

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 25, 2011

No. 46

HOUSE JOURNAL No. 18 (cont.)

Wednesday, May 18, 2011

Rep. Tucker moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 19

Wednesday, May 25, 2011

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

Prayer was offered by House Chaplain, Reverend Roger Boucher.

Give thanks to the Lord, for he is good, for his mercy endures forever. It is better to take refuge in the Lord than to trust in man. It is better to take refuge in the Lord than to trust in princes. (Psalm 118). Heavenly Lord, scripture teaches us to ask for Your grace and strength when making tough choices. Though we often trust in ourselves for insight to shoulder our governing tasks, the wisdom of the scriptures focuses our minds on the people we serve and the benefit of the common good. We ask for Your strength to see shrewdly today and to choose wisely amidst the chaos of pressures, facts and opinions. The task is not an easy one and we call on Your strength to till this field together in harmony row by row. Help us to keep our families stable, our children favorably mentored and our communities prosperous. In this week of Memorial Day observance we bring to mind all those members of the military who have died in our nation's service. We lovingly remember, thank and honor their immeasurable sacrifice to keep our freedom secure and our constitution enduring. For those on active duty in these uncertain times we ask that you keep them safe from injury and harm. Instill in them a respect for the same vision for which our fellow countrymen sacrificed and reward them for their perseverance. As always, we ask Your intercession for our members who are ill or have family who need healing or consolation. Bless our deliberations and commitments this day. In Your great name we pray. Amen.

Representative Robert Greemore, member from Meredith, led the Pledge of Allegiance.

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

LEAVES OF ABSENCE

Reps. Hofemann, Major and Welch, this day, illness.

Reps. Beattie, Deloge, Hatch, Hess, Leonard, John O'Connor, Packard, Pastor and Yvonne Thomas, the day, important business.

Rep. Scentsas, the day, death in the family.

COMMUNICATION

May 25, 2011

Ms. Karen Wadsworth
Clerk of the House of Representatives
State House
Concord, NH 03301

Dear Karen:

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Hillsborough County District No. 4, Jennifer Daler, d, Temple (PO Box 22) 03084

Sincerely,
William M. Gardner, Secretary of State

INTRODUCTION OF GUESTS

Shannon Blankenbeker and Ian Campbell, daughter and guest of Rep. Blankenbeker. Anna Summers and Dixie Summers Bingham, wife and sister of Rep. Summers. Leah Willingham, Jennie Rowntree and Meg Ortega, Girl Scouts participating in the Rock the Capitol program and Ally Hughes and Rachel Green, program coordinators, guests of Reps. Sad, Schlachman, and Weber. Carolyn Weir and Carol Croteau, guests of Rep. Schlachman. John Scheel, guest of Rep. Abrami. Lee Papastathis, guest of Rep. Rokas. Nicholas Azarian, son of Rep. Azarian. Mac Kittrich, guest of Rep. Cataldo. Terry and Caleen McCarthy, wife and granddaughter of Rep. Frank McCarthy. Raymond and Marianne Shakir and Linda Teagan, guests of Rep. Pettengill.

Meghan Hussey and Megan Wirth, students at Kearsarge Regional High School, Pages for the day.

CONSENT CALENDAR

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

SB 51, relative to the establishment of a state leadership team to address issues concerning certain adults with developmental disabilities who may present a substantial risk to the community, removed by Rep. Blankenbeker.

SB 95, establishing a commission to study youth sports concussions and other concussions received while at school, removed by Rep. Gile.

SB 40, making technical corrections to meals and rooms tax laws, removed by Rep. Weyler. Consent Calendar adopted.

SB 28, establishing an exemption from the licensing requirements for nondepository first

mortgage bankers and brokers for persons providing loans for certain seller-financed transactions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Andrew J. Manuse for Commerce and Consumer Affairs: This bill is one of five bills introduced this session that is meant to ease private lending restrictions and regulatory overreach that came with the federal Secure and Fair Enforcement Act (SAFE Mortgage and Licensing Act of 2008). The federal SAFE Act was adopted by the legislature in July 2009, and its provisions were subsequently institutionalized in RSA 397-A. Because of this, current law bans private parties from lending money for a residential mortgage to other private parties, even if the money borrowed is from friends, family members, benefactors, and etc. Current law requires any person to get a mortgage loan originators license from the New Hampshire banking department, even in harmless circumstances when licensing private citizens who intend to make up to three loans is not practical. Before the excessive enforcement of the SAFE Act in New Hampshire, private transactions between two parties had been allowed for many years. Such transactions were limited by regulation to no more than four private transactions a year as an exception to licensing law. New Hampshire's adoption of the SAFE Act harshly eliminated any legal commerce in most private residential lending. In moving this bill forward to the House, the committee found that SB 28 with its amendment was the most appropriate legislation to restore common sense to New Hampshire law by allowing up to three private transactions a year. The department of housing and urban development (HUD) ultimately regulates this matter pursuant to the new federal law. HUD has promised definitive new rules on this matter, yet such a ruling has not yet materialized. We need a fix in the interim period, and this is it. In anticipation of any conflict between state and federal law in the future, the committee recommends an amendment that would allow the state banking department to recognize the HUD rules upon their adoption. Finally, the resolution of this issue and this bill in particular is supported by New Hampshire real estate, accounting and legal professionals, who all testified on this bill. The New Hampshire banking department does not object to the bill, as amended. Vote 17-0.

Amendment (1977h)

Amend RSA 397-A:4, VI as inserted by section 1 of the bill by replacing it with the following:

VI. An owner of real property who in any 12 consecutive month period makes no more than 3 mortgage loans to purchasers of the property for all or part of the purchase price of the real estate against which the mortgage is secured; provided, however, that the final regulations relating to the Secure and Fair Enforcement for Mortgage Licensing Act issued by the United States Department of Housing and Urban Development shall supersede the provisions of this paragraph to the extent such regulations conflict with the provisions of this paragraph.

SB 189, relative to the definition of mortgage loan originator. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James M. Sullivan for Commerce and Consumer Affairs: This bill addresses an issue created by the federal SAFE Act and New Hampshire's corresponding state law recently enacted which was being interpreted to barring even a mortgagee's accountant from giving advice on a home mortgage without a banking department license. In this case, HUD has clarified its position on this issue. This bill brings state law into compliance with the new federal rules in granting an exception from mortgage loan origination status to those performing purely clerical or administrative tasks and doing so under supervision of a licensed person. Vote 17-0.

Amendment (1853h)

Amend RSA 397-A:1, XVII(a)(4) as inserted by section 1 of the bill by replacing it with the following:

(4) Any individual who is not otherwise described in subparagraph (a) and who performs purely administrative or clerical tasks as an employee at the direction of and subject to the supervision and instruction of a licensed person who is described in subparagraph (a).

SB 68, relative to records of disciplinary actions taken by the electricians' board. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Spec Bowers for Executive Departments and Administration: This bill creates a sort of “statute of limitations” for disciplinary hearings by the electrician’s board. Records of such hearings shall not be retained or considered after 10 years. The committee amendment increased the retention period to 10 years. Vote 14-0.

Amendment (1844h)

Amend RSA 319-C:12, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The board shall retain the record of an action taken in a disciplinary proceeding under this section for 10 years from the date of final decision of the action and shall not consider such disciplinary action more than 10 years after the final decision in any future disciplinary proceeding concerning the same licensee.

AMENDED ANALYSIS

This bill requires that records of actions taken in disciplinary proceedings by the electricians’ board shall not be considered after 10 years.

SB 34-FN, relative to orders of notice in guardianship cases; relative to approvals of marriages for persons under 18 years of age by the judicial branch family division; and relative to the adjudicatory hearing date in child protection cases. **OUGHT TO PASS.**

Rep. Gregory M. Sorg for Judiciary: This bill amends RSA 463 to clarify responsibility for paying for and mailing orders of notice of guardianship proceedings to interested parties. It also amends RSA 457:6 by transferring jurisdiction for approving marriages for persons under age 18 to the judicial branch family division. Finally, it repeals and re-enacts RSA 169-C:15, III(d) to establish and clarify the time period within which the court must hold and issue written findings following the adjudicatory hearing in child protection cases. Vote 16-0.

SB 63, relative to the list of bail bondsmen and prohibiting law enforcement and corrections officers from indicating preferences for bail bond companies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gregory M. Sorg for Judiciary: This bill seeks to level the competitive playing field in the bail bond business. With the amendment, RSA 598-A:3 would be amended to require that the list of names of registered professional bail bondsmen already furnished by the secretary of state to all courts, jails and police stations under current law not be altered or supplemented, and that it contain a statement informing defendants in need of bail that not all bail bondsmen charge the same fees or provide the same services and encouraging them to contact more than one. Vote 16-0.

Amendment (1600h)

Amend the bill by replacing section 1 with the following:

1 List of Professional Bondsmen. Amend RSA 598-A:3 to read as follows:

598-A:3 List of Professional Bondsmen. The secretary of state or designee shall furnish all superior court clerks, all district courts having authority to accept bail, all jails, and all police stations with a list of the names of all persons registered as professional bondsmen and shall notify such clerks, courts, jails, and police stations of any change in a bondsman’s status. The secretary of state shall update the list as necessary, but not less than once per year. ~~[No person, other than the secretary of state or the secretary of state’s designee, shall~~

~~alter any list furnished under this section.]~~ ***The list shall include the following statement in bold type: “You are encouraged to contact more than one bail bondsman because not all bail bondsmen charge the same fees or provide the same services.”*** The ***unaltered*** list shall be displayed prominently and visibly to defendants in all courts, jails, and police stations. ***No other list shall be displayed, furnished, or provided.***

AMENDED ANALYSIS

This bill amends the criteria for the list of bail bondsmen provided to the courts. The bill also provides that a defendant released pending trial who fails to appear within 45 days of the date required shall forfeit all designated property held by the court to secure such defendant’s appearance.

SB 65, making technical corrections to a law relative to court facility financing. **OUGHT TO PASS.**

Rep. Gregory M. Sorg for Judiciary: This bill makes technical corrections to RSA 490-B:5, II, relating to court facility financing to reflect procedures already being followed for negotiating and approving leases. As amended, the statute will provide that negotiations concluded by the department of administrative services shall be subject to final approval by the governor and council or by the department of administrative services, as applicable, rather than by the fiscal committee of the general court. Vote 14-0.

SB 139-FN, relative to state recoveries of public assistance caused by fraud. **OUGHT TO PASS.**

Rep. Joseph M. Hagan for Judiciary: A whistleblower who brings action for himself and the state against a defendant alleged to have committed Medicaid fraud, if successful, receives a percentage of the recovery. This bill would limit jurisdiction to cases involving New Hampshire healthcare providers. Other clarifications would reduce legal costs and increase monetary settlements. Vote 15-0.

SB 176, relative to marriage licenses. **OUGHT TO PASS.**

Rep. Gregory M. Sorg for Judiciary: This bill is a housekeeping measure that amends the marriage registration provisions of RSA 5-C:41 and 42 to make them consistent with the amendments in 2006 to RSA 457:26 and 27, which eliminated the three-day waiting period between applying for and issuance of a marriage license. Vote 13-1.

SB 144, relative to extending certain permits and approvals. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James P. Belanger for Municipal and County Government: Presently, planning board subdivision plans and site approvals are exempt from subdivision, site plan review, impact fees and zoning ordinance changes for a period of four years as long as substantial development or building has begun within one year (12 months) of the approval and recording of the plans. This amended bill makes a minor but important changed RSA 674:39 and extends the periods to five years and start of substantial development or building to 24 months. Given the increased complexity of today’s permitting and financing requirements and the slowed sale rate of new homes, projects need this additional time to earn vested rights. This was a bi-partisan vote with no testimony in opposition to the bill or to the amendment. Vote 15-0.

Amendment (1797h)

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

AN ACT relative to approvals for site plans and subdivision of land.

Amend the bill by replacing section 1 with the following:

1 Regulation of Subdivision of Land. Amend RSA 674:39 to read as follows:

674:39 [~~Four-Year~~] **Five-Year** Exemption.

I. Every subdivision plat approved by the planning board and properly recorded in the registry of deeds and every site plan approved by the planning board and properly recorded in the registry of deeds, if recording of site plans is required by the planning board or by local regulation, shall be exempt from all subsequent changes in subdivision regulations, site plan review regulations, impact fee ordinances, and zoning ordinances adopted by any city, town, or county in which there are located unincorporated towns or unorganized places, except those regulations and ordinances which expressly protect public health standards, such as water quality and sewage treatment requirements, for a period of [4] **5** years after the date of approval; provided that:

(a) Active and substantial development or building has begun on the site by the owner or the owner's successor in interest in accordance with the approved subdivision plat within [~~12~~] **24** months after the date of approval, or in accordance with the terms of the approval, and, if a bond or other security to cover the costs of roads, drains, or sewers is required in connection with such approval, such bond or other security is posted with the city, town, or county in which there are located unincorporated towns or unorganized places, at the time of commencement of such development;

(b) Development remains in full compliance with the public health regulations and ordinances specified in this section; and

(c) At the time of approval and recording, the subdivision plat or site plan conforms to the subdivision regulations, site plan review regulations, and zoning ordinances then in effect at the location of such subdivision plat or site plan.

II. Once substantial completion of the improvements as shown on the subdivision plat or site plan has occurred in compliance with the approved subdivision plat or site plan or the terms of said approval or unless otherwise stipulated by the planning board, the rights of the owner or the owner's successor in interest shall vest and no subsequent changes in subdivision regulations, site plan regulations, or zoning ordinances, except impact fees adopted pursuant to RSA 674:21 and 675:2-4, shall operate to affect such improvements.

III. The planning board may, as part of its subdivision and site plan regulations or as a condition of subdivision plat or site plan approval, specify the threshold levels of work that shall constitute the following terms, with due regard to the scope and details of a particular project:

(a) "Substantial completion of the improvements as shown on the subdivision plat or site plan," for purposes of fulfilling paragraph II; and

(b) "Active and substantial development or building," for the purposes of fulfilling paragraph I.

IV. Failure of a planning board to specify by regulation or as a condition of subdivision plat or site plan approval what shall constitute "active and substantial development or building" shall entitle the subdivision plat or site plan approved by the planning board to the [~~4-year~~] **5-year** exemption described in paragraph I. The planning board may, for good cause, extend the [~~12-month~~] **24-month** period set forth in [paragraph] **subparagraph I(a)**.

[~~V. Notwithstanding the time limits established in paragraph I, every subdivision plat and site plan approved by the planning board on or after January 1, 2007 and prior to July 1, 2009 shall be allowed 36 months after the date of approval to achieve active and substantial development or building as described in subparagraph I(a) and every subdivision plat and site plan approved by the planning board on or after July 1, 2005 and prior to July 1, 2009 shall be allowed 6 years after the date of approval to achieve substantial completion of the improvements as described in paragraph II.~~]

SB 22, relative to alternative regulation of small incumbent local exchange carriers.
OUGHT TO PASS.

Rep. Jacqueline A. Cali-Pitts for Science, Technology and Energy: The bill provides that

small incumbent local exchange carriers having under 25,000 access lines may petition the PUC for alternative regulation. Alternative regulation provides that local rates do not exceed comparable rates and that all service obligations under law be maintained. The alternative regulation plan may also allow small incumbent local exchange carriers to offer bundled services such as data and video. Vote 15-0.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 487-FN, relative to election day registrants. (Amendment printed SJ 5-11-11)
Rep. Bates moved that the House concur and spoke in favor.
Adopted.

HB 190, relative to legislative study committees. (Amendment printed SJ 5-11-11)
Rep. Mirski moved that the House concur and spoke in favor.
Adopted.

HB 585, proclaiming the third Friday in October as New Hampshire history day.
(Amendment printed SJ 5-18-11)
Rep. Mirski moved that the House concur and spoke in favor.
Adopted.

HB 347, exempting from nondisclosure the records of accidents involving and violations by county, city, and town employees and officials. (Amendment printed SJ 5-4-11)
Rep. Rowe moved that the House concur and spoke in favor.
Adopted.

HB 109, relative to residential fire sprinklers. (Amendment printed SJ 5-11-11)
Rep. Ferrante moved that the House concur and spoke in favor.
Adopted.

HB 205-FN, relative to notice to owners of upstream dams. (Amendment printed SJ 5-11-11)
Rep. Ferrante moved that the House concur and spoke in favor.
Adopted.

HB 316, relative to penalties for failure to file a property tax inventory blank or for refusing inspection of property. (Amendment printed SJ 5-18-11)
Rep. Ferrante moved that the House concur and spoke in favor;
Adopted.

HB 409, relative to planning board members. (Amendment printed SJ 5-18-11)
Rep. Ferrante moved that the House concur and spoke in favor.
Adopted.

HB 131, relative to indemnification of volunteers performing duties in the state park system.
(Amendment printed SJ 5-11-11)
Reps. Renzullo and Rowe moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Renzullo, Kappler, Spang and Tregenza.

HB 468-FN, relative to assessments for aquatic resource compensatory mitigation.
(Amendment printed SJ 5-11-11)

Reps. Renzullo and Stepanek moved that the House concur.
Rep. Azarian spoke in favor.
Adopted.
Rep. Baroody declared a conflict of interest and did not participate.

HB 579, exempting department of revenue administration guidelines from the right-to-know law. (Amendment printed SJ 5-4-11)
Rep. Stepanek moved that the House concur and spoke in favor.
Adopted.

HB 605, authorizing the business finance authority to establish a New Hampshire innovation business job growth program. (Amendment printed SJ 5-11-11)
Rep. Stepanek moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Major, Hess, Azarian and Almy.

REGULAR CALENDAR

SB 93, relative to pharmacist administration of vaccines. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Chris F. Nevins for Commerce and Consumer Affairs: This bill, as passed by the Senate, intended to expand the vaccines that may be administered by a pharmacist to include pneumococcal (for pneumonia) and varicella zoster (for shingles) for a sunsetted two-year period. It also removes redundant qualifications for pharmacists to administer vaccines. Currently pharmacists in all 50 states are able to administer adult immunizations. New Hampshire is one of three states that limit pharmacists to administer only the seasonal flu vaccine. SB 93 would increase access to these vaccines thus improving immunization rates and decreasing long-term health care costs. Since documentation of vaccinations is also important, pharmacists are required to insure that the records are accurate and up-to-date and that the patient's physician is notified. The committee determined that the bill needed to be amended, because the Senate's sunset clause unintentionally repealed the redundant current law. The sunset provision of the bill was removed in the committee's amendment. The committee feels this is a consumer friendly solution for New Hampshire residents. Vote 16-1.

Amendment (1868h)

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

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

AMENDED ANALYSIS

This bill expands the vaccines which may be administered by a pharmacist and changes the qualifications for pharmacists to administer vaccines.

Amendment adopted.

Committee report adopted and ordered to third reading.

SB 120, relative to alcoholic beverage advertising restrictions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frederick C. Rice for Commerce and Consumer Affairs: Present regulations allow the advertising or promotion of liquor or beverages at reduced prices only within restaurants licensed premises, unless it is part of a "champagne brunch" or similar package. This bill would allow licensees to advertise liquor and beverage prices separately from any other advertisement or promotion. The bill allows the liquor commission to suspend any single advertising or promotion that is not in the spirit of public health or safety. The bill also includes a local opt out by allowing the legislative body of a city or town to adopt provisions prohibiting exterior signs advertising reduced price liquor or beverages. Beginning upon

enactment and lasting up to next July 1st, the governing body of the city or town may adopt temporary prohibitions on such exterior advertising until the legislative body votes whether to adopt a permanent prohibition, or the temporary prohibition expires, which ever occurs sooner. Vote 17-0.

Amendment (1956h)

Amend the bill by replacing section 2 with the following:

2 Alcoholic Beverages; Advertising Restrictions. Amend RSA 179:31, IX to read as follows:

IX. Advertising of liquor or beverages shall ~~[not be inconsistent]~~ **be consistent** with the spirit of **public health or safety** ~~[or safe driving]~~. **The commission may suspend any single advertising or promotion of liquor or beverage, at its discretion, that is inconsistent with the spirit of public health or safety.**

Amend RSA 179:31, XI-a as inserted by section 3 of the bill by replacing it with the following:

XI-a. Notwithstanding paragraph XI, if the legislative body of a city or town adopts a provision prohibiting exterior signs or signs in view of any public way promoting the sale of liquor or beverages at reduced prices by an on-premises licensee, such signs shall not be permitted in that city or town.

Amend the bill by replacing all after section 5 with the following:

6 Temporary Local Advertising Restrictions. The governing body of a city or town may adopt a temporary provision prohibiting exterior signs or signs in view of any public way promoting the sale of liquor or beverages at reduced prices by an on-premises licensee. The temporary prohibition shall be enforceable in the same manner as a prohibition adopted under RSA 179:31-a, XI-a. The temporary prohibition shall expire on the earliest of the following dates:

I. The date on which the legislative body of the city or town votes on whether to adopt a permanent prohibition under RSA 179:31, XI-a.

II. The date specified by the governing body when adopting the temporary prohibition.

III. July 1, 2012.

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

Amendment adopted.

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

YEAS 358 NAYS 15

YEAS 358

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

Butynski, William
Chase, Cynthia
Hunt, John
Meader, David
Sad, Tara
Weber, Lucy

Byrnes, John
Dwinell, Richard
Johnsen, Gladys
Moore, Charles
Smith, Edwin
Weed, Charles

Carr, Daniel
Emerson, Susan
Lerandeau, Alfred
Moore, Robert Jr
Sterling, Franklin Jr

Cartwright, Anne
Hawkes, Samuel
Lindsey, Steven
Parkhurst, Henry
Tatro, Bruce

COOS

Coulombe, Gary
Remick, William
Tremblay, Marc

Daugherty, Duffy
Richardson, Herbert

Merrick, Evalyn
Theberge, Robert

Rappaport, Laurence
Tholl, John Jr

GRAFTON

Aguiar, James
Brosseau, Charles
Gionet, Edmond
Ladd, Rick Jr
Reilly, Harold Sr
Sorg, Gregory

Almy, Susan
Bulis, Lyle
Gould, Franklin
Mirski, Paul
Shackett, Jeffrey
Sova, Charles

Benn, Bernard
Cooney, Mary
Harding, Laurie
Nordgren, Sharon
Simard, Paul
Taylor, Kathleen

Bradley, Lester
Eaton, Stephanie
Ingbretson, Paul
Pierce, David
Smith, Suzanne
Townsend, Charles

HILLSBOROUGH

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

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

Ball, J. Michael
Belanger, James
Brownrigg, Randall Jr
Campbell, David
Christiansen, Lars

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

Condra, William

Cote, David

Coughlin, Sean

Cusson-Cail,
Kathleen

Daler, Jennifer
Doherty, Shaun
Flanagan, Jack
Garrity, Patrick
Gonzalez, Carlos
Haefner, Robert
Hinch, Richard
Hopper, Gary
Jeudy, Jean
Long, Patrick
McGuinness, Sean
Ober, Russell III
Parison, James
Pilotte, Maurice
Reed, Michael
Rokas, Ted
Shaw, Barbara
Souza, Kathleen
Summers, James
Twombly, Timothy
Warden, Mark

Daniels, Gary
Donovan, Daniel
Fredette, Robert
Gidge, Kenneth
Gorman, Mary
Hansen, Peter
Hogan, Edith
Hutchinson, Winfred
Katsiantonis, Thomas
Maltz, Jonathan
Messier, Irene
Ohm, Bill
Pellegrino, Tony
Porter, Marjorie
Renzullo, Andrew
Rosenwald, Cindy
Silva, Peter
Stepanek, Stephen
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Day, Russell
Drisko, Richard
Gagne, Larry
Gimas, John
Graham, John
Hawkins, Kenneth
Hogan, Timothy
Infantine, William
Krasucki, Joseph
Marcus, Bruce
Murphy, Keith
Palmer, Barry
Pepino, Leo
Pratt, Calvin
Rhodes, Brian
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

DeJong, Cameron
Erickson, Duane
Gandia, Laura
Goley, Jeffrey
Greazzo, Phil
Hikel, John
Holden, Frank
Jasper, Shawn
Lambert, George
McClarren, Donald
Notter, Jeanine
Palmer, Stephen
Peterson, Lenette
Proulx, Mark
Robbins, David
Seidel, Carl
Soucy, Connie
Sullivan, Daniel
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Cox, Sean
Gile, Mary
Hoell, J.R.
Kreis, Kenneth Sr
MacKay, James
Owen, Derek
Rice, Chip
Seaworth, G. Brian
Soltani, Tony
Winter, Steven

Bouchard, Candace
DeStefano, Stephen
Giuda, J. Brandon
Keane, Thomas
Lauer-Rago, Kathleen
McDonnell, John
Palfrey, David
Richardson, Gary
Shurtleff, Stephen
Wallner, Mary Jane

Coffey, Jennifer
Foosse, Robert
Hamm, Christine
Kidder, David
Lindsley, Mark
McGuire, Carol
Potter, Frances
Richardson, Jon
Smith, Molly
Watrous, Rick

Cohn, Seth
Frazer, June
Hill, Gregory
Kotowski, Frank
Lockwood, Priscilla
McGuire, Dan
Reed, Dennis
Sanborn, Laurie
Smith, Todd
Williams, Robert

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Charron, Gene
Davenport, Joshua
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Introne, Robert
Kolodziej, Walter
Manuse, Andrew
Murphy, Brian
Oigny, Jeffrey
Perkins, Lawrence
Read, Robin Jr
Ritter, Glenn
Schlachman, Donna
Smith, William
Tamburello, Daniel
Waddell, James
Weyler, Kenneth

Allen, Mary
Bates, David
Brown, Paul
Chirichiello, Brian
DeSimone, Debra
Duarte, Joe
Garcia, Marilinda
Headd, James
Itse, Daniel
Lovejoy, Patricia
Mauro, Donna
Nevins, Chris
Pantelakos, Laura
Powers, James
Reagan, John
Sanders, Elisabeth
Sedensky, John
Sullivan, James
Tasker, Kyle
Ward, Joanne

Antosz, Jason
Belanger, Ronald
Cali-Pitts, Jacqueline
Comerford, Timothy
Devine, James
Elliott, Robert
Garrrity, James
Hoelzel, Kathleen
Kappler, Lawrence
Lundgren, David
McMahon, Charles
Norelli, Terie
Peckham, Michele
Quandt, Marshall
Reichard, Kevin
Sapareto, Frank
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin

Azarian, Gary
Bettencourt, David
Case, Frank
Copeland, Timothy
DiPentima, Rich
Ferrante, Beverly
Griffin, Mary
Hutchinson, Karen
Katsakiores, Phyllis
MacMahon, Bruce
Moody, Marcia
Okerman, Richard
Perkins, Amy
Quandt, Matt
Rice, Frederick
Sapienza, Marie
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Webb, James

STRAFFORD

Andolina, Donald
Cataldo, Sam
Hooper, Dorothea
Kaen, Naida
Munck, Philip
Parsons, Robbie
Spainhower, Dale
Vita, Lucien

Berube, Roger
DeLemus, Susan
Horrigan, Timothy
Keans, Sandra
Newton, Clifford
Pitre, Joseph
Spang, Judith
Wall, Janet

Brown, Julie
Grassie, Anne
Jones, Kyle
Larsen, Kirsten
O'Connor, William
Roberts, Jenna
Sprague, Dale
Watters, David

Browne, Brendon
Groen, Warren
Jones, Laura
Leonard, Frederick Jr
Panek, William
Schmidt, Peter
Vita, Carol
Weeden, Michael

SULLIVAN

Bowers, Spec
LaCasse, Paul Sr
Osgood, Joe

Cloutier, John
Laware, Thomas
Rodeschin, Beverly

Cunningham, Steven
Lefebvre, Benjamin
Smith, Steven

Howard, Thomas
Lovett, Charlene

NAYS 15

BELKNAP

None

CARROLL

None

CHESHIRE

Johnson, Jane

Roberts, Kris

COOS

None

GRAFTON

White, Andrew

HILLSBOROUGH

Bergevin, Jerry
LeBrun, Donald

Gargas, Carolyn
Mecheski, Holly

Hardwick, Harry

Kurk, Neal

MERRIMACK

None

ROCKINGHAM

Gould, Kenneth

McKinney, Betsy

STRAFFORD

Ginsburg, Philip

Pelletier, Marsha

SULLIVAN

Gagnon, Raymond Schmidt, Andrew
and the committee report was adopted.
Ordered to third reading.

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

Rep. Andrew J. Manuse for Commerce and Consumer Affairs: This bill, as amended, repeals and replaces RSA 420-L with a new policy for managing federal health care reform in New Hampshire. The committee amendment makes changes to the bill that reflect other policy votes of the House on this matter. Passing this bill as amended, will stake out a strong House position that creates a Joint Legislative Oversight Committee with real power to direct the insurance commissioner or any other department or agency official on whether or not to implement certain components of federal health care reform. While the law does not go as far as some of us would have liked to completely nullify recent federal healthcare reform the law also does not go as far as the past legislature went in giving the insurance commissioner authority to implement any part of the federal health care reform that he or she wanted. This bill strikes a good balance by giving an oversight committee real power to prevent implementation of choice parts of the federal health care reform, to revisit administrative rules passed previously and strike them if necessary, to approve new rules to be submitted through the regular process or to approve of proposals from the commissioner to implement parts of federal health care reform. The bill also requires the oversight committee to report back to the legislature, leaving room for changes to policy or the process.

If the House does not act on this legislation, there will be no official arm of the government attending directly to the federal changes, which means any agency official might act to accept grant money for implementation of the act. By keeping this oversight committee in place, the legislature is ensuring a check on the executive branch of the government to make sure it is not enforcing or implementing parts of federal health care reform without authority. At the same time, the proposed committee will allow the state to implement parts of the federal law that make common sense. This bill also eliminates a permanent insurance department position that was meant to implement federal healthcare reform in New Hampshire, a position that is no longer needed. Eliminating this position will save the state money. Vote 16-1.

Amendment (1967h)

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

AN ACT relative to New Hampshire opting-out of federal health care reform.

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

1 Federal Health Care Reform 2010. RSA 420-L:1-RSA 420-L:6 are repealed and reenacted to read as follows:

420-L:1 Purpose and Scope.

I. The intent of this chapter is to preserve the constitutional integrity and sovereignty of the State of New Hampshire under the Tenth Amendment to the United States Constitution and Part I, Article 7 of the New Hampshire Constitution by limiting the extent to which the commissioner shall or shall not enforce the insurance reforms under the Patient Protection and Affordable Care Act of 2009, as amended by the Health Care and Education Reconciliation Act of 2010, (hereinafter "Act").

II. Further, it is the intent of this chapter to prevent the state of New Hampshire from defaulting into federal oversight regarding the Act by not meeting certain federally mandated time frames measuring the progress being made of state-implemented requirements under the Act. It is not the intent of this chapter to commit the state of New Hampshire to implementation of the Act, but rather to prevent the implementation of the Act and to preserve the state's options regarding implementation of any constitutional portions as the general court directs.

420-L:2 Definitions. In this chapter:

I. "Act" means the Patient Protection and Affordable Care Act of 2009 (Public Law 111-148) as amended by the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152).

II. "Commissioner" means the insurance commissioner.

III. "Department" means the insurance department.

IV. "Health Care and Education Reconciliation Act of 2010" means the law enacted by the 111th United States Congress, HR 4872, (Public Law 111-152) signed into law on March 30, 2010.

V. "Oversight committee" means the joint health insurance reform oversight committee established in RSA 420-L:5.

VI. "Patient Protection and Affordable Care Act of 2009" means the law enacted by the 111th United States Congress, HR 3590, (Public Law 111-148) signed into law on March 30, 2010.

420-L:3 Authority of the Commissioner.

I. Only with the prior approval of the majority of the oversight committee established in RSA 420-L:5, the commissioner shall have the authority to do the following with regard to the Act:

(a) Enforce the consumer protections and market reforms as set forth in the Act that relate to insurance;

(b) Take any action or permit the taking of any action by any state employee, state agent, or anyone to implement the Act;

(c) Establish any standards for enforcing the provisions of the Act;
(d) Make, adopt, or amend rules and regulations pursuant to RSA 541-A for, or as an aid to, the administration of any provision of the Act relating to insurance;
(e) Apply for any grant funds available under the Act;
(f) Adopt or apply standards consistent with the Act for form and rate review of insurance products and any other regulatory oversight functions performed by the department; or

(g) Expend any money, whether received by the federal government, the state government, any other governmental agency, a private organization, a nonprofit organization, or otherwise, on the implementation or advancement of the Act.

II. Any state official or agency outside the department, that seeks to enforce, implement, establish standards for enforcing, or otherwise take action under a provision of the Act, shall first obtain approval for the action from the majority of the oversight committee established in RSA 420-L:5.

420-L:4 Implementation of the Act.

I. The general court shall determine all policies within the state of New Hampshire regarding implementation of the Act if it is determined that the state of New Hampshire is required to implement the Act. The insurance commissioner, the department, or any other state official, agency or designee, working in conjunction with the oversight committee, shall act on the presumption that enforcement of any provision of the Act shall first be authorized by the general court.

II. The commissioner, the department, or any other state official, agency or designee, shall develop recommendations in conjunction with the oversight committee established in RSA 420-L:5, prior to any enforcement of the Act. In addition, any state official or agency that seeks to enforce the provisions of the Act shall first develop recommendations in conjunction with the oversight committee.

420-L:5 Joint Health Insurance Reform Oversight Committee.

I. There is established a joint health insurance reform oversight committee consisting of 5 members as follows:

(a) Two members of the senate, appointed by the senate president, one of whom shall be from the senate commerce committee.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives, 2 of whom shall be from the house commerce and consumer affairs committee.

II. The terms of the members of the oversight committee shall be for the biennium and shall be coterminous with their membership in the general court. The oversight committee shall elect a chairman from its membership. The oversight committee shall meet at the call of the chairman who may call a meeting as often as necessary. The oversight committee shall require 3 members for a quorum.

III. The commissioner, upon direction of the oversight committee, shall make such periodic reports to the oversight committee relative to the department's interaction with federal officials enforcing the Act, and relative to federal deadlines and requirements for the Act.

IV. The oversight committee shall provide legislative oversight, policy direction, and recommendations for further legislation to prevent implementation of the Act in the state of New Hampshire as it determines appropriate. The oversight committee shall also review existing rules adopted pursuant to the version of RSA 420-L enacted under 2010, 243 and may require that rules it deems unnecessary be withdrawn.

V. The oversight committee shall submit an annual report, together with any recommendations for legislation, to the president of the senate, the speaker of the house of representatives, the house commerce and consumer affairs committee, and the senate commerce committee on or before November 1, 2011, and thereafter on or before November 1 of each year.

2 Health Reform Coordinator Position. Amend RSA 400-A:6, VII to read as follows:

VII. The commissioner shall appoint, as the commissioner's assistants, a health care policy analyst, a health care statistician, a general counsel, an insurance fraud attorney, a senior insurance fraud investigator, an assistant property and casualty actuary, **and** a compliance and enforcement counsel, [~~and a health reform coordinator,~~] each of whom shall serve at the pleasure of the commissioner during good behavior. The health care policy analyst, health care statistician, general counsel, insurance fraud attorney, senior insurance fraud investigator, assistant property and casualty actuary, **and** compliance and enforcement counsel, [~~and health reform coordinator,~~] shall perform such duties and exercise such powers as the commissioner may authorize.

3 Repeal. The following are repealed:

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

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

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

AMENDED ANALYSIS

This bill removes the repeal of RSA 420-L, regarding federal health care reform. Under this bill, the general court is to determine all policies within the state of New Hampshire regarding implementation of the Patient Protection and Affordable Care Act of 2009 (Public Law 111-148) as amended by the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152). The bill establishes an oversight committee to prevent implementation of such Act as it determines appropriate. This bill also eliminates the health reform coordinator position in the department of insurance.

Rep. Gary Richardson spoke against and yielded to questions.

Rep. Manuse spoke in favor.

Rep. Mirski requested a roll call; sufficiently seconded.

YEAS 278 NAYS 99

YEAS 278

BELKNAP

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

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

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

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

CARROLL

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

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

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
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
Reilly, Harold Sr
Sova, Charles

Brosseau, Charles
Ingbertson, Paul
Shackett, Jeffrey
Taylor, Kathleen

Bulis, Lyle
Ladd, Rick Jr
Simard, Paul

Eaton, Stephanie
Mirski, Paul
Sorg, Gregory

HILLSBOROUGH

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

Balboni, Michael
Belanger, James
Brown, Kevin
Cebrowski, John

Ball, J. Michael
Belvin, William
Brownrigg, Randall Jr
Champagne, Norma

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

Christiansen, Lars
Daniels, Gary
Donovan, Daniel
Fredette, Robert
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hopper, Gary
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Pratt, Calvin
Robbins, David
Simmons, Tammy
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

Coffey, James
Day, Russell
Drisko, Richard
Gagne, Larry
Graham, John
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Lambert, George
McCarthy, Michael
Messier, Irene
Ober, Lynne
Palmer, Stephen
Proulx, Mark
Rowe, Robert
Soucy, Connie
Summers, James
Twombly, Timothy
Warden, Mark

Coughlin, Sean
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Infantine, William
LeBrun, Donald
McClarren, Donald
Moran, Edward
Ober, Russell III
Pellegrino, Tony
Reed, Michael
Seidel, Carl
Souza, Kathleen
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Gidge, Kenneth
Haefner, Robert
Hikel, John
Holden, Frank
Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Peterson, Lenette
Renzullo, Andrew
Silva, Peter
Stepanek, Stephen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

MERRIMACK

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

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

Cox, Sean
Keane, Thomas
Lindsley, Mark
McGuire, Dan
Sanborn, Laurie
Soltani, Tony

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

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Comerford, Timothy
Devine, James
Fesh, Robert
Hagan, Joseph
Introne, Robert
Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Perkins, Amy

Allen, Mary
Bates, David
Brown, Paul
Copeland, Timothy
Duarte, Joe
Garcia, Marilinda
Headd, James
Itse, Daniel
Lundgren, David
McKinney, Betsy
Okerman, Richard
Perkins, Lawrence

Antosz, Jason
Belanger, Ronald
Charron, Gene
Davenport, Joshua
Elliott, Robert
Garritty, James
Hoelzel, Kathleen
Kappler, Lawrence
MacMahon, Bruce
McMahon, Charles
Oligny, Jeffrey
Quandt, Marshall

Azarian, Gary
Bettencourt, David
Chirichiello, Brian
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary
Hutchinson, Karen
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Peckham, Michele
Quandt, Matt

Reagan, John
Sanders, Elisabeth
Sedensky, John
Sullivan, James
Tasker, Kyle
Ward, Joanne

Reichard, Kevin
Sapareto, Frank
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin

Rice, Frederick
Sapienza, Marie
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Webb, James

Ritter, Glenn
Schroadter, Adam
Smith, William
Tamburello, Daniel
Waddell, James
Weyler, Kenneth

STRAFFORD

Andolina, Donald
DeLemus, Susan
Larsen, Kirsten
O'Connor, William
Vita, Carol

Berube, Roger
Groen, Warren
Leonard, Frederick Jr
Panek, William
Vita, Lucien

Brown, Julie
Jones, Kyle
Munck, Philip
Parsons, Robbie
Weeden, Michael

Cataldo, Sam
Jones, Laura
Newton, Clifford
Pitre, Joseph

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 99

BELKNAP

None

CARROLL

None

CHESHIRE

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

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

Chase, Cynthia
Lindsey, Steven
Sad, Tara

Hawkes, Samuel
Meador, David
Tatro, Bruce

COOS

Coulombe, Gary

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Smith, Suzanne

Almy, Susan
Harding, Laurie
Townsend, Charles

Benn, Bernard
Nordgren, Sharon
White, Andrew

Cooney, Mary
Pierce, David

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Gimas, John
Katsiantonis, Thomas
Pilotte, Maurice
Rosenwald, Cindy

Brunelle, Michael
Daler, Jennifer
Goley, Jeffrey
Kurk, Neal
Porter, Marjorie
Shaw, Barbara

Campbell, David
Gargasz, Carolyn
Gorman, Mary
Levasseur, Nickolas
Rhodes, Brian
Sullivan, Daniel

Condra, William
Garritty, Patrick
Jeudy, Jean
Long, Patrick
Rokas, Ted

MERRIMACK

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

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

Foose, Robert
Kidder, David
Rice, Chip
Watrous, Rick

Frazer, June
MacKay, James
Richardson, Gary
Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline
Gould, Kenneth
Pantelakos, Laura

Case, Frank
Lovejoy, Patricia
Powers, James

DiPentima, Rich
Moody, Marcia
Read, Robin Jr

Dowling, Patricia
Norelli, Terie
Schlachman, Donna

STRAFFORD

Browne, Brendon
Hooper, Dorothea
Pelletier, Marsha
Spang, Judith

Domingo, Baldwin
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

Ginsburg, Philip
Kaen, Naida
Schmidt, Peter
Wall, Janet

Grassie, Anne
Keans, Sandra
Spainhower, Dale
Watters, David

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the committee amendment was adopted.

Committee report adopted and ordered to third reading.

SB 171, relative to prescription drug benefits for the treatment of pain. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Chris F. Nevins for the Majority of Commerce and Consumer Affairs: Current law requires that every health benefit plan that provides prescription drug benefits to maintain an expeditious exception process that does not exceed 48 hours. This bill intended to reduce that time limit to 24 hours for pain medications. A major problem with the bill was that there was no definition for pain. In testimony it was noted that the vast majority of prescriptions are approved immediately and that in the rare occasion where there is a problem, most emergency prescriptions are approved within a 24-hour period. While well intended, the law is redundant since "Urgent Care" is already covered by federal law. The committee is concerned about forcing an additional mandate on insurers, which would only serve to increase costs unnecessarily, and ultimately higher premiums. The majority of the committee felt that New Hampshire consumers are already well served by current law. Vote 13-4.

Rep. Kathleen N. Taylor for the Minority of Commerce and Consumer Affairs: Testimony from insurance companies was that they presently adhere to a 24 hour exception review process for "medically necessary" prescription drugs, including pain medication, but conflicting testimony detailed a 3-step process used by insurance companies before a patient can get the pain medication prescribed by a doctor. Current law requires a 48 hour expedited review process for non-formulary prescription drugs. The minority believes the Senate passed version establishing a 24 hour expedited review process for formulary and non-formulary pain medication is needed, considering the urgent need for proper pain relief by some patients. The expedited process will only apply to "medically necessary" drugs as currently defined in New Hampshire law and since it would conform to the practice insurance companies claim to use, giving consumers the ability to request assistance from the NH insurance department would be helpful. This bill will help doctors in their practice and take away insurance companies interference with "medically necessary" pain medication.

Majority committee report adopted.

SB 52-FN, excluding persons convicted of violent crimes and sexually violent persons from

mandatory early release on probation or parole. **OUGHT TO PASS WITH AMENDMENT.** Rep. Robbie L. Parsons for Criminal Justice and Public Safety: This bill makes important and necessary changes to SB 500, Chapter 247, laws of 2010 based upon input from the NH parole board, the attorney general's office, the department of corrections and other interested parties. The bill as amended gives the parole board a significant role over inmates returned to prison for recommitment after parole violations. Current law provides that the recommitment period can only be for up to 90 days; the amendment allows the parole board to extend this term beyond 90 days for the parolee's failure to meet a variety of factors. The bill as amended would apply to all parolees and give the parole board discretion over both violent and nonviolent offenders. The committee believes that this bill corrects an oversight in the law which will allow for its further successful implementation. Vote 14-0.

Amendment (1722h)

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

AN ACT relative to recommitment of prisoners on probation or parole.

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

1 Effect of Recommittal. Amend RSA 651-A:19 to read as follows:

651-A:19 Effect of Recommittal.

I. A prisoner who is recommitted shall serve 90 days in prison before being placed back on parole or the remainder of his or her maximum sentence, whichever is shorter, **or may be subject to an extended term of recommitment pursuant to paragraphs III and IV.** The time between the return of the parolee to prison after arrest and revocation of parole shall be considered as time served as a portion of the maximum sentence.

II. Prisoners who are recommitted shall be ~~[housed separately in a prison housing unit that provides]~~ **provided access to** focused, evidence-based programming aimed at reengaging parolees in their parole plan.

III. The parole board may impose an extended term of recommitment for greater than 90 days if:

(a) The prisoner has previously been recommitted for a parole violation;

or

(b) The prisoner was on parole for a sexual offense as defined in RSA 651-B:1, V or an offense against a child as defined in RSA 651-B:1, VII; and

(1) The conduct underlying the parole violation is related to his or her offense or offending pattern; or

(2) The prisoner has displayed a combination of dynamic risk factors, including but not limited to, homelessness, loss of supports, substance abuse, or non-compliance with treatment, as determined by the department of corrections sexual offender treatment program staff; or

(3) Both subparagraphs (1) and (2); or

(c) The prisoner was on parole for a violent crime as defined in RSA 651:5, XIII; or

(d) The nature of the conduct underlying the parole violation constitutes a criminal act or is otherwise so serious as to warrant an extended period of recommitment.

IV.(a) A prisoner may be brought before the parole board at any time during the 90-day term of recommitment to determine whether a longer term is warranted if:

(1) The prisoner did not participate in the evidence-based programming during the 90-day recommitment period; or

(2) The prisoner received one or more major disciplinary violations during the 90-day recommitment period.

(b) The prisoner shall be provided notice of the hearing and the basis of the parole board's consideration of an extended term.

V. The imposition of an extended term of recommitment pursuant to paragraph III or IV shall be supported by written findings and a written order.

VI. Any prisoner who is subject to an extended term of recommitment shall receive a hearing before the parole board after serving 6 months of his or her term of recommitment and every 6 months thereafter.

VII. At the revocation hearing, the parole board may impose a term of recommitment for less than 90 days if:

(a) The prisoner has not been previously recommitted for a parole violation;

(b) The prisoner was not on parole for a sexual offense as defined in RSA 651-B:1, V or an offense against a child as defined in RSA 651-B:1, VII;

(c) The prisoner was not on parole for a violent crime as defined in RSA 651:5, XIII;

(d) The parole violation is not substantially related to his or her offense or offending pattern; and

(e) The parole board determines that a lesser period of recommitment will aid in the rehabilitation of the parolee.

2 Applicability. RSA 651-A:19 as inserted by section 1 of this act shall apply to any person who is on parole as of July 1, 2010 or thereafter. The version of RSA 651-A:19 as inserted by 2010, 247:10 shall not apply to any person who had absconded on parole prior to October 1, 2010 and was a fugitive as of that date.

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

AMENDED ANALYSIS

This bill establishes additional criteria for recommitment of prisoners on probation or parole.

Amendment adopted.

Committee report adopted and ordered to third reading.

SB 67, establishing a committee to study school vouchers and school choice. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gregory Hill for the Majority of Education: This bill as amended strengthens the original bill by expanding the scope of study beyond vouchers to tax credit programs that have been operating across the country. The goal for the study committee is to become well versed and therefore a resource to the House and Senate education committees. The study committee shall issue a report containing recommendations of features that should be included in future plans of this nature. The recommendations made by the committee will be helpful to ensure any programs are precise as to terminology and methodology and beneficial to parents and students. Vote 12-4.

Rep. Mary Stuart Gile for the Minority of Education: This bill proposes a committee to study the implementation of an education tax credit and education voucher program that would include but not be limited to authorizing a credit against the business profits tax for cash contributions from business organizations to support the education of students at non-public schools, authorizing the establishment of tax-exempt scholarship granting organizations which would award grants to offset the costs of attending non-public schools and administration and enforcement by department of revenue administration. The minority's position is that funding public education, given limited public and private resources, has to be the state's number one priority. While SB 67, as amended, is only a study, it will dilute time, energy and resources that could be better put to the support and improvement of public education for NH students.

Majority Amendment (1962h)

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

AN ACT establishing a committee to study the implementation of an education tax credit plan in New Hampshire.

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

1 Committee Established. There is established a committee to study the implementation of an education tax credit plan in New Hampshire.

2 Membership and Compensation.

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

(a) Three members of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives.

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

3 Duties. The committee shall:

I. Study the implementation of an education tax credit plan in New Hampshire which could include, but not be limited to, authorizing a credit against the business profits tax for cash contributions from business organizations to support the education of students at nonpublic schools, authorizing the establishment of tax-exempt scholarship granting organizations which would award grants to offset the cost of attending nonpublic schools, and administration and enforcement by the department of revenue administration.

II. Study the features of education tax credit and education voucher programs which have been implemented or are under consideration in other states and recommend any feature of those plans that would merit inclusion in the plan proposed in New Hampshire.

III. Act as a resource to the house and senate education committees on education tax credit or education voucher legislation, including making recommendations as to appropriate terminology and methodology for such legislation to the committees.

IV. Solicit input from any individual or organization with relevant information or expertise.

V. Study any other matter the committee deems relevant to its objective.

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

5 Report. The committee shall submit an interim report of its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2011 and a final report on or before November 1, 2012.

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

AMENDED ANALYSIS

This bill establishes a committee to study the implementation of an education tax credit plan in New Hampshire.

Majority committee amendment adopted.

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

Rep. Gorman spoke against.

Rep. Hoell spoke in favor.

Rep. Bettencourt requested a roll call; sufficiently seconded.

YEAS 273 NAYS 100

YEAS 273

BELKNAP

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

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

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

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

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
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
Shackett, Jeffrey

Brosseau, Charles
Ladd, Rick Jr
Simard, Paul

Bulis, Lyle
Mirski, Paul
Sova, Charles

Eaton, Stephanie
Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Brown, Kevin
Cebrowski, John

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

Ball, J. Michael
Bergevin, Jerry
Burt, John
Christensen, D.L.
Chris

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

Coffey, James
Daniels, Gary
Donovan, Daniel
Fredette, Robert
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael
Messier, Irene
Ober, Lynne
Palmer, Stephen
Pratt, Calvin
Robbins, David
Simmons, Tammy
Summers, James
Twombly, Timothy
Warden, Mark

Condra, William
Day, Russell
Drisko, Richard
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Infantine, William
LeBrun, Donald
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James
Proulx, Mark
Rowe, Robert
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Coughlin, Sean
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Haefner, Robert
Hikel, John
Holden, Frank
Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Reed, Michael
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Gimas, John
Hansen, Peter
Hinch, Richard
Hopper, Gary
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Peterson, Lenette
Renzullo, Andrew
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

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

ROCKINGHAM

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

STRAFFORD

Andolina, Donald	Cataldo, Sam	DeLemus, Susan	Groen, Warren
Jones, Kyle	Jones, Laura	Larsen, Kirsten	Leonard, Frederick Jr
Munck, Philip	Newton, Clifford	O'Connor, William	Panek, William
Parsons, Robbie	Pitre, Joseph	Roberts, Jenna	Vita, Carol
Vita, Lucien	Weeden, Michael		

SULLIVAN

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

NAYS 100

BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William	Carr, Daniel	Chase, Cynthia	Hawkes, Samuel
Johnsen, Gladys	Lerandeau, Alfred	Lindsey, Steven	Meador, David

Parkhurst, Henry
Weber, Lucy

Roberts, Kris
Weed, Charles

Sad, Tara

Tatro, Bruce

COOS

Coulombe, Gary

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
Cote, David
Gidge, Kenneth
Katsiantonis, Thomas
Porter, Marjorie
Shaw, Barbara

Belanger, James
Daler, Jennifer
Goley, Jeffrey
Levasseur, Nickolas
Rhodes, Brian
Sullivan, Daniel

Brunelle, Michael
Gargas, Carolyn
Gorman, Mary
Long, Patrick
Rokas, Ted

Campbell, David
Garritty, Patrick
Jeady, Jean
Pilotte, Maurice
Rosenwald, Cindy

MERRIMACK

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

DeStefano, Stephen
Hamm, Christine
Owen, Derek
Shurtleff, Stephen

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

Frazer, June
Lockwood, Priscilla
Rice, Chip
Watrous, Rick

ROCKINGHAM

Cali-Pitts, Jacqueline
Moody, Marcia
Powers, James

Case, Frank
Norelli, Terie
Read, Robin Jr

DiPentima, Rich
Pantelakos, Laura
Schlachman, Donna

Lovejoy, Patricia
Perkins, Lawrence

STRAFFORD

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

Brown, Julie
Grassie, Anne
Keans, Sandra
Spang, Judith

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

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

SULLIVAN

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

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

SB 192, establishing a commission to identify strategies needed for delivering a 21st century education. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Kathleen A. Lauer-Rago for the Majority of Education: The majority believes that this bill is another rehash of continual strategies tried and failed since the 1930's and therefore sees no need to open the door to a new fad which could result in moving further away from the basics and academic excellence. Vote 12-5.

Rep. Mary Stuart Gile for the Minority of Education: This bill proposed establishing a 21st

century education commission to identify strategies for delivering a 21st century education to address student mastery of required course competencies in all learning environments, identify multiple models of financing for a 21st century education system and to identify the roles educators will play in a 21st century education. The minority supports SB 192's goal of ensuring that NH students attain mastery of course competencies in all learning environments. Further, the minority agrees that the opportunity to explore innovative and creative options and to think critically and futuristically about NH in the 21st century would provide positive benefits to the entire educational community.

The question being adoption of the majority committee report of Inexpedient to Legislate. Reps. Shaw and Gile spoke against.

Reps. Lauer-Rago and Hoell spoke in favor.

Rep. Gile requested a roll call; sufficiently seconded.

YEAS 273 NAYS 105

YEAS 273

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
Swinford, Elaine	Tilton, Franklin	Tobin, William	Worsman, Colette

CARROLL

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

CHESHIRE

Byrnes, John	Cartwright, Anne	Chase, Cynthia	Dwinell, Richard
Emerson, Susan	Hunt, John	Johnson, Jane	Lerandeau, Alfred
Moore, Charles	Moore, Robert Jr	Smith, Edwin	Sterling, Franklin Jr
Tatro, Bruce			

COOS

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

GRAFTON

Aguiar, James	Bradley, Lester	Brosseau, Charles	Bulis, Lyle
Eaton, Stephanie	Gionet, Edmond	Gould, Franklin	Ingbretson, Paul
Ladd, Rick Jr	Mirski, Paul	Reilly, Harold Sr	Shackett, Jeffrey
Simard, Paul	Sorg, Gregory	Sova, Charles	Taylor, Kathleen

HILLSBOROUGH

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

Coffey, James
Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Gidge, Kenneth
Haefner, Robert
Hikel, John
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McGuinness, Sean
Ober, Lynne
Palmer, Stephen
Pratt, Calvin
Robbins, David
Silva, Peter
Stepanek, Stephen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Condra, William
Daniels, Gary
Donovan, Daniel
Fredette, Robert
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
Mecheski, Holly
Ober, Russell III
Parison, James
Proulx, Mark
Rosenwald, Cindy
Simmons, Tammy
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

Cote, David
Day, Russell
Drisko, Richard
Gagne, Larry
Gorman, Mary
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Reed, Michael
Rowe, Robert
Soucy, Connie
Summers, James
Twombly, Timothy
Warden, Mark

Coughlin, Sean
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Graham, John
Hawkins, Kenneth
Hogan, Timothy
Infantine, William
Lambert, George
McClarren, Donald
Notter, Jeanine
Palmer, Barry
Peterson, Lenette
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

MERRIMACK

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

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

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

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

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Comerford, Timothy
Devine, James
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Perkins, Amy
Reichard, Kevin
Sedensky, John
Sullivan, Kevin
Tremblay, Stella
Weyler, Kenneth

Allen, Mary
Bates, David
Brown, Paul
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Quandt, Marshall
Ritter, Glenn
Shuler, Wyman III
Sytek, John
Tucker, Pamela

Antosz, Jason
Belanger, Ronald
Charron, Gene
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Hagan, Joseph
Itse, Daniel
Lundgren, David
McKinney, Betsy
Okerman, Richard
Quandt, Matt
Sanders, Elisabeth
Smith, William
Tamburello, Daniel
Waterhouse, Kevin

Azarian, Gary
Bettencourt, David
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Garrity, James
Headd, James
Kappler, Lawrence
MacMahon, Bruce
McMahon, Charles
Oigny, Jeffrey
Reagan, John
Sapienza, Marie
Sullivan, James
Tasker, Kyle
Webb, James

STRAFFORD

Andolina, Donald
Jones, Kyle
Munck, Philip
Parsons, Robbie
Weeden, Michael

Cataldo, Sam
Jones, Laura
Newton, Clifford
Pitre, Joseph

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

Groen, Warren
Leonard, Frederick Jr
Panek, William
Vita, Lucien

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

NAYS 105

BELKNAP

Bolster, Peter

St. Cyr, Jeffrey

CARROLL

None

CHESHIRE

Butynski, William
Lindsey, Steven
Sad, Tara

Carr, Daniel
Meador, David
Weber, Lucy

Hawkes, Samuel
Parkhurst, Henry
Weed, Charles

Johnsen, Gladys
Roberts, Kris

COOS

Coulombe, Gary

Merrick, Evalyn

GRAFTON

Almy, Susan
Nordgren, Sharon
White, Andrew

Benn, Bernard
Pierce, David

Cooney, Mary
Smith, Suzanne

Harding, Laurie
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Gargas, Carolyn
Greazzo, Phil
Long, Patrick
Porter, Marjorie
Shaw, Barbara

Brunelle, Michael
Garrity, Patrick
Jeudy, Jean
Messier, Irene
Ramsey, Peter
Sullivan, Daniel

Campbell, David
Gimas, John
Katsiantonis, Thomas
Moran, Edward
Rhodes, Brian

Daler, Jennifer
Goley, Jeffrey
Levasseur, Nickolas
Pilotte, Maurice
Rokas, Ted

MERRIMACK

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

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

Foose, Robert
Kidder, David
Rice, Chip
Wallner, Mary Jane

Frazer, June
MacKay, James
Richardson, Gary
Watrous, Rick

ROCKINGHAM

Cali-Pitts, Jacqueline
Lovejoy, Patricia
Peckham, Michele
Rice, Frederick
Sheffert, Kenneth

Case, Frank
Moody, Marcia
Perkins, Lawrence
Sapareto, Frank
Waddell, James

DiPentima, Rich
Norelli, Terie
Powers, James
Schlachman, Donna
Ward, Joanne

Hutchinson, Karen
Pantelakos, Laura
Read, Robin Jr
Schroadter, Adam

STRAFFORD

Berube, Roger

Brown, Julie

Browne, Brendon

Domingo, Baldwin

Ginsburg, Philip
Kaen, Naida
Schmidt, Peter
Wall, Janet

Grassie, Anne
Keans, Sandra
Spainhower, Dale
Watters, David

Hooper, Dorothea
Pelletier, Marsha
Spang, Judith

Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond

Lefebvre, Benjamin

Lovett, Charlene

and the majority committee report was adopted.

SB 158-FN, relative to the payment of state aid grants for water and wastewater for 2009 and 2010. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Dan McGuire for the Majority of Finance: The state has a program to provide aid to public water and wastewater projects. Since October, 2008 new money for these projects has been unavailable, so subsequent projects have been added to a waiting list. There are now 87 projects on the list. Current law would fund these projects on a first-come first-served basis. SB 158 would freeze the list as of June 30, 2011 and proportionally fund all projects on the list as funds become available. Any subsequent projects would go on a new first-come first-served list. While the majority is sympathetic to those municipalities who are waiting for funding, we dislike retroactive policy changes and see no compelling reason to change the operation of the waiting list. Vote 18-8.

Rep. Karen C. Umberger for the Minority of Finance: The current method of distributing payments for state aid grants for the 77 wastewater projects and 10 water projects, approved by the department of environmental services since 2008 should be changed from first in first paid to a sharing of any dollars available across all projects. When these projects were approved by the voters there was an expectation that funds would be available to support the state's promised 20% of the construction costs. This did not happen because no money was budgeted for the program. We believe the fairer method of funding is to share the money across all projects so every project would receive some funding as it might become available. We recognize there is no money in the budget to support funding for any of the 87 water/wastewater construction projects.

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

Rep. Umberger spoke against.

Rep. Dan McGuire spoke in favor and yielded to questions.

On a division vote, 282 members having voted in the affirmative and 91 in the negative, the majority committee report was adopted.

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

SB 46, extending and revising the commission to develop a plan for the expansion of transmission capacity in the north country. **INEXPEDIENT TO LEGISLATE.**

Rep. James D. Summers for Science, Technology and Energy: This bill would have reconstituted a commission to study the upgrading of the Coos electric transmission system, also known as the "Coos loop." Prior commissions have studied the issue for almost 5 years, spent almost \$200,000 on consulting reports, had interesting dialogue, but still have not been able to get all stakeholders to reach a solution for funding the upgrades. The root of the problem is this: for-profit, renewable energy developers (wind farms, biomass plants, hydro-electric dams) want to build projects in the North Country (usually in remote locations), but do not want to pay for the transmission line upgrades necessary to bring their power onto the regional electric grid. Some stakeholders feel that the developers should bear all the cost; some feel that ratepayers should front the cost; some feel costs should be allocated or otherwise socialized. The majority of the committee believes that since the parties have been

unable to reach agreement after all these years, another commission and potentially another consulting study would be a waste of time and resource. The majority also felt that electric ratepayers should not be expected to subsidize transmission upgrades which are not necessary for system reliability and which will benefit profit-making developers. Vote 10-6. Committee report adopted.

SB 55-FN, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable. **INEXPEDIENT TO LEGISLATE.**

Rep. Sam A. Cataldo for Science, Technology and Energy: This bill would have mandated that a specific chemical (denatonium benzoate) be added to certain engine coolants and antifreeze to render them unpalatable. The purpose of adding a "bittering agent" to antifreeze would be to make it unpalatable to animals and children, in the hopes that they will not drink it and be poisoned. While the majority cares about animal health, we had several problems with the bill. First, it mandated only one bittering solution, even though there are multiple options available in the market. Second, it frees both the antifreeze manufacturers and chemical manufacturers from legal liability when the products are blended. Third, it includes multiple exclusions that watered down the desired impact of the bill. This mandate is not needed, and we encourage the antifreeze manufacturers to voluntarily offer "bittered" product for sale in the state. Vote 8-7.

Rep. Cali-Pitts spoke against.

LAID ON THE TABLE

Rep. Cali-Pitts moved that **SB 55-FN**, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable, be laid on the table. On a division vote, 303 members having voted in the affirmative and 70 in the negative, the motion was adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR

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

Rep. Larry G. Gagne for Criminal Justice and Public Safety: This bill requires the commissioners of the departments of health and human services, corrections and the attorney general to enter into a memorandum of understanding (MOU.) to establish an inter-departmental team, to address issues concerning certain adults with developmental disabilities who may present a substantial risk to the community. The purpose of the MOU is to promote collaboration and cooperation across all service systems to determine and recommend system responsibility for providing and/or funding specific services and supports to effectively meet the needs of the individual and the public safety of the community in accordance with the rules of the respective departments. There is no fiscal impact related to this bill. Vote 14-0.

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

YEAS 350 NAYS 28

YEAS 350

BELKNAP

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

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

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

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

Tobin, William

Worsman, Colette

CARROLL

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

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

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Schmidt, Stephen

CHESHIRE

Butynski, William
Emerson, Susan
Lerandeau, Alfred
Moore, Robert Jr
Smith, Edwin
Weed, Charles

Byrnes, John
Hunt, John
Lindsey, Steven
Parkhurst, Henry
Sterling, Franklin Jr

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

Dwinell, Richard
Johnson, Jane
Moore, Charles
Sad, Tara
Weber, Lucy

COOS

Daugherty, Duffy
Richardson, Herbert

Merrick, Evalyn
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

GRAFTON

Almy, Susan
Cooney, Mary
Harding, Laurie
Pierce, David
Smith, Suzanne

Bradley, Lester
Eaton, Stephanie
Ingbretson, Paul
Reilly, Harold Sr
Sorg, Gregory

Brosseau, Charles
Gionet, Edmond
Ladd, Rick Jr
Shackett, Jeffrey
Sova, Charles

Bulis, Lyle
Gould, Franklin
Mirski, Paul
Simard, Paul
White, Andrew

HILLSBOROUGH

Avard, Kevin
Barry, J. Gail
Bergevin, Jerry
Burt, John
Champagne, Norma

Balboni, Michael
Barry, Richard
Boehm, Ralph
Buxton, Michael
Christensen, D.L.
Chris

Ball, J. Michael
Belanger, James
Brown, Kevin
Campbell, David
Christiansen, Lars

Baroody, Benjamin
Belvin, William
Brownrigg, Randall Jr
Cebrowski, John
Coffey, James

Condra, William

Cote, David

Coughlin, Sean

Cusson-Cail,
Kathleen

Daler, Jennifer
Doherty, Shaun
Flanagan, Jack
Gargas, Carolyn
Goley, Jeffrey
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Infantine, William
Kurk, Neal
Long, Patrick
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James
Porter, Marjorie
Reed, Michael

Daniels, Gary
Donovan, Daniel
Fredette, Robert
Garrity, Patrick
Gonzalez, Carlos
Haefner, Robert
Hikel, John
Holden, Frank
Jasper, Shawn
Lambert, George
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Pratt, Calvin
Renzullo, Andrew

Day, Russell
Drisko, Richard
Gagne, Larry
Gidge, Kenneth
Gorman, Mary
Hansen, Peter
Hinch, Richard
Hopper, Gary
Jeudy, Jean
LeBrun, Donald
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Peterson, Lenette
Proulx, Mark
Rhodes, Brian

DeJong, Cameron
Erickson, Duane
Gandia, Laura
Gimas, John
Graham, John
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Krasucki, Joseph
Levasseur, Nickolas
McCarthy, Michael
Messier, Irene
Ober, Lynne
Palmer, Stephen
Pilotte, Maurice
Ramsey, Peter
Robbins, David

Rokas, Ted
Shaw, Barbara
Souza, Kathleen
Summers, James
Twombly, Timothy
Whitehead, Randall

Rosenwald, Cindy
Silva, Peter
Stepanek, Stephen
Swank, Matthew
Ulery, Jordan
Willette, Robert

Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Terrio, Ross
Vaillancourt, Steve

Seidel, Carl
Soucy, Connie
Sullivan, Daniel
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
DeStefano, Stephen
Hamm, Christine
Kotowski, Frank
Lockwood, Priscilla
McGuire, Dan
Sanborn, Laurie
Smith, Todd
Winter, Steven

Bouchard, Candace
Foose, Robert
Hill, Gregory
Kreis, Kenneth Sr
MacKay, James
Palfrey, David
Seaworth, G. Brian
Soltani, Tony

Cohn, Seth
Gile, Mary
Hoell, J.R.
Lauer-Rago, Kathleen
McDonnell, John
Reed, Dennis
Shurtleff, Stephen
Wallner, Mary Jane

Cox, Sean
Giuda, J. Brandon
Keane, Thomas
Lindsley, Mark
McGuire, Carol
Richardson, Jon
Smith, Molly
Watrous, Rick

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Charron, Gene
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Hagan, Joseph
Introne, Robert
Kolodziej, Walter
Mauro, Donna
Murphy, Brian
Oligny, Jeffrey
Perkins, Lawrence
Reagan, John
Sanders, Elisabeth
Schroadter, Adam
Smith, William
Tamburello, Daniel
Waddell, James
Weyler, Kenneth

Allen, Mary
Bates, David
Brown, Paul
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Garrity, James
Headd, James
Itse, Daniel
Lundgren, David
McKinney, Betsy
Nevins, Chris
Pantelakos, Laura
Quandt, Marshall
Reichard, Kevin
Sapareto, Frank
Sedensky, John
Sullivan, James
Tasker, Kyle
Ward, Joanne

Antosz, Jason
Belanger, Ronald
Cali-Pitts, Jacqueline
Comerford, Timothy
Devine, James
Ferrante, Beverly
Gould, Kenneth
Hoelzel, Kathleen
Kappler, Lawrence
MacMahon, Bruce
McMahon, Charles
Norelli, Terie
Peckham, Michele
Quandt, Matt
Rice, Frederick
Sapienza, Marie
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin

Azarian, Gary
Bettencourt, David
Case, Frank
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Griffin, Mary
Hutchinson, Karen
Katsakiores, Phyllis
Manuse, Andrew
Moody, Marcia
Okerman, Richard
Perkins, Amy
Read, Robin Jr
Ritter, Glenn
Schlachman, Donna
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Webb, James

STRAFFORD

Andolina, Donald
Cataldo, Sam
Grassie, Anne
Jones, Laura
Munck, Philip
Parsons, Robbie
Spang, Judith
Wall, Janet

Berube, Roger
DeLemus, Susan
Groen, Warren
Kaen, Naida
Newton, Clifford
Pitre, Joseph
Sprague, Dale
Watters, David

Brown, Julie
Domingo, Baldwin
Hooper, Dorothea
Larsen, Kirsten
O'Connor, William
Roberts, Jenna
Vita, Carol
Weeden, Michael

Browne, Brendon
Ginsburg, Philip
Jones, Kyle
Leonard, Frederick Jr
Panek, William
Schmidt, Peter
Vita, Lucien

SULLIVAN

Bowers, Spec
Howard, Thomas

Cloutier, John
LaCasse, Paul Sr

Cunningham, Steven
Laware, Thomas

Gagnon, Raymond
Lovett, Charlene

Osgood, Joe Rodeschin, Beverly Smith, Steven

NAYS 28

BELKNAP

None

CARROLL

None

CHESHIRE

Carr, Daniel Chase, Cynthia Hawkes, Samuel

COOS

Coulombe, Gary Theberge, Robert

GRAFTON

Aguiar, James Benn, Bernard Nordgren, Sharon Taylor, Kathleen
Townsend, Charles

HILLSBOROUGH

Brunelle, Michael Katsiantonis, Thomas Warden, Mark

MERRIMACK

Frazer, June Kidder, David Owen, Derek Potter, Frances
Rice, Chip Richardson, Gary Williams, Robert

ROCKINGHAM

DiPentima, Rich Lovejoy, Patricia Powers, James

STRAFFORD

Horrigan, Timothy Pelletier, Marsha Spainhower, Dale

SULLIVAN

Lefebvre, Benjamin Schmidt, Andrew
and the committee report was adopted.
Ordered to third reading.

MOTION TO PRINT REMARKS

Rep. Baldasaro moved that the remarks made by Rep. Blankenbeker be printed in the Permanent Journal.
Adopted.

REMARKS

Rep. Blankenbeker: Thank you, Mister Speaker and thank you, colleagues. I just wanted to point out in SB 51 that the first line of the bill says that the Attorney General shall enter into a memorandum of understanding establishing an inter-departmental team. Further down on the bill it also says that the Attorney General shall submit an annual report

beginning on November 1st to the President of the Senate, the Speaker of the House of Representatives and the Governor. I just wanted to remind everybody that we when listened to House Bill 89 and House Bill 440, the Attorney General testified in front of the State-Federal Relations Committee that it was unconstitutional, in his opinion, that we compel him to do anything and that statutorily he could not be compelled by this body or any other legislative body under the constitution to do anything. So, I just wanted to remind folks that that's out there. He did not, just for the record or to my knowledge and by the testimony from the Criminal Justice Committee to me, did not testify in front of the House Committee, Criminal Justice Committee on this bill to the contrary. He didn't come and state that again. We heard a lot of testimony. The last time I was at the well, I don't need to rehash all the reasons why I believe it's constitutional and, in fact, I found it quite interesting that the Senate brought this bill when they also have in our calendar's today that they are asking for the Supreme Court to give us a decision under a resolution, their Resolution 9, have asked the Supreme Court to answer that question for us. So, for those of you who believed that this is constitutional, feel free to vote with the bi-partisan 14-0 committee recommendation that this is constitutional and have it fly and for those of you who don't, well, I guess you can do what you want.

BILLS REMOVED FROM THE CONSENT CALENDAR (CONT'D)

SB 95, establishing a commission to study youth sports concussions and other concussions received while at school. **INEXPEDIENT TO LEGISLATE.**

Rep. Ralph G. Boehm for Education: Concussions are being studied across the country by professional and college sports. We do not need to do it also. The New Hampshire interscholastic athletic association (NHIAA) has adopted the very strict National Federation of state High Schools (NFHS) guidelines on handling concussions. These guidelines include cognitive abilities that have to be met before the student can even return to exercise for a sport. The NHIAA also has guidelines for any injury during a practice or game. It is no longer up to the coach, athlete, or even the parents, a licensed medical professional has to give the okay, and every high school has to have one available for all practices and games. Gone are the days of, "I'm okay coach. Put me in." Vote 13-3.

Rep. Gile spoke against.

Rep. Boehm spoke in favor.

On a division vote, 289 members having voted in the affirmative and 83 in the negative, the committee report was adopted.

SB 40, making technical corrections to meals and rooms tax laws. **OUGHT TO PASS.**

Rep. Patrick F. Abrami for Ways and Means: This bill simply makes technical corrections to meals and rooms tax laws as requested by the department of revenue administration. These changes involved license renewals, rate corrections, gender neutral statements, account separation due to delinquent payments and bond requirements. The committee unanimously agreed that these changes were both required and reasonable. Vote 17-0.

Rep. Weyler offered floor amendment (2163h).

Floor Amendment (2163h)

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

AN ACT making technical corrections to meals and rooms tax laws and reducing the tobacco tax.

Amend the bill by replacing all after section 6 with the following:

7 Tobacco Tax Rate Reduced. Amend RSA 78:7 to read as follows:

78:7 Tax Imposed. A tax upon the retail consumer is hereby imposed at the rate of \$~~[1.78]~~ **1.68** for each package containing 20 cigarettes or at a rate proportional to such rate for packages containing more or less than 20 cigarettes, on all cigarettes sold at retail in this state. The payment of the tax shall be evidenced by affixing stamps to the smallest packages

containing the cigarettes in which such products usually are sold at retail. The word "package" as used in this section shall not include individual cigarettes. No tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States.

8 Tobacco Products Other Than Cigarettes; Tax Rate Reduced. Amend RSA 78:7-c to read as follows:

78:7-c Tax Imposed on Tobacco Products Other Than Cigarettes. A tax upon the retail consumer is hereby imposed on tobacco products other than cigarettes at a rate of ~~[65.03]~~ 48 percent of the wholesale sales price. The tax under this section may be rounded to the nearest cent if the commissioner determines that the amount of tax would not thereby be made materially disproportionate. No such tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States. No such tax shall be imposed on premium cigars.

9 Applicability. Sections 7 and 8 of this act shall apply to all persons licensed under RSA 78:2. Such persons shall have 60 days to sell inventory in their possession at the tax rate in effect prior to the rate reduction. The department of revenue administration shall not issue a refund for the difference, if any, in the amount paid previously on such inventory and the tax rate established in sections 7 and 8 of this act.

10 Effective Date.

I. Section 9 of this act shall take effect upon its passage.

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

AMENDED ANALYSIS

This bill makes technical corrections to meals and rooms tax laws. The bill also reduces the tobacco tax rate.

Rep. Weyler spoke in favor and yielded to questions.

Rep. Almy spoke against.

Rep. Jasper requested a roll call; sufficiently seconded.

YEAS 272 NAYS 108

YEAS 272

BELKNAP

Accornero, Harry	Comtois, Guy	Fields, Dennis	Flanders, Donald
Greemore, Robert	Kingsbury, Robert	Luther, Robert	Malone, Robert
Millham, Alida	Russell, David	Simpson, Tyler	St. Cyr, Jeffrey
Swinford, Elaine	Tilton, Franklin	Tobin, William	Worsman, Colette

CARROLL

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

CHESHIRE

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

COOS

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

GRAFTON

Bradley, Lester
Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

Brosseau, Charles
Ingbretson, Paul
Shackett, Jeffrey

Bulis, Lyle
Ladd, Rick Jr
Simard, Paul

Eaton, Stephanie
Mirski, Paul
Sorg, Gregory

HILLSBOROUGH

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

Balboni, Michael
Belanger, James
Brown, Kevin
Cebrowski, John

Ball, J. Michael
Belvin, William
Brownrigg, Randall Jr
Champagne, Norma

Barry, J. Gail
Bergevin, Jerry
Burt, John
Christensen, D.L.
Chris
Coughlin, Sean
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Haefner, Robert
Hikel, John
Holden, Frank
Jasper, Shawn
Levasseur, Nickolas
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James
Pratt, Calvin
Robbins, David
Simmons, Tammy
Stroud, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Christiansen, Lars
Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Rowe, Robert
Soucy, Connie
Sullivan, Daniel
Thomas, Joseph
Villeneuve, Moe

Coffey, James
Daniels, Gary
Donovan, Daniel
Fredette, Robert
Graham, John
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Reed, Michael
Seidel, Carl
Souza, Kathleen
Summers, James
Twombly, Timothy
Warden, Mark

Condra, William
Day, Russell
Drisko, Richard
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Infantine, William
Lambert, George
McCarthy, Michael
Messier, Irene
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Renzullo, Andrew
Silva, Peter
Stepanek, Stephen
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Hill, Gregory
Kreis, Kenneth Sr
McGuire, Carol
Richardson, Jon
Smith, Todd

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

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

Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Reed, Dennis
Smith, Molly

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Comerford, Timothy
Devine, James
Ferrante, Beverly
Griffin, Mary
Hutchinson, Karen
Katsakiores, Phyllis
Manuse, Andrew
Nevins, Chris
Perkins, Amy

Allen, Mary
Bates, David
Brown, Paul
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Introne, Robert
Kolodziej, Walter
Mauro, Donna
Okerman, Richard
Quandt, Marshall

Antosz, Jason
Belanger, Ronald
Charron, Gene
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Headd, James
Itse, Daniel
Lundgren, David
McKinney, Betsy
Oigny, Jeffrey
Quandt, Matt

Azarian, Gary
Bettencourt, David
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Kappler, Lawrence
MacMahon, Bruce
McMahon, Charles
Peckham, Michele
Reagan, John

Reichard, Kevin
Sapareto, Frank
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Webb, James

Rice, Frederick
Sapienza, Marie
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Weyler, Kenneth

Ritter, Glenn
Schroadter, Adam
Smith, William
Tamburello, Daniel
Ward, Joanne

Sanders, Elisabeth
Sedensky, John
Sullivan, James
Tasker, Kyle
Waterhouse, Kevin

STRAFFORD

Andolina, Donald
Domingo, Baldwin
Larsen, Kirsten
O'Connor, William
Vita, Carol

Berube, Roger
Groen, Warren
Leonard, Frederick Jr
Panek, William
Vita, Lucien

Cataldo, Sam
Jones, Kyle
Munck, Philip
Parsons, Robbie
Weeden, Michael

DeLemus, Susan
Jones, Laura
Newton, Clifford
Pitre, Joseph

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 108

BELKNAP

Bolster, Peter

Pilliod, James

CARROLL

Knox, J. David

Schmidt, Stephen

CHESHIRE

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

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

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

Emerson, Susan
Lindsey, Steven
Sad, Tara

COOS

Coulombe, Gary

Merrick, Evalyn

Remick, William

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
Daler, Jennifer
Gimas, John
LeBrun, Donald
Ramsey, Peter
Shaw, Barbara

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

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

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

MERRIMACK

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

ROCKINGHAM

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

STRAFFORD

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

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Schmidt, Andrew
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and floor amendment (2163h) was adopted.
Committee report adopted and ordered to third reading.

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, June 1, 2011 at 9:00 a.m.

Rep. Soltani spoke against.

Rep. Brunelle requested a roll call; sufficiently seconded.

YEAS 255 NAYS 119

YEAS 255

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
Swinford, Elaine	Tilton, Franklin	Tobin, William	Worsman, Colette

CARROLL

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

CHESHIRE

Byrnes, John	Cartwright, Anne	Dwinell, Richard	Hunt, John
--------------	------------------	------------------	------------

Johnson, Jane
Sterling, Franklin Jr

Moore, Charles

Moore, Robert Jr

Smith, Edwin

COOS

Daugherty, Duffy

Rappaport, Laurence

Tholl, John Jr

GRAFTON

Bradley, Lester
Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

Brosseau, Charles
Ingbretson, Paul
Shackett, Jeffrey

Bulis, Lyle
Ladd, Rick Jr
Simard, Paul

Eaton, Stephanie
Mirski, Paul
Sorg, Gregory

HILLSBOROUGH

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

Balboni, Michael
Belanger, James
Brown, Kevin
Christensen, D.L.
Chris

Ball, J. Michael
Belvin, William
Brownrigg, Randall Jr
Coffey, James

Barry, J. Gail
Bergevin, Jerry
Burt, John
Condra, William

Coughlin, Sean
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Jasper, Shawn
LeBrun, Donald
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Reed, Michael
Rowe, Robert
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Gargasz, Carolyn
Haefner, Robert
Hikel, John
Holden, Frank
Krasucki, Joseph
Maltz, Jonathan
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Peterson, Lenette
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Daniels, Gary
Donovan, Daniel
Fredette, Robert
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Messier, Irene
Ober, Lynne
Palmer, Stephen
Pratt, Calvin
Rhodes, Brian
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Day, Russell
Drisko, Richard
Gagne, Larry
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
Lambert, George
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James
Proulx, Mark
Robbins, David
Simmons, Tammy
Summers, James
Twombly, Timothy
Warden, Mark

MERRIMACK

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

Cohn, Seth
Hoell, J.R.
Kreis, Kenneth Sr
McDonnell, John
Richardson, Jon
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
Baldasaro, Alfred
Birdsell, Regina
Chirichiello, Brian
Dowling, Patricia
Fesh, Robert

Allen, Mary
Bates, David
Brown, Paul
Comerford, Timothy
Duarte, Joe
Garcia, Marilinda

Antosz, Jason
Belanger, Ronald
Case, Frank
Davenport, Joshua
Elliott, Robert
Garrity, James

Azarian, Gary
Bettencourt, David
Charron, Gene
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary

Hagan, Joseph
Itse, Daniel
MacMahon, Bruce
Murphy, Brian
Peckham, Michele
Ritter, Glenn
Sedensky, John
Sullivan, James
Tasker, Kyle
Ward, Joanne

Headd, James
Kappler, Lawrence
Manuse, Andrew
Nevins, Chris
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin

Hoelzel, Kathleen
Katsakiores, Phyllis
Mauro, Donna
Okerman, Richard
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Weyler, Kenneth

Introne, Robert
Kolodziej, Walter
McMahon, Charles
Oligny, Jeffrey
Rice, Frederick
Schroadter, Adam
Smith, William
Tamburello, Daniel
Waddell, James

STRAFFORD

Andolina, Donald
Jones, Kyle
Munck, Philip
Parsons, Robbie
Weeden, Michael

Cataldo, Sam
Jones, Laura
Newton, Clifford
Pitre, Joseph

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

Groen, Warren
Leonard, Frederick Jr
Panek, William
Vita, Lucien

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr

NAYS 119

BELKNAP

Bolster, Peter

St. Cyr, Jeffrey

CARROLL

None

CHESHIRE

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

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

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

Emerson, Susan
Lindsey, Steven
Sad, Tara

COOS

Coulombe, Gary
Theberge, Robert

Merrick, Evalyn
Tremblay, Marc

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
Champagne, Norma
Gidge, Kenneth
Judy, Jean
Pepino, Leo

Brunelle, Michael
Cote, David
Gimas, John
Katsiantonis, Thomas
Pilotte, Maurice

Buxton, Michael
Daler, Jennifer
Goley, Jeffrey
Levasseur, Nickolas
Porter, Marjorie

Campbell, David
Garrity, Patrick
Gorman, Mary
Long, Patrick
Ramsey, Peter

Rokas, Ted
Sullivan, Daniel

Rosenwald, Cindy

Shaw, Barbara

Stroud, Kathleen

MERRIMACK

Bouchard, Candace
Gile, Mary
Potter, Frances
Soltani, Tony

DeStefano, Stephen
Hamm, Christine
Rice, Chip
Wallner, Mary Jane

Foose, Robert
MacKay, James
Richardson, Gary
Watrous, Rick

Frazer, June
Owen, Derek
Shurtleff, Stephen
Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline
Gould, Kenneth
Pantelakos, Laura
Quandt, Marshall
Schlachman, Donna

Copeland, Timothy
Lovejoy, Patricia
Perkins, Amy
Quandt, Matt
Serlin, Christopher

Devine, James
Moody, Marcia
Perkins, Lawrence
Read, Robin Jr
Webb, James

DiPentima, Rich
Norelli, Terie
Powers, James
Sapienza, Marie

STRAFFORD

Berube, Roger
Ginsburg, Philip
Kaen, Naida
Schmidt, Peter
Wall, Janet

Brown, Julie
Grassie, Anne
Keans, Sandra
Spainhower, Dale
Watters, David

Browne, Brendon
Hooper, Dorothea
Pelletier, Marsha
Spang, Judith

Domingo, Baldwin
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

SULLIVAN

Cloutier, John
Schmidt, Andrew
and the motion was adopted.

Gagnon, Raymond
Smith, Steven

Laware, Thomas

Lefebvre, Benjamin

LATE SESSION

Third reading and final passage

SB 28, establishing an exemption from the licensing requirements for nondepository first mortgage bankers and brokers for persons providing loans for certain seller-financed transactions.

SB 189, relative to the definition of mortgage loan originator.

SB 68, relative to records of disciplinary actions taken by the electricians' board.

SB 34-FN, relative to orders of notice in guardianship cases; relative to approvals of marriages for persons under 18 years of age by the judicial branch family division; and relative to the adjudicatory hearing date in child protection cases.

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

SB 65, making technical corrections to a law relative to court facility financing.

SB 139-FN, relative to state recoveries of public assistance caused by fraud.

SB 176, relative to marriage licenses.

SB 144, relative to extending certain permits and approvals.

SB 22, relative to alternative regulation of small incumbent local exchange carriers.

SB 93, relative to pharmacist administration of vaccines.

SB 120, relative to alcoholic beverage advertising restrictions.

SB 162-FN, relative to federal health care reform 2010.

SB 52-FN, excluding persons convicted of violent crimes and sexually violent persons from mandatory early release on probation or parole.

SB 67, establishing a committee to study school vouchers and school choice.

SB 51, relative to the establishment of a state leadership team to address issues concerning

certain adults with developmental disabilities who may present a substantial risk to the community.

SB 40, making technical corrections to meals and rooms tax laws.

UNANIMOUS CONSENT

Reps. Graham, Itse, Gile and Peter Schmidt addressed the House.

MOTION TO PRINT REMARKS

Rep. Mirski moved that the remarks made by Rep. Graham be printed in the Permanent Journal.

Adopted.

REMARKS

Rep. Graham: Thank you, Mister Speaker. My colleagues at the close of, shall I say, an anticlimactic session it is only fitting that we contemplate for a moment those things that bind us together as a state and as a nation. Two weeks ago we approved a resolution lauding the efforts of our intelligence and military communities for their successful raid on the bin Laden compound. It was fitting that we did so, but that triumph must be bittersweet to those who have lost friends, family and loved ones over the last decade. This weekend we will, collectively, celebrate Memorial Day. Most, if not all of us, in this chamber will participate in parades or other ceremonies. It is an opportunity for us to reflect on the sacrifices that each generation of Americans has been called upon to make in order that we might assemble in peace here in the Peoples' House. They truly understood that freedom is not free. The fourth and final stanza of the Star Spangled Banner hints at this sentiment. It reads in part:

“O! thus be it ever, when freemen shall stand
Between their loved home and the war's desolation.
Blest with vict'ry and peace, may the Heav'n rescued land
Praise the Power that hath made and preserved us a nation!”

And indeed we are blessed and we should recall that the preservation of our state and nation has been at the cost of the blood and lives of hundreds of thousands of men and women. It is this cost that we should all reflect on this weekend. Today our state has hundreds of men and women serving in the armed forces around the world and like their forefathers in spirit if not name, they continue to pay the price. Since last Memorial Day, New Hampshire has lost 5 young men in combat. Most of them have been previously eulogized in this Chamber, but let us take a moment, this Memorial Day, to remember them and reflect on their sacrifice one last time. They are: Staff Sergeant Kyle R. Warren, U.S. Army, from Manchester; Master Sergeant Jared N. Van Aalst, U.S. Army, from Laconia; Sergeant Andrew C. Nicol, U. S. Army, from Kensington; Corporal Philip G. E. Charte, U. S. Marine Corps, from Goffstown; and Lance Corporal Michael E. Geary, U. S. Marine Corps, from Derry. Mr. Speaker, I request a moment of silence to remember these men and their families. Thank you, Mr. Speaker.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of the men and women who have lost their lives fighting for our freedom.

MOTION TO PRINT REMARKS

Rep. Norelli moved that the remarks made by Rep. Itse be printed in the Permanent Journal.
Adopted.

REMARKS

Rep. Itse: Thank you, Mister Speaker. During my first two terms in this body, Representative Alf Jacobson would get up to commemorate the battle of Iwo Jima and he would tell us about his experiences because he was in the Marine Corps and was part of that assault on that island and he would tell us the hardships and tragedies of his comrades in arms and bring tears to this body. For the last several years we have not been doing that. I first want to commend Rep. Jacobson who left this earth a little more than a year ago on April 18, 2010. He was not only a Representative, but he served in the Senate from 1969 to 1978 and was President of the Senate from 1975 to 1978. For those of you who are freshmen, when you come across from the Storrs Street garage, you can see a plaque that bears his name as Senate President when that was constructed. He then came back to the House and served another ten terms as a Representative and was at the Constitutional Convention in 1984. I thought how can I possibly do justice to this man who not only sacrificed his time in this body, but put his very life on the line in Iwo Jima? I have something very special. My father graduated high school in 1944. He enlisted in the Navy in July of 1944 and then turned 18 on August 6 of 1944. A young farm boy went to war. He left me his journal and I will read you his excerpts on the battle of Iwo Jima and Okinawa. Now, Representative Jacobson was on the beach, but as you may know, for every man that is actually in combat, there are ten supporting him. My father was one of those. He served on a LST (Logistical Supply Transport).

April 13 – Arrived at Iwo Jima. Beached on Brown Beach and unloaded. LSM 87 got caught in our stern anchor during an air raid. She banged our side and boats. LCT 863 punched a hole in us amid ships. They are still fighting ashore. We can see them in hand-to-hand combat on the north end of the island. They did well for themselves. Iwo Jima is a funny island. Shaped like a diamond with a circle on one end. There are no trees or grass.

April 16 - We left Iwo Jima empty. We were followed all night by a ship. LE escort attacked her and sunk her.

April 29 – We arrived at Okinawa. We came into the west side at the Nagashi anchorage. We had to come in very fast as there was a battleship protecting at the anchorage, but at sea the Japanese shore batteries could find us. We came in at an emergency flank speed, about 13 knots. We got near the air strip and anchored. We began unloading the fog oil to all the small ships. They would come alongside. The first night we had an air raid about dusk or 1900. There was much fire. Some bombs hit close. More landed on the airstrip. We sleep at 5 in the morning, then we unloaded some more. At about 9 that morning we launched an LCT on our main deck. LCT 463. Every night we had air raids and almost every day. Nice days and nights. I didn't get a chance to take my clothes off to sleep. One night suicide planes came. Only a cruiser was hit. Many merchant ships were sunk. A hospital ship was hit.

May 13 - We left Okinawa with our tank deck empty and our main deck clear.

June 1 - I was made Seaman First Class as a signalman.

June 26 – We arrived at Okinawa and went to Nagashushi. It is just north of B..... Bay. During our stay on the beach I went ashore with them. I looked over the homes and grave scene of Northern Okinawa. I picked up a few souvenirs there. They still have air raids here. Not as long and not as many planes.

July 1 – We went around the south point of the island over to the west side. It was

very strong and two other ships were afraid and turned back. The waves were 30 to 60 ft high. Late in the afternoon we anchored in anchorage.

July 3- We went to Napa Harbor, the capital of Okinawa. It was a small harbor cluttered with sunken ships, the city in ruins with smoke still coming up. We loaded with marines and broken-down equipment.

July 4- We left Okinawa.

August 15 - V. J. Day

Aug 17 - We arrived at Okinawa. Unloaded troops and equipment. The place really stank when we got those men off. Went to Buchnes Bay to get the main engines repaired. Later we went to Nagushi and loaded with Army engineers and their equipment. Rad Parker came aboard and visited me.

Sept. 13- Left Okinawa. I met a couple of nice fellows here, one of them from Iowa.

Oct. 10 - We arrived at Okinawa and anchored at Nagushi. We were the only 4 ships. There were 6 of us when we left Taku. Don't know what became of the other two. We haven't had any mail for almost three months. August 6 was the last time I had mail. We were all expecting a lot of mail, but the Post Office had blown away. No mail. Things were a mess here. There were ships piled up on the beaches and the buildings ashore were flat.

Oct. 17 - We left Okinawa unloaded for the Philippines.

They were headed home. Thank you.

MOTION TO PRINT REMARKS

Rep. Wallner moved that the remarks made by Rep. Gile be printed in the Permanent Journal.

Adopted.

REMARKS

Rep. Gile: Thank you, Mister Speaker. Mister Speaker and Honorable colleagues, I rise to pay tribute to a former member of the New Hampshire House who was a mentor and advisor to me during my freshman year fifteen years ago. In 1997, I was appointed to the House ED&A Committee and it was my good fortune to have Rep. Bob Murphy, Democrat from Manchester and Rep. Mert Dyer, Republican from Peterborough, as two of my friends. Mert died a few years ago. On May 12, 2011, Bob Murphy passed away. I decided that I would request unanimous consent on this Memorial Day weekend to share some of the information that I read in his obituary to tell you what an extraordinary person he was. Representative Murphy graduated from the University of Maine and joined the United States Army in 1939. Upon declaration of World War II, he joined the 18th Infantry Regiment of the First Army and commanded an infantry company in the amphibious invasion of Algeria, near Oran, the North African campaign, the amphibious invasion of Sicily, the D-Day invasion of Omaha Beach, Normandy, and the European Campaign. For his efforts he was awarded two Silver Stars, three Bronze Stars with Valor Device, the Croix de Guerre, and the Purple Heart. Following World War II he remained in the Army for a total of twenty-nine years and that included two tours of duty in Vietnam. Bob retired to Manchester in 1968 joining the Hillsborough County Superior Court as Deputy Clerk and became Clerk in 1980. He retired

from the court system in 1988 and after a brief period as Hillsborough County Commissioner, was elected to the General Court where he served for many years. Colonel Robert Murphy dedicated more than sixty years of service to this nation and his state, including two wars on three continents. He truly was a member of the greatest generation and it was my privilege and good fortune to know and learn from this outstanding American.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of Representative Bob Murphy.

MOTION TO PRINT REMARKS

Rep. Watters moved that the remarks made by Rep. Peter Schmidt be printed in the Permanent Journal.
Adopted.

REMARKS

Rep. Peter Schmidt: Thank you, Mister Speaker. The name I'm about to utter will be unfamiliar to most of the members of the House, but to the longer serving members, it will be a name well known. Unfortunately the City of Dover suffered a great loss earlier this month when former Representative William McCann, Jr. died. Some of you may have seen the obituary. He came to an unfortunate end and somewhat mysterious in that he was found several days after the incident must have occurred on his cold kitchen floor in February having sustained some kind of a fall in which he broke his neck and he was subsequently put into rehabilitation. As you can imagine at the age of 66, such an injury puts you in very difficult circumstances and unfortunately, but perhaps for the best considering the circumstances, he passed away at the beginning of May. Those of you who have served here for a long time will remember Bill McCann as one of leadership of the Democrats in the House. He was an outstanding public servant for a long time in Dover. He was a member of the Dover school board for more than twenty years, serving as its Chairman as well. He was also on the Dover planning commission and the conservation commission in addition he was a tireless activist for all kinds of public good. Even if his name is unfamiliar to most, his passing should not go unremarked by this body and I would ask for a moment of silence in honor of Bill McCann, Jr. Thank you.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of former Representative William McCann, Jr.

RECESS MOTION

Rep. Silva 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 1:05 p.m.

RECESS

(Rep. Benn in the Chair)

ENROLLED BILL AMENDMENTS

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

SJ 5-25-11)
Adopted.

SB 86, requiring the department of labor to warn employers of certain violations prior to imposing a fine. (Amendment printed SJ 5-25-11)
Adopted.

SENATE MESSAGES

ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

HB 26-FN, relative to the definition of gross misconduct for purposes of unemployment compensation.

The President appointed Sens. White, Sanborn and Houde.

HB 33, relative to the care of memorials in Franconia Notch state park.

The President appointed Sens. Gallus, Barnes and Merrill.

HB 299-FN, relative to the method of financing for the judicial retirement plan.

The President appointed Sens. Carson, Luther and Larsen.

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

The President appointed Sens. Carson, Groen and Larsen.

HB 483-FN-L, relative to mosquito control.

The President appointed Sens. Barnes, Lambert and Kelly.

HB 622, relative to adjustments to the semi-annual and quarterly collection of property taxes in towns and cities.

The President appointed Sens. Barnes, Stiles and Merrill.

RECESS

(Rep. Chandler in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 44, 132, 178, 246, 262, 284, 317, 339 and Senate Bills numbered 36, 81, 96, 107, 147 and 180.

Rep. Kidder, Sen. Prescott for the Committee

RECESS

(Rep. Nevins in the Chair)

ENROLLED BILL AMENDMENTS

HB 291, relative to permissible fireworks.

Amendment (1986-EBA)

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

with 27 C.F.R. section 555.11: RSA 158:9-c, III-a; 158:9-f, III; 160-B:1, I, IX, and X; 160-C:1, II, III,

Adopted.

HB 313, requiring parental consent for court referral of a minor to a juvenile diversion

program.

Amendment (1955-EBA)

Amend section 2 of the bill by replacing lines 2-3 with the following:

II(c) to read as follows:

(c) The child and parent, guardian, or other custodian *give knowing, informed,*

and

Adopted.

HB 398, relative to service animals.

Amendment (1968-EBA)

Amend RSA 167-D:1, I as inserted by section 2 of the bill by replacing line 3 with the following:

be used or occupied, as the home, residence, or sleeping place of one or more persons, but shall not

Amend RSA 167-D:2, I(c) as inserted by section 2 of the bill by replacing it with the following:

(c) Providing nonviolent protection or rescue work.

Amend RSA 167-D:3 as inserted by section 2 of the bill by replacing line 5 with the following: to direct the education and upbringing of a child under his or her control is hereby affirmed; nor shall

Amend RSA 167-D:9 as inserted by section 2 of the bill by replacing line 3 with the following: privileges conferred by law upon other persons; and the failure of a person with a disability to use a

Adopted.

HB 532-L, relative to municipal liability for dog bites.

Amendment (1916-EBA)

Amend paragraph III of section 1 of the bill by replacing it with the following:

III. RSA 466:23, relative to lawsuits against municipalities regarding damages caused by dogs.

Adopted.

SENATE MESSAGES

CONCURRENCE

HB 74, relative to the ticketing and season passes at Cannon Mountain.

HB 329-FN, requiring parental notification before abortions may be performed on unemancipated minors.

HB 392, clarifying responsibilities of the division of homeland security and emergency management, and expanding responsibilities of the advisory committee on emergency preparedness and security.

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

HB 642-FN, requiring the departments of health and human services and administrative services to jointly issue a certain request for information.

HCR 22, declaring that although a trademarked name may include a New Hampshire geographic location such as "Mount Washington," no single business, firm, or association shall have sole authority or exclusive use of the name of such geographic location.

CONCURRENCE WITH AMENDMENTS

SB 42, relative to the declaration of consideration for purposes of the real estate transfer tax.

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

SB 100, relative to the size limitations on OHRVs operating in Jericho Mountain state park.

SB 116, relative to the manufactured housing installation standards board and relative to the definition of a modular building.

SB 156-FN-L, authorizing retail vehicle dealers to act as agents of the division of motor vehicles for vehicle registrations and title applications.

NONCURRENCE

HB 254, relative to offers of judgments.

HB 510, requiring marital masters to be New Hampshire residents.

HB 540-FN, relative to motor vehicle inspections.

NONCONCURRENCE WITH AMENDMENTS

SB 78-FN-A-L, relative to motor vehicle registration fees.

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

RE-REFERRED TO COMMITTEE

HB 508-FN, establishing a performance measurement system for state agencies.

HB 520-FN, requiring certain bills to have performance standard notes.

LAID ON THE TABLE

HB 305, relative to the homestead right.

HCR 19, affirming States' powers based on the Constitution for the United States and the Constitution of New Hampshire.

HJR 4, prohibiting the implementation of certain rules of the board of medicine.

RECESS