

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.

Wednesday, February 1, 2012

No. 13

HOUSE JOURNAL No. 5 (cont.)

Tuesday, January 31, 2012

Rep. Tucker moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 6

Wednesday, February 1, 2012

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

Prayer was offered by House Chaplain, Reverend Roger Boucher.

Heavenly Father, give to us this day the same courage You provided our founders as they fashioned a nation where all people might live as one. Their vision still lives in the homes and hearths of our state. Prod us to today's tasks with the strength to set policies that sustain liberty, that matter a true prosperity and provide for the least among us. In this month of the birth of our first Presidents, help us to celebrate the traditions upon which our social order rests, most fundamentally in our voluntary associations, churches, synagogues and temples. May the heart of the citizen which contains Your eternity always be guarded by the first of the first amendments where all freedoms are sustained and consciences are never coerced. We ask for Your intercession for those who are ill or on travel. I pray for House Member John Sedensky from Hampstead and other members of our body who need restoration to good health. Help them to return to pursue the good of a happy work serving our citizens and once again be equal to the hopes of every other member in this Chamber. Happy are those who seek refuge in You, O Lord. We look towards You that we may continue to be radiant. We pray this in Your Holy name. Amen.

Representative William Remick, member from Lancaster, led the Pledge of Allegiance.

Representative Mary Griffin, member from Windham, led the singing of the National

Anthem.

LEAVES OF ABSENCE

Reps. Case, Champagne, Chirichiello, Jennifer Coffey, Drisko, Eaton, Emerson, Patrick Garrity, Hofemann, Jeudy, Katsiantonis, McDonnell, Powers, Jenna Roberts and James Sullivan, the day, illness.

Reps. Beattie, Bouchard, DeJong, Deloge, Domingo, James Garrity, Hawkes, Leonard, Oligny, Palfrey, Panek, Pelletier, Michael Reed, Sapienza, Scala, Stephen Schmidt and Tamburello, the day, important business.

Reps. Cebrowski and Proulx, the day, illness in the family.

INTRODUCTION OF GUESTS

Dan Harmon, guest of Rep. James Belanger. Mary Anne and Ethel McGinn, wife and mother-in-law of Representative Keane. Bonnie Duarte, wife of Rep. Duarte.

Nicholas Dube of Lebanon High School and Austin Fuchs of Manchester Memorial High School, Pages for the day.

MOTION TO SUSPEND HOUSE RULES

Reps. Chandler and Norelli moved that House Rules be so far suspended as to allow the deadline for reporting of **HB 1716**, relative to the state 10-year transportation improvement program, to be moved to March 9, 2012.

Rep. Chandler spoke in favor.

Adopted.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 110, requiring professional safety and security services personnel to report certain criminal offenses. (Amendment printed SJ 1-18-12)

Rep. Swinford moved that the House concur.

Reps. Gagne, Welch and Shurtleff spoke in favor.

Adopted.

HB 186-FN, relative to the definition of political communication. (Amendment printed SJ 1-18-12)

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

Adopted.

HB 418-FN, relative to the use of open source software and open data formats by state agencies and relative to the adoption of a statewide information policy regarding open government data standards. (Amendment printed SJ 1-18-12)

Rep. Carol McGuire moved that the House concur and spoke in favor.

Adopted.

HB 508-FN, establishing a performance measurement system for state agencies. (Amendment printed SJ 1-18-12)

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

On a division vote, 274 members having voted in the affirmative and 47 in the negative, the motion was adopted.

The Speaker appointed Reps. Bowers, Moran, Cebrowski and Winter.

CONSENT CALENDAR

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

HB 1580, requiring a reference to the Magna Carta on certain legislation, removed by Rep. Horrigan.

HB 1488, relative to the alternative budget procedure in a school administrative unit, removed by Rep. James Belanger.

HB 1147, proclaiming March 31 of each year as a day to remember Terri Schiavo, removed by Rep. Bergevin.

HB 1250, allowing designated persons to provide emergency medical treatment to another person, removed by Rep. Bergevin.

CACR 25, relating to the supreme and superior courts. Providing that the supreme and superior courts shall not be constitutionally established courts, removed by Rep. Davenport.

HB 1482, relative to the exemption from property taxation for hospitals, removed by Rep. Greazzo.

HB 1204, relative to matching funds of highway projects, removed by Rep. Chandler.
Consent Calendar adopted.

HB 1168, requiring the removal of electronic records and information upon entry of an order of annulment. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kyle J. Tasker for Criminal Justice and Public Safety: This bill enhances the rehabilitative aspects of an annulment. Anything that encourages a successful rehabilitation of citizens is to be applauded. Vote 12-0.

Amendment (0070h)

Amend the bill by replacing section 1 with the following:

1 Annulment of Criminal Records. Amend RSA 651:5, X to read as follows:

X. Upon entry of an order of annulment:

(a) The person whose record is annulled shall be treated in all respects as if he had never been arrested, convicted or sentenced, except that, upon conviction of any crime committed after the order of annulment has been entered, the prior conviction may be considered by the court in determining the sentence to be imposed, and may be counted toward habitual offender status under RSA 259:39.

(b) The court shall issue the person a certificate stating that such person's behavior after the conviction has warranted the issuance of the order, and that its effect is to annul the ~~record of~~ arrest, conviction, and sentence, and shall notify the state police criminal records unit, **the prosecuting agency**, and the arresting agency.

(c) ***The court records relating to an annulled arrest, conviction, or sentence shall remain public documents. However, the court shall clearly indicate on the file and in the electronic record that the arrest or conviction and sentence have been annulled.***

(d) ***The state police criminal records unit shall add an entry to the subject's record of arrest, conviction, or sentence in the criminal history database stating that the record has been annulled.***

(e) ***The arresting agency and the prosecuting agency shall clearly indicate in their respective file and in their respective electronic record that the record of arrest or conviction and sentence have been annulled.***

(f) In any application for employment, license or other civil right or privilege, or in any appearance as a witness in any proceeding or hearing, a person may be questioned about a previous criminal record only in terms such as "Have you ever been arrested for or convicted of a crime that has not been annulled by a court?"

HB 1330, establishing a committee to study blood testing of drivers after motor vehicle fatalities. **OUGHT TO PASS.**

Rep. Stephen J. Shurtleff for Criminal Justice and Public Safety: This bill establishes a committee to study blood testing of drivers after a motor vehicle fatality. The committee will evaluate whether the current law dealing with blood testing of the driver involved in a fatal motor vehicle accident needs to be modified or eliminated. Under current law a law enforcement officer must have probable cause to take blood. As the bill's sponsors pointed out, under current law a victim of a fatal motor vehicle accident is blood tested, but the vehicle's operator who caused the fatality is not. Vote 12-0.

HB 1372, requiring prisoners between 17 and 21 years of age to complete the requirements for a high school diploma or a GED certificate prior to release on probation or parole.

INEXPEDIENT TO LEGISLATE.

Rep. Mark Warden for Criminal Justice and Public Safety: The committee agrees that ongoing educational programs in prisons are beneficial to inmates and, ultimately, to society as evidence points to lower incidence of recidivism among released prisoners who have achieved their GED. However, this bill would put an additional burden on judges and does nothing to change incentives inside corrections facilities. Vote 11-2.

HB 1388, relative to speeding in the compact part of cities and towns. **INEXPEDIENT TO LEGISLATE.**

Rep. Kyle J. Tasker for Criminal Justice and Public Safety: Although well intentioned, this bill would infringe on local control of cities and towns. A broader approach to fixing the speeding fine schedule is appropriate. Vote 13-0.

HB 1421-FN, requiring a vegetarian diet for inmates in state correctional facilities.

INEXPEDIENT TO LEGISLATE.

Rep. Larry G. Gagne for Criminal Justice and Public Safety: While well intended, this bill, if enacted would increase costs because of the contracts with the vegetable growers. Fresh vegetables, because of a short shelf life, need to be replaced more often and are subject to market price. Other unintended consequences would be the possibility of prison riots and A.C.L.U. involvement. No one testified in favor of this bill except the prime sponsor. Vote 11-1.

HB 1486, prohibiting the state from accepting federal funds that could be used to enhance the militarization or federalization of law enforcement. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry G. Gagne for Criminal Justice and Public Safety: While well intentioned, the committee fears that the passage of this bill would cast such a pall of uncertainty over what could and could not be procured under the federal grant process that state and local governments would either go without needed equipment or pay the full retail price for something that could have been obtained for half or less. Vote 13-0.

HB 1608-FN, relative to the issuance and enforcement of domestic violence protective orders. **INEXPEDIENT TO LEGISLATE.**

Rep. David A. Welch for Criminal Justice and Public Safety: This bill was scheduled twice without the sponsor attending either time. The instruction from the sponsor was to find this bill Inexpedient to Legislate which we have done. Vote 13-0.

HB 1145, relative to the New Hampshire public television's affiliation with the university system of New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert H. Greemore for Education: The committee ITL'd this bill because there were two issues brought up during the hearing. The first issue was the type of FCC license which is held by the university system. New Hampshire Public Television (NHPTV) is already

working on getting the license changed over to NHPTV. The second issue of prohibiting any affiliation between the University System of New Hampshire and NHPTV. The committee felt this prohibition could create problems for the university if they were to have students who were taking classes or working internships at NHPTV. Vote 14-0.

HB 1225, permitting a charter school to incur long-term debt. **OUGHT TO PASS.**

Rep. Gregory Hill for Education: Currently charter schools are able to own real property, but they are prohibited from incurring long-term debt (i.e., a mortgage) to achieve the ownership of the real property. This bill simply eliminates this restriction once the charter has been re-authorized at the five-year time period. Charter schools that typically operate on a shoestring budget will, hopefully, benefit from the appearance of stability that comes from a fixed location. No risk to the state will come as a result of a failed charter school that has a long-term debt obligation. Nor will the state be assisting in the mortgage application. Vote 16-0.

Referred to the Special Committee on Education Funding Reform.

HB 1268-FN, requiring the department of education to reimburse the community colleges for the costs of providing remedial courses. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles J. Brosseau for Education: While remedial course reimbursement looks good at first look, the money would end up coming from local taxpayers and would amount to downshifting, placing an extra burden on local taxpayers. The community college system is open to anyone as compared to the university system, and has no admission criteria. Persons of any age go to community college and trying to determine what persons are right out of high school is hard to determine. Students going to community college may have not taken the necessary math. For example for what the student now wants to specialize in. Vote 15-0.

HB 1325, relative to school attendance by children of divorced parents. **OUGHT TO PASS WITH AMENDMENT.**

Rep. J. R. Hoell for Education: Although common practice for a judge to rule that a child remain in the school of either parent, this bill would codify in statute that the judge has authority to rule that the child should be able to attend the school where the child's best interests will be served. Vote 16-0.

Amendment (0307h)

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

AN ACT relative to legal residency requirements for purposes of school attendance for children of divorced parents and children whose parents share decision making responsibility pursuant to a parenting plan.

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

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

(2) In a divorce decree, **or parenting plan developed pursuant to RSA 461-A**, where parents are awarded joint decision making responsibility [~~or joint legal custody~~], the legal residence of a minor child is the residence of the parent with whom the child resides, **however the child may attend school in the school district in which either parent resides**. If a parent is awarded sole or primary residential responsibility [~~or physical custody~~] by a court of competent jurisdiction in this or any other state, legal residence of a minor child is the residence of the parent who has sole or primary residential responsibility [~~or physical custody~~], **however the child may attend school in the school district in which either parent resides**. If the parent with sole or primary [~~physical custody~~] **residential responsibility** lives outside the state of New Hampshire, the pupil does not have residence in New Hampshire. If the court order is for equal or approximately

equal periods of residential responsibility, the child's legal residence for school attendance purposes shall be as stated in the order, ***provided that the child may attend school in the school district in which either parent resides***. If a child is in a court-ordered residential placement, foster home, or group home pursuant to RSA 169-B, RSA 169-C, RSA 169-D, RSA 170-C, or RSA 463, residence shall be determined in accordance with RSA 193:28. ***Nothing in this subparagraph shall require a school district to provide transportation for a child to another school in the school district in which the child resides or beyond the geographical limits of the school district in which the child resides***.

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

AMENDED ANALYSIS

This bill revises the legal residency requirements for purposes of school attendance for children of divorced parents and children whose parents share decision making responsibility pursuant to a parenting plan.

Referred to the Committee on Children and Family Law.

HB 1485-FN-L, relative to funding for chartered public schools established by the state board of education. **INEXPEDIENT TO LEGISLATE.**

Rep. Ralph G. Boehm for Education: This bill takes local revenue and sends it to a state school, thus making this bill unconstitutional per section 1, Article 28A. It is agreed that additional funding is needed for charter schools but not by this method. Vote 16-0.

HB 1195, relative to membership of the joint legislative historical committee. **OUGHT TO PASS.**

Rep. Kenneth Hawkins for Executive Departments and Administration: This bill is simply a good solution to a problem that the joint legislative historical committee has had. The members right now include the Speaker, Majority Leader, Minority Leader, Senate President, Majority Leader, and Minority Leader. The committee has not been able to meet because they can't achieve a quorum. This simply adds "or designee" to those positions. We understand these positions have a number of commitments so we agreed with the position of the sponsors. Vote 10-0.

HB 1196, repealing the task force on state procurement policies and procedures. **OUGHT TO PASS.**

Rep. Spec Bowers for Executive Departments and Administration: The task force has finished its work and recommends that it be terminated. Vote 10-0.

HB 1430, designating the Thompson/Center Contender pistol as the official state firearm of New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter T. Hansen for Executive Departments and Administration: This bill proposed to designate the Thompson/Center Contender pistol as the official state firearm of New Hampshire. The committee felt it to be ill advised to select one firearm manufacturer over 2 others who are very successfully manufacturing within NH and employing hundreds of NH citizens. Both Sturm Ruger and Sig Sauer contribute significantly to the NH economy. Further, the committee believes that the state should not put itself in a position to appear in any fashion to influence the conduct of commerce by indicating favor of one product or manufacturer over others. Vote 10-0.

HB 1521-FN, relative to retired state employees group insurance participation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Steven J. Winter for Executive Departments and Administration: This bill resulted from a Department of Administrative Services performance audit. The audit cited ten observations, the final three of which required legislation. Direction of this program for

retiree health benefits was transferred from the NHRS to the DAS. The department continued the practices that were put in place by the NHRS but the audit discovered that a number of these practices were not specifically authorized to DAS by statute. This bill sets out authorization for these ongoing practices in a revision to RSA 21-I:30 and re-writes that statute in a more logical format. Vote 12-0.

Amendment (0334h)

Amend RSA 21-I:30, I through IV as inserted by section 1 of the bill by replacing them with the following:

I. The state shall pay a premium for each state employee and permanent temporary or permanent seasonal employee as defined in RSA 98-A:3 including spouse and minor, fully dependent children, if any, ~~and~~ **toward group hospitalization, hospital medical care, surgical care and other medical benefits plan or a self-funded alternative, within the limits of the funds appropriated at each legislative session.**

II. The state shall pay a premium for each Medicare-eligible retired employee, as defined in ~~paragraph II~~ **paragraphs VI and VII** of this section, and his or her spouse~~;~~ ~~or retired employee's beneficiary, only if an option was taken at the time of retirement and the employee is not now living~~ **for their lifetimes**, toward group hospitalization, hospital medical care, surgical care and other medical benefits plan or a self-funded alternative within the limits of the funds appropriated at each legislative session and providing any change in plan ~~or vendor~~ is approved by the fiscal committee of the general court prior to its adoption. ~~[Funds appropriated for this purpose shall not be transferred or used for any other purpose.]~~ **Retired employees who are eligible for Medicare may voluntarily cease participation in plan benefits at any time and may reenroll without restriction.**

III. The state shall pay a partial premium for each retiree receiving medical and surgical benefits provided under this section who is not eligible for Medicare. Pursuant to paragraph XIII, a portion of the premium shall be paid by the each retiree. Retirees who are not eligible for Medicare may voluntarily cease participation in plan benefits at any time.

IV. Fully dependent minor children, children between the ages of 19 through 25 if full-time students, and any certifiably dependent child with a disability who is institutionalized or living in the household and being cared for by the qualified retired member, the member's spouse, or the qualified surviving spouse and whose certificate is on file, shall be eligible for this plan on payment of a premium as long as they are eligible for the plan benefit per the foregoing requirements. The amount of the premium shall be the full cost of the plan benefits as determined by the department of administrative services. Participants may voluntarily cease participation in plan benefits at any time.

Referred to the Committee on Finance.

HCR 33, honoring Charlie St. Clair for his contributions to the tourism industry in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Steven J. Winter for Executive Departments and Administration: The committee has great respect for Charlie St. Clair and the work he has done promoting the New Hampshire tourist industry as an indefatigable promoter of "Motorcycle Week." The resolution, if passed as filed, would eventually lead to a proclamation from the State of New Hampshire. The committee feels that a more expeditious route to such a proclamation would be directly through the regularly established proclamation process. The sponsor was re-directed to the governor's office for the preparation of a proper document. That process is already underway and this resolution is no longer necessary. Vote 10-0.

HCR 35, designating Miss New Hampshire, of the Miss America Scholarship Program, the official honorary hostess of the state of New Hampshire during her term as Miss New

Hampshire. **OUGHT TO PASS.**

Rep. Carol M. McGuire for Executive Departments and Administration: This bill makes it official that Miss New Hampshire of the Miss America Scholarship program will be the honorary hostess of the state during her term. Vote 9-0.

HCR 43, urging the joint legislative historical committee to move the granite gates Lafayette passed through to the state house grounds. **OUGHT TO PASS.**

Rep. Steven J. Winter for Executive Departments and Administration: The Marquis de Lafayette was a French aristocrat and military officer. He served as a major-general in the American Revolution under George Washington. This resolution urges the joint legislative historical committee to move the granite gates through which Lafayette passed onto the New Hampshire statehouse grounds during his triumphal return in 1825. The gates, actually two pillars, had been virtually lost until discovered to be unceremoniously “guarding” the entrance to the state complex on Fruit Street in Concord where they are susceptible to vehicle damage. The minimal cost of returning those historic gates to the state house grounds can be covered within the budget of our historical department. Nevertheless, there is evidence to believe that donations would cover the bulk of the cost. The committee voted unanimously to pass this resolution. Vote 9-0.

HB 1322, establishing a task force to study and recommend options to provide hospitals with the capacity to fund uncompensated care over time. **INEXPEDIENT TO LEGISLATE.**

Rep. Evalyn S. Merrick for Health, Human Services and Elderly Affairs: This bill would establish yet another “task force” to address an issue presently being studied. Although the bipartisan vote reflects the point that the prevailing view is to minimize new study committees, we do agree there are issues which need additional policy work, and uncompensated care impacts all citizens financially. This bill does not provide a new avenue to a more global solution. Vote 14-0.

HB 1326, relative to advance directives pertaining to medically administered nutrition and hydration. **INEXPEDIENT TO LEGISLATE.**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The sponsors were well intentioned in the preparation of this bill. Title X, Public Health already covers advance directives health care decisions, including medically administered nutrition and hydration. Section 137-J:20 of Chapter 137-J contains a form for a Durable Power of Attorney for Health Care. Under additional instructions section of the form, an individual may “include specific desires or limitations you deem appropriate, such as when or what life-sustaining treatment you would want used or withheld.” Expert physician testimony supported the ITL motion. Vote 14-0.

HB 1358, establishing a committee to study the costs of health care. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank R. Kotowski for Health, Human Services and Elderly Affairs: Establishment of a committee to study the costs of health care would result in redundancy and unnecessary duplication of effort. SB 505 of 2010, which created the commission on health care cost containment, is already charged with studying this issue. Vote 14-0.

CACR 24, relating to age limitations for judges. Providing that no person shall be eligible to be appointed a judge until such person has reached 60 years of age. **INEXPEDIENT TO LEGISLATE.**

Rep. Brian J. X. Murphy for Judiciary: This bill sought to leverage the wisdom that comes with experience and make that a pre-requisite for becoming a New Hampshire judge. The committee appreciated the intent of this bill, but felt that the age restriction would create several material disadvantages for the judiciary. First, since judges must retire at age 70 in

New Hampshire, the entire judiciary would be limited to a 10 year window. In addition to issues of continuity and judicial administration, the judiciary would be deprived of experienced judges advancing through the judicial branch to serve New Hampshire at the highest level. Second, the committee struggled with the age requirement, rather than specific experience as a predictor of judicial competence. Vote 15-0.

HB 1137, renaming the road to the supreme court and the administrative office of the courts from Charles Doe Drive to Noble Drive and renaming the campus of the supreme court and the administrative office of the courts from Charles Doe Place to Noble Place.

INEXPEDIENT TO LEGISLATE.

Rep. Lucy M. Weber for Judiciary: The purpose of the bill is accurately described at length in its title. The committee heard that the drive and campus were named for Justice Charles Doe in 2006. Justice Charles Doe was a forward-looking and nationally known justice in the late 1800s. The road that provides access to the department of transportation is already named Noble Drive. To prevent confusion, and because no testimony was given in support of the proposal, the committee recommends that no change be made to the name of either the road or the campus. Vote 17-0.

HB 1156, relative to preserving due process in all common law matters. **INEXPEDIENT TO LEGISLATE.**

Rep. J. Brandon Giuda for Judiciary: This bill proposes a major change to the judicial process by forbidding New Hampshire courts from initiating “any proceeding without a grand jury investigation consisting of evidence presented by both the prosecution and defense.” This massive change would expand grand jury investigations from felonies to every crime, no matter how small, and would significantly increase the time devoted to grand juries by doubling the evidence presented to the grand jury. Testimony confirmed that this change would bog down the New Hampshire criminal justice system and would require a significant financial infusion due to the additional resources that would need to be devoted to grand jury investigations. The committee felt that the current system which limits grand juries to felonies, while also allowing any accused that may face incarceration to request a trial by jury, is permissible under the New Hampshire Constitution. Vote 17-0.

HB 1188, relative to civil actions for defamation. **INEXPEDIENT TO LEGISLATE.**

Rep. Brian J. X. Murphy for Judiciary: This bill sought to create a minimum award for victims of defamation, libel or slander. The committee appreciated the intent of the bill (i.e., to alleviate the difficulty in quantifying damages). However, establishing that one's reputation has been damaged is a fundamental element of the tort itself. Accordingly, the committee felt that since a plaintiff must prove damages, it would be inappropriate to ascribe a statutory minimum for those damages. Vote 15-1.

HB 1247, relative to the duties of jurors as constitutional officers and changing the term “petit jury” to “trial jury.” **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M. Sorg for Judiciary: This bill would excuse jurors from any duty to fidelity to the law in cases both great and small, and require the trial judge so to inform them. This bill goes well beyond last year's HB 146 in that it would invite jury nullification not merely in cases paralleling the celebrated historical examples often cited of juror acquittals of clearly guilty defendants in cases of prosecutions enforcing tyrannical and morally reprehensible laws. It would have the jurors informed that all laws, including the penalties prescribed by law for their violation, are mere guidelines. It would thus invite inconsistent enforcement of the laws and arbitrary application of penalties, including the death penalty. Even those on the committee supportive of a jury nullification instruction agreed that this bill goes too far. By passing it, the House would be repudiating its own work and its very legitimacy. Vote 17-0.

HB 1311, changing a statutory reference to reflect the current homestead exemption amounts. **OUGHT TO PASS.**

Rep. Lucy M. Weber for Judiciary: When the homestead exemption amounts were raised from \$30,000 to \$100,000 for a single person and from \$60,000 to \$200,000 for a married couple, no corresponding change was made to the statutory notice form prescribed in RSA 529:20-a. This bill simply conforms the statutory notice form to include the correct current amounts. Vote 16-0.

HB 1384, relative to the statute of limitations for complaints against judges. **OUGHT TO PASS.**

Rep. Brian J. X. Murphy for Judiciary: This bill will expand the period of time for a complaint to be filed against a judge from two years from the date of the inappropriate act to two years from the conclusion of the trial or appeal during which the inappropriate act is alleged to have occurred. This bill addresses the tension inherent in requiring a complainant to file charges against a judge with the judicial conduct committee while that judge is still presiding over the complaining party in an underlying action. Vote 14-1.

HB 1408, establishing a commission to study the judicial branch family division. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M. Sorg for Judiciary: Although the majority recognizes and acknowledges deeply held dissatisfaction with the family division, at least two aspects of last year's bill (HB 609) creating the new circuit court militate against undertaking a study at this time, and in favor of a wait-and-see stance. First, marital masters will gradually be replaced by judges, meaning that the magistrate conducting family division hearings will be more directly accountable for the orders emanating from them than has heretofore been the case. Second, judges from the family, district and probate divisions of the circuit court will be able to conduct hearings in one another's divisions in certain circumstances from time to time, and the resulting cross-pollination that will occur among divisions may ameliorate deficiencies caused by the perceived insularity and secretiveness of family division proceedings. Finally, the inconvenience and impracticality of committing House and Senate members to study commission work in an election year cannot be overlooked. Vote 15-1.

HB 1577, relative to petitions for reconsideration of court rulings in the judicial branch family division. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M. Sorg for Judiciary: This bill would excuse the moving party in a family division matter from denial of a motion for reconsideration based upon either failure to disclose information at a previous hearing, insufficient disclosure of facts in previously submitted affidavits, or the fact that the moving party had been held in contempt of the ruling that is the subject of the motion. The committee was of the opinion that an unintended consequence of this bill would be to encourage carelessness in preparation for, and willful disregard of orders emanating from family division hearings by eliminating the usual and natural consequences. In a division in which much informality is already permitted in order to accommodate the high percentage of pro se parties, the committee concluded that inviting more informality, particularly of this kind, would not be constructive. Vote 16-0.

HB 1612, requiring the supreme court to adopt uniform rules of evidence for the superior and circuit courts and relative to child support and guardians ad litem. **INEXPEDIENT TO LEGISLATE.**

Rep. J. Brandon Giuda for Judiciary: Although the committee agreed with the rationale behind a portion of this bill, the entire bill proved too expansive and too cumbersome for modification or passage. The committee concluded that the supreme court has already

adopted uniform rules of evidence for the superior and circuit courts, but that the problem, as addressed in a bill passed by the House in 2011, is that the adopted rules of evidence are not applied in the family divisions. The majority of the committee agreed that hearsay evidence in the family divisions is a problem, but that the best solution was the one passed by the House in 2011. The committee also concluded that requiring the court to monitor monthly expenditures for every parent in New Hampshire receiving child support was unworkable without a consideration of financial infusion into the judicial branch. Vote 16-0.

HB 1170, allowing municipalities to authorize the inclusion of a statement of the estimated tax impact of the budget and special warrant articles to be voted at annual meeting.

OUGHT TO PASS.

Rep. Philip L Munck for Municipal and County Government: This bill explicitly authorizes a town or district to vote to direct that warrant articles having a tax impact contain a notation stating the estimated impact of the article. Vote 17-0.

HB 1266, requiring the assessing standards board to recommend standards rather than guidelines. **OUGHT TO PASS.**

Rep. Betsey L. Patten for Municipal and County Government: In 2003 the general court recognized that the municipalities needed help in their job of assessing property. The assessing standard board was charged with establishing standards to be followed by assessors, selectmen and boards of assessors. The general court also found that in order for the state to continue to implement fair and equitable assessing practices, it was necessary to analyze the assessing practices of the states political subdivisions. In order to facilitate that analysis the general court determine that guidelines would be a less intrusive way to help municipalities. Now in 2012 the charge of the ASB is mainly completed. The committee agreed that it is now time to change back to standards since the municipalities have had ten years to comply with the guidelines. Vote 17-0.

HB 1429, enabling municipalities to adopt a property tax credit based on home renovation costs. **INEXPEDIENT TO LEGISLATE.**

Rep. James P. Belanger for Municipal and County Government: This bill attempts to reward property owners for home improvements by allowing them a tax credit on their tax bill in the year that the improvement is made. It brings forward, however, unintended consequences. It would require boards of selectmen and other governing bodies to develop a list of renovations that would qualify and associated amounts of credit for each. This adds work to the governing body but also sets up non standard credits as well as qualifying conditions. One might get \$75 off for insulating a home in one town while the next town might award a \$25 credit for the same home improvement. Not only does it not treat similar improvements the same in different communities, but it would set up a huge potential for appeals from residents claiming their home improvement was worthy of being on the list for a credit because it was on the list in a neighboring community or that it was left off the list and should have been. The list of qualifying improvements would never be static and would be cause for an added work load to local officials. In short, this bill seems to attempt to reward those who are able to afford home renovations at the expense of those who can not. Vote 17-0.

HB 1621, repealing certain statutes. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy D. Copeland for Municipal and County Government: The repeal of the showman law would remove the control towns would have on any live acts or public competitions. Repealing RSA 179:10 unlawful possession and intoxication for persons under 21 years of age is irresponsible. Boundaries need to exist for our youth when they indulge in intoxicants at any level of consumption. There are health, social and economic problems that result from use of alcohol by our youth. Underage drinking is a casual factor in a host of

serious problems including homicide, suicide, injuries, drowning, violent crime, property crime, high risk sex, fetal alcohol syndrome, alcohol poisoning, and treatment of alcohol abuse and dependence. All 50 states have a minimum age for drinking alcohol set at 21 years of age because of the national minimum drinking age act of 1984 and the federal highway act which tied states passage of 21 and older laws to their continued receipt of federal funding. States that failed to raise the legal age for the purchase and public possession of alcohol faced a 10% decrease in the annual amount of federal money they received for highway construction and maintenance. The repeal of our law on adultery would be immoral in nature. The vows and sanctity of marriage should be protected by our laws; it is the highest degree of commitment between two adults. Vote 17-0.

HB 1134, establishing a committee to study the construction of a permanent memorial to Governor John Gilbert Winant on the state house grounds. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Candace C. W. Bouchard for Public Works and Highways: This bill establishes a committee to study the construction of a permanent memorial to Governor John Winant on state property other than the state house grounds and without the use of public funds. Gov. John Winant began his political career as a member of the N. H. House and the N. H. Senate. In 1925 he was elected to his first of three terms as N. H. Governor. Although a Republican, he was selected by Democratic President Franklin Roosevelt to serve as the first Director of the Social Security Administration in 1934. In 1937 he was elected Director of the International Labor Organization in Geneva, Switzerland. In 1941, President Roosevelt again turned to Governor Winant and asked him to serve as U.S. Ambassador to England during World War II. At the end of the war only two Americans were awarded the Order of Merit by King George. General Eisenhower and John Winant. In 1946 Governor Winant resigned his ambassadorship and was appointed by President Truman as a U. S. Representative to the United Nations. Sadly in 1947, John Winant died. A permanent memorial to honor this man who gave so much to his state, his country and the world, is long overdue. Vote 14-2.

Amendment (0360h)

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

AN ACT establishing a committee to study the construction of a permanent memorial to Governor John Gilbert Winant on state property other than the state house grounds.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study the construction of a permanent memorial to Governor John Gilbert Winant on state property other than the state house grounds.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study the construction of a permanent memorial to Governor John Gilbert Winant on state property other than the state house grounds, including an appropriate site, design, and private funding source.

AMENDED ANALYSIS

This bill establishes a committee to study the construction of a permanent memorial to Governor John Gilbert Winant on state property other than the state house grounds.

HB 1205, relative to the duty of the long range capital planning and utilization committee. **OUGHT TO PASS.**

Rep. John A. Graham for Public Works and Highways: RSA 17-M:2 lists the powers and duties of the Long Range Capital Planning and Utilization Committee. One of the duties currently listed in the statute is to oversee the implementation of the "Master Plan for the New Hampshire Hospital Campus" dated October 31, 1994. The General Court redid this redevelopment plan in 2004 and, therefore, any reference to a plan from the 1990s is no

longer relevant. The bill simply deletes the section of RSA 17-M:2 that references the 1994 plan. Vote 15-0.

HB 1253, relative to bridge aid and highway block grants for class V roads in certain village districts. **INEXPEDIENT TO LEGISLATE.**

Rep. John A. Graham for Public Works and Highways: This bill would allow village districts with more than 3 miles of class V roads to be eligible for block grant aid and to be eligible for municipal bridge aid. The first problem with the bill is that it would create two classes of village districts; those eligible for such aid and those who are not. The second problem is that under current statute all village district roads are classified as private roads, implementation of the provisions of this bill would incrementally reduce the Block Grant Aid every municipality is currently receiving. There is an existing mechanism for village districts to “turn over” their existing roads to the community that encompasses the district and thereby be eligible for the requested aid. The committee recommends that this process be followed for those districts that wish to seek highway fund aid from the state. Finally, in regards to bridge aid, the state allocates \$6.8 million a year to this program and the DOT is currently programming the aid for 2020. Adding more bridges to the equation will only lengthen the time line for reimbursement to our cities and towns. For all of these reasons the committee finds HB 1253 Inexpedient to Legislate. Vote 12-0.

HB 1286, relative to the installation of sprinklers. **INEXPEDIENT TO LEGISLATE.**

Rep. Candace C. W. Bouchard for Public Works and Highways: The prime sponsor, after hearing questions and testimony, recognized the bill needed more work and requested ITL. Vote 12-0.

HB 1314, establishing a committee to study the maintenance of water and sewer infrastructure. **INEXPEDIENT TO LEGISLATE.**

Rep. Candace C. W. Bouchard for Public Works and Highways: Studying the maintenance of water and sewer infrastructure is an important issue and is currently being studied by the existing water infrastructure funding sustainability commission and the governor’s water sustainability commission. Both commissions will adequately study and make recommendations related to addressing water infrastructure needs. The prime sponsor stated the studies being done are substantial enough at this time so there is no need for this bill. Vote 12-0.

HB 1320-FN-L, relative to law enforcement responsibility for interstate highways. **INEXPEDIENT TO LEGISLATE.**

Rep. Gene G. Chandler for Public Works and Highways: The committee believes that local police chiefs already have the ability to staff construction sites on secondary state roads. We also feel that the department of transportation should remain the final authority for all staffing decisions on the interstates. We feel the commissioner does work with the local departments to augment his pool of available offices, but that the staffing decisions should remain with DOT. The committee heard testimony that jurisdictional limitations are not the primary reason that state police are used on the interstate but that the visible presence of state police with their police cruisers is better able to project authority and control, thereby enhancing the safety of our roads. Vote 14-0.

HB 1420, relative to the disposition of the remains of service members. **OUGHT TO PASS.**

Rep. Alfred P. Baldasaro for State-Federal Relations and Veterans Affairs: When active duty and activated guard/reserve members complete the federally mandated DD form 93 in accordance with Section 564 of public law 109-163, the veteran designates a person authorized to direct disposition of their remains in event of death. NH law, Title XXVI, Chap 290, Sec 290.17 in regard to designation of a person authorized to determine disposition of

remains does not recognize DD form 93 "Record of Emergency Data" as an acceptable document for service members, and this will correct the law. Vote 11-0.

HCR 30, congratulating the Republic of Hungary on the adoption of its first national constitution. **INEXPEDIENT TO LEGISLATE.**

Rep. Alfred P. Baldasaro for State-Federal Relations and Veterans Affairs: The sponsor of the bill chose to withdraw the bill. The committee opened the hearing, no one was present to testify, and closed it. Vote 11-0.

HCR 38, urging the United States Congress to extend equal benefits for the treatment of Agent Orange exposure to Vietnam veterans who served outside of Vietnam. **OUGHT TO PASS.**

Rep. Frank H. McCarthy for State-Federal Relations and Veterans Affairs: Thousands of Vietnam era veterans suffer from the effects of Agent Orange, a powerful toxic defoliant. Currently some dozen or more disorders are listed by the Veterans Administration as presumed to be related to Agent Orange and the list continues to grow. Many of the surrounding countries to Vietnam as well as the supporting bases, i.e., Okinawa, Guam, Thailand, were also subject to Agent Orange exposure. This resolution urges the United States Congress to add these locations under the VA's Agent Orange umbrella. Vote 11-0.

HB 1221, relative to the credit for the business enterprise tax against the business profits tax. **OUGHT TO PASS.**

Rep. Frank V. Sapareto for Ways and Means: This bill allows for the application of tax credits on a quarterly basis instead of once per year. It does not change the amount of tax due, per the department of revenue administration (DRA), but allows the application of a tax credit quarterly with no impact on annual filings. This does not rule out any other tax credits in the quarterly payments. It was the unanimous decision of the committee that this was a more efficient and streamlined application of credits versus the annual application of credits. Vote 18-0.

BILLS REMOVED FROM THE CONSENT CALENDAR IN A PRIOR SESSION DAY

HB 445-FN, relative to the regulation of electronic tracking devices. **REFER FOR INTERIM STUDY.**

Rep. Jennifer R. Coffey for Commerce and Consumer Affairs: Per the request of the prime sponsor and with the support of the full committee present to vote the bill is recommended for Interim Study for further review due to many issues raised in multiple meetings throughout the year. Vote 14-0.

Rep. Kurk spoke against.

Rep. Hunt spoke in favor and yielded to questions.

Rep. Soltani requested a roll call; sufficiently seconded.

YEAS 158 NAYS 183

YEAS 158

BELKNAP

Bolster, Peter
Millham, Alida
Tobin, William

Fields, Dennis
Pilliod, James

Flanders, Donald
Simpson, Tyler

Luther, Robert
Tilton, Franklin

CARROLL

Chandler, Gene

Knox, J. David

McConkey, Mark

Patten, Betsey

Umberger, Karen

CHESHIRE

Butynski, William
Hunt, John
Meador, David
Sad, Tara
Weber, Lucy

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

Chase, Cynthia
Lerandeau, Alfred
Moore, Robert Jr
Sterling, Franklin Jr

Dwinell, Richard
Lindsey, Steven
Parkhurst, Henry
Tatro, Bruce

COOS

Hatch, William

Remick, William

Tholl, John Jr

Thomas, Yvonne

GRAFTON

Aguiar, James
Gould, Franklin
Shackett, Jeffrey

Bradley, Lester
Harding, Laurie
Smith, Suzanne

Bulis, Lyle
Pastor, Beatriz
Townsend, Charles

Cooney, Mary
Pierce, David
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Boehm, Ralph

Barry, J. Gail
Christensen, D.L.
Chris

Belanger, James
Christiansen, Lars

Belvin, William
Day, Russell

Doherty, Shaun
Gimas, John
Greazzo, Phil
Hutchinson, Winfred
McGuinness, Sean
Robbins, David
Shaw, Barbara
Terrio, Ross

Gagne, Larry
Goley, Jeffrey
Haefner, Robert
Infantine, William
Messier, Irene
Rokas, Ted
Silva, Peter
Thomas, Joseph

Gargas, Carolyn
Gonzalez, Carlos
Hawkins, Kenneth
Jasper, Shawn
Ober, Lynne
Rowe, Robert
Stepanek, Stephen
Ulery, Jordan

Gidge, Kenneth
Graham, John
Hinch, Richard
Levasseur, Nickolas
Pilotte, Maurice
Seidel, Carl
Sullivan, Daniel
Willette, Robert

MERRIMACK

Cohn, Seth
Hamm, Christine
MacKay, James
Rice, Chip
Watrous, Rick

DeStefano, Stephen
Keane, Thomas
Owen, Derek
Sanborn, Laurie
Williams, Robert

Foose, Robert
Kotowski, Frank
Patten, Dick
Shurtleff, Stephen

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

ROCKINGHAM

Allen, Mary
Belanger, Ronald
DiPentima, Rich
Lovejoy, Patricia
McKinney, Betsy
Nevins, Chris
Quandt, Matt
Schlachman, Donna
Ward, Joanne

Antosz, Jason
Bettencourt, David
Elliott, Robert
Lundgren, David
McMahon, Charles
Norelli, Terie
Read, Robin Jr
Sytek, John
Welch, David

Azarian, Gary
Charron, Gene
Headd, James
MacMahon, Bruce
Moody, Marcia
Packard, Sherman
Rice, Frederick
Tucker, Pamela
Weyler, Kenneth

Bates, David
Copeland, Timothy
Kappler, Lawrence
Major, Norman
Murphy, Brian
Quandt, Marshall
Sanders, Elisabeth
Waddell, James

STRAFFORD

Berube, Roger
Ginsburg, Philip
Parsons, Robbie

Brown, Julie
Grassie, Anne
Schmidt, Peter

Cataldo, Sam
Hooper, Dorothea
Spainhower, Dale

DeLemus, Susan
Kaen, Naida
Wall, Janet

SULLIVAN

Cloutier, John
Rodeschin, Beverly

Gagnon, Raymond

LaCasse, Paul Sr

Osgood, Joe

NAYS 183

BELKNAP

Accornero, Harry
Malone, Robert
Worsman, Colette

Comtois, Guy
Russell, David

Greemore, Robert
St. Cyr, Jeffrey

Kingsbury, Robert
Swinford, Elaine

CARROLL

Babson, David Jr
Pettengill, Laurie

Fleck, Joseph
Tregenza, Norman

McCarthy, Frank

Merrow, Harry

CHESHIRE

Cartwright, Anne

Johnson, Jane

Roberts, Kris

COOS

Coulombe, Gary
Theberge, Robert

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

GRAFTON

Almy, Susan
Ingbretson, Paul
Reilly, Harold Sr

Benn, Bernard
Ladd, Rick Jr
Simard, Paul

Brosseau, Charles
Mirski, Paul
Sorg, Gregory

Gionet, Edmond
Nordgren, Sharon
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Bergevin, Jerry
Buxton, Michael
Cusson-Cail, Kathleen
Erickson, Duane
Gorman, Mary
Hogan, Edith
Kurk, Neal
Long, Patrick
McClarren, Donald
Ober, Russell III
Parison, James
Pratt, Calvin
Scontsas, Lisa
Swank, Matthew
Warden, Mark

Balboni, Michael
Brown, Kevin
Condra, William
Daler, Jennifer
Flanagan, Jack
Hansen, Peter
Holden, Frank
Lambert, George
Maltz, Jonathan
Moran, Edward
Ohm, Bill
Pellegrino, Tony
Renzullo, Andrew
Simmons, Tammy
Twombly, Timothy
Whitehead, Randall

Ball, J. Michael
Brownrigg, Randall Jr
Cote, David
Daniels, Gary
Fredette, Robert
Hardwick, Harry
Hopper, Gary
LeBrun, Donald
Marcus, Bruce
Murphy, Keith
Palmer, Barry
Peterson, Lenette
Rhodes, Brian
Stroud, Kathleen
Vaillancourt, Steve

Barry, Richard
Burt, John
Coughlin, Sean
Donovan, Daniel
Gandia, Laura
Hikel, John
Krasucki, Joseph
Leishman, Peter
McCarthy, Michael
Notter, Jeanine
Palmer, Stephen
Porter, Marjorie
Rosenwald, Cindy
Summers, James
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Hoell, J.R.
Lindsley, Mark
Richardson, Jon

Gile, Mary
Kidder, David
McGuire, Carol
Seaworth, G. Brian

Giuda, J. Brandon
Kreis, Kenneth Sr
McGuire, Dan
Smith, Molly

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

Soltani, Tony

Winter, Steven

ROCKINGHAM

Abrami, Patrick	Baldasaro, Alfred	Birdsell, Regina	Brown, Paul
Cali-Pitts, Jacqueline	Comerford, Timothy	Davenport, Joshua	DeSimone, Debra
Devine, James	Duarte, Joe	Ferrante, Beverly	Fesh, Robert
Garcia, Marilinda	Griffin, Mary	Hagan, Joseph	Hoelzel, Kathleen
Itse, Daniel	Janvrin, Kevin	Kolodziej, Walter	Manuse, Andrew
Mauro, Donna	O'Connor, John	Okerman, Richard	Pantelakos, Laura
Peckham, Michele	Perkins, Amy	Perkins, Lawrence	Reagan, John
Reichard, Kevin	Ritter, Glenn	Sapareto, Frank	Schroadter, Adam
Serlin, Christopher	Sheffert, Kenneth	Shuler, Wyman III	Smith, William
Sullivan, Kevin	Tasker, Kyle	Tremblay, Stella	Waterhouse, Kevin
Webb, James			

STRAFFORD

Andolina, Donald	Groen, Warren	Horrigan, Timothy	Jones, Kyle
Jones, Laura	Keans, Sandra	Larsen Schultz, Kirsten	Munck, Philip
Newton, Clifford	O'Connor, William	Perry, Robert	Pitre, Joseph
Spang, Judith	Sprague, Dale	Vita, Carol	Vita, Lucien
Watters, David	Weeden, Michael		

SULLIVAN

Bowers, Spec	Cunningham, Steven	Howard, Thomas	Laware, Thomas
Lefebvre, Benjamin	Lovett, Charlene	Schmidt, Andrew	Smith, Steven

and the committee report failed.
Rep. Kurk moved Ought to Pass and offered floor amendment (0084).

Floor Amendment (0084h)

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

1 New Chapter; Regulation of the Use of Electronic Tracking Devices. Amend RSA by inserting after chapter 358-S the following new chapter:

CHAPTER 358-T

REGULATION OF THE USE OF ELECTRONIC TRACKING DEVICES

358-T:1 Definitions. In this chapter:

I. "Electronic tracking device" means any item, application, or mark that is passively or actively capable of transmitting electronically an individual's location, or is capable of following or plotting the path of an individual, including, without limitation, devices using global position satellites. An electronic tracking device shall not include the following:

- (a) Bar codes or similar markings that do not transmit information.
- (b) Locating technology used by the enhanced 911 system or to facilitate an emergency response.
- (c) Commercial mobile radio service as described in 47 U.S.C. section 332 when used to provide such service.

II. "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability corporation, association, foundation, joint venture, government, government subdivision, agency or instrumentality, public corporation, or any other legal or commercial entity.

III. "Reasonable notice" means notice provided:

- (a) In plain English.
- (b) In a type size that may be read by an average individual, considering the physical location of the individual in relation to the type.

(c) In person, by a label attached to the personal property containing the electronic tracking device, by electronic means, or by poster at the entrances to real property.

IV. "Track" means to locate, follow, or plot the path of an individual or personal property owned by, or in the lawful possession of, the individual by means of an electronic tracking device.

358-T:2 Use of Electronic Tracking Devices Prohibited. Except as otherwise provided in this chapter, no person shall use an electronic tracking device to track an individual without the consent of the individual or the parent or legal guardian of the individual, or a valid court order.

358-T:3 Exceptions. This chapter shall not apply to:

I. An electronic tracking device that tracks personal property exclusively and is activated solely for that purpose in order to locate the property in cases, such as rental cars, where the owner has reason to believe the property is being used in violation of a contract governing its use; provided, however, that where such activation occurs and an individual has been tracked, the burden of proving that the purpose of the activation was to locate the property shall fall on the owner.

II. An electronic tracking device that tracks personal property and is used on real property by the owner or lessee of that real property.

III. An electronic tracking device used by an employer on or within the employer's personal or real property, in connection with an employment relationship or work-related functions, during or after working hours, upon reasonable notice to the employee.

IV. An electronic tracking device used by a nursing facility, assisted living facility, the state, or a political subdivision, department, or agency:

(a) To locate a person who is a resident of a nursing facility or assisted living facility, incarcerated in the state prison or county jail, housed in a mental health facility pursuant to a court order after having been charged with a crime, subject to court-ordered electronic monitoring, or resident of a state or county hospital.

(b) To collect funds for the use of a toll road or bridge it owns and operates in accordance with the provisions of RSA 236:31 and RSA 237:16-e.

V. An electronic tracking device that is affixed to products for use in supply chain security or to ensure product integrity, regardless of whether such device incidentally allows tracking of employees, contracted distribution agents, or other persons who may accompany the products. This provision shall not be construed to permit the tracking of consumer purchases at the retail level.

VI. An electronic tracking device the use of which is activated by or at the request of an individual, relates to the individual, and locates the individual but does not follow or plot the path of the individual or personal property owned by or in the lawful possession of the individual. For the purpose of this subparagraph, the consent of one individual in a motor vehicle shall be considered consent by all individuals in that motor vehicle.

358-T:4 Penalties.

I. Any person convicted of violating this chapter shall be guilty of a class A misdemeanor. Each such act shall constitute a separate offense.

II. An aggrieved individual or the state may bring suit for \$1,000 or actual damages, whichever is greater, plus court costs and reasonable attorney's fees, for each violation of this chapter.

2 Effective Date. This act shall take effect January 1, 2013.
Reps. Kurk and Soltani spoke in favor and yielded to questions.
Rep. Avard requested a roll call; sufficiently seconded.

YEAS 293 NAYS 53

YEAS 293

BELKNAP

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

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

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

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

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie

Babson, David Jr
McConkey, Mark
Tregenza, Norman

Fleck, Joseph
Morrow, Harry

Knox, J. David
Patten, Betsey

CHESHIRE

Byrnes, John
Lerandeau, Alfred
Parkhurst, Henry
Tatro, Bruce

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

Johnsen, Gladys
Moore, Charles
Smith, Edwin

Johnson, Jane
Moore, Robert Jr
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Richardson, Herbert
Tremblay, Marc

Hatch, William
Theberge, Robert

Rappaport, Laurence
Tholl, John Jr

Remick, William
Thomas, Yvonne

GRAFTON

Almy, Susan
Bulis, Lyle
Ingbretson, Paul
Pierce, David
Sorg, Gregory

Benn, Bernard
Cooney, Mary
Ladd, Rick Jr
Reilly, Harold Sr
Sova, Charles

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

Brosseau, Charles
Gould, Franklin
Nordgren, Sharon
Simard, Paul

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Brown, Kevin
Campbell, David

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

Ball, J. Michael
Bergevin, Jerry
Burt, John
Christiansen, Lars

Baroody, Benjamin
Boehm, Ralph
Buxton, Michael
Condra, William

Cote, David
Daniels, Gary
Erickson, Duane
Gidge, Kenneth
Gorman, Mary
Hardwick, Harry
Holden, Frank
Krasucki, Joseph
Leishman, Peter
Marcus, Bruce
Messier, Irene
Ober, Lynne
Palmer, Stephen
Porter, Marjorie
Rowe, Robert
Silva, Peter

Coughlin, Sean
Day, Russell
Flanagan, Jack
Gimas, John
Graham, John
Hikel, John
Hopper, Gary
Kurk, Neal
Levasseur, Nickolas
McCarthy, Michael
Moran, Edward
Ober, Russell III
Parison, James
Pratt, Calvin
Scotsas, Lisa
Simmons, Tammy

Cusson-Cail, Kathleen
Doherty, Shaun
Fredette, Robert
Goley, Jeffrey
Greazzo, Phil
Hinch, Richard
Hutchinson, Winfred
Lambert, George
Long, Patrick
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen

Daler, Jennifer
Donovan, Daniel
Gandia, Laura
Gonzalez, Carlos
Hansen, Peter
Hogan, Edith
Jasper, Shawn
LeBrun, Donald
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Peterson, Lenette
Rosenwald, Cindy
Shaw, Barbara
Stepanek, Stephen

Stroud, Kathleen
Thomas, Joseph
Warden, Mark

Summers, James
Twombly, Timothy
Whitehead, Randall

Swank, Matthew
Vaillancourt, Steve
Willette, Robert

Terrio, Ross
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Hess, David
Kidder, David
Lindsley, Mark
Owen, Derek
Sanborn, Laurie
Soltani, Tony

Cohn, Seth
Hill, Gregory
Kotowski, Frank
MacKay, James
Patten, Dick
Seaworth, G. Brian
Watrous, Rick

Gile, Mary
Hoell, J.R.
Kreis, Kenneth Sr
McGuire, Carol
Reed, Dennis
Smith, Molly
Williams, Robert

Giuda, J. Brandon
Keane, Thomas
Lauer-Rago, Kathleen
McGuire, Dan
Richardson, Jon
Smith, Todd
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Hoelzel, Kathleen
Kappler, Lawrence
MacMahon, Bruce
McKinney, Betsy
Okerman, Richard
Perkins, Amy
Rice, Frederick
Schroadter, Adam
Smith, William
Tucker, Pamela
Webb, James

Allen, Mary
Bates, David
Cali-Pitts, Jacqueline
DeSimone, Debra
Elliott, Robert
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Major, Norman
McMahon, Charles
Packard, Sherman
Quandt, Marshall
Ritter, Glenn
Serlin, Christopher
Sullivan, Kevin
Waddell, James
Welch, David

Antosz, Jason
Bettencourt, David
Charron, Gene
Devine, James
Ferrante, Beverly
Hagan, Joseph
Itse, Daniel
Lovejoy, Patricia
Manuse, Andrew
Murphy, Brian
Pantelakos, Laura
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
DiPentima, Rich
Fesh, Robert
Headd, James
Janvrin, Kevin
Lundgren, David
Mauro, Donna
O'Connor, John
Peckham, Michele
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Tremblay, Stella
Waterhouse, Kevin

STRAFFORD

Andolina, Donald
Ginsburg, Philip
Jones, Laura

Brown, Julie
Groen, Warren
Keans, Sandra

Cataldo, Sam
Horrigan, Timothy
Larsen Schultz,
Kirsten

DeLemus, Susan
Jones, Kyle
Munck, Philip

Newton, Clifford
Pitre, Joseph
Sprague, Dale
Watters, David

O'Connor, William
Schmidt, Peter
Vita, Carol
Weeden, Michael

Parsons, Robbie
Spainhower, Dale
Vita, Lucien

Perry, Robert
Spang, Judith
Wall, Janet

SULLIVAN

Bowers, Spec
Howard, Thomas
Lovett, Charlene

Cloutier, John
LaCasse, Paul Sr
Rodeschin, Beverly

Cunningham, Steven
Laware, Thomas
Schmidt, Andrew

Gagnon, Raymond
Lefebvre, Benjamin
Smith, Steven

NAYS 53

BELKNAP

Millham, Alida

CARROLL

Chandler, Gene Umberger, Karen

CHESHIRE

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

COOS

Coulombe, Gary

GRAFTON

Aguiar, James Harding, Laurie Pastor, Beatriz Smith, Suzanne
Townsend, Charles White, Andrew

HILLSBOROUGH

Barry, J. Gail Belvin, William Gagne, Larry Gargas, Carolyn
Haefner, Robert Hawkins, Kenneth Infantine, William Pilotte, Maurice
Rhodes, Brian Robbins, David Rokas, Ted Sullivan, Daniel
Ulery, Jordan

MERRIMACK

DeStefano, Stephen Foose, Robert Frazer, June Hamm, Christine
Lockwood, Priscilla Potter, Frances Rice, Chip Shurtleff, Stephen
Wallner, Mary Jane

ROCKINGHAM

Belanger, Ronald Copeland, Timothy Moody, Marcia Nevins, Chris
Norelli, Terie Quandt, Matt Read, Robin Jr Schlachman, Donna
Sytek, John

STRAFFORD

Berube, Roger Grassie, Anne Hooper, Dorothea Kaen, Naida

SULLIVAN

Osgood, Joe
and floor amendment (0084) was adopted.
Motion of Ought to Pass with Amendment adopted.
Referred to the Committee on Criminal Justice and Public Safety.

HB 138-FN, relative to the cold case homicide unit. **OUGHT TO PASS.**

Rep. Larry G. Gagne for Criminal Justice and Public Safety: This bill repeals the session law inserted by HB 690-FN, Chapter 269, of the 2009 legislative session establishing the cold case homicide unit with a prospective repeal date of July 1, 2013, and establishes the cold case homicide unit and a non-lapsing cold case homicide unit fund within the department of justice. This bill repeals the sunset provision in the original bill and allows the cold case unit to continue for as long as funding allows. Vote 16-1.

Rep. Shurtleff spoke in favor and yielded to questions.

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

YEAS 254 NAYS 93

YEAS 254

BELKNAP

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

CARROLL

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

CHESHIRE

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

COOS

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

GRAFTON

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

HILLSBOROUGH

Balboni, Michael	Baroody, Benjamin	Barry, J. Gail	Barry, Richard
Belvin, William	Bergevin, Jerry	Boehm, Ralph	Brown, Kevin
Brownrigg, Randall Jr	Buxton, Michael	Campbell, David	Condra, William
Cote, David	Daler, Jennifer	Daniels, Gary	Day, Russell
Doherty, Shaun	Donovan, Daniel	Erickson, Duane	Flanagan, Jack
Gagne, Larry	Gandia, Laura	Gargas, Carolyn	Gidge, Kenneth
Gimas, John	Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary
Graham, John	Haefner, Robert	Hawkins, Kenneth	Hinch, Richard
Hogan, Edith	Holden, Frank	Hutchinson, Winfred	Infantine, William
Jasper, Shawn	Krasucki, Joseph	Kurk, Neal	LeBrun, Donald
Leishman, Peter	Levasseur, Nickolas	Long, Patrick	Maltz, Jonathan
McCarthy, Michael	McGuinness, Sean	Messier, Irene	Moran, Edward
Notter, Jeanine	Palmer, Barry	Parison, James	Pilotte, Maurice
Porter, Marjorie	Pratt, Calvin	Rhodes, Brian	Robbins, David
Rokas, Ted	Rosenwald, Cindy	Rowe, Robert	Scotsas, Lisa
Seidel, Carl	Shaw, Barbara	Silva, Peter	Souza, Kathleen
Stepanek, Stephen	Stroud, Kathleen	Sullivan, Daniel	Terrio, Ross
Thomas, Joseph	Ulery, Jordan	Whitehead, Randall	Willette, Robert

MERRIMACK

DeStefano, Stephen	Foose, Robert	Frazer, June	Gile, Mary
Hamm, Christine	Hess, David	Kotowski, Frank	Lauer-Rago, Kathleen
Lindsley, Mark	Lockwood, Priscilla	MacKay, James	Owen, Derek
Patten, Dick	Potter, Frances	Rice, Chip	Sanborn, Laurie
Shurtleff, Stephen	Smith, Todd	Soltani, Tony	Wallner, Mary Jane
Watrous, Rick	Williams, Robert		

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Antosz, Jason	Azarian, Gary
Bates, David	Belanger, Ronald	Bettencourt, David	Birdsell, Regina
Cali-Pitts, Jacqueline	Charron, Gene	Comerford, Timothy	Copeland, Timothy
DeSimone, Debra	Devine, James	DiPentima, Rich	Dowling, Patricia
Elliott, Robert	Ferrante, Beverly	Fesh, Robert	Garcia, Marilinda
Griffin, Mary	Hagan, Joseph	Headd, James	Janvrin, Kevin
Kappler, Lawrence	Katsakiores, Phyllis	Lovejoy, Patricia	Major, Norman
McKinney, Betsy	McMahon, Charles	Moody, Marcia	Murphy, Brian
Nevins, Chris	Norelli, Terie	O'Connor, John	Packard, Sherman
Pantelakos, Laura	Peckham, Michele	Quandt, Marshall	Quandt, Matt
Read, Robin Jr	Rice, Frederick	Ritter, Glenn	Sanders, Elisabeth
Sapareto, Frank	Schlachman, Donna	Schroadter, Adam	Serlin, Christopher
Sheffert, Kenneth	Shuler, Wyman III	Sullivan, Kevin	Tucker, Pamela
Waddell, James	Ward, Joanne	Waterhouse, Kevin	Webb, James
Welch, David	Weyler, Kenneth		

STRAFFORD

Berube, Roger	Brown, Julie	Cataldo, Sam	Grassie, Anne
Groen, Warren	Hooper, Dorothea	Horrigan, Timothy	Kaen, Naida
Keans, Sandra	Larsen Schultz, Kirsten	Munck, Philip	Newton, Clifford
O'Connor, William	Parsons, Robbie	Perry, Robert	Schmidt, Peter
Spainhower, Dale	Spang, Judith	Sprague, Dale	Wall, Janet
Watters, David	Weeden, Michael		

SULLIVAN

Cloutier, John	Cunningham, Steven	Gagnon, Raymond	LaCasse, Paul Sr
Lefebvre, Benjamin	Lovett, Charlene	Rodeschin, Beverly	Schmidt, Andrew
Smith, Steven			

NAYS 93

BELKNAP

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

CARROLL

Pettengill, Laurie	Tregenza, Norman
--------------------	------------------

CHESHIRE

Cartwright, Anne	Moore, Charles
------------------	----------------

COOS

Daugherty, Duffy

GRAFTON

Brosseau, Charles

Mirski, Paul

Sorg, Gregory

Sova, Charles

HILLSBOROUGH

Avard, Kevin
Christensen, D.L.
Chris

Ball, J. Michael
Christiansen, Lars

Belanger, James
Coughlin, Sean

Burt, John
Cusson-Cail,
Kathleen

Fredette, Robert
Hikel, John
McClarren, Donald
Ohm, Bill
Renzullo, Andrew
Twombly, Timothy

Greazzo, Phil
Hopper, Gary
Murphy, Keith
Palmer, Stephen
Simmons, Tammy
Vaillancourt, Steve

Hansen, Peter
Lambert, George
Ober, Lynne
Pellegrino, Tony
Summers, James
Villeneuve, Moe

Hardwick, Harry
Marcus, Bruce
Ober, Russell III
Peterson, Lenette
Swank, Matthew
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
Hoell, J.R.
McGuire, Dan
Smith, Molly

Cohn, Seth
Kidder, David
Reed, Dennis
Winter, Steven

Giuda, J. Brandon
Kreis, Kenneth Sr
Richardson, Jon

Hill, Gregory
McGuire, Carol
Seaworth, G. Brian

ROCKINGHAM

Baldasaro, Alfred
Hoelzel, Kathleen
Lundgren, David
Okerman, Richard
Reichard, Kevin
Tremblay, Stella

Brown, Paul
Introne, Robert
MacMahon, Bruce
Perkins, Amy
Smith, William

Davenport, Joshua
Itse, Daniel
Manuse, Andrew
Perkins, Lawrence
Sytek, John

Duarte, Joe
Kolodziej, Walter
Mauro, Donna
Reagan, John
Tasker, Kyle

STRAFFORD

Andolina, Donald
Jones, Laura

DeLemus, Susan
Pitre, Joseph

Ginsburg, Philip
Vita, Carol

Jones, Kyle
Vita, Lucien

SULLIVAN

Bowers, Spec

Howard, Thomas

Laware, Thomas

Osgood, Joe

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

HB 574, relative to the taking of private property during a state of emergency. **OUGHT TO PASS.**

Rep. J. Brandon Giuda for Judiciary: The bill repeals the law enacted after September 11, 2001 that allows the government to take private property from citizens during a state of emergency, including such things as food, fuel, vehicles, bedding, medicines, medical supplies, etc. This law represents a tremendous over-reach of government power that contravenes the natural right of citizens to acquire, possess and protect property as guaranteed in Article 2 of the New Hampshire Constitution. This law was passed over the objection of the past-director of the office of emergency management who properly testified that this law represented a major improper transfer of power away from elected leadership to appointed officials. The committee believes that the constitution encourages personal responsibility and as such, believes that citizens who properly prepare for emergencies

should not be placed in an inferior position because others, including government officials, have failed to properly anticipate a need. Vote 16-0.

Reps. Giuda and Manuse spoke in favor.

Rep. Rosenwald spoke against.

Rep. Lambert requested a roll call; sufficiently seconded.

YEAS 257 NAYS 87

YEAS 257

BELKNAP

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

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

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

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

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie

Babson, David Jr
McConkey, Mark
Tregenza, Norman

Chandler, Gene
Morrow, Harry
Umberger, Karen

Knox, J. David
Patten, Betsey

CHESHIRE

Byrnes, John
Johnson, Jane
Smith, Edwin

Cartwright, Anne
Meader, David
Sterling, Franklin Jr

Dwinell, Richard
Moore, Charles

Hunt, John
Moore, Robert Jr

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Ingbretson, Paul
Sorg, Gregory

Brosseau, Charles
Ladd, Rick Jr
Sova, Charles

Bulis, Lyle
Mirski, Paul
Taylor, Kathleen

Gionet, Edmond
Shackett, Jeffrey

HILLSBOROUGH

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

Balboni, Michael
Belanger, James
Brown, Kevin
Campbell, David

Ball, J. Michael
Belvin, William
Brownrigg, Randall Jr
Christensen, D.L.
Chris

Barry, J. Gail
Bergevin, Jerry
Burt, John
Christiansen, Lars

Condra, William
Doherty, Shaun
Fredette, Robert
Gimas, John
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McCarthy, Michael

Coughlin, Sean
Donovan, Daniel
Gagne, Larry
Gonzalez, Carlos
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Long, Patrick
McClarren, Donald

Cusson-Cail, Kathleen
Erickson, Duane
Gandia, Laura
Gorman, Mary
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
Maltz, Jonathan
McGuinness, Sean

Daniels, Gary
Flanagan, Jack
Gidge, Kenneth
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
Lambert, George
Marcus, Bruce
Messier, Irene

Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Robbins, David
Shaw, Barbara
Stepanek, Stephen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Notter, Jeanine
Palmer, Barry
Peterson, Lenette
Rowe, Robert
Silva, Peter
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

Ober, Lynne
Palmer, Stephen
Pratt, Calvin
Scontsas, Lisa
Simmons, Tammy
Summers, James
Twombly, Timothy
Warden, Mark

Ober, Russell III
Parison, James
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Hoell, J.R.
Lindsley, Mark
Reed, Dennis
Smith, Molly

Cohn, Seth
Kotowski, Frank
Lockwood, Priscilla
Richardson, Jon
Soltani, Tony

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

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

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
DeSimone, Debra
Elliott, Robert
Griffin, Mary
Introne, Robert
Katsakiores, Phyllis
Major, Norman
McMahon, Charles
Packard, Sherman
Quandt, Marshall
Rice, Frederick
Schroadter, Adam
Sullivan, Kevin
Tucker, Pamela
Webb, James

Allen, Mary
Bates, David
Comerford, Timothy
Devine, James
Ferrante, Beverly
Hagan, Joseph
Itse, Daniel
Kolodziej, Walter
Manuse, Andrew
Murphy, Brian
Peckham, Michele
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sytek, John
Waddell, James
Weyler, Kenneth

Antosz, Jason
Bettencourt, David
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Headd, James
Janvrin, Kevin
Lundgren, David
Mauro, Donna
O'Connor, John
Perkins, Amy
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tasker, Kyle
Ward, Joanne

Azarian, Gary
Birdsell, Regina
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Hoelzel, Kathleen
Kappler, Lawrence
MacMahon, Bruce
McKinney, Betsy
Okerman, Richard
Perkins, Lawrence
Reichard, Kevin
Sapareto, Frank
Smith, William
Tremblay, Stella
Waterhouse, Kevin

STRAFFORD

Andolina, Donald
Groen, Warren

Cataldo, Sam
Jones, Kyle

DeLemus, Susan
Jones, Laura

Ginsburg, Philip
Larsen Schultz,
Kirsten

Munck, Philip
Pitre, Joseph
Wall, Janet

Newton, Clifford
Sprague, Dale
Weeden, Michael

O'Connor, William
Vita, Carol

Parsons, Robbie
Vita, Lucien

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 87

BELKNAP

None

CARROLL

Fleck, Joseph

CHESHIRE

Butynski, William
Lindsey, Steven
Tatro, Bruce

Chase, Cynthia
Parkhurst, Henry
Weed, Charles

Johnsen, Gladys
Roberts, Kris

Lerandeau, Alfred
Sad, Tara

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Remick, William

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pastor, Beatriz
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Goley, Jeffrey
Pilotte, Maurice
Rokas, Ted

Cote, David
Leishman, Peter
Porter, Marjorie
Rosenwald, Cindy

Daler, Jennifer
Levasseur, Nickolas
Ramsey, Peter
Sullivan, Daniel

Gargas, Carolyn
Moran, Edward
Rhodes, Brian

MERRIMACK

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

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

Frazer, June
Kidder, David
Potter, Frances
Williams, Robert

Gile, Mary
MacKay, James
Rice, Chip

ROCKINGHAM

Belanger, Ronald
Lovejoy, Patricia
Pantelakos, Laura
Welch, David

Cali-Pitts, Jacqueline
Moody, Marcia
Read, Robin Jr

Charron, Gene
Nevins, Chris
Schlachman, Donna

DiPentima, Rich
Norelli, Terie
Serlin, Christopher

STRAFFORD

Berube, Roger
Horriggan, Timothy
Schmidt, Peter

Brown, Julie
Kaen, Naida
Spainhower, Dale

Grassie, Anne
Keans, Sandra
Spang, Judith

Hooper, Dorothea
Perry, Robert
Watters, David

SULLIVAN

Cloutier, John
and the committee report was adopted and ordered to third reading.
Rep. Campbell voted Yea and intended to vote Nay.

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

MOTION TO LAY ON THE TABLE

Rep. Cali-Pitts moved that **HB 574**, relative to the taking of private property during a state of emergency, be laid on the table.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 92 NAYS 253

YEAS 92

BELKNAP

None

CARROLL

Fleck, Joseph

CHESHIRE

Butynski, William
Lindsey, Steven
Tatro, Bruce

Chase, Cynthia
Parkhurst, Henry
Weed, Charles

Johnsen, Gladys
Roberts, Kris

Lerandean, Alfred
Sad, Tara

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Remick, William

Theberge, Robert

GRAFTON

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

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Gargas, Carolyn
Leishman, Peter
Porter, Marjorie
Rosenwald, Cindy

Campbell, David
Goley, Jeffrey
Levasseur, Nickolas
Ramsey, Peter
Shaw, Barbara

Cote, David
Gorman, Mary
Long, Patrick
Rhodes, Brian
Sullivan, Daniel

Daler, Jennifer
Kurk, Neal
Pilotte, Maurice
Rokas, Ted

MERRIMACK

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

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

Frazer, June
Owen, Derek
Sanborn, Laurie
Williams, Robert

Gile, Mary
Patten, Dick
Shurtleff, Stephen

ROCKINGHAM

Belanger, Ronald
Lovejoy, Patricia
Read, Robin Jr

Cali-Pitts, Jacqueline
Moody, Marcia
Schlachman, Donna

Charron, Gene
Norelli, Terie
Serlin, Christopher

DiPentima, Rich
Pantelakos, Laura

STRAFFORD

Berube, Roger
Hooper, Dorothea
Perry, Robert
Wall, Janet

Brown, Julie
Horriggan, Timothy
Schmidt, Peter
Watters, David

Ginsburg, Philip
Kaen, Naida
Spainhower, Dale

Grassie, Anne
Keans, Sandra
Spang, Judith

SULLIVAN

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

NAYS 253

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
Tobin, William	Worsman, Colette		

CARROLL

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

CHESHIRE

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

COOS

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

GRAFTON

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

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, J. Gail
Barry, Richard	Belanger, James	Belvin, William	Bergevin, Jerry
Boehm, Ralph	Brown, Kevin	Brownrigg, Randall Jr	Burt, John
Buxton, Michael	Christensen, D.L.	Christiansen, Lars	Condra, William
	Chris		
Coughlin, Sean	Cusson-Cail, Kathleen	Daniels, Gary	Day, Russell
Doherty, Shaun	Donovan, Daniel	Erickson, Duane	Flanagan, Jack
Fredette, Robert	Gagne, Larry	Gandia, Laura	Gidge, Kenneth
Gimas, John	Gonzalez, Carlos	Graham, John	Greazzo, Phil
Haefner, Robert	Hansen, Peter	Hardwick, Harry	Hawkins, Kenneth
Hikel, John	Hinch, Richard	Hogan, Edith	Holden, Frank
Hopper, Gary	Hutchinson, Winfred	Infantine, William	Jasper, Shawn
Krasucki, Joseph	Lambert, George	LeBrun, Donald	Maltz, Jonathan
Marcus, Bruce	McCarthy, Michael	McClarren, Donald	McGuinness, Sean
Messier, Irene	Moran, Edward	Murphy, Keith	Notter, Jeanine
Ober, Lynne	Ober, Russell III	Ohm, Bill	Palmer, Barry
Palmer, Stephen	Parison, James	Pellegrino, Tony	Peterson, Lenette
Pratt, Calvin	Renzullo, Andrew	Robbins, David	Rowe, Robert
Scontsas, Lisa	Seidel, Carl	Silva, Peter	Simmons, Tammy

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

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

Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

Summers, James
Twombly, Timothy
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
Hill, Gregory
Kreis, Kenneth Sr
McGuire, Carol
Seaworth, G. Brian
Winter, Steven

Cohn, Seth
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Smith, Molly

Giuda, J. Brandon
Kidder, David
Lindsley, Mark
Reed, Dennis
Smith, Todd

Hess, David
Kotowski, Frank
Lockwood, Priscilla
Richardson, Jon
Soltani, Tony

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
DeSimone, Debra
Elliott, Robert
Griffin, Mary
Introne, Robert
Katsakiores, Phyllis
Major, Norman
McMahon, Charles
Okerman, Richard
Perkins, Lawrence
Rice, Frederick
Schroadter, Adam
Sullivan, Kevin
Tucker, Pamela
Webb, James

Allen, Mary
Bates, David
Comerford, Timothy
Devine, James
Ferrante, Beverly
Hagan, Joseph
Itse, Daniel
Kolodziej, Walter
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sytek, John
Waddell, James
Welch, David

Antosz, Jason
Bettencourt, David
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Headd, James
Janvrin, Kevin
Lundgren, David
Mauro, Donna
Nevins, Chris
Peckham, Michele
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Azarian, Gary
Birdsell, Regina
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Hoelzel, Kathleen
Kappler, Lawrence
MacMahon, Bruce
McKinney, Betsy
O'Connor, John
Perkins, Amy
Reichard, Kevin
Sapareto, Frank
Smith, William
Tremblay, Stella
Waterhouse, Kevin

STRAFFORD

Andolina, Donald
Jones, Kyle

Cataldo, Sam
Jones, Laura

DeLemus, Susan
Larsen Schultz,
Kirsten

Groen, Warren
Munck, Philip

Newton, Clifford
Sprague, Dale

O'Connor, William
Vita, Carol

Parsons, Robbie
Vita, Lucien

Pitre, Joseph
Weeden, Michael

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

and the motion failed.

BILLS REMOVED FROM THE CONSENT CALENDAR IN A PRIOR SESSION DAY (CONT'D)

HB 121, establishing a committee to study eligibility for property tax exemptions for the permanently and totally disabled. **OUGHT TO PASS WITH AMENDMENT.**
Rep. James P. Belanger for Municipal and County Government: Current statute provides for a municipally approved tax exemption on property taxes based on financial status and disability as determined by the social security system. It is mute on disabled who are not on the social security system. This bill, as amended, uses the social security criteria to

determine disability for those who are not on social security. Municipal approval is still required and the financial criteria remain the same. This simply corrects an injustice to those who were not on the social security system during their employment, and allows them to apply for the tax exemption with proof of disability using the social security system criteria. Vote 16-0.

Amendment (1540h)

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

AN ACT relative to eligibility for the property tax exemption for the disabled.

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

1 Exemption for the Disabled; Eligibility; Social Security Act. Amend RSA 72:37-b, I- I-b to read as follows:

I. Upon its adoption by a city or town as provided in RSA 72:27-a, any person who is ***or would be determined to be*** eligible under Title II or Title XVI of the federal Social Security Act for benefits to the disabled shall receive a yearly exemption in an amount to be chosen by the town or city.

I-a. Upon the adoption of this paragraph by a city or town as provided in RSA 72:27-a, a person who is ***or would be determined to be*** eligible under Title II or Title XVI of the federal Social Security Act on his or her sixty-fifth birthday shall remain eligible for a yearly exemption either in the amount of the exemption applicable under paragraph I or the amount of the elderly exemption granted to the person under RSA 72:39-b, whichever is greater.

I-b. Upon the adoption of this paragraph by a city or town as provided in RSA 72:27-a, any person who at any time previously was ***or would have been determined to be*** eligible under Title II or Title XVI of the federal Social Security Act for benefits to the disabled, but who is no longer eligible for such federal benefits due to reasons other than the status of that person's disability, shall be eligible for the exemption under paragraph I or I-a, or both as may be applicable, provided that the person submits an affidavit from a physician licensed in New Hampshire that attests to the fact that the person continues to meet the criteria for disability that are used under Title II or Title XVI of the federal Social Security Act.

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

AMENDED ANALYSIS

This bill allows municipalities to adopt a provision to grant the property tax exemption for the disabled to persons who would qualify under Title II or Title XVI of the federal Social Security Act.

Amendment adopted.

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

Rep. James Belanger yielded to questions.

On a division vote, 275 members having voted in the affirmative and 56 in the negative, the committee report was adopted and ordered to third reading.

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

MOTION TO PRINT DEBATE

Rep. Daniels moved that the debate on ***HB 121***, relative to eligibility for the property tax exemption for the disabled, be printed in the Permanent Journal.

Motion failed.

BILLS REMOVED FROM THE CONSENT CALENDAR IN A PRIOR SESSION DAY (CONT'D)

HCR 26, declaring that the Claremont case's mandates that the legislative and executive branches define an adequate education, determine its cost, fund its entire cost with state taxes, and ensure its delivery through accountability, are not binding on the legislative and executive branches. **REFER FOR INTERIM STUDY.**

Rep. Laura J. Gandia for the Special Committee on Education Funding Reform: While the majority of the committee echoes the sentiments contained in HCR 26 such as the constitutionality of the Claremont decision, the doctrine of separation of powers, the importance of local control, etc., the committee believes that there other pieces of pending legislation that address the issues raised in HCR 26. Therefore, the committee recommends that this bill be referred for interim study. Vote 14-1.

Reps. Laura Jones, Dan McGuire and Sorg spoke against.

Reps. Mirski and Gandia spoke in favor.

Rep. Lynne Ober requested a roll call; sufficiently seconded.

YEAS 215 NAYS 132

YEAS 215

BELKNAP

Bolster, Peter
Millham, Alida

Fields, Dennis
Pilliod, James

Flanders, Donald
Russell, David

Luther, Robert
St. Cyr, Jeffrey

CARROLL

Ahlgren, Christopher
Knox, J. David
Umberger, Karen

Babson, David Jr
McConkey, Mark

Chandler, Gene
Merrow, Harry

Fleck, Joseph
Patten, Betsey

CHESHIRE

Butynski, William
Hunt, John
Moore, Robert Jr
Smith, Edwin

Byrnes, John
Johnsen, Gladys
Parkhurst, Henry
Sterling, Franklin Jr

Chase, Cynthia
Lindsey, Steven
Roberts, Kris
Weber, Lucy

Dwinell, Richard
Meador, David
Sad, Tara
Weed, Charles

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William
Tholl, John Jr

Remick, William
Thomas, Yvonne

Richardson, Herbert
Tremblay, Marc

GRAFTON

Aguiar, James
Cooney, Mary
Ladd, Rick Jr
Pierce, David
Townsend, Charles

Almy, Susan
Gionet, Edmond
Mirski, Paul
Shackett, Jeffrey
White, Andrew

Benn, Bernard
Gould, Franklin
Nordgren, Sharon
Smith, Suzanne

Bulis, Lyle
Harding, Laurie
Pastor, Beatriz
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin
Brownrigg, Randall Jr

Barry, J. Gail
Campbell, David

Belvin, William
Christensen, D.L.
Chris

Boehm, Ralph
Christiansen, Lars

Cote, David
Doherty, Shaun
Gargas, Carolyn
Gonzalez, Carlos

Coughlin, Sean
Fredette, Robert
Gidge, Kenneth
Gorman, Mary

Daler, Jennifer
Gagne, Larry
Gimas, John
Graham, John

Daniels, Gary
Gandia, Laura
Goley, Jeffrey
Haefner, Robert

Hawkins, Kenneth
Infantine, William
Levasseur, Nickolas
Moran, Edward
Pellegrino, Tony
Rhodes, Brian
Shaw, Barbara
Stroud, Kathleen

Hinch, Richard
Jasper, Shawn
Long, Patrick
Ober, Lynne
Porter, Marjorie
Robbins, David
Silva, Peter
Sullivan, Daniel

Hogan, Edith
Kurk, Neal
McClarren, Donald
Ober, Russell III
Ramsey, Peter
Rokas, Ted
Soucy, Connie
Thomas, Joseph

Hutchinson, Winfred
Leishman, Peter
McGuinness, Sean
Palmer, Barry
Renzullo, Andrew
Rosenwald, Cindy
Stepanek, Stephen
Ulery, Jordan

MERRIMACK

DeStefano, Stephen
Hamm, Christine
Kotowski, Frank
Potter, Frances
Sanborn, Laurie
Wallner, Mary Jane

Foose, Robert
Hess, David
Lockwood, Priscilla
Reed, Dennis
Shurtleff, Stephen
Watrous, Rick

Frazer, June
Keane, Thomas
MacKay, James
Rice, Chip
Smith, Molly
Williams, Robert

Gile, Mary
Kidder, David
Patten, Dick
Richardson, Jon
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Bettencourt, David
Comerford, Timothy
DiPentima, Rich
Fesh, Robert
Hoelzel, Kathleen
Major, Norman
Murphy, Brian
Packard, Sherman
Perkins, Lawrence
Sanders, Elisabeth
Sheffert, Kenneth
Waddell, James

Azarian, Gary
Birdsell, Regina
Copeland, Timothy
Dowling, Patricia
Griffin, Mary
Kappler, Lawrence
McKinney, Betsy
Nevins, Chris
Pantelakos, Laura
Quandt, Marshall
Sapareto, Frank
Sullivan, Kevin
Ward, Joanne

Bates, David
Cali-Pitts, Jacqueline
DeSimone, Debra
Elliott, Robert
Hagan, Joseph
Katsakiores, Phyllis
McMahon, Charles
Norelli, Terie
Peckham, Michele
Read, Robin Jr
Schlachman, Donna
Sytek, John
Webb, James

Belanger, Ronald
Charron, Gene
Devine, James
Ferrante, Beverly
Headd, James
Lovejoy, Patricia
Moody, Marcia
O'Connor, John
Perkins, Amy
Rice, Frederick
Serlin, Christopher
Tucker, Pamela
Welch, David

STRAFFORD

Andolina, Donald
Ginsburg, Philip
Kaen, Naida

Berube, Roger
Grassie, Anne
Keans, Sandra

Brown, Julie
Hooper, Dorothea
Larsen Schultz,
Kirsten
Spang, Judith

Cataldo, Sam
Horrigan, Timothy
Perry, Robert

Schmidt, Peter
Wall, Janet

Spainhower, Dale
Watters, David

Sprague, Dale

SULLIVAN

Cloutier, John
Osgood, Joe

Gagnon, Raymond
Rodeschin, Beverly

Lefebvre, Benjamin
Schmidt, Andrew

Lovett, Charlene

NAYS 132

BELKNAP

Accornero, Harry
Malone, Robert
Tobin, William

Comtois, Guy
Simpson, Tyler
Worsman, Colette

Greemore, Robert
Swinford, Elaine

Kingsbury, Robert
Tilton, Franklin

CARROLL

McCarthy, Frank	Pettengill, Laurie	Tregenza, Norman
-----------------	--------------------	------------------

CHESHIRE

Cartwright, Anne	Johnson, Jane	Moore, Charles
------------------	---------------	----------------

COOS

Daugherty, Duffy	Rappaport, Laurence
------------------	---------------------

GRAFTON

Bradley, Lester	Brosseau, Charles	Ingbretson, Paul	Sorg, Gregory
Sova, Charles			

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, Richard
Belanger, James	Bergevin, Jerry	Brown, Kevin	Burt, John
Buxton, Michael	Condra, William	Cusson-Cail, Kathleen	Day, Russell
Donovan, Daniel	Erickson, Duane	Flanagan, Jack	Greazzo, Phil
Hansen, Peter	Hardwick, Harry	Hikel, John	Holden, Frank
Hopper, Gary	Krasucki, Joseph	Lambert, George	LeBrun, Donald
Maltz, Jonathan	Marcus, Bruce	McCarthy, Michael	Messier, Irene
Murphy, Keith	Notter, Jeanine	Ohm, Bill	Palmer, Stephen
Parison, James	Peterson, Lenette	Pilotte, Maurice	Pratt, Calvin
Rowe, Robert	Scontsas, Lisa	Seidel, Carl	Simmons, Tammy
Souza, Kathleen	Summers, James	Swank, Matthew	Terrio, Ross
Twombly, Timothy	Vaillancourt, Steve	Villeneuve, Moe	Warden, Mark
Whitehead, Randall	Willette, Robert		

MERRIMACK

Blankenbeker, Lynne	Cohn, Seth	Giuda, J. Brandon	Hill, Gregory
Hoell, J.R.	Kreis, Kenneth Sr	Lauer-Rago, Kathleen	Lindsley, Mark
McGuire, Carol	McGuire, Dan	Owen, Derek	Seaworth, G. Brian
Soltani, Tony	Winter, Steven		

ROCKINGHAM

Allen, Mary	Antosz, Jason	Baldasaro, Alfred	Brown, Paul
Davenport, Joshua	Duarte, Joe	Garcia, Marilinda	Introne, Robert
Itse, Daniel	Janvrin, Kevin	Kolodziej, Walter	Lundgren, David
MacMahon, Bruce	Manuse, Andrew	Mauro, Donna	Okerman, Richard
Quandt, Matt	Reagan, John	Reichard, Kevin	Ritter, Glenn
Schroadter, Adam	Shuler, Wyman III	Smith, William	Tasker, Kyle
Tremblay, Stella	Waterhouse, Kevin	Weyler, Kenneth	

STRAFFORD

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	Cunningham, Steven	Howard, Thomas	LaCasse, Paul Sr
Laware, Thomas	Smith, Steven		

and the committee report was adopted.

HCR 2, in support of the Arizona immigration law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucien A. Vita for State-Federal Relations and Veterans Affairs: This resolution expresses New Hampshire's support of the legislation enacted by the State of Arizona in its efforts to reduce the number of illegal aliens in Arizona and to relieve the financial burden of incarceration, education and medical treatment being born by the citizens of Arizona. In so doing, the security and safety of the citizens of Arizona will be increased. Vote 10-0.

Amendment (2270h)

Amend the resolution by replacing all after the resolving clause with the following:

Whereas, the people of the State of Arizona have the right of security in their persons, freedoms, employment, financial future, and practice of religion; and

Whereas, the Constitution of the State of Arizona provides the people of Arizona with the right of security in their persons and freedoms; and

Whereas, Arizona did join with the several states in The Constitution for the United States of America to enjoy the security, prosperity, and liberty afforded by such an agreement; and

Whereas, The Constitution for the United States of America guarantees to the several states protection against invasion and domestic violence, those protections being expected of the Federal Government by the people of the State of Arizona; and

Whereas, the borders of the United States of America are being compromised by the illegal entry of immigrants from adjacent countries, that entry compromising the security and prosperity of the several states comprising The United States of America; and

Whereas, it is in the best interest of the State of Arizona to protect its borders and provide security and a strong economy for its citizens; and

Whereas, the security of the several states, of which the State of Arizona is a part, is being threatened by 4 to 10 million illegal aliens that crossed our southwestern border, of which as many as 19,500 illegal aliens are from terrorist countries, the millions of pounds of drugs, cocaine, methamphetamine, heroin, and marijuana that have crossed into the United States from the southern border; and

Whereas, the northward surge of illegal immigrants has now reached the States of Washington, Colorado, Kansas, North Carolina, Massachusetts and New Hampshire; and

Whereas, the financial future of the several states, of which the State of Arizona is a part, is being threatened by billions of dollars spent on welfare, healthcare, education, and incarceration of illegal aliens each year by state governments; and

Whereas, the intent of this resolution is to support Arizona's Immigration Law SB 1070, that achieves attrition of the presence of illegal aliens through enforcement of their public policy; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the state of New Hampshire fully supports the State of Arizona's right to protect its borders and citizens; and

That the clerk of the New Hampshire House of Representatives shall forward signed copies of this resolution to the President of the United States of America, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the New Hampshire congressional delegation so that they may be apprised of the sense of the citizens of New Hampshire in this matter.

Amendment adopted.

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

Rep. Theberge spoke against.

Rep. Marcus spoke in favor.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 243 NAYS 102

YEAS 243

BELKNAP

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

CARROLL

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

CHESHIRE

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

COOS

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

GRAFTON

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

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, J. Gail
Barry, Richard	Belanger, James	Bergevin, Jerry	Boehm, Ralph
Brown, Kevin	Brownrigg, Randall Jr	Burt, John	Buxton, Michael
Christensen, D.L.	Christiansen, Lars	Condra, William	Coughlin, Sean
Chris			
Cusson-Cail, Kathleen	Daniels, Gary	Day, Russell	Doherty, Shaun
Donovan, Daniel	Erickson, Duane	Flanagan, Jack	Fredette, Robert
Gagne, Larry	Gandia, Laura	Gonzalez, Carlos	Greazzo, Phil
Haefner, Robert	Hansen, Peter	Hardwick, Harry	Hawkins, Kenneth
Hikel, John	Hinch, Richard	Hogan, Edith	Hopper, Gary
Hutchinson, Winfred	Infantine, William	Jasper, Shawn	Krasucki, Joseph
Kurk, Neal	LeBrun, Donald	Maltz, Jonathan	Marcus, Bruce
McCarthy, Michael	McClarren, Donald	McGuinness, Sean	Messier, Irene
Moran, Edward	Murphy, Keith	Notter, Jeanine	O'Brien, William
Ohm, Bill	Palmer, Barry	Palmer, Stephen	Parison, James
Pellegrino, Tony	Peterson, Lenette	Pratt, Calvin	Renzullo, Andrew
Rowe, Robert	Scontsas, Lisa	Seidel, Carl	Silva, Peter
Simmons, Tammy	Soucy, Connie	Souza, Kathleen	Stepanek, Stephen
Stroud, Kathleen	Summers, James	Swank, Matthew	Terrio, Ross
Thomas, Joseph	Twombly, Timothy	Ulery, Jordan	Vaillancourt, Steve

Villeneuve, Moe

Whitehead, Randall

Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Smith, Todd

Giuda, J. Brandon
Keane, Thomas
Lindsley, Mark
Reed, Dennis
Soltani, Tony

Hess, David
Kotowski, Frank
Lockwood, Priscilla
Sanborn, Laurie
Winter, Steven

Hill, Gregory
Kreis, Kenneth Sr
McGuire, Carol
Smith, Molly

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Davenport, Joshua
Elliott, Robert
Hagan, Joseph
Itse, Daniel
Kolodziej, Walter
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Quandt, Marshall
Rice, Frederick
Schroadter, Adam
Sullivan, Kevin
Waddell, James
Welch, David

Allen, Mary
Bates, David
Brown, Paul
DeSimone, Debra
Ferrante, Beverly
Headd, James
Janvrin, Kevin
Lundgren, David
Mauro, Donna
Nevins, Chris
Peckham, Michele
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Antosz, Jason
Belanger, Ronald
Comerford, Timothy
Devine, James
Fesh, Robert
Hoelzel, Kathleen
Kappler, Lawrence
MacMahon, Bruce
McKinney, Betsy
O'Connor, John
Perkins, Amy
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tremblay, Stella
Waterhouse, Kevin

Azarian, Gary
Bettencourt, David
Copeland, Timothy
Duarte, Joe
Griffin, Mary
Introne, Robert
Katsakiores, Phyllis
Major, Norman
McMahon, Charles
Okerman, Richard
Perkins, Lawrence
Reichard, Kevin
Sapareto, Frank
Smith, William
Tucker, Pamela
Webb, James

STRAFFORD

Andolina, Donald
Domingo, Baldwin
Larsen Schultz,
Kirsten
Parsons, Robbie
Weeden, Michael

Brown, Julie
Groen, Warren
Munck, Philip

Pitre, Joseph

Cataldo, Sam
Jones, Kyle
Newton, Clifford

Vita, Carol

DeLemus, Susan
Jones, Laura
O'Connor, William

Vita, Lucien

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

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

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 102

BELKNAP

Bolster, Peter

CARROLL

None

CHESHIRE

Butynski, William

Chase, Cynthia

Hunt, John

Johnsen, Gladys

Lindsey, Steven
Sad, Tara

Meader, David
Weber, Lucy

Parkhurst, Henry
Weed, Charles

Roberts, Kris

COOS

Coulombe, Gary

Hatch, William

Theberge, Robert

Thomas, Yvonne

GRAFTON

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

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

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

Belvin, William
Gargasz, Carolyn
Gorman, Mary
Long, Patrick
Rhodes, Brian
Shaw, Barbara

Campbell, David
Gidge, Kenneth
Holden, Frank
Pilotte, Maurice
Robbins, David
Sullivan, Daniel

Cote, David
Gimas, John
Leishman, Peter
Porter, Marjorie
Rokas, Ted
Warden, Mark

MERRIMACK

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

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

Foose, Robert
Kidder, David
Potter, Frances
Shurtleff, Stephen

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

ROCKINGHAM

Cali-Pitts, Jacqueline
Garcia, Marilinda
Pantelakos, Laura
Sytek, John

Charron, Gene
Lovejoy, Patricia
Read, Robin Jr

DiPentima, Rich
Moody, Marcia
Schlachman, Donna

Dowling, Patricia
Norelli, Terie
Serlin, Christopher

STRAFFORD

Berube, Roger
Horrigan, Timothy
Schmidt, Peter
Wall, Janet

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

Grassie, Anne
Keans, Sandra
Spang, Judith

Hooper, Dorothea
Perry, Robert
Sprague, Dale

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

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

SPECIAL ORDERED

Without objection, the Speaker made **HB 1652-FN-A**, requiring the transfer of insurance premium tax revenue to the revenue stabilization reserve account, a Special Order as the next order of business.

SPECIAL ORDER

HB 1652-FN-A, requiring the transfer of insurance premium tax revenue to the revenue stabilization reserve account. **MAJORITY: OUGHT TO PASS. MINORITY:**

INEXPEDIENT TO LEGISLATE.

Rep. Laurie J. Sanborn for the Majority of Ways and Means: The intent of this bill is to take any surplus from the last biennium and begin the process of rebuilding the rainy day fund. As recently as FY 2008, our rainy day fund had \$89 million; now the balance is only \$9.3 million. Increasing the rainy day balance is prudent budgeting, as it provides a savings buffer in case of emergencies and is an important factor rating agencies use when considering our bond rating. Maintaining and improving our bond rating will save taxpayers millions of dollars in interest expense. Traditionally, HB 2 has included language transferring any surplus into the rainy day fund, but due to some federal strings that came with the stimulus funds, that provision was suspended in the current budget. At the time, we did not expect a surplus from the previous budget. In September, we learned that we might have a surplus of up to \$26 million. This bill would specifically transfer surplus non-apportioned state general fund money from the last biennium's budget into the rainy day fund in an effort to maintain fiscal responsibility as we face continued periods of economic uncertainty. Vote 14-5.

Rep. Susan W. Almy for the Minority of Ways and Means: This bill removes the amount of the surplus generated from last term's budget, probably about \$26 million, from the general fund to the rainy day fund. It does so via a mechanism meant to avoid ARRA penalties for saving rather than spending federal money sent to cope with the great recession. The rainy day fund cannot be accessed unless there is both a budget deficit and a deficit in the revenues projected in the budget. While legislative actions have undercut part of the revenues so projected, overall revenues may come in on target. However, the state has acknowledged an unbudgeted debt of \$36.8 million, \$27 million of which will have to be paid in this biennium, to the federal Medicaid center CMS, in repayment of money the Benson administration overcharged the federal government. The stated intent of the sponsors is to improve the bond rating of the state by improving the rainy day fund. While this is a laudable objective, bond ratings take a lot to change. The impact of this amount, even if it was not counter-balanced by a deficit created by the unbudgeted debt, is minuscule. The real impact of this action is negative. In the opinion of the minority, either the Senate and/or governor will refuse to play along, creating a deficit in this legislature's budget for the next legislature to deal with; or \$26 million will be cut out of the already shredded services for the aged, unemployed and others incapable of self-sufficiency, and out of the public health and mental health services that provide safety for us all.

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

Rep. Keith Murphy spoke in favor and yielded to questions.

Rep. Almy spoke against.

Rep. Bettencourt spoke in favor.

Rep. Stepanek requested a roll call; sufficiently seconded.

YEAS 260 NAYS 81

YEAS 260

BELKNAP

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

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

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

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

CARROLL

Ahlgren, Christopher

Babson, David Jr

Chandler, Gene

Fleck, Joseph

Knox, J. David
Patten, Betsey

McCarthy, Frank
Pettengill, Laurie

McConkey, Mark
Tregenza, Norman

Merrow, Harry
Umberger, Karen

CHESHIRE

Byrnes, John
Johnson, Jane
Smith, Edwin

Cartwright, Anne
Moore, Charles
Sterling, Franklin Jr

Dwinell, Richard
Moore, Robert Jr

Hunt, John
Parkhurst, Henry

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Ingbretson, Paul
Sorg, Gregory

Brosseau, Charles
Ladd, Rick Jr
Sova, Charles

Bulis, Lyle
Mirski, Paul
Taylor, Kathleen

Gionet, Edmond
Shackett, Jeffrey

HILLSBOROUGH

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

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

Ball, J. Michael
Belvin, William
Brownrigg, Randall Jr
Christiansen, Lars

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

Coughlin, Sean
Doherty, Shaun
Fredette, Robert
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Infantine, William
Lambert, George
McCarthy, Michael
Moran, Edward
Ober, Russell III
Parison, James
Ramsey, Peter
Scontsas, Lisa
Soucy, Connie
Summers, James
Twombly, Timothy
Warden, Mark

Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Graham, John
Hardwick, Harry
Hogan, Edith
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Daniels, Gary
Erickson, Duane
Gandia, Laura
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Peterson, Lenette
Robbins, David
Silva, Peter
Stepanek, Stephen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Day, Russell
Flanagan, Jack
Gimas, John
Haefner, Robert
Hikel, John
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Messier, Irene
Ober, Lynne
Palmer, Stephen
Pratt, Calvin
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Hill, Gregory
Kotowski, Frank
McGuire, Carol
Richardson, Jon
Smith, Todd

Cohn, Seth
Hoell, J.R.
Kreis, Kenneth Sr
McGuire, Dan
Sanborn, Laurie
Soltani, Tony

Giuda, J. Brandon
Keane, Thomas
Lauer-Rago, Kathleen
Patten, Dick
Seaworth, G. Brian
Winter, Steven

Hess, David
Kidder, David
Lindsley, Mark
Reed, Dennis
Smith, Molly

ROCKINGHAM

Abrami, Patrick

Antosz, Jason

Azarian, Gary

Baldasaro, Alfred

Bates, David
Charron, Gene
DeSimone, Debra
Elliott, Robert
Griffin, Mary
Introne, Robert
Katsakiores, Phyllis
Major, Norman
McMahon, Charles
Okerman, Richard
Perkins, Lawrence
Reichard, Kevin
Sapareto, Frank
Smith, William
Tucker, Pamela
Webb, James

Bettencourt, David
Comerford, Timothy
Devine, James
Ferrante, Beverly
Hagan, Joseph
Itse, Daniel
Kolodziej, Walter
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Quandt, Marshall
Rice, Frederick
Schroadter, Adam
Sullivan, Kevin
Waddell, James
Welch, David

Birdsell, Regina
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Headd, James
Janvrin, Kevin
Lundgren, David
Mauro, Donna
Nevins, Chris
Peckham, Michele
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Brown, Paul
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Hoelzel, Kathleen
Kappler, Lawrence
MacMahon, Bruce
McKinney, Betsy
O'Connor, John
Perkins, Amy
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tremblay, Stella
Waterhouse, Kevin

STRAFFORD

Andolina, Donald
Groen, Warren

Brown, Julie
Jones, Kyle

Cataldo, Sam
Jones, Laura

DeLemus, Susan
Larsen Schultz,
Kirsten
Parsons, Robbie
Wall, Janet

Munck, Philip
Pitre, Joseph
Watters, David

Newton, Clifford
Vita, Carol
Weeden, Michael

O'Connor, William
Vita, Lucien

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

Laware, Thomas
Smith, Steven

NAYS 81

BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Meader, David
Weed, Charles

Chase, Cynthia
Roberts, Kris

Johnsen, Gladys
Sad, Tara

Lindsey, Steven
Weber, Lucy

COOS

Hatch, William

Theberge, Robert

Thomas, Yvonne

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pastor, Beatriz
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Gargas, Carolyn
Leishman, Peter
Porter, Marjorie
Shaw, Barbara

Campbell, David
Gidge, Kenneth
Levasseur, Nickolas
Rhodes, Brian
Sullivan, Daniel

Cote, David
Goley, Jeffrey
Long, Patrick
Rokas, Ted

Daler, Jennifer
Gorman, Mary
Pilotte, Maurice
Rosenwald, Cindy

MERRIMACK

DeStefano, Stephen
Hamm, Christine
Potter, Frances
Watrous, Rick

Foose, Robert
Lockwood, Priscilla
Rice, Chip
Williams, Robert

Frazer, June
MacKay, James
Shurtleff, Stephen

Gile, Mary
Owen, Derek
Wallner, Mary Jane

ROCKINGHAM

Cali-Pitts, Jacqueline
Norelli, Terie
Serlin, Christopher

DiPentima, Rich
Pantelakos, Laura
Sytek, John

Lovejoy, Patricia
Read, Robin Jr

Moody, Marcia
Schlachman, Donna

STRAFFORD

Berube, Roger
Horrigan, Timothy
Spainhower, Dale

Domingo, Baldwin
Keans, Sandra
Spang, Judith

Ginsburg, Philip
Perry, Robert
Sprague, Dale

Grassie, Anne
Schmidt, Peter

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the majority committee report was adopted.

Referred to the Committee on Finance.

Rep. Wall voted Yea and intended to vote Nay.

MOTION TO PRINT DEBATE

Rep. Kurk moved that the debate on **HB 1652-FN-A**, requiring the transfer of insurance premium tax revenue to the revenue stabilization reserve account, be printed in the Permanent Journal.
Adopted.

DEBATE ON HB 1652-FN-A

Rep. Keith Murphy: Thank you, Mister Speaker. Honorable colleagues, in a nutshell, this bill is intended to take any surplus from the last biennium and use it to begin to rebuild our rainy day fund. In 2007, our state had \$89 million in the rainy day fund. Today we have \$9 million. Now, you might ask wouldn't we expect the funds to be empty after a recession and you might be right except for the fact that the recessionary budgets that followed grew the state at 17%. In addition to emptying the fund, over the next four years the state tried mightily to spend hundreds of millions of dollars in federal stimulus funds. I was proud of the budget that we passed in this Chamber last June. It was a historic achievement with the greatest reduction in state spending since World War II. To get it done a lot of people had to see the programs they supported and believed in reduced or eliminated. A lot of sacred cows were butchered here. So, in September we learned we might have a surplus of up to \$26 million. It wasn't long before we started hearing some faint "mooring" coming from where we thought we buried those cows. It is important that we do what the legislature has traditionally done and put the surplus in the rainy day fund. This is especially crucial since the health of the rainy day fund is an important factor that rating agencies use when considering our bond rating. The rating agencies specify that a rainy day fund should have

in reserve 5% of the annual budget, which means we should have just over \$100 million. Saving this surplus is a first step to getting there. Improving our bond rating will save our taxpayers millions of dollars in interest expense both at the state and local levels. You may hear some that want to use this surplus for more spending. They will say the money should go towards a favored program or talk about other unresolved issues that may be hanging over us. If we save the money now, it will be there if and when we need it. The latest economic forecasts are far from rosy and there is a great deal of economic uncertainty ahead. The responsible thing for us to do is save the surplus for a true rainy day. I ask you to support the bill so we can begin to rebuild our rainy day fund and protect our bond rating.

Speaker O'Brien: Does the member yield for a question? Rep. Vaillancourt, you are recognized for a question.

Rep. Vaillancourt: Thank you. I believe the Governor, in his State of the State Address yesterday, said he wanted to use this to make sure we balance the budget for the current fiscal year. So, I went down to the LBAO this morning and they told me that we, for the month of January, we have a \$15 million surplus and that \$40 million we were short for the first six months in Medicaid was all going to be coming back eventually so we should in fact be ahead by \$15 million. My question is has the Ways and Means Committee taken these current revenues into account in recommending that this go into the rainy day fund?

Rep. Keith Murphy: Thank you for the question, Representative. The answer is yes, we have.

Speaker O'Brien: The question before the House is the adoption of the Majority Committee report on HB 1652 of Ought to Pass. The Chair recognizes the Honorable member from Lebanon, Rep. Almy to speak to the question.

Rep. Almy: Thank you, Mister Speaker. Sorry, I have a bit of a cough. It must have come from a previous speaker. If you have read the blurbs, you will know that we face an unpaid and unbudgeted obligation to the federal government for this term of about \$27 million. It is there because in 2003-2004, the then Commissioner of Health and Human Services stretched the envelope on what the state could get out of the Feds and they caught us. We defended it for 8 years and then we lost the fight last year. We owe \$27 million in this biennium to the Feds. This not a debt of the departments, it is a debt of the state. It should not, as the Speaker has advocated to our committee, be paid for by the present day recipients of assistance; assistance that keeps the infirm, elders and disabled alive and is helping those who have lost jobs to climb back to self sufficiency. These people are unlikely to have been on assistance at the time the offense was committed. They had nothing to do with the decision to commit it, neither did the family members, neighbors, employers, employees and townspeople who will suffer further as the people they interact with are unable to get the most basic mental health treatment and act out. Neither did the people who will die of insect born diseases, food contamination and other preventable causes that will not be prevented if DHHS is made to cut more than they have already cut. What this budget does is to take money that the governor managed to save from last terms budget and lock it away in order to force all those people to suffer further. All in the name of a bond rating which is already just below top rating, the envy of many states. The bond agencies know that states spend down rainy day funds during recessions and they take into account their tax structures and how they can collect revenues as the economy is improving. Our tax structure collects revenues very slowly as the economy is improving and we are not really there yet. The only reason we are slightly above, a surplus at this point, is that the Ways and Means Committee determined that the revenues would be quite low this term. That bond rating will not change for so little money. It takes years to change a bond rating and certainly it will not change when we are counterbalancing debts and look like we are incapable of basic governance of this state. Thank you.

Speaker O'Brien: The question before the House is the adoption of the Majority Committee Report of Ought to Pass on HB 1652. The Chair recognizes the Honorable member from Salem, Rep. Bettencourt to speak to the question.

Rep. Bettencourt: Thank you very much, Mister Speaker. Members of the House, in fully appreciating this piece of legislation, I believe that a brief look at our financial history is in order. When I joined this House along with you, Mister Speaker, in 2005, we passed a budget that was both sensible and frugal. It was an aspect of Speaker Scamman's time as Speaker that I'm not sure the Republicans fully appreciated until later. When that budget was finished, we had a rainy day fund of \$69 million, plus a surplus of another nearly \$82 million. If we had followed the law and let those funds move into the rainy day fund, we would have had over \$150 million on hand and we would have been in a great position to go to Wall Street and ask for an upgrade in our bond rating. It would have given us the opportunity to go and ask for a triple A bond rating, which would have saved the state and local taxpayers millions in lower interest costs. That increase in our bond rating, Mister Speaker, never happened. It didn't happen because the leadership that took over in 2007 felt it was more important to spend as much money immediately then to work to save taxpayers' money for years to come. This addiction to spending led to over 100 new taxes and fees, led to more borrowing and led to a 25% increase in state spending over just two budgets. It also led to a rainy day fund that is limping along at a mere \$9 million. If disaster struck New Hampshire today, we would hardly be in a position to live off of our savings, as we have about three-quarters of one percent of the annual general fund spending in reserves. With this pittance in savings, we are certainly in no position to ask for an upgrade in our bond rating as we currently stand. That same relentless obsession with spending taxpayer money also led to something else. It led citizens of New Hampshire to rise up and say "enough." Enough of the tax hikes, enough of the spending, enough of the borrowing and enough of the big government that undercuts the New Hampshire Advantage. It is for that reason that many of us are here in this House today. This bill sets a clear contrast in ideas and in values. If you support expanding state government and look to take the easy way out with other people's money, then you shouldn't support this bill. If you think that the government needs to grow and pay for more services and it's more important than respecting taxpayers than paying the bills, this bill is not for you. However, if you think that sending the message to hard working citizens who pay the bills that this legislature will spend your money wisely and as wisely as we would spend our own, then I think this bill is a bill that is worth your support. If you feel that the legislature needs to keep our commitment that we made to our constituents that we would live up to our word and get spending under control and bring fiscal accountability back to state government, then I think this bill is a bill worthy of your support. There are some who think, and we heard it a little bit yesterday in the Governor's speech, who feel that these funds should be used for spending. There are others who feel that they should be used for further tax reduction. I want to be very clear. No one in this room is more passionate about reducing taxes than I am. However, this surplus is one time money and using one time money for tax reductions is just as irresponsible as using one time money to grow government and we saw this unfortunately the past all too well. We must be more responsible stewards of the taxpayer's money than that. Now, normally this bill would not have been necessary, as any surplus that is left at the end of a budget would normally go into the rainy day fund. However, due to two things, that didn't happen. First, and most importantly, while we were optimistic, we thought that there was very little chance that we would see a surplus. Our budget expected that we would inherit a deficit and not a surplus. The second reason is because of some strings attached to the federal stimulus funds, but this legislation has a way to work around that problem. There are no problems with this bill technically, it just comes down to whether or not we want to spend or save. It is that simple. Members of the House, I'm sure opponents of this bill will tell you there are other greater things we can do with this money. The Governor certainly did yesterday. I'm sure that we could find 10 different things worthy of spending this surplus on, but the truth is that we can't afford it and the addiction to spending has to stop. As we think about our own personal lives, it's hard to save money. There are always a lot of things that we'd prefer to do and spend money on. There are great restaurants to go to and if any of you have seen my

waistline lately, you know I have frequented many of them, exotic vacations to take. For the men, a new big screen TV to watch the football game and for the women, designer handbags and shoes that would look great. All that is great, but it's time to set some money aside for the kids' college fund and for the 401K plan. Mister Speaker, let's not lose sight of the big picture. Let's pass this bill and let the citizens of this state know that we are more concerned with doing the right thing instead of doing the easy thing. The fun time is over, it's time for responsible governance, Mister Speaker, and that begins with passing this legislation. Thank you.

The House recessed at 12:50 p.m.

RECESS

The House reconvened at 1:50 p.m.

(Speaker O'Brien in the Chair)

REGULAR CALENDAR

HB 1449, requiring a search warrant for searches of privately-owned property.

INEXPEDIENT TO LEGISLATE.

Rep. Philip E. Ginsburg for Criminal Justice and Public Safety: Since the moment the Constitution was ratified we have been working to define and constantly redefine the area within which the individual should enjoy freedom from incursion by the state. More than 200 years of statute, case law and commentary have brought us to the current balance between the rights of the individual and the interest of the broader public. The majority believes that to make the radical change in that balance called for in this bill, would constitute an irresponsible and excessive exercise of legislative authority. Vote 8-5.

Rep. Kreis moved Recommit and spoke in favor.

Adopted.

Recommitted to the Committee on Criminal Justice and Public Safety.

HB 1360, relative to the rulemaking authority of the state board of education. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Michael A. Balboni for the Majority of Education: The legislature gives limited rule making authority (RSA 541-A) to various agencies of the executive branch so that state and federal laws are properly implemented and followed by those agencies, local municipalities, and the public. Sometimes agencies narrowly interpret the law and create administrative rules that are narrowly tailored to implement the law. And sometimes an agency will take a more broad view and create more sweeping rules that go beyond the intent of the legislature when it passed the law. But even if the intent of a law is clear, sometimes an agency will create rules that go way beyond or even ignore the legislative intent. And then the legislature has to work through its long and cumbersome legislative process in order to correct the situation. Education laws and the state board of education are no exception when it comes to narrow or broad rules to implement those laws. For example, RSA 193-E:2-a titled "Substantive Educational Content of an Adequate Education" includes the areas of instruction required to be included in a public school's educational program in order for that school to be a board of education approved school. And key is paragraph IV which states: "The school approval standards for the areas identified in paragraph I shall constitute the opportunity for the delivery of an adequate education...Changes made by the board of education to the school approval standards through rulemaking after the effective date of this section shall not be included within the standards that constitute the opportunity for the delivery of an adequate education without prior adoption by the general court." But the board of education, utilizing its rule-making authority in RSA 541-A, has moved ahead with the adoption of the common core standards without prior approval of the general court. Clearly contrary to the law just cited. Is there a better way to ensure that the legislative intent of our laws are honored through the rule-making process? Yes, and it's HB 1360. HB

1360 continues the practice of having the board of education propose rules. However, unlike current practice where those rules, through RSA 541-A, have the force and effect of law, HB 1360 allows only those proposed rules approved by a majority vote in each education committee of the House and the Senate to be adopted and have the force and effect of law. For the first time the legislature will have real oversight on the rule-making process and will be able to ensure that the intent of the legislature is honored in agency rules. Vote 13-4. Rep. Barbara E. Shaw for the Minority of Education: The minority of the education committee determines that although the review of all state board of education rules is acceptable, the scope of the task is far too daunting to be undertaken jointly by the standing members of the House and Senate Education Committees in conjunction with their statutory duties during the 2012-2013 term. Also, by passing this bill we are delegating this task to a new legislative committee of which we may not be a member. Preference would be to assign the bill for interim study to analyze, organize and establish a commission to evaluate the purpose and goal of such an undertaking.

Majority Amendment (0389h)

Amend the bill by replacing section 6 with the following:

6 Department of Education; Duties of the State Board of Education. Amend RSA 21-N:11, V to read as follows:

V. ~~[Adopt]~~ ***Propose*** rules ~~[as provided in 21-N:9]~~ ***to the chairpersons of the house and senate education committees for distribution to each member of the committees. Rules proposals submitted to each committee shall include the specific statutory reference authorizing the proposed rule, an explanation of the purpose and wording of the proposed rule, and an explanation of how the proposed rule will comply with the statute authorizing it. The members of the house and senate education committees receiving proposed rules shall review the proposed rules to determine whether they are consistent with the intent of the authorizing legislation. If either the house or senate education committee concludes that a proposed rule is not consistent with the intent of the authorizing legislation, the committee shall send written notice to the state board of education identifying the provision or provisions the committee believes to be inconsistent with legislative intent. Such written notice shall be sent to the state board of education via e-mail and shall be delivered so as to be received by the state board of education no later than the deadline specified by the committee. Each committee shall vote on the proposed rules within 180 days of receiving them from the state board of education. Proposed rules shall only be approved by a majority vote of each committee, and upon approval, may be implemented by the state board of education. The state board of education shall send a copy of all approved rules to the director of the office of legislative services.***

Amend the bill by replacing section 43 with the following:

43 Home Education; Rulemaking. RSA 193-A:3 is repealed and reenacted to read as follows:

193-A:3 Rulemaking. The state board of education shall propose rules, pursuant to RSA 21-N:11, V, relative to the administration of the home education program under this chapter to the home education advisory council established in RSA 193-A:10. Before establishing the text of the final proposal for rules pursuant to RSA 21-N:11, V, the state board of education shall submit the proposed rules to the home education advisory council for approval. No rules proposed by the state board relative to the administration of this chapter shall take effect without the approval of the home education advisory council.

Amend the bill by inserting after section 65 the following and renumbering the original section 66 to read as 67:

66 Joint Meeting of Committees. Between January 1, 2013 and December 31, 2013, the house and senate standing committees with jurisdiction over education shall meet jointly to review all state board of education rules and shall prepare and submit a report with

recommendations to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library.

Amend the bill by replacing section 67 with the following:

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

Majority committee amendment adopted.

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

Rep. Shaw spoke against and yielded to questions.

Rep. Balboni spoke in favor.

Rep. Bettencourt requested a roll call; sufficiently seconded.

YEAS 238 NAYS 88

YEAS 238

BELKNAP

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

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

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

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

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie

Babson, David Jr
McConkey, Mark
Tregenza, Norman

Chandler, Gene
Merrow, Harry
Umberger, Karen

Fleck, Joseph
Patten, Betsey

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
Simard, Paul

Brosseau, Charles
Ladd, Rick Jr
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Gionet, Edmond
Shackett, Jeffrey

HILLSBOROUGH

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

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

Ball, J. Michael
Belvin, William
Brownrigg, Randall Jr
Condra, William

Barry, J. Gail
Bergevin, Jerry
Burt, John
Cusson-Cail,
Kathleen

Daniels, Gary
Erickson, Duane
Gandia, Laura
Haefner, Robert

Day, Russell
Flanagan, Jack
Gargasz, Carolyn
Hansen, Peter

Doherty, Shaun
Fredette, Robert
Gonzalez, Carlos
Hardwick, Harry

Donovan, Daniel
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth

Hinch, Richard
Hutchinson, Winfred
Lambert, George
McCarthy, Michael
Messier, Irene
Ober, Russell III
Parison, James
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Thomas, Joseph
Villeneuve, Moe

Hogan, Edith
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Robbins, David
Silva, Peter
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

Holden, Frank
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Peterson, Lenette
Rowe, Robert
Simmons, Tammy
Summers, James
Ulery, Jordan
Whitehead, Randall

Hopper, Gary
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Pratt, Calvin
Scotsas, Lisa
Soucy, Connie
Swank, Matthew
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Hill, Gregory
Kreis, Kenneth Sr
McGuire, Carol
Seaworth, G. Brian
Winter, Steven

Cohn, Seth
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Smith, Molly

Giuda, J. Brandon
Keane, Thomas
Lindsley, Mark
Reed, Dennis
Smith, Todd

Hess, David
Kotowski, Frank
Lockwood, Priscilla
Sanborn, Laurie
Soltani, Tony

ROCKINGHAM

Abrami, Patrick
Belanger, Ronald
Charron, Gene
Dowling, Patricia
Fesh, Robert
Headd, James
Kappler, Lawrence
MacMahon, Bruce
McKinney, Betsy
O'Connor, John
Reagan, John
Sanders, Elisabeth
Smith, William
Tremblay, Stella
Webb, James

Allen, Mary
Bettencourt, David
Comerford, Timothy
Duarte, Joe
Garcia, Marilinda
Hoelzel, Kathleen
Katsakiores, Phyllis
Major, Norman
McMahon, Charles
Okerman, Richard
Reichard, Kevin
Sapareto, Frank
Sullivan, Kevin
Tucker, Pamela
Welch, David

Baldasaro, Alfred
Birdsell, Regina
Davenport, Joshua
Elliott, Robert
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Manuse, Andrew
Murphy, Brian
Quandt, Marshall
Rice, Frederick
Sheffert, Kenneth
Sytek, John
Ward, Joanne
Weyler, Kenneth

Bates, David
Brown, Paul
Devine, James
Ferrante, Beverly
Hagan, Joseph
Itse, Daniel
Lundgren, David
Mauro, Donna
Nevins, Chris
Quandt, Matt
Ritter, Glenn
Shuler, Wyman III
Tasker, Kyle
Waterhouse, Kevin

STRAFFORD

Andolina, Donald
Jones, Kyle

Cataldo, Sam
Jones, Laura

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

Groen, Warren
Munck, Philip

Newton, Clifford
Vita, Carol

O'Connor, William
Vita, Lucien

Pitre, Joseph

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Lindsey, Steven
Tatro, Bruce

Chase, Cynthia
Parkhurst, Henry
Weber, Lucy

Johnsen, Gladys
Roberts, Kris
Weed, Charles

Lerandeau, Alfred
Sad, Tara

COOS

Coulombe, Gary

Merrick, Evalyn

Remick, William

Thomas, Yvonne

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pastor, Beatriz
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Gidge, Kenneth
Leishman, Peter
Porter, Marjorie
Rosenwald, Cindy

Campbell, David
Gimas, John
Levasseur, Nickolas
Ramsey, Peter
Shaw, Barbara

Cote, David
Goley, Jeffrey
Long, Patrick
Rhodes, Brian
Sullivan, Daniel

Daler, Jennifer
Gorman, Mary
Pilotte, Maurice
Rokas, Ted
Terrio, Ross

MERRIMACK

Foose, Robert
Kidder, David
Potter, Frances
Watrous, Rick

Frazer, June
MacKay, James
Rice, Chip

Gile, Mary
Owen, Derek
Shurtleff, Stephen

Hamm, Christine
Patten, Dick
Wallner, Mary Jane

ROCKINGHAM

Copeland, Timothy
Read, Robin Jr

DiPentima, Rich
Schlachman, Donna

Lovejoy, Patricia
Serlin, Christopher

Moody, Marcia
Waddell, James

STRAFFORD

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

Brown, Julie
Hooper, Dorothea
Perry, Robert
Sprague, Dale

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

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

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the majority committee report was adopted.

Referred to the Committee on Executive Departments and Administration.

SPECIAL ORDERED

Without objection, the Speaker made **HB 1488**, relative to the alternative budget procedure

in a school administrative unit, a Special Order as the next order of business.

SPECIAL ORDER

HB 1488, relative to the alternative budget procedure in a school administrative unit.
OUGHT TO PASS.

Rep. Gregory Hill for Education: This is an issue prime the sponsor well understands. The bill requires the school district moderator to cause a vote by secret ballot that would determine if budgetary votes for that session will be taken by paper ballot. Paper ballots would allow for recounts. Vote 16-0.

Rep. James Belanger offered floor amendment (0409h).

Floor Amendment (0409h)

Amend RSA 194-C:9-a, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c) If a majority of the voters voting in the school districts within the school administrative unit approve the question, then RSA 194-C:9-b shall apply starting with the next annual school district meeting of the school districts within that school administrative unit, and shall continue until rescinded. Each school district moderator shall cause a vote **by secret ballot** to be taken, record the number of yeas and nays, and ~~[report the results to the secretary of the school administrative unit board who shall accumulate the total vote for all the school districts within the school administrative unit]~~ **announce the result of the vote at the annual meeting. The ballots shall be delivered to the moderator of the school district with the latest chronological annual meeting. The moderator of the latest chronological annual meeting shall record the total number of yeas and nays, announce the results of the final vote on the method of adopting the school administrative unit budget, and deliver the ballots to the secretary of the school administrative unit.** The secretary of the school administrative unit board shall ~~[announce the results and]~~ certify the ~~[same]~~ **results** to the department of revenue administration.

Amend RSA 194-C:9-a, III as inserted by section 2 of the bill by replacing it with the following:

III. In order to rescind the adoption of RSA 194-C:9-b, each school district within the school administrative unit shall comply with the petition procedure set forth in RSA 197:6 and upon such compliance, a question shall be placed on the warrant of the next annual school district meeting. The wording of the question shall be: "Shall the voters of the _____ school district within school administrative unit number ____ rescind the adoption of RSA 194-C:9-b, relative to the alternative school administrative unit budget adoption procedure, and adopt the provisions of RSA 194-C:9 as the method for governing the adoption of the school administrative unit budget?" If a majority of the voters voting in the school districts within the school administrative unit approve the question, then the provisions of RSA 194-C:9 shall govern the procedure for adopting the school administrative unit budget in such school administrative unit. Each school district moderator shall cause a **secret ballot** vote to be taken, record the number of yeas and nays, and ~~[report the results to the secretary of the school administrative unit board who shall accumulate the total vote for all the school districts within the school administrative unit]~~ **announce the result of the vote at the annual meeting. The ballots shall be delivered to the moderator of the school district with the latest chronological annual meeting. The moderator of the latest chronological annual meeting shall record the total number of yeas and nays, announce the results of the final vote on the question of adopting the school administrative unit budget adoption method, and deliver the ballots to the secretary of the school administrative unit.** The secretary of the school administrative unit board shall ~~[announce the results and]~~ certify the ~~[same]~~ **results** to the department of revenue administration.

Reps. James Belanger and Balboni spoke in favor.

Floor amendment (0409h) adopted.
Committee report adopted and ordered to third reading.

REGULAR CALENDAR (CONT'D)

HB 1383, relative to residency status for purpose of receiving in-state tuition status within the university system of New Hampshire. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael A. Balboni for the Majority of Education: This bill requires that students receiving in-state tuition status within the University System of New Hampshire (USNH) also be legal residents of the United States. We can all agree that educating the citizens of New Hampshire is our hope for the future of this great state. And to that end, the legislature has made it a policy in state statute to offer lower tuition to in-state students. By subsidizing in-state tuition, the legislature has made it more affordable for New Hampshire residents to attend New Hampshire schools. But state policy does not afford that tuition subsidy to students who are not residents of New Hampshire. Non-residents pay the full cost of USNH tuition. The committee heard testimony pro and con concerning providing an in-state tuition subsidy to illegal aliens attending New Hampshire schools. By definition, an illegal alien cannot be legally domiciled in New Hampshire and should not be afforded in-state tuition subsidized by the people of New Hampshire. This bill clarifies that policy position. Also, the bill as originally written would require the USNH to “verify” the legal residency status of every applicant. The committee heard testimony from the USNH that such a verification process could be costly, due to the number of ways an individual can become a legal resident of the United States and each pathway’s associated documentation. Therefore, the committee amendment changes the burden of proof to the applicant, including any associated costs, by using the same language found in the existing statute requiring the USNH to “determine” the eligibility status for in-state tuition. Currently the USNH “determines” in-state tuition eligibility via an application affidavit and associated documentation provided by the applicant. The same rules would apply to legal residency status. In this way, the USNH can “determine” the legal residency of an applicant in the same way it currently “determines” the eligibility for in-state tuition. Vote 11-5.

Rep. Mary Stuart Gile for the Minority of Education: HB 1383, as amended, would require the University System of New Hampshire (USNH) to develop a procedure to determine that all students receiving in-state tuition are legal residents of the U.S. However, no evidence (facts/figures) was presented at the public hearing to indicate that this was a problem or issue at the state’s public university or colleges. When a child is brought to America illegally by his/her parents that is a decision of the parents, and not the child. Even if a child is here illegally, he/she is still required to attend school to be educated. If a child attends a New Hampshire elementary school and graduates from a New Hampshire high school, the minority believes that the child should be eligible for in-state tuition for his/her education. At the same time, the minority believes the undocumented student who is a New Hampshire resident, should initiate or be moving through the naturalization process to become a U.S. citizen. If an undocumented student is making an effort to attain a better life by looking to the University System of New Hampshire, and the student has resided in New Hampshire and graduated from New Hampshire schools, then the student should be eligible for in-state tuition.

Majority Amendment (0308h)

Amend RSA 187-A:16, XXIII as inserted by section 1 of the bill by replacing it with the following:

XXIII. Establish a procedure for determining that all students receiving the in-state rate of tuition are legal residents of the United States.

Majority committee amendment adopted.

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

Rep. Gile spoke against.

Rep. Boehm spoke in favor.

Rep. Bettencourt requested a roll call; sufficiently seconded.

YEAS 250 NAYS 88

YEAS 250

BELKNAP

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

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

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

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

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Tregenza, Norman

Fleck, Joseph
Merrow, Harry
Umberger, Karen

CHESHIRE

Byrnes, John
Johnson, Jane
Smith, Edwin

Cartwright, Anne
Lerandeau, Alfred
Sterling, Franklin Jr

Dwinell, Richard
Moore, Charles
Tatro, Bruce

Hunt, John
Moore, Robert Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Ingbretson, Paul
Simard, Paul

Brosseau, Charles
Ladd, Rick Jr
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Gionet, Edmond
Shackett, Jeffrey

HILLSBOROUGH

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

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

Ball, J. Michael
Belvin, William
Brownrigg, Randall Jr
Christiansen, Lars

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

Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Notter, Jeanine

Daniels, Gary
Erickson, Duane
Gandia, Laura
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Ober, Lynne

Day, Russell
Flanagan, Jack
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Ober, Russell III

Doherty, Shaun
Fredette, Robert
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
Lambert, George
McCarthy, Michael
Murphy, Keith
Ohm, Bill

Palmer, Barry
Peterson, Lenette
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

Palmer, Stephen
Pratt, Calvin
Scontsas, Lisa
Soucy, Connie
Summers, James
Twombly, Timothy
Warden, Mark

Parison, James
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Pellegrino, Tony
Robbins, David
Silva, Peter
Stepanek, Stephen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Hill, Gregory
Kreis, Kenneth Sr
McGuire, Carol
Smith, Molly

Cohn, Seth
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Smith, Todd

Giuda, J. Brandon
Keane, Thomas
Lindsley, Mark
Reed, Dennis
Winter, Steven

Hess, David
Kotowski, Frank
Lockwood, Priscilla
Sanborn, Laurie

ROCKINGHAM

Abrami, Patrick
Bates, David
Brown, Paul
Davenport, Joshua
Elliott, Robert
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Allen, Mary
Belanger, Ronald
Charron, Gene
Devine, James
Ferrante, Beverly
Hagan, Joseph
Itse, Daniel
Lundgren, David
Mauro, Donna
Nevins, Chris
Peckham, Michele
Reichard, Kevin
Sapareto, Frank
Smith, William
Tremblay, Stella
Waterhouse, Kevin

Azarian, Gary
Bettencourt, David
Comerford, Timothy
Dowling, Patricia
Fesh, Robert
Headd, James
Kappler, Lawrence
MacMahon, Bruce
McKinney, Betsy
O'Connor, John
Quandt, Marshall
Rice, Frederick
Schroadter, Adam
Sullivan, Kevin
Tucker, Pamela
Webb, James

Baldasaro, Alfred
Birdsell, Regina
Copeland, Timothy
Duarte, Joe
Garcia, Marilinda
Hoelzel, Kathleen
Katsakiores, Phyllis
Major, Norman
McMahon, Charles
Okerman, Richard
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sytek, John
Waddell, James
Welch, David

STRAFFORD

Andolina, Donald
DeLemus, Susan

Berube, Roger
Domingo, Baldwin

Brown, Julie
Groen, Warren

Cataldo, Sam
Larsen Schultz,
Kirsten
Parsons, Robbie
Vita, Lucien

Munck, Philip
Pitre, Joseph

Newton, Clifford
Sprague, Dale

O'Connor, William
Vita, Carol

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 88

BELKNAP

St. Cyr, Jeffrey

CARROLL

None

CHESHIRE

Butynski, William	Chase, Cynthia	Johnsen, Gladys	Lindsey, Steven
Meador, David	Parkhurst, Henry	Roberts, Kris	Sad, Tara
Weber, Lucy	Weed, Charles		

COOS

Coulombe, Gary	Merrick, Evalyn	Thomas, Yvonne
----------------	-----------------	----------------

GRAFTON

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

HILLSBOROUGH

Baroody, Benjamin	Cote, David	Daler, Jennifer	Gargasz, Carolyn
Gidge, Kenneth	Gimas, John	Goley, Jeffrey	Gorman, Mary
Leishman, Peter	Levasseur, Nickolas	Long, Patrick	Messier, Irene
Pilotte, Maurice	Porter, Marjorie	Ramsey, Peter	Rhodes, Brian
Rokas, Ted	Rosenwald, Cindy	Shaw, Barbara	Sullivan, Daniel

MERRIMACK

DeStefano, Stephen	Foose, Robert	Frazer, June	Gile, Mary
Hamm, Christine	Kidder, David	MacKay, James	Owen, Derek
Patten, Dick	Potter, Frances	Rice, Chip	Seaworth, G. Brian
Shurtleff, Stephen	Soltani, Tony	Wallner, Mary Jane	Watrous, Rick

ROCKINGHAM

Cali-Pitts, Jacqueline	DiPentima, Rich	Lovejoy, Patricia	Moody, Marcia
Norelli, Terie	Read, Robin Jr	Schlachman, Donna	Serlin, Christopher

STRAFFORD

Ginsburg, Philip	Grassie, Anne	Hooper, Dorothea	Horrigan, Timothy
Jones, Kyle	Jones, Laura	Kaen, Naida	Keans, Sandra
Perry, Robert	Schmidt, Peter	Spainhower, Dale	Spang, Judith
Wall, Janet	Watters, David		

SULLIVAN

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

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

HB 1433, relative to instruction for pupils on the issues of HIV, AIDS, and sexually transmitted diseases. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael A. Balboni for Education: This bill requires the state board of education to assess the curricula and other information provided by schools to students for instruction on HIV, AIDS, and sexually transmitted diseases, and present its findings by May 1 to the House and Senate education committees for review so that the House and Senate will have time for further action this year if necessary. The committee amendment corrects a drafting error in which the reporting due date was May 1, 2011 instead of May 1, 2012. The board of education is required by RSA 186:11 to develop and review curriculum frameworks,

materials, and information on these subjects in order to help our New Hampshire students “lead longer, healthier lives.” Currently, however, the board is not required to provide an evaluation of these materials to determine their effectiveness in reducing the rates and trends of infection, transmission, and sexual conduct of New Hampshire students. There is also no requirement for the board to compare the effectiveness of NH instructional information to the materials offered in other states. It’s possible that other states have developed materials that are more effective than those developed and used in NH. But the board is not required to check or use those more effective tools. Therefore, the bill would require the board of education to complete an evaluation of the materials it has developed in light of their effectiveness in reducing the rates and trends of infection, transmission, and sexual conduct of our students. The bill also requires the board to compare what we are teaching to the information provided to students in other states with the lowest rates and trends of disease. Such an evaluation and comparison is long overdue. Back in 2006, during deliberations on HB 1766, the education committee learned that the rates of disease in NH students were not encouraging with chlamydia rates over the previous 5 years rising 55 percent, gonorrhea rates rising 20 percent, non-gonococcal urethritis rates rising 72 percent, mucopurulent cervicitis rates rising 180 percent, and pelvic inflammatory disease rates rising 12.5 percent. It was clear to the committee then that the STD education methods and materials developed and recommended by the board of education were ineffective in reducing STDs in our state. It’s now 6 years later and time for another review to determine if current materials and information provided to our youth have been more or less effective. The analysis required by this bill will help to answer these questions, and having this information by May 1 will help us determine if additional legislative action this term is warranted. Vote 13-3.

Amendment (0153h)

Amend the bill by replacing section 2 with the following:

2 Review of State Board of Education Findings. The state board shall present written findings of the assessment, review, and evaluation required under section 1 of this act to the house and senate education committees for review no later than May 1, 2012. The house and senate education committees may propose appropriate legislation.

Amendment adopted.

Committee report adopted and ordered to third reading.

***HB 1274-FN*, abolishing the department of cultural resources. OUGHT TO PASS WITH AMENDMENT.**

Rep. Calvin D. Pratt for Executive Departments and Administration: This amended bill replaces the original bill to abolish the department of cultural resources. The committee felt that the savings associated with the break-up and transfer of staff and resources was insufficient to justify the move. The department’s contribution to tourism was adequate to recommend its continuance. In its present form, the bill will facilitate the transition of the McAuliffe-Shepard discovery center to private operation. The property and building used by the center will be owned and maintained by the state but all other operations will be self-sufficient. Vote 15-0.

Amendment (0376h)

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

AN ACT transferring the McAuliffe-Shepard discovery center to a private operator and making a supplemental appropriation therefor.

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

1 Transfer of McAuliffe-Shepard Discovery Center to Private Operator. Pursuant to 2011, 224:88, II and as further provided in sections 2-8 of this act, all of the functions, positions, powers, duties, responsibilities, and funding of the McAuliffe-Shepard discovery

center shall be transferred from the commission established in RSA 12-L:3 to a private operator on January 1, 2013. The transfer provided in this section shall include all of the equipment, software, books, papers, and records of the discovery center, except for the buildings and grounds of the discovery center which shall be transferred to the department of administrative services as provided in sections 5 and 6 of this act.

2 New Paragraph; McAuliffe-Shepard Discovery Center; Definition of Private Operator. Amend RSA 12-L:1 by inserting after paragraph IV the following new paragraph:

V. "Private operator" means an independent, private entity responsible for the management and operation of the discovery center beginning January 1, 2013.

3 New Subparagraph; Duties of the McAuliffe-Shepard Discovery Center Commission; Coordination with Private Operator. Amend RSA 12-L:7, I by inserting after subparagraph (f) the following new subparagraph:

(g) Coordinate with the private operator to achieve an orderly transition from operation of the discovery center by a state agency to operation of the discovery center by the private operator.

4 Status of Employees Pending Transition; Discovery Center Transition Fund Established; Transfer of Property and Funds. Amend RSA 12-L:8-11 to read as follows:

12-L:8 Director; Staff.

I. The commission shall employ a discovery center director and such staff as may be necessary to perform the duties assigned by the commission. The director shall be nominated by the commission and confirmed by the governor and council, and shall serve at the pleasure of the commission. The director shall be an unclassified employee whose salary shall be established under RSA 94:1-a. All other employees under this section shall be classified employees.

II. All employees of the discovery center shall remain state employees through midnight on December 31, 2012, allowing for any resignations, terminations, retirements, and new hires between the effective date of this paragraph and December 31, 2012. The state shall assume all applicable state post-retirement and payout costs for these employees. All state employees laid off from the discovery center on or before January 1, 2013 shall be eligible for inclusion in the state reduction-in-force list.

12-L:9 Gifts; Grants; Donations. Notwithstanding any other provision of law, the commission is authorized to institute promotional programs to solicit and receive gifts, grants, or donations, of any kind, made for the development or operation of the discovery center. The commission may accept gifts, grants, and donations of money and property, other than real property, for use in institutional programs without the approval of the governor and council. All monetary grants, gifts, or donations **intended for operations through December 31, 2012**, shall be deposited in the McAuliffe-Shepard discovery center fund. ~~[Authority of the commission granted by this paragraph may be delegated to the Future as the commission deems appropriate. Such delegation shall be reviewed from time to time and the commission shall have the authority to revoke or limit any such delegation.]~~ **All monetary grants, gifts, or donations for operations or endowments for use on or after January 1, 2013 shall be deposited in the McAuliffe-Shepard discovery center transition fund established in RSA 12-L:10, II.**

12-L:10 McAuliffe-Shepard Discovery Center Fund **and Transition Fund.**

I. There is hereby established in the office of the state treasurer a fund to be known as the McAuliffe-Shepard discovery center fund which shall be kept separate and distinct from all other funds. All fees received by the commission pursuant to RSA 12-L:7 and all monetary gifts, grants, and donations pursuant to RSA 12-L:9 **intended for operations through December 31, 2012** shall be deposited in such fund. The fund is established to pay for the operational expenses of the discovery center and the commission **incurred through December 31, 2012**. The moneys in this fund shall be nonlapsing and shall be continually appropriated to the commission.

II. ~~[Nothing in this section shall be construed to prohibit the commission from establishing an endowment fund.]~~ ***There is hereby established in the office of the state treasurer a fund to be known as the McAuliffe-Shepard discovery center transition fund which shall be kept separate and distinct from all other funds. All monetary gifts, grants, and donations pursuant to RSA 12-L:9 intended for operations on or after January 1, 2013 shall be deposited in such fund and shall be used to assist the private operator in funding its operations on or after January 1, 2013.***

12-L:11 Transfer of Funds. The commission may transfer funds between and among line items within the discovery center budget regardless of funding source or funding mix, except that such authority shall not apply to the use of donor designated funds ***or to the discovery center transition fund. On December 31, 2012, all property and assets of the discovery center, including the planetarium located in Concord, and the buildings and grounds related thereto, shall be transferred to the department of administrative services. Also on December 31, 2012, all funds in the McAuliffe-Shepard discovery center fund and all funds in the McAuliffe-Shepard discovery center transition fund shall be transferred to the private operator.***

5 New Sections; Transfer of Discovery Center Grounds and Equipment. Amend RSA 12-L by inserting after section 12 the following new sections:

12-L:13 Discovery Center Buildings and Grounds.

I. Ownership of the discovery center buildings and grounds shall be retained by the state.

II. The state shall retain responsibility for all debt service incurred by the discovery center prior to January 1, 2013.

III. The state shall assume all buildings and grounds routine maintenance and repair costs.

IV. The state shall enter into a 10-year, renewable lease with the private operator to occupy and operate the discovery center building and grounds beginning on January 1, 2013, at a charge of \$1 per year. Either party may terminate this lease with 90 days notice if the other party fails to make a good faith effort to meet all of its obligations under RSA 12-L.

12-L:14 Discovery Center Exhibits, Equipment, Software Licenses, and Supplies.

I. The commission shall compile a comprehensive inventory of all equipment, including exhibits and software owned by the discovery center, on June 30, 2012, which shall be updated through December 31, 2012.

II. The annual lease to the private operator shall include the use of all exhibits and equipment owned by the discovery center on December 31, 2012. The state shall allow the private operator to make any upgrades to the equipment and exhibits the private operator deems necessary.

III. All equipment and exhibits on loan to the discovery center on June 30, 2012, shall be identified and updated in a timely manner through December 31, 2012.

IV. The discovery center director shall work with the private operator to contact the loaners and arrange for transfer of the loans to the private operator, for those loans that the private operator wishes to continue.

V. For all software licensed to the discovery center for which the license period extends past December 31, 2012, the state shall work with the vendors to transfer the licenses to the private operator, where possible and legal to do so.

VI. The state shall transfer at no cost all supplies belonging to the discovery center on December 31, 2012, to the private operator.

12-L:15 Discovery Center Visitor, Donor, Program Records and Archives. All publicly available donor, visitor, and program records and archival materials owned by the discovery center on December 31, 2012, shall continue to be available to the public and to the private operator.

12-L:16 State Funds.

I. All funds appropriated to the McAuliffe-Shepard discovery center in 2011, 224:88 shall be transferred to the private operator on December 31, 2012.

II. All funds in the discovery center transition fund established in RSA 12-L:10, II shall be transferred to the private operator on December 31, 2012.

III. The private operator may apply for state grants for which it is eligible and shall receive due consideration in the state's selection of grant recipients.

6 Department of Administrative Services; Division of Plant and Property Management. Amend RSA 21-I:11, X to read as follows:

X. Subject to the direction and supervision of the commissioner of administrative services, act as custodian of the state house, legislative office building, state house annex, state library, ***the McAuliffe-Shepard discovery center, including the planetarium and all buildings and grounds related thereto***, and, with the exception of interior maintenance of the acute psychiatric services building, the Anna Philbrook center, the Tobey School building, and all transitional housing buildings including the Howard recreation building, all state-owned buildings located on the campus of the New Hampshire hospital as described in RSA 4:39-a, as well as the grounds connected with each of the foregoing properties, and have charge of all matters relating to the care, maintenance and repair of said property.

7 Supplemental Appropriation to McAuliffe-Shepard Discovery Center. In order to facilitate the transition of the McAuliffe-Shepard discovery center to a private operator, the following sums are hereby appropriated to the McAuliffe-Shepard discovery center for the fiscal year ending June 30, 2013. Funds appropriated pursuant to this section shall be in addition to any other funds appropriated to the discovery center for this or any other purpose. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

06 EDUCATION

61 MCAULIFFE-SHEPARD DISCOVERY CENTER

61 MCAULIFFE-SHEPARD DISCOVERY CENTER

610010 McAuliffe-Shepard Discovery Center

3172 REVENUE CENTERS	FY 2013
010 Personal Services-Perm. Classi	54,757
019 Holiday Pay	3,210
020 Current Expenses	55,684
022 Rents-Leases Other Than State	1,448
024 Maint. Other Than Build.- Grnds	2,941
026 Organizational Dues	900
030 Equipment New/Replacement	9,000
040 Indirect Costs	14,258
042 Additional Fringe Benefits	2,574
046 Consultants	2,000
047 Own Forces Maint.-Build.-Grnds	764
048 Contractual Maint.-Build-Grnds	26,258
050 Personal Service-Temp/Appointe	87,962
060 Benefits	39,567
065 Board Expenses	100
070 In-State Travel Reimbursement	1,950
080 Out-Of State Travel	1,703
TOTAL	303,373
ESTIMATED SOURCE OF FUNDS FOR REVENUE CENTERS	
009 Agency Income	303,373
TOTAL SOURCE OF FUNDS	303,373
06 EDUCATION	

61 MCAULIFFE-SHEPARD DISCOVERY CENTER	
61 MCAULIFFE-SHEPARD DISCOVERY CENTER	
610010 McAuliffe-Shepard Discovery Center	
3432 ADMINISTRATION	FY 2013
010 Personal Services-Perm. Classi	157,327
011 Personal Services-Unclassified	46,289
018 Overtime	204
023 Heat- Electricity - Water	60,908
048 Contractual Maint.-Build-Grnds	11,600
060 Benefits	109,412
TOTAL	385,740
ESTIMATED SOURCE OF FUNDS FOR	
ADMINISTRATION	
General Fund	385,740
TOTAL SOURCE OF FUNDS	385,740
06 EDUCATION	
61 MCAULIFFE-SHEPARD DISCOVERY CENTER	
61 MCAULIFFE-SHEPARD DISCOVERY CENTER	
610010 McAuliffe-Shepard Discovery Center	
3480 SCIENCE STORE	FY 2013
010 Personal Services-Perm. Classi	19,417
019 Holiday Pay	417
020 Current Expenses	12
040 Indirect Costs	2,466
042 Additional Fringe Benefits	913
050 Personal Service-Temp/Appointe	3,524
060 Benefits	14,439
106 Goods For Resale	11,273
TOTAL	52,461
ESTIMATED SOURCE OF FUNDS FOR	
SCIENCE STORE	
009 Agency Income	52,461
TOTAL SOURCE OF FUNDS	52,461
06 EDUCATION	
61 MCAULIFFE-SHEPARD DISCOVERY CENTER	
61 MCAULIFFE-SHEPARD DISCOVERY CENTER	
610010 McAuliffe-Shepard Discovery Center	
3481 DONATIONS	FY 2013
020 Current Expenses	2
024 Maint. Other Than Build.- Grnds	2
030 Equipment New/Replacement	2
041 Audit Fund Set Aside	2
043 Debt Service	77,952
046 Consultants	2
066 Employee Training	2
070 In-State Travel Reimbursement	2
080 Out-Of State Travel	2
TOTAL	77,968
ESTIMATED SOURCE OF FUNDS FOR	
DONATIONS	
005 Private Local Funds	77,960
FEDERAL FUNDS	8
TOTAL SOURCE OF FUNDS	77,968

EXPENDITURE TOTAL FOR MCAULIFFE-SHEPARD DISCOVERY CENTER	819,542
FEDERAL FUNDS	8
GENERAL FUND	385,740
OTHER FUNDS	433,794
TOTAL ESTIMATED SOURCE OF FUNDS FOR MCAULIFFE-SHEPARD DISCOVERY CENTER	819,542

8 Repeal. The following are repealed:

- I. RSA 12-L:3-6, relative to the discovery center commission.
- II. RSA 12-L:8, relative to discovery center staff.
- III. RSA 12-L:9-11, relative to discovery center funds.
- IV. RSA 6:12, I(b)(172), relative to discovery center funds.

9 Effective Date.

- I. Section 8, paragraph I of this act shall take effect March 31, 2013.
- II. Section 8, paragraphs II, III, and IV of this act shall take effect January 1, 2013.
- III. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill transfers the operations of the McAuliffe-Shepard discovery center from the state to a private operator and includes a supplemental appropriation to the discovery center for this purpose.

Amendment adopted.

Committee report adopted.

Referred to the Committee on Finance.

***HB 1285-FN*, repealing the state art fund. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Spec Bowers for the Majority of Executive Departments and Administration: HB 1285 is about accountability and transparency in government. It would delete a dedicated fund which is funded on autopilot, and replace it with appropriations from the general fund. This bill has very little to do with art and everything to do with legislators taking responsibility for state expenditures. Opponents will claim that this bill is anti-art; that without an art fund we will no longer buy any artworks for our buildings. But history belies that claim. The art fund has existed only since 1979. For most of 200 years prior to that date, legislatures continually appropriated funds to buy the many great artworks that grace our capitol. The public hearing mentioned the eagle atop our dome as an example of artwork purchased by one generation for the benefit of later generations. But that eagle was purchased long before there was a state art fund. Future legislatures will always be able to appropriate moneys for art even without a dedicated art fund. Vote 8-7.

Rep. Randall A. Whitehead for the Minority of Executive Departments and Administration: The minority argues that this is a flawed bill due to several factors. The NH Constitution (Art 83) clearly states that the State shall “cherish” and “encourage” the arts. The small amount of funding required by the state art fund enhances NH’s image, boosts the pride of our citizens, attracts tourism, generates financial dividends, and supports NH artists, thus serving the interests of our state on many planes.

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

Rep. Whitehead spoke against.

Reps. Bowers and Mirski spoke in favor.

On a division vote, 214 members having voted in the affirmative and 108 in the negative, the majority committee report was adopted.

Referred to the Committee on Finance.

***HB 1181*, relative to offers of judgments. MAJORITY: OUGHT TO PASS. MINORITY:**

INEXPEDIENT TO LEGISLATE.

Rep. Brian J. X. Murphy for Judiciary: This bill provides a judicial procedure to facilitate the more timely resolution of civil disputes between New Hampshire litigants. The bill allows for either a plaintiff or defendant to make a formal offer of judgment. If that offer is rejected, and the judgment finally obtained is not more favorable than the rejected offer, then the court will have the discretion to assess cost-shifting on the party that rejected the offer. The cost-shifting, which is to include reasonable attorney fees, will be calculated from the time the more favorable offer of judgment was made. This bill is designed to compel parties to properly value their case and then bear the risk and responsibility of being stubborn or foolhardy. Forty-one states have enacted some version of this law, which is modeled after the federal rules of civil procedure (passed in 1938). There is a significant amount of legal precedent regarding this concept. The committee found that the bill would effectively promote responsible resolutions between litigants in a timely manner, and thereby more efficiently utilize the state's finite judicial resources. Vote 14-3.

Rep. Lucy M. Weber for the Minority of Judiciary: Members of the minority believe that while the goals of this bill are laudable, it will have a chilling effect on the willingness of some litigants to exercise their constitutional right to a jury trial. The risk here is that a litigant with a serious injury and clear liability may be induced to settle a claim for less than his or her claim is worth rather than proceed to trial and risk the possibility, however slight, of having to pay the other party's substantial attorneys fees.

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

Rep. Weber requested a roll call; sufficiently seconded.

YEAS 247 NAYS 85

YEAS 247

BELKNAP

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

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

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

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

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Tregenza, Norman

Fleck, Joseph
Merrow, Harry
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
Tholl, John Jr

Rappaport, Laurence
Thomas, Yvonne

Remick, William
Tremblay, Marc

Richardson, Herbert

GRAFTON

Bradley, Lester
Ingretson, Paul

Brosseau, Charles
Ladd, Rick Jr

Bulis, Lyle
Mirski, Paul

Gionet, Edmond
Pierce, David

Shackett, Jeffrey

Simard, Paul

Sorg, Gregory

Sova, Charles

HILLSBOROUGH

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

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

Ball, J. Michael
Belvin, William
Brownrigg, Randall Jr
Christiansen, Lars

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

Cusson-Cail, Kathleen
Donovan, Daniel
Gargas, Carolyn
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
Maltz, Jonathan
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Pratt, Calvin
Seidel, Carl
Souza, Kathleen
Summers, James
Twombly, Timothy
Whitehead, Randall

Daniels, Gary
Erickson, Duane
Gimas, John
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Marcus, Bruce
Messier, Irene
Ober, Russell III
Parison, James
Renzullo, Andrew
Silva, Peter
Stepanek, Stephen
Swank, Matthew
Ulery, Jordan

Day, Russell
Flanagan, Jack
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Rhodes, Brian
Simmons, Tammy
Stroud, Kathleen
Terrio, Ross
Vaillancourt, Steve

Doherty, Shaun
Gagne, Larry
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
LeBrun, Donald
McClarren, Donald
Notter, Jeanine
Palmer, Barry
Peterson, Lenette
Rowe, Robert
Soucy, Connie
Sullivan, Daniel
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Kidder, David
Lindsley, Mark
Reed, Dennis
Watrous, Rick

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

Hill, Gregory
Kreis, Kenneth Sr
McGuire, Carol
Smith, Molly

Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Bates, David
Brown, Paul
Davenport, Joshua
Elliott, Robert
Griffin, Mary
Introne, Robert
Lovejoy, Patricia
Mauro, Donna
Nevins, Chris
Quandt, Marshall
Rice, Frederick
Schroadter, Adam
Sullivan, Kevin
Tucker, Pamela
Webb, James

Allen, Mary
Belanger, Ronald
Charron, Gene
DeSimone, Debra
Ferrante, Beverly
Hagan, Joseph
Kappler, Lawrence
MacMahon, Bruce
McKinney, Betsy
O'Connor, John
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sytek, John
Waddell, James
Welch, David

Azarian, Gary
Bettencourt, David
Comerford, Timothy
Devine, James
Fesh, Robert
Headd, James
Katsakiores, Phyllis
Major, Norman
McMahon, Charles
Okerman, Richard
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Baldasaro, Alfred
Birdsell, Regina
Copeland, Timothy
Duarte, Joe
Garcia, Marilinda
Hoelzel, Kathleen
Kolodziej, Walter
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Reichard, Kevin
Sapareto, Frank
Smith, William
Tremblay, Stella
Waterhouse, Kevin

STRAFFORD

Andolina, Donald
Domingo, Baldwin

Brown, Julie
Groen, Warren

Cataldo, Sam
Jones, Kyle

DeLemus, Susan
Jones, Laura

Larsen Schultz,
Kirsten
Parsons, Robbie
Weeden, Michael

Munck, Philip
Pitre, Joseph

Newton, Clifford
Vita, Carol

O'Connor, William
Vita, Lucien

SULLIVAN

Bowers, Spec
Laware, Thomas
Schmidt, Andrew

Cunningham, Steven
Lovett, Charlene
Smith, Steven

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 85

BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Lindsey, Steven
Sad, Tara

Chase, Cynthia
Meader, David
Tatro, Bruce

Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

Lerandeau, Alfred
Roberts, Kris
Weed, Charles

COOS

Coulombe, Gary

Merrick, Evalyn

GRAFTON

Aguiar, James
Gould, Franklin
Smith, Suzanne

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pastor, Beatriz
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Fredette, Robert
Gorman, Mary
Long, Patrick
Ramsey, Peter
Scotsas, Lisa

Campbell, David
Gandia, Laura
Lambert, George
McGuinness, Sean
Robbins, David
Shaw, Barbara

Cote, David
Gidge, Kenneth
Leishman, Peter
Pilotte, Maurice
Rokas, Ted
Warden, Mark

Daler, Jennifer
Goley, Jeffrey
Levasseur, Nickolas
Porter, Marjorie
Rosenwald, Cindy

MERRIMACK

Cohn, Seth
Gile, Mary
Potter, Frances
Wallner, Mary Jane

DeStefano, Stephen
Hamm, Christine
Rice, Chip

Foose, Robert
MacKay, James
Shurtleff, Stephen

Frazer, June
Patten, Dick
Soltani, Tony

ROCKINGHAM

Cali-Pitts, Jacqueline
Norelli, Terie

DiPentima, Rich
Read, Robin Jr

Itse, Daniel
Schlachman, Donna

Moody, Marcia
Serlin, Christopher

STRAFFORD

Berube, Roger
Horrigan, Timothy
Schmidt, Peter
Watters, David

Ginsburg, Philip
Kaen, Naida
Spainhower, Dale

Grassie, Anne
Keans, Sandra
Spang, Judith

Hooper, Dorothea
Perry, Robert
Wall, Janet

SULLIVAN

Cloutier, John Gagnon, Raymond
and the majority committee report was adopted and ordered to third reading.

HB 1397, relative to the right of a jury to judge the application of the law in relationship to the facts in controversy. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Donald B. McClarren for the Majority of Judiciary: Last year, after careful consideration, the House passed and sent to the Senate HB 146, which covered this same subject. The committee was informed that HB 146 was passed by the Senate with further amendment on January 18, 2012. Because of the Senate amendment, HB 146 will be returned to this House for consideration as to whether we should agree to the Senate amendment or whether a committee of conference should be formed to reconcile the two versions. In light of the considerable work that has already been expended on HB 146, the majority believes that HB 146 is the most appropriate vehicle with which to address this issue. Vote 13-4.

Rep. Gary S. Hopper for the Minority of Judiciary: By reason that the Senate has a bill similar to HB 1397 from last year (HB 146) that we were told the Senate was going to amend and send back to the House for concurrence, the majority concluded that there was no need to pass this bill. The minority believes it would be more prudent to pass this bill in the House and then immediately vote to lay it on the table. This would provide a vehicle for a second chance to pass a jury nullification bill in case things don't materialize as planned with HB 146. Trust but Verify!

Majority committee report adopted.

HB 1565, establishing a committee to study landlord-tenant law and practice.
INEXPEDIENT TO LEGISLATE.

Rep. Gregory M. Sorg for Judiciary: The primary motivation for this bill appears to be the frustration that landlords feel with their inability to enforce collection through the courts of judgments obtained against former tenants for unpaid rent, damage to rental units, and the like. Landlord-tenant law, including the area of judgment enforcement, has been the subject of many bills over the tenure of veteran members of the Judiciary Committee. The relevant chapters of the statutes (primarily RSA 540 and 540-A) have been amended from time to time to address landlord-tenant law in the context of a committee whose members' views have reflected those of the people generally as to the perceived relative bias of that law. In the opinion of the majority, this bill-by-bill approach has been and is sufficient. Any individual or association of either landlords or tenants has the wherewithal to bring about the drafting of proposed statutory amendments for sponsorship by sympathetic legislators. The majority believes that creation of a committee with a roving commission over the entire subject is not necessary or advisable. Vote 13-4.
Committee report adopted.

HB 1242, relative to membership dues paid by towns. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Philip L. Munck for the Majority of Municipal and County Government: The information requested to be disclosed under this bill is already available through RSA 91-A. Requiring the preparation of a special list in anticipation of its problematic use and posting such a list on a municipal website would be an additional burden and a probable Article 28-a

issue, particularly for those town and districts that do not presently maintain a website.
Vote 16-1.

Rep. John A. Burt for the Minority of Municipal and County Government: This bill requires municipalities to make public a list of associations to which town officials or employees belong for which dues are paid by the municipality. It is the hallmark of this legislature, whenever possible to provide full disclosure. This bill simply provides information that any taxpayer should have easy access to, on the internet, when applicable, or at the town clerk's office.

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

Rep. Burt spoke against and yielded to questions.

Rep. Hopper spoke against.

Rep. Munck spoke in favor and yielded to questions.

On a division vote, 228 members having voted in the affirmative and 89 in the negative, the majority committee report was adopted.

HB 1711, relative to the use of cooking fires. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. James P. Belanger for the Majority of Municipal and County Government: This bill would remove the requirement to obtain a burning permit for campfire or backyard cooking fires of 2 feet in diameter. The seasonal burning permits are almost never denied and afford the local fire officials an opportunity to educate the applicant on fire safety issues which prevent out of control fires. Having a burning permit on file prevents false responses by fire departments answering reports of structure fires only to find an un-permitted backyard cooking fire. The committee might have felt differently about this if seasonal permits were not so easily obtained. Having a permit on file requires an initial inspection only in the first year and not for renewals and saves considerable costs to the community from responses to false alarms. Vote 16-1.

Rep. John A. Burt for the Minority of Municipal and County Government: This bill allows a 2 foot by 2 foot cooking fire on your property without a permit under certain circumstances. We should not need a permit to enjoy time with your children or grandchildren on your property. The current law states that you would not need a permit and this bill would redefine the current law so that you would not. You have a right to a small cooking fire to cook chicken or hotdogs with out breaking a law.

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

Reps. Burt and Manuse spoke against and yielded to questions.

Rep. James Belanger spoke in favor and yielded to questions.

Rep. Jasper requested a roll call; sufficiently seconded.

YEAS 186 NAYS 135

YEAS 186

BELKNAP

Accornero, Harry
Millham, Alida
Tobin, William

Bolster, Peter
Russell, David

Flanders, Donald
St. Cyr, Jeffrey

Luther, Robert
Swinford, Elaine

CARROLL

Ahlgren, Christopher
Merrow, Harry

Chandler, Gene
Patten, Betsey

Fleck, Joseph
Umberger, Karen

Knox, J. David

CHESHIRE

Butynski, William
Johnsen, Gladys
Parkhurst, Henry
Sterling, Franklin Jr

Byrnes, John
Lerandeau, Alfred
Roberts, Kris
Tatro, Bruce

Chase, Cynthia
Meader, David
Sad, Tara
Weber, Lucy

Dwinell, Richard
Moore, Robert Jr
Smith, Edwin
Weed, Charles

COOS

Coulombe, Gary
Remick, William

Hatch, William
Tholl, John Jr

Merrick, Evalyn
Thomas, Yvonne

Rappaport, Laurence

GRAFTON

Aguiar, James
Cooney, Mary
Nordgren, Sharon
Smith, Suzanne
White, Andrew

Almy, Susan
Gould, Franklin
Pastor, Beatriz
Sorg, Gregory

Benn, Bernard
Harding, Laurie
Pierce, David
Taylor, Kathleen

Bulis, Lyle
Ladd, Rick Jr
Shackett, Jeffrey
Townsend, Charles

HILLSBOROUGH

Balboni, Michael
Belanger, James
Buxton, Michael

Ball, J. Michael
Belvin, William
Campbell, David

Baroody, Benjamin
Boehm, Ralph
Christensen, D.L.
Chris

Barry, J. Gail
Brown, Kevin
Christiansen, Lars

Cote, David
Donovan, Daniel
Gargas, Carolyn
Gonzalez, Carlos
Haefner, Robert
Hutchinson, Winfred
Long, Patrick
Messier, Irene
Pilotte, Maurice
Rokas, Ted
Simmons, Tammy
Swank, Matthew
Willette, Robert

Daler, Jennifer
Erickson, Duane
Gidge, Kenneth
Gorman, Mary
Hawkins, Kenneth
Jasper, Shawn
Marcus, Bruce
Ober, Lynne
Porter, Marjorie
Rosenwald, Cindy
Stepanek, Stephen
Thomas, Joseph

Day, Russell
Gagne, Larry
Gimas, John
Graham, John
Hinch, Richard
LeBrun, Donald
McCarthy, Michael
Ohm, Bill
Rhodes, Brian
Rowe, Robert
Stroud, Kathleen
Villeneuve, Moe

Doherty, Shaun
Gandia, Laura
Goley, Jeffrey
Greazzo, Phil
Hogan, Edith
Leishman, Peter
McGuinness, Sean
Pellegrino, Tony
Robbins, David
Silva, Peter
Sullivan, Daniel
Whitehead, Randall

MERRIMACK

DeStefano, Stephen
Kotowski, Frank
Patten, Dick
Wallner, Mary Jane

Frazer, June
Lindsley, Mark
Reed, Dennis
Watrous, Rick

Gile, Mary
Lockwood, Priscilla
Smith, Molly

Kidder, David
MacKay, James
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Belanger, Ronald
Copeland, Timothy
Elliott, Robert
Hoelzel, Kathleen
Murphy, Brian
Packard, Sherman
Schlachman, Donna
Webb, James

Allen, Mary
Bettencourt, David
DeSimone, Debra
Ferrante, Beverly
Kappler, Lawrence
Nevins, Chris
Quandt, Marshall
Serlin, Christopher
Welch, David

Azarian, Gary
Birdsell, Regina
Devine, James
Griffin, Mary
Major, Norman
Norelli, Terie
Read, Robin Jr
Sullivan, Kevin
Weyler, Kenneth

Bates, David
Cali-Pitts, Jacqueline
DiPentima, Rich
Hagan, Joseph
Moody, Marcia
O'Connor, John
Rice, Frederick
Waddell, James

STRAFFORD

Andolina, Donald	Berube, Roger	Cataldo, Sam	Domingo, Baldwin
Grassie, Anne	Horrigan, Timothy	Kaen, Naida	Keans, Sandra
Munck, Philip	Perry, Robert	Schmidt, Peter	Spainhower, Dale
Sprague, Dale	Wall, Janet	Watters, David	Weeden, Michael

SULLIVAN

Cloutier, John	Gagnon, Raymond	Rodeschin, Beverly	Schmidt, Andrew
----------------	-----------------	--------------------	-----------------

NAYS 135

BELKNAP

Comtois, Guy	Fields, Dennis	Greemore, Robert	Kingsbury, Robert
Malone, Robert	Pilliod, James	Simpson, Tyler	Tilton, Franklin
Worsman, Colette			

CARROLL

Babson, David Jr	McCarthy, Frank	McConkey, Mark	Pettengill, Laurie
Tregenza, Norman			

CHESHIRE

Cartwright, Anne	Hunt, John	Johnson, Jane	Lindsey, Steven
Moore, Charles			

COOS

Daugherty, Duffy	Richardson, Herbert	Tremblay, Marc
------------------	---------------------	----------------

GRAFTON

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

HILLSBOROUGH

Barry, Richard	Bergevin, Jerry	Burt, John	Condra, William
Cusson-Cail, Kathleen	Daniels, Gary	Flanagan, Jack	Fredette, Robert
Hansen, Peter	Hardwick, Harry	Hikel, John	Holden, Frank
Hopper, Gary	Infantine, William	Krasucki, Joseph	Kurk, Neal
Lambert, George	Maltz, Jonathan	McClarren, Donald	Mecheski, Holly
Murphy, Keith	Notter, Jeanine	Ober, Russell III	Palmer, Stephen
Peterson, Lenette	Pratt, Calvin	Renzullo, Andrew	Scontsas, Lisa
Seidel, Carl	Shaw, Barbara	Soucy, Connie	Souza, Kathleen
Summers, James	Twombly, Timothy	Ulery, Jordan	Vaillancourt, Steve
Warden, Mark			

MERRIMACK

Blankenbeker, Lynne	Cohn, Seth	Foose, Robert	Giuda, J. Brandon
Hamm, Christine	Hess, David	Hill, Gregory	Keane, Thomas
Kreis, Kenneth Sr	McGuire, Carol	McGuire, Dan	Potter, Frances
Rice, Chip	Seaworth, G. Brian	Shurtleff, Stephen	Soltani, Tony

ROCKINGHAM

Baldasaro, Alfred	Brown, Paul	Charron, Gene	Comerford, Timothy
Davenport, Joshua	Dowling, Patricia	Duarte, Joe	Fesh, Robert
Garcia, Marilinda	Headd, James	Introne, Robert	Itse, Daniel
Katsakiores, Phyllis	Kolodziej, Walter	Lovejoy, Patricia	MacMahon, Bruce
Manuse, Andrew	Mauro, Donna	McKinney, Betsy	Okerman, Richard
Quandt, Matt	Reagan, John	Reichard, Kevin	Ritter, Glenn
Sanders, Elisabeth	Sapareto, Frank	Schroadter, Adam	Sheffert, Kenneth
Shuler, Wyman III	Smith, William	Sytek, John	Tasker, Kyle
Tremblay, Stella	Ward, Joanne		

STRAFFORD

Brown, Julie	DeLemus, Susan	Ginsburg, Philip	Groen, Warren
Jones, Kyle	Jones, Laura	Newton, Clifford	O'Connor, William
Parsons, Robbie	Pitre, Joseph	Spang, Judith	Vita, Carol
Vita, Lucien			

SULLIVAN

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

and the majority committee report was adopted.

HB 1165, naming a bridge in the town of Meredith the POW/MIA Vigil and Freedom Ride bridge. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John A. Graham for Public Works and Highways: For over two decades a weekly POW/MIA vigil has been held in the town of Meredith near the site of the bridge mentioned in the bill. Additionally, an annual "Freedom Ride" has been held in the town. By naming the bridge the "POW/MIA Vigil and Freedom Ride Bridge" we will simultaneously be honoring the endeavors of the town in honoring our POW/MIAs and highlighting the general court's continuing concern about the issue. The committee amendment merely corrects the number of the bridge. Vote 11-0.

Amendment (0293h)

Amend the bill by replacing section 1 with the following:

1 Town of Meredith; POW/MIA Vigil and Freedom Ride Bridge. The bridge on route 3 in the town of Meredith which spans the railroad tracks on the southeast side of town, being designated as bridge number 184/138 in the state bridge inventory, shall be hereby named the POW/MIA Vigil and Freedom Ride bridge. Appropriate signage or markers may be placed at the site.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 1400-FN-A, allowing the department of transportation to sell naming rights for certain structures. **REFER FOR INTERIM STUDY.**

Rep. Edwin O. Smith for Public Works and Highways: The committee could see some merits of this bill and seeing the possibility of increased revenue, the committee felt we should explore this further. There are many issues involved which limit our ability to use signage on federally funded highways. E-Z Pass was not mentioned in the bill; however, the committee feels that possibilities exist for additional revenue from that source too. Several members of the committee volunteered to serve on an interim study committee to further explore all possibilities. Vote 13-0.

Committee report adopted.

HCR 32, to urge the Congress of the United States to withdraw the membership of the United States from the United Nations so that the United States may retain its sovereignty and control over its own funds and military forces. **MAJORITY: OUGHT TO PASS.**

MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Jeanine M. Notter for the Majority of State-Federal Relations and Veterans Affairs: The committee recommends withdrawal from the United Nations. The United Nations has been pro war. The U.S. has been paying over 25% of its (the U.N.'s) expenditures. It wants to control the world's oceans and airspace via LOST (Law of the Sea Treaty), and the charity and relief it provides can be done privately for much less expense. Vote 9-1.

Rep. Robert L. Theberge for the Minority of State-Federal Relations and Veterans Affairs: Although the minority agrees with the majority that the United Nations (U.N.) is not a perfect organization, the minority believes that it would be unwise and foolish to withdraw from the U.N. As an organization the U.N. keeps the doors of diplomacy open.

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

Rep. Rokas requested a roll call; sufficiently seconded.

YEAS 188 NAYS 129

YEAS 188

BELKNAP

Accornero, Harry
Luther, Robert
Simpson, Tyler
Worsman, Colette

Comtois, Guy
Malone, Robert
Swinford, Elaine

Greemore, Robert
Pilliod, James
Tilton, Franklin

Kingsbury, Robert
Russell, David
Tobin, William

CARROLL

Chandler, Gene
Merrow, Harry

Fleck, Joseph
Patten, Betsey

McCarthy, Frank
Pettengill, Laurie

McConkey, Mark
Tregenza, Norman

CHESHIRE

Byrnes, John
Moore, Robert Jr

Cartwright, Anne
Smith, Edwin

Dwinell, Richard

Moore, Charles

COOS

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Ingbretson, Paul
Sova, Charles

Brosseau, Charles
Mirski, Paul

Bulis, Lyle
Shackett, Jeffrey

Gionet, Edmond
Sorg, Gregory

HILLSBOROUGH

Balboni, Michael
Bergevin, Jerry
Christiansen, Lars

Ball, J. Michael
Boehm, Ralph
Condra, William

Barry, J. Gail
Brown, Kevin
Cusson-Cail,
Kathleen

Barry, Richard
Burt, John
Daniels, Gary

Day, Russell
Gagne, Larry
Hardwick, Harry
Hogan, Edith

Donovan, Daniel
Gandia, Laura
Hawkins, Kenneth
Holden, Frank

Erickson, Duane
Greazzo, Phil
Hikel, John
Hopper, Gary

Flanagan, Jack
Hansen, Peter
Hinch, Richard
Infantine, William

Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean
Ober, Russell III
Peterson, Lenette
Scoutsas, Lisa
Souza, Kathleen
Swank, Matthew
Villeneuve, Moe

Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Ohm, Bill
Pratt, Calvin
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Warden, Mark

Lambert, George
McCarthy, Michael
Murphy, Keith
Palmer, Stephen
Renzullo, Andrew
Simmons, Tammy
Stroud, Kathleen
Twombly, Timothy
Whitehead, Randall

LeBrun, Donald
McClarren, Donald
Notter, Jeanine
Pellegrino, Tony
Rowe, Robert
Soucy, Connie
Summers, James
Ulery, Jordan
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Keane, Thomas
McGuire, Carol
Smith, Molly

Cohn, Seth
Kotowski, Frank
McGuire, Dan
Smith, Todd

Giuda, J. Brandon
Kreis, Kenneth Sr
Reed, Dennis
Winter, Steven

Hill, Gregory
Lindsley, Mark
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Belanger, Ronald
Comerford, Timothy
Duarte, Joe
Griffin, Mary
Introne, Robert
Kolodziej, Walter
McKinney, Betsy
Quandt, Marshall
Rice, Frederick
Schroadter, Adam
Tasker, Kyle
Welch, David

Allen, Mary
Bettencourt, David
Davenport, Joshua
Elliott, Robert
Hagan, Joseph
Itse, Daniel
MacMahon, Bruce
O'Connor, John
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Tremblay, Stella
Weyler, Kenneth

Baldasaro, Alfred
Birdsell, Regina
DeSimone, Debra
Ferrante, Beverly
Headd, James
Kappler, Lawrence
Manuse, Andrew
Okerman, Richard
Reagan, John
Sanders, Elisabeth
Smith, William
Ward, Joanne

Bates, David
Brown, Paul
Devine, James
Fesh, Robert
Hoelzel, Kathleen
Katsakiores, Phyllis
Mauro, Donna
Packard, Sherman
Reichard, Kevin
Sapareto, Frank
Sullivan, Kevin
Webb, James

STRAFFORD

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

Berube, Roger
Jones, Kyle
Parsons, Robbie

Cataldo, Sam
Jones, Laura
Pitre, Joseph

DeLemus, Susan
Newton, Clifford
Vita, Carol

SULLIVAN

Bowers, Spec
Osgood, Joe

Cunningham, Steven
Rodeschin, Beverly

Howard, Thomas
Smith, Steven

Laware, Thomas

NAYS 129

BELKNAP

Bolster, Peter

Fields, Dennis

Millham, Alida

St. Cyr, Jeffrey

CARROLL

Ahlgren, Christopher

Babson, David Jr

Knox, J. David

Umberger, Karen

CHESHIRE

Butynski, William

Chase, Cynthia

Hunt, John

Johnsen, Gladys

Johnson, Jane
Parkhurst, Henry
Tatro, Bruce

Lerandeau, Alfred
Roberts, Kris
Weber, Lucy

Lindsey, Steven
Sad, Tara
Weed, Charles

Meador, David
Sterling, Franklin Jr

COOS

Coulombe, Gary
Remick, William

Daugherty, Duffy
Thomas, Yvonne

Hatch, William
Tremblay, Marc

Merrick, Evalyn

GRAFTON

Almy, Susan
Harding, Laurie
Pierce, David
Townsend, Charles

Benn, Bernard
Ladd, Rick Jr
Simard, Paul
White, Andrew

Cooney, Mary
Nordgren, Sharon
Smith, Suzanne

Gould, Franklin
Pastor, Beatriz
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin
Campbell, David

Belanger, James
Christensen, D.L.
Chris

Belvin, William
Cote, David

Buxton, Michael
Daler, Jennifer

Doherty, Shaun
Gimas, John
Graham, John
Leishman, Peter
Pilotte, Maurice
Rokas, Ted
Sullivan, Daniel

Fredette, Robert
Goley, Jeffrey
Haefner, Robert
Levasseur, Nickolas
Porter, Marjorie
Rosenwald, Cindy
Vaillancourt, Steve

Gargas, Carolyn
Gonzalez, Carlos
Hutchinson, Winfred
Long, Patrick
Rhodes, Brian
Seidel, Carl

Gidge, Kenneth
Gorman, Mary
Kurk, Neal
Messier, Irene
Robbins, David
Shaw, Barbara

MERRIMACK

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

Foose, Robert
Lockwood, Priscilla
Rice, Chip
Watrous, Rick

Frazer, June
MacKay, James
Shurtleff, Stephen

Gile, Mary
Patten, Dick
Soltani, Tony

ROCKINGHAM

Azarian, Gary
DiPentima, Rich
Major, Norman
Read, Robin Jr
Sytek, John

Cali-Pitts, Jacqueline
Dowling, Patricia
Moody, Marcia
Schlachman, Donna
Waddell, James

Charron, Gene
Garcia, Marilinda
Nevins, Chris
Serlin, Christopher

Copeland, Timothy
Lovejoy, Patricia
Norelli, Terie
Shuler, Wyman III

STRAFFORD

Brown, Julie
Horrigan, Timothy
Perry, Robert
Sprague, Dale

Domingo, Baldwin
Kaen, Naida
Schmidt, Peter
Wall, Janet

Ginsburg, Philip
Keans, Sandra
Spainhower, Dale
Watters, David

Grassie, Anne
Munck, Philip
Spang, Judith
Weeden, Michael

SULLIVAN

Cloutier, John

Gagnon, Raymond

Schmidt, Andrew

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

Rep. Pilliod voted Yea and intended to vote Nay.

HCR 34, urging Congress to withdraw the United States from the North American Free Trade Agreement (NAFTA) in accordance with Article 2205 of the agreement. **MAJORITY:**

OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Jeanine M. Notter for the Majority of State-Federal Relations and Veterans Affairs: Millions of American jobs have been killed since NAFTA was approved by Congress and signed by President Clinton in 1993. In violation of the Constitution, NAFTA has never been subject to congressional oversight, necessary for a treaty to become law. Since it is not in the best interest of our country, we should send a message to get us out. Vote 9-2.

Rep. Ted Rokas for the Minority of State-Federal Relations and Veterans Affairs: The minority feels that withdrawing from NAFTA will not address the problems associated with economic security, human rights and environmental issues.

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

On a division vote, 170 members having voted in the affirmative and 138 in the negative, the majority committee report was adopted and ordered to third reading.

BILLS REMOVED FROM THE CONSENT CALENDAR

***HB 1580*, requiring a reference to the Magna Carta on certain legislation. INEXPEDIENT TO LEGISLATE.**

Rep. Michele S. Peckham for Constitutional Review and Statutory Recodification: While the majority of the committee agreed that the Magna Carta is an important document that has influenced the U.S. Constitution and the state of NH Constitution, the committee felt referencing to this important English document was unnecessary. The committee also felt that such a requirement would be burdensome on lawmakers and given that very few original clauses are in force today in England – reference to a provision in the Magna Carta could be impossible. Vote 11-1.

Rep. Kurk requested a roll call; sufficiently seconded.

YEAS 306 NAYS 5

YEAS 306

BELKNAP

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

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

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

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

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie

Babson, David Jr
McConkey, Mark
Tregenza, Norman

Chandler, Gene
Morrow, Harry
Umberger, Karen

Knox, J. David
Patten, Betsey

CHESHIRE

Butynski, William
Dwinell, Richard
Lerandeau, Alfred
Moore, Robert Jr
Smith, Edwin
Weed, Charles

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

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

Chase, Cynthia
Johnson, Jane
Moore, Charles
Sad, Tara
Weber, Lucy

COOS

Coulombe, Gary

Daugherty, Duffy

Hatch, William

Merrick, Evalyn

Rappaport, Laurence
Thomas, Yvonne

Remick, William
Tremblay, Marc

Richardson, Herbert

Tholl, John Jr

GRAFTON

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

Benn, Bernard
Cooney, Mary
Ingbretson, Paul
Pastor, Beatriz
Smith, Suzanne
Townsend, Charles

Bradley, Lester
Gionet, Edmond
Ladd, Rick Jr
Pierce, David
Sorg, Gregory
White, Andrew

Brosseau, Charles
Gould, Franklin
Mirski, Paul
Shackett, Jeffrey
Sova, Charles

HILLSBOROUGH

Balboni, Michael
Barry, Richard
Brown, Kevin
Christensen, D.L.
Chris
Cusson-Cail, Kathleen
Doherty, Shaun
Fredette, Robert
Gidge, Kenneth
Gorman, Mary
Hikel, John
Hopper, Gary
Krasucki, Joseph
Leishman, Peter
Marcus, Bruce
Mecheski, Holly
Ober, Lynne
Pellegrino, Tony
Renzullo, Andrew
Rosenwald, Cindy
Shaw, Barbara
Souza, Kathleen
Summers, James
Ulery, Jordan
Willette, Robert

Ball, J. Michael
Belanger, James
Burt, John
Christiansen, Lars
Daler, Jennifer
Donovan, Daniel
Gagne, Larry
Gimas, John
Greazzo, Phil
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
Levasseur, Nickolas
McCarthy, Michael
Messier, Irene
Ober, Russell III
Pilotte, Maurice
Rhodes, Brian
Rowe, Robert
Silva, Peter
Stepanek, Stephen
Swank, Matthew
Vaillancourt, Steve

Baroody, Benjamin
Belvin, William
Buxton, Michael
Condra, William
Daniels, Gary
Erickson, Duane
Gandia, Laura
Goley, Jeffrey
Haefner, Robert
Hogan, Edith
Infantine, William
Lambert, George
Long, Patrick
McClarren, Donald
Murphy, Keith
Ohm, Bill
Porter, Marjorie
Robbins, David
Scontsas, Lisa
Simmons, Tammy
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

Barry, J. Gail
Boehm, Ralph
Campbell, David
Cote, David
Day, Russell
Flanagan, Jack
Gargasz, Carolyn
Gonzalez, Carlos
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
LeBrun, Donald
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Stephen
Pratt, Calvin
Rokas, Ted
Seidel, Carl
Soucy, Connie
Sullivan, Daniel
Twombly, Timothy
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Keane, Thomas
Lockwood, Priscilla
Patten, Dick
Seaworth, G. Brian
Wallner, Mary Jane

Cohn, Seth
Hamm, Christine
Kotowski, Frank
MacKay, James
Potter, Frances
Shurtleff, Stephen
Watrous, Rick

Foose, Robert
Hess, David
Kreis, Kenneth Sr
McGuire, Carol
Reed, Dennis
Smith, Molly
Winter, Steven

Frazer, June
Hill, Gregory
Lindsley, Mark
McGuire, Dan
Rice, Chip
Soltani, Tony

ROCKINGHAM

Allen, Mary
Belanger, Ronald
Cali-Pitts, Jacqueline
Davenport, Joshua
Dowling, Patricia
Fesh, Robert

Azarian, Gary
Bettencourt, David
Charron, Gene
DeSimone, Debra
Duarte, Joe
Garcia, Marilinda

Baldasaro, Alfred
Birdsell, Regina
Comerford, Timothy
Devine, James
Elliott, Robert
Griffin, Mary

Bates, David
Brown, Paul
Copeland, Timothy
DiPentima, Rich
Ferrante, Beverly
Hagan, Joseph

Headd, James
Kappler, Lawrence
MacMahon, Bruce
McKinney, Betsy
O'Connor, John
Quandt, Matt
Rice, Frederick
Schlachman, Donna
Shuler, Wyman III
Tremblay, Stella
Webb, James

Hoelzel, Kathleen
Katsakiores, Phyllis
Major, Norman
Moody, Marcia
Okerman, Richard
Read, Robin Jr
Ritter, Glenn
Schroadter, Adam
Smith, William
Tucker, Pamela
Welch, David

Introne, Robert
Kolodziej, Walter
Manuse, Andrew
Nevins, Chris
Packard, Sherman
Reagan, John
Sanders, Elisabeth
Serlin, Christopher
Sullivan, Kevin
Waddell, James
Weyler, Kenneth

Itse, Daniel
Lovejoy, Patricia
Mauro, Donna
Norelli, Terie
Quandt, Marshall
Reichard, Kevin
Sapareto, Frank
Sheffert, Kenneth
Sytek, John
Ward, Joanne

STRAFFORD

Andolina, Donald
DeLemus, Susan
Groen, Warren
Kaen, Naida
O'Connor, William
Schmidt, Peter
Wall, Janet

Berube, Roger
Domingo, Baldwin
Horrigan, Timothy
Keans, Sandra
Parsons, Robbie
Spainhower, Dale
Watters, David

Brown, Julie
Ginsburg, Philip
Jones, Kyle
Munck, Philip
Perry, Robert
Spang, Judith
Weeden, Michael

Cataldo, Sam
Grassie, Anne
Jones, Laura
Newton, Clifford
Pitre, Joseph
Sprague, Dale

SULLIVAN

Bowers, Spec
Howard, Thomas
Schmidt, Andrew

Cloutier, John
Laware, Thomas
Smith, Steven

Cunningham, Steven
Osgood, Joe

Gagnon, Raymond
Rodeschin, Beverly

NAYS 5

BELKNAP

Worsman, Colette

CARROLL

None

CHESHIRE

None

COOS

None

GRAFTON

None

HILLSBOROUGH

Bergevin, Jerry

Hansen, Peter

MERRIMACK

None

ROCKINGHAM

None

STRAFFORD

Vita, Carol

Vita, Lucien

SULLIVAN

None

and the committee report was adopted.

HB 1147, proclaiming March 31 of each year as a day to remember Terri Schiavo.

INEXPEDIENT TO LEGISLATE.

Rep. Kenneth Hawkins for Executive Departments and Administration: The committee feels great empathy toward the sponsors and public members that testified on this bill. We understand how hard it was for them to bring back memories of a loved one of the patient in the same circumstance as Teri Shiavo. Most of the testimony revolved around living wills, and doctors ignoring the wishes, because they don't look at them. We were told that the spouse, parent or other next of kin are asked if they have a living will, but not what it says. The committee agreed that the direction of action should be legislation to address such issue, versus having a day named for someone, who however tragic her situation, had no connection to New Hampshire. It is also the committee's belief that legislation would better serve the goals of the effort as it is inevitable that as time passes the very real significance of a day so named would be diminished while legislation will pass the test of time. Vote 10-0.

LAID ON THE TABLE

Rep. Jasper moved that **HB 1147**, proclaiming March 31 of each year as a day to remember Terri Schiavo, be laid on the table.

Rep. Norelli requested a roll call; sufficiently seconded.

YEAS 220 NAYS 95

YEAS 220

BELKNAP

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

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

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

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

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Tregenza, Norman

Fleck, Joseph
Merrow, Harry
Umberger, Karen

CHESHIRE

Byrnes, John
Johnson, Jane
Smith, Edwin

Cartwright, Anne
Moore, Charles
Sterling, Franklin Jr

Dwinell, Richard
Moore, Robert Jr

Hunt, John
Roberts, Kris

COOS

Daugherty, Duffy

Rappaport, Laurence

Remick, William

Richardson, Herbert

Tholl, John Jr

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
Belvin, William
Christensen, D.L.
Chris

Daniels, Gary
Erickson, Duane
Gandia, Laura
Haefner, Robert
Hikel, John
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Ohm, Bill
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Twombly, Timothy
Willette, Robert

Ball, J. Michael
Boehm, Ralph
Christiansen, Lars

Day, Russell
Flanagan, Jack
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Infantine, William
Lambert, George
McCarthy, Michael
Murphy, Keith
Palmer, Stephen
Robbins, David
Silva, Peter
Stroud, Kathleen
Ulery, Jordan

Barry, J. Gail
Brown, Kevin
Condra, William

Doherty, Shaun
Fredette, Robert
Graham, John
Hardwick, Harry
Hogan, Edith
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Ober, Lynne
Pellegrino, Tony
Rowe, Robert
Simmons, Tammy
Summers, James
Villeneuve, Moe

Barry, Richard
Buxton, Michael
Cusson-Cail, Kathleen

Donovan, Daniel
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Ober, Russell III
Pratt, Calvin
Scotsas, Lisa
Soucy, Connie
Thomas, Joseph
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Hill, Gregory
Lindsley, Mark
Reed, Dennis

Cohn, Seth
Keane, Thomas
Lockwood, Priscilla
Seaworth, G. Brian

Giuda, J. Brandon
Kotowski, Frank
McGuire, Carol
Smith, Molly

Hess, David
Kreis, Kenneth Sr
McGuire, Dan
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Belanger, Ronald
Charron, Gene
DeSimone, Debra
Elliott, Robert
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Nevins, Chris
Quandt, Marshall
Rice, Frederick
Schroadter, Adam
Sullivan, Kevin
Waddell, James
Weyler, Kenneth

Allen, Mary
Bettencourt, David
Comerford, Timothy
Devine, James
Ferrante, Beverly
Hagan, Joseph
Itse, Daniel
Major, Norman
O'Connor, John
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sytek, John
Ward, Joanne

Azarian, Gary
Birdsell, Regina
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Headd, James
Kappler, Lawrence
Mauro, Donna
Okerman, Richard
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tremblay, Stella
Webb, James

Baldasaro, Alfred
Cali-Pitts, Jacqueline
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Hoelzel, Kathleen
Katsakiores, Phyllis
McKinney, Betsy
Packard, Sherman
Reichard, Kevin
Sapareto, Frank
Smith, William
Tucker, Pamela
Welch, David

STRAFFORD

Andolina, Donald

Berube, Roger

Brown, Julie

Cataldo, Sam

DeLemus, Susan
Newton, Clifford
Vita, Carol

Groen, Warren
O'Connor, William
Vita, Lucien

Jones, Laura
Parsons, Robbie
Weeden, Michael

Munck, Philip
Pitre, Joseph

SULLIVAN

Bowers, Spec
Osgood, Joe

Cunningham, Steven
Rodeschin, Beverly

Howard, Thomas
Smith, Steven

Laware, Thomas

NAYS 95

BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Lindsey, Steven
Tatro, Bruce

Chase, Cynthia
Meader, David
Weber, Lucy

Johnsen, Gladys
Parkhurst, Henry
Weed, Charles

Lerandeau, Alfred
Sad, Tara

COOS

Coulombe, Gary

Hatch, William

Merrick, Evalyn

Thomas, Yvonne

GRAFTON

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

Benn, Bernard
Harding, Laurie
Smith, Suzanne

Bradley, Lester
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Campbell, David
Gidge, Kenneth
Holden, Frank
Messier, Irene
Rhodes, Brian
Souza, Kathleen

Belanger, James
Cote, David
Gimas, John
Leishman, Peter
Notter, Jeanine
Rokas, Ted
Sullivan, Daniel

Bergevin, Jerry
Daler, Jennifer
Goley, Jeffrey
Levasseur, Nickolas
Pilotte, Maurice
Rosenwald, Cindy
Vaillancourt, Steve

Burt, John
Gargas, Carolyn
Gorman, Mary
Long, Patrick
Porter, Marjorie
Shaw, Barbara

MERRIMACK

Foose, Robert
MacKay, James
Shurtleff, Stephen

Frazer, June
Patten, Dick
Soltani, Tony

Gile, Mary
Potter, Frances
Wallner, Mary Jane

Hamm, Christine
Rice, Chip
Watrous, Rick

ROCKINGHAM

Bates, David
MacMahon, Bruce
Read, Robin Jr

Brown, Paul
Manuse, Andrew
Schlachman, Donna

DiPentima, Rich
Moody, Marcia
Serlin, Christopher

Lovejoy, Patricia
Norelli, Terie

STRAFFORD

Domingo, Baldwin
Jones, Kyle
Schmidt, Peter
Wall, Janet

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

Grassie, Anne
Keans, Sandra
Spang, Judith

Horrigan, Timothy
Perry, Robert
Sprague, Dale

SULLIVAN

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

BILLS REMOVED FROM THE CONSENT CALENDAR (CONT'D)

HB 1250, allowing designated persons to provide emergency medical treatment to another person. **INEXPEDIENT TO LEGISLATE.**

Rep. Rich T. DiPentima for Health, Human Services and Elderly Affairs: The committee feels that this bill is unnecessary. Nothing prohibits an individual from establishing a contract to provide emergency treatment. This bill could cause unnecessary confusion and result in unintended consequences. Vote 15-0.

Reps. Gidge and Bergevin spoke against.

Rep. Reagan spoke in favor.

Committee report adopted.

CACR 25, relating to the supreme and superior courts. Providing that the supreme and superior courts shall not be constitutionally established courts. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph M. Hagan for Judiciary: This would repeal Article 72-a Part Second of the New Hampshire Constitution which mandated that the supreme and superior courts are constitutionally established and therefore, an independent judiciary. CACR 25 would subordinate the aforementioned courts to the general court. Despite legitimate concerns about judicial excesses which may have occurred since 1966, the all but unanimous and bipartisan committee opposes this amendment, as it would fracture the separation of branches and unnecessarily alter the appropriate balance of power between the judiciary and the legislature. Vote 16-1.

Rep. Davenport spoke against.

Rep. Hagan spoke in favor.

Rep. Weber requested a roll call; sufficiently seconded.

YEAS 251 NAYS 47

YEAS 251

BELKNAP

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

Bolster, Peter
Malone, Robert
St. Cyr, Jeffrey

Fields, Dennis
Millham, Alida
Tilton, Franklin

Flanders, Donald
Pilliod, James
Tobin, William

CARROLL

Ahlgren, Christopher
Knox, J. David
Pettengill, Laurie

Babson, David Jr
McConkey, Mark
Umberger, Karen

Chandler, Gene
Morrow, Harry

Fleck, Joseph
Patten, Betsey

CHESHIRE

Butynski, William

Byrnes, John

Cartwright, Anne

Chase, Cynthia

Dwinell, Richard
Moore, Robert Jr
Smith, Edwin

Hunt, John
Parkhurst, Henry
Sterling, Franklin Jr

Johnsen, Gladys
Roberts, Kris
Weber, Lucy

Lindsey, Steven
Sad, Tara
Weed, Charles

COOS

Coulombe, Gary
Remick, William

Daugherty, Duffy
Tholl, John Jr

Hatch, William
Thomas, Yvonne

Merrick, Evalyn
Tremblay, Marc

GRAFTON

Almy, Susan
Cooney, Mary
Ladd, Rick Jr
Shackett, Jeffrey
Townsend, Charles

Benn, Bernard
Gionet, Edmond
Nordgren, Sharon
Simard, Paul
White, Andrew

Bradley, Lester
Gould, Franklin
Pastor, Beatriz
Smith, Suzanne

Bulis, Lyle
Harding, Laurie
Pierce, David
Taylor, Kathleen

HILLSBOROUGH

Balboni, Michael
Barry, Richard
Brown, Kevin
Christensen, D.L.
Chris
Daler, Jennifer
Donovan, Daniel
Gagne, Larry
Goley, Jeffrey
Haefner, Robert
Hikel, John
Kurk, Neal
Maltz, Jonathan
McGuinness, Sean
Palmer, Stephen
Pratt, Calvin
Rowe, Robert
Silva, Peter
Stepanek, Stephen
Ulery, Jordan
Willette, Robert

Ball, J. Michael
Belanger, James
Burt, John
Condra, William

Daniels, Gary
Erickson, Duane
Gargasz, Carolyn
Gonzalez, Carlos
Hansen, Peter
Hogan, Edith
Leishman, Peter
Marcus, Bruce
Mecheski, Holly
Pellegrino, Tony
Rhodes, Brian
Scotsas, Lisa
Simmons, Tammy
Stroud, Kathleen
Vaillancourt, Steve

Baroody, Benjamin
Belvin, William
Buxton, Michael
Cote, David

Day, Russell
Flanagan, Jack
Gidge, Kenneth
Gorman, Mary
Hardwick, Harry
Holden, Frank
Levasseur, Nickolas
McCarthy, Michael
Messier, Irene
Pilote, Maurice
Rokas, Ted
Seidel, Carl
Soucy, Connie
Sullivan, Daniel
Villeneuve, Moe

Barry, J. Gail
Boehm, Ralph
Campbell, David
Cusson-Cail,
Kathleen
Doherty, Shaun
Fredette, Robert
Gimas, John
Graham, John
Hawkins, Kenneth
Jasper, Shawn
Long, Patrick
McClarren, Donald
Notter, Jeanine
Porter, Marjorie
Rosenwald, Cindy
Shaw, Barbara
Souza, Kathleen
Thomas, Joseph
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Lindsley, Mark
Patten, Dick
Shurtleff, Stephen
Winter, Steven

Foose, Robert
Hamm, Christine
Lockwood, Priscilla
Potter, Frances
Smith, Molly

Frazer, June
Hess, David
MacKay, James
Reed, Dennis
Smith, Todd

Gile, Mary
Kotowski, Frank
McGuire, Carol
Rice, Chip
Wallner, Mary Jane

ROCKINGHAM

Abrami, Patrick
Bates, David
Cali-Pitts, Jacqueline
Devine, James
Ferrante, Beverly
Headd, James

Allen, Mary
Belanger, Ronald
Charron, Gene
DiPentima, Rich
Garcia, Marilinda
Hoelzel, Kathleen

Azarian, Gary
Birdsell, Regina
Copeland, Timothy
Duarte, Joe
Griffin, Mary
Introne, Robert

Baldasaro, Alfred
Brown, Paul
DeSimone, Debra
Elliott, Robert
Hagan, Joseph
Kappler, Lawrence

Katsakiores, Phyllis
Manuse, Andrew
O'Connor, John
Read, Robin Jr
Sapareto, Frank
Smith, William
Tucker, Pamela
Welch, David

Lovejoy, Patricia
Moody, Marcia
Packard, Sherman
Rice, Frederick
Schlachman, Donna
Sullivan, Kevin
Waddell, James
Weyler, Kenneth

MacMahon, Bruce
Nevins, Chris
Quandt, Marshall
Ritter, Glenn
Serlin, Christopher
Sytek, John
Ward, Joanne

Major, Norman
Norelli, Terie
Quandt, Matt
Sanders, Elisabeth
Sheffert, Kenneth
Tasker, Kyle
Webb, James

STRAFFORD

Andolina, Donald
Domingo, Baldwin
Horrigan, Timothy
Keans, Sandra
Pitre, Joseph
Sprague, Dale
Weeden, Michael

Berube, Roger
Ginsburg, Philip
Jones, Kyle
Munck, Philip
Schmidt, Peter
Vita, Lucien

Brown, Julie
Grassie, Anne
Jones, Laura
Parsons, Robbie
Spainhower, Dale
Wall, Janet

Cataldo, Sam
Groen, Warren
Kaen, Naida
Perry, Robert
Spang, Judith
Watters, David

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cloutier, John
Osgood, Joe

Cunningham, Steven
Rodeschin, Beverly

Gagnon, Raymond
Schmidt, Andrew

NAYS 47

BELKNAP

Comtois, Guy

Greemore, Robert

Kingsbury, Robert

Simpson, Tyler

CARROLL

McCarthy, Frank

Tregenza, Norman

CHESHIRE

Moore, Charles

COOS

Rappaport, Laurence

Richardson, Herbert

GRAFTON

Brosseau, Charles
Sova, Charles

Ingbretson, Paul

Mirski, Paul

Sorg, Gregory

HILLSBOROUGH

Christiansen, Lars
Lambert, George
Twombly, Timothy

Greazzo, Phil
Murphy, Keith

Hutchinson, Winfred
Renzullo, Andrew

Krasucki, Joseph
Summers, James

MERRIMACK

Cohn, Seth
Kreis, Kenneth Sr

Hill, Gregory
McGuire, Dan

Hoell, J.R.
Seaworth, G. Brian

Keane, Thomas
Soltani, Tony

ROCKINGHAM

Comerford, Timothy
Kolodziej, Walter
Reichard, Kevin

Davenport, Joshua
Mauro, Donna
Shuler, Wyman III

Dowling, Patricia
Okerman, Richard
Tremblay, Stella

Itse, Daniel
Reagan, John

STRAFFORD

DeLemus, Susan

Newton, Clifford

O'Connor, William

Vita, Carol

SULLIVAN

Howard, Thomas
and the committee report was adopted.

HB 1482*, relative to the exemption from property taxation for hospitals. **INEXPEDIENT TO LEGISLATE.*

Rep. Harry Accornero for Municipal and County Government: The majority felt that HB 1482 could have far reaching consequences throughout the state and could have a devastating impact on the financial stability for hospitals and the patients they serve. Most communities have found that bringing an integrated healthcare delivery system to their communities is the most cost effective. Hospitals do pay property taxes on hospital-owned property and a number of others have negotiated PILOTS with the municipalities on which their facilities are located. This permits the town/city and healthcare organizations to determine for themselves the level of support to provide the municipality. Imposing property taxes on a community's nonprofit hospitals is like imposing taxes on the community itself. The loss of tax exemptions will force hospitals to further cut back services and staff to the extent possible that cost shift to carriers, thereby increasing employer health insurance premiums. Hospitals account for a significant portion of the local economies in which they reside. Jobs created, purchased goods and services add up to a tremendous economic activity for business on which cities and towns tax. As more and more monies are siphoned out of the health care system, less money will be spent in communities. We believe that taxability should be determined locally and not through special legislation on specific pieces of property owned by particular non-profit entities. Vote 17-0.

Rep. Greazzo moved Recommit and spoke in favor.

Rep. Ferrante spoke in favor.

Adopted.

Recommitted to the Committee on Municipal and County Government.

HB 1204*, relative to matching funds of highway projects. **OUGHT TO PASS.*

Rep. Edwin O. Smith for Public Works and Highways: Turnpike toll credits have been used as a match for federal funds. Toll credits are defined in the bill. This simply codifies the use of toll credits as they have been used in the past. Passage of this bill will guarantee that the use of toll credits will not be expanded in the future without approval of the legislative capital budget over-view committee. Vote 12-0.

Rep. Chandler spoke in favor.

Committee report adopted.

Referred to the Committee on Ways and Means.

RESOLUTION

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

be to meet Wednesday, February 8, 2012 at 10:00 a.m.
Adopted.

LATE SESSION

Third reading and final passage

HB 1168, requiring the removal of electronic records and information upon entry of an order of annulment.

HB 1330, establishing a committee to study blood testing of drivers after motor vehicle fatalities.

HB 1195, relative to membership of the joint legislative historical committee.

HB 1196, repealing the task force on state procurement policies and procedures.

HCR 35, designating Miss New Hampshire, of the Miss America Scholarship Program, the official honorary hostess of the state of New Hampshire during her term as Miss New Hampshire.

HCR 43, urging the joint legislative historical committee to move the granite gates Lafayette passed through to the state house grounds.

HB 1311, changing a statutory reference to reflect the current homestead exemption amounts.

HB 1384, relative to the statute of limitations for complaints against judges.

HB 1170, allowing municipalities to authorize the inclusion of a statement of the estimated tax impact of the budget and special warrant articles to be voted at annual meeting.

HB 1266, requiring the assessing standards board to recommend standards rather than guidelines.

HB 1134, establishing a committee to study the construction of a permanent memorial to Governor John Gilbert Winant on state property other than the state house grounds.

HB 1205, relative to the duty of the long range capital planning and utilization committee.

HB 1420, relative to the disposition of the remains of service members.

HCR 38, urging the United States Congress to extend equal benefits for the treatment of Agent Orange exposure to Vietnam veterans who served outside of Vietnam.

HB 1221, relative to the credit for the business enterprise tax against the business profits tax.

HB 138-FN, relative to the cold case homicide unit.

HB 574, relative to the taking of private property during a state of emergency.

HB 121, relative to eligibility for the property tax exemption for the disabled.

HCR 2, in support of the Arizona immigration law.

HB 1488, relative to the alternative budget procedure in a school administrative unit.

HB 1383, relative to residency status for purpose of receiving in-state tuition status within the university system of New Hampshire.

HB 1433, relative to instruction for pupils on the issues of HIV, AIDS, and sexually transmitted diseases.

HB 1181, relative to offers of judgments.

HB 1165, naming a bridge in the town of Meredith the POW/MIA Vigil and Freedom Ride bridge.

HCR 32, to urge the Congress of the United States to withdraw the membership of the United States from the United Nations so that the United States may retain its sovereignty and control over its own funds and military forces.

HCR 34, urging Congress to withdraw the United States from the North American Free Trade Agreement (NAFTA) in accordance with Article 2205 of the agreement.

UNANIMOUS CONSENT

Reps. Watters, Porter, Hess and Notter addressed the House.

MOTION TO PRINT REMARKS

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

REMARKS

Rep. Watters: Thank you, Mister Speaker. New Hampshire lost a great citizen and a great former legislator with the death of Stanly A. Hamel on Sunday, January 29. His public service to many organizations, particularly in the role of financial advisor and treasurer, was a model of sound judgment and conservative principles, and he chaired the Transportation Committee of this House during a crucial period of growth in highway infrastructure in the early 1970s. Stanly was born in Haverhill, Massachusetts. He joined the family business, Hamel Realty, Inc., after graduating from Harvard in 1949. Drafted into the Army during the Korean War, he served in Heidelberg, Germany in the headquarters of the U.S. Army quartermaster division. He moved to Seabrook in 1958 and quickly became involved in town affairs. When a vacancy occurred in a Seabrook seat in the House in 1965, he learned later that the local Republican committee had met and decided he was the one to go to Concord and so he thought he'd find it interesting and so off he went. He served for ten years, including five years as Chair of the Transportation Committee. For anyone who knew Stanley, you know that transportation, when it came to cars, was his passion. He assembled what must be the most complete collection of New Hampshire license plates. He had plate "A." He was on business in Boston having breakfast at the Parker House hotel when he saw in *The Union Leader* that the New Hampshire registry of motor vehicles was going to start issuing letter plates. He wrote a letter requesting a plate, posted it in those days of twice daily mail delivery, so it arrived in the afternoon in Concord, the first to be received and he was given the "A" plate. He was particularly interested in the history of who had plates numbered below 100 and he could tell you the story of just how and by what means every plate up to 100 was acquired in this state. He had his sources. I guess I can say now that up until a few years ago, he could walk into certain offices in this state and ask someone to look up who had each plate and get their address. He also love and collected cars. The first may have been an incredible woody wagon his father bought for him. When it came time for a new car he just kept it and that started him on his way. I can image that the saints and angels wished that he could have taken it with him so they'd have some sweet rides in heaven. Stanley was appointed by Governor Peterson in 1969 to the New Hampshire Revolution Bicentennial Committee where he served thirteen years as treasurer. Twenty-six years as treasurer of Trinity United Church in Seabrook. Twenty-three years as treasurer of the New Hampshire Historical Society, where he was a trustee for 33 years. You see the pattern, not just that he knew how to do finances, but that he knew that finances reflected the character and integrity of an organization. Over the past eight years, I had the privilege of serving with Stanley as a trustee and, on occasion, as co-vice president of the Board of Trustees of the New Hampshire Historical Society. I quickly learned that over the decades his judgment and financial principles had infused the culture of the Society so that there never were deficits and its finances were as solid as the granite warehouse in Eagle Square that bears the name, the Hamel Center, due to the generosity of Stanley and his brother, Dana. Stanley knew the value of history to teach us how to make decisions about the future of our state. When some issue emerged, he'd say, "Let me tell you the history of that," sometimes going back thirty or forty years and you would realize that without being contradicted or argued with, you had been taught what had to be considered before making any change and yet he was always ready to change when the times changed. He maintained a keen interest in what was transpiring in the House for he truly loved the legislature. We always talked about what was going on, about my experiences and I valued his sage advice, which he even was willing to give to a Democrat. He said to me in our last conversation in December, "It seems to me that as you are getting older, you are getting more conservative,

but as I get older, I'm getting more liberal." That was the final lesson to me from Stanley Hamel to keep an open mind. Thank you, Stanley, for your gifts to our great state.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of former representative, Stanley A. Hamel.

MOTION TO PRINT REMARKS

Rep. Nordgren moved that the remarks made by Rep. Porter be printed in the Permanent Journal.

Adopted.

REMARKS

Rep. Porter: Thank you, Mister Speaker. Honorable colleagues, I rise to tell you about a constituent of mine who just celebrated his 90th birthday last weekend. Phil Harvey was born and raised in Hillsborough. His family has lived in town for generations so his ties to the town and the state are long and strong. After graduating valedictorian from Hillsborough High School, he left for college at Keene Teachers College and Tufts University and then on to the military and to the wars. During World War II, Phil served his country honorably for four years as an Army Air Corps Aerial Navigator. During the Korean War he continued to serve, this time as an Operations and Training Officer. Indeed, he has been a member of the Army Air Corps and the US Air Force continuously since 1942 for a total of 70 years. He currently holds the rank of Lieutenant Colonel. Phil Harvey is in my opinion a true patriot, one of the greatest generations. After the war, Phil continued his education earning both a masters degree and a PhD from the University of Connecticut. He went on to a successful career in the field of Education and Educational Testing at ETS in New Jersey and Illinois. He married and raised a family. Phil retired to his hometown a few years ago. Using his own funds, he purchased and renovated several old buildings in his historic neighborhood to their former glory. He spared no expense and the results are simply stunning. Single handedly he brought pride back to his neighborhood and to a struggling town, but that is not all. Phil has become the unofficial town historian and he is an active member of the town historical society. He is active in church affairs, serving on the board of trustees of the Smith Memorial Church. He served as a member of the economic development commission for the Town of Hillsborough and is on the Kemp Park development committee and the Contoocook North Branch local advisory committee. In 2008, at the age of 86, Phil ran for and was elected to a seat in this venerable House. He served one term honorably, but then retired saying he was getting too old. I don't think of him as old. He is still going strong. He is one of the most knowledgeable, intelligent and giving men I have had the pleasure to know. Phil Harvey has served his country, his state and his community all his life. He is a true gentleman. He is someone to respect and emulate. He is retired from the House, but he still follows what is happening here in Concord. This past week, he exercised his right as a New Hampshire citizen to voice his opinion to us all by sending an email asking us to vote no on five bills that were before us today. He received several replies which upset him and he shared them with me. Although it will be extremely difficult, I wish to read from one of them. "You are against the protection of individual liberties from the government. You are in favor of tyranny. You are in favor of a judge deciding who will live or die when they are sick. You are not proud of the long tradition of craftsmanship in New Hampshire. You are a racist. Sorry you are in New Hampshire." And, it goes on with this quote from Sam Adams. "If you love wealth more than liberty, the tranquility of servitude better than the animating contrast of freedom, depart from us in peace. We ask not your counsel, nor your arms. Crouch down and lick the hands that feed you. May your chains rest lightly upon you and may prosperity forget that you were our countryman." Mister

Speaker and members of this House, we like to refer to each other here as honorable, but we need to earn that term. I ask you, is this response to my constituent, a former member of this House and your former colleague, honorable? We hear a lot in this House about freedom, liberty and the rights of citizens in this Chamber. I say every New Hampshire citizen has the right to be treated with dignity and respect in their dealings with the members of this House even if we do not agree with them. I say it is an honor and a privilege to serve the people of New Hampshire as a member of this House. I say this type of response embarrasses all of us who hold this hallowed office. It embarrasses and insults our citizens and it embarrasses our great state. Please, can we treat each other with respect? Thank you.

CLERK'S NOTE

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

MOTION TO PRINT REMARKS

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

On a division vote, 119 having voted in the affirmative and 106 in the negative the motion failed lacking the necessary two-thirds vote.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Vaillancourt moved that the House reconsider its action whereby, on a voice vote it failed to adopt the motion to print the remarks by Rep. Hess on Unanimous Consent.

QUORUM CALL

Lacking a quorum, Speaker O'Brien declared that the House stand in recess.

The House recessed at 5:00 p.m.

RECESS