

State of New Hampshire HOUSE RECORD

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

Vol. 33

Concord, N. H.

Thursday, March 17, 2011

No. 30

HOUSE JOURNAL No. 11 (cont.)

Wednesday, March 16, 2011

Rep. Daniels moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 12

Thursday, March 17, 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.

Yesterday, having marked 209 years of the founding of the United States Military Academy at West Point, an institution which has provided the nation with many of its greatest leaders, including two presidents, three Heisman Trophy winners, and enough Generals' stars to fill a galaxy, we complete our commemoration of this event with the traditional West Point Cadet Prayer, submitted by Representative Frederick Rice.

O God, our Father, Thou Searcher of human hearts, help us to draw near to Thee in sincerity and truth. May our religion be filled with gladness and may our worship of Thee be natural. Strengthen and increase our admiration for honest dealing and clean thinking, and suffer not our hatred of hypocrisy and pretence ever to diminish. Encourage us in our endeavor to live above the common level of life. Make us to choose the harder right instead of the easier wrong, and never to be content with a half truth when the whole truth can be won. Endow us with courage that is born of loyalty to all that is noble and worthy, that scorns to compromise with vice and injustice and knows no fear when truth and right are in jeopardy.

Guard us against flippancy and irreverence in the sacred things of life. Grant us new ties of friendship and new opportunities of service. Kindle our hearts in fellowship with those of a cheerful countenance, and soften our hearts with sympathy for those who sorrow and suffer. Especially, this day, we remember Representative Bill Tobin, who needs healing. Help us to maintain the honor of the Corps untarnished and unsullied and to show forth in our lives the ideals of West Point in doing our duty to Thee and to our Country. All of which we ask in the name of the Great Friend and Master of all. Amen.

Representative Jenna Roberts, member from Durham, led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Andolina, Beattie, Ronald Belanger, Chirichiello, Day, Devine, Katsiantonis, Kingsbury, Moody and Tobin, the day, illness.
Reps. Aguiar, Ball, Carr, Chase, Comtois, Condra, DeSimone, Eaton, Elliott, Gimas, Ginsburg, Hill, Hofemann, Kaen, Lefebvre, Leonard, Mark Lindsley, Bruce MacMahon, William O'Connor, Barry Palmer, Pelletier, Pepino, Amy Perkins, Lawrence Perkins, Peterson, Scala, Serlin, Shackett, Spainhower, Daniel Sullivan, Kevin Sullivan, Terrio, Weed and Wheaton, the day, important business.
Rep. Erickson, the day, illness in the family.
Reps. Lynne Ober and Russell Ober, the day, death in the family.

INTRODUCTION OF GUESTS

Fourth grade students from Bow Elementary School, guests of the Bow and Dunbarton delegation. Fourth grade students from Barnstead Elementary School, guests of the Barnstead delegation.

Hallie Loft of Hopkinton High School, Page for the day.

REGULAR CALENDAR (CONT'D)

HB 218, repealing the New Hampshire rail transit authority. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John A. Hikel for the Majority of Transportation: The rail authority is planning to spend up to 5 million dollars to determine whether or not New Hampshire is ready for high speed rail. The state of Vermont tried a similar rail system and cancelled it after it cost their taxpayers millions of dollars. Maine's Down Easter prides itself in losing only a minimum of 10 million dollars annually. It is the opinion of the majority that the repeal of this authority is necessary. Vote 11-5.

Rep. Robert W. Williams for the Minority of Transportation: This bill repeals the New Hampshire Rail Transit Authority. The 28 volunteer members of the New Hampshire Rail Transit Authority (NHRTA) have been working hard to be able to make a well thought out and researched recommendation for possible future passenger rail commuter service in New Hampshire. The NHRTA was established in July 2007 by legislation. Its mission is to develop and provide commuter and passenger rail and related public rail transportation services in New Hampshire. The authority's vision is to develop and implement a comprehensive, coordinated and prioritized project and funding plans for passenger rail services. The NHRTA made the decision to support passenger rail service on the NH Capitol Corridor from Concord to Boston in 2008. Working with NH-DOT, the state of NH is the recipient of two federal grants. These grant monies will be used to study and plan for the restoration of passenger rail service to the Capitol Corridor. These grants total over 4.1 million and are at no cost to the state. The next steps, using these grants, are to do an economic impact and feasibility study. Just as the authority is ready to work on this economic impact and feasibility study is not the time to disband the authority. This study is

necessary and required for the authority to make an informed recommendation to the legislature advising whether or not to proceed with the NH Capitol Corridor project. The NHRTA should not be abolished before the economic impact and feasibility study is done, the questions are answered and a recommendation is prepared for the legislature to consider.

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

Rep. Brunelle requested a quorum call; Speaker declared a quorum present.

Rep. Dan McGuire spoke in favor.

Reps. Rhodes and Scontsas spoke against and yielded to questions.

Rep. Hikel spoke in favor and yielded to questions.

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

YEAS 190 NAYS 119

YEAS 190

BELKNAP

Flanders, Donald	Greemore, Robert	Luther, Robert	Malone, Robert
Russell, David	Simpson, Tyler	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	Schmidt, Stephen	Tregenza, Norman	Umberger, Karen

CHESHIRE

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

COOS

Daugherty, Duffy	Richardson, Herbert	Tholl, John Jr	Tremblay, Marc
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GRAFTON

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

HILLSBOROUGH

Balboni, Michael	Barry, J. Gail	Belvin, William	Bergevin, Jerry
Boehm, Ralph	Brownrigg, Randall Jr	Cebrowski, John	Champagne, Norma
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
Greazzo, Phil	Haefner, Robert	Hansen, Peter	Hardwick, Harry
Hawkins, Kenneth	Hikel, John	Hogan, Edith	Hogan, Timothy
Holden, Frank	Hutchinson, Winfred	Jasper, Shawn	Krasucki, Joseph
Kurk, Neal	Maltz, Jonathan	Marcus, Bruce	McCarthy, Michael
Moran, Edward	Murphy, Keith	Palmer, Stephen	Parison, James
Pratt, Calvin	Proulx, Mark	Renzullo, Andrew	Robbins, David
Rowe, Robert	Seidel, Carl	Simmons, Tammy	Stepanek, Stephen
Swank, Matthew	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe
Warden, Mark			

MERRIMACK

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

ROCKINGHAM

Abrami, Patrick	Antosz, Jason	Azarian, Gary	Baldasaro, Alfred
Bates, David	Birdsell, Regina	Brown, Paul	Case, Frank
Charron, Gene	Comerford, Timothy	Copeland, Timothy	Davenport, Joshua
Devine, James	Duarte, Joe	Ferrante, Beverly	Fesh, Robert
Garcia, Marilinda	Garrity, James	Griffin, Mary	Hagan, Joseph
Headd, James	Hoelzel, Kathleen	Itse, Daniel	Kappler, Lawrence
Kolodziej, Walter	Lundgren, David	Major, Norman	Manuse, Andrew
Mauro, Donna	McMahon, Charles	Murphy, Brian	Nevins, Chris
O'Connor, John	Okerman, Richard	Oigny, Jeffrey	Packard, Sherman
Peckham, Michele	Reagan, John	Reichard, Kevin	Rice, Frederick
Ritter, Glenn	Sanders, Elisabeth	Sedensky, John	Sheffert, Kenneth
Shuler, Wyman III	Smith, William	Sullivan, James	Tamburello, Daniel
Tasker, Kyle	Tremblay, Stella	Tucker, Pamela	Ward, Joanne
Waterhouse, Kevin	Welch, David	Weyler, Kenneth	

STRAFFORD

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

SULLIVAN

Bowers, Spec	Cunningham, Steven	Laware, Thomas	Lovett, Charlene
Osgood, Joe	Rodeschin, Beverly	Smith, Steven	

NAYS 119

BELKNAP

Bolster, Peter	Fields, Dennis	Millham, Alida	Pilliod, James
St. Cyr, Jeffrey			

CARROLL

Ahlgren, Christopher

CHESHIRE

Butynski, William	Dwinell, Richard	Hawkes, Samuel	Johnsen, Gladys
Lerandeau, Alfred	Lindsey, Steven	Parkhurst, Henry	Roberts, Kris
Sad, Tara	Tatro, Bruce	Weber, Lucy	

COOS

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

GRAFTON

Almy, Susan
Harding, Laurie
Smith, Suzanne

Cooney, Mary
Nordgren, Sharon
Taylor, Kathleen

Gionet, Edmond
Pastor, Beatriz
Townsend, Charles

Gould, Franklin
Pierce, David
White, Andrew

HILLSBOROUGH

Avard, Kevin
Brown, Kevin
Campbell, David

Baroody, Benjamin
Brunelle, Michael
Christensen, D.L.
Chris

Barry, Richard
Burt, John
Cote, David

Belanger, James
Buxton, Michael
Coughlin, Sean

Gargas, Carolyn
Gorman, Mary
LeBrun, Donald
Mecheski, Holly
Pellegrino, Tony
Rhodes, Brian
Stroud, Kathleen
Willette, Robert

Garrity, Patrick
Graham, John
Levasseur, Nickolas
Messier, Irene
Pilotte, Maurice
Rokas, Ted
Thomas, Joseph

Goley, Jeffrey
Hinch, Richard
Long, Patrick
Notter, Jeanine
Porter, Marjorie
Rosenwald, Cindy
Twombly, Timothy

Gonzalez, Carlos
Judy, Jean
McClarren, Donald
Ohm, Bill
Reed, Michael
Scotsas, Lisa
Whitehead, Randall

MERRIMACK

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

Deloge, Helen
Hamm, Christine
Patten, Dick
Shurtleff, Stephen

DeStefano, Stephen
Lockwood, Priscilla
Potter, Frances
Smith, Molly

Frazer, June
MacKay, James
Rice, Chip
Watrous, Rick

ROCKINGHAM

Allen, Mary
Pantelakos, Laura
Read, Robin Jr
Webb, James

DiPentima, Rich
Powers, James
Sapareto, Frank

Gould, Kenneth
Quandt, Marshall
Schlachman, Donna

Norelli, Terie
Quandt, Matt
Waddell, James

STRAFFORD

Brown, Julie
Horrigan, Timothy
Wall, Janet

Browne, Brendon
Keans, Sandra
Watters, David

Grassie, Anne
Roberts, Jenna

Hooper, Dorothea
Schmidt, Peter

SULLIVAN

Cloutier, John

Gagnon, Raymond

LaCasse, Paul Sr

Schmidt, Andrew

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

HB 335-FN-A, establishing multi-use number plates. **OUGHT TO PASS.**

Rep. Brian D. Rhodes for Transportation: This bill will establish a multi-use number plate. The committee recognized that many worthy non-profit organizations in addition to state agencies have come forward year after year requesting a number plate that would enhance their visibility and image throughout New Hampshire. The committee was and continues to be committed to maintaining the purpose and sanctity of our license plates. This bill provides a pathway for our citizens to achieve their goal while receiving the endorsement of New Hampshire department of safety/division of motor vehicles. Qualifying organizations

will now have the opportunity to design a logo that will represent them on a number plate. This bill requires no financial support from our state budget. Organizations who qualify will fund the production, administration and delivery of these number plates. Vote 14-0. Committee report adopted and ordered to third reading.

HB 540-FN, relative to motor vehicle inspections. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John A. Hikel for the Majority of Transportation: While this bill is well intentioned, inspections are only required to PASS on the day of the inspection and safety components that are borderline but passable will surely not last another two years and put the operators, passengers, as well as the motoring public in jeopardy for their safety. Vote 11-1.

Rep. Kyle D. Jones for the Minority of Transportation: There are a vast amount of studies that indicate that safety inspections are ineffective. In fact, they have proven to be so ineffective that 30 out of 50 states, including high snow areas such as Colorado, Michigan and Montana, do not require that safety inspections be done at all. This bill is a step in the right direction of promoting personal responsibility and limited government.

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

Reps. Vaillancourt, Dan McGuire and Tamburello spoke against.

Rep. Keith Murphy spoke against and yielded to questions.

Rep. Osgood spoke in favor and yielded to questions.

Reps. Cooney, Hikel and Packard spoke in favor.

Rep. Whitehead spoke in favor and yielded to questions.

Rep. Tamburello requested a roll call; sufficiently seconded.

YEAS 126 NAYS 210

YEAS 126

BELKNAP

Bolster, Peter
Pilliod, James

Fields, Dennis
Russell, David

Flanders, Donald
St. Cyr, Jeffrey

Millham, Alida
Tilton, Franklin

CARROLL

Chandler, Gene

Merrow, Harry

Patten, Betsey

Umberger, Karen

CHESHIRE

Dwinell, Richard
Moore, Robert Jr
Sterling, Franklin Jr

Hawkes, Samuel
Parkhurst, Henry
Tatro, Bruce

Johnsen, Gladys
Roberts, Kris
Weber, Lucy

Lerandean, Alfred
Sad, Tara

COOS

Coulombe, Gary
Richardson, Herbert

Hatch, William
Tholl, John Jr

Merrick, Evalyn
Thomas, Yvonne

Remick, William

GRAFTON

Almy, Susan
Harding, Laurie
Smith, Suzanne

Bulis, Lyle
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

Gould, Franklin
Pierce, David
White, Andrew

HILLSBOROUGH

Barry, J. Gail
Christensen, D.L.
Chris
Cusson-Cail, Kathleen
Graham, John
Jasper, Shawn
Moran, Edward
Rokas, Ted
Whitehead, Randall

Belvin, William
Coffey, James

Drisko, Richard
Hawkins, Kenneth
Marcus, Bruce
Pilotte, Maurice
Rosenwald, Cindy

Brownrigg, Randall Jr
Cote, David

Flanagan, Jack
Hikel, John
McClarren, Donald
Ramsey, Peter
Rowe, Robert

Cebrowski, John
Coughlin, Sean

Garritty, Patrick
Hinch, Richard
Messier, Irene
Rhodes, Brian
Thomas, Joseph

MERRIMACK

Deloge, Helen
Gile, Mary
Lockwood, Priscilla
Potter, Frances

DeStefano, Stephen
Hess, David
Owen, Derek
Rice, Chip

Foose, Robert
Kidder, David
Palfrey, David
Richardson, Gary

Frazer, June
Kotowski, Frank
Patten, Dick
Williams, Robert

ROCKINGHAM

Allen, Mary
Dowling, Patricia
Headd, James
McKinney, Betsy
O'Connor, John
Read, Robin Jr
Tucker, Pamela

Cali-Pitts, Jacqueline
Ferrante, Beverly
Katsakiores, Phyllis
McMahon, Charles
Packard, Sherman
Schlachman, Donna
Waddell, James

Charron, Gene
Gould, Kenneth
Lundgren, David
Nevins, Chris
Pantelakos, Laura
Sedensky, John
Ward, Joanne

DiPentima, Rich
Hagan, Joseph
Major, Norman
Norelli, Terie
Quandt, Marshall
Sytek, John
Waterhouse, Kevin

STRAFFORD

Cataldo, Sam
Wall, Janet

Grassie, Anne

Keans, Sandra

Schmidt, Peter

SULLIVAN

Cloutier, John
Rodeschin, Beverly

Gagnon, Raymond
Schmidt, Andrew

LaCasse, Paul Sr

Osgood, Joe

NAYS 210

BELKNAP

Accornero, Harry
Simpson, Tyler

Greemore, Robert
Swinford, Elaine

Luther, Robert
Worsman, Colette

Malone, Robert

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Tregenza, Norman

Babson, David Jr
McConkey, Mark

Fleck, Joseph
Pettengill, Laurie

Knox, J. David
Schmidt, Stephen

CHESHIRE

Butynski, William
Hunt, John
Smith, Edwin

Byrnes, John
Johnson, Jane

Cartwright, Anne
Lindsey, Steven

Emerson, Susan
Moore, Charles

COOS

Daugherty, Duffy

Rappaport, Laurence

Theberge, Robert

Tremblay, Marc

GRAFTON

Benn, Bernard
Ingbretson, Paul
Simard, Paul

Bradley, Lester
Ladd, Rick Jr
Sorg, Gregory

Brosseau, Charles
Mirski, Paul
Sova, Charles

Gionet, Edmond
Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin
Belanger, James
Brunelle, Michael
Champagne, Norma
Doherty, Shaun
Gandia, Laura
Gorman, Mary
Hardwick, Harry
Hopper, Gary
Krasucki, Joseph
Levasseur, Nickolas
McGuinness, Sean
Ohm, Bill
Porter, Marjorie
Renzullo, Andrew
Shaw, Barbara
Stroud, Kathleen
Vaillancourt, Steve

Balboni, Michael
Bergevin, Jerry
Burt, John
Christiansen, Lars
Donovan, Daniel
Gargas, Carolyn
Greazzo, Phil
Hogan, Edith
Hutchinson, Winfred
Kurk, Neal
Long, Patrick
Mecheski, Holly
Palmer, Stephen
Pratt, Calvin
Robbins, David
Silva, Peter
Swank, Matthew
Villeneuve, Moe

Baroody, Benjamin
Boehm, Ralph
Buxton, Michael
Daniels, Gary
Fredette, Robert
Goley, Jeffrey
Haefner, Robert
Hogan, Timothy
Infantine, William
Lambert, George
Maltz, Jonathan
Murphy, Keith
Parison, James
Proulx, Mark
Scotsas, Lisa
Simmons, Tammy
Twombly, Timothy
Warden, Mark

Barry, Richard
Brown, Kevin
Campbell, David
DeJong, Cameron
Gagne, Larry
Gonzalez, Carlos
Hansen, Peter
Holden, Frank
Jeudy, Jean
LeBrun, Donald
McCarthy, Michael
Notter, Jeanine
Pellegrino, Tony
Reed, Michael
Seidel, Carl
Stepanek, Stephen
Ulery, Jordan
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Cox, Sean
Keane, Thomas
McDonnell, John
Sanborn, Laurie
Smith, Todd

Bouchard, Candace
Giuda, J. Brandon
Kreis, Kenneth Sr
McGuire, Carol
Seaworth, G. Brian
Soltani, Tony

Coffey, Jennifer
Hamm, Christine
Lauer-Rago, Kathleen
McGuire, Dan
Shurtleff, Stephen
Wallner, Mary Jane

Cohn, Seth
Hoell, J.R.
MacKay, James
Richardson, Jon
Smith, Molly
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Bates, David
Case, Frank
Devine, James
Garrity, James
Itse, Daniel
Mauro, Donna
Peckham, Michele
Reichard, Kevin
Sapareto, Frank
Sullivan, James
Webb, James

Antosz, Jason
Bettencourt, David
Comerford, Timothy
Duarte, Joe
Griffin, Mary
Kappler, Lawrence
Murphy, Brian
Powers, James
Rice, Frederick
Sheffert, Kenneth
Tamburello, Daniel
Welch, David

Azarian, Gary
Birdsell, Regina
Copeland, Timothy
Fesh, Robert
Hoelzel, Kathleen
Kolodziej, Walter
Okerman, Richard
Quandt, Matt
Ritter, Glenn
Shuler, Wyman III
Tasker, Kyle
Weyler, Kenneth

Baldasaro, Alfred
Brown, Paul
Davenport, Joshua
Garcia, Marilinda
Hutchinson, Karen
Manuse, Andrew
Oigny, Jeffrey
Reagan, John
Sanders, Elisabeth
Smith, William
Tremblay, Stella

STRAFFORD

Brown, Julie
Hooper, Dorothea
Larsen, Kirsten
Parsons, Robbie

Browne, Brendon
Horrigan, Timothy
Munck, Philip
Pitre, Joseph

DeLemus, Susan
Jones, Kyle
Newton, Clifford
Roberts, Jenna

Groen, Warren
Jones, Laura
Panek, William
Spang, Judith

Sprague, Dale
Weeden, Michael

Vita, Carol

Vita, Lucien

Watters, David

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Smith, Steven

Howard, Thomas

Laware, Thomas

and the majority committee report failed.

Rep. Keith Murphy moved the minority report of Ought to Pass.

Rep. Panek requested a roll call; sufficiently seconded.

YEAS 234 NAYS 101

YEAS 234

BELKNAP

Accornero, Harry
Pilliod, James

Greemore, Robert
Simpson, Tyler

Luther, Robert
Swinford, Elaine

Malone, Robert
Worsman, Colette

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Schmidt, Stephen

Babson, David Jr
McConkey, Mark
Tregenza, Norman

Fleck, Joseph
Merrow, Harry

Knox, J. David
Pettengill, Laurie

CHESHIRE

Butynski, William
Hunt, John
Moore, Robert Jr

Byrnes, John
Johnson, Jane
Roberts, Kris

Cartwright, Anne
Lindsey, Steven
Smith, Edwin

Emerson, Susan
Moore, Charles

COOS

Daugherty, Duffy

Rappaport, Laurence

Theberge, Robert

Tremblay, Marc

GRAFTON

Benn, Bernard
Ingbretson, Paul
Reilly, Harold Sr
Sova, Charles

Bradley, Lester
Ladd, Rick Jr
Simard, Paul
Taylor, Kathleen

Brosseau, Charles
Mirski, Paul
Smith, Suzanne

Gionet, Edmond
Pastor, Beatriz
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Belanger, James
Brownrigg, Randall Jr
Campbell, David
Daniels, Gary
Fredette, Robert
Goley, Jeffrey
Haefner, Robert
Hogan, Edith
Hutchinson, Winfred
Krasucki, Joseph
Levasseur, Nickolas
McCarthy, Michael
Moran, Edward

Balboni, Michael
Bergevin, Jerry
Brunelle, Michael
Champagne, Norma
DeJong, Cameron
Gagne, Larry
Gonzalez, Carlos
Hansen, Peter
Hogan, Timothy
Infantine, William
Kurk, Neal
Long, Patrick
McGuinness, Sean
Murphy, Keith

Baroody, Benjamin
Boehm, Ralph
Burt, John
Christiansen, Lars
Doherty, Shaun
Gandia, Laura
Gorman, Mary
Hardwick, Harry
Holden, Frank
Jasper, Shawn
Lambert, George
Maltz, Jonathan
Mecheski, Holly
Notter, Jeanine

Barry, Richard
Brown, Kevin
Buxton, Michael
Coffey, James
Donovan, Daniel
Gargas, Carolyn
Greazzo, Phil
Hikel, John
Hopper, Gary
Judy, Jean
LeBrun, Donald
Marcus, Bruce
Messier, Irene
Ohm, Bill

Palmer, Stephen
Pratt, Calvin
Robbins, David
Shaw, Barbara
Stroud, Kathleen
Ulery, Jordan
Willette, Robert

Parison, James
Proulx, Mark
Rowe, Robert
Silva, Peter
Swank, Matthew
Vaillancourt, Steve

Pellegrino, Tony
Reed, Michael
Scontsas, Lisa
Simmons, Tammy
Thomas, Joseph
Villeneuve, Moe

Porter, Marjorie
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Twombly, Timothy
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
Cox, Sean
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Shurtleff, Stephen
Wallner, Mary Jane

Bouchard, Candace
Giuda, J. Brandon
Keane, Thomas
MacKay, James
Richardson, Jon
Smith, Molly
Winter, Steven

Coffey, Jennifer
Hamm, Christine
Kotowski, Frank
McDonnell, John
Sanborn, Laurie
Smith, Todd

Cohn, Seth
Hess, David
Kreis, Kenneth Sr
McGuire, Carol
Seaworth, G. Brian
Soltani, Tony

ROCKINGHAM

Abrami, Patrick
Bates, David
Cali-Pitts, Jacqueline
Copeland, Timothy
Fesh, Robert
Hagan, Joseph
Kappler, Lawrence
McMahon, Charles
Peckham, Michele
Rice, Frederick
Sheffert, Kenneth
Tamburello, Daniel
Waterhouse, Kevin

Antosz, Jason
Bettencourt, David
Case, Frank
Davenport, Joshua
Garcia, Marilinda
Hoelzel, Kathleen
Kolodziej, Walter
Murphy, Brian
Quandt, Matt
Ritter, Glenn
Shuler, Wyman III
Tasker, Kyle
Webb, James

Azarian, Gary
Birdsell, Regina
Charron, Gene
Devine, James
Garrity, James
Hutchinson, Karen
Manuse, Andrew
Okerman, Richard
Reagan, John
Sanders, Elisabeth
Smith, William
Tremblay, Stella
Welch, David

Baldasaro, Alfred
Brown, Paul
Comerford, Timothy
Duarte, Joe
Griffin, Mary
Itse, Daniel
Mauro, Donna
Oligny, Jeffrey
Reichard, Kevin
Sapareto, Frank
Sullivan, James
Tucker, Pamela
Weyler, Kenneth

STRAFFORD

Brown, Julie
Hooper, Dorothea
Keans, Sandra
Panek, William
Spang, Judith
Watters, David

Browne, Brendon
Horrigan, Timothy
Larsen, Kirsten
Parsons, Robbie
Sprague, Dale
Weeden, Michael

DeLemus, Susan
Jones, Kyle
Munck, Philip
Pitre, Joseph
Vita, Carol

Groen, Warren
Jones, Laura
Newton, Clifford
Roberts, Jenna
Vita, Lucien

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Smith, Steven
Howard, Thomas

Laware, Thomas

NAYS 101

BELKNAP

Bolster, Peter
Russell, David

Fields, Dennis
St. Cyr, Jeffrey

Flanders, Donald
Tilton, Franklin

Millham, Alida

CARROLL

Chandler, Gene

Patten, Betsey

Umberger, Karen

CHESHIRE

Dwinell, Richard
Parkhurst, Henry
Weber, Lucy

Hawkes, Samuel
Sad, Tara

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Sterling, Franklin Jr

Lerandeau, Alfred
Tatro, Bruce

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Merrick, Evalyn

Remick, William

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Cooney, Mary
Pierce, David

Gould, Franklin
Townsend, Charles

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Belvin, William

Cebrowski, John

Christensen, D.L.
Chris

Cote, David
Flanagan, Jack
Hinch, Richard
Rhodes, Brian

Coughlin, Sean
Garritty, Patrick
McClarren, Donald
Rokas, Ted

Cusson-Cail, Kathleen
Graham, John
Pilotte, Maurice
Rosenwald, Cindy

Drisko, Richard
Hawkins, Kenneth
Ramsey, Peter
Whitehead, Randall

MERRIMACK

Deloge, Helen
Gile, Mary
Palfrey, David
Richardson, Gary

DeStefano, Stephen
Kidder, David
Patten, Dick
Williams, Robert

Foose, Robert
Lockwood, Priscilla
Potter, Frances

Frazer, June
Owen, Derek
Rice, Chip

ROCKINGHAM

Allen, Mary
Gould, Kenneth
Major, Norman
O'Connor, John
Quandt, Marshall
Sytek, John

DiPentima, Rich
Headd, James
McKinney, Betsy
Packard, Sherman
Read, Robin Jr
Waddell, James

Dowling, Patricia
Katsakiores, Phyllis
Nevins, Chris
Pantelakos, Laura
Schlachman, Donna
Ward, Joanne

Ferrante, Beverly
Lundgren, David
Norelli, Terie
Powers, James
Sedensky, John

STRAFFORD

Cataldo, Sam

Grassie, Anne

Schmidt, Peter

Wall, Janet

SULLIVAN

Cloutier, John
Rodeschin, Beverly

Gagnon, Raymond
Schmidt, Andrew

LaCasse, Paul Sr

Osgood, Joe

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

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Comerford moved that the House reconsider its action whereby, on a roll call vote of 234-101, it adopted the minority committee report of Ought to Pass on ***HB 540-FN***, relative to motor vehicle inspections.

Rep. Comerford spoke against.
Motion failed.

REGULAR CALENDAR (CONT'D)

SPECIAL ORDER

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 $\frac{1}{2}$ 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.
- Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. Rep. Hess offered floor amendment (0846h).

Floor Amendment (0846h)

Amend the bill by inserting after section 2 the following and renumbering the original sections 3-13 to read as 4-14, respectively:

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.

I. For the biennium ending June 30, 2013, no municipality shall receive an adequate education grant in a fiscal year which is greater than the adequate education grant received in the fiscal year ending June 30, 2011.

II. Each fiscal year, the commissioner of the department of education shall determine if a municipality is scheduled to receive an adequate education grant which is less than the adequate 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.

Amend the bill by replacing section 14 with the following:

14 Effective Date.

- I. Section 4 of this act shall take effect July 1, 2013.
- II. The remainder of 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) For the biennium ending June 30, 2013, no municipality shall receive an adequate education grant in a fiscal year which is greater than the adequate education grant received in the 2011 fiscal year; and

(b) 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.

Rep. Hess spoke in favor.

Floor amendment (0846h) adopted.

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

Reps. Foose and Watters spoke against.

Rep. Hess spoke in favor and yielded to questions.

Rep. Ladd spoke in favor.

Rep. Gladys Johnsen requested a roll call; sufficiently seconded.

YEAS 247 NAYS 86

YEAS 247

BELKNAP

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

Bolster, Peter
Luther, Robert
Simpson, Tyler
Worsman, Colette

Fields, Dennis
Malone, Robert
St. Cyr, Jeffrey

Flanders, Donald
Pilliod, James
Swinford, Elaine

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Umberger, Karen

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Schmidt, Stephen

Fleck, Joseph
Morrow, Harry
Tregenza, Norman

CHESHIRE

Butynski, William
Emerson, Susan
Moore, Charles

Byrnes, John
Hawkes, Samuel
Moore, Robert Jr

Cartwright, Anne
Hunt, John
Roberts, Kris

Dwinell, Richard
Johnson, Jane
Smith, Edwin

COOS

Daugherty, Duffy

Rappaport, Laurence

Remick, William

Tremblay, Marc

GRAFTON

Bradley, Lester
Ingbretson, Paul
Reilly, Harold Sr
Sova, Charles

Brosseau, Charles
Ladd, Rick Jr
Simard, Paul

Bulis, Lyle
Mirski, Paul
Smith, Suzanne

Gionet, Edmond
Pierce, David
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Belvin, William
Brownrigg, Randall Jr
Champagne, Norma

Barry, J. Gail
Bergevin, Jerry
Burt, John
Christensen, D.L.
Chris

Barry, Richard
Boehm, Ralph
Buxton, Michael
Christiansen, Lars

Belanger, James
Brown, Kevin
Cebrowski, John
Coffey, James

Coughlin, Sean
Doherty, Shaun
Fredette, Robert
Gonzalez, Carlos
Hansen, Peter
Hogan, Edith
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Palmer, Stephen
Ramsey, Peter
Rowe, Robert
Simmons, Tammy
Thomas, Joseph
Whitehead, Randall

Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Graham, John
Hardwick, Harry
Hogan, Timothy
Jasper, Shawn
Lambert, George
McCarthy, Michael
Moran, Edward
Pellegrino, Tony
Reed, Michael
Scontsas, Lisa
Stepanek, Stephen
Twombly, Timothy
Willette, Robert

Daniels, Gary
Drisko, Richard
Gandia, Laura
Greazzo, Phil
Hikel, John
Holden, Frank
Judy, Jean
LeBrun, Donald
McClarren, Donald
Notter, Jeanine
Pratt, Calvin
Renzullo, Andrew
Seidel, Carl
Stroud, Kathleen
Villeneuve, Moe

DeJong, Cameron
Flanagan, Jack
Gargasz, Carolyn
Haefner, Robert
Hinch, Richard
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Ohm, Bill
Proulx, Mark
Robbins, David
Silva, Peter
Swank, Matthew
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
Deloge, Helen
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Seaworth, G. Brian

Coffey, Jennifer
DeStefano, Stephen
Kidder, David
Lockwood, Priscilla
Palfrey, David
Smith, Molly

Cohn, Seth
Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Richardson, Jon
Smith, Todd

Cox, Sean
Hess, David
Kreis, Kenneth Sr
McGuire, Carol
Sanborn, Laurie
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Case, Frank
Davenport, Joshua
Ferrante, Beverly
Griffin, Mary
Hutchinson, Karen
Kolodziej, Walter
Manuse, Andrew
Nevins, Chris
Packard, Sherman
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III

Allen, Mary
Bettencourt, David
Charron, Gene
Devine, James
Fesh, Robert
Hagan, Joseph
Itse, Daniel
Lovejoy, Patricia
Mauro, Donna
O'Connor, John
Peckham, Michele
Reichard, Kevin
Sapareto, Frank
Smith, William

Antosz, Jason
Birdsell, Regina
Comerford, Timothy
Dowling, Patricia
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Lundgren, David
McMahon, Charles
Okerman, Richard
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sullivan, James

Azarian, Gary
Brown, Paul
Copeland, Timothy
Duarte, Joe
Garritty, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Major, Norman
Murphy, Brian
Oigny, Jeffrey
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sytek, John

Tamburello, Daniel
Ward, Joanne
Weyler, Kenneth

Tremblay, Stella
Waterhouse, Kevin

Tucker, Pamela
Webb, James

Waddell, James
Welch, David

STRAFFORD

Cataldo, Sam
Jones, Kyle
Newton, Clifford
Vita, Carol

DeLemus, Susan
Jones, Laura
Panek, William
Vita, Lucien

Groen, Warren
Larsen, Kirsten
Parsons, Robbie
Weeden, Michael

Hooper, Dorothea
Munck, Philip
Pitre, Joseph

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 86

BELKNAP

None

CARROLL

None

CHESHIRE

Johnsen, Gladys
Sad, Tara

Lerandeau, Alfred
Sterling, Franklin Jr

Lindsey, Steven
Tatro, Bruce

Parkhurst, Henry
Weber, Lucy

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William
Thomas, Yvonne

Merrick, Evalyn

Richardson, Herbert

GRAFTON

Almy, Susan
Harding, Laurie
Townsend, Charles

Benn, Bernard
Nordgren, Sharon
White, Andrew

Cooney, Mary
Pastor, Beatriz

Gould, Franklin
Taylor, Kathleen

HILLSBOROUGH

Balboni, Michael
Cote, David
Hawkins, Kenneth
Messier, Irene
Porter, Marjorie
Shaw, Barbara

Baroody, Benjamin
Gidge, Kenneth
Infantine, William
Murphy, Keith
Rhodes, Brian
Ulery, Jordan

Brunelle, Michael
Goley, Jeffrey
Levasseur, Nickolas
Parison, James
Rokas, Ted
Vaillancourt, Steve

Campbell, David
Gorman, Mary
Long, Patrick
Pilotte, Maurice
Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
Hamm, Christine
Potter, Frances
Soltani, Tony

Foose, Robert
MacKay, James
Rice, Chip
Wallner, Mary Jane

Frazer, June
Owen, Derek
Richardson, Gary
Williams, Robert

Gile, Mary
Patten, Dick
Shurtleff, Stephen

ROCKINGHAM

Bates, David
McKinney, Betsy
Read, Robin Jr

Cali-Pitts, Jacqueline
Norelli, Terie
Schlachman, Donna

DiPentima, Rich
Pantelakos, Laura

Gould, Kenneth
Powers, James

STRAFFORD

Brown, Julie
Keans, Sandra
Sprague, Dale

Browne, Brendon
Roberts, Jenna
Wall, Janet

Grassie, Anne
Schmidt, Peter
Watters, David

Horrigan, Timothy
Spang, Judith

SULLIVAN

Cloutier, John

Gagnon, Raymond

Schmidt, Andrew

and the committee report 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 247-86, it adopted the committee report of Ought to Pass with Amendment on ***HB 337-FN-L***, relative to the calculation and distribution of adequate education grants.

Rep. Bettencourt spoke against.

Motion failed.

REGULAR CALENDAR (CONT'D)

HB 546, relative to the use of hand-held cellular phones while driving. **INEXPEDIENT TO LEGISLATE.**

Rep. Lisa E. Scontos for Transportation: The negligent driving statute already covers this type of distraction. As a committee we are going to work on this statute to be more effective. There are many distractions on the road today. We must try to make people understand that they need to be more responsible while driving. Vote 10-4.

Committee report adopted.

HB 156-FN-A, reducing the rates of the tobacco tax. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Patrick F. Abrami for the Majority of Ways and Means: Reducing the rate of the tobacco tax will re-establish New Hampshire's competitiveness with Maine, Massachusetts and Vermont. New Hampshire will see an increase not only in tobacco sales but in the sales of its collateral products at the lottery and at liquor stores. Small convenience store owners, large grocers and restaurants will have positive sales in relation to the lowering of the tax. The effect of those positive sales will increase our BPT and BET revenue. The lowering of this tax will create a positive ripple effect that will benefit New Hampshire's businesses and provide an increased revenue stream to the state. Vote 14-5.

Rep. Susan W. Almy for the Minority of Ways and Means: The minority believes New Hampshire's current tobacco tax rate is competitive with neighboring states and that it is unlikely a reduction of 10 cents per pack will result in increased sales sufficient to outweigh the lost revenue. The committee received competing information and studies, all funded by interested parties. While it is true tobacco sales have been on a decline for some years, the causes include not only the price of cigarettes themselves but also the rising cost of gasoline, coupled with stagnant wages, thus resulting in fewer sales to out-of-state customers. If, as some past experience has shown, the 10 cents is retained by the manufacturer, distributor, or retailer rather than being passed on to the consumer, there would be no increase in tobacco

sales but the state's general fund would be reduced by what has been estimated to be \$16 million in 2012 alone. Even with a gain in sales, unlikely given the small change, the loss would be \$9 million. This includes a substantial loss statewide for non-cigarette products (OTPs: pineapple cigars, cigarette-like cigarillos, cherry snuff teabags) which finally were restored to tax parity with regular cigarettes last term, in order to stop smokers from defaulting to them to evade the tax. The bill reduces them to 78% of parity. The minority believes that this bill will only further aggravate our current budget problem.

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

Rep. Hamm spoke against.

Reps. Abrami and Sapareto spoke in favor and yielded to questions.

Rep. Bettencourt requested a roll call; sufficiently seconded.

YEAS 236 NAYS 93

YEAS 236

BELKNAP

Accornero, Harry	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	Babson, David Jr	Chandler, Gene	Fleck, Joseph
McCarthy, Frank	McConkey, Mark	Merrow, Harry	Patten, Betsey
Pettengill, Laurie	Tregenza, Norman	Umberger, Karen	

CHESHIRE

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

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	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.	Christiansen, Lars
		Chris	
Coffey, James	Coughlin, Sean	Cusson-Cail, Kathleen	Daniels, Gary
DeJong, Cameron	Doherty, Shaun	Donovan, Daniel	Drisko, Richard
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
Hopper, Gary
Krasucki, Joseph
Marcus, Bruce
Messier, Irene
Ohm, Bill
Pratt, Calvin
Renzullo, Andrew
Silva, Peter
Thomas, Joseph
Villeneuve, Moe

Hogan, Edith
Hutchinson, Winfred
Kurk, Neal
McClarren, Donald
Moran, Edward
Palmer, Stephen
Proulx, Mark
Rowe, Robert
Simmons, Tammy
Twombly, Timothy
Warden, Mark

Hogan, Timothy
Infantine, William
Levasseur, Nickolas
McGuinness, Sean
Murphy, Keith
Parison, James
Ramsey, Peter
Scotsas, Lisa
Stepanek, Stephen
Ulery, Jordan
Whitehead, Randall

Holden, Frank
Jasper, Shawn
Maltz, Jonathan
Mecheski, Holly
Notter, Jeanine
Pellegrino, Tony
Reed, Michael
Seidel, Carl
Swank, Matthew
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kotowski, Frank
McGuire, Carol
Sanborn, Laurie
Soltani, Tony

Coffey, Jennifer
Hess, David
Kreis, Kenneth Sr
McGuire, Dan
Seaworth, G. Brian
Winter, Steven

Cohn, Seth
Hoell, J.R.
Lauer-Rago, Kathleen
Palfrey, David
Smith, Molly

Cox, Sean
Keane, Thomas
McDonnell, John
Richardson, Jon
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Bates, David
Charron, Gene
Devine, James
Fesh, Robert
Hagan, Joseph
Itse, Daniel
Lundgren, David
McKinney, Betsy
Oligny, Jeffrey
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sytek, John
Ward, Joanne
Weyler, Kenneth

Antosz, Jason
Bettencourt, David
Comerford, Timothy
Dowling, Patricia
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Major, Norman
McMahon, Charles
Packard, Sherman
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Waterhouse, Kevin

Azarian, Gary
Birdsell, Regina
Copeland, Timothy
Duarte, Joe
Garritty, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
O'Connor, John
Peckham, Michele
Reichard, Kevin
Sapareto, Frank
Smith, William
Tasker, Kyle
Webb, James

Baldasaro, Alfred
Brown, Paul
Davenport, Joshua
Ferrante, Beverly
Griffin, Mary
Hutchinson, Karen
Kolodziej, Walter
Mauro, Donna
Okerman, Richard
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sullivan, James
Tremblay, Stella
Welch, David

STRAFFORD

Brown, Julie
Jones, Kyle
Newton, Clifford
Sprague, Dale

Cataldo, Sam
Jones, Laura
Panek, William
Vita, Carol

DeLemus, Susan
Larsen, Kirsten
Parsons, Robbie
Vita, Lucien

Groen, Warren
Munck, Philip
Pitre, Joseph
Weeden, Michael

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 93

BELKNAP

Bolster, Peter

Millham, Alida

Pilliod, James

CARROLL

Knox, J. David

Schmidt, Stephen

CHESHIRE

Butynski, William
Parkhurst, Henry
Tatro, Bruce

Hawkes, Samuel
Roberts, Kris
Weber, Lucy

Johnsen, Gladys
Sad, Tara

Lindsey, Steven
Smith, Edwin

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William
Thomas, Yvonne

Merrick, Evalyn

Remick, William

GRAFTON

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

Gould, Franklin
Pierce, David
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Garrity, Patrick
Judy, Jean
Porter, Marjorie
Shaw, Barbara

Brunelle, Michael
Gidge, Kenneth
LeBrun, Donald
Rhodes, Brian

Cote, David
Goley, Jeffrey
Long, Patrick
Rokas, Ted

Gargas, Carolyn
Gorman, Mary
Pilotte, Maurice
Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
Gile, Mary
MacKay, James
Rice, Chip
Williams, Robert

DeStefano, Stephen
Hamm, Christine
Owen, Derek
Richardson, Gary

Foose, Robert
Kidder, David
Patten, Dick
Shurtleff, Stephen

Frazer, June
Lockwood, Priscilla
Potter, Frances
Wallner, Mary Jane

ROCKINGHAM

Allen, Mary
Gould, Kenneth
Norelli, Terie
Schlachman, Donna

Cali-Pitts, Jacqueline
Lovejoy, Patricia
Pantelakos, Laura

Case, Frank
Murphy, Brian
Powers, James

DiPentima, Rich
Nevins, Chris
Read, Robin Jr

STRAFFORD

Browne, Brendon
Keans, Sandra
Wall, Janet

Grassie, Anne
Roberts, Jenna
Watters, David

Hooper, Dorothea
Schmidt, Peter

Horrigan, Timothy
Spang, Judith

SULLIVAN

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

Gagnon, Raymond

Schmidt, Andrew

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 236-93, it adopted the majority committee report of Ought to Pass on ***HB 156-FN-A***, reducing the rates of the tobacco tax.

Rep. Bettencourt spoke against.

On a division vote, 77 members having voted in the affirmative and 251 in the negative, the motion failed.

The House recessed at 12:10 p.m.

RECESS

(Speaker O'Brien in the Chair)

The House reconvened at 1:15 p.m.

REGULAR CALENDAR (CONT'D)

HB 213-FN-A, reducing the rate of the business profits tax. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Laurie J. Sanborn for the Majority of Ways and Means: This bill, as amended, reduces the current New Hampshire business profits tax rate from 8.5% to 8.25% effective 7/1/11, and to 8% effective 7/1/12. Currently, New Hampshire is ranked 50th (last) in terms of corporate taxes by the tax foundation. This bill makes our state markedly more competitive and attractive to businesses. At a time when other states are reducing their corporate tax rates, New Hampshire needs to send a clear message that we welcome responsible business growth and success, so they can create jobs and build the economic base. Vote 14-5.

Rep. William A. Hatch for the Minority of Ways and Means: The purpose of this bill is to reduce the Business Profits Tax from the current 8.5% to 8.25% for the business profits tax of every business organization's business profit tax. The majority reasons this will help many small businesses and spur investments and help them create jobs. The majority also considers this a step in making New Hampshire more attractive for business to locate in. The majority recognizes the fiscal note indicates a revenue loss will be at least \$9.2 million for FY 2012 and indeterminable amounts thereafter but will be more than made up for by the job growth it creates. The minority does not believe that to create considerable revenue loss again and without any plan for replacement or cuts to accommodate the loss is irresponsible. The minority also questions if our small businesses are a beneficiary of this cut, reason and testimony from a large CPA firm indicate that the large companies and large box stores gain the most benefit. When you consider that these companies base employment level on need and investment in an area on the business realized the minority questions how much job growth this type of tax cut will bring. The minority agrees that we should do as much as possible to make New Hampshire an attractive place for businesses to locate because of the economic and job growth it provides, but questions the wisdom of doing many indiscriminate tax cuts without revenue replacement or exact expenditure cuts. It is agreed by many economists that the issues that drive a company to locate in one area over another, educated work force, infrastructure concerns such as transportation, the cost of utilities, quality of life issues and housing are greater than the tax structure provided the taxes of a state are stable and not unreasonable. When you consider New Hampshire is considered not to have an overbearing tax structure for business and is high on the list as a desirable place to locate the minority believes it is unwise to take away the revenues needed to provide the education and infrastructure needs that make it attractive for companies. The minority also argues that considering we are only halfway through the term of the governor's commission to study business taxes, which is charged to do a review of the state's business tax structure and recommend changes, it would be sensible to wait for the report prior to making these major changes in business taxes.

Majority Amendment (0355h)

Amend the bill by replacing sections 1-2 with the following:

1 Business Profits Tax; Rate Reduced; July 1, 2011. Amend RSA 77-A:2 to read as follows:

77-A:2 Imposition of Tax. A tax is imposed at the rate of ~~[8.5]~~ **8.25** percent upon the taxable business profits of every business organization.

2 Business Profits Tax; Rate Reduced; July 1, 2012. Amend RSA 77-A:2 to read as follows:

77-A:2 Imposition of Tax. A tax is imposed at the rate of ~~[8.25]~~ **8** percent upon the taxable business profits of every business organization.

Majority committee amendment adopted.

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

Reps. Hatch and Almy spoke against.

Reps. Sanborn and Stepanek spoke in favor.

Rep. Dan McGuire requested a roll call; sufficiently seconded.

YEAS 233 NAYS 75

YEAS 233

BELKNAP

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

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

Fields, Dennis
Malone, Robert
Simpson, Tyler
Worsman, Colette

Flanders, Donald
Millham, Alida
St. Cyr, Jeffrey

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Umberger, Karen

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Schmidt, Stephen

Fleck, Joseph
Merrow, Harry
Tregenza, Norman

CHESHIRE

Byrnes, John
Hunt, John

Cartwright, Anne
Moore, Charles

Dwinell, Richard
Moore, Robert Jr

Emerson, Susan
Sterling, Franklin Jr

COOS

Daugherty, Duffy

Rappaport, Laurence

Tholl, John Jr

Tremblay, Marc

GRAFTON

Bradley, Lester
Ingbretson, Paul
Simard, Paul

Brosseau, Charles
Ladd, Rick Jr
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Gionet, Edmond
Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin
Belanger, James
Burt, John
Christensen, D.L.
Chris
DeJong, Cameron

Balboni, Michael
Belvin, William
Buxton, Michael
Coffey, James
Doherty, Shaun

Barry, J. Gail
Bergevin, Jerry
Cebrowski, John
Cusson-Cail,
Kathleen
Donovan, Daniel

Barry, Richard
Boehm, Ralph
Champagne, Norma
Daniels, Gary
Drisko, Richard

Fredette, Robert
 Gonzalez, Carlos
 Hansen, Peter
 Hinch, Richard
 Hopper, Gary
 Krasucki, Joseph
 Maltz, Jonathan
 Mecheski, Holly
 Ohm, Bill
 Pratt, Calvin
 Rowe, Robert
 Simmons, Tammy
 Swank, Matthew
 Vaillancourt, Steve
 Willette, Robert

Gagne, Larry
 Graham, John
 Hardwick, Harry
 Hogan, Edith
 Hutchinson, Winfred
 Kurk, Neal
 Marcus, Bruce
 Moran, Edward
 Palmer, Stephen
 Proulx, Mark
 Scontsas, Lisa
 Soucy, Connie
 Thomas, Joseph
 Villeneuve, Moe

Gandia, Laura
 Greazzo, Phil
 Hawkins, Kenneth
 Hogan, Timothy
 Infantine, William
 Lambert, George
 McClarren, Donald
 Murphy, Keith
 Parison, James
 Reed, Michael
 Seidel, Carl
 Stepanek, Stephen
 Twombly, Timothy
 Warden, Mark

Gargasz, Carolyn
 Haefner, Robert
 Hikel, John
 Holden, Frank
 Jasper, Shawn
 LeBrun, Donald
 McGuinness, Sean
 Notter, Jeanine
 Pellegrino, Tony
 Robbins, David
 Silva, Peter
 Stroud, Kathleen
 Ulery, Jordan
 Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
 Giuda, J. Brandon
 Kotowski, Frank
 McGuire, Carol
 Richardson, Jon
 Soltani, Tony

Coffey, Jennifer
 Hess, David
 Kreis, Kenneth Sr
 McGuire, Dan
 Sanborn, Laurie
 Winter, Steven

Cohn, Seth
 Hoell, J.R.
 Lauer-Rago, Kathleen
 Palfrey, David
 Seaworth, G. Brian

Cox, Sean
 Keane, Thomas
 McDonnell, John
 Patten, Dick
 Smith, Todd

ROCKINGHAM

Abrami, Patrick
 Baldasaro, Alfred
 Brown, Paul
 Copeland, Timothy
 Ferrante, Beverly
 Headd, James
 Katsakiores, Phyllis
 Manuse, Andrew
 Nevins, Chris
 Packard, Sherman
 Reagan, John
 Sanders, Elisabeth
 Smith, William
 Tasker, Kyle
 Webb, James

Allen, Mary
 Bates, David
 Case, Frank
 Davenport, Joshua
 Garrity, James
 Hoelzel, Kathleen
 Kolodziej, Walter
 Mauro, Donna
 O'Connor, John
 Peckham, Michele
 Reichard, Kevin
 Sapareto, Frank
 Sullivan, James
 Tremblay, Stella
 Welch, David

Antosz, Jason
 Bettencourt, David
 Charron, Gene
 Devine, James
 Griffin, Mary
 Itse, Daniel
 Lundgren, David
 McKinney, Betsy
 Okerman, Richard
 Quandt, Marshall
 Rice, Frederick
 Sedensky, John
 Sytek, John
 Ward, Joanne
 Weyler, Kenneth

Azarian, Gary
 Birdsell, Regina
 Comerford, Timothy
 Duarte, Joe
 Hagan, Joseph
 Kappler, Lawrence
 Major, Norman
 McMahon, Charles
 Olinny, Jeffrey
 Quandt, Matt
 Ritter, Glenn
 Shuler, Wyman III
 Tamburello, Daniel
 Waterhouse, Kevin

STRAFFORD

Cataldo, Sam
 Larsen, Kirsten
 Parsons, Robbie
 Vita, Lucien

Groen, Warren
 Munck, Philip
 Pitre, Joseph
 Watters, David

Jones, Kyle
 Newton, Clifford
 Sprague, Dale
 Weeden, Michael

Jones, Laura
 Panek, William
 Vita, Carol

SULLIVAN

Bowers, Spec
 Laware, Thomas
 Smith, Steven

Cunningham, Steven
 Lovett, Charlene

Howard, Thomas
 Osgood, Joe

LaCasse, Paul Sr
 Rodeschin, Beverly

BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Lindsey, Steven
Weber, Lucy

Hawkes, Samuel
Parkhurst, Henry

Johnsen, Gladys
Sad, Tara

Lerandean, Alfred
Tatro, Bruce

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pierce, David
White, Andrew

Gould, Franklin
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Goley, Jeffrey
Messier, Irene
Rosenwald, Cindy

Brunelle, Michael
Gorman, Mary
Pilotte, Maurice
Shaw, Barbara

Cote, David
Jeudy, Jean
Porter, Marjorie

Gidge, Kenneth
Long, Patrick
Rhodes, Brian

MERRIMACK

Bouchard, Candace
Gile, Mary
MacKay, James
Richardson, Gary

Deloge, Helen
Hamm, Christine
Owen, Derek
Shurtleff, Stephen

DeStefano, Stephen
Kidder, David
Potter, Frances
Wallner, Mary Jane

Foose, Robert
Lockwood, Priscilla
Rice, Chip
Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline
Norelli, Terie

DiPentima, Rich
Pantelakos, Laura

Gould, Kenneth
Powers, James

Lovejoy, Patricia
Schlachman, Donna

STRAFFORD

Brown, Julie
Horrigan, Timothy
Wall, Janet

Browne, Brendon
Keans, Sandra

Grassie, Anne
Roberts, Jenna

Hooper, Dorothea
Schmidt, Peter

SULLIVAN

Cloutier, John

Gagnon, Raymond

Schmidt, Andrew

and the majority committee report was adopted.

Ordered to third reading.

Reps. Garcia and Jane Johnson did not vote and notified the Clerk that they wished to be recorded in favor.

LAID ON THE TABLE

Rep. Stepanek moved that **HB 213-FN-A**, reducing the rate of the business profits tax, be laid on the table.

Rep. Norelli requested a roll call; sufficiently seconded.

YEAS 194 NAYS 118

YEAS 194

BELKNAP

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

CARROLL

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

CHESHIRE

Butynski, William	Byrnes, John	Cartwright, Anne	Dwinell, Richard
Hunt, John	Moore, Robert Jr	Sterling, Franklin Jr	

COOS

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

Balboni, Michael	Barry, Richard	Belanger, James	Belvin, William
Boehm, Ralph	Buxton, Michael	Cebrowski, John	Champagne, Norma
Christensen, D.L.	Coffey, James	Cusson-Cail,	Daniels, Gary
Chris		Kathleen	
Doherty, Shaun	Donovan, Daniel	Drisko, Richard	Gagne, Larry
Gandia, Laura	Gargas, Carolyn	Gonzalez, Carlos	Graham, John
Haefner, Robert	Hansen, Peter	Hardwick, Harry	Hawkins, Kenneth
Hikel, John	Hinch, Richard	Hogan, Edith	Hogan, Timothy
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	Notter, Jeanine
Ohm, Bill	Palmer, Stephen	Parison, James	Pellegrino, Tony
Pratt, Calvin	Proulx, Mark	Robbins, David	Rowe, Robert
Seidel, Carl	Silva, Peter	Simmons, Tammy	Stepanek, Stephen
Stroud, Kathleen	Swank, Matthew	Thomas, Joseph	Twombly, Timothy
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe	Whitehead, Randall
Willette, Robert			

MERRIMACK

Blankenbeker, Lynne	Cohn, Seth	Cox, Sean	Giuda, J. Brandon
---------------------	------------	-----------	-------------------

Hess, David
Lockwood, Priscilla
Palfrey, David

Keane, Thomas
McDonnell, John
Smith, Todd

Kotowski, Frank
McGuire, Carol
Winter, Steven

Lauer-Rago, Kathleen
McGuire, Dan

ROCKINGHAM

Abrami, Patrick
Bates, David
Case, Frank
Devine, James
Fesh, Robert
Hagan, Joseph
Kappler, Lawrence
Major, Norman
Nevins, Chris
Quandt, Matt
Sapareto, Frank
Sullivan, James
Ward, Joanne

Allen, Mary
Bettencourt, David
Comerford, Timothy
Dowling, Patricia
Garrity, James
Headd, James
Katsakiores, Phyllis
Mauro, Donna
O'Connor, John
Reagan, John
Sedensky, John
Sytek, John
Waterhouse, Kevin

Antosz, Jason
Birdsell, Regina
Copeland, Timothy
Duarte, Joe
Gould, Kenneth
Hoelzel, Kathleen
Kolodziej, Walter
McKinney, Betsy
Oigny, Jeffrey
Ritter, Glenn
Shuler, Wyman III
Tasker, Kyle
Welch, David

Azarian, Gary
Brown, Paul
Davenport, Joshua
Ferrante, Beverly
Griffin, Mary
Itse, Daniel
Lundgren, David
McMahon, Charles
Packard, Sherman
Sanders, Elisabeth
Smith, William
Tremblay, Stella
Weyler, Kenneth

STRAFFORD

Brown, Julie
Munck, Philip
Vita, Carol

Cataldo, Sam
Newton, Clifford
Vita, Lucien

Groen, Warren
Pitre, Joseph

Larsen, Kirsten
Sprague, Dale

SULLIVAN

Bowers, Spec
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr

Laware, Thomas

NAYS 118

BELKNAP

Pilliod, James

St. Cyr, Jeffrey

Swinford, Elaine

CARROLL

Pettengill, Laurie

CHESHIRE

Emerson, Susan
Lindsey, Steven
Tatro, Bruce

Hawkes, Samuel
Moore, Charles
Weber, Lucy

Johnsen, Gladys
Parkhurst, Henry

Lerandeau, Alfred
Sad, Tara

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pierce, David
White, Andrew

Gould, Franklin
Smith, Suzanne

HILLSBOROUGH

Avard, Kevin	Baroody, Benjamin	Barry, J. Gail	Bergevin, Jerry
Brunelle, Michael	Burt, John	Cote, David	DeJong, Cameron
Fredette, Robert	Garrity, Patrick	Gidge, Kenneth	Goley, Jeffrey
Gorman, Mary	Greazzo, Phil	Holden, Frank	Jeudy, Jean
Long, Patrick	Murphy, Keith	Pilotte, Maurice	Porter, Marjorie
Reed, Michael	Rhodes, Brian	Rokas, Ted	Rosenwald, Cindy
Scontsas, Lisa	Shaw, Barbara	Soucy, Connie	Warden, Mark

MERRIMACK

Bouchard, Candace	Coffey, Jennifer	Deloge, Helen	DeStefano, Stephen
Foose, Robert	Gile, Mary	Hamm, Christine	Hoell, J.R.
Kidder, David	Kreis, Kenneth Sr	MacKay, James	Owen, Derek
Patten, Dick	Potter, Frances	Rice, Chip	Richardson, Gary
Richardson, Jon	Sanborn, Laurie	Seaworth, G. Brian	Shurtleff, Stephen
Soltani, Tony	Wallner, Mary Jane	Williams, Robert	

ROCKINGHAM

Baldasaro, Alfred	Cali-Pitts, Jacqueline	Charron, Gene	DiPentima, Rich
Hutchinson, Karen	Lovejoy, Patricia	Manuse, Andrew	Norelli, Terie
Okerman, Richard	Pantelakos, Laura	Peckham, Michele	Powers, James
Reichard, Kevin	Rice, Frederick	Schlachman, Donna	Tamburello, Daniel
Webb, James			

STRAFFORD

Browne, Brendon	Grassie, Anne	Hooper, Dorothea	Horrigan, Timothy
Jones, Kyle	Jones, Laura	Keans, Sandra	Panek, William
Parsons, Robbie	Roberts, Jenna	Schmidt, Peter	Wall, Janet
Watters, David	Weeden, Michael		

SULLIVAN

Cloutier, John	Cunningham, Steven	Gagnon, Raymond	Lovett, Charlene
Schmidt, Andrew	Smith, Steven		

and the motion was adopted.

Reps. Garcia and Jane Johnson did not vote and notified the Clerk that they wished to be recorded in favor.

REGULAR CALENDAR (CONT'D)

***HB 229-FN-A*, repealing the tax on gambling winnings. OUGHT TO PASS WITH AMENDMENT.**

Rep. Patrick F. Abrami for Ways and Means: This bill will repeal the tax on gambling winnings. The committee was unanimous in its belief that the gambling tax has done harm to our lottery sales as well as our various racing enterprises and thus revenue. The evidence shows that the revenue gain from the increased lottery sales and race betting will more than off-set the lost revenue from the gambling tax. Both the lottery commission and the racing and charitable gaming commission supported this bill. The bill was amended to go into effect 14 days after its enactment, instead of upon enactment, thus providing the various agencies the time needed to modify the pertinent software code. Vote 19-0.

Amendment (0515h)

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

3 Applicability. This act shall apply to all gambling winnings received on or after the effective date of this act.

4 Effective Date. This act shall take effect 14 days after its passage.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 277-FN, relative to the deposit of fees collected under the Unified Carrier Registration System into the highway fund. **OUGHT TO PASS.**

Rep. Gary S. Azarian for Ways and Means: This bill requires fees collected under the Unified Carrier Registration System to be deposited into the highway fund. The federal government requires that fees collected under the Unified Carrier System be deposited into the highway fund and not into the general fund as has been done previously. This is merely a housekeeping bill to become compliant with the federal requirement. Vote 19-0. Committee report adopted and ordered to third reading.

HB 557-FN-A, relative to the standards and burden of proof with respect to the business profits tax deduction for reasonable compensation attributable to owners of partnerships, limited liability companies, and sole proprietorships. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Frank V. Sapareto for the Majority of Ways and Means: This bill leaves a \$50,000 safe-harbor deduction as reasonable compensation just as in current law. It also moves the burden of proof from the department of revenue administration for determining what is reasonable compensation, from the taxpayer to the department. It provides for definite proof of the amount deducted under IRS Code 162A and allows the commissioner to disallow the deduction only under the terms of excessive gross distributions. This definition of what is reasonable is the same as what existed in the state from 1973 to 1993. Overall, this bill brings us back to the business friendly and fair application of the reasonable compensation deduction on the LLC tax. Vote 16-4.

Rep. William A. Hatch for the Minority of Ways and Means: This bill as amended changes the standards and burden of proof for the business profits tax deduction for reasonable compensation for owners of partnerships, LLC's and sole proprietorships. This bill states a taxpayer claiming a deduction for an owners compensation need only to show one or more proprietors, partners or members provided actual services to the business organization at any time during the taxable period. Once a taxpayer has satisfied this burden of proof, the amount claimed as a deduction shall be presumed to be reasonable, unless the commissioner proves by a preponderance of the evidence that the deduction claimed by the taxpayer is grossly excessive. This bill shifts the burden of proof for compensation deductions from the taxpayer to the DRA from the onset. The majority states this is necessary to stop excessive auditing by the DRA over this issue. The majority also believes that in recent audits business owners are not allowed to deduct the full and fair value of their services to their small business to determine the business profits tax. The majority good tax policy requires tax rules that provide taxpayers with clear guidance that encourages compliance. Based on 2008 tax returns, the fiscal note indicates the revenue was \$49 million for this tax which equals the maximum loss exposure. The DRA states in reality the revenue loss would be somewhere in the middle which would equate to the neighborhood of 25 million. The majority did not express any concern over the revenue loss. The minority believes this change is not good tax policy and should not go forward. The minority is very concerned with the burden of proof issue and believes this alone will effectively eliminate the business profit tax paid by these businesses. In any other area of tax law the burden of proof belongs with the tax payer until there is adjudication and for good reason. The DRA does not have the company records that would give them the necessary information to contest a compensation deduction on file, there for take away any bases except by subpoena. The minority is also concerned this may bring our business tax structure back into the courts because it will

create a disproportionate business tax structure for our larger corporations. The minority is also very concerned with the revenue loss this bill creates. Though it is impossible to determine the exact loss it is agreed the loss will be several millions which again limits the state's ability to provide the necessary services, an ability that the minority believes is at the breaking point.

Majority Amendment (0757h)

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

III.(a) In the case of a proprietorship, partnership, or limited liability company filing a business profits tax return as a proprietorship or a partnership, a deduction equal to a fair and reasonable compensation for the personal services of a natural person who is a proprietor, partner, or member provided to the business organization, provided, under this chapter however, that the amount of such deduction shall not reduce such business organization's tax to less than zero. The purpose of this paragraph is to permit a deduction from gross business profits of such a proprietorship, partnership, or limited liability company of all amounts that are fairly attributable to the personal services of the proprietor, partner, or member. Such amounts shall generally include all amounts reported as earned income on federal tax returns, but shall also include amounts attributable to personal services provided in connection with the operation and rental of real property, the sale of property and services, and other amounts due to services rendered.

(b) Subject to the provisions of subparagraph (c) which establishes a record-keeping safe harbor, one method of determining the amount of the deduction allowed under this paragraph shall be by using the standards set forth in section 162(a)(1) of the United States Internal Revenue Code, as it may be amended from time to time, and the Treasury Regulations, administrative rulings, and judicial cases issued thereunder.

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

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

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

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

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

(g) A taxpayer claiming a deduction under this paragraph shall bear the burden of proving that at least one or more proprietors, partners, or members provided actual services to the business organization at any time during the taxable period. Once a taxpayer has satisfied this burden of proof, the amount claimed as a deduction shall be presumed to be reasonable, unless the commissioner proves by a preponderance of the evidence that the deduction claimed by the taxpayer is grossly excessive. Amend the bill by inserting after section 2 the following and renumbering the original sections 3-4 to read as 5-6, respectively:

3 New Paragraph; Appeal for Redetermination or Reconsideration; Procedure. Amend RSA 21-J:28-b by inserting after paragraph VII the following new paragraph:

VIII. The department shall bear the burden of proof on any change to any compensation deduction under RSA 77-A finally determined to be due after January 1, 2011.

4 New Section; Interest and Dividends Tax; Excess Compensation. Amend RSA 77 by inserting after section 4-f the following new section:

77:4-g Dividend. Excess compensation determined by audit of the department shall not be considered a dividend under this chapter unless such determination is accepted by the Internal Revenue Service.

Majority committee amendment adopted.

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

Rep. Sapareto spoke in favor.

Rep. Hatch spoke against.

Rep. Hess spoke in favor and yielded to questions.

Rep. Jasper requested a roll call; sufficiently seconded.

YEAS 238 NAYS 77

YEAS 238

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	Morrow, 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	Sterling, Franklin Jr		

COOS

Daugherty, Duffy	Rappaport, Laurence	Tholl, John Jr	Tremblay, Marc
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GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Gionet, Edmond
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Ingbretson, Paul
Simard, Paul

Ladd, Rick Jr
Sorg, Gregory

Mirski, Paul
Sova, Charles

Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin
Belanger, James
Buxton, Michael

Balboni, Michael
Belvin, William
Cebrowski, John

Barry, J. Gail
Bergevin, Jerry
Champagne, Norma

Barry, Richard
Burt, John
Christensen, D.L.
Chris
Daniels, Gary

Christiansen, Lars

Coffey, James

Cusson-Cail,
Kathleen

DeJong, Cameron
Fredette, Robert
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
Lambert, George
McClarren, Donald
Murphy, Keith
Parison, James
Proulx, Mark
Rowe, Robert
Simmons, Tammy
Swank, Matthew
Vaillancourt, Steve
Willette, Robert

Doherty, Shaun
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Jasper, Shawn
LeBrun, Donald
McGuinness, Sean
Notter, Jeanine
Pellegrino, Tony
Reed, Michael
Scontsas, Lisa
Soucy, Connie
Thomas, Joseph
Villeneuve, Moe

Donovan, Daniel
Gargasz, Carolyn
Haefner, Robert
Hikel, John
Holden, Frank
Krasucki, Joseph
Maltz, Jonathan
Mecheski, Holly
Ohm, Bill
Peterson, Lenette
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Twombly, Timothy
Warden, Mark

Drisko, Richard
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Moran, Edward
Palmer, Stephen
Pratt, Calvin
Robbins, David
Silva, Peter
Stroud, Kathleen
Ulery, Jordan
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kidder, David
McGuire, Carol
Richardson, Jon
Smith, Todd

Coffey, Jennifer
Hess, David
Kotowski, Frank
McGuire, Dan
Sanborn, Laurie
Soltani, Tony

Cohn, Seth
Hoell, J.R.
Kreis, Kenneth Sr
Palfrey, David
Seaworth, G. Brian
Winter, Steven

Cox, Sean
Keane, Thomas
McDonnell, John
Patten, Dick
Smith, Molly

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Copeland, Timothy
Duarte, Joe
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Nevins, Chris
Packard, Sherman
Reagan, John
Sanders, Elisabeth
Smith, William
Tasker, Kyle
Webb, James

Allen, Mary
Bates, David
Case, Frank
Davenport, Joshua
Ferrante, Beverly
Griffin, Mary
Hutchinson, Karen
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Peckham, Michele
Reichard, Kevin
Sapareto, Frank
Sullivan, James
Tremblay, Stella
Welch, David

Antosz, Jason
Bettencourt, David
Charron, Gene
Devine, James
Fesh, Robert
Hagan, Joseph
Itse, Daniel
Lundgren, David
McKinney, Betsy
Okerman, Richard
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sytek, John
Ward, Joanne
Weyler, Kenneth

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Dowling, Patricia
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Major, Norman
McMahon, Charles
Oligny, Jeffrey
Quandt, Matt
Ritter, Glenn
Shuler, Wyman III
Tamburello, Daniel
Waterhouse, Kevin

STRAFFORD

Cataldo, Sam
Larsen, Kirsten
Parsons, Robbie
Vita, Lucien

Groen, Warren
Munck, Philip
Pitre, Joseph
Weeden, Michael

Jones, Kyle
Newton, Clifford
Sprague, Dale

Jones, Laura
Panek, William
Vita, Carol

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

Laware, Thomas
Smith, Steven

NAYS 77

BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Lindsey, Steven
Weber, Lucy

Hawkes, Samuel
Parkhurst, Henry

Johnsen, Gladys
Sad, Tara

Lerandeau, Alfred
Tatro, Bruce

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pierce, David
White, Andrew

Gould, Franklin
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Gidge, Kenneth
Long, Patrick
Rhodes, Brian

Brunelle, Michael
Goley, Jeffrey
Messier, Irene
Rokas, Ted

Cote, David
Gorman, Mary
Pilotte, Maurice
Rosenwald, Cindy

Garrity, Patrick
Jeudy, Jean
Porter, Marjorie
Shaw, Barbara

MERRIMACK

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

Deloge, Helen
Hamm, Christine
Potter, Frances
Wallner, Mary Jane

DeStefano, Stephen
Lockwood, Priscilla
Rice, Chip
Williams, Robert

Foose, Robert
MacKay, James
Richardson, Gary

ROCKINGHAM

Cali-Pitts, Jacqueline
Norelli, Terie

DiPentima, Rich
Pantelakos, Laura

Gould, Kenneth
Powers, James

Lovejoy, Patricia

STRAFFORD

Brown, Julie
Horrigan, Timothy

Browne, Brendon
Keans, Sandra

Grassie, Anne
Roberts, Jenna

Hooper, Dorothea
Schmidt, Peter

Spang, Judith

Wall, Janet

Watters, David

SULLIVAN

Cloutier, John

Gagnon, Raymond

Schmidt, Andrew

and the majority committee report was adopted.

Ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Stepanek moved that the House reconsider its action whereby, on a roll call vote of 238-77, it adopted the majority committee report of Ought to Pass with Amendment on **HB 557-FN-A**, relative to the standards and burden of proof with respect to the business profits tax deduction for reasonable compensation attributable to owners of partnerships, limited liability companies, and sole proprietorships. Rep. Stepanek spoke against.

On a division vote, 72 members having voted in the affirmative and 243 in the negative, the motion failed.

BILLS REMOVED FROM THE CONSENT CALENDAR

HB 562, relative to overdraft fees charged by banks. **INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer R. Coffey for Commerce and Consumer Affairs: This bill limits overdraft fees by banks to \$50. The bill looks to solve a problem that does not exist. Customers are properly noticed and aware that if they spend more than they have, they will be charged fees. This bill would have also only impacted state banks and had no effect on the larger banks across the state that are not New Hampshire based. Vote 14-0. Committee report adopted.

HB 577, relative to the use of foreign languages by retail establishments. **INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer R. Coffey for Commerce and Consumer Affairs: This bill requires establishments that provide in-store aisle marking or directions in a foreign language to provide such signs in the six official languages of the United Nation. This bill creates an unfair burden on private businesses especially those that may cater to foreign retail items such as Gaelic shops or Japanese or Korean grocery stores. Vote 16-0.

LAID ON THE TABLE

Rep. Jennifer Coffey moved that **HB 577**, relative to the use of foreign languages by retail establishments, be laid on the table.

Rep. Weber requested a roll call; sufficiently seconded.

YEAS 192 NAYS 105

YEAS 192

BELKNAP

Accornero, Harry
Luther, Robert
Russell, David

Fields, Dennis
Malone, Robert
Simpson, Tyler

Flanders, Donald
Millham, Alida
Swinford, Elaine

Greemore, Robert
Pilliod, James
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Morrow, Harry

Chandler, Gene
Patten, Betsey

Fleck, Joseph
Pettengill, Laurie

McConkey, Mark
Schmidt, Stephen

Tregenza, Norman

CHESHIRE

Byrnes, John
Hunt, John
Smith, Edwin

Cartwright, Anne
Johnson, Jane
Sterling, Franklin Jr

Dwinell, Richard
Moore, Charles

Emerson, Susan
Moore, Robert Jr

COOS

Daugherty, Duffy

Rappaport, Laurence Tholl, John Jr

GRAFTON

Bradley, Lester
Ingbretson, Paul
Sorg, Gregory

Brosseau, Charles
Mirski, Paul

Bulis, Lyle
Reilly, Harold Sr

Gionet, Edmond
Simard, Paul

HILLSBOROUGH

Avard, Kevin
Burt, John

Balboni, Michael
Buxton, Michael

Barry, J. Gail
Champagne, Norma

Bergevin, Jerry
Christensen, D.L.
Chris

Christiansen, Lars

Coffey, James

Cusson-Cail,
Kathleen

Daniels, Gary

Doherty, Shaun
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Infantine, William
LeBrun, Donald
Mecheski, Holly
Peterson, Lenette
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Warden, Mark

Donovan, Daniel
Graham, John
Hardwick, Harry
Hogan, Edith
Jasper, Shawn
Maltz, Jonathan
Messier, Irene
Pratt, Calvin
Robbins, David
Silva, Peter
Stroud, Kathleen
Ulery, Jordan
Whitehead, Randall

Drisko, Richard
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Krasucki, Joseph
McClarren, Donald
Notter, Jeanine
Proulx, Mark
Rowe, Robert
Simmons, Tammy
Summers, James
Vaillancourt, Steve
Willette, Robert

Gagne, Larry
Haefner, Robert
Hikel, John
Hutchinson, Winfred
Lambert, George
McGuinness, Sean
Ohm, Bill
Reed, Michael
Scotsas, Lisa
Soucy, Connie
Swank, Matthew
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kotowski, Frank
Palfrey, David
Soltani, Tony

Coffey, Jennifer
Hess, David
Lockwood, Priscilla
Seaworth, G. Brian
Winter, Steven

Cohn, Seth
Hoell, J.R.
McDonnell, John
Smith, Molly

Cox, Sean
Kidder, David
McGuire, Carol
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Bates, David
Case, Frank
Davenport, Joshua
Ferrante, Beverly
Griffin, Mary
Itse, Daniel
Manuse, Andrew
O'Connor, John

Antosz, Jason
Bettencourt, David
Charron, Gene
Devine, James
Fesh, Robert
Headd, James
Katsakiores, Phyllis
Mauro, Donna
Okerman, Richard

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Dowling, Patricia
Garcia, Marilinda
Hoelzel, Kathleen
Kolodziej, Walter
McKinney, Betsy
Oligny, Jeffrey

Baldasaro, Alfred
Brown, Paul
Copeland, Timothy
Duarte, Joe
Garrity, James
Hutchinson, Karen
Major, Norman
Nevins, Chris
Packard, Sherman

Peckham, Michele
Rice, Frederick
Sedensky, John
Tasker, Kyle
Webb, James

Quandt, Matt
Ritter, Glenn
Shuler, Wyman III
Tremblay, Stella
Welch, David

Reagan, John
Sanders, Elisabeth
Sullivan, James
Ward, Joanne

Reichard, Kevin
Sapareto, Frank
Tamburello, Daniel
Waterhouse, Kevin

STRAFFORD

Brown, Julie
Jones, Laura
Pitre, Joseph

Cataldo, Sam
Keans, Sandra

Groen, Warren
Munck, Philip

Jones, Kyle
Newton, Clifford

SULLIVAN

Bowers, Spec
Smith, Steven

Cunningham, Steven Laware, Thomas

Osgood, Joe

NAYS 105

BELKNAP

Bolster, Peter

St. Cyr, Jeffrey

CARROLL

Babson, David Jr

Knox, J. David McCarthy, Frank

CHESHIRE

Butynski, William
Parkhurst, Henry

Hawkes, Samuel
Sad, Tara

Johnsen, Gladys
Tatro, Bruce

Lindsey, Steven
Weber, Lucy

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William
Tremblay, Marc

Merrick, Evalyn

Theberge, Robert

GRAFTON

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Ladd, Rick Jr
Taylor, Kathleen

Cooney, Mary
Nordgren, Sharon
Townsend, Charles

Gould, Franklin
Pierce, David
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
DeJong, Cameron
Gidge, Kenneth
Judy, Jean
Murphy, Keith
Pilotte, Maurice
Rosenwald, Cindy

Belanger, James
Fredette, Robert
Goley, Jeffrey
Long, Patrick
Palmer, Stephen
Porter, Marjorie
Shaw, Barbara

Brunelle, Michael
Gargasz, Carolyn
Gorman, Mary
Marcus, Bruce
Parison, James
Rhodes, Brian

Cote, David
Garritty, Patrick
Holden, Frank
Moran, Edward
Pellegrino, Tony
Rokas, Ted

MERRIMACK

Bouchard, Candace
Gile, Mary
Owen, Derek
Richardson, Gary

Deloge, Helen
Hamm, Christine
Patten, Dick
Richardson, Jon

DeStefano, Stephen
Kreis, Kenneth Sr
Potter, Frances
Sanborn, Laurie

Foose, Robert
MackKay, James
Rice, Chip
Shurtleff, Stephen

Wallner, Mary Jane

Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline
Lovejoy, Patricia
Schlachman, Donna

DiPentima, Rich
Norelli, Terie
Sytek, John

Gould, Kenneth
Pantelakos, Laura

Hagan, Joseph
Powers, James

STRAFFORD

Grassie, Anne
Panek, William
Spang, Judith
Wall, Janet

Hooper, Dorothea
Parsons, Robbie
Sprague, Dale
Watters, David

Horrigan, Timothy
Roberts, Jenna
Vita, Carol
Weeden, Michael

Larsen, Kirsten
Schmidt, Peter
Vita, Lucien

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond

LaCasse, Paul Sr

Lovett, Charlene

and the motion was adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR (CONT'D)

HB 617, repealing the prohibitions on Sunday business activities. **OUGHT TO PASS.**
Rep. Jennifer R. Coffey for Commerce and Consumer Affairs: This bill repeals the chapter prohibiting certain business activities on Sunday. This is an outdated law that the committee believes should be repealed as all businesses should be on equal terms of operations with each other, and we will decrease the size of our statutes as well as over regulation of businesses by the state. Vote 15-0.
Committee report adopted and ordered to third reading.

HB 453-FN-L, making persons fleeing to avoid prosecution or custody or violating parole or probation ineligible to receive certain disability aid. **INEXPEDIENT TO LEGISLATE.**
Rep. Mark Warden for Criminal Justice and Public Safety: The committee felt this bill would add bureaucratic requirements to an already-overburdened department. Supporters didn't demonstrate a real need for the legislation. According to a representative from the department of health and human services (DHHS), the number of cases that would fall into this new regulation would be approximately 1/10 of 1% of total cases, making it insignificant and unnecessary. By including in regulation what is illegal in other states and at the federal level, constantly changing criteria would make enforcement difficult. Vote 14-3.
Rep. Shurtleff requested a roll call; sufficiently seconded.

YEAS 282 NAYS 3

YEAS 282

BELKNAP

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

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

Fields, Dennis
Malone, Robert
Simpson, Tyler

Flanders, Donald
Millham, Alida
St. Cyr, Jeffrey

CARROLL

Ahlgren, Christopher
Knox, J. David

Babson, David Jr
McCarthy, Frank

Chandler, Gene
McConkey, Mark

Fleck, Joseph
Merrow, Harry

Patten, Betsey

Pettengill, Laurie

Schmidt, Stephen

Tregenza, Norman

CHESHIRE

Butynski, William
Hawkes, Samuel
Lindsey, Steven
Sad, Tara
Weber, Lucy

Byrnes, John
Hunt, John
Moore, Charles
Smith, Edwin

Cartwright, Anne
Johnsen, Gladys
Moore, Robert Jr
Sterling, Franklin Jr

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

COOS

Coulombe, Gary
Tholl, John Jr

Daugherty, Duffy
Thomas, Yvonne

Rappaport, Laurence
Tremblay, Marc

Theberge, Robert

GRAFTON

Almy, Susan
Cooney, Mary
Ingbretson, Paul
Reilly, Harold Sr
Townsend, Charles

Bradley, Lester
Gionet, Edmond
Ladd, Rick Jr
Smith, Suzanne
White, Andrew

Brosseau, Charles
Gould, Franklin
Mirski, Paul
Sorg, Gregory

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

HILLSBOROUGH

Avard, Kevin
Bergevin, Jerry
Champagne, Norma

Balboni, Michael
Brunelle, Michael
Christensen, D.L.
Chris

Barry, J. Gail
Burt, John
Christiansen, Lars

Belanger, James
Buxton, Michael
Coffey, James

Cote, David
Doherty, Shaun
Gagne, Larry
Goley, Jeffrey
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Moran, Edward
Palmer, Stephen
Pilotte, Maurice
Reed, Michael
Rokas, Ted
Shaw, Barbara
Stepanek, Stephen
Thomas, Joseph
Warden, Mark

Cusson-Cail, Kathleen
Donovan, Daniel
Gargas, Carolyn
Gonzalez, Carlos
Haefner, Robert
Hikel, John
Holden, Frank
Jeudy, Jean
Long, Patrick
McGuinness, Sean
Murphy, Keith
Parison, James
Porter, Marjorie
Renzullo, Andrew
Rowe, Robert
Silva, Peter
Stroud, Kathleen
Ulery, Jordan
Whitehead, Randall

Daniels, Gary
Drisko, Richard
Garritty, Patrick
Gorman, Mary
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Krasucki, Joseph
Maltz, Jonathan
Mecheski, Holly
Notter, Jeanine
Pellegrino, Tony
Pratt, Calvin
Rhodes, Brian
Scotsas, Lisa
Simmons, Tammy
Summers, James
Vaillancourt, Steve
Willette, Robert

DeJong, Cameron
Fredette, Robert
Gidge, Kenneth
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
Lambert, George
Marcus, Bruce
Messier, Irene
Ohm, Bill
Peterson, Lenette
Proulx, Mark
Robbins, David
Seidel, Carl
Soucy, Connie
Swank, Matthew
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Cox, Sean
Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Patten, Dick
Sanborn, Laurie

Bouchard, Candace
Deloge, Helen
Hamm, Christine
Kreis, Kenneth Sr
McGuire, Carol
Rice, Chip
Seaworth, G. Brian

Coffey, Jennifer
DeStefano, Stephen
Hoell, J.R.
Lockwood, Priscilla
Owen, Derek
Richardson, Gary
Shurtleff, Stephen

Cohn, Seth
Gile, Mary
Kidder, David
MacKay, James
Palfrey, David
Richardson, Jon
Smith, Molly

Smith, Todd
Winter, Steven

Soltani, Tony

Wallner, Mary Jane

Williams, Robert

ROCKINGHAM

Abrami, Patrick
Bates, David
Cali-Pitts, Jacqueline
Copeland, Timothy
Duarte, Joe
Garrity, James
Headd, James
Katsakiores, Phyllis
Manuse, Andrew
Norelli, Terie
Packard, Sherman
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tremblay, Stella
Welch, David

Antosz, Jason
Bettencourt, David
Case, Frank
Davenport, Joshua
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Peckham, Michele
Reichard, Kevin
Sapareto, Frank
Sullivan, James
Ward, Joanne

Azarian, Gary
Birdsell, Regina
Charron, Gene
Devine, James
Fesh, Robert
Griffin, Mary
Hutchinson, Karen
Lovejoy, Patricia
McKinney, Betsy
Okerman, Richard
Powers, James
Rice, Frederick
Schlachman, Donna
Tamburello, Daniel
Waterhouse, Kevin

Baldasaro, Alfred
Brown, Paul
Comerford, Timothy
DiPentima, Rich
Garcia, Marilinda
Hagan, Joseph
Itse, Daniel
Major, Norman
Nevins, Chris
Oigny, Jeffrey
Quandt, Matt
Ritter, Glenn
Sedensky, John
Tasker, Kyle
Webb, James

STRAFFORD

Cataldo, Sam
Horrigan, Timothy
Larsen, Kirsten
Parsons, Robbie
Spang, Judith
Wall, Janet

Grassie, Anne
Jones, Kyle
Munck, Philip
Pitre, Joseph
Sprague, Dale
Watters, David

Groen, Warren
Jones, Laura
Newton, Clifford
Roberts, Jenna
Vita, Carol
Weeden, Michael

Hooper, Dorothea
Keans, Sandra
Panek, William
Schmidt, Peter
Vita, Lucien

SULLIVAN

Bowers, Spec
LaCasse, Paul Sr
Schmidt, Andrew

Cloutier, John
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Gagnon, Raymond
Osgood, Joe

NAYS 3

BELKNAP

None

CARROLL

None

CHESHIRE

Emerson, Susan

COOS

None

GRAFTON

None

HILLSBOROUGH

None

MERRIMACK

Potter, Frances

ROCKINGHAM

None

STRAFFORD

Brown, Julie

SULLIVAN

None

and the committee report was adopted.

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

HB 552, establishing a committee to study repealing the revisions to the law implemented by SB 500-FN of the 2010 legislative session. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: This bill would establish a committee to study repealing the provisions of SB 500 which was enacted last session. The committee believes that this study is unnecessary because separate legislation exists this session which specifically addresses the perceived deficiencies of SB 500 and which can be used as vehicles to amend the law. Therefore, further study is not needed at this time and the committee recommends inexpedient to legislate. Vote 15-1.

Committee report adopted.

HB 421, relative to candidates for United States senator. **INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen M. Hoelzel for Election Law: This bill, as originally submitted, required members of the General Court to nominate candidates for United States senator. The 17th Amendment to the US Constitution took away state legislatures' involvement in the election of US senators. Part 1, Article 11 of the New Hampshire constitution guarantees the equal right of a citizen to be elected to office. Permitting only the political parties' favorites to file for office violates this guarantee. HB 421 would deprive the people of the power the 17th Amendment guarantees them. Vote 18-0.

Rep. Pierce spoke against.

LAID ON THE TABLE

Rep. Bettencourt moved that **HB 421**, relative to candidates for United States senator, be laid on the table.

On a division vote, 204 members having voted in the affirmative and 81 in the negative, the motion was adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR (CONT'D)

HB 484-FN, requiring random drug testing of food stamp program participants.

INEXPEDIENT TO LEGISLATE.

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The sponsors of this bill demonstrated a laudable concern about drug use among our citizens and its impact on society. However, this legislation contains several defects that render it Inexpedient to

Legislate. The department of health and human services, in the fiscal note, clearly states that mandatory drug testing is prohibited by the federal supplemental nutrition assistance program (SNAP). In addition, a senior attorney from the office of the attorney general cited several concerns about the constitutionality of the legislation. The fiscal note indicated that the cost of implementing this program could range from 3 ½ to over 7 million dollars. This legislation could have the unintended consequences of family members, including minors, deprived of food stamp assistance. Lastly, the state has a long history of advocating for treating individuals with substance use and mental illness. Perhaps more thought could be given to ways to identify methods to involve these individuals in appropriate treatment services. Vote 16-1.

LAID ON THE TABLE

Rep. Reagan moved that ***HB 484-FN***, requiring random drug testing of food stamp program participants, be laid in the table.

Rep. Pilotte requested a roll call; sufficiently seconded.

YEAS 208 NAYS 75

YEAS 208

BELKNAP

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

Bolster, Peter
Luther, Robert
Simpson, Tyler

Fields, Dennis
Malone, Robert
St. Cyr, Jeffrey

Flanders, Donald
Millham, Alida
Swinford, Elaine

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Schmidt, Stephen

Fleck, Joseph
Merrow, Harry
Tregenza, Norman

CHESHIRE

Byrnes, John
Hunt, John
Sterling, Franklin Jr

Cartwright, Anne
Johnson, Jane

Dwinell, Richard
Moore, Robert Jr

Emerson, Susan
Smith, Edwin

COOS

Daugherty, Duffy
Tremblay, Marc

Merrick, Evalyn

Rappaport, Laurence

Tholl, John Jr

GRAFTON

Bradley, Lester
Ingbretson, Paul
Sorg, Gregory

Brosseau, Charles
Ladd, Rick Jr

Bulis, Lyle
Mirski, Paul

Gionet, Edmond
Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin
Bergevin, Jerry
Christensen, D.L.
Chris
Daniels, Gary

Balboni, Michael
Burt, John
Christiansen, Lars

DeJong, Cameron

Barry, J. Gail
Buxton, Michael
Coffey, James

Doherty, Shaun

Belanger, James
Champagne, Norma
Cusson-Cail, Kathleen

Donovan, Daniel

Drisko, Richard
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Jasper, Shawn
LeBrun, Donald
McGuinness, Sean
Notter, Jeanine
Pellegrino, Tony
Reed, Michael
Scoutsas, Lisa
Soucy, Connie
Swank, Matthew
Villeneuve, Moe

Fredette, Robert
Haefner, Robert
Hikel, John
Holden, Frank
Jeudy, Jean
Maltz, Jonathan
Mecheski, Holly
Ohm, Bill
Peterson, Lenette
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Warden, Mark

Gagne, Larry
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Krasucki, Joseph
Marcus, Bruce
Messier, Irene
Palmer, Stephen
Pratt, Calvin
Robbins, David
Silva, Peter
Stroud, Kathleen
Ulery, Jordan
Whitehead, Randall

Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith
Infantine, William
Lambert, George
McClarren, Donald
Murphy, Keith
Parison, James
Proulx, Mark
Rowe, Robert
Simmons, Tammy
Summers, James
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Hoell, J.R.
McDonnell, John
Seaworth, G. Brian
Winter, Steven

Coffey, Jennifer
Kidder, David
McGuire, Carol
Smith, Molly

Cox, Sean
Kotowski, Frank
Palfrey, David
Smith, Todd

Giuda, J. Brandon
Lockwood, Priscilla
Sanborn, Laurie
Soltani, Tony

ROCKINGHAM

Abrami, Patrick
Bates, David
Case, Frank
Davenport, Joshua
Ferrante, Beverly
Griffin, Mary
Itse, Daniel
Mauro, Donna
Okerman, Richard
Quandt, Matt
Ritter, Glenn
Sullivan, James
Ward, Joanne

Antosz, Jason
Bettencourt, David
Charron, Gene
Devine, James
Fesh, Robert
Headd, James
Katsakiores, Phyllis
McKinney, Betsy
Oigny, Jeffrey
Reagan, John
Sanders, Elisabeth
Tamburello, Daniel
Waterhouse, Kevin

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Dowling, Patricia
Garcia, Marilinda
Hoelzel, Kathleen
Kolodziej, Walter
Nevins, Chris
Packard, Sherman
Reichard, Kevin
Sedensky, John
Tasker, Kyle
Webb, James

Baldasaro, Alfred
Brown, Paul
Copeland, Timothy
Duarte, Joe
Garritty, James
Hutchinson, Karen
Major, Norman
O'Connor, John
Peckham, Michele
Rice, Frederick
Shuler, Wyman III
Tremblay, Stella
Welch, David

STRAFFORD

Brown, Julie
Jones, Laura
Pitre, Joseph
Weeden, Michael

Cataldo, Sam
Munck, Philip
Sprague, Dale

Groen, Warren
Newton, Clifford
Vita, Carol

Jones, Kyle
Panek, William
Vita, Lucien

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
LaCasse, Paul Sr
Osgood, Joe

Laware, Thomas

NAYS 75

BELKNAP

Pilliod, James

CARROLL

None

CHESHIRE

Butynski, William	Hawkes, Samuel	Johnsen, Gladys	Lindsey, Steven
Moore, Charles	Parkhurst, Henry	Sad, Tara	Tatro, Bruce
Weber, Lucy			

COOS

Coulombe, Gary	Hatch, William	Theberge, Robert	Thomas, Yvonne
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GRAFTON

Almy, Susan	Cooney, Mary	Gould, Franklin	Harding, Laurie
Pierce, David	Smith, Suzanne	Townsend, Charles	White, Andrew

HILLSBOROUGH

Brunelle, Michael	Cote, David	Gargas, Carolyn	Garrity, Patrick
Goley, Jeffrey	Gorman, Mary	Graham, John	Long, Patrick
Moran, Edward	Pilotte, Maurice	Porter, Marjorie	Rhodes, Brian
Rokas, Ted	Shaw, Barbara		

MERRIMACK

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

ROCKINGHAM

Cali-Pitts, Jacqueline	DiPentima, Rich	Gould, Kenneth	Hagan, Joseph
Lovejoy, Patricia	Manuse, Andrew	Norelli, Terie	Powers, James
Schlachman, Donna			

STRAFFORD

Grassie, Anne	Hooper, Dorothea	Horrigan, Timothy	Keans, Sandra
Larsen, Kirsten	Parsons, Robbie	Roberts, Jenna	Schmidt, Peter
Spang, Judith	Wall, Janet	Watters, David	

SULLIVAN

Cloutier, John	Gagnon, Raymond	Schmidt, Andrew	Smith, Steven
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and the motion was adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR (CONT'D)

HB 485-FN, relative to requiring photo identification for food stamp program participants.
INEXPEDIENT TO LEGISLATE.

Rep. Charles E. McMahon for Health, Human Services and Elderly Affairs: This bill would mandate the use of photo identification “for continued eligibility” in the food stamp program. In essence, the eligible food stamp recipient would be required to provide a photo ID along with the electronic benefits transfer (EBT) card, e.g. to retail goods stores or meal services. It is not possible to place a picture of the recipient on the EBT card. In addition, federal regulation would require a photo ID for every family member. This legislation would require

the issuance of upwards of 112,293 photo ID's with an approximate cost of \$90,000. Since the food stamp program is 100% federally funded, any savings would not accrue to the State of New Hampshire. Vote 16-1.

LAID ON THE TABLE

Rep. Reagan moved that ***HB 485-FN***, relative to requiring photo identification for food stamp program participants, be laid on the table.

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

YEAS 212 NAYS 74

YEAS 212

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		

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
Knox, J. David	McCarthy, Frank	McConkey, Mark	Morrow, Harry
Patten, Betsey	Pettengill, Laurie	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	Merrick, Evalyn	Rappaport, Laurence	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			

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Barry, J. Gail	Belanger, James
Bergevin, Jerry	Burt, John	Buxton, Michael	Champagne, Norma
Christensen, D.L.	Christiansen, Lars	Coffey, James	Cusson-Cail,
Chris			Kathleen
Daniels, Gary	DeJong, Cameron	Doherty, Shaun	Donovan, Daniel
Drisko, Richard	Fredette, Robert	Gagne, Larry	Gargas, Carolyn
Gonzalez, Carlos	Greazzo, Phil	Haefner, Robert	Hansen, Peter
Hardwick, Harry	Hawkins, Kenneth	Hikel, John	Hinch, Richard
Hogan, Edith	Hogan, Timothy	Holden, Frank	Hutchinson, Winfred
Infantine, William	Jasper, Shawn	Krasucki, Joseph	Lambert, George
LeBrun, Donald	Maltz, Jonathan	Marcus, Bruce	McClarren, Donald
McGuinness, Sean	Mecheski, Holly	Messier, Irene	Murphy, Keith

Notter, Jeanine
Pellegrino, Tony
Reed, Michael
Scontsas, Lisa
Soucy, Connie
Swank, Matthew
Villeneuve, Moe

Ohm, Bill
Peterson, Lenette
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Warden, Mark

Palmer, Stephen
Pratt, Calvin
Robbins, David
Silva, Peter
Stroud, Kathleen
Ulery, Jordan
Whitehead, Randall

Parison, James
Proulx, Mark
Rowe, Robert
Simmons, Tammy
Summers, James
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Lockwood, Priscilla
Sanborn, Laurie
Soltani, Tony

Coffey, Jennifer
Hoell, J.R.
McDonnell, John
Seaworth, G. Brian
Winter, Steven

Cohn, Seth
Kidder, David
McGuire, Carol
Smith, Molly

Cox, Sean
Kotowski, Frank
Palfrey, David
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Bates, David
Case, Frank
Davenport, Joshua
Ferrante, Beverly
Griffin, Mary
Itse, Daniel
Mauro, Donna
Okerman, Richard
Quandt, Matt
Ritter, Glenn
Shuler, Wyman III
Tremblay, Stella
Welch, David

Antosz, Jason
Bettencourt, David
Charron, Gene
Devine, James
Fesh, Robert
Headd, James
Katsakiores, Phyllis
McKinney, Betsy
Oigny, Jeffrey
Reagan, John
Sanders, Elisabeth
Sullivan, James
Ward, Joanne

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Dowling, Patricia
Garcia, Marilinda
Hoelzel, Kathleen
Kolodziej, Walter
Nevins, Chris
Packard, Sherman
Reichard, Kevin
Sapareto, Frank
Tamburello, Daniel
Waterhouse, Kevin

Baldasaro, Alfred
Brown, Paul
Copeland, Timothy
Duarte, Joe
Garritty, James
Hutchinson, Karen
Major, Norman
O'Connor, John
Peckham, Michele
Rice, Frederick
Sedensky, John
Tasker, Kyle
Webb, James

STRAFFORD

Brown, Julie
Jones, Laura
Parsons, Robbie
Weeden, Michael

Cataldo, Sam
Munck, Philip
Pitre, Joseph

Groen, Warren
Newton, Clifford
Vita, Carol

Jones, Kyle
Panek, William
Vita, Lucien

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Osgood, Joe

LaCasse, Paul Sr

Laware, Thomas

NAYS 74

BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William

Hawkes, Samuel

Johnsen, Gladys

Lindsey, Steven

Parkhurst, Henry

Sad, Tara

Tatro, Bruce

Weber, Lucy

COOS

Coulombe, Gary

Hatch, William

Theberge, Robert

Thomas, Yvonne

GRAFTON

Almy, Susan
Pierce, David

Cooney, Mary
Smith, Suzanne

Gould, Franklin
Townsend, Charles

Harding, Laurie
White, Andrew

HILLSBOROUGH

Brunelle, Michael
Goley, Jeffrey
Long, Patrick
Rhodes, Brian

Cote, David
Gorman, Mary
Moran, Edward
Rokas, Ted

Garrity, Patrick
Graham, John
Pilotte, Maurice
Shaw, Barbara

Gidge, Kenneth
Jeudy, Jean
Porter, Marjorie

MERRIMACK

Bouchard, Candace
Hamm, Christine
Potter, Frances
Shurtleff, Stephen

Deloge, Helen
MacKay, James
Rice, Chip
Wallner, Mary Jane

DeStefano, Stephen
Owen, Derek
Richardson, Gary
Williams, Robert

Gile, Mary
Patten, Dick
Richardson, Jon

ROCKINGHAM

Cali-Pitts, Jacqueline
Lovejoy, Patricia
Schlachman, Donna

DiPentima, Rich
Manuse, Andrew

Gould, Kenneth
Norelli, Terie

Hagan, Joseph
Powers, James

STRAFFORD

Grassie, Anne
Larsen, Kirsten
Sprague, Dale

Hooper, Dorothea
Roberts, Jenna
Wall, Janet

Horrigan, Timothy
Schmidt, Peter
Watters, David

Keans, Sandra
Spang, Judith

SULLIVAN

Cloutier, John

Gagnon, Raymond

Schmidt, Andrew

Smith, Steven

and the motion was adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR (CONT'D)

HB 489-FN, relative to health information exchange. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alida I. Millham for Health, Human Services and Elderly Affairs: This bill creates an oversight structure for electronic health information transmission between health care providers. This structure is called the health information organization (HIO). Previous legislation insures privacy as well as establishes the parameters for the sharing of data. This HIO will oversee the grant monies that will be used to implement this project as well as the design and implementation of the project. Members of the HIO will be providers as well as members of the public who have had some health care experience. The electronic transmission of health care information will give providers a way of transferring patient data in an efficient, encrypted, expedient fashion which will improve provider communication and consequently will lower patient costs. The amendment clarifies that the HIO should not be confused with the Health Benefit Exchange. Vote 18-0.

Amendment (0774h)

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

AN ACT establishing a health information organization corporation.

Amend RSA 332-I:3 as inserted by section 4 of the bill by inserting after paragraph VI the following new paragraph:

VII. The health information organization shall follow all current and future laws relative to medical information privacy and all existing laws regarding health information exchanges.

Amend RSA 332-I:3, III as inserted by section 4 of the bill by replacing it with the following:

III. ~~[A] The health information [exchange]~~ ***organization*** shall maintain an audit log of ~~[health care providers who access protected health information]~~ ***the transactions transmitted through the health information organization. The parties transmitting or receiving information through the health information organization shall maintain audit logs in accordance with nationally accepted interoperability standards, practices, regulations, and statutes, including but not limited to:***

- (a) The identity of the health care provider accessing the information;
- (b) The identity of the individual whose protected health information was accessed by the health care provider;
- (c) The date the protected health information was accessed; and
- (d) The area of the record that was accessed

Amend RSA 332-I:8, I as inserted by section 5 of the bill by replacing it with the following:

I. The powers of the corporation shall be vested in 12 members and up to 3 at-large members. Except for the members appointed under subparagraphs I(b)-(d), members shall serve 3-year terms. No member shall serve more than 2 full consecutive terms. Members shall be appointed as follows:

- (a) A consumer not affiliated with the health care industry, appointed by the governor.
- (b) A member of the house of representatives, appointed by the speaker of the house of representatives.
- (c) A member of the senate, appointed by the president of the senate.
- (d) The commissioner of the department of health and human services, or designee.
- (e) A member of the department of health and human services, office of medicaid business and policy, appointed by the commissioner.
- (f) A member representing a large hospital, appointed by the New Hampshire Hospital Association.
- (g) A member representing a critical access hospital, appointed by the New Hampshire Hospital Association.
- (h) An independent practice physician not affiliated with any hospital, appointed by the New Hampshire Medical Society.
- (i) A representative of community health centers, appointed by Bi-State Primary Care Association.
- (j) A representative of community mental health centers, appointed by the New Hampshire Community Behavioral Health Association.
- (k) A retail pharmacist, appointed by the pharmacy board.
- (l) A representative of home health care agencies, appointed by the Home Care Association of New Hampshire.
- (m) The board may appoint up to 3 at-large members with qualifications, experience and expertise as identified and determined by the board.

Amend the bill by replacing section 6 with the following:

6 Initial Terms for Members of Health Information Organization Board; First Meeting. The initial terms of office for the members appointed to the health information organization board established in RSA 332-I:8 as inserted by section 5 of this act shall be as follows: the members in subparagraphs I(e), (f), (h), and (l) shall serve for 3 years; the members in

subparagraphs I(a), (g), (i), (j), and (k) shall serve for 2 years. The members in subparagraphs I(b), (c) and (d) shall serve coterminous with their term or terms in office. The at-large members in subparagraph I(m), if any, shall serve for terms not exceeding 3 years as determined by the board. Initial appointments shall be made within 30 days of the effective date of this section. The first meeting shall be held within 60 days of the effective date of this section and shall be called by the member of the house of representatives. Amend the bill by inserting after section 7 the following and renumbering the original section 8 to read as 9:

8 Applicability. Nothing in this act shall be construed to enable or support a health benefit exchange.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. Rep. Millham offered floor amendment (0820h).

Floor Amendment (0820h)

Amend RSA 332-I:10 as inserted by section 5 of the bill by deleting paragraph II and renumbering paragraphs III-VII to read as paragraphs II-VI, respectively.

Rep. Millham spoke in favor.

Floor amendment (0820h) adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. Rep. Manuse spoke against and yielded to questions.

Rep. Warden spoke against.

Rep. Millham spoke in favor and yielded to questions.

On a division vote, 185 members having voted in the affirmative and 88 in the negative, the committee report was adopted.

Ordered to third reading.

HB 573, relative to the administration of certain pain relief medications by a school nurse. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert A. Fredette for Health, Human Services and Elderly Affairs: The committee determined that this bill was not necessary. There is currently language, Ed 311.02 (p), that allows school nurses to administer certain over the counter medications providing the medications are included in school policy and providing there is parental consent. HB 573 was generated because of a problem in a particular school. The department of education agreed to follow up with that school to make sure that the personnel fully understood the existing rule. Vote 16-1.

Rep. Notter spoke against.

LAID ON THE TABLE

Rep. Reagan moved that **HB 573**, relative to the administration of certain pain relief medications by a school nurse, be laid on the table.

Motion adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR (CONT'D)

HB 569-FN, establishing domestic union as a valid contract and extending certain rights to parties to a domestic union. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M. Sorg for Judiciary: This bill would entirely replace civil marriage and civil unions with domestic unions for all couples, heterosexual or homosexual, beginning January 1, 2012. Except for the curious difference that the new scheme would recognize unions between siblings, first cousins, aunts and uncles with nephews and nieces, and step-parents

with step-children, it undertakes to parallel marriage precisely, the evident purpose being to disentangle the civil and religious aspects of the institution. The committee concluded that substitutes for marriage is an idea whose time has come and gone in New Hampshire. Heterosexual couples never wanted them for themselves and were willing to accept them for homosexual couples in order to enable them to share in the economic advantages of marriage. Homosexual couples have moved on to marriage. There is no longer any constituency for substitutes for marriage except among a small minority who would alter society to conform to an abstract ideal of logical perfection. The majority believes that few, if any, would-be “June Brides” would prefer to be “June Parties-to-a-Domestic-Union,” which just doesn’t have quite the same romantic feel. Vote 16-0.

MOTION TO LAY ON THE TABLE

Rep. Bolster moved that **HB 569-FN**, establishing domestic union as a valid contract and extending certain rights to parties to a domestic union, be laid on the table.
On a division vote, 74 members having voted in the affirmative and 186 in the negative, the motion failed.

The question now being adoption of the committee report of Inexpedient to Legislate.
Reps. Bolster, Simmons and Tamburello spoke against and yielded to questions.
Rep. Cohn spoke against.
Rep. Rowe spoke in favor and yielded to questions.
Rep. Cohn requested a roll call; sufficiently seconded.

YEAS 232 NAYS 59

YEAS 232

BELKNAP

Accornero, Harry	Fields, Dennis	Greemore, Robert	Luther, Robert
Malone, Robert	Russell, David	Simpson, Tyler	Swinford, Elaine
Tilton, Franklin	Worsman, Colette		

CARROLL

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	Johnsen, Gladys
Johnson, Jane	Lerandeau, Alfred	Lindsey, Steven	Moore, Charles
Moore, Robert Jr	Sad, Tara	Smith, Edwin	Sterling, Franklin Jr
Tatro, Bruce	Weber, Lucy		

COOS

Coulombe, Gary	Thomas, Yvonne	Tremblay, Marc
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GRAFTON

Benn, Bernard	Bradley, Lester	Brosseau, Charles	Bulis, Lyle
Cooney, Mary	Gionet, Edmond	Gould, Franklin	Harding, Laurie
Ingretson, Paul	Ladd, Rick Jr	Nordgren, Sharon	Reilly, Harold Sr

Simard, Paul
White, Andrew

Sorg, Gregory

Sova, Charles

Townsend, Charles

HILLSBOROUGH

Balboni, Michael
Belvin, William
Buxton, Michael
Cote, David
Donovan, Daniel
Garrity, Patrick
Gorman, Mary
Hardwick, Harry
Hogan, Timothy
Krasucki, Joseph
McClarren, Donald
Notter, Jeanine
Pellegrino, Tony
Reed, Michael
Rokas, Ted
Shaw, Barbara
Stroud, Kathleen
Ulery, Jordan

Barry, J. Gail
Bergevin, Jerry
Cebrowski, John
Cusson-Cail, Kathleen
Drisko, Richard
Gidge, Kenneth
Graham, John
Hikel, John
Infantine, William
Kurk, Neal
McGuinness, Sean
Ohm, Bill
Peterson, Lenette
Renzullo, Andrew
Rosenwald, Cindy
Silva, Peter
Summers, James
Villeneuve, Moe

Barry, Richard
Brunelle, Michael
Christiansen, Lars
Daniels, Gary
Fredette, Robert
Goley, Jeffrey
Haefner, Robert
Hinch, Richard
Jasper, Shawn
LeBrun, Donald
Mecheski, Holly
Palmer, Stephen
Pilotte, Maurice
Rhodes, Brian
Rowe, Robert
Soucy, Connie
Thomas, Joseph
Whitehead, Randall

Belanger, James
Burt, John
Coffey, James
Doherty, Shaun
Gagne, Larry
Gonzalez, Carlos
Hansen, Peter
Hogan, Edith
Jeudy, Jean
Marcus, Bruce
Moran, Edward
Parison, James
Proulx, Mark
Robbins, David
Seidel, Carl
Stepanek, Stephen
Twombly, Timothy
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Foose, Robert
Kotowski, Frank
McGuire, Dan
Rice, Chip
Shurtleff, Stephen
Wallner, Mary Jane

Bouchard, Candace
Gile, Mary
Lockwood, Priscilla
Owen, Derek
Richardson, Gary
Smith, Molly
Williams, Robert

Cox, Sean
Giuda, J. Brandon
McDonnell, John
Palfrey, David
Richardson, Jon
Smith, Todd
Winter, Steven

DeStefano, Stephen
Hess, David
McGuire, Carol
Potter, Frances
Sanborn, Laurie
Soltani, Tony

ROCKINGHAM

Abrami, Patrick
Bates, David
Dowling, Patricia
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Mauro, Donna
Norelli, Terie
Packard, Sherman
Reagan, John
Shuler, Wyman III
Tremblay, Stella
Welch, David

Allen, Mary
Bettencourt, David
Duarte, Joe
Griffin, Mary
Hutchinson, Karen
Kolodziej, Walter
McKinney, Betsy
O'Connor, John
Peckham, Michele
Reichard, Kevin
Smith, William
Ward, Joanne
Weyler, Kenneth

Azarian, Gary
Birdsell, Regina
Ferrante, Beverly
Hagan, Joseph
Itse, Daniel
Lovejoy, Patricia
McMahon, Charles
Okerman, Richard
Powers, James
Schlachman, Donna
Sullivan, James
Waterhouse, Kevin

Baldasaro, Alfred
Devine, James
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Major, Norman
Nevins, Chris
Oigny, Jeffrey
Quandt, Marshall
Sedensky, John
Tasker, Kyle
Webb, James

STRAFFORD

Brown, Julie
Jones, Kyle
Panek, William
Vita, Carol
Weeden, Michael

Cataldo, Sam
Jones, Laura
Parsons, Robbie
Vita, Lucien

Grassie, Anne
Larsen, Kirsten
Pitre, Joseph
Wall, Janet

Groen, Warren
Munck, Philip
Sprague, Dale
Watters, David

SULLIVAN

Cloutier, John	Cunningham, Steven	Laware, Thomas	Lovett, Charlene
Osgood, Joe	Rodeschin, Beverly	Smith, Steven	

NAYS 59

BELKNAP

Bolster, Peter	Millham, Alida	Pilliod, James	St. Cyr, Jeffrey
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CARROLL

Ahlgren, Christopher	Babson, David Jr
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CHESHIRE

Parkhurst, Henry

COOS

Daugherty, Duffy

GRAFTON

Almy, Susan	Mirski, Paul	Pierce, David	Smith, Suzanne
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HILLSBOROUGH

Baroody, Benjamin	Champagne, Norma	Christensen, D.L. Chris	DeJong, Cameron
Gargas, Carolyn	Greazzo, Phil	Holden, Frank	Hutchinson, Winfred
Lambert, George	Long, Patrick	Maltz, Jonathan	Messier, Irene
Murphy, Keith	Pratt, Calvin	Scotsas, Lisa	Simmons, Tammy
Swank, Matthew	Vaillancourt, Steve	Warden, Mark	

MERRIMACK

Coffey, Jennifer	Cohn, Seth	Deloge, Helen	Hamm, Christine
Hoell, J.R.	Keane, Thomas	Kidder, David	MacKay, James
Patten, Dick	Seaworth, G. Brian		

ROCKINGHAM

Antosz, Jason	Brown, Paul	Cali-Pitts, Jacqueline	Case, Frank
Comerford, Timothy	Copeland, Timothy	Davenport, Joshua	Gould, Kenneth
Manuse, Andrew	Rice, Frederick	Ritter, Glenn	Tamburello, Daniel

STRAFFORD

Horrigan, Timothy	Keans, Sandra	Schmidt, Peter	Spang, Judith
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SULLIVAN

Bowers, Spec Gagnon, Raymond
and the committee report was adopted.
Rep. Greazzo voted Nay and intended to vote Yea.

HB 640-FN, relative to notice to the department of health and human services of the allocation of spousal income and relative to estate planning by guardians. **INEXPEDIENT**

TO LEGISLATE.

Rep. Donald B. McClarren for Judiciary: This bill would require a person who has a spouse who received medical assistance under the state Medicaid program to notice the department of health and human services and as a result possibly be responsible for reimbursing the state for benefits given to the spouse. The committee felt that the small number of possible instances where this bill would have an affect did not justify the passage of the bill. Vote 17-0.

Committee report adopted.

HB 641-FN, relative to lien authority for the office of reimbursements within the department of health and human services. **INEXPEDIENT TO LEGISLATE.**

Rep. Norman A. Tregenza for Judiciary: This bill's intent is to recover costs that have been expended by the various statewide institutions providing health care. It would enable the department of health and human Services or the office of reimbursements to file liens against patients who have received services but not paid for them. Any notice of lien would be filed with the register of deeds in the patient's home county. The committee voted Inexpedient to legislate for more than one reason. There may be cases where the family members of those who received services are forced to pay for those services. This bill also would empower statewide federal agencies to file a notice of lien on private citizens. Such authority concerned some members in a similar way that expansion of internal revenue service would also. Vote 17-0.

Committee report adopted.

HB 26-FN, clarifying the definition of gross misconduct for purposes of unemployment compensation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William J. Infantine for Labor, Industrial and Rehabilitative Services: The original bill would make any dishonest act of an employee that was fired for that act be classified as "gross misconduct" under the law. Gross misconduct results in the employee's inability to receive unemployment compensation and losing all their earned unemployment credits. Misconduct has a lesser penalty in that the employee would still be ineligible to receive employment compensation but they would not lose their earned unemployment credits. The committee determined that the word "dishonest" was too vague and open to severe penalties for an infraction worth \$0.01 and utilized by unscrupulous employers as a means to keep their unemployment tax low. The committee felt it was better to amend the current threshold of a theft of greater than \$500.00 to include accumulation of multiple thefts in an amount greater than \$500.00. Employees who have committed misconduct or gross misconduct will not be able to obtain benefits from their previous employers if the employer is an unemployment tax paying employer. Contributing employers could be responsible for paying unemployment benefits. However, they have access to an appeals process at the department of employment security to request non payment of benefits. Vote 15-0.

Amendment (0567h)

Amend RSA 282-A:35 as inserted by section 1 of the bill by replacing it with the following:

282-A:35 Gross Misconduct. An unemployed individual who has been discharged for arson, sabotage, felony, assault which causes bodily injury, criminal threatening, or ~~theft of~~ **a theft or multiple thefts in** an amount greater than \$500, where such conduct is connected with his or her work, shall suffer the loss of all wage credits earned prior to the date of such dismissal.

Rep. Giuda spoke against and yielded to questions.

Reps. Frederick Rice and Kappler spoke against.

Rep. Infantine spoke in favor and yielded to questions.

Rep. Giuda requested a roll call; sufficiently seconded.

YEAS 122 NAYS 152

YEAS 122

BELKNAP

Fields, Dennis	Millham, Alida	Pilliod, James	Tilton, Franklin
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CARROLL

Ahlgren, Christopher	Chandler, Gene	Patten, Betsey	Schmidt, Stephen
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CHESHIRE

Butynski, William	Emerson, Susan	Hawkes, Samuel	Hunt, John
Lerandean, Alfred	Moore, Charles	Parkhurst, Henry	Sad, Tara
Smith, Edwin	Sterling, Franklin Jr	Tatro, Bruce	Weber, Lucy

COOS

Coulombe, Gary	Thomas, Yvonne
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GRAFTON

Almy, Susan	Benn, Bernard	Cooney, Mary	Gould, Franklin
Harding, Laurie	Ladd, Rick Jr	Nordgren, Sharon	Pierce, David
Smith, Suzanne	Sorg, Gregory	Townsend, Charles	White, Andrew

HILLSBOROUGH

Baroody, Benjamin	Belanger, James	Bergevin, Jerry	Brunelle, Michael
Coffey, James	Cote, David	Cusson-Cail, Kathleen	Daniels, Gary
Fredette, Robert	Gagne, Larry	Gargas, Carolyn	Gidge, Kenneth
Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary	Graham, John
Haefner, Robert	Hinch, Richard	Infantine, William	Jasper, Shawn
Kurk, Neal	Long, Patrick	Messier, Irene	Pellegrino, Tony
Pilote, Maurice	Rhodes, Brian	Robbins, David	Rokas, Ted
Rosenwald, Cindy	Simmons, Tammy	Soucy, Connie	Thomas, Joseph
Ulery, Jordan			

MERRIMACK

Bouchard, Candace	Cohn, Seth	Deloge, Helen	DeStefano, Stephen
Foose, Robert	Gile, Mary	Hamm, Christine	Hess, David
Kidder, David	Kotowski, Frank	Lockwood, Priscilla	MacKay, James
Palfrey, David	Potter, Frances	Rice, Chip	Richardson, Gary
Shurtleff, Stephen	Wallner, Mary Jane	Williams, Robert	

ROCKINGHAM

Allen, Mary	Antosz, Jason	Azarian, Gary	Cali-Pitts, Jacqueline
Case, Frank	Comerford, Timothy	Gould, Kenneth	Griffin, Mary
McMahon, Charles	Nevins, Chris	Norelli, Terie	O'Connor, John
Packard, Sherman	Peckham, Michele	Powers, James	Schlachman, Donna
Sedensky, John	Ward, Joanne	Waterhouse, Kevin	Welch, David
Weyler, Kenneth			

STRAFFORD

Brown, Julie	Domingo, Baldwin	Grassie, Anne	Horrigan, Timothy
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Keans, Sandra
Watters, David

Schmidt, Peter

Sprague, Dale

Wall, Janet

SULLIVAN

Cloutier, John
Rodeschin, Beverly

Cunningham, Steven
Smith, Steven

Gagnon, Raymond

Laware, Thomas

NAYS 152

BELKNAP

Accornero, Harry
Malone, Robert
Worsman, Colette

Bolster, Peter
Russell, David

Greemore, Robert
St. Cyr, Jeffrey

Luther, Robert
Swinford, Elaine

CARROLL

Babson, David Jr
McConkey, Mark
Umberger, Karen

Fleck, Joseph
Merrow, Harry

Knox, J. David
Pettengill, Laurie

McCarthy, Frank
Tregenza, Norman

CHESHIRE

Byrnes, John
Moore, Robert Jr

Cartwright, Anne

Dwinell, Richard

Johnson, Jane

COOS

Daugherty, Duffy

GRAFTON

Bradley, Lester
Ingbretson, Paul
Sova, Charles

Brosseau, Charles
Mirski, Paul

Bulis, Lyle
Reilly, Harold Sr

Gionet, Edmond
Simard, Paul

HILLSBOROUGH

Balboni, Michael
Burt, John
Christensen, D.L.
Chris

Barry, J. Gail
Buxton, Michael
Christiansen, Lars

Barry, Richard
Cebrowski, John
DeJong, Cameron

Belvin, William
Champagne, Norma
Doherty, Shaun

Donovan, Daniel
Hardwick, Harry
Hutchinson, Winfred
Marcus, Bruce
Murphy, Keith
Parison, James
Reed, Michael
Seidel, Carl
Summers, James
Villeneuve, Moe

Drisko, Richard
Hogan, Edith
Krasucki, Joseph
McClarren, Donald
Notter, Jeanine
Peterson, Lenette
Renzullo, Andrew
Silva, Peter
Swank, Matthew
Warden, Mark

Greazzo, Phil
Hogan, Timothy
LeBrun, Donald
McGuinness, Sean
Ohm, Bill
Pratt, Calvin
Rowe, Robert
Stepanek, Stephen
Twombly, Timothy
Whitehead, Randall

Hansen, Peter
Holden, Frank
Maltz, Jonathan
Moran, Edward
Palmer, Stephen
Proulx, Mark
Scontsas, Lisa
Stroud, Kathleen
Vaillancourt, Steve
Willette, Robert

MERRIMACK

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

Coffey, Jennifer
Keane, Thomas
McGuire, Dan

Cox, Sean
Kreis, Kenneth Sr
Richardson, Jon

Giuda, J. Brandon
McDonnell, John
Sanborn, Laurie

Seaworth, G. Brian
Winter, Steven

Smith, Molly

Smith, Todd

Soltani, Tony

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Dowling, Patricia
Garritty, James
Kappler, Lawrence
Manuse, Andrew
Quandt, Marshall
Ritter, Glenn
Tamburello, Daniel

Baldasaro, Alfred
Brown, Paul
Duarte, Joe
Headd, James
Katsakiores, Phyllis
Mauro, Donna
Reagan, John
Shuler, Wyman III
Tasker, Kyle

Bates, David
Copeland, Timothy
Ferrante, Beverly
Hoelzel, Kathleen
Kolodziej, Walter
Okerman, Richard
Reichard, Kevin
Smith, William
Tremblay, Stella

Bettencourt, David
Devine, James
Garcia, Marilinda
Itse, Daniel
Major, Norman
Oigny, Jeffrey
Rice, Frederick
Sullivan, James
Webb, James

STRAFFORD

Cataldo, Sam
Munck, Philip
Vita, Carol

Groen, Warren
Panek, William
Vita, Lucien

Jones, Laura
Parsons, Robbie
Weeden, Michael

Larsen, Kirsten
Pitre, Joseph

SULLIVAN

Bowers, Spec
and the committee amendment failed.

Lovett, Charlene

Osgood, Joe

The question now being adoption of the motion of Ought to Pass.
Rep. Infantine offered floor amendment (0917h).

Floor Amendment (0917h)

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

AN ACT relative to the definition of gross misconduct for purposes of unemployment compensation.

Amend RSA 282-A:35 as inserted by section 1 of the bill by replacing it with the following:

282-A:35 Gross Misconduct. An unemployed individual who has been discharged for arson, sabotage, felony, assault which causes bodily injury, criminal threatening, or ~~theft of~~ **a theft or multiple thefts in** an amount greater than ~~[\$500]~~ **\$250**, where such conduct is connected with his or her work, shall suffer the loss of all wage credits earned prior to the date of such dismissal.

AMENDED ANALYSIS

This bill clarifies the definition of gross misconduct for purposes of unemployment compensation and reduces the amount of a work-related theft resulting in the loss of wage credits.

Rep. Greemore spoke against and yielded to questions.

Reps. Giuda and Soltani spoke against.

Rep. Infantine spoke in favor and yielded to questions.

Rep. Kappler requested a roll call; sufficiently seconded.

YEAS 134 NAYS 133

YEAS 134

BELKNAP

Bolster, Peter
Russell, David

Fields, Dennis
Swinford, Elaine

Millham, Alida
Tilton, Franklin

Pilliod, James

CARROLL

Ahlgren, Christopher
Schmidt, Stephen

Chandler, Gene
Umberger, Karen

Fleck, Joseph

Patten, Betsey

CHESHIRE

Butynski, William
Hawkes, Samuel
Smith, Edwin

Byrnes, John
Lerandeau, Alfred
Sterling, Franklin Jr

Cartwright, Anne
Parkhurst, Henry
Tatro, Bruce

Emerson, Susan
Sad, Tara
Weber, Lucy

COOS

Coulombe, Gary

Thomas, Yvonne

GRAFTON

Almy, Susan
Ladd, Rick Jr
Sorg, Gregory

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pierce, David
White, Andrew

Harding, Laurie
Smith, Suzanne

HILLSBOROUGH

Barody, Benjamin
Brunelle, Michael
Daniels, Gary
Goley, Jeffrey
Haefner, Robert
Jasper, Shawn
McClarren, Donald
Proulx, Mark
Rokas, Ted
Swank, Matthew

Barry, Richard
Coffey, James
Fredette, Robert
Gonzalez, Carlos
Hinch, Richard
Kurk, Neal
Messier, Irene
Renzullo, Andrew
Rosenwald, Cindy
Thomas, Joseph

Belanger, James
Cote, David
Gargasz, Carolyn
Gorman, Mary
Holden, Frank
Long, Patrick
Pellegrino, Tony
Rhodes, Brian
Simmons, Tammy
Ulery, Jordan

Bergevin, Jerry
Cusson-Cail, Kathleen
Gidge, Kenneth
Graham, John
Infantine, William
Maltz, Jonathan
Pilotte, Maurice
Robbins, David
Soucy, Connie

MERRIMACK

Bouchard, Candace
DeStefano, Stephen
Kidder, David
Palfrey, David
Seaworth, G. Brian

Coffey, Jennifer
Foose, Robert
Kotowski, Frank
Potter, Frances
Shurtleff, Stephen

Cohn, Seth
Gile, Mary
Lockwood, Priscilla
Rice, Chip
Wallner, Mary Jane

Deloge, Helen
Hamm, Christine
MacKay, James
Richardson, Gary
Williams, Robert

ROCKINGHAM

Antosz, Jason
Cali-Pitts, Jacqueline
Katsakiores, Phyllis
O'Connor, John
Schlachman, Donna
Waterhouse, Kevin

Azarian, Gary
Comerford, Timothy
McMahon, Charles
Packard, Sherman
Sedensky, John
Welch, David

Bates, David
Gould, Kenneth
Nevins, Chris
Peckham, Michele
Sullivan, James
Weyler, Kenneth

Bettencourt, David
Griffin, Mary
Norelli, Terie
Powers, James
Ward, Joanne

STRAFFORD

Brown, Julie
Schmidt, Peter

Domingo, Baldwin
Sprague, Dale

Horrigan, Timothy
Wall, Janet

Keans, Sandra
Watters, David

SULLIVAN

Cloutier, John

Cunningham, Steven

Gagnon, Raymond

Laware, Thomas

Osgood, Joe

Smith, Steven

NAYS 133

BELKNAP

Accornero, Harry
St. Cyr, Jeffrey

Greemore, Robert
Worsman, Colette

Luther, Robert

Malone, Robert

CARROLL

Babson, David Jr
Merrow, Harry

Knox, J. David
Pettengill, Laurie

McCarthy, Frank
Tregenza, Norman

McConkey, Mark

CHESHIRE

Dwinell, Richard
Moore, Robert Jr

Hunt, John

Johnson, Jane

Moore, Charles

COOS

Daugherty, Duffy

Tremblay, Marc

GRAFTON

Bradley, Lester
Ingbretson, Paul
Sova, Charles

Brosseau, Charles
Mirski, Paul

Bulis, Lyle
Reilly, Harold Sr

Gionet, Edmond
Simard, Paul

HILLSBOROUGH

Balboni, Michael
Buxton, Michael

Barry, J. Gail
Cebrowski, John

Belvin, William
Champagne, Norma

Burt, John
Christensen, D.L.
Chris

Christiansen, Lars
Drisko, Richard
Hogan, Edith
Lambert, George
Moran, Edward
Palmer, Stephen
Reed, Michael
Silva, Peter
Vaillancourt, Steve
Willette, Robert

DeJong, Cameron
Greazzo, Phil
Hogan, Timothy
LeBrun, Donald
Murphy, Keith
Parison, James
Rowe, Robert
Stepanek, Stephen
Villeneuve, Moe

Doherty, Shaun
Hardwick, Harry
Hutchinson, Winfred
Marcus, Bruce
Notter, Jeanine
Peterson, Lenette
Scontsas, Lisa
Stroud, Kathleen
Warden, Mark

Donovan, Daniel
Hikel, John
Krasucki, Joseph
McGuinness, Sean
Ohm, Bill
Pratt, Calvin
Seidel, Carl
Summers, James
Whitehead, Randall

MERRIMACK

Cox, Sean
Kreis, Kenneth Sr
Richardson, Jon
Soltani, Tony

Giuda, J. Brandon
McDonnell, John
Sanborn, Laurie
Winter, Steven

Hoell, J.R.
McGuire, Carol
Smith, Molly

Keane, Thomas
McGuire, Dan
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Brown, Paul
Dowling, Patricia
Garrity, James
Kappler, Lawrence

Allen, Mary
Copeland, Timothy
Duarte, Joe
Headd, James
Kolodziej, Walter

Baldasaro, Alfred
Davenport, Joshua
Ferrante, Beverly
Hoelzel, Kathleen
Major, Norman

Birdsell, Regina
Devine, James
Garcia, Marilinda
Itse, Daniel
Manuse, Andrew

Mauro, Donna
Rice, Frederick
Tamburello, Daniel

Okerman, Richard
Ritter, Glenn
Tasker, Kyle

Oligny, Jeffrey
Shuler, Wyman III
Tremblay, Stella

Quandt, Marshall
Smith, William

STRAFFORD

Cataldo, Sam
Munck, Philip
Vita, Carol

Groen, Warren
Panek, William
Vita, Lucien

Jones, Laura
Parsons, Robbie
Weeden, Michael

Larsen, Kirsten
Pitre, Joseph

SULLIVAN

Bowers, Spec
and floor amendment (0917h) was adopted.

Lovett, Charlene

Rodeschin, Beverly

MOTION TO REQUIRE VOTE

Rep. Soltani moved that the Speaker be called upon to register his vote on floor amendment (0917h) to **HB 26-FN**, relative to the definition of gross misconduct for purposes of unemployment compensation, since the vote may be decisive.

On a division vote, 56 members having voted in the affirmative and 209 in the negative, the motion failed.

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

YEAS 216 NAYS 51

YEAS 216

BELKNAP

Accornero, Harry
Luther, Robert
Russell, David

Bolster, Peter
Malone, Robert
Swinford, Elaine

Fields, Dennis
Millham, Alida
Tilton, Franklin

Greemore, Robert
Pilliod, James

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Schmidt, Stephen

Chandler, Gene
McConkey, Mark
Umberger, Karen

Fleck, Joseph
Patten, Betsey

Knox, J. David
Pettengill, Laurie

CHESHIRE

Butynski, William
Johnson, Jane
Parkhurst, Henry
Tatro, Bruce

Cartwright, Anne
Lerandean, Alfred
Sad, Tara
Weber, Lucy

Hawkes, Samuel
Moore, Charles
Smith, Edwin

Hunt, John
Moore, Robert Jr
Sterling, Franklin Jr

COOS

Coulombe, Gary

Thomas, Yvonne

GRAFTON

Almy, Susan
Ladd, Rick Jr
Simard, Paul
White, Andrew

Benn, Bernard
Nordgren, Sharon
Smith, Suzanne

Cooney, Mary
Pierce, David
Sorg, Gregory

Harding, Laurie
Reilly, Harold Sr
Townsend, Charles

HILLSBOROUGH

Balboni, Michael	Baroody, Benjamin	Barry, Richard	Belanger, James
Bergevin, Jerry	Brunelle, Michael	Buxton, Michael	Christensen, D.L.
			Chris
Christiansen, Lars	Coffey, James	Cote, David	Cusson-Cail,
			Kathleen
Daniels, Gary	DeJong, Cameron	Doherty, Shaun	Fredette, Robert
Gagne, Larry	Gargasz, Carolyn	Gidge, Kenneth	Goley, Jeffrey
Gonzalez, Carlos	Graham, John	Greazzo, Phil	Haefner, Robert
Hikel, John	Hinch, Richard	Hogan, Edith	Hogan, Timothy
Holden, Frank	Hutchinson, Winfred	Infantine, William	Jasper, Shawn
Krasucki, Joseph	Kurk, Neal	Lambert, George	LeBrun, Donald
Long, Patrick	Maltz, Jonathan	McGuinness, Sean	Messier, Irene
Murphy, Keith	Notter, Jeanine	Ohm, Bill	Palmer, Stephen
Pellegrino, Tony	Peterson, Lenette	Pilotte, Maurice	Proulx, Mark
Reed, Michael	Renzullo, Andrew	Rhodes, Brian	Robbins, David
Rokas, Ted	Rosenwald, Cindy	Scotsas, Lisa	Seidel, Carl
Silva, Peter	Simmons, Tammy	Soucy, Connie	Stepanek, Stephen
Summers, James	Swank, Matthew	Thomas, Joseph	Twombly, Timothy
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe	Warden, Mark
Whitehead, Randall			

MERRIMACK

Blankenbeker, Lynne	Bouchard, Candace	Coffey, Jennifer	Cohn, Seth
Cox, Sean	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Gile, Mary	Hamm, Christine	Hoell, J.R.	Keane, Thomas
Kidder, David	Kotowski, Frank	Kreis, Kenneth Sr	Lockwood, Priscilla
MacKay, James	McDonnell, John	McGuire, Carol	McGuire, Dan
Palfrey, David	Potter, Frances	Rice, Chip	Richardson, Gary
Richardson, Jon	Sanborn, Laurie	Shurtleff, Stephen	Wallner, Mary Jane
Williams, Robert	Winter, Steven		

ROCKINGHAM

Allen, Mary	Antosz, Jason	Azarian, Gary	Baldasaro, Alfred
Bates, David	Bettencourt, David	Birdsell, Regina	Cali-Pitts, Jacqueline
Comerford, Timothy	Davenport, Joshua	Duarte, Joe	Ferrante, Beverly
Garrity, James	Gould, Kenneth	Griffin, Mary	Headd, James
Itse, Daniel	Kappler, Lawrence	Katsakiores, Phyllis	Kolodziej, Walter
Major, Norman	Manuse, Andrew	McMahon, Charles	Nevins, Chris
Norelli, Terie	O'Connor, John	Okerman, Richard	Oligny, Jeffrey
Packard, Sherman	Peckham, Michele	Powers, James	Quandt, Marshall
Rice, Frederick	Ritter, Glenn	Schlachman, Donna	Sedensky, John
Shuler, Wyman III	Smith, William	Sullivan, James	Tamburello, Daniel
Tasker, Kyle	Ward, Joanne	Waterhouse, Kevin	Welch, David
Weyler, Kenneth			

STRAFFORD

Brown, Julie	Domingo, Baldwin	Groen, Warren	Horrigan, Timothy
Jones, Laura	Keans, Sandra	Larsen, Kirsten	Munck, Philip
Parsons, Robbie	Pitre, Joseph	Schmidt, Peter	Sprague, Dale
Wall, Janet	Watters, David	Weeden, Michael	

SULLIVAN

Bowers, Spec
Laware, Thomas

Cloutier, John
Osgood, Joe

Cunningham, Steven
Smith, Steven

Gagnon, Raymond

NAYS 51

BELKNAP

St. Cyr, Jeffrey

Worsman, Colette

CARROLL

Babson, David Jr

Merrow, Harry

Tregenza, Norman

CHESHIRE

Byrnes, John

Dwinell, Richard

Emerson, Susan

COOS

Daugherty, Duffy

Tremblay, Marc

GRAFTON

Bradley, Lester
Ingbretson, Paul

Brosseau, Charles
Mirski, Paul

Bulis, Lyle
Sova, Charles

Gionet, Edmond

HILLSBOROUGH

Barry, J. Gail
Champagne, Norma
Marcus, Bruce
Pratt, Calvin

Belvin, William
Donovan, Daniel
McClarren, Donald
Rowe, Robert

Burt, John
Drisko, Richard
Moran, Edward
Stroud, Kathleen

Cebrowski, John
Hardwick, Harry
Parison, James
Willette, Robert

MERRIMACK

Giuda, J. Brandon

Smith, Molly

Smith, Todd

Soltani, Tony

ROCKINGHAM

Brown, Paul
Garcia, Marilinda

Copeland, Timothy
Hoelzel, Kathleen

Devine, James
Mauro, Donna

Dowling, Patricia
Tremblay, Stella

STRAFFORD

Cataldo, Sam

Panek, William

Vita, Carol

Vita, Lucien

SULLIVAN

Lovett, Charlene
and the committee report was adopted.
Ordered to third reading.

Rodeschin, Beverly

INTRODUCTION OF SPECIAL GUEST

Former Speaker of the United States House of Representatives, the Honorable Newt Gingrich was introduced and invited to the rostrum.

BILLS REMOVED FROM THE CONSENT CALENDAR (CONT'D)

HB 621-FN-L, relative to the authority of the department of transportation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark E. McConkey for Public Works and Highways: This bill, as amended, expands the issuance of a permit by notification by the department of environmental services for the repair, replacement or maintenance of stream crossings and culverts from the present diameter limit of 36" to 48". Secondly, it establishes a committee to study certain rules recently adopted by DES concerning stream crossings. The duty of the committee is to determine: 1.) if the above mentioned rules as adopted violate Article 28-a of the NH Constitution, 2.) if DES had the authority to implement those rules. Vote 15-0.

Amendment (0130h)

Amend RSA 482-A:3, III as inserted by section 2 of the bill by replacing it with the following:

III. The filing fees collected pursuant to paragraphs I, V(c), XI(h), and XII(c) and RSA 483-B:5-b are continually appropriated to and shall be expended by the department for paying per diem and expenses of the public members of the council, hiring additional staff, reviewing applications and activities relative to the wetlands of the state and protected shorelands under RSA 483-B, conducting field investigations, and holding public hearings. ~~[Such fees shall be held by the treasurer in a nonlapsing fund identified as the wetlands and shorelands review fund.]~~

Amend RSA 482-A:3, III as inserted by section 3 of the bill by replacing it with the following:

III. The filing fees collected pursuant to paragraphs I, V(c), XI(h), and XII(c) are continually appropriated to and shall be expended by the department for paying per diem and expenses of the public members of the council, hiring additional staff, reviewing applications and activities relative to the wetlands of the state and protected shorelands under RSA 483-B, conducting field investigations, and holding public hearings. ~~[Such fees shall be held by the treasurer in a nonlapsing fund identified as the wetlands and shorelands review fund.]~~

Amend the bill by replacing section 5 with the following:

5 Permit Required; Fees. Amend the introductory paragraph of RSA 483-B:5-b, I(b) to read as follows:

(b) The permit application fee shall be \$100 plus \$.10 per square foot of area affected by the proposed activities and shall be ~~[deposited in the wetlands and shorelands review fund established under RSA 482-A:3, III. Such fees shall be]~~ capped as follows:

Amend the bill by inserting after section 6 the following and renumbering the original section 7 to read as 8:

7 Repeal. RSA 6:12, I(b)(131), relative to the wetlands and shorelands review fund, is repealed.

Rep. Chandler spoke against.

Amendment failed.

The question now being adoption of the motion of Ought to Pass.

Rep. Chandler offered floor amendment (0878h).

Floor Amendment (0878h)

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

2 New Paragraph; Municipalities; Permit by Notification. Amend RSA 482-A:3 by inserting after paragraph XV the following new paragraph:

XVI.(a) Any person or political subdivision that repairs, replaces, or maintains structures in accordance with the best management practices for routine roadway maintenance in New Hampshire published by the department of transportation, including culverts up to 48 inches in diameter or the functional hydraulic equivalent, and files an appropriate notice under subparagraph (b), shall satisfy the permitting requirements of this section for minimum impact activities, as defined by rules adopted by the commissioner.

(b) Appropriate notice to the department shall include a completed routine roadway notification form as outlined in Env Wt 303.05 including, at a minimum, the following information:

- (1) Name and mailing address of the applicant or authorized person.
- (2) Name and mailing address of the applicant or authorized agent, if any, representing the political subdivision.
- (3) Telephone number, and email address and fax number if available.
- (4) A copy of the appropriate United States Geological Survey topographic map at its original scale on 8-1/2 x 11 sheets with the project locations clearly labeled.
- (5) Town tax map, number, and lot number, if any, of the project sites.
- (6) Project location including street name and address or distance from the nearest intersection to the project.
- (7) Information regarding the existing and proposed structure shown on plan sheets or equivalent plans as shown in the best management practices for routine roadway manual and a listing of the best management practices to be used during construction.
- (8) Color photographs depicting the proposed work sites showing existing structures, surrounding land, and jurisdictional areas in and adjacent to the work location.
- (9) A signed certification that information is accurate and correct and that work will conform to the best management practices for routine roadway maintenance.

(c) Appropriate notice to the department under subparagraphs (a) and (b) shall be mailed and received by department at least 5 days prior to the start of construction.

3 Committee Established. There is established a committee to study certain rules adopted by the department of environmental services concerning stream crossings.

4 Membership and Compensation.

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

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

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

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

5 Duties. The committee shall study whether study certain rules adopted by the department of environmental services concerning stream crossings:

I. Violate Article 28-a of the New Hampshire constitution.

II. Have statutory authority for their implementation.

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

7 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2011.

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

AMENDED ANALYSIS

This bill provides for an excavation and dredging permit by notification for municipalities that construct and maintain structures in accordance with Best Management Practices for Routine Roadway Maintenance.

This bill establishes a committee to study certain rules pertaining to stream crossings. Rep. McConkey spoke in favor.
Floor amendment (0878h) adopted.
Committee report adopted and ordered to third reading.

CLERK'S NOTE

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

BILLS REMOVED FROM THE CONSENT CALENDAR (CONT'D)

HCR 13, urging Congress to pass legislation against losses in value due to money supply by the federal reserve; restoring gold and silver money; and phasing out the federal reserve system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank H. McCarthy for State-Federal Relations and Veterans Affairs: This bill urges the New Hampshire congressional delegation to support H.R. 459 and S. 202. Both of these bills require a comprehensive audit of the federal reserve which, since its existence, has never been audited. The chairman of the US House subcommittee on domestic monetary policy is the prime sponsor of H.R. 459. The committee agreed that this is a responsible and necessary resolution. Vote 13-0.

Amendment (0622h)

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

A RESOLUTION urging the New Hampshire delegation to support HR 459 and S.202 requiring a comprehensive audit of the Federal Reserve.

Amend the resolution by replacing the first paragraph after the resolving clause with the following:

That the general court of the state of New Hampshire, the Congress of the United States, and particularly, the legislative delegation to Congress of the state of New Hampshire, are hereby urged and petitioned to use all of their efforts, energies, and diligence to protect all the citizens of this nation from potential, unprecedented losses in the value of take-home pay, retirement income, insurance policies, and investments as a result of the Federal Reserve's ongoing inflation of our unbacked paper money by passing HR 459 in the House of Representatives and S.202 in the Senate requiring a comprehensive audit of the Federal Reserve; and

AMENDED ANALYSIS

This house concurrent resolution urges the New Hampshire delegation to support HR 459 and S.202 requiring a comprehensive audit of the Federal Reserve.

Amendment adopted by the necessary two-thirds vote.

On a division vote, 164 members having voted in the affirmative and 90 in the negative, the committee report failed lacking the necessary two-thirds vote.

LAIID ON THE TABLE

Rep. Jasper moved that **HCR 13**, urging the New Hampshire delegation to support HR 459 and S.202 requiring a comprehensive audit of the Federal Reserve, be laid on the table.

Motion adopted by the necessary two-thirds vote.

BILLS REMOVED FROM THE CONSENT CALENDAR (CONT'D)

HCR 15, ordering our federal senators to vote against the Law of the Sea Convention. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucien A. Vita for State-Federal Relations and Veterans Affairs: The Law of the Sea Convention has never been subjected to a two-thirds vote of the Senate and therefore is unenforceable and of no relevance to the several states. Yet should this treaty be adopted, in any form, a supranational body (the U.N.) will have control over our territorial waters, the great lakes, the sea beds below these waters and the air space above. Essentially we are ceding control of part of our country to the U.N., negatively impacting our status as a sovereign nation. Vote 9-3.

Amendment (0581h)

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

A RESOLUTION urging our federal senators to vote against the Law of the Sea Convention.

Amend the resolution by replacing the first 2 paragraphs after the title with the following:

Whereas, Article 1, Section 1 of the Constitution for the United States of America delegates all legislative authority of the government of United States of America to the Congress of the United States; and

Whereas, Article 2, of the Constitution for the United States of America delegates no legislative authority to the President of the United States of America; and

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

That the general court of the state of New Hampshire urges Senator Shaheen and Senator Ayotte representing New Hampshire in the United States Senate in the Congress of the United States to vote against ratification of the Law of the Sea Convention; and

That the general court of the state of New Hampshire does not support any executive order creating new treaties or agreements among nations or with the United Nations without the affirmative vote of 2/3 of the United States Senate; and

That the house clerk transmit copies of this resolution to Senator Shaheen and Senator Ayotte.

AMENDED ANALYSIS

The house concurrent resolution urges our federal senators to vote against the Law of the Sea Convention.

Amendment adopted by the necessary two-thirds vote.

LAID ON THE TABLE

Rep. Baldasaro moved that **HCR 15**, urging our federal senators to vote against the Law of the Sea Convention, be laid on the table.

On a division vote, 207 members having voted in the affirmative and 47 in the negative, the motion was adopted by the necessary two-thirds vote.

BILLS REMOVED FROM THE CONSENT CALENDAR (CONT'D)

HB 549, relative to driver's license reexaminations. **OUGHT TO PASS.**

Rep. Robert W. Williams for Transportation: This bill eliminates the possibility of age based rules that a driver have a road test upon reaching his or her seventy-fifth birthday. The bill provides for new functional and medical based rules for persons of all ages to have a required road test. The current reexamination statute does not require a road test for 75 and older seniors. The statute states that the director shall decide on the reexamination test required for seniors. The director has prescribed that every person reaching his or her seventy-fifth birthday shall have a road test. As it now stands the present age based reexamination statute is discriminatory, ineffective, unnecessary and expensive. New Hampshire does not need an age based test now that it has a medical board which was created to develop new evidence based tests. In 2010, a Senate bill created the NH medical board. It made New Hampshire one (1) of forty (40) states that have medical boards: over 40 states are using functional and medical fitness rather than age based reasons for a driver renewal road test being required. Passage of this bill would end New Hampshire as being one (1) of two (2) states which have age based driver's license renewal tests. This bill would base final license decisions on functional and medical fitness to drive and not chronological age. Vote 14-0. Committee report adopted by the necessary two-thirds vote and ordered to third reading.

RESOLUTION

Rep. Jasper offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading

of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 30, 2011 at 9:00 a.m.
Adopted.

LATE SESSION

Third reading and final passage

HB 218, repealing the New Hampshire rail transit authority.
HB 335-FN-A, establishing multi-use number plates.
HB 540-FN, relative to motor vehicle inspections.
HB 337-FN-L, relative to the calculation and distribution of adequate education grants.
HB 156-FN-A, reducing the rates of the tobacco tax.
HB 229-FN-A, repealing the tax on gambling winnings.
HB 277-FN, relative to the deposit of fees collected under the Unified Carrier Registration System into the highway fund.
HB 557-FN-A, relative to the standards and burden of proof with respect to the business profits tax deduction for reasonable compensation attributable to owners of partnerships, limited liability companies, and sole proprietorships.
HB 617, repealing the prohibitions on Sunday business activities.
HB 489-FN, establishing a health information organization corporation.
HB 26-FN, relative to the definition of gross misconduct for purposes of unemployment compensation.
HB 621-FN-L, relative to the authority of the department of transportation.
HB 549, relative to driver's license reexaminations.

UNANIMOUS CONSENT

Reps. Hoell and Cohn addressed the House.

RECESS MOTION

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

The House recessed at 5:15 p.m.

RECESS

(Rep. Reagan in the Chair)

RESOLUTION

Rep. Elliott offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 12, 70, 105, 106, 152, 162, 192 and 194 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 12-FN, relative to screening panels for medical injury claims. (Judiciary)
SB 70-FN, relative to remedies in landlord-tenant actions. (Judiciary)
SB 105, exempting highway trail crossing from evaluation requirements for certain all

terrain and trail bike trails. (Resources, Recreation and Development)

SB 106, naming the visitor center at Jericho Mountain state park for Robert Danderson. (Resources, Recreation and Development)

SB 152-FN, relative to participation in state employees' group insurance by members of the general court. (Executive Departments and Administration)

SB 162-FN, relative to federal health care reform 2010. (Commerce and Consumer Affairs)

SB 192, establishing a commission to identify strategies needed for delivering a 21st century education. (Education)

SB 194, transferring all real and personal property from the former department of regional community-technical colleges to the board of trustees of the community college system of New Hampshire. (Education)

RECESS

COMMITTEE ASSIGNMENTS

The Speaker made the following changes to committee assignments:

Rep. Infantine off the Special Committee on Public Employee Pensions Reform.

Rep. Laware on the Special Committee on Public Employee Pensions Reform.

RECESS

(Rep. Bettencourt in the Chair)

RESOLUTION

Rep. Silva offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 27, 51, 53, 56, 63, 72, 93, 100, 107, 123, 125, 147, 153, 157, 161, 171, 176, 180, 190 and 195 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 27, relative to speed limitations for boats. (Resources, Recreation and Development)

SB 51, relative to the establishment of a state leadership team to address issues concerning certain adults with developmental disabilities who may present a substantial risk to the community. (Health, Human Services and Elderly Affairs)

SB 53-FN, relative to the definition of nursing and establishing a nursing assistant registry fund administered by the board of nursing. (Ways and Means)

SB 56-FN, authorizing the department of revenue administration to accept credit card and debit card payments of taxes. (Ways and Means)

SB 63, relative to the list of bail bondsmen and prohibiting law enforcement and corrections officers from indicating preferences for bail bond companies. (Judiciary)

SB 72-FN, establishing a comprehensive cancer plan fund. (Health, Human Services and Elderly Affairs)

SB 93, relative to pharmacist administration of vaccines. (Health, Human Services and Elderly Affairs)

SB 100, relative to the size limitations on OHRVs operating in Jericho Mountain state park, and the definition of utility terrain vehicle. (Resources, Recreation and Development)

SB 107, establishing a committee to study the effectiveness of criteria for establishing ATV and trail bike trails on state lands. (Resources, Recreation and Development)

SB 123, relative to notification if a person found incompetent to stand trial and civilly committed is released into the community. (Criminal Justice and Public Safety)

SB 125-FN-A, relative to the business profits tax deduction for reasonable compensation.

(Ways and Means)

SB 147-FN, relative to Medicaid managed care. (Ways and Means)

SB 153-FN, relative to the regulation of real estate appraisers by the New Hampshire real estate appraiser board. (Executive Departments and Administration)

SB 157-FN, relative to the division of weights and measures and fees for licensing weighing devices and the definition of service technician. (Executive Departments and Administration)

SB 161-FN, relative to procedures for adoption of agency rules under the administrative procedures act. (Executive Departments and Administration)

SB 171, relative to prescription drug benefits for the treatment of pain. (Commerce and Consumer Affairs)

SB 176, relative to marriage licenses. (Judiciary)

SB 180, establishing a committee to study the availability of community supervision programs for prisoners released on probation or parole. (Criminal Justice and Public Safety)

SB 190, relative to the duties and membership of the executive branch ethics committee. (Election Law)

SB 195, naming the Manchester Airport Access Road for Raymond Wieczorek. (Public Works and Highways)

SENATE MESSAGE

CONCURRENCE

HB 116, relative to the rulemaking requirement for establishing operating restrictions on certain bodies of water.

HB 117, allowing additional weight for vehicles using idle reduction technology in order to promote reduction of fuel use and emissions.

HB 188, relative to division responsibility for road toll administration, hazardous waste transport, truck weight enforcement, and the international registration plan by the department of safety and relative to clerical support for the advisory board of fire control.

HB 192, relative to commercial motor vehicle registration.

HB 363-L, relative to Depot Street in the town of Andover.

HB 399, relative to nonresident registration of motor vehicles.

RECESS