

State of New Hampshire HOUSE RECORD

Second Year of the 162nd General Court
Calendar and Journal of the 2012 Session

Vol. 34

Concord, N. H.

Thursday, January 5, 2012

No. 8

HOUSE JOURNAL No. 1 (cont.)

Wednesday, January 4, 2012

Rep. Sanborn moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 2

Thursday, January 5, 2012

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.
Heavenly Father, may this new Session be marked by our profound desire to address, in truth, Your will, as we serve those who have entrusted us with the governance of the State of New Hampshire. We place before You our families, our friends, those who have the greatest need in living a life of dignity, our uniformed men and women in hostile areas and the members of this body, that we may all work with confidence and hope in serving our people. Help us to see the goodness in our communities and to emphasize our responsibilities as citizens in a state famous for living nobly and free, respecting liberty in rugged friendship, and facing the challenges that would eradicate our freedoms. Make us attentive to the main task of establishing credible justice in our civic life. Be our guide, Lord, in this New Year and help us sustain our good tradition of respect and common sense in public debate. Help us to work well together. We pray this in Your Holy name. Amen.

Representative George Lambert, member from Litchfield, led the Pledge of Allegiance.

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

LEAVES OF ABSENCE

Reps. Beattie, Ronald Belanger, Case, Champagne, Jennifer Coffey, Day, Eaton, Emerson,

Gidge, Hofemann, Karen Hutchinson, Levasseur, Major, Panek, Powers, Chip Rice and Tobin, the day, illness.

Reps. J. Gail Barry, Birdsell, Carr, Domingo, Dowling, Haefner, LaCasse, Larsen, Bruce MacMahon, Oigny, Michael Reed, Sad, Scala, Schultz, Todd Smith and Summers, the day, important business.

Reps. Okerman and Peckham, the day, illness in the family.

INTRODUCTION OF GUESTS

Kirsten Goodwin and Emily LeRay, students at Exeter High School, Pages for the day.

Sarah Westin, guest of Rep. Schlachman. Rhonda Lambert and Raiph Mellor, wife and guest of Rep. Lambert. Nini Diouf, an exchange student from Senegal at Prospect Mountain High School, guest of Reps. Bolster and St. Cyr.

MOTION TO VACATE

Rep. Tucker moved that the House vacate the reference of **HB 1556**, reducing fees related to reporting of charitable trusts, to the Committee on Executive Departments and Administration.

Adopted.

The Speaker referred **HB 1556** to the Committee on Ways and Means.

REGULAR CALENDAR – 2011 RETAINED BILLS

HB 475-FN, relative to penalties under the consumer protection act. **OUGHT TO PASS.**

Rep. Robbie L. Parsons for Criminal Justice and Public Safety: The attorney general's office wanted this brought forward. The law currently allows only misdemeanor charges under the consumer protection act against an individual, regardless of the value of the goods or services involved in the crime. The committee believes it is appropriate to let the punishment better fit the crime by allowing a charge of class B felony for values between \$1,000 and \$1,500 and a class A felony for a value of more than \$1,500. Vote 14-3.

LAIID ON THE TABLE

Rep. Swinford moved that **HB 475-FN**, relative to penalties under the consumer protection act, be laid on the table.

Adopted.

REGULAR CALENDAR – 2011 RETAINED BILLS (CONT'D)

HB 486-FN, relative to penalties for alcohol ignition interlock circumvention. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David A. Welch for the Majority of Criminal Justice and Public Safety: This bill creates an enhanced penalty for those who violate the alcohol ignition interlock device installed by court order. If convicted of violating the device, the court may fine not less than 500 dollars and order an enhanced technology ignition interlock device be installed and for an extended two years. Vote 15-2.

Rep. Mark Warden for the Minority of Criminal Justice and Public Safety: The minority has concerns about the loss of privacy inherent in the "enhanced technology" ignition devices mandated by this bill. These devices track the location of a vehicle 24/7, regardless of who is driving. The enhanced interlock devices include GPS locators, video cameras, and cellular communication components, and are monitored by people outside New Hampshire.

Majority Amendment (2577h)

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

1 Alcohol Ignition Interlock Circumvention; Penalty. Amend RSA 265-A:37, V to read as follows:

V. Any person who violates the provisions of this section shall be guilty of a ***class A*** misdemeanor, ***be fined not less than \$500, be ordered to install an enhanced technology ignition interlock device, and have the period of required ignition interlock device installation extended for 2 years.***

2 New Section; Definition Added; Enhanced Technology Ignition Interlock Device. Amend RSA 259 by inserting after section 28-a the following new section:

259:28-b Enhanced Technology Ignition Interlock Device. "Enhanced technology ignition interlock device" shall mean an ignition interlock device equipped with a camera and which is capable of reporting data in real time.

3 Effective Date. This act shall take effect January 1, 2013.

AMENDED ANALYSIS

This bill establishes penalties for alcohol ignition interlock circumvention.

Majority committee amendment adopted.

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

Rep. Kyle Jones requested a roll call; sufficiently seconded.

YEAS 259 NAYS 48

YEAS 259

BELKNAP

Accornero, Harry
Flanders, Donald
Pilliod, James
Swinford, Elaine

Bolster, Peter
Luther, Robert
Russell, David
Tilton, Franklin

Comtois, Guy
Malone, Robert
Simpson, Tyler
Worsman, Colette

Fields, Dennis
Millham, Alida
St. Cyr, Jeffrey

CARROLL

Babson, David Jr
Merrow, Harry
Umberger, Karen

Chandler, Gene
Patten, Betsey

Fleck, Joseph
Pettengill, Laurie

McCarthy, Frank
Schmidt, Stephen

CHESHIRE

Butynski, William
Dwinell, Richard
Johnson, Jane
Moore, Robert Jr
Weber, Lucy

Byrnes, John
Hawkes, Samuel
Lerandeau, Alfred
Parkhurst, Henry
Weed, Charles

Cartwright, Anne
Hunt, John
Meader, David
Smith, Edwin

Chase, Cynthia
Johnsen, Gladys
Moore, Charles
Tatro, Bruce

COOS

Coulombe, Gary
Rappaport, Laurence
Tholl, John Jr

Daugherty, Duffy
Remick, William
Thomas, Yvonne

Hatch, William
Richardson, Herbert
Tremblay, Marc

Merrick, Evalyn
Theberge, Robert

GRAFTON

Aguiar, James
Brosseau, Charles

Almy, Susan
Bulis, Lyle

Benn, Bernard
Cooney, Mary

Bradley, Lester
Gionet, Edmond

Gould, Franklin
Mirski, Paul
Shackett, Jeffrey
Townsend, Charles

Harding, Laurie
Nordgren, Sharon
Simard, Paul
White, Andrew

Ingbretson, Paul
Pastor, Beatriz
Smith, Suzanne

Ladd, Rick Jr
Pierce, David
Sova, Charles

HILLSBOROUGH

Balboni, Michael
Belvin, William
Buxton, Michael

Baroody, Benjamin
Bergevin, Jerry
Campbell, David

Barry, Richard
Boehm, Ralph
Cebrowski, John

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

Coffey, James
Doherty, Shaun
Flanagan, Jack
Gimas, John
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
LeBrun, Donald
Ohm, Bill
Pilotte, Maurice
Rosenwald, Cindy
Silva, Peter
Swank, Matthew
Ulery, Jordan

Condra, William
Donovan, Daniel
Fredette, Robert
Goley, Jeffrey
Hardwick, Harry
Hogan, Edith
Jasper, Shawn
Long, Patrick
Palmer, Barry
Porter, Marjorie
Rowe, Robert
Soucy, Connie
Terrio, Ross
Villeneuve, Moe

Coughlin, Sean
Drisko, Richard
Gagne, Larry
Gorman, Mary
Hawkins, Kenneth
Hogan, Timothy
Jeudy, Jean
McClarren, Donald
Pellegrino, Tony
Proulx, Mark
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Whitehead, Randall

Daler, Jennifer
Erickson, Duane
Gargas, Carolyn
Graham, John
Hikel, John
Holden, Frank
Krasucki, Joseph
Messier, Irene
Peterson, Lenette
Robbins, David
Shaw, Barbara
Stroud, Kathleen
Twombly, Timothy
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Foose, Robert
Hess, David
Kreis, Kenneth Sr
MacKay, James
Patten, Dick
Sanborn, Laurie
Williams, Robert

Bouchard, Candace
Frazer, June
Hill, Gregory
Lauer-Rago, Kathleen
McDonnell, John
Potter, Frances
Shurtleff, Stephen
Winter, Steven

Deloge, Helen
Gile, Mary
Keane, Thomas
Lindsley, Mark
Owen, Derek
Reed, Dennis
Wallner, Mary Jane

DeStefano, Stephen
Giuda, J. Brandon
Kotowski, Frank
Lockwood, Priscilla
Palfrey, David
Richardson, Gary
Watrous, Rick

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Charron, Gene
Devine, James
Ferrante, Beverly
Griffin, Mary
Janvrin, Kevin
McKinney, Betsy
Norelli, Terie
Perkins, Lawrence
Rice, Frederick
Shuler, Wyman III
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Allen, Mary
Bates, David
Comerford, Timothy
DiPentima, Rich
Fesh, Robert
Hagan, Joseph
Kappler, Lawrence
Moody, Marcia
Packard, Sherman
Quandt, Marshall
Sanders, Elisabeth
Smith, William
Tremblay, Stella
Waterhouse, Kevin

Antosz, Jason
Bettencourt, David
Copeland, Timothy
Duarte, Joe
Garcia, Marilinda
Headd, James
Lundgren, David
Murphy, Brian
Pantelakos, Laura
Quandt, Matt
Sedensky, John
Sullivan, Kevin
Tucker, Pamela
Webb, James

Azarian, Gary
Cali-Pitts, Jacqueline
DeSimone, Debra
Elliott, Robert
Garrity, James
Introne, Robert
Mauro, Donna
Nevins, Chris
Perkins, Amy
Read, Robin Jr
Serlin, Christopher
Tamburello, Daniel
Waddell, James
Welch, David

STRAFFORD

Andolina, Donald

Berube, Roger

Brown, Julie

Cataldo, Sam

Ginsburg, Philip
Kaen, Naida
Pitre, Joseph
Wall, Janet

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

Hooper, Dorothea
Newton, Clifford
Spainhower, Dale

Horrigan, Timothy
O'Connor, William
Spang, Judith

SULLIVAN

Bowers, Spec
Howard, Thomas
Rodeschin, Beverly

Cloutier, John
Lefebvre, Benjamin
Schmidt, Andrew

Cunningham, Steven
Lovett, Charlene
Smith, Steven

Gagnon, Raymond
Osgood, Joe

NAYS 48

BELKNAP

Kingsbury, Robert

CARROLL

Tregenza, Norman

CHESHIRE

None

COOS

None

GRAFTON

None

HILLSBOROUGH

Ball, J. Michael
DeJong, Cameron
McGuinness, Sean
Pratt, Calvin
Warden, Mark

Burt, John
Gandia, Laura
Murphy, Keith
Renzullo, Andrew

Cusson-Cail, Kathleen
Kurk, Neal
Notter, Jeanine
Sullivan, Daniel

Daniels, Gary
Lambert, George
Palmer, Stephen
Vaillancourt, Steve

MERRIMACK

Cohn, Seth
McGuire, Dan

Hoell, J.R.
Seaworth, G. Brian

Kidder, David

McGuire, Carol

ROCKINGHAM

Brown, Paul
O'Connor, John
Sapareto, Frank

Chirichiello, Brian
Reagan, John
Schlachman, Donna

Kolodziej, Walter
Reichard, Kevin
Sullivan, James

Manuse, Andrew
Ritter, Glenn

STRAFFORD

DeLemus, Susan
Keans, Sandra
Vita, Carol

Grassie, Anne
Leonard, Frederick Jr
Vita, Lucien

Jones, Kyle
Parsons, Robbie
Weeden, Michael

Jones, Laura
Perry, Robert

SULLIVAN

Laware, Thomas

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

HB 536-FN, relative to the natural right to carry a firearm, openly or concealed, without a license. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kyle J. Tasker for Criminal Justice and Public Safety: This bill will increase the length of time between license renewals to five years. This bill will also make the pistol / revolver license optional and allow anyone present in the state to carry a concealed firearm without a pistol/revolver license. Vote 12-5.

Amendment (2679h)

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

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

159:6 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 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]~~ **\$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 require no more information than was required on the state of New Hampshire application for a 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.

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. The availability of a license to carry a loaded pistol or revolver under this section or under any other provision of law shall not be construed to prohibit the unlicensed transport or carrying of a firearm in a vehicle, or on or about one's person, whether openly or concealed, loaded or unloaded, by a resident, nonresident, or alien, if such individual is not otherwise prohibited by statute from possessing a firearm in the state of New Hampshire.

2 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.

3 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 *who is* licensed under this chapter, *to a New Hampshire resident who may lawfully own firearms*, or to a person personally known to him *or her*.

4 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 159:6, III.*

5 Repeal. RSA 159:4, relative to carrying a loaded pistol or revolver without a license, is repealed.

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

AMENDED ANALYSIS

I. Increases the length of time for which a license to carry a pistol or revolver is valid, and reduces the fee for nonresidents wishing to obtain a license to carry.

II. Provides that the license to carry a pistol or revolver shall be optional and that the availability of such license shall not prohibit the unlicensed transport or carrying of a firearm in a vehicle or on or about one's person, whether openly or concealed, loaded or unloaded, by a resident, nonresident, or alien, provided such person is not otherwise prohibited by statute from possessing a firearm in this state.

III. 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.

IV. Clarifies to whom a pistol or revolver may be sold.

V. Allows a person who has obtained a license to hunt with a bow and arrow to carry a firearm if he or she is otherwise qualified under the license to carry statute.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. Rep. Shurtleff spoke against.

Rep. Tasker spoke in favor and yielded to questions.

Rep. Norelli requested a roll call; sufficiently seconded.

YEAS 193 NAYS 122

YEAS 193

BELKNAP

Accornero, Harry
Pilliod, James
Tilton, Franklin

Comtois, Guy
Simpson, Tyler
Worsman, Colette

Kingsbury, Robert
St. Cyr, Jeffrey

Malone, Robert
Swinford, Elaine

CARROLL

Chandler, Gene
Pettengill, Laurie

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Schmidt, Stephen

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Tregenza, Norman

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Umberger, Karen

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Cartwright, Anne

Dwinell, Richard

Hunt, John

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Daugherty, Duffy

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Richardson, Herbert

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Brosseau, Charles
Ladd, Rick Jr

Bulis, Lyle
Mirski, Paul

Gionet, Edmond
Sova, Charles

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Avard, Kevin
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Burt, John

Balboni, Michael
Belvin, William
Buxton, Michael

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Boehm, Ralph
Cebrowski, John

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

Coffey, James

Condra, William

Coughlin, Sean

Cusson-Cail,
Kathleen
Donovan, Daniel
Gandia, Laura
Hikel, John
Holden, Frank
LeBrun, Donald
Murphy, Keith
Palmer, Stephen
Pratt, Calvin
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Daniels, Gary
Erickson, Duane
Graham, John
Hinch, Richard
Krasucki, Joseph
Maltz, Jonathan
Notter, Jeanine
Parison, James
Proulx, Mark
Shaw, Barbara
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

DeJong, Cameron
Fredette, Robert
Hansen, Peter
Hogan, Edith
Kurk, Neal
McClarren, Donald
Ohm, Bill
Pellegrino, Tony
Renzullo, Andrew
Silva, Peter
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Doherty, Shaun
Gagne, Larry
Hardwick, Harry
Hogan, Timothy
Lambert, George
McGuinness, Sean
Palmer, Barry
Peterson, Lenette
Robbins, David
Soucy, Connie
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Winter, Steven

Cohn, Seth
Keane, Thomas
Lindsley, Mark
Reed, Dennis

Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Sanborn, Laurie

Hill, Gregory
Kreis, Kenneth Sr
McGuire, Carol
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Charron, Gene
Duarte, Joe
Garcia, Marilinda
Headd, James
Kolodziej, Walter
Perkins, Amy
Reagan, John
Sapareto, Frank
Shuler, Wyman III
Tamburello, Daniel

Allen, Mary
Bates, David
Chirichiello, Brian
Elliott, Robert
Garrity, James
Introne, Robert
Manuse, Andrew
Perkins, Lawrence
Reichard, Kevin
Schroadter, Adam
Smith, William
Tasker, Kyle

Antosz, Jason
Bettencourt, David
Comerford, Timothy
Ferrante, Beverly
Griffin, Mary
Itse, Daniel
Mauro, Donna
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sullivan, James
Tremblay, Stella

Azarian, Gary
Brown, Paul
Devine, James
Fesh, Robert
Hagan, Joseph
Kappler, Lawrence
Packard, Sherman
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sullivan, Kevin
Tucker, Pamela

Ward, Joanne
Weyler, Kenneth

Waterhouse, Kevin

Webb, James

Welch, David

STRAFFORD

Andolina, Donald
Jones, Kyle
O'Connor, William
Vita, Lucien

Cataldo, Sam
Jones, Laura
Parsons, Robbie
Weeden, Michael

DeLemus, Susan
Leonard, Frederick Jr
Pitre, Joseph

Groen, Warren
Newton, Clifford
Vita, Carol

SULLIVAN

Bowers, Spec
Osgood, Joe

Cunningham, Steven
Rodeschin, Beverly

Howard, Thomas
Smith, Steven

Laware, Thomas

NAYS 122

BELKNAP

Bolster, Peter
Millham, Alida

Fields, Dennis
Russell, David

Flanders, Donald

Luther, Robert

CARROLL

Babson, David Jr

Patten, Betsey

CHESHIRE

Butynski, William
Johnson, Jane
Parkhurst, Henry
Weed, Charles

Chase, Cynthia
Lerandeau, Alfred
Smith, Edwin

Hawkes, Samuel
Meader, David
Tatro, Bruce

Johnsen, Gladys
Moore, Robert Jr
Weber, Lucy

COOS

Hatch, William
Thomas, Yvonne

Merrick, Evalyn
Tremblay, Marc

Rappaport, Laurence

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David
Townsend, Charles

Almy, Susan
Harding, Laurie
Shackett, Jeffrey
White, Andrew

Benn, Bernard
Nordgren, Sharon
Simard, Paul

Cooney, Mary
Pastor, Beatriz
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Daler, Jennifer
Gimas, John
Hutchinson, Winfred
Long, Patrick
Rosenwald, Cindy

Bergevin, Jerry
Drisko, Richard
Goley, Jeffrey
Jasper, Shawn
Messier, Irene
Sullivan, Daniel

Campbell, David
Flanagan, Jack
Gorman, Mary
Jeudy, Jean
Pilotte, Maurice

Cote, David
Gargas, Carolyn
Hawkins, Kenneth
Leishman, Peter
Porter, Marjorie

MERRIMACK

Bouchard, Candace
Frazer, June
Lockwood, Priscilla

Deloge, Helen
Gile, Mary
MacKay, James

DeStefano, Stephen
Hess, David
Owen, Derek

Foose, Robert
Kidder, David
Palfrey, David

Patten, Dick
Wallner, Mary Jane

Potter, Frances
Watrous, Rick

Richardson, Gary
Williams, Robert

Shurtleff, Stephen

ROCKINGHAM

Cali-Pitts, Jacqueline
Janvrin, Kevin
Moody, Marcia
O'Connor, John
Schlachman, Donna

Copeland, Timothy
Lovejoy, Patricia
Murphy, Brian
Pantelakos, Laura
Serlin, Christopher

DeSimone, Debra
Lundgren, David
Nevins, Chris
Read, Robin Jr
Waddell, James

DiPentima, Rich
McKinney, Betsy
Norelli, Terie
Sanders, Elisabeth

STRAFFORD

Berube, Roger
Hooper, Dorothea
Munck, Philip
Spainhower, Dale

Brown, Julie
Horrigan, Timothy
Perry, Robert
Spang, Judith

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

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

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond

Lefebvre, Benjamin

Lovett, Charlene

and the committee report was adopted and ordered to third reading.
Rep. Marc Tremblay voted Nay and intended to vote Yea.

HB 628-FN, making the touching or viewing with a technological device of a person's breasts or genitals by a government security agent without probable cause a sexual assault.

OUGHT TO PASS WITH AMENDMENT.

Rep. Moe Villeneuve for Criminal Justice and Public Safety: Many people have heard of reported abuses by TSA agents at our nation's airports and train stations. While security is of utmost importance, the maintenance of that security must be conducted in a way that respects citizens' rights and decency. To shine a light on TSA searches and prevent potential abuses during such transportation related searches, this bill as amended would allow citizens to report to a police officer on the scene or the county sheriff about their search and that report will be sent to a designated directory for public viewing with the state police. This bill also allows citizens to video and audio tape their own search to verify their report, and it requires police officers to be of assistance in the taking of the citizen's report. The record shall be used to determine patterns of abuse and whether further action is needed by a future legislature. Vote 10-6.

Amendment (2768h)

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

AN ACT relative to searches conducted for purposes of transportation-related security.

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

1 New Chapter; Federal Agency Searches Recorded. Amend RSA by inserting after chapter 595-B the following new chapter:

CHAPTER 595-C

FEDERAL AGENCY SEARCHES RECORDED

595-C:1 Federal Agency Searches Recorded.

I. Any law enforcement officer, as defined in RSA 651:6, I-a(a) who is stationed or present at an airport, bus station, train station, highway, or other transportation-related location or is in the presence of or who is working with an agent of the federal Transportation Security Administration or its equivalent while such agent is conducting an administrative search for transportation security of persons about to travel or already traveling in a vehicle of any kind shall record all interactions between the agent and citizen when that citizen

complains to the law enforcement officer about the manner in which the administrative search is being or has been conducted.

II. When a law enforcement officer is not available at the site of an administrative search conducted for transportation security, a citizen may file a complaint at any office of the county sheriff within the state of New Hampshire, and the officer taking the report shall follow the same procedures as would be required had he or she been at the scene.

III. In such cases as described in paragraphs I and II, the law enforcement officer shall record the name and address of the citizen as well as the name and address or official identification of the agent, along with an accurate statement of the details involving the complaint and his or her observations of the federal agent's behavior when applicable.

IV. Such records described in paragraph III shall be submitted within 5 business days to the division of state police for inclusion on an electronic database specifically identified as "Citizen Complaints About TSA Searches." The division of state police shall maintain the reports on the electronic database for at least 5 years, after which the records may be archived but not destroyed.

V. The information recorded pursuant to this section, with the name and other identifying information of the complainant redacted, shall be a public record under RSA 91-A.

VI. The department of safety and its employees and agents shall not be held liable for errors of omission or commission in the recording and maintenance of information under this section unless the error is shown to be the result of gross negligence or an intentional act.

VII.(a) In order to assist in the accuracy of records created by law enforcement officers in paragraph III, all citizens being searched shall be afforded their rights under the First Amendment to the Constitution for the United States of America and under Part 1, Article 22 of the New Hampshire Constitution to record, or designated a person to record, using any type of audio and video recording device, or a device that records just audio or just video, all interactions with an agent described in paragraph I, even in the presence of a law enforcement officer, without exception.

(b) If a citizen is prevented in any way from exercising his or her rights as specified in this section, he or she may require a law enforcement officer to enforce the provisions of this section.

(c) If a law enforcement officer does not enforce the provisions of this chapter or makes it difficult for a citizen to exercise his or her rights as specified in this section, the law enforcement officer may be guilty of official oppression pursuant to RSA 643:1.

2 Effective Date. This act shall take effect 90 days after its passage.

AMENDED ANALYSIS

This bill requires law enforcement officers to document complaints relating to administrative searches by agents of the Transportation Security Administration.
Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.
Rep. Antosz spoke in favor.

Rep. Shurtleff spoke against and yielded to questions.

Rep. Lambert spoke in favor and yielded to questions.

The House recessed at 10:00 a.m.

RECESS

The House reconvened at 10:15 a.m.

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

YEAS 188 NAYS 136

YEAS 188

BELKNAP

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

Bolster, Peter
Kingsbury, Robert
St. Cyr, Jeffrey

Comtois, Guy
Luther, Robert
Swinford, Elaine

Fields, Dennis
Malone, Robert
Tilton, Franklin

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Schmidt, Stephen

Babson, David Jr
Merrow, Harry
Tregenza, Norman

Fleck, Joseph
Patten, Betsey
Umberger, Karen

Knox, J. David
Pettengill, Laurie

CHESHIRE

Byrnes, John
Moore, Charles

Cartwright, Anne
Moore, Robert Jr

Dwinell, Richard
Smith, Edwin

Johnsen, Gladys

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Shackett, Jeffrey

Brosseau, Charles
Simard, Paul

Ingbretson, Paul
Sova, Charles

Mirski, Paul

HILLSBOROUGH

Avard, Kevin
Belanger, James
Buxton, Michael

Balboni, Michael
Bergevin, Jerry
Cebrowski, John

Ball, J. Michael
Boehm, Ralph
Christensen, D.L.
Chris

Barry, Richard
Burt, John
Coffey, James

Condra, William
Donovan, Daniel
Gonzalez, Carlos
Hikel, John
Hutchinson, Winfred
Maltz, Jonathan
Notter, Jeanine
Palmer, Barry
Peterson, Lenette
Seidel, Carl
Stepanek, Stephen
Twombly, Timothy
Willette, Robert

Coughlin, Sean
Drisko, Richard
Hansen, Peter
Hinch, Richard
Infantine, William
McClarren, Donald
Ober, Lynne
Palmer, Stephen
Pratt, Calvin
Simmons, Tammy
Stroud, Kathleen
Vaillancourt, Steve

Daniels, Gary
Flanagan, Jack
Hardwick, Harry
Hogan, Edith
Lambert, George
McGuinness, Sean
Ober, Russell III
Parison, James
Renzullo, Andrew
Soucy, Connie
Swank, Matthew
Villeneuve, Moe

DeJong, Cameron
Gagne, Larry
Hawkins, Kenneth
Hogan, Timothy
LeBrun, Donald
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Rowe, Robert
Souza, Kathleen
Thomas, Joseph
Warden, Mark

MERRIMACK

Cohn, Seth
Kotowski, Frank
McDonnell, John
Reed, Dennis
Winter, Steven

Giuda, J. Brandon
Kreis, Kenneth Sr
McGuire, Carol
Sanborn, Laurie

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

Keane, Thomas
Lindsley, Mark
Palfrey, David
Smith, Molly

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Antosz, Jason	Baldasaro, Alfred
Bates, David	Bettencourt, David	Brown, Paul	Chirichiello, Brian
Comerford, Timothy	Davenport, Joshua	DeSimone, Debra	Duarte, Joe
Elliott, Robert	Fesh, Robert	Garcia, Marilinda	Griffin, Mary
Hagan, Joseph	Headd, James	Itse, Daniel	Janvrin, Kevin
Kappler, Lawrence	Kolodziej, Walter	Lundgren, David	Manuse, Andrew
Mauro, Donna	McKinney, Betsy	Murphy, Brian	Nevins, Chris
Perkins, Amy	Quandt, Matt	Reagan, John	Reichard, Kevin
Rice, Frederick	Ritter, Glenn	Sapareto, Frank	Schroadter, Adam
Sedensky, John	Sheffert, Kenneth	Smith, William	Sullivan, James
Tamburello, Daniel	Tasker, Kyle	Tremblay, Stella	Tucker, Pamela
Waterhouse, Kevin	Welch, David	Weyler, Kenneth	

STRAFFORD

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

SULLIVAN

Bowers, Spec	Cunningham, Steven	Laware, Thomas	Osgood, Joe
Rodeschin, Beverly	Smith, Steven		

NAYS 136

BELKNAP

Millham, Alida	Pilliod, James	Russell, David
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CARROLL

Chandler, Gene	McConkey, Mark
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CHESHIRE

Butynski, William	Chase, Cynthia	Hawkes, Samuel	Hunt, John
Johnson, Jane	Lerandeau, Alfred	Lindsey, Steven	Meador, David
Parkhurst, Henry	Roberts, Kris	Sterling, Franklin Jr	Tatro, Bruce
Weber, Lucy	Weed, Charles		

COOS

Hatch, William	Merrick, Evalyn	Theberge, Robert	Tholl, John Jr
Thomas, Yvonne			

GRAFTON

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

HILLSBOROUGH

Baroody, Benjamin	Belvin, William	Brown, Kevin	Brownrigg, Randall Jr
Cote, David	Cusson-Cail, Kathleen	Daler, Jennifer	Doherty, Shaun
Erickson, Duane	Fredette, Robert	Gandia, Laura	Gargas, Carolyn
Garritty, Patrick	Gimas, John	Goley, Jeffrey	Gorman, Mary
Holden, Frank	Jeudy, Jean	Krasucki, Joseph	Kurk, Neal
Leishman, Peter	Long, Patrick	Messier, Irene	Pilotte, Maurice
Porter, Marjorie	Proulx, Mark	Ramsey, Peter	Rhodes, Brian
Robbins, David	Rokas, Ted	Rosenwald, Cindy	Shaw, Barbara
Sullivan, Daniel	Terrio, Ross	Whitehead, Randall	

MERRIMACK

Deloge, Helen	DeStefano, Stephen	Foose, Robert	Frazer, June
Gile, Mary	Hamm, Christine	Kidder, David	Lockwood, Priscilla
MacKay, James	Owen, Derek	Patten, Dick	Richardson, Gary
Shurtleff, Stephen	Wallner, Mary Jane	Watrous, Rick	Williams, Robert

ROCKINGHAM

Azarian, Gary	Cali-Pitts, Jacqueline	Charron, Gene	Copeland, Timothy
DiPentima, Rich	Ferrante, Beverly	Garritty, James	Introne, Robert
Katsakiores, Phyllis	Lovejoy, Patricia	Moody, Marcia	Norelli, Terie
O'Connor, John	Packard, Sherman	Pantelakos, Laura	Perkins, Lawrence
Quandt, Marshall	Read, Robin Jr	Sanders, Elisabeth	Schlachman, Donna
Serlin, Christopher	Shuler, Wyman III	Sullivan, Kevin	Sytek, John
Waddell, James	Ward, Joanne	Webb, James	

STRAFFORD

Andolina, Donald	Berube, Roger	Brown, Julie	Ginsburg, Philip
Grassie, Anne	Hooper, Dorothea	Horrigan, Timothy	Kaen, Naida
Keans, Sandra	Perry, Robert	Schmidt, Peter	Spainhower, Dale
Spang, Judith	Sprague, Dale	Watters, David	Weeden, Michael

SULLIVAN

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

and the committee report was adopted and ordered to third reading.

Reps. Bouchard, Bulis and Wall did not vote and notified the Clerk that they wished to be recorded against.

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

CACR 8, relating to education. Providing that the legislature shall have the power to authorize schools. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael A. Balboni for the Majority of Education: CACR 8 restores the people's right to local control of education and the authority of the legislature in education and education funding. In 1968, NH ballots included Question No. 3, a proposed Constitutional amendment which read: "Are you in favor of amending Article 6 of Part I of the Constitution so as to strike out certain specific sectarian references...." The ballot question included this summary of the original Article 6: "Article 6 authorizes local public taxation for the support of 'Protestant' clergymen only, and promises equal protection of the law solely to 'every denomination of Christians'." The ballot question provided voters with the following explanation of the effect of the proposed amendment: "If the amendment is adopted,... the above-described sectarian references will be stricken from the state constitution, putting all religious denominations on a basis of equality and removing the present conflict with the

U.S. Constitution.” Though the voters were told that only the sectarian references were to be removed, the actual amendment language went far beyond this. The amendment also removed and altered several non-religious phrases in the Article, and these changes were not explained to the voters. CACR 8 would give the people the opportunity to restore to their Constitution the non-religious aspects that were removed in 1968. These restorations include the following: the purpose of education as being to teach the fundamental principles of the Constitution so that the people are better able to control their government; empowering the legislature to authorize schools, to create and regulate public schools; providing school districts the exclusive control over the selection of their teachers and their compensation; the school district’s control over curriculum which is inherent in the original Article’s exclusive control over the selection of teachers; and each school district’s responsibility as the first payers of education expense consistent with the exclusive control over teacher selection and compensation and curriculum selection. CACR 8 then proposes two further changes: it ratifies judicial opinions which enable the state to pay for non-religious education at religious schools; and it clarifies the legislature’s power to supplement local funding of public education. The first change makes clearly and permanently constitutional the state’s current practices such as funding the non-religious education component for special needs students as required, for example, under federal special ed regulations, and the giving of scholarships to nursing students for the non-religious part of their education at religious schools. The second part ensures that the state funding of education will be consistent with the coordinating Articles of the Constitution of New Hampshire, specifically Part I, Articles 12, 28 and 29 and Part II, Articles 2 and 5 which make the legislature the supreme policy body of the state, and the only body capable of determining state spending. CACR 8 can be summed up as restoring the local control of education and the authority of the legislature in regard to education and education funding; thereby returning the people firmly in control of public education. Vote 10-5.

Rep. June M. Frazer for the Minority of Education: Objection 1. State funding of Education. Article 6 states that the parishes, et al, “have the right of . . . contracting with them [their teachers] for their support or maintenance, or both.” It does not say that the parishes, et al, have the sole obligation for support or maintenance of their teachers. The amendment to this passage – adding the word “exclusive” before “the right” – takes the state completely out of funding for support and maintenance of teachers. A further amendment statement nails this down and expands “support and maintenance” of teachers to support and maintenance of “schools” “The several political subdivisions for public education, charter schools, parishes, bodies corporate...., shall make adequate provision at their own expense, for their schools, provided that the Legislature may supplement that provision in the manner and degree that the Legislature finds most beneficial to the general good. This amendment takes away all obligation for the state to fund public education. Objection 2. State support of religious schools. The second-to-last sentence of Article 6 states that “no person shall ever be compelled to pay toward the schools of any sect or denomination.” In deleting the word “schools” and substituting the words “religious education,” the amendment opens the door to public funding of religious schools, which the constitution emphatically states that no person (i.e., taxpayer) should ever have to do. This amendment allows for state funding of religious schools.

SPECIAL ORDERED

Rep. Balboni moved that **CACR 8**, relating to education. Providing that the legislature shall have the power to authorize schools, be made a Special Order to the end of the Calendar, following the bills removed from the Consent Calendar.

Rep. Balboni yielded to questions.

Adopted.

REGULAR CALENDAR – 2011 RETAINED BILLS (CONT'D)

HB 219, establishing a committee to study the abolishment of the department of education.
OUGHT TO PASS WITH AMENDMENT.

Rep. Gregory Hill for Education: The majority of the committee, after a subcommittee met five times over the summer and two days of the full committee discussion, culminating in an amendment created with much committee input, passed the amendment that principally does two things. First, it creates an oversight committee that will be charged to study and review all rules adopted by the state board of education to determine if the rules have an appropriate basis in statutory authority and whether the rules put in effect are in need of revision. Another key provision of the amendment restricts the state board of education to adopt only those rules necessary to comply with federal minimum standards. To exceed those minimum federal requirements, it would be necessary for the state board to receive prior approval by a majority vote of both houses of the legislature. Vote 12-4.

Amendment (2755h)

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

AN ACT restricting the rulemaking authority of the state board of education and establishing a legislative oversight committee to review the rulemaking authority of the state board of education.

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

1 School Performance and Accountability; Local Improvement Plan. Amend RSA 193-H:4, II(b) to read as follows:

(b) If the state board does not approve a corrective action plan in accordance with subparagraphs I(a) or II(a), or upon the state board's adoption of a progress review team recommendations, the commissioner of education shall work with the school or school district to revise the corrective action plan. If the school or school district does not revise the corrective action plan within 60 days or the state board does not approve the revised corrective action plan, then the commissioner of education shall submit in a timely manner a corrective action plan, including methods for implementing it, to the state board for approval. ~~[The state board shall direct the school board to implement the plan pursuant to RSA 186:5.]~~

2 State Board of Education; Compliance With Federal Provision and Standards. Amend RSA 186:6 to read as follows:

186:6 Compliance With Federal Provisions **and Standards**. The state board ~~[may also make the regulations]~~ **shall only adopt those rules** necessary to enable the state to comply with the **minimum** provisions **and standards** of any law of the United States ~~[intended to promote vocational or other education, to abolish illiteracy and Americanize immigrants, to equalize educational opportunities, to promote physical health and recreation, and to provide an adequate supply of trained teachers]~~ **regarding elementary and secondary education and special education. The state board, with prior approval by majority vote of both houses of the general court, may adopt rules pursuant to RSA 541-A which exceed the minimum provisions and standards for any educational program required by federal law.**

3 New Section; State Board of Education; Legislative Oversight Committee Established. Amend RSA 186 by inserting after section 8 the following new section:

186:8-a Legislative Oversight Committee to Review the Rulemaking Authority of the State Board of Education.

I. There is hereby established a legislative oversight committee to review the rulemaking authority of the state board of education. The committee shall consist of the following members:

(a) Five members of the house of representatives, 3 of whom shall be from the education committee, appointed by the speaker of the house of representatives.

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

II. Members of the committee shall receive mileage at the legislative rate while attending to the duties of the 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 house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

IV. The committee shall meet at least once every 3 years and shall:

(a) Study and review all rules adopted by the state board of education pursuant to RSA 541-A to determine if the rules have an appropriate basis in statutory authority and whether the rules in effect are in need of revision for any reason.

(b) Review school district reporting requirements imposed by the state board of education and the department of education to determine if such requirements are relevant, practical, and cost-effective, and to recommend changes to such requirements as the committee deems proper.

(c) Review the following statutes:

(1) RSA 21-N:6, V, relative to standards for approving elementary and secondary schools.

(2) RSA 21-N:9, I, relative the authority of the state board of education to adopt rules relative to minimum standards for elementary and secondary schools.

(3) RSA 186:5, relative to the powers of the state board of education.

(4) RSA 186:8, I, relative to the state board of education's rulemaking authority to adopt minimum curriculum and educational standards for public schools.

(d) Propose legislation as deemed necessary to address any issues that may arise with regard to the rulemaking authority of the state board of education.

4 Notice of Modification or Expiration of Rules. The state board of education shall notify school districts of the modification or expiration of any rules.

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

AMENDED ANALYSIS

This bill restricts certain rulemaking authority of the state board of education and establishes a legislative oversight committee to review the rulemaking authority of the state board of education.

SPECIAL ORDERED

Rep. Balboni moved that **HB 219**, establishing a committee to study the abolishment of the department of education, be made a Special Order to 3:00 p.m. today.

On a division vote, 306 members having voted in the affirmative and 29 in the negative, the motion was adopted.

REGULAR CALENDAR – 2011 RETAINED BILLS (CONT'D)

HB 595, amending the compulsory school attendance statutes to permit parent-directed instruction programs and repealing the home education statutes. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Ralph G. Boehm for the Majority of Education: There were three bills dealing with home education, even though it was felt that this bill had some good points, the committee decided that HB 545 was the vehicle to use for changing the home education statute. Vote 12-2.

Rep. J. R. Hoell for the Minority of Education: We oppose the ITL recommendation. HB 595 is similar to HB 1580 which almost passed through the house under a Democratic majority in 2010. HB 595 provides for equitable treatment for home schools. Under current law, a child's home education program can be terminated in certain cases whereas the child's public or non-public school program would not be terminated. HB 595 respects a parent's right to direct the education of his/her child.

The question being adoption of the majority committee report of Inexpedient to Legislate.
Reps. Pitre and Lauer-Rago spoke in favor.

Rep. Manuse spoke against.

Rep. Laura Jones requested a roll call; sufficiently seconded.

YEAS 263 NAYS 82

YEAS 263

BELKNAP

Accornero, Harry	Bolster, Peter	Fields, Dennis	Flanders, Donald
Kingsbury, Robert	Luther, Robert	Millham, Alida	Pilliod, James
Russell, David	Simpson, Tyler	St. Cyr, Jeffrey	Tilton, Franklin

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
Knox, J. David	McConkey, Mark	Morrow, Harry	Patten, Betsey
Schmidt, Stephen	Umberger, Karen		

CHESHIRE

Butynski, William	Chase, Cynthia	Dwinell, Richard	Hawkes, Samuel
Johnsen, Gladys	Johnson, Jane	Lerandeau, Alfred	Lindsey, Steven
Meador, David	Moore, Robert Jr	Parkhurst, Henry	Roberts, Kris
Smith, Edwin	Sterling, Franklin Jr	Tatro, Bruce	Weber, Lucy
Weed, Charles			

COOS

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

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Brosseau, Charles
Bulis, Lyle	Cooney, Mary	Gionet, Edmond	Gould, Franklin
Harding, Laurie	Ladd, Rick Jr	Mirski, Paul	Nordgren, Sharon
Pastor, Beatriz	Pierce, David	Shackett, Jeffrey	Simard, Paul
Smith, Suzanne	Taylor, Kathleen	Townsend, Charles	White, Andrew

HILLSBOROUGH

Balboni, Michael	Baroody, Benjamin	Barry, Richard	Belanger, James
Belvin, William	Boehm, Ralph	Brownrigg, Randall Jr	Buxton, Michael
Campbell, David	Cebrowski, John	Christensen, D.L.	Christiansen, Lars
		Chris	
Coffey, James	Condra, William	Cote, David	Coughlin, Sean
Cusson-Cail, Kathleen	Daler, Jennifer	Doherty, Shaun	Donovan, Daniel
Drisko, Richard	Erickson, Duane	Flanagan, Jack	Fredette, Robert
Gagne, Larry	Gandia, Laura	Gargas, Carolyn	Garrity, Patrick
Gimas, John	Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary
Graham, John	Hawkins, Kenneth	Hinch, Richard	Hogan, Edith
Hogan, Timothy	Holden, Frank	Hopper, Gary	Hutchinson, Winfred
Infantine, William	Jasper, Shawn	Jeudy, Jean	Krasucki, Joseph

Kurk, Neal
 McClarren, Donald
 Ohm, Bill
 Pilotte, Maurice
 Renzullo, Andrew
 Rosenwald, Cindy
 Stepanek, Stephen
 Thomas, Joseph
 Willette, Robert

LeBrun, Donald
 McGuinness, Sean
 Palmer, Barry
 Porter, Marjorie
 Rhodes, Brian
 Rowe, Robert
 Stroud, Kathleen
 Ulery, Jordan

Leishman, Peter
 Messier, Irene
 Parison, James
 Proulx, Mark
 Robbins, David
 Shaw, Barbara
 Sullivan, Daniel
 Villeneuve, Moe

Long, Patrick
 Moran, Edward
 Pellegrino, Tony
 Ramsey, Peter
 Rokas, Ted
 Silva, Peter
 Terrio, Ross
 Whitehead, Randall

MERRIMACK

Bouchard, Candace
 Frazer, June
 Hill, Gregory
 Kreis, Kenneth Sr
 MacKay, James
 Patten, Dick
 Sanborn, Laurie
 Williams, Robert

Deloge, Helen
 Gile, Mary
 Keane, Thomas
 Lauer-Rago, Kathleen
 McDonnell, John
 Potter, Frances
 Shurtleff, Stephen
 Winter, Steven

DeStefano, Stephen
 Hamm, Christine
 Kidder, David
 Lindsley, Mark
 Owen, Derek
 Reed, Dennis
 Wallner, Mary Jane

Foose, Robert
 Hess, David
 Kotowski, Frank
 Lockwood, Priscilla
 Palfrey, David
 Richardson, Gary
 Watrous, Rick

ROCKINGHAM

Abrami, Patrick
 Bettencourt, David
 Copeland, Timothy
 DiPentima, Rich
 Fesh, Robert
 Hagan, Joseph
 Kappler, Lawrence
 Mauro, Donna
 Nevins, Chris
 Pantelakos, Laura
 Read, Robin Jr
 Schlachman, Donna
 Smith, William
 Tasker, Kyle
 Waterhouse, Kevin

Allen, Mary
 Cali-Pitts, Jacqueline
 Davenport, Joshua
 Duarte, Joe
 Garcia, Marilinda
 Headd, James
 Katsakiores, Phyllis
 McKinney, Betsy
 Norelli, Terie
 Perkins, Lawrence
 Rice, Frederick
 Sedensky, John
 Sullivan, James
 Tucker, Pamela
 Webb, James

Azarian, Gary
 Charron, Gene
 DeSimone, Debra
 Elliott, Robert
 Garrity, James
 Introne, Robert
 Lovejoy, Patricia
 Moody, Marcia
 O'Connor, John
 Quandt, Marshall
 Ritter, Glenn
 Serlin, Christopher
 Sullivan, Kevin
 Waddell, James
 Welch, David

Bates, David
 Chirichiello, Brian
 Devine, James
 Ferrante, Beverly
 Griffin, Mary
 Janvrin, Kevin
 Lundgren, David
 Murphy, Brian
 Packard, Sherman
 Quandt, Matt
 Sanders, Elisabeth
 Shuler, Wyman III
 Sytek, John
 Ward, Joanne
 Weyler, Kenneth

STRAFFORD

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

Brown, Julie
 Hooper, Dorothea
 Munck, Philip
 Pitre, Joseph
 Spang, Judith
 Weeden, Michael

Cataldo, Sam
 Horrigan, Timothy
 Newton, Clifford
 Roberts, Jenna
 Sprague, Dale

Ginsburg, Philip
 Kaen, Naida
 O'Connor, William
 Schmidt, Peter
 Wall, Janet

SULLIVAN

Cloutier, John
 Rodeschin, Beverly

Gagnon, Raymond
 Schmidt, Andrew

Lefebvre, Benjamin

Lovett, Charlene

Comtois, Guy	Malone, Robert	Swinford, Elaine	Worsman, Colette
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CARROLL

McCarthy, Frank	Pettengill, Laurie	Tregenza, Norman
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CHESHIRE

Byrnes, John	Cartwright, Anne	Hunt, John	Moore, Charles
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COOS

Daugherty, Duffy	Tholl, John Jr
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GRAFTON

Bradley, Lester	Ingbretson, Paul	Sova, Charles
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HILLSBOROUGH

Avard, Kevin	Ball, J. Michael	Bergevin, Jerry	Brown, Kevin
Burt, John	Daniels, Gary	DeJong, Cameron	Hansen, Peter
Hardwick, Harry	Hikel, John	Lambert, George	Maltz, Jonathan
Murphy, Keith	Notter, Jeanine	Ober, Lynne	Ober, Russell III
Palmer, Stephen	Peterson, Lenette	Pratt, Calvin	Seidel, Carl
Simmons, Tammy	Soucy, Connie	Souza, Kathleen	Swank, Matthew
Twombly, Timothy	Vaillancourt, Steve	Warden, Mark	

MERRIMACK

Blankenbeker, Lynne	Cohn, Seth	Giuda, J. Brandon	Hoell, J.R.
McGuire, Carol	McGuire, Dan	Seaworth, G. Brian	Smith, Molly
Soltani, Tony			

ROCKINGHAM

Antosz, Jason	Baldasaro, Alfred	Brown, Paul	Comerford, Timothy
Hoelzel, Kathleen	Itse, Daniel	Kolodziej, Walter	Manuse, Andrew
Perkins, Amy	Reagan, John	Reichard, Kevin	Schroadter, Adam
Sheffert, Kenneth	Tamburello, Daniel	Tremblay, Stella	

STRAFFORD

Andolina, Donald	DeLemus, Susan	Groen, Warren	Jones, Kyle
Jones, Laura	Leonard, Frederick Jr	Parsons, Robbie	Vita, Carol
Vita, Lucien			

SULLIVAN

Bowers, Spec	Cunningham, Steven	Howard, Thomas	Laware, Thomas
Osgood, Joe	Smith, Steven		

and the majority committee report was adopted.

SPECIAL ORDERED

Rep. Gary Richardson moved that **CACR 8**, relating to education. Providing that the legislature shall have the power to authorize schools, be made a Special Order as the next order of business.

Rep. Norelli requested a roll call; sufficiently seconded.

YEAS 328 NAYS 19

YEAS 328

BELKNAP

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

CARROLL

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

CHESHIRE

Butynski, William	Byrnes, John	Chase, Cynthia	Dwinell, Richard
Hawkes, Samuel	Hunt, John	Johnsen, Gladys	Johnson, Jane
Lerandeau, Alfred	Lindsey, Steven	Meador, David	Moore, Charles
Moore, Robert Jr	Roberts, Kris	Smith, Edwin	Sterling, Franklin Jr
Tatro, Bruce	Weber, Lucy	Weed, Charles	

COOS

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

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Bradley, Lester
Brosseau, Charles	Bulis, Lyle	Cooney, Mary	Gionet, Edmond
Gould, Franklin	Harding, Laurie	Ingbretson, Paul	Ladd, Rick Jr
Mirski, Paul	Nordgren, Sharon	Pastor, Beatriz	Pierce, David
Shackett, Jeffrey	Simard, Paul	Smith, Suzanne	Sova, Charles
Taylor, Kathleen	Townsend, Charles	White, Andrew	

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Baroody, Benjamin
Barry, Richard	Belanger, James	Belvin, William	Bergevin, Jerry
Boehm, Ralph	Brown, Kevin	Brownrigg, Randall Jr	Burt, John
Campbell, David	Cebrowski, John	Christensen, D.L.	Christiansen, Lars
		Chris	
Coffey, James	Condra, William	Cote, David	Coughlin, Sean
Cusson-Cail, Kathleen	Daler, Jennifer	Daniels, Gary	DeJong, Cameron
Doherty, Shaun	Donovan, Daniel	Drisko, Richard	Erickson, Duane
Flanagan, Jack	Fredette, Robert	Gagne, Larry	Gandia, Laura
Gargas, Carolyn	Garrity, Patrick	Gimas, John	Goley, Jeffrey
Gonzalez, Carlos	Gorman, Mary	Graham, John	Hansen, Peter
Hardwick, Harry	Hawkins, Kenneth	Hikel, John	Hinch, Richard
Hogan, Edith	Hogan, Timothy	Holden, Frank	Hopper, Gary
Hutchinson, Winfred	Jasper, Shawn	Jeudy, Jean	Krasucki, Joseph

Kurk, Neal
Long, Patrick
Moran, Edward
Ober, Russell III
Parison, James
Porter, Marjorie
Renzullo, Andrew
Rosenwald, Cindy
Silva, Peter
Stroud, Kathleen
Ulery, Jordan
Willette, Robert

Lambert, George
Maltz, Jonathan
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Pratt, Calvin
Rhodes, Brian
Rowe, Robert
Simmons, Tammy
Sullivan, Daniel
Villeneuve, Moe

LeBrun, Donald
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Peterson, Lenette
Proulx, Mark
Robbins, David
Seidel, Carl
Souza, Kathleen
Swank, Matthew
Warden, Mark

Leishman, Peter
Messier, Irene
Ober, Lynne
Palmer, Stephen
Pilotte, Maurice
Ramsey, Peter
Rokas, Ted
Shaw, Barbara
Stepanek, Stephen
Thomas, Joseph
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
DeStefano, Stephen
Giuda, J. Brandon
Keane, Thomas
Lauer-Rago, Kathleen
McDonnell, John
Palfrey, David
Sanborn, Laurie
Soltani, Tony
Winter, Steven

Bouchard, Candace
Foose, Robert
Hamm, Christine
Kidder, David
Lindsley, Mark
McGuire, Carol
Patten, Dick
Seaworth, G. Brian
Wallner, Mary Jane

Cohn, Seth
Frazer, June
Hess, David
Kotowski, Frank
Lockwood, Priscilla
McGuire, Dan
Potter, Frances
Shurtleff, Stephen
Watrous, Rick

Deloge, Helen
Gile, Mary
Hill, Gregory
Kreis, Kenneth Sr
MacKay, James
Owen, Derek
Richardson, Gary
Smith, Molly
Williams, Robert

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Cali-Pitts, Jacqueline
Copeland, Timothy
DiPentima, Rich
Fesh, Robert
Hagan, Joseph
Janvrin, Kevin
Lovejoy, Patricia
Moody, Marcia
O'Connor, John
Perkins, Lawrence
Reagan, John
Sanders, Elisabeth
Serlin, Christopher
Sullivan, James
Tasker, Kyle
Ward, Joanne

Allen, Mary
Bates, David
Charron, Gene
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Lundgren, David
Murphy, Brian
Packard, Sherman
Quandt, Marshall
Reichard, Kevin
Schlachman, Donna
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin

Antosz, Jason
Bettencourt, David
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Nevins, Chris
Pantelakos, Laura
Quandt, Matt
Rice, Frederick
Schroadter, Adam
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Webb, James

Azarian, Gary
Brown, Paul
Comerford, Timothy
Devine, James
Ferrante, Beverly
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Mauro, Donna
Norelli, Terie
Perkins, Amy
Read, Robin Jr
Ritter, Glenn
Sedensky, John
Smith, William
Tamburello, Daniel
Waddell, James
Welch, David

STRAFFORD

Andolina, Donald
DeLemus, Susan
Hooper, Dorothea
Kaen, Naida
Newton, Clifford
Pitre, Joseph
Spang, Judith
Watters, David

Berube, Roger
Ginsburg, Philip
Horrigan, Timothy
Keans, Sandra
O'Connor, William
Roberts, Jenna
Sprague, Dale
Weeden, Michael

Brown, Julie
Grassie, Anne
Jones, Kyle
Leonard, Frederick Jr
Parsons, Robbie
Schmidt, Peter
Vita, Carol

Cataldo, Sam
Groen, Warren
Jones, Laura
Munck, Philip
Perry, Robert
Spainhower, Dale
Wall, Janet

SULLIVAN

Bowers, Spec
Laware, Thomas
Rodeschin, Beverly

Cloutier, John
Lefebvre, Benjamin
Schmidt, Andrew

Gagnon, Raymond
Lovett, Charlene
Smith, Steven

Howard, Thomas
Osgood, Joe

NAYS 19

BELKNAP

Comtois, Guy

CARROLL

None

CHESHIRE

Cartwright, Anne

Parkhurst, Henry

COOS

None

GRAFTON

None

HILLSBOROUGH

Buxton, Michael
Terrio, Ross

Infantine, William
Twombly, Timothy

McClarren, Donald
Vaillancourt, Steve

Soucy, Connie

MERRIMACK

Hoell, J.R.

Reed, Dennis

ROCKINGHAM

Itse, Daniel
Weyler, Kenneth

McKinney, Betsy

McMahon, Charles

Sapareto, Frank

STRAFFORD

Vita, Lucien

SULLIVAN

Cunningham, Steven
and the motion was adopted.

SPECIAL ORDER

CACR 8, relating to education. Providing that the legislature shall have the power to authorize schools. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael A. Balboni for the Majority of Education: CACR 8 restores the people's right to local control of education and the authority of the legislature in education and education funding. In 1968, NH ballots included Question No. 3, a proposed Constitutional amendment which read: "Are you in favor of amending Article 6 of Part I of the Constitution so as to

strike out certain specific sectarian references....” The ballot question included this summary of the original Article 6: “Article 6 authorizes local public taxation for the support of ‘Protestant’ clergymen only, and promises equal protection of the law solely to ‘every denomination of Christians’.” The ballot question provided voters with the following explanation of the effect of the proposed amendment: “If the amendment is adopted,... the above-described sectarian references will be stricken from the state constitution, putting all religious denominations on a basis of equality and removing the present conflict with the U.S. Constitution.” Though the voters were told that only the sectarian references were to be removed, the actual amendment language went far beyond this. The amendment also removed and altered several non-religious phrases in the Article, and these changes were not explained to the voters. CACR 8 would give the people the opportunity to restore to their Constitution the non-religious aspects that were removed in 1968. These restorations include the following: the purpose of education as being to teach the fundamental principles of the Constitution so that the people are better able to control their government; empowering the legislature to authorize schools, to create and regulate public schools; providing school districts the exclusive control over the selection of their teachers and their compensation; the school district’s control over curriculum which is inherent in the original Article’s exclusive control over the selection of teachers; and each school district’s responsibility as the first payers of education expense consistent with the exclusive control over teacher selection and compensation and curriculum selection. CACR 8 then proposes two further changes: it ratifies judicial opinions which enable the state to pay for non-religious education at religious schools; and it clarifies the legislature’s power to supplement local funding of public education. The first change makes clearly and permanently constitutional the state’s current practices such as funding the non-religious education component for special needs students as required, for example, under federal special ed regulations, and the giving of scholarships to nursing students for the non-religious part of their education at religious schools. The second part ensures that the state funding of education will be consistent with the coordinating Articles of the Constitution of New Hampshire, specifically Part I, Articles 12, 28 and 29 and Part II, Articles 2 and 5 which make the legislature the supreme policy body of the state, and the only body capable of determining state spending. CACR 8 can be summed up as restoring the local control of education and the authority of the legislature in regard to education and education funding; thereby returning the people firmly in control of public education. Vote 10-5.

Rep. June M. Frazer for the Minority of Education: Objection 1. State funding of Education. Article 6 states that the parishes, et al, “have the right of . . . contracting with them [their teachers] for their support or maintenance, or both.” It does not say that the parishes, et al, have the sole obligation for support or maintenance of their teachers. The amendment to this passage – adding the word “exclusive” before “the right” – takes the state completely out of funding for support and maintenance of teachers. A further amendment statement nails this down and expands “support and maintenance” of teachers to support and maintenance of “schools” “The several political subdivisions for public education, charter schools, parishes, bodies corporate..., shall make adequate provision at their own expense, for their schools, provided that the Legislature may supplement that provision in the manner and degree that the Legislature finds most beneficial to the general good. This amendment takes away all obligation for the state to fund public education. Objection 2. State support of religious schools. The second-to-last sentence of Article 6 states that “no person shall ever be compelled to pay toward the schools of any sect or denomination.” In deleting the word “schools” and substituting the words “religious education,” the amendment opens the door to public funding of religious schools, which the constitution emphatically states that no person (i.e., taxpayer) should ever have to do. This amendment allows for state funding of religious schools.

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

Rep. Gorman spoke against.

Rep. Hoell spoke in favor and yielded to questions.

Rep. Gary Richardson spoke against and yielded to questions.

Rep. Laura Jones spoke in favor.

Speaker O'Brien requested a roll call; sufficiently seconded.

YEAS 219 NAYS 127

YEAS 219

BELKNAP

Accornero, Harry
Kingsbury, Robert
Russell, David
Worsman, Colette

Comtois, Guy
Luther, Robert
Simpson, Tyler

Fields, Dennis
Malone, Robert
Swinford, Elaine

Flanders, Donald
Pilliod, James
Tilton, Franklin

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie

Babson, David Jr
McConkey, Mark
Schmidt, Stephen

Chandler, Gene
Merrow, Harry
Tregenza, Norman

Fleck, Joseph
Patten, Betsey
Umberger, Karen

CHESHIRE

Byrnes, John
Johnson, Jane
Sterling, Franklin Jr

Cartwright, Anne
Moore, Charles

Dwinell, Richard
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Ingbretson, Paul
Sova, Charles

Brosseau, Charles
Ladd, Rick Jr

Bulis, Lyle
Mirski, Paul

Gionet, Edmond
Simard, Paul

HILLSBOROUGH

Avard, Kevin
Belanger, James
Brownrigg, Randall Jr
Christensen, D.L.
Chris

Balboni, Michael
Bergevin, Jerry
Burt, John
Christiansen, Lars

Ball, J. Michael
Boehm, Ralph
Buxton, Michael
Condra, William

Barry, Richard
Brown, Kevin
Cebrowski, John
Coughlin, Sean

Daniels, Gary
Drisko, Richard
Gandia, Laura
Hawkins, Kenneth
Hogan, Timothy
Infantine, William
LeBrun, Donald
Murphy, Keith
Palmer, Barry
Peterson, Lenette
Scontsas, Lisa

DeJong, Cameron
Erickson, Duane
Gonzalez, Carlos
Hikel, John
Holden, Frank
Jasper, Shawn
Maltz, Jonathan
Notter, Jeanine
Palmer, Stephen
Pratt, Calvin
Seidel, Carl

Doherty, Shaun
Flanagan, Jack
Hansen, Peter
Hinch, Richard
Hopper, Gary
Krasucki, Joseph
McClarren, Donald
Ober, Lynne
Parison, James
Proulx, Mark
Silva, Peter

Donovan, Daniel
Gagne, Larry
Hardwick, Harry
Hogan, Edith
Hutchinson, Winfred
Lambert, George
McGuinness, Sean
Ohm, Bill
Pellegrino, Tony
Renzullo, Andrew
Simmons, Tammy

Soucy, Connie
Swank, Matthew
Ulery, Jordan
Willette, Robert

Souza, Kathleen
Terrio, Ross
Villeneuve, Moe

Stepanek, Stephen
Thomas, Joseph
Warden, Mark

Stroud, Kathleen
Twombly, Timothy
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Seaworth, G. Brian

Cohn, Seth
Keane, Thomas
Lindsley, Mark
Palfrey, David
Smith, Molly

Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Reed, Dennis
Soltani, Tony

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

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Charron, Gene
Devine, James
Garcia, Marilinda
Hoelzel, Kathleen
Katsakiores, Phyllis
McKinney, Betsy
Packard, Sherman
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Weyler, Kenneth

Allen, Mary
Bates, David
Comerford, Timothy
Duarte, Joe
Griffin, Mary
Introne, Robert
Kolodziej, Walter
McMahon, Charles
Perkins, Amy
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Sytek, John
Tucker, Pamela

Antosz, Jason
Bettencourt, David
Davenport, Joshua
Ferrante, Beverly
Hagan, Joseph
Itse, Daniel
Manuse, Andrew
Murphy, Brian
Perkins, Lawrence
Reichard, Kevin
Schroadter, Adam
Smith, William
Tamburello, Daniel
Ward, Joanne

Azarian, Gary
Brown, Paul
DeSimone, Debra
Fesh, Robert
Headd, James
Kappler, Lawrence
Mauro, Donna
Nevins, Chris
Quandt, Marshall
Rice, Frederick
Sedensky, John
Sullivan, James
Tasker, Kyle
Welch, David

STRAFFORD

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

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

DeLemus, Susan
Leonard, Frederick Jr
Parsons, Robbie

Groen, Warren
Munck, Philip
Pitre, Joseph

SULLIVAN

Bowers, Spec
Osgood, Joe

Cunningham, Steven
Rodeschin, Beverly

Howard, Thomas
Smith, Steven

Laware, Thomas

NAYS 127

BELKNAP

Bolster, Peter

Millham, Alida

St. Cyr, Jeffrey

CARROLL

Knox, J. David

CHESHIRE

Butynski, William
Lerandeau, Alfred
Roberts, Kris

Chase, Cynthia
Lindsey, Steven
Tatro, Bruce

Hawkes, Samuel
Meader, David
Weber, Lucy

Johnsen, Gladys
Parkhurst, Henry
Weed, Charles

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William
Thomas, Yvonne

Merrick, Evalyn

Remick, William

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David
Townsend, Charles

Almy, Susan
Harding, Laurie
Shackett, Jeffrey
White, Andrew

Benn, Bernard
Nordgren, Sharon
Smith, Suzanne

Cooney, Mary
Pastor, Beatriz
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Gargas, Carolyn
Gorman, Mary
Leishman, Peter
Ober, Russell III
Rhodes, Brian
Rowe, Robert

Belvin, William
Cusson-Cail, Kathleen
Garrity, Patrick
Graham, John
Long, Patrick
Pilotte, Maurice
Robbins, David
Shaw, Barbara

Campbell, David
Daler, Jennifer
Gimas, John
Jeudy, Jean
Messier, Irene
Porter, Marjorie
Rokas, Ted
Sullivan, Daniel

Coffey, James
Fredette, Robert
Goley, Jeffrey
Kurk, Neal
Moran, Edward
Ramsey, Peter
Rosenwald, Cindy
Vaillancourt, Steve

MERRIMACK

Bouchard, Candace
Frazer, June
Lockwood, Priscilla
Potter, Frances
Watrous, Rick

Deloge, Helen
Gile, Mary
MacKay, James
Richardson, Gary
Williams, Robert

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

Foose, Robert
Kidder, David
Patten, Dick
Wallner, Mary Jane

ROCKINGHAM

Cali-Pitts, Jacqueline
Elliott, Robert
Lundgren, David
Pantelakos, Laura
Serlin, Christopher

Chirichiello, Brian
Garrity, James
Moody, Marcia
Read, Robin Jr
Waddell, James

Copeland, Timothy
Janvrin, Kevin
Norelli, Terie
Sapareto, Frank
Waterhouse, Kevin

DiPentima, Rich
Lovejoy, Patricia
O'Connor, John
Schlachman, Donna
Webb, James

STRAFFORD

Berube, Roger
Hooper, Dorothea
Perry, Robert
Sprague, Judith

Brown, Julie
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

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

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

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond

Lefebvre, Benjamin

Lovett, Charlene

and the majority committee report failed lacking the necessary three-fifths vote.

Rep. Balboni moved Recommit and spoke in favor.

Rep. Gary Richardson spoke against.

MOTION TO LAY ON THE TABLE

Rep. Vaillancourt moved that **CACR 8**, relating to education. Providing that the legislature shall have the power to authorize schools, be laid on the table.

On a division vote, 114 members having voted in the affirmative and 234 in the negative, the motion failed.

The question now being the motion to Recommit.

On a division vote, 246 members having voted in the affirmative and 103 in the negative, the motion was adopted.

Recommitted to the committee on Education.

REGULAR CALENDAR – 2011 RETAINED BILLS (CONT'D)

HB 212, relative to the definition of conflict of interest for executive branch officials and employees. **REFER FOR INTERIM STUDY.**

Rep. Shaun S. Doherty for Election Law: The committee feels it is best to take a further look at the issue of conflicts of interest among employees of the executive branch. During subcommittee meetings, we saw merit in studying a potential conflict arising from an employee of the executive branch accepting compensation from a campaign committee that directly supports the employees. Vote 15-4.

Committee report adopted.

HB 356-FN, requiring valid photo identification to vote in person. **REFER FOR INTERIM STUDY.**

Rep. David Bates for Election Law: This bill is a bill that would require voters to show photo identification in order to vote in person. Earlier this year the committee retained this bill at the request of the prime sponsor. After the legislature failed to override the Governor's veto of SB 129, we turned to HB 356 as a vehicle to develop another approach for voter ID legislation. A subcommittee worked diligently to produce a solution that does not rely upon provisional ballots. Members of the subcommittee created and considered five different amendments including the one the subcommittee adopted the morning of the executive session. The majority of the committee strongly supports the goal of creating and passing legislation that requires proof of ID when voting. However, the majority did not believe we had arrived at language that was ready to pass. Vote 10-9.

On a division vote, 300 members having voted in the affirmative and 35 in the negative, the committee report was adopted.

HB 325-FN, relative to the purchase of ill animals from licensed animal vendors and inspections of animal vendor premises by the state veterinarian. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Tara A. Sad for the Majority of Environment and Agriculture: This bill, as amended, makes two changes to RSA 437, sale of pets and disposition of unclaimed animals.

Currently, in order to satisfy the demand for dogs and cats in the state, thousands of pets are being transported into New Hampshire each year from other states and even other countries (last year approximately 6,000 dogs were imported into NH). Currently the department of agriculture and the state veterinarian have no way to prevent sick and infected dogs and cats from being introduced into our state upon crossing state lines, and as a result new infectious diseases have been introduced into our existing animal population that were never present in the past. This bill will require a two-day quarantine of any imported dog, cat or ferret in a facility licensed by the department. This quarantine period will bring us into line with requirements in other New England states. In addition, the bill will allow a sick pet to be sold or adopted by a person who is informed of the animal's condition and is willing to accept the responsibility and cost involved in taking the animal. Currently, no sale or transfer is allowed, even to a willing adopter. Vote 10-2.

Rep. John T. O'Connor for the Minority of Environment and Agriculture: We are concerned that the waiver would allow for the transfer of animal with infectious diseases. Our further concern is with the 48 hour holding period in that the location of the licensed facility is too

broadly undefined, whereas the transferring of the animals could be exposed to the elements.

Majority Amendment (2796h)

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

AN ACT relative to the transfer of animals from licensed animal vendors.

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

1 Transfer of Animals. Amend RSA 437:10 to read as follows:

437:10 Dogs, Cats, and Ferrets.

I. No dog, cat, or ferret shall be offered for transfer by a licensee without first being protected against infectious diseases using a vaccine approved by the state veterinarian and unless accompanied by an official health certificate issued by a licensed veterinarian ~~in accordance with RSA 437:8~~ within 14 days of transfer. Said certificate shall be in triplicate, one copy of which shall be sent to the state veterinarian, one copy of which shall be for the licensee's records, and one copy of which shall be given to the transferee upon transfer as provided in paragraph II. If an official health certificate is produced, it shall be prima facie evidence of transfer.

II. The original of the official health certificate accompanying the dog, cat, or ferret offered for transfer by a licensee shall be kept on the premises where dogs, cats, and ferrets are displayed, and made available for inspection upon request. The public will be informed of their right to inspect the health certificate for each dog, cat, or ferret by a sign prominently displayed in the area where the dogs, cats, or ferrets are displayed. Upon transfer of the dog, cat, or ferret, this health certificate shall be updated by the licensee if any other medication or treatment has been given by a licensed veterinarian or the licensee to the dog, cat, or ferret and shall be given to the transferee in addition to any other documents which are customarily delivered to the transferee. ***The transferee may accept a dog, cat, or ferret that has failed its examination by a licensed veterinarian for an official health certificate under paragraph I by signing a waiver that indicates the transferee has knowledge of the dog, cat, or ferret's medical condition and then submitting such waiver to the licensee and to the state veterinarian.***

III. Animal shelter facilities, as defined in RSA 437:2, I, are exempt from the requirements of this section relative to transferring dogs, cats, and ferrets except that:

(a) All animal shelter facilities shall have on premises a microchip scanner and shall maintain a file of recognized pet retrieval agencies including but not limited to national tattoo or microchip registries.

(b) Where an owner is not known, all animal shelter facilities shall inspect for tattoos, ear tags, or other permanent forms of positive identification and shall scan for a microchip upon admission of an unclaimed or abandoned animal as defined in RSA 437:18, IV and prior to transferring ownership of an unclaimed or abandoned animal.

(c) All animal shelters shall comply with the provisions of ***RSA 437:10, V***, RSA 437:13-a, IV, and RSA 466:6-a, IV.

IV. No person, firm, or corporation shall ship or bring into the state of New Hampshire, to offer for transfer in the state of New Hampshire, any cat, dog, or ferret less than 8 weeks of age. No licensee shall offer for transfer any cat, dog, or ferret less than 8 weeks of age.

V. ~~[All dogs, cats, and ferrets received for transfer]~~ ***Once a dog, cat, or ferret intended for transfer has entered the state, it shall be held at least 48 hours at a facility licensed under RSA 437:1*** separated from other animals on the premises before being offered for transfer.

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

AMENDED ANALYSIS

This bill:

I. Allows transferees to accept a sick or injured animal if the transferee has knowledge of the sickness or injury.

II. Requires that transferred animals be held for 48 hours at a licensed facility before their transfer.

Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

HB 137-FN-L, relative to the state fire code and the state building code. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Calvin D. Pratt for Executive Departments and Administration: This bill updates references to the most recent version of the codes in the state building code and defines the state fire code. In addition, it authorizes the fire marshal to adopt and enforce a state fire prevention code and clarifies the authority of the fire marshal to inspect and issue permits for state buildings, including those of the university system. This bill revises the membership and duties of the building code review board. Finally, it ratifies amendments to the state building code made by the building code review board from 2010 up to July 1, 2011. Vote 11-5.

Amendment (2786h)

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

1 State Fire Code and State Fire Prevention Code; Rules. Amend RSA 153:5 to read as follows:

153:5 ***State Fire Code and Fire Prevention Code; Rules.***

I. The state fire marshal shall adopt rules, with the approval of the commissioner of safety, to be known as the state fire ***prevention*** code, pursuant to RSA 541-A, to further the purposes of this chapter and such applicable fire safety ~~[and building]~~ laws as he ***or she*** shall deem necessary for the protection from fire and fire hazards for people in the state and for the general welfare of property and people within the state. The rules ~~[may include, but not be limited to,]~~ ***shall be limited to the following:***

(a) The elimination of fire hazards.

(b) The design and maintenance of life safety features in all occupancy classifications to minimize danger to life from the effects of fire, including smoke, heat, and toxic gases produced by fire.

(c) The design, installation, and maintenance of structures and equipment used for hazardous materials, and the storage, use, manufacture, sale, handling, on-site transportation, transfer, and disposal of hazardous materials, flammable and combustible materials, and hazardous liquids.

(d) The design, installation, and maintenance of fire protection systems, such as automatic fire suppression systems, fire alarm systems, fire detection systems, and portable fire equipment.

(e) The design, installation, and maintenance of heating appliances and equipment, such as solid, liquid, or gas fired fuel burning appliances.

(f) The water supply, access requirements, and conditions that affect firefighter safety for fire department operations.

(g) The keeping, storage, use, manufacture, sale, handling, transportation, or disposal of highly flammable materials and rubbish, and of flammable fluids and ***hazardous*** compounds and flammable tablets and may include standards for the materials and construction of receptacles and buildings to be used for any of these purposes.

II. The fire marshal, ***with approval of the commissioner of safety***, may adopt ***as the state fire prevention code for the purposes of storage, operations, and maintenance of existing buildings, structures, and equipment*** the most recent edition of the provisions of the national fire protection association code or other recognized codes ***and standards*** as rules, in whole or in part; however, such rules shall not require automatic suppressant or sprinkler systems in detached one- or 2-family dwelling units in a structure used only for residential purposes~~[, in areas of buildings or additions in which the discharge~~

~~of water would be undesirable as determined by the state fire marshal, or in rooms or areas containing either generators, transformers, telecommunications equipment or facilities, or electronic data processing equipment, or in telecommunications or electric utility company equipment buildings or areas occupied exclusively for telecommunications equipment, electrical transformation and switching equipment, associated electrical distribution equipment, batteries, and standby engines or generators, provided that those spaces or areas are equipped throughout with an automatic fire detection system].~~ The rules, **known as the state fire prevention code**, shall apply to the ~~[construction and remodeling of]~~ **operation and maintenance of** buildings and structures for the containment of flammable liquids and to the **operation and maintenance**, new installation, and replacement of equipment used in connection with flammable liquids. The rules shall apply to existing buildings, structures, or equipment. The fire marshal may exempt a building, structure, or equipment from such rules if he or she finds that such exemption does not constitute a hazard to the public welfare and safety. A reasonable time, as determined by the state fire marshal, shall be allowed to make necessary alterations. Nothing in this section shall be construed to prevent municipalities from adopting bylaws or ordinances relative to a subject area of rules adopted by the fire marshal in accordance with this section if such bylaws or ordinances are no less restrictive than those adopted by the fire marshal.

III. The fire marshal and fire chief, in accordance with RSA 154:2, shall use the state fire code as defined in RSA 155-A:1, as reviewed and amended by the state building code review board, and any local codes adopted in accordance with RSA 47:22 or RSA 155-A:3, for the purposes of new construction, additions, and alterations. It is the intent of the legislature that there be no conflict between the state building code and state fire code in their adoption or application.

IV. All rules proposed by the fire marshal which amend an existing state fire code shall be submitted to and approved by the state building code review board and shall be subject to legislative ratification pursuant to RSA 155-A:10, IV and V. These rules shall be updated within one year of the legislative ratification of amendments to the state building code either by the initiation of the state fire marshal or the building code review board.

2 Approval of Plans for Construction or Revision of all State Buildings. Amend RSA 153:8-a, I to read as follows:

I. The state fire marshal or, by his **or her** direction, the deputy fire marshal shall be ~~[solely]~~ responsible for:

(a) Approval of all plans for construction or revision of all state buildings and properties, including the university system, as to compliance with ~~[fire safety measures]~~ **the state building code**;

(b) Enforcement of the most recent edition of the ~~[Life Safety Code, NFPA Doc. No. 101, in rules adopted by the state fire marshal with the approval of the commissioner of safety under this chapter]~~ **state fire prevention code**;

(c) ~~[Granting variances or exceptions to the most recent edition of the Life Safety Code, NFPA Doc. No. 101, in rules adopted by the state fire marshal under this chapter. The state fire marshal,]~~ With approval of the commissioner of safety, ~~[shall adopt]~~ **adoption of** rules, pursuant to RSA 541-A, relative to the granting of exceptions or variances under this paragraph, and rules to be known as the state fire **prevention** code as provided in RSA 153:5.

(d) Development, in consultation with the commissioner of safety and the commissioner of transportation, of a schedule for the periodic safety inspection of all occupied public buildings owned by the state.

3 New Hampshire Building Code; Definition of Building. Amend RSA 155-A:1, I to read as follows:

I. "Building" means building as defined and interpreted by the International Code Council's International Building Code [2006] **2009, as amended by the state building code review board and ratified by the legislature in accordance with RSA 155-A:10.**

4 New Hampshire Building Code; Definition of Local Enforcement Agency and New Hampshire Building Code. Amend RSA 155-A:1, III and IV to read as follows:

III. "Local enforcement agency" means for a municipality that has adopted enforcement provisions or additional regulations under RSA 674:51 **or RSA 47:22**, the building inspector, **code official**, or other local government official ~~[with authority]~~ **qualified and authorized** to make inspections and to enforce the laws, ordinances, and rules enacted by the state and by local government that establish standards and requirements applicable to the construction, alteration, or repair of buildings. **For the purpose of enforcement of the state fire code for buildings and structures not owned by the state, the local enforcement agency means the municipal fire chief or his or her representative.**

IV. "New Hampshire building code" or "state building code" means the adoption by reference of the International Building Code [2006] **2009, the International Existing Building Code 2009**, the International Plumbing Code [2006] **2009**, the International Mechanical Code [2006] **2009**, the International Energy Conservation Code [2006] **2009**, and the International Residential Code [2006] **2009**, as published by the International Code Council, and the National Electric Code [2008] **2011, as amended by the state building code review board and ratified by the legislature in accordance with RSA 155-A:10.** The provisions of any other national code or model code referred to within a code listed in this definition shall not be included in the state building code unless specifically included in the codes listed in this definition.

5 New Paragraph; Definition of New Hampshire Fire Code Added. Amend RSA 155-A:1 by inserting after paragraph IV the following new paragraph:

IV-a. "New Hampshire fire code" or "state fire code" means the adoption by reference of the Life Safety Code 2009 Edition and Uniform Fire Code NFPA 1, 2009 Edition, as published by the National Fire Protection Association and as amended by the state building code review board and ratified by the legislature in accordance with RSA 155-A:10. The provisions of any other national code, model code, or standard referred to within a code listed in this definition shall be included in the state fire code unless amended in accordance with RSA 155-A:10.

6 New Hampshire Building Code; Definition of Structure. Amend RSA 155-A:1, VI to read as follows:

VI. "Structure" means structure as defined and interpreted by the International Code Council's International Building Code [2006] **2009, as amended by the state building code review board and ratified by the legislature in accordance with RSA 155-A:10.**

7 State Building Code. Amend RSA 155-A:2 to read as follows:

155-A:2 State Building Code.

I. ~~[Except as provided in paragraphs II and III,]~~ All buildings, building components, and structures constructed in New Hampshire ~~[beginning one year after the effective date of the section,]~~ shall comply with the state building code and state fire **prevention** code. The construction, design, structure, maintenance, and use of all buildings or structures to be erected and the alteration, renovation, rehabilitation, repair, ~~[maintenance,]~~ removal, or demolition of all buildings and structures previously erected shall be governed by the provisions of the state building code.

II. ~~[Standards, including definitions, established by the most recent edition of the Life Safety Code, NFPA Doc. No. 101, shall take precedence over all standards in the state building code relative to means of egress.]~~

III. ~~All new buildings shall conform to the requirements of the state fire code adopted pursuant to RSA 153:5 and]~~ To the extent that there is any conflict between the

state building code and the state fire **prevention** code, the ~~[state fire]~~ code **creating the greater degree of life safety** shall take precedence ~~[unless otherwise determined by the board]~~, subject to the review provisions contained in RSA 155-A:10. ***If the building and fire code official cannot agree within 2 business days which code creates the greatest degree of life safety, the property owner may choose to comply with either the applicable building code or fire code.***

~~[IV.]~~ **III.** To the extent that it does not conflict with any other provision of law, and except as otherwise provided in this paragraph, the issuance of permits and the collection of fees pursuant to the state building code is expressly reserved for counties, towns, cities, and village districts ***where such activities have been authorized in accordance with RSA 674:51 and RSA 47:22.*** Pursuant to the state fire marshal's authority to enforce the state building code under RSA 155-A:7, I, the fire marshal may establish for municipalities that do not have a building inspector ***or other enforcement mechanism authorized in RSA 155-A:4,*** with approval of the commissioner of safety and by rules adopted under RSA 541-A, fees to defray the cost of issuing building permits in accordance with the state building code. Such fees shall be deposited in the fire standards and training and emergency medical services fund established in RSA 21-P:12-d.

~~[V.]~~ **IV.** Except for buildings owned by the state or the university system, the issuance of ***permits and*** certificates of occupancy pursuant to the state building code is expressly reserved for counties, towns, cities, and village districts. ***The state fire marshal shall issue permits and conduct inspections for buildings owned by the state and the university system. Nothing in this section shall prohibit the state fire marshal from contracting with or authorizing a local enforcement agency or other qualified third party for these services.***

~~[VI.]~~ **V.** Counties, towns, cities, and village districts may adopt by ordinance pursuant to RSA 674:51 ***or RSA 47:22*** any additional regulations provided that such regulations are not less stringent than the requirements of the state building code ***and the state fire prevention code*** ~~[pursuant to this chapter and the state fire code pursuant to RSA 153]~~.

~~[VII.]~~ **VI.** For any municipality which has not adopted an enforcement mechanism under RSA 674:51, the contractor of the building, building component, or structure shall notify the state fire marshal concerning the type of construction before construction begins excluding one- and 2-family dwellings. ***Any municipality that has not adopted an enforcement mechanism under RSA 674:51 may contract with a local enforcement agency or a qualified third party for these services.***

~~[VIII.]~~ **VII.** The contractor of a building, building component, or structure shall be responsible for meeting the minimum requirements of the state building code ***and state fire prevention code.*** No municipality shall be held liable for any failure on the part of a contractor to comply with the provisions of the state building code.

~~[IX.]~~ **VIII.** Nothing in this chapter shall be construed as amending, repealing, or superseding any local law, ordinance, code, or regulation, except local ~~[building]~~ code requirements that are less stringent than the state building code ***or state fire code,*** and all buildings, building components, and structures shall comply with all applicable state or local building and fire code requirements, land use restrictions including but not limited to subdivision regulations, use and location restrictions, density and dimensional limitations, or historic district laws or ordinances.

~~[X.]~~ **IX.** Nothing in this chapter shall be construed to permit or encourage the state to initiate or assume an independent role in the administration and enforcement of the New Hampshire building code for a building or structure that is not owned ~~[or operated]~~ by the state unless otherwise authorized by law.

~~[XI.]~~ **X.** No state agency, authority, board, or commission shall ***vary, modify, or waive the requirements of the*** state building code ***or state fire code,*** unless approved by the state building code review board pursuant to RSA 155-A. Nothing in this chapter shall

affect the statutory authority of ~~[the public utilities commission,]~~ **the commissioner of labor**, the state board for the licensing and regulation of plumbers, or the state electricians' board ~~[.]~~ to administer their respective programs, provided that any changes to codes ~~[adopted]~~ **proposed** under the rulemaking authority of these agencies shall not be ~~[implemented]~~ **enforced** until approved by the state building code review board.

8 Local Amendments; Application. Amend RSA 155-A:3, IV(b), to read as follows:

(b) Any provision of the state building code **or state fire code** that conflicts with existing or amended local ordinances, regulations, policies, practices, or procedures regarding the appointment, removal, or duties of municipal employees and the organization of municipal departments, shall not apply **provided that the ordinances, regulations, policies, practices, or procedures do not prevent effective enforcement of the state building code or state fire code.**

9 Permit Required. Amend RSA 155-A:4 to read as follows:

155-A:4 Permit Required. Before starting new construction or renovation of ~~[schools, halls, theaters or other public]~~ buildings **and structures as described in RSA 155-A:2, I**, the person responsible for such construction shall obtain a permit ~~[signed by the board of selectmen, after its due consideration of any written recommendations of the fire chief].~~

I. In municipalities that have adopted an enforcement mechanism pursuant to RSA 674:51 **and RSA 47:22**, the permit under this section shall conform to the locally adopted process. **No permit shall be issued that would not result in compliance with the state building code and state fire code.**

II. For buildings and structures owned by the state or the university system, the person responsible for such activities shall obtain a permit from the state fire marshal. Before issuing the permit, the state fire marshal shall give due consideration to any written recommendations of the fire chief, building official, or designee in the community where the state building is located.

10 Enforcement Authority. Amend 155-A:7, I is repealed and reenacted to read as follows:

I. The local enforcement agency appointed pursuant to RSA 674:51 or RSA 47:22 shall have the authority to enforce the provisions of the state building code and the local fire chief shall have the authority to enforce the provisions of the state fire code, provided that where there is no local enforcement agency or contract with a qualified third party pursuant to RSA 155-A:2, VI, the state fire marshal or the state fire marshal's designee may enforce the provisions of the state building code and the state fire code, subject to the review provisions in RSA 155-A:10, upon written request of the municipality.

11 State Building Code Review Board. Amend RSA 155-A:10 to read as follows:

155-A:10 State Building Code Review Board.

I. There is established a state building code review board consisting of the ~~[commissioner of safety or the commissioner's designee, and additional]~~ **following** members, appointed by the commissioner of safety ~~[as follows]:~~

(a) One architect licensed in this state for a minimum of 5 years, nominated by the board of architects established in RSA 310-A:29.

(b) One structural engineer licensed in this state for a minimum of 5 years, nominated by the board of **professional** engineers established in RSA 310-A:3.

(c) One mechanical engineer licensed in this state for a minimum of 5 years, nominated by the board of **professional** engineers established in RSA 310-A:3.

(d) One electrical engineer licensed in this state for a minimum of 5 years, nominated by the board of **professional** engineers established in RSA 310-A:3.

(e) One representative of the state's municipalities, nominated by the New Hampshire Municipal Association.

(f) ~~[One]~~ **Two** municipal building ~~[official]~~ **officials**, nominated by the New Hampshire Building Officials Association, **one of whom shall represent the interests of cities and one of whom shall represent the interests of towns.**

(g) One municipal fire chief, nominated by the New Hampshire Association of Fire Chiefs.

(h) One active fire prevention officer, nominated by the New Hampshire Association of Fire Chiefs.

(i) One building contractor, primarily engaged in the business of constructing nonresidential buildings, nominated by the Associated General Contractors of New Hampshire.

(j) One building contractor primarily engaged in the business of constructing residential buildings, nominated by the New Hampshire Home Builders Association.

(k) One representative from the state energy conservation code office under RSA 155-D, nominated by the New Hampshire public utilities commission.

(l) One master plumber licensed in this state for a minimum of 5 years, nominated by the state board for the licensing and regulation of plumbers established in RSA 329-A.

(m) One mechanical contractor [~~with a minimum of 5 years experience~~], primarily engaged in the business of mechanical construction, nominated by the New Hampshire Plumbing and Mechanical Contractors Association.

(n) One master electrician licensed in this state for a minimum of 5 years, nominated by the electricians' board established in RSA 319-C.

(o) One representative of the Committee on Architectural Barrier - Free Design nominated by the governor's commission on disability.

(p) One [~~master electrician licensed in this state for a minimum of 5 years~~] **electrical contractor**, nominated by Electrical Contractors Business Association.

(q) One representative of the New Hampshire Fire Prevention Society, nominated by that organization.

(r) One fire protection engineer licensed in this state for a minimum of 5 years, nominated by the board of professional engineers established in RSA 310-A:3.

(s) One New Hampshire representative of the residential modular construction industry, nominated by the Modular Manufacturers Association of the Northeast.

II. The term of each member shall be 3 years. The chair shall be appointed by the commissioner of safety. Board members shall be appointed for no more than 2 consecutive 3-year terms. ***The board shall elect from among the members a vice-chair, who shall assume the responsibilities of the chair in the event of the chair's absence.***

III. The board shall be administratively attached to the department of safety under RSA 21-G:10.

IV. The board shall meet to review and assess the application of the state building code ***and state fire code*** and shall recommend legislation, as the board deems necessary, to modify the requirements of the state building code and the state fire code in order to provide consistency with the application of other laws, rules, or regulations, and to promote public safety and best practices.

V. The board may adopt rules to [~~update or change~~] ***amend*** the state building code ***and state fire code*** for the codes described in RSA 155-A:1, IV ***and IV-a***, to the extent the board deems that such [~~updates or changes~~] ***amendments*** are necessary, provided that any such [~~updates or changes~~] ***amendments*** are ratified by the adoption of appropriate legislation within 2 years of their adoption. If such [~~updates or changes~~] ***amendments*** are not ratified, then the rules shall expire, notwithstanding RSA 541-A:17, I, at the end of the 2-year period. With the approval of the commissioner of safety, the board shall be authorized, pursuant to RSA 541-A, to adopt rules relative to procedures of its operation and appeals to the board.

VI. [~~The board shall review the National Fire Protection Association Building Code and its companion manuals when published, and shall review any other building codes when~~]

~~published, in order to evaluate whether the state should continue with the International Building Codes and its manuals, switch to other codes or adopt a combination of codes.~~

VII.] The state building code review board shall not adopt or enforce any rule requiring the installation of fire sprinkler systems in any new or existing detached one- or 2-family dwelling unit in a structure used only for residential purposes. This paragraph shall not prohibit a duly adopted requirement mandating that fire sprinkler systems be offered to the owners of dwellings for a reasonable fee.

12 Appeals of Decisions of the State Fire Marshal to the Building Code Review Board. RSA 155-A:11, I is repealed and reenacted to read as follows:

I. Any person aggrieved by a decision of the state fire marshal or the state fire marshal's designee relative to the application and enforcement of the state building code pursuant to RSA 153:8-a, I(a), the state fire code, or the state fire prevention code may appeal the decision to the board.

13 Powers of the Building Code Board of Appeals. RSA 674:34 is repealed and reenacted to read as follows:

674:34 Powers of Building Code Board of Appeals. The building code board of appeals shall hear and decide appeals of orders, decisions, or determinations made by the building official or fire official relative to the application and interpretation of the state building code or state fire code as defined in RSA 155-A:1. An application for appeal shall be based on a claim that the true intent of the code or the rules adopted thereunder have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of the state building code or the state fire code.

14 State Building Code; Ratification of Changes by the State Building Code Review Board. Pursuant to RSA 155-A:10, V, the general court hereby ratifies the amendments to the state building codes, as defined in RSA 155-A:1, adopted by the state building code review board between 2010 and July 1, 2011, in administrative rules Bcr 300.

15 Repeal. The following are repealed:

I. RSA 155-A:2, II, relative to means of egress in the Life Safety Code.

II. RSA 155-A:6, relative to the inspection of state buildings.

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

AMENDED ANALYSIS

This bill:

I. Authorizes the fire marshal to adopt and enforce a state fire prevention code, which shall apply to the maintenance of existing buildings.

II. Updates references to the most recent version of the codes in the state building code and defines the state fire code, which shall apply to new construction.

III. Clarifies the authority of the fire marshal to inspect and issue permits for state buildings, including those of the university system.

IV. Permits municipalities to contract with outside entities for building inspection services.

V. Revises the membership and duties of the building code review board.

VI. Ratifies amendments to the state building code made by the building code review board between 2010 and July 1, 2011.

Amendment adopted.

Committee report adopted and ordered to third reading.

The House recessed at 11:52 a.m.

RECESS

The House reconvened at 1:00 p.m.

(Speaker O'Brien in the Chair)

UNANIMOUS CONSENT

Rep. Campbell addressed the House.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of former Representative Seth Marshall of Nashua.

MOTION TO PRINT REMARKS

Rep. Bettencourt moved that the remarks made by Rep. Campbell be printed in the Permanent Journal.
Adopted.

REMARKS

Rep. Campbell: Thank you, Mister Speaker. Fellow Honorable Members, I rise today to honor one of our former members. On Christmas Eve, Seth Marshall, former State Representative from Nashua, passed away unexpectedly at his home. He was 80 years old. He is survived by a son, a daughter, grandchildren and one great-grandchild. Services are being held at this hour for him in Boscawen at the State Veteran's cemetery. He served two terms in this body. He was on the Fish and Game Committee both of his terms. Seth was a quiet, gentle, kind-hearted soul and I thank you for the opportunity for him to be remembered here today. I respectfully ask the Chair for a moment of silence in his memory.

REGULAR CALENDAR – 2011 RETAINED BILLS (CONT'D)

HB 383, prohibiting the collection of certain agency fees from state employees who are not members of the state employees' association. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Calvin D. Pratt for Executive Departments and Administration: This bill prohibits the state employees' union from collecting "agency fees" from non-members. It goes into the effect only with the next approved contract, and applies only to state employees. Vote 11-2.

Amendment (0339h)

Amend RSA 273-A:9-b as inserted by section 1 of the bill by replacing it with the following:

273-A:9-b Certain Fees Prohibited. An employee bargaining organization shall not require full-time employees who are not members of the organization to pay a fee to the organization as a condition of employment. An employee who elects not to pay a fee to the employee bargaining organization shall submit a notarized statement that the employee relinquishes all rights and benefits included in being a member of the organization and all benefits bargained for by the organization.

CLERK'S NOTE

Rep. Carol McGuire addressed the House to explain that the Committee Report on **HB 383**, prohibiting the collection of certain agency fees from state employees who are not members of the state employees' association, was printed incorrectly in the House Calendar and should be reported as Ought to Pass. The Amendment printed in the Calendar failed in Committee.

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

MOTION TO LAY ON THE TABLE

Rep. Goley moved that **HB 383**, prohibiting the collection of certain agency fees from state employees who are not members of the state employees' association, be laid on the table. On a division vote, 114 members having voted in the affirmative and 207 in the negative, the motion failed.

The question now being adoption of the committee report of Ought to Pass.
Rep. Manuse offered floor amendment (0339h).

Floor Amendment (0339h)

Amend RSA 273-A:9-b as inserted by section 1 of the bill by replacing it with the following:

273-A:9-b Certain Fees Prohibited. An employee bargaining organization shall not require full-time employees who are not members of the organization to pay a fee to the organization as a condition of employment. An employee who elects not to pay a fee to the employee bargaining organization shall submit a notarized statement that the employee relinquishes all rights and benefits included in being a member of the organization and all benefits bargained for by the organization.

Rep. Manuse spoke in favor.

Floor amendment (0339h) adopted.

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

Rep. Marshall Quandt spoke against.

Rep. Carol McGuire yielded to questions.

Rep. Pratt spoke in favor.

Rep. Patrick Garrity requested a roll call; sufficiently seconded.

YEAS 212 NAYS 128

YEAS 212

BELKNAP

Accornero, Harry
Greemore, Robert
Russell, David
Worsman, Colette

Comtois, Guy
Luther, Robert
Simpson, Tyler

Fields, Dennis
Malone, Robert
Swinford, Elaine

Flanders, Donald
Pilliod, James
Tilton, Franklin

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie

Babson, David Jr
McConkey, Mark
Schmidt, Stephen

Chandler, Gene
Merrow, Harry
Tregenza, Norman

Fleck, Joseph
Patten, Betsey
Umberger, Karen

CHESHIRE

Cartwright, Anne
Moore, Robert Jr

Hunt, John
Sterling, Franklin Jr

Johnson, Jane

Moore, Charles

COOS

Daugherty, Duffy

Rappaport, Laurence

GRAFTON

Bradley, Lester
Ingbretson, Paul
Sova, Charles

Brosseau, Charles
Mirski, Paul

Bulis, Lyle
Shackett, Jeffrey

Gionet, Edmond
Simard, Paul

HILLSBOROUGH

Avard, Kevin
Belanger, James
Brown, Kevin

Balboni, Michael
Belvin, William
Brownrigg, Randall Jr

Ball, J. Michael
Bergevin, Jerry
Burt, John

Barry, Richard
Boehm, Ralph
Cebrowski, John

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

MERRIMACK

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

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Antosz, Jason	Azarian, Gary
Baldasaro, Alfred	Bates, David	Bettencourt, David	Brown, Paul
Chirichiello, Brian	Comerford, Timothy	Davenport, Joshua	Devine, James
Duarte, Joe	Elliott, Robert	Ferrante, Beverly	Fesh, Robert
Garcia, Marilinda	Garrity, James	Griffin, Mary	Hagan, Joseph
Headd, James	Hoelzel, Kathleen	Itse, Daniel	Kappler, Lawrence
Katsakiores, Phyllis	Kolodziej, Walter	Lundgren, David	Manuse, Andrew
Mauro, Donna	McKinney, Betsy	McMahon, Charles	Murphy, Brian
Nevins, Chris	O'Connor, John	Packard, Sherman	Reagan, John
Reichard, Kevin	Rice, Frederick	Ritter, Glenn	Sanders, Elisabeth
Schroadter, Adam	Sedensky, John	Sheffert, Kenneth	Shuler, Wyman III
Smith, William	Sullivan, James	Sytek, John	Tasker, Kyle
Tremblay, Stella	Tucker, Pamela	Ward, Joanne	Waterhouse, Kevin
Weyler, Kenneth			

STRAFFORD

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

SULLIVAN

Bowers, Spec	Cunningham, Steven	Howard, Thomas	Lovett, Charlene
Osgood, Joe	Rodeschin, Beverly	Smith, Steven	

BELKNAP

Bolster, Peter

Kingsbury, Robert

Millham, Alida

St. Cyr, Jeffrey

CARROLL

Knox, J. David

CHESHIRE

Butynski, William
Hawkes, Samuel
Meader, David
Weber, Lucy

Byrnes, John
Johnsen, Gladys
Parkhurst, Henry
Weed, Charles

Chase, Cynthia
Lerandeau, Alfred
Roberts, Kris

Dwinell, Richard
Lindsey, Steven
Tatro, Bruce

COOS

Coulombe, Gary
Richardson, Herbert

Hatch, William
Theberge, Robert

Merrick, Evalyn
Tholl, John Jr

Remick, William
Thomas, Yvonne

GRAFTON

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

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

Benn, Bernard
Ladd, Rick Jr
Smith, Suzanne

Cooney, Mary
Nordgren, Sharon
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin
Daler, Jennifer
Gonzalez, Carlos
Katsiantonis, Thomas
Messier, Irene
Rhodes, Brian
Shaw, Barbara

Buxton, Michael
Garrity, Patrick
Gorman, Mary
Leishman, Peter
Pilotte, Maurice
Robbins, David
Stroud, Kathleen

Campbell, David
Gimas, John
Hopper, Gary
Long, Patrick
Porter, Marjorie
Rokas, Ted
Sullivan, Daniel

Cote, David
Goley, Jeffrey
Jeudy, Jean
McCarthy, Michael
Proulx, Mark
Rosenwald, Cindy
Terrio, Ross

MERRIMACK

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

Deloge, Helen
Gile, Mary
MacKay, James
Richardson, Gary
Watrous, Rick

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

Foose, Robert
Kidder, David
Patten, Dick
Soltani, Tony

ROCKINGHAM

Cali-Pitts, Jacqueline
Janvrin, Kevin
Pantelakos, Laura
Quandt, Matt
Serlin, Christopher

Charron, Gene
Lovejoy, Patricia
Perkins, Amy
Read, Robin Jr
Waddell, James

Copeland, Timothy
Moody, Marcia
Perkins, Lawrence
Sapareto, Frank
Webb, James

DiPentima, Rich
Norelli, Terie
Quandt, Marshall
Schlachman, Donna
Welch, David

STRAFFORD

Brown, Julie
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

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

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

Hooper, Dorothea
Perry, Robert
Spang, Judith

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond

Laware, Thomas

Lefebvre, Benjamin

and the motion was adopted and ordered to third reading.

Reps. Katsakiores and Pilliod voted Yea and intended to vote Nay.

HB 446-FN, repealing the authority for regulation of certain professional occupations.

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

Rep. Spec Bowers for the Majority of Executive Departments and Administration: This bill is a small step toward reducing excessive regulation. New Hampshire requires licensing for 148 occupations, more than almost every other state. New York, for example, licenses only 77 occupations. The ostensible purpose of licensing is to protect the public, but all too often the real purpose is to protect a trade from competition. Economists estimate that the reduced competition increases prices 10-15%, and also contributes as much as 1/2% to unemployment. These costs might be justified if licensing actually protected the public but the evidence is that it does little or nothing - and may even harm - public health and safety. Numerous economists, think tanks, academics, and the Canadian and U.S. governments have found that compulsory licensing reduces competition and increases costs with little, if any, quality enhancement compared to certification. HB 446 replaces compulsory licensing with voluntary licensing (aka certification) for a small number of occupations. It leaves in place the licensing boards. Those practitioners who want or need a license will get it just as today. They will then be able to label themselves "licensed." Other people will be able to practice without a license but must prominently disclose that fact to potential customers. If a willing provider and a willing, informed consumer decide to do business, the state should not interfere with their voluntary agreement. For customers who prefer the (unwarranted) sense of security from dealing only with licensed practitioners, that option will still be available. Vote 9-8.

Rep. Peter B. Schmidt for the Minority of Executive Departments and Administration: This bill has numerous negatives which make it unacceptable to a strong minority of the committee. Chief among these is the clear threat to the public safety and health posed by the practice of the deregulated professions by persons who may have no appropriate training and no demonstrated competence. How some monetary advantage for such practitioners and their risk-friendly customers outweighs the proven benefits of the current regulatory structure not only escapes those of us in the committee minority; it also was contradicted by the overwhelming public testimony of knowledgeable professionals. That is to say: there was no support, much less demand, for this bill. In addition, it would do great harm to existing businesses and their employees, as well as students preparing for a future in these sectors. Insurance requirements for reimbursement for these services would also be violated, leading to further complications for the public and the trades. Not insignificantly, the arbitrariness of the selection of these few professions for deregulation calls completely into question the validity of the alleged benefit of this step for NH and its citizens. In short, this is an ideologically driven bill, a solution in search of a problem, which should be rejected by those who recognize that the legislature's first obligation is to protect the health and safety of our citizens, and, when the issue of a good result is in question, as it is with this bill, to do no harm.

Majority Amendment (2639h)

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

1 Hawkers, Peddlers, and Vendors; Reference to State Regulation Removed. Amend the introductory paragraph of RSA 31:102-a to read as follows:

31:102-a Hawkers, Peddlers, and Vendors. The governing board of a city, town or village district may adopt, by ordinance or regulation, provisions for the licensure and regulation of itinerant vendors, hawkers, peddlers, traders, farmers, merchants, or other persons who sell, offer to sell, or take orders for merchandise from temporary or transient sales locations within a town or who go from town to town or place to place within a town for such purposes. Any person who violates any provision of such ordinance or regulation shall be guilty of a class B misdemeanor, and each continuing day of violation after notice shall constitute a separate offense. A city, town, or village district shall be specifically prohibited, however, from licensing or regulating a candidate for public office in the process of obtaining signatures on nomination papers, who seeks to have the candidate's name placed on the ballot for the state general election by submitting nomination papers under RSA 655:40. Provisions adopted under this section ~~[shall be in addition to any requirements imposed by the state under either RSA 320 or RSA 321 and]~~ may include, but shall not be limited to:

2 Landscape Architects; Objective. Amend RSA 310-A:140 to read as follows:

310-A:140 Objective. A landscape architect, regulated by this chapter, shall undertake to perform professional services **as a licensed landscape architect** only when the landscape architect is qualified by education, training, and experience in the specific technical areas involved.

3 Practice of Licensed Landscape Architecture. RSA 310-A:145 is repealed and reenacted to read as follows:

310-A:145 Licensed Practice. No person engaged in a landscape architectural practice in this state shall advertise or hold oneself out to the public as being a licensed landscape architect without obtaining a license issued under this subdivision.

4 Landscape Architects; Violations. Amend RSA 310-A:158, V to read as follows:

V. ~~[Practice landscape architecture or to]~~ Offer, advertise or hold oneself out to the public as being **licensed** in the practice of landscape architecture in this state without **having a current** license; or

5 Landscape Architects; Exemptions. Amend RSA 310-A:160 to read as follows:

310-A:160 Exemptions. Nothing in this subdivision shall be construed to prevent or affect:

I. The preparation of details and shop drawings by persons, other than **licensed** landscape architects, for use in connection with the execution of their work.

II. The preparation of plans, drawings, and specifications for and the supervision of the construction or alteration of landscape design associated with farms, residences, or institutional or commercial uses, where the client or reviewing governmental entity does not require the stamp of a licensed landscape architect.

III. Supervision by builders, or superintendents employed by such builders, of the installation of landscape projects.

IV. Business conducted in this state by any agriculturist, horticulturist, tree expert, arborist, forester, wetland scientist, certified professional in erosion and sediment control, natural scientist, soil scientist, nurseryman or landscape nurseryman, gardener, landscape gardener, landscape designer, landscape contractor, irrigation contractor, irrigation designer, garden or lawn caretaker, or grader or cultivator of land, as these terms are generally used, except that no such person shall use the designation "**licensed** landscape architect," ~~["landscape architectural," or "landscape architecture"]~~ unless licensed as a landscape architect under this ~~[article]~~ **subdivision**.

V. The practice of architecture by an architect licensed in this state, or the practice of professional engineering or land surveying by a professional engineer or land surveyor licensed in this state, or the preparation of wetland mitigation plans by a wetland scientist, natural scientist, or soil scientist, provided that no such architect, professional engineer, wetland scientist, natural scientist, soil scientist, or land surveyor shall use the designation "**licensed** landscape architect," ~~["landscape architectural," or "landscape architecture"]~~ unless licensed as a landscape architect in this state.

VI. The practice of landscape architecture by officers and employees of the United States while engaged within the state in the practice of landscape architecture for the federal government.

VII. Professional engineers, when engaged in the lawful practice of engineering under RSA 310-A, from performing engineering work which could be defined in this subdivision as within the practice of the profession of landscape architecture.

6 Court Reporters; Purpose; Licensure. Amend RSA 310-A:161 to read as follows:

310-A:161 Purpose. The purpose of this subdivision is to set appropriate standards for the proper licensure of court reporters, and to establish and maintain a standard of competency for individuals ***holding themselves out as*** engaged in the practice of ***licensed*** court reporting, to maintain the integrity of the transcription of the spoken word, and to contribute to the protection of the general public thereby.

7 Court Reporters; Use of Title. Amend RSA 310-A:166 to read as follows:

310-A:166 Prohibition of Use of Title. No person may assume or use the title or designation ~~[court reporter,]~~ licensed court reporter, ~~[court recorder, shorthand reporter,]~~ licensed shorthand reporter, ~~[shorthand court reporter,]~~ licensed shorthand court reporter, ~~[shorthand court recorder, verbatim reporter, verbatim court reporter,]~~ licensed verbatim court reporter, ~~[shorthand court recorder, verbatim court recorder,]~~ licensed court recorder, ~~[court stenographer, verbatim court stenographer,]~~ or any abbreviation, title, designation, words, letters, sign, card, or device tending to indicate that the person is such unless the person holds a valid license as prescribed in this subdivision. A ***licensed*** court reporter may use the word “shorthand” in his or her title only if that person is licensed in the shorthand reporting method and a ***licensed*** court reporter may use the word “verbatim” in his or her title only if that person is licensed in the voice writing method.

8 Court Reporters; License to Practice. Amend RSA 310-A:168 to read as follows:

310-A:168 License ~~[Required]~~ ***to Practice***. Any person ***advertising or holding themselves out as*** engaging in, offering to engage in, or appearing to engage in court reporting ***as a licensed court reporter*** shall hold a valid license issued under this subdivision, designating the method by which the reporter is licensed to practice.

9 Disciplinary Proceedings; Misconduct. Amend RSA 310-A:174, II(b) to read as follows:

(b) The ~~[practice of court reporting using]~~ ***use by a licensed court reporter of a*** reporting method for which the person is not licensed.

10 Barbering; Cosmetology; Esthetics; Licensure. Amend RSA 313-A:9 to read as follows:

313-A:9 Licensure Required.

I. It shall be a class A misdemeanor for any natural person, and a felony for any other person, to ~~[engage in any practice regulated by]~~ ***advertise or hold oneself out as being licensed under*** this chapter without the appropriate license.

II. It shall be a misdemeanor for any person to[:

~~(a) Operate a barbershop, salon, or school unless such establishment is at all times under the direct supervision and management of a professional licensed under this chapter.~~

~~(b) Hire or employ any person to engage in a practice regulated by this chapter, unless such person then holds a valid license or a temporary permit issued by the board to practice the respective profession.~~

~~(c) Operate a school, unless it has been licensed by the board and is operated according to rules adopted by the board.~~

~~(d) Engage in the instructing of any activity licensed by this chapter without holding an appropriate license issued under this chapter.]~~

11 Barbering; Shop License. Amend RSA 313-A:19, I to read as follows:

I. It shall be a misdemeanor for any person, as owner, manager, or agent, to open, establish, conduct, or maintain a salon, barbershop, or mobile barbershop ***which is advertised as a licensed establishment*** without first having obtained a shop license from

the board. Application for such shop license shall be made to the board in writing and shall state the name and address of the owner of such shop, the shop's address or, in the case of a mobile barbershop, the business mailing address of the owner, and such other information as may be required by the board. Licenses under this section shall be conspicuously posted within the licensed establishment.

12 Inspectors; Licensed Establishments. Amend RSA 313-A:21 to read as follows:

313-A:21 Inspectors.

I. The department of health and human services shall employ inspectors and authorize them to enter and make reasonable examination and inspection of any **licensed** salon, barbershop, or school during business hours for the purpose of ascertaining whether or not the administrative rules of the board and the provisions of this chapter are being observed. Each inspector shall file a report with the board of such findings with respect to each inspection made. Salaries and necessary expenses of the inspectors shall be charged against the fees and other moneys collected by the board.

II. The commissioner of the department of health and human services shall, with the advice of the board, adopt rules relative to the qualifications for inspectors under this section.

III. Sanitary inspections of all **licensed** salons, barbershops, and schools shall be made at least twice each year.

13 Apprentices. Amend RSA 313-A:24 to read as follows:

313-A:24 Apprentice Registration.

I. No person shall enter an apprenticeship **with a licensed establishment** or enroll in a **licensed** school under this chapter unless such person has registered with the board as an apprentice. The board shall have sole authority to regulate apprentices and apprenticeship **within licensed establishments** under this chapter.

II. A person applying for registration under this section shall be granted such registration upon:

(a) Submitting proof sufficient to the board to show that such person is at least 16 years of age;

(b) Submitting 3 passport-size photographs;

(c) Paying a fee established by the board; and

(d) Being deemed by the board to be of good professional character.

III. No **licensed** salon or barbershop shall at any one time have more than one apprentice per licensed professional.

IV. Upon completing the number of hours specified in the board's apprentice rules, an apprentice shall be eligible to apply to the board for licensure.

14 New Paragraph; Barbering; Cosmetology; Esthetics; Exemptions. Amend RSA 313-A:25 by inserting after paragraph II the following new paragraph:

III. The provisions of this chapter shall not apply to any person engaged in an activity regulated by the board but who does not advertise or hold themselves out as being licensed or registered by the board under this chapter.

15 Tanning Facilities; Registration. Amend RSA 313-A:28 to read as follows:

313-A:28 Registration of Tanning Facility.

I. It shall be unlawful for any person to ~~engage~~ **advertise or hold oneself out as an operator** in the business of operating a tanning facility unless the facility is registered in accordance with this chapter and the registration of such facility is current and valid.

II. Any person, corporation, partnership, association, or other entity operating or intending to open or operate a **registered** tanning facility within this state shall file a registration statement annually with the board in accordance with rules adopted under RSA 541-A. Such registration statement shall be required for each facility location, shall be duly signed and verified, and shall be posted in a prominent location at the tanning facility. Such registration statement shall include, but not be limited to, the name and the business address of the applicant; if an individual, the name under which the business will be

conducted; if a partnership, the name and business address of each member thereof; the name under which the business is to be conducted; if a corporation, the name of the corporation and the name and business address of each of the officers of the corporation; and the place, including the complete mailing address and physical address, where the business is to be conducted. Registration statements shall also list the number and type of tanning devices at each **registered** tanning facility location.

16 Tanning; Registration Fee. Amend RSA 313-A:29 to read as follows:

313-A:29 Registration Fee Required. No person shall operate a **registered** tanning facility without paying an annual registration fee established by the board. Registration fees received from each **registered** tanning facility shall be deposited into the general fund.

17 Tanning; Operational Requirements. Amend the section heading of RSA 313-A:30 and the introductory paragraph of RSA 313-A:30, I to read as follows:

313-A:30 Operational Requirements; **Registered Facilities. Each operator of a facility registered under this chapter shall comply with the following:**

I. Operators shall have sufficient knowledge in the operation of the tanning devices, including but not limited to:

18 Tanning; Suspension of Operation. Amend RSA 313-A:32 to read as follows:

313-A:32 Suspension of Operation. Upon finding a facility in violation of any of the provisions of RSA 313-A:26-34, the board may order the owner of a **registered** tanning facility to suspend operation of the facility. Such suspension shall remain in effect until the owner submits proof of compliance with any deficiencies identified by the board. Failure to suspend operation of a **registered** tanning facility in accordance with a board order shall be subject to a civil penalty of up to \$500 for each day that the facility remains in operation after issuance of the board order.

19 Allied Health Professionals; Purpose. Amend RSA 328-F:1 to read as follows:

328-F:1 Purpose. The purpose of this chapter is to regulate allied health professionals in the state to assure that the services provided are effective and of a quality consistent with the standard of care within each profession, and to safeguard the public against harm which may be caused by unqualified[~~;~~] **or** impaired[~~;~~~~or unlicensed~~] practitioners, **and unlicensed persons where applicable.**

20 Allied Health Professionals; Disciplinary Action. Amend RSA 328-F:23, II(i) to read as follows:

(i) Practice without a currently valid license, **except where permitted.**

21 New Paragraph; Allied Health Professional; Unauthorized Practice. Amend RSA 328-F:27 to read as follows:

VI. Nothing in this chapter shall prevent a person who is not licensed as an athletic trainer or a recreational therapist from engaging in activities of those professions provided the person does not advertise or hold themselves out as being licensed to practice.

22 New Paragraph; Athletic Trainers. Amend RSA 326-G:2 by inserting after paragraph III the following new paragraph:

IV. Persons who engage in activities of athletic training but who do not advertise or hold themselves out as being a licensed athletic trainer.

23 Recreational Therapy. Amend RSA 326-J:3 to read as follows:

326-J:3 Prohibition on Unauthorized Practice; Professional Identification.

I. No person shall [~~practice or~~] hold oneself out as being [~~able~~] **licensed** to practice recreational therapy [~~or provide recreational therapy services~~] in this state unless the person is licensed under this chapter and RSA 328-F. Nothing in this paragraph shall be construed to prohibit students enrolled in board-approved schools or courses in recreational therapy from performing recreational therapy that is incidental to their respective courses of study or supervised work. The board shall adopt rules under RSA 541-A relative to schools or courses allowing students to practice under this paragraph.

II. Licensed recreational therapists may use the letters "TR," "TRS," and "CTRS/L" in connection with their name or place of business.

III. A person or business entity, its employees, agents, or representatives shall not use in conjunction with that person's name or the activity of the business [~~the words therapeutic recreation specialist, therapeutic recreation, recreational therapy, recreational therapist, recreation therapy, recreation therapist, the letters "CTRS," "TRS," or "TR," or~~] any other words, abbreviations, or insignia indicating or implying directly or indirectly that **licensed** recreational therapy is provided or supplied, including the billing of services labeled as recreational therapy, unless such services are provided under the direction of a recreational therapy specialist licensed pursuant to this chapter. A person or entity that violates this paragraph is guilty of a violation for the first offense and guilty of a misdemeanor for any subsequent offense.

24 Fish and Game; Guides. Amend RSA 215:1 to read as follows:

215:1 When Required. No person shall [~~engage~~] **advertise or hold themselves out as being licensed by the department to be** in the business of guiding, until he **or she** has registered with the executive director and procured [~~from him~~] a license so to do.

25 Guides; Penalty. Amend RSA 215:9 to read as follows:

215:9 Penalty. [~~Whoever~~] **Any licensee who** violates any provision of RSA 215 or any rule or regulation of the executive director made thereunder, shall be guilty of a violation, and [~~if a licensed guide,~~] shall forfeit his **or her** license in the discretion of the executive director.

26 Massage; Intent. Amend RSA 328-B:1 to read as follows:

328-B:1 Regulation of Massage Therapists and Massage Establishments. The general court, to protect the health, safety, and welfare of the people of the state of New Hampshire, establishes a regulatory program for **licensed** massage therapists, including establishing basic qualifications for licensure of massage therapists.

27 Massage Therapists; Definition. Amend RSA 328-B:2, VIII to read as follows:

VIII. "Massage therapist" means a licensed individual who performs massage for compensation. [~~Titles used may include: massage therapist, massage practitioner, bodywork practitioner, bodyworker, muscle therapist, massotherapist, or somatic therapist practitioner.~~] A **licensed** massage therapist uses visual, kinesthetic, and palpatory skills to assess the body, and may evaluate the client's condition to the extent of determining whether massage is indicated or contraindicated.

28 Massage Therapy; Prohibited Acts. Amend RSA 328-B:3 to read as follows:

328-B:3 Prohibited Acts. No person **licensed by the commissioner** shall:

I. Act or advertise as a massage therapist for compensation without holding a **current** license issued pursuant to this chapter.

II. [~~Repealed.~~]

III. Fail to comply with an order of the commissioner issued pursuant to this chapter.

IV. Fail to comply with a rule adopted by the commissioner pursuant to this chapter.

V. Violate any other provision of this chapter.

VI. Hire as an employee massage therapist any person not holding a license issued pursuant to this chapter.

29 New Paragraph; Massage Therapy; Exemptions. Amend RSA 328-B:10 by inserting after paragraph III the following new paragraph:

IV. Nothing in this chapter shall prevent an unlicensed person from engaging in the provision of services of massage therapy as long as the person does not advertise or hold themselves out as being licensed under this chapter.

30 Massage Therapy; Violations. Amend RSA 328-B:11 to read as follows:

328-B:11 Violations; Penalty. Any **licensed** person practicing massage within the meaning of this chapter, [~~without first obtaining a license as required by this chapter, or~~] who violates any of the provisions of, or rules adopted under this chapter, shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person, for the first offense. For a subsequent offense, a person shall be guilty of a misdemeanor if a natural

person, or guilty of a felony if any other person. Each day such facility shall operate or person shall practice this activity after a first conviction shall be considered a subsequent offense.

31 Reflexologists; Prohibited Acts. Amend RSA 328-H:4 to read as follows:

328-H:4 Prohibited Acts. ~~[No person shall:]~~

I. ***No person shall*** act or advertise as a ***licensed*** reflexologist, structural integrator, or Asian bodywork therapist for compensation without holding a ***current*** license issued pursuant to this chapter.

II. ***No licensed person shall:***

(a) Fail to comply with an order of the department issued pursuant to this chapter.

~~III.~~(b) Fail to comply with any administrative rule adopted by the department pursuant to this chapter.

~~IV.~~(c) Violate any other provision of this chapter or administrative rules adopted under this chapter.

~~V.~~(d) Hire any person as an employee or independent contractor to perform reflexology, structural integration, or Asian bodywork therapy who does not hold a license issued pursuant to this chapter.

32 Reflexologists; Exemptions. Amend RSA 328-H:13 to read as follows:

328-H:13 Exemptions. Nothing in this chapter shall prevent a person licensed by this state pursuant to any other provision of law from performing the occupation for which he or she is licensed. ***Nothing in this chapter shall prevent an unlicensed person engaged in providing services of reflexology, structural integration, or Asian bodywork therapy as long as the person does not advertise or hold themselves out as being licensed by the commissioner.***

33 Reflexology; Violations. Amend RSA 328-H:14 to read as follows:

328-H:14 Violations; Penalty. Any person ~~[practicing]~~ ***licensed to practice*** reflexology, structural integration, or Asian bodywork therapy within the meaning of this chapter ~~[without first obtaining a license as required by this chapter, or]~~ who violates any of the provisions of, or rules adopted under this chapter, shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person, for the first offense. For a subsequent offense, a person shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person. Each day such facility shall operate or person shall practice this activity after a first conviction shall be considered a subsequent offense.

34 New Section; General Administration; Practicing Without a License. Amend RSA 332-G by inserting after section 7 the following new section:

332-G:8 Practice Without a License. Any person who practices an occupation or profession regulated in this title without obtaining a license shall prominently disclose the fact that he or she is not licensed before providing services or before asking a client to sign a contract for services.

35 Repeals. The following are repealed:

I. RSA 320, relative to state licensure of hawkers and peddlers.

II. RSA 321, relative to state licensure of itinerant vendors.

III. RSA 332-J, relative to athlete agents.

IV. RSA 313-A:34, relative to the penalty for an unregistered tanning facility.

V. RSA 328-B:12, relative to injunctive relief for unlicensed massage therapy.

VI. RSA 328-H:7, relative to unlicensed reflexology, structural integration, or Asian bodywork therapy.

VII. RSA 328-H:16 and 17, relative to injunctive relief and temporary authority for unlicensed reflexology, structural integration, or Asian bodywork therapy.

36 Effective Date. This act shall take effect July 1, 2012.

AMENDED ANALYSIS

This bill amends the authority for licensure of landscape architects, court reporters, barbering, cosmetology, and esthetics, including tanning facilities, athletic trainers, recreational therapists, hunting and fishing guides, massage therapists, reflexologists, structural integrators, and Asian bodywork therapists to apply only to those that hold themselves out as being licensed or registered in the professions. The bill also repeals the state regulation of hawkers, peddlers, itinerant vendors, and athlete agents.

Rep. Perry spoke against.

Rep. Bowers spoke in favor and yielded to questions.

Majority committee amendment adopted.

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

Rep. Millham offered floor amendment (0116h).

Floor Amendment (0116h)

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

AN ACT requiring the house executive departments and administration committee to evaluate the professional regulation process and propose changes to the process that assure an organized regulatory approach.

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

1 Professional Regulation; House Executive and Administration Committee Report; The executive departments and administration committee of the house of representatives shall:

I. Study the process for evaluating professional regulation by licensure, certification, and registration to determine if there is an approach to protecting the public that does not require state regulation.

II. Seek input and involvement from practitioners and the professional and occupational regulatory boards and commissions in its study and evaluation under this act.

III. Review the so-called sunrise questionnaire developed by the executive departments and administration committee to determine its adequacy and practicability.

IV. Propose changes to the process for meeting the professional regulatory needs of practitioners that protect public safety and assure an organized regulatory approach.

V. Submit a report to the speaker of the house of representatives, the house clerk, and the state library no later than May 15, 2012.

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

AMENDED ANALYSIS

This bill requires the house executive departments and administration committee to evaluate the professional regulation process, propose a process that assures an organized regulatory approach, and submit a report by May 15, 2012.

Rep. Millham spoke in favor and yielded to questions.

Rep. Cohn spoke against and yielded to questions.

On a division vote, 112 members having voted in the affirmative and 219 in the negative, floor amendment (0116h) failed.

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

Rep. Chandler offered floor amendment (0095h).

Floor Amendment (0095h)

Amend the bill by deleting sections 24 and 25 and renumbering the original sections 26 - 36 to read as 24 - 34, respectively.

AMENDED ANALYSIS

This bill amends the authority for licensure of landscape architects, court reporters, barbering, cosmetology, and esthetics, including tanning facilities, athletic trainers,

recreational therapists, massage therapists, reflexologists, structural integrators, and Asian bodywork therapists to apply only to those that hold themselves out as being licensed or registered in the professions. The bill also repeals the state regulation of hawkers, peddlers, itinerant vendors, and athlete agents.

Rep. Chandler spoke in favor.

Rep. Mirski spoke against.

Floor amendment (0095h) failed.

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

Reps. Peter Schmidt and Krasucki spoke against.

Rep. Flanagan spoke in favor and yielded to questions.

Rep. Winter spoke in favor.

MOTION TO LAY ON THE TABLE

Rep. Gandia moved that ***HB 446-FN***, repealing the authority for regulation of certain professional occupations, be laid on the table.

Rep. Wallner requested a roll call; sufficiently seconded.

YEAS 62 NAYS 269

YEAS 62

BELKNAP

Accornero, Harry
St. Cyr, Jeffrey

Luther, Robert

Millham, Alida

Russell, David

CARROLL

Babson, David Jr
Merrow, Harry

Chandler, Gene
Schmidt, Stephen

Knox, J. David
Umberger, Karen

McConkey, Mark

CHESHIRE

Dwinell, Richard
Weed, Charles

Lindsey, Steven

Roberts, Kris

Sterling, Franklin Jr

COOS

Coulombe, Gary

Richardson, Herbert

GRAFTON

Ingbretson, Paul

HILLSBOROUGH

Boehm, Ralph
Fredette, Robert
Holden, Frank
Messier, Irene
Proulx, Mark

Coffey, James
Gandia, Laura
Hutchinson, Winfred
Notter, Jeanine
Sullivan, Daniel

Doherty, Shaun
Hawkins, Kenneth
McCarthy, Michael
Ober, Lynne
Thomas, Joseph

Drisko, Richard
Hikel, John
McGuinness, Sean
Ober, Russell III
Ulery, Jordan

MERRIMACK

Lauer-Rago, Kathleen

Lindsley, Mark

Lockwood, Priscilla

McDonnell, John

Watrous, Rick

ROCKINGHAM

Abrami, Patrick
Headd, James
Quandt, Matt
Welch, David

Allen, Mary
Katsakiores, Phyllis
Sanders, Elisabeth

Devine, James
McKinney, Betsy
Sapareto, Frank

Griffin, Mary
Packard, Sherman
Webb, James

STRAFFORD

Brown, Julie

Cataldo, Sam

Keans, Sandra

Roberts, Jenna

SULLIVAN

None

NAYS 269

BELKNAP

Bolster, Peter
Greemore, Robert
Simpson, Tyler

Comtois, Guy
Kingsbury, Robert
Swinford, Elaine

Fields, Dennis
Malone, Robert
Tilton, Franklin

Flanders, Donald
Pilliod, James
Worsman, Colette

CARROLL

Ahlgren, Christopher
Tregenza, Norman

Fleck, Joseph

McCarthy, Frank

Pettengill, Laurie

CHESHIRE

Butynski, William
Hawkes, Samuel
Lerandeau, Alfred
Parkhurst, Henry

Byrnes, John
Hunt, John
Meader, David
Smith, Edwin

Cartwright, Anne
Johnsen, Gladys
Moore, Charles
Tatro, Bruce

Chase, Cynthia
Johnson, Jane
Moore, Robert Jr
Weber, Lucy

COOS

Daugherty, Duffy
Remick, William
Tremblay, Marc

Hatch, William
Theberge, Robert

Merrick, Evalyn
Tholl, John Jr

Rappaport, Laurence
Thomas, Yvonne

GRAFTON

Aguiar, James
Brosseau, Charles
Gould, Franklin
Nordgren, Sharon
Simard, Paul
Townsend, Charles

Almy, Susan
Bulis, Lyle
Harding, Laurie
Pastor, Beatriz
Smith, Suzanne
White, Andrew

Benn, Bernard
Cooney, Mary
Ladd, Rick Jr
Pierce, David
Sova, Charles

Bradley, Lester
Gionet, Edmond
Mirski, Paul
Shackett, Jeffrey
Taylor, Kathleen

HILLSBOROUGH

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

Balboni, Michael
Belanger, James
Burt, John
Christensen, D.L.
Chris

Ball, J. Michael
Belvin, William
Buxton, Michael
Christiansen, Lars

Baroody, Benjamin
Bergevin, Jerry
Campbell, David
Condra, William

Cote, David
 Donovan, Daniel
 Gargas, Carolyn
 Gorman, Mary
 Hinch, Richard
 Infantine, William
 Krasucki, Joseph
 Leishman, Peter
 McClarren, Donald
 Ohm, Bill
 Peterson, Lenette
 Renzullo, Andrew
 Rosenwald, Cindy
 Shaw, Barbara
 Stepanek, Stephen
 Vaillancourt, Steve
 Willette, Robert

Cusson-Cail, Kathleen
 Erickson, Duane
 Gimas, John
 Graham, John
 Hogan, Edith
 Jasper, Shawn
 Kurk, Neal
 Long, Patrick
 Mecheski, Holly
 Palmer, Stephen
 Pilotte, Maurice
 Rhodes, Brian
 Rowe, Robert
 Simmons, Tammy
 Stroud, Kathleen
 Villeneuve, Moe

Daler, Jennifer
 Flanagan, Jack
 Goley, Jeffrey
 Hansen, Peter
 Hogan, Timothy
 Jeudy, Jean
 Lambert, George
 Maltz, Jonathan
 Moran, Edward
 Parison, James
 Porter, Marjorie
 Robbins, David
 Scontsas, Lisa
 Soucy, Connie
 Swank, Matthew
 Warden, Mark

Daniels, Gary
 Gagne, Larry
 Gonzalez, Carlos
 Hardwick, Harry
 Hopper, Gary
 Katsiantonis, Thomas
 LeBrun, Donald
 Marcus, Bruce
 Murphy, Keith
 Pellegrino, Tony
 Pratt, Calvin
 Rokas, Ted
 Seidel, Carl
 Souza, Kathleen
 Twombly, Timothy
 Whitehead, Randall

MERRIMACK

Bouchard, Candace
 Foose, Robert
 Hamm, Christine
 Keane, Thomas
 MacKay, James
 Palfrey, David
 Richardson, Gary
 Smith, Molly
 Winter, Steven

Cohn, Seth
 Frazer, June
 Hess, David
 Kidder, David
 McGuire, Carol
 Patten, Dick
 Sanborn, Laurie
 Soltani, Tony

Deloge, Helen
 Gile, Mary
 Hill, Gregory
 Kotowski, Frank
 McGuire, Dan
 Potter, Frances
 Seaworth, G. Brian
 Wallner, Mary Jane

DeStefano, Stephen
 Giuda, J. Brandon
 Hoell, J.R.
 Kreis, Kenneth Sr
 Owen, Derek
 Reed, Dennis
 Shurtleff, Stephen
 Williams, Robert

ROCKINGHAM

Azarian, Gary
 Cali-Pitts, Jacqueline
 Copeland, Timothy
 Elliott, Robert
 Garrity, James
 Janvrin, Kevin
 Lundgren, David
 Murphy, Brian
 Pantelakos, Laura
 Reichard, Kevin
 Sedensky, John
 Smith, William
 Tremblay, Stella
 Weyler, Kenneth

Baldasaro, Alfred
 Charron, Gene
 Davenport, Joshua
 Ferrante, Beverly
 Hagan, Joseph
 Kappler, Lawrence
 Manuse, Andrew
 Nevins, Chris
 Quandt, Marshall
 Rice, Frederick
 Serlin, Christopher
 Sullivan, James
 Tucker, Pamela

Bates, David
 Chirichiello, Brian
 DiPentima, Rich
 Fesh, Robert
 Hoelzel, Kathleen
 Kolodziej, Walter
 Mauro, Donna
 Norelli, Terie
 Read, Robin Jr
 Ritter, Glenn
 Sheffert, Kenneth
 Sytek, John
 Waddell, James

Brown, Paul
 Comerford, Timothy
 Duarte, Joe
 Garcia, Marilinda
 Itse, Daniel
 Lovejoy, Patricia
 Moody, Marcia
 O'Connor, John
 Reagan, John
 Schlachman, Donna
 Shuler, Wyman III
 Tasker, Kyle
 Ward, Joanne

STRAFFORD

Andolina, Donald
 Groen, Warren
 Jones, Laura
 Newton, Clifford
 Perry, Robert
 Spang, Judith
 Wall, Janet

DeLemus, Susan
 Hooper, Dorothea
 Kaen, Naida
 O'Connor, William
 Pitre, Joseph
 Sprague, Dale
 Watters, David

Ginsburg, Philip
 Horrigan, Timothy
 Leonard, Frederick Jr
 Parsons, Robbie
 Schmidt, Peter
 Vita, Carol
 Weeden, Michael

Grassie, Anne
 Jones, Kyle
 Munck, Philip
 Pelletier, Marsha
 Spainhower, Dale
 Vita, Lucien

SULLIVAN

Bowers, Spec	Cloutier, John	Cunningham, Steven	Howard, Thomas
Laware, Thomas	Lefebvre, Benjamin	Lovett, Charlene	Osgood, Joe
Rodeschin, Beverly	Schmidt, Andrew	Smith, Steven	

and the motion failed.

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

Rep. Gandia spoke against.

Rep. Kurk spoke in favor.

Rep. Gary Richardson requested a roll call; sufficiently seconded.

YEAS 135 NAYS 195

YEAS 135

BELKNAP

Comtois, Guy	Greemore, Robert	Kingsbury, Robert	Malone, Robert
Tilton, Franklin	Worsman, Colette		

CARROLL

Ahlgren, Christopher	Pettengill, Laurie	Tregenza, Norman
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CHESHIRE

Byrnes, John	Hunt, John	Moore, Robert Jr
--------------	------------	------------------

COOS

Daugherty, Duffy

GRAFTON

Bradley, Lester	Brosseau, Charles	Gionet, Edmond	Ingbertson, Paul
Mirski, Paul	Simard, Paul	Sova, Charles	

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, Richard
Belanger, James	Belvin, William	Bergevin, Jerry	Brown, Kevin
Burt, John	Buxton, Michael	Condra, William	Cusson-Cail, Kathleen
Daniels, Gary	Donovan, Daniel	Erickson, Duane	Flanagan, Jack
Gagne, Larry	Hansen, Peter	Hardwick, Harry	Hinch, Richard
Hogan, Edith	Hogan, Timothy	Holden, Frank	Hopper, Gary
Kurk, Neal	Lambert, George	LeBrun, Donald	Maltz, Jonathan
Marcus, Bruce	McClarren, Donald	McGuinness, Sean	Mecheski, Holly
Moran, Edward	Murphy, Keith	Notter, Jeanine	Ober, Lynne
Ober, Russell III	Ohm, Bill	Palmer, Stephen	Parison, James
Pratt, Calvin	Renzullo, Andrew	Robbins, David	Rowe, Robert
Seidel, Carl	Simmons, Tammy	Soucy, Connie	Stepanek, Stephen
Summers, James	Twombly, Timothy	Ulery, Jordan	Vaillancourt, Steve
Warden, Mark	Willette, Robert		

MERRIMACK

Cohn, Seth	Giuda, J. Brandon	Hill, Gregory	Hoell, J.R.
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Kotowski, Frank
Sanborn, Laurie

Kreis, Kenneth Sr
Seaworth, G. Brian

McGuire, Carol
Smith, Molly

McGuire, Dan
Winter, Steven

ROCKINGHAM

Baldasaro, Alfred
Comerford, Timothy
Garcia, Marilinda
Hoelzel, Kathleen
Manuse, Andrew
Rice, Frederick
Smith, William
Tucker, Pamela

Bates, David
Davenport, Joshua
Garrity, James
Itse, Daniel
Mauro, Donna
Ritter, Glenn
Sytek, John

Brown, Paul
Devine, James
Griffin, Mary
Kappler, Lawrence
Murphy, Brian
Sedensky, John
Tasker, Kyle

Chirichiello, Brian
Fesh, Robert
Hagan, Joseph
Kolodziej, Walter
Reagan, John
Sheffert, Kenneth
Tremblay, Stella

STRAFFORD

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

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

DeLemus, Susan
Leonard, Frederick Jr
Parsons, Robbie

Groen, Warren
Munck, Philip
Pitre, Joseph

SULLIVAN

Bowers, Spec
Osgood, Joe

Cunningham, Steven
Smith, Steven

Howard, Thomas

Laware, Thomas

NAYS 195

BELKNAP

Accornero, Harry
Luther, Robert
Simpson, Tyler

Bolster, Peter
Millham, Alida
St. Cyr, Jeffrey

Fields, Dennis
Pilliod, James
Swinford, Elaine

Flanders, Donald
Russell, David

CARROLL

Babson, David Jr
McCarthy, Frank
Umberger, Karen

Chandler, Gene
McConkey, Mark

Fleck, Joseph
Morrow, Harry

Knox, J. David
Schmidt, Stephen

CHESHIRE

Butynski, William
Hawkes, Samuel
Lindsey, Steven
Roberts, Kris
Weber, Lucy

Cartwright, Anne
Johnsen, Gladys
Meador, David
Smith, Edwin
Weed, Charles

Chase, Cynthia
Johnson, Jane
Moore, Charles
Sterling, Franklin Jr

Dwinell, Richard
Lerandean, Alfred
Parkhurst, Henry
Tatro, Bruce

COOS

Coulombe, Gary
Remick, William
Thomas, Yvonne

Hatch, William
Richardson, Herbert
Tremblay, Marc

Merrick, Evalyn
Theberge, Robert

Rappaport, Laurence
Tholl, John Jr

GRAFTON

Aguiar, James
Cooney, Mary
Nordgren, Sharon

Almy, Susan
Gould, Franklin
Pastor, Beatriz

Benn, Bernard
Harding, Laurie
Pierce, David

Bulis, Lyle
Ladd, Rick Jr
Shackett, Jeffrey

Smith, Suzanne

Taylor, Kathleen

Townsend, Charles

White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Christensen, D.L.
Chris

Boehm, Ralph
Christiansen, Lars

Campbell, David
Coffey, James

Cebrowski, John
Cote, David

Daler, Jennifer
Gandia, Laura
Gonzalez, Carlos
Hikel, John
Jeudy, Jean
Long, Patrick
Peterson, Lenette
Rhodes, Brian
Shaw, Barbara
Swank, Matthew

Doherty, Shaun
Gargas, Carolyn
Gorman, Mary
Hutchinson, Winfred
Katsiantonis, Thomas
McCarthy, Michael
Pilotte, Maurice
Rokas, Ted
Souza, Kathleen
Thomas, Joseph

Drisko, Richard
Gimas, John
Graham, John
Infantine, William
Krasucki, Joseph
Messier, Irene
Porter, Marjorie
Rosenwald, Cindy
Stroud, Kathleen
Villeneuve, Moe

Fredette, Robert
Goley, Jeffrey
Hawkins, Kenneth
Jasper, Shawn
Leishman, Peter
Pellegrino, Tony
Proulx, Mark
Scotsas, Lisa
Sullivan, Daniel
Whitehead, Randall

MERRIMACK

Bouchard, Candace
Frazer, June
Kidder, David
MacKay, James
Patten, Dick
Shurtleff, Stephen
Williams, Robert

Deloge, Helen
Gile, Mary
Lauer-Rago, Kathleen
McDonnell, John
Potter, Frances
Soltani, Tony

DeStefano, Stephen
Hamm, Christine
Lindsley, Mark
Owen, Derek
Reed, Dennis
Wallner, Mary Jane

Foose, Robert
Hess, David
Lockwood, Priscilla
Palfrey, David
Richardson, Gary
Watrous, Rick

ROCKINGHAM

Abrami, Patrick
Charron, Gene
Elliott, Robert
Katsakiores, Phyllis
Moody, Marcia
Packard, Sherman
Read, Robin Jr
Serlin, Christopher
Ward, Joanne

Allen, Mary
Copeland, Timothy
Ferrante, Beverly
Lovejoy, Patricia
Nevins, Chris
Pantelakos, Laura
Reichard, Kevin
Shuler, Wyman III
Webb, James

Azarian, Gary
DiPentima, Rich
Headd, James
Lundgren, David
Norelli, Terie
Quandt, Marshall
Sanders, Elisabeth
Sullivan, James
Welch, David

Cali-Pitts, Jacqueline
Duarte, Joe
Janvrin, Kevin
McKinney, Betsy
O'Connor, John
Quandt, Matt
Schlachman, Donna
Waddell, James
Weyler, Kenneth

STRAFFORD

Brown, Julie
Horrigan, Timothy
Perry, Robert
Spang, Judith
Weeden, Michael

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

Grassie, Anne
Keans, Sandra
Schmidt, Peter
Wall, Janet

Hooper, Dorothea
Pelletier, Marsha
Spainhower, Dale
Watters, David

SULLIVAN

Cloutier, John
Schmidt, Andrew

Lefebvre, Benjamin

Lovett, Charlene

Rodeschin, Beverly

and the majority committee report failed.

Rep. Hawkins moved the minority committee report of Inexpedient to Legislate.

On a division vote, 214 members having voted in the affirmative and 116 in the negative, the minority committee report was adopted.

HB 476-FN, establishing an independent board of psychologists. **REFER FOR INTERIM**

STUDY.

Rep. John Sytek for Executive Departments and Administration: This bill would establish an independent board of psychologists. It would remove them from the board of mental health practice (BMHP) where they are now along with four other mental health practitioner guilds. The BMHP has had an uneven record of handling complaints against psychologists as was detailed in 2004 LBA performance audit. In recent times, the governor and council have recognized these difficulties and are in the process of reconstituting the BMHP by filling multiple vacancies. The situation is improving. While the psychologists feel there is a fundamental misfit between them and the BMHP, the committee felt the bill was premature in view of the progress already in evidence. The committee wishes to monitor whether the progress is sustained, to consider working on the bill, and to explore other possible avenues for meeting the concerns of the psychologists. Vote 14-1.

Committee report adopted.

SPECIAL ORDER

HB 219, establishing a committee to study the abolishment of the department of education. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gregory Hill for Education: The majority of the committee, after a subcommittee met five times over the summer and two days of the full committee discussion, culminating in an amendment created with much committee input, passed the amendment that principally does two things. First, it creates an oversight committee that will be charged to study and review all rules adopted by the state board of education to determine if the rules have an appropriate basis in statutory authority and whether the rules put in effect are in need of revision. Another key provision of the amendment restricts the state board of education to adopt only those rules necessary to comply with federal minimum standards. To exceed those minimum federal requirements, it would be necessary for the state board to receive prior approval by a majority vote of both houses of the legislature. Vote 12-4.

Amendment (2755h)

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

AN ACT restricting the rulemaking authority of the state board of education and establishing a legislative oversight committee to review the rulemaking authority of the state board of education.

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

1 School Performance and Accountability; Local Improvement Plan. Amend RSA 193-H:4, II(b) to read as follows:

(b) If the state board does not approve a corrective action plan in accordance with subparagraphs I(a) or II(a), or upon the state board's adoption of a progress review team recommendations, the commissioner of education shall work with the school or school district to revise the corrective action plan. If the school or school district does not revise the corrective action plan within 60 days or the state board does not approve the revised corrective action plan, then the commissioner of education shall submit in a timely manner a corrective action plan, including methods for implementing it, to the state board for approval. ~~[The state board shall direct the school board to implement the plan pursuant to RSA 186:5.]~~

2 State Board of Education; Compliance With Federal Provision and Standards. Amend RSA 186:6 to read as follows:

186:6 Compliance With Federal Provisions **and Standards**. The state board ~~[may also make the regulations]~~ **shall only adopt those rules** necessary to enable the state to comply with the **minimum** provisions **and standards** of any law of the United States ~~[intended to promote vocational or other education, to abolish illiteracy and Americanize immigrants, to equalize educational opportunities, to promote physical health and recreation, and to provide an adequate supply of trained teachers]~~ **regarding elementary and secondary education and special education. The state board, with prior approval by majority vote of**

both houses of the general court, may adopt rules pursuant to RSA 541-A which exceed the minimum provisions and standards for any educational program required by federal law.

3 New Section; State Board of Education; Legislative Oversight Committee Established. Amend RSA 186 by inserting after section 8 the following new section:

186:8-a Legislative Oversight Committee to Review the Rulemaking Authority of the State Board of Education.

I. There is hereby established a legislative oversight committee to review the rulemaking authority of the state board of education. The committee shall consist of the following members:

(a) Five members of the house of representatives, 3 of whom shall be from the education committee, appointed by the speaker of the house of representatives.

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

II. Members of the committee shall receive mileage at the legislative rate while attending to the duties of the 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 house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

IV. The committee shall meet at least once every 3 years and shall:

(a) Study and review all rules adopted by the state board of education pursuant to RSA 541-A to determine if the rules have an appropriate basis in statutory authority and whether the rules in effect are in need of revision for any reason.

(b) Review school district reporting requirements imposed by the state board of education and the department of education to determine if such requirements are relevant, practical, and cost-effective, and to recommend changes to such requirements as the committee deems proper.

(c) Review the following statutes:

(1) RSA 21-N:6, V, relative to standards for approving elementary and secondary schools.

(2) RSA 21-N:9, I, relative the authority of the state board of education to adopt rules relative to minimum standards for elementary and secondary schools.

(3) RSA 186:5, relative to the powers of the state board of education.

(4) RSA 186:8, I, relative to the state board of education's rulemaking authority to adopt minimum curriculum and educational standards for public schools.

(d) Propose legislation as deemed necessary to address any issues that may arise with regard to the rulemaking authority of the state board of education.

4 Notice of Modification or Expiration of Rules. The state board of education shall notify school districts of the modification or expiration of any rules.

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

AMENDED ANALYSIS

This bill restricts certain rulemaking authority of the state board of education and establishes a legislative oversight committee to review the rulemaking authority of the state board of education.

Reps. Brosseau and Greemore spoke in favor.

Rep. Shaw spoke against.

Rep. Gile requested a roll call; sufficiently seconded.

YEAS 208 NAYS 109

YEAS 208

BELKNAP

Accornero, Harry
Flanders, Donald
Russell, David
Tilton, Franklin

Bolster, Peter
Greemore, Robert
Simpson, Tyler
Worsman, Colette

Comtois, Guy
Luther, Robert
St. Cyr, Jeffrey

Fields, Dennis
Malone, Robert
Swinford, Elaine

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Tregenza, Norman

Babson, David Jr
Merrow, Harry
Umberger, Karen

Chandler, Gene
Pettengill, Laurie

Fleck, Joseph
Schmidt, Stephen

CHESHIRE

Byrnes, John
Johnson, Jane
Sterling, Franklin Jr

Cartwright, Anne
Moore, Charles

Dwinell, Richard
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy

Rappaport, Laurence

Tholl, John Jr

Tremblay, Marc

GRAFTON

Bradley, Lester
Ingbretson, Paul
Sova, Charles

Brosseau, Charles
Mirski, Paul

Bulis, Lyle
Shackett, Jeffrey

Gionet, Edmond
Simard, Paul

HILLSBOROUGH

Balboni, Michael
Belvin, William
Burt, John

Ball, J. Michael
Bergevin, Jerry
Buxton, Michael

Barry, Richard
Boehm, Ralph
Cebrowski, John

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

Christiansen, Lars
Daniels, Gary
Erickson, Duane
Gandia, Laura
Hikel, John
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Ober, Russell III
Pellegrino, Tony
Renzullo, Andrew
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Coffey, James
Doherty, Shaun
Flanagan, Jack
Graham, John
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Ohm, Bill
Peterson, Lenette
Robbins, David
Simmons, Tammy
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

Condra, William
Donovan, Daniel
Fredette, Robert
Hardwick, Harry
Hogan, Edith
Infantine, William
Lambert, George
McCarthy, Michael
Notter, Jeanine
Palmer, Stephen
Pratt, Calvin
Rowe, Robert
Soucy, Connie
Summers, James
Ulery, Jordan
Whitehead, Randall

Cusson-Cail, Kathleen
Drisko, Richard
Gagne, Larry
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Ober, Lynne
Parison, James
Proulx, Mark
Seidel, Carl
Souza, Kathleen
Swank, Matthew
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Cohn, Seth
Kotowski, Frank
McDonnell, John
Reed, Dennis
Soltani, Tony

Giuda, J. Brandon
Kreis, Kenneth Sr
McGuire, Carol
Sanborn, Laurie
Winter, Steven

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

Hoell, J.R.
Lindsley, Mark
Palfrey, David
Smith, Molly

ROCKINGHAM

Abrami, Patrick	Azarian, Gary	Baldasaro, Alfred	Bates, David
Bettencourt, David	Brown, Paul	Chirichiello, Brian	Comerford, Timothy
Copeland, Timothy	Davenport, Joshua	Devine, James	Duarte, Joe
Ferrante, Beverly	Fesh, Robert	Garcia, Marilinda	Garrity, James
Griffin, Mary	Hagan, Joseph	Headd, James	Hoelzel, Kathleen
Itse, Daniel	Kappler, Lawrence	Katsakiores, Phyllis	Kolodziej, Walter
Lundgren, David	Manuse, Andrew	Mauro, Donna	McKinney, Betsy
Murphy, Brian	Nevins, Chris	O'Connor, John	Packard, Sherman
Quandt, Marshall	Quandt, Matt	Reagan, John	Rice, Frederick
Ritter, Glenn	Sanders, Elisabeth	Sedensky, John	Shuler, Wyman III
Smith, William	Sullivan, James	Sytek, John	Tasker, Kyle
Tremblay, Stella	Tucker, Pamela	Welch, David	Weyler, Kenneth

STRAFFORD

Cataldo, Sam	DeLemus, Susan	Groen, Warren	Jones, Kyle
Jones, Laura	Munck, Philip	Newton, Clifford	O'Connor, William
Parsons, Robbie	Pitre, Joseph	Vita, Carol	Vita, Lucien
Weeden, Michael			

SULLIVAN

Bowers, Spec	Howard, Thomas	Laware, Thomas	Lovett, Charlene
Osgood, Joe	Rodeschin, Beverly	Smith, Steven	

NAYS 109

BELKNAP

Kingsbury, Robert	Millham, Alida	Pilliod, James
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CARROLL

Knox, J. David

CHESHIRE

Butynski, William	Chase, Cynthia	Hawkes, Samuel	Johnsen, Gladys
Lerandeau, Alfred	Lindsey, Steven	Meader, David	Parkhurst, Henry
Roberts, Kris	Tatro, Bruce	Weber, Lucy	Weed, Charles

COOS

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

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Harding, Laurie	Ladd, Rick Jr	Nordgren, Sharon	Pierce, David
Smith, Suzanne	Taylor, Kathleen	Townsend, Charles	

HILLSBOROUGH

Baroody, Benjamin	Campbell, David	Cote, David	Daler, Jennifer
Gargas, Carolyn	Gimas, John	Goley, Jeffrey	Gonzalez, Carlos

Gorman, Mary
Moran, Edward
Rhodes, Brian
Shaw, Barbara

Jeudy, Jean
Murphy, Keith
Rokas, Ted
Sullivan, Daniel

Leishman, Peter
Pilotte, Maurice
Rosenwald, Cindy

Messier, Irene
Porter, Marjorie
Scontsas, Lisa

MERRIMACK

Bouchard, Candace
Frazer, June
Kidder, David
Potter, Frances
Watrous, Rick

Deloge, Helen
Gile, Mary
Lockwood, Priscilla
Richardson, Gary
Williams, Robert

DeStefano, Stephen
Hamm, Christine
MacKay, James
Shurtleff, Stephen

Foose, Robert
Hess, David
Patten, Dick
Wallner, Mary Jane

ROCKINGHAM

Allen, Mary
Elliott, Robert
Pantelakos, Laura
Waddell, James

Cali-Pitts, Jacqueline
Lovejoy, Patricia
Read, Robin Jr
Ward, Joanne

Charron, Gene
Moody, Marcia
Schlachman, Donna

DiPentima, Rich
Norelli, Terie
Serlin, Christopher

STRAFFORD

Andolina, Donald
Hooper, Dorothea
Pelletier, Marsha
Spainhower, Dale
Watters, David

Brown, Julie
Horrigan, Timothy
Perry, Robert
Spang, Judith

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

Grassie, Anne
Keans, Sandra
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
and the committee amendment was adopted.

Cunningham, Steven

Lefebvre, Benjamin

Schmidt, Andrew

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

YEAS 214 NAYS 110

YEAS 214

BELKNAP

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

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

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

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

CARROLL

Ahlgren, Christopher
McConkey, Mark
Tregenza, Norman

Babson, David Jr
Merrow, Harry
Umberger, Karen

Chandler, Gene
Pettengill, Laurie

McCarthy, Frank
Schmidt, Stephen

CHESHIRE

Byrnes, John
Moore, Charles

Cartwright, Anne
Moore, Robert Jr

Dwinell, Richard
Smith, Edwin

Hunt, John

COOS

Daugherty, Duffy

Rappaport, Laurence

Tholl, John Jr

Tremblay, Marc

GRAFTON

Bradley, Lester
Ingbretson, Paul
Sorg, Gregory

Brosseau, Charles
Mirski, Paul
Sova, Charles

Bulis, Lyle
Shackett, Jeffrey

Gionet, Edmond
Simard, Paul

HILLSBOROUGH

Balboni, Michael
Belvin, William
Burt, John

Ball, J. Michael
Bergevin, Jerry
Buxton, Michael

Barry, Richard
Boehm, Ralph
Cebrowski, John

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

Christiansen, Lars
Daniels, Gary
Erickson, Duane
Gandia, Laura
Hawkins, Kenneth
Holden, Frank
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Ober, Lynne
Parison, James
Proulx, Mark
Seidel, Carl
Souza, Kathleen
Swank, Matthew
Vaillancourt, Steve
Willette, Robert

Coffey, James
Doherty, Shaun
Flanagan, Jack
Graham, John
Hikel, John
Hopper, Gary
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Ober, Russell III
Pellegrino, Tony
Renzullo, Andrew
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Condra, William
Donovan, Daniel
Fredette, Robert
Hansen, Peter
Hinch, Richard
Infantine, William
Lambert, George
McCarthy, Michael
Murphy, Keith
Ohm, Bill
Peterson, Lenette
Robbins, David
Simmons, Tammy
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

Cusson-Cail, Kathleen
Drisko, Richard
Gagne, Larry
Hardwick, Harry
Hogan, Edith
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Notter, Jeanine
Palmer, Stephen
Pratt, Calvin
Rowe, Robert
Soucy, Connie
Summers, James
Ulery, Jordan
Whitehead, Randall

MERRIMACK

Cohn, Seth
Kotowski, Frank
McDonnell, John
Reed, Dennis
Soltani, Tony

Giuda, J. Brandon
Kreis, Kenneth Sr
McGuire, Carol
Sanborn, Laurie
Winter, Steven

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

Hoell, J.R.
Lindsley, Mark
Palfrey, David
Smith, Molly

ROCKINGHAM

Abrami, Patrick
Bettencourt, David
Comerford, Timothy
Duarte, Joe
Garritty, James
Hoelzel, Kathleen
Kolodziej, Walter
McKinney, Betsy
Packard, Sherman
Reichard, Kevin
Sedensky, John
Sytek, John
Webb, James

Allen, Mary
Brown, Paul
Copeland, Timothy
Ferrante, Beverly
Griffin, Mary
Itse, Daniel
Lundgren, David
Murphy, Brian
Quandt, Marshall
Rice, Frederick
Shuler, Wyman III
Tasker, Kyle
Welch, David

Baldasaro, Alfred
Charron, Gene
Davenport, Joshua
Fesh, Robert
Hagan, Joseph
Kappler, Lawrence
Manuse, Andrew
Nevins, Chris
Quandt, Matt
Ritter, Glenn
Smith, William
Tremblay, Stella
Weyler, Kenneth

Bates, David
Chirichiello, Brian
Devine, James
Garcia, Marilinda
Headd, James
Katsakiores, Phyllis
Mauro, Donna
O'Connor, John
Reagan, John
Sanders, Elisabeth
Sullivan, James
Tucker, Pamela

STRAFFORD

Andolina, Donald
Jones, Kyle
O'Connor, William
Vita, Lucien

Cataldo, Sam
Jones, Laura
Parsons, Robbie
Weeden, Michael

DeLemus, Susan
Munck, Philip
Pitre, Joseph

Groen, Warren
Newton, Clifford
Vita, Carol

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Smith, Steven

Laware, Thomas

NAYS 110

BELKNAP

Millham, Alida

CARROLL

Fleck, Joseph

Knox, J. David

CHESHIRE

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

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

Hawkes, Samuel
Lindsey, Steven
Sterling, Franklin Jr

Johnsen, Gladys
Meader, David
Tatro, Bruce

COOS

Coulombe, Gary
Richardson, Herbert

Hatch, William
Theberge, Robert

Merrick, Evalyn
Thomas, Yvonne

Remick, William

GRAFTON

Aguiar, James
Harding, Laurie
Pierce, David

Almy, Susan
Ladd, Rick Jr
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Gargas, Carolyn
Gorman, Mary
Long, Patrick
Porter, Marjorie
Scontsas, Lisa

Campbell, David
Gimas, John
Hutchinson, Winfred
Messier, Irene
Rhodes, Brian
Shaw, Barbara

Cote, David
Goley, Jeffrey
Jeudy, Jean
Moran, Edward
Rokas, Ted
Sullivan, Daniel

Daler, Jennifer
Gonzalez, Carlos
Leishman, Peter
Pilotte, Maurice
Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
Frazer, June
Kidder, David
Potter, Frances
Watrous, Rick

Deloge, Helen
Gile, Mary
Lockwood, Priscilla
Richardson, Gary
Williams, Robert

DeStefano, Stephen
Hamm, Christine
MacKay, James
Shurtleff, Stephen

Foose, Robert
Hess, David
Patten, Dick
Wallner, Mary Jane

ROCKINGHAM

Azarian, Gary

Cali-Pitts, Jacqueline

DiPentima, Rich

Elliott, Robert

Lovejoy, Patricia
Read, Robin Jr
Ward, Joanne

Moody, Marcia
Schlachman, Donna

Norelli, Terie
Serlin, Christopher

Pantelakos, Laura
Waddell, James

STRAFFORD

Brown, Julie
Horrigan, Timothy
Perry, Robert
Spang, Judith

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

Grassie, Anne
Keans, Sandra
Schmidt, Peter
Wall, Janet

Hooper, Dorothea
Pelletier, Marsha
Spainhower, Dale
Watters, David

SULLIVAN

Cloutier, John

Lefebvre, Benjamin

Rodeschin, Beverly

Schmidt, Andrew

and the committee report was adopted and ordered to third reading.

HB 625-FN-A*, relative to New Hampshire correctional industries. **OUGHT TO PASS WITH AMENDMENT.*

Rep. Randall A. Whitehead for Executive Departments and Administration: This bill extends GraniteCor, a business enterprise within the state department of corrections for the purpose of reducing inmate recidivism by teaching inmates marketable skills through their involvement in the manufacturing of goods to be sold to the public and private sectors. GraniteCor will not be competing with the private sector, as it will charge market prices for its services and products. This bill exempts GraniteCor from certain competitive selling, bidding and purchasing requirements, thus providing a positive and flexible environment for potential success of the program. By cooperating with the department of safety, GraniteCor will be allocated existing monies from the plate fund and the general fund, with the possibility of being self-funded in the future. This bill does not require any new taxes, and provides GraniteCor with a line of credit from the state. This bill will allow inmates to return to society as rehabilitated citizens, more able to find meaningful work, armed with marketable job skills and a sense of pride and dignity, lowering the crime rate and saving the taxpayers significant money in the long run. Vote 8-2.

Amendment (2666h)

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

1 New Subdivision; New Hampshire Correctional Industries; GraniteCor. Amend RSA 622 by inserting after section 32 the following new subdivision:

New Hampshire Correctional Industries-GraniteCor

622:32-a GraniteCor Established. In order to allow prison inmates to work and develop personal attributes and skills required for success, and in recognizing that correctional industries add significantly to prison and public safety, there is hereby established New Hampshire correctional industries which shall be known by the trade name "GraniteCor." GraniteCor shall operate within the department of corrections governed by a board of directors described herein. GraniteCor shall implement sales and purchasing policies and procedures which are similar to small business best practices and less aligned with those of a general funded governmental agency. GraniteCor shall strive to be self-sustaining and the state shall thus strive to provide a market for GraniteCor goods and services.

622:32-b Definitions. In this subdivision:

I. "Board" means the GraniteCor board of directors.

II. "General Manager" means the primary operational management position with full profit and loss responsibility for GraniteCor.

622:32-c Board of Directors Established; Duties.

I. GraniteCor shall be overseen by a board of directors consisting of:

(a) The commissioner of the department of corrections.

(b) The assistant commissioner of the department of corrections.

- (c) The director of administration of the department of corrections.
- (d) The commissioner of the department of safety, or designee.
- (e) The commissioner of the department of administrative services, or designee
- (f) The general manager of GraniteCor.
- (g) One private business owner, or designee, appointed by the governor.

II. The terms of office of the members in subparagraphs I(a)-(e) shall be coterminous with their terms in office.

III. Members of the board shall serve without additional compensation.

IV. The board shall:

(a) Review and approve any business or strategic plan offered by the general manager prior to its implementation.

(b) Approve all projects proposed for GraniteCor.

(c) Remove obstacles that hinder GraniteCor from expanding or generating revenue.

622:32-d GraniteCor Fund Established.

I. There is established in the department of corrections a non-lapsing fund to be known as the GraniteCor fund which shall be kept distinct and separate from all other funds. All moneys in the fund shall be nonlapsing and continually appropriated to GraniteCor. This fund shall not be burdened by financial obligations to the general fund incurred by GraniteCor prior to July 1, 2012.

II. Upon the effective date of this subdivision, the commissioner of the department of corrections shall deposit in the GraniteCor fund all payments received by GraniteCor from the sales of GraniteCor goods and services and such other funds received under state or federal law, or donated to GraniteCor by private parties, or transferred from similar funds of other state agencies, and shall credit any interest or income earned on moneys on deposit to the fund. The GraniteCor fund shall be used for the purposes of paying GraniteCor's direct expenses including marketing expenses and payment of staff salary and benefits accrued from July 1, 2012 as well as for replacing old or aging equipment necessary to GraniteCor's functions, buying new equipment, and supporting growth in GraniteCor in order to expand the number of work training opportunities that tend to reduce recidivism.

622:32-e Line of Credit. Notwithstanding any provision of law to the contrary, the state shall provide GraniteCor with a line of credit in an amount equal to its approved biennial budget for equipment valued over \$5,000 and individual repairs valued over \$5,000 to allow GraniteCor to spread payments for equipment and repairs over a 5-year term secured by the credit of the state. Repayment of debt from line of credit shall be made according to a monthly repayment schedule that shall increase as the line of credit is used with payments commencing one month after installation of equipment and until debt is repaid.

622:32-f Exemptions from State Contract Requirements. Notwithstanding any provision of law to the contrary:

I. GraniteCor's purchases and contracting shall be exempt from the competitive bidding requirements set forth in RSA 21-I:11.

II. GraniteCor shall have discretion regarding purchasing or not purchasing from state contracts and shall not be required to process purchases through the department of administrative services, division of plant and property management as set forth in RSA 21-I:11.

III. GraniteCor may establish open purchase orders at any time during the fiscal year and shall not be bound by state-imposed deadlines if those purchases are paid out of GraniteCor's nonlapsing fund.

IV. GraniteCor shall have a variable budget for raw materials purchased out of its nonlapsing fund. A report identifying the ratio of raw materials to sales through 6 months and 9 months will be submitted to the commissioner of the department of administrative services in January and April, respectively.

V. GraniteCor may, once it is operating out of its nonlapsing GraniteCor fund, use any inventory and job tracking and accounting software developed in-house or purchased, in lieu of the state's accounting software geared for managing the general fund and may exclusively send out invoices directly from this software.

VI. Emergency repairs or replacement of GraniteCor equipment shall be permitted and shall be exempt from the competitive bidding requirements and purchasing requirements of the department of administrative services, division of plant and property management as set forth in RSA 21-I:11, if the board determines production and related revenues would be interrupted due to equipment failure.

VII. GraniteCor may supply state agencies with goods and services and state agencies, departments, offices, and institutions may purchase from GraniteCor any goods or services which GraniteCor offers without having to solicit bids or price quotes from any other source of said products or services, and may choose to purchase from GraniteCor or an existing state contract. All state contracts shall contain such language. Counties, cities, towns, school districts, and nonprofit organizations may purchase from GraniteCor unless otherwise restricted by their own rules, laws, or ordinances. GraniteCor prices shall be market driven and not cost or cost plus based except where specifically identified in paragraph XIII pertaining to license plates.

VIII. Products made, in whole or in part, by private businesses where GraniteCor repackages, partially manufactures, distributes, or otherwise physically handles such products shall be considered GraniteCor goods and services. Products manufactured by New Hampshire inmate labor employed by private companies under contract with GraniteCor shall be considered GraniteCor's products when sold to state agencies, departments, offices, and institutions if GraniteCor receives a commission under said contract.

IX. GraniteCor may use off-the-shelf, e-commerce, commercially-hosted web technology if GraniteCor finds it acceptable, and may do so without having to comply with state formats which address requirements inapplicable to typical e-commerce formats or seek bids or proposals if the department of information technology agrees on the acceptability of product. GraniteCor Internet technology applications shall meet or exceed the state's security standards.

X. GraniteCor and the department of administrative services, division of plant and property management, bureau of graphic services shall be the primary internally supplied printers for the state and that internally supplied printing shall be divided between them as determined by the commissioner of the department of administrative services and which serves the best interests of the state. The state's print outsourcing function may continue to reside within the department of administrative services and may continue to be funded with general funds. State agencies may continue to operate specialty printing functions such as blue lines, etc.

XI. GraniteCor's sign shop shall be the only revenue producing sign shop operated by a state agency, shall be the first option of producing standard signs 48 inches wide or narrower.

XII. Governmental entities shall purchase validation stickers, registration tags, and registration decals from GraniteCor at market prices whenever GraniteCor has the capability for making those items.

XIII. Governmental entities shall purchase license plates from GraniteCor and all governmental entities shall design plates manufacturable by GraniteCor.

(a) GraniteCor shall charge and agencies shall pay to GraniteCor a manufacturing fee of \$1.50 per plate for the first 300,000 plates and \$1.00 per plate for any additional plates manufactured during the fiscal year plus materials at cost unless materials are provided by ordering entity to manufacture plates and where applicable, that fee shall be paid out of the existing plate manufacturing fee collected by department of safety pursuant to RSA 228:25. At no time shall the per plate cost associated with the manufacture of license plates exceed the per plate manufacturing fee established in RSA 228:25.

(b) Plate making equipment owned by other state agencies shall be transferred to GraniteCor at no cost and maintained thereafter by GraniteCor. Equipment provided by materials providers as part of the cost of materials shall be assigned to GraniteCor without cost regardless of the entity purchasing the materials. In instances where vendors include within their materials prices, equipment to manufacture products using their materials, a clause in all plate and sticker materials purchase agreements shall be included that gives GraniteCor the option of owning the equipment outright after a period of time after sufficient payments have been made.

(c) Governmental entities, should it be determined to be more economically and operationally feasible, may order plates and decals directly from GraniteCor and GraniteCor may deliver or ship plates and decals directly to issuing entities. Governmental entities may order plates and decals through GraniteCor's e-commerce web site if agreed to by issuing entity and as appropriate, a system shall be put into place that accurately reports to issuing entities such as the department of safety all plates and decals made and where they were shipped if ordered directly from GraniteCor. GraniteCor may charge for these services and where applicable may be paid out of the plate manufacturing fee collected by the department of safety pursuant to RSA 228:25.

(d) Revenues from sales of plates may be commingled with other GraniteCor revenues.

(e) GraniteCor and the department of safety, division of motor vehicles shall work together to find where GraniteCor can best be integrated into the processing and delivery of plate and validation sticker orders.

622:32-g Sales to Private Sector; Prison Industry Enhancement Certification Program.

I. GraniteCor shall be able to sell to the private sector, individuals, non-profits, and governmental agencies.

II. GraniteCor may participate in the Prison Industry Enhancement Certification Program (PIECP) administered by United States Department of Justice and may implement some or all of the requirements of the program, and any amendments to the program, as GraniteCor may deem necessary. GraniteCor shall be reimbursed for hard and soft costs involved in managing, expanding, and administering PIECP from funds withdrawn from inmates pay that participate in PIECP that are typically withdrawn for costs of incarceration.

2 Sales of Prison Products. Amend RSA 622:26 to read as follows:

622:26 Sales of Prison Products.

~~[I. The commissioner of corrections may contract for the sale or lease of goods and products which are produced at the state prisons on the open market at competitive prices, when, in his opinion, such sale or lease is in the best interests of the inmates and of the prisons and does not conflict unduly with the availability of prison manufactured goods to state and public institutions as provided for in RSA 622:5, VI and RSA 622:28, and results in the best utilization of the prison production capacity.~~

~~II.]~~ The commissioner of corrections shall not, nor shall any other authority, make any contract by which the labor or time of any prisoner in the state prisons or in any reformatory, penitentiary, or jail in the state shall be farmed out, given or sold to any person.

3 Provision of Products for State Agencies. Amend RSA 622:28 to read as follows:

622:28 Provision of Products for State Agencies. No articles or supplies, except printing, such as are manufactured ~~[at the state prisons or for the state prisons]~~ **by GraniteCor or for GraniteCor** in accordance with arrangements with other prison systems shall be purchased from any other source for the state or its departments or institutions if the director of plant and property management determines that such purchases may be made at fair market value. The commissioner of corrections will advise the director of plant and property management as to what articles or supplies are available for purchase **from GraniteCor** and their current prices.

4 New Subparagraph; Application of Receipts; GraniteCor Fund. Amend RSA 6:12, I(b) by inserting after subparagraph 307 the following new subparagraph:

(308) Moneys deposited into the GraniteCor fund established in RSA 622:32-d.

5 Transfer of Funds; Reduced Per Plate Fee. On July 1, 2012, the commissioner of the department of safety shall transfer \$500,000 from the inventory fund established in RSA 228:25 to the GraniteCor fund established in RSA 622:32-d. On the effective date of this act, GraniteCor shall charge a reduced per plate fee of \$1.32 for the first 300,000 plates and \$.88 for any additional plates until such time as the difference between the payments based on the per plate fee established in RSA 622:32-f, XIII(a) and the reduced per plate fee established in this section total \$200,000, after which GraniteCor shall charge the per plate fee established in RSA 622:32-f, XIII(a).

6 Repeal. The following are repealed:

I. RSA 622:5, V, relative to the power of the commissioner of the department of corrections to provide for the sale of articles manufactured in the prisons.

II. RSA 622:28-a, relative to the prison industries inventory account.

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

AMENDED ANALYSIS

This bill establishes GraniteCor, a business enterprise within the state prison system. The bill exempts GraniteCor from certain competitive selling, bidding, and purchasing requirements; establishes a GraniteCor fund; allows GraniteCor to create an externally hosted e-commerce capability; establishes a line of credit for GraniteCor; prioritizes some state purchases from GraniteCor; and transfers a portion of the existing license plate manufacturing fee assessed by the department of safety to GraniteCor.
Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. Rep. Carol McGuire yielded to questions.

Committee report adopted.

Referred to the Committee on Finance.

SB 152-FN, relative to participation in state employees' group insurance by members of the general court. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Maurice L. Pilotte for Executive Departments and Administration: The bill, as amended by the senate, enables the department of administrative services to invoice current and retired members of the General Court who participate in the state employee's group insurance. The amendment provides for adequate notice of potential permanent termination of participation if payment is not made within 60 days of invoice. Vote 9-0.

Amendment (2592h)

Amend RSA 14-A:6, V as inserted by section 1 of the bill by replacing it with the following:

V. Failure to remit payment in full for participation pursuant to paragraph II of this section within 60 days of billing shall be grounds for permanently terminating benefits effective upon the beginning of the billing period. Either in the billing notice or in a separate notice to the person billed, the department of administrative services shall advise that failure to pay the specified amount in full within the required time shall be grounds for permanent termination of benefits.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 269-FN, establishing a priority based budget system focused on measurable results.

OUGHT TO PASS WITH AMENDMENT.

Rep. Lynne M. Ober for Finance: This amends RSA 9:16a to allow agencies to transfer funds

within or among all accounting units (AU) within said department. The prior legislation only allowed a transfer of \$2,499 before six levels of approval were required. When transfers reached the level of \$2,500, five signatures, including the fiscal committee chairman and the governor, after the approval of the transfer by the executive council, were required. Transfers above \$25,000 went to the fiscal committee. This legislation provides that transfers of \$75,000 or more shall require prior approval of the fiscal committee of the general court, and the governor and council, and provides that no funds may be transferred in violation of other provisions of RSA 9 or in violation of any restrictions otherwise provided by law or to or from any account, except accounts in the department of health and human services, which is not comprised of the same funding mix. Transfers under \$75,000 may be made as long as they conform to established state statutes and meet the approval of the department of administrative services. Under these established legal statutes, departments may not transfer any monies into or out of personnel, benefits, or out of state travel budget lines. The committee fully examined all transfers that had gone through the six stage process for the prior 39 months to determine the appropriate level of transfer. The committee also examined rules surrounding the signing of contracts, which requires executive council approval, and the purchase of vehicles, which has an elaborate approval process that remains in place. We did that to ensure that unbudgeted vehicles could not be purchased and to ensure that contracts would still go through the required approval process. Since the department of administrative services still must manage all transfer requests and ensure that all state laws are followed, the committee felt that a transfer amount of \$75,000 was appropriate. Not only will this help ensure more government efficiency, but it will remove some of the bureaucratic hurdles facing department heads who must manage both their departments and their budgets. This bill also cleans up state statute to remove the obsolete term PAU and replace with the new budgeting term AU which the LBA testified was merely housekeeping. This bill as amended had bi-partisan support. Vote 17-4.

Amendment (2714h)

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

AN ACT relative to the authority of departments to transfer funds among budget accounting units.

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

1 Transfers Authorized. Amend RSA 9:16-a to read as follows:

9:16-a Transfers Authorized. Notwithstanding any other provision of law, every department as defined in RSA 9:1 is hereby authorized to transfer funds within and among all ~~[PAUs]~~ **accounting units** within said department, provided that any transfer of ~~[\$2,500]~~ **\$75,000** or more shall require prior approval of the fiscal committee **of the general court** and the governor and council, and provided that no funds may be transferred in violation of the provisions of RSA 9:17-a, ~~[17-b]~~ **9:17-b**, or ~~[17-c]~~ **9:17-c** or in violation of any restrictions otherwise provided by law or to or from any account, except accounts in the department of health and human services, which is not composed of the same funding source mix.

2 Change from "PAU" to "Accounting Unit." Amend the following RSA provisions by replacing "PAU" with "accounting unit": RSA 9:4, II(a); 9:4-d, I; 21-I:56, III; 84-C:11, I(a); and 187-A:22, II.

3 Change from "Program Appropriation" to "Accounting." Amend the following RSA provisions by replacing "program appropriation" with "accounting": RSA 9:8-a; 187-A:16, XV; 260:74; 284:21-f; and 383:11, I and II.

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

AMENDED ANALYSIS

This bill:

I. Increases the amount a department may transfer among budget accounting units without prior approval of the fiscal committee of the general court and governor and council.

II. Replaces obsolete references to PAU or “program appropriation unit” with “accounting unit” to reflect current budget terminology.
Amendment adopted.
Committee report adopted and ordered to third reading.

HB 618-FN, requiring state agencies to submit an efficiency level expenditure estimate to the commissioner of administrative services as part of the biennial budget process. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lynne M. Ober for Finance: This bill repeals the requirement for a maintenance budget while requiring the governor and all departments of the state to develop a budget that will continue to use forms furnished by the commissioner of administrative services. In a number of previous budget cycles, the maintenance budget, which was required by law, was prepared and then a second, and sometimes a third budget was also prepared. This duplicative work wastes times and resources. Having department heads concentrate on the better development of budgets that will be presented to the legislature and used to manage departments in the subsequent biennium will help ensure that more relevant details are available during budget reviews done by the governor, the house and the senate. The budget process will continue to be directed by the commissioner of administrative services who will continue to provide blank budget forms for use by all departments, ensuring that budgets are developed in a uniform manner across all state departments. Organization charts that identify employers by position number, and indicate whether the position is vacant or filled will be included with budgets. Expenditure estimates for the biennium will also be included. This bill establishes a performance measure system with an oversight commission to assist with development of such measures. Departments will work to develop performance measures that include resources needed and identify core government functions. The committee called other states that currently do performance based budgeting and found that if this effort is to succeed, several development years are needed prior to the establishment of the performance based budgeting requirements. During deliberations on this bill, commissioners testified that they needed three to five years to develop these measures, gather data, improve the measures and then begin to use them as the basis of performance based budgeting. Data gathered from other states and from our department heads was used in developing the performance measurement system. This bill supports and establishes the work to be done to develop these performance measures and allows those departments who used the LEAN process to continue with that development. Departments that did not participate in LEAN will begin to develop performance measures and needed resources. Annual reporting will report findings and any recommendations for proposed legislation. It is expected that during this oversight, that legislation that would establish performance based budgeting can be developed. HB 618, as modified, begins this process, provides needed oversight and ensures that New Hampshire can move forward into a better budgeting process. After 5 years the commission is repealed and it is expected that the state will be using performance based budgeting with the performance measures developed in the preceding years. There was bi-partisan support for this bill as amended. Vote 16-3.

Amendment (2738h)

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

AN ACT requiring state agencies to develop performance measures and to develop budgets for each biennium.

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

1 Requests for Appropriations; Estimates of Expenditure Requirements. RSA 9:4 is repealed and reenacted to read as follows:

9:4 Requests for Appropriations; Estimates of Expenditure Requirements.

I. On or before October 1 prior to each biennial legislative session, all departments of the state shall transmit to the commissioner of administrative services, on blanks to be

furnished by the commissioner, estimates of their expenditure requirements for each fiscal year of the ensuing biennium for administration, operation, and program services, including costs for workers' compensation and unemployment compensation. In case of the failure of any department to submit such estimates within the time above specified, the commissioner of administrative services shall cause to be prepared such estimates for such department as in the commissioner's opinion are reasonable and proper.

II. Each department shall include with the expenditure estimates submitted under paragraph I an organization chart that identifies each employee position by position number, indicates whether the position is funded in the budget submission, and indicates whether the position is vacant or filled.

2 New Chapter; Performance Measurement System. Amend RSA by inserting after chapter 21-T the following new chapter:

CHAPTER 21-U PERFORMANCE MEASUREMENT SYSTEM

21-U:1 Definitions. In this chapter:

I. "End outcome measures" shall be designed to evaluate an agency's progress toward the achievement of the agency's objectives and the fulfillment of its mission statement. End outcome measures normally focus on the consequences of program implementation and the effect of the program on those served. Because one program may have several different objectives, several different end outcome measures may be necessary so that each objective is measured.

II. "Input measures" measure the amount of resources applied, and, when related to output or outcome information, provide indicators of efficiency and productivity.

III. "Mission statement" means a succinct definition of purpose to clarify the intended results.

IV. "Goals" define what the agency hopes to accomplish within a specific time period.

21-U:2 Performance Measurement System. Beginning January 1, 2013, each agency, as defined in RSA 21-G:5, III, shall adopt a performance measurement system for each of its programs that includes: a mission statement, the outcomes the program seeks to achieve, and the specific outcome measures that the program intends to use to track performance. The performance measures to be developed shall incorporate both input and end outcome measures. The performance measurement system shall be developed at the departmental level and shall serve as a model for program level performance measurement.

21-U:3 Development of Performance Measurement System by Agencies. On or before July 1, 2013, each agency, as defined in RSA 21-G:5, III, shall provide to the oversight commission established in RSA 21-U:5 a contact person within the agency who shall be responsible for providing the commission with information as to that agency's development and implementation of the performance measurement system required under RSA 21-U:2. Each agency shall cooperate with the commission and shall provide the requested information in a timely manner.

21-U:4 Reporting Requirement.

I. On or before January 15, 2013, each agency shall submit an initial report on the development and adoption of a performance measurement system. The report shall identify the performance measures developed pursuant to RSA 21-U:2 and shall report on those measures to the extent of the available data. Copies of the report shall be forwarded to the oversight commission established in RSA 21-U:5, the house and senate finance committees, the speaker of the house of representatives, the president of the senate, the governor, the house clerk, the senate clerk, and the state library.

II. Beginning July 1, 2013, each agency shall submit an annual report of its performance based on the performance measurement systems developed under this chapter. The report shall be submitted to the oversight commission established in RSA 21-U:5, the house and senate finance committees, the speaker of the house of representatives, the president of the senate, the governor, the house clerk, the senate clerk, and the state library.

The reports also shall be available to the public on the state transparency website in a format that permits data comparisons by performance measure, geographic location, and demographic group. The website shall provide data for at least 2 prior years for each performance indicator so that comparisons may be made and trends identified.

21-U:5 Performance Measurement System; Oversight Commission Established.

I. There is established a performance measurement system oversight commission.

II.(a) The members of the commission shall be as follows:

- (1) One member of the executive branch, appointed by the governor.
- (2) Five agency commissioners, one of whom shall serve as an alternate, appointed by the commissioners.
- (3) The chairperson of the senate finance committee.
- (4) The chairperson of the house finance committee.
- (5) The vice-chairperson of the house finance committee.
- (6) One minority member of the house finance committee, appointed by the chairperson of the finance committee.
- (7) Two legislative members, appointed by the chairperson of the house finance committee.
- (8) Two members of legislative policy committees, appointed by the speaker of the house of representatives.

(b) Legislative members of the commission shall serve a term co-terminous with their term in office. Members appointed under subparagraphs (a)(1) and (a)(2) shall serve 2-year terms, except that the initial appointment of 2 of the commissioners appointed under subparagraph (a)(2) shall be for one-year terms. Members of the commission shall serve without compensation, provided that legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

III. The commission shall:

- (a) Oversee the development of performance based measurement systems by state agencies.
- (b) Study performance based measurement systems used by other states.
- (c) Provide information and technical assistance to agencies in developing program-specific measurement tools.
- (d) Make recommendations relative to the integration of the performance based measurement system with the state budget process.

IV. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Seven members of the commission shall constitute a quorum.

V. Beginning November 1, 2013 and annually thereafter, the commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house and senate finance committees, the house clerk, the senate clerk, the governor, and the state library.

3 Repeal. RSA 21-U:5, relative to the performance measurement system oversight commission, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect January 1, 2018.

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

AMENDED ANALYSIS

This bill:

I. Removes the requirement in current law that agencies submit a maintenance budget as part of the biennial budget process.

II. Requires agencies to submit an organization chart with the agency's request for expenditures.

III. Requires agencies to develop program performance measures and establishes a commission to oversee the development of performance measurement systems by state agencies.

Rep. Lynne Ober spoke against.

Amendment failed.

Rep. Lynne Ober offered floor amendment (0102h).

Floor Amendment (0102h)

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

AN ACT requiring state agencies to develop performance measures and to develop budgets for each biennium.

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

1 Requests for Appropriations; Estimates of Expenditure Requirements. RSA 9:4, I and II are repealed and reenacted to read as follows:

I. On or before October 1 prior to each biennial legislative session, all departments of the state shall transmit to the commissioner of administrative services, on blanks to be furnished by the commissioner, estimates of their expenditure requirements for each fiscal year of the ensuing biennium for administration, operation, and program services, including costs for workers' compensation and unemployment compensation. In case of the failure of any department to submit such estimates within the time above specified, the commissioner of administrative services shall cause to be prepared such estimates for such department as in the commissioner's opinion are reasonable and proper.

II. Each department shall include with the expenditure estimates submitted under paragraph I an organization chart that identifies each employee position by position number, indicates whether the position is funded in the budget submission, and indicates whether the position is vacant or filled.

2 New Chapter; Performance Measurement System. Amend RSA by inserting after chapter 21-T the following new chapter:

CHAPTER 21-U

PERFORMANCE MEASUREMENT SYSTEM

21-U:1 Definitions. In this chapter:

I. "End outcome measures" shall be designed to evaluate an agency's progress toward the achievement of the agency's objectives and the fulfillment of its mission statement. End outcome measures normally focus on the consequences of program implementation and the effect of the program on those served. Because one program may have several different objectives, several different end outcome measures may be necessary so that each objective is measured.

II. "Input measures" measure the amount of resources applied, and, when related to output or outcome information, provide indicators of efficiency and productivity.

III. "Mission statement" means a succinct definition of purpose to clarify the intended results.

IV. "Goals" define what the agency hopes to accomplish within a specific time period.

21-U:2 Performance Measurement System. Beginning January 1, 2013, each agency, as defined in RSA 21-G:5, III, shall adopt a performance measurement system for each of its programs that includes: a mission statement, the outcomes the program seeks to achieve, and the specific outcome measures that the program intends to use to track performance. The performance measures to be developed shall incorporate both input and end outcome measures. The performance measurement system shall be developed at the departmental level and shall serve as a model for program level performance measurement.

21-U:3 Development of Performance Measurement System by Agencies. On or before July 1, 2013, each agency, as defined in RSA 21-G:5, III, shall provide to the oversight commission established in RSA 21-U:5 a contact person within the agency who shall be responsible for providing the commission with information as to that agency's development

and implementation of the performance measurement system required under RSA 21-U:2. Each agency shall cooperate with the commission and shall provide the requested information in a timely manner.

21-U:4 Reporting Requirement.

I. On or before January 15, 2013, each agency shall submit an initial report on the development and adoption of a performance measurement system. The report shall identify the performance measures developed pursuant to RSA 21-U:2 and shall report on those measures to the extent of the available data. Copies of the report shall be forwarded to the oversight commission established in RSA 21-U:5, the house and senate finance committees, the speaker of the house of representatives, the president of the senate, the governor, the house clerk, the senate clerk, and the state library.

II. Beginning July 1, 2013, each agency shall submit an annual report of its performance based on the performance measurement systems developed under this chapter. The report shall be submitted to the oversight commission established in RSA 21-U:5, the house and senate finance committees, the speaker of the house of representatives, the president of the senate, the governor, the house clerk, the senate clerk, and the state library. The reports also shall be available to the public on the state transparency website in a format that permits data comparisons by performance measure, geographic location, and demographic group. The website shall provide data for at least 2 prior years for each performance indicator so that comparisons may be made and trends identified.

21-U:5 Performance Measurement System; Oversight Commission Established.

I. There is established a performance measurement system oversight commission.

II.(a) The members of the commission shall be as follows:

- (1) One member of the executive branch, appointed by the governor.
- (2) Five agency commissioners, one of whom shall serve as an alternate, appointed by the commissioners.
- (3) The chairperson of the senate finance committee.
- (4) The chairperson of the house finance committee.
- (5) The vice-chairperson of the house finance committee.
- (6) One minority member of the house finance committee, appointed by the chairperson of the finance committee.
- (7) Two legislative members, appointed by the chairperson of the house finance committee.
- (8) Two members of legislative policy committees, appointed by the speaker of the house of representatives.

(b) Legislative members of the commission shall serve a term co-terminous with their term in office. Members appointed under subparagraphs (a)(1) and (a)(2) shall serve 2-year terms, except that the initial appointment of 2 of the commissioners appointed under subparagraph (a)(2) shall be for one-year terms. Members of the commission shall serve without compensation, provided that legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

III. The commission shall:

- (a) Oversee the development of performance based measurement systems by state agencies.
- (b) Study performance based measurement systems used by other states.
- (c) Provide information and technical assistance to agencies in developing program-specific measurement tools.
- (d) Make recommendations relative to the integration of the performance based measurement system with the state budget process.

IV. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Seven members of the commission shall constitute a quorum.

V. Beginning November 1, 2013 and annually thereafter, the commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house and senate finance committees, the house clerk, the senate clerk, the governor, and the state library.

3 Repeal. RSA 21-U:5, relative to the performance measurement system oversight commission, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect January 1, 2018.

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

AMENDED ANALYSIS

This bill:

I. Removes the requirement in current law that agencies submit a maintenance budget as part of the biennial budget process.

II. Requires agencies to submit an organization chart with the agency's request for expenditures.

III. Requires agencies to develop program performance measures and establishes a commission to oversee the development of performance measurement systems by state agencies.

Rep. Lynne Ober spoke in favor.

Floor amendment (0102h) adopted.

Committee report adopted and ordered to third reading.

HB 194, repealing the prohibition on having or carrying certain crossbow, rifles, or shotguns in vehicles. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael J. McCarthy for the Majority of Fish and Game and Marine Resources: In an effort to make the prosecution of poaching easier, a law was enacted over three quarters of a century ago which made it illegal to have a loaded long gun in one's vehicle. The unintended consequence of this law was to deny people's property rights. For example: it is illegal for a farmer to have a loaded rifle or shotgun on a tractor to shoot pests. The law also denied people's Second Amendment Rights in that it became a crime to have a rifle or shotgun in one's vehicle to defend one's family. To compromise between people's rights and the public safety, HB 194, as amended, redefines a loaded weapon as a rifle or shotgun with a round in the chamber. If there isn't a round in the chamber, it can't discharge but could still be used for defense. It also allows people to do what they please on their own land. Vote 7-3.

Rep. Lyle E. Bulis for the Minority of Fish and Game and Marine Resources: The minority feels that this amended bill increases the risk for an accidental discharge of a firearm. This bill changes the definition of a firearm that is considered to be loaded or unloaded. If passed, it would become legal to have a magazine or clip inside a weapon as long as there is no bullet in the chamber ready to be fired. All recognized firearm safety and instructional organizations teach that a firearm contains no bullets, no magazine or no clip until it is ready to be used. Existing law has been in place for 74 years. It keeps bullets completely outside of a firearm. The passage of this bill means that the bullet may be inside the gun but not in the chamber, thus one step away from ready to fire. This can become a dangerous situation that should not be casually accepted.

Majority Amendment (2751h)

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

AN ACT relative to the prohibition on having or carrying a loaded crossbow, rifle, or shotgun in or on a vehicle.

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

1 Vehicles; Carrying Rifle or Shotgun. Amend RSA 207:7 to read as follows:
207:7 Hunting From Motor Vehicle, OHRV, Snowmobile, Boat, or Aircraft.

I. No person shall take or attempt to take wild birds or wild animals from a motor vehicle, OHRV, snowmobile as defined in RSA 215-C:1, boat, aircraft or other craft propelled by mechanical power.

II. No person shall have or carry, in or on a motor vehicle, OHRV, snowmobile, or aircraft, whether moving or stationary, a cocked crossbow **with a bolt in it**, ~~[a loaded rifle or loaded shotgun,]~~ or a rifle or shotgun with a cartridge in ~~[a magazine or clip attached to the gun]~~ **the chamber. A rifle or shotgun is considered unloaded when it does not have a cartridge in the chamber.**

III. No person shall have in or on a boat or other craft while being propelled by mechanical power, or in a boat or other craft being towed by a boat or other craft propelled by mechanical power, a cocked crossbow **with a bolt in it**, ~~[a loaded rifle or loaded shotgun,]~~ or a rifle or shotgun with a cartridge in ~~[a magazine or clip attached to the gun]~~ **the chamber. A rifle or shotgun is considered unloaded when it does not have a cartridge in the chamber.**

III-a. The provisions of paragraphs II and III shall not apply in the case of a person having or carrying in or on such vehicle or craft a cocked crossbow with a bolt in it or a rifle or shotgun with a cartridge in the chamber on such person's own property, on private property where the person has written permission to be, or in a stationary vehicle on private property, or when the person is in the process of the defense of oneself or a third person.

IV. The provisions of this section shall not apply to law enforcement officers carrying guns in the line of duty.

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

AMENDED ANALYSIS

This bill revises a provision in the fish and game laws to allow having or carrying a loaded crossbow, rifle, or shotgun in or on a motor vehicle, OHRV, snowmobile, aircraft, or boat when the person is on such person's own property, on private property where the person has written permission to be, is in a stationary vehicle or when in the process of the defense of oneself or a third person.

Majority committee amendment adopted.

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

Rep. Shurtleff spoke against.

Rep. Michael McCarthy spoke in favor.

Rep. Soltani requested a roll call; sufficiently seconded.

YEAS 204 NAYS 110

YEAS 204

BELKNAP

Accornero, Harry
Greemore, Robert
Russell, David
Tilton, Franklin

Bolster, Peter
Kingsbury, Robert
Simpson, Tyler
Worsman, Colette

Comtois, Guy
Luther, Robert
St. Cyr, Jeffrey

Fields, Dennis
Malone, Robert
Swinford, Elaine

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Schmidt, Stephen

Babson, David Jr
McConkey, Mark
Tregenza, Norman

Fleck, Joseph
Merrow, Harry
Umberger, Karen

Knox, J. David
Pettengill, Laurie

CHESHIRE

Byrnes, John
Lindsey, Steven

Cartwright, Anne
Moore, Charles

Dwinell, Richard
Sterling, Franklin Jr

Hunt, John

COOS

Daugherty, Duffy

Rappaport, Laurence

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Simard, Paul

Brosseau, Charles
Sorg, Gregory

Mirski, Paul
Sova, Charles

Shackett, Jeffrey
Townsend, Charles

HILLSBOROUGH

Balboni, Michael
Brown, Kevin

Ball, J. Michael
Burt, John

Barry, Richard
Buxton, Michael

Belanger, James
Christensen, D.L.
Chris

Christiansen, Lars
Daniels, Gary
Flanagan, Jack
Gimas, John
Hardwick, Harry
Hogan, Edith
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Ober, Lynne
Parison, James
Proulx, Mark
Seidel, Carl
Soucy, Connie
Summers, James
Ulery, Jordan
Willette, Robert

Coffey, James
Doherty, Shaun
Fredette, Robert
Gonzalez, Carlos
Hawkins, Kenneth
Holden, Frank
Lambert, George
McCarthy, Michael
Messier, Irene
Ober, Russell III
Pellegrino, Tony
Renzullo, Andrew
Shaw, Barbara
Souza, Kathleen
Swank, Matthew
Vaillancourt, Steve

Condra, William
Donovan, Daniel
Gagne, Larry
Graham, John
Hikel, John
Hopper, Gary
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Ohm, Bill
Peterson, Lenette
Robbins, David
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Cusson-Cail, Kathleen
Erickson, Duane
Gandia, Laura
Hansen, Peter
Hinch, Richard
Infantine, William
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Stephen
Pratt, Calvin
Scotsas, Lisa
Simmons, Tammy
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

MERRIMACK

Cohn, Seth
Hoell, J.R.
McDonnell, John
Sanborn, Laurie

Giuda, J. Brandon
Kotowski, Frank
McGuire, Carol
Seaworth, G. Brian

Hess, David
Kreis, Kenneth Sr
McGuire, Dan
Smith, Molly

Hill, Gregory
Lindsley, Mark
Palfrey, David
Soltani, Tony

ROCKINGHAM

Abrami, Patrick
Bates, David
Comerford, Timothy
Elliott, Robert
Hagan, Joseph
Kappler, Lawrence
Mauro, Donna
Packard, Sherman
Reichard, Kevin
Shuler, Wyman III
Tasker, Kyle
Welch, David

Allen, Mary
Bettencourt, David
Davenport, Joshua
Fesh, Robert
Headd, James
Kolodziej, Walter
McKinney, Betsy
Quandt, Marshall
Rice, Frederick
Smith, William
Tremblay, Stella
Weyler, Kenneth

Azarian, Gary
Brown, Paul
Devine, James
Garrity, James
Hoelzel, Kathleen
Lundgren, David
Murphy, Brian
Quandt, Matt
Ritter, Glenn
Sullivan, James
Tucker, Pamela

Baldasaro, Alfred
Chirichiello, Brian
Duarte, Joe
Griffin, Mary
Itse, Daniel
Manuse, Andrew
Nevens, Chris
Reagan, John
Sedensky, John
Sytek, John
Webb, James

STRAFFORD

Andolina, Donald
Groen, Warren
Newton, Clifford
Roberts, Jenna
Watters, David

Brown, Julie
Jones, Kyle
O'Connor, William
Sprague, Dale
Weeden, Michael

Cataldo, Sam
Jones, Laura
Parsons, Robbie
Vita, Carol

DeLemus, Susan
Munck, Philip
Pitre, Joseph
Vita, Lucien

SULLIVAN

Bowers, Spec
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

Laware, Thomas
Smith, Steven

Lovett, Charlene

NAYS 110

BELKNAP

Flanders, Donald

Millham, Alida

Pilliod, James

CARROLL

Chandler, Gene

CHESHIRE

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

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

Hawkes, Samuel
Meader, David
Smith, Edwin

Johnsen, Gladys
Moore, Robert Jr
Tatro, Bruce

COOS

Coulombe, Gary
Thomas, Yvonne

Merrick, Evalyn
Tremblay, Marc

Theberge, Robert

Tholl, John Jr

GRAFTON

Aguiar, James
Cooney, Mary
Pastor, Beatriz

Almy, Susan
Harding, Laurie
Pierce, David

Benn, Bernard
Ladd, Rick Jr
Smith, Suzanne

Bulis, Lyle
Nordgren, Sharon
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin
Campbell, David
Drisko, Richard
Jasper, Shawn
Pilotte, Maurice
Rowe, Robert

Belvin, William
Cebrowski, John
Gargasz, Carolyn
Kurk, Neal
Rhodes, Brian
Sullivan, Daniel

Bergevin, Jerry
Cote, David
Gorman, Mary
Leishman, Peter
Rokas, Ted
Whitehead, Randall

Boehm, Ralph
Daler, Jennifer
Hutchinson, Winfred
Moran, Edward
Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
Frazer, June
Lockwood, Priscilla
Reed, Dennis
Watrous, Rick

Deloge, Helen
Hamm, Christine
MacKay, James
Richardson, Gary
Williams, Robert

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

Foose, Robert
Lauer-Rago, Kathleen
Potter, Frances
Wallner, Mary Jane

ROCKINGHAM

Cali-Pitts, Jacqueline	Charron, Gene	Copeland, Timothy	DiPentima, Rich
Ferrante, Beverly	Katsakiores, Phyllis	Lovejoy, Patricia	Moody, Marcia
Norelli, Terie	O'Connor, John	Pantelakos, Laura	Read, Robin Jr
Sanders, Elisabeth	Schlachman, Donna	Serlin, Christopher	Waddell, James
Ward, Joanne			

STRAFFORD

Ginsburg, Philip	Grassie, Anne	Hooper, Dorothea	Horrigan, Timothy
Kaen, Naida	Keans, Sandra	Pelletier, Marsha	Perry, Robert
Schmidt, Peter	Spainhower, Dale	Spang, Judith	Wall, Janet

SULLIVAN

Cloutier, John Lefebvre, Benjamin Schmidt, Andrew
and the majority committee report was adopted and ordered to third reading.

HB 228-FN, prohibiting the department of health and human services from entering into a contract with Planned Parenthood Federation of America, Inc. or any organization that provides abortion services and prohibiting the use of public funds or insurance for abortion services. **INEXPEDIENT TO LEGISLATE.**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The majority of the committee recognized the extensive health care services provided by Planned Parenthood for many years to a significant number of New Hampshire residents. No state or federal funds are used to perform abortions based on the Hyde amendment. Planned Parenthood utilizes accepted accounting practices to ensure that funds are not misused. The majority of the committee supported the continuing role of Planned Parenthood health services in New Hampshire. Vote 12-5.

SPECIAL ORDERED

Rep. Bettencourt moved that ***HB 228-FN***, prohibiting the department of health and human services from entering into a contract with Planned Parenthood Federation of America, Inc. or any organization that provides abortion services and prohibiting the use of public funds or insurance for abortion services, be made a Special Order to January 18, 2012 in its Regular Calendar order.

Rep. Bettencourt spoke in favor.

Rep. Rosenwald requested a roll call; sufficiently seconded.

YEAS 298 NAYS 18

YEAS 298

BELKNAP

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

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
Knox, J. David	McCarthy, Frank	McConkey, Mark	Morrow, Harry

Pettengill, Laurie

Schmidt, Stephen

Tregenza, Norman

Umberger, Karen

CHESHIRE

Butynski, William
Dwinell, Richard
Johnson, Jane
Smith, Edwin
Weed, Charles

Byrnes, John
Hawkes, Samuel
Lerandeau, Alfred
Sterling, Franklin Jr

Cartwright, Anne
Hunt, John
Meader, David
Tatro, Bruce

Chase, Cynthia
Johnsen, Gladys
Moore, Robert Jr
Weber, Lucy

COOS

Coulombe, Gary
Remick, William
Tremblay, Marc

Daugherty, Duffy
Richardson, Herbert

Merrick, Evalyn
Theberge, Robert

Rappaport, Laurence
Tholl, John Jr

GRAFTON

Aguiar, James
Brosseau, Charles
Harding, Laurie
Nordgren, Sharon
Sorg, Gregory

Almy, Susan
Bulis, Lyle
Ingbretson, Paul
Pastor, Beatriz
Sova, Charles

Benn, Bernard
Cooney, Mary
Ladd, Rick Jr
Shackett, Jeffrey
Taylor, Kathleen

Bradley, Lester
Gionet, Edmond
Mirski, Paul
Simard, Paul
Townsend, Charles

HILLSBOROUGH

Balboni, Michael
Belanger, James
Brown, Kevin
Christensen, D.L.
Chris
Cote, David
Donovan, Daniel
Fredette, Robert
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith
Infantine, William
Lambert, George
Maltz, Jonathan
Mecheski, Holly
Notter, Jeanine
Palmer, Stephen
Pilotte, Maurice
Renzullo, Andrew
Rowe, Robert
Silva, Peter
Stepanek, Stephen
Swank, Matthew
Vaillancourt, Steve
Willette, Robert

Ball, J. Michael
Belvin, William
Burt, John
Christiansen, Lars
Cusson-Cail, Kathleen
Drisko, Richard
Gagne, Larry
Gorman, Mary
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McCarthy, Michael
Messier, Irene
Ober, Lynne
Parison, James
Porter, Marjorie
Rhodes, Brian
Scotsas, Lisa
Simmons, Tammy
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

Baroody, Benjamin
Bergevin, Jerry
Buxton, Michael
Coffey, James
Daniels, Gary
Erickson, Duane
Gandia, Laura
Graham, John
Hikel, John
Hopper, Gary
Krasucki, Joseph
Leishman, Peter
McClarren, Donald
Moran, Edward
Ober, Russell III
Pellegrino, Tony
Pratt, Calvin
Robbins, David
Seidel, Carl
Soucy, Connie
Sullivan, Daniel
Twombly, Timothy
Warden, Mark

Barry, Richard
Boehm, Ralph
Campbell, David
Condra, William
Doherty, Shaun
Flanagan, Jack
Gargas, Carolyn
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
Long, Patrick
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Peterson, Lenette
Proulx, Mark
Rokas, Ted
Shaw, Barbara
Souza, Kathleen
Summers, James
Ulery, Jordan
Whitehead, Randall

MERRIMACK

Bouchard, Candace
Foosse, Robert
Hamm, Christine
Kidder, David

Cohn, Seth
Frazer, June
Hess, David
Kotowski, Frank

Deloge, Helen
Gile, Mary
Hill, Gregory
Kreiss, Kenneth Sr

DeStefano, Stephen
Giuda, J. Brandon
Hoell, J.R.
Lauer-Rago, Kathleen

Lindsley, Mark
McGuire, Dan
Reed, Dennis
Shurtleff, Stephen
Williams, Robert

Lockwood, Priscilla
Palfrey, David
Richardson, Gary
Smith, Molly
Winter, Steven

McDonnell, John
Patten, Dick
Sanborn, Laurie
Soltani, Tony

McGuire, Carol
Potter, Frances
Seaworth, G. Brian
Wallner, Mary Jane

ROCKINGHAM

Abrami, Patrick
Bates, David
Charron, Gene
Davenport, Joshua
Elliott, Robert
Griffin, Mary
Itse, Daniel
Lovejoy, Patricia
McKinney, Betsy
Norelli, Terie
Quandt, Marshall
Reichard, Kevin
Schlachman, Donna
Smith, William
Tremblay, Stella
Webb, James

Allen, Mary
Bettencourt, David
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Hagan, Joseph
Kappler, Lawrence
Lundgren, David
Moody, Marcia
O'Connor, John
Quandt, Matt
Rice, Frederick
Sedensky, John
Sullivan, James
Tucker, Pamela
Welch, David

Azarian, Gary
Brown, Paul
Comerford, Timothy
DiPentima, Rich
Fesh, Robert
Headd, James
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Read, Robin Jr
Ritter, Glenn
Serlin, Christopher
Sytek, John
Waddell, James
Weyler, Kenneth

Baldasaro, Alfred
Cali-Pitts, Jacqueline
Copeland, Timothy
Duarte, Joe
Garrity, James
Hoelzel, Kathleen
Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Pantelakos, Laura
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tasker, Kyle
Ward, Joanne

STRAFFORD

Andolina, Donald
Grassie, Anne
Jones, Laura
Newton, Clifford
Pitre, Joseph
Sprague, Dale
Watters, David

Brown, Julie
Groen, Warren
Kaen, Naida
O'Connor, William
Roberts, Jenna
Vita, Carol
Weeden, Michael

Cataldo, Sam
Horrigan, Timothy
Keans, Sandra
Parsons, Robbie
Schmidt, Peter
Vita, Lucien

DeLemus, Susan
Jones, Kyle
Munck, Philip
Perry, Robert
Spang, Judith
Wall, Janet

SULLIVAN

Bowers, Spec
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

Laware, Thomas
Smith, Steven

Lovett, Charlene

NAYS 18

BELKNAP

None

CARROLL

None

CHESHIRE

Lindsey, Steven

Parkhurst, Henry

Roberts, Kris

COOS

Thomas, Yvonne

GRAFTON

Pierce, David

Smith, Suzanne

HILLSBOROUGH

Cebrowski, John

Daler, Jennifer

Gimas, John

Rosenwald, Cindy

MERRIMACK

MacKay, James

Watrous, Rick

ROCKINGHAM

None

STRAFFORD

Ginsburg, Philip

Pelletier, Marsha

Spainhower, Dale

SULLIVAN

Cloutier, John

Lefebvre, Benjamin

Schmidt, Andrew

and the motion was adopted.

(Rep. Bettencourt in the Chair)

REGULAR CALENDAR – 2011 RETAINED BILLS (CONT'D)

HB 554, relative to mental health records. **REFER FOR INTERIM STUDY.**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The committee felt that considerable work was invested in HB 554 relative to mental health records. At this point, there are significant differences among the various constituencies that will require considerable time to resolve. The issues involved around confidentiality and public protection are important to resolve and deserve further study. Vote 15-2.
Committee report adopted.

CACR 11, relating to terms for state judges. Providing that all state judges be commissioned for renewable 5-year terms. **INEXPEDIENT TO LEGISLATE.**

Rep. Brian J. X. Murphy for Judiciary: This bill sought to ask New Hampshire voters to amend certain articles of the state Constitution dealing with the tenure of judges and commissioned judicial officers. The intended purpose of this bill was to increase performance and accountability within the judicial branch. The committee acknowledges that while the initial appointment of a judge may have a political element to it, the judiciary must remain free and independent of politics. The committee concluded that amending our Constitution and requiring judges to go through a continual re-appointment process would expose them to political influence and thereby jeopardize their ability to administer justice in an independent fashion. Further, the committee recognized that HB 344, which was unanimously supported by the committee, will require judicial performance reviews without disrupting the careful balance of power the framers of our Constitution strove to establish. Vote 10-6.

Reps. Giuda and Soltani spoke against.

Rep. Rowe spoke in favor and yielded to questions.

Rep. Dan McGuire spoke against, yielded to questions and requested a roll call; sufficiently seconded.

YEAS 151 NAYS 160

YEAS 151

BELKNAP

Bolster, Peter
Pilliod, James

Fields, Dennis
Tilton, Franklin

Flanders, Donald

Millham, Alida

CARROLL

Babson, David Jr
Merrow, Harry

Chandler, Gene
Umberger, Karen

Knox, J. David

McConkey, Mark

CHESHIRE

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

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

Dwinell, Richard
Lindsey, Steven
Roberts, Kris
Weber, Lucy

Hunt, John
Meador, David
Smith, Edwin
Weed, Charles

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William
Thomas, Yvonne

Merrick, Evalyn

Remick, William

GRAFTON

Aguiar, James
Harding, Laurie
Pierce, David
Townsend, Charles

Almy, Susan
Ladd, Rick Jr
Shackett, Jeffrey

Benn, Bernard
Nordgren, Sharon
Smith, Suzanne

Cooney, Mary
Pastor, Beatriz
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin
Christensen, D.L.
Chris
Drisko, Richard
Goley, Jeffrey
Hawkins, Kenneth
Leishman, Peter
O'Brien, William
Porter, Marjorie
Rokas, Ted
Stepanek, Stephen

Belvin, William
Cote, David
Flanagan, Jack
Gonzalez, Carlos
Hinch, Richard
Long, Patrick
Ober, Lynne
Pratt, Calvin
Rosenwald, Cindy
Stroud, Kathleen

Boehm, Ralph
Cusson-Cail,
Kathleen
Gargas, Carolyn
Gorman, Mary
Jasper, Shawn
Messier, Irene
Ober, Russell III
Rhodes, Brian
Rowe, Robert
Sullivan, Daniel

Campbell, David
Daler, Jennifer
Gimas, John
Graham, John
Kurk, Neal
Moran, Edward
Pilotte, Maurice
Robbins, David
Shaw, Barbara
Thomas, Joseph

MERRIMACK

Bouchard, Candace
Frazer, June
Kidder, David
Potter, Frances
Watrous, Rick

Deloge, Helen
Gile, Mary
Lockwood, Priscilla
Richardson, Gary
Williams, Robert

DeStefano, Stephen
Hamm, Christine
MacKay, James
Shurtleff, Stephen

Foose, Robert
Hess, David
Patten, Dick
Wallner, Mary Jane

ROCKINGHAM

Allen, Mary
Copeland, Timothy
Hoelzel, Kathleen
Murphy, Brian

Azarian, Gary
DiPentima, Rich
Lovejoy, Patricia
Nevins, Chris

Brown, Paul
Fesh, Robert
McKinney, Betsy
Norelli, Terie

Cali-Pitts, Jacqueline
Garrity, James
Moody, Marcia
O'Connor, John

Packard, Sherman
Schlachman, Donna
Ward, Joanne

Pantelakos, Laura
Serlin, Christopher
Welch, David

Read, Robin Jr
Tucker, Pamela

Sanders, Elisabeth
Waddell, James

STRAFFORD

Brown, Julie
Kaen, Naida
Perry, Robert
Spang, Judith

Cataldo, Sam
Keans, Sandra
Roberts, Jenna
Sprague, Dale

Ginsburg, Philip
Munck, Philip
Schmidt, Peter
Wall, Janet

Grassie, Anne
Pelletier, Marsha
Spainhower, Dale
Watters, David

SULLIVAN

Cloutier, John

Lefebvre, Benjamin

Rodeschin, Beverly

Schmidt, Andrew

NAYS 160

BELKNAP

Accornero, Harry
Luther, Robert
St. Cyr, Jeffrey

Comtois, Guy
Malone, Robert
Swinford, Elaine

Greemore, Robert
Russell, David
Worsman, Colette

Kingsbury, Robert
Simpson, Tyler

CARROLL

Ahlgren, Christopher
Schmidt, Stephen

Fleck, Joseph
Tregenza, Norman

McCarthy, Frank

Pettengill, Laurie

CHESHIRE

Byrnes, John

Cartwright, Anne

Johnson, Jane

COOS

Daugherty, Duffy

Rappaport, Laurence

Richardson, Herbert

Tremblay, Marc

GRAFTON

Bradley, Lester
Ingbretson, Paul
Sova, Charles

Brosseau, Charles
Mirski, Paul

Bulis, Lyle
Simard, Paul

Gionet, Edmond
Sorg, Gregory

HILLSBOROUGH

Balboni, Michael
Brown, Kevin
Christiansen, Lars
Donovan, Daniel
Gandia, Laura
Hogan, Edith
Infantine, William
Maltz, Jonathan
Mecheski, Holly
Palmer, Stephen
Proulx, Mark
Silva, Peter
Twombly, Timothy
Warden, Mark

Ball, J. Michael
Burt, John
Condra, William
Erickson, Duane
Hansen, Peter
Holden, Frank
Krasucki, Joseph
McCarthy, Michael
Murphy, Keith
Parison, James
Renzullo, Andrew
Simmons, Tammy
Ulery, Jordan
Whitehead, Randall

Belanger, James
Buxton, Michael
Daniels, Gary
Fredette, Robert
Hardwick, Harry
Hopper, Gary
Lambert, George
McClarren, Donald
Notter, Jeanine
Pellegrino, Tony
Scontsas, Lisa
Souza, Kathleen
Vaillancourt, Steve
Willette, Robert

Bergevin, Jerry
Cebrowski, John
Doherty, Shaun
Gagne, Larry
Hikel, John
Hutchinson, Winfred
LeBrun, Donald
McGuinness, Sean
Ohm, Bill
Peterson, Lenette
Seidel, Carl
Summers, James
Villeneuve, Moe

MERRIMACK

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

Giuda, J. Brandon
Lauer-Rago, Kathleen
McGuire, Dan
Seaworth, G. Brian

Hill, Gregory
Lindsley, Mark
Palfrey, David
Smith, Molly

Kotowski, Frank
McDonnell, John
Reed, Dennis
Soltani, Tony

ROCKINGHAM

Abrami, Patrick
Chirichiello, Brian
Duarte, Joe
Hagan, Joseph
Katsakiores, Phyllis
Quandt, Marshall
Rice, Frederick
Smith, William
Tremblay, Stella

Baldasaro, Alfred
Comerford, Timothy
Elliott, Robert
Headd, James
Kolodziej, Walter
Quandt, Matt
Ritter, Glenn
Sullivan, James
Webb, James

Bates, David
Davenport, Joshua
Ferrante, Beverly
Itse, Daniel
Manuse, Andrew
Reagan, John
Sedensky, John
Sytek, John
Weyler, Kenneth

Charron, Gene
Devine, James
Griffin, Mary
Kappler, Lawrence
Mauro, Donna
Reichard, Kevin
Shuler, Wyman III
Tasker, Kyle

STRAFFORD

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

DeLemus, Susan
Jones, Laura
Pitre, Joseph

Groen, Warren
Newton, Clifford
Vita, Carol

Horrigan, Timothy
O'Connor, William
Vita, Lucien

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Smith, Steven

Laware, Thomas

and the committee report failed.

Rep. Giuda moved that **CACR 11**, relating to terms for state judges. Providing that all state judges be commissioned for renewable 5-year terms, be referred to the Committee on Constitutional Review and Statutory Recodification.

Rep. Giuda withdrew his motion and moved Recommit.

Rep. Norelli requested a roll call; sufficiently seconded.

YEAS 207 NAYS 102

YEAS 207

BELKNAP

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

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

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

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

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Schmidt, Stephen

Babson, David Jr
McConkey, Mark
Tregenza, Norman

Chandler, Gene
Morrow, Harry
Umberger, Karen

Fleck, Joseph
Pettengill, Laurie

CHESHIRE

Byrnes, John

Cartwright, Anne

Dwinell, Richard

Hunt, John

Johnson, Jane

Moore, Robert Jr

Smith, Edwin

Sterling, Franklin Jr

COOS

Daugherty, Duffy

Rappaport, Laurence

Richardson, Herbert

Tremblay, Marc

GRAFTON

Brosseau, Charles
Ladd, Rick Jr
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Gionet, Edmond
Shackett, Jeffrey

Ingbretson, Paul
Simard, Paul

HILLSBOROUGH

Balboni, Michael
Brown, Kevin
Christensen, D.L.
Chris
Daniels, Gary
Erickson, Duane
Gonzalez, Carlos
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McGuinness, Sean
O'Brien, William
Palmer, Stephen
Pratt, Calvin
Seidel, Carl
Stepanek, Stephen
Twombly, Timothy
Warden, Mark

Ball, J. Michael
Burt, John
Christiansen, Lars
Doherty, Shaun
Flanagan, Jack
Graham, John
Hikel, John
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
Mecheski, Holly
Ober, Lynne
Parison, James
Proulx, Mark
Silva, Peter
Stroud, Kathleen
Ulery, Jordan
Whitehead, Randall

Belanger, James
Buxton, Michael
Condra, William
Donovan, Daniel
Gagne, Larry
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael
Murphy, Keith
Ober, Russell III
Pellegrino, Tony
Renzullo, Andrew
Simmons, Tammy
Summers, James
Vaillancourt, Steve
Willette, Robert

Bergevin, Jerry
Cebrowski, John
Cusson-Cail,
Kathleen
Drisko, Richard
Gandia, Laura
Hardwick, Harry
Hogan, Edith
Infantine, William
Lambert, George
McClarren, Donald
Notter, Jeanine
Ohm, Bill
Peterson, Lenette
Scontsas, Lisa
Souza, Kathleen
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Cohn, Seth
Kidder, David
Lindsley, Mark
McGuire, Dan
Seaworth, G. Brian

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

Hess, David
Kreis, Kenneth Sr
McDonnell, John
Reed, Dennis
Soltani, Tony

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

ROCKINGHAM

Abrami, Patrick
Brown, Paul
Copeland, Timothy
Elliott, Robert
Hagan, Joseph
Kappler, Lawrence
Mauro, Donna
Reagan, John
Sanders, Elisabeth
Sullivan, James
Tucker, Pamela
Weyler, Kenneth

Azarian, Gary
Charron, Gene
Davenport, Joshua
Ferrante, Beverly
Headd, James
Katsakiores, Phyllis
Nevins, Chris
Reichard, Kevin
Sedensky, John
Sytek, John
Waddell, James

Baldasaro, Alfred
Chirichiello, Brian
Devine, James
Fesh, Robert
Hoelzel, Kathleen
Kolodziej, Walter
Quandt, Marshall
Rice, Frederick
Shuler, Wyman III
Tasker, Kyle
Webb, James

Bates, David
Comerford, Timothy
Duarte, Joe
Griffin, Mary
Itse, Daniel
Manuse, Andrew
Quandt, Matt
Ritter, Glenn
Smith, William
Tremblay, Stella
Welch, David

STRAFFORD

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

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

Cataldo, Sam
Jones, Laura
Pitre, Joseph

DeLemus, Susan
Newton, Clifford
Vita, Carol

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

Laware, Thomas
Smith, Steven

NAYS 102

BELKNAP

Pilliod, James

CARROLL

Knox, J. David

CHESHIRE

Butynski, William
Lindsey, Steven
Tatro, Bruce

Chase, Cynthia
Meador, David
Weber, Lucy

Johnsen, Gladys
Parkhurst, Henry
Weed, Charles

Lerandeau, Alfred
Roberts, Kris

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William
Thomas, Yvonne

Merrick, Evalyn

Remick, William

GRAFTON

Aguiar, James
Cooney, Mary
Pierce, David

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Bradley, Lester
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Goley, Jeffrey
Messier, Irene
Rhodes, Brian
Rowe, Robert

Belvin, William
Daler, Jennifer
Gorman, Mary
Moran, Edward
Robbins, David
Shaw, Barbara

Boehm, Ralph
Fredette, Robert
Leishman, Peter
Pilotte, Maurice
Rokas, Ted
Sullivan, Daniel

Campbell, David
Gimas, John
Long, Patrick
Porter, Marjorie
Rosenwald, Cindy

MERRIMACK

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

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

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

Foose, Robert
MacKay, James
Shurtleff, Stephen

ROCKINGHAM

Allen, Mary
Lovejoy, Patricia
O'Connor, John

Cali-Pitts, Jacqueline
Moody, Marcia
Packard, Sherman

DiPentima, Rich
Murphy, Brian
Pantelakos, Laura

Garrity, James
Norelli, Terie
Read, Robin Jr

Schlachman, Donna Serlin, Christopher Ward, Joanne

STRAFFORD

Ginsburg, Philip	Grassie, Anne	Horrigan, Timothy	Kaen, Naida
Keans, Sandra	Munck, Philip	Pelletier, Marsha	Perry, Robert
Roberts, Jenna	Schmidt, Peter	Spainhower, Dale	Spang, Judith
Sprague, Dale	Wall, Janet	Watters, David	

SULLIVAN

Cloutier, John Lefebvre, Benjamin Schmidt, Andrew
and the motion was adopted.
Recommitted to the committee on Judiciary.

HB 199*, relative to proceedings of medical injury claims screening panels. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.*

Rep. Joseph M. Hagan for the Majority of Judiciary: This bill would change the panel hearings evidentiary method by allowing parties involved in a medical malpractice hearing to provide evidence by offers of proof rather than by actual testimony. By using offers of proof, the contesting parties before the panel could present records and reports without having the preparing doctor present to introduce documents and be cross examined. While allowing offers of proof rather than actual testimony would save time and cost, the committee felt that a hearing evidentiary method change, in midstream, so to speak, prior to the final evaluation of the panel process by the joint legislative oversight committee would not allow for an effective evaluation. This joint oversight committee is charged to evaluate the process and make a final report in a little over a year. A change in the hearing process at this late stage was believed to be counter productive. Vote 10-6.

Rep. Lucy M. Weber for the Minority of Judiciary: This bill was voted out of committee with a recommendation of Ought to Pass with Amendment by amendment 2011-0086h at a full committee executive session held on 1 February 2011. The committee vote was 14-3. The bill, as amended, would have simplified proceedings in front of medical screening panels. Currently, the panels, which consist of a physician, an attorney, and a retired judge, hear testimony from live witnesses, making the proceedings into a mini-trial. Both sides incur significant expense in producing these experts. The bill requires the panels to make their decisions on offers of proof, which are written statements, accompanied by appropriate documentation, as to what the expert testimony will be. Adopting this procedure would significantly lower the cost of litigation for both parties, while still allowing the strengths and weaknesses of each party's case to be fully explored. As amended, the bill would also expedite the process by making it clear that most panel hearings must take place within nine months of the filing of the action. Subsequent to that vote, at a later committee meeting, a motion for reconsideration was made, and the bill was retained. A subcommittee hearing was held this fall at which no further work was done on the bill; it was simply stated that more study of the screening panels was needed. Medical screening panels have been studied continuously and inconclusively since their institution in 2005. No further study is needed to know that screening panels ensure that more innocent victims of real and life-altering malpractice will be unable to access the remedies guaranteed to them by the New Hampshire Constitution.

Majority committee report adopted.

HB 261-FN*, eliminating screening panels for medical injury claims. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.*

Rep. Joseph M. Hagan for the Majority of Judiciary: With the deepest respect to the sponsors of HB 261, the majority of the judiciary committee recommend ITL for the following

reasons: (1) Data collection continues by the NH Insurance Department and the courts with no firm conclusion on how the process is succeeding. Procedural problems are being addressed by rule refinement; (2) The legislative oversight committee did not recommend significant statutory change nor even consider elimination; indeed, the final report is due December 1, 2013; (3) The present reform may be working, as medical liability rates have leveled and physician specialist shortages are diminishing; (4) Predictions that the panel system would deter claimants and discriminate against smaller monetary cases are not supported by the facts; (5) Concluding this experiment in problem solving prematurely is an antithesis to continuous quality improvement. Vote 11-5.

Rep. Lucy M. Weber for the Minority of Judiciary: This bill would have eliminated the medical injury screening panels. The screening panels were instituted in 2005, following the example of the State of Maine, in an effort to lower the cost of medical malpractice insurance. The panels have proved to be a failure in the State of Maine, and the panels have been studied continuously and inconclusively in New Hampshire. The minority is persuaded that the panels have not served either to contain the cost of malpractice insurance or to speed settlement of cases, which can be done more efficiently with required mediation. Instead, the high cost of obtaining experts to testify twice serves to deny some with real and severe injuries their constitutionally guaranteed right to a remedy for the wrong done to them and to a jury trial.

Majority committee report adopted.

RESOLUTION

Rep. Bettencourt offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, January 11, 2012 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 486-FN, relative to penalties for alcohol ignition interlock circumvention.

HB 536-FN, relative to the natural right to carry a firearm, openly or concealed, without a license.

HB 628-FN, relative to searches conducted for purposes of transportation-related security.

HB 325-FN, relative to the transfer of animals from licensed animal vendors.

HB 137-FN-L, relative to the state fire code and the state building code.

HB 383, prohibiting the collection of certain agency fees from state employees who are not members of the state employees' association.

HB 219, restricting the rulemaking authority of the state board of education and establishing a legislative oversight committee to review the rulemaking authority of the state board of education.

SB 152-FN, relative to participation in state employees' group insurance by members of the general court.

HB 269-FN, relative to the authority of departments to transfer funds among budget accounting units.

HB 618-FN, requiring state agencies to develop performance measures and to develop budgets for each biennium.

HB 194, relative to the prohibition on having or carrying a loaded crossbow, rifle, or shotgun in or on a vehicle.

UNANIMOUS CONSENT

Reps. Weed, Itse, Gary Hopper, Pierce and Bates addressed the House.

MOTION TO PRINT REMARKS

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

REMARKS

Rep. Itse: Thank you, Mister Speaker. I just wanted to bring light. Last year, I didn't hit the nail on the head. Today is January 5th and it is the anniversary of the approval of our first constitution which was actually a very important document. It was the first government formed by a constitution by representatives elected by the people, independent of any royal authority. It was approved on January 5th and unlike Thomas Paine complaining about sunshine patriots and summer soldiers, we began the effort on December 21st of 1775 and finished it by January 5th and adopted the constitution. We used it for a few years and then we became the first body politic in the history of the world to have a constitutional convention. We didn't adopt the first constitution. We were actually the only body politic that ever rejected proposed constitutions and we did it twice until we got something that we approved of and it is something to be remembered. We are unique and we don't take the winters off. Thank you.

MOTION TO PRINT REMARKS

Rep. Lambert moved that the remarks made by Reps. Pierce and Bates be printed in the Permanent Journal.
Motion failed.

RECESS MOTION

Rep. Bettencourt moved that the House stand in recess for the purposes of the introduction of bills, the reading-in of petitions, receiving Senate messages, enrolled bill amendments and enrolled bill reports.
Adopted.

The House recessed at 5:25 p.m.

COMMITTEE ASSIGNMENTS

The Speaker made the following change to committee assignments:

Rep. Bradley on the Committee on Science, Technology and Energy and off the Committee on Legislative Administration.

Rep. Hopper on the Committee on Judiciary and off the Committee on Fish and Game and Marine Resources.

Rep. Tregenza on the Committee on Fish and Game and Marine Resources and off the Committee on Judiciary.

RECESS