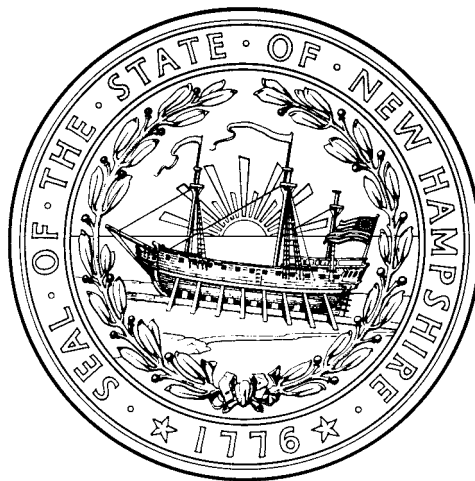


September 7, 2011  
No. 22 cont'd.

# **STATE OF NEW HAMPSHIRE**

Web Site Address: [www.gencourt.state.nh.us](http://www.gencourt.state.nh.us)



**162<sup>nd</sup> Session of the New Hampshire General Court**

**Legislative Proceedings**

## **SENATE JOURNAL**

**ADJOURNMENT – SEPTEMBER 7, 2011 SESSION**  
**COMMENCEMENT – SEPTEMBER 7, 2011 SESSION**

# SENATE JOURNAL 22 *(continued)*

*September 7, 2011*

**Recess.**

## **HOUSE MESSAGE**

The House of Representatives has voted to sustain the Governor's veto on the following entitled Bill(s):

**HB 542-FN**, relative to exceptions for objectionable material in public school courses.

## **CLERK'S NOTE**

On November 30, 2011, the House of Representatives adopted the motion of Reconsideration on the vote to sustain the Governor's veto on HB 542-FN.

## **HOUSE MESSAGE**

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bills sent down from the Senate:

**CACR 14**, Relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and shall have full discretion to determine the amount of state funding for education.

## **HOUSE MESSAGE**

The House of Representatives has voted to Lay On The Table the following vetoed Bill sent from the Senate:

**SB 3-FN-A-L**, making comprehensive changes to the state retirement system.

## **HOUSE MESSAGE**

The House of Representatives has voted to sustain the Governor's veto on the following entitled Bill(s):

**SB 3-FN-A-L**, making comprehensive changes to the state retirement system.

## **HOUSE MESSAGE**

The House of Representatives has voted to override the Governor's veto on the following entitled Bill(s):

**SB 57**, relative to regulation of title loan lenders.

## **HOUSE MESSAGE**

The House of Representatives has voted to override the Governor's veto on the following entitled Bill(s):

**SB 88**, relative to physical force in defense of a person, relative to producing or displaying a firearm or other means of self-defense, and relative to eliminating minimum sentencing and adding civil immunity for certain firearm use.

## **HOUSE MESSAGE**

The House of Representatives has voted to override the Governor's veto on the following entitled Bill(s):

**SB 91**, relative to automatic fire suppression sprinklers.

## **HOUSE MESSAGE**

The House of Representatives has voted to sustain the Governor's veto on the following entitled Bill(s):

**HB 218**, relative to the New Hampshire rail transit authority.

## **HOUSE MESSAGE**

The House of Representatives has voted to sustain the Governor's veto on the following entitled Bill(s):

**HB 380**, exempting the commission on the status of men from repeal on June 30, 2011 and adding a duty to the commission.

**HOUSE MESSAGE**

The House of Representatives has voted to sustain the Governor's veto on the following entitled Bill(s):  
**HB 474-FN**, relative to freedom of choice on whether to join a labor union.

**HOUSE MESSAGE**

The following entitled Bills sent down from the Senate died on the table at the conclusion of the 1<sup>st</sup> year of the 2011-2012 legislative session:

**CACR 5**, relating to the governor's power to reduce appropriations. Providing that the governor shall have line item reduction power of items in any bill making appropriations of money.

**SB 55-FN**, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable.

**SB 133-FN**, relative to reestablishing the exemption from property taxation for telecommunications poles and conduits.

**HOUSE MESSAGE**

The 1<sup>st</sup> year Session of the 162<sup>nd</sup> General Court, for the New Hampshire House of Representatives stands adjourned.

November 30, 2011

**Out of recess.**

# SENATE JOURNAL 22 *(continued)* *September 7, 2011*

**Sens. Boutin and Rausch are excused from today's session.**

**AMENDMENT TO SENATE RULES**

**Sen. Bradley moved to amend the Senate Rules.**

**Amendment to Senate Rule 8-1**

Amend Senate Rule 8-1 by inserting after (d) the following:

**8-1 Deadlines.**

- (e) Thursday, March 15, 2012 - Deadline for Policy Committees to ACT on all Senate bills with a fiscal impact, except bills exempted pursuant to Senate Rule 4-3 (b).
- (f) Thursday, March 29, 2012 – Last Day to ACT on all Senate bills. CROSSOVER
- (g) Thursday, May 03, 2012 - Deadline for Policy Committees to ACT on all House bills with a fiscal impact, except bills exempted pursuant to Senate Rule 4-3 (b).
- (h) Thursday, May 17, 2012 - Last Day to ACT on all House bills.
- (i) Thursday, May 24, 2012 - Last Day to FORM Committees of Conference.
- (j) Thursday, May 31, 2012 - Last Day to SIGN Committee of Conference Reports.
- (k) Thursday, June 7, 2012 - Last Day to ACT on Committee of Conference Reports.

**The question is on the motion to amend Senate Rule 8-1. Adopted by necessary 2/3 vote.**

The Clerk read the following House Message:

**HOUSE MESSAGE**

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

**SB 198-FN**, relative to the calculation of aid to the permanently and totally disabled and temporary assistance to needy families (TANF).

**Sen. Morse moves concurrence.**

**A roll call was requested by Sen. Houde, seconded by Sen. Larsen.**

**The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Barnes, De Blois, Morse, Prescott, Stiles, Bragdon.**

**The following Senators voted No: Houde, Kelly, Larsen, D'Allesandro, Merrill.**

**Yeas: 17 - Nays: 5**

**Adopted.**

The Clerk read the following House Message:

#### **HOUSE MESSAGE**

The House of Representatives has voted to override the Governor's veto on the following entitled Bill:

**HB 542-FN**, relative to exceptions for objectionable material in public school courses.

**Without objection, the Clerk shall read the title of the Veto Message only.**

### **GOVERNOR'S VETO MESSAGE REGARDING HB 542**

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on July 13, 2011, I vetoed HB 542, an act relative to exceptions for objectionable material in public school courses.

I am vetoing this legislation because it does not clearly define what material would be objectionable; it would be disruptive to classrooms and other students; and it would be difficult for school districts to administer.

Current law already allows for parents to remove their children from classrooms for particular lessons on health or sex education. Given the strong moral and religious issues inherent in those subjects, that is appropriate. But this legislation goes far beyond that. HB 542 would allow a parent to determine any course material is "objectionable" and require school districts to work with parents to develop an alternative. This legislation in essence gives every individual parent of every student in a classroom a veto over every single lesson plan developed by a teacher.

For example, under this bill, parents could object to a teacher's plan to: teach the history of France or the history of the civil or women's rights movements. Under this bill, a parent could find "objectionable" how a teacher instructs on the basics of algebra. In each of those cases, the school district would have to develop an alternative educational plan for the student. Even though the law requires the parents to pay the cost of alternative, the school district will still have to bear the burden of helping develop and approve the alternative. Classrooms will be disrupted by students coming and going, and lacking shared knowledge.

Just as important, this legislation will fundamentally damage educational quality. Much of the genesis behind this legislation is objections to certain books that have been used in lessons. This is a perennial debate, and teachers and schools have a responsibility to ensure they are using age-appropriate, school-appropriate materials in their classrooms.

The intrinsic value of education is exposing students to new ideas and critical thinking. This legislation encourages teachers to go the lowest common denominator in selecting material, in order to avoid "objections" and the disruption it may cause their classrooms.

Because it is unclear what educational material or programs would be objectionable and the quality of education in the classroom could be impacted, I am vetoing this bill.

Respectfully submitted,

John H. Lynch  
Governor

Date: July 13, 2011

**The question is, notwithstanding the Governor's Veto, shall HB 542-FN become law?**

**A roll call is required.**

**The following Senators voted Yes: Gallus, Forrester, Bradley, Forsythe, Groen, Sanborn, Odell, White, Luther, Lambert, Carson, Barnes, De Blois, Morse, Prescott, Stiles, Bragdon.**

**The following Senators voted No: Houde, Kelly, Larsen, D'Allesandro, Merrill.**

**Yeas: 17- Nays: 5**

**Veto overridden by necessary 2/3 vote.**

The Clerk read the following House Message:

#### **HOUSE MESSAGE**

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

**HB 652-FN**, establishing a commission relative to Medicaid managed care.

**HB 654-FN-L**, relative to credit for retirement system employer contribution overpayments.

**HB 655**, establishing a committee to study issues regarding the New Hampshire Local Government Center.

**HB 656**, relative to boundaries of wards.

#### **SUSPENSION OF SENATE RULES**

**Sen. Bradley moved to suspend all rules necessary to allow the consideration of House Bills 652, 654, 655, and 656, and further allow them to be reported out of policy committee in the 2012 Senate Session by the adopted Senate deadline for House bills.**

**The question is on the motion to suspend the rules.**

**A roll call was requested by Sen. Larsen, seconded by Sen. Houde.**

**The following Senators voted Yes: Gallus, Bradley, Forsythe, Groen, Sanborn, Odell, Luther, Lambert, Carson, Barnes, De Blois, Merrill, Morse, Prescott, Stiles, Bragdon.**

**The following Senators voted No: Forrester, Houde, White, Kelly, Larsen, D'Allesandro.**

**Yeas: 16 - Nays: 6**

**Adopted by necessary 2/3 vote.**

#### **INTRODUCTION OF HOUSE BILLS**

Sen. Bradley offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following House legislation shall be by this Resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

**Adopted.**

#### **First and Second Reading and Referral**

**HB 652-FN**, establishing a commission relative to Medicaid managed care. (Finance)

**HB 654-FN-L**, relative to credit for retirement system employer contribution overpayments. (Executive Departments and Administration)

**HB 655**, establishing a committee to study issues regarding the New Hampshire Local Government Center. (Public and Municipal Affairs)

**HB 656**, relative to boundaries of wards. (Internal Affairs)

#### **RESOLUTION**

**Senator Bradley moved that all bills Laid on the Table be by this resolution made**

**Inexpedient to Legislate.**

**SB 14-FN**, relative to the brandishing of a firearm.

**SB 24-FN-L**, exempting the Unity school district from the moratorium on school building aid.

**SB 61**, relative to capital appropriations to the liquor commission.

**SB 103**, requiring the commissioner of administrative services to develop a plan to consolidate the human resource functions within state government.

**SB 114**, prohibiting assessing teacher performance based solely on assessment scores.

**SB 126-FN**, relative to net operating loss carryovers under the business profits tax.

**SB 136-FN**, relative to games of chance.

**SB 164**, relative to the personal needs allowance of residents of nursing homes.

**SB 165-FN**, relative to the Medicaid uncompensated care fund and the Medicaid enhancement tax.

**SB 178**, establishing a commission to study long-term sustainable funding for school building aid and the establishment of eligibility criteria for school building aid in order to ensure that all school age children in every part of the state have access to a safe, healthy, and academic environment for learning.

**HB 36-FN-L**, reducing the fee for copies of birth certificates.

**HB 42**, relative to the appropriate officials with whom to file for a primary.

**HB 89**, requiring the attorney general to join the lawsuit challenging the Patient Protection and Affordable Care Act.

**HB 113**, prohibiting the use of state funds for New Hampshire public television.

**HB 156-FN-A**, reducing the rates of the tobacco tax.

**HB 164**, requiring legislative approval for the adoption of the common core state standards in New Hampshire.

**HB 305**, relative to the homestead right.

**HB 335-FN-A**, establishing multi-use number plates.

**HB 341**, relative to local spending caps.

**HB 369-FN-L**, relative to withdrawal from a school administrative unit or an authorized regional enrollment area school.

**HB 442-FN**, relative to the use of marijuana for medicinal purposes.

**HB 451-FN**, relative to prerecorded political messages.

**HB 557-FN-A**, relative to the standards and burden of proof with respect to the business profits tax deduction for reasonable compensation attributable to owners of partnerships, limited liability companies, and sole proprietorships.

**HB 614**, requiring a performance audit of the guardian ad litem board and guardian ad litem services.

**HB 617**, repealing the prohibitions on Sunday business activities.

**HB 634-FN**, relative to payment of guardian ad litem and mediator fees in marital cases where the parties are indigent.

**HCR 6**, requiring the Congress of the United States of America to reaffirm its adherence to the Constitution of the United States regarding international agreements and treaties.

**HCR 11**, to urge the Congress of the United States to withdraw the membership of the United States from the United Nations so that the United States may retain its sovereignty and control over its own funds and military forces.

**HCR 12**, urging Congress to withdraw the United States from the North American Free Trade Agreement (NAFTA) in accordance with Article 2205 of the agreement.

**HCR 19**, affirming States' powers based on the Constitution for the United States and the Constitution of New Hampshire.

**HJR 4**, prohibiting the implementation of certain rules of the board of medicine.

**Adopted.**

**MOTION TO RECESS TO CALL OF THE CHAIR**

Sen. Bradley moved that the business of the day being completed, that the Senate recess for the purposes of sending and receiving messages, processing enrolled bill reports and amendments, after which the 2011 Senate Session will stand adjourned.

**Adopted. The Senate is in recess.**

**REPORT OF COMMITTEE ON ENROLLED BILLS**

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

**SB 198-FN**, relative to the calculation of aid to the permanently and totally disabled and temporary assistance to needy families (TANF) and relative to marital master contracts.

**Sen. Prescott moved adoption of the Report of Committee on Enrolled Bills. Adopted.**

**The 2011 Senate Session is adjourned.**