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New Hampshire

HOUSE RECORD

First Year of the 163rd General Court

Calendar and Journal of the 2013 Session

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Concord, N.H.

Wednesday, February 13, 2013

No. 17

HOUSE JOURNAL No. 5 (Cont.)

Wednesday, February 6, 2013

Rep. Kaen moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 6

Wednesday, February 13, 2013

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 Jared A. Rardin, Pastor of the South Congregational Church in Concord.

O God of infinite newness, whether it comes on the spectacular heels of a wintry Nor'easter, or simply in a spontaneous moment of insight over a cup of coffee, we thank You for those occasions when You grant to us a vision of things as we've never quite seen them before. You have a way of transforming the ordinary into the extraordinary and dead-ends into possibilities. Grant, we pray, that during this legislative session today, that we might be particularly open to the insights, possibilities and resources You have set before us that perhaps we simply hadn't noticed before. On this day, when some of us turn to a season of repentance, remind us of the mobility of a humble heart. Remind us too, that when we ask forgiveness for our faults, deserts of emptiness often turn into oases of life. O God whose center is everywhere and whose periphery is nowhere, show us how, in this season of sunshine and slush, how we might draw into the center of communal opportunity those women, men and children in our state who find themselves at the periphery of our awareness or at the bottom of the economic or power ladders. Raise us above partisan allegiances and narrow agendas so that we may hear one another's wisdom and do what makes good sense for the many. We pray for each other today and for all whose benefit we are charged with. We pray with thanksgiving for the men and women in the armed services, both active and retired, who remind us of the virtue of selfless service. And we pray for those in our lives who find themselves in places of grief, injury, fear or loss. Bear them up in Your Holy care, we humbly pray. Amen.

Representative Glenn Cordelli, member from Tuftonboro, led the Pledge of Allegiance.

The National Anthem was sung by Emma Joanis, an 8th grade student at Windham Middle School.

LEAVES OF ABSENCE

Reps. Ronald Belanger, Berch, Bishop, Booras, Chirichiello, Crawford, Danais, Bianca Garcia, Gargas, Grossman, Hackel, John Kelley, Kopka, Dan McGuire, Meneer, Reilly, Rokas, Joy Tilton and Carol Williams, the day, illness. Reps. Azarian, Bailey, Beaudoin, Burtis, Richard Eaton, Friel, Gottling, Harriott-Gathright, Hayes, Hikel, McNamara, Pelletier, Priestley and Tamburello, the day, important business. Reps. Lockwood, Jane Johnson and Martel, the day, illness in the family.

INTRODUCTION OF GUESTS

Dante Scarlotto and Dominique Hopkinson, son and daughter of Rep. Scarlotto. The Honorable Ricia McMahon, former member from Sutton, guest of Reps. Harding and Gottling. Fourth Graders from Webster Elementary School in Manchester, guests of Reps. Goley, Long, Ramsey and Daniel Sullivan. Michael Joanis, father of the singer, guest of the House.

KC Cheng and Liane Holdowsky, students at Lebanon High School, Pages for the day.

PETITION

Petitioner Representative Mark Warden on behalf of Ian Freeman, Jason Talley, Kate Ager and Adam Mueller of Keene. This grievance against county officials in Cheshire County seeks redress by passage of a House resolution asking that certain orders of county officials, relative to access to the Superior Court, be rescinded, introduction of legislation allowing the public to record actions within courtrooms and introduction of legislation prohibiting a judge from establishing rules of decorum in his/her courtroom.

The Speaker announced that copies of the Petition are on file in the Clerk's Office.

MOTION TO REFER PETITION TO COMMITTEE

Rep. Warden moved that the Petition on behalf of Ian Freeman, Jason Talley, Kate Ager and Adam Mueller of Keene be referred to the Committee on Judiciary.

Rep. Warden spoke in favor.

Rep. Gary Richardson spoke against.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 106 - NAYS 228**YEAS 106****BELKNAP**

Burchell, Richard
Greemore, Robert Jr

Comtois, Guy
Sylvia, Michael

Cormier, Jane
Vadney, Herbert

Fink, Charles
Worsman, Colette

CARROLL

Cordelli, Glenn
Umberger, Karen

McConkey, Mark
Wright, Donald

Nelson, Bill

Schmidt, Stephen

CHESHIRE

Hunt, John

COOS

Rappaport, Laurence

Rideout, Leon

GRAFTON

Bradley, Lester

HILLSBOROUGH

Boehm, Ralph
Christiansen, Lars
Danielson, David
Haefner, Robert
Infantine, William
Murotake, David
O'Flaherty, Tim
Parison, James
Renzullo, Andrew
Straight, Philip
Warden, Mark

Burt, John
Coffey, James
Flanagan, Jack
Hansen, Peter
LeBrun, Donald
Murphy, Keith
Ober, Lynne
Pellegrino, Tony
Sanborn, Laurie
Stroud, Kathleen
Willette, Robert

Byron, Frank
Culbert, Patrick
Gagne, Larry
Hinch, Richard
LeVasseur, Richard
Notter, Jeanine
Ober, Russell III
Peterson, Lenette
Sandblade, Emily
Sweeney, Shawn

Cebrowski, John
Daniels, Gary
Garcia, Michael
Hopper, Gary
Meaney, Richard
O'Brien, William
Palmer, Stephen
Pratt, Calvin
Souza, Kathleen
Villeneuve, Moe

MERRIMACK

Hoell, J.R.
Walsh, Thomas IV

McGuire, Carol

Reed, Dennis

Smith, Todd

ROCKINGHAM

Allen, Mary
Devine, James
Fesh, Robert
Griffin, Mary
Kappler, Lawrence
O'Connor, John
Rice, Frederick
Tucker, Pamela

Baldasaro, Alfred
Duarte, Joe
Garcia, Marilinda
Hagan, Joseph
Major, Norman
Oligny, Jeffrey
Sapareto, Frank
Waterhouse, Kevin

Birdsell, Regina
Emerick, J. Tracy
Gordon, Richard
Harris, Jeffrey
McMahon, Charles
Peckham, Michele
St.James, Kevin
Webb, James Sr

Comerford, Timothy
Ferrante, Beverly
Grace, Curtis
Hodgdon, Bruce
Nigrello, Robert
Perkins, Lawrence
Tremblay, Stella
Weyler, Kenneth

STRAFFORD

Bickford, David
Mullen, John Jr

Gray, James
Parsons, Robbie

Groen, Warren
Pitre, Joseph

Jones, Laura

SULLIVAN

Rollins, Skip

Smith, Steven

NAYS 228 BELKNAP

Arsenault, Beth
Gulick, Ruth
Raymond, Ian

DiMartino, Lisa
Holmes, Stephen
Tilton, Franklin

Fields, Dennis
Huot, David

Flanders, Donald
Luther, Robert

CARROLL

Buco, Thomas
Morrow, Harry

Butler, Edward
Ticehurst, Susan

Chandler, Gene
White, Syndi

Lavender, Tom

CHESHIRE

Ames, Richard
Eaton, Daniel
Ley, Douglas
Roberts, Kris
Tatro, Bruce

Burridge, Delmar
Emerson, Susan
Mann, John
Robertson, Timothy
Weber, Lucy

Butynski, William
Johnsen, Gladys
Parkhurst, Henry
Sad, Tara
Young, Harry

Chase, Cynthia
Lerandeau, Alfred
Phillips, Larry
Shepardson, Marjorie

COOS

Enman, Larry
Richardson, Herbert

Hammon, Marcia
Theberge, Robert

Hatch, William
Thomas, Yvonne

Moynihan, Wayne

GRAFTON

Aguiar, James
Cooney, Mary
Gionet, Edmond
Lauer, Linda
Nordgren, Sharon
Sykes, George

Almy, Susan
Doolan, Ralph Jr
Harding, Laurie
Lovett, Sid
Pastor, Beatriz
Townsend, Charles

Benn, Bernard
Ford, Susan
Higgins, Patricia
Massimilla, Linda
Piper, Wendy
White, Andrew

Brown, Rebecca
Friedrich, Carol
Ladd, Rick Jr
Mulholland, Catherine
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Boisvert, Ronald
Connor, Evelyn
Gage, Ruth
Grady, Brenda
Heden, Ruth
Knowles, Mary Ann
Long, Patrick
McCloskey, David
Porter, Marjorie
Rowe, Robert
Soucy, Timothy
Takesian, Charlene
Williams, Kermit

Barry, Richard
Campbell, David
Cote, David
Gale, Sylvia
Graham, John
Jack, Martin
Kurk, Neal
MacKay, Mariellen
Murphy, Kelleigh
Ramsey, Peter
Schmidt, Janice
Spratt, Stephen
Vail, Suzanne
Winters, Joel

Beaulieu, Jane
Carroll, Douglas
DiSilvestro, Linda
Goley, Jeffrey
Hammond, Jill
Jasper, Shawn
Levasseur, Nickolas
Manley, Jonathan Sr
Nelson, Mary
Rhodes, Brian
Shattuck, Gilman
Sullivan, Daniel
Vaillancourt, Steve
Woodbury, David

Belanger, James
Chandlee, Shannon
Dobson, Jeremy
Gorman, Mary
Hansberry, Daniel
Judy, Jean
Levesque, Melanie
Marston, Dick
O'Brien, Michael Sr
Rosenwald, Cindy
Smith, Timothy
Sullivan, Peter
Walsh, Robert Jr

MERRIMACK

Alicea, Caroletta
Burns, Scott
Ebel, Karen
Gile, Mary
Hunt, Jane
Kotowski, Frank
Patten, Dick
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Henle, Paul
Karrick, David Jr
MacKay, James
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

Bartlett, Christy
Carson, Clyde
Frazer, June
Hess, David
Kelly, Sally
Moffett, Howard
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

Bouchard, Candace
Davis, Frank
French, Barbara
Hirsch, Geoffrey
Kidder, David
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

ROCKINGHAM

Abrami, Patrick
Borden, David
Charron, Gene
Elliott, Robert
Helmstetter, Barbara
Lovejoy, Patricia
Milz, David
Pantelakos, Laura
Schlachman, Donna
Ward, Gerald

Andrews-Ahearn, E. Elaine
Briden, Steven
Copeland, Timothy
Emerson-Brown, Rebecca
Hoelzel, Kathleen
Lundgren, David
Moody, Marcia
Perkins, Amy
Sedensky, John
Wazlaw, Brian

Belanger, Ronald
Cahill, Michael
Cushing, Robert Jr
Flockhart, Eileen
Khan, Aboul
Mann, Maureen
Muns, Chris
Sanders, Elisabeth
Sweeney, Joe
Whittemore, Lisa

Bick, Patrick
Cali-Pitts, Jacqueline
DeSimone, Debra
Heffron, Frank
Kolodziej, Walter
McKinney, Betsy
Packard, Sherman
Scarlotta, Joe
Till, Mary

STRAFFORD

Baber, William
Burke, Rachel

Berube, Roger
Ginsburg, Philip

Bixby, Peter
Hooper, Dorothea

Burdwood, Greg
Horriggan, Timothy

Hubbard, Pamela
Miller, David
Schmidt, Peter
Stevens, Audrey

Kaen, Naida
Perry, Robert
Smith, Marjorie
Verschuere, James

Ketel, Stephen
Rogers, Rose Marie
Spainhower, Dale

Malloy, Dennis
Rollo, Deanna
Spang, Judith

SULLIVAN

Cloutier, John
Lefebvre, Benjamin
Tanner, Linda

Gagnon, Raymond
O'Hearne, Andrew

Grenier, James
Schmidt, Andrew

Irwin, Virginia
Sweeney, Cynthia

and the motion failed.

Rep. Wall did not vote and notified the Clerk that she wished to be recorded against.

MOTION TO VACATE

Rep. James MacKay moved that the House vacate the reference of **HB 664-FN**, relative to the New Hampshire vaccine association, to the Committee on Health, Human Services and Elderly Affairs.
Adopted.

The Speaker referred **HB 664-FN** to the Committee on Commerce and Consumer Affairs.

CONSENT CALENDAR

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

HB 269-L, authorizing a city or town to conduct a special meeting necessitated by changes in adequate education funding, removed by Rep. Kurk.

HB 239, relative to online availability of certain county budget information and reports, removed by Rep. Jones.

Consent Calendar adopted.

HB 154-FN, establishing the New Hampshire condominium law review board. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura M. Jones for Commerce and Consumer Affairs: This bill would create a board without any power to issue rulings or resolve complaints. The board could only recommend future legislation. The committee agreed that condo owners, and others, could become frustrated dealing with a board that has no authority. In addition, this bill would repeal the current committee that studies condominium issues and recommends future legislation. The committee further agreed that the current study committee is doing good work, such as reviewing best practices of other states and that work needs to continue. The current study committee also has historical knowledge of complaints, problems and possible solutions. Vote 17-0.

HB 229-FN, relative to a financial examination supervisor. **OUGHT TO PASS.**

Rep. John B. Hunt for Commerce and Consumer Affairs: This bill is a request of the insurance department. The bill takes a currently existing unfilled classified position of financial examiner and makes it an unclassified position titled financial examinations supervisor. This change is necessitated by the insurance department's recent restructure where this position has now become managerial in nature. There is no fiscal impact to the general fund by the passage of this bill as the insurance department is a self-funded agency that will absorb the anticipated impact of less than \$10,000. Vote 17-0.

HB 230, relative to administrative supervision of insurers. **OUGHT TO PASS.**

Rep. Donald H. Flanders for Commerce and Consumer Affairs: This bill is a request of the insurance department. It provides the insurance commissioner with a comprehensive law to administratively supervise an insurer under certain circumstances. Those circumstances include if the insurer's condition renders the continuance of its business hazardous to the public or to its insured; the insurer has exceeded its powers granted under its certificate of authority; the insurer has failed to comply with applicable provisions of the insurance code; the business of the insurer is being conducted fraudulently. Administrative supervision provides the commissioner and insurer the time to develop a course of action to alleviate the conditions giving rise to the supervision in the first instance. During the supervision period, the insurer may contest an action taken or proposed to be taken under administrative supervision. If the supervision fails to correct the condition, the commissioner has other statutory remedies that may be pursued. Vote 16-1.

HB 231, relative to reinsurance. **OUGHT TO PASS.**

Rep. Ralph J. Doolan for Commerce and Consumer Affairs: This bill is a request of the insurance department. The bill amends the existing credit for reinsurance law by strengthening the oversight provisions of the law regulating reinsurers that are providing reinsurance to insurers doing business in New Hampshire. House Bill 231 contains language that implements nationally uniform financial regulation standards developed by the National Association of Insurance Commissioners with input from the insurance industry. The law helps to protect New Hampshire's citizens by maintaining the financial solvency of insurers licensed to do business in New Hampshire. House Bill 231 is necessary for the insurance department to retain its accreditation with the National Association of Insurance Commissioners. Vote 16-1.

HB 237, relative to home production of liquor and wine for personal or family use. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John B. Hunt for Commerce: The bill, as introduced, allowed for individuals to produce wine and liquor for personal use. Since federal law prohibits home distillery, the amendment removes liquor from the bill. Beer is already permitted under current law, so it is not affected by this legislation. Vote 18-0.

Amendment (0196h)

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

AN ACT relative to home production of wine for personal or family use.

Amend the bill by replacing section 1 with the following:

1 Alcoholic Beverages; Production for Personal or Family Use. Amend RSA 175:5-b to read as follows:

175:5-b Production of Beer **and Wine** for Personal or Family Use.

I. Except as provided in this section, this title shall not apply to the production of beer **or wine other than fortified wine** by persons over 21 years of age for personal or family use, when such beer **or wine** is not offered for sale or sold, when produced in the following aggregate amount per household:

(a) Not in excess of 200 gallons per calendar year if there are 2 or more persons producing beer **or wine** in such household.

(b) Not in excess of 100 gallons per calendar year if there is only one person producing beer **or wine** in such household.

II. It shall be unlawful for any person to produce beer **or wine** for personal or family use in excess of the amounts permitted in paragraph I or to offer for sale or sell such beer **or wine**.

III. Beer **or wine** produced under the provisions of paragraph I may be removed from the premises where made for personal or family use for use at organized home brewing meetings, exhibitions, or competitions, such as homebrewer's contests, tastings, or judgments, and for personal off-premises use. Beer **or wine** used under this paragraph shall not be sold or offered for sale.

AMENDED ANALYSIS

This bill amends the statute authorizing and regulating home brewing to include the production of wine.

HB 288-FN, relative to the department of health and human services promoting awareness of the federal earned income credit. **INEXPEDIENT TO LEGISLATE.**

Rep. Donna L. Schlachman for Commerce and Consumer Affairs: After filing this bill, the sponsor gained new information regarding how best to ensure that taxpayers are informed of earned income credit and requested the committee vote this bill inexpedient to legislate. The committee also heard from the department of health and human services that it already educates all its clients about this tax credit. Vote 17-0.

HB 301, relative to notice of sale in foreclosure proceedings. **OUGHT TO PASS.**

Rep. Donna L. Schlachman for Commerce and Consumer Affairs: This bill concerns the rights of individuals whose property is in foreclosure. Currently, a foreclosure sale notice must inform the consumer in writing that they can petition the superior court to stop the sale. What many do not know is that failure on the part of a foreclosed party to institute such a petition for temporary injunction means the forfeiture of any future action or right of action against the mortgage holder. This bill adds specific language, already in statute, to the legal notice of sale. The committee heard testimony that without this change, individuals who feel they have been unfairly or illegally foreclosed upon will have no remedy through the courts. Vote 17-1.

HB 213, requiring college courses completed by a high school student to be counted in the student's grade point average. **INEXPEDIENT TO LEGISLATE.**

Rep. Anne C. Grassie for Education: The committee believes that school districts across New Hampshire can already offer their students this option through local policy created to serve their needs. A new state law is not required. Vote 17-1.

HB 214, relative to the eligibility of high school students enrolled in college courses to participate in high school extracurricular activities. **INEXPEDIENT TO LEGISLATE.**

Rep. Mel Myler for Education: After considering the merits of this bill, the committee felt this was a local issue and that current law (193:1) covers the intent of this proposal. The proposed legislation is not necessary. Vote 18-0.

HB 371, repealing the statute recognizing cohabitation as a basis for legal marriage. **INEXPEDIENT TO LEGISLATE.**

Rep. Charlene F. Takesian for Judiciary: This bill redefines a death benefit for a police officer or firefighter killed in the line of duty. In addition, this bill would repeal RSA 457:39, relative to cohabitation as a basis for legal marriage. The committee concluded that this would have an unintended impact on people's rights, property rights, children and heirs of those who rely on RSA 457:39 for those rights. This bill would have totally revised the rights of those couples who cohabit as their basis for legal marriage. Vote 18-0.

HB 171, relative to the civil penalty for failure to make payment of workers' compensation. **OUGHT TO PASS.** Rep. Christopher R. Andrews for Labor, Industrial and Rehabilitative Services: This legislation requires the commissioner of employment security to assess fines for insurance carriers or self-insurer who without cause fail to make workers compensation payments as required by law. Current statute provides the commissioner discretion to levy fines or not. The committee heard testimony that because the commissioner is not required to impose fines on those in violation there is no ability to gather data about the extent of the issue of non-payment. The commissioner retains the authority to fine from one cent to twenty five hundred dollars. The one word change to statute changes "may" to "shall" to support this endeavor. Vote 16-0.

HB 172, requiring the labor commissioner to maintain certain statistical information regarding payment of workers' compensation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary L. Daniels for Labor, Industrial and Rehabilitative Services: This bill requires the labor commissioner to maintain statistical information on insurance carriers and self-insurers who are fined in violation of timely payments of workers' compensation. The bill, as amended, requires a report be sent to the Workers Compensation Advisory Council every six months. Vote 18-0.

Amendment (0193h)

Amend RSA 282-A: 61, III as inserted by section 1 of the bill by replacing it with the following:

III. The commissioner shall maintain statistical information relating to any insurance carrier or self-insurer who fails to make payment of compensation pursuant to RSA 281-A:28 and RSA 281-A:31. The commissioner shall maintain statistical information relating to the fines assessed and collected on all carriers or self-insurers. The commissioner shall also keep records of any reductions in fines, waivers, and extensions that are granted to all carriers or self-insurers related to industrial accidents for a period of 2 years. The commissioner shall make a report every 6 months relative to the information required to be maintained under this paragraph to the advisory council on workers' compensation, established in RSA 281-A:62.

HB 187, relative to deliberative sessions in towns that have adopted official ballot voting. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Linda L. Tanner for Labor, Industrial and Rehabilitative Services: This bill has proposed to address the confusion specifically in HB 2 towns, regarding the legislative body's ability to amend cost items agreed upon by the governing body and the labor groups. This bill, as amended, clarifies that the cost items must be accepted or rejected and may not be amended because a negotiated agreement is a result and balance of all components such as benefits, working conditions as well as cost items. Vote 18-0.

Amendment (0060h)

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

AN ACT relative to cost items in negotiated agreements.

Amend the bill by replacing section 1 with the following:

1 Obligation to Bargain; Modification of Cost Items in Negotiated Agreements. Amend RSA 273-A:3, II(b) to read as follows:

(b) Only cost items shall be submitted to the legislative body of the public employer for approval at the next annual meeting of the legislative body, unless there is an emergency as defined in RSA 31:5 or RSA 197:3. If the legislative body rejects ~~any part of~~ the submission, or while accepting the submission takes any action which would result in a modification of the terms of the cost item submitted to it, either party may reopen negotiations on ~~all or part of~~ the entire agreement. ***No cost item agreed to by the public employer and the employee organization shall be modified by the legislative body of such public employer.***

HB 246, relative to falsity by employer. **OUGHT TO PASS.**

Rep. Linda A. DiSilvestro for Labor, Industrial and Rehabilitative Services: This bill moves the penalty clause to the end of the list of violations for which the penalty is assessed. In current statute, the penalty "shall be guilty of an offense as provided in paragraph II" appears before the final item for which a penalty can be assessed. Passage of this bill would allow the words "shall be guilty of an offense as provided in paragraph II" to be moved to the bottom of the list of items for which a penalty can be assessed more clearly indicating the entire list is subject to the penalty. Vote 19-0.

Referred to the Committee on Criminal Justice and Public Safety.

HB 129, relative to access to galleries in the general court. **INEXPEDIENT TO LEGISLATE.**

Rep. Joel F. Winters for Legislative Administration: The committee shared the sponsor's concern about open access to the galleries, but did not agree with the proposed legislative solution. This bill would require the house or senate to go into recess for any disruption, a decision which the committee thought was better left up to the presiding officer. In cases of abuse of the authority of the presiding officer, we heard testimony that judicial orders could be sought to reopen the gallery to the public, as required by part 2, article 8 of the New Hampshire Constitution. Vote 9-0.

HB 310, relative to application of laws on employment to the members of the house of representatives. **IN-EXPEDIENT TO LEGISLATE.**

Rep. George A. Lambert for Legislative Administration: The committee saw no compelling need to redefine employment to exclude members of the house of representatives from the term employment for matters of compensation and employment. The term "employment" already excludes services performed by an individual in the exercise of duties as a member of a state legislative body under current rules by the department of employment security. Vote 11-0.

HB 138, permitting a town that has adopted official ballot voting to use a topical description of the substance of a warrant article on the official ballot. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bruce L. Tatro for Municipal and County Government: This bill permits towns that use an official ballot to print a shorter description of an article instead of the entire text of the article. If a person wishes to read the entire text, a copy will be available at the polls. The amendment enables, rather than requires the use of a topical description on official ballot warrant articles and clarifies that the topical descriptions apply only to ordinances and not to all warrant articles. Vote 16-0.

Amendment (0059h)

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

AN ACT permitting a town that has adopted official ballot voting to use a topical description of the substance of a warrant article for the adoption of ordinances on the official ballot.

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

1 Use of Official Ballot; Form of Warrant. Amend RSA 40:13, VI to read as follows:

VI. All warrant articles shall be placed on the official ballot for a final vote, including warrant articles as amended by the first session. All special warrant articles shall be accompanied on the ballot by recommendations as required by RSA 32:5, V, concerning any appropriation or appropriation as amended. ***A topical description of the substance of all warrant articles for the adoption of ordinances may be placed on the official ballot for a vote, including such articles as amended at the first session.***

2 New Paragraph; Use of Official Ballot; Official Copies Placed on File. Amend RSA 40:13 by inserting after paragraph VII the following new paragraph:

VII-a. Official copies of all ordinance warrant articles using topical descriptions, including topical descriptions of ordinance warrant articles as amended by the first session, shall be placed on file and made available to the public at the office of the clerk of the political subdivision not later than one week prior to the date of the second session of the annual meeting. An official copy of the warrant including the full text of all ordinance warrant articles using a topical description shall be on display for the voters at the meeting place on the date of the meeting.

3 Use of Official Ballot; Question Submitted. RSA 40:13, VIII is repealed and reenacted to read as follows:

VIII. The clerk of the local political subdivision shall prepare an official ballot, which may be separate from the official ballot used to elect officers, for all warrant articles. The issue shall be presented to the voters by including the following question on the official ballot as prepared by the clerk of the political subdivision: "Are you in favor of the warrant as proposed by the selectmen?" In the event that there shall be more than a single proposed warrant to be submitted to the voters at any given meeting, the issue as to the several warrants shall be put in the following manner: "Are you in favor of the adoption of Warrant No. ____ as proposed by the selectmen as follows: (Here insert warrant or topical description pursuant to paragraph VI.)?" If such action is to be taken at a meeting other than the one at which officers are to be elected, the clerk shall prepare a special ballot containing the question or questions above stated, and the meeting shall open not later than noon and shall remain open at least 8 hours. If a majority of the voters present and voting on any question as herein provided shall vote in the affirmative, the warrant article shall be declared to have been adopted. When submitting any question to the voters under this section, there shall be 2 squares printed after the question, one with the word "yes" beside it and another with the word "no" beside it.

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

AMENDED ANALYSIS

This bill permits any town that has adopted official ballot voting to use a topical description of the substance of a warrant article on the official ballot.

HB 182, relative to appointments to the assessing standards board. **OUGHT TO PASS.**

Rep. Bruce L. Tatro for Municipal and County Government: This bill will allow towns of less than 3000 to appoint an assessing official to the board. The only change is the population requirement from 5,000 to 3,000. Vote 16-0.

HB 208, relative to annual reports of county officers. **OUGHT TO PASS.**

Rep. Kathleen M. Stroud for Municipal and County Government: This bill allows the collected annual reports of county officers to be printed by the sixth month following the close of the county fiscal year. Current law requires printing by the third month, but changes in accounting rules require this change in the timeline. Vote 15-1.

HB 235, allowing counties to contract for professional real estate services for the sale or lease of county property. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James P. Belanger for Municipal and County Government: This bill allows any county to procure the services of a professional real estate agent to market county property for sale or lease without getting competitive bids. It is simply not practical to get multiple real estate agents to bid on marketing property and it is not practical to request competitive bids on the leasing of property. To expect multiple potential tenants for leasing space is unlikely. When a lease price is advertised, and a tenant accepts, the county should be able to lease at that amount without bids. The amendment adds a cross reference to the existing statute on competitive bidding on sales and leases of real property. Vote 16-0.

Amendment (0051h)

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:
2 Competitive Bidding on Sales and Leases. Amend RSA 28:8-c to read as follows:

28:8-c Competitive Bidding on Sales and Leases of Real Property. To transfer a valid interest, a sale or lease of real property owned by a county shall be made by the county commissioners by competitive bidding **or in accordance with RSA 28:6-a** and shall be ratified by a majority vote of the county convention and the executive committee of the county convention.

HB 244-FN, establishing the purple heart toll pass for qualifying veterans. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin T. Tilton for Public Works and Highways: The committee members are grateful for the service and recognize the sacrifice of purple heart veterans; however, the committee has been confronted with similar requests for other very deserving groups. To single out purple heart veterans would not be fair to others, such as gold star mothers and other veteran groups. The fragile status of the turnpike fund does not allow for granting exceptions. The committee and the House have consistently declined to approve these requests. Vote 14-0.

HB 262, establishing a committee to study the construction of a permanent memorial to Governor John Gilbert Winant on state property other than the state house grounds. **OUGHT TO PASS.**

Rep. Peter E. Ramsey for Public Works and Highways: This bill establishes a committee to study the construction of a memorial for the late statesman and Governor John Gilbert Winant on state land at no state expense. Governor Winant was a remarkable public servant. He was raised in Concord, NH, attended St. Paul's school and went onto Princeton University. He was elected to the NH House of Representatives in 1916, then joined the US Army Air Service where he became a pilot and Captain of 8th Aero Squadron in France during World War I. He returned from the war and was elected to the NH Senate in 1920, then as the youngest governor in America in 1925 and sworn in again later from 1931-1935, during the great depression. His national reputation as a progressive governor convinced President Franklin D. Roosevelt to appoint Winant to be the first head of the Social Security Board in 1935. In 1937, he was elected to head the International Labor Office in Geneva, Switzerland until 1939. He then was appointed Ambassador to Britain to replace Joseph P. Kennedy and went on to be revered by the people of England as a symbol of American support for their war efforts, especially during the dark days and long nights of the German bomb blitz. He was a progressive Republican and became loved by citizens on both sides of the Atlantic Ocean. President Truman appointed him US Representative to UNESCO in 1946 and a year later he became only the second American citizen, after General Dwight Eisenhower, to be made an honorary member of the Order of Merit by the King of England. He then returned to Concord after a love affair with Winston Churchill's daughter, Sarah, ended badly. He took his own life at 58 years old, worn out by his long war service, his wife's refusal of divorce and broken hearted by his love's dismissal and the end of his public service. He is buried at St. Paul's school. Vote 14-1.

HB 340-FN-A, relative to resurfacing a portion of East Conway Road and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. David B. Campbell for Public Works and Highways: The committee voted against this bill which called for a 2.5 million dollar highway fund appropriation to fund the reconstruction of 3.8 miles of East Conway Road in Conway because it jumps this very poor stretch of road ahead of other projects in the 10-year transportation plan and on the betterment list for DOT District 3. The committee, however, is very aware of and sympathetic to the condition of this road and the need to repair it. However, DOT testified that there are approximately 100 miles in each of the DOT districts in a similar very poor condition. There is not enough money to fix them. Of the 4500 miles of state roads, over 1600 (in excess of 1/3) are now in poor condition (requiring some major work). It costs approximately \$50,000 per mile to pave a road on an 8-10 year schedule and up to one million dollars per mile for roads that need to be totally reconstructed. The repair of the 3.8 miles of East Conway Road is estimated to cost over \$650,000 per mile. This bill underscores the consequences of underfunding our state roads. Under current funding levels, the state is on a 13-15 year repaving cycle, which results in more miles of roads requiring more expensive repairs each year. Vote 15-0.

HB 130, relative to upgrading the wiring of retail service stations to support generators or alternate power sources. **INEXPEDIENT TO LEGISLATE.**

Rep. Nickolas J. Levasseur for Science, Technology and Energy: This bill would have required that retail fuel stations install wiring which would allow them to continue operations in the event of a power outage.

The committee heard testimony that these installations could cost the station owners \$12,000 to \$20,000 per station. The committee heard further testimony that this would be an unaffordable burden for many small, independent owners and may even force some to close. This would have the effect of reducing the overall availability of fuel in some areas. Ultimately, the committee felt that this was a business decision that should be made by individual station owners and not something that should be mandated by the state. Vote 18-0.

HB 272-FN, relative to registration of aircraft based in another state. **INEXPEDIENT TO LEGISLATE.** Rep. Michael B. O'Brien for Transportation: This bill would have authorized a waiver of the aircraft registration and the aircraft operating fees for aircraft owned by New Hampshire residents but based in another state. The committee believed, if passed, some aircraft owners would move their aircraft to another state, depleting registration fees. These registration fees are critical to the operation of our airports from our largest to the smallest. The aeronautical fund assists these airports in funding upgrades to safety and airport equipment. Thus, the committee unanimously agrees with the current law and registration practices. Vote 17-0.

REGULAR CALENDAR

SPECIAL ORDERED

Without objection, the Speaker made **HB 220**, relative to the New Hampshire medal of honor, a special order as the next order of business.

SPECIAL ORDER

HB 220, relative to the New Hampshire medal of honor. **OUGHT TO PASS.**

Rep. Leon H. Rideout for State-Federal Relations and Veterans Affairs: This bill amends RSA 110-B:81 by removing the wording that allows the awarding of the New Hampshire medal of honor for training deaths. While the committee feels that any death of a military member is tragic, the committee was unanimous in the decision that the New Hampshire medal of honor should be reserved for those that have given the ultimate sacrifice on a battlefield in the defense of our nation. All testimony during the hearing concurred with the committee's decision. Vote 12-0.

Rep. Rollins spoke in favor.

Committee report adopted and ordered to third reading.

SPECIAL GUESTS

The Speaker introduced special guests, Rhonda Rollins and Brittney Murphy, mother and girlfriend of Specialist Justin Rollins, the son of Rep. Rollins.

MOTION TO PRINT REMARKS

Rep. Shurtleff moved that the remarks made by Rep. Rollins be printed in the Permanent Journal. Adopted.

REMARKS

Rep. Rollins: Thank you, Madam Speaker. Madam Speaker, ladies and gentlemen of the House, I am honored to stand here before you today and say that I had a son who served his country. At a young age he had all of the qualities that embody the American soldier. He was charismatic, he was intelligent, he was courageous and he was full of promises. Most promising was his future. He was a man of his word and me of mine. Before his deployment to Iraq we had an honest conversation with one another and it was then that I made promises to him that I had hoped I'd never have to honor, but on Monday, March 5th, 2007, my son, Specialist Justin Allan Rollins, was killed in action with six of his best friends in the City of Samarra by a roadside bomb. Those promises have been something I've never been able to forget. First, he asked that if he did not make it home to be laid to rest in Arlington. For, as he said, "There is no greater honor than to be buried in Arlington National Cemetery." Second, he made me promise to always take care of Brittney, his girlfriend and the love of his life. And third, he made me swear to take good care of his dog, Kayla Buddy. He then made me a promise. It was not a promise unique to my son, but a promise unique to all the men and women who serve this country. He said, "Dad, I promise you that while I'm in Iraq, I will leave no man behind, and if I don't make it home because of this I hope that you and mom can understand that this is my duty as a soldier and a promise that I have made to my men." Ladies and gentlemen, Justin's story is just one of many during a time of war. It's a story of a boy who put duty and country before his own life. Justin kept his promise to me, his men and his country and in return, on March 19th, 2007, the fourth anniversary of the invasion of Iraq, he was laid to rest with full military honors in Arlington National Cemetery. Brittney is still and will always be a member of our family. In fact, she's sitting here today and Kayla Buddy, well, she lived to the ripe old age of 14 and her ashes are spread out on Justin's site, where together they will rest for all eternity. Ladies and gentlemen, I ask that today you make a promise. I ask that you promise to safeguard the honor and the sacrifice of the men and women of New Hampshire who fight for our country by supporting House Bill 220. Let us promise future veterans, who may give their tomorrows for our todays in the only way that they should be remembered, with the same honor in which they serve, by allowing only those who are killed in action to be awarded the New Hampshire Medal of Honor. My son's legacy is his honor and today is your opportunity to help me in my life journey of protecting it. Please vote yes for House Bill 220.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of those who serve and give the ultimate sacrifice for our country.

REGULAR CALENDAR (CONT'D)

HB 402, relative to complaint investigation procedures of the guardian ad litem board. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Mary Beth E. Walz for the Majority of Children and Family Law: Presently, the guardian ad litem board reviews all complaints filed. However, the board may dismiss, without prejudice, any complaint that relates to a case that is pending in the courts. This bill would force the board to investigate all complaints against a guardian ad litem (GAL) regardless of a pending trial or judicial proceeding. The committee heard testimony that disgruntled parties file complaints to go GAL shopping when they are unhappy with the recommendation of their GAL. Presently, there are two backstops to ensure that a misbehaving GAL can be disciplined during the pendency of a court case. The GAL board conducts a full review of the complaint prior to dismissal. Also, a party may ask for relief from the judge in the ongoing case. Furthermore, after the conclusion of the court case, the complainant may re-file their complaint which will then be fully investigated by the GAL board. Because of all of these protections for the complainant, and because of the high likelihood of abuse of the complaint process, the committee overwhelmingly voted to maintain the current law. Vote 15-1.

Rep. Stella S. Tremblay for the Minority of Children and Family Law: At present a complaint investigation of alleged improprieties of a guardian ad litem must wait until the divorce case pending in court is concluded and often this is too late. A biased report of the guardian ad litem may affect the outcome of the case and harm the children. Currently, the board is required to dismiss complaints in "active cases," unless deemed deserving of investigation. This bill directs the guardian ad litem board to investigate a complaint during a divorce trial, ensuring accountability, transparency and serving as a deterrent to a guardian ad litem that may take sides in a divorce case. We do not believe this will encourage parties to "guardian" shop when they do not like the outcome, but will be a step in accountability.

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

Rep. Oligny requested a roll call; sufficiently seconded.

YEAS 244 - NAYS 99**YEAS 244****BELKNAP**

Arsenault, Beth
Flanders, Donald
Raymond, Ian

Burchell, Richard
Gulick, Ruth
Tilton, Franklin

DiMartino, Lisa
Holmes, Stephen

Fields, Dennis
Huot, David

CARROLL

Ahlgren, Christopher
Lavender, Tom
White, Syndi

Buco, Thomas
Merrow, Harry

Butler, Edward
Schmidt, Stephen

Chandler, Gene
Ticehurst, Susan

CHESHIRE

Ames, Richard
Eaton, Daniel
Ley, Douglas
Robertson, Timothy
Weber, Lucy

Burridge, Delmar
Emerson, Susan
Mann, John
Sad, Tara
Weed, Charles

Butynski, William
Johnsen, Gladys
Parkhurst, Henry
Shepardson, Marjorie
Young, Harry

Chase, Cynthia
Lerandeau, Alfred
Phillips, Larry
Tatro, Bruce

COOS

Coulombe, Gary
Moynihan, Wayne

Enman, Larry
Richardson, Herbert

Hammon, Marcia
Theberge, Robert

Hatch, William
Thomas, Yvonne

GRAFTON

Aguiar, James
Cooney, Mary
Gionet, Edmond
Lauer, Linda
Nordgren, Sharon
Sykes, George

Almy, Susan
Doolan, Ralph Jr
Harding, Laurie
Lovett, Sid
Pastor, Beatriz
Townsend, Charles

Benn, Bernard
Ford, Susan
Higgins, Patricia
Massimilla, Linda
Piper, Wendy
White, Andrew

Brown, Rebecca
Friedrich, Carol
Ladd, Rick Jr
Mulholland, Catherine
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Boehm, Ralph
Carroll, Douglas
Cote, David

Barry, Richard
Boisvert, Ronald
Cebrowski, John
Danielson, David

Beaulieu, Jane
Byron, Frank
Chandley, Shannon
DiSilvestro, Linda

Belanger, James
Campbell, David
Connor, Evelyn
Dobson, Jeremy

Gage, Ruth
Gorman, Mary
Hammond, Jill
Jasper, Shawn
Leishman, Peter
Long, Patrick
McCloskey, David
O'Brien, Michael Sr
Rhodes, Brian
Shattuck, Gilman
Stroud, Kathleen
Vail, Suzanne
Woodbury, David

Gagne, Larry
Grady, Brenda
Hansberry, Daniel
Jeudy, Jean
Levasseur, Nickolas
MacKay, Mariellen
Murotake, David
Pellegrino, Tony
Rosenwald, Cindy
Smith, Timothy
Sullivan, Daniel
Walsh, Robert Jr

Gale, Sylvia
Graham, John
Heden, Ruth
Knowles, Mary Ann
LeVasseur, Richard
Manley, Jonathan Sr
Murphy, Kelleigh
Porter, Marjorie
Rowe, Robert
Soucy, Timothy
Sullivan, Peter
Williams, Kermit

Goley, Jeffrey
Haefner, Robert
Jack, Martin
Kurk, Neal
Levesque, Melanie
Marston, Dick
Nelson, Mary
Ramsey, Peter
Schmidt, Janice
Spratt, Stephen
Takesian, Charlene
Winters, Joel

MERRIMACK

Alicea, Caroletta
Burns, Scott
Ebel, Karen
Gile, Mary
Hunt, Jane
Kotowski, Frank
Myler, Mel
Rogers, Katherine
Turcotte, Alan
Watrous, Rick

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Henle, Paul
Karrick, David Jr
MacKay, James
Patten, Dick
Schamberg, Thomas
Wallner, Mary Jane
Webb, Leigh

Bartlett, Christy
Carson, Clyde
Frazer, June
Hess, David
Kelly, Sally
McGuire, Carol
Ratzki, Mario
Schuett, Dianne
Walsh, Thomas IV

Bouchard, Candace
Davis, Frank
French, Barbara
Hirsch, Geoffrey
Kidder, David
Moffett, Howard
Rice, Chip
Shurtleff, Stephen
Walz, Mary Beth

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cahill, Michael
Cushing, Robert Jr
Emerson-Brown, Rebecca
Heffron, Frank
Mann, Maureen
Muns, Chris
Pantelakos, Laura
Schlachman, Donna
Wazlaw, Brian

Belanger, Ronald
Cali-Pitts, Jacqueline
DeSimone, Debra
Flockhart, Eileen
Helmstetter, Barbara
McKinney, Betsy
Nigrello, Robert
Peckham, Michele
Sweeney, Joe
Whittemore, Lisa

Borden, David
Charron, Gene
Elliott, Robert
Garcia, Marilinda
Khan, Aboul
Milz, David
O'Connor, John
Sanders, Elisabeth
Till, Mary

Briden, Steven
Copeland, Timothy
Emerick, J. Tracy
Grace, Curtis
Lovejoy, Patricia
Moody, Marcia
Packard, Sherman
Scarlotto, Joe
Ward, Gerald

STRAFFORD

Baber, William
Burke, Rachel
Horrigan, Timothy
Malloy, Dennis
Rollo, Deanna
Spang, Judith

Berube, Roger
Ginsburg, Philip
Hubbard, Pamela
Miller, David
Schmidt, Peter
Stevens, Audrey

Bixby, Peter
Gray, James
Kaen, Naida
Perry, Robert
Smith, Marjorie
Verschuere, James

Burdwood, Greg
Hooper, Dorothea
Ketel, Stephen
Rogers, Rose Marie
Spainhower, Dale
Wall, Janet

Cloutier, John
Lefebvre, Benjamin
Sweeney, Cynthia

Gagnon, Raymond
O'Hearne, Andrew
Tanner, Linda

Grenier, James
Rollins, Skip

Irwin, Virginia
Schmidt, Andrew

NAYS 99

BELKNAP

Comtois, Guy
Luther, Robert

Cormier, Jane
Sylvia, Michael

Fink, Charles
Vadney, Herbert

Greemore, Robert Jr
Worsman, Colette

CARROLL

Cordelli, Glenn
Wright, Donald

McConkey, Mark

Nelson, Bill

Umberger, Karen

CHESHIRE

COOS

GRAFTON

HILLSBOROUGH

Burt, John
Daniels, Gary

Christiansen, Lars
Flanagan, Jack

Coffey, James
Garcia, Michael

Culbert, Patrick
Hansen, Peter

Hinch, Richard
LeBrun, Donald
Notter, Jeanine
Ober, Russell III
Pratt, Calvin
Souza, Kathleen
Vaillancourt, Steve

Hopper, Gary
McCarthy, Michael
O'Brien, William
Palmer, Stephen
Renzullo, Andrew
Straight, Philip
Villeneuve, Moe

Infantine, William
Meaney, Richard
O'Flaherty, Tim
Parison, James
Sanborn, Laurie
Sweeney, Shawn
Warden, Mark

Lambert, George
Murphy, Keith
Ober, Lynne
Peterson, Lenette
Sandblade, Emily
Ulery, Jordan
Willette, Robert

MERRIMACK

Hoell, J.R.

Reed, Dennis

Smith, Todd

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Ferrante, Beverly
Hagan, Joseph
Introne, Robert
Major, Norman
Perkins, Lawrence
Sedensky, John
Tucker, Pamela

Allen, Mary
Comerford, Timothy
Fesh, Robert
Harris, Jeffrey
Kappler, Lawrence
McMahon, Charles
Rice, Frederick
St.James, Kevin
Waterhouse, Kevin

Baldasaro, Alfred
Devine, James
Gordon, Richard
Hodgdon, Bruce
Kolodziej, Walter
Oigny, Jeffrey
Sapareto, Frank
Tasker, Kyle
Webb, James Sr

Bick, Patrick
Duarte, Joe
Griffin, Mary
Hoelzel, Kathleen
Lundgren, David
Perkins, Amy
Schroadter, Adam
Tremblay, Stella
Weyler, Kenneth

STRAFFORD

Bickford, David
Parsons, Robbie

Groen, Warren
Pitre, Joseph

Jones, Laura

Mullen, John Jr

SULLIVAN

Smith, Steven

and the majority committee report was adopted.

HB 418, establishing a committee to study a program to address children in need. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary Beth E. Walz for Children and Family Law: In 1979 the state created a program for children in need of services (CHINS). This gave the court jurisdiction over children under 18 to provide for the treatment, care, guidance, counseling, discipline, supervision and rehabilitation they need. This bill establishes a legislative study committee to look at best practices to see if there is a more effective way to provide these services in New Hampshire. The committee has a reporting date of November 1, 2013. There is broad support for this study. The amendment adds one House member and adds the Chief Justice of the Supreme Court as a recipient of the report. Vote 15-3.

Amendment (0152h)

Amend subparagraph I(a) of section 2 of the bill by replacing it with the following:

(a) Five members of the house of representatives, appointed by the speaker of the house of representatives.

Amend the bill by replacing section 5 with the following:

5 Report. The committee shall report 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, the chief justice of the supreme court, and the state library on or before November 1, 2013.

Amendment adopted.

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

Rep. Walz requested a roll call; sufficiently seconded.

YEAS 293 - NAYS 50

YEAS 293

BELKNAP

Arsenault, Beth
Fink, Charles
Huot, David

Burchell, Richard
Flanders, Donald
Luther, Robert

DiMartino, Lisa
Gulick, Ruth
Raymond, Ian

Fields, Dennis
Holmes, Stephen

CARROLL

Ahlgren, Christopher
Cordelli, Glenn
Nelson, Bill
Wright, Donald

Buco, Thomas
Lavender, Tom
Ticehurst, Susan

Butler, Edward
McConkey, Mark
Umberger, Karen

Chandler, Gene
Morrow, Harry
White, Syndi

CHESHIRE

Ames, Richard
Eaton, Daniel

Burridge, Delmar
Emerson, Susan

Butynski, William
Johnsen, Gladys

Chase, Cynthia
Lerandeau, Alfred

Ley, Douglas
Robertson, Timothy
Weber, Lucy

Mann, John
Sad, Tara
Weed, Charles

Parkhurst, Henry
Shepardson, Marjorie
Young, Harry

Phillips, Larry
Tatro, Bruce

COOS

Coulombe, Gary
Moynihan, Wayne
Thomas, Yvonne

Enman, Larry
Rappaport, Laurence

Hammon, Marcia
Richardson, Herbert

Hatch, William
Rideout, Leon

GRAFTON

Aguiar, James
Brown, Rebecca
Friedrich, Carol
Ladd, Rick Jr
Mulholland, Catherine
Smith, Suzanne

Almy, Susan
Cooney, Mary
Gionet, Edmond
Lauer, Linda
Nordgren, Sharon
Sykes, George

Benn, Bernard
Doolan, Ralph Jr
Harding, Laurie
Lovett, Sid
Pastor, Beatriz
Townsend, Charles

Bradley, Lester
Ford, Susan
Higgins, Patricia
Massimilla, Linda
Piper, Wendy

HILLSBOROUGH

Backus, Robert
Boehm, Ralph
Carroll, Douglas
Coffey, James
Danielson, David
Gage, Ruth
Grady, Brenda
Heden, Ruth
Jasper, Shawn
Kurk, Neal
LeVasseur, Richard
Manley, Jonathan Sr
Murphy, Kelleigh
O'Brien, William
Pellegrino, Tony
Rosenwald, Cindy
Shattuck, Gilman
Stroud, Kathleen
Takesian, Charlene
Willette, Robert

Barry, Richard
Boisvert, Ronald
Cebrowski, John
Connor, Evelyn
DiSilvestro, Linda
Gagne, Larry
Haefner, Robert
Hinch, Richard
Jeudy, Jean
LeBrun, Donald
Levesque, Melanie
Marston, Dick
Nelson, Mary
O'Flaherty, Tim
Porter, Marjorie
Rowe, Robert
Smith, Timothy
Sullivan, Daniel
Vail, Suzanne
Williams, Kermit

Beaulieu, Jane
Byron, Frank
Chandley, Shannon
Cote, David
Dobson, Jeremy
Gale, Sylvia
Hammond, Jill
Hopper, Gary
Katsiantonis, Thomas
Leishman, Peter
Long, Patrick
McCloskey, David
Notter, Jeanine
Ober, Lynne
Ramsey, Peter
Sanborn, Laurie
Soucy, Timothy
Sullivan, Peter
Villeneuve, Moe
Winters, Joel

Belanger, James
Campbell, David
Christiansen, Lars
Culbert, Patrick
Flanagan, Jack
Gorman, Mary
Hansberry, Daniel
Jack, Martin
Knowles, Mary Ann
Levasseur, Nickolas
MacKay, Mariellen
Murotake, David
O'Brien, Michael Sr
Parison, James
Rhodes, Brian
Schmidt, Janice
Spratt, Stephen
Sweeney, Shawn
Walsh, Robert Jr
Woodbury, David

MERRIMACK

Alicea, Caroletta
Burns, Scott
Ebel, Karen
Gile, Mary
Hunt, Jane
Kotowski, Frank
Patten, Dick
Schamberg, Thomas
Wallner, Mary Jane
Webb, Leigh

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Henle, Paul
Karrick, David Jr
MacKay, James
Ratzki, Mario
Schuett, Dianne
Walsh, Thomas IV

Bartlett, Christy
Carson, Clyde
Frazer, June
Hess, David
Kelly, Sally
Moffett, Howard
Rice, Chip
Shurtleff, Stephen
Walz, Mary Beth

Bouchard, Candace
Davis, Frank
French, Barbara
Hirsch, Geoffrey
Kidder, David
Myler, Mel
Rogers, Katherine
Turcotte, Alan
Watrous, Rick

ROCKINGHAM

Abrami, Patrick
Belanger, Ronald
Briden, Steven
Copeland, Timothy
Duarte, Joe
Fesh, Robert
Griffin, Mary
Helmstetter, Barbara
Khan, Aboul
Mann, Maureen
Moody, Marcia
Packard, Sherman
Sanders, Elisabeth
Schroadter, Adam
Till, Mary
Wazlaw, Brian

Allen, Mary
Bick, Patrick
Cahill, Michael
Cushing, Robert Jr
Emerick, J. Tracy
Flockhart, Eileen
Hagan, Joseph
Hoelzel, Kathleen
Kolodziej, Walter
McKinney, Betsy
Muns, Chris
Pantelakos, Laura
Sapareto, Frank
St.James, Kevin
Tremblay, Stella
Webb, James Sr

Andrews-Ahearn, E. Elaine
Birdsell, Regina
Cali-Pitts, Jacqueline
DeSimone, Debra
Emerson-Brown, Rebecca
Garcia, Marilinda
Harris, Jeffrey
Introne, Robert
Lovejoy, Patricia
McMahon, Charles
Nigrello, Robert
Peckham, Michele
Scarlottio, Joe
Sweeney, Joe
Ward, Gerald
Whittemore, Lisa

Baldasaro, Alfred
Borden, David
Charron, Gene
Devine, James
Ferrante, Beverly
Grace, Curtis
Heffron, Frank
Kappler, Lawrence
Major, Norman
Milz, David
O'Connor, John
Perkins, Amy
Schlachman, Donna
Sytek, John
Waterhouse, Kevin

STRAFFORD

Baber, William
Burdwood, Greg

Berube, Roger
Burke, Rachel

Bickford, David
Ginsburg, Philip

Bixby, Peter
Gray, James

Hooper, Dorothea
Kaen, Naida
Perry, Robert
Schmidt, Peter
Stevens, Audrey

Horrigan, Timothy
Ketel, Stephen
Pitre, Joseph
Smith, Marjorie
Verschueren, James

Hubbard, Pamela
Malloy, Dennis
Rogers, Rose Marie
Spainhower, Dale
Wall, Janet

Jones, Laura
Miller, David
Rollo, Deanna
Spang, Judith

Cloutier, John
Lefebvre, Benjamin
Smith, Steven

Gagnon, Raymond
O'Hearne, Andrew
Sweeney, Cynthia

Grenier, James
Rollins, Skip
Tanner, Linda

Irwin, Virginia
Schmidt, Andrew

SULLIVAN

NAYS 50

BELKNAP

Comtois, Guy
Tilton, Franklin

Cormier, Jane
Vadney, Herbert

Greemore, Robert Jr
Worsman, Colette

Sylvia, Michael

CARROLL

Schmidt, Stephen

CHESHIRE

Hunt, John

COOS

None

GRAFTON

None

HILLSBOROUGH

Burt, John
Hansen, Peter
Meaney, Richard
Peterson, Lenette
Souza, Kathleen
Warden, Mark

Daniels, Gary
Infantine, William
Murphy, Keith
Pratt, Calvin
Straight, Philip

Garcia, Michael
Lambert, George
Ober, Russell III
Renzullo, Andrew
Ulery, Jordan

Graham, John
McCarthy, Michael
Palmer, Stephen
Sandblade, Emily
Vaillancourt, Steve

MERRIMACK

Hoell, J.R.

McGuire, Carol

Reed, Dennis

Smith, Todd

ROCKINGHAM

Comerford, Timothy
Itse, Daniel
Rice, Frederick
Weyler, Kenneth

Elliott, Robert
Lundgren, David
Sedensky, John

Gordon, Richard
Oigny, Jeffrey
Tasker, Kyle

Hodgdon, Bruce
Perkins, Lawrence
Tucker, Pamela

STRAFFORD

Groen, Warren

Mullen, John Jr

Parsons, Robbie

SULLIVAN

None

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

HB 303, establishing a committee to study the teaching of a second language beginning in kindergarten. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Rick M. Ladd for the Majority of Education: The committee majority recognizes benefits associated with teaching a second language in kindergarten and in subsequent grades. Current education rules as approved by the state board of education currently state that a local school board may provide instruction in one or more world languages in an elementary school and later years. The extent of this instruction and the students to whom it is offered shall be determined by local school board policy. This is a local district policy and funding decision. A committee study is therefore, not necessary. Vote 11-7.

Rep. June M. Frazer for the Minority of Education: This bill was a response to a recommendation by the legislative youth advisory council, 19 young people appointed by the governor, the president of the senate, the speaker of the house, or the secretary of state. The commissioner of education was enthusiastic when the youth council talked about it to her. The seven members initially supporting the bill argued that the great advantages of early world language learning, for example – promoting greater language ability in later grades and enriching brain development, would make the research of the proposed study committee a valuable resource to local school districts interested in such a program.

MOTION TO SPECIAL ORDER

Rep. Gile moved that **HB 303**, establishing a committee to study the teaching of a second language beginning in kindergarten, be made a Special Order to Wednesday, February 20, 2013 in its Regular Calendar order.

Rep. Gile spoke in favor.

Adopted.

REGULAR CALENDAR (CONT'D)

HB 311, establishing a statutory expectation of privacy in personal materials. **INEXPEDIENT TO LEGISLATE.**

Rep. David Woodbury for Judiciary: This bill establishes an expectation of privacy in certain "personal materials" such as fingerprints, saliva, hair and household papers unless a warrant is supported by probable cause issues. Breeches of this privacy right are punishable as a class B misdemeanor or class B felony for subsequent violations. The committee was unable to foresee and appreciate the ramifications of this bill and felt that too many unanswered questions remained to support passage. Vote 15-4.

On a division vote, 206 members having voted in the affirmative and 129 in the negative, the committee report was adopted.

HB 387, relative to immunity of guardians ad litem. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Paul S. Berch for the Majority of Judiciary: Current New Hampshire law, based upon New Hampshire Supreme Court decision, recognizes quasi-judicial immunity for guardians ad litem in the performance of their duties. This bill would reduce the immunity so as to allow suits against guardians for certain negligent, corrupt or malicious acts. This immunity, as it currently exists, protects the guardian ad litem acts of investigating, meeting with children, making reports and testifying. In doing so, the guardians ad litem act as agents of the courts, and hired by the courts, not by the parties before the court. Further, the committee noted that there are other sanctions that can be imposed, including by the court. The committee was also concerned that fear of lawsuits might deter citizens from serving this important function. Vote 15-2.

Rep. Michael J. Sylvia for the Minority of Judiciary: This bill would protect guardians ad litem by providing judicial immunity. It also provides a measure of accountability by removing their judicial immunity in the event of grossly negligent, malicious, or corrupt acts.

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

Rep. Oligny requested a roll call; sufficiently seconded.

YEAS 245 - NAYS 101**YEAS 245****BELKNAP**

Arsenault, Beth
Gulick, Ruth
Tilton, Franklin

DiMartino, Lisa
Huot, David
Worsman, Colette

Fields, Dennis
Luther, Robert

Flanders, Donald
Raymond, Ian

CARROLL

Ahlgren, Christopher
McConkey, Mark
Ticehurst, Susan

Buco, Thomas
Merrow, Harry
Umberger, Karen

Butler, Edward
Nelson, Bill
White, Syndi

Chandler, Gene
Schmidt, Stephen

CHESHIRE

Ames, Richard
Eaton, Daniel
Ley, Douglas
Roberts, Kris
Tatro, Bruce

Burridge, Delmar
Emerson, Susan
Mann, John
Robertson, Timothy
Weber, Lucy

Butynski, William
Johnsen, Gladys
Parkhurst, Henry
Sad, Tara
Weed, Charles

Chase, Cynthia
Lerandau, Alfred
Phillips, Larry
Shepardson, Marjorie
Young, Harry

COOS

Coulombe, Gary
Moynihan, Wayne

Enman, Larry
Thomas, Yvonne

Hammon, Marcia

Hatch, William

GRAFTON

Aguiar, James
Ford, Susan
Ladd, Rick Jr
Mulholland, Catherine
Smith, Suzanne

Almy, Susan
Friedrich, Carol
Lauer, Linda
Nordgren, Sharon
Sykes, George

Benn, Bernard
Harding, Laurie
Lovett, Sid
Pastor, Beatriz
Townsend, Charles

Cooney, Mary
Higgins, Patricia
Massimilla, Linda
Piper, Wendy
White, Andrew

HILLSBOROUGH

Backus, Robert
Boisvert, Ronald

Barry, Richard
Byron, Frank

Beaulieu, Jane
Campbell, David

Belanger, James
Carroll, Douglas

Chandley, Shannon
 Danielson, David
 Gale, Sylvia
 Graham, John
 Heden, Ruth
 Katsiantonis, Thomas
 Levasseur, Nickolas
 MacKay, Mariellen
 Nelson, Mary
 Ramsey, Peter
 Schmidt, Janice
 Spratt, Stephen
 Vail, Suzanne
 Winters, Joel

Connor, Evelyn
 DiSilvestro, Linda
 Goley, Jeffrey
 Haefner, Robert
 Jack, Martin
 Knowles, Mary Ann
 LeVasseur, Richard
 Manley, Jonathan Sr
 O'Brien, Michael Sr
 Rhodes, Brian
 Shattuck, Gilman
 Sullivan, Daniel
 Walsh, Robert Jr
 Woodbury, David

Cote, David
 Flanagan, Jack
 Gorman, Mary
 Hammond, Jill
 Jasper, Shawn
 Kurk, Neal
 Levesque, Melanie
 Marston, Dick
 Pellegrino, Tony
 Rosenwald, Cindy
 Smith, Timothy
 Sullivan, Peter
 Willette, Robert

Culbert, Patrick
 Gage, Ruth
 Grady, Brenda
 Hansberry, Daniel
 Jeudy, Jean
 Leishman, Peter
 Long, Patrick
 McCloskey, David
 Porter, Marjorie
 Rowe, Robert
 Soucy, Timothy
 Takesian, Charlene
 Williams, Kermit

Alicea, Caroletta
 Burns, Scott
 Ebel, Karen
 Gile, Mary
 Hunt, Jane
 Kotowski, Frank
 Patten, Dick
 Rogers, Katherine
 Smith, Todd
 Watrous, Rick

Andrews, Christopher
 Carey, Lorrie
 Frambach, Mary
 Henle, Paul
 Karrick, David Jr
 MacKay, James
 Ratzki, Mario
 Schamberg, Thomas
 Turcotte, Alan
 Webb, Leigh

MERRIMACK

Bartlett, Christy
 Carson, Clyde
 Frazer, June
 Hess, David
 Kelly, Sally
 Moffett, Howard
 Rice, Chip
 Schuett, Dianne
 Wallner, Mary Jane

Bouchard, Candace
 Davis, Frank
 French, Barbara
 Hirsch, Geoffrey
 Kidder, David
 Myler, Mel
 Richardson, Gary
 Shurtleff, Stephen
 Walz, Mary Beth

Andrews-Ahearn, E. Elaine
 Briden, Steven
 Copeland, Timothy
 Elliott, Robert
 Fesh, Robert
 Heffron, Frank
 Mann, Maureen
 Muns, Chris
 Pantelakos, Laura
 Scarlotto, Joe
 Sytek, John
 Webb, James Sr

Belanger, Ronald
 Cahill, Michael
 Cushing, Robert Jr
 Emerick, J. Tracy
 Flockhart, Eileen
 Helmstetter, Barbara
 McKinney, Betsy
 Nigrello, Robert
 Peckham, Michele
 Schlachman, Donna
 Till, Mary
 Whitemore, Lisa

ROCKINGHAM

Bick, Patrick
 Cali-Pitts, Jacqueline
 Devine, James
 Emerson-Brown, Rebecca
 Grace, Curtis
 Khan, Aboul
 McMahon, Charles
 O'Connor, John
 Sanders, Elisabeth
 St.James, Kevin
 Ward, Gerald

Borden, David
 Charron, Gene
 Dumaine, Dudley
 Ferrante, Beverly
 Griffin, Mary
 Lovejoy, Patricia
 Moody, Marcia
 Packard, Sherman
 Sapareto, Frank
 Sweeney, Joe
 Wazlaw, Brian

Baber, William
 Burke, Rachel
 Hubbard, Pamela
 Miller, David
 Schmidt, Peter
 Stevens, Audrey

Berube, Roger
 Ginsburg, Philip
 Kaen, Naida
 Perry, Robert
 Smith, Marjorie
 Verschueren, James

STRAFFORD

Bixby, Peter
 Hooper, Dorothea
 Ketel, Stephen
 Rogers, Rose Marie
 Spainhower, Dale
 Wall, Janet

Burdwood, Greg
 Horrigan, Timothy
 Malloy, Dennis
 Rollo, Deanna
 Spang, Judith

Cloutier, John
 O'Hearne, Andrew
 Tanner, Linda

Grenier, James
 Rollins, Skip

SULLIVAN

Irwin, Virginia
 Schmidt, Andrew

Lefebvre, Benjamin
 Sweeney, Cynthia

NAYS 101

BELKNAP

Cormier, Jane
 Sylvia, Michael

Fink, Charles
 Vadney, Herbert

Burchell, Richard
 Greemore, Robert Jr

Comtois, Guy
 Holmes, Stephen

CARROLL

Wright, Donald

Cordelli, Glenn

Lavender, Tom

CHESHIRE

COOS

Rappaport, Laurence

Rideout, Leon

GRAFTON

Bradley, Lester

Brown, Rebecca

Doolan, Ralph Jr

Gionet, Edmond

HILLSBOROUGH

Boehm, Ralph
Daniels, Gary
Hansen, Peter
Lambert, George
Murotake, David
O'Brien, William
Palmer, Stephen
Renzullo, Andrew
Straight, Philip
Vaillancourt, Steve

Burt, John
Dobson, Jeremy
Hinch, Richard
LeBrun, Donald
Murphy, Keith
O'Flaherty, Tim
Parison, James
Sanborn, Laurie
Stroud, Kathleen
Villeneuve, Moe

Christiansen, Lars
Gagne, Larry
Hopper, Gary
McCarthy, Michael
Murphy, Kelleigh
Ober, Lynne
Peterson, Lenette
Sandblade, Emily
Sweeney, Shawn
Warden, Mark

Coffey, James
Garcia, Michael
Infantine, William
Meaney, Richard
Notter, Jeanine
Ober, Russell III
Pratt, Calvin
Souza, Kathleen
Ulery, Jordan

MERRIMACK

Hoell, J.R.

McGuire, Carol

Reed, Dennis

Walsh, Thomas IV

ROCKINGHAM

Abrami, Patrick
Comerford, Timothy
Gordon, Richard
Hoelzel, Kathleen
Kolodziej, Walter
Oligny, Jeffrey
Schroadter, Adam
Tucker, Pamela

Allen, Mary
DeSimone, Debra
Hagan, Joseph
Introne, Robert
Lundgren, David
Perkins, Amy
Sedensky, John
Waterhouse, Kevin

Baldasaro, Alfred
Duarte, Joe
Harris, Jeffrey
Itse, Daniel
Major, Norman
Perkins, Lawrence
Tasker, Kyle
Weyler, Kenneth

Birdsell, Regina
Garcia, Marilinda
Hodgdon, Bruce
Kappler, Lawrence
Milz, David
Rice, Frederick
Tremblay, Stella

STRAFFORD

Bickford, David
Mullen, John Jr

Gray, James
Parsons, Robbie

Groen, Warren
Pitre, Joseph

Jones, Laura

SULLIVAN

Gagnon, Raymond

Smith, Steven

and the majority committee report was adopted.

HB 323-FN, establishing the Franklin Partin right-to-work act. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Sally H. Kelly for the Majority of Labor, Industrial and Rehabilitative Services: The bill seeks to prohibit unions from collecting "agency fees" from employees who choose not to belong to the union. Agency fees are not union dues. Agency fees include the cost to negotiate and administer contracts, defend grievances and cover legal expenses. Agency fees are not mandatory. Agency fees can only be collected from non-union employees if the employee group and the employer jointly agree to them. The majority of the committee was not convinced there was any economic benefit to the state and viewed credible evidence that wages were across the board lower in right to work states, poverty levels were higher and that every right to work state has a sales, income tax, or both. New Hampshire does not force anyone to join a union or force anyone to pay union dues. Non- members only have to pay a fee if there is agreement between the employer and the employee group on the fee. When asked why businesses might be leaving New Hampshire, a representative testifying for Americans for Prosperity testified the reasons were a lack of a properly educated work force and high costs of energy and interestingly, not the lack of a right to work law. The bipartisan majority of the committee understands that enacting a right to work law does not address the real problems facing our economy like our extremely high cost of energy - essential in the manufacturing sector - our crumbling infrastructure, and our lack of appropriately trained workers, all of which would address the real needs of businesses looking to expand or relocate here. Right to work is a false slogan and a concept that has been rejected for decades in New Hampshire. This bill, if passed, will drive down wages not only for union members but for everyone in New Hampshire, at the same time doing nothing for the real needs of our current businesses and those who would consider moving here. Vote 13-5.

Rep. Gary L. Daniels for the Minority of Labor, Industrial and Rehabilitative Services: The minority believes it is wrong to allow employers to bargain away the constitutional rights of its employees, forcing them, as a condition of employment, to financially support a third party organization with which the employee may not wish to associate. It is unfair to employees who wish not to have the benefits bargained for by the union to be forced to pay for benefits which they have no interest in receiving. The minority believes that unions who take care of their members should have no concerns should this bill pass. It would be a travesty if unions feel the only way they can be successful is to force unwilling employees to financially support them.

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

Reps. Baldasaro, Tucker and Cebrowski spoke against.

Rep. Daniels spoke against and yielded to questions.

Reps. Andrews, Copeland and Ley spoke in favor.

Rep. Andrew White requested a roll call; sufficiently seconded.

YEAS 212 - NAYS 141**YEAS 212
BELKNAP**Arsenault, Beth
Raymond, Ian

DiMartino, Lisa

Gulick, Ruth

Huot, David

CARROLLBuco, Thomas
White, Syndi

Butler, Edward

Lavender, Tom

Ticehurst, Susan

CHESHIREAmes, Richard
Eaton, Daniel
Ley, Douglas
Roberts, Kris
Tatro, BruceBurridge, Delmar
Emerson, Susan
Mann, John
Robertson, Timothy
Weber, LucyButynski, William
Johnsen, Gladys
Parkhurst, Henry
Sad, Tara
Weed, CharlesChase, Cynthia
Lerandeau, Alfred
Phillips, Larry
Shepardson, Marjorie
Young, Harry**COOS**Coulombe, Gary
Moynihan, WayneEnman, Larry
Richardson, HerbertHammon, Marcia
Theberge, RobertHatch, William
Thomas, Yvonne**GRAFTON**Aguiar, James
Cooney, Mary
Higgins, Patricia
Mulholland, Catherine
Smith, SuzanneAlmy, Susan
Ford, Susan
Lauer, Linda
Nordgren, Sharon
Sykes, GeorgeBenn, Bernard
Friedrich, Carol
Lovett, Sid
Pastor, Beatriz
Townsend, CharlesBrown, Rebecca
Harding, Laurie
Massimilla, Linda
Piper, Wendy
White, Andrew**HILLSBOROUGH**Backus, Robert
Carroll, Douglas
Danielson, David
Gale, Sylvia
Grady, Brenda
Hopper, Gary
Knowles, Mary Ann
Long, Patrick
McCloskey, David
Palangas, Eric
Rosenwald, Cindy
Smith, Timothy
Sullivan, Daniel
Walsh, Robert JrBeaulieu, Jane
Chandley, Shannon
DiSilvestro, Linda
Gidge, Kenneth
Hammond, Jill
Jack, Martin
Leishman, Peter
MacKay, Mariellen
Nelson, Mary
Porter, Marjorie
Schmidt, Janice
Soucy, Timothy
Sullivan, Peter
Williams, KermitBoisvert, Ronald
Connor, Evelyn
Dobson, Jeremy
Goley, Jeffrey
Hansberry, Daniel
Judy, Jean
Levasseur, Nickolas
Manley, Jonathan Sr
O'Brien, Michael Sr
Ramsey, Peter
Shattuck, Gilman
Spratt, Stephen
Takesian, Charlene
Winters, JoelCampbell, David
Cote, David
Gage, Ruth
Gorman, Mary
Heden, Ruth
Katsiantonis, Thomas
Levesque, Melanie
McCarthy, Michael
O'Flaherty, Tim
Rhodes, Brian
Shaw, Barbara
Stroud, Kathleen
Vail, Suzanne
Woodbury, David**MERRIMACK**Alicia, Caroletta
Burns, Scott
Ebel, Karen
Gile, Mary
Karrick, David Jr
Moffett, Howard
Rice, Chip
Schuett, Dianne
Walz, Mary BethAndrews, Christopher
Carey, Lorrie
Frambach, Mary
Henle, Paul
Kelly, Sally
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Watrous, RickBartlett, Christy
Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Kidder, David
Patten, Dick
Rogers, Katherine
Turcotte, Alan
Webb, LeighBouchard, Candace
Davis, Frank
French, Barbara
Hunt, Jane
MacKay, James
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane**ROCKINGHAM**Andrews-Ahearn, E. Elaine
Cali-Pitts, Jacqueline
Emerson-Brown, Rebecca
Khan, Aboul
Muns, Chris
Perkins, Lawrence
St.James, Kevin
Webb, James SrBorden, David
Copeland, Timothy
Flockhart, Eileen
Lovejoy, Patricia
Nigrello, Robert
Sapareto, Frank
Till, Mary
Whittemore, LisaBriden, Steven
Cushing, Robert Jr
Heffron, Frank
Mann, Maureen
Pantelakos, Laura
Scarlott, Joe
Ward, GeraldCahill, Michael
Devine, James
Helmstetter, Barbara
Moody, Marcia
Perkins, Amy
Schlachman, Donna
Wazlaw, Brian**STRAFFORD**Baber, William
Burdwood, Greg
Hooper, DorotheaBerube, Roger
Burke, Rachel
Horrigan, TimothyBickford, David
Ginsburg, Philip
Hubbard, PamelaBixby, Peter
Grassie, Anne
Kaen, Naida

Ketel, Stephen
Rogers, Rose Marie
Spainhower, Dale
Wall, Janet

Malloy, Dennis
Rollo, Deanna
Spang, Judith
Ward, Kenneth

Miller, David
Schmidt, Peter
Stevens, Audrey

Perry, Robert
Smith, Marjorie
Verschueren, James

Cloutier, John
O'Hearne, Andrew

Gagnon, Raymond
Schmidt, Andrew

SULLIVAN

Irwin, Virginia
Tanner, Linda

Lefebvre, Benjamin

NAYS 141 BELKNAP

Burchell, Richard
Fink, Charles
Luther, Robert
Worsman, Colette

Comtois, Guy
Flanders, Donald
Sylvia, Michael

Cormier, Jane
Greemore, Robert Jr
Tilton, Franklin

Fields, Dennis
Holmes, Stephen
Vadney, Herbert

CARROLL

Ahlgren, Christopher
Merrow, Harry
Wright, Donald

Chandler, Gene
Nelson, Bill

Cordelli, Glenn
Schmidt, Stephen

McConkey, Mark
Umberger, Karen

CHESHIRE

Hunt, John

COOS

Rappaport, Laurence

Rideout, Leon

GRAFTON

Bradley, Lester

Doolan, Ralph Jr

Gionet, Edmond

Ladd, Rick Jr

HILLSBOROUGH

Barry, Richard
Byron, Frank
Culbert, Patrick
Garcia, Michael
Hinch, Richard
Lambert, George
Meaney, Richard
Notter, Jeanine
Palmer, Stephen
Pratt, Calvin
Sandblade, Emily
Ulery, Jordan
Willette, Robert

Belanger, James
Cebrowski, John
Daniels, Gary
Graham, John
Infantine, William
LeBrun, Donald
Murotake, David
O'Brien, William
Parison, James
Renzullo, Andrew
Souza, Kathleen
Vaillancourt, Steve

Boehm, Ralph
Christiansen, Lars
Flanagan, Jack
Haefner, Robert
Jasper, Shawn
LeVasseur, Richard
Murphy, Keith
Ober, Lynne
Pellegrino, Tony
Rowe, Robert
Straight, Philip
Villeneuve, Moe

Burt, John
Coffey, James
Gagne, Larry
Hansen, Peter
Kurk, Neal
Marston, Dick
Murphy, Kelleigh
Ober, Russell III
Peterson, Lenette
Sanborn, Laurie
Sweeney, Shawn
Warden, Mark

MERRIMACK

Hess, David
Reed, Dennis

Hoell, J.R.
Smith, Todd

Kotowski, Frank
Walsh, Thomas IV

McGuire, Carol

ROCKINGHAM

Abrami, Patrick
Bick, Patrick
DeSimone, Debra
Emerick, J. Tracy
Gordon, Richard
Harris, Jeffrey
Itse, Daniel
Major, Norman
O'Connor, John
Rice, Frederick
Sweeney, Joe
Tucker, Pamela

Allen, Mary
Birdsell, Regina
Duarte, Joe
Ferrante, Beverly
Grace, Curtis
Hodgdon, Bruce
Kappler, Lawrence
McKinney, Betsy
Oligny, Jeffrey
Sanders, Elisabeth
Sytek, John
Waterhouse, Kevin

Baldasaro, Alfred
Charron, Gene
Dumaine, Dudley
Fesh, Robert
Griffin, Mary
Hoelzel, Kathleen
Kolodziej, Walter
McMahon, Charles
Packard, Sherman
Schroadter, Adam
Tasker, Kyle
Weyler, Kenneth

Belanger, Ronald
Comerford, Timothy
Elliott, Robert
Garcia, Marilinda
Hagan, Joseph
Introne, Robert
Lundgren, David
Milz, David
Peckham, Michele
Sedensky, John
Tremblay, Stella

STRAFFORD

Gray, James
Parsons, Robbie

Groen, Warren
Pitre, Joseph

Jones, Laura

Mullen, John Jr

SULLIVAN

Grenier, James

Rollins, Skip

Smith, Steven

and the majority committee report was adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Daniel Eaton moved that the House reconsider its action whereby, on a roll call vote of 212-141, it adopted the majority committee report of Inexpedient to Legislate on **HB 323-FN**, establishing the Franklin Partin right-to-work act.

Rep. Daniel Eaton spoke against.

On a division vote, 133 members having voted in the affirmative and 218 in the negative, the motion failed.

REGULAR CALENDAR (CONT'D)

HB 134, relative to contingency funds in towns. **OUGHT TO PASS.**

Rep. Clyde J. Carson for Municipal and County Government: Under the current municipal budget law, towns are not permitted to set up contingency funds to cover unanticipated emergencies. This bill permits towns to establish contingency funds for unanticipated expenses as part of the annual warrant, and to make expenditures from such funds. Vote 11-4.

Committee report adopted and ordered to third reading.

HB 198, relative to town boundary perambulation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David A. Bickford for Municipal and County Government: It has been unclear whether selectmen can incorporate GPS coordinates in their perambulations. This bill enables them to do so. The amendment changes the term "GPS" to "recreational GPS." and makes its use enabling and not required. Vote 12-5.

Amendment (0073h)

Amend RSA 51:4 as inserted by section 1 of the bill by replacing it with the following:

51:4 Return. A return of the perambulation shall be made, particularly describing the courses and distances and the marks and monuments of such line which shall be signed by the selectmen or persons making the same, recorded in the respective town books, and filed with the secretary of state. ***The selectmen or persons making the perambulation may use the coordinates obtained using a recreational GPS devise to mark the town boundaries.***

AMENDED ANALYSIS

This bill allows GPS coordinates to be included during town boundary perambulations.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 179, repealing the law on weather modification experimentation. **INEXPEDIENT TO LEGISLATE.**

Rep. Nickolas J. Levasseur for Science, Technology and Energy: This bill sought to repeal a law that pertains to approval procedures for state participation and oversight of weather modification experiments. While the current law has not been used in recent memory, the committee felt that removing the ability of state agencies to participate and oversee any potential experimentation was unnecessary. This bill did not in any way seek to limit weather modification experiments, but simply to remove the state's ability to participate in and track them. The committee felt it was important for the state to be able to oversee and "keep tabs" on any future projects should they arise and did not see any value in removing the existing procedure. Vote 12-7.

Committee report adopted.

HB 307, relative to the removal of certain wood stoves upon the sale of a home and notification of such removal to the department of environmental services. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard D. LeVasseur for Science, Technology and Energy: The purpose of the bill was relative to the removal and destruction of certain woodstoves not certified for sale as new after July 1, 1986 by the government protection agency. The reason given was to reduce excessive particulate discharge from certain inefficient wood burning stoves. The committee had questions about enforcement, and financial reimbursement of the owner's property, hence the ITL motion. Vote 13-6.

Rep. Rideout spoke in favor.

Rep. Jones requested a roll call; sufficiently seconded.

YEAS 338 - NAYS 9**YEAS 338****BELKNAP**

Arsenault, Beth
DiMartino, Lisa
Greemore, Robert Jr
Raymond, Ian
Worsman, Colette

Burchell, Richard
Fields, Dennis
Gulick, Ruth
Sylvia, Michael

Comtois, Guy
Fink, Charles
Holmes, Stephen
Tilton, Franklin

Cormier, Jane
Flanders, Donald
Huot, David
Vadney, Herbert

CARROLL

Ahlgren, Christopher
Cordelli, Glenn
Nelson, Bill
White, Syndi

Buco, Thomas
Lavender, Tom
Schmidt, Stephen
Wright, Donald

Butler, Edward
McConkey, Mark
Ticehurst, Susan

Chandler, Gene
Morrow, Harry
Umberger, Karen

CHESHIRE

Ames, Richard
Emerson, Susan
Ley, Douglas
Robertson, Timothy
Weber, Lucy

Burridge, Delmar
Hunt, John
Mann, John
Sad, Tara
Weed, Charles

Butynski, William
Johnsen, Gladys
Parkhurst, Henry
Shepardson, Marjorie
Young, Harry

Eaton, Daniel
Lerandeau, Alfred
Roberts, Kris
Tatro, Bruce

COOS

Coulombe, Gary
Moynihan, Wayne
Theberge, Robert

Enman, Larry
Rappaport, Laurence
Thomas, Yvonne

Hammon, Marcia
Richardson, Herbert

Hatch, William
Rideout, Leon

GRAFTON

Almy, Susan
Cooney, Mary
Gionet, Edmond
Lauer, Linda
Nordgren, Sharon
Sykes, George

Benn, Bernard
Doolan, Ralph Jr
Harding, Laurie
Lovett, Sid
Pastor, Beatriz
Townsend, Charles

Bradley, Lester
Ford, Susan
Higgins, Patricia
Massimilla, Linda
Piper, Wendy
White, Andrew

Brown, Rebecca
Friedrich, Carol
Ladd, Rick Jr
Mulholland, Catherine
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Boehm, Ralph
Campbell, David
Christiansen, Lars
Culbert, Patrick
Dobson, Jeremy
Gale, Sylvia
Gorman, Mary
Hammond, Jill
Hinch, Richard
Jasper, Shawn
Kurk, Neal
Levasseur, Nickolas
MacKay, Mariellen
Meaney, Richard
Nelson, Mary
O'Flaherty, Tim
Palmer, Stephen
Porter, Marjorie
Rhodes, Brian
Sandblade, Emily
Soucy, Timothy
Stroud, Kathleen
Ulery, Jordan
Walsh, Robert Jr
Winters, Joel

Barry, Richard
Boisvert, Ronald
Carroll, Douglas
Coffey, James
Daniels, Gary
Flanagan, Jack
Garcia, Michael
Grady, Brenda
Hansberry, Daniel
Hopper, Gary
Judy, Jean
Lambert, George
LeVasseur, Richard
Manley, Jonathan Sr
Murotake, David
Notter, Jeanine
Ober, Lynne
Parison, James
Pratt, Calvin
Rosenwald, Cindy
Shattuck, Gilman
Souza, Kathleen
Sullivan, Daniel
Vail, Suzanne
Warden, Mark
Woodbury, David

Beaulieu, Jane
Burt, John
Cebrowski, John
Connor, Evelyn
Danielson, David
Gage, Ruth
Gidge, Kenneth
Graham, John
Hansen, Peter
Infantine, William
Katsiantonis, Thomas
LeBrun, Donald
Levesque, Melanie
Marston, Dick
Murphy, Keith
O'Brien, Michael Sr
Ober, Russell III
Pellegrino, Tony
Ramsey, Peter
Rowe, Robert
Shaw, Barbara
Spratt, Stephen
Sullivan, Peter
Vaillancourt, Steve
Willette, Robert

Belanger, James
Byron, Frank
Chandley, Shannon
Cote, David
DiSilvestro, Linda
Gagne, Larry
Goley, Jeffrey
Haefner, Robert
Heden, Ruth
Jack, Martin
Knowles, Mary Ann
Leishman, Peter
Long, Patrick
McCloskey, David
Murphy, Kelleigh
O'Brien, William
Palangas, Eric
Peterson, Lenette
Renzullo, Andrew
Sanborn, Laurie
Smith, Timothy
Straight, Philip
Sweeney, Shawn
Villeneuve, Moe
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Burns, Scott
Ebel, Karen
Gile, Mary
Hoell, J.R.
Kidder, David
Moffett, Howard
Rice, Chip
Schuett, Dianne
Wallner, Mary Jane
Webb, Leigh

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Henle, Paul
Hunt, Jane
Kotowski, Frank
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Walsh, Thomas IV

Bartlett, Christy
Carson, Clyde
Frazer, June
Hess, David
Karrick, David Jr
MacKay, James
Patten, Dick
Rogers, Katherine
Smith, Todd
Walz, Mary Beth

Bouchard, Candace
Davis, Frank
French, Barbara
Hirsch, Geoffrey
Kelly, Sally
McGuire, Carol
Ratzki, Mario
Schamberg, Thomas
Turcotte, Alan
Watrous, Rick

ROCKINGHAM

Abrami, Patrick
Bick, Patrick
Cahill, Michael
Cushing, Robert Jr
Dumaine, Dudley
Ferrante, Beverly
Gordon, Richard
Harris, Jeffrey
Hoelzel, Kathleen

Allen, Mary
Birdsell, Regina
Charron, Gene
DeSimone, Debra
Elliott, Robert
Fesh, Robert
Grace, Curtis
Heffron, Frank
Introne, Robert

Andrews-Ahearn, E. Elaine
Borden, David
Comerford, Timothy
Devine, James
Emerick, J. Tracy
Flockhart, Eileen
Griffin, Mary
Helmstetter, Barbara
Itse, Daniel

Baldasaro, Alfred
Briden, Steven
Copeland, Timothy
Duarte, Joe
Emerson-Brown, Rebecca
Garcia, Marlinda
Hagan, Joseph
Hodgdon, Bruce
Kappler, Lawrence

Khan, Aboul
Major, Norman
Milz, David
O'Connor, John
Peckham, Michele
Sanders, Elisabeth
Schroadter, Adam
Sytek, John
Ward, Gerald
Weyler, Kenneth

Kolodziej, Walter
Mann, Maureen
Moody, Marcia
Oligny, Jeffrey
Perkins, Amy
Sapareto, Frank
Sedensky, John
Till, Mary
Waterhouse, Kevin
Whittemore, Lisa

Lovejoy, Patricia
McKinney, Betsy
Muns, Chris
Packard, Sherman
Perkins, Lawrence
Scarlott, Joe
St.James, Kevin
Tremblay, Stella
Wazlaw, Brian

Lundgren, David
McMahon, Charles
Nigrello, Robert
Pantelakos, Laura
Rice, Frederick
Schlachman, Donna
Sweeney, Joe
Tucker, Pamela
Webb, James Sr

STRAFFORD

Baber, William
Burke, Rachel
Groen, Warren
Jones, Laura
Mullen, John Jr
Rogers, Rose Marie
Stevens, Audrey

Berube, Roger
Ginsburg, Philip
Hooper, Dorothea
Kaen, Naida
Parsons, Robbie
Rollo, Deanna
Verschuieren, James

Bickford, David
Grassie, Anne
Horrigan, Timothy
Ketel, Stephen
Perry, Robert
Smith, Marjorie
Wall, Janet

Bixby, Peter
Gray, James
Hubbard, Pamela
Malloy, Dennis
Pitre, Joseph
Spainhower, Dale
Ward, Kenneth

SULLIVAN

Cloutier, John
Lefebvre, Benjamin
Smith, Steven

Gagnon, Raymond
O'Hearne, Andrew
Tanner, Linda

Grenier, James
Rollins, Skip

Irwin, Virginia
Schmidt, Andrew

NAYS 9 BELKNAP

None

CARROLL

None

CHESHIRE

Chase, Cynthia

Phillips, Larry

COOS

None

GRAFTON

None

HILLSBOROUGH

Takesian, Charlene

MERRIMACK

Reed, Dennis

ROCKINGHAM

Cali-Pitts, Jacqueline

STRAFFORD

Burdwood, Greg

Miller, David

Schmidt, Peter

Spang, Judith

SULLIVAN

None

and the committee report was adopted.

HB 368, relative to the telecommunications planning and development initiative. **OUGHT TO PASS.**

Rep. Jacqueline A. Cali-Pitts for Science, Technology and Energy: This bill reestablishes the telecommunications planning and development committee commonly known as the TAB. The committee felt there was more work to do especially as related to broadband communications. A new member was also added to the committee representing medical technology which is vitally important to our state. Vote 16-2. Committee report adopted and ordered to third reading.

HB 219, limiting the authority of delegates to Article V convention. **WITHOUT RECOMMENDATION.**

Statement in support of Ought to Pass: The creation of restrictions on a delegate to a Constitutional Convention convened pursuant to Article V of the Constitution for the United States of America would enable the states to pursue the goal of a single issue Convention. This is necessary to seek amendments to the constitution which the congress will not present to the states because they return power to the states, or other otherwise limit the powers of the federal government. Without this tool it is unlikely that we will ever see meaningful economic reform at the federal level. Rep. Alfred P. Baldasaro.

Statement in support of Inexpedient to Legislate: This bill would seek to restrict the activities of New Hampshire delegates to a federal constitutional convention called under Article V, requiring that the NH legislature pass any potential amendments in advance before our delegates were allowed to even vote on them. Also, it would impose a criminal penalty if they did so, creating a dangerous precedent of punishing federal delegates for votes the state legislature does not like and prevent our delegates from voting in the best interests of the state. Rep. Timothy J. Smith.

Rep. Itse moved Ought to Pass, spoke in favor and yielded to questions.

Rep. Baldasaro spoke in favor.

Rep. Horrigan spoke against.

Rep. Timothy Smith spoke against and yielded to questions.

On a division vote, 128 members having voted in the affirmative and 223 in the negative, the motion failed.

Rep. Theberge moved Inexpedient to Legislate.

On a division vote, 231 members having voted in the affirmative and 119 in the negative, the motion was adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR

HB 269-L, authorizing a city or town to conduct a special meeting necessitated by changes in adequate education funding. **OUGHT TO PASS.**

Rep. Ralph G. Boehm for Education: This bill puts into law a provision for cities or towns to hold a special meeting, without court approval, if the adequacy funding law is changed after the school district meeting. This law also has the budget committee, if there is one, involved in any budget changes. Parts of this provision have been put into the adequacy funding changes in the past. This bill takes care of this for the future. Vote 18-0.

Rep. Gile moved Recommit and spoke in favor.

Adopted.

Recommitted to the Committee on Education.

HB 239, relative to online availability of certain county budget information and reports. **INEXPEDIENT TO LEGISLATE.**

Rep. Dorothea D. Hooper for Municipal and County Government: This bill requires county commissioners to make available on the county website certain county reports and information on the county's budget. While many counties already do this, this bill was considered an unfunded mandate. The committee felt the information is already available, just not on line. This could also present an additional expense for counties. Vote 14-2.

Reps. Cordelli and Meaney spoke against.

Rep. Danielson spoke in favor.

On a division vote, 236 members having voted in the affirmative and 112 in the negative, the committee report was adopted.

RESOLUTION

Rep. Shurtleff offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 14, 2013 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 229-FN, relative to a financial examination supervisor.

HB 230, relative to administrative supervision of insurers.

HB 231, relative to reinsurance.

HB 237, relative to home production of wine for personal or family use.

HB 301, relative to notice of sale in foreclosure proceedings.

HB 171, relative to the civil penalty for failure to make payment of workers' compensation.

HB 172, requiring the labor commissioner to maintain certain statistical information regarding payment of workers' compensation.

HB 187, relative to cost items in negotiated agreements.

HB 138, permitting a town that has adopted official ballot voting to use a topical description of the substance of a warrant article for the adoption of ordinances on the official ballot.

HB 182, relative to appointments to the assessing standards board.

HB 208, relative to annual reports of county officers.

HB 235, allowing counties to contract for professional real estate services for the sale or lease of county property.

HB 262, establishing a committee to study the construction of a permanent memorial to Governor John Gilbert Winant on state property other than the state house grounds.

HB 220, relative to the New Hampshire medal of honor.

HB 418, establishing a committee to study a program to address children in need.

HB 134, relative to contingency funds in towns.

HB 198, relative to town boundary perambulation.

HB 368, relative to the telecommunications planning and development initiative.

RECESS MOTION

Rep. Shurtleff moved that the House stand in recess for the purposes of the introduction of bills and receiving Senate messages.

Adopted.

The House recessed at 12:40 p.m.

RECESS