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New Hampshire

HOUSE RECORD

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Concord, N.H.

Thursday, February 20, 2020

No. 5

HOUSE JOURNAL NO. 4 (Cont'd)

Wednesday, February 19, 2020

Rep. Ley moved that the House adjourn.
Motion adopted.

HOUSE JOURNAL NO. 5

Thursday, February 20, 2020

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 Kate Atkinson, Rector of St. Paul's Church in Concord.

We pray for Your blessing, O God, on the members of this House, on Speaker Shurtleff, and on the many people who support them in their work and who ease the legislative process. We pray too for Your blessing, on the people represented here, by this body; the citizens of New Hampshire who chose them, and who trust them to be faithful, honorable spokespeople for the needs of this Granite State. We give thanks for honest government and fair representation, and we recognize the power that comes with freedom. In this momentous year, as we focus our minds on future decisions, help us to continue to use that power thoughtfully, with open eyes, listening ears, and discerning hearts. Thank You, God, for the blessing of free will. Please guide the decisions made here today, and inspire us all to make wise and thoughtful choices for the good of Your beloved people, in this state, this country, and throughout the world. Amen.

Representative Erin Hennessey, member from Littleton, led the Pledge of Allegiance.

The National Anthem was sung by Annabelle Mullins, a student at Profile School in Bethlehem.

LEAVES OF ABSENCE

Reps. Boehm, Callum, Comeau, Pickering, Schultz, Snow, Tatro, Vincent and Webb, the day, illness.

Reps. Comtois, Cote, Fargo, Faulkner, Fothergill, French, Gomarlo, Barbara Griffin, Long, Mangipudi, McBride, Milz, Stephen Pearson, Plumer, Rooney, Ruprecht, Schamberg, Stavis and Towne, the day, important business.

Reps. Crawford, Jeudy, L'Heureux and Wolf, the day, illness in the family.

Rep. Buco, the day, death in the family.

INTRODUCTION OF GUESTS

Sophia Biondolillo, student at Virtual Learning Academy Charter School, Page for the day.

Amy Mullins and Karen Blosser, mother and great-aunt of the singer, guests of Rep. Hennessey. Kimberly Meuse, wife of Rep. Meuse.

UNANIMOUS CONSENT

Reps. Hinch and Beaulieu, accompanied by the Merrimack Delegation requested Unanimous Consent of the House regarding memorial remarks for the former member from Merrimack, the Honorable Peter Batula and addressed the House.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of the former member from Merrimack, the Honorable Peter Batula.

MOTION TO PRINT REMARKS

Without objection, Speaker Shurtleff ordered the remarks made by Reps. Hinch and Beaulieu printed in the Permanent Journal.

REMARKS

Representative Beaulieu: Thank you, Mister Speaker. I'm here this morning to recognize former State Representative Peter Batula who passed away October 19, 2019. He was born in Harrisburg, Pennsylvania on April 27, 1937 to the late Stojan and Mildred Batula. From a very humble beginning in rural Pennsylvania, Peter was able to rise up and become a senior leader at the H.J. Heinz Company, a proud member of the New England Patriots advisory board for 10 years and a State Representative and Committee Chair at the State House in Concord, representing Merrimack, New Hampshire for 14 years after retirement. Although a very distinguished, proud and active member of his community, Peter's first love, passion and trait was his amazing devotion and love for his family and his commitment to his faith, his church and God. Peter was a true inspiration to all that were lucky enough to get to know him. I knew Peter for several years and Peter and I never agreed on anything political, nothing. He was a very lovely man, very kind. His wife Jan is in the gallery along with his daughter Carrie, his son Jeff and Jeff's wife Alyssa. He had several grandchildren and 5 great-grandchildren and he will be missed. I'm happy to be here to recognize Representative Batula. Thank you.

Representative Hinch: Thank you very much. I also want to recognize Rep. Batula. Peter was a very close and dear friend of mine, a mentor. If you missed it, he served in the House and he was actually the Chair of HHS for 3 terms and when he wasn't the Chair, he was the ranking member and he along with now Senator Rosenwald crafted some great legislation together that furthered the efforts of Health and Human Services. Peter was an avid hunter and he would remind us of that talking about his trips, and he took a number of trips with former Speaker of the House, Gene Chandler. The two of them were inseparable friends. Peter also was a trustee of the charter school in Merrimack, which I believe was actually the first charter school in New Hampshire, and he really believe deeply in that. One of his signature pieces for the residents of Merrimack was that he had a newspaper article which we all remember that talked about the legislation that took place within the House in a given week. Everyone in town kind of looked forward to his summary of that and if he thought that the legislation was not to his liking, then his famous quote was, "We drove a stake in it." Peter, may you rest in peace. We love you and we love the family. Thank you.

UNANIMOUS CONSENT

Rep. Harriott-Gathright, accompanied by Reps. DiLorenzo and Komi, requested Unanimous Consent of the House regarding Black History Month and addressed the House.

MOTION TO PRINT REMARKS

Rep. Baldasaro moved that the remarks made by Rep. Harriott-Gathright during Unanimous Consent be printed in the Permanent Journal.

Motion adopted.

REMARKS

Representative Harriott-Gathright: Good morning Mister Speaker and fellow colleagues. We are going to present some of the rich black history of New Hampshire. Portsmouth, New Hampshire has been to Africans and African Americans for more than 350 years, has been a home. Upon examination of their stories we find that against the odds of early enslavement and subsequent marginalization, Africans and their descendants built communities and families, founded institutions and served their towns, state and nation in many capacities. The first known black person in Portsmouth, New Hampshire came from the West coast of Africa in 1645. He was captured one Sunday when slave merchants attacked his village in Guinea killing about 100 persons and wounding others. Upon arrival in Boston, the slave was bought by a Mr. Williams. When the general court of the colony learned of the raid and kidnapping, the court ordered the merchant to return the African to his home. The size of the black population in the 17th century New Hampshire was small and therefore easily overlooked. However, surveys of wills, inventory show that slaves were included in the estates of several prominent early Portsmouth families. Additional evidence that mulattos, negroes and slaves were present can be found in laws which were adopted around the turn of the century. They were similar to the restrictive laws enacted in other colonies which controlled activities of both servants and masters. A number of laws prohibited servants from roaming through town without their master's permission, being about in the nighttime after 9:00, from drinking in public taverns and the like. Did you know that Ona Marie Judge, the slave to Martha Washington, who escaped to Portsmouth by ship in 1796, made her home in Greenland, after evading several attempts by George Washington to return her to slavery in Virginia? Judge married and raised a family in a home on what is now Dearborn Road. Her story is told in a bestseller book, *Never Caught*. We are going to do a couple excerpts from *I have a Dream* by Dr. Martin Luther King, Jr. "I have a dream that one day this nation will rise up and live out the true meaning of its creed: 'We hold these truths to be self-evident, that all men are created equal.'" I have a dream that one day on the red hills of Georgia the sons of former slaves and the sons of former slave-owners will be able to sit down together at the table of brotherhood. I have a dream that one day even the state of Mississippi, a state sweltering with the heat of injustice, sweltering with the heat of oppression, will be transformed into an oasis of freedom and justice."

Representative DiLorenzo: “I have a dream that one day, that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character. I have a dream. I have a dream that one day in Alabama, with its vicious racists, with its governor having his lips dripping with the words of interposition and nullification, one day right there in Alabama little black boys and black girls will be able to join hands with little white boys and white girls as sisters and brothers. I have a dream today. I have a dream that one day every valley shall be exalted, every hill and mountain shall be made low. The rough places will be made plain, and the crooked places will be made straight. And the glory of the Lord shall be revealed, and all flesh shall see it together.”

Representative Komi: “This is our hope. This is the faith that I go back to the South with. With this faith we will be able to hew out of the mountain of despair a stone of hope. With this faith we will be able to transform the jangling discords of our nation into a beautiful symphony of brotherhood. With this faith we will be able to work together, to pray together, to struggle together, to go to jail together, to stand up for freedom together, knowing that we will be free one day. This will be the day when all of God’s children will be able to sing with new meaning. “My country, ‘tis of thee, sweet land of liberty, of thee I sing. Land where my fathers died, land of the pilgrim’s pride, from every mountain side, let freedom ring.” And if America is to be a great nation, this must become true. So let freedom ring from the prodigious hilltops of New Hampshire. Let freedom ring from the mighty mountains of New York. Let freedom ring from the heightening Alleghenies of Pennsylvania. Let freedom ring from the snowcapped Rockies of Colorado. Let freedom ring from the curvaceous slopes of California. But not only that. Let freedom ring from Stone Mountain of Georgia. Let freedom ring from Lookout Mountain of Tennessee. Let freedom ring from every hill and molehill of Mississippi, from every mountain side. Let freedom ring. When this happens and when we allow freedom to ring, we will let it ring from every village and every hamlet, from every state and every city, we will be able speed up that day when all of God’s children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual, “Free at last, Free at last, Great God a-mighty, We are free at last.”

MOTION TO PRINT DEBATE

Rep. Horn moved that the debate from Wednesday, February 19, 2020 on **HB 1563-FN**, relative to the use of funds in the drug forfeiture fund, be printed in the Permanent Journal.

Motion adopted.

DEBATE ON HB 1563-FN

Representative Horrigan: Thank you very much, Mister Speaker. It is fashionable to say that the war on drugs has been a failure, but that is not true. Even the opioid crisis which is we all know is truly a crisis, substance misuse in general is less prevalent than it has been in the past and it’s also less socially acceptable than it was in the past. And it’s also fashionable to say that we can’t incarcerate our way out of the drug crisis and that’s true too. But we can’t rely on treatment programs alone to solve the drug crisis. Actually and unfortunately our correctional system is actually one of the places where drug treatment is provided. Anyway, we need prevention and prevention includes catching and prosecuting drug dealers, both the street level dealers and their suppliers. And who catches those dealers? Our law enforcement officers, that’s who. I see there is a large number of them up in the balcony but I think they are here for another bill more than this one, but thanks for being here. Our officers catch many of those who suffer from addiction and that’s not always a bad thing. Sometimes being incarcerated is the shock that’s needed to make you realize that you need to take responsibility. And, failing that, incarcerated dealers are at least not out on the streets. Currently, the state drug forfeiture fund is administered by the Attorney General’s office and directs a relatively small amount of money. Last year it was a little over a quarter million dollars towards paying for the costs of local, county and state drug related investigations and also for drug control law enforcement programs within New Hampshire. I believe this has been an effective source for funding and the most effective use for that money. If we pass HB 1563 the drug forfeiture fund becomes an almost totally unregulated slush fund for the governor which he or she can use to give money with no strings attached to just about any feel-good program that calls itself a mental health and drug treatment program. Aside from the Executive Council there would be no oversight whatsoever about how this fund is used. We have had enough problems already with the failure of ill-conceived and sometimes just plain fraudulent mental health and drug programs. I think the last thing we need to do is add this unregulated fund to the mix. The best place to use this money is right where we have been using it on law enforcement. Thank you very much.

Speaker Shurtleff: The question before the House is the recommendation that HB 1563 Ought to Pass. The Chair recognizes the member from Belmont, Rep. Sylvia, to speak in support of the recommendation.

Representative Sylvia: Thank you, Mister Speaker. Mister Speaker, we have two long days ahead of us so when we have a bill that has a strong bipartisan Ought to Pass motion before it. It speaks to a very short speech. This is a bill that will direct the Attorney General’s drug forfeiture fund into the Governor and Council so it’s not a slush fund for the governor. This is a prudent measure because we typically do not want those who are out bringing in the funds to actually also be able to spend it. This gives more transparency to the process. With that said, I think this is a good bill. I think that our strong bipartisan majority of the Judiciary Committee considered this bill well and I believe that we should pass this today for it is a good bill. Thank you.

Speaker Shurtleff: The question before the House is the recommendation that HB 1563 Ought to Pass. A roll call has been requested. Is that sufficiently seconded? It is sufficiently seconded. This will be a roll call vote. Members will kindly take their seats. The question before the House is the recommendation that HB 1563 Ought to Pass. The Chair recognizes Rep. Horrigan for a parliamentary inquiry.

Representative Spillane: Thank you very much, Mister Speaker. If I know that treatment is necessary to solve the drug crisis and that law enforcement can't do it alone. If I also know that law enforcement is a very essential part of the fight against the substance misuse epidemic. If I know that this fund has been used very effectively in the past. And, if I know that this is the most effective way to use the small amount of money that goes into the state drug forfeiture fund, would I now keep the law the way it is and it's been very a good law, I believe, by supporting our Attorney General's office and law enforcement by voting red to ITL this feel good and well-meaning but ill-conceived bill? Please vote red against the Ought to Pass so that an alternative motion can be introduced. My apologies. Thank you.

Speaker Shurtleff: The question before the House is the recommendation that HB 1563 Ought to Pass. The Chair recognizes Rep. Spillane for a parliamentary inquiry.

Representative Spillane: Thank you, Mister Speaker and I thank the members. If I know that the large bipartisan support for HB 1563 from the Judiciary Committee followed by a large bipartisan support from this entire House would send a message to New Hampshire that we are serious about finding new ways to fight addiction without relying on unstable federal funding. And, if I know that HB 1563 rightfully puts the ill-gotten gains of those caught and convicted of trafficking in illegal drugs into the hands of those fighting to prevent addiction and heal those who are victims of addiction. And, if I know that New Hampshire has the 2nd highest rate in the nation of children affected in some way by the addiction crisis at 51 out of every 1,000 children and last year while we had nearly \$500,000 forfeited criminal assets, we watched the closing of Granite Pathways, our only residential youth treatment facility. And, if I know that greater transparency to criminal asset forfeiture creates greater confidence in the population that the state is doing the right thing and none of our dedicated and devoted police in New Hampshire are arresting for profit but are partners in this battle against addiction. And, finally if I know that families like the Johnston's with us in the gallery today are watching us closely to see how we will make changes that will help prevent the continued and insidious loss of a generation, would I now press the green button?

Speaker Shurtleff: The question before the House is the recommendation that the bill Ought to Pass. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. Have all members present had an opportunity to vote? The House will be attentive to the state of the vote. With 329 members voting Yea and 21 voting Nay, the motion carries. I just want to say Mrs. Johnston, to you and your family that thank you for being with us this morning. You and your family are in our thoughts and our prayers. God bless you all.

MOTION TO SPECIAL ORDER

Rep. Ley moved that **SB 684-FN**, relative to Medicaid to schools, be made a Special Order to its regular place in the calendar.

Motion adopted.

REGULAR CALENDAR PART II CONT'D

HB 1379-FN, requiring a background check for commercial firearms sales. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David Meuse for the Majority of Criminal Justice and Public Safety. This bill is a commonsense measure designed to keep guns out of the hands of felons, respondents in domestic violence restraining orders, and other prohibited parties. It requires commercial firearms sales or transfers in New Hampshire to be subject to a criminal background check and provides a criminal penalty for a violation. Currently, the federal law on background checks only applies to sales by federally licensed firearms dealers. This situation effectively exempts commercial transactions between private parties. The bill seeks to close this so-called "private sale loophole" in state and federal law by requiring commercial transactions taking place between private parties who are not licensed firearms dealers to include a criminal background check to be obtained through a licensed firearms dealer. Because of this loophole, an estimated 22% of all gun sales taking place each year are completed without a background check. The bill sensibly exempts transactions between family members and sales to licensed dealers, licensed collectors, licensed manufacturers, and licensed firearms importers. It also exempts law enforcement agencies, law enforcement officers, and active duty members of the US Armed Forces. Vote 11-9.

Rep. Daryl Abbas for the Minority of Criminal Justice and Public Safety. Federal law already requires background checks on all commercial sales of firearms. It is already illegal to transfer ownership of a firearm to a prohibited person. Despite the confusing and conflicting language inside the bill, this bill would virtually prohibit private commercial sales of firearms including a gift between two individuals.

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

Reps. Burt and Abbas spoke against and yielded to questions.

Rep. Meuse spoke in favor and yielded to questions.

Rep. Rogers spoke in favor.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 196 - NAYS 152

YEAS - 196

CARROLL

Burroughs, Anita
Ticehurst, Susan

Butler, Edward
Woodcock, Stephen

DesMarais, Edith

Knirk, Jerry

CHESHIRE

Abbott, Michael
Fenton, Donovan
Meader, David
Thompson, Craig

Ames, Richard
Harvey, Cathryn
Parkhurst, Henry
Von Plinsky, Sparky

Berch, Paul
Ley, Douglas
Schapiro, Joe
Weber, Lucy

Bordenet, John
Mann, John
Swinburne, Sandy

COOS

Hatch, William
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

Noel, Henry

GRAFTON

Abel, Richard
Diggs, Francesca
Ford, Susan
Mulligan, Mary Jane
Smith, Suzanne

Adjutant, Joshua
Dontonville, Roger
Josephson, Timothy
Muscatel, Garrett
Sykes, George

Almy, Susan
Egan, Timothy
Maes, Kevin
Nordgren, Sharon
Weston, Joyce

Campion, Polly
Fellows, Sallie
Massimilla, Linda
Osborne, Richard

HILLSBOROUGH

Bouldin, Amanda
Beaulieu, Jane
Bouchard, Donald
Connors, Erika
DiSilvestro, Linda
Freitas, Mary
Hamer, Heidi
Indruk, Greg
Komi, Richard
Martin, Joelle
Murphy, Nancy
Pedersen, Michael
Query, Joshua
Rung, Rosemarie
Stack, Kathryn
Vail, Suzanne
Wilhelm, Matthew

Bouldin, Andrew
Bernet, Jennifer
Chretien, Jacqueline
Cornell, Patricia
Dutzy, Sherry
Gidge, Kenneth
Harriott-Gathright, Linda
Schmidt, Janice
Langley, Diane
McGhee, Kat
Nutter-Upham, Frances
Petrigno, Peter
Newman, Ray
Newman, Sue
Stevens, Deb
Van Houten, Constance
Williams, Kermit

Backus, Robert
Bordy, William
Cleaver, Skip
Dargie, Paul
Espitia, Manny
Griffith, Willis
Heath, Mary
Klee, Patricia
Leishman, Peter
Mombourquette, Donna
Nutting-Wong, Allison
Piedra, Israel
Radhakrishnan, Julie
Sofikitis, Catherine
Telerski, Laura
Vann, Ivy
Woodbury, David

Balch, Chris
Bosman, James
Cohen, Bruce
Desjardin, Kathy
Davis, Fred
Hall, Brett
Herbert, Christopher
Klein-Knight, Nicole
Murray, Megan
Mullen, Sue
O'Brien, Michael
Porter, Marjorie
Riel, Cole
St. John, Michelle
Toomey, Dan
Thomas, Wendy

MERRIMACK

Bartlett, Christy
Ebel, Karen
Karrick, David
McWilliams, Rebecca
Richards, Beth
Schuett, Dianne
Wazir, Safiya

Buchanan, Ryan
Ellison, Arthur
Lane, Connie
Moffett, Howard
Rodd, Beth
Soucy, Timothy
Wells, Kenneth

Carson, Clyde
Fox, Samantha
Luneau, David
Myler, Mel
Rogers, Katherine
Wallner, Mary Jane
Woods, Gary

Doherty, David
Fulweiler, Joyce
MacKay, James
Pimentel, Roderick
Saunderson, George
Walz, Mary Beth

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
Edgar, Michael
Grote, Jaci
Lovejoy, Patricia
McConnell, Liz
Somssich, Peter

Berrien, Skip
Cali-Pitts, Jacqueline
Eisner, Mary
Murray, Kate
Maggiore, Jim
Meuse, David
Ward, Gerald

Bunker, Lisa
Cushing, Robert Renny
Gilman, Julie
Le, Tamara
Malloy, Dennis
Pantelakos, Laura
Warner, Anne

Bushway, Patricia
DiLorenzo, Charlotte
Grossman, Gaby
Loughman, Tom
McBeath, Rebecca
Read, Ellen

STRAFFORD

Bixby, Peter
Ellis, Donna
Grassie, Chuck
Kenney, Cam
Schmidt, Peter
Southworth, Thomas

Cannon, Gerri
Fontneau, Timothy
Higgins, Peg
Levesque, Cassandra
Rich, Cecilia
Spang, Judith

Chase, Wendy
Frost, Sherry
Horrigan, Timothy
Smith, Marjorie
Salloway, Jeffrey
Treleven, Susan

Conley, Casey
Gourgue, Amanda
Keans, Sandra
Operbecke, Linn
Sandler, Catt
Wall, Janet

SULLIVAN

Cloutier, John
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

Sullivan, Brian

NAYS - 152**BELKNAP**

Aldrich, Glen
Howard, Raymond
Beaudoin, Richard
Tilton, Franklin

Bean, Harry
Jurius, Deanna
Spanos, Peter
Varney, Peter

Feeney, George
Lang, Timothy
St. Clair, Charlie
Viens, Harry

Fields, Dennis
Mackie, Jonathan
Sylvia, Michael

CARROLL

Avellani, Lino
Marsh, William

Cordelli, Glenn
Nelson, Bill

Kanzler, Harrison

MacDonald, John

CHESHIRE

Eaton, Daniel

Hunt, John

O'Day, John

COOS

Craig, Kevin

Furbush, Michael

Merner, Troy

GRAFTON

Gordon, Edward
Stringham, Jerry

Hennessey, Erin

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
Burt, John
Fedolfi, Jim
Gould, Linda
Hinch, Richard
Ober, Lynne
Notter, Jeanine
Proulx, Mark
Rice, Kimberly
Lekas, Tony

Alexander, Joe
Camarota, Linda
Flanagan, Jack
Graham, John
Hopper, Gary
Lascelles, Richard
Nunez, Hershel
Prout, Andrew
Sanborn, Laurie

Barry, Richard
Danielson, David
Gagne, Larry
Greene, Bob
Jack, Martin
Marzullo, JP
Panasiti, Reed
Ober, Russell
Shaw, Barbara

Burns, Charles
Erf, Keith
Goley, Jeffrey
Gunski, Michael
King, Mark
McLean, Mark
Plett, Fred
Renzullo, Andrew
Somero, Paul

MERRIMACK

Allard, James
Kotowski, Frank
Testerman, Dave

Hill, Gregory
McGuire, Carol
Turcotte, Alan

Horn, Werner
Pearl, Howard
Walsh, Thomas

Klose, John
Seaworth, Brian
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Costable, Michael
Desilets, Joel
Edwards, Jess
Green, Dennis
Hoelzel, Kathleen
Katsakiores, Phyllis
Lundgren, David
McKinney, Betsy
Packard, Sherman
Prudhomme-O'Brien, Katherine
Torosian, Peter
Vose, Michael
Yokela, Josh

Abrami, Patrick
Barnes, Arthur
Davis, Dan
DeSimone, Debra
Elliott, Robert
Guthrie, Joseph
Osborne, Jason
Khan, Aboul
Griffin, Mary
McMahon, Charles
Piemonte, Tony
Roy, Terry
True, Chris
Wallace, Scott

Abramson, Max
Bershtein, Alan
Thomas, Douglas
Dolan, Tom
Fowler, William
Harb, Robert
Janigian, John
Kolodziej, Walter
Pearson, Mark
Melvin, Charles
Potucek, John
Spillane, James
Vallone, Mark
Welch, David

Acton, Dennis
Chirichiello, Brian
DeClercq, Edward
Doucette, Fred
Gay, Betty
Hobson, Deborah
Janvrin, Jason
Love, David
Major, Norman
O'Connor, John
Pratt, Kevin
Sytek, John
Verville, Kevin
Weyler, Kenneth

STRAFFORD

Harrington, Michael
Perreault, Mona

Hayward, Peter
Beaudoin, Steven

Horgan, James
Wuelper, Kurt

Kittredge, Mac

SULLIVAN

Aron, Judy
Rollins, Skip

Laware, Thomas
Stapleton, Walter

Lucas, Gates
Smith, Steven

Merchant, Gary

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

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

Rep. Ulery did not vote and notified the Clerk that he wished to be recorded against.

HB 1625-FN, reducing the penalty for certain first offense drug possession charges. **OUGHT TO PASS.**

Rep. John Bordenet for Criminal Justice and Public Safety. This bill reduces the penalty for first offense of simple possession cases. We know of no good reason to charge a first-time offender with a serious crime. We are hopeful that the first exposure to our court system will be a wakeup call to change their behavior. We also eliminate the mandatory minimum sentences for more serious crimes to allow judges discretion. Vote 14-6. Committee report adopted and ordered to third reading.

HB 1648-FN, relative to the home cultivation of cannabis plants and the possession of certain cannabis-infused products. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Scott Wallace for Criminal Justice and Public Safety. This bill eliminates the civil penalty for adults 21 and older possessing 3/4 ounce or less of cannabis, and it eliminates the criminal penalty for adults possessing up to six plants, of which three may be mature. The bill would put New Hampshire's laws more nearly into line with the laws in neighboring jurisdictions, which have all legalized cannabis possession and cultivation. The bill maintains current penalties against selling cannabis and driving while impaired, and public consumption would be punishable by a fine. The majority believes that the state should not continue to expend limited law enforcement resources to enforce a prohibition that two thirds of Granite Staters believe should be repealed. Vote 13-7.

Amendment (0252h)

Amend RSA 318-B:2-c, I-c as inserted by section 3 of the bill by replacing it with the following:

I-c. No person shall consume cannabis in a public place. A person 21 years of age or older who violates this paragraph shall be guilty of a violation and may be fined not more than \$100.

Committee amendment adopted.

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

Rep. McGuire spoke in favor.

Rep. Abrami spoke against and yielded to questions.

Rep. Conley spoke in favor, yielded to questions and requested a roll call; sufficiently seconded.

YEAS 236 - NAYS 112**YEAS - 236
BELKNAP**

Aldrich, Glen
Sylvia, Michael

Bean, Harry
Viens, Harry

Mackie, Jonathan

St. Clair, Charlie

CARROLL

Avellani, Lino
Kanzler, Harrison

Burroughs, Anita
Knirk, Jerry

Butler, Edward
Ticehurst, Susan

DesMarais, Edith
Woodcock, Stephen

CHESHIRE

Abbott, Michael
Eaton, Daniel
Ley, Douglas
Schapiro, Joe
Weber, Lucy

Ames, Richard
Fenton, Donovan
Mann, John
Swinburne, Sandy

Berch, Paul
Harvey, Cathryn
Meader, David
Thompson, Craig

Bordenet, John
Hunt, John
O'Day, John
Von Plinsky, Sparky

COOS

Craig, Kevin
Moynihan, Wayne

Furbush, Michael
Noel, Henry

Hatch, William
Tucker, Edith

Laflamme, Larry

GRAFTON

Abel, Richard
Dontonville, Roger
Josephson, Timothy
Osborne, Richard
Weston, Joyce

Adjutant, Joshua
Egan, Timothy
Maes, Kevin
Stringham, Jerry

Campion, Polly
Ford, Susan
Mulligan, Mary Jane
Smith, Suzanne

Diggs, Francesca
Hennessey, Erin
Muscatel, Garrett
Sykes, George

HILLSBOROUGH

Lekas, Alicia
Beaulieu, Jane
Bosman, James
Cleaver, Skip
Dargie, Paul
Erf, Keith
Freitas, Mary
Hall, Brett
Indruk, Greg
Klee, Patricia
Langley, Diane

Bouldin, Amanda
Bergeron, Paul
Bouchard, Donald
Cohen, Bruce
Desjardin, Kathy
Espitia, Manny
Gidge, Kenneth
Hamer, Heidi
Schmidt, Janice
Klein-Knight, Nicole
Lascelles, Richard

Bouldin, Andrew
Bernet, Jennifer
Burt, John
Connors, Erika
DiSilvestro, Linda
Davis, Fred
Griffith, Willis
Heath, Mary
Jack, Martin
Komi, Richard
Murray, Megan

Balch, Chris
Bordy, William
Chretien, Jacqueline
Cornell, Patricia
Dutzy, Sherry
Flanagan, Jack
Gunski, Michael
Herbert, Christopher
King, Mark
Ober, Lynne
McGhee, Kat

McLean, Mark
Nutter-Upham, Frances
Petrigno, Peter
Prout, Andrew
Renzullo, Andrew
Sanborn, Laurie
Stack, Kathryn
Telerski, Laura
Van Houten, Constance
Williams, Kermit

Mombourquette, Donna
Nutting-Wong, Allison
Piedra, Israel
Query, Joshua
Rice, Kimberly
Shaw, Barbara
Stevens, Deb
Toomey, Dan
Vann, Ivy
Woodbury, David

Murphy, Nancy
O'Brien, Michael
Porter, Marjorie
Newman, Ray
Riel, Cole
Sofikitis, Catherine
Lekas, Tony
Ulery, Jordan
Thomas, Wendy

Nunez, Hershel
Pedersen, Michael
Proulx, Mark
Ober, Russell
Rung, Rosemarie
St. John, Michelle
Smith, Timothy
Vail, Suzanne
Wilhelm, Matthew

MERRIMACK

Bartlett, Christy
Fox, Samantha
Lane, Connie
Pearl, Howard
Rogers, Katherine
Wallner, Mary Jane
Woods, Gary

Buchanan, Ryan
Fulweiler, Joyce
MacKay, James
Pimentel, Roderick
Saunderson, George
Walz, Mary Beth
Yakubovich, Michael

Carson, Clyde
Horn, Werner
McGuire, Carol
Richards, Beth
Seaworth, Brian
Wazir, Safiya

Ellison, Arthur
Karrick, David
McWilliams, Rebecca
Rodd, Beth
Turcotte, Alan
Wells, Kenneth

ROCKINGHAM

Abramson, Max
Bunker, Lisa
Davis, Dan
Edgar, Michael
Grossman, Gaby
Le, Tamara
McBeath, Rebecca
Piemonte, Tony
Spillane, James
Wallace, Scott

Acton, Dennis
Chirichiello, Brian
Desilets, Joel
Edwards, Jess
Osborne, Jason
Loughman, Tom
McConnell, Liz
Read, Ellen
True, Chris
Ward, Gerald

Altschiller, Debra
Costable, Michael
DiLorenzo, Charlotte
Fowler, William
Murray, Kate
Lovejoy, Patricia
Melvin, Charles
Roy, Terry
Vallone, Mark
Warner, Anne

Bershtein, Alan
Cushing, Robert Renny
Dolan, Tom
Gilman, Julie
Khan, Aboul
Maggiore, Jim
Meuse, David
Somssich, Peter
Verville, Kevin
Yokela, Josh

STRAFFORD

Bixby, Peter
Fontneau, Timothy
Harrington, Michael
Kenney, Cam
Rich, Cecilia
Spang, Judith

Cannon, Gerri
Frost, Sherry
Higgins, Peg
Kittredge, Mac
Beaudoin, Steven
Treleaven, Susan

Chase, Wendy
Gourgue, Amanda
Horrigan, Timothy
Smith, Marjorie
Salloway, Jeffrey
Wall, Janet

Conley, Casey
Grassie, Chuck
Keans, Sandra
Schmidt, Peter
Sandler, Catt

SULLIVAN

Aron, Judy
Merchant, Gary
Sullivan, Brian

Cloutier, John
O'Hearne, Andrew
Tanner, Linda

Laware, Thomas
Oxenham, Lee

Lucas, Gates
Stapleton, Walter

NAYS - 112

BELKNAP

Feeney, George
Lang, Timothy
Varney, Peter

Fields, Dennis
Beaudoin, Richard

Howard, Raymond
Spanos, Peter

Jurius, Deanna
Tilton, Franklin

CARROLL

Cordelli, Glenn

MacDonald, John

Marsh, William

Nelson, Bill

CHESHIRE

Parkhurst, Henry

COOS

Merner, Troy

Thomas, Yvonne

GRAFTON

Almy, Susan
Massimilla, Linda

Fellows, Sallie
Migliore, Vincent Paul

Gordon, Edward
Nordgren, Sharon

Ladd, Rick

HILLSBOROUGH

Alexander, Joe
Camarota, Linda
Goley, Jeffrey
Harriott-Gathright, Linda
Martin, Joelle
Plett, Fred

Backus, Robert
Danielson, David
Gould, Linda
Hinch, Richard
Marzullo, JP
Radhakrishnan, Julie

Barry, Richard
Fedolfi, Jim
Graham, John
Hopper, Gary
Mullen, Sue
Newman, Sue

Burns, Charles
Gagne, Larry
Greene, Bob
Leishman, Peter
Panasiti, Reed
Somero, Paul

MERRIMACK

Allard, James
Klose, John
Myler, Mel
Walsh, Thomas

Doherty, David
Kotowski, Frank
Schuett, Dianne

Ebel, Karen
Luneau, David
Soucy, Timothy

Hill, Gregory
Moffett, Howard
Testerman, Dave

ROCKINGHAM

Abbas, Daryl
Berrien, Skip
Thomas, Douglas
Eisner, Mary
Grote, Jaci
Hoelzel, Kathleen
Kolodziej, Walter
Pearson, Mark
McMahon, Charles
Potucek, John
Torosian, Peter

Abrami, Patrick
Bushway, Patricia
DeClercq, Edward
Elliott, Robert
Guthrie, Joseph
Janigian, John
Love, David
Major, Norman
O'Connor, John
Pratt, Kevin
Vose, Michael

Baldasaro, Al
Cahill, Michael
DeSimone, Debra
Gay, Betty
Harb, Robert
Janvrin, Jason
Lundgren, David
Malloy, Dennis
Packard, Sherman
Prudhomme-O'Brien, Katherine
Welch, David

Barnes, Arthur
Cali-Pitts, Jacqueline
Doucette, Fred
Green, Dennis
Hobson, Deborah
Katsakiores, Phyllis
Griffin, Mary
McKinney, Betsy
Pantelakos, Laura
Sytek, John
Weyler, Kenneth

STRAFFORD

Ellis, Donna
Perreault, Mona

Hayward, Peter
Southworth, Thomas

Horgan, James
Wuelper, Kurt

Opderbecke, Linn

SULLIVAN

Rollins, Skip

and the committee report was adopted.

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

HB 1654-FN, relative to previous convictions for driving while intoxicated. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Daryl Abbas for the Majority of Criminal Justice and Public Safety. Under the current law, to convict a person of a subsequent drunk driving charge, the prior conviction must have occurred within 10 years of the subsequent offense. This bill will extend the look-back period for third and fourth offenses to 20 years. Under the current law, it is unlikely that the third and fourth offenses would occur within the initial 10-year look-back period. People convicted of more than 3 offenses have not been rehabilitated and continue to engage in behavior that creates a serious risk to public safety and should not have such leniency under the law. Vote 11-9. Rep. Beth Rodd for the Minority of Criminal Justice and Public Safety. NH has effective, comprehensive DUI laws. Increasing a "look back" period from 10 years to 20 years is excessive and unnecessary. For these reasons the minority recommends inexpedient to legislate.

MOTION TO LAY ON THE TABLE

Rep. Ley moved that **HB 1654-FN**, relative to previous convictions for driving while intoxicated, be laid on the table. Motion adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Oxenham moved that the House reconsider its action whereby, on a roll call vote of 203-127, the House adopted the majority committee report of Inexpedient to Legislate on **HB 1661-FN-L**, relative to the exemption from property taxes for water and air pollution control facilities. On a division vote, with 105 members having voted in the affirmative, and 244 in the negative, the motion failed. Rep. Ley declared a conflict of interest and did not participate.

REGULAR CALENDAR PART II CONT'D

HB 1336, relative to disclosure of information regarding high school student assessment. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David Luneau for the Majority of Education. By statute, the Department of Education can use either the SAT or ACT test as the statewide assessment given to students in the eleventh grade. After the state adopted the SAT for this statewide assessment, scores increased, largely, because students took the test seriously. The SAT and ACT tests are taken by more than a million students each year, making these tests strong national benchmarks. These achievement tests are aligned to New Hampshire standards and serve as a college entrance exam. This bill would open the door to using other college readiness tests for statewide assessment and could jeopardize these advantages. The committee heard no evidence why such a change would be advantageous to New Hampshire students. Vote 11-9.

Rep. Barbara Shaw for the Minority of Education. This bill simply replaces SAT and ACT reference to read "national college readiness assessment" that would include SAT and ACT. This terminology is suggested and allowed in the Every Student Succeeds Act (ESSA) to assure flexibility in determining the best assessment tool to benefit all students.

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

On a division vote, with 202 members having voted in the affirmative, and 149 in the negative, the majority committee report was adopted.

HB 1369, relative to the acceptance of high school course credits from certain schools or education agencies. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen Woodcock for the Majority of Education. The intent of the bill, to create as many credit options as possible for a transferring student, has merit. However, within the bill, the limitation and practical application of requiring a high school to create an alternative, that will require graduation on schedule, often is impossible due to the lateness of the transfer or non-availability of an equal course or content assessment. Vote 11-9.

Rep. Rick Ladd for the Minority of Education. In 2014, the New Hampshire Department of Education and local school districts implemented competency-based learning and developed capacity in school districts for the use of performance assessments to assess student mastery of learning at grade levels and for all high school courses. Each high school is required in accordance with Ed 306 to offer 43 courses, and for each course, there must be a locally approved competency assessment. This bill, as presented with amendment to the committee, is based upon local control and with the intent to; (1) facilitate a transferring student's placement in a receiving school without disadvantaging such student by variations in scheduling, sequencing, grading course content, or assessment, that may exist between the sending and receiving schools; (2) facilitate the on-time graduation of a student; and (3) promote flexibility and cooperation between educational system, parents, and student in order to achieve educational success for the student. This bill is modeled from and similar to the Interstate Compact on Educational Opportunity for Military Children, that is already in law, NH Chapter 110-D. The bill states that if a transferring student satisfactorily completes a course leading toward high school credit in another school, including VLACS, the principal may either accept, or deny the course being transferred. If the principal denies the course then the student may request to take the receiving school's in-place competency assessment for the course. A student who receives a passing grade on the competency assessment would then receive graduation credit for the questioned course and then be placed in another elective, or credit course leading toward graduation. If the student does not pass the competency assessment, then the student would be required to take the course again. This bill, along with amendment 0098h, applies only to course credit earned at a sending school and not course work completed from an alternative program. It includes best practices; it replicates course approval process established in RSA 110-D designed to support military children transitioning between schools; and it certainly serves the best interests of all students. Lastly, it is aligned with Minimum Standards for Public School Approval and competency-based education as implemented in 2014.

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

Rep. Ladd spoke against and yielded to questions.

Rep. Woodcock spoke in favor.

On a division vote, with 188 members having voted in the affirmative, and 155 in the negative, the majority committee report was adopted.

HB 1412, requiring secondary schools to grant educational credit for certain courses completed. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Sue Mullen for the Majority of Education. This bill requires schools to grant credit for courses and/or programs completed at other approved schools without defining what a "program" might be. It also requires principals to notify the State Board of Education if there is a disagreement about how many credits should be given for a course while neglecting to involve the superintendent or local school board. Vote 12-8.

Rep. Glenn Cordelli for the Minority of Education. The minority believes that we have statewide standards, but yet we do not require that approved school credits be accepted by other New Hampshire schools. Who loses - the kids yet again.

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

Rep. Cordelli spoke against.

Rep. Mullen spoke in favor.

On a division vote, with 198 members having voted in the affirmative, and 146 in the negative, the majority committee report was adopted.

HB 1454, relative to credit for alternative, extended learning, and work-based programs. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Linda Tanner for the Majority of Education. This bill gives the responsibility for granting academic credit for graduation to the local school board. It allows the local school to provide supervision, safety, rubrics for quality, and assessments for alternative, extended learning, and work-based learning experiences. Vote 11-9.

Rep. Glenn Cordelli for the Minority of Education. This bill is simply an attack on the Learn Everywhere Program. Unfortunately, the committee did not show any interest in the actual program rules that include an approval review committee that would be comprised of local educators. Again, it is students participating in large scale programs with valuable education opportunities that will lose.

The question being adoption of the majority committee report of Ought to Pass.
Rep. Tanner spoke in favor.
Rep. Cordelli spoke against and requested a roll call; sufficiently seconded.

YEAS 202 - NAYS 142**YEAS - 202****BELKNAP**

Beaudoin, Richard St. Clair, Charlie

CARROLL

Burroughs, Anita Butler, Edward DesMarais, Edith Kanzler, Harrison
Knirk, Jerry Ticehurst, Susan Woodcock, Stephen

CHESHIRE

Abbott, Michael Ames, Richard Berch, Paul Bordenet, John
Eaton, Daniel Fenton, Donovan Harvey, Cathryn Ley, Douglas
Meador, David Parkhurst, Henry Schapiro, Joe Swinburne, Sandy
Thompson, Craig Von Plinsky, Sparky Weber, Lucy

COOS

Hatch, William Laflamme, Larry Moynihan, Wayne Noel, Henry
Tucker, Edith Thomas, Yvonne

GRAFTON

Abel, Richard Adjutant, Joshua Almy, Susan Campion, Polly
Diggs, Francesca Dontonville, Roger Egan, Timothy Fellows, Sallie
Ford, Susan Josephson, Timothy Maes, Kevin Massimilla, Linda
Mulligan, Mary Jane Muscatel, Garrett Nordgren, Sharon Osborne, Richard
Stringham, Jerry Smith, Suzanne Sykes, George Weston, Joyce

HILLSBOROUGH

Bouldin, Amanda Bouldin, Andrew Backus, Robert Beaulieu, Jane
Bergeron, Paul Bernet, Jennifer Bordy, William Bosman, James
Bouchard, Donald Chretien, Jacqueline Cleaver, Skip Cohen, Bruce
Connors, Erika Cornell, Patricia Dargie, Paul Desjardin, Kathy
DiSilvestro, Linda Dutzy, Sherry Davis, Fred Freitas, Mary
Gidge, Kenneth Goley, Jeffrey Griffith, Willis Hall, Brett
Hamer, Heidi Heath, Mary Herbert, Christopher Indruk, Greg
Schmidt, Janice Jack, Martin King, Mark Klee, Patricia
Klein-Knight, Nicole Komi, Richard Langley, Diane Leishman, Peter
Murray, Megan Martin, Joelle McGhee, Kat Mombourquette, Donna
Mullen, Sue Murphy, Nancy Nutter-Upham, Frances Nutting-Wong, Allison
O'Brien, Michael Pedersen, Michael Petrigno, Peter Piedra, Israel
Porter, Marjorie Query, Joshua Newman, Ray Radhakrishnan, Julie
Riel, Cole Rung, Rosemarie Newman, Sue Sofikitis, Catherine
St. John, Michelle Stack, Kathryn Stevens, Deb Smith, Timothy
Telerski, Laura Toomey, Dan Van Houten, Constance
Vann, Ivy Thomas, Wendy Vail, Suzanne Williams, Kermit
Wilhelm, Matthew

MERRIMACK

Bartlett, Christy Buchanan, Ryan Carson, Clyde Doherty, David
Ebel, Karen Ellison, Arthur Fox, Samantha Fulweiler, Joyce
Karrick, David Lane, Connie MacKay, James
McWilliams, Rebecca Moffett, Howard Luneau, David Pimentel, Roderick
Richards, Beth Rodd, Beth Rogers, Katherine Saunderson, George
Schuett, Dianne Soucy, Timothy Turcotte, Alan Wallner, Mary Jane
Walz, Mary Beth Wazir, Safiya Wells, Kenneth Woods, Gary

ROCKINGHAM

Altschiller, Debra Berrien, Skip Bunker, Lisa Bushway, Patricia
Cahill, Michael Cali-Pitts, Jacqueline Cushing, Robert Renny DiLorenzo, Charlotte
Edgar, Michael Eisner, Mary Gilman, Julie Grossman, Gaby
Grote, Jaci Murray, Kate Le, Tamara Loughman, Tom
Lovejoy, Patricia Maggiore, Jim Malloy, Dennis McBeath, Rebecca
McConnell, Liz Meuse, David Read, Ellen Somssich, Peter
Vallone, Mark Ward, Gerald Warner, Anne

STRAFFORD

Bixby, Peter
Ellis, Donna
Grassie, Chuck
Kenney, Cam
Schmidt, Peter
Treleaven, Susan

Cannon, Gerri
Fontneau, Timothy
Higgins, Peg
Levesque, Cassandra
Salloway, Jeffrey
Wall, Janet

Chase, Wendy
Frost, Sherry
Horrigan, Timothy
Smith, Marjorie
Sandler, Catt

Conley, Casey
Gourgue, Amanda
Keans, Sandra
Opderbecke, Linn
Southworth, Thomas

SULLIVAN

Cloutier, John
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

NAYS - 142**BELKNAP**

Aldrich, Glen
Howard, Raymond
Spanos, Peter
Viens, Harry

Bean, Harry
Jurius, Deanna
Sylvia, Michael

Feeney, George
Lang, Timothy
Tilton, Franklin

Fields, Dennis
Mackie, Jonathan
Varney, Peter

CARROLL

Avellani, Lino
Nelson, Bill

Cordelli, Glenn

MacDonald, John

Marsh, William

CHESHIRE

Hunt, John

Mann, John

O'Day, John

COOS

Craig, Kevin

Furbush, Michael

Merner, Troy

GRAFTON

Gordon, Edward

Hennessey, Erin

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
Burns, Charles
Erf, Keith
Gould, Linda
Hopper, Gary
McLean, Mark
Plett, Fred
Renzullo, Andrew
Somero, Paul

Alexander, Joe
Burt, John
Fedolfi, Jim
Greene, Bob
Ober, Lynne
Notter, Jeanine
Proulx, Mark
Rice, Kimberly
Lekas, Tony

Griffin, Barbara
Camarota, Linda
Flanagan, Jack
Gunski, Michael
Lascelles, Richard
Nunez, Hershel
Prout, Andrew
Sanborn, Laurie
Ulery, Jordan

Barry, Richard
Danielson, David
Gagne, Larry
Hinch, Richard
Marzullo, JP
Panasiti, Reed
Ober, Russell
Shaw, Barbara
Warden, Mark

MERRIMACK

Allard, James
Kotowski, Frank
Testerman, Dave

Hill, Gregory
McGuire, Carol
Walsh, Thomas

Horn, Werner
Pearl, Howard
Yakubovich, Michael

Klose, John
Seaworth, Brian

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Thomas, Douglas
Dolan, Tom
Fowler, William
Hobson, Deborah
Janvrin, Jason
Lundgren, David
McKinney, Betsy
Packard, Sherman
Prudhomme-O'Brien, Katherine
Torosian, Peter
Wallace, Scott

Abrami, Patrick
Bershtein, Alan
DeClercq, Edward
Doucette, Fred
Gay, Betty
Hoelzel, Kathleen
Katsakiores, Phyllis
Griffin, Mary
McMahon, Charles
Piemonte, Tony
Roy, Terry
True, Chris
Welch, David

Abramson, Max
Costable, Michael
Desilets, Joel
Edwards, Jess
Green, Dennis
Osborne, Jason
Khan, Aboul
Pearson, Mark
Melvin, Charles
Potucek, John
Spillane, James
Verville, Kevin
Weyler, Kenneth

Acton, Dennis
Davis, Dan
DeSimone, Debra
Elliott, Robert
Harb, Robert
Janigian, John
Love, David
Major, Norman
O'Connor, John
Pratt, Kevin
Sytek, John
Vose, Michael
Yokela, Josh

STRAFFORD

Harrington, Michael
Perreault, Mona
Wuelper, Kurt

Hayward, Peter
Rich, Cecilia

Horgan, James
Beaudoin, Steven

Kittredge, Mac
Spang, Judith

SULLIVAN

Aron, Judy
Stapleton, Walter

Laware, Thomas
Smith, Steven

Lucas, Gates

Rollins, Skip

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

MOTION TO PRINT DEBATE

Rep. Baldasaro moved that the debate on **HB 1454**, relative to credit for alternative, extended learning, and work-based programs, be printed in the Permanent Journal.
Motion adopted.

DEBATE ON HB 1454

Representative Cordelli: Thank you, Mister Speaker. This bill repeals a statute that was put into place two years ago and set up the State Board of Education to establish rules for alternative programs for granting educational credits, what has become known as the Learn Everywhere Program. It expands opportunities for students and recognizes that learning takes place actually sometimes outside the classroom. This program provides for nonprofits that have educational programs for children to apply to the State Board of Education to have their program approved for graduation credits. It was stated in testimony that the program lacks oversight from professional educators. I wish those people with that testimony had read the actual rules adopted by the State Board of Education. Those rules include that applicants must complete an application that includes their goals, their competencies, and assessments as well as compliance with federal and state health and safety requirements. There is also a program approval committee and that approval committee includes the Department of Education, Administrator of Academics, department experts in the program content area and a member of the district extended learning program network and one or two local certified teachers. This approval committee reviews the application and writes a report to the state board with their recommendations. The rules do provide professional educator oversight. You will probably hear that some districts have staff to do their own local extended learning programs. Yes, some do but what about the smaller districts? What about those districts that cannot have, not afford to have staff specialized for this role? What about the large nonprofits that have programs throughout the state? We heard this morning from Civil Air Patrol who is involved with a softball program. They provide aeronautics and STEM learning opportunities to children around the state. There is no way that they would be able to go around from district to district and fill out different requirement application processes to get their programs approved by each district. It's not possible and who suffers? Kids. This is also about our Commissioner of Education. The commissioner, you see is not a member of the club. He was never in a teacher's union and he never was an administrator. He's a businessman and an entrepreneur. He thinks outside the box and this program is an example. He's not into the status quo. He thinks about kids and opportunities. Please repeal this bill. It is about the status quo, not about opportunities, not about kids. It needs to be rejected with your red button. Mister Speaker, I request a roll call vote.

Speaker Shurtleff: The question before the House is the recommendation that the bill Ought to Pass. The Chair recognizes the member from Sunapee, Rep. Tanner, to speak in support of the recommendation.

Representative Tanner: Thank you, Mister Speaker. Today's New Hampshire public schools offer internships, apprenticeships, career technical education, community service, capstone projects, extended learning opportunities, senior projects, and much more all involving learning out in the community. These are real world experiences that demand rigorous academic achievement but also build skills that promote student's personal development in an area of their interest. These experiences are an important extension of a student's education and are often life changing learning experiences. They are not new innovations. Schools have been accepting graduation credit for work based learning and extended learning situations for a long time. Back in the dark ages when I graduated from high school, I spent my senior year in Australia with Rotary International and had to go through a process with my local school board and teachers to receive credits so that when I completed those credits in Australia, I could come back and graduate with my own class. That was 1964. In our high schools, charter schools and career technical schools, more and more students have taken advantage of these projects. Local schools provide the necessary directed, safe, and well thought out framework for these learning experiences. These extended learning opportunity programs involve oversight from professional educators who set benchmarks, rubrics and competencies that align with the school's graduation requirements. There are extended learning opportunity coordinators and teachers who establish relationships with community mentors and businesses and nonprofits and check on student progress, troubleshoot issues and work to support the student to have the best learning experience. Educators encourage all students to be lifelong learners, to be curious, thoughtful, critical thinkers, to take their experiences outside the classroom and relate them to their directed learning within the classroom. Education must be relevant, but it also must be rigorous to be directed by standards and benchmarks and meet the local requirements for graduation. This bill codifies the role of the local school system and the school board as the agency to accept and approve credits from these extended learning opportunities for graduation. We should be assured that our students are in a safe environment, benefit from quality learning experiences which best happens not with the state oversight but at the local area where there is coordinated effort between the parents, the local school, the extended community, learning sites both nonprofit and profit, and the local professional staff. Graduation credits should be determined at the local level and this bill simply authorizes local school boards to determine that academic credit for alternative extended learning and work-based programs. I urge you to support this bill. Thank you.

Speaker Shurtleff: The question before the House is the recommendation that the bill Ought to Pass. Rep. Cordelli has requested a roll call. Is that sufficiently seconded? It is sufficiently seconded. This will be a roll call vote. Members will kindly take their seats. The question before the House is the recommendation that the bill Ought to Pass. The Chair recognizes Rep. Ladd for a parliamentary inquiry.

Representative Ladd: Thank you very much, Mister Speaker. If I know this bill expands educational opportunities for students and recognizes that learning can actually occur outside the classroom. And, if I also know it's time for lunch so press the red button so we can get the right motion forward? Thank you.

Speaker Shurtleff: The question before the House is the recommendation that the bill Ought to Pass. The Chair recognizes Rep. Cornell for a parliamentary inquiry.

Representative Cornell: Thank you, Mister Speaker. If I know that local control is always preferable to mandates from the state. And, if I know that local school boards should decide whether to grant academic credit to alternative extended learning and work-based programs based on competencies, benchmarks, and a means of assessment. If you agree that local control should remain with local districts who have the students' educational best interest as their main concern, would you now press the green button to pass HB 1454? Thank you.

Speaker Shurtleff: This will be a roll call vote. The question before the House is the recommendation that the bill Ought to Pass. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. Have all members present had an opportunity to vote? The House will be attentive to the state of the vote. With 202 members voting Yea and 142 Nay, the motion carries.

REGULAR CALENDAR PART II CONT'D

SPECIAL ORDER

SB 684-FN, relative to Medicaid to schools. OUGHT TO PASS WITH AMENDMENT.

Rep. Sue Mullen for Education. Emergency rules put in place by the state last fall created a disruption between who could bill Medicaid for services and how the billing would be accomplished. Schools employing certified professionals, delivering speech, behavioral and emotional counseling, and social services to students could no longer bill Medicaid unless the service was ordered by someone licensed from one of New Hampshire's medical or health care boards. This new obstacle has resulted in losses of hundreds of thousands of dollars per district. This bill establishes the changes in statute needed to allow schools across the state to start billing Medicaid again for professional services provided during the school day. It is critical for this legislation to be enacted to provide relief for the schools and taxpayers of New Hampshire that are bearing the burden for the new rules that were put in place. The amendment clarifies a definition so that the New Hampshire statute is consistent with federal law. Vote 19-1.

Amendment (0581h)

Amend the bill by replacing section 2 with the following:

2 Medicaid to Schools Program. RSA 186-C:25, I-III are repealed and reenacted to read as follows:

I. The department of health and human services Medicaid reimbursement program shall be known as the "Medicaid to schools" program, providing medical assistance for covered services furnished to children with disabilities who are enrolled in Medicaid. The purpose of the program is to seek any and all Medicaid reimbursement for medical and health related services provided by local school districts and school administrative units to children with disabilities which are reimbursable under federal law but which were previously fully funded by such districts or administrative units. The program shall be voluntary and is designed to assist children with disabilities by maintaining them in their own homes and communities. The program shall be administered in the same, or similar, manner as the Medicaid to schools for medical services program established in RSA 167:3-k. This subdivision is intended to provide Medicaid funding for services which, in the absence of such funding, nevertheless qualify as special education or related services under this chapter. It is not the intention of this subdivision to increase school district responsibility or liability beyond what is required by other sections of this chapter.

II. A reimbursable service under this section shall be:

(a) A covered New Hampshire Medicaid state plan service determined by a Medicaid qualified provider to meet accepted standards of medical practice for the service, or such other necessary health care, diagnostic services, treatment, and other measures described in section 1905(a) of the Social Security Act through the Early and Periodic Screening Diagnosis and Treatment (EPSDT) benefit if medically necessary, meaning that the item or service is reasonably calculated to prevent, diagnose, correct, cure, alleviate, or prevent the worsening of conditions that endanger life, cause pain, result in illness or infirmity, threaten to cause or aggravate a handicap, or cause physical deformity or malfunction, and no other equally effective course of treatment is available or suitable for the student or individual requesting the medically necessary service;

(b) Provided to a Medicaid enrolled child after obtaining parental consent;

- (c) Provided by a Medicaid qualified provider; and
- (d) Provided in compliance with applicable state and federal law and rules.

III. Services provided under this subdivision shall:

- (a) Offer the least restrictive setting for children receiving the services.
- (b) Be in addition to any special education program as defined in the New Hampshire rules for the education of children with disabilities.

III-a. Any provider who orders, refers, prescribes, renders, or provides services under this section shall do so in accordance with the relevant health professional practice act and regulations including, but not limited to, RSA 137-F, RSA 317-A, RSA 326-B, RSA 326-C, RSA 326-E, RSA 326-F, RSA 326-H, RSA 327, RSA 328-A, RSA 328-D, RSA 328-F, RSA 329, RSA 329-B, RSA 330-A, and RSA 330-C.

Amend RSA 167:3-k as inserted by section 3 of the bill by replacing it with the following:

I. The department of health and human services Medicaid reimbursement program shall be known as the "Medicaid to schools for medical services" program, providing medical assistance for covered services furnished to children in public schools who are enrolled in Medicaid. The purpose of the program is to seek any and all Medicaid reimbursement for medical or health related services provided by local school districts and school administrative units to children which are reimbursable under federal law. General fund dollars allocated to the department of health and human services shall not be used for matching the federal financial participation for Medicaid reimbursement. All matching dollars for Medicaid to schools medical services shall come from the local school districts or school administrative units. The program shall be voluntary and administered by the department in the same, or similar, manner as the Medicaid to schools program established in RSA 186-C:25. This section shall not be construed to increase school district responsibility or liability beyond what is required by other state or federal law.

II. A reimbursable service under this section shall be:

- (a) A covered New Hampshire Medicaid state plan service determined by a Medicaid qualified provider to meet accepted standards of medical practice for the service, or such other necessary health care, diagnostic services, treatment, and other measures described in section 1905(a) of the Social Security Act through the Early and Periodic Screening Diagnosis and Treatment (EPSDT) benefit if medically necessary, meaning that the item or service is reasonably calculated to prevent, diagnose, correct, cure, alleviate or prevent the worsening of conditions that endanger life, cause pain, result in illness or infirmity, threaten to cause or aggravate a handicap, or cause physical deformity or malfunction, and no other equally effective course of treatment is available or suitable for the student/individual requesting the medically necessary service;
- (b) Provided to a Medicaid enrolled child after obtaining parental consent;
- (c) Provided by a Medicaid qualified provider; and
- (d) Provided in compliance with applicable state and federal law and rules.

III. Any provider who orders, refers, prescribes, renders, or provides services under this section shall do so in accordance with the relevant health professional practice act and regulations, including, but not limited to, RSA 137-F, 317-A, 326-B, 326-C, 326-E, 326-F, 326-H, 327, 328-A, 328-D, 328-F, 329, 329-B, 330-A, and 330-C.

IV. The commissioner of the department of health and human services, after consultation with the commissioner of the department of education, shall adopt rules, pursuant to RSA 541-A, relative to:

- (a) Further defining services eligible for Medicaid reimbursement under this section. In defining such services, the commissioner shall, to the extent practicable, seek to maximize the availability of federal financial assistance to local school districts and school administrative units.
- (b) State plans and reimbursement procedures necessary for local school districts or school administrative units to receive appropriate Medicaid reimbursement for eligible services under paragraph II that are provided or paid for by school districts or school administrative units.
- (c) Monitoring mechanisms to ensure that services provided under this section meet the requirements of paragraph II. Monitoring responsibilities shall be consistent with the jurisdiction of the different departments.
- (d) A financial mechanism by which the federal mandatory matching requirement is met through collection, or other means, of 50 percent of the cost of allowable services from local school districts and/or school administrative units.

V. New Hampshire local school districts or school administrative units shall be the enrolled Medicaid providers for the purpose of administration and billing.

Amend the introductory paragraph of RSA 330-A:18-a, I and subparagraph I(a) as inserted by section 28 of the bill by replacing it with the following:

I. The board shall issue a school social worker license to any person who:

- (a) Is currently certified as a school social worker by the department of education, bureau of credentialing, and was certified as of the effective date of this section; or
- Amend RSA 326-F:3-a, I(a) as inserted by section 36 of the bill by replacing it with the following:

- (a) Is currently certified as a speech-language specialist by the department of education, bureau of credentialing, and was certified as of the effective date of this section; and
- Committee amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.
Rep. McGuire spoke in favor.
Committee report adopted and ordered to third reading.
The House recessed at 12:20 p.m.

RECESS

The House reconvened at 1:30 p.m.

(Speaker Shurtleff in the Chair) MOTIONS OF REPRIMAND

Speaker Pro Tempore Weber: Mister Speaker, as conduct of members and their capacity to serve is a privilege of the House, that is to say, a high order motion, we have at this time fourteen members of the House of Representatives who have not complied with the requirement as stipulated in House Rule 67 regarding harassment training.

CHALLENGE TO THE RULING OF THE CHAIR

Rep. Horn challenged the ruling of the Chair on members not allowed to speak on behalf of other members.
The question being shall the ruling of the Chair be upheld?
On a division vote, with 205 members having voted in the affirmative, and 131 in the negative, the ruling of the Chair was upheld.

MOTION OF REPRIMAND

Speaker Pro Tempore Weber: Mister Speaker, as conduct of members and their capacity to serve is a privilege of the House, that is to say, a high order motion, we have at this time fourteen members of the House of Representatives who have not complied with the requirement as stipulated in House Rule 67 regarding harassment training. Therefore, I move that Representative Charlie Burns be reprimanded by the House of Representatives.
The question being should Representative Charlie Burns be reprimanded by the House of Representatives?

MOTION TO LAY ON THE TABLE

Rep. Sylvia moved that the motion to reprimand Representative Charlie Burns, be laid on the table.
Rep. Sylvia requested a roll call; sufficiently seconded.

YEAS 129 - NAYS 206

YEAS - 129 BELKNAP

Bean, Harry
Jurius, Deanna
Spanos, Peter
Viens, Harry

Feeney, George
Lang, Timothy
Sylvia, Michael

Fields, Dennis
Mackie, Jonathan
Tilton, Franklin

Howard, Raymond
Beaudoin, Richard
Varney, Peter

CARROLL

Avellani, Lino

Cordelli, Glenn

MacDonald, John

Nelson, Bill

CHESHIRE

Hunt, John

O'Day, John

COOS

Craig, Kevin

Furbush, Michael

Merner, Troy

GRAFTON

Gordon, Edward

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
Burns, Charles
Erf, Keith
Gould, Linda
Hinch, Richard
McLean, Mark
Plett, Fred
Somero, Paul

Alexander, Joe
Burt, John
Fedolfi, Jim
Graham, John
Hopper, Gary
Notter, Jeanine
Prout, Andrew
Lekas, Tony

Griffin, Barbara
Camarota, Linda
Flanagan, Jack
Greene, Bob
Lascelles, Richard
Nunez, Hershel
Renzullo, Andrew
Ulery, Jordan

Barry, Richard
Danielson, David
Gagne, Larry
Gunski, Michael
Marzullo, JP
Panasiti, Reed
Sanborn, Laurie
Warden, Mark

MERRIMACK

Allard, James
Kotowski, Frank
Walsh, Thomas

Hill, Gregory
Pearl, Howard
Yakubovich, Michael

Horn, Werner
Seaworth, Brian

Klose, John
Testerman, Dave

ROCKINGHAM

Abbas, Daryl	Baldasaro, Al	Barnes, Arthur	Bershtein, Alan
Chirichiello, Brian	Costable, Michael	Davis, Dan	DeClercq, Edward
Desilets, Joel	DeSimone, Debra	Dolan, Tom	Doucette, Fred
Edwards, Jess	Elliott, Robert	Fowler, William	Gay, Betty
Green, Dennis	Guthrie, Joseph	Harb, Robert	Hobson, Deborah
Osborne, Jason	Janigian, John	Janvrin, Jason	Katsakiores, Phyllis
Khan, Aboul	Kolodziej, Walter	Love, David	Lundgren, David
Griffin, Mary	Pearson, Mark	Major, Norman	McKinney, Betsy
McMahon, Charles	Melvin, Charles	Packard, Sherman	Piemonte, Tony
Potucek, John	Pratt, Kevin	Prudhomme-O'Brien, Katherine	Roy, Terry
Spillane, James	Torosian, Peter	True, Chris	Verville, Kevin
Vose, Michael	Wallace, Scott	Welch, David	Weyler, Kenneth
Yokela, Josh			

STRAFFORD

Harrington, Michael	Hayward, Peter	Horgan, James	Kittredge, Mac
Perreault, Mona	Beaudoin, Steven	Wuelper, Kurt	

SULLIVAN

Aron, Judy	Laware, Thomas	Lucas, Gates	Rollins, Skip
Stapleton, Walter	Smith, Steven		

NAYS - 206**BELKNAP**

St. Clair, Charlie

Burroughs, Anita
Marsh, William

Butler, Edward
Ticehurst, Susan

DesMarais, Edith
Woodcock, Stephen

Knirk, Jerry

Abbott, Michael
Eaton, Daniel
Mann, John
Swinburne, Sandy

Ames, Richard
Fenton, Donovan
Meador, David
Thompson, Craig

Berch, Paul
Harvey, Cathryn
Parkhurst, Henry
Von Plinsky, Sparky

Bordenet, John
Ley, Douglas
Schapiro, Joe
Weber, Lucy

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

Noel, Henry

Tucker, Edith

Abel, Richard
Diggs, Francesca
Ford, Susan
Massimilla, Linda
Osborne, Richard
Weston, Joyce

Adjutant, Joshua
Dontonville, Roger
Hennessey, Erin
Mulligan, Mary Jane
Stringham, Jerry

Almy, Susan
Egan, Timothy
Josephson, Timothy
Muscatel, Garrett
Smith, Suzanne

Campion, Polly
Fellows, Sallie
Maes, Kevin
Nordgren, Sharon
Sykes, George

HILLSBOROUGH

Bouldin, Amanda
Bergeron, Paul
Bouchard, Donald
Connors, Erika
DiSilvestro, Linda
Freitas, Mary
Hamer, Heidi
Schmidt, Janice
Klein-Knight, Nicole
Martin, Joelle
Murphy, Nancy
Pedersen, Michael
Proulx, Mark
Riel, Cole
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance
Williams, Kermit

Bouldin, Andrew
Bernet, Jennifer
Chretien, Jacqueline
Cornell, Patricia
Dutzy, Sherry
Gidge, Kenneth
Harriott-Gathright, Linda
Jack, Martin
Langley, Diane
McGhee, Kat
Nutter-Upham, Frances
Petrigno, Peter
Query, Joshua
Rung, Rosemarie
St. John, Michelle
Telerski, Laura
Vann, Ivy
Woodbury, David

Backus, Robert
Bordy, William
Cleaver, Skip
Dargie, Paul
Espitia, Manny
Griffith, Willis
Heath, Mary
King, Mark
Leishman, Peter
Mombourquette, Donna
Nutting-Wong, Allison
Piedra, Israel
Newman, Ray
Newman, Sue
Stack, Kathryn
Toomey, Dan
Thomas, Wendy

Beaulieu, Jane
Bosman, James
Cohen, Bruce
Desjardin, Kathy
Davis, Fred
Hall, Brett
Indruk, Greg
Klee, Patricia
Murray, Megan
Mullen, Sue
O'Brien, Michael
Porter, Marjorie
Radhakrishnan, Julie
Shaw, Barbara
Stevens, Deb
Vail, Suzanne
Wilhelm, Matthew

MERRIMACK

Bartlett, Christy
Ebel, Karen
Lane, Connie

Buchanan, Ryan
Ellison, Arthur
Luneau, David

Carson, Clyde
Fox, Samantha
MacKay, James

Doherty, David
Karrick, David
McWilliams, Rebecca

Moffett, Howard
Rodd, Beth
Soucy, Timothy
Wazir, Safiya

Myler, Mel
Rogers, Katherine
Turcotte, Alan
Wells, Kenneth

Pimentel, Roderick
Saunderson, George
Wallner, Mary Jane
Woods, Gary

Richards, Beth
Schuett, Dianne
Walz, Mary Beth

ROCKINGHAM

Abrami, Patrick
Cahill, Michael
Edgar, Michael
Grote, Jaci
Loughman, Tom
McBeath, Rebecca
Pantelakos, Laura
Vallone, Mark

Altschiller, Debra
Cali-Pitts, Jacqueline
Eisner, Mary
Hoelzel, Kathleen
Lovejoy, Patricia
McConnell, Liz
Read, Ellen
Ward, Gerald

Berrien, Skip
Cushing, Robert Renny
Gilman, Julie
Murray, Kate
Maggiore, Jim
Meuse, David
Somssich, Peter

Bushway, Patricia
DiLorenzo, Charlotte
Grossman, Gaby
Le, Tamara
Malloy, Dennis
O'Connor, John
Sytek, John

STRAFFORD

Bixby, Peter
Ellis, Donna
Grassie, Chuck
Kenney, Cam
Schmidt, Peter
Southworth, Thomas

Cannon, Gerri
Fontneau, Timothy
Higgins, Peg
Levesque, Cassandra
Rich, Cecilia
Treleaven, Susan

Chase, Wendy
Frost, Sherry
Horrigan, Timothy
Smith, Marjorie
Salloway, Jeffrey
Wall, Janet

Conley, Casey
Gourgue, Amanda
Keans, Sandra
Opderbecke, Linn
Sandler, Catt

SULLIVAN

Cloutier, John
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

and the motion failed.

The question now being should Representative Charlie Burns be reprimanded by the House of Representatives? Rep. Charlie Burns spoke against and yielded to questions.

MOTON TO INDEFINITELY POSTPONE

Rep. Dolan moved that the motion to reprimand Representative Charlie Burns, be Indefinitely Postponed. On a division vote, with 142 members having voted in the affirmative, and 195 in the negative, the motion failed.

The question now being should Representative Charlie Burns be reprimanded by the House of Representatives? Rep. Burt requested a roll call; sufficiently seconded.

YEAS 208 - NAYS 128

YEAS - 208

CARROLL

Burroughs, Anita
MacDonald, John

Butler, Edward
Ticehurst, Susan

DesMarais, Edith
Woodcock, Stephen

Knirk, Jerry

CHESHIRE

Abbott, Michael
Eaton, Daniel
Mann, John
Swinburne, Sandy

Ames, Richard
Fenton, Donovan
Meador, David
Von Plinsky, Sparky

Berch, Paul
Harvey, Cathryn
Parkhurst, Henry
Pearson, William

Bordenet, John
Ley, Douglas
Schapiro, Joe
Weber, Lucy

COOS

Hatch, William
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

Noel, Henry

GRAFTON

Abel, Richard
Diggs, Francesca
Ford, Susan
Maes, Kevin
Nordgren, Sharon
Sykes, George

Adjutant, Joshua
Dontonville, Roger
Gordon, Edward
Massimilla, Linda
Osborne, Richard
Weston, Joyce

Almy, Susan
Egan, Timothy
Hennessey, Erin
Mulligan, Mary Jane
Stringham, Jerry

Campion, Polly
Fellows, Sallie
Josephson, Timothy
Muscatel, Garrett
Smith, Suzanne

HILLSBOROUGH

Alexander, Joe
Backus, Robert
Bordy, William
Cleaver, Skip
Dargie, Paul
Espitia, Manny
Graham, John

Bouldin, Amanda
Beaulieu, Jane
Bosman, James
Cohen, Bruce
Desjardin, Kathy
Davis, Fred
Griffith, Willis

Bouldin, Andrew
Bergeron, Paul
Bouchard, Donald
Connors, Erika
DiSilvestro, Linda
Freitas, Mary
Hall, Brett

Griffin, Barbara
Bernet, Jennifer
Chretien, Jacqueline
Cornell, Patricia
Dutzy, Sherry
Gidge, Kenneth
Hamer, Heidi

Harriott-Gathright, Linda
Jack, Martin
Langley, Diane
McGhee, Kat
Nutter-Upham, Frances
Petrigno, Peter
Newman, Ray
Newman, Sue
Stack, Kathryn
Toomey, Dan
Thomas, Wendy

Heath, Mary
King, Mark
Leishman, Peter
Mombourquette, Donna
Nutting-Wong, Allison
Piedra, Israel
Radhakrishnan, Julie
Shaw, Barbara
Stevens, Deb
Vail, Suzanne
Wilhelm, Matthew

Indruk, Greg
Klee, Patricia
Murray, Megan
Mullen, Sue
O'Brien, Michael
Porter, Marjorie
Riel, Cole
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance
Williams, Kermit

Schmidt, Janice
Klein-Knight, Nicole
Martin, Joelle
Murphy, Nancy
Pedersen, Michael
Query, Joshua
Rung, Rosemarie
St. John, Michelle
Telerski, Laura
Vann, Ivy
Woodbury, David

MERRIMACK

Bartlett, Christy
Ebel, Karen
Lane, Connie
Myler, Mel
Rogers, Katherine
Turcotte, Alan
Wells, Kenneth

Buchanan, Ryan
Ellison, Arthur
Luneau, David
Pimentel, Roderick
Saunderson, George
Wallner, Mary Jane
Woods, Gary

Carson, Clyde
Fox, Samantha
MacKay, James
Richards, Beth
Schuett, Dianne
Walz, Mary Beth

Doherty, David
Kotowski, Frank
McWilliams, Rebecca
Rodd, Beth
Soucy, Timothy
Wazir, Safiya

ROCKINGHAM

Altschiller, Debra
Cushing, Robert Renny
Eisner, Mary
Harb, Robert
Lovejoy, Patricia
McConnell, Liz
Somssich, Peter

Berrien, Skip
DeClercq, Edward
Gilman, Julie
Murray, Kate
Maggiore, Jim
Meuse, David
Sytek, John

Bushway, Patricia
DiLorenzo, Charlotte
Grossman, Gaby
Le, Tamara
Malloy, Dennis
Pantelakos, Laura
Ward, Gerald

Cali-Pitts, Jacqueline
Edgar, Michael
Grote, Jaci
Loughman, Tom
McBeath, Rebecca
Read, Ellen
Welch, David

STRAFFORD

Bixby, Peter
Ellis, Donna
Grassie, Chuck
Kenney, Cam
Schmidt, Peter
Southworth, Thomas

Cannon, Gerri
Fontneau, Timothy
Higgins, Peg
Levesque, Cassandra
Rich, Cecilia
Spang, Judith

Chase, Wendy
Frost, Sherry
Horrigan, Timothy
Smith, Marjorie
Salloway, Jeffrey
Treleaven, Susan

Conley, Casey
Gourgue, Amanda
Keans, Sandra
Opderbecke, Linn
Sandler, Catt
Wall, Janet

SULLIVAN

Cloutier, John
Oxenham, Lee

Lucas, Gates
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

NAYS - 128 BELKNAP

Bean, Harry
Jurius, Deanna
Spanos, Peter
Varney, Peter

Feeney, George
Lang, Timothy
St. Clair, Charlie
Viens, Harry

Fields, Dennis
Mackie, Jonathan
Sylvia, Michael

Howard, Raymond
Beaudoin, Richard
Tilton, Franklin

CARROLL

Avellani, Lino

Cordelli, Glenn

Marsh, William

Nelson, Bill

CHESHIRE

Hunt, John

O'Day, John

COOS

Craig, Kevin

Furbush, Michael

Merner, Troy

GRAFTON

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
Camarota, Linda
Flanagan, Jack
Gunski, Michael
Marzullo, JP
Panasiti, Reed
Renzullo, Andrew
Ulery, Jordan

Barry, Richard
Danielson, David
Gagne, Larry
Hinch, Richard
McLean, Mark
Plett, Fred
Sanborn, Laurie
Warden, Mark

Burns, Charles
Erf, Keith
Gould, Linda
Hopper, Gary
Notter, Jeanine
Proulx, Mark
Somero, Paul

Burt, John
Fedolfi, Jim
Greene, Bob
Lascelles, Richard
Nunez, Hershel
Prout, Andrew
Lekas, Tony

MERRIMACK

Allard, James
Klose, John
Seaworth, Brian

Hill, Gregory
McGuire, Carol
Testerman, Dave

Horn, Werner
Moffett, Howard
Walsh, Thomas

Karrick, David
Pearl, Howard
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Barnes, Arthur
Costable, Michael
Doucette, Fred
Green, Dennis
Osborne, Jason
Khan, Aboul
Griffin, Mary
McMahon, Charles
Piemonte, Tony
Roy, Terry
Vallone, Mark
Weyler, Kenneth

Abrami, Patrick
Bershtein, Alan
Davis, Dan
Edwards, Jess
Guthrie, Joseph
Janigian, John
Kolodziej, Walter
Pearson, Mark
Melvin, Charles
Potucek, John
Spillane, James
Verville, Kevin
Yokela, Josh

Abramson, Max
Cahill, Michael
DeSimone, Debra
Elliott, Robert
Hobson, Deborah
Janvrin, Jason
Love, David
Major, Norman
O'Connor, John
Pratt, Kevin
Torosian, Peter
Vose, Michael

Baldasaro, Al
Chirichiello, Brian
Dolan, Tom
Gay, Betty
Hoelzel, Kathleen
Katsakiores, Phyllis
Lundgren, David
McKinney, Betsy
Packard, Sherman
Prudhomme-O'Brien, Katherine
True, Chris
Wallace, Scott

STRAFFORD

Harrington, Michael
Perreault, Mona

Hayward, Peter
Beaudoin, Steven

Horgan, James
Wuelper, Kurt

Kittredge, Mac

SULLIVAN

Aron, Judy
Smith, Steven

Laware, Thomas

Rollins, Skip

Stapleton, Walter

and the motion was adopted.

Reps. Fontneau and Malloy voted Yea and intended to vote Nay.

Representative Charlie Burns was reprimanded by the House of Representatives.

MOTION TO PRINT DEBATE

Rep. Steven Smith moved that the debate on the motion to reprimand Representative Charlie Burns, be printed in the Permanent Journal.

Without objection, the Speaker ordered.

**DEBATE OF
MOTION TO REPRIMAND**

Speaker Shurtleff: As you know we are going to take up Motions of Reprimand. It's a serious and solemn event. There should be no joy in anybody's heart that the House is taking up these motions. We are going to take them up one by one. I'm going to call upon the Speaker Pro Tempore to make a motion and I specifically refer to her as the Speaker Pro Tempore and not the Representative because she is representing to me the Speaker's Office. This motion is not coming from a Democrat or a Republican. It's coming from the Speaker's Office. She will make the motion, the member mentioned in the motion will be allowed to speak and then the member from Walpole will be able to address the body and then we will go to a roll call vote. Having said that the Chair recognizes the member, the Speaker Pro Tempore for a motion. There is a question from a member.

Representative Steven Smith: Thank you, Mister Speaker. May I be recognized for a parliamentary inquiry of the Chair?

Speaker Shurtleff: Absolutely.

Representative Steven Smith: Thank you. Not having been through one of these, I'm a little bit confused on the process and I seek the wisdom of the Speaker. House Rule 10 says that *Mason's Manual of Legislative Procedure* as parliamentary guide in all cases not provided for by the Constitution, House Rules or Joint Rules, Mason's Legislative 2010 Edition shall be the parliamentary guide. House Rule 64, Sources of Authority. The procedures of the New Hampshire House shall be derived from the following sources in order of precedence listed: Constitutional provisions, Rules of the New Hampshire House, Custom, usage and precedent, Adopted parliamentary manual, that's Mason's 4th down the list, and finally, Statutory provisions. So the question is these almost seem to be in conflict but at any rate, I'm assuming that you chose custom, usage and precedent or Mason's as the only two options. Can you explain which and why?

Speaker Shurtleff: The decision of the Chair is based on the customs of this body. In this instance, this body, in a bipartisan vote voted that members of this chamber would take two hours of sexual harassment training. There were several, I think it was 8 if not more opportunities made available. We had outside people come in. We had members of both caucuses involved in training. The Speaker did everything he could do to make sure that every member had an opportunity to come in for the training, going so far to have courses

at night for those who were unable to be here during the day. The Speaker's Office sent out certified letters to the 22 people we got down to that still had not attended the training. One member my heart went out to because I know that person was making a valiant effort to be here and that she had extenuating circumstances and I think that should have been held in mitigation. We allowed for one final training at night to accommodate members. We did everything we could to make sure that people realize that the deadline was coming, the training needed to be completed or that there would be consequences in a motion filed today. Based on all of that, I felt that as Speaker it was in the best interest of this body to bring forth today this motion to reprimand those 14 members or actually it's nine because several members could not be here. We won't do anything without them being present. Down to 9 members today, some who quite blatantly said to the Speaker's Office, I will do no training, I don't need it. As I pointed out to one member in this chamber, we in this House we pass laws on a daily basis and I've often even told this to 4th graders. We do not pass laws that tell the majority of the people what to do. As I say to them, their moms and dads know the right thing to do. Ninety-five percent of the people in this House, the members of this body, don't need this training, but as the same with the laws that we pass in this state, we do it to tell the minority what to do. This body has said that members of this chamber shall have, not made, but shall have training in sexual harassment mitigation. We provided it and members have said no. Every negative action has a negative consequence. I believe that the House has gone out of its way to accommodate members. We have come to this point now where people are just telling us no. If a member has a legitimate reason why they couldn't attend any training, whether it be a health reason or something happening at home, I think that should mitigate it on their behalf and they should not be reprimanded, but we will take each case individually. It is on the practice of this House and on this body and my responsibility as Speaker to make sure that the will of this chamber is carried out.

Representative Steven Smith: Follow up?

Speaker Shurtleff: Go ahead. The member is recognized.

Representative Steven Smith: Thank you, Mister Speaker. I apologize if...

Speaker Shurtleff: No apology is necessary.

Representative Steven Smith: Well if you thought I was challenging your authority to do it...

Speaker Shurtleff: No, no. I did not think that. I just want that to be clear.

Representative Steven Smith: Yeah, you have known me for a while. I'm a nuts and bolts guy. My question was strictly on this process as it unfolds. Maybe it's clearer to ask was a past practice or precedent used as the model for what is about to occur or is it in Mason's discipline, I think section 356? I'm just trying to get my head around the rules, the rules being important and what the rules are of this proceeding.

Speaker Shurtleff: I thank the member for his question. Practice and precedent happens when we do something in this body. Fortunately, the last time any member of this chamber was reprimanded by this body, there are 3 methodologies of punishing a member; reprimand, censure, and expulsion. The last time that happened was my first year in the House and it was in 2005 based on an incident that took place. There is very little practice and precedent. So, if need be, I am setting practice and precedent at this moment by doing what I think is in the best interest of the House. If the membership feels the Speaker is acting inappropriately, feel free to challenge the Ruling of the Chair. I do not take a challenge to me personally at all. It is a member's right to do so, but I am setting the precedent because we have very little to go in our past history in this body of members being sanctioned by the House.

Representative Steven Smith: Thank you, Mister Speaker.

Speaker Shurtleff: I thank the member for his question. My friend from Londonderry is recognized.

Representative Baldasaro: Thank you, Mister Speaker. I have a parliamentary inquiry, question to the Speaker.

Speaker Shurtleff: Certainly.

Representative Baldasaro: It's a quick one, hopefully. I look through the rules and I could not find, I found the dates for crossover and everything else, but in the rules, there is no date for completion of this rule in there and I'm just wondering why the House did not vote and put a date in the rules for completion?

Speaker Shurtleff: Well, the member, my good friend from Londonderry was here when the House did vote on that over a year ago to include House Rule 67 into our House Rules. No time was put in at that time. I felt instead of having one, two or three courses, that we should do all we can to make it available to members in a timely manner. We have had over 8 different training periods, but the House did not set a time limit. Absence at, it was a judgment I felt of the Speaker to determine when we should finally say enough is enough. I thank the member for his question. Representative Horn.

Representative Horn: Mister Speaker, it gives me no joy but I'm afraid I must challenge the Chair on your decision to limit the number of people speaking on this motion. I believe, may I continue?

Speaker Shurtleff: Yes.

Representative Horn: I believe that members of this body may have information that would be essential to the House coming to a conclusion on the motions that are being presented this afternoon and if they are not allowed to participate, I think that we are doing our membership a disservice.

Speaker Shurtleff: I thank the member for his motion. This will be a division vote. Members will kindly take. The Chair recognizes the Speaker Pro Tempore.

Speaker Pro Tempore Weber: Thank you, Mister Speaker. In response to the members very valid point, this is not a difficult inquiry. We have a rule. The rule was not followed. The Speaker has established a procedure wherein the member in question has an opportunity to explain why the rule was not followed and knowing my fellow legislators, I am sure that they will take that very thoroughly into consideration in making their decisions should somebody choose to offer an explanation. There is a rule. The rule was not followed. Notice and opportunity to comply with the rule was given and I see no reason why we should not hold the members of this House at a minimum to the standard in which workers in almost every industry in this state are already held. So, I think that the procedure is an appropriate one and I ask that you vote to uphold the Ruling of the Speaker.

Speaker Shurtleff: This will be a division vote. Members will please come in from the outside. It will be a division vote. Representative Horn, did you want to do a PI? Did you want to do a PI? The question before the House is should the Ruling of the Chair be upheld? The Chair recognizes Representative Steven Smith for a parliamentary inquiry.

Representative Steven Smith: Thank you, Mister Speaker. If I know that there are only a few ways to limit who may speak on a bill. And, if I know that House Rule 12 says no member will be denied the opportunity to speak unless the House has consented to Moving the Previous Question, has voted to limit debate and the time allotted debate has expired or the last speaker defending the moving party's recommendation has been recognized to speak. And, that Mister Speaker, if I don't believe any of that occurred, then would I vote to not Uphold the Ruling of the Chair?

Speaker Shurtleff: The question before the House is should the Ruling of the Chair be Upheld? The Chair recognizes the Speaker Pro Tempore.

Speaker Pro Tempore Weber: Thank you, Mister Speaker. If I know that we are not today voting on a bill, that what we are voting on is the individual conduct of an individual member and that the only person concerned in that is the individual in question and that all the individuals in question by the Speaker's proposed method of proceeding will be given an opportunity to discuss their own personal conduct, would I now press the green button to Uphold the Ruling of the Chair?

Speaker Shurtleff: This will be a division vote. The question before the House is should the Ruling of the Chair be Upheld. If you in favor, you will press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. Have all members present had an opportunity to vote? The House will be attentive to the state of the vote. With 205 members voting Yea, 131 voting Nay, the Chair is upheld in his ruling. The Chair recognizes the Speaker Pro Tempore for a motion. Why does the member rise?

Representative Edwards: To make a parliamentary inquiry.

Speaker Shurtleff: Please state your inquiry.

Representative Edwards: Mister Speaker, I worked with you on this issue for quite a while and I've respected you sharing your discretion or your thought process of your discretion. Would you please explain to me or us why it is we are having this vote today when we still have 31 bills to vote on? What makes today, this afternoon, when we have pressing business, so important to do something that could wait until after vacation?

Speaker Shurtleff: As pointed out, the question has been asked and answered, but I thank my friend from Auburn for asking so I will say one more thing. We have a lot of bills before us as you can see, but to me personally, there is nothing more important than the integrity of this body and I think that is what prompts me to take this up now before all the number of bills. It's this body and who we are and what we represent. That to me is the ultimate and my most important job as Speaker to uphold. I thank the member for his question. Representative Lynne Ober, you are recognized.

Representative Lynne Ober: Thank you, Mister Speaker. May I ask a parliamentary inquiry of you?

Speaker Shurtleff: You may inquire.

Representative Lynne Ober: Thank you, Mister Speaker. As a mother I tell my kids they have to obey my rules. I sometimes let them negotiate what those rules are, but only within certain limits. As a legislator we are being asked to vote on one rule today, but we break as a group rules all the time. Most of us hope we don't. Most of us don't think about it. You just heard about the rule which my colleague spoke about where everybody gets the chance to speak, that's not going to be honored, that is going to be broken. We have a rule that you have to be in your seat when you vote. You guys have all seen me wander around the Hall with my limping knee because it hurts to sit, but I am in my seat when we have to vote. We have a rule that says a committee may get a fiscal note. When you get an amendment it changes the fiscal note on your bill. Most committees do not follow that rule. My question Mister Speaker is where do we stop and where do we look and say you didn't follow rule 50? You didn't follow rule 8? You didn't follow rule X? And, vote on each and every one of us? Thank you, Mister Speaker, for taking that question.

Speaker Shurtleff: I thank the member from Hudson for her question. Whenever an issue of a rule infraction comes up and it has come up over the past year that I have been the Speaker of this body, we have addressed those issues and nothing has risen to come before this body for anybody to be reprimanded or any other public punishment. So, to answer your question, I guess it will never stop as long as sometimes people do the things that they shouldn't do. It's like our laws. If you do the right thing, we would never enforce them, but unfortunately sometimes that doesn't happen. Thank you for the question. The Chair recognizes the Speaker Pro Tempore for a motion.

Speaker Pro Tempore Weber: Mister Speaker...

Speaker Shurtleff: Wait a minute. Suspend. Yes, the member can. Go ahead. I won't even guess why you have come to the well.

Representative Camarota: Speaker, may I do a parliamentary inquiry for the Speaker?

Speaker Shurtleff: Absolutely.

Representative Camarota: Thank you. I'm really torn up right now and I wasn't going to come up, but privacy rights keeps coming to mind. We protect student's privacy rights. We protect personnel privacy rights. We do not reprimand adults in my life experience in public so I just wanted to ask the Speaker your thought processes that you went through to decide that this would be in a public forum?

Speaker Shurtleff: It's on the practice and precedent of this body going back to my experience in 2005 and others. When a member of the body says they won't do what has been requested of them by their fellow representatives, then the public has a right to know what has happened. We don't operate behind closed doors. Everything we do is in the public and we pride ourselves on the transparency of the New Hampshire House. If we feel that a member has done something inappropriate, we want the public to know that the House will deal with that in an appropriate manner. If there is no finding of fault, then so be it. If they find the member did do something inappropriate, then they may take it going in another direction, but whatever we do is open to the public. I thank the member for her question. Representative Horn, before I call on the member from Walpole.

Representative Horn: Mister Speaker, I have a parliamentary inquiry.

Speaker Shurtleff: You may inquire.

Representative Horn: Thank you, Mister Speaker. Since we have decided that we are not going to be allowing more than one on one debate over these motions, will questions of the people speaking be permitted?

Speaker Shurtleff: They will but I will note that if it's in the impression of the speaker that the member is asking questions simply to be dilatory, I will ask them to cease. If a member wishes to ask a question that will be fine as long as it is not done in a dilatory manner. I thank the member for his question and having said that, I recognize the Speaker Pro Tempore.

Speaker Pro Tempore Weber: Thank you, Mister Speaker. Mister Speaker, I rise regarding a question of Privilege of the House. As conduct of members and their capacity to serve is a privilege of the House, that is to say, a high order more, we have at this time fourteen members of the House of Representatives who have not complied with the requirement as stipulated in House Rule 67 regarding sexual and other unlawful harassment and discrimination prevention training and therefore, I move that Representative Charles Burns be reprimanded by the House of Representatives.

Speaker Shurtleff: The question before the House is should the member from Milford, Representative Burns, be reprimanded by this body? Representative Burns is coming down. Why does the member from Belmont rise?

Representative Sylvia: I rise to make a motion.

Speaker Shurtleff: What is your motion?

Representative Sylvia: Motion to table.

Speaker Shurtleff: Yes, your motion is in order. The question before the House is should the motion to reprimand Representative Burns be tabled. Are you ready for the question? A division has been called for. A roll call has been requested by Representative Sytek. It is sufficiently seconded. This will be a roll call vote and members will come in. The question before the House is the motion to lay upon the table the motion to reprimand Representative Burns, the member from Milford. This will be a roll call vote. Does the member want to do a parliamentary inquiry? Representative Sylvia is recognized for a parliamentary inquiry.

Representative Sylvia: Thank you, Mister Speaker. Mister Speaker, if I know that we are setting the course on a very new precedent and a very dangerous precedent. If I know that there will be long lasting consequences to this action, would I then press the green button?

Speaker Shurtleff: The Chair recognizes Representative Weber.

Representative Weber: Mister Speaker, if I know that there have been in the past very concerning reports of sexual harassment and discrimination performed by members of this body to other members and to members of our staff. And, if I wish to send a message to the members of this body and to the member of the public that members of this body take those actions very seriously, would I now push the red button to defeat the tabling motion so that the motions for reprimand may go forward?

Speaker Shurtleff: This will be a roll call vote. The question before the House is the request that the action against Representative Burns be tabled. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. Have all members present had an opportunity to vote? The House will be attentive to the state of the vote. With 129 members voting Yea, 206 voting Nay, the motion to table is defeated. Representative Burns if you want to address the body, you are more than welcome to.

Representative Burns: Thank you, Mister Speaker. Good afternoon colleagues. I used to be a pretty good extemporaneous speaker and then I started getting really stuck for pulling words. I just turned 65 and I think that I'm starting to lose my mind. Anyway, I just wanted to let you know that I really struggled to figure out

what I was going to say today and how I would say it. When I first heard that we were going to be mandated to take an in person sexual harassment training session, I found it very offensive and very insulting actually. Like most of us I was raised to be very respectful of one another and I was raised especially to be respectful to women and there is not a single person in this room, in this building or in this complex that can every honestly say that I have sexually harassed them or in fact harassed them in any way, nor do they have any reason to think that I would. If for any reason I have offended you, you certainly have not brought it to my attention and you have not brought it to the attention of anyone in authority so that I would have an opportunity to explain myself or to apologize or otherwise take responsibility. I don't feel and here is where I'm going to go off on the extemporaneous, going off on my remarks a little bit. After hearing about the practice and precedent and that we are going to get to establish kind of a new one here today, I'm really embolden to think that; first of all I hadn't considered running next time, but this is going to actually make me kind of want to do that, is that if the Republicans were to take charge next time, I'm really, really looking forward to having everyone take sensitivity training to the issues that I consider important. Probably one of the most that really has touched my heart because it was through personal experience is that question of abortion and what happens to a fetus during an abortion. You see I was a father of twins and at 19 weeks through that pregnancy we woke up one morning and my wife said oh oh, the bed is a little wet. So we went to the hospital and to make a long story kind of short, her water broke through her two sacks, the water broke. We went through a very, very painful period of losing a daughter. I watched her. I watched her on the monitor and to see the distress that she was in as she was stillborn. Some may consider it just a blob of cells, but I held her in my hand. She was 9 ½ inches tall. She only weighed 13 ounces, but she was perfect in every way. She had eyelashes. She had toenails and fingernails. She had this little fuzz over the top of her body, but she was beautiful and she was my daughter and we gave her a name. Then, horrible, they told me that my wife was going septic and that they had to abort the second child. That's a tough thing because we have always been told when the life of the mother is in danger, that it's okay to abort and what was I going to do? So, my wife was pretty much out of it under a lot of medication and she couldn't make the decision so I had to make that decision. We agreed to go forward with it so for 24 hours she was put on Pitocin, lots of Pitocin. She was just coming up off the bed and finally about 5 in the morning the doctor came in and said this baby doesn't want to come and if by 7 it doesn't come; we are going to have to go in and break the water. Now I had a prayer chain going across the world because as they said there is no atheist in a foxhole. Believe me we were praying. Everybody was praying that this whole episode would turn out well and that the baby could survive. At 7 the doctor came in, pardon me, at 5 she came in and said we had to break the water. I asked her couldn't we just download her with antibiotics and kill this infection. She said no, your wife is going septic and may very well die. So at 7 she came in with that hook and for ½ hour she was working it and my God that hook is so big it should be coming out of her nose by now, but she was so frustrated. Finally, she says I cannot find this baby. I was like what do you mean you can't find the baby. She went to get another doctor. Well, to make a long story short, the baby, the doctor came in and said how about we try antibiotics? I was furious. I said you've tried for the last 24 hours and the last 2 hours to break her water and now you're telling me that antibiotics were a possibility. Well, thank God we did try antibiotics and my wife now holds the record for being in the OB unit up at Dartmouth Hitchcock and 3 months later my child, my son, was born. So that really makes you think about abortion. Now, I'm going to get on him again a little bit later in this. That was the extemporaneous. That was off the speech I've written so let me get back on this particular issue, but I do look forward to being sure that everybody gets to take abortion sensitivity training next time because that is important, far bigger than whether or not we declaw cats or some of the other things that we vote, as much as I love cats. So, I am a firm believer in personal responsibility. I don't need to be told by an all-knowing and all-powerful state exactly how I have to behave in public or have to treat or conduct myself, particularly around members of the opposite sex. There is not a single one of you that voted for me, except perhaps my constituents from Milford who had the opportunity to. I don't know if they did or not, but I do like my Democratic colleagues from Milford. So, I have been voted for by my constituents twice and if I do run again and they really object to the fact that I did not take this training, they certainly can vote me out of office. Now all of this being said, sexual harassment is a problem. It's real and it's wrong. So what is my problem? It certainly would have been a heck of a lot easier for me to just shut up and take the course, something that many other people in this body decided to do because it just wasn't worth the effort. But something inside me just told me I couldn't do it. This certainly isn't the equivalent of the Civil Rights March on Montgomery. I'm no big hero here, but in my opinion, it is a worthwhile civil disobedience, nonetheless. Yesterday, as the close of session we were treated to a recitation of *The Zax*, by Dr. Seuss. Once we got over the momentary irritation of being kept here a little bit longer, I noticed that as a body we all quieted down and we listened respectfully. Then when he was finished, both Republicans and Democrats broke out into applause. We found something that we could actually agree on and that's how we should speak with each other, talk to each other, respect each other. It occurred to me that was a rather interesting illustration as to where we may be on this issue. Some of you do insist that we see things that I see things your way or else, or else you will be forced to wear your scarlet letter and be subjected to your version of public humiliation. I, on the

other hand, am just as determined to stand on my principles and not give in to what I see as the tyranny of the majority. So first, I guess need to lay out a little foundation about who I am. I am one of 10 children, number 6 in a lineup of 7 boys and 3 girls. I had a very strong and affectionate mother and a very strict father. I was raised in an age where it was expected that you stood when an adult entered the room. You held the door and offered your chair to a woman and to your elders. You greeted people with a handshake, a hug, or a kiss. We were raised to be polite, warm, and respectful of one another. I think those of you who have encountered me in the halls or particularly in the elevators will know that I am pretty respectful. I am warm. I try to reach out and say hello. People say, how are you? My answer is I'm always awesome and right now I'm awesome. My dad was man of few words. The smartest guy I ever knew, but when he spoke you listened. He had all these anecdotal rules about how we were to conduct ourselves. You treat each other as you would want to be treated yourself. Don't try to build yourself up by tearing someone else down. If you don't have something nice to say about somebody, just don't say it. These were pretty simple rules and seemed rather basic. If he happened to hear one of us swear, you would be in trouble for that. He would say you know profanity is a sign of limited vocabulary. Somehow you felt much smaller after you got a rebuke from my father. To this day, the idea of using profanity, particularly in mixed company is really an anathema to me. When it came to dating and girls, he would let us know remember every girl is some father's daughter. There was no misunderstanding him there. Dad was very, very protective of his girls and in particular he was protective of my youngest sister who is mentally retarded. My sister is very loving and very trusting. Too trusting actually. Dad and mom were very concerned for her, particularly how she was going to make it in this world after they were no longer here to protect her. So these lessons were reinforced with us over and over and over and over again as we grew from childhood to adulthood. They became ingrained. They are not behaviors we have to think about consciously and say oh this is how I have to act in this situation. These were behaviors that are also impossible to learn in a 2-hour sexual harassment training course. Now at the same time I had wonderfully strong female role models. Pardon me, I'm starting to have a hard time standing up here, but I'll make it. Besides my mom I had an older sister. My older sister is someone that I deeply love and respect and to whom I am still very close. She was actually sort of like an extra mom and when you have 10 kids the older daughters really have to step up. I also had my grandmother. My grandmother was the oldest of 8 and grew up on a farm in Indiana at the turn of the last century. She was a no-nonsense woman who was very influential in my life and believe me you did not disrespect women around my grandmother. You just didn't do it. I spent every summer between the ages of 3 and 16 with her at her little farm in Walpole, New Hampshire. I just found out that the Speaker Pro Tempore is from Walpole. My grandfather who died when I was 7 was the local barber there and Nana had a small farm raising chickens. She had a huge garden and was heavily involved in the community. Her social calendar and therefore mine was wrapped up in the Unitarian Church, the Grange, DAR, and a local group called the NP Club, made up of 12 or 15 women who met every Tuesday. I'm getting my papers mixed up here. Every Tuesday to socialize and darn socks for the Kurn Hattin Home, a nearby orphanage. Nana joked and said there was a time that I was in every will in Walpole. My point here is that throughout my formative years I was surrounded by strong independent women for whom I had tremendous love and respect and from whom I learned lifelong lessons on how to behave. So that's the backdrop and culture in which I grew up and those are the values that I have tried to teach my boys. My youngest, the one that survived the abortion, has just passed his Eagle Scout Board. Andrew did not become an Eagle Scout in a vacuum. He learned his values at home. I taught him the same lessons my dad taught all of us. He would say there are 3 kinds of people in this world, those who learn by experience, those who learn by the experiences of others and those who never learn at all. Which one do you want to be? Life is about those choices that he told me. He told me to make good choices. Your integrity matters. Interestingly and as a complete aside, as Andrew became an Eagle Scout, the woman who ushered him through the whole process, worked with him week after week after week, happened to be Anne Edwards. She is the very same woman and Assistant Attorney General who led the sexual harassment training session here. I have total respect for Anne. I had no idea she did that training but I have total respect for her. I have known her for years and she and her husband Bob have dedicated their personal lives to helping to raise a generation of responsible young men through the scouting program. Young men who grow up to respect women. So now my background is coupled with the fact that I am a small government, libertarian leaning Republican. I believe values are best taught at home, not by the state. As I previously noted, I have no dispute with the fact that sexual harassment occurs and it is wrong. Sexual harassers should be called out and held accountable for their behavior. Sometimes it is a case with a culprit who is socially inept and needs to be brought aside and corrected and that's usually the end of it. But, on the other end of the spectrum you've got some guys who are just plain real pigs. I have no use for them. They are far behind and far beyond the help of a 2-hour sexual harassment training course. What I don't believe it helpful is to boil everyone together in one pot as if we are all guilty. Because doing so in my not so humble opinion gives cover to that sexual harasser and minimizes the real harm that is done to the most serious victims. If 2-hour seminars were the solution to sexual harassment, the problem would have been eliminated a long time ago. But all that has really been accomplished is that we have wittingly or perhaps wittingly given rise to a multi-billion-dollar sexual harass-

ment grievance industry. We have given legal cover to companies and organizations and created a whole lot of wealthy attorneys, but I'll bet you \$100 that Harvey Weinstein, Matt Lauer, and Charlie Cook have all taken similar classes and look what good it did them. I patently reject being lumped in with their ilk. These guys give pigs a bad name. I searched the Internet to find an example of a rational voice in this debate. I came upon this quotation by an attorney named Charlotte Miller. I whole heartedly agree with what she has to say. She says, "I am and have been a Chief Human Resources Officer. I've also been Corporate General Counsel, State Bar President and practicing employment law attorney. And I'm a #MeToo. So here is my take", she says, "Forget the law. Get rid of the phrase "sexual harassment." Few people bring claims and fewer win cases because the law is narrow. Instead focus on respect and culture. An employer can win a sexual harassment lawsuit but have a toxic culture. When you talk about the law you discuss the concept of pervasiveness. How many sexual jokes can you tell in a year before it's sexual harassment or unwelcomeness? Did the recipient laugh or joke? The hairsplitting about these concepts may make for great litigation but also for a horrible workplace. Instead of legal jargon, let's focus on an environment of respect where people understand acceptable interaction because they see it, not because they read it and signed a policy. Model respect through language, actions, and daily interactions. Don't joke about it being politically correct or keeping out of trouble with the human resources department. She continues, "I've experienced inappropriate touching, sexual overtones, demeaning behavior and bias that was harmful to the workplace and to me. It distracted me from my work, interfered with creativity, collaboration and problem solving and kept me and others from being their best. People show up in the workplace to work, to be smart, to solve problems, to be part of a team. Every time a person is treated dismissively and is made to feel invisible is made to feel like an object, is not allowed to have a voice, is not paid equally or given opportunities equally, the workplace loses and every employee loses and a foundation is laid that is ripe for sexual harassment and worse for disrespect and disengagement." So I agree. Let's focus on an environment of respect where people understand acceptable interaction because they see it not because they read it or signed a policy or were forced to take a sexual harassment seminar. Model respect through language, actions, and daily interactions. Don't pretend that forcing everyone to take a 2-hour training session is going to accomplish anything other than creating animosity and cynicism and phony shaming exercises on the House of Representatives floor. So one more note. A personal note. I mentioned my little sister and my parents concern for her future and safety. She lives in a local senior housing community. She has enjoyed a wonderful life there. She was and continues to be a great help to the elderly who live in the building. Every day she gets up at 4:00 a.m. to drop the newspapers off at peoples' front door. Not because she has to but only because she likes to help. It makes her feel needed. She often walks to Cumberland Farms to pick up milk or juice or eggs for folks who can't get out. She is good for them and they are good for her. Some year ago a retired policeman who lived there with his wife. A man who has undoubtedly taken multiple 2-hour sexual harassment training courses. This guy took advantage of my sweet little sister's innocence. I don't need to go into the details, but suffice it to say I don't hold much stock in the efficacy in a state run 2-hour training exam, I mean session, no matter how much I may personally respect the trainer. I have no interest in being lumped into a class with the likes of that monster that took advantage of my sister. I will say I am perfectly willing to sit down with any member of this body that has a question about my commitment to respect and my commitment to see women are treated respectfully when I'm engaged with them. I've been here for 2 terms. I serve currently in Ways and Means. Our Chair is a woman. We have 5 women in our committee. Last time we had several other women who now serve elsewhere. We worked together respectfully. No question I hardly agree with much that they had to say on the controversial issues and they probably had objections to the way I look at things also, especially the time my phone went off and Glenn Beck piped into our Ways and Means Committee hearing. That went over pretty well. But anyway, we worked together well. The subject of sexual harassment never comes up because it is not an issue. However, if through all that you decide that I'm one of those sexual harassers and I need to be tacked with that scarlet letter from this committee, go ahead and pin it on my chest. I will wear it as a red badge of courage and an example to my son to stand up for what he believes. You don't even have to hang me with the other guys because you know what, I come equipped with my own electric chair. Okay, I did almost forget there is one more elephant in this room. Now, although far from me to suggest that this might be true, but is it even remotely possible that politically correct gotcha politics has played a part here? No, who would ever believe something like that could happen? It just doesn't happen, except maybe the people might believe it. Also, I believe that the emperor has got new clothes. Last point since I have the floor, I just want a little shout out of heartfelt prayers for the miraculous healing of Rush Limbaugh and any and all who are suffering from the scourge of cancer. Thank you for your attention.

Speaker Shurtleff: Will the member yield to a question?

Representative Burns: Yes, I will.

Speaker Shurtleff: The House will be in order. Will the member yield to a question? Representative Notter, you may inquire.

Representative Notter: Thank you for taking the question. Would you believe that I think that you are a perfect gentleman and I just loathe that we have to be part of this political spectacle?

Representative Burns: Thank you, I would believe that.

Speaker Shurtleff: The question before the House is the recommendation that the member from Milford, Representative Burns, be reprimanded. This will be a division vote unless a roll call vote is requested. Does the member rise for a question? That's a higher priority so let me take the member at the well.

Representative Dolan: Thank you, Mister Speaker. I'd like to make a motion to Postpone Indefinitely this reprimand.

Speaker Shurtleff: The motion to Indefinitely Postpone is in order. The question before the House is to Indefinitely Postpone this proceeding. A division has been requested. Members will kindly take their seats. This will be a division vote. The question before the House is the motion to Indefinitely Postpone this proceeding regarding Representative Burns. The member from Walpole is recognized for a parliamentary inquiry. The House will be in order.

Speaker Pro Tempore Weber: Thank you, Mister Speaker. Mister Speaker, if I know that the only conduct that we are discussing here today is compliance with House Rule 67. And, if I believe that the House is entitled to vote on that with respect to this Representative, would I press the red button to vote no on the motion of Indefinite Postponement?

Speaker Shurtleff: The question before the House is the motion to Indefinitely Postpone the proceedings regarding Representative Burns. This is a division vote. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. Have all members present had an opportunity to vote? The House will be attentive to the state of the vote. With 142 voting Yea and 195 voting Nay, the motion of Indefinite Postpone fails. The question before the House is on the motion to reprimand Representative Burns. Representative Burt has asked for a roll call vote. Is that sufficiently seconded? It is sufficiently seconded. This will be a roll call vote. The member may state their parliamentary inquiry.

Representative Cali-Pitts: Very simple inquiry. When we were asked to attend this training, were we told that if you did not do that there would be a reprimand or dismissal or whatever and the same thing goes with the forms that we do when we file our finances. Is there a penalty attached that we know ahead of time to those consequences for not doing it?

Speaker Shurtleff: I will answer that in 2 ways and I thank the member for her question. We all know in this body that if we don't follow the rules of the body or do something that is inappropriate then a penalty would be imposed. The other thing I would add is that towards the end after I think the 6th training, there were 22 members that had not finished their training. I sent certified letters to each of them notifying that they had not completed the training and just to remind them that there would be a penalty involved for not completing that training.

Representative Cali-Pitts: So they were notified?

Speaker Shurtleff: They were. The question before the House is on the motion to reprimand the member from Milford, Representative Burns. Representative Weber is recognized for a parliamentary inquiry.

Speaker Pro Tempore Weber: Thank you, Mister Speaker. House Rule 67 provides that all legislators shall. If I know that all legislators shall attend an in-person education and training regarding sexual and other unlawful harassment and discrimination. And, if I know that despite being given repeated notice and repeated opportunities to participate in the training, the Representative has not done so. If I believe that we should not expect less of our members than what is expected of almost every worker in this state, would I therefore push the green button in support of the reprimand? Thank you.

Speaker Shurtleff: Is there a reason the member is out of his seat during the voting mode? That's alright, I know the former majority leader would know better. The question before the House is should the member from Milford, Representative Burns be reprimanded. This will be a roll call vote. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. Have all members present had an opportunity to vote? The House will be attentive to the state of the vote. With 208 members voting Yea and 128 voting Nay, the House has voted to reprimand the member from Milford, Representative Burns. The Chair recognizes the member from Walpole for a motion. Before the member proceeds. Why does the member rise?

Representative Steven Smith: Thank you, Mister Speaker. I move that the previous debate be printed in the Permanent Journal.

Speaker Shurtleff: Without objection, so ordered.

MOTION OF REPRIMAND

Speaker Pro Tempore Weber: Mister Speaker, as conduct of members and their capacity to serve is a privilege of the House, that is to say, a high order motion, we have at this time fourteen members of the House of Representatives who have not complied with the requirement as stipulated in House Rule 67 regarding harassment training. Therefore, I move that Representative Kevin Craig be reprimanded by the House of Representatives.

The question being should Representative Kevin Craig be reprimanded by the House of Representatives?
Rep. Craig spoke against.

On a division vote, with 192 members having voted in the affirmative, and 130 in the negative, the motion was adopted.

Representative Kevin Craig was reprimanded by the House of Representatives.

MOTION OF REPRIMAND

Speaker Pro Tempore Weber: Mister Speaker, as conduct of members and their capacity to serve is a privilege of the House, that is to say, a high order motion, we have at this time fourteen members of the House of Representatives who have not complied with the requirement as stipulated in House Rule 67 regarding harassment training. Therefore, I move that Representative John Burt be reprimanded by the House of Representatives.

The question being should Representative John Burt be reprimanded by the House of Representatives?

MOTION TO REFER TO COMMITTEE

Rep. Steven Smith moved that the motion to reprimand Representative John Burt, be referred to the Committee on Legislative Administration.

On a division vote, with 131 members having voted in the affirmative, and 194 in the negative, the motion failed.

The question now being should Representative John Burt be reprimanded by the House of Representatives?
Rep. Burt spoke against, yielded to questions and requested a quorum call.

Speaker Shurtleff declared a quorum present.

Rep. Horn requested a roll call; sufficiently seconded.

YEAS 203 - NAYS 120

YEAS - 203

CARROLL

Burroughs, Anita
Marsh, William

Butler, Edward
Ticehurst, Susan

DesMarais, Edith
Woodcock, Stephen

Knirk, Jerry

CHESHIRE

Abbott, Michael
Eaton, Daniel
Mann, John
Pearson, William

Ames, Richard
Fenton, Donovan
Parkhurst, Henry
Weber, Lucy

Berch, Paul
Harvey, Cathryn
Schapiro, Joe

Bordenet, John
Ley, Douglas
Von Plinsky, Sparky

COOS

Hatch, William
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

Noel, Henry

GRAFTON

Abel, Richard
Dontonville, Roger
Gordon, Edward
Massimilla, Linda
Osborne, Richard
Weston, Joyce

Almy, Susan
Egan, Timothy
Hennessey, Erin
Mulligan, Mary Jane
Stringham, Jerry

Campion, Polly
Fellows, Sallie
Josephson, Timothy
Muscatel, Garrett
Smith, Suzanne

Diggs, Francesca
Ford, Susan
Maes, Kevin
Nordgren, Sharon
Sykes, George

HILLSBOROUGH

Alexander, Joe
Backus, Robert
Bernet, Jennifer
Chretien, Jacqueline
Cornell, Patricia
Dutzy, Sherry
Graham, John
Harriott-Gathright, Linda
Jack, Martin
Langley, Diane
McGhee, Kat
Nutter-Upham, Frances
Petrigno, Peter
Newman, Ray
Shaw, Barbara
Stevens, Deb
Vail, Suzanne
Wilhelm, Matthew

Bouldin, Amanda
Baroody, Benjamin
Bordy, William
Cleaver, Skip
Dargie, Paul
Espitia, Manny
Griffith, Willis
Heath, Mary
King, Mark
Leishman, Peter
Mombourquette, Donna
Nutting-Wong, Allison
Piedra, Israel
Riel, Cole
Sofikitis, Catherine
Smith, Timothy
Van Houten, Constance
Williams, Kermit

Bouldin, Andrew
Beaulieu, Jane
Bosman, James
Cohen, Bruce
Desjardin, Kathy
Davis, Fred
Hall, Brett
Indruk, Greg
Klee, Patricia
Murray, Megan
Mullen, Sue
O'Brien, Michael
Porter, Marjorie
Rung, Rosemarie
St. John, Michelle
Telerski, Laura
Vann, Ivy
Woodbury, David

Griffin, Barbara
Bergeron, Paul
Bouchard, Donald
Connors, Erika
DiSilvestro, Linda
Freitas, Mary
Hamer, Heidi
Schmidt, Janice
Klein-Knight, Nicole
Martin, Joelle
Murphy, Nancy
Pedersen, Michael
Query, Joshua
Newman, Sue
Stack, Kathryn
Toomey, Dan
Thomas, Wendy

MERRIMACK

Allard, James
Doherty, David
Kotowski, Frank
McWilliams, Rebecca
Richards, Beth
Schuett, Dianne
Walz, Mary Beth

Bartlett, Christy
Ellison, Arthur
Lane, Connie
Moffett, Howard
Rodd, Beth
Soucy, Timothy
Wazir, Safiya

Buchanan, Ryan
Fox, Samantha
Luneau, David
Myler, Mel
Rogers, Katherine
Turcotte, Alan
Wells, Kenneth

Carson, Clyde
Karrick, David
MacKay, James
Pimentel, Roderick
Saunderson, George
Wallner, Mary Jane
Woods, Gary

ROCKINGHAM

Abrami, Patrick
Cushing, Robert Renny
Gilman, Julie
Le, Tamara
McBeath, Rebecca
Read, Ellen
Ward, Gerald

Altschiller, Debra
DiLorenzo, Charlotte
Grossman, Gaby
Lovejoy, Patricia
McConnell, Liz
Somssich, Peter
Welch, David

Berrien, Skip
Edgar, Michael
Grote, Jaci
Maggiore, Jim
Meuse, David
Sytek, John

Bushway, Patricia
Eisner, Mary
Murray, Kate
Malloy, Dennis
Pantelakos, Laura
Vallone, Mark

STRAFFORD

Bixby, Peter
Ellis, Donna
Higgins, Peg
Levesque, Cassandra
Rich, Cecilia
Spang, Judith

Cannon, Gerri
Frost, Sherry
Horrigan, Timothy
Smith, Marjorie
Salloway, Jeffrey
Treleaven, Susan

Chase, Wendy
Gourgue, Amanda
Keans, Sandra
Opderbecke, Linn
Sandler, Catt
Wall, Janet

Conley, Casey
Grassie, Chuck
Kenney, Cam
Schmidt, Peter
Southworth, Thomas

SULLIVAN

Cloutier, John
Oxenham, Lee

Lucas, Gates
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

NAYS - 120**BELKNAP**

Bean, Harry
Jurius, Deanna
Spanos, Peter
Varney, Peter

Feeney, George
Lang, Timothy
St. Clair, Charlie
Viens, Harry

Fields, Dennis
Mackie, Jonathan
Sylvia, Michael

Howard, Raymond
Beaudoin, Richard
Tilton, Franklin

CARROLL

Avellani, Lino

Cordelli, Glenn

MacDonald, John

Nelson, Bill

CHESHIRE**COOS**

Craig, Kevin

Furbush, Michael

Merner, Troy

GRAFTON

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
Camarota, Linda
Gagne, Larry
Gunski, Michael
McLean, Mark
Plett, Fred
Sanborn, Laurie
Warden, Mark

Barry, Richard
Danielson, David
Gidge, Kenneth
Hinch, Richard
Notter, Jeanine
Proulx, Mark
Somero, Paul

Burns, Charles
Erf, Keith
Gould, Linda
Hopper, Gary
Nunez, Hershel
Prout, Andrew
Lekas, Tony

Burt, John
Flanagan, Jack
Greene, Bob
Lascelles, Richard
Panasiti, Reed
Renzullo, Andrew
Ulery, Jordan

MERRIMACK

Hill, Gregory
Pearl, Howard
Yakubovich, Michael

Horn, Werner
Seaworth, Brian

Klose, John
Testerman, Dave

McGuire, Carol
Walsh, Thomas

ROCKINGHAM

Abbas, Daryl
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Harb, Robert
Janigian, John

Abramson, Max
Costable, Michael
Dolan, Tom
Gay, Betty
Hobson, Deborah
Katsakiores, Phyllis

Baldasaro, Al
Davis, Dan
Doucette, Fred
Green, Dennis
Hoelzel, Kathleen
Kolodziej, Walter

Bershtein, Alan
DeClercq, Edward
Edwards, Jess
Guthrie, Joseph
Osborne, Jason
Love, David

Lundgren, David
McKinney, Betsy
Packard, Sherman
Prudhomme-O'Brien, Katherine
Verville, Kevin
Yokela, Josh

Griffin, Mary
McMahon, Charles
Piemonte, Tony
Roy, Terry
Vose, Michael

Pearson, Mark
Melvin, Charles
Potucek, John
Torosian, Peter
Wallace, Scott

Major, Norman
O'Connor, John
Pratt, Kevin
True, Chris
Weyler, Kenneth

STRAFFORD

Harrington, Michael
Perreault, Mona

Hayward, Peter
Beaudoin, Steven

Horgan, James
Wuelper, Kurt

Kittredge, Mac

SULLIVAN

Aron, Judy
Smith, Steven

Laware, Thomas

Rollins, Skip

Stapleton, Walter

and the motion was adopted.

Representative John Burt was reprimanded by the House of Representatives.

PROTEST

Constitution of the State of New Hampshire, Part 2, Article 24 Protest

As to the vote of John Burt, by its action today, voting to reprimand members of the House for not complying with House Rule 67, the House has set a dangerous precedent,

- These members meet all constitutional and statutory requirements to serve in the House and were duly elected by their constituents.
- Rule 67 was poorly crafted, lacked clarity, contained no deadline for compliance or parameters for discipline. Arbitrarily setting deadlines for compliance and arbitrarily bringing these motions to the House floor is unfair to these members, unfair to this body, and sets a dangerous precedent.
- The reprimand motions and votes presented to the House disregard years of fair and transparent past practice where concerns about members were addressed by the Committee on Legislative Administration for review and recommendation.
- This process has lacked fairness, lacked transparency, and applies a different standard for these members than other members who have faced more serious allegations this term.
- We all want to eliminate and prevent sexual harassment in this institution, and we should focus our attention on positive efforts to ensure that happens. This reprimand process does not help us achieve that goal.

Therefore, pursuant to the Constitution of the State of New Hampshire, Part 2, Article 24, I register my protest to the vote of the House to reprimand members who have not yet complied with House Rule 67, and wish to have it entered in the House Journal.

Representative Barbara Griffin, Hillsborough County, District 6

MOTION TO PRINT DEBATE

Rep. Steven Smith moved that the debate on the motion to reprimand Representative John Burt and Representative Kevin Craig, be printed in the Permanent Journal.

Without objection, the Speaker ordered.

DEBATE OF

MOTION TO REPRIMAND

Speaker Shurtleff: The next reprimand to come up is the member from Goffstown. He says he has to step out for a moment. We will pass over that reprimand to extend every courtesy possible to the members of this body. We will set that aside until the member returns to the chamber. Why does my friend from Londonderry rise?

Representative Baldasaro: Parliamentary inquiry and then also a notice for the Speaker. One of our, Bill Fowler had to rush out of here, his son fell off the bus and split his head.

Speaker Shurtleff: I thank the member for bringing that to the body's attention. I was aware.

Representative Baldasaro: He sent me a message to bring it up, that's why.

Speaker Shurtleff: We realize that and we are going to pass over that.

Representative Baldasaro: Parliamentary inquiry then. There was a statement that was made earlier by the last Representative, are we state employees or are we legislators elected by the people because we were called state employees? What are we?

Speaker Shurtleff: My understanding of what the member said is that we are part of the state family I suppose in a way as we are one branch of state government. I understand there is training for other state employees and I assume that's what the member meant, but as I stated earlier this morning, we never guess what is going on in another member's mind. Some people would say that they probably wouldn't guess very much about my own, so. I thank the member for his question. The Chair recognizes the member from Walpole for a motion.

Speaker Pro Tempore Weber: Mister Speaker, for the reasons that I stated at the beginning of the proceedings, I move that Representative Kevin Craig be reprimanded by the House of Representatives.

Speaker Shurtleff: The question before the House that the member from Lancaster, Representative Craig, be reprimanded by the body. Representative Craig is on his way. I recognize the member to speak. Representative Craig has already been recognized to come to the well to speak.

Representative Craig: Thank you, Mister Speaker. Thank you to the members of this body. I don't believe I can top the member from Milford presentation. I won't attempt to. Let me just say that by not providing evidence of training to the Speaker's Office and I mean no disrespect to the Speaker or to this body, I first took sexual harassment awareness training before leaving active duty in the Army in 1989. At the time we chuckled about it because in combat arms it was completely gender separated. There were not women at all in my regiment of 1400 soldiers, but of course now we know that it's not just male and female harassment. At the time we thought nothing at all about making what is now seem as sexual harassment and rightly so of same gender to same gender. I live in Lancaster. A short day for me when I come to Concord is 10 hours. In my current job I was able to arrange with the gracious assistance of my boss to work my regular full job from Friday to Monday so that I could attend here Tuesday, Wednesday, and Thursday. Some days like this I suspect this very well might be will be 14 hours or more away from home. I am the sole earner in my family of three. My wife has physical limitations. I am the cook in the family. Last night when I got home at 7:30 at night, I prepared and made a meal for the three of us. So it's not disrespect. It's simply a disagreement with what can be required for positive action. Rules for our members can forbid certain conduct and I believe they should and must forbid any sexual harassment, any racial discrimination, any form of harassment or discrimination at all, which I find personally intolerable. I do not live my life tolerating those things. I do not live my professional job tolerating those things. I most recently terminated an employee less than a month ago for a violation of workplace rules. The conduct involved was unwanted physical contact and unwelcomed remarks of a sexual nature towards another associate. I take this very seriously. When I first had that training in 1989, I started taking it seriously when it comes to the workplace. I then went on to a career in the United States Department of Justice. I'm sure the Speaker will recall with some fondness their intolerance for such things and the mandatory training that we would have every single year for my 23-year career there. I started a new career. I'm a personnel and training coordinator at a large company. It's the 3rd largest in this industry in the United States. They have an absolute zero tolerance policy towards any kind of harassment or discrimination. Not only have I had such training, I teach it. I taught it on Monday. I teach it no fewer than 50 times a year. I teach it to all new associates in my location. I could provide documentation, but I am not going to harass my Vice President of Human Relations because I am in a sensitive position. My personnel file is kept at company headquarters instead of at our location. I'm going to leave that where it is. If any member of this body engages in discrimination or harassment, intolerance, I will be the first to line up and call for their reprimand, censure and if the circumstances call for it, even their removal. But short of that, I do not believe that it is constitutional nor within the scope of the rules of this body to require members to attend a certain event. Having read the rule, I cannot lay a finger upon the line that says it will be a 2-hour course nor when a deadline is specified nor what kind of training may be approved. So I simply ask that if you feel that my spending time with my family and attending to my duties as the breadwinner in my family and taking my time to actually teach sexual harassment training merits a reprimand by this body, then please vote your conscience as I voted mine by declining to provide evidence of having completed such training to the body. With that Mister Speaker, I thank you.

Speaker Shurtleff: I thank the member. The question before the House is the recommendation that the member from Lancaster, Representative Craig be reprimanded. This will be a division vote unless a roll call is called for. This will be a division vote. Why does the member rise?

Representative Steven Smith: Thank you, Mister Speaker. I wish to be recognized for a motion.

Speaker Shurtleff: I have already put the question to the body so if after this vote you want to come back. We are actually in the voting mode. Let me explain to the member in case you didn't know. Once I put the question to the body, we are now in the voting mode and must continue through until we finish it. I have already called that this will be a division vote and we are moving in that direction, but if the member wants to come forward after this vote, I will make sure to recognize you first.

Representative Steven Smith: Thank you, Mister Speaker. That's why I came up before and you waived me off. No harm, no foul.

Representative Craig: Mister Speaker, I forgot to add that I do ask for a division vote.

Speaker Shurtleff: I have already called for a division vote for the member. The question before the House is should the member from Lancaster, Representative Craig be reprimanded by this body. This will be a division vote. The Chair recognizes the Speaker Pro Tempore from Walpole for a parliamentary inquiry.

Speaker Pro Tempore Weber: Thank you, Mister Speaker. House 67 provides that all legislators shall attend in person education and training regarding sexual and other unlawful harassment and discrimination. Despite being given repeated notice and repeated opportunities to participate in the training, the Representative has not done so. We should not expect less of our elected Representatives in following our duly elected House Rules than we expect of almost every worker in this state. Therefore, I urge you to push the green button in support of the reprimand.

Speaker Shurtleff: This will be a division vote. Let me remind all members when doing a parliamentary inquiry, it's if I know. I thank the member for pointing that out to me. This will be a division vote. The question before the House is should the member from Lancaster, Representative Craig be reprimanded by this body. If you feel that he should, you'll press the green button. If you are opposed to that, you'll press the red button. Voting stations will be open for 30 seconds. Have all members present had an opportunity to vote? The House will be attentive to the state of the vote. With 192 members voting Yea, 130 voting Nay, the motion carries and the member from Lancaster, Representative Craig has been reprimanded by this body. The member from Charlestown is recognized, Representative Smith, for a motion I believe. The Chair recognizes the member from Walpole, the Speaker Pro Tempore for a motion.

Speaker Pro Tempore Weber: Mister Speaker I move that Representative John Burt be reprimanded by the House of Representatives.

Speaker Shurtleff: The question before the House is the motion to reprimand the member from Goffstown, Representative Burt. Why does the member rise?

Representative Steven Smith: Thank you, Mister Speaker. A motion.

Speaker Shurtleff: Please state your motion.

Representative Steven Smith: Thank you, Mister Speaker. To commit the reprimand of Representative Burt to the Committee on Legislative Administration.

Speaker Shurtleff: I will tell the member that there are deep questions in my mind if the order is appropriate, but in all fairness to the member from Charlestown, I will entertain that motion and that motion is now before the body. This will be a division vote and members will kindly take their seats. The question before the House is should the matter of a reprimand of the member from Goffstown, Representative Burt, be referred to the Committee on Legislative Administration. The Chair recognizes the member from Walpole for a parliamentary inquiry.

Speaker Pro Tempore Weber: Mister Speaker, if I know that the only questions that the Committee on Legislative Administration could take up are whether the member had complied with the rule or not, would I now vote to oppose referring, to oppose referral of this to the Committee on Legislative Administration by pushing the red button so that we can finish up our business today?

Speaker Shurtleff: The question before the House is the motion to send the matter of the reprimand of the member from Goffstown, Representative Burt to the Committee on Legislative Administration. If you are in favor of that motion, you'll press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. Have all members present had an opportunity to vote? The House will be attentive to the state of the vote. With 131 members voting Yea, 194 voting Nay, the motion is defeated. The question before the House is should the member from Goffstown, Representative Burt be reprimanded by this body. Representative Cali-Pitts has already previously asked to make a motion.

Representative Cali-Pitts: I have a parliamentary inquiry. My inquiry was that the Speaker Pro Tempore brought up that we are expected to take these courses as other employees. I consider myself an employee of the state since I got a W-2. If I refuse to do this as an employee of the state, would I be subject to dismissal or reprimand?

Speaker Shurtleff: I can't, I do not know the state law. I can only tell you what the Rules of the New Hampshire House are, but I can't tell you what state law is.

Representative Cali-Pitts: Well then may I just. I don't know if I can object to having that all other members of the state are expected to do.

Speaker Shurtleff: I thank the member for her inquiry. Mister Leader.

Representative Hinch: Thank you, Mister Speaker. This is a parliamentary inquiry of the Chair and also a statement. With all due respect, the previous speaker, the Speaker Pro Tempore indicated during the motion that the only reason this would go to Legi Admin was something like a violation of the rule. Well, that is in fact what we are here for today is a violation of the rule. Under past practice and I chaired Legi Administration and you sat beside me in Legi Administration.

Speaker Shurtleff: Good times.

Representative Hinch: It was a great time, Mister Speaker. When we had an incident that involved a member of the House, Legislative Administration, which was charged with conducting a public hearing and listening to the information as part of the public hearing and the Committee on Legislative Administration was charged with then making a recommendation to the House. That is not what we are doing here today. What we are doing here today is bypassing the past practice and we are going straight to a House defense and I believe that to be wrong and had I done my speech in the beginning, I would have articulated that.

Speaker Shurtleff: Was this a would you believe question?

Representative Hinch: It was.

Speaker Shurtleff: I take it as such. As I am reminded by the Clerk, I will give a brief answer to my friend from Merrimack. As you know that this was 2 years ago there was an incident that was referred to Legislative Administration and it was referred to that committee by the House. The member just made a motion to refer

this issue by the House to the Legislative Administration Committee and that was voted down. I thank the member for his comments. The question is on the motion to reprimand the member from Goffstown, Representative Burt. Representative Burt, if you wish to speak, you may. The House will be in order. Anybody leaving the chamber will do so quietly. The member has a right to be heard.

Representative Burt: Thank you, Mister Speaker. Mister Speaker, I do have a question and I don't know if this is the appropriate time, but I hope I'm going to spare the rope today but if I'm getting hung, shouldn't the jury all be sitting here and listening to me? To my side of the defense? That is a question, Mister Speaker.

Speaker Shurtleff: The Chair recognizes that a quorum is present as with any proceeding before the body we know that members need to leave at certain times as the member who is now at the well did a few minutes ago for one reason or another. So, for members to step outside, whether it is to take a call or whatever reason, it is appropriate. Business can be conducted along as we have a quorum and the Chair recognizes a quorum is present.

Representative Burt: Thank you for clearing that up for me and thank you for giving me an opportunity to run to the restroom.

Speaker Shurtleff: You are welcome.

Representative Burt: Mister Speaker, you mentioned yesterday Vermont President Calvin Coolidge. I don't know if you know Mister Speaker, Vermont is where I grew up. You said that this lady talked to President Coolidge and said that she would like to have more than 3 words from him and it was pretty funny what you said that his response was, "You lose." So I thought that was pretty funny. Well, Mister Speaker, I do have more than 3 words here to say. Yesterday you also said, Mister Speaker, at 2:44 p.m., "Proud of what we do in the House." Mister Speaker, I cannot agree with you more that the New Hampshire House is a special place until now. Why are we doing this Mister Speaker? For the record, Mister Speaker, I did not receive a certified letter. I hope you will allow me to finish my speech like you did the other members and I believe you will Mister Speaker because I think you understand the severity of this. Why we are doing this in my eyes Mister Speaker is this is Washington D.C. politics. Mister Speaker, I'm asking all of us please stop now. Please do not go down this path. Washington D.C. politics, the nastiness on both sides. I'm not just saying one side Mister Speaker, should not be in New Hampshire. It should not be in the New Hampshire House of Representatives that I agree with you is a very special place. Now I want to read Rule 67, which I think it has already been read but I just want to make sure everybody understands. It says all legislators, legislative officers and legislative staff shall attend in person education and training regarding sexual and other unlawful harassment and discrimination. Mister Speaker, I take any harassment very, very serious. I've taken these classes in the past. Matter of fact Mister Speaker I don't know if you know but I started a tree business and almost starved to death the first couple of years in 1991. I owned the business for over 20 years and everything was fine Mister Speaker until about 1994 I think it was or 1995, I hired this gentleman, a young kid, he was strong as an ox. Great tree service kid. We were driving down Railroad Street in St. Johnsbury, Vermont and it was a hot summer day and the windows were rolled down and there is Burt's Tree Service all over my chipper, which I had custom painted blue just like my truck. Burt's Tree Service all over it with my numbers and everything and out comes this kid with a catcall to this beautiful woman. She was pretty. I went, holy crap, what just happened here? So I reached over and said to his name, I said, "You don't do that." So that is when Burt's Tree Service adopted the sexual harassment and I don't know if I really talked about discrimination because I don't believe there was any, but the sexual harassment part of proper etiquette when we are in the vehicle with my logo on the side of the door. So Mister Speaker I am very aware and I've taken this class like I said. At my current work that I work a couple a days a week at, I've taken many classes. One, well I'll skip that. Most of them were online also. That's where I believe this should have been. Now I also know Mister Speaker New Hampshire House, State House has a secret sexual harassment fund that the House uses or in the Senate uses to pay victims off. I don't think.

Speaker Shurtleff: Will the member suspend a moment? I cannot speak about the other body, but I can speak about this House. The New Hampshire House of Representatives has no secret fund where we would ever pay anybody off who has been sexually harassed. If something like that happened in this body it would come out in the open and we would let the whole world know about it. The New Hampshire House has no secret fund. If you want to talk about maybe the other body which you probably shouldn't do, I cannot talk about that, but I can talk about our House. We do not do anything secret. We have no fund. The member may proceed. State your point of order. The House will be in order.

Representative Flanagan: Thank you, Mister Speaker. We are all going through difficult times here today.

Speaker Shurtleff: No, go ahead and finish your statement.

Representative Flanagan: One of the things I've learned in my life is when one raises their voice, it doesn't.

Speaker Shurtleff: The House will be in order. The member has a right to be heard.

Representative Flanagan: It doesn't do anybody any good. If you don't like what he said or you disagree with what he said, there is no reason to ridicule him by raising your voice. That is all I am saying Mister Speaker.

Speaker Shurtleff: I raise my voice and I will answer the member's question. Anybody can say anything they want about me personally. I don't care, but when you chastise this body and you chastise the people that dedicate their lives to serving here and you hold us for public ridicule by saying that we have something that we don't have and we would never have as long as I was Speaker and I know that the previous Speakers from the party opposite never had. That's when I raise my voice only in defense of this institution and its integrity. I hope I have answered my friend's question from Brookline. The member may proceed.

Representative Burt: Thank you, Mister Speaker. Mister Speaker, I do apologize for mentioning the other people on the other wall and I do apologize if I was misinformed about the payout in 2002 or 2004 whatever it was from a fund, you know with misconduct. I apologize if that is untrue but I did hear it from several people that it did happen so I do apologize for that again Mister Speaker. I mean no harm when I speak here. Mister Speaker, the late Steve Vaillancourt has, and I have mentioned this before Mister Speaker, he says that we have to be friends with everybody because who we fight is going to be our best friend on another bill tomorrow. I agree with that Mister Speaker and I have done everything as possible as I can to be respectful and to be friendly with everybody. Occasionally Mister Speaker I do fall off the wagon and everybody has forgiven me the few times I have done that, well most people. So, Mister Speaker, again I am asking here my friends on both sides of the party, do not go down this path. Mister Speaker, I apologized at the time and I made a bad joke one time with my friend from Londonderry and a Representative wanted to put me in the Permanent Journal. Both sides came together and defended me in saying no we don't do that in this House. I was blessed and honored that both sides did that and again I'm asking that we don't go down this path. Mister Speaker, you know that I beat to my own drum for the 10 years that I've been here. Some of the bills that I have fought on and it was really funny. I wish I had a camera up here to take pictures of everybody's faces, was in 2015 Mister Speaker. I went and saw the current Speaker at the time, Speaker Jasper and it was an amendment that the opposite party put in about Meals on Wheels because, you know, the Republicans were cutting it out. Mister Speaker, I asked the Speaker then, Speaker Jasper, if I could speak on it and he said we have enough people speaking against this so sit down John. I said well Mister Speaker I am speaking for it. He goes what are you talking about? So I came up right here and when I announced that I was supporting Meals on Wheels, both sides looked at me like I had 3 heads Mister Speaker. Another one is that I voted for constitutional carry and I fought hard for that so again I beat to my own drum. But then the one that I really got a beating on, Mister Speaker, not from my party, but you know there were a lot of people upset at me about this. I think about what Representative Vaillancourt said is that we have to get along and these, what we are doing here is not that. I voted to repeal the death penalty. I wasn't very happy with the vote. Matter of fact, the vote bothered me a lot because it passed by one vote and I voted to repeal it. Now, I think most of us probably disagreed on why we voted that way, but then Article 30, Mister Speaker, and let me read Article 30 first. The freedom of deliberations, speech, and debate in either House and I'll just mention this House, of legislature is so essential to the rights of the people it cannot be the foundation of any action, complaints or prosecution in any other court or place whatsoever. That was dated July 2, 1784. I just go back to you know we have to get along Mister Speaker and this is not doing it. This is Washington D.C. politics and it just I don't know. Now I do want to talk about one subject and I hope I can hold it together and I think I will. But Mister Speaker I don't know if you remember when I was a large, large, large man. I'm still a large man. Now we have this sexual harassment class for 2 hours and will it help? Research shows it won't because the person that is going to do it still is going to do it. So I just want to know why we don't have a class for sensitivity on large people because being called Barney the Dinosaur and every other name when I was large was not comfortable Mister Speaker, but I smiled and just moved on. Now the thing, Mister Speaker, is I did have the sleeve surgery. I've lost 135 pounds but at one point when I hit the 100-pound mark, I used it in one of my speeches. I said Mister Speaker if you know since this bill has been introduced, I've lost over 100 pounds and I was saying it you know to try to get support for my side of the argument. Everybody, Mister Speaker, I believe everybody, stood up in this House and applauded me and I'm telling you it was the most, the second most emotional time in my life here. The reason everybody did that, Mister Speaker, is because we are supposed to get along. We are not supposed to play these politics games, if that's what is happening. Now I want to talk about my mother. She is gone now, but she raised me right. I remember my mother saying this from a very young age. She says, "John, when you go to school and you go out in public, you embarrass the name, I don't care if it's your fault, their fault or nobody's fault, you are dead when you get home." And I believe my mother that I would be dead. I had a very healthy respect for my mother and I love her, but when she said that I listened so I behaved. One time in 3rd grade the principal came in and you know I had to go to the principal's office and I can't remember what I did, but she looks at me and she was the teacher too, principal/teacher and she says, "John, I can't teach my class." I said I'm sorry. She goes, "Don't do it again because if you are here, I can't teach my class," and she wacked me on the butt and sent me back. I behaved. Now my mother did everything she could because she was a single mom. My father was in the military and for some reason he decided to, and I have never shared this with anybody but I'm

going to today do it, he decided to have another family. So here is my mother stuck with 5 kids and I can only imagine what she went through. So every Sunday we had to be together and that's where we learned a lot of things. Now I know by 6:00 five kids yelling at her, "Mom, mom, mom" about 6,000 times during the day, about 6:00 or 6:30 we could see mom getting a little fidgety and then all of a sudden she would snap and she'd say, "If I hear mom one more time I'll kill every one of them." So we usually behaved. Now I want to talk about my 90-year-old neighbor. I asked her about it, should I take the class? She is a voter and she called a lot of her 90-year-old friends. Every one of them said no. I asked her why and she says, "John, because you know right from wrong and if you take the class it doesn't mean anything" because then she named a bunch of people that was previously mentioned abused people. I'm getting toward the end, Mister Speaker. Now my wife. I sat down with my wife before the last class and I asked her. I said, "Honey, what do I do? Do I take the class or not?" I didn't get the answer that I thought. She looked right at me and she says, "Absolutely not." And I said, "Whoa, that's not the answer I was expecting" because if she said yes, I would probably would have taken it. But, because of my wife, not because of her but other reasons, but one of the reasons and I asked her why and she says, "You go to that State House and you tell them you are right, your mother raised you right and the other, I put you through the training and you have passed 100%." So again, Mister Speaker, I have taken a lot of training on this subject. Now quickly, Mister Speaker, and I am wrapping it up, I want to talk about Hot Dog Day. I love Hot Dog Day and I love what it does. I love what it brings together. It brings all of us together, but let me tell you something, Mister Speaker, in 9 years, have I done it 8 years? No, 9 years, yeah, maybe 8 or 9 years, whatever it is, it's been a long time. Eight years, this is going to be the 9th because I didn't do it my first year. Twice, Mister Speaker, I received a thank you letter from the dog group, that's it. I never wanted to tell anybody that because it doesn't matter. I don't care, but twice they have sent me nice letters saying thank you for everything for the money. It's going to be well spent. The other is, Mister Speaker, the Humane Society, they give out awards all the time to Reps for putting in bills and stuff like that, but not once and not that I want to be recognized, but not once has the Humane Society ever recognized the good I have done for dogs and that's okay, Mister Speaker, because I know the good that I do. And the reason I believe is because I'm John Burt. I'm very vocal. I'm very stubborn, stuck in my ways. I don't know about stubborn, but maybe my wife would say I am. I'm staying the course. I have never swayed from my conservative values and my upbringing. Yes, it has been 8 years. So for over 8 years I've raised over \$35,000, we have, it's not me, it's all of us because we can't have Hot Dog Day without you guys. We've raised over \$35,000 for dog groups, 8 dog groups. That is a lot of money. I'm hoping to break a record this year. We already have the date. We already have the dog people and you know; I hope we can do it. Now I want to briefly talk about what a Representative in Manchester did for me, a Democrat Representative and I think most of you were here. This was the most emotional time I could not handle. She gave me the Golden Hot Dog Award. I cannot tell you how much that meant to me and the reason for that is again, I don't want recognition for anything that I do good, but I would like not having any recognition for the bad stuff, but here we are. But, Mister Speaker, that just showed me that my hard work has brought us together more times than anybody else has in the 8 or 10 years that I've been here. But this really should not happen what we are doing here. We need to all get along and we do not need these extreme political one-sided issues. So, I'm asking my friends on both sides not to go down this path of no return because once we go down this path, we can't return, we can't. Now, I'm almost done, Mister Speaker. This is the last paragraph or close to the last. Please vote against this and let's remain friends, but bottom line, I really don't care what your vote is, you know, in what 4 minutes. I want that understood. I hope everybody does the right thing and vote this down, but I'll walk out of this State House with my head held high and whoever votes to sanction me or whatever the word is, you know, slap my hand, I'm just going to look the other way and we'll continue to be friends because that is the only way we are going to survive in this building. We need to get rid of the extreme partisan sides. I work in my committee, even my former committee, Mister Speaker. I don't know you remember where I used to be over on Criminal Justice, but when I was there and I'm looking at my members right there, we had a lot of fun. I made a lot of friendships. You know, the Representative from Portsmouth, she carried a big bag and I was always scared what she had in that bag. So, Mister Speaker, and lastly, about the Dr. Seuss gentlemen yesterday when he talked about that. You know, I thought about it and he is right. You know, we can stand here together face to face and argue all day, but we must remain friends. So lastly, Mister Speaker, I'm asking you and everybody here to vote this down so I'm thinking that's going to be a red vote because don't go down this path of no return because once it's here, we are never going to get rid of it and the nasty politics will be in New Hampshire and we don't need that. We don't need Washington D.C. in the State of New Hampshire. We have fought to keep that away from us. Sadly we have allowed it into this building today. We could stop it right now. Thank you, Mister Speaker.

Speaker Shurtleff: Will the member yield to a question? Representative Horn, you may inquire.

Representative Horn: Thank you, Mister Speaker. Thank you to the Representative for taking my question. When the majority rule put Rule 67 into place and brought that specter into our House, how did that make you feel?

Representative Burt: You know, I'm not opposed to learning more you know, of the harms. I'm trying to think of the right word to use, of the harms of harassment can cause and, but to force it that we have to be here for 2 hours and again, I did not receive that certified letter. But, to be forced to do it when I'm an elected official, that is what I objected to and then when I started talking to my voters and my family and my wife and they all said no. I could not get anybody in my town to say yes and I was looking because I'm like alright I'll cave and go do it, but I could not get one of them because they all know me and they all said, "John, you are a strong man, conservative. That's why we vote for you. That's why you are the number 1 vote every year and keep on moving. Stay with it so that's why." Thank you.

Speaker Shurtleff: Will the member yield to another question? Representative True, you may inquire.

Representative True: Thank you, Mister Speaker. I thank the Representative for taking my question. The motion before is whether we should reprimand you for being in violation of Rule 67. Notwithstanding the fact that it is a poorly written rule and in fact is an open-ended rule that you shall take training, without any time limit, just some day you shall. I'm not accusing people of hot dogging on this political issue, but why do you feel people would vote to reprimand you for violation of a rule that you have not yet violated? Thank you.

Representative Burt: Thank you for that question. I cannot answer motives of any member here nor will I. I just feel that Washington D.C. politics is creeping up this way and I think that's why I'm standing before everybody.

Speaker Shurtleff: Will the member yield to another question? Representative Baldasaro, you may inquire.

Representative Baldasaro: Thank you, Mister Speaker. Thank you, Representative, for taking my question. I didn't hear the list of names and I know they are being called one by one. A few weeks ago there was a Representative that changed a vote in a committee and I'm trying, I'm not mentioning no names. I'm just trying to find out is his name you know, you probably know who I'm talking about, that changed the vote. Is his name on this list today that's going to be reprimanded also, do you know?

Speaker Shurtleff: I can answer that question for the member. That issue has been brought to my attention by my friend, the Deputy Leader. It's been addressed at the highest authority that we have on dealing with matters of that nature. I have sent a letter off today to take care of that issue. It's not before the House at this time and since it is a personnel matter, I'll make sure that nobody mentions any names until its adjudicated by the appropriate body that is set up to deal with that. I hope my friend understands my answer.

Representative Baldasaro: Thank you, Mister Speaker, but can I ask you, just like the people here today that my fellow Reps because I'm reading this on Twitter on being slammed this is political in my opinion. But can I ask the Speaker are you doing, did you do the same to the 14 Reps, Republicans, that you are doing to the Democrats where they are going in front of a board or something that you called and us Republicans aren't?

Speaker Shurtleff: That question isn't appropriate, but I'll give you a 5 second response because I think every member deserves at least that. The 14 members that have been a subject of the sanctions of this body are in this predicament because they did not or it is alleged that they did not follow the rules of this House. This is something for this body to deal with. The matter the member brought up earlier is could possibly be a question of ethics and that goes to a different group that has the authority to handle, adjudicate that. This isn't the proper forum for issues of violating House Rules.

Representative Baldasaro: Then, I apologize, Mister Speaker, if this is wrong. But I just want to make sure that we understand it's a 2-say street, Mister Speaker. What's going on is not right and when you see what's going on, and it's only the Republicans.

Speaker Shurtleff: The member is now making a speech and I presume that was another would you believe. The question before the House is should the member from Goffstown, Representative Burt, be reprimanded by this body. This will be a division vote. Members will kindly take their seats. A roll call has been requested. Is that sufficiently seconded? It is sufficiently seconded. This will be a roll call vote. Members again will kindly take their seats. The question before the House is should the member from Goffstown, Representative Burt be reprimanded by this body. This will be a roll call vote. The member from Goffstown, Representative Burt is recognized for a parliamentary inquiry.

Representative Burt: Thank you, Mister Speaker. Mister Speaker, if I know that the former Representative from Manchester said that we should remain friends after debates and that will happen. And, if I also know, Mister Speaker, that this really is Washington politics at its worst here at the New Hampshire State House. And, if I further know and lastly know, Mister Speaker, that I hope we can get rid of that Washington politics because it does not belong in New Hampshire, nor in the people's House, this House, Mister Speaker of the people of the State of New Hampshire, would I now press that very worn out, very beautiful, bright red, shiny button? Thank you, Mister Speaker.

Speaker Shurtleff: The question before the House is should this body reprimand the member from Goffstown, Representative Burt. This will be a roll call vote. The Chair recognizes the Speaker Pro Tempore for a parliamentary inquiry.

Speaker Pro Tempore Weber: Thank you, Mister Speaker. Mister Speaker, if I know that our duly enacted House Rules provide that all legislators shall attend an in-person education and training regarding sexual

and other unlawful harassment and discrimination. And, if I know that despite being given repeated notice and repeated opportunities to participate in the training, the Representative has not done so, would I then push the green button in support of the reprimand? Thank you, Mister Speaker.

Speaker Shurtleff: This will be a roll call vote. The question before the House is should the body reprimand the member from Goffstown, Representative Burt. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. Representative Horn, you have not voted. This is the 4th time you have failed to vote. Give me a thumbs up or a thumbs down on how you wish to vote on this question. Your vote is recorded, therefore. Have all members present had an opportunity to vote? The House will be attentive to the state of the vote. With 203 members voting Yea, 120 voting Nay, the motion to reprimand is carried. The Chair recognizes the member. Why does the member rise?

Representative Steven Smith: Thank you, Mister Speaker. I move to print the debate from the previous motion in the Permanent Journal.

Speaker Shurtleff: Without objection, so ordered. The Chair recognizes the member from Walpole.

Speaker Pro Tempore Weber: Mister Speaker, I move that Representative Raymond Howard be reprimanded by the House of Representatives.

Speaker Shurtleff: Representative Howard is recognized. The member from Franklin is recognized for a motion.

Representative Horn: Thank you, Mister Speaker. I would like to make the motion to commit the Representative's reprimand to the Legis Admin Committee and I'd like to speak to my motion.

Speaker Shurtleff: I would say to the member from Franklin, we have addressed the issue with a previous motion made in good faith by our good friend from Charlestown. The body has spoken on that issue. Based on your previous not voting so you can make a verbal statement, based on this motion now, I find it to be dilatory and the only purpose is to delay these proceedings. If you want to challenge that ruling by myself, you may do so.

Representative Horn: I will.

Speaker Shurtleff: The gentleman from Franklin challenges the ruling that the member cannot make a motion to send this bill to Legislative Administration. Are you ready for the question? A division has been requested. All members will take their seats. Before we take up the parliamentary inquiries, the Chair recognizes Representative Barbara Griffin. Representative Griffin.

Representative Barbara Griffin: Thank you, Mister Speaker. Thank you members of the body and I apologize because I will be leaving Session today as I have a commitment, but I view my constitutional obligations heavily and most importantly, as I act here in this Hall, I act first as a member of the House of Representatives, first as member of the House of Representatives attempting to uphold what I believe should be the rules that the 5 gentlemen.

Speaker Shurtleff: Will the member suspend for a moment?

Representative Barbara Griffin: Thank you, Mister Speaker.

Speaker Shurtleff: You wanted to tell us about a protest?

Representative Barbara Griffin: In that regards, I am submitting a protest petition which under the rules must be submitted directly following a vote and as to the vote, that was just taken as to Representative Burt, I state that by its action today voting to reprimand member John Burt.

Speaker Shurtleff: The member will suspend again. This isn't a floor speech or a debate. The member simply, having seen several protests over my lifetime here, the member just comes to the well and says that I protest the vote and then.

Representative Barbara Griffin: I am protesting the vote and I'm handing in the written declaration of my protest. Thank you, members, for indulging me in this new process.

PROTEST

Constitution of the State of New Hampshire, Part 2, Article 24 Protest

As to the vote of John Burt, by its action today, voting to reprimand members of the House for not complying with House Rule 67, the House has set a dangerous precedent,

- These members meet all constitutional and statutory requirements to serve in the House and were duly elected by their constituents.
- Rule 67 was poorly crafted, lacked clarity, contained no deadline for compliance or parameters for discipline. Arbitrarily setting deadlines for compliance and arbitrarily bringing these motions to the House floor is unfair to these members, unfair to this body, and sets a dangerous precedent.
- The reprimand motions and votes presented to the House disregard years of fair and transparent past practice where concerns about members were addressed by the Committee on Legislative Administration for review and recommendation.
- This process has lacked fairness, lacked transparency, and applies a different standard for these members than other members who have faced more serious allegations this term.
- We all want to eliminate and prevent sexual harassment in this institution, and we should focus our attention on positive efforts to ensure that happens. This reprimand process does not help us achieve that goal.

Therefore, pursuant to the Constitution of the State of New Hampshire, Part 2, Article 24, I register my protest to the vote of the House to reprimand members who have not yet complied with House Rule 67, and wish to have it entered in the House Journal.

Representative Barbara Griffin, Hillsborough County, District 6

MOTION OF REPRIMAND

Speaker Pro Tempore Weber: Mister Speaker, as conduct of members and their capacity to serve is a privilege of the House, that is to say, a high order motion, we have at this time fourteen members of the House of Representatives who have not complied with the requirement as stipulated in House Rule 67 regarding harassment training. Therefore, I move that Representative Raymond Howard be reprimanded by the House of Representatives.

The question being should Representative Raymond Howard be reprimanded by the House of Representatives?

MOTION TO REFER TO COMMITTEE

Rep. Horn moved that the motion to reprimand Representative Raymond Howard, be referred to the Committee on Legislative Administration.

Speaker Shurtleff declared the motion out of order.

CHALLENGE TO THE RULING OF THE CHAIR

Rep. Horn challenged the ruling of the Chair on not allowing the motion to refer to committee.

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

On a division vote, with 197 members having voted in the affirmative, and 116 in the negative, the ruling of the Chair was upheld.

The question now being should Representative Raymond Howard be reprimanded by the House of Representatives?

Rep. Howard spoke against.

On a division vote, with 190 members having voted in the affirmative, and 116 in the negative, the motion was adopted.

Representative Raymond Howard was reprimanded by the House of Representatives.

MOTION OF REPRIMAND

Speaker Pro Tempore Weber: Mister Speaker, as conduct of members and their capacity to serve is a privilege of the House, that is to say, a high order motion, we have at this time fourteen members of the House of Representatives who have not complied with the requirement as stipulated in House Rule 67 regarding harassment training. Therefore, I move that Representative Betsy McKinney be reprimanded by the House of Representatives.

The question being should Representative Betsy McKinney be reprimanded by the House of Representatives?

Rep. McKinney spoke against.

On a division vote, with 197 members having voted in the affirmative, and 118 in the negative, the motion was adopted.

Representative Betsy McKinney was reprimanded by the House of Representatives.

MOTION OF REPRIMAND

Speaker Pro Tempore Weber: Mister Speaker, as conduct of members and their capacity to serve is a privilege of the House, that is to say, a high order motion, we have at this time fourteen members of the House of Representatives who have not complied with the requirement as stipulated in House Rule 67 regarding harassment training. Therefore, I move that Representative Andrew Prout be reprimanded by the House of Representatives.

The question being should Representative Andrew Prout be reprimanded by the House of Representatives?

Rep. Prout spoke against.

MOTION TO LAY ON THE TABLE

Speaker Pro Tempore Weber moved that the motion to reprimand Representative Andrew Prout, be laid on the table.

Speaker Pro Tempore Weber withdrew the motion.

CHALLENGE TO THE RULING OF THE CHAIR

Rep. Prout challenged the ruling of the Chair on allowing the motion to table to be withdrawn.

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

On a division vote, with 206 members having voted in the affirmative, and 102 in the negative, the ruling of the Chair was upheld.

The question now being should Representative Andrew Prout be reprimanded by the House of Representatives?
Rep. Prout spoke against.
Rep. Costable requested a roll call; sufficiently seconded.

YEAS 108 - NAYS 203**YEAS - 108****CARROLL**

Butler, Edward	DesMarais, Edith	Ticehurst, Susan	Woodcock, Stephen
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CHESHIRE

Berch, Paul	Bordenet, John	Eaton, Daniel	Harvey, Cathryn
Ley, Douglas	Weber, Lucy		

COOS

Moynihan, Wayne	Noel, Henry
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GRAFTON

Almy, Susan	Campion, Polly	Diggs, Francesca	Dontonville, Roger
Ford, Susan	Hennessey, Erin	Josephson, Timothy	Maes, Kevin
Mulligan, Mary Jane	Nordgren, Sharon	Smith, Suzanne	Sykes, George

HILLSBOROUGH

Alexander, Joe	Bouldin, Amanda	Bouldin, Andrew	Backus, Robert
Beaulieu, Jane	Bergeron, Paul	Bernet, Jennifer	Bouchard, Donald
Chretien, Jacqueline	Cleaver, Skip	Cohen, Bruce	Cornell, Patricia
Desjardin, Kathy	DiSilvestro, Linda	Dutzy, Sherry	Davis, Fred
Freitas, Mary	Gidge, Kenneth	Hall, Brett	Hamer, Heidi
Heath, Mary	Schmidt, Janice	Jack, Martin	King, Mark
Klee, Patricia	Murray, Megan	Martin, Joelle	Mullen, Sue
Murphy, Nancy	O'Brien, Michael	Pedersen, Michael	Piedra, Israel
Porter, Marjorie	Query, Joshua	Newman, Ray	Newman, Sue
Sofikitis, Catherine	Stack, Kathryn	Stevens, Deb	Vail, Suzanne
Thomas, Wendy	Williams, Kermit	Woodbury, David	

MERRIMACK

Doherty, David	Ellison, Arthur	MacKay, James	McWilliams, Rebecca
Myler, Mel	Rogers, Katherine	Saunderson, George	Wallner, Mary Jane
Walz, Mary Beth	Wazir, Safiya		

ROCKINGHAM

Altschiller, Debra	Berrien, Skip	Bushway, Patricia	DiLorenzo, Charlotte
Edgar, Michael	Eisner, Mary	Grossman, Gaby	Murray, Kate
Le, Tamara	Maggiore, Jim	Malloy, Dennis	McBeath, Rebecca
McConnell, Liz	Meuse, David	Pantelakos, Laura	Somssich, Peter
Sytek, John	Ward, Gerald		

STRAFFORD

Conley, Casey	Grassie, Chuck	Higgins, Peg	Horrigan, Timothy
Keans, Sandra	Smith, Marjorie	Rich, Cecilia	Salloway, Jeffrey
Wall, Janet			

SULLIVAN

Lucas, Gates	Merchant, Gary	Oxenham, Lee	Tanner, Linda
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NAYS - 203**BELKNAP**

Bean, Harry	Feeney, George	Fields, Dennis	Howard, Raymond
Jurius, Deanna	Lang, Timothy	Mackie, Jonathan	Beaudoin, Richard
Spanos, Peter	St. Clair, Charlie	Sylvia, Michael	Tilton, Franklin
Varney, Peter	Viens, Harry		

CARROLL

Avellani, Lino	Burroughs, Anita	Cordelli, Glenn	Knirk, Jerry
MacDonald, John	Marsh, William	Nelson, Bill	

CHESHIRE

Abbott, Michael	Ames, Richard	Hunt, John	Mann, John
O'Day, John	Schapiro, Joe	Pearson, William	

COOS

Craig, Kevin	Furbush, Michael	Hatch, William	Laflamme, Larry
Merner, Troy	Thomas, Yvonne		

GRAFTON

Abel, Richard
Ladd, Rick
Osborne, Richard

Egan, Timothy
Massimilla, Linda
Stringham, Jerry

Fellows, Sallie
Migliore, Vincent Paul
Weston, Joyce

Gordon, Edward
Muscatel, Garrett

HILLSBOROUGH

Lekas, Alicia
Bosman, James
Connors, Erika
Espitia, Manny
Graham, John
Harriott-Gathright, Linda
Klein-Knight, Nicole
McGhee, Kat
Nunez, Hershel
Petrigno, Peter
Radhakrishnan, Julie
Sanborn, Laurie
Lekas, Tony
Ulery, Jordan
Wilhelm, Matthew

Baroody, Benjamin
Burns, Charles
Danielson, David
Flanagan, Jack
Greene, Bob
Hinch, Richard
Langley, Diane
McLean, Mark
Nutter-Upham, Frances
Plett, Fred
Renzullo, Andrew
Shaw, Barbara
Smith, Timothy
Van Houten, Constance

Barry, Richard
Burt, John
Dargie, Paul
Gagne, Larry
Griffith, Willis
Hopper, Gary
Lascelles, Richard
Mombourquette, Donna
Nutting-Wong, Allison
Proulx, Mark
Riel, Cole
Somero, Paul
Telerski, Laura
Vann, Ivy

Bordy, William
Camarota, Linda
Erf, Keith
Gould, Linda
Gunski, Michael
Indruk, Greg
Leishman, Peter
Notter, Jeanine
Panasiti, Reed
Prout, Andrew
Rung, Rosemarie
St. John, Michelle
Toomey, Dan
Warden, Mark

MERRIMACK

Allard, James
Hill, Gregory
Lane, Connie
Pimentel, Roderick
Soucy, Timothy
Wells, Kenneth

Bartlett, Christy
Horn, Werner
Luneau, David
Rodd, Beth
Testerman, Dave
Woods, Gary

Carson, Clyde
Karrick, David
McGuire, Carol
Schuett, Dianne
Turcotte, Alan
Yakubovich, Michael

Fox, Samantha
Klose, John
Pearl, Howard
Seaworth, Brian
Walsh, Thomas

ROCKINGHAM

Abbas, Daryl
Bershtein, Alan
Cushing, Robert Renny
Doucette, Fred
Gilman, Julie
Harb, Robert
Janigian, John
Lovejoy, Patricia
McMahon, Charles
Piemonte, Tony
Read, Ellen
True, Chris
Wallace, Scott

Abrami, Patrick
Cali-Pitts, Jacqueline
Davis, Dan
Edwards, Jess
Green, Dennis
Hobson, Deborah
Katsakiores, Phyllis
Griffin, Mary
Melvin, Charles
Potucek, John
Roy, Terry
Vallone, Mark
Welch, David

Abramson, Max
Chirichiello, Brian
DeClercq, Edward
Elliott, Robert
Grote, Jaci
Hoelzel, Kathleen
Kolodziej, Walter
Pearson, Mark
O'Connor, John
Pratt, Kevin
Spillane, James
Verville, Kevin
Weyler, Kenneth

Baldasaro, Al
Costable, Michael
Dolan, Tom
Gay, Betty
Guthrie, Joseph
Osborne, Jason
Love, David
Major, Norman
Packard, Sherman
Prudhomme-O'Brien, Katherine
Torosian, Peter
Vose, Michael
Yokela, Josh

STRAFFORD

Bixby, Peter
Harrington, Michael
Kittredge, Mac
Perreault, Mona
Treleaven, Susan

Cannon, Gerri
Hayward, Peter
Levesque, Cassandra
Sandler, Catt
Wuelper, Kurt

Chase, Wendy
Horgan, James
Opderbecke, Linn
Southworth, Thomas

Frost, Sherry
Kenney, Cam
Schmidt, Peter
Spang, Judith

SULLIVAN

Aron, Judy
Rollins, Skip

Cloutier, John
Stapleton, Walter

Laware, Thomas
Smith, Steven

O'Hearne, Andrew
Sullivan, Brian

and the motion failed.

Rep. Malloy voted Yea and intended to vote Nay.

MOTION TO PRINT DEBATE

Rep. Baldasaro moved that the debate on the motion to reprimand Representative Andrew Prout be printed in the Permanent Journal.

Without objection, the Speaker ordered.

**DEBATE OF
MOTION TO REPRIMAND**

Speaker Pro Tempore Weber: Thank you, Mister Speaker. I move that Representative Andrew Prout be reprimanded by the House of Representatives.

Speaker Shurtleff: Does the member from Hudson, Representative Prout, wish to speak? There you are. Representative Prout.

Representative Prout: Thank you, Mister Speaker. I did not set out at the beginning of this term planning to be here, but I do believe that this rule is unconstitutional as it is outside the scope of proceedings contemplated by the New Hampshire Constitution. I like learning and the topic of sexual harassment is a serious one, not only for the operations of the legislature, but also for the people of this state that experience it and expect us to make laws addressing the topic. I see value in us having a common starting point of knowledge. The same can be said for many other topics. However, I have a busy life. In addition to being a member of this House, I work full time as does my wife. We have 3 children and our oldest is 5. In addition to my wife's full-time job, she is also going to school to get her PhD and volunteers on the Board of New Hampshire Liberty Alliance, which prints our gold standards we all receive and pay close attention to. If you don't, you should. To make all this work, I don't take a committee assignment. You will very rarely see me in Concord if the House is not in Session. Attending an in-person training is easier said than done. I made plans a few times, but life kept getting in the way. I wasn't going to bend over backwards, cancel a meeting at work, miss a kid's event or miss out on something else to comply with a rule that I viewed as unconstitutional. I have taken similar training for my full-time job and notified the Speaker's Office of this. Why it was not deemed an acceptable alternative as some others have, I can only speculate as I have not been officially told the reason. Perhaps it is because my employer just realized that a list kept by human resources and does not issue training certificates so I had none to provide. I did, however, provide a public, a copy of the public announcement of the latest revamp of the training, which included a detailed description of the training and the deadline by which all existing employees must take the training as well as a signed statement when I actually took it. I have also watched a video of the training given by Jess Edwards because as I mentioned I like to learn. Watching a video can be done at home, after the kids are tucked into bed, which is when I have a free moment, assuming they stay in bed which is never guaranteed. There are many differences between our status as elected officials and a normal employee/employer relationship and I hope for some additional insight on that topic. I was not disappointed. I found the knowledge done by the training valuable. I informed the Speaker's Office of this as well.

Speaker Shurtleff: Representative Prout, will you suspend and I apologize for doing this, but if I err, I want to err on the right side. You said you submitted to the Speaker's Office information that you had training because I have recognized some who have had training.

Representative Prout: Thank you, Mister Speaker. Yes, I have. I sent a letter to the Speaker's Office on February 3rd.

Speaker Shurtleff: Do you have a copy of it there with you?

Representative Prout: I do have a copy and sent it through the Republican office staff who emailed me back at 2:35.

Speaker Shurtleff: Are you from New Durham?

Representative Prout: No, I'm from Hudson.

Speaker Shurtleff: I received correspondence from a member who serves on the New Durham volunteer fire department and actually does training for New Durham and I gave him, recognized that as being adequate, but I never received anything from the minority office on behalf of yourself. That is the only one I received.

Representative Prout: I received an email from a member of the minority office staff at 2:35 on Monday, February 3rd saying it has been delivered.

Speaker Shurtleff: Okay, where did you get your and I don't mean to question you, but where did you have your training done?

Representative Prout: At my full-time employer. They have required training.

Speaker Shurtleff: And how long ago? Was it recent?

Representative Prout: It was in October 2018.

Speaker Shurtleff: I'll tell you what. Without objection from the body, I'm going to suspend this on Representative Prout. If you could actually bring into the Speaker's Office. The Republican office does a wonderful job and I have worked a lot with them over this past year. Somehow it got dropped in between. I want to err on the side of caution. I'm going to table this motion by Ruling of the Chair. This will be. Can I not do that? Okay, Mister Clerk. Representative Weber is recognized for a motion or something.

Speaker Pro Tempore Weber: Thank you, Mister Speaker. Mister Speaker, I would move that we table this inquiry until such time as you can finish your inquiries about the training that happened.

Speaker Shurtleff: I'll speak to that motion. I want to be fair. It's a non-debatable motion so I cannot speak to it, okay. The question before the House is to table the action on Mister Prout being reprimanded. Are you ready for the question?

Representative Prout: May I ask a parliamentary inquiry?

Speaker Shurtleff: Certainly, yes.

Representative Prout: Thank you, Mister Speaker. If I know that this has been hanging over me for long enough and there has been a lot of anticipation for this day and that I would rather get it done today than have it be tabled, would I now press the red button and vote no on this motion?

Speaker Shurtleff: Representative Weber is recognized for a motion.

Speaker Pro Tempore Weber: Mister Speaker, I probably should have given this more thought before I made the tabling motion, but at this time, I move to withdraw the motion that I made for reprimand of this Representative.

Speaker Shurtleff: That motion has been withdrawn. Representative Prout, you may continue speaking. Please state your point of order.

Representative Prout: Mister Speaker, there has already been intervening business. There has been a speech on this motion. I object to it being withdrawn at this point in time.

Speaker Shurtleff: The motion is with the member and the member has withdrawn their motion and that's the end of the business on this matter.

Representative Prout: I appeal the Ruling of the Chair.

Speaker Shurtleff: Well, that's your right too. This will be a division vote. The member has challenged the Ruling of the Chair on the withdrawal of the motion. Members will kindly take their seats while I talk to the leader. Members need to take their seats. We are in the voting mode right now. I will recognize the member as soon as we finish the voting, but we are in the voting mode. Let my friend from Sanbornton inquire.

Representative Lang: Thank you, Mister Speaker. I just have a question on what we are voting on.

Speaker Shurtleff: Sure.

Representative Lang: So my understanding is we had an initial motion for a reprimand and that was moving forward. We had a follow up motion for a tabling motion and the tabling motion was withdrawn. What we are voting on right now is that withdrawing of the tabling motion?

Speaker Shurtleff: No, and I thank the member for his question. Where we are at now is the member was speaking. He mentioned, the member from Hudson, that he provided information to the Republican office that he believe was transmitted to the Speaker's Office. Always wanting to err on the side of doing the right thing for any member, upon hearing that I wanted to stop the member so that we could inquire and if that is the case, then we would deal with it in a fair and equitable manner. The member from Walpole moved to table so that we could make an inquiry and adjudicate it appropriately. The member said he did not wish to have it go forward. He did not want to table. The member who made the motion withdrew her motion. The point we are at now is, the question was raised that a challenge to the Chair that he did not have agree the member had the right to withdraw that motion, which the Chair does agree with. So now we are at the point where the question before the body is do you uphold the Ruling of the Chair or to overturn the Ruling of the Chair. I hope I was clear somewhat.

Representative Lang: Clear as mud, Mister Speaker.

Speaker Shurtleff: Well, I have heard that before too. The question before the House is should the Ruling of the Chair to have the motion to reprimand Representative Prout removed as the member did. This will be a division vote. The Chair recognizes Representative Prout for a parliamentary inquiry.

Representative Prout: Mister Speaker, If I know that there's been a lot of build up to this day to being here today, a lot of anticipation of addressing this topic. If I further know that after the motion has been made, there's already been at least half a speech given on it and intervening business. I do not want to put this off to another time, have the motion withdrawn and brought up again later, or anything of that nature, would I now press the red button to overturn the Ruling of the Chair, the motion may be withdrawn after all that?

Speaker Shurtleff: The question before the House is should the Ruling of the Chair to uphold the member's right to withdraw the motion be approved. The Chair recognizes the member from Walpole, Representative Weber, who is in a conversation right now, for a parliamentary inquiry. PI, you are recognized.

Speaker Pro Tempore Weber: Thank you, Mister Speaker. Mister Speaker, if I know that I was trying to be helpful in light of new information that was brought forward when I suggested withdrawing my motion. And, if I know that the Ruling of the Chair was that I could withdraw the motion, would I now vote to uphold the Ruling of the Chair?

Speaker Shurtleff: This will be a division vote. The question before the House is should the Ruling of the Chair be upheld to allow the member to withdraw her motion. If you in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. Have all members present had an opportunity to vote? The House will be attentive to the state of the vote. With a vote of 206 Yea, 102 Nay, the Ruling of the Chair to withdraw that motion is adopted and approved by this body. Representative Prout, just for the record, the motion to withdraw the tabling has been ruled yes that she could do that and you are now back to speaking to the body. What we voted on was the. The House will be in order. The motion before the House is back to the reprimand of the member. The House will be in order and the Chair recognizes the Clerk to give the parliamentary standing for those watching at home.

Clerk Smith: Thank you, Mister Speaker. The situation was that Representative Weber sought to withdraw her motion to table the complaint against Representative Prout. The Ruling by the Chair was that she could and the body has upheld that. She has withdrawn her motion to table; therefore, the reprimand of the Representative is now before the House for discussion.

Speaker Shurtleff: I thank the Clerk for that. Representative Prout is recognized. Representative Weyler, why does the member rise? The House will be in order. Representative Weyler has a right to be heard.

Representative Weyler: Point of order.

Speaker Shurtleff: Yes, sir.

Representative Weyler: I heard the Representative withdraw the reprimand. That was his objection and that is what I heard. She withdrew the reprimand and he objected to the withdrawal of the reprimand and that's what he challenged you on. That's what I heard.

Speaker Shurtleff: Why don't you speak into the mic so we all can hear?

Speaker Pro Tempore Weber: Can I be recognized for an apology to the House, Mister Speaker?

Speaker Shurtleff: Certainly, that is always in order.

Speaker Pro Tempore Weber: Thank you, Mister Speaker. My deepest apologies to the House and to the Representative. I had gotten confused about the parliamentary procedure and the Clerk had explained it to me and I still got it wrong when I made that motion. So I am going to apologize to the Representative and to the body for having misrepresented in my PI where we were in the parliamentary proceedings and that is my fault and I am very sorry. Thank you.

Speaker Shurtleff: I thank the member for her apology. Representative Prout you have the floor.

Representative Prout: Question of the Chair.

Speaker Shurtleff: Certainly. Go right ahead.

Representative Prout: Where are we now?

Speaker Shurtleff: I can help you now?

Representative Prout: No, where are we now?

Speaker Shurtleff: I thought you said can you help me now. As my mother would say the path road to hell is paved with good intentions. We are learning that lesson again today. Where we are now, where we stand in the procedure. We are back to exactly square one. We are now back to where we were when you first spoke and I interrupted you when you said you had passed in paperwork. I was trying to protect your rights and then it went downhill from there, but what had happened, just so Representative Prout knows what had happened. At my request the member moved to table this proceeding so we could look into the issue of if you had submitted paperwork. You had said that you wanted to proceed. You didn't want to table the motion. What the member was doing and not realizing was that she was actually withdrawing her motion to table and by the vote we took back. So this brings us back to square one. The motion pending is should the member from Hudson, Representative Prout, be reprimanded by the body.

Representative Prout: In that case I would also like to apologize to the House because my understanding was, she was withdrawing the motion to reprimand and that was the withdraw I was intending to challenge and I believe I spoke to.

Speaker Shurtleff: Well, and then you are back exactly where you want to be. All is well that ends well. The member from Hudson is recognized and I apologize for interrupting you earlier. Oh, do I apologize.

Representative Prout: As I said, I want to get this over with one way or the other today. There has been enough building up to this and I appreciate the Speaker offering to pause the proceedings and take a second look at it, but that is far less than ideal and not what I want. So to continue with my prepared speech. This issue, the issue of this reprimand is no longer about the serious issue of sexual harassment. I've taken training on the topic. I have the knowledge. It is now about technical compliance with a House Rule and whether my letter stating I took the training at work is acceptable or not. I believe that rule to be unconstitutional to begin with. It's outside the scope of proceedings contemplated in the constitution which grants authority to the House to make rules. It's about how outside training is judged for compliance or about whether taking training in person or by video is relevant to its educational content. It can be said the rule was a set up from the beginning. No employer that I have ever worked for requires in person training as opposed to an online course that can be completed anywhere anytime. But more than any of those things, for me this has become about whether this House is truly welcoming to younger members, working members, parents or do we just pay lip service to those issues or is that for members of one political party and not the other. That's a conversation I am perfectly willing to have with my constituents between now and November, reprimand or not. Please vote your conscience.

Speaker Shurtleff: Will the member yield to a question?

Representative Prout: No.

Speaker Shurtleff: The member does not yield. The question before the House is should the member from Hudson, Representative Prout, be reprimanded by this body. This will be a division vote. A roll call has been requested. Is that sufficiently seconded? It is sufficiently seconded. This will be a roll call vote. Members will kindly take their seats. I thought we had an echo. The House will be in order. The gentleman from Auburn, Representative Edwards has a question I believe for the Chair.

Representative Edwards: Thank you, Mister Speaker for your indulgence. I lost track of what was going on there a little bit and I just want to go back to what I think I heard the Representative say that seemed

very germane, He attests that he did comply with Rule 67 as it is literally written in the rules, but there is an issue whether or not the documentation has been properly submitted. Shouldn't we as a body of honor and trust believe the Representative when he attests to the whole House that he has attended training in person?

Speaker Shurtleff: I thank my friend from Auburn for his question. Let me say we always give the benefit of the doubt to a member of the House as being somebody of honor. I think I've granted approximately 15 members of this body who told me I have had in the last couple of years training in how and what is covered in Rule 67. In fact one was from a member of a fire department in New Hampton who is, New Durham rather, who said that he actually provides training. All I ask is that we get a record of it in our office, is he bring in some kind of a certificate so we can put there, if the question ever arises did this member have the training, we can say yes, this is his certification. Follow up question?

Representative Edwards: Yes, sir, I understand your procedure is required for the documentation trail necessary for us to be able to demonstrate compliance. I got that. This vote is about a reprimand. That's what I'm talking about. Shouldn't we trust a Representative who makes a personal attestation to the House when he says he has complied with this rule, he done in house training? We should take that into account for a reprimand vote, shouldn't we?

Speaker Shurtleff: I would answer the member this way. The Speaker interrupted. I interrupted the member and said when he said he submitted something indirectly to the Speaker's office, I really wanted to err on the side of caution and then I asked the member to suspend and I asked the Speaker Pro Tempore to make a motion to table this just so he could get the appropriate, have time to get the appropriate documentation and give it to us because we do need something. The member said no, I want to proceed right now and go forward. I think because the member did have an option of waiting until sometime in March and get the appropriate certification. We gave him that option but he wanted to adjudicate this matter today so we are back to square one. I thank my friend again for his question. Why does the member rise? Representative Plett. I said it right this time. I know you did not rise just so I could use the right pronunciation of your last name.

Representative Plett: Thank you, Mister Speaker. If we were to vote down this reprimand today and if the paperwork is not forthcoming within a reasonable time, could it come back.

Speaker Shurtleff: No, not in my opinion. We have adjudicated the matter and so that would be the end of it. I thank you for the question. The question for those that may have forgotten. The question before the House is should the member from Hudson, Representative Prout, be reprimanded by this body? The Chair recognizes the member from Charlestown, Representative Steven Smith for a parliamentary inquiry.

Representative Steven Smith: Thank you, Mister Speaker. If I know that we began this process talking about the severity solemnity and how important it was and that if essentially the version here of the prosecution should have been ready to proceed today and if I'm looking at a letter from February 3rd where the Representative in question said here is the training that I took. Temper. Then, Mister Speaker, would I press the red button since obviously there is no case against this Representative?

Speaker Shurtleff: The question before the House is should the member from Hudson be reprimanded by this body. The Chair recognizes the Speaker Pro Tempore for a parliamentary inquiry.

Speaker Pro Tempore Weber: Thank you, Mister Speaker. If I know that House Rule 67 provides that all legislators shall attend in person education and training regarding sexual and other unlawful harassment and discrimination. And, if I know that despite being given repeated notice and several opportunities to participate in the trainings that were offered, the Representative has not done so, would I then push the green button? Thank you.

Speaker Shurtleff: This will be a division vote. The question before the House is should the member from Hudson. We are in the voting mode right now. That was a few minutes ago. Let me start from the beginning. This will be. Was it a roll call? The member is right. Okay, let's start all over again. This will be a roll call vote. The question before the House is should the member from Hudson be reprimanded by this body? If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. Representative Horn, by a visual showing how do you vote? Your vote is recorded. Have all members present had an opportunity to vote? The House will be attentive to the state of the vote. With 108 members. The House will be in order. With 108 members voting Yea and 203 voting Nay, the motion to reprimand the member fails.

MOTION OF REPRIMAND

Speaker Pro Tempore Weber: Mister Speaker, as conduct of members and their capacity to serve is a privilege of the House, that is to say, a high order motion, we have at this time fourteen members of the House of Representatives who have not complied with the requirement as stipulated in House Rule 67 regarding harassment training. Therefore, I move that Representative Michael Sylvia be reprimanded by the House of Representatives.

The question being should Representative Michael Sylvia be reprimanded by the House of Representatives? Rep. Sylvia spoke against.

Rep. Burt requested a roll call; sufficiently seconded.

YEAS 191 - NAYS 115**YEAS - 191
CARROLL**

Burroughs, Anita
Ticehurst, Susan

DesMarais, Edith
Woodcock, Stephen

Knirk, Jerry

Marsh, William

CHESHIRE

Abbott, Michael
Eaton, Daniel
Mann, John
Weber, Lucy

Ames, Richard
Fenton, Donovan
Parkhurst, Henry

Berch, Paul
Harvey, Cathryn
Schapiro, Joe

Bordenet, John
Ley, Douglas
Pearson, William

COOS

Hatch, William
Thomas, Yvonne

Laflamme, Larry

Moynihan, Wayne

Noel, Henry

GRAFTON

Abel, Richard
Dontonville, Roger
Gordon, Edward
Massimilla, Linda
Osborne, Richard
Weston, Joyce

Almy, Susan
Egan, Timothy
Hennessey, Erin
Mulligan, Mary Jane
Stringham, Jerry

Campion, Polly
Fellows, Sallie
Josephson, Timothy
Muscatel, Garrett
Smith, Suzanne

Diggs, Francesca
Ford, Susan
Maes, Kevin
Nordgren, Sharon
Sykes, George

HILLSBOROUGH

Alexander, Joe
Baroody, Benjamin
Bordy, William
Cleaver, Skip
Dargie, Paul
Espitia, Manny
Griffith, Willis
Heath, Mary
Klee, Patricia
Murray, Megan
Mullen, Sue
O'Brien, Michael
Porter, Marjorie
Rung, Rosemarie
Stack, Kathryn
Vail, Suzanne
Wilhelm, Matthew

Bouldin, Amanda
Beaulieu, Jane
Bosman, James
Cohen, Bruce
Desjardin, Kathy
Davis, Fred
Hall, Brett
Schmidt, Janice
Klein-Knight, Nicole
Martin, Joelle
Murphy, Nancy
Pedersen, Michael
Newman, Ray
Newman, Sue
Stevens, Deb
Van Houten, Constance
Williams, Kermit

Bouldin, Andrew
Bergeron, Paul
Bouchard, Donald
Connors, Erika
DiSilvestro, Linda
Freitas, Mary
Hamer, Heidi
Jack, Martin
Langley, Diane
McGhee, Kat
Nutter-Upham, Frances
Petrigno, Peter
Radhakrishnan, Julie
Shaw, Barbara
Smith, Timothy
Vann, Ivy
Woodbury, David

Backus, Robert
Bernet, Jennifer
Chretien, Jacqueline
Cornell, Patricia
Dutzy, Sherry
Gidge, Kenneth
Harriott-Gathright, Linda
King, Mark
Leishman, Peter
Mombourquette, Donna
Nutting-Wong, Allison
Piedra, Israel
Riel, Cole
St. John, Michelle
Telerski, Laura
Thomas, Wendy

MERRIMACK

Allard, James
Ellison, Arthur
MacKay, James
Rodd, Beth
Turcotte, Alan
Wells, Kenneth

Bartlett, Christy
Fox, Samantha
McWilliams, Rebecca
Saunderson, George
Wallner, Mary Jane
Woods, Gary

Carson, Clyde
Karrick, David
Myler, Mel
Schuett, Dianne
Walz, Mary Beth

Doherty, David
Luneau, David
Pimentel, Roderick
Soucy, Timothy
Wazir, Safiya

ROCKINGHAM

Abrami, Patrick
Cali-Pitts, Jacqueline
Eisner, Mary
Grote, Jaci
Lovejoy, Patricia
McConnell, Liz
Somssich, Peter
Welch, David

Altschiller, Debra
Cushing, Robert Renny
Elliott, Robert
Hoelzel, Kathleen
Maggiore, Jim
Meuse, David
Sytek, John

Berrien, Skip
DiLorenzo, Charlotte
Gilman, Julie
Murray, Kate
Malloy, Dennis
Pantelakos, Laura
Vallone, Mark

Bushway, Patricia
Edgar, Michael
Grossman, Gaby
Le, Tamara
McBeath, Rebecca
Read, Ellen
Ward, Gerald

STRAFFORD

Bixby, Peter
Frost, Sherry
Horrigan, Timothy
Smith, Marjorie
Salloway, Jeffrey
Treleaven, Susan

Cannon, Gerri
Gourgue, Amanda
Keans, Sandra
Opderbecke, Linn
Sandler, Catt
Wall, Janet

Chase, Wendy
Grassie, Chuck
Kenney, Cam
Schmidt, Peter
Southworth, Thomas

Conley, Casey
Higgins, Peg
Levesque, Cassandra
Rich, Cecilia
Spang, Judith

SULLIVAN

Cloutier, John
Sullivan, Brian

Lucas, Gates
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

NAYS - 115 BELKNAP

Bean, Harry
Jurius, Deanna
Spanos, Peter
Varney, Peter

Feeney, George
Lang, Timothy
St. Clair, Charlie
Viens, Harry

Fields, Dennis
Mackie, Jonathan
Sylvia, Michael

Howard, Raymond
Beaudoin, Richard
Tilton, Franklin

CARROLL

Avellani, Lino

Cordelli, Glenn

MacDonald, John

Nelson, Bill

CHESHIRE

Hunt, John

O'Day, John

COOS

Craig, Kevin

Furbush, Michael

Merner, Troy

GRAFTON

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
Camarota, Linda
Gagne, Larry
Gunski, Michael
McLean, Mark
Plett, Fred
Sanborn, Laurie
Warden, Mark

Barry, Richard
Danielson, David
Gould, Linda
Hinch, Richard
Notter, Jeanine
Proulx, Mark
Somero, Paul

Burns, Charles
Erf, Keith
Graham, John
Hopper, Gary
Nunez, Hershel
Prout, Andrew
Lekas, Tony

Burt, John
Flanagan, Jack
Greene, Bob
Lascelles, Richard
Panasiti, Reed
Renzullo, Andrew
Ulery, Jordan

MERRIMACK

Hill, Gregory
Pearl, Howard
Yakubovich, Michael

Horn, Werner
Seaworth, Brian

Klose, John
Testerman, Dave

McGuire, Carol
Walsh, Thomas

ROCKINGHAM

Abbas, Daryl
Chirichiello, Brian
Dolan, Tom
Green, Dennis
Osborne, Jason
Love, David
McMahon, Charles
Piemonte, Tony
Roy, Terry
Verville, Kevin
Yokela, Josh

Abramson, Max
Costable, Michael
Doucette, Fred
Guthrie, Joseph
Janigian, John
Griffin, Mary
Melvin, Charles
Potucek, John
Spillane, James
Vose, Michael

Baldasaro, Al
Davis, Dan
Edwards, Jess
Harb, Robert
Katsakiores, Phyllis
Pearson, Mark
O'Connor, John
Pratt, Kevin
Torosian, Peter
Wallace, Scott

Bershtein, Alan
DeClercq, Edward
Gay, Betty
Hobson, Deborah
Kolodziej, Walter
Major, Norman
Packard, Sherman
Prudhomme-O'Brien, Katherine
True, Chris
Weyler, Kenneth

STRAFFORD

Harrington, Michael
Beaudoin, Steven

Hayward, Peter
Wuelper, Kurt

Kittredge, Mac

Perreault, Mona

SULLIVAN

Aron, Judy
Smith, Steven

Laware, Thomas

Rollins, Skip

Stapleton, Walter

and the motion was adopted.

Representative Michael Sylvia was reprimanded by the House of Representatives.

MOTION TO PRINT DEBATE

Rep. Baldasaro moved that the debate on the motion to reprimand Representative Michael Sylvia be printed in the Permanent Journal.

Without objection, the Speaker ordered.

DEBATE OF MOTION TO REPRIMAND

Speaker Pro Tempore: Thank you, Mister Speaker. I move that Representative Michael Sylvia be reprimanded by the House of Representatives for the reasons that we cited before.

Speaker Shurtleff: Representative Sylvia is recognized to speak. The Chair recognizes the member from Belmont.

Representative Sylvia: Thank you, Mister Speaker. Having been elected in 2012 I am now serving in my 8th year here in this august body, what seemed to be an august body until today. I have had the honor of serving with many extraordinary individuals from what we call both sides of the aisle. Over the years we have worked together for the good of the people of the state, even when we disagreed about the best path to achieving the proper results. Those who know me best know that I stand strongly on principles even when flexibility would serve me personally. When I was young and they packed me off to school and they taught me how not to play the game, I didn't mind if they groomed me for success or if they said I was just a fool. As a young man I was taught to be respectful and kind. Back in the day there was no need for training to prevent harassment and discrimination. My grandmother covered that with disapproving looks anytime I might need it. Of course there were other aunts and family members that helped along the way. Those were the days when families raised children. There is no doubt that there are people of my generation that didn't learn from their families. I need not speak of blue dresses or grabbing them by the, miserable examples. Back at school in those early years, it was confusing at first to find myself being punished for the behavior of others. I have no doubt that this is the primary source of bullying in our society. Most of us learned it in government schools. Being punished for the actions of others is still wrong. This body put forward this rule not because there are 400 ill-mannered legislators in this room, but because there have been a handful of incidents of rude, threatening actions. This sort of group punishment turns attention away from those most in need of correction. It further instills a distrust among the vast majority of upstanding legislators in this most dignified body. In 2018, Democrats running for State Representative seats here in Concord proclaimed the need for bipartisanship. They won a majority in the House and Senate with their campaign promises. The truth became clear very soon after they swore their oaths to our constitution. They had the majority and they intended to subject the minority to their rule. Their first move in the House was to violate their oath of office to the constitution by making a rule mandating training.

Speaker Shurtleff: Will the member suspend for just a moment? I want to be very open and allow members at the well to have every opportunity to speak what they want to say, but the member is getting very close to that line to demeaning members in this body so I would just ask you to be very cautious. Again, I want to give you every latitude possible, but I do caution you to be very careful about what you say about your fellow House members. I thank the member.

Representative Sylvia: Thank you, Mister Speaker. The constitution reads in Part 2nd, Article 22, House to elect speaker and officers, settle rules of proceedings, and punish misconduct. The House of Representative shall choose their own speaker, appoint their own officers, and settle the rules of proceedings in their own house and shall be judge of the returns, elections, and qualifications of its members as pointed out in this constitution. As you can clearly see rules are to govern proceedings in the House. The rule passed by this body, Rule 67, states all legislators, legislative officers and legislative staff shall attend in person education and training regarding sexual and other unlawful harassment and discrimination. Not only is this rule governing a proceeding, not governing a proceeding in the House, it is unfounded. It is a mandate imposed upon duly elected members. As it is not in compliance with the constitution, it is a nullity. New members of the House came in promising bipartisanship, but what they actually intended to do was carry out their campaign of social justice. They intended to replace our common moral principles with self-aggrandizing virtue signaling.

Speaker Shurtleff: The member will suspend please. Again, the Chair is trying to give you every latitude in expressing your thoughts, but I cannot allow that to happen in demeaning members and saying in effect that they are acting in an unmoral manner and that is not appropriate for a speech on the floor of the New Hampshire House. So once again I caution the member to bring themselves to order and speak in a more appropriate manner. I thank you for your cooperation.

Representative Sylvia: They intend to replace the republic our forefathers bequeathed to us with our democracy. The democracy that they seek is simply tyranny by the majority and this is undeniably seen in their actions. They have put forward legislation that would make California and New York blush. Fortunately, our Governor has been there to veto these assaults on our liberties. Again, in the second year of this term, having no intention of putting forward sensible legislation, they've brought back the same bills that were vetoed last year and they will be vetoed again this year. This campaign is not about helping the citizens of this state. It is political posturing of the kind found in the District of Columbia. It demeans the dignity of our House and our long-standing traditions. I will not submit to tyrannical, unconstitutional action. I will proudly accept a badge of honor from those who will reprimand my stand against this assault on our republic. The rule that we are supposed to follow has no edges to it. It is wide open. It does not say when the training will happen. It does not say how often it will happen. There is no evidence to be placed in record here that I have not taken this training. It's just a conjecture. We are not operating under the rule of law here. This is simply tyranny by the majority. This is out of order and I object and I think that much damage has been done today and I am sorry for that.

Speaker Shurtleff: The House will be in order. The question before the House is should the member from Belmont be reprimanded, Representative Sylvia, by this body. This will be a division vote unless a roll call is requested. A roll call has been requested and sufficiently seconded and noted. This is a roll call. The question before the House is should the member from Belmont, Representative Sylvia, be reprimanded by this body. The Chair recognizes the member from Charlestown, for a parliamentary inquiry. Correction. Representative Sylvia is recognized for a parliamentary inquiry.

Representative Sylvia: I am usually one of the pro se kind of guys. Thank you, Mister Speaker. If I know that there is no evidence that I have not taken the training that has been mandated. And, if I know that personal relationships in this body will be damaged today. If I further know that part of harassment is somebody in authority pushing their will upon a minority that this indeed is itself harassment, would I then press the red button?

Speaker Shurtleff: The question before the House is should the member from Belmont, Representative Sylvia, be reprimanded by this body. The Chair recognizes the member from Walpole for a parliamentary inquiry.

Speaker Pro Tempore Weber: Thank you, Mister Speaker. Mister Speaker, if I know that House Rule 67 provides that all legislators shall attend in person education and training regarding sexual and other unlawful harassment and discrimination. And, if I know that despite being given repeated notice and several opportunities to participate in the training the Representative has not done so, would I then push the green button in order to support the reprimand?

Speaker Shurtleff: This will be a roll call vote. The question before the House is should the member from Belmont, Representative Sylvia be reprimanded by this body. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. Representative Horn, by a show of a thumbs up or a thumb down, how do you vote? So duly recorded. Have all members present had an opportunity to vote? The House will be attentive to the state of the vote. With 191 members voting Yea and 115 voting Nay, the motion to censure the member from Belmont. I'm sorry the motion to reprimand the member from Belmont, Representative Sylvia is approved. The Chair recognizes the member from Walpole for a motion. Will the member suspend? Why does the member rise?

Representative Baldasaro: Mister Speaker I would like to make a motion to request that we put this in the Journal. For the last one. Thank you.

Speaker Shurtleff: Without objection. Why does the member rise?

Representative Steven Smith: Parliamentary inquiry, Mister Speaker.

Speaker Shurtleff: Please inquire.

Representative Steven Smith: I'm still trying to understand how this process works. A simple question.

Speaker Shurtleff: Well this will be your last chance to get it right.

Representative Steven Smith: So say us all. If I have knowledge and proof that the member has violated a House Rule, how does the motion to reprimand occur since I am not the Speaker Pro Tempore.

Speaker Shurtleff: What has been done in the past is members will come to me when they believe somebody has done something inappropriate in violation of a House Rule. Then it will be dealt with appropriately. I've actually had, I can't recall any, very few people that have felt we have. We have House Rules that people have violated or that people have thought they were violated and sometimes just talking to me about it and talking to the person at fault has been taken care of appropriately for both the person that felt they were offended and the person that may have done something inappropriate. It's been worked out that way. We have always tried to negotiate and work out something as we did in this instance with so many different courses. That was a long answer to a short question, but the short answer is come and see me. That is why I get the big bucks.

Representative Steven Smith: Thank you, Mister Speaker.

Speaker Shurtleff: You're welcome. Why does my friend from Londonderry rise?

Representative Baldasaro: Thank you, Mister Speaker. I have a parliamentary inquiry.

Speaker Shurtleff: Go ahead.

Representative Baldasaro: I'm not sure if I made the motion for Representative Prout to put those words in the Permanent Journal, his comments. If not, I'd like to put them in the Journal.

Speaker Shurtleff: Without objection, if that was not previously made, so ordered it be placed in the Permanent Journal.

MOTION OF REPRIMAND

Speaker Pro Tempore Weber: Mister Speaker, as conduct of members and their capacity to serve is a privilege of the House, that is to say, a high order motion, we have at this time fourteen members of the House of Representatives who have not complied with the requirement as stipulated in House Rule 67 regarding harassment training. Therefore, I move that Representative Kevin Verville be reprimanded by the House of Representatives.

The question being should Representative Kevin Verville be reprimanded by the House of Representatives? Rep. Verville spoke against.

Rep. Costable requested a roll call; sufficiently seconded.

YEAS 182 - NAYS 117**YEAS - 182
CARROLL**

Burroughs, Anita
Woodcock, Stephen

DesMarais, Edith

Knirk, Jerry

Ticehurst, Susan

CHESHIRE

Abbott, Michael
Eaton, Daniel
Parkhurst, Henry

Ames, Richard
Fenton, Donovan
Schapiro, Joe

Berch, Paul
Harvey, Cathryn
Pearson, William

Bordenet, John
Ley, Douglas
Weber, Lucy

COOS

Hatch, William
Thomas, Yvonne

Laflamme, Larry

Moynihan, Wayne

Noel, Henry

GRAFTON

Abel, Richard
Dontonville, Roger
Gordon, Edward
Mulligan, Mary Jane
Stringham, Jerry

Almy, Susan
Egan, Timothy
Josephson, Timothy
Muscatel, Garrett
Smith, Suzanne

Campion, Polly
Fellows, Sallie
Maes, Kevin
Nordgren, Sharon
Sykes, George

Diggs, Francesca
Ford, Susan
Massimilla, Linda
Osborne, Richard
Weston, Joyce

HILLSBOROUGH

Bouldin, Amanda
Bergeron, Paul
Bouchard, Donald
Cornell, Patricia
Dutzy, Sherry
Graham, John
Harriott-Gathright, Linda
King, Mark
Leishman, Peter
Mombourquette, Donna
Nutting-Wong, Allison
Piedra, Israel
Riel, Cole
St. John, Michelle
Telerski, Laura
Wilhelm, Matthew

Bouldin, Andrew
Bernet, Jennifer
Cleaver, Skip
Dargie, Paul
Davis, Fred
Griffith, Willis
Heath, Mary
Klee, Patricia
Murray, Megan
Mullen, Sue
O'Brien, Michael
Porter, Marjorie
Rung, Rosemarie
Stack, Kathryn
Van Houten, Constance
Williams, Kermit

Backus, Robert
Bordy, William
Cohen, Bruce
Desjardin, Kathy
Freitas, Mary
Hall, Brett
Schmidt, Janice
Klein-Knight, Nicole
Martin, Joelle
Murphy, Nancy
Pedersen, Michael
Newman, Ray
Newman, Sue
Stevens, Deb
Vann, Ivy
Woodbury, David

Beaulieu, Jane
Bosman, James
Connors, Erika
DiSilvestro, Linda
Gidge, Kenneth
Hamer, Heidi
Jack, Martin
Langley, Diane
McGhee, Kat
Nutter-Upham, Frances
Petrigno, Peter
Radhakrishnan, Julie
Shaw, Barbara
Smith, Timothy
Thomas, Wendy

MERRIMACK

Bartlett, Christy
Ebel, Karen
MacKay, James
Rogers, Katherine
Turcotte, Alan
Wells, Kenneth

Buchanan, Ryan
Ellison, Arthur
McWilliams, Rebecca
Saunderson, George
Wallner, Mary Jane
Woods, Gary

Carson, Clyde
Karrick, David
Myler, Mel
Schuett, Dianne
Walz, Mary Beth

Doherty, David
Luneau, David
Rodd, Beth
Soucy, Timothy
Wazir, Safiya

ROCKINGHAM

Abrami, Patrick
Cali-Pitts, Jacqueline
Eisner, Mary
Hoelzel, Kathleen
Maggiore, Jim
Meuse, David
Vallone, Mark

Altschiller, Debra
Cushing, Robert Renny
Gilman, Julie
Murray, Kate
Malloy, Dennis
Pantelakos, Laura
Ward, Gerald

Berrien, Skip
DiLorenzo, Charlotte
Grossman, Gaby
Le, Tamara
McBeath, Rebecca
Read, Ellen
Welch, David

Bushway, Patricia
Edgar, Michael
Grote, Jaci
Lovejoy, Patricia
McConnell, Liz
Sytek, John

STRAFFORD

Bixby, Peter
Frost, Sherry
Horrigan, Timothy
Smith, Marjorie
Salloway, Jeffrey
Treleaven, Susan

Cannon, Gerri
Gourgue, Amanda
Keans, Sandra
Opderbecke, Linn
Sandler, Catt
Wall, Janet

Chase, Wendy
Grassie, Chuck
Kenney, Cam
Schmidt, Peter
Southworth, Thomas

Conley, Casey
Higgins, Peg
Levesque, Cassandra
Rich, Cecilia
Spang, Judith

SULLIVAN

Cloutier, John
Sullivan, Brian

Merchant, Gary
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

NAYS - 117**BELKNAP**

Bean, Harry
 Jurius, Deanna
 Spanos, Peter
 Varney, Peter

Feeney, George
 Lang, Timothy
 St. Clair, Charlie
 Viens, Harry

Fields, Dennis
 Mackie, Jonathan
 Sylvia, Michael

Howard, Raymond
 Beaudoin, Richard
 Tilton, Franklin

CARROLL

Avellani, Lino

Cordelli, Glenn

MacDonald, John

Marsh, William

CHESHIRE

Hunt, John

Mann, John

O'Day, John

COOS

Craig, Kevin

Furbush, Michael

Merner, Troy

GRAFTON

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
 Burt, John
 Flanagan, Jack
 Gunski, Michael
 McLean, Mark
 Plett, Fred
 Somero, Paul

Alexander, Joe
 Camarota, Linda
 Gagne, Larry
 Hinch, Richard
 Notter, Jeanine
 Prout, Andrew
 Lekas, Tony

Barry, Richard
 Danielson, David
 Gould, Linda
 Hopper, Gary
 Nunez, Hershel
 Renzullo, Andrew
 Ulery, Jordan

Burns, Charles
 Erf, Keith
 Greene, Bob
 Lascelles, Richard
 Panasiti, Reed
 Sanborn, Laurie
 Warden, Mark

MERRIMACK

Allard, James
 McGuire, Carol
 Testerman, Dave

Hill, Gregory
 Pearl, Howard
 Walsh, Thomas

Horn, Werner
 Pimentel, Roderick
 Yakubovich, Michael

Klose, John
 Seaworth, Brian

ROCKINGHAM

Abbas, Daryl
 Chirichiello, Brian
 Dolan, Tom
 Green, Dennis
 Osborne, Jason
 Love, David
 McMahon, Charles
 Piemonte, Tony
 Roy, Terry
 Vose, Michael

Abramson, Max
 Costable, Michael
 Doucette, Fred
 Guthrie, Joseph
 Janigian, John
 Griffin, Mary
 Melvin, Charles
 Potucek, John
 Spillane, James
 Wallace, Scott

Baldasaro, Al
 Davis, Dan
 Edwards, Jess
 Harb, Robert
 Katsakiores, Phyllis
 Pearson, Mark
 O'Connor, John
 Pratt, Kevin
 Torosian, Peter
 Weyler, Kenneth

Bershtein, Alan
 DeClercq, Edward
 Gay, Betty
 Hobson, Deborah
 Kolodziej, Walter
 Major, Norman
 Packard, Sherman
 Prudhomme-O'Brien, Katherine
 True, Chris
 Yokela, Josh

STRAFFORD

Harrington, Michael
 Perreault, Mona

Hayward, Peter
 Beaudoin, Steven

Horgan, James
 Wuelper, Kurt

Kittredge, Mac

SULLIVAN

Aron, Judy
 Smith, Steven

Laware, Thomas

Rollins, Skip

Stapleton, Walter

and the motion was adopted.

Representative Kevin Verville was reprimanded by the House of Representatives.

MOTION TO PRINT DEBATE

Rep. Steven Smith moved that the debate on the motion to reprimand Representative Kevin Verville be printed in the Permanent Journal.

Without objection, the Speaker ordered.

**DEBATE OF
 MOTION TO REPRIMAND**

Speaker Pro Tempore Weber: Mister Speaker, I move for the reasons stated before that Representative Verville be reprimanded by the House of Representatives.

Speaker Shurtleff: Representative Verville.

Representative Verville: I'm sorry. I'm not exactly sure.

Speaker Shurtleff: Don't be sorry. You have a right to ask the inquiry.

Representative Verville: But I am sorry because I don't understand what the motion on the floor is? Can the motion be stated clearly and articulate and not referring to previous business in the House please?

Speaker Shurtleff: Would the member read out the article?

Speaker Pro Tempore Weber: I will certainly read it again. Mister Speaker, as conduct of members in their capacity to serve as a privilege of the House that is to say a higher order motion we have at this time 14 members of the House of Representatives who have not complied with the requirement as stipulated in House Rule 67 regarding sexual and other unlawful harassment and discrimination prevention training, therefore I move that Representative Kevin Verville be reprimanded by the House of Representatives.

Speaker Shurtleff: Representative Verville, you are recognized to speak.

Representative Verville: Thank you, Mister Speaker.

Speaker Shurtleff: You're welcome.

Representative Verville: Thank you, honorable colleagues. First thing I want to say is I tried to file paperwork of a conflict of interest. I don't want to vote on this motion. I don't want to vote for or against myself, but I was informed that if I did that, I would not be able to speak in my defense.

Speaker Shurtleff: Can I ask the member to suspend? By all means I will allow the member. I just want for the record and if it should ever happen in the future, I would allow. It was a declaration of intent? I'm sorry I stand corrected by our very able clerk. If there is a conflict of interest on your behalf you are absolutely right and I apologize for interrupting you.

Representative Verville: So is the Ruling of the Chair that I have to.

Speaker Shurtleff: There is no Ruling of the Chair. I am just a busybody interrupting you.

Representative Verville: Parliamentary inquiry, if I could?

Speaker Shurtleff: Go right ahead.

Representative Verville: Mister Chair, would it be appropriate for me to not vote in motions brought for or against me before this body, as to vote for myself seems a conflict of interest?

Speaker Shurtleff: That would be the Ruling of the Chair that it would not be a conflict of interest. You would definitely have a right to vote.

Representative Verville: Can I have the right to not vote on motions brought for or against me?

Speaker Shurtleff: You would have to leave the Chamber because you can't be present and not vote. The member may continue.

Representative Verville: Thank you, Mister Speaker. I cannot command your attention in this hall, but I beg for it. Perhaps you have noticed me going back and forth, even upstairs into the gallery today to observe our proceedings and what do I see? I see cell phones. I see laptops. I see tablets. I've seen people reading novels. For such a solemn occasion it seems that I should be able to get the attention of the House, the full attention of the House, for the brief remarks that I give in my own defense. If one wants to call it a defense. Let us make no mistake and this is before I get through my remarks. Let us make no mistakes. This has nothing to do with the subject matter of the class, the education and training that is demanded. That is good training. It is quality training. It is valuable training and I'll get to that more later. That is not what this is about. Mister Speaker, stop me if you have heard this one before. House Rules is whatever the House says they are.

Speaker Shurtleff: I've heard this one before.

Representative Verville: I have too.

Speaker Shurtleff: Oh good. Please proceed.

Representative Verville: But then I realized that's not really true. That's not true. What does the House say that the rules are? House Rule 64 states sources of authority. The procedures of the New Hampshire House shall be derived from the following sources in the order of precedence listed. A. constitutional provisions. B. Rules of the House, the New Hampshire House. C. Customs, usage, and precedent. D. Adopted parliamentary manual, that's Mason's 2010. E. Statutory provisions. So, House Rules rightly point to the supremacy of the New Hampshire State Constitution. I'm all in on that. We got that right. So, what does the New Hampshire State Constitution say House Rules are? The New Hampshire State Constitution states in Part 2, Article 2 that the House of Representatives shall choose their own speaker, appoint their own officers and settle the rules of their proceedings, settle the rules of their proceedings in their own House and shall be the judge of returns, elections and qualifications of its members as pointed out in this constitution. So, it's clear and there can be no doubt that the constitution of the State of New Hampshire is the overriding framework for the creation of House Rules and that the House Rules must be in accordance with our state constitution. The New Hampshire Constitution is quite clear that House Rules are for proceedings and proceedings only, nothing more, nothing less. There are currently, there are currently 111 House Rules of which 110 are specific to the proceedings of the House. To get a flavor of House Rules because sometimes we forget and reading by section titles only because that's how we like to operate, House Rules are divided up as follows: Duties of the Speaker. Decorum and Debate. Committees and their duties. Bills. Committee of the whole House. That was a fun day. Order of Business. Officers and Personnel. Miscellaneous. We are going to come back to that one in a little bit. Committee procedure. And last but not least, Definitions. Under miscellaneous we find Rule 63, Deadly weapons. Electronic devices. Cameras. Rule 64, we are familiar with that, right? That is the sources of authority. Rule 65, House deadlines. A lot of deadlines in the rules. A lot of dates certain. Rule 66, subpoena power. I suppose perhaps that's with

the certified letter was in a way. I don't know. Rule 67, harassment training. Rule 67, while well intended, is a new and unprecedented rule adopted at the beginning of the 2019 Session and is the only rule, the only rule that does not pertain to house proceedings. Rule 67 reads all legislators, legislative officers and legislative staff shall attend in person education and training regarding sexual and unlawful harassment and discrimination. Rule 67 is not a rule of proceedings therefore is an unconstitutional and unenforceable mandate and it's for this reason and this reason alone that this body should not find me in noncompliance with House Rules. How can anyone be found in noncompliance with something that is not constitutionally valid? I swore an oath to uphold the constitution of the State of New Hampshire and I have upheld that oath and I have followed legitimate House Rules and will continue to do so. Here's the problem. What are the limits to further mandates of action that a simple majority of House members may impose upon members of the body? This is a very slippery slope. A slippery slope of which I shall refuse to take the first step. The good member from Milford who went first. God bless you, sir. God bless you. That was moving testimony and he gave you a glimpse of your future, didn't he? Didn't he? Because he told you what he wants the next step on the slippery slope to be, right? So, shall a simple majority of the House mandate education and training regarding I don't know, things like constitutional authority because at this point, I would say that would be a good one. Meaning no offense to any member of this august body, myself included. I'm not as fit as I may appear. Perhaps first aid, CPR and AED training might be a higher priority for this body. I don't know. Imagine the day, if you dare and I know that many of you don't and I don't blame you. Imagine the day when the other side of the aisle takes the majority and mandates things like firearms safety training. How about. Thank you, Mister Speaker. How about a lesson in Austrian economics? You guys familiar with Austria? Perhaps, perhaps we should go the other way. Perhaps I because I clearly am deficient in Keynesian economics. I don't have any idea how one pushes string so perhaps I need training there. Maybe next year should I be reelected, should I even choose to run, right? Maybe I need training in Keynesian economics to be able to do the understanding of some of these bills that have been brought before this body. I don't know. Make no mistake about it and this is important. I have successfully completed the education and training by Rule 67 and I have a form right here in my jacket pocket and stapled to the back of the very notes in my hand from my employer to prove it. I will present such evidence to anyone who shall request it, but I shall not submit, I shall not submit it to the House for the purposes of complying with Rule 67, an unconstitutional rule. Thank you. I will go so far to disallow such proof should anyone swear to the Speaker of the House or maybe the clerk that they have witnessed my evidence demonstrating compliance with House Rule 67. It is appropriate after all for an employer to require such training of employees. New Hampshire State Representatives are neither employees of the State of New Hampshire nor are we employees of the New Hampshire House of Representatives. It's not in my notes, but technically, you know, we are not even coworkers, right? Sometimes I work diligently at odds with many people in this room to advance an agenda that you don't agree with. We are elected officials accountable to our constituents. I believe that such training would be appropriate to include in the House orientation training provided to every member every two years. If that's where, if you want to do that, that's where it belongs. So, how is it that this House shall now deem House members, myself a nonconformist of House Rule 67 when there is no mandate to demonstrate proof of compliance in this rule within the rule or any of the other rules? There's nothing, there's nothing that mandates that I give you this form for proof of compliance. That's not in there. Every time sensitive House Rule has listed a date certain by which compliance must be met. Given that there is no date certain by which compliance must be met, then it is reasonable to assume and the Speaker disagrees, I understand that, but it is reasonable to assume that the deadline is simply prior to the end of our term. The end of our term is a date certain, right? We all know when that is. After which date the question is moot. So, we have a rule. We have Rule 63 and I want to draw our attention to the end of Rule 63. With the exception of devices of hearing impaired, no member shall operate audible electronic transmitting and or receiving devices nor shall any member operate a video camera or a camera utilizing flash bulbs on the floor of the House while the House is in Session. We all are. I am too. On that one I will confess my guilt. For that one certainly, but many of you will say well no, no Representative from Deerfield, you forget, you forget that in the beginning of Session the Speaker gave us all a dispensation, right? Well, you know you can use those devices as long as well I guess nobody thinks you are violating the rule. So we have a rule that means something other than what the rule says, right? So we have a rule against these devices, devices I can see right now in use, right? But then I have a rule that doesn't mandate that I show any proof I've complied so now we have rules that mean things that aren't written in them. I am terribly confused as to how I am supposed to operate under House Rules when some rules mean things that they don't say and other rules mean things that they don't say. I don't know. I don't know. So, let us consider House Rule 64 one more time. House Rule 64 states sources of authority, the procedures of the New Hampshire House shall be derived from the following sources in the order of precedence listed. Constitution, Rules of the New Hampshire House, custom usage and precedent, custom usage, and precedent, adopted parliamentary manual, which is Mason's 2010, statutory provisions. So, it is clear from my previous remarks and in fact from memory I think the remarks from everyone here that I am in willful noncompliance with Rule 67. I am in willful, willful noncompliance with Rule 67. So this motion proposes to reprimand me for nonconformance. So shall the precedent

of this House, in this House assembled today, shall we set the precedent that a willful violation of House Rules be punishable by reprimand? That's the question in front of you, right? I was cautioned by colleagues that I respect and admire from both sides of the aisle don't poke the bear. Representative, don't poke the bear and I didn't poke the bear, the bear poked me. I'm sitting up back there trying to mind my own business. I'm not perfect, I admit it, right? The bear poked me. So now that's the precedent because we talked about precedent earlier today. This is setting precedent. This is not to be taken lightly, right? This precedent may have long lasting and far reaching consequences for the future of our state government and this House in particular and it's not in my notes and I certainly would not expect it from the Speaker today. God bless you; you do a good job and I appreciate you. But imagine that the precedent now is that if a Speaker of the House willfully violates House Rules, the precedent is reprimand. That's what it is. So what's our recourse, right? How do we diffuse the situation? Vote your conscience, that's what I always say. I won't blame anybody for any vote they take. I'll disagree with them, but I won't blame them, but I urge you to vote against the current motion. Let us put an end to this distraction and get on with the business at hand, the actual business that we have been sent here to do. No person should be forced to comply with an unconstitutional mandate and no person should be punished for refusing to comply with an unconstitutional mandate. Mister Speaker, thank you.

Speaker Shurtleff: The member is welcome. The House will be in order. The House will be in order. Why does the member from Charlestown rise?

Representative Steven Smith: Thank you, Mister Speaker. I move to print the remarks of the previous speaker in the Permanent Journal.

Speaker Shurtleff: Without objection, so ordered. The question before the House is should the member from Deerfield be reprimanded by this body? This will be a division vote. A roll call has been requested. Is that sufficiently seconded? It is sufficiently seconded. This will be a roll call vote. Members will kindly take their seats. The House will be in order. The question before the House is should the member from Deerfield be reprimanded, Representative Verville, be reprimanded by this body? The Chair recognizes the member from Deerfield for a parliamentary inquiry.

Representative Verville: Thank you, Mister Speaker. Mister Speaker, if I know that House Rules are not what the House says they are, but I know that House Rules are what the constitution allows them to be. And, Mister Speaker, if I know that Rule 67 is not in conformance with the constitution of the State of New Hampshire. And, Mister Speaker, if I know notwithstanding the remarks we made here after I leave the podium that I have proof that I have complied with an unconstitutional mandate, but I simply choose not to submit them as evidence, would I now press the red button?

Speaker Shurtleff: The House will be in order. The question before the House is should the member from Deerfield, Representative Verville, be reprimanded by this body? The Chair recognizes the member from Walpole for a parliamentary inquiry.

Speaker Pro Tempore Weber: Thank you, Mister Speaker. Mister Speaker, if I know that House Rule 67 provides that all legislators shall attend in person education and training regarding sexual and other unlawful harassment and discrimination. And, if I know that despite being given repeated notices and several opportunities to participate in the training the Representative has not done so, would I then push the green button in support of the reprimand?

Speaker Shurtleff: This will be a roll call vote. The question before the House is should the member from Deerfield be reprimanded by this body? If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. By a thumbs up or a thumbs down you will signify your vote. Have all members present had an opportunity to vote? The House will be attentive to the state of the vote. With 182 members voting Yea, and 117 Nay, the motion to reprimand the member, Representative Verville is passed.

PROTEST

Constitution of the State of New Hampshire, Part 2, Article 24 Protest

By its action today, voting to reprimand members of the House for not complying with House Rule 67, the House has set a dangerous precedent,

- These members meet all constitutional and statutory requirements to serve in the House and were duly elected by their constituents.
- Rule 67 was poorly crafted, lacked clarity, contained no deadline for compliance or parameters for discipline. Arbitrarily setting deadlines for compliance and arbitrarily bringing these motions to the House floor is unfair to these members, unfair to this body, and sets a dangerous precedent.
- The reprimand motions and votes presented to the House disregard years of fair and transparent past practice where concerns about members were addressed by the Committee on Legislative Administration for review and recommendation.
- This process has lacked fairness, lacked transparency, and applies a different standard for these members than other members who have faced more serious allegations this term.

- We all want to eliminate and prevent sexual harassment in this institution, and we should focus our attention on positive efforts to ensure that happens. This reprimand process does not help us achieve that goal.

Therefore, pursuant to the Constitution of the State of New Hampshire, Part 2, Article 24, I register my protest to the vote of the House to reprimand members who have not yet complied with House Rule 67, and wish to have it entered in the House Journal. Thank you.

Reps. Abbas, Abrami, Abramson, Alexander, Allard, Aron, Baldasaro, Barry, Bean, Steven Beaudoin, Richard Beaudoin, Bershtein, Burns, Burt, Camarota, Chirichiello, Cordelli, Costable, Craig, Danielson, Davis, DeClercq, Dolan, Doucette, Edwards, Erf, Feeney, Fields, Flanagan, Furbush, Gagne, Gay, Gould, Graham, Dennis Green, Bob Greene, Mary Griffin, Gunski, Guthrie, Harb, Harrington, Hayward, Hill, Hinch, Hobson, Hoelzel, Hopper, Horgan, Horn, Howard, Hunt, Janigian, Janvrin, Jurius, Katsakiores, Kittredge, Klose, Kolodziej, Ladd, Lang, Lascelles, Laware, Alicia Lekas, Tony Lekas, Love, MacDonald, Mackie, Major, Marsh, McGuire, McLean, McMahon, Melvin, Merner, Migliore, Notter, Nunez, O'Connor, O'Day, Jason Osborne, Packard, Panasiti, Pearl, Mark Pearson, Perreault, Piemonte, Plett, Potucek, Pratt, Prout, Prudhomme-O'Brien, Renzullo, Rollins, Roy, Sanborn, Seaworth, Steven Smith, Somero, Spanos, Spillane, Stapleton, Sylvia, Testerman, Tilton, Torosian, True, Ulery, Varney, Verville, Viens, Vose, Wallace, Walsh, Warden, Welch, Weyler, Wuelper, Yakubovich and Yokela.

Rep. Hinch addressed the House.

MOTION TO PRINT REMARKS

Rep. Baldasaro moved that the remarks made by Rep. Hinch be printed in the Permanent Journal.
Motion adopted.

REMARKS BY REPRESENTATIVE HINCH

Representative Hinch: Thank you, Mr. Speaker. Friends, first I want to be clear, crystal clear that Republicans hold the issue of sexual and other harassment to the same high level of importance as our Democrat colleagues. Sexual harassment and other harassment is wrong. It is wrong in this building, it is wrong in any workplace, it is wrong under all circumstances in government, social or situations in our society. It is wrong. For anyone who wants to allege that Republicans don't care about this issue, I want to tell you that that statement is incorrect and I say that from the heart. We care about eliminating harassment just as much as any member in this Hall, and our constituents do across the state. We are elected officials and we should hold ourselves to a high standard of conduct, and set an example for others, including making every effort to combat the egregious offense of sexual harassment. It is my understanding there have been no complaints made this term regarding staff or members of the House. Awareness is increasing, and behaviors are being modified. We should be proud that this institution and its members, of both parties, reject harassment in all forms. The House is now presented, the House was presented, this is now past tense, with, frankly, an unprecedented situation before us. Not in my time here, and not in the tenure of many of our longest serving colleagues has the House been forced to vote to reprimand multiple members. It is unfortunate for many reasons. A little over a year ago we gathered in this Hall to adopt rules for the term. Rule 67 came to us worded in a manner that lacked clarity. It was poorly crafted. And many Republicans opposed it on those points. It lacked defined deadlines and clear parameters. It lacked terms of compliance. It mentioned nothing about reprimand. It lacked provisions to allow those who were unable to attend an in-person training to review the necessary material in other ways, such as an online course or certification program, which is something that many private sector companies utilize in today's environment. And here we are, a year later, and suddenly we have an arbitrary announced deadline for compliance, and an arbitrary punishment. We are literally seeing this process and the parameters regarding this rule being made up as we go along. This is entirely unfair to those members, including me, who voted to support adoption of the rule, who did not expect their fellow members to be dragged before us for reprimand. It is unfair to the body as a whole, who are charged with working out practical solutions, and not rush to accuse one another of being something other than honorable. And it is unfair, most of all, to those before us who were reprimanded. Not too long ago, in the recent prior administrations, we had situations where members were accused of serious offenses. It was our practice then that these members get a fair hearing. Their matters were referred to the Legislative Administration Committee, and they had a chance to explain their situation, just as others were able in the committee to participate in condemnation action, or as a character witness in defense of those members. The committee could make a recommendation as to the merits of the charge, if they required further action, and what action the House should consider for punishments, if any. That came before anything reached the House floor, unlike today. But here we are, in a situation where rather than working out these things in a fair and manageable committee setting, we have members required to defend themselves before the entire body. The courtesy of a committee process and past practice has been bypassed, Mister Speaker I can only suspect that some other agenda has unfortunately trumped the honor and courtesy with which we treated these situations. This is unfair to these members before us for reprimand. It is unfair to the body for taking time away from being able to debate legislation. And it is unfair to our constituents who I believe would rather see us find

solutions to problems rather than accuse each other of being dishonorable. This is something you might see in the United States Congress, but this, Mister Speaker, is New Hampshire. We are honest. We are fair. We are transparent and we shouldn't rush the body into this unfair sham trial situation. There are members in this room but not on this list, Mister Speaker, that have operated in violation of our ethics guidelines. They got a hearing before a committee and there was a process by which the committee could evaluate the circumstances of their situation. They received an admonishment under the terms of an informal resolution. They were not brought before this body as my friends just were. Mister Speaker, I care deeply about this institution, but in order to maintain the respect of our citizens, we need to apply fair standards, and apply them evenly. I saw no fairness in this process. I saw uneven standards being applied. Lastly, Mister Speaker, these members have all met the qualifications laid out in statute and in the constitution to hold office. They were elected to that office by the people of their district to serve. They all have individual reasons for not attending a training, but I see no benefit in this witch hunt. I can't begin to tell you how dismayed I am that my friends in this House have been forced to vote against their friends and colleagues in this way. This is politics at its worst, Mister Speaker. We all want to eliminate and prevent sexual harassment in this institution, and we should focus our attention on positive efforts to ensure that happens. There is nothing positive that came from this process, as I see it. Thank you, Mister Speaker.

REGULAR CALENDAR CONT'D

HB 1434-FN, repealing premium contribution requirements for certain state and judicial retirees. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Dianne Schuett for the Majority of Executive Departments and Administration. The state provides a health benefit to state retirees that is administered by the Department of Administrative Services. When hired as a state employee, there was a clear pact made between employer and employee that if one worked for 25 to 30 years, one would receive fully paid health insurance for you and your spouse. There was also an understanding that one would probably be paid less than in the private sector but the tradeoff was retirement security. That trust held true until the changes made by the legislature in the 2017 budget "trailer bill" which, for the first time, required some retirees over 65 to pay 10% of the premium cost. The change arbitrarily took effect only for those born after January 1, 1949. This bill will repeal the premium costs for state and judicial retirees over age 65. Vote 14-5.

Rep. Carol McGuire for the Minority of Executive Departments and Administration. Despite verbal promises made to state employees of "free health care for life," there was always the caveat that this benefit would be provided "as the legislature may fund it." In 2009, faced with a massive state deficit, retirees under age 65 were charged to contribute no less than 12.5% of the cost of their health coverage. In 2017, faced with increasing costs and prospective benefit cuts, the under-65 retirees were charged at least 20% of the cost of their full coverage, and Medicare-eligible retirees born after 1949 were charged 10% of the cost of their Medicare supplement plan. So, current retirees now aged 65-70 pay \$32/month for a very rich health coverage plan, which, even after paying for Medicare, is less than the cost to younger retirees. Retirees over age 70 continue to receive coverage without any contribution. Since this bill does not allocate any additional funding for retiree health coverage, cutting the cost for over-65 retirees means either that under-65 retirees will pay more, or that *all* retirees will receive a skimpier package of benefits.

MOTION TO LAY ON THE TABLE

Rep. Ley moved that **HB 1434-FN**, repealing premium contribution requirements for certain state and judicial retirees, be laid on the table.

Motion adopted.

MOTION TO SPECIAL ORDER

Rep. Ley moved that the remaining bills on today's calendar be made Special Orders in their regular place in the next House Calendar.

Motion adopted.

RESOLUTION

Rep. Ley 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 at the Call of the Chair.

Motion adopted.

LATE SESSION

Third Reading and Final Passage

HB 1379-FN, requiring a background check for commercial firearms sales.

HB 1625-FN, reducing the penalty for certain first offense drug possession charges.

HB 1648-FN, relative to the home cultivation of cannabis plants and the possession of certain cannabis-infused products.

HB 1454, relative to credit for alternative, extended learning, and work-based programs.

SB 684-FN, relative to Medicaid to schools.

MOTION TO PRINT REMARKS

Rep. Myler moved that the remarks made by Speaker Shurtleff regarding the silver pitcher be printed in the Permanent Journal.

Motion adopted.

REMARKSS BY SPEAKER SHURTLEFF

Speaker Shurtleff: Before we take up this afternoon's business, I just want to speak for one moment to the House. A lot of us have served in this chamber. Myself, this is my 16th year and every time I have come into this House, usually sitting in the middle of Division 4 my very first year until coming down to the front row and getting a better view, I've always looked up here at this silver pitcher. Every House Session this pitcher has sat here in front of this chamber in front of the Speaker. Several years ago I became curious why is that silver pitcher always there. Nobody ever uses it. We just put it there. So I want to start this Session by just telling you briefly the history of that silver pitcher. That was manufactured in 1854 by the Durgin, William Durgin Silver Company here in the City of Concord. It was done at a request of a very influential rich family in Concord and that pitcher stayed in their family until 1942, passed down from generation to generation. Then the only son of the member of that family was killed in Germany during WWII. The parents of that child said how can we honor our son in his loss. They thought about memorials. They thought about everything to honor his memory. The mother and the father looked at that pitcher that had been in their family for almost a century and they said we want to donate this to the New Hampshire House of Representatives that they always have it in the House Chamber, a place of honor so that our son who died for our country will never be forgotten and the sacrifice he made. We are taking up some issues this afternoon, but I thought it appropriate to talk about that silver pitcher, what it stood for a family in the 1940's who lost a son and what it should mean to each and every one of us today as we sit in this Chamber and represent the people that sent us here.

RECESS MOTION

Rep. Ley moved that the House stand in recess for the purposes of the introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports.

Motion adopted.

The House recessed at 5:40 p.m.

RECESS

(Rep. Weber in the Chair)

RESOLUTION

Rep. Ebel offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 287, 302, 420, 421, 422, 428, 432, 435, 449, 455, 466, 485, 500, 502, 504, 506, 510, 514, 517, 528, 534, 539, 541, 542, 543, 545, 548, 554, 563, 565, 584, 589, 612, 613, 628, 634, 642, 646, 647, 653, 654, 658, 659, 674, 680, 703, 716, 725, 736, 737 and 740 and Senate Joint Resolution numbered 1 shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Motion adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 287-FN, setting the maximum contaminant levels for certain perfluorochemicals in drinking water. (Resources, Recreation and Development)

SB 302-FN, relative to suspension and expulsion of pupils. (Education)

SB 420, permitting qualifying patients and designated caregivers to cultivate cannabis for therapeutic use. (Health, Human Resources and Elderly Affairs)

SB 421-FN, relative to educational assistance for members of the New Hampshire national guard and relative to tuition waivers for children in state foster care or guardianship. (Education)

SB 422, relative to changes of registration of voters at primary elections. (Election Law)

SB 428, relative to notifications to the rivers coordinator of state agency actions affecting rivers. (Resources, Recreation and Development)

SB 432, relative to the definition of "licensing agency" for purposes of licensing places of assembly. (Executive Departments and Administration)

SB 435-FN-A, making an appropriation to the department of education for the purpose of funding the Hudson CTE center. (Public Works and Highways)

SB 449, permitting tastings by distilleries at farmers markets. (Commerce and Consumer Affairs)

SB 455, prohibiting higher education institutions from discriminating on the basis of military, law enforcement, or veterans status. (Education)

SB 466, relative to the patient's bill of rights. (Health, Human Services and Elderly Affairs)

SB 485, relative to the disqualification of certain persons from performing duties as an election official. (Election Law)

SB 500, relative to financial disclosures by legislators. (Legislative Administration)

SB 502, establishing a nursing review subcommittee. (Executive Departments and Administration)

SB 504, establishing a committee to study the effectiveness of outdoor therapy, art therapy, and music therapy as alternative covered treatments for individuals with post-traumatic stress disorder and substance abuse disorders. (Commerce and Consumer Affairs)

SB 506, establishing a commission to study workplace safety in health care settings. (Health, Human Services and Elderly Affairs)

SB 510-FN-A, crediting excess funds in the investor education fund to the FRM victim's fund. (Ways and Means)

SB 514, relative to alternative learning credit rules of the state board of education. (Education)

SB 517, relative to the public information and permitting functions of the office of the commissioner in the department of environmental services. (Executive Departments and Administration)

SB 528, establishing a committee to study charitable gaming. (Ways and Means)

SB 534, relative to state board of education rulemaking regarding criminal history records checks. (Education)

SB 539, relative to classification of certain employee positions. (Executive Departments and Administration)

SB 541, relative to the child abuse and neglect central registry. (Children and Family Law)

SB 542, relative to membership on the professional standards board. (Executive Departments and Administration)

SB 543-FN, relative to group II retirement system status for certain department of corrections officials. (Executive Departments and Administration)

SB 545, establishing a committee to study the safety of residents and employees in long-term care facilities. (Health, Human Services and Elderly Affairs)

SB 548, relative to protections under the use of cannabis for therapeutic purposes program. (Criminal Justice and Public Safety)

SB 554, establishing a committee to study state regulation of net neutrality. (Science, Technology and Energy)

SB 563, relative to authorizing the issuance of bonds or notes by a municipality. (Municipal and County Government)

SB 565, adding the chancellor of the university system of New Hampshire to the department of business and economic affairs council of partner agencies. (Commerce and Consumer Affairs)

SB 584, relative to policies for students with head injuries. (Education)

SB 589, allowing seasonal docks on certain lots in the town of Freedom. (Resources, Recreation and Development)

SB 612, relative to road skill examinations for applicants licensed in foreign jurisdictions. (Transportation)

SB 613, relative to access to crash data. (Transportation)

SB 628-FN, relative to the authority of the department of environmental services for emergency action at hazardous dams. (Resources, Recreation and Development)

SB 634, relative to establishing a peer support program in the department of health and human services. (Health, Human Services and Elderly Affairs)

SB 642-FN, relative to the administration of epinephrine. (Health, Human Services and Elderly Affairs)

SB 646-FN, relative to Medicare supplemental insurance. (Commerce and Consumer Affairs)

SB 647-FN, relative to telemedicine and substance use disorder. (Health, Human Services and Elderly Affairs)

SB 653-FN, relative to remedies for the sale of counterfeit motor vehicle airbags. (Transportation)

SB 654, relative to the prohibition against displaying a revoked or suspended driver's license or permit and authorizing participation in state to state driver information and driver license data verification programs. (Transportation)

SB 658, relative to the adoption of federal requirements for motor carriers. (Transportation)

SB 659-FN, relative to agricultural and farm motor vehicle plates. (Transportation)

SB 674-FN, relative to the special fund for domestic violence programs, the public health services special fund, and the mosquito control fund. (Ways and Means)

SB 680-FN, relative to materials used in the construction or repair of state roads and establishing a committee to study issues relating to paving New Hampshire Route 111 in Hampstead and Atkinson. (Public Works and Highways)

SB 703-FN, relative to the use of cannabis for therapeutic purposes program. (Health, Human Services and Elderly Affairs)

SB 716-FN, relative to Medicaid coverage for child health and development. (Commerce and Consumer Affairs)

SB 725-FN, relative to toll collection enforcement. (Transportation)

SB 736-FN, relative to the supreme court reporter and reports. (Judiciary)

SB 737-FN, requiring a penalty assessment on violation-level offenses. (Criminal Justice and Public Safety)

SB 740-FN, relative to the definition of health care facility under the state board of fire control. (Executive Departments and Administration)

SJR 1, prohibiting the implementation of certain rules of the board of education. (Education)

RECESS

(Rep. Stapleton in the Chair)

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bill numbered 558.

Rep. Ley, Sen. Soucy for the Committee

RECESS