

State of New Hampshire HOUSE RECORD

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

Vol. 33

Concord, N. H.

Wednesday, May 18, 2011

No. 44

HOUSE JOURNAL No. 17 (cont.)

Wednesday, May 4, 2011

(Rep. Tucker in the Chair)

Rep. Chandler moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 18

Wednesday, May 18, 2011

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

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

Prayer was offered by House Chaplain, Reverend Roger Boucher.

The Lord is great and highly to be praised, and the greatness of the Lord has no end. Age after age praises Your work, Lord, and we continue to proclaim Your power. (Psalm 144) Heavenly Lord, Psalm 144 helps us to see that we are loving creatures with open hands grateful for Your gifts. We praise You for the gift of our families, our spouses, and our children. We thank You for our friends, our constituents and the challenges of this day. Our concerns extend to those who need our thoughts and Your intercession; the sick, the suffering, all who need healing and those in uniform. Help us to see that a leader's greatest merit is his or her own humility and that from this center all Your people are susceptible to right example. Help us to turn, with seriousness and good conscience, to the strength of the

first principles that secure our liberties. Keep us strong and vibrant for the time that we serve, for You are great and highly to be praised! Amen.

Representative Marjorie Porter, member from Hillsborough, led the Pledge of Allegiance.

Representative James Garrity of Atkinson led the singing of America the Beautiful.

LEAVES OF ABSENCE

Reps. Charron, Jennifer Coffey and Hofemann, the day, illness.

Reps. Avar, Ball, Comerford, Coughlin, Hess, Lambert, Leonard, Levasseur, Pastor, Pelletier, Michael Reed, Rosenwald, Summers, Joseph Thomas, Tilton, Ulery and Weber, the day, important business.

INTRODUCTION OF GUESTS

The Honorable, Jennifer Daler, former member from Temple, guest of Rep. Norelli. Roanne Sanborn and Bill Gordon, guests of Rep. Burt. Nan Munck, Catherine, Donald, Bridget, Donald and John Batsford; wife, daughter, son-in-law and grandchildren of Rep. Munck. Marj, Ruth, Lee and Clara Smith; wife, daughter-in-law and granddaughters of Rep. William Smith. John, Katie, Madison, and Jane Tucker, Jill Worthington and Deborah Cope; husband, children and guests of Rep. Tucker. Honey and Nich Putenbaugh, guests of Rep. Cataldo. James and Nancy Manuse, parents of Rep. Manuse. Tamara Fleury Howard, wife of Rep. Howard. Fourth graders from the Mont Vernon Village School, guests of the Hillsborough District 4 delegation.

Grant Reeder and Robert Sherman, students at Kearsarge Regional High School, Pages for the day.

(Speaker O'Brien in the Chair)

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 31, relative to insurance payments for ambulance services. (Amendment printed SJ 5-4-11)

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

Adopted.

HB 47, relative to inactive license status for real estate brokers and salespersons.

(Amendment printed SJ 4-20-11)

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

Adopted.

HB 175, relative to technical changes in life, accident, and health insurance. (Amendment printed SJ 4-27-11)

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

Adopted.

HB 178, establishing a committee to study issues regarding Financial Resources Mortgage, Inc. (Amendment printed SJ 5-4-11)

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

Adopted.

HB 419-FN, relative to language in insurance certificates. (Amendment printed SJ 4-27-11)

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

Adopted.

HB 424, relative to surplus lines tax collection. (Amendment printed SJ 5-4-11)

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

Adopted.

HB 544, relative to state authority over firearms and ammunition. (Amendment printed SJ 5-11-11)

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

Adopted.

HB 30, relative to reciprocity for licensure by the board of veterinary medicine. (Amendment printed SJ 5-4-11)

Reps. Haefner and Carol McGuire moved that the House concur.

Rep. Haefner spoke in favor.

Adopted.

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

Rep. Carol McGuire moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Winter, Hansen, Whitehead and Bowers.

HB 295, relative to the use of long-term antibiotics for the treatment of Lyme disease. (Amendment printed SJ 5-4-11)

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

Adopted.

HB 26-FN, relative to the definition of gross misconduct for purposes of unemployment compensation. (Amendment printed SJ 5-4-11)

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

Adopted.

The Speaker appointed Reps. Daniels, Infantine, Laware and Goley.

HB 483-FN-L, relative to mosquito control. (Amendment printed SJ 4-20-11)

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

Adopted.

The Speaker appointed Reps. Sterling, Ferrante, Kris Roberts and Burt.

HB 622, relative to adjustments to the semi-annual and quarterly collection of property taxes in towns and cities. (Amendment printed SJ 4-13-11)

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

Adopted.

The Speaker appointed Reps. Betsey Patten, Ferrante, Sterling and Dorothea Hooper.

HB 149, designating segments of the Lamprey, North Branch, Pawtuckaway, North, Little, and Piscassic Rivers as protected rivers and exempting certain portions of the Lamprey River from the provisions of the comprehensive shoreland protection act. (Amendment printed SJ 5-4-11)

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

Adopted.

HB 381, authorizing net metering for micro-combined heat and power systems. (Amendment printed SJ 5-4-11)

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

HB 299-FN, relative to the method of financing for the judicial retirement plan. (Amendment printed SJ 5-11-11)

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

The Speaker appointed Reps. Hawkins, Cohn, Winter and Sanborn.

HB 90, relative to enforcement of the requirement of boaters to have a safe boater education certificate. (Amendment printed SJ 4-20-11)

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

HB 397, relative to image display devices in motor vehicles. (Amendment printed SJ 4-27-11)

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

CONSENT CALENDAR

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

Consent Calendar adopted.

SB 111, relative to short sales of a homeowner's residence. **OUGHT TO PASS.**

Rep. Sean M. McGuinness for Commerce and Consumer Affairs: This bill updates the relatively new law (RSA 479-A) a.k.a. the "Foreclosure Rescue Law" that was intended to protect consumers from equity scamming by certain unscrupulous "foreclosure consultants" and like kind operators. A "short sale" simply means a property owner may agree to sell property to a buyer for less than the amount of the outstanding mortgage debt as the lender may allow; it is usually accompanied by debt forgiveness and is widely accepted as a legitimate mechanism for avoiding foreclosure. It exempts buyer and seller from certain requirements pertaining to foreclosure consultants and it better defines and clarifies the existing statute. It removes real or perceived regulatory obstacles that became unintended consequences of the original legislation. The bill defines and regulates a "short sale." Finally, the bill improves the existing statute by requiring written consent and disclosure by the parties who are engaged in short sale transactions. This is not a licensing matter. This bill is unopposed and its passage will serve to improve the statute. Vote 16-0.

SB 179, relative to qualified purchasing alliances. **OUGHT TO PASS.**

Rep. Chris F. Nevins for Commerce and Consumer Affairs: This bill is a follow-up to SB 408, Chapter 346, Laws of 2010 which added RSA 420-M, establishing purchasing alliances for health insurance. This law established the definitions, application and licensing requirements and demonstration of necessary fiscal fitness to create a health purchasing alliance. Products sold by a purchasing alliance to members of small employers would be rated under the small group rating law and be priced as small group insurance. This bill improves and clarifies the current law for obtaining certification and establishes membership criteria that limit membership in the alliance to employers that are members of or affiliated with an association or trade group that has been in existence for at least 10 years and was established and maintained for purposes other than the provision of health coverage. The committee concurs with this clarification. Vote 16-0.

SB 123, relative to notification if a person found incompetent to stand trial and civilly committed is released into the community. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Larry G. Gagne for Criminal Justice and Public Safety: This bill adds felonious sexual assault to the crimes for which the victims are notified when an accused perpetrator, found incompetent to stand trial, is released unsupervised from civil commitment. It has also been amended so that the statute of limitation is suspended for murder, manslaughter and felonious sexual assault while the accused is incompetent to stand trial. Vote 15-1.

Amendment (1589h)

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

AN ACT relative to notification if a person found incompetent to stand trial and civilly committed is released into the community and relative to the prosecution of certain accused persons who have been found incompetent to stand trial.

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

3 Limitations. Amend RSA 625:8, VI to read as follows:

VI. The period of limitations does not run:

(a) During any time when the accused is continuously absent from the state or has no reasonably ascertained place of abode or work within this state; ~~or~~

(b) During any time when a prosecution is pending against the accused in this state based on the same conduct; **or**

(c) During any time that a person who has been charged with murder pursuant to RSA 630:1, RSA 630:1-a, or RSA 630:1-b, manslaughter or aggravated felonious sexual assault is found and remains incompetent to stand trial pursuant to RSA 135:17-a.

AMENDED ANALYSIS

This bill clarifies the notification required if a person found incompetent to stand trial and civilly committed is released into the community. The bill also provides that the period of limitations on prosecution shall not run anytime that a person who has been charged with certain crimes is found and remains incompetent to stand trial.

SB 180, establishing a committee to study the availability of community supervision programs for prisoners released on probation or parole. **OUGHT TO PASS.**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: This bill sets up a committee to study the availability of community supervision programs for prisoners released on probation or parole. This bill will insure that these programs are in place and working to benefit the state. Vote 16-0.

SB 37, relative to the determination of residency for certain pupils. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kathleen A. Lauer-Rago for Education: This bill as amended gives parents more input when residency of their child is in dispute. It allows them to present a residency dispute for determination to the commissioner of education. It also changes the language to exclude homeless children in accordance with federal law. It also corrects the reference to RSA 193:28, which provides a proper definition of legal residence for purposes of school attendance. Vote 17-0.

Amendment (1808h)

Amend the bill by replacing section 1 with the following:

1 School Attendance; Legal Residence Required. Amend RSA 193:12, VI(a) to read as follows:

VI.(a) The commissioner of the department of education, or designee, shall decide residency issues for all pupils, ~~including~~ **excluding** homeless children and youths, in accordance with this section. If more than one school district is involved in a residency dispute, or the parents who live apart cannot agree on the residence of a minor child, the respective superintendents shall jointly make such decision. In those instances when an agreement cannot be reached, the commissioner of the department of education, or designee, shall make a determination within ~~14~~ **30** days of notice of the residency dispute and such determination shall be final. ***If the unresolved residency dispute has resulted in an interruption of educational or related services, or such an interruption is likely to occur if the determination cannot be made before the expiration of 30 days, the determination shall be made within 14 days. With the agreement of the school districts involved and of the minor child's parent or legal representative, the time for determination of the residency dispute may be extended. Residency disputes may be submitted to the commissioner for determination by a school district involved in a dispute. In cases where the failure to resolve a residency dispute has resulted in or is likely to result in the interruption of educational or related services, a minor child's parent or legal representative may submit a residency dispute for determination to the commissioner. In ~~any case~~ all cases, all parties with an interest in the dispute shall be notified of the pendency of the proceedings, shall have an opportunity to review all information provided to the commissioner, and shall have an opportunity to present facts and legal arguments to the commissioner. The commissioner's decision, including a written explanation for that decision,*** shall be provided to the parties of record and a copy of such explanation shall be kept on file by the department of education. No school district shall deny a pupil attendance or implementation of an existing individualized education program.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Legal Residence Required. Amend RSA 193:12, II(a)(2) to read as follows:

(2) In a divorce decree where parents are awarded joint decision making responsibility or joint legal custody, the legal residence of a minor child is the residence of the parent with whom the child resides. If a parent is awarded sole or primary residential responsibility or physical custody by a court of competent jurisdiction in this or any other state, legal residence of a minor child is the residence of the parent who has sole or primary residential responsibility or physical custody. If the parent with sole or primary physical custody lives outside the state of New Hampshire, the pupil does not have residence in New Hampshire. If the court order is for equal or approximately equal periods of residential responsibility, the child's legal residence for school attendance purposes shall be as stated in the order. If a child is in a court-ordered residential placement, foster home, or group home pursuant to RSA 169-B, RSA 169-C, RSA 169-D, RSA 170-C, or RSA 463, residence shall be determined in accordance with RSA ~~[193:27]~~ **193:28**.

SB 45, relative to criteria for designation as a Granite State scholar. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ralph G. Boehm for Education: This bill changes the designation for Granite State scholar to be consistent with existing SAT scoring measures and to take care of this if SAT scoring changes in the future. The amendment includes other nationally recognized norm referenced assessments to determine Granite State scholars. Vote 17-0.

Amendment (1500h)

Amend the bill by replacing section 1 with the following:

1 Granite State Scholar Designation. Amend RSA 188-D:39, I to read as follows:

I. The granite state scholar designation shall be made for any New Hampshire resident who graduates in the top 10 percent of his or her class from an ~~accredited~~

approved New Hampshire high school, and who receives a combined score [~~of 1200 or more~~] **equaling at least 75 percent of the maximum possible score** on the Scholastic Aptitude Test I, or the equivalent score on [~~the ACT Assessment examination~~] **another nationally recognized and norm referenced assessment approved by the department of education**. The granite state scholar designation shall be determined using class rank and standardized test scores taken no later than January 31 of the student's senior year in high school.

AMENDED ANALYSIS

This bill changes the criteria relating to the required score on the Scholastic Aptitude Test or other nationally recognized and norm referenced assessment for designation as a Granite State scholar. The bill also changes the date by which the postsecondary education commission shall distribute matching funds to participating institutions.

This bill was requested by the postsecondary education commission.

SB 96, relative to amending the charter of The Pinkerton Academy. **OUGHT TO PASS.**
Rep. Robert H. Greemore for Education: This bill allows Pinkerton Academy to amend its charter in accordance with the provisions of RSA 292:7. This bill would allow Pinkerton Academy Board of Trustees to amend their charter without going to the General Court. This corrects an oversight by the school to make changes to its charter as other academies were allowed to do following statutory changes in 1992. Vote 17-0.

SB 128-FN-A, establishing a committee to study sources of funding for the search and rescue operations of the fish and game department. **OUGHT TO PASS.**

Rep. Tyler W. Simpson for Fish and Game and Marine Resources: Costs for Search and Rescue continue to rise. Last year, \$128,000 of funding came from hunters and fishermen as part of their license fees. These people are not those needing to be rescued. New sources of funding should be explored. Vote 13-0.

SB 36, relative to the permanent siting of the Hampton-Exeter District Court. **OUGHT TO PASS.**

Rep. Brian J. X. Murphy for Judiciary: This bill extends the date required for the permanent siting of the Hampton-Exeter District Court from January 1, 2011 (which has already passed) to January 1, 2015. The committee discussed the difficulty of siting a court that services 14 communities and balanced that challenge against the expectation that this project will receive priority attention over the next few years. It was determined by the committee that this bill achieved the necessary balance. Vote 15-1.

SB 54, relative to the definition of declarant under the condominium act and the duties of the committee to study laws relating to condominium and homeowners' associations.

OUGHT TO PASS.

Rep. J. Brandon Giuda for Judiciary: This bill modifies the definition of "declarant" under the condominium act, in order to eliminate an unnecessary registration process for condominium developments that have been foreclosed upon by a lender. The statute currently requires a mortgage holder that forecloses and retains the property to complete the condominium registration process prior to selling to a new owner, even if the mortgage holder simply wants to sell the development. Any new owner must then also complete the lengthy condominium registration process. By eliminating such a mortgage holder from the definition of declarant, this bill reduces unnecessary regulatory requirements while still ensuring the individual condominium owners are protected. Vote 13-0.

SB 64, removing the oath requirement for criminal complaints filed by police officers.

OUGHT TO PASS WITH AMENDMENT.

Rep. Gregory M. Sorg for Judiciary: This bill seeks to amend RSA 592-A:7 by expanding the

offenses that can be initiated by the unsworn complaint of a police officer to include not just violation-level offenses as under present law, but misdemeanors as well. The purpose of the bill is to address the difficulty frequently encountered, particularly in rural areas or late at night, in locating notaries or justices of the peace before whom to attest. The committee was sympathetic with the desire for convenience, but wanted to prevent possible abuses. Accordingly, in the committee amendment, the proposed expansion is limited to class B misdemeanors (the penalties for which do not allow for imprisonment), and requires the complaint to be signed by the officer and to contain a warning that the officer's making a false statement on the complaint could result in his or her criminal prosecution. The Committee amendment also amends RSA 592-A:8 to make clear – consistent with Article 19 of Part I of the New Hampshire Constitution - that a complaint used as the basis of an arrest warrant must continue to be signed under oath. Vote 16-0.

Amendment (1696h)

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

AN ACT removing the oath requirement for class B misdemeanor criminal complaints filed by police officers.

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

1 Criminal Complaints. Amend RSA 592-A:7, I to read as follows:

I. Criminal proceedings before a district court shall be begun by complaint, signed and under oath, addressed to such court, briefly setting forth, by name or description, the party accused and the offense charged, provided that a complaint filed by a police officer, as defined in RSA 188-F:23, I, for a violation-level offense **or a class B misdemeanor** shall not require ~~[a signature or]~~ an oath. ~~[Any complaint]~~ **All complaints** filed ~~[electronically]~~ **by a police officer** shall include **the officer's signature and printed name and** notice that making a false statement on the complaint may result in criminal prosecution.

2 Warrants. Amend RSA 592-A:8 to read as follows:

592-A:8 Warrants. A justice of the peace or justice of the district ~~[or municipal]~~ court, upon such complaint **when signed under oath**, may issue a warrant for the arrest of the person so charged with an offense committed or triable in the county, directed to the sheriff of any county or his deputy or to any constable or police officer of any town in the county.

3 Criminal Complaints. Amend RSA 592-A:7, I to read as follows:

I. Criminal proceedings before a ~~[district]~~ **circuit** court shall be begun by complaint, signed and under oath, addressed to such court, briefly setting forth, by name or description, the party accused and the offense charged, provided that a complaint filed by a police officer, as defined in RSA 188-F:23, I, for a violation-level offense **or a class B misdemeanor** shall not require ~~[a signature or]~~ an oath. ~~[Any complaint]~~ **All complaints** filed ~~[electronically]~~ **by a police officer** shall include **the officer's signature and printed name and** notice that making a false statement on the complaint may result in criminal prosecution.

4 Warrants. Amend RSA 592-A:8 to read as follows:

592-A:8 Warrants. A justice of the peace or justice of the ~~[district or municipal]~~ **circuit** court, upon such complaint **when signed under oath**, may issue a warrant for the arrest of the person so charged with an offense committed or triable in the county, directed to the sheriff of any county or his deputy or to any constable or police officer of any town in the county.

5 Contingency. If HB 609-FN of the 2011 legislative session becomes law, sections 3 and 4 of this act shall take effect January 1, 2012 and sections 1 and 2 of this act shall not take effect. If HB 609-FN does not become law, sections 1 and 2 of this act shall take effect January 1, 2012 and sections 3 and 4 of this act shall not take effect.

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

AMENDED ANALYSIS

This bill removes the oath requirement for class B misdemeanor criminal complaints filed by police officers. The bill also requires a police officer filing a criminal complaint to sign the complaint.

SB 109, establishing a committee to study the foreclosure process in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. J. Brandon Giuda for Judiciary: This bill proposes establishing a committee to study the foreclosure process in New Hampshire. The committee felt the bill was submitted in response to national media reports alleging significant foreclosure improprieties; however investigations have shown no such significant problems. The committee concluded that despite thousands of foreclosures in New Hampshire, there is no evidence of foreclosure problems that would necessitate any type of study. The committee also recognized that the current foreclosure process allows a property owner to seek judicial relief if improprieties exist. Because the committee strongly felt this bill was proposing a solution in search of a problem, the committee voted unanimously for inexpedient to legislate. Vote 16-0.

SB 20, relative to shoreland protection permits. **OUGHT TO PASS.**

Rep. Andrew Renzullo for Resources, Recreation and Development: This bill exempts terrain alteration permit holders from requiring certain shoreland protection permits. This eliminates a duplication of effort by both the applicant and agency and reduces costs. Vote 15-0.

SB 21, relative to exemptions from excavating and drainage permits. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Judith T. Spang for Resources, Recreation and Development: This bill exempts from permitting the maintenance work on water-related manmade structures such as detention basins, culverts, farm ponds and roadside ditches. It also allows such facilities to be modified or replaced as long as adjoining wetlands are not affected and best management practices are used. The amendment resolves a conflict with a bill now in the Senate, and condenses the bill. Vote 13-0.

Amendment (1845h)

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

1 Excavating and Dredging Permit; Exemptions. Amend RSA 482-A:3, IV(b) to read as follows:

(b) Man-made nontidal drainage ditches, **roadside and railroad ditches** ~~[culverts], [catch]~~ **detention** basins, ~~[and]~~ ponds, **and wetlands** that have been legally constructed to collect, ~~[or]~~ convey, **treat, or control** storm water and spring run-off, **legally constructed ponds on active farms, erosional features caused by proximate human activity**, fire ponds and intake areas of dry hydrants that have been legally constructed to provide water for municipal firefighting purposes as approved by a local fire chief, and **aggregate wash ponds, sluiceways, and other legally constructed** man-made water conveyance systems that are used for the commercial or industrial purpose of collecting, conveying, storing, and recycling water, may be ~~[cleaned out when]~~ **maintained, repaired, replaced, or modified as** necessary to preserve their usefulness without a permit ~~[from the department. Such drainage facilities, fire ponds, intake areas of any hydrants, or man-made water conveyance systems may be cleaned out by hand or machine]~~ **under this chapter**; provided, that the **exempted facility, area, or feature** is ~~[neither enlarged nor]~~ **not** extended into any area of wetlands jurisdiction of the department of environmental services, dredged spoils are deposited in areas outside wetlands jurisdiction of the department of environmental services, ~~[and]~~ wetlands or surface waters outside the limits of the ~~[constructed drainage facility, fire pond, intake area of a dry hydrant, or man-made water conveyance system]~~ **exempted facility, area, or feature** are neither disturbed nor

degraded, *the exempted facility, area, or feature was not constructed as mitigation under a wetlands permit or as part of a settlement agreement, best management practices are followed, and the work does not infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners.*

(c) Legally constructed culverts may be cleaned as necessary to preserve their usefulness without a permit under this chapter provided the conditions of subparagraph (b) are met.

2 Contingent Amendment; Excavating and Dredging Exemptions. Amend RSA 482-A:3, IV(c) to read as follows:

(c) Legally constructed culverts may be cleaned as necessary to preserve their usefulness without a permit under this chapter provided the conditions of subparagraph (b) are met, **however any repair, replacement or modification of a culvert must be made in accordance with RSA 482-A:3, XVI.**

3 Contingent Amendment; Municipalities; Permit by Notification. Amend RSA 482-A:3, XVI(a) to read as follows:

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

4 Contingency.

I. If HB 621-FN-LOCAL of the 2011 legislative session becomes law before the effective date of section 1 of this act, section 2 shall take effect at 12:01 a.m. 60 days after passage of this act. If HB 621-FN-LOCAL of the 2011 legislative session becomes law after the effective date of section 1 of this act, section 2 shall take effect on the effective date of HB 621-FN-LOCAL. If HB 621-FN-LOCAL of the 2011 legislative session does not become law, then section 2 of this act shall not take effect.

II. If HB 621-FN-LOCAL of the 2011 legislative session becomes law, then section 3 of this act shall take effect at 12:01 a.m. on the effective date of HB 621-FN-LOCAL. If HB 621-FN-LOCAL of the 2011 legislative session does not become law, then section 3 of this act shall not take effect.

5 Effective Date.

I. Sections 2 and 3 of this act shall take effect as provided in section 4 of this act.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill modifies the exemptions from excavating and drainage permits.

SB 32, relative to water withdrawals for snow making. **OUGHT TO PASS.**

Rep. Peter S. Bolster for Resources, Recreation and Development: This bill was requested by the ski industry to reduce redundant measuring of large water withdrawal for the purpose of snowmaking. It will also reduce paperwork. The net effect is to lower costs to the businesses involved. Vote 15-0.

SB 38, relative to extensions for wetland and shoreland permits. **OUGHT TO PASS.**

Rep. Charlene M. Lovett for Resources, Recreation and Development: This bill provides for extensions of permits for excavating and dredging in wetlands and activities within the protected shoreland. Upon request, the department of environmental services (DES) may grant one extension of up to five additional years, provided the applicant demonstrates all of the following four criteria: a) The original permit has not been revoked or suspended without reinstatement. b) The extension would not violate a condition of law or rule. c) The project is proceeding towards completion in accordance with plans and documentation referenced by

permit. d) Applicant proposes reasonable mitigation measures to protect shorelands and public waters of the state from deterioration during the extension. DES supports this bill which is reflective of current economic conditions and streamlines the process for the department and permit holders. Vote 15-0.

SB 47, extending the commission to study water infrastructure sustainability funding. **OUGHT TO PASS.**

Rep. Lawrence M. Kappler for Resources, Recreation and Development: This bill simply extends the commission to study water infrastructure sustainability funding for one year to allow it to complete its very complex study dealing with dam repair, water supply, and wastewater. There are current 77 wastewater projects waiting funding alone. Vote 15-0.

SB 100, relative to the size limitations on OHRVs operating in Jericho Mountain state park, and the definition of utility terrain vehicle. **OUGHT TO PASS WITH AMENDMENT.**
Rep. David H. Russell for Resources, Recreation and Development: This bill as amended will simply change the size and weight limitations of OHRV's only on specific trails only within Jericho Mountain state park, at the request of the Department of Resources and Economic Development. The increase is due to the introduction of a so called "side by side" ATV. Section two of the bill, requiring a definition of a "UTV" "Utility Terrain Vehicle" is dropped, as there is a committee established in SB 107 to study the effectiveness of criteria for establishing ATV and trail bike trails on state lands. The committee felt this body was much better suited to come up with such a definition. Vote 13-0.

Amendment (1683h)

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

AN ACT relative to the size limitations on OHRVs operating in Jericho Mountain state park.

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

2 Repeal. RSA 216-A:3-g, VII(c), relative to vehicle limitations in Jericho Mountain state park, is repealed.

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

AMENDED ANALYSIS

This bill increases the size and weight limits for OHRVs allowed on designated trails in Jericho Mountain state park.

SB 105, exempting highway trail crossing from evaluation requirements for certain all terrain and trail bike trails. **OUGHT TO PASS.**

Rep. Christopher J. Ahlgren for Resources, Recreation and Development: This bill eliminates the redundancy in agency evaluations when ATV and trail bikes trails cross a highway. The department of transportation already evaluates crossings over their highways, so requiring the trails bureau to do the same thing under RSA 215-A is unnecessary. Vote 15-0.

SB 107, establishing a committee to study the effectiveness of criteria for establishing ATV and trail bike trails on state lands. **OUGHT TO PASS.**

Rep. Andrew Renzullo for Resources, Recreation and Development: This bill establishes a committee to study the effectiveness of criteria for establishing ATV and trail bike trails on state land. This committee will make recommendations on simplifying and reworking an existing set of statutes that have become overly complicated and cumbersome. Vote 15-0.

SB 98, revising the international registration plan. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Brian D. Rhodes for Transportation: This bill simplifies accounting for New Hampshire

trucking businesses. It allows them to travel unimpeded throughout the continuous 48 states and participating Canadian provinces. This bill only affects commercially registered vehicles which are required to register in the jurisdictions that they travel in/through. Vote 17-0.

Amendment (1353h)

Amend RSA 260:74, article XI, subparagraph A, 3(d) as inserted by section 1 of the bill by replacing it with the following:

(d) One-way vehicle. The owner of trucks registered for 26,000 pounds (11,793.401 kilograms) or less that are identified as a part of a one-way rental fleet may (i) allocate all of such vehicles to the respective member jurisdictions in proportion to the mileage operated in each member jurisdiction by the rental fleet, or (ii) register all of such vehicles as apportioned vehicles under the plan. A one-way rental vehicle registered in accordance with this subparagraph may be used in both interjurisdictional and intrajurisdictional operation.

SB 99, relative to trailer brakes. OUGHT TO PASS WITH AMENDMENT.

Rep. John E. Tholl for Transportation: Section 1 brings New Hampshire into compliance with federal regulations and exempts certain trailers that are utilized only in state from the federal requirements pertaining to trailer brakes. This applies only to a limited number such as wood sawing machines, log splitters, and others that have a gross weight under 3000 pounds. This is a business friendly bill that helps small businesses. Vote 16-1.

Amendment (1603h)

Amend the bill by replacing section 1 with the following:

1 Trailer Brakes. Amend RSA 266:30 to read as follows:

266:30 Trailer Brakes.

I. No motor vehicle trailer or semi-trailer~~[- the weight of which, including its load, is 3,000 pounds or more,]~~ shall be driven on the ways of this state unless equipped with adequate brakes in good working order and sufficient to control the said vehicle at all times. No house trailer weighing in excess of 1,500 pounds shall be driven on the ways of this state unless so equipped. ~~[This section shall not apply to wood-sawing machines, log splitters, cement mixers, compressors, tar kettles, conveyors, or to devices of 2 wheels used by public utilities for the transportation of cables or poles not exceeding 6 in number, road rollers and sweepers, thawing devices, or to refreshment booths on wheels towed not more than 2 miles at any one time.]~~

II. This section shall not apply to:

(a) A motor vehicle trailer or semi-trailer with a gross weight of less than 3,000 pounds if the axle weight of the towed vehicle does not exceed 40 percent of the sum of the rated axle weights of the towing vehicle.

(b) Wood-sawing machines, log splitters, cement mixers, compressors, tar kettles, conveyors, devices of 2 wheels used by public utilities for the transportation of cables or poles not exceeding 6 in number, road rollers and sweepers, thawing devices, or refreshment booths on wheels towed not more than 2 miles at any one time, only if being driven in intrastate commerce on the ways of New Hampshire.

REGULAR CALENDAR

SB 30, relative to including a parent's residence in the parenting plan. OUGHT TO PASS.

Rep. Jeffrey D. Oligny for Children and Family Law: The bill requires parenting plans to include the party's legal residence in cases where joint decision-making responsibility is ordered, absent a history of domestic abuse, stalking or some other reason deemed not to be in the best interest of the children. Said addresses are also required to be updated as necessary. The committee felt that the bill was a step in the right direction. Vote 10-5.

Committee report adopted and ordered to third reading.

SB 197, regulating guaranteed price plans and prepaid contracts for heating oil, kerosene, or liquefied petroleum gas. **INEXPEDIENT TO LEGISLATE.**

Rep. Donna C. Mauro for Commerce and Consumer Affairs: This bill changes the recently enacted law related to home heating oil, kerosene, or liquefied petroleum gas dealers to secure customer prepaid deposits by deleting the current law related to “futures contracts” to instead require the dealers to maintain an escrow account with the office of the attorney general as the beneficiary. The current law also allows for letter of credit, or surety bond of a specified amount, but no dealers have posted them. While the committee recognizes a problem with some dealers who have gone out of business with the result that many consumers have taken losses of thousands of dollars due to the failure of prepaid contracts, the majority, however, felt this bill did not adequately address this problem and we have already retained a House bill that also addresses this problem. Vote 15-1.
Committee report adopted.

SB 90, directing the legislative oversight committee to study the consolidation of school administrative units. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gregory Hill for Education: The amendment changes the original bill in its entirety. This bill expands the duties of the SAU oversight committee. It currently monitors the organization and dissolution of SAU’s as well as the general operations. This bill would extend its oversight to cooperative school districts as well in the same functions listed above for SAU’s. Also, this bill requires the committee to study consolidation of SAU’s into primarily one SAU per county with the exception of Hillsborough and Rockingham which would have 2 SAU’s each. This bill also modifies the administrative rules making it less onerous and less time consuming to withdraw from SAU’s or authorized regional enrollment area agreements. Finally, this bill provides for a suspension of the required 180 day school year in recognition of snow emergency days for the 2010-2011 school year only. Prior to this a waiver was required signed by the commissioner of the department of education. This bill would simply give this power to the local school board to make the decision. Vote 17-0.

Amendment (1687h)

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

AN ACT expanding the duties of the school administrative unit legislative oversight committee, directing the committee to study the statewide consolidation of school administrative units, relative to withdrawal from a school administrative unit or an authorized regional enrollment area school, and relative to suspending the days of school requirement for the 2010-2011 school year.

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

1 School Administrative Unit; Legislative Oversight Committee. Amend RSA 194-C:12 to read as follows:

194-C:12 Duties of the Legislative Oversight Committee. The oversight committee shall monitor the process of organization and withdrawal of school districts from school administrative units and shall oversee the general operation, creation, or dissolution of school administrative units. ***In addition, the oversight committee shall also monitor the process of organization and withdrawal from a cooperative school district as well as the process of amending a cooperative school district’s articles of agreement.*** The committee shall submit an annual report to the speaker of the house of representatives, the president of the senate, and the state board of education summarizing its findings.

2 New Section; Duties of the Legislative Oversight Committee. Amend RSA 195 by inserting after section 31 the following new section:

195:32 Duties of Legislative Oversight Committee. The legislative oversight committee established in RSA 194-C:11 shall, in addition to the duties set forth in RSA 194-C:12,

monitor the process of organization and withdrawal from a cooperative school district as well as the process of amending a cooperative school district's articles of agreement. The legislative oversight committee shall annually submit a report on or before November 1 to the speaker of the house of representatives, the president of the senate, and the state board of education summarizing its findings.

3 Legislative Oversight Committee; Consolidation of School Administrative Units. The legislative oversight committee established in RSA 194-C:11 shall, in addition to its duties set forth in RSA 194-C:12, study the advantages, disadvantages, and costs associated with consolidating school administrative units statewide into one school administrative unit in each county, except for Hillsborough and Rockingham counties which would have 2 school administrative units each. 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 December 31, 2011.

4 School Administrative Units; Withdrawal. Amend RSA 194-C:2, IV to read as follows:

IV. WITHDRAWAL.

(a) The planning committee shall:

(1) Study the advisability of the withdrawal of a specific school district from a school administrative unit in accordance with this chapter, its organization, operation and control, and the advisability of constructing, maintaining and operating a school or schools to serve the needs of such school district.

(2) Estimate the construction and operating costs of operating such school or schools.

(3) Investigate the methods of financing such school or schools, and any other matters pertaining to the organization and operation of a school administrative unit.

(4) Prepare an educational and fiscal analysis of the impact of the ~~withdrawal on the withdrawing district [on any school districts remaining in the school administrative unit]~~ **withdrawal on the withdrawing district** and a proposed plan for the disposition of any school administrative unit assets and liabilities **held by the withdrawing district**.

(5) Consult with the department of education regarding any unique issues and resolve such issues in a timely manner and submit a report or reports of its findings and recommendations to the several school districts within the existing school administrative unit.

(b) If the planning committee recommends the withdrawal from a school administrative unit, it shall prepare a plan for organization or reorganization. The plan ~~[shall]~~ **may** include ~~[providing]~~ **provision of** superintendent services, which meet the requirements set forth in RSA 194-C:4, and a transition plan and timeline, which includes consideration of transition budgets and staffing for the withdrawing district, and is signed by at least a majority of the membership of the planning committee.

(c) The planning committee may submit to the board of an existing school administrative unit, a plan for joining the existing school administrative unit. If approved **by the board of the existing school administrative unit**, the plan shall be submitted to the state board of education ~~[and]~~ **which may, within 60 days of receipt of the plan, make recommendations to the planning committee. After receiving the state board's recommendations, the planning committee may revise the plan or submit it to** the school district voters in accordance with this section.

(d) The planning committee shall submit a copy of the proposed plan to the several school districts and shall hold at least one public hearing no less than 14 days prior to submission to the state board. ~~[Within 60 days, the state board of education shall review the proposed plan for administrative structure and to determine whether or not the proposed plan complies with the requirements of this section and RSA 194-C:4.]~~

(e) If in the opinion of the ~~[state board]~~ **planning committee**, all requirements have been met, it shall forward the plan to the school district clerk for a vote at a regular or special school district meeting.

(f) If the ~~[state board of education]~~ **planning committee** determines that all requirements have not been properly addressed, the deficiencies shall be noted and the ~~[plan shall be promptly returned for revision]~~ **planning committee shall promptly revise the plan**. When the plan is ~~[resubmitted, the state board of education shall promptly return the plan and]~~ **revised, the planning committee shall submit a copy to the state board which shall** make a **written** recommendation, **within 60 days of receipt of the plan**, for or against its adoption based on whether or not the plan complies with the requirements of this section and RSA 194-C:4. This recommendation shall be **advisory only and shall be** reported to the legislative body of the school district. ~~[The state board shall not have veto power over any plan once it is resubmitted by the planning committee.]~~

(g) ~~[The state board]~~ **Within 10 days of making its recommendation, the state board** shall submit the plan for district withdrawal from a school administrative unit to the school board of the withdrawing district for acceptance by the district as provided in subparagraph (h). Upon such submission, the state board shall cause the approved plan to be published once at the expense of the state in media of general availability and usage within the district which proposes to withdraw from a school administrative unit.

(h) ~~[Upon the receipt of written notice of the state board's recommendation of the plan]~~ The plan shall be submitted for approval by the school district under the procedures outlined in paragraph I of this section. The question shall be in substantially the following form:

"Shall the school district accept the provisions of RSA 194-C providing for the withdrawal from a school administrative unit involving school districts of _____ and _____ etc., in accordance with the provisions of the proposed plan?"

Yes _____ No _____

(i) If 3/5 of the votes cast on the question in the withdrawing district shall vote in the affirmative, the clerk of that district shall forthwith send to the state board a certified copy of the warrant, certificate of posting, evidence of publication, if required, and minutes of the meeting in the district. If the state board finds that 3/5 of the votes cast in that district meeting have voted in favor of withdrawing from the school administrative unit, it shall issue its certificate to that effect; and such certificate shall be conclusive evidence of the lawful organization and formation of the new, single district school administrative unit as of the date of its issuance.

5 Authorized Regional Enrollment Area Schools; Withdrawal of District. Amend RSA 195-A:14, III-VIII to read as follows:

III. After the third anniversary of the date of operating responsibility a sending or receiving school district, at an annual or special school district meeting, may vote to undertake a study of the feasibility and suitability of a withdrawal from the area. The study shall be conducted by a committee composed of 2 school board members from each district of the area, the superintendent of schools as a non-voting member, and 2 members of the town or city governing body from the school district requesting the study. Within 180 days after the date of its formation, the committee shall submit to the state board of education either a report that withdrawal is not feasible or suitable or a report that includes a withdrawal plan prepared in accordance with paragraph IV. If the committee determines that withdrawal is not feasible or suitable, the district which voted to undertake the study may submit a minority report at the same time as the committee report is filed with the state board of education. If the committee report does not include a withdrawal plan, the minority report may include a withdrawal plan prepared in accordance with paragraph IV.

IV. A plan for the withdrawal of a district ~~[or districts]~~ from an area shall include the following:

(a) The name or names of the withdrawing district ~~[or districts]~~ and the grades.

(b) The proposed date of withdrawal from the area, at which time the withdrawing district shall be responsible for the education of its pupils and after which the area shall no longer have such educational responsibility.

(c) The liability of the withdrawing district for its share of any outstanding indebtedness of the area in accordance with paragraph V or, if the area was formed by 2 districts, provision for the disposition of **jointly held** property and a statement of assumption of liabilities upon dissolution of the area.

(d) A detailed analysis of the financial and educational consequences of the proposed withdrawal **on the withdrawing district**.

(e) The manner in which the withdrawing district ~~[or districts]~~ shall provide for the education of all pupils in the withdrawing district ~~[or districts and a plan for the education of the pupils in the remaining sending and/or receiving districts]~~. This shall include the proposed assignment of pupils and any necessary tuition arrangements or contracts.

(f) Modifications to the area agreement necessitated by the withdrawal plan.

(g) Any other matters which the committee, consistent with the law, may consider appropriate to include in the withdrawal plan.

V. Each withdrawing sending district shall remain liable to the area, or to the receiving district in the case of a dissolution of the area, for a rental charge, as determined by the area agreement, for the length of any outstanding bond issue, and for the reduction of school building aid based on the decrease of the annual grant for the payment of debt service for school construction. Payments in discharge of such liability shall be made in accordance with a schedule which may provide for annual payments for the length of the existing bond issue or any other schedule agreed upon by the school boards of the area, or, in the event they fail to agree, as determined by the state board of education. Such payments shall be deemed to be trust funds and shall be applied by the area solely in payment of its indebtedness which was incurred to finance area school facilities and which was outstanding on the effective date of the withdrawal vote.

VI. A receiving district, 4 months prior to a vote on a bond issue for construction of new facilities or additions to an area school, shall notify a sending district of a pending vote on a bond issue. Upon receipt of such notice, a sending district may initiate a withdrawal study in accordance with paragraph III. If the sending district has initiated a withdrawal study prior to the vote in the receiving district, the sending district shall not be further obligated to any bonded indebtedness as a result of such bond issue vote if the voters in the sending district approve, by a majority vote, the withdrawal plan.

VII. The committee established pursuant to paragraph III shall submit a copy of all reports, including any minority reports, to the state board of education. If a report includes a plan for withdrawal, the state board of education shall review the proposed plan ~~[to determine whether or not the proposed plan meets the requirements of paragraph IV. If, in the opinion of the state board, the requirements have been properly addressed, the state board shall recommend for or against its adoption based on its assessment of the plan's feasibility. If, in the opinion of the state board, the requirements have not been properly addressed, the deficiencies shall be noted and the plan shall be promptly returned for revision. When the plan is resubmitted, the state board shall promptly review the revised plan, return the plan, and make a recommendation for or against its adoption based on its assessment of the plan's feasibility.]~~ **and may, within 60 days of receipt of the plan, issue written recommendations to the withdrawing district noting any deficiencies that may need to be addressed in the plan. The state board's recommendations shall be advisory only. After receiving the state board's recommendations, the committee may revise the plan or submit it to the voters in accordance with this section. In either case,** the state board's ~~[recommendation]~~ **recommendations** shall be reported to the legislative body of the area districts. ~~[The state board shall forward the plan for withdrawal to the school board of the withdrawing school district.]~~ The school board **of**

the withdrawing school district shall publish the withdrawal plan once in a newspaper generally circulated within the area districts. The school board shall file the plan for withdrawal with the clerk of the withdrawing district and shall insert the plan in the warrant for the next annual meeting. The article in the warrant for the district meeting and the question on the ballot to be used at the meeting shall be in substantially the following form:

“Shall the school district accept the provisions of RSA 195-A:14, as amended, providing for the withdrawal of the sending (or receiving) district of _____ from the _____ area in accordance with the provisions of the proposed withdrawal plan filed with the school district clerk?”

Yes ____ No ____

If a majority of the voters present and voting shall vote in the affirmative, the clerk of the school district shall forthwith send to the state board of education a certified copy of the warrant, certificate of posting, evidence of publication, and minutes of the meeting. ~~[If the board finds that a majority of the voters present and voting have voted in favor of the withdrawal plan, it shall be conclusive evidence of the withdrawal of the district and the continuation of the area or the dissolution of a 2-district area.]~~

VIII. The vote to withdraw from an area shall take effect on July 1 of the calendar year which shall be at least 2 years after the date on which the withdrawal vote is adopted. The plan may provide for an earlier date.

6 Days of School; Requirement Suspended. For the 2010-2011 school year only, RSA 189:1 shall not apply to any school district in the state.

7 Effective Date.

I. Sections 1, 2, 4, and 5 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. Expands the duties of the school administrative unit legislative oversight committee by requiring the committee to study specific issues relative to cooperative school districts.

II. Requires the committee to study the advantages, disadvantages, and costs associated with consolidating school administrative units statewide into one school administrative unit in each county, except for Hillsborough and Rockingham counties which would have 2 school administrative units each.

III. Makes various changes to the procedures for school district withdrawal from a school administrative unit or authorized regional enrollment area school.

IV. Provides that the days of school requirement shall be suspended for the 2010-2011 school year.

Amendment adopted.

Committee report adopted and ordered to third reading.

SB 117, relative to private postsecondary career schools and the student tuition guaranty fund. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Ralph G. Boehm for the Majority of Education: This bill amends the requirements governing surety indemnification provided by a private postsecondary career school and authorizes the executive director of the postsecondary education commission to establish guidelines to exempt schools from providing surety indemnification after having paid into the guaranty fund for at least 5 years. The amendment corrects an unintended consequence by specifying legal entities that provide training to other legal entities, rather than to students, are not to be covered by this law. The amendment also provides that to obtain a license is completely voluntary. Schools deciding not to be licensed must state that they are not licensed. Vote 15-2.

Rep. J. R. Hoell for the Minority of Education: The bill, as amended by the majority of the

committee, does benefit training schools that do not grant degrees, by making it optional for them to obtain a license from the postsecondary education commission. However, Section 3, Part V, of the same amendment strongly encourages these schools to obtain a license, because if they don't get a license, they must prominently disclose, in all official correspondence and documentation of any kind and for any purpose, on websites and electronic medium, the fact that they are not licensed. The bill as amended seeks to remove one regulation and replace it with another regulation. It singles out a specific class of businesses, training schools that do not grant degrees and do not choose to be licensed, and requires them to state on all correspondence and documentation that they are not licensed. No other class of businesses must disclose this information. The minority believes that such disclosure will have a negative effect on business for these training schools. This requirement will create an additional burden for these private training entities. Training schools that choose to be licensed can always disclose the fact that they are licensed, and customers who care about licensing will seek out those schools. Lastly, who will enforce this new regulation and how much will it cost to enforce it? The minority amendment will correct this problem by changing three words in Section 3, Part V, eliminating this new regulation.

Majority Amendment (1819h)

Amend RSA 188-D:19, II as inserted by section 2 of the bill by replacing it with the following:

II. "Private postsecondary career school" shall not include barbering or cosmetology schools, schools offering training that has been approved by a state agency with appropriate jurisdiction over such training, including but not limited to the plumber's board, the electrician's board, the office of the state fire marshal, the division of fire standards and training and emergency medical services, and schools providing federally-required flight or ground instruction to students, or legal entities that license training and learning solutions primarily to other legal entities rather than to students.

Amend the bill by replacing section 3 with the following:

3 Private Postsecondary Career Schools; Licenses and Fees. Amend RSA 188-D:20 to read as follows:

188-D:20 Licenses and Fees.

I. ~~[Prior to registering or renewing a business or trade name, or soliciting students for enrollment, an entity maintaining a physical presence in this state shall be reviewed by the executive director to determine if the entity requires a license. The executive director, in consultation with the postsecondary education commission, shall establish procedures to accomplish this review.]~~

H. A] ***Any private postsecondary career school maintaining a physical presence in this state and which assesses tuition or fees for providing vocational or occupational training [shall] may register to obtain a license or license renewal from the postsecondary education commission. Upon request by a school for a license or license renewal under this section, the executive director shall review such school to determine if the school meets the minimum criteria established for a license.*** The license shall be issued or renewed pursuant to rules, adopted under RSA 541-A, by the executive director~~[in consultation with the postsecondary education commission]~~. The rules shall establish minimum criteria, including but not limited to, financial stability, educational program, administrative and staff qualifications, business procedures, facilities, equipment, and ethical practices to be met by licensees, and criteria for rejecting a licensing applicant and for suspending or revoking a license.

~~[III.]~~ II. A school ~~[that is not required to obtain a license may apply for a license and]~~, upon issuance of the license, shall be subject to the provisions of RSA 188-D:19 through RSA 188-D:28. Such school may voluntarily surrender its license and revert to its original status.

~~[IV.]~~ III. The executive director~~[in consultation with the postsecondary education commission]~~ shall adopt rules pursuant to RSA 541-A to establish reasonable fines,

reimbursement rates for consultants, and procedures for complaint investigations and enforcement actions, which are necessary for the administration of this subdivision.

~~V.]~~ **IV.** A private postsecondary career school which the executive director has determined ~~[requires a]~~ **has met the minimum criteria for a** license shall, prior to the issuance of a license, comply with ~~[RSA 188-D:20,]~~ RSA 188-D:20-a[,] and RSA 188-D:20-b.

V. A school which elects not to be licensed under this section shall prominently disclose, in all official correspondence and documentation of any kind and for any purpose, on its Internet website, and in any other electronic medium used, the fact that it is not licensed as a private postsecondary career school in this state.

Amend RSA 188-D:20-b, I(d) as inserted by section 5 of the bill by replacing it with the following:

(d) The fund shall be used to reimburse students when a **licensed** school has failed to faithfully perform its contractual obligations for tuition and instructional fees in the event of a school closing, and the expense of investigating and processing the claims. ~~[The owner of]~~ A **licensed** school which fails to perform its contractual obligations shall be ~~[personally]~~ liable to reimburse the fund for the difference between the per student amount paid into the fund by the school and the amount paid out of the fund to a student to settle a claim made against the school.

Amend the bill by inserting after section 8 the following and renumbering the original sections 9-10 to read as 10-11, respectively:

9 Regulation of Private Postsecondary Career Schools; Penalty. Amend RSA 188-D:28 to read as follows:

188-D:28 Penalty.

I. Whoever violates any provision of this subdivision shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

II. Whenever the executive director determines that a person is violating any provision of this subdivision or the rules adopted hereunder, the executive director shall request the attorney general, or other appropriate official having jurisdiction, to provide appropriate relief.

III. ~~[The executive director, upon verifying that a school is operating without a license, shall issue a cease and desist order to such school.]~~

~~IV.]~~ The **executive director shall notify the** postsecondary education commission ~~[shall be notified]~~ whenever a ~~[cease and desist order is issued to a school]~~ **violation has occurred**, or if a **licensed** school fails to provide the services required under a contract with any entity causing the bond to be forfeited~~[, or if a school is required to have a license but is operating without a license].~~

Rep. Balboni moved Recommit and spoke in favor.

Adopted.

Recommitted to the Committee on Education.

SB 196, relative to the renomination or reelection of teachers and prohibiting assessing teacher performance based solely on assessment scores. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gregory Hill for the Majority of Education: This bill extends the time from 3 years to 5 years required for a teacher to be entitled to rights of notification and hearing for failure to be renominated or re-elected. The feeling is that 5 years can give more time for development where an administrator can work with a borderline teacher. If the school is simply reducing the workforce, the reduction shall not be solely based on seniority. Finally, this bill limits the exclusive remedy available to a teacher on the issue of non-renewal to the same as it was prior to 2008, that is, a petition for review. Vote 13-4.

Rep. Barbara E. Shaw for the Minority of Education: The minority of the committee requested that the bill be divided or retained, but lost both suggestions. The minority agreed

and were sympathetic with the extension of the probationary period from 3-5 years and, in addition, was favorable to the non-re-election clause stating that reduction in force shall not be based solely on seniority. Our serious concerns were regarding amendments to grievance procedures, specifically the elimination of collective bargaining.

Majority Amendment (1895h)

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

AN ACT relative to the renomination or reelection of teachers and grievance procedures.

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

1 Failure to be Renominated or Reelected. Amend RSA 189:14-a to read as follows:

189:14-a Failure to be Renominated or Reelected.

I.(a) Any teacher who has a professional standards certificate from the state board of education and who has taught for one or more years in the same school district shall be notified in writing on or before April 15 or within 15 days of the adoption of the district budget by the legislative body, whichever is later, if that teacher is not to be renominated or reelected, provided that no notification shall occur later than the Friday following the second Tuesday in May.

(b) Any such teacher who has taught for [~~3 consecutive years or more in the same school district~~] **5 consecutive years or more in the teacher's current school district, or who taught for 3 consecutive years or more in the teacher's current school district before July 1, 2011**, and who has been so notified may request in writing within 10 days of receipt of said notice a hearing before the school board and may in said request ask for reasons for failure to be renominated or reelected. For purposes of this section only, a leave of absence shall not interrupt the consecutive nature of a teacher's service, but neither shall such a leave be included in the computation of a teacher's service. Computation of a teacher's service for any other purposes shall not be affected by this section. The notice shall advise the teacher of all of the teacher's rights under this section. The school board, upon receipt of said request, shall provide for a hearing on the request to be held within 15 days. The school board shall issue its decision in writing within 15 days of the close of the hearing.

II. Any teacher who has a professional standards certificate from the state board of education [~~and who has taught for 3 consecutive years or more in any school district in the state~~] shall, [~~after having taught for 2 consecutive years in any other school district in the state,~~] be entitled to all of the rights for notification and hearing in paragraphs I(b), III, and IV of this section **if:**

(a) The teacher has taught for 5 consecutive years or more in any school district in the state and has taught for 3 consecutive years or more in the teacher's current school district; or

(b) Before July 1, 2011, the teacher taught for 3 consecutive years or more in any school district in the state and taught for 2 consecutive years or more in the teacher's current school district.

III. In cases of nonrenomination [~~because of unsatisfactory performance, the superintendent of the local school district shall demonstrate, at the school board hearing, by a preponderance of the evidence, that the teacher had received written notice that the teacher's unsatisfactory performance may lead to nonrenomination, that the teacher had a reasonable opportunity to correct such unsatisfactory performance, and that the teacher had failed to correct such unsatisfactory performance. Nothing in this paragraph shall be construed to require the superintendent or the school board to provide a teacher with remedial assistance to correct any deficiencies that form the basis for such teacher's nonrenomination~~] **or nonreelection because of reduction in force, the reduction in force shall not be based solely on seniority.**

IV. In all proceedings before the school board under this section, the burden of proof for nonrenewal of a teacher shall be on the superintendent of the local school district by a

preponderance of the evidence. ***Except as provided in paragraph III, the grounds for nonrenomination and nonreelection shall be determined at the sole discretion of the school board.***

V. "Teacher" means any professional employee of any school district whose position requires certification as a professional engaged in teaching. The term "teacher" shall also include principals, assistant principals, librarians, and guidance counselors.

2 Review by State Board. Amend RSA 189:14-b, I to read as follows:

I. A teacher aggrieved by such decision may ~~[either] petition the state board of education for review thereof [or request arbitration under the terms of a collective bargaining agreement, if applicable, but may not do both]~~. Such petition must be in writing and filed with the state board within 10 days after the issuance of the decision to be reviewed. Upon receipt of such petition, the state board shall notify the school board of the petition for review, and shall forthwith proceed to a consideration of the matter. Such consideration shall include a hearing if either party shall request it. The state board shall issue its decision within 15 days after the petition for review is filed, and the decision of the state board shall be final and binding upon both parties. ***A petition for review under this section shall constitute the exclusive remedy available to a teacher on the issue of the nonrenewal of such teacher.***

3 Grievance Procedures. Amend RSA 273-A:4 to read as follows:

273-A:4 Grievance Procedures. Every agreement negotiated under the terms of this chapter shall be reduced to writing and shall contain workable grievance procedures. ***No grievance resulting from the failure of a teacher to be renewed pursuant to RSA 189:14-a shall be subject to arbitration or any other binding resolution, except as provided by RSA 189:14-a and RSA 189:14-b. Any such provision in force as of the effective date of this section shall be null and void upon the expiration date of that collective bargaining agreement. "Grievance resulting from failure of a teacher to be renewed" means a grievance that challenges nonrenewal, or that seeks reversal or reinstatement from nonrenewal as a remedy.***

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

AMENDED ANALYSIS

This bill amends the length of time required for a teacher to be entitled to the rights of notification and hearing for failure to be renominated or reelected. This bill declares that in cases of nonrenomination or nonreelection because of reduction in force, the reduction in force shall not be based solely on seniority. This bill also limits a petition for review as the exclusive remedy available to a teacher on the issue of the nonrenewal of such teacher. Majority committee amendment adopted.

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

Rep. Boehm spoke in favor.

Rep. Ladd spoke in favor and yielded to questions.

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

YEAS 253 NAYS 105

YEAS 253

BELKNAP

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

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

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

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

CARROLL

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

CHESHIRE

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

COOS

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

GRAFTON

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

HILLSBOROUGH

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

MERRIMACK

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

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Azarian, Gary	Baldasaro, Alfred
Bates, David	Belanger, Ronald	Bettencourt, David	Birdsell, Regina
Brown, Paul	Case, Frank	Chirichiello, Brian	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
Itse, Daniel	Kappler, Lawrence	Katsakiores, Phyllis	Kolodziej, Walter
Lovejoy, Patricia	Lundgren, David	Major, Norman	Manuse, Andrew
Mauro, Donna	McKinney, Betsy	McMahon, Charles	Murphy, Brian
Nevins, Chris	O'Connor, John	Okerman, Richard	Oligny, Jeffrey
Packard, Sherman	Peckham, Michele	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	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	Munck, Philip
Newton, Clifford	O'Connor, William	Panek, William	Parsons, Robbie
Pitre, Joseph	Vita, Carol	Vita, Lucien	

SULLIVAN

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

NAYS 105

BELKNAP

None

CARROLL

Knox, J. David

CHESHIRE

Butynski, William	Chase, Cynthia	Hawkes, Samuel	Johnsen, Gladys
Lerandean, Alfred	Lindsey, Steven	Meador, David	Parkhurst, Henry
Roberts, Kris	Sad, Tara	Tatro, Bruce	Weed, Charles

COOS

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

GRAFTON

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

HILLSBOROUGH

Baroody, Benjamin	Brown, Kevin	Brunelle, Michael	Campbell, David
Cote, David	Day, Russell	Garrity, Patrick	Gidge, Kenneth
Gimas, John	Goley, Jeffrey	Gorman, Mary	Graham, John
Hawkins, Kenneth	Infantine, William	Jeady, Jean	Long, Patrick
Pilotte, Maurice	Porter, Marjorie	Rhodes, Brian	Rokas, Ted
Shaw, Barbara	Sullivan, Daniel		

MERRIMACK

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

ROCKINGHAM

Cali-Pitts, Jacqueline	Copeland, Timothy	DiPentima, Rich	Moody, Marcia
Norelli, Terie	Pantelakos, Laura	Perkins, Amy	Perkins, Lawrence
Powers, James	Quandt, Marshall	Quandt, Matt	Read, Robin Jr
Schlachman, Donna	Serlin, Christopher	Sullivan, Kevin	Sytek, John

STRAFFORD

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

SULLIVAN

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

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

SB 56-FN, authorizing the department of revenue administration to accept credit card and debit card payments of taxes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Steve Vaillancourt for Finance: This bill provides a convenience for businesses or individuals to pay their tax bills by credit card. The committee amendment guarantees that the department of revenue administration will properly notify those paying that the cost from the credit card company will be added to the payment. Thus, the state will lose no money with this bill. In fact, there is evidence that this bill will save the state money since DRA numbers indicate it costs approximately \$2.23 to process a check (\$592,553 divided by 265,000 checks). DRA will negotiate the best rate available from a credit card company through an open bidding process. Nothing in this bill will require any entity or person to pay by credit card. Vote 26-0.

Amendment (1837h)

Amend the bill by replacing section 1 with the following:

1 New Section; Credit or Debit Card Payment. Amend RSA 21-J by inserting after section 43 the following new section:

21-J:43-a Credit or Debit Card Payment. The commissioner of the department of revenue administration and any authorized employee or agent of the commissioner may accept credit cards or debit cards for the online payment of any of the taxes, penalties, interest, or fees administered by the commissioner or collected by the department. The amount of any service charge required to be paid by the taxpayer to the credit card or debit

card service provider to cover the provider's cost of this service shall be determined by the department through a competitive bid process, and the service provider shall add this charge to the amount due, in addition to any tax, penalties, and interest payable. The department, at the time of billing, shall disclose the amount of the service charge to the taxpayer. The commissioner shall adopt rules, pursuant to RSA 541-A, as necessary for the administration of such electronic transactions.

Amendment adopted.

Committee report adopted and ordered to third reading.

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. Lynne M. Ober for Finance: Finance was the second committee on this bill. While examining the fiscal impact to the state, it was discovered that the policy, as previously passed, would open the door for the filing of amended tax returns and possibly receiving a retroactive tax refund. The committee amendment ensures that it only applies to the current and future tax years thus prohibiting the possibility of retroactive tax refunds. The committee felt that it was important to emphasize that the interest and dividends tax was never intended to include capital gains. Vote 25-0.

Amendment (1859h)

Amend the bill by replacing section 6 with the following:

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, and also to taxable periods ending before January 1, 2011 if the taxable period is subject to assessment of tax and appealed pursuant to RSA 21-J:28-b.

Amendment adopted.

Committee report adopted and ordered to third reading.

SB 146-FN, relative to requiring submission of a reduced spending alternative as part of the biennial budget process. **MAJORITY: OUGHT TO PASS WITH AMENDMENT.**

MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Paul H. Simard for the Majority of Finance: This bill requires all departments to deliver to the commissioner of administrative services an estimate for reduced levels of expenditures of 10% for each year of the biennium. This estimate shall not include debt service. This estimate shall be used by the finance committee to formulate its budget. The amendment increases the original 5% to 10% to amplify department priorities. The 10% figure will communicate department priorities for budgeting purposes. Estimates will be completed by November 15 prior to each biennial legislative session. Vote 17-7.

Rep. John W. Cebrowski for the Minority of Finance: Earlier this year as we were launching into our budget work, the committee heard, and retained for study, HB's 618 and 269 which dealt with budget process improvement at the departmental/agency level, and the subsequent benefits to the legislative budget process, the state, and our constituents. (The budget itself, rightfully, had top priority at the time.) Both bills recognized the inadequacies and wastefulness of the current process, and the immense opportunity to strengthen New Hampshire's budget creation process. Both bills drew on the suggestions contained in the ALEC (American Legislative Exchange Council) "State Budget Reform Toolkit." Both bills sought to drive continuous improvement, reform, innovation, and the use of performance metrics. Both bills sought to cut spending. SB 146, although lacking in every one of those elements, with the exception of reducing spending, should have also been retained. While overly simplistic and perilous to the departments and to our constituents to take a 10% across-the-board ax to budgets, SB 146 deserves to be integrated into the study. The minority believes the bill should be retained so it can be studied alongside the other two

budget process improvement bills.

Majority Amendment (1883h)

Amend RSA 9:4, III(a)(1) and (2) as inserted by section 1 of the bill by replacing them with the following:

(1) An estimate for a reduced level of expenditure for the first year of the next biennium that is 10 percent, not including debt service, less than the actual expenses of the first year of the current biennium.

(2) An estimate for a reduced level of expenditure for the second year of the next biennium that is 10 percent, not including debt service, less than the budget and any footnote adjustments or subsequent appropriations, additions, or reductions, implemented in the second year of the current biennium.

Majority committee amendment adopted.

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

Rep. Foose spoke against and yielded to questions.

Rep. Lynne Ober spoke in favor and yielded to questions.

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

YEAS 257 NAYS 101

YEAS 257

BELKNAP

Accornero, Harry	Comtois, Guy	Fields, Dennis	Flanders, Donald
Greemore, Robert	Kingsbury, Robert	Luther, Robert	Malone, Robert
Millham, Alida	Pilliod, James	Russell, David	Simpson, Tyler
St. Cyr, Jeffrey	Swinford, Elaine	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	Schmidt, Stephen	Tregenza, Norman
Umberger, Karen			

CHESHIRE

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

COOS

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

GRAFTON

Bradley, Lester	Brosseau, Charles	Eaton, Stephanie	Gionet, Edmond
Ingbretson, Paul	Ladd, Rick Jr	Mirski, Paul	Simard, Paul
Sorg, Gregory	Sova, Charles		

HILLSBOROUGH

Balboni, Michael
Bergevin, Jerry
Burt, John

Christiansen, Lars
Day, Russell
Drisko, Richard
Gagne, Larry
Graham, John
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael
Messier, Irene
Ober, Russell III
Parison, James
Proulx, Mark
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Warden, Mark

Barry, J. Gail
Boehm, Ralph
Buxton, Michael

Coffey, James
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Infantine, William
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Renzullo, Andrew
Silva, Peter
Stepanek, Stephen
Twombly, Timothy
Whitehead, Randall

Barry, Richard
Brown, Kevin
Champagne, Norma

Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Gimas, John
Haefner, Robert
Hikel, John
Holden, Frank
Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Peterson, Lenette
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Vaillancourt, Steve
Willette, Robert

Belvin, William
Brownrigg, Randall Jr
Christensen, D.L.
Chris

Daniels, Gary
Donovan, Daniel
Fredette, Robert
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hopper, Gary
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Pratt, Calvin
Scontsas, Lisa
Soucy, Connie
Swank, Matthew
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Hill, Gregory
Kreis, Kenneth Sr
McDonnell, John
Reed, Dennis
Smith, Molly

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

Cox, Sean
Keane, Thomas
Lindsley, Mark
McGuire, Dan
Sanborn, Laurie
Winter, Steven

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

ROCKINGHAM

Abrami, Patrick
Bates, David
Brown, Paul
DeSimone, Debra
Elliott, Robert
Garrity, James
Hutchinson, Karen
Katsakiores, Phyllis
Major, Norman
Murphy, Brian
Oligny, Jeffrey
Quandt, Marshall
Rice, Frederick
Schroadter, Adam
Smith, William
Tamburello, Daniel
Waddell, James
Welch, David

Allen, Mary
Belanger, Ronald
Case, Frank
Devine, James
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Manuse, Andrew
Nevins, Chris
Packard, Sherman
Quandt, Matt
Ritter, Glenn
Sedensky, John
Sullivan, James
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Azarian, Gary
Bettencourt, David
Chirichiello, Brian
Dowling, Patricia
Fesh, Robert
Headd, James
Itse, Daniel
Lovejoy, Patricia
McKinney, Betsy
O'Connor, John
Peckham, Michele
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin

Baldasaro, Alfred
Birdsell, Regina
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Hoelzel, Kathleen
Kappler, Lawrence
Lundgren, David
McMahon, Charles
Okerman, Richard
Perkins, Amy
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Webb, James

STRAFFORD

Andolina, Donald
Groen, Warren

Brown, Julie
Jones, Kyle

Cataldo, Sam
Jones, Laura

DeLemus, Susan
Larsen, Kirsten

Munck, Philip
Parsons, Robbie

Newton, Clifford
Pitre, Joseph

O'Connor, William
Vita, Carol

Panek, William
Vita, Lucien

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 101

BELKNAP

Bolster, Peter

CARROLL

Scala, Dino

CHESHIRE

Butynski, William
Lindsey, Steven
Sad, Tara

Chase, Cynthia
Meador, David
Tatro, Bruce

Johnsen, Gladys
Parkhurst, Henry
Weed, Charles

Lerandeau, Alfred
Roberts, Kris

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Cooney, Mary
Pierce, David
Townsend, Charles

Almy, Susan
Gould, Franklin
Shackett, Jeffrey
White, Andrew

Benn, Bernard
Harding, Laurie
Smith, Suzanne

Bulis, Lyle
Nordgren, Sharon
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Goley, Jeffrey
Moran, Edward
Robbins, David

Belanger, James
Gargasz, Carolyn
Gorman, Mary
Pilotte, Maurice
Rokas, Ted

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

Cebrowski, John
Gidge, Kenneth
Long, Patrick
Rhodes, Brian
Sullivan, Daniel

MERRIMACK

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

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

DeStefano, Stephen
Hamm, Christine
Patten, Dick
Shurtleff, Stephen

Foose, Robert
Kidder, David
Potter, Frances
Wallner, Mary Jane

ROCKINGHAM

Cali-Pitts, Jacqueline
Hagan, Joseph
Perkins, Lawrence
Serlin, Christopher

Copeland, Timothy
Moody, Marcia
Powers, James

DiPentima, Rich
Norelli, Terie
Read, Robin Jr

Gould, Kenneth
Pantelakos, Laura
Schlachman, Donna

STRAFFORD

Berube, Roger
Hooper, Dorothea
Schmidt, Peter
Wall, Janet

Browne, Brendon
Horrigan, Timothy
Spainhower, Dale
Watters, David

Ginsburg, Philip
Kaen, Naida
Spang, Judith

Grassie, Anne
Roberts, Jenna
Sprague, Dale

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the majority committee report was adopted.

Ordered to third reading.

SB 161-FN, relative to procedures for adoption of agency rules under the administrative procedures act. **OUGHT TO PASS.**

Rep. Lynne M. Ober for Finance: SB 161 is the result of a lean process analysis by stakeholders on how to streamline the administrative rules process. After a thorough vetting by the policy committee, which felt the bill makes several changes, including shortening the public comment period following a public hearing from 10 to 5 days, providing for electronic publication of the rules register, authorizing agencies to hold a second public hearing when substantive changes are made in response to public comments at the initial public hearing, expanding the life-span of rules from 8 to 10 years, making provisions for allowing incorporation by reference of Internet content, allowing emergency rules to be adopted when substantial fiscal harm could occur if not addressed expeditiously, and requiring the director of legislative services to develop a process for expedited re-adoption of rules which contain no substantive changes, the bill was sent to House Finance. After reviewing the financial impact of the bill to the state, the House Finance Committee concluded that there was little identifiable financial impact and recommended passage of the bill. Vote 24-0.

Rep. Giuda spoke against and yielded to questions.

Reps. Lynne Ober, Carol McGuire and Betsey Patten spoke in favor and yielded to questions. On a division vote, 233 members having voted in the affirmative and 121 in the negative, the committee report was adopted.

Ordered to third reading.

SB 86, requiring the department of labor to warn employers of certain violations prior to imposing a fine. **OUGHT TO PASS.**

Rep. William J. Infantine for Labor, Industrial and Rehabilitative Services: This legislation requires the New Hampshire department of labor to issue one warning for certain violations of law instead of a fine. Violations of laws that pose a threat to public safety or where the employer intends to cause harm will not be afforded a written warning. All warnings require the employer to correct the violation within a thirty day period. The department of labor worked closely with the Senate to craft this bill so as not to allow serious violations to go unpunished. Vote 13-3.

Committee report adopted and ordered to third reading.

SB 121, relative to the application of the worker adjustment and retraining notification act. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Joanne A. Ward for the Majority of Labor, Industrial and Rehabilitative Services: This bill raises the threshold for companies affected by the WARN Act from 75 to 100 employees. This law provides protection to workers and communities by requiring employers to provide notification 60 calendar days in advance of closings and mass layoffs. New Hampshire is currently the only state in New England with a threshold lower than 100. Raising the limit to 100 helps New Hampshire to become more attractive to businesses seeking to relocate, creating employment opportunities. Vote 13-3.

Rep. Charles F. Weed for the Minority of Labor, Industrial and Rehabilitative Services: The minority believes that the employees of all businesses deserve notification of imminent closing within 60 days of the closing date. Moving the threshold for requiring notification from 75 to 100 employees may affect about 150 New Hampshire companies. Existing law allows exemptions for good faith confidential efforts in pursuit of bank loans. New Hampshire should not aim its recruitment of new firms toward those companies that would close their doors without advance notification to workers.

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

Rep. Infantine spoke in favor.

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

YEAS 259 NAYS 100

YEAS 259

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
Swinford, Elaine

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

CARROLL

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

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

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Hunt, John
Smith, Edwin

Cartwright, Anne
Johnson, Jane
Sterling, Franklin Jr

Dwinell, Richard
Moore, Charles

Emerson, Susan
Moore, Robert Jr

COOS

Daugherty, Duffy

Tholl, John Jr

Tremblay, Marc

GRAFTON

Bradley, Lester
Ingbretson, Paul
Simard, Paul

Brosseau, Charles
Ladd, Rick Jr
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Eaton, Stephanie
Shackett, Jeffrey

HILLSBOROUGH

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

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

Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Gargasz, Carolyn

Daniels, Gary
Donovan, Daniel
Fredette, Robert
Gonzalez, Carlos

Day, Russell
Drisko, Richard
Gagne, Larry
Graham, John

DeJong, Cameron
Erickson, Duane
Gandia, Laura
Greazzo, Phil

Haefner, Robert
Hikel, John
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James
Proulx, Mark
Scontsas, Lisa
Soucy, Connie
Swank, Matthew
Villeneuve, Moe

Hansen, Peter
Hinch, Richard
Hopper, Gary
Katsiantonis, Thomas
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Warden, Mark

Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Peterson, Lenette
Robbins, David
Silva, Peter
Stepanek, Stephen
Twombly, Timothy
Whitehead, Randall

Hawkins, Kenneth
Hogan, Timothy
Infantine, William
Kurk, Neal
McCarthy, Michael
Messier, Irene
Ober, Lynne
Palmer, Stephen
Pratt, Calvin
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Hill, Gregory
Kotowski, Frank
Lockwood, Priscilla
Palfrey, David
Smith, Molly

Cohn, Seth
Hoell, J.R.
Kreis, Kenneth Sr
McDonnell, John
Reed, Dennis
Smith, Todd

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

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

ROCKINGHAM

Abrami, Patrick
Bates, David
Brown, Paul
Davenport, Joshua
Elliott, Robert
Garrity, James
Headd, James
Kappler, Lawrence
Major, Norman
McMahon, Charles
Okerman, Richard
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin

Allen, Mary
Belanger, Ronald
Case, Frank
DeSimone, Debra
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Oigny, Jeffrey
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Webb, James

Azarian, Gary
Bettencourt, David
Chirichiello, Brian
Devine, James
Fesh, Robert
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Packard, Sherman
Rice, Frederick
Schroadter, Adam
Smith, William
Tamburello, Daniel
Waddell, James
Welch, David

Baldasaro, Alfred
Birdsell, Regina
Copeland, Timothy
Duarte, Joe
Garcia, Marilinda
Hagan, Joseph
Itse, Daniel
Lundgren, David
McKinney, Betsy
O'Connor, John
Peckham, Michele
Ritter, Glenn
Sedensky, John
Sullivan, James
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Groen, Warren
Munck, Philip
Parsons, Robbie

Brown, Julie
Jones, Kyle
Newton, Clifford
Pitre, Joseph

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

DeLemus, Susan
Larsen, Kirsten
Panek, William
Vita, Lucien

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 100

BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Lerandeau, Alfred
Roberts, Kris

Chase, Cynthia
Lindsey, Steven
Sad, Tara

Hawkes, Samuel
Meader, David
Tatro, Bruce

Johnsen, Gladys
Parkhurst, Henry
Weed, Charles

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William
Thomas, Yvonne

Remick, William

Richardson, Herbert

GRAFTON

Aguiar, James
Gould, Franklin
Smith, Suzanne

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pierce, David
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Gidge, Kenneth
Jeudy, Jean
Porter, Marjorie
Shaw, Barbara

Brunelle, Michael
Gimas, John
Long, Patrick
Ramsey, Peter
Sullivan, Daniel

Campbell, David
Goley, Jeffrey
Pepino, Leo
Rhodes, Brian

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

MERRIMACK

Bouchard, Candace
Frazer, June
Owen, Derek
Richardson, Gary
Watrous, Rick

Deloge, Helen
Gile, Mary
Patten, Dick
Richardson, Jon
Williams, Robert

DeStefano, Stephen
Hamm, Christine
Potter, Frances
Shurtleff, Stephen

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

ROCKINGHAM

Cali-Pitts, Jacqueline
Lovejoy, Patricia
Perkins, Amy
Quandt, Matt

DiPentima, Rich
Moody, Marcia
Perkins, Lawrence
Read, Robin Jr

Dowling, Patricia
Norelli, Terie
Powers, James
Schlachman, Donna

Hutchinson, Karen
Pantelakos, Laura
Quandt, Marshall
Serlin, Christopher

STRAFFORD

Berube, Roger
Hooper, Dorothea
Schmidt, Peter
Wall, Janet

Browne, Brendon
Horrigan, Timothy
Spainhower, Dale
Watters, David

Ginsburg, Philip
Kaen, Naida
Spang, Judith

Grassie, Anne
Roberts, Jenna
Sprague, Dale

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the majority committee report was adopted.

Ordered to third reading.

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

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

The House recessed at 12:05 p.m.

RECESS

(Rep. Chandler in the Chair)

The House reconvened at 1:15 p.m.

REGULAR CALENDAR (CONT'D)

SB 27, relative to speed limitations for boats. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Brian D. Rhodes for the Majority of Transportation: The committee heard overwhelming testimony from legislators and New Hampshire citizens against SB 27. This bill attempts to create an area on Lake Winnepesaukee where daytime speed limits would be raised to 55 mph. This increase would be 10 mph over the current limit. Our previous legislature worked very hard on the compromises that are now current law. Powerful testimony was given by lake residents and business owners as to how conditions on the big lake have drastically improved since the current legislation was enacted. Business leaders further testified that response from patrons has been extremely positive since the enactment of the existing law. The bipartisan majority of the transportation committee believes very strongly that "the lake" belongs to all residents and is not trying to single out a particular type of boat/owner but after several hours of testimony we would not be protecting the interest and safety of the majority of our citizens and visitors if we changed the current law. Documented support for ITL of this bill was approximately 7 to 1 on the day of the public hearing. Vote 11-6.

Rep. Kyle D. Jones for the Minority of Transportation: The minority is in support of this bill because there is no evidence that supports the notion that speed alone affects safety. There are many factors that can affect the safety of a lake including closeness to shore, distance between boats, alcohol consumption, etc. The minority believes that the bi-partisan Senate compromise on this bill is a fair one. The increase in speed would only affect the vast area known as the broads, which is approximately 30 square miles or about the size of 14 Manchester airports. This basically boils down to a liberty issue. As long as a boater follows Coast Guard Rule 6 we believe that they should be able to travel at a speed they believe is safe and courteous.

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

Reps. Burt, Comtois, Warden and Manuse spoke against.

Reps. Hikel and Bowers spoke against and yielded to questions.

Reps. Tobin, James Belanger, Bolster, Pilliod, Millham, Flanders and Hinch spoke in favor.

Reps. Swinford and Tregenza spoke in favor and yielded to questions.

Rep. Rhodes requested a roll call; sufficiently seconded.

YEAS 276 NAYS 75

YEAS 276

BELKNAP

Accornero, Harry
Kingsbury, Robert
Russell, David

Bolster, Peter
Luther, Robert
Simpson, Tyler

Fields, Dennis
Millham, Alida
St. Cyr, Jeffrey

Flanders, Donald
Pilliod, James
Swinford, Elaine

Tobin, William

Worsman, Colette

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Tregenza, Norman

Babson, David Jr
McConkey, Mark
Umberger, Karen

Fleck, Joseph
Patten, Betsey

Knox, J. David
Schmidt, Stephen

CHESHIRE

Butynski, William
Dwinell, Richard
Johnson, Jane
Moore, Robert Jr
Sterling, Franklin Jr

Byrnes, John
Emerson, Susan
Lerandean, Alfred
Parkhurst, Henry
Tatro, Bruce

Cartwright, Anne
Hawkes, Samuel
Lindsey, Steven
Roberts, Kris
Weed, Charles

Chase, Cynthia
Johnsen, Gladys
Meador, David
Sad, Tara

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
Pierce, David
Sova, Charles

Almy, Susan
Bulis, Lyle
Harding, Laurie
Simard, Paul
Taylor, Kathleen

Benn, Bernard
Cooney, Mary
Ladd, Rick Jr
Smith, Suzanne
Townsend, Charles

Bradley, Lester
Eaton, Stephanie
Nordgren, Sharon
Sorg, Gregory
White, Andrew

HILLSBOROUGH

Balboni, Michael
Belvin, William
Brunelle, Michael
Champagne, Norma
Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert
Gidge, Kenneth
Graham, John
Hardwick, Harry
Jasper, Shawn
LeBrun, Donald
Mecheski, Holly
Ohm, Bill
Pepino, Leo
Proulx, Mark
Robbins, David
Seidel, Carl
Stroud, Kathleen
Villeneuve, Moe

Baroody, Benjamin
Boehm, Ralph
Buxton, Michael
Christiansen, Lars
Daniels, Gary
Drisko, Richard
Gagne, Larry
Gimas, John
Greazzo, Phil
Hinch, Richard
Jeudy, Jean
Long, Patrick
Messier, Irene
Palmer, Barry
Peterson, Lenette
Ramsey, Peter
Rokas, Ted
Shaw, Barbara
Sullivan, Daniel
Whitehead, Randall

Barry, J. Gail
Brown, Kevin
Campbell, David
Coffey, James
Day, Russell
Erickson, Duane
Gandia, Laura
Gonzalez, Carlos
Haefner, Robert
Hutchinson, Winfred
Krasucki, Joseph
Marcus, Bruce
Notter, Jeanine
Palmer, Stephen
Pilotte, Maurice
Renzullo, Andrew
Rowe, Robert
Silva, Peter
Terrio, Ross
Willette, Robert

Belanger, James
Brownrigg, Randall Jr
Cebrowski, John
Cote, David
Doherty, Shaun
Flanagan, Jack
Gargas, Carolyn
Gorman, Mary
Hansen, Peter
Infantine, William
Kurk, Neal
McClarren, Donald
Ober, Lynne
Pellegrino, Tony
Porter, Marjorie
Rhodes, Brian
Scotsas, Lisa
Souza, Kathleen
Twombly, Timothy

MERRIMACK

Blankenbeker, Lynne
DeStefano, Stephen
Hamm, Christine

Bouchard, Candace
Foote, Robert
Hill, Gregory

Cox, Sean
Frazer, June
Keane, Thomas

Deloge, Helen
Gile, Mary
Kidder, David

Kotowski, Frank
MacKay, James
Palfrey, David
Richardson, Gary
Smith, Todd
Winter, Steven

Kreis, Kenneth Sr
McDonnell, John
Patten, Dick
Richardson, Jon
Wallner, Mary Jane

Lindsley, Mark
McGuire, Carol
Potter, Frances
Shurtleff, Stephen
Watrous, Rick

Lockwood, Priscilla
Owen, Derek
Rice, Chip
Smith, Molly
Williams, Robert

ROCKINGHAM

Abrami, Patrick
Bettencourt, David
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Griffin, Mary
Katsakiores, Phyllis
Major, Norman
Nevins, Chris
Peckham, Michele
Quandt, Marshall
Sanders, Elisabeth
Serlin, Christopher
Sullivan, James
Welch, David

Allen, Mary
Birdsell, Regina
Copeland, Timothy
DiPentima, Rich
Fesh, Robert
Hagan, Joseph
Kolodziej, Walter
Mauro, Donna
Norelli, Terie
Perkins, Amy
Read, Robin Jr
Schlachman, Donna
Sheffert, Kenneth
Waddell, James
Weyler, Kenneth

Azarian, Gary
Cali-Pitts, Jacqueline
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Headd, James
Lovejoy, Patricia
Moody, Marcia
Oigny, Jeffrey
Perkins, Lawrence
Reagan, John
Schroadter, Adam
Shuler, Wyman III
Ward, Joanne

Belanger, Ronald
Case, Frank
DeSimone, Debra
Elliott, Robert
Gould, Kenneth
Kappler, Lawrence
Lundgren, David
Murphy, Brian
Pantelakos, Laura
Powers, James
Rice, Frederick
Sedensky, John
Smith, William
Webb, James

STRAFFORD

Andolina, Donald
Cataldo, Sam
Grassie, Anne
Keans, Sandra
Schmidt, Peter
Vita, Carol

Berube, Roger
DeLemus, Susan
Hooper, Dorothea
Munck, Philip
Spainhower, Dale
Wall, Janet

Brown, Julie
Domingo, Baldwin
Horriggan, Timothy
Parsons, Robbie
Spang, Judith
Watters, David

Browne, Brendon
Ginsburg, Philip
Kaen, Naida
Roberts, Jenna
Sprague, Dale

SULLIVAN

Cloutier, John
Lovett, Charlene
Smith, Steven

Gagnon, Raymond
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

Lefebvre, Benjamin
Schmidt, Andrew

NAYS 75

BELKNAP

Comtois, Guy

Greemore, Robert

Malone, Robert

CARROLL

Merrow, Harry

Pettengill, Laurie

Scala, Dino

CHESHIRE

Hunt, John

Moore, Charles

Smith, Edwin

COOS

None

GRAFTON

Gionet, Edmond Ingbretson, Paul Mirski, Paul

HILLSBOROUGH

Barry, Richard	Burt, John	Christensen, D.L. Chris	DeJong, Cameron
Hawkins, Kenneth	Hikel, John	Hogan, Edith	Hogan, Timothy
Holden, Frank	Maltz, Jonathan	McCarthy, Michael	McGuinness, Sean
Moran, Edward	Murphy, Keith	Ober, Russell III	Parison, James
Pratt, Calvin	Simmons, Tammy	Stepanek, Stephen	Swank, Matthew
Vaillancourt, Steve	Warden, Mark		

MERRIMACK

Cohn, Seth Giuda, J. Brandon Hoell, J.R. McGuire, Dan
Seaworth, G. Brian

ROCKINGHAM

Antosz, Jason	Baldasaro, Alfred	Bates, David	Brown, Paul
Dowling, Patricia	Garritty, James	Hoelzel, Kathleen	Itse, Daniel
MacMahon, Bruce	Manuse, Andrew	McMahon, Charles	O'Connor, John
Okerman, Richard	Packard, Sherman	Quandt, Matt	Reichard, Kevin
Ritter, Glenn	Sapareto, Frank	Sullivan, Kevin	Sytek, John
Tamburello, Daniel	Tasker, Kyle	Tremblay, Stella	Tucker, Pamela

STRAFFORD

Groen, Warren Jones, Kyle Jones, Laura Newton, Clifford
O'Connor, William Panek, William Pitre, Joseph Vita, Lucien

SULLIVAN

Bowers, Spec Cunningham, Steven Howard, Thomas Laware, Thomas
and the majority committee report was adopted.

(Speaker O'Brien in the Chair)

SB 53-FN, relative to the definition of nursing and establishing a nursing assistant registry fund administered by the board of nursing. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Keith Murphy for the Majority of Ways and Means: This bill segregates revenue collected by the act of operating the nursing assistant registry from revenue obtained by the board of nursing through other means, such as fees, fines, and administrative charges. This segregation was a recommendation made in response to an LBA audit report dated 12/31/2008. The committee amendment clarifies that the revenues shall continue to be deposited in the general fund and deletes Section 1, a section that defined "nurse" as someone licensed as an APRN, RN, or LPN. Section 1 of this bill created many questions that could best be resolved by the ED&A or the Health and Human Services Committees. The committee heard testimony that licensed nurses are already required by statute to wear identification at work, and the committee felt that it was more important to enforce current law than to add a change in definition at this time. The committee felt that the definition of nurse can be addressed in a separate bill. Vote 14-5.

Rep. William A. Hatch for the Minority of Ways and Means: The purpose of SB 53 is to define the term nurse and establish a nursing assistant fund to be administered by the board of nursing. It was agreed that this bill should have been sent to ED&A or the Policy

Committee for Health and Human Services prior to Ways and Means to address the issue of legally defining the term “Nurse,” and Ways and Means as a second committee to review the fund activity. Considering this, the majority felt section one that defined nurse was not within the purview of Ways and Means and amended the bill to eliminate that portion of the bill. The minority disagreed that this section should be eliminated when considering the testimony from the agency stated it is very important to have this definition included. They noted it was necessary to clearly define a nurse as an APRN, RN or LPN so the public can readily identify what level of nurse is providing their treatment. The minority amendment restores the definition which was the original intent of the bill.

Majority Amendment (1582h)

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

AN ACT relative to the nursing assistant registry administered by the board of nursing.

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

1 Collection of Funds; Reference Corrected. Amend RSA 326-B:6 to read as follows:

326-B:6 Collection and Expenditure of Funds. The board shall receive and expend funds provided such funds are received and expended for the pursuit of the objectives authorized by this chapter. Fees, fines, and administrative charges, ~~[other than]~~ **including** those ~~[collected pursuant]~~ **related** to RSA ~~[326-B:8]~~ **326-B:26**, shall be deposited in the general fund.

2 Nursing Assistant Registry. Amend RSA 326-B:26 to read as follows:

326-B:26 ~~[Licensed]~~ Nursing Assistant Registry. The board shall maintain a registry of nursing assistants ~~[licensed]~~ who qualify pursuant to 42 C.F.R. section 483.156. Nursing assistants who are registered ~~[or licensed]~~ shall comply with all provisions of the Omnibus Budget Reconciliation Act (OBRA) of 1987, sections 1819 and 1919 of the Social Security Act, and all provisions of this chapter.

3 Repeal. The following are repealed:

I. RSA 326-B:7, relative to the nursing assistant fund.

II. RSA 6:12, I(b)(24), relative to moneys credited to the board of nursing’s nursing assistant fund.

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

AMENDED ANALYSIS

This bill clarifies the nursing assistant registry administered by the board of nursing.

Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

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

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

Rep. Frank V. Sapareto for the Majority of Ways and Means: This bill solves the issue of reasonable compensation for LLC’s. It places the burden of disproving the deduction with the department of revenue administration as opposed to the taxpayer proving the deduction. It uses the commonly accepted standards of the Internal Revenue Code Section 162A and its record keeping requirements. It retains the \$50,000 safe-harbor as in current law and only applies to the taxable periods after January 1, 2011. All pending cases with the DRA prior to January 1, 2011 shall remain unaffected. This bill is a comprehensive clarification supported by the business industry in response to over aggressive audits. Vote 16-5.

Rep. Susan W. Almy for the Minority of Ways and Means: The minority agrees that the amendment goes a long way to sorting out how shifting the burden of proof from the taxpayer to the department of revenue would work. The minority is apprehensive about any revenue loss in such challenging times. A few other states tried to shift the burden of proof years ago and shifted back immediately due to severe revenue losses.

Majority Amendment (1717h)

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

AN ACT relative to the standards and burden of proof with respect to the business profits tax deduction for reasonable compensation attributable to owners of partnerships, limited liability companies, and sole proprietorships.

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

2 Clarification of Reasonable Compensation Deduction. RSA 77-A:4, III is repealed and reenacted as follows:

III.(a) In the case of a proprietorship, partnership, or limited liability company filing a business profits tax return as a proprietorship or partnership, a deduction equal to a fair and reasonable compensation for the actual personal services of a natural person who is a proprietor, partner, or member provided to the business organization; provided, however, that the amount of such deduction shall not reduce such business organization's taxable business profits to less than zero. The purpose of this paragraph is to permit a deduction from gross business profits of such a proprietorship, partnership, or limited liability company of all amounts that are fairly attributable to the actual personal services of the proprietor, partner, or member. Such amounts shall not exceed the amount reported as earned income on the federal income tax returns of the proprietor, partner, or member, but may also include an amount not to exceed net rental income as compensation for operating rental property, and an amount not to exceed 15 percent of the gross selling price as commissions on the sale of business assets.

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

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

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

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

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

(f) Related business organizations electing not to substantiate the extent of the actual personal services of their proprietors, partners, and members, shall be limited to the record-keeping safe harbor deduction, less any owners' compensation taken on the federal tax returns of corporate members of the group, allocated among the related business organizations. For the purposes of RSA 77-A:4, III, "related business organizations" are

unitary business organizations and business organizations that would qualify as unitary but for the fact that they conduct business only within the state.

(g) A business organization claiming a deduction under this paragraph shall bear the burden of proving that all proprietors, partners, or members for whom a deduction is being claimed provided actual personal services to the business organization at any time during the taxable period. Once a business organization has satisfied this burden of proof, the amount claimed as a deduction shall be presumed to be reasonable, unless the commissioner proves by a preponderance of the evidence that the deduction claimed by the business organization is clearly unreasonable.

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

VIII. The department shall bear the burden of proof on any change to any compensation deduction under RSA 77-A determined by examination.

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

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

5 Taxpayer Records. Amend RSA 77-A:11, I to read as follows:

I. Keep such records as may be necessary to determine the amount of its liability under this chapter ***and to determine whether the compensation claimed as a deduction under RSA 77-A:4, III is reasonable;***

6 Applicability. This act shall apply with respect to taxable periods beginning on or after January 1, 2011.

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

Majority committee amendment adopted.

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

Rep. Bettencourt requested a roll call; sufficiently seconded.

YEAS 340 NAYS 9

YEAS 340

BELKNAP

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

CARROLL

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

CHESHIRE

Byrnes, John	Cartwright, Anne	Chase, Cynthia	Dwinell, Richard
Emerson, Susan	Hawkes, Samuel	Hunt, John	Johnsen, Gladys
Johnson, Jane	Lerandean, Alfred	Lindsey, Steven	Meador, David
Moore, Charles	Moore, Robert Jr	Parkhurst, Henry	Roberts, Kris
Sad, Tara	Smith, Edwin	Sterling, Franklin Jr	Tatro, Bruce

Weed, Charles

COOS

Coulombe, Gary
Remick, William
Thomas, Yvonne

Daugherty, Duffy
Richardson, Herbert
Tremblay, Marc

Merrick, Evalyn
Theberge, Robert

Rappaport, Laurence
Tholl, John Jr

GRAFTON

Aguiar, James
Brosseau, Charles
Gionet, Edmond
Ladd, Rick Jr
Simard, Paul
Taylor, Kathleen

Almy, Susan
Bulis, Lyle
Gould, Franklin
Mirski, Paul
Smith, Suzanne
Townsend, Charles

Benn, Bernard
Cooney, Mary
Harding, Laurie
Nordgren, Sharon
Sorg, Gregory
White, Andrew

Bradley, Lester
Eaton, Stephanie
Ingbretson, Paul
Pierce, David
Sova, Charles

HILLSBOROUGH

Balboni, Michael
Belanger, James
Brownrigg, Randall Jr
Campbell, David

Baroody, Benjamin
Belvin, William
Brunelle, Michael
Cebrowski, John

Barry, J. Gail
Boehm, Ralph
Burt, John
Champagne, Norma

Barry, Richard
Brown, Kevin
Buxton, Michael
Christensen, D.L.
Chris

Christiansen, Lars

Coffey, James

Cote, David

Cusson-Cail,
Kathleen

Daniels, Gary
Donovan, Daniel
Fredette, Robert
Gonzalez, Carlos
Haefner, Robert
Hikel, John
Holden, Frank
Jeudy, Jean
Long, Patrick
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James
Pratt, Calvin
Rhodes, Brian
Scontsas, Lisa
Simmons, Tammy
Stroud, Kathleen
Twombly, Timothy
Whitehead, Randall

Day, Russell
Drisko, Richard
Gagne, Larry
Gorman, Mary
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Robbins, David
Seidel, Carl
Soucy, Connie
Sullivan, Daniel
Vaillancourt, Steve
Willette, Robert

DeJong, Cameron
Erickson, Duane
Gargas, Carolyn
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Peterson, Lenette
Ramsey, Peter
Rokas, Ted
Shaw, Barbara
Souza, Kathleen
Swank, Matthew
Villeneuve, Moe

Doherty, Shaun
Flanagan, Jack
Gimas, John
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Jasper, Shawn
LeBrun, Donald
McCarthy, Michael
Messier, Irene
Ober, Lynne
Palmer, Stephen
Porter, Marjorie
Renzullo, Andrew
Rowe, Robert
Silva, Peter
Stepanek, Stephen
Terrio, Ross
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
Deloge, Helen
Gile, Mary
Hoell, J.R.
Kreis, Kenneth Sr
McDonnell, John
Palfrey, David
Richardson, Jon
Smith, Todd

Bouchard, Candace
DeStefano, Stephen
Giuda, J. Brandon
Keane, Thomas
Lindsley, Mark
McGuire, Carol
Potter, Frances
Seaworth, G. Brian
Wallner, Mary Jane

Cohn, Seth
Foose, Robert
Hamm, Christine
Kidder, David
Lockwood, Priscilla
McGuire, Dan
Rice, Chip
Shurtleff, Stephen
Watrous, Rick

Cox, Sean
Frazer, June
Hill, Gregory
Kotowski, Frank
MacKay, James
Owen, Derek
Richardson, Gary
Smith, Molly
Williams, Robert

Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Chirichiello, Brian
Devine, James
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Kolodziej, Walter
Manuse, Andrew
Murphy, Brian
Okerman, Richard
Peckham, Michele
Quandt, Marshall
Reichard, Kevin
Schlachman, Donna
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Welch, David

Allen, Mary
Bates, David
Brown, Paul
Copeland, Timothy
DiPentima, Rich
Ferrante, Beverly
Griffin, Mary
Itse, Daniel
Lovejoy, Patricia
Mauro, Donna
Nevins, Chris
Oigny, Jeffrey
Perkins, Amy
Quandt, Matt
Rice, Frederick
Schroadter, Adam
Smith, William
Tamburello, Daniel
Waddell, James
Weyler, Kenneth

Antosz, Jason
Belanger, Ronald
Cali-Pitts, Jacqueline
Davenport, Joshua
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Kappler, Lawrence
MacMahon, Bruce
McMahon, Charles
Norelli, Terie
Packard, Sherman
Perkins, Lawrence
Read, Robin Jr
Sanders, Elisabeth
Sedensky, John
Sullivan, James
Tasker, Kyle
Ward, Joanne

Azarian, Gary
Bettencourt, David
Case, Frank
DeSimone, Debra
Duarte, Joe
Garcia, Marilinda
Headd, James
Katsakiores, Phyllis
Major, Norman
Moody, Marcia
O'Connor, John
Pantelakos, Laura
Powers, James
Reagan, John
Sapareto, Frank
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Webb, James

STRAFFORD

Andolina, Donald
Cataldo, Sam
Grassie, Anne
Jones, Laura
Newton, Clifford
Pitre, Joseph
Spang, Judith
Wall, Janet

Berube, Roger
DeLemus, Susan
Groen, Warren
Kaen, Naida
O'Connor, William
Roberts, Jenna
Sprague, Dale
Watters, David

Brown, Julie
Domingo, Baldwin
Hooper, Dorothea
Keans, Sandra
Panek, William
Schmidt, Peter
Vita, Carol

Browne, Brendon
Ginsburg, Philip
Jones, Kyle
Munck, Philip
Parsons, Robbie
Spainhower, Dale
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 9

BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William

COOS

Hatch, William

GRAFTON

None

HILLSBOROUGH

Gidge, Kenneth

Pepino, Leo

Pilotte, Maurice

MERRIMACK

Patten, Dick

ROCKINGHAM

Gould, Kenneth

Serlin, Christopher

STRAFFORD

Horrigan, Timothy

SULLIVAN

None

and the majority committee report was adopted.

Ordered to third reading.

HOUSE RESOLUTION 12

A RESOLUTION affirming revenue estimates for fiscal years 2011, 2012, and 2013.

Whereas, the House Ways and Means Committee has considered what the unrestricted revenue estimates should be for fiscal years 2011, 2012, 2013 and has presented those estimates to the House of Representatives; now, therefore, be it

Resolved by the House of Representatives:

That the House wishes to go on record as affirming the following revenue estimates for fiscal years 2011, 2012, and 2013.

GEN'L & ED

TRUST FUNDS

		<u>FY 2011</u>		<u>FY 2012</u>		<u>FY 2013</u>	
	Official		Updated		Updated		Updated
(Dollars in Millions)(Ch.1, L'10 SS)	Estimate	HR 11	Committee Estimate	HR 11	Committee	HR 11	Committee
Business Profits Tax	\$313.300	\$308.317	\$304.206	\$314.555	\$310.265	\$323.944	\$319.654
Business Enterprise Tax	\$189.700	\$186.683	\$184.194	\$190.445	\$187.935	\$196.056	\$193.446
Subtotal	\$503.000	\$495.000	\$488.400	\$505.000	\$498.200	\$520.000	\$513.100
Meals & Rooms Tax	\$245.000	\$234.000	\$234.000	\$229.200	\$229.200	\$234.300	\$234.300
Tobacco Tax	\$220.600	\$228.000	\$228.000	\$221.000	\$221.000	\$214.400	\$214.400
Liquor Sales	\$127.900	\$126.800	\$126.800	\$130.300	\$130.300	\$135.000	\$135.000
Interest & Dividends Tax	\$90.100	\$83.700	\$77.000	\$85.400	\$78.500	\$87.100	\$80.000
Insurance Tax	\$80.500	\$80.500	\$80.500	\$86.100	\$86.100	\$86.800	\$86.800
Communications Tax	\$75.000	\$79.400	\$79.400	\$80.200	\$80.200	\$81.000	\$81.000
Real Estate Transfer Tax	\$89.200	\$78.000	\$78.000	\$79.600	\$79.600	\$81.200	\$81.200
Court Fines & Fees	\$13.200	\$13.600	\$13.600	\$13.600	\$13.600	\$13.600	\$13.600
Securities Revenue	\$34.000	\$34.300	\$34.300	\$35.100	\$35.100	\$35.900	\$35.900
Utility Consumption Tax	\$6.000	\$6.000	\$6.000	\$6.000	\$6.000	\$6.000	\$6.000
Board & Care Revenue	\$20.200	\$20.200	\$20.200	\$20.500	\$20.500	\$21.000	\$21.000
Beer Tax	\$12.800	\$13.100	\$13.100	\$13.100	\$13.100	\$13.100	\$13.100
Racing & Games of Chance	\$2.900	\$2.300	\$2.400	\$2.300	\$2.600	\$2.400	\$2.600
Other	\$67.800	\$68.700	\$68.700	\$69.100	\$69.100	\$68.700	\$68.700
Gambling Winnings Tax	\$3.400	\$3.400	\$3.400	\$3.400	\$0.000	\$3.400	\$0.000

Tobacco Settlement Funds	\$44.200	\$42.200	\$42.200	\$42.400	\$42.400	\$42.400	\$42.400
SUBTOTAL	\$1,635.800	\$1,609.200	\$1,596.000	\$1,622.300	\$1,605.500	\$1,646.300	\$1,629.100
Medicaid Enhancement Tax	\$108.500	\$91.400	\$91.400	\$97.000	\$97.000	\$104.800	\$104.800
Medicaid Recoveries	\$19.200	\$22.100	\$22.100	\$17.400	\$17.400	\$18.300	\$18.300
Lottery Transfers to Education	\$77.700	\$66.200	\$65.000	\$66.200	\$69.000	\$67.500	\$73.000
Bingo Lucky 7 Transfers to Education	\$1.300	\$1.300	\$1.300	\$0.900	\$0.900	\$0.900	\$0.900
Utility Property Tax	\$28.000	\$28.000	\$28.000	\$28.000	\$28.000	\$28.000	\$28.000
Statewide Property Tax	\$363.600	\$363.000	\$363.000	\$363.000	\$363.000	\$363.000	\$363.000
<u>TOTAL GEN'L & ED</u>							
TRUST FUNDS	\$2,234.100	\$2,181.200	\$2,166.800	\$2,194.800	\$2,180.800	\$2,228.800	\$2,217.100
HIGHWAY FUNDS:		<u>FY 2011</u>		<u>FY 2012</u>		<u>FY 2013</u>	
	Official Estimate		Updated Committee Estimate		Updated Committee Estimate		Updated Committee Estimate
(Dollars in Millions)	(HR 26, 2010)	HR 11		HR 11		HR 11	
Road Toll	\$126.500	\$124.500	\$124.500	\$124.500	\$124.500	\$124.500	\$124.500
Motor Vehicle Fees	\$134.800	\$129.500	\$129.500	\$108.300	\$108.300	\$108.300	\$108.300
Miscellaneous	\$19.800	\$40.800	\$40.800	\$24.500	\$24.500	\$23.500	\$23.500
TOTAL HIGHWAY FUNDS	\$281.100	\$294.800	\$294.800	\$257.300	\$257.300	\$256.300	\$256.300
FISH & GAME FUNDS:							
(Dollars in Millions)							
Fish & Game Licenses	\$9.100	\$8.200	\$8.200	\$8.200	\$8.200	\$8.200	\$8.200
Fines & Miscellaneous	\$2.200	\$2.200	\$2.200	\$1.900	\$1.900	\$1.900	\$1.900
TOTAL FISH & GAME FUNDS	\$11.300	\$10.400	\$10.400	\$10.100	\$10.100	\$10.100	\$10.100

Rep. Stepanek moved Ought to Pass, spoke in favor and yielded to questions.

Rep. Hatch offered floor amendment (1848h).

Floor Amendment (1848h)

Amend the resolution by replacing the paragraph after the title with the following:

Whereas, the House Ways and Means Committee has considered what the unrestricted revenue estimates should be for fiscal years 2011, 2012, 2013 and has presented those estimates to the House of Representatives; and

Whereas, the service cuts to the disabled, mentally ill, working poor, infirm elderly, indigent, victims of violence and consumer fraud, and families dealing with alcohol and other drug problems, are too great for our state's citizenry to tolerate; and

Whereas, it is now the intention of the House of Representatives that any increase in revenue estimates or other revenue that can realistically be achieved before the passage of the final budget shall be applied to restore services to individuals which had to be cut in the original house-passed budget; now, therefore, be it

Reps. Hatch and Butynski spoke in favor.

Rep. Stepanek yielded to questions.

Rep. Butynski requested a roll call; sufficiently seconded.

YEAS 109 NAYS 241

YEAS 109

BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Johnsen, Gladys
Moore, Charles
Sterling, Franklin Jr

Chase, Cynthia
Lerandeau, Alfred
Parkhurst, Henry
Tatro, Bruce

Emerson, Susan
Lindsey, Steven
Roberts, Kris
Weed, Charles

Hawkes, Samuel
Meador, David
Sad, Tara

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Smith, Suzanne

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pierce, David
White, Andrew

HILLSBOROUGH

Baroody, Benjamin

Brunelle, Michael

Campbell, David

Christensen, D.L.
Chris

Cote, David
Goley, Jeffrey
Ober, Lynne
Rhodes, Brian

Gargas, Carolyn
Gorman, Mary
Pilotte, Maurice
Rokas, Ted

Gidge, Kenneth
Jeudy, Jean
Porter, Marjorie
Shaw, Barbara

Gimas, John
Long, Patrick
Ramsey, Peter
Sullivan, Daniel

MERRIMACK

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

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

DeStefano, Stephen
Hamm, Christine
Patten, Dick
Shurtleff, Stephen

Foose, Robert
Kidder, David
Potter, Frances
Wallner, Mary Jane

ROCKINGHAM

Bates, David
Lovejoy, Patricia
Pantelakos, Laura
Read, Robin Jr
Waddell, James

Cali-Pitts, Jacqueline
Moody, Marcia
Perkins, Amy
Schlachman, Donna

DiPentima, Rich
Nevins, Chris
Perkins, Lawrence
Serlin, Christopher

Dowling, Patricia
Norelli, Terie
Powers, James
Sytek, John

STRAFFORD

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

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

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

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

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond
Smith, Steven

Lefebvre, Benjamin

Lovett, Charlene

NAYS 241

BELKNAP

Accornero, Harry
Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey

Bolster, Peter
Kingsbury, Robert
Pilliod, James
Swinford, Elaine

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

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

CARROLL

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

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

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Johnson, Jane

Cartwright, Anne
Moore, Robert Jr

Dwinell, Richard
Smith, Edwin

Hunt, John

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Gionet, Edmond
Simard, Paul

Brosseau, Charles
Ingbretson, Paul
Sorg, Gregory

Bulis, Lyle
Ladd, Rick Jr
Sova, Charles

Eaton, Stephanie
Mirski, Paul

HILLSBOROUGH

Balboni, Michael
Belvin, William
Burt, John
Christiansen, Lars

Barry, J. Gail
Boehm, Ralph
Buxton, Michael
Coffey, James

Barry, Richard
Brown, Kevin
Cebrowski, John
Cusson-Cail,
Kathleen

Belanger, James
Brownrigg, Randall Jr
Champagne, Norma
Daniels, Gary

Day, Russell
Drisko, Richard
Gagne, Larry
Haefner, Robert
Hikel, John
Holden, Frank
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine
Palmer, Stephen
Peterson, Lenette
Robbins, David
Silva, Peter
Stepanek, Stephen
Twombly, Timothy
Whitehead, Randall

DeJong, Cameron
Erickson, Duane
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael
Messier, Irene
Ober, Russell III
Parison, James
Pratt, Calvin
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Vaillancourt, Steve
Willette, Robert

Doherty, Shaun
Flanagan, Jack
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
LeBrun, Donald
McClarren, Donald
Moran, Edward
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Scotsas, Lisa
Soucy, Connie
Swank, Matthew
Villeneuve, Moe

Donovan, Daniel
Fredette, Robert
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Palmer, Barry
Pepino, Leo
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
Hill, Gregory
Kreis, Kenneth Sr

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

Cox, Sean
Keane, Thomas
Lockwood, Priscilla

Giuda, J. Brandon
Kotowski, Frank
McDonnell, John

McGuire, Carol
Sanborn, Laurie
Winter, Steven

McGuire, Dan
Seaworth, G. Brian

Palfrey, David
Smith, Molly

Richardson, Jon
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Davenport, Joshua
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Kolodziej, Walter
Mauro, Donna
Okerman, Richard
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sullivan, James
Tremblay, Stella
Welch, David

Allen, Mary
Belanger, Ronald
Case, Frank
DeSimone, Debra
Ferrante, Beverly
Gould, Kenneth
Itse, Daniel
MacMahon, Bruce
McMahon, Charles
Oigny, Jeffrey
Quandt, Matt
Sanders, Elisabeth
Sheffert, Kenneth
Sullivan, Kevin
Tucker, Pamela
Weyler, Kenneth

Antosz, Jason
Bettencourt, David
Chirichiello, Brian
Devine, James
Fesh, Robert
Griffin, Mary
Kappler, Lawrence
Major, Norman
Murphy, Brian
Packard, Sherman
Reagan, John
Sapareto, Frank
Shuler, Wyman III
Tamburello, Daniel
Ward, Joanne

Azarian, Gary
Birdsell, Regina
Copeland, Timothy
Duarte, Joe
Garcia, Marilinda
Headd, James
Katsakiores, Phyllis
Manuse, Andrew
O'Connor, John
Peckham, Michele
Reichard, Kevin
Schroadter, Adam
Smith, William
Tasker, Kyle
Webb, James

STRAFFORD

Andolina, Donald
Groen, Warren
Newton, Clifford
Pitre, Joseph

Brown, Julie
Jones, Kyle
O'Connor, William
Vita, Carol

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

DeLemus, Susan
Munck, Philip
Parsons, Robbie

SULLIVAN

Bowers, Spec
Laware, Thomas
and floor amendment (1848h) failed.

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr

The question now being adoption of the motion of Ought to Pass.
Rep. Bettencourt requested a roll call; sufficiently seconded.

YEAS 257 NAYS 93

YEAS 257

BELKNAP

Accornero, Harry
Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey

Bolster, Peter
Kingsbury, Robert
Pilliod, James
Swinford, Elaine

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

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

CARROLL

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

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

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Hunt, John
Smith, Edwin

Cartwright, Anne
Johnson, Jane
Sterling, Franklin Jr

Dwinell, Richard
Moore, Charles

Emerson, Susan
Moore, Robert Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Gionet, Edmond
Simard, Paul

Brosseau, Charles
Ingbretson, Paul
Sorg, Gregory

Bulis, Lyle
Ladd, Rick Jr
Sova, Charles

Eaton, Stephanie
Mirski, Paul

HILLSBOROUGH

Balboni, Michael
Belvin, William
Burt, John
Christensen, D.L.
Chris
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
Twombly, Timothy
Whitehead, Randall

Barry, J. Gail
Boehm, Ralph
Buxton, Michael
Christiansen, Lars

Day, Russell
Drisko, Richard
Gagne, Larry
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
LeBrun, Donald
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James
Pratt, Calvin
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Vaillancourt, Steve
Willette, Robert

Barry, Richard
Brown, Kevin
Cebrowski, John
Coffey, James
DeJong, Cameron
Erickson, Duane
Gargas, Carolyn
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Scontsas, Lisa
Soucy, Connie
Swank, Matthew
Villeneuve, Moe

Belanger, James
Brownrigg, Randall Jr
Champagne, Norma
Cusson-Cail,
Kathleen
Doherty, Shaun
Flanagan, Jack
Gimas, John
Haefner, Robert
Hikel, John
Holden, Frank
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
Hill, Gregory
Kotowski, Frank
McDonnell, John
Richardson, Jon
Smith, Todd

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

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

Giuda, J. Brandon
Kidder, David
Lockwood, Priscilla
Palfrey, David
Smith, Molly

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Copeland, Timothy

Allen, Mary
Bates, David
Brown, Paul
Davenport, Joshua

Antosz, Jason
Belanger, Ronald
Case, Frank
DeSimone, Debra

Azarian, Gary
Bettencourt, David
Chirichiello, Brian
Devine, James

Dowling, Patricia
Fesh, Robert
Griffin, Mary
Itse, Daniel
MacMahon, Bruce
McMahon, Charles
Okerman, Richard
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sullivan, James
Tasker, Kyle
Ward, Joanne

Duarte, Joe
Garcia, Marilinda
Hagan, Joseph
Kappler, Lawrence
Major, Norman
Murphy, Brian
Oligny, Jeffrey
Quandt, Matt
Sanders, Elisabeth
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Webb, James

Elliott, Robert
Garrity, James
Headd, James
Katsakiores, Phyllis
Manuse, Andrew
Nevins, Chris
Packard, Sherman
Reagan, John
Sapareto, Frank
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Welch, David

Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Peckham, Michele
Reichard, Kevin
Schroadter, Adam
Smith, William
Tamburello, Daniel
Waddell, James
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Groen, Warren
Newton, Clifford
Pitre, Joseph

Brown, Julie
Jones, Kyle
O'Connor, William
Vita, Carol

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

DeLemus, Susan
Munck, Philip
Parsons, Robbie

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene
Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 93

BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Lerandeau, Alfred
Roberts, Kris

Chase, Cynthia
Lindsey, Steven
Sad, Tara

Hawkes, Samuel
Meador, David
Tatro, Bruce

Johnsen, Gladys
Parkhurst, Henry
Weed, Charles

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Smith, Suzanne

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pierce, David
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Gidge, Kenneth
Long, Patrick

Brunelle, Michael
Goley, Jeffrey
Pilotte, Maurice

Campbell, David
Gorman, Mary
Porter, Marjorie

Cote, David
Judy, Jean
Ramsey, Peter

Rhodes, Brian

Rokas, Ted

Shaw, Barbara

Sullivan, Daniel

MERRIMACK

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

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

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

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

ROCKINGHAM

DiPentima, Rich
Pantelakos, Laura
Read, Robin Jr

Lovejoy, Patricia
Perkins, Amy
Schlachman, Donna

Moody, Marcia
Perkins, Lawrence
Serlin, Christopher

Norelli, Terie
Powers, James

STRAFFORD

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

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

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

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

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the motion of Ought to Pass was adopted.

Ordered to third reading.

Rep. Cali-Pitts did not vote and notified the Clerk that she wished to be recorded against.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 43, 55, 61, 70, 114, 150, 155, 174, 211, 216, 278, 298, 358, 401, 413, 426, 431, 488, 504, 521, 555, 580, 651 and 629.

Rep. Kidder, Sen. Prescott for the Committee

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 524-FN, relative to the release of prisoners on probation or parole. (Amendment printed SJ 4-27-11)

Rep. Swinford moved that the House nonconcur and spoke in favor.

Adopted.

RESOLUTION

Rep. Bettencourt offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, May 25, 2011 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 111, relative to short sales of a homeowner's residence.

SB 179, relative to qualified purchasing alliances.

SB 123, relative to notification if a person found incompetent to stand trial and civilly committed is released into the community.

SB 180, establishing a committee to study the availability of community supervision programs for prisoners released on probation or parole.

SB 37, relative to the determination of residency for certain pupils.

SB 45, relative to criteria for designation as a Granite State scholar.

SB 96, relative to amending the charter of The Pinkerton Academy.

SB 128-FN-A, establishing a committee to study sources of funding for the search and rescue operations of the fish and game department.

SB 36, relative to the permanent siting of the Hampton-Exeter District Court.

SB 54, relative to the definition of declarant under the condominium act and the duties of the committee to study laws relating to condominium and homeowners' associations.

SB 64, removing the oath requirement for criminal complaints filed by police officers.

SB 20, relative to shoreland protection permits.

SB 21, relative to exemptions from excavating and drainage permits.

SB 32, relative to water withdrawals for snow making.

SB 38, relative to extensions for wetland and shoreland permits.

SB 47, extending the commission to study water infrastructure sustainability funding.

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

SB 105, exempting highway trail crossing from evaluation requirements for certain all terrain and trail bike trails.

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

SB 98, revising the international registration plan.

SB 99, relative to trailer brakes.

SB 30, relative to including a parent's residence in the parenting plan.

SB 90, directing the legislative oversight committee to study the consolidation of school administrative units.

SB 196, relative to the renomination or reelection of teachers and prohibiting assessing teacher performance based solely on assessment scores.

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

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.

SB 146-FN, relative to requiring submission of a reduced spending alternative as part of the biennial budget process.

SB 161-FN, relative to procedures for adoption of agency rules under the administrative procedures act.

SB 86, requiring the department of labor to warn employers of certain violations prior to imposing a fine.

SB 121, relative to the application of the worker adjustment and retraining notification act.

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

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

HR 12, affirming revenue estimates for fiscal years 2011, 2012, and 2013.

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 3:05 p.m.

RECESS

(Rep. Cox in the Chair)

ENROLLED BILL AMENDMENTS

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.

Amendment (1804-EBA)

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Contingent Renumbering. If HB 336 of the 2011 legislative session becomes law, RSA 483:15, XVII as inserted by section 1 of this act shall be renumbered as RSA 483:15, XVIII.
Adopted.

HB 132, adopting and implementing the United States flag code.

Amendment (1794-EBA)

Amend section 1 of the bill by replacing lines 1 and 2 with the following:

1 New Sections; Flag Code for New Hampshire. Amend RSA 3-E by inserting after section 1 the following new sections:
Adopted.

HB 246, relative to prearranged funeral contracts or burial plans.

Amendment (1874-EBA)

Amend RSA 325:46-a, I(g)(2) as inserted by section 1 of the bill by replacing it with the following:

(2) The purchaser has the right to make the contract revocable, and that the purchaser has the right to revoke a revocable prearranged funeral contract.
Adopted.

HB 262-FN, relative to beverage manufacturers.

Amendment (1861-EBA)

Amend RSA 179:13, V as inserted by section 2 of the bill by replacing it with the following:

V. Each wholesale distributor, brew pub licensee, **nano brewery**, or beverage manufacturer shall notify any retailer reported to the commission pursuant to RSA 179:13, I who is delinquent in making payment of accounts. Notification shall be delivered in writing to the licensee by a representative of the wholesaler, brew pub licensee, **nano brewery**, or beverage manufacturer. Proof of notification shall be forwarded to the commission, whose enforcement division shall issue an administrative notice for a violation of the provisions of RSA 179:13, I and shall forward a report of violation for administrative action. Any license issued to any business violating the provisions of RSA 179:13, I may be suspended by the commission for nonpayment of accounts which are delinquent more than 15 days from the date of the wholesale distributor's, brew pub licensee's, **nano brewery's**, or beverage manufacturer's notification, providing the requirements of this section have been met.
Adopted.

HB 284-FN, relative to contact lens prescriptions.

Amendment (1820-EBA)

Amend RSA 327:1, IV(e) as inserted by section 1 of the bill by replacing line 1 with the following:

(e) ~~[The]~~ Application, **prescribing**, or removal of Food and Drug Administration approved

Amend RSA 327:30, IV as inserted by section 3 of the bill by replacing line 2 with the following:

acting in violation of this chapter. The cease and desist order shall be enforceable in Adopted.

HB 339-FN-A, allowing the state veterinarian to employ a meat inspection services administrator and making an appropriation therefor.

Amendment (1899-EBA)

Amend RSA 427:2, VIII(i)(1) as inserted by section 1 of the bill by replacing it with the following:

(1) The common or usual name of the food, if there is any, and Amend RSA 427:6, II as inserted by section 1 of the bill by replacing it with the following:

II. Said inspectors shall mark, stamp, tag, or label as “New Hampshire Inspected and Passed” all such products found to be not adulterated.

Amend RSA 427:6, III as inserted by section 1 of the bill by replacing lines 1-2 with the following:

III. Said inspectors shall label, mark, stamp, or tag as “New Hampshire Inspected and Condemned” all such products found adulterated, and all such condemned meat food products shall

Amend the introductory paragraph in RSA 427:24 as inserted by section 6 of the bill by replacing line 7 with the following:

that such article or animal has been, or is intended to be, distributed in violation of this subdivision:

Amend RSA 6:12, I(b)(305) as inserted by section 8 of the bill by replacing it with the following:

(305) Moneys deposited in the meat inspection program fund established under RSA 427:32-b.

Amend section 11 of the bill by replacing paragraph VI with the following:

VI. RSA 428:4, relative to intrastate commercial control of poultry inspection. Adopted.

SENATE MESSAGES

CONCURRENCE

HB 133, relative to the minimum wage.

HB 258, eliminating certain unenforced election laws.

HB 461-FN, relative to repealing the authority for retirement system members to purchase service credit for certain out-of-state service.

HB 541, relative to ownership of property placed in trust qualifying for certain property tax exemptions and credits.

HB 589, repealing written majority authorization for an employee organization to be certified as the exclusive representative of public employees in a bargaining unit.

HB 594, relative to the application of procedures for discharge or suspension from county employment.

HB 647, relative to withholding of wages.

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.

NONCONCURRENCE

HB 307, relative to the authority of the superintendent of a county correctional facility.

HB 603, prohibiting public works projects and natural formations from being named in honor of any living elected, or formerly elected, official.

RE-REFERRED TO COMMITTEE

HB 382, relative to the maintenance of municipal public cemeteries.

HB 588, relative to polling hours and location of polling places.

LAID ON THE TABLE

HB 187-FN-A, relative to the carry forward periods for the business enterprise tax credit against the business profits tax.

HB 341, relative to local spending caps.

HB 557-FN-A, relative to the standards and burden of proof with respect to the business profits tax deduction for reasonable compensation attributable to owners of partnerships, limited liability companies, and sole proprietorships.

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

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

HCR 11, to urge the Congress of the United States to withdraw the membership of the United States from the United Nations so that the United States may retain its sovereignty and control over its own funds and military forces.

HCR 12, urging Congress to withdraw the United States from the North American Free Trade Agreement (NAFTA) in accordance with Article 2205 of the agreement.

RECESS