

HOUSE RECORD

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

Vol. 34

Concord, N. H.

Wednesday, March 14, 2012

No. 24

HOUSE JOURNAL No. 11 (cont.)

Thursday, March 8, 2012

Rep. Ball moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 12

Wednesday, March 14, 2012

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

Prayer was offered by House Chaplain, Reverend Roger Boucher.
Heavenly Father, we ask that You restore us from the hard work of the previous Session with the strength of Your justice so that we may face the challenges of this coming week. Our work cannot be divorced from the history of our experience and today we sense Your will in our hearts. Help us, then, to lay emphasis on honest care in our views so that we may build good order in the government of our affairs. Keep us just in our relationships with each other so that we may be just towards our own selves and alert to all the implications of our decisions for the lives of our constituents, for there is never a high road to life, liberty and the pursuit of happiness. We ask for a powerful gift of Your grace today. Keep us focused on the good and permanent truths of our common life in this great State of New Hampshire. Keep our families, friends and those who serve our nation in health, happiness and safety. We ask this in Your Holy name. Amen.

Representative Kevin Sullivan, member from Hampton, led the Pledge of Allegiance.

Representative James Garrity, member from Atkinson, led the singing of the National Anthem.

LEAVES OF ABSENCE

Reps. Case, Champagne, Eaton, Hofemann, Dorothea Hooper, Gladys Johnsen, Long, McDonnell, Scontsas and Serlin, the day, illness.

Reps. Blankenbeker, Bulis, Drisko, Elliott, Katsiantonis, Larsen, Mark Lindsley, Bruce MacMahon, Marcus, Merrow, William O'Connor, Oligny, Packard, Panek, Pantelakos, Pelletier, Dennis Reed, Michael Reed, Stephen Schmidt, Shackett, Tasker, Joseph Thomas, Marc Tremblay, Weed and Weeden, the day, important business.

Reps. Andolina and Ferrante, the day, illness in the family.

INTRODUCTION OF GUESTS

Girl Scouts of the Green and White Mountains, participants in Girls Rock the Capitol program, guests of Reps. Weber, Sad, Notter, Tucker and Schlachman. 4th grade students from Bow Elementary School and 4th grade students from Sant Bani School in Sanbornton, guests of the House.

Brad Bugieda and Peter Benenate, students at Prospect Mountain High School, Pages for the day.

LIMIT DEBATE

The Speaker noted that the previously adopted motion (of March 7, 2012) to limit debate on the reports, bills, amendments and motions arising out of that House Calendar be limited to 20 minutes: 10 minutes each for proponents and opponents, 5 minutes for each speaker, be applied to bills remaining from that Calendar during today's Session.

REGULAR CALENDAR

CONTINUATION FROM MARCH 8, 2012

***HB 1617-FN*, repealing the certificate of need law. OUGHT TO PASS WITH AMENDMENT.**

Rep. John M. Reagan for Health, Human Services and Elderly Affairs: The bill repeals the Certificate of Need (CON) board process which is the regulatory tool of the health services planning and review board. The bill, as amended, creates a system that allows competition while protecting small hospitals and preventing an over supply of expensive new inpatient services or additional inpatient beds. The goal of the original CON process was to manage growth of health care facilities state wide while reducing costs incurred by New Hampshire citizens. The committee believes the CON process has fallen short of this mission and has become protectionist of the consumer. Additionally, the committee found the CON process has less to do with the "quality" of care than it did with restricting the volume of choices available for health care. The committee heard three hours of testimony both in support of and opposition to the bill. It became apparent to the majority that the current system was restrictive and non-responsive to New Hampshire citizens. Vote 18-0.

Amendment (0955h)

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

AN ACT relative to the certificate of need board.

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

1 Health Services Planning and Review Board. RSA 151-C:3 is repealed and reenacted to read as follows:

151-C:3 Health Services Planning and Review Board.

I.(a) There is hereby established a health services planning and review board composed of the following members:

(1) The commissioner of the department of health and human services, or designee.

(2) The remaining members, appointed by the governor and council:

(A) A representative of health care insurers.

(B) Three persons, each from a different region of the state whose occupation is not in the delivery of health care services, who has no fiduciary obligation or financial interest in any health care facility or health care insurer licensed or regulated by this state, and who is not related in his or her immediate family to anyone who is involved in the delivery of health care services or health insurance.

(b) The commissioner of the department of health and human services or designee shall serve as the only permanent member of the board. All other members of the board shall serve 3-year terms, provided that of the initial members, one person appointed pursuant to subparagraph I(a)(2)(B) shall serve for one year, one person appointed pursuant to subparagraph I(a)(2)(B) shall serve for 2 years, and one person appointed pursuant to subparagraph I(a)(2)(B) and the representative of health care consumers shall serve for 3 years. Members of the board shall not serve more than 2 full consecutive terms.

II. A member of the board may resign upon written notice to the governor. The governor shall appoint a replacement to fulfill the unexpired term. A member of the board may be discharged pursuant to RSA 4:1.

III. The governor shall appoint a chairman of the board, who shall serve at the pleasure of the governor, from among its members.

IV. Members of the board shall be reimbursed for reasonable expenses incurred in carrying out their duties under this chapter.

V. The board shall be administratively attached, pursuant to RSA 21-G:10, to the department of health and human services and shall exercise its powers, duties, functions, and responsibilities independently of the department, except as specifically provided by law. The board shall submit its budget requests and such reports required of it by law through the department of health and human services.

VI. The commissioner of the department of health and human services shall provide staff as the board directs. The board may also hire consultants and other staff; provided that such expenses shall not exceed \$500,000 annually. The commissioner shall also provide space for the board and staff and other assistance and materials as necessary.

2 Certificate of Need; Nursing Home Beds; Rehabilitation Beds; Moratorium Extended. Amend RSA 151-C:4, III(a) to read as follows:

III.(a) No new certificate of need shall be granted by the board for any nursing home, skilled nursing facility, intermediate care facility, or rehabilitation facility from the effective date of chapter 310, laws of 1995, department of health and human services reorganization act, through the period ending June 30, ~~2012~~ **2014**. This moratorium shall also apply to new certificates of need regarding any rehabilitation bed in any type of facility, including rehabilitation hospitals and facilities offering comprehensive rehabilitation services. However, a certificate of need shall be issued for replacement or renovation of existing beds as necessary to meet life safety code requirements or to remedy deficiencies noted in a licensing inspection pursuant to RSA 151 or state survey and certification process pursuant to titles XVIII and XIX of the Social Security Act. In addition, a certificate of need may be issued for construction or renovation as necessary to repair or refurbish an existing facility, or to accommodate additional beds obtained by transfer to an existing facility. In the case of repair, refurbishment, or transferred beds, the resulting costs in excess of the current capital expenditure threshold as adjusted for inflation pursuant to RSA 151-C:5, II(f)(1) shall not be reflected in any state Medicaid rate. Any application for a certificate of need under this subparagraph shall indicate whether it is for a life safety code requirement or to remedy deficiencies noted in a licensing inspection or whether it is for repair or refurbishment of an existing facility or for transferred beds. If the application is approved, it shall be deemed that the board has agreed with the indicated reason for such application.

3 Certificate of Need; Standard Development. Amend RSA 151-C:5, II(d)-(f) to read as follows:

(d)(1) The purchase, lease, **by either capital, operating or any other kind of lease**, donation, transfer, or other ~~[comparable]~~ arrangement by or on behalf of a health care provider **to obtain the use** of diagnostic or therapeutic equipment for which ~~[the cost or, in the case of donation,]~~ the value is in excess of \$400,000, including standards for one or more articles of diagnostic or therapeutic equipment which are necessarily interdependent in the performance of their ordinary functions as determined by the board.

(2) The board shall not develop standards for the purchase of **replacement** equipment which is substantially similar to equipment owned by the provider within the preceding 12 months, provided the **replacement** equipment will **be used in the same facility as the replaced equipment, will** not result in a substantial increase in **total annual** operating costs **to the health care provider** above that of the ~~[existing or]~~ replaced equipment, **and the replaced equipment will be removed from service by the health care provider or any of its affiliates. Regardless of any other criteria for determining if equipment is substantially similar, replacement equipment shall not be substantially similar if its value exceeds the original value of the replaced equipment by more than 15 percent plus inflation since the acquisition of the replaced equipment;**

(e) The increase or conversion of inpatient beds;

(f)(1) Except as provided in subparagraph (2) **and RSA 151-C:13, I(a)**, the construction, development, expansion, renovation, or alteration of any nursing home, ambulatory surgical facility, rehabilitation hospital, psychiatric hospital, specialty hospital, or other health care facility requiring a capital expenditure of more than ~~[\$1,173,000]~~ **\$1,853,341**. The board shall, by rule, adjust the capital expenditure threshold annually using an appropriate inflation index.

(2) The threshold amount for construction of ambulatory surgical centers within the service area of a hospital with fewer than 70 general hospital beds licensed by the department of health and human services shall be ~~[\$500,000]~~ **\$789,995**, which threshold shall be adjusted annually using an appropriate inflation index, unless there is an objection by such hospital, in which case the application shall be subject to review regardless of value. The board shall determine by rule the service areas of such hospitals.

(g) The utilization and the financial impact of increased utilization, the effect on the average cost of a procedure, whether total health care costs of the state will be increased, not just whether unit costs will be decreased, and health outcomes. The board shall not consider the effect on existing providers as a factor.

4 New Section; Additional Reports Required. Amend RSA 151-C by inserting after section 12 the following new section:

151-C:12-a Additional Reports Required.

I. In addition to the reports required under RSA 151-C:12, an applicant receiving a certificate of need shall make periodic reports to the board relative to capital costs as compared to approved amounts.

II. The department of health and human services shall make periodic reports to the board relative to the operating costs of a particular project and the overall costs to the state using the all-payer claims data base.

III. The board shall submit an annual report, beginning November 1, 2013, for the entire state and for each hospital services area containing the following information to the speaker of the house of representatives, the president of the senate, and the governor:

(a) Per-capita supply of health care resources, including, at least, acute care hospitals, rehabilitation and post-acute beds, and licensed physicians; and

(b) Per-capita rates of utilization, spending, and relative prices for major categories of care for at least commercial payers and the Medicare program.

5 Certificate of Need; Definitions. Amend RSA 151-C:2, VI to read as follows:

VI. "Capital expenditure" means an expenditure which, under generally accepted accounting principles consistently applied, is not properly chargeable as an expense of operation or maintenance, and includes acquisition by purchase, by transfer, or by **capital, operating or any other type of** lease or comparable arrangement, or through donation, if the expenditure would have been considered a capital expenditure if acquisition had been by purchase.

6 Repeal. RSA 151-C, relative to the certificate of need law, is repealed.

7 Certificate of Need; Standard Development. RSA 151-C:5, II(f)(1) is repealed and reenacted to read as follows:

(f)(1) Except as provided in subparagraph (2) and RSA 151-C:13, I(a), the construction, development, expansion, renovation, or alteration of any nursing home, ambulatory surgical facility, rehabilitation hospital, psychiatric hospital, specialty hospital, private offices or private clinics of physicians, meaning the physical places which are occupied by such providers on a regular basis in which such providers perform the range of diagnostic and treatment services usually performed by such providers on an outpatient basis, or other health care facility requiring a capital expenditure of more than \$1,853,341. The board shall, by rule, adjust the capital expenditure threshold annually using an appropriate inflation index.

8 Certificate of Need; Exemptions. Amend RSA 151-C:13(I(a) to read as follows:

(a) Private offices or private clinics of ~~[physicians,]~~ dentists, or other practitioners of the healing arts, meaning the physical places which are occupied by such providers on a regular basis in which such providers perform the range of diagnostic and treatment services usually performed by such providers on an outpatient basis;

9 Exemption Added. Amend RSA 151-C:13, I(h) and (i) to read as follows:

(h) Notwithstanding any other provision of this chapter, a skilled nursing facility distinct part unit established by Androscoggin Valley Hospital or Franklin Regional Hospital in order to qualify as a critical access hospital under 42 U.S.C. section 1395i-4 and 42 CFR Part 485, Subpart F; provided, that the number of beds in the skilled nursing facility distinct part unit shall not exceed the hospital's existing skilled nursing patient capacity. For purposes of this subparagraph, the term "existing skilled nursing patient capacity" means with respect to each month, the number of skilled nursing patient days for such month divided by the number of days in such month, and shall be the highest such number from the 12-month period ending immediately prior to the filing of the federal request for approval of the distinct part unit; provided, however, that the number determined under this subparagraph shall not exceed 10 beds; ~~and~~

(i) Acute care centers established, operated, or designated by the department pursuant to RSA 141-C:26; **and**

(j) Federally qualified health centers as defined in section 330 of the Public Health Service Act (42 U.S.C. section 2546).

10 Effective Date.

I. Section 6 of this act shall take effect June 30, 2017.

II. Sections 7 and 8 of this act shall take effect January 1, 2014.

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

AMENDED ANALYSIS

This bill:

I. Changes the membership of the health services planning and review board.

II. Extends the moratorium on nursing home beds and rehabilitation beds until June 30, 2014.

III. Clarifies standard development under the certificate of need law.

IV. Requires certain periodic reports.

Rep. Garcia spoke against and requested a quorum call; Speaker declared a quorum present.

Rep. Thomas Keane spoke against.

Rep. Kurk spoke in favor.

Rep. Palmer requested a roll call; sufficiently seconded.

YEAS 140 NAYS 166

YEAS 140

BELKNAP

Flanders, Donald

Millham, Alida

Pilliod, James

Tilton, Franklin

CARROLL

Umberger, Karen

CHESHIRE

Butynski, William
Emerson, Susan
Lerandeau, Alfred
Roberts, Kris
Weber, Lucy

Carr, Daniel
Hawkes, Samuel
Lindsey, Steven
Sad, Tara

Chase, Cynthia
Hunt, John
Meador, David
Sterling, Franklin Jr

Dwinell, Richard
Johnson, Jane
Parkhurst, Henry
Tatro, Bruce

COOS

Coulombe, Gary
Thomas, Yvonne

Merrick, Evalyn

Remick, William

Theberge, Robert

GRAFTON

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

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

Benn, Bernard
Ladd, Rick Jr
Simard, Paul

Cooney, Mary
Nordgren, Sharon
Smith, Suzanne

HILLSBOROUGH

Avard, Kevin
Coffey, James
Daler, Jennifer
Gimas, John
Hawkins, Kenneth
Ober, Russell III
Rhodes, Brian
Sullivan, Daniel

Barry, J. Gail
Condra, William
Flanagan, Jack
Goley, Jeffrey
Kurk, Neal
Palmer, Barry
Robbins, David
Sullivan, Peter

Brownrigg, Randall Jr
Cote, David
Fredette, Robert
Gorman, Mary
LeBrun, Donald
Pilotte, Maurice
Rokas, Ted
Terrio, Ross

Christiansen, Lars
Cusson-Cail, Kathleen
Gargas, Carolyn
Hansen, Peter
Messier, Irene
Porter, Marjorie
Rosenwald, Cindy
Whitehead, Randall

MERRIMACK

Bouchard, Candace
DeStefano, Stephen
Hamm, Christine
Lockwood, Priscilla
Patten, Dick
Shurtleff, Stephen
Winter, Steven

Coffey, Jennifer
Foote, Robert
Kidder, David
MacKay, James
Potter, Frances
Wallner, Mary Jane

Cohn, Seth
Frazer, June
Kotowski, Frank
Owen, Derek
Rice, Chip
Watrous, Rick

Deloge, Helen
Gile, Mary
Lauer-Rago, Kathleen
Palfrey, David
Richardson, Gary
Williams, Robert

ROCKINGHAM

Abrami, Patrick
DiPentima, Rich

Allen, Mary
Hagan, Joseph

Cali-Pitts, Jacqueline
Lovejoy, Patricia

Copeland, Timothy
Moody, Marcia

Murphy, Brian
Reagan, John
Ward, Joanne

Nevins, Chris
Schlachman, Donna
Welch, David

Norelli, Terie
Sullivan, James

Read, Robin Jr
Waddell, James

STRAFFORD

Berube, Roger
Ginsburg, Philip
Jones, Laura
Roberts, Jenna
Wall, Janet

Brown, Julie
Grassie, Anne
Kaen, Naida
Schmidt, Peter
Watters, David

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

DeLemus, Susan
Jones, Kyle
Perry, Robert
Spang, Judith

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond
Smith, Steven

Lovett, Charlene

Rodeschin, Beverly

NAYS 166

BELKNAP

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

Comtois, Guy
Luther, Robert
St. Cyr, Jeffrey

Fields, Dennis
Malone, Robert
Swinford, Elaine

Greemore, Robert
Russell, David
Tobin, William

CARROLL

Babson, David Jr
Pettengill, Laurie

Fleck, Joseph
Tregenza, Norman

McCarthy, Frank

Patten, Betsey

CHESHIRE

Byrnes, John

Cartwright, Anne

Moore, Robert Jr

Smith, Edwin

COOS

Daugherty, Duffy

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Reilly, Harold Sr

Brosseau, Charles
Sorg, Gregory

Gionet, Edmond
Sova, Charles

Mirski, Paul

HILLSBOROUGH

Balboni, Michael
Belanger, James
Brown, Kevin
Christensen, D.L.
Chris
Doherty, Shaun
Graham, John
Hikel, John
Hutchinson, Winfred
Maltz, Jonathan
Ober, Lynne
Pellegrino, Tony
Renzullo, Andrew

Ball, J. Michael
Belvin, William
Burt, John
Coughlin, Sean
Donovan, Daniel
Greazzo, Phil
Hinch, Richard
Jasper, Shawn
McClarren, Donald
Ohm, Bill
Peterson, Lenette
Rowe, Robert

Barry, Richard
Bergevin, Jerry
Buxton, Michael
Daniels, Gary
Erickson, Duane
Haefner, Robert
Hogan, Edith
Krasucki, Joseph
McGuinness, Sean
Palmer, Stephen
Pratt, Calvin
Seidel, Carl

Beattie, Thomas
Boehm, Ralph
Cebrowski, John
Day, Russell
Gagne, Larry
Hardwick, Harry
Holden, Frank
Lambert, George
Notter, Jeanine
Parison, James
Proulx, Mark
Silva, Peter

Simmons, Tammy
Swank, Matthew
Villeneuve, Moe

Soucy, Connie
Twombly, Timothy
Warden, Mark

Stepanek, Stephen
Ulery, Jordan
Willette, Robert

Stroud, Kathleen
Vaillancourt, Steve

MERRIMACK

Giuda, J. Brandon
Keane, Thomas
Sanborn, Laurie

Hess, David
Kreis, Kenneth Sr
Seaworth, G. Brian

Hill, Gregory
McGuire, Carol
Smith, Molly

Hoell, J.R.
McGuire, Dan
Soltani, Tony

ROCKINGHAM

Antosz, Jason
Bettencourt, David
Chirichiello, Brian
Duarte, Joe
Griffin, Mary
Kappler, Lawrence
Manuse, Andrew
Peckham, Michele
Rice, Frederick
Sedensky, John
Sullivan, Kevin
Webb, James

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Fesh, Robert
Headd, James
Kolodziej, Walter
Mauro, Donna
Quandt, Marshall
Ritter, Glenn
Sheffert, Kenneth
Tamburello, Daniel
Weyler, Kenneth

Baldasaro, Alfred
Brown, Paul
DeSimone, Debra
Garcia, Marilinda
Hoelzel, Kathleen
Lundgren, David
O'Connor, John
Quandt, Matt
Sanders, Elisabeth
Shuler, Wyman III
Tremblay, Stella

Bates, David
Charron, Gene
Devine, James
Garrity, James
Itse, Daniel
Major, Norman
Okerman, Richard
Reichard, Kevin
Sapareto, Frank
Smith, William
Waterhouse, Kevin

STRAFFORD

Cataldo, Sam
Newton, Clifford
Vita, Lucien

Groen, Warren
Parsons, Robbie

Leonard, Frederick Jr
Pitre, Joseph

Munck, Philip
Vita, Carol

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Howard, Thomas

LaCasse, Paul Sr

and the committee amendment failed.

Motion of Ought to Pass was adopted and ordered to third reading.

CACR 22, relating to the chief justice of the supreme court. Providing that the chief justice shall adopt court rules with the concurrence of the general court. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Brian J. X. Murphy for the Majority of Judiciary: This bill would offer an amendment to the New Hampshire Constitution to be voted upon by the citizens of the state at the general election of November 2012. Currently, the justices of the state supreme court make the rules that govern the administration of all courts in the state. The majority of the committee believes that court rules should have the force and effect of law. Accordingly, it was determined that the legislature, the body charged with passing laws, should be involved in this process. This is not a novel concept. Prior to 1978, the New Hampshire legislature passed the statutes on judicial rules and procedures. This amendment would strike a balance between the judicial and legislative branches and require that the chief justice establish the court rules with the concurrence of the state legislature. The majority of the committee concluded that this issue was important enough to be put before the people by way of Constitutional Amendment. Vote 12-4.

Rep. Lucy M. Weber for the Minority of Judiciary: This is the first of two mutually inconsistent CACRs recommended for passage by this committee. One of the popular myths about our present constitution is that the passage of Part II, Article 73-1 in 1978 somehow took power away from the legislature and put it in the hands of the court. This is not true.

Article 73-a simply reallocated rulemaking power within the judicial branch from the superior court to the supreme court. This CACR would amend Part II Article 73-a of the constitution to allow the supreme court to make rules of court procedure only with the concurrence of the legislature. Those in favor of this change argue that this is already being done on the federal level. However, the federal system is different in that the court sets the rules and then the legislature has seven months in which to decide if they want to overrule or modify the court's action. Requiring the legislature to take affirmative action before a rule can be adopted will be counterproductive in many instances. An example of this would be the rulemaking required of the court upon passage of the parental notification bill to set out procedures for the judicial bypass contained in the bill. There, the rules needed to be in place when the bill was implemented. The minority is also concerned about adhering to the charge of a much older part of our constitution, Part I, Article 37, which says, "[i]n the government of this state, the three essential powers thereof to wit, the legislative, executive, and the judicial, ought to be kept as separate from, and independent of, each other, as the nature of a free government will admit, or as is consistent with that chain of connection that binds the whole fabric of the constitution in one indissoluble bond of union and amity." Finally, the minority believes that the majority abdicated its duty to make a considered recommendation to this House when it recommended two inconsistent CACRs addressing the same subject matter to the full House.

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

Rep. Weber spoke against.

Rep. Brian Murphy spoke in favor.

On a division vote, 203 members having voted in the affirmative and 107 in the negative, the majority committee report failed lacking the constitutionally required three-fifths vote.

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

MOTION TO LAY ON THE TABLE

Rep. Itse moved that **CACR 22**, relating to the chief justice of the supreme court. Providing that the chief justice shall adopt court rules with the concurrence of the general court, be laid on the table.

On a division vote, 211 members having voted in the affirmative and 105 in the negative, the motion failed lacking the constitutionally required three-fifths vote.

MOTION TO SPECIAL ORDER

Rep. Itse moved that **CACR 22**, relating to the chief justice of the supreme court. Providing that the chief justice shall adopt court rules with the concurrence of the general court, be made a Special Order to March 21, 2012.

On a division vote, 207 members having voted in the affirmative and 111 in the negative, the motion was adopted.

REGULAR CALENDAR

CONTINUATION FROM MARCH 8, 2012 (CONT'D)

CACR 26, relating to administration of the supreme court. Providing that the article authorizing the chief justice of the supreme court to make rules governing the administration of all the courts of the state shall be repealed. **MAJORITY: OUGHT TO PASS.**

MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Gregory M. Sorg for the Majority of Judiciary: This CACR, if ratified, would repeal Article 73-a of Part II of the New Hampshire constitution. It is one of several CACRs aimed at correcting the perceived improvident cumulative transfer of authority from the legislative to the judicial branch through several constitutional amendments ratified between 1966 and 1978. The authority given to the supreme court by Article 73-a in 1978 to make rules having

“the force and effect of law” is by its terms limited to “rules governing the administration of all courts in the state and the practice and procedure to be followed in all such courts.” However, acting under color of Article 73-a, the court has repeatedly issued rules unrelated to and going well beyond court administration, practice and procedure and the majority believes that this abuse justifies withdrawal of its supposed basis by repeal of Article 73-a. Vote 11-5.

Rep. Janet G. Wall for the Minority of Judiciary: This CACR would repeal all authority for the Chief Justice of the Supreme Court to make rules governing the administration of all the courts. The bill is flawed in that it does not tell the voters the correct information. There is a legislative myth that Part II, Article 73-a altered power between the legislature and the supreme court. It did not. Article 73-a reallocates power within the judicial branch by authorizing rulemaking power by the supreme court, rather than the superior court. It did nothing to the legislative branch. Just as the various state agencies make rules for the applications of laws the legislature passes, the judicial branch needs to make rules as well. Rules made by the judicial branch deal with numerous functions including the everyday operations of the court system. The rulemaking process in the judicial branch is not undertaken lightly. We have a system of checks and balances in government with respect for the separation of powers. While the legislative branch makes laws, the judicial branch, in this instance, develops rules. This CACR is not needed.

MOTION TO SPECIAL ORDER

Rep. Rowe moved that **CACR 26**, relating to administration of the supreme court. Providing that the article authorizing the chief justice of the supreme court to make rules governing the administration of all the courts of the state shall be repealed, be made a Special Order to March 21, 2012.

On a division vote, 218 members having voted in the affirmative and 96 in the negative, the motion was adopted.

MOTION TO AMEND LIMITED DEBATE

Rep. Vaillancourt moved that the previously adopted limits of 20 minutes; 10 minutes each for proponents and opponents and 5 minutes for each speaker, not include questions to and answers from each debate participant.

Reps. Vaillancourt and Soltani spoke in favor.

Rep. Jasper spoke against.

On a division vote, 159 members having voted in the affirmative and 164 in the negative, the motion failed.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Thomas Keane moved that the House reconsider its action whereby, on a voice vote, it adopted the motion of Ought to Pass on **HB 1617-FN**, repealing the certificate of need law.

Rep. Thomas Keane spoke against.

Motion failed.

REGULAR CALENDAR

CONTINUATION FROM MARCH 8, 2012 (CONT'D)

HB 1216, relative to the authority for withholding or withdrawal of life-sustaining treatment. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. J. Brandon Giuda for the Majority of Judiciary: This bill restores constitutional protections for the most vulnerable members of our society at their most vulnerable time.

Under current law, life-sustaining treatment can be withheld or withdrawn from a legally incapacitated person if: (1) that person has a validly executed advance directive, (2) such action is authorized by an existing guardian or other court order, or (3) such action is taken in accordance with a facility's standard protocol as applicable to its general patient population. Because the committee felt that greater protections were warranted for our most vulnerable citizens, the committee eliminated the third option. The committee was concerned about the possibility of subjective decisions based on factors such as finances, and was also concerned about disparate treatment of these most vulnerable citizens, depending on what facility they happened to be in. For example, one facility might choose to terminate a patient's life while the decision in another facility could be totally different. The committee felt that the decision to end a life should not be dependent on what facility the patient is in, and felt that at a minimum, an objective court hearing should be required. Vote 11-3.

Rep. Lucy M. Weber for the Minority of Judiciary: This bill revises a section of the statutes which was initially adopted to protect persons with disabilities. Currently, medically administered nutrition and hydration and other life-sustaining treatment from a mentally incompetent or developmentally disabled person unless the person has a validly executed advance directive, or a court order is obtained, or unless such action is taken in accordance with the facility's standard protocol as applicable to its general patient population. The change from "mentally incompetent or developmentally delayed" to "legally incapacitated person" and the removal of the provision about the general patient population causes the minority to be concerned that this provision now applies to every patient who is without legal capacity to make their own health care decisions, whether or not the patient has been adjudged to be incompetent or not. As such, all families could be forced to seek a guardianship and further court order before withdrawing any life-sustaining treatment such as kidney dialysis. Passage of the bill would interfere with both the current abilities of families to make the most difficult and personal of decisions for their loved ones, and would also interfere with medical standards of care. Finally, the minority believes that to make reference to the Republican Party Platform in the statement of intent of a bill that will apply to all New Hampshire citizens is entirely inappropriate.

Majority Amendment (0952h)

Amend RSA 137-J:10, IV(b) as inserted by section 2 of the bill by replacing it with the following:

(b) The withholding or withdrawing of medically administered nutrition and hydration or life-sustaining treatment from a ~~[mentally incompetent or developmentally disabled]~~ **legally incapacitated** person, unless such person has a validly executed advance directive or such action is authorized by an existing guardianship or other court order ~~[or such action is taken in accordance with the facility's standard protocol as applicable to its general patient population]~~ **instructing otherwise, or unless such nutrition and hydration or life-sustaining treatment would be physically harmful or would hasten death.**

AMENDED ANALYSIS

This bill clarifies the protocol of the facility regarding authority for withholding or withdrawal of life-sustaining treatment from a legally incapacitated person.

Majority committee amendment adopted.

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

Reps. Millham and Jennifer Coffey spoke against.

Reps. Soltani and Giuda spoke in favor and yielded to questions.

On a division vote, 206 members having voted in the affirmative and 118 in the negative, the majority committee report was adopted and ordered to third reading.

HB 1217, relative to the form for executing advance directives for health care decisions.

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

Rep. J. Brandon Giuda for the Majority of Judiciary: This bill expands the rights of New Hampshire citizens to be treated in accordance with their wishes at the end of their life. Currently, New Hampshire has a very restrictive New Hampshire Advance Directive form that consists of a Living Will and a Durable Power of Attorney for Healthcare. All other forms are considered invalid, no matter how clear the form or its intentions. For example, if someone presents a New Hampshire hospital with a very clear directive from another state, that directive is considered invalid and ignored. This bill allows any form to be used, so long as it still complies with other aspects of current law, such as the validation procedure of two disassociated witnesses and a notary public. The committee felt that a person's right to have their wishes followed should not depend on what form they happened to use, as long as their intentions on the form of their choice were clear. Vote 13-4.

Rep. Lucy M. Weber for the Minority of Judiciary: Members of the minority believe that every person has the right to make their own health care decisions and want to make expressing those desires in advance as simple as possible. The current form for advance directives does that. Supporters of this bill assert that the language of the bill simply allows advance directives from other states to be honored in New Hampshire. If that were the case, a simple one-sentence savings clause would be all that would be necessary. As drafted, the bill allows for an ill-defined assortment of "other forms" to be honored. The lack of clarity is sure to lead to further litigation to determine which other forms are acceptable. Furthermore, when another form is used, the bill dispenses with the current requirement of a disclosure form. This would lead to less informed decision-making, not more informed decision-making. Finally, the current standardization of form and language makes it more likely that a patient's wishes will be followed in a prompt and timely manner, with less likelihood of litigation over the appropriateness of the form.

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

Reps. Millham, Weber and Soltani spoke against.

Rep. Giuda spoke in favor.

On a division vote, 214 members having voted in the affirmative and 110 in the negative, the majority committee report was adopted and ordered to third reading.

HB 1263, repealing the law requiring landlords of restricted residential property provide service of process information. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. J. Brandon Giuda for the Majority of Judiciary: The bill, as submitted, repeals the law enacted two years ago that instituted the burdensome requirement that all landlords provide service of process information to their municipalities. This requirement was overbroad because it was instituted to address alleged problems with out-of-state landlords, but it applied to every landlord in New Hampshire also. This requirement was also unnecessary because municipalities can easily obtain service of process information by obtaining the information from the tax collector. Last year, the House passed this bill but an agreement was reached in committee of conference to only eliminate the \$1000 fine imposed on landlords and to bring this back as a standalone bill due to concerns about hearing notification on a portion of the bill. The committee amendment to this business friendly bill simply clarifies that landlord/tenant contracts are to be treated as all other contracts, such that expiration or termination of a lease is considered to be a ground for termination of that lease. Vote 8-6.

Rep. Lucy M. Weber for the Minority of Judiciary: This bill began as a reintroduction of a measure passed by the House last year to repeal the requirement in RSA 540:1-b that landlords appoint an agent for service of process. Last year, this provision was added as a non-germane amendment to a different landlord tenant bill. The Senate declined to pass the

measure, in part citing the lack of a public hearing in the House. The minority is persuaded by testimony that requiring landlords to designate an agent for service of process has worked to level the playing field between landlords who have always played by the rules and landlords, usually from out of state, who try to evade building code compliance by whatever means possible. The minority therefore opposes the repeal of RSA 540:1-b. In addition, the majority has once again chosen this bill as a vehicle for a non-germane amendment. A new ground for the termination of tenancy was tacked on to the bill without adequate notice to the public that such a measure would be considered. The minority continues to believe such a measure should not be passed without adequate opportunity for public comment.

Majority Amendment (0189h)

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

AN ACT relative to the termination of tenancy and repealing the requirement that landlords of restricted residential property provide service of process information.

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

1 New Subparagraph; Grounds for Termination of Tenancy; Expiration of Lease Term.

Amend RSA 540:2, II by inserting after subparagraph (f) the following new subparagraph:

(g) Expiration or rightful termination of the term of a lease or other agreement of tenancy, or the rescission of any such lease or agreement.

2 Repeal. RSA 540:1-b, relative to the requirement that landlords of restricted residential property provide service of process information to the municipality, is repealed.

3 Effective Date.

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

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

AMENDED ANALYSIS

This bill:

I. Permits a lessor or owner of restricted property to terminate a tenancy upon the expiration, rightful termination, or rescission of the term of a lease or other agreement of tenancy.

II. Repeals the requirement that landlords of restricted residential property provide service of process information to the municipality in which the property is located.

Majority committee amendment adopted.

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

Reps. White and Weber spoke against.

Rep. Giuda spoke in favor.

On a division vote, 226 members having voted in the affirmative and 85 in the negative, the majority committee report was adopted and ordered to third reading.

HB 1264, establishing a religious exemption for individuals who do not wish to provide accommodations, goods, or services for marriages. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Barry J. Palmer for the Majority of Judiciary: This bill would allow individuals and businesses the right not to accommodate customers when the accommodation would violate the person's conscience or religious faith. Although the purpose of the bill is well-intentioned, it was believed to be too far-reaching and probably unconstitutional. The bill would also run afoul of federal and New Hampshire anti-discrimination laws. Vote 9-5.

Rep. Gary S. Hopper for the Minority of Judiciary: Fundamental to our constitutional rights is the free exercise of religion. For many that worship is not confined to the Sabbath or a place of worship, but extends into their day-to-day life. Compelling people to violate their beliefs in order to conduct business is a violation of their right of conscience.

The question being adoption of the majority committee report of Inexpedient to Legislate.
 Reps. Sapareto and Bergevin spoke against.
 Rep. Barry Palmer spoke in favor.
 Rep. LeBrun requested a roll call; sufficiently seconded.

YEAS 246 NAYS 85

YEAS 246

BELKNAP

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

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	McConkey, Mark
Patten, Betsey	Pettengill, Laurie	Umberger, Karen	

CHESHIRE

Butynski, William	Byrnes, John	Carr, Daniel	Chase, Cynthia
Dwinell, Richard	Hawkes, Samuel	Hunt, John	Lerandeau, Alfred
Lindsey, Steven	Meador, David	Moore, Robert Jr	Parkhurst, Henry
Roberts, Kris	Sad, Tara	Smith, Edwin	Sterling, Franklin Jr
Tatro, Bruce	Weber, Lucy		

COOS

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

GRAFTON

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

HILLSBOROUGH

Ball, J. Michael	Barry, J. Gail	Barry, Richard	Belanger, James
Belvin, William	Boehm, Ralph	Brown, Kevin	Brownrigg, Randall Jr
Buxton, Michael	Christensen, D.L.	Christiansen, Lars	Coffey, James
	Chris		
Cote, David	Coughlin, Sean	Cusson-Cail, Kathleen	Daler, Jennifer
Day, Russell	Doherty, Shaun	Erickson, Duane	Fredette, Robert
Gandia, Laura	Gargas, Carolyn	Garrity, Patrick	Gidge, Kenneth
Gimas, John	Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary
Graham, John	Greazzo, Phil	Haefner, Robert	Hansen, Peter
Hikel, John	Hinch, Richard	Hogan, Edith	Holden, Frank
Infantine, William	Jasper, Shawn	Krasucki, Joseph	Kurk, Neal
Lambert, George	LeBrun, Donald	Leishman, Peter	Maltz, Jonathan
McCarthy, Michael	McGuinness, Sean	Messier, Irene	Notter, Jeanine
Ober, Lynne	Ober, Russell III	Ohm, Bill	Palmer, Barry

Pellegrino, Tony
Proulx, Mark
Rosenwald, Cindy
Simmons, Tammy
Sullivan, Daniel
Vaillancourt, Steve

Pepino, Leo
Rhodes, Brian
Rowe, Robert
Soucy, Connie
Sullivan, Peter
Whitehead, Randall

Pilotte, Maurice
Robbins, David
Shaw, Barbara
Stepanek, Stephen
Swank, Matthew

Porter, Marjorie
Rokas, Ted
Silva, Peter
Stroud, Kathleen
Terrio, Ross

MERRIMACK

Bouchard, Candace
DeStefano, Stephen
Giuda, J. Brandon
Kreis, Kenneth Sr
McGuire, Carol
Potter, Frances
Shurtleff, Stephen
Winter, Steven

Coffey, Jennifer
Foose, Robert
Hamm, Christine
Lauer-Rago, Kathleen
Owen, Derek
Rice, Chip
Wallner, Mary Jane

Cohn, Seth
Frazer, June
Keane, Thomas
Lockwood, Priscilla
Palfrey, David
Richardson, Gary
Watrous, Rick

Deloge, Helen
Gile, Mary
Kotowski, Frank
MacKay, James
Patten, Dick
Seaworth, G. Brian
Williams, Robert

ROCKINGHAM

Abrami, Patrick
Belanger, Ronald
Charron, Gene
Devine, James
Garcia, Marilinda
Janvrin, Kevin
Lundgren, David
Moody, Marcia
O'Connor, John
Rice, Frederick
Sedensky, John
Sullivan, Kevin
Welch, David

Allen, Mary
Bettencourt, David
Chirichiello, Brian
DiPentima, Rich
Garrity, James
Kappler, Lawrence
Major, Norman
Murphy, Brian
Peckham, Michele
Ritter, Glenn
Sheffert, Kenneth
Sytek, John

Antosz, Jason
Birdsell, Regina
Comerford, Timothy
Dowling, Patricia
Griffin, Mary
Katsakiores, Phyllis
McKinney, Betsy
Nevins, Chris
Quandt, Marshall
Sanders, Elisabeth
Shuler, Wyman III
Waddell, James

Azarian, Gary
Cali-Pitts, Jacqueline
DeSimone, Debra
Fesh, Robert
Hagan, Joseph
Lovejoy, Patricia
McMahon, Charles
Norelli, Terie
Read, Robin Jr
Schlachman, Donna
Sullivan, James
Waterhouse, Kevin

STRAFFORD

Berube, Roger
DeLemus, Susan
Jones, Kyle
Leonard, Frederick Jr
Roberts, Jenna
Sprague, Dale

Brown, Julie
Ginsburg, Philip
Jones, Laura
Newton, Clifford
Schmidt, Peter
Wall, Janet

Browne, Brendon
Grassie, Anne
Kaen, Naida
Perry, Robert
Spainhower, Dale
Watters, David

Cataldo, Sam
Horrigan, Timothy
Keans, Sandra
Pitre, Joseph
Spang, Judith

SULLIVAN

Cloutier, John
Lefebvre, Benjamin

Cunningham, Steven
Lovett, Charlene

Gagnon, Raymond
Rodeschin, Beverly

LaCasse, Paul Sr
Schmidt, Andrew

NAYS 85

BELKNAP

Comtois, Guy

Kingsbury, Robert

Simpson, Tyler

Worsman, Colette

CARROLL

Fleck, Joseph

McCarthy, Frank

Scala, Dino

Tregenza, Norman

CHESHIRE

Cartwright, Anne Emerson, Susan Johnson, Jane

COOS

Daugherty, Duffy Rappaport, Laurence

GRAFTON

Brosseau, Charles Ingbretson, Paul Mirski, Paul Sorg, Gregory
Sova, Charles

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Beattie, Thomas	Bergevin, Jerry
Burt, John	Cebrowski, John	Condra, William	Daniels, Gary
DeJong, Cameron	Donovan, Daniel	Flanagan, Jack	Gagne, Larry
Hardwick, Harry	Hutchinson, Winfred	McClarren, Donald	Mecheski, Holly
Murphy, Keith	Palmer, Stephen	Parison, James	Peterson, Lenette
Renzullo, Andrew	Seidel, Carl	Twombly, Timothy	Ulery, Jordan
Villeneuve, Moe	Warden, Mark	Willette, Robert	

MERRIMACK

Hoell, J.R. Kidder, David McGuire, Dan Smith, Molly
Smith, Todd Soltani, Tony

ROCKINGHAM

Baldasaro, Alfred	Bates, David	Brown, Paul	Davenport, Joshua
Duarte, Joe	Headd, James	Hoelzel, Kathleen	Itse, Daniel
Kolodziej, Walter	Manuse, Andrew	Mauro, Donna	Okerman, Richard
Perkins, Amy	Perkins, Lawrence	Quandt, Matt	Reagan, John
Reichard, Kevin	Sapareto, Frank	Schroadter, Adam	Smith, William
Tamburello, Daniel	Tremblay, Stella	Ward, Joanne	Webb, James
Weyler, Kenneth			

STRAFFORD

Groen, Warren Munck, Philip Parsons, Robbie Vita, Carol
Vita, Lucien

SULLIVAN

Bowers, Spec Laware, Thomas Osgood, Joe Smith, Steven
and the majority committee report was adopted.

SPECIAL ORDERED

Without objection, the Speaker made **HB 1677-FN**, relative to choice as to whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization, a Special Order as the next order of business.

SPECIAL ORDER

HB 1677-FN, relative to choice as to whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization. **MAJORITY: OUGHT TO PASS. MINORITY:**

INEXPEDIENT TO LEGISLATE.

Rep. William J. Infantine for the Majority of Labor, Industrial and Rehabilitative Services: This bill is about the employee's freedom to choose what, if any, groups to join in a work environment. Eliminating exclusive representation in favor of majority representation, the bill's intent is not to limit choices of the employee, but to enable them to choose which, if any, union they desire to establish an association. One union might serve the needs of the employee better than another, or for that matter, better than employer offered benefits. Policies can be easily established by the employer to deal with multiple unions and non-represented employees. It is not in the interest of the employee, employer, nor the state, for unions to be legalized monopolies. Vote 11-6.

Rep. Jeffrey P. Goley for the Minority of Labor, Industrial and Rehabilitative Services: The first part of this bill is the exact same language as HB 474 "Right to Work" that was heard in the house last year. The only thing that has changed is the title; it is now called "Employee Freedom of Choice Act." Statistics show that the median household income in New Hampshire is higher than every single right to work state, that our poverty rate is lower than the 22 right to work states, and New Hampshire has an unemployment rate lower than all but one right to work state. New Hampshire's working families are far better off than those in right to work states. Making New Hampshire a right to work state will lower wages and reduce benefits for our workers. We do not want to become the Alabama or Mississippi of the northeast. Part two of this bill removes "exclusive" representation in collective bargaining. The minority believes this could increase the number of bargaining units in cities and towns, which would increase the number of contracts to negotiate, leading to increased costs. How is this possible? Take a city with a High School, Middle School, and Elementary School for example. The teachers are exclusively represented by one organization, such as NEA. This bill removes "exclusive" so now you could have separate bargaining units representing each of your schools. Your High School could be represented by one union, middle school by another, and your elementary school by a third. By removing "exclusive" you could have any group of ten or more employees forming a bargaining unit. For these reasons the minority believes HB 1677 should be ITL.

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

Reps. Herbert Richardson, Goley and Marshall Quandt spoke against.

Rep. William Smith spoke in favor.

Rep. Daniels requested a roll call; sufficiently seconded.

YEAS 198 NAYS 139

YEAS 198

BELKNAP

Accornero, Harry
Greemore, Robert
Russell, David
Tobin, William

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

Fields, Dennis
Luther, Robert
Swinford, Elaine

Flanders, Donald
Malone, Robert
Tilton, Franklin

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Scala, Dino

Babson, David Jr
McConkey, Mark
Tregenza, Norman

Chandler, Gene
Patten, Betsey
Umberger, Karen

Fleck, Joseph
Pettengill, Laurie

CHESHIRE

Cartwright, Anne

Hunt, John

Johnson, Jane

Moore, Robert Jr

Sterling, Franklin Jr

COOS

Daugherty, Duffy

Rappaport, Laurence

GRAFTON

Bradley, Lester
Mirski, Paul
Sova, Charles

Brosseau, Charles
Reilly, Harold Sr

Gionet, Edmond
Simard, Paul

Ingbretson, Paul
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Bergevin, Jerry
Christensen, D.L.
Chris

Balboni, Michael
Beattie, Thomas
Boehm, Ralph
Christiansen, Lars

Ball, J. Michael
Belanger, James
Burt, John
Condra, William

Barry, J. Gail
Belvin, William
Cebrowski, John
Coughlin, Sean

Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Haefner, Robert
Hikel, John
Hutchinson, Winfred
Kurk, Neal
McClarren, Donald
Notter, Jeanine
Palmer, Stephen
Pratt, Calvin
Silva, Peter
Swank, Matthew
Warden, Mark

Daniels, Gary
Erickson, Duane
Gandia, Laura
Hansen, Peter
Hinch, Richard
Infantine, William
Lambert, George
McGuinness, Sean
Ober, Lynne
Parison, James
Renzullo, Andrew
Simmons, Tammy
Twombly, Timothy
Whitehead, Randall

DeJong, Cameron
Flanagan, Jack
Gargas, Carolyn
Hardwick, Harry
Hogan, Edith
Jasper, Shawn
LeBrun, Donald
Mecheski, Holly
Ober, Russell III
Pellegrino, Tony
Rowe, Robert
Soucy, Connie
Ulery, Jordan
Willette, Robert

Doherty, Shaun
Fredette, Robert
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Krasucki, Joseph
Maltz, Jonathan
Murphy, Keith
Ohm, Bill
Peterson, Lenette
Seidel, Carl
Stepanek, Stephen
Villeneuve, Moe

MERRIMACK

Coffey, Jennifer
Hoell, J.R.
Lauer-Rago, Kathleen
Sanborn, Laurie

Cohn, Seth
Keane, Thomas
McGuire, Carol
Seaworth, G. Brian

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

Hess, David
Kreis, Kenneth Sr
Palfrey, David
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Duarte, Joe
Griffin, Mary
Itse, Daniel
Major, Norman
Murphy, Brian
Peckham, Michele
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Waterhouse, Kevin

Allen, Mary
Bates, David
Comerford, Timothy
Fesh, Robert
Hagan, Joseph
Kappler, Lawrence
Manuse, Andrew
Nevins, Chris
Reagan, John
Schroadter, Adam
Smith, William
Tremblay, Stella
Weyler, Kenneth

Antosz, Jason
Belanger, Ronald
Davenport, Joshua
Garcia, Marilinda
Headd, James
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Rice, Frederick
Sedensky, John
Sullivan, James
Tucker, Pamela

Azarian, Gary
Birdsell, Regina
DeSimone, Debra
Garritty, James
Hoelzel, Kathleen
Lundgren, David
McMahon, Charles
Okerman, Richard
Ritter, Glenn
Sheffert, Kenneth
Sytek, John
Ward, Joanne

STRAFFORD

Cataldo, Sam
Jones, Laura
Parsons, Robbie

DeLemus, Susan
Leonard, Frederick Jr
Pitre, Joseph

Groen, Warren
Munck, Philip
Vita, Carol

Jones, Kyle
Newton, Clifford
Vita, Lucien

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

NAYS 139

BELKNAP

Bolster, Peter

Millham, Alida

Pilliod, James

St. Cyr, Jeffrey

CARROLL

Knox, J. David

CHESHIRE

Butynski, William
Dwinell, Richard
Lindsey, Steven
Sad, Tara

Byrnes, John
Emerson, Susan
Meador, David
Tatro, Bruce

Carr, Daniel
Hawkes, Samuel
Parkhurst, Henry
Weber, Lucy

Chase, Cynthia
Lerandeau, Alfred
Roberts, Kris

COOS

Coulombe, Gary
Richardson, Herbert

Hatch, William
Theberge, Robert

Merrick, Evalyn
Tholl, John Jr

Remick, William
Thomas, Yvonne

GRAFTON

Aguiar, James
Gould, Franklin
Pastor, Beatriz
White, Andrew

Almy, Susan
Harding, Laurie
Pierce, David

Benn, Bernard
Ladd, Rick Jr
Smith, Suzanne

Cooney, Mary
Nordgren, Sharon
Townsend, Charles

HILLSBOROUGH

Brown, Kevin
Coffey, James
Garritty, Patrick
Gonzalez, Carlos
McCarthy, Michael
Porter, Marjorie
Rokas, Ted
Sullivan, Daniel

Brownrigg, Randall Jr
Cote, David
Gidge, Kenneth
Gorman, Mary
Messier, Irene
Proulx, Mark
Rosenwald, Cindy
Sullivan, Peter

Buxton, Michael
Daler, Jennifer
Gimas, John
Leishman, Peter
Pepino, Leo
Rhodes, Brian
Shaw, Barbara
Terrio, Ross

Campbell, David
Day, Russell
Goley, Jeffrey
Levasseur, Nickolas
Pilotte, Maurice
Robbins, David
Stroud, Kathleen
Vaillancourt, Steve

MERRIMACK

Bouchard, Candace
Frazer, June
Lockwood, Priscilla
Potter, Frances
Soltani, Tony

Deloge, Helen
Gile, Mary
MacKay, James
Rice, Chip
Wallner, Mary Jane

DeStefano, Stephen
Hamm, Christine
Owen, Derek
Richardson, Gary
Watrous, Rick

Foose, Robert
Kidder, David
Patten, Dick
Shurtleff, Stephen
Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline	Charron, Gene	Chirichiello, Brian	Copeland, Timothy
Devine, James	DiPentima, Rich	Dowling, Patricia	Janvrin, Kevin
Katsakiores, Phyllis	Lovejoy, Patricia	McKinney, Betsy	Moody, Marcia
Norelli, Terie	Perkins, Amy	Perkins, Lawrence	Quandt, Marshall
Quandt, Matt	Read, Robin Jr	Reichard, Kevin	Sapareto, Frank
Schlachman, Donna	Sullivan, Kevin	Waddell, James	Webb, James
Welch, David			

STRAFFORD

Berube, Roger	Brown, Julie	Browne, Brendon	Ginsburg, Philip
Grassie, Anne	Horrigan, Timothy	Kaen, Naida	Keans, Sandra
Perry, Robert	Roberts, Jenna	Schmidt, Peter	Spainhower, Dale
Spang, Judith	Sprague, Dale	Wall, Janet	Watters, David

SULLIVAN

Cloutier, John	Gagnon, Raymond	Laware, Thomas	Lefebvre, Benjamin
Schmidt, Andrew			

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

SENATE MESSAGE

REQUESTS CONCURRENCE WITH AMENDMENT

CACR 12, relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education. (Amendment printed SJ 2/15/12)

Rep. Lynne Ober moved that the House concur.

Reps. Gary Richardson, Mirski and Soltani spoke against.

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

YEAS 54 NAYS 287

YEAS 54

BELKNAP

St. Cyr, Jeffrey	Tilton, Franklin
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CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Knox, J. David
McConkey, Mark	Patten, Betsey	Umberger, Karen	

CHESHIRE

Dwinell, Richard	Hunt, John	Moore, Robert Jr
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COOS

None

GRAFTON

Ladd, Rick Jr

HILLSBOROUGH

Barry, Richard	Campbell, David	Christensen, D.L. Chris	Doherty, Shaun
Gimas, John	Gonzalez, Carlos	Hinch, Richard	Jasper, Shawn
Kurk, Neal	Messier, Irene	Silva, Peter	Sullivan, Daniel

MERRIMACK

Coffey, Jennifer	Foose, Robert	Giuda, J. Brandon	Keane, Thomas
Lockwood, Priscilla	Sanborn, Laurie	Soltani, Tony	

ROCKINGHAM

Abrami, Patrick	Bettencourt, David	Copeland, Timothy	Garrity, James
Kappler, Lawrence	Katsakiores, Phyllis	Murphy, Brian	Perkins, Amy
Perkins, Lawrence	Quandt, Matt	Rice, Frederick	Sanders, Elisabeth
Sheffert, Kenneth	Smith, William	Waddell, James	Waterhouse, Kevin
Webb, James	Weyler, Kenneth		

STRAFFORD

Sprague, Dale

SULLIVAN

Bowers, Spec	Lovett, Charlene	Rodeschin, Beverly
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NAYS 287

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	Swinford, Elaine	Tobin, William	Worsman, Colette

CARROLL

Fleck, Joseph	McCarthy, Frank	Pettengill, Laurie	Scala, Dino
Tregenza, Norman			

CESHIRE

Butynski, William	Byrnes, John	Carr, Daniel	Cartwright, Anne
Chase, Cynthia	Emerson, Susan	Hawkes, Samuel	Johnson, Jane
Lerandau, Alfred	Lindsey, Steven	Meador, David	Parkhurst, Henry
Roberts, Kris	Sad, Tara	Sterling, Franklin Jr	Tatro, Bruce
Weber, Lucy			

COOS

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

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Bradley, Lester
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Brosseau, Charles
Harding, Laurie
Pastor, Beatriz
Smith, Suzanne
Townsend, Charles

Cooney, Mary
Ingbretson, Paul
Pierce, David
Sorg, Gregory
White, Andrew

Gionet, Edmond
Mirski, Paul
Reilly, Harold Sr
Sova, Charles

Gould, Franklin
Nordgren, Sharon
Simard, Paul
Taylor, Kathleen

HILLSBOROUGH

Avard, Kevin
Barry, J. Gail
Bergevin, Jerry
Burt, John
Coffey, James
Cusson-Cail,
Kathleen
DeJong, Cameron
Fredette, Robert
Garritty, Patrick
Greazzo, Phil
Hawkins, Kenneth
Hutchinson, Winfred
LeBrun, Donald
McCarthy, Michael
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Porter, Marjorie
Rhodes, Brian
Rowe, Robert
Soucy, Connie
Swank, Matthew
Vaillancourt, Steve
Willette, Robert

Balboni, Michael
Beattie, Thomas
Boehm, Ralph
Buxton, Michael
Condra, William
Daler, Jennifer
Donovan, Daniel
Gagne, Larry
Gidge, Kenneth
Haefner, Robert
Hikel, John
Infantine, William
Leishman, Peter
McClarren, Donald
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Pratt, Calvin
Robbins, David
Seidel, Carl
Stepanek, Stephen
Terrio, Ross
Villeneuve, Moe

Ball, J. Michael
Belanger, James
Brown, Kevin
Cebrowski, John
Cote, David
Daniels, Gary
Erickson, Duane
Gandia, Laura
Goley, Jeffrey
Hansen, Peter
Hogan, Edith
Krasucki, Joseph
Levasseur, Nickolas
McGuinness, Sean
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Proulx, Mark
Rokas, Ted
Shaw, Barbara
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

Baroody, Benjamin
Belvin, William
Brownrigg, Randall Jr
Christiansen, Lars
Coughlin, Sean
Day, Russell
Flanagan, Jack
Gargas, Carolyn
Gorman, Mary
Hardwick, Harry
Holden, Frank
Lambert, George
Maltz, Jonathan
Mecheski, Holly
Ober, Russell III
Parison, James
Pilotte, Maurice
Renzullo, Andrew
Rosenwald, Cindy
Simmons, Tammy
Sullivan, Peter
Ulery, Jordan
Whitehead, Randall

MERRIMACK

Bouchard, Candace
Frazer, June
Hill, Gregory
Lauer-Rago, Kathleen
Owen, Derek
Rice, Chip
Smith, Molly
Winter, Steven

Cohn, Seth
Gile, Mary
Hoell, J.R.
MacKay, James
Palfrey, David
Richardson, Gary
Smith, Todd

Deloge, Helen
Hamm, Christine
Kidder, David
McGuire, Carol
Patten, Dick
Seaworth, G. Brian
Wallner, Mary Jane

DeStefano, Stephen
Hess, David
Kotowski, Frank
McGuire, Dan
Potter, Frances
Shurtleff, Stephen
Watrous, Rick

ROCKINGHAM

Allen, Mary
Bates, David
Cali-Pitts, Jacqueline
Davenport, Joshua
Dowling, Patricia
Griffin, Mary
Itse, Daniel
Lundgren, David
McKinney, Betsy
Norelli, Terie

Antosz, Jason
Belanger, Ronald
Charron, Gene
DeSimone, Debra
Duarte, Joe
Hagan, Joseph
Janvrin, Kevin
Major, Norman
McMahon, Charles
O'Connor, John

Azarian, Gary
Birdsell, Regina
Chirichiello, Brian
Devine, James
Fesh, Robert
Headd, James
Kolodziej, Walter
Manuse, Andrew
Moody, Marcia
Okerman, Richard

Baldasaro, Alfred
Brown, Paul
Comerford, Timothy
DiPentima, Rich
Garcia, Marilinda
Hoelzel, Kathleen
Lovejoy, Patricia
Mauro, Donna
Nevins, Chris
Peckham, Michele

Quandt, Marshall
Ritter, Glenn
Sedensky, John
Sytek, John
Ward, Joanne

Read, Robin Jr
Sapareto, Frank
Shuler, Wyman III
Tamburello, Daniel
Welch, David

Reagan, John
Schlachman, Donna
Sullivan, James
Tremblay, Stella

Reichard, Kevin
Schroadter, Adam
Sullivan, Kevin
Tucker, Pamela

STRAFFORD

Berube, Roger
DeLemus, Susan
Horrigan, Timothy
Keans, Sandra
Parsons, Robbie
Schmidt, Peter
Vita, Lucien

Brown, Julie
Ginsburg, Philip
Jones, Kyle
Leonard, Frederick Jr
Perry, Robert
Spainhower, Dale
Wall, Janet

Browne, Brendon
Grassie, Anne
Jones, Laura
Munck, Philip
Pitre, Joseph
Spang, Judith
Watters, David

Cataldo, Sam
Groen, Warren
Kaen, Naida
Newton, Clifford
Roberts, Jenna
Vita, Carol

SULLIVAN

Cloutier, John
LaCasse, Paul Sr
Schmidt, Andrew

Cunningham, Steven
Laware, Thomas
Smith, Steven

Gagnon, Raymond
Lefebvre, Benjamin

Howard, Thomas
Osgood, Joe

and the motion failed.

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

Reps. Mirski and Bettencourt spoke in favor.

Rep. Jasper requested a roll call; sufficiently seconded.

YEAS 295 NAYS 48

YEAS 295

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
Pettengill, Laurie

Babson, David Jr
McCarthy, Frank
Scala, Dino

Chandler, Gene
McConkey, Mark
Tregenza, Norman

Fleck, Joseph
Patten, Betsey
Umberger, Karen

CHESHIRE

Butynski, William
Chase, Cynthia
Hunt, John
Moore, Robert Jr

Byrnes, John
Dwinell, Richard
Johnson, Jane
Smith, Edwin

Carr, Daniel
Emerson, Susan
Lerandau, Alfred
Sterling, Franklin Jr

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

COOS

Coulombe, Gary
Richardson, Herbert

Daugherty, Duffy
Tholl, John Jr

Merrick, Evalyn
Thomas, Yvonne

Rappaport, Laurence

GRAFTON

Bradley, Lester

Brosseau, Charles

Gionet, Edmond

Ingbretson, Paul

Ladd, Rick Jr
Simard, Paul
White, Andrew

Mirski, Paul
Smith, Suzanne

Pierce, David
Sorg, Gregory

Reilly, Harold Sr
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Barry, J. Gail
Belvin, William
Brownrigg, Randall Jr
Christensen, D.L.
Chris
Cote, David
Daniels, Gary
Donovan, Daniel
Gagne, Larry
Goley, Jeffrey
Hansen, Peter
Hinch, Richard
Infantine, William
Lambert, George
McCarthy, Michael
Messier, Irene
Ober, Russell III
Parison, James
Pratt, Calvin
Rokas, Ted
Shaw, Barbara
Stepanek, Stephen
Swank, Matthew
Villeneuve, Moe

Balboni, Michael
Barry, Richard
Bergevin, Jerry
Burt, John
Christiansen, Lars
Coughlin, Sean
Day, Russell
Erickson, Duane
Gandia, Laura
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Rosenwald, Cindy
Silva, Peter
Stroud, Kathleen
Terrio, Ross
Warden, Mark

Ball, J. Michael
Beattie, Thomas
Boehm, Ralph
Buxton, Michael
Coffey, James
Cusson-Cail, Kathleen
DeJong, Cameron
Flanagan, Jack
Gargasz, Carolyn
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Krasucki, Joseph
Leishman, Peter
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Renzullo, Andrew
Rowe, Robert
Simmons, Tammy
Sullivan, Daniel
Twombly, Timothy
Whitehead, Randall

Baroody, Benjamin
Belanger, James
Brown, Kevin
Cebrowski, John
Condra, William
Daler, Jennifer
Doherty, Shaun
Fredette, Robert
Gimas, John
Haefner, Robert
Hikel, John
Hutchinson, Winfred
Kurk, Neal
Maltz, Jonathan
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Robbins, David
Seidel, Carl
Soucy, Connie
Sullivan, Peter
Ulery, Jordan
Willette, Robert

MERRIMACK

Coffey, Jennifer
Frazer, June
Hill, Gregory
Kreis, Kenneth Sr
McGuire, Carol
Rice, Chip
Smith, Molly
Winter, Steven

Cohn, Seth
Gile, Mary
Keane, Thomas
Lauer-Rago, Kathleen
McGuire, Dan
Richardson, Gary
Smith, Todd

DeStefano, Stephen
Giuda, J. Brandon
Kidder, David
Lockwood, Priscilla
Palfrey, David
Sanborn, Laurie
Soltani, Tony

Foose, Robert
Hess, David
Kotowski, Frank
MacKay, James
Potter, Frances
Seaworth, G. Brian
Watrous, Rick

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Chirichiello, Brian
DeSimone, Debra
Duarte, Joe
Griffin, Mary
Itse, Daniel
Kolodziej, Walter
Manuse, Andrew
Moody, Marcia
O'Connor, John

Allen, Mary
Bates, David
Brown, Paul
Comerford, Timothy
Devine, James
Fesh, Robert
Hagan, Joseph
Janvrin, Kevin
Lovejoy, Patricia
Mauro, Donna
Murphy, Brian
Okerman, Richard

Antosz, Jason
Belanger, Ronald
Cali-Pitts, Jacqueline
Copeland, Timothy
DiPentima, Rich
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Lundgren, David
McKinney, Betsy
Nevins, Chris
Peckham, Michele

Azarian, Gary
Bettencourt, David
Charron, Gene
Davenport, Joshua
Dowling, Patricia
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Major, Norman
McMahon, Charles
Norelli, Terie
Perkins, Amy

Perkins, Lawrence
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Sullivan, Kevin
Tucker, Pamela
Webb, James

Quandt, Marshall
Reichard, Kevin
Schlachman, Donna
Shuler, Wyman III
Sytek, John
Waddell, James
Welch, David

Quandt, Matt
Rice, Frederick
Schroadter, Adam
Smith, William
Tamburello, Daniel
Ward, Joanne
Weyler, Kenneth

Read, Robin Jr
Ritter, Glenn
Sedensky, John
Sullivan, James
Tremblay, Stella
Waterhouse, Kevin

STRAFFORD

Berube, Roger
DeLemus, Susan
Jones, Laura
Parsons, Robbie
Vita, Carol

Brown, Julie
Ginsburg, Philip
Leonard, Frederick Jr
Pitre, Joseph
Vita, Lucien

Browne, Brendon
Groen, Warren
Munck, Philip
Roberts, Jenna

Cataldo, Sam
Jones, Kyle
Newton, Clifford
Spainhower, Dale

SULLIVAN

Bowers, Spec
Laware, Thomas
Rodeschin, Beverly

Cunningham, Steven
Lefebvre, Benjamin
Schmidt, Andrew

Howard, Thomas
Lovett, Charlene
Smith, Steven

LaCasse, Paul Sr
Osgood, Joe

NAYS 48

BELKNAP

None

CARROLL

None

CHESHIRE

Meader, David
Weber, Lucy

Parkhurst, Henry

Roberts, Kris

Sad, Tara

COOS

Hatch, William

Remick, William

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Taylor, Kathleen

Almy, Susan
Harding, Laurie
Townsend, Charles

Benn, Bernard
Nordgren, Sharon

Cooney, Mary
Pastor, Beatriz

HILLSBOROUGH

Campbell, David
Levasseur, Nickolas
Vaillancourt, Steve

Garrity, Patrick
Pilotte, Maurice

Gidge, Kenneth
Porter, Marjorie

Gorman, Mary
Rhodes, Brian

MERRIMACK

Bouchard, Candace
Owen, Derek

Deloge, Helen
Patten, Dick

Hamm, Christine
Shurtleff, Stephen

Hoell, J.R.
Wallner, Mary Jane

ROCKINGHAM

Sapareto, Frank

STRAFFORD

Grassie, Anne
Perry, Robert
Wall, Janet

Horrigan, Timothy
Schmidt, Peter
Watters, David

Kaen, Naida
Spang, Judith

Keans, Sandra
Sprague, Dale

SULLIVAN

Cloutier, John
and the motion was adopted.

Gagnon, Raymond

The Speaker appointed Reps. Lynne Ober, Hess, Balboni and Renzullo.

MOTION TO PRINT REMARKS

Rep. Jasper moved that the remarks made by Rep. Bettencourt during the debate on **CACR 12**, relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education, be printed in the Permanent Journal. On a division vote, 168 members having voted in the affirmative and 175 in the negative, the motion failed.

The House recessed at 11:55 a.m.

RECESS

The House reconvened at 1:35 p.m.

(Speaker O'Brien in the Chair)

SPECIAL ORDERED

Without objection, the Speaker made **HB 1659-FN**, relative to the women's right to know act regarding abortion information, a Special Order as the next order of business.

SPECIAL ORDER

HB 1659-FN, relative to the women's right to know act regarding abortion information.

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

Rep. Kathleen F. Souza for the Majority of Judiciary: This bill will put New Hampshire in line with 31 states that have women's right to know laws. In 1992, the United States Supreme Court ruled that women have a right to all the information necessary to make informed choices regarding abortion. It found that informed consent laws reduce "the risk that a woman may elect an abortion, only to discover later, with devastating psychological consequences, that her decision was not fully informed." In 2007 the Court reaffirmed the state's "interest in ensuring so grave a choice is well-informed." This bill provides that ensuring so grave a choice is well-informed." This bill provides that New Hampshire women have access to all the information needed to make a truly informed decision. They deserve no less. Vote 13-4.

Rep. Rick H. Watrous for the Minority of Judiciary: This bill redefines the concept of informed consent in the context of one legal medical procedure. It is misleadingly titled; New Hampshire's right to know law, RSA 91-A, pertains to government transparency. This bill is model legislation from an organization that considers abortion to be murder. The Women's Right To Know Act is one of several pieces of model legislation that it distributes in its goal to ultimately outlaw the legal act of abortion. This is propaganda, posing as objective information. This lengthy bill is full of inaccurate information that is to be written into our law and be given to patients—disputed science that has no place in our RSAs or forced upon

our citizens. The bill requires doctors to give medically unfounded information to patients who may not wish to see or hear it—a violation of patients’ and physicians’ rights. The costs detailed by the four page fiscal note—including the costs of new personnel and equipment—start at over \$107,000 per year. This does not include the cost of the required printed material and the production and streaming of the required video, or the anticipated judicial branch costs. The minority believes that this bill would needlessly increase state expenditures, micromanage physicians’ practices and significantly burden a woman’s ability to make her own decisions based on the best available medical advice.

Majority Amendment (0089h)

Amend RSA 132-B:4 and RSA 132-B:5 as inserted by section 1 of the bill by replacing them with the following:

132-B:4 Informed Consent Requirement. No abortion shall be performed or induced without the voluntary and informed consent of the woman upon whom the abortion is to be performed or induced. Except in the case of a medical emergency, consent to an abortion is voluntary and informed if and only if:

I. At least 24 hours before the abortion, the physician who is to perform the abortion or the referring physician has informed the woman, orally and in person, of the following:

(a) The name of the physician who will perform the abortion;

(b) Medically-accurate information that a reasonable patient would consider material to the decision of whether or not to undergo the abortion, including (1) a description of the proposed abortion method; (2) the immediate and long-term medical risks associated with the proposed abortion method including, but not limited to, the risks of infection, hemorrhage, cervical or uterine perforation, danger to subsequent pregnancies, and increased risk of breast cancer; and (3) alternatives to the abortion;

(c) The probable gestational age of the unborn child at the time the abortion is to be performed;

(d) The probable anatomical and physiological characteristics of the unborn child at the time the abortion is to be performed;

(e) The medical risks associated with carrying her child to term; and

(f) Any need for anti-Rh immune globulin therapy if she is Rh negative, the likely consequences of refusing such therapy, and the cost of the therapy.

II. At least 24 hours before the abortion, the physician who is to perform the abortion, the referring physician, or a qualified person has informed the woman, orally and in person, that:

(a) Medical assistance benefits may be available for prenatal care, childbirth, and neonatal care, and that more detailed information on the availability of such assistance is contained in the printed materials given to her and the streaming video as described in RSA 132-B:5.

(b) The printed materials and streaming video in RSA 132-B:5 describe the unborn child and list agencies that offer alternatives to abortion.

(c) The father of the unborn child is liable to assist in the support of this child, even in instances where he has offered to pay for the abortion. In the case of rape or incest, this information may be omitted.

(d) She is free to withhold or withdraw her consent to the abortion at any time without affecting her right to future care or treatment and without the loss of any state or federally-funded benefits to which she might otherwise be entitled.

(e) The information contained in the printed materials given to her under RSA 132-B:5 and the streaming video are available on a state-maintained website.

III. The information required in paragraphs I and II is provided to the woman individually and in a private room to protect her privacy, to maintain the confidentiality of her decision, and to ensure that the information focuses on her individual circumstances and that she has an adequate opportunity to ask questions.

IV. At least 24 hours before the abortion, the woman is given a copy of the printed materials and permitted to view the streaming video described in RSA 132-B:5. If the woman is unable to read the materials, they shall be read to her. If the woman asks questions concerning any of the information or materials, answers shall be provided to her in a language she can understand.

V. Prior to the abortion, the woman certifies in writing on a checklist form provided or approved by the department that the information required to be provided under RSA 132-B:5 has been provided. All physicians who perform abortions shall report the total number of certifications received monthly to the department. The department shall make the number of certifications received available to the public on an annual basis.

VI. Except in the case of a medical emergency, the physician who is to perform the abortion shall receive and sign a copy of the written certification prescribed in paragraph V of this section prior to performing the abortion. The physician shall retain a copy of the checklist certification form in the woman's medical record.

VII. In the event of a medical emergency requiring an immediate termination of pregnancy, the physician who performed the abortion shall clearly certify in writing the nature of the medical emergency and the circumstances which necessitated the waiving of the informed consent requirements of this chapter. This certification shall be signed by the physician who performed the emergency abortion, and shall be permanently filed in both the records of the physician performing the abortion and the records of the facility where the abortion takes place.

VIII. A physician shall not require or obtain payment for a service provided in relation to abortion to a patient who has inquired about an abortion or scheduled an abortion until the expiration of the 24-hour reflection period required in this section.

132-B:5 Publication of Materials.

I. The department shall cause to be published printed materials and provide the streaming video on the website in English and Spanish and other appropriate language within 90 days after this chapter becomes law. The department shall develop and maintain a secure Internet website, which may be part of an existing website, to provide the information described in this section. No information regarding persons using the website shall be collected or maintained. The department shall monitor the website on a weekly basis to prevent and correct tampering.

II. On an annual basis, the department shall review and update, if necessary, the following easily comprehensible printed materials and streaming video:

(a) Geographically indexed materials that inform the woman of public and private agencies and services available to assist a woman through pregnancy, upon childbirth, and while her child is dependent, including but not limited to adoption agencies.

(1) The materials shall include a comprehensive list of the agencies, a description of the services they offer, and the telephone numbers and addresses of the agencies, and shall inform the woman about available medical assistance benefits for prenatal care, childbirth, and neonatal care.

(2) The department shall ensure that the materials described in this section are comprehensive and do not directly or indirectly promote, exclude, or discourage the use of any agency or service described in this section. The materials shall also contain a toll-free, 24-hour-a-day telephone number which may be called to obtain information about the agencies in the locality of the caller and of the services they offer.

(3) The materials shall state that it is unlawful for any individual to coerce a woman to undergo an abortion. The materials shall also state that any physician who performs an abortion upon a woman without her informed consent may be liable to her for damages in a civil action at law and that the law permits adoptive parents to pay costs of prenatal care, childbirth, and neonatal care. The materials shall also include the following statement:

“There are many public and private agencies willing and able to help you to carry your child to term, and to assist you and your child after your child is born, whether you choose to keep your child or to place her or him for adoption. The state of New Hampshire strongly urges you to contact one or more of these agencies before making a final decision about abortion. The law requires that your physician or his or her agent give you the opportunity to call agencies like these before you undergo an abortion.”

(b) Materials that include information on the support obligations of the father of a child who is born alive, including but not limited to the father’s legal duty to support his child, which may include child support payments and health insurance, and the fact that paternity may be established by the father’s signature on a birth certificate, by a statement of paternity, or by court action. The printed material shall also state that more information concerning establishment of paternity and child support services and enforcement may be obtained by calling state or county public assistance agencies.

(c) Materials that inform the pregnant woman of the probable anatomical and physiological characteristics of the unborn child at 2 week gestational increments from fertilization to full term, including color photographs of the developing unborn child at 2 week gestational increments. The descriptions shall include information about brain and heart functions, the presence of external members and internal organs during the applicable stages of development, and any relevant information on the possibility of the unborn child’s survival. If a photograph is not available, a picture must contain the dimensions of the unborn child and must be realistic. The materials shall be objective, nonjudgmental, and designed to convey only accurate scientific information about the unborn child at the various gestational ages.

(d) Materials which contain objective information describing the various surgical and drug induced methods of abortion, as well as the immediate and long-term medical risks commonly associated with each abortion method including, but not limited to, the risks of infection, hemorrhage, cervical or uterine perforation or rupture, danger to subsequent pregnancies, increased risk of breast cancer, the possible adverse psychological effects associated with an abortion, and the medical risks associated with carrying a child to term.

(e) Materials that inform the pregnant woman that there is evidence of a direct link between abortion and breast cancer. It is scientifically undisputed that full-term pregnancy reduces a woman’s lifetime risk of breast cancer. It is also undisputed that the earlier a woman has a first full-term pregnancy, the lower her risk of breast cancer becomes, because following a full-term pregnancy the breast tissue exposed to estrogen through the menstrual cycle is more mature and cancer resistant. In fact, for each year that a woman’s first full-term pregnancy is delayed, her risk of breast cancer rises 3.5 percent. The theory that there is a direct link between abortion and breast cancer builds upon this undisputed foundation. During the first and second trimesters of pregnancy the breasts develop merely by duplicating immature tissues. Once a woman passes the thirty-second week of pregnancy (third trimester), the immature cells develop into mature cancer resistant cells. When an abortion ends a normal pregnancy, the woman is left with more immature breast tissue than she had before she was pregnant. In short, the amount of immature breast tissue is increased and this tissue is exposed to significantly greater amounts of estrogen—a known cause of breast cancer. Women facing an abortion decision have a right to know that such medical data exists. At the very least, women must be informed that it is undisputed that pregnancy provides a protective effect against the later development of breast cancer.

(f) A uniform resource locator (URL) for the state-maintained website where the materials described in this section and the streaming video can be found.

(g) A checklist certification form to be used by the physician or a qualified person under RSA 132-B:4, V, which will list all the items of information which are to be given to the woman by a physician or the agent under this chapter.

(h) The department shall produce a streaming video on the Internet website that may be used statewide, presenting the information described in this section. In preparing

the video, the department may summarize and make reference to the printed comprehensive list of geographically indexed names and services described in subparagraph II(a). The video shall, in addition to the information described in this section, show an ultrasound of the heartbeat of an unborn child at 4 to 5 weeks gestational age, at 6 to 8 weeks gestational age, and each month thereafter, until viability. That information shall be presented in an objective, unbiased manner designed to convey only accurate scientific information.

(i) The materials required under this section and the video described in subparagraph (h) shall be available for viewing on the Internet website required by this section.

On a division vote, 185 members having voted in the affirmative and 116 in the negative, the majority committee amendment was adopted.

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

Reps. Watrous and Bouchard spoke against.

Rep. Peterson spoke in favor.

Rep. Soltani requested a roll call; sufficiently seconded.

YEAS 189 NAYS 151

YEAS 189

BELKNAP

Accornero, Harry
Kingsbury, Robert
Simpson, Tyler

Comtois, Guy
Luther, Robert
Tilton, Franklin

Fields, Dennis
Malone, Robert
Tobin, William

Greemore, Robert
Russell, David
Worsman, Colette

CARROLL

Ahlgren, Christopher
Scala, Dino

Fleck, Joseph
Tregenza, Norman

McCarthy, Frank

Pettengill, Laurie

CHESHIRE

Byrnes, John

Cartwright, Anne

Moore, Robert Jr

COOS

Daugherty, Duffy

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Mirski, Paul

Brosseau, Charles
Reilly, Harold Sr

Gionet, Edmond
Sorg, Gregory

Ingbretson, Paul
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Belanger, James
Brownrigg, Randall Jr
Christiansen, Lars
Doherty, Shaun
Gonzalez, Carlos
Hardwick, Harry
Hopper, Gary
Lambert, George
McClarren, Donald

Balboni, Michael
Bergevin, Jerry
Burt, John
Coffey, James
Donovan, Daniel
Greazzo, Phil
Hawkins, Kenneth
Hutchinson, Winfred
LeBrun, Donald
McGuinness, Sean

Ball, J. Michael
Boehm, Ralph
Buxton, Michael
Daniels, Gary
Gagne, Larry
Haefner, Robert
Hinch, Richard
Infantine, William
Maltz, Jonathan
Mecheski, Holly

Beattie, Thomas
Brown, Kevin
Cebrowski, John
DeJong, Cameron
Gandia, Laura
Hansen, Peter
Hogan, Edith
Krasucki, Joseph
McCarthy, Michael
Murphy, Keith

Notter, Jeanine
Parison, James
Pratt, Calvin
Seidel, Carl
Stepanek, Stephen
Ulery, Jordan
Willette, Robert

Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Silva, Peter
Stroud, Kathleen
Vaillancourt, Steve

Palmer, Barry
Pepino, Leo
Renzullo, Andrew
Simmons, Tammy
Swank, Matthew
Villeneuve, Moe

Palmer, Stephen
Peterson, Lenette
Rowe, Robert
Soucy, Connie
Twombly, Timothy
Whitehead, Randall

MERRIMACK

Cohn, Seth
Hoell, J.R.
McGuire, Carol
Smith, Molly

DeStefano, Stephen
Kotowski, Frank
McGuire, Dan
Smith, Todd

Giuda, J. Brandon
Kreis, Kenneth Sr
Palfrey, David
Soltani, Tony

Hill, Gregory
Lauer-Rago, Kathleen
Richardson, Jon

ROCKINGHAM

Abrami, Patrick
Bates, David
Chirichiello, Brian
Dowling, Patricia
Garritty, James
Itse, Daniel
Kolodziej, Walter
McMahon, Charles
Okerman, Richard
Quandt, Marshall
Sanders, Elisabeth
Sheffert, Kenneth
Sullivan, Kevin
Ward, Joanne
Weyler, Kenneth

Antosz, Jason
Belanger, Ronald
Comerford, Timothy
Duarte, Joe
Griffin, Mary
Janvrin, Kevin
Lundgren, David
Murphy, Brian
Peckham, Michele
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Tamburello, Daniel
Waterhouse, Kevin

Azarian, Gary
Bettencourt, David
Davenport, Joshua
Fesh, Robert
Headd, James
Kappler, Lawrence
Major, Norman
Nevins, Chris
Perkins, Amy
Rice, Frederick
Schroadter, Adam
Smith, William
Tremblay, Stella
Webb, James

Baldasaro, Alfred
Birdsell, Regina
DeSimone, Debra
Garcia, Marilinda
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
O'Connor, John
Perkins, Lawrence
Ritter, Glenn
Sedensky, John
Sullivan, James
Tucker, Pamela
Welch, David

STRAFFORD

Berube, Roger
Jones, Kyle
Newton, Clifford
Vita, Lucien

Cataldo, Sam
Jones, Laura
Parsons, Robbie

DeLemus, Susan
Leonard, Frederick Jr
Pitre, Joseph

Groen, Warren
Munck, Philip
Vita, Carol

SULLIVAN

Bowers, Spec
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly
LaCasse, Paul Sr
Smith, Steven

Laware, Thomas

NAYS 151

BELKNAP

Flanders, Donald
Swinford, Elaine

Millham, Alida

Pilliod, James

St. Cyr, Jeffrey

CARROLL

Babson, David Jr
Patten, Betsey

Chandler, Gene
Umberger, Karen

Knox, J. David

McConkey, Mark

CHESHIRE

Butynski, William
Emerson, Susan
Lerandeau, Alfred
Roberts, Kris
Tatro, Bruce

Carr, Daniel
Hawkes, Samuel
Lindsey, Steven
Sad, Tara
Weber, Lucy

Chase, Cynthia
Hunt, John
Meader, David
Smith, Edwin

Dwinell, Richard
Johnson, Jane
Parkhurst, Henry
Sterling, Franklin Jr

COOS

Coulombe, Gary
Remick, William

Hatch, William
Theberge, Robert

Merrick, Evalyn
Thomas, Yvonne

Rappaport, Laurence

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

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

Barry, Richard
Condra, William

Belvin, William
Cote, David

Campbell, David
Coughlin, Sean

Cusson-Cail, Kathleen
Flanagan, Jack
Gimas, John
Hikel, John
Leishman, Peter
Ober, Lynne
Rhodes, Brian
Shaw, Barbara

Daler, Jennifer
Fredette, Robert
Goley, Jeffrey
Holden, Frank
Levasseur, Nickolas
Ober, Russell III
Robbins, David
Sullivan, Daniel

Day, Russell
Garrity, Patrick
Gorman, Mary
Jasper, Shawn
Messier, Irene
Pilotte, Maurice
Rokas, Ted
Sullivan, Peter

Erickson, Duane
Gidge, Kenneth
Graham, John
Kurk, Neal
Moran, Edward
Porter, Marjorie
Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
Frazer, June
Kidder, David
Patten, Dick
Seaworth, G. Brian
Winter, Steven

Coffey, Jennifer
Gile, Mary
Lockwood, Priscilla
Potter, Frances
Shurtleff, Stephen

Deloge, Helen
Hamm, Christine
MacKay, James
Rice, Chip
Wallner, Mary Jane

Foose, Robert
Hess, David
Owen, Derek
Richardson, Gary
Watrous, Rick

ROCKINGHAM

Allen, Mary
Copeland, Timothy
Lovejoy, Patricia
Norelli, Terie
Schlachman, Donna

Brown, Paul
Devine, James
Mauro, Donna
Quandt, Matt
Sytek, John

Cali-Pitts, Jacqueline
DiPentima, Rich
McKinney, Betsy
Read, Robin Jr
Waddell, James

Charron, Gene
Hagan, Joseph
Moody, Marcia
Reagan, John

STRAFFORD

Brown, Julie
Grassie, Anne
Pelletier, Marsha
Spainhower, Dale
Watters, David

Browne, Brendon
Horrigan, Timothy
Perry, Robert
Spang, Judith

Domingo, Baldwin
Kaen, Naida
Roberts, Jenna
Sprague, Dale

Ginsburg, Philip
Keans, Sandra
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John Cunningham, Steven Gagnon, Raymond Lovett, Charlene
Schmidt, Andrew
and the majority committee report was adopted and ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Vaillancourt moved that the House reconsider its action whereby, on March 8, 2012 and on a voice vote, it adopted the motion of Inexpedient to Legislate on **HB 1654-FN**, relative to earned time credits for inmates participating in rehabilitative programming.

Reps. Vaillancourt and Lambert spoke in favor.

Reps. Tholl and Kreis spoke against.

Rep. Hess requested a roll call; sufficiently seconded.

YEAS 155 NAYS 187

YEAS 155

BELKNAP

Bolster, Peter Kingsbury, Robert Millham, Alida Worsman, Colette

CARROLL

Babson, David Jr McCarthy, Frank Tregenza, Norman

CHESHIRE

Butynski, William Carr, Daniel Cartwright, Anne Chase, Cynthia
Emerson, Susan Hawkes, Samuel Lindsey, Steven Meader, David
Parkhurst, Henry Roberts, Kris Sad, Tara Sterling, Franklin Jr
Weber, Lucy

COOS

Coulombe, Gary Hatch, William Merrick, Evalyn

GRAFTON

Almy, Susan Benn, Bernard Cooney, Mary Gould, Franklin
Harding, Laurie Ingbreton, Paul Ladd, Rick Jr Mirski, Paul
Nordgren, Sharon Pastor, Beatriz Pierce, David Simard, Paul
Smith, Suzanne Townsend, Charles White, Andrew

HILLSBOROUGH

Avard, Kevin Balboni, Michael Baroody, Benjamin Bergevin, Jerry
Boehm, Ralph Burt, John Campbell, David Christensen, D.L.
Christiansen, Lars Daler, Jennifer DeJong, Cameron Chris
Garritty, Patrick Gimas, John Goley, Jeffrey Fredette, Robert
Holden, Frank Infantine, William Krasucki, Joseph Gorman, Mary
Lambert, George Leishman, Peter Levasseur, Nickolas Kurk, Neal
McCarthy, Michael Moran, Edward Murphy, Keith Maltz, Jonathan
Parison, James Pilotte, Maurice Porter, Marjorie Ober, Russell III
Rhodes, Brian Rokas, Ted Seidel, Carl Pratt, Calvin
Stroud, Kathleen Sullivan, Daniel Sullivan, Peter Shaw, Barbara
Ulery, Jordan

Vaillancourt, Steve

Villeneuve, Moe

Willette, Robert

MERRIMACK

Cohn, Seth
Gile, Mary
Lockwood, Priscilla
Owen, Derek
Richardson, Gary
Wallner, Mary Jane

Deloge, Helen
Hamm, Christine
MacKay, James
Patten, Dick
Seaworth, G. Brian
Watrous, Rick

Foose, Robert
Hoell, J.R.
McGuire, Carol
Potter, Frances
Shurtleff, Stephen
Winter, Steven

Frazer, June
Kidder, David
McGuire, Dan
Rice, Chip
Soltani, Tony

ROCKINGHAM

Antosz, Jason
Brown, Paul
DiPentima, Rich
Manuse, Andrew
Peckham, Michele
Schlachman, Donna
Tremblay, Stella

Belanger, Ronald
Charron, Gene
Dowling, Patricia
Moody, Marcia
Perkins, Lawrence
Schroadter, Adam
Welch, David

Bettencourt, David
Comerford, Timothy
Itse, Daniel
Nevins, Chris
Read, Robin Jr
Shuler, Wyman III

Birdsell, Regina
Davenport, Joshua
Lovejoy, Patricia
Norelli, Terie
Sapareto, Frank
Smith, William

STRAFFORD

Berube, Roger
Ginsburg, Philip
Jones, Laura
Roberts, Jenna
Watters, David

Browne, Brendon
Grassie, Anne
Keans, Sandra
Schmidt, Peter

DeLemus, Susan
Horriggan, Timothy
Pelletier, Marsha
Spang, Judith

Domingo, Baldwin
Jones, Kyle
Perry, Robert
Wall, Janet

SULLIVAN

Bowers, Spec
Laware, Thomas

Cloutier, John
Lefebvre, Benjamin

Gagnon, Raymond
Lovett, Charlene

LaCasse, Paul Sr
Schmidt, Andrew

NAYS 187

BELKNAP

Accornero, Harry
Greemore, Robert
Russell, David
Tilton, Franklin

Comtois, Guy
Luther, Robert
Simpson, Tyler
Tobin, William

Fields, Dennis
Malone, Robert
St. Cyr, Jeffrey

Flanders, Donald
Pilliod, James
Swinford, Elaine

CARROLL

Ahlgren, Christopher
McConkey, Mark
Umberger, Karen

Chandler, Gene
Patten, Betsey

Fleck, Joseph
Pettengill, Laurie

Knox, J. David
Scala, Dino

CHESHIRE

Byrnes, John
Lerandeau, Alfred

Dwinell, Richard
Moore, Robert Jr

Hunt, John
Smith, Edwin

Johnson, Jane
Tatro, Bruce

COOS

Daugherty, Duffy
Theberge, Robert

Rappaport, Laurence
Tholl, John Jr

Remick, William
Thomas, Yvonne

Richardson, Herbert

GRAFTON

Bradley, Lester
Sorg, Gregory

Brosseau, Charles
Sova, Charles

Gionet, Edmond
Taylor, Kathleen

Reilly, Harold Sr

HILLSBOROUGH

Ball, J. Michael
Belanger, James
Buxton, Michael
Cote, David
Day, Russell
Flanagan, Jack
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Jasper, Shawn
Mecheski, Holly
Ohm, Bill
Pepino, Leo
Robbins, David
Simmons, Tammy
Twombly, Timothy

Barry, J. Gail
Belvin, William
Cebrowski, John
Coughlin, Sean
Doherty, Shaun
Gagne, Larry
Graham, John
Hardwick, Harry
Hogan, Edith
LeBrun, Donald
Messier, Irene
Palmer, Barry
Peterson, Lenette
Rosenwald, Cindy
Soucy, Connie
Whitehead, Randall

Barry, Richard
Brown, Kevin
Coffey, James
Cusson-Cail, Kathleen
Donovan, Daniel
Gandia, Laura
Greazzo, Phil
Hawkins, Kenneth
Hopper, Gary
McClarren, Donald
Notter, Jeanine
Palmer, Stephen
Proulx, Mark
Rowe, Robert
Stepanek, Stephen

Beattie, Thomas
Brownrigg, Randall Jr
Condra, William
Daniels, Gary
Erickson, Duane
Gidge, Kenneth
Haefner, Robert
Hikel, John
Hutchinson, Winfred
McGuinness, Sean
Ober, Lynne
Pellegrino, Tony
Renzullo, Andrew
Silva, Peter
Swank, Matthew

MERRIMACK

Bouchard, Candace
Hess, David
Lauer-Rago, Kathleen
Smith, Todd

Coffey, Jennifer
Hill, Gregory
Palfrey, David

DeStefano, Stephen
Kotowski, Frank
Richardson, Jon

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

ROCKINGHAM

Abrami, Patrick
Bates, David
Devine, James
Garritty, James
Hoelzel, Kathleen
Kolodziej, Walter
McKinney, Betsy
Okerman, Richard
Reagan, John
Sanders, Elisabeth
Sullivan, Kevin
Waddell, James
Weyler, Kenneth

Allen, Mary
Chirichiello, Brian
Duarte, Joe
Griffin, Mary
Janvrin, Kevin
Lundgren, David
McMahon, Charles
Perkins, Amy
Reichard, Kevin
Sedensky, John
Sytek, John
Ward, Joanne

Azarian, Gary
Copeland, Timothy
Fesh, Robert
Hagan, Joseph
Kappler, Lawrence
Major, Norman
Murphy, Brian
Quandt, Marshall
Rice, Frederick
Sheffert, Kenneth
Tamburello, Daniel
Waterhouse, Kevin

Baldasaro, Alfred
DeSimone, Debra
Garcia, Marilinda
Headd, James
Katsakiores, Phyllis
Mauro, Donna
O'Connor, John
Quandt, Matt
Ritter, Glenn
Sullivan, James
Tucker, Pamela
Webb, James

STRAFFORD

Brown, Julie
Leonard, Frederick Jr
Pitre, Joseph
Vita, Lucien

Cataldo, Sam
Munck, Philip
Spainhower, Dale

Groen, Warren
Newton, Clifford
Sprague, Dale

Kaen, Naida
Parsons, Robbie
Vita, Carol

SULLIVAN

Cunningham, Steven
Smith, Steven

Howard, Thomas

Osgood, Joe

Rodeschin, Beverly

and the motion failed.
Rep. Tamburello voted Nay and intended to vote Yea.

REGULAR CALENDAR
CONTINUATION FROM MARCH 8, 2012 (CONT'D)

HB 1300, relative to removing public officials for cause. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. J. Brandon Giuda for the Majority of Judiciary: Currently, the attorney general, the governor, any member of the executive council and the appointing authority may petition the governor and council for the discharge or removal of non-classified state officials for malfeasance, misfeasance, inefficiency in office, incapacity, or unfitness to perform assigned duties. This bill simply helps make government more accountable to the citizens by adding "a standing committee of the house of representatives or senate" to the list of who can petition for discharge or removal, and also adding "failure to perform assigned duties" as a reason such an official can be discharged or removed. New Hampshire's citizen legislature is the conduit for citizens to voice their concerns. As the voice of the citizens and as the lawmaking body in New Hampshire, it is only fitting that committees dealing with these issues be able to petition the governor and executive council in such cases. Vote 13-4.

Rep. Lucy M. Weber for the Minority of Judiciary: The minority fully agrees that public officials not doing their job should be removed from office. The concern the minority has is with allowing the majority of any standing committee of the House or of the Senate to be able to petition the governor and council for the removal of non-classified officials. The House currently has 26 standing committee; 29 if you count the three separate divisions of Finance. Nine or ten members count as a majority of most committees. In the Senate, as few as three members make up the majority of a committee. The bill does not require that the petition comes from a committee with actual knowledge of the duties of the particular official or the workings of that official's department. Members of the minority believe that too much latitude is being given and that the petition process, as drafted, has the potential to be used to unduly harass or interfere with a particular official.

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

Reps. Horrigan and Weber spoke against.

Rep. Brian Murphy spoke in favor.

On a division vote, 197 members having voted in the affirmative and 96 in the negative, the majority committee report was adopted and ordered to third reading.

HB 1308, relative to the definition of "public body" under the right-to-know law.

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

Rep. Joseph M. Hagan for the Majority of Judiciary: Any nonprofit corporation created through the action of and primarily funded by any agency, authority, department or office of the state or of any county, town, municipality, school district, SAU or other political subdivision is a public body and, therefore subject to right-to-know. Public funding demands public scrutiny. Vote 10-3.

Rep. Lucy M. Weber for the Minority of Judiciary: The minority agrees that certain quasi-governmental bodies set up as nonprofit corporations should probably fall under the provisions of RSA 91-A. Generally, though, nonprofits are not government, and should not have to comply with a law meant exclusively for government. The concern here is that the bill, as drafted, is both too broad and too narrow. Prior to the early 1900s, the only way a non-profit could be established was through an act of the legislature. Therefore, all of the most venerable of our nonprofits were established through government action. Examples of institutions that would have to comply with the right-to-know law include private academies designated as receiving schools, such as Pinkerton Academy and Coe-Brown Academy. The bill, as drafted, will result in different treatment for the older nonprofits than those

established later and without any governmental action. Moreover, if the intent of the bill is to track the expenditure of public funds, why are for-profit entities primarily funded through tax dollars not included? For-profit entities are currently subject to far less scrutiny than are the nonprofits, which must report annually extensively and openly to the charitable trust Division of the attorney general's office.

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

Reps. Hagan and Watrous spoke in favor.

Rep. Weber spoke against.

On a division vote, 254 members having voted in the affirmative and 69 in the negative, the majority committee report was adopted and ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Notter moved that the House reconsider its action whereby, on a roll call vote of 189-151, it adopted the majority committee report of Ought to Pass with Amendment on ***HB 1659-FN***, relative to the women's right to know act regarding abortion information.

Rep. Notter spoke against.

Motion failed.

REGULAR CALENDAR

CONTINUATION FROM MARCH 8, 2012 (CONT'D)

HB 1463, relative to abandonment of the tenancy and relative to property abandoned by a tenant. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS**

Rep. Frances D. Potter for the Majority of Judiciary: This bill attempts to address the situation in which a landlord believes a tenant has abandoned his or her apartment and would prefer to avoid using the eviction process. The committee recognizes this might be a legitimate concern for a landlord. The committee believes the bill is well-intentioned. However, as written, the bill does not ensure that tenants are not suddenly locked out of their homes by honest mistake (for example, when the tenant was in hospital without the landlord's knowledge). Unscrupulous behavior might unintentionally be facilitated by the bill. This bill does not provide any remedy for a tenant in such a situation. This challenging issue needs more work. Vote 8-6.

Rep. Peter L. Silva for the Minority of Judiciary: The minority feels that a problem exists with landlords being burdened with tenants leaving behind property and burdening the landlord with the responsibility of storing it. This can also delay the process of preparing the property for the next tenant causing loss of rental income.

Majority committee report adopted.

HB 1679-FN, relative to partial-birth abortions and third trimester abortions. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen F. Souza for the Majority of Judiciary: In 2007, the U. S. Supreme Court upheld the federal ban on the procedure known as partial birth abortion. With this bill, New Hampshire will join the growing list of states that likewise prohibit this procedure. In accordance with recent Court decisions recognizing a governmental interest in protecting the life of a child during the birth process, the majority urges passage of this bill. Vote 13-4.

Rep. Frances D. Potter for the Minority of Judiciary: "Partial birth" is not a medically recognized term. Abortion poses less risk to a woman's health than a full-term delivery as attested by the Guttmacher Institute and other authorities. A chair of the OBGYN Department at Dartmouth, and representatives of the New Hampshire Medical Society

totally opposed this bill. New Hampshire physicians should be free of legislative interference in the exercise of their best medical judgment and in their relationships with their patients. The bill is completely unnecessary and seeks to address a non-existent problem. It also includes conflicting language.

Majority Amendment (0985h)

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

AN ACT relative to partial-birth abortion.

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

1 Findings.

I. The general court of the state of New Hampshire finds that:

(a) Partial-birth abortion is a gruesome and inhumane procedure that is never medically necessary and, as such, should be prohibited.

(b) In 2003, the 108th United States Congress passed the “Partial-Birth Abortion Ban Act of 2003” (18 U.S.C. section 1531) and President George W. Bush signed it into law.

(c) Later, on April 18, 2007, the Supreme Court of the United States upheld the “Partial-Birth Abortion Ban Act of 2003” (“the federal ban”) in *Gonzales v. Carhart*, 550 U.S. 124 (2007), specifically ruling that a ban on partial-birth abortion need not include a maternal “health” exception to be constitutional.

(d) This act’s language stems from and uses as its primary influence the language of the federal ban as upheld in *Gonzales v. Carhart*.

(e) This act – a state ban on partial-birth abortion – is needed to supplement the federal ban. Importantly, the federal ban was narrowly tailored to reach only those partial-birth abortion procedures that implicate Congress’ power to regulate interstate or foreign commerce. U.S. CONST. art. 1, section 8, cl. 3. Without this act, partial-birth abortions performed, but not affecting these narrow categories of commerce, are not prohibited under the federal ban.

(f) Partial-birth abortion poses serious risks to women’s long-term health,

(g) There is a substantial evidentiary record upon which the general court of the state of New Hampshire has based its conclusion that a state ban on partial-birth abortion is not constitutionally required to contain a maternal “health” exception.

(h) Moreover, the medical evidence clearly supports the informed judgment of the state of New Hampshire that a partial-birth abortion is never medically necessary to preserve a woman’s health and instead poses serious health risks, lying outside the standard of medical care.

(i) Specifically, partial-birth abortion poses serious risks including, but not limited to: an increased risk of cervical incompetence, a result of cervical dilation that makes it difficult or impossible for a woman to successfully carry a subsequent pregnancy to term; an increased risk of uterine rupture, abruption, amniotic fluid embolus, and trauma to the uterus as a result of converting the child to a footling breech position — a procedure which, according to a leading obstetrics textbook, “there are very few, if any, indications for other than for delivery of a second twin”; and a risk of lacerations and secondary hemorrhaging as a result of the physician blindly forcing a sharp instrument into the base of the unborn child’s skull while he or she is lodged in the birth canal — an act which could result in severe bleeding and subsequent shock.

(j) There is no credible medical evidence that partial-birth abortions are safer than other abortion procedures. No controlled studies of partial-birth abortion have been conducted nor have any comparative studies been conducted to demonstrate its safety and efficacy compared to other abortion methods. Furthermore, there have been no articles published in peer-reviewed journals that establish that partial-birth abortions are superior in any way to established abortion procedures.

(k) In light of this overwhelming evidence, the state of New Hampshire has a compelling interest in prohibiting partial-birth abortion. Both *Roe v. Wade*, 410 U.S. 113 (1973), and *Planned Parenthood v. Casey*, 505 U.S. 833 (1992), recognized a governmental interest in protecting the life of a child during the birth process. This interest is specifically implicated during a partial-birth abortion because labor is induced and the birth process is begun before an abortion is attempted or the child is actually aborted.

(l) In fact, partial-birth abortion kills a child who is mere inches away from birth and being considered a “person” under *Roe*. Thus, the state clearly has a heightened interest in protecting the life of the partially-born child.

(m) The public’s perception of the appropriate role of a physician during a child’s birth is undermined by aborting a child in the manner that purposefully seeks to kill the child inches from birth.

(n) Partial-birth abortion is disturbingly similar to the killing of a newborn infant and blurs the legal and moral lines between infanticide and abortion. This act reinforces that line at birth — just as the Supreme Court established in *Roe v. Wade* — while also preserving the integrity of the medical profession and promoting respect for human life.

(o) The vast majority of infants killed during partial-birth abortions are alive up through the very end of the procedure. Medical science has established that an unborn infant can feel pain when subjected to painful stimuli like that inflicted during a partial-birth abortion procedure. Moreover, fetal pain experts believe that an unborn child’s perception of pain can be even more intense than that of newborn infants and older children subjected to the same stimuli.

II. For these reasons, the general court’s purposes in establishing this act are to conclusively establish that partial-birth abortion is never medically indicated to preserve the health of the mother and instead poses significant health risks to her; to clearly define the line between abortion and infanticide; and to safeguard the role of a physician during childbirth.

2 New Subdivision; Partial-Birth Abortion Ban Act. Amend RSA 329 by inserting after section 31 the following new subdivision:

Partial-Birth Abortion Ban Act

329:32 Title. This act may be known and cited as the “Partial-Birth Abortion Ban Act.”

329:33 Definitions. In this subdivision:

I. “Department” means the department of health and human services.

II. “Medical facility” means any licensed public or private hospital, clinic, center, medical school, medical training institution, health care facility, physician’s office, infirmary, dispensary, ambulatory surgical treatment center, or other institution or location wherein medical care is provided to any person.

III. “Partial-birth abortion” means an abortion in which the person performing the abortion:

(a) Deliberately and intentionally vaginally delivers a living fetus until, in the case of a head-first presentation, the entire fetal head is outside the body of the mother, or, in the case of breech presentation, any part of the fetal trunk past the navel is outside the body of the mother, for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus; and

(b) Performs the overt act, other than completion of delivery, that kills the partially delivered living fetus.

IV. “Physician” means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery licensed by the state in which the doctor performs such activity, or any other individual legally authorized by the state to perform abortions; provided, however, that any individual who is not a physician or not otherwise legally

authorized by the state to perform abortions, but who nevertheless directly performs a partial-birth abortion, shall be subject to the provisions of this subdivision.

329:34 Prohibition; Limitations.

I. A person shall not knowingly perform or attempt to perform a partial-birth abortion.

II. No person shall perform or induce a partial-birth abortion on a viable fetus unless such person is a physician and has a documented referral from another physician not legally or financially affiliated with the physician performing or inducing the abortion and both physicians determine that the life of the mother is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself.

329:35 Reporting.

I. If a physician determines in accordance with the provisions of RSA 329:34, II that a partial-birth abortion is necessary and performs a partial-birth abortion on the woman, the physician shall report such determination and the reasons for such determination in writing to the medical facility in which the abortion is performed for inclusion in the report of the medical facility to the department; or if the abortion is not performed in a medical facility, the physician shall report the reasons for such determination in writing to the department as part of the written report made by the physician to the department. The physician shall retain a copy of the written reports required under this section for not less than 5 years.

II. Failure to report under this section shall not subject the physician to criminal or civil penalties under RSA 329:36 and 329:37.

III. Paragraph II shall not preclude sanctions, disciplinary action, or any other appropriate action by the board.

329:36 Criminal Penalties.

I. In addition to other penalties under this chapter, any person who intentionally or knowingly violates this subdivision shall be guilty of a class B felony.

II. Any physician who intentionally or knowingly performs a partial-birth abortion and thereby kills a human fetus shall be fined not less than \$10,000 nor more than \$100,000 under this subdivision, or be imprisoned not less than one year nor more than 10 years, or both.

329:37 Civil Penalties.

I. The father, if married to the mother at the time she receives a partial-birth abortion procedure, and, if the mother has not attained the age of 18 years at the time of the abortion, the maternal grandparents of the fetus may in a civil action obtain appropriate relief, unless the pregnancy resulted from the plaintiff's criminal conduct or the plaintiff consented to the abortion.

II. Such relief shall include:

(a) Money damages for all injuries, psychological and physical, occasioned by the violation of this subdivision; and

(b) Statutory damages equal to 3 times the cost of the partial-birth abortion.

329:38 Review by Board.

I. A physician-defendant accused of an offense under this subdivision may seek a hearing before the board as to whether the physician's conduct was necessary to save the life of the mother whose life was endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself.

II. The findings on this issue are admissible on this issue at the civil and criminal trials of the physician-defendant. Upon a motion of the physician-defendant, the court shall delay the beginning of the trial for not more than 30 days to permit such a hearing to take place.

329:39 Penalties for Ambulatory Health Care Facilities.

I. An ambulatory health care facility licensed pursuant to RSA 151 in which the partial-birth abortion is performed in violation of this subdivision shall be subject to immediate revocation of its license by the department.

II. An ambulatory health care facility licensed pursuant to RSA 151 in which the partial-birth abortion is performed in violation of this subdivision shall lose all state funding for 3 years and shall be required to reimburse the state for funds from the fiscal year in which the partial-birth abortion was performed.

329:40 Prosecutorial Exclusion. A woman upon whom a partial-birth abortion is performed may not be prosecuted under this subdivision for a conspiracy to violate RSA 329:34.

329:41 Construction.

I. Nothing in this subdivision shall be construed as creating or recognizing a right to abortion.

II. It is not the intention of this subdivision to make lawful an abortion that is currently unlawful.

329:42 Severability. If any provision of this subdivision or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the subdivision which can be given effect without the invalid provision or application, and to this end the provisions of this subdivision are declared to be severable.

329:43 Intervenors. The general court, by joint resolution, may appoint one or more of its members, who sponsored or cosponsored this in his or her official capacity, to intervene as a matter of right in any case in which the constitutionality of this law is challenged.

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

AMENDED ANALYSIS

This bill establishes the partial-birth abortion ban act.

Majority committee amendment adopted.

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

Rep. Harding spoke against.

Rep. Notter spoke in favor.

Rep. Tamburello requested a roll call; sufficiently seconded.

YEAS 224 NAYS 110

YEAS 224

BELKNAP

Accornero, Harry
Flanders, Donald
Malone, Robert
Tilton, Franklin

Bolster, Peter
Greemore, Robert
Russell, David
Tobin, William

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

Fields, Dennis
Luther, Robert
St. Cyr, Jeffrey

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Scala, Dino

Chandler, Gene
McConkey, Mark
Umberger, Karen

Fleck, Joseph
Patten, Betsey

Knox, J. David
Pettengill, Laurie

CHESHIRE

Butynski, William

Byrnes, John

Cartwright, Anne

Dwinell, Richard

Johnson, Jane

Moore, Robert Jr

Smith, Edwin

COOS

Coulombe, Gary
Richardson, Herbert

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence

Remick, William

GRAFTON

Bradley, Lester
Mirski, Paul

Brosseau, Charles
Reilly, Harold Sr

Gionet, Edmond
Sorg, Gregory

Ingbretson, Paul
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Buxton, Michael
Condra, William
Doherty, Shaun
Gandia, Laura
Hansen, Peter
Hogan, Edith
Infantine, William
Maltz, Jonathan
Mecheski, Holly
O'Brien, William
Palmer, Stephen
Peterson, Lenette
Rowe, Robert
Soucy, Connie
Sullivan, Peter
Villeneuve, Moe

Balboni, Michael
Beattie, Thomas
Brown, Kevin
Cebrowski, John
Daniels, Gary
Donovan, Daniel
Gonzalez, Carlos
Hardwick, Harry
Holden, Frank
Jasper, Shawn
McCarthy, Michael
Moran, Edward
Ober, Lynne
Parison, James
Pilotte, Maurice
Seidel, Carl
Stepanek, Stephen
Swank, Matthew
Whitehead, Randall

Ball, J. Michael
Belanger, James
Brownrigg, Randall Jr
Christiansen, Lars
Day, Russell
Erickson, Duane
Greazzo, Phil
Hikel, John
Hopper, Gary
Krasucki, Joseph
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Pratt, Calvin
Silva, Peter
Stroud, Kathleen
Ulery, Jordan
Willette, Robert

Baroody, Benjamin
Bergevin, Jerry
Burt, John
Coffey, James
DeJong, Cameron
Gagne, Larry
Haefner, Robert
Hinch, Richard
Hutchinson, Winfred
LeBrun, Donald
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Renzullo, Andrew
Simmons, Tammy
Sullivan, Daniel
Vaillancourt, Steve

MERRIMACK

Coffey, Jennifer
Hill, Gregory
Lauer-Rago, Kathleen
Richardson, Jon
Smith, Todd

DeStefano, Stephen
Hoell, J.R.
McGuire, Carol
Sanborn, Laurie
Soltani, Tony

Giuda, J. Brandon
Kotowski, Frank
McGuire, Dan
Seaworth, G. Brian
Winter, Steven

Hess, David
Kreis, Kenneth Sr
Palfrey, David
Smith, Molly

ROCKINGHAM

Abrami, Patrick
Bates, David
Chirichiello, Brian
Dowling, Patricia
Garritty, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Mauro, Donna
Nevins, Chris
Perkins, Amy
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Sullivan, Kevin

Allen, Mary
Bettencourt, David
Comerford, Timothy
Duarte, Joe
Griffin, Mary
Itse, Daniel
Kolodziej, Walter
McKinney, Betsy
O'Connor, John
Perkins, Lawrence
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Sytek, John

Azarian, Gary
Birdsell, Regina
DeSimone, Debra
Fesh, Robert
Hagan, Joseph
Janvrin, Kevin
Major, Norman
McMahon, Charles
Okerman, Richard
Quandt, Marshall
Rice, Frederick
Schroadter, Adam
Smith, William
Tamburello, Daniel

Baldasaro, Alfred
Charron, Gene
Devine, James
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Manuse, Andrew
Murphy, Brian
Peckham, Michele
Quandt, Matt
Ritter, Glenn
Sedensky, John
Sullivan, James
Tremblay, Stella

Waddell, James
Welch, David

Ward, Joanne
Weyler, Kenneth

Waterhouse, Kevin

Webb, James

STRAFFORD

Berube, Roger
Jones, Kyle
Parsons, Robbie

Cataldo, Sam
Jones, Laura
Pitre, Joseph

DeLemus, Susan
Munck, Philip
Vita, Carol

Groen, Warren
Newton, Clifford
Vita, Lucien

SULLIVAN

Bowers, Spec
LaCasse, Paul Sr
Rodeschin, Beverly

Cunningham, Steven
Laware, Thomas
Smith, Steven

Gagnon, Raymond
Lovett, Charlene

Howard, Thomas
Osgood, Joe

NAYS 110

BELKNAP

Millham, Alida

Pilliod, James

CARROLL

Babson, David Jr

CHESHIRE

Carr, Daniel
Hunt, John
Parkhurst, Henry
Tatro, Bruce

Chase, Cynthia
Lerandeau, Alfred
Roberts, Kris
Weber, Lucy

Emerson, Susan
Lindsey, Steven
Sad, Tara

Hawkes, Samuel
Meador, David
Sterling, Franklin Jr

COOS

Hatch, William

Merrick, Evalyn

Theberge, Robert

Thomas, Yvonne

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

Barry, J. Gail

Belvin, William

Campbell, David

Christensen, D.L.
Chris

Cote, David
Flanagan, Jack
Gidge, Kenneth
Graham, John
Messier, Irene
Ramsey, Peter
Rosenwald, Cindy

Coughlin, Sean
Fredette, Robert
Gimas, John
Kurk, Neal
Ober, Russell III
Rhodes, Brian
Shaw, Barbara

Cusson-Cail, Kathleen
Gargasz, Carolyn
Goley, Jeffrey
Leishman, Peter
Porter, Marjorie
Robbins, David

Daler, Jennifer
Garrity, Patrick
Gorman, Mary
Levasseur, Nickolas
Proulx, Mark
Rokas, Ted

MERRIMACK

Bouchard, Candace
Gile, Mary

Deloge, Helen
Hamm, Christine

Foose, Robert
Kidder, David

Frazer, June
Lockwood, Priscilla

MacKay, James
Rice, Chip
Watrous, Rick

Owen, Derek
Richardson, Gary

Patten, Dick
Shurtleff, Stephen

Potter, Frances
Wallner, Mary Jane

ROCKINGHAM

Brown, Paul
Moody, Marcia

Copeland, Timothy
Norelli, Terie

DiPentima, Rich
Read, Robin Jr

Lovejoy, Patricia
Schlachman, Donna

STRAFFORD

Brown, Julie
Grassie, Anne
Pelletier, Marsha
Spainhower, Dale
Watters, David

Browne, Brendon
Horrigan, Timothy
Perry, Robert
Spang, Judith

Domingo, Baldwin
Kaen, Naida
Roberts, Jenna
Sprague, Dale

Ginsburg, Philip
Keans, Sandra
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John

Lefebvre, Benjamin

Schmidt, Andrew

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

HB 1723, making technical corrections regarding parental notification prior to abortion.

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

Rep. Brian J. X. Murphy for the Majority of Judiciary: This bill makes two technical changes regarding the judicial process for approving a minor's petition for an abortion. The first change would expand the minor's access to courts by allowing her to petition a court in a community outside of her natural jurisdiction. The second change modifies the time period for a judge to rule on the petition from 48-hours to "two court business days." The majority of the committee felt the change would provide judicial flexibility without reducing the minor's access to the process. Specifically, this statute does not change the requirement that the judiciary provide judicial access to the minor to file or appeal her petition "24 hours a day, 7 days a week." Vote 10-6.

Rep. Lucy M. Weber for the Minority of Judiciary: This bill makes two changes to current law. The first is that currently, only the superior courts are hearing these petitions. The bill would allow the petitions to be heard by superior or circuit courts. Most who voted against the bill agree that broader court access is a step in the right direction. The second part of the bill changes the time frames for acting on petitions. Currently, the court must issue a ruling within 48 hours from the time the petition is filed, and in the case of an appeal from the decision, must issue a ruling within 48 hours of the filing of the appeal. The bill would extend the time frame in both cases to 2 court business days. Most who voted against the bill were concerned that the intervention of holidays and court furlough days could potentially extend the time frame up to about 5 days. Any delay in the abortion procedure brings with it added risk, and there is also the possibility that the time within which an abortion can be performed will pass before the process is complete. Proponents of this particular parental notification process relied on the very short time frame for decisions as one of the reasons to adopt this procedure. Given the small number of requests for judicial bypass, the minority does not think the 48 hour requirement puts an unreasonable burden on the court system.

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

Rep. Giuda offered floor amendment (0998h).

Floor Amendment (0998h)

Amend the introductory paragraph of RSA 132:34, II as inserted by section 1 of the bill by replacing it with the following:

II. If such a pregnant minor elects not to allow the notification of her parent or guardian or conservator, any **superior court** judge ~~[of a court of competent jurisdiction]~~ shall, upon petition, or motion, and after an appropriate hearing, authorize an abortion provider to perform the abortion if said judge determines that the pregnant minor is mature and capable of giving informed consent to the proposed abortion. If said judge determines that the pregnant minor is not mature, or if the pregnant minor does not claim to be mature, the judge shall determine whether the performance of an abortion upon her without notification of her parent, guardian, or conservator would be in her best interests and shall authorize an abortion provider to perform the abortion without such notification if said judge concludes that the pregnant minor's best interests would be served thereby.

Rep. Giuda spoke in favor.

Rep. Weber spoke against.

Floor amendment adopted.

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

Reps. Soltani and Weber spoke against.

Rep. Brian Murphy spoke in favor.

MOTION TO DIVIDE

Rep. Soltani moved that **HB 1723**, making technical corrections regarding parental notification prior to abortion, be divided into two Sections.

The Speaker declared that the bill is not divisible.

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

On a division vote, 204 members having voted in the affirmative and 133 in the negative, the majority committee report was adopted and ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Notter moved that the House reconsider its action whereby, on a roll call vote of 224-110, it adopted the majority committee report of Ought to Pass with Amendment on **HB 1679-FN**, relative to partial-birth abortion.

Rep. Notter spoke against.

On a division vote, 112 members having voted in the affirmative and 222 in the negative, the motion failed.

REGULAR CALENDAR

CONTINUATION FROM MARCH 8, 2012 (CONT'D)

HB 1206, prohibiting the state from withholding union dues from the wages of state employees. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jack B. Flanagan for the Majority of Labor, Industrial and Rehabilitative Services: This bill, as amended, requires both a public employer and employees to pay for insurance increases if a contract expires or is at impasse. Any costs increases necessary to fulfill continuing obligations for employees shall be shared equally by both parties. The amendment totally replaced the original bill. Vote 12-5.

Rep. Charles F. Weed for the Minority of Labor, Industrial and Rehabilitative Services: The minority of the committee believes that this bill should be inexpedient to legislate and creates problems in the public employee collective bargaining processes, subverts local control, and is unfair to employees. Most existing contracts provide a ratio for splitting health insurance costs, for instance 20% of the cost from the employee, 80% from the

employer; or 25%/75%; etc. When a contract expires, continuing obligations have maintained the ratio previously negotiated in good faith in previous contracts. This negotiated ratio is neutral in effect to both employer and employee. Requiring the employee to bear 50% of the additional costs when a provider increases costs after expiration and while a contract is at impasse or was rejected by the legislative body provides a substantial additional cost burden to the employee and a substantial reduction in relative costs to the employer. It is not neutral, and provides perverse incentive to the employer to delay further negotiation for a successor agreement. This bill, as amended, dramatically reduces local control. When a contract expires and a new contract cannot be reached, previous negotiation between public employers and employee unions determined the ratio of benefit cost-sharing until a successor contract is reached. With this bill, the state mandates the split in cost of these benefits at a 50-50 level, and preempts local solutions. Additionally, it tips the once relatively level playing field to one where management lowers its relative costs by not coming to a settlement. The increased burden of costs to the employees while compensation is frozen in the impasse process does not affect management, whose compensation is independent of the bargaining process. Their relative decline in costs and paying for health benefits may serve as an incentive not to settle.

Majority Amendment (0823h)

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

AN ACT relative to continuing obligations under expired public employee labor agreements.

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

1 New Section; Public Employee Labor Relations; Continuing Obligations. Amend RSA 273-A by inserting after section 12 the following new section:

273-A:12-a Continuing Obligations. When no successor agreement has been accepted by the legislative body of the public employer at the time of the expiration of the prior contract, any cost increase necessary to fulfill continuing obligations for employee insurance benefits under such contract shall be shared equally by the public employer and the employee.

2 Effective Date. This act shall take effect July 1, 2013.

AMENDED ANALYSIS

This bill requires public employers and employees to share equally any cost increase caused by the fulfillment of continuing obligations for employee insurance benefits under an expired contract.

On a division vote, 197 members having voted in the affirmative and 122 in the negative, the majority committee amendment was adopted.

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

Rep. Marshall Quandt spoke against.

Rep. Daniels spoke in favor.

Rep. LeBrun requested a roll call; sufficiently seconded.

YEAS 198 NAYS 137

YEAS 198

BELKNAP

Accornero, Harry
Greemore, Robert
Millham, Alida
Swinford, Elaine

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

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

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

CARROLL

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

CHESHIRE

Cartwright, Anne	Hunt, John	Johnson, Jane	Moore, Robert Jr
Sterling, Franklin Jr			

COOS

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

GRAFTON

Brosseau, Charles	Gionet, Edmond	Ingbretson, Paul	Mirski, Paul
Reilly, Harold Sr	Simard, Paul	Sorg, Gregory	Sova, Charles

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, J. Gail
Barry, Richard	Beattie, Thomas	Belanger, James	Belvin, William
Bergevin, Jerry	Boehm, Ralph	Brown, Kevin	Burt, John
Cebrowski, John	Christiansen, Lars	Coffey, James	Condra, William
Coughlin, Sean	Cusson-Cail, Kathleen	Daniels, Gary	DeJong, Cameron
Doherty, Shaun	Donovan, Daniel	Erickson, Duane	Flanagan, Jack
Fredette, Robert	Gagne, Larry	Gargasz, Carolyn	Gimas, John
Graham, John	Greazzo, Phil	Haefner, Robert	Hansen, Peter
Hardwick, Harry	Hawkins, Kenneth	Hikel, John	Hinch, Richard
Hogan, Edith	Holden, Frank	Hutchinson, Winfred	Infantine, William
Jasper, Shawn	Krasucki, Joseph	Kurk, Neal	Lambert, George
LeBrun, Donald	Maltz, Jonathan	McClarren, Donald	McGuinness, Sean
Mecheski, Holly	Moran, Edward	Murphy, Keith	Notter, Jeanine
Ober, Russell III	Ohm, Bill	Palmer, Stephen	Parison, James
Pellegrino, Tony	Peterson, Lenette	Pratt, Calvin	Rowe, Robert
Seidel, Carl	Silva, Peter	Simmons, Tammy	Soucy, Connie
Stepanek, Stephen	Swank, Matthew	Twombly, Timothy	Ulery, Jordan
Villeneuve, Moe	Warden, Mark	Willette, Robert	

MERRIMACK

Coffey, Jennifer	Cohn, Seth	Giuda, J. Brandon	Hill, Gregory
Hoell, J.R.	Kotowski, Frank	Kreis, Kenneth Sr	Lauer-Rago, Kathleen
Lockwood, Priscilla	McGuire, Carol	McGuire, Dan	Palfrey, David
Richardson, Jon	Sanborn, Laurie	Seaworth, G. Brian	Smith, Molly
Winter, Steven			

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Azarian, Gary	Baldasaro, Alfred
Bates, David	Belanger, Ronald	Bettencourt, David	Birdsell, Regina
Brown, Paul	Charron, Gene	Chirichiello, Brian	Comerford, Timothy
Davenport, Joshua	DeSimone, Debra	Duarte, Joe	Fesh, Robert
Garcia, Marilinda	Garrity, James	Griffin, Mary	Hagan, Joseph
Headd, James	Hoelzel, Kathleen	Itse, Daniel	Kappler, Lawrence
Kolodziej, Walter	Major, Norman	Manuse, Andrew	Mauro, Donna
McMahon, Charles	Murphy, Brian	Nevins, Chris	O'Connor, John

Okerman, Richard
Ritter, Glenn
Sheffert, Kenneth
Sullivan, Kevin
Tucker, Pamela

Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Sytek, John
Ward, Joanne

Reichard, Kevin
Schroadter, Adam
Smith, William
Tamburello, Daniel
Waterhouse, Kevin

Rice, Frederick
Sedensky, John
Sullivan, James
Tremblay, Stella
Weyler, Kenneth

STRAFFORD

Cataldo, Sam
Jones, Laura
Pitre, Joseph

DeLemus, Susan
Munck, Philip
Vita, Carol

Groen, Warren
Newton, Clifford
Vita, Lucien

Jones, Kyle
Parsons, Robbie

SULLIVAN

Bowers, Spec
Rodeschin, Beverly

Cunningham, Steven
Howard, Thomas
Smith, Steven

Osgood, Joe

NAYS 137

BELKNAP

Bolster, Peter

St. Cyr, Jeffrey

CARROLL

Knox, J. David

Umberger, Karen

CHESHIRE

Butynski, William
Dwinell, Richard
Lindsey, Steven
Sad, Tara

Byrnes, John
Emerson, Susan
Meador, David
Tatro, Bruce

Carr, Daniel
Hawkes, Samuel
Parkhurst, Henry
Weber, Lucy

Chase, Cynthia
Lerandeau, Alfred
Roberts, Kris

COOS

Coulombe, Gary
Richardson, Herbert

Hatch, William
Theberge, Robert

Merrick, Evalyn
Tholl, John Jr

Remick, William
Thomas, Yvonne

GRAFTON

Almy, Susan
Gould, Franklin
Pastor, Beatriz
Townsend, Charles

Benn, Bernard
Harding, Laurie
Pierce, David
White, Andrew

Bradley, Lester
Ladd, Rick Jr
Smith, Suzanne

Cooney, Mary
Nordgren, Sharon
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin
Christensen, D.L.
Chris
Gandia, Laura
Gorman, Mary
McCarthy, Michael
Porter, Marjorie
Robbins, David
Stroud, Kathleen
Whitehead, Randall

Brownrigg, Randall Jr
Cote, David
Garrity, Patrick
Hopper, Gary
Messier, Irene
Proulx, Mark
Rokas, Ted
Sullivan, Daniel

Buxton, Michael
Daler, Jennifer
Gidge, Kenneth
Leishman, Peter
Pepino, Leo
Ramsey, Peter
Rosenwald, Cindy
Sullivan, Peter

Campbell, David
Day, Russell
Goley, Jeffrey
Levasseur, Nickolas
Pilotte, Maurice
Rhodes, Brian
Shaw, Barbara
Vaillancourt, Steve

MERRIMACK

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

ROCKINGHAM

Cali-Pitts, Jacqueline	Copeland, Timothy	Devine, James	DiPentima, Rich
Dowling, Patricia	Janvrin, Kevin	Katsakiores, Phyllis	Lovejoy, Patricia
McKinney, Betsy	Moody, Marcia	Norelli, Terie	Perkins, Amy
Perkins, Lawrence	Quandt, Marshall	Quandt, Matt	Read, Robin Jr
Schlachman, Donna	Waddell, James	Webb, James	Welch, David

STRAFFORD

Berube, Roger	Brown, Julie	Browne, Brendon	Domingo, Baldwin
Ginsburg, Philip	Grassie, Anne	Horriggan, Timothy	Kaen, Naida
Keans, Sandra	Leonard, Frederick Jr	Pelletier, Marsha	Perry, Robert
Roberts, Jenna	Schmidt, Peter	Spainhower, Dale	Spang, Judith
Sprague, Dale	Wall, Janet	Watters, David	

SULLIVAN

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

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

***HB 1574*, relative to an employee's lunch or eating period. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kevin P. Sullivan for the Majority of Labor, Industrial and Rehabilitative Services: The current statute states that an employer may not require an employee to work more than five hours without granting a one half hour lunch period. With the increase in part-time employment, we feel that changing the time to six hours makes it more conducive to the part-time work force. It also makes the statute more consistent with all of our bordering states, making it a level playing field. Vote 11-4.

Rep. Andrew A. White for the Minority of Labor, Industrial and Rehabilitative Services: The minority believes the testimony to the committee made it clear; there is no problem with our current legislation which requires a half-hour meal break after an employee works five consecutive hours. Every employee in this state can currently waive the meal break requirement by signing a simple half-page form one time. The current process is simple and allows employees to have discretion on how many hours they work in excess of five, making this bill unnecessary.

Majority Amendment (0842h)

Amend the bill by replacing section 1 with the following:

1 Protective Legislation; Lunch or Eating Period. Amend RSA 275:30-a to read as follows:

275:30-a Lunch or Eating Period. An employer may not require an employee to work more than [5] **6** consecutive hours without granting [him] **the employee** a 1/2 hour lunch or eating period, except if it is feasible for the employee to eat during the performance of his **or her** work, and the employer permits [him] **the employee** to do so.

AMENDED ANALYSIS

This bill increases the time an employee may be required to work before being granted a lunch or eating period.

Majority committee amendment adopted.

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

Rep. White spoke against.

Rep. Kevin Sullivan spoke in favor.

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

YEAS 168 NAYS 161

YEAS 168

BELKNAP

Bolster, Peter	Comtois, Guy	Fields, Dennis	Flanders, Donald
Greemore, Robert	Kingsbury, Robert	Luther, Robert	Malone, Robert
Pilliod, James	Russell, David	Simpson, Tyler	Swinford, Elaine
Tilton, Franklin	Tobin, William	Worsman, Colette	

CARROLL

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

CHESHIRE

Hunt, John	Johnson, Jane	Moore, Robert Jr	Sterling, Franklin Jr
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COOS

Rappaport, Laurence	Richardson, Herbert
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GRAFTON

Brosseau, Charles	Gionet, Edmond	Ingbreton, Paul	Mirski, Paul
Sorg, Gregory	Sova, Charles		

HILLSBOROUGH

Avard, Kevin	Ball, J. Michael	Barry, Richard	Belanger, James
Belvin, William	Boehm, Ralph	Burt, John	Christensen, D.L. Chris
Christiansen, Lars	Cusson-Cail, Kathleen	Daniels, Gary	DeJong, Cameron
Donovan, Daniel	Erickson, Duane	Gagne, Larry	Graham, John
Greazzo, Phil	Haefner, Robert	Hardwick, Harry	Hikel, John
Hinch, Richard	Hogan, Edith	Holden, Frank	Hutchinson, Winfred
Infantine, William	Jasper, Shawn	Krasucki, Joseph	Kurk, Neal
Lambert, George	Maltz, Jonathan	McGuinness, Sean	Mecheski, Holly
Moran, Edward	Murphy, Keith	Notter, Jeanine	Ober, Lynne
Ober, Russell III	Ohm, Bill	Palmer, Stephen	Parison, James
Pellegrino, Tony	Peterson, Lenette	Pratt, Calvin	Rowe, Robert
Seidel, Carl	Silva, Peter	Simmons, Tammy	Soucy, Connie
Stepanek, Stephen	Stroud, Kathleen	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Moe	Warden, Mark	Willette, Robert	

MERRIMACK

Cohn, Seth
Kotowski, Frank
McGuire, Dan
Seaworth, G. Brian

Giuda, J. Brandon
Kreis, Kenneth Sr
Palfrey, David
Smith, Molly

Hill, Gregory
Lauer-Rago, Kathleen
Richardson, Jon
Smith, Todd

Hoell, J.R.
McGuire, Carol
Sanborn, Laurie
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Brown, Paul
DeSimone, Debra
Garrity, James
Itse, Daniel
Manuse, Andrew
Murphy, Brian
Reichard, Kevin
Schroadter, Adam
Smith, William
Tucker, Pamela
Weyler, Kenneth

Bates, David
Charron, Gene
Duarte, Joe
Griffin, Mary
Kappler, Lawrence
Mauro, Donna
Nevins, Chris
Rice, Frederick
Sedensky, John
Sullivan, Kevin
Waddell, James

Belanger, Ronald
Comerford, Timothy
Fesh, Robert
Headd, James
Kolodziej, Walter
McKinney, Betsy
O'Connor, John
Ritter, Glenn
Sheffert, Kenneth
Sytek, John
Ward, Joanne

Birdsell, Regina
Davenport, Joshua
Garcia, Marilinda
Hoelzel, Kathleen
Major, Norman
McMahon, Charles
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Welch, David

STRAFFORD

Cataldo, Sam
Jones, Laura
Vita, Carol

DeLemus, Susan
Newton, Clifford
Vita, Lucien

Groen, Warren
Parsons, Robbie

Jones, Kyle
Pitre, Joseph

SULLIVAN

Bowers, Spec
Rodeschin, Beverly

Cunningham, Steven Howard, Thomas

Osgood, Joe

NAYS 161

BELKNAP

Accornero, Harry

Millham, Alida

St. Cyr, Jeffrey

CARROLL

Fleck, Joseph

Knox, J. David

CHESHIRE

Butynski, William
Chase, Cynthia
Lerandeau, Alfred
Roberts, Kris

Byrnes, John
Dwinell, Richard
Lindsey, Steven
Sad, Tara

Carr, Daniel
Emerson, Susan
Meader, David
Tatro, Bruce

Cartwright, Anne
Hawkes, Samuel
Parkhurst, Henry
Weber, Lucy

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William
Tholl, John Jr

Merrick, Evalyn
Thomas, Yvonne

Remick, William

GRAFTON

Almy, Susan
Harding, Laurie

Benn, Bernard
Ladd, Rick Jr

Bradley, Lester
Nordgren, Sharon

Gould, Franklin
Pastor, Beatriz

Pierce, David
Taylor, Kathleen

Reilly, Harold Sr
Townsend, Charles

Simard, Paul
White, Andrew

Smith, Suzanne

HILLSBOROUGH

Balboni, Michael
Bergevin, Jerry
Campbell, David
Cote, David
Doherty, Shaun
Gargas, Carolyn
Goley, Jeffrey
Leishman, Peter
Pepino, Leo
Ramsey, Peter
Rokas, Ted
Sullivan, Peter

Baroody, Benjamin
Brown, Kevin
Cebrowski, John
Coughlin, Sean
Flanagan, Jack
Garrity, Patrick
Gorman, Mary
Levasseur, Nickolas
Pilotte, Maurice
Renzullo, Andrew
Rosenwald, Cindy
Swank, Matthew

Barry, J. Gail
Brownrigg, Randall Jr
Coffey, James
Daler, Jennifer
Fredette, Robert
Gidge, Kenneth
Hopper, Gary
McCarthy, Michael
Porter, Marjorie
Rhodes, Brian
Shaw, Barbara
Twombly, Timothy

Beattie, Thomas
Buxton, Michael
Condra, William
Day, Russell
Gandia, Laura
Gimas, John
LeBrun, Donald
Messier, Irene
Proulx, Mark
Robbins, David
Sullivan, Daniel
Whitehead, Randall

MERRIMACK

Bouchard, Candace
Foote, Robert
Kidder, David
Potter, Frances
Soltani, Tony

Coffey, Jennifer
Frazer, June
Lockwood, Priscilla
Rice, Chip
Wallner, Mary Jane

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

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

ROCKINGHAM

Allen, Mary
Chirichiello, Brian
Dowling, Patricia
Lovejoy, Patricia
Perkins, Amy
Read, Robin Jr

Azarian, Gary
Copeland, Timothy
Hagan, Joseph
Moody, Marcia
Perkins, Lawrence
Schlachman, Donna

Bettencourt, David
Devine, James
Janvrin, Kevin
Norelli, Terie
Quandt, Marshall
Tremblay, Stella

Cali-Pitts, Jacqueline
DiPentima, Rich
Katsakiores, Phyllis
Okerman, Richard
Quandt, Matt
Webb, James

STRAFFORD

Berube, Roger
Ginsburg, Philip
Keans, Sandra
Perry, Robert
Spang, Judith

Brown, Julie
Grassie, Anne
Leonard, Frederick Jr
Roberts, Jenna
Sprague, Dale

Browne, Brendon
Horriggan, Timothy
Munck, Philip
Schmidt, Peter
Wall, Janet

Domingo, Baldwin
Kaen, Naida
Pelletier, Marsha
Spainhower, Dale
Watters, David

SULLIVAN

Cloutier, John
Lovett, Charlene

Gagnon, Raymond
Schmidt, Andrew

Laware, Thomas
Smith, Steven

Lefebvre, Benjamin

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

HB 1645-FN, prohibiting all public employees from participating in collective bargaining.
MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Tammy A. Simmons for the Majority of Labor, Industrial and Rehabilitative Services:
This bill, as amended, allows the board of the public employer to request a secret ballot election to determine whether or not certification will continue when the number of dues-paying members falls below ten and is less than half of the positions in the bargaining unit.
Vote 12-5.

Rep. Andrew A. White for the Minority of Labor, Industrial and Rehabilitative Services:

This bill, as drafted, sought to make illegal collective bargaining by public employees; as amended it will permit an employer to request a decertification election when certain thresholds of bargaining unit membership occur. There was no testimony at either of the two public hearings that indicated this provision was needed or necessary. The minority knows there is a process for decertification of bargaining units in place and has every confidence employees can make the decision to hold such an election.

Majority Amendment (0969h)

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

AN ACT relative to decertification of a bargaining unit.

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

1 New Subparagraph; Decertification. Amend RSA 273-A:10, VI by inserting after subparagraph (c) the following new subparagraph:

(d) If the dues-paying membership of an employee organization is less than the number of employees needed to certify a bargaining unit, and such number is less than 50 percent of the number of positions comprising the bargaining unit, a secret ballot election may be requested by the board of the public employer to determine whether or not certification of the employee organization shall remain in effect. If such request is made, the cost of holding the secret ballot election shall be borne by the public employer, though the cost of promotional materials shall be borne by the respective parties. If the result of the secret ballot election results in the continuation of certification of the employee organization, no subsequent request shall be made by the board of the public employer for one year.

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

AMENDED ANALYSIS

This bill permits the board of certain public employers to require a secret ballot election to determine whether certification of an employee organization shall remain in effect.

Majority committee amendment adopted.

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

Reps. White and Marshall Quandt spoke against.

Rep. Daniels spoke in favor and yielded to questions.

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

YEAS 194 NAYS 141

YEAS 194

BELKNAP

Accornero, Harry
Greemore, Robert
Russell, David
Tobin, William

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

Fields, Dennis
Luther, Robert
Swinford, Elaine

Flanders, Donald
Malone, Robert
Tilton, Franklin

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Scala, Dino

Babson, David Jr
McConkey, Mark
Tregenza, Norman

Chandler, Gene
Patten, Betsey
Umberger, Karen

Fleck, Joseph
Pettengill, Laurie

CHESHIRE

Cartwright, Anne
Sterling, Franklin Jr

Hunt, John

Johnson, Jane

Moore, Robert Jr

COOS

Daugherty, Duffy

Rappaport, Laurence

GRAFTON

Bradley, Lester
Mirski, Paul
Sova, Charles

Brosseau, Charles
Reilly, Harold Sr

Gionet, Edmond
Simard, Paul

Ingbretson, Paul
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Beattie, Thomas
Burt, John

Ball, J. Michael
Belanger, James
Cebrowski, John

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

Barry, Richard
Boehm, Ralph
Christiansen, Lars

Coffey, James
Daniels, Gary
Erickson, Duane
Graham, John
Hawkins, Kenneth
Holden, Frank
Krasucki, Joseph
Maltz, Jonathan
Moran, Edward
Ober, Russell III
Pellegrino, Tony
Seidel, Carl
Stepanek, Stephen
Vaillancourt, Steve

Condra, William
DeJong, Cameron
Flanagan, Jack
Greazzo, Phil
Hikel, John
Hutchinson, Winfred
Kurk, Neal
McClarren, Donald
Murphy, Keith
Ohm, Bill
Peterson, Lenette
Silva, Peter
Swank, Matthew
Villeneuve, Moe

Coughlin, Sean
Doherty, Shaun
Fredette, Robert
Haefner, Robert
Hinch, Richard
Infantine, William
Lambert, George
McGuinness, Sean
Notter, Jeanine
Palmer, Stephen
Pratt, Calvin
Simmons, Tammy
Twombly, Timothy
Warden, Mark

Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Hardwick, Harry
Hogan, Edith
Jasper, Shawn
LeBrun, Donald
Mecheski, Holly
Ober, Lynne
Parison, James
Renzullo, Andrew
Soucy, Connie
Ulery, Jordan
Willette, Robert

MERRIMACK

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

Giuda, J. Brandon
Kidder, David
McGuire, Carol
Sanborn, Laurie
Winter, Steven

Hess, David
Kotowski, Frank
McGuire, Dan
Seaworth, G. Brian

Hill, Gregory
Kreis, Kenneth Sr
Palfrey, David
Smith, Molly

ROCKINGHAM

Abrami, Patrick
Bates, David
Brown, Paul
DeSimone, Debra
Garritty, James
Hoelzel, Kathleen
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McMahon, Charles
Reagan, John
Schroadter, Adam
Smith, William
Tamburello, Daniel
Weyler, Kenneth

Allen, Mary
Belanger, Ronald
Charron, Gene
Duarte, Joe
Griffin, Mary
Itse, Daniel
Manuse, Andrew
Murphy, Brian
Rice, Frederick
Sedensky, John
Sullivan, James
Tremblay, Stella

Azarian, Gary
Bettencourt, David
Comerford, Timothy
Fesh, Robert
Hagan, Joseph
Kappler, Lawrence
Mauro, Donna
O'Connor, John
Ritter, Glenn
Sheffert, Kenneth
Sullivan, Kevin
Tucker, Pamela

Baldasaro, Alfred
Birdsell, Regina
Davenport, Joshua
Garcia, Marilinda
Headd, James
Kolodziej, Walter
McKinney, Betsy
Okerman, Richard
Sanders, Elisabeth
Shuler, Wyman III
Sytek, John
Ward, Joanne

STRAFFORD

Cataldo, Sam

DeLemus, Susan

Groen, Warren

Jones, Kyle

Jones, Laura
Parsons, Robbie

Leonard, Frederick Jr
Pitre, Joseph

Munck, Philip
Vita, Carol

Newton, Clifford
Vita, Lucien

SULLIVAN

Bowers, Spec
Rodeschin, Beverly

Cunningham, Steven
Smith, Steven

Howard, Thomas

Osgood, Joe

NAYS 141

BELKNAP

Bolster, Peter

Millham, Alida

Pilliod, James

St. Cyr, Jeffrey

CARROLL

Knox, J. David

CHESHIRE

Butynski, William
Dwinell, Richard
Lindsey, Steven
Sad, Tara

Byrnes, John
Emerson, Susan
Meador, David
Tatro, Bruce

Carr, Daniel
Hawkes, Samuel
Parkhurst, Henry
Weber, Lucy

Chase, Cynthia
Lerandeau, Alfred
Roberts, Kris

COOS

Coulombe, Gary
Richardson, Herbert

Hatch, William
Theberge, Robert

Merrick, Evalyn
Tholl, John Jr

Remick, William
Thomas, Yvonne

GRAFTON

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Pierce, David
White, Andrew

Benn, Bernard
Ladd, Rick Jr
Smith, Suzanne

Cooney, Mary
Nordgren, Sharon
Taylor, Kathleen

Gould, Franklin
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Balboni, Michael
Buxton, Michael
Day, Russell
Gidge, Kenneth
Hansen, Peter
McCarthy, Michael
Porter, Marjorie
Robbins, David
Stroud, Kathleen

Baroody, Benjamin
Campbell, David
Gandia, Laura
Gimas, John
Hopper, Gary
Messier, Irene
Proulx, Mark
Rokas, Ted
Sullivan, Daniel

Brown, Kevin
Cote, David
Gargas, Carolyn
Goley, Jeffrey
Leishman, Peter
Pepino, Leo
Ramsey, Peter
Rosenwald, Cindy
Sullivan, Peter

Brownrigg, Randall Jr
Daler, Jennifer
Garrity, Patrick
Gorman, Mary
Levasseur, Nickolas
Pilotte, Maurice
Rhodes, Brian
Shaw, Barbara
Whitehead, Randall

MERRIMACK

Bouchard, Candace
Foose, Robert
Lockwood, Priscilla
Rice, Chip
Wallner, Mary Jane

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

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

DeStefano, Stephen
Hamm, Christine
Potter, Frances
Soltani, Tony

ROCKINGHAM

Cali-Pitts, Jacqueline
DiPentima, Rich
Lovejoy, Patricia
Perkins, Amy
Read, Robin Jr
Webb, James

Chirichiello, Brian
Dowling, Patricia
Moody, Marcia
Perkins, Lawrence
Reichard, Kevin
Welch, David

Copeland, Timothy
Janvrin, Kevin
Nevins, Chris
Quandt, Marshall
Schlachman, Donna

Devine, James
Katsakiores, Phyllis
Norelli, Terie
Quandt, Matt
Waddell, James

STRAFFORD

Berube, Roger
Ginsburg, Philip
Keans, Sandra
Schmidt, Peter
Wall, Janet

Brown, Julie
Grassie, Anne
Pelletier, Marsha
Spainhower, Dale
Watters, David

Browne, Brendon
Horrigan, Timothy
Perry, Robert
Spang, Judith

Domingo, Baldwin
Kaen, Naida
Roberts, Jenna
Sprague, Dale

SULLIVAN

Cloutier, John
Lovett, Charlene

Gagnon, Raymond
Schmidt, Andrew

Laware, Thomas

Lefebvre, Benjamin

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

MOTION TO RECONSIDER

Having voted on the prevailing side, Rep. Hoell moved that the House reconsider its action whereby, on a roll call vote of 168-161, it adopted the majority committee report of Ought to Pass with Amendment on **HB 1574**, relative to an employee's lunch or eating period.

Rep. Hoell spoke against.

On a division vote, 141 members having voted in the affirmative and 190 in the negative, the motion failed.

REGULAR CALENDAR

CONTINUATION FROM MARCH 8, 2012 (CONT'D)

HB 1663-FN-L, relative to payment of union fees by non-members. **REFER FOR INTERIM STUDY.**

Rep. William J. Infantine for Labor, Industrial and Rehabilitative Services: The items in this bill are similar to those of another bill approved by the committee however there were a few minor items that may still have merit. An ought to pass motion was not approved because the committee did not want to send a mixed message to the House regarding two bills that were on parallel paths. A second motion of interim study was approved. Vote 12-5. Committee report adopted.

(Rep. Lynne Ober in the Chair)

HB 1685-FN-L, relative to collective bargaining under the public employee labor relations statutes. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Shawn N. Jasper for the Majority of Labor, Industrial and Rehabilitative Services: The bill, as amended, would allow public employees to opt out of belonging to a union or paying an agency fee, but it would recognize that in most cases the reality is that the collective bargaining process would be establishing the salary and benefit packages for non-union members. Employees who opt out, but whose positions are covered under a contract may be charged a negotiation fee, if the union requests the fee and submits certain information to the appropriate parties. If all of the employees in a particular classification opt out then the union would no longer bargain for that classification and they would not be subject to the fee. Any employee who had opted out would have his/her salary and benefits established through personnel policies. Such employee would no longer have the right to be represented by the

union in any action and instead would fall under the personnel policies for any disciplinary action. Finally this act shall not take effect if HB 1677; the right to work bill, becomes law. Vote 12-5.

Rep. Charles F. Weed for the Minority of Labor, Industrial and Rehabilitative Services: The minority believes that this is a deceptive and unworkable bill. It suggests any public employee may opt out of joining, and paying membership dues or fees to a public employee union. However, if a labor organization elects to represent those employees who have opted out; those who have opted out must pay a negotiation fee. The costs of negotiation must be determined and certified, but each employee covered under the contract must pay the fee. This bill seems to establish three different membership groups where public employee unions are in the workplace; full dues paying members, agency fee payers, who will pay for negotiations, contract administration, and due process protections, and negotiations fee payers, who pay only for the costs of negotiations if the union wishes to include those workers in the agreement. This seems unworkable; while calculation of agency fees have been determined by case law, it may be very arbitrary to calculate only the costs of negotiation; and it is deceptive if those who have opted out still must pay the fee.

Majority Amendment (0970h)

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

AN ACT relative to public employee opt-outs from labor organization membership and dues payments.

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

1 New Section; Public Employees; Opt-Out From Labor Organization Membership and Dues Payment. Amend RSA 273-A by inserting after section 9-a the following new section:

273-A:9-b Public Employees; Opt-Out From Labor Organization Membership and Dues Payment.

I. Any public employee may opt out of joining a labor organization and paying membership dues or fees to such labor organization.

II. No labor organization shall have an obligation to represent public employees who have opted out under paragraph I in collective bargaining negotiations. However, if the labor organization elects to represent such public employees in collective bargaining negotiations, the labor organization may charge each such employee a negotiation fee. The negotiation fee shall be determined as follows:

(a) After a new employee contract is approved, the labor organization shall submit a certified account of its negotiation costs to the governor and the state treasurer for state employee contracts or to the governing body for political subdivision employee contracts;

(b) The total amount of the negotiation costs shall first be divided by the number of positions covered by the employee contract and the resulting number shall then be divided by the number of years covered by the employee contract; and

(c) The final resulting number under subparagraph (b) shall be the amount of the negotiation fee which shall be paid by each public employee covered by the employee contract who has opted out under paragraph I.

III. If all public employees in a particular employee classification in a contract elect to opt out under paragraph I, the labor organization shall not represent such employees in collective bargaining negotiations and such public employees shall not be subject to a negotiation fee. The salary ranges, salaries, and benefits of such public employees shall be established through personnel policies of the state or political subdivision.

IV. A new public employee who fills a position covered by an existing employee contract shall have the option to become a member of a labor organization and pay membership dues and fees.

2 Applicability. Section 1 of this act shall apply to all public employee contracts which take effect on or after the effective date of section 1 of this act.

3 Contingency. If HB 1677-FN of the 2012 legislative session becomes law, sections 1 and 2 of this act shall not take effect. If HB 1677-FN does not become law, sections 1 and 2 of this act shall take effect 60 days after its passage.

4 Effective Date.

I. Section 3 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect as provided in section 3 of this act.

AMENDED ANALYSIS

This bill permits public employees to opt out of membership in a labor organization and payment of dues to such labor organization. It establishes the responsibilities and obligations of public employees and labor organizations regarding collective bargaining negotiations when opt-outs are exercised.

LAIID ON THE TABLE

Rep. Jasper moved that **HB 1685-FN-L**, relative to collective bargaining under the public employee labor relations statutes, be laid on the table.

On a division vote, 281 members having voted in the affirmative and 32 in the negative, the motion was adopted.

(Speaker O'Brien in the Chair)

REGULAR CALENDAR

CONTINUATION FROM MARCH 8, 2012 (CONT'D)

HB 1282-FN-L, relative to workforce housing and the definition of community.

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

Rep. Stephen T. DeStefano for the Majority of Municipal and County Government: This bill would require municipalities to "opt in" to the workforce housing law, making it a voluntary effort, yet it is precisely this sort of thinking that contributed to skyrocketing housing costs in the past decade. A decade of study by the legislature has demonstrated that workforce housing is a critical part of our state's economy. The existing workforce housing statute, which has been in effect for a little over two years, supports the opportunity for the creation of modestly priced homes to help grow New Hampshire's labor force. The existing law promotes the performance of the free market, which should not be unduly impeded by excessive governmental regulation such as exclusionary zoning that has the effect of prohibiting the construction of homes affordable to the middle class. For these reasons, the workforce housing law has the strong support of the NH Business and Industry Association, the greater Manchester Chamber of Commerce and the greater Nashua Chamber of Commerce, as well as many other leaders in business statewide. The existing law includes no quotas and no complex mathematical formulas, as it is designed to provide municipalities with flexibility, allowing each community to develop its own unique "homegrown" solution. The law does not mandate limitations on resale values, but allows municipalities to choose to adopt such provisions if they see fit. Already over fifty communities across the state have adopted workforce housing provisions in their zoning ordinances, and the law is working well. For example in the town of Amherst, a community with very high land costs, workforce housing is being built in a way that is consistent with historical and architectural concerns of local boards, yet is also affordable to lower and middle income residents. The only testimony the committee received from municipal officials was in support of the existing law, and against this bill. Vote 15-2.

Rep. John A. Burt for the Minority of Municipal and County Government: This bill was a compromise from the sponsor. The amendment attempted to outline what a town or municipality's fair share of workforce housing is plus it maintained any existing workforce housing for future need. It was well written in light of the fact that it took into consideration the fact that there are a number of mathematical calculations and current law left any

interpretations to the courts. This puts local control back in the process of this law and still allows workforce housing as a valid planning tool. This same bill was ITL'd in committee last year and overturned by the full House.

The question being adoption of the majority committee report of Inexpedient to Legislate. Rep. DeStefano spoke in favor.

Rep. Flanagan spoke against, yielded to questions and requested a roll call; sufficiently seconded.

YEAS 132 NAYS 171

YEAS 132

BELKNAP

Accornero, Harry	Flanders, Donald	Millham, Alida	Pilliod, James
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CARROLL

Knox, J. David	McConkey, Mark	Patten, Betsey	Umberger, Karen
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CHESHIRE

Butynski, William	Carr, Daniel	Chase, Cynthia	Emerson, Susan
Hawkes, Samuel	Johnson, Jane	Lindsey, Steven	Moore, Robert Jr
Parkhurst, Henry	Roberts, Kris	Sad, Tara	Sterling, Franklin Jr
Weber, Lucy			

COOS

Hatch, William	Merrick, Evalyn	Remick, William	Theberge, Robert
Thomas, Yvonne			

GRAFTON

Almy, Susan	Benn, Bernard	Cooney, Mary	Gould, Franklin
Harding, Laurie	Nordgren, Sharon	Pastor, Beatriz	Pierce, David
Reilly, Harold Sr	Simard, Paul	Smith, Suzanne	Taylor, Kathleen
Townsend, Charles	White, Andrew		

HILLSBOROUGH

Baroody, Benjamin	Barry, J. Gail	Belvin, William	Brown, Kevin
Campbell, David	Christensen, D.L.	Coffey, James	Cote, David
	Chris		
Daler, Jennifer	Day, Russell	Fredette, Robert	Gargas, Carolyn
Gimas, John	Goley, Jeffrey	Gorman, Mary	Graham, John
Hawkins, Kenneth	Hutchinson, Winfred	Leishman, Peter	Levasseur, Nickolas
Messier, Irene	Ober, Lynne	Ober, Russell III	Pilotte, Maurice
Porter, Marjorie	Rhodes, Brian	Robbins, David	Rokas, Ted
Rosenwald, Cindy	Stroud, Kathleen	Sullivan, Daniel	Sullivan, Peter
Willette, Robert			

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	Gile, Mary	Hamm, Christine	Kidder, David
Lockwood, Priscilla	MacKay, James	Palfrey, David	Patten, Dick

Potter, Frances
Soltani, Tony

Rice, Chip
Wallner, Mary Jane

Richardson, Gary

Shurtleff, Stephen

ROCKINGHAM

Allen, Mary
DiPentima, Rich
Norelli, Terie
Reagan, John
Welch, David

Birdsell, Regina
Janvrin, Kevin
Perkins, Amy
Schlachman, Donna

Cali-Pitts, Jacqueline
Lovejoy, Patricia
Perkins, Lawrence
Tucker, Pamela

Copeland, Timothy
Moody, Marcia
Read, Robin Jr
Waddell, James

STRAFFORD

Berube, Roger
Ginsburg, Philip
Keans, Sandra
Schmidt, Peter
Vita, Lucien

Brown, Julie
Grassie, Anne
Pelletier, Marsha
Spang, Judith
Wall, Janet

Browne, Brendon
Horrigan, Timothy
Perry, Robert
Sprague, Dale
Watters, David

Domingo, Baldwin
Kaen, Naida
Roberts, Jenna
Vita, Carol

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond

Lefebvre, Benjamin

Rodeschin, Beverly

NAYS 171

BELKNAP

Comtois, Guy
Malone, Robert
Swinford, Elaine

Fields, Dennis
Russell, David
Tilton, Franklin

Greemore, Robert
Simpson, Tyler
Tobin, William

Kingsbury, Robert
St. Cyr, Jeffrey
Worsman, Colette

CARROLL

Ahlgren, Christopher
McCarthy, Frank

Babson, David Jr
Pettengill, Laurie

Chandler, Gene
Scala, Dino

Fleck, Joseph
Tregenza, Norman

CHESHIRE

Byrnes, John
Smith, Edwin

Cartwright, Anne

Dwinell, Richard

Hunt, John

COOS

Daugherty, Duffy

Richardson, Herbert

GRAFTON

Bradley, Lester
Ladd, Rick Jr

Brosseau, Charles
Mirski, Paul

Gionet, Edmond
Sova, Charles

Ingbretson, Paul

HILLSBOROUGH

Avard, Kevin
Beattie, Thomas
Buxton, Michael
Cusson-Cail,
Kathleen
Erickson, Duane

Balboni, Michael
Boehm, Ralph
Cebrowski, John
Daniels, Gary

Flanagan, Jack

Ball, J. Michael
Brownrigg, Randall Jr
Condra, William
DeJong, Cameron

Gagne, Larry

Barry, Richard
Burt, John
Coughlin, Sean
Doherty, Shaun

Gandia, Laura

Greazzo, Phil
Hinch, Richard
Jasper, Shawn
Maltz, Jonathan
Moran, Edward
Palmer, Stephen
Pratt, Calvin
Simmons, Tammy
Ulery, Jordan
Whitehead, Randall

Haefner, Robert
Hogan, Edith
Krasucki, Joseph
McCarthy, Michael
Murphy, Keith
Parison, James
Proulx, Mark
Stepanek, Stephen
Vaillancourt, Steve

Hansen, Peter
Hopper, Gary
Kurk, Neal
McClarren, Donald
Notter, Jeanine
Pellegrino, Tony
Seidel, Carl
Swank, Matthew
Villeneuve, Moe

Hardwick, Harry
Infantine, William
LeBrun, Donald
McGuinness, Sean
Ohm, Bill
Peterson, Lenette
Silva, Peter
Twombly, Timothy
Warden, Mark

MERRIMACK

Coffey, Jennifer
Hoell, J.R.
McGuire, Dan
Smith, Molly

Cohn, Seth
Kotowski, Frank
Richardson, Jon
Smith, Todd

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

Hill, Gregory
McGuire, Carol
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Belanger, Ronald
Chirichiello, Brian
Dowling, Patricia
Garrity, James
Hoelzel, Kathleen
Kolodziej, Walter
McKinney, Betsy
O'Connor, John
Ritter, Glenn
Shuler, Wyman III
Sytek, John
Weyler, Kenneth

Azarian, Gary
Bettencourt, David
Comerford, Timothy
Duarte, Joe
Griffin, Mary
Itse, Daniel
Major, Norman
McMahon, Charles
Okerman, Richard
Sanders, Elisabeth
Smith, William
Tremblay, Stella

Baldasaro, Alfred
Brown, Paul
DeSimone, Debra
Fesh, Robert
Hagan, Joseph
Kappler, Lawrence
Manuse, Andrew
Murphy, Brian
Reichard, Kevin
Sedensky, John
Sullivan, James
Ward, Joanne

Bates, David
Charron, Gene
Devine, James
Garcia, Marilinda
Headd, James
Katsakiores, Phyllis
Mauro, Donna
Nevins, Chris
Rice, Frederick
Sheffert, Kenneth
Sullivan, Kevin
Webb, James

STRAFFORD

Cataldo, Sam
Leonard, Frederick Jr
Pitre, Joseph

DeLemus, Susan
Munck, Philip

Groen, Warren
Newton, Clifford

Jones, Kyle
Parsons, Robbie

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Smith, Steven

Laware, Thomas

and the majority committee report failed.

Rep. Burt moved the minority committee report of Ought to Pass with Amendment and offered minority committee amendment (0722h).

Minority Amendment (0722h)

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

1 Workforce Housing Opportunities. Amend RSA 674:59, I to read as follows:

I. In every municipality that exercises the power to adopt land use ordinances and regulations, such ordinances and regulations shall provide reasonable and realistic opportunities for the development of workforce housing, including rental multi-family housing. ***No less than 5 percent of the dwelling units in such municipality shall be allocated as workforce housing.*** In order to provide such opportunities, lot size and overall density requirements for workforce housing shall be reasonable. A municipality that

adopts land use ordinances and regulations shall allow workforce housing to be located in a majority, but not necessarily all, of the land area that is zoned to permit residential uses within the municipality. Such a municipality shall have the discretion to determine what land areas are appropriate to meet this obligation. This obligation may be satisfied by the adoption of inclusionary zoning as defined in RSA 674:21, IV(a). This paragraph shall not be construed to require a municipality to allow for the development of multifamily housing in a majority of its land zoned to permit residential uses.

2 Procedure. Amend RSA 674:60, IV to read as follows:

IV. A municipality ~~may~~ **shall** require that an applicant record restrictive covenants acceptable to the land use board that the workforce housing may not be rented to or sold to any household whose income is greater than that specified in RSA 674:58, IV. The covenant shall be for the term specified in the regulations of the land use board. The municipality may adopt regulations to insure compliance with the covenants, which regulations may include requirements for the monitoring of the project by the municipality or by a suitable third party agency qualified to carry out such requirements, including but not limited to requiring the production of annual income verification for renters and non-owner occupiers. The land use board may consider the existence of recorded covenants or income qualification and occupancy criteria as satisfying the purpose of this paragraph if such covenants or criteria are administered by a state or federal entity.

3 New Section; Planning and Zoning; Words and Phrases Defined; Community. Amend RSA 672 by inserting after section 3 the following new section:

672:3-a Community. "Community" means the area within the boundaries of any municipality.

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

AMENDED ANALYSIS

This bill:

I. Requires municipalities to designate no less than 5 percent of dwelling units in the municipality as workforce housing.

II. Requires certain restrictive covenants relative to workforce housing.

III. Defines "community" for purposes of planning and zoning laws.

Rep. Flanagan spoke in favor and yielded to questions.

Rep. DeStefano spoke against and yielded to questions.

Rep. Mauro spoke against.

Rep. Jasper spoke in favor.

Rep. White requested a roll call; sufficiently seconded.

YEAS 141 NAYS 174

YEAS 141

BELKNAP

Bolster, Peter
Simpson, Tyler
Tobin, William

Fields, Dennis
St. Cyr, Jeffrey
Worsman, Colette

Kingsbury, Robert
Swinford, Elaine

Malone, Robert
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Scala, Dino

Babson, David Jr

Chandler, Gene

McCarthy, Frank

CHESHIRE

Byrnes, John
Smith, Edwin

Dwinell, Richard
Sterling, Franklin Jr

Emerson, Susan

Hunt, John

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Ladd, Rick Jr

Brosseau, Charles Gionet, Edmond
Reilly, Harold Sr Simard, Paul

Ingbretson, Paul
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Brownrigg, Randall Jr
Christensen, D.L.
Chris
Daniels, Gary
Gargas, Carolyn
Hardwick, Harry
Hopper, Gary
Lambert, George
Messier, Irene
Pellegrino, Tony
Robbins, David
Ulery, Jordan

Balboni, Michael
Burt, John
Condra, William
Doherty, Shaun
Graham, John
Hikel, John
Jasper, Shawn
Maltz, Jonathan
Moran, Edward
Pepino, Leo
Silva, Peter
Villeneuve, Moe

Barry, J. Gail
Buxton, Michael
Coughlin, Sean
Flanagan, Jack
Haefner, Robert
Hinch, Richard
Krasucki, Joseph
McClarren, Donald
Notter, Jeanine
Proulx, Mark
Soucy, Connie
Warden, Mark

Boehm, Ralph
Cebrowski, John
Cusson-Cail, Kathleen
Gandia, Laura
Hansen, Peter
Hogan, Edith
Kurk, Neal
McGuinness, Sean
Ohm, Bill
Renzullo, Andrew
Stepanek, Stephen
Whitehead, Randall

MERRIMACK

Coffey, Jennifer
Kidder, David
Smith, Molly

Hess, David
Kotowski, Frank
Smith, Todd
Hill, Gregory
Kreis, Kenneth Sr
Winter, Steven

Hoell, J.R.
Lauer-Rago, Kathleen

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Dowling, Patricia
Griffin, Mary
Kappler, Lawrence
McMahon, Charles
Rice, Frederick
Sheffert, Kenneth
Sytek, John
Webb, James

Azarian, Gary
Brown, Paul
Duarte, Joe
Hagan, Joseph
Katsakiores, Phyllis
Murphy, Brian
Sanders, Elisabeth
Shuler, Wyman III
Tucker, Pamela
Weyler, Kenneth
Baldasaro, Alfred
Comerford, Timothy
Fesh, Robert
Headd, James
Major, Norman
O'Connor, John
Schlachman, Donna
Smith, William
Waddell, James

Bettencourt, David
Davenport, Joshua
Garritty, James
Itse, Daniel
McKinney, Betsy
Reichard, Kevin
Sedensky, John
Sullivan, James
Ward, Joanne

STRAFFORD

Cataldo, Sam
Pitre, Joseph

Groen, Warren Jones, Kyle

Newton, Clifford

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven Howard, Thomas

Laware, Thomas

BELKNAP

Accornero, Harry
Millham, Alida

Comtois, Guy
Pilliod, James

Flanders, Donald
Russell, David

Greemore, Robert

CARROLL

Fleck, Joseph
Tregenza, Norman

Knox, J. David
Umberger, Karen

McConkey, Mark

Pettengill, Laurie

CHESHIRE

Butynski, William
Hawkes, Samuel
Parkhurst, Henry

Carr, Daniel
Johnson, Jane
Roberts, Kris

Cartwright, Anne
Lindsey, Steven
Sad, Tara

Chase, Cynthia
Moore, Robert Jr
Weber, Lucy

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

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

Benn, Bernard
Mirski, Paul
Smith, Suzanne
White, Andrew

Cooney, Mary
Nordgren, Sharon
Sova, Charles

Gould, Franklin
Pastor, Beatriz
Taylor, Kathleen

HILLSBOROUGH

Ball, J. Michael
Belvin, William
Cote, David
Fredette, Robert
Gorman, Mary
Infantine, William
McCarthy, Michael
Palmer, Stephen
Porter, Marjorie
Rosenwald, Cindy
Stroud, Kathleen
Twombly, Timothy

Baroody, Benjamin
Brown, Kevin
Daler, Jennifer
Gagne, Larry
Greazzo, Phil
LeBrun, Donald
Murphy, Keith
Parison, James
Pratt, Calvin
Seidel, Carl
Sullivan, Daniel
Vaillancourt, Steve

Barry, Richard
Christiansen, Lars
DeJong, Cameron
Gimas, John
Hawkins, Kenneth
Leishman, Peter
Ober, Lynne
Peterson, Lenette
Rhodes, Brian
Shaw, Barbara
Sullivan, Peter
Willette, Robert

Beattie, Thomas
Coffey, James
Erickson, Duane
Goley, Jeffrey
Hutchinson, Winfred
Levasseur, Nickolas
Ober, Russell III
Pilotte, Maurice
Rokas, Ted
Simmons, Tammy
Swank, Matthew

MERRIMACK

Bouchard, Candace
Foose, Robert
Hamm, Christine
McGuire, Dan
Rice, Chip
Shurtleff, Stephen

Cohn, Seth
Frazer, June
Lockwood, Priscilla
Palfrey, David
Richardson, Gary
Soltani, Tony

Deloge, Helen
Gile, Mary
MacKay, James
Patten, Dick
Richardson, Jon
Wallner, Mary Jane

DeStefano, Stephen
Giuda, J. Brandon
McGuire, Carol
Potter, Frances
Seaworth, G. Brian

ROCKINGHAM

Allen, Mary
Charron, Gene
Devine, James
Janvrin, Kevin
Mauro, Donna

Bates, David
Chirichiello, Brian
DiPentima, Rich
Kolodziej, Walter
Moody, Marcia

Belanger, Ronald
Copeland, Timothy
Garcia, Marilinda
Lovejoy, Patricia
Nevins, Chris

Cali-Pitts, Jacqueline
DeSimone, Debra
Hoelzel, Kathleen
Manuse, Andrew
Norelli, Terie

Okerman, Richard
Reagan, John
Welch, David

Perkins, Amy
Ritter, Glenn

Perkins, Lawrence
Sullivan, Kevin

Read, Robin Jr
Tremblay, Stella

STRAFFORD

Berube, Roger
Domingo, Baldwin
Jones, Laura
Munck, Philip
Roberts, Jenna
Vita, Carol

Brown, Julie
Ginsburg, Philip
Kaen, Naida
Parsons, Robbie
Schmidt, Peter
Vita, Lucien

Browne, Brendon
Grassie, Anne
Keans, Sandra
Pelletier, Marsha
Spang, Judith
Wall, Janet

DeLemus, Susan
Horrigan, Timothy
Leonard, Frederick Jr
Perry, Robert
Sprague, Dale
Watters, David

SULLIVAN

Cloutier, John
Rodeschin, Beverly

Gagnon, Raymond
Schmidt, Andrew

Lefebvre, Benjamin
Smith, Steven

Osgood, Joe

and the minority committee amendment failed.

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

Rep. Lynne Ober spoke in favor.

Rep. DeStefano requested a roll call; sufficiently seconded.

YEAS 180 NAYS 133

YEAS 180

BELKNAP

Bolster, Peter
Malone, Robert
Swinford, Elaine

Comtois, Guy
Russell, David
Tilton, Franklin

Fields, Dennis
Simpson, Tyler
Worsman, Colette

Greemore, Robert
St. Cyr, Jeffrey

CARROLL

Ahlgren, Christopher
Scala, Dino

Chandler, Gene
Tregenza, Norman

McCarthy, Frank
Umberger, Karen

Pettengill, Laurie

CHESHIRE

Byrnes, John
Hunt, John

Cartwright, Anne
Smith, Edwin

Dwinell, Richard

Emerson, Susan

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence

Remick, William

Richardson, Herbert

GRAFTON

Brosseau, Charles
Mirski, Paul
Sova, Charles

Gionet, Edmond
Reilly, Harold Sr

Ingbretson, Paul
Simard, Paul

Ladd, Rick Jr
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Beattie, Thomas
Buxton, Michael

Balboni, Michael
Boehm, Ralph
Cebrowski, John

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

Barry, Richard
Burt, John
Condra, William

Coughlin, Sean
Flanagan, Jack
Graham, John
Hardwick, Harry
Infantine, William
Lambert, George
McGuinness, Sean
Notter, Jeanine
Pellegrino, Tony
Renzullo, Andrew
Simmons, Tammy
Swank, Matthew
Villeneuve, Moe

Cusson-Cail, Kathleen
Fredette, Robert
Greazzo, Phil
Hikel, John
Jasper, Shawn
LeBrun, Donald
Messier, Irene
Ohm, Bill
Peterson, Lenette
Robbins, David
Soucy, Connie
Twombly, Timothy
Warden, Mark

DeJong, Cameron
Gagne, Larry
Haefner, Robert
Hinch, Richard
Krasucki, Joseph
Maltz, Jonathan
Moran, Edward
Palmer, Stephen
Pratt, Calvin
Seidel, Carl
Stepanek, Stephen
Ulery, Jordan
Whitehead, Randall

Doherty, Shaun
Gandia, Laura
Hansen, Peter
Hogan, Edith
Kurk, Neal
McClarren, Donald
Murphy, Keith
Parison, James
Proulx, Mark
Silva, Peter
Stroud, Kathleen
Vaillancourt, Steve

MERRIMACK

Coffey, Jennifer
Hoell, J.R.
McGuire, Dan

Cohn, Seth
Kotowski, Frank
Richardson, Jon

Giuda, J. Brandon
Lauer-Rago, Kathleen
Seaworth, G. Brian

Hill, Gregory
McGuire, Carol
Smith, Molly

ROCKINGHAM

Abrami, Patrick
Bettencourt, David
Davenport, Joshua
Duarte, Joe
Griffin, Mary
Itse, Daniel
Major, Norman
McMahon, Charles
Okerman, Richard
Sanders, Elisabeth
Smith, William
Tremblay, Stella
Webb, James

Azarian, Gary
Birdsell, Regina
DeSimone, Debra
Fesh, Robert
Hagan, Joseph
Kappler, Lawrence
Manuse, Andrew
Murphy, Brian
Reichard, Kevin
Sedensky, John
Sullivan, James
Tucker, Pamela
Weyler, Kenneth

Baldasaro, Alfred
Brown, Paul
Devine, James
Garcia, Marilinda
Headd, James
Katsakiores, Phyllis
Mauro, Donna
Nevins, Chris
Rice, Frederick
Sheffert, Kenneth
Sullivan, Kevin
Waddell, James

Bates, David
Comerford, Timothy
Dowling, Patricia
Garrity, James
Hoelzel, Kathleen
Kolodziej, Walter
McKinney, Betsy
O'Connor, John
Ritter, Glenn
Shuler, Wyman III
Sytek, John
Ward, Joanne

STRAFFORD

Brown, Julie
Jones, Kyle
Newton, Clifford

Cataldo, Sam
Jones, Laura
Parsons, Robbie

DeLemus, Susan
Leonard, Frederick Jr
Vita, Carol

Groen, Warren
Munck, Philip

SULLIVAN

Bowers, Spec
Osgood, Joe

Howard, Thomas
Smith, Steven

Laware, Thomas

Lovett, Charlene

NAYS 133

BELKNAP

Accornero, Harry
Pilliod, James

Flanders, Donald
Tobin, William

Kingsbury, Robert

Millham, Alida

CARROLL

Babson, David Jr

Fleck, Joseph

Knox, J. David

McConkey, Mark

CHESHIRE

Butynski, William
Johnson, Jane
Roberts, Kris

Carr, Daniel
Lindsey, Steven
Sad, Tara

Chase, Cynthia
Moore, Robert Jr
Sterling, Franklin Jr

Hawkes, Samuel
Parkhurst, Henry
Weber, Lucy

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

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

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

Belvin, William
Christiansen, Lars

Brown, Kevin
Cote, David

Daler, Jennifer
Gimas, John
Hutchinson, Winfred
Ober, Russell III
Rhodes, Brian
Sullivan, Daniel

Daniels, Gary
Goley, Jeffrey
Leishman, Peter
Pepino, Leo
Rokas, Ted
Sullivan, Peter

Erickson, Duane
Gorman, Mary
Levasseur, Nickolas
Pilotte, Maurice
Rosenwald, Cindy
Willette, Robert

Gargasz, Carolyn
Hawkins, Kenneth
Ober, Lynne
Porter, Marjorie
Shaw, Barbara

MERRIMACK

Bouchard, Candace
Frazer, June
Kidder, David
Palfrey, David
Richardson, Gary
Winter, Steven

Deloge, Helen
Gile, Mary
Kreis, Kenneth Sr
Patten, Dick
Shurtleff, Stephen

DeStefano, Stephen
Hamm, Christine
Lockwood, Priscilla
Potter, Frances
Soltani, Tony

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

ROCKINGHAM

Allen, Mary
Chirichiello, Brian
Lovejoy, Patricia
Perkins, Lawrence
Welch, David

Belanger, Ronald
Copeland, Timothy
Moody, Marcia
Read, Robin Jr

Cali-Pitts, Jacqueline
DiPentima, Rich
Norelli, Terie
Reagan, John

Charron, Gene
Janvrin, Kevin
Perkins, Amy
Schlachman, Donna

STRAFFORD

Berube, Roger
Grassie, Anne
Pelletier, Marsha
Schmidt, Peter
Wall, Janet

Browne, Brendon
Horrigan, Timothy
Perry, Robert
Spang, Judith
Watters, David

Domingo, Baldwin
Kaen, Naida
Pitre, Joseph
Sprague, Dale

Ginsburg, Philip
Keans, Sandra
Roberts, Jenna
Vita, Lucien

SULLIVAN

Cloutier, John
Rodeschin, Beverly

Cunningham, Steven
Schmidt, Andrew

Gagnon, Raymond

Lefebvre, Benjamin

and the motion was adopted and ordered to third reading.

HB 1303*, amending certain requirements to obtain a local vendor license. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.*

Rep. Timothy D. Copeland for the Majority of Municipal and County Government: Federal criminal record checks, also known as NCIC checks (national crime information center) are critical in ascertaining the true identity of a person. Employment fingerprint checks are a regular way of doing business in today's society whether you are applying for a government or military position, child care, teacher, etc... A state name check is limited in accurately determining someone's criminal history, if any, and may be very misleading. Here's why: If one is arrested in another state under an assumed name, like John Jones, and one gives that name when fingerprinted, and then later a state name check is performed on the individual (without fingerprints) in New Hampshire under the true birth/legal name, Timothy Smith, the alias of John Jones will not surface. The NH entity performing that name check will never uncover a criminal history under that different name because fingerprints are unique to people not names. This legislation eliminates the federal fingerprint check which currently is an accurate vetting process, putting the general public in possible danger by not knowing the true criminal record of a person arrested under an assumed name. I submit to you, why would we want criminals to have the upper hand on our citizens? This is bad legislation which is a big step backward not only for our state but for the safety of our citizens. Vote 16-1.

Rep. John A. Burt for the Minority of Municipal and County Government: This bill would partially repeal an act of the previous legislature by removing the requirement that all vendors submit fingerprints, be subject to ten-year background checks and various investigations, all paid for by the merchant. There is no reason a free man or woman should be subjected to this level of scrutiny and invasion of privacy unless they have been charged with a crime. Our citizens should not be denied the ability to earn an honest living by government for reasons that are discriminatory, subjective, or arbitrary. There is no limit to the extent and cost of these many investigations, a different combination being required at each locality. If this is what is required of some, it should be applied to all other business people who may have the opportunity to enter homes and property or come in contact with children. With the current job crisis enterprising people should be rewarded for hard work, not punished before they can even start. Passage of this bill would put things back to the way they were when towns simply issued permits given some basic identification, address and contact information.

Majority committee report adopted.

HB 1329*, relative to the default budget in certain towns. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.*

Rep. James E. Coffey for the Majority of Municipal and County Government: The committee has had numerous bills designed to alter the definition of an SB 2 default budget, all of which have had flaws that would lead to greater confusion. This bill is not an exception. It proposes that the budgeting authority for the municipality remove from the default budget any reduction being made in the proposed operating budget. This leaves open questions such as; what if there was a maintenance project on the town hall in the prior year and now their was a proposal to overhaul a road grader. All of this part of a long term plan for diverse maintenance projects. It could be interpreted that the amount of the town hall project should be deducted while the road grader is new. This example is just meant to be an illustration of the chaos that would follow us if we tamper with the present statues regarding default budgets. What is needed is an in depth review of how SB 2 has worked and ways to improve it, not quick fixes to solve the quirks of a specific town or community. Vote 12-4.

Rep. John A. Burt for the Minority of Municipal and County Government: This bill gives the voting public the chance to vote on their budgets and not just the people that show up at the

town or school district meetings. When this law was first debated, one of the arguments was what to do if the people were not in favor of the budget? What were the consequences of the people not approving the budget? Would the governing body have to start over and then have another vote? What was decided then is that there would be a default budget that the governing body would have to either live with or try one more time on another budget. But it didn't take governing bodies across the state to figure how to 'legally' make sure that their budget gets passed. Have the default budget higher than the operating budget. This clearly was not the intent of the law. HB 1329 will clear this up.

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

Rep. Boehm spoke against and yielded to questions.

Rep. James Coffey spoke in favor.

Rep. Bettencourt requested a roll call; sufficiently seconded.

YEAS 118 NAYS 177

YEAS 118

BELKNAP

Accornero, Harry	Bolster, Peter	Millham, Alida	Russell, David
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CARROLL

Babson, David Jr	Fleck, Joseph	Knox, J. David	Patten, Betsey
Umberger, Karen			

CHESHIRE

Butynski, William	Chase, Cynthia	Emerson, Susan	Hawkes, Samuel
Johnson, Jane	Parkhurst, Henry	Roberts, Kris	Sad, Tara
Sterling, Franklin Jr	Weber, Lucy		

COOS

Coulombe, Gary	Hatch, William	Merrick, Evalyn	Theberge, Robert
Thomas, Yvonne			

GRAFTON

Almy, Susan	Benn, Bernard	Cooney, Mary	Harding, Laurie
Nordgren, Sharon	Pastor, Beatriz	Pierce, David	Reilly, Harold Sr
Smith, Suzanne	Taylor, Kathleen	Townsend, Charles	

HILLSBOROUGH

Baroody, Benjamin	Belvin, William	Campbell, David	Cebrowski, John
Coffey, James	Condra, William	Cote, David	Gargas, Carolyn
Gimas, John	Gorman, Mary	Hawkins, Kenneth	Hutchinson, Winfred
Leishman, Peter	Levasseur, Nickolas	Messier, Irene	Ober, Lynne
Ober, Russell III	Pilotte, Maurice	Porter, Marjorie	Proulx, Mark
Rokas, Ted	Rosenwald, Cindy	Shaw, Barbara	Stroud, Kathleen
Sullivan, Peter			

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	Gile, Mary	Hamm, Christine	Hess, David

Kidder, David
MacKay, James
Richardson, Gary

Kotowski, Frank
Patten, Dick
Shurtleff, Stephen

Kreis, Kenneth Sr
Potter, Frances
Wallner, Mary Jane

Lockwood, Priscilla
Rice, Chip

ROCKINGHAM

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

Cali-Pitts, Jacqueline
Janvrin, Kevin
Perkins, Amy
Tucker, Pamela

Copeland, Timothy
Lovejoy, Patricia
Perkins, Lawrence
Waddell, James

DeSimone, Debra
Moody, Marcia
Read, Robin Jr
Ward, Joanne

STRAFFORD

Brown, Julie
Grassie, Anne
Pelletier, Marsha
Sprague, Dale

Browne, Brendon
Horrigan, Timothy
Perry, Robert
Vita, Carol

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

Ginsburg, Philip
Keans, Sandra
Spang, Judith
Watters, David

SULLIVAN

Cloutier, John
Rodeschin, Beverly

Gagnon, Raymond
Schmidt, Andrew

Lefebvre, Benjamin
Smith, Steven

Lovett, Charlene

NAYS 177

BELKNAP

Fields, Dennis
Malone, Robert
Swinford, Elaine

Flanders, Donald
Pilliod, James
Tilton, Franklin

Greemore, Robert
Simpson, Tyler
Tobin, William

Kingsbury, Robert
St. Cyr, Jeffrey

CARROLL

Ahlgren, Christopher
Pettengill, Laurie

Chandler, Gene
Scala, Dino

McCarthy, Frank
Tregenza, Norman

McConkey, Mark

CHESHIRE

Byrnes, John
Hunt, John

Carr, Daniel
Moore, Robert Jr

Cartwright, Anne
Smith, Edwin

Dwinell, Richard

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Sorg, Gregory

Brosseau, Charles
Sova, Charles

Gionet, Edmond

Mirski, Paul

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Burt, John

Balboni, Michael
Beattie, Thomas
Buxton, Michael

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

Barry, J. Gail
Brownrigg, Randall Jr
Christiansen, Lars

Cusson-Cail, Kathleen
Erickson, Duane

Daniels, Gary
Fredette, Robert

DeJong, Cameron
Gagne, Larry

Doherty, Shaun
Gandia, Laura

Graham, John
Hardwick, Harry
Jasper, Shawn
LeBrun, Donald
Moran, Edward
Palmer, Stephen
Pratt, Calvin
Silva, Peter
Swank, Matthew
Villeneuve, Moe

Greazzo, Phil
Hikel, John
Krasucki, Joseph
Maltz, Jonathan
Murphy, Keith
Parison, James
Renzullo, Andrew
Simmons, Tammy
Twombly, Timothy
Warden, Mark

Haefner, Robert
Hogan, Edith
Kurk, Neal
McClarren, Donald
Notter, Jeanine
Pellegrino, Tony
Robbins, David
Soucy, Connie
Ulery, Jordan
Whitehead, Randall

Hansen, Peter
Infantine, William
Lambert, George
McGuinness, Sean
Ohm, Bill
Peterson, Lenette
Seidel, Carl
Stepanek, Stephen
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Coffey, Jennifer
Hoell, J.R.
Palfrey, David
Smith, Molly

Cohn, Seth
Lauer-Rago, Kathleen
Richardson, Jon
Smith, Todd

Giuda, J. Brandon
McGuire, Carol
Sanborn, Laurie
Soltani, Tony

Hill, Gregory
McGuire, Dan
Seaworth, G. Brian
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Belanger, Ronald
Charron, Gene
Devine, James
Griffin, Mary
Itse, Daniel
Manuse, Andrew
Murphy, Brian
Reagan, John
Sanders, Elisabeth
Smith, William
Tremblay, Stella

Azarian, Gary
Bettencourt, David
Chirichiello, Brian
Duarte, Joe
Hagan, Joseph
Kappler, Lawrence
Mauro, Donna
Nevins, Chris
Reichard, Kevin
Sedensky, John
Sullivan, James
Webb, James

Baldasaro, Alfred
Birdsell, Regina
Comerford, Timothy
Garcia, Marilinda
Headd, James
Kolodziej, Walter
McKinney, Betsy
O'Connor, John
Rice, Frederick
Sheffert, Kenneth
Sullivan, Kevin
Welch, David

Bates, David
Brown, Paul
Davenport, Joshua
Garrity, James
Hoelzel, Kathleen
Major, Norman
McMahon, Charles
Okerman, Richard
Ritter, Glenn
Shuler, Wyman III
Sytek, John
Weyler, Kenneth

STRAFFORD

Cataldo, Sam
Jones, Laura
Parsons, Robbie

DeLemus, Susan
Leonard, Frederick Jr
Pitre, Joseph

Groen, Warren
Munck, Philip
Roberts, Jenna

Jones, Kyle
Newton, Clifford
Vita, Lucien

SULLIVAN

Bowers, Spec
Osgood, Joe

Cunningham, Steven Howard, Thomas

Laware, Thomas

and the majority committee report failed.

Rep. Bettencourt moved the minority committee report of Ought to Pass.

Minority committee report adopted and ordered to third reading.

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 Thursday, March 15, 2012 at 9:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 1617-FN, repealing the certificate of need law.

HB 1216, relative to the authority for withholding or withdrawal of life-sustaining treatment.

HB 1217, relative to the form for executing advance directives for health care decisions.

HB 1263, relative to the termination of tenancy and repealing the requirement that landlords of restricted residential property provide service of process information.

HB 1677-FN, relative to choice as to whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization.

HB 1659-FN, relative to the women's right to know act regarding abortion information.

HB 1300, relative to removing public officials for cause.

HB 1308, relative to the definition of "public body" under the right-to-know law.

HB 1679-FN, relative to partial-birth abortion.

HB 1723, making technical corrections regarding parental notification prior to abortion.

HB 1206, relative to continuing obligations under expired public employee labor agreements.

HB 1574, relative to an employee's lunch or eating period.

HB 1645-FN, relative to decertification of a bargaining unit.

HB 1282-FN-L, relative to workforce housing and the definition of community.

HB 1329, relative to the default budget in certain towns.

UNANIMOUS CONSENT

Rep. Cataldo addressed the House.

(Rep. Chandler in the Chair)

RECESS MOTION

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

Adopted.

The House recessed at 5:15 p.m.

RECESS