient who has designated the designated caregiver to assist him or her with the medical use of marijuana. Such compensation shall not constitute the sale of controlled substances.

VIII. A physician shall not be subject to arrest, prosecution, or penalty, or denied any right or privilege, including but not limited to a civil penalty or disciplinary action by the New Hampshire board of medicine or any other occupational or professional licensing board or bureau, solely for providing written certifications or for otherwise stating that, in the physician's professional opinion, a patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the patient's debilitating medical condition or symptoms or effects of treatment associated with the debilitating medical condition, provided that nothing shall prevent a professional licensing board from sanctioning a physician for failing to properly evaluate a patient's medical condition or otherwise violating the standard of care.

IX. Any marijuana, marijuana paraphernalia, licit property, or interest in licit property that is possessed, owned, or used in connection with the medical use of marijuana as allowed under this chapter, or acts incidental to such use, shall not be seized or forfeited.

X. An individual shall not be subject to arrest, prosecution, or penalty, or denied any right or privilege, including but not limited to a civil penalty or disciplinary action by a court or occupational or professional licensing board or bureau, simply for being in the presence or vicinity of the medical use of marijuana as allowed under this chapter.

XI. A registry identification card, or its equivalent, that is issued under the laws of another state, district, territory, commonwealth, or insular possession of the United States that allows, in the jurisdiction of issuance, a visiting qualifying patient to possess marijuana for medical purposes, shall have the same force and effect as a registry identification card issued by the department, provided that a debilitating medical condition as defined in RSA 126-V:1, V exists.

XII. Any cardholder who transfers marijuana to an individual who is not a cardholder under this chapter shall be guilty of a class B felony, shall have his or her registry identification card revoked, and shall be subject to other penalties as provided in RSA 318-B:26. The department may revoke the registry identification card of any cardholder who violates any provision of this chapter, and the cardholder shall be subject to any other penalties established in law for the violation.

XIII. The protections provided to cardholders in this section shall exist only upon presentation of a valid registry identification card.

126-V:3 Departmental Administration.

I. Except as provided for in paragraphs II and III, the department shall issue registry identification cards to qualifying patients who submit all of the following information:

(a) Written certification as defined in RSA 126-V:1, XVI.

(b) Application or renewal fee.

(c) Name, residential and mailing address, and date of birth of the qualifying patient, except that if the applicant is homeless, no residential address is required.

(d) Name, address, and telephone number of the qualifying patient's physician.

(e) Name, address, and date of birth of the qualifying patient's designated caregiver, if any.

(f) Name and address of the alternative treatment center that the qualifying patient designates; a qualifying patient may designate no more than one alternative treatment center at any time.

(g) A statement signed by the qualifying patient, pledging not to divert marijuana to anyone who is not allowed to possess marijuana pursuant to this chapter and acknowledging that their diversion of marijuana is punishable by a class B felony and revocation of one's registry identification card, in addition to other penalties for the illegal sale of marijuana.

(h) A complete set of fingerprints for the qualifying patient's designated caregiver, if any.

(i) A signed statement from the designated caregiver, if any, agreeing to be designated as the patient's designated caregiver and pledging not to divert marijuana to anyone who is not allowed to possess marijuana pursuant to this chapter and acknowledging that their diversion of marijuana is punishable by a class B felony and revocation of one's registry identification card, in addition to other penalties for the illegal sale of marijuana.

II. The department shall not issue a registry identification card to a qualifying patient who is under the age of 18 unless:

(a) The qualifying patient's physician has explained the potential risks and benefits of the medical use of marijuana to the custodial parent or legal guardian with responsibility for health care decisions for the qualifying patient; and

(b) The custodial parent or legal guardian with responsibility for health care decisions for the qualifying patient consents in writing to:

(1) Allow the qualifying patient's medical use of marijuana;

(2) Serve as the qualifying patient's designated caregiver;

(3) Control the acquisition of the marijuana and the frequency of the medical use of marijuana by the qualifying patient; and

(c) The custodial parent or legal guardian completes an application on behalf of the minor.

III. The department shall verify the information contained in an application or renewal submitted pursuant to this section, and shall approve or deny an application or renewal within 15 days of receiving it. The department may deny an application or renewal only if the applicant did not provide the information required pursuant to this section, the applicant previously had a registry identification card revoked for violating the provisions of this chapter, or if the department determines that the information provided was falsified. An applicant who is aggrieved by a department decision may request an administrative hearing at the department.

IV. The department shall require a state and federal criminal records check on each person who is applying to be a designated caregiver or an alternative treatment center agent. The department shall request the department of safety to perform the state and federal criminal records check and the department of safety shall complete such records checks and convey the findings of such checks to the department within 30 days of the request. The department and the department of safety may exchange necessary data including fingerprint data with the Federal Bureau of Investigation without disclosing that the records check is related to the provisions of RSA 126-V and acts permitted by it. The department and the department of safety shall destroy each set of fingerprints obtained pursuant to this chapter after the criminal records check is complete.

V. The department shall issue a registry identification card to the designated caregiver, if any, who is named in a qualifying patient's approved application and who

qualifies under this chapter. The department shall notify the qualifying patient who has designated someone to serve as his or her designated caregiver if a registry identification card will not be issued to the individual.

VI. The department shall issue registry identification cards to qualifying patients and to the designated caregivers within 5 days of approving an application or renewal. Each registry identification card shall expire one year after the date of issuance, unless the physician states in the written certification that he or she believes the qualifying patient would benefit from medical marijuana only until a specified earlier date, then the registry identification card shall expire on that date.

(a) In the case of qualified patients and designated caregivers, registry identification cards shall contain all of the following:

(1) Name, mailing address, and date of birth of the qualifying patient.

(2) If the cardholder is a designated caregiver, the designated caregiver's name, address, and date of birth.

(3) The date of issuance and expiration date of the registry identification card.

(4) A random 10-digit identification number, containing at least 4 numbers and at least 4 letters, that is unique to the cardholder.

(5) A photograph of the cardholder.

(6) A statement that the cardholder is permitted under state law to possess marijuana pursuant to this chapter for the medical use of the qualifying patient.

(b) In the case of a registered alternative treatment center agent, registry identification cards shall contain all of the following:

(1) Name, mailing address, and date of birth of the cardholder.

(2) The name and address of the alternative treatment center.

(3) The date of issuance and expiration date of the registry identification card.

(4) A random 10-digit identification number, containing at least 4 numbers and at least 4 letters, that is unique to the cardholder.

(5) A photograph of the cardholder.

(6) A statement that the cardholder is permitted to engage in activities for the alternative treatment center to cultivate and provide medical marijuana to qualified patients and designated caregivers in accordance with this chapter and a designation as to whether the person is a principal officer, board member, employee, or volunteer.

VII. The department shall track the number of registered qualifying patients who have designated each alternative treatment center and issue a monthly written statement to the alternative treatment center identifying the number of registered qualifying patients who have designated that alternative treatment center along with the registry identification numbers of each patient and each patient's designated caregivers.

VIII. In addition to the monthly reports, the department shall also provide written notice to an alternative treatment center which identifies the names and registration identification numbers of a qualifying patient and his or her designated caregivers whenever any of the following events occur:

(a) A qualifying patient designates the alternative treatment center to serve his or her needs under this chapter;

(b) An existing registered qualifying patient revokes the designation of the alternative treatment center because he or she has designated a different alternative treatment center instead; or

(c) A registered qualifying patient who has designated the alternative treatment center loses his or her status as a registered qualifying patient under this chapter.

IX. The following notifications and department responses are required:

(a) A registered qualifying patient shall notify the department of any change in his or her name, address, or designated caregiver within 10 days of such change.

(b) A registered qualifying patient or alternative treatment center agent who fails to notify the department of any of these changes shall be guilty of a violation, punishable by a fine of no more than $150. If the qualifying patient's certifying physician notifies the department in writing that either the qualifying patient has ceased to suffer from a debilitating medical condition or that the physician no longer believes the patient would receive benefit from the medical use of marijuana, the card is null and void upon notification by the department to the qualifying patient.

(c) A registered designated caregiver or alternative treatment center agent shall notify the department of any change in his or her name or address within 10 days of such change. A registered designated caregiver or alternative treatment center agent who fails to notify the department of any of these changes shall be guilty of a violation, punishable by a fine of no more than $150.

(d) When a qualifying patient, designated caregiver, or alternative treatment center agent notifies the department of any change to a name, address, alternative treatment center, or designated caregiver, the department shall issue the cardholder a new registry identification card with a new random 10-digit identification number within 15 days of receiving the updated information and a $10 fee.

(e) A registered qualifying patient who no longer has a debilitating medical condition and the patient's registered designated caregiver and alternative treatment center shall return all registry identification cards associated with that qualifying patient to the department within 48 hours of receiving the diagnosis by the patient's physician. When a registered qualifying patient dies, the family or designated caregiver shall notify the designated alternative treatment center within 24 hours, the alternative treatment center shall make arrangements to pick up any remaining supply of marijuana within 48 hours of receiving such notification, and the protections of this chapter shall no longer apply.

(f) If a cardholder loses his or her registry identification card, he or she shall notify the department and submit a $10 fee within 10 days of losing the card. Within 5 days after such notification, the department shall issue a new registry identification card with a new random 10-digit identification number.

X. Mere possession of, or application for, a registry identification card shall not constitute probable cause or reasonable suspicion, nor shall it be used to support the search of the individual or property of the individual possessing or applying for the registry identification card. The possession of, or application for, a registry identification card shall not preclude the existence of probable cause if probable cause exists on other grounds.

XI.(a) The department shall create and maintain a confidential registry of registered qualifying patients, designated caregivers, and alternative treatment center agents who have applied for and are entitled to receive a registry identification card in accordance with the provisions of this chapter.

(b)(1) Except as specifically provided in this chapter, no person shall be permitted to gain access to any information about qualifying patients, designated caregivers, and alternative treatment center agents in the department's confidential registry, or any information otherwise maintained by the department about physicians and alternative treatment centers, except for authorized employees of the department in the course of their official duties and authorized employees of local and state law enforcement agencies who have stopped or arrested an individual who claims to be engaged in the medical use of marijuana. Authorized employees of local and state law enforcement agencies shall be granted access to the information within the department's confidential registry only for the purpose of verifying that an individual who has presented a registry identification card to the state or local law enforcement official is lawfully in possession of such card. In addition, if a state or local law enforcement agent has obtained a search or arrest warrant for a specific individual or address for which the law enforcement agent has probable cause to believe possesses, cultivates, or distributes marijuana, the department shall confirm or deny

whether the individual or location is a registered qualifying patient, designated caregiver, or alternative treatment center agent.

(2) An employer, landlord, court, administrative hearings officer, or health care provider that has been presented with a registry identification card by a person asserting that they are entitled to protections under RSA 126-V:2 may contact the department to verify the validity of the registry identification card. The department shall verify a registry identification card to an employer, landlord, court, or health care provider who requests verification pursuant to this paragraph, provided that the employer, landlord, court, or health care provider provides the random identification card number on the registry identification card. In verifying the validity of a registry identification card, the department shall confirm only whether a card bearing the random identification card number is valid and the name of the person to whom it was issued.

(c) An individual shall be guilty of a class B misdemeanor for breaching the confidentiality of information obtained pursuant to this chapter, except that department employees shall be exempt for notifying law enforcement officials about falsified or fraudulent information submitted to the department, provided the employee who suspects that falsified or fraudulent information has been submitted confers with his or her supervisor, and both agree that circumstances exist that warrant the notification.

XII. The department shall submit to the legislature an annual report that does not disclose any identifying information about qualifying patients, designated caregivers, or physicians, but does contain, at a minimum, all of the following information:

(a) The number of applications and renewals filed for registry identification cards.

(b) The number of qualifying patients and designated caregivers approved in the state.

(c) The number of alternative treatment centers registered in the state.

(d) The nature of the debilitating medical conditions of the qualifying patients.

(e) The number of registry identification cards revoked.

(f) The number of physicians providing written certifications for qualifying patients.

XIII. Where a state or local law enforcement agency encounters an individual who, during the course of an investigation, credibly asserts that he or she is a registered qualifying patient or registered designated caregiver or encounters a registered alternative treatment center, the law enforcement agency shall not provide any information from any marijuana-related investigation of the individual or entity to any law enforcement authority that does not recognize the protection of this chapter and any prosecution of the individual or entity for a violation of this chapter shall be conducted pursuant to the laws of this state. This paragraph shall not apply in cases where the state or local law enforcement agency has probable cause to believe the person is distributing marijuana to a person who is not allowed to possess it under this chapter, nor shall it prevent the sharing of information if the primary offense is unrelated to marijuana.

XIV. The application for qualifying patients' registry identification cards shall include a question asking whether the patient would like the department to notify him or her of any clinical studies regarding marijuana's risk or efficacy that seek human subjects. The department shall inform those patients who answer in the affirmative of any such studies it is notified of that will be conducted in the United States.

126-V:4 Department Rules. Not later than one year after the effective date of this chapter, the department shall adopt rules, pursuant to RSA 541-A, governing the manner in which it shall consider applications for issuance and renewals of registry identification cards for qualifying patients and designated caregivers. The department's rules shall establish application and renewal fees for registry identification cards in accordance with the following:

I. The fee structure by the department for alternative treatment centers and registry identification cards shall generate revenues sufficient to offset all state expenses of implementing and administering this chapter; however,

II. The department may accept donations from private sources without the approval of the governor and council in order to reduce the application and renewal fees.

126-V:5 Prohibitions, Restrictions, and Limitations on the Use of Medical Marijuana.

I. A registered qualifying patient may use medical marijuana on privately-owned real property only with the permission of the property owner or in the case of leased property with the permission of the tenant in possession of the property, except that a tenant shall not allow a qualified patient to smoke medical marijuana on rented property if smoking on the property violates the lease or the lessor's rental policies that apply to all tenants at the property. However, a tenant in possession may permit a qualified patient to use medical marijuana on leased property by ingestion or inhalation through vaporization even if smoking is prohibited by the lease or rental policies. For purposes of this chapter, vaporization shall mean the inhalation of marijuana without the combustion of the marijuana.

II. Nothing in this chapter shall exempt any person from arrest or prosecution for:

(a) Being under the influence of marijuana while:

(1) Operating a motor vehicle, commercial vehicle, boat, or vessel, or any other vehicle propelled or drawn by power other than muscular power;

(2) In his or her place of employment, without the written permission of the employer; or

(3) Operating heavy machinery or handling a dangerous instrumentality.

(b) The use or possession of marijuana by a qualified patient or other cardholder:

(1) For purposes other than alleviating symptoms as permitted by this chapter; or

(2) In a manner that endangers the health, well-being, or safety of another person;

(c) The smoking of marijuana in any public place, including:

(1) A school bus, public bus, or other public vehicle;

(2) A workplace or place of employment, without the written permission of the employer;

(3) The grounds of any preschool or primary or secondary school;

(4) Any correctional facility; or

(5) Any public park, public beach, public recreation center, public field, or youth center.

II. Nothing in this chapter shall be construed to require:

(a) A governmental, private, or any other health insurance provider, health care plan, or medical assistance program to be liable for any claim for reimbursement for the medical use of marijuana;

(b) Any individual or establishment in lawful possession of property to allow a guest, client, customer, or other visitor to use marijuana on or in that property. This chapter shall not limit an individual or entity in lawful possession of property, or an agent of such individual or entity, from expelling an individual who uses marijuana without permission from their property and from seeking civil and criminal penalties for the unauthorized use of marijuana on their property;

(c) Any accommodation of any medical use of marijuana on the property or premises of any place of employment or on the property or premises of any jail, correctional facility, or other type of penal institution where prisoners reside or persons under arrest are detained. This chapter shall in no way limit an employer's ability to discipline an employee for ingesting marijuana in the workplace or working while under the influence of marijuana;

(d) A landlord to permit a qualified patient to use marijuana in any common areas of leased property.

(e) A landlord to permit a qualified patient to smoke marijuana on any or in any leased property, except that a landlord may not prohibit the medical use of marijuana on leased property by a qualified patient through means other than smoking, including but not limited to the ingestion of medical marijuana or the inhalation through vaporization, as long as the tenant in possession of the property provides permission to the qualified patient to use medical marijuana in the rented property.

III. Fraudulent representation to a law enforcement official of any fact or circumstance relating to the medical use of marijuana to avoid arrest or prosecution shall be punishable by a fine of $500, which shall be in addition to any other penalties that may apply for making a false statement or for the use of marijuana other than use undertaken pursuant to this chapter.

126-V:6 Affirmative Defense. Except as provided in RSA 126-V:5, it is an affirmative defense to any prosecution of an offense involving marijuana intended for medical use that:

I. The defendant is a qualifying patient in possession of a valid registry identification card and at the time of arrest or prosecution was in possession of a quantity of marijuana that was not more than is allowed under this chapter; or

II. The defendant is a designated caregiver in possession of a valid registry identification card and at the time of arrest or prosecution was in possession of a quantity of marijuana that was not more than is allowed under this chapter; and

III. The qualifying patient or the qualifying patient's designated caregiver was engaged in the acquisition, possession, preparation, use, or transportation of marijuana, paraphernalia, or both, relating to the administration of marijuana solely to treat or alleviate the qualifying patient's debilitating medical condition or symptoms or effects of treatment associated with the qualifying patient's debilitating medical condition.

126-V:7 Enforcement.

I. If the department fails to issue a valid registry identification card in response to a completed application for issuance or renewal submitted by a qualifying patient by certified mail pursuant to this chapter within 20 days of the application for issuance or renewal, the registry identification card shall be deemed granted, and a copy of the registry identification application or renewal shall be deemed a valid registry identification card.

II. If the department fails to issue a valid registry identification card in response to a completed application for issuance or renewal submitted by an alternative treatment center agent or a designated caregiver by certified mail pursuant to this chapter within 45 days of the application for issuance or renewal, the registry identification card shall be deemed granted, and a copy of the registry identification application or renewal shall be deemed a valid registry identification card.

III. If at any time after one year following the effective date of this chapter the department is not accepting applications, including if it has not adopted rules allowing qualifying patients to submit applications, a notarized statement by a qualifying patient containing the information required in an application, pursuant to RSA 126-V:3, I together with a written certification shall be deemed a valid registry identification card.

126-V:8 Alternative Treatment Centers.

I. An alternative treatment center registered under this section may acquire, possess, cultivate, manufacture, deliver, transfer, transport, supply, or dispense marijuana, marijuana paraphernalia, and related supplies and educational materials, to registered qualifying patients who have designated it as their alternative treatment center and to their registered designated caregivers for the registered qualifying patients' medical use. An alternative treatment center may receive consideration for providing the goods and services allowed by this section. An alternative treatment center may cultivate and possess whichever of the following quantities is greater: (a) 96 marijuana plants, 96 seedlings, and 32 ounces of usable marijuana; or (b) 6 plants, 6 seedlings, and 2 ounces for each registered qualifying patient who has designated the alternative treatment center to provide him or her

with marijuana for medical use. An alternative treatment center may also possess marijuana seeds, stalks, and unusable roots.

II.(a) Not later than one year after the effective date of this section, the department shall adopt rules, pursuant to RSA 541-A, governing alternative treatment centers and the manner in which it shall consider applications for registration certificates for alternative treatment centers, including, but not necessarily limited to, rules governing:

(1) The form and content of registration and renewal applications.

(2) Oversight requirements.

(3) Security requirements, which shall include at a minimum, lighting, physical security, video security, alarm requirements, measures to prevent loitering, and on-site parking.

(4) Sanitary requirements.

(5) Electrical safety requirements.

(6) The specification of acceptable forms of picture identification that an alternative treatment center may accept when verifying a sale.

(7) Personnel requirements including how many volunteers an alternative treatment center is permitted to have and requirements for supervision.

(8) Labeling standards.

(9) Procedures for suspending or terminating the registration of alternative treatment centers that violate the provisions of this section or the rules adopted pursuant to this section, procedures for appealing penalties, and a schedule of penalties.

(10) Procedures for inspections and investigations.

(11) Advertising restrictions, including a prohibition of misrepresentation and unfair practices.

(12) Permissible hours of operation.

(13) The fees for the processing and review of applications for registration as an alternative treatment center for the registration and regulation of an alternative treatment center after it has been approved by the department. Such fees shall be established in an amount that covers all costs of the department and other state agencies, as applicable, for the review, registration, and regulation of alternative treatment centers.

(14) Such other matters as are necessary for the fair, impartial, stringent, and comprehensive administration of this chapter.

(b) The department shall adopt rules with the goal of protecting against diversion and theft, without imposing an undue burden on the registered alternative treatment centers or compromising the confidentiality of registered qualifying patients and their registered designated caregivers.

(c) Within 30 days of the adoption of rules, the department shall begin accepting applications for the operation of alternative treatment centers.

(d) Within 18 months of the effective date of this section, provided that at least 3 applications have been submitted that score sufficiently high to receive a certificate, the department shall issue alternative treatment center registration certificates to the three highest-scoring applicants.

(e) Any time an alternative treatment center registration certificate is revoked, is relinquished, or expires, the department shall accept applications for a new alternative treatment center and issue registration certificates to the applicant who scores the highest.

(f) If at any time after one year after the effective date of this section, fewer than 3 alternative treatment centers hold valid registration certificates in New Hampshire, the department shall accept applications for a new alternative treatment center. Except as provided in subparagraph (g), no more than 3 alternative treatment centers may hold valid registration certificates at one time.

(g) If at any time after 2 years after the effective date of this section, the report issued pursuant to RSA 126-V:9 determines that 3 alternative treatment centers are not sufficient to ensure access to registered qualifying patients throughout the state, the

department shall accept applications for up to 2 additional alternative treatment centers and issue registration certificates to the appropriate number of applicants who score the highest. The number of additional alternative treatment centers shall be determined by the department, based on the report issued pursuant to RSA 126-V:9.

III. (a) An alternative treatment center applicant must submit a completed department-approved application form with all required documentation and a non-refundable fee in an amount set by department rule. The alternative treatment center application and supporting materials must include, at a minimum:

(1) The legal name, articles of incorporation, and bylaws of the alternative treatment center.

(2) The proposed physical address of the alternative treatment center, if a precise address has been determined, or, if not, the general location where it would be located. This may include a second location for the cultivation of medical marijuana.

(3) A description of the enclosed, locked facility that would be used in the cultivation of marijuana by the alternative treatment center.

(4) The name, address, and date of birth of each principal officer and board member of the alternative treatment center and a complete set of fingerprints for each of them. The board of directors for the non-profit must include at least one physician, nurse, or pharmacist licensed to practice in New Hampshire and at least 3 patients qualified to register as registered qualifying patients.

(5) Proposed security and safety measures that comply with the rules issued pursuant to 126-V:8 II (a)(4), including a description of interior and exterior lighting and security systems; and

(6) Written procedures, including for cultivation, inventory control, food preparation, if any, quality control, record keeping and incident reporting.

(7) Copies of educational materials that would be provided.

(8) The distance from any pre-existing private or public school.

(9) A copy of the proposed policy regarding services to registered patients who cannot afford to purchase marijuana for medical purposes.

(10) Information demonstrating the applicant's knowledge of organic growing methods to be used in their growing and cultivation of marijuana.

(11) Steps that will be taken to ensure the quality of the marijuana, including purity and consistency of dose.

(12) A start-up timetable which provides an estimated time from registration of the dispensary to full operation, and the assumptions used for the basis of those estimates.

(13) Information showing the applicant's experience running a non-profit or other business.

(14) A full description of a staffing plan that will provide accessible business hours, safe growing and cultivation, and maintenance of confidential information regarding grow sites and the identity of patient information.

(15) A description of any additional services that will be available to patients.

(b) Any time one or more alternative treatment center registration applications are being considered, the department shall also allow for comment by the public and shall solicit input from registered qualifying patients, registered designated caregivers, and the towns or cities where the applicants would be located.

(c) Each time an alternative treatment center certificate is granted, the decision shall be based on the overall health needs of qualified patients and the safety of the public. The department shall evaluate applications for alternative treatment center registration certificates using an impartial and numerically scored competitive bidding process developed by the department in accordance with this chapter. The department shall require applicants to meet a minimum score to be considered. The registration considerations shall include the following criteria:

(1) The suitability of the proposed location or locations, including compliance with any local zoning laws and geographic convenience to patients from throughout the state of New Hampshire to alternative treatment centers if the applicant were approved.

(2) The proposed alternative treatment center's plan for operations and services, including its staffing and training plans, whether it has sufficient capital to operate, and ability to provide a steady supply of marijuana to the registered qualifying patients in the state.

(3) The principal officer and board members' character and relevant experience, including any training or professional licensing related to medicine, pharmaceuticals, natural treatments, botany, or marijuana cultivation and preparation and their experience running a non-profit organization or business.

(4) The applicant's plan for making medical marijuana available on an affordable basis to registered qualifying patients enrolled in Medicaid or receiving Supplemental Security Income or Social Security Disability Insurance.

(5) The applicant's plan for safe and accurate packaging and labeling of medical marijuana, including the applicant's plan for ensuring that all medical marijuana is free of contaminants.

(6) The sufficiency of the applicant's plans for record keeping and inventory control. Records shall be considered confidential health care information under New Hampshire law and are intended to be deemed protected health care information for purposes of the federal Health Insurance Portability and Accountability Act of 1996, as amended. Any dispensing records that a registered alternative treatment center is required to keep shall keep track of transactions according to registered qualifying patients', registered designated caregivers', and registered alternative treatment centers' registry identification numbers, rather than their names, to protect their confidentiality.

(7) The sufficiency of the applicant's plans for safety and security, including proposed location and security devices employed.

(8) Whether the entity possesses or has the right to use sufficient land, buildings, and equipment to properly carry out its duties as an alternative treatment center.

(d) After an alternative treatment center is approved, but before it begins operations, it shall submit the registration and regulation fee paid to the department in accordance with the rules adopted by the department.

(e) Except as provided in subparagraph (h), the department shall issue each alternative treatment center agent a registry identification card or renewal card within 15 days of receipt of the person's name, address, and date of birth and a fee in an amount established by the department. Each card shall specify that the cardholder is a principal officer, board member, agent, volunteer, or employee of an alternative treatment center and shall contain the following:

(1) The name, address, and date of birth of the alternative treatment center agent.

(2) The legal name of the alternative treatment center with which the alternative treatment center agent is affiliated.

(3) A random identification number that is unique to the cardholder.

(4) The date of issuance and expiration date of the registry identification card.

(5) A photograph of the cardholder.

(f) Except as provided in this section, the department shall not issue a registry identification card to any principal officer, board member, agent, volunteer, or employee of an alternative treatment center who has been convicted of a drug-related offense. The department shall conduct a background check of each principal officer, board member, agent, volunteer, or employee in order to carry out this provision. The department shall notify the alternative treatment center in writing of the reason for denying the registry identification card. The department may grant such person a registry identification card if the department

determines that the offense was for conduct that occurred prior to the effective date of this chapter or that was prosecuted by an authority other than the state of New Hampshire and for which the provisions of this chapter would otherwise have prevented a conviction.

(g) A registration identification card of an alternative treatment center agent shall expire one year after its issuance, or upon the expiration of the registered organization's registration certificate, whichever occurs first.

(h) Notwithstanding any other provision of law, information required to be submitted to the department on an application for an alternative treatment center identifying the locations where marijuana is proposed to be grown, cultivated, harvested, and otherwise prepared for distribution to registered qualifying patients, registered caregivers, and alternative treatment centers, if such location is different from the location of the alternative treatment center, and any other department records identifying such location, shall be considered to be confidential information and not subject to disclosure pursuant to RSA 91-A, provided that such information may be disclosed to a law enforcement agency upon request for purposes of enforcement under this chapter.

IV. (a) An alternative treatment center's registration shall expire 2 years after its registration certificate is issued. The alternative treatment center may submit a renewal application beginning 60 days prior to the expiration of its registration certificate.

(b) The department shall grant an alternative treatment center's renewal application within 30 days of its submission if the following conditions are all satisfied:

(1) The alternative treatment center submits the required fee, which shall be refunded within 30 days if the renewal application is rejected.

(2) The department has not suspended the alternative treatment center's registration for violations of this chapter or rules adopted pursuant to this chapter.

(3) The alternative treatment center is complying with the requirements in paragraph VI.

(4) The inspections authorized by paragraph V and the report, provided pursuant to subparagraph VI (h), do not raise serious concerns about the continued operation of the alternative treatment center applying for renewal.

(c) If the department determines that any of the conditions listed in subparagraphs (b)(1)-(4) do not exist, the department shall begin an open application process for the operation of an alternative treatment center. In granting a new registration certificate, the department shall consider factors listed in subparagraphs III(a) and III(c).

(d) The department shall issue a 30-day temporary registration certificate to an alternative treatment center after that center's registration would otherwise expire if the following conditions are all satisfied:

(1) The alternative treatment center has applied for a renewal, but the department has not yet come to a decision.

(2) The alternative treatment center requested a temporary registration certificate.

(3) The alternative treatment center has not had its registration certificate revoked due to violations of this chapter or rules adopted pursuant to this chapter.

V. Alternative treatment centers shall be subject to reasonable inspection by the department of health and human services. During an inspection, the department may review the alternative treatment center's records, including its confidential dispensing records, which shall track transactions according to registered qualifying patients' registry identification numbers to protect their confidentiality.

VI. (a) An alternative treatment center shall be operated on a not-for-profit basis for the benefit of its patients. An alternative treatment center need not be recognized as a tax-exempt organization by the Internal Revenue Service.

(b) An alternative treatment center may not be located in a residential district or within 500 feet of the property line of a pre-existing public or private school or playground.

(c) An alternative treatment center shall notify the department within 10 days of when an alternative treatment center agent ceases to be associated with and/or work at the alternative treatment center. His or her registry identification card shall be deemed null and void and the person shall be liable for any other penalties that may apply to the person's non-medical use of marijuana.

(d) An alternative treatment center shall notify the department in writing of the name, address, and date of birth of any proposed new alternative treatment center agent and shall submit a fee in an amount established by the department for a new registry identification card before a new agent or employee begins working at the alternative treatment center, and shall submit a complete set of fingerprints for the prospective alternative treatment center agent.

(e) An alternative treatment center shall implement appropriate security measures to deter and prevent the unauthorized entrance into areas containing marijuana and the theft of marijuana, and shall ensure that each location has an operational security alarm system.

(f) The operating documents of an alternative treatment center shall include procedures for the oversight of the alternative treatment center and procedures to ensure accurate record keeping.

(g) Each alternative treatment center shall keep the following records, dating back at least one year:

(1) Records of the disposal of marijuana that is not distributed by the alternative treatment center to registered patients who have designated the alternative treatment center to cultivate for them.

(2) A record of each transaction, including the amount of marijuana dispensed, the amount of consideration, and the registry identification number of the registered qualifying patient or registered designated caregiver.

(h) Each alternative treatment center shall:

(1) Conduct an initial comprehensive inventory of all medical marijuana, including usable marijuana available for dispensing and mature marijuana plants at each authorized location on the date the alternative treatment center first dispenses medical marijuana.

(2) Conduct a monthly comprehensive inventory of all medical marijuana, including usable marijuana available for dispensing, mature marijuana plants, and seedlings at each authorized location on the date the alternative treatment center first dispenses medical marijuana.

(i) An alternative treatment center shall submit a department-approved incident report form on the next business day after it discovers a reportable incident. The report shall indicate the nature of the breach and the corrective actions taken by the alternative treatment center. For purposes of reporting, an incident includes:

(1) Confidential information accessed or disclosed in violation of department rules;

(2) Loss of inventory by theft or diversion;

(3) Unauthorized intrusion into the alternative treatment center or the one permitted additional location, if any;

(4) Any known violation of this chapter or department rules by an alternative treatment center agent; and

(5) Any other incident that the department by rule requires to be reported.

(j) Alternative treatment centers cannot use pesticides in marijuana cultivation unless pesticides become authorized for application on marijuana.

(k) No marijuana or paraphernalia at an alternative treatment center shall be visible from any public or other property.

(l) An alternative treatment center is prohibited from acquiring, possessing, cultivating, manufacturing, delivering, transferring, transporting, supplying, or dispensing

marijuana for any purpose except to assist patients who are allowed to use marijuana pursuant to this chapter with the medical use of marijuana directly or through the registered qualifying patients' designated caregivers.

(m) An alternative treatment center shall submit an annual report to the department which shall provide information required by the department in order to allow the department to evaluate whether the alternative treatment center is adequately providing patients with access to medical marijuana

VII. (a) Each time an alternative treatment center agent dispenses marijuana to a registered qualifying patient directly or through the qualifying patient's registered designated caregiver, he or she shall consult the alternative treatment center's records to verify that the records do not indicate that the dispensing of marijuana would cause the registered qualifying patient to receive more marijuana than is permitted in a 10-day period. Each time marijuana is dispensed, the alternative treatment center agent shall record the date the marijuana was dispensed and the amount dispensed. All records shall be kept according to the registry identification number of the registered qualifying patient and registered designated caregiver, if any.

(b) Except as provided in subparagraph (c), a registered qualifying patient is not allowed to obtain more than one ounce of usable marijuana directly or through the qualifying patient's registered designated caregiver during a 10-day period;

(c) After providing an opportunity for patients, experts, researchers, and physicians to be heard, the department may issue a rule adjusting the limit specified in subparagraph (a) to an amount that is reasonably necessary for a 10-day supply.

VIII. (a) No registered alternative treatment center shall be subject to the following:

(1) Prosecution for the acquisition, possession, cultivation, manufacture, delivery, transfer, transport, sale, supply, or dispensing of marijuana, or related supplies for medical purposes in accordance with the provisions of this chapter and any rule adopted by the department pursuant to this chapter.

(2) Inspection and search by a law enforcement agency, except pursuant to paragraph V or upon a search warrant issued by a court or judicial officer.

(3) Seizure of marijuana, except upon any order issued by a court or judicial officer.

(4) Imposition of any penalty or denied any right or privilege including, but not limited to, imposition of a civil penalty or disciplinary action by an occupational or professional licensing board or entity, solely for acting in accordance with this chapter to assist registered qualifying patients or registered designated caregivers with the medical use of marijuana.

(b) No alternative treatment center agent shall be subject to arrest, prosecution, search, seizure, or penalty in any manner, or denied any right or privilege including, but not limited to, civil penalty or disciplinary action by a business, occupational, or professional licensing board or entity, solely for working for or with an alternative treatment center to engage in acts permitted by this chapter.

(1) Except when transporting marijuana in accordance with subparagraphs (2) or (3), registered alternative treatment center agents are only allowed to possess and manufacture marijuana at the registered alternative treatment center location or locations for which the alternative treatment center agent is registered. Volunteers are only allowed to possess and manufacture marijuana at a registered alternative treatment center location. Volunteers cannot dispense marijuana.

(2) Distributions of marijuana for medical use to a registered qualifying patient or a registered caregiver for use by a registered qualifying patient shall be labeled with a trip ticket to identify the alternative treatment center, the patient's registry number, or the caregiver's number, the amount and form, the time and date of origin, and destination of the product.

(3) An alternative treatment center with a growing location in addition to the location of the alternative treatment center shall label the marijuana that is being moved between the growing location and the alternative treatment center with a trip ticket that identifies the alternative treatment center by registry number, the time, date, origin, and destination of the material being transported, and the amount and form of marijuana and marijuana material that is being transported. Marijuana shall be transported only by a registered alternative treatment center agent who is not a volunteer.

IX. (a)(1) An alternative treatment center shall not possess an amount of marijuana that exceeds whichever of the following quantities is greater: (a) 96 marijuana plants, 96 seedlings, and 32 ounces of useable marijuana; or (b) 6 plants, 6 seedlings, and 2 ounces for each registered qualifying patient who has designated the alternative treatment center to provide him or her with marijuana for medical use.

(2) An alternative treatment center may possess marijuana seeds, stalks, and unusable roots.

(b) An alternative treatment center or registered alternative treatment center agent shall not dispense, deliver, or otherwise transfer marijuana to a person other than:

(1) A registered qualifying patient who has designated the relevant alternative treatment center; or

(2) Such patient's registered designated caregiver.

(c) A person found to have violated subparagraph (b) of this section shall not be a registered alternative treatment center agent, and such person's registry identification card shall be immediately revoked.

(d) Except as provided in subparagraph III(f), no person who has been convicted of a drug-related offense shall be a registered alternative treatment center agent unless the department has determined that the person's conviction was for the medical use of marijuana or assisting with the medical use of marijuana and issued the person a registry identification card as provided under subparagraph III(g). A person who is employed by or is an agent, volunteer, principal officer, or board member of an alternative treatment center who violates this paragraph shall be guilty of a violation punishable by a fine of up to $1,000. A subsequent violation of this paragraph shall be a misdemeanor.

(e) All cultivation of marijuana shall take place in an enclosed, locked facility, which can only be accessed by alternative treatment center agents.

X. All marijuana dispensed by an alternative treatment center shall include a label specifying the percent of tetrahydrocannabinol contained in the marijuana, the weight of the marijuana, and any other information the department requires to appear on the label. The label shall also specify that the marijuana is for medical use and that diversion is a class B felony requiring revocation of one's registry identification card.

XI. An alternative treatment center must provide educational materials about marijuana to registered patients and their registered primary caregivers. Each alternative treatment center shall have an adequate supply of up-to-date educational material available for distribution. Educational materials shall be available for inspection by the department upon request. The educational material shall at least include information about the following:

(a) Strains of marijuana, routes of administration, and their different effects. Alternative treatment centers shall have educational materials available to assist in the selection of prepared marijuana. Alternative treatment centers shall provide tracking sheets to registered patients and registered primary caregivers who request them to keep track of the strains used and their effects.

(b) How to achieve proper dosage for different modes of administration. Emphasis shall be on using the smallest amount possible to achieve the desired effect. The impact of potency must also be explained.

(c) Information on tolerance, dependence, and withdrawal must be provided. Alternative treatment centers are not required to continue to furnish marijuana for medical

purposes if it is believed that a registered qualifying patient or designated caregiver is abusing marijuana or other substances.

(d) Information regarding substance abuse signs and symptoms must be available, as well as referral information.

(e) Information on whether the alternative treatment center's marijuana and associated products meet organic certification standards.

(f) An alternative treatment center shall provide to each registered qualifying patient and registered designated caregiver receiving marijuana a safety insert, which the department may, at its discretion, inspect and approve, which shall include but not be limited to: (1) methods for administration of medical marijuana; and (2) a description of potential side effects qualifying patients could experience while using medical marijuana.

XII. Each alternative treatment center shall develop, implement, and maintain on the premises employee and agent policies and procedures to address the following requirements:

(a) A job description or employment contract developed for all employees and a volunteer agreement for all volunteers, which includes duties, authority, responsibilities, qualifications, and supervision.

(b) Training in and adherence to confidentiality laws.

(c) The proper use of security measures and controls that have been adopted; and

(d) Specific procedural instructions on how to respond to an emergency.

XIII. Each alternative treatment center shall maintain a personnel record for each alternative treatment center agent that includes an application for employment or to volunteer and a record of any disciplinary action taken.

XIV. Each alternative treatment center shall develop, implement, and maintain on the premises an on-site training curriculum, or enter into contractual relationships with outside resources capable of meeting employee training needs, which includes, but is not limited to, the following topics:

(a) Professional conduct, ethics, and patient confidentiality; and

(b) Developments in the field of the medical use of marijuana.

XV. All alternative treatment centers shall prepare training documentation for each employee and have employees sign a statement indicating the date, time, and place the employee received said training and topics discussed, to include name and title of presenters. The alternative treatment center shall maintain documentation of an employee's and a volunteer's training for a period of at least 6 months after termination of an employee's period of employment or the volunteer's period of voluntary service.

XVI. A physician shall not:

(a) Accept, solicit, or offer any form of pecuniary remuneration from or to an alternative treatment center, except if the physician is employed by an alternative treatment center.

(b) Offer a discount or other thing of value to a patient who uses or agrees to use a particular alternative treatment center.

(c) Examine a patient for purposes of diagnosing a debilitating medical condition at a location where medical marijuana is sold or distributed.

(d) Hold an economic interest in an alternative treatment center if the physician certifies the debilitating medical condition of a patient for participation in the medical marijuana program.

126-V:9 Annual Report. The commissioner of the department of health and human services shall report annually on the medical marijuana program established under this chapter to the health and human services oversight committee established under RSA 126-A:13. The report shall be filed with the chairman of the committee by November 1 of each year beginning with November 1, 2012. The commissioner's report shall include the following areas:

I. The ability of registered qualifying patients and registered designated caregivers in all areas of the state to obtain timely access to medical marijuana.

II. The effectiveness of alternative treatment centers individually and together in serving the needs of registered qualifying patients and registered caregivers, including the provision of educational and support services.

III. Physician participation in the medical marijuana program.

IV. The number of designated caregivers and the number of registered qualifying patients, by county.

V. Sufficiency of the regulatory and security safeguards contained in this chapter to ensure that access to and use of marijuana cultivated is provided only to cardholders authorized for such purposes.

VI. Any illegal distribution or diversion of marijuana cultivated pursuant to this chapter to individuals who are not cardholders.

VII. Any other issues related to the implementation of the medical use of marijuana permitted under this chapter that the committee shall request.

VIII. A detailed summary of the reports submitted by alternative treatment centers as required under RSA 126-V:8, VI(i).

126-V:10 Severability. If any provision of this chapter or the application thereof to any individual or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

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

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. On a division vote, 221 members having voted in the affirmative and 96 in the negative, the committee report was adopted.

Ordered to third reading.

HB 632, relative to labeling requirements for dispensing of drugs by automated pharmacy systems. **OUGHT TO PASS.**

Rep. Donald L. LeBrun for Health, Human Services and Elderly Affairs: This bill has been requested by the New Hampshire board of pharmacy. This was requested to allow the board of pharmacy to prepare labeling requirements for the placement of an "automated pharmacy system" which would not have a pharmacist present at the time of dispensing. These systems could be placed for the use of one or more doctors in a suitable location, in an office building with several doctors' offices or outside a doctor's office. The doctor would email a prescription to the automated pharmacy system, and the client would then go to the machine and pick up and pay for the prepared prescription. The issue for the board of pharmacy is to have labeling requirements and to have a system in place for patient counseling which is required by New Hampshire law. Vote 14-3.

Committee report adopted and ordered to third reading.

HB 141, relative to the treatment of cable television as a protected utility service. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M. Sorg for the Majority of Judiciary: This bill, as introduced, sought to change a rule established in the 2009 case of *Lally v. Flieder*, 159 N.H. 350. In that case, the court found that an evicting landlord acted wrongfully in disconnecting cable television service that the tenant was stealing from a third-party provider by means of an illegal connection. The court reasoned that, notwithstanding the illegality of the connection, the legislative history of RSA 540-A:3I of the landlord-tenant statute--which prohibits the interruption or termination "directly or indirectly" of "any utility service" being supplied to the tenant--

supported the conclusion that it was intended to prevent landlords from engaging in any self-help tactic. The committee majority concluded that this anomalous result warranted an amendment revising the statute to spell out with precision exactly which utility services may not be interrupted or terminated by an evicting landlord, and to limit that prohibition to utilities services being supplied by the landlord. The majority felt that, in view of the severity of the penalties they face for violations of the statute, landlords are entitled to such specificity. Vote 11-4.
Rep. Lucy M. Weber for the Minority of Judiciary: RSA 540-A:3 currently prohibits a landlord from willfully causing, directly or indirectly, termination of a list of enumerated services, including water, heat, light, electricity, gas, telephone, sewerage, elevator or refrigeration. For 31 years, this statute has effectively discouraged landlords from evicting tenants through self-help measures, and has provided tenants with much-needed recourse if these practices occurred. Several years ago, a court decision added cable television to the list of protected services. The bill as originally introduced simply reversed the court decision and made it clear that cable television is not a protected service. Most of the committee members were in agreement with the original intent of the bill, although there was some concern over how to deal with tenants whose phone service is accessed through cable, such as Vonage. As amended, however, the bill removes from the statute any prohibition at all barring a landlord from interrupting services already paid for by the tenant. Nor would a landlord be liable if he or she caused a service interruption indirectly. As a result, a tenant would no longer have any recourse under this chapter if, for example, a landlord decided to drive the tenant out of the building by the simple expedient of tripping a circuit breaker which controls tenant-provided heat.

Majority Amendment (0125h)
Amend the title of the bill by replacing it with the following:
AN ACT relative to protected utility services.
Amend the bill by replacing section 1 with the following:
1 Prohibited Practices and Security Deposits; Certain Specific Acts Prohibited. RSA 540-A:3, I is repealed and reenacted to read as follows:
I. Except for such temporary interruption as may be necessary while actual repairs are in process or during temporary emergencies, no landlord shall willfully cause the interruption or termination of any of the following utility services being supplied to the tenant by the landlord: water, sewage, electricity, gas, heat, air conditioning, telephone, elevator, or refrigeration.
AMENDED ANALYSIS
This bill clarifies which utility services are protected from interruption or termination by landlords.
Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Weber spoke against.
Rep. Sorg spoke in favor.
On a division vote, 224 members having voted in the affirmative and 65 in the negative, the majority committee report was adopted.
Ordered to third reading.
Reps. Edwin Smith and Mirski declared a conflict of interest and did not participate.

HB 158, relative to the misuse of social security numbers. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. J. Brandon Giuda for the Majority of Judiciary: This bill creates a civil cause of action for citizens who have had their social security numbers misused. The cause of action applies

to: (1) persons who misused the number with fraudulent intent; (2) persons who knowingly supplied or aided in obtaining the false documentation; and (3) employers who know or should have known the documentation was false. The majority felt that the bill serves an important public service by allowing innocent victims to recover civil damages against fraud and by creating a strong deterrent for people participating in such fraudulent behavior. The bill allows for treble damages or $10,000, whichever is greater, plus reasonable attorney's fees and costs incurred to correct the records of the aggrieved party. Vote 15-2.
Rep. Lucy M. Weber for the Minority of Judiciary: No instances of the type of identity theft addressed by this bill have been reported in New Hampshire. In addition, the minority is concerned about potential burdens on small businesses that are faced with the prospect of penalties amounting to the greater of $10,000 or treble damages.

Majority Amendment (0643h)
Amend RSA 275-A:4-b, I(a) and (b) as inserted by section 1 of the bill by replacing them with the following:

(a) The person who misused the number with fraudulent intent.

(b) Any individual who knowingly supplied or aided in obtaining false social security documentation.

Majority committee amendment adopted.
Majority committee report adopted and ordered to third reading.

HB 254, relative to offers of judgments. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Brian J. X. Murphy for the Majority of Judiciary: This bill provides a judicial procedure to facilitate the more timely resolution of civil disputes between New Hampshire litigants. The bill allows for either a plaintiff or defendant to make a formal offer of judgment. If that offer is rejected, and the judgment finally obtained is not more favorable than the rejected offer, then the court will have the discretion to assess cost-shifting on the party that rejected the offer. The cost-shifting which is to include reasonable attorney fees, will be calculated from the time the more favorable offer of judgment was made. This bill is designed to compel parties to properly value their case and then bear the risk and responsibility of being stubborn or foolhardy. Forty-one states have enacted some version of this law, which is modeled after the Federal Rules of Civil Procedure (passed in 1938). There is a significant amount of legal precedent regarding this concept. The Committee found that the bill would effectively promote responsible resolutions between litigants, in a timely manner, and thereby preserve the state's limited judicial resources. Vote 13-4.
Rep. Janet G. Wall for the Minority of Judiciary: The minority believes that some cases may take longer than others to reach a settlement and that it is in the best interest of the parties to determine what is fair and reasonable and conclude cases sooner. Prompt settlements would also reduce the workload on the court system. The minority disagrees with the requirement in the bill that may find the losing party liable for court costs and attorneys' fees. Those parties of lower economic status would stand at a disadvantage under this bill if they were pressured into an unreasonably low offer of settlement for fear of having to pay all costs of the other party. Justice would not be served. The committee has killed similar bills in the past while recognizing the importance of balancing justice better serve all.

Majority Amendment (0747h)
Amend RSA 507:18 as inserted by section 1 of the bill by replacing it with the following:

507:18 Offers of Judgment in Civil Cases.

I. More than 10 days before the trial begins, either party to a claim may serve on an opposing party an offer to allow judgment on specified terms, with the costs then accrued. If, within 10 days after being served, the opposing party serves written notice accepting the

offer, either party may then file the offer and notice of acceptance, plus proof of service. The clerk shall then enter judgment.

II. An unaccepted offer shall be considered withdrawn, but does not preclude a later offer. Evidence of an unaccepted offer shall not be admissible except after judgment in a proceeding to determine costs.

III. When one party's liability to another has been determined, but the extent of liability remains to be determined by further proceedings, the party held liable may make an offer of judgment. This offer shall be served within a reasonable time, but at least 10 days, before a hearing to determine the extent of liability.

IV. If the judgment that the offeree finally obtains is not more favorable than the unaccepted offer and the court finds that the offeree was unreasonable in rejecting the offer, the offeree shall pay the costs incurred, including reasonable attorney's fees, after the offer was made.

Majority committee amendment adopted.

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

Rep. Weber spoke against and yielded to questions.

Reps. Steven Smith and Brian Murphy spoke in favor.

MOTION TO SUSPEND HOUSE RULES

Rep. Itse moved that all House Rules necessary be so far suspended as to allow HB 254, relative to offers of judgments, to be referred to the Committee on Constitutional Review and Statutory Recodification, beyond the deadline.

Rep. Itse spoke in favor and yielded to questions.

Rep. Rowe spoke against.

Rep. Gary Richardson spoke in favor.

On a division vote, 155 members having voted in the affirmative and 194 in the negative, the motion failed.

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

Majority committee report adopted and ordered to third reading.

(Rep. Bettencourt in the Chair)

HB 314, relative to judicially appointed officials. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald C. Andolina for Judiciary: This bill adopts a procedure for courts to follow in appointments of officials by the courts. The committee voted that the bill was inexpedient to legislate because there were no reported problems. Though the committee did see possible merit in the purpose of the bill, the consensus of the committee was that there was no pressing need at present. Vote 11-5.

Rep. Soltani spoke against.

Rep. Tregenza spoke in favor.

On a division vote, 303 members having voted in the affirmative and 42 in the negative, the committee report was adopted.

(Speaker O'Brien in the Chair)

MOTION TO PRINT DEBATE

Rep. Soltani moved that the debate on ***HB 314,*** relative to judicially appointed officials, be printed in the Permanent Journal.

Rep. Soltani spoke in favor.

Rep. Vaillancourt spoke against.

Motion failed.

REGULAR CALENDAR (CON'T'D)

HB 329-FN, requiring parental notification before abortions may be performed on unemancipated minors. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. J. Brandon Giuda for the Majority of Judiciary: This bill ensures that a parent, guardian or conservator of an unemancipated female child is notified prior to an abortion taking place, with certain exceptions. The exceptions include: (1) a medical emergency exists and there is not time to provide the required notice; (2) the parent, guardian or conservator certifies in writing that they have been notified,; (3) a court of competent jurisdiction determines that the female child is mature and capable of giving informed consent; and (4) a court of competent jurisdiction determines that it is the best interest of a female child who is not proven to be mature. This bill ensures the confidentiality of all proceedings and ensures a speedy process. The majority stands behind this bill for many reasons, including but not limited to: (1) it is the fairest and most accessible judicial by-pass system that has ever been proposed in New Hampshire or any other state; (2) it will not negatively affect the health or safety of any female children in New Hampshire; (3) it reinforces the legislature's belief that parents are the most important part of a child's life and are necessary to protect the children from their own immaturity; (4) it fosters the family structure and preserves it as a viable social unit; and (5) it brings New Hampshire in line with 43 other states that have passed such laws to protect their children. Vote 12-4.

Rep. Lucy M. Weber for the Minority of Judiciary: The minority agrees that every minor considering an abortion should have the advice and support of a caring, nurturing parent. Currently, about 75% of minor women seeking are accompanied by a parent, and all minors are counseled to inform a parent. Those who are unable to do so have heartbreaking reasons: there is physical or sexual abuse in the home; the parent is unable, through physical or mental illness or addiction, to offer support; the young woman fears being thrown out of the home. Currently, these most vulnerable young women have the safety net of safe, legal health care provided by experienced licensed medical professionals and counselors. For these young women who lack parental support, passage of this bill poses very real risks to their health. The choice of notifying a parent or seeking a judicial bypass will cause some of these young women to delay seeking medical attention, and delay brings with it increased health risks, whether the young woman seeks an abortion or ultimately decides to carry the child to term. In addition, a desperate young woman may seek an abortion through illegal and life-threatening methods. In addition to being intimidating for a vulnerable young woman, the judicial bypass carries with it concerns about confidentiality. The minority is concerned that, even as amended, there is no effective way of guaranteeing confidentiality in our small communities. Finally, there is the issue of cost. The estimated 50 judicial bypass proceedings could cost approximately $4000 each for a total of $200,000, not counting the additional costs for any cases which are appealed. There is no provision in the bill to provide extra funding to the courts to cover these added costs.

Majority Amendment (0531h)

Amend RSA 132:34, II as inserted by section 2 of the bill by replacing it with the following:

II. If such a pregnant minor elects not to allow the notification of her parent or guardian or conservator, any judge of a court of competent jurisdiction shall, upon petition, or motion, and after an appropriate hearing, authorize an abortion provider to perform the abortion if said judge determines that the pregnant minor is mature and capable of giving informed consent to the proposed abortion. If said judge determines that the pregnant minor is not mature, or if the pregnant minor does not claim to be mature, the judge shall determine whether the performance of an abortion upon her without notification of her parent, guardian, or conservator would be in her best interests and shall authorize an

abortion provider to perform the abortion without such notification if said judge concludes that the pregnant minor's best interests would be served thereby.

(a) Such a pregnant minor may participate in proceedings in the court on her own behalf, and the court may appoint a guardian ad litem for her. Any guardian ad litem appointed under this subdivision shall maintain the confidentiality of the proceedings. The court shall, however, advise her that she has a right to court-appointed counsel, and shall, upon her request, provide her with such counsel.

(b) Proceedings under this section shall be held in closed court, shall be confidential and shall ensure the anonymity of the minor. All court proceedings under this section shall be sealed. The minor shall have the right to file her petition in the court using a pseudonym or using solely her initials. All documents related to this petition shall be confidential and shall not be available to the public. These proceedings shall be given such precedence over other pending matters so that the court may reach a decision promptly and without delay so as to serve the best interest of the pregnant minor. In no case shall the court fail to rule within 48 hours from the time the petition is filed, except that the 48-hour limitation may be extended at the request of the minor. A judge of the court who conducts proceedings under this section shall make in writing specific factual findings and legal conclusions supporting the decision and shall order a record of the evidence to be maintained including the judge's own findings and conclusions. If the court fails to rule within the 48-hour period and an extension was not requested, then the petition shall be deemed to have been granted, and the notice requirement shall be waived.

(c) An expedited confidential appeal shall be available, as the supreme court provides by rule, to any such pregnant minor for whom the court denies an order authorizing an abortion without notification. The court shall make a ruling within 48 hours from the time of the docketing of the appeal. An order authorizing an abortion without notification shall not be subject to appeal. No filing fees shall be required of any such pregnant minor at either the trial or the appellate level. Access to the trial court for the purposes of such a petition or motion, and access to the appellate courts for purposes of making an appeal from denial of the same, shall be afforded such a pregnant minor 24 hours a day, 7 days a week.

(d) The supreme court shall make rules to ensure that procedures followed in the appeals process are handled in an expeditious manner and protect the confidentiality of the parties involved in the appeal to satisfy the requirements of the federal courts.

Majority committee amendment adopted.

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

Reps. Souza, Giuda and Groen spoke in favor and yielded to questions.

Reps. Tasker, Weber and Kurk spoke against.

Rep. James Belanger spoke in favor.

Rep. Panek requested a roll call; sufficiently seconded.

YEAS 256 NAYS 102

YEAS 256

BELKNAP

Accornero, Harry	Bolster, Peter	Fields, Dennis	Flanders, Donald
Greemore, Robert	Luther, Robert	Malone, Robert	Russell, David
Simpson, Tyler	St. Cyr, Jeffrey	Swinford, Elaine	Tilton, Franklin
Worsman, Colette			

CARROLL

Ahlgren, Christopher	Chandler, Gene	Fleck, Joseph	Knox, J. David

McCarthy, Frank | McConkey, Mark | Merrow, Harry | Patten, Betsey
Pettengill, Laurie | Scala, Dino | Schmidt, Stephen | Tregenza, Norman
Umberger, Karen

CHESHIRE

Butynski, William | Byrnes, John | Cartwright, Anne | Emerson, Susan
Johnson, Jane | Moore, Charles | Moore, Robert Jr | Sterling, Franklin Jr

COOS

Daugherty, Duffy | Rappaport, Laurence | Remick, William | Richardson, Herbert
Tholl, John Jr | Tremblay, Marc

GRAFTON

Bradley, Lester | Brosseau, Charles | Bulis, Lyle | Gionet, Edmond
Ingbretson, Paul | Ladd, Rick Jr | Mirski, Paul | Reilly, Harold Sr
Sorg, Gregory | Sova, Charles

HILLSBOROUGH

Avard, Kevin | Balboni, Michael | Baroody, Benjamin | Barry, Richard
Belanger, James | Belvin, William | Bergevin, Jerry | Boehm, Ralph
Brown, Kevin | Brownrigg, Randall Jr | Burt, John | Buxton, Michael
Cebrowski, John | Christensen, D.L. Chris | Christiansen, Lars | Coffey, James
Condra, William | Coughlin, Sean | Cusson-Cail, Kathleen | Daniels, Gary
DeJong, Cameron | Doherty, Shaun | Donovan, Daniel | Erickson, Duane
Flanagan, Jack | Fredette, Robert | Gagne, Larry | Gandia, Laura
Gonzalez, Carlos | Graham, John | Greazzo, Phil | Haefner, Robert
Hansen, Peter | Hardwick, Harry | Hawkins, Kenneth | Hikel, John
Hinch, Richard | Hogan, Edith | Hogan, Timothy | Holden, Frank
Hopper, Gary | Hutchinson, Winfred | Infantine, William | Jasper, Shawn
Krasucki, Joseph | Lambert, George | LeBrun, Donald | Maltz, Jonathan
Marcus, Bruce | McCarthy, Michael | McClarren, Donald | McGuinness, Sean
Mecheski, Holly | Moran, Edward | Murphy, Keith | Notter, Jeanine
Ohm, Bill | Palmer, Stephen | Parison, James | Pellegrino, Tony
Peterson, Lenette | Pilotte, Maurice | Pratt, Calvin | Proulx, Mark
Reed, Michael | Renzullo, Andrew | Robbins, David | Rowe, Robert
Scontsas, Lisa | Seidel, Carl | Silva, Peter | Simmons, Tammy
Soucy, Connie | Souza, Kathleen | Stepanek, Stephen | Stroud, Kathleen
Swank, Matthew | Terrio, Ross | Thomas, Joseph | Twombly, Timothy
Ulery, Jordan | Vaillancourt, Steve | Villeneuve, Moe | Whitehead, Randall
Willette, Robert

MERRIMACK

Blankenbeker, Lynne | Coffey, Jennifer | Cohn, Seth | DeStefano, Stephen
Giuda, J. Brandon | Hess, David | Hoell, J.R. | Keane, Thomas
Kotowski, Frank | Kreis, Kenneth Sr | Lauer-Rago, Kathleen | McDonnell, John
McGuire, Carol | McGuire, Dan | Palfrey, David | Patten, Dick
Reed, Dennis | Richardson, Jon | Sanborn, Laurie | Seaworth, G. Brian
Smith, Molly | Smith, Todd | Soltani, Tony | Winter, Steven

ROCKINGHAM

Abrami, Patrick | Allen, Mary | Antosz, Jason | Azarian, Gary

Baldasaro, Alfred	Bates, David	Bettencourt, David	Birdsell, Regina
Brown, Paul	Charron, Gene	Chirichiello, Brian	Comerford, Timothy
Copeland, Timothy	Davenport, Joshua	DeSimone, Debra	Dowling, Patricia
Duarte, Joe	Elliott, Robert	Ferrante, Beverly	Fesh, Robert
Garcia, Marilinda	Garrity, James	Griffin, Mary	Hagan, Joseph
Headd, James	Hoelzel, Kathleen	Introne, Robert	Itse, Daniel
Kappler, Lawrence	Katsakiores, Phyllis	Kolodziej, Walter	Lundgren, David
Major, Norman	Manuse, Andrew	Mauro, Donna	McKinney, Betsy
McMahon, Charles	Murphy, Brian	Nevins, Chris	O'Connor, John
Okerman, Richard	Oligny, Jeffrey	Packard, Sherman	Peckham, Michele
Perkins, Amy	Perkins, Lawrence	Quandt, Marshall	Quandt, Matt
Reagan, John	Reichard, Kevin	Rice, Frederick	Ritter, Glenn
Sanders, Elisabeth	Sapareto, Frank	Sedensky, John	Sheffert, Kenneth
Shuler, Wyman III	Smith, William	Sullivan, James	Sullivan, Kevin
Sytek, John	Tamburello, Daniel	Tremblay, Stella	Tucker, Pamela
Waddell, James	Ward, Joanne	Waterhouse, Kevin	Webb, James
Welch, David	Weyler, Kenneth	Wheaton, Gary	

STRAFFORD

Berube, Roger	Cataldo, Sam	DeLemus, Susan	Groen, Warren
Hofemann, Roland	Jones, Kyle	Jones, Laura	Larsen, Kirsten
Leonard, Frederick Jr	Munck, Philip	Newton, Clifford	Panek, William
Parsons, Robbie	Pitre, Joseph	Sprague, Dale	Vita, Carol
Vita, Lucien			

SULLIVAN

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

NAYS 102

BELKNAP

Millham, Alida	Pilliod, James

CARROLL

Babson, David Jr

CHESHIRE

Carr, Daniel	Dwinell, Richard	Hawkes, Samuel	Hunt, John
Johnsen, Gladys	Lerandeau, Alfred	Lindsey, Steven	Meader, David
Parkhurst, Henry	Roberts, Kris	Sad, Tara	Tatro, Bruce
Weber, Lucy			

COOS

Coulombe, Gary	Hatch, William	Merrick, Evalyn	Theberge, Robert
Thomas, Yvonne			

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Eaton, Stephanie	Gould, Franklin	Harding, Laurie	Nordgren, Sharon

Pastor, Beatriz	Pierce, David	Simard, Paul	Smith, Suzanne
Taylor, Kathleen	Townsend, Charles	White, Andrew	

HILLSBOROUGH

Barry, J. Gail	Brunelle, Michael	Champagne, Norma	Cote, David
Drisko, Richard	Gargasz, Carolyn	Gidge, Kenneth	Gimas, John
Goley, Jeffrey	Gorman, Mary	Jeudy, Jean	Kurk, Neal
Levasseur, Nickolas	Long, Patrick	Messier, Irene	Porter, Marjorie
Rhodes, Brian	Rokas, Ted	Rosenwald, Cindy	Shaw, Barbara

MERRIMACK

Bouchard, Candace	Deloge, Helen	Foose, Robert	Frazer, June
Gile, Mary	Hamm, Christine	Lockwood, Priscilla	MacKay, James
Owen, Derek	Potter, Frances	Rice, Chip	Richardson, Gary
Shurtleff, Stephen	Wallner, Mary Jane	Watrous, Rick	Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline	Case, Frank	DiPentima, Rich	Gould, Kenneth
Hutchinson, Karen	Lovejoy, Patricia	Moody, Marcia	Norelli, Terie
Pantelakos, Laura	Powers, James	Read, Robin Jr	Schlachman, Donna
Tasker, Kyle			

STRAFFORD

Brown, Julie	Browne, Brendon	Ginsburg, Philip	Hooper, Dorothea
Horrigan, Timothy	Kaen, Naida	Keans, Sandra	Roberts, Jenna
Schmidt, Peter	Spainhower, Dale	Spang, Judith	Wall, Janet
Watters, David			

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Schmidt, Andrew

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

MOTION TO SPECIAL ORDER

Rep. Bettencourt moved that ***CACR 12,*** relating to funding of public education. Providing that the legislature shall define standards for education, determine the level of state funding thereof, establish standards of accountability, and allocate state funds in a manner that mitigates disparities in educational opportunity and fiscal capacity, provided that a reasonable share of state funds shall be distributed on a per pupil basis, be made a special order as the next order of business.
Rep. Bettencourt spoke in favor.
On a division vote, 255 members having voted in the affirmative and 102 in the negative, the motion was adopted.

(Rep. Chandler in the Chair)

SPECIAL ORDER

CACR 12, relating to funding of public education. Providing that the legislature shall define standards for education, determine the level of state funding thereof, establish standards of accountability, and allocate state funds in a manner that mitigates disparities in educational opportunity and fiscal capacity, provided that a reasonable share of state funds shall be distributed on a per pupil basis. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lynne M. Ober for Special Committee on Education Funding Reform: CACR 12 is a simple, straight forward amendment to the constitution that deals with the responsibility for determining education funding for our students. It affirms that people's elected representatives, not the court system, will have responsibility for determining school funding decisions, setting targeted aid and will allow the legislature to focus attention on offering students an outstanding education, not an adequate one. As a practical matter, this amendment, if adopted, will eliminate the statewide property taxes and make sure that donor towns are eliminated. CACR 12 resolves the state's lingering education funding situation and is critical to ensuring that the legislature can guarantee local control of schools. If you believe that education decisions are best made between parents, teachers and local school boards, not in courtrooms, CACR 12 is a vehicle to make that a reality. CACR 12 will once again place responsibility for ensuring an adequate education for New Hampshire children on the shoulders of the legislature, which will have the responsibility to define standards for education, determine the level of state funding thereof, establish standards of accountability, and allocate state funds in a manner that mitigates disparities in educational opportunity and fiscal capacity. Vote 12-2.

Amendment (0613h)

Amend the title of the resolution by replacing it with the following:
RELATING TO: public education.
PROVIDING THAT: the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education.
Amend the resolution by replacing all after the resolving clause with the following:

I. That the second part of the constitution be amended by inserting after article 5-b the following new article:

[Art.] 5-c [Public Education.] In fulfillment of the provisions with respect to education set forth in Part II, Article 83, the general court shall have the authority and full discretion to define reasonable standards for elementary and secondary public education, to establish reasonable standards of accountability therefor, and to mitigate local disparities in educational opportunity and fiscal capacity. Further, in the exercise thereof, the general court shall have full discretion to determine the amount of, and methods of raising and distributing, State funding for education.

II. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 2012.

III. That the selectmen of all towns, cities, wards, and places in the state are directed to insert in their warrants for the said 2012 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 2011 session of the general court shall be approved.

IV. That the wording of the question put to the qualified voters shall be:
"Are you in favor of amending the second part of the constitution by inserting after article 5-b a new article to read as follows:

[Art.] 5-c [Public Education.] In fulfillment of the provisions with respect to education set forth in Part II, Article 83, the general court shall have the authority and full discretion to define reasonable standards for elementary and secondary public education, to establish reasonable standards of accountability therefor, and to mitigate local disparities in educational opportunity and fiscal capacity. Further, in the exercise thereof, the general court shall have full discretion to determine the amount of, and methods of raising and distributing, State funding for education."

V. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. The ballot containing the question shall include 2 squares next to the question allowing the voter to vote "Yes" or "No."

If no cross is made in either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 2011 General Court" shall be printed in bold type at the top of the ballot.

VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that the general court have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.
Reps. Kyle Jones and Laura Jones spoke against.
Reps. Gile and Gary Richardson spoke against and yielded to questions.
Reps. Mirski, Manuse, Weyler and O'Brien spoke in favor.
Rep. Itse spoke in favor and yielded to questions.
Rep. O'Brien requested a roll call; sufficiently seconded.

YEAS 252 NAYS 113

YEAS 252

BELKNAP

Accornero, Harry	Bolster, Peter	Fields, Dennis	Flanders, Donald
Greemore, Robert	Luther, Robert	Malone, Robert	Millham, Alida
Russell, David	Simpson, Tyler	St. Cyr, Jeffrey	Swinford, Elaine
Tilton, Franklin	Worsman, Colette		

CARROLL

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

CHESHIRE

Byrnes, John	Cartwright, Anne	Dwinell, Richard	Emerson, Susan
Hunt, John	Johnson, Jane	Moore, Charles	Moore, Robert Jr
Smith, Edwin	Sterling, Franklin Jr		

COOS

Daugherty, Duffy	Rappaport, Laurence	Remick, William	Richardson, Herbert
Tholl, John Jr	Tremblay, Marc		

GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Eaton, Stephanie
Gionet, Edmond	Ingbretson, Paul	Ladd, Rick Jr	Mirski, Paul
Reilly, Harold Sr	Simard, Paul	Sorg, Gregory	Sova, Charles

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Barry, J. Gail	Barry, Richard
Belanger, James	Belvin, William	Bergevin, Jerry	Boehm, Ralph
Brown, Kevin	Brownrigg, Randall Jr	Burt, John	Buxton, Michael
Cebrowski, John	Champagne, Norma	Christensen, D.L. Chris	Christiansen, Lars
Coffey, James	Condra, William	Coughlin, Sean	Cusson-Cail, Kathleen
Daniels, Gary	DeJong, Cameron	Doherty, Shaun	Donovan, Daniel
Erickson, Duane	Flanagan, Jack	Fredette, Robert	Gagne, Larry
Gandia, Laura	Gonzalez, Carlos	Graham, John	Greazzo, Phil
Haefner, Robert	Hansen, Peter	Hardwick, Harry	Hawkins, Kenneth
Hikel, John	Hinch, Richard	Hogan, Edith	Hogan, Timothy
Holden, Frank	Hopper, Gary	Hutchinson, Winfred	Infantine, William
Jasper, Shawn	Krasucki, Joseph	Kurk, Neal	Lambert, George
LeBrun, Donald	Maltz, Jonathan	Marcus, Bruce	McCarthy, Michael
McClarren, Donald	McGuinness, Sean	Mecheski, Holly	Moran, Edward
Murphy, Keith	Notter, Jeanine	O'Brien, William	Ohm, Bill
Palmer, Stephen	Parison, James	Pellegrino, Tony	Peterson, Lenette
Pratt, Calvin	Proulx, Mark	Reed, Michael	Renzullo, Andrew
Robbins, David	Rowe, Robert	Scontsas, Lisa	Seidel, Carl
Silva, Peter	Simmons, Tammy	Soucy, Connie	Souza, Kathleen
Stepanek, Stephen	Stroud, Kathleen	Swank, Matthew	Terrio, Ross
Thomas, Joseph	Twombly, Timothy	Ulery, Jordan	Warden, Mark
Whitehead, Randall	Willette, Robert		

MERRIMACK

Blankenbeker, Lynne	Coffey, Jennifer	Cohn, Seth	Giuda, J. Brandon
Hess, David	Hoell, J.R.	Keane, Thomas	Kotowski, Frank
Kreis, Kenneth Sr	Lauer-Rago, Kathleen	Lockwood, Priscilla	McDonnell, John
McGuire, Carol	McGuire, Dan	Palfrey, David	Patten, Dick
Reed, Dennis	Richardson, Jon	Sanborn, Laurie	Seaworth, G. Brian
Smith, Molly	Smith, Todd	Soltani, Tony	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	Comerford, Timothy
Copeland, Timothy	Davenport, Joshua	DeSimone, Debra	Duarte, Joe
Elliott, Robert	Ferrante, Beverly	Garcia, Marilinda	Garrity, James
Griffin, Mary	Hagan, Joseph	Headd, James	Hoelzel, Kathleen
Hutchinson, Karen	Introne, Robert	Itse, Daniel	Kappler, Lawrence
Kolodziej, Walter	Lundgren, David	Major, Norman	Manuse, Andrew
Mauro, Donna	McMahon, Charles	Murphy, Brian	Nevins, Chris
Okerman, Richard	Oligny, Jeffrey	Packard, Sherman	Peckham, Michele
Perkins, Amy	Perkins, Lawrence	Quandt, Marshall	Quandt, Matt
Reagan, John	Reichard, Kevin	Rice, Frederick	Ritter, Glenn
Sanders, Elisabeth	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	Welch, David
Weyler, Kenneth	Wheaton, Gary		

STRAFFORD

Cataldo, Sam	DeLemus, Susan	Groen, Warren	Larsen, Kirsten
Munck, Philip	Newton, Clifford	Panek, William	Parsons, Robbie

Pitre, Joseph	Vita, Carol	Vita, Lucien	Weeden, Michael

SULLIVAN

Bowers, Spec	Cunningham, Steven	Howard, Thomas	LaCasse, Paul Sr
Laware, Thomas	Lovett, Charlene	Osgood, Joe	Rodeschin, Beverly

NAYS 113

BELKNAP

Pilliod, James

CARROLL

None

CHESHIRE

Butynski, William	Carr, Daniel	Hawkes, Samuel	Johnsen, Gladys
Lerandeau, Alfred	Lindsey, Steven	Meader, David	Parkhurst, Henry
Roberts, Kris	Sad, Tara	Tatro, Bruce	Weber, Lucy

COOS

Coulombe, Gary	Hatch, William	Merrick, Evalyn	Theberge, Robert
Thomas, Yvonne			

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Gould, Franklin	Harding, Laurie	Nordgren, Sharon	Pastor, Beatriz
Pierce, David	Smith, Suzanne	Taylor, Kathleen	Townsend, Charles
White, Andrew			

HILLSBOROUGH

Baroody, Benjamin	Brunelle, Michael	Campbell, David	Cote, David
Drisko, Richard	Gargasz, Carolyn	Garrity, Patrick	Gidge, Kenneth
Gimas, John	Goley, Jeffrey	Gorman, Mary	Jeudy, Jean
Levasseur, Nickolas	Long, Patrick	Messier, Irene	Pilotte, Maurice
Porter, Marjorie	Rhodes, Brian	Rokas, Ted	Rosenwald, Cindy
Shaw, Barbara	Vaillancourt, Steve	Villeneuve, Moe	

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	Gile, Mary	Hamm, Christine	MacKay, James
Owen, Derek	Potter, Frances	Rice, Chip	Richardson, Gary
Shurtleff, Stephen	Wallner, Mary Jane	Watrous, Rick	Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline	Chirichiello, Brian	DiPentima, Rich	Dowling, Patricia
Fesh, Robert	Gould, Kenneth	Katsakiores, Phyllis	Lovejoy, Patricia
McKinney, Betsy	Moody, Marcia	Norelli, Terie	O'Connor, John
Pantelakos, Laura	Powers, James	Read, Robin Jr	Sapareto, Frank
Schlachman, Donna	Webb, James		

STRAFFORD

Berube, Roger	Brown, Julie	Browne, Brendon	Ginsburg, Philip
Hofemann, Roland	Hooper, Dorothea	Horrigan, Timothy	Jones, Kyle
Jones, Laura	Kaen, Naida	Keans, Sandra	Leonard, Frederick Jr
Pelletier, Marsha	Roberts, Jenna	Schmidt, Peter	Spainhower, Dale
Spang, Judith	Sprague, Dale	Wall, Janet	Watters, David

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Schmidt, Andrew
Smith, Steven			

and the committee report was adopted by the constitutionally required three-fifths vote.
Ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Bettencourt moved that the House reconsider its action whereby, on a roll call vote of 252-113, it adopted the committee report of Ought to Pass with Amendment on ***CACR 12,*** relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education.
Rep. Bettencourt spoke against.
Motion failed.

The House recessed at 12:45 p.m.

RECESS

(Speaker O'Brien in the Chair)

The House reconvened at 1:45 p.m.

RESOLUTION

Rep. Jasper offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 20, 28, 30, 32, 33, 34, 35, 38, 46, 47, 49, 55, 57, 64, 81, 82, 89, 90, 95, 102, 104, 108, 109, 122, 128, 130, 133, 135, 139, 144, 146, 148, 158, 168, 172, 173, 174 and 183 shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.
Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 20, relative to shoreland protection permits. (Resources, Recreation and Development)
SB 28, establishing an exemption from the licensing requirements for nondepository first mortgage bankers and brokers for persons providing loans for certain seller-financed transactions. (Commerce and Consumer Affairs)
SB 30, relative to including a parent's residence in the parenting plan. (Children and Family Law)
SB 32, relative to water withdrawals for snow making. (Resources, Recreation and Development)
SB 33-FN, relative to retired state employee contributions for medical benefits costs. (Executive Departments and Administration)
SB 34-FN, relative to orders of notice in guardianship cases; relative to approvals of marriages for persons under 18 years of age by the judicial branch family division; and

relative to the adjudicatory hearing date in child protection cases. (Judiciary)
SB 35-FN-A, relative to exemption from the definition of utility property for purposes of the utility property tax. (Ways and Means)
SB 38, relative to extensions for wetland and shoreland permits. (Resources, Recreation and Development)
SB 46, extending and revising the commission to develop a plan for the expansion of transmission capacity in the north country. (Science, Technology and Energy)
SB 47, extending the commission to study water infrastructure sustainability funding. (Resources, Recreation and Development)
SB 49, relative to tip pooling arrangements. (Labor, Industrial and Rehabilitative Services)
SB 55-FN, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable. (Science, Technology and Energy)
SB 57, relative to regulation of title loan lenders. (Commerce and Consumer Affairs)
SB 64, removing the oath requirement for criminal complaints filed by police officers. (Judiciary)
SB 81-FN, relative to powers and duties of commissioners of executive branch agencies, and relative to the extension of the expired term of a commissioner or agency head. (Executive Departments and Administration)
SB 82-FN, extending the state board of education's authority to approve chartered public schools and relative to the funding of chartered public schools approved by a school district. (Education)
SB 89, establishing a study committee on the procurement of health insurance by employee leasing companies. (Commerce and Consumer Affairs)
SB 90, directing the legislative oversight committee to study the consolidation of school administrative units. (Education)
SB 95, establishing a commission to study youth sports concussions and other concussions received while at school. (Education)
SB 102, establishing a commission to study the effects of service-connected post-traumatic stress disorder and traumatic brain injury suffered in the line of duty by members of the armed forces and veterans. (State-Federal Relations and Veterans Affairs)
SB 104, relative to certain agricultural operations and certain bonds for excavation and driveways. (Municipal and County Government)
SB 108, relative to emergency obstetrical care. (Judiciary)
SB 109, establishing a committee to study the foreclosure process in New Hampshire. (Judiciary)
SB 122, establishing a committee to study the laws relating to electronic prescriptions. (Commerce and Consumer Affairs)
SB 128-FN-A, establishing a committee to study sources of funding for the search and rescue operations of the fish and game department. (Fish and Game and Marine Resources)
SB 130-FN-A, repealing the tax on gambling winnings. (Ways and Means)
SB 133-FN, relative to reestablishing the exemption from property taxation for telecommunications poles and conduits. (Municipal and County Government)
SB 135-FN-A, relative to election returns and election records. (Election Law)
SB 139-FN, relative to state recoveries of public assistance caused by fraud. (Judiciary)
SB 144, relative to extending certain permits and approvals. (Resources, Recreation and Development)
SB 146-FN, relative to requiring submission of a reduced spending alternative as part of the biennial budget process. (Finance)
SB 148-FN, relative to health insurance coverage and declaring that the attorney general should join the lawsuit challenging the Patient Protection and Affordable Care Act. (Commerce and Consumer Affairs)
SB 158-FN, relative to the payment of state aid grants for water and wastewater for 2009 and 2010. (Finance)

SB 168-FN, conforming the interest and dividends tax to federal tax definitions. (Ways and Means)
SB 172, relative to performance-based school accountability criteria. (Education)
SB 173, proclaiming January 24, 2012 as Granny D. Day. (Executive Departments and Administration)
SB 174, relative to the Concord regional solid waste/resource recovery cooperative. (Municipal and County Government)
SB 183-FN-L, amending the calculation and distribution of adequate education grants, repealing fiscal capacity disparity aid, and providing stabilization grants to certain municipalities. (Special Committee on Education Funding Reform)

REGULAR CALENDAR (CONTD)

HB 499-FN, relative to the employer's lien on damages and benefits recovered from third persons by employees who have received workers' compensation. **INEXPEDIENT TO LEGISLATE.**
Rep. Gary W. Wheaton for Judiciary: This bill clarifies the division of damages and benefits received from third persons by employees who have received workers' compensation. A court, arbitrator or the commissioner of labor would now have the authority to allocate a lien recovery based upon fault, so that if an employer were at fault in causing the accident, its lien would be reduced as justice may require. While the committee believes that the provisions of this bill would apply only in a small number of workers' compensation cases, it further believes that the effects would cause workers' compensation insurance rates to disproportionately increase. The committee is also concerned with introducing the concept of fault to the workers' compensation scheme which is designed to be a no-fault system. For these reasons, the majority of the committee recommends inexpedient to legislate. Vote 14-3. Committee report adopted.

HB 513-FN, relative to end of life aid in dying for certain persons suffering from a terminal disease. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**
Rep. Lenette M. Peterson for the Majority of Judiciary: This bill would allow a person who has been diagnosed with a terminal disease to request a prescription for medication to enable the patient to control the time, place and manner of his or her death. The committee believes that this bill would legalize state-sanctioned suicide for people with terminal illnesses and that this is an area where government does not belong. People with terminal illnesses who may consider suicide do not need encouragement from the government. The committee further believes that this bill is a recipe for elder abuse. The committee also recognizes that doctors' diagnoses and predictions may be incorrect; numerous cases exist where people have lived far beyond their doctor's predictions, some of them having been cured from their terminal disease. For these reasons, the committee strongly believes that this bill represents bad policy and practice and recommend inexpedient to legislate. Vote 15-1.
Rep. Rick H. Watrous for the Minority of Judiciary: This personal liberty bill would allow a mentally competent adult who has been diagnosed as having a terminal disease by the citizen's attending physician and a consulting physician to request a prescription for medication which would enable that citizen to control the time, place, and manner of his or her own death. Based on the long standing death with dignity Oregon law, this bill would enable terminal citizens to end their needless suffering. There is no law against suicide in New Hampshire, but there is a law against assisting suicide. Passage of this bill would allow physicians to grant this aid in dying request by patients. It would also allow the patient to end his or her own life in the presence of friends or family without fear that those loved ones would be prosecuted. New Hampshire is the Live Free or Die state; this is the ultimate Live Free or Die bill. A person should be able to end their terminal suffering as painlessly as possible.

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

YEAS 234 NAYS 99

YEAS 234

BELKNAP

Accornero, Harry	Bolster, Peter	Fields, Dennis	Flanders, Donald
Greemore, Robert	Luther, Robert	Malone, Robert	Millham, Alida
Pilliod, James	Russell, David	Simpson, Tyler	St. Cyr, Jeffrey
Swinford, Elaine	Tilton, Franklin	Worsman, Colette	

CARROLL

Ahlgren, Christopher	Knox, J. David	McCarthy, Frank	McConkey, Mark
Merrow, Harry	Patten, Betsey	Pettengill, Laurie	Scala, Dino
Schmidt, Stephen	Tregenza, Norman	Umberger, Karen	

CHESHIRE

Butynski, William	Byrnes, John	Cartwright, Anne	Emerson, Susan
Hawkes, Samuel	Johnson, Jane	Lerandeau, Alfred	Moore, Robert Jr
Sad, Tara	Smith, Edwin	Tatro, Bruce	Weber, Lucy

COOS

Daugherty, Duffy	Hatch, William	Rappaport, Laurence	Remick, William
Richardson, Herbert	Tholl, John Jr	Thomas, Yvonne	Tremblay, Marc

GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Gionet, Edmond
Ingbretson, Paul	Ladd, Rick Jr	Mirski, Paul	Reilly, Harold Sr
Sorg, Gregory	Sova, Charles	Taylor, Kathleen	

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Barry, Richard	Belanger, James
Belvin, William	Boehm, Ralph	Brown, Kevin	Brownrigg, Randall Jr
Brunelle, Michael	Burt, John	Buxton, Michael	Cebrowski, John
Christensen, D.L. Chris	Coffey, James	Condra, William	Coughlin, Sean
Cusson-Cail, Kathleen	Daniels, Gary	Drisko, Richard	Gagne, Larry
Gandia, Laura	Gargasz, Carolyn	Garrity, Patrick	Gimas, John
Goley, Jeffrey	Gonzalez, Carlos	Graham, John	Haefner, Robert
Hardwick, Harry	Hawkins, Kenneth	Hikel, John	Hinch, Richard
Hogan, Edith	Holden, Frank	Hopper, Gary	Hutchinson, Winfred
Infantine, William	Jasper, Shawn	Jeudy, Jean	Krasucki, Joseph
LeBrun, Donald	Maltz, Jonathan	Marcus, Bruce	McClarren, Donald
McGuinness, Sean	Mecheski, Holly	Moran, Edward	Notter, Jeanine
Palmer, Stephen	Parison, James	Pellegrino, Tony	Peterson, Lenette
Pilotte, Maurice	Reed, Michael	Robbins, David	Rokas, Ted
Rosenwald, Cindy	Rowe, Robert	Scontsas, 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	Villeneuve, Moe
Whitehead, Randall	Willette, Robert		

MERRIMACK

Blankenbeker, Lynne	Bouchard, Candace	Coffey, Jennifer	Frazer, June
Giuda, J. Brandon	Hess, David	Hoell, J.R.	Kotowski, Frank
Kreis, Kenneth Sr	Lauer-Rago, Kathleen	McDonnell, John	McGuire, Carol
McGuire, Dan	Palfrey, David	Patten, Dick	Reed, Dennis
Richardson, Jon	Smith, Todd	Soltani, Tony	

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Antosz, Jason	Bates, David
Birdsell, Regina	Chirichiello, Brian	Comerford, Timothy	Copeland, Timothy
Davenport, Joshua	DeSimone, Debra	Dowling, Patricia	Duarte, Joe
Ferrante, Beverly	Gould, Kenneth	Griffin, Mary	Hagan, Joseph
Headd, James	Hoelzel, Kathleen	Hutchinson, Karen	Introne, Robert
Itse, Daniel	Kappler, Lawrence	Katsakiores, Phyllis	Kolodziej, Walter
Lundgren, David	Major, Norman	Manuse, Andrew	Mauro, Donna
McKinney, Betsy	McMahon, Charles	Murphy, Brian	Nevins, Chris
O'Connor, John	Okerman, Richard	Oligny, Jeffrey	Packard, Sherman
Peckham, Michele	Perkins, Amy	Perkins, Lawrence	Quandt, Marshall
Reichard, Kevin	Rice, Frederick	Ritter, Glenn	Sanders, Elisabeth
Schlachman, Donna	Sedensky, John	Shuler, Wyman III	Sullivan, James
Sullivan, Kevin	Sytek, John	Tamburello, Daniel	Tremblay, Stella
Tucker, Pamela	Waddell, James	Ward, Joanne	Waterhouse, Kevin
Weyler, Kenneth			

STRAFFORD

Berube, Roger	Cataldo, Sam	DeLemus, Susan	Domingo, Baldwin
Groen, Warren	Jones, Kyle	Jones, Laura	Kaen, Naida
Munck, Philip	Newton, Clifford	Parsons, Robbie	Pitre, Joseph
Sprague, Dale	Vita, Carol	Vita, Lucien	Wall, Janet
Watters, David	Weeden, Michael		

SULLIVAN

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

NAYS 99

BELKNAP

None

CARROLL

Babson, David Jr

CHESHIRE

Carr, Daniel	Johnsen, Gladys	Lindsey, Steven	Meader, David
Moore, Charles	Parkhurst, Henry	Roberts, Kris	Sterling, Franklin Jr

COOS

Coulombe, Gary	Merrick, Evalyn	Theberge, Robert

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Eaton, Stephanie	Gould, Franklin	Harding, Laurie	Nordgren, Sharon
Pastor, Beatriz	Pierce, David	Simard, Paul	Smith, Suzanne
Townsend, Charles	White, Andrew		

HILLSBOROUGH

Baroody, Benjamin	Barry, J. Gail	Champagne, Norma	DeJong, Cameron
Donovan, Daniel	Fredette, Robert	Gidge, Kenneth	Gorman, Mary
Greazzo, Phil	Hansen, Peter	Hogan, Timothy	Kurk, Neal
Lambert, George	Long, Patrick	Murphy, Keith	Ohm, Bill
Porter, Marjorie	Pratt, Calvin	Proulx, Mark	Renzullo, Andrew
Rhodes, Brian	Simmons, Tammy	Vaillancourt, Steve	Warden, Mark

MERRIMACK

Deloge, Helen	Foose, Robert	Hamm, Christine	Keane, Thomas
MacKay, James	Owen, Derek	Potter, Frances	Rice, Chip
Richardson, Gary	Sanborn, Laurie	Seaworth, G. Brian	Shurtleff, Stephen
Smith, Molly	Watrous, Rick	Williams, Robert	Winter, Steven

ROCKINGHAM

Azarian, Gary	Brown, Paul	Cali-Pitts, Jacqueline	Case, Frank
DiPentima, Rich	Fesh, Robert	MacMahon, Bruce	Moody, Marcia
Norelli, Terie	Powers, James	Read, Robin Jr	Reagan, John
Sapareto, Frank	Tasker, Kyle	Webb, James	Wheaton, Gary

STRAFFORD

Brown, Julie	Browne, Brendon	Ginsburg, Philip	Hofemann, Roland
Hooper, Dorothea	Horrigan, Timothy	Keans, Sandra	Panek, William
Pelletier, Marsha	Roberts, Jenna	Schmidt, Peter	Spainhower, Dale
Spang, Judith			

SULLIVAN

Cunningham, Steven	Howard, Thomas	Lefebvre, Benjamin	Schmidt, Andrew

and the majority committee report was adopted.

HB 532-L, relative to municipal liability for dog bites. **OUGHT TO PASS.**
Rep. J. Brandon Giuda for Judiciary: This bill repeals seven statues that were enacted in 1863 to hold towns liable for damages caused by dogs to sheep, lambs, fowl or other domestic creatures, if the dog owners could not be found. These statutes may have been useful in 1863, when towns taxed people on their animals and when many animals including dogs and livestock still roamed free. However, not only are the statutes rarely used, but the world today is much different than in 1863. Due to the move away from an agricultural society, there are fewer animals, and better fencing and protections are used to ensure animals are controlled. The large majority of towns have leash laws and dogs no longer roam free. Further, the majority of the committee believes that towns should not be held liable for damage from dogs over which they have no control. Vote 11-5.
Committee report adopted and ordered to third reading.

HR 7, directing the house judiciary committee to investigate whether grounds exist to impeach marital master Phillip Cross and/or any justice of the New Hampshire superior court. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M. Sorg for the Majority of Judiciary: By passing House Resolution 7, the House would direct the Judiciary Committee to investigate and report back to the House as to whether grounds exist for the House to impeach marital master Phillip Cross. The committee's review to this point has been limited to determining whether the allegations stated in the resolution and testified to at the public hearing met the relatively low standard of reasonable suspicion, thereby justifying further, formal investigation. The majority concluded that they did. In arriving at this conclusion, the committee was sensitive to the need to distinguish between disagreements with the subjective findings and recommendations of Master Cross - which go to the essence of the judicial function and not properly reviewable by the elected branches of the government - and violations of objective rules of law and procedure that a magistrate is bound to follow, and which are properly reviewable. In considering the latter, the committee was additionally sensitive to the need to distinguish between the occasional error that only proves that a magistrate is human and a pattern of apparent lapses that is indicative of malpractice or maladministration in office. The majority concluded that a reasonable showing of such a pattern had been made, which included: (1) granting one party ex parte relief and never scheduling a contested hearing to give the other party an opportunity to respond; (2) issuing conflicting orders to a party that made it impossible for him to comply with one without violating the other; (3) giving notice of a hearing to consider one subject and then considering an entirely different subject at the hearing; and (4) altering a stipulation filed by the parties and forwarding the altered stipulation as the court's final order without first giving the parties an opportunity to review and reconsider it. In addition, there was testimony that decisions made by Master Cross have the highest rate of appeal than those of any marital master and that more judicial conduct complaints have been filed against him than any marital master. Finally, the committee was presented with evidence of the ineffectiveness of the judicial branch's internal Judicial Conduct Committee to police and discipline its own members. On the basis of the foregoing, the majority was persuaded that the aspiration of Article 8, Part I of the New Hampshire Constitution - that all the magistrates and officers of the government are accountable to the people - cannot be fulfilled in this case without a formal investigation of Marital Master Cross. Vote 10-5.

Rep. Lucy M. Weber for the Minority of Judiciary: The grounds for impeachment under the New Hampshire Constitution are bribery, corruption, malpractice or maladministration. There have been only two such proceedings against judges in the entire history of New Hampshire. In neither of the two proceedings was the judge convicted and removed from the bench. The allegations against Marital Master Philip Cross arise out of three of the most contentious divorce proceedings in the state. Most of the specific instances alleged in HR 7 have been shown to be either untrue or mischaracterizations. Other actions have already been appealed to the NH Supreme Court, which has upheld the actions of Master Cross. Even if the substance of the allegations were entirely true, it might be grounds for reversal on appeal or for proceedings by the Judicial Conduct Commission, but it does not come close to the grave level of misconduct required for impeachment. For this reason alone, HR 7 should be voted Inexpedient to Legislate. During the discussion of this resolution, it was stated that the resolution should go forward as a vehicle for the legislature to investigate the court system. The legislature may study the workings of the court system at any time, without resorting to impeachment and thereby holding one individual's future hostage to the effort. Despite the fact that the only specific instances of wrongdoing are alleged against Master Cross, HR 7 also gives the committee the sweeping power to investigate "any justice of the New Hampshire superior court," without stating any basis at all on which to do so.

This is a breach of due process of staggering proportions. The minority is deeply concerned with other aspects of this resolution. The resolution carries with it no fiscal note. The resolution gives the committee the unlimited authority to subpoena the attendance and testimony of persons and the production of records. The committee may take depositions or prepare interrogatories. These actions may be taken by the committee or counsel for the committee. Presumably, then, the committee may choose to use the services of House Counsel or to employ outside counsel. Every one of these actions is expensive. All of the completely unfettered authority given to the committee may be exercised not only by the committee acting as a whole, but also by chairman of the committee, acting alone. Nowhere in the resolution is there any limitation whatsoever on how much may be spent in the conduct of this investigation. We heard that cost of the investigative phase of the proceeding against Justice Brock in 2000 exceeded $100,000. The impeachment and trial cost many times that amount. The minority believes it irresponsible to launch an investigation with no limits on expenditure.

The question being adoption of the majority committee report of Ought to Pass.
Rep. Weber spoke against and yielded to questions.
Rep. Giuda spoke in favor and yielded to questions.
Rep. Weber requested a roll call; sufficiently seconded.

YEAS 242 NAYS 105

YEAS 242

BELKNAP

Accornero, Harry	Fields, Dennis	Flanders, Donald	Greemore, Robert
Luther, Robert	Malone, Robert	Pilliod, James	Russell, David
Simpson, Tyler	St. Cyr, Jeffrey	Swinford, Elaine	Tilton, Franklin
Worsman, Colette			

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
McCarthy, Frank	McConkey, Mark	Merrow, Harry	Patten, Betsey
Pettengill, Laurie	Scala, Dino	Schmidt, Stephen	Tregenza, Norman

CHESHIRE

Byrnes, John	Cartwright, Anne	Dwinell, Richard	Emerson, Susan
Hunt, John	Johnsen, Gladys	Johnson, Jane	Moore, Charles
Moore, Robert Jr	Smith, Edwin	Sterling, Franklin Jr	

COOS

Daugherty, Duffy	Rappaport, Laurence	Richardson, Herbert	Tholl, John Jr
Thomas, Yvonne	Tremblay, Marc		

GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Eaton, Stephanie
Gionet, Edmond	Ingbretson, Paul	Ladd, Rick Jr	Mirski, Paul
Reilly, Harold Sr	Simard, Paul	Sorg, Gregory	Sova, Charles

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Barry, J. Gail	Barry, Richard

Belanger, James	Belvin, William	Boehm, Ralph	Brown, Kevin
Brownrigg, Randall Jr	Burt, John	Buxton, Michael	Cebrowski, John
Champagne, Norma	Christensen, D.L. Chris	Christiansen, Lars	Coffey, James
Condra, William	Coughlin, Sean	Cusson-Cail, Kathleen	Daniels, Gary
DeJong, Cameron	Doherty, Shaun	Donovan, Daniel	Flanagan, Jack
Fredette, Robert	Gagne, Larry	Gidge, Kenneth	Gimas, John
Gonzalez, Carlos	Greazzo, Phil	Haefner, Robert	Hansen, Peter
Hardwick, Harry	Hawkins, Kenneth	Hikel, John	Hinch, Richard
Hogan, Edith	Hogan, Timothy	Holden, Frank	Hopper, Gary
Hutchinson, Winfred	Infantine, William	Jasper, Shawn	Krasucki, Joseph
Lambert, George	LeBrun, Donald	Maltz, Jonathan	Marcus, Bruce
McCarthy, Michael	McClarren, Donald	McGuinness, Sean	Mecheski, Holly
Messier, Irene	Notter, Jeanine	Ohm, Bill	Palmer, Stephen
Parison, James	Pellegrino, Tony	Peterson, Lenette	Pratt, Calvin
Proulx, Mark	Reed, Michael	Renzullo, Andrew	Robbins, David
Rowe, Robert	Scontsas, Lisa	Seidel, Carl	Silva, Peter
Simmons, Tammy	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	Giuda, J. Brandon
Hoell, J.R.	Keane, Thomas	Kotowski, Frank	Kreis, Kenneth Sr
Lauer-Rago, Kathleen	McDonnell, John	McGuire, Carol	Palfrey, David
Reed, Dennis	Richardson, Jon	Sanborn, Laurie	Seaworth, G. Brian
Smith, Molly	Smith, Todd	Soltani, Tony	Winter, Steven

ROCKINGHAM

Abrami, Patrick	Antosz, Jason	Azarian, Gary	Baldasaro, Alfred
Bates, David	Bettencourt, David	Birdsell, Regina	Charron, Gene
Chirichiello, Brian	Comerford, Timothy	Copeland, Timothy	Davenport, Joshua
DeSimone, Debra	Duarte, Joe	Ferrante, Beverly	Fesh, Robert
Garcia, Marilinda	Griffin, Mary	Hagan, Joseph	Hoelzel, Kathleen
Hutchinson, Karen	Introne, Robert	Kappler, Lawrence	Katsakiores, Phyllis
Kolodziej, Walter	Lundgren, David	MacMahon, Bruce	Major, Norman
Manuse, Andrew	Mauro, Donna	McKinney, Betsy	McMahon, Charles
Murphy, Brian	Nevins, Chris	O'Connor, John	Okerman, Richard
Oligny, Jeffrey	Packard, Sherman	Peckham, Michele	Perkins, Lawrence
Reagan, John	Reichard, Kevin	Rice, Frederick	Ritter, Glenn
Sanders, Elisabeth	Sapareto, Frank	Sedensky, John	Sheffert, Kenneth
Shuler, Wyman III	Smith, William	Sullivan, James	Sullivan, Kevin
Tamburello, Daniel	Tasker, Kyle	Tremblay, Stella	Tucker, Pamela
Waddell, James	Ward, Joanne	Waterhouse, Kevin	Webb, James
Welch, David			

STRAFFORD

Berube, Roger	Brown, Julie	Cataldo, Sam	DeLemus, Susan
Groen, Warren	Jones, Kyle	Jones, Laura	Munck, Philip
Newton, Clifford	Panek, William	Parsons, Robbie	Pitre, Joseph
Vita, Carol	Vita, Lucien	Weeden, Michael	

SULLIVAN

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

NAYS 105

BELKNAP

Bolster, Peter	Millham, Alida

CARROLL

Knox, J. David

CHESHIRE

Butynski, William	Carr, Daniel	Hawkes, Samuel	Lerandeau, Alfred
Lindsey, Steven	Meader, David	Parkhurst, Henry	Roberts, Kris
Sad, Tara	Tatro, Bruce	Weber, Lucy	

COOS

Coulombe, Gary	Hatch, William	Merrick, Evalyn	Remick, William
Theberge, Robert			

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Gould, Franklin	Harding, Laurie	Nordgren, Sharon	Pastor, Beatriz
Pierce, David	Smith, Suzanne	Taylor, Kathleen	Townsend, Charles
White, Andrew			

HILLSBOROUGH

Baroody, Benjamin	Brunelle, Michael	Cote, David	Drisko, Richard
Gargasz, Carolyn	Garrity, Patrick	Goley, Jeffrey	Gorman, Mary
Graham, John	Jeudy, Jean	Kurk, Neal	Levasseur, Nickolas
Long, Patrick	Moran, Edward	Pilotte, Maurice	Porter, Marjorie
Rhodes, Brian	Rokas, Ted	Rosenwald, Cindy	Shaw, Barbara

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	Gile, Mary	Hamm, Christine	Hess, David
Lockwood, Priscilla	MacKay, James	Owen, Derek	Patten, Dick
Potter, Frances	Rice, Chip	Richardson, Gary	Shurtleff, Stephen
Wallner, Mary Jane	Watrous, Rick	Williams, Robert	

ROCKINGHAM

Allen, Mary	Cali-Pitts, Jacqueline	Case, Frank	DiPentima, Rich
Dowling, Patricia	Garrity, James	Gould, Kenneth	Headd, James
Moody, Marcia	Norelli, Terie	Powers, James	Read, Robin Jr
Schlachman, Donna	Sytek, John	Weyler, Kenneth	

STRAFFORD

Browne, Brendon	Domingo, Baldwin	Ginsburg, Philip	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	Gagnon, Raymond	Lefebvre, Benjamin	Schmidt, Andrew

and the majority committee report was adopted.
Ordered to third reading.
Reps. Gandia, Amy Perkins, Keith Murphy and Paul Brown declared a conflict of interest and did not participate.

MOTON TO RECONSIDER

Having voted with the prevailing side, Rep. Patrick Garrity moved that the House reconsider its action whereby, on March 15, 2011 by voice vote, it adopted the committee report of Ought to Pass on ***HB 147,*** making the commission of certain offenses punishable under the capital murder statute.
Reps. Pierce and Pastor spoke in favor.
Reps. Swinford and Bettencourt spoke against.
Rep. Pierce requested a roll call; sufficiently seconded.

YEAS 104 NAYS 247

YEAS 104

BELKNAP

Millham, Alida

CARROLL

Ahlgren, Christopher

CHESHIRE

Butynski, William	Carr, Daniel	Hawkes, Samuel	Johnsen, Gladys
Lerandeau, Alfred	Lindsey, Steven	Meader, David	Parkhurst, Henry
Roberts, Kris	Sad, Tara	Tatro, Bruce	Weber, Lucy

COOS

Coulombe, Gary	Hatch, William	Merrick, Evalyn	Rappaport, Laurence
Theberge, Robert	Thomas, Yvonne		

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Gould, Franklin	Harding, Laurie	Nordgren, Sharon	Pastor, Beatriz
Pierce, David	Smith, Suzanne	Townsend, Charles	White, Andrew

HILLSBOROUGH

Baroody, Benjamin	Brunelle, Michael	DeJong, Cameron	Gidge, Kenneth
Goley, Jeffrey	Gorman, Mary	Infantine, William	Jeudy, Jean
Levasseur, Nickolas	Long, Patrick	McGuinness, Sean	Messier, Irene
Parison, James	Pilotte, Maurice	Porter, Marjorie	Rhodes, Brian
Rokas, Ted	Shaw, Barbara	Thomas, Joseph	Ulery, Jordan

MERRIMACK

Bouchard, Candace	Cohn, Seth	Deloge, Helen	DeStefano, Stephen
Foose, Robert	Frazer, June	Gile, Mary	Hamm, Christine
Lockwood, Priscilla	MacKay, James	Owen, Derek	Patten, Dick
Potter, Frances	Rice, Chip	Richardson, Gary	Shurtleff, Stephen
Wallner, Mary Jane	Watrous, Rick	Williams, Robert	

ROCKINGHAM

Cali-Pitts, Jacqueline	Case, Frank	DiPentima, Rich	Dowling, Patricia
Gould, Kenneth	Lovejoy, Patricia	Moody, Marcia	Norelli, Terie
Pantelakos, Laura	Powers, James	Read, Robin Jr	Reichard, Kevin
Schlachman, Donna	Welch, David		

STRAFFORD

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

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Schmidt, Andrew

NAYS 247

BELKNAP

Accornero, Harry	Bolster, Peter	Fields, Dennis	Flanders, Donald
Greemore, Robert	Luther, Robert	Malone, Robert	Pilliod, James
Russell, David	Simpson, Tyler	St. Cyr, Jeffrey	Swinford, Elaine
Tilton, Franklin	Worsman, Colette		

CARROLL

Babson, David Jr	Chandler, Gene	Fleck, Joseph	Knox, J. David
McCarthy, Frank	McConkey, Mark	Merrow, Harry	Patten, Betsey
Pettengill, Laurie	Scala, Dino	Schmidt, Stephen	Tregenza, Norman

CHESHIRE

Byrnes, John	Cartwright, Anne	Dwinell, Richard	Emerson, Susan
Hunt, John	Johnson, Jane	Moore, Charles	Moore, Robert Jr
Smith, Edwin	Sterling, Franklin Jr		

COOS

Daugherty, Duffy	Remick, William	Richardson, Herbert	Tholl, John Jr
Tremblay, Marc			

GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Eaton, Stephanie
Gionet, Edmond	Ingbretson, Paul	Ladd, Rick Jr	Mirski, Paul
Reilly, Harold Sr	Simard, Paul	Sorg, Gregory	Sova, Charles

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Barry, J. Gail	Barry, Richard
Belanger, James	Belvin, William	Boehm, Ralph	Brown, Kevin
Brownrigg, Randall Jr	Burt, John	Buxton, Michael	Cebrowski, John
Champagne, Norma	Christensen, D.L. Chris	Christiansen, Lars	Coffey, James
Condra, William	Cote, David	Coughlin, Sean	Cusson-Cail, Kathleen
Daniels, Gary	Doherty, Shaun	Donovan, Daniel	Drisko, Richard
Flanagan, Jack	Fredette, Robert	Gagne, Larry	Gandia, Laura
Garrity, Patrick	Gimas, John	Gonzalez, Carlos	Graham, John
Greazzo, Phil	Haefner, Robert	Hansen, Peter	Hardwick, Harry
Hawkins, Kenneth	Hinch, Richard	Hogan, Edith	Hogan, Timothy
Holden, Frank	Hopper, Gary	Hutchinson, Winfred	Jasper, Shawn
Krasucki, Joseph	Kurk, Neal	Lambert, George	LeBrun, Donald
Maltz, Jonathan	Marcus, Bruce	McCarthy, Michael	McClarren, Donald
Mecheski, Holly	Moran, Edward	Murphy, Keith	Notter, Jeanine
Ohm, Bill	Palmer, Stephen	Pellegrino, Tony	Peterson, Lenette
Pratt, Calvin	Proulx, Mark	Reed, Michael	Renzullo, Andrew
Robbins, David	Rosenwald, Cindy	Rowe, Robert	Scontsas, Lisa
Seidel, Carl	Silva, Peter	Simmons, Tammy	Soucy, Connie
Souza, Kathleen	Stepanek, Stephen	Stroud, Kathleen	Swank, Matthew
Terrio, Ross	Twombly, Timothy	Vaillancourt, Steve	Villeneuve, Moe
Whitehead, Randall	Willette, Robert		

MERRIMACK

Blankenbeker, Lynne	Coffey, Jennifer	Giuda, J. Brandon	Hess, David
Hoell, J.R.	Keane, Thomas	Kotowski, Frank	Kreis, Kenneth Sr
Lauer-Rago, Kathleen	McDonnell, John	McGuire, Carol	McGuire, Dan
Palfrey, David	Reed, Dennis	Richardson, Jon	Sanborn, Laurie
Seaworth, G. Brian	Smith, Molly	Smith, Todd	Soltani, Tony
Winter, Steven			

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Antosz, Jason	Azarian, Gary
Baldasaro, Alfred	Bates, David	Bettencourt, David	Birdsell, Regina
Brown, Paul	Charron, Gene	Chirichiello, Brian	Comerford, Timothy
Copeland, Timothy	Davenport, Joshua	DeSimone, Debra	Duarte, Joe
Ferrante, Beverly	Fesh, Robert	Garcia, Marilinda	Griffin, Mary
Hagan, Joseph	Headd, James	Hoelzel, Kathleen	Hutchinson, Karen
Introne, Robert	Itse, Daniel	Kappler, Lawrence	Katsakiores, Phyllis
Kolodziej, Walter	Lundgren, David	MacMahon, Bruce	Major, Norman
Manuse, Andrew	Mauro, Donna	McKinney, Betsy	McMahon, Charles
Murphy, Brian	Nevins, Chris	O'Connor, John	Okerman, Richard
Oligny, Jeffrey	Packard, Sherman	Peckham, Michele	Perkins, Amy
Perkins, Lawrence	Quandt, Marshall	Quandt, Matt	Reagan, John
Rice, Frederick	Ritter, Glenn	Sanders, Elisabeth	Sapareto, Frank
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	

STRAFFORD

Brown, Julie	Cataldo, Sam	DeLemus, Susan	Domingo, Baldwin
Ginsburg, Philip	Groen, Warren	Jones, Kyle	Jones, Laura

Newton, Clifford	Panek, William	Parsons, Robbie	Pitre, Joseph
Vita, Carol	Vita, Lucien	Weeden, Michael	

SULLIVAN

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

and the motion failed.

MOTION TO PRINT DEBATE

Rep. Gary Richardson moved that the debate on the reconsideration motion on ***HB 147,*** making the commission of certain offenses punishable under the capital murder statute, be printed in the Permanent Journal.

Rep. DeStefano requested a roll call; sufficiently seconded.

YEAS 93 NAYS 259

YEAS 93

BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William	Carr, Daniel	Johnsen, Gladys	Lerandeau, Alfred
Lindsey, Steven	Meader, David	Parkhurst, Henry	Sad, Tara
Tatro, Bruce	Weber, Lucy		

COOS

Coulombe, Gary	Hatch, William	Merrick, Evalyn	Theberge, Robert

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Gould, Franklin	Harding, Laurie	Nordgren, Sharon	Pastor, Beatriz
Pierce, David	Smith, Suzanne	Townsend, Charles	White, Andrew

HILLSBOROUGH

Baroody, Benjamin	Brunelle, Michael	Campbell, David	Cote, David
Gandia, Laura	Garrity, Patrick	Gidge, Kenneth	Gimas, John
Gorman, Mary	Infantine, William	Jeudy, Jean	Levasseur, Nickolas
Long, Patrick	Messier, Irene	Moran, Edward	Pilotte, Maurice
Porter, Marjorie	Rhodes, Brian	Rokas, Ted	Rosenwald, Cindy
Shaw, Barbara			

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	Gile, Mary	Hamm, Christine	MacKay, James
Patten, Dick	Potter, Frances	Rice, Chip	Richardson, Gary

Shurtleff, Stephen	Soltani, Tony	Wallner, Mary Jane	Watrous, Rick
Williams, Robert			

ROCKINGHAM

Bettencourt, David	DiPentima, Rich	Hagan, Joseph	Manuse, Andrew
Moody, Marcia	Norelli, Terie	Pantelakos, Laura	Peckham, Michele
Powers, James	Read, Robin Jr	Schlachman, Donna	

STRAFFORD

Berube, Roger	Browne, Brendon	Ginsburg, Philip	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	Gagnon, Raymond	Lefebvre, Benjamin	Schmidt, Andrew

NAYS 259

BELKNAP

Accornero, Harry	Bolster, Peter	Fields, Dennis	Flanders, Donald
Greemore, Robert	Luther, Robert	Malone, Robert	Millham, Alida
Pilliod, James	Russell, David	Simpson, Tyler	St. Cyr, Jeffrey
Swinford, Elaine	Tilton, Franklin	Worsman, Colette	

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
Knox, J. David	McCarthy, Frank	McConkey, Mark	Merrow, Harry
Patten, Betsey	Pettengill, Laurie	Scala, Dino	Schmidt, Stephen
Tregenza, Norman			

CHESHIRE

Byrnes, John	Cartwright, Anne	Dwinell, Richard	Emerson, Susan
Hawkes, Samuel	Hunt, John	Johnson, Jane	Moore, Charles
Moore, Robert Jr	Roberts, Kris	Smith, Edwin	Sterling, Franklin Jr

COOS

Daugherty, Duffy	Rappaport, Laurence	Remick, William	Richardson, Herbert
Tholl, John Jr	Thomas, Yvonne	Tremblay, Marc	

GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Eaton, Stephanie
Gionet, Edmond	Ingbretson, Paul	Ladd, Rick Jr	Mirski, Paul
Reilly, Harold Sr	Simard, Paul	Sorg, Gregory	Sova, Charles

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Barry, J. Gail	Barry, Richard
Belanger, James	Belvin, William	Boehm, Ralph	Brown, Kevin
Brownrigg, Randall Jr	Burt, John	Buxton, Michael	Cebrowski, John
Champagne, Norma	Christensen, D.L.	Christiansen, Lars	Coffey, James

	Chris		
Condra, William	Coughlin, Sean	Cusson-Cail, Kathleen	Daniels, Gary
DeJong, Cameron	Doherty, Shaun	Donovan, Daniel	Drisko, Richard
Flanagan, Jack	Fredette, Robert	Gagne, Larry	Gonzalez, Carlos
Graham, John	Greazzo, Phil	Haefner, Robert	Hansen, Peter
Hardwick, Harry	Hawkins, Kenneth	Hikel, John	Hinch, Richard
Hogan, Edith	Hogan, Timothy	Holden, Frank	Hopper, Gary
Hutchinson, Winfred	Jasper, Shawn	Krasucki, Joseph	Kurk, Neal
Lambert, George	LeBrun, Donald	Maltz, Jonathan	Marcus, Bruce
McCarthy, Michael	McClarren, Donald	McGuinness, Sean	Mecheski, Holly
Murphy, Keith	Notter, Jeanine	Ohm, Bill	Palmer, Stephen
Parison, James	Pellegrino, Tony	Peterson, Lenette	Pratt, Calvin
Proulx, Mark	Reed, Michael	Renzullo, Andrew	Robbins, David
Rowe, Robert	Scontsas, Lisa	Seidel, Carl	Silva, Peter
Simmons, Tammy	Soucy, Connie	Souza, Kathleen	Stepanek, Stephen
Stroud, Kathleen	Swank, Matthew	Terrio, Ross	Thomas, Joseph
Twombly, Timothy	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe
Whitehead, Randall	Willette, Robert		

MERRIMACK

Blankenbeker, Lynne	Coffey, Jennifer	Cohn, Seth	Giuda, J. Brandon
Hess, David	Hoell, J.R.	Keane, Thomas	Kotowski, Frank
Kreis, Kenneth Sr	Lauer-Rago, Kathleen	Lockwood, Priscilla	McDonnell, John
McGuire, Carol	McGuire, Dan	Owen, Derek	Palfrey, David
Reed, Dennis	Richardson, Jon	Sanborn, Laurie	Seaworth, G. Brian
Smith, Molly	Smith, Todd	Winter, Steven	

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Antosz, Jason	Azarian, Gary
Baldasaro, Alfred	Bates, David	Birdsell, Regina	Brown, Paul
Cali-Pitts, Jacqueline	Case, Frank	Charron, Gene	Chirichiello, Brian
Comerford, Timothy	Copeland, Timothy	Davenport, Joshua	DeSimone, Debra
Dowling, Patricia	Duarte, Joe	Ferrante, Beverly	Fesh, Robert
Garcia, Marilinda	Gould, Kenneth	Griffin, Mary	Headd, James
Hoelzel, Kathleen	Hutchinson, Karen	Introne, Robert	Itse, Daniel
Kappler, Lawrence	Katsakiores, Phyllis	Kolodziej, Walter	Lovejoy, Patricia
Lundgren, David	MacMahon, Bruce	Major, Norman	Mauro, Donna
McKinney, Betsy	McMahon, Charles	Murphy, Brian	Nevins, Chris
O'Connor, John	Okerman, Richard	Oligny, Jeffrey	Packard, Sherman
Perkins, Amy	Perkins, Lawrence	Quandt, Marshall	Quandt, Matt
Reagan, John	Reichard, Kevin	Rice, Frederick	Ritter, Glenn
Sanders, Elisabeth	Sapareto, Frank	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		

STRAFFORD

Brown, Julie	Cataldo, Sam	DeLemus, Susan	Domingo, Baldwin
Groen, Warren	Hofemann, Roland	Jones, Kyle	Jones, Laura
Munck, Philip	Newton, Clifford	Panek, William	Parsons, Robbie
Pitre, Joseph	Vita, Carol	Vita, Lucien	Weeden, Michael

SULLIVAN

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

and the motion failed.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Jennifer Coffey moved that the House reconsider its action whereby, on a roll call vote of 264-97 on March 15, 2011, it adopted the majority committee report of Ought to Pass with Amendment on ***HB 524-FN,*** excluding persons convicted of violent crimes from mandatory early release on probation or parole.
Rep. Shurtleff spoke in favor.
Motion adopted.

RECONSIDERATION OF HB 524-FN

The question being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Jennifer Coffey offered floor amendment (0931h).

Floor Amendment (0931h)

Amend the title of the bill by replacing it with the following:
AN ACT relative to the release of prisoners on probation or parole.
Amend the bill by replacing section 1 with the following:

1 Parole of Prisoners; Terms of Release. Amend RSA 651-A:6, I(c) to read as follows:

(c)***(1)*** [~~All prisoners who have not been previously paroled~~] ***A prisoner convicted of a nonviolent offense who has not been previously paroled***, or who [~~were~~] ***was*** recommitted to prison more than one year prior to the expiration of the maximum term of his or her sentence, shall be released on parole at least 9 months prior to the expiration of the maximum term of his or her sentence. This provision shall not apply to any prisoner who is the subject of a pending petition for civil commitment pursuant to RSA 135-E. In the event that the prisoner is not civilly committed, he or she shall be released on parole for the remainder of his or her sentence.

(2) A prisoner convicted of a violent crime as defined in RSA 651:5, XIII who has not been previously paroled, or who was recommitted to prison more than one year prior to the expiration of the maximum term of his or her sentence, shall be released on parole at least 9 months prior to the expiration of the maximum term of his or her sentence. This provision shall not apply to any prisoner who is the subject of a pending petition for civil commitment pursuant to RSA 135-E. In the event that the prisoner is not civilly committed, he or she shall be released on parole for the remainder of his or her sentence.

Amend the bill by replacing all after section 4 with the following:

5 Applicability. RSA 651-A:6, I(c)(2) as inserted by section 1 of this act shall take effect one year after the effective date of this act, or on the date when the commissioner of the department of corrections furnishes written certification to the secretary of state and the director of legislative services that all counties in the state have notified the commissioner that sufficient services are available to manage those prisoners released on parole, whichever is later.

6 Effective Date.

I. RSA 651-A:6, I(c)(2) as inserted by section 1 of this act shall take effect as provided in section 5 of this act.

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

AMENDED ANALYSIS

This bill:

I. Authorizes the parole board to recommit a person who reoffends while on mandatory early supervised release for a minimum of 90 days or up to the remainder of the person's maximum sentence.

II. Delays the parole of prisoners convicted of a violent crime for one year or upon certification by all counties in the state that sufficient services have been implemented to manage such prisoners while on parole, whichever is later.

Rep. Jennifer Coffey spoke in favor.

Floor amendment (0931h) adopted.

Majority committee report of Ought to Pass with Amendment adopted.

Ordered to third reading.

MOTION TO SPECIAL ORDER

Rep. Bettencourt moved that ***CACR 6,*** relating to taxation. Providing that a 2/3 vote is required to pass legislation imposing new or increased taxes or license fees provided that the legislature may increase the rate of taxes and fees with a majority vote in any fiscal year that insufficient revenues are provided to pay the principal and interest on a debt payable in that year, to which the state has pledged its faith and credit, be made a Special Order as the next order of business.

Rep. Bettencourt spoke in favor.

On a division vote, 244 members having voted in the affirmative and 93 in the negative, the motion was adopted.

SPECIAL ORDER

CACR 6, relating to taxation. Providing that a 2/3 vote is required to pass legislation imposing new or increased taxes or license fees provided that the legislature may increase the rate of taxes and fees with a majority vote in any fiscal year that insufficient revenues are provided to pay the principal and interest on a debt payable in that year, to which the state has pledged its faith and credit. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jordan G. Ulery for the Majority of Ways and Means: This bill simply requires that the members of the general court actually vote on tax bills with a 60% majority. Recent history in this storied legislature proves that a constraint on both the majority and the minority by our constitution. When a tax increase is required the public, our employers, can be assured that the increase is accepted by a large number of their elected officials. A minority of the committee objected that such a requirement would slow the growth of the state and make passing a balanced budget difficult. Yes, it will make it more difficult and more open, more visible and more responsive to the people. An escape clause is built into the law to prevent the stagnation associated with bond payments in other states by allowing a majority vote and bond payments. Vote 13-6.

Rep. Susan W. Almy for the Minority of Ways and Means: This amendment attempts to solve one long-standing grievance (the insertion of tax and fee changes into the omnibus budget bills) by creating another (putting the budget process into permanent crisis with a supermajority requirement). The former could be solved with a CACR that requires that tax bills be separate from budget bills. The latter allows a 40.1% minority to overrule a 59.9% majority on every new tax and fee increase in the state. Every town that has tried to pass a school bond knows how hard that is. Every time a legislature cuts rates because we are in good times and revenue is pouring in, when bad times return, the minority can prevent the provision of the essential services of the state. Many past budget battles attest to the difficulty of getting 50.1%, let alone 60%. We have one of the lowest tax burdens in the country, but we depend on revenue that overall grows more slowly than the cost of services. This requirement will guarantee that New Hampshire citizens, businesses and visitors get less service every year until the government collapses. In addition, unless both houses succeed in passing whatever tax changes they need for the budget before the budget is

finished, the budget process is likely to drag into the middle of the biennium every term. This creates major problems for bonding, payment of contractors and employee retention. As a fillip, every regulated profession in the state will have to overcome a supermajority vote to adjust their fees to cope with inflation and be able to stay in business. This amendment takes us into the realms of Arizona, California, Colorado and Wisconsin. The bipartisan minority recommends its defeat.

Majority Amendment (0699h)

Amend the title of the resolution by replacing it with the following:
RELATING TO: taxation.
PROVIDING THAT: a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees provided that the legislature may increase the rate of taxes and fees with a majority vote in any fiscal year that insufficient revenues are provided to pay the principal and interest on a debt payable in that year, to which the state has pledged its faith and credit.
Amend the resolution by replacing paragraph I with the following:

I. That the second part of the constitution be amended by inserting after article 5-b the following new article:

[Art.] 5-c. [Increase in Rate of Taxation.] A 3/5 vote of the house of representatives and the senate shall be required to pass a new tax or license fee or to increase a tax or license fee that has been levied by the state provided, however, that if, prior to the beginning of each fiscal year of the state, insufficient revenues are provided to pay principal and interest on a debt to which the state has pledged its faith and credit, which is due and payable in such year, the legislature may, by majority vote, increase the rate of taxes and license fees to make up for such insufficient revenues.

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be:
"Are you in favor of amending the second part of the constitution by inserting after article 5-b a new article to read as follows:

[Art.] 5-c. [Increase in Rate of Taxation.] A 3/5 vote of the house of representatives and the senate shall be required to pass a new tax or license fee or to increase a tax or license fee that has been levied by the state provided, however, that if, prior to the beginning of each fiscal year of the state, insufficient revenues are provided to pay principal and interest on a debt to which the state has pledged its faith and credit, which is due and payable in such year, the legislature may, by majority vote, increase the rate of taxes and license fees to make up for such insufficient revenues."

AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that a 3/5 vote of the house of representatives and the senate shall be required to pass a new tax or license fee or to increase any tax or license fee that has been levied provided that the legislature may increase the rate of taxes and fees with a majority vote in any fiscal year that insufficient revenues are provided to pay the principal and interest on a debt payable in that year, to which the state has pledged its faith and credit.
Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Almy spoke against and yielded to questions.
Rep. Horrigan spoke against.
Rep. Vaillancourt spoke in favor.
Rep. Ulery spoke in favor and yielded to questions.
Rep. DeStefano requested a roll call; sufficiently seconded.

YEAS 234 NAYS 118

YEAS 234

BELKNAP

Accornero, Harry	Fields, Dennis	Flanders, Donald	Greemore, Robert
Luther, Robert	Malone, Robert	Pilliod, James	Russell, David
Simpson, Tyler	St. Cyr, Jeffrey	Swinford, Elaine	Tilton, Franklin
Worsman, Colette			

CARROLL

Ahlgren, Christopher	Babson, David Jr	Knox, J. David	McCarthy, Frank
McConkey, Mark	Merrow, Harry	Patten, Betsey	Pettengill, Laurie
Scala, Dino	Schmidt, Stephen	Tregenza, Norman	Umberger, Karen

CHESHIRE

Byrnes, John	Cartwright, Anne	Dwinell, Richard	Emerson, Susan
Hunt, John	Johnson, Jane	Moore, Charles	Moore, Robert Jr
Smith, Edwin	Sterling, Franklin Jr		

COOS

Daugherty, Duffy	Rappaport, Laurence	Richardson, Herbert	Tholl, John Jr
Tremblay, Marc			

GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Eaton, Stephanie
Gionet, Edmond	Ingbretson, Paul	Mirski, Paul	Reilly, Harold Sr
Simard, Paul	Sorg, Gregory	Sova, Charles	

HILLSBOROUGH

Avard, Kevin	Barry, J. Gail	Barry, Richard	Belanger, James
Belvin, William	Boehm, Ralph	Brown, Kevin	Brownrigg, Randall Jr
Burt, John	Buxton, Michael	Cebrowski, John	Champagne, Norma
Christensen, D.L. Chris	Coffey, James	Condra, William	Coughlin, Sean
Cusson-Cail, Kathleen	Daniels, Gary	DeJong, Cameron	Doherty, Shaun
Donovan, Daniel	Flanagan, Jack	Fredette, Robert	Gagne, Larry
Gonzalez, Carlos	Greazzo, Phil	Haefner, Robert	Hansen, Peter
Hardwick, Harry	Hawkins, Kenneth	Hikel, John	Hinch, Richard
Hogan, Edith	Hogan, Timothy	Holden, Frank	Hopper, Gary
Hutchinson, Winfred	Infantine, William	Krasucki, Joseph	Kurk, Neal
Lambert, George	LeBrun, Donald	Maltz, Jonathan	Marcus, Bruce
McCarthy, Michael	McClarren, Donald	McGuinness, Sean	Mecheski, Holly
Messier, Irene	Murphy, Keith	Notter, Jeanine	Ohm, Bill
Palmer, Stephen	Parison, James	Pellegrino, Tony	Peterson, Lenette
Pratt, Calvin	Reed, Michael	Renzullo, Andrew	Rowe, Robert
Scontsas, Lisa	Seidel, Carl	Silva, Peter	Simmons, Tammy
Soucy, Connie	Souza, Kathleen	Stepanek, Stephen	Stroud, Kathleen
Swank, Matthew	Terrio, Ross	Thomas, Joseph	Twombly, Timothy
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe	Warden, Mark

MERRIMACK

Blankenbeker, Lynne	Coffey, Jennifer	Cohn, Seth	Giuda, J. Brandon
Hoell, J.R.	Keane, Thomas	Kotowski, Frank	Kreis, Kenneth Sr
Lauer-Rago, Kathleen	McDonnell, John	McGuire, Carol	McGuire, Dan
Palfrey, David	Reed, Dennis	Richardson, Jon	Sanborn, Laurie
Seaworth, G. Brian	Smith, Molly	Smith, Todd	Soltani, Tony
Winter, Steven			

ROCKINGHAM

Abrami, Patrick	Antosz, Jason	Azarian, Gary	Baldasaro, Alfred
Bates, David	Bettencourt, David	Birdsell, Regina	Brown, Paul
Charron, Gene	Chirichiello, Brian	Comerford, Timothy	Copeland, Timothy
Davenport, Joshua	DeSimone, Debra	Dowling, Patricia	Duarte, Joe
Fesh, Robert	Garcia, Marilinda	Griffin, Mary	Hagan, Joseph
Hoelzel, Kathleen	Hutchinson, Karen	Introne, Robert	Itse, Daniel
Kappler, Lawrence	Katsakiores, Phyllis	Kolodziej, Walter	MacMahon, Bruce
Major, Norman	Manuse, Andrew	Mauro, Donna	McKinney, Betsy
McMahon, Charles	Murphy, Brian	O'Connor, John	Okerman, Richard
Peckham, Michele	Perkins, Amy	Quandt, Marshall	Quandt, Matt
Reagan, John	Reichard, Kevin	Rice, Frederick	Ritter, Glenn
Sanders, Elisabeth	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

Cataldo, Sam	DeLemus, Susan	Domingo, Baldwin	Groen, Warren
Jones, Kyle	Jones, Laura	Munck, Philip	Newton, Clifford
Panek, William	Parsons, Robbie	Pitre, Joseph	Vita, Carol
Vita, Lucien	Weeden, Michael		

SULLIVAN

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

NAYS 118

BELKNAP

Bolster, Peter	Millham, Alida

CARROLL

Chandler, Gene	Fleck, Joseph

CHESHIRE

Butynski, William	Carr, Daniel	Hawkes, Samuel	Johnsen, Gladys
Lerandeau, Alfred	Lindsey, Steven	Meader, David	Parkhurst, Henry
Roberts, Kris	Sad, Tara	Tatro, Bruce	Weber, Lucy

COOS

Coulombe, Gary	Hatch, William	Merrick, Evalyn	Remick, William

Theberge, Robert	Thomas, Yvonne		

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Gould, Franklin	Harding, Laurie	Ladd, Rick Jr	Pastor, Beatriz
Pierce, David	Smith, Suzanne	Taylor, Kathleen	Townsend, Charles
White, Andrew			

HILLSBOROUGH

Balboni, Michael	Baroody, Benjamin	Brunelle, Michael	Campbell, David
Christiansen, Lars	Cote, David	Gandia, Laura	Gargasz, Carolyn
Garrity, Patrick	Gidge, Kenneth	Goley, Jeffrey	Gorman, Mary
Jasper, Shawn	Jeudy, Jean	Levasseur, Nickolas	Long, Patrick
Moran, Edward	Pilotte, Maurice	Porter, Marjorie	Proulx, Mark
Ramsey, Peter	Rhodes, Brian	Robbins, David	Rokas, Ted
Rosenwald, Cindy	Shaw, Barbara	Whitehead, Randall	Willette, Robert

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	Gile, Mary	Hamm, Christine	Hess, David
Lockwood, Priscilla	MacKay, James	Owen, Derek	Patten, Dick
Potter, Frances	Rice, Chip	Richardson, Gary	Shurtleff, Stephen
Wallner, Mary Jane	Watrous, Rick	Williams, Robert	

ROCKINGHAM

Allen, Mary	Cali-Pitts, Jacqueline	Case, Frank	DiPentima, Rich
Ferrante, Beverly	Gould, Kenneth	Headd, James	Lovejoy, Patricia
Moody, Marcia	Nevins, Chris	Norelli, Terie	Packard, Sherman
Pantelakos, Laura	Perkins, Lawrence	Powers, James	Read, Robin Jr
Schlachman, Donna			

STRAFFORD

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

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Schmidt, Andrew

and the majority committee report failed lacking the constitutionally required three-fifths vote.

Rep. Norelli moved Inexpedient to Legislate.

LAID ON THE TABLE

Rep. Bettencourt moved that ***CACR 9,*** relating to taxation. Providing that a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees provided that the legislature may increase the rate of taxes and fees with a majority vote in any fiscal year that insufficient revenues are provided to pay the principal and interest on a debt payable in that year, to which the state has pledged its faith and credit, be laid on the table.

On a division vote, 341 members having voted in the affirmative and 14 in the negative, the motion was adopted.

REGULAR CALENDAR (CONT'D)

HB 133, relative to the minimum wage. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Tammy A. Simmons for the Majority of Labor, Industrial and Rehabilitative Services: RSA 279:21 states that "no employee shall be paid at an hourly rate lower than that set forth in the federal minimum wage law." This bill strikes out-of date and redundant language reiterating the federal minimum wage rates in NH law. HB 133 would additionally alleviate the need for the legislature to spend time amending RSA 279:21 each and every time the federal rate changes. Unnecessary RSA's that have absolutely no impact on residents of the state should be amended or repealed giving citizens a comprehensible and relevant code of law. Vote 8-7.

Rep. Jeffrey P. Goley for the Minority of Labor, Industrial and Rehabilitative Services: The minority of the committee believes New Hampshire should not give up its ability to set the state minimum wage rate above the federal rate. The current New Hampshire minimum wage is the same rate as the federal wage at $7.25 and will not go up unless the federal rate goes up or the legislature passes an increase. New Hampshire's cost of living is higher than most southern states and therefore we should keep current legislation in place so that if New Hampshire wants to raise the rate above the federal rate, as we have in the past, the law is in place for the state to set that rate higher.

The question being adoption of the majority committee report of Ought to Pass.
Reps. Keans and Goley spoke against.
Rep. Simmons spoke in favor.
Rep. Brunelle requested a roll call; sufficiently seconded.

YEAS 239 NAYS 106

YEAS 239

BELKNAP

Accornero, Harry	Bolster, Peter	Fields, Dennis	Flanders, Donald
Greemore, Robert	Luther, Robert	Malone, Robert	Millham, Alida
Pilliod, James	Russell, David	Simpson, Tyler	St. Cyr, Jeffrey
Swinford, Elaine	Tilton, Franklin	Worsman, Colette	

CARROLL

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

CHESHIRE

Byrnes, John	Dwinell, Richard	Emerson, Susan	Hunt, John
Johnson, Jane	Moore, Charles	Moore, Robert Jr	Smith, Edwin
Sterling, Franklin Jr			

COOS

Daugherty, Duffy	Rappaport, Laurence	Richardson, Herbert	Tholl, John Jr
Tremblay, Marc			

GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Eaton, Stephanie
Gionet, Edmond	Ingbretson, Paul	Ladd, Rick Jr	Mirski, Paul
Reilly, Harold Sr	Simard, Paul	Sorg, Gregory	Sova, Charles

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Barry, J. Gail	Barry, Richard
Belanger, James	Belvin, William	Boehm, Ralph	Brown, Kevin
Brownrigg, Randall Jr	Burt, John	Buxton, Michael	Cebrowski, John
Champagne, Norma	Christensen, D.L. Chris	Christiansen, Lars	Coffey, James
Condra, William	Coughlin, Sean	Cusson-Cail, Kathleen	Daniels, Gary
DeJong, Cameron	Doherty, Shaun	Donovan, Daniel	Flanagan, Jack
Gagne, Larry	Gandia, Laura	Gargasz, Carolyn	Graham, John
Greazzo, Phil	Haefner, Robert	Hansen, Peter	Hardwick, Harry
Hawkins, Kenneth	Hikel, John	Hinch, Richard	Hogan, Edith
Hogan, Timothy	Holden, Frank	Hopper, Gary	Hutchinson, Winfred
Jasper, Shawn	Krasucki, Joseph	Kurk, Neal	Lambert, George
LeBrun, Donald	Maltz, Jonathan	Marcus, Bruce	McCarthy, Michael
McClarren, Donald	McGuinness, Sean	Mecheski, Holly	Messier, Irene
Moran, Edward	Murphy, Keith	Notter, Jeanine	Ohm, Bill
Palmer, Stephen	Parison, James	Pellegrino, Tony	Peterson, Lenette
Pratt, Calvin	Proulx, Mark	Renzullo, Andrew	Robbins, David
Rowe, Robert	Scontsas, Lisa	Seidel, Carl	Simmons, Tammy
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			

MERRIMACK

Blankenbeker, Lynne	Coffey, Jennifer	Cohn, Seth	Giuda, J. Brandon
Hess, David	Hoell, J.R.	Kotowski, Frank	Kreis, Kenneth Sr
Lauer-Rago, Kathleen	McDonnell, John	McGuire, Carol	McGuire, Dan
Palfrey, David	Richardson, Jon	Sanborn, Laurie	Seaworth, G. Brian
Smith, Molly	Smith, Todd	Soltani, Tony	Winter, Steven

ROCKINGHAM

Abrami, Patrick	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	DeSimone, Debra	Dowling, Patricia
Duarte, Joe	Ferrante, Beverly	Fesh, Robert	Garcia, Marilinda
Garrity, James	Griffin, Mary	Hagan, Joseph	Headd, James
Hoelzel, Kathleen	Itse, Daniel	Kappler, Lawrence	Katsakiores, Phyllis
Kolodziej, Walter	MacMahon, Bruce	Major, Norman	McKinney, Betsy
McMahon, Charles	Nevins, Chris	O'Connor, John	Okerman, Richard
Packard, Sherman	Quandt, Marshall	Reagan, John	Reichard, Kevin
Rice, Frederick	Ritter, Glenn	Sanders, Elisabeth	Sapareto, Frank
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	Welch, David	Weyler, Kenneth
Wheaton, Gary			

STRAFFORD

Cataldo, Sam	DeLemus, Susan	Domingo, Baldwin	Groen, Warren
Jones, Kyle	Jones, Laura	Munck, Philip	Newton, Clifford
Panek, William	Parsons, Robbie	Pitre, Joseph	Vita, Carol
Vita, Lucien			

SULLIVAN

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

NAYS 106

BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William	Carr, Daniel	Hawkes, Samuel	Lindsey, Steven
Parkhurst, Henry	Roberts, Kris	Sad, Tara	Tatro, Bruce
Weber, Lucy			

COOS

Coulombe, Gary	Hatch, William	Merrick, Evalyn	Remick, William
Theberge, Robert	Thomas, Yvonne		

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Gould, Franklin	Harding, Laurie	Nordgren, Sharon	Pastor, Beatriz
Pierce, David	Smith, Suzanne	Taylor, Kathleen	White, Andrew

HILLSBOROUGH

Baroody, Benjamin	Brunelle, Michael	Campbell, David	Cote, David
Fredette, Robert	Garrity, Patrick	Gidge, Kenneth	Goley, Jeffrey
Gonzalez, Carlos	Gorman, Mary	Infantine, William	Jeudy, Jean
Levasseur, Nickolas	Long, Patrick	Pilotte, Maurice	Porter, Marjorie
Ramsey, Peter	Rhodes, Brian	Rokas, Ted	Rosenwald, Cindy
Shaw, Barbara	Silva, Peter	Willette, Robert	

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	Gile, Mary	Hamm, Christine	Lockwood, Priscilla
MacKay, James	Owen, Derek	Patten, Dick	Potter, Frances
Rice, Chip	Richardson, Gary	Shurtleff, Stephen	Wallner, Mary Jane
Watrous, Rick	Williams, Robert		

ROCKINGHAM

Allen, Mary	Cali-Pitts, Jacqueline	DiPentima, Rich	Gould, Kenneth

Lovejoy, Patricia	Mauro, Donna	Moody, Marcia	Murphy, Brian
Norelli, Terie	Pantelakos, Laura	Peckham, Michele	Perkins, Amy
Perkins, Lawrence	Powers, James	Quandt, Matt	Read, Robin Jr
Schlachman, Donna	Webb, James		

STRAFFORD

Berube, Roger	Browne, Brendon	Ginsburg, Philip	Hofemann, Roland
Horrigan, Timothy	Kaen, Naida	Keans, Sandra	Pelletier, Marsha
Roberts, Jenna	Schmidt, Peter	Spainhower, Dale	Spang, Judith
Sprague, Dale	Wall, Janet	Watters, David	Weeden, Michael

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Schmidt, Andrew

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

HB 273, relative to public or private criticism of employers by employees. **INEXPEDIENT TO LEGISLATE.**
Rep. William J. Infantine for Labor, Industrial and Rehabilitative Services: The sponsor of the bill was concerned that negative comments made by employees outside work or on social media sites could be used by employers as grounds for dismissal. The bill would allow criticism no matter how determined to the employer and the employee would not be able to dismiss or fire the employee. There was some opposition to the ITL vote citing freedom of speech. While the majority respects this freedom, it still believes in responsibility for ones actions. Yelling fire in a crowded movie house or maligning ones employer to the general public without consequence go far beyond ones right to free speech. Vote 11-4.
On a division vote, 256 members having voted in the affirmative and 82 in the negative, the committee report was adopted.

HB 275, establishing an employers' private right of action to enforce the payment of workers' compensation coverage. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**
Rep. William J. Infantine for the Majority of Labor, Industrial and Rehabilitative Services: The concept of a private right of action is to allow private citizens or companies to bring suit against a competing company for violations of laws enforced by the New Hampshire department of labor. The premise of the bill is that if a company loses a bid to a competitor, the competitor must have cheated and therefore is ripe for a private right of action. This bill would open the door to additional legislation to allow private companies to bring suits against any competitor and use up the obligation of the various state departments to enforce the laws made by the legislature. This bill has come before the legislature three times in the past eight years. It has been defeated by a significant majority of the House when controlled by both Democrat and Republican majorities. Vote 11-4.
Rep. Charles F. Weed for the Minority of Labor, Industrial and Rehabilitative Services: The minority believes that the private right of action can be a useful tool in clarifying the ambiguity between employees and subcontractors. We also believe that private employers are responsible enough to be very cautious in charging other employers with a probable violation of the law. The private right of action could be a useful addition to New Hampshire's law enforcement capacities.

The question being adoption of the majority committee report of Inexpedient to Legislate.
Rep. Long spoke against.
Rep. Infantine spoke in favor.
On a division vote, 267 members having voted in the affirmative and 62 in the negative, the

majority committee report was adopted.

(Rep. Bettencourt in the Chair)

PERSONAL PRIVILEGE

Rep. Infantine addressed the House.

REGULAR CALENDAR (CONT'D)

HB 362, relative to binding arbitration in public labor relations disputes. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. G. Brian Seaworth for the Majority of Labor, Industrial and Rehabilitative Services: This bill attempts to offer a solution to prolonged impasse in public negotiations. A bipartisan majority of the committee found that the language of this bill, as written, would not accomplish its intended purpose. Vote 12-3.

Rep. Charles F. Weed for the Minority of Labor, Industrial and Rehabilitative Services: The minority believes that the impasse procedure in RSA 273a, public employee collective bargaining, is broken, and that adding last best offer arbitration can fix that process. There is no end process to the dispute if either party in negotiating rejects the process and report required in mediation and fact finding. Although the committee did not receive fresh data, information was provided that there are over 50 contracts still at impasse, some for over six years. Last best offer arbitration provides an end process at the bargaining table and still leaves it up to the legislative body to accept or reject the financial aspects decided by the arbitrator.

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

YEAS 258 NAYS 83

YEAS 258

BELKNAP

Accornero, Harry	Bolster, Peter	Fields, Dennis	Flanders, Donald
Greemore, Robert	Luther, Robert	Malone, Robert	Millham, Alida
Pilliod, James	Russell, David	Simpson, Tyler	St. Cyr, Jeffrey
Swinford, Elaine	Tilton, Franklin	Worsman, Colette	

CARROLL

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

CHESHIRE

Byrnes, John	Cartwright, Anne	Dwinell, Richard	Emerson, Susan
Hunt, John	Moore, Charles	Moore, Robert Jr	Sad, Tara
Smith, Edwin	Sterling, Franklin Jr		

COOS

Daugherty, Duffy	Rappaport, Laurence	Remick, William	Richardson, Herbert
Tholl, John Jr	Tremblay, Marc		

GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Eaton, Stephanie
Gionet, Edmond	Ingbretson, Paul	Ladd, Rick Jr	Mirski, Paul
Reilly, Harold Sr	Simard, Paul	Sova, Charles	Taylor, Kathleen

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Barry, J. Gail	Barry, Richard
Belanger, James	Belvin, William	Boehm, Ralph	Brown, Kevin
Brownrigg, Randall Jr	Burt, John	Buxton, Michael	Cebrowski, John
Champagne, Norma	Christensen, D.L. Chris	Christiansen, Lars	Coffey, James
Condra, William	Coughlin, Sean	Cusson-Cail, Kathleen	Daniels, Gary
DeJong, Cameron	Doherty, Shaun	Donovan, Daniel	Flanagan, Jack
Fredette, Robert	Gagne, Larry	Gandia, Laura	Gargasz, Carolyn
Gonzalez, Carlos	Graham, John	Greazzo, Phil	Haefner, Robert
Hardwick, Harry	Hawkins, Kenneth	Hikel, John	Hinch, Richard
Hogan, Edith	Hogan, Timothy	Holden, Frank	Hopper, Gary
Hutchinson, Winfred	Infantine, William	Jasper, Shawn	Krasucki, Joseph
Kurk, Neal	Lambert, George	LeBrun, Donald	Maltz, Jonathan
Marcus, Bruce	McCarthy, Michael	McClarren, Donald	McGuinness, Sean
Mecheski, Holly	Messier, Irene	Moran, Edward	Murphy, Keith
Notter, Jeanine	Ohm, Bill	Palmer, Stephen	Parison, James
Pellegrino, Tony	Peterson, Lenette	Pratt, Calvin	Proulx, Mark
Reed, Michael	Renzullo, Andrew	Robbins, David	Rowe, Robert
Scontsas, Lisa	Seidel, Carl	Silva, Peter	Simmons, Tammy
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	Bouchard, Candace	Coffey, Jennifer	Cohn, Seth
Giuda, J. Brandon	Hess, David	Hoell, J.R.	Keane, Thomas
Kotowski, Frank	Kreis, Kenneth Sr	Lauer-Rago, Kathleen	Lockwood, Priscilla
McDonnell, John	McGuire, Carol	McGuire, Dan	Palfrey, David
Reed, Dennis	Richardson, Jon	Sanborn, Laurie	Seaworth, G. Brian
Smith, Molly	Smith, Todd	Soltani, Tony	Winter, Steven

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Antosz, Jason	Azarian, Gary
Baldasaro, Alfred	Bates, David	Birdsell, Regina	Brown, Paul
Case, Frank	Charron, Gene	Chirichiello, Brian	Comerford, Timothy
Copeland, Timothy	Davenport, Joshua	DeSimone, Debra	Duarte, Joe
Ferrante, Beverly	Fesh, Robert	Garcia, Marilinda	Garrity, James
Gould, Kenneth	Griffin, Mary	Hagan, Joseph	Headd, James
Hoelzel, Kathleen	Itse, Daniel	Kappler, Lawrence	Katsakiores, Phyllis
Kolodziej, Walter	MacMahon, Bruce	Major, Norman	Manuse, Andrew
Mauro, Donna	McKinney, Betsy	McMahon, Charles	Murphy, Brian
Nevins, Chris	O'Connor, John	Okerman, Richard	Packard, Sherman
Peckham, Michele	Quandt, Matt	Reagan, John	Reichard, Kevin
Rice, Frederick	Ritter, Glenn	Sanders, Elisabeth	Sapareto, Frank
Schlachman, Donna	Sedensky, John	Sheffert, Kenneth	Shuler, Wyman III
Smith, William	Sullivan, James	Sullivan, Kevin	Sytek, John
Tamburello, Daniel	Tremblay, Stella	Tucker, Pamela	Waddell, James

Ward, Joanne	Webb, James	Welch, David	Weyler, Kenneth
Wheaton, Gary			

STRAFFORD

Cataldo, Sam	DeLemus, Susan	Domingo, Baldwin	Groen, Warren
Jones, Kyle	Jones, Laura	Keans, Sandra	Munck, Philip
Newton, Clifford	Panek, William	Parsons, Robbie	Pitre, Joseph
Sprague, Dale	Vita, Carol	Vita, Lucien	Wall, Janet
Weeden, Michael			

SULLIVAN

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

NAYS 83

BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William	Carr, Daniel	Hawkes, Samuel	Johnsen, Gladys
Lindsey, Steven	Parkhurst, Henry	Roberts, Kris	Tatro, Bruce
Weber, Lucy			

COOS

Coulombe, Gary	Hatch, William	Merrick, Evalyn	Theberge, Robert
Thomas, Yvonne			

GRAFTON

Aguiar, James	Benn, Bernard	Cooney, Mary	Gould, Franklin
Harding, Laurie	Nordgren, Sharon	Pastor, Beatriz	Pierce, David
Smith, Suzanne	White, Andrew		

HILLSBOROUGH

Baroody, Benjamin	Brunelle, Michael	Campbell, David	Cote, David
Garrity, Patrick	Gidge, Kenneth	Goley, Jeffrey	Gorman, Mary
Jeudy, Jean	Levasseur, Nickolas	Long, Patrick	Pilotte, Maurice
Porter, Marjorie	Ramsey, Peter	Rhodes, Brian	Rokas, Ted
Rosenwald, Cindy	Shaw, Barbara		

MERRIMACK

Deloge, Helen	DeStefano, Stephen	Foose, Robert	Frazer, June
Gile, Mary	Hamm, Christine	MacKay, James	Owen, Derek
Patten, Dick	Potter, Frances	Richardson, Gary	Shurtleff, Stephen
Wallner, Mary Jane	Watrous, Rick	Williams, Robert	

ROCKINGHAM

Cali-Pitts, Jacqueline	DiPentima, Rich	Lovejoy, Patricia	Moody, Marcia
Norelli, Terie	Pantelakos, Laura	Perkins, Amy	Perkins, Lawrence
Powers, James	Quandt, Marshall	Read, Robin Jr	

STRAFFORD

Berube, Roger	Browne, Brendon	Ginsburg, Philip	Hofemann, Roland
Horrigan, Timothy	Kaen, Naida	Pelletier, Marsha	Roberts, Jenna
Spainhower, Dale	Spang, Judith	Watters, David	

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Schmidt, Andrew

and the majority committee report was adopted.

HB 560, increasing the minimum wage. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Steven D. Smith for the Majority of Labor, Industrial and Rehabilitative Services: While we sympathize with the plight of low income workers, we feel that even a low wage job is better than no job, particularly when other benefits like health insurance are considered. We feel that it would be irresponsible in today's fragile economy to put more of a burden on New Hampshire businesses and endanger New Hampshire jobs. Vote 11-4.

Rep. Andrew A. White for the Minority of Labor, Industrial and Rehabilitative Services: Increasing the minimum wage by $0.75/hour would put an additional $30.00 per week into the pockets of New Hampshire's 4,000 lowest paid workers. The minority knows that this increase in wages is as good or better than any tax cut for these low paid workers. More money in their pocket equals more money to spend at restaurants, more money to spend on newer vehicles, or perhaps for some the money to spend on a home. Part of this money comes back to local businesses, cities and towns and to the state in the form of rooms and meals taxes, registration fees, and perhaps even property taxes.

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

Reps. Brunelle and Long spoke against.

Rep. Daniels spoke in favor.

Rep. Merrick requested a roll call; sufficiently seconded.

YEAS 238 NAYS 89

YEAS 238

BELKNAP

Accornero, Harry	Bolster, Peter	Fields, Dennis	Greemore, Robert
Luther, Robert	Malone, Robert	Millham, Alida	Russell, David
Simpson, Tyler	St. Cyr, Jeffrey	Tilton, Franklin	Worsman, Colette

CARROLL

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

CHESHIRE

Byrnes, John	Cartwright, Anne	Dwinell, Richard	Emerson, Susan
Hunt, John	Johnson, Jane	Moore, Charles	Moore, Robert Jr
Smith, Edwin	Sterling, Franklin Jr		

COOS

Daugherty, Duffy	Rappaport, Laurence	Richardson, Herbert	Tholl, John Jr
Tremblay, Marc			

GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Eaton, Stephanie
Gionet, Edmond	Ingbretson, Paul	Ladd, Rick Jr	Mirski, Paul
Reilly, Harold Sr	Simard, Paul	Sorg, Gregory	Sova, Charles

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Barry, J. Gail	Barry, Richard
Belanger, James	Belvin, William	Boehm, Ralph	Brown, Kevin
Brownrigg, Randall Jr	Burt, John	Campbell, David	Cebrowski, John
Champagne, Norma	Christensen, D.L. Chris	Christiansen, Lars	Coffey, James
Condra, William	Coughlin, Sean	Cusson-Cail, Kathleen	Daniels, Gary
DeJong, Cameron	Doherty, Shaun	Donovan, Daniel	Flanagan, Jack
Fredette, Robert	Gagne, Larry	Gandia, Laura	Gargasz, Carolyn
Graham, John	Greazzo, Phil	Haefner, Robert	Hardwick, Harry
Hawkins, Kenneth	Hikel, John	Hinch, Richard	Hogan, Edith
Hogan, Timothy	Holden, Frank	Hopper, Gary	Hutchinson, Winfred
Infantine, William	Jasper, Shawn	Krasucki, Joseph	Kurk, Neal
Lambert, George	LeBrun, Donald	Maltz, Jonathan	Marcus, Bruce
McCarthy, Michael	McClarren, Donald	McGuinness, Sean	Mecheski, Holly
Moran, Edward	Murphy, Keith	Notter, Jeanine	Ohm, Bill
Palmer, Stephen	Parison, James	Pellegrino, Tony	Peterson, Lenette
Pratt, Calvin	Reed, Michael	Renzullo, Andrew	Robbins, David
Scontsas, Lisa	Seidel, Carl	Silva, Peter	Simmons, Tammy
Soucy, Connie	Souza, Kathleen	Stepanek, Stephen	Stroud, Kathleen
Terrio, Ross	Twombly, Timothy	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Moe	Warden, Mark	Whitehead, Randall	

MERRIMACK

Blankenbeker, Lynne	Bouchard, Candace	Cohn, Seth	Giuda, J. Brandon
Hoell, J.R.	Keane, Thomas	Kotowski, Frank	Kreis, Kenneth Sr
Lauer-Rago, Kathleen	Lockwood, Priscilla	McDonnell, John	McGuire, Carol
McGuire, Dan	Palfrey, David	Reed, Dennis	Richardson, Jon
Sanborn, Laurie	Seaworth, G. Brian	Smith, Molly	Smith, Todd
Soltani, Tony	Winter, Steven		

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Antosz, Jason	Azarian, Gary
Bates, David	Birdsell, Regina	Brown, Paul	Case, Frank
Charron, Gene	Chirichiello, Brian	Comerford, Timothy	Copeland, Timothy
DeSimone, Debra	Duarte, Joe	Ferrante, Beverly	Fesh, Robert
Garcia, Marilinda	Garrity, James	Gould, Kenneth	Griffin, Mary
Hagan, Joseph	Headd, James	Hoelzel, Kathleen	Itse, Daniel
Kappler, Lawrence	Katsakiores, Phyllis	Kolodziej, Walter	MacMahon, Bruce
Major, Norman	Manuse, Andrew	Mauro, Donna	McKinney, Betsy

McMahon, Charles	Murphy, Brian	Nevins, Chris	O'Connor, John
Okerman, Richard	Packard, Sherman	Peckham, Michele	Quandt, Marshall
Quandt, Matt	Reagan, John	Reichard, Kevin	Rice, Frederick
Ritter, Glenn	Sanders, Elisabeth	Sapareto, Frank	Sedensky, John
Shuler, Wyman III	Smith, William	Sullivan, James	Sullivan, Kevin
Sytek, John	Tamburello, Daniel	Tasker, Kyle	Tremblay, Stella
Tucker, Pamela	Waddell, James	Ward, Joanne	Welch, David
Weyler, Kenneth	Wheaton, Gary		

STRAFFORD

Cataldo, Sam	DeLemus, Susan	Domingo, Baldwin	Groen, Warren
Jones, Kyle	Jones, Laura	Munck, Philip	Newton, Clifford
Panek, William	Parsons, Robbie	Pitre, Joseph	Sprague, Dale
Vita, Carol			

SULLIVAN

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

NAYS 89

BELKNAP

Pilliod, James

CARROLL

None

CHESHIRE

Butynski, William	Carr, Daniel	Hawkes, Samuel	Johnsen, Gladys
Lindsey, Steven	Parkhurst, Henry	Roberts, Kris	Sad, Tara
Tatro, Bruce	Weber, Lucy		

COOS

Coulombe, Gary	Merrick, Evalyn	Remick, William	Theberge, Robert
Thomas, Yvonne			

GRAFTON

Aguiar, James	Benn, Bernard	Cooney, Mary	Gould, Franklin
Harding, Laurie	Nordgren, Sharon	Pastor, Beatriz	Pierce, David
Smith, Suzanne	Taylor, Kathleen	White, Andrew	

HILLSBOROUGH

Baroody, Benjamin	Brunelle, Michael	Buxton, Michael	Cote, David
Garrity, Patrick	Gidge, Kenneth	Goley, Jeffrey	Gonzalez, Carlos
Gorman, Mary	Jeudy, Jean	Long, Patrick	Messier, Irene
Pilotte, Maurice	Porter, Marjorie	Proulx, Mark	Ramsey, Peter
Rhodes, Brian	Rokas, Ted	Shaw, Barbara	

MERRIMACK

Deloge, Helen	Foose, Robert	Frazer, June	Gile, Mary
Hamm, Christine	MacKay, James	Owen, Derek	Patten, Dick
Potter, Frances	Rice, Chip	Richardson, Gary	Shurtleff, Stephen
Wallner, Mary Jane	Watrous, Rick	Williams, Robert	

ROCKINGHAM

Cali-Pitts, Jacqueline	DiPentima, Rich	Lovejoy, Patricia	Moody, Marcia
Norelli, Terie	Pantelakos, Laura	Powers, James	Read, Robin Jr
Schlachman, Donna	Webb, James		

STRAFFORD

Berube, Roger	Browne, Brendon	Ginsburg, Philip	Hofemann, Roland
Horrigan, Timothy	Keans, Sandra	Pelletier, Marsha	Roberts, Jenna
Schmidt, Peter	Spainhower, Dale	Spang, Judith	Wall, Janet
Watters, David	Weeden, Michael		

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Schmidt, Andrew

and the majority committee report was adopted.

HB 589, repealing written majority authorization for an employee organization to be certified as the exclusive representative of public employees in a bargaining unit.
MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.
Rep. Kevin P. Sullivan for the Majority of Labor, Industrial and Rehabilitative Services: This bill repeals card check. The majority of the committee feels strongly that a person's right to vote should be private and that it will lessen coercion. Vote 11-4.
Rep. Andrew A. White for the Minority of Labor, Industrial and Rehabilitative Services: This bill seeks to remove the least expensive option to certify a bargaining unit. Today, there are two ways to certify a bargaining unit: the written majority and the secret ballot methods. Over the past four years, 2/3 of all bargaining units certified by the public employee labor relations board (PELRB) have been certified by the method this bill seeks to remove. The minority understands that passage of this bill will increase burdens on PELRB staff and public employers as well as increasing agency expenses at a time when we should be focused on creating efficiencies and reducing costs.

The question being adoption of the majority committee report of Ought to Pass.
Rep. White spoke against.
Rep. Infantine spoke in favor and yielded to questions.
Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 255 NAYS 88

YEAS 255

BELKNAP

Accornero, Harry	Bolster, Peter	Fields, Dennis	Flanders, Donald
Greemore, Robert	Luther, Robert	Malone, Robert	Millham, Alida
Pilliod, James	Russell, David	Simpson, Tyler	St. Cyr, Jeffrey
Swinford, Elaine	Tilton, Franklin	Worsman, Colette	

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph

Knox, J. David	McCarthy, Frank	McConkey, Mark	Merrow, Harry
Patten, Betsey	Pettengill, Laurie	Scala, Dino	Schmidt, Stephen
Tregenza, Norman	Umberger, Karen		

CHESHIRE

Byrnes, John	Cartwright, Anne	Dwinell, Richard	Emerson, Susan
Hawkes, Samuel	Hunt, John	Johnson, Jane	Moore, Charles
Moore, Robert Jr	Smith, Edwin	Sterling, Franklin Jr	Tatro, Bruce

COOS

Daugherty, Duffy	Rappaport, Laurence	Remick, William	Richardson, Herbert
Tholl, John Jr	Tremblay, Marc		

GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Eaton, Stephanie
Gionet, Edmond	Ingbretson, Paul	Ladd, Rick Jr	Mirski, Paul
Reilly, Harold Sr	Simard, Paul	Sorg, Gregory	Sova, Charles

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Barry, J. Gail	Barry, Richard
Belanger, James	Belvin, William	Boehm, Ralph	Brown, Kevin
Brownrigg, Randall Jr	Burt, John	Cebrowski, John	Champagne, Norma
Christensen, D.L. Chris	Coffey, James	Condra, William	Coughlin, Sean
Cusson-Cail, Kathleen	Daniels, Gary	DeJong, Cameron	Doherty, Shaun
Donovan, Daniel	Drisko, Richard	Flanagan, Jack	Fredette, Robert
Gagne, Larry	Gandia, Laura	Gargasz, Carolyn	Gonzalez, Carlos
Graham, John	Greazzo, Phil	Haefner, Robert	Hansen, Peter
Hardwick, Harry	Hawkins, Kenneth	Hikel, John	Hinch, Richard
Hogan, Edith	Hogan, Timothy	Holden, Frank	Hopper, Gary
Hutchinson, Winfred	Infantine, William	Jasper, Shawn	Krasucki, Joseph
Kurk, Neal	Lambert, George	LeBrun, Donald	Maltz, Jonathan
Marcus, Bruce	McCarthy, Michael	McClarren, Donald	McGuinness, Sean
Mecheski, Holly	Messier, Irene	Moran, Edward	Murphy, Keith
Notter, Jeanine	Ohm, Bill	Palmer, Stephen	Parison, James
Pellegrino, Tony	Peterson, Lenette	Pratt, Calvin	Reed, Michael
Renzullo, Andrew	Robbins, David	Scontsas, Lisa	Seidel, Carl
Silva, Peter	Simmons, Tammy	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	Giuda, J. Brandon
Hess, David	Hoell, J.R.	Keane, Thomas	Kotowski, Frank
Kreis, Kenneth Sr	Lauer-Rago, Kathleen	Lockwood, Priscilla	McDonnell, John
McGuire, Carol	McGuire, Dan	Palfrey, David	Reed, Dennis
Richardson, Jon	Sanborn, Laurie	Seaworth, G. Brian	Smith, Molly
Smith, Todd	Soltani, Tony	Winter, Steven	

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Antosz, Jason	Azarian, Gary

Baldasaro, Alfred	Bates, David	Birdsell, Regina	Brown, Paul
Case, Frank	Charron, Gene	Chirichiello, Brian	Comerford, Timothy
Copeland, Timothy	Davenport, Joshua	DeSimone, Debra	Dowling, Patricia
Duarte, Joe	Ferrante, Beverly	Fesh, Robert	Garcia, Marilinda
Garrity, James	Gould, Kenneth	Griffin, Mary	Hagan, Joseph
Headd, James	Hoelzel, Kathleen	Itse, Daniel	Kappler, Lawrence
Katsakiores, Phyllis	Kolodziej, Walter	Lovejoy, Patricia	MacMahon, Bruce
Major, Norman	Manuse, Andrew	Mauro, Donna	McKinney, Betsy
McMahon, Charles	Murphy, Brian	Nevins, Chris	O'Connor, John
Okerman, Richard	Packard, Sherman	Peckham, Michele	Reagan, John
Reichard, Kevin	Rice, Frederick	Ritter, Glenn	Sanders, Elisabeth
Sapareto, Frank	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	Webb, James	Welch, David
Weyler, Kenneth	Wheaton, Gary		

STRAFFORD

Cataldo, Sam	DeLemus, Susan	Domingo, Baldwin	Groen, Warren
Jones, Kyle	Jones, Laura	Munck, Philip	Newton, Clifford
Panek, William	Parsons, Robbie	Pitre, Joseph	Vita, Carol
Vita, Lucien	Weeden, Michael		

SULLIVAN

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

NAYS 88

BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William	Carr, Daniel	Johnsen, Gladys	Lindsey, Steven
Parkhurst, Henry	Sad, Tara	Weber, Lucy	

COOS

Coulombe, Gary	Merrick, Evalyn	Theberge, Robert	Thomas, Yvonne

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Gould, Franklin	Harding, Laurie	Nordgren, Sharon	Pastor, Beatriz
Pierce, David	Smith, Suzanne	Taylor, Kathleen	White, Andrew

HILLSBOROUGH

Baroody, Benjamin	Brunelle, Michael	Buxton, Michael	Campbell, David
Cote, David	Garrity, Patrick	Gidge, Kenneth	Goley, Jeffrey

Gorman, Mary	Jeudy, Jean	Levasseur, Nickolas	Pilotte, Maurice
Porter, Marjorie	Proulx, Mark	Ramsey, Peter	Rhodes, Brian
Rokas, Ted	Rosenwald, Cindy	Shaw, Barbara	

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	Gile, Mary	Hamm, Christine	MacKay, James
Owen, Derek	Patten, Dick	Potter, Frances	Rice, Chip
Richardson, Gary	Shurtleff, Stephen	Wallner, Mary Jane	Watrous, Rick
Williams, Robert			

ROCKINGHAM

DiPentima, Rich	Moody, Marcia	Norelli, Terie	Pantelakos, Laura
Perkins, Amy	Perkins, Lawrence	Powers, James	Quandt, Marshall
Quandt, Matt	Read, Robin Jr	Schlachman, Donna	

STRAFFORD

Berube, Roger	Browne, Brendon	Ginsburg, Philip	Hofemann, Roland
Horrigan, Timothy	Keans, Sandra	Pelletier, Marsha	Roberts, Jenna
Schmidt, Peter	Spainhower, Dale	Spang, Judith	Sprague, Dale
Wall, Janet	Watters, David		

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Schmidt, Andrew

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

HB 561-FN, prohibiting the state payment of the cost of wireless communications services for legislators and staff. **INEXPEDIENT TO LEGISLATE.**
Rep. Marilinda J. Garcia for Legislative Administration: This bill would rescind funds for the 35 state-owned wireless telecommunication devices currently in the possession of legislative leadership and legislative staff. While the intent of the bill was to save $18,732 in annual state expenditures and to communicate the full extent of legislative commitment to fiscal discipline to New Hampshire citizens, the bill as written would, in fact, impede the effectiveness and efficiency of the legislative body and staff as a whole thereby being a net loss to the public good. In addition, the distinction between wireless telecommunication "devices" and wireless telecommunication "services" is not clear – the words are used interchangeably in the bill and the LBAO fiscal note analysis. Vote 9-4.
Rep. Patrick Garrity requested a roll call; sufficiently seconded.

YEAS 249 NAYS 93

YEAS 249

BELKNAP

Accornero, Harry	Bolster, Peter	Fields, Dennis	Flanders, Donald
Greemore, Robert	Luther, Robert	Malone, Robert	Millham, Alida
Pilliod, James	Russell, David	Simpson, Tyler	Swinford, Elaine
Tilton, Franklin	Worsman, Colette		

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Knox, J. David

McCarthy, Frank
McConkey, Mark
Merrow, Harry
Patten, Betsey
Pettengill, Laurie
Scala, Dino
Schmidt, Stephen
Tregenza, Norman
Umberger, Karen

CHESHIRE

Byrnes, John
Cartwright, Anne
Dwinell, Richard
Emerson, Susan
Johnsen, Gladys
Johnson, Jane
Moore, Charles
Moore, Robert Jr
Smith, Edwin
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Rappaport, Laurence
Richardson, Herbert
Tholl, John Jr
Thomas, Yvonne
Tremblay, Marc

GRAFTON

Bradley, Lester
Brosseau, Charles
Bulis, Lyle
Eaton, Stephanie
Gionet, Edmond
Ingbretson, Paul
Ladd, Rick Jr
Mirski, Paul
Reilly, Harold Sr
Simard, Paul
Sorg, Gregory
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Balboni, Michael
Barry, J. Gail
Barry, Richard
Belvin, William
Boehm, Ralph
Brown, Kevin
Brownrigg, Randall Jr
Burt, John
Buxton, Michael
Cebrowski, John
Champagne, Norma
Christensen, D.L. Chris
Coffey, James
Condra, William
Coughlin, Sean
Cusson-Cail, Kathleen
Daniels, Gary
Doherty, Shaun
Donovan, Daniel
Drisko, Richard
Flanagan, Jack
Gagne, Larry
Gandia, Laura
Gargasz, Carolyn
Gidge, Kenneth
Gonzalez, Carlos
Gorman, Mary
Graham, John
Greazzo, Phil
Haefner, Robert
Hansen, Peter
Hardwick, Harry
Hawkins, Kenneth
Hikel, John
Hinch, Richard
Hogan, Edith
Hogan, Timothy
Holden, Frank
Hopper, Gary
Hutchinson, Winfred
Infantine, William
Jasper, Shawn
Krasucki, Joseph
Kurk, Neal
Lambert, George
LeBrun, Donald
Maltz, Jonathan
Marcus, Bruce
McCarthy, Michael
McGuinness, Sean
Mecheski, Holly
Messier, Irene
Moran, Edward
Murphy, Keith
Notter, Jeanine
Ohm, Bill
Palmer, Stephen
Parison, James
Pellegrino, Tony
Peterson, Lenette
Pilotte, Maurice
Porter, Marjorie
Pratt, Calvin
Proulx, Mark
Reed, Michael
Renzullo, Andrew
Robbins, David
Rowe, Robert
Scontsas, Lisa
Seidel, Carl
Silva, Peter
Simmons, Tammy
Soucy, Connie
Souza, Kathleen
Stepanek, Stephen
Stroud, Kathleen
Swank, Matthew
Thomas, Joseph
Twombly, Timothy
Ulery, Jordan
Vaillancourt, Steve
Villeneuve, Moe
Warden, Mark
Whitehead, Randall
Willette, Robert

MERRIMACK

Coffey, Jennifer
Cohn, Seth
Frazer, June
Giuda, J. Brandon
Hess, David
Keane, Thomas
Kotowski, Frank
Kreis, Kenneth Sr
Lauer-Rago, Kathleen
Lockwood, Priscilla
McDonnell, John
McGuire, Dan
Owen, Derek
Palfrey, David
Patten, Dick
Reed, Dennis
Rice, Chip
Richardson, Jon
Seaworth, G. Brian
Smith, Molly
Smith, Todd
Soltani, Tony
Winter, Steven

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Antosz, Jason	Azarian, Gary
Baldasaro, Alfred	Bates, David	Birdsell, Regina	Brown, Paul
Case, Frank	Charron, Gene	Comerford, Timothy	Copeland, Timothy
Davenport, Joshua	DeSimone, Debra	Dowling, Patricia	Duarte, Joe
Ferrante, Beverly	Fesh, Robert	Garcia, Marilinda	Garrity, James
Griffin, Mary	Hagan, Joseph	Headd, James	Hoelzel, Kathleen
Itse, Daniel	Kappler, Lawrence	Katsakiores, Phyllis	Kolodziej, Walter
MacMahon, Bruce	Major, Norman	Manuse, Andrew	Mauro, Donna
McKinney, Betsy	McMahon, Charles	Murphy, Brian	Nevins, Chris
O'Connor, John	Okerman, Richard	Packard, Sherman	Peckham, Michele
Perkins, Lawrence	Quandt, Matt	Reagan, John	Reichard, Kevin
Rice, Frederick	Ritter, Glenn	Sanders, Elisabeth	Sapareto, Frank
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	Webb, James	Welch, David	Weyler, Kenneth
Wheaton, Gary			

STRAFFORD

Cataldo, Sam	DeLemus, Susan	Domingo, Baldwin	Groen, Warren
Munck, Philip	Newton, Clifford	Panek, William	Parsons, Robbie
Pitre, Joseph	Roberts, Jenna	Vita, Carol	Vita, Lucien
Weeden, Michael			

SULLIVAN

Bowers, Spec	Cunningham, Steven	Howard, Thomas	LaCasse, Paul Sr
Laware, Thomas	Lovett, Charlene	Rodeschin, Beverly	

NAYS 93

BELKNAP

St. Cyr, Jeffrey

CARROLL

Fleck, Joseph

CHESHIRE

Butynski, William	Carr, Daniel	Hawkes, Samuel	Hunt, John
Lindsey, Steven	Parkhurst, Henry	Roberts, Kris	Sad, Tara
Tatro, Bruce	Weber, Lucy		

COOS

Coulombe, Gary	Merrick, Evalyn	Remick, William	Theberge, Robert

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Gould, Franklin	Harding, Laurie	Nordgren, Sharon	Pastor, Beatriz
Pierce, David	Smith, Suzanne	Taylor, Kathleen	White, Andrew

HILLSBOROUGH

Baroody, Benjamin	Belanger, James	Brunelle, Michael	Campbell, David

Cote, David	Fredette, Robert	Garrity, Patrick	Goley, Jeffrey
Jeudy, Jean	Levasseur, Nickolas	Long, Patrick	McClarren, Donald
Ramsey, Peter	Rhodes, Brian	Rokas, Ted	Rosenwald, Cindy
Shaw, Barbara	Terrio, Ross		

MERRIMACK

Blankenbeker, Lynne	Bouchard, Candace	Deloge, Helen	DeStefano, Stephen
Foose, Robert	Gile, Mary	Hamm, Christine	Hoell, J.R.
MacKay, James	McGuire, Carol	Potter, Frances	Sanborn, Laurie
Shurtleff, Stephen	Watrous, Rick	Williams, Robert	

ROCKINGHAM

Cali-Pitts, Jacqueline	Chirichiello, Brian	DiPentima, Rich	Gould, Kenneth
Lovejoy, Patricia	Moody, Marcia	Pantelakos, Laura	Perkins, Amy
Powers, James	Quandt, Marshall	Read, Robin Jr	Schlachman, Donna

STRAFFORD

Berube, Roger	Browne, Brendon	Hofemann, Roland	Horrigan, Timothy
Jones, Kyle	Jones, Laura	Keans, Sandra	Pelletier, Marsha
Schmidt, Peter	Spainhower, Dale	Spang, Judith	Sprague, Dale
Wall, Janet	Watters, David		

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Osgood, Joe
Schmidt, Andrew	Smith, Steven		

and the committee report was adopted.
Rep. DeJong declared a conflict of interest and did not participate.

HB 109, relative to residential fire sprinklers. **OUGHT TO PASS WITH AMENDMENT.** Rep. John A. Burt for Municipal and County Government: The amendment states that the planning board shall not require, adopt or enforce any regulation requiring the installation of a fire suppression sprinkler system in proposed one or 2-family residences as a condition of approval for a local permit. Nothing in this paragraph shall prohibit a duly adopted regulation mandating a cistern, dry hydrant, fire pond or other credible water source other than a fire suppression sprinkler system. The majority felt that the $5000 to $20,000 cost to a one or 2-family residence to install a suppression sprinkler system would kill the new housing market in NH. Vote 13-3.

Amendment (0267h)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Local Land Use; Subdivision Regulations. Amend RSA 674:36 by inserting after paragraph III the following new paragraph:

IV. The planning board shall not require, or adopt or enforce any regulation requiring, the installation of a fire suppression sprinkler system in proposed one- or 2-family residences as a condition of approval for a local permit. Nothing in this paragraph shall prohibit a duly adopted regulation mandating a cistern, dry hydrant, fire pond, or other credible water source other than a fire suppression sprinkler system.

AMENDED ANALYSIS

This bill prohibits local planning boards from requiring the installation of a fire suppression sprinkler system in proposed one- or 2-family residences as a condition of approval for a local permit.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.
Rep. Condra spoke against and yielded to questions.
Rep. Hunt spoke in favor and yielded to questions.
Committee report adopted and ordered to third reading.

(Speaker O'Brien in the Chair)

HB 316, relative to due process requirements in property appraisals for property tax purposes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L. Patten for Municipal and County Government: The original text of HB 316 dealt with the constitutional issue of a citizen losing the right of appeal if the selectmen or assessing officials are unable to obtain consent to enter a dwelling for the purpose of assessing the property value and an alternate process to assess the unseen property. RSA 74 sets out the process for filling out the annual inventory of polls and taxable property. The committee felt that reinstating the ability to appeal an assessing value was important and gives the property owner due process. The amendment keeps the administrative inspection warrant that gives the municipality its due process to make sure that all property is assessed fairly. It also gives the other taxpayers assurance that everyone is paying his or her fair share. Vote 14-1.

Amendment (0533h)

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

AN ACT relative to penalties for failure to file a property tax inventory blank or for refusing inspection of property.

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

1 Inventory Form; Appeal Rights. Amend RSA 74:7-a to read as follows:

74:7-a Penalty for Failure to File.

I. Any person who fails to file a fully completed inventory form on or before April 15, unless granted an extension under RSA 74:8, shall pay a penalty of one percent of the property tax for which the person is liable. In no case, however, shall the penalty be less than $10 or more than $50. [~~Any person who fails to file an inventory form and who becomes liable to pay the penalty specified in this section shall lose the right to appeal the denial of an abatement of an appraisal under RSA 75:1, but shall not~~] ***No person who fails to file an inventory form shall*** lose the right to apply for, or appeal the denial of, any other type of tax relief including an appeal under RSA 72:34-a, an appraisal under RSA 75:11, or a land use change tax under RSA 79-A:7. This penalty has all the force of taxation and shall be treated as incident to the tax.

II. If a town fails to deliver the inventory blank, the penalty [~~of loss of appeal rights~~] shall not apply.

III. If the property is transferred during the tax year to a different owner and the inventory blank was mailed or delivered to the previous owner, the penalty [~~of loss of appeal rights~~] shall not apply to the subsequent owner.

2 Elimination of Inventory Blanks. Amend RSA 74:4-a, I to read as follows:

I. Any municipality, by vote of its board of selectmen, city council or board of aldermen may elect not to utilize the inventory form or procedure. Such a vote shall automatically exempt all property owners and others within that municipality from all requirements and provisions of law relating to the inventory form[~~, including the requirement of filing an inventory in a complete and timely manner in order to retain all appeal rights on property tax or other exemptions and considerations to which they may legally be entitled~~].

3 Repeal. RSA 74:17, II, relative to the loss of right to appeal tax for refusing to grant inspection of property, is repealed.

4 Effective Date. This act shall take effect 30 days after its passage.

AMENDED ANALYSIS

This bill removes the penalty of loss of appeal for property owners who refuse to grant consent to assessing officials to inspect their property or who fail to file an inventory form.
Amendment adopted.
Committee report adopted and ordered to third reading.

HB 340-FN, promoting parental choice in education and providing for an abatement from the education taxes for parents of children not enrolled in the public school system.
MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.
Rep. Jeffrey S. Shackett for the Majority of Municipal and County Government: Although most of the testimony heard was very passionate, the committee voted with bi-partisan support 14-2 ITL. The fiscal notes attached to this bill were the overwhelming factor for our decision. The department of education estimates trust fund revenue would decrease by 89 million in FY 2012, and 186 million in FY 2013. These estimates only account for those students who would be enrolled in private schools. It does not include any home school students whose parents would certainly apply for this abatement which would significantly further increase these estimates. Vote 14-2.
Rep. John A. Burt for the Minority of Municipal and County Government: First is the fact that we are facing a financial crisis that demands a long term perspective. A shortsighted band-aid approach will no longer work. This bill, by bringing competition into the educational marketplace, provides incentives for parents to put their children into private schools. In the long term this will have a very significant positive impact on the tax rate as greater numbers of parents, especially lower income parents, take advantage of the option of having some their educational tax payments returned to them thus enabling them to take advantage of private school opportunities in an environment more in tune with their family's worldview. The property tax burden in New Hampshire is onerous and education is by far its largest component. It is time that we faced up to this issue and this bill provides an opportunity to do just that. The second point is simply on of fairness. We hear the cry of, "What about the poor?" time after time on many issues, but when it comes to education we ignore the poor by denying them any real choice and forcing them to stay in the public schools. This bill simply allows a family to use a portion of the education part of their own property taxes (added to additional funds of their own) to provide an educational environment more in keeping with their family's values. The third issue is the positive impact that this bill, by introducing competition, could have on the quality of education in all schools whether public or private. Public education is for the most part a monopoly, funded like the established churches of the early colonies where everyone had to pay for that church whether they attended or not. Monopolies by their very nature are bureaucratic, highly centralized, lacking in creativity and expensive. The government education monopoly is no exception! This bill would provide the basis for some genuine competition which would have a very positive impact on all schools.

The question being adoption of the majority committee report of Inexpedient to Legislate.
Reps. Munck and Kris Roberts spoke in favor.
Reps. Carol Vita and Soltani spoke against and yielded to questions.
Rep. Dan McGuire requested a roll call; sufficiently seconded.

YEAS 227 NAYS 114

YEAS 227

BELKNAP

Bolster, Peter	Flanders, Donald	Luther, Robert	Malone, Robert
Millham, Alida	Pilliod, James	Russell, David	St. Cyr, Jeffrey

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
Knox, J. David	McConkey, Mark	Merrow, Harry	Patten, Betsey
Scala, Dino	Schmidt, Stephen	Umberger, Karen	

CHESHIRE

Butynski, William	Carr, Daniel	Dwinell, Richard	Hawkes, Samuel
Johnsen, Gladys	Johnson, Jane	Lindsey, Steven	Moore, Robert Jr
Parkhurst, Henry	Roberts, Kris	Sad, Tara	Smith, Edwin
Sterling, Franklin Jr	Tatro, Bruce	Weber, Lucy	

COOS

Coulombe, Gary	Daugherty, Duffy	Hatch, William	Merrick, Evalyn
Rappaport, Laurence	Richardson, Herbert	Theberge, Robert	Tholl, John Jr
Thomas, Yvonne	Tremblay, Marc		

GRAFTON

Almy, Susan	Benn, Bernard	Bradley, Lester	Bulis, Lyle
Cooney, Mary	Gionet, Edmond	Gould, Franklin	Harding, Laurie
Ladd, Rick Jr	Nordgren, Sharon	Pastor, Beatriz	Pierce, David
Simard, Paul	Smith, Suzanne	Taylor, Kathleen	White, Andrew

HILLSBOROUGH

Baroody, Benjamin	Belanger, James	Belvin, William	Boehm, Ralph
Brunelle, Michael	Buxton, Michael	Campbell, David	Champagne, Norma
Christensen, D.L. Chris	Coffey, James	Condra, William	Cote, David
Cusson-Cail, Kathleen	Doherty, Shaun	Drisko, Richard	Flanagan, Jack
Fredette, Robert	Gargasz, Carolyn	Garrity, Patrick	Gidge, Kenneth
Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary	Graham, John
Haefner, Robert	Hansen, Peter	Hawkins, Kenneth	Hinch, Richard
Hogan, Timothy	Holden, Frank	Hutchinson, Winfred	Infantine, William
Jasper, Shawn	Jeudy, Jean	Kurk, Neal	Lambert, George
Long, Patrick	Maltz, Jonathan	McGuinness, Sean	Moran, Edward
Parison, James	Pellegrino, Tony	Pilotte, Maurice	Porter, Marjorie
Proulx, Mark	Ramsey, Peter	Reed, Michael	Rhodes, Brian
Robbins, David	Rosenwald, Cindy	Scontsas, Lisa	Seidel, Carl
Shaw, Barbara	Silva, Peter	Soucy, Connie	Stepanek, Stephen
Stroud, Kathleen	Swank, Matthew	Terrio, Ross	Thomas, Joseph
Twombly, Timothy	Vaillancourt, Steve	Whitehead, Randall	Willette, Robert

MERRIMACK

Blankenbeker, Lynne	Bouchard, Candace	Cohn, Seth	Deloge, Helen
DeStefano, Stephen	Foose, Robert	Frazer, June	Gile, Mary
Hamm, Christine	Hess, David	Kotowski, Frank	Kreis, Kenneth Sr
Lockwood, Priscilla	MacKay, James	McDonnell, John	Owen, Derek
Palfrey, David	Potter, Frances	Reed, Dennis	Rice, Chip
Richardson, Gary	Sanborn, Laurie	Shurtleff, Stephen	Wallner, Mary Jane
Watrous, Rick	Williams, Robert		

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Bates, David	Bettencourt, David
Cali-Pitts, Jacqueline	Case, Frank	Charron, Gene	Chirichiello, Brian
Copeland, Timothy	DiPentima, Rich	Dowling, Patricia	Duarte, Joe
Ferrante, Beverly	Fesh, Robert	Garrity, James	Gould, Kenneth
Griffin, Mary	Headd, James	Hoelzel, Kathleen	Kappler, Lawrence
Katsakiores, Phyllis	Lovejoy, Patricia	MacMahon, Bruce	Major, Norman
Mauro, Donna	McKinney, Betsy	McMahon, Charles	Nevins, Chris
Norelli, Terie	O'Connor, John	Packard, Sherman	Pantelakos, Laura
Peckham, Michele	Perkins, Amy	Perkins, Lawrence	Powers, James
Quandt, Marshall	Quandt, Matt	Read, Robin Jr	Rice, Frederick
Sanders, Elisabeth	Sapareto, Frank	Schlachman, Donna	Sedensky, John
Sullivan, James	Sullivan, Kevin	Sytek, John	Tucker, Pamela
Waddell, James	Ward, Joanne	Webb, James	Welch, David
Weyler, Kenneth			

STRAFFORD

Berube, Roger	Browne, Brendon	Domingo, Baldwin	Ginsburg, Philip
Hofemann, Roland	Horrigan, Timothy	Kaen, Naida	Keans, Sandra
Munck, Philip	Pelletier, Marsha	Roberts, Jenna	Schmidt, Peter
Spainhower, Dale	Wall, Janet	Watters, David	Weeden, Michael

SULLIVAN

Cloutier, John	Cunningham, Steven	Gagnon, Raymond	LaCasse, Paul Sr
Lefebvre, Benjamin	Lovett, Charlene	Rodeschin, Beverly	Schmidt, Andrew

NAYS 114

BELKNAP

Accornero, Harry	Fields, Dennis	Greemore, Robert	Simpson, Tyler
Swinford, Elaine	Tilton, Franklin	Worsman, Colette	

CARROLL

McCarthy, Frank	Pettengill, Laurie	Tregenza, Norman

CHESHIRE

Byrnes, John	Cartwright, Anne	Emerson, Susan	Hunt, John
Moore, Charles			

COOS

None

GRAFTON

Brosseau, Charles	Ingbretson, Paul	Mirski, Paul	Reilly, Harold Sr
Sorg, Gregory	Sova, Charles		

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Barry, J. Gail	Barry, Richard
Brown, Kevin	Brownrigg, Randall Jr	Burt, John	Cebrowski, John
Christiansen, Lars	Daniels, Gary	DeJong, Cameron	Donovan, Daniel
Gagne, Larry	Gandia, Laura	Greazzo, Phil	Hardwick, Harry
Hikel, John	Hogan, Edith	Hopper, Gary	Krasucki, Joseph

LeBrun, Donald	Marcus, Bruce	McCarthy, Michael	McClarren, Donald
Mecheski, Holly	Messier, Irene	Murphy, Keith	Notter, Jeanine
Ohm, Bill	Palmer, Stephen	Peterson, Lenette	Pratt, Calvin
Renzullo, Andrew	Rowe, Robert	Simmons, Tammy	Souza, Kathleen
Ulery, Jordan	Villeneuve, Moe	Warden, Mark	

MERRIMACK

Coffey, Jennifer	Giuda, J. Brandon	Hoell, J.R.	Keane, Thomas
Lauer-Rago, Kathleen	McGuire, Carol	McGuire, Dan	Richardson, Jon
Seaworth, G. Brian	Smith, Molly	Smith, Todd	Soltani, Tony
Winter, Steven			

ROCKINGHAM

Antosz, Jason	Azarian, Gary	Baldasaro, Alfred	Birdsell, Regina
Brown, Paul	Comerford, Timothy	Davenport, Joshua	DeSimone, Debra
Garcia, Marilinda	Hagan, Joseph	Itse, Daniel	Kolodziej, Walter
Manuse, Andrew	Murphy, Brian	Okerman, Richard	Reagan, John
Reichard, Kevin	Ritter, Glenn	Sheffert, Kenneth	Shuler, Wyman III
Smith, William	Tamburello, Daniel	Tasker, Kyle	Tremblay, Stella
Wheaton, Gary			

STRAFFORD

Cataldo, Sam	DeLemus, Susan	Groen, Warren	Jones, Kyle
Jones, Laura	Newton, Clifford	Panek, William	Parsons, Robbie
Pitre, Joseph	Vita, Carol	Vita, Lucien	

SULLIVAN

Bowers, Spec	Howard, Thomas	Laware, Thomas	Osgood, Joe
Smith, Steven			

and the majority committee report was adopted.

HB 341, relative to local spending caps. **OUGHT TO PASS WITH AMENDMENT.** Rep. Betsey L. Patten for Municipal and County Government: This bill would allow charter cities and charter towns to amend their charters to permit a tax cap on the city, town or the school district budgets, or taxes assessed by the city. The cap could only be overridden by a 2/3 vote of the elected body present and voting. Six towns - Allenstown, Derry, Hampstead, Kingston, Rindge and Salem - have already approved tax and spending caps and the town of Hudson rejected the effort. Also six cities – Dover, Franklin, Laconia, Manchester, Nashua and Rochester – have adopted this option. The cities of Claremont and Somersworth rejected the effort. The city of Concord had a petition filed but was not submitted to the voters and an appeal is in the Supreme Court. The city of Portsmouth also had a charter change request but the petition was rejected because of technical issues. As stated in the testimony given to the committee, the people of New Hampshire have a right to control their own destiny. The towns that have adopted the budget act already have an ability to limit spending. It only seems fair to allow those taxpayers in charter towns and cities to have the same option to choose limited spending. Since there have been lawsuits prohibiting the tax caps, this bill is required to declare local spending caps are lawful. The majority of the committee believe that allowing tax caps will give the citizens of a town, school or city an ability to have a greater say in their government. Vote 13-2.

Amendment (0570h)

Amend the bill by replacing all after section 1 with the following:

2 New Section; City Charters; Limitations on Growth of Budgets and Taxes. Amend RSA 49-C by inserting after section 23 the following new section:

49-C:23-a Limitations on the Growth of Budgets and Taxes. A city charter may provide for limitations on the growth of one or more of the following: the annual city budget, the annual school budget if the city and the school district have the same legislative body, or taxes assessed by the city. Such charter may exclude certain expenditures or appropriations from limitations imposed by the charter. Any charter adopting such limitations shall authorize the elected body to override any such limitation by a 2/3 vote of all members of the elected body or a 2/3 vote of all members of the elected body present and voting.

3 New Section; Town Charters; Limitations on the Growth of Budgets and Taxes. Amend RSA 49-D by inserting after section 5 the following new section:

49-D:6 Limitations on the Growth of Budgets and Taxes.

I. Any town that by charter has adopted the town council form of government authorized under RSA 49-D:3, I, may adopt, amend, or revise its charter to provide for limitations on the growth of one or more of the following: the annual town budget, the annual school budget if the town and school district have the same legislative body, or taxes assessed by the town. Such charter may exclude certain expenditures or appropriations from limitations imposed by the charter. Any charter adopting such limitations shall authorize the elected body to override any such limitation by a 2/3 vote of all members of the town council present and voting.

II. Any town that by charter has adopted the official ballot town council form of government authorized under RSA 49-D:3, I-a, may adopt, amend, or revise its charter to provide for limitations on the growth of one or more of the following: the annual town budget, the annual school budget if the town and school district have the same legislative body, or taxes assessed by the town. Such charter may exclude certain expenditures or appropriations from limitations imposed by the charter. Any charter adopting such limitations shall authorize the elected body to override any such limitation by a 2/3 vote of all members of the town council present and voting. No matter to be voted on by official ballot may be subject to a supermajority voting requirement.

III. Any town that by charter has adopted the representative town meeting form of government authorized under RSA 49-D:3, III, may adopt, amend, or revise its charter to provide for limitations on the growth of one or more of the following: the annual town budget, the annual school budget if the town and school district have the same legislative body, or taxes assessed by the town. Such charter may exclude certain expenditures or appropriations from limitations imposed by the charter. Any charter adopting such limitations shall authorize the elected body to override any such limit by a 2/3 vote of all members of the representative town meeting present and voting.

4 Applicability. Any municipal charter provision adopted, amended, or revised prior to the effective date of this act which authorizes a 2/3 vote of the elected body to override any provision limiting the growth of budgets or taxes shall remain in effect on the effective date of this act.

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

Amendment adopted.

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

YEAS 257 NAYS 84

YEAS 257

BELKNAP

Accornero, Harry	Bolster, Peter	Fields, Dennis	Flanders, Donald

Greemore, Robert	Luther, Robert	Malone, Robert	Millham, Alida
Pilliod, James	Russell, David	Simpson, Tyler	St. Cyr, Jeffrey
Swinford, Elaine	Tilton, Franklin	Worsman, Colette	

CARROLL

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

CHESHIRE

Byrnes, John	Cartwright, Anne	Dwinell, Richard	Emerson, Susan
Hunt, John	Moore, Charles	Moore, Robert Jr	Smith, Edwin
Sterling, Franklin Jr	Tatro, Bruce		

COOS

Daugherty, Duffy	Rappaport, Laurence	Remick, William	Richardson, Herbert
Tholl, John Jr	Tremblay, Marc		

GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Gionet, Edmond
Ingbretson, Paul	Ladd, Rick Jr	Mirski, Paul	Reilly, Harold Sr
Simard, Paul	Sorg, Gregory	Sova, Charles	

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Barry, J. Gail	Barry, Richard
Belanger, James	Belvin, William	Boehm, Ralph	Brown, Kevin
Brownrigg, Randall Jr	Burt, John	Buxton, Michael	Cebrowski, John
Champagne, Norma	Christiansen, Lars	Coffey, James	Condra, William
Cusson-Cail, Kathleen	Daniels, Gary	DeJong, Cameron	Doherty, Shaun
Donovan, Daniel	Drisko, Richard	Flanagan, Jack	Fredette, Robert
Gagne, Larry	Gandia, Laura	Gargasz, Carolyn	Gonzalez, Carlos
Graham, John	Greazzo, Phil	Haefner, Robert	Hansen, Peter
Hardwick, Harry	Hawkins, Kenneth	Hikel, John	Hinch, Richard
Hogan, Edith	Hogan, Timothy	Holden, Frank	Hopper, Gary
Hutchinson, Winfred	Infantine, William	Jasper, Shawn	Krasucki, Joseph
Kurk, Neal	Lambert, George	LeBrun, Donald	Maltz, Jonathan
Marcus, Bruce	McCarthy, Michael	McClarren, Donald	McGuinness, Sean
Mecheski, Holly	Messier, Irene	Murphy, Keith	Notter, Jeanine
Ohm, Bill	Palmer, Stephen	Parison, James	Pellegrino, Tony
Peterson, Lenette	Pratt, Calvin	Proulx, Mark	Reed, Michael
Renzullo, Andrew	Robbins, David	Rowe, Robert	Scontsas, Lisa
Seidel, Carl	Silva, Peter	Simmons, Tammy	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

MERRIMACK

Blankenbeker, Lynne	Coffey, Jennifer	Cohn, Seth	Giuda, J. Brandon
Hess, David	Hoell, J.R.	Keane, Thomas	Kotowski, Frank
Kreis, Kenneth Sr	Lauer-Rago, Kathleen	Lockwood, Priscilla	McDonnell, John
McGuire, Carol	McGuire, Dan	Palfrey, David	Reed, Dennis

Richardson, Jon	Sanborn, Laurie	Seaworth, G. Brian	Smith, Molly
Smith, Todd	Soltani, Tony	Watrous, Rick	Winter, Steven

ROCKINGHAM

Abrami, Patrick	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	DeSimone, Debra	Dowling, Patricia
Duarte, Joe	Ferrante, Beverly	Fesh, Robert	Garcia, Marilinda
Garrity, James	Gould, Kenneth	Griffin, Mary	Hagan, Joseph
Headd, James	Hoelzel, Kathleen	Itse, Daniel	Kappler, Lawrence
Katsakiores, Phyllis	Kolodziej, Walter	MacMahon, Bruce	Major, Norman
Manuse, Andrew	Mauro, Donna	McKinney, Betsy	McMahon, Charles
Murphy, Brian	Nevins, Chris	O'Connor, John	Okerman, Richard
Packard, Sherman	Peckham, Michele	Perkins, Amy	Quandt, Marshall
Quandt, Matt	Reagan, John	Reichard, Kevin	Rice, Frederick
Ritter, Glenn	Sanders, Elisabeth	Sapareto, Frank	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
Webb, James	Welch, David	Weyler, Kenneth	Wheaton, Gary

STRAFFORD

Cataldo, Sam	DeLemus, Susan	Domingo, Baldwin	Groen, Warren
Jones, Kyle	Jones, Laura	Munck, Philip	Newton, Clifford
Panek, William	Parsons, Robbie	Pitre, Joseph	Vita, Carol
Vita, Lucien	Watters, David	Weeden, Michael	

SULLIVAN

Bowers, Spec	Cunningham, Steven	Howard, Thomas	LaCasse, Paul Sr
Laware, Thomas	Lovett, Charlene	Osgood, Joe	Rodeschin, Beverly
Schmidt, Andrew	Smith, Steven		

NAYS 84

BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William	Carr, Daniel	Hawkes, Samuel	Johnsen, Gladys
Johnson, Jane	Lindsey, Steven	Parkhurst, Henry	Roberts, Kris
Sad, Tara	Weber, Lucy		

COOS

Coulombe, Gary	Hatch, William	Merrick, Evalyn	Theberge, Robert
Thomas, Yvonne			

GRAFTON

Almy, Susan	Benn, Bernard	Cooney, Mary	Gould, Franklin
Harding, Laurie	Nordgren, Sharon	Pastor, Beatriz	Pierce, David
Smith, Suzanne	Taylor, Kathleen	White, Andrew	

HILLSBOROUGH

Baroody, Benjamin	Brunelle, Michael	Campbell, David	Cote, David
Garrity, Patrick	Gidge, Kenneth	Goley, Jeffrey	Gorman, Mary
Jeudy, Jean	Long, Patrick	Moran, Edward	Pilotte, Maurice
Porter, Marjorie	Ramsey, Peter	Rhodes, Brian	Rosenwald, Cindy
Shaw, Barbara	Willette, Robert		

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	Gile, Mary	Hamm, Christine	MacKay, James
Owen, Derek	Potter, Frances	Rice, Chip	Richardson, Gary
Shurtleff, Stephen	Wallner, Mary Jane	Williams, Robert	

ROCKINGHAM

Allen, Mary	Cali-Pitts, Jacqueline	DiPentima, Rich	Lovejoy, Patricia
Norelli, Terie	Pantelakos, Laura	Perkins, Lawrence	Powers, James
Read, Robin Jr	Schlachman, Donna		

STRAFFORD

Berube, Roger	Browne, Brendon	Ginsburg, Philip	Hofemann, Roland
Horrigan, Timothy	Kaen, Naida	Keans, Sandra	Pelletier, Marsha
Roberts, Jenna	Schmidt, Peter	Spainhower, Dale	Wall, Janet

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin

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

HB 361, enabling counties to adopt semi-annual payment of county taxes by towns and cities. **INEXPEDIENT TO LEGISLATE.**
Rep. James E. Coffey for Municipal and County Government: The committee determined by a significant bi-partisan majority that this bill could adversely affect towns and cities by requiring a mid-year partial payment. This payment could increase borrowing needs of the town and cities. Vote 13-2.
Committee report adopted.

HB 368-FN-L, relative to workforce housing and the definition of community. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**
Rep. Jeffrey S. Shackett for the Majority of Municipal and County Government: Workforce housing is extremely important to our local economy. It has been well documented that New Hampshire has a critical shortage of housing options affordable to moderate and lower income families. The lack of affordable housing negatively impacts our states ability to grow a strong economy (no housing, no workers). We must work proactively and cooperatively on finding ways to make available housing for all members of our community. The workforce housing statute has been in effect for less than 2 years and has been supported by many communities including the city of Nashua and the town of Amherst. This bill would have a negative impact on housing for all lower and moderate income families by requiring the local legislative body to approve any such housing in our communities. Vote 14-1.

Rep. John A. Burt for the Minority of Municipal and County Government: This bill is an attempt to convert the current workforce housing statute to enabling legislation. Workforce housing has it origin in Massachusetts and what the minority believes is a faulty New Hampshire supreme court decision. (*Britton v The Town of Chester*). The current law restricts planning boards due to the fact that contractors can appeal any part of the planning process to superior court. This is causing cities and town to incur excessive legal costs. Additionally, the law is not successful in developing affordable housing in towns that have high land prices. This was its original goal. Based on a complicated mathematical formula, workforce housing limits the price the property can sell for, limits any appreciation of the property and places limits on maximum income levels. It also has an effect on any attempt to maintain current master plan objectives. By "opting in" the requirements of workforce housing, the bill is trying to return local control in any development or planning, versus the control originating in Concord and ultimately the courts.

The question being adoption of the majority committee report of Inexpedient to Legislate.
Rep. Flanagan spoke against and yielded to questions.
Rep. Burt spoke against.
Rep. James Coffey spoke in favor and yielded to questions.
Rep. DeStefano requested a roll call; sufficiently seconded.

YEAS 141 NAYS 189

YEAS 141

BELKNAP

Accornero, Harry	Bolster, Peter	Luther, Robert	Millham, Alida
Russell, David	Tilton, Franklin		

CARROLL

Babson, David Jr	Fleck, Joseph	Knox, J. David	McCarthy, Frank
Merrow, Harry	Schmidt, Stephen	Umberger, Karen	

CHESHIRE

Butynski, William	Carr, Daniel	Dwinell, Richard	Johnsen, Gladys
Lindsey, Steven	Moore, Robert Jr	Parkhurst, Henry	Roberts, Kris
Sad, Tara	Smith, Edwin	Sterling, Franklin Jr	Tatro, Bruce
Weber, Lucy			

COOS

Coulombe, Gary	Hatch, William	Merrick, Evalyn	Remick, William
Theberge, Robert			

GRAFTON

Almy, Susan	Benn, Bernard	Bradley, Lester	Cooney, Mary
Gionet, Edmond	Gould, Franklin	Harding, Laurie	Nordgren, Sharon
Pastor, Beatriz	Pierce, David	Reilly, Harold Sr	Smith, Suzanne
Taylor, Kathleen	White, Andrew		

HILLSBOROUGH

Baroody, Benjamin	Belanger, James	Belvin, William	Brunelle, Michael
Campbell, David	Coffey, James	Cote, David	Cusson-Cail,

			Kathleen
Daniels, Gary	Gargasz, Carolyn	Garrity, Patrick	Gidge, Kenneth
Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary	Hawkins, Kenneth
Jeudy, Jean	Levasseur, Nickolas	Long, Patrick	Pilotte, Maurice
Porter, Marjorie	Proulx, Mark	Ramsey, Peter	Rhodes, Brian
Rosenwald, Cindy	Shaw, Barbara	Silva, Peter	Stepanek, Stephen
Stroud, Kathleen	Terrio, Ross	Thomas, Joseph	

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	Hess, David	Lockwood, Priscilla	MacKay, James
McDonnell, John	Owen, Derek	Palfrey, David	Potter, Frances
Rice, Chip	Richardson, Gary	Shurtleff, Stephen	Wallner, Mary Jane

ROCKINGHAM

Allen, Mary	Cali-Pitts, Jacqueline	Case, Frank	Chirichiello, Brian
Copeland, Timothy	DeSimone, Debra	DiPentima, Rich	Dowling, Patricia
Ferrante, Beverly	Fesh, Robert	Gould, Kenneth	Hoelzel, Kathleen
Kappler, Lawrence	Lovejoy, Patricia	Major, Norman	Norelli, Terie
O'Connor, John	Pantelakos, Laura	Perkins, Amy	Perkins, Lawrence
Powers, James	Quandt, Matt	Read, Robin Jr	Schlachman, Donna
Sullivan, Kevin	Tucker, Pamela	Waddell, James	Ward, Joanne
Welch, David			

STRAFFORD

Browne, Brendon	Domingo, Baldwin	Ginsburg, Philip	Hofemann, Roland
Horrigan, Timothy	Kaen, Naida	Keans, Sandra	Munck, Philip
Pelletier, Marsha	Roberts, Jenna	Schmidt, Peter	Spainhower, Dale
Sprague, Dale	Wall, Janet	Watters, David	

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Rodeschin, Beverly
Schmidt, Andrew			

NAYS 189

BELKNAP

Fields, Dennis	Flanders, Donald	Greemore, Robert	Malone, Robert
Pilliod, James	Simpson, Tyler	Swinford, Elaine	Worsman, Colette

CARROLL

Ahlgren, Christopher	McConkey, Mark	Patten, Betsey	Pettengill, Laurie
Scala, Dino	Tregenza, Norman		

CHESHIRE

Byrnes, John	Cartwright, Anne	Emerson, Susan	Hawkes, Samuel
Hunt, John	Johnson, Jane	Moore, Charles	

COOS

Daugherty, Duffy	Rappaport, Laurence	Richardson, Herbert	Tholl, John Jr
Tremblay, Marc			

GRAFTON

Brosseau, Charles	Bulis, Lyle	Ingbretson, Paul	Ladd, Rick Jr
Mirski, Paul	Simard, Paul	Sova, Charles	

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Barry, J. Gail	Barry, Richard
Boehm, Ralph	Brown, Kevin	Brownrigg, Randall Jr	Burt, John
Buxton, Michael	Cebrowski, John	Christiansen, Lars	Condra, William
DeJong, Cameron	Doherty, Shaun	Donovan, Daniel	Drisko, Richard
Flanagan, Jack	Fredette, Robert	Gagne, Larry	Gandia, Laura
Graham, John	Greazzo, Phil	Haefner, Robert	Hansen, Peter
Hardwick, Harry	Hikel, John	Hinch, Richard	Hogan, Edith
Hogan, Timothy	Holden, Frank	Hutchinson, Winfred	Infantine, William
Jasper, Shawn	Krasucki, Joseph	Kurk, Neal	Lambert, George
LeBrun, Donald	Maltz, Jonathan	Marcus, Bruce	McCarthy, Michael
McClarren, Donald	McGuinness, Sean	Mecheski, Holly	Messier, Irene
Moran, Edward	Murphy, Keith	Notter, Jeanine	Ohm, Bill
Palmer, Stephen	Parison, James	Pellegrino, Tony	Peterson, Lenette
Pratt, Calvin	Reed, Michael	Renzullo, Andrew	Robbins, David
Rowe, Robert	Scontsas, Lisa	Seidel, Carl	Simmons, Tammy
Soucy, Connie	Souza, Kathleen	Twombly, Timothy	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Moe	Warden, Mark	Whitehead, Randall
Willette, Robert			

MERRIMACK

Blankenbeker, Lynne	Coffey, Jennifer	Cohn, Seth	Giuda, J. Brandon
Hoell, J.R.	Keane, Thomas	Kotowski, Frank	Kreis, Kenneth Sr
Lauer-Rago, Kathleen	McGuire, Carol	McGuire, Dan	Reed, Dennis
Richardson, Jon	Sanborn, Laurie	Seaworth, G. Brian	Smith, Molly
Smith, Todd	Soltani, Tony	Winter, Steven	

ROCKINGHAM

Abrami, Patrick	Antosz, Jason	Azarian, Gary	Baldasaro, Alfred
Bates, David	Bettencourt, David	Birdsell, Regina	Brown, Paul
Charron, Gene	Comerford, Timothy	Davenport, Joshua	Duarte, Joe
Garcia, Marilinda	Garrity, James	Griffin, Mary	Hagan, Joseph
Headd, James	Itse, Daniel	Katsakiores, Phyllis	Kolodziej, Walter
MacMahon, Bruce	Manuse, Andrew	Mauro, Donna	McKinney, Betsy
McMahon, Charles	Murphy, Brian	Nevins, Chris	Okerman, Richard
Packard, Sherman	Peckham, Michele	Quandt, Marshall	Reagan, John
Reichard, Kevin	Rice, Frederick	Ritter, Glenn	Sanders, Elisabeth
Sapareto, Frank	Sedensky, John	Sheffert, Kenneth	Shuler, Wyman III
Smith, William	Sullivan, James	Sytek, John	Tamburello, Daniel
Tremblay, Stella	Webb, James	Weyler, Kenneth	Wheaton, Gary

STRAFFORD

Cataldo, Sam	DeLemus, Susan	Groen, Warren	Jones, Kyle
Jones, Laura	Newton, Clifford	Panek, William	Parsons, Robbie
Pitre, Joseph	Vita, Carol	Vita, Lucien	Weeden, Michael

SULLIVAN

Bowers, Spec	Cunningham, Steven	Howard, Thomas	LaCasse, Paul Sr
Laware, Thomas	Lovett, Charlene	Osgood, Joe	Smith, Steven

and the majority committee report failed.
Rep. Kurk moved the minority report of Ought to Pass.
Rep. Brunelle requested a roll call; sufficiently seconded.

YEAS 219 NAYS 110

YEAS 219

BELKNAP

Fields, Dennis	Flanders, Donald	Greemore, Robert	Malone, Robert
Millham, Alida	Pilliod, James	Simpson, Tyler	Swinford, Elaine
Worsman, Colette			

CARROLL

Ahlgren, Christopher	Babson, David Jr	Fleck, Joseph	McCarthy, Frank
Patten, Betsey	Pettengill, Laurie	Scala, Dino	Tregenza, Norman

CHESHIRE

Byrnes, John	Cartwright, Anne	Emerson, Susan	Hawkes, Samuel
Hunt, John	Johnson, Jane	Moore, Charles	Smith, Edwin

COOS

Daugherty, Duffy	Rappaport, Laurence	Remick, William	Richardson, Herbert
Tholl, John Jr	Tremblay, Marc		

GRAFTON

Brosseau, Charles	Bulis, Lyle	Ingbretson, Paul	Ladd, Rick Jr
Mirski, Paul	Simard, Paul	Sova, Charles	

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Barry, J. Gail	Barry, Richard
Belanger, James	Belvin, William	Boehm, Ralph	Brown, Kevin
Brownrigg, Randall Jr	Burt, John	Buxton, Michael	Cebrowski, John
Christiansen, Lars	Coffey, James	Condra, William	DeJong, Cameron
Doherty, Shaun	Donovan, Daniel	Drisko, Richard	Flanagan, Jack
Fredette, Robert	Gagne, Larry	Gandia, Laura	Gargasz, Carolyn
Gonzalez, Carlos	Graham, John	Greazzo, Phil	Haefner, Robert
Hansen, Peter	Hardwick, Harry	Hikel, John	Hinch, Richard
Hogan, Edith	Hogan, Timothy	Holden, Frank	Hutchinson, Winfred
Infantine, William	Jasper, Shawn	Krasucki, Joseph	Kurk, Neal
Lambert, George	LeBrun, Donald	Maltz, Jonathan	Marcus, Bruce
McCarthy, Michael	McClarren, Donald	McGuinness, Sean	Mecheski, Holly
Messier, Irene	Moran, Edward	Murphy, Keith	Notter, Jeanine
Ohm, Bill	Palmer, Stephen	Parison, James	Pellegrino, Tony
Peterson, Lenette	Pratt, Calvin	Reed, Michael	Renzullo, Andrew
Robbins, David	Rowe, Robert	Scontsas, Lisa	Seidel, Carl
Silva, Peter	Simmons, Tammy	Soucy, Connie	Souza, Kathleen
Stepanek, Stephen	Thomas, Joseph	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Moe	Warden, Mark	Whitehead, Randall	Willette, Robert

MERRIMACK

Blankenbeker, Lynne	Coffey, Jennifer	Cohn, Seth	Giuda, J. Brandon
Hess, David	Hoell, J.R.	Keane, Thomas	Kotowski, Frank
Kreis, Kenneth Sr	Lauer-Rago, Kathleen	McGuire, Carol	McGuire, Dan
Palfrey, David	Reed, Dennis	Richardson, Jon	Sanborn, Laurie
Seaworth, G. Brian	Smith, Molly	Smith, Todd	Soltani, Tony
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	Dowling, Patricia
Duarte, Joe	Fesh, Robert	Garcia, Marilinda	Garrity, James
Griffin, Mary	Hagan, Joseph	Headd, James	Itse, Daniel
Kappler, Lawrence	Katsakiores, Phyllis	Kolodziej, Walter	MacMahon, Bruce
Manuse, Andrew	Mauro, Donna	McKinney, Betsy	McMahon, Charles
Murphy, Brian	Nevins, Chris	O'Connor, John	Okerman, Richard
Packard, Sherman	Peckham, Michele	Perkins, Amy	Perkins, Lawrence
Quandt, Marshall	Quandt, Matt	Reagan, John	Reichard, Kevin
Rice, Frederick	Ritter, Glenn	Sanders, Elisabeth	Sapareto, Frank
Sedensky, John	Sheffert, Kenneth	Shuler, Wyman III	Smith, William
Sullivan, James	Sytek, John	Tamburello, Daniel	Tremblay, Stella
Tucker, Pamela	Waddell, James	Ward, Joanne	Webb, James
Welch, David	Weyler, Kenneth	Wheaton, Gary	

STRAFFORD

Cataldo, Sam	DeLemus, Susan	Groen, Warren	Jones, Kyle
Jones, Laura	Munck, Philip	Newton, Clifford	Panek, William
Parsons, Robbie	Pitre, Joseph	Vita, Carol	Vita, Lucien
Weeden, Michael			

SULLIVAN

Bowers, Spec	Cunningham, Steven	Howard, Thomas	LaCasse, Paul Sr
Laware, Thomas	Lovett, Charlene	Osgood, Joe	Smith, Steven

NAYS 110

BELKNAP

Accornero, Harry	Bolster, Peter	Luther, Robert	Russell, David
Tilton, Franklin			

CARROLL

Knox, J. David	McConkey, Mark	Merrow, Harry	Schmidt, Stephen
Umberger, Karen			

CHESHIRE

Butynski, William	Carr, Daniel	Dwinell, Richard	Johnsen, Gladys
Lindsey, Steven	Moore, Robert Jr	Parkhurst, Henry	Roberts, Kris
Sad, Tara	Sterling, Franklin Jr	Tatro, Bruce	Weber, Lucy

COOS

Coulombe, Gary	Hatch, William	Merrick, Evalyn	Theberge, Robert

GRAFTON

Almy, Susan	Benn, Bernard	Bradley, Lester	Cooney, Mary
Gionet, Edmond	Gould, Franklin	Harding, Laurie	Nordgren, Sharon
Pastor, Beatriz	Pierce, David	Reilly, Harold Sr	Smith, Suzanne
Taylor, Kathleen	White, Andrew		

HILLSBOROUGH

Baroody, Benjamin	Brunelle, Michael	Campbell, David	Cote, David
Cusson-Cail, Kathleen	Daniels, Gary	Garrity, Patrick	Gidge, Kenneth
Goley, Jeffrey	Gorman, Mary	Hawkins, Kenneth	Jeudy, Jean
Levasseur, Nickolas	Long, Patrick	Pilotte, Maurice	Porter, Marjorie
Proulx, Mark	Ramsey, Peter	Rosenwald, Cindy	Shaw, Barbara
Stroud, Kathleen	Terrio, Ross	Twombly, Timothy	

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	Lockwood, Priscilla	MacKay, James	McDonnell, John
Owen, Derek	Potter, Frances	Rice, Chip	Richardson, Gary
Shurtleff, Stephen	Wallner, Mary Jane		

ROCKINGHAM

Cali-Pitts, Jacqueline	DeSimone, Debra	DiPentima, Rich	Ferrante, Beverly
Gould, Kenneth	Hoelzel, Kathleen	Lovejoy, Patricia	Major, Norman
Norelli, Terie	Pantelakos, Laura	Powers, James	Read, Robin Jr
Schlachman, Donna	Sullivan, Kevin		

STRAFFORD

Browne, Brendon	Domingo, Baldwin	Ginsburg, Philip	Hofemann, Roland
Horrigan, Timothy	Kaen, Naida	Keans, Sandra	Pelletier, Marsha
Roberts, Jenna	Schmidt, Peter	Spainhower, Dale	Sprague, Dale
Wall, Janet	Watters, David		

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Rodeschin, Beverly
Schmidt, Andrew			

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

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Kurk moved that the House reconsider its action whereby, on a roll call vote of 219-110, it adopted the minority committee report of Ought to Pass on ***HB 368-FN-L,*** relative to workforce housing and the definition of community.
Rep. Kurk spoke against.
Motion failed.

REGULAR CALENDAR (CONT'D)

HB 391, relative to an optional tax credit for service-connected disability. **INEXPEDIENT**

TO LEGISLATE.
Rep. Kris E. Roberts for Municipal and County Government: There are over 14,000 New Hampshire veterans receiving disability compensation for either service or non-service connected disabilities. Disabled veterans are rated anywhere from 10-100% with the great majority being between 10-30%. VA disability is granted based on lost earning potential based on education and work experience. While a veteran may be receiving disability payment, he or she may at the same time be gainfully employed with high wages. HB 391 doesn't require the veteran to furnish certification when the disability rating goes down, as such ratings are reviewable. HB 391 could cause conflict between a 20% service connected disability and an 80% non-service connected disability: how would the assessors know the difference? If enacted, HB 391 could result in a city such as Manchester having thousands of different tax credits, requiring numerous yearly changes. As with any tax credit there is a cost shift. HB 391 doesn't address this. Vote 12-2.
Committee report adopted.

HB 396, exempting the land and buildings of Masonic temples or building associations from property taxation. **INEXPEDIENT TO LEGISLATE.**
Rep. Kris E. Roberts for Municipal and County Government: Under current law, the sixty-eight Masonic temples and granges can apply on a yearly basis by the April 15 deadline for tax-exempt status. The passage of HB 396 would exempt the Masons from the requirement and would result in similar groups requesting tax-exempt status. This would result in tax-shifting to already over burdened home owners and businesses. While it is important to take notice of all the fine charitable work funded and/or performed by Masons, it is equally important to note it is a male-only organization. The current religious, education, charitable, Red Cross and veterans are not limited to one gender. HB 396 is an attempt to overturn a board of tax and land appeals decision. Vote 13-2.
Committee report adopted.

HB 403-L, requiring a public hearing on certain school district warrant articles.
MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS
Rep. James E. Coffey for the Majority of Municipal and County Government: Petitioned articles are presently well covered by existing statutes. This bill required an informational hearing only which would create an additional burden for school districts without any significant benefit. Vote 13-3.
Rep. John A. Burt for the Minority of Municipal and County Government: This bill requires that petitioned warrant articles shall have a public hearing on budgetary impact issues before the budget committee or governing body prior to insertion into the school district warrant. This would allow a timely hearing to inform voters and give them the opportunity to research the topic and make reasonable decisions. RSA 197:6 requires petitioned warrant articles to be posted in the school warrant articles regardless of the requirements of RSA 32:5. This does not give the voters a chance to review the budgetary impact of the petitioned warrant article, especially in towns that are under RSA 40:13, optional form of meeting official ballot referenda, commonly known as SB 2. There are four possible sets of dates; regular town meeting, SB 2, March, April or May second session voting, respectively. The first session under SB 2 resembles traditional town meeting, shall be held between the first and second Saturdays following the last Monday in January, inclusive of those Saturdays and dates adjusted respectively for April and May voting sessions. The petitioned warrant article is due the second Tuesday of January and the budget hearing must be completed by the third Tuesday. This schedule could only allow 11 days in some years to research and realize the ramifications of a petitioned warrant article, thus unfair to the involved voter.
Majority committee report adopted.

HB 409, relative to planning board members. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L. Patten for Municipal and County Government: Currently planning board members may serve on any municipal board or commission as long as it does not result in having more than two planning board members serving on the same board or commission. The committee accepted the amendment to clarify that planning board members could serve on other boards and commissions, except on the conservation commission or other land use boards as defined in RSA 672:2, as long as not more than one planning board member is on the governing body. Also during testimony the issue of "ex officio member" was discussed and an amendment to delete certain sections where the term was used inappropriately was adopted. A grandfathering clause for those currently serving as ex officio members was included in the amendment, so no serving members would be considered illegal. Vote 15-1.

Amendment (0358h)

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

1 Planning Board Members Serving on Other Local Boards. Amend RSA 673:7, I to read as follows:

I. In the case of towns, appointed or elected members of the planning board may also serve on any other municipal board or commission ***except the conservation commission or a local land use board as defined in RSA 672:7***, provided that such multiple membership does not result in 2 planning board members serving on the [~~same board or commission~~] ***local governing body***.

2 Planning Board. Amend RSA 673:2 to read as follows:

673:2 Planning Board.

I.(a) In cities, the planning board shall consist of 9 members:

(1) The mayor of the city, or with the approval of the local legislative body the mayor's designee[~~, who shall be an ex officio member~~];

(2) An administrative official of the city selected by the mayor[~~, who shall be an ex officio member~~];

(3) A member of the city council selected by the council[~~, who shall be an ex officio member~~]; and

(4) Six persons appointed by the mayor, if the mayor is an elected official, or such other method of appointment or election as shall be provided for by the local legislative body or municipal charter.

(b) Alternatively, the local legislative body in a city with a city council-city manager form of government may establish a planning board with membership as provided in paragraph I-a.

I-a. In cities with a city council-city manager form of government, the planning board may consist of the following 9 members:

(a) The city manager, or with the approval of the local legislative body the city manager's designee[~~, who shall be an ex officio member~~];

(b) A member of the city council selected by the council[~~, who shall be an ex officio member~~]; and

(c) Seven persons appointed by the mayor, if the mayor is an elected official, or such other method of appointment or election as shall be provided for by the local legislative body or municipal charter.

I-b. In towns which operate under the town council form of government, the planning board shall consist of 7 or 9 members, as determined by the local legislative body or by the municipal charter. If the planning board shall consist of 9 members, the members shall be the persons listed in paragraph I. If the planning board shall consist of 7 members, the members shall be as follows:

(a) A member of the town council or administrative official of the town selected by the town council[~~, who shall be an ex officio member~~]; and

(b) Six persons appointed by the mayor, if the mayor is an elected official, or such other method of appointment or election as shall be provided for by the local legislative body or municipal charter.

II. In other towns, the planning board shall consist of 5 or 7 members as determined by the local legislative body. The membership shall be filled by one of the following procedures:

(a) The selectmen shall designate one selectman or administrative official of the town [~~as an ex officio member~~] and appoint 4 or 6 other persons who are residents of the town, as appropriate; or

(b) The local legislative body may decide, by majority vote at the town meeting, that planning board members shall be elected according to either the procedure in subparagraph (1) or in subparagraph (2). The official ballot shall be used on every referendum for the adoption of RSA 673:2, II(b)(1) or (2), and every subsequent rescission of such adoption pursuant to subparagraph (c). The wording on the official ballot of any referendum for the adoption of RSA 673:2, II(b)(1) or (2) shall specifically state which procedure for electing planning board members is being voted upon. Following the majority vote at town meeting, planning board members shall be elected as follows:

(1) The selectmen shall choose one selectman or administrative official of the town [~~as an ex officio member~~] and the remaining planning board positions shall be filled at the next regular town election pursuant to RSA 669:17. Thereafter, a planning board member shall be elected for the term provided under RSA 673:5, II; or

(2) The selectmen shall choose one selectman or administrative official of the town [~~as an ex officio member~~] and the remaining planning board positions shall be filled on a staggered basis at the subsequent regular town elections pursuant to RSA 669:17 as the term of an appointed member expires, until each member of the board is an elected member. The maximum number of elections to occur annually shall be as provided in RSA 673:5, II. When each planning board member is an elected member, such member shall be elected for the term provided in RSA 673:5, II.

(c) A local legislative body which has voted to elect planning board members may, by majority vote at town meeting, decide to rescind that action and have the planning board appointed in the manner set forth in subparagraph (a). The vote to have planning board members so appointed shall take effect upon adoption by the town meeting, and the selectmen shall forthwith appoint members in accordance with RSA 673:5. The planning board shall, however, continue in existence, and the elected members in office at the time of the town meeting vote to appoint members may continue to serve until their successors are appointed and qualified.

III. In village districts, the planning board shall consist of either 5 or 7 members as determined by the village district meeting. The district commissioners shall:

(a) Designate one district commissioner or administrative official of the district [~~as an ex officio member~~]; and

(b) Appoint 4 or 6 other persons who are residents of the village district, as appropriate.

IV. In counties in which there are located unincorporated towns or unorganized places, the planning board shall consist of 5 or 9 members. The county commissioners shall recommend appointees to the planning board, and the appointees shall be approved by the county delegation. Planning board members shall be residents of the county, and shall be evenly distributed geographically throughout the county. The membership of the planning board shall be as follows:

(a) The chairperson of the board of county commissioners or designee [~~shall be an ex officio member~~].

(b) A member of the county convention selected by the convention [~~shall be an ex officio member~~].

(c) An administrative official of the county selected by the chairperson of the board of county commissioners [~~shall be an ex officio member~~].

(d) Two or 6 persons appointed by the board of county commissioners and approved by the county convention.

(e) One or 3 alternates appointed by the board of county commissioners and approved by the county convention.

3 Heritage Commissions. Amend RSA 673:4-a, II to read as follows:

II. Each heritage commission member shall be a resident of the city or town which establishes the commission. One commission member shall be a member of the local governing body. One commission member may be a member of the planning board. Not more than 5 alternate members may be appointed. When an alternate sits in absence or disqualification of a regular member, the alternate shall have full voting powers. If there is a historic district commission, one member of this commission shall be [~~an ex officio~~] ***a*** member of the heritage commission. In determining each member's qualifications, the appointing authority shall take into consideration the appointee's demonstrated interest and ability to understand, appreciate***,*** and promote the purpose of the heritage commission.

4 Terms. Amend RSA 673:5, I(a) to read as follows:

I.(a) [~~Except as provided in subparagraph (b),~~] The term of any ex officio member serving on a local land use board shall coincide with the term for that other office; [~~except that~~] the term of the administrative official appointed by the mayor shall terminate with the term of office of the mayor appointing the official, and [~~that~~] the term of the administrative official appointed by the town council, board of selectmen, or village district commissioners shall be for one year.

5 Applicability. The provisions of RSA 673:7, I, as amended by section 1 of this act, shall not apply to any current term of any person legally appointed or elected to multiple boards or commissions prior to the effective date of this act. No person thus exempted from the limitations on membership established in section 1 of this act may be reappointed or reelected to any board or commission except in conformity with the amended provisions of RSA 673:7, I.

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

AMENDED ANALYSIS

This bill modifies limitations on town planning board members serving on another board or commission. This bill also corrects certain references to appointed land use board members.

Amendment adopted.

Committee report adopted and ordered to third reading.

The House recessed at 6:00 p.m.

RECESS

(Speaker O'Brien in the Chair)

The House reconvened at 6:45 p.m.

REGULAR CALENDAR (CONT'D)

HB 457-FN, reducing the interest rate on late and delinquent property tax payments, subsequent payments, and other unpaid taxes. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L. Patten for Municipal and County Government: As the law stands now, if a taxpayer does not pay property taxes when the final tax bill is due, the interest rate on the amount is 12%. Within 90 days of this due date, certified mail is sent to the taxpayer 30 days prior to a lien being placed upon the property. Once the lien is placed upon the property, the interest rate becomes 18% and a certified letter is sent to a property mortgagee of that fact. This bill as introduced set the local rates at 6% and 9% respectfully. The philosophy behind the high delinquent property tax interest rates is to ensure that the

property tax bills will be among the first bills to be paid, not among the last. There are many circumstances where a taxpayer who is able to afford the tax payment may choose not to pay for almost three years to take care of other priorities. One reason to not lower the interest rate is that each unpaid property tax bill means that the other conscientious taxpayers in the town will have to dig deeper into their pockets to make up the difference. Also if the financial consequence is lessened to the proposed 6% and 9% more taxpayers would have the chance to default on their tax payments. This change would also put pressure on the cash flows of local governments, forcing them to borrow more to fund operations and increasing debt service expenditures. The committee is sympathetic to the fact that some people are unable to pay their taxes through no fault of their own. However those citizens may petition their selectmen for an abatement of all interest and, as appropriate, an abatement of their actual taxes. Vote 15-1.
Rep. Vaillancourt spoke against and yielded to questions.
Rep. Betsey Patten spoke in favor.
On a division vote, 133 members having voted in the affirmative and 176 in the negative, the committee report failed.
Rep. Jasper moved Ought to Pass.
Motion adopted.
Ordered to third reading.
Rep. Mirski declared a conflict of interest and did not participate.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Vaillancourt moved that the House reconsider its action whereby, on a voice vote, it adopted the motion of Ought to Pass on ***HB 457-FN,*** reducing the interest rate on late and delinquent property tax payments, subsequent payments, and other unpaid taxes.
Rep. Vaillancourt spoke against.
Motion failed.
Rep. Mirski declared a conflict of interest and did not participate.

REGULAR CALENDAR (CONT'D)

HB 483-FN-L, relative to mosquito control. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Timothy D. Copeland for Municipal and County Government: This bill, as amended, modifies existing RSA 142: A making it enabling, giving local control to towns when mosquito borne health threats of disease such as triple E and West Nile virus which may exist and don't go away. The new language states, "A threat has been in effect, or has been declared within the last 5 years." This legislation involves larviciding (which is a proven safe means of controlling the adult population by preventing the hatching of mosquitoes) on state land owned by fish and game that exists within the municipalities' boundaries. This larvicide is an environmentally safe, natural bacteria which is applied to specific pool areas to break the life cycle of the mosquito at the very beginning. The alternative to larviciding is to wait until they are adults and airborne, then spray chemical pesticides into the greater environment. It's easy to see the advantages and desirability of treating mosquitoes while in the larva stage. This legislation is the result of the state declaring a health threat for a municipality last year, then delaying that notification to that municipality which had made an application to larvacide on fish and game property. Thirty days lapsed from that delay or notification from the state resulting in pools of mosquitoes hatching in that municipality. This is simply enabling legislation and gives municipalities local control over the health threats that may exist within their boundaries. Vote 14-1.

Amendment (0467h)
Amend the bill by replacing sections 1 and 2 with the following:

1 Mosquito Control Policy. Amend RSA 142-A:2, VII to read as follows:

VII. State agencies managing land shall allow mosquito control and abatement activities to occur in accordance with local mosquito control plans developed pursuant to RSA 141-C when the department has notified the appropriate agency managing state land that a public health threat declaration under RSA 141-C:25 is in effect***, or has previously been in effect within the last 5 years,*** for the affected municipality or mosquito control district in accordance with RSA 142-A:3.

2 Mosquito Control Policy. Amend RSA 142-A:3, VI to read as follows:

VI. State agencies managing land shall allow the use of biological control agents, specifically Bacillus thuringiensis israelensis or Bacillus sphaericus, to control mosquito larvae in natural wetlands and water bodies on land they administer in accordance with applicable law and rules as long as those wetlands and water bodies are located in municipalities or mosquito control districts where a public health threat is declared***, or has been declared within the last 5 years,*** by the commissioner pursuant to RSA 141-C and when the application is to be made under a special permit issued by the department of agriculture, markets and food, division of pesticide control.

AMENDED ANALYSIS

This bill allows a municipality to commence mosquito control abatement activities on state lands where a public health threat is in effect or was in effect within the last 5 years under RSA 141-C:25.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 374, banning corn-based ethanol as an additive to gasoline sold in New Hampshire.

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

Rep. Sean C. Cox for the Majority of Science, Technology and Energy: Both the majority and minority agree with the spirit and purpose of this bill. We agree that current federal subsidies, incentives and mandates for corn-based ethanol are bad energy policy, bad economic policy, bad environmental policy and bad agricultural policy. Washington's policies have promoted the inefficient and expensive production of corn-based ethanol while discriminating against more environmentally-efficient alternatives such as sugar cane based ethanol. This bill seeks to ban corn-based ethanol from being sold in New Hampshire. That goal is unattainable given current federal laws, EPA rules, and regional petroleum refining capacity in New England. New Hampshire simply does not represent a large enough market to warrant its own boutique gasoline mix, and even if it did, there are currently few affordable alternatives to corn-based ethanol in the marketplace. Although the majority feels that we need to "send a message to Washington" expressing our disapproval of current corn-based ethanol policy, we did not feel that passing this (unenforceable) legislation is the proper way to send that message. We feel it is more prudent to ITL this bill, send a strongly-worded official policy letter to our congressional delegation, and perhaps follow-up in 2012 with a House Resolution on the same subject. Vote 10-4.

Rep. Beatriz Pastor for the Minority of Science, Technology and Energy: The minority of the committee shares with the majority the unanimous concern over the negative impact of corn ethanol production and of the federal mandate to use it. However, the minority believes that it is essential that the state of New Hampshire make its position crystal clear to the federal government and send a strong message to the US Congress, the producers of corn-based ethanol and their lobbyists. HB 374 conveys such a message: NH wants to get rid of corn-based ethanol. Corn-based ethanol has a higher carbon footprint than gasoline. It has raised world and US food prices by redirecting food production (corn and other grains) towards ethanol destined corn production. It reduces fuel efficiency in car engines and causes significantly impaired performance and/or damage to all combustion engines that use it. And, finally, the tax credits/subsidies that the corn ethanol industry receives, amount to an outrageous yearly amount ($5.16 billion in 2009) of revenue loss. This money would be

much better used incentivizing research and entrepreneurs for the production of better renewable clean energy alternatives.

The question being adoption of the majority committee report of Inexpedient to Legislate.
Rep. Campbell spoke against and yielded to questions.
Rep. James Garrity spoke in favor.
Rep. Cohn requested a roll call; sufficiently seconded.

YEAS 87 NAYS 237

YEAS 87

BELKNAP

Fields, Dennis	Flanders, Donald	Malone, Robert	Millham, Alida
Pilliod, James	Russell, David	Simpson, Tyler	Swinford, Elaine

CARROLL

Ahlgren, Christopher	Tregenza, Norman

CHESHIRE

Butynski, William	Byrnes, John	Hunt, John	Johnson, Jane
Moore, Robert Jr	Sterling, Franklin Jr	Tatro, Bruce	Weber, Lucy

COOS

Rappaport, Laurence	Remick, William	Tholl, John Jr

GRAFTON

Cooney, Mary	Pierce, David	Sova, Charles

HILLSBOROUGH

Barry, J. Gail	Belanger, James	Belvin, William	Christiansen, Lars
Cote, David	Daniels, Gary	Drisko, Richard	Gargasz, Carolyn
Hawkins, Kenneth	Hikel, John	Holden, Frank	Hutchinson, Winfred
Jeudy, Jean	Levasseur, Nickolas	Moran, Edward	Parison, James
Pellegrino, Tony	Renzullo, Andrew	Rosenwald, Cindy	Rowe, Robert
Seidel, Carl	Shaw, Barbara	Thomas, Joseph	Vaillancourt, Steve
Villeneuve, Moe	Warden, Mark		

MERRIMACK

Blankenbeker, Lynne	McGuire, Carol	Palfrey, David	Sanborn, Laurie

ROCKINGHAM

Allen, Mary	Birdsell, Regina	Cali-Pitts, Jacqueline	Chirichiello, Brian
Copeland, Timothy	DeSimone, Debra	Duarte, Joe	Garcia, Marilinda
Garrity, James	Gould, Kenneth	Griffin, Mary	Hoelzel, Kathleen
Kappler, Lawrence	Major, Norman	Murphy, Brian	Nevins, Chris
Read, Robin Jr	Reagan, John	Sanders, Elisabeth	Schlachman, Donna
Sedensky, John	Sytek, John	Tamburello, Daniel	Tasker, Kyle
Tucker, Pamela	Waddell, James	Ward, Joanne	Weyler, Kenneth

STRAFFORD

Kaen, Naida	Panek, William	Vita, Lucien	Wall, Janet

SULLIVAN

Lovett, Charlene

NAYS 237

BELKNAP

Accornero, Harry	Bolster, Peter	Greemore, Robert	Luther, Robert
Tilton, Franklin	Worsman, Colette		

CARROLL

Babson, David Jr	Chandler, Gene	Fleck, Joseph	Knox, J. David
McCarthy, Frank	McConkey, Mark	Merrow, Harry	Patten, Betsey
Pettengill, Laurie	Schmidt, Stephen	Umberger, Karen	

CHESHIRE

Carr, Daniel	Cartwright, Anne	Dwinell, Richard	Emerson, Susan
Hawkes, Samuel	Johnsen, Gladys	Lindsey, Steven	Moore, Charles
Parkhurst, Henry	Roberts, Kris	Sad, Tara	Smith, Edwin

COOS

Coulombe, Gary	Daugherty, Duffy	Hatch, William	Merrick, Evalyn
Richardson, Herbert	Theberge, Robert	Tremblay, Marc	

GRAFTON

Benn, Bernard	Bradley, Lester	Brosseau, Charles	Bulis, Lyle
Gionet, Edmond	Gould, Franklin	Harding, Laurie	Ingbretson, Paul
Ladd, Rick Jr	Mirski, Paul	Nordgren, Sharon	Pastor, Beatriz
Reilly, Harold Sr	Simard, Paul	Smith, Suzanne	White, Andrew

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Baroody, Benjamin	Barry, Richard
Boehm, Ralph	Brown, Kevin	Brownrigg, Randall Jr	Brunelle, Michael
Burt, John	Buxton, Michael	Campbell, David	Cebrowski, John
Coffey, James	Condra, William	Cusson-Cail, Kathleen	DeJong, Cameron
Doherty, Shaun	Donovan, Daniel	Flanagan, Jack	Fredette, Robert
Gagne, Larry	Gandia, Laura	Garrity, Patrick	Gidge, Kenneth
Goley, Jeffrey	Gorman, Mary	Graham, John	Greazzo, Phil
Haefner, Robert	Hansen, Peter	Hardwick, Harry	Hinch, Richard
Hogan, Edith	Hogan, Timothy	Hopper, Gary	Infantine, William
Jasper, Shawn	Krasucki, Joseph	Kurk, Neal	Lambert, George
LeBrun, Donald	Long, Patrick	Maltz, Jonathan	Marcus, Bruce
McCarthy, Michael	McClarren, Donald	McGuinness, Sean	Mecheski, Holly
Messier, Irene	Murphy, Keith	Notter, Jeanine	Ohm, Bill
Palmer, Stephen	Peterson, Lenette	Pilotte, Maurice	Porter, Marjorie
Pratt, Calvin	Proulx, Mark	Ramsey, Peter	Reed, Michael
Rhodes, Brian	Robbins, David	Scontsas, Lisa	Silva, Peter
Simmons, Tammy	Soucy, Connie	Souza, Kathleen	Stepanek, Stephen
Stroud, Kathleen	Summers, James	Terrio, Ross	Twombly, Timothy

Ulery, Jordan	Whitehead, Randall	Willette, Robert

MERRIMACK

Bouchard, Candace	Coffey, Jennifer	Cohn, Seth	Deloge, Helen
DeStefano, Stephen	Foose, Robert	Frazer, June	Giuda, J. Brandon
Hess, David	Hoell, J.R.	Keane, Thomas	Kotowski, Frank
Kreis, Kenneth Sr	Lauer-Rago, Kathleen	Lockwood, Priscilla	MacKay, James
McDonnell, John	McGuire, Dan	Owen, Derek	Potter, Frances
Reed, Dennis	Rice, Chip	Richardson, Gary	Richardson, Jon
Seaworth, G. Brian	Shurtleff, Stephen	Smith, Molly	Smith, Todd
Soltani, Tony	Wallner, Mary Jane	Winter, Steven	

ROCKINGHAM

Abrami, Patrick	Azarian, Gary	Baldasaro, Alfred	Bates, David
Bettencourt, David	Brown, Paul	Case, Frank	Charron, Gene
Comerford, Timothy	Davenport, Joshua	DiPentima, Rich	Dowling, Patricia
Ferrante, Beverly	Fesh, Robert	Itse, Daniel	Katsakiores, Phyllis
Kolodziej, Walter	Lovejoy, Patricia	MacMahon, Bruce	Manuse, Andrew
Mauro, Donna	McKinney, Betsy	Norelli, Terie	O'Connor, John
Okerman, Richard	Packard, Sherman	Pantelakos, Laura	Peckham, Michele
Perkins, Amy	Perkins, Lawrence	Powers, James	Quandt, Marshall
Quandt, Matt	Reichard, Kevin	Rice, Frederick	Ritter, Glenn
Sapareto, Frank	Sheffert, Kenneth	Shuler, Wyman III	Smith, William
Sullivan, James	Sullivan, Kevin	Tremblay, Stella	Webb, James
Welch, David	Wheaton, Gary		

STRAFFORD

Browne, Brendon	Cataldo, Sam	DeLemus, Susan	Groen, Warren
Hofemann, Roland	Horrigan, Timothy	Jones, Kyle	Jones, Laura
Larsen, Kirsten	Munck, Philip	Newton, Clifford	Parsons, Robbie
Pelletier, Marsha	Pitre, Joseph	Roberts, Jenna	Schmidt, Peter
Spainhower, Dale	Sprague, Dale	Vita, Carol	Watters, David
Weeden, Michael			

SULLIVAN

Bowers, Spec	Cloutier, John	Cunningham, Steven	Gagnon, Raymond
Howard, Thomas	LaCasse, Paul Sr	Laware, Thomas	Lefebvre, Benjamin
Osgood, Joe	Rodeschin, Beverly	Schmidt, Andrew	Smith, Steven

and the majority committee report failed.
Rep. Bettencourt moved the minority committee report of Ought to Pass.
Minority committee report adopted and ordered to third reading.

HB 387, requiring providers of prepaid cellular telephone service to provide subscriber information to the enhanced 911 system. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Robin P. Read for Science, Technology and Energy: This bill was requested by the department of safety's emergency communications division. It requires pre-paid cell phone companies to provide to the emergency 911 system, only in emergency situations, the information in its possession as to the name and address of the person who purchased the phone. This information will assist the department in locating the person who called 911 from a pre-paid cell phone. The department testified that in many emergency situations they have difficulty obtaining this information from pre-paid cell phone companies. The department does not keep the information the companies provide. The bill includes a provision that the pre-paid cell phone companies cannot be held liable if they make a good

faith effort to provide the information requested. Vote 8-6.

Amendment (0576h)

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

1 New Section; Enhanced 911 System; Subscriber Information From Providers of Prepaid Cellular Telephone Service. Amend RSA 106-H by inserting after section 10 the following new section:

106-H:10-a Provision of Prepaid Telephone Subscriber Information. Each provider of prepaid commercial mobile radio service shall provide to the bureau for the purposes of helping to locate a calling party in exigent circumstances and in such format as the commissioner may require, any information in its possession related to the name, street address, city, and state of the purchaser or user of the service and the telephone number assigned to such purchaser or user sold by a provider or such provider's agent within the state of New Hampshire. This information shall be made available by the provider or reseller of such service to the bureau at the time of request by the bureau. For purposes of this section, the term "purchaser" means the end user of the service at the retail level.

II. No provider of a prepaid commercial mobile radio service shall be held liable for failure to provide any or all of the requested information if the information is not in the provider's possession and the provider has acted in good faith to comply with this section.

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

AMENDED ANALYSIS

This bill requires providers of prepaid cellular telephone service to provide subscriber information to the enhanced 911 system.

Amendment adopted.

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

YEAS 229 NAYS 93

YEAS 229

BELKNAP

Accornero, Harry	Bolster, Peter	Fields, Dennis	Flanders, Donald
Greemore, Robert	Luther, Robert	Millham, Alida	Pilliod, James
Russell, David	Simpson, Tyler	Swinford, Elaine	Tilton, Franklin

CARROLL

Babson, David Jr	Chandler, Gene	Fleck, Joseph	Knox, J. David
McCarthy, Frank	Merrow, Harry	Patten, Betsey	Pettengill, Laurie
Schmidt, Stephen	Umberger, Karen		

CHESHIRE

Butynski, William	Byrnes, John	Carr, Daniel	Cartwright, Anne
Dwinell, Richard	Hawkes, Samuel	Johnsen, Gladys	Johnson, Jane
Lindsey, Steven	Moore, Charles	Moore, Robert Jr	Roberts, Kris
Sad, Tara	Smith, Edwin	Sterling, Franklin Jr	Tatro, Bruce
Weber, Lucy			

COOS

Coulombe, Gary	Daugherty, Duffy	Hatch, William	Merrick, Evalyn
Rappaport, Laurence	Remick, William	Richardson, Herbert	Theberge, Robert

Tholl, John Jr
Tremblay, Marc

GRAFTON

Benn, Bernard
Brosseau, Charles
Bulis, Lyle
Cooney, Mary
Gionet, Edmond
Gould, Franklin
Harding, Laurie
Ladd, Rick Jr
Nordgren, Sharon
Pastor, Beatriz
Reilly, Harold Sr
Smith, Suzanne
Sova, Charles
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Barry, J. Gail
Barry, Richard
Belanger, James
Belvin, William
Boehm, Ralph
Brownrigg, Randall Jr
Buxton, Michael
Campbell, David
Cebrowski, John
Christiansen, Lars
Coffey, James
Condra, William
Cote, David
Cusson-Cail, Kathleen
Doherty, Shaun
Donovan, Daniel
Drisko, Richard
Flanagan, Jack
Fredette, Robert
Gandia, Laura
Gargasz, Carolyn
Goley, Jeffrey
Gorman, Mary
Graham, John
Hansen, Peter
Hardwick, Harry
Hawkins, Kenneth
Hikel, John
Hinch, Richard
Hutchinson, Winfred
Infantine, William
Jasper, Shawn
Jeudy, Jean
Krasucki, Joseph
Kurk, Neal
LeBrun, Donald
Levasseur, Nickolas
Long, Patrick
McClarren, Donald
McGuinness, Sean
Mecheski, Holly
Messier, Irene
Moran, Edward
Notter, Jeanine
Pellegrino, Tony
Pilotte, Maurice
Porter, Marjorie
Pratt, Calvin
Proulx, Mark
Ramsey, Peter
Reed, Michael
Renzullo, Andrew
Rhodes, Brian
Rosenwald, Cindy
Rowe, Robert
Shaw, Barbara
Silva, Peter
Souza, Kathleen
Stepanek, Stephen
Stroud, Kathleen
Summers, James
Terrio, Ross
Thomas, Joseph
Ulery, Jordan
Villeneuve, Moe
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Bouchard, Candace
Coffey, Jennifer
Deloge, Helen
Foose, Robert
Frazer, June
Hess, David
Keane, Thomas
Kotowski, Frank
Kreis, Kenneth Sr
Lauer-Rago, Kathleen
Lockwood, Priscilla
Owen, Derek
Palfrey, David
Potter, Frances
Reed, Dennis
Rice, Chip
Richardson, Gary
Shurtleff, Stephen
Smith, Todd
Wallner, Mary Jane
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Allen, Mary
Baldasaro, Alfred
Bettencourt, David
Birdsell, Regina
Cali-Pitts, Jacqueline
Case, Frank
Charron, Gene
Copeland, Timothy
Davenport, Joshua
DeSimone, Debra
DiPentima, Rich
Dowling, Patricia
Duarte, Joe
Fesh, Robert
Garrity, James
Gould, Kenneth
Griffin, Mary
Hoelzel, Kathleen
Kappler, Lawrence
Kolodziej, Walter
Lovejoy, Patricia
Major, Norman
Murphy, Brian
Nevins, Chris
Norelli, Terie
O'Connor, John
Packard, Sherman
Pantelakos, Laura
Peckham, Michele
Perkins, Amy
Perkins, Lawrence
Powers, James
Quandt, Marshall
Quandt, Matt
Read, Robin Jr
Reagan, John
Rice, Frederick
Ritter, Glenn
Sanders, Elisabeth
Sapareto, Frank
Schlachman, Donna
Sedensky, John
Shuler, Wyman III
Smith, William
Sullivan, James
Sullivan, Kevin
Tamburello, Daniel
Tucker, Pamela
Waddell, James
Ward, Joanne
Welch, David
Weyler, Kenneth
Wheaton, Gary

STRAFFORD

Groen, Warren
Hofemann, Roland
Horrigan, Timothy
Kaen, Naida

Larsen, Kirsten	Munck, Philip	Panek, William	Pelletier, Marsha
Roberts, Jenna	Schmidt, Peter	Spainhower, Dale	Sprague, Dale
Wall, Janet			

SULLIVAN

Cloutier, John	Gagnon, Raymond	Howard, Thomas	Laware, Thomas
Lefebvre, Benjamin	Lovett, Charlene	Osgood, Joe	Rodeschin, Beverly
Schmidt, Andrew	Smith, Steven		

NAYS 93

BELKNAP

Malone, Robert	Worsman, Colette

CARROLL

Ahlgren, Christopher	McConkey, Mark	Tregenza, Norman

CHESHIRE

Emerson, Susan	Hunt, John	Parkhurst, Henry

COOS

None

GRAFTON

Bradley, Lester	Ingbretson, Paul	Mirski, Paul	Pierce, David
Simard, Paul			

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Brown, Kevin	Brunelle, Michael
Burt, John	Daniels, Gary	Gagne, Larry	Garrity, Patrick
Greazzo, Phil	Haefner, Robert	Hogan, Edith	Hogan, Timothy
Holden, Frank	Hopper, Gary	Lambert, George	Maltz, Jonathan
Marcus, Bruce	McCarthy, Michael	Murphy, Keith	Ohm, Bill
Palmer, Stephen	Parison, James	Peterson, Lenette	Robbins, David
Scontsas, Lisa	Seidel, Carl	Simmons, Tammy	Soucy, Connie
Twombly, Timothy	Vaillancourt, Steve	Warden, Mark	Willette, Robert

MERRIMACK

Cohn, Seth	DeStefano, Stephen	Giuda, J. Brandon	Hoell, J.R.
MacKay, James	McDonnell, John	McGuire, Carol	McGuire, Dan
Richardson, Jon	Sanborn, Laurie	Seaworth, G. Brian	Smith, Molly
Soltani, Tony			

ROCKINGHAM

Azarian, Gary	Bates, David	Brown, Paul	Chirichiello, Brian
Comerford, Timothy	Ferrante, Beverly	Garcia, Marilinda	Itse, Daniel
Katsakiores, Phyllis	MacMahon, Bruce	Manuse, Andrew	Mauro, Donna
McKinney, Betsy	Okerman, Richard	Reichard, Kevin	Sheffert, Kenneth
Sytek, John	Tasker, Kyle	Tremblay, Stella	Webb, James

STRAFFORD

Browne, Brendon	Cataldo, Sam	DeLemus, Susan	Jones, Kyle
Jones, Laura	Newton, Clifford	Parsons, Robbie	Pitre, Joseph
Vita, Carol	Vita, Lucien	Watters, David	Weeden, Michael

SULLIVAN

Bowers, Spec	Cunningham, Steven	LaCasse, Paul Sr

and the committee report was adopted.
Ordered to third reading.
Rep. DeJong declared a conflict of interest and did not participate.

HB 389-FN-L, relative to broadband infrastructure. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS**
Rep. William H. O'Connor for the Majority of Science, Technology and Energy: This bill would allow municipalities to bond for and build out broadband infrastructure. The majority had several problems with the bill. First, we do not believe that high-speed, inexpensive broadband access is a fundamental right. Second, allowing local governments to become competitors to private industry by building communications infrastructure would discourage private providers from expanding or upgrading their existing networks and lead to less competition and higher costs to consumers. Third, it creates an uncomfortable potential conflict of interest when a local government, which is the taxing and franchising authority over current providers, also becomes a competitor with those same providers. Fourth, the state's first broadband director was hired in November 2009 with the expectation that collaborative solutions can be found to address the needs of populations in un-served and underserved areas. FairPoint Communications has built its broadband infrastructure to 85% of its operating area with a goal to reach 95% of the state, and several smaller telephone companies serve 100% of their customers. Fifth, similar schemes in other states have had mixed results at best and in some cases, as in Burlington, Vermont, have been a financial and policy disaster. Vote 9-8.
Rep. Beatriz Pastor for the Minority of Science, Technology and Energy: This bill gives municipalities local control over broadband expansion by allowing them to bond for the purpose of building broadband infrastructure. The minority believes that universal, affordable access to high-speed internet service is essential in New Hampshire for economic development, job creation, small business growth, local services delivery, and educational opportunities. The state should allow our counties and municipalities to use open access technology to provide low cost high-speed internet access without providing broadband services themselves. This bill gives towns the freedom to manage their resources to address the needs of their people regarding internet access; and it lets voters decide on the best way to provide universal, affordable access to high-speed internet services.

The question being adoption of the majority committee report of Inexpedient to Legislate.
Reps. Pastor and Rappaport spoke against and yielded to questions.
Reps. Panek and James Garrity spoke in favor and yielded to questions.
Rep. Manuse requested a roll call; sufficiently seconded.

YEAS 226 NAYS 86

YEAS 226

BELKNAP

Accornero, Harry	Fields, Dennis	Flanders, Donald	Greemore, Robert
Luther, Robert	Malone, Robert	Millham, Alida	Pilliod, James

Russell, David | Simpson, Tyler | Swinford, Elaine | Tilton, Franklin
Worsman, Colette

CARROLL

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

CHESHIRE

Byrnes, John | Cartwright, Anne | Dwinell, Richard | Emerson, Susan
Hunt, John | Johnson, Jane | Moore, Charles | Moore, Robert Jr
Smith, Edwin

COOS

Merrick, Evalyn | Richardson, Herbert | Tholl, John Jr

GRAFTON

Bradley, Lester | Brosseau, Charles | Gionet, Edmond | Ingbretson, Paul
Ladd, Rick Jr | Mirski, Paul | Reilly, Harold Sr | Simard, Paul
Sova, Charles

HILLSBOROUGH

Avard, Kevin | Balboni, Michael | Barry, J. Gail | Barry, Richard
Belanger, James | Belvin, William | Boehm, Ralph | Brown, Kevin
Burt, John | Buxton, Michael | Christiansen, Lars | Coffey, James
Cusson-Cail, Kathleen | Daniels, Gary | Donovan, Daniel | Drisko, Richard
Flanagan, Jack | Gagne, Larry | Gandia, Laura | Gargasz, Carolyn
Gidge, Kenneth | Graham, John | Greazzo, Phil | Hansen, Peter
Hardwick, Harry | Hawkins, Kenneth | Hikel, John | Hinch, Richard
Hogan, Edith | Hogan, Timothy | Holden, Frank | Hutchinson, Winfred
Infantine, William | Jasper, Shawn | Krasucki, Joseph | Kurk, Neal
Lambert, George | LeBrun, Donald | Maltz, Jonathan | Marcus, Bruce
McCarthy, Michael | McClarren, Donald | McGuinness, Sean | Mecheski, Holly
Messier, Irene | Moran, Edward | Murphy, Keith | Notter, Jeanine
Ohm, Bill | Palmer, Stephen | Parison, James | Pellegrino, Tony
Peterson, Lenette | Proulx, Mark | Reed, Michael | Renzullo, Andrew
Robbins, David | Scontsas, Lisa | Seidel, Carl | Silva, Peter
Simmons, Tammy | Soucy, Connie | Stepanek, Stephen | Stroud, Kathleen
Summers, James | Terrio, Ross | Thomas, Joseph | Twombly, Timothy
Ulery, Jordan | Vaillancourt, Steve | Villeneuve, Moe | Warden, Mark
Whitehead, Randall | Willette, Robert

MERRIMACK

Coffey, Jennifer | Cohn, Seth | Giuda, J. Brandon | Hess, David
Hoell, J.R. | Keane, Thomas | Kotowski, Frank | Kreis, Kenneth Sr
Lauer-Rago, Kathleen | Lockwood, Priscilla | McDonnell, John | McGuire, Carol
McGuire, Dan | Palfrey, David | Reed, Dennis | Richardson, Jon
Sanborn, Laurie | Seaworth, G. Brian | Smith, Molly | Smith, Todd
Winter, Steven

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Azarian, Gary	Baldasaro, Alfred
Bettencourt, David	Birdsell, Regina	Brown, Paul	Case, Frank
Charron, Gene	Comerford, Timothy	Copeland, Timothy	Davenport, Joshua
DeSimone, Debra	Dowling, Patricia	Duarte, Joe	Ferrante, Beverly
Fesh, Robert	Garrity, James	Gould, Kenneth	Griffin, Mary
Hoelzel, Kathleen	Itse, Daniel	Kappler, Lawrence	Katsakiores, Phyllis
Kolodziej, Walter	MacMahon, Bruce	Major, Norman	Manuse, Andrew
Mauro, Donna	McKinney, Betsy	Murphy, Brian	Nevins, Chris
O'Connor, John	Okerman, Richard	Packard, Sherman	Peckham, Michele
Perkins, Amy	Perkins, Lawrence	Quandt, Marshall	Quandt, Matt
Reagan, John	Reichard, Kevin	Rice, Frederick	Ritter, Glenn
Sanders, Elisabeth	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	Webb, James	Welch, David
Weyler, Kenneth	Wheaton, Gary		

STRAFFORD

Cataldo, Sam	DeLemus, Susan	Groen, Warren	Jones, Kyle
Jones, Laura	Larsen, Kirsten	Newton, Clifford	Panek, William
Parsons, Robbie	Pitre, Joseph	Roberts, Jenna	Vita, Carol
Vita, Lucien	Weeden, Michael		

SULLIVAN

Bowers, Spec	Cunningham, Steven	Howard, Thomas	LaCasse, Paul Sr
Laware, Thomas	Lovett, Charlene	Osgood, Joe	Rodeschin, Beverly
Schmidt, Andrew	Smith, Steven		

NAYS 86

BELKNAP

Bolster, Peter

CARROLL

Babson, David Jr	McConkey, Mark

CHESHIRE

Butynski, William	Carr, Daniel	Hawkes, Samuel	Johnsen, Gladys
Lindsey, Steven	Parkhurst, Henry	Roberts, Kris	Sad, Tara
Sterling, Franklin Jr	Tatro, Bruce	Weber, Lucy	

COOS

Coulombe, Gary	Daugherty, Duffy	Hatch, William	Rappaport, Laurence
Remick, William	Theberge, Robert	Tremblay, Marc	

GRAFTON

Benn, Bernard	Bulis, Lyle	Cooney, Mary	Gould, Franklin
Harding, Laurie	Nordgren, Sharon	Pastor, Beatriz	Pierce, David
Smith, Suzanne	White, Andrew		

HILLSBOROUGH

Baroody, Benjamin	Campbell, David	Cebrowski, John	Condra, William
Cote, David	Doherty, Shaun	Fredette, Robert	Garrity, Patrick
Goley, Jeffrey	Gorman, Mary	Haefner, Robert	Levasseur, Nickolas
Long, Patrick	Pilotte, Maurice	Porter, Marjorie	Pratt, Calvin
Ramsey, Peter	Rhodes, Brian	Rosenwald, Cindy	Shaw, Barbara

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	MacKay, James	Owen, Derek	Potter, Frances
Rice, Chip	Richardson, Gary	Shurtleff, Stephen	Soltani, Tony
Wallner, Mary Jane			

ROCKINGHAM

Bates, David	DiPentima, Rich	Garcia, Marilinda	Lovejoy, Patricia
Pantelakos, Laura	Powers, James	Read, Robin Jr	Schlachman, Donna

STRAFFORD

Browne, Brendon	Hofemann, Roland	Horrigan, Timothy	Kaen, Naida
Munck, Philip	Pelletier, Marsha	Schmidt, Peter	Spainhower, Dale
Sprague, Dale	Wall, Janet	Watters, David	

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin

and the majority committee report was adopted.
Rep. DeJong declared a conflict of interest and did not participate.

HB 496-FN, relative to radiological monitoring in nuclear emergency planning zones.
MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.
Rep. Sam A. Cataldo for the Majority of Science, Technology and Energy: In its years of operation, the Seabrook Station has not had any problems in its real time monitoring, on the property or in the surrounding communities. The Seabrook Station's monitoring systems are appropriate and in compliance with Nuclear Regulatory Commission (NRC) regulations. Many of the plant's families live in the surrounding area, and since no significant data was presented to warrant the State Director of Fire Safety and Emergency Management to implement an expensive continuous real-time environmental radiological monitoring program, the committee feels that this bill is not needed. Similar bills have been introduced in two past sessions and have been found inexpedient to legislate. In addition, the committee expressed its desire to the owners of Seabrook that they voluntarily work with an institution of higher learning to possibly install a single monitor as part of a cooperative scientific research project. Vote 13-2.
Rep. Robin P. Read for the Minority of Science, Technology and Energy: The minority believes the bill is worthy of further study and should be retained by the committee. The committee heard testimony that placing radiation monitors in only a few towns within the 10 mile evacuation zone around the Seabrook Nuclear Plant would be an inexpensive and important complement to the current radiation monitoring being done by the State of Massachusetts in the Massachusetts communities within the Seabrook evacuation zone. If retained, the committee would also consider whether radiation monitors should be installed in the New Hampshire communities within the evacuation zone around the Vermont Yankee Nuclear Plant in Vernon, Vermont. The committee could also study the possibility of coordinating radiation monitoring programs with local educational institutions.

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

Rep. Robin Read moved Recommit, spoke in favor and yielded to questions.
Rep. James Garrity spoke against.
Rep. Robin Read requested a roll call; sufficiently seconded.

YEAS 76 NAYS 239

YEAS 76

BELKNAP

Millham, Alida

CARROLL

Babson, David Jr

CHESHIRE

Butynski, William	Carr, Daniel	Cartwright, Anne	Hawkes, Samuel
Johnsen, Gladys	Lindsey, Steven	Parkhurst, Henry	Sad, Tara
Tatro, Bruce	Weber, Lucy		

COOS

Coulombe, Gary	Hatch, William	Merrick, Evalyn	Remick, William
Theberge, Robert			

GRAFTON

Benn, Bernard	Gould, Franklin	Mirski, Paul	Nordgren, Sharon
Pastor, Beatriz	Reilly, Harold Sr	Smith, Suzanne	White, Andrew

HILLSBOROUGH

Baroody, Benjamin	Condra, William	Cote, David	Garrity, Patrick
Gidge, Kenneth	Gorman, Mary	Infantine, William	Long, Patrick
Messier, Irene	Pilotte, Maurice	Porter, Marjorie	Ramsey, Peter
Rosenwald, Cindy	Whitehead, Randall		

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	Lockwood, Priscilla	MacKay, James	Potter, Frances
Rice, Chip	Richardson, Gary	Shurtleff, Stephen	Wallner, Mary Jane

ROCKINGHAM

Allen, Mary	DiPentima, Rich	Gould, Kenneth	Katsakiores, Phyllis
Lovejoy, Patricia	Murphy, Brian	Norelli, Terie	Pantelakos, Laura
Powers, James	Read, Robin Jr	Schlachman, Donna	

STRAFFORD

Browne, Brendon	Hofemann, Roland	Horrigan, Timothy	Pelletier, Marsha
Roberts, Jenna	Schmidt, Peter	Spainhower, Dale	Sprague, Dale
Wall, Janet	Watters, David		

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Schmidt, Andrew

NAYS 239

BELKNAP

Accornero, Harry	Bolster, Peter	Fields, Dennis	Flanders, Donald
Greemore, Robert	Luther, Robert	Malone, Robert	Pilliod, James
Russell, David	Simpson, Tyler	Swinford, Elaine	Tilton, Franklin
Worsman, Colette			

CARROLL

Ahlgren, Christopher	Chandler, Gene	Fleck, Joseph	Knox, J. David
McCarthy, Frank	McConkey, Mark	Merrow, Harry	Patten, Betsey
Pettengill, Laurie	Schmidt, Stephen	Tregenza, Norman	Umberger, Karen

CHESHIRE

Byrnes, John	Dwinell, Richard	Emerson, Susan	Hunt, John
Johnson, Jane	Moore, Charles	Moore, Robert Jr	Smith, Edwin
Sterling, Franklin Jr			

COOS

Daugherty, Duffy	Rappaport, Laurence	Richardson, Herbert	Tholl, John Jr
Tremblay, Marc			

GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Cooney, Mary
Gionet, Edmond	Harding, Laurie	Ingbretson, Paul	Ladd, Rick Jr
Pierce, David	Simard, Paul	Sova, Charles	

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Barry, J. Gail	Barry, Richard
Belanger, James	Belvin, William	Boehm, Ralph	Brown, Kevin
Burt, John	Buxton, Michael	Cebrowski, John	Christiansen, Lars
Coffey, James	Cusson-Cail, Kathleen	Daniels, Gary	DeJong, Cameron
Doherty, Shaun	Donovan, Daniel	Drisko, Richard	Flanagan, Jack
Fredette, Robert	Gagne, Larry	Gandia, Laura	Gargasz, Carolyn
Goley, Jeffrey	Graham, John	Greazzo, Phil	Haefner, Robert
Hansen, Peter	Hardwick, Harry	Hawkins, Kenneth	Hikel, John
Hinch, Richard	Hogan, Edith	Hogan, Timothy	Holden, Frank
Hopper, Gary	Hutchinson, Winfred	Jasper, Shawn	Krasucki, Joseph
Kurk, Neal	Lambert, George	LeBrun, Donald	Levasseur, Nickolas
Maltz, Jonathan	Marcus, Bruce	McCarthy, Michael	McClarren, Donald
McGuinness, Sean	Mecheski, Holly	Moran, Edward	Murphy, Keith
Notter, Jeanine	Ohm, Bill	Palmer, Stephen	Parison, James
Pellegrino, Tony	Peterson, Lenette	Pratt, Calvin	Proulx, Mark
Reed, Michael	Renzullo, Andrew	Rhodes, Brian	Robbins, David
Scontsas, Lisa	Seidel, Carl	Shaw, Barbara	Silva, Peter
Simmons, Tammy	Soucy, Connie	Souza, Kathleen	Stepanek, Stephen
Stroud, Kathleen	Summers, James	Terrio, Ross	Thomas, Joseph
Twombly, Timothy	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe
Warden, Mark	Willette, Robert		

MERRIMACK

Blankenbeker, Lynne	Coffey, Jennifer	Cohn, Seth	Giuda, J. Brandon
Hess, David	Hoell, J.R.	Keane, Thomas	Kotowski, Frank
Kreis, Kenneth Sr	Lauer-Rago, Kathleen	McDonnell, John	McGuire, Carol
McGuire, Dan	Owen, Derek	Palfrey, David	Reed, Dennis
Richardson, Jon	Sanborn, Laurie	Seaworth, G. Brian	Smith, Molly
Smith, Todd	Soltani, Tony	Winter, Steven	

ROCKINGHAM

Abrami, Patrick	Azarian, Gary	Baldasaro, Alfred	Bates, David
Bettencourt, David	Birdsell, Regina	Brown, Paul	Cali-Pitts, Jacqueline
Charron, Gene	Comerford, Timothy	Copeland, Timothy	Davenport, Joshua
DeSimone, Debra	Dowling, Patricia	Duarte, Joe	Ferrante, Beverly
Fesh, Robert	Garcia, Marilinda	Garrity, James	Griffin, Mary
Hoelzel, Kathleen	Itse, Daniel	Kappler, Lawrence	Kolodziej, Walter
MacMahon, Bruce	Major, Norman	Manuse, Andrew	Mauro, Donna
McKinney, Betsy	Nevins, Chris	O'Connor, John	Okerman, Richard
Packard, Sherman	Peckham, Michele	Perkins, Amy	Perkins, Lawrence
Quandt, Marshall	Quandt, Matt	Reagan, John	Reichard, Kevin
Rice, Frederick	Ritter, Glenn	Sanders, Elisabeth	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
Webb, James	Welch, David	Weyler, Kenneth	Wheaton, Gary

STRAFFORD

Cataldo, Sam	DeLemus, Susan	Groen, Warren	Jones, Kyle
Jones, Laura	Kaen, Naida	Larsen, Kirsten	Munck, Philip
Newton, Clifford	Panek, William	Parsons, Robbie	Pitre, Joseph
Vita, Carol	Vita, Lucien	Weeden, Michael	

SULLIVAN

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

and the motion failed.

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

HB 337-FN-L, relative to the calculation and distribution of adequate education grants.
OUGHT TO PASS WITH AMENDMENT.
Rep. David W. Hess for Special Committee on Education Funding Reform: This bill comprehensively addresses and revises the current statutory provisions for the state's funding of education. It accomplishes four critical objectives. First, it provides sustainability, predictability and continuity to that funding. Under this bill, no town, city or school district will receive either a greater or a lesser education grant from the state in the coming biennium than they are receiving in the current fiscal year, period. If it passes, the era of dueling spreadsheets will come to an end. This is the single most important aspect of state aid to education – for educators, school bonds and local property taxpayers. Second, this bill calculates the base cost per pupil by using empirical, realistic standards and criteria rather than the exaggerated, inflated criteria currently in law, which merely increases the

total amount of state aid. The standards and criteria embodied in this bill are derived from the state department of education minimum standards as promulgated in its rules and from the federal definition of a "highly qualified" teacher. Third, as a result of the revised formula for calculating the base cost per pupil, this bill permits significantly increased targeted aid to provide increased resources for those pupils and communities which would most benefit from state aid. It retains the targeted amount for special education and English-as-a-second language students at current levels. It retains targeted funds for students eligible for the federal free and reduced lunch program, but establishes that aid at a fixed dollar amount for each such pupil and distributes that aid based upon the number of students eligible for that program and not for the entire student population in schools which contain a certain percentage of such eligible students. This bill also substantially increases fiscal capacity disparity aid to our most disadvantaged communities. In total, this bill increases the aggregate targeted aid from approximately 25% of total state aid to almost 40%. Fourth and finally, this bill eliminates donor towns. In conclusion, this bill accomplishes all of these objectives without increasing the aggregate state appropriation for education. Vote 12-3.

Amendment (0593h)

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

1 Adequate Education; Definitions. RSA 198:38 is repealed and reenacted to read as follows:

198:38 Definitions. In this section:

I. "Average daily membership in residence" or "ADMR" means the average daily membership in residence of pupils in kindergarten through grade 12, as defined in RSA 189:1-d, IV of the second school year preceding the year in which the calculation is made, provided that no kindergarten pupil shall count as more than 1/2 day attendance per calendar year.

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

III. "Department" means the department of education.

IV. "Determination year" means the fiscal year that was 3 years prior to the fiscal year for which aid is to be determined. Unless otherwise indicated, determination year data shall be used to calculate aid.

V. "Educationally disabled child" or "educationally disabled pupil" shall mean "educationally disabled child" as defined in RSA 186-C:2, I.

VI. "English language learner" means a child who has a predominant language other than English or who is educationally disadvantaged by a limited English proficiency, and who is receiving regularly scheduled English language instruction.

VII. "Pupils eligible for a free or reduced-price meal" means pupils in kindergarten through grade 12 who are eligible for the federal free or reduced-price meal program.

VIII. "School district" means school district as defined in RSA 194:1 and shall include cooperative school districts as defined in RSA 195:1, I.

2 Adequate Education; Base Cost Per Pupil. RSA 198:40-a is repealed and reenacted to read as follows:

198:40-a Adequate Education; Base Cost Per Pupil.

I. The commissioner shall determine the base cost per pupil of the opportunity for an adequate education in each school district using the most recent statewide salary data available, divided into quartiles, as follows:

(a)(1) The average of the 3rd and 4th quartiles of salary for a teacher possessing at least a bachelor's degree with no experience, multiplied by 1.33, then multiply the product by 1.05.

(2) For a teacher teaching art, music, world languages, media/technology, health, or physical education, multiply the amount determined under subparagraph (a)(1) by .20.

(b) The average of the 3rd and 4th quartiles of salary for a principal possessing at least a master's degree and 3 years of educator experience, multiplied by 1.33, then multiply the product by 1.05.

(c) The average of the 3rd and 4th quartiles of salary for a guidance counselor possessing at least a master's degree, multiplied by 1.33, then multiply the product by 1.05.

(d) The average of the 3rd and 4th quartiles of salary for a library/media specialist possessing at least a bachelor's degree with no experience, multiplied by 1.33, then multiply the product by 1.05.

(e) The average of the 3rd and 4th quartiles of salary for a technology coordinator possessing at least a bachelor's degree with no experience, multiplied by 1.33, then multiply the product by 1.05.

(f) The average of the 3rd and 4th quartiles of salary for a reading specialist possessing at least a master's degree at step 2 of the teacher salary schedule for that position, multiplied by 1.33, then multiply the product by 1.05.

(g) The average of the 3rd and 4th quartiles of salary for an administrative assistant, multiplied by 1.33, then multiply the product by 1.05.

(h) The average of the 3rd and 4th quartiles of salary for a custodian, multiplied by 1.33, then multiply the product by 1.05.

II. In each biennium, the commissioner shall calculate the base cost per pupil of the opportunity for an adequate education in each school district as the sum of the following:

(a)(1) For teachers of pupils in kindergarten through grade 2, divide the ADMR of pupils in the municipality in kindergarten through grade 2 by 25, then multiply the result by the salary for teachers determined in subparagraph I(a)(1).

(2) For teachers of pupils in grades 3 through 12, divide the ADMR of pupils in the municipality in grades 3 through 12 by 30, then multiply the result by the salary for teachers determined in subparagraph I(a)(1).

(3) For a teacher teaching art, music, world languages, media/technology, health, or physical education to pupils in kindergarten through grade 2, divide the ADMR of pupils in the municipality in kindergarten through grade 2 by 25, then multiply the result by the amount determined in subparagraph I(a)(2).

(4) For a teacher teaching art, music, world languages, media/technology, health, or physical education to pupils in grades 3 through 12, divide the ADMR of pupils in the municipality in grades 3 through 12 by 30, then multiply the result by the amount determined in subparagraph I(a)(2).

(b) For principals, divide the ADMR of pupils in the municipality in kindergarten through grade 12 by 500, then multiply the result by the salary for principals determined in subparagraph I(b).

(c)(1) For guidance counselors for pupils in kindergarten through grade 8, divide the ADMR of pupils in the municipality in kindergarten through grade 8 by 500, then multiply the result by the salary for guidance counselors determined in subparagraph I(c).

(2) For guidance counselors for pupils in grades 9 through 12, divide the ADMR of pupils in the municipality in grades 9 through 12 by 300, then multiply the result by the salary for guidance counselors determined in subparagraph I(c).

(d) For library/media specialists, divide the ADMR of pupils in the municipality in kindergarten through grade 12 by 500, then multiply the result by the salary for library/media specialists determined in subparagraph I(d).

(e) For technology coordinators, divide the ADMR of pupils in the municipality in kindergarten through grade 12 by 1,200, then multiply the result by the salary for technology coordinators determined in subparagraph I(e).

(f) For reading specialists, divide the ADMR of pupils in the municipality in kindergarten through grade 8 by 500, then multiply the result by the salary for reading specialists determined in subparagraph I(f).

(g) For administrative assistants, divide the ADMR of pupils in the municipality in kindergarten through grade 12 by 500, then multiply this amount by the salary for administrative assistants determined in subparagraph I(g).

(h) For custodians, divide the ADMR of pupils in the municipality in kindergarten through grade 12 by 500, then multiply this amount by the salary for custodians determined in subparagraph I(h).

(i) For instructional materials, multiply the ADMR of pupils in the municipality in kindergarten through grade 12 by $130.

(j)(1) For technology costs for pupils in kindergarten through grade 8, multiply the ADMR of pupils in the municipality in kindergarten through grade 8 by $25.

(2) For technology costs for pupils in grades 9 through 12, multiply the ADMR of pupils in the municipality in grades 9 through 12 by $65.

(k) For transportation costs, multiply the ADMR of pupils in the municipality in kindergarten through grade 8 by $304.

III. In addition to the base cost calculated under paragraphs I and II:

(a) An additional $1,725 for each pupil who is in kindergarten through grade 12, who is eligible for the federal free and reduced-price meal program, and who attends a public school in which at least 12 percent of pupils reported in the school's ADMR in the determination year are eligible for the federal free and reduced-price meal program.

(b) An additional $675 for each pupil reported in the public school's ADMR in the determination year who is an English language learner and who is receiving English language instruction.

(c) An additional $1,856 for each pupil reported in the public school's ADMR in the determination year who is receiving special education.

IV.(a) The sum total calculated under paragraphs I-III of this section shall be the cost of the opportunity for an adequate education in each year of the biennium.

(b) Prior to or coinciding with the first disbursement of each fiscal year under RSA 198:42, the department shall notify a school district of the total amount of funds that have been allocated for each school within its jurisdiction during the fiscal year based on the sum of the school district's adequate education grant amount plus the amount available to the school district from the education tax. In addition, the department shall furnish to each municipality a report showing the municipality's cost of an adequate education sorted by a pupil's municipality of residence.

V. The department shall notify school districts of the estimated amounts of grants by the November 15 preceding the fiscal year for which aid is determined. The commissioner shall provide to the general court all data or reports requested by the general court in a form which the general court determines will facilitate the calculations required in this section.

3 Adequate Education; Provisions for Grants to Municipalities. RSA 198:40-b is repealed and reenacted to read as follows:

198:40-b Provisions for Grants to Municipalities. Each fiscal year, the commissioner of the department of education shall determine if a municipality is scheduled to receive a total education grant which is less than the total education grant received in the fiscal year ending June 30, 2011, and shall disburse to such municipality an additional grant from the education trust fund in an amount equal to 100 percent of the amount of the decrease.

4 Adequate Education; Fiscal Capacity Disparity Aid. RSA 198:40-c is repealed and reenacted to read as follows:

198:40-c Fiscal Capacity Disparity Aid.

I. In addition to aid for the cost of the opportunity for an adequate education provided under RSA 198:40-a, each fiscal year the department shall provide fiscal capacity disparity aid to a municipality's school districts as follows:

(a) The department of revenue administration shall calculate the equalized valuation per pupil for each municipality in the state and shall sort the results into quartiles

based on equalized valuation per pupil. The quartile containing municipalities with the lowest equalized valuation per pupil shall then be divided in half.

(b) A municipality with an equalized valuation per pupil in the lower half of the lowest quartile and which has a median family income which is less than the state average median family income shall receive fiscal capacity disparity aid in the amount of $3,360 multiplied by the municipality's average daily membership in residence.

(c) A municipality with an equalized valuation per pupil in the upper half of the lowest quartile which has a median family income which is less than the state average median family income shall receive fiscal capacity disparity aid in the amount of $2,100 multiplied by the municipality's average daily membership in residence.

II. Aid under this section shall be distributed pursuant to RSA 198:42.

III. In this section:

(a) "Equalized valuation per pupil" means a municipality's equalized valuation, including properties subject to taxation under RSA 82 and RSA 83-F, as determined by the department of revenue administration, that was the basis for the local tax assessment in the determination year, divided by the school district's average daily membership in residence, as defined in RSA 189:1-d for the determination year, provided that no kindergarten pupil shall count as more than ½ day attendance per calendar day.

(b) "Median family income" means the most recent census data published for New Hampshire counties and municipalities by the United States Census Bureau, United States Department of Commerce, as of October 1 preceding the beginning of the biennium for which aid is to be determined.

5 Adequate Education; Determination of Grants; Excess Tax. Amend the section heading in RSA 198:41 and RSA 198:41, I-II to read as follows:

198:41 Determination of ***Education*** Grants [~~and Excess Tax~~].

I. Except for municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the department of education shall determine the amount of the ***total*** education grant for the municipality as follows:

(a) Add the per pupil cost of providing the opportunity for an adequate education for which each pupil is eligible pursuant to RSA 198:40-a, I-III, and from such amount;

(b) Subtract the amount of the education [~~property~~] tax warrant to be issued by the commissioner of revenue administration for such municipality reported pursuant to RSA 76:9 for the next tax year, and from such amount; and

(c) Add the fiscal capacity disparity aid pursuant to RSA 198:40-c.

II. For municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the department of education shall determine the amount of the [~~adequate~~] ***total*** education grant for each municipality as the lesser of the 2 following calculations:

(a) The amount calculated in accordance with paragraph I of this section; or

(b) The total amount paid for items of current education expense as determined by the department of education minus the amount of the education [~~property~~] tax warrant to be issued by the commissioner of revenue administration for such municipality reported pursuant to RSA 76:9 for the next tax year.

6 Excess Education Property Tax Payment; Subdivision Heading Amended. Amend the subdivision heading preceding RSA 198:46 to read as follows:

[~~Excess Education Property Tax Payment~~]

Local Control and Alternative Kindergarten Programs

7 Application of Receipts. Amend RSA 6:12, I(b)(65) to read as follows:

(65) Money received under RSA 77-A, RSA 77-E, RSA 78, RSA 78-A, RSA 78-B, RSA 83-F, [~~RSA 198:46,~~] and from the sweepstakes fund, which shall be credited to the education trust fund under RSA 198:39.

8 Commissioner's Warrant. Amend RSA 76:8, II to read as follows:

II. The commissioner shall issue a warrant under the commissioner's hand and official seal for the amount computed in paragraph I to the selectmen or assessors of each municipality by December 15 directing them to assess such sum and pay it to the municipality for the use of the school district or districts [~~and, if there is an excess education tax payment due pursuant to RSA 198:46, directing them to assess the amount of the excess payment and pay it to the department of revenue administration for deposit in the education trust fund~~]. Such sums shall be assessed at such times as may be prescribed for other taxes assessed by such selectmen or assessors of the municipality.

9 Joint Legislative Oversight Committee on Accountability for an Adequate Education.

I.(a) There is hereby established the joint legislative oversight committee on accountability for an adequate education. The members of the committee shall be as follows:

(1) Three members of the house of representatives, which shall include 2 members of the house education committee and one member of the house finance committee, appointed by the speaker of the house of representatives.

(2) Three members of the senate, which shall include 2 members of the senate education committee and one member of the senate finance committee, appointed by the president of the senate.

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

II. The committee shall review and study the assessment and assistance methods, reporting requirements, and other methods of accountability presently being used by the department of education and local school districts to determine whether such methods, programs, and standards will ensure the delivery of an adequate education as set forth in RSA 193-E:2-a.

III. Following a public hearing, the committee shall report its findings and recommendations concerning the sufficiency of existing statutory law to provide accountability for the delivery of the opportunity for an adequate education as defined in RSA 193-E:2-a, and the possible need for additional legislation, to the governor, the speaker of the house of representatives, the president of the senate, and the state librarian no later than November 15, 2011.

10 Chartered Public Schools; Funding. Amend RSA 194-B:11, I(b) to read as follows:

(b) For any chartered public school authorized by the state board of education pursuant to RSA 194-B:3-a, the state shall pay [~~tuition~~] ***the greater of $5,450 or the sum of $2,000 plus the amount calculated*** pursuant to RSA 198:40-a [~~and RSA 198:40-e~~] directly to the chartered public school for each pupil who is a resident of this state in attendance at such chartered public school.

11 References Amended. Amend the following RSA sections by replacing "statewide education property tax" or "education property tax" or "education property taxes" with "education tax" or "education taxes," as the context dictates: RSA 76:8, I; the introductory paragraph in RSA 198:57, IV, and RSA 198:57, VI(a).

12 Repeal. The following are repealed:

I. RSA 198:46, relative to excess education tax payments.

II. RSA 198:47, relative to forms used for the reporting and remitting of excess education tax payments.

III. RSA 198:39, I(g), relative to excess education tax payments deposited into the education trust fund.

13 Effective Date. This act shall take effect July 1, 2011 at 12:01 a.m.

AMENDED ANALYSIS

This bill:

I. Determines the per pupil cost of the opportunity for an adequate education which includes aid distributed to schools based on the number of pupils eligible to receive special education, or eligible for a free or reduced-price lunch, or who are English language learners.

II. Provides fiscal capacity disparity aid, in addition to aid for the cost of the opportunity for an adequate education, based on a municipality's equalized valuation, including utilities, per pupil and median family income.

III. Provides that a municipality which is scheduled to receive an adequate education grant in a fiscal year which is less than the grant such municipality received in the 2011 fiscal year shall receive an additional grant from the education trust fund in an amount equal to 100 percent of the amount of the decrease.

IV. Repeals the statutory provisions requiring that excess education tax payments be remitted to the department of revenue administration thereby permitting municipalities to retain any excess education tax revenues.

V. Establishes a joint legislative oversight committee on accountability for an adequate education.

VI. Provides that the state shall pay the greater of $5,450 or the sum of $2,000 plus the amount calculated under RSA 198:40-a to chartered public school pupils.

MOTION TO SPECIAL ORDER

Rep. Bettencourt moved that ***HB 337-FN-L,*** relative to the calculation and distribution of adequate education grants, be made a Special Order to Thursday, March 17, 2011 as close to 10:00 a.m. as possible.
Rep. Bettencourt spoke in favor.
Motion adopted.

MOTION TO SPECIAL ORDER

Rep. Goley moved that the remaining bills on today's calendar be made Special Orders to Thursday, March 17, 2011 in their Regular Calendar order.
Rep. Goley spoke in favor.
Rep. Jasper spoke against and yielded to questions.
On a division vote, 87 members having voted in the affirmative and 224 in the negative, the motion failed.

MOTION TO SPECIAL ORDER

Rep. Brunelle moved that ***HB 231-FN,*** relative to payment of state retiree medical benefits for spouses and dependents, be made a Special Order to Thursday, March 17, 2011.
The Speaker ruled the motion out of order.

REGULAR CALENDAR (CONT'D)

HB 231-FN, relative to payment of state retiree medical benefits for spouses and dependents. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. William B Smith for the Majority of Special Committee on Public Employee Pensions Reform: In order to help balance the budget in a fair and equitable manner, HB 231, as amended by the committee, requires the commissioner of the department of administrative services to change the insurance benefit structure for retired state employees in order to save about $10 million a year in general fund costs by streamlining the benefit package. While the governor's budget proposes to increase monthly premium payments for retirees under 65 from the current $65 per month to $100 per month, HB 231, as amended, retains their current $65 per month payment. Those 65 and over will continue to pay nothing toward their health insurance plan. The majority of the committee believes this change appropriately balances maintaining health care coverage for retirees with the state's need to balance its budget and asking all parties to participate in the challenge of bringing spending in line with state revenues. Vote 8-4.

Rep. Stephen J. Shurtleff for the Minority of Special Committee on Public Employee Pensions Reform: The first several versions of this bill asked that our most vulnerable population, seniors on fixed incomes already facing all the same increased costs as we do, pay a significant amount of their modest incomes to pay for a benefit they were promised and are owed. As the committee learned, the average pension for a Group I retiree is only $11,000 a year. The first several amendments met with bipartisan resistance and for good reason. Even in its final version, this bill insufficiently funds retiree health care by approximately 14% (all funds) in SFY 2012, and by 20% in SFY 2013. It does not take into account the fact that 1,000 to 2,000 current state employees may enter retirement within the biennium. If 10% enter retirement in the first year of the biennium, the funding will be 21% below the state's current commitment and 33% below if another 10% retired in the second year. In whole, this means that potentially more than $53m in health care cuts will be shifted onto less than 1/10th of the one percent of the population – those who faithfully served the citizens of New Hampshire for decades, worked for and earned this benefit, and did not look for a handout instead. There is no longer any question as to whether workers were promised this benefit in writing, as employment recruitment material was provided to the committee which clearly stated that they could continue their current health care in retirement and that it would be provided by the state, "at no cost to you." It is not these workers' fault that budget writers did not, for more than twenty years, save the revenue it needed to fund future retiree health care costs. In fact, in the past three years alone, more than $60m of surplus funds raised for healthcare were returned to the general fund to pay for other state expenses. The bill's proposed cuts effectively put retirees significantly into harm's way. The ramifications of which are yet to be known but will surely impact local communities through downshifting caused by retirees needing local assistance which they otherwise may not require. Our state retirees already "share the pain" of skyrocketing health costs, increased fuel costs and other effects of this recession. We should not place on the shoulders of loyal state employees this unfair and unequal tax. This bill breaks the state's word by intentionally underfunding the cost of the benefit by tens of millions of dollars thus, as the sponsor said, turning a Cadillac plan into a Chevrolet plan. The Chevrolet means less benefits and higher out of pocket costs for state retirees – even those already paying up to $130/month for a benefit previously promised as fully paid. There is a lawsuit challenging that breach of contract and more lawsuits are expected if HB 231 as amended becomes law. On the day the committee finished its work on this bill, a fifth and final amendment was introduced and voted on in the same day and within hours of introduction. The amendment was substantial and the public was not allowed to provide any public input. Our retirees earned this benefit and deserve better from New Hampshire.

Majority Amendment (0642h)

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-I: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) Subject to the funding limitation 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. The total cost to the general fund for the benefit provided in subparagraph I(b) shall not exceed $27.5 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 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-b. Funds appropriated for [~~this~~] ***the*** purpose ***described in this section*** shall not be transferred or used for any other purpose.

2 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 subject to a limit on total state general fund cost.

Majority committee amendment adopted.

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

Rep. Shurtleff spoke against and yielded to questions.

Reps. Soltani, Horrigan, Baroody, White, Pierce and DeStefano spoke against.

Rep. Kurk spoke in favor.

Rep. Bettencourt requested a roll call; sufficiently seconded.

YEAS 188 NAYS 120

YEAS 188

BELKNAP

Accornero, Harry	Bolster, Peter	Fields, Dennis	Flanders, Donald
Greemore, Robert	Luther, Robert	Malone, Robert	Pilliod, James
Simpson, Tyler	Tilton, Franklin	Worsman, Colette	

CARROLL

Ahlgren, Christopher	Chandler, Gene	Fleck, Joseph	McConkey, Mark
Merrow, Harry	Patten, Betsey	Pettengill, Laurie	Schmidt, Stephen
Tregenza, Norman	Umberger, Karen		

CHESHIRE

Byrnes, John	Dwinell, Richard	Hunt, John	Moore, Charles
Moore, Robert Jr	Smith, Edwin	Sterling, Franklin Jr	

COOS

Daugherty, Duffy	Rappaport, Laurence

GRAFTON

Brosseau, Charles	Bulis, Lyle	Gionet, Edmond	Mirski, Paul
Reilly, Harold Sr	Simard, Paul	Sova, Charles	

HILLSBOROUGH

Balboni, Michael	Barry, J. Gail	Barry, Richard	Belanger, James
Belvin, William	Brown, Kevin	Burt, John	Cebrowski, John
Coffey, James	Condra, William	Cusson-Cail, Kathleen	Daniels, Gary
DeJong, Cameron	Doherty, Shaun	Donovan, Daniel	Drisko, Richard
Flanagan, Jack	Gagne, Larry	Gargasz, Carolyn	Graham, John
Greazzo, Phil	Haefner, Robert	Hansen, Peter	Hardwick, Harry
Hawkins, Kenneth	Hikel, John	Hinch, Richard	Hogan, Edith
Hogan, Timothy	Holden, Frank	Hopper, Gary	Hutchinson, Winfred
Jasper, Shawn	Krasucki, Joseph	Kurk, Neal	LeBrun, Donald
Maltz, Jonathan	Marcus, Bruce	McClarren, Donald	Mecheski, Holly
Moran, Edward	Murphy, Keith	Notter, Jeanine	Ohm, Bill
Palmer, Stephen	Parison, James	Pellegrino, Tony	Peterson, Lenette
Pratt, Calvin	Reed, Michael	Renzullo, Andrew	Robbins, David
Scontsas, Lisa	Seidel, Carl	Silva, Peter	Simmons, Tammy
Soucy, Connie	Stepanek, Stephen	Summers, James	Terrio, Ross
Thomas, Joseph	Twombly, Timothy	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Moe	Warden, Mark	Whitehead, Randall	Willette, Robert

MERRIMACK

Cohn, Seth	Hess, David	Hoell, J.R.	Keane, Thomas
Kotowski, Frank	Kreis, Kenneth Sr	Lauer-Rago, Kathleen	McDonnell, John
McGuire, Carol	McGuire, Dan	Sanborn, Laurie	Seaworth, G. Brian
Smith, Molly	Smith, Todd		

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Azarian, Gary	Baldasaro, Alfred
Bates, David	Bettencourt, David	Birdsell, Regina	Brown, Paul
Comerford, Timothy	Davenport, Joshua	Dowling, Patricia	Duarte, Joe
Ferrante, Beverly	Fesh, Robert	Garcia, Marilinda	Garrity, James
Griffin, Mary	Hoelzel, Kathleen	Itse, Daniel	Kappler, Lawrence
Katsakiores, Phyllis	Kolodziej, Walter	MacMahon, Bruce	Major, Norman
Manuse, Andrew	Mauro, Donna	Murphy, Brian	Nevins, Chris
O'Connor, John	Okerman, Richard	Packard, Sherman	Reichard, Kevin
Rice, Frederick	Ritter, Glenn	Sanders, Elisabeth	Sedensky, John
Sheffert, Kenneth	Shuler, Wyman III	Smith, William	Sullivan, James
Sytek, John	Tamburello, Daniel	Tasker, Kyle	Tremblay, Stella
Tucker, Pamela	Ward, Joanne	Welch, David	Weyler, Kenneth
Wheaton, Gary			

STRAFFORD

Browne, Brendon	Cataldo, Sam	DeLemus, Susan	Groen, Warren
Jones, Kyle	Jones, Laura	Larsen, Kirsten	Newton, Clifford
Parsons, Robbie	Pitre, Joseph	Vita, Carol	Vita, Lucien
Weeden, Michael			

SULLIVAN

Bowers, Spec	Cunningham, Steven	Howard, Thomas	Laware, Thomas
Osgood, Joe	Rodeschin, Beverly	Smith, Steven	

NAYS 120

BELKNAP

Millham, Alida	Russell, David	Swinford, Elaine

CARROLL

Babson, David Jr	Knox, J. David	McCarthy, Frank

CHESHIRE

Butynski, William	Carr, Daniel	Cartwright, Anne	Emerson, Susan
Hawkes, Samuel	Johnsen, Gladys	Johnson, Jane	Lindsey, Steven
Parkhurst, Henry	Roberts, Kris	Sad, Tara	Tatro, Bruce
Weber, Lucy			

COOS

Coulombe, Gary	Hatch, William	Merrick, Evalyn	Remick, William
Richardson, Herbert	Theberge, Robert	Tholl, John Jr	Tremblay, Marc

GRAFTON

Benn, Bernard	Bradley, Lester	Cooney, Mary	Gould, Franklin
Harding, Laurie	Nordgren, Sharon	Pastor, Beatriz	Pierce, David
Smith, Suzanne	White, Andrew		

HILLSBOROUGH

Baroody, Benjamin	Boehm, Ralph	Brunelle, Michael	Buxton, Michael
Campbell, David	Cote, David	Fredette, Robert	Gandia, Laura
Garrity, Patrick	Gidge, Kenneth	Goley, Jeffrey	Gorman, Mary
Infantine, William	Lambert, George	Levasseur, Nickolas	Long, Patrick
McCarthy, Michael	McGuinness, Sean	Messier, Irene	Pilotte, Maurice
Porter, Marjorie	Proulx, Mark	Ramsey, Peter	Rhodes, Brian
Rosenwald, Cindy	Shaw, Barbara	Souza, Kathleen	Stroud, Kathleen

MERRIMACK

Bouchard, Candace	Coffey, Jennifer	Deloge, Helen	DeStefano, Stephen
Foose, Robert	Frazer, June	Giuda, J. Brandon	Lockwood, Priscilla
MacKay, James	Owen, Derek	Palfrey, David	Potter, Frances
Reed, Dennis	Rice, Chip	Richardson, Gary	Richardson, Jon
Shurtleff, Stephen	Soltani, Tony	Wallner, Mary Jane	

ROCKINGHAM

Cali-Pitts, Jacqueline	Charron, Gene	Copeland, Timothy	DeSimone, Debra
DiPentima, Rich	Gould, Kenneth	Lovejoy, Patricia	Norelli, Terie
Pantelakos, Laura	Perkins, Amy	Perkins, Lawrence	Powers, James
Quandt, Marshall	Quandt, Matt	Read, Robin Jr	Schlachman, Donna
Sullivan, Kevin	Waddell, James	Webb, James	

STRAFFORD

Hofemann, Roland	Horrigan, Timothy	Kaen, Naida	Munck, Philip
Panek, William	Pelletier, Marsha	Roberts, Jenna	Schmidt, Peter
Spainhower, Dale	Sprague, Dale	Wall, Janet	Watters, David

SULLIVAN

Cloutier, John	Gagnon, Raymond	LaCasse, Paul Sr	Lefebvre, Benjamin
Schmidt, Andrew			

and the majority committee report was adopted.
Ordered to third reading.
Rep. Lars Christiansen declared a conflict of interest and did not participate.

MOTION TO PRINT DEBATE

Rep. Patrick Garrity moved that the debate on ***HB 231-FN,*** relative to payment of medical benefits for state retirees, their spouses, and dependents, be printed in the Permanent Journal.
Rep. Patrick Garrity spoke in favor.
Motion failed.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Carol McGuire moved that the House reconsider its action whereby, on a roll call vote of 188-120, it adopted the majority committee report of Ought to Pass with Amendment on ***HB 231-FN,*** relative to payment of medical benefits for state retirees, their spouses, and dependents.
Rep. Carol McGuire spoke against.
Motion failed.
Rep. Lars Christiansen declared a conflict of interest and did not participate.

REGULAR CALENDAR (CONT'D)

HB 461-FN, relative to repealing the authority for retirement system members to purchase service credit for certain out-of-state service. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Daniel J. Sullivan for Special Committee on Public Employee Pensions Reform: The amended bill allows the out of state purchase of service credits in the New Hampshire retirement system at a rate determined by the system's actuaries and upon approval by the board of trustees. The actuaries will base the purchase price in such a way that the employee is responsible for all actuarial costs and any fees, and the system is made whole. Vote 6-5.

Amendment (0624h)

Amend the title of the bill by replacing it with the following:
AN ACT relative to determining the full actuarial cost for purchasing service credit in the retirement system.
Amend the bill by replacing all after the enacting clause with the following:

1 Retirement System; Membership; Prior Service Credit; Cost of Purchase. Amend RSA 100-A:3, VI(b) to read as follows:

(b) In the case of prior service credit for time served as a member for which the member's accumulated contributions have been withdrawn, the amount of creditable service purchased may be the full length of service relating to the withdrawn contributions or a partial share of such service. The amount determined by the actuary to reinstate full or partial service credit shall be the amount of withdrawn contributions, but not less than one month's contributions multiplied by the ratio of the service credit to be purchased to the full

length of service relating to the withdrawn contributions, with this amount adjusted for interest from the date of withdrawal to the date of payment based on the interest rates in effect for each fiscal year. [~~The amount determined by the actuary to purchase prior service credit related to Peace Corps and AmeriCorps service shall be computed under RSA 100-A:4, VIII.~~] For [~~all other~~] ***any* other** prior service credit ***purchase*** the amount determined by the actuary shall be the [~~product of the member's annual rate of compensation at the time of buy-in, multiplied by the sum of the member and employer contribution rates in effect with respect to the member at the time of buy-in, multiplied by the number of years of prior service credit bought~~] ***payment of the full accrued actuarial cost to the system. The full actuarial cost of service credit purchases shall be determined by the actuary based on methods and assumptions recommended by the actuary and approved by the board of trustees, and shall include an interest rate 2 percentage points less than either the assumed rate of return determined under RSA 100-A:16, II(h) or the actual rate of return, whichever is lower, for the immediately preceding fiscal year as reported in the comprehensive annual financial report (CAFR), provided the rate shall not be less than zero***.

2 Membership; Cost of Prior Service Credit. Amend RSA 100-A:3, VI(d)(1) to read as follows:

(d)(1) In the case of an employer which through its own fault, and not the fault of the employee, failed to enroll an eligible employee at the time such employee became eligible for membership in this retirement system or a predecessor system, the employer and not the employee shall pay the cost of the actuary's statement obtained under this subparagraph. The actuary's statement shall be based on the [~~product of the member's annual rate of compensation at the time of buy-in, multiplied by the sum of the member and employer contribution rates in effect with respect to the member at the time of buy-in, multiplied by the number of years of prior service credit bought. In addition, if such employee has not received final approval of the board before July 1, 1989, to receive credit for such service, the employer shall pay 1/2 of the amount determined by the actuary and the employee shall pay ½~~] ***payment of the full accrued actuarial cost to the system as determined according to RSA 100-A:3, VI(b)***. Upon payment, and with the approval of the board, the member shall receive credit for prior service. The amount paid by the employee for prior service credit under this subparagraph shall be credited to the member annuity savings fund, and the amount paid by the employer shall be credited to the state annuity accumulation fund.

3 Creditable Service; Armed Forces Service; Cost of Prior Service Credit. Amend RSA 100-A:4, VI(b) to read as follows:

(b) Credit for active service in the armed services shall not be made until the member has paid either in lump sum or, if permitted by the board of trustees, by installment deductions from pay from an employer. The actuary's statement shall be [~~the product of the member's annual rate of compensation at the time of buy-in, multiplied by the sum of the member and employer contribution rates in effect with respect to the member at the time of buy-in, multiplied by the number of years of prior service credit bought~~] ***based on the payment of the full accrued actuarial cost to the system as determined according to RSA 100-A:3, VI(b)***.

4 Service Credit; Peace Corps; AmeriCorps. Amend RSA 100-A:4, VIII to read as follows:

VIII. Any employee, teacher, permanent policeman, or permanent fireman who has completed at least 5 years of membership service and who terminates his or her employment in order to enter directly into the Peace Corps or AmeriCorps, shall be entitled to service credit for the period of such Peace Corps or AmeriCorps service, provided he or she again becomes employed within a year after the termination of such service and provided further that he or she elects to make, and makes while in active service and within a period of time equal to 3 times the length of time of such service, but not more than 5 years, all payments of the full actuarial cost to the system. The full actuarial cost of service credit purchases under

this paragraph shall be determined by the actuary based on methods and assumptions recommended by the actuary and approved by the board of trustees ***as provided in RSA 100-A:3, VI(b)***. The member may be required to prepay all or part of the actuarial calculation fee, as determined by the board. Credit shall not be granted until the active member has fully paid for such service credit in a lump sum or by installment payments as permitted by the board. The member's payment shall be credited to the member annuity savings fund. The amount of service credit purchased under this paragraph shall not exceed the least of (a) 2 years or (b) the member's actual period of Peace Corps and AmeriCorps service or (c) 5 years minus the period of nonqualified service credit purchased by the member pursuant to former RSA 100-A:4, VII. Creditable service purchased under this paragraph shall not be used for the purpose of eligibility for medical and surgical benefits as a retired employee under RSA 21-I:30, RSA 100-A:52, RSA 100-A:52-a, or RSA 100-A:52-b.

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

AMENDED ANALYSIS

The bill establishes a uniform method for determining the full actuarial cost of purchasing service credit in the retirement system, including out-of-state service.

Rep. Hawkins spoke against.

Rep. Shurtleff spoke in favor and yielded to questions.

Rep. Carol McGuire requested a roll call; sufficiently seconded.

YEAS 88 NAYS 215

YEAS 88

BELKNAP

None

CARROLL

None

CHESHIRE

Carr, Daniel	Emerson, Susan	Hawkes, Samuel	Hunt, John
Johnsen, Gladys	Lindsey, Steven	Parkhurst, Henry	Roberts, Kris
Sad, Tara	Weber, Lucy		

COOS

Coulombe, Gary	Hatch, William	Merrick, Evalyn	Remick, William
Theberge, Robert	Tremblay, Marc		

GRAFTON

Benn, Bernard	Bradley, Lester	Cooney, Mary	Harding, Laurie
Nordgren, Sharon	Pastor, Beatriz	Pierce, David	Reilly, Harold Sr
Smith, Suzanne	White, Andrew		

HILLSBOROUGH

Baroody, Benjamin	Brunelle, Michael	Buxton, Michael	Campbell, David
Cote, David	Gandia, Laura	Garrity, Patrick	Gidge, Kenneth
Goley, Jeffrey	Gorman, Mary	Levasseur, Nickolas	Long, Patrick
McCarthy, Michael	Porter, Marjorie	Proulx, Mark	Ramsey, Peter
Rhodes, Brian	Rosenwald, Cindy	Shaw, Barbara	

MERRIMACK

Bouchard, Candace	Cohn, Seth	Deloge, Helen	DeStefano, Stephen
Foose, Robert	Frazer, June	Lockwood, Priscilla	MacKay, James
Owen, Derek	Potter, Frances	Rice, Chip	Richardson, Gary
Shurtleff, Stephen	Soltani, Tony	Wallner, Mary Jane	

ROCKINGHAM

Cali-Pitts, Jacqueline	Copeland, Timothy	DiPentima, Rich	Dowling, Patricia
Norelli, Terie	Pantelakos, Laura	Perkins, Amy	Perkins, Lawrence
Powers, James	Quandt, Matt	Read, Robin Jr	Schlachman, Donna
Shuler, Wyman III	Waddell, James		

STRAFFORD

Browne, Brendon	Hofemann, Roland	Horrigan, Timothy	Kaen, Naida
Pelletier, Marsha	Roberts, Jenna	Schmidt, Peter	Spainhower, Dale
Sprague, Dale	Wall, Janet	Watters, David	

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin

NAYS 215

BELKNAP

Accornero, Harry	Bolster, Peter	Fields, Dennis	Flanders, Donald
Greemore, Robert	Luther, Robert	Malone, Robert	Millham, Alida
Pilliod, James	Russell, David	Simpson, Tyler	Swinford, Elaine
Tilton, Franklin	Worsman, Colette		

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
Knox, J. David	McCarthy, Frank	McConkey, Mark	Merrow, Harry
Patten, Betsey	Pettengill, Laurie	Schmidt, Stephen	Tregenza, Norman
Umberger, Karen			

CHESHIRE

Butynski, William	Byrnes, John	Cartwright, Anne	Dwinell, Richard
Johnson, Jane	Moore, Charles	Moore, Robert Jr	Smith, Edwin
Sterling, Franklin Jr	Tatro, Bruce		

COOS

Daugherty, Duffy	Rappaport, Laurence	Richardson, Herbert	Tholl, John Jr

GRAFTON

Brosseau, Charles	Bulis, Lyle	Gionet, Edmond	Ingbretson, Paul
Ladd, Rick Jr	Mirski, Paul	Simard, Paul	Sova, Charles

HILLSBOROUGH

Balboni, Michael	Barry, J. Gail	Barry, Richard	Belanger, James
Belvin, William	Boehm, Ralph	Brown, Kevin	Burt, John
Cebrowski, John	Coffey, James	Condra, William	Cusson-Cail, Kathleen

Daniels, Gary	DeJong, Cameron	Doherty, Shaun	Donovan, Daniel
Drisko, Richard	Flanagan, Jack	Fredette, Robert	Gagne, Larry
Gargasz, Carolyn	Graham, John	Greazzo, Phil	Haefner, Robert
Hansen, Peter	Hardwick, Harry	Hawkins, Kenneth	Hikel, John
Hinch, Richard	Hogan, Edith	Hogan, Timothy	Holden, Frank
Hopper, Gary	Hutchinson, Winfred	Infantine, William	Jasper, Shawn
Krasucki, Joseph	Kurk, Neal	Lambert, George	LeBrun, Donald
Maltz, Jonathan	Marcus, Bruce	McClarren, Donald	McGuinness, Sean
Mecheski, Holly	Messier, Irene	Moran, Edward	Murphy, Keith
Notter, Jeanine	Ohm, Bill	Palmer, Stephen	Parison, James
Pellegrino, Tony	Peterson, Lenette	Pilotte, Maurice	Reed, Michael
Renzullo, Andrew	Robbins, David	Scontsas, Lisa	Seidel, Carl
Silva, Peter	Simmons, Tammy	Soucy, Connie	Souza, Kathleen
Stepanek, Stephen	Stroud, Kathleen	Summers, James	Thomas, Joseph
Twombly, Timothy	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe
Whitehead, Randall	Willette, Robert		

MERRIMACK

Coffey, Jennifer	Giuda, J. Brandon	Hess, David	Hoell, J.R.
Keane, Thomas	Kotowski, Frank	Kreis, Kenneth Sr	Lauer-Rago, Kathleen
McDonnell, John	McGuire, Carol	McGuire, Dan	Palfrey, David
Reed, Dennis	Richardson, Jon	Sanborn, Laurie	Seaworth, G. Brian
Smith, Molly	Smith, Todd	Winter, Steven	

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Azarian, Gary	Baldasaro, Alfred
Bates, David	Bettencourt, David	Birdsell, Regina	Brown, Paul
Charron, Gene	Comerford, Timothy	Davenport, Joshua	DeSimone, Debra
Duarte, Joe	Ferrante, Beverly	Fesh, Robert	Garcia, Marilinda
Garrity, James	Gould, Kenneth	Griffin, Mary	Hoelzel, Kathleen
Itse, Daniel	Kappler, Lawrence	Katsakiores, Phyllis	Kolodziej, Walter
Lovejoy, Patricia	MacMahon, Bruce	Major, Norman	Manuse, Andrew
Mauro, Donna	Murphy, Brian	Nevins, Chris	O'Connor, John
Okerman, Richard	Packard, Sherman	Reichard, Kevin	Rice, Frederick
Ritter, Glenn	Sanders, Elisabeth	Sedensky, John	Sheffert, Kenneth
Smith, William	Sullivan, James	Sullivan, Kevin	Sytek, John
Tasker, Kyle	Tremblay, Stella	Ward, Joanne	Webb, James
Welch, David	Weyler, Kenneth	Wheaton, Gary	

STRAFFORD

Cataldo, Sam	DeLemus, Susan	Groen, Warren	Jones, Kyle
Jones, Laura	Larsen, Kirsten	Munck, Philip	Newton, Clifford
Panek, William	Parsons, Robbie	Pitre, Joseph	Vita, Carol
Vita, Lucien	Weeden, Michael		

SULLIVAN

Bowers, Spec	Cunningham, Steven	Howard, Thomas	LaCasse, Paul Sr
Laware, Thomas	Osgood, Joe	Rodeschin, Beverly	Smith, Steven

and the committee amendment failed.

The question now being adoption of the motion of Ought to Pass.
Rep. Hawkins spoke in favor.
Rep. White requested a roll call; sufficiently seconded.

YEAS 229 NAYS 75

YEAS 229

BELKNAP

Accornero, Harry	Bolster, Peter	Fields, Dennis	Flanders, Donald
Greemore, Robert	Luther, Robert	Malone, Robert	Millham, Alida
Pilliod, James	Simpson, Tyler	Swinford, Elaine	Tilton, Franklin
Worsman, Colette			

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
Knox, J. David	McCarthy, Frank	McConkey, Mark	Merrow, Harry
Patten, Betsey	Pettengill, Laurie	Schmidt, Stephen	Tregenza, Norman
Umberger, Karen			

CHESHIRE

Butynski, William	Byrnes, John	Cartwright, Anne	Dwinell, Richard
Emerson, Susan	Hawkes, Samuel	Hunt, John	Johnson, Jane
Moore, Charles	Moore, Robert Jr	Smith, Edwin	Sterling, Franklin Jr
Tatro, Bruce			

COOS

Daugherty, Duffy	Rappaport, Laurence	Richardson, Herbert	Theberge, Robert
Tholl, John Jr			

GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Gionet, Edmond
Ingbretson, Paul	Ladd, Rick Jr	Mirski, Paul	Reilly, Harold Sr
Simard, Paul	Sova, Charles		

HILLSBOROUGH

Balboni, Michael	Barry, J. Gail	Barry, Richard	Belanger, James
Belvin, William	Boehm, Ralph	Brown, Kevin	Burt, John
Cebrowski, John	Coffey, James	Condra, William	Cusson-Cail, Kathleen
Daniels, Gary	DeJong, Cameron	Doherty, Shaun	Donovan, Daniel
Drisko, Richard	Flanagan, Jack	Fredette, Robert	Gagne, Larry
Gargasz, Carolyn	Graham, John	Greazzo, Phil	Haefner, Robert
Hansen, Peter	Hardwick, Harry	Hawkins, Kenneth	Hikel, John
Hinch, Richard	Hogan, Edith	Hogan, Timothy	Holden, Frank
Hopper, Gary	Hutchinson, Winfred	Infantine, William	Jasper, Shawn
Krasucki, Joseph	Kurk, Neal	Lambert, George	LeBrun, Donald
Maltz, Jonathan	Marcus, Bruce	McClarren, Donald	Mecheski, Holly
Messier, Irene	Moran, Edward	Murphy, Keith	Notter, Jeanine
Ohm, Bill	Palmer, Stephen	Parison, James	Pellegrino, Tony
Peterson, Lenette	Reed, Michael	Renzullo, Andrew	Robbins, David
Scontsas, Lisa	Seidel, Carl	Silva, Peter	Simmons, Tammy
Soucy, Connie	Souza, Kathleen	Stepanek, Stephen	Stroud, Kathleen
Summers, James	Thomas, Joseph	Twombly, Timothy	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Moe	Whitehead, Randall	Willette, Robert

MERRIMACK

Coffey, Jennifer	Foose, Robert	Giuda, J. Brandon	Hess, David
Hoell, J.R.	Keane, Thomas	Kotowski, Frank	Kreis, Kenneth Sr
Lauer-Rago, Kathleen	Lockwood, Priscilla	McDonnell, John	McGuire, Carol
McGuire, Dan	Palfrey, David	Reed, Dennis	Richardson, Jon
Sanborn, Laurie	Seaworth, G. Brian	Shurtleff, Stephen	Smith, Molly
Smith, Todd	Wallner, Mary Jane	Winter, Steven	

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Azarian, Gary	Baldasaro, Alfred
Bates, David	Bettencourt, David	Birdsell, Regina	Brown, Paul
Charron, Gene	Comerford, Timothy	Davenport, Joshua	Dowling, Patricia
Duarte, Joe	Ferrante, Beverly	Fesh, Robert	Garcia, Marilinda
Garrity, James	Gould, Kenneth	Griffin, Mary	Hoelzel, Kathleen
Itse, Daniel	Kappler, Lawrence	Katsakiores, Phyllis	Kolodziej, Walter
Lovejoy, Patricia	MacMahon, Bruce	Major, Norman	Manuse, Andrew
Mauro, Donna	Murphy, Brian	Nevins, Chris	Norelli, Terie
O'Connor, John	Okerman, Richard	Packard, Sherman	Pantelakos, Laura
Reichard, Kevin	Rice, Frederick	Ritter, Glenn	Sanders, Elisabeth
Sedensky, John	Sheffert, Kenneth	Shuler, Wyman III	Smith, William
Sullivan, James	Sullivan, Kevin	Sytek, John	Tasker, Kyle
Tremblay, Stella	Tucker, Pamela	Waddell, James	Ward, Joanne
Webb, James	Welch, David	Weyler, Kenneth	Wheaton, Gary

STRAFFORD

Cataldo, Sam	DeLemus, Susan	Groen, Warren	Jones, Kyle
Jones, Laura	Larsen, Kirsten	Munck, Philip	Newton, Clifford
Panek, William	Parsons, Robbie	Pitre, Joseph	Vita, Carol
Vita, Lucien	Wall, Janet	Watters, David	Weeden, Michael

SULLIVAN

Bowers, Spec	Cunningham, Steven	Howard, Thomas	LaCasse, Paul Sr
Laware, Thomas	Osgood, Joe	Rodeschin, Beverly	Smith, Steven

NAYS 75

BELKNAP

Russell, David

CARROLL

None

CHESHIRE

Carr, Daniel	Johnsen, Gladys	Lindsey, Steven	Parkhurst, Henry
Roberts, Kris	Sad, Tara	Weber, Lucy	

COOS

Coulombe, Gary	Hatch, William	Merrick, Evalyn	Remick, William
Tremblay, Marc			

GRAFTON

Benn, Bernard	Cooney, Mary	Harding, Laurie	Nordgren, Sharon
Pastor, Beatriz	Pierce, David	Smith, Suzanne	White, Andrew

HILLSBOROUGH

Baroody, Benjamin	Brunelle, Michael	Buxton, Michael	Campbell, David
Cote, David	Gandia, Laura	Garrity, Patrick	Gidge, Kenneth
Goley, Jeffrey	Gorman, Mary	Levasseur, Nickolas	Long, Patrick
McCarthy, Michael	McGuinness, Sean	Pilotte, Maurice	Porter, Marjorie
Proulx, Mark	Ramsey, Peter	Rhodes, Brian	Rosenwald, Cindy
Shaw, Barbara			

MERRIMACK

Bouchard, Candace	Cohn, Seth	Deloge, Helen	DeStefano, Stephen
Frazer, June	MacKay, James	Owen, Derek	Potter, Frances
Rice, Chip	Richardson, Gary	Soltani, Tony	

ROCKINGHAM

Cali-Pitts, Jacqueline	Copeland, Timothy	DeSimone, Debra	DiPentima, Rich
Perkins, Amy	Perkins, Lawrence	Powers, James	Quandt, Matt
Read, Robin Jr	Schlachman, Donna		

STRAFFORD

Browne, Brendon	Hofemann, Roland	Horrigan, Timothy	Kaen, Naida
Pelletier, Marsha	Roberts, Jenna	Schmidt, Peter	Spainhower, Dale
Sprague, Dale			

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin

and the motion was adopted.
Ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Bettencourt moved that the House reconsider its action whereby, on a roll call vote of 229-75, it adopted the motion of Ought to Pass on ***HB 461-FN,*** relative to repealing the authority for retirement system members to purchase service credit for certain out-of-state service.
Rep. Bettencourt spoke against.
Motion failed.

REGULAR CALENDAR (CONT'D)

HB 462-FN, relative to the determination of employer assessments for excess benefits paid by employers in the retirement system. **OUGHT TO PASS.**
Rep. William B. Smith for Special Committee on Public Employee Pensions Reform: The majority believes that public employers should be responsible for benefits in excess of 125% of the average pay of the highest three years of employee creditable service. This bill corrects an error in the excess benefit calculation from a bill introduced in last session. This error would have increased assessment on employers more than intended. The bill also phases in, over four years, the assessments on employers, which was considered by the majority to provide a needed introductory period to reduce short-term impact on employers. Vote 9-4.

Committee report adopted and ordered to third reading.

HB 464-FN, requiring the transfer of certain retirement system group II special account funds to the state annuity accumulation fund. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Kenneth Hawkins for the Majority of Special Committee on Public Employee Pensions Reform: This bill would transfer $89 million from the Group II special account to the corpus of the New Hampshire retirement system. The corpus is the main account of the NHRS. It will result in a decrease of $3.5 million of employer (taxpayer) dollars needed. The $89 million was transferred from a medical sub-trust for group II to the special account by the retirement board in Dec 2010. By doing this, the monies transferred would make available Group II monies needed for COLA's. No other groups have monies available for COLA's. We feel that no one group should have a benefit that the others don't. Vote 9-4.
Rep. Stephen J. Shurtleff for the Minority of Special Committee on Public Employee Pensions Reform: The transfer of 89 million dollars of Special Account money to the state accumulation fund breaches an agreement entered into by the retirement system (NHRS) and the IRS and reverses a vote of the NHRS Board authorizing a transfer of 89 million dollars from a medical subtrust back to the Special Account where the 89 million dollars originally came from. The agreement with the IRS was recommended by NHRS outside legal experts (Ice Miller) who expressly recommended that this money be returned to the special account. The transfer of special account money (intended to pay for employee pension benefits) to the corpus of the fund (in order to suppress employer rates) also constitutes a prohibited transaction under IRS rules and violates the New Hampshire Constitution, Part 1, Art 36-a. The prior transfer of 250 million dollars from the special account to the corpus is the subject of an ongoing lawsuit and HB 464-FN will likely amount to another illegal diversion of money raised and authorized exclusively to pay for employee pension benefits.

The question being adoption of the majority committee report of Ought to Pass.
Rep. Long spoke against.
Rep. Hawkins spoke in favor.
Rep. Patrick Garrity requested a roll call; sufficiently seconded.

YEAS 220 NAYS 80

YEAS 220

BELKNAP

Accornero, Harry	Bolster, Peter	Fields, Dennis	Flanders, Donald
Greemore, Robert	Luther, Robert	Malone, Robert	Millham, Alida
Pilliod, James	Russell, David	Simpson, Tyler	Swinford, Elaine
Tilton, Franklin	Worsman, Colette		

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
McCarthy, Frank	McConkey, Mark	Merrow, Harry	Patten, Betsey
Pettengill, Laurie	Schmidt, Stephen	Tregenza, Norman	Umberger, Karen

CHESHIRE

Butynski, William	Byrnes, John	Cartwright, Anne	Dwinell, Richard
Emerson, Susan	Hunt, John	Johnson, Jane	Moore, Charles
Moore, Robert Jr	Smith, Edwin	Sterling, Franklin Jr	

COOS

Daugherty, Duffy
Rappaport, Laurence
Remick, William
Richardson, Herbert
Tremblay, Marc

GRAFTON

Bradley, Lester
Brosseau, Charles
Bulis, Lyle
Gionet, Edmond
Ingbretson, Paul
Ladd, Rick Jr
Mirski, Paul
Reilly, Harold Sr
Simard, Paul
Sova, Charles

HILLSBOROUGH

Balboni, Michael
Barry, J. Gail
Barry, Richard
Belanger, James
Belvin, William
Boehm, Ralph
Brown, Kevin
Burt, John
Cebrowski, John
Coffey, James
Condra, William
Cusson-Cail, Kathleen
Daniels, Gary
DeJong, Cameron
Doherty, Shaun
Donovan, Daniel
Drisko, Richard
Flanagan, Jack
Fredette, Robert
Gagne, Larry
Gargasz, Carolyn
Graham, John
Greazzo, Phil
Haefner, Robert
Hansen, Peter
Hardwick, Harry
Hawkins, Kenneth
Hikel, John
Hinch, Richard
Hogan, Edith
Hogan, Timothy
Holden, Frank
Hopper, Gary
Hutchinson, Winfred
Infantine, William
Jasper, Shawn
Krasucki, Joseph
Kurk, Neal
Lambert, George
LeBrun, Donald
Maltz, Jonathan
Marcus, Bruce
McCarthy, Michael
McClarren, Donald
McGuinness, Sean
Mecheski, Holly
Messier, Irene
Moran, Edward
Murphy, Keith
Notter, Jeanine
Ohm, Bill
Palmer, Stephen
Parison, James
Pellegrino, Tony
Peterson, Lenette
Reed, Michael
Renzullo, Andrew
Robbins, David
Scontsas, Lisa
Seidel, Carl
Silva, Peter
Simmons, Tammy
Soucy, Connie
Souza, Kathleen
Stepanek, Stephen
Stroud, Kathleen
Summers, James
Thomas, Joseph
Twombly, Timothy
Ulery, Jordan
Vaillancourt, Steve
Villeneuve, Moe
Whitehead, Randall
Willette, Robert

MERRIMACK

Coffey, Jennifer
Cohn, Seth
Giuda, J. Brandon
Hess, David
Hoell, J.R.
Keane, Thomas
Kotowski, Frank
Kreis, Kenneth Sr
Lauer-Rago, Kathleen
Lockwood, Priscilla
McDonnell, John
McGuire, Carol
McGuire, Dan
Palfrey, David
Reed, Dennis
Richardson, Jon
Seaworth, G. Brian
Smith, Molly
Smith, Todd
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Allen, Mary
Azarian, Gary
Baldasaro, Alfred
Bates, David
Bettencourt, David
Birdsell, Regina
Brown, Paul
Comerford, Timothy
Davenport, Joshua
DeSimone, Debra
Dowling, Patricia
Duarte, Joe
Ferrante, Beverly
Fesh, Robert
Garcia, Marilinda
Garrity, James
Gould, Kenneth
Griffin, Mary
Hoelzel, Kathleen
Itse, Daniel
Kappler, Lawrence
Kolodziej, Walter
Lovejoy, Patricia
MacMahon, Bruce
Major, Norman
Manuse, Andrew
Mauro, Donna
Murphy, Brian
Nevins, Chris
O'Connor, John
Okerman, Richard
Packard, Sherman
Reichard, Kevin
Rice, Frederick
Ritter, Glenn
Sanders, Elisabeth
Sedensky, John
Sheffert, Kenneth
Shuler, Wyman III
Smith, William
Sullivan, James
Sullivan, Kevin
Sytek, John
Tasker, Kyle
Tremblay, Stella
Tucker, Pamela
Waddell, James
Ward, Joanne
Webb, James
Welch, David
Weyler, Kenneth
Wheaton, Gary

STRAFFORD

Cataldo, Sam	DeLemus, Susan	Jones, Kyle	Jones, Laura
Larsen, Kirsten	Munck, Philip	Newton, Clifford	Panek, William
Parsons, Robbie	Pitre, Joseph	Vita, Carol	Vita, Lucien
Weeden, Michael			

SULLIVAN

Bowers, Spec	Cunningham, Steven	Howard, Thomas	LaCasse, Paul Sr
Laware, Thomas	Osgood, Joe	Rodeschin, Beverly	Smith, Steven

NAYS 80

BELKNAP

None

CARROLL

Knox, J. David

CHESHIRE

Carr, Daniel	Johnsen, Gladys	Lindsey, Steven	Parkhurst, Henry
Roberts, Kris	Sad, Tara	Tatro, Bruce	Weber, Lucy

COOS

Coulombe, Gary	Hatch, William	Merrick, Evalyn	Theberge, Robert
Tholl, John Jr			

GRAFTON

Benn, Bernard	Cooney, Mary	Harding, Laurie	Nordgren, Sharon
Pastor, Beatriz	Pierce, David	Smith, Suzanne	White, Andrew

HILLSBOROUGH

Baroody, Benjamin	Brunelle, Michael	Buxton, Michael	Campbell, David
Cote, David	Gandia, Laura	Garrity, Patrick	Gidge, Kenneth
Goley, Jeffrey	Gorman, Mary	Long, Patrick	Pilotte, Maurice
Porter, Marjorie	Proulx, Mark	Ramsey, Peter	Rhodes, Brian
Rosenwald, Cindy	Shaw, Barbara		

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	MacKay, James	Owen, Derek	Potter, Frances
Rice, Chip	Richardson, Gary	Shurtleff, Stephen	Soltani, Tony
Wallner, Mary Jane			

ROCKINGHAM

Cali-Pitts, Jacqueline	Charron, Gene	Copeland, Timothy	DiPentima, Rich
Norelli, Terie	Pantelakos, Laura	Perkins, Amy	Perkins, Lawrence
Powers, James	Quandt, Marshall	Quandt, Matt	Read, Robin Jr
Schlachman, Donna			

STRAFFORD

Browne, Brendon	Hofemann, Roland	Horrigan, Timothy	Kaen, Naida
Pelletier, Marsha	Roberts, Jenna	Schmidt, Peter	Spainhower, Dale
Sprague, Dale	Wall, Janet	Watters, David	

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin

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

HB 224-FN, establishing an independent legislative redistricting commission. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS**
Rep. Steve Vaillancourt for the Majority of Special Committee on Redistricting: Currently, the House and Senate are responsible for redistricting every ten years. Traditionally, the House has been responsible for redistricting the House, the Senate for redistricting the Senate, and both bodies have worked to draft plans for redistricting Congressional, Executive Council, and County Commission districts. This bill would take the responsibility for preparing redistricting plans away from elected officials and place it with a seven member panel (two appointed by the Governor, one each by the Supreme Court Chief Justice, the House Speaker, Senate President, and minority leaders of the House and Senate). A limited number of states (12 at last count) have adopted a system of redistricting panels outside the Legislature, but there is no evidence that the end product is any better than with states which have not gone that route. Law suits are just as likely to be filed; non-competitive districts are just as likely to be created. Out of all the states, New Hampshire, with its 400 elected representatives, is least in need of the system proposed in this bill. The majority believes it would be unwise to take this great responsibility away from duly elected representatives of the people and place it in the hands of what most likely would turn out to be partisan non-elected people. Note for example that with two appointments, the governor would have supreme power in this proposed system. There would be nothing to prevent a governor from choosing two people with similar partisan leanings. While senators and representatives are certainly partisan, at least we come with the imprimatur of having been chosen by voters who have vetted our partisanship. As if this bill weren't bad enough, it comes with a $250,000 cost. Vote 11-4.
Rep. David M. Pierce for the Minority of Special Committee on Redistricting: Whoever draws legislative district lines decides who gets elected, but the minority believes that the decision of who gets elected belongs to the voters, not the politicians. Current law permits district line drawing using subjective, politically-charged criteria. Current practice also shuts out public scrutiny and participation. HB 224 would mandate objectivity and transparency. It would mandate that district lines be drawn using objective criteria, such as not favoring any political party or incumbent and not using previous election results to pack and fracture voters into more homogenous districts (or less, as the case may be). HB 224 would require the process be open to the public. It would solicit and encourage the public to submit its own redistricting plans. It would require favoring the plan that fits most closely to the objective standards. But we were told we don't need the House and Senate to go to the voters to hear what they think. We were told HB 224 would simply be too much work. We were told that the House and Senate must act in its own interest. The minority believes the House and Senate shouldn't put its own interests at the front of the line while putting the voters' interests at the back. The voters should pick their representatives; the representatives shouldn't pick the voters.
Majority committee report adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. William Smith moved that the House reconsider its action whereby, on a roll call vote of 220-80, it adopted the majority committee report of Ought to Pass on ***HB 464-FN,*** requiring the transfer of certain retirement system group II special account funds to the state annuity accumulation fund.
Rep. William Smith spoke against.
Motion failed.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Bettencourt moved that the House reconsider its action whereby, on a roll call vote of 256-102, it adopted the majority committee report of Ought to Pass with Amendment on ***HB 329,*** requiring parental notification before abortions may be performed on unemancipated minors.
Rep. Bettencourt spoke against.
Motion failed.

REGULAR CALENDAR (CONT'D)

HCR 9, urging Congress to support H.R. 6416 or similar legislation relative to airport security. **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 finds it appalling that our federal government, under the umbrella of "safety," treats our citizens with such disrespect. This bill encourages passage of the federal H.R. 6416 to enact legislation protecting the rights and dignity of travelers in the nation's airports. Alternatives to embarrassing innocent citizens do exist and should be brought into play. Vote 10-3.
Rep. Dale S. Spainhower for the Minority of State-Federal Relations and Veterans Affairs: Although the minority agrees with some concerns raised by the majority, the minority believes that some personal rights or freedoms at times need to be overlooked to ensure our nation's security. In addition, no alternative plan dealing with airport security checks was presented.

Majority Amendment (0616h)

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

That the general court of New Hampshire respectfully urges the President and Congress of the United States to immediately address the serious privacy, constitutional, safety, and religious freedom concerns presented by advanced imaging technology employed by Transportation Security Agency employees at the nation's airports; and if these concerns cannot be satisfactorily addressed, urges the discontinuation of their use; and

That the New Hampshire general court hereby urges Congress to pass H.R. 6416 or to enact similar legislation protecting the rights of travelers in the nation's airports; and

That copies of this resolution, signed by the speaker of the house of representatives and the senate present, be forwarded by the house clerk to the Speaker of the United States House of Representatives, the President of the United States Senate, and to each member of the New Hampshire congressional delegation.

Majority committee amendment adopted.
Majority committee report adopted and ordered to third reading.

HCR 11, to urge the Congress of the United States to withdraw the membership of the United States from the United Nations so that the United States may retain its sovereignty and control over its own funds and military forces. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Jeanine M. Notter for the Majority of State-Federal Relations and Veterans Affairs:

Charity begins at home. Our country has its own challenges with homelessness, education, war against terrorism, and other problems. Yet we provide the largest share of the financial burden of the United Nations (U.N.), paying hundreds of millions of dollars – giving America's money away – to other countries. Many of the U.N. members do not even like us. They support many things that are detrimental to this country and against its interests, yet they expect us to practically police the planet with our money and our military. Our country is so far in debt it makes sense to free ourselves from the tremendous burden of funding the United Nations. Vote 9-3.
Rep. Ted Rokas for the Minority of State-Federal Relations and Veterans Affairs: Although the minority agrees with the majority that the United Nations is not a perfect organization, the minority believes it would be unwise and foolish to withdraw from the organization, because the United Nations keeps the doors of diplomacy open.

The question being adoption of the majority committee report of Ought to Pass.
Rep. Theberge requested a roll call; sufficiently seconded.

YEAS 189 NAYS 107

YEAS 189

BELKNAP

Accornero, Harry	Fields, Dennis	Greemore, Robert	Luther, Robert
Malone, Robert	Russell, David	Simpson, Tyler	Swinford, Elaine
Tilton, Franklin	Worsman, Colette		

CARROLL

Babson, David Jr	Chandler, Gene	Fleck, Joseph	McCarthy, Frank
McConkey, Mark	Merrow, Harry	Patten, Betsey	Pettengill, Laurie
Schmidt, Stephen	Tregenza, Norman		

CHESHIRE

Byrnes, John	Cartwright, Anne	Dwinell, Richard	Emerson, Susan
Johnson, Jane	Moore, Charles	Moore, Robert Jr	Parkhurst, Henry
Smith, Edwin			

COOS

Daugherty, Duffy	Rappaport, Laurence	Richardson, Herbert	Tholl, John Jr
Tremblay, Marc			

GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Gionet, Edmond
Ingbretson, Paul	Ladd, Rick Jr	Mirski, Paul	Reilly, Harold Sr
Simard, Paul	Sova, Charles		

HILLSBOROUGH

Balboni, Michael	Barry, J. Gail	Barry, Richard	Belanger, James
Boehm, Ralph	Brown, Kevin	Burt, John	Cebrowski, John
Condra, William	Cusson-Cail, Kathleen	Daniels, Gary	DeJong, Cameron
Doherty, Shaun	Donovan, Daniel	Drisko, Richard	Fredette, Robert
Gagne, Larry	Gandia, Laura	Greazzo, Phil	Hansen, Peter
Hardwick, Harry	Hawkins, Kenneth	Hikel, John	Hinch, Richard
Hogan, Edith	Hogan, Timothy	Holden, Frank	Hopper, Gary

Hutchinson, Winfred	Infantine, William	Jasper, Shawn	Krasucki, Joseph
Lambert, George	LeBrun, Donald	Maltz, Jonathan	Marcus, Bruce
McCarthy, Michael	McClarren, Donald	McGuinness, Sean	Mecheski, Holly
Murphy, Keith	Notter, Jeanine	Ohm, Bill	Palmer, Stephen
Parison, James	Pellegrino, Tony	Peterson, Lenette	Proulx, Mark
Reed, Michael	Renzullo, Andrew	Scontsas, Lisa	Seidel, Carl
Silva, Peter	Simmons, Tammy	Soucy, Connie	Souza, Kathleen
Stepanek, Stephen	Stroud, Kathleen	Summers, James	Thomas, Joseph
Twombly, Timothy	Ulery, Jordan	Villeneuve, Moe	Whitehead, Randall
Willette, Robert			

MERRIMACK

Coffey, Jennifer	Cohn, Seth	Giuda, J. Brandon	Hoell, J.R.
Kotowski, Frank	Kreis, Kenneth Sr	Lauer-Rago, Kathleen	McDonnell, John
McGuire, Carol	McGuire, Dan	Palfrey, David	Reed, Dennis
Sanborn, Laurie	Seaworth, G. Brian	Smith, Molly	Smith, Todd
Soltani, Tony	Winter, Steven		

ROCKINGHAM

Abrami, Patrick	Azarian, Gary	Baldasaro, Alfred	Bates, David
Bettencourt, David	Birdsell, Regina	Brown, Paul	Comerford, Timothy
Copeland, Timothy	Davenport, Joshua	DeSimone, Debra	Duarte, Joe
Ferrante, Beverly	Fesh, Robert	Griffin, Mary	Hoelzel, Kathleen
Itse, Daniel	Kappler, Lawrence	Katsakiores, Phyllis	Kolodziej, Walter
MacMahon, Bruce	Manuse, Andrew	Mauro, Donna	Murphy, Brian
Okerman, Richard	Packard, Sherman	Quandt, Marshall	Quandt, Matt
Reichard, Kevin	Rice, Frederick	Ritter, Glenn	Sanders, Elisabeth
Sedensky, John	Sheffert, Kenneth	Shuler, Wyman III	Smith, William
Tasker, Kyle	Tremblay, Stella	Tucker, Pamela	Webb, James
Welch, David	Weyler, Kenneth	Wheaton, Gary	

STRAFFORD

Cataldo, Sam	DeLemus, Susan	Groen, Warren	Jones, Kyle
Jones, Laura	Larsen, Kirsten	Newton, Clifford	Panek, William
Parsons, Robbie	Pitre, Joseph	Vita, Carol	Vita, Lucien

SULLIVAN

Bowers, Spec	Cunningham, Steven	Howard, Thomas	LaCasse, Paul Sr
Laware, Thomas	Osgood, Joe	Smith, Steven	

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BELKNAP

Bolster, Peter	Flanders, Donald	Millham, Alida	Pilliod, James

CARROLL

Ahlgren, Christopher	Knox, J. David	Umberger, Karen

CHESHIRE

Butynski, William	Carr, Daniel	Hunt, John	Johnsen, Gladys
Lindsey, Steven	Roberts, Kris	Sad, Tara	Sterling, Franklin Jr

Tatro, Bruce	Weber, Lucy		

COOS

Coulombe, Gary	Hatch, William	Merrick, Evalyn	Remick, William
Theberge, Robert			

GRAFTON

Benn, Bernard	Cooney, Mary	Harding, Laurie	Nordgren, Sharon
Pastor, Beatriz	Pierce, David	Smith, Suzanne	White, Andrew

HILLSBOROUGH

Baroody, Benjamin	Belvin, William	Brunelle, Michael	Buxton, Michael
Campbell, David	Coffey, James	Cote, David	Flanagan, Jack
Gargasz, Carolyn	Garrity, Patrick	Gidge, Kenneth	Goley, Jeffrey
Gorman, Mary	Graham, John	Haefner, Robert	Kurk, Neal
Long, Patrick	Messier, Irene	Moran, Edward	Pilotte, Maurice
Ramsey, Peter	Rhodes, Brian	Robbins, David	Rosenwald, Cindy
Shaw, Barbara	Vaillancourt, Steve		

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	Hess, David	Keane, Thomas	Lockwood, Priscilla
MacKay, James	Potter, Frances	Rice, Chip	Richardson, Gary
Richardson, Jon	Shurtleff, Stephen	Wallner, Mary Jane	

ROCKINGHAM

Allen, Mary	Cali-Pitts, Jacqueline	Charron, Gene	Dowling, Patricia
Garcia, Marilinda	Garrity, James	Gould, Kenneth	Lovejoy, Patricia
Major, Norman	Nevins, Chris	Norelli, Terie	O'Connor, John
Pantelakos, Laura	Powers, James	Schlachman, Donna	Sullivan, James
Sullivan, Kevin	Sytek, John	Waddell, James	Ward, Joanne

STRAFFORD

Hofemann, Roland	Horrigan, Timothy	Kaen, Naida	Munck, Philip
Pelletier, Marsha	Roberts, Jenna	Schmidt, Peter	Spainhower, Dale
Sprague, Dale	Wall, Janet	Watters, David	Weeden, Michael

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Rodeschin, Beverly

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

HCR 12, urging Congress to withdraw the United States from the North American Free Trade Agreement (NAFTA) in accordance with Article 2205 of the agreement. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Lucien A. Vita for the Majority of State-Federal Relations and Veterans Affairs: NAFTA has never been subject to congressional oversight, necessary for a treaty to become law. Yet, in spite of being in violation of the constitution, NAFTA has been put into force by congress, resulting in the loss of jobs and wages to other countries. This agreement is not in the best interest of the United States and should be voided. Vote 9-3.
Rep. Ted Rokas for the Minority of State-Federal Relations and Veterans Affairs: The

minority feels that withdrawing from NAFTA will not address the problems associated with economic security, human rights and environmental issues.

The question being adoption of the majority committee report of Ought to Pass.
Rep. Theberge requested a roll call; sufficiently seconded.

YEAS 172 NAYS 124

YEAS 172

BELKNAP

Accornero, Harry	Fields, Dennis	Malone, Robert	Pilliod, James
Russell, David	Simpson, Tyler	Swinford, Elaine	Tilton, Franklin
Worsman, Colette			

CARROLL

Babson, David Jr	Chandler, Gene	Fleck, Joseph	McCarthy, Frank
McConkey, Mark	Patten, Betsey	Pettengill, Laurie	Schmidt, Stephen
Tregenza, Norman			

CHESHIRE

Byrnes, John	Cartwright, Anne	Dwinell, Richard	Emerson, Susan
Johnson, Jane	Lindsey, Steven	Moore, Charles	Moore, Robert Jr
Smith, Edwin			

COOS

Coulombe, Gary	Daugherty, Duffy	Rappaport, Laurence	Remick, William
Richardson, Herbert	Tholl, John Jr	Tremblay, Marc	

GRAFTON

Brosseau, Charles	Gionet, Edmond	Ingbretson, Paul	Mirski, Paul
Reilly, Harold Sr	Simard, Paul	Sova, Charles	

HILLSBOROUGH

Balboni, Michael	Barry, J. Gail	Belanger, James	Brown, Kevin
Burt, John	Condra, William	Daniels, Gary	DeJong, Cameron
Doherty, Shaun	Donovan, Daniel	Drisko, Richard	Flanagan, Jack
Gandia, Laura	Greazzo, Phil	Hansen, Peter	Hardwick, Harry
Hawkins, Kenneth	Hikel, John	Hinch, Richard	Hogan, Edith
Hogan, Timothy	Holden, Frank	Hopper, Gary	Hutchinson, Winfred
Infantine, William	Jasper, Shawn	Krasucki, Joseph	Lambert, George
LeBrun, Donald	Long, Patrick	Maltz, Jonathan	Marcus, Bruce
McCarthy, Michael	McClarren, Donald	McGuinness, Sean	Mecheski, Holly
Murphy, Keith	Notter, Jeanine	Palmer, Stephen	Parison, James
Pellegrino, Tony	Peterson, Lenette	Proulx, Mark	Ramsey, Peter
Reed, Michael	Renzullo, Andrew	Scontsas, Lisa	Seidel, Carl
Silva, Peter	Simmons, Tammy	Soucy, Connie	Souza, Kathleen
Stepanek, Stephen	Stroud, Kathleen	Summers, James	Thomas, Joseph
Twombly, Timothy	Ulery, Jordan	Villeneuve, Moe	Whitehead, Randall
Willette, Robert			

MERRIMACK

Coffey, Jennifer	Cohn, Seth	Giuda, J. Brandon	Hoell, J.R.
Kotowski, Frank	Kreis, Kenneth Sr	Lauer-Rago, Kathleen	McDonnell, John
McGuire, Carol	Palfrey, David	Reed, Dennis	Sanborn, Laurie
Smith, Molly	Smith, Todd		

ROCKINGHAM

Azarian, Gary	Baldasaro, Alfred	Birdsell, Regina	Comerford, Timothy
Copeland, Timothy	Davenport, Joshua	DeSimone, Debra	Duarte, Joe
Ferrante, Beverly	Fesh, Robert	Griffin, Mary	Hoelzel, Kathleen
Itse, Daniel	Kappler, Lawrence	Katsakiores, Phyllis	Kolodziej, Walter
MacMahon, Bruce	Mauro, Donna	Murphy, Brian	O'Connor, John
Okerman, Richard	Packard, Sherman	Quandt, Marshall	Quandt, Matt
Reichard, Kevin	Rice, Frederick	Sanders, Elisabeth	Sedensky, John
Sheffert, Kenneth	Shuler, Wyman III	Sullivan, Kevin	Tasker, Kyle
Tremblay, Stella	Webb, James	Welch, David	Weyler, Kenneth

STRAFFORD

Cataldo, Sam	DeLemus, Susan	Groen, Warren	Horrigan, Timothy
Jones, Kyle	Jones, Laura	Larsen, Kirsten	Newton, Clifford
Panek, William	Parsons, Robbie	Pitre, Joseph	Vita, Carol
Vita, Lucien			

SULLIVAN

Bowers, Spec	Cunningham, Steven	Howard, Thomas	LaCasse, Paul Sr
Laware, Thomas	Osgood, Joe	Smith, Steven	

NAYS 124

BELKNAP

Bolster, Peter	Flanders, Donald	Greemore, Robert	Luther, Robert
Millham, Alida			

CARROLL

Ahlgren, Christopher	Knox, J. David	Merrow, Harry	Umberger, Karen

CHESHIRE

Butynski, William	Carr, Daniel	Hunt, John	Johnsen, Gladys
Parkhurst, Henry	Roberts, Kris	Sad, Tara	Sterling, Franklin Jr
Tatro, Bruce	Weber, Lucy		

COOS

Hatch, William	Merrick, Evalyn	Theberge, Robert

GRAFTON

Benn, Bernard	Bradley, Lester	Bulis, Lyle	Cooney, Mary
Harding, Laurie	Ladd, Rick Jr	Nordgren, Sharon	Pastor, Beatriz
Pierce, David	Smith, Suzanne	White, Andrew	

HILLSBOROUGH

Baroody, Benjamin	Barry, Richard	Belvin, William	Boehm, Ralph

Brunelle, Michael	Buxton, Michael	Campbell, David	Cebrowski, John
Coffey, James	Cote, David	Cusson-Cail, Kathleen	Fredette, Robert
Gagne, Larry	Gargasz, Carolyn	Garrity, Patrick	Gidge, Kenneth
Goley, Jeffrey	Gorman, Mary	Graham, John	Haefner, Robert
Kurk, Neal	Messier, Irene	Moran, Edward	Ohm, Bill
Pilotte, Maurice	Rhodes, Brian	Robbins, David	Rosenwald, Cindy
Shaw, Barbara	Vaillancourt, Steve		

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	Hess, David	Keane, Thomas	Lockwood, Priscilla
MacKay, James	McGuire, Dan	Potter, Frances	Rice, Chip
Richardson, Gary	Richardson, Jon	Seaworth, G. Brian	Shurtleff, Stephen
Soltani, Tony	Wallner, Mary Jane	Winter, Steven	

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Bates, David	Bettencourt, David
Brown, Paul	Cali-Pitts, Jacqueline	Charron, Gene	Dowling, Patricia
Garcia, Marilinda	Garrity, James	Gould, Kenneth	Lovejoy, Patricia
Major, Norman	Manuse, Andrew	Nevins, Chris	Norelli, Terie
Pantelakos, Laura	Powers, James	Ritter, Glenn	Schlachman, Donna
Smith, William	Sullivan, James	Sytek, John	Tucker, Pamela
Waddell, James	Ward, Joanne	Wheaton, Gary	

STRAFFORD

Hofemann, Roland	Kaen, Naida	Munck, Philip	Pelletier, Marsha
Roberts, Jenna	Schmidt, Peter	Spainhower, Dale	Sprague, Dale
Wall, Janet	Watters, David	Weeden, Michael	

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Rodeschin, Beverly

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

HCR 22, opposing the right of any firm, corporation, or individual to trademark the name Mount Washington. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**
Rep. Robert L. Theberge for the Majority of State-Federal Relations and Veterans Affairs: The majority believes that the North Country has a well-known history and culture which was not fully taken into account when an application was made to the U.S. Patent and Trademark Office (USPTO). Although the amendment is a good compromise, a letter will be sent to the USPTO stating that no firm, corporation, or individual shall have exclusivity. For example, the trademark in question corners the hospitality market. Vote 10-3.
Rep. Daniel J. Tamburello for the Minority of State-Federal Relations and Veterans Affairs: While the committee adopted the amendment 12-1, the minority felt it important to note for the record that due to the unique nature of Mount Washington and its importance to the people and the state of New Hampshire both intrinsically and as a tourist attraction, the amended resolution does not go far enough in protecting the rights of the citizens and small business owners of the North Country.

Majority Amendment (0612h)
Amend the title of the resolution by replacing it with the following:

A RESOLUTION declaring that although a trademarked name may include a New Hampshire geographic location such as "Mount Washington," no single business, firm, or association shall have sole authority or exclusive use of the name of such geographic location.
Amend the resolution by replacing all after the title with the following:

Whereas, at 6,288 feet Mount Washington is the highest peak in the Northeastern United States and is located in the Presidential Range of the White Mountains, in Coos County, New Hampshire; and

Whereas, Mount Washington is a natural landmark known throughout the world for its majestic beauty and its dangerously erratic weather; and

Whereas, Mount Washington signifies the tough, resilient "live free or die" nature of New Hampshire and its residents; and

Whereas, Mount Washington is unique to New Hampshire; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That while the New Hampshire house of representatives understands and supports the need for firms, corporations, or persons to have trademark protection and that the name may include a New Hampshire geographic location such as "Mount Washington," no single business, firm, or association shall have sole authority or exclusive use of the name of such geographic location; and

That copies of this resolution be forwarded by the house clerk to the United States Patent and Trademark Office.

AMENDED ANALYSIS

This concurrent resolution declares that although a trademarked name may include a New Hampshire geographic location such as "Mount Washington," no single business, firm, or association shall have sole authority or exclusive use of the name of such geographic location.

Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

HCR 25, urging Congress to amend the Internal Revenue Code to permit churches and other houses of worship to engage in political campaigns. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Frank H. McCarthy for the Majority of State-Federal Relations and Veterans Affairs: This resolution would urge congress to amend the Internal Revenue Code to permit churches and other houses of worship to engage in political campaigns. The committee believes that, if passed, the result would be to open a Pandora's box as it relates to entities such as the American Legion, other veterans organizations, the Red Cross and hundreds of other 501 c.3 organizations. Vote 10-2.

Rep. Todd P. Smith for the Minority of State-Federal Relations and Veterans Affairs: The bill's sole intent is to reinforce the church's first amendment rights as a body of like believers and individuals thereof. Parishioners and pastors have been verbally and financially attacked for exercising their biblical beliefs. This HCR would have only asked Congress to pass legislation to protect the rights of churches to state their beliefs in and outside the four walls of the building when those beliefs may directly be infringed upon by political legislation.

Majority committee report adopted.

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 Thursday, March 17, 2011 at 9:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 348-FN, transferring the duties of the racing and charitable gaming commission to the lottery commission and abolishing the racing and charitable gaming commission, and prohibiting new electronic gaming devices without statutory authorization.
HB 206-FN, establishing an apprentice hunting license.
HB 571-FN, relative to lobster and crab licenses issued by the fish and game department.
HB 58, relative to inter-facility transfers of critical access hospital patients.
HB 295, relative to the use of long-term antibiotics for the treatment of Lyme disease.
HB 442-FN, relative to the use of marijuana for medicinal purposes.
HB 632, relative to labeling requirements for dispensing of drugs by automated pharmacy systems.
HB 141, relative to protected utility services.
HB 158, relative to the misuse of social security numbers.
HB 254, relative to offers of judgments.
HB 329-FN, requiring parental notification before abortions may be performed on unemancipated minors.
CACR 12, relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education.
HB 532-L, relative to municipal liability for dog bites.
HR 7, directing the house judiciary committee to investigate whether grounds exist to impeach marital master Phillip Cross and/or any justice of the New Hampshire superior court.
HB 524-FN, relative to the release of prisoners on probation or parole.
HB 133, relative to the minimum wage.
HB 589, repealing written majority authorization for an employee organization to be certified as the exclusive representative of public employees in a bargaining unit.
HB 109, relative to residential fire sprinklers.
HB 316, relative to penalties for failure to file a property tax inventory blank or for refusing inspection of property.
HB 341, relative to local spending caps.
HB 368-FN-L, relative to workforce housing and the definition of community.
HB 409, relative to planning board members.
HB 457-FN, reducing the interest rate on late and delinquent property tax payments, subsequent payments, and other unpaid taxes.
HB 483-FN-L, relative to mosquito control.
HB 374, banning corn-based ethanol as an additive to gasoline sold in New Hampshire.
HB 387, requiring providers of prepaid cellular telephone service to provide subscriber information to the enhanced 911 system.
HB 231-FN, relative to payment of medical benefits for state retirees, their spouses, and dependents.
HB 461-FN, relative to repealing the authority for retirement system members to purchase service credit for certain out-of-state service.
HB 462-FN, relative to the determination of employer assessments for excess benefits paid by employers in the retirement system.
HB 464-FN, requiring the transfer of certain retirement system group II special account funds to the state annuity accumulation fund.
HCR 9, urging Congress to support H.R. 6416 or similar legislation relative to airport security.

HCR 11, to urge the Congress of the United States to withdraw the membership of the United States from the United Nations so that the United States may retain its sovereignty and control over its own funds and military forces.
HCR 12, urging Congress to withdraw the United States from the North American Free Trade Agreement (NAFTA) in accordance with Article 2205 of the agreement.
HCR 22, declaring that although a trademarked name may include a New Hampshire geographic location such as "Mount Washington," no single business, firm, or association shall have sole authority or exclusive use of the name of such geographic location.

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 10:10 p.m.

RECESS