

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, June 1, 2011

No. 48

HOUSE JOURNAL No. 19 (cont.)

Wednesday, May 25, 2011

Rep. Silva moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 20

Wednesday, June 1, 2011

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

Prayer was offered by House Chaplain, Reverend Roger Boucher.

Almighty and Heavenly Father in whom we live and move and have our being, without whom we can do nothing, grant, we humbly pray Your blessings and protection upon our Nation and this great State of New Hampshire. In our world of often heavy trials or small struggles we rely on You to secure the path to our higher nature in responding rightly to the challenges of the day. Save us from apathy and indifference. Give us a more realistic sense of Your presence and hold us high above the cynicism of the day. Keep us from freezing others into a condition of permanent injustice. Keep us focused on liberating them for the hope that is their due.....the right to exercise their unrestrained liberty given by You in this nation under God. Help us see that our work for the people is true government and no necessary evil, but rather a device of divine wisdom to supply true human wants. Next, after praising You, it is our greatest good. Following upon our Memorial weekend for the departed who defended our liberty and whose silent battalions now march before You, Lord, we ask for renewed strength and power to preserve all for which they died. Keep our way of life loved, respected, obeyed, and, if need be, defended at the cost of all earthly goods, and even of life. We pray this in Your Holy name. Amen.

Representative Daniel Sullivan, member from Manchester, led the Pledge of Allegiance.

Rep. Mary Griffin of Windham led the singing of the National Anthem.

LEAVES OF ABSENCE

Reps. Beattie and Hofemann, the day, illness.

Reps. James Coffey, Day, James Garrity, Kreis, Leonard, Bruce MacMahon, Dick Patten, Dennis Reed, Stroud and Yvonne Thomas, the day, important business.

INTRODUCTION OF GUESTS

Eric Spang, son of Rep. Spang. Claire and Paul Buffard, guests of Rep. Umberger. Ian Hill, son of Rep. Hill. Caroline Davenport, daughter of Rep. Davenport. The Honorable Ron Nowe, former member from Epping, guest of Rep. Weyler.

SENATE MESSAGES

NONCONCURS WITH AMENDMENT

REQUESTS COMMITTEE OF CONFERENCE

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

The President appointed Sens. Bragdon, Carson and Houde.

Rep. Hunt moved that the House accede.

Adopted.

The Speaker appointed Reps. Hunt, Flanders, Nevins and Taylor.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 52, relative to grounds for modification of parental rights and responsibilities.

(Amendment printed SJ 5-11-11)

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

Adopted.

NONCONCURS WITH AMENDMENT

REQUESTS COMMITTEE OF CONFERENCE

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

The President appointed Sens. Prescott, De Blois and Houde.

Rep. Hunt moved that the House accede.

Adopted.

The Speaker appointed Reps. Hunt, Flanders, Manuse and Leonard.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 248, establishing a commission to study business regulations in New Hampshire.

(Amendment printed SJ 5-18-11)

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

Adopted.

The Speaker appointed Reps. Hunt, Jennifer Coffey, Mirski and Schlachman.

HB 322, relative to occupancy fees charged by manufactured housing park owners.

(Amendment printed SJ 5-25-11)

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

Adopted.

HB 601-FN, relative to implementation of federal health care reform. (Amendment printed

SJ 4-27-11)

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

Adopted.

The Speaker appointed Reps. Hunt, Flanders, Manuse and Taylor.

HB 25-FN-A, making appropriations for capital improvements. (Amendment printed SJ 5-25-11)

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

Adopted.

The Speaker appointed Reps. Chandler, Seidel, Graham, Edwin Smith and Campbell.

HB 337-FN-L, relative to the calculation and distribution of adequate education grants.

(Amendment printed SJ 5-25-11)

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

Adopted.

The Speaker appointed Reps. Lynne Ober, Hess, Renzullo and Connie Soucy.

CONSENT CALENDAR

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

Consent Calendar adopted.

Rep. William Panek declared a conflict of interest on SB 117 and did not participate in the vote on the Consent Calendar.

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

Rep. J. R. Hoell for Education: This bill amends the definitions and exceptions for the governing of private postsecondary career schools. The bill authorizes the executive director of the postsecondary education commission to establish guidelines to exempt schools from providing surety indemnification after having paid into the guaranty fund for at least 5 years. This bill also eliminates the requirement that postsecondary career schools be licensed, allowing schools to opt out of the licensing system. Schools electing not to be licensed are required to prominently display in contracts and enrollment forms that the school is not licensed by the postsecondary education commission. Furthermore, the schools electing not to be licensed are required to notify the students that payments made to the school are not covered by the guaranty fund and may be subject to loss. Vote 15-0.

Amendment (2051h)

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

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

Amend the bill by replacing section 3 with the following:

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

188-D:20 Licenses and Fees.

I. ~~[Prior to registering or renewing a business or trade name, or soliciting students for enrollment, an entity maintaining a physical presence in this state shall be reviewed by the executive director to determine if the entity requires a license. The executive director, in~~

~~consultation with the postsecondary education commission, shall establish procedures to accomplish this review.~~

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

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

~~[IV.] III.~~ The executive director~~[, in consultation with the postsecondary education commission]~~, shall adopt rules pursuant to RSA 541-A to establish reasonable fines, reimbursement rates for consultants, and procedures for complaint investigations and enforcement actions, which are necessary for the administration of this subdivision.

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

V. All enrollment forms and contracts used by an unlicensed private postsecondary career school in the state shall contain the following prominently displayed statement: "This postsecondary career school is not licensed by the state of New Hampshire. Any tuition payments made to this school are not guaranteed by the state and are subject to loss."

VI. When included in enrollment forms or contracts, the disclosure statement shall:

- (a) Be printed in bold font and at least 14-point type, or at least 2 font sizes larger than the size of the font used for the majority of the document; and**
- (b) Be dated and initialed separately by the enrollee.**

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

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

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

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

188-D:28 Penalty.

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

II. Whenever the executive director determines that a person is violating any provision of this subdivision or the rules adopted hereunder, the executive director shall

request the attorney general, or other appropriate official having jurisdiction, to provide appropriate relief.

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

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

SB 172, relative to performance-based school accountability criteria. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gregory Hill for Education: Best practices and high academic standards are necessary components of a quality education. The NH board of education approved the common core standards developed through a joint project of the National Governor's Association center for best practices and the chief state school officers. As of May 24, 2010, the department of education (DOE) had not yet received unformatted math standards. The state board of education approved the common core standards in principle on July 8, 2010. Eleven states received "Race to the Top" funding totaling \$4.35 billion to implement core standards, while NH received nothing but continues to move forward with the adoption process. NH already has an adopted curriculum framework with academic standards. Yes, those standards may require improvement, but this process should be a result of the NH DOE working closely with local school boards, educators and NH residents. Implementing the new curriculum standards will also be expensive: textbooks, testing design and implementation, teacher training, etc. This bill clearly states that common core standards shall not be adopted by rule pursuant to RSA 541-A, or included or implemented in any way in New Hampshire curriculum frameworks, or used as a measure of an adequate public education without prior approval of the general court. Vote 16-0.

Amendment (1594h)

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

AN ACT relative to performance-based school accountability criteria and relative to requiring legislative approval for the adoption of the common core state standards in New Hampshire.

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

2 Substantive Educational Content of an Adequate Education. Amend RSA 193-E:2-a, IV to read as follows:

IV.(a) The school approval standards for the areas identified in paragraph I shall constitute the opportunity for the delivery of an adequate education. The general court shall periodically, but not less frequently than every 10 years, review, revise, and update, as necessary, the standards identified in paragraph I and shall ensure that the high quality of the standards is maintained. Changes made by the board of education to the school approval standards through rulemaking after the effective date of this section shall not be included within the standards that constitute the opportunity for the delivery of an adequate education without prior adoption by the general court. The board of education shall provide written notice to the speaker of the house of representatives, the president of the senate, and the chairs of the house and senate education committees of any changes to the school approval standards adopted pursuant to RSA 541-A.

(b) The "common core state standards" developed jointly by the National Governors Association Center for Best Practices and the Council of Chief State School Officers shall not be adopted by rule pursuant to RSA 541-A, or included or implemented in any way in the New Hampshire curriculum frameworks, or used as

a measure of an adequate public education, without prior approval of the general court.

AMENDED ANALYSIS

This bill identifies new criteria for evaluating school accountability and requires prior approval by the general court for the inclusion or implementation of the common core state standards in the definition of an adequate education or as part of the New Hampshire curriculum frameworks.

SB 194, transferring all real and personal property from the former department of regional community-technical colleges to the board of trustees of the community college system of New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joseph W. Fleck for Education: This bill authorizes transfer of all real and personal property from the former department of regional community technical colleges to the board of trustees of the community college system of New Hampshire. It further authorizes the board of trustees to sell real property with prior approval of the governor and council and the long-range capital planning and utilization committee. Effective date of this bill is contingent on the community college completing a survey of its Concord property and evidence of insurance on the property. Vote 15-0.

Amendment (2145h)

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

AN ACT relative to the transfer of real and personal property from the former department of regional community-technical colleges to the board of trustees of the community college system of New Hampshire and relative to the tax exempt status of real estate and personal property owned by the community college system of New Hampshire.

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

1 New Section; Community College System of New Hampshire; Transfer Authorized.

Amend RSA 188-F by inserting after section 1 the following new section:

188-F:1-a Transfer Authorized. All functions, powers, duties, books, papers, records, and property of every kind, tangible and intangible, real and personal, possessed, controlled, or used by the former department of regional community-technical colleges as of the effective date of this section are hereby transferred to and vested in the board of trustees of the community college system of New Hampshire established in RSA 188-F:4. Nothing in this section shall transfer real property commonly associated with the McAuliffe-Shepard discovery center or the police standards and training council.

2 Real Estate and Personal Property Tax Exemption. Amend RSA 72:23, I(d) to read as follows:

(d) The exemptions provided in subparagraph (a) shall apply to the lands and the buildings and structures thereon and therein and personal property owned by the university system of New Hampshire ***or the community college system of New Hampshire***. The requirements of subparagraph (b) shall apply to all leases and other agreements entered into or renewed on or after April 1, 2006, the terms of which provide for the use or occupation by others of real or personal property owned by the university system of New Hampshire ***or the community college system of New Hampshire***. The remedies set forth in subparagraph (c) shall be available to enforce the payment of real and personal property taxes assessed against the lessees of property owned by the university system of New Hampshire ***or the community college system of New Hampshire*** pursuant to this subparagraph.

3 New Paragraph; Community College System of New Hampshire; Authority of Board of Trustees. Amend RSA 188-F:6 by inserting after paragraph XIII the following new paragraph:

XIII-a. Enter into a contract for the sale of real property with the prior approval of the long range capital planning and utilization committee and governor and council, provided

that the state shall retain the right of first refusal in any proposed sale of real property. This paragraph shall not apply to real property acquired by the community college system of New Hampshire after the effective date of this paragraph.

4 Community College System of New Hampshire; Survey of Concord Property. Sections 1-3 of this act shall take effect on the date the community college system of New Hampshire provides written notice to the secretary of state, the attorney general, and the director of the office of legislative services that a survey of the community college system's Concord property has been completed and that the community college system has secured insurance on all land, buildings, and personal property on its Concord property.

5 Effective Date.

I. Sections 1-3 of this act shall take effect as provided in section 4 of this act.

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

AMENDED ANALYSIS

This bill:

I. Authorizes the transfer of all real and personal property from the former department of regional community-technical colleges to the board of trustees of the community college system of New Hampshire.

II. Clarifies the tax exempt status for real estate and personal property owned by the community college system of New Hampshire.

III. Authorizes the board of trustees of the community college system of New Hampshire to sell real property with prior approval of the long range capital planning and utilization committee.

IV. Provides that the effective date of this act is contingent on the community college system of New Hampshire completing a survey of its Concord property and providing evidence of insurance coverage for its Concord property.

SB 115, relative to observing voter check-in. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kathleen M. Hoelzel for Election Law: This bill clarifies that authorized challengers, election officials and any others authorized by law, may stand within six feet of the ballot clerks for observing voter check-in. All others would stand at least six feet away unless authorized by the moderator. Vote 15-0.

Amendment (1983h)

Amend the bill by replacing section 1 with the following:

1 Observing Voter Check-In. Amend RSA 659:13-a to read as follows:

659:13-a Observing Voter Check-In. No person ~~[not]~~ ***other than an authorized challenger, an election official, or any other person*** authorized by law may stand or sit within 6 feet of the ballot clerk for purposes of observing the check-in of voters without the express permission of the moderator.

AMENDED ANALYSIS

This bill identifies persons who are exempt from the restrictions on observing voter check-in.

SB 135-FN-A, relative to election returns and election records. **OUGHT TO PASS.**

Rep. Cameron W. DeJong for Election Law: This bill modifies the requirements for election returns and establishes additional election recordkeeping requirements. The bill requires that neglect by a moderator or clerk be intentional for the neglect to be punishable as a violation. The committee decided that the modifications herein will assist moderators and other election officials in their duties by reducing the amount of paperwork required on election night and by increasing the deadlines for submission of other paperwork to the secretary of state. Vote 15-0.

SB 193, relative to nomination of political organizations. **OUGHT TO PASS WITH**

AMENDMENT.

Rep. Shawn N. Jasper for Election Law: As introduced, the legislation would have extended the time period from about 5 to about 17 months for a political organization to collect signatures to present nomination papers representing 3 percent of the registered voters along with a slate of candidates to be voted on in the general election. The amendment makes changes which allow political organizations to file nomination papers to establish party status and participate in the primary process. Under the amendment the chairman of the organization shall notify the secretary of state that the organization intends to collect signatures to achieve ballot status. After the notification, and within a year of collecting the first signature, the organization must turn in signatures equal to at least 3 percent of the voters of the state. Those voters signing the papers will do so understanding that, if the organization obtains ballot status, they will become registered members of that new party. In order to maintain ballot status the party must receive at least 4 percent of the votes cast for the office of governor or U. S. senate, which is the current law. The committee believes that by making these changes we have leveled the playing field by giving a new party the opportunity to participate in the primary. We also believe that the existing law which allows the petitioners to decide who will run for office in the general election, without voter input, is not part of a healthy process. Vote 15-0.

Amendment (2158h)

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

1 Terms and Definitions; Party. Amend RSA 652:11 to read as follows:

652:11 Party. "Party" shall mean any political organization which:

I. At the preceding state general election received at least 4 percent of the total number of votes cast for any one of the following: the office of governor or the offices of United States senators; *or*

II. Is certified by the secretary of state pursuant to RSA 655:40-a.

2 New Paragraph; Change of Registration. Amend RSA 654:34 by inserting after paragraph V the following new paragraph:

VI. Upon certification of a political organization as a party by the secretary of state pursuant to RSA 655:40-a, every voter signing a nomination paper submitted for the party shall be registered as a member of that party, regardless of whether the voter has been previously registered as a member of another party or as an undeclared voter. Such voter shall not disaffiliate with the party between the date of certification and the date of the state primary election. If the party does not receive sufficient votes at the general election to retain its status as a party, voters registered as a member of the party shall then be reregistered as undeclared voters. The secretary of state shall cause all changes of registration required by this paragraph to be entered in the statewide centralized voter registration database.

3 Declaration of Intent. Amend RSA 655:17-c to read as follows:

655:17-c Declaration of Intent; Political Organization. Declarations of intent for political organizations shall be in the following form and signed by the chairman of the political organization:

I, _____, chairman of the _____ organization hereby declare that the _____ organization intends to file nomination papers by the deadline established under RSA 655:43, I. ~~[I further declare that the _____ organization intends to file the names of candidates for the following offices with the nomination papers.]~~

4 Nomination Papers. Amend RSA 655:40 to read as follows:

655:40 General Provisions. As an alternative to nomination by party primary, a candidate may have his or her name placed on the ballot for the state general election by submitting the requisite number of nomination papers. Such papers shall contain the name and domicile of the candidate, the office for which the candidate is nominated, and the political organization or principles the candidate represents. Nomination papers shall be

signed by such persons only as are registered to vote at the state general election. No voter shall sign more than one nomination paper for each office to be voted for, and no nomination paper shall contain the names of more candidates than there are offices to be filled. Each voter shall sign and date an individual nomination paper. Nomination papers **for a candidate** shall be dated in the year of the election.

5 Nomination of Organization. Amend RSA 655:40-a to read as follows:

655:40-a Nomination of Organization. A political organization may ~~[have its name placed on the ballot for the state general election]~~ **be certified as a party** by submitting the requisite number of nomination papers, in the form prescribed by the secretary of state, pursuant to RSA 655:42, III. Such papers shall contain the name of the political organization and **a statement that the signer agrees that, if the political organization is certified as a party, the signer's voter registration shall be changed so that he or she shall then be registered as a member of that party. Nomination papers** shall be signed **and dated** by such persons only as are registered to vote at the state general election. No voter shall sign more than one nomination paper ~~[which allows]~~ **nominating** a political organization ~~[access to the]~~ **during any biennial** state general election ~~[ballot]~~ **cycle. No nomination paper shall be submitted under this section that was executed more than one year before the submission or that was executed before the organization's filing of its declaration of intent under RSA 655:43, III. The certification of a political organization as a party shall be effective from the date of the certification through the date of next following state general election.**

6 Filing Deadlines. Amend RSA 655:43, I to read as follows:

I. Nomination papers **for a candidate** shall be filed with the secretary of state no later than 5:00 p.m. on the Wednesday one week before the primary. **Nomination papers for a political organization shall be filed with the secretary of state no later than 5:00 p.m. on the Friday 5 weeks before the beginning of the candidate filing period.** Nomination papers to be filed shall be grouped by municipality. No nomination papers **for a candidate** shall be accepted by the secretary of state unless the candidate shall have met the age and domicile qualifications for the office he or she seeks at the time of the general election and meets all the other qualifications at the time of filing; and if a candidate for the office of governor, executive councilor, state senator, or state representative, unless the candidate shall file with the nomination papers an affidavit of qualifications as provided in RSA 655:28 and 655:29; and if a candidate for United States senator or United States representative, unless the candidate shall meet the qualifications for office under RSA 655:3 and 655:4.

7 Filing Deadlines. Amend RSA 655:43, III to read as follows:

III. No political organization ~~[shall have the names of its candidates placed on the ballot]~~ **may be certified as a party** unless the chairman of the organization ~~[files]~~ **had filed** a declaration of intent, as provided in RSA 655:17-c, ~~[within the filing deadline for candidates established in RSA 655:14-a]~~ **prior to the collection of signed and dated nomination papers.**

8 Repeal. RSA 655:40-b, relative to filing names of candidates, is repealed.

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

AMENDED ANALYSIS

This bill changes the definition of "party" for election purposes to include a political organization nominated by nomination papers. Voters signing the nomination papers will be reregistered as members of that party. The certification of a party expires at the next general election.

SB 166, relative to medical benefits for beneficiaries of a police officer or firefighter killed in the line of duty. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth Hawkins for Executive Departments and Administration: This bill would have the State of N.H. pay a medical insurance benefit to the surviving spouse and family for

someone killed in the line of duty. The amount paid would be the difference between the total premium due and the medical subsidy, if any, that is paid by the New Hampshire retirement system. Currently, state workers are given this benefit, and this would add municipalities, cities and towns. The committee amendment merely changes the effective date. Vote 14-0.

Amendment (2174h)

Amend the bill by replacing section 2 with the following:

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

SB 12-FN, relative to screening panels for medical injury claims. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gregory M. Sorg for Judiciary: This bill, as amended by the Senate, seeks to extend to December 1, 2013 the life of the joint medical malpractice panel and insurance oversight committee created by Chapter 197:1 of the Laws of 2005 and codified at RSA 519-B:11. The purpose of the committee was to study and make a final report by December 1, 2010 on the effects, if any, that the prescreening process mandated by Chapter 197 for suits alleging medical malpractice was having on medical malpractice insurance premiums and access to the courts by injured parties. In its final report, the committee recommended extending the life of the committee by reason that the limited number of medical malpractice claims filed between 2005 and 2010 had provided insufficient data upon which to base definitive findings. As amended, this bill would reconstitute the committee and require it to make its final report by December 1, 2012. Vote 15-0.

Amendment (2150h)

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

1 New Sections; Medical Malpractice Panel and Insurance Oversight Committee Established. Amend RSA 519-B by inserting after section 12 the following new sections:

519-B:13 Medical Malpractice Panel and Insurance Oversight Committee Established.

I. There is established a committee to study medical malpractice insurance rates in this state and the mandatory panels for medical injury claims process.

II. The committee shall consist of 4 members of the senate appointed by the senate president, and 4 members of the house of representatives, appointed by the speaker of the house of representatives. The house members shall include at least:

(a) One member of the house judiciary committee.

(b) One member of the house health, human services and elderly affairs committee.

(c) One member of the house commerce and consumer affairs committee.

III. The members of the 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. Five members of the committee shall constitute a quorum.

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

V. The committee shall review and analyze information provided by the administrative office of the courts and the insurance department related to medical injury liability claim activity in order to determine the effectiveness of mandatory screening panels for medical injury claims established in this chapter. The committee's review shall include, but not be limited to, whether medical malpractice insurance premiums have been affected and whether there has been any limitation of access to the courts by injured parties.

VI. The committee shall make a final report of its findings about medical liability insurance rates and the mandatory panel process and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house

clerk, the senate clerk, the governor, and the state library on or before December 1, 2012. The report shall include a recommendation to terminate, continue, or amend RSA 519-B.

519-B:14 Reports.

I.(a) The administrative office of the courts shall collect data on medical injury claims and submit a report on the screening panel process to the committee established in RSA 519-B:13 and to the insurance commissioner on or before September 30 of each year.

(b) The report required by this paragraph shall include the number of medical injury cases filed, pending, and resolved; and the number of panel hearings and the number of panel hearing days during the fiscal year ending on the June 30 preceding the report date.

(c) The report required by this paragraph shall also include, for medical injury cases resolved during the fiscal year:

(1) The mean and median lengths of time from initial filing to final resolution.

(2) The number and average settlement amount of cases that were resolved prior to the panel hearing.

(3) The number and average settlement amount of cases that were resolved after a panel hearing but before a trial.

(4) The number and average settlement amount of cases that were resolved by or after a jury verdict.

(d) The report required by this paragraph shall also include, for medical injury cases in which a panel made findings during the fiscal year, the number of cases that fell into each category of possible results of a panel hearing (unanimous for the plaintiff; majority for the plaintiff; unanimous for the defendant; majority for the defendant), the status, and, if applicable, the results of the cases in each category.

(e) To the extent possible, the report required by this paragraph shall include comparative data from the previous 5 years.

II.(a) The insurance commissioner shall report to the committee established in RSA 519-B:13 annually, on or before November 1 of each year, on the medical malpractice market and the effects of the panel process established in this chapter. Such reports shall include, but not be limited to, the average rates of medical liability insurance for categories of medical providers and specialties identified by the insurance commissioner, the frequency and severity of medical injury claims, and the time for resolution of medical injury claims from first notice to final resolution.

(b) The insurance commissioner may adopt rules to collect the data from insurers necessary to prepare the report required by this paragraph. To the extent the commissioner collects information from insurers regarding individual claims, loss adjustment and other expenses, reserves, indemnity payments, or other financial information that is not otherwise reported to the commissioner and available to the public, such information shall be treated as examination materials, kept confidential, and not be subject to RSA 91-A.

2 Repeal. The following are repealed:

I. RSA 519-B:13, relative to the medical malpractice panel and insurance oversight committee.

II. RSA 519-B:14, relative to reports.

3 Effective Date.

I. Section 2 of this act shall take effect December 31, 2012.

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

AMENDED ANALYSIS

This bill reestablishes the medical malpractice panel and insurance oversight committee.

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

Rep. Gregory M. Sorg for Judiciary: This is a second committee referral for this bill, which, as recommended with amendment by the Commerce and Consumer Affairs Committee,

passed the House on the Consent Calendar on May 4th. The bill makes changes to the statutes governing trusts and trust administration in order to maintain New Hampshire's competitiveness among the states in this growing economic sector, in furtherance of this state's policy of establishing and maintaining New Hampshire as a leading jurisdiction in the national market for financial, trust and fiduciary services, and in the creation of the financial service jobs that will bring. The committee amendment merely eliminates certain redundant statutory references. Vote 15-0.

Amendment (1999h)

Amend RSA 564:19 inserted by section 5 of the bill by deleting paragraph VI.

Amend RSA 564-B:10-1005 as inserted by section 11 of the bill by deleting subparagraph (e).

SB 108, relative to emergency obstetrical care. **INEXPEDIENT TO LEGISLATE.**

Rep. J. Brandon Giuda for Judiciary: The committee agreed that the goal of the sponsors is laudable, namely encouraging health care professionals to practice in the North Country and reducing medical care liability costs for health care professionals. The committee also unanimously agreed that this bill does nothing to attain the stated goals. The bill purports to provide civil immunity to those providing emergency obstetrical care in a licensed facility to a new patient, by providing immunity from damages or injuries caused by conduct prior to the rendering of emergency obstetrical care. However, under existing law, no medical professional can be held liable for damages or injuries caused by conduct prior to them seeing the patient. As such, this bill is simply unnecessary. Vote 15-0.

SB 97, relative to the application of the community revitalization tax relief incentive. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank V. Sapareto for Ways and Means: This bill enables local communities around the state to offer community revitalization tax relief for buildings that have been destroyed by fire or acts of nature where such destruction occurred within 15 years prior to local adoption of the chapter. This incentive was previously available only to existing buildings that were sought to be revitalized or replaced. County and state revenues will not be impacted by this bill. Vote 20-0.

Amendment (2005h)

Amend RSA 79-E:2, I as inserted by section 1 of the bill by replacing it with the following:

I. "Qualifying structure" means a building located in a district officially designated in a municipality's master plan, or by zoning ordinance, as a downtown, town center, central business district, or village center, or, where no such designation has been made, in a geographic area which, as a result of its compact development patterns and uses, is identified by the governing body as the downtown, town center, or village center for purposes of this chapter. Cities or towns may further limit "qualifying structure" according to the procedure in RSA 79-E:3 as meaning only a structure located within such districts that meet certain age, occupancy, condition, size, or other similar criteria consistent with local economic conditions, community character, and local planning and development goals. ***Cities or towns may further modify "qualifying structure" to include buildings that have been destroyed by fire or acts of nature, including where such destruction occurred within 15 years prior to the adoption of the provisions of this chapter by the city or town.***

Amend RSA 79-E:13, II as inserted by section 3 of the bill by replacing it with the following:

~~III.~~ **II.** The tax relief granted under this chapter shall only apply to substantial rehabilitation or replacement that commences after the governing body approves the application for tax relief and the owner grants to the municipality the covenant to protect the public benefit as required in this chapter, ***provided that in the case of a qualifying structure which is a building destroyed by fire or act of nature, and which occurred***

within 15 years prior to the adoption of the provisions of this chapter by the city or town, the tax relief may apply to such qualifying structure for which replacement has begun, but which has not been completed, on the date the application for relief under this chapter is approved.

SB 170, relative to the New Hampshire Medical Malpractice Joint Underwriting Association. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bill Ohm for Ways and Means: This bill declares that the accumulated surplus funds in the Medical Malpractice Joint Underwriting Association (JUA) belong to the policyholders who paid these premiums and shall be returned to them. The surplus cannot be used for other purposes such as transfer to the general fund. The only exception is grants to providers of underserved populations, using only those funds due policyholders who cannot be located. The surplus is approximately \$110 million. A question as to a potential tax liability was raised and now this bill requires the JUA, the insurance commissioner and a representative of the policyholders to request an opinion from the IRS as to the potential tax liability. It is unclear if there is indeed any federal tax liability. The auditing firm PricewaterhouseCoopers LLP estimates the maximum potential tax liability to be \$19.4 million. To be safe, this bill puts aside \$25 million of the \$110 million surplus to cover this potential tax liability and provides a "claw back" on the distributions if the reserve is exceeded. An amendment to the bill makes it clear that any potential deficit in the JUA created by this distribution would be made up solely by the policyholders and the insurance companies would have no liability. This amendment was agreed to by both the policyholders and the insurance companies. This bill also establishes a commission to study the future of the JUA, make recommendations for proposed legislation and report back by December 1, 2011. Vote 20-0.

Amendment (2133h)

Amend RSA 404-C:14, II as inserted by section 2 of the bill by replacing it with the following:

II. All funds held as of the effective date of this section by the NHMMJUA in excess of the amount required for the fund to remain actuarially sound, as determined by a qualified actuary, shall constitute excess surplus funds and shall not be less than \$110,000,000 in accordance with 2009, 144:1. Such determination shall be completed under the direction of the NHMMJUA board of directors not more than 45 days from the effective date of this section. All such excess surplus funds have resulted from premiums paid under assessable and participating medical malpractice insurance policies, belong to the policyholders who paid these premiums, and shall be returned as directed under this section. Within 60 days from the effective date of this section, all excess surplus funds, except for a reserve of \$25,000,000 for the payment of any federal tax liability, shall be interpleaded into the Merrimack County Superior Court, docket no. 217-2010-CV-00414 for the purpose of adjudicating all policyholders' claims to excess surplus funds. All distributions made to policyholders shall be subject to a claim from the NHMMJUA to reclaim a pro rata portion of the distribution to satisfy any federal tax liabilities in excess of the \$25,000,000 reserved for such claims.

Notwithstanding any other provision of law to the contrary, in no event shall any insurer which is a member of the NHMMJUA, as defined in Ins 1703.01(i), be assessed nor shall there be a surcharge, as provided in Ins 1703.07(f)(2), with respect to any deficit arising from the distribution of excess surplus funds described in this paragraph.

REGULAR CALENDAR

SB 88, relative to physical force in defense of a person and relative to the brandishing of a firearm or other means of self-defense. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth Kreis for the Majority of Criminal Justice and Public Safety: This bill allows a

person, who is anywhere he or she has a right to be, to use deadly force to protect oneself or a third person. It provides that a person, unless prohibited by statute who is anywhere they have a right to be and permits persons who meet the requirement established in RSA 159:4 to carry a firearm openly or concealed, loaded or not in a vehicle. Includes a civil immunity provision. Vote 9-3.

Rep. Philip E. Ginsburg for the Minority of Criminal Justice and Public Safety: This bill makes several changes in the laws related to the citizen's right to self-defense and licensing to carry firearms. The minority is concerned primarily with two elements of the bill. This bill expands the conditions in RSA 627:4, III, under which a person may use deadly force to defend himself or a third person against a person he fears may use deadly force against either of them. RSA 627 designates action under these conditions as a "complete defense" to any offense that would be considered unlawful in other circumstances. The minority's concern is primarily with new provisions under RSA 627:4, III. The existing law says deadly force in self-defense is justified and then lists exceptions. One exception occurs if the person can safely retreat from the encounter. The law then provides for an exception, involving the so-called "Castle Doctrine." The law treats a person's dwelling as distinct from all other places, conferring special protection to the individual confronting an intruder: a person is not required to retreat within his dwelling or associated areas ("curtilage"). This bill expands this exemption from the obligation to retreat to "anywhere [a person] has a right to be," treating every place, public or private, as if it were equal to the sacred precincts of one's home. We are concerned that in expanding this special privilege beyond the rightly sacrosanct boundaries of the home, the bill unnecessarily endangers public safety. The invitation to untrained amateurs with firearms or other deadly weapons to insert themselves into a situation where they have no knowledge of prior events or the individuals involved can only endanger public safety by adding to the complexity of the scene, thus compromising the ability of law enforcement officers or others involved to manage a threatening person while securing the safety of members of the public. This bill also eliminates the requirement of a license to carry a concealed weapon. The minority opposes this provision for three reasons: 1) It removes the useful opportunity for licensing authorities to observe applicants at regular intervals (now four years, five years under SB 88 to check for any changes in legal status or personal circumstances that might affect their suitability to carry a concealed weapon; 2) it eliminates a source of income for municipalities that places a very small burden on those paying the fees; and 3) it eliminates a useful tool for law enforcement personnel investigating public disturbances involving armed persons, where they may use possession of a license to distinguish between law-abiding citizens and others.

Majority Amendment (2156h)

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

AN ACT relative to physical force in defense of a person, brandishing a firearm or other means of self-defense, and carrying firearms.

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

1 Physical Force in Defense of Person. Amend RSA 627:4, III to read as follows:

III. A person is not justified in using deadly force on another to defend himself or **herself** or a third person from deadly force by the other if he **or she** knows that he **or she** and the third person can, with complete safety:

(a) Retreat from the encounter, except that he **or she** is not required to retreat if he **or she** is within his **or her** dwelling [or], its curtilage, **or anywhere he or she has a right to be**, and was not the initial aggressor; or

(b) Surrender property to a person asserting a claim of right thereto; or

(c) Comply with a demand that he **or she** abstain from performing an act which he **or she** is not obliged to perform; nor is the use of deadly force justifiable when, with the purpose of causing death or serious bodily harm, the ~~actor~~ **person** has provoked the use of force against himself **or herself** in the same encounter[.]; **or**

(d) If he **or she** is a law enforcement officer or a private person assisting ~~[him]~~ **the officer** at ~~[his]~~ **the officer's** direction and was acting pursuant to RSA 627:5, ~~[he]~~ **the person** need not retreat.

2 Sentences and Limitations. Amend RSA 651:2, II-g to read as follows:

II-g. If a person is convicted of a felony, an element of which is the possession, use or attempted use of a deadly weapon, and the deadly weapon is a firearm, such person may be sentenced to a maximum term of 20 years' imprisonment in lieu of any other sentence prescribed for the crime. ~~[The person shall be given a minimum mandatory sentence of not less than 3 years' imprisonment for a first offense and a minimum mandatory sentence of not less than 6 years' imprisonment if such person has been previously convicted of any state or federal offense for which the maximum penalty provided was imprisonment in excess of one year, and an element of which was the possession, use or attempted use of a firearm. Neither the whole nor any part of the minimum sentence imposed under this paragraph shall be suspended or reduced.]~~

3 Pistols and Revolvers; Carrying Without License. RSA 159:4 is repealed and reenacted to read as follows:

159:4 Carrying Without License.

I. Notwithstanding any provision of law to the contrary, no person shall be guilty of an offense for carrying a firearm, openly or concealed, loaded or unloaded, upon or about his or her person, or upon or in a vehicle, whether or not such person possesses a license, permit, or other authorization to carry a firearm.

II. The provisions of paragraph I shall not constitute a bar to prosecution for any of the following offenses:

- (a) RSA 159:3, relative to convicted felons.
- (b) RSA 159:3-a, relative to armed career criminals.
- (c) RSA 159:19, relative to courthouse security.
- (d) RSA 207:7, relative to hunting from a motor vehicle, OHRV, snowmobile, boat, or aircraft.
- (e) RSA 215-A:20, relative to loaded firearms on an OHRV.
- (f) RSA 215-C:35, relative to loaded firearms on a snowmobile.
- (g) RSA 637:7, relative to receiving stolen property.
- (h) RSA 637:7-a, relative to possession of property without a serial number.
- (i) RSA 597:7-a, relative to default or breach of conditions of release.

4 Pistols and Revolvers; Exceptions. Amend RSA 159:5 to read as follows:

159:5 Exceptions. ~~[The provisions of]~~ RSA 159:3 ~~[and 4]~~ shall not apply to marshals, sheriffs, policemen or other duly appointed peace and other law enforcement officers, or bailiffs and court officers responsible for court security; nor to the regular and ordinary transportation of pistols or revolvers as merchandise, nor to members of the armed services of the United States when on duty; nor to the national guard when on duty; nor to organizations by law authorized to purchase or receive such weapons; nor to duly authorized military or civil organizations when parading, or the members thereof when at, or going to or from, their customary places of assembly.

5 Pistols and Revolvers; Optional License to Carry. Amend RSA 159:6, I to read as follows:

I. The selectmen of a town or the mayor or chief of police of a city or some full-time police officer designated by them respectively, upon application of any resident of such town or city, or the director of state police, or some person designated by such director, upon application of a nonresident, shall issue a license to such applicant authorizing the applicant to carry a loaded pistol or revolver in this state for not less than ~~[4]~~ **5** years from the date of issue, if it appears that the applicant has good reason to fear injury to the applicant's person or property or has any proper purpose, and that the applicant is a suitable person to be licensed. Hunting, target shooting, or self-defense shall be considered a proper purpose. The license shall be valid for all allowable purposes regardless of the purpose for which it was

originally issued. The license shall be in duplicate and shall bear the name, address, description, and signature of the licensee. The original shall be delivered to the licensee and the duplicate shall be preserved by the people issuing the same for [4] 5 years. When required, license renewal shall take place within the month of the ~~fourth~~ **fifth** anniversary of the license holder's date of birth following the date of issuance. The license shall be issued within 14 days after application, and, if such application is denied, the reason for such denial shall be stated in writing, the original of which such writing shall be delivered to the applicant, and a copy kept in the office of the person to whom the application was made. The fee for licenses issued to residents of the state shall be \$10, which fee shall be for the use of the law enforcement department of the town or city granting said licenses; the fee for licenses granted to out-of-state residents shall be ~~[\$100]~~ **\$50**, which fee shall be for the use of the state. The director of state police is hereby authorized and directed to prepare forms for the licenses required under this chapter and forms for the application for such licenses and to supply the same to officials of the cities and towns authorized to issue the licenses. ***The form shall require no more information than was required on the state of New Hampshire application for pistol/revolver license, form DSSP 85, as revised in December 2009.*** No other forms shall be used by officials of cities and towns. The cost of the forms shall be paid out of the fees received from nonresident licenses.

6 Pistols and Revolvers; Reciprocity. Amend RSA 159:6-d to read as follows:

159:6-d Full Faith and Credit for Licenses From Other States; Reciprocity.

~~[Notwithstanding the provisions of RSA 159:6,]~~ No nonresident ~~[holding a current and valid license to carry a loaded pistol or revolver in the state in which he resides]~~ or ~~[who is a]~~ peace officer ~~[in the state in which he resides,]~~ shall be required to obtain a license to carry a loaded pistol or revolver within this state if:

I. Such nonresident carries upon his person the license held from the state in which he resides; ~~[and]~~ **or**

II. Such nonresident is in compliance with RSA 159:4; or

~~[H.]~~ ***III.*** The state in which such person is a resident provides a reciprocal privilege for residents of this state.

7 Pistols and Revolvers; Exemption. Amend RSA 159:14 to read as follows:

159:14 Exemption. None of the provisions of this chapter shall prohibit an individual not licensed under the provisions thereof who is not engaged in the business of selling pistols or revolvers from selling a pistol or revolver to a person ***qualified pursuant to RSA 159:4, or who is*** licensed under this chapter, or to a person personally known to him ***or her.***

8 Game Animals; Bow and Arrow. Amend RSA 208:5, V to read as follows:

V. The licensee shall not be entitled to carry any firearms while hunting under the provisions of this section, unless such licensee also possesses a valid firearms hunting license ~~[or a valid license to carry firearms issued pursuant to RSA 159]~~ ***or is otherwise qualified pursuant to RSA 159:4.***

9 New Section; Justification; Civil Immunity. Amend RSA 627 by inserting after section 1 the following new section:

627:1-a Civil Immunity. A person who uses force in self-protection or in the protection of other persons pursuant to RSA 627:4, in the protection of premises and property pursuant to RSA 627:7 and 627:8, in law enforcement pursuant to RSA 627:5, or in the care or welfare of a minor pursuant to RSA 627:6, is justified in using such force and shall be immune from civil liability for personal injuries sustained by a perpetrator which were caused by the acts or omissions of the person as a result of the use of force. In a civil action initiated by or on behalf of a perpetrator against the person, the court shall award the person reasonable attorney's fees, and costs, including but not limited to, expert witness fees, court costs, and compensation for loss of income.

10 Justification; Definitions. Amend RSA 627:9, IV to read as follows:

IV. "Non-deadly force" means any assault or confinement which does not constitute deadly force. ***The act of producing or displaying a weapon shall constitute non-deadly force.***

11 Repeal. RSA 21-P:14, II(f), relative to the authority of the commissioner of the department of safety to adopt rules relative to the issuance of nonresident pistol permits, is repealed.

12 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

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

AMENDED ANALYSIS

This bill:

I. Allows a person who is anywhere he or she has a right to be to use deadly force to protect oneself or a third person.

II. Permits any person who meets the requirements established in RSA 159:4 to carry a firearm openly or concealed, loaded or unloaded, on or about his or her person or upon or in a vehicle.

III. Removes, under certain circumstances, the requirement that nonresidents obtain a license to possess a firearm while in New Hampshire.

IV. Inserts a civil immunity provision for the use of force against a perpetrator in certain circumstances.

V. Deletes the minimum mandatory sentencing requirement for felony convictions which include the possession, use, or attempted use of a firearm.

VI. Amends the definition of "non-deadly force" to include the act of producing or displaying a weapon.

Majority committee amendment adopted.

Rep. Hoell offered floor amendment (2235h).

Floor Amendment (2235h)

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

AN ACT relative to the use of deadly force to protect oneself, inserting an exception to the criminal threatening statute, relative to the minimum mandatory sentence for a felony conviction involving the possession, use, or attempted use of a firearm, relative to the definition of "non-deadly" force, and relative to the natural right to carry a firearm, openly or concealed, without a license.

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

1 Title. This act shall be known as the Constitutional Carry Act of 2011.

2 Physical Force in Defense of a Person. Amend RSA 627:4, III(a) to read as follows:

(a) Retreat from the encounter, except that he ***or she*** is not required to retreat if he ***or she*** is within his ***or her*** dwelling ~~[or]~~, its curtilage, ***or in any place where he or she has a right to be or reasonably believes he or she has a right to be,*** and was not the initial aggressor; or

3 New Paragraph; Assault and Related Offenses; Criminal Threatening. Amend RSA 631:4 by inserting after paragraph IV the following new paragraph:

V. A person who is on his or her own property and who responds to a trespasser who refuses to leave and displays or points a firearm or other means of self-defense with the intent to warn away the person shall not have committed a criminal act under this section.

4 Sentences and Limitations. Amend RSA 651:2, II-g to read as follows:

II-g. If a person is convicted of a felony, an element of which is the possession, use or attempted use of a deadly weapon, and the deadly weapon is a firearm, such person may be sentenced to a maximum term of 20 years' imprisonment in lieu of any other sentence prescribed for the crime. The person ~~[shall]~~ ***may*** be given a minimum ~~[mandatory]~~ sentence of not less than 3 years' imprisonment for a first offense and a minimum ~~[mandatory]~~ sentence of not less than 6 years' imprisonment if such person has been previously convicted

of any state or federal offense for which the maximum penalty provided was imprisonment in excess of one year, and an element of which was the possession, use or attempted use of a firearm. Neither the whole nor any part of the minimum sentence imposed under this paragraph shall be suspended or reduced.

5 Justification; Definitions. Amend RSA 627:9, IV to read as follows:

IV. "Non-deadly force" means any assault or confinement which does not constitute deadly force. ***The act of producing, displaying, or pointing a weapon shall constitute non-deadly force.***

6 Purpose. The General Court finds that the laws in existence regulating firearms ownership, possession, and use, do nothing to prevent crime, and only interfere with the natural rights of law abiding citizens. The General Court also finds that citizens engaged in practices currently lawful under New Hampshire laws, such as open or concealed carry of a firearm, have been subjected to harassment by law enforcement. Therefore the General Court finds it necessary to codify the inherent right to such practices. The General Court also reiterates that the right to self-defense is an inherent natural right and is stated in Part First, Articles 2 and 2-a, and shall not be abridged in any manner.

7 Affirmative Right to Carry. RSA 159:4 is repealed and reenacted to read as follows:

159:4 Affirmative Right to Carry. Notwithstanding any other provision of law to the contrary, except RSA 159:3, RSA 159:3-a, and RSA 159:19, every person present in this state, and not incarcerated in a prison or jail or under court order to be in a mental institution or who is not otherwise prohibited from possessing a firearm under RSA 159:3 or RSA 159:3-a shall have an affirmative right to keep and bear arms, such right includes but is not limited to: carrying openly or concealed, carrying loaded or unloaded, possession, use, acquiring, purchasing, transferring, inheriting, buying, selling, giving, or otherwise disposing of or receiving any firearm or self-defense tool without any license, permission, or restriction of any kind from or by any government agency.

8 Pistols and Revolvers; License to Carry. Amend RSA 159:6 to read as follows:

159:6 ***Optional*** License to Carry.

I. The selectmen of a town or the mayor or chief of police of a city or some full-time police officer designated by them respectively, upon application of any resident of such town or city, or the director of state police, or some person designated by such director, upon application of a nonresident, shall issue a license to such applicant authorizing the applicant to carry a loaded pistol or revolver in this state for not less than ~~[4]~~ **5** years from the ***next anniversary of the applicant's date of birth following the*** date of issue, if ~~[it appears that the applicant has good reason to fear injury to the applicant's person or property or has any proper purpose, and that]~~ the applicant is a suitable person to be licensed. ~~[Hunting, target shooting, or self defense shall be considered a proper purpose.]~~ ***Any person not prohibited from possessing a firearm under RSA 159:3 or RSA 159:3-a shall be deemed a suitable person.*** The license shall be valid for all ~~[allowable]~~ **lawful** purposes ~~[regardless of the purpose for which it was originally issued]~~. The license shall be in duplicate and shall bear the name, address, description, and signature of the licensee. The original shall be delivered to the licensee and the duplicate shall be preserved by the people issuing the same for ~~[4]~~ **5** years. ~~[When required, license renewal shall take place within the month of the fourth anniversary of the license holder's date of birth following the date of issuance.]~~ The license shall be issued within 14 **calendar** days after application, and, if such application is denied, the reason for such denial shall be stated in writing, the original of which such writing shall be delivered to the applicant, and a copy kept in the office of the person to whom the application was made. ***The issuing authority shall be required to prove beyond a reasonable doubt that an applicant is not a suitable person under this section.*** The fee for licenses issued to residents of the state shall be \$10, which fee shall be for the use of the law enforcement department of the town or city granting said licenses; the fee for licenses granted to out-of-state residents shall be ~~[\$100]~~ **\$20**, which fee shall be for the use of the state. The director of state police is hereby authorized and directed to prepare

forms for the licenses required under this chapter and forms for the application for such licenses and to supply the same to officials of the cities and towns authorized to issue the licenses. ***The form shall request no more information than was requested and require no more information than was required on the State of New Hampshire application for resident pistol/revolver license, form DSSP 85, as revised in December 2009.*** No other forms shall be used ***and no other information shall be requested*** by officials of cities and towns. The cost of the forms shall be paid out of the fees received from nonresident licenses.

II. No photograph or fingerprint shall be required or used as a basis to grant, deny, or renew a license to carry for a resident or nonresident, unless requested by the applicant.

III. Nothing in this section shall be construed to require that any person obtain a license under this section. Obtaining a license under this section is optional, but the voluntary nature of the license shall not be construed to relieve the issuing authority of the burden of proof for denying an application for a license. Issuance of a license under this section by law enforcement authorities shall be a per se determination that law enforcement authorities have verified that the individual is qualified under the law. Nothing in this paragraph shall prohibit a qualified applicant from obtaining a license from the selectmen of a town or the mayor of a city.

IV. The license issued under this section to a licensee who relocates from the city or town in which the license was issued, or who relocates from or becomes a resident of another state, shall remain valid until the expiration date on the license, and the licensee shall be under no obligation to obtain a new license or to notify the issuing authority in the licensee's new place of residence.

9 Pistols and Revolvers; Suspension or Revocation. Amend RSA 159:6-b to read as follows:

159:6-b Suspension or Revocation of License.

~~[I.] The issuing authority may order a license to carry a loaded pistol or revolver issued to any person pursuant to RSA 159:6 to be suspended or revoked for just cause, provided written notice of the suspension or revocation and the reason therefore is given to the licensee. [A licensee whose license has been suspended or revoked shall be permitted a hearing on such suspension or revocation if a hearing is requested by the licensee to the issuing authority within 7 days of the suspension or revocation]~~

~~II. When the licensee hereunder ceases to be a resident of the community in which the license was issued he shall notify in writing the issuing authority at his new place of residence that he has a current license. Such license shall remain in effect until it expires pursuant to RSA 159:6.]~~ ***In this section, "just cause" shall mean a person who is not a suitable person pursuant to RSA 159:6, I.***

10 Pistols and Revolvers; Appeal From Suspension or Denial. Amend RSA 159:6-c to read as follows:

159:6-c Appeal From Denial, Suspension, or Revocation. Any person whose application for a license to carry a loaded pistol or revolver has been denied pursuant to RSA 159:6 or whose license to carry a loaded pistol or revolver has been suspended or revoked pursuant to RSA 159:6-b may, within 30 days thereafter, petition the ***superior or*** district ~~[or municipal]~~ court in the jurisdiction in which such person resides to determine whether the petitioner is entitled to a license. The court shall conduct a hearing within 14 ***calendar*** days after receipt of the petition. ***The issuing authority shall afford discovery to the licensee or applicant at least 5 days prior to the hearing.*** During this hearing the burden shall be upon the issuing authority to demonstrate ~~[by clear and convincing proof]~~ ***beyond a reasonable doubt*** why any denial, suspension, or revocation was justified, failing which the court shall enter an order directing the issuing authority to grant or reinstate the petitioner's license. The court shall issue its decision not later than 14 days after the hearing on whether the petitioner is entitled to a license.

11 Pistols and Revolvers; Reciprocity. RSA 159:6-d is repealed and reenacted to read as follows:

159:6-d Reciprocity. The director of the division of state police shall negotiate and enter into reciprocal agreements in other jurisdictions to recognize in those jurisdictions the validity of the license issued under RSA 159:6. The director shall apply to every jurisdiction with which New Hampshire does not currently have a reciprocity agreement, at least once every 5 years to obtain recognition in those jurisdictions of the license issued under RSA 159:6. Any such agreement executed shall not expire unless an expiration date is required under the statutes of the reciprocal jurisdiction.

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

AMENDED ANALYSIS

This bill:

I. Allows a person who is in any place where he or she has a right to be or reasonably believes he or she has a right to be to use deadly force to protect oneself.

II. Provides that a person who is on his or her own property and who responds to a trespasser who refuses to leave and displays or points a firearm or other means of self-defense with the intent to warn away the person making the threat shall not have committed criminal threatening.

III. Removes the minimum mandatory sentence for conviction of a felony involving the possession, use, or attempted use of a firearm, and makes the sentence for such a felony conviction discretionary.

IV. Provides that any person present in this state, and not incarcerated, in a prison, jail, or other secure facility, or who is not otherwise prohibited from possessing a firearm, shall have the affirmative right to possess or carry, whether openly or concealed, or use, acquire, purchase, inherit, sell, give, dispose of, or receive any firearm without a license, permit, or restriction of any kind from or by any government agency.

V. Provides that obtaining a license to carry a pistol or revolver shall be voluntary, shall be granted to any suitable person, and shall only be denied, suspended, or revoked upon proof of just cause beyond a reasonable doubt.

VI. Requires the director of the division of state police to negotiate and enter into agreements with other jurisdictions to recognize in those jurisdictions the validity of the license to carry issued in this state.

Rep. Hoell spoke in favor.

LAID ON THE TABLE

Rep. Swinford moved that floor amendment (2235h) be laid on the table.

Rep. Hoell requested a roll call; sufficiently seconded.

YEAS 257 NAYS 92

YEAS 257

BELKNAP

Bolster, Peter
Millham, Alida
Swinford, Elaine

Fields, Dennis
Pilliod, James
Tilton, Franklin

Flanders, Donald
Russell, David
Tobin, William

Kingsbury, Robert
St. Cyr, Jeffrey

CARROLL

Chandler, Gene
Pettengill, Laurie

Fleck, Joseph
Scala, Dino

Merrow, Harry
Schmidt, Stephen

Patten, Betsey
Umberger, Karen

CHESHIRE

Butynski, William
Dwinell, Richard
Johnsen, Gladys
Meador, David
Sad, Tara
Weber, Lucy

Byrnes, John
Emerson, Susan
Johnson, Jane
Moore, Charles
Smith, Edwin
Weed, Charles

Carr, Daniel
Hawkes, Samuel
Lerandeau, Alfred
Parkhurst, Henry
Sterling, Franklin Jr

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

COOS

Coulombe, Gary
Theberge, Robert

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

GRAFTON

Aguiar, James
Cooney, Mary
Ladd, Rick Jr
Smith, Suzanne
Townsend, Charles

Almy, Susan
Gionet, Edmond
Nordgren, Sharon
Sorg, Gregory
White, Andrew

Benn, Bernard
Harding, Laurie
Pastor, Beatriz
Sova, Charles

Bulis, Lyle
Ingbretson, Paul
Pierce, David
Taylor, Kathleen

HILLSBOROUGH

Balboni, Michael
Barry, Richard
Brownrigg, Randall Jr
Champagne, Norma

Ball, J. Michael
Belvin, William
Brunelle, Michael
Cote, David

Baroody, Benjamin
Boehm, Ralph
Buxton, Michael
Coughlin, Sean

Barry, J. Gail
Brown, Kevin
Campbell, David
Cusson-Cail,
Kathleen
Drisko, Richard
Gandia, Laura
Goley, Jeffrey
Haefner, Robert
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
McClarren, Donald
Notter, Jeanine
Pellegrino, Tony
Renzullo, Andrew
Rosenwald, Cindy
Shaw, Barbara
Thomas, Joseph

Daler, Jennifer
Flanagan, Jack
Garrity, Patrick
Gonzalez, Carlos
Hansen, Peter
Hogan, Edith
Jasper, Shawn
LeBrun, Donald
McGuinness, Sean
Ober, Russell III
Pepino, Leo
Rhodes, Brian
Rowe, Robert
Silva, Peter
Twombly, Timothy

Doherty, Shaun
Fredette, Robert
Gidge, Kenneth
Gorman, Mary
Hawkins, Kenneth
Hogan, Timothy
Judy, Jean
Long, Patrick
Mecheski, Holly
Ohm, Bill
Pilotte, Maurice
Robbins, David
Scontsas, Lisa
Souza, Kathleen
Ulery, Jordan

Donovan, Daniel
Gagne, Larry
Gimas, John
Graham, John
Hikel, John
Hopper, Gary
Katsiantonis, Thomas
Marcus, Bruce
Moran, Edward
Palmer, Barry
Porter, Marjorie
Rokas, Ted
Seidel, Carl
Sullivan, Daniel

MERRIMACK

Bouchard, Candace
Gile, Mary
Kotowski, Frank
Owen, Derek
Rice, Chip
Smith, Molly
Williams, Robert

Coffey, Jennifer
Hamm, Christine
Lockwood, Priscilla
Palfrey, David
Richardson, Gary
Smith, Todd
Winter, Steven

Foose, Robert
Hess, David
MacKay, James
Patten, Dick
Sanborn, Laurie
Wallner, Mary Jane

Frazer, June
Kidder, David
McDonnell, John
Potter, Frances
Shurtleff, Stephen
Watrous, Rick

ROCKINGHAM

Abrami, Patrick
Bates, David
Cali-Pitts, Jacqueline

Allen, Mary
Belanger, Ronald
Case, Frank

Azarian, Gary
Bettencourt, David
Charron, Gene

Baldasaro, Alfred
Birdsell, Regina
Copeland, Timothy

DeSimone, Debra
Duarte, Joe
Garcia, Marilinda
Hoelzel, Kathleen
Kolodziej, Walter
Moody, Marcia
O'Connor, John
Perkins, Amy
Read, Robin Jr
Sapareto, Frank
Smith, William
Waddell, James
Welch, David

Devine, James
Elliott, Robert
Gould, Kenneth
Introne, Robert
Lovejoy, Patricia
Murphy, Brian
Packard, Sherman
Perkins, Lawrence
Reagan, John
Schlachman, Donna
Sullivan, James
Ward, Joanne
Weyler, Kenneth

DiPentima, Rich
Ferrante, Beverly
Griffin, Mary
Kappler, Lawrence
Major, Norman
Nevins, Chris
Pantelakos, Laura
Powers, James
Rice, Frederick
Sedensky, John
Tamburello, Daniel
Waterhouse, Kevin

Dowling, Patricia
Fesh, Robert
Headd, James
Katsakiores, Phyllis
Mauro, Donna
Norelli, Terie
Peckham, Michele
Quandt, Marshall
Sanders, Elisabeth
Serlin, Christopher
Tucker, Pamela
Webb, James

STRAFFORD

Andolina, Donald
Ginsburg, Philip
Horrigan, Timothy
Munck, Philip
Schmidt, Peter
Wall, Janet

Brown, Julie
Grassie, Anne
Kaen, Naida
Newton, Clifford
Spainhower, Dale
Watters, David

Browne, Brendon
Groen, Warren
Keans, Sandra
Parsons, Robbie
Spang, Judith
Weeden, Michael

Cataldo, Sam
Hooper, Dorothea
Larsen, Kirsten
Pelletier, Marsha
Sprague, Dale

SULLIVAN

Cloutier, John
Rodeschin, Beverly

Gagnon, Raymond
Schmidt, Andrew

Lefebvre, Benjamin

Osgood, Joe

NAYS 92

BELKNAP

Accornero, Harry
Malone, Robert

Comtois, Guy
Simpson, Tyler

Greemore, Robert
Worsman, Colette

Luther, Robert

CARROLL

Babson, David Jr

Knox, J. David

McCarthy, Frank

Tregenza, Norman

CHESHIRE

Cartwright, Anne

Moore, Robert Jr

COOS

Richardson, Herbert

GRAFTON

Bradley, Lester
Shackett, Jeffrey

Brosseau, Charles
Simard, Paul

Mirski, Paul

Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin
Christensen, D.L.
Chris
Erickson, Duane
Lambert, George

Belanger, James
Condra, William
Hardwick, Harry
Maltz, Jonathan

Bergevin, Jerry
Daniels, Gary
Holden, Frank
Messier, Irene

Burt, John
DeJong, Cameron
Krasucki, Joseph
Murphy, Keith

Palmer, Stephen
Proulx, Mark
Vaillancourt, Steve
Willette, Robert

Parison, James
Soucy, Connie
Villeneuve, Moe

Peterson, Lenette
Stepanek, Stephen
Warden, Mark

Pratt, Calvin
Swank, Matthew
Whitehead, Randall

MERRIMACK

Cohn, Seth
Hoell, J.R.
McGuire, Dan

Cox, Sean
Keane, Thomas
Seaworth, G. Brian

Giuda, J. Brandon
Lindsley, Mark

Hill, Gregory
McGuire, Carol

ROCKINGHAM

Antosz, Jason
Davenport, Joshua
Okerman, Richard
Schroadter, Adam
Tremblay, Stella

Brown, Paul
Itse, Daniel
Quandt, Matt
Shuler, Wyman III

Chirichiello, Brian
Lundgren, David
Reichard, Kevin
Sullivan, Kevin

Comerford, Timothy
Manuse, Andrew
Ritter, Glenn
Tasker, Kyle

STRAFFORD

DeLemus, Susan
Panek, William
Vita, Lucien

Jones, Kyle
Pitre, Joseph

Jones, Laura
Roberts, Jenna

O'Connor, William
Vita, Carol

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Smith, Steven

LaCasse, Paul Sr

and the motion was adopted.

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

Rep. Pantelakos spoke against.

Rep. Swinford spoke in favor.

Rep. Panek requested a roll call; sufficiently seconded.

YEAS 248 NAYS 111

YEAS 248

BELKNAP

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

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

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

Fields, Dennis
Luther, Robert
Simpson, Tyler
Tobin, William

CARROLL

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

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

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Morrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Hunt, John
Smith, Edwin

Cartwright, Anne
Lindsey, Steven
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
Ladd, Rick Jr
Sorg, Gregory

Brosseau, Charles
Mirski, Paul
Sova, Charles

Gionet, Edmond
Reilly, Harold Sr

Ingbretson, Paul
Shackett, Jeffrey

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
DeJong, Cameron
Flanagan, Jack
Gargas, Carolyn
Haefner, Robert
Hinch, Richard
Hopper, Gary
Lambert, George
McClarren, Donald
Murphy, Keith
Palmer, Barry
Peterson, Lenette
Robbins, David
Shaw, Barbara
Souza, Kathleen
Twombly, Timothy
Warden, Mark

Condra, William
Doherty, Shaun
Fredette, Robert
Gidge, Kenneth
Hansen, Peter
Hogan, Edith
Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Stephen
Pratt, Calvin
Rowe, Robert
Silva, Peter
Stepanek, Stephen
Ulery, Jordan
Whitehead, Randall

Coughlin, Sean
Donovan, Daniel
Gagne, Larry
Gonzalez, Carlos
Hardwick, Harry
Hogan, Timothy
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Ober, Russell III
Parison, James
Proulx, Mark
Scontsas, Lisa
Simmons, Tammy
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Cusson-Cail, Kathleen
Erickson, Duane
Gandia, Laura
Greazzo, Phil
Hikel, John
Holden, Frank
Kurk, Neal
McCarthy, Michael
Messier, Irene
Ohm, Bill
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Soucy, Connie
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Coffey, Jennifer
Hill, Gregory
Lockwood, Priscilla
Palfrey, David
Smith, Molly

Cohn, Seth
Keane, Thomas
McDonnell, John
Richardson, Jon
Smith, Todd

Cox, Sean
Kotowski, Frank
McGuire, Carol
Sanborn, Laurie
Winter, Steven

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

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Headd, James
Kappler, Lawrence

Allen, Mary
Bates, David
Brown, Paul
Comerford, Timothy
Dowling, Patricia
Fesh, Robert
Hoelzel, Kathleen
Katsakiores, Phyllis

Antosz, Jason
Belanger, Ronald
Case, Frank
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Introne, Robert
Kolodziej, Walter

Azarian, Gary
Bettencourt, David
Charron, Gene
DeSimone, Debra
Elliott, Robert
Griffin, Mary
Itse, Daniel
Lundgren, David

Major, Norman
Nevins, Chris
Perkins, Amy
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Waterhouse, Kevin

Manuse, Andrew
Okerman, Richard
Perkins, Lawrence
Reichard, Kevin
Sapareto, Frank
Smith, William
Tasker, Kyle
Webb, James

Mauro, Donna
Packard, Sherman
Quandt, Marshall
Rice, Frederick
Schroadter, Adam
Sullivan, James
Tremblay, Stella
Welch, David

McMahon, Charles
Peckham, Michele
Quandt, Matt
Ritter, Glenn
Sedensky, John
Sullivan, Kevin
Tucker, Pamela
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Groen, Warren
O'Connor, William
Vita, Carol

Brown, Julie
Jones, Kyle
Panek, William
Vita, Lucien

Cataldo, Sam
Larsen, Kirsten
Parsons, Robbie
Watters, David

DeLemus, Susan
Newton, Clifford
Pitre, Joseph
Weeden, Michael

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

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

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 111

BELKNAP

Pilliod, James

CARROLL

None

CHESHIRE

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

Carr, Daniel
Johnson, Jane
Roberts, Kris
Weed, Charles

Chase, Cynthia
Lerandeau, Alfred
Sad, Tara

Hawkes, Samuel
Meador, David
Tatro, Bruce

COOS

Coulombe, Gary

Theberge, Robert

GRAFTON

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

Almy, Susan
Harding, Laurie
Simard, Paul
White, Andrew

Benn, Bernard
Nordgren, Sharon
Smith, Suzanne

Bulis, Lyle
Pastor, Beatriz
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin
Daler, Jennifer
Gimas, John
Jeudy, Jean
Moran, Edward
Rhodes, Brian
Swank, Matthew

Brunelle, Michael
Daniels, Gary
Goley, Jeffrey
Katsiantonis, Thomas
Pilotte, Maurice
Rokas, Ted

Campbell, David
Drisko, Richard
Gorman, Mary
LeBrun, Donald
Porter, Marjorie
Rosenwald, Cindy

Cote, David
Garrity, Patrick
Hutchinson, Winfred
Long, Patrick
Ramsey, Peter
Sullivan, Daniel

MERRIMACK

Bouchard, Candace	Foose, Robert	Frazer, June	Gile, Mary
Hamm, Christine	Hess, David	Hoell, J.R.	Kidder, David
MacKay, James	Owen, Derek	Patten, Dick	Potter, Frances
Rice, Chip	Richardson, Gary	Shurtleff, Stephen	Wallner, Mary Jane
Watrous, Rick	Williams, Robert		

ROCKINGHAM

Cali-Pitts, Jacqueline	Copeland, Timothy	DiPentima, Rich	Gould, Kenneth
Lovejoy, Patricia	Moody, Marcia	Murphy, Brian	Norelli, Terie
O'Connor, John	Pantelakos, Laura	Powers, James	Read, Robin Jr
Schlachman, Donna	Serlin, Christopher	Waddell, James	Ward, Joanne

STRAFFORD

Berube, Roger	Browne, Brendon	Ginsburg, Philip	Grassie, Anne
Hooper, Dorothea	Horrigan, Timothy	Jones, Laura	Kaen, Naida
Keans, Sandra	Munck, Philip	Pelletier, Marsha	Roberts, Jenna
Schmidt, Peter	Spainhower, Dale	Spang, Judith	Sprague, Dale
Wall, Janet			

SULLIVAN

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

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

SENATE MESSAGES NONCONCURS WITH AMENDMENT REQUESTS COMMITTEE OF CONFERENCE

SB 33-FN, relative to retired state employee contributions for medical benefits costs.
The President appointed Sens. Carson, Groen and D'Allesandro.
Rep. Carol McGuire moved that the House accede.
Adopted.
The Speaker appointed Reps. Carol McGuire, Pilotte, Winter and Bowers.

REQUESTS CONCURRENCE WITH AMENDMENTS

HCR 9, urging Congress to support H.R. 6416 or similar legislation relative to airport security. (Amendment printed SJ 5-25-11)
Rep. Baldasaro moved that the House concur and spoke in favor.
Rep. Kurk spoke in favor.
Adopted.

HB 218, repealing the New Hampshire rail transit authority. (Amendment printed SJ 5-11-11)
Rep. Packard moved that the House concur and spoke in favor.
Adopted.

REGULAR CALENDAR (CONT'D)

SB 75-FN, relative to clarification of part-time service in the state retirement system.
OUGHT TO PASS.
Rep. William B. Smith for Finance: This bill redefines the nature of part-time employment

for retirement system purposes. The first section applies to state employees and was in the bill as it came from the Senate. It precludes the retirement system from allowing two or more part-time jobs held by a state employee to be considered a full-time job that would qualify the employee for retirement system benefits. The second section was added by the Special House Committee on Pensions and applies to both the state and its political subdivisions. Among other things, it defines part-time employment as working no more than 1,300 hours per year (an average of 25 hours per week). Under current law, a retiree collecting a pension from the retirement system cannot simultaneously be employed by a member of the system other than in a part-time position. Having determined that any impact on state general funds or restricted funds would not be significant, the committee recommends that the bill should be passed. Vote 24-1.

Committee report adopted.

Ordered to third reading.

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

Rep. William B. Smith for Finance: This bill gives the state board of education permanent authority to approve chartered public schools and requires the state to pay tuition at adequacy funding level for each pupil who resides in the state and attends a chartered public school authorized by a school district other than the pupil's resident school district. The committee amended the bill to clarify wording, and also removed the section that would have required unexpended funds to be distributed annually to approved chartered public schools. Vote 25-0.

Amendment (2028h)

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

AN ACT extending the state board of education's authority to approve chartered public schools and relative to the funding of chartered public schools approved by a school district. Amend RSA 194-B:11, I(a) as inserted by section 2 of the bill by replacing it with the following:

I.(a) There shall be no tuition charge for any pupil attending a charter conversion school located in that pupil's resident district. Funding limitations in this chapter shall not be applicable to charter conversion schools located in a pupil's resident district. For a chartered public school authorized by the school district, the pupil's resident district shall pay to such school an amount equal to not less than 80 percent of that district's average cost per pupil as determined by the department of education using the most recent available data as reported by the district to the department. ***For pupils resident in this state who attend full-time a chartered public school authorized by a school district other than the pupil's resident school district, the state shall pay tuition pursuant to RSA 198:40-a directly to the chartered public school for such pupil. Nothing in this subparagraph shall alter or modify the funding of the Virtual Learning Academy Charter School.***

Amend the bill by deleting section 3 and renumbering the original sections 4-5 to read as 3-4, respectively.

Amend the bill by replacing section 4 with the following:

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

AMENDED ANALYSIS

This bill:

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

II. Requires that the state pay tuition for each resident pupil attending full-time a chartered public school authorized by a school district other than the pupil's resident school district.

Amendment adopted.

Committee report adopted and ordered to third reading.

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

SB 129-FN, relative to presenting photo identification to vote in person and relative to the election fund. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Charles E. Sova for the Majority of Finance: The fiscal notes for this bill left a great deal to be desired. The data was mostly guesses and the preparers when pressed admitted there was no way to really know what is going to happen. However this bill provides an opportunity to collect data in the 2011 city elections, the 2012 Presidential primary and the 2012 municipal elections that would lead to more accurate fiscal calculations. The question of whether the legislation was legal or not also kept coming up. Due to the November 1, 2012 effective date for using photo ID, in order to receive a ballot or a provisional ballot should you not have an ID on the day of the election, it will provide more than ample time to answer all these fiscal and legal questions. Finally, if the data or legal questions produce unfavorable results for the bill, there will be time next year to fix the legislation or delay its implementation. Vote 18-8.

Rep. Robert A. Foose for the Minority of Finance: The minority cannot support the committee recommendation on SB 129 and asks that a vote of ITL be made. Reacting solely from the perspective of how SB 129 would impact the budget, there will be an additional cost to the secretary of state's budget. While there also was inconclusive testimony regarding the impact on cities and towns, there was a clear indication that there will be some level of additional costs downshifted from the state. The minority believes that, in a period that demands fiscal restraint, it is not logical to incur additional budgetary pressure. Regarding the transition period before the law is fully implemented, the minority has a real concern that the recent improper behavior by the clerk in New Boston may be repeated across the state with real consequences on voter access unless a serious budgetary investment is made in additional training and voter education.

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

Rep. Pierce offered floor amendment (2209h).

Floor Amendment (2209h)

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

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

Amend the bill by replacing section 1 with the following:

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

659:13 Obtaining a Ballot.

I. A person desiring to vote shall, before being admitted to the enclosed space within the guardrail, announce his or her name to one of the ballot clerks who shall thereupon repeat the name; and, if the name is found on the checklist by the ballot clerk, the ballot clerk shall put a checkmark beside it and again repeat the name. The ballot clerk shall state the address listed on the checklist for the voter, and ask if the address is correct; if the address on the checklist is not correct, the ballot clerk shall correct the address in red on the paper checklist and the supervisors of the checklist shall cause the centralized voter registration database to reflect the correction. ***The ballot clerk shall request that the voter prove his or her identity by presenting a means of proof meeting the requirements of paragraph II. If the voter does not present any such proof of***

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

II. A person may prove his or her identity as required under paragraph I by any reasonable means, including, but not limited to, any one of the following means of proof:

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

III. A photo identification accepted under paragraph II shall satisfy each of the following:

- (a) The identification shows the name of the individual to whom the identification was issued, and the name substantially conforms to the name on the checklist or in the individual's voter registration record.**
- (b) The identification shows a photograph of the individual to whom the identification was issued.**

Amend RSA 655:13-b, I as inserted by section 2 of the bill by replacing it with the following:

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

Amend RSA 655:13-b, III as inserted by section 2 of the bill by replacing it with the following:

III. By noon of the third business day after the election, a voter who has cast a provisional ballot may appear in person before the city or town clerk and present proof of identity meeting the requirements of RSA 659:13, II, official documentation of driver's license suspension or revocation, a waiver issued by the secretary of state under RSA 659:13-d, or an affidavit of religious exemption. Upon presentation of proof of identity, verification of driver's license suspension or revocation, or receipt of a waiver issued by the secretary of state under RSA 659:13-d or an affidavit of religious exemption, the clerk shall mark the list prepared by the moderator to that effect. The clerk shall require each person presenting

proof of identity, official documentation of driver's license suspension or revocation, or a waiver issued by the secretary of state under RSA 659:13-d, or executing an affidavit of religious exemption to sign the list next to or beneath his or her name. At noon of the third business day after the election, the clerk shall forward all provisional ballots for which verification of identity has been provided to the moderator. The clerk shall post notice of the time and place of the processing of provisional ballots in accordance with RSA 91-A. Amend the bill by replacing sections 6-7 with the following:

6 Voter Education.

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

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

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

AMENDED ANALYSIS

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

Rep. Pierce spoke in favor and yielded to questions.

Rep. Bates spoke against.

On a division vote, 138 members having voted in the affirmative and 228 in the negative, floor amendment (2209h) failed.

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

Rep. Foose spoke against.

Rep. Vaillancourt spoke in favor.

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

YEAS 259 NAYS 116

YEAS 259

BELKNAP

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

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

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

Fields, Dennis
Luther, Robert
Simpson, Tyler
Tobin, William

CARROLL

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Schmidt, Stephen

Knox, J. David
Patten, Betsey
Umberger, Karen

CHESHIRE

Byrnes, John
Moore, Charles

Cartwright, Anne
Moore, Robert Jr

Dwinell, Richard
Smith, Edwin

Hunt, John
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Ingbretson, Paul
Shackett, Jeffrey

Brosseau, Charles
Ladd, Rick Jr
Simard, Paul

Bulis, Lyle
Mirski, Paul
Sorg, Gregory

Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

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.

Christiansen, Lars

Condra, William

Coughlin, Sean

Chris
Cusson-Cail,
Kathleen

Daniels, Gary
Drisko, Richard
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Infantine, William
Kurk, Neal
Marcus, Bruce
Messier, Irene
Ohm, Bill
Pepino, Leo
Rowe, Robert
Simmons, Tammy
Summers, James
Twombly, Timothy
Whitehead, Randall

DeJong, Cameron
Erickson, Duane
Gandia, Laura
Haefner, Robert
Hikel, John
Holden, Frank
Jasper, Shawn
Lambert, George
McClarren, Donald
Moran, Edward
Palmer, Stephen
Peterson, Lenette
Scotsas, Lisa
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Willette, Robert

Doherty, Shaun
Flanagan, Jack
Gargasz, Carolyn
Hansen, Peter
Hinch, Richard
Hopper, Gary
Katsiantonis, Thomas
LeBrun, Donald
McGuinness, Sean
Notter, Jeanine
Parison, James
Proulx, Mark
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve

Donovan, Daniel
Fredette, Robert
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Krasucki, Joseph
Maltz, Jonathan
Mecheski, Holly
Ober, Lynne
Pellegrino, Tony
Renzullo, Andrew
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Hess, David
Kotowski, Frank
McDonnell, John
Richardson, Jon
Soltani, Tony

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

Cox, Sean
Keane, Thomas
Lindsley, Mark
McGuire, Dan
Smith, Molly

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

ROCKINGHAM

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

STRAFFORD

Andolina, Donald	Brown, Julie	Cataldo, Sam	DeLemus, Susan
Groen, Warren	Larsen, Kirsten	Munck, Philip	Newton, Clifford
O'Connor, William	Panek, William	Parsons, Robbie	Pitre, Joseph
Vita, Carol	Vita, Lucien	Weeden, Michael	

SULLIVAN

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

NAYS 116

BELKNAP

Millham, Alida

CARROLL

Ahlgren, Christopher	Tregenza, Norman
----------------------	------------------

CHESHIRE

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

COOS

Coulombe, Gary	Theberge, Robert
----------------	------------------

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Harding, Laurie	Nordgren, Sharon	Pastor, Beatriz	Pierce, David

Smith, Suzanne

Taylor, Kathleen

Townsend, Charles

White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Daler, Jennifer
Goley, Jeffrey
Levasseur, Nickolas
Palmer, Barry
Ramsey, Peter
Rosenwald, Cindy

Brunelle, Michael
Garritty, Patrick
Gorman, Mary
Long, Patrick
Pilotte, Maurice
Rhodes, Brian
Shaw, Barbara

Campbell, David
Gidge, Kenneth
Graham, John
Murphy, Keith
Porter, Marjorie
Robbins, David
Sullivan, Daniel

Cote, David
Gimas, John
Jeudy, Jean
Ober, Russell III
Pratt, Calvin
Rokas, Ted
Warden, Mark

MERRIMACK

Bouchard, Candace
Frazer, June
MacKay, James
Rice, Chip
Wallner, Mary Jane

Cohn, Seth
Gile, Mary
Owen, Derek
Richardson, Gary
Watrous, Rick

DeStefano, Stephen
Hamm, Christine
Patten, Dick
Seaworth, G. Brian
Williams, Robert

Foose, Robert
Hoell, J.R.
Potter, Frances
Shurtleff, Stephen

ROCKINGHAM

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

Brown, Paul
Gould, Kenneth
Pantelakos, Laura
Serlin, Christopher

Cali-Pitts, Jacqueline
Lovejoy, Patricia
Powers, James

Chirichiello, Brian
Moody, Marcia
Read, Robin Jr

STRAFFORD

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

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

Ginsburg, Philip
Jones, Kyle
Pelletier, Marsha
Spang, Judith

Grassie, Anne
Jones, Laura
Roberts, Jenna
Sprague, Dale

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the majority committee report was adopted.

Ordered to third reading.

PROTEST

In accordance with Part II, Article 24 of the New Hampshire Constitution, I hereby submit my protest regarding the vote on HB 129-FN. This bill is an affront to liberty and democracy.

Rep. Horrigan.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 191, relative to the community mental health system. (Amendment printed SJ 5-25-11)
Rep. Reagan moved that the House concur and spoke in favor.
Adopted.

NONCONCURS WITH AMENDMENT

REQUESTS COMMITTEE OF CONFERENCE

SB 92, establishing an economic strategic commission to review the relationship between

business and government.

The President appointed Sens. Carson, Sanborn and Larsen.

Rep. Carol McGuire moved that the House accede.

Adopted.

The Speaker appointed Reps. Carol McGuire, Peter Schmidt, Proulx and Hansen.

REGULAR CALENDAR (CONT'D)

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

Rep. Neal M. Kurk for Finance: The bill as it came to Finance required the department of health and human services to develop a plan to consolidate the several thousand department contracts in order to reduce general fund spending on administrative costs by approximately \$5.5 million. These savings are included in the House budget for FY 12/13. The committee believes a more certain way to achieve the savings is to require, not merely plan for, contract consolidations. This is what the amendment does, specifying that the \$5.5 million savings must be achieved in the next biennium and authorizing the department to use any savings in excess of the specified amount to provide additional services to department clients. Quarterly reporting to the HHS Oversight committee is required. Vote 26-0.

Amendment (2113h)

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

1 Purpose. It is the objective of the general court to assure that appropriations for providing health and human services are expended directly in aid and assistance to the citizens of New Hampshire and that overhead and administrative costs are kept to a minimum. One method for reaching this objective is to consolidate the number of contracts entered into by the department for providing services to persons it serves. It is the intent of the general court that this consolidation be done within the biennium ending June 30, 2013.

2 Contract Consolidation; Department of Health and Human Services.

I. For contracts executed on or after July 1, 2011, the department of health and human services shall consolidate contracts of the department including, but not limited to, contracts for the acquisition of goods and services and for providing services to clients of the department, to the fewest number reasonably possible to:

(a) Realize general fund savings in the amount of \$1,250,000 in fiscal year 2012 and \$4,300,000 in fiscal year 2013 as required in the budget approved for the department;

(b) Reduce the administrative costs associated with the processing and approval of state contracts;

(c) Minimize expenditures in areas other than direct care and assistance to the persons in need served by the department;

(d) Utilize any savings in addition to those specified in subparagraph (a) to provide additional direct services to clients of the department;

(e) Create an efficient, effective, and stable community system of health and human services agencies for the future.

II. The consolidation shall be completed by June 30, 2013.

III. For the biennium ending June 30, 2013, the commissioner shall provide reports on a quarterly basis to the oversight committee on health and human services and the fiscal committee of the general court regarding contract consolidation efforts.

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

AMENDED ANALYSIS

This bill requires the commissioner of the department of health and human services to consolidate contracts of the department and provides parameters for such consolidation. The bill requires the commissioner of the department of health and human services to provide reports on a quarterly basis for the biennium ending June 30, 2013 to the oversight committee on health and human services.

Amendment adopted.

Committee report adopted and ordered to third reading.

SB 154-FN, reforming and renaming the comprehensive shoreland protection act.

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

Rep. Kenneth L. Weyler for the Majority of Finance: Extensive work had been done on the shoreland protection act, especially changing its emphasis to water quality protection. The Finance committee examined the fiscal aspects of the changes, and found that they did not add to the costs of enforcement. However, two minor changes were made. One change was to make it effective upon passage rather than 60 days after passage, so that the enabling of rules would not expire on June 30. Another was to change the word “and” to “or” to make one paragraph clearer. A major change in the amendment was to amend HB 519, repeal of RGGI language to the end of the bill. This verifies the position of the House in a related area. Vote 20-6.

Rep. Robert A. Foose for the Minority of Finance: The minority cannot support the inclusion of the language of a bill that the House has already voted on and sent to the Senate. In approving the amendment that inserted the RGGI legislation, the committee is resubmitting the same RGGI legislation in a bill that had careful and extensive work in its preparation. As a result, approval of this bill would create a political football rather than a thoughtfully crafted and necessary improvement to the Shoreland Protection Act that enjoyed bipartisan support.

Majority Amendment (2006h)

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

AN ACT reforming and renaming the comprehensive shoreland protection act and repealing New Hampshire’s regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

Amend RSA 483-B:5-b, I(b)(1) as inserted by section 14 of the bill by replacing it with the following:

(1) For projects that qualify for permit by notification under ***this paragraph or*** RSA 483-B:17, X, \$100 for restoration of water quality improvement projects and \$250 for all other permit by notification projects.

Amend the bill by replacing all after section 31 with the following:

32 Powers and Duties of Commissioner; Reference Deleted. Amend RSA 125-O:6, I to read as follows:

I. Develop a trading and banking program to provide appropriate compliance flexibility in meeting the emission caps established under RSA 125-O:3, III [~~and allowance requirements of RSA 125-O:21 and RSA 125-O:22~~], and to encourage earlier and greater emissions reductions and the development of new emission control technologies in order to maximize the cost-effectiveness with which the environmental benefits of this chapter are achieved.

33 Rulemaking Authority. Amend RSA 125-O:8 to read as follows:

125-O:8 Rulemaking Authority.

[~~I.~~] The commissioner shall adopt rules under RSA 541-A, commencing no later than 180 days after the effective date of this section, relative to:

[~~(a)~~] **I.** The establishment of trading and banking programs as authorized by RSA 125-O:6, I.

[~~(b)~~] **II.** The establishment of a method for allocating allowances and other emissions reduction units or mechanisms as authorized by RSA 125-O:3, II and III.

[~~(c)~~] **III.** Emissions [~~and allowance~~] monitoring, [~~tracking,~~] recordkeeping, reporting, and other such actions as may be necessary to verify compliance with this chapter.

~~(d) The method and requirements for auctioning budget allowances under RSA 125-O:21, which may use regional organizations.~~

~~(e) Defining eligible projects for early reduction allowances under RSA 125-O:21, IV, and establishing criteria to quantify and grant such allowances.~~

~~(f) Defining eligible projects for offset allowances under RSA 125-O:21, V, and establishing criteria to quantify and grant such allowances, including the accreditation of third party verifiers.~~

~~(g) The forms and information required on applications for a temporary or operating permit required under RSA 125-O:22.~~

~~II. The public utilities commission shall adopt rules, under RSA 541-A, to administer the greenhouse gas emissions reduction fund pursuant to RSA 125-O:23.]~~

34 Compliance Dates. Amend RSA 125-O:9 to read as follows:

125-O:9 Compliance Dates. The owner or operator of each affected source shall comply with the provisions of this chapter, excluding the subdivision on mercury emissions, RSA 125-O:11 through 125-O:18, ~~[and the subdivision for CO₂ emissions, RSA 125-O:19 through RSA 125-O:28,]~~ by December 31, 2006.

35 Non-Severability. Amend RSA 125-O:10 to read as follows:

125-O:10 Non-Severability. No provision of ~~[RSA 125-O:1 through RSA 125-O:18 of]~~ this chapter shall be implemented in a manner inconsistent with the integrated, multi-pollutant strategy ~~[or RSA 125-O:1 through RSA 125-O:18]~~ of this chapter, and to this end, the provisions of ~~[RSA 125-O:1 through RSA 125-O:18 of]~~ this chapter are not severable.

36 Compliance. The repeal of the regional greenhouse gas initiative program on January 1, 2012 under this act shall not affect each affected CO₂ source's obligation to satisfy the program's requirements for the compliance period ending December 31, 2011, including those contained in adopted rules. All means of enforcement shall remain in place for these requirements, including the provisions of RSA 125-O:7 and any permit issued or modified by the department of environmental services in accordance with RSA 125-O:22, IV.

37 Use of Funds. Notwithstanding the provisions of RSA 125-O:23, all moneys in the greenhouse gas emissions reduction fund as of July 1, 2011, and all subsequent moneys deposited into the fund, shall be allocated by the commission as an additional source of funding to electric distribution companies for CORE energy efficiency programs that are funded by system benefits charges.

38 Repeal. The following are repealed:

I. RSA 6:12, I(b)(272), relative to moneys deposited in the greenhouse gas emissions reduction fund.

II. RSA 125-O:3, III(d), relative to carbon dioxide cap.

III. RSA 125-O:19 through 125-O:28, relative to the regional greenhouse gas initiative.

39 Effective Date.

I. Section 27 of this act shall take effect June 30, 2011.

II. Sections 32-35 and paragraphs II and III of section 38 shall take effect January 1, 2012.

III. Paragraph I of section 38 of this act shall take effect January 1, 2013.

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

AMENDED ANALYSIS

This bill makes extensive changes to the comprehensive shoreland protection act.

This bill repeals New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions. This bill also clarifies how the moneys in the greenhouse gas emissions reduction fund may be used.

Rep. Spang spoke against.

Rep. Weyler spoke in favor.

On a division vote, 248 members having voted in the affirmative and 109 in the negative, the majority committee amendment was adopted.

Majority committee report adopted and ordered to third reading.

SB 70-FN, relative to remedies in landlord-tenant actions. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. J. Brandon Giuda for the Majority of Judiciary: This pro-business bill levels the playing field for landlords in three significant ways. First, the bill reduces the time period that certain landlords are required to store abandoned property from 28 days to 7 days, thereby freeing up the landlord's property and reducing storage costs. Second, the bill reduces the exposure of landlords who violate the statute from triple damages and legal fees to actual damages and legal fees, thereby stopping frivolous claims against landlords for excessive damages. Third, the bill repeals the new 2011 requirement (RSA 540:1-b) that landlords provide service of process information to the appropriate municipality by January 31, 2011 or face a \$1,000 fine. The new 2011 requirement was enacted in an attempt to ease the burden on certain municipalities when litigating against out-of-state landlords. Repealing this bad law is logical because: (1) municipalities already have the requisite information for service of process in their tax departments (ie., owner of the property), (2) municipalities can use the same streamlined service of process procedures as every other litigant in New Hampshire, (3) the penalty on landlords is disproportionate to any purported harm done, (4) the requirement is overbroad as it applies to all landlords, not just out-of-state landlords, and (5) most landlords in New Hampshire are not aware of this requirement and therefore can now be held liable for a \$1,000 fine. Vote 10-5.

Rep. Lucy M. Weber for the Minority of Judiciary: This bill as passed by the Senate, simply amends RSA 540-A:3 to reduce from 28 to 7 the number of days a landlord is required to store the possessions of a departed tenant. It also lowers the fines a landlord would have to pay for non-compliance with the provision. At the public hearing on SB 70, an amendment was proposed which would have made an alteration to a different chapter of the statute, Chapter 540, as opposed to Chapter 540-A. The section to be modified relates to the registration of a landlords or an agent for a landlord. The proposed amendment modified the registration requirements only for in-state landlords. At that time, it was suggested that the amendment was not germane to the substance of the original bill, and that a new hearing should be held giving notice so that anyone who wanted to express an opinion on the revision of a different chapter of the statute would have notice and an opportunity to do so. No such hearing was held. At the executive session, a different and more extensive amendment was offered. The amendment attached to this bill without any notice to the public or opportunity for public comment repeals RSA 540:1-b in its entirety. RSA 540:1-b, passed last year, requires owners of restricted property to file a statement with the town or city clerk giving the name, address and phone number of a person within the state authorized to accept legal process on any legal proceeding related to the property. A civil penalty of \$1,000 is assessed for failure to file. The provision was enacted at the request of cities and towns to address the difficulty of enforcing compliance with building codes, particularly against out of state landlords. Its repeal will result either in higher costs of enforcement to cities and towns or in less acceptable living conditions for our poorest tenants.

Majority Amendment (1405h)

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

3 Repeal. RSA 540:I-b, relative to landlord agents, is repealed.

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect January 1, 2012.

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

AMENDED ANALYSIS

This bill:

I. Shortens the time period during which a landlord is required to store a tenant's abandoned property.

II. Reduces the amount of damages available for violations of the storage requirement.

III. Repeals the requirement that certain residential landlords provide the town clerk with the name and address of an agent authorized to accept service on their behalf.

Rep. Weber spoke against.

Rep. Giuda spoke in favor.

On a division vote, 266 members having voted in the affirmative and 86 in the negative, the majority committee amendment was adopted.

Reps. Brian Murphy and Greazzo declared a conflict of interest and did not participate.

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

Rep. Weber spoke against.

Rep. Warden spoke in favor.

Majority committee report adopted and ordered to third reading.

Reps. Brian Murphy and Greazzo declared a conflict of interest and did not participate.

SB 2, relative to adoption of spending caps by municipalities. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Franklin W. Sterling for the Majority of Municipal and County Government: The purpose and intent of SB 2 is to provide a process by which any municipality may adopt a tax/spending cap. The bill amends RSA 49-C and RSA 49-D so that cities or towns that are governed by a town or city council can amend their charters to include spending caps. The legislation provides a clear process by which a charter can be amended and it provides the language necessary to comply with recent supreme court ruling. Further SB 2 includes amendments to RSA 32 that contain a process and rules governing the adoption of a tax cap by municipalities that have a traditional town meeting form of government and those towns which have adopted the official ballot form of government. Also included in the legislation is a provision to ratify and declare valid other spending caps adopted prior to the enactment of this bill. Vote 12-4.

Rep. Kris E. Roberts for the Minority of Municipal and County Government: The minority believes that the real goal of many of the supporters of this bill is not to have cities, towns, school district adopt a tax cap to limit increases to the amount to be raised by taxes in the annual budget as an effective means of limiting growth in the local property rates; the goal is to give the minority the ability to have more power and authority to reduce education funding, shrink the size of local government, and combat the perceived power of the public sector unions. The committee was told that the deliberative session was a failed system; that in one recent local school budget session approximately 150 people voted in favor of the budget and about 50 voted against the budget. The committee was told that this happens all the time and that people of that community needed the ability to correct the faults in the current system. The minority asked where is the fault if 75% of the voters approve a budget increase? If there are faults in the current system this body should not be passing legislation that would give greater power to the minority at the expense of the majority. In Keene, with about 12,000 voters, rarely do more than 125 appear for the school budget session where they have the ability to make changes to the proposed budget, about 10-12% show up to vote and sometimes Keene is hard pressed to find three people willing to sign up for three school board positions. The minority believes that this body should be following the advice of Thomas Jefferson, a man who posed great confidence in the wisdom and discretion of the American people, who stated that a successful republic requires a well educated, well informed and a proactive citizenship, but once the vote was taken it was the responsibility of the minority to support the decisions of the majority. If the current system has failings it is due to the lack of public interest and the unwillingness of our citizens to take an active role in government. This bill will not solve that problem. All it will do is create an opportunity to replace one minority group with another minority group. History has repeatedly shown that

minority interest, minority issue government has always resulted in real harm to our communities. This bill in many ways is a one size fits all approach to rising local property taxes and will not limit the growth of such taxes. A review of the past 10 plus years shows the largest factor in the rapid growth of local property taxes has not been an increase in local service and public payrolls, because the majority of New Hampshire communities have reduced both services and employees - governments at all level are shrinking - the greatest cause has been the downshifting of costs by the state to local communities and county governments. Many members of this body also serve as selectmen and city councilors. In many ways passage of this bill will not benefit the taxpayers, but will provide political cover at the local community level. Passage of this bill combined with our no income tax, no sales tax and no death tax policies, will ensure that NH remains one of the best states in which to retire as we support the special interests of people who have no children or grandchildren in our school systems. But it has the potential to ensure that New Hampshire remains as one of the fastest graying states and one of the states with the greatest out-migration of 18-30 year olds as we reduce funding for public education, public safety and other important quality of life programs.

Majority Amendment (1978h)

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

AN ACT relative to adoption of tax caps by cities, towns, and other political subdivisions.

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

1 Findings; Intent. The general court finds that:

I. There is a need to enact enabling legislation to allow the citizens of New Hampshire to adopt a tax cap either in their charters or at their town meetings.

II. A simple process for towns and other political subdivisions to enact a tax cap is to limit the amount of money to be raised by taxes by the governing body at the local level.

III. The general court hereby proposes that in towns and districts adopting a tax cap the estimated amount of taxes to be raised for the fiscal year shall not exceed the taxes raised for the prior year by a percentage or fixed amount as determined by the legislative body.

2 New Paragraph; City Charters; Vote. Amend RSA 49-C:12 by inserting after paragraph II the following new paragraph:

III. Notwithstanding any contrary provision in paragraph I, the adoption of an override threshold provision to a tax cap included in a charter pursuant to RSA 49-C:33, I(d) shall provide for a supermajority vote of the elected body to adopt the annual budget.

3 New Subparagraph; City Charters; Optional Provisions; Tax Cap Added. Amend RSA 49-C:33, I by inserting after subparagraph (c) the following new subparagraph:

(d) A limit on the annual spending increases that increase the amount raised by taxes under the city budget adopted pursuant to RSA 49-C:23. Such a tax cap shall provide for an override threshold on a vote to exceed the limit on annual increases which shall be by a supermajority as determined in the charter. A tax cap provision in the city charter may provide for specific exclusions for dedicated, enterprise, or self-supporting funds or accounts, capital reserve funds, grants, or revenue from sources other than local taxes.

4 Town Charters; Optional Matters; Tax Cap. Amend RSA 49-D: 3, I(e) to read as follows:

(e) Other matters of local concern may be included in a charter including, but not limited to, conflict of interest provisions which shall be at least as strict as those established in the general laws, citizen powers of initiative, referendum and recall as described in RSA 49-C, ~~and~~ **the adoption and periodic review of an administrative code, a merit personnel system, a purchasing system, and a town investment policy, and the adoption of a tax cap limiting the annual increases in amounts raised by taxes under the town budget. Such tax cap shall include an override threshold on a vote to exceed the limit on annual increases which shall be by a supermajority as determined in the charter.**

Such tax cap may specifically exclude certain dedicated, enterprise, or self-supporting funds or accounts, capital reserve funds, grants, or revenue from sources other than local taxes.

5 Municipal Budget Law; Application. Amend RSA 32:2 to read as follows:

32:2 Application. RSA 32:1-13, shall apply to all towns, school districts, cooperative school districts, village districts, and any other municipal entities, including those created pursuant to RSA 53-A or 53-B, which adopt their budgets at an annual meeting of their voters, ***except RSA 32:5-b, which shall apply only in those towns or districts adopting that section pursuant to RSA 32:5-c.*** RSA 32:14-23, concerning budget committees, shall apply only in those towns or districts adopting that section pursuant to RSA 32:14, I, and shall apply automatically in school districts or village districts located wholly within towns adopting that section.

6 New Sections; Local Tax Cap; Adoption of Local Tax Cap. Amend RSA 32 by inserting after section 5-a the following new sections:

32:5-b Local Tax Cap. Upon adoption under RSA 32:5-c, the following shall apply:

I. In a town or district that has adopted this section, the estimated amount of local taxes to be raised for the fiscal year, as shown on the budget certified by the governing body or the budget committee and posted with the warrant for the annual meeting pursuant to RSA 32:5, shall not exceed the local taxes raised for the prior year, as shown on the same budget, by more than the tax cap authorized when this section was adopted.

II. The tax cap shall be either a fixed dollar amount or a fixed percentage applied to the amount of local taxes raised by the town or district for the prior fiscal year as reported to the department of revenue administration.

III. The legislative body may override the cap by the usual procedures applicable to annual meetings and deliberative sessions of the legislative body. The provisions of this section shall not limit the legislative body's authority to increase or decrease the amount of any appropriation or the total amount of all appropriations.

32:5-c Adoption of Local Tax Cap.

I. The provisions of RSA 32:5-b may be adopted by any local political subdivision of the state whose legislative body raises and appropriates funds through an annual meeting. A 3/5 majority of those voting on the question shall be required to adopt the provisions of RSA 32:5-b. Only votes in the affirmative or negative shall be included in the calculation of the 3/5 majority.

II. The question shall be placed on the warrant of the annual meeting by the governing body or by petition under the procedures set out in RSA 39:3 or RSA 197:6.

III. A public hearing shall be held by the local governing body on the question at least 15 days, but not more than 30 days, before the question is to be voted on. In multi-town districts, a public hearing shall be held in each town embraced by the district, none of which shall be held on the same day. Notice of the hearing shall be posted in at least 2 public places in the town and at least 2 public places in each town of multi-town districts, and published in a newspaper of general circulation at least 7 days prior to the date of the hearing.

IV. The wording of the question shall be: "Shall we adopt the provisions of RSA 32:5-b, and implement a tax cap whereby the governing body (or budget committee) shall not submit a recommended budget that increases the amount to be raised by local taxes, based on the prior fiscal year's actual amount of local taxes raised, by more than _____ (insert either a fixed dollar amount or a fixed percentage)?"

V. Voting on the question shall be by ballot, but the question shall not be placed on the official ballot used to elect officers, except in the case of a legislative body that uses an official ballot form of meeting under RSA 40:13 or under a charter adopted pursuant to RSA 49-D. Polls shall remain open and ballots shall be accepted by the moderator for a period of not less than one hour following the completion of discussion on the question. If a 3/5 majority of those voting on the question vote "yes," RSA 32:5-b shall apply within the local

political subdivision beginning with the following fiscal year and for all subsequent years until it is rescinded as provided in paragraph VI.

VI. Any local political subdivision which has adopted RSA 32:5-b may consider rescinding its action in the manner described in paragraphs I through V. The wording of the question shall be: "Shall we rescind the provisions of RSA 32:5-b, known as the tax cap, as adopted by the (local subdivision) on (date of adoption), so that there will no longer be a limit on increases to the recommended budget in the amount to be raised by local taxes?" A 3/5 majority of those voting on the question shall be required to rescind the provisions of this section, except in the case of repeal by charter enactment under RSA 49-D. Only votes in the affirmative or negative shall be included in the calculation of the 3/5 majority.

7 Home Rule Municipal Charters; Preservation. Amend RSA 49-B:13 to read as follows: 49-B:13 Separability; Preservation.

I. The provisions of this chapter and of charters created under this chapter are separable. If any portion of this chapter, or of any charter adopted under the provisions of this chapter, or if the application of the chapter or such charter to any person or circumstance shall be invalid, the remainder of the chapter or such charter or the application of such invalid portions to other persons or circumstances shall not be affected by such invalidation.

II. All town and city charters which have been adopted, revised, or amended; all charter commissions which have been properly established and elected; all elections properly held; and actions properly taken pursuant to such charters are hereby legalized, provided that such charters at the time of their adoption were not contrary to the general laws and constitution of the state.

II-a. All town or city charters which have been adopted, revised, or amended to include a tax or spending cap of any kind and all charter commissions which have been properly established and elected; all elections properly held; and all actions properly taken related to the tax or spending cap in such charters are hereby endorsed, ratified, validated, and legalized and are fully enforceable, without regard to whether such entities or actions were authorized by law at the time they were established or taken.

III. RSA 32 shall not apply to a municipality adopting, revising, or amending a charter under RSA 49-C or RSA 49-D unless that municipality adopts a budgetary town meeting, official ballot town meeting, an official ballot town council, or representative town meeting pursuant to RSA 49-D:3, I-a, II, II-a and III. ***Except that a municipality may adopt a tax cap as provided in RSA 49-C:33, I(d) or RSA 49-D:3, I(e), notwithstanding the provisions of RSA 32:5-b and RSA 32:5-c.***

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

AMENDED ANALYSIS

This bill allows cities and towns under a charter, and towns, school districts, and other political subdivisions under the municipal budget act to adopt a tax cap to limit increases to the amount to be raised by taxes in the annual budget.

Majority committee amendment adopted.

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

Rep. Kris Roberts spoke against and yielded to questions.

Rep. Sterling spoke in favor.

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

YEAS 276 NAYS 95

YEAS 276

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
Hawkes, Samuel
Moore, Robert Jr

Cartwright, Anne
Hunt, John
Smith, Edwin

Dwinell, Richard
Johnson, Jane
Sterling, Franklin Jr

Emerson, Susan
Moore, Charles

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Ingbretson, Paul
Shackett, Jeffrey

Brosseau, Charles
Ladd, Rick Jr
Simard, Paul

Bulis, Lyle
Mirski, Paul
Sorg, Gregory

Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

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
Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert
Gimas, John
Haefner, Robert
Hinch, Richard
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Christiansen, Lars
Daniels, Gary
Drisko, Richard
Gagne, Larry
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Robbins, David
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Condra, William
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Graham, John
Hawkins, Kenneth
Hogan, Timothy
Infantine, William
Lambert, George
McCarthy, Michael
Messier, Irene
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Rowe, Robert
Simmons, Tammy
Summers, James
Twombly, Timothy
Warden, Mark

Coughlin, Sean
Doherty, Shaun
Flanagan, Jack
Gargasz, Carolyn
Greazzo, Phil
Hikel, John
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James
Pratt, Calvin
Scontsas, Lisa
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

MERRIMACK

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

ROCKINGHAM

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

STRAFFORD

Andolina, Donald	Brown, Julie	Cataldo, Sam	DeLemus, Susan
Groen, Warren	Jones, Kyle	Jones, Laura	Larsen, Kirsten
Munck, Philip	Newton, Clifford	O'Connor, William	Panek, William
Parsons, Robbie	Pitre, Joseph	Vita, Carol	Vita, Lucien
Watters, David	Weeden, Michael		

SULLIVAN

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

NAYS 95

BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Lerandean, Alfred
Roberts, Kris
Weed, Charles

Carr, Daniel
Lindsey, Steven
Sad, Tara

Chase, Cynthia
Meador, David
Tatro, Bruce

Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

COOS

Coulombe, Gary

Remick, William

Theberge, Robert

GRAFTON

Aguiar, James
Harding, Laurie
Smith, Suzanne

Almy, Susan
Nordgren, Sharon
Taylor, Kathleen

Benn, Bernard
Pastor, Beatriz
Townsend, Charles

Cooney, Mary
Pierce, David
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Daler, Jennifer
Gorman, Mary
Long, Patrick
Ramsey, Peter
Shaw, Barbara

Brunelle, Michael
Garrity, Patrick
Judy, Jean
Pilotte, Maurice
Rhodes, Brian
Sullivan, Daniel

Campbell, David
Gidge, Kenneth
Katsiantonis, Thomas
Porter, Marjorie
Rokas, Ted

Cote, David
Goley, Jeffrey
Levasseur, Nickolas
Proulx, Mark
Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
Hamm, Christine
Patten, Dick
Shurtleff, Stephen

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

Frazer, June
MacKay, James
Rice, Chip
Williams, Robert

Gile, Mary
Owen, Derek
Richardson, Gary

ROCKINGHAM

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

DiPentima, Rich
Perkins, Amy
Schlachman, Donna

Moody, Marcia
Perkins, Lawrence
Serlin, Christopher

Norelli, Terie
Powers, James

STRAFFORD

Berube, Roger
Hooper, Dorothea
Pelletier, Marsha
Spang, Judith

Browne, Brendon
Horrigian, Timothy
Roberts, Jenna
Sprague, Dale

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

Grassie, Anne
Keans, Sandra
Spainhower, Dale

SULLIVAN

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

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

CACR 14, relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and shall have full discretion to determine the amount of state funding for education. **WITHOUT RECOMMENDATION.**

LAID ON THE TABLE

Rep. Lynne Ober moved that **CACR 14**, relating to public education. Providing that the

general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and shall have full discretion to determine the amount of state funding for education, be laid on the table.

On a division vote, 346 members having voted in the affirmative and 27 in the negative, the motion was adopted by the necessary three-fifths vote.

REGULAR CALENDAR (CONT'D)

SB 183-FN-L, amending the calculation and distribution of adequate education grants, repealing fiscal capacity disparity aid, and providing stabilization grants to certain municipalities. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William S. Belvin for the Majority of the Special Committee on Education Funding Reform: The amendment to SB 183 combines the best elements of both HB 337 as passed by the House and SB 183 as passed by the Senate. It comprehensively addresses and modifies the current statutory provisions for the state's funding of education in five critical ways. First, it provides predictability and continuity to that funding because under the amendment, no town, city or school district will receive either a greater or lesser education grant from the state in the coming biennium than it is receiving in the current fiscal year. Going out into the future, no town, city or school district will receive a lesser education grant than it is currently receiving, but it can receive a greater grant if it qualifies based upon changes in school population and the number of students who qualify for targeted aid. This provides the assurance of continuing state aid to our school boards, administrators and local property tax payers, who both need and deserve that assurance. However, no town, city or school district will receive a grant in any year more than 105.5% greater than the grant it received in the previous fiscal year. Second, for the coming biennium only, this bill calculates the base cost per pupil by using empirical, realistic standards and criteria currently in law. The standards and criteria used to set the base cost in the next biennium are derived from the state department of education minimum standards for school approval already promulgated in its rules and from the federal definition of a "highly qualified" teacher. After the coming biennium, these costs will be adjusted automatically by a CPI component which can not be manipulated or "gamed," but which will objectively reflect increasing costs over time. Third, as a result of the revised formula for calculating the base cost per pupil, this bill significantly increases targeted aid to provide additional resources for those pupils and communities which would most benefit from such state aid. Under this bill, targeted aid increases from less than 25% of total aid to over 40% of total aid. It continues targeted aid to special education students and students from disadvantaged backgrounds who qualify for the federal free and reduced lunch program, but at higher amounts than this year based upon a CPI increase. And it provides targeted aid at a fixed dollar amount only to those students who qualify for the federal free and reduced lunch program and not for the entire student population in schools which contain more than a certain percentage of such eligible students. It also continues targeted aid for English-language learner students while providing new incentive aid for students who demonstrate reading proficiency at the third grade level. Fourth, this bill substantially increases fiscal capacity disparity aid to our most disadvantaged districts, a formula which has been shown to best target aid to these communities. Fifth and finally, this bill eliminates donor towns. In conclusion, this bill accomplishes all these objectives without increasing the aggregate state aid for education, and puts the state on a path for reasonable, sustainable future aid to our students and communities. Vote 11-4.

Rep. Robert A. Foose for the Minority of the Special Committee on Education Funding Reform: The minority of the committee cannot agree with the decision of OTPA. In 2007-08, the legislature created a carefully researched and transparent structure that for the first time met the state's responsibility to fund an adequate public education. Since the passage

of adequacy, the structure survived one court challenge from Londonderry and New Hampshire has enjoyed an unprecedented period of judicial peace. However, in 2008, the legislature asked 119 communities to forego what they were entitled to until July, 2011 to moderate the impact on other communities that had been receiving an unequal proportion of the total funds due under adequacy. In response to the challenge of building the next biennial budget, both the House and the Senate have crafted new proposals for calculating educational funding that cut some \$80 million from what is due under current laws. To make the reductions more palatable, both the House and the Senate calculations maintained precisely the same payment to every city and town that was received in 2010. In effect, the transition period is being extended for two more years and the 84 communities that were due additional funding may never see the funds. Further, the formula that is embedded in the proposed legislation introduces the concept of bare minimum standards in place of adequate standards for the calculation of payments to cities and towns. While the formula that will be used for the next two years is constructed to preserve the current payments to all, it reduces the base calculation and sets the table for an effort by future legislatures to reduce state support for our public education system.

Majority Amendment (1982h)

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

AN ACT relative to the calculation and distribution of adequate education grants.

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

1 Statement of Purpose.

I. The general court is committed to providing the opportunity for an adequate education for all public school students, as established in this act, based upon the 2007 Laws of New Hampshire, chapter 270. Methodologies for costing, determination of resources, and elements of cost are included in this act.

II. The individual components of the cost were selected on the basis of their effectiveness in delivering educational opportunity and after extensive review, debate, and discussion, including review of the report of the joint legislative oversight committee on costing an adequate education. The legislative process consisted of obtaining information from professional educators, government officials, education policy and finance experts, and the public on the establishment of the cost of an adequate education.

III. The cost of delivering this educational opportunity consists of several elements. The base cost represents the per pupil resources necessary to provide an adequate education where no additional aid is necessary to cover the increased costs of providing that opportunity to students who have special education needs, who have limited English language proficiency, or who are economically disadvantaged. The base cost represents the costs attributable only to the subset of education that is included in the definition in RSA 193-E:2-a.

IV. In calculating the base cost, the general court adhered to and adopted the standards for the professional positions referred to in the costing formula as specified or necessarily implied in the minimum standards for public school approval adopted by the state department of education and in effect on July 1, 2010. These standards incorporate and include the definition of a "highly qualified" teachers under federal law. The professional-to-student ratios used in the costing formula were also derived from the state minimum standards for public school approval. All costing elements were derived from actual, empirical data.

V. The general court further finds that additional aid, referred to as differentiated aid, is also required to provide this educational opportunity for certain students. This act allocates such differentiated aid to special education students, English language learners, and economically disadvantaged students, the latter category based upon eligibility for federally-provided free and reduced-price lunch programs and the concentration of such eligible students in a school.

VI. In determining the need for differentiated aid in addition to providing the base cost for an adequate education, the general court recognizes that the resources needed to provide this educational opportunity are not the same for all students.

VII. The general court recognizes that special education students face unique challenges that require educational support and instructional resources in addition to those provided by the base cost. After reviewing the findings of the joint legislative oversight committee and conducting its own inquiry into forms of special education funding and the laws relevant to such funding mechanisms, the general court finds that each special education student should receive additional funding above the base cost. This per pupil amount is not dependent upon a student's level of disability or learning environment because the general court wishes to encourage the placement of special education students in the least restrictive learning environment possible.

VIII. After reviewing the findings of the legislative oversight committee, including its survey of services provided to English language learners throughout the country and in New Hampshire, the general court finds that additional funding is required to provide English language learners with the opportunity for an adequate education. Accordingly, the general court finds that an amount should be distributed to each pupil receiving English language instruction in a district. This supplemental amount is based upon providing one teacher per 70 students receiving English language instruction and is inline with funding provided throughout the United States to English language learners.

IX. The joint legislative oversight committee recognized that economically disadvantaged students require supplemental funding in addition to the base cost amount. During its deliberations, the committee heard testimony and thoroughly reviewed studies, research, and data about the challenges that school districts face when educating economically disadvantaged students as well as the costs and considerations involved in implementing programs designed to overcome those obstacles. The general court finds it necessary to provide additional aid to economically disadvantaged pupils in schools with significant concentrations of economically disadvantaged pupils to provide them with the opportunity for an adequate education. Based upon credible evidence received by, and the discussion of the joint legislative oversight committee on costing an adequate education in January 25, 2008, the general court concludes that such additional aid should be provided to disadvantaged students only when the concentration of such students in a school exceeds 12 percent. This level is less than one-half of the threshold concentration of 25 percent of such pupils in a school recommended by Management Analysis & Planning, Inc. in its October 5, 2000 report, p. 40.

X. The general court recognizes that certain communities lack the relative wealth and fiscal capacity to fund local education to the extent desired by those communities. For this reason, the general court finds it appropriate to provide money above the cost of delivering adequate educational opportunity based upon the fiscal capacity and relative need of certain communities.

XI. This act is not intended to stand in isolation from the other statutes and rules relating to educating New Hampshire students as required by state and federal law.

XII. This act maintains state funding for the delivery of educational opportunity at the same level as provided in fiscal years 2010 and 2011, and at a slightly higher overall average per pupil level than in those years.

2 Adequate Education; Definitions. RSA 198:38 is repealed and reenacted to read as follows:

198:38 Definitions. In this subdivision:

I. "Average daily membership in attendance" or "ADMA" means the aggregate half-day membership of pupils in kindergarten through grade 12 attending schools operated by a school district divided by the number of half-days of instruction offered. The average daily membership in attendance shall include any pupil who is a resident of New Hampshire

educated at public expense, including any pupil whose school district provides his or her education through a private or out-of-district placement.

II. "Average daily membership in residence" or "ADMR" means the average daily membership in residence of pupils in kindergarten through grade 12, as defined in RSA 189:1-d, IV of the second school year preceding the year in which the calculation is made, provided that no kindergarten pupil shall count as more than 1/2 day attendance per calendar year.

III. "Commissioner" means the commissioner of the department of education.

IV. "Department" means the department of education.

V. "Determination year" means the fiscal year that was 3 years prior to the fiscal year for which aid is to be determined. Unless otherwise indicated, determination year data shall be used to calculate aid.

VI. "Educationally disabled child" or "educationally disabled pupil" shall mean "child with a disability" as defined in RSA 186-C:2, I.

VII. "English language learner" means a child who has a predominant language other than English or who is educationally disadvantaged by a limited English proficiency, and who is receiving regularly scheduled English language instruction.

VIII. "Pupils eligible for a free or reduced-price meal" means pupils in kindergarten through grade 12 who are eligible for the federal free or reduced-price meal program.

IX. "School district" means school district as defined in RSA 194:1 and shall include cooperative school districts as defined in RSA 195:1, I.

3 Adequate Education; Base Cost Per Pupil. RSA 198:40-a is repealed and reenacted to read as follows:

198:40-a Adequate Education; Base Cost Per Pupil.

I. For the biennium beginning July 1, 2011 only, the commissioner shall determine the base cost per pupil of the opportunity for an adequate education in each school district using the most recent statewide salary data available, divided into quartiles, as follows:

(a)(1) The average of the 3rd and 4th quartiles of salary for a teacher possessing at least a bachelor's degree with no experience, multiplied by 1.33, then multiply the product by 1.05.

(2) For a teacher teaching art, music, world languages, media/technology, health, or physical education, multiply the amount determined under subparagraph (a)(1) by .20.

(b) The average of the 3rd and 4th quartiles of salary for a principal possessing at least a master's degree and 3 years of educator experience, multiplied by 1.33, then multiply the product by 1.05.

(c) The average of the 3rd and 4th quartiles of salary for a guidance counselor possessing at least a master's degree, multiplied by 1.33, then multiply the product by 1.05.

(d) The average of the 3rd and 4th quartiles of salary for a library/media specialist possessing at least a bachelor's degree with no experience, multiplied by 1.33, then multiply the product by 1.05.

(e) The average of the 3rd and 4th quartiles of salary for a technology coordinator possessing at least a bachelor's degree with no experience, multiplied by 1.33, then multiply the product by 1.05.

(f) The average of the 3rd and 4th quartiles of salary for a reading specialist possessing at least a master's degree at step 2 of the teacher salary schedule for that position, multiplied by 1.33, then multiply the product by 1.05.

(g) The average of the 3rd and 4th quartiles of salary for an administrative assistant, multiplied by 1.33, then multiply the product by 1.05.

(h) The average of the 3rd and 4th quartiles of salary for a custodian, multiplied by 1.33, then multiply the product by 1.05.

II. For the biennium beginning July 1, 2011 only, the commissioner shall calculate the base cost per pupil of the opportunity for an adequate education in each school district as the sum of the following:

(a)(1) For teachers of pupils in kindergarten through grade 2, divide the ADMR of pupils in the municipality in kindergarten through grade 2 by 25, then multiply the result by the salary for teachers determined in subparagraph I(a)(1).

(2) For teachers of pupils in grades 3 through 12, divide the ADMR of pupils in the municipality in grades 3 through 12 by 30, then multiply the result by the salary for teachers determined in subparagraph I(a)(1).

(3) For a teacher teaching art, music, world languages, media/technology, health, or physical education to pupils in kindergarten through grade 2, divide the ADMR of pupils in the municipality in kindergarten through grade 2 by 25, then multiply the result by the amount determined in subparagraph I(a)(2).

(4) For a teacher teaching art, music, world languages, media/technology, health, or physical education to pupils in grades 3 through 12, divide the ADMR of pupils in the municipality in grades 3 through 12 by 30, then multiply the result by the amount determined in subparagraph I(a)(2).

(b) For principals, divide the ADMR of pupils in the municipality in kindergarten through grade 12 by 500, then multiply the result by the salary for principals determined in subparagraph I(b).

(c)(1) For guidance counselors for pupils in kindergarten through grade 8, divide the ADMR of pupils in the municipality in kindergarten through grade 8 by 500, then multiply the result by the salary for guidance counselors determined in subparagraph I(c).

(2) For guidance counselors for pupils in grades 9 through 12, divide the ADMR of pupils in the municipality in grades 9 through 12 by 300, then multiply the result by the salary for guidance counselors determined in subparagraph I(c).

(d) For library/media specialists, divide the ADMR of pupils in the municipality in kindergarten through grade 12 by 500, then multiply the result by the salary for library/media specialists determined in subparagraph I(d).

(e) For technology coordinators, divide the ADMR of pupils in the municipality in kindergarten through grade 12 by 1,200, then multiply the result by the salary for technology coordinators determined in subparagraph I(e).

(f) For reading specialists, divide the ADMR of pupils in the municipality in kindergarten through grade 8 by 500, then multiply the result by the salary for reading specialists determined in subparagraph I(f).

(g) For administrative assistants, divide the ADMR of pupils in the municipality in kindergarten through grade 12 by 500, then multiply this amount by the salary for administrative assistants determined in subparagraph I(g).

(h) For custodians, divide the ADMR of pupils in the municipality in kindergarten through grade 12 by 500, then multiply this amount by the salary for custodians determined in subparagraph I(h).

(i) For instructional materials, multiply the ADMR of pupils in the municipality in kindergarten through grade 12 by \$130.

(j)(1) For technology costs for pupils in kindergarten through grade 8, multiply the ADMR of pupils in the municipality in kindergarten through grade 8 by \$25.

(2) For technology costs for pupils in grades 9 through 12, multiply the ADMR of pupils in the municipality in grades 9 through 12 by \$65.

(k) For transportation costs, multiply the ADMR of pupils in the municipality in kindergarten through grade 8 by \$304.

III. In addition to the base cost calculated under paragraphs I and II:

(a) An additional \$1,770 for each pupil who is in kindergarten through grade 12, who is eligible for the federal free and reduced-price meal program, and who attends a public

school in which at least 12 percent of pupils reported in the school's ADMR in the determination year are eligible for the federal free and reduced-price meal program.

(b) An additional \$600 for each pupil reported in the public school's ADMR in the determination year who is an English language learner and who is receiving English language instruction.

(c) An additional \$1,904 for each pupil reported in the public school's ADMR in the determination year who is receiving special education.

(d) To encourage early literacy and provide accountability to local school districts, for each third grade pupil in the public school's ADMA in the determination year who is not eligible to receive special education, English language learners, or federal free or reduced-price meal program funds in the determination year, a school district shall:

(1) Receive an additional \$100 for each such pupil who has tested at the proficient level or above in the reading component of the state assessment; and

(2) Incur a reduction of \$100 for each such pupil who has not tested at the proficient level or above in the reading component of the state assessment; provided that

(3) The net amount of any additions or reductions under this subparagraph shall not be less than zero.

IV.(a) The sum total calculated under paragraphs I-III of this section shall be the cost of the opportunity for an adequate education in each year of the biennium ending June 30, 2013.

(b) Prior to or coinciding with the first disbursement of each fiscal year under RSA 198:42, the department shall notify a school district of the total amount of funds that have been allocated for each school within its jurisdiction during the fiscal year based on the sum of the school district's adequate education grant amount plus the amount available to the school district from the education tax. In addition, the department shall furnish to each municipality a report showing the municipality's cost of an adequate education sorted by a pupil's municipality of residence.

V. The department shall notify school districts of the estimated amounts of grants by the November 15 preceding the fiscal year for which aid is determined. The commissioner shall provide to the general court all data or reports requested by the general court in a form which the general court determines will facilitate the calculations required in this section.

4 Adequate Education; Provisions for Grants to Municipalities. RSA 198:40-b is repealed and reenacted to read as follows:

198:40-b Provisions for Grants to Municipalities.

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

II. Each fiscal year, the commissioner of the department of education shall determine if a municipality is scheduled to receive a total education grant which is less than the total education grant received in the fiscal year ending June 30, 2011, and shall disburse to such municipality an additional grant from the education trust fund in an amount equal to 100 percent of the amount of the decrease.

III. Beginning July 1, 2013, and each fiscal year thereafter, the department of education shall not distribute a total education grant on behalf of all pupils who reside in a municipality that exceeds 105.5 percent of the total education grant distributed to such municipality in the previous fiscal year.

5 Adequate Education; Provisions for Grants to Municipalities; Version Effective July 1, 2013. RSA 198:40-b is repealed and reenacted to read as follows:

198:40-b Provisions for Grants to Municipalities. Each fiscal year, the commissioner of the department of education shall determine if a municipality is scheduled to receive a total education grant which is less than the total education grant received in the fiscal year ending June 30, 2011, and shall disburse to such municipality an additional grant from the education trust fund in an amount equal to 100 percent of the amount of the decrease.

6 Adequate Education; Fiscal Capacity Disparity Aid. RSA 198:40-c is repealed and reenacted to read as follows:

198:40-c Fiscal Capacity Disparity Aid.

I. In addition to aid for the cost of the opportunity for an adequate education provided under RSA 198:40-a, each fiscal year the department shall provide fiscal capacity disparity aid to a municipality's school districts as follows:

(a) The department of revenue administration shall calculate the equalized valuation per pupil for each municipality in the state and shall sort the results into quartiles based on equalized valuation per pupil. The quartile containing municipalities with the lowest equalized valuation per pupil shall then be divided in half.

(b) A municipality with an equalized valuation per pupil in the lower half of the lowest quartile and which has a median family income which is less than the state average median family income shall receive fiscal capacity disparity aid in the amount of \$3,360 multiplied by the municipality's average daily membership in residence.

(c) A municipality with an equalized valuation per pupil in the upper half of the lowest quartile which has a median family income which is less than the state average median family income shall receive fiscal capacity disparity aid in the amount of \$2,100 multiplied by the municipality's average daily membership in residence.

II. Aid under this section shall be distributed pursuant to RSA 198:42.

III. In this section:

(a) "Equalized valuation per pupil" means a municipality's equalized valuation, including properties subject to taxation under RSA 82 and RSA 83-F, as determined by the department of revenue administration, that was the basis for the local tax assessment in the determination year, divided by the school district's average daily membership in residence, as defined in RSA 189:1-d for the determination year, provided that no kindergarten pupil shall count as more than ½ day attendance per calendar day.

(b) "Median family income" means the most recent census data published for New Hampshire counties and municipalities by the United States Census Bureau, United States Department of Commerce, as of October 1 preceding the beginning of the biennium for which aid is to be determined.

7 Adequate Education; Consumer Price Index Adjustment. Amend RSA 198:40-d to read as follows:

198:40-d Consumer Price Index Adjustment. Beginning July 1, ~~[2011]~~ **2013** and every biennium thereafter, the department of education shall adjust the sum of the amounts determined under RSA 198:40-a based on the average change in the Consumer Price Index for All Urban Consumers, Northeast Region, using the "services less medical care services" special aggregate index, as published by the Bureau of Labor Statistics, United States Department of Labor. The average change shall be calculated using the 3 calendar years ending 18 months before the beginning of the biennium for which the calculation is to be performed.

8 Adequate Education; Determination of Grants; Excess Tax. Amend the section heading in RSA 198:41 and RSA 198:41, I-II to read as follows:

198:41 Determination of **Education** Grants ~~[and Excess Tax]~~.

I. Except for municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the department of education shall determine the amount of the **total** education grant for the municipality as follows:

(a) Add the per pupil cost of providing the opportunity for an adequate education for which each pupil is eligible pursuant to RSA 198:40-a, I-III, and from such amount;

(b) Subtract the amount of the education ~~[property]~~ tax warrant to be issued by the commissioner of revenue administration for such municipality reported pursuant to RSA 76:9 for the next tax year, and from such amount; and

(c) Add the fiscal capacity disparity aid pursuant to RSA 198:40-c.

II. For municipalities where all school districts therein provide education to all of their pupils by paying tuition to other institutions, the department of education shall determine the amount of the ~~[adequate]~~ **total** education grant for each municipality as the lesser of the 2 following calculations:

- (a) The amount calculated in accordance with paragraph I of this section; or
- (b) The total amount paid for items of current education expense as determined by the department of education minus the amount of the education ~~[property]~~ tax warrant to be issued by the commissioner of revenue administration for such municipality reported pursuant to RSA 76:9 for the next tax year.

9 Excess Education Property Tax Payment; Subdivision Heading Amended. Amend the subdivision heading preceding RSA 198:46 to read as follows:

~~[Excess Education Property Tax Payment]~~

Local Control and Alternative Kindergarten Programs

10 Application of Receipts. Amend RSA 6:12, I(b)(65) to read as follows:

(65) Money received under RSA 77-A, RSA 77-E, RSA 78, RSA 78-A, RSA 78-B, RSA 83-F, ~~[RSA 198:46,]~~ and from the sweepstakes fund, which shall be credited to the education trust fund under RSA 198:39.

11 Commissioner's Warrant. Amend RSA 76:8, II to read as follows:

II. The commissioner shall issue a warrant under the commissioner's hand and official seal for the amount computed in paragraph I to the selectmen or assessors of each municipality by December 15 directing them to assess such sum and pay it to the municipality for the use of the school district or districts ~~[and, if there is an excess education tax payment due pursuant to RSA 198:46, directing them to assess the amount of the excess payment and pay it to the department of revenue administration for deposit in the education trust fund]~~. Such sums shall be assessed at such times as may be prescribed for other taxes assessed by such selectmen or assessors of the municipality.

12 Joint Legislative Oversight Committee on Accountability for an Adequate Education.

I.(a) There is hereby established the joint legislative oversight committee on accountability for an adequate education. The members of the committee shall be as follows:

(1) Three members of the house of representatives, which shall include 2 members of the house education committee and one member of the house finance committee, appointed by the speaker of the house of representatives.

(2) Three members of the senate, which shall include 2 members of the senate education committee and one member of the senate finance committee, appointed by the president of the senate.

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

II. The committee shall review and study the assessment and assistance methods, reporting requirements, and other methods of accountability presently being used by the department of education and local school districts to determine whether such methods, programs, and standards will ensure the delivery of an adequate education as set forth in RSA 193-E:2-a.

III. Following a public hearing, the committee shall report its findings and recommendations concerning the sufficiency of existing statutory law to provide accountability for the delivery of the opportunity for an adequate education as defined in RSA 193-E:2-a, and the possible need for additional legislation, to the governor, the speaker of the house of representatives, the president of the senate, and the state librarian no later than November 15, 2011.

13 Chartered Public Schools; Funding. Amend RSA 194-B:11, I(b) to read as follows:

(b) For any chartered public school authorized by the state board of education pursuant to RSA 194-B:3-a, the state shall pay ~~[tuition]~~ **the greater of \$5,450 or the sum of \$2,000 plus the amount calculated** pursuant to RSA 198:40-a ~~[and RSA 198:40-e]~~

directly to the chartered public school for each pupil who is a resident of this state in attendance at such chartered public school.

14 References Amended. Amend the following RSA sections by replacing “statewide education property tax” or “education property tax” or “education property taxes” with “education tax” or “education taxes,” as the context dictates: RSA 76:8, I; the introductory paragraph in RSA 198:57, IV, and RSA 198:57, VI(a).

15 Repeal. The following are repealed:

I. RSA 198:46, relative to excess education tax payments.

II. RSA 198:47, relative to forms used for the reporting and remitting of excess education tax payments.

III. RSA 198:39, I(g), relative to excess education tax payments deposited into the education trust fund.

16 Severability. If any provision in sections 1-11 of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of such sections which can be given effect without the invalid provision or application, and to this end the provisions of such sections are declared to be severable.

17 Effective Date.

I. Section 5 of this act shall take effect July 1, 2013.

II. The remainder of this act shall take effect July 1, 2011 at 12:01 a.m.

AMENDED ANALYSIS

This bill:

I. Determines the per pupil cost of the opportunity for an adequate education which includes aid distributed to schools based on the number of pupils eligible to receive special education, or eligible for a free or reduced-price lunch, or who are English language learners.

II. Provides fiscal capacity disparity aid, in addition to aid for the cost of the opportunity for an adequate education, based on a municipality’s equalized valuation, including utilities, per pupil and median family income.

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

IV. Requires a municipality which is scheduled to receive an adequate education grant in a fiscal year which is less than the grant such municipality received in the 2011 fiscal year to receive an additional grant from the education trust fund in an amount equal to 100 percent of the amount of the decrease.

V. Provides that beginning July 1, 2013, a municipality’s total education grant shall not exceed 105.5 percent of the total education grant received in the preceding fiscal year.

VI. Provides additional funds for each third grade pupil who has tested at the proficient level or above in the reading component of the state assessment and who is not eligible to receive special education, English as a second language, or free or reduced-price meal program funds and authorizes a reduction of funds for each such pupil who does not test at the proficient level or above in the reading component of the state assessment.

VII. Repeals the statutory provisions requiring that excess education tax payments be remitted to the department of revenue administration thereby permitting municipalities to retain any excess education tax revenues.

VIII. Establishes a joint legislative oversight committee on accountability for an adequate education.

IX. Provides that the state shall pay the greater of \$5,450 or the sum of \$2,000 plus the amount calculated under RSA 198:40-a to chartered public school pupils.
Majority committee amendment adopted.

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

Reps. Grassie, Foose, Gile and Gary Richardson spoke against.

Rep. Lynne Ober yielded to questions.

Rep. Hess spoke in favor.

Rep. Gile requested a roll call; sufficiently seconded.

YEAS 260 NAYS 110

YEAS 260

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
Tremblay, Marc

Rappaport, Laurence

Remick, William

Tholl, John Jr

GRAFTON

Bradley, Lester
Ingbretson, Paul
Shackett, Jeffrey
Sova, Charles

Brosseau, Charles
Ladd, Rick Jr
Simard, Paul

Bulis, Lyle
Mirski, Paul
Smith, Suzanne

Gionet, Edmond
Reilly, Harold Sr
Sorg, Gregory

HILLSBOROUGH

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

Balboni, Michael
Belanger, James
Brownrigg, Randall Jr
Champagne, Norma

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

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

Condra, William
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Greazzo, Phil
Hinch, Richard
Hopper, Gary
Kurk, Neal
McCarthy, Michael
Messier, Irene

Coughlin, Sean
Doherty, Shaun
Flanagan, Jack
Gargasz, Carolyn
Haefner, Robert
Hogan, Edith
Hutchinson, Winfred
LeBrun, Donald
McClarren, Donald
Moran, Edward

Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert
Gonzalez, Carlos
Hansen, Peter
Hogan, Timothy
Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith

Daniels, Gary
Drisko, Richard
Gagne, Larry
Graham, John
Hardwick, Harry
Holden, Frank
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine

Ober, Lynne
Palmer, Stephen
Pratt, Calvin
Scontsas, Lisa
Soucy, Connie
Terrio, Ross
Villeneuve, Moe

Ober, Russell III
Parison, James
Proulx, Mark
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Warden, Mark

Ohm, Bill
Pellegrino, Tony
Renzullo, Andrew
Silva, Peter
Summers, James
Twombly, Timothy
Whitehead, Randall

Palmer, Barry
Peterson, Lenette
Robbins, David
Simmons, Tammy
Swank, Matthew
Ulery, Jordan
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Keane, Thomas
Lindsley, Mark
McGuire, Dan
Seaworth, G. Brian

Coffey, Jennifer
Hess, David
Kidder, David
Lockwood, Priscilla
Palfrey, David
Smith, Molly

Cohn, Seth
Hill, Gregory
Kotowski, Frank
McDonnell, John
Richardson, Jon
Smith, Todd

Cox, Sean
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Carol
Sanborn, Laurie
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Copeland, Timothy
Duarte, Joe
Garcia, Marilinda
Headd, James
Itse, Daniel
Major, Norman
Murphy, Brian
Oligny, Jeffrey
Quandt, Matt
Ritter, Glenn
Sedensky, John
Sullivan, James
Tremblay, Stella
Waterhouse, Kevin

Allen, Mary
Belanger, Ronald
Charron, Gene
DeSimone, Debra
Elliott, Robert
Gould, Kenneth
Hoelzel, Kathleen
Kappler, Lawrence
Manuse, Andrew
Nevins, Chris
Packard, Sherman
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Sullivan, Kevin
Tucker, Pamela
Webb, James

Antosz, Jason
Bettencourt, David
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Griffin, Mary
Hutchinson, Karen
Katsakiores, Phyllis
Mauro, Donna
O'Connor, John
Peckham, Michele
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Sytek, John
Waddell, James
Welch, David

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Introne, Robert
Kolodziej, Walter
McMahon, Charles
Okerman, Richard
Quandt, Marshall
Rice, Frederick
Schroadter, Adam
Smith, William
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Jones, Kyle
Newton, Clifford
Pitre, Joseph

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

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

Groen, Warren
Munck, Philip
Parsons, Robbie
Weeden, Michael

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

NAYS 110

BELKNAP

None

CARROLL

None

CHESHIRE

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

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

Chase, Cynthia
Lindsey, Steven
Sad, Tara

Hawkes, Samuel
Meador, David
Tatro, Bruce

COOS

Coulombe, Gary

Merrick, Evalyn

Richardson, Herbert

Theberge, Robert

GRAFTON

Aguiar, James
Harding, Laurie
Taylor, Kathleen

Almy, Susan
Nordgren, Sharon
Townsend, Charles

Benn, Bernard
Pastor, Beatriz
White, Andrew

Cooney, Mary
Pierce, David

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Gimas, John
Infantine, William
Long, Patrick
Rhodes, Brian
Souza, Kathleen

Bergevin, Jerry
Daler, Jennifer
Goley, Jeffrey
Jeudy, Jean
Pilotte, Maurice
Rokas, Ted
Sullivan, Daniel

Brunelle, Michael
Garrity, Patrick
Gorman, Mary
Katsiantonis, Thomas
Porter, Marjorie
Rosenwald, Cindy
Vaillancourt, Steve

Campbell, David
Gidge, Kenneth
Hawkins, Kenneth
Levasseur, Nickolas
Ramsey, Peter
Shaw, Barbara

MERRIMACK

Bouchard, Candace
Gile, Mary
Patten, Dick
Shurtleff, Stephen

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

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

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

ROCKINGHAM

Bates, David
Lovejoy, Patricia
Norelli, Terie
Powers, James

Cali-Pitts, Jacqueline
Lundgren, David
Pantelakos, Laura
Read, Robin Jr

Case, Frank
McKinney, Betsy
Perkins, Amy
Schlachman, Donna

DiPentima, Rich
Moody, Marcia
Perkins, Lawrence
Serlin, Christopher

STRAFFORD

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

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

Browne, Brendon
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

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

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond

Laware, Thomas

Lefebvre, Benjamin

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

SB 72-FN, establishing a comprehensive cancer plan fund. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Keith Murphy for the Majority of Ways and Means: This bill would establish a dedicated fund for the purpose of receiving grants to be used to fight cancer. The majority of the committee acknowledges that cancer is a horrible disease, and we truly hope and pray for effective treatments to be developed. However, there are dozens if not hundreds of private charities dedicated to the treatment of cancer. The state should not supplant the efforts of private groups, and citizens and foundations have a wide choice of cancer-related charities to support without this fund. Indeed, the sentiment of the committee is that there are already too many dedicated funds, however well-intended, and that adding this one to the list is unnecessary in a state which professes to support the concept of limited government. Vote 15-5.

Rep. Susan W. Almy for the Minority of Ways and Means: The minority believes that the state has a major public interest in combating cancer. It also has a huge monetary stake in the costs of cancer. This bill merely allows the existence of a dedicated fund (run at no cost to the state) to accept contributions to allow the many private and public entities dealing with cancer to coordinate their work for maximum effect. The policy committee already passed this bill, and there is no issue for Ways and Means other than the cost of maintaining the fund (zero).

Majority committee report adopted.

SB 157-FN, relative to the division of weights and measures and fees for licensing weighing devices and the definition of service technician. **OUGHT TO PASS.**

Rep. Patrick F. Abrami for Ways and Means: This bill does four things. It eliminates the rulemaking authority of the commissioner of the department of agriculture, markets and foods to set fees for licensing weighing devices; allows service technicians to issue state seals; sets a fee schedule for licensing weighing devices; and requires the commissioner of the department of agriculture, markets and food to make an annual report to the House and Senate regarding consumer complaints, inspections and audits. The committee was satisfied that the proposed license fee structure covered the direct expense and reasonable indirect expenses associated with the weights and measures program. With the passage of this bill these licensing fees for the first time will be in statute. A majority of the committee agreed the fee structure is reasonable and that the other changes are necessary. Vote 18-2.

Rep. Abrami spoke in favor and yielded to questions.

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

YEAS 264 NAYS 110

YEAS 264

BELKNAP

Accornero, Harry
Flanders, Donald
Millham, Alida
St. Cyr, Jeffrey
Worsman, Colette

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

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

Fields, Dennis
Malone, Robert
Simpson, Tyler
Tobin, William

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Schmidt, Stephen

Knox, J. David
Patten, Betsey
Tregenza, Norman

CHESHIRE

Byrnes, John

Cartwright, Anne

Dwinell, Richard

Emerson, Susan

Hunt, John
Sterling, Franklin Jr

Johnson, Jane

Moore, Charles

Smith, Edwin

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Ingbretson, Paul
Simard, Paul

Brosseau, Charles
Mirski, Paul
Sorg, Gregory

Bulis, Lyle
Reilly, Harold Sr
Sova, Charles

Gionet, Edmond
Shackett, Jeffrey

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Buxton, Michael
Coughlin, Sean
Doherty, Shaun
Flanagan, Jack
Gargas, Carolyn
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Infantine, William
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Scontsas, Lisa
Soucy, Connie
Swank, Matthew
Vaillancourt, Steve
Willette, Robert

Balboni, Michael
Belanger, James
Brown, Kevin
Cebrowski, John
Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert
Gimas, John
Haefner, Robert
Hikel, John
Holden, Frank
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Thomas, Joseph
Villeneuve, Moe

Ball, J. Michael
Belvin, William
Brownrigg, Randall Jr
Christiansen, Lars
Daniels, Gary
Drisko, Richard
Gagne, Larry
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hopper, Gary
Lambert, George
McCarthy, Michael
Messier, Irene
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Robbins, David
Silva, Peter
Stepanek, Stephen
Twombly, Timothy
Warden, Mark

Barry, J. Gail
Bergevin, Jerry
Burt, John
Condra, William
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Graham, John
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
LeBrun, Donald
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James
Pratt, Calvin
Rowe, Robert
Simmons, Tammy
Summers, James
Ulery, Jordan
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Keane, Thomas
Lindsley, Mark
McGuire, Dan
Seaworth, G. Brian
Winter, Steven

Coffey, Jennifer
Hess, David
Kidder, David
Lockwood, Priscilla
Palfrey, David
Smith, Molly

Cohn, Seth
Hill, Gregory
Kotowski, Frank
McDonnell, John
Richardson, Jon
Smith, Todd

Cox, Sean
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Carol
Sanborn, Laurie
Soltani, Tony

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Chirichiello, Brian
Devine, James
Ferrante, Beverly

Allen, Mary
Bates, David
Brown, Paul
Comerford, Timothy
Dowling, Patricia
Fesh, Robert

Antosz, Jason
Belanger, Ronald
Case, Frank
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda

Azarian, Gary
Bettencourt, David
Charron, Gene
DeSimone, Debra
Elliott, Robert
Griffin, Mary

Hagan, Joseph
Introne, Robert
Kolodziej, Walter
McKinney, Betsy
O'Connor, John
Peckham, Michele
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Sytek, John
Waddell, James
Welch, David

Headd, James
Itse, Daniel
Major, Norman
McMahon, Charles
Okerman, Richard
Perkins, Amy
Rice, Frederick
Schroadter, Adam
Smith, William
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Hoelzel, Kathleen
Kappler, Lawrence
Manuse, Andrew
Murphy, Brian
Oigny, Jeffrey
Perkins, Lawrence
Ritter, Glenn
Sedensky, John
Sullivan, James
Tremblay, Stella
Waterhouse, Kevin

Hutchinson, Karen
Katsakiores, Phyllis
Mauro, Donna
Nevins, Chris
Packard, Sherman
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Sullivan, Kevin
Tucker, Pamela
Webb, James

STRAFFORD

Andolina, Donald
Jones, Kyle
Newton, Clifford
Pitre, Joseph

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

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

Groen, Warren
Munck, Philip
Parsons, Robbie
Weeden, Michael

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 110

BELKNAP

Kingsbury, Robert

CARROLL

Babson, David Jr

CHESHIRE

Butynski, William
Johnsen, Gladys
Moore, Robert Jr
Tatro, Bruce

Carr, Daniel
Lerandau, Alfred
Parkhurst, Henry
Weber, Lucy

Chase, Cynthia
Lindsey, Steven
Roberts, Kris
Weed, Charles

Hawkes, Samuel
Meador, David
Sad, Tara

COOS

Coulombe, Gary

Merrick, Evalyn

Remick, William

Theberge, Robert

GRAFTON

Aguiar, James
Harding, Laurie
Pierce, David
White, Andrew

Almy, Susan
Ladd, Rick Jr
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Christensen, D.L.
Chris

Brunelle, Michael
Cote, David

Campbell, David
Daler, Jennifer

Champagne, Norma
Garrity, Patrick

Gidge, Kenneth
Jeudy, Jean
Long, Patrick
Rhodes, Brian
Sullivan, Daniel

Goley, Jeffrey
Katsiantonis, Thomas
Pilotte, Maurice
Rokas, Ted
Terrio, Ross

Gorman, Mary
Kurk, Neal
Porter, Marjorie
Rosenwald, Cindy

Jasper, Shawn
Levasseur, Nickolas
Ramsey, Peter
Shaw, Barbara

MERRIMACK

Bouchard, Candace
Gile, Mary
Patten, Dick
Shurtleff, Stephen

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

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

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

ROCKINGHAM

Cali-Pitts, Jacqueline
Lovejoy, Patricia
Powers, James
Schlachman, Donna

Copeland, Timothy
Moody, Marcia
Quandt, Marshall
Serlin, Christopher

DiPentima, Rich
Norelli, Terie
Quandt, Matt

Gould, Kenneth
Pantelakos, Laura
Read, Robin Jr

STRAFFORD

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

Brown, Julie
Hooper, Dorothea
Roberts, Jenna
Sprague, Dale

Browne, Brendon
Horrigan, Timothy
Schmidt, Peter
Wall, Janet

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

SULLIVAN

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

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

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 8, 2011 at 1:00 p.m.
Adopted.

LATE SESSION

Third reading and final passage

SB 117, relative to private postsecondary career schools and the student tuition guaranty fund.

SB 172, relative to performance-based school accountability criteria.

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

SB 115, relative to observing voter check-in.

SB 135-FN-A, relative to election returns and election records.

SB 193, relative to nomination of political organizations.

SB 166, relative to medical benefits for beneficiaries of a police officer or firefighter killed in the line of duty.

SB 12-FN, relative to screening panels for medical injury claims.
SB 50, making various changes to laws regulating trusts and trust companies.
SB 97, relative to the application of the community revitalization tax relief incentive.
SB 170, relative to the New Hampshire Medical Malpractice Joint Underwriting Association.
SB 88, relative to physical force in defense of a person and relative to the brandishing of a firearm or other means of self-defense.
SB 75-FN, relative to clarification of part-time service in the state retirement system.
SB 82-FN, extending the state board of education's authority to approve chartered public schools and relative to the funding of chartered public schools approved by a school district.
SB 129-FN, relative to presenting photo identification to vote in person and relative to the election fund.
SB 151-FN, relative to contracts of the department of health and human services.
SB 154-FN, reforming and renaming the comprehensive shoreland protection act.
SB 70-FN, relative to remedies in landlord-tenant actions.
SB 2, relative to adoption of spending caps by municipalities.
SB 183-FN-L, amending the calculation and distribution of adequate education grants, repealing fiscal capacity disparity aid, and providing stabilization grants to certain municipalities.
SB 157-FN, relative to the division of weights and measures and fees for licensing weighing devices and the definition of service technician.

UNANIMOUS CONSENT

Reps. Duarte, Ulery, Frank McCarthy and Kurk addressed the House.

MOTION TO PRINT REMARKS

Rep. Jasper moved that the remarks made by Rep. Duarte be printed in the Permanent Journal.
Adopted.

REMARKS

Rep. Duarte: Thank you, Mister Speaker. I rise today to tell you a story about Flag Day since it will be coming very shortly here in a couple of weeks. I was born in a place far, far away from here. It's called Viano Do Castello (village of the castle). My father came to America. One morning we got up and my mother was very excited and told us that in a few days we were going to come here to America. We weren't really crazy about it, we were happy there, but because of her excitement, she kept telling us it's a very, very special place where everybody can be happy and your dreams can come true, we bought into that and the next day we were on our way to Lisbon which is a very long train ride. I never thought we'd get there. We had to go to Lisbon to get on a plane to come to America. I don't remember the plane ride and I don't remember Ellis Island. I do remember Boston. That was the first time that I had a glass of milk. I didn't like it much at six years old. The cookie was good. You see, in Viano Do Castello, we had three boys and two girls. We got a bowl of wine in the morning. Red wine with a nice sweet biscuit and it wasn't a cup; it was a bowl like a cereal bowl. By 9:00 in the morning we were very happy children. I think some of the things that come into play was that nap time came early. The parents were happy. The kids were off the streets. Then I remember coming to Provincetown and that was a fishing business. We had 40 fishing boats there and the Governor said they were going to make everything better there in Provincetown. Now they have 2 boats left so that didn't carry much weight. The story about my mother began when she started working really hard to get her citizenship. I came home from school one afternoon and this woman, Maria, was sitting there sobbing hysterically and I said, "Ma, what's the matter?" She continued to cry, but I did understand what she said and I knew she knew all the Presidents and she knew the history, but she

looked at me with those crocodile tears and said, "They had me read this piece of paper and I couldn't do it and I failed." I can tell you, we could hear her crying that night throughout the house. The captain was out at sea, he was always at sea so there wasn't anybody there to kind of help her a little bit. We decided that we would all study with her and get her to pass. Well, two months later I came home from school again and my brother, Manny, was outside and he said, "We got troubles. Mama is in there crying her heart out." I could barely understand her. This time she says, "I did good here. I did good there. I even was able to read the paper they gave me." That is what we had her train on. "But then when they asked me to write it, I failed again." Oh my God, we all cried, three boys, two girls and my mother and of course captain was always at sea so he wasn't around. I said, Ma, the next time you go, I want to go with you. Let me tell you, it's a two hour cab ride. We had a cab ride from Provincetown to Boston and that's all she talked about all the way up, how she was going to pass the test. Anyway, the testing seemed to go on forever, but finally the doors opened and I saw people coming out with their little flags. I saw my mother and she didn't have her flag, but I did see that great big smile. When she approached me, she had the flag down by her side and she stuck it up and she says, "I passed. I got everything right. I love America. God bless America, I am so happy." So today I am so happy about her and that story. I have relayed it to you. When we lost her because of a battle with cancer in a very cold February in 1999, there were two things that she wanted to go with her. One was her rosary beads and the other was the little flag. So I could tell you that there is no doubt in my mind that when Flag Day comes, if the good Lord would just let us take a peek up there, you know what you would see? You would see my mother, Maria, with her little flag and she would be going around the room saying, "I love America. God bless America. I am so happy." Thank you very much.

MOTION TO PRINT REMARKS

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

REMARKS

Rep. Ulery: Thank you, Mister Speaker. I thank my colleagues for the opportunity to speak. This past weekend we honored those who gave, as Lincoln so eloquently stated, "the last full measure of devotion." It is right and fitting that we honor those who died defending this, the "last and best hope of mankind" to live free, but even the ceremonies on Memorial Day recognize another factor associated with the tribute. On Memorial Day morning our flag is hoisted to the top of the staff, briskly, and then lowered to half-staff, reverently. At noon, the living, the survivors, the grateful nation, comes to attention once again and briskly returns the flag to full-staff with pride and dignity reflecting that we, the living, vow to "carry on" preserving this great land from all threats to our liberty and freedom. There is more than the solemnity and honor on Memorial Day; there is the reflection upon those that serve now, those who, God forbid, we may mourn in the future. I rise today to speak about those who serve now. I had the honor and privilege of visiting a Marine Corps Air Station recently and living with Marines and their families for a short time. What was planned as a celebration so my better half could visit with our grandson turned, sadly, into a somber visit. My son's former CO and his good friend, LTC Benjamin Palmer (on TDY with 2nd MEF) was killed by an Afghan policeman days before we arrived. The respect shown to the killed warrior and his family was remarkable. The turnout on a small base, including completely silencing traffic at the Memorial Service, was an example of the warrior bond that exists between our military members. Work stopped, aircraft were silent, and men and women literally poured from their duty stations to salute the hearse as it maneuvered off base headed to Arlington, VA and a resting place on the grounds of the former mansion of Robert E. Lee. Before that service, my wife and I were the guests of my son's unit at a family day

cook-out, a pre-school graduation, tours of facilities by staff officers and senior NCOs. I had the privilege of speaking with officers and men and women who had seen combat in Iraq and Afghanistan. I watched them play volleyball, throw water balloons, play with their children, change diapers of their babies, scold misbehaving youngsters (although there were very few misbehaving), toss footballs with their sons and daughters, hug their wives or girlfriends, watch a dunk tank (with ranking officers and senior NCOs getting wet- of course), in short do what everyone does at a picnic. These men and women spoke of the same things we do, why gas costs so much, why there are so few jobs “in the real world,” why they were denied pay a few weeks ago, why politicians seem so intent on telling everyone how to live their lives, why the value of their dollar is shrinking, how bad the food is overseas, how dirty and hot it was in Afghanistan, why on base pre-school and kindergarten costs so much money, why aircraft flew overhead at midnight (I could commiserate on that one as planes frequently make a run over my house to line up for Manchester – but a AV-8B Harrier II is much, much louder. That Rolls Royce turbofan engine is one noisy piece of work.) The southern cooking was superb, although I find I am not fond of corn dodgers and I like molasses in my baked beans. These men and women had their fair share of complaints about both Washington politicians and their home state politicians. They certainly took advantage of the opportunity to speak openly and clearly about their issues, yet these same men and women, without hesitation or mental reservation, serve our nation. I learned how, after a large tornado wreaked havoc on a trailer park near the base, it was the individual unit commanders who organized volunteer rescue parties to “practice disaster readiness skills” off base and who arrived and rendered aid before the local authorities were able to collect their wits. In the days that followed, the spouses (mostly wives) organized food drives, clothing drives and held collection drives for household goods to help their fellow non-military citizens. These same wives endure the forced separation of their family when their husband is deployed and in harm’s way for months, even years at a time. These same wives, regardless of the rank of their husband, provided meals and comfort to LTC Palmer’s widow and family without hesitation, but not without tears. These men and women stand ready, often at a moment’s notice, to place their lives on the line for us. They are ready to leave family and home and like the verse in our National Anthem says, “Stand between them and war’s desolation.” On Memorial Day we honor those who died, but we also honor the living, those for whom the flag is restored to full-staff. There is an old movie titled *The Bridges at Toko-Ri*. At the end of the movie an admiral is on the flight bridge of a carrier, after losing several men in an air raid and rescue attempt in Korea. He pauses as flight operations continue in the background and asks the rhetorical question, “Where do we get such men?” Mr. Speaker and colleagues, I suggest to you that we get such men and women today and into the future from our youth. We have a duty to these young men and women to teach them the importance of individual responsibility, honor, courage and yes, old fashioned patriotism. These men and women will continue to serve us, the living, only if we teach them dedication to the proposition Mr. Lincoln made, oh so many years ago – that this nation shall not perish from the earth!

MOTION TO PRINT REMARKS

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

REMARKS

Rep. Frank McCarthy: Thank you, Mister Speaker. Thank all of you for allowing me a few minutes on this warm and humid day to recognize the sacrifice of our men and women in uniform during this Memorial week. Lance Corporal John Tanney was an 18 year old Marine serving in Vietnam on September 23, 1968. John was a member of Lima Company, 3rd Battalion, 26th Marine Regiment during the siege and hill fights at Khe Sanh in

Northwest I Corps. I was a platoon commander. I had the 3rd platoon of Lima Company, but on this particular day I was aboard the hospital ship, the USS Sanctuary, having been severely wounded during an assault on Hill 689 in June. Lance Corporal Tanney's mom had recently seen fit to award John with a baby brother. Concerned that he may never see his baby brother in mortal flesh, John decided to write his brother an introductory letter. I believe it fitting and proper that this letter be heard 44 years later during Memorial Day week. John wrote the following:

Dear baby brother: I know that you won't be able to read this for a while, but I felt a compulsion to write to you anyway. I'm waiting to load up on a helicopter along with my buddies. My platoon is spearheading the assault up Hill 881 North. The enemy has many soldiers up top and they are dug in as well as we are at Khe Sanh. It will be a hard and bitter struggle, but no question, we Marines will take the objective. You are little now and haven't the slightest idea of what's going on in the world, but what we are doing here concerns you as much as anyone. It's important for you to remember what the Bible says, "I am my brother's keeper." Someday when you come of age you too will render your services to your country. You do not have to join the Marine Corps because I did. Just do your duty, actually, your privilege. Yes, it is truly a privilege to serve one's country, especially during a time of war. War is far, far worse than hell. Men are torn apart like worn-out rag dolls. War has a smell all its own. The smell of charred flesh. War has its own sounds. The sounds of men dying. Bob, I hope you will never have to go to war. I hope you can stop this thing from spreading. I hope the men of peace will sit down and discuss living in peace, but alas, I hope in vain. I am nearly going crazy thinking about assaulting that hill. I'm a Marine and I shall not falter. I will be confident in the Lord and in the training as a Marine. Bob, if anything should happen to me, remember this: I am fighting for the right to choose my own religion. I'm fighting for you, Mom, Dad and Cindy. I want to make my own decisions and be my own man and yes, I am fighting for my flag and for my country which means so much to me. I'm so very proud to fight for it. I know that you will be, too. You know, I am over 18 years older than you and I have spent so little time with you, but you are near to me not so much in my mind, as in my heart. I hope your generation of people will respect what we are doing here. I hope that they understand that we, too, love life. I've lost many friends here and that saddens me greatly, however, I am a Marine. We are used to fighting with the odds stacked against us, yet our spirit is indomitable and our loyalty unquestionable. Well little brother, I felt like writing to you. Perhaps it sounds foolish and maybe it is, but you can never imagine what it's like not knowing if I'm coming back down off that hill. I wanted you to have something from me to you. I love you, little brother, but you are too young to know that, but some day you will. I will leave now, time is short. With much love, your brother John.

Lance Corporal John Tanney, Lima Company, 3rd Battalion, 26th Marines was killed in action later that same day, September 23, 1968. Thank you.

RECESS MOTION

Rep. Bettencourt moved that the House stand in recess for the purposes of the introduction of bills, receiving Senate messages, enrolled bill amendments, enrolled bill reports and forming Committees of Conference.

Adopted.

The House recessed at 1:50 p.m.

RECESS

(Rep. Jasper in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 30, 31, 47, 90, 133, 149, 258, 295, 313, 397, 419, 461, 532, 541, 544, 589, 594 and 647 and Senate Bills numbered 20, 32, 38, 47, 54, 105, 111, 121, 128 and 179.

Rep. Kidder, Sen. Prescott for the Committee

ENROLLED BILL AMENDMENTS

SB 116, relative to the manufactured housing installation standards board and relative to the definition of a modular building. (Amendment printed SJ 6-1-11)
Adopted.

SB 156-FN-L, authorizing retail vehicle dealers to act as agents of the division of motor vehicles for vehicle registration and title applications. (Amendment printed SJ 6-1-11)
Adopted.

RECESS

(Speaker O'Brien in the Chair)

SENATE MESSAGE

NONCONCURS WITH AMENDMENT

REQUESTS COMMITTEE OF CONFERENCE

SB 91, relative to automatic fire suppression sprinklers.

The President appointed Sens. Barnes, Boutin and Merrill.

Rep. Bettencourt moved that the House accede.

Adopted.

The Speaker appointed Reps. Sterling, Ferrante, Betsey Patten and Burt.

CONCURRENCE

HB 51, relative to screening panel members for screening panels for medical injury claims.

HB 276-FN, relative to wine manufacturers.

HB 490-FN, adopting the interstate compact for juveniles.

HB 505-FN, making charter schools eligible for grants for leased space.

HB 565, establishing a dental hygienists committee within the board of dental examiners.

NONCONCURRENCE

HB 259, requiring the supreme court to adopt rules of evidence for the judicial branch family division.

HB 429, permitting a child 16 years of age or older to withdraw from school with parental permission.

CONCURRENCE WITH AMENDMENTS

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

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

SB 58-FN-A, adding qualified community development entities to the definition of "qualified investment company" under the business profits tax and the business enterprise tax.

SB 98, revising the international registration plan.

SB 99, relative to trailer brakes.

SB 125-FN-A, relative to the standards and burden of proof with respect to the business profits tax deduction for reasonable compensation attributable to owners of partnerships, limited liability companies, and sole proprietorships.

NONCONCURRENCE WITH AMENDMENT

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

RE-REFERRED TO COMMITTEE

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

CACR 12, relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education.

HB 110, requiring professional safety and security services personnel to report certain criminal offenses.

HB 145, permitting the audio and video recording of a law enforcement officer while in the course of his or her official duties.

HB 146, relative to the right of a jury to judge the application of the law in relationship to the facts in controversy.

HB 158, relative to the misuse of social security numbers.

HB 597, revising the child support guidelines based on an income shares model of calculating child support.

HB 648, relative to eminent domain petitions by public utilities.

COMMITTEE ASSIGNMENTS

The Speaker made the following changes to committee assignments:

Reps. Daler and Soltani on the Committee on Redress of Grievances.

Rep. Marshall Quandt on the Committee on State-Federal Relations and Veterans Affairs.

Rep. Laware off the Committee on Labor, Industrial and Rehabilitative Services and on the Committee on Transportation.

CONFEREE CHANGES

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

Rep. Kappler replaced Rep. Sedensky.

RECESS

(Rep. Rodeschin in the Chair)

ENROLLED BILL AMENDMENT

HB 381, authorizing net metering for micro-combined heat and power systems.

Amendment (2120-EBA)

Amend RSA 362-A:9, I as inserted by section 3 of the bill by replacing line 12 with the following:

RSA 362-A:1-a, I-d.

Adopted.

RECESS

(Speaker O'Brien in the Chair)

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2012 and June 30, 2013. (Amendment printed SJ 6-1-11)

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

The Speaker appointed Reps. Weyler, Belvin, William Smith, Kurk and Lynne Ober.
Alternates: Reps. Stepanek, Thomas Keane and Dan McGuire.

HB 2-FN-A-L, relative to state fees, funds, revenues, and expenditures. (Amendment printed SJ 6-1-11)

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

The Speaker appointed Reps. Lynne Ober, Weyler, Kurk, Belvin and William Smith.
Alternates: Reps. Sova, Major and Carol McGuire.

HB 462-FN, relative to the determination of employer assessments for excess benefits paid by employers in the retirement system. (Amendment printed SJ 6-1-11)

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

The Speaker appointed Reps. Hawkins, Sedensky, Bowers and Winter.

RECESS

(Rep. Bettencourt in the Chair)

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 291.

Rep. Kidder, Sen. Prescott for the Committee

ENROLLED BILL AMENDMENTS

HB 175, relative to technical changes in life, accident, and health insurance.

Amendment (2286-EBA)

Amend the bill by replacing all after section 9 with the following:

10 Health Services Corporations; Reference Additions; Contingent Version. RSA 420-A:2 is repealed and reenacted to read as follows:

420-A:2 Applicable Statutes. Every health service corporation shall be governed by this chapter and the relevant provisions of RSA 161-H, and shall be exempt from this title except for the provisions of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415-A, RSA 415-F, RSA 415:6, II(4), RSA 415:6-g, RSA 415:6-k, RSA 415:6-m, RSA 415:6-o, RSA 415:18, V, RSA 415:18, VII(g), RSA 415:18, XVI and XVII, RSA 415:18, VII-a, RSA 415:18-a, RSA 415:18-j, RSA 415:18-o, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:22, RSA 417, RSA 417-E, RSA 420-J, and all applicable provisions of title XXXVII wherein such corporations are specifically included. Every health service corporation and its agents shall be subject to the fees prescribed for health service corporations under RSA 400-A:29, VII.

11 Health Maintenance Organizations; Reference Additions; Contingent Version. RSA 420-B:20, III is repealed and reenacted to read as follows:

III. The requirements of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA

415:6-g, RSA 415:6-m, RSA 415:6-o, RSA 415:18, VII(g), RSA 415:18, VII-a, RSA 415:18, XVI and XVII, RSA 415:18-j, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415-A, RSA 415-F, RSA 420-G, and RSA 420-J shall apply to health maintenance organizations.

12 Contingency. If HB 31 of the 2011 legislative session becomes law, sections 10 and 11 of this act shall take effect January 1, 2012 at 12:01 a.m. If HB 31 of the 2011 legislative session does not become law, sections 10 and 11 of this act shall not take effect.

13 Effective Date.

I. Section 8 and 9 of this act shall take effect upon its passage.

II. Sections 10 and 11 of this act shall take effect as provided in section 12 of this act.

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

Adopted.

HB 585, proclaiming the third week of October as New Hampshire history week.

Amendment (2275-EBA)

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

Amend RSA 4 by inserting after section 13-p the following new section:

4:13-q New Hampshire History Week. The governor shall annually issue a proclamation calling

Adopted.

CONFEREE CHANGES

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2012 and June 30, 2013.

Rep. Cebrowski replaced Rep. Thomas Keane.

RECESS