

State of New Hampshire HOUSE RECORD

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

Vol. 34

Concord, N. H.

Thursday, May 17, 2012

No. 46

HOUSE JOURNAL No. 21 (cont.)

Wednesday, May 16, 2012

Rep. Tucker moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 22

Thursday, May 17, 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.

Almighty God, who has given this good state for our heritage, we humbly ask You that we may always prove ourselves a people glad to do Your will. Bless those here today with Your uniqueness. Carry Your blessings for John Reagan's wife, Liz, who needs restored health. We know Your will is good and gracious and Your law is truth. Guide these assembled legislators that they may enact such laws as please You and for the full life of all our people. We ask this in Your Holy name. Amen.

Representative Timothy Horrigan, member from Durham, led the Pledge of Allegiance.

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

LEAVES OF ABSENCE

Reps. Beattie, Ronald Belanger, Case, Charron, Cusson-Cail, Emerson, Erickson, Fesh, Fields, Flanagan, Hofemann, Jeudy, Russell Ober, Panek, Pepino, Reilly and Andrew Schmidt, the day, illness.

Reps. Aguiar, Ahlgren, Avard, Birdsell, Bolster, Kevin Brown, Chirichiello, DeJong, DiPentima, Doherty, Donovan, Dowling, Gimás, Grassie, Hinch, Holden, Itse, Kyle Jones,

Kotowski, LaCasse, Larsen Schultz, Leonard, Bruce MacMahon, McConkey, McDonnell, Merrick, Millham, Charles Moore, William O'Connor, Oligny, Palfrey, Parison, Pastor, Pellegrino, Pelletier, Perry, Michael Reed, Rhodes, Herbert Richardson, Jon Richardson, Rokas, Sanborn, Schroadter, Scontsas, Seidel, Serlin, Molly Smith, Spainhower, St. Cyr, Daniel Sullivan, Kevin Sullivan, Tamburello, Tasker, Tobin, Marc Tremblay, Webb, Weed and White, the day, important business.

Reps. Andolina, Byrnes, Okerman and Wall, the day, illness in the family.

INTRODUCTION OF GUESTS

Fourth graders from Lakeway Elementary School in Littleton, guests of Rep. Bulis.

REGULAR CALENDAR (CONT'D FROM MAY 15, 2012)

SPECIAL ORDER

SB 348-FN, relative to the pulse oximetry test for newborns. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Richard W. Barry for the Majority of Finance: This bill adds pulse oximetry testing to the medical diagnostic screenings required for newborns. There is no additional cost to the state for this test. The potential savings involved, while not quantifiable, are substantial. Vote 17-9.

Rep. Cindy Rosenwald for the Minority of Finance: The minority, while taking no position on the value of newborn pulse oximetry screening, is opposed to the legislature determining clinical standards of medical practice. The newborn screening advisory panel, comprised of the appropriate health professionals and stakeholders, is the statutory process to determine what screenings should be included for all New Hampshire newborns. The American Academy of Pediatrics recommended universal pulse oximetry screening for newborns only six months ago, and the Newborn Screening Advisory Panel has already taken the subject up at a recent meeting. The Newborn Screening Advisory Panel is better qualified than the legislature to set policy for how newborns should be screened. In addition, licensed health care providers are expected to adhere to the clinical guidelines of their professional associations (in this case, the American Academy of Pediatrics) since these guidelines represent the current standards of care.

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

Rep. Willette offered floor amendment (2303h).

Floor Amendment (2303h)

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

AN ACT relative to the pulse oximetry test for newborns and relative to abortions after 20 weeks.

Amend the bill by replacing all after section 4 with the following:

5 Statement of Findings.

I. At least by 20 weeks after fertilization there is substantial evidence that an unborn child has the physical structures necessary to experience pain.

II. There is substantial evidence that, by 20 weeks after fertilization, unborn children seek to evade certain stimuli in a manner which in an infant or an adult would be interpreted as a response to pain.

III. Even before 20 weeks after fertilization, unborn children have been observed to exhibit hormonal stress responses to painful stimuli. Such responses were reduced when pain medication was administered directly to such unborn children.

IV. It is the purpose of the state of New Hampshire to assert a compelling state interest in protecting the lives of unborn children from the stage at which substantial medical evidence indicates that they are capable of feeling pain.

6 New Chapter; Pain-Capable Unborn Child Protection Act. Amend RSA by inserting after chapter 132-A the following new chapter:

CHAPTER 132-B

PAIN-CAPABLE UNBORN CHILD PROTECTION ACT

132-B:1 Title. This chapter shall be known and may be cited as the Pain-Capable Unborn Child Protection Act.

132-B:2 Definitions. In this chapter:

I. "Abortion" means the use or prescription of any instrument, medicine, drug, or other substance or device to terminate the pregnancy of a woman known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead unborn child who died as the result of natural causes in utero, accidental trauma, or a criminal assault on the pregnant woman or her unborn child, and which causes the premature termination of the pregnancy;

II. "Attempt to perform or induce an abortion" means an act, or an omission of a statutorily required act, that, under the circumstances as the actor believes them to be, constitutes a substantial step in a course of conduct planned to culminate in the performance or induction of an abortion in this state in violation of this chapter;

III. "Department" means the department of health and human services.

IV. "Fertilization" means the fusion of a human spermatozoon with a human ovum;

V. "Medical emergency" means a condition which, in reasonable medical judgment, so complicates the medical condition of the pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create a serious risk of substantial and irreversible physical impairment of a major bodily function. No condition shall be deemed a medical emergency if based on a claim or diagnosis that the woman will engage in conduct which would result in her death or in substantial and irreversible physical impairment of a major bodily function;

VI. "Postfertilization age" means the age of the unborn child as calculated from the fertilization of the human ovum;

VII. "Reasonable medical judgment" means a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved;

VIII. "Physician" means any person licensed to practice medicine and surgery or osteopathic medicine under RSA 329;

IX. "Probable postfertilization age of the unborn child" means what, in reasonable medical judgment, will with reasonable probability be the postfertilization age of the unborn child at the time the abortion is planned to be performed;

X. "Unborn child" or "fetus" each mean an individual organism of the species homo sapiens from fertilization until live birth;

XI. "Woman" means a female human being whether or not she has reached the age of majority.

132-B:3 Determination of Postfertilization Age.

I. Except in the case of a medical emergency which prevents compliance with this section, no abortion shall be performed or induced or be attempted to be performed or induced unless the physician performing or inducing it has first made a determination of the probable postfertilization age of the unborn child or relied upon such a determination made by another physician. In making such a determination, a physician shall make such inquiries of the woman and perform or cause to be performed such medical examinations and tests as a reasonably prudent physician, knowledgeable about the case and the medical conditions involved, would consider necessary to perform in making an accurate diagnosis with respect to postfertilization age.

II. Failure by any physician to conform to any requirement of this section constitutes unprofessional conduct under RSA 329.

132-B:4 Abortion Prohibited if Unborn Child is 20 or More Weeks. No person shall perform or induce or attempt to perform or induce an abortion upon a woman when it has been determined, by the physician performing or inducing the abortion or by another physician upon whose determination that physician relies, that the probable postfertilization age of the woman's unborn child is 20 or more weeks unless, in reasonable medical judgment:

I. She has a condition which so complicates her medical condition as to necessitate the abortion of her pregnancy to avert her death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function; or

II. It is necessary to preserve the life of an unborn child. No such condition shall be deemed to exist if it is based on a claim or diagnosis that the woman will engage in conduct which would result in her death or in substantial and irreversible physical impairment of a major bodily function. In such a case, the physician shall terminate the pregnancy in the manner which, in reasonable medical judgment, provides the best opportunity for the unborn child to survive, unless, in reasonable medical judgment, termination of the pregnancy in that manner would pose a greater risk either of the death of the pregnant woman or of the substantial and irreversible physical impairment of a major bodily function of the woman than would another available method. No such greater risk shall be deemed to exist if it is based on a claim or diagnosis that the woman will engage in conduct which would result in her death or in substantial and irreversible physical impairment of a major bodily function.

132-B:5 Report Required.

I. Any physician who performs or induces or attempts to perform or induce an abortion shall report to the department, on a schedule and in accordance with rules adopted pursuant to RSA 541-A as follows:

(a) If a determination of probable postfertilization age was made, the probable postfertilization age determined and the method and basis of the determination.

(b) If a determination of probable postfertilization age was not made, the basis of the determination that a medical emergency existed.

(c) If the probable postfertilization age was determined to be 20 or more weeks, the basis of the determination that the pregnant woman had a condition which so complicated her medical condition as to necessitate the abortion of her pregnancy to avert her death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function, or the basis of the determination that it was necessary to preserve the life of an unborn child.

(d) The method used for the abortion and, in the case of an abortion performed when the probable postfertilization age was determined to be 20 or more weeks, whether the method of abortion used was one that, in reasonable medical judgment, provided the best opportunity for the unborn child to survive or, if such a method was not used, the basis of the determination that termination of the pregnancy in that manner would pose a greater risk either of the death of the pregnant woman or of the substantial and irreversible physical impairment of a major bodily function of the woman than would other available methods.

II. By June 30 of each year, the department shall issue a public report providing statistics for the previous calendar year compiled from all of the reports covering that year submitted in accordance with this section for each of the items listed in paragraph I. Each such report shall also provide the statistics for all previous calendar years, adjusted to reflect any additional information from late or corrected reports. The department shall ensure that none of the information included in the public reports could reasonably lead to the identification of any pregnant woman upon whom an abortion was performed.

III. Any physician who fails to submit a report by the end of 30 days following the due date shall be subject to a late fee of \$500 for each additional 30-day period or portion of a 30-day period the report is overdue. Any physician required to report in accordance with this chapter who has not submitted a report, or has submitted only an incomplete report, more than one year following the due date, may, in an action brought in the manner in which actions are brought to enforce RSA 329, be directed by a court of competent jurisdiction to

submit a complete report within a time period stated by court order or be subject to civil contempt. Failure by any physician to conform to any requirement of this section, other than late filing of a report, constitutes unprofessional conduct pursuant to RSA 329. Failure by any physician to submit a complete report in accordance with a court order constitutes unprofessional conduct pursuant to RSA 329. Intentional or reckless falsification of any report required under this section is a class A misdemeanor.

132-B:6 Rulemaking. The commissioner of the department shall adopt rules, pursuant to RSA 541-A, relative to:

I. A schedule of reports due under RSA 132-B:5.

II. Content and format of all forms required under this chapter.

132-B:7 Penalty. Any person who intentionally or recklessly performs or attempts to perform an abortion in violation of RSA 132-B:4 of this act is guilty of a class A felony. No penalty shall be assessed against the woman upon whom the abortion is performed or attempted to be performed.

132-B:8 Actions.

I. Any woman upon whom an abortion has been performed in violation of this chapter or the father of the unborn child who was the subject of such an abortion may maintain an action against the person who performed the abortion in an intentional or a reckless violation of this chapter for actual damages. Any woman upon whom an abortion has been attempted in violation of this chapter may maintain an action against the person who attempted to perform the abortion in an intentional or a reckless violation of this chapter for actual damages.

II. A cause of action for injunctive relief against any person who has intentionally violated this chapter may be maintained by the woman upon whom an abortion was performed or attempted to be performed in violation of this chapter, any person who is the spouse, parent, sibling, or guardian of, or a current or former licensed health care provider of, the woman upon whom an abortion has been performed or attempted to be performed in violation of this chapter, by a county attorney with appropriate jurisdiction, or by the attorney general. The injunction shall prevent the abortion provider from performing further abortions in violation of this chapter in this state.

III. If judgment is rendered in favor of the plaintiff in an action described in this section, the court shall also render judgment for reasonable attorney's fees in favor of the plaintiff against the defendant.

IV. If judgment is rendered in favor of the defendant and the court finds that the plaintiff's suit was frivolous and brought in bad faith, the court shall also render judgment for reasonable attorney's fees in favor of the defendant against the plaintiff.

V. No damages or attorney's fees shall be assessed against the woman upon whom an abortion was performed or attempted to be performed except as provided in paragraph IV.

132-B:9 Public Disclosure. In every civil or criminal proceeding or action brought under this chapter, the court shall rule whether the anonymity of any woman upon whom an abortion has been performed or attempted shall be preserved from public disclosure if she does not give her consent to such disclosure. The court, upon motion or sua sponte, shall make such a ruling and, upon determining that her anonymity should be preserved, shall issue orders to the parties, witnesses, and counsel and shall direct the sealing of the record and exclusion of individuals from courtrooms or hearing rooms to the extent necessary to safeguard her identity from public disclosure. Each such order shall be accompanied by specific written findings explaining why the anonymity of the woman should be preserved from public disclosure, why the order is essential to that end, how the order is narrowly tailored to serve that interest, and why no reasonable less restrictive alternative exists. In the absence of written consent of the woman upon whom an abortion has been performed or attempted, anyone, other than a public official, who brings an action under RSA 132-B:8 shall do so under a pseudonym. This section shall not be construed to conceal the identity of the plaintiff or of witnesses from the defendant or from attorneys for the defendant.

132-B:10 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or application of the chapter which can be given effect without the invalid provisions or application, and to this end the provisions of this chapter are severable.

7 Effective Date.

I. Section 6 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 adds the pulse oximetry test to the medical screenings required for newborns.

This bill also establishes the pain-capable unborn child protection act which prevents abortions beyond 20 weeks gestation.

Reps. Willette and Souza spoke in favor.

Rep. Bouchard spoke against.

Rep. Willette requested a roll call; sufficiently seconded.

YEAS 137 NAYS 133

YEAS 137

BELKNAP

Accornero, Harry
Kingsbury, Robert
Tilton, Franklin

Comtois, Guy
Malone, Robert

Flanders, Donald
Pilliod, James

Greemore, Robert
Simpson, Tyler

CARROLL

Fleck, Joseph

McCarthy, Frank

Pettengill, Laurie

Tregenza, Norman

CHESHIRE

Butynski, William

Cartwright, Anne

Dwinell, Richard

Johnson, Jane

COOS

Rappaport, Laurence

GRAFTON

Bradley, Lester
Mirski, Paul

Brosseau, Charles
Sorg, Gregory

Gionet, Edmond
Sova, Charles

Ingbretson, Paul

HILLSBOROUGH

Balboni, Michael
Boehm, Ralph
Christiansen, Lars
Gagne, Larry
Hawkins, Kenneth
Krasucki, Joseph
McGuinness, Sean
Palmer, Stephen
Rowe, Robert
Stepanek, Stephen
Ulery, Jordan

Ball, J. Michael
Burt, John
Coffey, James
Gandia, Laura
Hikel, John
Lambert, George
Murphy, Keith
Peterson, Lenette
Silva, Peter
Terrio, Ross
Villeneuve, Moe

Belanger, James
Buxton, Michael
Coughlin, Sean
Greazzo, Phil
Hogan, Edith
Maltz, Jonathan
Notter, Jeanine
Pratt, Calvin
Simmons, Tammy
Thomas, Joseph
Willette, Robert

Bergevin, Jerry
Cebrowski, John
Daniels, Gary
Hardwick, Harry
Hutchinson, Winfred
McClarren, Donald
Palmer, Barry
Renzullo, Andrew
Souza, Kathleen
Twombly, Timothy

MERRIMACK

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

Coffey, Jennifer
Lauer-Rago, Kathleen
Seaworth, G. Brian

Giuda, J. Brandon
Lindsley, Mark
Smith, Todd

Hill, Gregory
McGuire, Carol

ROCKINGHAM

Abrami, Patrick
Bates, David
DeSimone, Debra
Garrity, James
Kappler, Lawrence
Major, Norman
Nevins, Chris
Perkins, Lawrence
Sedensky, John
Sullivan, James
Ward, Joanne

Allen, Mary
Bettencourt, David
Devine, James
Griffin, Mary
Katsakiores, Phyllis
Mauro, Donna
O'Connor, John
Reichard, Kevin
Sheffert, Kenneth
Sytek, John
Weyler, Kenneth

Antosz, Jason
Comerford, Timothy
Duarte, Joe
Hagan, Joseph
Kolodziej, Walter
McMahon, Charles
Peckham, Michele
Rice, Frederick
Shuler, Wyman III
Tremblay, Stella

Baldasaro, Alfred
Davenport, Joshua
Garcia, Marilinda
Headd, James
Lundgren, David
Murphy, Brian
Perkins, Amy
Sanders, Elisabeth
Smith, William
Tucker, Pamela

STRAFFORD

Berube, Roger
Jones, Laura
Vita, Carol

Cataldo, Sam
Munck, Philip
Vita, Lucien

DeLemus, Susan
Newton, Clifford

Groen, Warren
Parsons, Robbie

SULLIVAN

Bowers, Spec
Rodeschin, Beverly

Howard, Thomas
Smith, Steven
Laware, Thomas

Osgood, Joe

NAYS 133

BELKNAP

Russell, David

Swinford, Elaine

CARROLL

Babson, David Jr
Schmidt, Stephen

Chandler, Gene
Umberger, Karen

Marrow, Harry

Patten, Betsey

CHESHIRE

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

Hawkes, Samuel
Meader, David
Sad, Tara
Weber, Lucy

Hunt, John
Moore, Robert Jr
Smith, Edwin

Lerandeau, Alfred
Parkhurst, Henry
Sterling, Franklin Jr

COOS

Coulombe, Gary
Theberge, Robert

Daugherty, Duffy
Thomas, Yvonne

Hatch, William

Remick, William

GRAFTON

Almy, Susan
Gould, Franklin
Pierce, David
Taylor, Kathleen

Benn, Bernard
Harding, Laurie
Shackett, Jeffrey
Townsend, Charles

Bulis, Lyle
Ladd, Rick Jr
Simard, Paul

Cooney, Mary
Nordgren, Sharon
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin	Barry, J. Gail	Barry, Richard	Belvin, William
Campbell, David	Champagne, Norma	Christensen, D.L. Chris	Cote, David
Daler, Jennifer	Drisko, Richard	Fredette, Robert	Gidge, Kenneth
Goley, Jeffrey	Gorman, Mary	Graham, John	Hansen, Peter
Jasper, Shawn	Kurk, Neal	LeBrun, Donald	Levasseur, Nickolas
Long, Patrick	Messier, Irene	Ober, Lynne	Ohm, Bill
Pilotte, Maurice	Porter, Marjorie	Proulx, Mark	Robbins, David
Rosenwald, Cindy	Stroud, Kathleen	Sullivan, Peter	Swank, Matthew
Vaillancourt, Steve	Warden, Mark	Whitehead, Randall	

MERRIMACK

Bouchard, Candace	Cohn, Seth	Deloge, Helen	DeStefano, Stephen
Foose, Robert	Frazer, June	Gile, Mary	Keane, Thomas
Kidder, David	Kreis, Kenneth Sr	Lockwood, Priscilla	MacKay, James
Owen, Derek	Patten, Dick	Rice, Chip	Richardson, Gary
Shurtleff, Stephen	Wallner, Mary Jane	Watrous, Rick	Williams, Robert
Winter, Steven			

ROCKINGHAM

Azarian, Gary	Brown, Paul	Cali-Pitts, Jacqueline	Copeland, Timothy
Elliott, Robert	Ferrante, Beverly	Hoelzel, Kathleen	Introne, Robert
Lovejoy, Patricia	McKinney, Betsy	Moody, Marcia	Norelli, Terie
Pantelakos, Laura	Quandt, Marshall	Quandt, Matt	Read, Robin Jr
Sapareto, Frank	Schlachman, Donna	Waddell, James	Welch, David

STRAFFORD

Brown, Julie	Browne, Brendon	Ginsburg, Philip	Hooper, Dorothea
Horrigan, Timothy	Keans, Sandra	Pitre, Joseph	Roberts, Jenna
Schmidt, Peter	Spang, Judith	Watters, David	

SULLIVAN

Cloutier, John	Cunningham, Steven	Gagnon, Raymond	Lovett, Charlene
and floor amendment (2303h) was adopted.			

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Blankenbeker moved that the House reconsider its action whereby, on a roll call vote of 137-133, it adopted floor amendment (2303h) to **SB 348-FN**, relative to the pulse oximetry test for newborns.

Reps. Blankenbeker and Vaillancourt spoke in favor.

Rep. Willette spoke against.

On a division vote, 184 members having voted in the affirmative and 94 in the negative, the motion was adopted.

The question now being adoption of floor amendment (2303h).

Rep. Manuse requested a roll call; sufficiently seconded.

YEAS 95 NAYS 183

YEAS 95

BELKNAP

Accornero, Harry
Tilton, Franklin

Comtois, Guy

Greemore, Robert

Malone, Robert

CARROLL

Fleck, Joseph

Pettengill, Laurie

Tregenza, Norman

CHESHIRE

Cartwright, Anne

COOS

None

GRAFTON

Brosseau, Charles
Sorg, Gregory

Gionet, Edmond
Sova, Charles

Ingbretson, Paul

Mirski, Paul

HILLSBOROUGH

Balboni, Michael
Burt, John
Daniels, Gary
Hardwick, Harry
McClarren, Donald
Palmer, Barry
Rowe, Robert
Terrio, Ross
Villeneuve, Moe

Ball, J. Michael
Buxton, Michael
Gagne, Larry
Hawkins, Kenneth
McGuinness, Sean
Palmer, Stephen
Silva, Peter
Thomas, Joseph
Willette, Robert

Bergevin, Jerry
Cebrowski, John
Gandia, Laura
Hogan, Edith
Murphy, Keith
Peterson, Lenette
Simmons, Tammy
Twombly, Timothy

Boehm, Ralph
Coffey, James
Greazzo, Phil
Krasucki, Joseph
Notter, Jeanine
Renzullo, Andrew
Souza, Kathleen
Ulery, Jordan

MERRIMACK

Giuda, J. Brandon
McGuire, Dan

Hoell, J.R.
Seaworth, G. Brian

Keane, Thomas

McGuire, Carol

ROCKINGHAM

Allen, Mary
Comerford, Timothy
Garritty, James
Manuse, Andrew
Perkins, Lawrence
Smith, William
Tucker, Pamela

Baldasaro, Alfred
Davenport, Joshua
Headd, James
Mauro, Donna
Reichard, Kevin
Sullivan, James
Weyler, Kenneth

Bates, David
Devine, James
Kappler, Lawrence
O'Connor, John
Sanders, Elisabeth
Sytek, John

Bettencourt, David
Garcia, Marilinda
Katsakiores, Phyllis
Perkins, Amy
Sedensky, John
Tremblay, Stella

STRAFFORD

Berube, Roger
Munck, Philip
Vita, Lucien

DeLemus, Susan
Newton, Clifford

Groen, Warren
Parsons, Robbie

Jones, Laura
Vita, Carol

SULLIVAN

Bowers, Spec
Smith, Steven

Laware, Thomas

Osgood, Joe

Rodeschin, Beverly

NAYS 183

BELKNAP

Flanders, Donald
Simpson, Tyler

Kingsbury, Robert
Swinford, Elaine

Pilliod, James
Worsman, Colette

Russell, David

CARROLL

Babson, David Jr
Merrow, Harry

Chandler, Gene
Patten, Betsey

Knox, J. David
Schmidt, Stephen

McCarthy, Frank
Umberger, Karen

CHESHIRE

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

Chase, Cynthia
Johnson, Jane
Moore, Robert Jr
Smith, Edwin

Dwinell, Richard
Lerandean, Alfred
Parkhurst, Henry
Sterling, Franklin Jr

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

COOS

Coulombe, Gary
Remick, William

Daugherty, Duffy
Theberge, Robert

Hatch, William
Thomas, Yvonne

Rappaport, Laurence

GRAFTON

Almy, Susan
Cooney, Mary
Nordgren, Sharon
Smith, Suzanne

Benn, Bernard
Gould, Franklin
Pierce, David
Taylor, Kathleen

Bradley, Lester
Harding, Laurie
Shackett, Jeffrey
Townsend, Charles

Bulis, Lyle
Ladd, Rick Jr
Simard, Paul

HILLSBOROUGH

Baroody, Benjamin
Belvin, William

Barry, J. Gail
Campbell, David

Barry, Richard
Champagne, Norma

Belanger, James
Christensen, D.L.
Chris

Christiansen, Lars
Drisko, Richard
Gorman, Mary
Hutchinson, Winfred
LeBrun, Donald
Messier, Irene
Porter, Marjorie
Robbins, David
Stroud, Kathleen
Warden, Mark

Cote, David
Fredette, Robert
Graham, John
Jasper, Shawn
Levasseur, Nickolas
Ober, Lynne
Pratt, Calvin
Rosenwald, Cindy
Sullivan, Peter
Whitehead, Randall

Coughlin, Sean
Gidge, Kenneth
Hansen, Peter
Kurk, Neal
Long, Patrick
Ohm, Bill
Proulx, Mark
Shaw, Barbara
Swank, Matthew

Daler, Jennifer
Goley, Jeffrey
Hikel, John
Lambert, George
Maltz, Jonathan
Pilotte, Maurice
Ramsey, Peter
Stepanek, Stephen
Vaillancourt, Steve

MERRIMACK

Blankenbeker, Lynne
Deloge, Helen
Gile, Mary
Kreis, Kenneth Sr
MacKay, James
Rice, Chip
Wallner, Mary Jane

Bouchard, Candace
DeStefano, Stephen
Hess, David
Lauer-Rago, Kathleen
Owen, Derek
Richardson, Gary
Watrous, Rick

Coffey, Jennifer
Foosse, Robert
Hill, Gregory
Lindsley, Mark
Patten, Dick
Shurtleff, Stephen
Williams, Robert

Cohn, Seth
Frazer, June
Kidder, David
Lockwood, Priscilla
Potter, Frances
Smith, Todd
Winter, Steven

ROCKINGHAM

Abrami, Patrick	Antosz, Jason	Azarian, Gary	Brown, Paul
Cali-Pitts, Jacqueline	Copeland, Timothy	DeSimone, Debra	Duarte, Joe
Elliott, Robert	Ferrante, Beverly	Griffin, Mary	Hagan, Joseph
Hoelzel, Kathleen	Introne, Robert	Kolodziej, Walter	Lovejoy, Patricia
Lundgren, David	Major, Norman	McKinney, Betsy	McMahon, Charles
Moody, Marcia	Murphy, Brian	Nevins, Chris	Norelli, Terie
Pantelakos, Laura	Peckham, Michele	Quandt, Marshall	Quandt, Matt
Read, Robin Jr	Rice, Frederick	Sapareto, Frank	Schlachman, Donna
Sheffert, Kenneth	Shuler, Wyman III	Waddell, James	Ward, Joanne
Welch, David			

STRAFFORD

Brown, Julie	Browne, Brendon	Cataldo, Sam	Ginsburg, Philip
Hooper, Dorothea	Horrigan, Timothy	Keans, Sandra	Pitre, Joseph
Roberts, Jenna	Schmidt, Peter	Spang, Judith	Watters, David

SULLIVAN

Cloutier, John	Cunningham, Steven	Gagnon, Raymond	Howard, Thomas
Lefebvre, Benjamin	Lovett, Charlene		

and floor amendment (2303h) failed.

The question now being adoption of the majority committee report of Ought to Pass. On a division vote, 213 members having voted in the affirmative and 67 in the negative, the majority committee report was adopted and ordered to third reading.

SB 48, relative to state regulation of telephone service providers and clarifying the authority of the public utilities commission to regulate pole attachments. **OUGHT TO PASS.** Rep. Frank R. Holden for Science, Technology and Energy: This bill modernizes the regulation of telecommunications services in four important ways. One, it offers local exchange carriers relief from monopoly era retail regulation, freeing them to compete more effectively. Two, it confirms that Voice over Internet Protocol services and IP enabled services are not subject to regulation as telecommunications services in New Hampshire. Three, it preserves Incumbent local exchange carrier obligations to serve as the carrier of last resort and ensures that all residents have an affordable Basic Service option for phone service. Four, it preserves incumbent local exchange carrier obligations to provide wholesale services to competitors further encouraging competition among providers. Today's communications landscape offers consumers more choice of providers and services than at any other time in history. Modernization of monopoly era regulations will further encourage investment and innovation in New Hampshire's communications infrastructure. The committee believes that this legislation finds the right balance between continued Public Utilities Commission oversight and modernization of regulation to allow consumers and the state of New Hampshire to benefit from a highly competitive communications environment. Vote 17-0.

Committee report adopted and ordered to third reading.

SB 215, establishing a study committee on updating and improving the procedures and criteria for review of projects by the site evaluation committee. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank R. Holden for Science, Technology and Energy: The site evaluation committee makes decisions about the selection of sites for energy facilities, including the routing of high voltage transmission lines and energy transmission pipelines. In making these decisions it balances the state's need for new energy facilities with environmental considerations. The

site evaluation committee is able to strike that balance and the changes and additional oversight that would result from this bill are not needed. Vote 16-1.
Committee report adopted.

SB 218-FN*, relative to electric renewable portfolio standards. **OUGHT TO PASS WITH AMENDMENT.*

Rep. James M. Garrity for Science, Technology and Energy: This bill, as amended, makes significant changes to New Hampshire's renewable electric portfolio standards (RPS) law. It expands the potential number of eligible renewable generation facilities, giving slight preference to New Hampshire indigenous resources such as wood, wind and water. It eliminates some regulatory roadblocks, allowing more New Hampshire facilities to qualify for the program. It reduces the maximum premium price for renewable electric classes and limits the future prices of same. It sets goals for the percentage of each class of renewable that are reasonable. The amendment reduces the cost to New Hampshire electric customers that will most likely result in them paying less in the future than they would have without the changes. The amended bill strikes a delicate and fair balance between ratepayer rights, local economic development benefits and fuel diversity of electricity generation. Vote 14-3.

Amendment (2180h)

Amend the bill by replacing section 8 with the following:

8 Renewable Energy Portfolio; Purchased Power Agreements. No provision of RSA 362-F shall be construed to affect the cost recovery of any contract or agreement entered into pursuant to RSA 362-F:9 prior to the effective date of this act. Such contract or agreement shall be governed by the commission's order approving the same.

Amend RSA 362-F:2, XIV as inserted by section 2 of the bill by replacing it with the following:

XIV. "Provider of electricity" means a distribution company providing default service; ***a nonresidential customer meeting its retail load through direct purchase from the wholesale electricity market, except as provided in RSA 362-F:14, II;*** or an electricity supplier as defined in RSA 374-F:2, II, but does not include municipal suppliers.

Amend the bill by replacing section 19 with the following:

19 New Section; Phase-In for Existing Supply Contract Load. Amend RSA 362-F by inserting after section 13 the following new section:

362-F:14 Phase-In for Existing Supply Contract Load.

I. The increases in the annual purchase percentages in RSA 362-F:3 as compared to those in effect as of January 1, 2012 shall apply to the electrical load under any electrical power supply contracts for a term of years entered into by providers of electricity prior to or on July 1, 2012, upon the expiration of the term of any such contract. Providers of electricity shall inform the commission by July 1 of each year of all such contracts and their terms, including but not limited to the execution date and expiration date of the contract and the annual volume of electrical energy supplied.

II. A "provider of electricity" as defined in RSA 362-F:2, XIV shall not include any nonresidential customer that has a contract with a supplier of wholesale electrical power in effect for a term of years until the term of such contract has expired. The supplier of electrical power under any such contract shall inform the commission by July 1 of each year of such contract and its terms, including but not limited to, the execution date and expiration date and the annual volume of electrical energy supplied.

Amend RSA 362-F:6, II as inserted by section 11 of the bill by replacing it with the following:

II. The commission shall establish procedures by which electricity ***and useful thermal energy*** production not tracked by ISO-New England from customer-sited sources, including behind the meter production, may be included within the certificate program, provided such sources are located in New Hampshire. The procedures may include the aggregation of sources and shall be compatible with procedures of the certificate program

administrator, *where possible*. The production shall be monitored and verified by an independent entity designated by the commission, which may include electric distribution companies, *or by such other means as the commission finds adequate in verifying that such production is occurring*.

II-a. *The commission shall establish a methodology to estimate the total yearly production for customer-sited sources that are net metered under RSA 362-A:9 and for which class I or II certificates are not issued. For purposes of estimation, the commission shall use a capacity factor rating of 20 percent for each installation and shall keep class II production separate from class I production. Providers of electricity required to obtain and retire certificates under RSA 362-F:3 shall receive an annual credit for such production. By February 28 of each year, the commission shall compute and make public credit percentages that are equal to the estimated production for the prior calendar year in each class divided by the total amount of electricity supplied by providers of electricity to end-use customers in the prior calendar year, with the result converted to a percentage. Each provider may then, at the time of its annual report filing under RSA 362-F:8, claim a class I and a class II certificate credit equal to the credit percentage times the total megawatt-hours of electricity supplied by the provider to its end-use customers the prior calendar year.*

Amend RSA 362-F:2, XV-a as inserted by section 2 of the bill by replacing it with the following:

XV-a. *“Useful thermal energy” means renewable energy delivered from class I sources that can be metered and that is delivered in New Hampshire to an end user in the form of direct heat, steam, hot water, or other thermal form that is used for heating, cooling, humidity control, process use, or other valid thermal end use energy requirements and for which fuel or electricity would otherwise be consumed.*

Amend RSA 362-F:3 as inserted by section 3 of the bill by replacing it with the following:

362-F:3 Minimum Electric Renewable Portfolio Standards. For each year specified in the table below, each provider of electricity shall obtain and retire certificates sufficient in number and class type to meet or exceed the following percentages of total megawatt-hours of electricity supplied by the provider to its end-use customers that year, except to the extent that the provider makes payments to the renewable energy fund under RSA 362-F:10, II:

	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2025</u>
Class I	0.0%	0.5%	1%	2%	3%	4%	5%	6%	16%
Class II	0.0%	0.0%	0.04%	0.08%	0.15%	0.2%	0.3%	0.3%	0.3%
Class III	3.5%	4.5%	5.5%	6.5%	6.5%	6.5%	[6.5%] 7.0%	[6.5%] 8.0%	[6.5%] 8.0%
Class IV	0.5%	1%	1%	1%	1%	[1%] 1.3%	[1%] 1.3%	[1%] 1.3%	[1%] 1.3%

*Class I increases an additional one percent per year from 2015 through 2025. *A set percentage of the class I totals shall be satisfied annually by the acquisition of renewable energy certificates from qualifying renewable energy technologies producing useful thermal energy as defined in RSA 362-F:2, XV-a. The set percentage shall be 0.2 percent in 2013, 0.4 percent in 2014, and increased annually by 0.2 percent per year from 2015 through 2025.* Classes II-IV remain at the same percentages from 2015 through 2025 except as provided in RSA 362-F:4, V-VI.

Amend the bill by replacing section 14 with the following:

14 Renewable Energy Fund. Amend RSA 362-F:10, I-III to read as follows:

I. There is hereby established a renewable energy fund. This nonlapsing, special fund shall be continually appropriated to the commission to be expended in accordance with this section. The state treasurer shall invest the moneys deposited therein as provided by law. Income received on investments made by the state treasurer shall also be credited to the fund. All payments to be made under this section shall be deposited in the fund. The moneys paid into the fund under paragraph II of this section, excluding class II moneys, shall be used by the commission to support thermal and electrical renewable energy initiatives. Class II moneys shall only be used to support solar energy technologies in New Hampshire.

All initiatives supported out of these funds shall be subject to audit by the commission as deemed necessary. All fund moneys including those from class II may be used to administer this chapter, but all new employee positions shall be approved by the fiscal committee of the general court. ***No new employees shall be hired by the commission due to the inclusion of useful thermal energy in class I production.***

II. In lieu of meeting the portfolio requirements of RSA 362-F:3 for a given year if, and to the extent sufficient certificates are not otherwise available at a price below the amounts specified in this paragraph, an electricity provider may, at the time of report submission for that year under RSA 362-F:8, make payment to the commission at the following rates for each megawatt-hour not met for a given class obligation through the acquisition of certificates:

(a) Class I—~~[\$57.12,]~~ ***\$55, except for that portion of the class electric renewable portfolio standards to be met by qualifying renewable energy technologies producing useful thermal energy under RSA 362-F:3 which shall be \$25 beginning January 1, 2013.***

(b) Class II—~~[\$150]~~ ***\$55.***

(c) Class III—~~[\$28]~~ ***\$25***

(d) Class IV—~~[\$28]~~ ***\$25.***

III. Beginning in ~~[2008]~~ ***2013***, the commission shall adjust these rates by January 31 of each year using $\frac{1}{2}$ ***of*** the Consumer Price Index as published by the Bureau of Labor Statistics of the United States Department of Labor.

On a division vote, 202 members having voted in the affirmative and 76 in the negative, the committee amendment was adopted.

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

YEAS 275 NAYS 6

YEAS 275

BELKNAP

Accornero, Harry
Kingsbury, Robert
Simpson, Tyler

Comtois, Guy
Malone, Robert
Swinford, Elaine

Flanders, Donald
Pilliod, James
Tilton, Franklin

Greemore, Robert
Russell, David
Worsman, Colette

CARROLL

Babson, David Jr
McCarthy, Frank
Schmidt, Stephen

Chandler, Gene
Merrow, Harry
Tregenza, Norman

Fleck, Joseph
Patten, Betsey
Umberger, Karen

Knox, J. David
Pettengill, Laurie

CHESHIRE

Butynski, William
Hawkes, Samuel
Lindsey, Steven
Smith, Edwin

Cartwright, Anne
Hunt, John
Meader, David
Sterling, Franklin Jr

Chase, Cynthia
Johnson, Jane
Moore, Robert Jr
Tatro, Bruce

Dwinell, Richard
Lerandeau, Alfred
Sad, Tara
Weber, Lucy

COOS

Coulombe, Gary
Remick, William

Daugherty, Duffy
Theberge, Robert

Hatch, William
Tholl, John Jr

Rappaport, Laurence
Thomas, Yvonne

GRAFTON

Benn, Bernard
Cooney, Mary
Ingbretson, Paul
Pierce, David
Sorg, Gregory

Bradley, Lester
Gionet, Edmond
Ladd, Rick Jr
Shackett, Jeffrey
Sova, Charles

Brosseau, Charles
Gould, Franklin
Mirski, Paul
Simard, Paul
Taylor, Kathleen

Bulis, Lyle
Harding, Laurie
Nordgren, Sharon
Smith, Suzanne
Townsend, Charles

HILLSBOROUGH

Balboni, Michael
Barry, Richard
Boehm, Ralph
Campbell, David

Ball, J. Michael
Belanger, James
Brownrigg, Randall Jr
Cebrowski, John

Baroody, Benjamin
Belvin, William
Burt, John
Champagne, Norma

Barry, J. Gail
Bergevin, Jerry
Buxton, Michael
Christensen, D.L.
Chris

Christiansen, Lars
Daler, Jennifer
Gagne, Larry
Gorman, Mary
Hardwick, Harry
Hutchinson, Winfred
Lambert, George
Maltz, Jonathan
Messier, Irene
Ohm, Bill
Pilotte, Maurice
Ramsey, Peter
Rowe, Robert
Souza, Kathleen
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Coffey, James
Daniels, Gary
Gandia, Laura
Graham, John
Hawkins, Kenneth
Jasper, Shawn
LeBrun, Donald
McCarthy, Michael
Murphy, Keith
Palmer, Barry
Porter, Marjorie
Renzullo, Andrew
Shaw, Barbara
Stepanek, Stephen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Cote, David
Drisko, Richard
Gidge, Kenneth
Greazzo, Phil
Hikel, John
Krasucki, Joseph
Levasseur, Nickolas
McClarren, Donald
Notter, Jeanine
Palmer, Stephen
Pratt, Calvin
Robbins, David
Silva, Peter
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

Coughlin, Sean
Fredette, Robert
Goley, Jeffrey
Hansen, Peter
Hogan, Edith
Kurk, Neal
Long, Patrick
McGuinness, Sean
Ober, Lynne
Peterson, Lenette
Proulx, Mark
Rosenwald, Cindy
Simmons, Tammy
Sullivan, Peter
Twombly, Timothy
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
Deloge, Helen
Gile, Mary
Hill, Gregory
Kreis, Kenneth Sr
MacKay, James
Patten, Dick
Seaworth, G. Brian
Watrous, Rick

Bouchard, Candace
DeStefano, Stephen
Giuda, J. Brandon
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Carol
Potter, Frances
Shurtleff, Stephen
Williams, Robert

Coffey, Jennifer
Foose, Robert
Hamm, Christine
Keane, Thomas
Lindsley, Mark
McGuire, Dan
Rice, Chip
Smith, Todd
Winter, Steven

Cohn, Seth
Frazer, June
Hess, David
Kidder, David
Lockwood, Priscilla
Owen, Derek
Richardson, Gary
Wallner, Mary Jane

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Cali-Pitts, Jacqueline
DeSimone, Debra
Ferrante, Beverly
Hagan, Joseph
Kappler, Lawrence
Lundgren, David
McKinney, Betsy
Nevins, Chris
Peckham, Michele
Read, Robin Jr

Allen, Mary
Bates, David
Comerford, Timothy
Devine, James
Garcia, Marilinda
Headd, James
Katsakiores, Phyllis
Major, Norman
McMahon, Charles
Norelli, Terie
Perkins, Amy
Reichard, Kevin

Antosz, Jason
Bettencourt, David
Copeland, Timothy
Duarte, Joe
Garrity, James
Hoelzel, Kathleen
Kolodziej, Walter
Manuse, Andrew
Moody, Marcia
O'Connor, John
Perkins, Lawrence
Rice, Frederick

Azarian, Gary
Brown, Paul
Davenport, Joshua
Elliott, Robert
Griffin, Mary
Introne, Robert
Lovejoy, Patricia
Mauro, Donna
Murphy, Brian
Pantelakos, Laura
Quandt, Matt
Sanders, Elisabeth

Sapareto, Frank
Smith, William
Tucker, Pamela
Weyler, Kenneth

Sedensky, John
Sullivan, James
Waddell, James

Sheffert, Kenneth
Sytek, John
Ward, Joanne

Shuler, Wyman III
Tremblay, Stella
Welch, David

STRAFFORD

Berube, Roger
DeLemus, Susan
Jones, Laura
Pitre, Joseph
Vita, Carol

Brown, Julie
Ginsburg, Philip
Munck, Philip
Roberts, Jenna
Vita, Lucien

Browne, Brendon
Groen, Warren
Newton, Clifford
Schmidt, Peter
Watters, David

Cataldo, Sam
Hooper, Dorothea
Parsons, Robbie
Spang, Judith

SULLIVAN

Bowers, Spec
Howard, Thomas
Osgood, Joe

Cloutier, John
Laware, Thomas
Rodeschin, Beverly

Cunningham, Steven
Lefebvre, Benjamin
Smith, Steven

Gagnon, Raymond
Lovett, Charlene

NAYS 6

BELKNAP

None

CARROLL

None

CHESHIRE

Parkhurst, Henry

COOS

None

GRAFTON

Almy, Susan

HILLSBOROUGH

None

MERRIMACK

None

ROCKINGHAM

Quandt, Marshall

Schlachman, Donna

STRAFFORD

Horrigan, Timothy

Keans, Sandra

SULLIVAN

None

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

MOTION TO REMOVE FROM THE TABLE

Rep. Belvin moved that **SB 260**, relative to protection and preservation of significant archeological deposits, be removed from the table.

On a division vote, 135 members having voted in the affirmative and 145 in the negative, the motion failed.

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

REGULAR CALENDAR (CONT'D)

SB 258-FN, authorizing group net metering for limited electrical energy producers.

INEXPEDIENT TO LEGISLATE.

Rep. James D. Summers for Science, Technology and Energy: This bill would have greatly expanded the state's limited net metering law (in which small producers of renewable electricity are allowed to pay the net of their on-site generation minus their purchases from their electric utility). It would have allowed the creation of virtual net metering "groups" in which the members could benefit from the socialized subsidy of net metering without all being actual producers of energy. The bill had many shortcomings. It failed to define what a "group" was. It assumed that the groups should be allowed to use the electric transmission and distribution system without paying the price. It was an attempt to use net-metering as financing mechanism to develop new and larger renewable energy generation projects instead of the traditional methods of becoming a qualifying facility in the ISO-NE grid, or of building a distributed energy resource project in partnership with an electric utility. It would have provided savings (or subsidies) to a few at the expense of the rest of the customers of an electric utility. Vote 13-4.

Rep. Hawkes spoke against.

Rep. James Garrity spoke in favor.

On a division vote, 224 members having voted in the affirmative and 50 in the negative, the committee report was adopted.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 1555, relative to the penalty for firearm use in a state area for propagation of game controlled by the fish and game department. (Amendment printed SJ 5-9-12)

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

Adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Rowe moved that the House reconsider its action whereby, on a roll call vote of 226-93, it adopted the majority committee report of Ought to Pass with Amendment on **SB 17**, relative to evidence of admissions in medical injury actions.

Reps. Rowe and Gary Richardson spoke in favor.

Adopted.

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

Rep. Giuda offered floor amendment (2323h).

Floor Amendment (2323h)

Amend RSA 507-E:4, II and III as inserted by section 1 of the bill by replacing them with the following:

II. In any medical injury action brought by an alleged victim of an unanticipated outcome of medical care, or in any arbitration proceeding related to such medical injury action, any and all statements, affirmations, gestures, or conduct expressing sympathy, commiseration, condolence, compassion, or a general sense of benevolence which are made by a medical care provider to the alleged victim, a relative of the alleged victim, or a representative of the alleged victim and which relate to the discomfort, pain, suffering, injury, or death of the alleged victim as the result of the unanticipated outcome of medical care shall be inadmissible as evidence of an admission liability or as evidence of an admission against interest; provided, however, that such communication complies with state and federal law governing the privacy of patient information.

III. This section does not apply to a statement of fault, negligence, or culpable conduct that is part of or made in addition to a statement, writing, or action described in paragraph II.

IV. Information, documents, or records otherwise available from original sources are not to be construed as immune from discovery or use in any matter solely because they were described or discussed by a medical care provider in accordance with paragraph II.

Rep. Giuda spoke in favor.

Floor amendment (2323h) adopted.

Majority committee report adopted and ordered to third reading.

SPECIAL ORDERED

Without objection, the Speaker made **SB 203-FN-A**, relative to limited liability companies, a Special Order as the next order of business.

SPECIAL ORDER

SB 203-FN-A, relative to limited liability companies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laurie J. Sanborn for Ways and Means: This bill completely revises and rewrites existing laws regarding limited liability companies. The previous committee evaluated the merits of these policy changes. Our committee verified that this bill does not have a direct impact on state revenues nor raises any fees. An amendment to the bill enables the Economic Strategic Commission to study the relationship between New Hampshire businesses and state government to meet through open blogging between regularly convened in-person meetings. Such blogging shall be open to the public at all times for viewing. Digital records of the blog will be kept. Vote 21-0.

Amendment (2080h)

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

AN ACT relative to limited liability companies and relative to meetings of a certain legislative study commission by open blogging.

Amend the bill by replacing all after section 11 with the following:

12 New Subparagraph; Economic Strategic Commission to Study the Relationship Between New Hampshire Businesses and State Government; Additional Members. Amend RSA 359-K:3, I by inserting after subparagraph (e) the following new subparagraph:

(f) Up to 3 members of the public, appointed by the chairperson of the commission.

13 New Section; Meetings of the Economic Strategic Commission to Study the Relationship Between New Hampshire Businesses and State Government by Open Blogging Permitted. Amend RSA 91-A by inserting after section 2-a the following new section:

91-A:2-b Meetings of the Economic Strategic Commission to Study the Relationship Between New Hampshire Businesses and State Government by Open Blogging Permitted.

I. Notwithstanding RSA 91-A:2, III, between regularly convened in-person meetings the economic strategic commission to study the relationship between New Hampshire

businesses and state government, established by RSA 359-K, may meet through open blogging managed by the department of information technology, provided that the commission shall not vote, act, or decide upon any matter within its statutory charge utilizing the blog. Such blogging shall be open to the public at all times for viewing of member discussions, and the blog record shall be maintained in accordance with RSA 91-A:4, III, III-a, and III-b, except that a digital copy of the blog record shall be maintained in a permanent file, and shall be provided to any citizen upon request in accordance with RSA 91-A:4, V. Compliance with this paragraph shall satisfy the requirements of RSA 91-A:4 and of RSA 91-A:2, II relative to the use of recording devices by members of the public.

II. A meeting of such legislative study commission pursuant to the authority of this section shall satisfy the notice requirements of RSA 91-A:2, II by placing a notice of use of the blog in each legislative calendar during the term of the commission, on the general court's website at the web page for the commission accessed through the link for searches for statutory and study committees, and within the minutes of each in-person meeting of the commission. Each such notice shall include an e-mail and postal address to which members of the public may send comments and testimony regarding the commission's discussions on the blog.

14 Repeal. RSA 91-A:2-b, relative to meetings by a certain study commission by open blogging, is repealed.

15 Effective Date.

I. Sections 1-11 of this act shall take effect January 1, 2013.

II. Section 14 of this act shall take effect December 1, 2012.

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

AMENDED ANALYSIS

This bill revises laws governing limited liability companies. This bill also permits meetings, pursuant to RSA 91-A, of the economic strategic commission to study the relationship between New Hampshire businesses and state government, established by RSA 359-K, by open blogging under certain circumstances.

Amendment adopted.

Rep. Sorg offered floor amendment (2300h).

Floor Amendment (2300h)

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

AN ACT relative to limited liability companies, relative to meetings of a certain legislative study commission by open blogging, and relative to revoking amendments to supreme court rules 50 and 50-A.

Amend the bill by inserting after section 14 the following and renumbering the original section 15 to read as 17:

15 Amendments to Supreme Court Rules 50 and 50-A Revoked. Pursuant to the authority of the general court under part II, articles 4 and 5 of the New Hampshire constitution, and in the absence of contrary authority of the supreme court under article 73-a thereof, the amendments to supreme court rules 50 and 50-A issued by the New Hampshire supreme court on December 29, 2010, to take effect on March 1, 2011, purporting to require attorneys to create or maintain a pooled interest-bearing trust account for clients' funds nominal in amount or to be held for a short period of time, and to remit the interest earned thereby to the New Hampshire Bar Foundation, are hereby declared to be unconstitutional and are rescinded and revoked *ab initio*.

16 Applicability. Section 15 of this act shall apply as of March 1, 2011 to pooled interest-bearing trust accounts for clients' funds which were created or maintained by attorneys on or after March 1, 2011, solely due to requirements imposed by the amendments to supreme court rules 50 and 50-A issued by the supreme court on December 29, 2010.

AMENDED ANALYSIS

This bill revises laws governing limited liability companies. This bill also permits meetings, pursuant to RSA 91-A, of the economic strategic commission to study the relationship between New Hampshire businesses and state government, established by RSA 359-K, by open blogging under certain circumstances.

This bill also revokes amendments to supreme court rules 50 and 50-A.

Reps. Almy and Gary Richardson spoke against.

Rep. Sorg spoke in favor.

Rep. Almy requested a roll call; sufficiently seconded.

YEAS 125 NAYS 159

YEAS 125

BELKNAP

Accornero, Harry
Simpson, Tyler

Greemore, Robert
Swinford, Elaine

Kingsbury, Robert

Russell, David

CARROLL

Babson, David Jr
Pettengill, Laurie

Fleck, Joseph
Tregenza, Norman

Knox, J. David

McCarthy, Frank

CHESHIRE

Cartwright, Anne

Hunt, John

Smith, Edwin

Sterling, Franklin Jr

COOS

Daugherty, Duffy

Rappaport, Laurence

GRAFTON

Brosseau, Charles
Mirski, Paul

Gionet, Edmond
Sorg, Gregory

Ingbreton, Paul
Sova, Charles

Ladd, Rick Jr

HILLSBOROUGH

Balboni, Michael
Boehm, Ralph
Coffey, James
Greazzo, Phil
Hikel, John
Lambert, George
Ohm, Bill
Renzullo, Andrew
Souza, Kathleen
Thomas, Joseph

Ball, J. Michael
Brownrigg, Randall Jr
Daniels, Gary
Hansen, Peter
Hogan, Edith
McClarren, Donald
Palmer, Barry
Rowe, Robert
Stepanek, Stephen
Twombly, Timothy

Barry, Richard
Burt, John
Gagne, Larry
Hardwick, Harry
Krasucki, Joseph
Murphy, Keith
Palmer, Stephen
Silva, Peter
Swank, Matthew
Villeneuve, Moe

Bergevin, Jerry
Cebrowski, John
Graham, John
Hawkins, Kenneth
Kurk, Neal
Notter, Jeanine
Peterson, Lenette
Simmons, Tammy
Terrio, Ross
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Hill, Gregory
Lindsley, Mark
Soltani, Tony

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

Cohn, Seth
Keane, Thomas
McGuire, Dan

Giuda, J. Brandon
Kreis, Kenneth Sr
Seaworth, G. Brian

ROCKINGHAM

Baldasaro, Alfred

Bates, David

Comerford, Timothy

Davenport, Joshua

DeSimone, Debra
Garritty, James
Kappler, Lawrence
Manuse, Andrew
Perkins, Lawrence
Sanders, Elisabeth
Sytek, John

Devine, James
Hagan, Joseph
Katsakiores, Phyllis
Mauro, Donna
Quandt, Matt
Sedensky, John
Tremblay, Stella

Ferrante, Beverly
Headd, James
Lundgren, David
Murphy, Brian
Reichard, Kevin
Sheffert, Kenneth
Weyler, Kenneth

Garcia, Marilinda
Hoelzel, Kathleen
Major, Norman
Perkins, Amy
Rice, Frederick
Shuler, Wyman III

STRAFFORD

Cataldo, Sam
Munck, Philip
Vita, Carol

DeLemus, Susan
Newton, Clifford
Vita, Lucien

Groen, Warren
Parsons, Robbie

Jones, Laura
Pitre, Joseph

SULLIVAN

Bowers, Spec
Osgood, Joe

Cunningham, Steven
Rodeschin, Beverly

Howard, Thomas

Laware, Thomas

NAYS 159

BELKNAP

Comtois, Guy
Tilton, Franklin

Flanders, Donald
Worsman, Colette

Malone, Robert

Pilliod, James

CARROLL

Chandler, Gene
Umberger, Karen

Merrow, Harry

Patten, Betsey

Schmidt, Stephen

CHESHIRE

Butynski, William
Johnson, Jane
Moore, Robert Jr
Tatro, Bruce

Chase, Cynthia
Lerandeau, Alfred
Parkhurst, Henry
Weber, Lucy

Dwinell, Richard
Lindsey, Steven
Roberts, Kris

Hawkes, Samuel
Meador, David
Sad, Tara

COOS

Coulombe, Gary
Tholl, John Jr

Hatch, William
Thomas, Yvonne

Remick, William

Theberge, Robert

GRAFTON

Almy, Susan
Cooney, Mary
Shackett, Jeffrey
Townsend, Charles

Benn, Bernard
Gould, Franklin
Simard, Paul

Bradley, Lester
Harding, Laurie
Smith, Suzanne

Bulis, Lyle
Pierce, David
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin
Buxton, Michael

Barry, J. Gail
Campbell, David

Belanger, James
Champagne, Norma

Belvin, William
Christensen, D.L.
Chris

Christiansen, Lars
Drisko, Richard
Gidge, Kenneth
Hutchinson, Winfred

Cote, David
Fredette, Robert
Goley, Jeffrey
Jasper, Shawn

Coughlin, Sean
Gandia, Laura
Gonzalez, Carlos
LeBrun, Donald

Daler, Jennifer
Gargas, Carolyn
Gorman, Mary
Leishman, Peter

Levasseur, Nickolas
McGuinness, Sean
Porter, Marjorie
Robbins, David
Sullivan, Peter
Whitehead, Randall

Long, Patrick
Messier, Irene
Pratt, Calvin
Rosenwald, Cindy
Ulery, Jordan

Maltz, Jonathan
Ober, Lynne
Proulx, Mark
Shaw, Barbara
Vaillancourt, Steve

McCarthy, Michael
Pilotte, Maurice
Ramsey, Peter
Stroud, Kathleen
Warden, Mark

MERRIMACK

Bouchard, Candace
Frazer, June
Kidder, David
Owen, Derek
Richardson, Gary
Williams, Robert

Deloge, Helen
Gile, Mary
Lauer-Rago, Kathleen
Patten, Dick
Shurtleff, Stephen
Winter, Steven

DeStefano, Stephen
Hamm, Christine
Lockwood, Priscilla
Potter, Frances
Smith, Todd

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

ROCKINGHAM

Abrami, Patrick
Bettencourt, David
Duarte, Joe
Kolodziej, Walter
Moody, Marcia
Peckham, Michele
Schlachman, Donna
Waddell, James

Allen, Mary
Brown, Paul
Elliott, Robert
Lovejoy, Patricia
Nevins, Chris
Quandt, Marshall
Smith, William
Ward, Joanne

Antosz, Jason
Cali-Pitts, Jacqueline
Griffin, Mary
McKinney, Betsy
O'Connor, John
Read, Robin Jr
Sullivan, James
Welch, David

Azarian, Gary
Copeland, Timothy
Introne, Robert
McMahon, Charles
Pantelakos, Laura
Sapareto, Frank
Tucker, Pamela

STRAFFORD

Berube, Roger
Hooper, Dorothea
Roberts, Jenna

Brown, Julie
Horrigan, Timothy
Schmidt, Peter

Browne, Brendon
Kaen, Naida
Spang, Judith

Ginsburg, Philip
Keans, Sandra
Watters, David

SULLIVAN

Cloutier, John
Smith, Steven

Gagnon, Raymond

Lefebvre, Benjamin

Lovett, Charlene

and floor amendment (2300h) failed.

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

Rep. Hunt spoke in favor and yielded to questions.

Rep. Giuda spoke against and yielded to questions.

Rep. Soltani spoke against.

Rep. Hess spoke in favor.

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

YEAS 172 NAYS 106

YEAS 172

BELKNAP

Flanders, Donald

Russell, David

Tilton, Franklin

CARROLL

Babson, David Jr
Merrow, Harry

Chandler, Gene
Patten, Betsey

Fleck, Joseph
Schmidt, Stephen

Knox, J. David
Umberger, Karen

CHESHIRE

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

COOS

Coulombe, Gary	Daugherty, Duffy	Hatch, William	Theberge, Robert
Tholl, John Jr	Thomas, Yvonne		

GRAFTON

Almy, Susan	Benn, Bernard	Bradley, Lester	Cooney, Mary
Gould, Franklin	Harding, Laurie	Nordgren, Sharon	Pierce, David
Smith, Suzanne	Taylor, Kathleen	Townsend, Charles	

HILLSBOROUGH

Baroody, Benjamin	Barry, Richard	Belanger, James	Belvin, William
Boehm, Ralph	Buxton, Michael	Campbell, David	Cebrowski, John
Christensen, D.L.	Coffey, James	Cote, David	Daler, Jennifer
Chris			
Gargas, Carolyn	Gidge, Kenneth	Goley, Jeffrey	Gonzalez, Carlos
Gorman, Mary	Graham, John	Hawkins, Kenneth	Hutchinson, Winfred
Jasper, Shawn	Krasucki, Joseph	Kurk, Neal	Levasseur, Nickolas
Long, Patrick	McCarthy, Michael	McClarren, Donald	McGuinness, Sean
Palmer, Barry	Pilotte, Maurice	Porter, Marjorie	Rosenwald, Cindy
Shaw, Barbara	Silva, Peter	Stepanek, Stephen	Stroud, Kathleen
Sullivan, Peter	Thomas, Joseph	Ulery, Jordan	Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne	Bouchard, Candace	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	Owen, Derek
Patten, Dick	Potter, Frances	Rice, Chip	Richardson, Gary
Shurtleff, Stephen	Smith, Todd	Williams, Robert	Winter, Steven

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Azarian, Gary	Bates, David
Bettencourt, David	Brown, Paul	Cali-Pitts, Jacqueline	Copeland, Timothy
DeSimone, Debra	Devine, James	Elliott, Robert	Garrity, James
Griffin, Mary	Headd, James	Hoelzel, Kathleen	Introne, Robert
Kappler, Lawrence	Kolodziej, Walter	Lovejoy, Patricia	Major, Norman
Manuse, Andrew	McKinney, Betsy	McMahon, Charles	Moody, Marcia
Nevins, Chris	Pantelakos, Laura	Quandt, Matt	Read, Robin Jr
Rice, Frederick	Sanders, Elisabeth	Sapareto, Frank	Schlachman, Donna
Sedensky, John	Sheffert, Kenneth	Shuler, Wyman III	Sytek, John
Tucker, Pamela	Waddell, James	Ward, Joanne	Welch, David

STRAFFORD

Berube, Roger	Brown, Julie	Browne, Brendon	Cataldo, Sam
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Ginsburg, Philip
Keans, Sandra
Spang, Judith

Hooper, Dorothea
Munck, Philip
Sprague, Dale

Horrigan, Timothy
Newton, Clifford
Watters, David

Kaen, Naida
Schmidt, Peter

SULLIVAN

Cloutier, John
Lovett, Charlene

Gagnon, Raymond
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

Lefebvre, Benjamin
Smith, Steven

NAYS 106

BELKNAP

Accornero, Harry
Malone, Robert
Worsman, Colette

Comtois, Guy
Pilliod, James

Greemore, Robert
Simpson, Tyler

Kingsbury, Robert
Swinford, Elaine

CARROLL

McCarthy, Frank

Pettengill, Laurie

Tregenza, Norman

CHESHIRE

Cartwright, Anne

Lindsey, Steven

COOS

Rappaport, Laurence

Remick, William

GRAFTON

Brosseau, Charles
Ladd, Rick Jr
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Gionet, Edmond
Shackett, Jeffrey

Ingbretson, Paul
Simard, Paul

HILLSBOROUGH

Balboni, Michael
Brownrigg, Randall Jr
Daniels, Gary
Gandia, Laura
Hogan, Edith
Maltz, Jonathan
Ober, Lynne
Pratt, Calvin
Rowe, Robert
Terrio, Ross
Whitehead, Randall

Ball, J. Michael
Burt, John
Drisko, Richard
Hansen, Peter
Lambert, George
Messier, Irene
Ohm, Bill
Proulx, Mark
Simmons, Tammy
Twombly, Timothy
Willette, Robert

Barry, J. Gail
Champagne, Norma
Fredette, Robert
Hardwick, Harry
LeBrun, Donald
Murphy, Keith
Palmer, Stephen
Renzullo, Andrew
Souza, Kathleen
Vaillancourt, Steve

Bergevin, Jerry
Christiansen, Lars
Gagne, Larry
Hikel, John
Leishman, Peter
Notter, Jeanine
Peterson, Lenette
Robbins, David
Swank, Matthew
Warden, Mark

MERRIMACK

Coffey, Jennifer
Lindsley, Mark
Watrous, Rick

Giuda, J. Brandon
McGuire, Carol

Hoell, J.R.
McGuire, Dan

Lauer-Rago, Kathleen
Seaworth, G. Brian

ROCKINGHAM

Antosz, Jason
Duarte, Joe

Baldasaro, Alfred
Ferrante, Beverly

Comerford, Timothy
Garcia, Marilinda

Davenport, Joshua
Katsakiores, Phyllis

Lundgren, David
Perkins, Amy
Smith, William

Mauro, Donna
Perkins, Lawrence
Sullivan, James

Murphy, Brian
Quandt, Marshall
Tremblay, Stella

O'Connor, John
Reichard, Kevin
Weyler, Kenneth

STRAFFORD

DeLemus, Susan
Vita, Carol

Jones, Laura
Vita, Lucien

Parsons, Robbie

Pitre, Joseph

SULLIVAN

Bowers, Spec Cunningham, Steven Laware, Thomas
and the committee report was adopted and ordered to third reading.
Rep. Greazzo declared a conflict of interest and did not participate.

CALL OF THE HOUSE

Speaker O'Brien ordered a Call of the House.

SENATE MESSAGE

REQUESTS CONCURRENCE WITH AMENDMENT

HB 1140, relative to the care of war memorials in Franconia Notch state park. (Amendment printed SJ 5-9-12)

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

Adopted.

The Speaker appointed Reps. Kappler, Swinford, Baldasaro and Parkhurst.

REGULAR CALENDAR (CONT'D)

SB 228-FN-L, repealing the assessments for excess benefits paid by employers in the retirement system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth Hawkins for Special Committee on Public Employee Pensions Reform: This bill originally was to repeal the spiking charge on employers for payments made to employees above the normal pay passed in 2008, but never implemented. The amendment replaces the formula passed in 2008 with a new method of calculating end of career payments, and goes into effect on July 1, 2013. The amendment also raises the bet at charity games of chance from \$4 to \$6, and will allow poker in a private residence as long as no payment is required by the participants. Vote 13-0.

Amendment (2216h)

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

AN ACT relative to the calculation of employer assessments for excess retirement system benefits, and relative to charitable games of chance and poker in private residences.

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

1 Retirement System; Assessment on Employers. RSA 100-A:16, III-a is repealed and reenacted to read as follows:

III-a. Upon the retirement of a member:

(a) The retirement system shall:

(1) Calculate the amount of the following which are included in earnable compensation in the member's final 12 months of creditable service as determined for the purpose of calculating average final compensation or as compensation paid within 120 days after the member's termination of employment from a retirement eligible position:

- (A) Unused sick leave;
- (B) Unused vacation leave;
- (C) Severance pay;

(D) Cash incentives paid by an employer to encourage members to retire;
or

(E) Any similar end-of-service payment resulting from a contractual or legal requirement or an employment policy where the triggering event for the payment is the termination of the member's employment.

(2) Determine the present value of the portion of the member's retirement benefit attributable to the earnable compensation calculated in subparagraph (a)(1).

(3) Subtract from the amount determined in subparagraph (a)(2) a credit to account for the portion of such present value, as determined by the retirement system, that has been funded through the normal employer contributions.

(b) If the result in subparagraph (a) is greater than zero, the employer shall be assessed the cost of the excess benefit.

(c) The retirement system shall certify to the cost determined in subparagraph (b) to the employer and assess upon the employer such cost for payment to the retirement system at such times and in such manner as the board of trustees may prescribe.

(d) The employer shall certify to the accuracy of each member's compensation included in subparagraph (a)(1).

2 Effective Date of Amendments; Employer Assessments. Amend 2008, 300:35, VII, as amended by 2009, 4:1, 2010, 357:1, and 2011, 230:3, to read as follows:

VII. Section 33 of this act shall take effect July 1, ~~2012~~ **2013**.

3 Online Calculator. Amend 2011, 230:5 to read as follows:

230:5 Retirement System; **Online Calculator**; Interactive Estimator. The retirement system shall develop and implement on the retirement system's website, within 30 days after the effective date of this section, an **online calculator and** interactive estimator for a retirement system employer to evaluate its probable costs under RSA 100-A:16, III-a, as amended ~~[by this act]~~, for individual members **planning to retire**.

4 Repeal of Prior Version and Applicability Provision. The following are repealed:

I. 2011, 230:1, relative to the amendment to RSA 100-A:16, III-a.

II. 2011, 230:2, relative to the applicability of RSA 100-A:16, III-a.

5 Wagering; Single Player. Amend RSA 287-D:3, V to read as follows:

V. No single wager by a player, on any game of chance, shall exceed the amount of ~~[\$4]~~ **\$6**.

6 New Subparagraph; Poker in Private Residences. Amend RSA 647:2, V by inserting after subparagraph (c) the following new subparagraph:

(d) Poker games held in a private residence so long as neither the house nor any person or individual takes any rake or compensation from the prize pool, admission fee, or from any other source whatsoever.

7 Effective Date.

I. Section 1 of this act shall take effect July 1, 2013 at 12:01 p.m.

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

AMENDED ANALYSIS

This bill requires that employer assessments for excess retirement system benefits begin with persons retiring on or after July 1, 2013.

The bill also increases the limit on a single wager in a charitable game of chance and allows the playing of poker in private residences.

Amendment adopted.

On a division vote, 257 members having voted in the affirmative and 17 in the negative, the committee report was adopted and ordered to third reading.

SB 333, relative to a surviving spouse's right to retain a Purple Heart plate. **REFER FOR INTERIM STUDY.**

Rep. Alfred P. Baldasaro for State-Federal Relations and Veterans Affairs: This bill is a very emotional bill that was filed for a family. We felt that this divides the military community by

taking care of Purple Heart veteran spouses and not the many veterans who have post traumatic stress syndrome (PTSD) or traumatic brain injury (TBI), where military spouses have to deal with in support of their veteran. Although Pearl Harbor/POW-MIA spouses keep the plate, we see this as a big difference in dividing what spouse is more deserving than the other. The spouses of Bronze Star or Silver Star recipients utilize the veterans' plate and their spouses will be treated different also. Vote 14-3.

Committee report adopted.

SB 142-FN, relative to reorganizing the permitting process within the department of environmental services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary S. Azarian for Ways and Means: This bill is a pro-business bill which streamlines the process for multiple permits and applications through DES on large projects. The bill allows all parties to the project to give input early in the process, at one time, saving developers' time and money by moving the project through the process much quicker by consolidating multiple applications and permits into one. There will be no overall increase in fees. Vote 21-0.

Amendment (2069h)

Amend RSA 489:6, II as inserted by section 1 of the bill by replacing it with the following:

II. After conducting the activities required under paragraph I the applicant shall submit to the department such materials as the department requires under rules adopted pursuant to RSA 541-A. The department may require the applicant to pay up to 30 percent of the expected final application fee under RSA 489:7, I to cover departmental costs associated with the pre-application technical review. Any payment made shall be applied towards the final application fee. Such payment shall not be refundable or transferrable to another project should a final permit application not be submitted.

Amend RSA 489:6, IV as inserted by section 1 of the bill by replacing it with the following:

IV. As part of the pre-application technical review, the department shall review preliminary design plans, supporting information, and advisory input from state or federal entities notified or consulted pursuant to paragraph I and comments received from other persons notified pursuant to paragraph I to identify critical issues regarding site development and design, any requested waivers, and any mitigation that may be needed, and review the final permit application requirements with the applicant.

Amend RSA 489:8, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Time extensions and duration of a permit, and procedures and requirements for amending a permit issued pursuant to this chapter which shall be in conformance with the statute and rules of the affected programs.

Amend RSA 489 as inserted by section 1 of the bill by deleting RSA 489:8, VII.

Committee amendment adopted.

Rep. Kurk offered floor amendment (2327h).

The Speaker ruled floor amendment (2327h) non-germane.

MOTION TO SUSPEND HOUSE RULES

Rep. Bettencourt moved that House Rules be so far suspended as to allow introduction of a non-germane amendment to ***SB 142-FN***, relative to reorganizing the permitting process within the department of environmental services.

Rep. Peter Schmidt requested a roll call; not sufficiently seconded.

On a division vote, 181 members having voted in the affirmative and 94 in the negative, the motion failed lacking the necessary two-thirds vote.

The question now being adoption of the committee report of Ought to Pass with Amendment. Adopted and ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Tregenza moved that the House reconsider its actions whereby, on a voice vote, it adopted the committee report of Ought to Pass with Amendment on ***SB 142-FN***, relative to reorganizing the permitting process within the department of environmental services.

Rep. Kurk requested a roll call; sufficiently seconded.

YEAS 184 NAYS 93

YEAS 184

BELKNAP

Accornero, Harry
Kingsbury, Robert
Swinford, Elaine

Comtois, Guy
Malone, Robert
Tilton, Franklin

Flanders, Donald
Pilliod, James
Worsman, Colette

Greemore, Robert
Simpson, Tyler

CARROLL

Babson, David Jr
McCarthy, Frank
Schmidt, Stephen

Chandler, Gene
Morrow, Harry
Tregenza, Norman

Fleck, Joseph
Patten, Betsey
Umberger, Karen

Knox, J. David
Pettengill, Laurie

CHESHIRE

Cartwright, Anne
Meador, David

Dwinell, Richard
Moore, Robert Jr

Hunt, John
Smith, Edwin

Johnson, Jane
Sterling, Franklin Jr

COOS

Daugherty, Duffy

Remick, William

Tholl, John Jr

GRAFTON

Brosseau, Charles
Ladd, Rick Jr
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Gionet, Edmond
Shackett, Jeffrey

Ingbretson, Paul
Simard, Paul

HILLSBOROUGH

Balboni, Michael
Belvin, William
Burt, John
Christensen, D.L.
Chris

Ball, J. Michael
Bergevin, Jerry
Buxton, Michael
Christiansen, Lars

Barry, J. Gail
Boehm, Ralph
Cebrowski, John
Coffey, James

Barry, Richard
Brownrigg, Randall Jr
Champagne, Norma
Condra, William

Daniels, Gary
Gandia, Laura
Hansen, Peter
Hogan, Edith
Kurk, Neal
McGuinness, Sean
Ohm, Bill
Pratt, Calvin
Rowe, Robert
Stepanek, Stephen
Ulery, Jordan
Willette, Robert

Drisko, Richard
Gonzalez, Carlos
Hardwick, Harry
Hutchinson, Winfred
Lambert, George
Messier, Irene
Palmer, Barry
Proulx, Mark
Silva, Peter
Stroud, Kathleen
Villeneuve, Moe

Fredette, Robert
Graham, John
Hawkins, Kenneth
Jasper, Shawn
Maltz, Jonathan
Murphy, Keith
Palmer, Stephen
Renzullo, Andrew
Simmons, Tammy
Terrio, Ross
Warden, Mark

Gagne, Larry
Greazzo, Phil
Hikel, John
Krasucki, Joseph
McClarren, Donald
Notter, Jeanine
Peterson, Lenette
Robbins, David
Souza, Kathleen
Twombly, Timothy
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Hess, David
Lauer-Rago, Kathleen
Seaworth, G. Brian

Coffey, Jennifer
Hill, Gregory
Lindsley, Mark
Smith, Todd

Cohn, Seth
Keane, Thomas
McGuire, Carol
Winter, Steven

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

ROCKINGHAM

Abrami, Patrick
Bates, David
Davenport, Joshua
Ferrante, Beverly
Headd, James
Kolodziej, Walter
McKinney, Betsy
O'Connor, John
Rice, Frederick
Sheffert, Kenneth
Sytek, John
Ward, Joanne

Antosz, Jason
Bettencourt, David
Devine, James
Garcia, Marilinda
Introne, Robert
Major, Norman
McMahon, Charles
Quandt, Marshall
Sanders, Elisabeth
Shuler, Wyman III
Tremblay, Stella
Welch, David

Azarian, Gary
Comerford, Timothy
Duarte, Joe
Garrity, James
Kappler, Lawrence
Manuse, Andrew
Murphy, Brian
Quandt, Matt
Sapareto, Frank
Smith, William
Tucker, Pamela
Weyler, Kenneth

Baldasaro, Alfred
Copeland, Timothy
Elliott, Robert
Griffin, Mary
Katsakiores, Phyllis
Mauro, Donna
Nevins, Chris
Reichard, Kevin
Sedensky, John
Sullivan, James
Waddell, James

STRAFFORD

Cataldo, Sam
Munck, Philip
Vita, Carol

DeLemus, Susan
Newton, Clifford
Vita, Lucien

Groen, Warren
Parsons, Robbie

Jones, Laura
Schmidt, Peter

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

Laware, Thomas
Smith, Steven

NAYS 93

BELKNAP

Russell, David

CARROLL

None

CHESHIRE

Butynski, William
Lerandau, Alfred
Sad, Tara

Chase, Cynthia
Lindsey, Steven
Tatro, Bruce

Hawkes, Samuel
Parkhurst, Henry
Weber, Lucy

Johnsen, Gladys
Roberts, Kris

COOS

Coulombe, Gary

Rappaport, Laurence

Theberge, Robert

Thomas, Yvonne

GRAFTON

Almy, Susan
Gould, Franklin
Taylor, Kathleen

Benn, Bernard
Harding, Laurie
Townsend, Charles

Bradley, Lester
Pierce, David

Cooney, Mary
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin	Belanger, James	Campbell, David	Cote, David
Daler, Jennifer	Gargas, Carolyn	Gidge, Kenneth	Goley, Jeffrey
Gorman, Mary	LeBrun, Donald	Leishman, Peter	Levasseur, Nickolas
Long, Patrick	McCarthy, Michael	Pilotte, Maurice	Porter, Marjorie
Rosenwald, Cindy	Shaw, Barbara	Sullivan, Peter	Swank, Matthew
Thomas, Joseph	Vaillancourt, Steve		

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	Gile, Mary	Hamm, Christine	Hoell, J.R.
Kidder, David	Lockwood, Priscilla	MacKay, James	Owen, Derek
Potter, Frances	Rice, Chip	Richardson, Gary	Shurtleff, Stephen
Watrous, Rick	Williams, Robert		

ROCKINGHAM

Allen, Mary	Brown, Paul	Cali-Pitts, Jacqueline	DeSimone, Debra
Hoelzel, Kathleen	Lovejoy, Patricia	Lundgren, David	Moody, Marcia
Pantelakos, Laura	Perkins, Amy	Perkins, Lawrence	Read, Robin Jr
Schlachman, Donna			

STRAFFORD

Berube, Roger	Brown, Julie	Browne, Brendon	Ginsburg, Philip
Hooper, Dorothea	Horrigan, Timothy	Kaen, Naida	Keans, Sandra
Spang, Judith	Sprague, Dale	Watters, David	

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin
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and the motion was adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Tregenza moved that the House reconsider its action whereby, on a division vote of 181-94, it failed to adopt the motion to suspend House Rules to allow introduction of a non-germane amendment to ***SB 142-FN***, relative to reorganizing the permitting process within the department of environmental services, by the necessary two-thirds vote.

Rep. Bettencourt requested a roll call; sufficiently seconded.

YEAS 190 NAYS 88

YEAS 190

BELKNAP

Accornero, Harry	Comtois, Guy	Flanders, Donald	Kingsbury, Robert
Malone, Robert	Pilliod, James	Russell, David	Simpson, Tyler
Swinford, Elaine	Tilton, Franklin	Worsman, Colette	

CARROLL

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

CHESHIRE

Cartwright, Anne
Moore, Robert Jr

Dwinell, Richard
Smith, Edwin

Hunt, John
Sterling, Franklin Jr

Johnson, Jane

COOS

Daugherty, Duffy

Remick, William

Tholl, John Jr

GRAFTON

Bradley, Lester
Ingbretson, Paul
Simard, Paul

Brosseau, Charles
Ladd, Rick Jr
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Gionet, Edmond
Shackett, Jeffrey

HILLSBOROUGH

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

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

Barry, J. Gail
Bergevin, Jerry
Buxton, Michael
Christiansen, Lars

Barry, Richard
Boehm, Ralph
Cebrowski, John
Coffey, James

Condra, William
Gagne, Larry
Greazzo, Phil
Hikel, John
Krasucki, Joseph
McClarren, Donald
Notter, Jeanine
Peterson, Lenette
Robbins, David
Souza, Kathleen
Twombly, Timothy
Warden, Mark

Daniels, Gary
Gandia, Laura
Hansen, Peter
Hogan, Edith
Kurk, Neal
McGuinness, Sean
Ohm, Bill
Pratt, Calvin
Rowe, Robert
Stepanek, Stephen
Ulery, Jordan
Whitehead, Randall

Drisko, Richard
Gonzalez, Carlos
Hardwick, Harry
Hutchinson, Winfred
Lambert, George
Messier, Irene
Palmer, Barry
Proulx, Mark
Silva, Peter
Stroud, Kathleen
Vaillancourt, Steve
Willette, Robert

Fredette, Robert
Graham, John
Hawkins, Kenneth
Jasper, Shawn
Maltz, Jonathan
Murphy, Keith
Palmer, Stephen
Renzullo, Andrew
Simmons, Tammy
Terrio, Ross
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Hill, Gregory
Lauer-Rago, Kathleen
Seaworth, G. Brian

Coffey, Jennifer
Hoell, J.R.
Lindsley, Mark
Smith, Todd

Giuda, J. Brandon
Keane, Thomas
McGuire, Carol
Soltani, Tony

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

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Comerford, Timothy
Devine, James
Garcia, Marilinda
Hoelzel, Kathleen
Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Reichard, Kevin
Sedensky, John
Sullivan, James
Waddell, James

Allen, Mary
Bates, David
Copeland, Timothy
Duarte, Joe
Garrity, James
Introne, Robert
Lundgren, David
McKinney, Betsy
O'Connor, John
Rice, Frederick
Sheffert, Kenneth
Sytek, John
Ward, Joanne

Antosz, Jason
Bettencourt, David
Davenport, Joshua
Elliott, Robert
Griffin, Mary
Kappler, Lawrence
Major, Norman
McMahon, Charles
Quandt, Marshall
Sanders, Elisabeth
Shuler, Wyman III
Tremblay, Stella
Welch, David

Azarian, Gary
Brown, Paul
DeSimone, Debra
Ferrante, Beverly
Headd, James
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Quandt, Matt
Sapareto, Frank
Smith, William
Tucker, Pamela
Weyler, Kenneth

STRAFFORD

Cataldo, Sam
Munck, Philip

DeLemus, Susan
Newton, Clifford

Groen, Warren
Parsons, Robbie

Jones, Laura
Vita, Carol

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

Laware, Thomas
Smith, Steven

NAYS 88

BELKNAP

Greemore, Robert

CARROLL

None

CHESHIRE

Butynski, William
Lerandeau, Alfred
Roberts, Kris

Chase, Cynthia
Lindsey, Steven
Sad, Tara

Hawkes, Samuel
Meador, David
Tatro, Bruce

Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

COOS

Coulombe, Gary

Rappaport, Laurence

Theberge, Robert

Thomas, Yvonne

GRAFTON

Almy, Susan
Harding, Laurie
Townsend, Charles

Benn, Bernard
Pierce, David

Cooney, Mary
Smith, Suzanne

Gould, Franklin
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin
Gargas, Carolyn
LeBrun, Donald
McCarthy, Michael
Shaw, Barbara

Campbell, David
Gidge, Kenneth
Leishman, Peter
Pilotte, Maurice
Sullivan, Peter

Cote, David
Goley, Jeffrey
Levasseur, Nickolas
Porter, Marjorie
Swank, Matthew

Daler, Jennifer
Gorman, Mary
Long, Patrick
Rosenwald, Cindy
Thomas, Joseph

MERRIMACK

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

Cohn, Seth
Frazer, June
Lockwood, Priscilla
Rice, Chip
Williams, Robert

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

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

ROCKINGHAM

Cali-Pitts, Jacqueline
Perkins, Amy

Lovejoy, Patricia
Perkins, Lawrence

Moody, Marcia
Read, Robin Jr

Pantelakos, Laura
Schlachman, Donna

STRAFFORD

Berube, Roger
Hooper, Dorothea
Schmidt, Peter
Watters, David

Brown, Julie
Horrigan, Timothy
Spang, Judith

Browne, Brendon
Kaen, Naida
Sprague, Dale

Ginsburg, Philip
Keans, Sandra
Vita, Lucien

SULLIVAN

Cloutier, John Gagnon, Raymond Lefebvre, Benjamin
and the motion was adopted.

The question now being adoption of the motion to suspend House Rules to allow introduction of a non-germane amendment to ***SB 142-FN***, relative to reorganizing the permitting process within the department of environmental services.

Rep. Kurk spoke in favor.

MOTION TO APPEAL THE RULING OF THE CHAIR

Rep. Peter Sullivan moved to appeal the ruling of the Chair whereby the Chair ruled to allow speaking on the bill during debate on the motion to suspend House Rules.

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

Reps. Vaillancourt and Soltani spoke in favor.

Rep. Jasper requested a roll call; sufficiently seconded.

YEAS 262 NAYS 17

YEAS 262

BELKNAP

Accornero, Harry
Kingsbury, Robert
Simpson, Tyler

Comtois, Guy
Malone, Robert
Swinford, Elaine

Flanders, Donald
Pilliod, James
Tilton, Franklin

Greemore, Robert
Russell, David
Worsman, Colette

CARROLL

Babson, David Jr
McCarthy, Frank
Schmidt, Stephen

Chandler, Gene
Morrow, Harry
Tregenza, Norman

Fleck, Joseph
Patten, Betsey
Umberger, Karen

Knox, J. David
Pettengill, Laurie

CHESHIRE

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

Cartwright, Anne
Hunt, John
Meader, David
Sad, Tara
Weber, Lucy

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

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

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Thomas, Yvonne

Remick, William

Theberge, Robert

GRAFTON

Almy, Susan
Bulis, Lyle
Ingbertson, Paul

Benn, Bernard
Cooney, Mary
Ladd, Rick Jr

Bradley, Lester
Gionet, Edmond
Mirski, Paul

Brosseau, Charles
Harding, Laurie
Pierce, David

Shackett, Jeffrey
Sova, Charles

Simard, Paul
Taylor, Kathleen

Smith, Suzanne
Townsend, Charles

Sorg, Gregory

HILLSBOROUGH

Balboni, Michael
Barry, Richard
Boehm, Ralph
Campbell, David

Ball, J. Michael
Belanger, James
Brownrigg, Randall Jr
Cebrowski, John

Baroody, Benjamin
Belvin, William
Burt, John
Champagne, Norma

Barry, J. Gail
Bergevin, Jerry
Buxton, Michael
Christensen, D.L.
Chris

Christiansen, Lars
Daniels, Gary
Gandia, Laura
Gonzalez, Carlos
Hansen, Peter
Hogan, Edith
Kurk, Neal
Levasseur, Nickolas
McClarren, Donald
Murphy, Keith
Palmer, Stephen
Pratt, Calvin
Rosenwald, Cindy
Simmons, Tammy
Swank, Matthew
Ulery, Jordan
Whitehead, Randall

Coffey, James
Drisko, Richard
Gargas, Carolyn
Gorman, Mary
Hardwick, Harry
Hutchinson, Winfred
Lambert, George
Long, Patrick
McGuinness, Sean
Notter, Jeanine
Peterson, Lenette
Proulx, Mark
Rowe, Robert
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve
Willette, Robert

Condra, William
Fredette, Robert
Gidge, Kenneth
Graham, John
Hawkins, Kenneth
Jasper, Shawn
LeBrun, Donald
Maltz, Jonathan
Mecheski, Holly
Ohm, Bill
Pilotte, Maurice
Renzullo, Andrew
Shaw, Barbara
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Cote, David
Gagne, Larry
Goley, Jeffrey
Greazzo, Phil
Hikel, John
Krasucki, Joseph
Leishman, Peter
McCarthy, Michael
Messier, Irene
Palmer, Barry
Porter, Marjorie
Robbins, David
Silva, Peter
Stroud, Kathleen
Twombly, Timothy
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
Deloge, Helen
Giuda, J. Brandon
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Carol
Shurtleff, Stephen

Bouchard, Candace
DeStefano, Stephen
Hamm, Christine
Keane, Thomas
Lindsley, Mark
McGuire, Dan
Smith, Todd

Coffey, Jennifer
Foose, Robert
Hess, David
Kidder, David
Lockwood, Priscilla
Richardson, Gary
Soltani, Tony

Cohn, Seth
Gile, Mary
Hill, Gregory
Kreis, Kenneth Sr
MacKay, James
Seaworth, G. Brian
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Cali-Pitts, Jacqueline
DeSimone, Debra
Ferrante, Beverly
Headd, James
Katsakiores, Phyllis
Major, Norman
McMahon, Charles
Pantelakos, Laura
Quandt, Matt
Sapareto, Frank
Shuler, Wyman III
Tremblay, Stella
Welch, David

Allen, Mary
Bates, David
Comerford, Timothy
Devine, James
Garcia, Marilinda
Hoelzel, Kathleen
Kolodziej, Walter
Manuse, Andrew
Murphy, Brian
Perkins, Amy
Reichard, Kevin
Schlachman, Donna
Smith, William
Tucker, Pamela
Weyler, Kenneth

Antosz, Jason
Bettencourt, David
Copeland, Timothy
Duarte, Joe
Garrity, James
Introne, Robert
Lovejoy, Patricia
Mauro, Donna
Nevins, Chris
Perkins, Lawrence
Rice, Frederick
Sedensky, John
Sullivan, James
Waddell, James

Azarian, Gary
Brown, Paul
Davenport, Joshua
Elliott, Robert
Griffin, Mary
Kappler, Lawrence
Lundgren, David
McKinney, Betsy
O'Connor, John
Quandt, Marshall
Sanders, Elisabeth
Sheffert, Kenneth
Sytek, John
Ward, Joanne

STRAFFORD

Berube, Roger
DeLemus, Susan
Jones, Laura
Newton, Clifford
Sprague, Dale

Brown, Julie
Groen, Warren
Kaen, Naida
Parsons, Robbie
Vita, Carol

Browne, Brendon
Hooper, Dorothea
Keans, Sandra
Schmidt, Peter
Vita, Lucien

Cataldo, Sam
Horrigan, Timothy
Munck, Philip
Spang, Judith
Watters, David

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

Laware, Thomas
Smith, Steven

NAYS 17

BELKNAP

None

CARROLL

None

CHESHIRE

Lindsey, Steven

COOS

Coulombe, Gary

GRAFTON

Gould, Franklin

HILLSBOROUGH

Daler, Jennifer

Sullivan, Peter

MERRIMACK

Frazer, June
Watrous, Rick

Owen, Derek
Williams, Robert

Potter, Frances

Rice, Chip

ROCKINGHAM

Moody, Marcia

Read, Robin Jr

STRAFFORD

Ginsburg, Philip

SULLIVAN

Cloutier, John
and the ruling of the Chair was upheld.

Gagnon, Raymond

Lefebvre, Benjamin

The question now being adoption of the motion to suspend House Rules to allow introduction of a non-germane amendment to ***SB 142-FN***, relative to reorganizing the permitting process within the department of environmental services.

Rep. Kurk spoke in favor.

Rep. Almy spoke against.

Rep. Bettencourt requested a roll call; sufficiently seconded.

YEAS 199 NAYS 80

YEAS 199

BELKNAP

Accornero, Harry	Comtois, Guy	Flanders, Donald	Greemore, Robert
Kingsbury, Robert	Malone, Robert	Pilliod, James	Russell, David
Simpson, Tyler	Swinford, Elaine	Tilton, Franklin	Worsman, Colette

CARROLL

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

CHESHIRE

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

COOS

Daugherty, Duffy	Rappaport, Laurence	Remick, William	Tholl, John Jr
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GRAFTON

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

HILLSBOROUGH

Balboni, Michael	Ball, J. Michael	Barry, J. Gail	Barry, Richard
Belanger, James	Belvin, William	Bergevin, Jerry	Boehm, Ralph
Brownrigg, Randall Jr	Burt, John	Buxton, Michael	Cebrowski, John
Champagne, Norma	Christensen, D.L.	Christiansen, Lars	Coffey, James
	Chris		
Condra, William	Daniels, Gary	Drisko, Richard	Fredette, Robert
Gagne, Larry	Gandia, Laura	Gonzalez, Carlos	Graham, John
Greazzo, Phil	Hansen, Peter	Hardwick, Harry	Hawkins, Kenneth
Hikel, John	Hogan, Edith	Hutchinson, Winfred	Jasper, Shawn
Krasucki, Joseph	Kurk, Neal	Lambert, George	Maltz, Jonathan
McCarthy, Michael	McClarren, Donald	McGuinness, Sean	Mecheski, Holly
Messier, Irene	Murphy, Keith	Notter, Jeanine	Ohm, Bill
Palmer, Barry	Palmer, Stephen	Peterson, Lenette	Pratt, Calvin
Proulx, Mark	Renzullo, Andrew	Robbins, David	Rowe, Robert
Silva, Peter	Simmons, Tammy	Souza, Kathleen	Stepanek, Stephen
Stroud, Kathleen	Swank, Matthew	Terrio, Ross	Thomas, Joseph
Twombly, Timothy	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe
Warden, Mark	Whitehead, Randall	Willette, Robert	

MERRIMACK

Blankenbeker, Lynne	Coffey, Jennifer	Cohn, Seth	Hess, David
Hill, Gregory	Hoell, J.R.	Keane, Thomas	Kreis, Kenneth Sr
Lauer-Rago, Kathleen	Lindsley, Mark	McGuire, Carol	McGuire, Dan

Seaworth, G. Brian

Smith, Todd

Soltani, Tony

Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Comerford, Timothy
Devine, James
Garcia, Marilinda
Hoelzel, Kathleen
Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Quandt, Marshall
Sanders, Elisabeth
Shuler, Wyman III
Tremblay, Stella
Welch, David

Allen, Mary
Bates, David
Copeland, Timothy
Duarte, Joe
Garrity, James
Introne, Robert
Lundgren, David
McKinney, Betsy
O'Connor, John
Quandt, Matt
Sapareto, Frank
Smith, William
Tucker, Pamela
Weyler, Kenneth

Antosz, Jason
Bettencourt, David
Davenport, Joshua
Elliott, Robert
Griffin, Mary
Kappler, Lawrence
Major, Norman
McMahon, Charles
Perkins, Amy
Reichard, Kevin
Sedensky, John
Sullivan, James
Waddell, James

Azarian, Gary
Brown, Paul
DeSimone, Debra
Ferrante, Beverly
Headd, James
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Perkins, Lawrence
Rice, Frederick
Sheffert, Kenneth
Sytek, John
Ward, Joanne

STRAFFORD

Cataldo, Sam
Munck, Philip
Vita, Lucien

DeLemus, Susan
Newton, Clifford

Groen, Warren
Parsons, Robbie

Jones, Laura
Vita, Carol

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

Laware, Thomas
Smith, Steven

NAYS 80

BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Lerandau, Alfred
Roberts, Kris

Chase, Cynthia
Lindsey, Steven
Sad, Tara

Hawkes, Samuel
Meader, David
Tatro, Bruce

Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

COOS

Coulombe, Gary

Theberge, Robert

Thomas, Yvonne

GRAFTON

Almy, Susan
Harding, Laurie
Townsend, Charles

Benn, Bernard
Pierce, David

Cooney, Mary
Smith, Suzanne

Gould, Franklin
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin

Campbell, David

Cote, David

Daler, Jennifer

Gargas, Carolyn
LeBrun, Donald
Pilotte, Maurice
Sullivan, Peter

Gidge, Kenneth
Leishman, Peter
Porter, Marjorie

Goley, Jeffrey
Levasseur, Nickolas
Rosenwald, Cindy

Gorman, Mary
Long, Patrick
Shaw, Barbara

MERRIMACK

Bouchard, Candace
Frazer, June
Lockwood, Priscilla
Rice, Chip
Williams, Robert

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

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

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

ROCKINGHAM

Cali-Pitts, Jacqueline
Read, Robin Jr

Lovejoy, Patricia
Schlachman, Donna

Moody, Marcia

Pantelakos, Laura

STRAFFORD

Berube, Roger
Hooper, Dorothea
Roberts, Jenna
Watters, David

Brown, Julie
Horrigan, Timothy
Schmidt, Peter

Browne, Brendon
Kaen, Naida
Spang, Judith

Ginsburg, Philip
Keans, Sandra
Sprague, Dale

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

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

Rep. Kurk again offered floor amendment (2327h).

Floor Amendment (2327h)

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

AN ACT relative to reorganizing the permitting process within the department of environmental services, relative to the mental health services system, and repealing the law relative to reviewing Medicaid reimbursement rates.

Amend the bill by replacing all after section 7 with the following:

8 Community Mental Health Programs. Amend RSA 135-C:7 to read as follows:

135-C:7 Community Mental Health Programs. Any city, county, town, or nonprofit corporation may establish and administer a community mental health program for the purpose of providing mental health services to individuals and organizations in the area. Every program shall, at a minimum, provide emergency, medical or psychiatric screening and evaluation, case management, and psychotherapy services. The department may contract with a community mental health program, ***or any individual, partnership, association, public or private, for-profit or nonprofit, agency or corporation,*** pursuant to RSA 135-C:3, for the operation and administration of any services which are part of the state mental health services system. In the event that the commissioner decides to enter into a contract for the operation and administration of any services which are part of the state mental health services system, the contract shall contain standards designed to measure the performance of the contractor in achieving positive consumer outcomes, maintaining fiscal integrity, and providing quality services.

9 Mental Health Services System; Eligibility of programs; Rulemaking. Amend the introductory paragraph of RSA 135-C:10, I to read as follows:

I. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the criteria and the process of approval ~~[by the director]~~ of community mental health programs for their eligibility to:

10 New Paragraph; Mental Health Services System; Monitoring. Amend RSA 135-C:10 by inserting after paragraph IV the following new paragraph:

V. Notwithstanding any provision of law or rule to the contrary, if the commissioner determines that it is necessary to insure provision of essential mental health services in any part of the state, the commissioner may approve any entity to carry out the functions described in RSA 135-C:10, I.

11 Repeal. RSA 126-A:18-b, relative to Medicaid reimbursement rates, is repealed.

12 Effective Date.

I. Sections 1, 5, and 6 of this act shall take effect January 1, 2015.

II. Sections 2-4 and 7 of this act shall take effect 60 days after its passage.

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

AMENDED ANALYSIS

This bill establishes an integrated land development permit option that may be sought at the discretion of the applicant as an alternative to applying for multiple land development permits from the department of environmental services.

This bill authorizes the commissioner of the department of health and human services to contract with any entity to provide essential mental health services in any part of the state.

This bill also repeals the law requiring the department of health and human services to review Medicaid reimbursement rates.

Rep. Rosenwald spoke against.

Rep. Kurk spoke in favor and requested a roll call; sufficiently seconded.

YEAS 205 NAYS 73

YEAS 205

BELKNAP

Accornero, Harry
Kingsbury, Robert
Simpson, Tyler

Comtois, Guy
Malone, Robert
Swinford, Elaine

Flanders, Donald
Pilliod, James
Tilton, Franklin

Greemore, Robert
Russell, David
Worsman, Colette

CARROLL

Babson, David Jr
McCarthy, Frank
Schmidt, Stephen

Chandler, Gene
Merrow, Harry
Tregenza, Norman

Fleck, Joseph
Patten, Betsey
Umberger, Karen

Knox, J. David
Pettengill, Laurie

CHESHIRE

Cartwright, Anne
Lerandeau, Alfred
Tatro, Bruce

Dwinell, Richard
Moore, Robert Jr

Hunt, John
Smith, Edwin

Johnson, Jane
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence

Remick, William

Theberge, Robert

GRAFTON

Bradley, Lester
Ingretson, Paul
Simard, Paul

Brosseau, Charles
Ladd, Rick Jr
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Gionet, Edmond
Shackett, Jeffrey

HILLSBOROUGH

Balboni, Michael
 Belanger, James
 Burt, John
 Christensen, D.L.
 Chris
 Daniels, Gary
 Gandia, Laura
 Hansen, Peter
 Hogan, Edith
 Kurk, Neal
 McClarren, Donald
 Moran, Edward
 Palmer, Barry
 Proulx, Mark
 Silva, Peter
 Stroud, Kathleen
 Twombly, Timothy
 Warden, Mark

Ball, J. Michael
 Belvin, William
 Buxton, Michael
 Christiansen, Lars
 Drisko, Richard
 Gonzalez, Carlos
 Hardwick, Harry
 Hutchinson, Winfred
 Lambert, George
 McGuinness, Sean
 Murphy, Keith
 Palmer, Stephen
 Renzullo, Andrew
 Simmons, Tammy
 Swank, Matthew
 Ulery, Jordan
 Whitehead, Randall

Barry, J. Gail
 Bergevin, Jerry
 Cebrowski, John
 Coffey, James
 Fredette, Robert
 Graham, John
 Hawkins, Kenneth
 Jasper, Shawn
 Maltz, Jonathan
 Mecheski, Holly
 Notter, Jeanine
 Peterson, Lenette
 Robbins, David
 Souza, Kathleen
 Terrio, Ross
 Vaillancourt, Steve
 Willette, Robert

Barry, Richard
 Boehm, Ralph
 Champagne, Norma
 Condra, William
 Gagne, Larry
 Greazzo, Phil
 Hikel, John
 Krasucki, Joseph
 McCarthy, Michael
 Messier, Irene
 Ohm, Bill
 Pratt, Calvin
 Rowe, Robert
 Stepanek, Stephen
 Thomas, Joseph
 Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
 Hill, Gregory
 Lauer-Rago, Kathleen
 McGuire, Dan
 Winter, Steven

Coffey, Jennifer
 Hoell, J.R.
 Lindsley, Mark
 Seaworth, G. Brian

Cohn, Seth
 Keane, Thomas
 Lockwood, Priscilla
 Smith, Todd

Hess, David
 Kreis, Kenneth Sr
 McGuire, Carol
 Soltani, Tony

ROCKINGHAM

Abrami, Patrick
 Baldasaro, Alfred
 Comerford, Timothy
 Devine, James
 Garcia, Marilinda
 Hoelzel, Kathleen
 Kolodziej, Walter
 Mauro, Donna
 Nevins, Chris
 Quandt, Marshall
 Sanders, Elisabeth
 Shuler, Wyman III
 Tremblay, Stella
 Welch, David

Allen, Mary
 Bates, David
 Copeland, Timothy
 Duarte, Joe
 Garrity, James
 Introne, Robert
 Lundgren, David
 McKinney, Betsy
 O'Connor, John
 Quandt, Matt
 Sapareto, Frank
 Smith, William
 Tucker, Pamela
 Weyler, Kenneth

Antosz, Jason
 Bettencourt, David
 Davenport, Joshua
 Elliott, Robert
 Griffin, Mary
 Kappler, Lawrence
 Major, Norman
 McMahon, Charles
 Perkins, Amy
 Reichard, Kevin
 Sedensky, John
 Sullivan, James
 Waddell, James

Azarian, Gary
 Brown, Paul
 DeSimone, Debra
 Ferrante, Beverly
 Headd, James
 Katsakiores, Phyllis
 Manuse, Andrew
 Murphy, Brian
 Perkins, Lawrence
 Rice, Frederick
 Sheffert, Kenneth
 Sytek, John
 Ward, Joanne

STRAFFORD

Brown, Julie
 Jones, Laura
 Spang, Judith

Cataldo, Sam
 Munck, Philip
 Vita, Carol

DeLemus, Susan
 Newton, Clifford
 Vita, Lucien

Groen, Warren
 Parsons, Robbie

SULLIVAN

Bowers, Spec
 Lovett, Charlene

Cunningham, Steven
 Osgood, Joe

Howard, Thomas
 Rodeschin, Beverly

Laware, Thomas
 Smith, Steven

BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Lindsey, Steven
Sad, Tara

Chase, Cynthia
Meader, David
Weber, Lucy

Hawkes, Samuel
Parkhurst, Henry

Johnsen, Gladys
Roberts, Kris

COOS

Coulombe, Gary

Thomas, Yvonne

GRAFTON

Almy, Susan
Harding, Laurie
Townsend, Charles

Benn, Bernard
Pierce, David

Cooney, Mary
Smith, Suzanne

Gould, Franklin
Taylor, Kathleen

HILLSBOROUGH

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

Brownrigg, Randall Jr
Gargas, Carolyn
LeBrun, Donald
Pilotte, Maurice
Sullivan, Peter

Campbell, David
Gidge, Kenneth
Leishman, Peter
Porter, Marjorie

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

MERRIMACK

Bouchard, Candace
Frazer, June
MacKay, James
Richardson, Gary

Deloge, Helen
Gile, Mary
Owen, Derek
Shurtleff, Stephen

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

Foose, Robert
Kidder, David
Rice, Chip

ROCKINGHAM

Cali-Pitts, Jacqueline
Read, Robin Jr

Lovejoy, Patricia
Schlachman, Donna

Moody, Marcia

Pantelakos, Laura

STRAFFORD

Berube, Roger
Horriggan, Timothy
Sprague, Dale

Browne, Brendon
Kaen, Naida
Watters, David

Ginsburg, Philip
Keans, Sandra

Hooper, Dorothea
Schmidt, Peter

SULLIVAN

Cloutier, John
and floor amendment (2327h) was adopted.

Gagnon, Raymond

Lefebvre, Benjamin

CLERK'S NOTE

A member became ill. He remained in Representative's Hall, but was unable to reach his seat.

MOTION TO ALLOW MEMBER TO VOTE

Rep. Soltani moved to suspend House Rules as to allow a member to vote without being in his seat.

Adopted by the necessary two-thirds vote.

The question now being adoption of the committee report of Ought to Pass with Amendment on ***SB 142-FN***, relative to reorganizing the permitting process within the department of environmental services.

On a division vote, 205 members having voted in the affirmative and 72 in the negative, the committee report was adopted and ordered to third reading.

***SB 212-FN*, relative to pooled risk management programs. OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary S. Azarian for Ways and Means: This bill gives the governance, oversight and accountability over the risk pools that has been lacking since their inception. It establishes clear guidelines over reserve and surplus levels and stipulates how surplus will be returned to the municipalities. Finally, it establishes for the end user, the taxpayer, transparency to their tax dollars. Vote 21-0.

Amendment (2155h)

Amend RSA 5-B:1-a as inserted by section 1 of the bill by replacing it with the following:

5-B:1-a Findings; Intent.

I. The legislature finds that:

(a) Insurance and risk management is essential to the proper functioning of political subdivisions.

(b) Risk management can be achieved through purchase of traditional insurance or by participation in pooled risk management programs established for the benefit of political subdivisions.

(c) Pooled risk management is an essential governmental function by providing focused public sector loss prevention programs, accrual of interest and dividend earnings which may be returned to the public benefit, and establishment of costs predicated solely on the actual experience of political subdivisions within the state.

(d) The resources of political subdivisions have at times been burdened by the securing of insurance protection through standard carriers.

II. Based on these findings and that the legislative intent of this chapter is to provide political subdivisions with the best, most appropriate, and potentially lowest cost risk management programs available, no program established under this chapter shall enter into any type of free market preemption such as exclusive arrangements or right of first refusal arrangements with any carrier licensed to do business in this state. This will ensure that political subdivisions have the greatest latitude in procuring risk management programs from whatever free market distribution method and channel they find to their advantage.

Amend RSA 5-B:2, IV(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Contingency reserves limited to protection from excess claim losses, catastrophic claim losses, insufficient contributions and underwriting risk, losses on rate guarantees, ceded reinsurance denial or failure, adverse market developments, and capital asset or investment losses not included in the rates.

Amend RSA 5-B:3, I-III as inserted by section 1 of the bill by replacing them with the following:

I. A political subdivision, by a properly documented majority resolution of its governing body, may establish and enter into agreements for obtaining or implementing insurance by self-insurance; for obtaining insurance from any insurer authorized to transact business in this state as an admitted or surplus lines carrier; or for obtaining insurance

secured in accordance with any method provided by law; or for obtaining insurance by any combination of the provisions of this paragraph. Agreements made pursuant to this paragraph may provide for pooling of self-insurance reserves, risks, claims and losses, and of administrative services and expenses associated with them among political subdivisions. To accomplish the purposes of this chapter, 2 or more political subdivisions, with the approval of the secretary of state, may form an association under the laws of this state or affirm an existing association so formed to develop and administer a risk management program having as its purposes reducing the risk of its members; improving the health and wellness of the employees, dependents, and retirees of its members; safety engineering; distributing, sharing, and pooling risks; acquiring insurance, excess loss insurance by purchase or by self-funding, or reinsurance; and processing, paying, and defending claims against the members of such association.

II. Pooled risk management programs shall be subject to the provisions of RSA 31:8-a.

III. In a pooled risk management program's budget there shall be a separate line item accounting for advocacy work. All lobbyists shall comply with the provisions of RSA 15:5 and shall be limited to issues relative to RSA 5-B.

Amend RSA 5-B:3, V(b)(8) as inserted by section 1 of the bill by replacing it with the following:

(8) Prescription drug coverage for employees, retirees, and their dependents, except that pharmacy benefit management programs with the state are specifically prohibited after December 31, 2015.

Amend RSA 5-B:4 as inserted by section 2 of the bill by replacing it with the following:

5-B:4 ~~[Informational]~~ **Annual** Filing Required; Fee. Pooled risk management programs established for the benefit of political subdivisions shall make an ~~[informational]~~ **annual** filing, as defined in RSA 5-B:2, ~~[H]~~ **I**, with the department and shall pay an annual filing fee of \$150. The department may make requests for additional information necessary to exercise regulatory or enforcement authority pursuant to, but not limited to, the hearings procedures under RSA 421-B:26-a over any pooled risk management program formed or affirmed in accordance with this chapter. Pooled workers' compensation and unemployment compensation programs which are regulated by and which report to the department of labor and the department of employment security, under RSA 281-A and RSA 282-A, respectively, shall be exempt from the requirements of this ~~[section]~~ **chapter** as long as their operations and reports conform to the laws and rules adopted by those departments.

Amend RSA 5-B:4-a, VI as inserted by section 3 of the bill by replacing it with the following:

VI. Whenever it appears to the secretary of state that any person has engaged or is about to engage in any act or practice constituting a violation of this chapter or any rule or order under this chapter, the secretary of state shall have the power to issue and cause to be served upon such person an order requiring the person to cease and desist from violations of this chapter. The order shall be calculated to give reasonable notice of the rights of the person to request a hearing on the order and shall state the reasons for the entry of the order. All hearings shall be conducted in accordance with RSA 421-B:26-a. **Further, the secretary of state shall have all enforcement powers outlined in RSA 421-B:23, as well as examination authority pursuant to RSA 421-B:9.**

Amend RSA 5-B:4-a, VIII as inserted by section 3 of the bill by replacing it with the following:

VIII. ***Notwithstanding paragraph IX, decisions of the secretary of state requiring rescission, restitution, or disgorgement may be appealed to the Merrimack county superior court. Upon appeal, the court shall review all findings of fact and rulings of law for legal sufficiency based upon the evidentiary record of the administrative proceedings. In conducting such review, the court may order and receive such additional evidence and testimony as it deems necessary. Any final***

decision of the Merrimack county superior court may be appealed to the supreme court to review rulings of law.

Amend RSA 5-B:5, I(a)-(c) as inserted by section 4 of the bill by replacing them with the following:

(a) Exist as a ~~[legal entity]~~ ***nonprofit corporation organized*** under New Hampshire law ***and RSA 292. No other organizational structures shall be permitted.***

(b) Be governed by a board the majority of which is composed of elected or appointed public officials, officers, or employees. Board members shall not receive compensation but may be reimbursed for mileage and other reasonable expenses. ***All new board members after the effective date of this section shall serve a maximum of 3 3-year terms. After 2 years such former board members may return as members. Each board shall govern each distinct program based upon the needs of the member political subdivisions and in compliance with all provisions of this chapter, consistent with its fiduciary duties. Directors may only serve on one pooled risk management board at a time.***

(c) Return all earnings and surplus in excess of any amounts required for ~~[administration,]~~ claims, reserves, ~~and~~ ***the purchase of excess insurance, and reasonable and prudent costs of administration*** to the participating political subdivisions, ***to be paid to the political subdivisions which contributed to the pooled risk management program, annually. Management and investment of such funds shall comply with all provisions of RSA 35:9. If necessary, and with permission of the secretary of state, a certain percentage of any pooled risk management program's entire investment portfolio, including cash and cash equivalents, may deviate, by agreement, from the requirements of RSA 35:9, but shall comply with RSA 402:28, I, with the exception of 402:28, I(o). The amount of any such deviation shall not exceed 10 percent of the pooled risk management program's entire investment portfolio.***

(1) For employee benefit coverage programs, reserves under RSA 5-B:2, IV(a) shall be calculated using an actuarially determined method. Contingency reserves under RSA 5-B:2, IV(b) shall not exceed a level calculated using stochastic modeling at a 95 percent confidence level. Any other actuarial method may be utilized to determine contingency reserves for employee benefit coverage programs if any such calculation does not exceed the level of contingency reserves determined using stochastic modeling at a 95 percent confidence level. Additional margins shall not be added to the modeling.

(2) For property-casualty coverage programs, reserves under RSA 5-B:2, IV(a) shall be calculated using an actuarially determined point estimate and associated range of values. Contingency reserves under RSA 5-B:2, IV(b) shall not exceed a risk-based capital target level of 3.0. Any other actuarial method may be utilized to determine contingency reserves for property-casualty coverage programs if any such calculation does not exceed the level of contingency reserves determined using a risk-based capital target level of 3.0.

(3) Once the calculations for reserves and surplus have been determined, as described, the board shall determine and publicly disclose the amount, if any, of surplus that will be returned to the member political subdivisions. Return of surplus shall be made through premium holiday to a political subdivision which continues to be a member. If a political subdivision ceases to be a member, the return of surplus shall be paid to it in cash. This cash option shall not be available when a prior legal agreement has been entered into with the secretary of state to return surplus in another manner. Any pooled risk management program established under this chapter may deviate from the above stated methods for calculating reserves, by board resolution, if the resolution states every reason in support of the deviation and is distributed to every participating political subdivision at least 30 days prior to the deviation. The pooled risk

management program shall also post the resolution including its reasons for the deviation on its Internet website 30 days prior to the deviation.

Amend RSA 5-B:5, V-VII as inserted by section 4 of the bill by replacing them with the following:

V. If a pooled risk management program fails to provide for an annual audit or an annual actuarial ~~[evaluation]~~ **accounting**, the department shall perform or cause to be performed the required audit or ~~[evaluation]~~ **actuarial** accounting and shall be reimbursed the ~~[cost]~~ **costs** by the program.

Amend the bill by replacing section 5 with the following:

5 Declaration of Status; Tax Exemption; Liability. Amend RSA 5-B:6, II and III to read as follows:

5-B:6 Declaration of Status; Tax Exemption; Liability.

II. Any such program operating under this chapter ~~[, whether or not a body corporate,]~~ may sue or be sued; make contracts; hold and dispose of real property; and borrow money, contract debts, and pledge assets in its name.

III. Participation by a political subdivision in a pooled risk management program formed and affirmed under this chapter shall not subject any such political subdivision to any liability to any third party for the acts or omissions of the pooled risk management program or any other political subdivision participating in the program.

IV. Pooled risk management programs operated in accordance with this chapter shall not be deemed to be offering securities or engaged in the sale of securities.

Amend the bill by replacing section 10 with the following:

10 Effective Date.

I. RSA 5-B:5, I(a) and (b) as inserted by section 4 of this act shall take effect July 1, 2013.

II. RSA 5-B:5, I(c) as inserted by section 4 of this act shall take effect July 1, 2014.

III. The remainder of this act shall take effect July 1, 2012.

AMENDED ANALYSIS

This bill:

I. Makes changes in the laws regulating pooled risk management programs.

II. Requires pooled risk management programs to return any surplus through premium holiday and cash in certain circumstances.

Amendment adopted.

Committee report adopted and ordered to third reading.

SB 286, relative to a controlled drug prescription health and safety program. **OUGHT TO PASS.**

Rep. Patrick F. Abrami for Ways and Means: This bill establishes a controlled drug prescription health and safety program. The bill grants the New Hampshire pharmacy board rulemaking authority for the purposes of the bill. This program will be funded from grants, gifts and user contributions and not from state appropriations. Since this bill has no tax or fee implications, the committee overwhelmingly supported passage. Vote 19-2.

Rep. Carol McGuire offered floor amendment (2312h).

Floor Amendment (2312h)

Amend paragraph II of section 3 of the bill by replacing it with the following:

II. The office of the legislative budget assistant shall conduct a performance audit of the program on or before December 31, 2014 for the use of the speaker of the house of representatives, the president of the senate, and the governor, in evaluating the effectiveness of the program established in section 2 of this act, including but not limited to changes in the number and type of drug-related deaths, the number of instances of drug abuse, and the number of instances of overprescribing.

Amend section 3 of the bill by inserting after paragraph III the following new paragraph:

IV. The pharmacy board shall not accept any grants which require continuation of the program established in section 2 of this act beyond September 1, 2015.

Amend the bill by replacing all after section 3 with the following:

4 Repeal. RSA 318-B:31-RSA 318-B:38, relative to the controlled drug prescription health and safety program, is repealed.

5 Effective Date.

I. Section 4 of this act shall take effect September 1, 2015.

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

AMENDED ANALYSIS

This bill establishes the controlled drug prescription health and safety program. The bill grants the New Hampshire pharmacy board rulemaking authority for the purposes of the bill. Under this bill, the program is prospectively repealed on September 1, 2015.

Rep. Carol McGuire spoke in favor.

Floor amendment (2312h) adopted.

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

Reps. Kurk and Keith Murphy spoke against.

Rep. Blankenbeker spoke in favor and yielded to questions.

MOTION TO LAY ON THE TABLE

Rep. Howard moved that **SB 286**, relative to a controlled drug prescription health and safety program, be laid on the table.

Rep. Harding requested a roll call; sufficiently seconded.

YEAS 134 NAYS 144

YEAS 134

BELKNAP

Accornero, Harry
Malone, Robert
Worsman, Colette

Comtois, Guy
Russell, David

Greemore, Robert
Simpson, Tyler

Kingsbury, Robert
Swinford, Elaine

CARROLL

McCarthy, Frank
Tregenza, Norman

Merrow, Harry

Patten, Betsey

Pettengill, Laurie

CHESHIRE

Cartwright, Anne
Sterling, Franklin Jr

Dwinell, Richard

Hunt, John

Moore, Robert Jr

COOS

Daugherty, Duffy

Rappaport, Laurence

GRAFTON

Benn, Bernard
Mirski, Paul
Sova, Charles

Brosseau, Charles
Shackett, Jeffrey

Gionet, Edmond
Simard, Paul

Ingbretson, Paul
Sorg, Gregory

HILLSBOROUGH

Balboni, Michael
Boehm, Ralph
Coffey, James
Gidge, Kenneth
Hansen, Peter
Hogan, Edith
Maltz, Jonathan
Messier, Irene
Peterson, Lenette
Simmons, Tammy
Thomas, Joseph
Villeneuve, Moe

Ball, J. Michael
Brownrigg, Randall Jr
Condra, William
Gorman, Mary
Hardwick, Harry
Hutchinson, Winfred
McCarthy, Michael
Murphy, Keith
Renzullo, Andrew
Souza, Kathleen
Twombly, Timothy
Warden, Mark

Belvin, William
Burt, John
Daniels, Gary
Graham, John
Hawkins, Kenneth
Kurk, Neal
McClarren, Donald
Notter, Jeanine
Robbins, David
Stroud, Kathleen
Ulery, Jordan

Bergevin, Jerry
Christiansen, Lars
Gagne, Larry
Greazzo, Phil
Hikel, John
Lambert, George
McGuinness, Sean
Palmer, Stephen
Silva, Peter
Swank, Matthew
Vaillancourt, Steve

MERRIMACK

Coffey, Jennifer
Kreis, Kenneth Sr
McGuire, Dan

Cohn, Seth
Lindsley, Mark
Seaworth, G. Brian

Hill, Gregory
Lockwood, Priscilla
Soltani, Tony

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

ROCKINGHAM

Allen, Mary
Brown, Paul
Duarte, Joe
Griffin, Mary
Manuse, Andrew
O'Connor, John
Sedensky, John
Welch, David

Antosz, Jason
Comerford, Timothy
Elliott, Robert
Hoelzel, Kathleen
Mauro, Donna
Perkins, Amy
Sheffert, Kenneth

Baldasaro, Alfred
Davenport, Joshua
Ferrante, Beverly
Katsakiores, Phyllis
McKinney, Betsy
Perkins, Lawrence
Smith, William

Bates, David
DeSimone, Debra
Garcia, Marilinda
Lundgren, David
Murphy, Brian
Reichard, Kevin
Tremblay, Stella

STRAFFORD

Brown, Julie
Jones, Laura
Vita, Carol

Cataldo, Sam
Keans, Sandra
Vita, Lucien

DeLemus, Susan
Newton, Clifford

Horrigan, Timothy
Parsons, Robbie

SULLIVAN

Bowers, Spec
Osgood, Joe

Cunningham, Steven
Rodeschin, Beverly

Howard, Thomas
Smith, Steven

Laware, Thomas

NAYS 144

BELKNAP

Flanders, Donald

Pilliod, James

Tilton, Franklin

CARROLL

Babson, David Jr
Schmidt, Stephen

Chandler, Gene
Umberger, Karen

Fleck, Joseph

Knox, J. David

CHESHIRE

Butynski, William
Johnson, Jane
Parkhurst, Henry
Tatro, Bruce

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

Hawkes, Samuel
Lindsey, Steven
Sad, Tara

Johnsen, Gladys
Meader, David
Smith, Edwin

COOS

Coulombe, Gary
Thomas, Yvonne

Remick, William

Theberge, Robert

Tholl, John Jr

GRAFTON

Almy, Susan
Gould, Franklin
Smith, Suzanne

Bradley, Lester
Harding, Laurie
Taylor, Kathleen

Bulis, Lyle
Ladd, Rick Jr
Townsend, Charles

Cooney, Mary
Pierce, David

HILLSBOROUGH

Baroody, Benjamin
Buxton, Michael
Christensen, D.L.
Chris
Fredette, Robert
Gonzalez, Carlos
Leishman, Peter
Moran, Edward
Porter, Marjorie
Rowe, Robert
Terrio, Ross

Barry, J. Gail
Campbell, David
Cote, David
Gandia, Laura
Jasper, Shawn
Levasseur, Nickolas
Ohm, Bill
Pratt, Calvin
Shaw, Barbara
Whitehead, Randall

Barry, Richard
Cebrowski, John
Daler, Jennifer
Gargas, Carolyn
Krasucki, Joseph
Long, Patrick
Palmer, Barry
Proulx, Mark
Stepanek, Stephen
Willette, Robert

Belanger, James
Champagne, Norma
Drisko, Richard
Goley, Jeffrey
LeBrun, Donald
Mecheski, Holly
Pilotte, Maurice
Rosenwald, Cindy
Sullivan, Peter

MERRIMACK

Blankenbeker, Lynne
Foose, Robert
Hess, David
MacKay, James
Richardson, Gary

Bouchard, Candace
Frazer, June
Keane, Thomas
Owen, Derek
Shurtleff, Stephen

Deloge, Helen
Gile, Mary
Kidder, David
Potter, Frances
Smith, Todd

DeStefano, Stephen
Hamm, Christine
Lauer-Rago, Kathleen
Rice, Chip
Watrous, Rick

ROCKINGHAM

Abrami, Patrick
Copeland, Timothy
Introne, Robert
Major, Norman
Pantelakos, Laura
Rice, Frederick
Shuler, Wyman III
Waddell, James

Azarian, Gary
Devine, James
Kappler, Lawrence
McMahon, Charles
Quandt, Marshall
Sanders, Elisabeth
Sullivan, James
Ward, Joanne

Bettencourt, David
Garritty, James
Kolodziej, Walter
Moody, Marcia
Quandt, Matt
Sapareto, Frank
Sytek, John
Weyler, Kenneth

Cali-Pitts, Jacqueline
Headd, James
Lovejoy, Patricia
Nevins, Chris
Read, Robin Jr
Schlachman, Donna
Tucker, Pamela

STRAFFORD

Berube, Roger
Hooper, Dorothea
Spang, Judith

Browne, Brendon
Kaen, Naida
Sprague, Dale

Ginsburg, Philip
Munck, Philip
Watters, David

Groen, Warren
Schmidt, Peter

SULLIVAN

Cloutier, John
and the motion failed.

Gagnon, Raymond

Lefebvre, Benjamin

Lovett, Charlene

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

Rep. Abrami spoke in favor.

Rep. Comerford requested a roll call; sufficiently seconded.

YEAS 160 NAYS 116

YEAS 160

BELKNAP

Flanders, Donald
Tilton, Franklin

Pilliod, James

Russell, David

Simpson, Tyler

CARROLL

Chandler, Gene
Patten, Betsey

Knox, J. David
Schmidt, Stephen

McCarthy, Frank
Umberger, Karen

Merrow, Harry

CHESHIRE

Butynski, William
Johnson, Jane
Moore, Robert Jr
Tatro, Bruce

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

Hawkes, Samuel
Lindsey, Steven
Sad, Tara

Johnsen, Gladys
Meador, David
Smith, Edwin

COOS

Coulombe, Gary
Tholl, John Jr

Daugherty, Duffy
Thomas, Yvonne

Remick, William

Theberge, Robert

GRAFTON

Almy, Susan
Gould, Franklin
Smith, Suzanne

Bradley, Lester
Harding, Laurie
Taylor, Kathleen

Bulis, Lyle
Ladd, Rick Jr
Townsend, Charles

Cooney, Mary
Pierce, David

HILLSBOROUGH

Balboni, Michael
Belanger, James
Campbell, David

Baroody, Benjamin
Belvin, William
Cebrowski, John

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

Barry, Richard
Buxton, Michael
Cote, David

Daler, Jennifer
Gargas, Carolyn
Graham, John
Jasper, Shawn
Leishman, Peter
Moran, Edward
Proulx, Mark
Stepanek, Stephen
Ulery, Jordan

Drisko, Richard
Goley, Jeffrey
Hansen, Peter
Krasucki, Joseph
Levasseur, Nickolas
Ohm, Bill
Rosenwald, Cindy
Stroud, Kathleen
Whitehead, Randall

Fredette, Robert
Gonzalez, Carlos
Hawkins, Kenneth
Lambert, George
Long, Patrick
Pilotte, Maurice
Rowe, Robert
Sullivan, Peter

Gandia, Laura
Gorman, Mary
Hogan, Edith
LeBrun, Donald
Mecheski, Holly
Porter, Marjorie
Shaw, Barbara
Terrio, Ross

MERRIMACK

Blankenbeker, Lynne
Foos, Robert
Hess, David
MacKay, James
Richardson, Gary
Winter, Steven

Bouchard, Candace
Frazer, June
Keane, Thomas
Owen, Derek
Shurtleff, Stephen

Deloge, Helen
Gile, Mary
Kidder, David
Potter, Frances
Smith, Todd

DeStefano, Stephen
Hamm, Christine
Lauer-Rago, Kathleen
Rice, Chip
Watrous, Rick

ROCKINGHAM

Abrami, Patrick	Azarian, Gary	Bettencourt, David	Cali-Pitts, Jacqueline
Copeland, Timothy	DeSimone, Debra	Devine, James	Garrity, James
Headd, James	Kappler, Lawrence	Kolodziej, Walter	Lovejoy, Patricia
Major, Norman	McMahon, Charles	Moody, Marcia	Murphy, Brian
Nevins, Chris	Pantelakos, Laura	Perkins, Amy	Perkins, Lawrence
Quandt, Marshall	Quandt, Matt	Read, Robin Jr	Rice, Frederick
Sanders, Elisabeth	Sapareto, Frank	Schlachman, Donna	Sedensky, John
Sheffert, Kenneth	Shuler, Wyman III	Sullivan, James	Tucker, Pamela
Waddell, James	Ward, Joanne	Weyler, Kenneth	

STRAFFORD

Berube, Roger	Browne, Brendon	Ginsburg, Philip	Hooper, Dorothea
Kaen, Naida	Munck, Philip	Schmidt, Peter	Spang, Judith
Sprague, Dale	Vita, Lucien	Watters, David	

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Lovett, Charlene
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NAYS 116

BELKNAP

Accornero, Harry	Comtois, Guy	Greemore, Robert	Kingsbury, Robert
Malone, Robert	Swinford, Elaine	Worsman, Colette	

CARROLL

Babson, David Jr	Fleck, Joseph	Pettengill, Laurie	Tregenza, Norman
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CHESHIRE

Cartwright, Anne	Dwinell, Richard	Hunt, John	Parkhurst, Henry
Sterling, Franklin Jr			

COOS

Rappaport, Laurence

GRAFTON

Benn, Bernard	Brosseau, Charles	Gionet, Edmond	Ingbretson, Paul
Mirski, Paul	Shackett, Jeffrey	Simard, Paul	Sorg, Gregory
Sova, Charles			

HILLSBOROUGH

Ball, J. Michael	Bergevin, Jerry	Brownrigg, Randall Jr	Burt, John
Champagne, Norma	Christiansen, Lars	Coffey, James	Condra, William
Daniels, Gary	Gagne, Larry	Gidge, Kenneth	Greazzo, Phil
Hardwick, Harry	Hikel, John	Hutchinson, Winfred	Kurk, Neal
Maltz, Jonathan	McCarthy, Michael	McClarren, Donald	McGuinness, Sean
Messier, Irene	Murphy, Keith	Notter, Jeanine	Palmer, Stephen
Peterson, Lenette	Pratt, Calvin	Renzullo, Andrew	Robbins, David
Silva, Peter	Simmons, Tammy	Souza, Kathleen	Swank, Matthew
Thomas, Joseph	Twombly, Timothy	Vaillancourt, Steve	Villeneuve, Moe

Warden, Mark

Willette, Robert

MERRIMACK

Coffey, Jennifer
Kreis, Kenneth Sr
McGuire, Dan

Cohn, Seth
Lindsley, Mark
Seaworth, G. Brian

Hill, Gregory
Lockwood, Priscilla
Soltani, Tony

Hoell, J.R.
McGuire, Carol

ROCKINGHAM

Allen, Mary
Brown, Paul
Elliott, Robert
Introne, Robert
Mauro, Donna
Smith, William

Antosz, Jason
Comerford, Timothy
Garcia, Marilinda
Katsakiores, Phyllis
McKinney, Betsy
Sytek, John

Baldasaro, Alfred
Davenport, Joshua
Griffin, Mary
Lundgren, David
O'Connor, John
Tremblay, Stella

Bates, David
Duarte, Joe
Hoelzel, Kathleen
Manuse, Andrew
Reichard, Kevin
Welch, David

STRAFFORD

Brown, Julie
Horrigan, Timothy
Parsons, Robbie

Cataldo, Sam
Jones, Laura
Vita, Carol

DeLemus, Susan
Keans, Sandra

Groen, Warren
Newton, Clifford

SULLIVAN

Bowers, Spec
Osgood, Joe

Cunningham, Steven
Rodeschin, Beverly

Howard, Thomas
Smith, Steven

Laware, Thomas

and the motion was adopted and ordered to third reading.

(Rep. Comerford in the Chair)

SB 407-FN, relative to the purchasing policy of the department of information technology and relative to the transfer of federal grant funds. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patrick F. Abrami for Ways and Means: This bill increases the dollar amount at which the chief information officer needs to approve the procurement of computer hardware, software, related licenses, media, documentation, support and maintenance services and other related services, from more than \$500 to more than \$5,000, as long as what is being purchased is on an approval standards list established by the department of information technology. The committee agreed unanimously that there are no tax or fee issues surrounding this change. Vote 21-0.

Amendment (2043h)

Amend the bill by replacing section 9 with the following:

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

Amendment adopted.

Committee report adopted and ordered to third reading.

BILLS REMOVED FROM THE CONSENT CALENDAR

SB 350-FN, relative to the sale of portable electronics insurance. **OUGHT TO PASS.**

Rep. Matt J. Quandt for Commerce and Consumer Affairs: This bill is an important and business friendly clarification to the existing law relating to the licensing of entities and individuals selling insurance that covers cell phones, Blackberries and other portable electronic devices. Current law is unclear regarding the licensing obligations of the wireless carriers and sales associates who currently sell this insurance. The uncertainty creates unnecessary burdens on companies when they undertake to comply with New Hampshire law. Consistent with laws adopted in at least 22 other states, this bill clarifies and simplifies

compliance by allowing the retailer itself to hold a limited license under which it and its employees may sell this type of insurance. It provides consumer protection by requiring disclosures to consumers through brochures and training for the sales associates. The bill meets the approval of the insurance department. It is supported by wireless carriers and insurers. Vote 14-0.

Committee report adopted and ordered to third reading.

SB 244-FN, relative to the administration of the New Hampshire retirement system.
OUGHT TO PASS.

Rep. Lynne M. Ober for Finance: Finance is the second committee for this bill, which is a housekeeping bill to correct language that was contained in SB 3 & HB 2 (Chapter 224) in 2011. There were 5 sections where the language used in the bills passed caused confusion at the New Hampshire retirement system. The bill was introduced to correct the wording, but keep the intent. An amendment adopted by the House on April 25 added one item that was not included by the Senate relating to the audited financial report. The House changed the reporting date from December 1st to December 31 to allow the retirement system board one extra month to review it. There were a few other minor changes from the retirement system since the Senate passed bills to ensure the final wording of RSA 100 was being implemented as intended. There is no financial impact to the state. Vote 22-0.

Rep. Hawkins offered floor amendment (2198h).

Floor Amendment (2198h)

Amend the bill by replacing section 8 with the following:

8 Effective Date.

I. Section 1 of this act shall take effect January 1, 2012.

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

Rep. Hawkins spoke in favor.

Floor amendment (2198h) adopted.

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

(Speaker O'Brien in the Chair)

SPECIAL ORDERED

Without objection, the Speaker made **SB 351**, relative to proclaiming Blue Star Mother's Day, a Special Order as the next order of business.

SPECIAL ORDER

SB 351, relative to proclaiming Blue Star Mother's Day. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank H. McCarthy for State-Federal Relations and Veterans Affairs: This bill, as amended, requires that the governor, each year, shall issue a proclamation calling for the proper observance of the first Sunday after Mother's Day as "Blue Star Mother's Day." Blue Star Mother's Day would recognize and honor all mothers who now have, or have had, a child honorably serving in the United States armed forces. Vote 17-0.

Amendment (2212h)

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

AN ACT relative to proclaiming Blue Star Mother's Day and changing eligibility for free admission to the state park system for members and retired members of the armed forces.

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

1 New Section; Blue Star Mother's Day. Amend RSA 4 by inserting after section 13-q the following new section:

4:13-r Blue Star Mother's Day. The governor shall annually proclaim the first Sunday after Mother's Day as Blue Star Mother's Day recognizing and honoring all mothers who now

have, or have had, children honorably serving in the United States Armed Forces. The governor shall urge the citizens of this state to observe this day with appropriate events.

2 Free Admission to State Park System for Members of the Armed Forces. RSA 216-A:3-g, V is repealed and reenacted to read as follows:

V.(a) Upon presentation of military identification, any active member of the armed forces who meets the minimum requirements for satisfactory membership, as defined in federal regulations, shall not be charged a fee for admission to day-use areas of the state park system. In this section, "armed forces" means armed forces as defined in RSA 21:50, II and includes active and reserve members of the New Hampshire national guard.

(b) Any retired member of the armed forces who was honorably discharged and who is a New Hampshire resident shall not be charged a fee for day-use admission to the state park system.

(c) Any fees for the use of enterprise activities as described in paragraph II of this section shall be charged.

3 Contingency. If SB 358-FN of the 2012 legislative session becomes law, section 2 of this act shall take effect at 12:01 a.m. on the effective date of SB 358-FN. If SB 358-FN does not become law, section 2 of this act shall not take effect.

4 Effective Date.

I. Section 2 of this act shall take effect as provided in section 3 of this act.

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

AMENDED ANALYSIS

This bill provides for the proclamation of Blue Star Mother's Day.

This bill also changes eligibility requirements for free admission to the state park system for members and retired members of the armed forces.

Amendment adopted.

Rep. Lovett offered floor amendment (2318h).

Floor Amendment (2318h)

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

AN ACT relative to proclaiming Blue Star Mother's Day and changing eligibility for free admission to the state park system for members of the armed forces.

Amend section 2 of the bill by replacing it with the following:

2 Free Admission to State Park System for Members of the Armed Forces. RSA 216-A:3-g, V is repealed and reenacted to read as follows:

V.(a) Upon presentation of military identification, any active member of the armed forces who meets the minimum requirements for satisfactory membership, as defined in federal regulations, shall not be charged a fee for admission to day-use areas of the state park system. In this section, "armed forces" means armed forces as defined in RSA 21:50, II and includes active and reserve members of the New Hampshire national guard.

(b) Any fees for the use of enterprise activities as described in paragraph II of this section shall be charged.

AMENDED ANALYSIS

This bill provides for the proclamation of Blue Star Mother's Day.

This bill also changes eligibility requirements for free admission to the state park system for members of the armed forces.

Reps. Lovett and Graham spoke in favor.

Reps. Frank McCarthy and Theberge spoke against.

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

YEAS 141 NAYS 130

YEAS 141

BELKNAP

Comtois, Guy	Russell, David	Tilton, Franklin	Worsman, Colette
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CARROLL

Babson, David Jr Umberger, Karen	Chandler, Gene	Patten, Betsey	Tregenza, Norman
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CHESHIRE

Butynski, William Johnsen, Gladys Moore, Robert Jr Tatro, Bruce	Chase, Cynthia Johnson, Jane Roberts, Kris Weber, Lucy	Dwinell, Richard Lerandeau, Alfred Sad, Tara	Hawkes, Samuel Lindsey, Steven Smith, Edwin
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COOS

Daugherty, Duffy	Rappaport, Laurence	Thomas, Yvonne
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GRAFTON

Almy, Susan Cooney, Mary Ladd, Rick Jr	Benn, Bernard Gionet, Edmond Smith, Suzanne	Bradley, Lester Gould, Franklin Townsend, Charles	Bulis, Lyle Harding, Laurie
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HILLSBOROUGH

Barry, J. Gail Brownrigg, Randall Jr Cebrowski, John	Belanger, James Burt, John Christensen, D.L. Chris	Belvin, William Buxton, Michael Daler, Jennifer	Boehm, Ralph Campbell, David Drisko, Richard
Gargas, Carolyn Graham, John Kurk, Neal Long, Patrick Murphy, Keith Peterson, Lenette Robbins, David Twombly, Timothy	Gidge, Kenneth Greazzo, Phil LeBrun, Donald Maltz, Jonathan Notter, Jeanine Pilotte, Maurice Simmons, Tammy Ulery, Jordan	Gonzalez, Carlos Hansen, Peter Leishman, Peter McGuinness, Sean Ohm, Bill Porter, Marjorie Swank, Matthew Vaillancourt, Steve	Gorman, Mary Hutchinson, Winfred Levasseur, Nickolas Moran, Edward Palmer, Stephen Renzullo, Andrew Terrio, Ross Warden, Mark

MERRIMACK

Bouchard, Candace Gile, Mary Kidder, David McGuire, Dan Richardson, Gary Watrous, Rick	Deloge, Helen Hamm, Christine Lauer-Rago, Kathleen Owen, Derek Seaworth, G. Brian Winter, Steven	Foose, Robert Hill, Gregory Lockwood, Priscilla Potter, Frances Shurtleff, Stephen	Frazer, June Keane, Thomas McGuire, Carol Rice, Chip Soltani, Tony
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ROCKINGHAM

Allen, Mary Duarte, Joe Kolodziej, Walter Nevins, Chris Rice, Frederick Sytek, John	Azarian, Gary Garcia, Marilinda Lovejoy, Patricia O'Connor, John Schlachman, Donna Weyler, Kenneth	Cali-Pitts, Jacqueline Garrity, James McMahon, Charles Read, Robin Jr Sedensky, John	Davenport, Joshua Headd, James Moody, Marcia Reichard, Kevin Smith, William
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STRAFFORD

Brown, Julie
Jones, Laura
Sprague, Dale

Browne, Brendon
Keans, Sandra
Watters, David

Ginsburg, Philip
Munck, Philip

Hooper, Dorothea
Spang, Judith

SULLIVAN

Bowers, Spec
Lovett, Charlene

Gagnon, Raymond
Osgood, Joe

Howard, Thomas

Laware, Thomas

NAYS 130

BELKNAP

Accornero, Harry
Malone, Robert

Flanders, Donald
Pilliod, James

Greemore, Robert
Simpson, Tyler

Kingsbury, Robert
Swinford, Elaine

CARROLL

Fleck, Joseph
Pettengill, Laurie

Knox, J. David
Schmidt, Stephen

McCarthy, Frank

Merrow, Harry

CHESHIRE

Cartwright, Anne
Sterling, Franklin Jr

Hunt, John

Meador, David

Parkhurst, Henry

COOS

Coulombe, Gary

Remick, William

Theberge, Robert

Tholl, John Jr

GRAFTON

Brosseau, Charles
Shackett, Jeffrey
Taylor, Kathleen

Ingretson, Paul
Simard, Paul

Mirski, Paul
Sorg, Gregory

Pierce, David
Sova, Charles

HILLSBOROUGH

Balboni, Michael
Bergevin, Jerry
Condra, William
Gagne, Larry
Hikel, John
Lambert, George
Messier, Irene
Rowe, Robert
Stepanek, Stephen
Villeneuve, Moe

Ball, J. Michael
Champagne, Norma
Cote, David
Goley, Jeffrey
Hogan, Edith
McCarthy, Michael
Pratt, Calvin
Shaw, Barbara
Stroud, Kathleen
Whitehead, Randall

Baroody, Benjamin
Christiansen, Lars
Daniels, Gary
Hardwick, Harry
Jasper, Shawn
McClarren, Donald
Proulx, Mark
Silva, Peter
Sullivan, Peter
Willette, Robert

Barry, Richard
Coffey, James
Fredette, Robert
Hawkins, Kenneth
Krasucki, Joseph
Mecheski, Holly
Rosenwald, Cindy
Souza, Kathleen
Thomas, Joseph

MERRIMACK

Blankenbeker, Lynne
Hess, David
MacKay, James

Coffey, Jennifer
Hoell, J.R.
Smith, Todd

Cohn, Seth
Kreis, Kenneth Sr

DeStefano, Stephen
Lindsley, Mark

ROCKINGHAM

Abrami, Patrick
Bettencourt, David
DeSimone, Debra
Hoelzel, Kathleen
Lundgren, David
McKinney, Betsy
Quandt, Marshall
Sullivan, James
Ward, Joanne

Antosz, Jason
Brown, Paul
Devine, James
Introne, Robert
Major, Norman
Pantelakos, Laura
Quandt, Matt
Tremblay, Stella
Welch, David

Baldasaro, Alfred
Comerford, Timothy
Elliott, Robert
Kappler, Lawrence
Manuse, Andrew
Perkins, Amy
Sanders, Elisabeth
Tucker, Pamela

Bates, David
Copeland, Timothy
Griffin, Mary
Katsakiores, Phyllis
Mauro, Donna
Perkins, Lawrence
Shuler, Wyman III
Waddell, James

STRAFFORD

Berube, Roger
Horrigan, Timothy
Schmidt, Peter

Cataldo, Sam
Kaen, Naida
Vita, Carol

DeLemus, Susan
Newton, Clifford
Vita, Lucien

Groen, Warren
Parsons, Robbie

SULLIVAN

Cloutier, John

Cunningham, Steven

Lefebvre, Benjamin

Smith, Steven

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

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly Enrolled House Bills numbered 408, 1144, 1165, 1357, 1387, 1392, 1563, 1567, 1622, 1664, 1673 and Senate Bills numbered 214, 216, 220, 221, 222, 233, 235, 250, 253, 255, 274, 291, 297, 340, 346, 349, 368 and 380.

Rep. Kidder, Sen. Prescott for the Committee

CLERK'S NOTE

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

BILLS REMOVED FROM THE CONSENT CALENDAR (CONT'D)

SB 282, authorizing the commissioner of safety to require the installation of an ignition interlock device or enhanced technology ignition interlock device as a condition of restoring driving privileges in certain instances. **OUGHT TO PASS.**

Rep. John E. Tholl for Transportation: This bill provides that the department of safety shall have the authority to require a hearing for those offenders who have lost their license or privilege to drive for offenses involving motor vehicles and alcohol. Prior to the return of their privileges and if their record or continued involvement in excessive alcohol use, to order the installation of an alcohol ignition interlock or enhanced technology ignition interlock as required in current interlock statutes. Vote 10-0.

Rep. Cohn offered floor amendment (2292h).

Floor Amendment (2292h)

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

AN ACT authorizing the commissioner of safety to require the installation of an ignition interlock device or enhanced technology ignition interlock device as a condition of restoring driving privileges in certain instances and relative to the definition of "public body" under the right-to-know law.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 New Subparagraph; Right-to-Know Law; Definition of "Public Body." Amend RSA 91-A:1-a, VI by inserting after subparagraph (e) the following new subparagraph:

(f) Any nonprofit corporation created through action of, and primarily funded by, any agency, authority, department, or office of the state or of any county, town, municipal corporation, school district, school administrative unit, chartered public school, or other political subdivision.

AMENDED ANALYSIS

This bill authorizes the commissioner of safety to require the installation of an ignition interlock device or enhanced technology ignition interlock device as a condition of restoring driving privileges in certain instances.

This bill also adds quasi-governmental bodies to the definition of "public body" under the right-to-know law.

Reps. Cohn and Watrous spoke in favor.

Reps. Cloutier and Tholl spoke against.

On a division vote, 65 members having voted in the affirmative and 196 in the negative, floor amendment (2292h) failed.

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

Rep. Manuse spoke against.

Rep. Tholl spoke in favor.

On a division vote, 202 members having voted in the affirmative and 63 in the negative, the committee report was adopted and ordered to third reading.

***SB 83-FN*, enabling municipalities to create other post-employment benefits (OPEB) trusts. OUGHT TO PASS WITH AMENDMENT.**

Rep. Seth Cohn for Special Committee on Public Employee Pensions Reform: This bill allows municipalities/school districts to create irrevocable trusts into which cities, towns and school districts could deposit funds for the future expense of post employment benefits (OPEB) of municipal/school district employees. The main concern raised in the committee was the unintended consequence that allowing these trusts might encourage continued negotiations of OPEBs in the future, while the current governmental accounting regulations in force, which require showing the entire liability on the books, has discouraged this sort of benefit from being offered in recent years. By grandfathering in all existing OPEB obligations prior to the beginning of 2012, as eligible for trust creation, we can ensure all current employees OPEBs, as well as any new employee OPEBs hired under the current contracts allowing OPEBs, may be funded using these trusts, and potentially saving taxpayers some money in the long run through the trusts' investment returns, while still discouraging any newly created OPEBs, preventing the use of a trust as an accounting mechanism to make the cost seem much lower than the true liability cost, and so more attractive, to the taxpayers who must decide to approve the contracts that offer OPEBs, or otherwise elect those who make those decisions. Vote 13-1.

Amendment (2049h)

Amend RSA 31:19-c, I as inserted by section 1 of the bill by replacing it with the following:

I. The legislative body of a municipality that created, on or before January 1, 2012, an actuarial liability to pay other post-employment benefits (OPEB) to employees or officers after their termination of service may establish an irrevocable trust to pay those benefits. In this section, the term "other post-employment benefits" means employee benefits other than pensions that are received after employment ends, and may include such medical, disability, or other health benefits, as are covered by Statement No. 45 of the Governmental Accounting Standards Board (GASB). The term "trust" means a trust qualified under GASB Statement No. 43.

Amend RSA 198:20-c, VII(a) as inserted by section 3 of the bill by replacing it with the following:

(a) A school district that created, on or before January 1, 2012, an actuarial liability to pay other post-employment benefits (OPEB) to employees or officers after their termination of service may establish an irrevocable trust to pay those benefits. In this paragraph, the term "other post-employment benefits" means employee benefits other than pensions that are received after employment ends, and may include such medical, disability, or other health benefits, as are covered by Statement No. 45 of the Governmental Accounting Standards Board (GASB). The term "trust" means a trust qualified under GASB Statement No. 43.

AMENDED ANALYSIS

This bill enables municipalities and school districts to create other post-employment benefits (OPEB) trusts provided that the actuarial liability for the benefit was created on or before January 1, 2012.

Rep. Munck spoke against.

Rep. Cohn spoke in favor.

On a division vote, 241 members having voted in the affirmative and 25 in the negative, the committee amendment was adopted.

Rep. Brian Murphy offered floor amendment (2332h).

Floor Amendment (2332h)

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

AN ACT enabling municipalities and school districts to create other post-employment benefits (OPEB) trusts and relative to removal of public officials for cause.

Amend the bill by replacing all after section 3 with the following:

4 Removal of Public Officials for Cause. Amend the introductory paragraph of RSA 4:1 and RSA 4:1, I to read as follows:

4:1 Removal of Public Officials for Cause. No state official who is not a classified employee shall be discharged or removed except for malfeasance, misfeasance, ~~inefficiency in office,~~ **intentional non-performance**, incapacity, **incompetency**, or unfitness to perform assigned duties, or for the good of the department, agency, or institution to which such official is assigned, according to the procedures set out in this section, unless otherwise provided by law.

I. The attorney general, the governor, any member of the executive council, ***the majority of any standing committee of the house of representatives or senate germane to the department, agency, or institution to which such official is assigned***, or the appointing authority of such official, may petition the governor and council for the removal of such official setting forth the grounds and reasons therefor.

5 Effective Date.

I. Section 4 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect July 1, 2012.

AMENDED ANALYSIS

This bill:

I. Enables municipalities and school districts to create other post-employment benefits (OPEB) trusts.

II. Provides that a public official may be removed for the failure to perform assigned duties. The bill also permits a majority of the relevant legislative committee to petition the governor and council for the official's removal.

Rep. Brian Murphy spoke in favor.

On a division vote, 117 members having voted in the affirmative and 147 in the negative, floor amendment (2332h) failed.

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

On a division vote, 240 members having voted in the affirmative and 25 in the negative, the committee report was adopted and ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Baldasaro moved that the House reconsider its action whereby, on a voice vote, it adopted the committee report of Ought to Pass on **SB 351**, relative to proclaiming Blue Star Mother's Day.

Rep. Baldasaro spoke in favor.

Rep. Renzullo spoke against.

On a division vote, 48 members having voted in the affirmative and 214 in the negative, the motion failed.

CALL OF THE HOUSE LIFTED

The Speaker lifted the call of the House at 4:15 p.m.

MOTION TO REMOVE FROM THE TABLE

Rep. Bettencourt moved that **SB 308**, proclaiming January 24, 2013 as Granny D. Day, be removed from the table.

On a division vote, 97 members having voted in the affirmative and 148 in the negative, the motion failed.

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, May 30, 2012 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 348-FN, relative to the pulse oximetry test for newborns.

SB 48, relative to state regulation of telephone service providers and clarifying the authority of the public utilities commission to regulate pole attachments.

SB 218-FN, relative to electric renewable portfolio standards.

SB 17, relative to evidence of admissions in medical injury actions.

SB 203-FN-A, relative to limited liability companies.

SB 228-FN-L, repealing the assessments for excess benefits paid by employers in the retirement system.

SB 142-FN, relative to reorganizing the permitting process within the department of environmental services.

SB 212-FN, relative to pooled risk management programs.

SB 286, relative to a controlled drug prescription health and safety program.

SB 407-FN, relative to the purchasing policy of the department of information technology and relative to the transfer of federal grant funds.

SB 350-FN, relative to the sale of portable electronics insurance.

SB 244-FN, relative to the administration of the New Hampshire retirement system.

SB 351, relative to proclaiming Blue Star Mother's Day.

SB 282, authorizing the commissioner of safety to require the installation of an ignition interlock device or enhanced technology ignition interlock device as a condition of restoring

driving privileges in certain instances.

SB 83-FN, enabling municipalities to create other post-employment benefits (OPEB) trusts.

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, enrolled bill reports and forming Committees of Conference.

Adopted.

The House recessed at 4:30 p.m.

RECESS

(Speaker O'Brien in the Chair)

COMMITTEE FOR REDRESS OF GRIEVANCES REPORT

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 #31: Grievance of Wade Henry.

MAJORITY:

Grievance Unfounded.

Rep. Kevin Avard for the Majority of the Committee.

The Redress of Grievances Committee held several hearings including the Petitioner and a representative of the Department of Labor and reviewed the related documentation. While the Committee empathizes with Mr. Henry in being unable to get workman's compensation for what certainly appeared in his testimony to be a work related injury it was unable to conclude that the Labor Department made a wrongful decision. Additionally, Mr. Henry and his counsel appear to have had all the normal opportunities for appeal. Not enough evidence was provided to suggest the Department should review the case yet again or that any action should be taken legislatively regarding due process at the Labor Department. Vote 9-1.

MINORITY:

Grievance Founded.

Rep. Stella Tremblay for the Minority of the Committee.

Committee Minority Findings: The petitioner submitted documentation from his last doctor verifying that he was injured on the job. Therefore, the Labor Department should have considered another review.

PETITION # 32: Grievance of Randall Bowen, Shona Bowen, Jerry DeLemus, Robert Gates, Thomas Kaczynski, Jr., and 308 additional petitioners, all of Rochester, New Hampshire.

MAJORITY:

Grievance Founded with Recommendation.

Rep. Harry Hardwick for the Majority of the Committee

Committee Majority Findings: The Redress of Grievance Committee held several public hearings, reviewed extensive documentation, and took testimony from seven or eight of the more than 300 co-petitioners as well as from several officials of, and the attorney representing, the City of Rochester. The committee concluded that the complaint against Rochester's Comprehensive Rezoning Committee (CRC) was founded, in that the CRC had consistently failed over the nine year period of its existence to keep minutes of its meetings, in violation of RSA 91-A:2, II. By so doing, the CRC deprived the majority of Rochester's inhabitants unable to attend its meetings of the means of determining how and with whose input and influence each component the resulting 150 page rezoning plan was developed,

thereby depriving them of the ability to make an informed decision, once the plan came before them for a vote, on a matter having significant implications for their properties' permitted uses and values, and their own livelihoods and overall quality of life. The Committee concluded that the plan was thereby flawed from the standpoint of the constitutional right to the people to open and accountable government enshrined in Part 1, Article 8 of the New Hampshire Constitution, to which New Hampshire's Access to Public Records and Meetings law, RSA 91-A, gives form and substance. The Committee concluded further that no city - or even any but the very smallest towns - can have any excuse for not being aware of, and for not having made full accommodation for, this fundamental right of the people. The witnesses for the City of Rochester did not seriously dispute the substance of the complaint against the CRC, and, harm having been avoided by the CRC's rezoning plan having been voted down by the Rochester Planning Board, the City indicated a willingness when reinitiating the rezoning process to start fresh and comply fully with RSA 91-A. The Committee found no need to question the sincerity of the City's contrition and its expressed resolve to ensure compliance in the future with RSA 91-A, but it does not want this very visible and much-publicized case to serve as a model for future evasion of New Hampshire's open meetings and records keeping requirements by violating them this time and promising to be more vigilant next time. The norm of our laws is to render the work of any municipal board or committee so at fault null and void. Accordingly, the Committee recommends (1) passing HB 1223-FN now moving through the House and Senate and (2) amending RSA 91-A:8, II to make invalidation of an action taken in violation of RSA 91-A automatic rather than merely optional at the discretion of a reviewing court. The Committee did not find evidence of willfulness on the part of any individual sufficient to support a recommendation of impeachment. Vote 8-3.

MINORITY:

Grievance Unfounded

Rep. Timothy Horrigan for the Minority of the Committee

Committee Minority Findings: The Minority believes that there is no action or legislation required as a result of this petition. The complaint claims that over an 8-plus year span, ad hoc committees, constituted to review zoning ordinances to ensure compliance with a new land-use plan, did not keep full minutes. However, there were advertised agenda and in fact one of the petitioners may have been a member of the committee. Many of these meetings did not have a quorum of the committee. This means there would be no need of minutes according to RSA:91-A:2 "a meeting means a convening of a quorum of the membership of a public body." Verbatim minutes are never required, period. There never was a process by which actual votes were taken because the recommendations were to be forwarded to both the Planning Board and the City Council for formal votes. It was discovered, after a request of the City for minutes, they were incomplete. By that time, the changes had already been sent to the Planning Board for review at open (and televised) meetings over several months and subsequently voted down by the City Council. As a result, the City has not adopted new zoning changes to date and has a policy of having assigned employees to work with all ad hoc citizen committees. Beyond that the current right-to-know law would cover the deficiencies and remedies.

RECESS

(Rep. Bates in the Chair)

ENROLLED BILL AMENDMENTS

SB 153-FN, relative to the regulation of real estate appraisers by the New Hampshire real estate appraiser board. (Amendment printed SJ 5-23-12)
Adopted.

SB 344, allowing the department of resources and economic development to cut vegetation in shoreland areas where public safety is of concern. (Amendment printed SJ 5-23-12)

Adopted.

HB 234-FN-A, relative to food service licensure.

Amendment (2290-EBA)

Amend section 2 of the bill by replacing lines 2 and 3 with the following:

after paragraph IV-a the following new paragraph:

IV-b. "Imminent health hazard" means a significant threat or danger to health that is

Adopted.

HB 325-FN, relative to the transfer of animals from licensed animal vendors.

Amendment (2274-EBA)

Amend section 2 of the bill by replacing line 1 with the following:

2 Prohibition. Amend RSA 437:4 to read as follows:

Adopted.

HB 582, relative to communication between employers and employees during bargaining negotiations.

Amendment (2175-EBA)

Amend section 1 of the bill by replacing line 1 with the following:

1 Public Employee Labor Relations; Resolution of Disputes. Amend RSA 273-A:12, I to read as

Adopted.

HB 602-FN-A, relative to funding the law requiring reporting of health care acquired infections.

Amendment (2151-EBA)

Amend the subdivision heading preceding RSA 151:32 as inserted by section 1 of the bill by replacing line 1 with the following:

Reporting of [~~Hospital and Ambulatory Surgical Facility~~] **Health Care Associated Infections**

Amend RSA 151:36, I as inserted by section 3 of the bill by replacing line 1 with the following:

I. The department shall assess a fee to hospitals and ambulatory surgical centers that are

Adopted.

HB 1172, authorizing nano brewery, beverage manufacturer, and brew pub licensees to sell their products at farmers' markets and establishing an alcohol consultant license.

Amendment (2308-EBA)

Amend section 2 of the bill by replacing lines 1-3 with the following:

2 New Paragraph; Beverage Manufacturer; Farmers' Markets. Amend RSA 178:12 by inserting after paragraph IV the following new paragraph:

IV-a. A holder of a beverage manufacturer license may transport its products to a farmers'

Adopted.

HB 1402, relative to the sale of homemade food and licensing of certain milk producer-

distributors.

Amendment (1946-EBA)

Amend RSA 143-A:5, VII as inserted by section 1 of the bill by replacing lines 2 and 3 with the following:

of food, excluding potentially hazardous food as defined in RSA 143-A:12, I(b), from the homestead residence, at the owner's farm stand, or at farmers' markets.

Amend RSA 143-A:12, II as inserted by section 2 of the bill by replacing line 2 with the following:

food, excluding potentially hazardous food, from the homestead residence, at the owner's own farm

Amend RSA 143-A:12, III as inserted by section 2 of the bill by replacing line 4 with the following:

brokers, or other food distributors who will resell the homestead product shall be licensed under

Amend RSA 143-A:12, IV as inserted by section 2 of the bill by replacing line 2 with the following:

homestead food operation or at farmers' markets shall have individual labels on each package

Adopted.

HB 1521-FN, relative to retired state employees group insurance participation.

Amendment (2235-EBA)

Amend RSA 21-I:30, III as inserted by section 1 of the bill by replacing line 3 with the following:

paragraph XIII, a portion of the premium shall be paid by each retiree. Retirees who

Adopted.

HB 1721, relative to permitting for the replacement of sewage disposal systems and relative to oil spillage prevention, control, and countermeasure plans.

Amendment (2234-EBA)

Amend RSA 485-A:38 as inserted by section 3 of the bill by replacing line 1 with the following:

II-b.(a) For the purposes of subparagraph II-a(b), a sewage disposal system shall qualify for

Amend RSA 146-A:11-c, I-a as inserted by section 6 of the bill by replacing line 2 with the following:

control, and countermeasure (SPCC) plan prepared in accordance with 40 C.F.R. part 112,

Amend section 7 of the bill by replacing line 2 with the following:

take effect upon its passage and sections 2-4 of this act shall not take effect. If HB 1415 does not become law, section

Adopted.

SENATE MESSAGES

CONCURRENCE

HB 518-FN-A, changing the prospective repeal date for the research and development tax credit.

HB 1225, permitting a charter school to incur long-term debt.

HB 1623, relative to records of the legislative ethics committee.

HB 1722, relative to disqualification of judges and lawyers from practicing in the circuit

courts.

HCR 40, for the purpose of petitioning the Congress of the United States to adopt an amendment to the Constitution of the United States, for submission to the states, to require, with certain exceptions, that the federal budget be balanced; or, in the alternative, to call a convention for the sole and exclusive purpose of proposing a federal balanced budget amendment for submission to the states for ratification.

NONCONCURRENCE

HB 1131, establishing a committee to study methods of creating a balanced and neutral judiciary.

HB 1237, establishing the joint committee on employee relations.

HB 1395, revoking amendments to supreme court rules 50 and 50-A.

HB 1403, relative to providing pupils with curriculum and instruction regarding state and national sovereignty and establishing a committee to study the implementation of the International Baccalaureate program in New Hampshire.

HB 1435, establishing a liaison committee to monitor the department of environmental services.

HB 1436, establishing a liaison committee to monitor the management of natural resources by the department of resources and economic development.

HB 1597, relative to taking by eminent domain for certain purposes.

REFERRED FOR INTERIM STUDY

HB 415, relative to access to abuse and neglect investigation records pending a child custody dispute.

HB 1175, relative to the membership of the cooperative school district budget committees.

HB 1377, requiring postsecondary education institutions to compile and submit reports on remedial education courses.

HB 1422, relative to the applicability of foreign law in cases before New Hampshire tribunals.

HB 1433, relative to instruction for pupils on the issues of HIV, AIDS, and sexually transmitted diseases.

HB 1474, relative to eliminating the requirement that attorneys be members of the state bar association.

HB 1589, establishing a committee to study and propose a recodification of the education laws currently in RSA title 15.

HB 1718, relative to judicial review of electoral districts.

LAIID ON THE TABLE

HB 1206, relative to continuing obligations under expired public employee labor agreements.

HB 1263, relative to the termination of tenancy and repealing the requirement that landlords of restricted residential property provide service of process information.

HB 1410, relative to securities regulation.

HB 1461, requiring school officials to notify parents of a class or event involving an outside speaker and allowing parents to opt for their child not to participate in the class or event.

CONCURRENCE WITH AMENDMENTS

SB 238, establishing a committee to assess the form of government in towns that have elected the official ballot referendum form of meeting.

SB 241, relative to expiration and extension of terrain alteration permits and extending the report date for the commission to study water infrastructure sustainability funding.

SB 245, relative to health care sharing organizations.

SB 254, relative to funding and expenditures from certain municipal special revenue funds.
SB 265, relative to the definition of stormwater.
SB 276-FN, establishing the vandalizing or defacing of state or municipal property as criminal mischief.
SB 306, relative to the commercial and industrial construction property tax exemption, and relative to municipal economic development and revitalization districts.
SB 371, allowing a lien for labor and materials for professional design services.
SB 382-FN-L, allowing for proration of property assessments for damaged buildings.
SB 388, relative to the use of land along Silver Lake that is below the public trust boundary.

ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

HB 533-FN-L, establishing a cap on the amount of school building aid grants distributed in each fiscal year.
The President appointed Sens. Stiles, Forsythe and Kelly.
HB 1211, establishing a committee to study the promotion of lease of state-owned land for use for beginning farmers.
The President appointed Sens. Odell, Gallus and Merrill.
HB 1221, relative to the credit for the business enterprise tax against the business profits tax.
The President appointed Sens. Odell, Luther and D'Allesandro.
HB 1230-FN, requiring a listing of state real property.
The President appointed Sens. Morse, Forrester and D'Allesandro.
HB 1670, apportioning executive council districts.
The President appointed Sens. Stiles, Lambert and Larsen.

RECESS

(Rep. Hawkins in the Chair) SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 1205, relative to the duty of the long range capital planning and utilization committee. (Amendment printed SJ 5-16-12)
Rep. Baroody moved that the House nonconcur and request a Committee of Conference. Adopted.
The Speaker appointed Reps. Chandler, Seidel, Graham and Campbell.

RECESS

(Rep. Weber in the Chair) SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

CACR 13, relating to prohibiting any new tax on personal income. Providing that no new tax on personal income shall be levied by the state of New Hampshire. (Amendment printed SJ 5-16-12)
Rep. Bettencourt moved that the House nonconcur and request a Committee of Conference. Adopted.
The Speaker appointed Reps. Stepanek, Ulery, Azarian and Sanborn.

RECESS

(Rep. Bettencourt in the Chair) SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 351-FN, relative to insurance reimbursement for doctors of naturopathic medicine. (Amendment printed SJ 5-16-12)

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

The Speaker appointed Reps. Hunt, Flanders, Frederick Rice and Schlachman.

HB 655, establishing a committee to study issues regarding the New Hampshire Local Government Center. (Amendment printed SJ 5-16-12)

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

The Speaker appointed Reps. Sapareto, Azarian, Keith Murphy and Almy.

HB 1217, relative to the form for executing advance directives for health care decisions. (Amendment printed SJ 5-2-12)

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

The Speaker appointed Reps. Souza, Itse, Cebrowski and Giuda.

HB 1456, relative to school district policies on health and sex education. (Amendment printed SJ 5-16-12)

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

The Speaker appointed Reps. Balboni, Hill, Ladd and Brosseau.

HB 1510, relative to taxpayer standing for declaratory judgments. (Amendment printed SJ 5-9-12)

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

The Speaker appointed Reps. Brian Murphy, Giuda, Barry Palmer and Watrous.

HB 1535-FN, relative to arrest records under the right-to-know law. (Amendment printed SJ 5-2-12)

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

The Speaker appointed Reps. Giuda, Silva, Gary Hopper and Watrous.

RECESS

(Rep. Bettencourt in the Chair)

ENROLLED BILL AMENDMENTS

SB 254, relative to funding and expenditures from certain municipal special revenue funds. (Amendment printed SJ 5-23-12)

Adopted.

SB 284, establishing a certified public health dental hygienist in New Hampshire. (Amendment printed SJ 5-23-12)

Adopted.

SB 306, relative to the commercial and industrial construction property tax exemption, and relative to municipal economic development and revitalization districts. (Amendment printed SJ 5-23-12)

Adopted.

**SENATE MESSAGES
NONCONCURS WITH AMENDMENTS
REQUESTS COMMITTEE OF CONFERENCE**

SB 218-FN, relative to electric renewable portfolio standards.
The President appointed Sens. Bradley, Lambert and Merrill.
Rep. Tucker moved that the House accede.
Adopted.
The Speaker appointed Reps. James Garrity, Holden, William O'Connor and Levasseur.

SB 229-FN, establishing a commission to make recommendations on whether the New Hampshire retirement system should be replaced with a defined contribution plan for all new hires and to study the impact such change would have on the retirement system.
The President appointed Sens. Bradley, Groen and Larsen.
Rep. Tucker moved that the House accede.
Adopted.
The Speaker appointed Reps. Hawkins, Kurk, Cohn and Hill.

SB 289-FN, relative to presenting photo identification to vote in person.
The President appointed Sens. Prescott, Barnes and Merrill.
Rep. Tucker moved that the House accede.
Adopted.
The speaker appointed Reps. Bates, Tucker, William Smith and DeLemus

SB 318-FN, relative to voter registration.
The President appointed Sens. Barnes, Carson and Merrill.
Rep. Tucker moved that the House accede.
Adopted.
The Speaker appointed Reps. Bates, Tucker, William Smith and DeLemus.

RECESS

**(Rep. Tucker in the Chair)
SENATE MESSAGES**

REQUESTS CONCURRENCE WITH AMENDMENT

HB 1350, relative to the style and form of new articles and amendments to articles proposed by constitutional amendment concurrent resolutions. (Amendment printed SJ 5-16-12)
Rep. Stepanek moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Itse, Comerford, Sorg and Paul Brown.

**NONCONCURS WITH AMENDMENTS
REQUESTS COMMITTEE OF CONFERENCE**

SB 326-FN-A-L, relative to state reimbursement of towns.
The President appointed Sens. Sanborn, D'Allesandro and Odell.
Rep. Stepanek moved that the House accede.
Adopted.
The Speaker appointed Reps. Stepanek, Ohm, Azarian and Hamm.

RECESS

(Rep. Welch in the Chair)

SENATE MESSAGES
REQUESTS CONCURRENCE WITH AMENDMENTS

HB 1216, relative to the authority for withholding or withdrawal of life-sustaining treatment. (Amendment printed SJ 5-16-12)

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

Adopted.

The Speaker appointed Reps. Souza, Hagan, Itse and Rowe.

HB 1418-FN-A, increasing the threshold amounts for taxation under the business enterprise tax. (Amendment printed SJ 5-16-12)

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

Adopted.

The Speaker appointed Reps. Stepanek, Sapareto, Ohm and Sanborn.

HB 1704-FN, relative to limits on political contributions and relative to reporting by political committees. (Amendment printed SJ 5-16-12)

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

Adopted.

The Speaker appointed Reps. Bates, Byrne, Birdsell and Gimas.

CONCURRENCE

SB 83, enabling municipalities and school districts to create other post-employment benefits (OPEB) trusts.

SB 175, regulating the commercial use of a person's identity.

SB 203-FN-A, relative to limited liability companies and relative to meetings of a certain legislative study commission by open blogging.

SB 231, relative to municipal liens.

SB 234-FN, relative to salary grades for certain executive branch positions and relative to the retirement classification of certain state officials.

SB 236, relative to nomination of candidates and political organizations, election procedure, and recounts.

SB 239, relative to the membership and duties of the installation standards board.

SB 244-FN, relative to the administration of the New Hampshire retirement system.

SB 259, relative to the appointment of the director of ports and harbors, relative to the transfer of land within the Pease development authority, and relative to dredging the Hampton and Seabrook Harbors.

SB 286, relative to a controlled drug prescription health and safety program.

SB 288, relative to medical records and patient information.

SB 300, relative to special education services in chartered public schools.

SB 311-FN-A, relative to weights and measures.

SB 324-FN, relative to the use of funds generated by the Hampton Beach parking facilities.

SB 338-FN, relative to military discipline by the national guard and relative to qualifications of national guard judge advocate staff.

SB 343-FN, establishing an independent board of psychologists.

SB 348-FN, relative to the pulse oximetry test for newborns.

SB 351, relative to proclaiming Blue Star Mother's Day and changing eligibility for free admission to the state park system for members of the armed forces.

SB 358-FN, relative to eligibility for free admission to the state park system for members of the armed forces.

SB 361, establishing a commission to study the feasibility of establishing energy infrastructure corridors within existing transportation rights of way and repealing a commission.

SB 372-FN-L, establishing an education tax credit.

SB 373-L, authorizing the retention of funds by a school district and relative to regional vocational education centers in the Manchester school district.

SB 401-FN, relative to reporting the average daily membership of pupils in the public schools and relative to adjustments to adequate education grants.

SB 402, relative to the adoption of policies for the management of concussion and head injury in student sports.

SB 404-FN, relative to funding for pupils enrolled in vocational education programs.

SB 407-FN, relative to the purchasing policy of the department of information technology, increasing the amount required for competitive bidding, and relative to the transfer of federal grant funds.

NONCONCURRENCE

SB 17, relative to evidence of admissions in medical injury actions.

SB 155-FN-A, relative to section 179 expense deductions under the business profits tax.

SB 188-FN, establishing a committee to study establishing an office of the inspector general.

SB 205, revising the New Hampshire business corporations act, RSA 293-A.

SB 217-FN, relative to management of Cannon Mountain by the department of resources and economic development.

SB 228-FN-L, repealing the assessments for excess benefits paid by employers in the retirement system.

SB 273, relative to vexatious litigants.

SB 295-FN-A, increasing the research and development tax credit against the business profits tax.

SB 314-FN, relative to state-owned vehicle fleet management.

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

SB 354, relative to the escrow fund for court facility improvements.

SB 376, extending the committee to develop a plan for privatizing the department of corrections.

SB 378, allowing municipalities to remove snow from private roads and driveways and class VI highways.

SB 399-FN, relative to the maximum permit application fee for certain municipal or state agency dredging projects.

ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

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

The President appointed Sens. Sanborn, De Blois and Larsen.

CACR 13, relating to prohibiting any new tax on personal income. Providing that no new tax on personal income shall be levied by the state of New Hampshire.

The President appointed Sens. Bradley, Larsen and Prescott.

HB 225-FN, relative to the return of personal property confiscated by law enforcement agencies from a person charged with a crime.

The President appointed Sens. Groen, Luther and Houde.

HB 256-FN, relative to the administrative appeals process of the department of environmental services and establishing a committee to study the appeal process of the department of environmental services.

The President appointed Sens. Odell, Gallus and Merrill.

HB 350-FN, updating laws relative to the fiscal committee of the general court.

The President appointed Sens. Forrester, D'Allesandro and Gallus.

HB 351-FN, relative to insurance reimbursement for doctors of naturopathic medicine.

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

HB 388-FN, establishing the amount of the enhanced 911 services surcharge and requiring providers of Voice over Internet Protocol services to pay surcharges for deposit in the enhanced 911 system fund.

The President appointed Sens. Odell, Lambert and Merrill.

HB 655, establishing a committee to study issues regarding the New Hampshire Local Government Center.

The President appointed Sens. White, Merrill and Sanborn.

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

The President appointed Sens. Boutin, Larsen and Rausch.

HB 1216, relative to the authority for withholding or withdrawal of life-sustaining treatment.

The President appointed Sens. Houde, Carson and Luther.

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

The President appointed Sens. Bradley, De Blois and Kelly.

HB 1246, permitting resident application for pistol or revolver licenses to be submitted to the state police or the sheriff's department.

The President appointed Sens. Forsythe, Groen and Houde.

HB 1325, relative to legal residency requirements for purposes of school attendance for children of divorced parents and children whose parents share decision making responsibility pursuant to a parenting plan.

The President appointed Sens. Forsythe, Stiles and Kelly.

HB 1353, relative to establishing an individual's status as a veteran.

The President appointed Sens. Barnes, Boutin and Merrill.

HB 1367, relative to the issuance of administrative inspection warrants.

The President appointed Sens. Carson, Groen and Houde.

HB 1383, relative to residency status for the purpose of receiving in-state tuition status within the university system of New Hampshire.

The President appointed Sens. Stiles, Forsythe and Kelly.

HB 1418-FN-A, increasing the threshold amounts for taxation under the business enterprise tax.

The President appointed Sens. Morse, Odell and D'Allesandro.

HB 1456, relative to school district policies on health and sex education.

The President appointed Sens. Stiles, Carson and Kelly.

HB 1487, relative to low carbon fuel standards programs.

The President appointed Sens. Bradley, Lambert and Merrill.

HB 1490-FN, relative to New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

The President appointed Sens. Bradley, Lambert and Merrill.

HB 1510-FN, relative to taxpayer standing for declaratory judgments.

The President appointed Sens. Forsythe, Carson and Houde.

HB 1535-FN, relative to arrest records under the right-to-know law.

The President appointed Sens. Carson, Groen and Houde.

HB 1583, relative to immunity for school personnel using reasonable force to protect a minor.

The President appointed Sens. Prescott, Carson and Kelly.

HB 1593-FN, relative to the department of information technology.

The President appointed Sens. Carson, Larsen and White.

HB 1617-FN, repealing the certificate of need law.

The President appointed Sens. Bradley, Kelly and Sanborn.

HB 1658-FN, establishing an income and identity verification system for public assistance

recipients; relative to the department of health and human services payment of residential care services; and relative to implementation of the Sean William Corey pilot program. The President appointed Sens. Morse, D'Allesandro and Forrester.

HB 1666-FN, relative to legislative approval of collective bargaining agreements entered into by the state.

The President appointed Sens. Barnes, D'Allesandro and Morse.

HB 1687-FN, relative to state employee information available on the state transparency website.

The President appointed Sens. Gallus, D'Allesandro and Forrester.

HB 1701-FN, prohibiting New Hampshire from entering into or enforcing reciprocal agreements with other states to deny rights and privileges for nonpayment of taxes owed to another state.

The President appointed Sens. Rausch, Sanborn and Kelly.

HB 1704-FN, relative to limits on political contributions and relative to reporting by political committees.

The President appointed Sens. Barnes, Forrester and Merrill.

RECESS

(Rep. Bettencourt in the Chair) SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 225-FN, relative to the return of personal property confiscated by law enforcement agencies from a person charged with a crime. (Amendment printed SJ 5-9-12)

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

The Speaker appointed Reps. Kreis, Parsons, Warden and Gagne.

HB 1246, permitting resident application for pistol or revolver licenses to be submitted to the state police or the sheriff's department. (Amendment printed SJ 5-16-12)

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

The Speaker appointed Reps. Warden, Welch, Villeneuve and Greazzo.

HB 1617-FN, repealing the certificate of need law. (Amendment printed SJ 5-16-12)

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

The Speaker appointed Reps. Garcia, Blankenbeker, Reagan and Donovan.

HB 1658-FN, establishing an income and identity verification system for public assistance recipients; relative to the department of health and human services payment of residential care services; and relative to implementation of the Sean William Corey pilot program. (Amendment printed SJ 5-16-12)

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

The Speaker appointed Reps. Thomas Keane, Garcia, William Smith and Elliott.

HB 1666-FN, relative to legislative approval of collective bargaining agreements entered into by the state. (Amendment printed SJ 5-16-12)

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

The Speaker appointed Reps. Weyler, Dan McGuire, Kurk and Belvin.

RECESS

(Rep. Tucker in the Chair)

ENROLLED BILL AMENDMENTS

SB 237-FN, relative to field purchases and transfers of funds for the state park system and the bureau of trails, and the use of gifts and donations to the division of parks and recreation. (Amendment printed SJ 5-23-12)
Adopted.

SB 254, relative to funding and expenditures from certain municipal special revenue funds. (Amendment printed SJ 5-23-12)
Adopted.

SB 284, establishing a certified public health dental hygienist in New Hampshire. (Amendment printed SJ 5-23-12)
Adopted.

SB 306, relative to the commercial and industrial construction property tax exemption, and relative to municipal economic development and revitalization districts. (Amendment printed SJ 5-23-12)
Adopted.

SB 342, relative to the inclusion of requirements for log structures in the state building code. (Amendment printed SJ 5-23-12)
Adopted.

SB 375-FN, relative to a prepaid health plan for Medicaid services and relative to the Medicaid management information system. (Amendment printed SJ 5-23-12)
Adopted.

RECESS

(Rep. Renzullo in the Chair)

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 1325, relative to legal residency requirements for purposes of school attendance for children of divorced parents and children whose parents share decision making responsibility pursuant to a parenting plan. (Amendment printed SJ 5-16-12)

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

The Speaker appointed Reps. Balboni, Fleck, Laura Jones and Gorman.

HB 1583, relative to immunity for school personnel using reasonable force to protect a minor. (Amendment printed SJ 5-16-12)

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

The Speaker appointed Reps. Boehm, Bettencourt, Dan McGuire and Lauer-Rago.

RECESS

(Rep. Sorg in the Chair)

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 1260-FN, relative to certain contributions to pari-mutuel pools by race simulcasters in Cheshire county, compensation of charitable organizations by gaming operators, and unauthorized gambling machine and sweepstakes. (Amendment printed SJ 5-16-12)
Rep. Ingbreton moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Hawkins, Kurk, Winter and Carol McGuire.

HB 1361, relative to fiscal notes on bills. (Amendment printed SJ 5-16-12)
Rep. Ingbreton moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Itse, Cohn, Serlin and Cebrowski.

NONCONCURS WITH AMENDMENTS REQUESTS COMMITTEE OF CONFERENCE

SB 226, transferring the administration of the electricians' board to the joint board for licensure and certification.

The President appointed Sens. White, D'Allesandro and Luther.

Rep. Ingbreton moved that the House accede.

Adopted.

The Speaker appointed Reps. Sytek, Bowers, Peter Schmidt and Carol McGuire.

SB 356, limiting the authority of delegates to Article V amendment conventions.

The President appointed Sens. Groen, Larsen and Stiles.

Rep. Ingbreton moved that the House accede.

Adopted.

The Speaker appointed Reps. Sorg, Itse, Weyler and Cartwright.

SB 370-FN, relative to the powers of law enforcement and animal control officers.

The President appointed Sens. Carson, Larsen and Rausch.

Rep. Ingbreton moved that the House accede.

Adopted.

The Speaker appointed Reps. Haefner, Babson, Gandia and Sad.

SB 406, establishing an early offer alternative in medical injury claims.

The President appointed Sens. Luther, Bradley and Kelly.

Rep. Ingbreton moved that the House accede.

Adopted.

The Speaker appointed Reps. Silva, Giuda, Hagan and Rowe.

RECESS

(Speaker O'Brien in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 479, 1157, 1207, 1241, 1307, 1310, 1416, 1434, 1495, 1587, 1629, 1636 and 1686 and Senate Bill numbered 281.

Rep. Kidder, Sen. Prescott for the Committee

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 1346, relative to the construction of power line extensions. (Amendment printed SJ 5-9-

12)

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

The Speaker appointed Reps. James Garrity, Holden, Cataldo and Rappaport.

HB 1484, relative to fees for state parks. (Amendment printed SJ 5-2-12)

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

The Speaker appointed Reps. Renzullo, Lovett, Winfred Hutchinson and Spang.

NONCONCURS WITH AMENDMENTS REQUESTS COMMITTEE OF CONFERENCE

SB 142-FN, relative to reorganizing the permitting process within the department of environmental services.

The President appointed Sens. Odell, Merrill and Morse.

Rep. Bettencourt moved that the House accede.

Adopted.

The Speaker appointed Reps. Kurk, Thomas Keane, Renzullo and Richard Barry.

SB 219-FN, relative to guaranteed issue for health insurance.

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

Rep. Bettencourt moved that the House accede.

Adopted.

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

SB 243, relative to the management of trust funds and capital reserve funds.

The President appointed Sens. Stiles, Boutin and Merrill.

Rep. Bettencourt moved that the House accede.

Adopted.

The Speaker appointed Reps. Lynne Ober, Sterling, DeStefano and James Coffey.

SB 247-L, relative to certifying municipal culvert installers.

The President appointed Sens. Forrester, Boutin and Merrill.

Rep. Bettencourt moved that the House accede.

Adopted.

The Speaker appointed Reps. Renzullo, Chris Christensen, Russell and Lovett.

SB 328, relative to the procedure for filling a vacancy on a cooperative school board.

The President appointed Sens. Stiles, Forsythe and Kelly.

Rep. Bettencourt moved that the House accede.

Adopted.

The Speaker appointed Reps. Boehm, James Belanger, Flanagan and Gile.

SB 366, relative to use of certain OHRVs on snowmobile trails, and relative to authorization for snowmobiles and OHRVs registered in Vermont and Maine to operate in this state.

The President appointed Sens. Gallus, Kelly and Sanborn.

Rep. Bettencourt moved that the House accede.

Adopted.

The Speaker appointed Reps. Packard, Chandler, Tholl and Cloutier.

SB 398, proclaiming March 30, 2013 as Welcome Home Vietnam Veterans Day.

The President appointed Sens. Barnes, Merrill and Stiles.

Rep. Bettencourt moved that the House accede.

Adopted.

The Speaker appointed Reps. Baldasaro, Cunningham, Frank McCarthy and Theberge.

SB 409-FN, relative to the use of marijuana for medicinal purposes.

The President appointed Sens. Forsythe, Bradley and Kelly.

Rep. Bettencourt moved that the House accede.

Adopted.

The Speaker appointed Reps. Reagan, Merrick, Simard and Stephen Schmidt.

RECESS

(Rep. Ulery in the Chair)

ENROLLED BILL AMENDMENTS

HB 1171, updating certain references in motor vehicle statues and relative to motor fuel distributors.

Amendment (2335-EBA)

Amend section 1 of the bill by replacing line 4 with the following:

Transportation, ***Pipeline and Hazardous Materials Safety Administration*** contained in parts

Adopted.

HB 1552-FN, relative to the reporting of funds.

Amendment (2342-EBA)

Amend RSA 6:12-f, III as inserted by section 1 of the bill by replacing line 2 with the following:

be the responsibility of the commissioner of administrative services~~[-in consultation with the~~
Adopted.

HB 1579, authorizing the department of employment security to garnish the wages of individuals with delinquent unemployment compensation overpayments.

Amendment (2336-EBA)

Amend RSA 282-A:152-a, III(g) as inserted by section 1 of the bill by replacing line 1 with the following:

(g) That, including any fee added and retained under paragraph VII, the amount
Amend RSA 282-A:152-a, VIII(f) as inserted by section 1 of the bill by replacing line 2 with the following:

retained under paragraph VII, when added to the amount withheld pursuant to RSA 458-B to exceed

Amend RSA 282-A:152-a, IX as inserted by section 1 of the bill by replacing line 3 with the following:

provisions of subparagraphs VIII(g) and VIII(j). For other willful violations of this section an
Amend RSA 282-A:152-a, X(b) as inserted by section 1 of the bill by replacing line 1 with the following:

(b) For failure to comply with the provisions of paragraph VIII.

Adopted.

SENATE MESSAGE

CONCURRENCE WITH AMENDMENTS

SB 331, clarifying the definition of surviving spouse for eligibility for line-of-duty death

benefits for police officers or firefighters killed in the line of duty, and making an appropriation for a shortfall in an individual medical subsidy payment.
SB 359, relative to civil actions involving accessibility standards for public buildings.

RECESS

(Rep. Balboni in the Chair)
ENROLLED BILL AMENDMENT

SB 48, relative to state regulations of telephone service providers and clarifying the authority of the public utilities commission to regulate pole attachments. (Amendment printed SJ 5-23-12)
Adopted.

RECESS

(Rep. Jasper in the Chair)
ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 325, 420, 518, 582, 602, 1172, 1402, 1555, 1623, 1635 and 1722 and Senate Bills numbered 230, 238, 241, 245, 252, 256, 265, 270, 276, 280, 282, 283, 307, 315, 317, 323, 330, 347, 369, 371, 382, 388 and 395.

Rep. Kidder, Sen. Prescott for the Committee

RECESS

(Rep. James Sullivan in the Chair)
ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 234, 1225, 1521, 1552 and 1721 and Senate Bills numbered 153, 236, 266, 344 and 389.

Rep. Kidder, Sen. Prescott for the Committee

RECESS

(Speaker O'Brien in the Chair)
APPOINTMENTS

The Speaker made the following appointments:
Majority Leader, Peter L. Silva.

RECESS

(Speaker O'Brien in the Chair)
CONFEREE CHANGES

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

Rep. Ohm replaced Rep. Azarian.

CACR 13, relating to prohibiting any new tax on personal income. Providing that no new tax on personal income shall be levied by the state of New Hampshire.

Rep. Ohm replaced Rep. Azarian.

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

HB 256-FN, relative to the administrative appeals process of the department of environmental services and establishing a committee to study the appeal process of the department of environmental services.
Rep. Bowers replaced Rep. Spang.

HB 350-FN, updating laws relative to the fiscal committee of the general court.

HB 655, establishing a committee to study issues regarding the New Hampshire Local Government Center.
Add Rep. Daniel Sullivan as an alternate.
Rep. Major replaced Rep. Azarian.

HB 1205, relative to the duty of the long range capital planning and utilization committee.
Rep. Giuda replaced Rep. Seidel.
Rep. Sprague replaced Rep. Campbell.

HB 1221-FN, relative to the credit for the business enterprise tax against the business profits tax.
Rep. Almy replaced Rep. Hamm.

HB 1353, relative to establishing an individual's status as a veteran.
Rep. Frank McCarthy replaced Rep. Blankenbeker.

HB 1418-FN-A, increasing the threshold amounts for taxation under the business enterprise tax.
Rep. Itse replaced Rep. Sapareto.

HB 1484, relative to fees for state parks.
Rep. Kappler replaced Rep. Winfred Hutchinson.
Rep. Bowers replaced Rep. Spang.

HB 1583, relative to immunity for school personnel using reasonable force to protect a minor.
Rep. Brian Murphy replaced Rep. Bettencourt.

HB 1617-FN, repealing the certificate of need law.
Rep. Bettencourt replaced Rep. Blankenbeker.
Rep. Thomas Keane replaced Rep. Bettencourt.
Rep. Kappler replaced Rep. Garcia.

HB 1658-FN, establishing an income and identity verification system for public assistance recipients; relative to the department of health and human services payment of residential care services; and relative to implementation of the Sean William Corey pilot program.
Rep. Richard Barry replaced Rep. Elliott.

HB 1701-FN, prohibiting New Hampshire from entering into or enforcing reciprocal agreements with other states to deny rights and privileges for nonpayment of taxes owed to another state.
Rep. Frank McCarthy replaced Rep. Blankenbeker.

SB 19-FN, relative to the definition of "prime wetlands."
Rep. Winfred Hutchinson replaced Rep. Pettengill.
Rep. Haefner replaced Rep. Spang.

SB 247-FN-L, relative to certifying municipal culvert installers.
Rep. Kappler replaced Rep. Russell.

SB 326-FN-A-L, relative to state reimbursement of towns.
Rep. Almy replaced Rep. Hamm.
Rep. Simard replaced Rep. Azarian.

SB 328, relative to the procedure for filling a vacancy on a cooperative school board.
Rep. Stepanek replaced Rep. Flanagan,

RECESS

