

# State of New Hampshire HOUSE RECORD

Second Year of the 162<sup>nd</sup> General Court  
Calendar and Journal of the 2012 Session

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Vol. 34

Concord, N. H.

Wednesday, March 21, 2012

No. 28

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## HOUSE JOURNAL No. 13 (cont.)

Thursday, March 15, 2012

Rep. Daniels moved that the House adjourn.  
Adopted.

## HOUSE JOURNAL No. 14

Wednesday, March 21, 2012

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

Prayer was offered by House Chaplain, Reverend Roger Boucher.

At this Equinox, O God, we ask for Your light to brighten this day of hard work. Your wisdom always gives us confidence to do the work of the people with eagerness. We ask that You be the breastplate of good judgment. Be with us, within us and behind us. Be before us, beside us and around us. Restore us from moment to moment that we may be prudent witnesses of Your care for our constituents. Remember our families, friends and members of this Chamber, as well as our warriors in uniform. We pray this in Your Holy name. Amen.

Representative David Campbell, member from Nashua, led the Pledge of Allegiance.

Representative David Pierce, member from Etna, led the singing of the National Anthem.

### LEAVES OF ABSENCE

Reps. J. Gail Barry, Case, Champagne, Hofemann, Dorothea Hooper and Marshall Quandt, the day, illness.

Reps. Beattie, Brosseau, Doherty, Headd, Marcus, McClarren, Dennis Reed, Rhodes, Frederick Rice, Scala, Shackett, St. Cyr and Wallner, the day, important business.

Rep. Matt Quandt, the day, illness in the family.

Reps. Birdsell and Ferrante, the day, death in the family.

## INTRODUCTION OF GUESTS

Andre Rosa, guest of Rep. Lambert. Garrett Lear, guest of Rep. Itse. The Honorable Ed Butler, former member from Hart's Location, guest of Rep. Schlachman. Jeffry Burr and Neil Blair, guests of Rep. Taylor.

## HOUSE RESOLUTION NO. 30

### Memorializing State Representative James F. Powers

**WHEREAS**, we have learned with great sorrow of the death of our friend and colleague, James F. Powers of Portsmouth, who was serving his third term representing the citizens of Rockingham County District #16, Portsmouth and Newington; and,

**WHEREAS**, Jim Powers served with distinction as a member of the Committee on Environment and Agriculture, where his colleagues said that he really thought about material presented, listened to both sides of issues and handled his duties in a balanced and an extremely professional manner; and,

**WHEREAS**, many people admired Jim Powers for his sense of humor, never unkind or at the expense of another, described as razor sharp by some and very subtle by others, yet always with a sparkle in his eyes; and

**WHEREAS**, James F. Powers was an avid outdoor enthusiast, especially fond of hiking, gardening and skiing – a passion which led to his involvement with the creation of the Jackson Ski Touring Foundation, as well as his memberships in the Sierra Club, Audubon Society, Appalachian Mountain Club and the Nature Conservancy; and

**WHEREAS**, Jim Powers was a well respected member of the New Hampshire Psychological Association, receiving that organizations 2005 Distinguished Contribution Award for his legislative work on “human welfare;” and

**WHEREAS**, Jim Powers was described by his past committee chairmen as “one of the nicest people I ever knew...a gentleman” and “our conscience and our goodness”; now, therefore, be it

**RESOLVED**, by the House of Representatives in Regular Session convened, that James F. Powers be granted the highest praise and accolades and our thanks for his service to his community and his state; and be it further

**RESOLVED**, that expressions of heartfelt sympathy be extended to his family and that a suitable copy of this Resolution be prepared for presentation to them.

Offered by the House of Representatives.

Adopted unanimously by a rising vote.

## MOMENT OF SILENCE

A moment of silence was observed in honor and memory of Representative James Powers.

## MOTION TO AMEND HOUSE RULES

Rep. Chandler moved to amend House Rules, as proposed by the Rules Committee.

### Amendment to House Rules

Insert after House Rule 65 the following:

66. No subpoena shall issue except by majority vote of the Committee on Rules and upon the signature of the Speaker. The Committee on Rules shall determine the form of subpoenas and subpoenas *duces tecum* and specify conditions if any with regard to the issuance and use of such subpoenas.

Any Committee that has voted to seek the issuance of a subpoena or a subpoena *duces tecum* shall, through its Chairman, make a written request to the Committee on Rules. The request shall identify with particularity the witness or witnesses the requesting Committee seeks to subpoena or, in the case of a subpoena *duces tecum*, the information and materials

the requesting Committee seeks to obtain. The request shall provide a sufficient explanation for the Committee on Rules to understand the purpose for which the witness or information is sought and why it is necessary to subpoena the witness or information and materials. The Committee on Rules shall consider the request at its next meeting. The Committee on Rules may grant the request in whole or in part, or may deny the request. The Speaker shall be authorized to take such action as may be necessary and proper to enforce any subpoena or subpoena *duces tecum*.

Rep. Chandler spoke in favor.

Reps. Itse and Ingretson spoke in favor and yielded to questions.

Rep. Gary Richardson spoke against and yielded to questions.

Rep. Norelli requested a roll call; sufficiently seconded.

**YEAS 241 NAYS 114**

## **YEAS 241**

### **BELKNAP**

|                  |                   |                  |                  |
|------------------|-------------------|------------------|------------------|
| Accornero, Harry | 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**

|                  |                  |                 |                    |
|------------------|------------------|-----------------|--------------------|
| Chandler, Gene   | Fleck, Joseph    | Knox, J. David  | McCarthy, Frank    |
| McConkey, Mark   | Merrow, Harry    | Patten, Betsey  | Pettengill, Laurie |
| Schmidt, Stephen | Tregenza, Norman | Umberger, Karen |                    |

### **CHESHIRE**

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

### **COOS**

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

### **GRAFTON**

|                 |               |                  |                   |
|-----------------|---------------|------------------|-------------------|
| Bradley, Lester | Bulis, Lyle   | Eaton, Stephanie | Gionet, Edmond    |
| Ingretson, Paul | Ladd, Rick Jr | Mirski, Paul     | Reilly, Harold Sr |
| Sorg, Gregory   | Sova, Charles |                  |                   |

### **HILLSBOROUGH**

|                  |                       |                       |                 |
|------------------|-----------------------|-----------------------|-----------------|
| Avard, Kevin     | Balboni, Michael      | Ball, J. Michael      | Barry, Richard  |
| Belanger, James  | Belvin, William       | Bergevin, Jerry       | Boehm, Ralph    |
| Brown, Kevin     | Brownrigg, Randall Jr | Burt, John            | Buxton, Michael |
| Cebrowski, John  | Christensen, D.L.     | Christiansen, Lars    | Coffey, James   |
|                  | Chris                 |                       |                 |
| Condra, William  | Coughlin, Sean        | Cusson-Cail, Kathleen | Daniels, Gary   |
| Day, Russell     | Donovan, Daniel       | Drisko, Richard       | Erickson, Duane |
| Flanagan, Jack   | Fredette, Robert      | Gagne, Larry          | Gandia, Laura   |
| Gonzalez, Carlos | Graham, John          | Greazzo, Phil         | Haefner, Robert |
| Hansen, Peter    | Hardwick, Harry       | Hawkins, Kenneth      | Hikel, John     |
| Hinch, Richard   | Hogan, Edith          | Hogan, Timothy        | Holden, Frank   |

Hopper, Gary  
Krasucki, Joseph  
Maltz, Jonathan  
Moran, Edward  
Ober, Russell III  
Parison, James  
Pratt, Calvin  
Robbins, David  
Silva, Peter  
Stroud, Kathleen  
Twombly, Timothy  
Whitehead, Randall

Hutchinson, Winfred  
Kurk, Neal  
McCarthy, Michael  
Murphy, Keith  
Ohm, Bill  
Pellegrino, Tony  
Proulx, Mark  
Rowe, Robert  
Simmons, Tammy  
Swank, Matthew  
Ulery, Jordan  
Willette, Robert

Infantine, William  
Lambert, George  
McGuinness, Sean  
Notter, Jeanine  
Palmer, Barry  
Pepino, Leo  
Reed, Michael  
Scontsas, Lisa  
Soucy, Connie  
Terrio, Ross  
Villeneuve, Moe

Jasper, Shawn  
LeBrun, Donald  
Mecheski, Holly  
Ober, Lynne  
Palmer, Stephen  
Peterson, Lenette  
Renzullo, Andrew  
Seidel, Carl  
Stepanek, Stephen  
Thomas, Joseph  
Warden, Mark

#### MERRIMACK

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

Coffey, Jennifer  
Hoell, J.R.  
Lauer-Rago, Kathleen  
McGuire, Dan  
Seaworth, G. Brian

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

Giuda, J. Brandon  
Kotowski, Frank  
McDonnell, John  
Richardson, Jon  
Smith, Todd

#### ROCKINGHAM

Abrami, Patrick  
Baldasaro, Alfred  
Brown, Paul  
Davenport, Joshua  
Elliott, Robert  
Griffin, Mary  
Itse, Daniel  
Major, Norman  
Murphy, Brian  
Oligny, Jeffrey  
Perkins, Lawrence  
Sanders, Elisabeth  
Sheffert, Kenneth  
Sullivan, Kevin  
Tremblay, Stella  
Webb, James

Allen, Mary  
Bates, David  
Charron, Gene  
DeSimone, Debra  
Fesh, Robert  
Hagan, Joseph  
Kappler, Lawrence  
Manuse, Andrew  
Nevins, Chris  
Packard, Sherman  
Reagan, John  
Sapareto, Frank  
Shuler, Wyman III  
Sytek, John  
Tucker, Pamela  
Welch, David

Antosz, Jason  
Belanger, Ronald  
Chirichiello, Brian  
Devine, James  
Garcia, Marilinda  
Hoelzel, Kathleen  
Katsakiores, Phyllis  
McKinney, Betsy  
O'Connor, John  
Peckham, Michele  
Reichard, Kevin  
Sapienza, Marie  
Smith, William  
Tamburello, Daniel  
Ward, Joanne  
Weyler, Kenneth

Azarian, Gary  
Bettencourt, David  
Comerford, Timothy  
Duarte, Joe  
Garritty, James  
Introne, Robert  
Lundgren, David  
McMahon, Charles  
Okerman, Richard  
Perkins, Amy  
Ritter, Glenn  
Sedensky, John  
Sullivan, James  
Tasker, Kyle  
Waterhouse, Kevin

#### STRAFFORD

Andolina, Donald  
Jones, Kyle

Cataldo, Sam  
Jones, Laura

DeLemus, Susan  
Larsen Schultz,  
Kirsten  
Parsons, Robbie

Groen, Warren  
Munck, Philip

Newton, Clifford  
Vita, Carol

O'Connor, William  
Vita, Lucien

Pitre, Joseph

#### SULLIVAN

Bowers, Spec  
Laware, Thomas

Cunningham, Steven  
Osgood, Joe

Howard, Thomas  
Rodeschin, Beverly

LaCasse, Paul Sr  
Smith, Steven

### **BELKNAP**

Bolster, Peter                      Millham, Alida

### **CARROLL**

Ahlgren, Christopher              Babson, David Jr

### **CHESHIRE**

|                   |                  |                   |                 |
|-------------------|------------------|-------------------|-----------------|
| Butynski, William | Carr, Daniel     | Chase, Cynthia    | Hawkes, Samuel  |
| Johnsen, Gladys   | Johnson, Jane    | Lerandean, Alfred | Lindsey, Steven |
| Meadar, David     | Parkhurst, Henry | Roberts, Kris     | Sad, Tara       |
| Tatro, Bruce      | Weber, Lucy      | Weed, Charles     |                 |

### **COOS**

|                  |                |                 |                 |
|------------------|----------------|-----------------|-----------------|
| Coulombe, Gary   | Hatch, William | Merrick, Evalyn | Remick, William |
| Theberge, Robert | Thomas, Yvonne |                 |                 |

### **GRAFTON**

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

### **HILLSBOROUGH**

|                   |                     |                  |                     |
|-------------------|---------------------|------------------|---------------------|
| Baroody, Benjamin | Campbell, David     | Cote, David      | Daler, Jennifer     |
| DeJong, Cameron   | Gargasz, Carolyn    | Gidge, Kenneth   | Gimas, John         |
| Goley, Jeffrey    | Gorman, Mary        | Leishman, Peter  | Levasseur, Nickolas |
| Long, Patrick     | Messier, Irene      | Pilotte, Maurice | Porter, Marjorie    |
| Rokas, Ted        | Rosenwald, Cindy    | Shaw, Barbara    | Sullivan, Daniel    |
| Sullivan, Peter   | Vaillancourt, Steve |                  |                     |

### **MERRIMACK**

|                     |                  |                    |                    |
|---------------------|------------------|--------------------|--------------------|
| Bouchard, Candace   | Deloge, Helen    | DeStefano, Stephen | Foose, Robert      |
| Frazer, June        | Gile, Mary       | Hamm, Christine    | Kidder, David      |
| Lockwood, Priscilla | Mackay, James    | Owen, Derek        | Patten, Dick       |
| Potter, Frances     | Rice, Chip       | Richardson, Gary   | Shurtleff, Stephen |
| Watrous, Rick       | Williams, Robert |                    |                    |

### **ROCKINGHAM**

|                        |                   |                 |                   |
|------------------------|-------------------|-----------------|-------------------|
| Cali-Pitts, Jacqueline | Copeland, Timothy | DiPentima, Rich | Dowling, Patricia |
| Janvrin, Kevin         | Lovejoy, Patricia | MacMahon, Bruce | Moody, Marcia     |
| Norelli, Terie         | Pantelakos, Laura | Read, Robin Jr  | Schlachman, Donna |
| Serlin, Christopher    | Waddell, James    |                 |                   |

### **STRAFFORD**

|                  |                   |                 |                       |
|------------------|-------------------|-----------------|-----------------------|
| Berube, Roger    | Brown, Julie      | Browne, Brendon | Ginsburg, Philip      |
| Grassie, Anne    | Horrigan, Timothy | Kaen, Naida     | Leonard, Frederick Jr |
| Panek, William   | Perry, Robert     | Roberts, Jenna  | Schmidt, Peter        |
| Spainhower, Dale | Spang, Judith     | Sprague, Dale   | Wall, Janet           |
| Watters, David   |                   |                 |                       |

SULLIVAN

Cloutier, John  
Schmidt, Andrew

Gagnon, Raymond

Lefebvre, Benjamin

Lovett, Charlene

and the motion was adopted by the necessary two-thirds vote.

**CONSENT CALENDAR**

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

Consent Calendar adopted.

Rep. Chandler declared a conflict of interest on **HB 1671** and did not participate in the vote on the Consent Calendar.

**SB 332**, repealing a prohibition relative to auxiliary state troopers and repealing the law governing motor vehicles carrying property for hire. **OUGHT TO PASS.**

Rep. Kenneth Hawkins for Executive Departments and Administration: This bill will allow auxiliary troopers to work 1,300 hours per year, which is the part time certification limit. Currently they can only work 90 days. These are the troopers that are at the State House and LOB while we're in session. This bill also repeals RSA:375-B. There is no one licensed under this RSA and there hasn't been since federal regulations went into effect a few years ago. It was felt that since it is no longer needed let's get it off the books. Vote 11-0. Referred to the Committee on Finance.

**HB 443-FN**, establishing that marriage between one man and one woman shall be the only legal domestic union that shall be valid or recognized in this state. **INEXPEDIENT TO LEGISLATE.**

Rep. Lenette M. Peterson for Judiciary: The committee is recommending passage of HB 437, which covers all the same material. Both were not needed. Vote 17-0.

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

Rep. Edith A. Hogan for Special Committee on Education Funding: This bill, as amended, allows charter schools that have been in existence for 5 or more years to incur long-term debt for the purpose of purchasing buildings or land for new construction or renovations of existing buildings. The state will not be liable for any debt or other financial obligation incurred by a charter school for the purposes listed above. The language added to this bill to protect the state should a charter school debt be unpaid, mirrors the language already in statute that protects school districts from being liable for charter school debt. Vote 14-0.

**Amendment (1105h)**

Amend the bill by replacing section 1 with the following:

1 Chartered Public Schools; Duties and Authority of Board of Trustees. Amend RSA 194-B:5, III(h) to read as follows:

(h) ***For chartered public schools that have been in operation for 5 or more years, to incur long-term debt for the purpose of purchasing buildings or land, or for new construction or renovations to existing buildings. The state shall not be liable for any debt or other financial obligation incurred under this subparagraph.***

(i) To have such other powers that are available to a business corporation formed under RSA 293-A and that are not inconsistent with this chapter.

**HB 1671**, apportioning congressional districts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David W. Hess for Special Committee on Redistricting: The current congressional districts pose a 502 person redistricting deviation, CD 2 has 251 more people than it should

have, and CD 1 has 251 fewer people. This bill, as amended, provides a 500 person solution. It moves just two political subdivisions – Waterville Valley and Sargent's Purchase from Congressional District 2 to Congressional District 1 resulting in a deviation of just 2, - plus 1 in CD 2 and minus 1 in CD 1. This bill essentially maintains the status quo. It is simple, straightforward, surgical, symmetrical, precise and minimalist. It makes good sense and it is as close to perfect as you can get. Vote 14-1.

**Amendment (1192h)**

Amend RSA 662:1, I as inserted by section 1 of the bill by inserting after subparagraph (b) the following new subparagraphs and renumbering the original subparagraphs (c)-(e) to read as (e)-(g), respectively:

- (c) In the county of Coos, the unincorporated place of
  - (1) Sargent's Purchase; and
- (d) In the county of Grafton, the town of
  - (1) Waterville Valley; and

Amend RSA 662:1, II(a) as inserted by section 1 of the bill by replacing it with the following:

- (a) The counties of
  - (1) Cheshire, and
  - (2) Sullivan; and

Amend RSA 662:1, II as inserted by section 1 of the bill by inserting after subparagraph (b) the following new subparagraphs and renumbering the original subparagraphs (c)-(e) to read as (e)-(g), respectively:

- (c) In the county of Coos, the towns, city, and unincorporated places of
  - (1) Atkinson & Gilmanton Academy Grant,
  - (2) Bean's Grant,
  - (3) Bean's Purchase,
  - (4) Berlin,
  - (5) Cambridge,
  - (6) Carroll,
  - (7) Chandler's Purchase,
  - (8) Clarksville,
  - (9) Colebrook,
  - (10) Columbia,
  - (11) Crawford's Purchase,
  - (12) Cutt's Grant,
  - (13) Dalton,
  - (14) Dix's Grant,
  - (15) Dixville,
  - (16) Dummer,
  - (17) Errol,
  - (18) Erving's Location,
  - (19) Gorham,
  - (20) Green's Grant,
  - (21) Hadley's Purchase,
  - (22) Jefferson,
  - (23) Kilkenny,
  - (24) Lancaster,
  - (25) Low & Burbank's Grant,
  - (26) Martin's Location,
  - (27) Milan,
  - (28) Millsfield,
  - (29) Northumberland,
  - (30) Odell,

- (31) Pinkham's Grant,
- (32) Pittsburg,
- (33) Randolph,
- (34) Second College Grant,
- (35) Shelburne,
- (36) Stark,
- (37) Stewartstown,
- (38) Stratford,
- (39) Success,
- (40) Thompson & Meserve's Purchase,
- (41) Wentworth's Location, and
- (42) Whitefield; and
- (d) In the county of Grafton, the towns, city, and unincorporated place of
  - (1) Alexandria,
  - (2) Ashland,
  - (3) Bath,
  - (4) Benton,
  - (5) Bethlehem,
  - (6) Bridgewater,
  - (7) Bristol,
  - (8) Campton,
  - (9) Canaan,
  - (10) Dorchester,
  - (11) Easton,
  - (12) Ellsworth,
  - (13) Enfield,
  - (14) Franconia,
  - (15) Grafton,
  - (16) Groton,
  - (17) Hanover,
  - (18) Haverhill,
  - (19) Hebron,
  - (20) Holderness,
  - (21) Landaff,
  - (22) Lebanon,
  - (23) Lincoln,
  - (24) Lisbon,
  - (25) Littleton,
  - (26) Livermore,
  - (27) Lyman,
  - (28) Lyme,
  - (29) Monroe,
  - (30) Orange,
  - (31) Orford,
  - (32) Piermont,
  - (33) Plymouth,
  - (34) Rumney,
  - (35) Sugar Hill,
  - (36) Thornton,
  - (37) Warren,
  - (38) Wentworth, and
  - (39) Woodstock; and

**HB 1140**, relative to the care of war memorials in Franconia Notch state park. **OUGHT TO PASS.**

Rep. Steven L. Cunningham for State-Federal Relations and Veterans Affairs: This bill assures the proper maintenance of veterans' memorials and remains at the Franconia State Park. It also allows active duty military, veterans and immediate family to access the trails of the park. The bill anticipates possible future leases and sees that veterans' interests are protected. The bill does nothing to prevent state agencies to otherwise exercise their authority. The director of parks and recreation may solicit and expend funds for the purpose of maintaining the memorials. Vote 11-0.

## REGULAR CALENDAR

**CACR 31**, relating to parental rights. Providing that parents have the natural right to control the health, education, and welfare of their children. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS**

Rep. David S. Robbins for the Majority of Children and Family Law: The committee majority strongly believes it is the right, duty and obligation of parents to educate, care for and protect their children. In this the committee, the sponsors, the United States and New Hampshire Supreme Courts agree. "It is cardinal with us that the custody, care and nurture of the child resides first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder...It is in recognition of this that these decisions have respected the private realm of family life which the state cannot enter." *Prince v. Commonwealth of Massachusetts*, 321 U.S. 158 (1944). "The values of Parental direction of the religious upbringing and education of their children in their early and formative years have a high place in our society. Even more markedly than in *Prince*, therefore, this case involves the fundamental interest of parents, as contrasted with that of the state, to guide the religious future and education of their children." *Wisconsin v. Yoder*, 406 U.S. 205 (1972). "The judicial reluctance to interfere with parental prerogatives derives, historically, from the notion that parents have a natural entitlement to exclusive "companionship, care, custody and management" of their children." *Stanley v. Illinois*, 405 U.S. 645, 651 (1972). "We have recognized on numerous occasions that the relationship between parent and child is constitutionally protected." *Quilloin v. Walcott*, 434 U.S. 246 (1978). "The liberty interest at issue in this case-the interests of parents in the care, custody and control of their children-is perhaps the oldest of the fundamental liberty interests recognized by this Court. In light of this extensive precedent, it cannot now be doubted that the Due Process Clause of the Fourteenth Amendment protects the fundamental right of parents to make decisions concerning the care custody and control of their children." *Troxel v. Granville*, 530 U.S. 57, 66 (2000). "In New Hampshire the rights of parents over the family are considered "natural, essential and inherent rights within the meaning of the New Hampshire Constitution, Part I, Article 2." *In re Diana P.*, 120 N.H. 791, 798, 424 A.2d 178, 182 (1980). "Thus parents enjoy a constitutionally protected right to raise their children as they see fit, unfettered by undue state intrusion." *State v. Robert H.*, 118 N.H. 713, 716, 393, A.2d 1387, 1389 (1978). "The right of biological parents to raise and care for their children is a fundamental liberty interest protected by Part I, Article 2 of the New Hampshire Constitution." *In the Matter of Nelson & Horsley*, 149 N.H. 545, 547 (2003). Supporters testified that CACR 31 will have no significant impact on current law or practices and that there is no pressing need for this amendment. Why is it before us today? Some supporters are concerned that the U.S. or N.H. Supreme Court will change their constitutional interpretations and provide a greater opportunity for state intervention in parent-child affairs. They want to make a statement that parents' rights are paramount. Others cited inappropriate parent-child interventions by state executive branch components. To the former we suggest one can rarely predict how a Supreme Court will decide issues raised by new constitutional amendments. It is as likely a future court will determine that this amendment limits parent rights as it does protect them. That would be a catastrophic

unintended consequence. To the latter we suggest looking at specific issues and trends raised by citizen interaction with executive branch components and writing appropriate legislation to correct problems. We do this every year. A one sentence constitutional amendment will not “fix” specific problems – especially when no specific problem is identified. Legislation can and will address specific issues as they are identified. Parents should determine the health, welfare and education needs of their children. Only in the most extreme circumstances should the state, acting under explicit guidelines, be authorized to intervene. The United States and New Hampshire case law is settled and consistent in support of a parent’s rights to control decisions concerning their child’s health, education and welfare needs. We strongly urge you to recognize and support a parent’s natural right – as determined in precedent and statute - by voting ITL on CACR 31. Vote 11-3.

Rep. Anne S. Cartwright for the Minority of Children and Family Law: The purpose of our constitution is to protect natural rights, given by God and nature. This legislature has observed repeated violations of the natural right of parentage by our executive departments and legislative courts. Therefore, the minority believes it is necessary to give the people the opportunity to state those rights explicitly in the Constitution to defend those rights which have long been recognized by the Supreme Court of New Hampshire as implied in Part I, Article 2. The ability to defend one’s rights ought not to depend entirely on having the resources for appeal.

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

Rep. Hoell spoke against and yielded to questions.

Rep. Manuse spoke against.

Rep. Robbins spoke in favor.

On a division vote, 175 members having voted in the affirmative and 181 in the negative the majority committee report failed.

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

Rep. Laura Jones spoke in favor.

Rep. Itse requested a roll call; sufficiently seconded.

**YEAS 204 NAYS 154**

**YEAS 204**

**BELKNAP**

Accornero, Harry  
Greemore, Robert  
Pilliod, James

Comtois, Guy  
Kingsbury, Robert  
Simpson, Tyler

Fields, Dennis  
Luther, Robert  
Swinford, Elaine

Flanders, Donald  
Malone, Robert  
Worsman, Colette

**CARROLL**

Ahlgren, Christopher  
Morrow, Harry

Fleck, Joseph  
Pettengill, Laurie

McCarthy, Frank  
Tregenza, Norman

McConkey, Mark

**CHESHIRE**

Byrnes, John

Cartwright, Anne

Moore, Charles

Moore, Robert Jr

**COOS**

Daugherty, Duffy  
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

**GRAFTON**

Bradley, Lester

Eaton, Stephanie

Gionet, Edmond

Ingbretson, Paul

Mirski, Paul

Reilly, Harold Sr

Sorg, Gregory

Sova, Charles

### HILLSBOROUGH

Avard, Kevin  
Bergevin, Jerry  
Burt, John  
Condra, William  
Donovan, Daniel  
Fredette, Robert  
Greazzo, Phil  
Hikel, John  
Hopper, Gary  
Maltz, Jonathan  
Murphy, Keith  
Palmer, Stephen  
Peterson, Lenette  
Renzullo, Andrew  
Simmons, Tammy  
Swank, Matthew  
Ulery, Jordan  
Willette, Robert

Balboni, Michael  
Boehm, Ralph  
Buxton, Michael  
Cusson-Cail, Kathleen  
Drisko, Richard  
Gagne, Larry  
Haefner, Robert  
Hinch, Richard  
Infantine, William  
McCarthy, Michael  
Notter, Jeanine  
Parison, James  
Pratt, Calvin  
Rowe, Robert  
Soucy, Connie  
Terrio, Ross  
Villeneuve, Moe

Ball, J. Michael  
Brown, Kevin  
Christiansen, Lars  
Daniels, Gary  
Erickson, Duane  
Gandia, Laura  
Hansen, Peter  
Hogan, Edith  
Krasucki, Joseph  
McGuinness, Sean  
Ohm, Bill  
Pellegrino, Tony  
Proulx, Mark  
Seidel, Carl  
Stepanek, Stephen  
Thomas, Joseph  
Warden, Mark

Barry, Richard  
Brownrigg, Randall Jr  
Coffey, James  
DeJong, Cameron  
Flanagan, Jack  
Gonzalez, Carlos  
Hardwick, Harry  
Hogan, Timothy  
Lambert, George  
Mecheski, Holly  
Palmer, Barry  
Pepino, Leo  
Reed, Michael  
Silva, Peter  
Stroud, Kathleen  
Twombly, Timothy  
Whitehead, Randall

### MERRIMACK

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

Coffey, Jennifer  
Kotowski, Frank  
McDonnell, John  
Richardson, Jon  
Smith, Todd

Cohn, Seth  
Kreis, Kenneth Sr  
McGuire, Carol  
Sanborn, Laurie

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

### ROCKINGHAM

Abrami, Patrick  
Bates, David  
Charron, Gene  
Devine, James  
Garcia, Marilinda  
Itse, Daniel  
Kolodziej, Walter  
Manuse, Andrew  
Nevins, Chris  
Peckham, Michele  
Reichard, Kevin  
Sheffert, Kenneth  
Sytek, John  
Tucker, Pamela  
Welch, David

Antosz, Jason  
Belanger, Ronald  
Chirichiello, Brian  
Duarte, Joe  
Griffin, Mary  
Janvrin, Kevin  
Lundgren, David  
Mauro, Donna  
O'Connor, John  
Perkins, Amy  
Ritter, Glenn  
Shuler, Wyman III  
Tamburello, Daniel  
Ward, Joanne  
Weyler, Kenneth

Azarian, Gary  
Bettencourt, David  
Comerford, Timothy  
Elliott, Robert  
Hoelzel, Kathleen  
Kappler, Lawrence  
MacMahon, Bruce  
McMahon, Charles  
Okerman, Richard  
Perkins, Lawrence  
Sapareto, Frank  
Smith, William  
Tasker, Kyle  
Waterhouse, Kevin

Baldasaro, Alfred  
Brown, Paul  
Davenport, Joshua  
Fesh, Robert  
Introne, Robert  
Katsakiores, Phyllis  
Major, Norman  
Murphy, Brian  
Oligny, Jeffrey  
Reagan, John  
Sedensky, John  
Sullivan, Kevin  
Tremblay, Stella  
Webb, James

### STRAFFORD

Andolina, Donald  
Jones, Kyle

Cataldo, Sam  
Jones, Laura  
  
Newton, Clifford  
Vita, Carol

DeLemus, Susan  
Larsen Schultz,  
Kirsten  
O'Connor, William  
Vita, Lucien

Groen, Warren  
Leonard, Frederick Jr  
  
Panek, William

### **SULLIVAN**

Bowers, Spec  
Laware, Thomas

Cunningham, Steven  
Lovett, Charlene

Howard, Thomas  
Osgood, Joe

LaCasse, Paul Sr  
Smith, Steven

### **NAYS 154**

### **BELKNAP**

Bolster, Peter  
Tobin, William

Millham, Alida

Russell, David

Tilton, Franklin

### **CARROLL**

Babson, David Jr  
Schmidt, Stephen

Chandler, Gene  
Umberger, Karen

Knox, J. David

Patten, Betsey

### **CHESHIRE**

Butynski, William  
Hawkes, Samuel  
Lerandeau, Alfred  
Roberts, Kris  
Tatro, Bruce

Carr, Daniel  
Hunt, John  
Lindsey, Steven  
Sad, Tara  
Weber, Lucy

Chase, Cynthia  
Johnsen, Gladys  
Meador, David  
Smith, Edwin  
Weed, Charles

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

### **COOS**

Coulombe, Gary  
Theberge, Robert

Hatch, William  
Thomas, Yvonne

Merrick, Evalyn

Remick, William

### **GRAFTON**

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

Almy, Susan  
Gould, Franklin  
Pastor, Beatriz  
Taylor, Kathleen

Benn, Bernard  
Harding, Laurie  
Pierce, David  
Townsend, Charles

Bulis, Lyle  
Ladd, Rick Jr  
Simard, Paul  
White, Andrew

### **HILLSBOROUGH**

Baroody, Benjamin  
Cebrowski, John

Belanger, James  
Christensen, D.L.  
Chris

Belvin, William  
Cote, David

Campbell, David  
Coughlin, Sean

Daler, Jennifer  
Gidge, Kenneth  
Graham, John  
Jasper, Shawn  
Levasseur, Nickolas  
Ober, Lynne  
Robbins, David  
Shaw, Barbara

Day, Russell  
Gimas, John  
Hawkins, Kenneth  
Kurk, Neal  
Long, Patrick  
Ober, Russell III  
Rokas, Ted  
Sullivan, Daniel

Gargas, Carolyn  
Goley, Jeffrey  
Holden, Frank  
LeBrun, Donald  
Messier, Irene  
Pilotte, Maurice  
Rosenwald, Cindy  
Sullivan, Peter

Garrity, Patrick  
Gorman, Mary  
Hutchinson, Winfred  
Leishman, Peter  
Moran, Edward  
Porter, Marjorie  
Scontsas, Lisa  
Vaillancourt, Steve

### **MERRIMACK**

Bouchard, Candace  
Frazer, June  
Kidder, David  
Patten, Dick  
Shurtleff, Stephen

Deloge, Helen  
Gile, Mary  
Lockwood, Priscilla  
Potter, Frances  
Watrous, Rick

DeStefano, Stephen  
Hamm, Christine  
MacKay, James  
Rice, Chip  
Williams, Robert

Foose, Robert  
Hess, David  
Owen, Derek  
Richardson, Gary  
Winter, Steven

### ROCKINGHAM

|                   |                        |                     |                    |
|-------------------|------------------------|---------------------|--------------------|
| Allen, Mary       | Cali-Pitts, Jacqueline | Copeland, Timothy   | DeSimone, Debra    |
| DiPentima, Rich   | Dowling, Patricia      | Garritty, James     | Hagan, Joseph      |
| Lovejoy, Patricia | McKinney, Betsy        | Moody, Marcia       | Norelli, Terie     |
| Packard, Sherman  | Pantelakos, Laura      | Read, Robin Jr      | Sanders, Elisabeth |
| Sapienza, Marie   | Schlachman, Donna      | Serlin, Christopher | Sullivan, James    |
| Waddell, James    |                        |                     |                    |

### STRAFFORD

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

### SULLIVAN

|                 |                 |                    |                    |
|-----------------|-----------------|--------------------|--------------------|
| Cloutier, John  | Gagnon, Raymond | Lefebvre, Benjamin | Rodeschin, Beverly |
| Schmidt, Andrew |                 |                    |                    |

and the minority committee report failed lacking the constitutionally required three-fifths vote.

### MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Tucker moved that the House reconsider its action whereby, on a division vote of 175-181, it failed to adopt the majority committee report of Inexpedient to Legislate.

Rep. Jasper spoke in favor.

Rep. Cohn spoke against.

On a division vote, 251 members having voted in the affirmative and 109 in the negative, the motion was adopted.

### MOTION TO LAY ON THE TABLE

Rep. Cohn moved that **CACR 31**, relating to parental rights. Providing that parents have the natural right to control the health, education, and welfare of their children, be laid on the table.

On a division vote, 172 members having voted in the affirmative and 187 in the negative, the motion failed.

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

Rep. Hoell requested a roll call; sufficiently seconded.

**YEAS 214 NAYS 146**

**YEAS 214**

### BELKNAP

|                  |                |                |                |
|------------------|----------------|----------------|----------------|
| Bolster, Peter   | Fields, Dennis | Millham, Alida | Russell, David |
| Tilton, Franklin | Tobin, William |                |                |

### CARROLL

|                      |                  |                  |                 |
|----------------------|------------------|------------------|-----------------|
| Ahlgren, Christopher | Babson, David Jr | Chandler, Gene   | Knox, J. David  |
| Merrow, Harry        | Patten, Betsey   | Schmidt, Stephen | Umberger, Karen |

### **CHESHIRE**

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

### **COOS**

|                 |                  |                |                 |
|-----------------|------------------|----------------|-----------------|
| Coulombe, Gary  | Daugherty, Duffy | Hatch, William | Merrick, Evalyn |
| Remick, William | Theberge, Robert | Tholl, John Jr | Thomas, Yvonne  |

### **GRAFTON**

|                  |                   |                  |                  |
|------------------|-------------------|------------------|------------------|
| Aguiar, James    | Almy, Susan       | Benn, Bernard    | Bradley, Lester  |
| Bulis, Lyle      | Cooney, Mary      | Eaton, Stephanie | Gionet, Edmond   |
| Gould, Franklin  | Harding, Laurie   | Ladd, Rick Jr    | Nordgren, Sharon |
| Pastor, Beatriz  | Pierce, David     | Simard, Paul     | Smith, Suzanne   |
| Taylor, Kathleen | Townsend, Charles | White, Andrew    |                  |

### **HILLSBOROUGH**

|                     |                     |                          |                     |
|---------------------|---------------------|--------------------------|---------------------|
| Ball, J. Michael    | Baroody, Benjamin   | Barry, Richard           | Belanger, James     |
| Belvin, William     | Boehm, Ralph        | Brown, Kevin             | Burt, John          |
| Buxton, Michael     | Campbell, David     | Cebrowski, John          | Christensen, D.L.   |
|                     |                     |                          | Chris               |
| Cote, David         | Coughlin, Sean      | Cusson-Cail,<br>Kathleen | Daler, Jennifer     |
| Day, Russell        | Drisko, Richard     | Erickson, Duane          | Gagne, Larry        |
| Gargas, Carolyn     | Garrity, Patrick    | Gidge, Kenneth           | Gimas, John         |
| Goley, Jeffrey      | Gorman, Mary        | Graham, John             | Haefner, Robert     |
| Hawkins, Kenneth    | Hogan, Timothy      | Holden, Frank            | Hutchinson, Winfred |
| Jasper, Shawn       | Kurk, Neal          | LeBrun, Donald           | Leishman, Peter     |
| Levasseur, Nickolas | Long, Patrick       | McCarthy, Michael        | Messier, Irene      |
| Moran, Edward       | Ober, Lynne         | Ober, Russell III        | Ohm, Bill           |
| Palmer, Barry       | Pellegrino, Tony    | Pepino, Leo              | Pilotte, Maurice    |
| Porter, Marjorie    | Proulx, Mark        | Ramsey, Peter            | Robbins, David      |
| Rokas, Ted          | Rosenwald, Cindy    | Rowe, Robert             | Scontsas, Lisa      |
| Shaw, Barbara       | Simmons, Tammy      | Stepanek, Stephen        | Stroud, Kathleen    |
| Sullivan, Daniel    | Sullivan, Peter     | Swank, Matthew           | Terrio, Ross        |
| Thomas, Joseph      | Vaillancourt, Steve | Whitehead, Randall       |                     |

### **MERRIMACK**

|                    |                 |                    |                     |
|--------------------|-----------------|--------------------|---------------------|
| Bouchard, Candace  | Deloge, Helen   | DeStefano, Stephen | Foose, Robert       |
| Frazer, June       | Gile, Mary      | Hamm, Christine    | Hess, David         |
| Keane, Thomas      | Kidder, David   | Lindsley, Mark     | Lockwood, Priscilla |
| MacKay, James      | McDonnell, John | Owen, Derek        | Palfrey, David      |
| Patten, Dick       | Potter, Frances | Rice, Chip         | Richardson, Gary    |
| Shurtleff, Stephen | Watrous, Rick   | Williams, Robert   | Winter, Steven      |

### **ROCKINGHAM**

|                 |                   |                 |                        |
|-----------------|-------------------|-----------------|------------------------|
| Abrami, Patrick | Allen, Mary       | Azarian, Gary   | Cali-Pitts, Jacqueline |
| Charron, Gene   | Copeland, Timothy | DeSimone, Debra | Devine, James          |
| DiPentima, Rich | Dowling, Patricia | Fesh, Robert    | Garrity, James         |

Griffin, Mary  
Lovejoy, Patricia  
Moody, Marcia  
Pantelakos, Laura  
Sapienza, Marie  
Sullivan, Kevin  
Waterhouse, Kevin

Hagan, Joseph  
Major, Norman  
Nevins, Chris  
Peckham, Michele  
Schlachman, Donna  
Sytek, John  
Weyler, Kenneth

Kappler, Lawrence  
Mauro, Donna  
Norelli, Terie  
Read, Robin Jr  
Serlin, Christopher  
Waddell, James

Katsakiores, Phyllis  
McKinney, Betsy  
Packard, Sherman  
Sanders, Elisabeth  
Sullivan, James  
Ward, Joanne

#### **STRAFFORD**

Berube, Roger  
Ginsburg, Philip  
Munck, Philip  
Roberts, Jenna  
Sprague, Dale

Brown, Julie  
Grassie, Anne  
Parsons, Robbie  
Schmidt, Peter  
Wall, Janet

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

Cataldo, Sam  
Kaen, Naida  
Pitre, Joseph  
Spang, Judith

#### **SULLIVAN**

Cloutier, John  
Schmidt, Andrew

Gagnon, Raymond

Lefebvre, Benjamin

Rodeschin, Beverly

#### **NAYS 146**

#### **BELKNAP**

Accornero, Harry  
Kingsbury, Robert  
Simpson, Tyler

Comtois, Guy  
Luther, Robert  
Swinford, Elaine

Flanders, Donald  
Malone, Robert  
Worsman, Colette

Greemore, Robert  
Pilliod, James

#### **CARROLL**

Fleck, Joseph  
Trogenza, Norman

McCarthy, Frank

McConkey, Mark

Pettengill, Laurie

#### **CHESHIRE**

Cartwright, Anne

Moore, Charles

#### **COOS**

Rappaport, Laurence

Richardson, Herbert

Tremblay, Marc

#### **GRAFTON**

Ingbretson, Paul  
Sova, Charles

Mirski, Paul

Reilly, Harold Sr

Sorg, Gregory

#### **HILLSBOROUGH**

Avard, Kevin  
Christiansen, Lars  
DeJong, Cameron  
Gandia, Laura  
Hardwick, Harry  
Hopper, Gary  
Maltz, Jonathan  
Notter, Jeanine  
Pratt, Calvin  
Silva, Peter

Balboni, Michael  
Coffey, James  
Donovan, Daniel  
Gonzalez, Carlos  
Hikel, John  
Infantine, William  
McGuinness, Sean  
Palmer, Stephen  
Reed, Michael  
Soucy, Connie

Bergevin, Jerry  
Condra, William  
Flanagan, Jack  
Greazzo, Phil  
Hinch, Richard  
Krasucki, Joseph  
Mecheski, Holly  
Parison, James  
Renzullo, Andrew  
Twombly, Timothy

Brownrigg, Randall Jr  
Daniels, Gary  
Fredette, Robert  
Hansen, Peter  
Hogan, Edith  
Lambert, George  
Murphy, Keith  
Peterson, Lenette  
Seidel, Carl  
Ulery, Jordan

Villeneuve, Moe

Warden, Mark

Willette, Robert

#### MERRIMACK

Blankenbeker, Lynne  
Hoell, J.R.  
McGuire, Carol  
Seaworth, G. Brian

Coffey, Jennifer  
Kotowski, Frank  
McGuire, Dan  
Smith, Molly

Cohn, Seth  
Kreis, Kenneth Sr  
Richardson, Jon  
Smith, Todd

Giuda, J. Brandon  
Lauer-Rago, Kathleen  
Sanborn, Laurie

#### ROCKINGHAM

Antosz, Jason  
Bettencourt, David  
Davenport, Joshua  
Hoelzel, Kathleen  
Kolodziej, Walter  
McMahon, Charles  
Oigny, Jeffrey  
Reichard, Kevin  
Sedensky, John  
Tamburello, Daniel  
Webb, James

Baldasaro, Alfred  
Brown, Paul  
Duarte, Joe  
Introne, Robert  
Lundgren, David  
Murphy, Brian  
Perkins, Amy  
Ritter, Glenn  
Sheffert, Kenneth  
Tasker, Kyle  
Welch, David

Bates, David  
Chirichiello, Brian  
Elliott, Robert  
Itse, Daniel  
MacMahon, Bruce  
O'Connor, John  
Perkins, Lawrence  
Sapareto, Frank  
Shuler, Wyman III  
Tremblay, Stella

Belanger, Ronald  
Comerford, Timothy  
Garcia, Marilinda  
Janvrin, Kevin  
Manuse, Andrew  
Okerman, Richard  
Reagan, John  
Schroadter, Adam  
Smith, William  
Tucker, Pamela

#### STRAFFORD

Andolina, Donald  
Jones, Laura

DeLemus, Susan  
Larsen Schultz,  
Kirsten  
Panek, William

Groen, Warren  
Leonard, Frederick Jr  
Vita, Carol

Jones, Kyle  
Newton, Clifford  
Vita, Lucien

#### SULLIVAN

Bowers, Spec  
Laware, Thomas

Cunningham, Steven  
Lovett, Charlene

Howard, Thomas  
Osgood, Joe

LaCasse, Paul Sr  
Smith, Steven

and the majority committee report was adopted.

**HB 1313**, allowing school districts to offer higher education scholarships to high school pupils. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory Hill for Education: The majority did not feel that this bill was necessary in that local districts have the opportunity, and in fact, some all ready do, what this bill seeks to accomplish. Several local districts participate with the community college system's program called Running Start which is a valuable program for the students who want to access college courses while still in high school. Vote 13-2.

Rep. Daniels spoke against.

Reps. Greemore and Lauer-Rago spoke in favor.

Rep. Bettencourt requested a roll call; sufficiently seconded.

**YEAS 259 NAYS 90**

**YEAS 259**

#### BELKNAP

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

Bolster, Peter  
Kingsbury, Robert  
Simpson, Tyler

Comtois, Guy  
Luther, Robert  
Swinford, Elaine

Fields, Dennis  
Millham, Alida  
Tilton, Franklin

### CARROLL

|                  |                    |                  |                  |
|------------------|--------------------|------------------|------------------|
| Babson, David Jr | Chandler, Gene     | Fleck, Joseph    | Knox, J. David   |
| McConkey, Mark   | Pettengill, Laurie | Schmidt, Stephen | Tregenza, Norman |
| Umberger, Karen  |                    |                  |                  |

### CESHIRE

|                   |                       |                   |                  |
|-------------------|-----------------------|-------------------|------------------|
| Butynski, William | Byrnes, John          | Carr, Daniel      | Cartwright, Anne |
| Chase, Cynthia    | Dwinell, Richard      | Hawkes, Samuel    | Hunt, John       |
| Johnsen, Gladys   | Johnson, Jane         | Lerandeau, Alfred | Meador, David    |
| Moore, Charles    | Moore, Robert Jr      | Parkhurst, Henry  | Roberts, Kris    |
| Sad, Tara         | Sterling, Franklin Jr | Tatro, Bruce      | Weber, Lucy      |

### COOS

|                  |                     |                  |                     |
|------------------|---------------------|------------------|---------------------|
| Daugherty, Duffy | Hatch, William      | Merrick, Evalyn  | Rappaport, Laurence |
| Remick, William  | Richardson, Herbert | Theberge, Robert | Thomas, Yvonne      |

### GRAFTON

|                  |                 |                   |                   |
|------------------|-----------------|-------------------|-------------------|
| Aguilar, James   | Almy, Susan     | Benn, Bernard     | Bradley, Lester   |
| Bulis, Lyle      | Cooney, Mary    | Gould, Franklin   | Harding, Laurie   |
| Nordgren, Sharon | Pastor, Beatriz | Reilly, Harold Sr | Smith, Suzanne    |
| Sorg, Gregory    | Sova, Charles   | Taylor, Kathleen  | Townsend, Charles |
| White, Andrew    |                 |                   |                   |

### HILLSBOROUGH

|                  |                     |                     |                     |
|------------------|---------------------|---------------------|---------------------|
| Avard, Kevin     | Balboni, Michael    | Baroody, Benjamin   | Barry, Richard      |
| Belanger, James  | Belvin, William     | Bergevin, Jerry     | Brown, Kevin        |
| Burt, John       | Campbell, David     | Cebrowski, John     | Christensen, D.L.   |
|                  |                     |                     | Chris               |
| Coffey, James    | Condra, William     | Cote, David         | Coughlin, Sean      |
| Daler, Jennifer  | Day, Russell        | DeJong, Cameron     | Drisko, Richard     |
| Erickson, Duane  | Flanagan, Jack      | Fredette, Robert    | Gandia, Laura       |
| Gargas, Carolyn  | Garrity, Patrick    | Gidge, Kenneth      | Gimas, John         |
| Goley, Jeffrey   | Gonzalez, Carlos    | Gorman, Mary        | Graham, John        |
| Greazzo, Phil    | Haefner, Robert     | Hawkins, Kenneth    | Hikel, John         |
| Hogan, Edith     | Hogan, Timothy      | Hopper, Gary        | Hutchinson, Winfred |
| Krasucki, Joseph | Kurk, Neal          | Lambert, George     | LeBrun, Donald      |
| Leishman, Peter  | Levasseur, Nickolas | McGuinness, Sean    | Mecheski, Holly     |
| Messier, Irene   | Ober, Lynne         | Ober, Russell III   | Palmer, Barry       |
| Palmer, Stephen  | Peterson, Lenette   | Pilotte, Maurice    | Porter, Marjorie    |
| Pratt, Calvin    | Proulx, Mark        | Reed, Michael       | Renzullo, Andrew    |
| Robbins, David   | Rokas, Ted          | Rosenwald, Cindy    | Rowe, Robert        |
| Scotsas, Lisa    | Shaw, Barbara       | Soucy, Connie       | Sullivan, Daniel    |
| Sullivan, Peter  | Thomas, Joseph      | Vaillancourt, Steve | Villeneuve, Moe     |
| Warden, Mark     | Whitehead, Randall  | Willette, Robert    |                     |

### MERRIMACK

|                     |                      |                  |                 |
|---------------------|----------------------|------------------|-----------------|
| Blankenbeker, Lynne | Bouchard, Candace    | Coffey, Jennifer | Cohn, Seth      |
| Deloge, Helen       | DeStefano, Stephen   | Foose, Robert    | Frazer, June    |
| Gile, Mary          | Hamm, Christine      | Kidder, David    | Kotowski, Frank |
| Kreis, Kenneth Sr   | Lauer-Rago, Kathleen | Lindsley, Mark   | MacKay, James   |
| McDonnell, John     | McGuire, Carol       | Owen, Derek      | Palfrey, David  |

Patten, Dick  
Richardson, Jon

Potter, Frances  
Shurtleff, Stephen

Rice, Chip  
Williams, Robert

Richardson, Gary

### ROCKINGHAM

Abrami, Patrick  
Bates, David  
Chirichiello, Brian  
DiPentima, Rich  
Hagan, Joseph  
Kolodziej, Walter  
Manuse, Andrew  
Norelli, Terie  
Pantelakos, Laura  
Read, Robin Jr  
Sapienza, Marie  
Shuler, Wyman III  
Tremblay, Stella  
Waterhouse, Kevin

Allen, Mary  
Brown, Paul  
Copeland, Timothy  
Duarte, Joe  
Introne, Robert  
Lovejoy, Patricia  
McKinney, Betsy  
Okerman, Richard  
Peckham, Michele  
Reagan, John  
Schlachman, Donna  
Sytek, John  
Tucker, Pamela

Azarian, Gary  
Cali-Pitts, Jacqueline  
Davenport, Joshua  
Elliott, Robert  
Janvrin, Kevin  
Lundgren, David  
McMahon, Charles  
Oligny, Jeffrey  
Perkins, Amy  
Reichard, Kevin  
Schroadter, Adam  
Tamburello, Daniel  
Waddell, James

Baldasaro, Alfred  
Charron, Gene  
DeSimone, Debra  
Fesh, Robert  
Katsakiores, Phyllis  
MacMahon, Bruce  
Moody, Marcia  
Packard, Sherman  
Perkins, Lawrence  
Sapareto, Frank  
Serlin, Christopher  
Tasker, Kyle  
Ward, Joanne

### STRAFFORD

Andolina, Donald  
Grassie, Anne  
Jones, Laura

Berube, Roger  
Groen, Warren  
Kaen, Naida

Browne, Brendon  
Horrigan, Timothy  
Larsen Schultz,  
Kirsten

DeLemus, Susan  
Jones, Kyle  
Leonard, Frederick Jr

Newton, Clifford  
Perry, Robert  
Spainhower, Dale  
Vita, Lucien

O'Connor, William  
Pitre, Joseph  
Spang, Judith  
Wall, Janet

Panek, William  
Roberts, Jenna  
Sprague, Dale  
Watters, David

Parsons, Robbie  
Schmidt, Peter  
Vita, Carol

### SULLIVAN

Cloutier, John  
LaCasse, Paul Sr  
Schmidt, Andrew

Cunningham, Steven  
Laware, Thomas  
Smith, Steven

Gagnon, Raymond  
Lefebvre, Benjamin

Howard, Thomas  
Rodeschin, Beverly

### NAYS 90

### BELKNAP

Flanders, Donald

Malone, Robert

Pilliod, James

Worsman, Colette

### CARROLL

Ahlgren, Christopher

McCarthy, Frank

Morrow, Harry

Patten, Betsey

### CHESHIRE

Lindsey, Steven

Smith, Edwin

Weed, Charles

### COOS

Coulombe, Gary

Tholl, John Jr

Tremblay, Marc

### GRAFTON

Eaton, Stephanie  
Mirski, Paul

Gionet, Edmond

Ingbreton, Paul

Ladd, Rick Jr

### HILLSBOROUGH

|                       |                   |                       |                    |
|-----------------------|-------------------|-----------------------|--------------------|
| Ball, J. Michael      | Boehm, Ralph      | Brownrigg, Randall Jr | Christiansen, Lars |
| Cusson-Cail, Kathleen | Daniels, Gary     | Donovan, Daniel       | Gagne, Larry       |
| Hardwick, Harry       | Hinch, Richard    | Holden, Frank         | Jasper, Shawn      |
| Maltz, Jonathan       | McCarthy, Michael | Moran, Edward         | Murphy, Keith      |
| Notter, Jeanine       | Ohm, Bill         | Parison, James        | Pellegrino, Tony   |
| Ramsey, Peter         | Seidel, Carl      | Silva, Peter          | Simmons, Tammy     |
| Stepanek, Stephen     | Swank, Matthew    | Terrio, Ross          | Twombly, Timothy   |
| Ulery, Jordan         |                   |                       |                    |

### MERRIMACK

|                    |              |               |                 |
|--------------------|--------------|---------------|-----------------|
| Giuda, J. Brandon  | Hoell, J.R.  | Keane, Thomas | Sanborn, Laurie |
| Seaworth, G. Brian | Smith, Molly | Smith, Todd   | Watrous, Rick   |

### ROCKINGHAM

|                   |                   |                    |                    |
|-------------------|-------------------|--------------------|--------------------|
| Antosz, Jason     | Belanger, Ronald  | Bettencourt, David | Comerford, Timothy |
| Devine, James     | Dowling, Patricia | Garcia, Marilinda  | Garrity, James     |
| Griffin, Mary     | Hoelzel, Kathleen | Itse, Daniel       | Kappler, Lawrence  |
| Major, Norman     | Mauro, Donna      | Murphy, Brian      | Nevins, Chris      |
| O'Connor, John    | Ritter, Glenn     | Sanders, Elisabeth | Sedensky, John     |
| Sheffert, Kenneth | Smith, William    | Sullivan, James    | Sullivan, Kevin    |
| Webb, James       | Welch, David      | Weyler, Kenneth    |                    |

### STRAFFORD

|              |              |                  |               |
|--------------|--------------|------------------|---------------|
| Brown, Julie | Cataldo, Sam | Ginsburg, Philip | Munck, Philip |
|--------------|--------------|------------------|---------------|

### SULLIVAN

|              |                  |             |
|--------------|------------------|-------------|
| Bowers, Spec | Lovett, Charlene | Osgood, Joe |
|--------------|------------------|-------------|

and the committee report was adopted.

**HB 1389**, relative to the pre-engineering technology curriculum and pre-engineering technology advisory council. **INEXPEDIENT TO LEGISLATE.**

Rep. Ralph G. Boehm for Education: This bill, though laudable, will place a burden on elementary school grades K – 5. Adding additional curriculum to these grades will further erode the needed math and reading skills. Nothing prevents the local school district from including technology in their math or reading curriculum now. Vote 15-0.

Rep. Balboni spoke against.

Committee report failed.

Rep. Balboni moved Ought to Pass and offered floor amendment (1305h).

#### Floor Amendment (1305h)

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

2 Pre-Engineering Technology Curriculum. Amend RSA 188-E:14, I to read as follows:

I. The department of education shall facilitate the development and implementation of a pre-engineering technology curriculum in the public schools for students in grades 6 through 12 who are interested in careers in engineering[?] or allied engineering fields, **and shall encourage school districts to implement age-appropriate instruction and projects involving science, technology, engineering, and mathematics for students in kindergarten through grade 5.**

3 Pre-Engineering Technology Advisory Council. Amend RSA 188-E:15 to read as follows:

188-E:15 Pre-Engineering Technology Advisory Council. There is established a pre-engineering technology advisory council to advise the department of education in the implementation, evaluation, and expansion of the pre-engineering technology curriculum, to assist the department of education in pursuing public and private funds in order to ensure statewide access to pre-engineering technology curriculum coursework for public school students in ~~[grades 6]~~ **kindergarten** through **grade** 12.

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

Reps. Balboni and Pitre spoke in favor.

On a division vote, 329 members having voted in the affirmative and 25 in the negative, floor amendment (1305h) was adopted.

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

### REMOVED FROM THE TABLE

Rep. Itse moved that **CACR 11**, relating to terms for state judges. Providing that all state judges be commissioned for renewable 7-year terms, be removed from the table.

On a division vote, 209 members having voted in the affirmative and 144 in the negative, the motion was adopted.

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

Rep. Itse spoke against.

Rep. Gary Richardson spoke in favor.

On a division vote, 156 members having voted in the affirmative and 200 in the negative, the minority committee report failed.

The House recessed at 12:00 p.m.

### RECESS

The House reconvened at 1:10 p.m.

**(Speaker O'Brien in the Chair)**

### MOTION TO LIMIT DEBATE

Rep. Greazzo moved that debate on the reports, bills, amendments and motions arising out of the current House Calendar be limited to 20 minutes: 10 minutes each for proponents and opponents, 5 minutes for each speaker.

Rep. Rosenwald requested a roll call; sufficiently seconded.

**YEAS 194 NAYS 126**

**YEAS 194**

### BELKNAP

Accornero, Harry  
Greemore, Robert  
Pilliod, James  
Tilton, Franklin

Comtois, Guy  
Kingsbury, Robert  
Russell, David  
Tobin, William

Fields, Dennis  
Luther, Robert  
Simpson, Tyler

Flanders, Donald  
Malone, Robert  
Swinford, Elaine

### CARROLL

Ahlgren, Christopher  
McConkey, Mark  
Schmidt, Stephen

Fleck, Joseph  
Merrow, Harry

Knox, J. David  
Patten, Betsey

McCarthy, Frank  
Pettengill, Laurie

### CHESHIRE

Byrnes, John  
Johnson, Jane

Dwinell, Richard  
Moore, Charles

Hunt, John  
Moore, Robert Jr

Johnsen, Gladys

### COOS

Daugherty, Duffy  
Tholl, John Jr

Rappaport, Laurence  
Tremblay, Marc

Remick, William

Richardson, Herbert

### GRAFTON

Bradley, Lester  
Reilly, Harold Sr

Bulis, Lyle  
Sorg, Gregory

Eaton, Stephanie  
Sova, Charles

Gionet, Edmond

### HILLSBOROUGH

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

Barry, Richard  
Buxton, Michael  
Condra, William

Bergevin, Jerry  
Campbell, David  
Coughlin, Sean

Boehm, Ralph  
Cebrowski, John  
Cusson-Cail,  
Kathleen

Daniels, Gary  
Drisko, Richard  
Gargas, Carolyn  
Haefner, Robert  
Hinch, Richard  
Hutchinson, Winfred  
Maltz, Jonathan  
Murphy, Keith  
Ohm, Bill  
Peterson, Lenette  
Seidel, Carl  
Soucy, Connie  
Terrio, Ross  
Villeneuve, Moe

Day, Russell  
Erickson, Duane  
Gimas, John  
Hansen, Peter  
Hogan, Edith  
Infantine, William  
McGuinness, Sean  
Notter, Jeanine  
Palmer, Barry  
Pratt, Calvin  
Shaw, Barbara  
Stepanek, Stephen  
Thomas, Joseph  
Warden, Mark

DeJong, Cameron  
Flanagan, Jack  
Gonzalez, Carlos  
Hardwick, Harry  
Holden, Frank  
Jasper, Shawn  
Mecheski, Holly  
Ober, Lynne  
Palmer, Stephen  
Proulx, Mark  
Silva, Peter  
Stroud, Kathleen  
Twombly, Timothy  
Whitehead, Randall

Donovan, Daniel  
Gagne, Larry  
Greazzo, Phil  
Hawkins, Kenneth  
Hopper, Gary  
Krasucki, Joseph  
Moran, Edward  
Ober, Russell III  
Pellegrino, Tony  
Rowe, Robert  
Simmons, Tammy  
Swank, Matthew  
Ulery, Jordan

### MERRIMACK

Blankenbeker, Lynne  
Kotowski, Frank  
McGuire, Carol  
Smith, Todd

Coffey, Jennifer  
Kreis, Kenneth Sr  
Palfrey, David  
Winter, Steven

Giuda, J. Brandon  
Lindsley, Mark  
Richardson, Jon

Kidder, David  
McDonnell, John  
Smith, Molly

### ROCKINGHAM

Abrami, Patrick  
Bettencourt, David  
Copeland, Timothy  
Elliott, Robert  
Hagan, Joseph  
Katsakiores, Phyllis  
Mauro, Donna  
O'Connor, John  
Perkins, Amy  
Sanders, Elisabeth  
Smith, William  
Ward, Joanne

Allen, Mary  
Brown, Paul  
DeSimone, Debra  
Garcia, Marilinda  
Hoelzel, Kathleen  
Kolodziej, Walter  
McMahon, Charles  
Okerman, Richard  
Perkins, Lawrence  
Schroadter, Adam  
Sullivan, James  
Waterhouse, Kevin

Antosz, Jason  
Charron, Gene  
Devine, James  
Garrity, James  
Janvrin, Kevin  
Lundgren, David  
Murphy, Brian  
Oigny, Jeffrey  
Reichard, Kevin  
Sedensky, John  
Sullivan, Kevin  
Webb, James

Azarian, Gary  
Chirichiello, Brian  
Duarte, Joe  
Griffin, Mary  
Kappler, Lawrence  
Major, Norman  
Nevins, Chris  
Peckham, Michele  
Ritter, Glenn  
Shuler, Wyman III  
Tremblay, Stella

### STRAFFORD

Andolina, Donald  
Larsen Schultz,  
Kirsten  
Parsons, Robbie  
Vita, Lucien

Berube, Roger  
Munck, Philip

Pitre, Joseph

Cataldo, Sam  
O'Connor, William

Spang, Judith

DeLemus, Susan  
Panek, William

Vita, Carol

#### **SULLIVAN**

Bowers, Spec  
Laware, Thomas  
Rodeschin, Beverly

Cunningham, Steven  
Lefebvre, Benjamin  
Schmidt, Andrew

Howard, Thomas  
Lovett, Charlene

LaCasse, Paul Sr  
Osgood, Joe

#### **NAYS 126**

#### **BELKNAP**

Millham, Alida

#### **CARROLL**

Babson, David Jr

Tregenza, Norman

#### **CHESHIRE**

Butynski, William  
Hawkes, Samuel  
Parkhurst, Henry  
Tatro, Bruce

Carr, Daniel  
Lerandeau, Alfred  
Roberts, Kris  
Weber, Lucy

Cartwright, Anne  
Lindsey, Steven  
Sad, Tara  
Weed, Charles

Chase, Cynthia  
Meador, David  
Sterling, Franklin Jr

#### **COOS**

Hatch, William

Theberge, Robert

#### **GRAFTON**

Aguiar, James  
Gould, Franklin  
Nordgren, Sharon  
Smith, Suzanne

Almy, Susan  
Harding, Laurie  
Pastor, Beatriz  
Taylor, Kathleen

Benn, Bernard  
Ladd, Rick Jr  
Pierce, David  
Townsend, Charles

Cooney, Mary  
Mirski, Paul  
Simard, Paul  
White, Andrew

#### **HILLSBOROUGH**

Balboni, Michael  
Burt, John

Belanger, James  
Christensen, D.L.  
Chris

Belvin, William  
Christiansen, Lars

Brown, Kevin  
Cote, David

Daler, Jennifer  
Goley, Jeffrey  
LeBrun, Donald  
Messier, Irene  
Renzullo, Andrew  
Vaillancourt, Steve

Fredette, Robert  
Gorman, Mary  
Leishman, Peter  
Pilotte, Maurice  
Rosenwald, Cindy  
Willette, Robert

Gandia, Laura  
Graham, John  
Levasseur, Nickolas  
Porter, Marjorie  
Scontsas, Lisa

Gidge, Kenneth  
Kurk, Neal  
Long, Patrick  
Reed, Michael  
Sullivan, Peter

#### **MERRIMACK**

Deloge, Helen  
Hamm, Christine  
Keane, Thomas  
Owen, Derek  
Richardson, Gary

Foose, Robert  
Hess, David  
Lockwood, Priscilla  
Patten, Dick  
Seaworth, G. Brian

Frazer, June  
Hill, Gregory  
MacKay, James  
Potter, Frances  
Shurtleff, Stephen

Gile, Mary  
Hoell, J.R.  
McGuire, Dan  
Rice, Chip  
Soltani, Tony

Watrous, Rick

Williams, Robert

#### ROCKINGHAM

Bates, David  
Davenport, Joshua  
Lovejoy, Patricia  
Norelli, Terie  
Schlachman, Donna  
Waddell, James

Belanger, Ronald  
DiPentima, Rich  
MacMahon, Bruce  
Pantelakos, Laura  
Serlin, Christopher

Cali-Pitts, Jacqueline  
Dowling, Patricia  
Manuse, Andrew  
Read, Robin Jr  
Sytek, John

Comerford, Timothy  
Itse, Daniel  
Moody, Marcia  
Sapienza, Marie  
Tucker, Pamela

#### STRAFFORD

Browne, Brendon  
Horrigan, Timothy  
Pelletier, Marsha  
Wall, Janet

Ginsburg, Philip  
Jones, Kyle  
Perry, Robert  
Watters, David

Grassie, Anne  
Jones, Laura  
Roberts, Jenna

Groen, Warren  
Kaen, Naida  
Schmidt, Peter

#### SULLIVAN

Cloutier, John  
and the motion was adopted.

Gagnon, Raymond

Smith, Steven

#### MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Brian Murphy moved that the House reconsider its action whereby, on a March 7, 2012 roll call vote of 218-120, it failed to adopt the majority committee report of Ought to Pass with Amendment by the constitutionally required three-fifths vote, on **CACR 11**, relating to terms for state judges. Providing that all state judges be commissioned for renewable 7-year terms.

Rep. Brian Murphy spoke in favor.

Rep. Gary Richardson spoke against.

On a division vote, 172 members having voted in the affirmative and 176 in the negative, the motion failed.

#### REGULAR CALENDAR (CONT'D)

**HB 1642-FN**, relative to destination cancer hospitals. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John M. Reagan for the Majority of Health, Human Services and Elderly Affairs: The only successful strategy for reducing health care costs is the timely resolution of the disease or injury. Destination hospitals are successful because their specialization sees better outcomes for the patients and lower costs for the payers. Many destination specialty providers are located outside of the United States attracting American patients. The New Hampshire health delivery paradox is how can we be the healthiest state in the union but have the highest per capital health care costs? The reason is obvious. We are paying the hospitals and doctors too much for too many procedures and not enough health problem resolution. We are paying too much to those who deliver our New Hampshire health care and have no basis for comparing the health providers success. The solution to the high price conundrum is competition between providers. Competition often brings a better outcome faster and competition always lowers the price when we allow it. We should have specialty hospitals operating their businesses in New Hampshire and advance the transparency allowing the consumer to choose his or her own best outcome. We will allow New Hampshire to enjoy the good jobs, valuable service and tax payments from new providers like all successful business provide. The amendment resolved the contentious requirement to exempt a hospital from paying the undesirable but necessary MET, Medicaid Enhancement Tax. Vote 10-8.

Rep. Donald L. LeBrun for the Minority of Health, Human Services and Elderly Affairs: HB 1642, in its amended form, allows small specialty hospitals to come into New Hampshire without going through the Certificate of Need process (CON). The CON requires health care facilities to submit an application for review and approval before expanding or building and prior to the purchase of expensive medical technology. The goal of the CON is to contain health care costs by assuring unnecessary duplication of services and promoting rational allocation of health care resources. In addition, the CON stimulates collaboration among providers to manage health care costs. Exempting specialty hospitals from the CON process gives them an unfair competitive advantage over existing health care facilities in NH. Furthermore, specialty hospitals will not take Medicaid patients which will leave our community hospitals with the Medicaid patients and patients who have no insurance. This is called “cherry picking.” As a result, the cost of care will be shifted to private insurance companies who will then have to increase their premiums which will then put a significant burden on those that must pay the costs for health insurance- New Hampshire businesses. This is the reason that the BIA opposes HB 1642. Experts testified before the committee that increasing availability of health care services increases utilization of services and therefore increases health care costs. “If you build it, they will come.” Any new capacity in the form of a new hospital or technology will be utilized whether or not there is a documented need for these services. This only stands to reason as the new service or equipment must be paid for. The only way you can pay for the equipment is to use it. The CON process provides for a rational review as to the need for these services in a community and the impact the service will have on the health care delivery and health care costs. The minority supports specialty hospitals coming to New Hampshire but opposes HB 1642 because it creates an uneven playing field for our local community hospitals.

#### **Majority Amendment (1017h)**

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

AN ACT relative to destination specialty hospitals.

Amend RSA 151-C:2, XV-b as inserted by section 2 of the bill by replacing it with the following:

XV-b. “Destination specialty hospital” means an institution with a licensed bed capacity of 50 or fewer which provides diagnostic, therapeutic, treatment, and rehabilitative care services to inpatients and outpatients by or under the supervision of physicians.

Amend RSA 151-C:13, I(j) as inserted by section 3 of the bill by replacing it with the following:

#### ***(j) Destination specialty hospitals as defined in RSA 151-C:2, XV-b.***

Amend the bill by deleting section 4 and renumbering the original section 5 to read as 4.

#### **AMENDED ANALYSIS**

This bill exempts destination specialty hospitals from the certificate of need process.

Rep. Thomas Keane spoke in favor.

On a division vote, 36 members having voted in the affirmative and 318 in the negative, the majority committee amendment failed.

Rep. Edwin Smith declared a conflict of interest and did not participate.

Rep. Stepanek offered floor amendment (1261h).

#### **Floor Amendment (1261h)**

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

AN ACT relative to destination specialty hospitals.

Amend RSA 151-C:2, XV-b as inserted by section 2 of the bill by replacing it with the following:

XV-b. “Destination specialty hospital” means a for-profit institution with a licensed bed capacity of 50 or fewer which provides diagnostic, therapeutic, treatment, and rehabilitative care services to inpatients and outpatients by or under the supervision of

physicians, and whose proposed annual patient base is composed of a minimum of 65 percent of patients who reside outside of the state of New Hampshire.

Amend RSA 151-C:13, I(j) as inserted by section 3 of the bill by replacing it with the following:

***(j) Destination specialty hospitals as defined in RSA 151-C:2, XV-b.***

Amend RSA 167:65, II-a as inserted by section 4 of the bill by replacing it with the following:

II-a. Submit a waiver pursuant to the process outlined in 42 C.F.R. section 433.68 for the purpose of waiving RSA 84-A, Medicaid enhancement tax liability for destination specialty hospitals as defined in RSA 151-C:2, XV-b.

**AMENDED ANALYSIS**

This bill exempts destination specialty hospitals from the certificate of need process. This bill also requires the commissioner of the department of health and human services to submit a waiver pursuant to 42 C.F.R. section 433.68 for the purpose of waiving the Medicaid enhancement tax for such hospitals.

Reps. Stepanek and Thomas Keane spoke in favor.

Reps. DiPentima and Kurk spoke against.

Rep. Rosenwald requested a roll call; sufficiently seconded.

**YEAS 196 NAYS 164**

**YEAS 196**

**BELKNAP**

Comtois, Guy  
Malone, Robert  
Worsman, Colette

Fields, Dennis  
Russell, David

Greemore, Robert  
Simpson, Tyler

Kingsbury, Robert  
Swinford, Elaine

**CARROLL**

Ahlgren, Christopher  
Patten, Betsey  
Umberger, Karen

Knox, J. David  
Pettengill, Laurie

McCarthy, Frank  
Schmidt, Stephen

McConkey, Mark  
Tregenza, Norman

**CHESHIRE**

Byrnes, John  
Johnson, Jane

Cartwright, Anne  
Moore, Charles

Dwinell, Richard  
Moore, Robert Jr

Hunt, John

**COOS**

Daugherty, Duffy

Rappaport, Laurence Tholl, John Jr

**GRAFTON**

Bradley, Lester  
Ingretson, Paul

Bulis, Lyle  
Mirski, Paul

Eaton, Stephanie  
Sorg, Gregory

Gionet, Edmond  
Sova, Charles

**HILLSBOROUGH**

Avard, Kevin  
Bergevin, Jerry  
Buxton, Michael

Balboni, Michael  
Boehm, Ralph  
Cebrowski, John

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

Barry, Richard  
Burt, John  
Christiansen, Lars

Condra, William  
DeJong, Cameron  
Gagne, Larry  
Graham, John

Cusson-Cail, Kathleen  
Donovan, Daniel  
Gandia, Laura  
Greazzo, Phil

Daniels, Gary  
Drisko, Richard  
Gimas, John  
Haefner, Robert

Day, Russell  
Fredette, Robert  
Gonzalez, Carlos  
Hardwick, Harry

Hinch, Richard  
Hopper, Gary  
Krasucki, Joseph  
McGuinness, Sean  
Notter, Jeanine  
Palmer, Barry  
Pepino, Leo  
Reed, Michael  
Silva, Peter  
Swank, Matthew  
Vaillancourt, Steve

Hogan, Edith  
Hutchinson, Winfred  
Lambert, George  
Mecheski, Holly  
Ober, Lynne  
Palmer, Stephen  
Peterson, Lenette  
Renzullo, Andrew  
Simmons, Tammy  
Thomas, Joseph  
Villeneuve, Moe

Hogan, Timothy  
Infantine, William  
Maltz, Jonathan  
Moran, Edward  
Ober, Russell III  
Parison, James  
Pratt, Calvin  
Rowe, Robert  
Soucy, Connie  
Twombly, Timothy  
Warden, Mark

Holden, Frank  
Jasper, Shawn  
McCarthy, Michael  
Murphy, Keith  
Ohm, Bill  
Pellegrino, Tony  
Proulx, Mark  
Seidel, Carl  
Stepanek, Stephen  
Ulery, Jordan  
Whitehead, Randall

#### **MERRIMACK**

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

Giuda, J. Brandon  
Keane, Thomas  
Lindsley, Mark  
Richardson, Jon

Hess, David  
Kidder, David  
McDonnell, John  
Seaworth, G. Brian

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

#### **ROCKINGHAM**

Antosz, Jason  
Bettencourt, David  
Davenport, Joshua  
Elliott, Robert  
Hagan, Joseph  
Kappler, Lawrence  
MacMahon, Bruce  
McMahon, Charles  
Oigny, Jeffrey  
Ritter, Glenn  
Schroadter, Adam  
Smith, William  
Tasker, Kyle  
Waterhouse, Kevin

Azarian, Gary  
Brown, Paul  
DeSimone, Debra  
Garcia, Marilinda  
Hoelzel, Kathleen  
Katsakiores, Phyllis  
Major, Norman  
Nevins, Chris  
Packard, Sherman  
Sanders, Elisabeth  
Sedensky, John  
Sullivan, James  
Tremblay, Stella  
Weyler, Kenneth

Baldasaro, Alfred  
Charron, Gene  
Devine, James  
Garrity, James  
Itse, Daniel  
Kolodziej, Walter  
Manuse, Andrew  
O'Connor, John  
Peckham, Michele  
Sapareto, Frank  
Sheffert, Kenneth  
Sullivan, Kevin  
Tucker, Pamela

Bates, David  
Comerford, Timothy  
Duarte, Joe  
Griffin, Mary  
Janvrin, Kevin  
Lundgren, David  
Mauro, Donna  
Okerman, Richard  
Reagan, John  
Sapienza, Marie  
Shuler, Wyman III  
Sytek, John  
Ward, Joanne

#### **STRAFFORD**

Andolina, Donald  
Jones, Laura  
Parsons, Robbie

Cataldo, Sam  
Newton, Clifford  
Pitre, Joseph

Groen, Warren  
O'Connor, William

Jones, Kyle  
Panek, William

#### **SULLIVAN**

Bowers, Spec  
Laware, Thomas

Cunningham, Steven  
Lovett, Charlene

Howard, Thomas  
Osgood, Joe

LaCasse, Paul Sr

#### **NAYS 164**

#### **BELKNAP**

Accornero, Harry  
Pilliod, James

Bolster, Peter  
Tilton, Franklin

Flanders, Donald  
Tobin, William

Millham, Alida

#### **CARROLL**

Babson, David Jr

Chandler, Gene

Fleck, Joseph

Merrow, Harry

### **CHESHIRE**

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

### **COOS**

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

### **GRAFTON**

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

### **HILLSBOROUGH**

|                   |                  |                     |                 |
|-------------------|------------------|---------------------|-----------------|
| Baroody, Benjamin | Belanger, James  | Belvin, William     | Brown, Kevin    |
| Campbell, David   | Coffey, James    | Cote, David         | Coughlin, Sean  |
| Daler, Jennifer   | Erickson, Duane  | Flanagan, Jack      | Gargas, Carolyn |
| Garrity, Patrick  | Gidge, Kenneth   | Goley, Jeffrey      | Gorman, Mary    |
| Hansen, Peter     | Hawkins, Kenneth | Hikel, John         | Kurk, Neal      |
| LeBrun, Donald    | Leishman, Peter  | Levasseur, Nickolas | Long, Patrick   |
| Messier, Irene    | Pilotte, Maurice | Porter, Marjorie    | Ramsey, Peter   |
| Robbins, David    | Rokas, Ted       | Rosenwald, Cindy    | Scontsas, Lisa  |
| Stroud, Kathleen  | Sullivan, Daniel | Sullivan, Peter     | Terrio, Ross    |
| Willette, Robert  |                  |                     |                 |

### **MERRIMACK**

|                    |                  |                     |                 |
|--------------------|------------------|---------------------|-----------------|
| Bouchard, Candace  | Coffey, Jennifer | Cohn, Seth          | Deloge, Helen   |
| DeStefano, Stephen | Foose, Robert    | Frazer, June        | Gile, Mary      |
| Hamm, Christine    | Kotowski, Frank  | Lockwood, Priscilla | MacKay, James   |
| Owen, Derek        | Palfrey, David   | Patten, Dick        | Potter, Frances |
| Rice, Chip         | Richardson, Gary | Shurtleff, Stephen  | Soltani, Tony   |
| Watrous, Rick      | Williams, Robert | Winter, Steven      |                 |

### **ROCKINGHAM**

|                     |                   |                   |                        |
|---------------------|-------------------|-------------------|------------------------|
| Abrami, Patrick     | Allen, Mary       | Belanger, Ronald  | Cali-Pitts, Jacqueline |
| Chirichiello, Brian | Copeland, Timothy | DiPentima, Rich   | Dowling, Patricia      |
| Fesh, Robert        | Introne, Robert   | Lovejoy, Patricia | Moody, Marcia          |
| Murphy, Brian       | Norelli, Terie    | Pantelakos, Laura | Perkins, Amy           |
| Perkins, Lawrence   | Read, Robin Jr    | Reichard, Kevin   | Schlachman, Donna      |
| Serlin, Christopher | Waddell, James    | Webb, James       | Welch, David           |

### **STRAFFORD**

|                   |                         |                       |                |
|-------------------|-------------------------|-----------------------|----------------|
| Berube, Roger     | Brown, Julie            | Browne, Brendon       | DeLemus, Susan |
| Ginsburg, Philip  | Grassie, Anne           | Horriggan, Timothy    | Kaen, Naida    |
| Keans, Sandra     | Larsen Schultz, Kirsten | Leonard, Frederick Jr | Munck, Philip  |
| Pelletier, Marsha | Perry, Robert           | Roberts, Jenna        | Schmidt, Peter |
| Spainhower, Dale  | Spang, Judith           | Sprague, Dale         | Vita, Carol    |

Vita, Lucien

Wall, Janet

Watters, David

#### **SULLIVAN**

Cloutier, John  
Schmidt, Andrew

Gagnon, Raymond  
Smith, Steven

Lefebvre, Benjamin

Rodeschin, Beverly

and floor amendment (1261h) was adopted.

Rep. Edwin Smith declared a conflict of interest and did not participate.

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

Reps. Harding and LeBrun spoke against.

Rep. Garcia spoke in favor.

Rep. Rosenwald requested a roll call; sufficiently seconded.

**YEAS 198 NAYS 161**

**YEAS 198**

#### **BELKNAP**

Comtois, Guy  
Malone, Robert  
Worsman, Colette

Fields, Dennis  
Russell, David

Greemore, Robert  
Simpson, Tyler

Kingsbury, Robert  
Swinford, Elaine

#### **CARROLL**

Ahlgren, Christopher  
McCarthy, Frank  
Pettengill, Laurie

Babson, David Jr  
McConkey, Mark  
Schmidt, Stephen

Fleck, Joseph  
Morrow, Harry  
Tregenza, Norman

Knox, J. David  
Patten, Betsey  
Umberger, Karen

#### **CHESHIRE**

Byrnes, John  
Johnson, Jane

Cartwright, Anne  
Moore, Charles

Dwinell, Richard  
Moore, Robert Jr

Hunt, John

#### **COOS**

Daugherty, Duffy

Rappaport, Laurence Tholl, John Jr

#### **GRAFTON**

Bradley, Lester  
Ingbretson, Paul

Bulis, Lyle  
Mirski, Paul

Eaton, Stephanie  
Sorg, Gregory

Gionet, Edmond  
Sova, Charles

#### **HILLSBOROUGH**

Avard, Kevin  
Belanger, James  
Burt, John

Balboni, Michael  
Bergevin, Jerry  
Buxton, Michael

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

Barry, Richard  
Brownrigg, Randall Jr  
Christiansen, Lars

Condra, William  
DeJong, Cameron  
Gagne, Larry  
Graham, John  
Hogan, Edith  
Infantine, William  
Maltz, Jonathan

Cusson-Cail, Kathleen  
Donovan, Daniel  
Gandia, Laura  
Greazzo, Phil  
Hogan, Timothy  
Jasper, Shawn  
McCarthy, Michael

Daniels, Gary  
Drisko, Richard  
Gimas, John  
Hardwick, Harry  
Hopper, Gary  
Krasucki, Joseph  
McGuinness, Sean

Day, Russell  
Emerton, Larry  
Gonzalez, Carlos  
Hinch, Richard  
Hutchinson, Winfred  
Lambert, George  
Mecheski, Holly

Moran, Edward  
Ober, Russell III  
Parison, James  
Pratt, Calvin  
Seidel, Carl  
Stepanek, Stephen  
Twombly, Timothy  
Warden, Mark

Murphy, Keith  
Ohm, Bill  
Pellegrino, Tony  
Proulx, Mark  
Silva, Peter  
Stroud, Kathleen  
Ulery, Jordan  
Whitehead, Randall

Notter, Jeanine  
Palmer, Barry  
Pepino, Leo  
Renzullo, Andrew  
Simmons, Tammy  
Swank, Matthew  
Vaillancourt, Steve

Ober, Lynne  
Palmer, Stephen  
Peterson, Lenette  
Rowe, Robert  
Soucy, Connie  
Thomas, Joseph  
Villeneuve, Moe

#### **MERRIMACK**

Blankenbeker, Lynne  
Keane, Thomas  
McDonnell, John  
Seaworth, G. Brian

Hess, David  
Kreis, Kenneth Sr  
McGuire, Carol  
Smith, Molly

Hill, Gregory  
Lauer-Rago, Kathleen  
McGuire, Dan  
Smith, Todd

Hoell, J.R.  
Lindsley, Mark  
Richardson, Jon  
Soltani, Tony

#### **ROCKINGHAM**

Antosz, Jason  
Bettencourt, David  
Comerford, Timothy  
Duarte, Joe  
Garrity, James  
Hutchinson, Karen  
Kappler, Lawrence  
MacMahon, Bruce  
McMahon, Charles  
Oligny, Jeffrey  
Ritter, Glenn  
Schroadter, Adam  
Smith, William  
Tremblay, Stella  
Weyler, Kenneth

Azarian, Gary  
Brown, Paul  
Davenport, Joshua  
Elliott, Robert  
Griffin, Mary  
Introne, Robert  
Katsakiores, Phyllis  
Major, Norman  
Nevins, Chris  
Packard, Sherman  
Sanders, Elisabeth  
Sedensky, John  
Sullivan, James  
Tucker, Pamela

Baldasaro, Alfred  
Charron, Gene  
DeSimone, Debra  
Fesh, Robert  
Hagan, Joseph  
Itse, Daniel  
Kolodziej, Walter  
Manuse, Andrew  
O'Connor, John  
Peckham, Michele  
Sapareto, Frank  
Sheffert, Kenneth  
Sytek, John  
Ward, Joanne

Bates, David  
Chirichiello, Brian  
Devine, James  
Garcia, Marilinda  
Hoelzel, Kathleen  
Janvrin, Kevin  
Lundgren, David  
Mauro, Donna  
Okerman, Richard  
Reagan, John  
Sapienza, Marie  
Shuler, Wyman III  
Tasker, Kyle  
Waterhouse, Kevin

#### **STRAFFORD**

Andolina, Donald  
Jones, Laura  
Panek, William

Cataldo, Sam  
Munck, Philip  
Parsons, Robbie

Groen, Warren  
Newton, Clifford  
Pitre, Joseph

Jones, Kyle  
O'Connor, William

#### **SULLIVAN**

Bowers, Spec  
Osgood, Joe

Cunningham, Steven    Howard, Thomas

Laware, Thomas

#### **NAYS 161**

#### **BELKNAP**

Accornero, Harry  
Millham, Alida

Bolster, Peter  
Pilliod, James

Flanders, Donald  
Tilton, Franklin

Luther, Robert  
Tobin, William

#### **CARROLL**

Chandler, Gene

#### **CHESHIRE**

Butynski, William  
Hawkes, Samuel  
Meador, David  
Sterling, Franklin Jr

Carr, Daniel  
Johnsen, Gladys  
Parkhurst, Henry  
Tatro, Bruce

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

Emerson, Susan  
Lindsey, Steven  
Sad, Tara  
Weed, Charles

### COOS

Coulombe, Gary  
Richardson, Herbert

Hatch, William  
Theberge, Robert

Merrick, Evalyn  
Thomas, Yvonne

Remick, William  
Tremblay, Marc

### GRAFTON

Aguiar, James  
Gould, Franklin  
Pastor, Beatriz  
Smith, Suzanne

Almy, Susan  
Harding, Laurie  
Pierce, David  
Taylor, Kathleen

Benn, Bernard  
Ladd, Rick Jr  
Reilly, Harold Sr  
Townsend, Charles

Cooney, Mary  
Nordgren, Sharon  
Simard, Paul  
White, Andrew

### HILLSBOROUGH

Baroody, Benjamin  
Cebrowski, John  
Daler, Jennifer  
Gargas, Carolyn  
Haefner, Robert  
Kurk, Neal  
Long, Patrick  
Ramsey, Peter  
Rosenwald, Cindy  
Terrio, Ross

Belvin, William  
Coffey, James  
Erickson, Duane  
Gidge, Kenneth  
Hansen, Peter  
LeBrun, Donald  
Messier, Irene  
Reed, Michael  
Scontsas, Lisa  
Willette, Robert

Brown, Kevin  
Cote, David  
Flanagan, Jack  
Goley, Jeffrey  
Hawkins, Kenneth  
Leishman, Peter  
Pilote, Maurice  
Robbins, David  
Sullivan, Daniel

Campbell, David  
Coughlin, Sean  
Fredette, Robert  
Gorman, Mary  
Hikel, John  
Levasseur, Nickolas  
Porter, Marjorie  
Rokas, Ted  
Sullivan, Peter

### MERRIMACK

Bouchard, Candace  
DeStefano, Stephen  
Hamm, Christine  
MacKay, James  
Potter, Frances  
Watrous, Rick

Coffey, Jennifer  
Foote, Robert  
Kidder, David  
Owen, Derek  
Rice, Chip  
Williams, Robert

Cohn, Seth  
Frazer, June  
Kotowski, Frank  
Palfrey, David  
Richardson, Gary  
Winter, Steven

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

### ROCKINGHAM

Abrami, Patrick  
Copeland, Timothy  
Moody, Marcia  
Perkins, Amy  
Schlachman, Donna  
Welch, David

Allen, Mary  
DiPentima, Rich  
Murphy, Brian  
Perkins, Lawrence  
Serlin, Christopher

Belanger, Ronald  
Dowling, Patricia  
Norelli, Terie  
Read, Robin Jr  
Waddell, James

Cali-Pitts, Jacqueline  
Lovejoy, Patricia  
Pantelakos, Laura  
Reichard, Kevin  
Webb, James

### STRAFFORD

Berube, Roger  
Ginsburg, Philip  
Keans, Sandra

Brown, Julie  
Grassie, Anne  
Larsen Schultz,  
Kirsten  
Roberts, Jenna  
Sprague, Dale  
Watters, David

Browne, Brendon  
Horrigan, Timothy  
Leonard, Frederick Jr

Schmidt, Peter  
Vita, Carol

DeLemus, Susan  
Kaen, Naida  
Pelletier, Marsha

Spainhower, Dale  
Vita, Lucien

## SULLIVAN

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

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

Rep. Edwin Smith declared a conflict of interest and did not participate.

## MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Thomas Keane moved that the House reconsider its action whereby, on a roll call vote of 198-161, it adopted the majority committee report of Ought to Pass with Amendment on **HB 1642-FN**, relative to destination specialty hospitals. Rep. Thomas Keane spoke against.

On a division vote, 130 members having voted in the affirmative and 229 in the negative, the motion failed.

## SPECIAL ORDERED

Without objection, the Speaker made **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, a Special Order as the next order of business.

## SPECIAL ORDER

**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.

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

Rep. Rowe spoke in favor and yielded to questions.

Reps. Avard and Mirski spoke in favor.

Rep. Manuse requested a roll call; sufficiently seconded.

**YEAS 237 NAYS 115**

**YEAS 237**

**BELKNAP**

Accornero, Harry  
Flanders, Donald  
Malone, Robert  
Swinford, Elaine

Bolster, Peter  
Greemore, Robert  
Pilliod, James  
Tilton, Franklin

Comtois, Guy  
Kingsbury, Robert  
Russell, David  
Worsman, Colette

Fields, Dennis  
Luther, Robert  
Simpson, Tyler

**CARROLL**

Ahlgren, Christopher  
McCarthy, Frank  
Pettengill, Laurie

Babson, David Jr  
McConkey, Mark  
Schmidt, Stephen

Chandler, Gene  
Morrow, Harry  
Tregenza, Norman

Fleck, Joseph  
Patten, Betsey  
Umberger, Karen

**CHESHIRE**

Byrnes, John  
Johnson, Jane

Cartwright, Anne  
Moore, Charles

Dwinell, Richard  
Moore, Robert Jr

Hunt, John  
Smith, Edwin

**COOS**

Daugherty, Duffy  
Tholl, John Jr

Rappaport, Laurence  
Tremblay, Marc

Richardson, Herbert

Theberge, Robert

**GRAFTON**

Bradley, Lester  
Ingbretson, Paul  
Simard, Paul

Bulis, Lyle  
Ladd, Rick Jr  
Sorg, Gregory

Eaton, Stephanie  
Mirski, Paul  
Sova, Charles

Gionet, Edmond  
Reilly, Harold Sr

**HILLSBOROUGH**

Avard, Kevin  
Belanger, James  
Brown, Kevin  
Cebrowski, John  
Coughlin, Sean  
DeJong, Cameron  
Erickson, Duane  
Gonzalez, Carlos  
Hardwick, Harry  
Hogan, Edith  
Infantine, William  
LeBrun, Donald  
Mecheski, Holly  
Ober, Lynne  
Pellegrino, Tony  
Reed, Michael  
Seidel, Carl  
Stepanek, Stephen  
Thomas, Joseph  
Villeneuve, Moe

Balboni, Michael  
Belvin, William  
Brownrigg, Randall Jr  
Christiansen, Lars  
Cusson-Cail, Kathleen  
Donovan, Daniel  
Flanagan, Jack  
Greazzo, Phil  
Hawkins, Kenneth  
Hogan, Timothy  
Jasper, Shawn  
Maltz, Jonathan  
Moran, Edward  
Ohm, Bill  
Peterson, Lenette  
Renzullo, Andrew  
Silva, Peter  
Stroud, Kathleen  
Twombly, Timothy  
Warden, Mark

Ball, J. Michael  
Bergevin, Jerry  
Burt, John  
Coffey, James  
Daniels, Gary  
Drisko, Richard  
Fredette, Robert  
Haefner, Robert  
Hikel, John  
Hopper, Gary  
Krasucki, Joseph  
McCarthy, Michael  
Murphy, Keith  
Palmer, Stephen  
Pratt, Calvin  
Rowe, Robert  
Simmons, Tammy  
Swank, Matthew  
Ulery, Jordan  
Whitehead, Randall

Barry, Richard  
Boehm, Ralph  
Buxton, Michael  
Condra, William  
Day, Russell  
Emerton, Larry  
Gagne, Larry  
Hansen, Peter  
Hinch, Richard  
Hutchinson, Winfred  
Lambert, George  
McGuinness, Sean  
Notter, Jeanine  
Parison, James  
Proulx, Mark  
Scontsas, Lisa  
Soucy, Connie  
Terrio, Ross  
Vaillancourt, Steve  
Willette, Robert

### **MERRIMACK**

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

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

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

Hill, Gregory  
Kreis, Kenneth Sr  
McGuire, Carol  
Sanborn, Laurie  
Soltani, Tony

### **ROCKINGHAM**

Abrami, Patrick  
Baldasaro, Alfred  
Charron, Gene  
DeSimone, Debra  
Elliott, Robert  
Griffin, Mary  
Introne, Robert  
Katsakiores, Phyllis  
Major, Norman  
Nevins, Chris  
Peckham, Michele  
Ritter, Glenn  
Sheffert, Kenneth  
Tasker, Kyle  
Ward, Joanne  
Weyler, Kenneth

Allen, Mary  
Bates, David  
Chirichiello, Brian  
Devine, James  
Fesh, Robert  
Hagan, Joseph  
Itse, Daniel  
Kolodziej, Walter  
Manuse, Andrew  
Okerman, Richard  
Perkins, Amy  
Sanders, Elisabeth  
Shuler, Wyman III  
Tremblay, Stella  
Waterhouse, Kevin

Antosz, Jason  
Belanger, Ronald  
Comerford, Timothy  
Dowling, Patricia  
Garcia, Marilinda  
Hoelzel, Kathleen  
Janvrin, Kevin  
Lundgren, David  
Mauro, Donna  
Oligny, Jeffrey  
Perkins, Lawrence  
Schroadter, Adam  
Smith, William  
Tucker, Pamela  
Webb, James

Azarian, Gary  
Brown, Paul  
Davenport, Joshua  
Duarte, Joe  
Garrity, James  
Hutchinson, Karen  
Kappler, Lawrence  
MacMahon, Bruce  
Murphy, Brian  
Packard, Sherman  
Reichard, Kevin  
Sedensky, John  
Sytek, John  
Waddell, James  
Welch, David

### **STRAFFORD**

Andolina, Donald  
Jones, Kyle

Cataldo, Sam  
Jones, Laura

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

Groen, Warren  
Leonard, Frederick Jr

Munck, Philip  
Parsons, Robbie

Newton, Clifford  
Pitre, Joseph

Panek, William  
Vita, Lucien

### **SULLIVAN**

Bowers, Spec  
Laware, Thomas

Cunningham, Steven  
Osgood, Joe  
Howard, Thomas  
Rodeschin, Beverly

LaCasse, Paul Sr

### **NAYS 115**

### **BELKNAP**

Millham, Alida

### **CARROLL**

Knox, J. David

### **CHESHIRE**

Butynski, William  
Hawkes, Samuel  
Meader, David  
Sterling, Franklin Jr

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

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

Emerson, Susan  
Lindsey, Steven  
Sad, Tara

### COOS

Coulombe, Gary  
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Remick, William

### GRAFTON

Aguiar, James  
Gould, Franklin  
Pierce, David

Almy, Susan  
Harding, Laurie  
Smith, Suzanne

Benn, Bernard  
Nordgren, Sharon  
Townsend, Charles

Cooney, Mary  
Pastor, Beatriz  
White, Andrew

### HILLSBOROUGH

Baroody, Benjamin

Campbell, David

Christensen, D.L.  
Chris

Cote, David

Daler, Jennifer  
Goley, Jeffrey  
Leishman, Peter  
Ober, Russell III  
Robbins, David  
Sullivan, Peter

Gandia, Laura  
Gorman, Mary  
Levasseur, Nickolas  
Palmer, Barry  
Rokas, Ted

Gidge, Kenneth  
Graham, John  
Long, Patrick  
Pilotte, Maurice  
Rosenwald, Cindy

Gimas, John  
Kurk, Neal  
Messier, Irene  
Porter, Marjorie  
Sullivan, Daniel

### MERRIMACK

Bouchard, Candace  
Frazer, June  
Kidder, David  
Patten, Dick  
Shurtleff, Stephen

Deloge, Helen  
Gile, Mary  
Lockwood, Priscilla  
Potter, Frances  
Watrous, Rick

DeStefano, Stephen  
Hamm, Christine  
MacKay, James  
Rice, Chip  
Williams, Robert

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

### ROCKINGHAM

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

Copeland, Timothy  
Norelli, Terie  
Sapareto, Frank

DiPentima, Rich  
O'Connor, John  
Sapienza, Marie

Lovejoy, Patricia  
Pantelakos, Laura  
Schlachman, Donna

### STRAFFORD

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

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

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

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

### SULLIVAN

Cloutier, John  
Schmidt, Andrew

Gagnon, Raymond  
Smith, Steven

Lefebvre, Benjamin

Lovett, Charlene

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

### MOTION TO LAY ON THE TABLE

Rep. Jasper 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 laid on the table.

On a division vote, 210 members having voted in the affirmative and 145 in the negative, the motion failed lacking the constitutionally required three-fifths vote.

The House recessed at 2:45 p.m.

#### RECESS

The House reconvened at 3:00 p.m.

**(Speaker O'Brien in the Chair)**

#### MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Hess moved that the House reconsider its action whereby, on a roll call vote of 237-115, it failed to adopt, by the constitutionally required three-fifths vote, the majority committee report of Ought to Pass on **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.

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

**YEAS 242 NAYS 111**

#### YEAS 242

##### BELKNAP

Accornero, Harry  
Flanders, Donald  
Malone, Robert  
Swinford, Elaine

Bolster, Peter  
Greemore, Robert  
Pilliod, James  
Tilton, Franklin

Comtois, Guy  
Kingsbury, Robert  
Russell, David  
Worsman, Colette

Fields, Dennis  
Luther, Robert  
Simpson, Tyler

##### CARROLL

Ahlgren, Christopher  
McCarthy, Frank  
Pettengill, Laurie

Babson, David Jr  
McConkey, Mark  
Schmidt, Stephen

Chandler, Gene  
Morrow, Harry  
Tregenza, Norman

Fleck, Joseph  
Patten, Betsey  
Umberger, Karen

##### CHESHIRE

Byrnes, John  
Johnson, Jane  
Sterling, Franklin Jr

Cartwright, Anne  
Moore, Charles

Dwinell, Richard  
Moore, Robert Jr

Hunt, John  
Smith, Edwin

##### COOS

Daugherty, Duffy  
Tholl, John Jr

Rappaport, Laurence  
Tremblay, Marc

Remick, William

Richardson, Herbert

##### GRAFTON

Bradley, Lester  
Ingbretson, Paul  
Simard, Paul

Bulis, Lyle  
Ladd, Rick Jr  
Sorg, Gregory

Eaton, Stephanie  
Mirski, Paul  
Sova, Charles

Gionet, Edmond  
Reilly, Harold Sr

##### HILLSBOROUGH

Avard, Kevin  
Belanger, James  
Brown, Kevin  
Cebrowski, John  
Coughlin, Sean

Balboni, Michael  
Belvin, William  
Brownrigg, Randall Jr  
Christiansen, Lars  
Cusson-Cail, Kathleen

Ball, J. Michael  
Bergevin, Jerry  
Burt, John  
Coffey, James  
Daniels, Gary

Barry, Richard  
Boehm, Ralph  
Buxton, Michael  
Condra, William  
Day, Russell

DeJong, Cameron  
Erickson, Duane  
Gonzalez, Carlos  
Hansen, Peter  
Hinch, Richard  
Infantine, William  
LeBrun, Donald  
Mecheski, Holly  
Notter, Jeanine  
Pellegrino, Tony  
Reed, Michael  
Seidel, Carl  
Stepanek, Stephen  
Thomas, Joseph  
Villeneuve, Moe

Donovan, Daniel  
Flanagan, Jack  
Graham, John  
Hardwick, Harry  
Hogan, Edith  
Jasper, Shawn  
Maltz, Jonathan  
Messier, Irene  
Ohm, Bill  
Peterson, Lenette  
Renzullo, Andrew  
Silva, Peter  
Stroud, Kathleen  
Twombly, Timothy  
Warden, Mark

Drisko, Richard  
Gagne, Larry  
Greazzo, Phil  
Hawkins, Kenneth  
Hopper, Gary  
Krasucki, Joseph  
McCarthy, Michael  
Moran, Edward  
Palmer, Stephen  
Pratt, Calvin  
Rowe, Robert  
Simmons, Tammy  
Swank, Matthew  
Ulery, Jordan  
Whitehead, Randall

Emerton, Larry  
Gandia, Laura  
Haefner, Robert  
Hikel, John  
Hutchinson, Winfred  
Lambert, George  
McGuinness, Sean  
Murphy, Keith  
Parison, James  
Proulx, Mark  
Scontsas, Lisa  
Soucy, Connie  
Terrio, Ross  
Vaillancourt, Steve  
Willette, Robert

#### **MERRIMACK**

Blankenbeker, Lynne  
Hill, Gregory  
Kreis, Kenneth Sr  
McGuire, Carol  
Sanborn, Laurie  
Soltani, Tony

Coffey, Jennifer  
Hoell, J.R.  
Lauer-Rago, Kathleen  
McGuire, Dan  
Seaworth, G. Brian  
Winter, Steven

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

Hess, David  
Kotowski, Frank  
McDonnell, John  
Richardson, Jon  
Smith, Todd

#### **ROCKINGHAM**

Abrami, Patrick  
Baldasaro, Alfred  
Brown, Paul  
Davenport, Joshua  
Duarte, Joe  
Garritty, James  
Hutchinson, Karen  
Kappler, Lawrence  
Major, Norman  
Nevins, Chris  
Perkins, Amy  
Sanders, Elisabeth  
Sheffert, Kenneth  
Sullivan, Kevin  
Tucker, Pamela  
Webb, James

Allen, Mary  
Bates, David  
Charron, Gene  
DeSimone, Debra  
Elliott, Robert  
Griffin, Mary  
Introne, Robert  
Katsakiores, Phyllis  
Manuse, Andrew  
Okerman, Richard  
Reagan, John  
Sapareto, Frank  
Shuler, Wyman III  
Sytek, John  
Waddell, James  
Welch, David

Antosz, Jason  
Belanger, Ronald  
Chirichiello, Brian  
Devine, James  
Fesh, Robert  
Hagan, Joseph  
Itse, Daniel  
Kolodziej, Walter  
Mauro, Donna  
Oigny, Jeffrey  
Reichard, Kevin  
Schroadter, Adam  
Smith, William  
Tasker, Kyle  
Ward, Joanne  
Weyler, Kenneth

Azarian, Gary  
Bettencourt, David  
Comerford, Timothy  
Dowling, Patricia  
Garcia, Marilinda  
Hoelzel, Kathleen  
Janvrin, Kevin  
MacMahon, Bruce  
Murphy, Brian  
Packard, Sherman  
Ritter, Glenn  
Sedensky, John  
Sullivan, James  
Tremblay, Stella  
Waterhouse, Kevin

#### **STRAFFORD**

Andolina, Donald  
Jones, Kyle

Cataldo, Sam  
Jones, Laura

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

Groen, Warren  
Leonard, Frederick Jr

Munck, Philip  
Parsons, Robbie

Newton, Clifford  
Pitre, Joseph

Panek, William  
Vita, Lucien

#### **SULLIVAN**

Bowers, Spec  
Laware, Thomas

Cunningham, Steven  
Lovett, Charlene

Howard, Thomas  
Osgood, Joe

LaCasse, Paul Sr  
Smith, Steven

## NAYS 111

### BELKNAP

Millham, Alida

### CARROLL

Knox, J. David

### CHESHIRE

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

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

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

Emerson, Susan  
Lindsey, Steven  
Sad, Tara

### COOS

Coulombe, Gary  
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

### GRAFTON

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

Almy, Susan  
Harding, Laurie  
Smith, Suzanne

Benn, Bernard  
Nordgren, Sharon  
Taylor, Kathleen

Cooney, Mary  
Pastor, Beatriz  
Townsend, Charles

### HILLSBOROUGH

Baroody, Benjamin

Campbell, David

Christensen, D.L.  
Chris

Cote, David

Daler, Jennifer  
Gimas, John  
Kurk, Neal  
Palmer, Barry  
Rokas, Ted

Fredette, Robert  
Goley, Jeffrey  
Leishman, Peter  
Pilotte, Maurice  
Rosenwald, Cindy

Gargas, Carolyn  
Gorman, Mary  
Levasseur, Nickolas  
Porter, Marjorie  
Sullivan, Daniel

Gidge, Kenneth  
Hogan, Timothy  
Long, Patrick  
Robbins, David  
Sullivan, Peter

### MERRIMACK

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

Deloge, Helen  
Gile, Mary  
MacKay, James  
Rice, Chip  
Williams, Robert

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

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

### ROCKINGHAM

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

Copeland, Timothy  
Norelli, Terie  
Sapienza, Marie

DiPentima, Rich  
O'Connor, John  
Schlachman, Donna

Lovejoy, Patricia  
Pantelakos, Laura  
Serlin, Christopher

### STRAFFORD

Berube, Roger  
Grassie, Anne  
Pelletier, Marsha  
Spainhower, Dale

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

Browne, Brendon  
Kaen, Naida  
Roberts, Jenna  
Sprague, Dale

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

Watters, David

**SULLIVAN**

|                 |                 |                    |                    |
|-----------------|-----------------|--------------------|--------------------|
| Cloutier, John  | Gagnon, Raymond | Lefebvre, Benjamin | Rodeschin, Beverly |
| Schmidt, Andrew |                 |                    |                    |

and the motion was adopted.

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

**YEAS 239 NAYS 114**

**YEAS 239**

**BELKNAP**

|                  |                  |                   |                |
|------------------|------------------|-------------------|----------------|
| Accornero, Harry | 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 | Worsman, Colette  |                |

**CARROLL**

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

**CHESHIRE**

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

**COOS**

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

**GRAFTON**

|                  |               |                  |                   |
|------------------|---------------|------------------|-------------------|
| Bradley, Lester  | Bulis, Lyle   | Eaton, Stephanie | Gionet, Edmond    |
| Ingbretson, Paul | Ladd, Rick Jr | Mirski, Paul     | Reilly, Harold Sr |
| Simard, Paul     | Sorg, Gregory | Sova, Charles    |                   |

**HILLSBOROUGH**

|                    |                       |                   |                     |
|--------------------|-----------------------|-------------------|---------------------|
| Avard, Kevin       | Balboni, Michael      | Ball, J. Michael  | Barry, Richard      |
| Belanger, James    | Belvin, William       | Bergevin, Jerry   | Boehm, Ralph        |
| Brown, Kevin       | Brownrigg, Randall Jr | Burt, John        | Buxton, Michael     |
| Cebrowski, John    | Christiansen, Lars    | Coffey, James     | Condra, William     |
| Coughlin, Sean     | Cusson-Cail, Kathleen | Daniels, Gary     | Day, Russell        |
| DeJong, Cameron    | Donovan, Daniel       | Emerton, Larry    | Erickson, Duane     |
| Flanagan, Jack     | Fredette, Robert      | Gagne, Larry      | Gandia, Laura       |
| Gonzalez, Carlos   | Greazzo, Phil         | Haefner, Robert   | Hansen, Peter       |
| Hardwick, Harry    | Hawkins, Kenneth      | Hikel, John       | Hinch, Richard      |
| Hogan, Edith       | Hogan, Timothy        | Hopper, Gary      | Hutchinson, Winfred |
| Infantine, William | Jasper, Shawn         | Krasucki, Joseph  | Lambert, George     |
| LeBrun, Donald     | Maltz, Jonathan       | McCarthy, Michael | McGuinness, Sean    |

Mecheski, Holly  
Notter, Jeanine  
Pellegrino, Tony  
Reed, Michael  
Seidel, Carl  
Stepanek, Stephen  
Thomas, Joseph  
Villeneuve, Moe

Messier, Irene  
Ohm, Bill  
Peterson, Lenette  
Renzullo, Andrew  
Silva, Peter  
Stroud, Kathleen  
Twombly, Timothy  
Warden, Mark

Moran, Edward  
Palmer, Stephen  
Pratt, Calvin  
Rowe, Robert  
Simmons, Tammy  
Swank, Matthew  
Ulery, Jordan  
Whitehead, Randall

Murphy, Keith  
Parison, James  
Proulx, Mark  
Scotsas, Lisa  
Soucy, Connie  
Terrio, Ross  
Vaillancourt, Steve  
Willette, Robert

#### **MERRIMACK**

Blankenbeker, Lynne  
Hoell, J.R.  
Lauer-Rago, Kathleen  
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Seaworth, G. Brian  
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Keane, Thomas  
Lindsley, Mark  
Palfrey, David  
Smith, Molly

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

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Sanborn, Laurie  
Soltani, Tony

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Manuse, Andrew  
Okerman, Richard  
Reagan, John  
Sapareto, Frank  
Shuler, Wyman III  
Sytek, John  
Waddell, James  
Welch, David

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Belanger, Ronald  
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Osgood, Joe

LaCasse, Paul Sr

#### **NAYS 114**

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Millham, Alida

#### **CARROLL**

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Meador, David  
Tatro, Bruce

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

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

Emerson, Susan  
Lindsey, Steven  
Sad, Tara

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Merrick, Evalyn

Theberge, Robert

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Smith, Suzanne

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Nordgren, Sharon  
Taylor, Kathleen

Cooney, Mary  
Pastor, Beatriz  
Townsend, Charles

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Chris

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Palmer, Barry  
Rokas, Ted

Drisko, Richard  
Goley, Jeffrey  
Leishman, Peter  
Pilotte, Maurice  
Rosenwald, Cindy

Gargasz, Carolyn  
Gorman, Mary  
Levasseur, Nickolas  
Porter, Marjorie  
Sullivan, Daniel

Gidge, Kenneth  
Graham, John  
Long, Patrick  
Robbins, David  
Sullivan, Peter

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Patten, Dick  
Shurtleff, Stephen

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Gile, Mary  
Lockwood, Priscilla  
Potter, Frances  
Watrous, Rick

DeStefano, Stephen  
Hamm, Christine  
MacKay, James  
Rice, Chip  
Williams, Robert

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

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Allen, Mary  
Lovejoy, Patricia  
Pantelakos, Laura  
Serlin, Christopher

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

Copeland, Timothy  
Norelli, Terie  
Sapienza, Marie

DiPentima, Rich  
O'Connor, John  
Schlachman, Donna

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

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

Browne, Brendon  
Kaen, Naida  
Roberts, Jenna  
Sprague, Dale

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

#### **SULLIVAN**

Cloutier, John  
Schmidt, Andrew

Gagnon, Raymond  
Smith, Steven

Lefebvre, Benjamin

Rodeschin, Beverly

and the majority committee report was adopted by the constitutionally required three-fifths

vote and ordered to third reading.

## REGULAR CALENDAR (CONT'D)

### SPECIAL ORDER

**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.

### CLERK'S NOTE

On March 14, 2012, the majority committee report of Ought to Pass failed lacking the constitutionally required three-fifths vote. Rep. Weber offered the minority committee report of Inexpedient to Legislate before a motion to Special Order was adopted.

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

Reps. Rowe and Weber spoke in favor.

Minority committee report adopted.

**(Rep. Bettencourt in the Chair)**

**HB 437-FN**, relative to the definition of marriage. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gregory M. Sorg for Judiciary: As introduced, HB 437 seeks to repeal same-sex marriage as enacted in 2009, and restore civil marriage to its previous state. An amendment recommended by the committee, would, in addition, reinstitute civil unions, but a much more inclusive kind than that repealed in 2009 in that it would be open to any two unmarried adults, without regard to gender or blood relationship. HB 437 also contains a statement of purpose declaring, among other things, that marriage is a social institution predating organized government, and “understood as the legal union of a man and woman.” This view is supported by at least two provisions of the New Hampshire constitution. First, the power to legislate conferred by Part II, Article 5 is limited by its terms to objects judged by the general court to serve “the benefit and welfare of this state;” that is, the state and its people generally. It is difficult, given the underlying purpose of marriage and the basis for the state’s concerning itself with people’s intimate personal relations, to discern what benefit to the state accrues from legally extending marriage beyond its ages-old limitation in Western culture to one man and one woman. By contrast, it is easy for anyone neither intimidated by detraction nor swept along by the latest fad in political correctness to discern the harm inherent in radically altering this or any other civil institution from the form to which society has long been accustomed. Second, Part II, Article 76 uses the word “marriage” without defining it. Both logic and many decisions of the supreme court dictate that until changed by constitutional amendment a word contained in the constitution has the meaning in common usage at the time of its adoption. For example, in *Claremont School District v. Governor*, 138 N.H. 183 (1993) at p. 186, the supreme court states: “In interpreting an article in our constitution, we will give the words the same meaning that they must have had to the electorate on the date the vote was cast.’ ... In doing so, we must ‘place [ourselves] as nearly as possible in the situation of the parties at the time the instrument was made, that [we] may gather their intention from the language used, viewed in the light of the surrounding circumstances.” The 1780 edition of *Sheridan’s Dictionary* defines “marriage” as “the act of uniting a man and woman for life.” If it needs confirmation that this understanding prevailed over the following two centuries, it can be found in, among many other legal authorities, the 1968 edition of *Black’s Law Dictionary*, which defines “marriage” as “the civil status, condition, or relation of one man and one woman united in law for life, for the discharge to each other and the community of the duties legally incumbent on those whose association is founded on the distinction of sex.” Liberty can be sustained only if original constitutional meaning prevails until changed by constitutional amendment. Accordingly, a union of two (or more) persons of the same sex is not marriage at all under New Hampshire’s fundamental law, and cannot become such by ordinary legislation. In *Matter of Blanchflower & Blanchflower*, 150 N.H. 226 (2003) at pp. 227-228, the supreme court applied the same principle to interpretation of a statute, in the context of a same-sex relationship: “We also note that ‘[a] law means what it did to its framers and its mere repassage does not alter that meaning.’ ...Based upon the foregoing, we conclude that adultery under RSA 458:7, II does not include homosexual relationships.” The 2009 enactments to be repealed by HB 437 purported to create “marriage equality.” But equality or fairness in any context depends upon the terms of the comparison. The true basis for comparison between heterosexual and homosexual marriage - and thus for evaluating the equality implications of HB 437 - lies in the fact that the reason the institution of marriage exists in the first place is that sexual relations between men and women regularly and exclusively produce children. If they did not, neither society nor government would have cause to regulate people’s intimate unions. It is this unique reality that provides the rational basis for the law’s recognizing and encouraging marriage and limiting it to one man and one unrelated woman. On the other hand, if mutual caregiving or some other consideration were the basis for, rather than simply

a byproduct of, marriage, there would be no principled reason to limit it either to two people or to unrelated people. Indeed, absent removal of these limits and the opening up of marriage to parties of any number and any degree of sanguinity, separating marriage from procreation produces inequality lacking any rational basis whatever. In 2007, the legislature, through that session's HB 437, enacted RSA 457-A, creating same-sex civil unions, granting to persons joined therein all the rights and subjecting them to all the obligations and responsibilities of persons joined in marriage. Equality of rights thus having been expressly codified, what could have been the purpose of advancing the agenda to formal marriage in 2009 if not to be able to claim society's approbation of homosexual sex? Why should the heterosexual majority be required to give such sanction? The homosexual minority not needing it in order to live as any two (or more) of them choose, by what right and to what object beneficial to the state does it insist on it? The law has historically recognized and encouraged as beneficial to the state the creation of heterosexual marriages so that as many children as possible are reared and nurtured by their biological parents in a common household. What comparable societal benefit; indeed, what benefit of any kind, can be claimed for recognizing and encouraging the creation of homosexual marriages? Proponents have been unable to identify any specific, substantive contribution that same-sex marriage makes to the benefit and welfare of this state; certainly none that outweighs the burden it places upon traditional marriage. The closest approximation ever advanced is that of fostering mutual respect. But how does one legislate respect? Legislatively or judicially-imposed same-sex marriage seeks to enforce its proponents' idea of the Golden Rule, not through persuasion and appeal to our better nature, but through threats of litigation, fines and imprisonment. We are often told that we cannot legislate morality. If that is so, then by what contortion of logic does it follow that we must legislate approval of what many regard as immorality? Governmental recognition of marriage is pointless except as a way to nurture the vital but delicate relationship between sex and the rearing of children. Rather than expand the institution, same-sex marriage empties it of content. Vote 11-6.

#### **Amendment (2779h)**

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

AN ACT     relative to civil unions and the definition of marriage.

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

1 New Chapter; Civil Unions. Amend RSA by inserting after chapter 457-A the following new chapter:

#### **CHAPTER 457-B CIVIL UNIONS**

457-B:1 Purpose. The purpose of this chapter is to delineate the rights, obligations, and responsibilities of parties entering a civil union, to establish a process by which a civil union is established, and to provide a process for the dissolution of a civil union. The legislature finds and declares that:

I. Many adults are parties to various kinds of domestic relationships other than marriage. Some of these relationships are intended to provide mutual support and responsibilities. Those involved in such caretaking partnerships may desire recognition of their status by the state to gain access to benefits typically reserved for husbands and wives.

II. Inclusive civil unions are intended to address the needs of these adults for practical benefits in matters such as hospital visitation, property, and support obligations. Inclusive civil union agreements provide the benefits, rights, and responsibilities that most clearly address needs concerning adult caretaking and affection.

III. We recognize that the default contract appropriate for these nonstandard relationships may be different from that which has arisen to address the unique realities of opposite sex unions in marriage; by creating a distinct and separate status, parties to civil unions can more easily petition the legislature to address their specific needs as they arise.

IV. By creating civil unions, the legislature is expressly extending rights and benefits to unmarried adults while reserving marriage to opposite sex couples. No court or administrative body shall construe or consider this legislative action as evidence of a public policy which would recognize any same-sex relationship as a marriage or would otherwise entitle same-sex couples to that status.

457-B:2 Definitions. As used in this act, unless the context otherwise requires, “civil union” means a contractual agreement that provides reciprocal benefits and obligations to the parties to the agreement.

457-B:3 Validity. A civil union agreement shall be legally recognized if the parties to the agreement:

- I. Are unmarried, or if either party is married, is legally separated;
- II. Are at least 18 years of age;
- III. Are competent to enter a contract; and
- IV. Enter into the agreement without force, fraud, or duress.

457-B:4 Rights, Obligations, and Responsibilities. The parties who enter into a civil union agreement pursuant to this chapter shall be entitled to all the rights and subject to all the obligations and responsibilities provided for in state law that apply to parties who are joined pursuant to RSA 457, except as specifically waived by the parties to the agreement or as specifically excluded by the legislature.

457-B:5 Forms, Documents, and Applications; How Performed. The secretary of state shall develop forms, documents, and applications for registering a civil union, which shall conform to this chapter. Civil unions shall be entered into pursuant to the analogous provisions of RSA 5-C:41-61. Nothing in this chapter shall be construed to require anyone, including a justice of the peace, a minister, or a clergyman or clergywoman to solemnize a civil union.

457-B:6 Religious Liberty. No individual, corporation, entity, association, educational institution, or society shall be penalized or denied benefits under the laws of this state or any subdivision of this state, in connection with, but not limited to, the application of laws addressing discrimination in employment, housing, or public accommodations, laws pertaining to licensing, government grants, contracts, or tax-exempt status, or for otherwise refusing to provide services, employment, accommodations, advantages, facilities, goods, or privileges related to the solemnization of any civil union, for refusing to solemnize any civil union, or for refusing to treat as valid any civil union, where the application of such laws or refusal conflicts with and/or would cause that individual, corporation, entity, association, educational institution, or society to violate their sincerely held religious or moral beliefs.

457-B:7 Dissolution. Parties who have entered into a civil union who wish to dissolve the civil union shall do so pursuant to RSA 458.

457-B:8 Other Jurisdictions. A civil union, domestic partnership, or a marriage among persons of the same sex legally contracted outside of New Hampshire shall be recognized as a civil union agreement in this state, provided that the relationship does not violate the prohibitions of this chapter.

2 Marriage; Marriages Prohibited; Recognition of Out-of-State Marriages. RSA 457:1 through RSA 457:3 are repealed and reenacted to read as follows:

457:1 Purpose. The legislature finds and declares that:

I. Marriage is not a creature of statute but rather a social institution which predates organized government. As the United States Supreme Court has noted, marriage has roots that are “older than the Bill of Rights – older than our political parties, older than our school system.” *Griswold v. Connecticut*, 381 U.S. 479, 486 (1965).

II. As many scholars and experts have noted, marriage, understood as the legal union of a man and a woman, serves and supports important social goods in which the government of New Hampshire has a compelling interest.

III. Children can only be conceived naturally through copulation by heterosexual couples. Because of this biological reality, New Hampshire has a unique, distinct, and

compelling interest in promoting stable and committed marital unions between opposite-sex couples so as to increase the likelihood that children will be born to and raised by both of their natural parents. No other domestic relationship presents the same level of state interest.

IV. A child has a natural human right to the love, care, and support of his or her own mother and father, whenever possible. Marriage is the primary social institution that promotes that ideal and encourages its achievement.

457:2 Marriages Prohibited; Men; Women.

I. No man shall marry his mother, father's sister, mother's sister, daughter, sister, son's daughter, daughter's daughter, brother's daughter, sister's daughter, father's brother's daughter, mother's brother's daughter, father's sister's daughter, mother's sister's daughter, or any other man.

II. No woman shall marry her father, father's brother, mother's brother, son, brother, son's son, daughter's son, brother's son, sister's son, father's brother's son, mother's brother's son, father's sister's son, mother's sister's son, or any other woman.

III. Marriage in New Hampshire is the legally recognized union of one man and one woman. No person shall be allowed to be married to more than one person at any given time.

457:3 Recognition of Out-of-State Marriages. Every marriage legally contracted outside the state of New Hampshire, which would not be prohibited under RSA 457:2 if contracted in New Hampshire, shall be recognized as valid in this state for all purposes if or once the contracting parties are or become permanent residents of this state subsequent to such marriage, and the issue of any such marriage shall be legitimate. Marriages legally contracted outside the state of New Hampshire which would be prohibited under RSA 457:2 if contracted in New Hampshire shall not be legally recognized in this state. Any marriage of New Hampshire residents recognized as valid in the state prior to the effective date of this section shall continue to be recognized as valid on or after the effective date of this section.

3 Marriageable. Amend RSA 457:4 to read as follows:

457:4 Marriageable. No male below the age of 14 years and no female below the age of 13 years shall be capable of contracting a valid marriage ~~[that is entered into by one male and one female]~~, and all marriages contracted by such persons shall be null and void. ~~[No male below the age of 18 and no female below the age of 18 shall be capable of contracting a valid marriage between persons of the same gender, and all marriages contracted by such persons shall be null and void.]~~

4 Marriage; Solemnization of Marriage. RSA 457:31 is repealed and reenacted to read as follows:

457:31 Who May Solemnize. Marriage may be solemnized by a justice of the peace as commissioned in the state; by any minister of the gospel in the state who has been ordained according to the usage of his or her denomination, resides in the state, and is in regular standing with the denomination; by any member of the clergy who is not ordained but is engaged in the service of the religious body to which he or she belongs, resides in the state, after being licensed therefor by the secretary of state; within his or her parish, by any minister residing out of the state, but having a pastoral charge wholly or partly in this state; by judges of the United States appointed pursuant to Article III of the United States Constitution; by bankruptcy judges appointed pursuant to Article I of the United States Constitution; or by United States magistrate judges appointed pursuant to federal law.

5 Severability. The provisions of this act are severable. If any provision of this act is invalid, or if any application thereof to any person or circumstance is invalid, the invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.

6 Repeal. The following are repealed:

- I. RSA 457:31-b, relative to solemnization of marriage; applicability.
- II. RSA 457:45, relative to civil union recognition.
- III. RSA 457:46, relative to obtaining legal status of marriage.

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

**AMENDED ANALYSIS**

This bill establishes civil unions and defines marriage as the union of one man and one woman.

Reps. Dan McGuire and Garcia spoke in favor.

Rep. Baldasaro requested a roll call; sufficiently seconded.

**YEAS 82 NAYS 266**

**YEAS 82**

**BELKNAP**

Greemore, Robert      Kingsbury, Robert

**CARROLL**

Fleck, Joseph      McCarthy, Frank      McConkey, Mark      Tregenza, Norman

**CHESHIRE**

Butynski, William      Hunt, John      Moore, Charles

**COOS**

None

**GRAFTON**

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

**HILLSBOROUGH**

|                    |                    |                 |                   |
|--------------------|--------------------|-----------------|-------------------|
| Avard, Kevin       | Balboni, Michael   | Belanger, James | Belvin, William   |
| Boehm, Ralph       | Burt, John         | Buxton, Michael | Cebrowski, John   |
| Christiansen, Lars | Gonzalez, Carlos   | Graham, John    | Hawkins, Kenneth  |
| Hogan, Edith       | Infantine, William | Moran, Edward   | Notter, Jeanine   |
| Ohm, Bill          | Palmer, Stephen    | Parison, James  | Peterson, Lenette |
| Renzullo, Andrew   | Rowe, Robert       | Seidel, Carl    | Soucy, Connie     |
| Terrio, Ross       | Thomas, Joseph     | Ulery, Jordan   | Villeneuve, Moe   |

**MERRIMACK**

Hoell, J.R.      Keane, Thomas      McGuire, Carol      McGuire, Dan  
Sanborn, Laurie

**ROCKINGHAM**

|                     |                    |                 |                   |
|---------------------|--------------------|-----------------|-------------------|
| Antosz, Jason       | Azarian, Gary      | Bates, David    | Brown, Paul       |
| Chirichiello, Brian | Davenport, Joshua  | Devine, James   | Dowling, Patricia |
| Garcia, Marilinda   | Garrity, James     | Hagan, Joseph   | Introne, Robert   |
| Itse, Daniel        | Kappler, Lawrence  | Manuse, Andrew  | Perkins, Lawrence |
| Ritter, Glenn       | Sanders, Elisabeth | Sedensky, John  | Smith, William    |
| Ward, Joanne        | Webb, James        | Weyler, Kenneth |                   |

**STRAFFORD**

Andolina, Donald      Berube, Roger      Jones, Kyle      Jones, Laura

Parsons, Robbie

Pitre, Joseph

Vita, Carol

Vita, Lucien

#### **SULLIVAN**

Bowers, Spec

Cunningham, Steven

LaCasse, Paul Sr

Osgood, Joe

#### **NAYS 266**

#### **BELKNAP**

Accornero, Harry  
Flanders, Donald  
Russell, David  
Worsman, Colette

Bolster, Peter  
Malone, Robert  
Simpson, Tyler

Comtois, Guy  
Millham, Alida  
Swinford, Elaine

Fields, Dennis  
Pilliod, James  
Tilton, Franklin

#### **CARROLL**

Ahlgren, Christopher  
Morrow, Harry  
Umberger, Karen

Babson, David Jr  
Patten, Betsey

Chandler, Gene  
Pettengill, Laurie

Knox, J. David  
Schmidt, Stephen

#### **CHESHIRE**

Byrnes, John  
Dwinell, Richard  
Johnson, Jane  
Moore, Robert Jr  
Smith, Edwin  
Weed, Charles

Carr, Daniel  
Emerson, Susan  
Lerandeau, Alfred  
Parkhurst, Henry  
Sterling, Franklin Jr

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

Chase, Cynthia  
Johnsen, Gladys  
Meador, David  
Sad, Tara  
Weber, Lucy

#### **COOS**

Coulombe, Gary  
Rappaport, Laurence  
Tholl, John Jr

Daugherty, Duffy  
Remick, William  
Thomas, Yvonne

Hatch, William  
Richardson, Herbert  
Tremblay, Marc

Merrick, Evalyn  
Theberge, Robert

#### **GRAFTON**

Aguiar, James  
Cooney, Mary  
Harding, Laurie  
Pierce, David  
Taylor, Kathleen

Almy, Susan  
Eaton, Stephanie  
Ladd, Rick Jr  
Reilly, Harold Sr  
Townsend, Charles

Benn, Bernard  
Gionet, Edmond  
Nordgren, Sharon  
Simard, Paul  
White, Andrew

Bulis, Lyle  
Gould, Franklin  
Pastor, Beatriz  
Smith, Suzanne

#### **HILLSBOROUGH**

Ball, J. Michael  
Brown, Kevin

Baroody, Benjamin  
Brownrigg, Randall Jr

Barry, Richard  
Campbell, David

Bergevin, Jerry  
Christensen, D.L.  
Chris

Coffey, James  
Cusson-Cail, Kathleen  
DeJong, Cameron  
Erickson, Duane  
Gandia, Laura  
Goley, Jeffrey  
Hansen, Peter  
Hogan, Timothy  
Kurk, Neal

Condra, William  
Daler, Jennifer  
Donovan, Daniel  
Flanagan, Jack  
Gargas, Carolyn  
Gorman, Mary  
Hardwick, Harry  
Hutchinson, Winfred  
Lambert, George

Cote, David  
Daniels, Gary  
Drisko, Richard  
Fredette, Robert  
Gidge, Kenneth  
Greazzo, Phil  
Hikel, John  
Jasper, Shawn  
LeBrun, Donald

Coughlin, Sean  
Day, Russell  
Emerton, Larry  
Gagne, Larry  
Gimas, John  
Haefner, Robert  
Hinch, Richard  
Krasucki, Joseph  
Levasseur, Nickolas

Long, Patrick  
Messier, Irene  
Pepino, Leo  
Proulx, Mark  
Rosenwald, Cindy  
Stepanek, Stephen  
Swank, Matthew  
Whitehead, Randall

Maltz, Jonathan  
Murphy, Keith  
Pilotte, Maurice  
Reed, Michael  
Scontsas, Lisa  
Stroud, Kathleen  
Twombly, Timothy  
Willette, Robert

McGuinness, Sean  
Palmer, Barry  
Porter, Marjorie  
Robbins, David  
Silva, Peter  
Sullivan, Daniel  
Vaillancourt, Steve

Mecheski, Holly  
Pellegrino, Tony  
Pratt, Calvin  
Rokas, Ted  
Simmons, Tammy  
Sullivan, Peter  
Warden, Mark

#### **MERRIMACK**

Blankenbeker, Lynne  
Deloge, Helen  
Gile, Mary  
Kidder, David  
Lindsley, Mark  
Owen, Derek  
Rice, Chip  
Shurtleff, Stephen  
Watrous, Rick

Bouchard, Candace  
DeStefano, Stephen  
Hamm, Christine  
Kotowski, Frank  
Lockwood, Priscilla  
Palfrey, David  
Richardson, Gary  
Smith, Molly  
Williams, Robert

Coffey, Jennifer  
Foose, Robert  
Hess, David  
Kreis, Kenneth Sr  
MacKay, James  
Patten, Dick  
Richardson, Jon  
Smith, Todd  
Winter, Steven

Cohn, Seth  
Frazer, June  
Hill, Gregory  
Lauer-Rago, Kathleen  
McDonnell, John  
Potter, Frances  
Seaworth, G. Brian  
Soltani, Tony

#### **ROCKINGHAM**

Abrami, Patrick  
Cali-Pitts, Jacqueline  
DeSimone, Debra  
Fesh, Robert  
Janvrin, Kevin  
MacMahon, Bruce  
Murphy, Brian  
Okerman, Richard  
Perkins, Amy  
Sapienza, Marie  
Shuler, Wyman III  
Tasker, Kyle  
Waterhouse, Kevin

Allen, Mary  
Charron, Gene  
DiPentima, Rich  
Griffin, Mary  
Katsakiores, Phyllis  
Major, Norman  
Nevins, Chris  
Oigny, Jeffrey  
Read, Robin Jr  
Schlachman, Donna  
Sullivan, James  
Tremblay, Stella  
Welch, David

Baldasaro, Alfred  
Comerford, Timothy  
Duarte, Joe  
Hoelzel, Kathleen  
Kolodziej, Walter  
Mauro, Donna  
Norelli, Terie  
Packard, Sherman  
Reagan, John  
Schroadter, Adam  
Sullivan, Kevin  
Tucker, Pamela

Belanger, Ronald  
Copeland, Timothy  
Elliott, Robert  
Hutchinson, Karen  
Lovejoy, Patricia  
Moody, Marcia  
O'Connor, John  
Pantelakos, Laura  
Reichard, Kevin  
Serlin, Christopher  
Sytek, John  
Waddell, James

#### **STRAFFORD**

Brown, Julie  
Ginsburg, Philip  
Kaen, Naida

Browne, Brendon  
Grassie, Anne  
Keans, Sandra

Cataldo, Sam  
Groen, Warren  
Larsen Schultz,  
Kirsten  
O'Connor, William  
Roberts, Jenna  
Sprague, Dale

DeLemus, Susan  
Horriggan, Timothy  
Leonard, Frederick Jr

Munck, Philip  
Pelletier, Marsha  
Spainhower, Dale  
Watters, David

Newton, Clifford  
Perry, Robert  
Spang, Judith

Panek, William  
Schmidt, Peter  
Wall, Janet

#### **SULLIVAN**

Cloutier, John  
Lefebvre, Benjamin  
Smith, Steven

Gagnon, Raymond  
Lovett, Charlene

Howard, Thomas  
Rodeschin, Beverly

Laware, Thomas  
Schmidt, Andrew

and the amendment failed.

Rep. Bates offered floor amendment (1288h).

#### **Floor Amendment (1288h)**

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

AN ACT relative to civil unions and the definition of marriage.

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

1 New Chapter; Civil Unions. Amend RSA by inserting after chapter 457-A the following new chapter:

#### CHAPTER 457-B CIVIL UNIONS

457-B:1 State Recognition of Civil Unions; Purpose. The state of New Hampshire recognizes the civil union between one man and another man or one woman and another woman. The purpose of this chapter is to delineate the rights, obligations, and responsibilities of parties entering a civil union, to establish a process by which the civil union is established, and to provide a process for the dissolution of a civil union.

457-B:2 Requisites. Parties entering into a civil union shall be subject to the same requirements and conditions as contained in RSA 457, provided that civil unions shall only be allowed between one unmarried man and another unmarried man both of whom are at least 18 years of age or one unmarried woman and another unmarried woman both of whom are at least 18 years of age, subject to the prohibitions in RSA 457-B:3 and RSA 457-B:4 and provided that they are not in another civil union.

457-B:3 Civil Unions Prohibited; Men. No man shall enter into a civil union with his father, his grandfather, his father's brother, his mother's brother, his son, his brother, his son's son, his daughter's son, his brother's son, his sister's son, his father's brother's son, his mother's brother's son, his father's sister's son, or his mother's sister's son.

457-B:4 Civil Unions Prohibited; Women. No woman shall enter into a civil union with her mother, her grandmother, her father's sister, her mother's sister, her daughter, her sister, her son's daughter, her daughter's daughter, her brother's daughter, her sister's daughter, her father's brother's daughter, her mother's brother's daughter, her father's sister's daughter, or her mother's sister's daughter.

457-B:5 Forms, Documents, and Applications; How Performed. The secretary of state shall develop forms, documents, and applications for entering into a civil union, which shall conform to this chapter. Civil unions shall be performed pursuant to the provisions of RSA 457:31 and entered into pursuant to the analogous provisions of RSA 5-C:41-61. Nothing in this chapter shall be construed to require a minister or clergyman or clergywoman to solemnize or perform a civil union.

457-B:6 Rights, Obligations, and Responsibilities. Notwithstanding any other law to the contrary, the parties who enter into a civil union pursuant to this chapter shall be entitled to all the rights and subject to all the obligations and responsibilities provided for in state law that apply to parties who are joined together pursuant to RSA 457.

457-B:7 Dissolution. Parties who have entered into a civil union who wish to dissolve the civil union shall do so pursuant to RSA 458.

457-B:8 Other Jurisdictions. A civil union or a marriage between a man and another man or a woman and another woman legally contracted outside of New Hampshire shall be recognized as a civil union in this state, provided that the relationship does not violate the prohibitions of this chapter.

2 Marriage; Purpose and Intent. RSA 457:1 is repealed and reenacted to read as follows:

457:1 Purpose and Intent. The legislature finds and declares that:

I. The state has a compelling interest in recognizing and maintaining the distinctiveness of a marital union between opposite-sex couples due to its unique procreative potential.

II. Every child has a natural human right to love, support, and nurturing by his or her natural mother and father, whenever possible. Marriage is the primary social institution that promotes this ideal and encourages its achievement.

III. Only the union of one man and one woman shall be recognized as marriage in New Hampshire; except however, any marriage recognized as valid in the state prior to the

effective date of this section shall continue to be recognized as valid on or after the effective date of this section.

3 Marriageable. Amend RSA 457:4 to read as follows:

457:4 Marriageable. No male below the age of 14 years and no female below the age of 13 years shall be capable of contracting a valid marriage ~~[that is entered into by one male and one female]~~, and all marriages contracted by such persons shall be null and void. ~~[No male below the age of 18 and no female below the age of 18 shall be capable of contracting a valid marriage between persons of the same gender, and all marriages contracted by such persons shall be null and void.]~~

4 Repeal. The following are repealed:

- I. RSA 457:1-a, relative to equal access to marriage
- II. RSA 457:31-b, relative to solemnization of marriage; applicability.
- III. RSA 457:45, relative to civil union recognition.
- IV. RSA 457:46, relative to obtaining legal status of marriage.

5 Severability. The provisions of this act are severable. If any provision of this act is invalid, or if any application thereof to any person or circumstance is invalid, the invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

6 Ballot Question. There shall be placed on the ballot at the next statewide election a question to determine voter support for civil unions and defining marriage as the union of one man and one woman. The question on the ballot shall be: "Shall New Hampshire law allow civil unions for same-sex couples and define marriage as the union of one man and one woman?" The question shall be followed by 2 squares, one with the word "yes" beside it and another with the word "no" beside it. If no cross or mark is made in either of the squares, or if a mark is made in both of the squares, then the ballot shall not be counted on the question. The secretary of state shall certify the results to the legislature, and the results shall not be binding.

7 Effective Date.

- I. Sections 1-4 of this act shall take effect March 31, 2013.
- II. The remainder of this act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill establishes civil unions, defines marriage as the union of one man and one woman, and submits a question about the legislation to the voters at the next general election.

#### MOTION TO DIVIDE

Rep. Mirski moved that Section 6 be divided from floor amendment (1288h).

Without objection, the Speaker so ordered.

Rep. Gary Richardson objected.

The question now being adoption of the motion to divide Section 6 from floor amendment (1288h).

On a division vote, 173 members having voted in the affirmative and 179 in the negative, the motion failed.

The question now being adoption of floor amendment (1288h).

Reps. Bates and Groen spoke in favor.

Reps. Welch, Jasper, Jennifer Coffey and Keith Murphy spoke against.

#### MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Manuse moved that the House reconsider its action whereby, on a division vote of 173-179, it failed to adopt the motion to divide Section 6

from floor amendment (1288h).

Reps. Manuse and Mirski spoke in favor.

On a division vote, 128 members having voted in the affirmative and 222 in the negative, the motion failed.

The question now being adoption of floor amendment (1288h).

Rep. Panek requested a roll call; sufficiently seconded.

**YEAS 162 NAYS 188**

**YEAS 162**

**BELKNAP**

Accornero, Harry  
Greemore, Robert  
Tilton, Franklin

Comtois, Guy  
Malone, Robert  
Worsman, Colette

Fields, Dennis  
Simpson, Tyler

Flanders, Donald  
Swinford, Elaine

**CARROLL**

Fleck, Joseph  
Tregenza, Norman

McCarthy, Frank

McConkey, Mark

Pettengill, Laurie

**CHESHIRE**

Butynski, William

Cartwright, Anne

Moore, Charles

**COOS**

Daugherty, Duffy

Rappaport, Laurence

Tremblay, Marc

**GRAFTON**

Bradley, Lester  
Ingbretson, Paul  
Sorg, Gregory

Bulis, Lyle  
Ladd, Rick Jr  
Sova, Charles

Eaton, Stephanie  
Mirski, Paul

Gionet, Edmond  
Reilly, Harold Sr

**HILLSBOROUGH**

Avard, Kevin  
Belvin, William  
Burt, John  
Condra, William  
Erickson, Duane  
Gonzalez, Carlos  
Hawkins, Kenneth  
Hopper, Gary  
Mecheski, Holly  
Ohm, Bill  
Pellegrino, Tony  
Proulx, Mark  
Soucy, Connie  
Twombly, Timothy

Balboni, Michael  
Bergevin, Jerry  
Cebrowski, John  
Cusson-Cail, Kathleen  
Flanagan, Jack  
Graham, John  
Hikel, John  
Infantine, William  
Moran, Edward  
Palmer, Barry  
Pepino, Leo  
Renzullo, Andrew  
Stroud, Kathleen  
Ulery, Jordan

Barry, Richard  
Boehm, Ralph  
Christiansen, Lars  
Daniels, Gary  
Gagne, Larry  
Hansen, Peter  
Hinch, Richard  
Krasucki, Joseph  
Notter, Jeanine  
Palmer, Stephen  
Peterson, Lenette  
Seidel, Carl  
Terrio, Ross  
Villeneuve, Moe

Belanger, James  
Brownrigg, Randall Jr  
Coffey, James  
Donovan, Daniel  
Gandia, Laura  
Hardwick, Harry  
Hogan, Edith  
McGuinness, Sean  
O'Brien, William  
Parison, James  
Pratt, Calvin  
Silva, Peter  
Thomas, Joseph  
Willette, Robert

**MERRIMACK**

Blankenbeker, Lynne  
Lauer-Rago, Kathleen

Giuda, J. Brandon  
Lindsley, Mark

Hill, Gregory  
McGuire, Carol

Hoell, J.R.  
McGuire, Dan

Richardson, Jon  
Soltani, Tony

Sanborn, Laurie

Smith, Molly

Smith, Todd

### ROCKINGHAM

Antosz, Jason  
Chirichiello, Brian  
Dowling, Patricia  
Garcia, Marilinda  
Introne, Robert  
Katsakiores, Phyllis  
O'Connor, John  
Perkins, Lawrence  
Sedensky, John  
Waterhouse, Kevin

Baldasaro, Alfred  
Comerford, Timothy  
Duarte, Joe  
Garrity, James  
Itse, Daniel  
Kolodziej, Walter  
Okerman, Richard  
Reichard, Kevin  
Shuler, Wyman III  
Webb, James

Bates, David  
Davenport, Joshua  
Elliott, Robert  
Griffin, Mary  
Janvrin, Kevin  
Manuse, Andrew  
Oigny, Jeffrey  
Ritter, Glenn  
Smith, William  
Weyler, Kenneth

Brown, Paul  
Devine, James  
Fesh, Robert  
Hagan, Joseph  
Kappler, Lawrence  
Mauro, Donna  
Perkins, Amy  
Sanders, Elisabeth  
Tremblay, Stella

### STRAFFORD

Andolina, Donald  
Groen, Warren

Berube, Roger  
Jones, Kyle

Cataldo, Sam  
Jones, Laura

DeLemus, Susan  
Larsen Schultz,  
Kirsten  
Parsons, Robbie

Munck, Philip  
Pitre, Joseph

Newton, Clifford  
Vita, Carol

O'Connor, William  
Vita, Lucien

### SULLIVAN

Bowers, Spec  
Laware, Thomas

Cunningham, Steven  
Osgood, Joe

Howard, Thomas  
Rodeschin, Beverly

LaCasse, Paul Sr  
Smith, Steven

### NAYS 188

### BELKNAP

Bolster, Peter  
Russell, David

Kingsbury, Robert

Millham, Alida

Pilliod, James

### CARROLL

Ahlgren, Christopher  
Morrow, Harry

Babson, David Jr  
Patten, Betsey

Chandler, Gene  
Schmidt, Stephen

Knox, J. David  
Umberger, Karen

### CESHIRE

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

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

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

Dwinell, Richard  
Johnsen, Gladys  
Meader, David  
Sad, Tara  
Weber, Lucy

### COOS

Coulombe, Gary  
Richardson, Herbert

Hatch, William  
Theberge, Robert

Merrick, Evalyn  
Tholl, John Jr

Remick, William  
Thomas, Yvonne

### GRAFTON

Aguiar, James  
Gould, Franklin

Almy, Susan  
Harding, Laurie

Benn, Bernard  
Nordgren, Sharon

Cooney, Mary  
Pastor, Beatriz

Pierce, David  
Townsend, Charles

Simard, Paul  
White, Andrew

Smith, Suzanne

Taylor, Kathleen

### HILLSBOROUGH

Ball, J. Michael  
Campbell, David

Baroody, Benjamin  
Christensen, D.L.  
Chris

Brown, Kevin  
Cote, David

Buxton, Michael  
Coughlin, Sean

Daler, Jennifer  
Emerton, Larry  
Gimas, John  
Haefner, Robert  
Kurk, Neal  
Levasseur, Nickolas  
Murphy, Keith  
Robbins, David  
Scotsas, Lisa  
Sullivan, Peter  
Whitehead, Randall

Day, Russell  
Fredette, Robert  
Goley, Jeffrey  
Hogan, Timothy  
Lambert, George  
Long, Patrick  
Pilotte, Maurice  
Rokas, Ted  
Simmons, Tammy  
Swank, Matthew

DeJong, Cameron  
Gargas, Carolyn  
Gorman, Mary  
Hutchinson, Winfred  
LeBrun, Donald  
Maltz, Jonathan  
Porter, Marjorie  
Rosenwald, Cindy  
Stepanek, Stephen  
Vaillancourt, Steve

Drisko, Richard  
Gidge, Kenneth  
Greazzo, Phil  
Jasper, Shawn  
Leishman, Peter  
Messier, Irene  
Reed, Michael  
Rowe, Robert  
Sullivan, Daniel  
Warden, Mark

### MERRIMACK

Bouchard, Candace  
DeStefano, Stephen  
Hamm, Christine  
Kreis, Kenneth Sr  
Owen, Derek  
Rice, Chip  
Watrous, Rick

Coffey, Jennifer  
Foote, Robert  
Hess, David  
Lockwood, Priscilla  
Palfrey, David  
Richardson, Gary  
Williams, Robert

Cohn, Seth  
Frazer, June  
Keane, Thomas  
MacKay, James  
Patten, Dick  
Seaworth, G. Brian  
Winter, Steven

Deloge, Helen  
Gile, Mary  
Kidder, David  
McDonnell, John  
Potter, Frances  
Shurtleff, Stephen

### ROCKINGHAM

Abrami, Patrick  
Cali-Pitts, Jacqueline  
DiPentima, Rich  
MacMahon, Bruce  
Nevens, Chris  
Read, Robin Jr  
Schroadter, Adam  
Sytek, John  
Welch, David

Allen, Mary  
Charron, Gene  
Hoelzel, Kathleen  
Major, Norman  
Norelli, Terie  
Reagan, John  
Serlin, Christopher  
Tasker, Kyle

Azarian, Gary  
Copeland, Timothy  
Hutchinson, Karen  
Moody, Marcia  
Packard, Sherman  
Sapienza, Marie  
Sullivan, James  
Waddell, James

Belanger, Ronald  
DeSimone, Debra  
Lovejoy, Patricia  
Murphy, Brian  
Pantelakos, Laura  
Schlachman, Donna  
Sullivan, Kevin  
Ward, Joanne

### STRAFFORD

Brown, Julie  
Horrigan, Timothy  
Panek, William  
Schmidt, Peter  
Wall, Janet

Browne, Brendon  
Kaen, Naida  
Pelletier, Marsha  
Spainhower, Dale  
Watters, David

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

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

### SULLIVAN

Cloutier, John  
Schmidt, Andrew

Gagnon, Raymond

Lefebvre, Benjamin

Lovett, Charlene

and floor amendment (1288h) failed.

The question now being adoption of the motion of Ought to Pass.  
Rep. Manuse offered floor amendment (1097h).

Speaker ruled the motion and floor amendment out of order.

### **MOTION TO LAY ON THE TABLE**

Rep. Hunt moved that **HB 437-FN**, relative to the definition of marriage, be laid on the table.

Rep. Bates requested a roll call; sufficiently seconded.

**YEAS 82 NAYS 263**

**YEAS 82**

#### **BELKNAP**

|                  |                |                  |                   |
|------------------|----------------|------------------|-------------------|
| Accornero, Harry | Bolster, Peter | Flanders, Donald | Kingsbury, Robert |
| Millham, Alida   | Pilliod, James |                  |                   |

#### **CARROLL**

|                |                  |                 |                 |
|----------------|------------------|-----------------|-----------------|
| Chandler, Gene | Fleck, Joseph    | Knox, J. David  | McCarthy, Frank |
| McConkey, Mark | Schmidt, Stephen | Umberger, Karen |                 |

#### **CHESHIRE**

|                       |                  |                  |              |
|-----------------------|------------------|------------------|--------------|
| Byrnes, John          | Cartwright, Anne | Dwinell, Richard | Hunt, John   |
| Johnson, Jane         | Moore, Robert Jr | Roberts, Kris    | Smith, Edwin |
| Sterling, Franklin Jr |                  |                  |              |

#### **COOS**

None

#### **GRAFTON**

|                 |                  |               |                   |
|-----------------|------------------|---------------|-------------------|
| Bradley, Lester | Ingbretson, Paul | Pierce, David | Reilly, Harold Sr |
|-----------------|------------------|---------------|-------------------|

#### **HILLSBOROUGH**

|                     |                            |                       |                   |
|---------------------|----------------------------|-----------------------|-------------------|
| Bergevin, Jerry     | Christensen, D.L.<br>Chris | Cusson-Cail, Kathleen | Day, Russell      |
| DeJong, Cameron     | Donovan, Daniel            | Fredette, Robert      | Hikel, John       |
| Hutchinson, Winfred | Infantine, William         | Lambert, George       | Maltz, Jonathan   |
| Messier, Irene      | Murphy, Keith              | Palmer, Barry         | Peterson, Lenette |
| Pilotte, Maurice    | Scontsas, Lisa             | Willette, Robert      |                   |

#### **MERRIMACK**

|                     |                 |                    |                      |
|---------------------|-----------------|--------------------|----------------------|
| Blankenbeker, Lynne | Cohn, Seth      | DeStefano, Stephen | Giuda, J. Brandon    |
| Hess, David         | Hill, Gregory   | Keane, Thomas      | Lauer-Rago, Kathleen |
| Lockwood, Priscilla | McDonnell, John | McGuire, Carol     | Winter, Steven       |

#### **ROCKINGHAM**

|                      |                   |                    |                   |
|----------------------|-------------------|--------------------|-------------------|
| Allen, Mary          | Azarian, Gary     | Brown, Paul        | Charron, Gene     |
| Chirichiello, Brian  | Davenport, Joshua | Garritty, James    | Hutchinson, Karen |
| Katsakiores, Phyllis | Manuse, Andrew    | Mauro, Donna       | Murphy, Brian     |
| O'Connor, John       | Packard, Sherman  | Sanders, Elisabeth | Sedensky, John    |
| Sytek, John          | Ward, Joanne      | Webb, James        |                   |

### **STRAFFORD**

|              |               |                 |               |
|--------------|---------------|-----------------|---------------|
| Brown, Julie | Munck, Philip | Parsons, Robbie | Pitre, Joseph |
|--------------|---------------|-----------------|---------------|

### **SULLIVAN**

|              |                    |
|--------------|--------------------|
| Bowers, Spec | Cunningham, Steven |
|--------------|--------------------|

### **NAYS 263**

### **BELKNAP**

|                  |                |                  |                  |
|------------------|----------------|------------------|------------------|
| Comtois, Guy     | Fields, Dennis | Greemore, Robert | Malone, Robert   |
| Russell, David   | Simpson, Tyler | Swinford, Elaine | Tilton, Franklin |
| Worsman, Colette |                |                  |                  |

### **CARROLL**

|                      |                  |               |                |
|----------------------|------------------|---------------|----------------|
| Ahlgren, Christopher | Babson, David Jr | Morrow, Harry | Patten, Betsey |
| Pettengill, Laurie   | Tregenza, Norman |               |                |

### **CHESHIRE**

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

### **COOS**

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

### **GRAFTON**

|                 |                  |                   |                  |
|-----------------|------------------|-------------------|------------------|
| Aguiar, James   | Almy, Susan      | Benn, Bernard     | Bulis, Lyle      |
| Cooney, Mary    | Eaton, Stephanie | Gionet, Edmond    | Gould, Franklin  |
| Harding, Laurie | Ladd, Rick Jr    | Mirski, Paul      | Nordgren, Sharon |
| Pastor, Beatriz | Simard, Paul     | Smith, Suzanne    | Sorg, Gregory    |
| Sova, Charles   | Taylor, Kathleen | Townsend, Charles | White, Andrew    |

### **HILLSBOROUGH**

|                 |                       |                    |                     |
|-----------------|-----------------------|--------------------|---------------------|
| Avard, Kevin    | Balboni, Michael      | Ball, J. Michael   | Baroody, Benjamin   |
| Barry, Richard  | Belanger, James       | Belvin, William    | Boehm, Ralph        |
| Brown, Kevin    | Brownrigg, Randall Jr | Burt, John         | Buxton, Michael     |
| Campbell, David | Cebrowski, John       | Christiansen, Lars | Coffey, James       |
| Condra, William | Cote, David           | Coughlin, Sean     | Daler, Jennifer     |
| Daniels, Gary   | Drisko, Richard       | Emerton, Larry     | Erickson, Duane     |
| Flanagan, Jack  | Gagne, Larry          | Gandia, Laura      | Gidge, Kenneth      |
| Gimas, John     | Goley, Jeffrey        | Gonzalez, Carlos   | Gorman, Mary        |
| Graham, John    | Greazzo, Phil         | Haefner, Robert    | Hansen, Peter       |
| Hardwick, Harry | Hawkins, Kenneth      | Hinch, Richard     | Hogan, Edith        |
| Hogan, Timothy  | Hopper, Gary          | Jasper, Shawn      | Krasucki, Joseph    |
| Kurk, Neal      | LeBrun, Donald        | Leishman, Peter    | Levasseur, Nickolas |
| Long, Patrick   | McGuinness, Sean      | Mecheski, Holly    | Moran, Edward       |
| Notter, Jeanine | O'Brien, William      | Ohm, Bill          | Palmer, Stephen     |
| Parison, James  | Pellegrino, Tony      | Pepino, Leo        | Porter, Marjorie    |

Pratt, Calvin  
Robbins, David  
Seidel, Carl  
Stepanek, Stephen  
Swank, Matthew  
Ulery, Jordan  
Whitehead, Randall

Proulx, Mark  
Rokas, Ted  
Silva, Peter  
Stroud, Kathleen  
Terrio, Ross  
Vaillancourt, Steve

Reed, Michael  
Rosenwald, Cindy  
Simmons, Tammy  
Sullivan, Daniel  
Thomas, Joseph  
Villeneuve, Moe

Renzullo, Andrew  
Rowe, Robert  
Soucy, Connie  
Sullivan, Peter  
Twombly, Timothy  
Warden, Mark

#### **MERRIMACK**

Bouchard, Candace  
Frazer, June  
Kidder, David  
McGuire, Dan  
Potter, Frances  
Seaworth, G. Brian  
Soltani, Tony

Coffey, Jennifer  
Gile, Mary  
Kreis, Kenneth Sr  
Owen, Derek  
Rice, Chip  
Shurtleff, Stephen  
Watrous, Rick

Deloge, Helen  
Hamm, Christine  
Lindsley, Mark  
Palfrey, David  
Richardson, Gary  
Smith, Molly  
Williams, Robert

Foose, Robert  
Hoell, J.R.  
MacKay, James  
Patten, Dick  
Sanborn, Laurie  
Smith, Todd

#### **ROCKINGHAM**

Antosz, Jason  
Cali-Pitts, Jacqueline  
Devine, James  
Elliott, Robert  
Hagan, Joseph  
Janvrin, Kevin  
MacMahon, Bruce  
Norelli, Terie  
Perkins, Amy  
Ritter, Glenn  
Serlin, Christopher  
Sullivan, Kevin  
Waterhouse, Kevin

Baldasaro, Alfred  
Comerford, Timothy  
DiPentima, Rich  
Fesh, Robert  
Hoelzel, Kathleen  
Kappler, Lawrence  
Major, Norman  
Okerman, Richard  
Perkins, Lawrence  
Sapienza, Marie  
Shuler, Wyman III  
Tasker, Kyle  
Welch, David

Bates, David  
Copeland, Timothy  
Dowling, Patricia  
Garcia, Marilinda  
Introne, Robert  
Kolodziej, Walter  
Moody, Marcia  
Oligny, Jeffrey  
Read, Robin Jr  
Schlachman, Donna  
Smith, William  
Tremblay, Stella  
Weyler, Kenneth

Belanger, Ronald  
DeSimone, Debra  
Duarte, Joe  
Griffin, Mary  
Itse, Daniel  
Lovejoy, Patricia  
Nevins, Chris  
Pantelakos, Laura  
Reichard, Kevin  
Schroadter, Adam  
Sullivan, James  
Waddell, James

#### **STRAFFORD**

Andolina, Donald  
DeLemus, Susan  
Horrigan, Timothy  
Keans, Sandra

O'Connor, William  
Roberts, Jenna  
Sprague, Dale  
Watters, David

Berube, Roger  
Ginsburg, Philip  
Jones, Kyle  
Larsen Schultz,  
Kirsten

Panek, William  
Schmidt, Peter  
Vita, Carol

Browne, Brendon  
Grassie, Anne  
Jones, Laura  
Leonard, Frederick Jr

Pelletier, Marsha  
Spainhower, Dale  
Vita, Lucien

Cataldo, Sam  
Groen, Warren  
Kaen, Naida  
Newton, Clifford

Perry, Robert  
Spang, Judith  
Wall, Janet

#### **SULLIVAN**

Cloutier, John  
Laware, Thomas  
Schmidt, Andrew  
and the motion failed.

Gagnon, Raymond  
Lefebvre, Benjamin  
Smith, Steven

Howard, Thomas  
Lovett, Charlene

LaCasse, Paul Sr  
Osgood, Joe

The question now being adoption of the motion of Ought to Pass.  
Rep. Lambert offered floor amendment (0478h).

#### **Floor Amendment (0478h)**

Amend RSA 457:2 as inserted by section 1 of the bill by replacing it with the following:

457:2 Marriages Prohibited; Men; Women; Left-Handed People.

I. No man shall marry his mother, father's sister, mother's sister, daughter, sister, son's daughter, daughter's daughter, brother's daughter, sister's daughter, father's brother's daughter, mother's brother's daughter, father's sister's daughter, mother's sister's daughter, or any other man.

II. No woman shall marry her father, father's brother, mother's brother, son, brother, son's son, daughter's son, brother's son, sister's son, father's brother's son, mother's brother's son, father's sister's son, mother's sister's son, or any other woman.

III. No left-handed person shall marry another left-handed person.

#### AMENDED ANALYSIS

This bill prohibits same sex marriages and marriages between left-handed people.

Rep. Winter objected to floor amendment (0478h) being offered.

The Speaker ruled the floor amendment could be offered.

#### APPEAL OF THE RULING OF THE CHAIR

Rep. Hopper appealed the ruling of the Chair on allowing floor amendment (0478h) to be offered.

Rep. Hopper withdrew his appeal.

#### MOTION TO OBJECT

Rep. Winter moved objection to the consideration of floor amendment (0478h).

The question being shall the House object to the consideration of floor amendment (0478h).

Rep. Hansen requested a roll call; sufficiently seconded.

**YEAS 286 NAYS 52**

**YEAS 286**

#### BELKNAP

|                  |                  |                   |                  |
|------------------|------------------|-------------------|------------------|
| Accornero, Harry | Bolster, Peter   | Comtois, Guy      | Fields, Dennis   |
| Flanders, Donald | Greemore, Robert | Kingsbury, Robert | Malone, Robert   |
| Pilliod, James   | Russell, David   | Simpson, Tyler    | Swinford, Elaine |
| Tilton, Franklin | Worsman, Colette |                   |                  |

#### CARROLL

|                      |                  |                 |                |
|----------------------|------------------|-----------------|----------------|
| Ahlgren, Christopher | Babson, David Jr | Chandler, Gene  | Fleck, Joseph  |
| McCarthy, Frank      | McConkey, Mark   | Marrow, Harry   | Patten, Betsey |
| Pettengill, Laurie   | Tregenza, Norman | Umberger, Karen |                |

#### CHESHIRE

|                   |                   |                       |                  |
|-------------------|-------------------|-----------------------|------------------|
| Butynski, William | Byrnes, John      | Carr, Daniel          | Cartwright, Anne |
| Chase, Cynthia    | Dwinell, Richard  | Hawkes, Samuel        | Hunt, John       |
| Johnson, Jane     | Lerandean, Alfred | Meador, David         | Moore, Robert Jr |
| Sad, Tara         | Smith, Edwin      | Sterling, Franklin Jr | Tatro, Bruce     |
| Weber, Lucy       |                   |                       |                  |

#### COOS

|                  |                     |                     |                  |
|------------------|---------------------|---------------------|------------------|
| Daugherty, Duffy | Rappaport, Laurence | Richardson, Herbert | Theberge, Robert |
| Tholl, John Jr   | Tremblay, Marc      |                     |                  |

### GRAFTON

Benn, Bernard  
Eaton, Stephanie  
Ingbretson, Paul  
Pastor, Beatriz  
Sova, Charles

Bradley, Lester  
Gionet, Edmond  
Ladd, Rick Jr  
Reilly, Harold Sr  
Taylor, Kathleen

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

Cooney, Mary  
Harding, Laurie  
Nordgren, Sharon  
Sorg, Gregory

### HILLSBOROUGH

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

Ball, J. Michael  
Belvin, William  
Brownrigg, Randall Jr  
Cebrowski, John

Baroody, Benjamin  
Bergevin, Jerry  
Burt, John  
Christensen, D.L.  
Chris

Barry, Richard  
Boehm, Ralph  
Buxton, Michael  
Christiansen, Lars

Coffey, James  
Daler, Jennifer  
Emerton, Larry  
Gandia, Laura  
Goley, Jeffrey  
Hansen, Peter  
Hinch, Richard  
Hutchinson, Winfred  
Kurk, Neal  
Maltz, Jonathan  
Moran, Edward  
Ohm, Bill  
Pepino, Leo  
Pratt, Calvin  
Robbins, David  
Seidel, Carl  
Stepanek, Stephen  
Swank, Matthew  
Ulery, Jordan  
Whitehead, Randall

Condra, William  
Daniels, Gary  
Erickson, Duane  
Gargas, Carolyn  
Gonzalez, Carlos  
Hardwick, Harry  
Hogan, Edith  
Infantine, William  
LeBrun, Donald  
McGuinness, Sean  
Murphy, Keith  
Palmer, Stephen  
Peterson, Lenette  
Proulx, Mark  
Rokas, Ted  
Silva, Peter  
Stroud, Kathleen  
Terrio, Ross  
Vaillancourt, Steve

Coughlin, Sean  
Day, Russell  
Flanagan, Jack  
Gidge, Kenneth  
Gorman, Mary  
Hawkins, Kenneth  
Hogan, Timothy  
Jasper, Shawn  
Leishman, Peter  
Mecheski, Holly  
Notter, Jeanine  
Parison, James  
Pilotte, Maurice  
Reed, Michael  
Rowe, Robert  
Simmons, Tammy  
Sullivan, Daniel  
Thomas, Joseph  
Villeneuve, Moe

Cusson-Cail, Kathleen  
Donovan, Daniel  
Gagne, Larry  
Gimas, John  
Haefner, Robert  
Hikel, John  
Hopper, Gary  
Krasucki, Joseph  
Long, Patrick  
Messier, Irene  
O'Brien, William  
Pellegrino, Tony  
Porter, Marjorie  
Renzullo, Andrew  
Scotsas, Lisa  
Soucy, Connie  
Sullivan, Peter  
Twombly, Timothy  
Warden, Mark

### MERRIMACK

Coffey, Jennifer  
Hess, David  
Kidder, David  
MacKay, James  
Owen, Derek  
Richardson, Gary  
Watrous, Rick

Frazer, June  
Hill, Gregory  
Kreis, Kenneth Sr  
McDonnell, John  
Palfrey, David  
Sanborn, Laurie  
Williams, Robert

Gile, Mary  
Hoell, J.R.  
Lindsley, Mark  
McGuire, Carol  
Potter, Frances  
Smith, Molly  
Winter, Steven

Giuda, J. Brandon  
Keane, Thomas  
Lockwood, Priscilla  
McGuire, Dan  
Rice, Chip  
Smith, Todd

### ROCKINGHAM

Allen, Mary  
Bates, David  
Charron, Gene  
Davenport, Joshua  
Dowling, Patricia  
Garcia, Marilinda  
Hutchinson, Karen  
Kappler, Lawrence  
Major, Norman

Antosz, Jason  
Belanger, Ronald  
Chirichiello, Brian  
DeSimone, Debra  
Duarte, Joe  
Garrity, James  
Introne, Robert  
Katsakiores, Phyllis  
Manuse, Andrew

Azarian, Gary  
Brown, Paul  
Comerford, Timothy  
Devine, James  
Elliott, Robert  
Griffin, Mary  
Itse, Daniel  
Kolodziej, Walter  
Mauro, Donna

Baldasaro, Alfred  
Cali-Pitts, Jacqueline  
Copeland, Timothy  
DiPentima, Rich  
Fesh, Robert  
Hoelzel, Kathleen  
Janvrin, Kevin  
Lovejoy, Patricia  
Moody, Marcia

Murphy, Brian  
Okerman, Richard  
Perkins, Amy  
Ritter, Glenn  
Schroadter, Adam  
Sullivan, James  
Ward, Joanne  
Weyler, Kenneth

Nevins, Chris  
Oigny, Jeffrey  
Perkins, Lawrence  
Sanders, Elisabeth  
Sedensky, John  
Sullivan, Kevin  
Waterhouse, Kevin

Norelli, Terie  
Packard, Sherman  
Read, Robin Jr  
Sapienza, Marie  
Shuler, Wyman III  
Sytek, John  
Webb, James

O'Connor, John  
Pantelakos, Laura  
Reichard, Kevin  
Schlachman, Donna  
Smith, William  
Waddell, James  
Welch, David

#### **STRAFFORD**

Andolina, Donald  
Grassie, Anne  
Jones, Laura

Berube, Roger  
Groen, Warren  
Kaen, Naida

Brown, Julie  
Horrigan, Timothy  
Keans, Sandra

Cataldo, Sam  
Jones, Kyle  
Larsen Schultz,  
Kirsten  
O'Connor, William  
Pitre, Joseph  
Vita, Lucien

Leonard, Frederick Jr  
Panek, William  
Schmidt, Peter  
Wall, Janet

Munck, Philip  
Parsons, Robbie  
Sprague, Dale  
Watters, David

Newton, Clifford  
Perry, Robert  
Vita, Carol

#### **SULLIVAN**

Bowers, Spec  
Laware, Thomas  
Smith, Steven

Cunningham, Steven  
Lovett, Charlene

Howard, Thomas  
Osgood, Joe

LaCasse, Paul Sr  
Schmidt, Andrew

#### **NAYS 52**

#### **BELKNAP**

None

#### **CARROLL**

Knox, J. David

Schmidt, Stephen

#### **CHESHIRE**

Emerson, Susan  
Parkhurst, Henry

Johnsen, Gladys  
Roberts, Kris

Lindsey, Steven  
Weed, Charles

Moore, Charles

#### **COOS**

Coulombe, Gary  
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Remick, William

#### **GRAFTON**

Aguiar, James  
Townsend, Charles

Almy, Susan  
White, Andrew

Pierce, David

Smith, Suzanne

#### **HILLSBOROUGH**

Cote, David  
Lambert, George

DeJong, Cameron  
Levasseur, Nickolas

Drisko, Richard  
Rosenwald, Cindy

Fredette, Robert  
Willette, Robert

#### **MERRIMACK**

Bouchard, Candace

Cohn, Seth

Deloge, Helen

DeStefano, Stephen

Foose, Robert  
Shurtleff, Stephen

Hamm, Christine  
Soltani, Tony

Patten, Dick

Seaworth, G. Brian

#### **ROCKINGHAM**

MacMahon, Bruce

Serlin, Christopher

Tasker, Kyle

Tremblay, Stella

#### **STRAFFORD**

Browne, Brendon  
Spainhower, Dale

Ginsburg, Philip  
Spang, Judith

Pelletier, Marsha

Roberts, Jenna

#### **SULLIVAN**

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Rodeschin, Beverly

and the motion to object was adopted.

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

Rep. Soltani offered floor amendment (1097h).

Speaker ruled the motion out of order.

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

Rep. Welch spoke against.

#### **MOTION TO SUSPEND HOUSE RULES**

Rep. Lambert moved that House Rule 35(e) be so far suspended as to allow introduction and consideration of floor amendment (1097h).

On a division vote, 62 members having voted in the affirmative and 277 in the negative, the motion failed.

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

Reps. Groen and Bates spoke in favor.

Reps. DeJong and Ball spoke against.

#### **MOTION TO RECONSIDER**

Having voted with the prevailing side, Rep. Cartwright moved that the House reconsider its action whereby, on a roll call vote of 82-266, it failed to adopt the committee amendment (2779h) on **HB 437-FN**, relative to the definition of marriage.

Reps. Giuda and Baldasaro spoke in favor.

Reps. Simmons and Vaillancourt spoke against.

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

**YEAS 144 NAYS 193**

**YEAS 144**

#### **BELKNAP**

Accornero, Harry  
Greemore, Robert

Comtois, Guy  
Pilliod, James

Fields, Dennis  
Simpson, Tyler

Flanders, Donald  
Tilton, Franklin

#### **CARROLL**

Fleck, Joseph  
Tregenza, Norman

McCarthy, Frank

McConkey, Mark

Pettengill, Laurie

### **CHESHIRE**

|                  |            |                |
|------------------|------------|----------------|
| Cartwright, Anne | Hunt, John | Moore, Charles |
|------------------|------------|----------------|

### **COOS**

|                     |                |
|---------------------|----------------|
| Rappaport, Laurence | Tremblay, Marc |
|---------------------|----------------|

### **GRAFTON**

|              |                   |                |                  |
|--------------|-------------------|----------------|------------------|
| Bulis, Lyle  | Eaton, Stephanie  | Gionet, Edmond | Ingbretson, Paul |
| Mirski, Paul | Reilly, Harold Sr | Sorg, Gregory  |                  |

### **HILLSBOROUGH**

|                  |                       |                       |                    |
|------------------|-----------------------|-----------------------|--------------------|
| Avard, Kevin     | Balboni, Michael      | Barry, Richard        | Belanger, James    |
| Belvin, William  | Brownrigg, Randall Jr | Burt, John            | Cebrowski, John    |
| Coffey, James    | Condra, William       | Cusson-Cail, Kathleen | Daniels, Gary      |
| Donovan, Daniel  | Flanagan, Jack        | Gagne, Larry          | Gandia, Laura      |
| Gonzalez, Carlos | Graham, John          | Hansen, Peter         | Hardwick, Harry    |
| Hawkins, Kenneth | Hogan, Edith          | Hopper, Gary          | Infantine, William |
| Krasucki, Joseph | McGuinness, Sean      | Mecheski, Holly       | Messier, Irene     |
| Moran, Edward    | Notter, Jeanine       | O'Brien, William      | Ohm, Bill          |
| Palmer, Stephen  | Parison, James        | Pellegrino, Tony      | Peterson, Lenette  |
| Proulx, Mark     | Renzullo, Andrew      | Seidel, Carl          | Silva, Peter       |
| Soucy, Connie    | Stepanek, Stephen     | Stroud, Kathleen      | Terrio, Ross       |
| Thomas, Joseph   | Twombly, Timothy      | Ulery, Jordan         | Villeneuve, Moe    |
| Willette, Robert |                       |                       |                    |

### **MERRIMACK**

|                    |                   |                |               |
|--------------------|-------------------|----------------|---------------|
| DeStefano, Stephen | Giuda, J. Brandon | Hill, Gregory  | Hoell, J.R.   |
| Lindsley, Mark     | McDonnell, John   | McGuire, Carol | McGuire, Dan  |
| Sanborn, Laurie    | Smith, Molly      | Smith, Todd    | Soltani, Tony |

### **ROCKINGHAM**

|                   |                     |                    |                   |
|-------------------|---------------------|--------------------|-------------------|
| Antosz, Jason     | Azarian, Gary       | Baldasaro, Alfred  | Bates, David      |
| Brown, Paul       | Chirichiello, Brian | Comerford, Timothy | Davenport, Joshua |
| Devine, James     | Duarte, Joe         | Fesh, Robert       | Garcia, Marilinda |
| Garritty, James   | Hagan, Joseph       | Introne, Robert    | Itse, Daniel      |
| Kappler, Lawrence | Kolodziej, Walter   | Manuse, Andrew     | Mauro, Donna      |
| Oligny, Jeffrey   | Perkins, Amy        | Perkins, Lawrence  | Reichard, Kevin   |
| Ritter, Glenn     | Sanders, Elisabeth  | Sedensky, John     | Shuler, Wyman III |
| Smith, William    | Tasker, Kyle        | Tremblay, Stella   | Ward, Joanne      |
| Waterhouse, Kevin | Webb, James         | Weyler, Kenneth    |                   |

### **STRAFFORD**

|                       |               |                  |                            |
|-----------------------|---------------|------------------|----------------------------|
| Andolina, Donald      | Berube, Roger | Cataldo, Sam     | DeLemus, Susan             |
| Groen, Warren         | Jones, Kyle   | Jones, Laura     | Larsen Schultz,<br>Kirsten |
| Leonard, Frederick Jr | Munck, Philip | Newton, Clifford | O'Connor, William          |
| Parsons, Robbie       | Pitre, Joseph | Vita, Carol      | Vita, Lucien               |

### **SULLIVAN**

|                |                    |                |                  |
|----------------|--------------------|----------------|------------------|
| Bowers, Spec   | Cunningham, Steven | Howard, Thomas | LaCasse, Paul Sr |
| Laware, Thomas | Lovett, Charlene   | Osgood, Joe    |                  |

## NAYS 193

### BELKNAP

Bolster, Peter  
Russell, David

Kingsbury, Robert  
Swinford, Elaine

Malone, Robert  
Worsman, Colette

Millham, Alida

### CARROLL

Ahlgren, Christopher  
Morrow, Harry

Babson, David Jr  
Patten, Betsey

Chandler, Gene  
Schmidt, Stephen

Knox, J. David  
Umberger, Karen

### CHESHIRE

Butynski, William  
Dwinell, Richard  
Johnson, Jane  
Moore, Robert Jr  
Smith, Edwin  
Weed, Charles

Byrnes, John  
Emerson, Susan  
Lerandeau, Alfred  
Parkhurst, Henry  
Sterling, Franklin Jr

Carr, Daniel  
Hawkes, Samuel  
Lindsey, Steven  
Roberts, Kris  
Tatro, Bruce

Chase, Cynthia  
Johnsen, Gladys  
Meador, David  
Sad, Tara  
Weber, Lucy

### COOS

Coulombe, Gary  
Richardson, Herbert

Hatch, William  
Theberge, Robert

Merrick, Evalyn  
Tholl, John Jr

Remick, William  
Thomas, Yvonne

### GRAFTON

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

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

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

Bradley, Lester  
Ladd, Rick Jr  
Simard, Paul  
Townsend, Charles

### HILLSBOROUGH

Ball, J. Michael  
Brown, Kevin

Baroody, Benjamin  
Buxton, Michael

Bergevin, Jerry  
Campbell, David

Boehm, Ralph  
Christensen, D.L.  
Chris

Christiansen, Lars  
Day, Russell  
Fredette, Robert  
Goley, Jeffrey  
Hikel, John  
Jasper, Shawn  
Leishman, Peter  
Murphy, Keith  
Reed, Michael  
Rowe, Robert  
Sullivan, Peter

Cote, David  
DeJong, Cameron  
Gargas, Carolyn  
Gorman, Mary  
Hinch, Richard  
Kurk, Neal  
Levasseur, Nickolas  
Pilotte, Maurice  
Robbins, David  
Scontsas, Lisa  
Swank, Matthew

Coughlin, Sean  
Emerton, Larry  
Gidge, Kenneth  
Greazzo, Phil  
Hogan, Timothy  
Lambert, George  
Long, Patrick  
Porter, Marjorie  
Rokas, Ted  
Simmons, Tammy  
Vaillancourt, Steve

Daler, Jennifer  
Erickson, Duane  
Gimas, John  
Haefner, Robert  
Hutchinson, Winfred  
LeBrun, Donald  
Maltz, Jonathan  
Pratt, Calvin  
Rosenwald, Cindy  
Sullivan, Daniel  
Whitehead, Randall

### MERRIMACK

Bouchard, Candace  
Foose, Robert  
Hess, David  
Lockwood, Priscilla

Coffey, Jennifer  
Frazer, June  
Keane, Thomas  
MacKay, James

Cohn, Seth  
Gile, Mary  
Kidder, David  
Owen, Derek

Deloge, Helen  
Hamm, Christine  
Kreis, Kenneth Sr  
Palfrey, David

Patten, Dick  
Seaworth, G. Brian  
Winter, Steven

Potter, Frances  
Shurtleff, Stephen

Rice, Chip  
Watrous, Rick

Richardson, Gary  
Williams, Robert

#### **ROCKINGHAM**

Allen, Mary  
Copeland, Timothy  
Elliott, Robert  
Janvrin, Kevin  
Major, Norman  
Norelli, Terie  
Read, Robin Jr  
Serlin, Christopher  
Welch, David

Belanger, Ronald  
DeSimone, Debra  
Griffin, Mary  
Katsakiores, Phyllis  
Moody, Marcia  
O'Connor, John  
Sapienza, Marie  
Sullivan, James

Cali-Pitts, Jacqueline  
DiPentima, Rich  
Hoelzel, Kathleen  
Lovejoy, Patricia  
Murphy, Brian  
Packard, Sherman  
Schlachman, Donna  
Sytek, John

Charron, Gene  
Dowling, Patricia  
Hutchinson, Karen  
MacMahon, Bruce  
Nevins, Chris  
Pantelakos, Laura  
Schroadter, Adam  
Waddell, James

#### **STRAFFORD**

Brown, Julie  
Horrigan, Timothy  
Pelletier, Marsha  
Spainhower, Dale  
Watters, David

Browne, Brendon  
Kaen, Naida  
Perry, Robert  
Spang, Judith

Ginsburg, Philip  
Keans, Sandra  
Roberts, Jenna  
Sprague, Dale

Grassie, Anne  
PANEK, William  
Schmidt, Peter  
Wall, Janet

#### **SULLIVAN**

Cloutier, John  
Smith, Steven  
and the motion failed.

Gagnon, Raymond      Lefebvre, Benjamin

Schmidt, Andrew

The question now being adoption of the motion of Ought to Pass.  
Rep. Bates requested a roll call; sufficiently seconded.

**YEAS 133    NAYS 202**

**YEAS 133**

#### **BELKNAP**

Accornero, Harry  
Malone, Robert

Comtois, Guy  
Simpson, Tyler

Fields, Dennis  
Tilton, Franklin

Greemore, Robert  
Worsman, Colette

#### **CARROLL**

Fleck, Joseph

McConkey, Mark

Pettengill, Laurie

Tregenza, Norman

#### **CHESHIRE**

Cartwright, Anne

Moore, Charles

#### **COOS**

Rappaport, Laurence

Remick, William

Tremblay, Marc

#### **GRAFTON**

Bradley, Lester  
Ingbretson, Paul  
Sova, Charles

Bulis, Lyle  
Mirski, Paul

Eaton, Stephanie  
Reilly, Harold Sr

Gionet, Edmond  
Sorg, Gregory

### **HILLSBOROUGH**

|                   |                  |                       |                   |
|-------------------|------------------|-----------------------|-------------------|
| Avard, Kevin      | Balboni, Michael | Barry, Richard        | Belanger, James   |
| Bergevin, Jerry   | Boehm, Ralph     | Brownrigg, Randall Jr | Burt, John        |
| Buxton, Michael   | Cebrowski, John  | Coffey, James         | Condra, William   |
| Daniels, Gary     | Emerton, Larry   | Erickson, Duane       | Flanagan, Jack    |
| Gagne, Larry      | Gandia, Laura    | Gonzalez, Carlos      | Graham, John      |
| Hansen, Peter     | Hardwick, Harry  | Hawkins, Kenneth      | Hogan, Edith      |
| Hopper, Gary      | Krasucki, Joseph | McGuinness, Sean      | Mecheski, Holly   |
| Moran, Edward     | Notter, Jeanine  | O'Brien, William      | Ohm, Bill         |
| Palmer, Stephen   | Parison, James   | Pellegrino, Tony      | Peterson, Lenette |
| Proulx, Mark      | Seidel, Carl     | Silva, Peter          | Soucy, Connie     |
| Stepanek, Stephen | Stroud, Kathleen | Terrio, Ross          | Thomas, Joseph    |
| Twombly, Timothy  | Ulery, Jordan    | Villeneuve, Moe       |                   |

### **MERRIMACK**

|                   |              |                |                |
|-------------------|--------------|----------------|----------------|
| Giuda, J. Brandon | Hoell, J.R.  | Lindsley, Mark | McGuire, Carol |
| McGuire, Dan      | Smith, Molly | Smith, Todd    | Soltani, Tony  |

### **ROCKINGHAM**

|                   |                      |                    |                    |
|-------------------|----------------------|--------------------|--------------------|
| Baldasaro, Alfred | Bates, David         | Comerford, Timothy | DeSimone, Debra    |
| Devine, James     | Dowling, Patricia    | Duarte, Joe        | Elliott, Robert    |
| Fesh, Robert      | Garcia, Marilinda    | Garrity, James     | Griffin, Mary      |
| Hagan, Joseph     | Introne, Robert      | Itse, Daniel       | Janvrin, Kevin     |
| Kappler, Lawrence | Katsakiores, Phyllis | Kolodziej, Walter  | Mauro, Donna       |
| Oigny, Jeffrey    | Perkins, Lawrence    | Reichard, Kevin    | Sanders, Elisabeth |
| Sedensky, John    | Shuler, Wyman III    | Smith, William     | Tremblay, Stella   |
| Ward, Joanne      | Webb, James          | Weyler, Kenneth    |                    |

### **STRAFFORD**

|                         |               |                  |                   |
|-------------------------|---------------|------------------|-------------------|
| Andolina, Donald        | Berube, Roger | Brown, Julie     | Cataldo, Sam      |
| DeLemus, Susan          | Groen, Warren | Jones, Kyle      | Jones, Laura      |
| Larsen Schultz, Kirsten | Munck, Philip | Newton, Clifford | O'Connor, William |
| Parsons, Robbie         | Pitre, Joseph | Vita, Carol      | Vita, Lucien      |

### **SULLIVAN**

|              |                |                  |                |
|--------------|----------------|------------------|----------------|
| Bowers, Spec | Howard, Thomas | LaCasse, Paul Sr | Laware, Thomas |
| Osgood, Joe  |                |                  |                |

### **NAYS 202**

### **BELKNAP**

|                |                  |                   |                |
|----------------|------------------|-------------------|----------------|
| Bolster, Peter | Flanders, Donald | Kingsbury, Robert | Millham, Alida |
| Pilliod, James | Russell, David   | Swinford, Elaine  |                |

### **CARROLL**

|                      |                  |                |                  |
|----------------------|------------------|----------------|------------------|
| Ahlgren, Christopher | Babson, David Jr | Chandler, Gene | Knox, J. David   |
| McCarthy, Frank      | Merrow, Harry    | Patten, Betsey | Schmidt, Stephen |
| Umberger, Karen      |                  |                |                  |

### **CHESHIRE**

|                   |                  |                       |                 |
|-------------------|------------------|-----------------------|-----------------|
| Butynski, William | Byrnes, John     | Carr, Daniel          | Chase, Cynthia  |
| Dwinell, Richard  | Emerson, Susan   | Hawkes, Samuel        | Hunt, John      |
| Johnsen, Gladys   | Johnson, Jane    | Lerandau, Alfred      | Lindsey, Steven |
| Meador, David     | Moore, Robert Jr | Parkhurst, Henry      | Roberts, Kris   |
| Sad, Tara         | Smith, Edwin     | Sterling, Franklin Jr | Tatro, Bruce    |
| Weber, Lucy       | Weed, Charles    |                       |                 |

### **COOS**

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

### **GRAFTON**

|                  |                   |               |                  |
|------------------|-------------------|---------------|------------------|
| Aguiar, James    | Almy, Susan       | Benn, Bernard | Cooney, Mary     |
| Gould, Franklin  | Harding, Laurie   | Ladd, Rick Jr | Nordgren, Sharon |
| Pastor, Beatriz  | Pierce, David     | Simard, Paul  | Smith, Suzanne   |
| Taylor, Kathleen | Townsend, Charles | White, Andrew |                  |

### **HILLSBOROUGH**

|                     |                       |                     |                    |
|---------------------|-----------------------|---------------------|--------------------|
| Ball, J. Michael    | Baroody, Benjamin     | Belvin, William     | Brown, Kevin       |
| Campbell, David     | Christensen, D.L.     | Christiansen, Lars  | Cote, David        |
|                     | Chris                 |                     |                    |
| Coughlin, Sean      | Cusson-Cail, Kathleen | Daler, Jennifer     | Day, Russell       |
| DeJong, Cameron     | Donovan, Daniel       | Fredette, Robert    | Gargas, Carolyn    |
| Gidge, Kenneth      | Gimas, John           | Goley, Jeffrey      | Gorman, Mary       |
| Greazzo, Phil       | Haefner, Robert       | Hikel, John         | Hinch, Richard     |
| Hogan, Timothy      | Hutchinson, Winfred   | Infantine, William  | Jasper, Shawn      |
| Kurk, Neal          | Lambert, George       | LeBrun, Donald      | Leishman, Peter    |
| Levasseur, Nickolas | Long, Patrick         | Maltz, Jonathan     | Messier, Irene     |
| Murphy, Keith       | Pilotte, Maurice      | Porter, Marjorie    | Pratt, Calvin      |
| Reed, Michael       | Robbins, David        | Rokas, Ted          | Rosenwald, Cindy   |
| Rowe, Robert        | Scotsas, Lisa         | Simmons, Tammy      | Sullivan, Daniel   |
| Sullivan, Peter     | Swank, Matthew        | Vaillancourt, Steve | Whitehead, Randall |
| Willette, Robert    |                       |                     |                    |

### **MERRIMACK**

|                    |                    |                     |                  |
|--------------------|--------------------|---------------------|------------------|
| Bouchard, Candace  | Coffey, Jennifer   | Cohn, Seth          | Deloge, Helen    |
| DeStefano, Stephen | Foose, Robert      | Frazer, June        | Gile, Mary       |
| Hamm, Christine    | Hess, David        | Hill, Gregory       | Keane, Thomas    |
| Kidder, David      | Kreis, Kenneth Sr  | Lockwood, Priscilla | MacKay, James    |
| McDonnell, John    | Owen, Derek        | Palfrey, David      | Patten, Dick     |
| Potter, Frances    | Rice, Chip         | Richardson, Gary    | Sanborn, Laurie  |
| Seaworth, G. Brian | Shurtleff, Stephen | Watrous, Rick       | Williams, Robert |
| Winter, Steven     |                    |                     |                  |

### **ROCKINGHAM**

|                   |                        |                   |                     |
|-------------------|------------------------|-------------------|---------------------|
| Allen, Mary       | Antosz, Jason          | Azarian, Gary     | Belanger, Ronald    |
| Brown, Paul       | Cali-Pitts, Jacqueline | Charron, Gene     | Chirichiello, Brian |
| Copeland, Timothy | Davenport, Joshua      | DiPentima, Rich   | Hoelzel, Kathleen   |
| Hutchinson, Karen | Lovejoy, Patricia      | MacMahon, Bruce   | Major, Norman       |
| Moody, Marcia     | Murphy, Brian          | Nevins, Chris     | Norelli, Terie      |
| O'Connor, John    | Packard, Sherman       | Pantelakos, Laura | Perkins, Amy        |

Read, Robin Jr  
Schroadter, Adam  
Tasker, Kyle

Ritter, Glenn  
Serlin, Christopher  
Waddell, James

Sapienza, Marie  
Sullivan, James  
Waterhouse, Kevin

Schlachman, Donna  
Sytek, John  
Welch, David

#### **STRAFFORD**

Browne, Brendon  
Kaen, Naida  
Pelletier, Marsha  
Spainhower, Dale  
Watters, David

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

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

Horrigan, Timothy  
Panek, William  
Schmidt, Peter  
Wall, Janet

#### **SULLIVAN**

Cloutier, John  
Lovett, Charlene  
and the motion failed.

Cunningham, Steven  
Schmidt, Andrew  
Gagnon, Raymond  
Smith, Steven

Lefebvre, Benjamin

Rep. Simmons moved Inexpedient to Legislate.  
Rep. Vaillancourt spoke in favor.

#### **MOTION TO LAY ON THE TABLE**

Rep. LaCasse moved that the motion of Inexpedient to Legislate on ***HB 437-FN***, relative to definition of marriage, be laid on the table.

The Speaker ruled the motion out of order because the House was already in the voting mode on the motion of Inexpedient to Legislate.

The question now being adoption of the motion of Inexpedient to Legislate.

Rep. Bates requested a roll call; sufficiently seconded.

**YEAS 211 NAYS 116**

**YEAS 211**

#### **BELKNAP**

Bolster, Peter  
Swinford, Elaine

Malone, Robert

Millham, Alida

Russell, David

#### **CARROLL**

Ahlgren, Christopher  
McCarthy, Frank  
Umberger, Karen

Babson, David Jr  
Merrow, Harry

Chandler, Gene  
Patten, Betsey

Knox, J. David  
Schmidt, Stephen

#### **CHESHIRE**

Butynski, William  
Dwinell, Richard  
Lerandau, Alfred  
Parkhurst, Henry  
Sterling, Franklin Jr

Byrnes, John  
Emerson, Susan  
Lindsey, Steven  
Roberts, Kris  
Tatro, Bruce

Carr, Daniel  
Hawkes, Samuel  
Meador, David  
Sad, Tara  
Weber, Lucy

Chase, Cynthia  
Johnsen, Gladys  
Moore, Robert Jr  
Smith, Edwin  
Weed, Charles

#### **COOS**

Coulombe, Gary  
Richardson, Herbert

Hatch, William  
Theberge, Robert

Merrick, Evalyn  
Tholl, John Jr

Remick, William  
Thomas, Yvonne

### GRAFTON

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

### HILLSBOROUGH

|                    |                       |                 |                     |
|--------------------|-----------------------|-----------------|---------------------|
| Ball, J. Michael   | Baroody, Benjamin     | Brown, Kevin    | Campbell, David     |
| Christensen, D.L.  | Christiansen, Lars    | Coffey, James   | Cote, David         |
| Chris              |                       |                 |                     |
| Coughlin, Sean     | Cusson-Cail, Kathleen | Daler, Jennifer | Day, Russell        |
| DeJong, Cameron    | Donovan, Daniel       | Emerton, Larry  | Erickson, Duane     |
| Fredette, Robert   | Gargas, Carolyn       | Gidge, Kenneth  | Gimas, John         |
| Goley, Jeffrey     | Gorman, Mary          | Graham, John    | Greazzo, Phil       |
| Haefner, Robert    | Hawkins, Kenneth      | Hikel, John     | Hinch, Richard      |
| Hogan, Timothy     | Hutchinson, Winfred   | Jasper, Shawn   | Kurk, Neal          |
| Lambert, George    | LeBrun, Donald        | Leishman, Peter | Levasseur, Nickolas |
| Long, Patrick      | Maltz, Jonathan       | Messier, Irene  | Murphy, Keith       |
| Pilotte, Maurice   | Porter, Marjorie      | Pratt, Calvin   | Proulx, Mark        |
| Reed, Michael      | Robbins, David        | Rokas, Ted      | Rosenwald, Cindy    |
| Rowe, Robert       | Scontos, Lisa         | Simmons, Tammy  | Sullivan, Daniel    |
| Sullivan, Peter    | Swank, Matthew        | Terrio, Ross    | Vaillancourt, Steve |
| Whitehead, Randall | Willet, Robert        |                 |                     |

### MERRIMACK

|                    |                    |                     |                  |
|--------------------|--------------------|---------------------|------------------|
| Bouchard, Candace  | Coffey, Jennifer   | Cohn, Seth          | Deloge, Helen    |
| DeStefano, Stephen | Foose, Robert      | Frazer, June        | Gile, Mary       |
| Hamm, Christine    | Hess, David        | Hill, Gregory       | Keane, Thomas    |
| Kidder, David      | Kreis, Kenneth Sr  | Lockwood, Priscilla | MacKay, James    |
| McDonnell, John    | McGuire, Dan       | Palfrey, David      | Patten, Dick     |
| Potter, Frances    | Rice, Chip         | Richardson, Gary    | Sanborn, Laurie  |
| Seaworth, G. Brian | Shurtleff, Stephen | Watrous, Rick       | Williams, Robert |
| Winter, Steven     |                    |                     |                  |

### ROCKINGHAM

|                   |                        |                   |                    |
|-------------------|------------------------|-------------------|--------------------|
| Allen, Mary       | Azarian, Gary          | Belanger, Ronald  | Bettencourt, David |
| Brown, Paul       | Cali-Pitts, Jacqueline | Charron, Gene     | Copeland, Timothy  |
| Devine, James     | DiPentima, Rich        | Hagan, Joseph     | Hoelzel, Kathleen  |
| Hutchinson, Karen | Katsakiores, Phyllis   | Lovejoy, Patricia | MacMahon, Bruce    |
| Major, Norman     | Moody, Marcia          | Murphy, Brian     | Nevins, Chris      |
| Norelli, Terie    | O'Connor, John         | Pantelakos, Laura | Perkins, Amy       |
| Read, Robin Jr    | Sanders, Elisabeth     | Sapienza, Marie   | Schlachman, Donna  |
| Schroadter, Adam  | Serlin, Christopher    | Sullivan, James   | Sytek, John        |
| Tasker, Kyle      | Waddell, James         | Waterhouse, Kevin | Welch, David       |

### STRAFFORD

|                    |                 |                  |                       |
|--------------------|-----------------|------------------|-----------------------|
| Brown, Julie       | Browne, Brendon | Ginsburg, Philip | Grassie, Anne         |
| Horriggan, Timothy | Kaen, Naida     | Keans, Sandra    | Leonard, Frederick Jr |
| Newton, Clifford   | Panek, William  | Parsons, Robbie  | Pelletier, Marsha     |
| Perry, Robert      | Roberts, Jenna  | Schmidt, Peter   | Spainhower, Dale      |
| Spang, Judith      | Sprague, Dale   | Vita, Carol      | Wall, Janet           |
| Watters, David     |                 |                  |                       |

### **SULLIVAN**

Cloutier, John  
Lovett, Charlene

Cunningham, Steven  
Schmidt, Andrew

Gagnon, Raymond  
Smith, Steven

Lefebvre, Benjamin

### **NAYS 116**

### **BELKNAP**

Comtois, Guy  
Kingsbury, Robert  
Worsman, Colette

Fields, Dennis  
Pilliod, James

Flanders, Donald  
Simpson, Tyler

Greemore, Robert  
Tilton, Franklin

### **CARROLL**

Fleck, Joseph

McConkey, Mark

Pettengill, Laurie

Tregenza, Norman

### **CHESHIRE**

Cartwright, Anne

Hunt, John

Johnson, Jane

Moore, Charles

### **COOS**

Rappaport, Laurence

Tremblay, Marc

### **GRAFTON**

Bulis, Lyle  
Sova, Charles

Gionet, Edmond

Ingbreton, Paul

Mirski, Paul

### **HILLSBOROUGH**

Balboni, Michael  
Bergevin, Jerry  
Buxton, Michael  
Flanagan, Jack  
Hansen, Peter  
McGuinness, Sean  
O'Brien, William  
Pellegrino, Tony  
Stepanek, Stephen  
Ulery, Jordan

Barry, Richard  
Boehm, Ralph  
Cebrowski, John  
Gagne, Larry  
Hardwick, Harry  
Mecheski, Holly  
Ohm, Bill  
Pepino, Leo  
Stroud, Kathleen  
Villeneuve, Moe

Belanger, James  
Brownrigg, Randall Jr  
Condra, William  
Gandia, Laura  
Hogan, Edith  
Moran, Edward  
Palmer, Stephen  
Seidel, Carl  
Thomas, Joseph

Belvin, William  
Burt, John  
Daniels, Gary  
Gonzalez, Carlos  
Krasucki, Joseph  
Notter, Jeanine  
Parison, James  
Silva, Peter  
Twombly, Timothy

### **MERRIMACK**

Giuda, J. Brandon  
Smith, Molly

Hoell, J.R.  
Smith, Todd

Lindsley, Mark  
Soltani, Tony

McGuire, Carol

### **ROCKINGHAM**

Baldasaro, Alfred  
Davenport, Joshua  
Fesh, Robert  
Introne, Robert  
Kolodziej, Walter  
Perkins, Lawrence  
Shuler, Wyman III  
Webb, James

Bates, David  
Dowling, Patricia  
Garcia, Marilinda  
Itse, Daniel  
Mauro, Donna  
Reichard, Kevin  
Smith, William  
Weyler, Kenneth

Chirichiello, Brian  
Duarte, Joe  
Garrity, James  
Janvrin, Kevin  
Oligny, Jeffrey  
Ritter, Glenn  
Tremblay, Stella

Comerford, Timothy  
Elliott, Robert  
Griffin, Mary  
Kappler, Lawrence  
Packard, Sherman  
Sedensky, John  
Ward, Joanne

## STRAFFORD

|                   |               |              |                            |
|-------------------|---------------|--------------|----------------------------|
| Andolina, Donald  | Berube, Roger | Cataldo, Sam | DeLemus, Susan             |
| Groen, Warren     | Jones, Kyle   | Jones, Laura | Larsen Schultz,<br>Kirsten |
| O'Connor, William | Pitre, Joseph | Vita, Lucien |                            |

## SULLIVAN

|              |                    |                  |                |
|--------------|--------------------|------------------|----------------|
| Bowers, Spec | Howard, Thomas     | LaCasse, Paul Sr | Laware, Thomas |
| Osgood, Joe  | Rodeschin, Beverly |                  |                |

and the motion was adopted.

**(Speaker O'Brien in the Chair)**

### MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Jennifer Coffey moved that the House reconsider its action whereby, on a roll call vote of 211-116, it adopted the motion of Inexpedient to Legislate on ***HB 437-FN***, relative to the definition of marriage.

Rep. Jennifer Coffey spoke against.

On a division vote, 87 members having voted in the affirmative and 211 in the negative, the motion failed.

## REGULAR CALENDAR (CONT'D)

***HCR 39***, urging Congress to privatize all aspects of social security. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Lynne F. Blankenbeker for the Majority of State-Federal Relations and Veterans Affairs: Self responsibility and accountability are values taught to our children in our schools today. We all understand that our actions have consequences. Americans are capable of making decisions regarding their futures and their future quality of life. They pick professions to support their lifestyles now and to support their retirement wishes. They invest today to secure the retirement of their choice. The initial intent of social security as a survivor benefit plan was certainly noble and laudable. But social security has morphed into a benefit plan that keeps many of our elderly in poverty. Its breadth and depth has surpassed far beyond that initial intent. Early social security enjoyed the benefit of many payers into the system during the "baby boomer" years with far fewer recipients eligible for benefit. Those "baby boomers" are now collecting. Unfortunately, those same "baby boomers" did not produce enough taxpayers themselves to keep up with this out of control social security benefit growth. Simple math will tell any logical person there are just not going to be enough taxpayers to sustain the huge number of beneficiaries. Furthermore, there are many groups of folks who opt out of the social security plan in favor of privatized retirement plans. For example, here in New Hampshire our group 2 employees are not subject to the social security tax. Many testified that the only way social security works is if ALL pay in. Yet there are many carve outs for groups who privately invest. That said, by the admission of many, social security will not be sustainable unless ALL pay in. A concern was raised regarding protection of those currently receiving benefits and the amendment was adopted to alleviate that concern by providing continued benefits to those current recipients. Simply put, social security was arguably necessary at its time of inception. However, times have changed. Let's send a message to Washington that we believe Americans can be responsible in making their own financial and retirement decisions. Vote 8-6.

Rep. John R. Cloutier for the Minority of State-Federal Relations and Veterans Affairs: Privatizing social security would be a bad idea, especially for our most vulnerable citizens who work at low wage jobs, and are unfortunately unable to save for their retirements. While social security is not perfect, it is often the only income some of our poorest citizens

receive in their so-called “golden years.” The sponsors indicated that the program will be in major financial trouble within just a few years. According to testimony received at the hearing, social security is fully funded through 2037. Afterwards, it would still pay out 75% of promised benefits. By making a few minor changes now such as raising the earnings cap so that income above \$106,800 is taxed for the program, all workers would pay their fair share for benefits and the program’s finances could be strengthened for many years beyond 2037.

#### **Majority Amendment (0681h)**

Amend the resolution by replacing the second paragraph after the title with the following:

Whereas, New Hampshire wants to ensure that its current residents who are on social security, or soon to be, are protected and will continue to receive their benefits as promised; and

On a division vote, 157 members having voted in the affirmative and 111 in the negative, the majority committee amendment was adopted.

#### **CALL OF THE HOUSE**

Speaker O’Brien ordered a Call of the House. A quorum was declared present and Chamber doors were secured.

#### **APPEAL OF THE RULING OF THE CHAIR**

Rep. Soltani appealed the ruling of the Chair whereby the Chair ordered a Call of the House.

The question being shall the ruling of the Chair be upheld.

Rep. Soltani spoke against.

Rep. Jasper spoke in favor.

On a division vote, 253 members having voted in the affirmative and 30 in the negative, the ruling of the Chair was upheld.

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

Reps. Blankenbeker and Dan McGuire spoke in favor.

Reps. Cloutier and Kurk spoke against.

Rep. Theberge spoke against and yielded to questions.

Rep. Cloutier requested a roll call; sufficiently seconded.

**YEAS 124 NAYS 161**

**YEAS 124**

#### **BELKNAP**

Fields, Dennis  
Simpson, Tyler

Greemore, Robert  
Swinford, Elaine

Kingsbury, Robert  
Worsman, Colette

Malone, Robert

#### **CARROLL**

Ahlgren, Christopher  
Patten, Betsey

Fleck, Joseph  
Pettengill, Laurie

McCarthy, Frank  
Tregenza, Norman

Merrow, Harry

#### **CHESHIRE**

None

## COOS

None

## GRAFTON

Bradley, Lester  
Sova, Charles

Ingbretson, Paul

Mirski, Paul

Sorg, Gregory

## HILLSBOROUGH

Balboni, Michael  
Burt, John  
Daniels, Gary  
Gandia, Laura  
Hawkins, Kenneth  
Lambert, George  
Mecheski, Holly  
Palmer, Stephen  
Pratt, Calvin  
Seidel, Carl  
Stroud, Kathleen  
Villeneuve, Moe

Barry, Richard  
Cebrowski, John  
DeJong, Cameron  
Greazzo, Phil  
Hikel, John  
LeBrun, Donald  
Murphy, Keith  
Parison, James  
Reed, Michael  
Silva, Peter  
Thomas, Joseph  
Whitehead, Randall

Boehm, Ralph  
Christiansen, Lars  
Donovan, Daniel  
Hansen, Peter  
Jasper, Shawn  
Maltz, Jonathan  
Notter, Jeanine  
Pellegrino, Tony  
Rowe, Robert  
Simmons, Tammy  
Twombly, Timothy

Brownrigg, Randall Jr  
Condra, William  
Gagne, Larry  
Hardwick, Harry  
Krasucki, Joseph  
McGuinness, Sean  
Ohm, Bill  
Peterson, Lenette  
Scontsas, Lisa  
Stepanek, Stephen  
Ulery, Jordan

## MERRIMACK

Blankenbeker, Lynne  
Lindsley, Mark  
Seaworth, G. Brian

Giuda, J. Brandon  
McDonnell, John  
Smith, Molly

Hoell, J.R.  
McGuire, Carol  
Smith, Todd

Kreis, Kenneth Sr  
McGuire, Dan

## ROCKINGHAM

Azarian, Gary  
Comerford, Timothy  
Garritty, James  
Kappler, Lawrence  
Manuse, Andrew  
Oigny, Jeffrey  
Sedensky, John  
Tasker, Kyle

Baldasaro, Alfred  
Davenport, Joshua  
Griffin, Mary  
Katsakiores, Phyllis  
Mauro, Donna  
Ritter, Glenn  
Shuler, Wyman III  
Tremblay, Stella

Bates, David  
Duarte, Joe  
Hoelzel, Kathleen  
Kolodziej, Walter  
Murphy, Brian  
Sapienza, Marie  
Smith, William  
Ward, Joanne

Brown, Paul  
Garcia, Marilinda  
Itse, Daniel  
MacMahon, Bruce  
O'Connor, John  
Schroadter, Adam  
Sullivan, James  
Webb, James

## STRAFFORD

DeLemus, Susan  
Leonard, Frederick Jr  
Vita, Carol

Groen, Warren  
Panek, William  
Vita, Lucien

Jones, Kyle  
Parsons, Robbie

Jones, Laura  
Pitre, Joseph

## SULLIVAN

Bowers, Spec  
Rodeschin, Beverly

Howard, Thomas  
Smith, Steven

Laware, Thomas

Osgood, Joe

## NAYS 161

## BELKNAP

Flanders, Donald  
Tilton, Franklin

Millham, Alida

Pilliod, James

Russell, David

### CARROLL

|                  |                |                |                |
|------------------|----------------|----------------|----------------|
| Babson, David Jr | Chandler, Gene | Knox, J. David | McConkey, Mark |
| Umberger, Karen  |                |                |                |

### CHESHIRE

|                   |                 |                       |                  |
|-------------------|-----------------|-----------------------|------------------|
| Butynski, William | Byrnes, John    | Chase, Cynthia        | Dwinell, Richard |
| Emerson, Susan    | Hawkes, Samuel  | Hunt, John            | Johnsen, Gladys  |
| Johnson, Jane     | Lindsey, Steven | Moore, Robert Jr      | Parkhurst, Henry |
| Roberts, Kris     | Smith, Edwin    | Sterling, Franklin Jr | Weber, Lucy      |
| Weed, Charles     |                 |                       |                  |

### COOS

|                 |                     |                  |                     |
|-----------------|---------------------|------------------|---------------------|
| Coulombe, Gary  | Hatch, William      | Merrick, Evalyn  | Rappaport, Laurence |
| Remick, William | Richardson, Herbert | Theberge, Robert | Tholl, John Jr      |
| Tremblay, Marc  |                     |                  |                     |

### GRAFTON

|                 |                  |                  |                   |
|-----------------|------------------|------------------|-------------------|
| Aguiar, James   | Almy, Susan      | Benn, Bernard    | Bulis, Lyle       |
| Cooney, Mary    | Eaton, Stephanie | Gionet, Edmond   | Gould, Franklin   |
| Harding, Laurie | Ladd, Rick Jr    | Nordgren, Sharon | Pastor, Beatriz   |
| Pierce, David   | Smith, Suzanne   | Taylor, Kathleen | Townsend, Charles |
| White, Andrew   |                  |                  |                   |

### HILLSBOROUGH

|                       |                   |                     |                     |
|-----------------------|-------------------|---------------------|---------------------|
| Baroody, Benjamin     | Belanger, James   | Belvin, William     | Buxton, Michael     |
| Campbell, David       | Christensen, D.L. | Coffey, James       | Cote, David         |
|                       | Chris             |                     |                     |
| Cusson-Cail, Kathleen | Daler, Jennifer   | Day, Russell        | Emerton, Larry      |
| Erickson, Duane       | Fredette, Robert  | Gargas, Carolyn     | Goley, Jeffrey      |
| Gorman, Mary          | Graham, John      | Hogan, Edith        | Hutchinson, Winfred |
| Kurk, Neal            | Leishman, Peter   | Messier, Irene      | Moran, Edward       |
| Pilotte, Maurice      | Porter, Marjorie  | Proulx, Mark        | Renzullo, Andrew    |
| Robbins, David        | Rokas, Ted        | Rosenwald, Cindy    | Sullivan, Daniel    |
| Sullivan, Peter       | Terrio, Ross      | Vaillancourt, Steve | Willette, Robert    |

### MERRIMACK

|                    |                     |                  |                 |
|--------------------|---------------------|------------------|-----------------|
| Bouchard, Candace  | Coffey, Jennifer    | Cohn, Seth       | Deloge, Helen   |
| DeStefano, Stephen | Foose, Robert       | Frazer, June     | Gile, Mary      |
| Hamm, Christine    | Hess, David         | Hill, Gregory    | Keane, Thomas   |
| Kidder, David      | Lockwood, Priscilla | MacKay, James    | Palfrey, David  |
| Potter, Frances    | Rice, Chip          | Richardson, Gary | Sanborn, Laurie |
| Shurtleff, Stephen | Soltani, Tony       | Watrous, Rick    | Winter, Steven  |

### ROCKINGHAM

|                     |                   |                     |                   |
|---------------------|-------------------|---------------------|-------------------|
| Allen, Mary         | Belanger, Ronald  | Bettencourt, David  | Charron, Gene     |
| Chirichiello, Brian | Copeland, Timothy | Devine, James       | DiPentima, Rich   |
| Dowling, Patricia   | Elliott, Robert   | Hagan, Joseph       | Lovejoy, Patricia |
| Major, Norman       | Moody, Marcia     | Nevins, Chris       | Norelli, Terie    |
| Packard, Sherman    | Pantelakos, Laura | Read, Robin Jr      | Reichard, Kevin   |
| Sanders, Elisabeth  | Schlachman, Donna | Serlin, Christopher | Sytek, John       |
| Waterhouse, Kevin   | Welch, David      | Weyler, Kenneth     |                   |

## STRAFFORD

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

Browne, Brendon  
Horrigan, Timothy  
Perry, Robert  
Wall, Janet

Cataldo, Sam  
Keans, Sandra  
Schmidt, Peter  
Watters, David

Ginsburg, Philip  
Munck, Philip  
Spainhower, Dale

## SULLIVAN

Cloutier, John  
Lovett, Charlene

Cunningham, Steven  
Schmidt, Andrew

Gagnon, Raymond

LaCasse, Paul Sr

and the majority committee report failed.

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

On a division vote, 190 members having voted in the affirmative and 95 in the negative, the minority committee report was adopted.

## SPECIAL ORDER

***HB 1537-FN***, relative to violations of privacy occurring outside a private place. **OUGHT TO PASS.**

Rep. David A. Welch for Criminal Justice and Public Safety: This bill was amended by the House on recommendation of the Constitutional Review and Statutory Recodification Committee (RSA 644:9, I(c)). The existing amendment for this section is currently a Class A misdemeanor. We are only authorized to change or confirm the penalty. The committee voted to confirm the existing penalty. Vote 15-1.

Rep. Gandia offered floor amendment (1295h).

### Floor Amendment (1295h)

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

AN ACT relative to violations of privacy occurring outside a private place and relative to minors sending or receiving sexually explicit images by using a cell phone or other mobile device.

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

2 Delinquent Children; Definitions. Amend RSA 169-B:2, IV to read as follows:

IV. "Delinquent" means a person who has committed an offense before reaching the age of 17 years which would be a felony or misdemeanor under the criminal code of this state if committed by an adult, ***or who has violated the provisions of RSA 169-B:48***, and is expressly found to be in need of counseling, supervision, treatment, or rehabilitation as a consequence thereof.

3 New Subdivision; Delinquent Children; Sexting. Amend RSA 169-B by inserting after section 47 the following new subdivision:

Sexting

169-B:48 Sexting.

I. In this subdivision:

(a) "Minor" means a person under the age of 17.

(b) "Telecommunication device" means a device which possesses data, telephonic, video, or sound transmission capabilities apart from any system to which such device may be connected for the sending or receiving of voice, sound, data, or video transmissions.

(c) "Transmit" means to send, distribute, transfer, or disseminate by use of a computer or telecommunication device.

(d) "Indecent visual depiction" means any digital image of a person engaged in sexually explicit conduct, and includes data stored on any telecommunication device, computer or other electronic storage media which is capable of conversion into a visual image.

(e) "Sexually explicit conduct" means actual masturbation or graphic focus on or exhibition of the nude genitals or pubic area of the minor or the nude breasts of the minor, if the minor is female.

II.(a) No minor shall knowingly and voluntarily use a computer or telecommunication device to transmit an indecent visual depiction of himself or herself to another person.

(b) No minor shall knowingly possess an indecent visual depiction of a minor that was transmitted in violation of subparagraph (a) by another minor.

III. Paragraph II shall not apply to a minor if all of the following conditions apply:

(a) The minor did not solicit the indecent visual depiction;

(b) The minor took reasonable steps to report the indecent visual depiction to the school principal or his or her designee, or a law enforcement officer; and

(c) The minor who received the indecent visual depiction did not transmit it to another person.

IV. A minor who violates the provisions of paragraph II shall be subject to the provisions of this chapter.

#### 4 Effective Date.

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

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

#### AMENDED ANALYSIS

This bill amends the statute governing violations of privacy occurring outside a private place.

The bill also provides that a minor who uses a cell phone to transmit or receive sexually explicit images shall be subject to juvenile delinquency proceedings.

Rep. Gandia spoke in favor.

Rep. Tasker spoke against.

On a division vote, 136 members having voted in the affirmative and 140 in the negative, floor amendment (1295h) failed.

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

On a division vote, 219 members having voted in the affirmative and 60 in the negative, the committee report was adopted and ordered to third reading.

#### MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Kurk moved that the House reconsider its action whereby, on a division vote of 219-60, it adopted the committee report of Ought to Pass on ***HB 1537-FN***, relative to violations of privacy occurring outside a private place.

Rep. Kurk spoke against.

Motion failed.

#### REGULAR CALENDAR (CONT'D)

##### SPECIAL ORDER

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

Rep. Michael A. Balboni for the Majority of Education: CACR 8 restores the people's right to local control of education and the authority of the Legislature in education and education funding. In 1968, NH ballots included Question No. 3, a proposed Constitutional amendment which read: "Are you in favor of amending Article 6 of Part I of the Constitution so as to strike out certain specific sectarian references ..." The ballot question included this summary of the original Article 6: "Article 6 authorizes local public taxation for the support of 'Protestant' clergymen only, and promises equal protection of the law solely to 'every

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

Rep. June M. Frazer for the Minority of Education: This constitutional amendment opens the door to local funding of schools without any supplement from the state. Note the word “may” in the following sentence: “The several political subdivisions ... shall make adequate provision at their own expense for their schools, provided that the legislature may supplement that provision in the manner and degree that the legislature finds most beneficial to the general good.” Should a future legislature choose to unfund the public schools, funding them would force already overburdened property taxpayers to pay markedly higher taxes to maintain the quality of their schools. Moreover, CACR 8, in this same language, has already been rejected by the House. The reason why it was recommitted to the education committee was to hold it in case other related bills did not materialize. Since CACR 12 is still in process, passing CACR 8, already rejected once, would be in opposition to the reason it was recommitted.

#### **MOTION TO SPECIAL ORDER**

Rep. Bettencourt moved that **CACR 8**, relating to education. Providing that the legislature shall have the power to authorize schools, be made a Special Order to the Session of March 28, 2012 at 11:00 a.m.

Rep. Bettencourt spoke in favor.

Adopted.

#### **MOTION TO RECONSIDER**

Having voted with the prevailing side, Rep. Carol McGuire moved that the House reconsider

its action whereby, on a roll call vote of 239-114, it adopted the motion of Ought to Pass on **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.

Rep. Carol McGuire spoke against.

Motion failed.

## **REGULAR CALENDAR (CONT'D)**

### **SPECIAL ORDER**

**HB 1437**, relative to display of certain historical items in the state house. **INEXPEDIENT TO LEGISLATE.**

Rep. David B. Campbell for Public Works and Highways: A subcommittee was formed and extensively researched the history and current status of these treasures, which belong to past, present and future generations of New Hampshire citizens. In 1978, during a renovation of the secretary of state's vault, secretary of state Bill Gardner discovered a tube containing an engraved 1823 copy made from the original Declaration of Independence, which was sent to New Hampshire by President John Quincy Adams and one of 15 "original" hand copies of the United States Bill of Rights, which was sent to the 15 states in existence in 1793. (The Bill of Rights was adopted in 1791). The latter vellum document (one of 12 known to still exist) was appraised by experts as literally "priceless," and to be in better condition than the original in the national archives. The documents were displayed in the State House visitors center for nearly twenty years. In 1996, because of extensive fading, they were moved by the state archivist and the director of the visitors center to the state archives building, where both documents now reside. The committee is unanimous in its recommendation that these documents remain in the archives at present. In 2006, under a Republican controlled legislature, and again in 2007 under a Democratic legislature, the joint facilities committee fully vetted the issues of when, where and how these valuable documents be displayed. Both times the consensus was to keep the documents at the archive building. Under RSA 5:4-a, the secretary of state is responsible for the care of these documents and has the discretion of when to display them; taking into account their security and protection from theft, damage or destruction. The secretary of state also believes that the Archives building is the best home for these documents presently and the committee concurs. The committee does unanimously recommend, after consultations with the secretary of state, that the joint facilities committee make new digital high resolution copies of these documents and put them on display in the State House visitor's center. This can be accomplished for a few hundred dollars, without legislation, and within the current budget of the joint facilities committee. Vote 15-0.

Rep. Chandler yielded to questions.

Committee report adopted.

## **RESOLUTION**

Rep. Bettencourt offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 28, 2012 at 9:00 a.m.

Adopted.

## **LATE SESSION**

### **Third reading and final passage**

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

**HB 1671**, apportioning congressional districts.

**HB 1140**, relative to the care of war memorials in Franconia Notch state park.

**HB 1389**, relative to the pre-engineering technology curriculum and pre-engineering technology advisory council.

**HB 1642-FN**, relative to destination specialty hospitals.

**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.

**HB 1537-FN**, relative to violations of privacy occurring outside a private place.

### **PERSONAL PRIVILEGE**

Reps. Cohn and Winter addressed the House.

### **CALL OF THE HOUSE LIFTED**

Speaker O'Brien lifted the Call of the House.

### **MOTION TO SPECIAL ORDER**

Rep. Jasper moved that the reconsideration motions on **HB 1267**, relative to adjustments to the child support guidelines based on child support expenses documented by the parties and **HB 1438**, relative to confidentiality of police personnel files, be made Special Orders to the next Session day of March 28, 2012.

Adopted.

### **UNANIMOUS CONSENT**

Rep. Frank McCarthy addressed the House.

### **MOTION TO PRINT REMARKS**

Rep. Fredette moved that the remarks by Rep. Frank McCarthy be printed in the Permanent Journal.

Adopted.

### **REMARKS**

**Rep. Frank McCarthy:** Thank you, Mister Speaker. We had a heck of a week last week. I was going to do this on Friday, but as you know what happened on Friday. We didn't have the Session and so it didn't get done. Saturday was St. Patrick's Day. I just couldn't let St. Patrick's Day go by without at least a few words. So let me give you this little story about nine young Irishmen. In Ireland, in 1848, nine young Irish nationals were captured, tried and convicted of treason against Her Majesty, the Queen. They were sentenced to death. John Mitchell, Morris Leyne, Pat Donahue, Thomas McGee, Charles Duffy, Thomas Meager, Richard O'Gorman, Terrance McManus and Michael Ireland. Before passing sentence, the judge asked if there was anything that anyone wished to say. One of the men, a young Thomas Meager, speaking for all said, "My Lord, this is our first offense, but not our last. If you will be easy with us, just this once, we promise on our word as gentlemen to try to do better next time. And next time, sure we won't be fools enough to get caught again." Thereupon, the indignant judge sentenced all nine men to be hanged by the neck until dead and drawn and quartered. However, passionate protest from around the world convinced Queen Victoria to commute the death sentences to transportation for life to far off and wild Australia. In 1874, word reached an astounded Queen Victoria that one of the nine men transported 26 years before, Sir Charles Duffy, had recently been elected as the Prime

Minister of Australia. On the Queen's demand, the records of the remaining eight transported men were revealed and this is what was uncovered. Thomas Francis Meagher became Governor of the State of Montana. Terrance McManus and Patrick Donahue were both Brigadier Generals in the United States Army. Morris Leyne had retired as the Attorney General of Australia, in which office, Michael Ireland, another of the nine, succeeded him. Richard O'Gorman became the Governor General of Newfoundland, Canada. Thomas D'Archy McGee was a member of Parliament, Montreal, Minister of Agriculture and President of the Council Dominion of Canada. And, finally, John Mitchell was a prominent New York politician and father of John Purroy Mitchell, who some years later at the outbreak of World War I, would be the mayor of New York City. Thank you and Erin go Bragh.

### 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 6:45 p.m.

### RECESS

(Speaker O'Brien in the Chair)

### COMMITTEE FOR REDRESS OF GRIEVANCES REPORTS

The following reports are the result of committee hearings and deliberations on the petitions presented to it. They are printed here for informational purposes.

***Petition #1:*** Voters of the Town of Hudson.

#### **REPORT**

#### **Grievance Unfounded.**

Rep. Robert F. Willette for the Committee.

Committee Findings: The Petitioner failed to prove that Article 28-a, Part I of the New Hampshire Constitution was violated in the 2007 legislation mandating that school districts provide public kindergarten education and agrees with Judge Barry that the funds were provided if only at the minimum level of adequacy. Vote 10-2.

***Petition Number #4:*** Grievance of Vincent Milano.

#### **MAJORITY:**

#### **Grievance Founded with Committee Recommendations.**

Rep. George A. Lambert for the Committee.

Committee Majority Findings: The Petitioner proved that an incident involving a threat of bodily injury occurred in the Epping School District. The Petitioner also proved that, whether or not the threat was meant seriously, the process and result of the subsequent investigation by local law enforcement officials were not open, transparent and accountable to those filing the complaint. Having reached these conclusions, the Committee found as follows:

1. There was an apparent conflict of interest between the Chief of Police, to whom the complaint was made, and the Chairman of the School Board, by reason that they were one and the same person. There was no evidence that this individual recused himself from the process at any stage, leaving a sense of impropriety even if one did not exist.
2. When the same person is the supervisor both of the person accused and of the person investigating the accusation, confidence in the integrity of the investigation is obviously

compromised.

The Committee recommends for consideration in future legislation a) requiring external investigations when those investigating would otherwise be in a conflicted position vis a vis those being investigated; b) requiring all governmental agencies to create a transparent and impartial process for investigating complaint including amending the Right to Know laws so as to make complaints against public officials open to the public rather than sealed in personnel records; c) allowing citizens the option to make complaints directly to the court rather than to police departments; d) modifying state bullying statutes to protect children from bullying by teachers and staff. Vote 8-1.

**Minority:**

**Grievance unfounded.**

Rep. Timothy Horrigan for the Minority of the Committee.

The Minority of the Committee agreed this was an unfortunate situation but a decision of "founded" was not warranted. The action which led to the petition was trivial and the petitioner was not actually a party to it but was the father of a student who is an adult and has graduated. Also, the teacher named in the petition has left the Epping School District.

**PETITION # 9:** Grievance of Frank M. Handibode, Hebron, New Hampshire.

**MAJORITY:**

**Grievance Unfounded.**

Rep. Gregory M. Sorg for the Majority of the Committee.

Committee Majority Findings: The petition alleged disproportionate assessment by the assessors for the Town of Hebron and the failure of the Board of Tax and Land Appeals (BTLA) to correct the error. The Committee held public hearings at which it considered testimony of the Petitioner, and representatives of the BTLA, the Department of Revenue Administration (DRA) and the assessing company, Avitar Associates of New England.

Following deliberations in executive session, the Committee made the following findings:

1. The Petitioner failed to exhaust his administrative remedies in that he did not file a motion for rehearing of the BTLA decision under RSA 541-A:6, which would have afforded the BTLA the opportunity to correct any error in its original decision, and even if it did not do so, would have provided the jurisdictional prerequisite to an appeal to the Supreme Court. The Committee believes that the redress process should not be invoked unless a petitioner can show that he has already availed himself of all the remedies the law already provides or can make a satisfactory showing that they are ineffective or of no use.
2. The Petitioner did not show that his assessment was disproportionate. Although there was evidence suggesting anomalies in the assessment process, the resulting figure appeared to be within the acceptable norm of deviation.

While the Committee found no basis for relief in this instance, it wishes to encourage the ongoing efforts of the Assessing Practices Board to establish standards minimizing subjectivity in matters such as the view component, and making assessment cards more easily understood by property owners. Vote 7-2.

**Minority:**

**Grievance founded.**

Rep. Stella Tremblay for the Minority of the Committee.

Committee Minority Findings: The Minority of the Committee believes the petition founded since there were several errors in the assessment's technical data including ceiling heights and front porch footage; because the much lower previous two years' assessments for a house which was unimproved were based on "fair market value;" because two similar neighbor's homes actually sold at almost a third less than the evaluated price although it was pointed out the sales were arm's length; and because the town opted to double the view tax in one assessment.

RECESS

**(Rep. Tucker in the Chair)**

**RESOLUTION**

Rep. Bettencourt offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 204, 217, 218, 222, 228, 234, 245, 256, 260, 266, 272, 283, 284, 286, 295, 307, 310, 318, 335, 336, 340, 344, 351, 361, 382, 389, 392, 395, 398, 399 and 404 shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.  
Adopted.

**INTRODUCTION OF SENATE BILLS**

**First, second reading and referral**

**SB 204**, adopting amendments to Article 9 of the Uniform Commercial Code relative to secured transactions. (Commerce and Consumer Affairs)  
**SB 217-FN**, relative to management of Cannon mountain by the department of resources and economic development. (Resources, Recreation and Development/State-Federal and Veterans Affairs)  
**SB 218-FN**, relative to electric renewable portfolio standards. (Science, Technology and Energy/Ways and Means)  
**SB 222**, relative to property and casualty insurance, insurance investigations, and insurance certificates. (Commerce and Consumer Affairs)  
**SB 228-FN-L**, repealing the assessments for excess benefits paid by employers in the retirement system. (Special Committee Public Employee Pensions Reform)  
**SB 234-FN**, relative to salary grades for certain executive branch positions and relative to the retirement classification of the director of the division of forests and lands. (Executive Departments and Administration)  
**SB 245**, relative to health care sharing organizations. (Commerce and Consumer Affairs)  
**SB 256**, relative to public utilities commission contracts with consultants. (Science, Technology and Energy/Executive Departments and Administration)  
**SB 260**, relative to protection and preservation of significant archeological deposits. (Municipal and County Government)  
**SB 266-FN**, prohibiting electric utilities from installing and maintaining smart meter gateway devices without the residential or business property owner's consent. (Science, Technology and Energy)  
**SB 272-FN**, relative to truancy. (Municipal and County Government/Education)  
**SB 283**, relative to disposition of nursing home patient accounts. (Judiciary)  
**SB 284**, establishing a certified public health dental hygienist in New Hampshire. (Health, Human Services and Elderly Affairs/Commerce and Consumer Affairs)  
**SB 286**, relative to a controlled drug prescription health and safety program. (Health, Human Services and Elderly Affairs/Executive Departments and Administration)  
**SB 295-FN-A**, increasing the research and development tax credit against the business profits tax. (Ways and Means/Finance)  
**SB 307-FN**, relative to the refund of tax overpayment related to a fraudulent investment scheme. (Ways and Means/Finance)  
**SB 310**, relative to the commemoration of Purple Day in recognition of epilepsy awareness and relative to the observance of Cancer Prevention Day. (Executive Departments and Administration)  
**SB 318-FN**, relative to voter registration. (Election Law)  
**SB 335**, establishing a procedure for certain condominiums to waive portions of the state fire code. (Commerce and Consumer Affairs/Executive Departments and Administration)  
**SB 336**, relative to medical payments coverage. (Commerce and Consumer Affairs)  
**SB 340**, relative to locations for junkyards. (Municipal and County Government)

***SB 344***, allowing the department of resources and economic development to cut vegetation in shoreland areas where public safety is of concern. (Resources, Recreation and Development)

***SB 351***, relative to proclaiming Blue Star Mother's Day. (State-Federal Relations and Veterans Affairs)

***SB 361***, establishing a commission to study the feasibility of establishing energy infrastructure corridors within existing transportation rights of way and repealing a commission. (Science, Technology and Energy/Transportation)

***SB 382-FN-L***, allowing for proration of property assessments for damaged buildings. (Municipal and County Government)

***SB 389-L***, relative to sewer commission costs. (Municipal and County Government)

***SB 392-FN***, relative to road salt applicators. (Executive Departments and Administration/Finance)

***SB 395***, relative to construction of an access road on land in current use. (Municipal and County Government)

***SB 398***, proclaiming March 30, 2013 as Welcome Home Vietnam Veterans Day. (State-Federal Relations and Veterans Affairs)

***SB 399-FN***, relative to the maximum permit application fee for certain municipal or state agency dredging projects. (Resources, Recreation and Development/Ways and Means)

***SB 404-FN***, relative to funding for pupils enrolled in vocational education programs. (Education/Finance)

## **SENATE MESSAGES**

### **CONCURRENCE**

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

### **REFERRED FOR INTERIM STUDY**

***HB 309-FN***, relative to certain insurance mandates and establishing a committee to study current insurance mandates.

### **LAI D ON THE TABLE**

***HB 518-FN-A***, changing the prospective repeal date for the research and development tax credit.

## **RECESS**