

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.

Wednesday, March 30, 2011

No. 34

HOUSE JOURNAL No. 12 (cont.)

Thursday, March 17, 2011

(Rep. Tucker in the Chair)

Rep. Jasper moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 13

Wednesday, March 30, 2011

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

Prayer was offered by House Chaplain, Reverend Roger Boucher.

Eternal God, we find ourselves in the spring of the year; a time of anticipation for new growth, and one of hesitation because of old weather. In the midst of our assembly and legislative purpose we ask for Your grace and Your guidance and Your love. Bless the membership of this House in this early season so that we might pick solid ground to plow. Choices are not always easy and usually always stressful. We find it no compromise to ask for Your strength in putting our faith and reason to the task of the common good. Help us this day to keep our mission on good ground; to engage each other with goodwill and compassion and the hope that what we do helps all the people of our state to flourish with the dignity they own. We especially remember those of us struck with grief in this time of year, those who need physical healing, those who need their emotional life restored and those who need their families wholesome. We remember our friends and family members in uniform who are in harm's way. We ask that they return to us safe and sound and to a culture not marked itself with violence and death. This is not too much to ask for, Lord, in a chamber

whose history of debate is rational, vigorous, honest and accountable. Help us, this day, then, to choose and maintain what is essential in ensuring a productive harvest for what we have planted. In Your Holy name we pray. Amen.

Representative David Pierce, member from Etna, led the Pledge of Allegiance.

The National Anthem was sung by the B Naturals from Alvirne High School in Hudson.

LEAVES OF ABSENCE

Reps. Ronald Belanger, Cataldo, Panek, Sapienza and Weeden, the day, illness.

Reps. Brosseau, Dwinell, Flanders, Thomas Keane, Lambert, Leonard, Peckham, Michael Reed, Shackett and Simpson, the day, important business.

INTRODUCTION OF GUESTS

Alan Cail and Darla, Kerina and Nygil Cusson, husband, nieces and nephew of Rep. Cusson-Cail. Gerald Walsh, guest of Rep. James Belanger. Georgia and Alan Palmieri, guests of Rep. Byrnes.

John Cialek and Lucas Dube, students at Campbell High School in Litchfield, Pages for the day.

(Speaker O'Brien in the Chair)

MOTION TO AMEND HOUSE RULES

Rep. Tucker moved that the House amend House Rule 25, as proposed by the Rules Committee.

Amendment to House Rules

House Rule 25. **Reconsideration**

Add the following sentence to the opening paragraph:

A motion for reconsideration is debatable only to the extent that it does not open the underlying question to debate.

The paragraph would then read as follows:

No vote shall be reconsidered unless the motion for reconsideration is made by a member who voted with the prevailing side while the bill or resolution is in the possession of the House. A motion for reconsideration is debatable only to the extent that it does not open the underlying question to debate.

Adopted by the necessary two-thirds vote.

CONSENT CALENDAR

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

Consent Calendar adopted.

SB 112, relative to the membership on the advanced manufacturing education advisory council. **OUGHT TO PASS.**

Rep. Steven J. Winter for Executive Departments and Administration: The advanced manufacturing education advisory council advises the department of education in the implementation, evaluation, and expansion of the advanced manufacturing curriculum. The expanded members named in this bill have been deemed to be necessary additions for their expertise and full involvement for the success of the council's programs. Vote 12-0.

SB 127-FN, relative to the city of Manchester's contributory retirement system. **OUGHT**

TO PASS.

Rep. Kenneth Hawkins for Executive Departments and Administration: The Manchester Employee Retirement System is separate from the New Hampshire Retirement System and was created in a separate RSA. Our only job is to approve changes to that system that the Mayor and aldermen have approved once we have received it in writing. We have been provided this document. Vote 15-0.

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

Rep. Thomas E. Keane for Finance: This bill sought to create within the department of health and human services (DHHS) a pilot program to provide a financial stipend of up to \$30,000 dollars annually for any parent of a severely disabled child who volunteered to stay home and provide care for their child in lieu of a significantly more costly residential placement. The proposed bill required a Medicaid waiver, spending authorization of \$200,000 dollars and capped the number of participants at 20. Although the committee agreed with the concept, it believes the program, cost and technical issues are best addressed in HB 2. Vote 24-0.

HB 131, relative to indemnification of volunteers performing duties in the state park system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Norman A. Tregenza for Judiciary: This bill, as amended, extends the indemnifications already contained in RSA 216-A:3-h for volunteers working with park managers in the state parks to all volunteers working under the general supervision of department of resources and economic development personnel. As a result, the statute will now cover volunteers working on state forests, reservations, trails and historic sites as well as state parks. The bill will better enable volunteer organizations to recruit volunteers to maintain the state's various trail systems and will benefit the state financially. The bill also extends the expiration date of the state park system advisory council from 2012 to 2016. Vote 14-0.

Amendment (1151h)

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

1 Indemnification of Department of Resources and Economic Development Volunteers.

Amend RSA 216-A:3-h to read as follows:

216-A:3-h Indemnification of [Park] ***Department of Resources and Economic Development*** Volunteers. Any person recognized by the [~~director, division of parks and recreation,~~] ***commissioner of the department of resources and economic development*** as a [park] volunteer ***and*** who is under the ***general*** supervision of [~~a park manager~~] ***authorized department of resources and economic development personnel***, and is actually performing assigned volunteer duties or activities at a state park, ***forest, reservation, trail, or historic site***, shall be considered a state employee for the purpose of defense and indemnification from civil suits under RSA 99-D[~~;- provided, however, such a volunteer shall not be indemnified from any civil suit arising out of a criminal act~~].

2 State Park System Advisory Council; Repeal Date Extended. Amend 2007, 359:5 as amended by 2010, 374:1 to read as follows:

359:5 Repeal. Section 4 of this act is repealed effective June 30, [~~2012~~] **2016**.

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

AMENDED ANALYSIS

This bill amends the statute governing indemnification of volunteers under the supervision of department of resources and economic development personnel. The bill also extends the repeal date of the state park system advisory council to June 30, 2016.

SB 15, relative to the duties of tax collectors and clerks. **OUGHT TO PASS.**

Rep. Betsey L. Patten for Municipal and County Government: Currently the tax collectors shall remit all monies collected to the treasurer when the receipts total \$500 or more on a weekly or on a daily basis. SB 15 increases the amount to \$1500. The committee believes that this is an acceptable increase. Vote 16-0.

SB 16, relative to amendments to warrant articles. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Philip L. Munck for Municipal and County Government: This bill clarifies to the department of revenue administration that the decision of a town to require votes of the governing body to be printed in the warrant also applies to the printed ballot. It also applies to decisions of the governing body to place tallies on the ballot as well as the warrant. Vote 16-0.

Amendment (0561h)

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

AN ACT relative to the placement of numerical tallies on a ballot.

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

1 Use of Official Ballot. Amend RSA 40:13, V-a to read as follows:

V-a. Any town may vote to require that all votes by an advisory budget committee, a town budget committee, and the governing body or, in towns without a budget committee, all votes of the governing body relative to budget items or any warrant articles ***or ballot questions*** shall be recorded votes and the numerical tally of any such vote shall be printed in the town warrant next to the affected warrant article ***or on the ballot next to the affected ballot question***. If a town has not voted to require such tallies to be printed in the town warrant next to the affected warrant article ***or on the ballot next to the affected ballot question***, the governing body may do so on its own initiative.

2 Tallies on Ballot Permitted. Any ballot vote that includes a tally shall be valid, notwithstanding the fact that the vote occurred prior to the effective date of this act.

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

AMENDED ANALYSIS

This bill permits towns to place the tallies of certain votes of an advisory budget committee, a town budget committee, and the governing body on the ballot next to the affected ballot question.

SB 174, relative to the Concord regional solid waste/resource recovery cooperative. **OUGHT TO PASS.**

Rep. James E. Coffey for Municipal and County Government: This bill allows the Concord regional solid waste/resource cooperative agreement to be amended to encompass changes to the agreement by the 25 municipalities dated January 16, 2003 and January 22, 2009 and to promote provisions for recycling in addition to its present waste to energy facility. Vote 16-0.

REGULAR CALENDAR

HB 590, expressing the position of the New Hampshire general court that the offering and acceptance of federal grants-in-aid relating to matters not included among the defined powers of the federal government is unconstitutional under the state and federal Constitutions and establishing a committee to review state participation in federal grant-in-aid programs. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Joseph F. Krasucki for the Majority of Constitutional Review and Statutory Recodification: This bill proposes to establish a legislative study committee to examine New Hampshire RSAs to identify the statutory authority for each federal grant-in-aid program. The committee will solicit information from the legislative budget assistance's office, dept of health and human services, department of education, dept of environmental services, and

other agencies and individuals with information and expertise relevant to the study. The study committee will recommend legislation to the general court to repeal or amend federal grant-in-aid programs. HB 590 is clearly constitutional. Vote 12-2.

Rep. Gary B. Richardson for the Minority of Constitutional Review and Statutory

Recodification: This bill would create a study committee to assess all federal grants-in-aid and “make recommendations as to the most expeditious and practical means of modifying (them) to make feasible the transition to support entirely from state, local and /or private sources of funding.” The sponsors failed to identify any particular grant-in-aid that is alleged to be unconstitutional or the number of grants-in-aid that would be placed in jeopardy. By characterizing grants-in-aid as “bribes,” it is clear that this bill is motivated by ideology rather than honest constitutional concerns since grants-in-aid have been repeatedly upheld by judicial decisions, e.g. New York v. United States, 488U.S.1041 (1992).

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

Rep. Theberge spoke against.

Rep. Krasucki spoke in favor and yielded to questions.

Majority committee report adopted and ordered to third reading.

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

Rep. Kevin E. Reichard for the Majority of Constitutional Review and Statutory

Recodification: This bill is a resolution to reaffirm state constitutional rights vs. federal powers. It was the consensus of the committee that there has been a usurpation of powers reserved to the states, violating the 9th and 10th amendments of the federal Constitution and that this resolution addresses that concern. With the exception of the 18 enumerated powers to the federal government in article 1, section 8 of the Constitution for the United States, all other powers are un-delegated and are reserved for the states or the people. The committee feels that this resolution will help in reestablishing states' sovereignty. It urges other states to assert their own rights. Currently there are at least 7 states that have passed similar resolutions and 20 other states that have resolutions pending. Vote 11-3.

Rep. Gary B. Richardson for the Minority of Constitutional Review and Statutory

Recodification: This bill is another in a series of resolutions and bills sponsored by members who are upset over the relationship between the federal government and the states. During the Constitutional Convention that led to the adoption of the U.S. Constitution, the New Jersey Plan would have continued to require the approval of states of legislation as had been required under the Articles of Confederation. Ultimately the New Jersey Plan was rejected in favor of the Virginia Plan that permitted congress to exercise legislative authority directly on individuals. However, as stated by Sandra Day O'Connor in New York v. United States, 488 U.S. 1041 (1992), this is not to say that congress lacks the ability to encourage a state to regulate in a particular way or that congress may not hold out incentives to the states as a method of influencing a states policy choices. HCR 19 is confusing and poorly drafted, but appears to reject most authority of congress to regulate and therefore makes an incorrect statement of accepted constitutional law. Finally, HCR 19 rejects the authority of the courts to determine the constitutionality of legislative acts, which is also beyond serious constitutional question.

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

Rep. Serlin spoke against.

Rep. Itse spoke in favor and yielded to questions.

Rep. Serlin requested a roll call; sufficiently seconded.

YEAS 242 NAYS 109

YEAS 242

BELKNAP

Accornero, Harry
Luther, Robert
Tilton, Franklin

Comtois, Guy
Malone, Robert
Tobin, William

Fields, Dennis
Russell, David
Worsman, Colette

Greemore, Robert
Swinford, Elaine

CARROLL

Babson, David Jr
McCarthy, Frank
Scala, Dino

Chandler, Gene
Merrow, Harry
Schmidt, Stephen

Fleck, Joseph
Patten, Betsey
Tregenza, Norman

Knox, J. David
Pettengill, Laurie
Umberger, Karen

CHESHIRE

Byrnes, John
Moore, Charles

Cartwright, Anne
Moore, Robert Jr

Emerson, Susan
Smith, Edwin

Johnson, Jane
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Ingbreton, Paul
Sorg, Gregory

Bulis, Lyle
Ladd, Rick Jr
Sova, Charles

Eaton, Stephanie
Reilly, Harold Sr

Gionet, Edmond
Simard, Paul

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Cebrowski, John

Balboni, Michael
Beattie, Thomas
Brown, Kevin
Champagne, Norma

Ball, J. Michael
Belanger, James
Burt, John
Christensen, D.L.
Chris

Barry, J. Gail
Bergevin, Jerry
Buxton, Michael
Christiansen, Lars

Coffey, James
DeJong, Cameron
Flanagan, Jack
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Krasucki, Joseph
McCarthy, Michael
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Renzullo, Andrew
Silva, Peter
Summers, James
Twombly, Timothy
Warden, Mark

Condra, William
Doherty, Shaun
Fredette, Robert
Haefner, Robert
Hikel, John
Hopper, Gary
LeBrun, Donald
McClarren, Donald
Notter, Jeanine
Palmer, Barry
Peterson, Lenette
Rowe, Robert
Simmons, Tammy
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Maltz, Jonathan
McGuinness, Sean
Ober, Lynne
Palmer, Stephen
Pratt, Calvin
Scotsas, Lisa
Soucy, Connie
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Daniels, Gary
Erickson, Duane
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith
Jasper, Shawn
Marcus, Bruce
Messier, Irene
Ober, Russell III
Parison, James
Proulx, Mark
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon

Coffey, Jennifer
Hill, Gregory

Cohn, Seth
Hoell, J.R.

Cox, Sean
Kotowski, Frank

Kreis, Kenneth Sr
McGuire, Carol
Sanborn, Laurie
Winter, Steven

Lauer-Rago, Kathleen
McGuire, Dan
Seaworth, G. Brian

Lindsley, Mark
Palfrey, David
Smith, Molly

McDonnell, John
Reed, Dennis
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Comerford, Timothy
Devine, James
Ferrante, Beverly
Hagan, Joseph
Itse, Daniel
Lundgren, David
McKinney, Betsy
O'Connor, John
Perkins, Amy
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Sullivan, Kevin
Tucker, Pamela
Welch, David

Allen, Mary
Bates, David
Case, Frank
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Headd, James
Kappler, Lawrence
Major, Norman
McMahon, Charles
Okerman, Richard
Perkins, Lawrence
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Tamburello, Daniel
Waddell, James
Weyler, Kenneth

Antosz, Jason
Bettencourt, David
Charron, Gene
Davenport, Joshua
Duarte, Joe
Garritty, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Oigny, Jeffrey
Quandt, Marshall
Rice, Frederick
Schroadter, Adam
Smith, William
Tasker, Kyle
Ward, Joanne
Wheaton, Gary

Azarian, Gary
Birdsell, Regina
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Packard, Sherman
Quandt, Matt
Ritter, Glenn
Sedensky, John
Sullivan, James
Tremblay, Stella
Webb, James

STRAFFORD

Andolina, Donald
Jones, Kyle
Munck, Philip
Pitre, Joseph

DeLemus, Susan
Jones, Laura
Newton, Clifford
Vita, Carol

Groen, Warren
Larsen, Kirsten
O'Connor, William
Vita, Lucien

Horrigan, Timothy
Leonard, Frederick Jr
Parsons, Robbie

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 109

BELKNAP

Bolster, Peter

Millham, Alida

Pilliod, James

St. Cyr, Jeffrey

CARROLL

None

CHESHIRE

Butynski, William
Hunt, John
Meador, David
Tatro, Bruce

Carr, Daniel
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Chase, Cynthia
Lerandean, Alfred
Roberts, Kris
Weed, Charles

Hawkes, Samuel
Lindsey, Steven
Sad, Tara

COOS

Coulombe, Gary

Theberge, Robert

Thomas, Yvonne

GRAFTON

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

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Gimas, John
Jeudy, Jean
Pilotte, Maurice
Rokas, Ted

Belvin, William
Gargas, Carolyn
Goley, Jeffrey
Katsiantonis, Thomas
Porter, Marjorie
Rosenwald, Cindy

Brunelle, Michael
Garrity, Patrick
Gorman, Mary
Kurk, Neal
Rhodes, Brian
Shaw, Barbara

Campbell, David
Gidge, Kenneth
Graham, John
Long, Patrick
Robbins, David
Sullivan, Daniel

MERRIMACK

Bouchard, Candace
Gile, Mary
MacKay, James
Rice, Chip
Wallner, Mary Jane

DeStefano, Stephen
Hess, David
Owen, Derek
Richardson, Gary
Watrous, Rick

Foose, Robert
Kidder, David
Patten, Dick
Richardson, Jon
Williams, Robert

Frazer, June
Lockwood, Priscilla
Potter, Frances
Shurtleff, Stephen

ROCKINGHAM

Cali-Pitts, Jacqueline
Lovejoy, Patricia
Powers, James

DiPentima, Rich
Moody, Marcia
Read, Robin Jr

Garcia, Marilinda
Norelli, Terie
Schlachman, Donna

Gould, Kenneth
Pantelakos, Laura
Serlin, Christopher

STRAFFORD

Brown, Julie
Hofemann, Roland
Roberts, Jenna
Sprague, Dale

Browne, Brendon
Hooper, Dorothea
Schmidt, Peter
Wall, Janet

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

Grassie, Anne
Keans, Sandra
Spang, Judith

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

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

HB 292-FN, relative to securities regulation. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Philip E. Ginsburg for the Majority of Criminal Justice and Public Safety: As the second committee, Criminal Justice and Public Safety examined the penalty portion of this bill. The committee supported the increase of penalty for unlawful representation concerning registration from a misdemeanor to a class B felony, but amended the bill to leave violations of licensing requirements and registration requirements as misdemeanors except for subsequent violations which will be a felony level offense. Vote 10-6.

Rep. Mark Warden for the Minority of Criminal Justice and Public Safety: This bill would change statute to increase penalties for misdemeanor to felony level for certain actions, including violations of RSA 421-B: 6, B: 11 and B: 20, relative to licensing and registration requirements. The minority believes this bill is flawed. Some of the language is ambiguous and includes undefined terms such as "public welfare offense." Securities bureau personnel

testified that only one or two people were prosecuted last year for misdemeanor charges.

Majority Amendment (1126h)

Amend RSA 421-B:24, II as inserted by section 7 of the bill by replacing it with the following:

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

LAID ON THE TABLE

Rep. Swinford moved that ***HB 292-FN***, relative to securities regulation, be laid on the table. On a division vote, 331 members having voted in the affirmative and 17 in the negative, the motion was adopted.

REGULAR CALENDAR (CONT'D)

HB 375, relative to immunity for school personnel using reasonable force to protect pupils. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael A. Balboni for Education: This bill was referred to the Education Committee as a second committee after the unanimous affirming vote by the Judiciary Committee and majority voice vote of the House. The committee unanimously agrees with the Judiciary Committee which stated that, "This bill addresses a significant problem in New Hampshire schools, namely the imbalance of power favoring students who promote disruption and violence while under a teacher's care and supervision....The committee unanimously believes that the legislature should make a strong statement to teachers, administrators, parents and students by moving the balance of power back to the teachers by providing them with immunity when using reasonable force to control students who are ruining the educational climate for others." (Judiciary Committee Report, House Record Vol. 33, No. 15, February 18, 2011). Testimony from teachers and administrators received by this committee confirmed that, due to the lack of parental support and the threat of lawsuits, teachers are afraid to intervene when students exhibit disruptive or violent behavior, possibly resulting in harm to themselves or others. We also heard testimony from the attorney general's office which did not previously testify before the Judiciary Committee. The AG's office is concerned that the bill's wording would narrow the scope of current legal protections, possibly opening litigation and criminal charges against non-teacher care givers unconnected to the traditional school setting. The bill does this by changing the word "minor" in current law to "pupil," removing protection from those who care for "minors" who are not legally considered "pupils," for example, those in day care centers, those involved in after school programs and those housed at state facilities such as the Sununu Youth Services Center. Therefore, the committee has proposed an amendment to the bill that would return the wording to "minor" in order to maintain the protections in current law. We also discussed the bill's change from "necessary force" to "reasonable force." The AG's office believes "reasonable" is the more legally appropriate term. Vote 12-0.

Amendment (1128h)

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

AN ACT relative to immunity for school personnel using reasonable force to protect a minor for special purposes or pupil.

Amend RSA 627:6, II(a) as inserted by section 1 of the bill by replacing it with the following:

II.(a) A teacher or person otherwise entrusted with the care or supervision of a minor for special purposes **or pupil** is justified ~~[on the premises]~~ **during the care and supervision of the minor or pupil** in using ~~[necessary]~~ **reasonable** force against any such minor **or pupil**, when the minor **or pupil** creates a disturbance, or refuses to leave the premises, or when it is necessary for the maintenance of discipline. **A teacher or person otherwise entrusted with the care or supervision of such minor or pupil shall be immune from any civil or criminal liability for any act or omission performed in good faith and in accordance with this paragraph.**

AMENDED ANALYSIS

This bill provides civil and criminal immunity for good faith acts or omissions performed by teachers or persons otherwise entrusted with the care or supervision of a minor for special purposes or pupil.

Amendment adopted.

Committee report adopted and ordered to third reading.

MOTION TO SPECIAL ORDER

Rep. Bettencourt moved that **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2012 and June 30, 2013 and **HB 2-FN-A-L**, relative to state fees, funds, revenues, and expenditures, be Special Ordered to the end of the Regular Calendar beginning with **HB 2-FN-A-L**.

Rep. Bettencourt spoke in favor and yielded to questions.

Motion adopted.

REGULAR CALENDAR (CONT'D)

HB 160, relative to decisions and actions of the joint committee on legislative facilities.

INEXPEDIENT TO LEGISLATE.

Rep. Kenneth L. Weyler for Finance: The legislative facilities committee has a narrow and detailed function. It approves budget transfers within the legislative budget and sets salaries and appointments of legislative employees. It may enter into contracts and hire consultants. It establishes policy for the use of legislative facilities. None of these functions seem to arise to the importance of involving the whole House or Senate. The change to making the committee responsible for the policies regarding the operation of the facilities would require more frequent meetings to accomplish a function now detailed to Chiefs of Staff. The ability to put a stay by one member for 14 days creates some problematic scenarios. If a large group is allowed to use the House Chamber for a forum, and one member has objection that member could enter a stay the day before, and thus cause cancellation of a long-planned event, which has no alternative space. The majority saw no reason to make such a drastic change to something that appears to be working and saving the deliberations of the General Court for more important matters. Vote 17-3.

Reps. Renzullo and Weyler spoke against.

Committee report failed.

Rep. Renzullo moved Ought to Pass and offered floor amendment (1236h).

Floor Amendment (1236h)

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

AN ACT relative to the powers of the joint committee on legislative facilities.

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

1 Joint Committee on Legislative Facilities; Powers and Duties. Amend RSA 17-E:5-a, VIII to read as follows:

VIII. To establish policies regarding the use of the facilities under control of the legislature in the state house, the legislative office building, the Upham Walker house, parking garages and lots, and any future facility that may come under legislative

management. ***Beginning July 1, 2011, nothing in this paragraph shall authorize the committee to revise or establish a policy on the carrying of weapons in the state house complex, unless such policy revision or establishment is approved by legislation adopted by the general court.***

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

AMENDED ANALYSIS

This bill requires that beginning July 1, 2011, any policy revision concerning the carrying of weapons in the state house complex must be by legislation adopted by the general court.

Rep. Renzullo spoke in favor.

Floor amendment (1236h) adopted.

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

Rep. DeStefano requested a roll call; sufficiently seconded.

YEAS 255 NAYS 95

YEAS 255

BELKNAP

Accornero, Harry
Greemore, Robert
Millham, Alida
Swinford, Elaine

Bolster, Peter
Kingsbury, Robert
Pilliod, James
Tilton, Franklin

Comtois, Guy
Luther, Robert
Russell, David
Tobin, William

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

CARROLL

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

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Schmidt, Stephen

Knox, J. David
Patten, Betsey
Tregenza, Norman

CHESHIRE

Byrnes, John
Johnson, Jane
Sterling, Franklin Jr

Cartwright, Anne
Moore, Charles

Emerson, Susan
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy
Thomas, Yvonne

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Ingbretson, Paul
Sorg, Gregory

Bulis, Lyle
Ladd, Rick Jr
Sova, Charles

Eaton, Stephanie
Reilly, Harold Sr
Townsend, Charles

Gionet, Edmond
Simard, Paul

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Bergevin, Jerry
Buxton, Michael

Balboni, Michael
Beattie, Thomas
Boehm, Ralph
Cebrowski, John

Ball, J. Michael
Belanger, James
Brown, Kevin
Champagne, Norma

Barry, J. Gail
Belvin, William
Burt, John
Christensen, D.L.
Chris
Cusson-Cail,
Kathleen

Christiansen, Lars

Coffey, James

Condra, William

Daniels, Gary
Donovan, Daniel
Fredette, Robert
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Krasucki, Joseph
Marcus, Bruce
Murphy, Keith
Palmer, Barry
Peterson, Lenette
Robbins, David
Silva, Peter
Summers, James
Twombly, Timothy
Warden, Mark

Day, Russell
Drisko, Richard
Gagne, Larry
Haefner, Robert
Hikel, John
Hopper, Gary
Kurk, Neal
McClarren, Donald
Ober, Lynne
Palmer, Stephen
Pratt, Calvin
Rowe, Robert
Simmons, Tammy
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

DeJong, Cameron
Erickson, Duane
Gimas, John
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
LeBrun, Donald
McGuinness, Sean
Ober, Russell III
Parison, James
Proulx, Mark
Scotsas, Lisa
Soucy, Connie
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Doherty, Shaun
Flanagan, Jack
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith
Jasper, Shawn
Maltz, Jonathan
Messier, Irene
Ohm, Bill
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kotowski, Frank
Lockwood, Priscilla
Palfrey, David
Seaworth, G. Brian

Coffey, Jennifer
Hill, Gregory
Kreis, Kenneth Sr
McDonnell, John
Reed, Dennis
Smith, Molly

Cohn, Seth
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Carol
Richardson, Jon
Smith, Todd

Cox, Sean
Kidder, David
Lindsley, Mark
McGuire, Dan
Sanborn, Laurie
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Comerford, Timothy
Devine, James
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Kolodziej, Walter
McKinney, Betsy
O'Connor, John
Perkins, Amy
Reichard, Kevin
Schroadter, Adam
Smith, William
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Allen, Mary
Bates, David
Case, Frank
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Itse, Daniel
Major, Norman
McMahon, Charles
Okerman, Richard
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sullivan, James
Tremblay, Stella
Waterhouse, Kevin

Antosz, Jason
Bettencourt, David
Charron, Gene
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Manuse, Andrew
Murphy, Brian
Oigny, Jeffrey
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sullivan, Kevin
Tucker, Pamela
Webb, James

Azarian, Gary
Birdsell, Regina
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Mauro, Donna
Nevens, Chris
Packard, Sherman
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Waddell, James
Welch, David

STRAFFORD

Andolina, Donald
Jones, Kyle
Munck, Philip
Pitre, Joseph

Brown, Julie
Jones, Laura
Newton, Clifford
Vita, Carol

DeLemus, Susan
Larsen, Kirsten
O'Connor, William
Vita, Lucien

Groen, Warren
Leonard, Frederick Jr
Parsons, Robbie

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

Smith, Steven

NAYS 95

BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Carr, Daniel
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Chase, Cynthia
Lindsey, Steven
Sad, Tara

Hawkes, Samuel
Meador, David
Tatro, Bruce

COOS

Coulombe, Gary

Theberge, Robert

Tholl, John Jr

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Garrity, Patrick
Jeudy, Jean
Porter, Marjorie
Rosenwald, Cindy

Brunelle, Michael
Gidge, Kenneth
Katsiantonis, Thomas
Ramsey, Peter
Shaw, Barbara

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

Cote, David
Gorman, Mary
Pilotte, Maurice
Rokas, Ted

MERRIMACK

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

DeStefano, Stephen
Hamm, Christine
Potter, Frances
Watrous, Rick

Foose, Robert
MacKay, James
Rice, Chip
Williams, Robert

Frazer, June
Owen, Derek
Richardson, Gary

ROCKINGHAM

Cali-Pitts, Jacqueline
Moody, Marcia
Powers, James

DiPentima, Rich
Norelli, Terie
Read, Robin Jr

Gould, Kenneth
Pantelakos, Laura
Schlachman, Donna

Lovejoy, Patricia
Perkins, Lawrence
Serlin, Christopher

STRAFFORD

Berube, Roger
Hofemann, Roland
Keans, Sandra
Spang, Judith

Browne, Brendon
Hooper, Dorothea
Roberts, Jenna
Sprague, Dale

Ginsburg, Philip
Horrigan, Timothy
Schmidt, Peter
Wall, Janet

Grassie, Anne
Kaen, Naida
Spainhower, Dale
Watters, David

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the motion was adopted.
Ordered to third reading.

HB 438-FN-A, relative to funding of the Claremont, Colebrook, Milford, and Keene District Courts and establishing a committee to study the utilization of existing facilities to house courts leased by communities through the state. **OUGHT TO PASS WITH AMENDMENT.**
Rep. William S. Belvin for Finance: This bill grows out of an attempt to close a number of district courts in the current biennium, which all remain open today due to 2009 legislative action. HB 438 desires to keep these courts open going forward. As introduced, the bill did three things: it kept open in FY's 2012 & 2013 the district courts in Colebrook, Claremont, Keene and Milford; it appropriated funds to reimburse the towns for expenses to keep the district courts open in FY 2011; and established a committee to study leased court space. The bill came out of the Judiciary Committee as OTP and was so voted on the House floor. It was referred to the Finance Committee as a second committee due to its fiscal impact. In Finance the bill was amended to remove all funds and the study committee, leaving the approved policy requirement in place to keep these four courts open and additionally the Plaistow District Court in FY 2012 & 2013. It is important to keep justice close to the people as required by RSA 502-A:2 which says in part "...The administrative judge shall consider the convenience of each court's users" Vote 20-4.

Amendment (0892h)

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

AN ACT relative to funding of the Claremont, Colebrook, Milford, Keene, and Plaistow District Courts.

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

1 Operation and Funding of Certain District Courts. For the fiscal years ending June 30, 2012 and June 30, 2013, the Colebrook District Court, the Keene District Court, the Claremont District Court, the Plaistow District Court, and the Milford District Court shall remain open and the judicial branch shall pay the costs of maintaining such courts within its operating budget.

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

AMENDED ANALYSIS

This bill requires the judicial branch to continue to operate the Claremont, Colebrook, Milford, Plaistow, and Keene District Courts in fiscal years 2012 and 2013 within its operating budget.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 479-FN, relative to receivership of nursing homes and other residential health care facilities. **OUGHT TO PASS.**

Rep. Thomas E. Keane for Finance: This bill reinstates a previous law that sunset. The law allows the department of health and human services, under the supervision of a probate court, to manage a state licensed Medicaid nursing home or other residential facility that fails financially. Under this law, the department would appoint a qualified administrator to manage the day-to-day operations until such time as a bankruptcy court appoints a master. There is the potential for some cost to the state to maintain services on a temporary basis but the state has collected fees over the years that would likely offset the cost. Vote 24-0.
Committee report adopted and ordered to third reading.

HB 490-FN, adopting the interstate compact for juveniles. **OUGHT TO PASS.**

Rep. Sharon Nordgren for Finance: Continuing with our membership in the interstate compact will allow the state to be reimbursed by other states for services provided to children from other states. In the event of a runaway child, need for joint supervision or mutual

assistance, the State of NH would be allowed to collect payment from the other state involved. Also law enforcement agencies would be notified if a juvenile offender is authorized to travel or is relocated across state lines. Dues for this compact for NH will be \$12,000 calculated by state population and activity. Vote 24-0.
Committee report adopted and ordered to third reading.

(Rep. Bettencourt in the Chair)

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

MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Neal M. Kurk for the Majority of Finance: This bill repeals the carbon tax on electricity generation in New Hampshire. More than \$30 million has already been taken out of the New Hampshire economy that could have been used to create jobs. The balance of RGGI funds as of January 1, 2012 will be transferred to the state-created CORE energy efficiency program to directly benefit additional individuals and business electricity customers. Vote 17-6.

Rep. Robert A. Foose for the Minority of Finance: RGGI is scheduled to undergo a complete review by the PUC to be completed by the end of 2011. The minority believes that the legislature should not interfere with the PUC review process. The PUC should be allowed to complete its study and release its report. Moreover, as long as New Hampshire continues to be part of ISO, we will continue to pay for RGGI. But, if we repeal it, we will no longer reap its benefits. This will mean a yearly financial loss of 8 to 13 million dollars for New Hampshire.

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

Rep. Foose spoke against.

Rep. James Garrity spoke in favor.

Rep. Foose requested a roll call; sufficiently seconded.

YEAS 251 NAYS 108

YEAS 251

BELKNAP

Accornero, Harry
Kingsbury, Robert
Russell, David
Tobin, William

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

Fields, Dennis
Malone, Robert
Swinford, Elaine

Greemore, Robert
Millham, Alida
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

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

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Johnson, Jane

Cartwright, Anne
Moore, Charles

Emerson, Susan
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Ingbreton, Paul
Sorg, Gregory

Bulis, Lyle
Ladd, Rick Jr
Sova, Charles

Eaton, Stephanie
Reilly, Harold Sr

Gionet, Edmond
Simard, Paul

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Cebrowski, John

Balboni, Michael
Beattie, Thomas
Brown, Kevin
Champagne, Norma

Ball, J. Michael
Belvin, William
Burt, John
Christensen, D.L.
Chris

Barry, J. Gail
Bergevin, Jerry
Buxton, Michael
Christiansen, Lars

Coffey, James
Day, Russell
Emerton, Larry
Gagne, Larry
Greazzo, Phil
Hikel, John
Hopper, Gary
Kurk, Neal
McCarthy, Michael
O'Brien, William
Palmer, Barry
Pepino, Leo
Robbins, David
Silva, Peter
Summers, James
Twombly, Timothy
Warden, Mark

Condra, William
DeJong, Cameron
Erickson, Duane
Gimas, John
Haefner, Robert
Hinch, Richard
Hutchinson, Winfred
LeBrun, Donald
McClarren, Donald
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Rowe, Robert
Simmons, Tammy
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Gonzalez, Carlos
Hansen, Peter
Hogan, Edith
Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean
Ober, Russell III
Parison, James
Pratt, Calvin
Scotsas, Lisa
Soucy, Connie
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Daniels, Gary
Donovan, Daniel
Fredette, Robert
Graham, John
Hardwick, Harry
Holden, Frank
Krasucki, Joseph
Marcus, Bruce
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kreis, Kenneth Sr
McGuire, Carol
Richardson, Jon
Smith, Todd

Coffey, Jennifer
Hill, Gregory
Lauer-Rago, Kathleen
McGuire, Dan
Sanborn, Laurie
Winter, Steven

Cohn, Seth
Hoell, J.R.
Lindsley, Mark
Palfrey, David
Seaworth, G. Brian

Cox, Sean
Kotowski, Frank
McDonnell, John
Reed, Dennis
Smith, Molly

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Case, Frank
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Itse, Daniel
Lundgren, David
McKinney, Betsy
Okerman, Richard
Perkins, Lawrence
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III

Allen, Mary
Bates, David
Charron, Gene
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Major, Norman
McMahon, Charles
Oigny, Jeffrey
Quandt, Marshall
Rice, Frederick
Schroadter, Adam
Smith, William

Antosz, Jason
Birdsell, Regina
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Nevins, Chris
Packard, Sherman
Quandt, Matt
Ritter, Glenn
Sedensky, John
Sullivan, James

Azarian, Gary
Brown, Paul
Comerford, Timothy
Devine, James
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Perkins, Amy
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Sullivan, Kevin

Sytek, John
Tucker, Pamela
Webb, James

Tamburello, Daniel
Waddell, James
Welch, David

Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Tremblay, Stella
Waterhouse, Kevin
Wheaton, Gary

STRAFFORD

Andolina, Donald
Jones, Laura
Newton, Clifford
Vita, Carol

DeLemus, Susan
Larsen, Kirsten
O'Connor, William
Vita, Lucien

Groen, Warren
Leonard, Frederick Jr
Parsons, Robbie

Jones, Kyle
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 108

BELKNAP

Bolster, Peter

Pilliod, James

CARROLL

None

CHESHIRE

Butynski, William
Johnsen, Gladys
Parkhurst, Henry
Tatro, Bruce

Carr, Daniel
Lerandau, Alfred
Roberts, Kris
Weber, Lucy

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

Hawkes, Samuel
Meador, David
Sterling, Franklin Jr

COOS

Coulombe, Gary

Remick, William

Theberge, Robert

Thomas, Yvonne

GRAFTON

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

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Gidge, Kenneth
Katsiantonis, Thomas
Porter, Marjorie
Rosenwald, Cindy

Belanger, James
Drisko, Richard
Goley, Jeffrey
Long, Patrick
Ramsey, Peter
Shaw, Barbara

Brunelle, Michael
Gargasz, Carolyn
Gorman, Mary
Messier, Irene
Rhodes, Brian
Sullivan, Daniel

Campbell, David
Garrity, Patrick
Jeudy, Jean
Pilotte, Maurice
Rokas, Ted

MERRIMACK

Bouchard, Candace
Gile, Mary
MacKay, James

DeStefano, Stephen
Hamm, Christine
Owen, Derek

Foose, Robert
Kidder, David
Patten, Dick

Frazer, June
Lockwood, Priscilla
Potter, Frances

Rice, Chip
Watrous, Rick

Richardson, Gary
Williams, Robert

Shurtleff, Stephen

Wallner, Mary Jane

ROCKINGHAM

Cali-Pitts, Jacqueline
Moody, Marcia
Powers, James

DiPentima, Rich
Murphy, Brian
Read, Robin Jr

Gould, Kenneth
Norelli, Terie
Schlachman, Donna

Lovejoy, Patricia
Pantelakos, Laura
Serlin, Christopher

STRAFFORD

Berube, Roger
Grassie, Anne
Kaen, Naida
Spainhower, Dale
Watters, David

Brown, Julie
Hofemann, Roland
Keans, Sandra
Spang, Judith

Browne, Brendon
Hooper, Dorothea
Roberts, Jenna
Sprague, Dale

Ginsburg, Philip
Horrigan, Timothy
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the majority committee report was adopted.

Ordered to third reading.

(Speaker O'Brien in the Chair)

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

Rep. Dan McGuire for Finance: This bill directs the governor to create a plan to consolidate both back office and front office operations where savings are available. This goes beyond similar measures already present in the governor's proposed budget. We will be very pleased if even a fraction of the anticipated savings materialize. Vote 17-0.

Committee report adopted and ordered to third reading.

HCR 6, requiring the Congress of the United States of America to reaffirm its adherence to the Constitution of the United States regarding international agreements and treaties.

OUGHT TO PASS WITH AMENDMENT.

Rep. Kenneth L. Weyler for Finance: This bill was sent to Finance because it was felt that language requiring the House Clerk to deliver the resolution, meant that she must bring it in person to all the addressees. The committee changed that section to "cause to be delivered."

We also deleted the other state legislatures from the addressee list. Vote 16-8.

Amendment (1025h)

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

That the clerk of the house of representatives shall cause to be delivered signed copies of this resolution to the President of the United States of America, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the New Hampshire congressional delegation, urging them to give it wide dissemination amongst their bodies, so that they may be apprised of the sense of the citizens of New Hampshire in this matter.

Amendment adopted.

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

Rep. Peter Schmidt spoke against.

Rep. Weyler spoke in favor and yielded to questions.

On a division vote, 213 members having voted in the affirmative and 132 in the negative, the committee report was adopted.

Ordered to third reading.

HB 651, allowing the sale and possession of monk parakeets. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Gary S. Hopper for the Majority of Fish and Game and Marine Resources: This bill would lift all restrictions on the sale or possession of a Monk/Quaker Parrot. Unlike other tropical birds, Quakers are an intelligent and adaptable bird. In fact, there is a colony of about 200 in Chicago. As a result of people being unaware that the Quakers were illegal, there are roughly 1000 birds in the state today. The committee feels it is unwise to take a chance on allowing more. The amended version will grandfather the parrots that are currently in the state and discontinues the introduction of any more. Vote 12-1.

Rep. Jenna J. Roberts for the Minority of Fish and Game and Marine Resources: The original bill allowed for the possession and sale of Quaker or Monk parakeets. This bill, as amended, bans the sale and possession of these common pets. According to testimony by fish and game, no monk parakeets are known to be living wild in New Hampshire. Of those wild populations living in other states, the reported issue is these feral populations can cause damage to power lines but do not negatively impact crops or threaten native species. Currently, 30 states, including some with wild populations, have no restrictions on possession or sale of these well-loved, family-friendly pets. It is a bird sold by pet stores and home-breeders alike. In fact, Massachusetts lifted its ban against this bird. Even in Connecticut where this bird has caused a nuisance for utility poles, the state allows possession but restricts their sale. The minority opposes the amendment.

Majority Amendment (1066h)

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

AN ACT banning the sale and possession of monk parakeets.

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

1 New Section; Monk Parakeets. Amend RSA 437 by inserting after section 17 the following new section:

437:17-a Monk Parakeets. Monk parakeets (*Myiopsitta monachus*), also known as quaker parrots, shall not be possessed, bred, or sold within the state.

2 Monk Parakeets; Exception. Any person in possession of one or more monk parakeets on the 30th day after the passage of this act shall not be in violation of RSA 437:17-a, provided that said person does not breed the monk parakeets in his or her possession.

3 Invasive Species. The commissioner of the department of agriculture, markets, and food shall add monk parakeets (*Myiopsitta monachus*) to the invasive species list.

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

AMENDED ANALYSIS

This bill:

I. Bans the possession, breeding, and sale of monk parakeets.

II. Allows those persons who own monk parakeets at the time of the passage of this act to possess those monk parakeets.

III. Requires the commissioner of the department of agriculture, markets, and food to add monk parakeets to the invasive species list.

Reps. Notter, Jenna Roberts, Bowers and James Belanger spoke against.

Rep. Newton spoke in favor.

On a division vote, 120 members having voted in the affirmative and 237 in the negative, the majority committee amendment failed.

Minority committee report of Ought to Pass adopted and ordered to third reading.

REMOVED FROM THE TABLE

Rep. Bettencourt moved that **CACR 6**, relating to taxation. Providing that a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees provided that the

legislature may increase the rate of taxes and fees with a majority vote in any fiscal year that insufficient revenues are provided to pay the principal and interest on a debt payable in that year, to which the state has pledged its faith and credit, be removed from the table.

(Pending question: Inexpedient to Legislate)

On a division vote, 248 members having voted in the affirmative and 118 in the negative, the motion was adopted.

MOTION TO SUSPEND HOUSE RULES

Rep. Bettencourt moved that House Rules be suspended as to allow further consideration on **CACR 6**, relating to taxation. Providing that a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees provided that the legislature may increase the rate of taxes and fees with a majority vote in any fiscal year that insufficient revenues are provided to pay the principal and interest on a debt payable in that year, to which the state has pledged its faith and credit.

Rep. Weber spoke against.

Rep. Jasper spoke in favor and yielded to questions.

Rep. Jasper requested a roll call; sufficiently seconded.

YEAS 258 NAYS 114

YEAS 258

BELKNAP

Accornero, Harry
Kingsbury, Robert
St. Cyr, Jeffrey
Worsman, Colette

Comtois, Guy
Luther, Robert
Swinford, Elaine

Fields, Dennis
Malone, Robert
Tilton, Franklin

Greemore, Robert
Russell, David
Tobin, William

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

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

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Moore, Charles

Cartwright, Anne
Moore, Robert Jr

Hunt, John
Smith, Edwin

Johnson, Jane
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Ingbretson, Paul
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Eaton, Stephanie
Reilly, Harold Sr

Gionet, Edmond
Simard, Paul

HILLSBOROUGH

Avard, Kevin
Beattie, Thomas
Boehm, Ralph

Ball, J. Michael
Belanger, James
Brown, Kevin

Barry, J. Gail
Belvin, William
Burt, John

Barry, Richard
Bergevin, Jerry
Buxton, Michael

Cebrowski, John	Champagne, Norma	Christensen, D.L. Chris	Christiansen, Lars
Coffey, James	Condra, William	Cusson-Cail, Kathleen	Daniels, Gary
Day, Russell	DeJong, Cameron	Doherty, Shaun	Donovan, Daniel
Drisko, Richard	Emerton, Larry	Erickson, Duane	Flanagan, Jack
Fredette, Robert	Gagne, Larry	Gandia, Laura	Gonzalez, Carlos
Graham, John	Greazzo, Phil	Haefner, Robert	Hansen, Peter
Hardwick, Harry	Hawkins, Kenneth	Hikel, John	Hinch, Richard
Hogan, Edith	Holden, Frank	Hopper, Gary	Hutchinson, Winfred
Infantine, William	Jasper, Shawn	Krasucki, Joseph	Kurk, Neal
LeBrun, Donald	Maltz, Jonathan	Marcus, Bruce	McCarthy, Michael
McClarren, Donald	McGuinness, Sean	Mecheski, Holly	Moran, Edward
Murphy, Keith	Notter, Jeanine	Ober, Lynne	Ober, Russell III
Ohm, Bill	Palmer, Barry	Palmer, Stephen	Parison, James
Pellegrino, Tony	Pepino, Leo	Peterson, Lenette	Pratt, Calvin
Proulx, Mark	Renzullo, Andrew	Rowe, Robert	Scontsas, Lisa
Seidel, Carl	Silva, Peter	Simmons, Tammy	Soucy, Connie
Stepanek, Stephen	Stroud, Kathleen	Summers, James	Swank, Matthew
Terrio, Ross	Thomas, Joseph	Twombly, Timothy	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Moe	Warden, Mark	Whitehead, Randall
Willette, Robert			

MERRIMACK

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

ROCKINGHAM

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

STRAFFORD

Andolina, Donald	DeLemus, Susan	Groen, Warren	Jones, Kyle
Jones, Laura	Larsen, Kirsten	Leonard, Frederick Jr	Munck, Philip

Newton, Clifford
Vita, Carol

O'Connor, William
Vita, Lucien

Parsons, Robbie

Pitre, Joseph

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 114

BELKNAP

Bolster, Peter

Millham, Alida

Pilliod, James

CARROLL

None

CHESHIRE

Butynski, William
Hawkes, Samuel
Meador, David
Tatro, Bruce

Carr, Daniel
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Chase, Cynthia
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Emerson, Susan
Lindsey, Steven
Sad, Tara

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Remick, William

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pastor, Beatriz
Townsend, Charles

Almy, Susan
Harding, Laurie
Pierce, David
White, Andrew

Benn, Bernard
Ladd, Rick Jr
Smith, Suzanne

Cooney, Mary
Nordgren, Sharon
Taylor, Kathleen

HILLSBOROUGH

Balboni, Michael
Cote, David
Gimas, John
Katsiantonis, Thomas
Porter, Marjorie
Rokas, Ted

Baroody, Benjamin
Gargas, Carolyn
Goley, Jeffrey
Long, Patrick
Ramsey, Peter
Rosenwald, Cindy

Brunelle, Michael
Garrity, Patrick
Gorman, Mary
Messier, Irene
Rhodes, Brian
Shaw, Barbara

Campbell, David
Gidge, Kenneth
Jeudy, Jean
Pilotte, Maurice
Robbins, David
Sullivan, Daniel

MERRIMACK

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

Deloge, Helen
Gile, Mary
MacKay, James
Rice, Chip
Watrous, Rick

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

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

ROCKINGHAM

Cali-Pitts, Jacqueline
Moody, Marcia

DiPentima, Rich
Norelli, Terie

Gould, Kenneth
Pantelakos, Laura

Lovejoy, Patricia
Perkins, Amy

Perkins, Lawrence
Serlin, Christopher

Powers, James

Read, Robin Jr

Schlachman, Donna

STRAFFORD

Berube, Roger
Grassie, Anne
Kaen, Naida
Spainhower, Dale
Watters, David

Brown, Julie
Hofemann, Roland
Keans, Sandra
Spang, Judith

Browne, Brendon
Hooper, Dorothea
Roberts, Jenna
Sprague, Dale

Ginsburg, Philip
Horrigan, Timothy
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the motion was adopted by the necessary two-thirds vote.

CONSIDERATION OF CACR 6

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

Rep. Stepanek spoke against.

Reps. Almy and DiPentima spoke in favor.

Rep. Greazzo requested a roll call; sufficiently seconded.

YEAS 119 NAYS 251

YEAS 119

BELKNAP

Millham, Alida

CARROLL

None

CHESHIRE

Butynski, William
Johnsen, Gladys
Meador, David
Sterling, Franklin Jr

Carr, Daniel
Johnson, Jane
Parkhurst, Henry
Tatro, Bruce

Chase, Cynthia
Lerandeau, Alfred
Roberts, Kris
Weber, Lucy

Hawkes, Samuel
Lindsey, Steven
Sad, Tara
Weed, Charles

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Remick, William

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pastor, Beatriz
Townsend, Charles

Almy, Susan
Harding, Laurie
Pierce, David
White, Andrew

Benn, Bernard
Ladd, Rick Jr
Smith, Suzanne

Cooney, Mary
Nordgren, Sharon
Taylor, Kathleen

HILLSBOROUGH

Balboni, Michael
Cote, David
Garrity, Patrick

Baroody, Benjamin
Day, Russell
Gidge, Kenneth

Brunelle, Michael
Drisko, Richard
Gimas, John

Campbell, David
Gargas, Carolyn
Goley, Jeffrey

Gorman, Mary
Messier, Irene
Rhodes, Brian
Shaw, Barbara

Jeudy, Jean
Pilotte, Maurice
Robbins, David
Sullivan, Daniel

Katsiantonis, Thomas
Porter, Marjorie
Rokas, Ted

Long, Patrick
Ramsey, Peter
Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
Frazer, June
Lockwood, Priscilla
Patten, Dick
Shurtleff, Stephen

Deloge, Helen
Gile, Mary
MacKay, James
Potter, Frances
Wallner, Mary Jane

DeStefano, Stephen
Hamm, Christine
Owen, Derek
Rice, Chip
Watrous, Rick

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

ROCKINGHAM

Cali-Pitts, Jacqueline
Lovejoy, Patricia
Pantelakos, Laura
Read, Robin Jr

Case, Frank
Moody, Marcia
Perkins, Amy
Schlachman, Donna

DiPentima, Rich
Norelli, Terie
Perkins, Lawrence
Serlin, Christopher

Gould, Kenneth
O'Connor, John
Powers, James

STRAFFORD

Berube, Roger
Grassie, Anne
Kaen, Naida
Spainhower, Dale
Watters, David

Brown, Julie
Hofemann, Roland
Keans, Sandra
Spang, Judith

Browne, Brendon
Hooper, Dorothea
Roberts, Jenna
Sprague, Dale

Ginsburg, Philip
Horrigan, Timothy
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond

Lefebvre, Benjamin

Lovett, Charlene

NAYS 251

BELKNAP

Accornero, Harry
Greemore, Robert
Pilliod, James
Tilton, Franklin

Bolster, Peter
Kingsbury, Robert
Russell, David
Tobin, William

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

Fields, Dennis
Malone, Robert
Swinford, Elaine

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

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

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Moore, Charles

Cartwright, Anne
Moore, Robert Jr

Emerson, Susan
Smith, Edwin

Hunt, John

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Ingbretson, Paul
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Eaton, Stephanie
Reilly, Harold Sr

Gionet, Edmond
Simard, Paul

HILLSBOROUGH

Avard, Kevin
Beattie, Thomas
Boehm, Ralph
Cebrowski, John

Ball, J. Michael
Belanger, James
Brown, Kevin
Champagne, Norma

Barry, J. Gail
Belvin, William
Burt, John
Christensen, D.L.
Chris

Barry, Richard
Bergevin, Jerry
Buxton, Michael
Christiansen, Lars

Coffey, James

Condra, William

Cusson-Cail,
Kathleen

Daniels, Gary

DeJong, Cameron
Erickson, Duane
Gandia, Laura
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Rowe, Robert
Simmons, Tammy
Summers, James
Twombly, Timothy
Warden, Mark

Doherty, Shaun
Flanagan, Jack
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael
Moran, Edward
Ober, Russell III
Parison, James
Pratt, Calvin
Scoutsas, Lisa
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Donovan, Daniel
Fredette, Robert
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Seidel, Carl
Stepanek, Stephen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Emerton, Larry
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Renzullo, Andrew
Silva, Peter
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Richardson, Jon
Smith, Todd

Coffey, Jennifer
Hess, David
Kreis, Kenneth Sr
McGuire, Carol
Sanborn, Laurie
Soltani, Tony

Cohn, Seth
Hill, Gregory
Lauer-Rago, Kathleen
McGuire, Dan
Seaworth, G. Brian
Winter, Steven

Cox, Sean
Hoell, J.R.
Lindsley, Mark
Reed, Dennis
Smith, Molly

ROCKINGHAM

Abrami, Patrick
Bates, David
Charron, Gene
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Major, Norman
McMahon, Charles
Oigny, Jeffrey
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III

Antosz, Jason
Bettencourt, David
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Reichard, Kevin
Schroadter, Adam
Smith, William

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Devine, James
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sullivan, James

Baldasaro, Alfred
Brown, Paul
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Itse, Daniel
Lundgren, David
McKinney, Betsy
Okerman, Richard
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sullivan, Kevin

Sytek, John
Tucker, Pamela
Webb, James

Tamburello, Daniel
Waddell, James
Welch, David

Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Tremblay, Stella
Waterhouse, Kevin
Wheaton, Gary

STRAFFORD

Andolina, Donald
Jones, Laura
Newton, Clifford
Vita, Carol

DeLemus, Susan
Larsen, Kirsten
O'Connor, William
Vita, Lucien

Groen, Warren
Leonard, Frederick Jr
Parsons, Robbie

Jones, Kyle
Munck, Philip
Pitre, Joseph

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

and the minority committee report failed.

Rep. Jasper moved Ought to Pass and offered floor amendment (1169h).

Floor Amendment (1169h)

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

RELATING TO: taxation.

PROVIDING THAT: a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees, or to authorize the issuance of state bonds and providing that the general court shall appropriate funds for payment of interest and installments of principle of all state bonds.

Amend the resolution by replacing paragraph I with the following:

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

[Art.] 5-c. [Increase in Rate of Taxation.] A 3/5 vote of the members present and voting in the house of representatives and the senate shall be required to pass a new tax or license fee or to increase a tax or license fee that has been levied by the state, or to authorize the issuance of state bonds.

[Art.] 5-d. [Appropriation for Payment of Interest and Installments of Principle on Bonded Debt.] The general court shall provide by appropriation for the payment of interest upon and installments of principle of all bonded debt created on behalf of the State as the same shall become due and payable. If at anytime the general court shall fail to make any such appropriation, the treasurer of the State shall set apart from the first general fund revenues thereafter received a sum sufficient to pay such interest or installments of principle and shall so apply the money thus set apart.

Amend the resolution by replacing paragraph IV with the following:

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

[Art.] 5-c. [Increase in Rate of Taxation.] A 3/5 vote of the members present and voting in the house of representatives and the senate shall be required to pass a new tax or license fee or to increase a tax or license fee that has been levied by the state, or to authorize the issuance of state bonds.

[Art.] 5-d. [Appropriation for Payment of Interest and Installments of Principle on Bonded Debt.] The general court shall provide by appropriation for the payment of interest upon and installments of principle of all bonded debt created on behalf of the State as the same shall become due and payable. If at anytime the general court shall fail to make any such appropriation, the treasurer of the State shall set apart from the first general fund revenues thereafter received a sum sufficient to pay such interest or installments of principle and shall so apply the money thus set apart.”

AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that a 3/5 vote of the house of representatives and the senate shall be required to pass a new tax or license fee or to increase any tax or license fee that has been levied, or to authorize the issuance of state bonds.

This resolution also provides for appropriations for the payment of interest and installments of principle of all bonded state debt.

APPEAL THE RULING OF THE CHAIR

Rep. Norelli appealed the ruling of the Chair whereby the Chair declared that no further motion to suspend the rules was necessary for action on **CACR 6**, relating to taxation. Providing that a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees provided that the legislature may increase the rate of taxes and fees with a majority vote in any fiscal year that insufficient revenues are provided to pay the principal and interest on a debt payable in that year, to which the state has pledged its faith and credit.

The question being shall the ruling of the Chair be upheld?

Rep. Norelli requested a roll call; sufficiently seconded.

YEAS 270 NAYS 101

YEAS 270

BELKNAP

Accornero, Harry	Bolster, Peter	Comtois, Guy	Fields, Dennis
Greemore, Robert	Kingsbury, Robert	Luther, Robert	Malone, Robert
Millham, Alida	Pilliod, James	Russell, David	St. Cyr, Jeffrey
Swinford, Elaine	Tilton, Franklin	Tobin, William	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	Scala, Dino	Schmidt, Stephen
Tregenza, Norman	Umberger, Karen		

CHESHIRE

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

COOS

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

GRAFTON

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

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Cebrowski, John

Coffey, James

Day, Russell
Drisko, Richard
Fredette, Robert
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Scoutsas, Lisa
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Balboni, Michael
Beattie, Thomas
Brown, Kevin
Champagne, Norma

Condra, William

DeJong, Cameron
Emerton, Larry
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Ball, J. Michael
Belvin, William
Burt, John
Christensen, D.L.
Chris

Cusson-Cail,
Kathleen
Doherty, Shaun
Erickson, Duane
Gandia, Laura
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Robbins, David
Silva, Peter
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

Barry, J. Gail
Bergevin, Jerry
Buxton, Michael
Christiansen, Lars

Daniels, Gary

Donovan, Daniel
Flanagan, Jack
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael
Moran, Edward
Ober, Russell III
Parison, James
Pratt, Calvin
Rowe, Robert
Simmons, Tammy
Summers, James
Twombly, Timothy
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kidder, David
Lindsley, Mark
McGuire, Dan
Sanborn, Laurie
Soltani, Tony

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

Cohn, Seth
Hill, Gregory
Kreis, Kenneth Sr
McDonnell, John
Reed, Dennis
Smith, Molly

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

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Garrity, James
Headd, James
Kappler, Lawrence
Major, Norman
McMahon, Charles
Okerman, Richard
Perkins, Lawrence
Reichard, Kevin
Schroadter, Adam
Smith, William
Tamburello, Daniel
Waddell, James
Welch, David

Allen, Mary
Bates, David
Cali-Pitts, Jacqueline
Comerford, Timothy
Devine, James
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Oigny, Jeffrey
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sullivan, James
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Antosz, Jason
Bettencourt, David
Case, Frank
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Packard, Sherman
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin
Wheaton, Gary

Azarian, Gary
Birdsell, Regina
Charron, Gene
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Hagan, Joseph
Itse, Daniel
Lundgren, David
McKinney, Betsy
O'Connor, John
Perkins, Amy
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Webb, James

STRAFFORD

Andolina, Donald
Jones, Laura
Newton, Clifford
Vita, Carol

DeLemus, Susan
Larsen, Kirsten
O'Connor, William
Vita, Lucien

Groen, Warren
Leonard, Frederick Jr
Parsons, Robbie

Jones, Kyle
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 101

BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Carr, Daniel
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Chase, Cynthia
Lindsey, Steven
Sad, Tara

Hawkes, Samuel
Meador, David
Tatro, Bruce

COOS

Coulombe, Gary

Hatch, William

Theberge, Robert

Thomas, Yvonne

GRAFTON

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

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Gimas, John
Katsiantonis, Thomas
Porter, Marjorie
Rosenwald, Cindy

Belanger, James
Gargas, Carolyn
Goley, Jeffrey
Long, Patrick
Ramsey, Peter
Shaw, Barbara

Brunelle, Michael
Garrity, Patrick
Gorman, Mary
Messier, Irene
Rhodes, Brian
Sullivan, Daniel

Campbell, David
Gidge, Kenneth
Jeudy, Jean
Pilotte, Maurice
Rokas, Ted

MERRIMACK

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

Deloge, Helen
Gile, Mary
Patten, Dick
Shurtleff, Stephen

DeStefano, Stephen
Hamm, Christine
Potter, Frances
Wallner, Mary Jane

Foose, Robert
MacKay, James
Rice, Chip
Watrous, Rick

ROCKINGHAM

DiPentima, Rich
Pantelakos, Laura
Serlin, Christopher

Lovejoy, Patricia
Powers, James

Moody, Marcia
Read, Robin Jr

Norelli, Terie
Schlachman, Donna

STRAFFORD

Berube, Roger
Grassie, Anne
Kaen, Naida
Spainhower, Dale
Watters, David

Brown, Julie
Hofemann, Roland
Keans, Sandra
Spang, Judith

Browne, Brendon
Hooper, Dorothea
Roberts, Jenna
Sprague, Dale

Ginsburg, Philip
Horriggan, Timothy
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
and the ruling of the Chair was upheld.

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

The question now being adoption of floor amendment (1169h).

Rep. Almy spoke against.

Rep. Jasper spoke in favor and yielded to questions.

Rep. Soltani requested a roll call; sufficiently seconded.

YEAS 265 NAYS 107

YEAS 265

BELKNAP

Accornero, Harry
Greemore, Robert
Millham, Alida
Tilton, Franklin

Bolster, Peter
Kingsbury, Robert
Russell, David
Tobin, William

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

Fields, Dennis
Malone, Robert
Swinford, Elaine

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

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

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Moore, Charles

Cartwright, Anne
Moore, Robert Jr

Hunt, John
Smith, Edwin

Johnson, Jane
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Ingbretson, Paul
Simard, Paul

Bulis, Lyle
Ladd, Rick Jr
Sorg, Gregory

Eaton, Stephanie
Mirski, Paul
Sova, Charles

Gionet, Edmond
Reilly, Harold Sr

HILLSBOROUGH

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

MERRIMACK

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

ROCKINGHAM

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

STRAFFORD

Andolina, Donald
Jones, Kyle
Munck, Philip
Pitre, Joseph

Brown, Julie
Jones, Laura
Newton, Clifford
Vita, Carol

DeLemus, Susan
Larsen, Kirsten
O'Connor, William
Vita, Lucien

Groen, Warren
Leonard, Frederick Jr
Parsons, Robbie

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

NAYS 107

BELKNAP

Pilliod, James

CARROLL

None

CHESHIRE

Butynski, William
Hawkes, Samuel
Meador, David
Tatro, Bruce

Carr, Daniel
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Chase, Cynthia
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Emerson, Susan
Lindsey, Steven
Sad, Tara

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Remick, William

Theberge, Robert

GRAFTON

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

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Day, Russell
Gimas, John
Katsiantonis, Thomas
Ramsey, Peter
Shaw, Barbara

Brunelle, Michael
Gargas, Carolyn
Goley, Jeffrey
Long, Patrick
Rhodes, Brian
Sullivan, Daniel

Campbell, David
Garritty, Patrick
Gorman, Mary
Pilotte, Maurice
Rokas, Ted

Cote, David
Gidge, Kenneth
Jeudy, Jean
Porter, Marjorie
Rosenwald, Cindy

MERRIMACK

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

Deloge, Helen
Gile, Mary
Patten, Dick
Shurtleff, Stephen

DeStefano, Stephen
Hamm, Christine
Potter, Frances
Wallner, Mary Jane

Foose, Robert
MacKay, James
Rice, Chip
Watrous, Rick

ROCKINGHAM

Cali-Pitts, Jacqueline	DiPentima, Rich	Gould, Kenneth	Lovejoy, Patricia
Moody, Marcia	Norelli, Terie	Pantelakos, Laura	Perkins, Amy
Perkins, Lawrence	Powers, James	Read, Robin Jr	Schlachman, Donna
Serlin, Christopher			

STRAFFORD

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

SULLIVAN

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

and floor amendment (1169h) was adopted.

The question now being adoption of the motion of Ought to Pass with Amendment.
Reps. Kenneth Gould and Gary Richardson spoke against and yielded to questions.
Reps. Vaillancourt and Jasper spoke in favor and yielded to questions.
Rep. Tucker requested a roll call; sufficiently seconded.

YEAS 256 NAYS 117

YEAS 256

BELKNAP

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

CARROLL

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

CHESHIRE

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

COOS

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

GRAFTON

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

HILLSBOROUGH

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

MERRIMACK

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

ROCKINGHAM

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

STRAFFORD

Andolina, Donald
Jones, Kyle
Munck, Philip
Pitre, Joseph

DeLemus, Susan
Jones, Laura
Newton, Clifford
Vita, Carol

Groen, Warren
Larsen, Kirsten
O'Connor, William
Vita, Lucien

Hofemann, Roland
Leonard, Frederick Jr
Parsons, Robbie

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 117

BELKNAP

Bolster, Peter

Millham, Alida

CARROLL

None

CHESHIRE

Butynski, William
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Carr, Daniel
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Chase, Cynthia
Lindsey, Steven
Sad, Tara

Hawkes, Samuel
Meador, David
Tatro, Bruce

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Remick, William

Theberge, Robert

GRAFTON

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

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Day, Russell
Gidge, Kenneth
Graham, John
Messier, Irene
Rhodes, Brian
Shaw, Barbara

Brunelle, Michael
Drisko, Richard
Gimas, John
Jeudy, Jean
Pilotte, Maurice
Robbins, David
Sullivan, Daniel

Campbell, David
Gargas, Carolyn
Goley, Jeffrey
Katsiantonis, Thomas
Porter, Marjorie
Rokas, Ted

Cote, David
Garritty, Patrick
Gorman, Mary
Long, Patrick
Ramsey, Peter
Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
Frazer, June
Kidder, David
Patten, Dick
Shurtleff, Stephen

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

DeStefano, Stephen
Hamm, Christine
Mackay, James
Rice, Chip
Watrous, Rick

Foose, Robert
Hess, David
Owen, Derek
Richardson, Gary
Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline	Case, Frank	DiPentima, Rich	Gould, Kenneth
Lovejoy, Patricia	Moody, Marcia	Norelli, Terie	O'Connor, John
Pantelakos, Laura	Perkins, Amy	Perkins, Lawrence	Powers, James
Read, Robin Jr	Sapareto, Frank	Schlachman, Donna	Serlin, Christopher

STRAFFORD

Berube, Roger	Brown, Julie	Browne, Brendon	Domingo, Baldwin
Ginsburg, Philip	Grassie, Anne	Hooper, Dorothea	Horriggan, Timothy
Kaen, Naida	Keans, Sandra	Roberts, Jenna	Schmidt, Peter
Spainhower, Dale	Spang, Judith	Sprague, Dale	Wall, Janet
Watters, David			

SULLIVAN

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

and the motion was adopted by the necessary three-fifths vote.
Ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Bettencourt moved that the House reconsider its action whereby, on a roll call vote of 256-117, it adopted the motion of Ought to Pass with Amendment on **CACR 6**, relating to taxation. Providing that a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees, or to authorize the issuance of state bonds and providing that the general court shall appropriate funds for payment of interest and installments of principle of all state bonds.

Rep. Bettencourt spoke against.

On a division vote, 104 members having voted in the affirmative and 269 in the negative, the motion failed.

MOTION TO PRINT DEBATE

Rep. Tamburello moved that the debate on **CACR 6**, relating to taxation. Providing that a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees, or to authorize the issuance of state bonds and providing that the general court shall appropriate funds for payment of interest and installments of principle of all state bonds, be printed in the Permanent Journal.

Adopted.

DEBATE ON CACR 6

Speaker O'Brien: The Chair recognizes Rep. Bettencourt for a parliamentary inquiry.

Rep. Bettencourt: Mister Speaker, my question is if we were to attempt to take CACR 6 off the table, what is the parliamentary procedure that we would be facing?

Speaker O'Brien: Rep. Bettencourt, if there was a motion to take CACR 6 off the table, it would require a majority vote to come off the table. It is past the deadline for first committee bills and therefore it would require a motion to suspend the rules in order for there to be further action on CACR 6 and that would require two-thirds of those present. Thereafter, the pending motion is Inexpedient to Legislate. It would require a majority vote to defeat that motion or for that motion to carry. If that motion does not carry, it is open for further motions. To amend it would require a majority vote. If the motion is Ought to Pass or Ought to Pass with Amendment, that would require three-fifths of the House that is present and that would be 239 members that would have to vote in the affirmative.

Rep. Bettencourt: Mister Speaker, I move that CACR 6 be taken off the table.

Speaker O'Brien: Rep. Bettencourt moves that CACR 6 be taken off the table. The motion before the House is to take CACR 6 off the table. Are you ready for the vote? A division vote has been requested. This is a division vote. Will members please take their seats? The House will come to order. The question before the House is the motion by Rep. Bettencourt to remove CACR 6 from the table. This is a division vote. The Chair recognizes Rep. Bettencourt for the purpose of a parliamentary inquiry.

Rep. Bettencourt: Mister Speaker, if I knew that CACR 6 needed fine tuning and it was therefore placed on the table. Mister Speaker, if I know that we came within five votes of passing the amendment on the initial vote and there were individuals that wanted to participate, but couldn't and, if I also knew Mister Speaker that this legislation has been improved and deserves to be debated on the floor again, would I press the green button so that we may remove CACR 6 from the table.

Speaker O'Brien: The question before the House is the motion of Rep. Bettencourt to remove CACR 6 from the table. This is a division vote. If you are in favor of removing CACR 6 from the table, you'll press the green button. If you are opposed, you'll press the red button. Voting stations are open for 60 seconds. The House will be attentive to the state of the vote. With 248 members having voted in the affirmative and 118 in the negative the motion carries. The Chair recognizes Rep. Bettencourt for a motion.

Rep. Bettencourt: Mister Speaker, I would move that the rules be so far suspended as to allow us to be able to adequately take up CACR 6.

Speaker O'Brien: Rep. Bettencourt moves to suspend the rules to allow further action on CACR 6. The Chair recognizes Rep. Weber for the purpose of comments.

Rep. Weber: Thank you, Mister Speaker. Mister Speaker, this House had every opportunity to debate, to consider, to deliberate this bill and they did so and the orderly business of this House requires that we progress on to other matters because the decision has already been made on this issue. So I would urge a no vote on the rules suspension.

Speaker O'Brien: The question before the House is the motion to suspend the rules to allow further action on CACR 6. The Chair recognizes Rep. Jasper for comments.

Rep. Jasper: Thank you, Mister Speaker. I would urge the body to suspend the rules to allow us to consider further amendments and action on this CACR. We know it came very close. There were imperfections in the amendment that was before us a couple of weeks ago and by suspending the rules, and the reason we need to suspend the rules is because we are after the deadline for bills going to a first committee and I think it's important that we take this up and fully debate all the other actions relative to this CACR. Thank you.

Speaker O'Brien: For what purpose does the member rise?

Rep. Gary Richardson: Parliamentary inquiry of the previous speaker please.

Speaker O'Brien: Does the member yield to a question? I assume this is a question of the speaker and not a parliamentary inquiry.

Rep. Gary Richardson: That is correct, Mister Speaker. My question is this. I believe we are being asked to suspend the rules so that we can take up a new amendment to CACR 6 and I assume the reason for the rules that we have about deadlines and all is so that we can have public hearings and open debate and discussion of matters before we have to vote on them on the floor. So my question to you is, you have alluded to changes to CACR 6, but I think we need to know how extensive those changes are before we are asked to suspend rules and then have to vote on a constitutional amendment with no public hearing.

Rep. Jasper: Thank you for the question. My belief is the reason, first of all, that we have the rules the way we do is because bills going to a second committee, there are quite a few of them, and if we had them all intertwined, crossover could be a very difficult time, even as it is with the rules. I don't think it has anything to do with public hearings. I think it has a matter of doing with how many committees these bills need to go to. As you well know, we have many amendments in our seat pockets today from your colleagues having to do with the budget and HB 1 and HB 2 which also have not gone to a public hearing. You also know that

we quite often adopt floor amendments to bills. The requirement is that bills have a public hearing, not floor amendments. So this is going through the normal process and all we are asking at this time is to suspend the rules because of that deadline and we will then have the full debate on the amendment which is in the seat pocket.

Rep. Gary Richardson: Follow up, Mister Speaker.

Speaker O'Brien: Does the member yield for a follow up question? The member does yield. Rep. Richardson please proceed.

Rep. Gary Richardson: I assume you are referring to the amendment that is in the seat pocket which seems to me to be a substantial revision of the bill. So could you describe for us, before we suspend the rules, exactly what are differences to CACR 6 that we defeated last week and the current version.

Speaker O'Brien: That question goes beyond the limits of debate on this motion, Representative. The question before the House.....Does the member yield for an additional question? Rep. Vaillancourt you are recognized for an additional question.

Rep. Vaillancourt: Thank you, Mister Speaker. In checking the previous roll call, I noted that there were 352 people here. According to the last roll call we just had or division, there were 366, so if we did not do this, would it in effect be disenfranchising the people that are here today that couldn't make it then if we don't agree to do this?

Rep. Jasper: I'm not sure I would go that far because we always have different numbers of members here and I wouldn't want to put myself in a situation of saying that every time we had a vote on something when there are more people here we should revisit it, but we have the opportunity here and we have an amendment in the seat pockets so I think it is proper to suspend the rules and deal with this, particularly where the vote was so close the last time.

Speaker O'Brien: The question before the House is the suspension of the rules. This is a division vote. Members will please take their seats and the Chair will recognize Rep. (Gary) Richardson for the purpose of a parliamentary inquiry.

Rep. Gary Richardson: Thank you, Mister Speaker. If I've read the proposed amendment to CACR 6 that is in our seat pockets and if I know that it involves significant new language that we have not considered before and if I know that to fool with this constitutional amendment at this date puts members in a position of having to vote without being fully informed, would I now vote red to oppose the motion to suspend the rules? Thank you.

Speaker O'Brien: This is a division vote. The question is on the motion to suspend rules. The Chair recognizes Rep. Bettencourt for the purpose of a parliamentary inquiry.

Rep. Bettencourt: Mister Speaker, if I know that in order to move forward on CACR 6, it is necessary to suspend the rules and if I know that this legislation is important to the tax-payers of our state and Mister Speaker, if I want to give a new and improved CACR 6 an opportunity to be debated in this Chamber, would I not press the green button to suspend the rules?

Speaker O'Brien: Rep. Jasper requests a roll call. Is that sufficiently seconded? It is sufficiently seconded. Members have taken their seats, but this will now be a roll call vote rather than a division vote. The procedure status is that this vote requires two-thirds present and voting in order for the motion to carry. If you are in favor of suspension of the rules, you'll press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. The House will be attentive to the state of the vote. With 258 members having voted in the affirmative and 114 in the negative and 248 being required for the motion to carry, the motion carries. The pending question is on Inexpedient to Legislate on CACR 6. The Chair recognizes Rep. Stepanek to speak in opposition to Inexpedient to Legislate.

Rep. Stepanek: Thank you, Mister Speaker. Members of this honorable House, CACR 6 is one of the most important bills you will vote on this session. I and most of you ran on a platform of limited and responsible government. This bill, more than any other, does this. Remember, by passing this we are giving the people the right to have their voice heard on this most important issue. This will go a long way towards preventing last minute midnight

tax and fee increases. It will prevent reckless bonding of operating expenses, forcing our children and grandchildren to pay for it for the next 20 years. The argument has been made that this amendment will make it harder to raise taxes and fees. My answer to that is a resounding yes. Yes, it will make it harder to raise taxes and fees and take more money from our citizens. That should be a harder task on this legislature. The legislature must be held to a higher standard when it comes to raising taxes and fees. People have said it will be harder to borrow money. Again, my answer is a resounding yes. Yes, it should be harder to borrow money that our children and grandchildren will have to pay back. We make it harder for our cities and towns to borrow money. Why should the state be any different? I urge all of you to support this bill and allow the people of New Hampshire to vote on this most important issue. Please vote against the motion to ITL. Thank you.

Speaker O'Brien: The pending question is Inexpedient to Legislate on CACR 6. The Chair recognizes Rep. Almy of Lebanon to speak in favor of ITL.

Rep. Almy: Thank you, Mister Speaker. New Hampshire has been a fiscally prudent, very low tax state that managed to provide the essential services to its citizens and businesses by a combination of lean government and a heavy dependence on volunteers, non-profit agencies and coalitions. It has always been very hard to pass a budget because our revenues grow less than the cost of service and no one wants to raise taxes. This amendment is a solution in search of a problem and it is a very bad solution. There are occasions when taxes have to be created or raised if citizens and businesses are to get the infrastructure they need to survive and prosper. Sometimes older revenue sources peter out and die as our tobacco tax eventually will or they need to be put out of their misery as the old stock and trade tax did. They then need to be replaced if our businesses and citizens are to survive and prosper.

Many of us have been through the agony of trying to get a decrepit and overcrowded school building replaced. In all but the wealthiest communities, the 60% bar for passage of a bond thwarts the will of the majority and condemns children to unsafe buildings and substandard educations. Since almost all budgets include some tweaking to taxes or fees to achieve balance, passage of this amendment means that budgets will routinely fail. As I said last time, seven of the last ten budgets would have failed. If we instead try to pass any possible tax measures needed in advance, which was suggested by the sponsor of this bill in committee, the budget processes will routinely extend into the fall and winter of the year and some legislatures may pass more revenues than we need. Bond markets hate this even more than we do. This does not mean it is harder to raise money for capital projects, this means it is more expensive and we will be paying a lot more. Arizona was degraded recently because of its supermajority requirement and last week Nevada was downgraded to one of the lowest state ratings with its supermajority requirement listed as a primary reason. The fifteen states that require supermajorities to increase taxes do not avoid fiscal peril. In fact, six out of those fifteen, but only four out of the remaining thirty five are on the Pew Center's list of the ten states in worse peril. These six are Arizona, California, Florida, Michigan, Nevada and Oregon. Do not destroy our state, vote for ITL.

Speaker O'Brien: Does the committee yield for a question from a Representative? The committee does yield. Rep. DiPentima you may inquire.

Rep. DiPentima: Thank you, Mister Speaker and thank you, Representative for taking my question. My question is, if this amendment were to pass, would it also require a two-thirds vote to downshift or cost-shift any costs to local community property taxes?

Rep. Stepanek: First of all, this requires 60% or supermajority of the members present and voting and it only impacts taxes, fees and bonding.

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

Rep. DiPentima: So if I understand this correctly, this means that we could still pass legislation that would cost-shift or downshift and increase local property taxes without having a supermajority.

Rep. Stepanek: The legislature would be free to do anything with a regular majority other than taxes, fees and bonding.

Speaker O'Brien: The question before the House is Inexpedient to Legislate. The Chair will declare this to be a division vote and therefore would members take their seats? Rep. Greazzo requests a roll call vote. Is that sufficiently seconded? It is sufficiently seconded. This will be a roll call vote. Members have taken their seats therefore we will proceed. The Chair recognizes Rep. Tucker for a parliamentary inquiry.

Rep. Tucker: Thank you, Mister Speaker. If I know that the House vote of OTP on this CACR came within 5 votes of the necessary 239 votes for passage and if I know that an amendment will be offered which will improve the CACR if the ITL motion is defeated, would I now vote to continue the debate in the fight against higher taxes and spending by pressing the red button? Thank you.

Speaker O'Brien: The question is on the motion of Inexpedient to Legislate on CACR 6. The Chair recognizes Rep. (Gary) Richardson for a parliamentary inquiry.

Rep. Gary Richardson: Thank you, Mister Speaker. If I know that last week, we voted to recommend passage of CACR 12 in which we are asking the voters to allow us to determine the amount of money that the state will spend on education by majority vote and if I know that this CACR would require a three-fifths majority vote to increase taxes and would allow a small minority to determine and control decisions made by the majority and would violate the principles set forth in CACR 12 and if I know that the responsible way to control spending and adopt a responsible budget and to fund education is by majority vote, not by a three-fifths vote, would I now vote green to support the motion of ITL?

Speaker O'Brien: The question is on the motion of Inexpedient to Legislate on CACR 6. This is a roll call vote. If you are in favor of Inexpedient to Legislate, you'll press the green button. If you are opposed, you'll press the red button. Voting stations are open for 30 seconds. The House will be attentive to the state of the vote. With 119 members voting in the affirmative and 251 in the negative, the motion does not carry. The Chair recognizes Rep. Jasper for the purpose of a motion.

Rep. Jasper: Thank you, Mister Speaker. I move that CACR 6 be Ought to Pass and then I would move amendment 1169h.

Speaker O'Brien: The question before the House is on Rep. Jasper's motion of Ought to Pass as Amended and the adoption of amendment 1169h. It's in your seat pockets. The question before the House is the adoption of floor amendment 1169h. The Chair recognizes Rep. Almy to speak in opposition to the adoption of floor amendment 1169h.

Rep. Almy: Thank you, Mister Speaker. I would like a division on this one. This amendment, at a minimum, does nothing to reduce the risk to our bond rating. It may make it worse. Legislatures always treat bonded debt as sacred so if we reach a place where this amendment would have to be activated, we will already be at the most basic essentials of a working government. If a future legislature cannot find 60% of its votes to pass a measure that pays the bonded debt obligations, the money for those obligations, according to the amendment, will come straight out of those basic functions. Most of those functions are of major concern to the bond markets. They are, of course, of greater concern to our citizens whose lives and livelihood would be seriously affected. Both this amendment and the underlying bill lead us, our citizens and our great state down into destruction. Thank you.

Speaker O'Brien: The Chair recognizes Rep. Jasper to speak in favor of the amendment.

Rep. Jasper: Thank you, Mister Speaker. First, I want to walk the House through the changes to the last CACR that we saw. When we last visited this issue, there was the issue of three-fifths vote and there was some disagreement in talking with various people as to whether it was three-fifths of the entire House or three-fifths of those present and voting. This clarifies that it is three-fifths of those present and voting. Another problem that seemed obvious was that we've seen what happened with bonding over the last four years and if we made a supermajority to raise fees and taxes, but did nothing to increase the number of votes for bonding, we'd be in that situation where we could see a lot of unnecessary and unwise bonding so we made the standard the same for bonding. Now, I worked with the State Treasurer on this. We did not go into this blindly. We wanted to make sure that the state's

bond rating was protected so the next section dealing with the payments came from bond counsel who the State Treasurer consulted. The section has been - some of these words exactly - Maine's constitution is somewhat different, but the majority of our wording came from bond counsel from the Maine constitution which makes sure that the bonds will be paid. The State Treasurer's position on this is not that she is in favor of it or against it, but she wanted to make sure that mechanically it worked and that the state was not harmed. Her exact words to me were, "This would be a negative against our credit rating, but it would not be an automatic downgrade of our bonding rate." There are other things that we can do to protect our rate. When you hear that our bond rating is going to be automatically downgraded as other states have been, that is not true. An important part of that is in fact protecting what it takes to bond future obligation by raising that. That actually helps us on the other side of the issue. So that essentially is what it does. There is going to be further debate so I'm not going to, at this particular time, go into my reasons for supporting this. I wanted to give you the run down on what it does and hope that you will adopt the amendment and then there is going to be further debate on the issue before final passage.

Speaker O'Brien: Does the member yield for a question? Rep. Ulery you are recognized for a question.

Rep. Ulery: I thank my colleague from Hudson for taking my question. When you were speaking about downgrading the bonding, but you also spoke with the Treasurer regarding the bonding, I believe some of the conversation was that because, contained in the constitutional amendment is a revision to pay the interest due before anything else, that this offsets the negative that may possibly, maybe, occur from the institution of a supermajority. Is that correct?

Rep. Jasper: To a large degree, yes. The bonding side....Her words to me were a little different the first time from when I spoke to you, from when she called me back yesterday, so I want to be clear on this. The bond rating part of it, because it has the protection, will not affect our credit rating in the first part, in the original three-fifths, may be a slight knock against our credit rating, but not automatically against our bond rating. We can take further actions, such as making sure we have money in the rainy day fund and taking other positive actions that will offset any negative that could occur.

Speaker O'Brien: Will the member yield for an additional question? The member does yield. Rep. (Gary) Richardson, you are recognized for a question.

Rep. Gary Richardson: Thank you, Mister Speaker. Thank you to the Representative from Hudson for taking my question. I believe you are aware that six days ago, Moody's downgraded the state of Nevada's bond rating and in their rating, they cited three reasons and the third was the fact that Nevada had adopted a two-thirds majority of each house of the legislature to raise taxes in 2012 and 2013. I quote "The supermajority requirement to raise taxes presents a hurdle to achieving balance or an ongoing balance going forward." I think you said in your remarks that the Treasurer had said it would be a negative against our credit rating, but not necessarily a downgrade of our bond rating. My question is why would we take this step with no opportunity to explore? This is an incredibly important issue and I know you agree with me. Why would we do this on an amendment with no opportunity for a public hearing and really, all of us, hear from the Treasurer to discuss this?

Rep. Jasper: The only part that is relative to your question that would negatively affect the bond rating is the part of the amendment that was already subject to a full public hearing of this House. The only change to that section is the fact that instead of being unclear as to whether it was three-fifths of the entire membership, we have made it clear that this is three-fifths of those present and voting which of course would be less of a problem with our bond rating than to have that absolute number set at 240 when we are a full house. I would disagree with your analogy and again I would say that there a lot more important things in the health of the State of New Hampshire than the bond rating. High taxes, high spending lead to a much bigger negative than any possible slight downgrade in our bond rating that might occur if we don't take other positive steps to protect it.

Speaker O'Brien: Does the member yield for an additional question?

Rep. Gary Richardson: Would you believe that I vehemently disagree with your last statement?

Rep. Jasper: I would be shocked if you didn't.

Speaker O'Brien: The question before the House is on adoption of floor amendment 1169h. The Chair declares this to be a division vote. This will be a division vote. Will members please take their seats? Rep. Soltani requests a roll call vote. Is that sufficiently seconded? It is sufficiently seconded. This will be a roll call vote. Parliamentary status is that this motion requires a majority vote in order to be adopted. The question before the House is adoption of floor amendment 1169h. The Chair recognizes Rep. Weber for a parliamentary inquiry.

Rep. Weber: Thank you, Mister Chairman. Mister Chairman, I beg your pardon, Mister Speaker. Mister Speaker, if I know that many of us have seen the language of this proposed amendment to our constitution for the very first time this morning and if I know as a person very concerned with transparency in government that the wording of this amendment has had no opportunity for public comment of any sort, if I am concerned that this amendment has the potential to destroy our bond rating and cripple our ability to govern, and finally if I believe that this amendment delegates to an unelected official governmental functions which this body and the elected representatives of the people ought to be exercising themselves, would I now press the red button to vote no on the amendment?

Speaker O'Brien: The question before the House is the adoption of floor amendment 1169h to CACR 6. The Chair recognizes Rep. Bettencourt for a parliamentary inquiry.

Rep. Bettencourt: Mister Speaker, if I know that this amendment will clear up the confusion over numbers necessary for approval of any new tax and if I know that CACR 6 will now include bonding as well as taxes and if I know that this amendment came at the suggestion of the bond counsel and the Treasurer of New Hampshire and it has guaranteed that our state bonds will be paid and Mister Speaker.....

Speaker O'Brien: Will the member suspend? The members in division five please come to order. The member may proceed.

Rep. Bettencourt: And Mister Speaker, if I know that if I have a real objection to floor amendments and a strike against transparency then I would move to change the rules to ban floor amendments and that this will have a full public hearing in the Senate, would I now press the green button?

Speaker O'Brien: The question is on the adoption of floor amendment 1169h. If you are in favor of adoption, you'll press the green button. If you are opposed, you'll press the red button. Voting stations are open for 30 seconds. The House will be attentive to the state of the vote. With 265 members having voted in the affirmative, 107 in the negative, the floor amendment is adopted. The question before the House is on CACR 6 on a motion of Ought to Pass as Amended. The Chair recognizes Rep. (Kenneth) Gould from Derry to speak in opposition to Ought to Pass as Amended.

Rep. Kenneth Gould: Mister Speaker, I rise to oppose CACR 6. We're talking about enshrining into our constitution a supermajority requirement to do what we do virtually every year. We regularly need to make tweaks to our revenue system, sometimes small increases, sometimes small decreases. We do this almost every year. We have a standing committee that deals almost exclusively with revenues and it's an active committee. What do we do when horse race revenue evaporates? What do we do when dog racing disappears? We find other revenues. We have a history of doing this often and without this supermajority. We still have about the lowest state taxes in the nation. Why would we restrict future legislatures when we have not had this restriction on us for 200 plus years? There are a handful of states that have such a requirement. We could copy them. California has a wonderful time trying to put together a budget. Should we emulate them? How about Michigan? Nevada has this requirement and Moody's has just lowered their bond rating as you have heard and cited this requirement as part of the reason. They will pay a higher

interest rate on their future borrowing. Arizona has sold state buildings, including the capitol, and leased them back from the investors. Don't you think that is a wonderful prospect? Mister Speaker, I believe that 50% plus one is the majority that should rule in this large, diversified legislature. This amendment to our constitution would give 41% more power than 59%. We would be afraid to lower taxes when revenues are strong just because we would be afraid of the high hurdle we would face if we needed to make a correction of subsequent years. I could go on and talk about how the business profits tax replaced the stock and trade and machinery tax forty years ago. This was done with the support of the business community and has been good for the business environment. Car dealers don't move their inventory to a lower tax town on March 31 anymore. Most everyone was happy with this change, but it did not get a 60% vote. I don't pretend to know what revenues will shrink to nothing like the horses and dogs, perhaps the tobacco tax. What will we be facing with revenue challenges 10, 20, 30 years from now? Please vote no.

Speaker O'Brien: Will the member yield for a question? The member yields. Rep. Tamburello, you are recognized.

Rep. Tamburello: Thank you, Mister Speaker and thank you, Representative, for taking my question. Just a simple quick question. Do you believe it would be right to put this amendment to the voters and let them decide whether they want to raise the threshold to prevent us from raising taxes?

Rep. Kenneth Gould: I think the voters would love to see a question like this, but I think those of us know the downside more than the voters do.

Speaker O'Brien: The question before the House is the motion of Ought to Pass as Amended. The Chair recognizes Rep. Vaillancourt to speak in favor of the motion.

Rep. Vaillancourt: Thank you, Mister Speaker. Last night - I should start by saying as I said when we debated this before, that I have never voted for a supermajority before, but I'm going to vote for it today because we have to start thinking out of the box and plus, this isn't a two-thirds, it's only 60%. So last night I went to the dictionary to look up a very simple word. The word was theft and the dictionary said, "The act of stealing." Isn't that great, I thought. It is sending me to another word I have to look up so I looked up the word steal. To steal is to take without consent. If you accept that definition of stealing, then you must accept that all taxation is stealing of one kind or another. Willingly, willingly, willingly, I suppose you if you say yes, but the society pays a price to function and that is taxation. Good. If you accept the fact that taxation is theft, then it should be a little more difficult to steal, to take from people. All this amendment does is allow voters to decide whether we want to raise the threshold, not two-thirds, but to 60%. It is certainly within the purview of putting this in the constitution. As we've seen, the hurdles we've jumped through in the last half hour, we jumped back and forth from different majorities. We had a 60% needed for this or a 239, we had a two-thirds needed moments ago. I suggest that a nimble person in charge of parliamentary procedure can easily guide us through the differences between 50 and 60%. I want to just comment, as I did the other day, about the previous member's comment that seven out of the last ten budgets would have failed if this had been in effect. I'm just going to reiterate what I said then, that is not necessarily true because if this had been in effect, those budgets would not have come forward the way they came forward. I want to just comment on the very last speaker who was asking about if horse racing goes away and the revenues dry up. That is not a terribly good example because there are very few revenues there, but what would we do with our own houses if, for example, we had to pay more for gasoline? We would probably find a way to live within our household means. The first thing we'd do would not be to run out and mortgage the house. Maybe we would go out to lunch once a week less. Maybe we would not buy an extra sweater or new jacket. No laughter, good. We would control our spending. This amendment is a way to force us, as elected officials, to control our spending. Who could ask for anything more? Please vote green.

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

Rep. Itse: Thank you, Mister Speaker. Thank you to the member from Manchester for

taking my question. Is it not true that this body, in concurrence with the Senate, cannot amend the constitution, but it is only the people that can place this restraint on future legislatures if they choose to do so.?

Rep. Vaillancourt: We are the first step in a process that ends with the people. A constitutional amendment has to have 60% of the overall body, 239 here. It will have to get 60% of the Senators and then it will go to the people and when I think of a constitutional amendment I always use as the first basis, is this something that would fittingly be in the constitution if the people chose to put it there. I believe if we sent it to the people and they decide to put it in the constitution, it certainly, historically would have every right to be there. We have such supermajorities in the constitution, but you are right, the people would ultimately decide.

Speaker O'Brien: Does the member yield for an additional question? The member does yield. Rep. Robbins you are recognized for a question.

Rep. Robbins: Thank you, Mister Speaker. I apologize for my over-eagerness. Thank you, Representative, for taking my question. If a majority of this body chose to review taxes and fees and put together a package of taxes and fees that would in fact lower overall taxes and fees, however, if one item in this package raised a specific tax or fee, would the entire package be held hostage to a 60% present and voting? I'm not sure whether to ask this of you or one of the sponsors. Thank you.

Rep. Vaillancourt: First of all, I reject the term held hostage, but the amendment speaks for itself. You may not, if this passes, raise the tax or fee unless you get the 60%. I think that pretty much speaks for itself.

Speaker O'Brien: The question before the House is the motion of Ought to Pass as Amended on CACR 6. The Chair recognizes Rep. (Gary) Richardson of Hopkinton for the purpose of speaking against the motion.

Rep. Gary Richardson: Thank you, Mister Speaker. There are times when I would truly love to take off my Democratic t-shirt and have you take off your Republican t-shirts and talk about an issue and this is certainly one of them. Last week, we passed a CACR 12 in which we asked the people of New Hampshire to give us the full discretion to determine the amount of state funding for education. This week we are considering a CACR in which we are asking the people to limit the amount that we can raise. It seems to me that these two propositions are logically inconsistent. If we can be trusted to be the exclusive authority to determine the amount of education funding, we can be trusted to determine how much money we should raise in taxes. I think there are at least two good reasons to vote against this CACR. First of all, is local control. We pay a great deal of lip service to local control in this Hall, but when it comes down to actual votes, we aren't always consistent with that. A very substantial part of our state budget goes back to cities and towns and if we impose on ourselves special limits and requirements in terms of the amount of money that we can raise and appropriate, ironically one of the parties that is going to be hurt are cities and towns. Second of all, as you recall from the debate on CACR 12, I support targeting for education. I don't support CACR 12 because of some of the wording, but I do support what I call pure targeting which would allow us to spend state money and donate state money to cities or school districts that need it the most. I would say this to you regardless to what party you are in, if you want to kill CACR 12, if you want to kill targeting, then you will pass CACR 6. If you put a constitutional amendment on the same ballot with targeting that says that the legislature needs to have a supermajority to raise money, you are going to kill targeting. CACR 6 is a formula to allow a minority to frustrate the will of the majority. If we can be trusted to fund education, we can be trusted to do so by majority vote. If you want to pass CACR 12 or some amendment to allow targeting, then you will vote against CACR 6. Thank you.

Speaker O'Brien: Does the member yield for a question? The member does yield. Rep. Itse you are recognized for a question.

Rep. Itse: Thank you, Mister Speaker. Thank you to the Representative for taking my question. Constitutions are all about limiting the power of government and if the people

believe that we have been overly generous with ourselves in taking their money, don't you believe they have a just power to limit our ability to take their money?

Rep. Gary Richardson: Well, I would answer your question with a question. Why don't we make it three-quarters then or two-thirds? I think the people sent us here. We are the most representative body in the world. We have a constituency of about 3400 people. If the people don't like what we are doing, then elections matter, don't they? We don't need a constitutional amendment. I think our constituents sent us here to act responsibly. They know that we know more about the budget than they do. They expect us to act in their interest and we don't need a constitutional amendment to be responsive to the people.

Speaker O'Brien: Will the member yield for an additional question? The member does yield. Rep. Brunelle you are recognized for a question.

Rep. Brunelle: Thank you, Mister Speaker and thank you for taking my question. You spoke about cities and towns. If revenues were falling even more below what the projections were and we couldn't raise any additional revenue and aid to cities and towns had to be touched, can you tell me what the impact would be on local property tax payers and services such as fire, police, etc.?

Rep. Gary Richardson: It's all downshifting folks. The money has to come from somewhere. If it doesn't come from the state, it comes from the local property tax.

Speaker O'Brien: Does the member yield for an additional question? Rep. Baldasaro you are recognized for a question.

Rep. Baldasaro: Thank you Mister Speaker and thank you, Representative for taking my question. You made a comment earlier concerning that the people, whether they would not want us to do this here. Would you agree that the people made a decision? Look at what's going on in this House, for us to protect the interest of their pocketbooks with the 290 something Representatives that they sent here?

Rep. Gary Richardson: Absolutely and I don't think this is just 293 trying to protect pocketbooks, I think there are 400 people trying to protect pocketbooks.

Speaker O'Brien: The question before the House is the motion of Ought to Pass as Amended on CACR 6. The Chair recognizes Rep. Jasper to speak in support of the motion.

Rep. Jasper: Thank you, Mister Speaker. Mister Speaker, as I look back over the four years and the nearly or over, I lost count, 100 taxes and fees that were increased, I know that that did damage to this state. We've been in a recession and it was about spending. We spent 24% more than we did prior and that could not have happened without those increases in fees and taxes and I heard the message from the voters of this state. We never saw a change in this House like we saw and that was related to what was happening. I want to make sure that we are never allowed to do that damage again. One of the things that was said made me think back to why we are at a \$100 a year. Because the legislature was getting a per diem in the 1880's of about \$3 a day and they were claiming they were even meeting on Sundays and that greatly angered the people of this state and they rose up and said alright we are going to give you 50% of the average salary in the state of New Hampshire. Unfortunately they were not thinking to the future with that one, but they recognized that the legislature was not acting responsibly and the two previous legislatures did not act responsibly. We tell the people in our towns, you can't bond unless you get 60% if you are on SB 2, but let me ask you something. Which lasts longer, a tax or a bond? I've been here a long time and I've seen a lot of bonds paid off. I've seen very few taxes eliminated or lowered. It's time we said that we are going to make sure that if we are going to pass a tax or a fee, we have a good enough argument and a good enough reason to do it that we can convince 60% of our colleagues to do it. I don't think that's irresponsible. I don't think that's unreasonable and I think that it's time to let the voters decide if they believe that as well. Thank you, Mister Speaker.

Speaker O'Brien: Does the member yield for a question? The member yields. Rep. Baroody you are recognized for a question.

Rep. Baroody: Thank you, Mister Speaker. Thanks for taking my question. Out of the

increase spending over the last few years, that approximately \$3 billion that we got as stimulus money, was that counted into that?

Rep. Jasper: It's counted in the total state spending because of the fact that there was no planning to deal with the end of that. We are, in part, in the situation today and I would further just like to say that I would like to compliment people on the other side of the House. I see they are taking responsibility today. They have some blue buttons on and I appreciate that. Thank you.

Speaker O'Brien: Will the speaker yield for an additional question? Representative Itse.

Rep. Itse: Thank you, Mister Speaker. Thank you to the Representative from Hudson for taking my question. The specter of downshifting costs on to the town has been raised because of this amendment, but I know that this current legislature has pledged not to downshift and should a future legislature make that mistake, would not the people have the power to rectify it?

Rep. Jasper: They certainly would and they certainly will.

Speaker O'Brien: The question before the House is the motion of Ought to Pass as Amended. Rep. Tucker requests a roll call. Is that sufficiently seconded? It is sufficiently seconded. This is a roll call vote. Will members please take their seats? Members will please take their seats. This is a roll call vote on the motion of Ought to Pass as Amended on CACR 6. The Chair recognizes Rep. Weber for a parliamentary inquiry.

Rep. Weber: Thank you, Mister Speaker. Mister Speaker, if I know that passage by this House is one important step in a constitutionally mandated procedure and if I know that this House has still not had any opportunity for public input on this language. If I believe that this House should not take action based solely on the say so of bond counsel and the Treasurer and if I know that this House has a proud tradition of not delegating its decision making processes to the Senate, would I now vote no on the pending motion and press the red button?

Speaker O'Brien: The pending motion is Ought to Pass as Amended on CACR 6. The Chair recognizes Rep. Jasper for the purpose of a parliamentary inquiry.

Rep. Jasper: Thank you, Mister Speaker. Mister Speaker, if I know that Nevada's bond rating was downgraded for a variety of reasons, including the loss of gambling revenues and including the fact that they don't have a diversified tax base and that they have been recommended to diversify their tax base and those are not issues which this state faces; if I know, Mister Speaker, that we have nearly dealt with the issue of having a desire too often to tax too much and spend too much, would I now give the voters of our state who I have full confidence in because of course they elected me and you, to support this CACR by pushing the green button?

Speaker O'Brien: The question before the House is on the motion of Ought to Pass as Amended on CACR 6. The procedural status of this motion is that it requires 239 votes to carry. If you are in favor of Ought to Pass as Amended, you'll press the green button. If you are opposed, you'll press the red button. Voting stations are open for 30 seconds. The House will be attentive to the state of the vote. 256 members having voted in the affirmative, 117 in the negative, the motion carries. The Chair recognizes Rep. Bettencourt.

Rep. Bettencourt: Mister Speaker, having voted on the prevailing side, I would move that CACR 6 be reconsidered and encourage the membership to vote no.

Speaker O'Brien: The motion before the body is reconsideration on the vote on CACR 6. Are you ready for the vote? All those in favor.....A division vote has been requested. This will be a division vote. Members please take their seats. The parliamentary status is on a motion for reconsideration. On a CACR vote, it takes a majority to ask for reconsideration. This is a division vote. If you are in favor of reconsideration, you'll vote the green button. If you are opposed, you'll vote the red button. Voting stations will be open for 30 seconds. The House will be attentive to the state of the vote. 104 members having voted in the affirmative, 269 in the negative, the motion does not carry and reconsideration fails. I have announcements. For what purpose does the member rise?

Rep. Tamburello: I'd like to make a motion Mister Speaker. I move that the entire debate on CACR 6 be entered into the Permanent Record from the time that it was taken off the table.

Speaker O'Brien: The motion is to print the debate on CACR 6 into the Permanent Journal. Are you ready for the motion? All those in favor, say Aye. Those opposed, Nay. The Ayes have it and the debate is entered into the Permanent Journal.

The House recessed at 12:20 p.m.

RECESS

(Speaker O'Brien in the Chair)

The House reconvened at 1:25 p.m.

REGULAR CALENDAR (CONT'D)

SB 133-FN, relative to reestablishing the exemption from property taxation for telecommunications poles and conduits. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John A. Burt for the Majority of Municipal and County Government: The purpose of SB 133 is to reinstate the property tax exemption on telephone polls owned by telecommunication companies. The majority of the committee believes that it is not in the best interest of businesses and consumers of New Hampshire to assess property taxes on communications poles and conduits. Local governments have never before had the right to assess property taxes on telecom poles and conduits. Such a tax would result in new costs to the communications companies that would undoubtedly be passed on to businesses and residents who rely on landline phones, especially low income households and the elderly. As more consumers move to wireless and other technology, the burden of this tax will be on the shoulders of fewer and fewer landline consumers. While we continue to encourage broadband expansion in our rural areas, we must remember that investment by these companies in their infrastructure will not continue if every pole they erect becomes a liability. The cost of assessing the communications poles and conduits could cost several thousands of dollars in each community. In short, a tax is a tax. If there is one message that the voters sent us in November, it is that they do not want us looking for ways to expand the areas the government can levy taxes on businesses and individuals. Many of us were elected on a promise of no new taxes, and SB 133 keeps that promise. Vote 9-7.

Rep. Kris E. Roberts for the Minority of Municipal and County Government: The sponsors of SB 133 stated that the failure to pass SB 133 granting tax-exempt status to underground conduit systems and telephone poles would result in a new tax. In many ways this is a play on words. The general court can't grant a property tax exemption, abatement, or credit unless there was a tax currently in place. So failure to pass SB 133 would not result in a new tax. SB 133 in fact reinstates an exemption that over 60% of this body voted to eliminate. SB 133 is government getting involved in the free-market system by requiring the local property owner to support major corporations such as Comcast, Time Warner, Metrocast, FairPoint and numerous others through their tax dollars. Despite what many people stated, for many communities this wouldn't result in increased taxes, resulting in larger budgets. It would mean that in most communities everyone would be treated fairly and would be required to pay equal taxes based on assessed value.

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

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

Reps. Kris Roberts, Webb and Vaillancourt spoke against.

Reps. Burt and Sterling spoke in favor.

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

On a division vote, 186 members having voted in the affirmative and 180 in the negative, the

majority committee report was adopted.

Ordered to third reading.

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

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Sterling moved that the House reconsider its action whereby, on a division vote of 186-180, it adopted the majority committee report of Ought to Pass on ***SB 133-FN***, relative to reestablishing the exemption from property taxation for telecommunications poles and conduits.

Rep. Sterling spoke against.

On a division vote, 193 members having voted in the affirmative and 174 in the negative, the motion was adopted.

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

LAID ON THE TABLE

Rep. Jasper moved that on ***SB 133-FN***, relative to reestablishing the exemption from property taxation for telecommunications poles and conduits, be laid on the table.

On a division vote, 243 members having voted in the affirmative and 124 in the negative, the motion was adopted.

REGULAR CALENDAR (CONT'D)

HB 25-FN-A, making appropriations for capital improvements. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gene G. Chandler for Public Works and Highways: The Capital Budget addresses the non-highway capital improvements, needs, repairs and investments in state-owned buildings, facilities, parks, regional career technical centers, post-secondary public institutions, etc. As capital expenditures, these costs are bonded typically over 20 years, and 5 years for most equipment and information technology. Critical and deferred maintenance makes up a large part of this budget. The capital budget, as unanimously recommended by the committee to the House, has reduced the general fund portion as proposed by the governor by almost 9 million dollars (-9.1%) to \$89.8 million, and additionally leverages up to \$78 million in federal money. Importantly, this budget is leaner in terms of both general fund and highway fund obligations than the past four biennial capital budgets, and is well below the State Treasurer's recommended maximum. The governor's proposal included the bonding of kindergarten aid. The committee in consultation with the chairman of the Finance Committee agreed that the bonding was not appropriate for the capital budget and removed it. Administrative Services received funding for a number of projects including parking lot repair at the Rockingham County Courthouse, site and design for a Milford courthouse, a number of energy efficiency projects and roof replacements repairs.

Corrections will do some much needed safety upgrades and roof repairs. As in the last several biennia, it is recommended that the House provide funding for 75% of the cost of renovating and upgrading equipment at two regional career and technical centers. These two, located in Laconia and Derry, serve 27 communities with 27 career and technical education programs. Additionally, it is recommended that \$100,000 be provided for the pre-engineering program teaching basic skills and knowledge in pre-engineering concepts at such locations as Berlin, Jaffrey, Durham, Somersworth, Manchester, Merrimack, Nashua, etc. Environmental Services will receive federal funds to continue a number of clean water and drinking water programs throughout the state and also receives federal funding for a Great Bay Oil Spill protection strategy. Additionally, money is appropriated for dam repair and replacement. Since the avulsion of the Suncook River in Epsom in 2005, the multiple flooding, bank erosion and sediment deposits have had a devastating effect on the residents

living along and near the river in the towns of Epsom, Pembroke and Allenstown and resulted in their homes being virtually unmarketable. After extensive testimony the committee concurs with the Department of Safety, the Department of Environmental Services, the town of Pembroke and the town of Allenstown that the only solution is the relocation of the residents. So far, 22 homes have been purchased. This \$2 million dollar item will attract up to \$6 million dollars in federal aid to allow for the purchase of at least 34 homes at their "pre-avulsion" value, the associated relocation costs and the demolition of the existing homes. Additionally, another \$1,035,000 is budgeted to address ongoing river erosion and sedimentation and will be used to protect Rte. 4 and the Black Hall Road Bridge, provide a geomorphic assessment of the Suncook River and delineate the fluvial erosion hazard zones and do what is necessary to protect the Epsom water supply. HHS is slated to receive funding for a number of repairs, renovations, roof replacements, handicapped access, etc. In order to bring the state's data center and network infrastructure up to date and create a Business One Stop Center, the committee allocated a total of \$9.2 million to the Department of Information Technology. The committee scrutinized their proposals and cut \$3 million from the amount requested. The money will allow for the deployment of Voice Over Internet Protocol (VOIP is the state's telephone system), ensure that critical systems can continue to be backed up as data sizes increase, replace the professional licensing system, and create the Business One Stop Center which will make it easier for new and existing businesses to interact with the state and help NH compete for businesses with other states. The capital appropriations for the Judicial Branch are key to implementing the reorganization of the court system as previously approved by the House. For example, there is an appropriation for the systems necessary for video arraignment, which will save the counties and municipalities money in prisoner transport, or officer appearances at arraignments. The appropriation for the Circuit Court Call Center will result in personnel savings by consolidating telephone inquiries in one place. The court anticipates that the break even point on this item is less than two years. The largest item is the E-Court Initiative, which will bring the court system into the 21st century. The current request is for the first two years of a four year program, with the anticipation that the remaining funds will be made available in the next Capital Budget. The only request from the NH Veterans Home was for the implementation of electronic medical records. The committee was able to reduce the original request, while still leveraging the same amount of federal funding which will be sufficient to complete this project. Two capital budget items for the Community College System of NH include a Manchester Community College Student Center (funded by student fees – no state funds) and \$18.8 million in state funded construction and critical capital maintenance, design/safety and security equipment for eight community college locations. This capital investment is needed to accommodate our rapidly growing student population in health sciences, information technology, computer sciences, welding and auto collision/repair programs in Manchester, Nashua, NHTI (Concord), Lakes Region (Laconia), River Valley (Keene and Claremont), Great Bay (Portsmouth) and White Mountain Community Colleges and their off -site facilities. Providing skilled workers for our business community will promote job growth and company expansion while improving the New Hampshire economy. In an effort to maximize revenues to the state and provide visitor services, this Capital Budget includes funding for two new liquor stores on Rte. 93 in Hooksett and a roof replacement for the Portsmouth store. The Department of Resources and Economic Development is slated for \$1.5 million for state-wide state park critical repairs and renovations. There are also funds for the North Hampton State Beach septic-system and the Hampton Beach seawall. Also, the committee approved a \$500,000 request for increased snow making at Cannon Mountain that will be paid for by the Cannon Mountain capital improvement funds which is the money received from the Mt. Sunapee lease. The committee is proposing to continue the states 2.5% match for federal aviation projects which are used to help many airports throughout the state. The Hampton and Seabrook harbors will see dredging work done which will then allow the Army Corps of Engineers to take over

maintenance of these areas. Additionally, work will be done on the Hampton Harbor marine Facility. Both these projects will be self funded and do not use state dollars. Every Capital Budget contains extensions of previous capital appropriations. In large part this is due to the process. Typically the Capital Budget becomes effective in July of odd numbered years. By the time the design, bidding and approval of contracts by Governor and Council and the start of actual construction it is seldom that projects are completed within the biennium. Additionally, some projects are funded either in part or fully with federal funds in order to proceed. These types of delays require that we continue prior appropriations into succeeding bienniums. The committee diligently scrubbed the proposed extensions and eliminated several. The committee also tightened up the purpose of some of the requests. For example, in 2003 the Department of Safety (DOS) received a capital appropriation to “finish the 1st floor of Troop D barrack.” Since that time the DOS has looked at using this space for various purposes. This year the committee specified what the renovation would be for. No new appropriations are contained in any of the lapse extensions. Vote 16-0.

Amendment (1176h)

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

1 Capital Appropriations. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies, and branches named:

I. Adjutant General

A. Statewide Readiness Center Life Safety Upgrades	\$ 500,000
Less Federal Funds	<u>(250,000)</u>
Net state appropriation subparagraph A	250,000
B. Statewide Readiness Center Restoration and Modernization	2,500,000
Less Federal Funds	<u>(1,250,000)</u>
Net state appropriation subparagraph B	<u>1,250,000</u>
Total state appropriation paragraph I	\$1,500,000

II. Department of Administrative Services

A. Court Facilities

1. Rockingham Cty. Courthouse-Reseal Parking Lot/Drainage Repair	\$ 300,000
2. Milford-Site and Plan Design – Court Facilities	<u>50,000</u>
Total state appropriation subparagraph A	\$350,000

B. Facilities and Asset Management

1. Gov. Hugh Gallen SOP-Main Bldg FACP Replacement	\$355,000
2. Lakes Region Facility Campus Site Environmental Survey II	300,000
3. Driveway/Parking and Walkway Paving Phase 2	575,000
4. Main Building Kitchen Roof Repair	500,000
5. Lakes Region Facility Campus Roof Repair-Multiple Bldgs.	300,000
6. Gov. Hugh Gallen SOP-Main Bldg-ADA Restrooms	425,000
7. Gov. Hugh Gallen SOP-Upgrade Electric - Philbrook Center	<u>3,575,000</u>
Total state appropriation subparagraph B	\$6,030,000

C. Financial Data Management

1. Critical IT Infrastructure	\$1,500,000
2. Enterprise Resource Planning Phase 2, general funds	<u>3,648,998</u>
Total state appropriation subparagraph C	\$5,148,998

D. General Services

1. All State Owned Facilities-Emergency Repairs	\$1,000,000
2. All State Owned Facilities– Energy Improvements	500,000
3. Londergan Hall-New Roof	161,000
4. State House/LOB-Tunnel Elevettes	91,000
5. Health and Human Services-Window Repairs	730,000
6. State House Annex-Window Repairs	<u>355,000</u>
Total state appropriation subparagraph D	<u>\$2,837,000</u>

Total state appropriation paragraph II	\$14,365,998
III. Department of Corrections	
A. Replace Door Operating System in SHU	\$1,300,000
B. Replace Steam Lines and Install Steam Injector Pumps	250,000
C. Repair Bathroom Floors-Hancock Building	245,000
D. Replace Roofs-Gym, Auto Shop, Outside Canteen and Wrhse.	<u>1,180,000</u>
Total state appropriation paragraph III	\$2,975,000
IV. Department of Education	
A. Pre-Engineering Technology Career Pathway	\$100,000
B. Renovation of CTE Center – Pinkerton	7,875,000
C. Renovation of CTE Center – Laconia	<u>7,125,000</u>
Total state appropriation paragraph IV	\$15,100,000
V. Department of Employment Security	
A. Renovation of Tobey Building	\$22,500,000
Less Federal Funds	(22,500,000)
Net state appropriation subparagraph A	<u>0</u>
Total state appropriation paragraph V	0
VI. Department of Environmental Services	
A. Clean Water State Revolving Fund Loan Program	\$16,225,952
Less Other Funds*	<u>(16,225,952)</u>
Net state appropriation subparagraph A	0
B. Drinking Water State Revolving Fund State Match	<u>6,420,220</u>
Less Other Funds*	(6,420,220)
Net state appropriation subparagraph B	0
C. Dam Repairs and Reconstruction**	3,300,000
D. Great Bay Oil Spill Protection Strategy	545,000
Less Other Funds*	<u>(545,000)</u>
Net state appropriation subparagraph D	0
E. WRBP Infrastructure Capital Improvements	3,950,000
Less Other Funds*	<u>(3,950,000)</u>
Net state appropriation subparagraph E	0
F. Suncook River	
1. Infrastructure Protection Project	1,035,000
2. Property Acquisition, Fluvial Erosion Hazard Zone***	<u>2,000,000</u>
Total state appropriation subparagraph F	\$3,035,000
Total state appropriation paragraph VI	\$6,335,000

*To provide funds for the appropriations made in subparagraphs VI, A, B, D, and E the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$27,141,172 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A.

(a) Payments of principal and interest on the bonds and notes pursuant to subparagraph VI, A and B shall be made from the state water pollution control and drinking water revolving loan funds established in RSA 486:14.

(b) Payments of principal and interest on the bonds and notes pursuant to subparagraph VI, D shall be made from the oil pollution control fund established in RSA 146-A:11-a.

(c) Payments of principal and interest on the bonds issued under subparagraph VI, E shall be made from the special fund established in RSA 485-A:50, VI.

**The department of environmental services shall report quarterly to the capital budget overview committee relative to the status of dam repairs and reconstruction projects funded pursuant to subparagraph VI, C, and, in addition, such reporting shall include the status of any dam repairs, removal and reconstruction projects funded pursuant to 2007, 264:1, VII, F, as extended by 2009, 145:19, 43 and as extended by this act.

***The state funds authorized in subparagraph VI, F for Suncook River property acquisition fluvial erosion hazard zone may be used by the department to match federal funds, including but not limited to, grants from the Federal Emergency Management Agency (FEMA).

VII. Department of Health and Human Services

A. Fire Protection Sprinklers	\$1,125,000
B. Administration Building Fire Safety/ADA Compliance	385,000
C. Nurse Call System	265,000
D. APS Repairs/Renovations-Roof, Windows and Curtain Wall	4,050,000
E. New Roof-Boiler House Building	103,000
F. New Roof-Campus Edge Building	110,000
G. Incremental Renewal of New HEIGHTS	7,500,000
Less Federal Funds	<u>(3,196,500)</u>
Net state appropriation subparagraph G	4,303,500
H. Electronic Health Record	390,212
I. Regional Assessments Database II (RAD II)	1,000,000
Less Federal Funds	<u>(400,000)</u>
Net state appropriation subparagraph I	600,000
J. Administrative Appeals Unit-Video Conferencing	268,800
Less Federal Funds	<u>(107,520)</u>
Net state appropriation subparagraph J	161,280
K. Warehousing Infrastructure/Inventory Management Proj.	2,000,000
Less Federal Funds	<u>(1,900,000)</u>
Net state appropriation subparagraph K	100,000
L. Replatform Option Application	722,200
Less Federal Funds	<u>(361,100)</u>
Net state appropriation subparagraph L	361,100
M. Handicap Access and Elevator (ADA) Administration Bldg	175,000
N. DPHS Radiochemistry Laboratory Improvements	50,000
O. Brown Building Window Replacement	390,000
P. Howard Recreation Building Renovations – Roof & Brickwork	480,000
Q. Transformation Initiative-ACCESS Front Door Release 2	15,000,000
Less Federal Funds	<u>(13,500,000)</u>
Net state appropriation subparagraph Q	<u>1,500,000</u>
Total state appropriation paragraph VII	\$14,549,092

VIII. Department of Information Technology

A. Data Center Upgrade	\$1,606,500
B. Network Operations Infrastructure Upgrade and VOIP	4,851,953
C. Business One Stop Center	2,081,984
D. E-Licensing Maintenance	<u>750,000</u>

Total state appropriation paragraph VIII \$9,290,437

IX. Judicial Branch

A. Prisoner Video Conference	\$541,085
B. Call Center	97,500
C. E-Court Initiative	<u>1,951,000</u>

Total state appropriation paragraph IX \$2,589,585

X. Liquor Commission

A. Hooksett North and South Store Additions	\$8,400,000
Less Other Funds*	<u>(8,400,000)</u>
Net state appropriation subparagraph A	0
B. Portsmouth Store 38 Roof Replacement	115,000
Less Other Funds*	<u>(115,000)</u>
Net state appropriation subparagraph B	<u>0</u>
Total state appropriation paragraph X	0

*To provide funds for the appropriations made in subparagraph X, A and B, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$8,515,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the liquor commission fund established in RSA 176:16.

XI. McAuliffe-Shepard Discovery Center	
A. Original Planetarium – Replace Existing Roofing	\$124,000
Total state appropriation paragraph XI	\$124,000
XII. Department of Resources and Economic Development	
A. Fire Tower Maintenance	\$170,000
B. State Park Repairs	1,500,000
C. Mt. Washington State Park-Sherman Adams Bldg. Concrete Repair	180,000
D. North Hampton State Beach Redevelopment	450,000
E. Hampton Beach North Seawall Repair	500,000
F. Cannon Upgrades/Snowmaking	500,000
Less Other Funds*	<u>(500,000)</u>
Net state appropriation subparagraph F	<u>0</u>
Total state appropriation paragraph XII	\$2,800,000

*To provide funds for the appropriations made in subparagraph XII, F, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$500,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the Cannon Mountain capital improvement fund established in RSA 12-A:29-c.

XIII. Department of Safety	
A. E-911 Next Generation	\$3,702,000
Less Other Funds*	<u>(3,702,000)</u>
Net state appropriation subparagraph A	<u>0</u>
Total state appropriation paragraph XIII	0

*To provide funds for the appropriations made in subparagraph XIII, A, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$3,702,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the enhanced 911 system fund established in RSA 106-H:9.

XIV. Department of Transportation	
A. 2.5 percent Match for Federal Aviation Administration Projects	\$28,816,866
Less Federal Funds	<u>(28,077,972)</u>
Net state appropriation subparagraph A	738,894
B. Transit Match: Bus Replacement	<u>306,600</u>
Total state appropriation paragraph XIV	\$1,045,494
XV. Veterans Home	
A. Electronic Medical Records	\$1,093,000
Less Federal Funds	<u>(743,000)</u>
Net state appropriation subparagraph XV	\$350,000
XVI. Community College System of New Hampshire	
A. Manchester Community College Student Center	\$6,000,000
Less Other Funds*	<u>(6,000,000)</u>
Net state appropriation subparagraph A	<u>0</u>
B. Career and Technical Building Projects	<u>18,815,000</u>
Total state appropriation paragraph XVI	<u>\$18,815,000</u>

*To provide funds for the appropriations made in subparagraph XVI, A, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$6,000,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from student fees.

XVII. Fish and Game Department

A. Jones Pond Dam Repair/Reconstruction	\$450,000
Less Other Funds*	<u>(450,000)</u>

Total state appropriation paragraph XVII	\$0
--	-----

*To provide funds for the appropriations made in subparagraph XVII, A, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$450,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the fisheries habitat management account established in RSA 214:1-g.

XVIII. Pease Development Authority, Division of Ports and Harbors

A. Hampton and Seabrook Harbors Dredging	\$1,379,310
Less Other Funds*	<u>(1,379,310)</u>

Net state appropriation subparagraph A	\$0
--	-----

B. Hampton Harbor Marine Facility	\$1,500,000
Less Other Funds*	<u>(1,500,000)</u>

Net state appropriation subparagraph B	\$0
--	-----

Total state appropriation paragraph XVIII	\$0
---	-----

*To provide funds for the appropriations made in subparagraphs XVIII, A and B, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$2,879,310 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from fees relating to wharfage, dockage, and other marine terminal operations under RSA 12-G:42.

Total state appropriation section 1	\$89,839,606
-------------------------------------	--------------

2 Capital Appropriation; Highway Funds; Department of Administrative Services, Department of Safety, and Department of Transportation. The sums hereinafter detailed are appropriated for the projects specified:

I. Department of Administrative Services

A. Enterprise Resource Planning Phase 2 Highway Funds	\$398,187
---	-----------

Total state appropriation paragraph I	\$398,187
---------------------------------------	-----------

II. Department of Safety

A. Standby Generator Replacement Hayes Bldg (33 Hazen Dr.)	\$775,000
--	-----------

Total state appropriation paragraph II	\$775,000
--	-----------

III. Department of Transportation

A. Underground Fuel Tank Replacement-Statewide	\$2,000,000
--	-------------

B. Statewide Radio Communication Replacement	1,240,000
--	-----------

C. Statewide Salt Sheds	1,100,000
-------------------------	-----------

D. New Patrol Shed and Salt Storage PS514 Salem	3,330,000
---	-----------

E. TMC Equipment Room Upgrade to Data Center	<u>580,000</u>
--	----------------

Total state appropriation paragraph III	<u>\$8,250,000</u>
---	--------------------

Total state appropriation section 2	\$9,423,187
-------------------------------------	-------------

3 Expenditures; General. The appropriation made for the purposes mentioned in sections 1 and 2 of this act and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein; provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 21-I and RSA 228.

4 Land Acquisition. Any land acquired under the appropriations made in sections 1 and 2 of this act, if any, as may be acquired under the appropriation except such land if any as may be acquired for the water resources board, shall be purchased by the commissioner of the department of transportation or the commissioner of administrative services, as appropriate, with the approval of governor and council.

5 Bonds Authorized.

I. To provide funds for the total of the appropriations of state funds made in sections 1 and 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$148,450,275 and for said purposes may issue bonds and notes in the names and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The source of funds shall be as follows: general fund \$89,839,606, highway funds \$9,423,187, and other funds \$49,187,482.

6 Payments.

I. The payment of principal and interest on bonds and notes issued for the projects in section 1 shall be made when due from the general funds in the state.

II. The payment of principal and interest on bonds issued for the projects in section 2 shall be made from the highway fund.

7 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are, or become available for any project under sections 1 and 2 of this act beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 5 of this act shall be reduced by the same amount.

8 Transfers. The individual project appropriations provided in sections 1 and 2 of this act shall not be transferred or expended for any other purposes; provided that if there is a balance remaining after an individual project, which is fully funded by state funds, is completed, accepted, and final payment made, said balance or any part thereof may be transferred by Governor and Council, to any other individual project or projects, which are also fully funded by state funds, within the same section and from the same funding source, provided that prior approval of the capital budget overview committee is obtained.

9 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1 and 2 of this act is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such projects and the net appropriation of state funds thereof shall be reduced by the same proportion as the proportion by which federal, local, or other funds are reduced. The amount of bonding authorized by section 5 of this act shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

10 Bureau of Public Works Design and Construction Inspection Services; Davis-Bacon Act Compliance. The appropriations for those projects which are managed by the bureau of public works design and construction, department of administrative services, may be expended to fund temporary personnel for the purpose of providing construction inspection services and Davis-Bacon Act Compliance services for projects utilizing federal funds, for those projects included in this act

11 Reports Required; Status of Projects; Department of Corrections.

I. The department of corrections shall report to the capital budget overview committee, in writing, within 60 days of the effective date of this section relative to the status of projects pursuant to the appropriations made to the department of corrections, all of which are extended by this act, in 2009, 145:1, IV, D, for admin. east wing-upgrade electric

wiring; 2005, 259:1, IV, A, as extended by 2007, 264:29, XXVII, and as extended by 2009, 145:19, 22, for electronic security upgrades-men's prison; 2007, 264:1, V, A, as extended by 2009, 145:19, 23, for electronic security upgrades-men's prison; and 2007, 264:1, V, G, as extended by 2009, 145:19, 25, for residential treatment unit, phase 1-Concord.

II. The department of corrections shall submit a plan for the project funded in 2009, 145:1, IV, A, for women's prison and transitional housing site/design, as extended by this act, to the capital budget overview committee for approval, and shall provide an update on the status of said project to the committee, within 60 days of the effective date of this section relative to this appropriation.

12 Reporting Required; State Park Projects; Department of Resources and Economic Development. The department of resources and economic development shall report quarterly, in writing, to the capital budget overview committee, relative to all recently completed, current, and planned state park repairs and deferred maintenance projects.

13 Community College System; Plan and Updates; Critical Maintenance. The community college system of New Hampshire shall provide a plan and quarterly updates to the capital budget overview committee relative to critical maintenance funded pursuant to 2009, 145:1, III, A.

14 Project Appropriation Transferred; Department of Administrative Services. The appropriation made to the department of corrections in 2009, 145:1, IV, E for stormwater/sewer system-EPA order #05-13 project, as extended by this act, is hereby transferred to the department of administrative services. The department of administrative services shall have authority to expend funds from the appropriation and shall assume the responsibility for the project funded by said appropriation.

15 Project Appropriation Amended. Department of Safety; New Hampshire State Police Narcotics and Investigations Unit. Amend 2003, 240:3, I, D to read as follows:

D. ~~[Finish Troop D First Floor]~~ State Police Narcotics and Investigations Unit	589,000
Less Other	<u>-111,910</u>
Net state appropriation subparagraph D	<u>477,090</u>

16 Capital Appropriation Match; Department of Transportation. Amend 2007, 264:1, XIV, C to read as follows:

C. Rail - Match*	500,000
------------------	---------

*The state funds authorized for rail match ***may be used by the state to match federal planning funds or as a local match and, if used as a local match,*** shall not be expended until the local match is acquired.

17 Project Funding Amended; Veterans' Home. Amend 2009, 145:1, XIII to read as follows:

XIII. Veterans' Home.

A. Life Safety Infrastructure Upgrades	~~[\$7,200,000]~~ \$6,800,000
Less Federal	~~[-4,680,000]~~ -4,420,000
Net state appropriation subparagraph A	~~[2,520,000]~~ 2,380,000
B. Master Plan	100,000
C. Central Shipping and Receiving/Multi-purpose Center*	~~[1,000,000]~~ 1,400,000
Less Federal	~~[-650,000]~~ -910,000
Net state appropriation subparagraph C	~~[350,000]~~ 490,000
Total state appropriation paragraph XIII	\$2,970,000

18 Lapse Dates Extended to June 30, 2013. The following appropriations are hereby extended to June 30, 2013:

1. The appropriation made to the adjutant general in 2009, 145:1, I, A for statewide-fire alarm and life safety upgrades.

2. The appropriation made to the adjutant general in 2009, 145:1, I, B, for D and E storage buildings, additional power and lighting.

3. The appropriation made to the adjutant general in 2009, 145:1, I, C, for armory-roof materials and systems replacements.
4. The appropriation made to the adjutant general in 2009, 145:1, I, D, for NHARNG-training site water and sewer.
5. The appropriation made to the adjutant general in 2009, 145:1, I, E, for Manchester-underground storage tank repairs.
6. The appropriation made to the adjutant general in 2003, 240:1, I, A, as extended by 2005, 259:25, II, and as amended by 2006, 272:2, A, as extended by 2007, 264:29, II, as extended by 2009, 145:19, 1, for armory renovations.
7. The appropriation made to the adjutant general in 2003, 240:1, I, D, as extended by 2005, 259:25, V, as extended by 2007, 264:29, III, as extended by 2009, 145:19, 2, for joint service training facility design.
8. The appropriation made to the adjutant general in 2007, 264:1, I, A, as extended by 2009, 145:19, 4, for armory-roofing projects.
9. The appropriation made to the adjutant general in 2007, 264:1, I, B, as extended by 2009, 145:19, 5, for armory-statewide auxiliary power.
10. The appropriation made to the adjutant general in 2007, 264:1, I, C, for armory-alarm fire systems.
11. The appropriation made to the adjutant general in 2007, 264:1, I, F, for regional training institute construction.
12. The appropriation made to the department of administrative services, bureau of court facilities, in 2009, 145:1, II, A, 1, for Hillsborough County north-asbestos abatement.
13. The appropriation made to the department of administrative services, bureau of court facilities, in 2009, 145:1, II, A, 2, for master plan for the courts.
14. The appropriation made to the department of administrative services, bureau of general services, in 2009, 145:1, II, B, 1, for Johnson hall renovations/repairs.
15. The appropriation made to the department of administrative services, bureau of general services, in 2009, 145:1, II, B, 2, for LOB-critical maintenance.
17. The appropriation made to the department of administrative services, bureau of general services, in 2009, 145:1, II, B, 4, for Johnson hall-new roof.
18. The appropriation made to the department of administrative services, bureau of general services, in 2009, 145:1, II, B, 5, for state library-repoint brick, internal repairs.
19. The appropriation made to the department of administrative services, bureau of general services, in 2009, 145:1, II, B, 8, for 4 state buildings-cafeteria fire systems.
20. The appropriation made to the department of administrative services, bureau of facilities asset management, in 2009, 145:1, II, C, 1, for Bow Brook Pond dredging and dam stoplog.
21. The appropriation made to the department of administrative services, bureau of facilities asset management, in 2009, 145:1, II, C, 2, for Dollof building drainage improvements.
22. The appropriation made to the department of administrative services, bureau of facilities asset management, in 2009, 145:1, II, C, 3, for main building bakery roof repair.
23. The appropriation made to the department of administrative services, bureau of facilities asset management, in 2009, 145:1, II, C, 4, for Hugh Gallen office park parking.
24. The appropriation made to the department of administrative services, bureau of facilities asset management, in 2009, 145:1, II, C, 5, for Hugh Gallen office park main building Rumford egress stair and interior stairwell.
25. The appropriation made to the department of administrative services in 2009, 145:1, II, D, 1, for state owned facilities energy and lighting improvements.
26. The appropriation made to the department of administrative services, in 2009, 145:1, II, E, 3, for ERP-information technology phase II.
27. The appropriation made to the department of administrative services, bureau of court facilities, in 2009, 145:15, II, B, for northern Carroll County-new roof.

28. The appropriation made to the department of administrative services, in 2009, 145:16, II, A, for supreme court parking lot.
29. The appropriation made to the department of administrative services, in 2009, 145:16, II, B, for supreme court ADA access.
30. The appropriation made to the department of administrative services, in 2009, 145:16, II, D, for state house ice stop system.
32. The appropriation made to the department of administrative services - bureau of court facilities in 2005, 259:1, II, A, 2, as amended by section 14 of 2007 as extended by 2007, 264:29, IX, as extended by 2009, 145:19, 12, for Cheshire and Merrimack County courthouse design.
34. The appropriation made to the department of administrative services - financial data management in 2003, 240:1, II, C, 2, as extended by 2005, 259:25, XVI, as extended by 2007, 264:29, XIX, as extended by 2009, 145:19, 13, for enterprise resource planning.
35. The appropriation made to the department of administrative services in 2006, 258:16, I, as extended by 2007, 264:29, XXI, as extended by 2009, 145:19, 14, for quality assurance evaluation, monitoring and reporting related to the implementation of the ERP system.
36. The appropriation made to the department of administrative services in 2007, 264:1, II, B, 2, as extended by 2009, 145:19, 17, for state house, state library and LOB maintenance and repointing.
37. The appropriation made to the community college system in 2009, 145:1, III, A, for critical maintenance.
38. The appropriation made to the community college system in 2009, 145:1, III, E, for health science and tech building, Nashua.
39. The appropriation made to the department of corrections in 2009, 145:1, IV, A, for women's prison and transitional housing site/design.
40. The appropriation made to the department of corrections in 2009, 145:1, IV, B, for MSU, dorms, CCU, SPU, MCS, MCN, repair bathrooms.
41. The appropriation made to the department of corrections in 2009, 145:1, IV, C, for residential treatment unit phase 2.
42. The appropriation made to the department of corrections in 2009, 145:1, IV, D, for admin east wing-upgrade electric wiring.
43. The appropriation made to the department of corrections in 2009, 145:1, IV, E, for MSU and admin buildings-replace sprinkler system.
44. The appropriation made to the department of corrections in 2009, 145:1, IV, F, and transferred to the department of administrative services by section 14 of this act, for stormwater/sewer system-EPA order #05-13.
45. The appropriation made to the department of corrections in 2005, 259:1, IV, A, as extended by 2007, 264:29, XXVII, as extended by 2009, 145:19, 22, for electronic security upgrades-men's prison.
46. The appropriation made to the department of corrections in 2007, 264:1, V, A, as extended by 2009, 145:19, 23, for electronic security upgrades-men's prison.
47. The appropriation made to the department of corrections in 2007, 264:1, V, C, as extended by 2009, 145:19, 24, for structural wall and beam repair-men's prison.
48. The appropriation made to the department of corrections in 2007, 264:1, V, G, as extended by 2009, 145:19, 25, for residential treatment unit, phase 1-Concord.
49. The appropriation made to the department of education in 2009, 145:1, V, A, for pre-engineering technology.
50. The appropriation made to the department of education in 2009, 145:1, V, B, for regional career and technical education-Wolfeboro.
51. The appropriation made to the department of education in 2009, 145:1, V, C, for regional career and technical education center.

52. The appropriation made to the department of education in 2007, 264:1, VI, B, as extended by 2009, 145:19, 29, for renovation regional career and tech ed center-Manchester.
53. The appropriation made to the department of environmental services in 2009, 145:1, VI, A, for WRBP wastewater treatment plant improvements.
54. The appropriation made to the department of environmental services in 2009, 145:1, VI, B, for drinking water SRF matching funds.
55. The appropriation made to the department of environmental services in 2009, 29:4, I, for renovation and repair, Dorrs pond dam, Manchester.
56. The appropriation made to the department of environmental services in 2003, 240:1,V, A, as extended by 2005, 259:25, XXVIII, as extended by 2007, 264:29, XXXVII, as extended by 2009, 145:19, 31, for hazardous waste superfund match.
57. The appropriation made to the department of environmental services in 2003, 240:1, V, C, as extended by 2005, 259:25, XXX, as extended by 2007, 264:29, XXXVII, as extended by 2009, 145:19, 32, for drinking water SRF matching funds.
58. The appropriation made to the department of environmental services in 2003, 240:1,V, A, as extended by 2005, 259:25, XXX, as extended by 2007, 264:29, XXXVII, for waste water SRF matching funds.
59. The appropriation made to the department of environmental services in 2005, 259:1, VI, A, as extended by 2007, 264:29, XXXVIII, as extended by 2009, 145:19, 33, for dam repairs, removal and reconstruction.
60. The appropriation made to the department of environmental services in 2005, 259:1, VI, BI, as extended by 2007, 264:29, XXXIX, as extended by 2009, 145:19, 34, for drinking water SRF matching funds.
61. The appropriation made to the department of environmental services in 2005, 259:1, VI, C, as extended by 2007, 264:29, XL, as extended by 2009, 145:19, 35, for wastewater SRF matching funds.
62. The appropriation made to the department of environmental services in 2005, 259:1, VI, D, as extended by 2007, 264:29, XLI, as extended by 2009, 145:19, 36, for bedrock aquifer monitoring.
63. The appropriation made to the department of environmental services in 2007, 264:1, VII, A, as extended by 2009, 145:19, 38, for the drinking water state revolving fund matching funds.
64. The appropriation made to the department of environmental services in 2007, 264:1, VII, B, as extended by 2009, 145:19, 39, for the wastewater state revolving fund matching funds.
65. The appropriation made to the department of environmental services in 2007, 264:1, VII, C, as extended by 2009, 145:19, 40, for the hazardous waste superfund match.
66. The appropriation made to the department of environmental services in 2007, 264:1, VII, F, as extended by 2009, 145:19, 43, for dam repairs, removal and reconstruction.
67. The appropriation made to the department of environmental services in 2007, 264:1, VII, G, as extended by 2009, 145:19, 44, for Gorham office repairs and renovations.
68. The appropriation made to the fish and game department in 2009, 145:3, III, for point of service for registration.
69. The appropriation made to the fish and game department in 2005, 259:3, II, as extended by 2007, 264:29, XLVI, as extended by 2009, 145:19, 45, for hatchery system modernization.
70. The appropriation made to the department of health and human services in 2009, 145:1, VII, B, for incremental renewal of HEIGHTS phase II.
71. The appropriation made to the department of health and human services in 2009, 145:17, IV, B, for above ground oil storage compliance.
72. The appropriation made to the department of health and human services in 2009, 145:17, IV, C, for strategic plan for legacy systems, 50-50 federal match.

74. The appropriation made to the department of health and human services in 2005, 259:1, VII, C, as extended by 2007, 264:29, LIV, as extended by 2009, 145:19, 48, for state office park south – electrical system upgrade.

76. The appropriation made to the department of health and human services in 2007, 264:1, IX, E, as extended by 2009, 145:19, 52, as amended by 2009, 145:18, as extended by 2009, 145:19, 50, for Glencliff-Brown building patient room floor abatement, tunnel repair admin building roof replacement.

77. The appropriation made to the liquor commission in 2009, 145:1, VIII, A, for Hampton north roof replacement.

78. The appropriation made to the liquor commission in 2009, 145:1, VIII, B, for build liquor store-Nashua.

79. The appropriation made to the McAuliffe-Shepard discovery center in 2007, 264:1, IV, L, as extended by 2009, 145:19, 20, for Christa McAuliffe planetarium-Alan Shepard memorial wing.

80. The appropriation made to the McAuliffe-Shepard discovery center in 2003, 240:1, III, H, as extended by 2005, 259:25, XVII, as extended by 2007, 264:21, as extended by 2007, 264:29, XXII, as extended by 2009, 145:19, 21, for Christa McAuliffe planetarium-Alan Shepard memorial wing.

81. The appropriation made to the Pease development authority by 2007, 264:1, XII, A, as amended by 2008, 5:1, as extended by 2009, 145:19, 53, for Market street marine terminal pier.

82. The appropriation made to the Pease development authority by 2007, 264:1, XII, B, as amended by 2008, 5:1, as extended by 2009, 145:19, 54, for Rye harbor commercial fish pier.

83. The appropriation made to the department of resources and economic development in 2009, 145:1, X, A, for statewide roof and park repairs.

84. The appropriation made to the department of resources and economic development in 2009, 145:1, X, B, for Mount Washington tip top house repairs.

85. The appropriation made to the department of resources and economic development in 2009, 145:1, X, C, for Mittersill expansion.

86. The appropriation made to the department of resources and economic development in 2009, 145:1, X, D, for Hampton seashell and 2 bathhouses.

87. The appropriation made to the department of resources and economic development in 2003, 240:1, VIII, D, as extended by 2005, 259:25, XXXVIII, as extended by 2007, 264:29, LXII, as extended by 2009, 145:19, 55, for Mount Washington electrification.

88. The appropriation made to the department of resources and economic development in 2005, 259:1, IX, E, as extended by 2007, 264:29, LXIII, as extended by 2009, 145:19, 56, for Mount Washington electrification.

89. The appropriation made to the department of resources and economic development in 2007, 264:1, XIII, F, as extended by 2009, 145:19, 57, for statewide radio system.

90. The appropriation made to the department of revenue administration in 2009, 145:1, XI, A, for tax system 2010.

91. The appropriation made to the department of safety in 2009, 145:2, I, A, for DMV VISION project continuation.

92. The appropriation made to the department of safety in 2009, 145:2, I, B, for Dover point DMV substation.

93. The appropriation made to the department of safety in 2003, 240:3, I, D, as extended by 2005, 259:25, XLI, as extended by 2007, 264:29, LXVI, as extended by 2009, 145:19, 59, and as amended by section 15 of this act, for state police narcotics and investigations unit.

94. The appropriation made to the department of safety in 2005, 259:4, I, A, as extended by 2007, 264:29, LXVII, as extended by 2009, 145:19, 60, for enhanced road toll system.

95. The appropriation made to the department of safety in 2007, 264:2, I, D, as extended by 2009, 145:19, 63, for OIT projects for DMV.

96. The appropriation made to the department of transportation in 2009, 145:1,XII, A, for FAA projects.
97. The appropriation made to the department of transportation in 2009, 145:1, XII, B, for public transit bus matching funds.
98. The appropriation made to the department of transportation in 2009, 145:1, XII, C, for airport navigation equipment.
99. The appropriation made to the department of transportation in 2009, 145:1, XII, D, for Coos County rail improvements.
100. The appropriation made to the department of transportation in 2009, 145:1, XII, E, for state owned rail bridge repair.
101. The appropriation made to the department of transportation in 2009, 145:2, II, A, for underground fuel tank replacement statewide.
102. The appropriation made to the department of transportation in 2009, 145:2, II, C, for replacement of automated fueling system-phase 2.
103. The appropriation made to the department of transportation in 2009, 145:2, II, D, for TMC equipment room fire suppression.
104. The appropriation made to the department of transportation in 2009, 145:2, II, E, for Nashua DMV EZ pass customer service.
105. The appropriation made to the department of transportation in 2009, 145:2, II, F, for energy/environmental renovations statewide.
106. The appropriation made to the department of transportation in 1999, 226:1, XIII, C, as extended by 2001, 202.28 XXXIII, 2003, 240:34, LXXVI, and 2005, 259:25, LVI, as extended by 2007, 264:29, LXXIV, as extended by 2009, 145:19, 64, for acquisition of railroad and airport properties.
107. The appropriation made to the department of transportation in 2007, 264:1, XIV, A, as extended by 2009, 145:19, 65, for 5-10 percent match for FAA projects.
108. The appropriation made to the department of transportation in 2007, 264:1, XIV, C, as extended by 2009, 145:19, 67, and as amended by section 16 of this act, for rail match.
109. The appropriation made to the department of transportation in 2007, 264:1, XIV, D, as extended by 2009, 145:19, 68, for repair state rail lines.
111. The appropriation made to the department of transportation in 2007, 264:2, II, D, as extended by 2009, 145:19, 73, for the Chesterfield welcome center.
112. The appropriation made to the department of transportation in 2007, 264:2, II, E, as extended by 2009, 145:19, 74, for a fuel center computer system.
113. The appropriation made to the department of transportation in 2007, 264:1, XIV, B, as extended by 2009, 145:19, 66, for public transit bus replacement.
114. The appropriation made to the department of transportation in 2005, 259:1, XIII, F, as amended by 2007, 264:20, and as extended by 2007, 264:29, as extended by 2009, 145:19, 81, for railroad acquisition, right of first refusal, rail match.
115. The appropriation made to the department of transportation in 2005, 259:4, II, I, as extended by 2007, 264:29, LXXXVII, as extended by 2009, 145:19, 83, for Chesterfield welcome center and Antrim rest area.
116. The appropriation made to the New Hampshire veterans home in 2009, 145:1, XIII, A, as amended by section 17 of this act, for life safety infrastructure upgrades.
117. The appropriation made to the New Hampshire veterans home in 2009, 145:1, XIII, C, as amended by section 17 of this act, for central shipping and receiving/multi-purpose center.

19 Effective Date.

I. Section 18 of this act shall take effect June 30, 2011.

II. The remainder of this act shall take effect July 1, 2011.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 648, relative to eminent domain petitions by public utilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laurence M. Rappaport for Science, Technology and Energy: This bill, as amended, will prohibit public utilities from petitioning the Public Utilities Commission (PUC) for permission to take private land or property rights for construction or operation of an electric transmission facility so long as the transmission facility is not needed for system reliability. This brings RSA 371:1 more in line with Part I, Article 12-a of New Hampshire's constitution and bill of rights. Vote 11-4.

Amendment (1134h)

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

1 Proceedings to Acquire Property or Rights; Petition. Amend RSA 371:1 to read as follows:

371:1 Petition. Whenever it is necessary, in order to meet the reasonable requirements of service to the public, that any public utility should construct a line, branch line, extension, ~~[or a]~~ pipeline, conduit, line of poles, towers, or wires across the land of another, or should acquire land, land for an electric substation, or flowage, drainage, or other rights for the necessary construction, extension, or improvement of any water power or other works owned or operated by such public utility, and it cannot agree with the owners of such land or rights as to the necessity or the price to be paid therefor, such public utility may petition the public utilities commission for such rights and easements or for permission to take such lands or rights as may be needed for said purposes. No public utility may petition for permission to take private land or property rights for the construction or operation of an electric generating plant ***or a transmission facility so long as the transmission facility is not needed for system reliability.***

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

AMENDED ANALYSIS

This bill prohibits public utilities from petitioning for permission to take private land or property rights for the construction or operation of certain transmission facilities.
Amendment adopted.

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

Rep. Campbell spoke against and yielded to questions.

Reps. William O'Connor and Levasseur spoke against.

Reps. Rappaport and James Garrity spoke in favor.

Reps. Ladd and Pastor spoke in favor and yielded to questions.

Rep. Rappaport requested a roll call; sufficiently seconded.

YEAS 317 NAYS 51

YEAS 317

BELKNAP

Accornero, Harry
Greemore, Robert
Pilliod, James
Tobin, William

Bolster, Peter
Luther, Robert
Russell, David
Worsman, Colette

Comtois, Guy
Malone, Robert
St. Cyr, Jeffrey

Fields, Dennis
Millham, Alida
Swinford, Elaine

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

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

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Emerson, Susan
Lerandeau, Alfred
Smith, Edwin

Carr, Daniel
Hunt, John
Moore, Charles
Sterling, Franklin Jr

Cartwright, Anne
Johnsen, Gladys
Moore, Robert Jr
Tatro, Bruce

Chase, Cynthia
Johnson, Jane
Parkhurst, Henry
Weed, Charles

COOS

Coulombe, Gary
Rappaport, Laurence
Thomas, Yvonne

Daugherty, Duffy
Remick, William
Tremblay, Marc

Hatch, William
Richardson, Herbert

Merrick, Evalyn
Tholl, John Jr

GRAFTON

Aguiar, James
Cooney, Mary
Ingbretson, Paul
Pastor, Beatriz
Smith, Suzanne
White, Andrew

Almy, Susan
Gionet, Edmond
Ladd, Rick Jr
Pierce, David
Sorg, Gregory

Bradley, Lester
Gould, Franklin
Mirski, Paul
Reilly, Harold Sr
Sova, Charles

Bulis, Lyle
Harding, Laurie
Nordgren, Sharon
Simard, Paul
Townsend, Charles

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Buxton, Michael

Balboni, Michael
Beattie, Thomas
Brown, Kevin
Cebrowski, John

Baroody, Benjamin
Belanger, James
Brunelle, Michael
Champagne, Norma

Barry, J. Gail
Belvin, William
Burt, John
Christensen, D.L.
Chris

Christiansen, Lars
Cusson-Cail, Kathleen
Doherty, Shaun
Fredette, Robert
Gidge, Kenneth
Graham, John
Hardwick, Harry
Holden, Frank
Jasper, Shawn
Long, Patrick
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Pratt, Calvin
Scotsas, Lisa
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Willette, Robert

Coffey, James
Daniels, Gary
Donovan, Daniel
Gagne, Larry
Gimas, John
Greazzo, Phil
Hikel, John
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Proulx, Mark
Shaw, Barbara
Stepanek, Stephen
Terrio, Ross
Villeneuve, Moe

Condra, William
Day, Russell
Erickson, Duane
Gandia, Laura
Gonzalez, Carlos
Haefner, Robert
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Robbins, David
Silva, Peter
Stroud, Kathleen
Thomas, Joseph
Warden, Mark

Coughlin, Sean
DeJong, Cameron
Flanagan, Jack
Gargas, Carolyn
Gorman, Mary
Hansen, Peter
Hogan, Edith
Infantine, William
LeBrun, Donald
McCarthy, Michael
Messier, Irene
Ober, Russell III
Parison, James
Porter, Marjorie
Rosenwald, Cindy
Simmons, Tammy
Summers, James
Twombly, Timothy
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Deloge, Helen
Gile, Mary
Hill, Gregory
Lindsley, Mark

Coffey, Jennifer
DeStefano, Stephen
Giuda, J. Brandon
Hoell, J.R.
MacKay, James

Cohn, Seth
Foose, Robert
Hamm, Christine
Kidder, David
McDonnell, John

Cox, Sean
Frazer, June
Hess, David
Kreis, Kenneth Sr
McGuire, Carol

McGuire, Dan
Richardson, Jon
Smith, Molly
Winter, Steven

Patten, Dick
Sanborn, Laurie
Smith, Todd

Potter, Frances
Seaworth, G. Brian
Soltani, Tony

Richardson, Gary
Shurtleff, Stephen
Wallner, Mary Jane

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Moody, Marcia
O'Connor, John
Perkins, Amy
Quandt, Matt
Ritter, Glenn
Sedensky, John
Smith, William
Tamburello, Daniel
Waddell, James
Welch, David

Allen, Mary
Bates, David
Cali-Pitts, Jacqueline
Comerford, Timothy
Devine, James
Ferrante, Beverly
Gould, Kenneth
Introne, Robert
Kolodziej, Walter
Mauro, Donna
Murphy, Brian
Okerman, Richard
Perkins, Lawrence
Reagan, John
Sanders, Elisabeth
Serlin, Christopher
Sullivan, James
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Antosz, Jason
Bettencourt, David
Case, Frank
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Griffin, Mary
Itse, Daniel
MacMahon, Bruce
McKinney, Betsy
Nevins, Chris
Packard, Sherman
Powers, James
Reichard, Kevin
Sapareto, Frank
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin

Azarian, Gary
Birdsell, Regina
Charron, Gene
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Major, Norman
McMahon, Charles
Norelli, Terie
Pantelakos, Laura
Quandt, Marshall
Rice, Frederick
Schlachman, Donna
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Webb, James

STRAFFORD

Andolina, Donald
Domingo, Baldwin
Hofemann, Roland
Jones, Laura
Leonard, Frederick Jr
Pitre, Joseph
Vita, Carol

Brown, Julie
Ginsburg, Philip
Hooper, Dorothea
Kaen, Naida
Newton, Clifford
Roberts, Jenna
Vita, Lucien

Browne, Brendon
Grassie, Anne
Horrigian, Timothy
Keans, Sandra
Parsons, Robbie
Spainhower, Dale
Wall, Janet

DeLemus, Susan
Groen, Warren
Jones, Kyle
Larsen, Kirsten
Pelletier, Marsha
Spang, Judith
Watters, David

SULLIVAN

Bowers, Spec
LaCasse, Paul Sr
Rodeschin, Beverly

Cloutier, John
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lefebvre, Benjamin

Howard, Thomas
Osgood, Joe

NAYS 51

BELKNAP

Kingsbury, Robert

Tilton, Franklin

CARROLL

None

CHESHIRE

Butynski, William
Roberts, Kris

Hawkes, Samuel
Sad, Tara

Lindsey, Steven
Weber, Lucy

Meador, David

COOS

Theberge, Robert

GRAFTON

Benn, Bernard

Eaton, Stephanie

HILLSBOROUGH

Campbell, David
Goley, Jeffrey
Levasseur, Nickolas
Rhodes, Brian
Sullivan, Daniel

Cote, David
Hawkins, Kenneth
Moran, Edward
Rokas, Ted
Vaillancourt, Steve

Drisko, Richard
Jeudy, Jean
Pilotte, Maurice
Rowe, Robert

Garrity, Patrick
Katsiantonis, Thomas
Ramsey, Peter
Seidel, Carl

MERRIMACK

Bouchard, Candace
Owen, Derek
Watrous, Rick

Kotowski, Frank
Palfrey, David
Williams, Robert

Lauer-Rago, Kathleen
Reed, Dennis

Lockwood, Priscilla
Rice, Chip

ROCKINGHAM

DiPentima, Rich

Hagan, Joseph

Lovejoy, Patricia

Read, Robin Jr

STRAFFORD

Berube, Roger
Sprague, Dale

Munck, Philip

O'Connor, William

Schmidt, Peter

SULLIVAN

Gagnon, Raymond
and the committee report was adopted.
Ordered to third reading.
Rep. Eaton vote Nay and intended to vote Yea.

Schmidt, Andrew

HB 580-FN-L, relative to the New Hampshire retirement system. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth Hawkins for the Majority of Special Committee on Public Employee Pensions Reform: This bill makes comprehensive changes to the New Hampshire Retirement System. These changes will ensure that the current employees as well as retirees will in fact be able to receive their pensions. The changes include increased employee contributions, changes in age to receive benefits, maximum benefit entitled to, and years worked to receive the benefit. We feel that this is good public policy and will help strengthen the New Hampshire Retirement System going forward. We also feel that it will help with recruitment and retention of employees. Vote 10-4.

Rep. Stephen J. Shurtleff for the Minority of Special Committee on Public Employee Pensions Reform: The minority firmly believes that this legislation should only apply to employees hired on or after the bill's effective date. As was pointed out by a member of the committee, who voted with the majority, this bill allows "everyone moving forward to know what benefits are provided." Grandfathering current employees would eliminate one possibility of the bill being challenged in court. It would also clear up the bill's numbering system. But most importantly, it would allow new employees to know exactly what benefits they can expect, while allowing current employees to finish their employment under the rules under which they were hired.

Majority Amendment (1174h)

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

AN ACT relative to the New Hampshire retirement system, and relative to continuation of provisions of a collective bargaining agreement following the end of the term of the agreement.

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

1 Findings and Intent.

I. It is imperative for the state to take immediate action to assure the state retirement system's future financial health.

(a) The Pew Institute has concluded that unfunded pension and healthcare liabilities are a nationwide problem, estimated at over \$1 trillion.

(b) The New Hampshire retirement system has an estimated unfunded pension liability of \$3.7 billion and \$1.5 billion of unfunded medical insurance liability. Although a plan is underway for recovery over 30 years, uncertainties in future market returns, rapid increases in medical costs, increases in life expectancy, and slower growth in public sector employment require prudent intervention to assure financial viability.

(c) The level of federal debt of almost \$14 trillion and growing rapidly suggests that federal assistance to the states may be significantly reduced in the future, adding to the problem.

(d) The budget reductions planned for the state fiscal years 2012 and 2013 are large, and do not fully meet the state's commitments to health and human services, education, transportation, and other services. Reductions in state retirement costs are a necessary part.

II. The current level of benefits for public employees is unsustainable.

(a) On average, benefits constitute an additional 52 percent increase to the cost of public salaries. This is significantly higher than the percent paid in the private sector, and taxpayers are increasingly unable to continue this level of support, especially in our recessionary climate.

(b) Public employees are increasingly not cost-competitive with private alternatives to providing state and municipal services.

(c) Public employee contributions to their pensions have not been increased for many years.

III. The financial viability of the state retirement system must be preserved.

(a) Simply shifting who pays (i.e., employees or employers) will not solve the problem.

(b) It is important to adjust the system fairly among employee classes, and to introduce changes in a way to ameliorate impact on present employees, especially those closest to retirement.

(c) Pension costs must not make public employees uncompetitive with the private sector.

2 Retirement System; Definitions; Average Final Compensation. Amend RSA 100-A:1, XVIII to read as follows:

XVIII. "Average final compensation" shall mean, *for members who retire prior to July 1, 2016*, the average annual earnable compensation of a member during his or her highest 3 years of creditable service, or during all of the years in his or her creditable service if less than 3 years. *For members who retire on or after July 1, 2016, "average final compensation" shall mean the average annual earnable compensation of a member during his or her highest 5 years of creditable service, or during all of the years in his or her creditable service if less than 5 years.*

3 Retirement System; Definition of Earnable Compensation. Amend RSA 100-A:1, XVII to read as follows:

XVII. "Earnable compensation" shall mean:

(a) For all members *in service on or before June 30, 2011 and who retire prior to July 1, 2016*, the full base rate of compensation paid plus any overtime pay, holiday and vacation pay, sick pay, longevity or severance pay, cost of living bonus, additional pay for extracurricular and instructional activities or for other extra or special duty, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except cash incentives paid by an employer to encourage members to retire, supplemental pay paid by the employer while the member is receiving workers' compensation, and teacher development pay that is not part of the contracted annual salary. However, earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1- 1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position, with the limited exceptions of disability related severance pay paid to a member or retiree no later than 120 days after a decision by the board of trustees granting the member or retiree disability retirement benefits pursuant to RSA 100-A:6 and of severance pay which a member was entitled to be paid within 120 days after termination but which, without the consent of the member and not through any fault of the member, was paid more than 120 days after the member's termination. The member shall have the burden of proving to the board of trustees that any severance payment paid later than 120 days after the member's termination of employment is earnable compensation and meets the requirements of an asserted exception to the 120-day post-termination payment requirement.

(b) For any member in service on and after July 1, 2011 and who retires after July 1, 2016, the full base rate of compensation paid plus holiday pay, vacation pay, and sick pay, and any compensation for mandatory training and any military differential pay. Earnable compensation shall not include pay for accumulated unused sick or vacation time. However, earnable compensation in the final 2 12-month periods of creditable service prior to termination of employment shall each be limited to 1-1/2 times the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 24 months. Any compensation received in the final 24 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position.

4 Membership; Employees; Full-Time Requirement. Amend RSA 100-A:3, III to read as follows:

III. The board of trustees may, in its discretion, accept as members any class of ***full-time*** employees, ***or any class of*** teachers, permanent policemen or permanent firemen,

whose compensation is only partly paid by an employer or who are serving on a temporary or other than per annum basis, and it may also, in its discretion, make optional with **such** employees, teachers, permanent policemen or permanent firemen in any such class their individual entrance into membership. ***Provided, however, that membership as an employee as defined in RSA 100-A:1, V shall require full-time employment, which shall not be satisfied by the combination of service in one or more part-time positions. In addition, no member in a full-time position as an employee shall be permitted to make contributions or to accrue benefits under this chapter on account of any such part-time employment. Any rule or practice adopted by the board which is inconsistent with the requirements of this paragraph shall be without effect.***

5 Service Retirement; Age Increased. Amend RSA 100-A:5 to read as follows:

100-A:5 Service Retirement Benefits.

I. Group I Members.

(a) Any group I member, ***who*** may retire on a service retirement allowance upon written application to the board of trustees setting forth at what time, not less than 30 days nor more than 90 days subsequent to the filing thereof, the member desires to be retired, provided the member at the time so specified for retirement has attained age 60 ***if the member is in vested status before July 1, 2011 or age 65 if the member is not in vested status on July 1, 2011***, and notwithstanding that during such period of notification the member may have separated from service. For the purposes of this section, a teacher member of group I who remains in service throughout a school year shall be deemed to be in service during July and August at the end of such school year.

(b) Upon service retirement, an employee or teacher member of group I shall receive a service retirement allowance which shall consist of a member annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of retirement, and a state annuity. Prior to the member's attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/60 of the member's average final compensation multiplied by the number of years of creditable service. After attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/66 of the member's average final compensation multiplied by the number of years of creditable service.

(c) Notwithstanding any other provision of law, any group I member who meets the requirements of RSA 100-A:10, I(a), and who has either completed at least 20 years of creditable service which, when combined with his ***or her*** age equals at least ~~70~~ 75 years, or who has attained the age of ~~50~~ 55, but not the age of 60 ***if the member is in vested status before July 1, 2011 or the age of 65 if the member is not in vested status on July 1, 2011***, may elect to retire and have benefits commence immediately as a reduced service retirement allowance upon written application to the board of trustees setting forth the time, not less than 30 days nor more than 90 days subsequent to the filing thereof, at which the member desires to have benefits commence. The service retirement allowance shall be determined in accordance with RSA 100-A:5, I(b) and shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 60 years of age ***if the member is in vested status before July 1, 2011 or 65 years of age if the member is not in vested status on July 1, 2011***, by 1/8 of one percent if the member has 35 years or more of creditable service, by 1/4 of one percent if the member has 30 years but less than 35 years of creditable service, by 1/3 of one percent if the member has at least 25 years but less than 30 years of creditable service, by 5/12 of one percent if the member has at least 20 years but less than 25 years of creditable service, and by 5/9 of one percent if the member has less than 20 years of creditable service.

(d) [Repealed.]

II. Group II Members.

(a)(1) Any group II member in service, ***who is in vested status before July 1, 2011***, who has attained age 45 and completed 20 years of creditable service, or who has attained age 60 regardless of the number of years of creditable service, may retire on a

service retirement allowance upon written application to the board of trustees setting forth at what time not less than 30 days nor more than 90 days subsequent to the filing thereof the member desires to be retired, notwithstanding that during such period of notification the member may have separated from service.

(2) Any group II member in service who is not in vested status on July 1, 2011, who has attained age 50 and completed 25 years of creditable service, or who has attained age 65 regardless of the number of years of creditable service, may retire and receive a service retirement allowance beginning upon the attainment of age 55 upon written application to the board of trustees setting forth at what time not less than 30 days nor more than 90 days subsequent to the filing thereof the member desires to be retired, notwithstanding that during such period of notification the member may have separated from service.

(b) Upon service retirement, a group II member shall receive a service retirement allowance which shall consist of:

(1) A member annuity which shall be the actuarial equivalent of his accumulated contributions at the time of retirement; and

(2) **For members who are in vested status before July 1, 2011**, a state annuity which, together with his **or her** member annuity, shall be equal to 2-1/2 percent of his **or her** average final compensation multiplied by the number of years of his **or her** creditable service not in excess of 40 years, **or for members who commenced service or are not in vested status on July 1, 2011, a state annuity which, together with his or her member annuity, shall be equal to 2 percent of his or her average final compensation multiplied by the number of years of his or her creditable service not in excess of 25 years.**

(c)(1) Notwithstanding any provision of RSA 100-A to the contrary, any group II member who **is in vested status before July 1, 2011 and** has retired on or after the effective date of this subparagraph after attaining the age of 45 with at least 20 years of creditable service shall receive a minimum annual service retirement allowance of \$10,000, **and any group II member who is not in vested status on July 1, 2011 and has retired on or after the effective date of this subparagraph after attaining the age of 50 with at least 25 years of creditable service, shall receive beginning upon the attainment of age 55 a minimum annual service retirement allowance of \$10,000.** If such group II member has elected to convert the retirement allowance into an optional allowance for the surviving spouse under RSA 100-A:13, the surviving spouse shall be entitled to a proportional share of the \$10,000.

(2) [Repealed.]

(3) [Repealed.]

6 Disability Retirement; Group I Age Increased. Amend RSA 100-A:6, I(b) to read as follows:

(b)(1) Upon ordinary disability retirement, the group I member who has attained age 60 **if the member is in vested status before July 1, 2011 or the age of 65 if the member is not in vested status on July 1, 2011** shall receive an ordinary disability retirement allowance which shall consist of a member annuity and shall be the actuarial equivalent of the member's accumulated contributions at the time of his ordinary disability retirement, and a state annuity as follows:

(A) Prior to the member's attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/60 of the member's average final compensation at the time of his ordinary disability retirement multiplied by the number of years of creditable service at the time of his ordinary disability retirement;

(B) After attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/66 of the member's average final compensation at the time of his ordinary disability retirement multiplied by the number of years of creditable service at the time of his ordinary disability retirement;

(C) Regardless of age at disability, the ordinary disability retirement allowance shall not be less than 25 percent of the member's average final compensation at the time of his **or her** disability retirement.

(2) Upon ordinary disability retirement, the group I member who has not attained age 60 ***if the member is in vested status before July 1, 2011 or the age of 65 if the member is not in vested status on July 1, 2011*** shall receive an ordinary disability retirement allowance which shall consist of: a member annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of his ordinary disability retirement; and a state annuity which, together with the member annuity, shall be equal to 1.5 percent of the member's average final compensation at the time of his ordinary disability retirement multiplied by the number of years of creditable service at that time of his ordinary disability retirement. However, regardless of age at disability, the ordinary disability retirement allowance shall not be less than 25 percent of the member's average final compensation at the time of his **or her** disability retirement.

7 Accidental Disability Retirement; Group I. Amend RSA 100-A:6, I(d) to read as follows:

(d)(1) Upon accidental disability retirement, the group I member who has attained age 60 ***if the member is in vested status before July 1, 2011 or the age of 65 if the member is not in vested status on July 1, 2011*** shall receive an accidental disability retirement allowance which shall consist of a member annuity and shall be the actuarial equivalent of the member's accumulated contributions at the time of his accidental disability retirement, and a state annuity as follows:

(A) Prior to the member's attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/60 of the member's average final compensation at the time of his accidental disability retirement multiplied by the number of years of creditable service at the time of his accidental disability retirement;

(B) After attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/66 of the member's average final compensation at the time of his accidental disability retirement multiplied by the number of years of creditable service at the time of his accidental disability retirement;

(C) Regardless of age at disability, such allowance shall not be less than 50 percent of the member's average final compensation at the time of his accidental disability retirement.

(2) Upon accidental disability retirement, the group I member who has not attained age 60 ***if the member is in vested status before July 1, 2011 or the age of 65 if the member is not in vested status on July 1, 2011*** shall receive an accidental disability retirement allowance which shall consist of: the member annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of his accidental disability retirement; and a state annuity which, together with the member annuity, shall be equal to 50 percent of the member's average final compensation at the time of his disability retirement.

8 Ordinary Disability Retirement; Group II. Amend RSA 100-A:6, II(b) to read as follows:

(b) Upon ordinary disability retirement, the group II member shall receive an ordinary disability retirement allowance which shall consist of: a member annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his **or her** ordinary disability retirement; and a state annuity which, together with his **or her** member annuity, ***for members who are in vested status before July 1, 2011***, shall be equal to 2-1/2 percent of his **or her** average final compensation at the time of ~~his~~ ordinary disability retirement multiplied by the number of years of his **or her** creditable service not in excess of 40 at the time of ~~his~~ ordinary disability retirement, ***or for members who are not in vested status on July 1, 2011, shall be equal to 2 percent of his or her average final compensation at the time of ordinary disability retirement multiplied by the number***

of years of his or her creditable service not in excess of 25 at the time of ordinary disability retirement, provided, however, that such allowance shall not be less than 25 percent of the member's final compensation at the time of his **or her** disability retirement.

9 Accidental Disability Retirement; Group II. Amend RSA 100-A:6, II(d) to read as follows:

(d)(1) Upon accidental disability retirement, the group II member **who is in vested status before July 1, 2011**, shall receive an accidental disability retirement allowance equal to 2/3 of his **or her** average final compensation at the time of [his] disability retirement, **and the group II member who is not in vested status on July 1, 2011, shall receive an accidental disability retirement allowance equal to 1/2 of his or her average final compensation at the time of disability retirement.**

(2) For any group II member who has more than 26-2/3 years of service, a supplemental disability retirement allowance shall be paid. Such supplement shall be equal to 2-1/2 percent of his **or her** average final compensation multiplied by the number of years of his **or her** creditable service in excess of 26-2/3 but not in excess of 40 years. **Provided however that an accidental disability retirement allowance together with a supplemental disability retirement allowance, as provided in this subparagraph, shall not exceed 100 percent of the disability retiree's average final compensation.**

10 Vested Deferred; Group II Age Increased. Amend RSA 100-A:10, II(b) to read as follows:

(b) **For members who are in vested status before July 1, 2011**, upon the member's attainment of age 45, provided the member would then have completed 20 years of creditable service, otherwise the subsequent date on which such 20 years would have been completed, or at any time after age 60, **or for members who are not in vested status on July 1, 2011, upon the member's attainment of age 50, provided the member would then have completed 25 years of creditable service, otherwise the subsequent date on which such 25 years would have been completed, or at any time after age 65**, a group II member who meets the requirement of subparagraph (a) may make application on a form prescribed by the board of trustees and receive a vested deferred retirement allowance which shall consist of: (1) A member annuity which shall be the actuarial equivalent of accumulated contributions on the date the member's retirement allowance commences; and (2) A state annuity which, together with the member annuity, shall be equal to a service retirement allowance based on the member's average final compensation and creditable service at the time the member's service is terminated.

11 Return of Contributions. Amend RSA 100-A:11, I(c) to read as follows:

(c) Upon the death of a group I member who has elected, pursuant to RSA 100-A:10, to receive a vested deferred retirement allowance before his **or her** attainment of age 60 **if the member is in vested status before July 1, 2011 or the age of 65 if the member is not in vested status on July 1, 2011**, the amount of his **or her** accumulated contributions at the time of his **or her** death shall be paid to the person or persons, if any, nominated by [him] **the member**, if living, otherwise to the member's estate.

12 Split Benefits; Minimum Age. Amend RSA 100-A:19-b to read as follows:

100-A:19-b Minimum Age. For the purposes of this subdivision only, minimum age shall mean:

I. For a member who has completed less than 20 years combined creditable service in both group I and group II, 60 years **if the member is in vested status before July 1, 2011 or 65 years if the member is not in vested status on July 1, 2011.**

II. For a member **who is in vested status before July 1, 2011 and**, who has completed 20 or more years of combined creditable service, one year shall be deducted from age 60 for each year of creditable group II service, provided that the age shall not be less than 45 years. **For a member who commenced service or is not in vested status on July 1, 2011 and, who has completed 25 or more years of combined creditable**

service, one year shall be deducted from age 65 for each year of creditable group II service, provided that the age shall not be less than 50 years.

13 Split Benefits; Reduced Early Retirement; Minimum Age. Amend RSA 100-A:19-d to read as follows:

100-A:19-d Reduced Early Retirement. Notwithstanding any other provision of law, any retirement system member who has creditable service in both group I and group II with at least 10 years combined creditable service, and who has attained an age which is at least 45 ***for members who are in vested status with group II service prior to July 1, 2011 or at least 50 for members who commenced group II service or are not in vested status on July 1, 2011*** and is within 10 years of the minimum age set forth in RSA 100-A:19-b, may elect to retire and have benefits commence immediately as a reduced split-benefit service retirement allowance. Application shall be as provided in RSA 100-A:5, I(c). The allowance shall be determined as a split-benefit service retirement allowance in accordance with RSA 100-A:19-c, and the total combined split-benefit service allowance shall be reduced by the percentages shown in RSA 100-A:5, I(c), based on the total combined length of creditable service, for each month by which the date on which benefits commence precedes the month after which the member attains the minimum age set forth in RSA 100-A:19-b.

14 State Employees; Retirement. Amend RSA 21-I:30, II(a) to read as follows:

(a) Has at least 10 years of creditable service for the state if the employee's service began prior to July 1, 2003 or 20 years of creditable service if the employee's service began on or after July 1, 2003, and who also is at least 60 years of age at the time of retirement ***if the employee is in vested status before July 1, 2011 or at least 65 years of age at the time of retirement if the employee is not in vested status on July 1, 2011;*** or

15 State Employees; Group Insurance Benefits; Group II. Amend RSA 21-I:30, III to read as follows:

III. Any vested deferred state retiree may receive medical and surgical benefits under this section if the vested deferred state retiree is eligible. To be eligible, a group I vested deferred state retiree shall have at least 10 years of creditable service with the state if the employee's service began prior to July 1, 2003 or 20 years of creditable service with the state if the employee's service began on or after July 1, 2003 and a group II vested deferred state retiree shall have at least 20 years of creditable service with the state if the employee's service with the state began on or after July 1, 2010. In addition, if the vested deferred state retiree is a member of group I, such retiree shall be at least 60 years of age to be eligible ***if the member is in vested status before July 1, 2011 or 65 years of age if the member is not in vested status on July 1, 2011.*** If the vested deferred state retiree is a member of group II ***who is in vested status before July 1, 2011,*** such retiree shall not be eligible until 20 years from the date of becoming a member of group II and shall be at least 45 years of age, ***and any group II member who is not in vested status on July 1, 2011 shall not be eligible until 25 years from the date of becoming a member of group II and shall be at least 50 years of age.***

16 Retirement Age Changed; Vested Status; Group I. Notwithstanding the provisions of RSA 100-A:5, RSA 100-A:6, RSA 100-A:10, RSA 100-A:11, RSA 100-A:19-b, and RSA 21-I:30 relating to retirement at age 60, persons who are in vested status in the retirement system or as a state employee under RSA 21-I:30 on the effective date of this section shall be permitted to retire on an unreduced service retirement, disability retirement, vested deferred retirement, or split benefit retirement at the following ages, based on the corresponding number of years of creditable service:

- I. At least 10 but not 15 years of creditable service, age 64.
- II. At least 15 but not 20 years of creditable service, age 63.
- III. At least 20 but not 25 years of creditable service, age 62.
- IV. At least 25 but not 30 years of creditable service, age 61.
- V. At least 30 years of creditable service, age 60.

17 Retirement Qualifications; Members Not in Vested Status; Group II. Notwithstanding the provisions of RSA 100-A:5, RSA 100-A:6, RSA 100-A:10, RSA 100-A:11, RSA 100-A:19-b, and RSA 21-I:30 relating to retirement qualifications and calculation of benefits for group II members, any group II member not in vested status on July 1, 2011 shall be subject to the transition provisions of this section for years of service required for regular service retirement, the minimum age for regular service retirement, and the multiplier used to calculate the retirement annuity, which shall be applicable on July 1, 2011 according to the following table:

<u>Creditable service</u>	<u>Minimum years of service</u>	<u>Minimum age attained</u>	<u>Annuity multiplier</u>
<u>on July 1, 2011</u>			
(1) Less than 4 years	24	age 49	2.1%
(2) At least 4 years but less than 6 years	23	age 48	2.2%
(3) At least 6 years but less than 8 years	22	age 47	2.3%
(4) At least 8 years but less than 10 years	21	age 46	2.4%

18 Financing; Contribution Rates; Group II Member Payroll Deduction. Amend RSA 100-A:16, I(a) to read as follows:

(a) The member annuity savings fund shall be a fund in which shall be accumulated the contributions deducted from the compensation of members to provide for their member annuities together with any amounts transferred thereto from a similar fund under one or more of the predecessor systems. Such contribution shall be, for each member, dependent upon the member's employment classification at the rate determined in accordance with the following table:

~~Employees of employers other than the state 5.00~~
~~Employees of the state hired on or before June 30, 2009 5.00~~
~~Employees of the state hired after June 30, 2009 7.00~~
~~Teachers 5.00~~
~~Permanent Policemen 9.30~~
~~Permanent Firemen 9.30]~~

Group I members, 7.00

Group II permanent fireman members, 11.80

Group II permanent police members, 11.55

The board of trustees shall certify to the proper authority or officer responsible for making up the payroll of each employer, and such authority or officer shall cause to be deducted from the compensation of each member, except group II members ***who are in vested status before July 1, 2011*** with creditable service in excess of 40 years ***or group II members who are not in vested status on July 1, 2011 with creditable service in excess of 25 years***, as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), on each and every payroll of such employer for each and every payroll period, the percentage of earnable compensation applicable to such member. No deduction from earnable compensation under this paragraph shall apply to any group II member ***who is in vested status before July 1, 2011*** with creditable service in excess of 40 years, ***or group II member who is not in vested status on July 1, 2011 with creditable service in excess of 25 years***, as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), and this provision for such members shall not affect the method of determining average final compensation as provided in RSA 100-A:1, XVIII. In determining the amount earnable by a member in a payroll period, the board may consider the rate of compensation payable to such member on the first day of a payroll period as continuing throughout the payroll period and it may omit deduction from compensation for any period less than a full payroll period if such person was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed 1/10 of one percent of the

annual earnable compensation upon the basis of which such deduction is made. The amounts deducted shall be reported to the board of trustees. Each of such amounts, when deducted, shall be paid to the retirement system at such times as may be designated by the board of trustees and credited to the individual account, in the member annuity savings fund, of the member from whose compensation the deduction was made.

19 Retirement System; Recalculation of Employer Rates; Recertification.

Notwithstanding the notice requirements of RSA 100-A:16, III, the board of trustees of the retirement system shall recalculate employer contribution rates for the state fiscal years 2012 and 2013 to reflect the requirements of RSA 100-A as amended by this act.

Notwithstanding the notice requirements of RSA 100-A:16, III, such employer contribution rates shall be effective for the biennium beginning July 1, 2011, and the recertification of employer contribution percentages, applicable beginning July 1, 2011, shall be provided to each employer within a reasonable period of time not to exceed 30 days from the effective date of this section. The exception to the notice requirements of RSA 100-A:16, III in this section shall be limited to the applicable employer contribution rates for the biennium beginning July 1, 2011.

20 New Section; Retirement System; Return to Work. Amend RSA 100-A by inserting after section 27 the following new section:

100-A:27-a Return to Work; Suspension of Benefits. Beginning July 1, 2011, no person for whom membership in the retirement system is optional under RSA 100-A:3, I, and no person employed by an employer on a full- or part-time basis or as a consultant for longer than 3 months in a year, may concurrently receive benefits under this chapter as a retired member. Benefits shall be suspended during any such period of employment.

21 Repeal. 2002, 137:7, relative to the application of the repeal of former RSA 100-A:3, I(c), is repealed.

22 Retirement System; Administration; Membership of Board. Amend RSA 100-A:14, I to read as follows:

I. The administration of this system is vested in a board of ~~[14]~~ **13** trustees. Each newly appointed or reappointed trustee shall have familiarity with or experience in finance or business management. The state treasurer shall be an ex officio voting member of the board. The governor and council shall appoint ~~[2]~~ **4** trustees, to be known as non-member trustees, who shall be qualified persons with investment and/or financial experience as provided in this paragraph and not be members of the system, and who shall serve for a term of 2 years and until their successors are appointed and qualified. The non-member trustees of the board shall have substantial experience in the field of institutional investment or finance, taking into account factors such as educational background, business experience, and professional licensure and designations. The original appointment of ~~[one]~~ **2** of the non-member trustees shall be for a term of one year. The remaining ~~[11]~~ **8** members of the board shall consist of ~~[2 employees, 2 teachers, 2 permanent policemen, 2 permanent firemen, one member of the senate who shall be appointed annually by the senate president, one member of the house of representatives who serves on the executive departments and administration committee and who shall be appointed annually by the speaker of the house, and one person representing management in local government. Whenever a vacancy occurs, the senate president or the speaker of the house shall fill the vacancy in the same manner by appointing a senate or a house member who shall serve for the unexpired term.]~~ **4 member representatives and 4 employer representatives.** The New Hampshire state employees' association, the New Hampshire education association, the New Hampshire police association, **and** the New Hampshire state permanent firemen's association, ~~[and the New Hampshire Local Government Center]~~ shall each annually nominate from their members a panel of 5 persons, ~~[all of whom except for the panel of the Local Government Center shall be active members of the retirement system, or one of the 4 predecessor systems.]~~ no later than May 31 of each year, and the panels so named shall be filed with the secretary of state no later than June 10 of each year. From ~~[each of]~~ the above named panels, the governor and

council shall appoint ~~[one person annually to]~~ **the active member representatives of** the board~~[-except for the panel of the Local Government Center, which shall have one person appointed every 2 years]~~ **as needed so as to maintain the representation on the board.** **The governor and council shall appoint the employer representatives of the board with the advice of employer organizations.** Members appointed to the board in the manner aforesaid shall serve for a term of 2 years. Each member so appointed shall hold office until his or her successor shall be appointed and qualified. Whenever a vacancy occurs, the governor and council shall fill the vacancy by appointing a member who shall serve for the unexpired term ~~[from the same panel from which the former member was appointed]~~. The governor shall designate one of the non-member trustees to serve as chairman of said board of trustees.

23 Application; Board of Trustees Membership. Members of the board of trustees for the retirement system on the effective date of this section shall serve for the remainder of their terms. In order to conform to changes to the retirement system board of trustees made by this act, upon a vacancy occurring in the membership on the board of trustees after the effective date of this section, the appointment of a trustee shall be made to reasonably conform to the trustee designations in RSA 100-A:14, I.

24 Repeal of Special Account. RSA 100-A:16, II(h)-(j), relative to the special account, are repealed.

25 Transfer of Balance of Special Account. Any funds remaining in the special account on the effective date of the repeal of the special account by this act shall be transferred to the respective components of the state annuity accumulation fund.

26 Definition of Terminal Funding. Amend RSA 100-A:1, XXX to read as follows:

XXX. "Terminal funding" shall mean providing the full present value of the total liability for benefit improvement. ~~[Unless otherwise specified, the source of terminal funding shall be the special account established under RSA 100-A:16, II(h).]~~

27 Benefits Upon Death After Retirement; References to Special Account. Amend RSA 100-A:12, I-a and II to read as follows:

I-a. In addition to any other provision of this section, upon the death of a retired group II member of the New Hampshire retirement system or any predecessor system, who retired pursuant to RSA 100-A:5, II with at least 20 years of creditable service or pursuant to RSA 100-A:6, II(a) prior to April 1, 1987, there shall be paid to the member's spouse at the time of retirement, if surviving, an allowance to continue until the spouse's death or remarriage equal to 50 percent of the service or ordinary disability retirement allowance payable to the retired member prior to the member's death. The total cost of terminally funding the benefits provided by this paragraph shall be funded from the ~~[special account established under RSA 100-A:16, II(h)]~~ **state annuity accumulation fund.**

II. Upon the death of a group II member who has retired on or after April 1, 1987, or upon the death of a group II member who has filed an application for retirement benefits with the board of trustees after January 1, 1991, there shall be paid to the person nominated by the member by written designation filed with the board, if living, otherwise to the retired member's estate, in addition to the amount payable under RSA 100-A:11 a lump sum of \$3,600 if the member retired before July 1, 1988, and if the member is married on the date of such member's retirement, there shall be paid to such surviving spouse an allowance to continue until the spouse's death or remarriage equal to 50 percent of the member's service, ordinary disability, or accidental disability retirement allowance payments. For any person who is a group II member as of June 30, 1988, and who retires on or after July 1, 1988, the lump sum payment shall be \$10,000. For any person who becomes a member of group II on or after July 1, 1988, and on or prior to July 1, 1993, the lump sum payment shall be \$3,600. It is the intent of the legislature that future group II members shall be included only if the total cost of such inclusion can be **terminally** funded ~~[by reimbursement from the special account established under RSA 100-A:16, II(h)].~~

28 Supplemental Allowance; Reference to Special Account. Amend RSA 100-A:41-a, III to read as follows:

III.(a) The payment of any such supplemental allowance shall be contingent on terminal funding of the total actuarial cost thereof. ~~[Such terminal funding shall be from the special account established under RSA 100-A:16, II(h).]~~

(b) ~~[No supplemental allowance shall reduce the funds in the respective component of the special account to an amount less than zero.]~~

(c) Cost of living adjustments shall be retroactive to the member's eligibility date pursuant to paragraph I.

29 Management of Funds; Investment Committee. Amend RSA 100-A:15, I to read as follows:

I. The members of the board of trustees shall be the trustees of the several funds created hereby and shall set the investment policy relative to those funds. The independent investment committee shall have full power to invest and reinvest such funds in accordance with the policy set by the board. The board of trustees ***and the members of the independent investment committee*** shall have the powers, privileges, and immunities of a corporation. The independent investment committee shall have full power to hold, purchase, sell, assign, transfer, and dispose of any of the securities and investments in which any of the funds created hereby have been invested, as well as the proceeds of such investments in accordance with the policy set by the board. All of the assets and proceeds, and income therefrom, of the New Hampshire retirement system, and all contributions and payments made thereto, shall be held, invested, or disbursed in trust.

30 Independent Investment Committee Amend RSA 100-A:15, IX to read as follows:

IX. The non-trustee members of the independent investment committee shall be afforded the same liability insurance ~~[and]~~, indemnification, ***and statutory protections*** as board members.

31 New Section; Retirement System; Construction of Provisions; Member Acknowledgement. Amend RSA 100-A by inserting after section 1 the following new section:

100-A:1-a Construction of Provisions; Member Acknowledgement.

I. The benefits provided under this chapter shall not be construed to constitute a binding contractual obligation with respect to members and may be modified or discontinued by the adoption of appropriate legislation.

II. Every employer shall keep on file for each member commencing service after June 30 2011 a statement of the employee's, teacher's, policeman's, or fireman's acknowledgement of the provisions of paragraph I of this section.

32 New Paragraph; Public Employee Labor Relations; Status Quo; Authority of Employer. Amend RSA 273-A:11 by inserting after paragraph II the following new paragraph:

III. Following the end of the term of a collective bargaining agreement and during any period of negotiation, the status quo shall be maintained as to the wages, hours, and conditions of employment of employees in good standing. Except where required by statute, the continuation, after the expiration of the agreement, of the provision of any medical, dental, and life insurance benefits, retirement or pension benefits, and any other fringe benefits, shall be subject to the exclusive authority of the public employer.

33 New Section; Department of Administrative Services; State Employee Refusal of Benefits Program. Amend RSA 21-I by inserting after section 43-a the following new section:

21-I:43-b State Employee Refusal of Benefits Program.

I. The commissioner of the department of administrative services shall establish and administer a program which shall allow a permanent full-time state employee to refuse his or her rights as a state employee to receive state medical, dental, and retirement benefits in order to instead receive an increase in his or her base salary or wage.

II. The department shall develop forms, establish procedures, and adopt rules for administering the program established by this section. The forms shall include specific

notice of the details of the benefits refused by the election of a state employee under this section. Any such election shall be required to be signed and dated by the state employee.

III. A permanent full-time state employee paid through the office of the state treasurer shall be eligible to refuse state employee benefits as described in paragraph I. Upon verification by the department of the state employee's refusal of employment benefits, the state employee shall be granted an increase of 25 percent of his or her base salary or wage, excluding pay related to overtime, unused vacation time, unused sick time, longevity pay, or other compensation not deemed by the department to be base salary or wages, to be paid on regular pay schedule for employment during good standing.

IV. The election to refuse state employment benefits for an increase in base salary or wages shall only be available to a permanent full-time state employee who first commenced service with the state on or after July 1, 2004.

V. The source of funds for the payment of the increase of 25 percent for a state employee electing to refuse state employment benefits under this section shall be the employee and retiree benefit risk management fund established in RSA 21-I:30-e.

34 Severability; Contingent Amendment; Effective Date.

I. The provisions of this act making various amendments concerning the New Hampshire retirement system shall be severable and if any phrase, clause, sentence or provision of this act is declared to be contrary to the constitution of this state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this act and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby.

II. If as provided in paragraph I of this section, any phrase, clause, sentence, or provision is held contrary to the constitution of this state or of the United States, the remaining provisions of the act shall be in full force and effect as to all severable matters, and section 35 of this act shall take effect on the July 1 next following the date that the board of trustees certifies to the secretary of state and the director of legislative services of the occurrence of a final ruling on the declaration described in paragraph I.

35 Member Contribution Rates; Contingent Version. Repeal and reenact the introductory paragraph of RSA 100-A:16, I(a) and the contribution rates following the introductory paragraph to read as follows:

(a) The member annuity savings fund shall be a fund in which shall be accumulated the contributions deducted from the compensation of members to provide for their member annuities together with any amounts transferred thereto from a similar fund under one or more of the predecessor systems. Such contribution shall be, for each member, the rate percent of each member's compensation as determined by the retirement system which shall by annual total represent 50 percent of the normal contribution and accrued liability contribution determined under paragraph II.

36 Study Committee Established; Voluntary Defined Contribution Plan. There is established a committee to study the establishment of a federal tax qualified voluntary defined contribution plan.

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

(a) Three members of the senate, who shall be from the executive departments and administration committee, appointed by the president of the senate.

(b) Three members of the house of representatives, each of whom shall be from the special committee on public employee pensions reform, appointed by the speaker of the house of representatives.

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

III. 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.

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

37 Repeal. RSA 100-A:41-d, relative to additional temporary supplemental allowances, is repealed.

38 Effective Date.

I. Section 35 of this act shall take effect as provided in section 34 of this act.

II. The remainder of this act shall take effect July 1, 2011.

AMENDED ANALYSIS

This bill makes various changes to the state retirement system including:

I. Increasing retirement ages of group I and group II members for service retirement, disability retirement, vested deferred retirement, and split benefits.

II. Changing the definitions of earnable compensation and average final compensation used in calculating retirement benefits.

III. Changing the composition of the board of trustees.

IV. Eliminating the special account.

V. Increasing contribution rates.

VI. Establishing a committee to study the establishment of a voluntary defined contribution plan.

VII. Prohibiting a member in service from concurrently receiving benefits.

This bill also establishes a program allowing a state employee to refuse his or her rights as a state employee to receive state medical, dental, and retirement benefits in order to instead receive an increase in his or her base salary or wage; and provides that after the end of a collective bargaining agreement, the public employer has exclusive authority for continuation of benefits.

Majority committee amendment adopted.

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

Rep. Shurtleff offered floor amendment (1229h).

Floor Amendment (1229h)

Amend the bill by replacing sections 2 - 18 with the following and renumbering the original sections 19 – 38 to read as 17 – 36, respectively:

2 Retirement System; Definitions; Average Final Compensation. Amend RSA 100-A:1, XVIII to read as follows:

XVIII. “Average final compensation” shall mean, *for members who commenced service prior to July 1, 2011*, the average annual earnable compensation of a member during his or her highest 3 years of creditable service, or during all of the years in his or her creditable service if less than 3 years. *For members who commenced service on or after July 1, 2011, “average final compensation” shall mean the average annual earnable compensation of a member during his or her highest 5 years of creditable service, or during all of the years in his or her creditable service if less than 5 years.*

3 Retirement System; Definition of Earnable Compensation. Amend RSA 100-A:1, XVII to read as follows:

XVII. “Earnable compensation” shall mean:

(a) For all members *who commenced service prior to July 1, 2011*, the full base rate of compensation paid plus any overtime pay, holiday and vacation pay, sick pay, longevity or severance pay, cost of living bonus, additional pay for extracurricular and instructional activities or for other extra or special duty, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation

except cash incentives paid by an employer to encourage members to retire, supplemental pay paid by the employer while the member is receiving workers' compensation, and teacher development pay that is not part of the contracted annual salary. However, earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1- 1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position, with the limited exceptions of disability related severance pay paid to a member or retiree no later than 120 days after a decision by the board of trustees granting the member or retiree disability retirement benefits pursuant to RSA 100-A:6 and of severance pay which a member was entitled to be paid within 120 days after termination but which, without the consent of the member and not through any fault of the member, was paid more than 120 days after the member's termination. The member shall have the burden of proving to the board of trustees that any severance payment paid later than 120 days after the member's termination of employment is earnable compensation and meets the requirements of an asserted exception to the 120-day post-termination payment requirement.

(b) For any member who commenced service on or after July 1, 2011, the full base rate of compensation paid plus holiday pay, vacation pay, and sick pay, and any compensation for mandatory training and any military differential pay. Earnable compensation shall not include pay for accumulated unused sick or vacation time. However, earnable compensation in the final 2 12-month periods of creditable service prior to termination of employment shall each be limited to 1-1/2 times the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 24 months. Any compensation received in the final 24 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position.

4 Membership; Employees; Full-Time Requirement. Amend RSA 100-A:3, III to read as follows:

III. The board of trustees may, in its discretion, accept as members any class of ***full-time*** employees, ***or any class of*** teachers, permanent policemen or permanent firemen, whose compensation is only partly paid by an employer or who are serving on a temporary or other than per annum basis, and it may also, in its discretion, make optional with ***such*** employees, teachers, permanent policemen or permanent firemen in any such class their individual entrance into membership. ***Provided, however, that membership as an employee as defined in RSA 100-A:1, V shall require full-time employment, which shall not be satisfied by the combination of service in one or more part-time positions. In addition, no member in a full-time position as an employee shall be***

permitted to make contributions or to accrue benefits under this chapter on account of any such part-time employment. Any rule or practice adopted by the board which is inconsistent with the requirements of this paragraph shall be without effect.

5 Service Retirement; Age Increased. Amend RSA 100-A:5 to read as follows:

100-A:5 Service Retirement Benefits.

I. Group I Members.

(a) Any group I member, ***who*** may retire on a service retirement allowance upon written application to the board of trustees setting forth at what time, not less than 30 days nor more than 90 days subsequent to the filing thereof, the member desires to be retired, provided the member at the time so specified for retirement has attained age 60 ***if the member commenced service before July 1, 2011 or age 65 if the member commenced service on or after July 1, 2011***, and notwithstanding that during such period of notification the member may have separated from service. For the purposes of this section, a teacher member of group I who remains in service throughout a school year shall be deemed to be in service during July and August at the end of such school year.

(b) Upon service retirement, an employee member or teacher member of group I shall receive a service retirement allowance which shall consist of a member annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of retirement, and a state annuity. Prior to the member's attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/60 of the member's average final compensation multiplied by the number of years of creditable service. After attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/66 of the member's average final compensation multiplied by the number of years of creditable service.

(c) Notwithstanding any other provision of law, any group I member who meets the requirements of RSA 100-A:10, I(a), and who has either completed at least 20 years of creditable service which, when combined with his ***or her*** age equals at least 70 years, or who has attained the age of 50, but not the age of 60 ***if the member commenced service before July 1, 2011, or when combined with his or her age equals at least 75 years, or who has attained the age of 55, but not the age of 65 if the member commenced service on or after July 1, 2011***, may elect to retire and have benefits commence immediately as a reduced service retirement allowance upon written application to the board of trustees setting forth the time, not less than 30 days nor more than 90 days subsequent to the filing thereof, at which the member desires to have benefits commence. The service retirement allowance shall be determined in accordance with RSA 100-A:5, I(b) and shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 60 years of age ***if the member commenced service before July 1, 2011 or 65 years of age if the member commenced service on or after July 1, 2011***, by 1/8 of one percent if the member has 35 years or more of creditable service, by 1/4 of one percent if the member has 30 years but less than 35 years of creditable service, by 1/3 of one percent if the member has at least 25 years but less than 30 years of creditable service, by 5/12 of one percent if the member has at least 20 years but less than 25 years of creditable service, and by 5/9 of one percent if the member has less than 20 years of creditable service.

(d) [Repealed.]

II. Group II Members.

(a)(1) Any group II member in service, ***who commenced service before July 1, 2011***, who has attained age 45 and completed 20 years of creditable service, or who has attained age 60 regardless of the number of years of creditable service, may retire on a service retirement allowance upon written application to the board of trustees setting forth at what time not less than 30 days nor more than 90 days subsequent to the filing thereof the member desires to be retired, notwithstanding that during such period of notification the member may have separated from service.

(2) ***Any group II member in service who commenced service on or after July 1, 2011, who has attained age 50 and completed 25 years of creditable***

service, or who has attained age 65 regardless of the number of years of creditable service, may retire and receive a service retirement allowance beginning upon the attainment of age 55 upon written application to the board of trustees setting forth at what time not less than 30 days nor more than 90 days subsequent to the filing thereof the member desires to be retired, notwithstanding that during such period of notification the member may have separated from service.

(b) Upon service retirement, a group II member shall receive a service retirement allowance which shall consist of:

(1) A member annuity which shall be the actuarial equivalent of his accumulated contributions at the time of retirement; and

(2) **For members who commenced service before July 1, 2011**, a state annuity which, together with his **or her** member annuity, shall be equal to 2-1/2 percent of his **or her** average final compensation multiplied by the number of years of his **or her** creditable service not in excess of 40 years, **or for members who commenced service on or after July 1, 2011, a state annuity which, together with his or her member annuity, shall be equal to 2 percent of his or her average final compensation multiplied by the number of years of his or her creditable service not in excess of 25 years.**

(c)(1) Notwithstanding any provision of RSA 100-A to the contrary, any group II member who **commenced service before July 1, 2011 and** has retired on or after the effective date of this subparagraph after attaining the age of 45 with at least 20 years of creditable service shall receive a minimum annual service retirement allowance of \$10,000, **and any group II member commenced service on or after July 1, 2011 and has retired on or after the effective date of this subparagraph after attaining the age of 50 with at least 25 years of creditable service, shall receive beginning upon the attainment of age 55 a minimum annual service retirement allowance of \$10,000.** If such group II member has elected to convert the retirement allowance into an optional allowance for the surviving spouse under RSA 100-A:13, the surviving spouse shall be entitled to a proportional share of the \$10,000.

(2) [Repealed.]

(3) [Repealed.]

6 Disability Retirement; Group I Age Increased. Amend RSA 100-A:6, I(b) to read as follows:

(b)(1) Upon ordinary disability retirement, the group I member who has attained age 60 **if the member commenced service before July 1, 2011 or the age of 65 if the member commenced service on or after July 1, 2011** shall receive an ordinary disability retirement allowance which shall consist of a member annuity and shall be the actuarial equivalent of the member's accumulated contributions at the time of his ordinary disability retirement, and a state annuity as follows:

(A) Prior to the member's attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/60 of the member's average final compensation at the time of his ordinary disability retirement multiplied by the number of years of creditable service at the time of his ordinary disability retirement;

(B) After attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/66 of the member's average final compensation at the time of his ordinary disability retirement multiplied by the number of years of creditable service at the time of his ordinary disability retirement;

(C) Regardless of age at disability, the ordinary disability retirement allowance shall not be less than 25 percent of the member's average final compensation at the time of his **or her** disability retirement.

(2) Upon ordinary disability retirement, the group I member who has not attained age 60 **if the member commenced service before July 1, 2011 or the age of 65 if the member commenced service on or after July 1, 2011** shall receive an ordinary disability retirement allowance which shall consist of: a member annuity which shall be the

actuarial equivalent of the member's accumulated contributions at the time of his ordinary disability retirement; and a state annuity which, together with the member annuity, shall be equal to 1.5 percent of the member's average final compensation at the time of his ordinary disability retirement multiplied by the number of years of creditable service at that time of his ordinary disability retirement. However, regardless of age at disability, the ordinary disability retirement allowance shall not be less than 25 percent of the member's average final compensation at the time of his **or her** disability retirement.

7 Accidental Disability Retirement; Group I. Amend RSA 100-A:6, I(d) to read as follows:

(d)(1) Upon accidental disability retirement, the group I member who has attained age 60 ***if the member commenced service before July 1, 2011 or the age of 65 if the member commenced service on or after July 1, 2011*** shall receive an accidental disability retirement allowance which shall consist of a member annuity and shall be the actuarial equivalent of the member's accumulated contributions at the time of his accidental disability retirement, and a state annuity as follows:

(A) Prior to the member's attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/60 of the member's average final compensation at the time of his accidental disability retirement multiplied by the number of years of creditable service at the time of his accidental disability retirement;

(B) After attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/66 of the member's average final compensation at the time of his accidental disability retirement multiplied by the number of years of creditable service at the time of his accidental disability retirement;

(C) Regardless of age at disability, such allowance shall not be less than 50 percent of the member's average final compensation at the time of his accidental disability retirement.

(2) Upon accidental disability retirement, the group I member who has not attained age 60 ***if the member commenced service before July 1, 2011 or the age of 65 if the member commenced service on or after July 1, 2011*** shall receive an accidental disability retirement allowance which shall consist of: the member annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of his accidental disability retirement; and a state annuity which, together with the member annuity, shall be equal to 50 percent of the member's average final compensation at the time of his disability retirement.

8 Ordinary Disability Retirement; Group II. Amend RSA 100-A:6, II(b) to read as follows:

(b) Upon ordinary disability retirement, the group II member shall receive an ordinary disability retirement allowance which shall consist of: a member annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his **or her** ordinary disability retirement; and a state annuity which, together with his **or her** member annuity, ***for members who commenced service before July 1, 2011***, shall be equal to 2-1/2 percent of his **or her** average final compensation at the time of ~~his~~ ordinary disability retirement multiplied by the number of years of his **or her** creditable service not in excess of 40 at the time of ~~his~~ ordinary disability retirement, ***or for members who commenced service on or after July 1, 2011, shall be equal to 2 percent of his or her average final compensation at the time of ordinary disability retirement multiplied by the number of years of his or her creditable service not in excess of 25 at the time of ordinary disability retirement***, provided, however, that such allowance shall not be less than 25 percent of the member's final compensation at the time of his **or her** disability retirement.

9 Accidental Disability Retirement; Group II. Amend RSA 100-A:6, II(d) to read as follows:

(d)(1) Upon accidental disability retirement, the group II member ***who commenced service before July 1, 2011***, shall receive an accidental disability retirement

allowance equal to 2/3 of his **or her** average final compensation at the time of ~~his~~ disability retirement, **and the group II member who commenced service on or after July 1, 2011, shall receive an accidental disability retirement allowance equal to 1/2 of his or her average final compensation at the time of disability retirement.**

(2) For any group II member who has more than 26-2/3 years of service, a supplemental disability retirement allowance shall be paid. Such supplement shall be equal to 2-1/2 percent of his **or her** average final compensation multiplied by the number of years of his **or her** creditable service in excess of 26-2/3 but not in excess of 40 years. **Provided however that an accidental disability retirement allowance together with a supplemental disability retirement allowance, as provided in this subparagraph, shall not exceed 100 percent of the disability retiree's average final compensation.**

10 Vested Deferred; Group II Age Increased. Amend RSA 100-A:10, II(b) to read as follows:

(b) **For members who commenced service before July 1, 2011**, upon the member's attainment of age 45, provided the member would then have completed 20 years of creditable service, otherwise the subsequent date on which such 20 years would have been completed, or at any time after age 60, **or for members who commenced service on or after July 1, 2011, upon the member's attainment of age 50, provided the member would then have completed 25 years of creditable service, otherwise the subsequent date on which such 25 years would have been completed, or at any time after age 65**, a group II member who meets the requirement of subparagraph (a) may make application on a form prescribed by the board of trustees and receive a vested deferred retirement allowance which shall consist of: (1) A member annuity which shall be the actuarial equivalent of accumulated contributions on the date the member's retirement allowance commences; and (2) A state annuity which, together with the member annuity, shall be equal to a service retirement allowance based on the member's average final compensation and creditable service at the time the member's service is terminated.

11 Return of Contributions. Amend RSA 100-A:11, I(c) to read as follows:

(c) Upon the death of a group I member who has elected, pursuant to RSA 100-A:10, to receive a vested deferred retirement allowance before his **or her** attainment of age 60 **if the member commenced service before July 1, 2011 or the age of 65 if the member commenced service on or after July 1, 2011**, the amount of his **or her** accumulated contributions at the time of his **or her** death shall be paid to the person or persons, if any, nominated by ~~him~~ **the member**, if living, otherwise to the member's estate.

12 Split Benefits; Minimum Age. Amend RSA 100-A:19-b to read as follows:

100-A:19-b Minimum Age. For the purposes of this subdivision only, minimum age shall mean:

I. For a member who has completed less than 20 years combined creditable service in both group I and group II, 60 years **if the member commenced service before July 1, 2011 or 65 years if the member commenced service on or after July 1, 2011.**

II. For a member **who commenced service before July 1, 2011 and**, who has completed 20 or more years of combined creditable service, one year shall be deducted from age 60 for each year of creditable group II service, provided that the age shall not be less than 45 years. **For a member who commenced service on or after July 1, 2011 and, who has completed 25 or more years of combined creditable service, one year shall be deducted from age 65 for each year of creditable group II service, provided that the age shall not be less than 50 years.**

13 Split Benefits; Reduced Early Retirement; Minimum Age. Amend RSA 100-A:19-d to read as follows:

100-A:19-d Reduced Early Retirement. Notwithstanding any other provision of law, any retirement system member who has creditable service in both group I and group II with at least 10 years combined creditable service, and who has attained an age which is at least 45 **for members who commenced group II service prior to July 1, 2011 or at least 50 for**

members who commenced group II service on or after July 1, 2011 and is within 10 years of the minimum age set forth in RSA 100-A:19-b, may elect to retire and have benefits commence immediately as a reduced split-benefit service retirement allowance. Application shall be as provided in RSA 100-A:5, I(c). The allowance shall be determined as a split-benefit service retirement allowance in accordance with RSA 100-A:19-c, and the total combined split-benefit service allowance shall be reduced by the percentages shown in RSA 100-A:5, I(c), based on the total combined length of creditable service, for each month by which the date on which benefits commence precedes the month after which the member attains the minimum age set forth in RSA 100-A:19-b.

14 State Employees; Retirement. Amend RSA 21-I:30, II(a) to read as follows:

(a) Has at least 10 years of creditable service for the state if the employee's service began prior to July 1, 2003 or 20 years of creditable service if the employee's service began on or after July 1, 2003, and who also is at least 60 years of age at the time of retirement **if the employee commenced service before July 1, 2011 or at least 65 years of age at the time of retirement if the employee commenced service on or after July 1, 2011**; or

15 State Employees; Group Insurance Benefits; Group II. Amend RSA 21-I:30, III to read as follows:

III. Any vested deferred state retiree may receive medical and surgical benefits under this section if the vested deferred state retiree is eligible. To be eligible, a group I vested deferred state retiree shall have at least 10 years of creditable service with the state if the employee's service began prior to July 1, 2003 or 20 years of creditable service with the state if the employee's service began on or after July 1, 2003 and a group II vested deferred state retiree shall have at least 20 years of creditable service with the state if the employee's service with the state began on or after July 1, 2010. In addition, if the vested deferred state retiree is a member of group I, such retiree shall be at least 60 years of age to be eligible **if the member commenced service before July 1, 2011 or 65 years of age if the member commenced service on or after July 1, 2011**. If the vested deferred state retiree is a member of group II **who commenced service before July 1, 2011**, such retiree shall not be eligible until 20 years from the date of becoming a member of group II and shall be at least 45 years of age, **and any group II member who commenced service on or after July 1, 2011 shall not be eligible until 25 years from the date of becoming a member of group II and shall be at least 50 years of age**.

16 Financing; Contribution Rates; Group II Member Payroll Deduction. Amend RSA 100-A:16, I(a) to read as follows:

(a) The member annuity savings fund shall be a fund in which shall be accumulated the contributions deducted from the compensation of members to provide for their member annuities together with any amounts transferred thereto from a similar fund under one or more of the predecessor systems. Such contribution shall be, for each member, dependent upon the member's employment classification at the rate determined in accordance with the following table:

Employees of employers other than the state **hired on or before June 30, 2011**, 5.00

Employees of the state hired on or before June 30, 2009, 5.00

Employees of the state hired after June 30, 2009, 7.00

Teachers **hired on or before June 30, 2011**, 5.00

Permanent Policemen **hired on or before June 30, 2011**, 9.30

Permanent Firemen **hired on or before June 30, 2011**, 9.30

Group I members hired after June 30, 2011, 7.00

Group II permanent fireman members hired after June 30, 2011, 11.80

Group II permanent police members hired after June 30, 2011, 11.55

The board of trustees shall certify to the proper authority or officer responsible for making up the payroll of each employer, and such authority or officer shall cause to be deducted from the compensation of each member, except group II members **who commenced service**

before July 1, 2011 with creditable service in excess of 40 years *or group II members who commenced service on or after July 1, 2011 with creditable service in excess of 25 years*, as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), on each and every payroll of such employer for each and every payroll period, the percentage of earnable compensation applicable to such member. No deduction from earnable compensation under this paragraph shall apply to any group II member *who commenced service before July 1, 2011* with creditable service in excess of 40 years, *or group II member who commenced service on or after July 1, 2011 with creditable service in excess of 25 years*, as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), and this provision for such members shall not affect the method of determining average final compensation as provided in RSA 100-A:1, XVIII. In determining the amount earnable by a member in a payroll period, the board may consider the rate of compensation payable to such member on the first day of a payroll period as continuing throughout the payroll period and it may omit deduction from compensation for any period less than a full payroll period if such person was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed 1/10 of one percent of the annual earnable compensation upon the basis of which such deduction is made. The amounts deducted shall be reported to the board of trustees. Each of such amounts, when deducted, shall be paid to the retirement system at such times as may be designated by the board of trustees and credited to the individual account, in the member annuity savings fund, of the member from whose compensation the deduction was made.

Amend paragraph II of section 32 of the bill by replacing it with the following:

II. If as provided in paragraph I of this section, any phrase, clause, sentence, or provision is held contrary to the constitution of this state or of the United States, the remaining provisions of the act shall be in full force and effect as to all severable matters, and section 33 of this act shall take effect on the July 1 next following the date that the board of trustees certifies to the secretary of state and the director of legislative services of the occurrence of a final ruling on the declaration described in paragraph I.

Amend paragraph I of section 36 of the bill by replacing it with the following:

I. Section 33 of this act shall take effect as provided in section 32 of this act.

Rep. Pierce spoke in favor.

Rep. Hawkins spoke against.

Rep. Brunelle requested a roll call; sufficiently seconded.

YEAS 136 NAYS 224

YEAS 136

BELKNAP

Luther, Robert

Millham, Alida

CARROLL

Knox, J. David

Scala, Dino

CHESHIRE

Butynski, William
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Carr, Daniel
Lerandean, Alfred
Roberts, Kris
Weed, Charles

Chase, Cynthia
Lindsey, Steven
Sad, Tara

Hawkes, Samuel
Meador, David
Tatro, Bruce

COOS

Coulombe, Gary

Hatch, William

Merrick, Evalyn

Rappaport, Laurence

Remick, William

Richardson, Herbert

Theberge, Robert

Thomas, Yvonne

GRAFTON

Aguiar, James
Cooney, Mary
Pastor, Beatriz
Townsend, Charles

Almy, Susan
Gould, Franklin
Pierce, David
White, Andrew

Benn, Bernard
Harding, Laurie
Smith, Suzanne

Bradley, Lester
Nordgren, Sharon
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin
Campbell, David
Gandia, Laura
Greazzo, Phil
Long, Patrick
Proulx, Mark
Rosenwald, Cindy

Brown, Kevin
Cote, David
Garritty, Patrick
Infantine, William
McCarthy, Michael
Ramsey, Peter
Shaw, Barbara

Brunelle, Michael
Day, Russell
Goley, Jeffrey
Jeudy, Jean
Pilotte, Maurice
Rhodes, Brian
Sullivan, Daniel

Buxton, Michael
Fredette, Robert
Gorman, Mary
Katsiantonis, Thomas
Porter, Marjorie
Rokas, Ted

MERRIMACK

Bouchard, Candace
Frazer, June
Lockwood, Priscilla
Potter, Frances
Seaworth, G. Brian
Williams, Robert

Deloge, Helen
Gile, Mary
MacKay, James
Rice, Chip
Shurtleff, Stephen

DeStefano, Stephen
Hamm, Christine
Owen, Derek
Richardson, Gary
Wallner, Mary Jane

Foose, Robert
Lindsley, Mark
Patten, Dick
Richardson, Jon
Watrous, Rick

ROCKINGHAM

Cali-Pitts, Jacqueline
Copeland, Timothy
Elliott, Robert
Norelli, Terie
Powers, James
Schlachman, Donna
Webb, James

Case, Frank
DeSimone, Debra
Lovejoy, Patricia
Pantelakos, Laura
Quandt, Marshall
Serlin, Christopher

Charron, Gene
DiPentima, Rich
McKinney, Betsy
Perkins, Amy
Quandt, Matt
Waddell, James

Chirichiello, Brian
Dowling, Patricia
Moody, Marcia
Perkins, Lawrence
Read, Robin Jr
Ward, Joanne

STRAFFORD

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

Brown, Julie
Grassie, Anne
Keans, Sandra
Spainhower, Dale
Watters, David

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

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

SULLIVAN

Cloutier, John
Smith, Steven

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

NAYS 224

BELKNAP

Accornero, Harry
Greemore, Robert
Russell, David

Bolster, Peter
Kingsbury, Robert
St. Cyr, Jeffrey

Comtois, Guy
Malone, Robert
Tilton, Franklin

Fields, Dennis
Pilliod, James
Tobin, William

Worsman, Colette

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie

Babson, David Jr
McConkey, Mark
Schmidt, Stephen

Chandler, Gene
Merrow, Harry
Tregenza, Norman

Fleck, Joseph
Patten, Betsey
Umberger, Karen

CHESHIRE

Byrnes, John
Johnson, Jane
Sterling, Franklin Jr

Cartwright, Anne
Moore, Charles

Emerson, Susan
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy

Tremblay, Marc

GRAFTON

Bulis, Lyle
Ladd, Rick Jr
Sorg, Gregory

Eaton, Stephanie
Mirski, Paul
Sova, Charles

Gionet, Edmond
Reilly, Harold Sr

Ingbretson, Paul
Simard, Paul

HILLSBOROUGH

Avard, Kevin
Belanger, James
Cebrowski, John

Balboni, Michael
Belvin, William
Champagne, Norma

Barry, J. Gail
Boehm, Ralph
Christensen, D.L.
Chris

Barry, Richard
Burt, John
Christiansen, Lars

Coffey, James
Daniels, Gary
Drisko, Richard
Gargas, Carolyn
Haefner, Robert
Hikel, John
Hopper, Gary
Kurk, Neal
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James
Pratt, Calvin
Scotsas, Lisa
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Condra, William
DeJong, Cameron
Erickson, Duane
Gimas, John
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
LeBrun, Donald
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Coughlin, Sean
Doherty, Shaun
Flanagan, Jack
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith
Jasper, Shawn
Maltz, Jonathan
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Robbins, David
Silva, Peter
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Graham, John
Hawkins, Kenneth
Holden, Frank
Krasucki, Joseph
Marcus, Bruce
Messier, Irene
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Rowe, Robert
Simmons, Tammy
Summers, James
Twombly, Timothy
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kidder, David
McDonnell, John
Reed, Dennis
Winter, Steven

Coffey, Jennifer
Hess, David
Kotowski, Frank
McGuire, Carol
Sanborn, Laurie

Cohn, Seth
Hill, Gregory
Kreis, Kenneth Sr
McGuire, Dan
Smith, Molly

Cox, Sean
Hoell, J.R.
Lauer-Rago, Kathleen
Palfrey, David
Smith, Todd

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Antosz, Jason	Azarian, Gary
Baldasaro, Alfred	Bates, David	Bettencourt, David	Birdsell, Regina
Brown, Paul	Comerford, Timothy	Davenport, Joshua	Devine, James
Duarte, Joe	Ferrante, Beverly	Fesh, Robert	Garcia, Marilinda
Garrity, James	Gould, Kenneth	Griffin, Mary	Hagan, Joseph
Headd, James	Hoelzel, Kathleen	Introne, Robert	Itse, Daniel
Kappler, Lawrence	Katsakiores, Phyllis	Kolodziej, Walter	MacMahon, Bruce
Major, Norman	Manuse, Andrew	Mauro, Donna	McMahon, Charles
Murphy, Brian	O'Connor, John	Okerman, Richard	Packard, Sherman
Reagan, John	Reichard, Kevin	Rice, Frederick	Ritter, Glenn
Sanders, Elisabeth	Sapareto, Frank	Sedensky, John	Sheffert, Kenneth
Shuler, Wyman III	Smith, William	Sullivan, James	Sytek, John
Tamburello, Daniel	Tasker, Kyle	Tremblay, Stella	Tucker, Pamela
Waterhouse, Kevin	Welch, David	Weyler, Kenneth	

STRAFFORD

Andolina, Donald	DeLemus, Susan	Groen, Warren	Hofemann, Roland
Jones, Kyle	Jones, Laura	Leonard, Frederick Jr	Munck, Philip
Newton, Clifford	O'Connor, William	Parsons, Robbie	Pitre, Joseph
Vita, Carol	Vita, Lucien		

SULLIVAN

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

and floor amendment (1229h) failed.

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

Rep. Baroody offered floor amendment (1275h).

Floor Amendment (1275h)

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

AN ACT relative to the New Hampshire retirement system.

Amend the bill by deleting section 32 and renumbering the original sections 33-38 to read as 32-37, respectively.

Amend paragraph II of section 33 of the bill by replacing it with the following:

II. If as provided in paragraph I of this section, any phrase, clause, sentence, or provision is held contrary to the constitution of this state or of the United States, the remaining provisions of the act shall be in full force and effect as to all severable matters, and section 34 of this act shall take effect on the July 1 next following the date that the board of trustees certifies to the secretary of state and the director of legislative services of the occurrence of a final ruling on the declaration described in paragraph I.

Amend paragraph I of section 37 of the bill by replacing it with the following:

I. Section 34 of this act shall take effect as provided in section 33 of this act.

AMENDED ANALYSIS

This bill makes various changes to the state retirement system including:

I. Increasing retirement ages of group I and group II members for service retirement, disability retirement, vested deferred retirement, and split benefits.

II. Changing the definitions of earnable compensation and average final compensation used in calculating retirement benefits.

III. Changing the composition of the board of trustees.

IV. Eliminating the special account.

V. Increasing contribution rates.

VI. Establishing a committee to study the establishment of a voluntary defined contribution plan.

VII. Prohibiting a member in service from concurrently receiving benefits.

This bill also establishes a program allowing a state employee to refuse his or her rights as a state employee to receive state medical, dental, and retirement benefits in order to instead receive an increase in his or her base salary or wage.

Reps. Gagnon and Proulx spoke in favor.

Rep. Hawkins spoke against.

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

YEAS 137 NAYS 229

YEAS 137

BELKNAP

Luther, Robert

St. Cyr, Jeffrey

CARROLL

Knox, J. David

CHESHIRE

Butynski, William
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Carr, Daniel
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Chase, Cynthia
Lindsey, Steven
Sad, Tara

Hawkes, Samuel
Meador, David
Tatro, Bruce

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William
Thomas, Yvonne

Merrick, Evalyn

Richardson, Herbert

GRAFTON

Aguiar, James
Eaton, Stephanie
Pastor, Beatriz
Taylor, Kathleen

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

Benn, Bernard
Harding, Laurie
Reilly, Harold Sr
White, Andrew

Cooney, Mary
Nordgren, Sharon
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Garrity, Patrick
Gorman, Mary
Katsiantonis, Thomas
McGuinness, Sean
Palmer, Barry
Ramsey, Peter
Shaw, Barbara
Twombly, Timothy

Brunelle, Michael
Day, Russell
Gidge, Kenneth
Graham, John
Levasseur, Nickolas
Messier, Irene
Pilotte, Maurice
Rhodes, Brian
Simmons, Tammy
Whitehead, Randall

Buxton, Michael
Gandia, Laura
Gimas, John
Infantine, William
Long, Patrick
Ober, Lynne
Porter, Marjorie
Rokas, Ted
Sullivan, Daniel

Campbell, David
Gargas, Carolyn
Goley, Jeffrey
Jeudy, Jean
McCarthy, Michael
Ober, Russell III
Proulx, Mark
Rosenwald, Cindy
Terrio, Ross

MERRIMACK

Bouchard, Candace

Deloge, Helen

DeStefano, Stephen

Foose, Robert

Frazer, June
Owen, Derek
Rice, Chip
Soltani, Tony

Gile, Mary
Patten, Dick
Richardson, Gary
Wallner, Mary Jane

Hamm, Christine
Potter, Frances
Richardson, Jon
Watrous, Rick

MacKay, James
Reed, Dennis
Shurtleff, Stephen
Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline
DiPentima, Rich
Norelli, Terie
Powers, James
Schlachman, Donna

Case, Frank
Katsakiores, Phyllis
Pantelakos, Laura
Quandt, Marshall
Serlin, Christopher

Copeland, Timothy
Lovejoy, Patricia
Perkins, Amy
Quandt, Matt
Sytek, John

DeSimone, Debra
Moody, Marcia
Perkins, Lawrence
Read, Robin Jr

STRAFFORD

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

Brown, Julie
Hofemann, Roland
Keans, Sandra
Spainhower, Dale
Watters, David

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

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

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

NAYS 229

BELKNAP

Accornero, Harry
Greemore, Robert
Pilliod, James
Tobin, William

Bolster, Peter
Kingsbury, Robert
Russell, David
Worsman, Colette

Comtois, Guy
Malone, Robert
Swinford, Elaine

Fields, Dennis
Millham, Alida
Tilton, Franklin

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Babson, David Jr
McConkey, Mark
Scala, Dino

Chandler, Gene
Merrow, Harry
Schmidt, Stephen

Fleck, Joseph
Patten, Betsey
Tregenza, Norman

CHESHIRE

Byrnes, John
Johnson, Jane
Sterling, Franklin Jr

Cartwright, Anne
Moore, Charles

Emerson, Susan
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy

Rappaport, Laurence

Remick, William

Tremblay, Marc

GRAFTON

Bradley, Lester
Ladd, Rick Jr
Sova, Charles

Bulis, Lyle
Mirski, Paul

Gionet, Edmond
Simard, Paul

Ingbretson, Paul
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Belanger, James
Burt, John

Christiansen, Lars
Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert
Haefner, Robert
Hikel, John
Hutchinson, Winfred
LeBrun, Donald
Mecheski, Holly
Ohm, Bill
Pepino, Leo
Robbins, David
Silva, Peter
Summers, James
Vaillancourt, Steve

Balboni, Michael
Belvin, William
Cebrowski, John

Coffey, James
Daniels, Gary
Drisko, Richard
Gagne, Larry
Hansen, Peter
Hinch, Richard
Jasper, Shawn
Maltz, Jonathan
Moran, Edward
Palmer, Stephen
Peterson, Lenette
Rowe, Robert
Soucy, Connie
Swank, Matthew
Villeneuve, Moe

Barry, J. Gail
Boehm, Ralph
Champagne, Norma

Condra, William
DeJong, Cameron
Erickson, Duane
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith
Krasucki, Joseph
Marcus, Bruce
Murphy, Keith
Parison, James
Pratt, Calvin
Scontsas, Lisa
Stepanek, Stephen
Thomas, Joseph
Warden, Mark

Barry, Richard
Brown, Kevin
Christensen, D.L.
Chris
Coughlin, Sean
Doherty, Shaun
Flanagan, Jack
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Kurk, Neal
McClarren, Donald
Notter, Jeanine
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Stroud, Kathleen
Ulery, Jordan
Willette, Robert

MERRIMACK

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

Coffey, Jennifer
Hess, David
Kotowski, Frank
Lockwood, Priscilla
Palfrey, David
Smith, Todd

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

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

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Davenport, Joshua
Elliott, Robert
Garrity, James
Headd, James
Kappler, Lawrence
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Ritter, Glenn
Sheffert, Kenneth
Tamburello, Daniel
Waddell, James
Welch, David

Allen, Mary
Bates, David
Charron, Gene
Devine, James
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Antosz, Jason
Bettencourt, David
Chirichiello, Brian
Dowling, Patricia
Fesh, Robert
Griffin, Mary
Introne, Robert
MacMahon, Bruce
McKinney, Betsy
O'Connor, John
Reichard, Kevin
Sapareto, Frank
Smith, William
Tremblay, Stella
Waterhouse, Kevin

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Duarte, Joe
Garcia, Marilinda
Hagan, Joseph
Itse, Daniel
Major, Norman
McMahon, Charles
Okerman, Richard
Rice, Frederick
Sedensky, John
Sullivan, James
Tucker, Pamela
Webb, James

STRAFFORD

Andolina, Donald
Jones, Kyle
Munck, Philip
Pitre, Joseph

DeLemus, Susan
Jones, Laura
Newton, Clifford
Vita, Carol

Domingo, Baldwin
Larsen, Kirsten
O'Connor, William
Vita, Lucien

Groen, Warren
Leonard, Frederick Jr
Parsons, Robbie

SULLIVAN

Bowers, Spec

Cunningham, Steven

Howard, Thomas

LaCasse, Paul Sr

Laware, Thomas Osgood, Joe
and floor amendment (1275h) failed.

Rodeschin, Beverly

Smith, Steven

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

MOTION TO LAY ON THE TABLE

Rep. Gary Richardson moved that ***HB 580-FN-L***, relative to the New Hampshire retirement system, and relative to continuation of provisions of a collective bargaining agreement following the end of the term of the agreement, be laid on the table.

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

YEAS 132 NAYS 235

YEAS 132

BELKNAP

Luther, Robert

CARROLL

Knox, J. David

CHESHIRE

Butynski, William
Hawkes, Samuel
Meador, David
Tatro, Bruce

Carr, Daniel
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Chase, Cynthia
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Emerson, Susan
Lindsey, Steven
Sad, Tara

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William
Thomas, Yvonne

Merrick, Evalyn
Tremblay, Marc

Richardson, Herbert

GRAFTON

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

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Garrity, Patrick
Gorman, Mary
Levasseur, Nickolas
Messier, Irene
Proulx, Mark
Rosenwald, Cindy
Twombly, Timothy

Brunelle, Michael
Day, Russell
Gidge, Kenneth
Infantine, William
Long, Patrick
Palmer, Barry
Ramsey, Peter
Shaw, Barbara

Buxton, Michael
Fredette, Robert
Gimas, John
Jeudy, Jean
McCarthy, Michael
Pilotte, Maurice
Rhodes, Brian
Sullivan, Daniel

Campbell, David
Gandia, Laura
Goley, Jeffrey
Katsiantonis, Thomas
McGuinness, Sean
Porter, Marjorie
Rokas, Ted
Terrio, Ross

MERRIMACK

Bouchard, Candace

Coffey, Jennifer

Deloge, Helen

DeStefano, Stephen

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

Frazer, June
Owen, Derek
Richardson, Gary
Watrous, Rick

Gile, Mary
Patten, Dick
Shurtleff, Stephen
Williams, Robert

Hamm, Christine
Potter, Frances
Soltani, Tony

ROCKINGHAM

Cali-Pitts, Jacqueline
DiPentima, Rich
Pantelakos, Laura
Quandt, Marshall
Serlin, Christopher
Webb, James

Charron, Gene
Lovejoy, Patricia
Perkins, Amy
Quandt, Matt
Sytek, John

Copeland, Timothy
Moody, Marcia
Perkins, Lawrence
Read, Robin Jr
Waddell, James

DeSimone, Debra
Norelli, Terie
Powers, James
Schlachman, Donna
Ward, Joanne

STRAFFORD

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

Brown, Julie
Hofemann, Roland
Keans, Sandra
Spainhower, Dale
Watters, David

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

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

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

NAYS 235

BELKNAP

Accornero, Harry
Greemore, Robert
Pilliod, James
Tilton, Franklin

Bolster, Peter
Kingsbury, Robert
Russell, David
Tobin, William

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

Fields, Dennis
Millham, Alida
Swinford, Elaine

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Babson, David Jr
McConkey, Mark
Scala, Dino

Chandler, Gene
Merrow, Harry
Schmidt, Stephen

Fleck, Joseph
Patten, Betsey
Tregenza, Norman

CHESHIRE

Byrnes, John
Moore, Charles

Cartwright, Anne
Moore, Robert Jr

Hunt, John
Smith, Edwin

Johnson, Jane
Sterling, Franklin Jr

COOS

Daugherty, Duffy

Rappaport, Laurence

Remick, William

GRAFTON

Bradley, Lester
Ingbretson, Paul
Simard, Paul

Bulis, Lyle
Ladd, Rick Jr
Sorg, Gregory

Eaton, Stephanie
Mirski, Paul
Sova, Charles

Gionet, Edmond
Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin
Belanger, James
Burt, John

Christiansen, Lars
Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Krasucki, Joseph
Marcus, Bruce
Murphy, Keith
Ohm, Bill
Pepino, Leo
Robbins, David
Silva, Peter
Stroud, Kathleen
Ulery, Jordan
Whitehead, Randall

Balboni, Michael
Belvin, William
Cebrowski, John

Coffey, James
Daniels, Gary
Drisko, Richard
Gargas, Carolyn
Haefner, Robert
Hikel, John
Hopper, Gary
Kurk, Neal
McClarren, Donald
Notter, Jeanine
Palmer, Stephen
Peterson, Lenette
Rowe, Robert
Simmons, Tammy
Summers, James
Vaillancourt, Steve
Willette, Robert

Barry, J. Gail
Boehm, Ralph
Champagne, Norma

Condra, William
DeJong, Cameron
Erickson, Duane
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
LeBrun, Donald
Mecheski, Holly
Ober, Lynne
Parison, James
Pratt, Calvin
Scontsas, Lisa
Soucy, Connie
Swank, Matthew
Villeneuve, Moe

Barry, Richard
Brown, Kevin
Christensen, D.L.
Chris
Coughlin, Sean
Doherty, Shaun
Flanagan, Jack
Graham, John
Hardwick, Harry
Hogan, Edith
Jasper, Shawn
Maltz, Jonathan
Moran, Edward
Ober, Russell III
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
Hess, David
Kotowski, Frank
Lockwood, Priscilla
Palfrey, David
Seaworth, G. Brian

Cohn, Seth
Hill, Gregory
Kreis, Kenneth Sr
McDonnell, John
Reed, Dennis
Smith, Molly

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

Giuda, J. Brandon
Kidder, David
Lindsley, Mark
McGuire, Dan
Sanborn, Laurie
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Davenport, Joshua
Elliott, Robert
Garrity, James
Headd, James
Kappler, Lawrence
Major, Norman
McMahon, Charles
Okerman, Richard
Rice, Frederick
Sedensky, John
Sullivan, James
Tucker, Pamela

Allen, Mary
Bates, David
Case, Frank
Devine, James
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Ritter, Glenn
Sheffert, Kenneth
Tamburello, Daniel
Waterhouse, Kevin

Antosz, Jason
Bettencourt, David
Chirichiello, Brian
Dowling, Patricia
Fesh, Robert
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tasker, Kyle
Welch, David

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Duarte, Joe
Garcia, Marilinda
Hagan, Joseph
Itse, Daniel
MacMahon, Bruce
McKinney, Betsy
O'Connor, John
Reichard, Kevin
Sapareto, Frank
Smith, William
Tremblay, Stella
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Jones, Kyle
Munck, Philip
Pitre, Joseph

DeLemus, Susan
Jones, Laura
Newton, Clifford
Vita, Carol

Domingo, Baldwin
Larsen, Kirsten
O'Connor, William
Vita, Lucien

Groen, Warren
Leonard, Frederick Jr
Parsons, Robbie

SULLIVAN

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

and the motion failed.

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

Rep. Shurtleff spoke against and yielded to questions.

Rep. Hawkins spoke in favor and yielded to questions.

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

YEAS 228 NAYS 139

YEAS 228

BELKNAP

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

CARROLL

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

CHESHIRE

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

COOS

Daugherty, Duffy	Rappaport, Laurence	Tremblay, Marc
------------------	---------------------	----------------

GRAFTON

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

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Barry, J. Gail	Barry, Richard
Belanger, James	Belvin, William	Boehm, Ralph	Brown, Kevin
Burt, John	Cebrowski, John	Champagne, Norma	Christensen, D.L.
			Chris
Christiansen, Lars	Coffey, James	Condra, William	Coughlin, Sean
Cusson-Cail, Kathleen	Daniels, Gary	DeJong, Cameron	Doherty, Shaun
Donovan, Daniel	Drisko, Richard	Erickson, Duane	Flanagan, Jack
Gagne, Larry	Gargasz, Carolyn	Gonzalez, Carlos	Graham, John
Greazzo, Phil	Haefner, Robert	Hansen, Peter	Hardwick, Harry
Hawkins, Kenneth	Hikel, John	Hinch, Richard	Hogan, Edith
Holden, Frank	Hopper, Gary	Hutchinson, Winfred	Jasper, Shawn
Krasucki, Joseph	Kurk, Neal	LeBrun, Donald	Maltz, Jonathan
Marcus, Bruce	McClarren, Donald	McGuinness, Sean	Mecheski, Holly
Moran, Edward	Murphy, Keith	Notter, Jeanine	Ober, Lynne

Ober, Russell III
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Terrio, Ross
Villeneuve, Moe

Ohm, Bill
Pepino, Leo
Robbins, David
Silva, Peter
Stroud, Kathleen
Thomas, Joseph
Warden, Mark

Palmer, Stephen
Peterson, Lenette
Rowe, Robert
Simmons, Tammy
Summers, James
Ulery, Jordan
Whitehead, Randall

Parison, James
Pratt, Calvin
Scontsas, Lisa
Soucy, Connie
Swank, Matthew
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kidder, David
Lockwood, Priscilla
Palfrey, David
Smith, Molly

Coffey, Jennifer
Hess, David
Kotowski, Frank
McDonnell, John
Reed, Dennis
Winter, Steven

Cohn, Seth
Hill, Gregory
Kreis, Kenneth Sr
McGuire, Carol
Sanborn, Laurie

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

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Davenport, Joshua
Fesh, Robert
Griffin, Mary
Introne, Robert
Major, Norman
McMahon, Charles
Okerman, Richard
Rice, Frederick
Sedensky, John
Sullivan, James
Tremblay, Stella
Weyler, Kenneth

Allen, Mary
Bates, David
Case, Frank
Devine, James
Garcia, Marilinda
Hagan, Joseph
Itse, Daniel
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Ritter, Glenn
Sheffert, Kenneth
Sytek, John
Tucker, Pamela

Antosz, Jason
Bettencourt, David
Chirichiello, Brian
Duarte, Joe
Garrity, James
Headd, James
Kappler, Lawrence
Mauro, Donna
Nevins, Chris
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Waterhouse, Kevin

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Elliott, Robert
Gould, Kenneth
Hoelzel, Kathleen
Kolodziej, Walter
McKinney, Betsy
O'Connor, John
Reichard, Kevin
Sapareto, Frank
Smith, William
Tasker, Kyle
Welch, David

STRAFFORD

Andolina, Donald
Jones, Laura
Newton, Clifford
Vita, Carol

DeLemus, Susan
Larsen, Kirsten
O'Connor, William
Vita, Lucien

Groen, Warren
Leonard, Frederick Jr
Parsons, Robbie

Jones, Kyle
Munck, Philip
Pitre, Joseph

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

NAYS 139

BELKNAP

Luther, Robert

CARROLL

Knox, J. David

CHESHIRE

Butynski, William
Johnsen, Gladys
Meader, David
Tatro, Bruce

Carr, Daniel
Johnson, Jane
Parkhurst, Henry
Weber, Lucy

Chase, Cynthia
Lerandean, Alfred
Roberts, Kris
Weed, Charles

Hawkes, Samuel
Lindsey, Steven
Sad, Tara

COOS

Coulombe, Gary
Richardson, Herbert

Hatch, William
Theberge, Robert

Merrick, Evalyn
Thomas, Yvonne

Remick, William

GRAFTON

Aguiar, James
Cooney, Mary
Mirski, Paul
Smith, Suzanne

Almy, Susan
Eaton, Stephanie
Nordgren, Sharon
Taylor, Kathleen

Benn, Bernard
Gould, Franklin
Pastor, Beatriz
Townsend, Charles

Bradley, Lester
Harding, Laurie
Pierce, David
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Garrity, Patrick
Gorman, Mary
Levasseur, Nickolas
Palmer, Barry
Ramsey, Peter
Shaw, Barbara

Brunelle, Michael
Day, Russell
Gidge, Kenneth
Infantine, William
Long, Patrick
Pilote, Maurice
Rhodes, Brian
Sullivan, Daniel

Buxton, Michael
Fredette, Robert
Gimas, John
Jeudy, Jean
McCarthy, Michael
Porter, Marjorie
Rokas, Ted
Twombly, Timothy

Campbell, David
Gandia, Laura
Goley, Jeffrey
Katsiantonis, Thomas
Messier, Irene
Proulx, Mark
Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
Frazer, June
MacKay, James
Rice, Chip
Smith, Todd
Williams, Robert

Deloge, Helen
Gile, Mary
Owen, Derek
Richardson, Gary
Soltani, Tony

DeStefano, Stephen
Hamm, Christine
Patten, Dick
Richardson, Jon
Wallner, Mary Jane

Foose, Robert
Lindsley, Mark
Potter, Frances
Shurtleff, Stephen
Watrous, Rick

ROCKINGHAM

Cali-Pitts, Jacqueline
DiPentima, Rich
Lovejoy, Patricia
Pantelakos, Laura
Quandt, Marshall
Serlin, Christopher

Charron, Gene
Dowling, Patricia
MacMahon, Bruce
Perkins, Amy
Quandt, Matt
Waddell, James

Copeland, Timothy
Ferrante, Beverly
Moody, Marcia
Perkins, Lawrence
Read, Robin Jr
Ward, Joanne

DeSimone, Debra
Katsakiores, Phyllis
Norelli, Terie
Powers, James
Schlachman, Donna
Webb, James

STRAFFORD

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

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

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

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

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

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

HB 83, relative to vessel registration. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Norman L. Major for the Majority of Ways and Means: This bill adds language to New Hampshire RSA 270-E:3 and requires any vessel capable of being propelled by a motor to be registered, even if the vessel is just to be put or placed in state waters. Such waters include tidal, coastal and inland waters. Current law solely requires registration for the above described vessels operating in these waters. This bill expands a fee on the general public. This bill is at the request of the department of safety to satisfy primarily one resident who is continually calling the marine patrol to report a boat that has been “underway” and is not registered. The marine patrol has to actually see or have proof that the boat is or has been operated on public waters in order to enforce the law. The committee feels we should not be expanding fees on the general public because of an enforcement problem. Vote 14-7.

Rep. Mary R. Cooney for the Minority of Ways and Means: This simple bill would help marine patrol to enforce boat registration laws. Currently, by a trick of wording, marine patrol cannot cite boats for lack of registration if they are moored, only boats which are “operating” or actually underway. This bill would help enforcement.

The question being adoption of the majority committee report of Inexpedient to Legislate.
Rep. Cooney spoke against.

Rep. Daugherty spoke in favor.

On a division vote, 230 members having voted in the affirmative and 111 in the negative, the majority committee report was adopted.

HB 468-FN, relative to assessments for aquatic resource compensatory mitigation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary S. Azarian for Ways and Means: This bill would allow off-site mitigation when on-site mitigation is either impossible or impractical. The assessment provides three distinct advantages. It saves the developer time in expediting the mitigation process, assures the protection of high value wetlands resources and adds value to real estate that would otherwise be undeveloped. There is a benefit for the state, local communities and those that own and develop real estate. Vote 21-0.

Amendment (1124h)

Amend the bill by replacing section 4 with the following:

4 Aquatic Resource Compensatory Mitigation; Effective Date. Amend 2010, 16:10, I to read as follows:

I. Sections 3, 5, and 7 of this act shall take effect July 1, [~~2012~~] **2013**.

Amendment adopted.

Committee report adopted and ordered to third reading.

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

SPECIAL ORDER

HB 2-FN-A-L, relative to state fees, funds, revenues, and expenditures. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth L. Weyler for the Majority of Finance: HB 2 is the companion bill to HB 1, the budget bill. By law the budget can only contain the budget numbers and any explanatory text. Law changes needed to enable the revisions are put in HB 2. The bill as filed was the proposal sent to us by the governor. Since we published his proposal as the first draft of HB 1, it needed to be also published as supporting that document. The version before you, as

with HB 1, has been extensively amended. It is also an opportunity to include House passed bills which direct the House members of the Finance Committee to follow House direction in setting the spending priorities. We have included four reductions in fees or taxes which were included in House Resolution 11. We also amended the four tax bills that we passed and then tabled, still hoping that if revenue increases, we will adopt them. Some of the amendments direct the departments where to spend the monies that we appropriate, others enable them to take some action. A study by a commission made several recommendations to the Judicial Branch to make it more efficient. That required law changes. The Dept. of Transportation contracts out about 40% of its work in plowing and paving. Some of its other functions could also be contracted out, and some of the changes in HB 2 direct this. The state had some programs for college scholarships. Some of the mechanisms for distribution were relatively inefficient, and the committee felt that scholarships were not a core function of government. So, some of these funds were used elsewhere. Our state university and community college systems had stipends from the state. They could have done more to ask their alums to contribute to their upkeep, or to make their professors teach more hours, but it was easier just to ask the state for more money. We have made reductions in these stipends, just as we have had to tighten our belt across all functions of our society. We have made changes to the public employees' retirement and medical benefits. Both of these areas had substantial increases for the last several years. The employees have been largely protected from the increases. Changes in HB 2 ask them to increase their share in these areas. This is a reflection of public sentiment that those who supposedly work for them have it much better than those who are paying them. A recent audit of the state police revealed that in a large sample a typical state trooper only spent 7 out of a 40 hour week actually patrolling the highways. This highlights a system that needed more efficiency. Labor Department was removed from general funding. Marine patrol functions were moved to the state police. Some laboratories were combined for efficiency. State supported clinics were reduced from ten to eight. Many of the programs in Health and Human Services saw small reductions with some guidance from the department. Most of these changes were aimed at efficiency rather than reduction of services. Nearly every department of government had some reduction, and in many cases this bill needed to include language enabling the change. HB 2 is over one hundred pages; some of the typical language required is highlighted here. HB 2 and HB 1 cannot exist independently of each other. Together they make the budget for the next biennium, which will last from July 1, 2011 until June 30, 2013. The committee has balanced the budget and made changes to our government that will enable it to operate more efficiently to continue the services that the legislature has deemed appropriate for our citizens. Vote 18-7.

Rep. Robert A. Foose for the Minority of Finance: The minority of the committee cannot support HB 2 as passed. Included in the act are inappropriate changes to labor laws designed to protect collective bargaining relationships that protect public employees, abolishment of the unique program that funds scholarships and endowments of our higher education system and increased rates of contribution to the retirement system for current state employees. The act also includes the repeal or modification of a multitude of important programs, particularly in the health and human services area. The minority urges a vote of ITL.

Majority Amendment (1226h)

This amendment was printed in its entirety in House Record No. 27B, March 25, 2011 and is made part of this Journal by reference.

Majority committee amendment adopted.

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

Rep. Campbell offered floor amendment (1238h).

Floor Amendment (1238h)

Amend the bill by inserting after section 464 the following new sections and renumbering the original section 465 to read as 467:

465 State 10-Year Transportation Improvement Plan; Capital Projects Eliminated. The following capital projects contained in the state of New Hampshire 10-year transportation improvement plan 2011-2020, adopted by 2010, 231:1, totaling \$252,000,000, are hereby eliminated due to budget reductions:

I. 2012:

Alton, project number 14121D, NH 28/Stockbridge Corner Rd intersection
Concord, project number 12004, Sewalls Falls Rd Bridge replacement
Durham- Newmarket, project number 13080, NH 108 rehabilitation & shoulders
Milford-Nashua, project number 10136, NH 101A intersection improvements
Nashua, project number 10136 A, NH 101A widening, Celina Ave-Amherst St
Walpole-Charlestown, project number 14747, NH 12 reconstruction

II. 2013:

Haverhill-Bath, project number 10436, US 302 reconstruction
Keene-Swanzey, project number 10309P, NH 9/10/12/101 multi-use trail bridge
Lebanon, project number 10034A, Mechanic Street reconstruction
Milford-Nashua, project number 10136, NH 101A intersection improvements
Plaistow-Kingston, project number 10044G, NH 125 reconstruction
Walpole-Charlestown, project number 14747, NH 12 reconstruction
Wilton-Bedford, project number 13692, NH 101 safety improvements

III. 2014:

Durham, US 4/NH 108 interchange reconfiguration
Hinsdale-Brattleboro, project number 12210*, NH 119 bridge replacement
Keene, project number 10309B, Winchester St reconstruction
*Assume Hinsdale-Brattleboro starts in 2015 (red list bridges)

IV. 2015:

Barnstead-Alton, project number 14121, NH 28 rehabilitation
Exeter, project number 14090A, Park St. bridge replacement
Keene, project number 10309B, Winchester St. reconstruction
Keene-Swanzey, project number 13090L, NH 12/101 interim widening
Madison-Conway, Conway Bypass (south segment)
Ossipee, project number 10431, NH 16 rehabilitation at NH 28 intersection
Ossipee, project number 13910, NH 25/NH 16 intersection improvement

V. 2016:

Jefferson-Randolph, project number 13602B, US 2 reconstruction
Madison-Conway, Conway Bypass (south segment)
Salem, project number 12334, NH 28

VI. 2017:

Colebrook, NH 26 bridge rehabilitation over Mohawk River
Keene-Swanzey, project number 10309J, NH 9/101 "T" int. improvements
Littleton-Waterford*, I-93 rehabilitation, exit 41-VT (2 red list bridges)
Madison-Conway – Conway Bypass (south segment)
Nashua, East Hollis Street reconstruction
*Assume Littleton-Waterford starts in 2018 (red list bridges)

VII. 2018:

Belmont-Laconia, NH 106 reconstruction south of bypass
Madison-Conway, Conway Bypass (south segment)
Nashua, Main Street reconstruction, Hollis St. – Orchar Ave
Plaistow-Kingston, project number 10044E, NH 125 reconstruction

VIII. 2019:

Dummer-Errol, NH 16 rehabilitation
 Madison-Conway – Conway Bypass (south segment)
 Plaistow-Kingston, project number 10044E, NH 125 reconstruction

IX. 2020:

Bedford, NH 101 widening from NH 114 to Wallace Rd
 Epping, NH 125 reconstruction from NH 27 to NH 87
 Jaffrey, Main Street roundabout (NH 124/US 202, “dog-leg”)
 New London, NH 114, Main Street reconstruction
 Wilton-Bedford, NH 101 improvements

466 State 10-Year Transportation Improvement Plan; Betterment Projects Eliminated.

The following betterment projects contained in the state of New Hampshire 10-year transportation improvement plan 2011-2020, adopted 2010, 231:1, are eliminated and the overall betterment projects within the plan, totaling \$135,000,000, are hereby eliminated due to budget reductions:

<u>Town</u>	<u>Category</u>
Amherst	Bridge Painting
Pinkhams Grant	Bridge Painting
Plainfield	Bridge Painting
Shelburne	Bridge Painting
Concord	Bridge Rehab
Dalton	Bridge Rehab
Effingham	Bridge Rehab
Errol	Bridge Rehab
Franconia	Bridge Rehab
Littleton	Bridge Rehab
Auburn	Drainage
Alexandria	Drainage
Andover	Drainage
Bedford	Drainage
Bethlehem	Drainage
Campton	Drainage
Concord	Drainage
Danville	Drainage
Francestown	Drainage
Jefferson	Drainage
Lyndeborough	Drainage
Manchester	Drainage
Rindge	Drainage
Rochester	Drainage
Rollinsford	Drainage
Tamworth	Drainage
Ashland	Guardrail
Canaan	Guardrail
Croydon	Guardrail
Enfield	Guardrail
Hinsdale	Guardrail
Holderness	Guardrail
Jackson	Guardrail
Lisbon	Guardrail
New Boston	Guardrail
Rochester	Guardrail
Rumney	Guardrail
Somersworth	Guardrail

Colebrook	Pavement
Colebrook	Pavement
Columbia	Pavement
Concord	Pavement
Conway	Pavement
Conway	Pavement
Cornish	Pavement
Dalton	Pavement
Danville	Pavement
Dixville	Pavement
Dover	Pavement
Dover	Pavement
Dover	Pavement
Dublin	Pavement
Dublin	Pavement
Dunbarton	Pavement
Durham	Pavement
Durham	Pavement
Easton	Pavement
Easton	Pavement
Epping	Pavement
Exeter	Pavement
Franconia	Pavement
Gilford	Pavement
Gilford	Pavement
Gilmanton	Pavement
Goffstown	Pavement
Goshen	Pavement
Grantham	Pavement
Greenland	Pavement
Hampstead	Pavement
Hancock	Pavement
Hancock	Pavement
Harrisville	Pavement
Harts Location	Pavement
Harts Location	Pavement
Harts Location	Pavement
Haverhill	Pavement
Hillsborough	Pavement
Holderness	Pavement
Hollis	Pavement
Hollis	Pavement
Keene	Pavement
Laconia	Pavement
Langdon	Pavement
Langdon	Pavement
Langdon	Pavement
Lee	Pavement
Lee	Pavement
Lempster	Pavement
Lincoln	Pavement
Lincoln	Pavement
Littleton	Pavement

Littleton	Pavement
Loudon	Pavement
Lyme	Pavement
Lyme	Pavement
Lyndeborough	Pavement
Madbury	Pavement
Madbury	Pavement
Marlow	Pavement
Milford	Pavement
Milford	Pavement
Milford	Pavement
Mont Vernon	Pavement
Mont Vernon	Pavement
Moultonborough	Pavement
New Boston	Pavement
New London	Pavement
New London	Pavement
Newmarket	Pavement
Newmarket	Pavement
Newmarket	Pavement
Newport	Pavement
Newport	Pavement
Newton	Pavement
Newton	Pavement
Newton	Pavement
Newton	Pavement
Pelham	Pavement
Piermont	Pavement
Pittsfield	Pavement
Plainfield	Pavement
Plaistow	Pavement
Plymouth	Pavement
Rochester	Pavement
Rollinsford	Pavement
Rye	Pavement
Rye	Pavement
Rye	Pavement
Salem	Pavement
Sanbornton	Pavement
Sandwich	Pavement
Sandwich	Pavement
Somersworth	Pavement
South Hampton	Pavement
Springfield	Pavement
Springfield	Pavement
Strafford	Pavement
Surry	Pavement
Surry	Pavement
Sutton	Pavement
Swanzey	Pavement
Swanzey	Pavement
Swanzey	Pavement
Swanzey	Pavement

Tamworth	Pavement
Temple	Pavement
Tilton	Pavement
Tilton	Pavement
Tilton	Pavement
Unity	Pavement
Walpole	Pavement
Warner	Pavement
Warner	Pavement
Warren	Pavement
Weare	Pavement
Webster	Pavement
Whitefield	Pavement
Whitefield	Pavement
Wilmot	Pavement
Wilton	Pavement
Wilton	Pavement
Wilton	Pavement
Winchester	Pavement
Winchester	Pavement
Windsor	Pavement
Wolfeboro	Pavement
Woodstock	Pavement
Woodstock	Pavement
Barrington	Safety
Bristol	Safety
Brookline	Safety
Durham	Safety
Hudson	Safety
Madbury	Safety
North Hampton	Safety
Pelham	Safety
Whitefield	Safety

AMENDED ANALYSIS

153. Deletes capital projects from the 2011-2020 state 10-year transportation improvement plan totaling \$252,000,000.

154. Deletes betterment projects from the 2011-2020 state 10-year transportation improvement plan totaling \$135,000,000.

Rep. Campbell spoke in favor and yielded to questions.

Rep. Chandler spoke against.

Rep. Brunelle requested a roll call; sufficiently seconded.

YEAS 7 NAYS 348

YEAS 7

BELKNAP

None

CARROLL

Knox, J. David

CHESHIRE

Roberts, Kris

COOS

None

GRAFTON

None

HILLSBOROUGH

Day, Russell

Infantine, William

Messier, Irene

MERRIMACK

None

ROCKINGHAM

None

STRAFFORD

Brown, Julie

SULLIVAN

Laware, Thomas

NAYS 348

BELKNAP

Accornero, Harry
Greemore, Robert
Millham, Alida
Swinford, Elaine

Bolster, Peter
Kingsbury, Robert
Pilliod, James
Tilton, Franklin

Comtois, Guy
Luther, Robert
Russell, David
Tobin, William

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

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Babson, David Jr
McConkey, Mark
Scala, Dino

Chandler, Gene
Merrow, Harry
Schmidt, Stephen

Fleck, Joseph
Patten, Betsey
Tregenza, Norman

CHESHIRE

Butynski, William
Chase, Cynthia
Johnsen, Gladys
Meador, David
Sad, Tara
Weed, Charles

Byrnes, John
Emerson, Susan
Johnson, Jane
Moore, Charles
Smith, Edwin

Carr, Daniel
Hawkes, Samuel
Lerandau, Alfred
Moore, Robert Jr
Sterling, Franklin Jr

Cartwright, Anne
Hunt, John
Lindsey, Steven
Parkhurst, Henry
Tatro, Bruce

COOS

Coulombe, Gary

Daugherty, Duffy

Hatch, William

Merrick, Evalyn

Rappaport, Laurence
Tholl, John Jr

Remick, William
Thomas, Yvonne

Richardson, Herbert
Tremblay, Marc

Theberge, Robert

GRAFTON

Aguiar, James
Bulis, Lyle
Gould, Franklin
Mirski, Paul
Reilly, Harold Sr
Sova, Charles

Almy, Susan
Cooney, Mary
Harding, Laurie
Nordgren, Sharon
Simard, Paul
Taylor, Kathleen

Benn, Bernard
Eaton, Stephanie
Ingbretson, Paul
Pastor, Beatriz
Smith, Suzanne
Townsend, Charles

Bradley, Lester
Gionet, Edmond
Ladd, Rick Jr
Pierce, David
Sorg, Gregory
White, Andrew

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Brown, Kevin
Campbell, David

Balboni, Michael
Belanger, James
Brunelle, Michael
Cebrowski, John

Baroody, Benjamin
Belvin, William
Burt, John
Champagne, Norma

Barry, J. Gail
Boehm, Ralph
Buxton, Michael
Christensen, D.L.
Chris

Coffey, James
Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert
Garrity, Patrick
Gonzalez, Carlos
Haefner, Robert
Hikel, John
Hopper, Gary
Katsiantonis, Thomas
Levasseur, Nickolas
McCarthy, Michael
Moran, Edward
Ober, Russell III
Parison, James
Pilotte, Maurice
Ramsey, Peter
Rokas, Ted
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Condra, William
Daniels, Gary
Drisko, Richard
Gagne, Larry
Gidge, Kenneth
Gorman, Mary
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Krasucki, Joseph
Long, Patrick
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Porter, Marjorie
Renzullo, Andrew
Rosenwald, Cindy
Silva, Peter
Sullivan, Daniel
Twombly, Timothy
Warden, Mark

Cote, David
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Gimas, John
Graham, John
Hardwick, Harry
Hogan, Edith
Jasper, Shawn
Kurk, Neal
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Pratt, Calvin
Rhodes, Brian
Rowe, Robert
Simmons, Tammy
Summers, James
Ulery, Jordan
Whitehead, Randall

Coughlin, Sean
Doherty, Shaun
Flanagan, Jack
Gargasz, Carolyn
Goley, Jeffrey
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jeudy, Jean
LeBrun, Donald
Marcus, Bruce
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Proulx, Mark
Robbins, David
Scontsas, Lisa
Soucy, Connie
Swank, Matthew
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Cox, Sean
Frazer, June
Hill, Gregory
Lindsley, Mark
McGuire, Dan
Potter, Frances
Richardson, Jon
Smith, Molly
Watrous, Rick

Bouchard, Candace
Deloge, Helen
Gile, Mary
Kotowski, Frank
Lockwood, Priscilla
Owen, Derek
Reed, Dennis
Sanborn, Laurie
Smith, Todd
Williams, Robert

Coffey, Jennifer
DeStefano, Stephen
Giuda, J. Brandon
Kreis, Kenneth Sr
McDonnell, John
Palfrey, David
Rice, Chip
Seaworth, G. Brian
Soltani, Tony
Winter, Steven

Cohn, Seth
Foose, Robert
Hamm, Christine
Lauer-Rago, Kathleen
McGuire, Carol
Patten, Dick
Richardson, Gary
Shurtleff, Stephen
Wallner, Mary Jane

ROCKINGHAM

Abrami, Patrick

Allen, Mary

Antosz, Jason

Azarian, Gary

Baldasaro, Alfred
Brown, Paul
Comerford, Timothy
Devine, James
Elliott, Robert
Garrity, James
Headd, James
Kappler, Lawrence
MacMahon, Bruce
McKinney, Betsy
Norelli, Terie
Pantelakos, Laura
Quandt, Marshall
Reichard, Kevin
Sapareto, Frank
Sheffert, Kenneth
Sytek, John
Waddell, James
Welch, David

Bates, David
Case, Frank
Copeland, Timothy
DiPentima, Rich
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Katsakiores, Phyllis
Major, Norman
McMahon, Charles
O'Connor, John
Perkins, Amy
Quandt, Matt
Rice, Frederick
Schlachman, Donna
Shuler, Wyman III
Tamburello, Daniel
Ward, Joanne
Weyler, Kenneth

Bettencourt, David
Charron, Gene
Davenport, Joshua
Dowling, Patricia
Fesh, Robert
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Manuse, Andrew
Moody, Marcia
Okerman, Richard
Perkins, Lawrence
Read, Robin Jr
Ritter, Glenn
Sedensky, John
Smith, William
Tasker, Kyle
Waterhouse, Kevin

Birdsell, Regina
Chirichiello, Brian
DeSimone, Debra
Duarte, Joe
Garcia, Marilinda
Hagan, Joseph
Itse, Daniel
Lovejoy, Patricia
Mauro, Donna
Murphy, Brian
Packard, Sherman
Powers, James
Reagan, John
Sanders, Elisabeth
Serlin, Christopher
Sullivan, James
Tremblay, Stella
Webb, James

STRAFFORD

Andolina, Donald
Domingo, Baldwin
Hofemann, Roland
Kaen, Naida
Munck, Philip
Pelletier, Marsha
Spainhower, Dale
Vita, Lucien

Berube, Roger
Ginsburg, Philip
Horrigan, Timothy
Keans, Sandra
Newton, Clifford
Pitre, Joseph
Spang, Judith
Wall, Janet

Browne, Brendon
Grassie, Anne
Jones, Kyle
Larsen, Kirsten
O'Connor, William
Roberts, Jenna
Sprague, Dale
Watters, David

DeLemus, Susan
Groen, Warren
Jones, Laura
Leonard, Frederick Jr
Parsons, Robbie
Schmidt, Peter
Vita, Carol

SULLIVAN

Bowers, Spec
Howard, Thomas
Rodeschin, Beverly
and floor amendment (1238h) failed.

Cloutier, John
LaCasse, Paul Sr
Schmidt, Andrew

Cunningham, Steven
Lefebvre, Benjamin
Smith, Steven

Gagnon, Raymond
Osgood, Joe

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

Rep. Nordgren offered floor amendment (1259h).

Floor Amendment (1259h)

Amend the bill by deleting sections 372 through 421.

AMENDED ANALYSIS

Delete paragraph 121.

Rep. Nordgren spoke in favor and yielded to questions.

Rep. Kurk spoke against.

Rep. Wallner requested a roll call; sufficiently seconded.

YEAS 118 NAYS 242

YEAS 118

BELKNAP

Bolster, Peter

Pilliod, James

Russell, David

St. Cyr, Jeffrey

CARROLL

Scala, Dino

CHESHIRE

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

Carr, Daniel
Johnsen, Gladys
Meador, David
Tatro, Bruce

Chase, Cynthia
Johnson, Jane
Parkhurst, Henry
Weber, Lucy

Emerson, Susan
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William

Merrick, Evalyn

Richardson, Herbert

GRAFTON

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

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Gargasz, Carolyn
Gonzalez, Carlos
Long, Patrick
Porter, Marjorie
Rosenwald, Cindy

Brunelle, Michael
Garrity, Patrick
Gorman, Mary
Messier, Irene
Ramsey, Peter
Sullivan, Daniel

Campbell, David
Gidge, Kenneth
Judy, Jean
Moran, Edward
Rhodes, Brian

Cote, David
Goley, Jeffrey
Katsiantonis, Thomas
Pilotte, Maurice
Rokas, Ted

MERRIMACK

Bouchard, Candace
Frazer, June
Owen, Derek
Richardson, Gary
Watrous, Rick

Deloge, Helen
Gile, Mary
Patten, Dick
Shurtleff, Stephen
Williams, Robert

DeStefano, Stephen
Hamm, Christine
Potter, Frances
Soltani, Tony

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

ROCKINGHAM

Cali-Pitts, Jacqueline
DeSimone, Debra
Moody, Marcia
Perkins, Lawrence
Serlin, Christopher

Charron, Gene
DiPentima, Rich
Norelli, Terie
Powers, James

Chirichiello, Brian
Dowling, Patricia
Pantelakos, Laura
Read, Robin Jr

Copeland, Timothy
Lovejoy, Patricia
Perkins, Amy
Schlachman, Donna

STRAFFORD

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

Brown, Julie
Grassie, Anne
Keans, Sandra
Spainhower, Dale
Watters, David

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

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

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

NAYS 242

BELKNAP

Accornero, Harry
Kingsbury, Robert
Swinford, Elaine

Comtois, Guy
Luther, Robert
Tilton, Franklin

Fields, Dennis
Malone, Robert
Tobin, William

Greemore, Robert
Millham, Alida
Worsman, Colette

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
Moore, Robert Jr

Cartwright, Anne
Smith, Edwin

Hunt, John
Sterling, Franklin Jr

Moore, Charles

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Remick, William

Tholl, John Jr

GRAFTON

Bradley, Lester
Ingbretson, Paul
Simard, Paul

Bulis, Lyle
Ladd, Rick Jr
Sorg, Gregory

Eaton, Stephanie
Mirski, Paul
Sova, Charles

Gionet, Edmond
Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin
Belanger, James
Burt, John
Christensen, D.L.
Chris
Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
LeBrun, Donald
McClarren, Donald
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Balboni, Michael
Belvin, William
Buxton, Michael
Coffey, James
Daniels, Gary
Donovan, Daniel
Fredette, Robert
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Robbins, David
Silva, Peter
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

Barry, J. Gail
Boehm, Ralph
Cebrowski, John
Condra, William
Day, Russell
Drisko, Richard
Gagne, Larry
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Ober, Russell III
Parison, James
Pratt, Calvin
Rowe, Robert
Simmons, Tammy
Summers, James
Ulery, Jordan
Whitehead, Randall

Barry, Richard
Brown, Kevin
Champagne, Norma
Coughlin, Sean
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Scotsas, Lisa
Soucy, Connie
Swank, Matthew
Vaillancourt, Steve
Willette, Robert

MERRIMACK

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

ROCKINGHAM

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

STRAFFORD

Andolina, Donald	DeLemus, Susan	Groen, Warren	Jones, Kyle
Jones, Laura	Larsen, Kirsten	Leonard, Frederick Jr	Munck, Philip
Newton, Clifford	O'Connor, William	Parsons, Robbie	Pitre, Joseph
Vita, Carol	Vita, Lucien		

SULLIVAN

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

and floor amendment (1259h) failed.

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

Rep. Nordgren offered floor amendment (1260h).

Floor Amendment (1260h)

Amend the bill by deleting section 450.

AMENDED ANALYSIS

Delete paragraph 141.

Rep. Potter spoke in favor.

Rep. Kurk spoke against and yielded to questions.

Rep. Rosenwald requested a roll call; sufficiently seconded.

YEAS 104 NAYS 255

YEAS 104

BELKNAP

Millham, Alida

CARROLL

None

CHESHIRE

Butynski, William
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Carr, Daniel
Lerandeu, Alfred
Roberts, Kris
Weed, Charles

Chase, Cynthia
Lindsey, Steven
Sad, Tara

Hawkes, Samuel
Meador, David
Tatro, Bruce

COOS

Coulombe, Gary

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

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

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Garrity, Patrick
Jeudy, Jean
Pilotte, Maurice
Rokas, Ted

Brunelle, Michael
Gidge, Kenneth
Katsiantonis, Thomas
Porter, Marjorie
Rosenwald, Cindy

Campbell, David
Goley, Jeffrey
Long, Patrick
Ramsey, Peter
Shaw, Barbara

Cote, David
Gorman, Mary
Messier, Irene
Rhodes, Brian
Sullivan, Daniel

MERRIMACK

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

Deloge, Helen
Gile, Mary
Owen, Derek
Richardson, Gary
Williams, Robert

DeStefano, Stephen
Hamm, Christine
Patten, Dick
Shurtleff, Stephen

Foose, Robert
Lockwood, Priscilla
Potter, Frances
Wallner, Mary Jane

ROCKINGHAM

Cali-Pitts, Jacqueline
Moody, Marcia
Perkins, Lawrence
Serlin, Christopher

DiPentima, Rich
Norelli, Terie
Powers, James

Katsakiores, Phyllis
Pantelakos, Laura
Read, Robin Jr

Lovejoy, Patricia
Perkins, Amy
Schlachman, Donna

STRAFFORD

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

Brown, Julie
Hofemann, Roland
Pelletier, Marsha
Spang, Judith

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

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

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

NAYS 255

BELKNAP

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

CARROLL

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

CHESHIRE

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

COOS

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

GRAFTON

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

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Barry, J. Gail	Barry, Richard
Belanger, James	Belvin, William	Boehm, Ralph	Brown, Kevin
Burt, John	Buxton, Michael	Cebrowski, John	Champagne, Norma
Christensen, D.L.	Coffey, James	Condra, William	Coughlin, Sean
Chris			
Cusson-Cail, Kathleen	Daniels, Gary	Day, Russell	DeJong, Cameron
Doherty, Shaun	Donovan, Daniel	Drisko, Richard	Erickson, Duane
Flanagan, Jack	Fredette, Robert	Gagne, Larry	Gandia, Laura
Gargas, Carolyn	Gonzalez, Carlos	Graham, John	Greazzo, Phil
Haefner, Robert	Hansen, Peter	Hardwick, Harry	Hawkins, Kenneth
Hikel, John	Hinch, Richard	Hogan, Edith	Holden, Frank
Hopper, Gary	Hutchinson, Winfred	Infantine, William	Jasper, Shawn
Krasucki, Joseph	Kurk, Neal	LeBrun, Donald	Maltz, Jonathan
Marcus, Bruce	McCarthy, Michael	McClarren, Donald	McGuinness, Sean
Mecheski, Holly	Moran, Edward	Murphy, Keith	Notter, Jeanine
Ober, Lynne	Ober, Russell III	Ohm, Bill	Palmer, Barry
Palmer, Stephen	Parison, James	Pellegrino, Tony	Pepino, Leo
Peterson, Lenette	Pratt, Calvin	Proulx, Mark	Renzullo, Andrew
Robbins, David	Rowe, Robert	Scotsas, Lisa	Seidel, Carl
Silva, Peter	Simmons, Tammy	Soucy, Connie	Stepanek, Stephen
Stroud, Kathleen	Summers, James	Swank, Matthew	Thomas, Joseph
Twombly, Timothy	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe

Warden, Mark

Whitehead, Randall

Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Reed, Dennis
Smith, Molly

Coffey, Jennifer
Hess, David
Kreis, Kenneth Sr
McGuire, Carol
Richardson, Jon
Smith, Todd

Cohn, Seth
Hill, Gregory
Lauer-Rago, Kathleen
McGuire, Dan
Sanborn, Laurie
Soltani, Tony

Cox, Sean
Hoell, J.R.
Lindsley, Mark
Palfrey, David
Seaworth, G. Brian
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Comerford, Timothy
Devine, James
Ferrante, Beverly
Griffin, Mary
Introne, Robert
MacMahon, Bruce
McKinney, Betsy
O'Connor, John
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sytek, John
Waddell, James
Welch, David

Allen, Mary
Bates, David
Case, Frank
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Itse, Daniel
Major, Norman
McMahon, Charles
Okerman, Richard
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Ward, Joanne
Weyler, Kenneth

Antosz, Jason
Bettencourt, David
Charron, Gene
Davenport, Joshua
Duarte, Joe
Garrity, James
Headd, James
Kappler, Lawrence
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Reichard, Kevin
Sapareto, Frank
Smith, William
Tremblay, Stella
Waterhouse, Kevin

Azarian, Gary
Birdsell, Regina
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Gould, Kenneth
Hoelzel, Kathleen
Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sullivan, James
Tucker, Pamela
Webb, James

STRAFFORD

Andolina, Donald
Jones, Kyle
Munck, Philip
Pitre, Joseph

DeLemus, Susan
Jones, Laura
Newton, Clifford
Vita, Carol

Domingo, Baldwin
Larsen, Kirsten
O'Connor, William
Vita, Lucien

Groen, Warren
Leonard, Frederick Jr
Parsons, Robbie

SULLIVAN

Bowers, Spec
Laware, Thomas
and floor amendment (1260h) failed.

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

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

Rep. Goley offered floor amendment (1267h).

Floor Amendment (1267h)

Amend the bill by deleting section 462.
2011-1267h

AMENDED ANALYSIS

Delete paragraph 150.

Reps. Weyler and Jasper spoke against and yielded to questions.

Reps. Dan McGuire and Kurk spoke against.

Reps. Weed and Barody spoke in favor and yielded to questions.

Reps. Soltani and Copeland spoke in favor.

Rep. Weed requested a roll call; sufficiently seconded.

YEAS 155 NAYS 201

YEAS 155

BELKNAP

Bolster, Peter St. Cyr, Jeffrey

CARROLL

Knox, J. David Schmidt, Stephen

CHESHIRE

Butynski, William	Carr, Daniel	Chase, Cynthia	Hawkes, Samuel
Johnsen, Gladys	Johnson, Jane	Lerandeau, Alfred	Lindsey, Steven
Meador, David	Moore, Robert Jr	Parkhurst, Henry	Roberts, Kris
Sad, Tara	Smith, Edwin	Sterling, Franklin Jr	Tatro, Bruce
Weber, Lucy	Weed, Charles		

COOS

Coulombe, Gary	Hatch, William	Merrick, Evalyn	Remick, William
Richardson, Herbert	Theberge, Robert	Tremblay, Marc	

GRAFTON

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

HILLSBOROUGH

Baroody, Benjamin	Brown, Kevin	Brunelle, Michael	Buxton, Michael
Campbell, David	Cote, David	Day, Russell	Doherty, Shaun
Gandia, Laura	Gargas, Carolyn	Garrity, Patrick	Gidge, Kenneth
Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary	Graham, John
Greazzo, Phil	Jeudy, Jean	Katsiantonis, Thomas	Long, Patrick
McCarthy, Michael	McGuinness, Sean	Ober, Russell III	Palmer, Barry
Pepino, Leo	Pilotte, Maurice	Porter, Marjorie	Proulx, Mark
Ramsey, Peter	Rhodes, Brian	Rokas, Ted	Rosenwald, Cindy
Shaw, Barbara	Simmons, Tammy	Stroud, Kathleen	Sullivan, Daniel
Twombly, Timothy	Whitehead, Randall		

MERRIMACK

Bouchard, Candace	Coffey, Jennifer	Deloge, Helen	DeStefano, Stephen
Foose, Robert	Frazer, June	Gile, Mary	Hamm, Christine
Kidder, David	Lockwood, Priscilla	Mackay, James	Palfrey, David
Patten, Dick	Potter, Frances	Reed, Dennis	Rice, Chip
Richardson, Gary	Richardson, Jon	Shurtleff, Stephen	Smith, Todd
Soltani, Tony	Wallner, Mary Jane	Watrous, Rick	

ROCKINGHAM

Bates, David	Cali-Pitts, Jacqueline	Charron, Gene	Chirichiello, Brian
--------------	------------------------	---------------	---------------------

Copeland, Timothy
Ferrante, Beverly
Moody, Marcia
Perkins, Amy
Quandt, Matt
Sytek, John

DiPentima, Rich
Katsakiores, Phyllis
Nevins, Chris
Perkins, Lawrence
Read, Robin Jr
Waddell, James

Dowling, Patricia
Lovejoy, Patricia
Norelli, Terie
Powers, James
Schlachman, Donna
Ward, Joanne

Elliott, Robert
MacMahon, Bruce
Pantelakos, Laura
Quandt, Marshall
Serlin, Christopher
Webb, James

STRAFFORD

Berube, Roger
Grassie, Anne
Keans, Sandra
Schmidt, Peter
Wall, Janet

Brown, Julie
Hofemann, Roland
Munck, Philip
Spainhower, Dale
Watters, David

Browne, Brendon
Horrigan, Timothy
Pelletier, Marsha
Spang, Judith

Domingo, Baldwin
Kaen, Naida
Roberts, Jenna
Sprague, Dale

SULLIVAN

Cloutier, John
Smith, Steven

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

NAYS 201

BELKNAP

Accornero, Harry
Kingsbury, Robert
Pilliod, James
Tobin, William

Comtois, Guy
Luther, Robert
Russell, David
Worsman, Colette

Fields, Dennis
Malone, Robert
Swinford, Elaine

Greemore, Robert
Millham, Alida
Tilton, Franklin

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie

Babson, David Jr
McConkey, Mark
Scala, Dino

Chandler, Gene
Morrow, Harry
Tregenza, Norman

Fleck, Joseph
Patten, Betsey
Umberger, Karen

CHESHIRE

Byrnes, John
Moore, Charles

Cartwright, Anne

Emerson, Susan

Hunt, John

COOS

Daugherty, Duffy

Rappaport, Laurence

GRAFTON

Bradley, Lester
Ingbretson, Paul
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Eaton, Stephanie
Reilly, Harold Sr

Gionet, Edmond
Simard, Paul

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Burt, John

Balboni, Michael
Belanger, James
Cebrowski, John

Ball, J. Michael
Belvin, William
Champagne, Norma

Barry, J. Gail
Boehm, Ralph
Christensen, D.L.
Chris
Cusson-Cail,
Kathleen
Drisko, Richard

Coffey, James

Condra, William

Coughlin, Sean

Daniels, Gary

DeJong, Cameron

Donovan, Daniel

Erickson, Duane
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Marcus, Bruce
Murphy, Keith
Pellegrino, Tony
Robbins, David
Silva, Peter
Swank, Matthew
Villeneuve, Moe

Flanagan, Jack
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
Mecheski, Holly
Notter, Jeanine
Peterson, Lenette
Rowe, Robert
Soucy, Connie
Thomas, Joseph
Warden, Mark

Fredette, Robert
Hardwick, Harry
Hogan, Edith
Infantine, William
LeBrun, Donald
Messier, Irene
Ohm, Bill
Pratt, Calvin
Scontsas, Lisa
Stepanek, Stephen
Ulery, Jordan
Willette, Robert

Gagne, Larry
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
Maltz, Jonathan
Moran, Edward
Palmer, Stephen
Renzullo, Andrew
Seidel, Carl
Summers, James
Vaillancourt, Steve

MERRIMACK

Blankenbeker, Lynne
Hess, David
Kreis, Kenneth Sr
McGuire, Carol
Smith, Molly

Cohn, Seth
Hill, Gregory
Lauer-Rago, Kathleen
McGuire, Dan
Winter, Steven

Cox, Sean
Hoell, J.R.
Lindsley, Mark
Sanborn, Laurie

Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Case, Frank
Devine, James
Garrity, James
Headd, James
Kappler, Lawrence
Mauro, Donna
O'Connor, John
Reichard, Kevin
Sapareto, Frank
Smith, William
Tremblay, Stella
Weyler, Kenneth

Allen, Mary
Bettencourt, David
Comerford, Timothy
Duarte, Joe
Gould, Kenneth
Hoelzel, Kathleen
Kolodziej, Walter
McKinney, Betsy
Okerman, Richard
Rice, Frederick
Sedensky, John
Sullivan, James
Tucker, Pamela

Antosz, Jason
Birdsell, Regina
Davenport, Joshua
Fesh, Robert
Griffin, Mary
Introne, Robert
Major, Norman
McMahon, Charles
Packard, Sherman
Ritter, Glenn
Sheffert, Kenneth
Tamburello, Daniel
Waterhouse, Kevin

Azarian, Gary
Brown, Paul
DeSimone, Debra
Garcia, Marilinda
Hagan, Joseph
Itse, Daniel
Manuse, Andrew
Murphy, Brian
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tasker, Kyle
Welch, David

STRAFFORD

Andolina, Donald
Jones, Laura
O'Connor, William
Vita, Lucien

DeLemus, Susan
Larsen, Kirsten
Parsons, Robbie

Groen, Warren
Leonard, Frederick Jr
Pitre, Joseph

Jones, Kyle
Newton, Clifford
Vita, Carol

SULLIVAN

Bowers, Spec
Laware, Thomas
and floor amendment (1267h) failed.

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr

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

Rep. Bouchard offered floor amendment (1242h).

Floor Amendment (1242h)

Amend the bill by deleting section 102.

AMENDED ANALYSIS

Delete paragraph 50.

Rep. Bouchard spoke in favor.

Rep. Campbell requested a roll call; sufficiently seconded.

YEAS 100 NAYS 245

YEAS 100

BELKNAP

Bolster, Peter

Tilton, Franklin

CARROLL

Knox, J. David

CHESHIRE

Butynski, William
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Carr, Daniel
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Chase, Cynthia
Lindsey, Steven
Sad, Tara

Hawkes, Samuel
Meador, David
Tatro, Bruce

COOS

Coulombe, Gary

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

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

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Goley, Jeffrey
Katsiantonis, Thomas
Porter, Marjorie
Rosenwald, Cindy

Campbell, David
Gorman, Mary
Long, Patrick
Ramsey, Peter
Shaw, Barbara

Cote, David
Infantine, William
Messier, Irene
Rhodes, Brian
Sullivan, Daniel

Day, Russell
Jeudy, Jean
Pilotte, Maurice
Rokas, Ted

MERRIMACK

Bouchard, Candace
Frazer, June
MacKay, James
Richardson, Gary

Deloge, Helen
Gile, Mary
Patten, Dick
Shurtleff, Stephen

DeStefano, Stephen
Hamm, Christine
Potter, Frances
Wallner, Mary Jane

Foose, Robert
Kidder, David
Rice, Chip
Watrous, Rick

ROCKINGHAM

Cali-Pitts, Jacqueline
Norelli, Terie
Schlachman, Donna

DiPentima, Rich
Pantelakos, Laura
Serlin, Christopher

Lovejoy, Patricia
Powers, James

Moody, Marcia
Read, Robin Jr

STRAFFORD

Berube, Roger

Brown, Julie

Domingo, Baldwin

Ginsburg, Philip

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

Hofemann, Roland
Pelletier, Marsha
Spang, Judith

Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

Kaen, Naida
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

NAYS 245

BELKNAP

Accornero, Harry
Kingsbury, Robert
Pilliod, James
Tobin, William

Comtois, Guy
Luther, Robert
Russell, David
Worsman, Colette

Fields, Dennis
Malone, Robert
St. Cyr, Jeffrey

Greemore, Robert
Millham, Alida
Swinford, Elaine

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie

Babson, David Jr
McConkey, Mark
Scala, Dino

Chandler, Gene
Morrow, Harry
Schmidt, Stephen

Fleck, Joseph
Patten, Betsey
Umberger, Karen

CHESHIRE

Byrnes, John
Johnson, Jane
Sterling, Franklin Jr

Cartwright, Anne
Moore, Charles

Emerson, Susan
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Ladd, Rick Jr
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Eaton, Stephanie
Reilly, Harold Sr

Gionet, Edmond
Simard, Paul

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Brown, Kevin
Champagne, Norma

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

Ball, J. Michael
Belvin, William
Buxton, Michael
Coffey, James

Barry, J. Gail
Boehm, Ralph
Cebrowski, John
Condra, William

Coughlin, Sean
Doherty, Shaun
Flanagan, Jack
Graham, John
Hardwick, Harry
Hogan, Edith
Jasper, Shawn
Maltz, Jonathan
Mecheski, Holly
Ober, Lynne

Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Krasucki, Joseph
Marcus, Bruce
Moran, Edward
Ober, Russell III

Daniels, Gary
Drisko, Richard
Gagne, Larry
Haefner, Robert
Hikel, John
Hopper, Gary
Kurk, Neal
McCarthy, Michael
Murphy, Keith
Ohm, Bill

DeJong, Cameron
Erickson, Duane
Gargas, Carolyn
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
LeBrun, Donald
McGuinness, Sean
Notter, Jeanine
Palmer, Barry

Palmer, Stephen
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Pellegrino, Tony
Robbins, David
Silva, Peter
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

Peterson, Lenette
Rowe, Robert
Simmons, Tammy
Summers, James
Ulery, Jordan
Whitehead, Randall

Pratt, Calvin
Scontsas, Lisa
Soucy, Connie
Swank, Matthew
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Reed, Dennis
Smith, Molly

Coffey, Jennifer
Hess, David
Kreis, Kenneth Sr
McGuire, Carol
Richardson, Jon
Smith, Todd

Cohn, Seth
Hill, Gregory
Lauer-Rago, Kathleen
McGuire, Dan
Sanborn, Laurie
Soltani, Tony

Cox, Sean
Hoell, J.R.
Lindsley, Mark
Palfrey, David
Seaworth, G. Brian
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Comerford, Timothy
Devine, James
Ferrante, Beverly
Gould, Kenneth
Introne, Robert
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sullivan, James
Tremblay, Stella
Waterhouse, Kevin

Allen, Mary
Bates, David
Case, Frank
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Griffin, Mary
Itse, Daniel
MacMahon, Bruce
McMahon, Charles
Okerman, Richard
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sytek, John
Tucker, Pamela
Webb, James

Antosz, Jason
Bettencourt, David
Charron, Gene
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Major, Norman
Murphy, Brian
Packard, Sherman
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Waddell, James
Welch, David

Azarian, Gary
Birdsell, Regina
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Nevins, Chris
Perkins, Amy
Reichard, Kevin
Sapareto, Frank
Smith, William
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Jones, Laura
Newton, Clifford
Vita, Carol

DeLemus, Susan
Larsen, Kirsten
O'Connor, William
Vita, Lucien

Groen, Warren
Leonard, Frederick Jr
Parsons, Robbie

Jones, Kyle
Munck, Philip
Pitre, Joseph

SULLIVAN

Bowers, Spec
Laware, Thomas
and floor amendment (1242h) failed.

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

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

Rep. Foose offered floor amendment (1271h).

Floor Amendment (1271h)

Amend the bill by replacing sections 167 through 205 with the following:

167 Retirement System; Employer Contributions; Non-State Employees; State Share Eliminated. Amend RSA 100-A:16, II(b) and (c) to read as follows:

(b) The contributions of each employer for benefits under the retirement system on account of group II members shall consist of a percentage of the earnable compensation of its members to be known as the “normal contribution,” and an additional amount to be known as the “accrued liability contribution,” provided that ***beginning with state fiscal year 2012 and for each state fiscal year thereafter***, any employer~~[-other than the state,~~ shall pay 70 percent of such total contributions for state fiscal year 2010, and 30 percent thereof shall be paid by the state for state fiscal year 2010, and that beginning with state fiscal year 2011 any employer, other than the state, shall pay 75 percent of such total contributions, and 25 percent thereof shall be paid by the state, and that beginning with state fiscal year 2012, and every state fiscal year thereafter, any employer, other than the state, shall pay 65 percent of such total contributions, and 35 percent thereof shall be paid by the state; and provided that, in the case of compensation attributable to extra or special duty, ~~the employer]~~ shall pay the full amount of such total contributions~~[-and provided further that, in case of group II members employed by the state, the state shall pay both normal and accrued liability contributions]~~. The rate percent of such normal contribution, including contributions on behalf of group II members whose group II creditable service is in excess of 40 years, in each instance shall be fixed on the basis of the liabilities of the system with respect to the particular members of the various member classifications as shown by actuarial valuations, except as provided in subparagraphs (h) and (i).

(c) The contributions of each employer for benefits under the retirement system on account of group I members shall consist of a percentage of the earnable compensation of its members to be known as the “normal contribution,” and an additional amount to be known as the “accrued liability contribution,” provided that ***beginning with state fiscal year 2012 and for each state fiscal year thereafter***, ~~[in the case of teachers,]~~ any employer~~[-other than the state,~~ shall pay 70 percent of such total contributions for state fiscal year 2010, and 30 percent thereof shall be paid by the state for state fiscal year 2010, and that beginning with state fiscal year 2011 any employer, other than the state, shall pay 75 percent of such total contributions, and 25 percent thereof shall be paid by the state, and that beginning with state fiscal year 2012, and every state fiscal year thereafter, any employer, other than the state, shall pay 65 percent of such total contributions, and 35 percent thereof shall be paid by the state; and provided further that in case of teacher members employed by the state the state] shall pay both normal and accrued liability contributions. The rate percent of such normal contribution in each instance shall be fixed on the basis of the liabilities of the system with respect to the particular members of the various member classifications as shown by actuarial valuation, except as provided in subparagraphs (h) and (i).

168 Retiree Medical Benefits; Beneficiary Contributions Increased. Amend RSA 100-A:54, III to read as follows:

III. The retirement system shall ***either*** deduct from the monthly retirement allowance of retired state employees under the age of 65 years receiving medical and surgical benefits provided pursuant to RSA 21-I:30, ***or notify the department of administrative services, which shall invoice and collect from the retired state employees***, the premium contribution amounts of ~~[\$65]~~ ***\$100*** per month for each such retiree and ~~[\$65]~~ ***\$100*** per month for each applicable spouse; provided that the charge to each household shall not exceed ~~[\$130]~~ ***\$200*** per month. ~~[Deducted]~~ Amounts ***deducted or received upon invoicing***, ~~[which]~~ shall be in addition to and notwithstanding any amounts payable by the retirement system pursuant to RSA 100-A:52, RSA 100-A:52-a, and RSA 100-A:52-b, ***and*** shall be deposited in the employee and retiree benefit risk management fund. In the event the retiree’s monthly allowance is insufficient to cover the certified contribution amount, the retirement system shall so notify the department of administrative services, which shall invoice and collect from the retiree the remaining contribution amount. ***For any retired state employee who fails to pay in full within 90 days of receipt of an invoice for such contribution amount, the department of administrative services shall***

terminate coverage for the retired state employee and notify the retirement system of such termination.

169 Retirement System; Definition of Earnable Compensation. Amend RSA 100-A:1, XVII to read as follows:

XVII. "Earnable compensation" shall mean:

(a) For ~~all~~ members who commenced service prior to July 1, 2011 the full base rate of compensation paid plus any overtime pay, holiday and vacation pay, sick pay, longevity or severance pay, cost of living bonus, additional pay for extracurricular and instructional activities or for other extra or special duty, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except cash incentives paid by an employer to encourage members to retire, supplemental pay paid by the employer while the member is receiving workers' compensation, and teacher development pay that is not part of the contracted annual salary. However, earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1-1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position, with the limited exceptions of disability related severance pay paid to a member or retiree no later than 120 days after a decision by the board of trustees granting the member or retiree disability retirement benefits pursuant to RSA 100-A:6 and of severance pay which a member was entitled to be paid within 120 days after termination but which, without the consent of the member and not through any fault of the member, was paid more than 120 days after the member's termination. The member shall have the burden of proving to the board of trustees that any severance payment paid later than 120 days after the member's termination of employment is earnable compensation and meets the requirements of an asserted exception to the 120-day post-termination payment requirement.

(b) For members who commenced service on and after July 1, 2011 the full base rate of compensation paid plus any overtime pay, holiday and vacation pay, sick pay, longevity or severance pay, cost of living bonus, additional pay for extracurricular and instructional activities or for other extra or special duty, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except cash incentives paid by an employer to encourage members to retire, supplemental pay paid by the employer while the member is receiving workers' compensation, and teacher development pay that is not part of the contracted annual salary. However, earnable compensation in the final 12 months of creditable service prior to termination of employment shall exclude accumulated unused holiday pay, vacation pay, and sick pay, and longevity pay and severance pay, and shall be limited to 1-1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limits shall not be subject to

member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position, with the limited exception of disability related pay paid to a member or retiree no later than 120 days after a decision by the board of trustees granting the member or retiree disability retirement benefits pursuant to RSA 100-A:6.

170 Retirement System; Definitions; Average Final Compensation. Amend RSA 100-A:1, XVIII to read as follows:

XVIII. "Average final compensation" shall mean, ***for members who commenced service before July 1, 2011***, the average annual earnable compensation of a member during his or her highest 3 years of creditable service, or during all of the years in his or her creditable service if less than 3 years. ***For members who commenced service on or after July 1, 2011, "average final compensation" shall mean the average annual earnable compensation of a member during his or her highest 5 years of creditable service, or during all of the years in his or her creditable service if less than 5 years.***

171 Financing; Contribution Rates; Group II Member Payroll Deduction. Amend RSA 100-A:16, I(a) to read as follows:

(a) The member annuity savings fund shall be a fund in which shall be accumulated the contributions deducted from the compensation of members to provide for their member annuities together with any amounts transferred thereto from a similar fund under one or more of the predecessor systems. Such contribution shall be, for each member, dependent upon the member's employment classification at the rate determined in accordance with the following table:

Employees of employers other than the state ***hired on or before June 30, 2011***, 5.00

Employees of the state hired on or before June 30, 2009, 5.00

Employees of the state hired after June 30, 2009, 7.00

Teachers ***hired on or before June 30, 2011***, 5.00

Permanent Policemen ***hired on or before June 30, 2011***, 9.30

Permanent Firemen ***hired on or before June 30, 2011***, 9.30

Group I members hired after June 30, 2011, 7.00

Group II members hired after June 30, 2011, 11.30

The board of trustees shall certify to the proper authority or officer responsible for making up the payroll of each employer, and such authority or officer shall cause to be deducted from the compensation of each member, except group II members with creditable service in excess of 40 years, as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), on each and every payroll of such employer for each and every payroll period, the percentage of earnable compensation applicable to such member. No deduction from earnable compensation under this paragraph shall apply to any group II member with creditable service in excess of 40 years, as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), and this provision for such members shall not affect the method of determining average final compensation as provided in RSA 100-A:1, XVIII. In determining the amount earnable by a member in a payroll period, the board may consider the rate of compensation payable to such member on the first day of a payroll period as continuing throughout the payroll period and it may omit deduction from compensation for any period less than a full payroll period if such person was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed 1/10 of one percent of the annual earnable compensation upon the basis of which such

deduction is made. The amounts deducted shall be reported to the board of trustees. Each of such amounts, when deducted, shall be paid to the retirement system at such times as may be designated by the board of trustees and credited to the individual account, in the member annuity savings fund, of the member from whose compensation the deduction was made.

172 State Employees; Group Insurance Benefits; Group II. Amend RSA 21-I:30, III to read as follows:

III. Any vested deferred state retiree may receive medical and surgical benefits under this section if the vested deferred state retiree is eligible. To be eligible, a group I vested deferred state retiree shall have at least 10 years of creditable service with the state if the employee's service began prior to July 1, 2003 or 20 years of creditable service with the state if the employee's service began on or after July 1, 2003 and a group II vested deferred state retiree shall have at least 20 years of creditable service with the state if the employee's service with the state began on or after July 1, 2010. In addition, if the vested deferred state retiree is a member of group I, such retiree shall be at least 60 years of age to be eligible. If the vested deferred state retiree is a member of group II ***who commenced service before July 1, 2011***, such retiree shall not be eligible until 20 years from the date of becoming a member of group II and shall be at least 45 years of age, ***and any group II member who commenced service on or after July 1, 2011 shall not be eligible until 25 years from the date of becoming a member of group II and shall be at least 50 years of age.***

173 Service Retirement; Group II. Amend RSA 100-A:5 to read as follows:

100-A:5 Service Retirement Benefits.

I. Group I Members.

(a) Any group I member, ***who*** may retire on a service retirement allowance upon written application to the board of trustees setting forth at what time, not less than 30 days nor more than 90 days subsequent to the filing thereof, the member desires to be retired, provided the member at the time so specified for retirement has attained age 60 ***if the member commenced service before July 1, 2011 or age 65 if the member commenced service on or after July 1, 2011***, and notwithstanding that during such period of notification the member may have separated from service. For the purposes of this section, a teacher member of group I who remains in service throughout a school year shall be deemed to be in service during July and August at the end of such school year.

(b) Upon service retirement, an employee member or teacher member of group I shall receive a service retirement allowance which shall consist of a member annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of retirement, and a state annuity. Prior to the member's attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/60 of the member's average final compensation multiplied by the number of years of creditable service. After attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/66 of the member's average final compensation multiplied by the number of years of creditable service.

(c) Notwithstanding any other provision of law, any group I member who meets the requirements of RSA 100-A:10, I(a), and who has either completed at least 20 years of creditable service which, when combined with his age equals at least 70 years, or who has attained the age of 50, but not the age of 60 ***if the member commenced service before July 1, 2011 or the age of 65 if the member commenced service on or after July 1, 2011***, may elect to retire and have benefits commence immediately as a reduced service retirement allowance upon written application to the board of trustees setting forth the time, not less than 30 days nor more than 90 days subsequent to the filing thereof, at which the member desires to have benefits commence. The service retirement allowance shall be determined in accordance with RSA 100-A:5, I(b) and shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 60 years of age ***if the member commenced service before July 1, 2011 or 65 years of age if the member commenced service on or after July 1, 2011***, by 1/8 of one percent if the member has 35 years or more of creditable service, by 1/4 of one percent if the

member has 30 years but less than 35 years of creditable service, by 1/3 of one percent if the member has at least 25 years but less than 30 years of creditable service, by 5/12 of one percent if the member has at least 20 years but less than 25 years of creditable service, and by 5/9 of one percent if the member has less than 20 years of creditable service.

(d) [Repealed.]

II. Group II Members.

(a) Any group II member in service, ***who commenced service before July 1, 2011***, who has attained age 45 and completed 20 years of creditable service, or who has attained age 60 regardless of the number of years of creditable service, ***and a group II member who commenced service on or after July 1, 2011, who has attained age 50 and completed 25 years of creditable service, or who has attained age 65 regardless of the number of years of creditable service***, may retire on a service retirement allowance upon written application to the board of trustees setting forth at what time not less than 30 days nor more than 90 days subsequent to the filing thereof the member desires to be retired, notwithstanding that during such period of notification the member may have separated from service.

(b) Upon service retirement, a group II member shall receive a service retirement allowance which shall consist of:

(1) A member annuity which shall be the actuarial equivalent of his ***or her*** accumulated contributions at the time of retirement; and

(2) A state annuity which, together with his ***or her*** member annuity, shall be equal to 2-1/2 percent of his ***or her*** average final compensation multiplied by the number of years of his ***or her*** creditable service not in excess of 40 years.

(c)(1) Notwithstanding any provision of RSA 100-A to the contrary, any group II member who ***commenced service before July 1, 2011 and*** has retired on or after the effective date of this subparagraph after attaining the age of 45 with at least 20 years of creditable service, ***and any group II member who commenced service on or after July 1, 2011 and has retired on or after the effective date of this subparagraph after attaining the age of 50 with at least 25 years of creditable service***, shall receive a minimum annual service retirement allowance of \$10,000. If such group II member has elected to convert the retirement allowance into an optional allowance for the surviving spouse under RSA 100-A:13, the surviving spouse shall be entitled to a proportional share of the \$10,000.

(2) [Repealed.]

(3) [Repealed.]

174 Disability Retirement; Group I Age Increased. Amend RSA 100-A:6, I(b) to read as follows:

(b)(1) Upon ordinary disability retirement, the group I member who has attained age 60 ***if the member commenced service before July 1, 2011 or the age of 65 if the member commenced service on or after July 1, 2011*** shall receive an ordinary disability retirement allowance which shall consist of a member annuity and shall be the actuarial equivalent of the member's accumulated contributions at the time of his ordinary disability retirement, and a state annuity as follows:

(A) Prior to the member's attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/60 of the member's average final compensation at the time of his ordinary disability retirement multiplied by the number of years of creditable service at the time of his ordinary disability retirement;

(B) After attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/66 of the member's average final compensation at the time of his ordinary disability retirement multiplied by the number of years of creditable service at the time of his ordinary disability retirement;

(C) Regardless of age at disability, the ordinary disability retirement allowance shall not be less than 25 percent of the member's average final compensation at the time of his *or her* disability retirement.

(2) Upon ordinary disability retirement, the group I member who has not attained age 60 ***if the member commenced service before July 1, 2011 or the age of 65 if the member commenced service on or after July 1, 2011*** shall receive an ordinary disability retirement allowance which shall consist of: a member annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of his ordinary disability retirement; and a state annuity which, together with the member annuity, shall be equal to 1.5 percent of the member's average final compensation at the time of his ordinary disability retirement multiplied by the number of years of creditable service at that time of his ordinary disability retirement. However, regardless of age at disability, the ordinary disability retirement allowance shall not be less than 25 percent of the member's average final compensation at the time of his *or her* disability retirement.

175 Accidental Disability Retirement; Group I. Amend RSA 100-A:6, I(d) to read as follows:

(d)(1) Upon accidental disability retirement, the group I member who has attained age 60 ***if the member commenced service before July 1, 2011 or the age of 65 if the member commenced service on or after July 1, 2011*** shall receive an accidental disability retirement allowance which shall consist of a member annuity and shall be the actuarial equivalent of the member's accumulated contributions at the time of his accidental disability retirement, and a state annuity as follows:

(A) Prior to the member's attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/60 of the member's average final compensation at the time of his accidental disability retirement multiplied by the number of years of creditable service at the time of his accidental disability retirement;

(B) After attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/66 of the member's average final compensation at the time of his accidental disability retirement multiplied by the number of years of creditable service at the time of his accidental disability retirement;

(C) Regardless of age at disability, such allowance shall not be less than 50 percent of the member's average final compensation at the time of his accidental disability retirement.

(2) Upon accidental disability retirement, the group I member who has not attained age 60 ***if the member commenced service before July 1, 2011 or the age of 65 if the member commenced service on or after July 1, 2011*** shall receive an accidental disability retirement allowance which shall consist of: the member annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of his accidental disability retirement; and a state annuity which, together with the member annuity, shall be equal to 50 percent of the member's average final compensation at the time of his disability retirement.

176 Vested Deferred; Group II Age Increased. Amend RSA 100-A:10, II(b) to read as follows:

(b) ***For members who commenced service before July 1, 2011***, upon the member's attainment of age 45, provided the member would then have completed 20 years of creditable service, otherwise the subsequent date on which such 20 years would have been completed, ***or for members who commenced service after June 30, 2011, upon the member's attainment of age 50, provided the member would then have completed 25 years of creditable service, otherwise the subsequent date on which such 25 years would have been completed***, or at any time after age 60, a group II member who meets the requirement of subparagraph (a) may make application on a form prescribed by the board of trustees and receive a vested deferred retirement allowance which shall consist of: (1) A member annuity which shall be the actuarial equivalent of accumulated contributions on the

date the member's retirement allowance commences; and (2) A state annuity which, together with the member annuity, shall be equal to a service retirement allowance based on the member's average final compensation and creditable service at the time the member's service is terminated.

177 Return of Contributions. Amend RSA 100-A:11, I(c) to read as follows:

(c) Upon the death of a group I member who has elected, pursuant to RSA 100-A:10, to receive a vested deferred retirement allowance before his *or her* attainment of age 60 ***if the member commenced service before July 1, 2011 or the age of 65 if the member commenced service on or after July 1, 2011***, the amount of his accumulated contributions at the time of his *or her* death shall be paid to the person or persons, if any, nominated by ~~him~~ ***the member***, if living, otherwise to the member's estate.

178 Split Benefits; Minimum Age. Amend RSA 100-A:19-b to read as follows:

100-A:19-b Minimum Age. For the purposes of this subdivision only, minimum age shall mean:

I. For a member who has completed less than 20 years combined creditable service in both group I and group II, 60 years ***if the member commenced service before July 1, 2011 or 65 years if the member commenced service on or after July 1, 2011***.

II. For a member ***who commenced service before July 1, 2011 and***, who has completed 20 or more years of combined creditable service, one year shall be deducted from age 60 for each year of creditable group II service, provided that the age shall not be less than 45 years. ***For a member who commenced service on or after July 1, 2011 and, who has completed 25 or more years of combined creditable service, one year shall be deducted from age 65 for each year of creditable group II service, provided that the age shall not be less than 50 years.***

179 Split Benefits; Reduced Early Retirement; Minimum Age. Amend RSA 100-A:19-d to read as follows:

100-A:19-d Reduced Early Retirement. Notwithstanding any other provision of law, any retirement system member who has creditable service in both group I and group II with at least 10 years combined creditable service, and who has attained an age which is at least 45 ***for members who commenced group II service prior to July 1, 2011 or at least 50 for members who commenced group II service on or after July 1, 2011*** and is within 10 years of the minimum age set forth in RSA 100-A:19-b, may elect to retire and have benefits commence immediately as a reduced split-benefit service retirement allowance. Application shall be as provided in RSA 100-A:5, I(c). The allowance shall be determined as a split-benefit service retirement allowance in accordance with RSA 100-A:19-c, and the total combined split-benefit service allowance shall be reduced by the percentages shown in RSA 100-A:5, I(c), based on the total combined length of creditable service, for each month by which the date on which benefits commence precedes the month after which the member attains the minimum age set forth in RSA 100-A:19-b.

180 State Employees; Retirement. Amend RSA 21-I:30, II(a) to read as follows:

(a) Has at least 10 years of creditable service for the state if the employee's service began prior to July 1, 2003 or 20 years of creditable service if the employee's service began on or after July 1, 2003, and who also is at least 60 years of age at the time of retirement ***if the employee commenced service before July 1, 2011 or at least 65 years of age at the time of retirement if the employee commenced services on or after July 1, 2011***; or

Amend section 465 of the bill by deleting paragraph VII

AMENDED ANALYSIS

64. Makes various changes to the state retirement system for beginning July 1, 2011, including:

(a) Increasing retirement ages of group I and group II members for service retirement, disability retirement, vested deferred retirement, and split benefits.

(b) Changing the definitions of earnable compensation and average final compensation used in calculating retirement benefits.

(c) Increasing certain group I and group II retirement system member contribution rates.

(d) Eliminating the state share of retirement system employer contributions for group I and group II members not employed by the state.

(e) Increasing the monthly contribution for medical benefits paid by retired state employees under age 65.

Rep. Pierce spoke in favor and yielded to questions.

Rep. Hawkins spoke against.

Rep. Brunelle requested a roll call; sufficiently seconded.

YEAS 108 NAYS 233

YEAS 108

BELKNAP

None

CARROLL

Knox, J. David

Scala, Dino

CHESHIRE

Butynski, William
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Carr, Daniel
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Chase, Cynthia
Lindsey, Steven
Sad, Tara

Hawkes, Samuel
Meador, David
Tatro, Bruce

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William

Merrick, Evalyn

Remick, William

GRAFTON

Aguiar, James
Cooney, Mary
Pastor, Beatriz
Townsend, Charles

Almy, Susan
Gould, Franklin
Pierce, David
White, Andrew

Benn, Bernard
Harding, Laurie
Smith, Suzanne

Bradley, Lester
Nordgren, Sharon
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Goley, Jeffrey
Long, Patrick
Porter, Marjorie
Rosenwald, Cindy

Brunelle, Michael
Day, Russell
Gorman, Mary
McCarthy, Michael
Ramsey, Peter
Shaw, Barbara

Buxton, Michael
Garrity, Patrick
Jeudy, Jean
Messier, Irene
Rhodes, Brian
Sullivan, Daniel

Campbell, David
Gidge, Kenneth
Katsiantonis, Thomas
Pilotte, Maurice
Rokas, Ted

MERRIMACK

Bouchard, Candace
Gile, Mary
Patten, Dick
Shurtleff, Stephen

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

DeStefano, Stephen
Kidder, David
Rice, Chip

Frazer, June
MacKay, James
Richardson, Gary

ROCKINGHAM

Cali-Pitts, Jacqueline
Lovejoy, Patricia
Perkins, Amy
Schlachman, Donna

Copeland, Timothy
Moody, Marcia
Perkins, Lawrence
Serlin, Christopher

DiPentima, Rich
Norelli, Terie
Powers, James
Webb, James

Dowling, Patricia
Pantelakos, Laura
Read, Robin Jr

STRAFFORD

Brown, Julie
Grassie, Anne
Keans, Sandra
Spainhower, Dale
Watters, David

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

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

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

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

NAYS 233

BELKNAP

Accornero, Harry
Kingsbury, Robert
Pilliod, James
Tobin, William

Comtois, Guy
Luther, Robert
Russell, David
Worsman, Colette

Fields, Dennis
Malone, Robert
St. Cyr, Jeffrey

Greemore, Robert
Millham, Alida
Tilton, Franklin

CARROLL

Ahlgren, Christopher
McConkey, Mark
Schmidt, Stephen

Babson, David Jr
Morrow, Harry
Tregenza, Norman

Chandler, Gene
Patten, Betsey
Umberger, Karen

Fleck, Joseph
Pettengill, Laurie

CHESHIRE

Byrnes, John
Johnson, Jane
Sterling, Franklin Jr

Cartwright, Anne
Moore, Charles

Emerson, Susan
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy

Rappaport, Laurence

Richardson, Herbert

Tremblay, Marc

GRAFTON

Bulis, Lyle
Ladd, Rick Jr
Sorg, Gregory

Eaton, Stephanie
Mirski, Paul
Sova, Charles

Gionet, Edmond
Reilly, Harold Sr

Ingbretson, Paul
Simard, Paul

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Brown, Kevin

Balboni, Michael
Belanger, James
Burt, John

Ball, J. Michael
Belvin, William
Cebrowski, John

Barry, J. Gail
Boehm, Ralph
Christensen, D.L.
Chris
Cusson-Cail, Kathleen
Donovan, Daniel

Coffey, James
Daniels, Gary

Condra, William
DeJong, Cameron

Coughlin, Sean
Doherty, Shaun

Drisko, Richard
Gagne, Larry
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Marcus, Bruce
Murphy, Keith
Ohm, Bill
Peterson, Lenette
Rowe, Robert
Simmons, Tammy
Summers, James
Ulery, Jordan
Whitehead, Randall

Erickson, Duane
Gargas, Carolyn
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Pratt, Calvin
Scotsas, Lisa
Soucy, Connie
Swank, Matthew
Vaillancourt, Steve
Willette, Robert

Flanagan, Jack
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
LeBrun, Donald
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Fredette, Robert
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
Maltz, Jonathan
Moran, Edward
Ober, Russell III
Pellegrino, Tony
Robbins, David
Silva, Peter
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
Foose, Robert
Hoell, J.R.
Lindsley, Mark
Palfrey, David
Seaworth, G. Brian
Winter, Steven

Coffey, Jennifer
Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Reed, Dennis
Smith, Molly

Cohn, Seth
Hess, David
Kreis, Kenneth Sr
McGuire, Carol
Richardson, Jon
Smith, Todd

Cox, Sean
Hill, Gregory
Lauer-Rago, Kathleen
McGuire, Dan
Sanborn, Laurie
Soltani, Tony

ROCKINGHAM

Abrami, Patrick
Bates, David
Case, Frank
Davenport, Joshua
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Nevis, Chris
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Ward, Joanne

Antosz, Jason
Bettencourt, David
Charron, Gene
DeSimone, Debra
Ferrante, Beverly
Gould, Kenneth
Introne, Robert
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Reichard, Kevin
Sapareto, Frank
Smith, William
Tremblay, Stella
Waterhouse, Kevin

Azarian, Gary
Birdsell, Regina
Chirichiello, Brian
Devine, James
Fesh, Robert
Griffin, Mary
Itse, Daniel
MacMahon, Bruce
McMahon, Charles
Packard, Sherman
Rice, Frederick
Sedensky, John
Sullivan, James
Tucker, Pamela
Welch, David

Baldasaro, Alfred
Brown, Paul
Comerford, Timothy
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Major, Norman
Murphy, Brian
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sytek, John
Waddell, James
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Jones, Laura
Newton, Clifford
Vita, Carol

DeLemus, Susan
Larsen, Kirsten
O'Connor, William
Vita, Lucien

Groen, Warren
Leonard, Frederick Jr
Parsons, Robbie

Jones, Kyle
Munck, Philip
Pitre, Joseph

SULLIVAN

Bowers, Spec
Laware, Thomas
and floor amendment (1271h) failed.

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

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

Rep. Rosenwald offered floor amendment (1273h).

Floor Amendment (1273h)

Amend the bill by replacing sections 36-41 with the following:

34 Uncompensated Care Fund. Amend RSA 167:64, I to read as follows:

I. There is hereby established in the state treasury an uncompensated care fund which shall consist of the moneys collected pursuant to RSA 84-A. Investment earnings of the fund shall be credited to the fund. Moneys paid into the fund shall be exempt from any state budget reductions, and the commissioner is authorized to expend these funds, together with matching federal funds, as follows:

(a) No less than ~~[50]~~ **40** percent of the moneys paid into the fund shall be utilized to support uncompensated care in hospitals in accordance with rules adopted by the commissioner, pursuant to RSA 541-A.

(b) The commissioner is hereby authorized and directed to develop and implement, ***in connection with the payment by the state to hospitals for reimbursement of uncompensated care costs for state fiscal year 2012 and thereafter***, a schedule of payments for reimbursement of the uncompensated care costs of those hospitals that are subject to the tax liability imposed under RSA 84-A and that participate in the state Medicaid program. The ***reimbursement of uncompensated care costs paid in state fiscal year 2012 and each year thereafter shall be in accordance with the*** schedule of payments to hospitals ~~[shall]~~ ***that*** take effect on ~~[January]~~ ***or before July 1, 2011***, subject to the prior review and approval of ~~[the fiscal committee of the general court and]~~ the federal Centers for Medicare and Medicaid Services, and shall be structured in a manner that ~~[(i) reduces to the greatest extent practicable the disproportionate impact among hospitals of uncompensated care costs; (ii) permits maximum available federal financial participation for these payments in accordance with Title XIX of the Social Security Act; and (iii)]~~ is consistent with all federal laws and regulations governing Title XIX disproportionate share hospital payment adjustments and permissible sources of state financial participation as provided for under 42 C.F.R. part 433 ***and all other applicable federal regulations***.

(c) For purposes of this section, uncompensated care costs shall include: charity care costs, any portion of Medicaid patient care costs that are unreimbursed by Medicaid payments, and any portion of bad debt costs that the commissioner determines would meet the criteria under 42 U.S.C. section 1396r-4(g) governing hospital-specific limits on disproportionate share hospital payments under Title XIX of the Social Security Act.

(d) The commissioner may provide reimbursement for uncompensated care costs in accordance with the approved schedule of payments through either Medicaid fee for service rate adjustments or disproportionate share hospital payment adjustments, or a combination thereof. Funds available under this section shall be ~~[first]~~ allocated ~~[to ensure that critical access hospitals and rehabilitation hospitals receive reimbursement for reported uncompensated care costs at the rate of 100 percent of the individual hospital limit for disproportionate share payments]~~ as determined by the commissioner consistent with the provisions of 42 U.S.C. section 1396r-4(g). ~~[Non-critical access hospitals shall receive reimbursement at the highest uniform percentage of each hospital limit as the funds made available under this section permit.]~~ The commissioner may create additional categories of need and make further reasonable distinctions among hospitals when determining the methodology for payments under this section, as necessary, to ensure that no hospital is unduly burdened by the fiscal effect of uncompensated care costs.

(e) One percent of the payments made from the class lines in the budget of the office of the commissioner, department of health and human services, entitled "hospital disproportionate share," "New Hampshire hospital disproportionate share," and "hospital

uncompensated care pool” shall be placed in a separate class line reserved for the expenses of the department in administering this subdivision.

(f) For fiscal year 2012 and every fiscal year thereafter, 10 percent of the revenue collected under RSA 84-A shall be made available to the department of health and human services to support medical provider payments and shall not be paid into the general fund.

35 Uncompensated Care Fund; Duties of the Commissioner. Amend RSA 167:65, II and III to read as follows:

II. Seek input from the ~~[chairman of the]~~ senate health and human services committee, the ~~[chairman of the]~~ house health, human services and elderly affairs committee, the ~~[chairmen of the]~~ house and senate finance committees, the insurance department, and ~~[representatives of]~~ ***from the*** hospitals currently participating in the uncompensated care program ~~[in developing]~~ ***during the development of*** the uncompensated care payment system required under paragraph I, and present a report ~~[detailing all the options and making recommendations]~~ ***describing the proposed payment system*** to the oversight committee on health and human services, established under RSA 126-A:13, ~~[not later than January 1, 2010]~~ ***prior to the payments being made.***

III. **Submit the Medicaid state plan amendment and an estimate of the fiscal impact of such plan amendment to the fiscal committee of the general court for its review [and approval] prior to submission of the plan amendment to the federal Centers for Medicare and Medicaid Services and implementation of the plan.**

AMENDED ANALYSIS

28. Clarifies the allocation and use of the moneys in the uncompensated care fund.

Rep. Rosenwald spoke in favor.

Reps. Kappler and Kurk spoke against.

Rep. Rosenwald requested a roll call; sufficiently seconded.

YEAS 100 NAYS 242

YEAS 100

BELKNAP

Accornero, Harry

Millham, Alida

CARROLL

None

CHESHIRE

Butynski, William
Johnsen, Gladys
Parkhurst, Henry
Weed, Charles

Carr, Daniel
Lerandeau, Alfred
Sad, Tara

Chase, Cynthia
Lindsey, Steven
Tatro, Bruce

Hawkes, Samuel
Meador, David
Weber, Lucy

COOS

Coulombe, Gary

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

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

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Gargas, Carolyn
Gorman, Mary
Porter, Marjorie
Rosenwald, Cindy

Brunelle, Michael
Garrity, Patrick
Jeudy, Jean
Ramsey, Peter
Shaw, Barbara

Campbell, David
Gidge, Kenneth
Long, Patrick
Rhodes, Brian
Sullivan, Daniel

Cote, David
Goley, Jeffrey
Pilotte, Maurice
Rokas, Ted

MERRIMACK

Bouchard, Candace
Frazer, June
Palfrey, David
Richardson, Gary

Deloge, Helen
Gile, Mary
Patten, Dick
Shurtleff, Stephen

DeStefano, Stephen
Hamm, Christine
Potter, Frances
Wallner, Mary Jane

Foose, Robert
MacKay, James
Rice, Chip
Watrous, Rick

ROCKINGHAM

Cali-Pitts, Jacqueline
Moody, Marcia
Perkins, Lawrence
Serlin, Christopher

DiPentima, Rich
Norelli, Terie
Powers, James

Dowling, Patricia
Pantelakos, Laura
Read, Robin Jr

Lovejoy, Patricia
Perkins, Amy
Schlachman, Donna

STRAFFORD

Brown, Julie
Grassie, Anne
Keans, Sandra
Spainhower, Dale
Watters, David

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

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

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

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

NAYS 242

BELKNAP

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

Fields, Dennis
Malone, Robert
Swinford, Elaine

Greemore, Robert
Pilliod, James
Tilton, Franklin

Kingsbury, Robert
Russell, David
Tobin, William

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

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

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Johnson, Jane
Sterling, Franklin Jr

Cartwright, Anne
Moore, Charles

Emerson, Susan
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Ingbretson, Paul
Simard, Paul

Bulis, Lyle
Ladd, Rick Jr
Sorg, Gregory

Eaton, Stephanie
Mirski, Paul
Sova, Charles

Gionet, Edmond
Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Brown, Kevin
Christensen, D.L.
Chris
Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
Maltz, Jonathan
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Pratt, Calvin
Scontsas, Lisa
Soucy, Connie
Thomas, Joseph
Villeneuve, Moe

Balboni, Michael
Belanger, James
Burt, John
Coffey, James
Daniels, Gary
Donovan, Daniel
Fredette, Robert
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Marcus, Bruce
Messier, Irene
Ober, Lynne
Palmer, Stephen
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Twombly, Timothy
Warden, Mark

Ball, J. Michael
Belvin, William
Buxton, Michael
Condra, William
Day, Russell
Drisko, Richard
Gagne, Larry
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael
Moran, Edward
Ober, Russell III
Pellegrino, Tony
Robbins, David
Silva, Peter
Summers, James
Ulery, Jordan
Whitehead, Randall

Barry, J. Gail
Boehm, Ralph
Cebrowski, John
Coughlin, Sean
DeJong, Cameron
Erickson, Duane
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
LeBrun, Donald
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Peterson, Lenette
Rowe, Robert
Simmons, Tammy
Swank, Matthew
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kidder, David
Lindsley, Mark
Reed, Dennis
Smith, Molly

Coffey, Jennifer
Hess, David
Kotowski, Frank
McDonnell, John
Richardson, Jon
Smith, Todd

Cohn, Seth
Hill, Gregory
Kreis, Kenneth Sr
McGuire, Carol
Sanborn, Laurie
Soltani, Tony

Cox, Sean
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Seaworth, G. Brian
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Bates, David
Case, Frank
Copeland, Timothy
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Major, Norman
Murphy, Brian
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sullivan, James

Allen, Mary
Bettencourt, David
Charron, Gene
Davenport, Joshua
Elliott, Robert
Garritty, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Nevins, Chris
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sytek, John

Azarian, Gary
Birdsell, Regina
Chirichiello, Brian
DeSimone, Debra
Ferrante, Beverly
Gould, Kenneth
Introne, Robert
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel

Baldasaro, Alfred
Brown, Paul
Comerford, Timothy
Devine, James
Fesh, Robert
Griffin, Mary
Itse, Daniel
MacMahon, Bruce
McMahon, Charles
Packard, Sherman
Reichard, Kevin
Sapareto, Frank
Smith, William
Tremblay, Stella

Tucker, Pamela
Webb, James

Waddell, James
Welch, David

Ward, Joanne
Weyler, Kenneth

Waterhouse, Kevin

STRAFFORD

Andolina, Donald
Jones, Laura
Newton, Clifford
Vita, Carol

DeLemus, Susan
Larsen, Kirsten
O'Connor, William
Vita, Lucien

Groen, Warren
Leonard, Frederick Jr
Parsons, Robbie

Jones, Kyle
Munck, Philip
Pitre, Joseph

SULLIVAN

Bowers, Spec
Laware, Thomas
and floor amendment (1273h) failed.

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

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

Rep. Foose offered floor amendment (1277h).

Floor Amendment (1277h)

Amend the bill by replacing section 119 with the following:

119 College Tuition Savings Plan. For the biennium ending June 30, 2013, administrative fees less any administrative costs that are generated from the New Hampshire college tuition savings plan shall be allocated in the following manner: 70 percent of such total fees shall be paid prior to the end of the state fiscal year to the university system of New Hampshire and 30 percent of such total fees shall be paid prior to the end of the state fiscal year to the community college system of New Hampshire.

Amend the bill by replacing section 121 with the following:

121 Repeals. The following are repealed:

I. RSA 6:12, I(b)(140), relative to moneys deposited in the forgivable loan fund and the loan repayment fund in the workforce incentive program under RSA 188-D:18-f through RSA 188-D:18-h.

II. RSA 6:12, I(b)(241), relative to moneys deposited by the postsecondary education commission in the essential functions fund established under RSA 188-D:8, IX.

III. RSA 6:12, I(b)(243), relative to moneys used for the New Hampshire incentive program established in RSA 188-D:10.

IV. RSA 6:12, I(b)(244), relative to moneys used for the leveraged incentive grant program established in RSA 188-D:33.

V. RSA 6:12, I(b)(245), relative to moneys used for the granite state scholars program established in RSA 188-D:36.

VI. RSA 6:12, I(b)(247), relative to moneys used for the veterinary/medical/optometric education program established in RSA 200-J.

VII. RSA 6:12, I(b)(270), relative to the large animal veterinarian net tuition repayment fund established in RSA 200-J:7.

VIII. RSA 6:12-d, II(k), relative to the surety indemnification accounts of the postsecondary education commission.

IX. RSA 188-D, relative to the postsecondary education commission.

X. RSA 200-J, relative to the veterinary/medical/optometric education program.

AMENDED ANALYSIS

55. For the biennium ending June 30, 2013, transfers the balance of the New Hampshire excellence in higher education endowment trust fund in part to the university system of New Hampshire and in part to the community college system of New Hampshire.

Rep. Foose spoke in favor and requested a roll call; sufficiently seconded.

YEAS 98 NAYS 241

YEAS 98

BELKNAP

None

CARROLL

Knox, J. David

CHESHIRE

Butynski, William
Johnsen, Gladys
Meader, David
Tatro, Bruce

Carr, Daniel
Johnson, Jane
Parkhurst, Henry
Weber, Lucy

Chase, Cynthia
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Hawkes, Samuel
Lindsey, Steven
Sad, Tara

COOS

Coulombe, Gary

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

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

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Garrity, Patrick
Judy, Jean
Porter, Marjorie
Rosenwald, Cindy

Brunelle, Michael
Gidge, Kenneth
Long, Patrick
Ramsey, Peter
Shaw, Barbara

Campbell, David
Goley, Jeffrey
Messier, Irene
Rhodes, Brian
Sullivan, Daniel

Cote, David
Gorman, Mary
Pilotte, Maurice
Rokas, Ted

MERRIMACK

Bouchard, Candace
Frazer, June
MacKay, James
Richardson, Gary

Deloge, Helen
Gile, Mary
Patten, Dick
Shurtleff, Stephen

DeStefano, Stephen
Hamm, Christine
Potter, Frances
Wallner, Mary Jane

Foose, Robert
Kidder, David
Rice, Chip
Watrous, Rick

ROCKINGHAM

Cali-Pitts, Jacqueline
Norelli, Terie
Schlachman, Donna

DiPentima, Rich
Pantelakos, Laura
Serlin, Christopher

Lovejoy, Patricia
Powers, James

Moody, Marcia
Read, Robin Jr

STRAFFORD

Brown, Julie
Grassie, Anne
Keans, Sandra
Spainhower, Dale
Watters, David

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

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

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

SULLIVAN

Cloutier, John Gagnon, Raymond Lefebvre, Benjamin

NAYS 241

BELKNAP

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

CARROLL

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

CHESHIRE

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

COOS

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

GRAFTON

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

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, J. Gail
Barry, Richard	Belanger, James	Belvin, William	Boehm, Ralph
Brown, Kevin	Burt, John	Buxton, Michael	Cebrowski, John
Christensen, D.L.	Coffey, James	Condra, William	Coughlin, Sean
Chris			
Cusson-Cail, Kathleen	Daniels, Gary	Day, Russell	DeJong, Cameron
Doherty, Shaun	Donovan, Daniel	Drisko, Richard	Erickson, Duane
Flanagan, Jack	Fredette, Robert	Gagne, Larry	Gargas, Carolyn
Graham, John	Greazzo, Phil	Haefner, Robert	Hansen, Peter
Hardwick, Harry	Hawkins, Kenneth	Hikel, John	Hinch, Richard
Hogan, Edith	Holden, Frank	Hopper, Gary	Hutchinson, Winfred
Infantine, William	Krasucki, Joseph	Kurk, Neal	LeBrun, Donald
Maltz, Jonathan	Marcus, Bruce	McCarthy, Michael	McGuinness, Sean
Mecheski, Holly	Moran, Edward	Murphy, Keith	Notter, Jeanine
Ober, Lynne	Ober, Russell III	Ohm, Bill	Palmer, Barry
Palmer, Stephen	Pellegrino, Tony	Peterson, Lenette	Pratt, Calvin
Renzullo, Andrew	Robbins, David	Rowe, Robert	Scotsas, Lisa
Seidel, Carl	Silva, Peter	Simmons, Tammy	Soucy, Connie
Stepanek, Stephen	Summers, James	Thomas, Joseph	Twombly, Timothy
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe	Warden, Mark

Whitehead, Randall

Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Reed, Dennis
Smith, Molly

Coffey, Jennifer
Hess, David
Kreis, Kenneth Sr
McGuire, Carol
Richardson, Jon
Smith, Todd

Cohn, Seth
Hill, Gregory
Lauer-Rago, Kathleen
McGuire, Dan
Sanborn, Laurie
Soltani, Tony

Cox, Sean
Hoell, J.R.
Lindsley, Mark
Palfrey, David
Seaworth, G. Brian
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Bettencourt, David
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Nevins, Chris
Perkins, Lawrence
Reichard, Kevin
Sapareto, Frank
Smith, William
Tremblay, Stella
Waterhouse, Kevin

Allen, Mary
Birdsell, Regina
Comerford, Timothy
Devine, James
Ferrante, Beverly
Gould, Kenneth
Introne, Robert
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sullivan, James
Tucker, Pamela
Webb, James

Azarian, Gary
Brown, Paul
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Griffin, Mary
Itse, Daniel
MacMahon, Bruce
McMahon, Charles
Packard, Sherman
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sytek, John
Waddell, James
Welch, David

Bates, David
Charron, Gene
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Major, Norman
Murphy, Brian
Perkins, Amy
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Ward, Joanne
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Jones, Laura
Newton, Clifford
Vita, Carol

DeLemus, Susan
Larsen, Kirsten
O'Connor, William
Vita, Lucien

Groen, Warren
Leonard, Frederick Jr
Parsons, Robbie

Jones, Kyle
Munck, Philip
Pitre, Joseph

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

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

Reps. Watters and Foose spoke against.

Rep. Weyler spoke in favor.

Rep. Foose requested a roll call; sufficiently seconded.

YEAS 222 NAYS 119

YEAS 222

BELKNAP

Accornero, Harry
Kingsbury, Robert
Pilliod, James

Comtois, Guy
Luther, Robert
Russell, David

Fields, Dennis
Malone, Robert
Swinford, Elaine

Greemore, Robert
Millham, Alida
Tilton, Franklin

Tobin, William

Worsman, Colette

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Babson, David Jr
McConkey, Mark
Scala, Dino

Chandler, Gene
Merrow, Harry
Schmidt, Stephen

Fleck, Joseph
Patten, Betsey
Tregenza, Norman

CHESHIRE

Byrnes, John
Moore, Robert Jr

Cartwright, Anne
Smith, Edwin

Hunt, John
Sterling, Franklin Jr

Moore, Charles

COOS

Daugherty, Duffy

Rappaport, Laurence

GRAFTON

Bradley, Lester
Ingbretson, Paul
Simard, Paul

Bulis, Lyle
Ladd, Rick Jr
Sorg, Gregory

Eaton, Stephanie
Mirski, Paul
Sova, Charles

Gionet, Edmond
Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Brown, Kevin

Balboni, Michael
Belanger, James
Burt, John

Ball, J. Michael
Belvin, William
Cebrowski, John

Barry, J. Gail
Boehm, Ralph
Christensen, D.L.
Chris

Coffey, James

Condra, William

Coughlin, Sean

Cusson-Cail,
Kathleen

Daniels, Gary
Drisko, Richard
Gagne, Larry
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael
Murphy, Keith
Ohm, Bill
Peterson, Lenette
Rowe, Robert
Simmons, Tammy
Thomas, Joseph
Villeneuve, Moe

DeJong, Cameron
Erickson, Duane
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
LeBrun, Donald
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Pratt, Calvin
Scotsas, Lisa
Soucy, Connie
Twombly, Timothy
Warden, Mark

Doherty, Shaun
Flanagan, Jack
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
Maltz, Jonathan
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Ulery, Jordan
Willette, Robert

Donovan, Daniel
Fredette, Robert
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Marcus, Bruce
Moran, Edward
Ober, Russell III
Pellegrino, Tony
Robbins, David
Silva, Peter
Summers, James
Vaillancourt, Steve

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Reed, Dennis
Smith, Todd

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

Cohn, Seth
Hill, Gregory
Lauer-Rago, Kathleen
McGuire, Dan
Seaworth, G. Brian

Cox, Sean
Hoell, J.R.
Lindsley, Mark
Palfrey, David
Smith, Molly

ROCKINGHAM

Abrami, Patrick
Bates, David
Charron, Gene
Devine, James
Fesh, Robert
Headd, James
Kappler, Lawrence
Manuse, Andrew
Nevins, Chris
Reichard, Kevin
Sapareto, Frank
Smith, William
Tasker, Kyle
Ward, Joanne

Allen, Mary
Bettencourt, David
Comerford, Timothy
Duarte, Joe
Garcia, Marilinda
Hoelzel, Kathleen
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Rice, Frederick
Sedensky, John
Sullivan, James
Tremblay, Stella
Waterhouse, Kevin

Azarian, Gary
Birdsell, Regina
Davenport, Joshua
Elliott, Robert
Garrity, James
Introne, Robert
MacMahon, Bruce
McMahon, Charles
Packard, Sherman
Ritter, Glenn
Sheffert, Kenneth
Sytek, John
Tucker, Pamela
Welch, David

Baldasaro, Alfred
Brown, Paul
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary
Itse, Daniel
Major, Norman
Murphy, Brian
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Waddell, James
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Jones, Laura
Newton, Clifford
Vita, Carol

DeLemus, Susan
Larsen, Kirsten
O'Connor, William
Vita, Lucien

Groen, Warren
Leonard, Frederick Jr
Parsons, Robbie

Jones, Kyle
Munck, Philip
Pitre, Joseph

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

NAYS 119

BELKNAP

St. Cyr, Jeffrey

CARROLL

Knox, J. David

CHESHIRE

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

Carr, Daniel
Johnsen, Gladys
Meador, David
Tatro, Bruce

Chase, Cynthia
Johnson, Jane
Parkhurst, Henry
Weber, Lucy

Emerson, Susan
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

COOS

Coulombe, Gary
Richardson, Herbert

Hatch, William
Theberge, Robert

Merrick, Evalyn
Tremblay, Marc

Remick, William

GRAFTON

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

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin

Brunelle, Michael

Buxton, Michael

Campbell, David

Cote, David
Gidge, Kenneth
Long, Patrick
Ramsey, Peter
Shaw, Barbara

Day, Russell
Goley, Jeffrey
Messier, Irene
Rhodes, Brian
Sullivan, Daniel

Gargasz, Carolyn
Gorman, Mary
Pilotte, Maurice
Rokas, Ted
Whitehead, Randall

Garrity, Patrick
Jeudy, Jean
Porter, Marjorie
Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
Frazer, June
MacKay, James
Richardson, Gary
Wallner, Mary Jane

Deloge, Helen
Gile, Mary
Patten, Dick
Richardson, Jon
Watrous, Rick

DeStefano, Stephen
Hamm, Christine
Potter, Frances
Shurtleff, Stephen

Foose, Robert
Kidder, David
Rice, Chip
Soltani, Tony

ROCKINGHAM

Cali-Pitts, Jacqueline
Dowling, Patricia
Moody, Marcia
Perkins, Lawrence
Read, Robin Jr

Chirichiello, Brian
Gould, Kenneth
Norelli, Terie
Powers, James
Schlachman, Donna

Copeland, Timothy
Katsakiores, Phyllis
Pantelakos, Laura
Quandt, Marshall
Serlin, Christopher

DiPentima, Rich
Lovejoy, Patricia
Perkins, Amy
Quandt, Matt
Webb, James

STRAFFORD

Brown, Julie
Grassie, Anne
Keans, Sandra
Spainhower, Dale
Watters, David

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

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

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

SULLIVAN

Cloutier, John Gagnon, Raymond Lefebvre, Benjamin
and the majority committee report was adopted.

Ordered to third reading.

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

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

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Jasper moved that the House reconsider its action whereby, on a roll call vote of 222-119, it adopted the majority committee report of Ought to Pass with Amendment on ***HB 2-FN-A-L***, relative to state fees, funds, revenues, and expenditures.

Rep. Jasper spoke against.

On a division vote, 96 members having voted in the affirmative and 241 in the negative, the motion failed.

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

MOTION TO PRINT DEBATE

Rep. Patrick Garrity moved that the debate on ***HB 2-FN-A-L***, relative to state fees, funds, revenues, and expenditures, be printed in the Permanent Journal.

On a division vote, 101 members having voted in the affirmative and 237 in the negative, the motion failed.

RESOLUTION

Rep. Bettencourt offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 31, 2011 at 9:00 a.m.
Adopted.

LATE SESSION

Third reading and final passage

SB 112, relative to the membership on the advanced manufacturing education advisory council.

SB 127-FN, relative to the city of Manchester's contributory retirement system.

HB 131, relative to indemnification of volunteers performing duties in the state park system.

SB 15, relative to the duties of tax collectors and clerks.

SB 16, relative to amendments to warrant articles.

SB 174, relative to the Concord regional solid waste/resource recovery cooperative.

HB 590, expressing the position of the New Hampshire general court that the offering and acceptance of federal grants-in-aid relating to matters not included among the defined powers of the federal government is unconstitutional under the state and federal Constitutions and establishing a committee to review state participation in federal grant-in-aid programs.

HCR 19, affirming States' powers based on the Constitution for the United States and the Constitution of New Hampshire.

HB 375, relative to immunity for school personnel using reasonable force to protect a minor for special purposes or pupil.

HB 160, relative to the powers of the joint committee on legislative facilities.

HB 438-FN-A, relative to funding of the Claremont, Colebrook, Milford, Keene, and Plaistow District Courts.

HB 479-FN, relative to receivership of nursing homes and other residential health care facilities.

HB 490-FN, adopting the interstate compact for juveniles.

HB 519-FN, repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

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

HCR 6, requiring the Congress of the United States of America to reaffirm its adherence to the Constitution of the United States regarding international agreements and treaties.

HB 651, allowing the sale and possession of monk parakeets.

CACR 6, relating to taxation. Providing that a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees, or to authorize the issuance of state bonds and providing that the general court shall appropriate funds for payment of interest and installments of principle of all state bonds.

HB 25-FN-A, making appropriations for capital improvements.

HB 648, relative to eminent domain petitions by public utilities.

HB 580-FN-L, relative to the New Hampshire retirement system, and relative to continuation of provisions of a collective bargaining agreement following the end of the term of the agreement.

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

HB 2-FN-A-L, relative to state fees, funds, revenues, and expenditures.

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 7:15 p.m.

RECESS