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Wednesday, May 4, 2011

No. 42

HOUSE JOURNAL No. 16 (cont.)

Wednesday, April 27, 2011

Rep. Stepanek moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 17

Wednesday, May 4, 2011

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

Prayer was offered by House Chaplain, Reverend Roger Boucher.

Almighty God, as always we lift up our personal cares and ask that You help us prevail over the dilemmas of our lives. We remember the House members and their families who are ill and need healing. Give us the courage to take the day's responsibilities of our office to heart and exercise common sense and respectability in our high calling. Today we are especially thankful and reassured that life is meaningful under this flag because of great courage shown by our men and women in uniform. Only when we are not indifferent to evil and suffering, and are called to endure some of its hardships and to pursue the good that brings joy in seeing justice done do we clearly see Your blessings and Your vision of life restored. And so we ask for Your special blessings on them, especially those from the State of New Hampshire. If they are alert to Your presence, Lord, then keep us alert also to the value of life. We all seek peace in the portion of life given to us and when the responsibilities to secure peace are shouldered by the armed services, our measure of fear is lifted and turned into confidence and hope. Give us courage, then, to protect the innocent and foster the

blessed humanity of each civilian we serve. Keep us always focused on the ultimate good. We ask this in Your name. Amen.

Representative Daniel Tamburello, member from Londonderry, led the Pledge of Allegiance.

Representative James Garrity of Atkinson led the singing of the National Anthem.

LEAVES OF ABSENCE

Reps. Charron, Eaton, Hofemann and Robert Moore, the day, illness.

Reps. Beattie, Campbell, Coughlin, Hamm, Katsiantonis, Leonard, Marcus, Mauro, Mirski, Packard, Panek, Sapienza, Stephen Schmidt and Suzanne Smith, the day, important business.

INTRODUCTION OF GUESTS

Nancy and Jerry Desmarais, parents of Rep. Sanborn. Donald McGuinness, father of Rep. McGuinness. Windham Selectman Bruce Breton, guest of Rep. Ronald Belanger. Santa Garcia, Matteo and Tina Gravina, mother and guests of Rep. Garcia.

INTRODUCTION OF SPECIAL GUESTS

The Winnacunnet Girls Basketball Team, 2011 Division 1 State Champions accompanied by Head Coach Ed Beattie.

WITHOUT OBJECTION

Without objection, the Speaker ordered that Senate Messages be taken up after the Consent Calendar.

CONSENT CALENDAR

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

SB 89, establishing a study committee on the procurement of health insurance by employee leasing companies, removed by Rep. Pilotte.

SB 195, naming the Manchester Airport Access Road for Raymond Wieczorek, removed by Rep. Bowers.

SB 75-FN, relative to clarification of part-time service in the state retirement system, removed by Rep. Bergevin.

Consent Calendar adopted.

SB 50, making various changes to laws regulating trusts and trust companies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David J. Palfrey for Commerce and Consumer Affairs: This bill continues the long-standing legislative initiative to establish New Hampshire as a leading jurisdiction in the national market for financial, trust and fiduciary services and to attract the good, clean financial service jobs of that marketplace to New Hampshire. SB 50 makes changes to the statutes governing wills and trusts that will continue to maintain New Hampshire's competitiveness among states in this growing economic sector. The committee amendment clarifies the authority of the probate court and certain state agencies and makes several minor editing and technical corrections to the bill as it passed the Senate. Vote 18-0.

Amendment (1533h)

Amend RSA 551:22, II as inserted by section 2 of the bill by replacing it with the following:

II. A no-contest provision shall be enforceable according to the express terms of the no-contest provision without regard to the presence or absence of probable cause for, or the beneficiary's good or bad faith in, taking the action that would justify the complete or partial forfeiture of the beneficiary's interest in the will under the terms of the no-contest provision. A no-contest provision shall be unenforceable to the extent that the will is invalid because of fraud, duress, undue influence, lack of testamentary capacity, or any other reason. In the case of an action solely to challenge the acts of the executor or other fiduciary of the will, a no-contest provision shall be unenforceable to the extent that the executor or other fiduciary has committed a breach of fiduciary duties or breach of trust.

Amend RSA 551:22, III(a)-(b) as inserted by section 2 of the bill by replacing it with the following:

(a) Any action brought by the executor or other fiduciary of a will that incorporates a no-contest provision, unless the executor or other fiduciary is a beneficiary against whom the no-contest provision is otherwise enforceable;

(b) Any agreement among the beneficiaries and any other interested persons in settlement of a dispute or resolution of any other matter relating to such will;

Amend RSA 564:1, II as inserted by section 3 of the bill by replacing it with the following:

II. Except as provided in RSA 564:19, IV, this section shall not apply with respect to any trust exempted from the accounting requirements under RSA 564:19, II.

Amend RSA 564:19 as inserted by section 5 of the bill by replacing it with the following:

564:19 Filing Account.

I. Except as otherwise provided in paragraph II, every trustee shall file in the probate court an annual account of administration, unless upon petition ~~[he]~~ ***the trustee*** is excused by the judge of probate; but in no event shall ~~[he]~~ ***the trustee*** be excused for a period longer than ~~[three]~~ ***3*** years, except that in cases where such filing may be impractical and may work financial hardship to the trust estate the judge of probate upon written approval of the attorney general may extend said period not exceeding in the aggregate ~~[five]~~ ***5*** years. Such annual account of administration provided for herein may be allowed by the judge of probate without publication unless he ***or she*** shall otherwise order. Before giving notice to settle a final account the trustee shall file it in the probate office and shall cause the fact of such filing to appear in the notice and shall at the same time file a statement of the names and residences of the beneficiaries in the trust estate.

II. The following trusts created under will shall be exempt from the accounting requirements of paragraph I:

(a) A trust created under a will admitted to probate on or after January 1, 2012, shall be exempt from the accounting requirements of paragraph I if, under the terms of the will, the testator expressly waives the requirement for annual accountings.

(b) A trust created under any will shall be exempt from the accounting requirements of paragraph I if all of the interested persons agree to waive the trustee's filing of accounts, and the probate court finds that the waiver of filing of accounts does not violate a material purpose of the trust. The interested persons may agree to waive the trustee's filing of accounts by means of a nonjudicial settlement agreement within the meaning of RSA 564-B:1-111. For purposes of this subparagraph, the trustee's filing of accounts is not a material purpose of a trust created under a will unless, under the terms of the will, there is a clear and express manifestation of the testator's intent that the trust shall be subject to full judicial supervision, including a requirement that the trustee file accounts with the court.

(c) If the court grants a petition for the acceptance of jurisdiction over a trust with respect to which a court of another state has released its jurisdiction, and the court releasing jurisdiction did not require the trustee or trustees of the trust to file accounts with that court, or required that the trustee or trustees of the

trust file accounts less frequently than annually, then the court accepting jurisdiction over such trust shall not require accountings whatsoever, or shall require accountings less frequently than annually, as the case may be, on the same basis as may have been required by the court releasing jurisdiction.

III. A trust created under a will described in paragraph II, with respect to which no judicial accountings will be required, shall in all respects be subject to the beneficiary reporting and information requirements of RSA 564-B, the Uniform Trust Code, and all other pertinent provisions of such code, except to the extent that a contrary provision appears in the will under which the trust was created, provided that such contrary provision does not violate any of the mandatory rules of RSA 564-B:1-105. For these purposes, the pertinent terms of the will shall have the same meaning as “terms of a trust” and the “will creating the trust” shall have the same meaning as “trust instrument”, as defined in RSA 564-B:1-103(19) and (20), respectively.

IV. Nothing in this section shall be interpreted to modify or limit the jurisdiction or authority of the probate court to require any trustee of a trust created under a will to make a judicial accounting or to give bond, either upon a motion on interested person, or on the probate court’s own action.

V. For purposes of this section, an “interested person” means any person who has standing to petition the court to order the trustee to account, including the director of charitable trusts if, with respect to the trust, the director has the rights of a qualified beneficiary under RSA 564-B:1-110(c).

VI. Nothing in this section shall limit the authority of the attorney general or the department of health and human services otherwise provided by common law or other statute.

Amend RSA 564-B:2-201(b) as inserted by section 9 of the bill by replacing it with the following:

(b) A trust, other than a trust created by a will~~[-is not]~~ **subject to the provisions of RSA 564:19, shall not be** subject to continuing judicial supervision unless ordered by the court.

Amend the bill by replacing all after section 10 with the following:

11 Uniform Trust Code; Limitation of Action Against Trustee. Amend RSA 564-B:10-1005 to read as follows:

564-B:10-1005 Limitation of Action Against **a Trustee by a Beneficiary.**

(a) A beneficiary may not commence a proceeding against a trustee for breach of trust more than one year after the date the beneficiary or a representative of the beneficiary was sent a report that adequately disclosed the existence of a potential claim for breach of trust and informed the beneficiary of the time allowed for commencing a proceeding.

(b) A report adequately discloses the existence of a potential claim for breach of trust if it provides sufficient information so that the beneficiary or representative knows of the potential claim or should have inquired into its existence.

(c) If subsection (a) does not apply, a judicial proceeding by a beneficiary against a trustee for breach of trust must be commenced within 3 years after the first to occur of:

- (1) The removal, resignation, or death of the trustee;
- (2) The termination of the beneficiary’s interest in the trust; ~~or~~
- (3) The termination of the trust~~[-]~~; **or**

(4) The date on which the beneficiary or a representative of the beneficiary was sent a report that adequately disclosed the existence of a potential claim for breach of trust.

(d) The periods of limitation under this section shall not be tolled for any reason, except by a written agreement of the trustees and qualified beneficiaries or a court order. Without limiting the circumstances under which a court may issue an order tolling the period of limitations, a court may issue an order tolling the

period of limitations under this section during the pendency of any action described in RSA 564-B:10-1014(c)(3).

(e) Nothing in this section shall limit the authority of the attorney general or the department of health and human services otherwise provided by common law or other statute.

12 New Section; Uniform Trust Code; Limitation of Action Against a Trustee by a Trustee, Trust Advisor, or Trust Protector. Amend RSA 564-B by inserting after section 10-1005 the following new section:

564-B:10-1005A Limitation of Action Against a Trustee by a Trustee, Trust Advisor, or Trust Protector.

(a) A trustee shall commence a proceeding against a cotrustee or a former trustee for breach of trust within 3 years after the earlier of the date on which the trustee was sent a report that adequately disclosed the existence of a potential claim for breach of trust or the removal, resignation, or death of the cotrustee or former trustee. A trustee, however, shall not commence a proceeding against a cotrustee or a former trustee if, under RSA 564-B:10-1005, none of the beneficiaries may commence a proceeding against the cotrustee or former trustee for such breach of trust.

(b) A trust advisor or trust protector shall commence a proceeding against a trustee for breach of trust within 3 years after earlier of the date on which the trust advisor or trust protector was sent a report that adequately disclosed the existence of a potential claim for breach of trust or the removal, resignation, or death of the trustee. A trust advisor or trust protector, however, shall not commence a proceeding against a trustee for breach of trust if, under RSA 564-B:10-1005, none of the beneficiaries may commence a proceeding against the trustee for such breach of trust.

(c) A report adequately discloses the existence of a potential claim for breach of trust if it provides sufficient information so that the recipient knows of the potential claim or should have inquired into its existence.

(d) The periods of limitation under subsection (a) shall not be tolled except by either a written agreement of the trustees or, in the case of a possible claim against a former trustee, the trustees and the former trustee or a court order. The periods of limitation under subsection (b) shall not be tolled except by a written agreement of the trust advisors, trust protectors, and trustees or a court order. Without limiting the circumstances under which a court may issue an order tolling the period of limitations, a court may issue an order tolling the period of limitations under this section during the pendency of any action described in RSA 564-B:10-1014(c)(3).

13 New Section; Uniform Trust Code; Enforcement of No-Contest Provision. Amend RSA 564-B by inserting after section 10-1013 the following new section:

564-B:10-1014 Enforcement of No-Contest Provision.

(a) For the purposes of this section, a “no-contest provision” of a trust instrument means a provision that, if given effect, would reduce or eliminate the interest of any beneficiary of such trust who, directly or indirectly, initiates or otherwise pursues:

(1) Any action to contest the validity of the trust or the terms of the trust;

(2) Any action to set aside or vary the terms of the trust;

(3) Any action to challenge the acts of the trustee or other fiduciary of the trust in the performance of the trustee’s or other fiduciary’s duties as described in the terms of the trust; or

(4) Any other act or proceedings to frustrate or defeat the settlor’s intent as expressed in the terms of the trust.

(b) A no-contest provision shall be enforceable according to the express terms of the no-contest provision without regard to the presence or absence of probable cause for, or the beneficiary’s good or bad faith in, taking the action that would justify the complete or partial forfeiture of the beneficiary’s interest in the trust under the terms of the no-contest provision. A no-contest provision shall be unenforceable to the extent that the trust is

invalid because of fraud, duress, undue influence, lack of testamentary capacity, or any other reason. In the case of an action solely to challenge the acts of the trustee or other fiduciary of the trust, a no-contest provision shall be unenforceable to the extent that the trustee or other fiduciary has committed a breach of fiduciary duties or breach of trust.

(c) Subsection (b) shall not apply to:

(1) Any action brought by the trustee or any other fiduciary serving under the terms of the trust, unless the trustee or other fiduciary is a beneficiary against whom the no-contest provision is otherwise enforceable;

(2) Any agreement among the beneficiaries and any other interested persons in settlement of a dispute or resolution of any other matter relating to the trust, including without limitation any nonjudicial settlement agreement;

(3) Any action to determine whether a proposed or pending motion, petition, or other proceeding constitutes a contest within the meaning of a no-contest provision;

(4) Any action brought by a beneficiary or on behalf of any such beneficiary for a construction or interpretation of the terms of the trust; or

(5) Any action brought by the attorney general for a construction or interpretation of a charitable trust or a trust containing a charitable interest if a provision exists in a trust purporting to penalize a charity or charitable interest for contesting the trust if probable cause exists for instituting proceedings.

(d) It is the intent of this section to enforce the settlor's intent as reflected in a no-contest provision to the greatest extent possible. The provisions of this section shall be construed and applied in a manner consistent with such intent.

(e) This section shall apply to all judicial proceedings concerning the enforcement or interpretation of a no-contest provision commenced on or after its effective date.

14 New Section; Uniform Trust Code; Limitation of Action Against a Trust Advisor or Trust Protector. Amend RSA 564-B by inserting after section 12-1205 the following new section:

564-B:12-1206 Limitation of Action Against a Trust Advisor or Trust Protector.

(a) A beneficiary shall commence a proceeding against a trust advisor or trust protector for breach of trust within the earlier of:

(1) One year after the date on which the beneficiary or the beneficiary's representative was sent a report that adequately disclosed the existence of a potential claim for breach of trust and informed the beneficiary of the time allowed for commencing a proceeding; or

(2) Three years after the date on which the beneficiary or the beneficiary's representative was sent a report that adequately disclosed the existence of a potential claim for breach of trust.

(b) A fiduciary shall commence a proceeding against a trust advisor or trust protector for breach of trust within 3 years after the date on which the fiduciary was sent a report that adequately disclosed the existence of a potential claim for breach of trust; provided, however, that a fiduciary shall not commence a proceeding against a trust advisor or trust protector for breach of trust if, under subsection (a), none of the beneficiaries may commence a proceeding against the trust advisor or trust protector for such breach of trust. For purposes of this section, a "fiduciary" means any trustee, trust advisor, or trust protector.

(c) A report adequately discloses the existence of a potential claim for breach of trust if it provides sufficient information so that the recipient knows of the potential claim or should have inquired into its existence.

(d) The periods of limitation under subsection (a) shall not be tolled for any reason, except by a written agreement of the qualified beneficiaries and each of the trust advisors and trust protectors against whom a beneficiary may commence a proceeding or a court order. The periods of limitation under subsection (b) shall not be tolled for any reason, except by a written agreement of the trustees and each of the trust advisors and trust protectors against whom a fiduciary may commence a proceeding or a court order. Without

limiting the circumstances under which a court may issue an order tolling the period of limitations, a court may issue an order tolling the period of limitations under this section during the pendency of any action described in RSA 564-B:10-1014(c)(3).

(e) Nothing in this section shall limit the authority of the attorney general or the department of health and human services provided by common law or other statute.

15 Uniform Principal and Income Act; Conversion to Unitrust. Amend RSA 564-C:1-106(a)-(b) to read as follows:

(a) Unless expressly prohibited by the terms of the trust, a trustee may convert a trust into a unitrust as described in this section if all of the following apply:

(1) The trustee determines that the conversion will enable the trustee to better carry out the intent of the settlor ~~[or testator]~~, **as defined in RSA 564-B:1-103(15)**, and the purposes of the trust.

(2) The trustee gives written notice of the trustee's intention to convert the trust into a unitrust and of how the unitrust will operate, including what initial decisions the trustee will make under this section, to all the ~~[sui juris]~~ **qualified** beneficiaries, **as defined in RSA 564-B:1-103(12) and including the director of charitable trusts if, with respect to the trust, the director has the right of a "qualified beneficiary" under RSA 564-B:1-110(c).** ~~[who:~~

~~(A) Are currently eligible to receive income from the trust;~~

~~(B) Would be eligible, if a power of appointment were not exercised, to receive income from the trust if the interest of all the beneficiaries eligible to receive income under subparagraph (a)(2)(A) were to terminate immediately before the giving of notice; and~~

~~(C) Would receive, if no powers of appointment were exercised, a distribution of principal if the trust were to terminate immediately prior to the giving of notice.~~

~~(3) There is at least one sui juris beneficiary under subparagraph (a)(2)(A) and at least one sui juris beneficiary under subparagraph (a)(2)(B).~~

~~(4) No sui juris]~~ **(3) No qualified** beneficiary objects to the conversion to a unitrust in a writing delivered to the trustee within 60 days of the mailing of the notice under subparagraph (a)(2).

(b)(1) The trustee may petition the court to approve the conversion to a unitrust if ~~[any of the following apply:~~

~~(A) A beneficiary timely objects to the conversion to a unitrust.~~

~~(B) There are no sui juris beneficiaries under subparagraph (a)(2)(A).~~

~~(C) There are no sui juris beneficiaries under subparagraph (a)(2)(C).]~~ **a qualified beneficiary timely objects to the conversion of the unitrust.**

(2) A **qualified** beneficiary may request a trustee to convert to a unitrust. If the trustee does not convert, the beneficiary may petition the court to order the conversion.

(3) The court shall approve the conversion or direct the requested conversion if the court concludes that the conversion will enable the trustee to better carry out the intent of the settlor ~~[or testator]~~ and the purposes of the trust.

16 Uniform Principal and Income Act; Conversion to Unitrust. Amend RSA 564-C:1-106(j)-(l) to read as follows:

(j)(1) If subparagraph (i)(3), (i)(4), or ~~[(i)(5)]~~ **(i)(6)** applies to a trustee and there is more than one trustee, a cotrustee to whom the provision does not apply may convert the trust, unless the exercise of the power by the remaining trustee or trustees is prohibited by the terms of the trust.

(2) If subparagraph (i)(3), (i)(4), or ~~[(i)(5)]~~ **(i)(6)** applies to all the trustees, the trustees may petition the court to direct a conversion.

(k) A trustee may permanently release the power conferred by paragraph (a) or may release the power conferred by paragraph (a) for a specified period including a period measured by the life of an individual to convert to a unitrust if any of the following apply:

(1) The trustee is uncertain about whether possessing or exercising the power will cause a result described in subparagraph (i)(3), (i)(4), or (i)(5).

(2) The trustee determines that possessing or exercising the power will or may deprive the trust of a tax benefit or impose a tax burden not described in paragraph (i).

(l) ~~[The provisions of RSA 564-B:3-304 shall apply with respect to beneficiaries other than sui juris beneficiaries]~~ ***For the purposes of this section, a person may represent and bind another person in accordance with Article 3 of RSA 564-B.***

17 Uniform Trust Code; Conforming Change. Amend RSA 564-B:3-304 to read as follows:

564-B:3-304 Representation by Person Having Substantially Identical Interest. Unless otherwise represented, a minor, incapacitated, or unborn individual, or a person whose identity or location is unknown and not reasonably ascertainable, may be represented by and bound by another having a substantially identical interest with respect to the particular question or dispute, but only to the extent there is no conflict of interest between the representative and the person represented. ~~[Nothing in this section shall expand or limit the virtual representation of sui juris beneficiaries for purposes of RSA 564-C:1-106.]~~

18 New Paragraph; Uniform Trust Code; Notice for Minors and Incapacitated Persons. Amend RSA 564-B:1-109 by inserting after paragraph (d) the following new paragraph:

(e) Notice to any minor or incapacitated individual shall not be effective unless such notice is sent to a person who represents and can bind such minor or incapacitated individual in accordance with the provisions of Article 3 of this chapter.

19 Qualified Dispositions in Trust Act; When Transferor May Serve as Trust Advisor. Amend RSA 564-D:5 to read as follows:

564-D:5 Transferor May Serve as Trust Advisor. Any individual, including the transferor of the qualified disposition, may serve as a trust advisor as described in RSA 564-D:4. However, if such transferor serves as the trust advisor, his or her rights and powers as a trust advisor shall be limited to ~~[the right to disapprove distributions from the trust and the right to consent to a trustee's action or inaction relating to the investment of trust assets.]:~~

I. The right to direct, consent to, or veto a fiduciary's actual or proposed investment decisions; and

II. The rights and powers described in RSA 564-D:2, II excluding any power that would enable the transferor, acting as trust advisor, to direct, consent to, veto, or otherwise participate in a distribution by the trustee to or for the benefit of the transferor, the transferor's creditors, the transferor's estate, or the creditors of the transferor's estate.

20 Effective Date. This act shall take effect 60 days after its passage. Referred to the Committee on Judiciary.

SB 116, relative to the manufactured housing installation standards board. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sean M. McGuinness for Commerce and Consumer Affairs: This bill amends law pertaining to the manufactured housing installation standards board. The bill permits a licensed installer to place a warranty seal on a manufactured home. Currently, only a manufacturer can obtain a seal. The bill also allows the standards board to meet at the call of the board chair rather than only every 90 days. The bill also allows a licensed installer's employer to provide a surety bond or a letter of credit on behalf of the licensee. Finally, the committee adopted an amendment which exempted certain temporary construction units (on site trailers) from the third party inspection process required of residential units under RSA 205 C-1. Industry advocates and state fire officials are not in conflict over this technical change. Vote 18-0.

Amendment (1573h)

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

AN ACT relative to the manufactured housing installation standards board and relative to the definition of a modular building.

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

4 Modular Building Standards; Definition of Modular Building. Amend RSA 205-C:1, XI to read as follows:

XI. "Modular building" means any building of closed construction, which is made or assembled in manufacturing facilities off the building site, for installation, or assembly and installation, on the building site. This definition shall not be construed to include any structure labeled in accordance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974, ***nor shall it include single-wide structures under 750 square feet, provided that they are not for residential or classroom use***, nor shall it include any recreational vehicle or park trailer as defined in American National Standards Institute A119.2, Standard for Recreational Vehicles, or A119.5, Standard for Park Trailers, or any building type not subject to the requirements of nationally recognized model building codes.

AMENDED ANALYSIS

This bill:

I. Requires a licensed installer or manufacturer to attach a warranty seal to a manufactured home.

II. Removes the requirement that the manufactured housing installation standards board meet at least every 90 days and permits the board to meet at the call of the board or the chairperson.

III. Provides that a licensed installer's employer may file the required surety bond or letter of credit on behalf of the licensee.

IV. Clarifies the definition of a modular building under RSA 205-C, relative to modular building standards.

SB 122, establishing a committee to study the laws relating to electronic prescriptions. **OUGHT TO PASS.**

Rep. Chris F. Nevins for Commerce and Consumer Affairs: This bill seeks to improve and encourage the use of electronic prescriptions with private medical practices. Currently most New Hampshire hospitals already have such a system which has proven to be successful at reducing costs and eliminating errors. A committee will be established to study the laws relating to electronic prescriptions and will report its findings by Nov. 1, 2011. Vote 17-1.

SB 33-FN, relative to retired state employee contributions for medical benefits costs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth Hawkins for Executive Departments and Administration: This bill, introduced at the request of the department of administrative services, authorizes the department to collect from retired state employees under the age of 65 the statutorily required premium of \$65.00 per month for a single retiree or \$130.00 per month for a retiree and spouse. This provision applies both to retirees who receive a retirement allowance and retirees who do not receive an allowance. The amendment adds a reenrollment clause for retirees whose benefits were terminated for nonpayment, within six months of the termination date, upon payment of any outstanding contribution or other amount. Vote 15-1.

Amendment (1505h)

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

1 New Paragraph; State Employee Contributions to Medical and Surgical Benefits.

Amend RSA 21-I:30 by inserting after paragraph V the following new paragraph:

VI. The commissioner of administrative services shall invoice and collect from retired state employees under the age of 65 years receiving medical and surgical benefits provided under this section, who do not receive a retirement allowance as defined in RSA 100-A:1, XXII, the premium contribution amounts of \$65 per month for each such retiree and \$65 per month for each applicable spouse; provided that the charge to each household shall not exceed \$130 per month. The commissioner of administrative services is also authorized to invoice and collect from such other participants contribution amounts as specified by law. Collected amounts shall be deposited in the employee and retiree benefit risk management fund. Failure to remit payment of the contribution amount in full within 30 days of billing shall be grounds for terminating benefits, effective with the beginning of the billing period. Reenrollment shall be dependent upon payment of any outstanding contribution or other amounts within 6 months of the termination date. If a participant fails to remit payment in full for participation within 30 days of billing, on the 30th day the participant shall be notified by certified mail, return receipt requested, that he or she shall remit payment to the department within 10 business days of receiving the letter or his or her benefits shall be terminated effective upon the 10th business day after receipt of the letter and that reenrollment shall be dependent upon payment of any outstanding contribution or other amount within 6 months of the termination date.

2 New Hampshire Retirement System; Medical and Surgical Benefit Administration. Amend RSA 100-A:54, III to read as follows:

III. The retirement system shall 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, the premium contribution amounts of \$65 per month for each such retiree and \$65 per month for each applicable spouse; provided that the charge to each household shall not exceed \$130 per month. Deducted amounts, 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, 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. ***Failure to remit payment of the contribution amount in full within 30 days of billing shall be grounds for terminating benefits, effective with the beginning of the billing period. Reenrollment shall be dependent upon payment of any outstanding contribution or other amounts within 6 months of the termination date. The department of administrative services shall provide notice of the termination of benefits pursuant to RSA 21-I:30, VI.***

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

SB 76-FN, relative to the authority of the department of revenue administration to adopt rules and to administer state tax laws. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter T. Hansen for Executive Departments and Administration: The committee felt that this bill required additional work before it could be considered, and that HB 564, currently retained by Ways and Means, would be the best way to address the issues in SB 76 as they are similar. Vote 17-0.

SB 81-FN, relative to powers and duties of commissioners of executive branch agencies, and relative to the extension of the expired term of a commissioner or agency head. **OUGHT TO PASS.**

Rep. Randall A. Whitehead for Executive Departments and Administration: This bill will improve the functionality and efficiency of departments, should re-assignment of employees be necessary, by allowing the commissioner to transfer or re-assign personnel, or to delegate, transfer or assign the authority to administer within components of the agency. This bill limits the extension of the service of a commissioner or agency head as a holdover from an

expired term. There is no fiscal impact resulting from this bill. Vote 13-1.

SB 51, relative to the establishment of a state leadership team to address issues concerning certain adults with developmental disabilities who may present a substantial risk to the community. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank R. Kotowski for Health, Human Services and Elderly Affairs: As amended, the bill requires that the department of health and human services initiate action to produce a Memorandum of Understanding among itself, the department of corrections and the attorney general. The Memorandum of Understanding shall outline responsibilities, including the roles each will take in the future in addressing issues concerning adults with developmental disabilities who could potentially present a substantial risk to the community. Vote 16-0.

Amendment (1452h)

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

AN ACT relative to the establishment of an inter-departmental team to address issues concerning certain adults with developmental disabilities who may present a substantial risk to the community.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Inter-Departmental Team. Amend RSA 126-A:5 by inserting after paragraph XVIII the following new paragraph:

XIX.(a) The commissioners of the departments of health and human services and corrections, and the attorney general shall enter into a memorandum of understanding establishing an inter-departmental team, to address responsibilities associated with the most challenging cases of individuals 18 years of age or older with developmental disabilities or acquired brain disorders who present a substantial risk to community safety as determined by a comprehensive risk assessment appropriate to the individual. The memorandum of understanding shall include a requirement for participation by the: department of health and human services, including the bureau of developmental services, the bureau of behavioral health, the division for children, youth and families, the bureau of drug and alcohol services, the New Hampshire hospital, the department of justice, and the department of corrections. The purpose of the memorandum of understanding is to promote collaboration and cooperation across all services systems to determine and recommend system responsibility for providing and/or funding specific services and supports to effectively meet the needs of the individual and the public safety of the community in accordance with the rules of the respective departments.

(b) Nothing in this paragraph shall abrogate the rights of individuals or responsibilities of agencies under RSA 171-A, RSA 171-B, RSA 137-K, or any other applicable state or federal law.

(c) Any of the departments may refer a case to the team for consideration. In addition, a county house of corrections may refer a case to the team for consideration for individuals determined eligible under RSA 171-A.

(d) The commissioners and the attorney general shall submit an annual report beginning on November 1, 2011 to the president of the senate, the speaker of the house of representatives, and the governor relative to the outcomes and recommendations of the team.

AMENDED ANALYSIS

This bill requires the commissioners of the departments of health and human services and corrections, and the attorney general to enter into a memorandum of understanding to establish an inter-departmental team, to address issues concerning certain adults with developmental disabilities who may present a substantial risk to the community. Referred to the Committee on Criminal Justice and Public Safety.

SB 72-FN, establishing a comprehensive cancer plan fund. **OUGHT TO PASS WITH**

AMENDMENT.

Rep. Laurie Harding for Health, Human Services and Elderly Affairs: This bill, as amended, gives the department of health and human services (DHHS) the authority to establish a cancer fund should new grants or private monies become available. SB 72 does not require or request any state dollars. The commissioner of DHHS, in collaboration with the Cancer Collaborative, will direct the use of the funds. Maintaining the possibility of a fund specifically for projects related to cancer makes a statement that New Hampshire continues to recognize that this disease is an issue for its citizens. Vote 16-0.

Amendment (1404h)

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

AN ACT relative to the comprehensive cancer plan fund.

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

1 Comprehensive Cancer Plan Fund. Amend the introductory paragraph of RSA 126-A:64 to read as follows:

There is hereby established in the office of the state treasurer the comprehensive cancer plan fund, to be administered by the department of health and human services. The department is authorized to accept public sector and private sector grants, gifts, donations, and appropriations for deposit into the fund. The fund shall be nonlapsing and continually appropriated to the department, and shall be used to implement the provisions of the New Hampshire comprehensive cancer plan as developed by the New Hampshire comprehensive cancer collaboration. The fund shall be expended annually for the following purposes, with allocations determined by the ~~[comprehensive cancer plan oversight board]~~ **commissioner of the department of health and human services, in consultation with the comprehensive cancer collaboration:**

2 Repeal Date Extended. Amend 2007, 263:176, IX to read as follows:

IX. **Paragraph II of** section 98 of this act shall take effect June 30, 2011.

3 Effective Date. This act shall take effect June 30, 2011.

Referred to the Committee on Ways and Means.

SB 151-FN, relative to contracts of the department of health and human services. OUGHT TO PASS WITH AMENDMENT.

Rep. Frank R. Kotowski for Health, Human Services and Elderly Affairs: This bill requires the commissioner of the department of health and human services to develop a plan to consolidate contracts of the department including, but not limited to, contracts for the acquisition of goods and services and for the provision of services to clients of the department no later than January 1, 2012. The plan shall be presented for review and comment by the health and human service oversight committee. For the remainder of the biennium ending June 30, 2013, the commissioner shall provide reports to the health and human service oversight committee of the contract consolidation plan. Vote 16-0.

Amendment (1420h)

Amend the bill by replacing section 1 with the following:

1 Contract Consolidation; Department of Health and Human Services. No later than January 1, 2012, the commissioner of the department of health and human services shall develop a plan to consolidate contracts of the department including, but not limited to, contracts for the acquisition of goods and services and for the provision of services to clients of the department. The plan shall be provided for review and comment to the oversight committee on health and human services established pursuant to RSA 126-A:13. For the remainder of the biennium ending June 30, 2013, the commissioner shall provide reports on a quarterly basis to the oversight committee on implementation of the contract consolidation plan.

Referred to the Committee on Finance.

MOTION TO SPECIAL ORDER

Rep. Hawkins moved that ***SB 3-FN-A-L***, making comprehensive changes to the state retirement system, be made a Special Order to the beginning of the Regular Calendar and if passed, that House Rules be suspended as to allow immediate third reading.
Adopted by the necessary two-thirds

REGULAR CALENDAR

SPECIAL ORDER

SB 3-FN-A-L, making comprehensive changes to the state 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 is much like HB 580 in that it is making changes to the New Hampshire Retirement System. The committee has amended it to reflect the House position on a number of retirement issues. Changes to age requirements, years worked and contribution rates are addressed in the bill. The committee feels that this bill will help strengthen the new retirement system's ability to pay current and future retirees their pension. Vote 10-3.

Rep. Stephen J. Shurtleff for the Minority of Special Committee on Public Employee Pensions Reform: This bill would make substantial changes in employee contributions to the New Hampshire Retirement System (NHRS) and the methodology of how employees' retirement benefits are computed. There are several areas of concern with SB 3. The bill refers to employees "who have not obtained vested status by January 1, 2012" as being subject of this legislation, as well as new employees. However, there is a legal question regarding the definition of the word "vested" as used in this bill. The bill's drafters used the word "vested" to mean those employees who have been employed for ten or more years and eligible for pensions through the NHRS. But as has been pointed out by legal counsel, under well established case law and in accordance with legal opinions of the New Hampshire Attorney General's Office "vested" status is attained by members of the NHRS upon attainment of permanent employment status, usually after a one year probationary period is successfully completed. Sadly, this bill also contains what is referred to as a "poison pill" provision. Under section 39 of the bill, if any employee challenges this bill in court and any part of the bill is found to be contrary to the constitution of our state or of the United States then section 36 of the bill will come in to effect. This section states that employees contribution to the NHRS will increase as employees will now also be responsible for 50% of the normal contribution as well as 50% of the accrued liability contribution. By including this provision we are saying that if one segment of our population attempts to use its God given rights to challenge the constitutionality of any legislation passed by the New Hampshire House, they will be penalized for doing so. It is not right to say to anyone or any group that if you look to our constitution for protection of your rights, then you do so at your own peril. This is not the American way or the New Hampshire way, and should not be part of any legislation emanating from this body.

Majority Amendment (1576h)

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 health care 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 increasing 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; 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.

3 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.***

4 New Section; Retirement Qualification Age and Benefit Calculation Tables. Amend RSA 100-A by inserting after section 1 the following new section:

100-A:1-a Retirement Qualification Age and Benefit Calculation Tables. Where applicable the following tables shall apply to group I and group II members for the purpose of determining the member's retirement qualification age, years of service, and benefit calculation:

I. Group I.

<u>Creditable service on July 1, 2011</u>	<u>Retirement qualification age</u>	<u>Multiplier</u>
Less than 10 years	65, subject to paragraph III	1/66
At least 10 but not 15 years	64	1/64
At least 15 but not 20 years	63	1/63
At least 20 but not 25 years	62	1/62
At least 25 but not 30 years	61	1/61
At least 30 years	60	1/60

II. Group II.

<u>Creditable service on July 1, 2011</u>	<u>Minimum years of service</u>	<u>Minimum age attained</u>	<u>Annuity multiplier</u>
0 years/ new hire	25	50, subject to paragraph III	2.0%
Less than 4 years	24	49	2.1%
At least 4 years but less than 6 years	23	48	2.2%
At least 6 years but less than 8 years	22	47	2.3%
At least 8 years but less than 10 years	21	46	2.4%
10 years or more	20	45	2.5%

III. The regular retirement qualification age for group I members, and the group II minimum age attained for regular retirement as well as the minimum age to receive a group II retirement allowance under RSA 100-A:5, II(a) for such members, shall be subject to increase according to the following procedure:

(a) Beginning July 1, 2016 and on every subsequent 5-year anniversary thereafter, the executive director shall adjust the ages required according to the increase in the average life expectancy at birth for persons born in the United States as reported in that year by the United States Census Bureau. For each increase in such average life expectancy of at least one full year which occurred during the immediately preceding five-year period, the corresponding number of full years shall be added to the ages identified in this section. Any unused portion of a full-year increase in the average life expectancy shall be carried forward to the subsequent 5-year period.

(b) The board of trustees, following each such 5-year anniversary, shall certify the average life expectancy to be used by the executive director in adjusting the ages according to this section, and shall inform all employers and members of the changes to be applied.

5 New Section; Participation Standards; Classified State Employees. Amend RSA 100-A by inserting after section 28-b the following new section:

100-A:28-c Participation Standards; Classified State Employees.

I. In order to be eligible for participation in the retirement system, an employee as defined in RSA 100-A:1, V who is a classified employee of the state or of any department, commission, institution, or agency of the state government, must be employed in a full-time position with the state or a department, commission, institution, or agency of the state government, as defined by the department of administrative services, division of personnel. Employment by a classified employee in one or more part-time positions, as defined by the department of administrative services, division of personnel, shall not result in such employee's participation in the system, regardless of the number of hours worked in one or more part-time positions, regardless of whether the part-time position or positions may in some instances qualify for vacation pay, sick pay, or other benefits, and regardless of whether positions are held within one or more departments, commissions, institutions, or agencies.

II. Employment by a full-time classified employee of any department, commission, institution, or agency of the state government in a part-time position with a different department, commission, institution, or agency of the state government shall not result in retirement contributions being made in regard to the part-time position, nor shall that position be considered for the purposes of the member's participation in the retirement system.

III. Solely part-time state employment by a classified employee shall not entitle the person to benefits under this chapter or under RSA 21-I:30, RSA 21-I:30-a, or RSA 21-I:32.

IV. To the extent that any administrative rule of the New Hampshire retirement system is inconsistent with the provisions contained this section, the operation of that rule is hereby suspended.

6 State Employees; Group Insurance Benefits. 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]~~ **the retirement qualification age under RSA 100-A:1-a, I** to be eligible. If the vested deferred state retiree is a member of group II, 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]~~ **meeting the retirement qualifications under RSA 100-A:1-a, II.**

7 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 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]~~ **the retirement qualification age under RSA 100-A:1-a, I** 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]~~ **the benefit multiplier under RSA 100-A:1-a, I** 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. **Provided, however, that for members who were not in vested status on July 1, 2011, the number of years of his or her creditable service used to determine the retirement allowance under this subparagraph shall not exceed 33 years.**

(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]~~ **retirement qualification age under RSA 100-A:1-a, I**, 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]~~ **the retirement qualification age under RSA 100-A:1-a, I**, 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 has attained ~~[age 45 and completed 20]~~ **the retirement qualification age and attained the minimum** years of creditable service **under RSA 100-A:1-a, II**, 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; **provided however that a group II member who is not in vested status on July 1, 2011 may retire and receive a service retirement allowance beginning upon the attainment of age 55 upon written application to the board of trustees.**

(2) ~~[setting]~~ **The written application shall set** 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 **and attainment of the required age**, 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 average final compensation]~~ **the annuity multiplier under RSA 100-A:1-a, II** multiplied by the number of years of his **or her** creditable service ~~[not in excess of 40 years]~~ **provided the product does not exceed 100 percent, and then multiplied by the member's average final compensation. Provided, however, that for members who were not in vested status on July 1, 2011, the number of years of his or her creditable service used to determine the retirement allowance under this subparagraph shall not exceed 25 years.**

(c)(1) Notwithstanding any provision of RSA 100-A to the contrary, any group II member who has retired on or after the effective date of this subparagraph after attaining the ~~[age of 45 with at least 20]~~ **retirement qualification age and minimum** years of creditable service **under RSA 100-A:1-a, II** 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.]

8 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]~~ **the retirement qualification age under RSA 100-A:1-a, I** 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]~~ **the benefit multiplier under RSA 100-A:1-a, I** at the time of his **or her** ordinary disability retirement multiplied by the number of years of creditable service at the time of his **or her** 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 **or her** ordinary disability retirement multiplied by the number of years of creditable service at the time of his **or her** 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] **the retirement qualification age under RSA 100-A:1-a, I** 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.

9 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 **or her** accumulated contributions at the time of his **or her** ordinary disability retirement; and a state annuity which, together with his **or her** member annuity, shall be equal to ~~[2 1/2 percent of his average final compensation]~~ **the annuity multiplier under RSA 100-A:1-a, II** 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]~~ **provided the product does not exceed 100 percent, and then multiplied by the member's average final compensation**, provided, **further**, 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. **Provided, however, that for members who were not in vested status on July 1, 2011, the number of years of his or her creditable service used to determine the retirement allowance under this subparagraph shall not exceed 25 years.**

10 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] **the retirement qualification age under RSA 100-A:1-a, I** 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]~~ **the benefit multiplier under RSA 100-A:1-a, I** at the time of his **or her** accidental disability retirement multiplied by the number of years of creditable service at the time of his **or her** 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 **or her** accidental disability retirement multiplied by the number of years of creditable service at the time of his **or her** accidental disability retirement;

(C) Regardless of age at disability, **for a member who is in vested status on July 1, 2011**, such allowance shall not be less than 50 percent of the member's average final compensation at the time of his **or her** accidental disability retirement.

(2) Upon accidental disability retirement, the group I member who has not attained [age 60] **the retirement qualification age under RSA 100-A:1-a, I** 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 **or her** disability retirement.

11 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.***

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

(b) Upon the member's attainment of [age 45, provided the member would then have completed 20] ***the retirement qualification age and attained the minimum*** years of creditable service ***under RSA 100-A:1-a, II***, otherwise the subsequent date on which such [20] ***minimum*** 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.

13 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] ***the minimum years of*** combined creditable service in both group I and group II ***as provided in RSA 100-A:1-a, II***, 60 years ***if the member is in vested status before July 1, 2011, or otherwise 65 years.***

II. For a member who has completed [20 or more] ***at least the minimum*** years of combined creditable service ***as provided in RSA 100-A:1-a, II***, one year shall be deducted from age 60 ***if the member is in vested status before July 1, 2011, or otherwise age 65***, for each year of creditable group II service, provided that the age shall not be less than [45 years] ***the retirement qualification age under RSA 100-A:1-a, II.***

14 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] ***the retirement qualification age under RSA 100-A:1-a, II*** 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.

15 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, ***subject to the additions to member contributions under RSA 100-A:16, II(f)***, 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.

16 Employer Contributions; Limitation Beginning 2013. Amend RSA 100-A:16, II(f) to read as follows:

(f)(1) The total amount payable to the state annuity accumulation fund in each year on account of each member classification shall not be less than normal contribution rate multiplied by the total compensation earnable by all members in such classification for such year, plus the amount of the accrued liability contribution necessary to liquidate the

unfunded accrued liability on behalf of such classification as determined by the actuary under subparagraph (e) above.

(2) Notwithstanding any provision of this paragraph to the contrary, if in any fiscal year after the fiscal year ending June 30, 2012, the total of the amount payable determined under subparagraph (1) plus the member contributions anticipated for such fiscal year, exceed the total amount payable determined under subparagraph (1) plus the member contributions as determined for fiscal year 2012, then any amount for the upcoming fiscal year which exceeds such total for fiscal year 2012 shall be assessed one-half as employer contributions and one-half as additions to the member contribution rates under RSA 100-A:16, I(a) as determined by the board.

17 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.

18 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.

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

20 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.

21 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~~ **the retirement qualification age under RSA 100-A:1-a, I**, 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.

22 New Paragraph; Definition Added; Part-time Employment. Amend RSA 100-A:1 by inserting after paragraph XXXIII the following new paragraph:

XXXIV. "Part-time," for purposes of employment of a member, means employment by an employer depending on the group classification of the employment as follows:

(a) For group I, in no instance shall part-time employment of the member exceed 1,300 hours in a calendar year.

(b) For group II, in no instance shall part-time employment of the member exceed 1,300 hours in a calendar year.

23 Membership; Optional. Amend the introductory paragraph of RSA 100-A:3, I(a) to read as follows:

I.(a) Any person who becomes an employee, teacher, permanent policeman, or permanent fireman after the date of establishment, working in a position for an employer under this chapter as determined by common law standards, shall become a member of the retirement system as a condition of employment; except that membership shall be optional in the case of **persons who commenced service prior to July 1, 2008 who are** elected officials, officials appointed for fixed terms, ~~[unclassified state employees,]~~ or those employees of the general court who are eligible for membership in the retirement system. Elected officials and officials appointed for fixed terms shall, however, be eligible for membership in the retirement system only under the following conditions:

24 Restoration to Service; Limited to Part-time. RSA 100-A:7 is repealed and reenacted to read as follows:

100-A:7 Service After Retirement; Part-time. No employer shall employ a member in other than a part-time position after the member's retirement pursuant to this chapter.

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

26 Study Committee Established; Voluntary Defined Contribution Plan.

I. There is established a committee to study the establishment of a federal tax qualified voluntary defined contribution plan.

II. 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.

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

IV. 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.

V. 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.

27 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

28 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).]~~

29 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)].~~

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

31 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.

32 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.

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

100-A:1-b 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.

34 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.

35 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, 2011.

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.

36 Member Contribution Rates; Contingent Version. The introductory paragraph of RSA 100-A:16, I(a) and the contribution rates following the introductory paragraph are repealed and reenacted 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.

37 Repeal. RSA 100-A:41-d, relative to additional temporary supplemental allowances, is repealed.

38 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, except where the constitutional challenge is principally in the interest of employers in the retirement system as defined in RSA 100-A:1, IV, section 36 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.

39 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.

40 Effective Date.

I. Section 36 of this act shall take effect as provided in section 38 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. Modifying optional membership in the retirement system.
- VIII. Limiting participation based on part-time employment, defining part time employment for purposes of the New Hampshire retirement system, and prohibiting members in retirement from returning to full-time employment.

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. Hawkins offered floor amendment (1710h).

Floor Amendment (1710h)

Amend the bill by replacing section 15 with the following:

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

(a)(1) 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, ***subject to the additions to member contributions under RSA 100-A:16, II(f)***, 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

(2) 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. Amend the bill by replacing section 40 with the following:

40 Applicability. Provisions of this act in sections 2, 4–14, RSA 100-A:16, I(a)(2) as inserted by section 15, 27, 35, and 39 containing references to or applicability on June 30, 2011 and July 1, 2011 shall be changed to November 30, 2011 and December 1, 2011, respectively.

41 Effective Date.

I. Section 36 of this act shall take effect as provided in section 38 of this act.

II. RSA 100-A:16, I(a)(1) as inserted by section 15 of this act shall take effect July 1, 2011.

III. The remainder of this act shall take effect December 1, 2011.

Rep. Hawkins spoke in favor.

Floor amendment (1710h) adopted.

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

Rep. Shurtleff offered floor amendment (1674h).

Floor Amendment (1674h)

Amend the bill by replacing sections 2-4 with the following:

2 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 on or before August 31, 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 September 1, 2011, the full base rate of compensation paid plus any compensation for mandatory training and any military differential pay. 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.

3 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 September 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 September 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.***

4 New Section; Retirement Qualification Age and Benefit Calculation Tables. Amend RSA 100-A by inserting after section 1 the following new section:

100-A:1-a Retirement Qualification Age and Benefit Calculation Tables. Where applicable the following tables shall apply to group I and group II members for the purpose of determining the member's retirement qualification age, years of service, and benefit calculation:

I. For Group I members who:

	<u>Retirement qualification age</u>	<u>Multiplier</u>
Commenced service before September 1, 2011	60	1/60
Commenced service on or after September 1, 2011	65, subject to paragraph III	1/66

II. For Group II members who:

	<u>Minimum years of service</u>	<u>Minimum age attained</u>	<u>Annuity multiplier</u>
Commenced service before September 1, 2011	20	45	2.5%
Commenced service on or after September 1, 2011	25	50, subject to paragraph III	2.0%

III. The regular retirement qualification age for group I and group II members who commenced service on or after September, 1, 2011 shall be subject to increase according to the following procedure:

(a) Beginning July 1, 2016 and on every subsequent 5-year anniversary thereafter, the executive director shall adjust the ages required according to the increase in the average life expectancy at birth for persons born in the United States as reported in that year by the United States Census Bureau. For each increase in such average life expectancy of at least one full year which occurred during the immediately preceding five-year period, the corresponding number of full years shall be added to the ages identified in this section. Any unused portion of a full-year increase in the average life expectancy shall be carried forward to the subsequent 5-year period.

(b) The board of trustees, following each such 5-year anniversary, shall certify the average life expectancy to be used by the executive director in adjusting the ages according to this section, and shall inform all employers and members of the changes to be applied.

Amend the bill by replacing section 7 with the following:

7 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 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]~~ **the retirement qualification age under RSA 100-A:1-a, I** 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]~~ **the benefit multiplier under RSA 100-A:1-a, I** 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. **Provided, however, that for members who commenced service on or after September 1, 2011, the number of years of his or her creditable service used to determine the retirement allowance under this subparagraph shall not exceed 33 years.**

(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]~~ **retirement qualification age under RSA 100-A:1-a, I**, 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]~~ **the retirement qualification age under RSA 100-A:1-a, I**, 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 has attained ~~[age 45 and completed 20]~~ **the retirement qualification age and attained the minimum** years of creditable service **under RSA 100-A:1-a, II**, 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; **provided however that a group II member who commenced service on or after September 1, 2011 may retire and receive a service retirement allowance beginning upon the attainment of age 55 upon written application to the board of trustees.**

(2) ~~[setting]~~ **The written application shall set** 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 **and attainment of the required age**, 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 average final compensation]~~ **the annuity multiplier under RSA 100-A:1-a, II** multiplied by the number of years of his **or her** creditable service ~~[not in excess of 40 years]~~ **provided the product does not exceed 100 percent, and then multiplied by the member's average final compensation. Provided, however, that for members who commenced service on or after September 1, 2011, the number of years of his or her creditable service used to determine the retirement allowance under this subparagraph shall not exceed 25 years.**

(c)(1) Notwithstanding any provision of RSA 100-A to the contrary, any group II member who has retired on or after the effective date of this subparagraph after attaining the ~~[age of 45 with at least 20]~~ **retirement qualification age and minimum** years of creditable service **under RSA 100-A:1-a, II** 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.]

Amend the bill by replacing sections 9-11 with the following:

9 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 **or her** accumulated contributions at the time of his **or her** ordinary disability retirement; and a state annuity which, together with his **or her** member annuity, shall be equal to ~~[2 1/2 percent of his average final compensation]~~ **the annuity multiplier under RSA 100-A:1-a, II** 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]~~ **provided the product does not exceed 100 percent, and then multiplied by the member's average final compensation**, provided, **further**, 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. **Provided, however, that for members who commenced service on or after September 1, 2011,**

the number of years of his or her creditable service used to determine the retirement allowance under this subparagraph shall not exceed 25 years.

10 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]~~ ***the retirement qualification age under RSA 100-A:1-a, I*** 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]~~ ***the benefit multiplier under RSA 100-A:1-a, I*** at the time of his ***or her*** accidental disability retirement multiplied by the number of years of creditable service at the time of his ***or her*** 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 ***or her*** accidental disability retirement multiplied by the number of years of creditable service at the time of his ***or her*** accidental disability retirement;

(C) Regardless of age at disability, ***for a member who commenced service before September 1, 2011***, such allowance shall not be less than 50 percent of the member's average final compensation at the time of his ***or her*** accidental disability retirement.

(2) Upon accidental disability retirement, the group I member who has not attained ~~[age 60]~~ ***the retirement qualification age under RSA 100-A:1-a, I*** 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 ***or her*** disability retirement.

11 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 September 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 September 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 for a member who commenced service on or after September 1, 2010, 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.***

Amend the bill by replacing section 13 with the following:

13 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]~~ ***the minimum years of combined creditable service in both group I and group II as provided in RSA 100-A:1-a, II,***

60 years *if the member commenced service before September 1, 2011, or otherwise 65 years.*

II. For a member who has completed ~~[20 or more]~~ ***at least the minimum*** years of combined creditable service ***as provided in RSA 100-A:1-a, II***, one year shall be deducted from age 60 *if the member commenced service before September 1, 2011, or otherwise age 65*, for each year of creditable group II service, provided that the age shall not be less than ~~[45 years]~~ ***the retirement qualification age under RSA 100-A:1-a, II.***

Amend the bill by replacing sections 15 and 16 with the following:

15 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 August 31, 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 August 31, 2011***, 5.00

Permanent Policemen ***hired on or before August 31, 2011***, 9.30

Permanent Firemen ***hired on or before August 31, 2011***, 9.30

Group I members hired after August 31, 2011, 7.00, subject to RSA 100-A:16,

II(f)(2)

Group II permanent fireman members hired after August 31, 2011, 11.80, subject to RSA 100-A:16, II(f)(2)

Group II permanent police members hired after August 31, 2011, 11.55, subject to RSA 100-A:16, II(f)(2)

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 September 1, 2011*** with creditable service in excess of 40 years ***or group II members who commenced service on or after September 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 September 1, 2011*** with creditable service in excess of 40 years, ***or group II member who commenced service on or after September 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.

16 Employer Contributions; Limitation Beginning 2013. Amend RSA 100-A:16, II(f) to read as follows:

(f)(1) The total amount payable to the state annuity accumulation fund in each year on account of each member classification shall not be less than normal contribution rate multiplied by the total compensation earnable by all members in such classification for such year, plus the amount of the accrued liability contribution necessary to liquidate the unfunded accrued liability on behalf of such classification as determined by the actuary under subparagraph (e) above.

(2) Notwithstanding any provision of this paragraph to the contrary, if in any fiscal year after the fiscal year ending June 30, 2012, the total of the amount payable determined under subparagraph (1) plus the member contributions anticipated for such fiscal year, exceed the total amount payable determined under subparagraph (1) plus the member contributions as determined for fiscal year 2012, then, for members who commenced service after August 31, 2011, a proportionate share of the amount for the upcoming fiscal year which exceeds such total for fiscal year 2012 shall be assessed one-half as employer contributions and one-half as additions to the member contribution rates under RSA 100-A:16, I(a) as determined by the board.

Amend the bill by replacing section 27 with the following:

27 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 September 1, 2011 or at least 65 years of age at the time of retirement if the employee commenced service on or after September 1, 2011;** or

Amend the bill by replacing all after section 35 with the following:

36 Repeal. RSA 100-A:41-d, relative to additional temporary supplemental allowances, is repealed.

37 Severability. 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.

38 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 as provided during the biennium beginning July 1, 2011, and the recertification of employer contribution percentages 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.

39 Effective Date. This act shall take effect September 1, 2011.

Rep. Shurtleff spoke in favor.

Rep. William Smith spoke against.

Rep. Shurtleff requested a roll call; sufficiently seconded.

YEAS 123 NAYS 232

YEAS 123

BELKNAP

Swinford, Elaine

CARROLL

Babson, David Jr

Chandler, Gene

Knox, J. David

CHESHIRE

Butynski, William
Hawkes, Samuel
Meader, 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

Merrick, Evalyn
Tholl, John Jr

Remick, William
Thomas, Yvonne

Richardson, Herbert
Tremblay, Marc

GRAFTON

Aguiar, James
Cooney, Mary
Pastor, Beatriz
Townsend, Charles

Almy, Susan
Gould, Franklin
Pierce, David
White, Andrew

Benn, Bernard
Harding, Laurie
Shackett, Jeffrey

Bradley, Lester
Nordgren, Sharon
Taylor, Kathleen

HILLSBOROUGH

Bergevin, Jerry
Day, Russell
Goley, Jeffrey
Long, Patrick
Proulx, Mark
Sullivan, Daniel

Brunelle, Michael
Gandia, Laura
Gorman, Mary
McCarthy, Michael
Rhodes, Brian

Buxton, Michael
Garrity, Patrick
Judy, Jean
Pilotte, Maurice
Rosenwald, Cindy

Cote, David
Gidge, Kenneth
Levasseur, Nickolas
Porter, Marjorie
Shaw, Barbara

MERRIMACK

Bouchard, Candace
Foose, Robert
MacKay, James
Rice, Chip
Shurtleff, Stephen
Williams, Robert

Coffey, Jennifer
Frazer, June
Owen, Derek
Richardson, Gary
Soltani, Tony

Deloge, Helen
Gile, Mary
Patten, Dick
Richardson, Jon
Wallner, Mary Jane

DeStefano, Stephen
Kidder, David
Potter, Frances
Seaworth, G. Brian
Watrous, Rick

ROCKINGHAM

Cali-Pitts, Jacqueline
Gould, Kenneth
Perkins, Amy
Quandt, Matt
Sytek, John

Copeland, Timothy
Moody, Marcia
Perkins, Lawrence
Read, Robin Jr
Waddell, James

DiPentima, Rich
Norelli, Terie
Powers, James
Schlachman, Donna
Webb, James

Dowling, Patricia
Pantelakos, Laura
Quandt, Marshall
Serlin, Christopher

STRAFFORD

Berube, Roger
Grassie, Anne

Brown, Julie
Hooper, Dorothea

Browne, Brendon
Horrigan, Timothy

Ginsburg, Philip
Kaen, Naida

Keans, Sandra
Spainhower, Dale

Pelletier, Marsha
Spang, Judith

Roberts, Jenna
Wall, Janet

Schmidt, Peter
Watters, David

SULLIVAN

Cloutier, John
Smith, Steven

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

NAYS 232

BELKNAP

Accornero, Harry
Flanders, Donald
Malone, Robert
Simpson, Tyler
Worsman, Colette

Bolster, Peter
Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey

Comtois, Guy
Kingsbury, Robert
Pilliod, James
Tilton, Franklin

Fields, Dennis
Luther, Robert
Russell, David
Tobin, William

CARROLL

Ahlgren, Christopher
Merrow, Harry
Tregenza, Norman

Fleck, Joseph
Patten, Betsey
Umberger, Karen

McCarthy, Frank
Pettengill, Laurie

McConkey, Mark
Scala, Dino

CHESHIRE

Byrnes, John
Johnson, Jane

Cartwright, Anne
Moore, Charles

Dwinell, Richard
Smith, Edwin

Hunt, John
Sterling, Franklin Jr

COOS

Daugherty, Duffy

Rappaport, Laurence

GRAFTON

Brosseau, Charles
Simard, Paul

Bulis, Lyle
Sorg, Gregory

Gionet, Edmond
Sova, Charles

Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Brown, Kevin
Champagne, Norma

Balboni, Michael
Belanger, James
Brownrigg, Randall Jr
Christensen, D.L.
Chris

Ball, J. Michael
Belvin, William
Burt, John
Christiansen, Lars

Barry, J. Gail
Boehm, Ralph
Cebrowski, John
Coffey, James

Condra, William
Doherty, Shaun
Flanagan, Jack
Gimas, John
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Lambert, George
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Robbins, David

Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert
Graham, John
Hardwick, Harry
Hogan, Edith
Jasper, Shawn
LeBrun, Donald
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Rowe, Robert

Daniels, Gary
Drisko, Richard
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Krasucki, Joseph
Maltz, Jonathan
Messier, Irene
Ober, Russell III
Parison, James
Pratt, Calvin
Seidel, Carl

DeJong, Cameron
Erickson, Duane
Gargas, Carolyn
Haefner, Robert
Hikel, John
Hopper, Gary
Kurk, Neal
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Renzullo, Andrew
Silva, Peter

Simmons, Tammy
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

Soucy, Connie
Summers, James
Twombly, Timothy
Warden, Mark

Souza, Kathleen
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Stepanek, Stephen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Hess, David
Kotowski, Frank
Lockwood, Priscilla
Reed, Dennis
Winter, Steven

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

Cox, Sean
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Smith, Molly

Giuda, J. Brandon
Keane, Thomas
Lindsley, Mark
Palfrey, David
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Comerford, Timothy
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Major, Norman
O'Connor, John
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Ward, Joanne

Allen, Mary
Bates, David
Brown, Paul
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Manuse, Andrew
Okerman, Richard
Reichard, Kevin
Sapareto, Frank
Smith, William
Tasker, Kyle
Waterhouse, Kevin

Antosz, Jason
Belanger, Ronald
Case, Frank
Devine, James
Fesh, Robert
Hagan, Joseph
Itse, Daniel
Lundgren, David
McMahon, Charles
Oigny, Jeffrey
Rice, Frederick
Sedensky, John
Sullivan, James
Tremblay, Stella
Welch, David

Azarian, Gary
Bettencourt, David
Chirichiello, Brian
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
MacMahon, Bruce
Murphy, Brian
Peckham, Michele
Ritter, Glenn
Sheffert, Kenneth
Sullivan, Kevin
Tucker, Pamela
Weyler, Kenneth

STRAFFORD

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

Cataldo, Sam
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

and floor amendment (1674h) failed.

Rep. Chandler voted Yea and intended to vote Nay.

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

Rep. Bergevin spoke against.

Rep. Kurk spoke in favor and yielded to questions.

Rep. Bergevin requested a roll call; sufficiently seconded.

YEAS 238 NAYS 121

YEAS 238

BELKNAP

Accornero, Harry
Flanders, Donald
Malone, Robert
St. Cyr, Jeffrey
Worsman, Colette

Bolster, Peter
Greemore, Robert
Millham, Alida
Swinford, Elaine

Comtois, Guy
Kingsbury, Robert
Russell, David
Tilton, Franklin

Fields, Dennis
Luther, Robert
Simpson, Tyler
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Condra, William
Doherty, Shaun
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Gimas, John
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael
Messier, Irene
Ober, Russell III
Parison, James
Renzullo, Andrew
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
Lambert, George
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Robbins, David
Simmons, Tammy
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

Daniels, Gary
Drisko, Richard
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Peterson, Lenette
Rowe, Robert
Soucy, Connie
Summers, James
Ulery, Jordan
Whitehead, Randall

DeJong, Cameron
Erickson, Duane
Gargas, Carolyn
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Pratt, Calvin
Seidel, Carl
Souza, Kathleen
Swank, Matthew
Vaillancourt, Steve
Willette, Robert

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Cohn, Seth
Hill, Gregory
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Lockwood, Priscilla

Cox, Sean
Hoell, J.R.
Kreis, Kenneth Sr
McDonnell, John

McGuire, Dan
Smith, Molly

Palfrey, David
Smith, Todd

Sanborn, Laurie
Winter, Steven

Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
DeSimone, Debra
Elliott, Robert
Garrity, James
Headd, James
Kappler, Lawrence
Manuse, Andrew
O'Connor, John
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Waterhouse, Kevin

Allen, Mary
Bates, David
Case, Frank
Devine, James
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Kolodziej, Walter
McMahon, Charles
Okerman, Richard
Reichard, Kevin
Sapareto, Frank
Smith, William
Tasker, Kyle
Welch, David

Antosz, Jason
Bettencourt, David
Chirichiello, Brian
Dowling, Patricia
Fesh, Robert
Griffin, Mary
Introne, Robert
MacMahon, Bruce
Murphy, Brian
Oigny, Jeffrey
Rice, Frederick
Sedensky, John
Sullivan, James
Tremblay, Stella
Weyler, Kenneth

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Duarte, Joe
Garcia, Marilinda
Hagan, Joseph
Itse, Daniel
Major, Norman
Nevins, Chris
Peckham, Michele
Ritter, Glenn
Sheffert, Kenneth
Sullivan, Kevin
Ward, Joanne

STRAFFORD

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

Cataldo, Sam
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
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 121

BELKNAP

Pilliod, James

CARROLL

Knox, J. David

CHESHIRE

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

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

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

Emerson, Susan
Lindsey, Steven
Sad, Tara

COOS

Coulombe, Gary
Richardson, Herbert
Tremblay, Marc

Hatch, William
Theberge, Robert

Merrick, Evalyn
Tholl, John Jr

Remick, William
Thomas, Yvonne

GRAFTON

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

Almy, Susan
Harding, Laurie
Shackett, Jeffrey

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Gidge, Kenneth
Levasseur, Nickolas
Proulx, Mark
Sullivan, Daniel

Bergevin, Jerry
Day, Russell
Goley, Jeffrey
Long, Patrick
Rhodes, Brian
Terrio, Ross

Brunelle, Michael
Gandia, Laura
Gorman, Mary
Pilotte, Maurice
Rosenwald, Cindy

Buxton, Michael
Garritty, Patrick
Jeudy, Jean
Porter, Marjorie
Shaw, Barbara

MERRIMACK

Bouchard, Candace
Frazer, June
Patten, Dick
Richardson, Gary
Wallner, Mary Jane

Deloge, Helen
Gile, Mary
Potter, Frances
Richardson, Jon
Watrous, Rick

DeStefano, Stephen
MacKay, James
Reed, Dennis
Shurtleff, Stephen
Williams, Robert

Foose, Robert
Owen, Derek
Rice, Chip
Soltani, Tony

ROCKINGHAM

Belanger, Ronald
Katsakiores, Phyllis
Pantelakos, Laura
Quandt, Marshall
Serlin, Christopher
Webb, James

Cali-Pitts, Jacqueline
Lundgren, David
Perkins, Amy
Quandt, Matt
Sytek, John

Copeland, Timothy
Moody, Marcia
Perkins, Lawrence
Read, Robin Jr
Tucker, Pamela

DiPentima, Rich
Norelli, Terie
Powers, James
Schlachman, Donna
Waddell, James

STRAFFORD

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

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

Browne, Brendon
Horriggan, Timothy
Roberts, Jenna
Wall, Janet

Ginsburg, Philip
Kaen, Naida
Schmidt, Peter
Watters, David

SULLIVAN

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

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

RESOLUTION

Rep. Bettencourt moved the following: RESOLVED, that ***SB 3-FN-A-L***, making comprehensive changes to the state retirement system, be read by title only and that it be read a third time by this resolution, and that its title be the same as adopted, and that it be passed at the present time.
Adopted.

Third reading and final passage

SB 3-FN-A-L, making comprehensive changes to the state retirement system.

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 238-121, it adopted the majority committee report of Ought to Pass with Amendment.

On a division vote, 108 members having voted in the affirmative and 254 in the negative, the motion failed.

REGULAR CALENDAR (CONT'D)

SB 148-FN, relative to health insurance coverage and declaring that the attorney general should join the lawsuit challenging the Patient Protection and Affordable Care Act.

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

Rep. Andrew J. Manuse for the Majority of Commerce and Consumer Affairs: Federal district courts in Virginia and Florida have found the Patient Protection and Affordable Care Act unconstitutional. Currently, these lawsuits, filed by 28 states, appear headed to the U.S Supreme Court for a final ruling. The crux of these rulings has been the provision that requires individuals to purchase a health insurance policy or face a penalty. SB 148, with the committee amendment, does three things to halt the negative consequences of this federal takeover of our health care system. First, it makes clear that no resident of the "Live Free or Die" state should ever be forced to buy health insurance or face a penalty. Second, this bill affirms the House position of HB 89, instructing the attorney general to join 26 other states involved in the Florida lawsuit. Finally SB 148 also directs the insurance department to return the \$666,000 the federal government sent in planning funds back to Washington to help pay down the massive federal deficit. Taken together, these three steps send a clear message that New Hampshire will neither be a willing participant in this health care scheme that will rob consumers of freedom and drive up costs to state and federal taxpayers, nor will it waste federal taxpayer dollars on implementing a law that will likely be invalidated ultimately. Vote 12-4.

Rep. Donna L. Schlachman for the Minority of Commerce and Consumer Affairs: The minority disagrees with the claim, in the majority's amendment to this bill, that the Patient Protection and Affordable Care Act is "unconstitutional and therefore likely to be invalidated." According to Kaiser Health News, a nonprofit news organization covering health care policy and politics, of the 25 lawsuits that have made their way to the courts, only two (2) have overturned the law. Seven (7) have ruled that the law is constitutional and dismissed the suits; six (6) cases have been dismissed due to lack of standing or procedural problems; one (1) was dismissed and is being allowed to re-file; and nine (9) are still pending without a decision. Since many New Hampshire citizens already are benefitting from now-effective provisions of the health law, which include not just small business tax credits for the purchase of health coverage but the elimination of lifetime limits, and of pre-existing condition exclusions for children under age 19, the minority does not feel that it is in the best interests of our citizens to join a lawsuit. Beyond making a symbolic point to the attorney general's office and to our congressional delegation, this bill does nothing to improve health care access or affordability for businesses and individuals in New Hampshire. To the contrary, this bill as amended would have the New Hampshire insurance department return "any grant funds" related to implementing the Patient Protection and Affordable Care Act, including the exchange planning grant funds. Health insurance exchanges are aimed to make it easier for businesses and consumers to comparison shop by increasing cost-transparency and choice, leveraging competition in the marketplace for private health insurance. Under the health law, the federal government has made "exchange planning" funds available to the states to explore whether or not they would like to create a state-based exchange, and what the options are for creation of any exchange that would meet a state's specific needs. As a result of this exploration, if a state chooses to create and design its own exchange, it can establish an exchange that meets its own needs at no cost to the state. But if a state turns away this grant, any exchange would revert to the control of the federal government. And so, in our case, the feds would create an exchange in New Hampshire that

they have designed, and by which we would have to abide, without New Hampshire input or control. As a result, 46 other states are using the federal grant dollars to move forward with exchange evaluation and planning, including those that have filed suit against the new health law. With small businesses and consumers in our state being crushed by rising health care costs, it is simply a mistake for the legislature to reject this prudent opportunity to use federal grant dollars to explore such a promising marketplace option. The minority believes that this bill is not the New Hampshire way, and is a step backward for New Hampshire's ability to control its own future and to develop opportunities which would benefit our citizens.

Majority Amendment (1431h)

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

AN ACT relative to health insurance coverage, requiring the attorney general to join the lawsuit challenging the Patient Protection and Affordable Care Act, and requiring federal grant moneys received by the state for implementation of the Patient Protection and Affordable Care Act to be returned to the federal government.

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

2 Statement of Findings. The general court finds that:

I. Several federal courts have ruled that the Patient Protection and Affordable Care Act is unconstitutional and at least one federal court has ruled the act nonseverable.

II. The New Hampshire insurance department has accepted federal moneys for implementation of a law which is likely to be ruled unconstitutional and therefore is likely to be invalidated.

III. The general court is concerned with the spending of all tax dollars, whether at the state or federal level, when the federal government is running a massive structural deficit.

3 Lawsuit Challenging the Federal Patient Protection and Affordable Care Act. The attorney general shall, no later than July 1, 2011, move to join the state of New Hampshire as a plaintiff in the lawsuit pending in federal court captioned State of Florida et al. v. United States Department of Health and Human Services et al.

4 Funds From Grants Returned to Department of Health and Human Services. The state treasurer shall return any grant funds received by the insurance department for purposes of implementing the Patient Protection and Affordable Care Act to the federal Department of Health and Human Services for the purpose of reducing the federal budget deficit.

5 Effective Date.

I. Section 1 of this act shall take effect July 1, 2011.

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

AMENDED ANALYSIS

This bill:

I. Provides that a resident of New Hampshire shall not be required to obtain, or be assessed a fee or fine for failure to obtain, health insurance coverage.

II. Requires the attorney general to join the state of New Hampshire as a plaintiff in the lawsuit pending in federal court captioned State of Florida et al. v. United States Department of Health and Human Services et al.

III. Requires certain grant moneys received by the New Hampshire insurance department for the implementation of the Patient Protection and Affordable Care Act to be returned to the federal government.

Rep. Gary Richardson spoke against.

Rep. Manuse spoke in favor.

Rep. Schlachman spoke against and yielded to questions.

Rep. Hunt spoke in favor and yielded to questions.

Rep. Manuse requested a roll call; sufficiently seconded.

YEAS 259 NAYS 106

YEAS 259

BELKNAP

Accornero, Harry	Comtois, Guy	Fields, Dennis	Flanders, Donald
Greemore, Robert	Kingsbury, Robert	Luther, Robert	Malone, Robert
Russell, David	Simpson, Tyler	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	Tregenza, Norman
Umberger, Karen			

CHESHIRE

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

COOS

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

GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Gionet, Edmond
Ingbretson, Paul	Reilly, Harold Sr	Shackett, Jeffrey	Simard, Paul
Sorg, Gregory	Sova, Charles		

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, J. Gail
Barry, Richard	Belanger, James	Belvin, William	Bergevin, Jerry
Boehm, Ralph	Brown, Kevin	Brownrigg, Randall Jr	Burt, John
Buxton, Michael	Cebrowski, John	Champagne, Norma	Christiansen, Lars
Coffey, James	Condra, William	Cusson-Cail, Kathleen	Daniels, Gary
Day, Russell	DeJong, Cameron	Doherty, Shaun	Donovan, Daniel
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	Lambert, George	LeBrun, Donald	Maltz, Jonathan
McCarthy, Michael	McClarren, Donald	McGuinness, Sean	Mecheski, Holly
Messier, Irene	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	Scontsas, Lisa	Seidel, Carl	Silva, Peter
Simmons, Tammy	Soucy, Connie	Souza, Kathleen	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
Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Reed, Dennis
Smith, Molly

Coffey, Jennifer
Hill, Gregory
Kreis, Kenneth Sr
McGuire, Carol
Richardson, Jon
Smith, Todd

Cohn, Seth
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Sanborn, Laurie
Soltani, Tony

Cox, Sean
Keane, Thomas
Lindsley, Mark
Palfrey, David
Seaworth, G. Brian
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Copeland, Timothy
Duarte, Joe
Garcia, Marilinda
Hoelzel, Kathleen
Kappler, Lawrence
MacMahon, Bruce
McMahon, Charles
Okerman, Richard
Perkins, Lawrence
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Webb, James

Allen, Mary
Bates, David
Brown, Paul
Davenport, Joshua
Elliott, Robert
Griffin, Mary
Hutchinson, Karen
Katsakiores, Phyllis
Major, Norman
Murphy, Brian
Oigny, Jeffrey
Quandt, Marshall
Rice, Frederick
Schroadter, Adam
Smith, William
Tamburello, Daniel
Waddell, James
Welch, David

Antosz, Jason
Belanger, Ronald
Chirichiello, Brian
DeSimone, Debra
Ferrante, Beverly
Hagan, Joseph
Introne, Robert
Kolodziej, Walter
Manuse, Andrew
Nevins, Chris
Peckham, Michele
Quandt, Matt
Ritter, Glenn
Sedensky, John
Sullivan, James
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Azarian, Gary
Bettencourt, David
Comerford, Timothy
Devine, James
Fesh, Robert
Headd, James
Itse, Daniel
Lundgren, David
McKinney, Betsy
O'Connor, John
Perkins, Amy
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin

STRAFFORD

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

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

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

Groen, Warren
Leonard, Frederick Jr
Parsons, Robbie
Weeden, Michael

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

NAYS 106

BELKNAP

Bolster, Peter

Millham, Alida

Pilliod, James

CARROLL

None

CHESHIRE

Butynski, William
Hawkes, Samuel

Carr, Daniel
Johnsen, Gladys

Chase, Cynthia
Lerandean, Alfred

Emerson, Susan
Lindsey, Steven

Meador, David
Tatro, Bruce

Parkhurst, Henry
Weber, Lucy

Roberts, Kris
Weed, Charles

Sad, Tara

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pastor, Beatriz
White, Andrew

HILLSBOROUGH

Baroody, Benjamin

Brunelle, Michael

Christensen, D.L.
Chris

Cote, David

Drisko, Richard
Gimas, John
Levasseur, Nickolas
Rhodes, Brian

Gargas, Carolyn
Goley, Jeffrey
Long, Patrick
Rosenwald, Cindy

Garrity, Patrick
Gorman, Mary
Pilotte, Maurice
Shaw, Barbara

Gidge, Kenneth
Jeudy, Jean
Porter, Marjorie
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
Kidder, David
Patten, Dick
Shurtleff, Stephen

Foose, Robert
Lockwood, Priscilla
Potter, Frances
Wallner, Mary Jane

ROCKINGHAM

Cali-Pitts, Jacqueline
Gould, Kenneth
Powers, James

Case, Frank
Moody, Marcia
Read, Robin Jr

DiPentima, Rich
Norelli, Terie
Schlachman, Donna

Dowling, Patricia
Pantelakos, Laura
Serlin, Christopher

STRAFFORD

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

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

Browne, Brendon
Horrigan, Timothy
Roberts, Jenna
Wall, Janet

Ginsburg, Philip
Kaen, Naida
Schmidt, Peter
Watters, David

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond

Lefebvre, Benjamin

Lovett, Charlene

and the majority committee amendment was adopted.

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

Rep. Schlachman spoke against.

Rep. Hunt spoke in favor.

Rep. Brunelle requested a roll call; sufficiently seconded.

YEAS 261 NAYS 104

YEAS 261

BELKNAP

Accornero, Harry	Comtois, Guy	Fields, Dennis	Flanders, Donald
Greemore, Robert	Kingsbury, Robert	Luther, Robert	Malone, Robert
Russell, David	Simpson, Tyler	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	Tregenza, Norman
Umberger, Karen			

CHESHIRE

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

COOS

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

GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Gionet, Edmond
Reilly, Harold Sr	Shackett, Jeffrey	Simard, Paul	Sorg, Gregory
Sova, Charles			

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, J. Gail
Barry, Richard	Belanger, James	Belvin, William	Bergevin, Jerry
Boehm, Ralph	Brown, Kevin	Brownrigg, Randall Jr	Burt, John
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	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	Lambert, George	LeBrun, Donald
Maltz, Jonathan	McCarthy, Michael	McClarren, Donald	McGuinness, Sean
Mecheski, Holly	Messier, Irene	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	Souza, Kathleen
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.	Keane, Thomas
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	Belanger, Ronald	Bettencourt, David
Birdsell, Regina	Brown, Paul	Chirichiello, Brian	Comerford, Timothy
Copeland, Timothy	Davenport, Joshua	DeSimone, Debra	Devine, James
Duarte, Joe	Elliott, Robert	Ferrante, Beverly	Fesh, Robert
Garcia, Marilinda	Garrity, James	Griffin, Mary	Hagan, Joseph
Headd, James	Hoelzel, Kathleen	Hutchinson, Karen	Introne, Robert
Itse, Daniel	Kappler, Lawrence	Katsakiores, Phyllis	Kolodziej, Walter
Lundgren, David	MacMahon, Bruce	Major, Norman	Manuse, Andrew
McKinney, Betsy	McMahon, Charles	Murphy, Brian	Nevins, Chris
O'Connor, John	Okerman, Richard	Oligny, Jeffrey	Peckham, Michele
Perkins, Amy	Perkins, Lawrence	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

STRAFFORD

Andolina, Donald	Cataldo, Sam	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	Weeden, Michael

SULLIVAN

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

NAYS 104

BELKNAP

Bolster, Peter	Millham, Alida	Pilliod, James
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CARROLL

None

CHESHIRE

Butynski, William	Carr, Daniel	Chase, Cynthia	Emerson, Susan
Hawkes, Samuel	Johnsen, Gladys	Lerandeau, Alfred	Lindsey, Steven

Meador, David
Tatro, Bruce

Parkhurst, Henry
Weber, Lucy

Roberts, Kris
Weed, Charles

Sad, Tara

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pastor, Beatriz
White, Andrew

HILLSBOROUGH

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

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

Cote, David
Gidge, Kenneth
Jeudy, Jean
Porter, Marjorie
Sullivan, Daniel

Drisko, Richard
Gimas, John
Levasseur, Nickolas
Rhodes, Brian

MERRIMACK

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

Deloge, Helen
Gile, Mary
Owen, Derek
Richardson, Gary
Williams, Robert

DeStefano, Stephen
Kidder, David
Patten, Dick
Shurtleff, Stephen

Foose, Robert
Lockwood, Priscilla
Potter, Frances
Wallner, Mary Jane

ROCKINGHAM

Cali-Pitts, Jacqueline
Gould, Kenneth
Powers, James

Case, Frank
Moody, Marcia
Read, Robin Jr

DiPentima, Rich
Norelli, Terie
Schlachman, Donna

Dowling, Patricia
Pantelakos, Laura
Serlin, Christopher

STRAFFORD

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

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

Browne, Brendon
Horrigian, Timothy
Roberts, Jenna
Wall, Janet

Ginsburg, Philip
Kaen, Naida
Schmidt, Peter
Watters, David

SULLIVAN

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

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 474-FN, relative to freedom of choice on whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization. (Amendment printed SJ 4-20-11)
Rep. Daniels moved that the House concur and spoke in favor.
Rep. Summers requested a roll call; sufficiently seconded.

YEAS 225 NAYS 140

YEAS 225

BELKNAP

Accornero, Harry	Comtois, Guy	Fields, Dennis	Flanders, Donald
Greemore, Robert	Kingsbury, Robert	Luther, Robert	Malone, Robert
Simpson, Tyler	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	Tregenza, Norman	Umberger, Karen

CHESHIRE

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

COOS

Daugherty, Duffy	Rappaport, Laurence
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GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Gionet, Edmond
Ingbretson, 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	Bergevin, Jerry
Boehm, Ralph	Brown, Kevin	Burt, John	Cebrowski, John
Champagne, Norma	Christensen, D.L.	Christiansen, Lars	Coffey, James
	Chris		
Condra, William	Cusson-Cail, Kathleen	Daniels, Gary	DeJong, Cameron
Doherty, Shaun	Donovan, Daniel	Drisko, Richard	Erickson, Duane
Flanagan, Jack	Fredette, Robert	Gagne, Larry	Graham, John
Greazzo, Phil	Haefner, Robert	Hansen, Peter	Hardwick, Harry
Hawkins, Kenneth	Hikel, John	Hinch, Richard	Hogan, Edith
Holden, Frank	Hutchinson, Winfred	Infantine, William	Jasper, Shawn
Krasucki, Joseph	Kurk, Neal	Lambert, George	LeBrun, Donald
Maltz, Jonathan	McClarren, Donald	McGuinness, Sean	Mecheski, Holly
Moran, Edward	Murphy, Keith	Notter, Jeanine	Ober, Lynne
Ober, Russell III	Ohm, Bill	Palmer, Stephen	Parison, James
Pellegrino, Tony	Pepino, Leo	Peterson, Lenette	Pratt, Calvin
Renzullo, Andrew	Robbins, David	Rowe, Robert	Scontsas, Lisa
Seidel, Carl	Silva, Peter	Simmons, Tammy	Soucy, Connie
Souza, Kathleen	Stepanek, Stephen	Summers, James	Swank, Matthew
Thomas, Joseph	Twombly, Timothy	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Moe	Warden, Mark	Whitehead, Randall	Willette, Robert

MERRIMACK

Blankenbeker, Lynne	Cohn, Seth	Cox, Sean	Giuda, J. Brandon
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Hill, Gregory
Kreis, Kenneth Sr
McGuire, Carol
Richardson, Jon
Winter, Steven

Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Sanborn, Laurie

Keane, Thomas
Lindsley, Mark
Palfrey, David
Seaworth, G. Brian

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

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Davenport, Joshua
Fesh, Robert
Hagan, Joseph
Itse, Daniel
MacMahon, Bruce
Murphy, Brian
Peckham, Michele
Ritter, Glenn
Sheffert, Kenneth
Sytek, John
Tucker, Pamela

Allen, Mary
Bates, David
Brown, Paul
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Major, Norman
O'Connor, John
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Ward, Joanne

Antosz, Jason
Belanger, Ronald
Chirichiello, Brian
Elliott, Robert
Garritty, James
Hoelzel, Kathleen
Kolodziej, Walter
Manuse, Andrew
Okerman, Richard
Reichard, Kevin
Schroadter, Adam
Smith, William
Tasker, Kyle
Waterhouse, Kevin

Azarian, Gary
Bettencourt, David
Comerford, Timothy
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Lundgren, David
McMahon, Charles
Oigny, Jeffrey
Rice, Frederick
Sedensky, John
Sullivan, James
Tremblay, Stella
Weyler, Kenneth

STRAFFORD

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

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

DeLemus, Susan
Larsen, Kirsten
Parsons, Robbie
Weeden, Michael

Groen, Warren
Leonard, Frederick Jr
Pitre, Joseph

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 140

BELKNAP

Bolster, Peter

Millham, Alida

Pilliod, James

Russell, David

CARROLL

Knox, J. David

CHESHIRE

Butynski, William
Emerson, Susan
Lindsey, Steven
Sad, Tara

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

Chase, Cynthia
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Dwinell, Richard
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

COOS

Coulombe, Gary
Richardson, Herbert
Tremblay, Marc

Hatch, William
Theberge, Robert

Merrick, Evalyn
Tholl, John Jr

Remick, William
Thomas, Yvonne

GRAFTON

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

Almy, Susan
Harding, Laurie
Shackett, Jeffrey

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Garrity, Patrick
Gonzalez, Carlos
Levasseur, Nickolas
Pilotte, Maurice
Rhodes, Brian
Sullivan, Daniel

Brownrigg, Randall Jr
Day, Russell
Gidge, Kenneth
Gorman, Mary
Long, Patrick
Porter, Marjorie
Rosenwald, Cindy

Brunelle, Michael
Gandia, Laura
Gimas, John
Hopper, Gary
McCarthy, Michael
Proulx, Mark
Shaw, Barbara

Buxton, Michael
Gargas, Carolyn
Goley, Jeffrey
Jeudy, Jean
Messier, Irene
Ramsey, Peter
Stroud, Kathleen

MERRIMACK

Bouchard, Candace
Frazer, June
MacKay, James
Rice, Chip
Soltani, Tony

Deloge, Helen
Gile, Mary
Owen, Derek
Richardson, Gary
Wallner, Mary Jane

DeStefano, Stephen
Kidder, David
Patten, Dick
Shurtleff, Stephen
Watrous, Rick

Foose, Robert
Lockwood, Priscilla
Potter, Frances
Smith, Todd
Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline
Devine, James
Hutchinson, Karen
Nevins, Chris
Perkins, Lawrence
Read, Robin Jr
Waddell, James

Case, Frank
DiPentima, Rich
Katsakiores, Phyllis
Norelli, Terie
Powers, James
Schlachman, Donna
Webb, James

Copeland, Timothy
Dowling, Patricia
McKinney, Betsy
Pantelakos, Laura
Quandt, Marshall
Serlin, Christopher
Welch, David

DeSimone, Debra
Gould, Kenneth
Moody, Marcia
Perkins, Amy
Quandt, Matt
Sullivan, Kevin

STRAFFORD

Berube, Roger
Grassie, Anne
Keans, Sandra
Schmidt, Peter
Watters, David

Brown, Julie
Hooper, Dorothea
Munck, Philip
Spainhower, Dale

Browne, Brendon
Horriggan, Timothy
Pelletier, Marsha
Spang, Judith

Ginsburg, Philip
Kaen, Naida
Roberts, Jenna
Wall, Janet

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the motion to concur was adopted.

HB 70, relative to changes to town charters. (Amendment printed SJ 4-13-11)

Rep. Ferrante moved that the House concur and spoke in favor.

Adopted.

HB 155, relative to permits to conduct raffles. (Amendment printed SJ 4-13-11)

Rep. Ferrante moved that the House concur, spoke in favor and yielded to questions.

Adopted.

HB 55, adding a member to the exotic aquatic weeds and species committee. (Amendment printed SJ 4-13-11)

Rep. Renzullo moved that the House concur and spoke in favor.
Adopted.

HB 278, setting the natural high water mark of Ossipee Lake. (Amendment printed SJ 4-13-11)

Rep. Renzullo moved that the House concur and spoke in favor.
Adopted.

HB 33, relative to the care of memorials in Franconia Notch state park. (Amendment printed SJ 4-20-11)

Rep. Renzullo moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Baldasaro, Swinford, Bolster and Parkhurst.

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. (Amendment printed SJ 4-27-11)

Rep. Hawkins moved that the House concur and spoke in favor.
Rep. Brunelle requested a roll call; sufficiently seconded.

YEAS 352 NAYS 10

YEAS 352

BELKNAP

Accornero, Harry
Flanders, Donald
Malone, Robert
Simpson, Tyler
Tobin, William

Bolster, Peter
Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey
Worsman, Colette

Comtois, Guy
Kingsbury, Robert
Pilliod, James
Swinford, Elaine

Fields, Dennis
Luther, Robert
Russell, David
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

Butynski, William
Chase, Cynthia
Hunt, John
Lindsey, Steven
Roberts, Kris
Tatro, Bruce

Byrnes, John
Dwinell, Richard
Johnsen, Gladys
Meador, David
Sad, Tara
Weber, Lucy

Carr, Daniel
Emerson, Susan
Johnson, Jane
Moore, Charles
Smith, Edwin
Weed, Charles

Cartwright, Anne
Hawkes, Samuel
Lerandeau, Alfred
Parkhurst, Henry
Sterling, Franklin Jr

COOS

Coulombe, Gary
Rappaport, Laurence
Tholl, John Jr

Daugherty, Duffy
Remick, William
Thomas, Yvonne

Hatch, William
Richardson, Herbert
Tremblay, Marc

Merrick, Evalyn
Theberge, Robert

GRAFTON

Aguiar, James
Brosseau, Charles
Gould, Franklin
Pastor, Beatriz
Sorg, Gregory
White, Andrew

Almy, Susan
Bulis, Lyle
Harding, Laurie
Pierce, David
Sova, Charles

Benn, Bernard
Cooney, Mary
Ingbretson, Paul
Reilly, Harold Sr
Taylor, Kathleen

Bradley, Lester
Gionet, Edmond
Nordgren, Sharon
Simard, Paul
Townsend, Charles

HILLSBOROUGH

Avard, Kevin
Barry, J. Gail
Boehm, Ralph
Burt, John

Balboni, Michael
Barry, Richard
Brown, Kevin
Cebrowski, John

Ball, J. Michael
Belanger, James
Brownrigg, Randall Jr
Champagne, Norma

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

Christiansen, Lars

Coffey, James

Condra, William

Cusson-Cail,
Kathleen

Daniels, Gary
Donovan, Daniel
Fredette, Robert
Gimas, John
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
Kurk, Neal
Long, Patrick
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Porter, Marjorie
Rhodes, Brian
Seidel, Carl
Soucy, Connie
Sullivan, Daniel
Twombly, Timothy
Warden, Mark

Day, Russell
Drisko, Richard
Gagne, Larry
Goley, Jeffrey
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
Lambert, George
Maltz, Jonathan
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Pratt, Calvin
Robbins, David
Shaw, Barbara
Souza, Kathleen
Summers, James
Ulery, Jordan
Whitehead, Randall

DeJong, Cameron
Erickson, Duane
Gargas, Carolyn
Gonzalez, Carlos
Haefner, Robert
Hikel, John
Hopper, Gary
Jeudy, Jean
LeBrun, Donald
McCarthy, Michael
Messier, Irene
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Ramsey, Peter
Rowe, Robert
Silva, Peter
Stepanek, Stephen
Swank, Matthew
Vaillancourt, Steve
Willette, Robert

Doherty, Shaun
Flanagan, Jack
Gidge, Kenneth
Gorman, Mary
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Krasucki, Joseph
Levasseur, Nickolas
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James
Pilotte, Maurice
Renzullo, Andrew
Scontsas, Lisa
Simmons, Tammy
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Cox, Sean
Frazer, June
Hoell, J.R.
Kreis, Kenneth Sr
McDonnell, John
Palfrey, David
Richardson, Gary
Shurtleff, Stephen
Wallner, Mary Jane

Bouchard, Candace
Deloge, Helen
Gile, Mary
Keane, Thomas
Lauer-Rago, Kathleen
McGuire, Carol
Potter, Frances
Richardson, Jon
Smith, Molly
Watrous, Rick

Coffey, Jennifer
DeStefano, Stephen
Giuda, J. Brandon
Kidder, David
Lindsley, Mark
McGuire, Dan
Reed, Dennis
Sanborn, Laurie
Smith, Todd
Williams, Robert

Cohn, Seth
Foosse, Robert
Hill, Gregory
Kotowski, Frank
MacKay, James
Owen, Derek
Rice, Chip
Seaworth, G. Brian
Soltani, Tony
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Comerford, Timothy

Allen, Mary
Bates, David
Cali-Pitts, Jacqueline
Davenport, Joshua

Antosz, Jason
Bettencourt, David
Case, Frank
DeSimone, Debra

Azarian, Gary
Birdsell, Regina
Chirichiello, Brian
Devine, James

DiPentima, Rich
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Katsakiores, Phyllis
Major, Norman
Moody, Marcia
O'Connor, John
Peckham, Michele
Quandt, Marshall
Rice, Frederick
Schlachman, Donna
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin

Dowling, Patricia
Fesh, Robert
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Manuse, Andrew
Murphy, Brian
Okerman, Richard
Perkins, Amy
Read, Robin Jr
Ritter, Glenn
Schroadter, Adam
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Webb, James

Duarte, Joe
Garcia, Marilinda
Hagan, Joseph
Itse, Daniel
Lundgren, David
McKinney, Betsy
Nevins, Chris
Oigny, Jeffrey
Perkins, Lawrence
Reagan, John
Sanders, Elisabeth
Sedensky, John
Smith, William
Tamburello, Daniel
Waddell, James
Welch, David

Elliott, Robert
Garrity, James
Headd, James
Kappler, Lawrence
MacMahon, Bruce
McMahon, Charles
Norelli, Terie
Pantelakos, Laura
Powers, James
Reichard, Kevin
Sapareto, Frank
Serlin, Christopher
Sullivan, James
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Cataldo, Sam
Groen, Warren
Jones, Laura
Leonard, Frederick Jr
Parsons, Robbie
Schmidt, Peter
Wall, Janet

Berube, Roger
DeLemus, Susan
Hooper, Dorothea
Kaen, Naida
Munck, Philip
Pelletier, Marsha
Spainhower, Dale
Watters, David

Brown, Julie
Ginsburg, Philip
Horrigian, Timothy
Keans, Sandra
Newton, Clifford
Pitre, Joseph
Vita, Carol
Weeden, Michael

Browne, Brendon
Grassie, Anne
Jones, Kyle
Larsen, Kirsten
O'Connor, William
Roberts, Jenna
Vita, Lucien

SULLIVAN

Bowers, Spec
Howard, Thomas
Lovett, Charlene
Smith, Steven

Cloutier, John
LaCasse, Paul Sr
Osgood, Joe

Cunningham, Steven
Laware, Thomas
Rodeschin, Beverly

Gagnon, Raymond
Lefebvre, Benjamin
Schmidt, Andrew

NAYS 10

BELKNAP

None

CARROLL

Knox, J. David

CHESHIRE

None

COOS

None

GRAFTON

Shackett, Jeffrey

HILLSBOROUGH

Buxton, Michael

Gandia, Laura

Proulx, Mark

Rosenwald, Cindy

MERRIMACK

Patten, Dick

ROCKINGHAM

Copeland, Timothy

Quandt, Matt

STRAFFORD

Spang, Judith

SULLIVAN

None

and the motion to concur was adopted.

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

HB 132, adopting and implementing the United States flag code. (Amendment printed SJ 4-20-11)

Rep. Baldasaro moved that the House concur and spoke in favor.

Adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Manuse moved that the House reconsider its action whereby, on a roll call vote of 261-104, it adopted the majority committee report of Ought to Pass with Amendment on **SB 148-FN**, relative to health insurance coverage and declaring that the attorney general should join the lawsuit challenging the Patient Protection and Affordable Care Act.

On a division vote, 97 members having voted in the affirmative and 265 in the negative, the motion failed.

REGULAR CALENDAR (CONT'D)

SB 160-FN, relative to the definition and regulation of installment loans. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Sean M. McGuinness for the Majority of Commerce and Consumer Affairs: This bill seeks to authorize and regulate legal commerce in the area of consumer installment loans. The bill permits installment loan lenders to conduct business in our state under certain conditions and offers alternative sources of credit to NH consumers who wish to access such credit. Opponents of the bill argue that some lenders engaged in this business are by their nature predatory and may seek to abuse the consumer with onerous or unfair terms. Opponents further suggest that NH consumers are susceptible to deceptive practices and may otherwise act in desperation and/or are not otherwise capable of making well informed personal financial decisions on their own. The majority of the committee voted to reject the logic of the opposition in favor of a view that NH consumers are not presumed to be incompetent and should not be unreasonably restricted or prohibited from accessing well regulated loan products that are appropriate to their individual needs. Further, the committee recognized that the consumers benefit by having an option that will be properly regulated by the NH banking department. Prior to this legislation, no supervisory regulatory controls exist to protect New Hampshire consumers who currently access this kind of lending through the internet, across state lines or through alternative private sources. Vote 16-2.

Rep. Donna L. Schlachman for the Minority of Commerce and Consumer Affairs: The

minority understands that, in times of unexpected financial difficulty, those with poor credit histories and limited financial resources have few places to turn for assistance. This bill, however, is not the answer to responsible lending and, as we learned in the public hearing, does not reflect best practice in short-term lending. While “installment loan” sounds better than “payday loan,” the provisions in this bill do not protect consumers from predatory lending that comes with three-digit interest rates and “rollover” features. In addition, these loans are not based on the borrower’s ability to pay, and lenders are allowed to charge up to 35% of the borrower’s gross monthly income. The argument that these loans are a way to establish good credit going forward is not supported by the fact that these lenders do not report to credit rating agencies. In addition, it has been shown nationally that people average 9 of these “short-term” loans per year. We should not confuse the freedom of individuals to make their own financial decisions with a public policy that discourages financial education and long term planning, and which often trades one financial emergency for another.

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

Reps. Schlachman, Flanagan and Kidder spoke against.

Rep. Soltani spoke against and yielded to questions.

Reps. Jennifer Coffey and Hunt spoke in favor and yielded to questions.

Rep. Flanagan requested a roll call; sufficiently seconded.

YEAS 179 NAYS 186

YEAS 179

BELKNAP

Comtois, Guy	Fields, Dennis	Flanders, Donald	Greemore, Robert
Luther, Robert	Malone, Robert	Russell, David	Simpson, Tyler
Swinford, Elaine	Tilton, Franklin	Tobin, William	

CARROLL

Ahlgren, Christopher	Chandler, Gene	Fleck, Joseph	McConkey, Mark
Patten, Betsey	Pettengill, Laurie	Tregenza, Norman	

CHESHIRE

Dwinell, Richard	Hunt, John	Moore, Charles	Smith, Edwin
Sterling, Franklin Jr			

COOS

Tholl, John Jr

GRAFTON

Bulis, Lyle	Gionet, Edmond	Ingbretson, Paul	Shackett, Jeffrey
Sorg, Gregory	Sova, Charles		

HILLSBOROUGH

Balboni, Michael	Ball, J. Michael	Barry, J. Gail	Barry, Richard
Belvin, William	Brown, Kevin	Brownrigg, Randall Jr	Burt, John
Buxton, Michael	Cebrowski, John	Christensen, D.L.	Christiansen, Lars
		Chris	
Daniels, Gary	DeJong, Cameron	Doherty, Shaun	Donovan, Daniel

Erickson, Duane
Graham, John
Hikel, John
Hutchinson, Winfred
Maltz, Jonathan
Murphy, Keith
Parison, James
Pratt, Calvin
Seidel, Carl
Stepanek, Stephen
Warden, Mark

Gagne, Larry
Haefner, Robert
Hinch, Richard
Infantine, William
McCarthy, Michael
Notter, Jeanine
Pellegrino, Tony
Renzullo, Andrew
Silva, Peter
Swank, Matthew
Whitehead, Randall

Gandia, Laura
Hansen, Peter
Hogan, Edith
Jasper, Shawn
McClarren, Donald
Ober, Russell III
Pepino, Leo
Robbins, David
Simmons, Tammy
Vaillancourt, Steve
Willette, Robert

Gidge, Kenneth
Hawkins, Kenneth
Holden, Frank
Lambert, George
McGuinness, Sean
Ohm, Bill
Peterson, Lenette
Rowe, Robert
Soucy, Connie
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
DeStefano, Stephen
Keane, Thomas
McGuire, Dan
Smith, Molly

Coffey, Jennifer
Giuda, J. Brandon
Kotowski, Frank
Palfrey, David

Cohn, Seth
Hill, Gregory
Lauer-Rago, Kathleen
Sanborn, Laurie

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

ROCKINGHAM

Abrami, Patrick
Belanger, Ronald
Case, Frank
Duarte, Joe
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Manuse, Andrew
Nevins, Chris
Quandt, Marshall
Sapareto, Frank
Sullivan, James
Tucker, Pamela
Welch, David

Allen, Mary
Bettencourt, David
Comerford, Timothy
Ferrante, Beverly
Headd, James
Itse, Daniel
Lundgren, David
McKinney, Betsy
Okerman, Richard
Quandt, Matt
Schroadter, Adam
Sytek, John
Waddell, James
Weyler, Kenneth

Antosz, Jason
Birdsell, Regina
Davenport, Joshua
Fesh, Robert
Hoelzel, Kathleen
Kappler, Lawrence
MacMahon, Bruce
McMahon, Charles
Oigny, Jeffrey
Reagan, John
Sedensky, John
Tasker, Kyle
Ward, Joanne

Baldasaro, Alfred
Brown, Paul
DeSimone, Debra
Garcia, Marilinda
Hutchinson, Karen
Katsakiores, Phyllis
Major, Norman
Murphy, Brian
Peckham, Michele
Ritter, Glenn
Smith, William
Tremblay, Stella
Waterhouse, Kevin

STRAFFORD

Berube, Roger
Jones, Laura
O'Connor, William
Weeden, Michael

Cataldo, Sam
Larsen, Kirsten
Parsons, Robbie

DeLemus, Susan
Leonard, Frederick Jr
Vita, Carol

Jones, Kyle
Newton, Clifford
Vita, Lucien

SULLIVAN

Bowers, Spec
Osgood, Joe

Cunningham, Steven
Rodeschin, Beverly

Howard, Thomas

Laware, Thomas

NAYS 186

BELKNAP

Accornero, Harry
Pilliod, James

Bolster, Peter
St. Cyr, Jeffrey

Kingsbury, Robert
Worsman, Colette

Millham, Alida

CARROLL

Babson, David Jr
Scala, Dino

Knox, J. David
Umberger, Karen

McCarthy, Frank

Merrow, Harry

CHESHIRE

Butynski, William
Chase, Cynthia
Johnson, Jane
Parkhurst, Henry
Weber, Lucy

Byrnes, John
Emerson, Susan
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Carr, Daniel
Hawkes, Samuel
Lindsey, Steven
Sad, Tara

Cartwright, Anne
Johnsen, Gladys
Meador, David
Tatro, Bruce

COOS

Coulombe, Gary
Rappaport, Laurence
Thomas, Yvonne

Daugherty, Duffy
Remick, William
Tremblay, Marc

Hatch, William
Richardson, Herbert

Merrick, Evalyn
Theberge, Robert

GRAFTON

Aguiar, James
Brosseau, Charles
Nordgren, Sharon
Simard, Paul

Almy, Susan
Cooney, Mary
Pastor, Beatriz
Taylor, Kathleen

Benn, Bernard
Gould, Franklin
Pierce, David
Townsend, Charles

Bradley, Lester
Harding, Laurie
Reilly, Harold Sr
White, Andrew

HILLSBOROUGH

Avard, Kevin
Boehm, Ralph
Cote, David
Flanagan, Jack
Goley, Jeffrey
Hardwick, Harry
Kurk, Neal
Mecheski, Holly
Palmer, Barry
Proulx, Mark
Rosenwald, Cindy
Stroud, Kathleen
Thomas, Joseph

Baroody, Benjamin
Brunelle, Michael
Cusson-Cail, Kathleen
Fredette, Robert
Gonzalez, Carlos
Hopper, Gary
LeBrun, Donald
Messier, Irene
Palmer, Stephen
Ramsey, Peter
Scontsas, Lisa
Sullivan, Daniel
Twombly, Timothy

Belanger, James
Coffey, James
Day, Russell
Gargas, Carolyn
Gorman, Mary
Judy, Jean
Levasseur, Nickolas
Moran, Edward
Pilotte, Maurice
Rhodes, Brian
Shaw, Barbara
Summers, James
Ulery, Jordan

Bergevin, Jerry
Condra, William
Drisko, Richard
Gimas, John
Greazzo, Phil
Krasucki, Joseph
Long, Patrick
Ober, Lynne
Porter, Marjorie
Rokas, Ted
Souza, Kathleen
Terrio, Ross

MERRIMACK

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

Deloge, Helen
Kidder, David
McDonnell, John
Reed, Dennis
Shurtleff, Stephen
Williams, Robert

Foose, Robert
Lindsley, Mark
Owen, Derek
Rice, Chip
Soltani, Tony
Winter, Steven

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

ROCKINGHAM

Azarian, Gary
Copeland, Timothy
Elliott, Robert
Moody, Marcia
Perkins, Amy
Reichard, Kevin
Serlin, Christopher

Bates, David
Devine, James
Garrity, James
Norelli, Terie
Perkins, Lawrence
Rice, Frederick
Sheffert, Kenneth

Cali-Pitts, Jacqueline
DiPentima, Rich
Gould, Kenneth
O'Connor, John
Powers, James
Sanders, Elisabeth
Shuler, Wyman III

Chirichiello, Brian
Dowling, Patricia
Hagan, Joseph
Pantelakos, Laura
Read, Robin Jr
Schlachman, Donna
Sullivan, Kevin

Tamburello, Daniel

Webb, James

STRAFFORD

Andolina, Donald
Grassie, Anne
Keans, Sandra
Roberts, Jenna
Wall, Janet

Brown, Julie
Groen, Warren
Munck, Philip
Schmidt, Peter
Watters, David

Browne, Brendon
Hooper, Dorothea
Pelletier, Marsha
Spainhower, Dale

Ginsburg, Philip
Horrigan, Timothy
Pitre, Joseph
Spang, Judith

SULLIVAN

Cloutier, John
Lovett, Charlene
and the majority committee report failed.

Gagnon, Raymond
Schmidt, Andrew

LaCasse, Paul Sr
Smith, Steven

Lefebvre, Benjamin

MOTION TO LAY ON THE TABLE

Rep. Bettencourt moved that ***SB 160-FN***, relative to the definition and regulation of installment loans, be laid on the table.

Rep. Norelli requested a roll call; sufficiently seconded.

YEAS 160 NAYS 206

YEAS 160

BELKNAP

Comtois, Guy
Malone, Robert
Tilton, Franklin

Fields, Dennis
Russell, David
Tobin, William

Flanders, Donald
Simpson, Tyler

Luther, Robert
Swinford, Elaine

CARROLL

Ahlgren, Christopher
Pettengill, Laurie

Chandler, Gene
Tregenza, Norman

McConkey, Mark
Umberger, Karen

Patten, Betsey

CHESHIRE

Dwinell, Richard

Hunt, John

Moore, Charles

Smith, Edwin

COOS

Tholl, John Jr

GRAFTON

Gionet, Edmond

Ingbreton, Paul

Sorg, Gregory

Sova, Charles

HILLSBOROUGH

Avard, Kevin
Brownrigg, Randall Jr
Christensen, D.L.
Chris
Donovan, Daniel
Gidge, Kenneth
Hikel, John
Jasper, Shawn

Ball, J. Michael
Burt, John
Daniels, Gary
Erickson, Duane
Greazzo, Phil
Hinch, Richard
McCarthy, Michael

Belvin, William
Buxton, Michael
DeJong, Cameron
Gagne, Larry
Haefner, Robert
Hogan, Edith
McClarren, Donald

Brown, Kevin
Cebrowski, John
Doherty, Shaun
Gandia, Laura
Hawkins, Kenneth
Holden, Frank
McGuinness, Sean

Murphy, Keith
Parison, James
Pratt, Calvin
Silva, Peter
Twombly, Timothy
Whitehead, Randall

Notter, Jeanine
Pellegrino, Tony
Renzullo, Andrew
Simmons, Tammy
Vaillancourt, Steve

Ober, Russell III
Pepino, Leo
Rowe, Robert
Soucy, Connie
Villeneuve, Moe

Ohm, Bill
Peterson, Lenette
Seidel, Carl
Stepanek, Stephen
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Kotowski, Frank
Palfrey, David
Smith, Molly

Coffey, Jennifer
Hill, Gregory
Lauer-Rago, Kathleen
Reed, Dennis
Smith, Todd

Cohn, Seth
Hoell, J.R.
McGuire, Carol
Sanborn, Laurie
Winter, Steven

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

ROCKINGHAM

Abrami, Patrick
Belanger, Ronald
Comerford, Timothy
Garcia, Marilinda
Hoelzel, Kathleen
Kolodziej, Walter
Manuse, Andrew
Nevins, Chris
Quandt, Marshall
Sapareto, Frank
Smith, William
Tucker, Pamela

Allen, Mary
Bettencourt, David
Davenport, Joshua
Garritty, James
Hutchinson, Karen
Lundgren, David
McKinney, Betsy
Okerman, Richard
Quandt, Matt
Schroadter, Adam
Sullivan, James
Waterhouse, Kevin

Antosz, Jason
Birdsell, Regina
DeSimone, Debra
Griffin, Mary
Itse, Daniel
MacMahon, Bruce
McMahon, Charles
Oigny, Jeffrey
Ritter, Glenn
Sedensky, John
Sytek, John
Welch, David

Baldasaro, Alfred
Brown, Paul
Duarte, Joe
Headd, James
Kappler, Lawrence
Major, Norman
Murphy, Brian
Peckham, Michele
Sanders, Elisabeth
Shuler, Wyman III
Tasker, Kyle
Weyler, Kenneth

STRAFFORD

Berube, Roger
Jones, Laura
Pitre, Joseph

Cataldo, Sam
Leonard, Frederick Jr
Vita, Carol

DeLemus, Susan
Newton, Clifford
Vita, Lucien

Jones, Kyle
O'Connor, William

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

Laware, Thomas

NAYS 206

BELKNAP

Accornero, Harry
Millham, Alida

Bolster, Peter
Pilliod, James

Greemore, Robert
St. Cyr, Jeffrey

Kingsbury, Robert
Worsman, Colette

CARROLL

Babson, David Jr
Merrow, Harry

Fleck, Joseph
Scala, Dino

Knox, J. David

McCarthy, Frank

CHESHIRE

Butynski, William
Chase, Cynthia
Johnson, Jane

Byrnes, John
Emerson, Susan
Lerandean, Alfred

Carr, Daniel
Hawkes, Samuel
Lindsey, Steven

Cartwright, Anne
Johnsen, Gladys
Meadar, David

Parkhurst, Henry
Tatro, Bruce

Roberts, Kris
Weber, Lucy

Sad, Tara
Weed, Charles

Sterling, Franklin Jr

COOS

Coulombe, Gary
Rappaport, Laurence
Thomas, Yvonne

Daugherty, Duffy
Remick, William
Tremblay, Marc

Hatch, William
Richardson, Herbert

Merrick, Evalyn
Theberge, Robert

GRAFTON

Aguiar, James
Brosseau, Charles
Harding, Laurie
Reilly, Harold Sr
Townsend, Charles

Almy, Susan
Bulis, Lyle
Nordgren, Sharon
Shackett, Jeffrey
White, Andrew

Benn, Bernard
Cooney, Mary
Pastor, Beatriz
Simard, Paul

Bradley, Lester
Gould, Franklin
Pierce, David
Taylor, Kathleen

HILLSBOROUGH

Balboni, Michael
Belanger, James
Christiansen, Lars
Cusson-Cail, Kathleen
Fredette, Robert
Gonzalez, Carlos
Hardwick, Harry
Judy, Jean
LeBrun, Donald
Mecheski, Holly
Palmer, Barry
Proulx, Mark
Rokas, Ted
Souza, Kathleen
Swank, Matthew
Willette, Robert

Baroody, Benjamin
Bergevin, Jerry
Coffey, James
Day, Russell
Gargas, Carolyn
Gorman, Mary
Hopper, Gary
Krasucki, Joseph
Levasseur, Nickolas
Messier, Irene
Palmer, Stephen
Ramsey, Peter
Rosenwald, Cindy
Stroud, Kathleen
Terrio, Ross

Barry, J. Gail
Boehm, Ralph
Condra, William
Drisko, Richard
Gimas, John
Graham, John
Hutchinson, Winfred
Kurk, Neal
Long, Patrick
Moran, Edward
Pilotte, Maurice
Rhodes, Brian
Scontsas, Lisa
Sullivan, Daniel
Thomas, Joseph

Barry, Richard
Brunelle, Michael
Cote, David
Flanagan, Jack
Goley, Jeffrey
Hansen, Peter
Infantine, William
Lambert, George
Maltz, Jonathan
Ober, Lynne
Porter, Marjorie
Robbins, David
Shaw, Barbara
Summers, James
Ulery, Jordan

MERRIMACK

Bouchard, Candace
Frazer, June
Lockwood, Priscilla
Patten, Dick
Richardson, Jon
Watrous, Rick

Deloge, Helen
Gile, Mary
MacKay, James
Potter, Frances
Shurtleff, Stephen
Williams, Robert

DeStefano, Stephen
Kidder, David
McDonnell, John
Rice, Chip
Soltani, Tony

Foose, Robert
Lindsley, Mark
Owen, Derek
Richardson, Gary
Wallner, Mary Jane

ROCKINGHAM

Azarian, Gary
Chirichiello, Brian
Dowling, Patricia
Gould, Kenneth
Moody, Marcia
Perkins, Amy
Reagan, John
Serlin, Christopher
Tremblay, Stella

Bates, David
Copeland, Timothy
Elliott, Robert
Hagan, Joseph
Norelli, Terie
Perkins, Lawrence
Reichard, Kevin
Sheffert, Kenneth
Waddell, James

Cali-Pitts, Jacqueline
Devine, James
Ferrante, Beverly
Introne, Robert
O'Connor, John
Powers, James
Rice, Frederick
Sullivan, Kevin
Ward, Joanne

Case, Frank
DiPentima, Rich
Fesh, Robert
Katsakiores, Phyllis
Pantelakos, Laura
Read, Robin Jr
Schlachman, Donna
Tamburello, Daniel
Webb, James

STRAFFORD

Andolina, Donald	Brown, Julie	Browne, Brendon	Ginsburg, Philip
Grassie, Anne	Groen, Warren	Hooper, Dorothea	Horrigan, Timothy
Keans, Sandra	Larsen, Kirsten	Munck, Philip	Parsons, Robbie
Pelletier, Marsha	Roberts, Jenna	Schmidt, Peter	Spainhower, Dale
Spang, Judith	Wall, Janet	Watters, David	Weeden, Michael

SULLIVAN

Cloutier, John	Gagnon, Raymond	LaCasse, Paul Sr	Lefebvre, Benjamin
Schmidt, Andrew	Smith, Steven		

and the motion failed.

Rep. Soltani moved the minority committee report of Inexpedient to Legislate and spoke in favor.

Rep. Vaillancourt spoke against.

Rep. Flanagan requested a roll call; sufficiently seconded.

YEAS 183 NAYS 184

YEAS 183

BELKNAP

Accornero, Harry	Bolster, Peter	Kingsbury, Robert	Millham, Alida
St. Cyr, Jeffrey	Worsman, Colette		

CARROLL

Knox, J. David	McCarthy, Frank	Merrow, Harry	Umberger, Karen
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CHESHIRE

Butynski, William	Byrnes, John	Carr, Daniel	Cartwright, Anne
Chase, Cynthia	Emerson, Susan	Hawkes, Samuel	Johnsen, Gladys
Johnson, Jane	Lerandean, Alfred	Lindsey, Steven	Meador, David
Parkhurst, Henry	Roberts, Kris	Sad, Tara	Tatro, Bruce
Weber, Lucy	Weed, Charles		

COOS

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

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Bradley, Lester
Brosseau, Charles	Cooney, Mary	Gould, Franklin	Harding, Laurie
Nordgren, Sharon	Pastor, Beatriz	Pierce, David	Reilly, Harold Sr
Shackett, Jeffrey	Simard, Paul	Taylor, Kathleen	Townsend, Charles
White, Andrew			

HILLSBOROUGH

Avard, Kevin	Baroody, Benjamin	Belanger, James	Bergevin, Jerry
Boehm, Ralph	Brunelle, Michael	Coffey, James	Condra, William
Cote, David	Cusson-Cail, Kathleen	Day, Russell	Drisko, Richard

Flanagan, Jack
Goley, Jeffrey
Hardwick, Harry
Kurk, Neal
Mecheski, Holly
Palmer, Barry
Proulx, Mark
Rokas, Ted
Souza, Kathleen
Terrio, Ross

Fredette, Robert
Gonzalez, Carlos
Hopper, Gary
LeBrun, Donald
Messier, Irene
Palmer, Stephen
Ramsey, Peter
Rosenwald, Cindy
Stroud, Kathleen
Thomas, Joseph

Gargas, Carolyn
Gorman, Mary
Hutchinson, Winfred
Levasseur, Nickolas
Moran, Edward
Pilote, Maurice
Rhodes, Brian
Scotsas, Lisa
Sullivan, Daniel
Ulery, Jordan

Gimas, John
Hansen, Peter
Jeudy, Jean
Long, Patrick
Ober, Lynne
Porter, Marjorie
Robbins, David
Shaw, Barbara
Summers, James
Willette, Robert

MERRIMACK

Bouchard, Candace
Gile, Mary
MacKay, James
Potter, Frances
Shurtleff, Stephen
Williams, Robert

Deloge, Helen
Kidder, David
McDonnell, John
Rice, Chip
Soltani, Tony
Winter, Steven

Foose, Robert
Lindsley, Mark
Owen, Derek
Richardson, Gary
Wallner, Mary Jane

Frazer, June
Lockwood, Priscilla
Patten, Dick
Richardson, Jon
Watrous, Rick

ROCKINGHAM

Azarian, Gary
Chirichiello, Brian
Dowling, Patricia
Lovejoy, Patricia
Pantelakos, Laura
Read, Robin Jr
Serlin, Christopher
Webb, James

Bates, David
Copeland, Timothy
Elliott, Robert
Moody, Marcia
Perkins, Amy
Reichard, Kevin
Sheffert, Kenneth

Cali-Pitts, Jacqueline
Devine, James
Gould, Kenneth
Norelli, Terie
Perkins, Lawrence
Rice, Frederick
Sullivan, Kevin

Case, Frank
DiPentima, Rich
Hagan, Joseph
O'Connor, John
Powers, James
Schlachman, Donna
Tamburello, Daniel

STRAFFORD

Andolina, Donald
Ginsburg, Philip
Horrigan, Timothy
Pitre, Joseph
Spang, Judith

Berube, Roger
Grassie, Anne
Keans, Sandra
Roberts, Jenna
Wall, Janet

Brown, Julie
Groen, Warren
Munck, Philip
Schmidt, Peter
Watters, David

Browne, Brendon
Hooper, Dorothea
Pelletier, Marsha
Spainhower, Dale

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond
Smith, Steven

LaCasse, Paul Sr

Lefebvre, Benjamin

NAYS 184

BELKNAP

Comtois, Guy
Luther, Robert
Simpson, Tyler

Fields, Dennis
Malone, Robert
Swinford, Elaine

Flanders, Donald
Pilliod, James
Tilton, Franklin

Greemore, Robert
Russell, David
Tobin, William

CARROLL

Ahlgren, Christopher
McConkey, Mark
Tregenza, Norman

Babson, David Jr
Patten, Betsey

Chandler, Gene
Pettengill, Laurie

Fleck, Joseph
Scala, Dino

CHESHIRE

Dwinell, Richard
Sterling, Franklin Jr

Hunt, John

Moore, Charles

Smith, Edwin

COOS

Tholl, John Jr

GRAFTON

Bulis, Lyle
Sova, Charles

Gionet, Edmond

Ingbretson, Paul

Sorg, Gregory

HILLSBOROUGH

Balboni, Michael
Belvin, William
Buxton, Michael

Ball, J. Michael
Brown, Kevin
Cebrowski, John

Barry, J. Gail
Brownrigg, Randall Jr
Christensen, D.L.
Chris

Barry, Richard
Burt, John
Christiansen, Lars

Daniels, Gary
Erickson, Duane
Graham, John
Hikel, John
Infantine, William
Maltz, Jonathan
Murphy, Keith
Parison, James
Pratt, Calvin
Silva, Peter
Swank, Matthew
Warden, Mark

DeJong, Cameron
Gagne, Larry
Greazzo, Phil
Hinch, Richard
Jasper, Shawn
McCarthy, Michael
Notter, Jeanine
Pellegrino, Tony
Renzullo, Andrew
Simmons, Tammy
Twombly, Timothy
Whitehead, Randall

Doherty, Shaun
Gandia, Laura
Haefner, Robert
Hogan, Edith
Krasucki, Joseph
McClarren, Donald
Ober, Russell III
Pepino, Leo
Rowe, Robert
Soucy, Connie
Vaillancourt, Steve

Donovan, Daniel
Gidge, Kenneth
Hawkins, Kenneth
Holden, Frank
Lambert, George
McGuinness, Sean
Ohm, Bill
Peterson, Lenette
Seidel, Carl
Stepanek, Stephen
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
DeStefano, Stephen
Keane, Thomas
McGuire, Dan
Seaworth, G. Brian

Coffey, Jennifer
Giuda, J. Brandon
Kotowski, Frank
Palfrey, David
Smith, Molly

Cohn, Seth
Hill, Gregory
Lauer-Rago, Kathleen
Reed, Dennis
Smith, Todd

Cox, Sean
Hoell, J.R.
McGuire, Carol
Sanborn, Laurie

ROCKINGHAM

Abrami, Patrick
Belanger, Ronald
Comerford, Timothy
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Manuse, Andrew
Nevins, Chris
Quandt, Marshall
Sanders, Elisabeth
Shuler, Wyman III
Tasker, Kyle
Ward, Joanne

Allen, Mary
Bettencourt, David
Davenport, Joshua
Fesh, Robert
Headd, James
Itse, Daniel
Lundgren, David
McKinney, Betsy
Okerman, Richard
Quandt, Matt
Sapareto, Frank
Smith, William
Tremblay, Stella
Waterhouse, Kevin

Antosz, Jason
Birdsell, Regina
DeSimone, Debra
Garcia, Marilinda
Hoelzel, Kathleen
Kappler, Lawrence
MacMahon, Bruce
McMahon, Charles
Oligny, Jeffrey
Reagan, John
Schroadter, Adam
Sullivan, James
Tucker, Pamela
Welch, David

Baldasaro, Alfred
Brown, Paul
Duarte, Joe
Garrity, James
Hutchinson, Karen
Katsakiores, Phyllis
Major, Norman
Murphy, Brian
Peckham, Michele
Ritter, Glenn
Sedensky, John
Sytek, John
Waddell, James
Weyler, Kenneth

STRAFFORD

Cataldo, Sam
Larsen, Kirsten
Parsons, Robbie

DeLemus, Susan
Leonard, Frederick Jr
Vita, Carol

Jones, Kyle
Newton, Clifford
Vita, Lucien

Jones, Laura
O'Connor, William
Weeden, Michael

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

Laware, Thomas

and the minority committee report failed.
Rep. Hunt moved Recommit.

MOTION TO LAY ON THE TABLE

Rep. Soltani moved that ***SB 160-FN***, relative to the definition and regulation of installment loans, be laid on the table.
Motion failed.

MOTION TO INDEFINITELY POSTPONE

Rep. Pierce moved to indefinitely postpone ***SB 160-FN***, relative to the definition and regulation of installment loans.
The Speaker ruled the motion out of order as a motion of higher priority was pending.

APPEAL OF THE RULING OF THE CHAIR

Rep. Watrous appealed the ruling of the Chair whereby the Chair declared that the motion to Lay on the Table ***SB 160-FN***, relative to the definition and regulation of installment loans, failed.
The Speaker ruled the appeal out of order.

The question now being adoption of the motion to Recommit.
On a division vote, 225 members having voted in the affirmative and 142 in the negative, the motion was adopted.
Recommitted to the Committee on Commerce and Consumer Affairs.

REGULAR CALENDAR (CONT'D)

SB 162-FN, relative to federal health care reform 2010. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Andrew J. Manuse for Commerce and Consumer Affairs: In the interim period while the committee studies the various options for opting-out of the Patient Protection and Affordable Care Act of 2010, and also whether to prevent its further implementation, this bill would require all actions of "any state official or agency that seeks to enforce the insurance provisions of the act" to obtain approval from an oversight committee made up of two senators and three representatives. This oversight committee would continue to check the carte blanche authority of state bureaucrats and ensure that they are not taking any actions against the will of the legislature, and indirectly, the will of the people. At this point, such an oversight committee is needed to prevent unnecessary steps toward adoption of an act that the legislature may ultimately decide not to adopt. Vote 16-2.

Amendment (1522h)

Amend the title of the bill by replacing it with the following:
AN ACT relative to implementation of federal health care reform.
Amend the bill by replacing all after the enacting clause with the following:

1 Federal Health Care Reform 2010; Authority of Commissioner. Amend the introductory paragraph of RSA 420-L:3 to read as follows:

The commissioner shall *have the authority to* enforce the consumer protections and market reforms as set forth in the Act that relate to insurance. ***Before establishing standards for enforcing the provisions of the Act, the commissioner shall obtain approval from the oversight committee, established in RSA 420-L:6. This provision requiring approval of the oversight committee before establishing standards for the enforcement of the provisions of the Act that relate to insurance shall apply to any state official or agency that seeks to enforce the insurance provisions of the Act.*** This **section** shall not include the medical assistance program under RSA 167. The commissioner shall have full power and authority in accordance with the time frames set forth in the Act to:

2 Health Insurance Oversight Committee; Duties. Amend RSA 420-L:6 to read as follows:

420-L:6 Health Insurance Reform Oversight Committee. There is established a health insurance reform oversight committee consisting of 2 members of the senate, appointed by the president of the senate, one of whom shall be from the senate commerce~~[-labor and consumer protection]~~ committee, and 3 members of the house of representatives, appointed by the speaker of the house, 2 of whom shall be from the house commerce and consumer affairs committee. ***The committee shall elect from its membership a chairman.*** The committee shall meet at the request of the commissioner~~[-but no more frequently than monthly]~~ ***or the chairman.*** The commissioner shall make such periodic reports to the oversight committee relative to the department's federal insurance reform implementation plans and initiatives as may be required by the oversight committee. The oversight committee shall make ~~[a summary]~~ ***an annual*** report on federal insurance reform implementation, together with any recommendations for legislation, to the house commerce and consumer affairs committee and the senate commerce~~[-labor and consumer protection]~~ committee ~~[by the first day of the 2011 legislative session]~~ ***on or before November 1, 2011 and thereafter on or before November 1 of each year.***

3 Repeal. The following are repealed:

I. 2010, 243:15, relative to the repeal of RSA 420-L regarding federal health care reform.

II. 2010, 243:16, relative to the expiration of rules adopted pursuant to RSA 420-L.

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

AMENDED ANALYSIS

This bill removes the repeal of the law authorizing the insurance commissioner to implement the insurance reforms required under federal law. This bill also requires the insurance department to obtain approval from the health insurance reform oversight committee before implementing any of the federal changes.

On a division vote, 172 members having voted in the affirmative and 179 in the negative, the committee amendment failed.

Rep. Hunt moved Recommit.

Adopted.

Recommitted to the Committee on Commerce and Consumer Affairs.

SB 82-FN, extending the state board of education's authority to approve chartered public schools and relative to the funding of chartered public schools approved by a school district. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael A. Balboni for Education: The current 10-year pilot program allows the state board of education to approve up to 20 public charter schools. The pilot program has been a success and the bill would allow the state board of education to approve additional public charter schools with no set time limit. The bill also allows public charter schools to apply for federal funds specifically designated for charter schools. The bill ensures that the state

adequacy aid (\$3450) follows the student when a child goes to an out of district charter school. The committee amendment, instead of returning to the education trust fund any allocated but unspent charter school funds at the end of each fiscal year, allows unspent funds in excess of \$50,000 to be distributed to all public charter schools (except VLACS, the Virtual Learning Academy Charter School) approved by the state board of education on a prorated, per pupil basis. These additional measures will assist cash-strapped charter schools with much needed additional funding. The NH department of education and the NH Public Charter School Association testified in favor of the bill. Vote 16-1.

Amendment (1619h)

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

AN ACT extending the state board of education's authority to approve chartered public schools, relative to the funding of chartered public schools approved by a school district, and relative to proration of unexpended funds to chartered public schools approved by the state board of education.

Amend the bill by inserting after section 2 the following and renumbering the original sections 3-4 to read as 4-5, respectively:

3 New Subparagraph; Chartered Public Schools; Funding. Amend RSA 194-B:11, I by inserting after subparagraph (d) the following new subparagraph:

(e) If at least \$50,000 of funds appropriated for the purposes of this section remain unexpended at the end of a fiscal year, the commissioner of the department of education shall prorate the remaining funds among each chartered public school approved by the state board of education pursuant to RSA 194-B:3-a. Proration of funds shall be based on the average daily membership in residence of the chartered public school. This subparagraph shall not apply to the Virtual Learning Academy chartered public school.

Amend the bill by replacing section 5 with the following:

5 Effective Date.

I. Sections 1, 2, and 4 of this act shall take effect 60 days after its passage.

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

AMENDED ANALYSIS

This bill:

I. Repeals the 10-year pilot program for state board of education approval of chartered public schools and gives the state board of education permanent authority to approve chartered public schools.

II. Requires that the state pay tuition for each pupil attending a chartered public school located in this state but outside of the pupil's resident school district directly to such chartered public school.

III. Requires the commissioner of the department of education to prorate unexpended appropriations of \$50,000 or more at the end of a fiscal year to chartered public schools approved by the state board of education.

Amendment adopted.

Committee report adopted.

Referred to the Committee on Finance.

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

The House recessed at 12:40 p.m.

RECESS

(Speaker O'Brien in the Chair)

The House reconvened at 1:40 p.m.

REGULAR CALENDAR (CONT'D)

SB 129-FN, relative to presenting photo identification to vote in person and relative to the

election fund. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen M. Hoelzel for the Majority of Election Law: This bill requires a voter to present a valid photo I.D. to the ballot clerk prior to voting. There are provisions in the bill to allow a “provisional ballot” to be submitted if the individual does not have the identification with them. The individual would need to present the valid photo I.D. within three days of the election in order that the provisional ballot be counted. There are also provisions for a voter to obtain a photo I.D. card free of charge if he/she does not have a valid photo I.D. Vote 13-5.

Rep. David M. Pierce for the Minority of Election Law: The amendment to this bill passed even though there were substantial questions that were not answered, or even discussed, before the majority moved to call the question so a vote could be taken. The chair did not accept the motion, but the unmistakable import of that move was that the majority of the committee was not going to investigate the issues any further. The few answers the committee did get should have compelled a vote to retain the bill. Here's what the committee did discuss and learn: The Secretary of State testified extensively about the bill. From that testimony and from his deputy's testimony before the subcommittee the day before, it was made clear that that the bill's provisional ballot requirement is unworkable because of New Hampshire's uniquely short statutory and constitutional timeframes between the state's primary election and general election and between the general election and the legislative summons. The secretary pointed out that it will also profoundly affect the recount process for the worse by inviting protracted battles over the counting of the provisional ballots. More frightening, though, was the secretary's sense that the bill actually opens up the system to a new and different types of election fraud instead of combating it. The Secretary of State, the state's chief election officer, said that if the committee wanted to pass a photo id requirement it would be prudent for it to pass something else and not this legislation. But probably the most disturbing thing that the committee learned was that the provisional ballot is not a secret ballot because it removes safeguards so that it would be easier to see how an individual voter voted. Here's what the committee did not discuss: The committee never got to a whole host of other questions about the bill. The committee did not discuss whether the bill is constitutional under Part I, Article 11 of the New Hampshire constitution. The committee never even discussed the framework that should be used to analyze its constitutionality. The committee couldn't answer the question about whether the bill would be subject to the constitution's rational basis test or to a strict scrutiny analysis. The list of substantial and genuine questions about the bill goes on and on. Here's what the committee should have done: The bottom line is that the committee should have retained the bill. It should have honored its constitutional duty to pass legislation only once it satisfied itself that the bill is itself constitutional and that all relevant questions were asked, answered and adequately addressed. What the committee passed on to the House falls far below the high standards that the House Election Law Committee usually sets for itself and is not yet worthy of the House's consideration. The right to vote is the most fundamental right we have to keep government in its place. We ought to know what we're doing before we reform it in such a profound and fundamental way.

Majority Amendment (1606h)

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

1 Obtaining a Ballot. Amend RSA 659:13 to read as follows:
659:13 Obtaining a Ballot.

I. A person desiring to vote shall, before being admitted to the enclosed space within the guardrail, announce his or her name to one of the ballot clerks who shall thereupon repeat the name; and, if the name is found on the checklist by the ballot clerk, the ballot clerk shall put a checkmark beside it and again repeat the name. The ballot clerk shall state the address listed on the checklist for the voter, and ask if the address is correct; if the

address on the checklist is not correct, the ballot clerk shall correct the address in red on the paper checklist and the supervisors of the checklist shall cause the centralized voter registration database to reflect the correction. ***The ballot clerk shall request that the voter present a valid photo identification meeting the requirements of paragraph II. If the voter does not have a valid photo identification, the ballot clerk shall inform the voter that he or she may vote by provisional ballot in accordance with RSA 659:13-b and present a valid photo identification to the city or town clerk within 3 days of the election. If the photo identification has an address that does not match the address on the checklist, the ballot clerk shall record the address from the photo identification on the checklist in a color designated for such entries and the supervisors of the checklist shall submit the additional address information to the secretary of state.*** The voter, if still qualified to vote in the town or ward ***and having presented a valid photo identification verifying the voter's identity,*** and unless challenged as provided for in RSA ~~[659:27-33]~~ ***659:27 through 659:33,*** shall then be allowed to enter the space enclosed by the guardrail. After the voter enters the enclosed space, the ballot clerk shall give the voter one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state.

II. A valid photo identification shall satisfy all the following:

(a) The identification shows the name of the individual to whom the identification was issued, and the name substantially conforms to the name in the individual's voter registration record.

(b) The identification shows a photograph of the individual to whom the identification was issued.

(c) The identification was issued by the United States or the state of New Hampshire, or is a valid state driver's license.

2 New Section; Provisional Ballot. Amend RSA 659 by inserting after section 13-a the following new section:

659:13-b Provisional Ballot.

I. If a voter has not presented a valid voter identification under RSA 659:13 and is otherwise qualified to vote, the voter may cast a provisional ballot. The ballot clerk shall indicate on the checklist that the voter has voted by provisional ballot. The provisional ballot shall be the same as the ballot used at the polling place, but shall be sealed by the voter after he or she has marked the ballot in a provisional ballot envelope. The envelope shall contain an affidavit to be executed by the voter containing the same information as the affidavit of a challenged voter and shall sufficiently identify the voter to allow verification of the ballot once the voter has confirmed his or her identity.

II. The moderator shall retain possession of the provisional ballots in their sealed envelopes until the closing of the polls, at which time the moderator shall cause the provisional ballots to be delivered to the city or town clerk.

III. Within 3 days of the election, a voter who has cast a provisional ballot may appear in person before the city or town clerk and present a valid photo identification meeting the requirements of RSA 659:13, II. Upon satisfaction of the identity of the voter, the clerk shall mark the checklist and provisional ballot envelope to that effect. At the expiration of 3 days from the date of the election, the clerk shall forward all provisional ballots for which verification of identity has been provided to the moderator.

IV. The moderator, upon receipt of the verified provisional ballots, shall open the envelopes and count the votes. The moderator shall prepare an amended election return, which shall be prepared and forwarded in the same manner as any other election return. Provisional ballots shall be sealed and preserved in the same manner as other ballots.

3 Election Fund Reimbursement. Amend RSA 5:6-d, III to read as follows:

III. The secretary of state is authorized to accept, budget, and, subject to the limitations of this paragraph, expend monies in the election fund received from any party for the purposes of conducting elections, voter and election official education, the purchase or

lease of voting equipment which complies with Help America Vote Act of 2002, Public Law 107-252, ***reimbursing the department of safety for nondriver's picture identification cards***, election law enforcement, and improvements to related information technology, including acquisition and operation of an automated election management system. The secretary of state shall not expend any monies in the election fund unless the balance in the fund following such expenditures shall be at least 15 times the estimated annual cost of maintaining the programs established to comply with the Help America Vote Act of 2002, Public Law 107-252.

4 Identification Cards; Voucher. Amend RSA 260:21, V to read as follows:

V. The fee for such card shall be \$10 and is not refundable, except that no fee shall be charged to any person who, for reason of health or age, turns in his driver's license before the expiration date of such license. For purposes of this section, reasons of age shall be deemed to apply only to those persons over age 65. ***A person who requires an identification card for voter identification purposes may obtain a voucher from his or her town or city clerk exempting the person from the identification card fee. Upon presentation of the voucher, the actual costs of issuing the card shall be paid by the secretary of state from the election fund established under RSA 5:6-d.***

5 Voter Education.

I. The department of state shall prominently display on the department's website information for voters relating to the photo identification requirements established by this act. The department shall also provide explanatory information relating to this act to media outlets for the purpose of educating the public regarding voter identification requirements.

II. Every town and city clerk shall prominently display a notice prepared by the secretary of state explaining the photo identification requirements for voters and directing voters to the department of state's website for additional information. Such notice shall be displayed for at least 14 days prior to each election held after the effective date of this act during 2011 and 2012.

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

AMENDED ANALYSIS

This bill requires that a voter present a valid photo identification to vote in person. Voters without photo identification may vote by provisional ballot. This bill also requires that the secretary of state pay the cost for a nondriver's picture identification card upon presentation of a voucher from the town or city clerk.

Rep. Bates spoke against.

Majority committee amendment failed.

Rep. Bates offered floor amendment (1712h).

Floor Amendment (1712h)

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

1 Obtaining a Ballot. Amend RSA 659:13 to read as follows:

659:13 Obtaining a Ballot.

I. A person desiring to vote shall, before being admitted to the enclosed space within the guardrail, announce his or her name to one of the ballot clerks who shall thereupon repeat the name; and, if the name is found on the checklist by the ballot clerk, the ballot clerk shall put a checkmark beside it and again repeat the name. The ballot clerk shall state the address listed on the checklist for the voter, and ask if the address is correct; if the address on the checklist is not correct, the ballot clerk shall correct the address in red on the paper checklist and the supervisors of the checklist shall cause the centralized voter registration database to reflect the correction. ***The ballot clerk shall request that the voter present a valid photo identification meeting the requirements of paragraph II. If the voter does not have a valid photo identification, the ballot clerk shall inform the voter that he or she may vote by provisional ballot in accordance with RSA 659:13-b and present a valid photo identification, official documentation of driver's***

license suspension or revocation, waiver issued by the secretary of state under RSA 659:13-d, or affidavit of religious exemption to the city or town clerk by noon of the third business day after the election. If the photo identification is an out-of-state driver's license, the ballot clerk shall record the state of issuance on the checklist in a color designated for such entries and the supervisors of the checklist shall submit the information to the secretary of state. The voter, if still qualified to vote in the town or ward ***and having presented a valid photo identification verifying the voter's identity,*** and unless challenged as provided for in RSA ~~[659:27-33]~~ ***659:27 through 659:33,*** shall then be allowed to enter the space enclosed by the guardrail. After the voter enters the enclosed space, the ballot clerk shall give the voter one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state.

II. A valid photo identification shall satisfy all the following:

(a) The identification shows the name of the individual to whom the identification was issued, and the name substantially conforms to the name in the individual's voter registration record.

(b) The identification shows a photograph of the individual to whom the identification was issued.

(c) The identification was issued by the United States or the state of New Hampshire, or is a valid state driver's license.

2 New Sections; Provisional Ballot. Amend RSA 659 by inserting after section 13-a the following new sections:

659:13-b Provisional Ballot.

I. If a voter has not presented a valid voter identification under RSA 659:13 and is otherwise qualified to vote, the voter may cast a provisional ballot. The ballot clerk shall indicate on the checklist that the voter has voted by provisional ballot. The provisional ballot shall be the same as the ballot used at the polling place, but shall be sealed in a plain envelope by the voter after he or she has marked the ballot. The voter shall insert the plain envelope into an envelope on which is printed the same information as the affidavit of a challenged voter to be executed by the voter and shall sufficiently identify the voter to allow verification of the ballot once the voter has confirmed his or her identity.

II. The moderator shall prepare a list of all voters who cast provisional ballots and shall retain possession of the provisional ballots in their sealed envelopes until the closing of the polls, at which time the moderator shall cause the provisional ballots and the list to be delivered to the city or town clerk. The clerk shall seal all provisional ballots in a separate box marked "provisional ballots."

III. By noon of the third business day after the election, a voter who has cast a provisional ballot may appear in person before the city or town clerk and present a valid photo identification meeting the requirements of RSA 659:13, II, official documentation of driver's license suspension or revocation, a waiver issued by the secretary of state under RSA 659:13-d, or an affidavit of religious exemption. Upon presentation of a valid photo identification, verification of driver's license suspension or revocation, or receipt of a waiver issued by the secretary of state under RSA 659:13-d or an affidavit of religious exemption, the clerk shall mark the list prepared by the moderator to that effect. The clerk shall require each person presenting a valid photo identification, official documentation of driver's license suspension or revocation, or a waiver issued by the secretary of state under RSA 659:13-d, or executing an affidavit of religious exemption to sign the list next to or beneath his or her name. At noon of the third business day after the election, the clerk shall forward all provisional ballots for which verification of identity has been provided to the moderator. The clerk shall post notice of the time and place of the processing of provisional ballots in accordance with RSA 91-A.

IV. The moderator, upon receipt of the provisional ballots, shall immediately verify that the signatures on the affidavit envelopes match the signatures on the list of provisional voters and shall process the ballots so verified in the same manner as absentee ballots. The

clerk shall prepare an amended election return, which shall be prepared and forwarded in the same manner as any other election return. Provisional ballots shall be sealed and preserved in the same manner as other ballots. The duties of the moderator under this section may be fulfilled by another election official designated by the moderator; the official so designated may be an official from another ward in the same city or town and the same official may fulfill the moderator's duties for multiple wards.

659:13-c Affidavit of Religious Exemption. The affidavit of religious exemption shall be in the following form:

AFFIDAVIT OF RELIGIOUS EXEMPTION

Name: _____

Address: _____

Date of birth: _____

I hereby swear and affirm that I adhere to the beliefs of _____ religion and therefore have a religious objection to having my photograph taken and that I do not possess a valid form of identification showing my photograph.

I hereby swear and affirm, under the penalties for voting fraud set forth below, that I am the identical person whom I represent myself to be and that to the best of my knowledge and belief the information above is true and correct.

(Signature of affiant)

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

659:13-d Waiver by Secretary of State. Upon presentation of sworn evidence satisfactory to the secretary of state that a voter does not possess photo identification and also does not possess documentation necessary to obtain a nondriver's picture identification card, the secretary of state may issue a waiver of the photo identification requirement that may be presented to the clerk under RSA 659:13-b. The waiver shall be valid only for the election specified in the waiver.

3 Election Fund Reimbursement. Amend RSA 5:6-d, III to read as follows:

III. The secretary of state is authorized to accept, budget, and, subject to the limitations of this paragraph, expend monies in the election fund received from any party for the purposes of conducting elections, voter and election official education, the purchase or lease of voting equipment which complies with Help America Vote Act of 2002, Public Law 107-252, ***reimbursing the department of safety for nondriver's picture identification cards***, election law enforcement, and improvements to related information technology, including acquisition and operation of an automated election management system. The secretary of state shall not expend any monies in the election fund unless the balance in the fund following such expenditures shall be at least 15 times the estimated annual cost of maintaining the programs established to comply with the Help America Vote Act of 2002, Public Law 107-252.

4 Identification Cards; Voucher. Amend RSA 260:21, V to read as follows:

V. The fee for such card shall be \$10 and is not refundable, except that no fee shall be charged to any person who, for reason of health or age, turns in his ***or her*** driver's license before the expiration date of such license. For purposes of this section, reasons of age shall be deemed to apply only to those persons over age 65. ***A person who requires a photo identification card for voter identification purposes may obtain a voucher from his or her town or city clerk or the secretary of state exempting the person from the identification card fee. Upon presentation of the voucher to the division, the actual costs of issuing the card shall be paid by the secretary of state from the election fund established under RSA 5:6-d. An identification card paid for by the secretary***

of state shall be valid for voter identification purposes only, and the card shall be marked "for voter identification only."

5 Final Counting; Announcement. Amend RSA 659:70 to read as follows:

659:70 Final Counting; Result. The final count of all votes on all ballots cast at the central and additional polling places, if any, shall be combined and the moderator shall announce the final count for each office ***and the number of provisional ballots cast.***

6 Voter Education.

I. The department of state shall prominently display on the department's website information for voters relating to the photo identification requirements established by this act. The department shall also provide explanatory information relating to this act to media outlets for the purpose of educating the public regarding voter identification requirements.

II. Every town and city clerk shall prominently display a notice prepared by the secretary of state explaining the photo identification requirements for voters and directing voters to the department of state's website for additional information. Such notice shall be displayed for at least 14 days prior to each election held after the effective date of this act during 2011 and 2012.

7 Applicability. In accordance with RSA 659:13, as amended by this act, ballot clerks shall request that the voters present a valid photo identification at all elections after the effective date of this act. However, notwithstanding such provisions, no person shall be denied the right to vote for failure to present a valid photo identification or other documentation acceptable under this act prior to November 1, 2012. The ballot clerks shall tally the number of voters that do not present a valid photo identification at each election prior to November 1, 2012, and the town or city clerk shall report the number with the election return.

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

AMENDED ANALYSIS

This bill requires that a voter present a valid photo identification to vote in person. Voters without photo identification may vote by provisional ballot, provided that they subsequently appear in person before the city or town clerk and present a valid photo identification, official documentation of driver's license suspension or revocation, a waiver issued by the secretary of state, or an affidavit of religious exemption. This bill also requires that the secretary of state pay the cost for a nondriver's picture identification card upon presentation of a voucher to the division of motor vehicles.

Reps. Bates, Scala and Hoelzel spoke in favor and yielded to questions.

Rep. Pierce spoke against and requested a roll call; sufficiently seconded.

YEAS 256 NAYS 104

YEAS 256

BELKNAP

Accornero, Harry
Flanders, Donald
Malone, Robert
St. Cyr, Jeffrey

Bolster, Peter
Greemore, Robert
Millham, Alida
Tilton, Franklin

Comtois, Guy
Kingsbury, Robert
Pilliod, James
Tobin, William

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

CARROLL

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

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Tregenza, Norman

CHESHIRE

Byrnes, John
Johnson, Jane

Cartwright, Anne
Moore, Charles

Dwinell, Richard
Smith, Edwin

Hunt, John
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Ingbretson, Paul
Sorg, Gregory

Brosseau, Charles
Reilly, Harold Sr
Sova, Charles

Bulis, Lyle
Shackett, Jeffrey

Gionet, Edmond
Simard, Paul

HILLSBOROUGH

Avard, Kevin
Belanger, James
Brown, Kevin
Cebrowski, John

Balboni, Michael
Belvin, William
Brownrigg, Randall Jr
Champagne, Norma

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

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

Coffey, James

Condra, William

Cusson-Cail,
Kathleen

Daniels, Gary

Day, Russell
Drisko, Richard
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

DeJong, Cameron
Erickson, Duane
Gandia, Laura
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Rowe, Robert
Simmons, Tammy
Summers, James
Twombly, Timothy
Warden, Mark

Doherty, Shaun
Flanagan, Jack
Gargas, Carolyn
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael
Messier, Irene
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Scotsas, Lisa
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Donovan, Daniel
Fredette, Robert
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith
Infantine, William
Lambert, George
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James
Pratt, Calvin
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Hess, David
Kotowski, Frank
Lockwood, Priscilla
Palfrey, David
Smith, Molly

Coffey, Jennifer
Hill, Gregory
Kreis, Kenneth Sr
McDonnell, John
Richardson, Jon
Smith, Todd

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

Giuda, J. Brandon
Kidder, David
Lindsley, Mark
McGuire, Dan
Seaworth, G. Brian
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Bates, David
Brown, Paul
Davenport, Joshua

Antosz, Jason
Belanger, Ronald
Case, Frank
Devine, James

Azarian, Gary
Bettencourt, David
Comerford, Timothy
Dowling, Patricia

Baldasaro, Alfred
Birdsell, Regina
Copeland, Timothy
Duarte, Joe

Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Nevins, Chris
Peckham, Michele
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sytek, John
Tucker, Pamela
Webb, James

Ferrante, Beverly
Griffin, Mary
Hutchinson, Karen
Kolodziej, Walter
McKinney, Betsy
O'Connor, John
Perkins, Amy
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Waddell, James
Welch, David

Fesh, Robert
Hagan, Joseph
Introne, Robert
MacMahon, Bruce
McMahon, Charles
Okerman, Richard
Perkins, Lawrence
Reichard, Kevin
Sapareto, Frank
Smith, William
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Garcia, Marilinda
Headd, James
Kappler, Lawrence
Major, Norman
Murphy, Brian
Oigny, Jeffrey
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin

STRAFFORD

Andolina, Donald
Groen, Warren
Newton, Clifford
Vita, Carol

Brown, Julie
Larsen, Kirsten
O'Connor, William
Vita, Lucien

Cataldo, Sam
Leonard, Frederick Jr
Parsons, Robbie
Weeden, Michael

DeLemus, Susan
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 104

BELKNAP

Russell, David

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

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pastor, Beatriz
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Gimas, John

Brunelle, Michael
Goley, Jeffrey

Cote, David
Gorman, Mary

Garrity, Patrick
Graham, John

Jeudy, Jean
Porter, Marjorie
Rokas, Ted

Levasseur, Nickolas
Ramsey, Peter
Rosenwald, Cindy

Long, Patrick
Rhodes, Brian
Shaw, Barbara

Pilotte, Maurice
Robbins, David
Sullivan, Daniel

MERRIMACK

Bouchard, Candace
Foose, Robert
Owen, Derek
Richardson, Gary
Williams, Robert

Cohn, Seth
Frazer, June
Patten, Dick
Shurtleff, Stephen

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

DeStefano, Stephen
MacKay, James
Rice, Chip
Watrous, Rick

ROCKINGHAM

Allen, Mary
DiPentima, Rich
Norelli, Terie
Schlachman, Donna

Cali-Pitts, Jacqueline
Gould, Kenneth
Pantelakos, Laura
Schroadter, Adam

Chirichiello, Brian
Lovejoy, Patricia
Powers, James
Serlin, Christopher

DeSimone, Debra
Moody, Marcia
Read, Robin Jr

STRAFFORD

Browne, Brendon
Hooper, Dorothea
Keans, Sandra
Spang, Judith

Domingo, Baldwin
Horrigan, Timothy
Roberts, Jenna
Wall, Janet

Ginsburg, Philip
Jones, Kyle
Schmidt, Peter
Watters, David

Grassie, Anne
Jones, Laura
Spainhower, Dale

SULLIVAN

Cloutier, John
and floor amendment (1712h) was adopted.

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

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

Rep. Pierce offered floor amendment (1733h).

Floor Amendment (1733h)

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

AN ACT relative to proving identity to vote.

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

1 Obtaining a Ballot. Amend RSA 659:13 to read as follows:

659:13 Obtaining a Ballot.

I. A person desiring to vote shall, before being admitted to the enclosed space within the guardrail, announce his or her name to one of the ballot clerks who shall thereupon repeat the name; and, if the name is found on the checklist by the ballot clerk, the ballot clerk shall put a checkmark beside it and again repeat the name. The ballot clerk shall state the address listed on the checklist for the voter, and ask if the address is correct; if the address on the checklist is not correct, the ballot clerk shall correct the address in red on the paper checklist and the supervisors of the checklist shall cause the centralized voter registration database to reflect the correction. ***The ballot clerk shall request that the voter present proof of identity meeting the requirements of paragraph II. If the voter does not present proof of identity, the ballot clerk shall record that fact on the checklist and the supervisors of the checklist shall submit the information to the secretary of state.*** The voter, if still qualified to vote in the town or ward and unless challenged as provided for in RSA ~~[659:27-33]~~ ***659:27 through 659:33***, shall then be allowed to enter the space enclosed by the guardrail. After the voter enters the enclosed space, the

ballot clerk shall give the voter one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state.

II. Proof of identity shall be in one of the following forms:

- (a) Photo driver's license issued by any state or the federal government.**
- (b) United States passport, armed services identification, or other photo identification issued by the United States government.**
- (c) Photo identification issued by local or state government.**
- (d) A photo identification not authorized by subparagraph (a), (b), or (c) but determined to be legitimate by the supervisors of the checklist or the clerk.**
- (e) Verification of the person's identity by another person registered as a voter and known to a supervisor or the clerk.**

III.(a) The secretary of state shall cause a letter of identity verification to be mailed by first class mail to each voter who did not prove his or her identity pursuant to this section. The letter shall be mailed within 90 days after the election. The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information. The letter shall notify the person that a person who was unable to present proof of identity voted using his or her name and address and instruct the person to return the letter within 30 days with a written confirmation that the person voted or to contact the attorney general immediately if he or she did not vote.

(b) The secretary of state shall cause any letters mailed pursuant to subparagraph (a) that are returned as undeliverable by the United States Post Office to be referred to the attorney general. The secretary of state shall also prepare and forward to the attorney general a list of all persons who were mailed letters under subparagraph (a) and have not confirmed that they voted. Upon receipt of notice from a person who receives a letter of identity verification that the person did not vote, or upon receipt of a referral from the secretary of state, the attorney general shall cause an investigation to be made to determine whether fraudulent voting occurred.

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

AMENDED ANALYSIS

This bill requires that a voter be asked to present proof of identity to vote in person. Voters who do not present proof of identity shall be mailed and instructed to return an identity verification letter.

Rep. Pierce spoke in favor and requested a roll call; sufficiently seconded.

YEAS 94 NAYS 262

YEAS 94

BELKNAP

None

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

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pastor, Beatriz
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Gidge, Kenneth
Jeudy, Jean
Ramsey, Peter
Rosenwald, Cindy

Brunelle, Michael
Gimas, John
Levasseur, Nickolas
Rhodes, Brian
Shaw, Barbara

Cote, David
Goley, Jeffrey
Long, Patrick
Robbins, David
Sullivan, Daniel

Garrity, Patrick
Gorman, Mary
Porter, Marjorie
Rokas, Ted

MERRIMACK

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

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

DeStefano, Stephen
MacKay, James
Rice, Chip
Watrous, Rick

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

ROCKINGHAM

Cali-Pitts, Jacqueline
Norelli, Terie
Schlachman, Donna

DiPentima, Rich
Pantelakos, Laura
Serlin, Christopher

Lovejoy, Patricia
Powers, James

Moody, Marcia
Read, Robin Jr

STRAFFORD

Browne, Brendon
Hooper, Dorothea
Schmidt, Peter
Watters, David

Domingo, Baldwin
Horriggan, Timothy
Spainhower, Dale

Ginsburg, Philip
Keans, Sandra
Spang, Judith

Grassie, Anne
Roberts, Jenna
Wall, Janet

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

NAYS 262

BELKNAP

Accornero, Harry
Flanders, Donald
Malone, Robert
Simpson, Tyler
Tobin, William

Bolster, Peter
Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey
Worsman, Colette

Comtois, Guy
Kingsbury, Robert
Pilliod, James
Swinford, Elaine

Fields, Dennis
Luther, Robert
Russell, David
Tilton, Franklin

CARROLL

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

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Tregenza, Norman

CHESHIRE

Byrnes, John
Johnson, Jane

Cartwright, Anne
Moore, Charles

Dwinell, Richard
Smith, Edwin

Hunt, John
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Brosseau, Charles
Reilly, Harold Sr

Bulis, Lyle
Shackett, Jeffrey

Gionet, Edmond
Simard, Paul

Ingbretson, Paul
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Belanger, James
Brown, Kevin
Cebrowski, John
Condra, William
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Pratt, Calvin
Scontsas, Lisa
Soucy, Connie
Summers, James
Ulery, Jordan
Whitehead, Randall

Balboni, Michael
Belvin, William
Brownrigg, Randall Jr
Champagne, Norma
Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Gargas, Carolyn
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Proulx, Mark
Seidel, Carl
Souza, Kathleen
Swank, Matthew
Vaillancourt, Steve
Willette, Robert

Barry, J. Gail
Bergevin, Jerry
Burt, John
Christiansen, Lars
Daniels, Gary
Donovan, Daniel
Fredette, Robert
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael
Messier, Irene
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Renzullo, Andrew
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Barry, Richard
Boehm, Ralph
Buxton, Michael
Coffey, James
Day, Russell
Drisko, Richard
Gagne, Larry
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
Lambert, George
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James
Pilotte, Maurice
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
Hess, David
Kotowski, Frank
Lockwood, Priscilla
Richardson, Jon
Smith, Todd

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

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

Giuda, J. Brandon
Kidder, David
Lindsley, Mark
Palfrey, David
Smith, Molly

ROCKINGHAM

Abrami, Patrick
Bates, David
Brown, Paul
Davenport, Joshua
Duarte, Joe

Allen, Mary
Belanger, Ronald
Case, Frank
DeSimone, Debra
Elliott, Robert

Antosz, Jason
Bettencourt, David
Comerford, Timothy
Devine, James
Ferrante, Beverly

Azarian, Gary
Birdsell, Regina
Copeland, Timothy
Dowling, Patricia
Fesh, Robert

Garcia, Marilinda
Hagan, Joseph
Introne, Robert
MacMahon, Bruce
McMahon, Charles
Okerman, Richard
Perkins, Lawrence
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Tamburello, Daniel
Waddell, James
Welch, David

Garrity, James
Headd, James
Kappler, Lawrence
Major, Norman
Murphy, Brian
Oigny, Jeffrey
Quandt, Marshall
Rice, Frederick
Schroadter, Adam
Smith, William
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Gould, Kenneth
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Nevins, Chris
Peckham, Michele
Quandt, Matt
Ritter, Glenn
Sedensky, John
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin

Griffin, Mary
Hutchinson, Karen
Kolodziej, Walter
McKinney, Betsy
O'Connor, John
Perkins, Amy
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Sytek, John
Tucker, Pamela
Webb, James

STRAFFORD

Andolina, Donald
Groen, Warren
Leonard, Frederick Jr
Parsons, Robbie
Weeden, Michael

Brown, Julie
Jones, Kyle
Munck, Philip
Pitre, Joseph

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

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

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

and floor amendment (1733h) failed.

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

Rep. Pierce offered floor amendment (1736h).

Floor Amendment (1736h)

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

AN ACT relative to presenting proof of identity to vote in person, and relative to the election fund.

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

1 Election Fund. Amend RSA 5:6-d, III to read as follows:

III. The secretary of state is authorized to accept, budget, and, subject to the limitations of this paragraph, expend monies in the election fund received from any party for the purposes of conducting elections, voter and election official education, the purchase or lease of voting equipment which complies with Help America Vote Act of 2002, Public Law 107-252, election law enforcement, and improvements to related information technology, including acquisition and operation of an automated election management system. The secretary of state shall not expend any monies in the election fund unless the balance in the fund following such expenditures shall be at least ~~[15]~~ **12** times the estimated annual cost of maintaining the programs established to comply with the Help America Vote Act of 2002, Public Law 107-252.

2 Obtaining a Ballot. Amend RSA 659:13 to read as follows:

659:13 Obtaining a Ballot.

I. A person desiring to vote shall, before being admitted to the enclosed space within the guardrail, ~~[announce his or her name to one of the ballot clerks who shall thereupon repeat the name]~~ **approach the ballot clerk to check in. The ballot clerk shall request that the voter prove his or her identity in accordance with the procedure identified**

*in RSA 654:12, III, except that completion of a qualified voter affidavit shall not be sufficient for this purpose. The ballot clerk shall announce the name of the voter; and, if the name is found on the checklist by the ballot clerk, the ballot clerk shall put a checkmark beside it and again repeat the name. The ballot clerk shall state the address listed on the checklist for the voter, and ask if the address is correct; if the address on the checklist is not correct, the ballot clerk shall correct the address in red on the paper checklist and the supervisors of the checklist shall cause the centralized voter registration database to reflect the correction. The voter, if still qualified to vote in the town or ward **and having proven the voter's identity**, and unless challenged as provided for in RSA ~~659:27-33~~ **659:27 through 659:33**, shall then be allowed to enter the space enclosed by the guardrail. After the voter enters the enclosed space, the ballot clerk shall give the voter one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state.*

II. If a voter cannot prove his or her identity in a manner that satisfies the requirements of paragraph I, the proof of identity requirement may be satisfied by having a digital photograph of the voter taken by an election official to be kept on file.

3 New Sections; Authority of Secretary of State. Amend RSA 659 by inserting after section 13-a the following new sections:

659:13-b Emergency Authority for the Secretary of State. The secretary of state may suspend the proof of identity provisions of RSA 659:13 to the extent necessary to accommodate equipment or software failure, power outages, or other unforeseen situations that prevent the provisions of RSA 659:13, II from being carried out.

659:13-c Authority to Expend Moneys From the Election Fund. The secretary of state may expend moneys from the election fund established under RSA 5:6-d for the purpose of purchasing equipment and implementing improvements to information technology that may be required by RSA 659:13, II.

4 Requesting Photo Identification. At any election prior to October 1, 2012, when issuing a ballot pursuant to RSA 659:13, the ballot clerk shall request that the voter prove his or her identity in accordance with the procedure identified in RSA 654:12, III, except that completion of a qualified voter affidavit shall not be sufficient for this purpose. If the voter cannot prove his or her identity as required under this section, the ballot clerk shall inform the voter that proof of identity will be required in future elections in order to obtain a ballot.

5 Effective Date.

I. Section 2 of this act and RSA 659:13-b as inserted by section 3 of this act shall take effect October 1, 2012.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires that a voter present proof of identity to vote in person or have his or her photograph taken by an election official to be kept on file. This bill also reduces the balance that the secretary of state is required to maintain in the election fund.

Rep. Pierce spoke in favor and requested a roll call; sufficiently seconded.

YEAS 95 NAYS 259

YEAS 95

BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Hawkes, Samuel
Meader, 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

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pastor, Beatriz
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Gidge, Kenneth
Jeudy, Jean
Porter, Marjorie
Rosenwald, Cindy

Brunelle, Michael
Gimas, John
Levasseur, Nickolas
Ramsey, Peter
Shaw, Barbara

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

Garrity, Patrick
Gorman, Mary
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
Lockwood, Priscilla
Potter, Frances
Wallner, Mary Jane

Foose, Robert
MacKay, James
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

Browne, Brendon
Hooper, Dorothea
Schmidt, Peter
Watters, David

Domingo, Baldwin
Horrigan, Timothy
Spainhower, Dale

Ginsburg, Philip
Keans, Sandra
Spang, Judith

Grassie, Anne
Roberts, Jenna
Wall, Janet

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

NAYS 259

BELKNAP

Accornero, Harry
Flanders, Donald
Malone, Robert
Simpson, Tyler

Bolster, Peter
Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey

Comtois, Guy
Kingsbury, Robert
Pilliod, James
Swinford, Elaine

Fields, Dennis
Luther, Robert
Russell, David
Tilton, Franklin

Tobin, William

Worsman, Colette

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Umberger, Karen

CHESHIRE

Byrnes, John
Johnson, Jane

Cartwright, Anne
Moore, Charles

Dwinell, Richard
Smith, Edwin

Hunt, John
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Brosseau, Charles
Reilly, Harold Sr

Bulis, Lyle
Shackett, Jeffrey

Gionet, Edmond
Simard, Paul

Ingbretson, Paul
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Belanger, James
Brown, Kevin
Cebrowski, John
Condra, William
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Scotsas, Lisa
Soucy, Connie
Summers, James
Ulery, Jordan
Willette, Robert

Balboni, Michael
Belvin, William
Brownrigg, Randall Jr
Champagne, Norma
Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Gargas, Carolyn
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Swank, Matthew
Vaillancourt, Steve

Barry, J. Gail
Bergevin, Jerry
Burt, John
Christiansen, Lars
Daniels, Gary
Donovan, Daniel
Fredette, Robert
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael
Messier, Irene
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Robbins, David
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Barry, Richard
Boehm, Ralph
Buxton, Michael
Coffey, James
Day, Russell
Drisko, Richard
Gagne, Larry
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
Lambert, George
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James
Pratt, Calvin
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Twombly, Timothy
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Hess, David
Kotowski, Frank
McDonnell, John
Sanborn, Laurie
Soltani, Tony

Cohn, Seth
Hill, Gregory
Kreis, Kenneth Sr
McGuire, Carol
Seaworth, G. Brian
Winter, Steven

Cox, Sean
Keane, Thomas
Lauer-Rago, Kathleen
Palfrey, David
Smith, Molly

Giuda, J. Brandon
Kidder, David
Lindsley, Mark
Richardson, Jon
Smith, Todd

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Antosz, Jason	Azarian, Gary
Baldasaro, Alfred	Bates, David	Belanger, Ronald	Bettencourt, David
Birdsell, Regina	Brown, Paul	Case, Frank	Comerford, Timothy
Copeland, Timothy	Davenport, Joshua	DeSimone, Debra	Devine, James
Dowling, Patricia	Duarte, Joe	Elliott, Robert	Ferrante, Beverly
Fesh, Robert	Garcia, Marilinda	Garritty, James	Gould, Kenneth
Griffin, Mary	Hagan, Joseph	Headd, James	Hoelzel, Kathleen
Hutchinson, Karen	Introne, Robert	Kappler, Lawrence	Katsakiores, Phyllis
Kolodziej, Walter	MacMahon, Bruce	Major, Norman	Manuse, Andrew
McKinney, Betsy	McMahon, Charles	Murphy, Brian	Nevins, Chris
O'Connor, John	Okerman, Richard	Oligny, Jeffrey	Peckham, Michele
Perkins, Amy	Perkins, Lawrence	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, Kevin
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	Brown, Julie	Cataldo, Sam	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
Weeden, Michael			

SULLIVAN

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

and floor amendment (1736h) failed.

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

Rep. Pierce offered floor amendment (1739h).

Floor Amendment (1739h)

Amend the bill by replacing section 6 with the following:

6 Voter Education. The department of state shall take all measure reasonably calculated to alert voters about the photo identification requirement established by this act, including, without limitation, prominently display on the department's website all information relevant for such purpose. The department shall also provide explanatory information relating to this act to media outlets for the purpose of educating the public regarding voter identification requirements.

Amend the bill by inserting after section 7 the following and renumbering the original section 8 to read as 10:

8 Notice of Photo Identification Requirements. Amend RSA 658:1 to read as follows:

658:1 General Election. At least 14 days before any state general election, the selectmen shall post a warrant at all the polling places and at the office of the town or city clerk or at the town hall. Said warrant shall prescribe the hour the polls are to open and the hour before which they may not close as provided in RSA 659:4 and RSA 659:4-a. It shall also state all offices and questions which are to be voted on and the location of the central polling place and of any additional polling places. ***With each warrant shall be posted a notice***

prepared by the secretary of state explaining the photo identification requirements for voters and directing voters to the department of state's website for additional information. If the selectmen neglect to issue a warrant for the state general election, or if they neglect to cause copies of such warrant to be posted agreeably to any vote of the town, they shall for each offense be guilty of a violation and any fines collected shall be remitted to the town.

9 Notice of Photo Identification Requirements. Amend RSA 669:2 to read as follows:

669:2 Warrant. The selectmen shall include as part of the warrant for the annual town meeting a warrant for each annual town election which shall prescribe the place, day, and hour of the election, the officers to be elected, and the questions to be submitted to the voters. In a town which has adopted an official ballot system for the election of town officers, the warrant shall specify the time the polls are open and the hour before which the polls may not close. The warrant shall clearly specify which items shall be voted on by ballot at the town election and which items shall be considered at the town business meeting. In a town which has not adopted an official ballot system, it shall be sufficient for a town meeting warrant to list items to be taken up at the town business meeting, including the election of town officers. ***With each town election warrant shall be posted a notice prepared by the secretary of state explaining the photo identification requirements for voters and directing voters to the department of state's website for additional information.***

Rep. Pierce spoke in favor.

Rep. Horrigan requested a roll call; sufficiently seconded.

YEAS 97 NAYS 251

YEAS 97

BELKNAP

Millham, Alida

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

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pastor, Beatriz
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Gidge, Kenneth
Long, Patrick

Brunelle, Michael
Gimas, John
Maltz, Jonathan

Cote, David
Jeudy, Jean
Pilotte, Maurice

Day, Russell
Levasseur, Nickolas
Porter, Marjorie

Ramsey, Peter
Shaw, Barbara

Rhodes, Brian
Sullivan, Daniel

Rokas, Ted

Rosenwald, Cindy

MERRIMACK

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

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

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

DeStefano, Stephen
Lockwood, Priscilla
Potter, Frances
Wallner, Mary Jane

ROCKINGHAM

Allen, Mary
Moody, Marcia
Read, Robin Jr

Cali-Pitts, Jacqueline
Norelli, Terie
Schlachman, Donna

DiPentima, Rich
Pantelakos, Laura
Serlin, Christopher

Lovejoy, Patricia
Powers, James

STRAFFORD

Browne, Brendon
Hooper, Dorothea
Schmidt, Peter
Watters, David

Domingo, Baldwin
Horrigan, Timothy
Spainhower, Dale

Ginsburg, Philip
Keans, Sandra
Spang, Judith

Grassie, Anne
Roberts, Jenna
Wall, Janet

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

NAYS 251

BELKNAP

Accornero, Harry
Flanders, Donald
Malone, Robert
St. Cyr, Jeffrey
Worsman, Colette

Bolster, Peter
Greemore, Robert
Pilliod, James
Swinford, Elaine

Comtois, Guy
Kingsbury, Robert
Russell, David
Tilton, Franklin

Fields, Dennis
Luther, Robert
Simpson, Tyler
Tobin, William

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie

Babson, David Jr
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Tregenza, Norman

Knox, J. David
Patten, Betsey
Umberger, Karen

CHESHIRE

Byrnes, John
Johnson, Jane

Cartwright, Anne
Moore, Charles

Dwinell, Richard
Smith, Edwin

Hunt, John
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Brosseau, Charles
Reilly, Harold Sr

Bulis, Lyle
Shackett, Jeffrey

Gionet, Edmond
Simard, Paul

Ingbretson, Paul
Sova, Charles

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Barry, J. Gail	Barry, Richard
Belanger, James	Belvin, William	Bergevin, Jerry	Boehm, Ralph
Brown, Kevin	Brownrigg, Randall Jr	Burt, John	Buxton, Michael
Cebrowski, John	Champagne, Norma	Christiansen, Lars	Coffey, James
Condra, William	Cusson-Cail, Kathleen	Daniels, Gary	DeJong, Cameron
Doherty, Shaun	Donovan, Daniel	Drisko, Richard	Erickson, Duane
Flanagan, Jack	Fredette, Robert	Gagne, Larry	Gandia, Laura
Gargas, Carolyn	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	Krasucki, Joseph
Kurk, Neal	Lambert, George	LeBrun, Donald	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	Peterson, Lenette	Pratt, Calvin
Proulx, Mark	Renzullo, Andrew	Robbins, David	Rowe, Robert
Scoutsas, Lisa	Seidel, Carl	Silva, Peter	Simmons, Tammy
Soucy, Connie	Souza, Kathleen	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	Cox, Sean	Giuda, J. Brandon	Hess, David
Keane, Thomas	Kidder, David	Kotowski, Frank	Kreis, Kenneth Sr
Lauer-Rago, Kathleen	Lindsley, Mark	McDonnell, John	McGuire, Carol
Palfrey, David	Richardson, Jon	Sanborn, Laurie	Seaworth, G. Brian
Smith, Molly	Smith, Todd	Soltani, Tony	Winter, Steven

ROCKINGHAM

Abrami, Patrick	Antosz, Jason	Azarian, Gary	Baldasaro, Alfred
Bates, David	Belanger, Ronald	Bettencourt, David	Birdsell, Regina
Brown, Paul	Case, Frank	Chirichiello, Brian	Comerford, Timothy
Copeland, Timothy	Davenport, Joshua	DeSimone, Debra	Devine, James
Dowling, Patricia	Duarte, Joe	Elliott, Robert	Ferrante, Beverly
Fesh, Robert	Garcia, Marilinda	Garritty, James	Gould, Kenneth
Griffin, Mary	Hagan, Joseph	Headd, James	Hoelzel, Kathleen
Hutchinson, Karen	Introne, Robert	Kappler, Lawrence	Katsakiores, Phyllis
Kolodziej, Walter	MacMahon, Bruce	Major, Norman	Manuse, Andrew
McKinney, Betsy	McMahon, Charles	Murphy, Brian	Nevins, Chris
O'Connor, John	Okerman, Richard	Peckham, Michele	Perkins, Amy
Perkins, Lawrence	Quandt, Marshall	Quandt, Matt	Reichard, Kevin
Rice, Frederick	Ritter, Glenn	Sanders, Elisabeth	Sapareto, Frank
Schroadter, Adam	Sedensky, John	Sheffert, Kenneth	Shuler, Wyman III
Smith, William	Sullivan, Kevin	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	Brown, Julie	Cataldo, Sam	DeLemus, Susan
Groen, Warren	Jones, Kyle	Jones, Laura	Larsen, Kirsten

Leonard, Frederick Jr
Parsons, Robbie
Weeden, Michael

Munck, Philip
Pitre, Joseph

Newton, Clifford
Vita, Carol

O'Connor, William
Vita, Lucien

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Smith, Steven

and floor amendment (1739h) failed.

Rep. Jasper did not vote and notified the Clerk that he wished to be recorded against.

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

Reps. Pepino and Jasper spoke in favor.

Rep. Norelli requested a roll call; sufficiently seconded.

YEAS 243 NAYS 111

YEAS 243

BELKNAP

Accornero, Harry
Flanders, Donald
Malone, Robert
Swinford, Elaine

Bolster, Peter
Greemore, Robert
Millham, Alida
Tilton, Franklin

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

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

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Umberger, Karen

CHESHIRE

Byrnes, John
Johnson, Jane

Cartwright, Anne
Moore, Charles

Dwinell, Richard
Smith, Edwin

Hunt, John
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Brosseau, Charles
Reilly, Harold Sr

Bulis, Lyle
Shackett, Jeffrey

Gionet, Edmond
Simard, Paul

Ingbretson, Paul
Sova, Charles

HILLSBOROUGH

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Christensen, D.L.
Chris

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Buxton, Michael
Christiansen, Lars

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Cusson-Cail,
Kathleen

Daniels, Gary

Day, Russell

DeJong, Cameron

Doherty, Shaun

Donovan, Daniel

Drisko, Richard
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McGuinness, Sean
Notter, Jeanine
Parison, James
Proulx, Mark
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Erickson, Duane
Gandia, Laura
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Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
Mecheski, Holly
Ohm, Bill
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Renzullo, Andrew
Silva, Peter
Stroud, Kathleen
Twombly, Timothy
Whitehead, Randall

Flanagan, Jack
Gargas, Carolyn
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael
Messier, Irene
Palmer, Barry
Peterson, Lenette
Rowe, Robert
Soucy, Connie
Summers, James
Ulery, Jordan
Willette, Robert

Fredette, Robert
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith
Infantine, William
Lambert, George
McClarren, Donald
Moran, Edward
Palmer, Stephen
Pratt, Calvin
Scoutsas, Lisa
Souza, Kathleen
Swank, Matthew
Vaillancourt, Steve

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Hess, David
Kotowski, Frank
Lockwood, Priscilla
Richardson, Jon
Winter, Steven

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

Cox, Sean
Keane, Thomas
Lauer-Rago, Kathleen
McGuire, Carol
Smith, Todd

Giuda, J. Brandon
Kidder, David
Lindsley, Mark
Palfrey, David
Soltani, Tony

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Ferrante, Beverly
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Perkins, Lawrence
Reichard, Kevin
Sapareto, Frank
Smith, William
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Weyler, Kenneth

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Hagan, Joseph
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McMahon, Charles
Okerman, Richard
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin

Azarian, Gary
Bettencourt, David
Copeland, Timothy
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Major, Norman
Murphy, Brian
Peckham, Michele
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sytek, John
Tucker, Pamela
Webb, James

Baldasaro, Alfred
Birdsell, Regina
Davenport, Joshua
Elliott, Robert
Garritty, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Nevins, Chris
Perkins, Amy
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Waddell, James
Welch, David

STRAFFORD

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Newton, Clifford
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Brown, Julie
Larsen, Kirsten
O'Connor, William
Vita, Lucien

Cataldo, Sam
Leonard, Frederick Jr
Parsons, Robbie
Weeden, Michael

DeLemus, Susan
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 111

BELKNAP

Pilliod, James

Russell, David

CARROLL

Tregenza, Norman

CHESHIRE

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

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

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

Emerson, Susan
Lindsey, Steven
Sad, Tara

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pastor, Beatriz
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Gimas, John
Levasseur, Nickolas
Pilotte, Maurice
Robbins, David
Simmons, Tammy

Brunelle, Michael
Goley, Jeffrey
Murphy, Keith
Porter, Marjorie
Rokas, Ted
Sullivan, Daniel

Cote, David
Graham, John
Ober, Lynne
Ramsey, Peter
Rosenwald, Cindy
Warden, Mark

Gidge, Kenneth
Jeudy, Jean
Ober, Russell III
Rhodes, Brian
Shaw, Barbara

MERRIMACK

Bouchard, Candace
Foose, Robert
Owen, Derek
Richardson, Gary
Watrous, Rick

Cohn, Seth
Frazer, June
Patten, Dick
Seaworth, G. Brian
Williams, Robert

Deloge, Helen
Gile, Mary
Potter, Frances
Shurtleff, Stephen

DeStefano, Stephen
MacKay, James
Rice, Chip
Wallner, Mary Jane

ROCKINGHAM

Allen, Mary
DeSimone, Debra
Moody, Marcia
Read, Robin Jr

Brown, Paul
DiPentima, Rich
Norelli, Terie
Schlachman, Donna

Cali-Pitts, Jacqueline
Gould, Kenneth
Pantelakos, Laura
Schroadter, Adam

Chirichiello, Brian
Lovejoy, Patricia
Powers, James
Serlin, Christopher

STRAFFORD

Browne, Brendon
Hooper, Dorothea
Keans, Sandra
Spang, Judith

Domingo, Baldwin
Horriggan, Timothy
Roberts, Jenna
Wall, Janet

Ginsburg, Philip
Jones, Kyle
Schmidt, Peter
Watters, David

Grassie, Anne
Jones, Laura
Spainhower, Dale

SULLIVAN

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

HJR 4, prohibiting the implementation of certain rules of the board of medicine.

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

Rep. Peter B. Schmidt for the Majority of Executive Departments and Administration: This joint resolution seeks to address alleged deficiencies in the board of medicine's procedures with regard to the retention and/or disclosure of confidential information, in the view of a majority of the joint legislative committee on administrative rules. After consideration, analysis and discussion by the committee, a strong bi-partisan majority concluded that the remedies proposed in the HJR are themselves defective and unworkable and that the board of medicine's policy regarding disclosure of confidential information, to which the JLCAR majority objected and seeks to enjoin, is in fact specifically authorized by the existing relevant statute. As to the retention of confidential information by the board, the administrator testified before the JLCAR that once a determination has been made by the board that allegations of misconduct are not supported by the facts, that the records are destroyed as soon as possible, as storage space for records is very scarce. Vote 8-4.

Rep. Kenneth Hawkins for the Minority of Executive Departments and Administration: The minority of the committee asserts that the board of medicine rules present a serious risk of inconsistent treatment in cases of physician's errors or omissions. By leaving the extent of discipline, or the release of confidential records to law enforcement or other regulatory bodies, solely to the Board's discretion, with no guidance or criteria specified in statutes or rules, they make it impossible to ensure equal justice. While the board has not yet demonstrated grievously inconsistent actions, that is due to their institutional memory and good luck. The Board has steadfastly refused to clarify its judgmental criteria in writing. JLCAR has struggled with this issue for over a year, and has been unable to convince it to document its processes. A joint resolution is necessary to enforce legislative intent on a recalcitrant board.

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

Rep. Manuse spoke against and yielded to questions.

Reps. Soltani and Bowers spoke against.

Rep. Peter Schmidt spoke in favor and yielded to questions.

On a division vote, 89 members having voted in the affirmative and 247 in the negative, the majority committee report failed.

Rep. Bettencourt moved the minority committee report of Ought to Pass.

Minority committee report adopted and ordered to third reading.

SB 170, relative to the New Hampshire Medical Malpractice Joint Underwriting Association.
OUGHT TO PASS WITH AMENDMENT.

Rep. Randall A. Whitehead for Executive Departments and Administration: This bill correctly returns any New Hampshire Medical Malpractice Joint Underwriting Association (NHMMJUA) excess funds to the policyholders, whose contributions result in any surplus funds. The state shall not, in any way, take such funds for any purpose. This bill also requires a reserve of \$25,000,000 for the payment of any federal tax liability. Furthermore, funds that cannot be distributed to a policyholder shall revert to the NHMMJUA to provide grants in aid to health care providers servicing medically underserved populations to assist in the NHMMJUA coverage. This bill requires that the NHMMJUA policyholders, the insurance commissioner, and the NHMMJUA would jointly approach the United States IRS to obtain a closing agreement to determine whether the NHMMJUA has any federal tax liabilities arising from excess premiums paid. The committee amendment clarifies that any

payments are taxable to the recipient and creates a study committee to determine the proper structure for the JUA going forward. Vote 14-3.

Amendment (1544h)

Amend the bill by replacing section 1 with the following:

1 Statement of Purpose. The general court finds that the New Hampshire Medical Malpractice Joint Underwriting Association (NHMMJUA) is an insurance plan funded in the first instance by premiums paid by policyholders. Since 1986, the NHMMJUA has amassed more funds through premium payments than is necessary to sustain operations. Return premiums should be issued to all policyholders who have contributed to the current surplus of funds.

Amend RSA 404-C:14, I as inserted by section 2 of the bill by replacing it with the following:

I. Notwithstanding any provision of law to the contrary, no officer or agent of the state shall take or transfer, through taxation of the New Hampshire Medical Malpractice Joint Underwriting Association (NHMMJUA) or otherwise, any funds held by the NHMMJUA on the effective date of this section in a manner inconsistent with this section. Nothing in this section shall preclude the collection of applicable state taxes, if any, owed by policyholders as a result of the return of funds referenced in this section.

Amend RSA 404-C:14 as inserted by section 2 of the bill by inserting after paragraph VI the following new paragraph:

VII.(a) Independent of the mandates of paragraphs I through VI, inclusive, which are intended to resolve historical matters, there is also established a commission to study the future of the NHMMJUA.

(b) The members of the commission shall be as follows:

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

(2) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(3) One representative of the New Hampshire Medical Society who is or has been a policyholder of the NHMMJUA, appointed by the society.

(4) One representative of the New Hampshire Association of Domestic Insurance Companies, appointed by the association.

(5) One member of the current NHMMJUA board of directors, appointed by the board.

(6) The insurance commissioner, or designee.

(c) Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

(d) The commission shall study the NHMMJUA for the purpose of making recommendations for proposed legislation concerning its future, form, and function. The commission may solicit information from any person the commission deems relevant to its study.

(e) The members of the commission shall elect a chairperson from among the members at the first meeting. The first meeting of the commission shall be called by the first-named senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. A majority of the members of the commission shall constitute a quorum.

(f) The commission shall report its findings and any recommendations for proposed legislation to the president of the senate and the speaker of the house of representatives on or before December 1, 2011.

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

3 Repeal. RSA 404-C:14, VII, relative to commission to study the future of the NHMMJUA, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect December 31, 2011.

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

AMENDED ANALYSIS

This bill:

I. Declares that the state shall not take or transfer, through taxation or otherwise, any funds now held by the New Hampshire Medical Malpractice Joint Underwriting Association (NHMMJUA).

II. Requires the NHMMJUA, the insurance commissioner, and a representative of NHMMJUA policyholders to jointly approach the Internal Revenue Service to resolve any federal tax liability arising from excess surplus funds.

III. Establishes a commission to study the future of the NHMMJUA.
Amendment adopted.

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

Rep. Peter Schmidt spoke against.

Reps. Whitehead and Hansen spoke in favor.

On a division vote, 252 members having voted in the affirmative and 63 in the negative, the committee report was adopted.

Referred to the Committee on Ways and Means.

SB 93, relative to pharmacist administration of vaccines. **OUGHT TO PASS.**

Rep. Donald L. LeBrun for Health, Human Services and Elderly Affairs: This bill authorizes pharmacists to administer pneumococcal and varicella zoster vaccine (shingles) in addition to influenza. The bill requires administering pharmacists to meet certain requirements and certifications as well as provide documented record keeping to be shared with the patient's primary physician. Vote 13-3.

Committee report adopted.

Referred to the Committee on Commerce and Consumer Affairs.

SB 154-FN, reforming and renaming the comprehensive shoreland protection act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Christopher J. Ahlgren for Resources, Recreation and Development: This bill is a major rework of the comprehensive shoreland protection act. It also gives it a more definitive name, the shoreland water quality protection act. This major environmental act was established in 1991 to protect surface waters of the state. This bill addresses the concerns of landowners who felt the original bill was too unwieldy and needlessly infringed on property rights. The shoreland advisory committee, established in RSA 483-B:21, recently held its first meeting, and will continue to review and comment, for any future legislation, on policies and programs relating to this act. SB 154 is just the first important step in the process of reform required to ensure a balance between appropriate environmental protection and property rights of the citizens of New Hampshire. Passage of this bill is a win for landowners, having simplified compliance standards, reduced fees and adding a permit by notification process that allows construction to proceed after ten days on minor projects. Vote 16-0.

Amendment (1578h)

Amend the bill by replacing sections 13 and 14 with the following:

13 Enforcement by Commissioner; Duties; Woodland Buffer. Amend RSA 483-B:5, II to read as follows:

II. The commissioner or his *or her* designee may, for cause, enter upon any *subject* land or parcel at any reasonable time *after written notification* to perform oversight and enforcement duties provided for in this chapter.

14 Permit Required; Exemption. Amend RSA 483-B:5-b, I to read as follows:

I.(a) No person shall commence construction, excavation, or filling activities within the protected shoreland without obtaining a permit from the department to ensure compliance with this chapter. ***Projects which have no impact on water quality and which follow department rules shall qualify for a permit by notification. The owner may proceed with the proposed project immediately upon receipt of written notice from the department that a complete and accepted notification has been received by the department. A notification shall be complete and accepted provided it meets or exceeds all of the minimum standards under RSA 483-B:9, includes a notification form signed by the owner of property, the name and address of the property owner, the address of the site on which the work will occur, the name of the jurisdictional waterbody, the tax map and lot number on which the proposed work will occur, plans clearly and accurately depicting the work to be completed relative to the reference line of the jurisdictional waterbody, photographs of the area to be impacted, and identification of those project criteria listed below that would qualify the project for a permit by notification. Such project criteria shall include:***

(1) Construction, excavation, and filing, or other activity that impacts less than 1,500 square feet and adds no more than 900 square feet of impervious area within a protected shoreland area.

(2) Construction, excavation, and filling, directly related to stormwater management improvements and erosion control projects or environmental restoration or enhancement projects.

(3) Maintenance, repairs, and improvements of public utilities, public roads, and public access facilities.

(4) Any similar activities defined as qualified for a permit by notification by rules of the department.

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

(1) For projects that qualify for permit by notification under ***this paragraph and*** RSA 483-B:17, X, \$100 for restoration of water quality improvement projects and \$250 for all other permit by notification projects.

(2) For projects of 0-9,999 square feet, ***that do not qualify for a permit by notification***, \$750.

(3) For projects of 10,000-24,999 square feet, \$1,875.

(4) For projects of 25,000 square feet or more, \$3,750.

(c) If the application is denied after relying on the recommendations of the department, the application fee shall be refunded to the applicant within 30 days of such denial.

Amend RSA 483-B:5-b, V(d) as inserted by section 16 of the bill by replacing it with the following:

(d) Within 5 business days of receipt of a permit by notification filing, the department shall issue a written notice to the property owner or agent stating that the notification has either been accepted or rejected. If the department does not respond within the 5-day period, the property owner or agent may submit to the department a written request for a response. A request submitted electronically by the applicant shall constitute a written request provided that the applicant has previously agreed to accept electronic communication. If the department fails to respond to the written request within an additional 5 days the property owner or agent shall be deemed to have a permit by notification and may proceed with the project as presented in the notification filing. The authorization provided by this subparagraph shall not relieve the applicant of complying with all requirements applicable to the project, including but not limited to requirements established in or under this chapter and RSA 485-A relative to water quality.

Amend RSA 483-B:5-b,V(e)(4) as inserted by section 16 of the bill by replacing it with the following:

(4) Upon receipt of a written request from an applicant, the department shall issue written confirmation that the applicant has a permit by default pursuant to subparagraph ~~[(d)]~~ **(e)**(3), which authorizes the applicant to proceed with the project as presented in the application and requires the work to comply with all requirements applicable to the project, including but not limited to requirements established in or under this chapter and RSA 485-A relating to water quality.

Amend the bill by replacing section 17 with the following:

17 Minimum Shoreland Protection Standards. Amend RSA 483-B:9, II(d) to read as follows:

(d) No fertilizer, except limestone, shall be applied to vegetation or soils located within 25 feet of the reference line of any public water. ***Beyond 25 feet, [low-phosphate, slow-release nitrogen fertilizer or limestone,] slow or controlled release fertilizer, as defined by rules adopted by department,*** may be used ~~[on areas beyond 25 feet from the reference line].~~

Amend RSA 483-B:9, V(a)(2)(C) as inserted by section 18 of the bill by replacing it with the following:

(C) No natural ground cover shall be removed except as necessary for a foot path to water and access ways as provided under RSA 483-B:9, V(a)(2)(D), ***(viii) and*** (ix), for normal maintenance, to protect the waterfront buffer, cutting those portions that have grown over 3 feet in height for the purpose of providing a view, to provide access to natural areas or shoreline, or as specifically approved by the department, pursuant to RSA 482-A or RSA 483-B.

Amend RSA 483-B:9, V(a)(2)(D)(iv) as inserted by section 18 of the bill by replacing it with the following:

(iv) If the total tree and sapling score in any 50 foot by 50 foot segment exceeds 50 points, then trees, saplings, and shrubs over 3 feet in height may be removed as long as the sum of the scores for the remaining trees and saplings in that segment does not total less than 50 points. If for any reason there is insufficient area for a full segment, or the segment contains areas incapable of supporting trees and saplings, such as areas of rock, ledge, or beaches, the point score requirement for the remaining vegetation in that partial segment shall be reduced proportionally to that required of a full segment. Vegetation shall not be removed from any segment which fails to meet the minimum point score for that segment. Owners are encouraged to take efforts to plan the maintenance of their waterfront buffer areas including the planting of additional non-invasive vegetation to increase point scores within segments, thus providing sufficient points to allow the future removal of vegetation as may become necessary while still meeting the requirements of this paragraph.

Amend the bill by replacing section 27 with the following:

27 Permit Application Fees; Effective Date. Amend 2008, 5:28, II to read as follows:

II. Section 27 of this act shall take effect July 1, ~~[2014]~~ **2016**.

Amendment adopted.

Committee report adopted.

Referred to the Committee on Finance.

SB 58-FN-A, adding qualified community development entities to the definition of "qualified investment company" under the business profits tax and the business enterprise tax.

OUGHT TO PASS WITH AMENDMENT.

Rep. Gary S. Azarian for Ways and Means: This bill adds qualified community development entities to the definition of "qualified investment company" under the BPT and BET. The bill clarifies that a New Hampshire resident investor in a qualified investment company is only taxed on his or her proportionate share of interest and dividend income earned by the

qualified investment company. The bill also clarifies tax treatment of capital gains earned by holders of ownership interests in qualified investment companies, mutual funds, and unit investment trust. More importantly the bill will entice greater investment into New Hampshire by offering tax credits on projects in distressed areas through federal new market tax credits, these credits keep down the cost of projects especially in distressed areas, and are implemented by the business finance authority. Vote 20-0.

Amendment (1580h)

Amend RSA 77-A:1, XXI(a)(4) as inserted by section 2 of the bill by replacing it with the following:

(4) A qualified community development entity as defined in section 45D of the United States Internal Revenue Code, which entity is owned, controlled, or managed, directly or indirectly, by the business finance authority of the state of New Hampshire.

Amend the bill by replacing all after section 3 with the following:

4 Taxation of Income; What Taxable. RSA 77:4, V is repealed and reenacted to read as follows:

V. Amounts reported and taxed federally as dividends or interest to a holder of an ownership interest in a qualified investment company as defined in RSA 77-A:1, XXI, a mutual fund, or a unit investment trust.

5 Taxation of Income; Dividends Earned on Certain Mutual Funds and Distributions Received on Unit Investment Trusts Not Taxable. RSA 77:4-d is repealed and reenacted to read as follows:

77:4-d Special Rule for Qualified Investment Companies, Mutual Funds, and Unit Investment Trusts. Notwithstanding any other provision of RSA 77:4, the following income items shall not be treated as dividends or interest income taxable under this chapter:

I. Amounts accruing to the holder of an ownership interest in a qualified investment company, as defined in RSA 77-A:1, XXI, or a mutual fund or investment income earned or distributions received by the holder of an ownership interest in a unit investment trust, which qualified investment company, mutual fund, or unit investment trust invests solely in New Hampshire tax-exempt tax anticipation notes, bond anticipation notes, and other instruments exempt under New Hampshire law.

II. Amounts reported and taxed federally as capital gains to the holder of an ownership interest in a qualified investment company, as defined in RSA 77-A:1, XXI, a mutual fund, or a unit investment trust.

6 Applicability. Sections 1-3 of this act shall apply to taxable periods ending on or after December 31, 2010. Sections 4 and 5 of this act shall apply to taxable periods beginning on or after January 1, 2011.

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

AMENDED ANALYSIS

This bill adds qualified community development entities to the definition of "qualified investment company" under the business profits tax and the business enterprise tax. The bill clarifies that a New Hampshire resident investor in a qualified investment company is only taxable on his or her proportionate share of interest and dividend income earned by the qualified investment company.

The bill also adds a special rule to clarify tax treatment of capital gains earned by holders of ownership interests in qualified investment companies, mutual funds, and unit investment trusts.

Amendment adopted.

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

YEAS 281 NAYS 47

YEAS 281

BELKNAP

Accornero, Harry	Bolster, Peter	Fields, Dennis	Greemore, Robert
Kingsbury, Robert	Luther, Robert	Malone, Robert	Millham, Alida
Pilliod, James	Russell, David	Simpson, Tyler	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	Umberger, Karen

CHESHIRE

Butynski, William	Byrnes, John	Carr, Daniel	Cartwright, Anne
Chase, Cynthia	Dwinell, Richard	Emerson, Susan	Hawkes, Samuel
Hunt, John	Johnsen, Gladys	Johnson, Jane	Moore, Charles
Parkhurst, Henry	Sad, Tara	Smith, Edwin	Sterling, Franklin Jr
Weber, Lucy	Weed, Charles		

COOS

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

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Brosseau, Charles
Bulis, Lyle	Cooney, Mary	Gould, Franklin	Harding, Laurie
Ingbretson, Paul	Nordgren, Sharon	Pastor, Beatriz	Reilly, Harold Sr
Shackett, Jeffrey	Simard, Paul	Sorg, Gregory	Sova, Charles
Taylor, Kathleen	Townsend, Charles		

HILLSBOROUGH

Balboni, Michael	Barry, J. Gail	Barry, Richard	Belanger, James
Belvin, William	Bergevin, Jerry	Brown, Kevin	Brownrigg, Randall Jr
Brunelle, Michael	Buxton, Michael	Cebrowski, John	Champagne, Norma
Christensen, D.L.	Coffey, James	Condra, William	Cote, David
Chris			
Cusson-Cail, Kathleen	Daniels, Gary	Day, Russell	Doherty, Shaun
Donovan, Daniel	Drisko, Richard	Erickson, Duane	Flanagan, Jack
Gagne, Larry	Gimas, John	Goley, Jeffrey	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	Jeudy, Jean	Krasucki, Joseph
LeBrun, Donald	Levasseur, Nickolas	McCarthy, Michael	McClarren, Donald
Mecheski, Holly	Messier, Irene	Moran, Edward	Murphy, Keith
Ohm, Bill	Palmer, Barry	Pellegrino, Tony	Pilotte, Maurice
Porter, Marjorie	Pratt, Calvin	Proulx, Mark	Ramsey, Peter
Renzullo, Andrew	Robbins, David	Rokas, Ted	Rosenwald, Cindy
Rowe, Robert	Scontsas, Lisa	Seidel, Carl	Shaw, Barbara

Silva, Peter
Stroud, Kathleen
Thomas, Joseph
Whitehead, Randall

Soucy, Connie
Sullivan, Daniel
Twombly, Timothy
Willette, Robert

Souza, Kathleen
Summers, James
Ulery, Jordan

Stepanek, Stephen
Swank, Matthew
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
DeStefano, Stephen
Giuda, J. Brandon
Kreis, Kenneth Sr
McGuire, Carol
Richardson, Gary
Soltani, Tony
Winter, Steven

Bouchard, Candace
Foosse, Robert
Hess, David
Lindsley, Mark
Palfrey, David
Sanborn, Laurie
Wallner, Mary Jane

Coffey, Jennifer
Frazer, June
Keane, Thomas
MacKay, James
Patten, Dick
Shurtleff, Stephen
Watrous, Rick

Deloge, Helen
Gile, Mary
Kotowski, Frank
McDonnell, John
Potter, Frances
Smith, Molly
Williams, Robert

ROCKINGHAM

Abrami, Patrick
Bates, David
Brown, Paul
Davenport, Joshua
Duarte, Joe
Garrity, James
Headd, James
Kappler, Lawrence
MacMahon, Bruce
Moody, Marcia
O'Connor, John
Quandt, Matt
Rice, Frederick
Schlachman, Donna
Shuler, Wyman III
Tucker, Pamela
Welch, David

Antosz, Jason
Belanger, Ronald
Cali-Pitts, Jacqueline
DeSimone, Debra
Elliott, Robert
Gould, Kenneth
Hoelzel, Kathleen
Katsakiores, Phyllis
Major, Norman
Murphy, Brian
Pantelakos, Laura
Read, Robin Jr
Ritter, Glenn
Sedensky, John
Smith, William
Ward, Joanne
Weyler, Kenneth

Azarian, Gary
Bettencourt, David
Chirichiello, Brian
Devine, James
Fesh, Robert
Griffin, Mary
Introne, Robert
Kolodziej, Walter
McKinney, Betsy
Nevins, Chris
Peckham, Michele
Reagan, John
Sanders, Elisabeth
Serlin, Christopher
Sytek, John
Waterhouse, Kevin

Baldasaro, Alfred
Birdsell, Regina
Copeland, Timothy
Dowling, Patricia
Garcia, Marilinda
Hagan, Joseph
Itse, Daniel
Lovejoy, Patricia
McMahon, Charles
Norelli, Terie
Quandt, Marshall
Reichard, Kevin
Sapareto, Frank
Sheffert, Kenneth
Tamburello, Daniel
Webb, James

STRAFFORD

Andolina, Donald
Domingo, Baldwin
Keans, Sandra
Newton, Clifford
Wall, Janet

Brown, Julie
Ginsburg, Philip
Larsen, Kirsten
O'Connor, William
Watters, David

Browne, Brendon
Groen, Warren
Leonard, Frederick Jr
Schmidt, Peter
Weeden, Michael

Cataldo, Sam
Horriggan, Timothy
Munck, Philip
Spang, Judith

SULLIVAN

Bowers, Spec
Howard, Thomas
Lovett, Charlene

Cloutier, John
LaCasse, Paul Sr
Osgood, Joe

Cunningham, Steven
Laware, Thomas
Rodeschin, Beverly

Gagnon, Raymond
Lefebvre, Benjamin
Smith, Steven

NAYS 47

BELKNAP

Comtois, Guy

CARROLL

Tregenza, Norman

CHESHIRE

Roberts, Kris

COOS

Merrick, Evalyn

GRAFTON

Gionet, Edmond

White, Andrew

HILLSBOROUGH

Avard, Kevin
DeJong, Cameron
Long, Patrick
Ober, Lynne
Peterson, Lenette
Warden, Mark

Baroody, Benjamin
Fredette, Robert
Maltz, Jonathan
Ober, Russell III
Rhodes, Brian

Boehm, Ralph
Gandia, Laura
McGuinness, Sean
Palmer, Stephen
Simmons, Tammy

Burt, John
Lambert, George
Notter, Jeanine
Parison, James
Vaillancourt, Steve

MERRIMACK

Cohn, Seth
Richardson, Jon

Hoell, J.R.
Seaworth, G. Brian

Lauer-Rago, Kathleen

McGuire, Dan

ROCKINGHAM

Allen, Mary
Powers, James

Comerford, Timothy
Tremblay, Stella

Manuse, Andrew

Okerman, Richard

STRAFFORD

DeLemus, Susan
Spainhower, Dale

Jones, Kyle
Vita, Carol

Jones, Laura
Vita, Lucien

Parsons, Robbie

SULLIVAN

Schmidt, Andrew

and the committee report was adopted.

Referred to the Committee on Finance.

CACR 5, relating to the governor's power to reduce appropriations. Providing that the governor shall have line item reduction power of items in any bill making appropriations of money. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Norman L. Major for the Majority of Ways and Means: The line-item veto is a tool used by 43 states as a mechanism to reduce spending. This bill would give the governor the ability to identify specific line items in the state budget for reductions. The legislature would then have the opportunity to override these vetoes and restore this funding, if appropriate. This is a common sense tool to deliver limited government and to protect New Hampshire's taxpayers. In an era of overspending, this is an important measure to bring fiscal discipline back to state government. If this CACR were passed it would go on the 2012 general election ballot, where it would require a 2/3rd vote of the public to become part of the state budget. Vote 14-5.

Rep. Christine C. Hamm for the Minority of Ways and Means: This resolution violates a

longstanding principle of New Hampshire government, as the state's constitution was created with the deliberate intention of reducing absolute control of the governor by providing that executive powers be shared among him/her and a five-person Executive Council. This resolution, on the other hand, would remove that oversight by giving the governor sole power to make line item reductions, even removals, in any bill making major appropriations of money, thus distorting the original principle by allowing one person rather than six to make the state's most significant financial decisions. It should be noted that this not only diminishes the authority of the Executive Council but also greatly reduces the power of the 424 elected members of the legislative branch. While it may be argued that constitutional amendments should go to the voters to be decided upon, if that principle were followed to its logical conclusion, the legislature could defer voting on any legislation and instead pass it along to the voters to decide. The fact is when New Hampshire voters elect their representatives, indeed the most representative body in all 50 states, they do so with the expectation that their elected delegates will assume the responsibility to make such decisions.

LAID ON THE TABLE

Rep. Stepanek moved that **CACR 5**, relating to the governor's power to reduce appropriations. Providing that the governor shall have line item reduction power of items in any bill making appropriations of money, be laid on the table. On a division vote, 293 members having voted in the affirmative and 33 in the negative, the motion was adopted by the necessary three-fifths vote.

BILLS REMOVED FROM THE CONSENT CALENDAR

SB 89, establishing a study committee on the procurement of health insurance by employee leasing companies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Chris F. Nevins for Commerce and Consumer Affairs: Many companies choose to use employee leasing companies to run and organize human resources functions. The study committee will study the procurement of health insurance by these leasing companies, including whether these companies should be exempt from the rating requirements and other standards for small employer coverage. The committee agrees with this need. Vote 18-0.

Amendment (1479h)

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

AN ACT relative to employee leasing companies.

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

1 Employee Leasing Deemed Co-Employment. Amend RSA 277-B:9, I (a) to read as follows:

(a) Paying wages to leased employees. The employee leasing company may rely on initial hiring documentation of wages, ongoing pay change documentation, and reported payroll documentation regarding hours worked or other measured unit of employee compensation received from the client company. ~~[Notification shall be made in compliance with the signed notice as required by regulations issued by the department.]~~ ***An employee leasing company shall not knowingly rely on materially inaccurate information provided under this paragraph.***

2 Employee Leasing Deemed Co-Employment. Amend RSA 277-B:9, II(d)-(f) to read as follows:

(d) Providing accurate personnel and payroll information, and a record of hours and wages to the employee leasing company and department of labor when requested, as a co-employer on all leased employees as required of employers under RSA 279:27.

Notification shall be made in compliance with the signed notice as required by rules adopted by the department.

(e) Complying with all wage and hour laws, including recordkeeping requirements and determinations of exempt and non-exempt status.

(f) Providing a safe workplace to the employees free of all hazards in compliance with the Occupational Safety and Health Act of 1970 and regulations or any similar law. ***This shall include sole responsibility for compliance with the requirements of RSA 281-A:64 and similar requirements or regulations.***

3 Employee Leasing Deemed Co-Employment. Amend RSA 277-B:9, III to read as follows:

III. The employee leasing company shall notify the commissioner of employment security and the commissioner of the department of labor in writing of all new and terminated client companies within ~~[10]~~ **20 business** days of engagement or termination.

4 Employee Benefits and Other Insurance. RSA 277-B:11, I and II are repealed and reenacted to read as follows:

I. An employee leasing company and a client shall each be deemed an employer under the laws of this state for the purposes of sponsoring employee welfare and retirement plans for its leased employees. Nothing in this section shall require an employee leasing company to provide comparable benefits to employees located at different work sites.

II.(a) An employee leasing company that provides health insurance benefits to its leased employees shall only provide such benefits through a fully- insured policy issued by an insurance carrier admitted to write such coverage in this state. Any such fully-insured welfare benefit plan offered to leased employees of a single employee leasing company shall be treated for purposes of state regulation as a single employer welfare benefit plan and for purposes of RSA 420-G, an employee leasing company that has employed on average at least 51 leased employees on business days during the previous calendar quarter shall be treated as a large employer.

(b) A fully-insured welfare benefit plan under this paragraph shall be exempt from any licensing requirements pursuant to RSA 420-L or 415-E.

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

AMENDED ANALYSIS

This bill clarifies the procedures for employee benefits and other insurance for employee leasing companies.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with amendment. Reps. Pilotte and Hunt spoke in favor.

Committee report adopted and ordered to third reading.

SB 195, naming the Manchester Airport Access Road for Raymond Wieczorek. **OUGHT TO PASS.**

Rep. Peter E. Ramsey for Public Works and Highways: The majority of the committee on Public Works and Highways endorses the concept of naming the Manchester Airport Access Road, Raymond Wieczorek Drive. District 4 Executive Councilor Wieczorek has spent his entire life serving the public, as a U.S. Army Korean War Veteran, served on over 20 non-profit and charitable groups, Commissioner of Manchester Housing and Redevelopment Authority, Mayor City of Manchester, for 5 terms, Manchester Airport expansion, Verizon Wireless Arena, redevelopment of Manchester's historic Millyard, named Greater Manchester Chamber of Commerce Citizen of the year 1999. The committee feels that his many lifelong accomplishments and kind spirit is deserving of this wonderful honor. The committee vote of 13-2 is highly supportive, considering that Public Works members have a long history of attempting to avoid honoring living citizens with naming honors. The two votes in opposition to this measure reflect this position, not an opinion on the subject matter.

The department of transportation has indicated that there would be no financial impact.
Vote 13-2.

Rep. Bowers spoke against.

Rep. Vaillancourt spoke against and yielded to questions.

Rep. Baroody spoke in favor.

Rep. Manuse spoke in favor and yielded to questions.

MOTION TO LAY ON THE TABLE

Rep. Tamburello moved that **SB 195**, naming the Manchester Airport Access Road for Raymond Wieczorek, be laid on the table.

Rep. Ramsey requested a roll call; sufficiently seconded.

YEAS 150 NAYS 163

YEAS 150

BELKNAP

Accornero, Harry
Luther, Robert

Comtois, Guy
Pilliod, James

Greemore, Robert
Swinford, Elaine

Kingsbury, Robert
Tobin, William

CARROLL

Babson, David Jr

Pettengill, Laurie

Scala, Dino

Tregenza, Norman

CHESHIRE

Cartwright, Anne
Parkhurst, Henry

Chase, Cynthia
Roberts, Kris

Johnson, Jane
Weber, Lucy

Moore, Charles

COOS

Daugherty, Duffy
Tremblay, Marc

Merrick, Evalyn

Rappaport, Laurence

Theberge, Robert

GRAFTON

Aguiar, James
Bulis, Lyle
Nordgren, Sharon
Taylor, Kathleen

Almy, Susan
Cooney, Mary
Pastor, Beatriz
Townsend, Charles

Benn, Bernard
Gionet, Edmond
Simard, Paul
White, Andrew

Brosseau, Charles
Gould, Franklin
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Boehm, Ralph
Cebrowski, John

Balboni, Michael
Brown, Kevin
Champagne, Norma

Belanger, James
Brunelle, Michael
Christensen, D.L.
Chris

Bergevin, Jerry
Buxton, Michael
DeJong, Cameron

Erickson, Duane
Hansen, Peter
Kurk, Neal
Murphy, Keith
Palmer, Barry
Renzullo, Andrew
Simmons, Tammy
Swank, Matthew
Warden, Mark

Flanagan, Jack
Hardwick, Harry
LeBrun, Donald
Notter, Jeanine
Parison, James
Rokas, Ted
Soucy, Connie
Thomas, Joseph

Fredette, Robert
Hogan, Edith
Maltz, Jonathan
Ober, Russell III
Peterson, Lenette
Scontsas, Lisa
Souza, Kathleen
Vaillancourt, Steve

Gandia, Laura
Krasucki, Joseph
McGuinness, Sean
Ohm, Bill
Pilotte, Maurice
Shaw, Barbara
Summers, James
Villeneuve, Moe

MERRIMACK

Cohn, Seth	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	Hoell, J.R.	Keane, Thomas	Lauer-Rago, Kathleen
Lindsley, Mark	McGuire, Carol	Palfrey, David	Patten, Dick
Potter, Frances	Richardson, Gary	Richardson, Jon	Shurtleff, Stephen
Wallner, Mary Jane	Winter, Steven		

ROCKINGHAM

Abrami, Patrick	Baldasaro, Alfred	Brown, Paul	Cali-Pitts, Jacqueline
Comerford, Timothy	Copeland, Timothy	Davenport, Joshua	Duarte, Joe
Elliott, Robert	Gould, Kenneth	Kolodziej, Walter	MacMahon, Bruce
Major, Norman	Moody, Marcia	Murphy, Brian	Okerman, Richard
Pantelakos, Laura	Powers, James	Reagan, John	Reichard, Kevin
Rice, Frederick	Ritter, Glenn	Schlachman, Donna	Serlin, Christopher
Shuler, Wyman III	Smith, William	Tamburello, Daniel	Tasker, Kyle
Tremblay, Stella	Webb, James		

STRAFFORD

Andolina, Donald	Domingo, Baldwin	Horrigan, Timothy	Jones, Kyle
Jones, Laura	Keans, Sandra	Larsen, Kirsten	Leonard, Frederick Jr
Munck, Philip	O'Connor, William	Spang, Judith	Vita, Lucien

SULLIVAN

Cloutier, John	Gagnon, Raymond	Howard, Thomas	Lovett, Charlene
Schmidt, Andrew	Smith, Steven		

NAYS 163

BELKNAP

Bolster, Peter	Fields, Dennis	Malone, Robert	Russell, David
Simpson, Tyler	St. Cyr, Jeffrey	Tilton, Franklin	Worsman, Colette

CARROLL

Ahlgren, Christopher	Chandler, Gene	Fleck, Joseph	Knox, J. David
McCarthy, Frank	McConkey, Mark	Morrow, Harry	Patten, Betsey
Umberger, Karen			

CHESHIRE

Butynski, William	Byrnes, John	Dwinell, Richard	Emerson, Susan
Hawkes, Samuel	Hunt, John	Johnsen, Gladys	Sad, Tara
Smith, Edwin	Sterling, Franklin Jr	Weed, Charles	

COOS

Hatch, William	Remick, William	Richardson, Herbert	Tholl, John Jr
Thomas, Yvonne			

GRAFTON

Harding, Laurie	Reilly, Harold Sr	Sova, Charles	
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HILLSBOROUGH

Baroody, Benjamin	Barry, J. Gail	Belvin, William	Brownrigg, Randall Jr
Burt, John	Christiansen, Lars	Coffey, James	Condra, William
Cusson-Cail, Kathleen	Daniels, Gary	Day, Russell	Doherty, Shaun
Donovan, Daniel	Drisko, Richard	Gagne, Larry	Goley, Jeffrey
Gonzalez, Carlos	Graham, John	Greazzo, Phil	Haefner, Robert
Hawkins, Kenneth	Hikel, John	Hinch, Richard	Holden, Frank
Hopper, Gary	Hutchinson, Winfred	Infantine, William	Jasper, Shawn
Jeudy, Jean	Lambert, George	Levasseur, Nickolas	Long, Patrick
McCarthy, Michael	McClarren, Donald	Messier, Irene	Moran, Edward
Ober, Lynne	Palmer, Stephen	Pellegrino, Tony	Pepino, Leo
Pratt, Calvin	Proulx, Mark	Ramsey, Peter	Rhodes, Brian
Rowe, Robert	Seidel, Carl	Silva, Peter	Stepanek, Stephen
Stroud, Kathleen	Sullivan, Daniel	Twombly, Timothy	Ulery, Jordan
Whitehead, Randall	Willette, Robert		

MERRIMACK

Blankenbeker, Lynne	Bouchard, Candace	Coffey, Jennifer	Giuda, J. Brandon
Hess, David	Kotowski, Frank	Kreis, Kenneth Sr	MacKay, James
McDonnell, John	McGuire, Dan	Sanborn, Laurie	Seaworth, G. Brian
Smith, Molly	Soltani, Tony		

ROCKINGHAM

Allen, Mary	Antosz, Jason	Azarian, Gary	Bates, David
Belanger, Ronald	Bettencourt, David	Birdsell, Regina	Chirichiello, Brian
DeSimone, Debra	Devine, James	Dowling, Patricia	Fesh, Robert
Garcia, Marilinda	Garrity, James	Griffin, Mary	Hagan, Joseph
Headd, James	Hoelzel, Kathleen	Introne, Robert	Kappler, Lawrence
Katsakiores, Phyllis	Lovejoy, Patricia	Manuse, Andrew	McKinney, Betsy
McMahon, Charles	Nevins, Chris	O'Connor, John	Quandt, Marshall
Quandt, Matt	Sanders, Elisabeth	Sapareto, Frank	Sedensky, John
Sheffert, Kenneth	Sytek, John	Tucker, Pamela	Ward, Joanne
Waterhouse, Kevin	Welch, David	Weyler, Kenneth	

STRAFFORD

Brown, Julie	Cataldo, Sam	DeLemus, Susan	Ginsburg, Philip
Groen, Warren	Newton, Clifford	Parsons, Robbie	Schmidt, Peter
Spainhower, Dale	Vita, Carol	Wall, Janet	Watters, David
Weeden, Michael			

SULLIVAN

Bowers, Spec	Cunningham, Steven	LaCasse, Paul Sr	Laware, Thomas
Lefebvre, Benjamin	Osgood, Joe	Rodeschin, Beverly	
and the motion failed.			

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

Reps. Gonzalez and Infantine spoke in favor.

Rep. Infantine requested a roll call; sufficiently seconded.

YEAS 201 NAYS 111

YEAS 201

BELKNAP

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

Bolster, Peter
Malone, Robert
St. Cyr, Jeffrey

Fields, Dennis
Pilliod, James
Tilton, Franklin

Greemore, Robert
Russell, David
Tobin, William

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Umberger, Karen

Chandler, Gene
McConkey, Mark

Fleck, Joseph
Merrow, Harry

Knox, J. David
Patten, Betsey

CHESHIRE

Butynski, William
Emerson, Susan
Johnson, Jane
Sterling, Franklin Jr

Byrnes, John
Hawkes, Samuel
Moore, Charles
Weed, Charles

Chase, Cynthia
Hunt, John
Sad, Tara

Dwinell, Richard
Johnsen, Gladys
Smith, Edwin

COOS

Hatch, William
Tholl, John Jr

Rappaport, Laurence
Thomas, Yvonne

Remick, William
Tremblay, Marc

Richardson, Herbert

GRAFTON

Almy, Susan
Gould, Franklin
Shackett, Jeffrey

Brosseau, Charles
Harding, Laurie
Sova, Charles

Bulis, Lyle
Ingbretson, Paul
Townsend, Charles

Gionet, Edmond
Reilly, Harold Sr
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Cebrowski, John
Cusson-Cail, Kathleen
Donovan, Daniel
Goley, Jeffrey
Haefner, Robert
Hinch, Richard
Infantine, William
Lambert, George
McClarren, Donald
Murphy, Keith
Pellegrino, Tony
Ramsey, Peter
Seidel, Carl
Stepanek, Stephen
Ulery, Jordan

Barry, J. Gail
Christiansen, Lars
Daniels, Gary
Flanagan, Jack
Gonzalez, Carlos
Hardwick, Harry
Holden, Frank
Jasper, Shawn
Levasseur, Nickolas
McGuinness, Sean
Notter, Jeanine
Pepino, Leo
Renzullo, Andrew
Shaw, Barbara
Stroud, Kathleen
Whitehead, Randall

Belvin, William
Coffey, James
Day, Russell
Gagne, Larry
Graham, John
Hawkins, Kenneth
Hopper, Gary
Jeudy, Jean
Long, Patrick
Messier, Irene
Palmer, Barry
Pratt, Calvin
Rhodes, Brian
Silva, Peter
Sullivan, Daniel

Burt, John
Condra, William
Doherty, Shaun
Gargasz, Carolyn
Greazzo, Phil
Hikel, John
Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael
Moran, Edward
Palmer, Stephen
Proulx, Mark
Rowe, Robert
Souza, Kathleen
Twombly, Timothy

MERRIMACK

Bouchard, Candace
Frazer, June
MacKay, James
Palfrey, David
Soltani, Tony

Coffey, Jennifer
Hess, David
McDonnell, John
Sanborn, Laurie

Cohn, Seth
Kotowski, Frank
McGuire, Carol
Shurtleff, Stephen

Foose, Robert
Lindsley, Mark
McGuire, Dan
Smith, Molly

ROCKINGHAM

Allen, Mary	Azarian, Gary	Bates, David	Belanger, Ronald
Bettencourt, David	Birdsell, Regina	Chirichiello, Brian	DeSimone, Debra
Devine, James	Dowling, Patricia	Duarte, Joe	Elliott, Robert
Fesh, Robert	Garcia, Marilinda	Garrity, James	Gould, Kenneth
Griffin, Mary	Hagan, Joseph	Headd, James	Hoelzel, Kathleen
Introne, Robert	Itse, Daniel	Kappler, Lawrence	Katsakiores, Phyllis
Lovejoy, Patricia	MacMahon, Bruce	Major, Norman	Manuse, Andrew
McKinney, Betsy	McMahon, Charles	Murphy, Brian	Nevins, Chris
O'Connor, John	Pantelakos, Laura	Powers, James	Quandt, Marshall
Quandt, Matt	Reichard, Kevin	Sanders, Elisabeth	Sapareto, Frank
Sedensky, John	Smith, William	Sytek, John	Tucker, Pamela
Ward, Joanne	Waterhouse, Kevin	Welch, David	Weyler, Kenneth

STRAFFORD

Andolina, Donald	Brown, Julie	Cataldo, Sam	DeLemus, Susan
Groen, Warren	Munck, Philip	Newton, Clifford	Parsons, Robbie
Spainhower, Dale	Wall, Janet	Watters, David	Weeden, Michael

SULLIVAN

Cunningham, Steven	LaCasse, Paul Sr	Laware, Thomas	Lefebvre, Benjamin
Osgood, Joe	Rodeschin, Beverly	Schmidt, Andrew	

NAYS 111

BELKNAP

Comtois, Guy	Kingsbury, Robert	Swinford, Elaine
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CARROLL

Babson, David Jr	Pettengill, Laurie	Scala, Dino	Tregenza, Norman
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CHESHIRE

Cartwright, Anne	Parkhurst, Henry	Roberts, Kris	Weber, Lucy
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COOS

Daugherty, Duffy	Merrick, Evalyn	Theberge, Robert
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GRAFTON

Aguiar, James	Benn, Bernard	Cooney, Mary	Nordgren, Sharon
Pastor, Beatriz	Simard, Paul	Sorg, Gregory	Taylor, Kathleen

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Belanger, James	Bergevin, Jerry
Boehm, Ralph	Brown, Kevin	Brownrigg, Randall Jr	Buxton, Michael
Champagne, Norma	Christensen, D.L.	DeJong, Cameron	Drisko, Richard
	Chris		
Erickson, Duane	Fredette, Robert	Gandia, Laura	Hansen, Peter
Hogan, Edith	Krasucki, Joseph	LeBrun, Donald	Maltz, Jonathan
Ohm, Bill	Parison, James	Peterson, Lenette	Pilotte, Maurice
Rokas, Ted	Scontsas, Lisa	Simmons, Tammy	Soucy, Connie

Summers, James
Villeneuve, Moe

Swank, Matthew
Warden, Mark

Thomas, Joseph
Willette, Robert

Vaillancourt, Steve

MERRIMACK

Blankenbeker, Lynne
Hoell, J.R.
Patten, Dick
Seaworth, G. Brian

Deloge, Helen
Keane, Thomas
Potter, Frances
Wallner, Mary Jane

DeStefano, Stephen
Kreis, Kenneth Sr
Richardson, Gary
Winter, Steven

Giuda, J. Brandon
Lauer-Rago, Kathleen
Richardson, Jon

ROCKINGHAM

Abrami, Patrick
Comerford, Timothy
Moody, Marcia
Ritter, Glenn
Shuler, Wyman III
Webb, James

Antosz, Jason
Copeland, Timothy
Okerman, Richard
Schlachman, Donna
Tamburello, Daniel

Baldasaro, Alfred
Davenport, Joshua
Reagan, John
Serlin, Christopher
Tasker, Kyle

Brown, Paul
Kolodziej, Walter
Rice, Frederick
Sheffert, Kenneth
Tremblay, Stella

STRAFFORD

Domingo, Baldwin
Jones, Laura
O'Connor, William

Ginsburg, Philip
Keans, Sandra
Spang, Judith

Horrigan, Timothy
Larsen, Kirsten
Vita, Carol

Jones, Kyle
Leonard, Frederick Jr
Vita, Lucien

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cloutier, John
Smith, Steven

Gagnon, Raymond

Howard, Thomas

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

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Chandler moved that the House reconsider its actions whereby, on a roll call vote of 201-111, it adopted the committee report of Ought to Pass on **SB 195**, naming the Manchester Airport Access Road for Raymond Wieczorek. Rep. Chandler spoke against. Motion failed.

BILLS REMOVED FROM THE CONSENT CALENDAR (CONT'D)

SB 75-FN, relative to clarification of part-time service in the state retirement system.
OUGHT TO PASS WITH AMENDMENT.

Rep. Edward P. Moran for Special Committee on Public Employee Pensions Reform: This bill as amended defines part time employment for the New Hampshire Retirement System. It sets the maximum hours to 1,300 per year to qualify as part time for both Group I and Group II. It prohibits retired members from returning and collecting both a pension and full pay (double dipping). It also eliminates the option of a person to not participate in the NHRS for unclassified employees. Vote 13-0.

Amendment (1577h)

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

2 New Paragraph; Definition Added; Part-time Employment. Amend RSA 100-A:1 by inserting after paragraph XXXIII the following new paragraph:

XXXIV. "Part-time," for purposes of employment of a member, means employment by an employer depending on the group classification of the employment as follows:

(a) For group I in no instance shall part-time employment of the member exceed 1,300 hours in a calendar year.

(b) For group II in no instance shall part-time employment of the member exceed 1,300 hours in a calendar year.

3 Membership; Optional. Amend the introductory paragraph of RSA 100-A:3, I(a) to read as follows:

I.(a) Any person who becomes an employee, teacher, permanent policeman, or permanent fireman after the date of establishment, working in a position for an employer under this chapter as determined by common law standards, shall become a member of the retirement system as a condition of employment; except that membership shall be optional in the case of **persons who commenced service prior to July 1, 2008 who are** elected officials, officials appointed for fixed terms, [~~unclassified state employees,~~] or those employees of the general court who are eligible for membership in the retirement system. Elected officials and officials appointed for fixed terms shall, however, be eligible for membership in the retirement system only under the following conditions:

4 Restoration to Service; Limited to Part-time. RSA 100-A:7 is repealed and reenacted to read as follows:

100-A:7 Service After Retirement; Part-time. No employer shall employ a member in other than a part-time position after the member's retirement pursuant to this chapter.

5 Effective Date.

I. Sections 2-4 of this act shall take effect July 1, 2011.

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

AMENDED ANALYSIS

This bill defines part time employment for purposes of the New Hampshire retirement system and prohibits members in retirement from returning to full-time employment. The bill also modifies optional membership in the retirement system.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. Reps. James Belanger and Hawkins spoke in favor.

Rep. Bergevin spoke against and yielded to questions.

On a division vote, 276 members having voted in the affirmative and 29 in the negative, the committee report was adopted.

Referred to the Committee on Finance.

MOTION TO SUSPEND HOUSE RULES

Rep. Bettencourt moved that all House Rules necessary be so far suspended as to allow introduction and consideration at the present time of **HCR 27**, honoring the members of the military and intelligence community who carried out the mission that killed Osama bin Laden, and for other purposes.

Rep. Bettencourt spoke in favor.

Adopted by the necessary two-thirds vote.

RESOLUTION

Rep. Bettencourt offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Concurrent Resolution numbered 27 shall be by this resolution read a first and second time by the therein listed title.

Adopted.

INTRODUCTION OF HOUSE CONCURRENT RESOLUTION

First and second reading

HCR 27, honoring the members of the military and intelligence community who carried out

the mission that killed Osama bin Laden, and for other purposes. (Bettencourt, Rock 4; O'Brien, Hills 4; Chandler, Carr 1; Tucker, Rock 17; M. McCarthy, Hills 21; Silva, Hills 26; Norelli, Rock 16; Shurtleff, Merr 10; Jasper, Hills 27; Hess, Merr 9; Carson, Dist 14; Barnes, Jr. Dist 17; Lambert, Dist 13; Forsythe, Dist 4; D'Allesandro)

CONSIDERATION OF HCR 27

HCR 27, honoring the members of the military and intelligence community who carried out the mission that killed Osama bin Laden, and for other purposes.

Rep. Bettencourt spoke in favor.

Unanimously adopted by voice vote and ordered to third reading.

MOTION TO PRINT REMARKS

Rep. Kurk moved that the remarks made by Rep. Bettencourt be placed in the Permanent Journal.

Adopted.

REMARKS

Rep. Bettencourt: Thank you, Mister Speaker. I am seeking to introduce and pass House Concurrent Resolution 27. Mister Speaker and esteemed colleagues, nine years, seven months and twenty-one days. That's how long it took to bring one of the most despicable, evil people in history to justice. Thanks to the efforts of our military leaders and a very special group of Navy SEALs, the world is a safer place today not only for Americans but for people across the globe. Three thousand, five hundred twenty days after thousands of Americans were murdered in terrorist attacks on the twin towers, at the Pentagon and in Pennsylvania, Osama bin Laden, the man who masterminded and then gloated about the attacks, was finally brought to justice. This was a victory for all Americans, but especially for those who lost a loved one on that clear, sunny, September morning nearly ten years ago. I rise today to ask for your support of a resolution commending those members of the Special Forces unit who put their own lives in peril in a far away land so that justice could finally be served. It may have nearly taken a decade, but thanks to the resolve of two Presidents and the courage of the military forces, we have dealt a blow to the Al-Qaeda terrorist network and we hope that it is a significant one. We may never know the names of the heroes that performed the dangerous mission, but they do so, we know, because they love freedom and because they love their country. We are committed as they are to eliminating terrorism worldwide, but they do so without seeking recognition for their heroic actions. The news of the success of their mission brought out the same patriotic spirit that we witnessed in the hours after the morning of September 11th, but with baseball stadiums echoing chants of USA and with millions of Americans flooding our streets in New York City and in Washington rejoicing in the news, these heroes were quietly making their way back to their home base awaiting word of their next mission. Members of the House, I hope that you will join me in showing our appreciation for what these Special Forces do in the name of freedom. I ask that this body again join me in a loud voice to let our military leaders and the forces that serve under them know that we in New Hampshire appreciate their sacrifice. Has terrorism been totally eliminated by this mission? Certainly not, but it gives us hope. Thomas Friedman in the *New York Times* raised an excellent point, that there is one positive thing about the fact that Osama bin Laden survived nearly ten years after September 11th. It is that he lived long enough to see so many young Arabs repudiate his ideology. He lived long enough to see Arabs from Tunisia to Egypt to Syria rise up peacefully to gain the dignity, justice and self-rule that bin Laden claimed could only be obtained by murderous violence. We may only hope that ideology continues to be repudiated until it becomes fully extinct, but America has sent a message to the rest of the world that we will not stand by and let terrorist acts go unanswered. Those who masterminded these attacks will be brought to justice, and so,

Mister Speaker, I hope that the House will join me in thanking the brave men and women who have taken such a substantial step in keeping America safe and free. Thank you.

**SENATE MESSAGE
NONCONCURS WITH AMENDMENTS
REQUESTS COMMITTEE OF CONFERENCE**

SB 3-FN-A-L, making comprehensive changes to the state retirement system.

The President appointed Sens. Bradley, Carson and Larsen.

Rep. Hawkins moved that the House accede.

Adopted.

The Speaker appointed Reps. Hawkins, Kurk, William Smith and Sedensky.

RESOLUTION

Rep. Jasper offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, May 18, 2011 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 116, relative to the manufactured housing installation standards board.

SB 122, establishing a committee to study the laws relating to electronic prescriptions.

SB 33-FN, relative to retired state employee contributions for medical benefits costs.

SB 81-FN, relative to powers and duties of commissioners of executive branch agencies, and relative to the extension of the expired term of a commissioner or agency head.

SB 148-FN, relative to health insurance coverage and declaring that the attorney general should join the lawsuit challenging the Patient Protection and Affordable Care Act.

HJR 4, prohibiting the implementation of certain rules of the board of medicine.

SB 89, establishing a study committee on the procurement of health insurance by employee leasing companies.

SB 195, naming the Manchester Airport Access Road for Raymond Wieczorek.

HCR 27, honoring the members of the military and intelligence community who carried out the mission that killed Osama bin Laden, and for other purposes.

RECESS MOTION

Rep. Bettencourt moved that the House stand in recess for the purposes of the introduction of bills, receiving Senate messages, enrolled bill amendments, enrolled bill reports and forming Committees of Conference.

Adopted.

The House recessed at 5:25 p.m.

RECESS

(Rep. Merrick in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 56, 71, 198, 251, 274, 277, 331, 444 and 503 and Senate Bills numbered 57, 62 and

104.

Rep. Kidder, Sen. Prescott for the Committee

RECESS

(Rep. Malone in the Chair)

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 474.

Rep. Kidder, Sen. Bradley for the Committee

RECESS

(Rep. Belvin in the Chair)

ENROLLED BILL AMENDMENTS

HB 35-FN, authorizing the acquisition of certain dams in the Connecticut Lakes Headwaters Tract.

Amendment (1570-EBA)

Amend RSA 482:48, VII (d)-(e) as inserted by section 1 of the bill by replacing them with the following:

(d) Coon Brook Bog Dam in the town of Pittsburg, known as number 194.18.

(e) Round Pond Dam in the town of Pittsburg, known as number 194.27.

Adopted.

HB 86, relative to filling a vacancy among county officers.

Amendment (1571-EBA)

Amend section 1 of the bill by replacing line 1 with the following:

1 Vacancies; County Officers. Amend RSA 661:9, I to read as follows:

Adopted.

HB 609-FN, establishing the New Hampshire circuit court to replace the current probate courts, district courts, and judicial branch family division.

Amendment (1676-EBA)

Amend RSA 490-F:2 as inserted by section 1 of the bill by replacing line 5 with the following: as justice or efficiency requires in the discretion of the administrative judge of the circuit court.

Amend RSA 490-F:8, II as inserted by section 1 of the bill by replacing line 2 with the following:

are eligible to serve as judicial referees on the effective date of this chapter shall maintain such

Amend section 2 of the bill by replacing line 1 with the following:

2 Judicial Branch Family Division Clerks; Fees. RSA 490-D:12, II and III are repealed and

Amend RSA 502-A:8, I as inserted by section 4 of the bill by replacing line 11 with the following:

VIII; and RSA 105:6 and RSA 105:7, shall be remitted monthly to the treasurer of the

Amend RSA 502-A:11 as inserted by section 5 of the bill by replacing line 1 with the following:

502-A:11 Criminal Cases; District Courts. Each district court shall have the powers of a

justice

Amend RSA 502-A:11 as inserted by section 5 of the bill by replacing line 5 with the following:

both, including all violations of the provisions of RSA 266:16 and RSA 266:25 pertaining to vehicles

Amend RSA 599:1 as inserted by section 28 of the bill by replacing line 11 with the following: bound over, it shall be the duty of the superior court to transmit to the justice of the district court,

Adopted.

HB 621-FN-L, relative to the authority of the department of transportation.

Amendment (1560-EBA)

Amend the bill by replacing line 1 of section 5 with the following:

5 Duties. The committee shall study whether certain rules adopted by the department of

Adopted.

SENATE MESSAGES

CONCURRENCE

HB 43, relative to the adoption of forms under the administrative procedures act.

HB 44, designating segments of the Oyster River as a protected river and exempting certain portions of the Oyster River from the provisions of the comprehensive shoreland protection act.

HB 150, relative to benefits of judicial branch employees who transfer from the judicial branch to state service in the executive branch or the legislative branch.

HB 168, establishing a committee to study the juvenile delinquency and child in need of services statutes.

HB 216, relative to the instructional authority of school boards.

HB 246, relative to prearranged funeral contracts or burial plans.

HB 284-FN, relative to contact lens prescriptions.

HB 298, requiring condominium management companies to make certain disclosures to the condominium board of directors.

HB 339-FN-A, allowing the state veterinarian to employ a meat inspection services administrator and making an appropriation therefor.

HB 358, relative to the maintenance, repair, and preservation of burial grounds.

HB 401, relative to postsecondary training for workers with disabilities.

HB 431, relative to psychiatric evaluations.

HB 438-FN-A, relative to funding of the Claremont, Colebrook, Milford, Keene, and Plaistow District Courts.

HB 488-FN, relative to criminal records checks for employment with child day care agencies.

HB 504-FN, licensing reverse distributors of drugs and requiring manufacturers, wholesalers, distributors, service distributors, and brokers to report changes in ownership.

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

HB 629-FN, relative to the uninsured health care database.

NONCONCURRENCE

HB 134, relative to eligibility for walking disability plates.

HB 181, permitting the charter of a city, town, or school district which is in statute to revert to the control of the voters.

HB 209, establishing a study committee to recommend a continuing revenue estimating

process to produce revenue forecasts.

HB 370, making changes to the pupil safety and violence prevention act.

HB 374, banning corn-based ethanol as an additive to gasoline sold in New Hampshire.

HB 411, relative to distributing campaign materials at the polling place.

RE-REFERRED TO COMMITTEE

HB 72-FN-A, establishing a state aeronautical fund.

HB 102, establishing a committee to study certain issues relative to the insurance department, banking department, and bureau of securities regulation of the office of the secretary of state.

HB 387, requiring providers of prepaid cellular telephone service to provide subscriber information to the enhanced 911 system.

HB 418-FN, relative to the use of open source software and open data formats by state agencies and relative to the adoption of a statewide information policy regarding open government data standards.

HB 466-FN, eliminating the ballot law commission.

HB 528-FN-L, requiring school districts to develop a facility maintenance and capital improvement program.

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

LAID ON THE TABLE

HB 89, requiring the attorney general to join the lawsuit challenging the Patient Protection and Affordable Care Act.

HB 335-FN-A, establishing multi-use number plates.

HB 650-FN-L, authorizing a school district to call a special meeting in the event of changes in the amount of state education funding.

CONCURRENCE WITH AMENDMENTS

SB 147-FN, relative to Medicaid managed care.

RECESS

(Rep. Hill in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 35, 86, 168, 438, 609 and 621 and Senate Bills numbered 122 and 195.

Rep. Kidder, Sen. Prescott for the Committee

ENROLLED BILL AMENDMENTS

HB 55, adding members to the exotic aquatic weeds and species committee.

Amendment (1807-EBA)

Amend RSA 487:30, II(a)(3) as inserted by section 1 of the bill by replacing line 2 with the following:

chairman of the board of that association with the concurrence of the chairperson of the

Adopted.

HB 426, adding certain entities to the unused prescription drug program.

Amendment (1752-EBA)

Amend RSA 318:58, I as inserted by section 1 of the bill by replacing line 3 with the following:

to RSA 318, including manufacturers and wholesalers licensed under RSA 318:51-a or

Adopted.

RECESS

(Speaker O'Brien in the Chair)

ENROLLED BILL AMENDMENTS

SB 81, relative to powers and duties of commissioners of executive branch agencies, and relative to the extension of the expired term of a commissioner or agency head. (Amendment printed SJ 5-11-11)

Adopted.

SB 147, relative to Medicaid managed care. (Amendment printed SJ 5-11-11)

Adopted.

RECESS

(Rep. Groen in the Chair)

RESOLUTION

Introduction having been approved by the Rules Committee, Rep. Hawkins offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Resolution numbered 12 shall be by this resolution read a first and second time by the therein listed title.

Adopted.

INTRODUCTION OF HOUSE RESOLUTION

First and second reading.

HR 12, affirming revenue estimates for fiscal years 2011, 2012, and 2013. (Rep. Stepanek, Hills 6; Rep. Major, Rock 8; Rep. O'Brien, Hills 4; Rep. Bettencourt, Rock 4; Rep. Weyler, Rock 8)

SENATE MESSAGES

CONCURRENCE

HB 61, relative to daylight saving time.

HB 114, reinstating and expanding the duties of the joint legislative historical committee.

HB 174, relative to insurance coverage for court-ordered counseling in divorce proceedings.

HB 211, relative to the review and approval of proposed agency rules under the administrative procedures act.

HB 291, relative to permissible fireworks.

HB 313, requiring parental consent for court referral of a minor to a juvenile diversion program.

HB 317, relative to fire warning devices and carbon monoxide detection devices in dwellings.

HB 398, relative to service animals.

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

HB 521, relative to meeting dates for county conventions.

HB 532-L, relative to municipal liability for dog bites.

HB 651, allowing the sale and possession of monk parakeets.

NONCONCURRENCE

HB 160, relative to the powers of the joint committee on legislative facilities.

HB 257, relative to removal of political advertising.

HB 290, relative to staffing exceptions for small schools.

HB 450, relative to the regulatory authority of the board of barbering, cosmetology, and esthetics.

RE-REFERRED TO COMMITTEE

HB 210-FN, relative to the use of deadly force to protect oneself.

HB 225-FN, relative to the return of personal property confiscated by law enforcement agencies from a person charged with a crime.

HB 330-FN, relative to carrying firearms.

HB 378-FN, inserting an exception to the criminal threatening statute, relative to the minimum mandatory sentence for a felony conviction involving the possession, use, or attempted use of a firearm, and relative to the definition of “non-deadly” force.

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

LAIID ON THE TABLE

HB 113, prohibiting the use of state funds for New Hampshire public television.

HB 442-FN, relative to the use of marijuana for medicinal purposes.

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

HB 617, repealing the prohibitions on Sunday business activities.

HB 634-FN, relative to payment of guardian ad litem and mediator fees in marital cases where the parties are indigent.

RECESS