

State of New Hampshire HOUSE RECORD

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

Vol. 34

Concord, N. H.

Wednesday, June 6, 2012

No. 51

HOUSE JOURNAL No. 23 (cont.)

Wednesday, May 30, 2012

Rep. Jasper moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 24

Wednesday, June 6, 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.

Grant us, O Lord, to be lifted up this day to do Your will in our judgments. We seek to serve so as to bring stability to our lives that we might enjoy our true freedoms. We thank You for providing the men and women of courage who fought for the world's freedom over 65 years ago. Give us, then, the grace of Your wisdom that we may be saved from all false choices and help us to see and we ask for Your light that we may see light and walk straight on the path that assures our future. We ask this in Your Holy name. Amen.

Representative Stephen DeStefano, member from Bow, led the Pledge of Allegiance.

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

LEAVES OF ABSENCE

Reps. Case, Domingo, Emerson, Hofemann, Jeudy and Chip Rice, the day, illness.

Reps. Ball, Belvin, Kevin Brown, Hinch, Moody, John O'Connor, Parison, Reichard and Rhodes, the day, important business.

Rep. Pastor, the day, illness in the family.

INTRODUCTION OF GUESTS

David and Susan Dath and Bob and Shelly Coursey, guests of Rep. Simpson. Lauren Abrami, daughter of Rep. Abrami. Brenda Willis, guest of Rep. Chirichiello. May Brosseau and Rebecca Bickford, wife and daughter of Rep. Brosseau. Kimberly, Ellen, Diane, Tom and Nancy DeStefano, Casey DeStefano-Bosquez and Braden Bosquez and Kevin Temple; daughter, wife, sister, parents, daughter, grandson and brother-in-law of Rep. DeStefano.

Cassidy Townsend and Cody McKeage, sophomores at Woodsville High School, Pages for the day.

MOMENT OF SILENCE

A moment of silence was observed in honor of the brave men and women who fought the Battle of Midway.

COMMUNICATION

June 5, 2012

Speaker O'Brien
State House
107 N. Main Street
Concord, NH 03301

Dear Mr. Speaker,

As I had indicated months ago, it has been my intention to move to Bedford, New Hampshire at the conclusion of the 2012 legislative session. I have waited as long as possible so that I could fulfill my duties as State Representative for Merrimack District 5 and the people of our great state. As such, effective today, it is now time for me to resign from the New Hampshire House of Representatives. It has been one of the greatest honors of my life to serve in this capacity. I am proud of the work we have done, and especially the efforts of the 108 members of the NH House Business Coalition and their steadfast focus on improving the climate for job creation and economic growth in New Hampshire. I will be running for re-election in my new town, and hope to serve with all members of the New Hampshire House again in 2013.

Respectfully,
Laurie Sanborn

COMMITTEE OF CONFERENCE REPORTS ON SENATE BILLS

COMMITTEE OF CONFERENCE REPORT ON SB 19-FN

Committee of Conference Report on SB 19, an act relative to the definition of "prime wetlands."

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 482-A:11, IV(a) and RSA 482-A:11(b)(1) as inserted by section 1 of the bill by replacing them with the following:

IV.(a) The department shall not grant a permit with respect to any project to be undertaken in [~~or within 100 feet of~~] an area mapped, designated, and filed as a prime wetland pursuant to RSA 482-A:15, ***or within 100 feet of any prime wetland where a 100 foot buffer was required at the time of designation***, unless the department first notifies the local governing body, the planning board, if any, and the conservation commission, if any,

in the municipality within which the wetlands lie, either in whole or in part, of its decision. Any such permit shall not be issued unless the department is able, specifically, to find clear and convincing evidence on the basis of all information considered by the department, and after a public hearing, if a public hearing is deemed necessary under RSA 482-A:8, that the proposed project, either alone or in conjunction with other human activity, will not result in the significant net loss of any of the values set forth in RSA 482-A:1. This paragraph shall not be construed so as to relieve the department of its statutory obligations under this chapter to protect wetlands not so mapped and designated.

(b)(1) A property owner may request from the department a waiver from subparagraph (a), under rules adopted by the department, to perform forest management work and related activities in the forested portion of a prime wetland or its 100-foot buffer, ***where such buffer was required at the time of designation, that do not qualify under the notification of forest management or timber harvest activities having minimum wetlands impact process.*** The request for the waiver shall include, but not be limited to:

(A) A sketch of the property depicting the best approximate location of each prime wetland and its 100-foot buffer, ***where such buffer was required at the time of designation,*** in which work is proposed and the location of proposed work, including access roads;

(B) A written description of the work to be performed and a copy of the notice of intent to cut, if applicable; and

(C) A list of the prime wetland values as identified by the municipality in designating each prime wetland under RSA 482-A:15.

Amend the bill by replacing all after section 2 with the following:

3 Administrative Provisions. Amend RSA 482-A:11, IV(c) to read as follows:

(c) A property owner may request a waiver from the department, under rules adopted by the department under RSA 541-A, from the provisions of this chapter to perform work not addressed under subparagraph (b) within a portion of ~~the~~ ***any*** 100-foot buffer of a prime wetland on his or her property ***as provided in subparagraph (a).*** At the time of the waiver request, the property owner shall notify, by certified mail, the local governing body, the planning board, if any, and the conservation commission, if any, of the municipalities in which the waiver is being sought that a waiver is being sought from the department. Where a buffer associated with the application extends into an abutting property, the property owner requesting the waiver shall provide notice to the owner of that abutting property.

4 New Paragraph; Definitions; Wetland Functions. Amend RSA 482-A:2 by inserting after paragraph X the following new paragraph:

XI. "Wetland functions" means the practical measurable values of wetlands. The 12 primary wetland functions are ecological integrity, wetland-dependent wildlife habitat, fish and aquatic life habitat, scenic quality, educational potential, wetland-based recreation, flood storage, groundwater recharge, sediment trapping, nutrient trapping/retention/transformation, shoreline anchoring, and noteworthiness.

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

Conferees: Sens. Odell, Dist. 8; Gallus, Dist. 1; Lambert, Dist. 13.

Conferees: Reps. Renzullo, Hills. 27; Winfred Hutchinson, Hills. 9; Kappler, Rock. 2;

Haefner, Hills. 27.

Rep. Renzullo spoke in favor.

Committee of Conference Report adopted.

QUORUM CALL

The Speaker ordered a quorum call; a quorum was declared present.

COMMITTEE OF CONFERENCE REPORTS ON SENATE BILLS (CONT'D)

COMMITTEE OF CONFERENCE REPORT ON SB 218-FN

Committee of Conference Report on SB 218-FN, an act relative to electric renewable portfolio standards.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 2 with the following:

2 Definitions; Renewable Energy Source; Useful Thermal Energy. Amend RSA 362-F:2, XV to read as follows:

XV. "Renewable energy source," "renewable source," or "source" means a class I, II, III, or IV source of electricity or ~~[electricity displacement by a class I source under RSA 362-F:4, I(g)]~~ **a class I source of useful thermal energy**. An electrical generating facility, while selling its electrical output at long-term rates established before January 1, 2007 by orders of the commission under RSA 362-A:4, shall not be considered a renewable source.

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:

	2008	2009	2010	2011	2012	2013	2014	2015	2025
Class I	0.0%	0.5%	1%	2%	3%	4%	5%	6% ~~[16%]~~	15% (*)
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%]~~ 1.4%	~~[1%]~~ 1.5%	~~[1%]~~ 1.5%

****Class I increases an additional ~~[one]~~ 0.9 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 RSA 362-F:10, II and III as inserted by section 14 of the bill by replacing them with the following:

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]~~ **\$31.50.**

(d) Class IV—~~[\$28]~~ **\$26.50.**

III. Beginning in ~~[2008]~~ **2013**, the commission shall adjust these rates by January 31

of each year using the Consumer Price Index as published by the Bureau of Labor Statistics of the United States Department of Labor *for classes III and IV and ½ of such Index for classes I and II.*

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. 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.

Conferees: Sens. Bradley, Dist. 3; Lambert, Dist. 13; Merrill, Dist. 21.

Conferees: Reps. James Garrity, Rock. 6; Holden, Hills. 4; William O'Connor, Straf. 3; Levasseur, Hills. 11.

Rep. James Garrity spoke in favor.

Rep. Silva requested a roll call; sufficiently seconded.

YEAS 292 NAYS 52

YEAS 292

BELKNAP

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

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

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

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

CARROLL

Babson, David Jr
McCarthy, Frank
Schmidt, Stephen

Chandler, Gene
Morrow, Harry
Umberger, Karen

Fleck, Joseph
Patten, Betsey

Knox, J. David
Pettengill, Laurie

CHESHIRE

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

Byrnes, John
Hawkes, Samuel
Lerandeau, Alfred
Roberts, Kris

Cartwright, Anne
Hunt, John
Lindsey, Steven
Smith, Edwin

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

COOS

Coulombe, Gary
Richardson, Herbert
Tremblay, Marc

Daugherty, Duffy
Theberge, Robert

Rappaport, Laurence
Tholl, John Jr

Remick, William
Thomas, Yvonne

GRAFTON

Bradley, Lester
Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

Brosseau, Charles
Gould, Franklin
Simard, Paul
White, Andrew

Bulis, Lyle
Ladd, Rick Jr
Smith, Suzanne

Eaton, Stephanie
Mirski, Paul
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Baroody, Benjamin	Barry, J. Gail
Barry, Richard	Belanger, James	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	Coughlin, Sean	Cusson-Cail, Kathleen	Daniels, Gary
Day, Russell	DeJong, Cameron	Donovan, Daniel	Drisko, Richard
Erickson, Duane	Flanagan, Jack	Fredette, Robert	Gagne, Larry
Gargas, Carolyn	Gidge, Kenneth	Gimas, John	Gorman, Mary
Graham, John	Greazzo, Phil	Haefner, Robert	Hansen, Peter
Hardwick, Harry	Hawkins, Kenneth	Hikel, John	Hogan, Edith
Holden, Frank	Hopper, Gary	Hutchinson, Winfred	Jasper, Shawn
Katsiantonis, Thomas	Krasucki, Joseph	Kurk, Neal	Lambert, George
LeBrun, Donald	Long, Patrick	Maltz, Jonathan	Marcus, Bruce
McCarthy, Michael	McClarren, Donald	McGuinness, Sean	Messier, Irene
Moran, Edward	Murphy, Keith	Notter, Jeanine	Ober, Lynne
Ober, Russell III	Ohm, Bill	Palmer, Barry	Palmer, Stephen
Pellegrino, Tony	Peterson, Lenette	Porter, Marjorie	Pratt, Calvin
Proulx, Mark	Reed, Michael	Renzullo, Andrew	Robbins, David
Rowe, Robert	Seidel, Carl	Shaw, Barbara	Silva, Peter
Simmons, Tammy	Soucy, Connie	Souza, Kathleen	Stepanek, Stephen
Stroud, Kathleen	Sullivan, Peter	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	Deloge, Helen
Giuda, J. Brandon	Hess, David	Hill, Gregory	Hoell, J.R.
Keane, Thomas	Kidder, David	Kotowski, Frank	Kreis, Kenneth Sr
Lauer-Rago, Kathleen	Lindsley, Mark	Lockwood, Priscilla	McDonnell, John
McGuire, Carol	McGuire, Dan	Palfrey, David	Reed, Dennis
Richardson, Jon	Seaworth, G. Brian	Smith, Molly	Smith, Todd
Winter, Steven			

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Antosz, Jason	Azarian, Gary
Baldasaro, Alfred	Bates, David	Belanger, Ronald	Birdsell, Regina
Brown, Paul	Charron, Gene	Chirichiello, Brian	Comerford, Timothy
Copeland, Timothy	Davenport, Joshua	DeSimone, Debra	Devine, James
Dowling, Patricia	Duarte, Joe	Elliott, Robert	Ferrante, Beverly
Fesh, Robert	Garcia, Marilinda	Garrity, James	Griffin, Mary
Hagan, Joseph	Headd, James	Hoelzel, Kathleen	Introne, Robert
Itse, Daniel	Kappler, Lawrence	Katsakiores, Phyllis	Kolodziej, Walter
Lovejoy, Patricia	Lundgren, David	MacMahon, Bruce	Major, Norman
Manuse, Andrew	Mauro, Donna	McKinney, Betsy	McMahon, Charles
Murphy, Brian	Nevins, Chris	Okerman, Richard	Oigny, Jeffrey
Packard, Sherman	Peckham, Michele	Perkins, Amy	Perkins, Lawrence
Quandt, Marshall	Quandt, Matt	Reagan, John	Rice, Frederick
Ritter, Glenn	Sanders, Elisabeth	Sapareto, Frank	Sedensky, John
Serlin, Christopher	Sheffert, Kenneth	Shuler, Wyman III	Smith, William
Sullivan, James	Sullivan, Kevin	Sytek, John	Tamburello, Daniel
Tasker, Kyle	Tremblay, Stella	Tucker, Pamela	Waddell, James

Ward, Joanne
Weyler, Kenneth

Waterhouse, Kevin

Webb, James

Welch, David

STRAFFORD

Andolina, Donald
DeLemus, Susan
Larsen Schultz,
Kirsten
Parsons, Robbie
Spainhower, Dale
Watters, David

Berube, Roger
Groen, Warren
Munck, Philip

Brown, Julie
Jones, Kyle
Newton, Clifford

Cataldo, Sam
Jones, Laura
O'Connor, William

Pelletier, Marsha
Spang, Judith

Pitre, Joseph
Vita, Carol

Roberts, Jenna
Vita, Lucien

SULLIVAN

Bowers, Spec
Howard, Thomas
Lovett, Charlene
Smith, Steven

Cloutier, John
LaCasse, Paul Sr
Osgood, Joe

Cunningham, Steven
Laware, Thomas
Rodeschin, Beverly

Gagnon, Raymond
Lefebvre, Benjamin
Schmidt, Andrew

NAYS 52

BELKNAP

None

CARROLL

None

CHESHIRE

Meader, David

Parkhurst, Henry

Sad, Tara

Weber, Lucy

COOS

Hatch, William

Merrick, Evalyn

GRAFTON

Aguiar, James
Harding, Laurie

Almy, Susan
Nordgren, Sharon

Benn, Bernard
Pierce, David

Cooney, Mary
Townsend, Charles

HILLSBOROUGH

Campbell, David
Pilotte, Maurice

Cote, David
Rosenwald, Cindy

Daler, Jennifer
Sullivan, Daniel

Leishman, Peter

MERRIMACK

Bouchard, Candace
Gile, Mary
Potter, Frances
Wallner, Mary Jane

DeStefano, Stephen
MacKay, James
Richardson, Gary
Watrous, Rick

Foose, Robert
Owen, Derek
Shurtleff, Stephen
Williams, Robert

Frazer, June
Patten, Dick
Soltani, Tony

ROCKINGHAM

Cali-Pitts, Jacqueline
Read, Robin Jr

DiPentima, Rich
Schlachman, Donna

Norelli, Terie

Pantelakos, Laura

STRAFFORD

Browne, Brendon
Horrigan, Timothy
Schmidt, Peter

Ginsburg, Philip
Kaen, Naida
Wall, Janet

Grassie, Anne
Keans, Sandra

Hooper, Dorothea
Perry, Robert

SULLIVAN

None

and the Committee of Conference Report was adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 226

Committee of Conference Report on SB 226, an act transferring the administration of the electricians' board to the joint board for licensure and certification.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 309-B:10, I(e) as inserted by section 8 of the bill by replacing it with the following:

(e) By assessing administrative fines, after notification and due process, in amounts established by the board which shall not exceed \$2,000 per offense or, in the case of continuing offenses, \$200 for each day the violation continues, whichever is greater.

Amend the bill by replacing section 10 with the following:

10 Effective Date.

I. Section 6 of this act shall take effect January 1, 2014.

II. Sections 8 and 9 of this act shall take effect July 1, 2012.

III. The remainder of this act shall take effect July 1, 2013.

Conferees: Sens. White, Dist. 9; D'Allesandro, Dist. 20; Luther, Dist. 12.

Conferees: Reps. Sytek, Rock. 4; Bowers, Sull. 3; Peter Schmidt, Straf. 4; Carol McGuire, Merr. 8.

Rep. Sytek spoke in favor.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 247-L

Committee of Conference Report on SB 247-LOCAL, an act relative to certifying municipal culvert installers.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 482-A:3, XVIII as inserted by section 2 of the bill by replacing it with the following:

XVIII. The department shall develop an installer's certification program, in accordance with paragraph XVII, and shall determine the educational requirements for certification, including continuing education requirements. Professional engineers who are duly licensed by the New Hampshire board of professional engineers are exempt from the program requirements of this section. All certified individuals who perform such work shall submit a quarterly report to the department fully identifying work that they performed during each quarter and documentation of continuing education requirements.

Conferees: Sens. Forrester, Dist. 2; Boutin, Dist. 16; Merrill, Dist. 21.

Conferees: Reps. Renzullo, Hills. 27; Chris Christensen, Hills. 19; Kappler, Rock. 2; Lovett, Sull. 4.

Rep. Renzullo spoke in favor.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 289-FN

Committee of Conference Report on SB 289-FN, an act relative to presenting photo identification to vote in person.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

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

1 Obtaining a Ballot. Amend RSA 659:13 to read as follows:

659:13 Obtaining a Ballot.

I. A person desiring to vote shall, before being admitted to the enclosed space within the guardrail, announce his or her name to one of the ballot clerks who shall thereupon repeat the name; and, if the name is found on the checklist by the ballot clerk, the ballot clerk shall put a checkmark beside it and again repeat the name. The ballot clerk shall state the address listed on the checklist for the voter, and ask if the address is correct; if the address on the checklist is not correct, the ballot clerk shall correct the address in red on the paper checklist and the supervisors of the checklist shall cause the centralized voter registration database to reflect the correction. ***The ballot clerk shall request that the voter present a valid photo identification meeting the requirements of paragraph II. If the voter does not have a valid photo identification, the ballot clerk shall inform the voter that he or she may execute a qualified voter affidavit.*** The voter, if still qualified to vote in the town or ward ***and having presented a valid photo identification verifying the voter's identity or executed a qualified voter affidavit,*** and unless challenged as provided for in RSA ~~[659:27-33]~~ ***659:27 through 659:33,*** shall then be allowed to enter the space enclosed by the guardrail. After the voter enters the enclosed space, the ballot clerk shall give the voter one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state. ***The ballot clerk shall also mark the checklist using a ruler or other straight edge to ensure accuracy of the mark in order to show that the voter obtained his or her ballot. The person entering voter information into the centralized voter registration database shall cause the records to indicate when a voter has not presented a valid photo identification and whether such voter executed a qualified voter affidavit.***

II. ***The following forms of identification bearing a photograph of the voter shall satisfy the identification requirements of paragraph I:***

(a) ***A driver's license issued by the state of New Hampshire or any other state, regardless of expiration date.***

(b) ***An identification card issued by the director of motor vehicles under the provisions of RSA 260:21.***

(c) ***A United States armed services identification card.***

(d) ***A United States passport, regardless of expiration date.***

(e) ***Any other valid photo identification issued by federal, state, county, or municipal government.***

(f) ***A valid student identification card.***

(g) ***A photo identification not authorized by subparagraphs (a) through (f) but determined to be legitimate by the supervisors of the checklist, the moderator, or the town or city clerk, provided that if any person authorized to challenge a voter under RSA 659:27 objects to the use of such photo identification, the voter shall be***

required to execute a qualified voter affidavit as if no identification was presented.

(h) Verification of the person's identity by a moderator or supervisor of the checklist or the town or city clerk, provided that if any person authorized to challenge a voter under RSA 659:27 objects to such verification, the voter shall be required to execute a challenged voter affidavit.

III. If a voter on the nonpublic checklist executes a qualified voter affidavit in accordance with paragraph I, the affidavit shall not be subject to RSA 91-A.

IV.(a) The secretary of state shall cause a letter of identity verification to be mailed by first class mail to each voter who executed a qualified voter affidavit in accordance with paragraph I. The letter shall be mailed within 60 days after the election, except that if the election is a state primary election, the letter shall be mailed 60 days after the general election, and if the election is a regularly scheduled municipal election, the letter shall be mailed by the July 1 or January 1 next following the election. The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information. The letter shall notify the person that a person who did not present valid photo identification voted using his or her name and address and instruct the person to return the letter within 90 days with a written confirmation that the person voted or to contact the attorney general immediately if he or she did not vote. The letter shall also inform the person of the procedure for obtaining a free nondriver's picture identification card for voting purposes.

(b) The secretary of state shall cause any letters mailed pursuant to subparagraph (a) that are returned as undeliverable by the United States Post Office to be referred to the attorney general. The secretary of state shall also prepare and forward to the attorney general a list of all persons who were mailed letters under subparagraph (a) and have not confirmed that they voted. Upon receipt of notice from a person who receives a letter of identity verification that the person did not vote, or upon receipt of a referral from the secretary of state, the attorney general shall cause an investigation to be made to determine whether fraudulent voting occurred.

(c) Within 60 days after a state general election, the secretary of state shall compile a report of the number of voters that did not present valid photo identification at each election occurring since the previous state general election, and forward the report to the speaker of the house of representatives, the president of the senate, and the chairpersons of the appropriate house and senate standing committees with jurisdiction over election law.

2 New Subdivisions; Voter Identification Advisory Committee; Notice of Voter Identification Requirements; Voter Education Requirements. Amend RSA 652 by inserting after section 23 the following new subdivisions:

Voter Identification Advisory Committee

652:24 Voter Identification Advisory Committee.

I. There is established a voter identification advisory committee. The committee shall review the implementation of voter identification requirements after every state general election. If the committee determines that problems exist requiring statutory changes, the committee shall report its findings to the senate and house standing committees with jurisdiction over election laws.

II. The members of the committee shall be as follows:

- (a) The secretary of state or designee.
- (b) The president of the senate or designee.
- (c) The speaker of the house of representatives or designee.
- (d) The governor or designee.
- (e) The president of the New Hampshire City and Town Clerks' Association, or his or her representative.

III. The committee shall meet at the call of the secretary of state or designee, who shall serve as chairperson.

Notice of Voter Identification Requirements

652:25 Notice of Voter Identification Requirements. Every town and city clerk shall prominently display a notice prepared by the secretary of state explaining the photo identification requirements for voters and directing voters to the department of state's website for additional information. Such notice shall be displayed for at least 14 days prior to each election held after the effective date of this section.

Voter Education Requirements

652:26 Voter Education Requirements.

I. The secretary of state shall prepare an explanatory document explaining the proof of identity requirements of RSA 659:13, including all the permissible methods for proving identity and the dates of applicability of these requirements. The secretary of state shall provide copies of the explanatory document to all towns and wards, so it will be available to all persons registering to vote at the city or town hall and at all polling places at each election held after the effective date of this section.

II. The secretary of state shall take whatever measures he or she deems necessary to educate the public about the voter identification requirements in RSA 659:13. Such measures shall include prominently displaying on the department of state's website information for voters relating to the voter identification requirements in RSA 659:13. The department shall also provide explanatory information relating to voter identification requirements to media outlets that request such information and shall encourage such outlets to assist the department in educating the public about the voter identification requirements in RSA 659:13.

3 Election Fund Reimbursement. Amend RSA 5:6-d, III to read as follows:

III. The secretary of state is authorized to accept, budget, and, subject to the limitations of this paragraph, expend monies in the election fund received from any party for the purposes of conducting elections, voter and election official education, the purchase or lease of voting equipment which complies with Help America Vote Act of 2002, Public Law 107-252, ***reimbursing the department of safety for voter identification cards***, election law enforcement, and improvements to related information technology, including acquisition and operation of an automated election management system. The secretary of state shall not expend any monies in the election fund unless the balance in the fund following such expenditures shall be at least ~~[45]~~ **12** times the estimated annual cost of maintaining the programs established to comply with the Help America Vote Act of 2002, Public Law 107-252.

4 Identification Cards; Voucher. Amend RSA 260:21, V to read as follows:

V.(a) The fee for such card shall be \$10 and is not refundable, except that no fee shall be charged to any person who, for reason of health or age, turns in his ***or her*** driver's license before the expiration date of such license. For purposes of this section, reasons of age shall be deemed to apply only to those persons over age 65. ***A person who requires a photo identification card only for voter identification purposes may obtain a voucher in the form provided for in subparagraph (b) from his or her town or city clerk or the secretary of state exempting the voter from the identification card fee. Upon presentation of the voucher to the division, the actual costs of issuing the card shall be paid by the secretary of state from the election fund established under RSA 5:6-d. An identification card paid for by the secretary of state shall be valid for voter identification purposes only, and the card, which shall be known as a voter identification card, shall be marked "for voter identification only."***

(b) ***The identification card voucher shall be in the following form:***

IDENTIFICATION CARD VOUCHER

To be completed by applicant:

Name: _____

Domicile Address: _____

Mailing Address: _____

I hereby swear or affirm that I require a photo identification for voting purposes and that I do not possess a form of identification that meets the requirements of the election laws of this state.

I hereby swear or affirm that I am the identical person whom I represent myself to be and that to the best of my knowledge and belief the information above is true and correct.

(Signature of applicant)

To be completed by town or city clerk:

I, the clerk of _____ (town or city), hereby swear or affirm that the person identified on this voucher is listed on the voter checklist in this city or town.

(Signature of town or city clerk)

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000.

Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

5 Statutes Posted. Amend RSA 658:29 to read as follows:

658:29 Statutes Posted. The secretary of state shall prepare and distribute copies of the following RSA sections which the selectmen shall post or cause to be posted outside the guardrail in the polling place at all elections: RSA 654:7-a, RSA 654:7-b; ***RSA 659:13***, RSA 659:27, RSA 659:30, RSA 659:31, RSA 659:32, RSA 659:34, RSA 659:35, RSA 659:37, RSA 659:38, RSA 659:40, RSA 659:41, RSA 659:103; RSA 666:4, RSA 666:5, RSA 666:8. In addition, the secretary of state shall include any other statutes or regulations that are required to be posted by state or federal law. The secretary of state may also include statutes or regulations that, in the secretary of state's judgment, would aid a voter in casting a vote or in contacting the appropriate official if the voter believes that his or her voting rights are being violated.

6 Wrongful Voting; Penalties for Voter Fraud. Amend RSA 659:34, I-II to read as follows:

I. A person is subject to a civil penalty not to exceed \$5,000 if such person:

(a) When registering to vote; when obtaining an official ballot; ~~or~~ when casting a vote by official ballot; ***or when applying for a photo identification card for voting purposes, purposely or knowingly*** makes a false material statement regarding his or her qualifications as a voter to an election officer or submits a voter registration form, an election day registration affidavit, a qualified voter affidavit, a domicile affidavit, ***or affidavit of religious exemption, an identification card voucher***, or an absentee registration affidavit containing false material information regarding his or her qualifications as a voter;

(b) Votes more than once for any office or measure;

(c) Applies for a ballot in a name other than his or her own;

(d) Applies for a ballot in his or her own name after he or she has voted once;

(e) Votes for any office or measure at an election if such person is not qualified to vote as provided in RSA 654; ~~or~~

(f) Gives a false name or answer if under examination as to his or her qualifications as a voter before the supervisors of the checklist or moderator; ***or***

(g) Presents falsified proof of identity at any election.

II. A person is guilty of a class B felony if, at any election, such person ~~[purposefully]~~ ***purposely*** or knowingly commits an act specified in subparagraph I(b) ***or I(e)***. A person is guilty of a class A misdemeanor if, at any election, such person ~~[purposefully]~~ ***purposely*** or knowingly commits any of the other acts listed in paragraph I, ***and, if the act involved the***

use of false proof of identity or voting using the name of another person, the person shall be sentenced to a mandatory sentence in the county correctional facility of not less than 30 days for a first offense under this section, 90 days for a second offense under this section, and 180 days for a third or subsequent offense under this section.

7 Obtaining a Ballot. RSA 659:13 is repealed and reenacted to read as follows:

659:13 Obtaining a Ballot.

I.(a) A person desiring to vote shall, before being admitted to the enclosed space within the guardrail, announce his or her name and address to one of the ballot clerks who shall, if the name is found on the checklist by the ballot clerk, repeat the name and address. If the address announced by voter is different from what appears on the checklist, but is in the same town or ward, the ballot clerk shall correct the address in red on the paper checklist and the supervisors of the checklist shall cause the centralized voter registration database to reflect the correction.

(b) The voter, if the ballot clerk determines that he or she is qualified to vote in the town or ward, and unless challenged as provided for in RSA 659:27 through 659:33, shall then be asked to present proof of his or her identity meeting the requirements of paragraph II. If the voter presents such proof of identity to the ballot clerk, the ballot clerk shall give the voter one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state. The ballot clerk shall also mark the checklist using a ruler or other straight edge to ensure accuracy of the mark in order to show that the voter obtained his or her ballot. If the photo identification is an out-of state driver's license or nondriver's identification card, the ballot clerk shall record the state of issuance on the checklist in accordance with uniform procedures developed by the secretary of state in a color designated for such entries and the supervisors of the checklist or designee shall submit the information to the secretary of state within 30 days of the election. The voter shall then be allowed to enter the space enclosed by the guardrail to mark and cast his or her ballot.

(c)(1) If the voter does not have a valid photo identification, the ballot clerk shall inform the voter that he or she may execute a qualified voter affidavit in accordance with RSA 654:12. The voter shall receive an explanatory document prepared by the secretary of state explaining the proof of identity requirements. If the voter executes a qualified voter affidavit, the ballot clerk shall mark the checklist in accordance with uniform procedures developed by the secretary of state.

(2) If the voter executes a qualified voter affidavit, the moderator or the moderator's designee shall take a photograph of the voter and immediately print and attach the photograph to, and thus make it a part of, the affidavit form. The photograph shall be 2 inches by 2 inches, or larger, and be in color. The moderator or his or her designee who took the photograph and the voter shall then sign the qualified voter affidavit. The moderator or designee shall delete the photograph from the camera in the presence of the voter. If the moderator or his or her designee is unable to take the voter's photograph due to equipment failure or other cause beyond the moderator's or his or her designee's reasonable control, the voter may execute a qualified voter affidavit without a photograph.

(3) If the voter objects to the photograph requirement because of religious beliefs, he or she may execute an affidavit of religious exemption in accordance with RSA 659:13-b, which shall be attested to by an election officer and attached to the qualified voter affidavit.

(4) The person entering voter information into the centralized voter registration database shall cause the records to indicate when a voter has not presented a valid photo identification and has executed a qualified voter affidavit.

II. A valid photo identification shall show the name of the individual to whom the identification was issued, and the name shall substantially conform to the name in the individual's voter registration record; it also shall show a photograph of the individual to whom the identification was issued; and it shall also have an expiration date that has not been exceeded by a period of more than 5 years from the current date. The following forms of

identification bearing a photograph of the voter shall satisfy the identification requirements of paragraph I:

- (a) A driver's license issued by any state or the federal government.
- (b) A nondriver's identification card issued by the motor vehicles division, department, agency, or office of any state.
- (c) A United States armed services identification card.
- (d) A United States passport.
- (e) A qualified voter affidavit in accordance with subparagraph I(c).

III. If a voter on the nonpublic checklist executes an affidavit in accordance with subparagraph I(c), the affidavit shall not be subject to RSA 91-A.

IV.(a) The secretary of state shall cause a letter of identity verification to be mailed by first class mail to each voter who executed a qualified voter affidavit or affidavit of religious exemption in accordance with paragraph I, unless the same person is sent letter of identity verification pursuant to RSA 654:12, V(b). The letter shall be mailed within 60 days after the election, except that if the election is a state primary election, the letter shall be mailed 60 days after the general election, and if the election is a regularly scheduled municipal election, the letter shall be mailed by the July 1 or January 1 next following the election. The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information. The letter shall notify the person that a person who did not present valid photo identification voted using his or her name and address and instruct the person to return the letter within 30 days with a written confirmation that the person voted or to contact the attorney general immediately if he or she did not vote. The letter shall also inform the person of the procedure for obtaining a free nondriver's picture identification card for voting purposes.

(b) The secretary of state shall cause any letters mailed pursuant to subparagraph (a) that are returned as undeliverable by the United States Post Office to be referred to the attorney general. The secretary of state shall also prepare and forward to the attorney general a list of all persons who were mailed letters under subparagraph (a) and have not confirmed that they voted. Upon receipt of notice from a person who receives a letter of identity verification that the person did not vote, or upon receipt of a referral from the secretary of state, the attorney general shall cause an investigation to be made to determine whether fraudulent voting occurred.

(c) Within 60 days after any election held after November 1, 2012, the secretary of state shall compile a report by voting district of the number of voters who registered or voted on election day but did not present valid photo identification, and forward the report to the speaker of the house of representatives, the president of the senate, and the chairpersons of the appropriate house and senate standing committees with jurisdiction over election law.

V.(a) The secretary of state shall provide to each town or city the photography equipment, supplies, and printing device that are necessary to enable it to comply with the photograph provision of subparagraph I(c), along with instructions in their use.

(b) If the moderator or his or her designee is unable to take the voter's photograph due to equipment failure or other cause beyond the moderator's or his or her designee's reasonable control, the secretary of state may waive a voter's compliance with the photograph requirement of subparagraph I(c).

8 Election Fund Reimbursement. Amend RSA 5:6-d, III to read as follows:

III. The secretary of state is authorized to accept, budget, and, subject to the limitations of this paragraph, expend monies in the election fund received from any party for the purposes of conducting elections, voter and election official education, the purchase or lease of ~~[voting]~~ equipment ~~[which]~~ **that** complies with Help America Vote Act of 2002, Public Law 107-252, **or with RSA 659:13, V**, reimbursing the department of safety for **the actual cost of** voter identification cards, election law enforcement, and improvements to related information technology, including acquisition and operation of an automated election management system. The secretary of state shall not expend any monies in the election fund

unless the balance in the fund following such expenditures shall be at least 12 times the estimated annual cost of maintaining the programs established to comply with the Help America Vote Act of 2002, Public Law 107-252.

9 Statutes Posted. Amend RSA 658:29 to read as follows:

658:29 Statutes Posted. The secretary of state shall prepare and distribute copies of the following RSA sections which the selectmen shall post or cause to be posted outside the guardrail in the polling place at all elections: RSA 654:7-a, RSA 654:7-b; RSA 659:13, **RSA 659:13-b**, RSA 659:27, RSA 659:30, RSA 659:31, RSA 659:32, RSA 659:34, RSA 659:35, RSA 659:37, RSA 659:38, RSA 659:40, RSA 659:41, RSA 659:103; RSA 666:4, RSA 666:5, RSA 666:8. In addition, the secretary of state shall include any other statutes or regulations that are required to be posted by state or federal law. The secretary of state may also include statutes or regulations that, in the secretary of state's judgment, would aid a voter in casting a vote or in contacting the appropriate official if the voter believes that his or her voting rights are being violated.

10 New Section; Proof of Voter Identity Instructions to be Posted. Amend RSA 658 by inserting after section 29 the following new section:

658:29-a Proof of Voter Identity Instructions to be Posted. The secretary of state shall prepare a notice explaining to voters the photo identification requirement in RSA 659:13, including all the permissible methods for proving identity, and directing voters to the department of state's website or to the town or city clerk to obtain the explanatory document described in RSA 652:26, I, for additional information. Such notice shall also include the penalties as described in RSA 659:34. The governing body of each town or ward shall prominently display this notice for at least 14 days prior to each election held after the effective date of this section. The poster shall be placed outside the guardrail at each polling place at all elections.

11 New Section; Affidavit of Religious Exemption. Amend RSA 659 by inserting after section 13-a the following new section:

659:13-b Affidavit of Religious Exemption. The affidavit of religious exemption shall be in the following form:

AFFIDAVIT OF RELIGIOUS EXEMPTION

Name: _____

Domicile Address: _____

Date of birth: _____

I hereby swear or affirm that because of my religious beliefs, I object to having my photograph taken and that I do not possess a form of identification that meets the requirements of the election laws of this state showing my photograph.

I hereby swear or affirm, under the penalties for voting fraud set forth below, that I am the identical person whom I represent myself to be and that to the best of my knowledge and belief the information above is true and correct.

(Signature of affiant)

In accordance with RSA 659:34, the penalty for knowingly or purposely providing false information when voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

This affidavit was executed before us on the date shown and the person who subscribed his or her name to the foregoing affidavit swore that the facts contained in this affidavit are true to the best of his or her knowledge and belief.

(Name of Election Officer)

(Date)

(Signature of Election Officer)

12 Right to Know Exemption. Amend RSA 654:31-a to read as follows:

654:31-a Right to Know Exemption. The information contained on the checklist of a town or city, specifically, the name, domicile address, mailing address, town or city, and party affiliation, if any, of registered voters, except as otherwise provided by statute, is public information subject to RSA 91-A. All other information on the voter registration form, absentee registration affidavit, qualified voter and domicile affidavits, ***affidavit of religious exemption***, and application for absentee ballot shall be treated as confidential information and the records containing this information shall be exempt from the public disclosure provisions of RSA 91-A, except as provided by statutes other than RSA 91-A. Notwithstanding the foregoing, qualified voter and domicile affidavits are public records subject to RSA 91-A for the sole purpose of challenging an individual registering to vote or voting, challenging ballots to be recounted, to the extent that such ballot challenges are specifically authorized by law, or determining the accuracy of any qualified voter or domicile affidavit. Election officials and law enforcement personnel in furtherance of their official duties may access and may disclose information from the voter registration form, qualified voter and domicile affidavits, ***affidavits of religious exemption***, absentee registration affidavits, and applications for absentee ballots, if necessary to resolve a challenge to an individual registering to vote or voting, or if necessary to investigate or prosecute election law violations or any crime. Law enforcement access and use of such records for the investigation or prosecution of crimes unrelated to election law violations shall be limited to the records of the specific individuals who are the subject of the investigation or prosecution.

13 New Paragraph; Disposition and Retention Schedule. Amend RSA 33-A:3-a by inserting after paragraph CLV the following new paragraph:

CLVI. Affidavits of religious exemption: until voter is removed from checklist plus 7 years.

14 Applicability. In accordance with RSA 659:13, as amended by this act, ballot clerks shall request that the voters present a valid photo identification at all elections after the effective date of this act. Notwithstanding the provisions of RSA 659:13, as amended by this act, prior to November 1, 2012, if the voter does not present such identification, he or she may vote without executing a qualified voter affidavit, but the ballot clerk shall provide the voter with a copy of the explanatory document specified in RSA 652:26 and explain the need for photo identification after November 1, 2012. The ballot clerks shall tally the number of voters that do not present a valid photo identification at the September 2012 state primary election, and the town or city clerk shall report the number with the election return.

15 Effective Date.

I. Sections 7-13 of this act shall take effect September 1, 2013.

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

AMENDED ANALYSIS

This bill requires that a voter present a valid photo identification to vote in person. Voters without photo identification may execute a qualified voter affidavit. Voters who do not present a valid photo identification shall be mailed and instructed to return an identity verification letter. This bill requires that the secretary of state pay the cost for a nondriver's picture identification card upon presentation of a voucher to the division of motor vehicles. This bill also establishes minimum sentences for certain voter fraud violations. Beginning September 1, 2013, voters who prove identity by executing a qualified voter affidavit shall be photographed or execute an affidavit of religious exemption.

Conferees: Sens. Prescott, Dist. 23; Barnes, Dist. 17; Boutin, Dist. 16.

Conferees: Reps. Bates, Rock. 4; Tucker, Rock. 17; William Smith, Rock. 18; DeLemus, Straf. 1.

Rep. Pierce spoke against.

Reps. Vaillancourt and Bates spoke in favor.

Rep. Silva requested a roll call; sufficiently seconded.

YEAS 255 NAYS 103

YEAS 255

BELKNAP

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

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

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

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

CARROLL

Ahlgren, Christopher
Knox, J. David
Pettengill, Laurie

Babson, David Jr
McCarthy, Frank
Schmidt, Stephen

Chandler, Gene
Morrow, Harry
Umberger, Karen

Fleck, Joseph
Patten, Betsey

CHESHIRE

Byrnes, John
Johnson, Jane
Sterling, Franklin Jr

Cartwright, Anne
Moore, Charles

Dwinell, Richard
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Gionet, Edmond
Shackett, Jeffrey

Brosseau, Charles
Ladd, Rick Jr
Simard, Paul

Bulis, Lyle
Mirski, Paul
Sorg, Gregory

Eaton, Stephanie
Reilly, Harold Sr
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Belanger, James
Burt, John
Christensen, D.L.
Chris
Coughlin, Sean
DeJong, Cameron
Erickson, Duane
Gargas, Carolyn
Haefner, Robert
Hikel, John
Hutchinson, Winfred
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Peterson, Lenette
Renzullo, Andrew
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Willette, Robert

Balboni, Michael
Bergevin, Jerry
Buxton, Michael
Christiansen, Lars
Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Gonzalez, Carlos
Hansen, Peter
Hogan, Edith
Infantine, William
Kurk, Neal
Marcus, Bruce
Messier, Irene
Ober, Lynne
Palmer, Stephen
Pratt, Calvin
Rowe, Robert
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve

Barry, J. Gail
Boehm, Ralph
Cebrowski, John
Coffey, James
Daniels, Gary
Donovan, Daniel
Gagne, Larry
Graham, John
Hardwick, Harry
Holden, Frank
Jasper, Shawn
Lambert, George
McCarthy, Michael
Moran, Edward
Ober, Russell III
Pellegrino, Tony
Proulx, Mark
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Barry, Richard
Brownrigg, Randall Jr
Champagne, Norma
Condra, William
Day, Russell
Drisko, Richard
Gandia, Laura
Greazzo, Phil
Hawkins, Kenneth
Hopper, Gary
Katsiantonis, Thomas
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pepino, Leo
Reed, Michael
Silva, Peter
Stroud, Kathleen
Twombly, Timothy
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne	Coffey, Jennifer	Cohn, Seth	Giuda, J. Brandon
Hess, David	Hill, Gregory	Keane, Thomas	Kidder, David
Kotowski, Frank	Kreis, Kenneth Sr	Lauer-Rago, Kathleen	Lindsley, Mark
Lockwood, Priscilla	McDonnell, John	McGuire, Carol	McGuire, Dan
Palfrey, David	Reed, Dennis	Richardson, Jon	Smith, Molly
Smith, Todd	Soltani, Tony	Winter, Steven	

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Antosz, Jason	Azarian, Gary
Baldasaro, Alfred	Bates, David	Belanger, Ronald	Birdsell, Regina
Charron, Gene	Comerford, Timothy	Copeland, Timothy	Davenport, Joshua
DeSimone, Debra	Devine, James	Dowling, Patricia	Duarte, Joe
Elliott, Robert	Ferrante, Beverly	Fesh, Robert	Garcia, Marilinda
Garritty, James	Griffin, Mary	Hagan, Joseph	Headd, James
Introne, Robert	Itse, Daniel	Kappler, Lawrence	Katsakiores, Phyllis
Kolodziej, Walter	Lundgren, David	Major, Norman	Manuse, Andrew
Mauro, Donna	McKinney, Betsy	McMahon, Charles	Murphy, Brian
Nevins, Chris	Okerman, Richard	Oligny, Jeffrey	Packard, Sherman
Peckham, Michele	Perkins, Amy	Perkins, Lawrence	Quandt, Marshall
Quandt, Matt	Reagan, John	Rice, Frederick	Ritter, Glenn
Sanders, Elisabeth	Sapareto, Frank	Sedensky, John	Sheffert, Kenneth
Shuler, Wyman III	Smith, William	Sullivan, James	Sullivan, Kevin
Sytek, John	Tamburello, Daniel	Tasker, Kyle	Tremblay, Stella
Tucker, Pamela	Waddell, James	Ward, Joanne	Waterhouse, Kevin
Webb, James	Welch, David	Weyler, Kenneth	

STRAFFORD

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

SULLIVAN

Bowers, Spec	Cunningham, Steven	Howard, Thomas	LaCasse, Paul Sr
Laware, Thomas	Lovett, Charlene	Osgood, Joe	Rodeschin, Beverly
Smith, Steven			

NAYS 103

BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William	Chase, Cynthia	Hawkes, Samuel	Johnsen, Gladys
Lerandean, Alfred	Lindsey, Steven	Meader, David	Parkhurst, Henry

Roberts, Kris
Weed, Charles

Sad, Tara

Tatro, Bruce

Weber, Lucy

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Smith, Suzanne

Almy, Susan
Harding, Laurie
Townsend, Charles

Benn, Bernard
Nordgren, Sharon
White, Andrew

Cooney, Mary
Pierce, David

HILLSBOROUGH

Baroody, Benjamin
Fredette, Robert
Gorman, Mary
Porter, Marjorie
Rosenwald, Cindy
Sullivan, Peter

Campbell, David
Gidge, Kenneth
Leishman, Peter
Ramsey, Peter
Shaw, Barbara
Warden, Mark

Cote, David
Gimas, John
Long, Patrick
Robbins, David
Simmons, Tammy

Daler, Jennifer
Goley, Jeffrey
Pilotte, Maurice
Rokas, Ted
Sullivan, Daniel

MERRIMACK

Bouchard, Candace
Frazer, June
Owen, Derek
Seaworth, G. Brian
Williams, Robert

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

DeStefano, Stephen
Hoell, J.R.
Potter, Frances
Wallner, Mary Jane

Foose, Robert
MacKay, James
Richardson, Gary
Watrous, Rick

ROCKINGHAM

Brown, Paul
Hoelzel, Kathleen
Pantelakos, Laura
Serlin, Christopher

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

Chirichiello, Brian
MacMahon, Bruce
Schlachman, Donna

DiPentima, Rich
Norelli, Terie
Schroadter, Adam

STRAFFORD

Browne, Brendon
Horrigan, Timothy
Keans, Sandra
Schmidt, Peter
Wall, Janet

Ginsburg, Philip
Jones, Kyle
Pelletier, Marsha
Spainhower, Dale
Watters, David

Grassie, Anne
Jones, Laura
Perry, Robert
Spang, Judith

Hooper, Dorothea
Kaen, Naida
Roberts, Jenna
Sprague, Dale

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the Committee of Conference Report was adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 318-FN

Committee of Conference Report on SB 318-FN, an act relative to voter registration

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 654:12, V(b) as inserted by section 5 of the bill by replacing it with the following:

(b) The secretary of state shall cause a letter of identity verification to be mailed by first class mail to each voter identified at ~~[a state general]~~ **any** election as a first-time election day registrant in New Hampshire who also did not verify his or her identity with an approved photo identification. The letter shall be mailed within ~~[90]~~ **60** days after the ~~[general]~~ election, ***except that if the election is a state primary election, the letter shall be mailed 60 days after the general election, and if the election is a regularly scheduled municipal election, the letter shall be mailed by the July 1 or January 1 next following the election.*** The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information. The letter shall notify the person that a person who was unable to present photo identification registered or registered and voted using his or her name and address and instruct the person to return the letter within 45 days with a written confirmation that the person registered and voted or to contact the attorney general immediately if he or she did not register and vote. Any voter under a protective order pursuant to RSA 173-B, and whose name does not appear on the checklist as provided under RSA 654:25, shall not be subject to the provisions of paragraph V.

Amend RSA 654:12, V(d) as inserted by section 6 of the bill by replacing it with the following:

(d) Within 90 days of each election, the secretary of state shall cause a list of persons executing domicile affidavits since the prior election to be forwarded to the attorney general and the division of motor vehicles. The secretary of state shall send a letter to each such person informing him or her of a driver's obligation to obtain a New Hampshire driver's license within 60 days of becoming a New Hampshire resident. The letter shall be mailed within 60 days after the election, except that if the election is a state primary election, the letter shall be mailed 60 days after the general election, and if the election is a regularly scheduled municipal election, the letter shall be mailed by the July 1 or January 1 next following the election. The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information.

Conferees: Sens. Barnes, Dist. 17; Carson, Dist. 14; Boutin, Dist. 16.

Conferees: Reps. Bates, Rock. 4; Tucker, Rock. 17; William Smith, Rock. 18; DeLemus, Straf. 1.

Rep. Pierce spoke against.

Rep. Bates spoke in favor.

Rep. Jasper requested a roll call; sufficiently seconded.

YEAS 260 NAYS 101

YEAS 260

BELKNAP

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

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

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

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

CARROLL

Ahlgren, Christopher
Knox, J. David
Pettengill, Laurie

Babson, David Jr
McCarthy, Frank
Schmidt, Stephen

Chandler, Gene
Merrow, Harry
Umberger, Karen

Fleck, Joseph
Patten, Betsey

CHESHIRE

Byrnes, John
Johnson, Jane
Sterling, Franklin Jr

Cartwright, Anne
Moore, Charles

Dwinell, Richard
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Gionet, Edmond
Shackett, Jeffrey

Brosseau, Charles
Ladd, Rick Jr
Simard, Paul

Bulis, Lyle
Mirski, Paul
Sorg, Gregory

Eaton, Stephanie
Reilly, Harold Sr
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Belanger, James
Burt, John
Christensen, D.L.
Chris

Balboni, 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

Coughlin, Sean
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Graham, John
Hardwick, Harry
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Moran, Edward
Ober, Russell III
Pellegrino, Tony
Proulx, Mark
Scontsas, Lisa
Soucy, Connie
Swank, Matthew
Vaillancourt, Steve

Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Gargas, Carolyn
Greazzo, Phil
Hawkins, Kenneth
Hopper, Gary
Katsiantonis, Thomas
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pepino, Leo
Reed, Michael
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Villeneuve, Moe

Daniels, Gary
Donovan, Daniel
Fredette, Robert
Gimas, John
Haefner, Robert
Hikel, John
Hutchinson, Winfred
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Peterson, Lenette
Renzullo, Andrew
Silva, Peter
Stepanek, Stephen
Twombly, Timothy
Whitehead, Randall

Day, Russell
Drisko, Richard
Gagne, Larry
Gonzalez, Carlos
Hansen, Peter
Hogan, Edith
Infantine, William
Kurk, Neal
McCarthy, Michael
Messier, Irene
Ober, Lynne
Palmer, Stephen
Pratt, Calvin
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Ulery, Jordan
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Hess, David
Kidder, David
Lindsley, Mark
McGuire, Dan
Seaworth, G. Brian

Coffey, Jennifer
Hill, Gregory
Kotowski, Frank
Lockwood, Priscilla
Palfrey, David
Smith, Molly

Cohn, Seth
Hoell, J.R.
Kreis, Kenneth Sr
McDonnell, John
Reed, Dennis
Smith, Todd

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

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Charron, Gene
DeSimone, Debra

Allen, Mary
Bates, David
Comerford, Timothy
Devine, James

Antosz, Jason
Belanger, Ronald
Copeland, Timothy
Dowling, Patricia

Azarian, Gary
Birdsell, Regina
Davenport, Joshua
Duarte, Joe

Elliott, Robert
Garritty, James
Introne, Robert
Kolodziej, Walter
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Quandt, Marshall
Ritter, Glenn
Sedensky, John
Sullivan, James
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Ferrante, Beverly
Griffin, Mary
Itse, Daniel
Lundgren, David
Mauro, Donna
Nevins, Chris
Peckham, Michele
Quandt, Matt
Sanders, Elisabeth
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Waterhouse, Kevin

Fesh, Robert
Hagan, Joseph
Kappler, Lawrence
MacMahon, Bruce
McKinney, Betsy
Okerman, Richard
Perkins, Amy
Reagan, John
Sapareto, Frank
Shuler, Wyman III
Sytek, John
Tucker, Pamela
Webb, James

Garcia, Marilinda
Headd, James
Katsakiores, Phyllis
Major, Norman
McMahon, Charles
Oligny, Jeffrey
Perkins, Lawrence
Rice, Frederick
Schroadter, Adam
Smith, William
Tamburello, Daniel
Waddell, James
Welch, David

STRAFFORD

Andolina, Donald
Jones, Kyle

Cataldo, Sam
Jones, Laura

DeLemus, Susan
Larsen Schultz,
Kirsten

Groen, Warren
Munck, Philip

Newton, Clifford
Vita, Carol

O'Connor, William
Vita, Lucien

Parsons, Robbie
Weeden, Michael

Pitre, Joseph

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 101

BELKNAP

St. Cyr, Jeffrey

CARROLL

None

CHESHIRE

Butynski, William
Lerandau, Alfred
Roberts, Kris
Weed, Charles

Chase, Cynthia
Lindsey, Steven
Sad, Tara

Hawkes, Samuel
Meador, David
Tatro, Bruce

Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Smith, Suzanne

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pierce, David
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Gidge, Kenneth
Leishman, Peter
Ramsey, Peter
Shaw, Barbara
Warden, Mark

Campbell, David
Goley, Jeffrey
Long, Patrick
Robbins, David
Sullivan, Daniel

Cote, David
Gorman, Mary
Pilotte, Maurice
Rokas, Ted
Sullivan, Peter

Daler, Jennifer
Lambert, George
Porter, Marjorie
Rosenwald, Cindy
Thomas, Joseph

MERRIMACK

Bouchard, Candace
Frazer, June
Patten, Dick
Soltani, Tony

Deloge, Helen
Gile, Mary
Potter, Frances
Wallner, Mary Jane

DeStefano, Stephen
MacKay, James
Richardson, Gary
Watrous, Rick

Foose, Robert
Owen, Derek
Shurtleff, Stephen
Williams, Robert

ROCKINGHAM

Brown, Paul
Hoelzel, Kathleen
Read, Robin Jr

Cali-Pitts, Jacqueline
Lovejoy, Patricia
Schlachman, Donna

Chirichiello, Brian
Norelli, Terie
Serlin, Christopher

DiPentima, Rich
Pantelakos, Laura

STRAFFORD

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

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

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

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

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the Committee of Conference Report was adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 326-FN-A-L

Committee of Conference Report on SB 326-FN-A-LOCAL, an act relative to state reimbursement of towns.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

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

1 Repeal. RSA 122:4, II, relative to reimbursement to towns and cities of moneys owed by other states, is repealed.

2 Contingency. Notwithstanding RSA 122:4, II, if any other state in a river management compact with the state of New Hampshire makes a payment in any amount on an arrearage to the state of New Hampshire, then within 30 days of receiving such payment, the state treasurer shall distribute such money to the towns affected by RSA 484 in the manner prescribed by RSA 122:4, I for the fiscal years ending June 30, 2012 and June 30, 2013. Any additional funds shall lapse to the general fund on June 30, 2013.

3 Interest and Dividends Tax; Who Taxable. Amend RSA 77:3, I(b) and (c) to read as follows:

(b) Partnerships, limited liability companies, **and** associations, [~~and trusts,~~] the beneficial interest in which is not represented by transferable shares, whose gross interest and dividend income from all sources exceeds \$2,400 during the taxable year, but not including a qualified investment company as defined in RSA 77-A:1, XXI, or a trust

comprising a part of an employee benefit plan, as defined in the Employee Retirement Income Security Act of 1974, section 3.

(c) ~~[Fiduciaries]~~ **Executors** deriving their appointment from a court of this state whose gross interest and dividend income from all sources exceeds \$2,400 during the taxable year.

4 Interest and Dividends Tax; Trusts Not Subject to Tax. Amend RSA 77:4, III to read as follows:

III. Dividends, other than stock dividends paid in new stock of the partnership, limited liability company, **or** association~~[-or trust]~~ issuing the same, on shares in partnerships, limited liability companies, **or** associations~~[-or trusts]~~ the beneficial interest in which is represented by transferable shares.

5 Interest and Dividends Tax; Income From Trusts. Amend RSA 77:10 to read as follows:

77:10 Income From Trusts. ~~[The income received by estates held by trustees, any one of whom is an inhabitant of this state, or has derived his appointment from a court of this state, shall be subject to the taxes imposed by this chapter, except that]~~ **Interest and dividend** income received by estates held by trustees treated as grantor trusts under section 671 of the United States Internal Revenue Code shall be included in the return of their ~~[owners]~~ **grantor**, to the extent that the ~~[persons to whom the income from the trust is payable, or for whose benefit it is accumulated, are inhabitants]~~ **grantor is an inhabitant or resident** of this state. **Income reported by, and taxed federally as interest or dividends to, a trust beneficiary who is an individual inhabitant or resident of this state with respect to distributions from a trust that is not treated as a grantor trust under section 671 of the United States Internal Revenue Code shall be included as interest or dividends in the return of such beneficiary and subject to taxation in accordance with the provisions of this chapter.**

6 Interest and Dividends Tax; Guardians, etc. Amend RSA 77:13 to read as follows:

77:13 Guardians, etc. RSA 77:9 ~~[to 12]~~ **through RSA 77:11** shall apply to guardians, conservators, trustees in bankruptcy, receivers, and assignees for the benefit of creditors, so far as apt, to the taxable income received by them ~~[and to their beneficiaries, and to corporations acting as trustees or in any other fiduciary capacity].~~

7 Interest and Dividends Tax; Application of Sections. Amend RSA 77:14-d to read as follows:

77:14-d Application of Sections. RSA 77:14-a to 77:14-c shall apply, so far as apt, to associations ~~[and trusts]~~, but not to partnerships, limited liability companies, **and** associations~~[-and trusts]~~ the beneficial interest in which is represented by transferable shares.

8 Repeal. RSA 77:12, relative to taxation of income from nonresident trustees, is repealed.

9 Applicability. Sections 3-8 of this act shall apply to taxable periods ending on or after December 31, 2011.

10 Effective Date.

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

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

AMENDED ANALYSIS

This bill:

I. Repeals the reduction in certain reimbursements paid to towns and cities who have lost taxable valuation of certain lands.

II. Allows moneys received by the state to pay arrearages under certain river compacts to be distributed to towns listed under such compacts.

III. Eliminates certain taxation of trusts under the interest and dividends tax.

Conferees: Sens. Sanborn, Dist. 7; D'Allesandro, Dist. 20; Odell, Dist. 8.

Conferees: Reps. Stepanek, Hills. 6; Oh, Hills. 26; Simard, Graf. 8; Almy, Graf. 11.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 328

Committee of Conference Report on SB 328, an act relative to the procedure for filling a vacancy on a cooperative school board.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as passed by the Senate, and pass the bill as so amended:

Amend RSA 671:33, II(b) as inserted by section 1 of the bill by replacing it with the following:

(b) In a cooperative school district, the remaining school board members representing the same town or towns as the departed member shall fill a vacancy on the school board, provided that there are at least 2 such members. If there are less than 2 remaining members on the cooperative school board representing the same town or towns as the departed member, or if the remaining members are unable, by majority vote, to agree upon an appointment, the selectmen of the town or towns involved shall fill the vacancy by majority vote in convention. If the selectmen are unable to fill the vacancy then the cooperative school district moderator shall make the appointment. A member appointed to fill a vacancy under this subparagraph shall serve until the next district election when the voters of the district shall elect a replacement for the unexpired term.

Conferees: Sens. Stiles, Dist. 24; Forsythe, Dist. 4; Kelly, Dist. 10.

Conferees: Reps. Boehm, Hills. 27; James Belanger, Hills. 5; Stepanek, Hills. 6; Gile, Merr. 10.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 356

Committee of Conference Report on SB 356, an act limiting the authority of delegates to Article V amendment conventions.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by deleting sections 10-12 and renumbering the original section 13 to read as 10

Conferees: Sens. Groen, Dist. 6; Larsen, Dist. 15; Stiles, Dist. 24.

Conferees: Reps. Sorg, Graf. 3; Itse, Rock. 9; Weyler, Rock. 8; Cartwright, Ches. 2.

On a division vote, 241 members having voted in the affirmative and 95 in the negative, the Committee of Conference Report was adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 370-FN

Committee of Conference Report on SB 370-FN, an act relative to the powers of law enforcement and animal control officers.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Carson, Dist. 14; Larsen, Dist. 15; Rausch, Dist. 19.

Conferees: Reps. Haefner, Hills. 27; Babson, Carr. 3; Gandia, Hills. 27; Sad, Ches. 2.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 398

Committee of Conference Report on SB 398, an act proclaiming March 30, 2013 as Welcome Home Vietnam Veterans Day.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the Senate.

Conferees: Sens. Barnes, Dist. 17; Merrill, Dist. 21; Stiles, Dist. 24.

Conferees: Reps. Baldasaro, Rock. 3; Cunningham, Sull. 2; Frank McCarthy, Carr. 1;

Theberge, Coos 4.

Committee of Conference Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 406

Committee of Conference Report on SB 406, an act establishing an early offer alternative in medical injury claims.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

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

1 Findings and Purpose.

I. The general court finds that the legal system for resolving claims for medical injury requires reform to encourage the fast and efficient payment of meritorious claims. Under the current system individuals with meritorious claims are either unable to litigate their claims or wait for an uncertain recovery while medical providers are often deprived of a fair and reasonable opportunity to address and resolve claims in a timely manner. In addition, the general public is adversely affected because significant resources are spent on litigation costs and defensive medicine or on coverage for those unable to litigate claims. The result is a system that has higher than necessary health care costs, higher liability insurance premiums, and higher health insurance premiums.

II. These overarching conclusions are based upon the following factual findings:

(a) Inconsistent results: Recent data presented to the general court by the New Hampshire insurance department pursuant to RSA 519-B:14, II shows that the current medical injury liability system produces inconsistent results with average indemnity payments on similar claims varying substantially from year to year.

(b) Long waits for the parties: The testimony before the general court demonstrates that medical injury cases are highly complex, requiring specialized medical evidence and testimony. This complex medical evidence and testimony requires additional discovery and case preparation that results in a particularly lengthy process for resolving cases.

(c) Costly litigation: Recent data presented to the general court by the New Hampshire insurance department pursuant to RSA 519-B:14, II shows that the aggregate administrative and litigation costs for all claims for medical injury nearly exceed the amount that claimants receive for their injuries.

(d) Defensive medicine: Data from the American Medical Association, Gallup, Harvard School of Public Health, Health Affairs Magazine, and other reliable sources estimate that defensive medicine, practiced in response to the current medical injury system, increases the annual health care expenditures in the United States by billions of dollars.

These organizations consider defensive medicine to be diagnostic tests or treatments that have little or no expected benefit to the patient, ordered primarily as a means to guard against claims of liability.

III. The legislature further finds that the slow, inconsistent, and costly nature of the existing medical injury litigation system has a detrimental impact upon injured claimants, whose medical and economic needs require rapid resolution of their claims with less uncertainty, risk, and costs, as well as upon medical providers whose provision of patient care is disrupted by lengthy and costly litigation of medical injury claims.

IV. Therefore, the important governmental objective of this act is to supplement the existing medical injury compensation system with an alternative system that will provide fast and certain results for those who use it, while preserving access to the court system and medical injury screening panels for parties that choose to resolve claims under the current system. The general court further finds that the early offer process set forth in RSA 519-C as inserted by this act to resolve medical injury claims is substantially related to this important governmental objective.

V. The general court further finds that medical injury claimants will benefit from the early offer process set forth in RSA 519-C as inserted by this act as it provides the option of a simple, clear process defined in statute that provides prompt and sure recovery of all economic losses associated with meritorious claims settled pursuant to RSA 519-C. The early offer process, if elected, would be more efficient and cost effective in many cases than the high risk, high cost traditional litigation process.

VI. In exchange for the benefits of the early offer process established in this act, the claimant agrees to participate fully in the process, which may affect the damages the claimant can recover, the fees the claimant's attorney may receive, and other important rights or claims that may exist under the existing system.

VII. The general court finds that the benefits to the public and to the parties to medical injury claims from the process established in this act far exceed the burdens imposed on the general public and medical injury claimants.

2 New Chapter; Early Offers for Medical Injury Claims. Amend RSA by inserting after chapter 519-B the following new chapter:

CHAPTER 519-C

EARLY OFFERS FOR MEDICAL INJURY CLAIMS

519-C:1 Definitions. In this chapter:

I. "Claim for medical injury" means any claim against a medical care provider, whether based in tort, contract, or otherwise, to recover damages on account of a medical injury.

II. "Claimant" means an individual who, in his or her own right, or on behalf of another as otherwise permitted by law, is seeking compensation for a medical injury, due to alleged sub-standard medical care or treatment.

III. "Early offer" means an offer to pay an injured person's economic loss related to a medical injury, and reasonable attorney's fees and costs incurred in representing the injured person under this chapter. No other damages of any kind shall be included in an early offer under this chapter.

IV. "Economic loss" means monetary expenses incurred by or on behalf of a claimant reasonably related to a medical injury and its consequences, including actual out-of-pocket medical expenses, replacement services, additional payment to the claimant pursuant to RSA 519-C:7, and 100 percent of the claimant's salary, wages or income from self-employment or contract work lost as a result of the medical injury. Economic loss does not include: pain and suffering, punitive damages, enhanced compensatory damages, exemplary damages, damages for loss of enjoyment of life (hedonic damages), inconvenience, physical impairment, mental anguish, emotional pain and suffering, and loss of the following: earning capacity, consortium, society, companionship, comfort, protection, marital care, parental care, attention, advice, counsel, training, guidance or education, and all other non-economic

damages of any kind.

V. "Hearing officer" means a person of judicial and/or legal training, common sense, and a respect for the law, chosen by agreement of the parties from a list of neutral persons maintained by the judicial branch office of mediation and arbitration. If the parties cannot agree on the choice of a hearing officer, one will be selected at random from the list by the insurance department. Fees paid to the hearing officer for presiding at hearings under this chapter shall be paid by the medical care provider at a rate of \$200 per hour and shall be reviewed for reasonableness by the insurance department. No hearing officer shall be employed by the insurance department or shall serve if such service would constitute a conflict under the New Hampshire Rules of Professional Conduct, or would require disqualification under the Code of Judicial Conduct.

VI. "Medical care provider" means a physician, physician's assistant, registered or licensed practical nurse, hospital, clinic, or other health care provider or agency licensed by the state, or otherwise lawfully providing medical care or services, or an officer, employee, or agent thereof acting in the course of and scope of employment.

VII. "Medical injury" or "injury" means any adverse, untoward, or undesired consequences caused by professional services rendered by a medical care provider, whether resulting from negligence, error, or omission in the performance of such services; from rendition of such services without informed consent or in breach of warranty or in violation of contract; from failure to diagnose; from premature abandonment of a patient or of a course of treatment; from failure properly to maintain equipment or appliances necessary to the rendition of such services; or otherwise arising out of or sustained in the course of such services.

VIII. "Notice of injury" means written notice by certified mail provided to the medical care provider alleged to have caused a medical injury, and containing:

- (a) The name, address, and telephone number of the claimant;
- (b) The believed date and place of the alleged medical injury;
- (c) The nature of the alleged injury;
- (d) An explanation, if known, as to how the alleged injury was caused;
- (e) A description of the severity of the alleged injury, including the claimant's opinion of where the injury is located on the National Practitioner Data Bank severity scale;
- (f) Medical records and medical bills associated with the alleged injury or a limited authorization allowing the medical care provider to obtain medical records and medical bills associated with the alleged injury;
- (g) Evidence of lost wages or income from self-employment or contract work for the individual suffering from an alleged medical injury, which may be supplied through income tax returns or paycheck stubs for the year prior to the alleged injury and any subsequent records up to the date of the notice of alleged injury, or a limited authorization allowing the medical care provider to obtain such records;
- (h) A demand for economic loss resulting from the alleged injury, that includes only medical expenses, replacement services, reasonable attorney fees, and lost wages, or income from self-employment or contract work;
- (i) The name, address and telephone number of claimant's attorney; and
- (j) A request that the medical care provider extend an early offer of settlement of the claim.

IX. "Personal representative" means an executor, administrator, successor personal representative, or special administrator of a decedent's estate or a person legally authorized to perform substantially the same functions.

X. "Reasonable attorney fee" means 20 percent of the present value of the claimant's economic loss and the reasonable costs incurred in representing the injured person under this chapter.

XI. "Replacement services" means expenses reasonably incurred in obtaining ordinary and necessary services from others, who are not members of the injured person's

household, in lieu of those the injured person would have performed for the benefit of the household, but could not because of the injury.

XII. "Wages" means monetary payment for services rendered, and the reasonable value of board, rent, housing, lodging, fuel, or a similar advantage received from the employer and gratuities received in the course of employment from others than the employer; but "wages" shall not include any sum paid by the employer to the employee to cover any special expenses incurred by the employee because of the nature of the employment. For individuals receiving unemployment benefits pursuant to RSA 282-A:25 at the time of the injury, wages shall equal the wage rate used to determine the unemployed individual's unemployment benefit pursuant to RSA 282-A:25. For a minor who is injured prior to reaching the age of 18 and who is unable to perform any gainful work as a result of the medical injury, upon reaching the age of 18 wages shall equal the mean New Hampshire per capita income as shown by the American Community Survey's 1-year Estimate (inflation adjusted), produced by the United States Census Bureau.

519-C:2 Procedure.

I. After a medical injury, the claimant may:

- (a) Pursue resolution of a claim for medical injury pursuant to this chapter; or
- (b) Pursue an action for medical injury as provided in RSA 507-E and RSA 519-

B.

II. For as long as the claimant and medical provider are proceeding under this chapter, this section shall govern the procedure for resolving the medical injury claim at issue between the 2 parties, notwithstanding any other provision of law.

III. If the claimant elects to pursue a remedy under this chapter, the claimant shall serve a notice of injury to the medical care provider alleged to be responsible for the injury and an executed notification and waiver of rights in the form set forth in RSA 519-C:13, by certified mail, return receipt requested.

IV. Upon the receipt by the medical care provider of a notice of injury and an executed notification and waiver of rights, the medical care provider may elect to:

- (a) Extend an early offer of settlement; or
- (b) Decline to extend an early offer of settlement.

V. A claimant's failure to submit a notice of injury requesting an early offer, or a provider's failure to extend an early offer, shall not be subject to review in any hearing, court, or other proceeding of any kind.

VI. The medical care provider shall respond to the claimant's notice of injury in writing, within 90 days, setting forth the details of its early offer, or indicating that the medical care provider has decided not to extend an early offer of settlement. The medical care provider's written response shall be sent by certified mail, return receipt requested, to the address provided in the claimant's notice of injury.

VII. The medical care provider may request in writing that the individual alleging a medical injury submit to an independent medical examination by a qualified and board certified physician chosen by the medical care provider and agreed to by the claimant at a time and place reasonably convenient for the claimant. If the parties cannot agree on a physician to conduct the examination within 30 days of the request, the hearing officer shall select the physician. The physician conducting the examination shall not be affiliated directly or indirectly in any way, with the medical care provider alleged to have caused the injury. The cost of the examination, including reasonable travel expenses for the claimant, shall be paid by the medical care provider's professional liability insurance company. Within 5 days of receipt, the medical provider or its insurer shall, at no cost to the claimant, provide the claimant with all reports and documents originating from the examination. The claimant shall also be entitled to obtain a transcript and/or audio-video recording of the examination at the claimant's expense. Any physician conducting medical examinations under this section shall be certified by the appropriate specialty board as recognized by the American Board of Medical Specialties and in good standing with the New Hampshire board

of medicine.

VIII. If the medical care provider requests that the claimant submit to a physical examination as set forth in paragraph VII, the time allowed for a medical care provider to respond to the claimant's notice of injury shall be extended by 30 days.

IX. If the medical care provider extends an early offer, the claimant shall accept or reject the medical care provider's written offer in writing within 60 days of receipt of the offer. If the claimant requests a hearing pursuant to RSA 519-C:10, to resolve any dispute with respect to the content of an early offer, the timeframe within which the claimant may accept or reject the early offer shall be extended until 10 days after the decision on the disputed issue is issued by the hearing officer.

X. If the claimant accepts the medical care provider's early offer, the claimant shall notify the medical care provider in writing by certified mail, return receipt requested, and thereafter, the claimant is barred from pursuing any claim for the same medical injury against any medical care provider.

XI. If the claimant rejects the medical care provider's early offer or does not accept the medical care provider's early offer within the time constraints provided by paragraph IX, the early offer shall be considered rejected. A claimant who rejects an early offer may pursue an action for medical injury against the medical care provider pursuant to RSA 507-E and RSA 519-B.

XII. A claimant who rejects an early offer and who does not prevail in an action for medical injury against the medical care provider by being awarded at least 125 percent of the early offer amount, shall be responsible for paying the medical care provider's reasonable attorney's fees and costs incurred in the proceedings under this chapter. The claimant shall certify to the court that a bond or other suitable security for payment of the medical care provider's reasonable attorney's fees and costs has been posted before the court shall consider the case.

519-C:3 Unrepresented Claimant.

I. If the claimant is not represented by legal counsel, upon receiving a notice of injury, the medical care provider shall provide a neutral advisor who is a member of the New Hampshire Bar or a retired judge, at the medical care provider's expense, to offer assistance to the claimant and medical care provider under this chapter. Among other things, the neutral advisor shall encourage the claimant to consider retaining an attorney, and shall ensure the claimant is aware of the differences between proceeding under this chapter or as provided in RSA 507-E and RSA 519-B.

II. A claimant who was unrepresented at the time the claimant submitted the notice and waiver of rights shall have the right to withdraw the notice of injury and the notice and waiver of rights within 5 business days after the claimant's first meeting with the neutral advisor, which shall occur no later than 10 business days from claimant's notification of the identity of the neutral advisor. In the event the claimant withdraws the notice of injury, the early offer process shall be terminated and both parties shall proceed as if the notice of injury was never filed.

III. No medical care provider or insurer shall extend an early offer prior to the expiration of 15 business days after the claimant receives notification of the appointment of the neutral advisor.

519-C:4 Confidentiality.

I. Proceedings, records, and communications during negotiation of an early offer shall be treated as private and confidential by the claimant and the medical care provider. The outcome and any other writings, evidence, or statements made or offered by a party or a party's representative during negotiation of an early offer and relevant only to the early offer process are not admissible in court or in a screening panel hearing under RSA 519-B, shall not be submitted or used for any purpose in a subsequent trial, and shall not be publicly disclosed.

II. A notice of injury provided pursuant to RSA 519-C:2, III, and subsequent actions

taken pursuant to this chapter shall be exempt from the reporting requirements of RSA 329:17 and administrative rules adopted thereunder, unless the parties reach a settlement under this chapter. Settlements reached pursuant to this chapter are not exempt from the reporting requirements of RSA 329:17 and said administrative rules.

519-C:5 Payment of Early Offer.

I. If an early offer is accepted, economic losses previously incurred by the claimant as a result of the medical injury and the reasonable attorney fee shall be paid by the medical care provider to the claimant within 15 days of the claimant accepting an early offer.

II. If an early offer is accepted, the medical care provider shall pay future economic losses incurred by the claimant to the claimant as such losses accrue. If any requested payment is denied, the medical provider shall notify the claimant in writing of the denial and the basis for denial, and inform the claimant that any request for a hearing under RSA 519-C:10 regarding the denial must be made within 30 days of the date of denial.

(a) Payments for medical bills arising after the early offer settlement is reached shall be made within 15 days after the medical care provider receives reasonable proof of the fact and the amount of loss sustained. If reasonable proof is not supplied as to the entire claim, the amount supported by reasonable proof shall be paid within 15 days after such proof is received. Any part or all of the remainder of the claim that is later supported by reasonable proof shall be paid within 15 days after such proof is received by the medical care provider. The medical care provider shall pay any and all fees and charges incurred by the claimant resulting from failure to make timely payment of medical bills.

(b) Payment of lost wages shall be made weekly. At a minimum, such payments shall be adjusted annually on July 1 by a factor equal to the percentage change in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for Boston-Brockton-Nashua, MA-NH-ME-CT for the prior 12 months established by the Federal Bureau of Labor Statistics.

(c) Payment of any other amounts due under an early offer shall be paid within 30 days of the date that the provider receives notice and proof of the fact and amount that is due.

(d) When necessary for the medical care provider or its insurer to evaluate whether medical expenses are reasonably related to the medical injury, the medical care provider may request in writing that the claimant submit to an independent medical evaluation as provided by RSA 519-C:2, VII.

III. Interest shall accrue at the rate of 1-1/2 percent per month on any amounts due under an early offer that are not paid as prescribed by this section.

IV. In lieu of periodic payments, the claimant and medical care provider may agree upon a lump sum payment for any and all potential future economic losses suffered by the claimant, provided that the lump sum agreement is reviewed and approved by a hearing officer after a hearing.

519-C:6 Compensation for Death. If death results from a medical injury, the amount of an early offer pursuant to this chapter shall include:

I. Any economic loss incurred by the decedent prior to death;

II. The value at the time of death of what would have been the net earnings of the deceased, less living expenses during the period of his or her life expectancy, but for the medical injury;

III. The value of replacement services during the period of the decedent's life expectancy, but for the medical injury;

IV. The additional payment determined pursuant to RSA 519-C:7; and

V. A reasonable attorney fee.

519-C:7 Additional Payment to the Claimant.

I. In addition to the lost wages, medical expenses, and replacement services, economic loss included in any early offer under this chapter shall include an additional payment to the claimant.

II. The additional payment, as adjusted under paragraph V, that must be included in an early offer shall be:

- (a) For a temporary injury involving only emotional harm, without physical injury: \$6,600.
- (b) For a temporary injury involving insignificant harm: \$2,100.
- (c) For a temporary injury involving minor harm: \$7,800.
- (d) For a temporary injury involving major harm: \$31,500.
- (e) For a permanent injury involving minor harm: \$35,500.
- (f) For a permanent injury involving significant harm: \$81,500.
- (g) For a permanent injury involving major harm: \$127,500.
- (h) For a permanent injury involving grave harm, or an injury resulting in death: \$140,000.

III. Classification of injuries under paragraph II shall be determined using the National Practitioner Data Bank severity scale.

IV. Either party may request a hearing pursuant to RSA 519-C:10 to resolve a dispute regarding classification of injury severity under this section.

V. The additional payment amounts in paragraph II shall be adjusted annually on July 1 beginning in 2013 by a factor equal to the percentage change in the CPI-U index for medical care for the Northeast Region for the prior 12 months established by the Federal Bureau of Labor Statistics.

519-C:8 Assignments; Certain Claims of Creditors.

I. Payments for economic loss under this chapter shall not be assignable.

II. Claims for child support, spousal support, or combination child and spousal support payments, pursuant to RSA 458-B, may be enforced against economic loss settlements.

519-C:9 Multiple Parties Alleged to have Contributed to Causing Medical Injury.

I. Every early offer to settle a claim under this chapter shall include all of the economic loss, plus a reasonable attorney fee as set forth herein, and shall not be reduced or apportioned based on comparative fault of multiple providers. Any medical care provider, or combination of providers alleged to have contributed to causing an injury may extend an early offer as provided in this chapter, and acceptance of that offer by the claimant shall bar any further lawsuit or other claims for compensation by the claimant against all medical care providers arising as a result of the same medical injury. However, any medical care provider that extends an early offer to a claimant may seek contribution in a separate action against any medical care provider or other party that contributed to causing the medical injury. The injured individual shall not be a party to any action for contribution between medical care providers, however, the injured individual shall reasonably cooperate with the proceedings and provide such reasonable information and testimony as may be necessary to resolve the contribution claim. The parties to the action shall pay the injured individual all reasonable costs associated with such reasonable cooperation and testimony, including travel expenses and reasonable loss of earnings or a witness fee of \$100 per day, whichever is greater.

II. Nothing in this section shall be regarded as exempting contribution claims from any applicable provisions of RSA 519-B.

III. Nothing in this section shall limit claims by the claimant against any party other than medical care providers who participated in providing medical care which gave rise to the medical injury.

519-C:10 Dispute Resolution.

I. Upon the request of either party, a qualified hearing officer shall be chosen as provided in RSA 519-C:1, V to resolve a dispute regarding an early offer made under this chapter.

II. Dispute resolution under this chapter shall be limited to the following issues:

- (a) Whether an early offer includes all of the economic loss related to the injury that is required by this chapter;

(b) Whether economic loss of any kind, past or future, asserted by the claimant, is reasonably related to an injury that is the subject of an early offer;

(c) Which severity level, pursuant to RSA 519-C:7, most closely describes the injury that is the subject of an early offer; or

(d) What the net present value of an early offer is, for the purposes of calculating the appropriate payment for reasonable attorney fees.

III. No other disputes arising under this chapter may be the subject of, or resolved through a hearing under, this section.

IV. Any request for a hearing pursuant to this section shall contain a reasonably complete statement of the issue or issues to be resolved in the hearing and shall fully identify all parties to the dispute. Any issue not listed in paragraph II shall not be considered.

Hearings concerning economic loss that arises after a settlement under this chapter shall be requested within 30 days of the date payment for such economic loss is denied under RSA 519-C:5, II.

V. The medical care provider or, if applicable, the medical care provider's insurer shall pay all reasonable costs associated with a hearing under this section.

VI. Hearings conducted under this chapter shall be governed exclusively by this section and by rules adopted pursuant to RSA 519-C:15.

VII. Any hearing conducted under this chapter shall be conducted within 45 days of the request and a decision shall be issued within 10 days of completion of the hearing.

Hearings may be conducted in person or telephonically.

VIII. On a motion from any party, or on his or her own motion, a hearing officer may summarily determine any issue in dispute without a hearing if it appears from the record that there are no material issues of fact in dispute. By agreement of the parties, any dispute may be determined by the hearing officer on the written record without a hearing.

IX. Hearings conducted pursuant to this chapter shall be limited to a reasonable amount of time as determined by the hearing officer, shall not require the presence or testimony of expert witnesses, and shall be recorded by an accurate audio or stenographic recording of all testimony, available to both parties at the non-prevailing parties' expense.

X. Parties to a hearing under this section shall exchange exhibits and witness lists at least 10 days prior to the hearing. No exhibit may be introduced or witness called in a hearing unless exchanged with the opposing party pursuant to this paragraph.

XI. The hearing officer shall issue a written decision resolving the issues in dispute. If the hearing officer finds against the medical provider on any issue, the decision shall modify the terms of the early offer. The early offer, as modified by the decision of the hearing officer, shall be binding on the parties.

XII. In a hearing conducted pursuant to subparagraph II(b) of this section, if the hearing officer determines the claimant's position to be frivolous, the claimant shall reimburse the medical care provider for its costs related to presenting the dispute to the hearing officer, up to a maximum of \$1,000.

XIII. In a hearing conducted pursuant to subparagraph II(b) of this section, if the hearing officer determines the medical care provider's position to be frivolous, the medical care provider shall reimburse the claimant for its costs related to presenting the dispute to the hearing officer, up to a maximum of \$1,000, or if the claimant is unrepresented, pay the claimant double the amount that was frivolously disputed or denied.

519-C:11 Limitations of Claims.

I. Except for claims on behalf of deceased individuals, claims for medical injury to a competent adult under this chapter shall be subject to the limitation set forth in RSA 508:4.

II. Except for claims on behalf of deceased individuals, claims for medical injury to a minor or incompetent under this chapter shall be subject to the limitation set forth in RSA 508:8.

III. Claims for medical injuries on behalf of deceased individuals shall be subject to the limitations set forth in RSA 556:7.

IV. Providing a notice of injury to a medical care provider as provided in this chapter shall operate to toll the applicable statute of limitation with respect to that injury from the time such notice is provided to a medical care provider until the expiration of time for a medical care provider to extend an early offer, or if an early offer is extended, until the acceptance or rejection of an early offer by the claimant, whichever occurs later.

519-C:12 Subrogation. Any insurer or third party who has paid or reimbursed economic losses to or for the benefit of the claimant, shall have the right of subrogation against the medical provider entering into an early offer of settlement under this chapter.

519-C:13 Notice and Waiver of Rights.

I. Claimants electing to pursue resolution of a medical injury under this chapter shall execute a notice and waiver of rights which contains the following wording:

WAIVER OF RIGHTS

By agreeing to submit a notice of injury to the medical care provider, I understand that my rights to seek legal remedies and a jury trial for my injuries guaranteed by Part I, Articles 14 and 20 of the New Hampshire Constitution may be affected.

I understand that I have the right to consult and retain an attorney to represent me regarding this matter, and that if an early offer settlement is reached, my attorney will be paid pursuant to RSA 519-C:5, I by the health care provider, in addition to any amount that is paid for my economic loss.

If I do not have an attorney when I sign this waiver form, the medical provider will appoint a neutral advisor to assist me in the early offer process and to explain, among other things, the differences between proceeding under this chapter or as provided in RSA 507-E and RSA 519-B. I HAVE THE RIGHT TO WITHDRAW THIS WAIVER AND THE NOTICE OF INJURY ANY TIME PRIOR TO MIDNIGHT OF THE FIFTH BUSINESS DAY AFTER MY FIRST MEETING WITH THE ADVISOR, WHICH MUST OCCUR NO LATER THAN 10 BUSINESS DAYS FROM MY NOTIFICATION OF THE IDENTITY OF THE NEUTRAL ADVISOR.

If after submitting a notice of injury, the medical care provider does NOT extend an early offer (RSA 519-C:1, III), I am free to pursue my legal remedies as defined in New Hampshire law without restriction.

If after submitting a notice of injury, the medical care provider does extend an early offer (RSA 519-C:1, III), I may either:

- (1) Accept the early offer;
- (2) Request a hearing before a hearing officer to determine whether the early offer includes all of the economic loss I am entitled to under the statute, and if necessary, the hearing officer may order the medical care provider to increase the early offer to meet the requirements of the early offer law; or
- (3) Reject the early offer and seek legal remedies.

I understand that if I reject an early offer and am later awarded economic damages equal to or less than 125 percent of the amount of the early offer, I will be responsible for paying the medical care provider's reasonable attorney's fees and costs incurred in proceedings under this chapter.

I understand that if an early offer is made by the medical care provider and I accept that offer, disputes regarding the early offer can be resolved only in accordance with RSA 519-C:10 by a hearing officer listed with the judicial branch office of mediation and arbitration, at my request or the request of the medical care provider. If either party believes that the decision of the hearing officer is unlawful, that party may seek discretionary review in the New Hampshire court system; however, there is no assurance that the courts will undertake such review.

Date _____ Signature _____

II. A properly executed waiver form by a claimant who is competent at the time the waiver is executed shall be conclusively presumed to be a sufficient, knowing, and voluntary waiver if the waiver form complies with this section.

519-C:14 Other Action for Injury. Except as set forth in RSA 519-C:2, IX, a claimant may only pursue an action for medical injury as provided in RSA 507-E and RSA 519-B when:

- I. The claimant elects not to submit a notice of injury pursuant to this chapter;
- II. The medical care provider elects not to extend an early offer pursuant to this chapter in response to the notice of injury; or
- III. The claimant withdraws the notice of injury and the notice and waiver of rights pursuant to RSA 519-C:3.

519-C:15 Rulemaking. The commissioner of the New Hampshire insurance department shall adopt rules necessary to administer the hearings process under this chapter.

519-C:16 Reports.

I. The insurance commissioner shall report to the general court annually, on or before November 1, on the effects of the early offer process established in this chapter. Such reports shall include, but not be limited to, statistics of each time the early offer process was initiated, including the number of claimants requesting early offers, the number of claimants receiving early offers, a record of the amount of each demand for economic loss, the corresponding early offer from the medical provider and the ultimate amount received by the claimant, if any, the severity of injuries, the time from initial notice to final resolution of claims, and the amount paid on claims.

II. The insurance commissioner may adopt rules under RSA 541-A to collect the data from insurers or any self-insured entity necessary to prepare the report required by this section. To the extent the commissioner collects information from insurers regarding individual claims, loss adjustment and other expenses, reserves, indemnity payments, or other financial information that is not otherwise reported to the commissioner and available to the public, such information shall be treated as examination materials, kept confidential, and not be subject to RSA 91-A.

3 Prospective Repeal. RSA 519-C, relative to early offers for medical injury claims, is repealed.

4 Confidentiality of Police Personnel Files. RSA 105:13-b is repealed and reenacted to read as follows:

105:13-b Confidentiality of Personnel Files.

I. Exculpatory evidence in a police personnel file of a police officer who is serving as a witness in any criminal case shall be disclosed to the defendant. The duty to disclose exculpatory evidence that should have been disclosed prior to trial under this paragraph is an ongoing duty that extends beyond a finding of guilt.

II. If a determination cannot be made as to whether evidence is exculpatory, an in camera review by the court shall be required.

III. No personnel file of a police officer who is serving as a witness or prosecutor in a criminal case shall be opened for the purposes of obtaining or reviewing non-exculpatory evidence in that criminal case, unless the sitting judge makes a specific ruling that probable cause exists to believe that the file contains evidence relevant to that criminal case. If the judge rules that probable cause exists, the judge shall order the police department employing the officer to deliver the file to the judge. The judge shall examine the file in camera and make a determination as to whether it contains evidence relevant to the criminal case. Only those portions of the file which the judge determines to be relevant in the case shall be released to be used as evidence in accordance with all applicable rules regarding evidence in criminal cases. The remainder of the file shall be treated as confidential and shall be returned to the police department employing the officer.

5 Study Committee Established; Self-Referrals for Implantable Medical Devices.

I. There is hereby established a committee to study the issue of health care practitioners making referrals of patients for the use of implantable medical devices when the practitioner has an ownership or other financial interest in the supplier of the implantable medical device.

- II. The members of the committee shall be as follows:
- (a) Five members of the house of representatives, appointed by the speaker of the house of representatives.
 - (b) Two members of the senate, appointed by the president of the senate.
- III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.
- IV. The committee shall study the issue of health care practitioner self-referrals for implantable medical devices and make recommendations as to any future legislation.
- V. The members of the committee shall elect a chairperson from among the members. The first-named house of representatives member shall call the first meeting. The first meeting shall be held within 30 days of the effective date of this section. Four members of the committee shall constitute a quorum.
- VI. The committee shall submit a report of its findings and any recommendations for proposed legislation to the speaker of the house of representatives the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2012.
- 6 Effective Date.
- I. Section 2 of this act shall take effect January 1, 2013.
 - II. Section 3 of this act shall take effect November 1, 2020.
 - III. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a system of early offers for medical injury claims as an alternative to litigation or screening panels under RSA 519-B.

This bill clarifies the confidentiality provisions regarding use of police personnel files as evidence in criminal cases.

This bill also establishes a committee to study the issue of health care practitioners making referrals of patients for the use of implantable medical devices when the practitioner has an ownership or other financial interest in the supplier of the implantable medical device.

Conferees: Sens. Luther, Dist. 12; Bradley, Dist. 3; Forsythe, Dist. 4.

Conferees: Reps. Silva, Hills. 26; Giuda, Merr. 7; Hagan, Rock. 7; Rowe, Hills. 6.

Rep. Jennifer Coffey spoke against.

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

YEAS 220 NAYS 141

YEAS 220

BELKNAP

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

CARROLL

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

CHESHIRE

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

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Gionet, Edmond
Reilly, Harold Sr

Brosseau, Charles
Ingbretson, Paul
Shackett, Jeffrey

Bulis, Lyle
Ladd, Rick Jr
Sorg, Gregory

Eaton, Stephanie
Mirski, Paul
Sova, Charles

HILLSBOROUGH

Balboni, Michael
Boehm, Ralph
Christensen, D.L.
Chris
Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael
Messier, Irene
Ober, Lynne
Palmer, Stephen
Pratt, Calvin
Rowe, Robert
Souza, Kathleen
Twombly, Timothy
Whitehead, Randall

Barry, J. Gail
Brownrigg, Randall Jr
Coffey, James
Daniels, Gary
Drisko, Richard
Gargasz, Carolyn
Haefner, Robert
Hikel, John
Infantine, William
LeBrun, Donald
McClarren, Donald
Moran, Edward
Ober, Russell III
Pellegrino, Tony
Reed, Michael
Seidel, Carl
Stepanek, Stephen
Ulery, Jordan
Willette, Robert

Barry, Richard
Buxton, Michael
Condra, William
Day, Russell
Flanagan, Jack
Gonzalez, Carlos
Hansen, Peter
Hogan, Edith
Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pepino, Leo
Renzullo, Andrew
Silva, Peter
Terrio, Ross
Vaillancourt, Steve

Bergevin, Jerry
Cebrowski, John
Coughlin, Sean
Doherty, Shaun
Fredette, Robert
Graham, John
Hardwick, Harry
Holden, Frank
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Peterson, Lenette
Robbins, David
Soucy, Connie
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Keane, Thomas
Lockwood, Priscilla
Reed, Dennis
Smith, Todd

Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Richardson, Jon
Winter, Steven

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

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

ROCKINGHAM

Abrami, Patrick
Belanger, Ronald
Chirichiello, Brian
Devine, James
Fesh, Robert
Hagan, Joseph
Katsakiores, Phyllis
Major, Norman
Nevins, Chris
Perkins, Amy
Ritter, Glenn
Sedensky, John
Sullivan, Kevin
Ward, Joanne

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Dowling, Patricia
Garcia, Marilinda
Headd, James
Kolodziej, Walter
Manuse, Andrew
Okerman, Richard
Quandt, Matt
Sanders, Elisabeth
Sheffert, Kenneth
Sytek, John
Waterhouse, Kevin

Baldasaro, Alfred
Brown, Paul
Davenport, Joshua
Duarte, Joe
Garrity, James
Introne, Robert
Lundgren, David
McKinney, Betsy
Oigny, Jeffrey
Reagan, John
Sapareto, Frank
Shuler, Wyman III
Tamburello, Daniel
Welch, David

Bates, David
Charron, Gene
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary
Kappler, Lawrence
MacMahon, Bruce
Murphy, Brian
Packard, Sherman
Rice, Frederick
Schroadter, Adam
Smith, William
Tucker, Pamela
Weyler, Kenneth

STRAFFORD

Andolina, Donald	Cataldo, Sam	DeLemus, Susan	Groen, Warren
Larsen Schultz, Kirsten	Munck, Philip	Newton, Clifford	O'Connor, William
Parsons, Robbie	Pitre, Joseph	Vita, Carol	Vita, Lucien

SULLIVAN

Bowers, Spec	Cunningham, Steven	Howard, Thomas	LaCasse, Paul Sr
Laware, Thomas	Lovett, Charlene	Osgood, Joe	Rodeschin, Beverly

NAYS 141

BELKNAP

Bolster, Peter	Kingsbury, Robert
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CARROLL

None

CHESHIRE

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

COOS

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

GRAFTON

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

HILLSBOROUGH

Avard, Kevin	Baroody, Benjamin	Belanger, James	Burt, John
Campbell, David	Champagne, Norma	Christiansen, Lars	Cote, David
Daler, Jennifer	DeJong, Cameron	Erickson, Duane	Gandia, Laura
Gidge, Kenneth	Gimas, John	Goley, Jeffrey	Gorman, Mary
Hopper, Gary	Katsiantonis, Thomas	Lambert, George	Leishman, Peter
Long, Patrick	Pilotte, Maurice	Porter, Marjorie	Proulx, Mark
Ramsey, Peter	Rokas, Ted	Rosenwald, Cindy	Scontsas, Lisa
Shaw, Barbara	Simmons, Tammy	Sullivan, Daniel	Sullivan, Peter
Swank, Matthew	Warden, Mark		

MERRIMACK

Bouchard, Candace	Coffey, Jennifer	Cohn, Seth	Deloge, Helen
DeStefano, Stephen	Foose, Robert	Frazer, June	Gile, Mary
Hamm, Christine	Hess, David	Kidder, David	Kreis, Kenneth Sr

MacKay, James
Potter, Frances
Watrous, Rick

McGuire, Dan
Richardson, Gary
Williams, Robert

Owen, Derek
Shurtleff, Stephen

Patten, Dick
Wallner, Mary Jane

ROCKINGHAM

Allen, Mary
DiPentima, Rich
Lovejoy, Patricia
Pantelakos, Laura
Read, Robin Jr
Tremblay, Stella

Antosz, Jason
Elliott, Robert
Mauro, Donna
Peckham, Michele
Schlachman, Donna
Waddell, James

Cali-Pitts, Jacqueline
Hoelzel, Kathleen
McMahon, Charles
Perkins, Lawrence
Serlin, Christopher
Webb, James

Copeland, Timothy
Itse, Daniel
Norelli, Terie
Quandt, Marshall
Sullivan, James

STRAFFORD

Berube, Roger
Grassie, Anne
Jones, Laura
Pelletier, Marsha
Spainhower, Dale
Watters, David

Brown, Julie
Hooper, Dorothea
Kaen, Naida
Perry, Robert
Spang, Judith
Weeden, Michael

Browne, Brendon
Horrigan, Timothy
Keans, Sandra
Roberts, Jenna
Sprague, Dale

Ginsburg, Philip
Jones, Kyle
Leonard, Frederick Jr
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Smith, Steven

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

and the Committee of Conference Report was adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 409-FN

Committee of Conference Report on SB 409-FN, an act relative to the use of marijuana for medicinal purposes.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

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

1 New Chapter; Use of Marijuana for Medicinal Purposes. Amend RSA by inserting after chapter 126-U the following new chapter:

CHAPTER 126-V

USE OF MARIJUANA FOR MEDICINAL PURPOSES

126-V:1 Definitions. In this chapter:

I. "Provider-patient relationship" means a relationship between a provider and a patient that includes:

- (a) Taking a medical history;
- (b) Performing a relevant physical examination;
- (c) Reviewing prior treatment and treatment response;
- (d) Obtaining and reviewing relevant diagnostic test results;
- (e) The provider being available for and offering follow-up care and treatment to the patient, including but not limited to patient examinations;
- (f) Creating and maintaining patient records; and
- (g) Notifying the patient's primary care provider when appropriate.

II. "Cultivation location" means a locked and enclosed site, under the control of the qualifying patient or designated caregiver who has reported the location of the site to the department, where marijuana is cultivated in accordance with the provisions of this chapter.

III.(a) “Qualifying medical condition” means the presence of both:

(1) A severely debilitating or terminal disease; and

(2) Symptoms or treatment results that include at least one of the following:

wasting syndrome, severe pain that has not responded to previously prescribed medication or surgical measures for more than 3 months, elevated intraocular pressure, severe nausea, severe vomiting, seizures, or severe, persistent muscle spasms.

(b) “Severely debilitating or terminal disease” means:

(1) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C currently receiving antiviral treatment, amyotrophic lateral sclerosis, muscular dystrophy, Crohn’s disease, agitation of Alzheimer’s disease, multiple sclerosis, inflammatory autoimmune-mediated arthritis, Parkinson’s disease, systemic lupus erythematosus, quadriplegia, paraplegia, sickle cell disease, cerebral palsy, epilepsy, severe spinal cord injury, intractable skeletal muscular spasticity, traumatic brain injury, Tourette’s Syndrome, spinal cord disease, chronic pancreatitis with cysts, one or more injuries that significantly interfere with daily activities as documented by the patient’s treating provider, or painful peripheral neuropathy only if the application is accompanied by medical records that confirm the objective presence of painful peripheral neuropathy that has been refractory to other treatments; or

(2) A medical condition which is not listed in subparagraph (1) and which the commissioner determines, on a case by case basis, is severely debilitating or terminal, based upon the written request of a person who furnishes written certification to the commissioner and who demonstrates the symptoms or treatment results listed in subparagraph (a)(2).

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

V. “Designated caregiver” means an individual:

(a) Who is at least 21 years of age; and

(b) Who has agreed to assist with a qualifying patient’s medical use of marijuana; and

(c) Who has never been convicted of any drug-related offense; and

(d) Who possesses a valid registry identification card issued pursuant to RSA

126-V:4

VI. “Marijuana” means all parts of any plant of the Cannabis genus of plants, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, salt, derivative, mixture, or preparation of such plant, its seeds, or resin. Such term shall not include the mature stalks of such plants, fiber produced from such stalks, oil, or cake made from the seeds of such plants, any other compound, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seeds of such plants which are incapable of germination.

VII. “Medical use” means the acquisition, possession, cultivation, preparation, use, delivery, transfer, or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a qualifying patient’s qualifying medical condition or symptoms or results of treatment associated with the qualifying patient’s qualifying medical condition. It shall not include the use of marijuana by a designated caregiver who is not a qualifying patient.

VIII. “Medicinal use certificate” means a certificate issued by the commissioner of health and human services indicating that a donation has been made to the registry identification card fund established in RSA 126-V:7. The commissioner shall establish the minimum donation amount each year in an amount sufficient to cover the costs associated with this chapter, but not to exceed \$200. The donor shall receive one medicinal use certificate for each donation of the minimum amount and may transfer the certificate to any person applying as a qualified patient or a designated caregiver.

IX. “Provider” means a physician licensed to prescribe drugs to humans under RSA 329 and who possesses certification from the United States Drug Enforcement Administration to prescribe controlled substances. For a visiting qualifying patient,

“provider” means an individual licensed to prescribe drugs to humans in the state of the patient’s residence and who possesses certification from the United States Drug Enforcement Administration to prescribe controlled substances.

X. “Qualifying patient” means an individual who has been diagnosed by a provider as having a qualifying medical condition and who possesses a valid registry identification card issued pursuant to RSA 126-V:4.

XI. “Registry identification card” means a document issued by the department pursuant to RSA 126-V:4 that identifies an individual as a qualifying patient or a designated caregiver.

XII. “Seedling” means a marijuana plant that has no flowers and is less than 12 inches in height and less than 12 inches in diameter.

XIII. “Unusable marijuana” means any marijuana, other than usable marijuana, including the seeds, stalks, and roots of the plant.

XIV. “Usable marijuana” means the dried leaves and flowers of the marijuana plant and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant and does not include the weight of any non-marijuana ingredients combined with marijuana and prepared for consumption as food or drink.

XV. “Visiting qualifying patient” means a patient with a qualifying medical condition who is not a resident of New Hampshire or who has been a resident of New Hampshire for fewer than 30 days.

XVI. “Written certification” means a document signed by a provider stating that in the provider’s professional opinion, after having completed a full assessment of the patient’s medical history and current medical condition made in the course of a provider-patient relationship of at least 3 months in duration, the patient has a qualifying medical condition, and the potential benefits of the medical use of marijuana would likely outweigh the health risks for the qualifying patient. If the patient’s qualifying medical condition is of recent or sudden onset and the certifying provider is primarily responsible for the patient’s care related to his or her qualifying medical condition, the 3-month requirement for the provider-patient relationship required in this paragraph shall not apply. The written certification shall be valid for up to one year. The date of expiration and the patient’s qualifying medical condition shall be specified on the written certification.

126-V:2 Possession of Medical Marijuana by a Qualifying Patient or Designated Caregiver.

I. A qualifying patient shall not be subject to arrest, prosecution, or penalty, or denied any right or privilege for the medical use of marijuana in accordance with this chapter, if the qualifying patient possesses, cultivates, or possesses and cultivates, an amount of marijuana that does not exceed the following:

(a) If the qualifying patient does not have a designated caregiver for the possession and cultivation of marijuana that occurs at the cultivation location reported to the department, or while transporting marijuana and marijuana plants and seedlings to a new cultivation location that has been reported to the department within the prior 21 days:

- (1) Six ounces of usable marijuana; and
- (2) Any amount of unusable marijuana; and
- (3) Four mature marijuana plants and 12 seedlings, with a total canopy of no more than 100 square feet.

(b) If the qualifying patient is not at the cultivation location reported to the department:

- (1) Two ounces of usable marijuana; and
- (2) Any amount of unusable marijuana.

II. A designated caregiver shall not be subject to arrest, prosecution, or penalty, or denied any right or privilege for the medical use of marijuana in accordance with this chapter on behalf of a qualifying patient if the designated caregiver possesses or cultivates, or both, an amount of marijuana that does not exceed the following:

(a) If at the cultivation location reported to the department, or while transporting marijuana and marijuana plants and seedlings to a new cultivation location that has been reported to the department within the prior 21 days:

(1) Six ounces of usable marijuana; and
(2) Any amount of unusable marijuana; and
(3) Four mature marijuana plants and 12 seedlings, with a total canopy of no more than 100 square feet.

(b) If not at the cultivation location reported to the department:

(1) Two ounces of usable marijuana; and
(2) Any amount of unusable marijuana.

III. A qualifying patient or designated caregiver shall not be subject to arrest, prosecution, or penalty for giving marijuana to a qualifying patient or a visiting qualifying patient where nothing of value is transferred in return, or for offering to do the same, if the person giving the marijuana does not knowingly cause the recipient to possess more marijuana than is permitted by this section.

IV.(a) A qualifying patient is presumed to be lawfully engaged in the medical use of marijuana in accordance with this chapter if the qualifying patient possesses a valid registry identification card and possesses an amount of marijuana that does not exceed the amount allowed under this chapter.

(b) A designated caregiver is presumed to be lawfully engaged in assisting with the medical use of marijuana in accordance with this chapter if the designated caregiver possesses a valid registry identification card and possesses an amount of marijuana that does not exceed the amount allowed under this chapter.

(c) The presumptions made in subparagraphs (a) and (b) may be rebutted by evidence that conduct related to marijuana was not for the purpose of treating or alleviating the qualifying patient's qualifying medical condition or symptoms or effects of the treatment associated with the qualifying medical condition, in accordance with this chapter.

V. A person otherwise entitled to custody of, or visitation or parenting time with, a minor shall not be denied such a right solely for conduct allowed under this chapter and there shall be no presumption of neglect or child endangerment.

VI. Notwithstanding paragraph III, a designated caregiver may receive compensation for costs, not including labor, associated with assisting a qualifying patient who has designated the designated caregiver to assist him or her with the medical use of marijuana. Such compensation shall not constitute the sale of controlled substances.

VII. A provider shall not be subject to arrest, prosecution, or penalty, or denied any right or privilege, including but not limited to a civil penalty or disciplinary action by the New Hampshire board of medicine or any other occupational or professional licensing entity, solely for providing written certifications or for otherwise stating that, in the provider's professional opinion, and in the context of a provider-patient relationship, a patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana, provided that nothing shall prevent a professional licensing entity from sanctioning a provider for failing to properly evaluate a patient's medical condition.

VIII. Any marijuana, marijuana paraphernalia, licit property, or interest in licit property that is possessed, owned, or used in connection with the medical use of marijuana as allowed under this chapter, or acts incidental to such use, shall not be seized or forfeited if the basis for the seizure or forfeiture is activity related to marijuana that is exempt from state criminal penalties under this chapter.

IX. An individual shall not be subject to arrest, prosecution, or penalty, or denied any right or privilege, including but not limited to a civil penalty or disciplinary action by a court or occupational or professional licensing entity, simply for being in the presence or vicinity of the medical use of marijuana as allowed under this chapter.

X. A valid registry identification card, or its equivalent, that is issued under the laws of another state, district, territory, commonwealth, or insular possession of the United States

that allows, in the jurisdiction of issuance, a visiting qualifying patient to possess marijuana for medical purposes, shall have the same force and effect as a valid registry identification card issued by the department in this state, provided that:

(a) The visiting qualifying patient shall also produce a statement from his or her provider stating that the visiting qualifying patient has a qualifying medical condition as defined in RSA 126-V:1, III; and

(b) A visiting qualifying patient shall not cultivate marijuana in New Hampshire.

XI.(a) Any qualifying patient or registered caregiver who sells marijuana to another person who is not a qualifying patient or registered caregiver under this chapter shall be subject to the penalties specified in RSA 318-B:26, IX-a, shall have his or her registry identification card revoked, and shall be subject to other penalties as provided in RSA 318-B:26.

(b) The department may revoke the registry identification card of a qualifying patient or registered caregiver who violates any other provision of this chapter, and the qualifying patient or registered caregiver shall be subject to any other penalties established in law for the violation.

XII. Where a state or local law enforcement agency encounters an individual who, during the course of an investigation, credibly asserts that he or she is a qualifying patient or designated caregiver, the law enforcement agency shall not provide any information from any marijuana-related investigation of the individual or entity to any law enforcement agency that does not recognize the protection of this chapter, and any prosecution of the individual or entity for a violation of this chapter shall be conducted pursuant to the laws of this state. This paragraph shall not apply in cases where the state or local law enforcement agency has probable cause to believe the person is distributing marijuana to a person who is not allowed to possess it under this chapter.

XIII. A person who ceases to be a qualifying patient or designated caregiver shall have 10 days after notification by the department to dispose of marijuana in one of the following ways:

(a) If the person was a designated caregiver and the qualifying patient who designated the caregiver is still a qualifying patient, but has designated a new caregiver or will cultivate plants himself or herself, the designated caregiver may transfer marijuana to the new person who will cultivate for the qualifying patient;

(b) The person may notify local law enforcement and request that they dispose of the marijuana;

(c) The person may dispose of marijuana, after mixing marijuana with other ingredients such as soil to render it unusable; or

(d) The person may donate usable marijuana to a qualifying patient.

XIV. For the purposes of medical care, including organ transplants, a registered qualifying patient's authorized use of marijuana in accordance with this chapter shall be considered the equivalent of the authorized use of any other medication used at the direction of a provider, and shall not constitute the use of an illicit substance.

126-V:3 Prohibitions and Limitations on the Use of Medical Marijuana.

I. A qualifying patient may use medical marijuana on privately owned real property only with the permission of the property owner.

II. Nothing in this chapter shall exempt any person from arrest or prosecution for:

(a) Being under the influence of marijuana while:

(1) Operating a motor vehicle, commercial vehicle, boat, or vessel, or any other vehicle propelled or drawn by power other than muscular power; or

(2) In his or her place of employment, without the written permission of the employer; or

(3) Operating heavy machinery or handling a dangerous instrumentality.

(b) The use or possession of marijuana by a qualified patient or designated

caregiver for purposes other than for medical use as permitted by this chapter.

- (c) The smoking of marijuana in any public place, including:
 - (1) A school bus, public bus, or other public vehicle; or
 - (2) A place of employment, without the written permission of the employer;

or

- (3) The grounds of any preschool, elementary, or secondary school; or
- (4) Any correctional facility; or
- (5) Any public park, public beach, public recreation center, public field, or youth

center.

III. Nothing in this chapter shall be construed to require:

- (a) Any health insurance provider, health care plan, or medical assistance program to be liable for any claim for reimbursement for the medical use of marijuana; or
- (b) Any individual or entity in lawful possession of property to allow a guest, client, customer, or other visitor to use marijuana on or in that property. This chapter shall not limit an individual or entity in lawful possession of property, or an agent of such individual or entity, from expelling an individual who uses marijuana without permission from their property and from seeking civil and criminal penalties for the unauthorized use of marijuana on their property; or
- (c) Any accommodation of the medical use of marijuana on the property or premises of any place of employment or on the property or premises of any jail, correctional facility, or other type of penal institution where prisoners reside or persons under arrest are detained. This chapter shall in no way limit an employer's ability to discipline an employee for ingesting marijuana in the workplace or for working while under the influence of marijuana;

IV. Fraudulent representation to a law enforcement official of any fact or circumstance relating to the medical use of marijuana to avoid arrest or prosecution shall be punishable by a fine of \$500, which shall be in addition to any other penalties that may apply for making a false statement or for the use of marijuana other than use undertaken pursuant to this chapter.

V. A qualifying patient or designated caregiver who is found to be in possession of marijuana outside of his or her home and is not in possession of his or her registry identification card, may be subject to a \$100 fine.

126-V:4 Departmental Administration.

I. Except as provided in paragraph V, the department shall issue a registry identification card to a person applying as a qualifying patient who submits all of the following information:

- (a) Written certification as defined in RSA 126-V:1.
- (b) An application or a renewal application accompanied by a medicinal use certificate.
- (c) Name, residential and mailing address, and date of birth of the applicant, except that if the applicant is homeless, no residential address is required.
- (d) Name, address, and telephone number of the applicant's provider.
- (e) Name, address, and date of birth of the applicant's designated caregiver, if any.

A qualifying patient shall have only one designated caregiver.

(f) Street address of the cultivation location, if the qualifying patient does not have a designated caregiver.

(g) A statement signed by the applicant, pledging not to divert marijuana to anyone who is not allowed to possess marijuana pursuant to this chapter and acknowledging that his or her diversion of marijuana is punishable as a class B felony and revocation of his or her registry identification card, in addition to other penalties for the illegal sale of marijuana.

II.(a) Except as provided in paragraph V, the department shall issue a registry identification card to a person applying as a designated caregiver who submits all of the

following information:

- (1) An application or a renewal application accompanied by a medicinal use certificate.
- (2) Name, residential and mailing address, and date of birth of the applicant.
- (3) Name, residential and mailing address, and date of birth of the qualifying patient for whom the applicant will act as designated caregiver, except that if the qualifying patient is homeless, no residential address is required. A designated caregiver shall act on behalf of only one qualifying patient.
- (4) A complete set of fingerprints.
- (5) Street address of the cultivation location.
- (6) A statement indicating the applicant's preference as to whether the applicant requests the department to retain his or her fingerprints on file for any renewal application or whether the applicant requests the department to destroy his or her fingerprints and acknowledges that the applicant shall resubmit fingerprints if the applicant applies for renewal as a designated caregiver.
- (7) A signed statement from the applicant agreeing to act as the designated caregiver for the qualifying patient named in the application and pledging not to divert marijuana to anyone who is not allowed to possess marijuana pursuant to this chapter and acknowledging that the diversion of marijuana is punishable as a class B felony and revocation of one's registry identification card, in addition to other penalties for the illegal sale of marijuana.

(b) A person who is applying to be a designated caregiver shall submit to a state and federal criminal records check. The department shall request the department of safety to perform the state and federal criminal records check and the department of safety shall complete such records checks and convey the findings of such checks to the department within 30 days of the request. The department and the department of safety may exchange necessary data including fingerprint data with the Federal Bureau of Investigation without disclosing that the records check is related to the provisions of this chapter and acts permitted by it. Unless the applicant stated that he or she prefers his or her fingerprints to be kept on file for any renewal, the department and the department of safety shall destroy each set of fingerprints obtained pursuant to this chapter after the criminal records check is complete.

III. The department shall verify the information contained in an application or renewal submitted pursuant to this section. The department shall approve or deny an application or renewal for a qualifying patient within 15 days of receipt of the application. The department shall approve or deny an application or renewal to serve as a designated caregiver within 45 days of receipt of the application. The department may deny an application or renewal only if the applicant did not provide the information required pursuant to this section, or the applicant previously had a registry identification card revoked for violating the provisions of this chapter, or if the department determines that the information provided was falsified. The department shall notify an applicant of the denial of an application. An applicant who is aggrieved by a department decision may request an administrative hearing at the department.

IV. The department shall issue registry identification cards to persons applying as a qualifying patient or designated caregiver within 5 days of approving an application or renewal. Each registry identification card shall expire one year after the date of issuance, unless the provider states in the written certification that he or she believes the qualifying patient would benefit from medical marijuana only until a specified earlier date, then the registry identification card shall expire on that date. Registry identification cards shall contain all of the following:

- (a) Name, mailing address, and date of birth of the qualifying patient or designated caregiver.
- (b) The date of issuance and expiration date of the registry identification card.
- (c) A random 10-digit identification number, containing at least 4 numbers and

at least 4 letters, that is unique to the qualifying patient or the designated caregiver.

(d) A designation that the person is either a “qualifying patient” or a “designated caregiver.” If the person is a designated caregiver, the identification card shall include the random 10-digit identification number of the qualifying patient for whom he or she is providing care.

(e) A photograph of the qualifying patient or designated caregiver.

(f) A statement that the qualifying patient or designated caregiver is permitted under state law to possess marijuana pursuant to this chapter for the medical use of the qualifying patient.

(g) For a qualifying patient’s registry identification card, a statement that either:

(1) The person is a qualifying patient who has not designated a caregiver and is therefore exempt from state penalties for cultivating marijuana; or

(2) The person is a qualifying patient who has designated a caregiver, and therefore shall not be permitted to cultivate marijuana.

V. The department shall not issue a registry identification card to an applicant under 18 years of age who is applying as a qualifying patient unless:

(a) The applicant’s provider has explained the potential risks and benefits of the medical use of marijuana to the custodial parent or legal guardian with responsibility for health care decisions for the applicant; and

(b) The custodial parent or legal guardian with responsibility for health care decisions for the applicant consents in writing to:

(1) Allow the applicant’s medical use of marijuana; and

(2) Control the acquisition of the marijuana and the frequency of the medical use of marijuana by the applicant; and

(c) The custodial parent or legal guardian completes an application in accordance with the requirements of paragraph I on behalf of the applicant.

VI. The department shall provide each approved qualifying patient and caregiver a statement with the registry identification card explaining federal law on the possession of marijuana and that possession of a state registry identification card does not protect a person from federal criminal penalties.

VII.(a) A qualifying patient shall notify the department of any change in his or her name, address, or designated caregiver within 10 days of such change. If the qualifying patient’s certifying provider notifies the department in writing that either the qualifying patient no longer suffers from a qualifying medical condition or that the provider no longer believes the qualifying patient would receive benefit from the medical use of marijuana, the registry identification card shall become void upon notification by the department to the qualifying patient.

(b) When a qualifying patient or a designated caregiver notifies the department of any change to a name or address, the department shall issue the qualifying patient or designated caregiver a new registry identification card with a new random 10-digit identification number within 15 days of receiving the updated information.

(c) If a qualifying patient notifies the department of a change in his or her designated caregiver and the prospective designated caregiver meets the requirements of this chapter, the department shall issue the designated caregiver a registry identification card with a new random 10-digit identification number within 45 days of receiving the designated caregiver’s application.

(d) A qualifying patient or designated caregiver who fails to notify the department of any changes to his or her name, address, designated caregiver, or cultivation location shall be guilty of a violation and may be subject to a fine not to exceed \$150.

(e) If a qualifying patient or designated caregiver loses his or her registry identification card, he or she shall notify the department within 10 days of losing the card. Within 5 days after such notification, the department shall issue a new registry identification card with a new random 10-digit identification number.

VIII. Mere possession of, or application for, a registry identification card shall not constitute probable cause or reasonable suspicion, nor shall it be used to support the search of the individual or property of the individual possessing or applying for the registry identification card. The possession of, or application for, a registry identification card shall not preclude the existence of probable cause if probable cause exists on other grounds.

IX.(a) The department shall create and maintain a confidential registry of each individual who has applied for and received a registry identification card as a qualifying patient or a designated caregiver in accordance with the provisions of this chapter. Each entry in the registry shall contain the qualifying patient's or designated caregiver's name, mailing address, date of birth, date of registry identification card issuance, date of registry identification card expiration, random 10-digit identification number, street address at which the marijuana plants will be cultivated or possessed, and the effective date of any change of cultivation location. The confidential registry and the information contained in it shall be exempt from disclosure under RSA 91-A.

(b)(1) Except as specifically provided in this chapter, no person shall have access to any information about qualifying patients or designated caregivers in the department's confidential registry, or any information otherwise maintained by the department about providers, except for authorized employees of the department in the course of their official duties and local and state law enforcement personnel who have detained or arrested an individual who claims to be engaged in the medical use of marijuana.

(2) If a local or state law enforcement officer submits a sworn affidavit to the department affirming that they have probable cause to believe marijuana is possessed or cultivated at a specific address, an authorized employee for the department may disclose whether the location is associated with a qualifying patient, designated caregiver, or a cultivation location.

(3) If a local or state law enforcement officer submits a sworn affidavit to the department affirming that they have probable cause to believe a specific individual possesses or cultivates marijuana, an authorized employee for the department may disclose whether the person is a qualifying patient or a designated caregiver, provided that the law enforcement officer provides the person's name and address or name and date of birth.

(4) Counsel for the department may notify law enforcement officials about falsified or fraudulent information submitted to the department where counsel has made a legal determination that there is probable cause to believe the information is false or falsified.

X. Within 5 days of learning of the death of a qualifying patient, a surviving family member, caretaker, executor, or the patient's designated caregiver shall notify the department that the qualifying patient has died. Within 5 days of learning of the death of a qualifying patient, the surviving family member, caretaker, executor, or the patient's designated caregiver shall either request that the local law enforcement agency remove any remaining marijuana or shall dispose of the marijuana in a manner that is specified by the department by rule.

XI. The department shall submit to the legislature an annual report that shall not disclose any identifying information about qualifying patients, designated caregivers, or providers, but shall contain, at a minimum, the following information:

(a) The number of applications and renewals filed for registry identification cards.

(b) The number of qualifying patients and designated caregivers approved in the state.

(c) The nature of the qualifying medical conditions of the qualifying patients.

(d) The number of registry identification cards revoked.

(e) The number of providers providing written certifications for qualifying patients.

126-V:5 Affirmative Defense.

I. Except as provided in RSA 126-V:3, it is an affirmative defense to any prosecution for an offense involving marijuana or marijuana paraphernalia intended for medical use that:

(a) The defendant is a qualifying patient in possession of a valid registry identification card and at the time of arrest or prosecution was in possession of a quantity of marijuana that was not more than allowed under this chapter, and the qualifying patient was engaged in the medical use of marijuana in accordance with the provisions of this chapter; or

(b)(1) The defendant is a designated caregiver in possession of a valid registry identification card and at the time of arrest or prosecution was in possession of a quantity of marijuana that was not more than allowed under this chapter; and

(2) The designated caregiver was engaged in the medical use of marijuana on behalf of a qualifying patient in accordance with the provisions of this chapter.

(c) If a defendant proves the elements of the affirmative defense listed in subparagraph (I)(a) or (b), the charges shall be dismissed with prejudice.

II. A person who is arrested for possession, cultivation, or transportation of marijuana, or possession of marijuana paraphernalia, may raise as an affirmative defense that he or she is person with a qualifying medical condition who is not yet in possession of a valid registry identification card if:

(a) Prior to the arrest, the person submitted to the department a valid application to become a qualifying patient, complete with a written certification, but the person had not yet received a registry identification card from the department; and

(1) The person does not possess more than 2 ounces of usable marijuana and any amount of unusable marijuana, if the marijuana is not on the person's property; or

(2) If the marijuana is on the person's property, the person does not possess more than 6 ounces of usable marijuana and any amount of unusable marijuana and is not cultivating more than 4 mature marijuana plants and 12 seedlings, which shall be in a locked and enclosed location on the person's property.

(b) The affirmative defense under this section shall not be available to a person who has violated any of the provisions of RSA 126-V:3, I-IV.

(c) If a defendant proves the elements of the affirmative defense listed in this paragraph, the defendant shall be acquitted of any charge to which the defendant proved the affirmative defense.

III. A person who is arrested for possession, cultivation, or transportation of marijuana, or possession of marijuana paraphernalia, prior to the date on which the department begins accepting registry identification card applications may raise as an affirmative defense that he or she is a person with a qualifying medical condition who is not yet in possession of a valid registry identification card if:

(a) The person produces a written statement signed by a provider stating that in the provider's professional opinion, after having completed a full assessment of the person's medical history and current medical condition made in the course of a provider-patient relationship of at least 3 months duration, unless the person's qualifying medical condition is of recent or sudden onset in which case the 3-month time requirement shall not apply, the person has a qualifying medical condition and the potential benefits of the medical use of marijuana would likely outweigh the health risks for the person; and

(1) The person does not possess more than 2 ounces of usable marijuana and any amount of unusable marijuana, if the marijuana is not on the person's property; and

(2) If the marijuana is on the person's property, the person does not possess more than 6 ounces of usable marijuana and any amount of unusable marijuana, and does not possess or is not cultivating more than 4 mature marijuana plants and 12 seedlings which shall be in a locked and enclosed location.

(b) The affirmative defense under this section shall not be available to a person who has violated any of the provisions of RSA 126-V:3, I-IV.

(c) If a defendant proves the elements of the affirmative defense listed in this paragraph, the defendant shall be acquitted of any charge to which the defendant proved the affirmative defense.

126-V:6 Rulemaking.

I. Not later than 90 days after the effective date of this chapter, the department shall adopt rules, pursuant to RSA 541-A, governing the manner in which it shall consider and process applications for issuance and renewals of registry identification cards for qualifying patients and designated caregivers and for the processing of medicinal use certificates.

II. The department may accept gifts, grants, donations, or other funds from private sources without the approval of the governor and council.

126-V:7 Registry Identification Card Fund. There is hereby established in the office of the state treasurer a fund to be known as the registry identification card fund which shall be kept separate and distinct from all other funds. The fund is established to pay for the operational expenses of the program for permitting the use of marijuana for medicinal purposes as established in this chapter. The moneys in this fund shall be nonlapsing and continually appropriated to the department. Interest on fund balances shall accrue to the fund. All fines and other income received by the department and all monetary gifts, grants, and donations received by the department pursuant to this chapter shall be deposited in the fund.

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

(308) Moneys deposited in the registry identification card fund established in RSA 126-V:7.

3 New Paragraph; Controlled Drug Act; Acts Prohibited. Amend RSA 318-B:2 by inserting after paragraph I-a the following new paragraph:

I-b. It shall be unlawful for a qualifying patient or designated caregiver as defined under RSA 126-V:1 to sell marijuana to another person who is not a qualifying patient or designated caregiver. A conviction for the sale of marijuana to a person who is not a qualifying patient or designated caregiver shall not be construed to preclude or limit a prosecution or conviction of any person for sale of marijuana or any other offense defined in this chapter.

4 New Paragraph; Controlled Drug Act; Penalties. Amend RSA 318-B:26 by inserting after paragraph IX the following new paragraph:

IX-a. A qualifying patient or designated caregiver as defined in RSA 126-V:1 who is convicted of selling marijuana to a person who is not a qualifying patient or designated caregiver shall be guilty of a class B felony and shall be sentenced to a maximum term of imprisonment of not more than 7 years, a fine of not more than \$300,000, or both.

5 Repeal. The following are repealed:

I. RSA 126-V:1 through RSA 126-V:7, relative to use of marijuana for medicinal purposes.

II. RSA 6:12, I(b)(308), relative to the registry identification card fund.

III. RSA 318-B:2, I-b, relative to selling marijuana to a person who is not a qualifying patient or a designated caregiver.

IV. RSA 318-B:26, IX-a, relative to the penalty for selling marijuana to a person who is not a qualifying patient or a designated caregiver.

6 Applicability. The provisions of RSA 126-V:1-4 as inserted by section 1 of this act shall take effect on the earlier of July 1, 2013 or upon certification by the commissioner of the department of health and human services to the secretary of state and the director of the office of legislative services that sufficient funds are available in the registry identification card fund established in RSA 126-V:7 to meet the expenses of the use of marijuana for medicinal purposes program established in RSA 126-V from the effective date of this section

until July 1, 2013.

7 Effective Date.

I. RSA 126-V:1-4 as inserted by section 1 of this act shall take effect as provided in section 6 of this act.

II. Section 5 of this act shall take effect July 1, 2015.

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

Conferees: Sens. Forsythe, Dist. 4; Bradley, Dist. 3; Kelly, Dist. 10.

Conferees: Reps. Reagan, Rock. 1; Merrick, Coos 2; Simard, Graf. 8; Itse, Rock. 9.

Committee of Conference Report adopted.

SENATE MESSAGE

ADOPTION OF COMMITTEE OF CONFERENCE REPORT

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.

COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL

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. (Report printed SJ 6-6-12)

Rep. Almy spoke against.

Reps. Stepanek and Bolster spoke in favor.

Rep. Silva requested a roll call; sufficiently seconded.

YEAS 256 NAYS 110

YEAS 256

BELKNAP

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

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

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

Fields, Dennis
Luther, Robert
St. Cyr, Jeffrey
Worsman, Colette

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Schmidt, Stephen

Fleck, Joseph
Merrow, Harry
Umberger, Karen

Knox, J. David
Patten, Betsey

CHESHIRE

Byrnes, John
Moore, Charles

Cartwright, Anne
Moore, Robert Jr

Dwinell, Richard
Smith, Edwin

Hunt, John

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

Brosseau, Charles
Ingbretson, Paul
Shackett, Jeffrey

Bulis, Lyle
Ladd, Rick Jr
Simard, Paul

Eaton, Stephanie
Mirski, Paul
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Barry, J. Gail	Barry, Richard
Belanger, James	Bergevin, Jerry	Boehm, Ralph	Brownrigg, Randall Jr
Burt, John	Cebrowski, John	Champagne, Norma	Christensen, D.L.
			Chris
Christiansen, Lars	Coffey, James	Condra, William	Coughlin, Sean
Cusson-Cail, Kathleen	Daniels, Gary	Day, Russell	DeJong, Cameron
Doherty, Shaun	Donovan, Daniel	Erickson, Duane	Flanagan, Jack
Fredette, Robert	Gagne, Larry	Gandia, Laura	Gimas, John
Gonzalez, Carlos	Graham, John	Greazzo, Phil	Haefner, Robert
Hansen, Peter	Hardwick, Harry	Hawkins, Kenneth	Hikel, John
Hogan, Edith	Holden, Frank	Hopper, Gary	Hutchinson, Winfred
Infantine, William	Jasper, Shawn	Krasucki, Joseph	Kurk, Neal
Lambert, George	LeBrun, Donald	Maltz, Jonathan	Marcus, Bruce
McCarthy, Michael	McClarren, Donald	McGuinness, Sean	Mecheski, Holly
Moran, Edward	Murphy, Keith	Notter, Jeanine	O'Brien, William
Ober, Lynne	Ober, Russell III	Ohm, Bill	Palmer, Barry
Palmer, Stephen	Pellegrino, Tony	Pepino, Leo	Peterson, Lenette
Pratt, Calvin	Proulx, Mark	Ramsey, Peter	Reed, Michael
Renzullo, Andrew	Rowe, Robert	Scontsas, Lisa	Seidel, Carl
Silva, Peter	Simmons, Tammy	Soucy, Connie	Souza, Kathleen
Stepanek, Stephen	Stroud, Kathleen	Swank, Matthew	Terrio, Ross
Thomas, Joseph	Twombly, Timothy	Ulery, Jordan	Villeneuve, Moe
Warden, Mark	Whitehead, Randall	Willette, Robert	

MERRIMACK

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

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Antosz, Jason	Azarian, Gary
Baldasaro, Alfred	Bates, David	Belanger, Ronald	Birdsell, Regina
Brown, Paul	Charron, Gene	Chirichiello, Brian	Comerford, Timothy
Copeland, Timothy	Davenport, Joshua	DeSimone, Debra	Devine, James
Duarte, Joe	Elliott, Robert	Ferrante, Beverly	Fesh, Robert
Garcia, Marilinda	Garrity, James	Griffin, Mary	Hagan, Joseph
Headd, James	Hoelzel, Kathleen	Introne, Robert	Itse, Daniel
Kappler, Lawrence	Katsakiores, Phyllis	Kolodziej, Walter	Lundgren, David
MacMahon, Bruce	Major, Norman	Manuse, Andrew	Mauro, Donna
McKinney, Betsy	McMahon, Charles	Murphy, Brian	Nevins, Chris
Okerman, Richard	Oligny, Jeffrey	Packard, Sherman	Peckham, Michele
Perkins, Amy	Perkins, Lawrence	Quandt, Marshall	Quandt, Matt
Reagan, John	Rice, Frederick	Ritter, Glenn	Sanders, Elisabeth
Sapareto, Frank	Schroadter, Adam	Sedensky, John	Sheffert, Kenneth
Shuler, Wyman III	Smith, William	Sullivan, James	Sullivan, Kevin
Sytek, John	Tamburello, Daniel	Tasker, Kyle	Tremblay, Stella
Tucker, Pamela	Ward, Joanne	Waterhouse, Kevin	Webb, James
Welch, David	Weyler, Kenneth		

STRAFFORD

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

SULLIVAN

Bowers, Spec Laware, Thomas	Cunningham, Steven Osgood, Joe	Howard, Thomas Rodeschin, Beverly	LaCasse, Paul Sr Smith, Steven
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NAYS 110

BELKNAP

Millham, Alida	Pilliod, James
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CARROLL

Babson, David Jr

CHESHIRE

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

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

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

Baroody, Benjamin Daler, Jennifer Gidge, Kenneth Leishman, Peter Porter, Marjorie Shaw, Barbara	Buxton, Michael Drisko, Richard Goley, Jeffrey Long, Patrick Robbins, David Sullivan, Daniel	Campbell, David Gargas, Carolyn Gorman, Mary Messier, Irene Rokas, Ted Sullivan, Peter	Cote, David Garrity, Patrick Katsiantonis, Thomas Pilotte, Maurice Rosenwald, Cindy Vaillancourt, Steve
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MERRIMACK

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

Cali-Pitts, Jacqueline
Norelli, Terie
Serlin, Christopher

DiPentima, Rich
Pantelakos, Laura
Waddell, James

Dowling, Patricia
Read, Robin Jr

Lovejoy, Patricia
Schlachman, Donna

STRAFFORD

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

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

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

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

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond

Lefebvre, Benjamin

Lovett, Charlene

and the Committee of Conference Report was adopted by the necessary three-fifths vote. Rep. Blankenbeker did not vote and notified the Clerk that she wished to be recorded in favor.

SENATE MESSAGE

ADOPTION OF COMMITTEE OF CONFERENCE REPORT

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

COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL

CACR 12, relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education. (Report printed SJ 6-6-12)
Reps. Itse, Hoell, Manuse, Soltani and Vaillancourt spoke against.
Rep. Gary Richardson spoke against and yielded to questions.
Reps. Jennifer Coffey and Hess spoke in favor and yielded to questions.
Reps. Balboni, Lambert, Baldasaro and Greazzo spoke in favor.
Rep. Silva requested a roll call; sufficiently seconded.

YEAS 224 NAYS 144

YEAS 224

BELKNAP

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

Bolster, Peter
Luther, Robert
Simpson, Tyler
Tobin, William

Fields, Dennis
Millham, Alida
St. Cyr, Jeffrey
Worsman, Colette

Flanders, Donald
Pilliod, James
Swinford, Elaine

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Umberger, Karen

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Johnson, Jane
Sterling, Franklin Jr

Cartwright, Anne
Moore, Charles

Dwinell, Richard
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Gionet, Edmond
Simard, Paul

Brosseau, Charles
Ladd, Rick Jr
Sorg, Gregory

Bulis, Lyle
Reilly, Harold Sr
Sova, Charles

Eaton, Stephanie
Shackett, Jeffrey

HILLSBOROUGH

Avard, Kevin
Belanger, James
Cebrowski, John

Balboni, Michael
Boehm, Ralph
Christensen, D.L.
Chris

Barry, J. Gail
Brownrigg, Randall Jr
Coffey, James

Barry, Richard
Buxton, Michael
Condra, William

Coughlin, Sean
Doherty, Shaun
Flanagan, Jack
Gargasz, Carolyn
Haefner, Robert
Hogan, Edith
Jasper, Shawn
LeBrun, Donald
McGuinness, Sean
Ober, Lynne
Palmer, Stephen
Ramsey, Peter
Rowe, Robert
Soucy, Connie
Swank, Matthew
Ulery, Jordan

Cusson-Cail, Kathleen
Donovan, Daniel
Fredette, Robert
Gonzalez, Carlos
Hansen, Peter
Holden, Frank
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Ober, Russell III
Pellegrino, Tony
Reed, Michael
Scontsas, Lisa
Souza, Kathleen
Terrio, Ross
Whitehead, Randall

Daniels, Gary
Drisko, Richard
Gagne, Larry
Graham, John
Hardwick, Harry
Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael
Moran, Edward
Ohm, Bill
Pepino, Leo
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Willette, Robert

Day, Russell
Erickson, Duane
Gandia, Laura
Greazzo, Phil
Hawkins, Kenneth
Infantine, William
Lambert, George
McClarren, Donald
Notter, Jeanine
Palmer, Barry
Peterson, Lenette
Robbins, David
Silva, Peter
Stroud, Kathleen
Twombly, Timothy

MERRIMACK

Blankenbeker, Lynne
Hill, Gregory
Lauer-Rago, Kathleen
McGuire, Carol
Richardson, Jon

Coffey, Jennifer
Keane, Thomas
Lindsley, Mark
McGuire, Dan
Smith, Molly

Giuda, J. Brandon
Kotowski, Frank
Lockwood, Priscilla
Palfrey, David
Smith, Todd

Hess, David
Kreis, Kenneth Sr
McDonnell, John
Reed, Dennis
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Devine, James
Fesh, Robert
Hagan, Joseph
Introne, Robert

Allen, Mary
Bates, David
Charron, Gene
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence

Antosz, Jason
Belanger, Ronald
Copeland, Timothy
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Kolodziej, Walter

Azarian, Gary
Birdsell, Regina
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary
Hutchinson, Karen
Major, Norman

McMahon, Charles
Packard, Sherman
Rice, Frederick
Sedensky, John
Sullivan, James
Tasker, Kyle
Waterhouse, Kevin

Murphy, Brian
Peckham, Michele
Ritter, Glenn
Sheffert, Kenneth
Sullivan, Kevin
Tucker, Pamela
Welch, David

Nevins, Chris
Quandt, Matt
Sanders, Elisabeth
Shuler, Wyman III
Sytek, John
Waddell, James
Weyler, Kenneth

Oigny, Jeffrey
Reagan, John
Schroadter, Adam
Smith, William
Tamburello, Daniel
Ward, Joanne

STRAFFORD

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

Cataldo, Sam
Munck, Philip

Pitre, Joseph

DeLemus, Susan
Newton, Clifford

Vita, Carol

Groen, Warren
O'Connor, William

Vita, Lucien

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

NAYS 144

BELKNAP

Comtois, Guy

Kingsbury, Robert

Malone, Robert

CARROLL

None

CHESHIRE

Butynski, William
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Chase, Cynthia
Lindsey, Steven
Sad, Tara

Hawkes, Samuel
Meador, David
Tatro, Bruce

Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William
Thomas, Yvonne

Merrick, Evalyn

Remick, William

GRAFTON

Aguiar, James
Gould, Franklin
Nordgren, Sharon
Townsend, Charles

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

Benn, Bernard
Ingbretson, Paul
Smith, Suzanne

Cooney, Mary
Mirski, Paul
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin
Champagne, Norma
DeJong, Cameron
Goley, Jeffrey
Katsiantonis, Thomas
Messier, Irene
Pratt, Calvin

Bergevin, Jerry
Christiansen, Lars
Garrity, Patrick
Gorman, Mary
Leishman, Peter
Murphy, Keith
Proulx, Mark

Burt, John
Cote, David
Gidge, Kenneth
Hikel, John
Long, Patrick
Pilote, Maurice
Rokas, Ted

Campbell, David
Daler, Jennifer
Gimas, John
Hopper, Gary
Maltz, Jonathan
Porter, Marjorie
Rosenwald, Cindy

Shaw, Barbara
Vaillancourt, Steve

Simmons, Tammy
Villeneuve, Moe

Sullivan, Daniel
Warden, Mark

Sullivan, Peter

MERRIMACK

Bouchard, Candace
Foose, Robert
Hoell, J.R.
Patten, Dick
Shurtleff, Stephen
Williams, Robert

Cohn, Seth
Frazer, June
Kidder, David
Potter, Frances
Soltani, Tony

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

DeStefano, Stephen
Hamm, Christine
Owen, Derek
Seaworth, G. Brian
Watrous, Rick

ROCKINGHAM

Cali-Pitts, Jacqueline
Dowling, Patricia
Lovejoy, Patricia
Mauro, Donna
Pantelakos, Laura
Read, Robin Jr
Tremblay, Stella

Comerford, Timothy
Itse, Daniel
Lundgren, David
McKinney, Betsy
Perkins, Amy
Sapareto, Frank
Webb, James

Davenport, Joshua
Janvrin, Kevin
MacMahon, Bruce
Norelli, Terie
Perkins, Lawrence
Schlachman, Donna

DiPentima, Rich
Katsakiores, Phyllis
Manuse, Andrew
Okerman, Richard
Quandt, Marshall
Serlin, Christopher

STRAFFORD

Berube, Roger
Grassie, Anne
Jones, Laura
Pelletier, Marsha
Spainhower, Dale
Watters, David

Brown, Julie
Hooper, Dorothea
Kaen, Naida
Perry, Robert
Spang, Judith

Browne, Brendon
Horrigan, Timothy
Keans, Sandra
Roberts, Jenna
Sprague, Dale

Ginsburg, Philip
Jones, Kyle
Leonard, Frederick Jr
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond

Lefebvre, Benjamin

Lovett, Charlene

and the Committee of Conference Report failed lacking the necessary three-fifths vote.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Mirski moved that the House reconsider its action whereby, on a roll call vote of 224-144, it failed to adopt the Committee of Conference Report on **CACR 12**, relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education.
Rep. Mirski spoke in favor.

The House recessed at 12:50 p.m.

RECESS

The House reconvened at 1:00 p.m.

(Speaker O'Brien in the Chair)

MOTION TO RECONSIDER (CONT'D)

The question now being adoption of the motion to reconsider the Committee of Conference Report on **CACR 12**, relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education.

On a division vote, 208 members having voted in the affirmative and 143 in the negative, the motion was adopted.

The question now being adoption of the Committee of Conference Report on **CACR 12**, relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education.

Rep. Mirski spoke in favor.

Rep. Lynne Ober yielded to questions.

Rep. Gary Richardson spoke against.

Rep. Silva requested a roll call; sufficiently seconded.

YEAS 224 NAYS 141

YEAS 224

BELKNAP

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

Flanders, Donald
Millham, Alida
St. Cyr, Jeffrey
Worsman, Colette

Greemore, Robert
Pilliod, James
Swinford, Elaine

Kingsbury, Robert
Russell, David
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Umberger, Karen

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Johnson, Jane
Sterling, Franklin Jr

Cartwright, Anne
Moore, Charles

Dwinell, Richard
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy

Rappaport, Laurence

Tholl, John Jr

Tremblay, Marc

GRAFTON

Bradley, Lester
Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

Brosseau, Charles
Ingretson, Paul
Shackett, Jeffrey

Bulis, Lyle
Ladd, Rick Jr
Simard, Paul

Eaton, Stephanie
Mirski, Paul
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Belanger, James
Buxton, Michael

Balboni, Michael
Boehm, Ralph
Cebrowski, John

Barry, J. Gail
Brownrigg, Randall Jr
Christensen, D.L.
Chris

Barry, Richard
Burt, John
Coffey, James

Condra, William

Coughlin, Sean

Cusson-Cail,
Kathleen

Daniels, Gary

Day, Russell
Erickson, Duane

Doherty, Shaun
Flanagan, Jack

Donovan, Daniel
Fredette, Robert

Drisko, Richard
Gagne, Larry

Gandia, Laura
Haefner, Robert
Hikel, John
Infantine, William
Lambert, George
McClarren, Donald
Notter, Jeanine
Palmer, Barry
Peterson, Lenette
Rowe, Robert
Soucy, Connie
Swank, Matthew
Whitehead, Randall

Gonzalez, Carlos
Hansen, Peter
Hogan, Edith
Jasper, Shawn
LeBrun, Donald
McGuinness, Sean
Ober, Lynne
Palmer, Stephen
Reed, Michael
Scontsas, Lisa
Souza, Kathleen
Terrio, Ross
Willette, Robert

Graham, John
Hardwick, Harry
Holden, Frank
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Ober, Russell III
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Twombly, Timothy

Greazzo, Phil
Hawkins, Kenneth
Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael
Moran, Edward
Ohm, Bill
Pepino, Leo
Robbins, David
Silva, Peter
Stroud, Kathleen
Ulery, Jordan

MERRIMACK

Blankenbeker, Lynne
Hill, Gregory
Lauer-Rago, Kathleen
McGuire, Carol
Richardson, Jon

Coffey, Jennifer
Keane, Thomas
Lindsley, Mark
McGuire, Dan
Smith, Molly

Giuda, J. Brandon
Kotowski, Frank
Lockwood, Priscilla
Palfrey, David
Smith, Todd

Hess, David
Kreis, Kenneth Sr
McDonnell, John
Reed, Dennis
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary
Hutchinson, Karen
Major, Norman
Oigny, Jeffrey
Reagan, John
Schroadter, Adam
Smith, William
Tamburello, Daniel
Ward, Joanne

Allen, Mary
Bates, David
Charron, Gene
Devine, James
Fesh, Robert
Hagan, Joseph
Introne, Robert
McMahon, Charles
Packard, Sherman
Rice, Frederick
Sedensky, John
Sullivan, James
Tasker, Kyle
Waterhouse, Kevin

Antosz, Jason
Belanger, Ronald
Comerford, Timothy
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Murphy, Brian
Peckham, Michele
Ritter, Glenn
Sheffert, Kenneth
Sullivan, Kevin
Tucker, Pamela
Welch, David

Azarian, Gary
Birdsell, Regina
Copeland, Timothy
Elliott, Robert
Garritty, James
Hoelzel, Kathleen
Kolodziej, Walter
Nevins, Chris
Quandt, Matt
Sanders, Elisabeth
Shuler, Wyman III
Sytek, John
Waddell, James
Weyler, Kenneth

STRAFFORD

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

Cataldo, Sam
Munck, Philip

Pitre, Joseph

DeLemus, Susan
Newton, Clifford

Vita, Carol

Groen, Warren
O'Connor, William

Vita, Lucien

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

NAYS 141

BELKNAP

Bolster, Peter

Comtois, Guy

Malone, Robert

CARROLL

None

CHESHIRE

Butynski, William
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Chase, Cynthia
Lindsey, Steven
Sad, Tara

Hawkes, Samuel
Meader, David
Tatro, Bruce

Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William
Thomas, Yvonne

Merrick, Evalyn

Remick, William

GRAFTON

Aguiar, James
Gould, Franklin
Smith, Suzanne

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pierce, David
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Christiansen, Lars
Gargas, Carolyn
Goley, Jeffrey
Leishman, Peter
Murphy, Keith
Proulx, Mark
Shaw, Barbara
Vaillancourt, Steve

Bergevin, Jerry
Cote, David
Garrity, Patrick
Gorman, Mary
Long, Patrick
Pilotte, Maurice
Ramsey, Peter
Simmons, Tammy
Villeneuve, Moe

Campbell, David
Daler, Jennifer
Gidge, Kenneth
Hopper, Gary
Maltz, Jonathan
Porter, Marjorie
Rokas, Ted
Sullivan, Daniel
Warden, Mark

Champagne, Norma
DeJong, Cameron
Gimas, John
Katsiantonis, Thomas
Messier, Irene
Pratt, Calvin
Rosenwald, Cindy
Sullivan, Peter

MERRIMACK

Bouchard, Candace
Foos, Robert
Hoell, J.R.
Patten, Dick
Shurtleff, Stephen
Williams, Robert

Cohn, Seth
Frazer, June
Kidder, David
Potter, Frances
Soltani, Tony

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

DeStefano, Stephen
Hamm, Christine
Owen, Derek
Seaworth, G. Brian
Watrous, Rick

ROCKINGHAM

Cali-Pitts, Jacqueline
Itse, Daniel
Lundgren, David
McKinney, Betsy
Perkins, Amy
Sapareto, Frank
Webb, James

Davenport, Joshua
Janvrin, Kevin
MacMahon, Bruce
Norelli, Terie
Perkins, Lawrence
Schlachman, Donna

DiPentima, Rich
Katsakiores, Phyllis
Manuse, Andrew
Okerman, Richard
Quandt, Marshall
Serlin, Christopher

Dowling, Patricia
Lovejoy, Patricia
Mauro, Donna
Pantelakos, Laura
Read, Robin Jr
Tremblay, Stella

STRAFFORD

Berube, Roger
Grassie, Anne
Jones, Laura
Pelletier, Marsha

Brown, Julie
Hooper, Dorothea
Kaen, Naida
Perry, Robert

Browne, Brendon
Horriggan, Timothy
Keans, Sandra
Roberts, Jenna

Ginsburg, Philip
Jones, Kyle
Leonard, Frederick Jr
Schmidt, Peter

Spainhower, Dale
Watters, David

Spang, Judith

Sprague, Dale

Wall, Janet

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond

Lefebvre, Benjamin

Lovett, Charlene

and the Committee of Conference Report failed lacking the necessary three-fifths vote.

The House recessed at 1:20 p.m.

RECESS

The House reconvened at 2:30 p.m.

(Speaker O'Brien in the Chair)

SENATE MESSAGE

ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 1670, apportioning executive council districts.

COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL

HB 1670, apportioning executive council districts. (Report printed SJ 6-6-12)

Rep. Mirski spoke in favor.

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

YEAS 228 NAYS 115

YEAS 228

BELKNAP

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

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

Fields, Dennis
Malone, Robert
St. Cyr, Jeffrey
Worsman, Colette

Flanders, Donald
Pilliod, James
Swinford, Elaine

CARROLL

Ahlgren, Christopher
Knox, J. David
Pettengill, Laurie

Babson, David Jr
McCarthy, Frank
Scala, Dino

Chandler, Gene
McConkey, Mark
Schmidt, Stephen

Fleck, Joseph
Merrow, Harry
Umberger, Karen

CHESHIRE

Cartwright, Anne
Moore, Robert Jr

Dwinell, Richard
Smith, Edwin

Hunt, John

Johnson, Jane

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Brosseau, Charles
Ingbretson, Paul
Shackett, Jeffrey
White, Andrew

Bulis, Lyle
Ladd, Rick Jr
Simard, Paul

Eaton, Stephanie
Mirski, Paul
Sorg, Gregory

Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

HILLSBOROUGH

Balboni, Michael	Barry, Richard	Belanger, James	Bergevin, Jerry
Boehm, Ralph	Brownrigg, Randall Jr	Burt, John	Buxton, Michael
Cebrowski, John	Champagne, Norma	Christensen, D.L.	Christiansen, Lars
		Chris	
Coffey, James	Condra, William	Daniels, Gary	Day, Russell
DeJong, Cameron	Doherty, Shaun	Donovan, Daniel	Erickson, Duane
Flanagan, Jack	Fredette, Robert	Gagne, Larry	Gandia, Laura
Gargas, Carolyn	Gonzalez, Carlos	Graham, John	Haefner, Robert
Hansen, Peter	Hardwick, Harry	Hawkins, Kenneth	Hikel, John
Hogan, Edith	Holden, Frank	Hopper, Gary	Infantine, William
Jasper, Shawn	Krasucki, Joseph	Kurk, Neal	LeBrun, Donald
Maltz, Jonathan	Marcus, Bruce	McClarren, Donald	McGuinness, Sean
Mecheski, Holly	Moran, Edward	Murphy, Keith	Notter, Jeanine
Ober, Lynne	Ohm, Bill	Palmer, Barry	Palmer, Stephen
Pellegrino, Tony	Peterson, Lenette	Pratt, Calvin	Proulx, Mark
Reed, Michael	Renzullo, Andrew	Robbins, David	Rowe, Robert
Seidel, Carl	Silva, Peter	Soucy, Connie	Souza, Kathleen
Stepanek, Stephen	Stroud, Kathleen	Swank, Matthew	Twombly, Timothy
Ulery, Jordan	Villeneuve, Moe	Warden, Mark	Whitehead, Randall
Willette, Robert			

MERRIMACK

Blankenbeker, Lynne	Coffey, Jennifer	Giuda, J. Brandon	Hill, Gregory
Hoell, J.R.	Keane, Thomas	Kidder, David	Kotowski, Frank
Kreis, Kenneth Sr	Lauer-Rago, Kathleen	Lindsley, Mark	Lockwood, Priscilla
McDonnell, John	McGuire, Carol	McGuire, Dan	Reed, Dennis
Seaworth, G. Brian	Smith, Molly	Smith, Todd	Winter, Steven

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Antosz, Jason	Azarian, Gary
Baldasaro, Alfred	Bates, David	Belanger, Ronald	Birdsell, Regina
Brown, Paul	Charron, Gene	Comerford, Timothy	Copeland, Timothy
Davenport, Joshua	DeSimone, Debra	Devine, James	Duarte, Joe
Elliott, Robert	Ferrante, Beverly	Garcia, Marilinda	Garrity, James
Griffin, Mary	Hagan, Joseph	Headd, James	Introne, Robert
Itse, Daniel	Janvrin, Kevin	Kappler, Lawrence	Katsakiores, Phyllis
Kolodziej, Walter	Major, Norman	Manuse, Andrew	Mauro, Donna
McKinney, Betsy	McMahon, Charles	Murphy, Brian	Nevins, Chris
Okerman, Richard	Oigny, Jeffrey	Packard, Sherman	Peckham, Michele
Perkins, Amy	Perkins, Lawrence	Quandt, Matt	Reagan, John
Rice, Frederick	Ritter, Glenn	Sanders, Elisabeth	Sapareto, Frank
Schroadter, Adam	Sedensky, John	Sheffert, Kenneth	Shuler, Wyman III
Smith, William	Sullivan, James	Sullivan, Kevin	Sytek, John
Tasker, Kyle	Tremblay, Stella	Tucker, Pamela	Waddell, James
Ward, Joanne	Webb, James	Welch, David	Weyler, Kenneth

STRAFFORD

Cataldo, Sam	DeLemus, Susan	Larsen Schultz, Kirsten	Leonard, Frederick Jr
Munck, Philip	Newton, Clifford	O'Connor, William	Parsons, Robbie
Pitre, Joseph	Vita, Carol	Vita, Lucien	Weeden, Michael

SULLIVAN

Bowers, Spec
Osgood, Joe

Cunningham, Steven
Rodeschin, Beverly

Laware, Thomas
Smith, Steven

Lovett, Charlene

NAYS 115

BELKNAP

Millham, Alida

CARROLL

None

CHESHIRE

Butynski, William
Lerandeau, Alfred
Parkhurst, Henry
Weber, Lucy

Chase, Cynthia
Lindsey, Steven
Roberts, Kris
Weed, Charles

Hawkes, Samuel
Meador, David
Sad, Tara

Johnsen, Gladys
Moore, Charles
Tatro, Bruce

COOS

Coulombe, Gary

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Cooney, Mary
Pierce, David

Almy, Susan
Gould, Franklin
Smith, Suzanne

Benn, Bernard
Harding, Laurie
Taylor, Kathleen

Bradley, Lester
Nordgren, Sharon
Townsend, Charles

HILLSBOROUGH

Barry, J. Gail
Daler, Jennifer
Goley, Jeffrey
Katsiantonis, Thomas
Messier, Irene
Ramsey, Peter
Simmons, Tammy
Vaillancourt, Steve

Campbell, David
Drisko, Richard
Gorman, Mary
Leishman, Peter
Ober, Russell III
Rokas, Ted
Sullivan, Daniel

Cote, David
Gidge, Kenneth
Greazzo, Phil
Levasseur, Nickolas
Pilotte, Maurice
Rosenwald, Cindy
Sullivan, Peter

Cusson-Cail, Kathleen
Gimas, John
Hutchinson, Winfred
Long, Patrick
Porter, Marjorie
Shaw, Barbara
Thomas, Joseph

MERRIMACK

Bouchard, Candace
Foose, Robert
MacKay, James
Potter, Frances
Soltani, Tony

Cohn, Seth
Frazer, June
Owen, Derek
Richardson, Gary
Wallner, Mary Jane

Deloge, Helen
Gile, Mary
Palfrey, David
Richardson, Jon
Watrous, Rick

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

ROCKINGHAM

Cali-Pitts, Jacqueline
MacMahon, Bruce
Read, Robin Jr

DiPentima, Rich
Norelli, Terie
Schlachman, Donna

Dowling, Patricia
Pantelakos, Laura
Serlin, Christopher

Hoelzel, Kathleen
Quandt, Marshall

STRAFFORD

Andolina, Donald

Berube, Roger

Brown, Julie

Browne, Brendon

Ginsburg, Philip
Jones, Laura
Perry, Robert
Spang, Judith

Grassie, Anne
Kaen, Naida
Roberts, Jenna
Sprague, Dale

Hooper, Dorothea
Keans, Sandra
Schmidt, Peter
Wall, Janet

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

SULLIVAN

Cloutier, John Gagnon, Raymond LaCasse, Paul Sr Schmidt, Andrew
and the Committee of Conference Report was adopted.

SENATE MESSAGE REFUSAL TO ADOPT COMMITTEE OF CONFERENCE REPORT REQUESTS NEW COMMITTEE OF CONFERENCE

SB 326-FN-A-L, relative to state reimbursement of towns.
The President appointed Sens. Odell, Morse and D'Allesandro.

MOTION TO SUSPEND HOUSE RULES

Rep. Stepanek moved that House Rules be so far suspended as to allow the House to accede to the Senate's request, form a new Committee of Conference, sign off and consider after the deadlines on ***SB 326-FN-A-L***, relative to state reimbursement of towns.
Adopted by the necessary two-thirds vote.
The Speaker appointed Reps. Stepanek, Ohm, Major and Azarian.

SENATE MESSAGE ADOPTION OF COMMITTEE OF CONFERENCE REPORT

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.

COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL

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. (Report printed SJ 6-6-12)
Reps. Hatch and Kidder spoke against.
Rep. Ulery spoke in favor and yielded to questions.
Rep. Stepanek spoke in favor and requested a roll call; sufficiently seconded.

YEAS 220 NAYS 132

YEAS 220

BELKNAP

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

Fields, Dennis
Malone, Robert
St. Cyr, Jeffrey
Worsman, Colette

Flanders, Donald
Pilliod, James
Swinford, Elaine

Greemore, Robert
Russell, David
Tilton, Franklin

CARROLL

Ahlgren, Christopher
McCarthy, Frank

Babson, David Jr
McConkey, Mark

Chandler, Gene
Merrow, Harry

Fleck, Joseph
Pettengill, Laurie

Scala, Dino

Schmidt, Stephen

Umberger, Karen

CHESHIRE

Byrnes, John
Moore, Robert Jr

Cartwright, Anne
Smith, Edwin

Hunt, John

Moore, Charles

COOS

Daugherty, Duffy

Rappaport, Laurence Tremblay, Marc

GRAFTON

Bradley, Lester
Ingbretson, Paul
Shackett, Jeffrey

Brosseau, Charles
Ladd, Rick Jr
Simard, Paul

Bulis, Lyle
Mirski, Paul
Sorg, Gregory

Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Boehm, Ralph
Champagne, Norma

Barry, J. Gail
Brownrigg, Randall Jr
Christensen, D.L.
Chris

Barry, Richard
Burt, John
Christiansen, Lars

Bergevin, Jerry
Cebrowski, John
Coffey, James

Condra, William
Doherty, Shaun
Flanagan, Jack
Gonzalez, Carlos
Hardwick, Harry
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Ohm, Bill
Peterson, Lenette
Rowe, Robert
Simmons, Tammy
Swank, Matthew
Vaillancourt, Steve

Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Pratt, Calvin
Scontsas, Lisa
Soucy, Connie
Thomas, Joseph
Villeneuve, Moe

Daniels, Gary
Drisko, Richard
Gandia, Laura
Haefner, Robert
Hikel, John
Hutchinson, Winfred
Kurk, Neal
Marcus, Bruce
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Reed, Michael
Seidel, Carl
Souza, Kathleen
Twombly, Timothy
Warden, Mark

DeJong, Cameron
Erickson, Duane
Gimas, John
Hansen, Peter
Hogan, Edith
Infantine, William
Lambert, George
McCarthy, Michael
Moran, Edward
Ober, Russell III
Pellegrino, Tony
Renzullo, Andrew
Silva, Peter
Stepanek, Stephen
Ulery, Jordan
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Hill, Gregory
Kreis, Kenneth Sr
McGuire, Carol
Richardson, Jon

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

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

Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Reed, Dennis
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Charron, Gene
Devine, James
Ferrante, Beverly
Griffin, Mary
Itse, Daniel
Major, Norman

Allen, Mary
Bates, David
Comerford, Timothy
Dowling, Patricia
Fesh, Robert
Headd, James
Kappler, Lawrence
Manuse, Andrew

Antosz, Jason
Birdsell, Regina
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Hoelzel, Kathleen
Kolodziej, Walter
Mauro, Donna

Azarian, Gary
Brown, Paul
DeSimone, Debra
Elliott, Robert
Garrity, James
Introne, Robert
MacMahon, Bruce
McKinney, Betsy

McMahon, Charles
Peckham, Michele
Sanders, Elisabeth
Sheffert, Kenneth
Sullivan, Kevin
Tucker, Pamela

Murphy, Brian
Reagan, John
Sapareto, Frank
Shuler, Wyman III
Sytek, John
Ward, Joanne

Okerman, Richard
Rice, Frederick
Schroadter, Adam
Smith, William
Tasker, Kyle
Webb, James

Oigny, Jeffrey
Ritter, Glenn
Sedensky, John
Sullivan, James
Tremblay, Stella
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Larsen Schultz,
Kirsten
O'Connor, William
Vita, Lucien

Cataldo, Sam
Leonard, Frederick Jr
Parsons, Robbie
Weeden, Michael

DeLemus, Susan
Munck, Philip
Pitre, Joseph

Jones, Laura
Newton, Clifford
Vita, Carol

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

NAYS 132

BELKNAP

Bolster, Peter

Millham, Alida

CARROLL

Knox, J. David

CHESHIRE

Butynski, William
Johnsen, Gladys
Meador, David
Tatro, Bruce

Chase, Cynthia
Johnson, Jane
Parkhurst, Henry
Weber, Lucy

Dwinell, Richard
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Hawkes, Samuel
Lindsey, Steven
Sad, Tara

COOS

Coulombe, Gary
Richardson, Herbert

Hatch, William
Theberge, Robert

Merrick, Evalyn
Tholl, John Jr

Remick, William
Thomas, Yvonne

GRAFTON

Aguiar, James
Eaton, Stephanie
Pierce, David
White, Andrew

Almy, Susan
Gould, Franklin
Smith, Suzanne

Benn, Bernard
Harding, Laurie
Taylor, Kathleen

Cooney, Mary
Nordgren, Sharon
Townsend, Charles

HILLSBOROUGH

Balboni, Michael
Campbell, David
Fredette, Robert
Gorman, Mary
Levasseur, Nickolas
Porter, Marjorie
Rokas, Ted
Sullivan, Daniel

Baroody, Benjamin
Cote, David
Gargas, Carolyn
Graham, John
Long, Patrick
Proulx, Mark
Rosenwald, Cindy
Sullivan, Peter

Belanger, James
Daler, Jennifer
Gidge, Kenneth
Katsiantonis, Thomas
Messier, Irene
Ramsey, Peter
Shaw, Barbara
Whitehead, Randall

Buxton, Michael
Day, Russell
Goley, Jeffrey
Leishman, Peter
Pilotte, Maurice
Robbins, David
Stroud, Kathleen

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	Gile, Mary	Hamm, Christine	Kidder, David
Lockwood, Priscilla	Mackay, James	Owen, Derek	Patten, Dick
Potter, Frances	Richardson, Gary	Shurtleff, Stephen	Soltani, Tony
Wallner, Mary Jane	Watrous, Rick	Williams, Robert	Winter, Steven

ROCKINGHAM

Belanger, Ronald	Cali-Pitts, Jacqueline	Copeland, Timothy	DiPentima, Rich
Janvrin, Kevin	Katsakiores, Phyllis	Lovejoy, Patricia	Nevins, Chris
Norelli, Terie	Packard, Sherman	Pantelakos, Laura	Perkins, Amy
Perkins, Lawrence	Quandt, Marshall	Quandt, Matt	Read, Robin Jr
Schlachman, Donna	Serlin, Christopher	Waddell, James	Welch, David

STRAFFORD

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

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lovett, Charlene	Schmidt, Andrew
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and the Committee of Conference Report failed lacking the necessary three-fifths vote.

MOTION TO REMOVE FROM THE TABLE

Rep. Greazzo moved that **CACR 8**, relating to education. Providing that the legislature shall have the power to authorize schools, be removed from the table.

On a division vote, 187 members having voted in the affirmative and 164 in the negative, the motion was adopted.

MOTION TO SUSPEND HOUSE RULES

Rep. Greazzo moved that House Rules be so far suspended as to allow action past the deadline on **CACR 8**, relating to education. Providing that the legislature shall have the power to authorize schools.

Rep. Greazzo spoke in favor.

Rep. Gary Richardson spoke against.

On a division vote, 182 members having voted in the affirmative and 163 in the negative, the motion failed lacking the necessary two-thirds vote.

SENATE MESSAGE

ADOPTION OF COMMITTEE OF CONFERENCE REPORTS

HB 102, establishing a committee to study certain issues relative to the insurance department, banking department, and bureau of securities regulation of the office of the secretary of state

HB 145, permitting the audio and video recording of a law enforcement officer while in the course of his or her official duties.

HB 146, relative to the right of a jury to judge the application of the law in relationship to the facts in controversy.

HB 158, relative to the misuse of social security numbers.

HB 193, relative to the Mount Washington commission.

HB 256-FN, relative to the administrative process of the department of environmental services and establishing a committee to study the appeal process of the department of environmental services.

HB 350-FN, updating laws relative to the fiscal committee of the general court.

HB 351-FN, relative to insurance reimbursement for doctors of naturopathic medicine.

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.

HB 533-FN-L, establishing a cap on the amount of school building aid grants distributed in each fiscal year.

HB 597, revising the child support guidelines based on an income shares model of calculating child support.

HB 1211, establishing a committee to study the promotion of state-owned land for use for beginning farmers.

HB 1216, relative to the authority for withholding or withdrawal of life-sustaining treatment.

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

HB 1230-FN, requiring a listing of state real property.

HB 1246, permitting resident application for pistol or revolver licenses to be submitted to the state police or the sheriff's department.

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 machines and sweepstakes.

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.

HB 1346, relative to the construction of power line extensions.

HB 1350, relative to the style and form of new articles and amendments to articles proposed by constitutional amendment concurrent resolutions.

HB 1383, relative to residency status for the purpose of receiving in-state tuition status within the university system of New Hampshire.

HB 1418-FN-A, increasing the threshold amounts for taxation under the business enterprise tax.

HB 1484, relative to fees for state parks.

HB 1487, relative to low carbon fuel standards programs.

HB 1490-FN, relative to New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

HB 1510-FN, relative to taxpayer standing for declaratory judgments.

HB 1535-FN, relative to arrest records under the right-to-know law.

HB 1593-FN, relative to the department of information technology.

HB 1617-FN, repealing the certificate of need law.

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.

HB 1666-FN, relative to legislative approval of collective bargaining agreements entered into by the state.

HB 1687-FN, relative to state employee information available on the state transparency website.

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.

COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS

HB 102, establishing a committee to study certain issues relative to the insurance department, banking department, and bureau of securities regulation of the office of the secretary of state. (Report printed SJ 6-6-12)
Committee of Conference Report adopted.

HB 145, permitting the audio and video recording of a law enforcement officer while in the course of his or her official duties. (Report printed SJ 6-6-12)

Reps. Simmons and Gandia spoke against.

Rep. Baldasaro spoke in favor and yielded to questions.

Rep. Welch spoke in favor.

On a division vote, 148 members having voted in the affirmative and 175 in the negative, the Committee of Conference Report failed.

COMMITTEE OF CONFERENCE REPORT ON SENATE BILL NEW COMMITTEE OF CONFERENCE REPORT ON SB 326-FN-A-L

Committee of Conference Report on SB 326-FN-A-LOCAL, an act relative to state reimbursement of towns.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

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

1 Repeal. RSA 122:4, II, relative to reimbursement to towns and cities of moneys owed by other states, is repealed.

2 Contingency. Notwithstanding RSA 122:4, II, if any other state in a river management compact with the state of New Hampshire makes a payment in any amount on an arrearage to the state of New Hampshire, then within 30 days of receiving such payment, the state treasurer shall distribute such money to the towns affected by RSA 484 in the manner prescribed by RSA 122:4, I for the fiscal years ending June 30, 2012 and June 30, 2013. Any additional funds shall lapse to the general fund on June 30, 2013.

3 Interest and Dividends Tax; Who Taxable. Amend RSA 77:3, I(b) and (c) to read as follows:

(b) Partnerships, limited liability companies, **and** associations, ~~[and trusts,]~~ the beneficial interest in which is not represented by transferable shares, whose gross interest and dividend income from all sources exceeds \$2,400 during the taxable year, but not including a qualified investment company as defined in RSA 77-A:1, XXI, or a trust comprising a part of an employee benefit plan, as defined in the Employee Retirement Income Security Act of 1974, section 3.

(c) ~~[Fiduciaries]~~ **Executors** deriving their appointment from a court of this state whose gross interest and dividend income from all sources exceeds \$2,400 during the taxable year.

4 Interest and Dividends Tax; Trusts Not Subject to Tax. Amend RSA 77:4, III to read as follows:

III. Dividends, other than stock dividends paid in new stock of the partnership, limited liability company, **or** association~~[, or trust]~~ issuing the same, on shares in partnerships, limited liability companies, **or** associations~~[, or trusts]~~ the beneficial interest in which is represented by transferable shares.

5 Interest and Dividends Tax; Income From Trusts. Amend RSA 77:10 to read as follows:

77:10 Income From Trusts. ~~[The income received by estates held by trustees, any one of whom is an inhabitant of this state, or has derived his appointment from a court of this state,~~

~~shall be subject to the taxes imposed by this chapter, except that]~~ ***Interest and dividend*** income received by estates held by trustees treated as grantor trusts under section 671 of the United States Internal Revenue Code shall be included in the return of their ~~[owners]~~ ***grantor***, to the extent that the ~~[persons to whom the income from the trust is payable, or for whose benefit it is accumulated, are inhabitants]~~ ***grantor is an inhabitant or resident*** of this state. ***Income reported by, and taxed federally as interest or dividends to, a trust beneficiary who is an individual inhabitant or resident of this state with respect to distributions from a trust that is not treated as a grantor trust under section 671 of the United States Internal Revenue Code shall be included as interest or dividends in the return of such beneficiary and subject to taxation in accordance with the provisions of this chapter.***

6 Interest and Dividends Tax; Guardians, etc. Amend RSA 77:13 to read as follows:

77:13 Guardians, etc. RSA 77:9 ~~[to 12]~~ ***through RSA 77:11*** shall apply to guardians, conservators, trustees in bankruptcy, receivers, and assignees for the benefit of creditors, so far as apt, to the taxable income received by them ~~[and to their beneficiaries, and to corporations acting as trustees or in any other fiduciary capacity].~~

7 Interest and Dividends Tax; Application of Sections. Amend RSA 77:14-d to read as follows:

77:14-d Application of Sections. RSA 77:14-a to 77:14-c shall apply, so far as apt, to associations ~~[and trusts]~~, but not to partnerships, limited liability companies, ***and*** associations~~[and trusts]~~ the beneficial interest in which is represented by transferable shares.

8 Repeal. RSA 77:12, relative to taxation of income from nonresident trustees, is repealed.

9 Applicability. Sections 3-8 of this act shall apply to taxable periods ending on or after December 31, 2013.

10 Effective Date.

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

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

AMENDED ANALYSIS

This bill:

I. Repeals the reduction in certain reimbursements paid to towns and cities who have lost taxable valuation of certain lands.

II. Allows moneys received by the state to pay arrearages under certain river compacts to be distributed to towns listed under such compacts.

III. Eliminates certain taxation of trusts under the interest and dividends tax.

Conferees: Sens. Odell, Dist. 8; Morse, Dist. 22; D'Allesandro, Dist. 20.

Conferees: Reps. Stepanek, Hills. 6; Ohm, Hills. 26; Major, Rock. 8; Azarian, Rock. 4.

Committee of Conference Report adopted.

SENATE MESSAGE

REQUESTS CONCURRENCE WITH AMENDMENT

CACR 26, relating to administration of the supreme court. Providing that the article authorizing the chief justice of the supreme court to make rules governing the administration of all the courts of the state shall be repealed. (Amendment printed SJ 5-16-12)

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

Rep. Ingbertson spoke in favor.

Rep. Weber requested a roll call; sufficiently seconded.

YEAS 242 NAYS 96

YEAS 242

BELKNAP

Bolster, Peter	Comtois, Guy	Fields, Dennis	Flanders, Donald
Greemore, Robert	Kingsbury, Robert	Malone, Robert	Pilliod, James
Russell, David	Simpson, Tyler	St. Cyr, Jeffrey	Swinford, Elaine
Tilton, Franklin	Worsman, Colette		

CARROLL

Babson, David Jr	Chandler, Gene	Fleck, Joseph	Knox, J. David
McCarthy, Frank	McConkey, Mark	Morrow, Harry	Pettengill, Laurie
Scala, Dino	Schmidt, Stephen	Umberger, Karen	

CHESHIRE

Cartwright, Anne	Dwinell, Richard	Hunt, John	Moore, Robert Jr
Smith, Edwin			

COOS

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

GRAFTON

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

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Barry, J. Gail	Barry, Richard
Belanger, James	Bergevin, Jerry	Boehm, Ralph	Brownrigg, Randall Jr
Burt, John	Buxton, Michael	Cebrowski, John	Champagne, Norma
Christensen, D.L.	Christiansen, Lars	Coffey, James	Condra, William
Chris			
Cusson-Cail, Kathleen	Daniels, Gary	Day, Russell	DeJong, Cameron
Doherty, Shaun	Donovan, Daniel	Drisko, Richard	Erickson, Duane
Flanagan, Jack	Fredette, Robert	Gagne, Larry	Gandia, Laura
Gonzalez, Carlos	Graham, John	Greazzo, Phil	Haefner, Robert
Hansen, Peter	Hardwick, Harry	Hawkins, Kenneth	Hikel, John
Hogan, Edith	Hopper, Gary	Hutchinson, Winfred	Infantine, William
Jasper, Shawn	Krasucki, Joseph	Kurk, Neal	Lambert, George
LeBrun, Donald	Maltz, Jonathan	Marcus, Bruce	McCarthy, Michael
McClarren, Donald	McGuinness, Sean	Mecheski, Holly	Moran, Edward
Murphy, Keith	Notter, Jeanine	Ober, Lynne	Ober, Russell III
Ohm, Bill	Palmer, Barry	Palmer, Stephen	Pellegrino, Tony
Peterson, Lenette	Pratt, Calvin	Proulx, Mark	Reed, Michael
Renzullo, Andrew	Robbins, David	Rowe, Robert	Scontsas, Lisa
Seidel, Carl	Silva, Peter	Simmons, Tammy	Soucy, Connie
Souza, Kathleen	Stepanek, Stephen	Stroud, Kathleen	Swank, Matthew
Thomas, Joseph	Twombly, Timothy	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Moe	Warden, Mark	Whitehead, Randall	Willette, Robert

MERRIMACK

Blankenbeker, Lynne	Coffey, Jennifer	Cohn, Seth	Giuda, J. Brandon
Hill, Gregory	Hoell, J.R.	Keane, Thomas	Kotowski, Frank

Kreis, Kenneth Sr
McDonnell, John
Reed, Dennis
Smith, Todd

Lauer-Rago, Kathleen
McGuire, Carol
Richardson, Jon
Soltani, Tony

Lindsley, Mark
McGuire, Dan
Seaworth, G. Brian
Winter, Steven

Lockwood, Priscilla
Palfrey, David
Smith, Molly

ROCKINGHAM

Abrami, Patrick
Bates, David
Charron, Gene
DeSimone, Debra
Elliott, Robert
Garrity, James
Introne, Robert
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Quandt, Matt
Sapareto, Frank
Shuler, Wyman III
Sytek, John
Waddell, James
Weyler, Kenneth

Allen, Mary
Belanger, Ronald
Comerford, Timothy
Devine, James
Ferrante, Beverly
Griffin, Mary
Itse, Daniel
Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Perkins, Amy
Rice, Frederick
Schroadter, Adam
Smith, William
Tasker, Kyle
Ward, Joanne

Azarian, Gary
Birdsell, Regina
Copeland, Timothy
Dowling, Patricia
Fesh, Robert
Headd, James
Janvrin, Kevin
MacMahon, Bruce
McKinney, Betsy
Okerman, Richard
Perkins, Lawrence
Ritter, Glenn
Sedensky, John
Sullivan, James
Tremblay, Stella
Webb, James

Baldasaro, Alfred
Brown, Paul
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Hoelzel, Kathleen
Kappler, Lawrence
Major, Norman
McMahon, Charles
Oligny, Jeffrey
Quandt, Marshall
Sanders, Elisabeth
Sheffert, Kenneth
Sullivan, Kevin
Tucker, Pamela
Welch, David

STRAFFORD

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

Cataldo, Sam
Munck, Philip

Pitre, Joseph

DeLemus, Susan
Newton, Clifford

Vita, Carol

Jones, Laura
O'Connor, William

Vita, Lucien

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

NAYS 96

BELKNAP

Millham, Alida

CARROLL

None

CHESHIRE

Butynski, William
Lindsey, Steven
Sad, Tara

Chase, Cynthia
Meader, David
Weber, Lucy

Hawkes, Samuel
Parkhurst, Henry
Weed, Charles

Johnsen, Gladys
Roberts, Kris

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Smith, Suzanne

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pierce, David
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Gargas, Carolyn
Gorman, Mary
Messier, Irene
Rokas, Ted
Sullivan, Peter

Campbell, David
Gidge, Kenneth
Leishman, Peter
Pilotte, Maurice
Rosenwald, Cindy

Cote, David
Gimas, John
Levasseur, Nickolas
Porter, Marjorie
Shaw, Barbara

Daler, Jennifer
Goley, Jeffrey
Long, Patrick
Ramsey, Peter
Sullivan, Daniel

MERRIMACK

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

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

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

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

ROCKINGHAM

Cali-Pitts, Jacqueline
Pantelakos, Laura

DiPentima, Rich
Read, Robin Jr

Lovejoy, Patricia
Schlachman, Donna

Norelli, Terie
Serlin, Christopher

STRAFFORD

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

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

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

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

SULLIVAN

Cloutier, John

Gagnon, Raymond

Schmidt, Andrew

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

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Ingretson moved that the House reconsider its action whereby, on a roll call vote of 242-96, it adopted the motion to concur with Senate Amendment on **CACR 26**, relating to administration of the supreme court. Providing that the article authorizing the chief justice of the supreme court to make rules governing the administration of all the courts of the state shall be repealed.

Rep. Ingretson spoke against.

On a division vote, 90 members having voted in the affirmative and 235 in the negative, the motion failed.

SENATE MESSAGE

NONCONCURS WITH AMENDMENT

REQUESTS COMMITTEE OF CONFERENCE

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

The President appointed Sens. Prescott, Forrester and Houde.

Rep. Stepanek moved that the House refuse to accede and spoke in favor.
Adopted.
Rep. Gary Richardson declared a conflict of interest and did not participate.

MOTION TO SUSPEND HOUSE RULES

Rep. Hunt moved that House Rules be so far suspended as to allow **SB 350-FN**, relative to the sale of portable electronics insurance, to be reconsidered past the deadline, considered at the preset time and if adopted, go to immediate third reading.
Adopted by the necessary two-thirds vote.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Hunt moved that the House reconsider its action whereby, on a voice vote, it adopted the committee report of Ought to Pass on **SB 350-FN**, relative to the sale of portable electronics insurance.
Adopted.

CONSIDERATION OF SB 350-FN

The question being adoption of the motion of Ought to Pass.
Rep. Hunt offered floor amendment (2484h).

Floor Amendment (2484h)

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

1 New Chapter; Sale of Portable Electronics Insurance. Amend RSA by inserting after chapter 402-J the following new chapter:

CHAPTER 402-K

SALE OF PORTABLE ELECTRONICS INSURANCE

402-K:1 Definitions. In this chapter:

- I. "Commissioner" means the insurance commissioner.
- II. "Customer" means a person who purchases portable electronics or services.
- III. "Enrolled customer" means a customer who elects coverage under a portable electronics insurance policy issued to a vendor of portable electronics.
- IV. "Location" means any physical location in the state of New Hampshire or any Internet website, call center site, or similar location directed to residents of the state of New Hampshire.
- V. "Portable electronics" means electronic devices that are portable in nature, their accessories and services related to the use of the device.
- VI. "Portable electronics insurance" means insurance providing coverage for the repair or replacement of portable electronics which may provide coverage for portable electronics against any one or more of the following causes of loss: loss, theft, inoperability due to mechanical failure, malfunction, damage, or other similar causes of loss. "Portable electronics insurance" does not include:
 - (a) A service contract governed by RSA 415-C;
 - (b) A service contract or extended warranty providing coverage limited to the repair, replacement, or maintenance of property for the operational or structural failure of property due to a defect in materials, workmanship, accidental damage from handling, power surges, or normal wear and tear;
 - (c) A policy of insurance covering a seller's or a manufacturer's obligations under a warranty; or
 - (d) A homeowner's, renter's, motor vehicle, commercial multi-peril, or similar policy.
- VII. "Portable electronics transaction" means:
 - (a) The sale or lease of portable electronics by a vendor to a customer; or

(b) The sale of a service related to the use of portable electronics by a vendor to a customer.

VIII. "Supervising entity" means a business entity that is a licensed insurer or insurance producer that is appointed or authorized by an insurer to supervise the administration of a portable electronics insurance program.

IX. "Vendor" means a person in the business of engaging in portable electronics transactions directly or indirectly.

402-K:2 Licensure of Vendors.

I. A vendor shall hold a limited lines license to sell or offer coverage under a policy of portable electronics insurance.

II. A limited lines license issued under this chapter shall authorize any employee or authorized representative of the vendor to sell or offer coverage under a policy of portable electronics insurance to a customer at each location at which the vendor engages in portable electronics transactions.

III. The supervising entity shall maintain a registry of vendor locations which are authorized to sell or solicit portable electronics insurance coverage in this state. Upon request by the commissioner and within 10 working days notice to the supervising entity, the registry shall be open to inspection and examination by the commissioner during regular business hours of the supervising entity.

IV. Notwithstanding any other provision of law, a license issued pursuant to this chapter shall authorize the licensee and its employees or authorized representatives to engage in those activities that are permitted in this chapter.

402-K:3 Marketing Requirements for Sale of Portable Electronics Insurance.

I. At every location where portable electronics insurance is offered to customers, brochures or other written materials shall be made available to a prospective customer which:

(a) Disclose that portable electronics insurance may provide a duplication of coverage already provided by a customer's homeowner's insurance policy, renter's insurance policy, motor vehicle insurance policy, or other source of coverage.

(b) State that the enrollment by the customer in a portable electronics insurance program is not required in order to purchase or lease portable electronics or services.

(c) Summarize the material terms of the insurance coverage, including:

(1) The identity of the insurer;

(2) The identity of the supervising entity;

(3) The amount of any applicable deductible and how it is to be paid;

(4) Benefits of the coverage; and

(5) Key terms and conditions of coverage such as whether portable electronics may be repaired or replaced with similar make and model reconditioned or non-original manufacturer parts or equipment.

(d) Provide a toll-free number and a summary of the process for filing a claim, including a description of how to return portable electronics and the maximum fee applicable in the event the customer fails to comply with any equipment return requirements.

(e) State that an enrolled customer may cancel enrollment for coverage under a portable electronics insurance policy at any time and the person paying the premium shall receive a refund of any applicable unearned premium.

II. Portable electronics insurance may be offered on a month-to-month or other periodic basis as a group or master commercial inland marine policy issued to a vendor of portable electronics for its enrolled customers.

III. Eligibility and underwriting standards for customers electing to enroll in coverage shall be established for each portable electronics insurance program in compliance with RSA 417:4, VIII(e) and RSA 417-B:2-a.

IV. A certificate, endorsement, brochure, or other evidence setting forth the terms and conditions of the portable electronics insurance policy shall be provided to each enrolled customer.

402-K:4 Authority of Vendors of Portable Electronics.

I. The employees and authorized representatives of vendors may sell or offer portable electronics insurance to customers and shall not be subject to licensure as an insurance producer under this chapter provided that:

(a) The vendor obtains a limited lines license to authorize its employees or authorized representatives to sell or offer portable electronics insurance pursuant to this section.

(b) The insurer issuing the portable electronics insurance either directly supervises or appoints a supervising entity to supervise the administration of the program, including development of a training program for employees and authorized representatives of the vendors. The training required by this section shall comply with the following:

(1) The training shall be delivered to employees and authorized representatives of a vendors who are directly engaged in the activity of selling or offering portable electronics insurance.

(2) The training may be provided in electronic form. However, if conducted in an electronic form the supervising entity shall implement a supplemental education program regarding the portable electronics insurance product that is conducted and overseen by employees of the supervising entity who are licensed to sell, solicit, or negotiate portable electronics insurance to the extent required by RSA 402-J.

(3) Each employee and authorized representative shall receive basic instruction about the portable electronics insurance offered to customers and the disclosures required under RSA 402-K:3.

(c) No employee or authorized representative of a vendor of portable electronics shall advertise, represent, or otherwise hold himself or herself out as a non-limited lines licensed insurance producer.

II. The charges for portable electronics insurance coverage may be billed and collected by the vendor of portable electronics. Any charge to the enrolled customer for coverage that is not included in the cost associated with the purchase or lease of portable electronics or related services shall be separately itemized on the enrolled customer's bill. If the portable electronics insurance coverage is included with the purchase or lease of portable electronics or related services the vendor shall clearly and conspicuously disclose to the enrolled customer that the portable electronics insurance coverage is included with the portable electronics or related services. Vendors billing and collecting such charges shall not be required to maintain such funds in a segregated account provided that the vendor is authorized by the insurer to hold such funds in an alternative manner and remits such amounts to the supervising entity within 60 days of receipt. All funds received by a vendor from an enrolled customer for the sale of portable electronics insurance shall be considered funds held in trust by the vendor in a fiduciary capacity for the benefit of the insurer.

402-K:5 Suspension or Revocation of License. If a vendor of portable electronics or its employee or authorized representative violates any provision of this chapter, the commissioner may:

I. After notice and hearing, impose fines not to exceed \$500 per violation or \$5,000 in the aggregate for such conduct;

II. After notice and hearing, impose other penalties that the commissioner deems necessary and reasonable to carry out the purpose of this article, including:

(a) Suspending the privilege of transacting portable electronics insurance pursuant to this section at specific business locations where violations have occurred; and

(b) Suspending or revoking the ability of individual employees or authorized representatives to act under the license.

402-K:6 Termination of Portable Electronics Insurance. Notwithstanding RSA 417-B, RSA 417-C, or any other provision of law:

I. An insurer may terminate or otherwise change the terms and conditions of a policy of portable electronics insurance only upon providing the policyholder and enrolled customers with at least 30 days notice.

II. If the insurer changes the terms and conditions, then the insurer shall provide the vendor policyholder with a revised policy or endorsement and each enrolled customer with a revised certificate, endorsement, updated brochure, or other evidence indicating a change in the terms and conditions has occurred and a summary of material changes.

III. Notwithstanding paragraph I, an insurer may terminate an enrolled customer's enrollment under a portable electronics insurance policy upon 15 days notice for discovery of fraud or material misrepresentation in obtaining coverage or in the presentation of a claim thereunder.

IV. Notwithstanding paragraph I, an insurer may immediately terminate an enrolled customer's enrollment under a portable electronics insurance policy:

(a) For nonpayment of premium;

(b) If the enrolled customer ceases to have an active service with the vendor of portable electronics; or

(c) If an enrolled customer exhausts the aggregate limit of liability, if any, under the terms of the portable electronics insurance policy and the insurer sends notice of termination to the enrolled customer within 30 calendar days after exhaustion of the limit. However, if notice is not timely sent, enrollment shall continue notwithstanding the aggregate limit of liability until the insurer sends notice of termination to the enrolled customer.

V. Where a portable electronics insurance policy is terminated by a policyholder, the policyholder shall mail or deliver written notice to each enrolled customer advising the enrolled customer of the termination of the policy and the effective date of termination. The written notice shall be mailed or delivered to the enrolled customer at least 30 days prior to the termination.

VI. Whenever notice or correspondence with respect to a policy of portable electronics insurance is required pursuant to this section or is otherwise required by law, it shall be in writing and sent within the notice period, if any, specified within the statute or rule requiring the notice or correspondence. Notwithstanding any other provision of law, notices and correspondence may be sent either by mail or by electronic means as set forth in this paragraph. If the notice or correspondence is mailed, it shall be sent to the vendor of portable electronics at the vendor's mailing address specified for such purpose and to its affected enrolled customers' last known mailing addresses on file with the insurer. The insurer or vendor of portable electronics, as the case may be, shall maintain proof of mailing in a form authorized or accepted by the United States Postal Service or other commercial mail delivery service. If the notice or correspondence is sent by electronic means, it shall be sent to the vendor of portable electronics at the vendor's electronic mail address specified for such purpose and to its affected enrolled customers' last known electronic mail address as provided by each enrolled customer to the insurer or vendor of portable electronics, as the case may be. For the purposes of this paragraph, an enrolled customer's provision of an electronic mail address to the insurer or vendor of portable electronics, as the case may be, shall be deemed consent to receive notices and correspondence by electronic means. The insurer or vendor of portable electronics, as the case may be, shall maintain proof that the notice or correspondence was sent.

VII. Notice or correspondence required by this section or otherwise required by law may be sent on behalf of an insurer or vendor, as the case may be, by the supervising entity appointed by the insurer.

402-K:7 Application for License and Fees.

I. A sworn application for a license under this chapter shall be made to and filed with the commissioner on forms prescribed and furnished by the commissioner.

II. The application shall:

(a) Provide the name, residence address, and other information required by the commissioner for an employee or officer of the vendor that is designated by the applicant as the person responsible for the vendor's compliance with the requirements of this chapter. However, if the vendor derives more than 50 percent of its revenue from the sale of portable electronics insurance the information noted above shall be provided for all officers, directors, and shareholder of record having beneficial ownership of 10 percent or more of any class of securities registered under the federal securities law; and

(b) The location of the applicant's home office.

III. Any vendor engaging in portable electronics insurance transactions on or before the effective date of this chapter shall apply for licensure within 90 days of the application being made available by the commissioner. Any applicant commencing operations after the effective date of this chapter shall obtain a license prior to offering portable electronics insurance.

IV. Initial licenses issued pursuant to this chapter shall be valid for a period of 24 months and expire on the next June 14 following such registration unless renewed prior to that date.

V. Each vendor of portable electronics licensed under this chapter shall pay to the commissioner a fee as prescribed by the commissioner but in no event shall the fee exceed \$1,000 for an initial portable electronics limited lines license and \$500 for each renewal thereof. However, for a vendor that is engaged in portable electronics transactions at 10 or fewer locations in the state the fee shall not exceed \$100 for an initial license and for each renewal thereof.

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

Rep. Hunt spoke in favor.

Floor amendment (2484h) adopted.

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

THIRD READING

Rep. Hunt offered the following: RESOLVED, that **SB 350-FN**, relative to the sale of portable electronics insurance, be read a third time and passed at the present time.
Adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Chris Christensen moved that the House reconsider its action whereby, on a division vote of 182-163, it failed to suspend House Rules allowing action past the deadline on **CACR 8**, relating to education. Providing that the legislature shall have the power to authorize schools, by the necessary two-thirds vote.

Rep. Itse spoke in favor.

Rep. Gary Richardson spoke against.

Rep. Greazzo requested a roll call; sufficiently seconded.

YEAS 156 NAYS 163

YEAS 156

BELKNAP

Fields, Dennis
Malone, Robert
Swinford, Elaine

Flanders, Donald
Pilliod, James
Tilton, Franklin

Greemore, Robert
Russell, David
Worsman, Colette

Kingsbury, Robert
Simpson, Tyler

CARROLL

Babson, David Jr Schmidt, Stephen	Fleck, Joseph	McCarthy, Frank	Pettengill, Laurie
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CHESHIRE

Cartwright, Anne	Hunt, John	Moore, Robert Jr	Smith, Edwin
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COOS

Daugherty, Duffy

GRAFTON

Brosseau, Charles Mirski, Paul Sorg, Gregory	Bulis, Lyle Reilly, Harold Sr Sova, Charles	Gionet, Edmond Shackett, Jeffrey	Ingbretson, Paul Simard, Paul
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HILLSBOROUGH

Avard, Kevin Bergevin, Jerry Cebrowski, John	Balboni, Michael Boehm, Ralph Christensen, D.L. Chris	Barry, J. Gail Brownrigg, Randall Jr Condra, William	Belanger, James Burt, John Daniels, Gary
DeJong, Cameron Flanagan, Jack Haefner, Robert Hopper, Gary LeBrun, Donald McGuinness, Sean Ohm, Bill Reed, Michael Seidel, Carl Souza, Kathleen Warden, Mark	Doherty, Shaun Gagne, Larry Hardwick, Harry Hutchinson, Winfred Maltz, Jonathan Messier, Irene Palmer, Stephen Robbins, David Silva, Peter Stepanek, Stephen Whitehead, Randall	Donovan, Daniel Gandia, Laura Hawkins, Kenneth Krasucki, Joseph Marcus, Bruce Murphy, Keith Pellegrino, Tony Rowe, Robert Simmons, Tammy Twombly, Timothy Willette, Robert	Erickson, Duane Greazzo, Phil Hogan, Edith Kurk, Neal McClarren, Donald Notter, Jeanine Peterson, Lenette Scontsas, Lisa Soucy, Connie Ulery, Jordan

MERRIMACK

Blankenbeker, Lynne Hoell, J.R. McDonnell, John Richardson, Jon Winter, Steven	Cohn, Seth Kotowski, Frank McGuire, Carol Seaworth, G. Brian	Giuda, J. Brandon Lauer-Rago, Kathleen McGuire, Dan Smith, Molly	Hill, Gregory Lindsley, Mark Palfrey, David Soltani, Tony
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ROCKINGHAM

Abrami, Patrick Birdsell, Regina Davenport, Joshua Fesh, Robert Katsakiores, Phyllis McMahon, Charles Rice, Frederick Sheffert, Kenneth Tremblay, Stella	Allen, Mary Brown, Paul DeSimone, Debra Griffin, Mary Kolodziej, Walter Murphy, Brian Ritter, Glenn Shuler, Wyman III Ward, Joanne	Baldasaro, Alfred Charron, Gene Elliott, Robert Itse, Daniel Major, Norman Okerman, Richard Schroadter, Adam Smith, William Welch, David	Bates, David Comerford, Timothy Ferrante, Beverly Kappler, Lawrence Manuse, Andrew Quandt, Matt Sedensky, John Sytek, John Weyler, Kenneth
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STRAFFORD

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

SULLIVAN

Bowers, Spec Smith, Steven	Howard, Thomas	Laware, Thomas	Osgood, Joe
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NAYS 163

BELKNAP

Bolster, Peter	Comtois, Guy	Millham, Alida	St. Cyr, Jeffrey
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CARROLL

Chandler, Gene Scala, Dino	Knox, J. David Umberger, Karen	McConkey, Mark	Merrow, Harry
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CHESHIRE

Butynski, William Johnsen, Gladys Sad, Tara	Chase, Cynthia Lindsey, Steven Weber, Lucy	Dwinell, Richard Parkhurst, Henry Weed, Charles	Hawkes, Samuel Roberts, Kris
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COOS

Coulombe, Gary Remick, William	Hatch, William Theberge, Robert	Merrick, Evalyn Tholl, John Jr	Rappaport, Laurence Thomas, Yvonne
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GRAFTON

Aguiar, James Cooney, Mary Ladd, Rick Jr Taylor, Kathleen	Almy, Susan Eaton, Stephanie Nordgren, Sharon Townsend, Charles	Benn, Bernard Gould, Franklin Pierce, David White, Andrew	Bradley, Lester Harding, Laurie Smith, Suzanne
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HILLSBOROUGH

Baroody, Benjamin Champagne, Norma Cusson-Cail, Kathleen Fredette, Robert Goley, Jeffrey Hikel, John Long, Patrick Ober, Russell III Pratt, Calvin Rokas, Ted Sullivan, Daniel Villeneuve, Moe	Barry, Richard Christiansen, Lars Daler, Jennifer Gargas, Carolyn Gonzalez, Carlos Jasper, Shawn McCarthy, Michael Palmer, Barry Proulx, Mark Rosenwald, Cindy Sullivan, Peter	Buxton, Michael Coffey, James Day, Russell Gidge, Kenneth Gorman, Mary Leishman, Peter Moran, Edward Pilotte, Maurice Ramsey, Peter Shaw, Barbara Thomas, Joseph	Campbell, David Cote, David Drisko, Richard Gimas, John Graham, John Levasseur, Nickolas Ober, Lynne Porter, Marjorie Renzullo, Andrew Stroud, Kathleen Vaillancourt, Steve
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MERRIMACK

Bouchard, Candace	Coffey, Jennifer	Deloge, Helen	DeStefano, Stephen
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Foose, Robert
Hess, David
MacKay, James
Reed, Dennis
Wallner, Mary Jane

Frazer, June
Keane, Thomas
Owen, Derek
Richardson, Gary
Watrous, Rick

Gile, Mary
Kidder, David
Patten, Dick
Shurtleff, Stephen

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

ROCKINGHAM

Azarian, Gary
DiPentima, Rich
Garrity, James
Lovejoy, Patricia
Nevins, Chris
Perkins, Amy
Sanders, Elisabeth
Sullivan, James

Cali-Pitts, Jacqueline
Dowling, Patricia
Headd, James
MacMahon, Bruce
Norelli, Terie
Perkins, Lawrence
Sapareto, Frank
Tucker, Pamela

Copeland, Timothy
Duarte, Joe
Hoelzel, Kathleen
Mauro, Donna
Packard, Sherman
Quandt, Marshall
Schlachman, Donna
Waddell, James

Devine, James
Garcia, Marilinda
Introne, Robert
McKinney, Betsy
Pantelakos, Laura
Read, Robin Jr
Serlin, Christopher
Webb, James

STRAFFORD

Andolina, Donald
Ginsburg, Philip
Keans, Sandra
Schmidt, Peter

Berube, Roger
Grassie, Anne
Pelletier, Marsha
Spang, Judith

Brown, Julie
Horrigan, Timothy
Perry, Robert
Wall, Janet

Browne, Brendon
Kaen, Naida
Roberts, Jenna
Watters, David

SULLIVAN

Cloutier, John
and the motion failed.

Gagnon, Raymond

Rodeschin, Beverly

Schmidt, Andrew

COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS (CONT'D)

HB 655, establishing a committee to study issues regarding the New Hampshire Local Government Center. (Report printed SJ 6-6-12)
Adopted.

Rep. Gary Richardson declared a conflict of interest and did not participate.

HB 1221, relative to the credit for the business enterprise tax against the business profits tax. (Report printed SJ 6-6-12)
Committee of Conference Report adopted.

HB 146, relative to the right of a jury to judge the application of the law in relationship to the facts in controversy. (Report printed SJ 6-6-12)
Committee of Conference Report adopted.

HB 158, relative to the misuse of social security numbers. (Report printed SJ 6-6-12)
Committee of Conference Report adopted.

HB 193, relative to the Mount Washington commission. (Report printed SJ 6-6-12)
Committee of Conference Report adopted.

HB 256-FN, relative to the administrative process of the department of environmental services and establishing a committee to study the appeal process of the department of environmental services. (Report printed SJ 6-6-12)
Committee of Conference Report adopted.

HB 350-FN, updating laws relative to the fiscal committee of the general court. (Report

printed SJ 6-6-12)
Committee of Conference Report adopted.

HB 351-FN, relative to insurance reimbursement for doctors of naturopathic medicine.
(Report printed SJ 6-6-12)
Committee of Conference Report adopted.

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. (Report printed SJ 6-6-12)
Committee of Conference Report adopted.

HB 533-FN-L, establishing a cap on the amount of school building aid grants distributed in each fiscal year. (Report printed SJ 6-6-12)
Committee of Conference Report adopted.

HB 597, revising the child support guidelines based on an income shares model of calculating child support. (Report printed SJ 6-6-12)
Committee of Conference Report adopted.

HB 1211, establishing a committee to study the promotion of state-owned land for use for beginning farmers. (Report printed SJ 6-6-12)
Committee of Conference Report adopted.

HB 1216, relative to the authority for withholding or withdrawal of life-sustaining treatment. (Report printed SJ 6-6-12)
Committee of Conference Report adopted.

HB 1217, relative to the form for executing advance directives for health care decisions. (Report printed SJ 6-6-12)
Committee of Conference Report adopted.

HB 1230-FN, requiring a listing of state real property. (Report printed SJ 6-6-12)
Committee of Conference Report adopted.

HB 1246, permitting resident application for pistol or revolver licenses to be submitted to the state police or the sheriff's department. (Report printed SJ 6-6-12)
Committee of Conference Report adopted.

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 machines and sweepstakes. (Report printed SJ 6-6-12)
Rep. Hawkins spoke in favor.
Rep. Lambert spoke against and requested a roll call; sufficiently seconded.

YEAS 234 NAYS 60

YEAS 234

BELKNAP

Bolster, Peter
Greemore, Robert
Russell, David

Comtois, Guy
Malone, Robert
Simpson, Tyler

Fields, Dennis
Millham, Alida
St. Cyr, Jeffrey

Flanders, Donald
Pilliod, James
Tilton, Franklin

CARROLL

Babson, David Jr
McCarthy, Frank
Umberger, Karen

Chandler, Gene
McConkey, Mark

Fleck, Joseph
Scala, Dino

Knox, J. David
Schmidt, Stephen

CHESHIRE

Butynski, William
Hawkes, Samuel
Parkhurst, Henry
Weed, Charles

Cartwright, Anne
Hunt, John
Sad, Tara

Chase, Cynthia
Johnsen, Gladys
Smith, Edwin

Dwinell, Richard
Moore, Robert Jr
Weber, Lucy

COOS

Coulombe, Gary
Tholl, John Jr

Merrick, Evalyn
Thomas, Yvonne

Rappaport, Laurence

Remick, William

GRAFTON

Aguiar, James
Cooney, Mary
Ingbretson, Paul
Pierce, David
Smith, Suzanne
Townsend, Charles

Almy, Susan
Eaton, Stephanie
Ladd, Rick Jr
Reilly, Harold Sr
Sorg, Gregory
White, Andrew

Benn, Bernard
Gionet, Edmond
Mirski, Paul
Shackett, Jeffrey
Sova, Charles

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

HILLSBOROUGH

Balboni, Michael
Belanger, James
Cebrowski, John

Baroody, Benjamin
Bergevin, Jerry
Champagne, Norma

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

Barry, Richard
Campbell, David
Christiansen, Lars

Coffey, James
Doherty, Shaun
Flanagan, Jack
Gimas, John
Haefner, Robert
Hutchinson, Winfred
LeBrun, Donald
McCarthy, Michael
Notter, Jeanine
Pratt, Calvin
Rokas, Ted
Shaw, Barbara
Stepanek, Stephen
Twombly, Timothy
Willette, Robert

Cote, David
Donovan, Daniel
Fredette, Robert
Gonzalez, Carlos
Hansen, Peter
Jasper, Shawn
Leishman, Peter
McClarren, Donald
Palmer, Barry
Proulx, Mark
Rosenwald, Cindy
Silva, Peter
Stroud, Kathleen
Ulery, Jordan

Daler, Jennifer
Drisko, Richard
Gagne, Larry
Graham, John
Hawkins, Kenneth
Krasucki, Joseph
Levasseur, Nickolas
Messier, Irene
Pellegrino, Tony
Renzullo, Andrew
Scontsas, Lisa
Simmons, Tammy
Sullivan, Daniel
Villeneuve, Moe

Day, Russell
Erickson, Duane
Gargas, Carolyn
Greazzo, Phil
Hogan, Edith
Kurk, Neal
Marcus, Bruce
Moran, Edward
Pilotte, Maurice
Robbins, David
Seidel, Carl
Souza, Kathleen
Sullivan, Peter
Whitehead, Randall

MERRIMACK

Bouchard, Candace
Gile, Mary
Kotowski, Frank
McGuire, Carol
Patten, Dick
Shurtleff, Stephen

Deloge, Helen
Hamm, Christine
Lauer-Rago, Kathleen
McGuire, Dan
Potter, Frances
Smith, Molly

Foose, Robert
Hill, Gregory
Lockwood, Priscilla
Owen, Derek
Reed, Dennis
Watrous, Rick

Frazer, June
Keane, Thomas
McDonnell, John
Palfrey, David
Richardson, Gary
Winter, Steven

ROCKINGHAM

Abrami, Patrick	Azarian, Gary	Bates, David	Belanger, Ronald
Birdsell, Regina	Cali-Pitts, Jacqueline	Charron, Gene	Copeland, Timothy
DeSimone, Debra	Devine, James	DiPentima, Rich	Duarte, Joe
Garcia, Marilinda	Garrity, James	Griffin, Mary	Headd, James
Introne, Robert	Kappler, Lawrence	Katsakiores, Phyllis	Kolodziej, Walter
Lovejoy, Patricia	Major, Norman	Mauro, Donna	McKinney, Betsy
McMahon, Charles	Murphy, Brian	Nevins, Chris	Norelli, Terie
Packard, Sherman	Pantelakos, Laura	Perkins, Amy	Perkins, Lawrence
Quandt, Matt	Read, Robin Jr	Ritter, Glenn	Sanders, Elisabeth
Schlachman, Donna	Sedensky, John	Serlin, Christopher	Shuler, Wyman III
Smith, William	Sullivan, James	Tasker, Kyle	Tucker, Pamela
Waddell, James	Ward, Joanne	Welch, David	Weyler, Kenneth

STRAFFORD

Andolina, Donald	Berube, Roger	Brown, Julie	Browne, Brendon
Cataldo, Sam	Grassie, Anne	Jones, Laura	Kaen, Naida
Keans, Sandra	Larsen Schultz, Kirsten	Munck, Philip	Newton, Clifford
O'Connor, William	Parsons, Robbie	Pelletier, Marsha	Perry, Robert
Pitre, Joseph	Schmidt, Peter	Spang, Judith	Vita, Lucien
Wall, Janet	Watters, David		

SULLIVAN

Bowers, Spec	Cloutier, John	Gagnon, Raymond	Howard, Thomas
Laware, Thomas	Osgood, Joe	Rodeschin, Beverly	Schmidt, Andrew
Smith, Steven			

NAYS 60

BELKNAP

Kingsbury, Robert	Worsman, Colette
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CARROLL

Pettengill, Laurie

CHESHIRE

None

COOS

None

GRAFTON

Bradley, Lester	Brosseau, Charles	Gould, Franklin
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HILLSBOROUGH

Avard, Kevin	Brownrigg, Randall Jr	Burt, John	Condra, William
Cusson-Cail, Kathleen	Daniels, Gary	DeJong, Cameron	Gandia, Laura
Gidge, Kenneth	Gorman, Mary	Hardwick, Harry	Hikel, John

Lambert, George
Palmer, Stephen
Soucy, Connie

Maltz, Jonathan
Peterson, Lenette
Vaillancourt, Steve

Murphy, Keith
Reed, Michael
Warden, Mark

Ohm, Bill
Rowe, Robert

MERRIMACK

Blankenbeker, Lynne
Hess, David
Seaworth, G. Brian

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

Cohn, Seth
Kidder, David

Giuda, J. Brandon
Lindsley, Mark

ROCKINGHAM

Allen, Mary
Fesh, Robert
Manuse, Andrew
Sheffert, Kenneth

Brown, Paul
Hoelzel, Kathleen
Quandt, Marshall
Sytek, John

Comerford, Timothy
Itse, Daniel
Rice, Frederick
Tremblay, Stella

Dowling, Patricia
MacMahon, Bruce
Schroadter, Adam
Webb, James

STRAFFORD

DeLemus, Susan

Horrigan, Timothy

Roberts, Jenna

Vita, Carol

SULLIVAN

Cunningham, Steven
and the Committee of Conference Report was adopted.

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. (Report printed SJ 6-6-12)
Committee of Conference Report adopted.

HB 1346, relative to the construction of power line extensions. (Report printed SJ 6-6-12)
Committee of Conference Report adopted.

HB 1350, relative to the style and form of new articles and amendments to articles proposed by constitutional amendment concurrent resolutions. (Report printed SJ 6-6-12)
Committee of Conference Report adopted.

HB 1383, relative to residency status for the purpose of receiving in-state tuition status within the university system of New Hampshire. (Report printed SJ 6-6-12)
Reps. Gile and St. Cyr spoke against.
Rep. Boehm spoke in favor.
Rep. Dan McGuire requested a roll call; sufficiently seconded.

YEAS 217 NAYS 82

YEAS 217

BELKNAP

Bolster, Peter
Greemore, Robert
Russell, David
Worsman, Colette

Comtois, Guy
Kingsbury, Robert
Simpson, Tyler

Fields, Dennis
Malone, Robert
Swinford, Elaine

Flanders, Donald
Pilliod, James
Tilton, Franklin

CARROLL

Babson, David Jr
McCarthy, Frank
Schmidt, Stephen

Chandler, Gene
McConkey, Mark
Umberger, Karen

Fleck, Joseph
Pettengill, Laurie

Knox, J. David
Scala, Dino

CHESHIRE

Cartwright, Anne

Dwinell, Richard

Hunt, John

Moore, Robert Jr

COOS

Daugherty, Duffy

Rappaport, Laurence

Remick, William

Tholl, John Jr

GRAFTON

Bradley, Lester
Gionet, Edmond
Shackett, Jeffrey

Brosseau, Charles
Ingbreton, Paul
Simard, Paul

Bulis, Lyle
Ladd, Rick Jr
Sorg, Gregory

Eaton, Stephanie
Reilly, Harold Sr
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Belanger, James
Burt, John
Christensen, D.L.
Chris

Balboni, 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

Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Gonzalez, Carlos
Hansen, Peter
Hogan, Edith
Kurk, Neal
Marcus, Bruce
Messier, Irene
Ohm, Bill
Peterson, Lenette
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Twombly, Timothy
Warden, Mark

Daniels, Gary
Donovan, Daniel
Fredette, Robert
Graham, John
Hardwick, Harry
Hutchinson, Winfred
Lambert, George
McCarthy, Michael
Moran, Edward
Palmer, Barry
Pratt, Calvin
Robbins, David
Silva, Peter
Stepanek, Stephen
Ulery, Jordan
Whitehead, Randall

Day, Russell
Drisko, Richard
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Jasper, Shawn
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Palmer, Stephen
Proulx, Mark
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Vaillancourt, Steve
Willette, Robert

DeJong, Cameron
Erickson, Duane
Gandia, Laura
Haefner, Robert
Hikel, John
Krasucki, Joseph
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Pellegrino, Tony
Reed, Michael
Scotsas, Lisa
Soucy, Connie
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Hill, Gregory
Kotowski, Frank
McGuire, Carol
Smith, Molly

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

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

Giuda, J. Brandon
Kidder, David
McDonnell, John
Seaworth, G. Brian
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Bates, David
Charron, Gene
DeSimone, Debra
Garcia, Marilinda
Hoelzel, Kathleen

Allen, Mary
Belanger, Ronald
Comerford, Timothy
Devine, James
Garrity, James
Introne, Robert

Azarian, Gary
Birdsell, Regina
Copeland, Timothy
Duarte, Joe
Griffin, Mary
Itse, Daniel

Baldasaro, Alfred
Brown, Paul
Davenport, Joshua
Fesh, Robert
Headd, James
Kappler, Lawrence

Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Quandt, Matt
Sanders, Elisabeth
Shuler, Wyman III
Tasker, Kyle
Webb, James

Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Reagan, John
Schroadter, Adam
Smith, William
Tremblay, Stella
Welch, David

MacMahon, Bruce
McKinney, Betsy
Packard, Sherman
Rice, Frederick
Sedensky, John
Sullivan, James
Tucker, Pamela
Weyler, Kenneth

Major, Norman
McMahon, Charles
Quandt, Marshall
Ritter, Glenn
Sheffert, Kenneth
Sytek, John
Ward, Joanne

STRAFFORD

Andolina, Donald
Jones, Laura

Berube, Roger
Larsen Schultz,
Kirsten
Parsons, Robbie

Cataldo, Sam
Munck, Philip
Pitre, Joseph

DeLemus, Susan
Newton, Clifford

O'Connor, William
Vita, Lucien

Vita, Carol

SULLIVAN

Bowers, Spec
Osgood, Joe

Cunningham, Steven
Rodeschin, Beverly

Howard, Thomas
Smith, Steven

Laware, Thomas

NAYS 82

BELKNAP

Millham, Alida

St. Cyr, Jeffrey

CARROLL

None

CHESHIRE

Butynski, William
Parkhurst, Henry

Chase, Cynthia
Sad, Tara

Hawkes, Samuel
Weber, Lucy

Johnsen, Gladys
Weed, Charles

COOS

Coulombe, Gary

Merrick, Evalyn

Thomas, Yvonne

GRAFTON

Aguiar, James
Gould, Franklin
Smith, Suzanne

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pierce, David
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Gargas, Carolyn
Levasseur, Nickolas
Rosenwald, Cindy

Campbell, David
Gimas, John
Pilotte, Maurice
Shaw, Barbara

Cote, David
Gorman, Mary
Porter, Marjorie
Sullivan, Peter

Daler, Jennifer
Leishman, Peter
Rokas, Ted

MERRIMACK

Bouchard, Candace
Gile, Mary
Palfrey, David

Deloge, Helen
Hamm, Christine
Patten, Dick

Foose, Robert
Lockwood, Priscilla
Potter, Frances

Frazer, June
Owen, Derek
Richardson, Gary

Shurtleff, Stephen

Wallner, Mary Jane

Watrous, Rick

ROCKINGHAM

Cali-Pitts, Jacqueline
Norelli, Terie
Serlin, Christopher

DiPentima, Rich
Pantelakos, Laura
Waddell, James

Dowling, Patricia
Read, Robin Jr

Lovejoy, Patricia
Schlachman, Donna

STRAFFORD

Brown, Julie
Horrigan, Timothy
Perry, Robert
Wall, Janet

Browne, Brendon
Kaen, Naida
Roberts, Jenna
Watters, David

Ginsburg, Philip
Keans, Sandra
Schmidt, Peter

Grassie, Anne
Pelletier, Marsha
Spang, Judith

SULLIVAN

Cloutier, John

Gagnon, Raymond

Schmidt, Andrew

and the Committee of Conference Report was adopted.

HB 1418-FN-A, increasing the threshold amounts for taxation under the business enterprise tax. (Report printed SJ 6-6-12)

Rep. Ladd requested a roll call; sufficiently seconded.

YEAS 244 NAYS 46

YEAS 244

BELKNAP

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

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

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

Flanders, Donald
Millham, Alida
St. Cyr, Jeffrey

CARROLL

Babson, David Jr
McCarthy, Frank
Schmidt, Stephen

Chandler, Gene
McConkey, Mark
Umberger, Karen

Fleck, Joseph
Pettengill, Laurie

Knox, J. David
Scala, Dino

CHESHIRE

Cartwright, Anne
Parkhurst, Henry

Dwinell, Richard

Hunt, John

Moore, Robert Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Merrick, Evalyn
Thomas, Yvonne

Rappaport, Laurence

Remick, William

GRAFTON

Bradley, Lester
Gionet, Edmond
Mirski, Paul
Simard, Paul
White, Andrew

Brosseau, Charles
Harding, Laurie
Pierce, David
Smith, Suzanne

Bulis, Lyle
Ingbretson, Paul
Reilly, Harold Sr
Sorg, Gregory

Eaton, Stephanie
Ladd, Rick Jr
Shackett, Jeffrey
Sova, Charles

HILLSBOROUGH

Balboni, Michael	Baroody, Benjamin	Barry, J. Gail	Barry, Richard
Belanger, James	Bergevin, Jerry	Brownrigg, Randall Jr	Burt, John
Buxton, Michael	Campbell, David	Cebrowski, John	Champagne, Norma
Christensen, D.L.	Christiansen, Lars	Coffey, James	Condra, William
Chris			
Cusson-Cail, Kathleen	Daler, Jennifer	Daniels, Gary	Day, Russell
DeJong, Cameron	Doherty, Shaun	Donovan, Daniel	Drisko, Richard
Erickson, Duane	Flanagan, Jack	Fredette, Robert	Gagne, Larry
Gandia, Laura	Gargas, Carolyn	Gimas, John	Gonzalez, Carlos
Graham, John	Greazzo, Phil	Haefner, Robert	Hansen, Peter
Hardwick, Harry	Hawkins, Kenneth	Hikel, John	Hogan, Edith
Hutchinson, Winfred	Jasper, Shawn	Krasucki, Joseph	Lambert, George
LeBrun, Donald	Leishman, Peter	Levasseur, Nickolas	Maltz, Jonathan
Marcus, Bruce	McCarthy, Michael	McClarren, Donald	McGuinness, Sean
Messier, Irene	Moran, Edward	Murphy, Keith	Notter, Jeanine
Ohm, Bill	Palmer, Barry	Palmer, Stephen	Pellegrino, Tony
Peterson, Lenette	Porter, Marjorie	Pratt, Calvin	Reed, Michael
Renzullo, Andrew	Robbins, David	Rowe, Robert	Scontsas, Lisa
Seidel, Carl	Shaw, Barbara	Silva, Peter	Simmons, Tammy
Soucy, Connie	Souza, Kathleen	Stepanek, Stephen	Stroud, Kathleen
Sullivan, Peter	Thomas, Joseph	Twombly, Timothy	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Moe	Warden, Mark	Whitehead, Randall
Willette, Robert			

MERRIMACK

Blankenbeker, Lynne	Bouchard, Candace	Coffey, Jennifer	Cohn, Seth
Deloge, Helen	Giuda, J. Brandon	Hamm, Christine	Hill, Gregory
Hoell, J.R.	Kidder, David	Kotowski, Frank	Lauer-Rago, Kathleen
Lindsley, Mark	Lockwood, Priscilla	McDonnell, John	McGuire, Carol
McGuire, Dan	Palfrey, David	Patten, Dick	Reed, Dennis
Seaworth, G. Brian	Smith, Molly	Smith, Todd	Soltani, Tony
Winter, Steven			

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Azarian, Gary	Baldasaro, Alfred
Bates, David	Belanger, Ronald	Birdsell, Regina	Brown, Paul
Charron, Gene	Comerford, Timothy	Copeland, Timothy	Davenport, Joshua
DeSimone, Debra	Devine, James	Dowling, Patricia	Duarte, Joe
Garcia, Marilinda	Garrity, James	Griffin, Mary	Headd, James
Hoelzel, Kathleen	Introne, Robert	Itse, Daniel	Kappler, Lawrence
Katsakiores, Phyllis	Kolodziej, Walter	Lovejoy, Patricia	MacMahon, Bruce
Major, Norman	Manuse, Andrew	Mauro, Donna	McKinney, Betsy
McMahon, Charles	Murphy, Brian	Nevins, Chris	Norelli, Terie
Packard, Sherman	Quandt, Marshall	Quandt, Matt	Reagan, John
Rice, Frederick	Ritter, Glenn	Sanders, Elisabeth	Schroadter, Adam
Sedensky, John	Sheffert, Kenneth	Shuler, Wyman III	Smith, William
Sullivan, James	Sytek, John	Tasker, Kyle	Tremblay, Stella
Waddell, James	Ward, Joanne	Webb, James	Welch, David
Weyler, Kenneth			

STRAFFORD

Andolina, Donald	Berube, Roger	Brown, Julie	Cataldo, Sam
DeLemus, Susan	Jones, Laura	Larsen Schultz,	Munck, Philip

Newton, Clifford
Vita, Carol

O'Connor, William
Vita, Lucien

Kirsten
Parsons, Robbie
Watters, David

Pitre, Joseph

SULLIVAN

Bowers, Spec
Howard, Thomas
Smith, Steven

Cloutier, John
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Gagnon, Raymond
Rodeschin, Beverly

NAYS 46

BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Sad, Tara

Chase, Cynthia
Weber, Lucy

Hawkes, Samuel

Johnsen, Gladys

COOS

Coulombe, Gary

GRAFTON

Aguiar, James
Gould, Franklin

Almy, Susan
Nordgren, Sharon

Benn, Bernard
Taylor, Kathleen

Cooney, Mary
Townsend, Charles

HILLSBOROUGH

Cote, David
Rosenwald, Cindy

Gorman, Mary

Kurk, Neal

Pilotte, Maurice

MERRIMACK

Foose, Robert
Richardson, Gary

Gile, Mary
Shurtleff, Stephen

Keane, Thomas
Wallner, Mary Jane

Potter, Frances
Watrous, Rick

ROCKINGHAM

Cali-Pitts, Jacqueline
Schlachman, Donna

DiPentima, Rich
Serlin, Christopher

Pantelakos, Laura

Read, Robin Jr

STRAFFORD

Browne, Brendon
Kaen, Naida
Roberts, Jenna

Ginsburg, Philip
Keans, Sandra
Schmidt, Peter

Grassie, Anne
Pelletier, Marsha
Spang, Judith

Horrigan, Timothy
Perry, Robert
Wall, Janet

SULLIVAN

None

and the Committee of Conference Report was adopted.

HB 1484, relative to fees for state parks. (Report printed SJ 6-6-12)
Committee of Conference Report adopted.

HB 1487, relative to low carbon fuel standards programs. (Report printed SJ 6-6-12)
Committee of Conference Report adopted.

HB 1490-FN, relative to New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions. (Report printed SJ 6-6-12)
Rep. Kaen spoke against and yielded to questions.
Rep. James Garrity spoke in favor and requested a roll call; sufficiently seconded.

YEAS 211 NAYS 74

YEAS 211

BELKNAP

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

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

Flanders, Donald
Millham, Alida
St. Cyr, Jeffrey

Greemore, Robert
Pilliod, James
Swinford, Elaine

CARROLL

Babson, David Jr
McCarthy, Frank
Schmidt, Stephen

Chandler, Gene
McConkey, Mark
Umberger, Karen

Fleck, Joseph
Pettengill, Laurie

Knox, J. David
Scala, Dino

CHESHIRE

Cartwright, Anne
Smith, Edwin

Dwinell, Richard

Hunt, John

Moore, Robert Jr

COOS

Daugherty, Duffy

Rappaport, Laurence

Remick, William

Tholl, John Jr

GRAFTON

Bradley, Lester
Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

Brosseau, Charles
Ingretson, Paul
Shackett, Jeffrey

Bulis, Lyle
Ladd, Rick Jr
Simard, Paul

Eaton, Stephanie
Mirski, Paul
Sorg, Gregory

HILLSBOROUGH

Balboni, Michael
Bergevin, Jerry
Cebrowski, John

Barry, J. Gail
Brownrigg, Randall Jr
Champagne, Norma

Barry, Richard
Burt, John
Christensen, D.L.
Chris

Belanger, James
Buxton, Michael
Christiansen, Lars

Coffey, James
Day, Russell
Drisko, Richard
Gagne, Larry
Graham, John
Hardwick, Harry
Hutchinson, Winfred
Lambert, George

Condra, William
DeJong, Cameron
Erickson, Duane
Gandia, Laura
Greazzo, Phil
Hawkins, Kenneth
Jasper, Shawn
LeBrun, Donald

Cusson-Cail, Kathleen
Doherty, Shaun
Flanagan, Jack
Gimas, John
Haefner, Robert
Hikel, John
Krasucki, Joseph
Maltz, Jonathan

Daniels, Gary
Donovan, Daniel
Fredette, Robert
Gonzalez, Carlos
Hansen, Peter
Hogan, Edith
Kurk, Neal
Marcus, Bruce

McCarthy, Michael
Notter, Jeanine
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Twombly, Timothy
Warden, Mark

McClarren, Donald
Ohm, Bill
Peterson, Lenette
Robbins, David
Silva, Peter
Stepanek, Stephen
Ulery, Jordan
Whitehead, Randall

McGuinness, Sean
Palmer, Barry
Pratt, Calvin
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Vaillancourt, Steve
Willette, Robert

Murphy, Keith
Palmer, Stephen
Reed, Michael
Scotsas, Lisa
Soucy, Connie
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

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

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

Cohn, Seth
Kidder, David
Lockwood, Priscilla
Palfrey, David
Soltani, Tony

Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Reed, Dennis
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Bates, David
Charron, Gene
DeSimone, Debra
Garrity, James
Introne, Robert
Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Rice, Frederick
Sedensky, John
Sytek, John
Webb, James

Allen, Mary
Belanger, Ronald
Comerford, Timothy
Devine, James
Griffin, Mary
Itse, Daniel
MacMahon, Bruce
McKinney, Betsy
Packard, Sherman
Ritter, Glenn
Sheffert, Kenneth
Tasker, Kyle
Welch, David

Azarian, Gary
Birdsell, Regina
Copeland, Timothy
Duarte, Joe
Headd, James
Kappler, Lawrence
Major, Norman
McMahon, Charles
Quandt, Marshall
Sanders, Elisabeth
Shuler, Wyman III
Tremblay, Stella
Weyler, Kenneth

Baldasaro, Alfred
Brown, Paul
Davenport, Joshua
Garcia, Marilinda
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Reagan, John
Schroadter, Adam
Sullivan, James
Ward, Joanne

STRAFFORD

Andolina, Donald
Larsen Schultz,
Kirsten
Parsons, Robbie

Cataldo, Sam
Munck, Philip
Pitre, Joseph

DeLemus, Susan
Newton, Clifford
Vita, Carol

Jones, Laura
O'Connor, William
Vita, Lucien

SULLIVAN

Bowers, Spec
Osgood, Joe

Cunningham, Steven
Rodeschin, Beverly
Howard, Thomas
Smith, Steven

Laware, Thomas

NAYS 74

BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William

Chase, Cynthia

Johnsen, Gladys

Parkhurst, Henry

Sad, Tara

Weber, Lucy

COOS

Coulombe, Gary

Merrick, Evalyn

Thomas, Yvonne

GRAFTON

Aguiar, James
Gould, Franklin
Smith, Suzanne

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pierce, David
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Gargas, Carolyn
Messier, Irene
Shaw, Barbara

Campbell, David
Goley, Jeffrey
Pilotte, Maurice
Sullivan, Peter

Cote, David
Gorman, Mary
Porter, Marjorie

Daler, Jennifer
Levasseur, Nickolas
Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
Hamm, Christine
Richardson, Gary

Deloge, Helen
Owen, Derek
Shurtleff, Stephen

Foose, Robert
Patten, Dick
Wallner, Mary Jane

Gile, Mary
Potter, Frances
Watrous, Rick

ROCKINGHAM

Cali-Pitts, Jacqueline
Norelli, Terie
Schlachman, Donna

DiPentima, Rich
Pantelakos, Laura
Serlin, Christopher

Dowling, Patricia
Quandt, Matt

Lovejoy, Patricia
Read, Robin Jr

STRAFFORD

Berube, Roger
Grassie, Anne
Pelletier, Marsha
Spang, Judith

Brown, Julie
Horrigan, Timothy
Perry, Robert
Wall, Janet

Browne, Brendon
Kaen, Naida
Roberts, Jenna
Watters, David

Ginsburg, Philip
Keans, Sandra
Schmidt, Peter

SULLIVAN

Cloutier, John

Gagnon, Raymond

and the Committee of Conference Report was adopted.

HB 1510-FN, relative to taxpayer standing for declaratory judgments. (Report printed SJ 6-6-12)

Committee of Conference Report adopted.

HB 1535-FN, relative to arrest records under the right-to-know law. (Report printed SJ 6-6-12)

Committee of Conference Report adopted.

HB 1593-FN, relative to the department of information technology. (Report printed SJ 6-6-12)

Committee of Conference Report adopted.

HB 1617-FN, repealing the certificate of need law. (Report printed SJ 6-6-12)

Committee of Conference Report adopted.

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.
(Report printed SJ 6-6-12)

Committee of Conference Report adopted.

HB 1666-FN, relative to legislative approval of collective bargaining agreements entered into by the state. (Report printed SJ 6-6-12)

Rep. Burt requested a roll call; sufficiently seconded.

YEAS 203 NAYS 77

YEAS 203

BELKNAP

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

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

Flanders, Donald
Millham, Alida
St. Cyr, Jeffrey

Greemore, Robert
Pilliod, James
Swinford, Elaine

CARROLL

Babson, David Jr
McConkey, Mark
Umberger, Karen

Chandler, Gene
Pettengill, Laurie

Fleck, Joseph
Scala, Dino

McCarthy, Frank
Schmidt, Stephen

CHESHIRE

Cartwright, Anne
Smith, Edwin

Dwinell, Richard

Hunt, John

Moore, Robert Jr

COOS

Daugherty, Duffy

Rappaport, Laurence Tholl, John Jr

GRAFTON

Bradley, Lester
Gionet, Edmond
Reilly, Harold Sr
Sova, Charles

Brosseau, Charles
Ingretson, Paul
Shackett, Jeffrey

Bulis, Lyle
Ladd, Rick Jr
Simard, Paul

Eaton, Stephanie
Mirski, Paul
Sorg, Gregory

HILLSBOROUGH

Balboni, Michael
Bergevin, Jerry
Cebrowski, John

Barry, J. Gail
Brownrigg, Randall Jr
Champagne, Norma

Barry, Richard
Burt, John
Christensen, D.L.
Chris

Belanger, James
Buxton, Michael
Christiansen, Lars

Coffey, James

Condra, William

Cusson-Cail,
Kathleen
Donovan, Daniel
Fredette, Robert
Gimas, John
Haefner, Robert
Hikel, John
Krasucki, Joseph
Maltz, Jonathan

Daniels, Gary

DeJong, Cameron
Erickson, Duane
Gandia, Laura
Graham, John
Hardwick, Harry
Hutchinson, Winfred
Lambert, George

Doherty, Shaun
Flanagan, Jack
Gargas, Carolyn
Greazzo, Phil
Hawkins, Kenneth
Jasper, Shawn
LeBrun, Donald

Drisko, Richard
Gagne, Larry
Gonzalez, Carlos
Hansen, Peter
Hogan, Edith
Kurk, Neal
Marcus, Bruce

McClarren, Donald
Notter, Jeanine
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Twombly, Timothy
Warden, Mark

McGuinness, Sean
Ohm, Bill
Peterson, Lenette
Robbins, David
Silva, Peter
Stepanek, Stephen
Ulery, Jordan
Whitehead, Randall

Messier, Irene
Palmer, Barry
Pratt, Calvin
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Vaillancourt, Steve
Willette, Robert

Murphy, Keith
Palmer, Stephen
Reed, Michael
Scotsas, Lisa
Soucy, Connie
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Lauer-Rago, Kathleen
McGuire, Carol
Seaworth, G. Brian

Coffey, Jennifer
Hill, Gregory
Lindsley, Mark
McGuire, Dan
Winter, Steven

Cohn, Seth
Hoell, J.R.
Lockwood, Priscilla
Palfrey, David

Foose, Robert
Kotowski, Frank
McDonnell, John
Reed, Dennis

ROCKINGHAM

Abrami, Patrick
Bates, David
Charron, Gene
Devine, James
Garrity, James
Introne, Robert
Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Ritter, Glenn
Shuler, Wyman III
Tremblay, Stella

Allen, Mary
Belanger, Ronald
Comerford, Timothy
Dowling, Patricia
Griffin, Mary
Itse, Daniel
MacMahon, Bruce
McKinney, Betsy
Packard, Sherman
Schroadter, Adam
Sullivan, James
Ward, Joanne

Azarian, Gary
Birdsell, Regina
Davenport, Joshua
Duarte, Joe
Headd, James
Kappler, Lawrence
Major, Norman
McMahon, Charles
Reagan, John
Sedensky, John
Sytek, John
Welch, David

Baldasaro, Alfred
Brown, Paul
DeSimone, Debra
Garcia, Marilinda
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Rice, Frederick
Sheffert, Kenneth
Tasker, Kyle
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Larsen Schultz,
Kirsten
Parsons, Robbie

Cataldo, Sam
Munck, Philip
Pitre, Joseph

DeLemus, Susan
Newton, Clifford
Vita, Carol

Jones, Laura
O'Connor, William
Vita, Lucien

SULLIVAN

Bowers, Spec
Rodeschin, Beverly

Cunningham, Steven
Howard, Thomas
Smith, Steven

Osgood, Joe

NAYS 77

BELKNAP

None

CARROLL

Knox, J. David

CHESHIRE

Butynski, William
Sad, Tara

Chase, Cynthia
Weber, Lucy

Johnsen, Gladys

Parkhurst, Henry

COOS

Coulombe, Gary	Merrick, Evalyn	Remick, William	Thomas, Yvonne
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GRAFTON

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

HILLSBOROUGH

Barood, Benjamin	Campbell, David	Cote, David	Daler, Jennifer
Day, Russell	Goley, Jeffrey	Gorman, Mary	Levasseur, Nickolas
McCarthy, Michael	Pilotte, Maurice	Porter, Marjorie	Rosenwald, Cindy
Shaw, Barbara	Sullivan, Peter		

MERRIMACK

Bouchard, Candace	Deloge, Helen	Gile, Mary	Hamm, Christine
Owen, Derek	Patten, Dick	Potter, Frances	Richardson, Gary
Shurtleff, Stephen	Soltani, Tony	Wallner, Mary Jane	

ROCKINGHAM

Cali-Pitts, Jacqueline	Copeland, Timothy	DiPentima, Rich	Lovejoy, Patricia
Norelli, Terie	Pantelakos, Laura	Quandt, Marshall	Quandt, Matt
Read, Robin Jr	Schlachman, Donna	Serlin, Christopher	Webb, James

STRAFFORD

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

SULLIVAN

Cloutier, John	Gagnon, Raymond	Laware, Thomas
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and the Committee of Conference Report was adopted.

HB 1687-FN, relative to state employee information available on the state transparency website. (Report printed SJ 6-6-12)
Committee of Conference Report adopted.

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. (Report printed SJ 6-6-12)
On a division vote, 260 members having voted in the affirmative and 18 in the negative, the Committee of Conference Report was adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Hoell moved that the House reconsider its actions whereby, on a voice vote, it adopted the motion to concur with Senate amendment to **HB 1699**, relative to driving under the influence of drugs.
Rep. Hoell spoke in favor.
Rep. Dan McGuire requested a roll call; sufficiently seconded.

YEAS 94 NAYS 174

YEAS 94

BELKNAP

Comtois, Guy	Greemore, Robert	Kingsbury, Robert	Malone, Robert
Pilliod, James	Worsman, Colette		

CARROLL

Knox, J. David	McCarthy, Frank	Scala, Dino
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CHESHIRE

Cartwright, Anne

COOS

Coulombe, Gary

GRAFTON

Brosseau, Charles	Gionet, Edmond	Ingbretson, Paul	Mirski, Paul
Sova, Charles			

HILLSBOROUGH

Balboni, Michael	Belanger, James	Bergevin, Jerry	Brownrigg, Randall Jr
Burt, John	Christiansen, Lars	Daniels, Gary	DeJong, Cameron
Doherty, Shaun	Erickson, Duane	Flanagan, Jack	Fredette, Robert
Gimas, John	Greazzo, Phil	Hansen, Peter	Hardwick, Harry
Krasucki, Joseph	Lambert, George	Maltz, Jonathan	McGuinness, Sean
Murphy, Keith	Notter, Jeanine	Ohm, Bill	Palmer, Stephen
Peterson, Lenette	Pratt, Calvin	Renzullo, Andrew	Seidel, Carl
Simmons, Tammy	Soucy, Connie	Twombly, Timothy	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Moe	Warden, Mark	

MERRIMACK

Blankenbeker, Lynne	Coffey, Jennifer	Cohn, Seth	Hill, Gregory
Hoell, J.R.	Lauer-Rago, Kathleen	McGuire, Carol	McGuire, Dan
Seaworth, G. Brian	Soltani, Tony		

ROCKINGHAM

Baldasaro, Alfred	Bates, David	Brown, Paul	Comerford, Timothy
Davenport, Joshua	Dowling, Patricia	Duarte, Joe	Hoelzel, Kathleen
Itse, Daniel	Katsakiores, Phyllis	MacMahon, Bruce	Manuse, Andrew
Mauro, Donna	Murphy, Brian	Nevins, Chris	Rice, Frederick
Ritter, Glenn	Schroadter, Adam	Sheffert, Kenneth	Tremblay, Stella
Webb, James			

STRAFFORD

DeLemus, Susan	Ginsburg, Philip	Horrigan, Timothy	Jones, Laura
Larsen Schultz, Kirsten	O'Connor, William	Roberts, Jenna	Spang, Judith

SULLIVAN

Bowers, Spec	Cunningham, Steven	Howard, Thomas	Laware, Thomas
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NAYS 174

BELKNAP

Fields, Dennis	Flanders, Donald	Millham, Alida	Russell, David
Simpson, Tyler	St. Cyr, Jeffrey	Swinford, Elaine	Tilton, Franklin

CARROLL

Babson, David Jr	Chandler, Gene	McConkey, Mark	Pettengill, Laurie
Schmidt, Stephen	Umberger, Karen		

CHESHIRE

Butynski, William	Chase, Cynthia	Hunt, John	Johnsen, Gladys
Moore, Robert Jr	Parkhurst, Henry	Sad, Tara	Smith, Edwin
Weber, Lucy			

COOS

Daugherty, Duffy	Merrick, Evalyn	Rappaport, Laurence	Remick, William
Tholl, John Jr	Thomas, Yvonne		

GRAFTON

Almy, Susan	Benn, Bernard	Bradley, Lester	Bulis, Lyle
Cooney, Mary	Eaton, Stephanie	Gould, Franklin	Harding, Laurie
Ladd, Rick Jr	Nordgren, Sharon	Pierce, David	Shackett, Jeffrey
Smith, Suzanne	Sorg, Gregory	Taylor, Kathleen	Townsend, Charles
White, Andrew			

HILLSBOROUGH

Baroody, Benjamin	Barry, J. Gail	Barry, Richard	Buxton, Michael
Campbell, David	Cebrowski, John	Champagne, Norma	Christensen, D.L.
			Chris
Coffey, James	Condra, William	Cote, David	Cusson-Cail, Kathleen
Daler, Jennifer	Day, Russell	Donovan, Daniel	Drisko, Richard
Gagne, Larry	Gandia, Laura	Gargas, Carolyn	Goley, Jeffrey
Gorman, Mary	Graham, John	Haefner, Robert	Hawkins, Kenneth
Hikel, John	Hogan, Edith	Hutchinson, Winfred	Jasper, Shawn
Kurk, Neal	LeBrun, Donald	Leishman, Peter	Levasseur, Nickolas
Marcus, Bruce	McCarthy, Michael	McClarren, Donald	Messier, Irene
Pellegrino, Tony	Pilotte, Maurice	Reed, Michael	Robbins, David
Rosenwald, Cindy	Rowe, Robert	Scontsas, Lisa	Shaw, Barbara
Silva, Peter	Souza, Kathleen	Stepanek, Stephen	Stroud, Kathleen
Sullivan, Peter	Thomas, Joseph	Whitehead, Randall	Willette, Robert

MERRIMACK

Bouchard, Candace	Deloge, Helen	Foose, Robert	Gile, Mary
Giuda, J. Brandon	Hamm, Christine	Kotowski, Frank	Lindsley, Mark
Lockwood, Priscilla	McDonnell, John	Owen, Derek	Palfrey, David
Patten, Dick	Potter, Frances	Reed, Dennis	Richardson, Gary
Shurtleff, Stephen	Wallner, Mary Jane	Winter, Steven	

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Azarian, Gary	Belanger, Ronald
Birdsell, Regina	Cali-Pitts, Jacqueline	Charron, Gene	Copeland, Timothy
DeSimone, Debra	Devine, James	DiPentima, Rich	Garrity, James
Griffin, Mary	Headd, James	Introne, Robert	Kappler, Lawrence
Kolodziej, Walter	Lovejoy, Patricia	Major, Norman	Norelli, Terie
Packard, Sherman	Pantelakos, Laura	Quandt, Matt	Read, Robin Jr
Schlachman, Donna	Sedensky, John	Serlin, Christopher	Shuler, Wyman III
Sullivan, James	Sytek, John	Ward, Joanne	Welch, David
Weyler, Kenneth			

STRAFFORD

Andolina, Donald	Berube, Roger	Brown, Julie	Browne, Brendon
Cataldo, Sam	Grassie, Anne	Kaen, Naida	Keans, Sandra
Munck, Philip	Newton, Clifford	Parsons, Robbie	Pelletier, Marsha
Perry, Robert	Pitre, Joseph	Schmidt, Peter	Vita, Carol
Vita, Lucien	Wall, Janet	Watters, David	

SULLIVAN

Cloutier, John	Gagnon, Raymond	Osgood, Joe	Rodeschin, Beverly
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Smith, Steven
and the motion failed.

CALL OF THE HOUSE

Speaker O'Brien ordered a Call of the House.

MOTION TO REMOVE FROM THE TABLE

Rep. Bowers moved that **SB 379**, relative to insurance fraud, be removed from the table. On a division vote, 97 members having voted in the affirmative and 172 in the negative, the motion failed.

RESOLUTION

Rep. Silva 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 and when the House adjourns today it be to meet Wednesday, June 27, 2012 at 10:00 a.m.
Adopted.

CALL OF THE HOUSE LIFTED

Speaker O'Brien lifted the Call of the House at 5:40 p.m.

RECESS MOTION

Rep. Silva moved that the House stand in recess for the purposes of receiving Senate messages, enrolled bill amendments, enrolled bill reports and veto messages from the Governor.
Adopted.

The House recessed at 5:50 p.m.

RECESS

(Speaker O'Brien in the Chair)

The following report is the result of committee hearings and deliberations on the petition presented to it. It is printed here for informational purposes.

**COMMITTEE FOR REDRESS OF GRIEVANCES
CORRECTED REPORT**

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. It concluded that the complaint against Rochester's Comprehensive Rezoning Committee (CRC) was founded, in that it 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 City Council, 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. 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.

SENATE MESSAGE

ADOPTION OF COMMITTEE OF CONFERENCE REPORTS

SB 19, relative to the definition and designation of “prime wetlands.”

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

SB 226, transferring the administration of the electricians’ board to the joint board for licensure and certification, and changing the administrative fine authority of the board of accountancy.

SB 247-L, relative to certifying municipal culvert installers.

SB 289-FN, relative to presenting photo identification to vote in person.

SB 318-FN, relative to voter registration.

SB 326-FN-A-L, relative to state reimbursement of towns, relative to taxation of trusts under the interest and dividends tax, and clarifying that a provision of the uniform trust code applies to all trusts.

SB 328, relative to the procedure for filling a vacancy on a cooperative school board.

SB 356, limiting the authority of delegates to Article V conventions and recodifying the laws relative to religious societies and adding a religious exemption to the insurance mandates relative to coverage for contraception.

SB 370-FN, relative to the powers of the state veterinarian.

SB 398, proclaiming March 30, 2013 as Welcome Home Vietnam Veterans Day.

SB 406, relative to establishing an early offer alternative in medical injury claims, relative to confidentiality of police personnel files, and relative to prohibiting health care practitioner self-referrals for medical devices.

SB 409-FN, relative to the use of marijuana for medicinal purposes.

RECESS

(Rep. Edith Hogan in the Chair)

ENROLLED BILL AMENDMENTS

SB 203-FN-A, relative to limited liability companies and relative to meetings of a certain legislative study commission by open blogging. (Amendment printed SJ 6-6-12)
Adopted.

SB 311-FN-A, relative to weights and measures. (Amendment printed SJ 6-6-12)
Adopted.

SB 343-FN, establishing an independent board of psychologists. (Amendment printed SJ 6-6-12)
Adopted.

SB 372-FN, establishing an education tax credit. (Amendment printed SJ 6-6-12)
Adopted.

SB 402, relative to the adoption of policies for the management of concussion and head injury in student sports. (Amendment printed SJ 6-6-12)
Adopted.

RECESS

(Rep. Graham in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly Enrolled House Bills numbered 138, 486, 514, 545, 1128, 1184, 1223, 1290, 1312, 1332, 1360, 1362, 1366, 1389, 1419, 1480, 1551, 1571, 1582, 1631, 1633, 1665 and 1679 and Senate Bills numbered 234, 361 and 373.

Rep. Kidder, Sen. Prescott for the Committee

ENROLLED BILL AMENDMENTS

HB 137-FN-L, relative to the state fire code and the state building code.

Amendment (2490-EBA)

Amend paragraph II of section 1 of the bill by replacing line 5 with the following:
committee on administrative rules. When overlap of these 2 codes creates a conflict with
Amend RSA 153:4-b as inserted by section 3 of the bill by replacing line 3 with the following:
state advisory board of fire control, the electricians' board, the board for the licensing and
regulation of

Amend RSA 153:4-b as inserted by section 3 of the bill by replacing line 7 with the following:
the state fire marshal. The chairman or designee of the state advisory board of fire control
shall serve as the chair

Amend RSA 153:5, II as inserted by section 5 of the bill by replacing line 1 with the
following:

II. With the approval of the commissioner of safety, the state advisory board of fire
control is

Amend RSA 153:5, IV as inserted by section 5 of the bill by replacing line 6 with the
following:

accordance with this section if such bylaws or ordinances are no less restrictive than rules
adopted

Amend section 11 of the bill by replacing lines 1-2 with the following:

11 State Building Code. RSA 155-A:2 is repealed and reenacted to read as follows:
155-A:2 State Building Code.

I. All buildings, building components, and structures constructed in New Hampshire
shall

Amend RSA 155-A:2, II as inserted by section 11 of the bill by replacing line 3 with the
following:

provisions contained in RSA 155-A:10. If the municipal building and fire code officials
cannot agree

Adopted.

HB 217-FN, including "fetus" in the definition of "another" for the purpose of certain
criminal offenses.

Amendment (2478-EBA)

Amend RSA 630:1-a, IV as inserted by section 2 of the bill by replacing line 2 with the
following:

the meaning of "another" shall mean another person, or a fetus as defined in subparagraph

V(b).
Adopted.

HB 283-FN, relative to impaired drivers.

Amendment (2481-EBA)

Amend RSA 265-A:18, III as inserted by section 4 of the bill by replacing line 7 with the following:
disorder evaluation within 60 days of release, comply with the service plan developed by the IDCMP,

Amend RSA 265-A:42, I as inserted by section 9 of the bill by replacing line 6 with the following:
complied with the service plan developed from the substance abuse disorder evaluation by the IDCMP,
Adopted.

HB 574, relative to the taking of private property during a state of emergency.

Amendment (2477-EBA)

Amend section 2 of the bill by replacing lines 2 and 3 with the following:
Families Excluded. Amend RSA 4:46 by inserting after paragraph I-a the following new paragraph:
Adopted.

HB 1168, requiring the removal of electronic records and information upon entry of an order of annulment.

Amendment (2489-EBA)

Amend the title of the bill by replacing it with the following:
AN ACT relative to retention and disclosure of annulled criminal records.
Amend RSA 651:5, X(a) as inserted by section 1 of the bill by replacing line 1 with the following:
(a) The person whose record is annulled shall be treated in all respects as if he **or she** had never
Adopted.

HB 1297, relative to federal health care reform and health care exchanges.

Amendment (2475-EBA)

Amend RSA 420-N:10, I(h) as inserted by section 2 of the bill by replacing line 2 with the following:
council, who are not employed by or affiliated with a carrier, a producer, or a health care provider,
Adopted.

HB 1483-FN, repealing the retirement system special account and repealing the assessments for excess benefits paid by employers in the retirement system.

Amendment (2488-EBA)

Amend the bill by replacing all after section 16 with the following:
17 Method of Financing; Calculation of Interest; Contingent Version. Amend RSA 100-A:16, II(g) to read as follows:
(g) All interest and dividends earned on the funds of the retirement system shall

be credited to the state annuity accumulation fund. The board of trustees shall allow interest on the individual accounts of members in the member annuity savings fund and shall annually transfer such interest amount from the state annuity accumulation fund. The rate of interest for the calendar year beginning January 1 shall be 2 percentage points less than either the most recent board of trustees approved assumed rate of return ~~[determined under RSA 100-A:16, II(h)]~~ or the actual rate of return, whichever is lower, for the immediately preceding fiscal year as reported in the comprehensive annual financial report (CAFR) as approved and accepted by the board of trustees by December 1 of each year, provided the rate shall not be less than zero. Such interest shall be compounded at an annual rate and shall be prorated and credited to the member annuity savings fund to the date of processing upon termination of active service for any reason including withdrawal, retirement, or death.

18 Contingency. If SB 244-FN of the 2012 legislative session becomes law, then section 17 of this act shall take effect on July 1, 2012 and section 4 of this act shall not take effect. If SB 244-FN does not become law, then section 4 of this act shall take effect on July 1, 2012 and section 17 of this act shall not take effect.

19 Effective Date.

I. Sections 4 and 17 of this act shall take effect as provided in section 18 of this act.

II. Sections 15, 16, and 18 of this act shall take effect upon its passage.

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

Adopted.

HB 1508, relative to procedures of the board of mental health practice.

Amendment (2480-EBA)

Amend RSA 330-A:28, V(h)(2) as inserted by section 8 of the bill by replacing line 1 with the following:

(2) If a client/patient as defined in subparagraphs (b) or (c) testifies at a hearing, his or

Adopted.

HB 1553, repealing obsolete and outdated provisions of the Revised Statutes Annotated.

Amendment (2491-EBA)

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

VI. RSA 193:37, relative to a report and recommendations on the parents as teachers

Adopted.

HB 1607-FN-L, establishing an education tax credit.

Amendment (2476-EBA)

Amend RSA 77-G:1, VIII as inserted by section 4 of the bill by replacing line 2 with the following:

no more than 20 years of age, who has not graduated from high school, and

Amend RSA 77-G:1, VIII(a)(3) as inserted by section 4 of the bill by replacing it with the following:

(3) Who does not qualify under subparagraph (1) or (2); and

Adopted.

RECESS

(Rep. Hawkins in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly Enrolled House Bills numbered 1139 and 1670 and Senate Bills numbered 83 and 398.

Rep. Kidder, Sen. Boutin for the Committee

RECESS

(Rep. Tucker in the Chair)

ENROLLED BILL AMENDMENTS

SB 218-FN, relative to electric renewable portfolio standards. (Amendment printed SJ 6-6-12)

Adopted.

SB 289-FN, relative to presenting photo identification to vote in person. (Amendment printed SJ 6-6-12)

Adopted.

SB 326-FN-A-L, relative to state reimbursement of towns, relative to taxation of trusts under the interest and dividends tax, and clarifying that a provision of the uniform trust code applies to all trusts. (Amendment printed SJ 6-6-12)

Adopted.

SB 406, relative to establishing an early offer alternative in medical injury claims, relative to confidentiality of police personnel files, and relative to prohibiting health care practitioner self-referrals for medical devices. (Amendment printed SJ 6-6-12)

Adopted.

RECESS

(Rep. Sapareto in the Chair)

ENROLLED BILL AMENDMENTS

CACR 13, relating to prohibiting an assessment, rate, or tax on personal income. Providing that no assessment, rate, or tax on income earned by a natural person shall be levied by the state of New Hampshire except taxes in effect on January 1, 2012 and adjustments to the rate of such taxes.

Amendment (2502-EBA)

Amend paragraph III of the resolution by replacing line 3 with the following:

whether the amendments of the constitution proposed by the 2012 session of the general court shall

Amend paragraph V of the resolution by replacing line 6 with the following:

Amendments proposed by the 2012 General Court” shall be printed in bold type at the top of the

Adopted.

HB 533-FN-L, establishing a cap on the amount of school building aid grants distributed in each fiscal year.

Amendment (2504-EBA)

Amend RSA 198:15-b, I(a)(1) as inserted by section 2 of the bill by replacing line 15 with the following:

school district, **a** joint maintenance agreement, a receiving district operating an area school, or any

Amend section 5 of the bill by replacing line 1 with the following:

5 Kindergarten Construction Program; Eligibility. Amend RSA 198:15-s, III(b)(4) to read as
Adopted.

HB 1230-FN, requiring a report of real property owned or leased by the state and relative to New Hampshire hospital real estate.

Amendment (2501-EBA)

Amend RSA 4:39-e, II as inserted by section 1 of the bill by replacing line 3 with the following:
chairperson of the house public works and highways committee, the chairperson of the long range
Adopted.

HB 1418-FN-A, increasing the threshold amounts for taxation under the business enterprise tax and extending the commission to study business taxes; excluding charges for Internet access from the communications services tax and requiring the transfer of insurance premium tax revenue to the department of health and human services; and relative to section 179 expense deductions under the business profits tax.

Amendment (2503-EBA)

Amend RSA 77-A:3-a as inserted by section 10 of the bill by replacing line 2 with the following:
RSA 77-A:1, XX, in determining gross business profits before net operating loss and special
Adopted.

HB 1487, relative to low carbon fuel standards programs and relative to fees for vital records.

Amendment (2505-EBA)

Amend the title of the bill by replacing it with the following:
AN ACT relative to low carbon fuel standards programs.
Adopted.

HB 1658-FN, establishing an income and identity verification system for public assistance recipients; relative to implementation of the Sean William Corey pilot program; and extending the moratorium on nursing home beds and rehabilitation beds.

Amendment (2508-EBA)

Amend the title of the bill by replacing it with the following:
AN ACT establishing an income and identity verification system for public assistance recipients; relative to implementation of the Sean William Corey pilot program; and extending the moratorium on nursing home beds and rehabilitation beds.
Amend RSA 167:4-c, IV as inserted by section 1 of the bill by replacing line 2 with the following:
department may contract with a vendor, to the extent such databases are available, to match the
Amend RSA 167:4-c, IV((n) as inserted by section 1 of the bill by replacing lines 2 and 3 with the following:
Health and Human Services, in coordination with the department of health and human services and the Department of Veterans Affairs, in the federal Public Assistance Reporting Information

Amend RSA 167:4-c, VI(f) as inserted by section 1 of the bill by replacing line 1 with the following:

(f) The applicant or recipient shall have an opportunity for a fair hearing in the event of any

Adopted.

HB 1666-FN, relative to approval by the fiscal committee of the general court of all cost items in any collective bargaining agreements entered into by the state.

Amendment (2506-EBA)

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

AN ACT relative to legislative approval of collective bargaining agreements entered into by the state.

Adopted.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly Enrolled House Bills numbered 217, 283, 574, 655, 1297, 1483, 1508 and 1607 and Senate Bills numbered 203, 204, 311, 343, 372 and 402.

Rep. Kidder, Sen. Prescott for the Committee

RECESS

(Rep. Flanagan in the Chair)

ENROLLED BILL AMENDMENTS

SB 247-L, relative to certifying municipal culvert installers. (Amendment printed SJ 6-6-12)
Adopted.

SB 356, limiting the authority of delegates to Article V conventions and recodifying the laws relative to religious societies and adding a religious exemption to the insurance mandate relative to coverage for contraception. (Amendment printed SJ 6-6-12)
Adopted.

SB 409-FN, relative to the use of marijuana for medicinal purposes. (Amendment printed SJ 6-6-12)
Adopted.

RECESS

(Rep. Kidder in the Chair)

ENROLLED BILL AMENDMENTS

HB 1490-FN, relative to New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

Amendment (2509-EBA)

Amend RSA 125-O:8 as inserted by section 13 of the bill by replacing line 20 with the following:

~~energy efficiency fund and auction proceeds received pursuant to RSA 125-O:23.]~~

Amend paragraph I of section 18 of the bill by replacing it with the following:

I. Sections 1-10 and 16-17 of this act shall take effect January 1, 2013.

Adopted.

HB 1617-FN, repealing the certificate of need law and extending the moratorium on nursing home beds and rehabilitation beds.

Amendment (2507-EBA)

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

AN ACT repealing the certificate of need law.

Adopted.

RECESS

(Rep. Wallner in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly Enrolled House Bills numbered 102, 137, 146, 158, 193, 256, 350, 351, 388, 597, 1168, 1211, 1216, 1217, 1221, 1230, 1246, 1260, 1325, 1346, 1350, 1383, 1487, 1510, 1535, 1553, 1593, 1666, 1687, 1699 and 1701 and Senate Bills numbered 19, 226, 318, 326, 328, 370 and 406.

Rep. Kidder, Sen. Bradley for the Committee

RECESS

(Rep. Dan McGuire in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly Enrolled House Bills numbered 533, 1484, 1490 and 1617 and Senate Bills numbered 218, 247, 289, 351, 356, 358 and 409.

Rep. Kidder, Sen. Prescott for the Committee

RECESS

(Speaker O'Brien in the Chair)

COMMITTEE ASSIGNMENT

Rep. Davenport on the Committee on Constitutional Review and Statutory Recodification.

RECESS

(Speaker O'Brien in the Chair)

The following reports are the result of committee hearings and deliberations on the petitions presented to it. They are printed here for informational purposes.

COMMITTEE FOR REDRESS OF GRIEVANCES REPORT

Petition #24: Grievance of William J. Donovan, III.

Grievance Unfounded.

Rep. Harry B. Hardwick for the Committee.

Committee Findings: The Redress of Grievance Committee finds this petition unfounded.

After several requests, the petitioner failed to produce supporting documents. Vote 10-0.

Petition # 28: Grievance of Ghislain Breton.

MAJORITY:

Grievance Founded with Recommendations.

Rep. Stella Tremblay for the Majority of the Committee.

Committee Majority Findings: Having heard the testimony of and reviewed the

documentation submitted by the Petitioner, the Committee finds that he was subjected to 126 days of pretrial incarceration without a “show cause” hearing being held, in apparent contravention of the Superior Court’s speed trial policy (*see* Appendix, Superior Court Rules, Speedy Trial Policy), which states that “Where the defendant is incarcerated, every case pending without disposition after 4 months from date of entry of indictment shall be scheduled forthwith for a show cause hearing as to whether, under the principles of *Barker v. Wingo*, 407 U.S. 514... (1972), the case should be dismissed for lack of a speedy trial.” The Committee also finds that the Petitioner, who had no prior criminal record, had never previously failed to appear in court when required, and was not charged with a violent crime, was nevertheless effectively denied bail, contrary to Part 1, Article 33 of the New Hampshire Constitution, by being subjected to an excessive cash bail and not permitted surety bail bond. Finally, the Committee found that the Petitioner was unjustifiably denied lawful counsel of his choice and access to law library resources during pretrial detention, thereby depriving him of a reasonable opportunity to prepare his defense. The Committee concludes that wrongful actions of the Petitioner, while unacceptable, were driven by the same sense of frustration and injustice in the Family Division reported independently by numerous other petitioners before the Committee. The Committee recommends the introduction of legislation to establish a joint House-Senate committee to study: 1) whether there is a systemic problem with denial of speedy trials and/or imposing of excessive bail within our court system; 2) Whether and how to make it easier for *pro se* litigants to use counsel of their choice in criminal cases; and 3) whether to require all criminal and civil courts to protect all *pro se, sui juris* litigants *sua sponte*. The Committee further recommends the introduction of legislation making it mandatory for litigants incarcerated pretrial to have access to online legal materials and other lawful research websites, as well as access to copiers, printers and scanners at reasonable cost, in order to provide them with a reasonable opportunity to prepare a proper defense. Finally, the Committee recommends legislation to compensate the Petitioner for any time he was wrongfully imprisoned pretrial and to take the money from the budget of the judiciary. Vote 9-3.

MINORITY:

Grievance Unfounded.

Rep. Timothy O. Horrigan for the Minority of the Committee.

Committee Minority Findings: Regrettably, Mr. Breton has been unable to see his children for many years due to various legal conflicts. However, the Minority saw no pattern of official wrongdoing, and they were unable to justify any finding other than “Unfounded.” Mr. Breton’s legal problems mostly stemmed from an attempt to enforce a so-called common-law trademark on his name. He tried to impose one-sided contracts based on that trademark on various individuals, including two Guardians ad Litem. The Minority agrees that those contracts and that trademark were both invalid according to court rulings. In the Minority’s opinion, the courts treated Mr. Breton fairly during his many years of litigation. Mr. Breton alleges that he was denied counsel of choice, which is not exactly correct: Mr. Breton was merely denied the chance to use persons who were not recognized as expert counsel.

2ND CORRECTED REPORT

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 Grievances 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. It concluded that the complaint against Rochester’s Comprehensive Rezoning Committee (CRC) was founded, in that it 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 City Council, 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. Certainly nothing requested as remedies would be in the power of the committee or legislature to order. 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 some of the petitioners were members 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.

Petition #13: Grievance of Hope Nardone.

MAJORITY:

Grievance Founded with Recommendations.

Rep. Joseph Pitre for the Majority of the Committee.

Committee Majority Findings: After hearing the Petition of Hope Nardone and seeing the

supporting documentation and the written testimony of witnesses and receiving no response from the Division for Children, Youth, and Families, the House Committee on Redress of Grievances finds that employees of DCYF: a) Did indeed make false statements to the Social Security Administration in order to receive mental illness financial benefits for a minor; b) Failed to disclose unsafe and aggressive behaviors including sexual assault by a child in their care to the court and the parent including ones in which the Derry Police were pressing charges, and omitted them from subsequent DCYF documentation when they might have been used as exculpatory evidence; c) Practiced medicine by allowing a nurse to override the orders of a child's physician; d) Violated the Health Insurance Patient Protection Act and slandered a parent by revealing a (non-existent) mental health condition of that parent to school staff; e) Failed to comply with court ordered family visits and persistently refused to make visiting arrangements that matched a parent's work schedule despite requests of same.

Recommendations:

The Committee agrees with the Petitioner in recommending that the laws of the State of New Hampshire be so amended as to: a) Define more precisely the guidelines for all state agencies regarding "the best interests of the child" and "good faith reporting" to protect children and families from reporting bias and abuse; b) Include time frames in which exculpatory evidence must be presented by state agencies and departments, and support the re-introduction of HB 415 (introduced in 2012) making it more difficult for agencies to hold back exculpatory evidence; c) Remove state agency worker immunity regarding criminal penalties for failing to act in the best interests of the child, acting outside the scope of his or her practice to acquire a child into state custody, put up a child for adoption, put child into foster care, or for failing to follow court orders; d) Modify ex-parte hearings to protect a parent's or family's right to speak on a child's behalf as well as to defend themselves against allegations of abuse or neglect and to prevent psychological or other injury to the child; e) Create a standing governmental oversight committee of the House similar to that of the U. S. Congress to be available when instances such as these are uncovered; f) Make policies and procedures for adoption statutory guaranteeing that family members are given first priority unless there is overwhelming evidence that such placement is not in the best interests of the child; g) Make better use of independent family advocacy organizations and programs in child welfare issues. Vote 7-3.

MINORITY:

Grievance Unfounded.

Rep. Timothy Horrigan for the Minority of the Committee.

Committee Minority Findings: The Minority agrees that Ms. Nardone's situation is tragic. She is the adoptive mother of two children from the former Soviet Republic of Kazakhstan. The younger child proved to have serious behavioral problems. The Division for Children Youth and Families' efforts to help her son were not entirely successful, but the Minority sees no pattern of malfeasance: DCYF personnel acted in good faith. The Minority also finds that Ms. Nardone's suggested remedies would make it more difficult for the DCYF to help families with problems like hers.

Petition #14: Grievance of Jeanette Dionne.

MAJORITY:

Grievance Founded With Recommendations.

Rep. Greg Sorg for the Majority of the Committee.

Committee Majority Findings: Having reviewed the testimony and documents, and having received no response from any of the involved officials or their representatives, despite invitations to so provide, the Committee concludes: a) that the Brentwood Family Division wrongfully considered and granted an *ex parte* motion premised purely on hearsay of the father concerning, not anything the Petitioner mother had done, but what she might do, a standard which if applied uniformly would justify jailing every citizen of the State of New Hampshire; b) that the Marital Master held a hearing without providing the statutory 10 day

notice, and that the Court Clerk failed to provide statutory notice to the Petitioner of a hearing in which she was a material party; c) that the Guardian ad Litem did not promptly disclose and disqualify herself by reason of a conflict of interest based upon her prior representation of the live-in girlfriend of the father of Petitioner's children, whose input could be expected to be and in fact was material to the parenting plan eventually adopted; d) that the Marital Master and supervising Judge failed in their responsibility to protect the public from conflicted attorneys by not removing the conflicted Guardian ad Litem from the case as soon as her conflict was finally disclosed; e) that the Marital Master and supervising Judge failed to hold the Guardian ad Litem accountable for evident perjury when she represented that she had been unaware of the conflict of interest; and f) that the Judicial Conduct Committee failed to sanction the Marital Master or supervising Judge for their failure to address the Guardian ad Litem's conflict of interest issue with the order of disqualification it obviously required.

Recommendations:

The troubling issues raised in this Petition should be included with others by which evidence is accumulating to show serious deficiencies in the administration, investigation and adjudication of Family Division cases. Vote 9-2.

MINORITY:

Grievance Unfounded.

Rep. Sandra B. Keans for the Minority of the Committee.

Committee Minority Findings: The Minority is very aware of the stressful nature of divorce and the issues of child rearing that arise from those proceedings. Our recommendation to the Family Court Division is that the presiding judge allocate additional time for all parties to become familiar with the implications and consequences of the decisions in an effort to lessen misunderstanding and potential future conflict. We also recognize there are time and financial pressures on the entire system. However, the court must do its utmost to ensure that all timelines are adhered to so that each party has proper time to prepare for appearances.

RECESS