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HOUSE RECORD

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Wednesday, March 11, 2015

No. 24

HOUSE JOURNAL No. 8 (Cont.)

Wednesday, March 4, 2015

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

HOUSE JOURNAL No. 9

Wednesday, March 11, 2015

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 former House Chaplain, Reverend Roger Boucher.

Eternal God, we find ourselves nearly in the spring of the year; a time of anticipation, of melting snows and new growth. In the midst of our assembly and legislative purpose, we ask for Your grace and Your guidance and Your love. Bless this membership in this early season so that we might see every change for the good and appreciate it to the full. Choices are not always easy and mostly always stressful. We find it no compromise then to ask for Your strength in putting our faith and reason to the task of the common good. Help us this day to keep our mission on good ground; to engage each other with goodwill and compassion and the hope that what we do helps all the people of our state to flourish with great human dignity. We especially remember those who need physical healing, those who need their emotional life restored and those who need their families to be wholesome. We remember our friends and family members in uniform who are in harm's way. We ask that they return to us safe and sound. With sympathy, we remember especially the family members of those who were lost near Eglin Air Force Base. We do not ask too much, oh Lord, in a chamber whose history of debate is rational, honest and accountable. Help us, then, this day and tomorrow to see beyond the details and not lose sight of the whole. It takes effort to see beyond what is in front of us and to free ourselves from the tyranny of what directly presses upon us. Help us with that effort. Help us maintain what is essential in listening and legislating and in ensuring a culture that is prosperous and productive, and sharing in what You have planted and we have strengthened. We pray this in Your Holy name. Amen.

Representative Duane Brown, member from Wentworth, led the Pledge of Allegiance.

Representative Mary Griffin, member from Windham, led the singing of the National Anthem.

LEAVES OF ABSENCE

Reps. Bush, Flanagan, Flanders, Gladys Johnsen, Mann, Moody, Osborne, Parsons and Priestley, the day, illness.

Reps. Coffey, Luneau, Oligny, Peckham, Joe Sweeney, Shawn Sweeney and Twombly, the day, important business.

Reps. Rebecca Brown, DeLemus, Jeudy, Ulery and White, the day, illness in the family.

INTRODUCTION OF GUESTS

Maria Pia Hachem, and Meghan Percy, students at Coe-Brown Northwood Academy, Pages for the day.

Tizzy Brown, Daughter of Rep. Chris Brown. Maynard Goldman, guest of Rep. Andrew Schmidt. Alex and Ellen Kedzierski, guests of Rep. Balcom. Honorable Jan Schmidt, former member from Nashua and Victoria Parmele, guests of Rep. Horrigan. Honorable Robert J. Giuda, former member from Warren, guest of Rep. Ingbretson.

CONSENT CALENDAR

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

HB 263, prohibiting residency restrictions on sex offenders, removed by Rep. Webb.

HB 492-FN-L, relative to military and historic reenactments and commemorations, removed by Rep. Hoell.

HB 568-FN, requiring a supervisory law enforcement officer to arrest a law enforcement officer when the supervisor knows that the law enforcement officer has committed a criminal offense, removed by Rep. Hoell.

HB 598, relative to the definition of deadly force, removed by Rep. Abramson.

HB 317, relative to contracts between schools and school districts, removed by Rep. Ladd.

HB 323, relative to the administration of the statewide assessment program, removed by Rep. Ladd.

HB 244-L, relative to the permissible level of methyl tertiary butyl ether in drinking water, removed by Rep. McConnell.

HB 139-FN, relative to an emergency exception under the New Hampshire retirement system for certain part-time employment, removed by Rep. Ratzki.

HB 459, establishing a committee to study medical services provided to residents of the New Hampshire veterans' home, removed by Rep. Theberge.

HR 10, urging the department of justice to reexamine the conviction of Chad Evans, removed by Rep. Abramson.

HB 370-L, enabling counties and municipalities to establish minimum wage rates, removed by Rep. Robertson.

HB 402-FN, establishing the Franklin Partin right-to-work act, removed by Rep. William O'Brien.

Consent Calendar adopted.

Rep. Hansberry declared a conflict of interest on **HB 109-FN-L**, and did not participate in the vote on the Consent Calendar.

HB 265, relative to moneys allocated for child support. **INEXPEDIENT TO LEGISLATE.**

Rep. Carolyn M. Gargas for Children and Family Law. The sponsor did not speak to the content of the bill. Therefore, the committee heard no explanation of why this bill was needed and voted inexpedient to legislate on the bill. Vote 18-1.

HB 293, relative to the renewal or modification of an alimony order. **INEXPEDIENT TO LEGISLATE.**

Rep. Kimberly A. Rice for Children and Family Law. The committee decided to vote inexpedient to legislate on HB 293 and incorporate the content into HB 249, which was retained in committee. Vote 19-0.

HB 305, relative to assessment of and discharge planning for minors in the juvenile court system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank Edelblut for Children and Family Law. This bill, as amended, instructs the court to advise minors and parents that they may consult with counsel in making a decision to waive counsel under predetermined conditions. It also codifies the current practice to prepare and update discharge plans for minors entering the youth development center. It also makes a technical correction to RSA 615:5 dealing with annulment of a criminal record. Finally, it requires the department of health and human services (DHHS) to inquire if minors entering the juvenile court system have medical insurance and to provide information to the minor and family on where such insurance may be obtained. Vote 18-0.

Amendment (0693h)

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

1 Delinquent Children; Waiver of Counsel. Amend RSA 169-B:12, II(d) and (e) to read as follows:

(d) The petition does not allege a violation of RSA 631:1, RSA 631:2, RSA 635:1, or any violation of RSA 630, RSA 632-A, RSA 633, or RSA 636; [and]

(e) The prosecution has informed the court that it does not intend to seek certification pursuant to RSA 169-B:24, RSA 169-B:25, or any other provision of law permitting adult prosecution of the minor; **and**

(f) The court has instructed both the minor and the parent, guardian, or custodian that they may consult with counsel about the possible consequences of the proposed waiver of the right to counsel.

2 New Paragraph; Youth Development Center; Discharge Planning. Amend RSA 621:19 by inserting after paragraph II the following new paragraph:

III. To facilitate the implementation of this section, discharge plans from the center shall be developed as early in the commitment as practicable, and in the case of children to which paragraph I-a applies, shall be designed to prepare those children for release no later than 6 months from the date of their commitments. Discharge plans shall be updated throughout the commitment as needed.

3 Annulment of Criminal Record Based on Conduct Occurring Between May 14, 2014 and July 1, 2015. Notwithstanding any provision of RSA 651:5 to the contrary, any person convicted of a criminal offense which occurred between May 14, 2014 and July 1, 2015, and while the person was 17 years of age shall be entitled to an annulment of such conviction upon application to the court. This section shall not apply to any offenses

which may continue to be prosecuted as an adult criminal offense after July 1, 2015 against persons who have not yet reached 18 years of age. Annulment requests brought under this section shall not be subject to any filing fee, and may only be brought following the expiration of any sentence imposed by the court. The only permitted basis for denial of an annulment request brought under this section is a written finding by the court, based on clear and convincing evidence, that the subject offense would have qualified for transfer to the superior court pursuant to RSA 169-B:24 and that the prosecution would have pursued such transfer.

4 New Section; Delinquent Children; Information Regarding Health Insurance Provided. Amend RSA 169-B by inserting after section 13 the following new section:

169-B:13-a Health Insurance; Information Provided. The department of health and human services shall inquire whether the minor and his or her family are enrolled in public or private medical insurance and, if not, shall provide the minor and his or her family with information on where such insurance coverage may be obtained.

5 Effective Date.

I. Section 1 of this act shall take effect on July 1, 2015 at 12:01 a.m.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

I. Requires the court to instruct minors and their parents of the consequences of waiving the right to counsel before accepting a waiver of the right to counsel.

II. Requires the department of health and human services to develop discharge plans for minors at the youth services center.

III. Provides for annulment of a criminal conviction if the criminal offense was based on conduct that occurred between May 14, 2014 and July 1, 2015, while the person was 17 years of age.

IV. Directs the department of health and human services to provide information relative to health insurance coverage to minors involved in the juvenile court system.

HB 307, relative to the membership and duties of the legislative youth advisory council. **INEXPEDIENT TO LEGISLATE.**

Rep. Debra L. DeSimone for Children and Family Law. The Legislative Youth Advisory Council and the children and family law committee agree that this legislation does not work being that it is a complete rewrite of the statute and it assigns duties to the Speaker of the House and the Senate President, which impinge on their already full agendas. Vote 19-0.

HB 122, relative to advertising of liquor or beverages. **OUGHT TO PASS.**

Rep. Pamela Z. Tucker for Commerce and Consumer Affairs. This bill makes minor modifications to RSA 179:31, addressing advertising on alcoholic beverages. The bill came to fruition due to restrictions placed on the liquor commission in approving labeling for a particular brand of beer. Current law prohibits any depiction of minors for use of advertising, and rightfully so, to not encourage underage drinking. However, the law is overly restrictive and does not allow leeway if the advertising did use a minor, perhaps a small child, but in no way promoted underage drinking. This bill allows for common sense determinations to be considered by the liquor commission in approving advertising instead of overly strict laws. Vote 20-0.

HB 157, relative to enforcement of condominium liens for assessments. **INEXPEDIENT TO LEGISLATE.**

Rep. George Hurt for Commerce and Consumer Affairs. This bill would permit a condominium unit owners' association to enforce an outstanding lien for assessments by bringing an action to foreclose on the property. The committee felt this change is unnecessary for two reasons. One: current law is adequate in terms of addressing liens and assessments and, two: this bill threatens first lien status covered by current statute. Vote 20-0.

HB 160, relative to qualifications of condominium association board members. **INEXPEDIENT TO LEGISLATE.**

Rep. George Hurt for Commerce and Consumer Affairs. This bill amends the condominium act to permit only condominium unit owners to serve on a condominium association's board of directors. Although the benefits of having unit owners serve on the board are clear, the committee, after meaningful discussions with the bill's sponsor, determined that the current laws are adequate in meeting the needs of condominium association members. Vote 20-0.

HB 161, relative to the termination of a management contract by a condominium association. **INEXPEDIENT TO LEGISLATE.**

Rep. George Hurt for Commerce and Consumer Affairs. This bill would allow a condominium unit owners association to cancel a contract with a managing agent irrespective of the terms of the management agreement. The subcommittee and full committee believe that this constitutes an unnecessary intrusion into a private contract and that micromanaging of condominium associations is not in the best interest of its board or members. Vote 20-0.

HB 171, relative to rebating. **OUGHT TO PASS.**

Rep. Laura M. Jones for Commerce and Consumer Affairs. This bill seeks to treat insurance producers (agents) and carriers equally when it comes to allowing them to offer contests, sweepstakes, raffles, or drawings, conducted in connection with the marketing or promotion of insurance policies. Currently there is a \$1,000 per year limit placed on producers, and this bill would remove that limit. Producers should be able to run their businesses as they see fit. Consumers who believe a producer may have inflated prices in order to cover the cost of rebating can purchase from another producer who does not use rebating. Vote 20-0.

HB 175, establishing a committee to study removing the department of justice from the financial approval process for residential condominium and housing subdivisions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. George Hurt for Commerce and Consumer Affairs. The committee heard testimony from a number of speakers that the financial approval process used by the department of justice for housing subdivisions is protracted and can lead to costly delays in construction projects. The committee agreed the bill had merit and that a study committee could find ways to improve this process. The committee amendment refines the charge of the study committee and reduces the number of senators appointed to it. Vote 20-0.

Amendment (0374h)

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

AN ACT establishing a committee to study improving the efficiency of the financial approval process for housing subdivisions used by the department of justice.

Amend the bill by replacing sections 1-3 with the following:

1 Committee Established. There is established a committee to study improving the efficiency of the financial approval process for housing subdivisions used by the department of justice.

2 Membership and Compensation.

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

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

(b) One members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study improving the efficiency of the financial approval process for housing subdivisions used by the department of justice.

AMENDED ANALYSIS

This bill establishes a committee to study improving the efficiency of the financial approval process for housing subdivisions used by the department of justice.

HB 177-FN, relative to sales for on-premises consumption by beverage manufacturers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bart Fromuth for Commerce and Consumer Affairs. This bill, as amended, allows liquor, wine and beverage manufacturers, as well as rectifiers, the ability to sell samples of their products, at their facilities. Samples will be limited to one per person, per label. After hearing testimony from various in state alcohol manufacturers it became clear to the committee that the current prohibition on the sale of samples was causing significant harm to these valued businesses. In the case of beverage manufacturers, the harm was even more egregious, in that the state currently taxes them on the volume of free samples they provide to patrons. As such, the unanimous majority agreed that this bill, as amended, was necessary to help improve the business climate for our growing alcohol manufacturing industry and our rectifiers. Vote 20-0.

Amendment (0098h)

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

AN ACT relative to sales of alcoholic beverages by manufacturers.

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

1 Liquor Manufacturer License. Amend RSA 178:6, IV to read as follows:

IV. A liquor manufacturer may provide to visitors *of legal drinking age* at its facility samples of liquor *manufactured on the premises* for tasting. Samples ~~[shall not exceed 1/2 ounce, and shall not be provided to any persons under 21 years of age]~~ *may be provided either free or for a fee and shall be limited to one 1/2-ounce sample per label per person. Samples sold under this section shall be subject to fees as established in paragraph VI.*

2 Rectifier License. Amend RSA 178:7, IV to read as follows:

IV. A rectifier may provide ~~[a reasonable number of]~~ samples of liquor *rectified on the premises* for tasting to ~~[a visitor]~~ *visitors of legal drinking age* at its licensed rectifier facility. Samples ~~[shall not exceed 1/2 ounce, and shall not be provided to any person under 21 years of age]~~ *may be provided either free or for a fee and shall be limited to one 1/2-ounce sample per label per person. Samples sold under this section shall be subject to fees as established in paragraph VI.*

3 Wine Manufacturer License. Amend RSA 178:8, III to read as follows:

III. Each wine manufacturer shall have the right to sell at retail or wholesale at its winery for off-premises consumption any of its wines. Visitors *of legal drinking age* at said premises may be provided with [reasonable] samples of wine *manufactured on the premises* for tasting. *Samples may be provided either free or for a fee and shall be limited to one 2-ounce sample per label per person.* Pursuant to rules adopted by the commission, a wine manufacturer may transport its products to a farmers' market or a wine festival licensed under RSA 178:31, and may sell such products at retail in the original container.

4 New Paragraph; Beverage Manufacturer; Sales for On-Premises Consumption. Amend RSA 178:12 by inserting after paragraph II the following new paragraph:

II-a. The holder of a beverage manufacturer license may sell beverage samples to visitors of legal drinking age for consumption on the premises where the beverages were manufactured. Sales of samples for consumption on the premises shall be limited to one 4-ounce glass per label per person.

5 Effective Date. This act shall take effect July 1, 2015.

AMENDED ANALYSIS

This bill authorizes sales of samples of alcoholic beverages by manufacturers. Samples sold by beverage manufacturers would be for on-premises consumption.

HB 184, relative to travel insurance. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Bordenet for Commerce and Consumer Affairs. This legislation, as amended, sets out the roles and responsibilities of insurance producers who are limited to handling the distribution of travel insurance and the supervision of the travel retailers who directly sell travel insurance. It is based on model legislation that has been adopted in more than 30 states and will help provide clear and consistent regulatory oversight as well as guidelines insuring consumer protection. Vote 20-0.

Amendment (0111h)

Amend RSA 402-L:1, V(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Travel insurance shall not include major medical plans, which provide comprehensive medical protection for travelers with trips lasting 12 months or longer, including those persons working overseas or military personnel being deployed.

Amend RSA 402-L:2, I and II as inserted by section 1 of the bill by replacing it with the following:

I. Pursuant to the provisions of RSA 402-J, the commissioner may issue to an individual or business entity that has filed with the commissioner an application for such limited license, a limited lines travel insurance producer license, which authorizes the limited lines travel insurance producer to sell, solicit or negotiate travel insurance through a licensed insurer.

II.(a) A travel retailer may offer and disseminate travel insurance on behalf of and under a limited lines travel insurance producer business entity license only if the following conditions are met:

(1) The limited lines travel insurance producer or travel retailer provides to purchasers of travel insurance:

- (A) A description of the material terms or the actual material terms of the insurance coverage;
- (B) A description of the process for filing a claim;
- (C) A description of the review or cancellation process for the travel insurance policy; and
- (D) The identity and contact information of the insurer and the limited lines travel insurance producer.

(2) At the time of licensure, the limited lines travel insurance producer establishes and maintains a register, on a form prescribed by the commissioner, listing each travel retailer that offers travel insurance on the limited lines travel insurance producer's behalf. The register shall be maintained and updated annually by the limited lines travel insurance producer and shall include the name, address, and contact information of the travel retailer and an officer or person who directs or controls the travel retailer's operations, and the travel retailer's federal tax identification number. The limited lines travel insurance producer shall submit such register to the insurance department upon request. The limited lines travel insurance producer shall also certify, upon request, that the registered travel retailer complies with 18 U.S.C. section 1033.

(3) The designated responsible producer, president, secretary, treasurer, and any other officer or person who directs or controls the limited lines travel insurance producer's insurance operations has complied with the fingerprinting requirements applicable to insurance producers in the resident state of the limited lines travel insurance producer.

(4) The limited lines travel insurance producer has paid all applicable insurance producer licensing fees.

(5) The limited lines travel insurance producer requires each employee and authorized representative of the travel retailer whose duties include offering and disseminating travel insurance to receive a program of instruction or training, which may be subject to review by the commissioner. The training material shall, at a minimum, contain instructions on the types of insurance offered, ethical sales practices, and required disclosures to prospective customers.

(b) Limited lines travel insurance producers, and those registered under its license, are exempt from all examination requirements.

Amend RSA 402-L:5 as inserted by section 1 of the bill by replacing it with the following:

402-L:5 Enforcement. The limited lines travel insurance producer and any travel retailer offering and disseminating travel insurance on behalf of the limited license travel insurance producer and under the limited lines travel insurance producers license shall be subject to RSA 417:4, VIII(e), RSA 402-J:12, and RSA 402-J:15.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Repeal. RSA 402:16-a, relative to travel agent insurance licensing, is repealed.

HB 195, relative to continuing care communities. **OUGHT TO PASS.**

Rep. Edward A. Butler for Commerce and Consumer Affairs. The insurance department has financial oversight over continuing care retirement communities (CCRC's) under RSA 420-D. CCRCs are those retirement communities that require residents to pay a large deposit as a condition of living in the facility. The department regulates the financial condition of CCRCs to ensure the CCRC can honor the commitments made to residents, and can return deposit funds in accordance with the contracts between the CCRC and its residents. Existing law, RSA 420-D:16, gives the commissioner authority to rehabilitate or liquidate CCRCs if the CCRC is in financial difficulty in order to protect the resident's deposits being held by the CCRC. The insurance commissioner currently has authority to liquidate insurance companies. The standards for how he conducts those insurance company liquidations can be found at RSA 402-C, rehabilitation and liquidation. This amendment to RSA 420-D:16 simply adds a new paragraph VI, that references this insurance company liquidation law and requires the commissioner to follow the same process if he needs to rehabilitate or liquidate a CCRC. Vote 20-0.

HB 223-FN, relative to external review under the managed care law. **OUGHT TO PASS.**

Rep. Joseph A. Hannon for Commerce and Consumer Affairs. This bill clarifies the right to external review for persons enrolled in the marketplace premium assistance program. The committee unanimously supported passage. Vote 20-0.

HB 256, relative to automobile insurance statements of residency. **INEXPEDIENT TO LEGISLATE.**

Rep. John B. Hunt for Commerce and Consumer Affairs. This bill removes a requirement for an automobile insurance company to obtain a statement of residency from an insurance applicant upon policy renewal. Despite the title of the bill, it did not remove this requirement but the bill did attempt to address a problem of one auto insurance company's unique systems issue that require the insured to file a residency form for each car, trailer, etc. they own. Attempting to fix the one insurance company's problem was too problematic, so the committee decided to vote ITL on the bill. Vote 19-1.

HB 264, prohibiting mortgage lenders from considering child support obligations as part of the mortgage application process. **INEXPEDIENT TO LEGISLATE.**

Rep. Valerie Fraser for Commerce and Consumer Affairs. The committee found that this bill would place an undue hardship on families that depend on the child support income in order to qualify for a mortgage. It could impact their choices of homes by not allowing them to shop in a price range that they could afford, but wouldn't be able to purchase because the child support was not allowed to be calculated in the application process. Vote 20-0.

HB 284, relative to motor vehicle franchises. **INEXPEDIENT TO LEGISLATE.**

Rep. Edward A. Butler for Commerce and Consumer Affairs. This bill would undo key provisions of last session's overwhelmingly approved Auto Dealer's Bill of Rights (RSA 357-C). HB 284 comes before us now because the sponsor believes that our state is an outlier and, as such, hurts local dealers and consumers. General Motors claims that the bill approved by this legislature makes it too costly for them to conduct business in NH, though in committee those costs were not explained. Because of their disapproval of the legislature's actions, GM has prevented NH dealers from participating in incentive programs that can help those dealers to thrive. It is important to note that no other manufacturer has responded in this way. All other manufacturers are complying with the new law and working with their NH dealers to help both the brand and the dealer to succeed. The majority believes that we should not succumb to these intimidating tactics by GM; that the law passed in the last session is a good one, supports our NH auto dealers and should continue to be supported. Vote 19-1.

HB 296, relative to a named insured of a life insurance policy. **INEXPEDIENT TO LEGISLATE.**

Rep. John Bordenet for Commerce and Consumer Affairs. This bill requires a life insurance company to notify the named insured on a life insurance policy if the named insured did not take out the policy. We found that this bill is unnecessary since only someone that has an insured interest can apply for a life insurance policy. Vote 20-0.

HB 308, relative to the supervision of a real estate office and the duties of a facilitator under the real estate practice act. **OUGHT TO PASS.**

Rep. Valerie Fraser for Commerce and Consumer Affairs. As the current law is written, RSA 331-A: 16, II) all licensees and employees associated with a real estate office shall be supervised on site by the principal broker or managing broker. In today's electronic world, many real estate agents work from their home and cars and use computers, email, and cell phones to conduct their business. This bill would solve the restriction of having to be "on site" by removing the "on site" requirement and changing the language to reflect that the employee shall be reasonably supervised. The NH Real Estate Commission submitted their declaratory ruling on the definition of "reasonable supervision" as used in RSA 331-A: 16, I-II and RSA 331-A: 26 XXVII. HB 308 also amends RSA 331-A: 25 by inserting after paragraph VII the following new paragraph: VIII. A facilitator shall present in a timely manner all offers and agreements to and from the parties during a real estate transaction. According to the real estate commission, a facilitator does not represent either the buyer or seller and is to remain neutral. RSA 331-A: 25 a-e explain the duties of a facilitator and the new paragraph simply requires that all offers be submitted in a timely manner. Vote 19-1.

HB 318, establishing a committee to study state laws and rules affecting New Hampshire businesses. **IN-EXPEDIENT TO LEGISLATE.**

Rep. John B. Hunt for Commerce and Consumer Affairs. This bill establishes a committee to study state laws and rules affecting New Hampshire businesses with the goal of reducing, streamlining, or eliminating laws and rulemaking provisions, which are ineffective or obstructive. The sponsor did urge the committee to kill the bill since there have already been several committees with the same charge in last couple of years. Vote 20-0.

HB 353, relative to the governance of condominium unit owners' associations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kermit R. Williams for Commerce and Consumer Affairs. This bill is a product of the committee to study the laws relating to condominium and homeowners' associations. The current law – RSA 356-B or the Condominium Act – mainly deals with the development and sale of condominium properties. Once the developer sells the units and turns the operation over to a board, very little protection exists for residents in the law. This bill provides additional structure for the operation of a condominium association, including requirements for the bylaws, which are the rules that control the association, a framework for how meetings of the association operate, and rules for the membership and actions of the board of directors. Vote 20-0.

Amendment (0489h)

Amend RSA 356-B:37, II as inserted by section 1 of the bill by replacing it with the following:

II. An association shall hold a special meeting of unit owners to address any matter affecting the unit owners or the association if its president, a majority of the board of directors, or unit owners having at least 20 percent, or any lower percentage specified in the bylaws, of the votes in the association request that the secretary call the meeting. If the association does not notify unit owners of a special meeting within 30 days after the requisite number or percentage of unit owners request the secretary to do so, the requesting members may directly notify all the unit owners of an informational meeting, the purpose of which shall be to present the issue to fellow residents and unit owners. Only matters described in the meeting notice required by RSA 356-B:37-a may be considered at a special meeting.

Amend RSA 356-B:39, IV(a) as inserted by section 2 of the bill by replacing it with the following:

IV.(a) The votes appertaining to any unit may be cast pursuant to a proxy or proxies duly executed by or on behalf of the unit owner, or, in cases where the unit owner is more than one person, by or on behalf of all such persons. A person may not cast undirected proxies representing more than 10 percent of the votes in the association. The proxy or proxies shall list the name of the person who is to vote. No such proxy shall be revocable except by actual notice to the person presiding over the meeting, by the unit owner or by any of such persons, that it be revoked. Any proxy shall be void if it is not dated or if it purports to be revocable without the required notice. The proxy of any person shall be void if not signed by a person having authority, at the time of the execution thereof, to execute deeds on behalf of that person. Any proxy shall terminate automatically upon the adjournment of the first meeting held on or after the date of that proxy. The board of directors shall deliver to the unit owners, together with their notice of meeting and agenda, proxy forms bearing a control number, which the board of directors shall correlate to the list of all unit owners then entitled to vote. At the noticed meeting, the board of directors shall recover all proxies and compare them to the control list maintained for that purpose. Any proxies which are on a form other than that provided by the board of directors or which do not correlate with the control list maintained by the board of directors shall be disregarded for purposes of determining whether a quorum was present at the meeting and for purposes of casting any vote at that meeting.

Amend RSA 356-B:40-c, I as inserted by section 2 of the bill by replacing it with the following:

I. The board of directors, at least annually, shall adopt a proposed budget for the unit owners' association for consideration by the unit owners. Not later than 30 days after adoption of a proposed budget, the

board of directors shall provide to all the unit owners a summary of the budget, including any reserves, and a statement of the basis on which any reserves are calculated and funded. Simultaneously, the board shall set a date not less than 10 days or more than 60 days after providing the summary for a meeting of the unit owners to consider ratification of the budget. Unless at that meeting 2/3 of all unit owners or any larger number specified in the declaration reject the budget, the budget is ratified, whether or not a quorum is present. If a proposed budget is rejected, the budget last ratified by the unit owners continues until the unit owners ratify a subsequent budget.

HB 381-FN, allowing a liquor manufacturer to be issued an on-premises license. **OUGHT TO PASS.**

Rep. Bart Fromuth for Commerce and Consumer Affairs. This bill allows liquor manufacturers to be issued an on premises license to sell and serve their spirits. The committee voted unanimously for this bill because of the win-win it provided for our manufacturers and their patrons. This bill, as introduced, will heighten the experience for consumers and will lead to increased sales for the manufacturers, which mean more revenues for the state. Vote 20-0.

HB 419, relative to use of insurance scores for rating policies. **INEXPEDIENT TO LEGISLATE.**

Rep. John Bordenet for Commerce and Consumer Affairs. This bill requires property and casualty insurers to make certain information available to a consumer if such information reflected negatively on the policy rate. Providing all of this information would be burdensome to insurers and would not change underwriting procedures. Vote 17-3.

HB 428, relative to New Hampshire products sold by the liquor commission. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara Biggie for Commerce and Consumer Affairs. This bill would modify the law requiring the liquor commission to purchase New Hampshire products and list them for sale. The intent is to clarify the law by adding definitions for "product of NH," "made in NH" and "packaged in NH." The definitions require the liquors and wines affected by this law to contain specified percentages of locally grown products, or to be primarily manufactured or packaged locally. Although well-intentioned, the committee decided that more work should be done by the sponsors to clarify the language to make it less confusing. Vote 20-0.

HB 429, revising the commission to review and consider alcoholic beverage manufacturing processes and retail sales in manufacturing facilities. **OUGHT TO PASS.**

Rep. Pamela Z. Tucker for Commerce and Consumer Affairs. This bill revives a commission to review and consider alcoholic beverage processes and sales. There is mutual consensus the commission has work in progress and needs to continue its work on issues such as bailment and definitions of New Hampshire made alcoholic beverages. This commission is uniquely designed to bring all interested parties together to develop future legislation as needed. Vote 20-0.

HB 478, relative to rulemaking for market conduct record retention and production. **OUGHT TO PASS.**

Rep. Edward A. Butler for Commerce and Consumer Affairs. RSA 400-B Market Conduct Record Retention and Production was enacted in 2005 (C.221, SB 73). This law was enacted to establish standards for maintaining insurance records and documents so that the commissioner can readily ascertain in an examination, if the insurer is in compliance with state insurance laws and rules. These standards also help ensure that records and documents that support the policies issued by the insurer are retained so that any errors discovered in rating, underwriting, claims handling and the like, can be corrected. The addition of rulemaking authority to RSA 400-B will enable the department to clarify with more specificity what documents are expected to be kept, what documents can be destroyed and what documents may be requested in a market conduct examination. Vote 19-1.

HB 479, relative to uninsured or hit-and-run motor vehicle coverage. **OUGHT TO PASS.**

Rep. John Bordenet for Commerce and Consumer Affairs. This bill is a request of the NH insurance department. It amends 264:15, Uninsured or Hit-and-Run Motor Vehicle Coverage to address an issue created when the NH Supreme Court delivered its 2004 opinion in Swain. The opinion states that the liability limits and the uninsured motorist limits only have to be equal in scope of coverage when an insured selects minimum coverage limits when purchasing a policy. But if an insured selects coverage above the minimum limits then the liability limits and the uninsured motorist limits have to be equal in dollar amounts. HB 479 clarifies that equality in scope of coverage and dollar amounts applies whether the insured elects minimum limits or higher limits. Vote 19-0.

HB 480, relative to policies for property and casualty insurance. **OUGHT TO PASS.**

Rep. Laura M. Jones for Commerce and Consumer Affairs. This bill declares that no liability policy issued in New Hampshire shall contain coverage for payment of a fine or penalty for a criminal offense, but may provide coverage for defense costs and restitution to injured parties. This type of policy is usually purchased by corporations concerned about being sued because of the actions of their officers and/or directors. The concept that criminal behavior should not be covered by insurance is already in case law and the New Hampshire Insurance Department requested this bill in order to also have it in statute. Vote 18-1.

HB 481, relative to commercial insurance. **OUGHT TO PASS.**

Rep. Edward A. Butler for Commerce and Consumer Affairs. This bill is intended to make it clear that the cancellation or refusal to renew provisions for commercial insurance under RSA 417-C do not apply to mortgage guaranty insurance or sureties. Mortgage guaranty insurance is usually known as private mortgage insurance (PMI). It is purchased to compensate lenders in the case of mortgage default. Sureties provide payment to one party if a second party fails to meet some obligation like failing to fulfill the provisions of a contract. As such, these products are treated as personal lines policies to which the commercial policy provisions do not apply. Vote 18-1.

HB 482, relative to the insurance claims adjuster definition. **OUGHT TO PASS.**

Rep. Edward A. Butler for Commerce and Consumer Affairs. This bill clarifies the definition of "home state" for the purpose of licensing independent adjusters who reside in a state that does not issue an independent adjusters license for the line of business sought. It enables the independent adjuster to designate as their "home state" any state in which the independent adjuster qualifies pursuant to RSA 402-B:7. 33 states license adjusters. That leaves some qualified adjusters living and working in states without a license. When these same adjusters seek to come and work in states like New Hampshire during times of emergency or catastrophes, they have to prove they are qualified under our statutes. Without a designated home state, any adjuster whose residential (home) state does not license adjusters would have to seek to qualify in several states - which can take time. By allowing qualified adjusters whose home state does not license them to seek a license in a designated home state, the adjusters have the ability to get licensed quickly in other states, including New Hampshire, should the need arise. Our emergency licensing provisions allow for a licensed adjuster to get a reciprocal license here in New Hampshire within 2 hours. Without a license, the process can take days. Vote 19-0.

HB 498, relative to notification of radon and arsenic testing. **OUGHT TO PASS.**

Rep. John B. Hunt for Commerce and Consumer Affairs. This bill revises the radon notice required prior to the sale of real property and establishes a similar notice requirement regarding arsenic. A similar bill was passed last session, but ran into problems with some of the language in the senate. All the interested parties have agreed upon this new language. Vote 15-2.

HB 528, relative to motor vehicle records provided to insurance companies. **INEXPEDIENT TO LEGISLATE.**

Rep. John Bordenet for Commerce and Consumer Affairs. This bill excludes violations of vehicle registration and emissions requirements from the motor vehicle records available to insurance companies if the applicable fines and assessments have been paid. We found that any driving violation would be reported and have risk implications. Vote 16-0.

HB 531, establishing a committee to study short-term rentals by homeowners and owners of residential properties. **OUGHT TO PASS.**

Rep. Edward A. Butler for Commerce and Consumer Affairs. This bill establishes a study committee to look at the many web-based 'home-site' lodging and short-term rental programs flourishing over the past few years, such as AirBNB, HomeAway, FlipKey, Tripping.com, Roomorama and others. These sites are obviously providing a service that fills a niche. But they are also competing with the more traditional lodging market and on an uneven playing field. They are not, to a very large degree, paying rooms and meals tax. This allows these rentals to undercut the traditional market and that traditional market is at the heart of our tourism economy. This study committee will look at how other municipalities and states around the country are starting to deal with these businesses, to what degree they impact the hospitality industry and will make recommendations for our state. Vote 13-3.

HB 608-FN-A, relative to liquor licenses at games of chance facilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Pamela Z. Tucker for Commerce and Consumer Affairs. This bill would extend a liquor license to gambling facilities without the food requirement. The concept is well intentioned to allow eight locations that have games of chance to serve alcohol without food. New Hampshire is a controlled state and each liquor license is designed to fill a specific need that addresses many. This bill wants to carve out a special exemption for a small group of businesses. There are other licenses that these businesses could use to fulfill their needs. Vote 16-0.

HB 644-FN, relative to regulation of small loans, title loans, and payday loans. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laura M. Jones for Commerce and Consumer Affairs. This bill is a request of the New Hampshire Banking Department for the purpose of reorganizing RSA 399-A, the chapter regarding the regulation of small loans, title loans, and payday loans. With this legislation, the department seeks to have statutes that are user friendly, easy to understand, and offer clear and consistent requirements among its regulated entities. This bill is mostly technical in nature with only one substantive policy issue addressed which is the requirement for bonding of licensees. HB 644-FN requires licensees to post a surety bond, instead of cash reserves or loan assets, in case the department needs to access funds for consumer restitution or department invoice. The amendment makes technical improvements to the original language. Vote 16-0.

Amendment (0680h)

Amend RSA 399-A:1, XX as inserted by section 1 of the bill by replacing it with the following:

XX. "Small loan" means a title loan, payday loan, open-end loan, or closed-end loan that:

(a) Is \$10,000 or less; and

(b) Has an annual percentage rate of 10 percent or more except for the lawful fees, if any, actually and necessarily paid out by the lender to any public officer, for filing or recording in any public office any instrument securing such loan and except for the reasonable costs, charges, and expenses, including court costs actually incurred in connection with a repossession of the security or an actual sale of the security.

Amend the section heading of RSA 399-A:15 as inserted by section 1 of the bill by replacing it with the following:

399-A:15 Provisions Applicable to All Persons Under This Chapter.

Amend RSA 399-A:15, VI as inserted by section 1 of the bill by replacing it with the following:

VI. No licensee shall take any confession of judgment or any power of attorney running to himself, herself, or any third person to confess judgment or to appear for the borrower in a judicial proceeding.

Amend RSA 399-A:16 as inserted by section 1 of the bill by replacing it with the following:

399-A:16 Small Loans Other Than Payday Loans or Title Loans. The following provisions are applicable only to small loans other than payday loans or title loans:

I. The annual percentage rate for small loans shall not exceed 36 percent. Notwithstanding the federal definition of annual percentage rate, for purposes of calculating annual percentage rate, the finance charge shall exclude one application fee per borrower per year and one participation or membership fee per borrower per year.

II. A lender may lend in money, goods, or things of value upon such security not prohibited by RSA 399-A:15, IX as may be agreed upon, and in connection with any such loan, may contract for, exact, or receive, directly or indirectly, charges, whether for interest, compensation, brokerage, endorsement fees, consideration, expense, or otherwise, on the entire principal of the loan.

III. No small loan lender shall permit any person to be obligated to him or her on one or more contracts of loan the total principal balance of which is more than \$10,000.

IV. For the purpose of applying paragraphs II and III of this section only, small loan lender shall mean any single small loan lender, except that in the event any person or affiliated group of persons holds more than one small loan lender license, such person or affiliated group of persons shall be considered a single small loan lender.

V. No small loan lender shall induce any potential borrower who is not a loan customer of the lender to enter into a closed-end loan agreement, by delivering in the first instance a negotiable check for such loan to such potential borrower, without including the following information clearly printed on the endorsement side of the check:

(a) A statement which reads, "By endorsing this check, you become legally liable for repaying all moneys, including interest, as specified in the following loan agreement/disclosure statement";

(b) The amount financed;

(c) The annual percentage rate;

(d) The number of installments; and

(e) The amount of each installment payment.

VI. If a borrower desires to renew an existing small loan for obtaining additional cash a new contract shall be drawn up in its entirety and such prior loan shall be paid in full from such proceeds of the new loan. All legal papers in connection with such prior loan shall be stamped "PAID IN FULL" and returned to such borrower.

HB 666-FN, relative to licensing of money transmitters. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laura M. Jones for Commerce and Consumer Affairs. This bill is a request of the New Hampshire Banking Department for the purpose of reorganizing RSA 399-G, the chapter regarding the licensing of money transmitters. With this legislation, the department seeks to have statutes that are user friendly, easy to understand, and offer clear and consistent requirements among its regulated entities. This bill is mostly technical in nature and includes a definition for virtual currencies. The amendment makes technical improvements to the original language. Vote 15-1.

Amendment (0681h)

Amend RSA 399-G:1 as inserted by section 1 of the bill by inserting after paragraph VI the following new paragraphs:

VII. "Convertible virtual currency" means a digital representation of value that:

(a) can be a medium of exchange, a unit of account, and/or a store of value;

(b) has an equivalent value in real currency or acts a substitute for real currency;

(c) may be centralized or decentralized; and

(d) can be exchanged for currency or other convertible virtual currency.

VIII. "Currency" means the coin and paper money of the United States or of any other country that is designated as legal tender and that circulates and is customarily used and accepted as a medium of exchange in the country of issuance.

IX. "Department" means the banking department.

X. "Direct owner" means any person, including individuals, that owns, beneficially owns, has the right to vote, or has the power to sell or direct the sale of 10 percent or more of the applicant or licensee.

XI. "Financial services" or "financial services-related" means securities, commodities, banking, insurance, consumer lending, money transmission, debt adjustment, or real estate, including, but not limited to, acting as or being associated with a bank or savings association, credit union, mortgage lender, mortgage broker, mortgage servicer, real estate salesperson or agent, closing agent, title company, or escrow agent.

XII. "Indirect owner" means, with respect to direct owners and other indirect owners in a multilayered organization:

(a) In the case of an owner that is a corporation, each of its shareholders that beneficially owns, has the right to vote, or has the power to sell or direct the sale of, 25 percent or more of that corporation;

(b) In the case of an owner that is a partnership, all general partners and those limited and special partners that have the right to receive upon dissolution, or have contributed, 25 percent or more of the partnership's capital;

(c) In the case of an owner that is a trust, the trust, each trustee, and each beneficiary of 25 percent or more of the trust;

(d) In the case of an owner that is a limited liability company ("LLC"):

(1) Those members that have the right to receive upon dissolution, or have contributed, 25 percent or more of the LLC's capital; and

(2) If managed by elected managers, all elected managers; and

(e) In the case of an indirect owner, the parent owners of 25 percent or more of their subsidiary.

XIII. "Individual" means a natural person.

XIV. "Licensee" means a person duly licensed by the commissioner under this chapter.

XV. "Monetary value" means a medium of exchange, whether or not redeemable in currency, and includes convertible virtual currency.

XVI. "Money transmission" means:

(a) Engaging in the business of selling or issuing payment instruments or stored value; or

(b) Receiving currency or monetary value for transmission to another location.

XVII. "Money transmitter" means a person engaged in the business of money transmission.

XVIII. "Net worth" means assets minus liabilities calculated in accordance with generally accepted accounting principles.

XIX. "Payment instrument" means any electronic or written check, draft, money order, traveler's check, or other electronic or written instrument or order for the transmission or payment of currency or monetary value, sold or issued to one or more persons, whether or not negotiable. The term does not include a credit card voucher, letter of credit, or instrument that is redeemable by the issuer in goods or services.

XX. "Person" means an individual, corporation, business trust, estate, trust, partnership, association, 2 or more persons having a joint or common interest, or any other legal or commercial entity however organized.

XXI. "Principal" of the applicant or licensee means an owner with 10 percent or more ownership interest in the applicant or licensee, a corporate officer, director, member, general and limited liability partner, limited partner with 10 percent or more ownership interest, trustee, beneficiary of 10 percent or more of the trust that owns the applicant or licensee, indirect owner, senior manager, and any person occupying similar status or performing similar functions.

XXII. "Principal office" means the main office location of a person required to be licensed under this chapter.

XXIII. "Publicly traded" means a company whose securities are traded on a securities exchange system approved and supervised by the Securities and Exchange Commission, including but not limited to the NYSE, AMEX, BSE, and NASDAQ. The term also includes a public reporting company that is subject to sections 12 or 15(d) of the Securities Exchange Act of 1934.

XXIV. "Registrant" means a person registered as an authorized delegate by the commissioner under this chapter.

XXV. "Senior manager" means any officer of record, assistant vice president or higher, office or branch manager, director of operations, or other position the responsibilities of which provide such employee with the discretion or ability to set policy or manage or direct affairs of the licensee as a whole, or of any division or department or unit of the licensee.

XXVI. "Stored value" means monetary value that is evidenced by an electronic record.

Amend RSA 399-G:2, III as inserted by section 1 of the bill by replacing it with the following:

III. Any license fee required by this chapter shall be paid before a license becomes effective. Authorized delegate registrations shall be effective upon the commissioner's receipt of written notice conditioned upon payment of the registration fee within 30 calendar days, as required by RSA 399-G:4.

Amend RSA 399-G:4, I(a)(9) as inserted by section 1 of the bill by replacing it with the following:

(9) A consent to service of process as described in subparagraph V;

Amend RSA 399-G:4, III-VII as inserted by section 1 of the bill by replacing it with the following:

III.(a) Unless the applicant is a publicly traded corporation, the department shall complete a background investigation and criminal history records check on the applicant's principals. If the applicant is a subsidiary, the department shall complete a background investigation and criminal history records check on individuals who are indirect owners.

(b) The persons described in subparagraph III(a) shall submit to the department a notarized criminal history records release form, as provided by the New Hampshire division of state police, which authorizes the release of the person's criminal records, if any. The person shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints is necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the department may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

(c) The department shall submit the criminal history records release form to the New Hampshire division of state police, which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the background investigation, the division of state police shall release copies of the criminal conviction records to the department. The department shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph.

(d) The department may require the applicant or licensee to pay the actual costs of each background investigation and criminal history records check.

(e) The department may conduct a pre-licensing examination of the applicant.

(f) The department may rely on criminal records checks reported through a national licensing facility in lieu of subparagraphs (b) and (c).

IV.(a) Each money transmitter applicant shall post a continuous surety bond in the amount of \$100,000. The surety bond shall be payable to the state of New Hampshire and the bank commissioner of the state of New Hampshire for the benefit of any person who is damaged by any violation of this chapter and shall be conditioned upon the licensee's compliance with each provision of this chapter.

(b) Surety bonds shall include a provision requiring the surety to give written notice to the commissioner 30 days in advance of the cancellation or termination of the bond.

(c) Every bond shall provide that no recovery may be made against the bond unless the state makes a claim for recovery or the person brings suit naming the principal within 6 years after the act upon which the recovery or suit is based. The obligations of the surety shall survive the bankruptcy, insolvency, liquidation, or reorganization of the licensee, including, without limitation, any bankruptcy, insolvency, liquidation, or reorganization commenced by or against the licensee under any applicable state or federal law, including the United States Bankruptcy Code.

(d) When an action is commenced on a licensee's bond, the licensee shall immediately file a new bond. Immediately upon recovery upon any action on the bond the licensee shall file a new bond.

V. Every applicant for licensing under this chapter shall file with the commissioner, in such form as the commissioner prescribes by rule, irrevocable consent appointing the commissioner to receive service of any lawful process in any noncriminal suit, action, or proceeding against the applicant or the applicant's successor, executor, or administrator which arises under this chapter or any rule or order under this chapter after the consent has been filed, with the same force and validity as if served personally on the person filing the consent. A person who has filed such a consent in connection with a previous application need not file another. When any person, including a nonresident of this state, engages in conduct prohibited or made actionable by this chapter or by any rule or order under this chapter, and such person has not filed a consent to service of process under this section and personal jurisdiction over such person cannot otherwise be obtained in this state, that conduct shall be considered equivalent to such person's appointment of the commissioner to receive service of any lawful process. Service may be made by leaving a copy of the process in the office of the commissioner along with \$5, but is not effective unless:

(a) The plaintiff, who may be the attorney general in a suit, action, or proceeding instituted by him or her, forthwith sends a notice of the service and a copy of the process by registered mail to the defendant or respondent at such person's last address on file with the commissioner; and

(b) The plaintiff's affidavit of compliance with this paragraph is filed in the case on or before the return day of the process, if any, or within such further time as the court allows.

VI. Applicants shall provide written plans for compliance with federal laws, including but not limited to the Bank Secrecy Act of 1970, as amended, and regulations in 31 C.F.R. part 1010. Such plans shall include required recordkeeping and reporting procedures.

VII. The commissioner may license or register individuals or firms by means of or through the facilities of a national organization which facilitates registration and licensing on a nationwide basis.

Amend RSA 399-G:8, III as inserted by section 1 of the bill by replacing it with the following:

III. Failure to comply with the provisions of this section and rules adopted under this section shall be cause for denial of future license applications and the imposition of penalties under RSA 399-G:23.

Amend RSA 399-G:9, II(d) as inserted by section 1 of the bill by replacing it with the following:

(d) Prior to the commissioner's approval of such change of a principal, the licensee shall disclose any injunction or administrative order that has been issued against the principal and whether the principal has been convicted of a misdemeanor involving financial services or a financial services-related business, or any fraud, false statements or omissions, theft or any wrongful taking of property, bribery, perjury, forgery, counterfeiting, or extortion, or a conspiracy to commit any of these offenses, or convicted of any felony.

Amend RSA 399-G:10, V as inserted by section 1 of the bill by replacing it with the following:

V. In addition to the annual report and financial statement, the banking department may require such additional regular or special reports as it may deem necessary for the proper supervision of licensees under this chapter.

Amend RSA 399-G:13, I as inserted by section 1 of the bill by replacing it with the following:

I. The department may examine during business hours the business affairs and records of any licensee, any authorized delegate, or any other person, whether licensed or not, as it deems necessary to determine compliance with this chapter and the rules or orders adopted under this chapter. The department shall have the power to subpoena witnesses and administer oaths in any adjudicative proceedings, and to compel, by subpoena duces tecum, the production of all books, records, files, and other documents and materials relevant to its investigation.

HB 198, relative to retention requirements for certain motor vehicle records. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John A. Burt for Criminal Justice and Public Safety. The full committee agrees that the courts are allowed by law to look back 10 years for a second DWI charge. Currently the DWI records are retained only 7 years. HB 198 allows the department of safety to retain just those records for the full 10 years. The amendment keeps other motor vehicle records purged at 7 years. Vote 15-0.

Amendment (0607h)

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

AMENDED ANALYSIS

This bill increases the minimum period for retention of certain motor vehicle records from 7 years to 10 years.

HB 207, defining probable cause or reasonable ground for the purpose of arrest without a warrant. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert R. Cushing for Criminal Justice and Public Safety. This bill states that law enforcement cannot arrest for a domestic violence assault or violation of a protective order unless they have personally witnessed the assault, another officer has witnessed the assault, or there are two or more witnesses to the abuse at the scene. Domestic violence assaults rarely occur in front of law enforcement and other witnesses, with the exception of children. If HB 207 were to pass, a law enforcement officer who responds to a 911 call and finds a woman beaten and bleeding could not arrest her abuser on the spot unless an officer or 2 other individuals witnessed the abuse. If enacted this legislation will, without doubt, cause additional injuries to victims of domestic violence and their children. The implications of passing this bill would be turning back victims' protections in New Hampshire to the 1950s. Vote 15-1.

HB 262, relative to criteria for classification as a tier III sex offender. **INEXPEDIENT TO LEGISLATE.**

Rep. John A. Burt for Criminal Justice and Public Safety. The majority of the committee feels that RSA 651-B:1 works as intended. The main conversation was about who should be on the tier III sex offender list and this is not the bill to address that issue. Vote 16-0.

HB 270, granting immunity from criminal prosecution to certain persons involved in a drug or alcohol related emergency. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John A. Burt for Criminal Justice and Public Safety. The full committee agrees this bill will save NH lives. NH saw 300 deaths from overdose last year, a dramatic increase from about 175 in 2013. Deaths often occur in these situations because witnesses delay calling 911 for fear of self-incrimination. This bill provides immunity from the charge of possession if the evidence was gained during the emergency response. The amendment enhances the bill to ensure that it accomplishes its intended purpose, requiring a 911 caller to cooperate with emergency responders and remain on site. The states that have passed similar laws have seen the overdose death rate drop. Vote 16-0.

Amendment (0488h)

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

AN ACT granting immunity from criminal prosecution to a person who reports a drug related emergency.

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

1 Legislative Intent. It is the intent of the general court to encourage a witness or victim of a drug overdose to seek medical assistance in order to save the life of an overdose victim by establishing a state policy of protecting the witness or victim from prosecution and conviction for certain crimes. It is not the intent of the general court to provide immunity from citation, arrest, or prosecution for violation of the controlled drug act pursuant to RSA 318-B, in cases where medical assistance has not been sought for someone experiencing an overdose.

2 New Section; Immunity from Liability. Amend RSA 318-B by inserting after section 28-a the following new section:

318-B:28-b Immunity From Liability.

I. As used in this section:

(a) "Drug overdose" means an acute condition resulting from or believed to be resulting from the use of a controlled drug which a layperson would reasonably believe requires medical assistance.

(b) "Medical assistance" means professional services provided to a person experiencing a drug overdose by a health care professional licensed, registered, or certified under state law who, acting within his or her lawful scope of practice, may provide diagnosis, treatment, or emergency services for a person experiencing a drug overdose.

(c) "Seeks medical assistance" shall include providing care to someone who is experiencing a drug overdose while awaiting the arrival of medical assistance to aid the overdose victim, provided that person remains at the scene of the event until a law enforcement officer or an emergency medical responder arrives, or remains at the facilities of the medical provider until a law enforcement officer arrives.

II. A person who, in good faith and in a timely manner, seeks medical assistance for someone who is experiencing a drug overdose shall not be cited, arrested, or prosecuted for a violation of this chapter if the evidence for the charge of possession of a controlled drug was gained as a result of the seeking of medical assistance.

III. A person who is experiencing a drug overdose and, in good faith, seeks medical assistance for himself or herself or is the subject of a good faith request for medical assistance shall not be cited, arrested, or prosecuted for a violation of this chapter if the evidence for the charge of possession of a controlled drug was gained as a result of the overdose and the need for medical assistance.

IV. A person who seeks medical assistance for a drug overdose pursuant to paragraph II or III:

(a) Shall not be subject to any of the penalties for violation of RSA 173-B for being at the scene of the drug overdose, or for being within close proximity to any person at the scene of the drug overdose; and

(b) Shall not be subject to any sanction for a violation of a condition of pretrial release, probation, furlough, or parole for being at the scene of the drug overdose, or for being within close proximity to any person at the scene of the drug overdose.

V. The act of seeking medical assistance for or by someone who is experiencing a drug overdose shall be considered a mitigating circumstance at sentencing for a violation of any other offense.

VI. The immunity provisions of this section shall apply only to the use and derivative use of evidence gained as a proximate result of the person's seeking medical assistance for a drug overdose, and do not preclude prosecution of the person on the basis of evidence obtained from an independent source.

VII. A person who seeks medical assistance for a drug overdose pursuant to paragraph II or III shall not be subject to the laws governing property subject to forfeiture, except that prima facie contraband shall be subject to forfeiture.

VIII. Except in cases of reckless or intentional misconduct, law enforcement shall be immune from liability for citing or arresting a person who is later determined to qualify for immunity under this section.

3 Applicability. This act shall apply to a person who seeks medical assistance for a drug overdose on or after the effective date of this act.

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

HB 287, allowing citizens to record by audio or video a traffic stop by law enforcement officers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John A. Burt for Criminal Justice and Public Safety. The majority of the committee agrees this bill will allow a citizen to audio and video tape a traffic stop while the amendment protects the officer's ability to perform his official duties. A federal judge in MA made a ruling that it is ok for the citizen to audio and video tape a traffic stop. HB 287 will codify the federal judge's ruling. Vote 17-0.

Amendment (0114h)

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

1 New Subparagraph; Audio and Video Recording of Traffic Stop by Law Enforcement Permitted. Amend RSA 570-A:2, II by inserting after subparagraph (l) the following new subparagraph:

(m)(1) Any person to make an audio or video recording of a traffic stop by a law enforcement officer; provided that the act of recording does not interfere with the law enforcement officer's ability to perform his or her official duties.

(2) Any audio or video recording of a law enforcement officer shall remain the property of its owner. In the event that such property is seized by law enforcement authorities, a copy of the audio or video recording shall be provided to the owner of the property within 30 days of the day the property is seized.

2 Effective Date. This act shall take effect July 1, 2015.

HB 436, relative to the penalty for making a false statement in a criminal complaint. **INEXPEDIENT TO LEGISLATE.**

Rep. Len DiSesa for Criminal Justice and Public Safety. The committee felt unanimously that it is confusing to add the reference to RSA 641:2, false swearing. A person can be prosecuted for false swearing if she/he swears under oath falsely to the matter at hand. The statute being amended by this bill pertains to RSA 592-A:7, complaints, does not require any oath. The committee felt the statute should remain as is. Vote 17-0.

HB 440, establishing private prosecution of criminal proceedings. **INEXPEDIENT TO LEGISLATE.**

Rep. Geoffrey D. Hirsch for Criminal Justice and Public Safety. Citizens have recourse to seek redress in civil court should law enforcement or the state not seek criminal proceedings in an action. If law enforcement or the state does not find sufficient ground to pursue prosecution, allowing private citizens to file criminal complaints could overwhelm the courts with meritless proceedings. Vote 15-2.

HB 442, changing references to "law enforcement officer" to "peace officer" in the Revised Statutes Annotated. **INEXPEDIENT TO LEGISLATE.**

Rep. Arthur E. Barnes for Criminal Justice and Public Safety. This bill would simply change referrals to "law enforcement officer" to "peace officer" in approximately 180 RSAs. The committee felt this was an unnecessary expense; as Shakespeare said, "a rose by any other name still smells as sweet." Vote 14-2.

HB 472, relative to the parole board and parole board procedures. **OUGHT TO PASS.**

Rep. David A. Welch for Criminal Justice and Public Safety. This bill changes the composition of the adult parole board from 7 members to 9 members and deletes the requirement of notice of hearings to be published in a newspaper of general circulation. The hearings notice will be posted on the department of corrections website stating the name and birth date of the person seeking parole and the location of the hearing. Currently the victims are notified by mail or by telephone. The addition of 2 members increases the pool that members are drawn from to populate the board. Vote 16-0.

HB 494, relative to industrial hemp as a controlled substance. **OUGHT TO PASS.**

Rep. Ed Comeau for Criminal Justice and Public Safety. Industrial hemp has been part of the nation's economy from its inception. The finest Bible paper is hemp based and chosen for its durability and it is well established that hemp is component of economic strength as our Declaration of Independence was penned upon its sturdy fibers. It is the opinion of the committee that industrial hemp shall not be designated as a controlled substance; amending RSA 318-B:1-a. Today industrial hemp is a sustainable fiber used in many products that are imported but could be made locally. Items from durable clothing, soaps and health food, to industrial lubricants; biofuels; biocomposites used in modern manufacturing. The committee unanimously concludes that prohibiting a controlled substance designation would foster a vibrant economy and bring needed job growth to the local economies within New Hampshire. Vote 16-0.

HB 557-FN, relative to penalties for driving while intoxicated, third and fourth offenses. **INEXPEDIENT TO LEGISLATE.**

Rep. John A. Burt for Criminal Justice and Public Safety. The full committee agrees that HB 557 is not needed. Current law allows the judge to give or not give a driver's license back to a third or fourth convicted DWI charge. Instead of requiring a license be suspended indefinitely with a 10-year minimum instead of what is currently suspended indefinitely with a 5-year minimum. Vote 16-0.

HB 590-FN, relative to the accountability of public officials. **INEXPEDIENT TO LEGISLATE.**

Rep. Arthur E. Barnes for Criminal Justice and Public Safety. This bill is intended to strengthen penalties for public officials who fail to respond to an affidavit, commit an unauthorized act, which purports to be an official act, or refrains from performing an official duty. As written, the bill would have the public official removed from office if he/she is found guilty with no right to appeal. The committee believed denying anyone the right to due process would constitute a gross violation of his/her constitutional rights. Vote 17-0.

HB 612-FN, establishing a penalty for falsifying information to obtain a protective order. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert R. Cushing for Criminal Justice and Public Safety. There is already language contained within RSA 173-B:3, Protection of Persons from Domestic Violence, which states: "Any person filing a petition containing false allegations of abuse shall be subject to criminal penalties." Further, it is already a misdemeanor, under current statute, to falsely report to law enforcement. Making it a class B felony to falsely report in order to obtain a protective order would be inconsistent with the rest of the statute and would more harshly penalize victims of domestic violence than anyone else making a false statement to law enforcement. The policy implications of passing this bill would be the codified presumption that victims of domestic violence make false allegations at a higher rate than other civil litigants, such as big corporations or tort litigants in personal injury claims, with no basis in empirical evidence that this is the case. There is however, extensive literature supporting that batterers often use the legal system as a further method of power and control over their victims. To that end, abusers are much more likely to generate false claims in family court. The American Bar Association's Commission on Domestic and Sexual Violence has collected data that debunks the notion that victims obtain protective orders in order to gain an advantage in divorce or parenting proceedings. The ABA's commission cites there is no effect on custody outcomes in cases where there are allegations of abuse against fathers. In fact, abusers are more likely to seek sole custody of their children over the non-abusive parent, and are successful in doing so 70% of the time. Before a final domestic violence protective order can be granted, the court must find abuse as defined in our criminal code, and further find that the defendant poses a credible threat to the victim's safety. The burden of proof in these cases is on the petitioner—not the defendant. These cases are highly scrutinized in court. In 2013, 42% of all domestic violence petitions scheduled for a final hearing resulted in the court granting a final protective order for one year. Less than half of these petitions being granted speak to a careful review of all facts, circumstances, and credibility of both parties. These orders are not handed out easily or indiscriminately. Vote 16-0.

HB 640-FN, relative to the crime of criminal coercion. **INEXPEDIENT TO LEGISLATE.**

Rep. Len DiSesa for Criminal Justice and Public Safety. This bill is both overly complex and would be extremely difficult to enforce. It also violates the due process of public officials and it would have a chilling effect on any person who was contemplating entering the public service sector. Vote 17-0.

HB 322, relative to protection of personally identifiable data by the department of education. **OUGHT TO PASS.**

Rep. Glenn Cordelli for Education. This bill adds additional security provisions to protect our state student data. It requires the department of education to develop a detailed security plan and to publish an annual report on any security breaches. In addition, the department is to publish student and parent's rights with information on where to file complaints. Vote 18-1.

HB 346, relative to criminal history records checks for school employees and volunteers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James L. Grenier for Education. This bill amends RSA 189:13-a, II-VII regarding criminal background checks of school employees and volunteers. Presently, criminal history records provided to a school district will only identify when a perspective employee has been convicted of a felony. This bill, as amended, will add all criminal convictions, or pending dispositions to the criminal background data provided to the school district. The need for this change was supported by an example where felony charges were pleaded down to a misdemeanor and the school district was unaware that the perspective employee had been convicted of a felony crime against a child. Vote 19-0.

Amendment (0101h)

Amend RSA 189:13-a, III as inserted by section 1 of the bill by replacing it with the following:

III. The school administrative unit, school district, chartered public school, or public academy shall submit the criminal history records release form to the New Hampshire state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. ~~[The state police shall examine the list of crimes constituting grounds for non-approval of employment, or non-acceptance of volunteer services in that school administrative unit, school district, chartered public school, or public academy; and]~~ ***Upon completion of the criminal history records check, and notwithstanding the charges or pending dispositions in paragraph II, the division of state police shall*** ~~[report the presence or absence of any such crime]~~ ***release a copy of the criminal history records check*** to the school administrative unit, school district, chartered public school, or public academy. ~~[Under no circumstances shall the criminal records be released to the school administrative unit, school district, chartered public school, or public academy.]~~ The school administrative unit, school district, chartered public school, or public academy shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph. ~~[If the criminal history records information indicates no criminal record, the school administrative unit, school district, chartered public school, or public academy shall destroy the information received immediately following its review of the information.]~~ If the criminal history records information indicates that the applicant has been

convicted of a [felony or has been charged pending disposition for or convicted of a crime listed in paragraph V,] **crime**, the school administrative unit, school district, chartered public school, or public academy shall review the information for a hiring decision, and the division of state police shall notify the department of education of any such charges pending disposition or convictions. The school administrative unit, school district, chartered public school, or public academy shall ~~[destroy any]~~ **only retain** criminal history record information that indicates a criminal record ~~[within 30 days of receiving such information]~~ **if the applicant is extended a final offer of employment. This information shall be confidentially maintained in the applicant's personnel file.**

HB 375, relative to providing information about effective forms of child discipline to parents. **INEXPEDIENT TO LEGISLATE.**

Rep. Terry M. Wolf for Education. The committee unanimously agreed that curriculum development is a local control issue. Vote 19-0.

HB 424, relative to the accessibility of assessment materials. **OUGHT TO PASS.**

Rep. James L. Grenier for Education. This bill will amend RSA 193-C: 10 requiring school districts to notify parents within 30 days after the results of the state assessment are released by the department of education. Presently, a parent must request inspection or review of their child's test results without notification of the availability of the test results. Vote 19-0.

HB 474, relative to grounds for denial of a chartered public school application. **INEXPEDIENT TO LEGISLATE.**

Rep. Glenn Cordelli for Education. This bill reinstates the ability for the department of education to deny a public charter school application because of lack of funds. Last term the legislature put into statute that a funding denial could not be made. In 2012-13 charter school applications were denied for this reason, which caused schools to lose funding and support. Other schools had to start applications all over again. This was contrary to our statutes, which say charter schools are to be encouraged. Vote 17-3.

HB 491, relative to immunity for school personnel using reasonable force to protect a minor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ralph G. Boehm for Education. This bill allows school personnel to use reasonable force if they reasonably believe it is necessary to end a disturbance, which would constitute a danger. The amendment removes the word to maintain decorum. Vote 17-1.

Amendment (0721h)

Amend RSA 627:6, II(a) as inserted by section 1 of the bill by replacing it with the following:

(a) A teacher or person otherwise entrusted with the care or supervision of a minor for special purposes or pupil may use reasonable force against any such minor or pupil when and to the extent that he or she may reasonably believe it necessary to end a disturbance, to maintain safety, or to remove such minor or pupil from the premises when the minor's or pupil's behavior or continued presence on the premises would constitute a danger to that individual, or to other children or adults present. Conduct which is justifiable under this subparagraph constitutes a defense to any offense. The fact that such conduct is justifiable shall constitute a complete defense to any civil action based on such conduct.

HB 507, relative to teacher personally identifiable data. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Glenn Cordelli for Education. This bill, as amended, provides for the protection of teacher identifiable information in the same way we protected student data in the prior session. It also requires school board approval and provision for written consent before allowing any recording in classrooms. Vote 19-0.

Amendment (0492h)

Amend RSA 189:65, VII-a as inserted by section 2 of the bill by replacing it with the following:

VII-a. "Teacher personally-identifiable data" or "teacher data," which shall apply to teachers, paraprofessionals, principals, school employees, contractors, and other administrators, means:

- (a) Social security number.
- (b) Date of birth.
- (c) Personal street address.
- (d) Personal email address.
- (e) Personal telephone number.
- (f) Performance evaluations.

(g) Other information that, alone or in combination, is linked or linkable to a specific teacher, paraprofessional, principal, or administrator that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify any with reasonable certainty.

(h) Information requested by a person who the department reasonably believes or knows the identity of the teacher, paraprofessional, principal, or administrator to whom the education record relates.

Amend RSA 189:67, IV as inserted by section 3 of the bill by replacing it with the following:

IV. Except as provided in RSA 193-E:5, or pursuant to a court order signed by a judge, the department shall not disclose student personally-identifiable data in the SLDS *or teacher personally-identifiable data in other department data systems* to any individual, person, organization, entity, government or component thereof, but may disclose such data to the school district in which the [student's] *student* resides *or the teacher is employed*.

HB 566-FN-L, relative to consolidation of school administrative units. **INEXPEDIENT TO LEGISLATE**. Rep. Terry M. Wolf for Education. This bill consolidates SAUs to one per county except for Hillsborough county. School districts already have the authority to combine SAUs. This is a local control issue. Vote 21-0.

HB 604, relative to the use of mixed use school buses by special education pupils. **OUGHT TO PASS WITH AMENDMENT**.

Rep. John L. Balcom for Education. This bill, as amended, authorizes the use of school vehicles other than school busses to transport small numbers of students to and from school activities, special education and other school functions. This bill enhances the current law to make it clear for the department of safety that school busses are not required for the transport of special education students, either for public, or private schools. There was concern expressed by the department of safety concerning travel out of state. Current state law is more stringent than federal law in transport across state lines for both private and public schools. Federal law states that if transporting 16 or more students, a commercial school bus license is needed for private school transportation and no requirement for public schools. State law is 12 for both public and private. Vote 20-1.

Amendment (0747h)

Amend RSA 189:6-c, I as inserted by section 1 of the bill by replacing it with the following:

I. Pupils may be transported to or from ~~[school or a school-sponsored activity]~~ *school activities* in a mixed use school bus, as defined by RSA 259:96-a, which bears a valid state inspection sticker and is operated by a driver who holds a valid *driver's* license to operate that vehicle.

HB 610, relative to a school board vote on the reassignment of a pupil. **OUGHT TO PASS**.

Rep. John L. Balcom for Education. This bill had the unanimous support of the education committee. This bill allows for the reassignment of a pupil to another school with the approval of the local school boards. It is empowering legislation in favor of local control. Vote 21-0.

HB 200, defining "farm stand." **OUGHT TO PASS WITH AMENDMENT**.

Rep. Rebecca A. Brown for Environment and Agriculture. The bill is aimed at making market access easier for local farmers and other producers of local food products. It allows home-based makers of products like bread, jams, and jellies to sell these at retail stores up to \$20,000 gross sales volume without a state license. After they reach that volume they would require a license. This change reflects our current law for selling from a farm stand or farmers market. By helping kick start local food production, our intent is to grow local food businesses and meet consumer demand for local products. Vote 17-1.

Amendment (0606h)

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

AN ACT allowing homestead food operations exempt from licensure to sell homestead food products at retail food stores.

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

1 Exempt Homestead Food Operations; Sales Points. Amend RSA 143-A:12, II to read as follows:

II. Homestead food operations selling less than a maximum annual gross sales of \$20,000 of food, excluding potentially hazardous food, from the homestead residence, at the owner's own farm stand, ~~[or]~~ at farmers' markets, *or at retail food stores* are exempt from licensure under this subdivision.

2 Exempt Homestead Food Operations; Sales Points. Amend RSA 143-A:12, IV to read as follows:

IV. All homestead food products sold in packages from the home kitchen ~~[or]~~, farm stand of a homestead food operation ~~[or]~~, at farmers' markets, *or at retail food stores* shall have individual labels on each package containing the following information: name, address, and phone number of the homestead food operation; name of the homestead food product; the ingredients of the homestead product, in descending order of predominance by weight; and allergy information. Products made by homestead food operations exempt from licensure shall also be clearly labeled with the following statement: "This product is exempt from New Hampshire licensing and inspection." Products made by non-exempt homestead food operations shall also be clearly labeled with the following statement: "This product is made in a residential kitchen licensed by the New Hampshire Department of Health and Human Services."

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

AMENDED ANALYSIS

This bill allows homestead food operations exempt from licensure to sell homestead food products at retail food stores.

HB 248, directing the university system of New Hampshire to conduct a study of the effects of prolonged human consumption of and exposure to methyl tertiary butyl ether (MTBE). **INEXPEDIENT TO LEGISLATE.**

Rep. Robert H. Haefner for Environment and Agriculture. This bill seeks to require the University of New Hampshire to research the effects of prolonged consumption and exposure to MTBE. The legislation further seeks to pay for the mandated study with settlement funds which have been set aside for remediation of MTBE. The majority of the committee believes that the legislature should not be mandating what research projects our state university conducts, especially when we are not willing to fund it. The majority also heard testimony that diverting the money that has been set aside for remediation and using it for research was not the best use of those settlement funds. While UNH has said they had no plans to research long-term consumption and exposure to MTBE, should they decide to do so, they would follow their normal practice of seeking grants to fund it. Vote 19-0.

HB 421, authorizing the university of New Hampshire to grow industrial hemp for research purposes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert H. Haefner for Environment and Agriculture. This bill, as amended, authorizes, but does not require, the state's research universities to conduct a study on industrial hemp. The bill further requires, if the study is undertaken, research into not only the agricultural aspects, but the business, marketing and economic viability of growing hemp in New Hampshire. The federal government is, for the first time, allowing hemp research through the 2012 Farm Bill. Other states have begun research on hemp, most notably Kentucky which sees hemp as a possible replacement for tobacco. The majority of the committee feels NH should take advantage of this opportunity. Vote 18-0.

Amendment (0531h)

Amend RSA 433-C as inserted by section 1 of the bill by replacing it with the following:

CHAPTER 433-C

INDUSTRIAL HEMP RESEARCH

433-C:1 Industrial Hemp Defined. "Industrial hemp" means the plant *Cannabis sativa* L. and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

433-C:2 Authorization. An institution of higher education, as defined in 20 U.S.C. section 1001, may grow or cultivate industrial hemp, on site or off site, for purposes of research under an agricultural pilot program or other agricultural or academic research. In addition to studying the plant's growth and cultivation, the research shall also study the economics of industrial hemp, including markets and processing. Industrial hemp grown or cultivated in accordance with this chapter shall not be considered a controlled drug or controlled substance under RSA 318-B.

433-C:3 Regulation. All research shall be undertaken in coordination with the department of agriculture, markets, and food. The department may certify and register sites used to grow or cultivate industrial hemp and may adopt rules to regulate such research to the extent necessary to comport with 7 U.S.C. section 5940. Such rules shall be exempt from RSA 541-A. All research projects shall conclude within 3 years of commencement.

AMENDED ANALYSIS

This bill authorizes any institution of higher education to grow industrial hemp for research purposes.

This bill is a request of the committee to study the growth and sale of industrial hemp in New Hampshire established by 2014, 218.

HB 579-FN, establishing a maple products coordinator in the department of agriculture, markets, and food using federal funds. **INEXPEDIENT TO LEGISLATE.**

Rep. Tara A. Sad for Environment and Agriculture. This bill would have established a new position in the department of agriculture, markets and food to coordinate the promotion and marketing of the New Hampshire's maple industry. A new federal program, the Acer Access and Development Program (AADP), was included in the 2012 Farm Bill, and would have entirely funded this new position. Even though the Farm Bill is now law, the appropriation for AADP has not yet been approved. Therefore, the committee felt that establishing this position prior to funding would be premature. The committee feels strongly, however, that the maple industry needs this support, and will be drafting a letter to our congressional delegation seeking their assistance in securing the appropriation. Vote 18-0.

HB 624-FN-L, relative to animal care costs in animal cruelty cases. **INEXPEDIENT TO LEGISLATE.**

Rep. John T. O'Connor for Environment and Agriculture. This bill takes away a citizen's right to due process of law, and presumes guilt prior to a hearing. It allows for seizure of an owner's animals and requires them to post an animal care bond or other security prior to any conviction of animal cruelty. Current law already

requires proof of financial accountability for those who have been convicted of cruelty and had their animals lawfully seized. During testimony, the ACLU stated “that the poor in New Hampshire who own pets would be far more likely to forfeit their animals given the inability to post bond. In addition, the ACLU noted a federal court decision (Louisville Kennel Club, Inc. v. Louisville/Jefferson County Metropolitan Gov’t) stating, “that mandating permanent forfeiture for failing to timely post a bond, without finding of guilt, has been rejected for violating procedural due process,” holding that the portion of the law that would permanently deprive a pet owner of his property, absent a finding of guilt, is unconstitutional. Vote 18-0.

HB 109-FN-L, relative to the testing of backflow devices. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Steven P. Beaudoin for Executive Departments and Administration. Existing statute is unclear as to whether testing of residential backflow prevention devices is required. This bill was filed to add statutory clarification to that effect as well as to change the twice annual testing of high hazard devices to once annually and to eliminate the need to have low hazard devices tested routinely. After hearing testimony about the importance of backflow preventer testing, the bill was amended to retain the requirement of twice annual testing of high hazard devices and once annual testing of commercial low hazard devices while more closely defining that residential low hazard devices do not need routine testing. Vote 11-0.

Amendment (0379h)

Amend RSA 485:11 as inserted by section 1 of the bill by replacing it with the following:

485:11 Backflow Device Requirements and Tests, Installations, Repairs and Replacements. There shall be a backflow prevention device installed at every connection to a public water system if the facility connected may pose a hazard to the quality of water supplied by the public water system as determined by the department. Where applicable, the facility receiving water from a public water supply shall be responsible for having such drinking water distribution system protective backflow prevention devices inspected and tested by individuals certified by a third party who has been approved by the department to conduct backflow device inspection and testing certification. The facility shall also have backflow devices installed, maintained, repaired, and replaced by individuals qualified by either a plumbers license or by certification by the department under RSA 332-E:3, III proving competency in distribution system operation. The activities to be conducted by qualified individuals shall be specifically limited to the inspection and testing, maintenance, repair or replacement, and installation of the water meters, meter horns, backflow preventers, and assembly devices directly adjacent to and required as part of the protection for the drinking water distribution system. Testing of drinking water distribution system protective backflow prevention devices, where applicable, shall occur after installation or repair to ensure that new and repaired devices are working properly. There shall be a backflow prevention device installed at every connection to a public water system if the facility connected may pose a hazard to the quality of water supplied by the public water system as determined by the department of environmental services. The facility receiving water from a public water supply shall be responsible for having such backflow prevention devices installed, serviced, and tested by individuals qualified by license or certification to perform these activities. Testing of backflow devices shall occur twice annually unless the public water supplier determines the facility poses a low hazard, in which case testing shall be performed on an annual basis. The facility receiving water from a public water supplier is responsible for ensuring that the backflow prevention device is working properly to prevent backflow into the public water system. Testing shall also occur twice annually for ~~existing~~ **any high hazard** devices ~~unless~~ **and facilities. When** the public water supplier determines that the facility poses a low hazard, ~~in which case~~ testing shall occur annually. A residential property **containing a non-testable device** shall not be considered a ~~low~~ hazard facility ~~but~~ **and shall not require annual testing. A residential property** may be considered a high hazard facility if it has an irrigation system, private well connection, or other feature that may cause a public health risk. If an outside irrigation system is the sole reason a residential property is considered a hazard to the public water supply distribution system, such irrigation system shall be tested annually during the period when the irrigation system is operated. The facility receiving water from a public water supplier is responsible for ensuring that the backflow prevention device is working properly to prevent backflow into the public water system.

AMENDED ANALYSIS

This bill modifies the requirements for testing drinking water distribution system protective backflow prevention devices.

HB 326, relative to the membership of the board of registration of medical technicians. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Sytek for Executive Departments and Administration. This bill would add a medical technician as a member to the board of medical technicians. The board’s original composition did not include a medical technician. The committee felt that it was both appropriate and useful to have a medical technician representative on the board. The amendment clears up an ambiguity noticed by the NH board of medicine. Vote 15-1.

Amendment (0343h)

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

AN ACT relative to the board of registration of medical technicians.

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

1 Board of Registration of Medical Technicians; Membership. Amend RSA 328-I:2, I-III to read as follows:

I. There shall be a board of registration of medical technicians consisting of 5 members. The members shall be[:

(a) ~~The commissioner, or designee.~~

(b) ~~Four members~~] appointed by the governor with the consent of the council as follows:

[(1) Three] (a) **Four** licensed, **registered, or certified** health care providers, **only one of whom may be a medical technician required to be registered under this chapter**, one of whom shall have experience supervising medical technicians, and one of whom shall be a licensed physician.

[(2)] (b) One public member, who shall be a person who is not, and never was, a member of a health care profession or the spouse of any such person, and who does not have, and never has had, a material financial interest in either the provision of medical services or an activity directly related to health care.

II. The members [~~under subparagraph (b)]~~ shall be appointed to a term of 5 years. [~~The commissioner shall serve coterminous with his or her term of office.~~] No member shall serve more than 2 consecutive terms.

III. [~~Appointed~~] **The** members of the board shall receive \$50 for each day actually engaged in the duties of the board and shall be reimbursed for all actual travel necessarily incurred in carrying out the provisions of this chapter.

2 Board of Registration of Medical Technicians; Registration. Amend RSA 328-I:5, I and II to read as follows:

I. A person engaging in work as a medical technician, **as defined in RSA 328-I:1, VI**, in New Hampshire shall be registered in accordance with this chapter.

II. Any [~~person who is not registered as a~~] medical technician, **as defined in RSA 328-I:1, VI, who is not registered** under this chapter, **and who** advertises himself or herself as being a medical technician, practices as a medical technician, or engages in such acts after receiving notice that such person's registration has been revoked shall be guilty of a misdemeanor.

3 Board of Registration of Medical Technicians; Powers and Duties of the Board. Amend RSA 328-I:3, VII to read as follows:

VII. Maintain a database of registered medical technicians and share all information received with other licensing boards or advisory committees within this state, and with appropriate boards out of state and with **the office of Inspector General, Department of Health and Human Services and with** any law enforcement entity, as allowed by RSA 91-A and in accordance with RSA 328-I:11, I.

4 Board of Registration of Medical Technicians; Rulemaking. Amend RSA 328-I:4, X to read as follows:

X. Procedures for sharing information with other in-state boards, **the Office of Inspector General, Department of Health and Human Services**, out-of-state boards and law enforcement entities.

5 Board of Registration of Medical Technicians; Registration; Temporary Registration. Amend RSA 328-I:6, V to read as follows:

V. Any medical technician who changes his or her name, place or status of employment in New Hampshire, or residence shall notify the board in writing within 30 days. For failure to report such a change within 30 days **of such event**, the board may suspend the medical technician's registration.

VI. Once an application has been approved by the board, a temporary registration may be issued, pending receipt of the criminal records check and finger print information.

6 Board of Registration of Medical Technicians; Disciplinary Actions. Amend RSA 328-I:10, III to read as follows:

III. Every facility administrator, or designee, for any licensed hospital, health clinic, ambulatory surgical center, or other health care facility within the state shall report to the board any disciplinary or [~~adverse action~~] **action related to disruptive conduct, professional incompetence or violation of an organizational rule or procedure involving controlled substances, or any adverse action which results in the termination of an employment relationship**, within 30 days after such action is taken, including situations in which allegations of misconduct are settled by voluntary resignation without adverse action, against a person registered by the board. Disciplinary or adverse action shall include the requirement that a registrant undergo counseling or be subject to any policy with regard to disruptive behavior.

7 Repeal. RSA 328-I:1, II relative to the definition of commissioner, is repealed.

8 Effective Date. This act shall take effect January 1, 2016.

AMENDED ANALYSIS

This bill makes certain changes in the law regarding registration of medical technicians.

HB 363, relative to Lyme disease awareness. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark L. Proulx for Executive Departments and Administration. This bill, as amended, requires that the governor annually proclaim May as Lyme disease awareness month. It also requires the HHS web site to include a link to the International Lyme and Associated Diseases Society (ILADS). This site provides information about other treatments for Lyme disease and considers that Lyme disease may need to be treated as a chronic condition. The HHS website would provide this link as a matter of information and not necessarily endorsement. Vote 12-0.

Amendment (0159h)

Amend RSA 126-A:5, XXVIII as inserted by section 3 of the bill by replacing it with the following:

XXVIII. The commissioner shall include a link to the International Lyme and Associated Diseases Society (www.ILADS.org) on its Internet website and may include a disclaimer that the department of health and human services neither endorses nor supports the position of the International Lyme and Associated Diseases Society.

HB 396-FN, relative to part-time employment by retirees in the New Hampshire retirement system. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter T. Hansen for Executive Departments and Administration. This bill sought to increase the allowable work hours for retired members of the New Hampshire Retirement System. Currently at 1300 hours in a calendar year to 1664 hours in a 12 month period. Insufficient information was brought to the committee with respect to the number of potential participants, the accurate fiscal impact to the NHRS, nor the critical need to increase hours to benefit the public. Therefore, the committee felt the current law is adequate. Vote 16-0.

HB 408, making a technical correction relative to fees for chiropractors. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter T. Hansen for Executive Departments and Administration. This bill, as amended, establishes the initial and subsequent licensing fees and timing for renewal of licenses for chiropractors and audiologists. The bill establishes licensing procedures for the professions which conform to the established procedures for licensing by the joint board of licensure. Vote 12-1.

Amendment (0260h)

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

1 New Section; Chiropractor Licenses. Amend RSA 316-A by inserting after section 14 the following new sections:

316-A:14-a Licenses and Certificates. Each applicant who qualifies under this chapter and who attains a minimum grade of 70 percent upon the examination given under RSA 316-A:13, I shall receive a license from the board as a chiropractor permitted to practice in New Hampshire. The fee for an initial license and for a license renewal shall be \$300. The initial license and renewal licenses shall be valid for the terms established under RSA 316-A:19.

316-A:14-b License Fees. Each applicant who qualifies under this chapter shall pay a fee for an initial license and for a license renewal of \$300. The initial license and license renewals shall be valid for the terms established under RSA 316-A:19.

2 Audiology Licensure Required; License Renewal. Amend RSA 137-F:11, II to read as follows:

II. The board shall license each applicant who satisfies the requirements of this chapter. Upon payment of a \$300 license fee, the board shall issue to such person a certificate of licensure which shall be evidence of the right to practice as an audiologist. ~~[The license shall be valid for 2 years from the date of issuance.]~~ ***The initial license shall be valid for at least 2 years and expire on June 30. Renewals shall be valid for 2 years from the date of renewal.***

3 Effective Date. This act shall take effect July 1, 2015.

HB 425, relative to procedures for the adoption of agency rules under the administrative procedures act. **OUGHT TO PASS.**

Rep. Peter B. Schmidt for Executive Departments and Administration. The sponsors of this bill, all members of the joint legislative committee on administrative rules, including two chairs and vice-chairs of the JLCAR, recognize that, although our statute RSA 541-A is quite mature and comprehensive, there are still aspects that can be improved as we operate the committee and observe general rule-writing developments, court decisions, electronic and digital innovations, improvements in forms, use of incorporation by reference, and the like. These changes, though not major, improve the administrative procedures act for the public and the agencies. Vote 13-0.

HB 456, relative to appointment of a veterans' ombudsman by the governor. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter B. Schmidt for Executive Departments and Administration. The sponsor informed the committee that the bill's intended purpose would result in a duplication and therefore requested a recommendation of inexpedient to legislate. Vote 12-0.

HB 473, relative to the smoking policy at the New Hampshire veterans' home. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Steven P. Beaudoin for Executive Department and Administration. Though the veterans' home allows six or so existing residents to continue to smoke, new residents are required to quit. The committee felt that forcing someone to give up a habit that, in many cases, was promoted during their military service, was unfair to someone who put their life on the line for their country. This bill, as amended, requires new residents to attend a smoking cessation program but, if unsuccessful, allows them to continue to smoke in the designated outdoor smoking areas. Vote 15-2.

Amendment (0496h)

Amend the bill by replacing section 2 with the following:

2 New Section; Smoking Policy. Amend RSA 119 by inserting after section 9 the following new section:

119:9-a Smoking Policy. No otherwise qualified veteran shall be denied admission or have his or her admission delayed solely because he or she is a smoker who desires to continue to smoke, as a resident, in the home's designated smoking areas. Smoking veterans shall be offered smoking cessation assistance by the home, shall be required to agree to participate in such a program as a condition of admission, but shall not be required to complete such a program successfully as a condition of continued residence. Smoking veterans who refuse smoking cessation assistance or fail the voluntary smoking cessation program shall be permitted to smoke only in the home's designated smoking areas.

HB 484, relative to the board of nursing and exemptions from licensure by the board. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter B. Schmidt for Executive Departments and Administration. This bill, as amended, addresses a present shortage among service providers caring for elderly or disabled persons who require their medications to be administered to them. It represents an agreement between the board of nursing and a group of such service providers to develop protocols and training to expand the pool of competent personnel able to give medications. Vote 16-0.

Amendment (0647h)

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

AN ACT relative to medication administration by licensed nursing assistants and relative to exemptions from regulation for certain nursing care and attendant care services.

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

1 Nurse Practice Act; Scope of Practice; Licensed Nursing Assistants. Amend RSA 326-B:14, II to read as follows:

II. An LNA is responsible for competency in the nursing assistant curriculum approved by the board. ~~[LNAs are authorized to administer medication when they hold a currently valid certificate of medication administration and under the circumstances established by the board through rules adopted pursuant to RSA 541-A.]~~

II-a. An LNA is authorized to administer medication if:

(a) The LNA holds a currently valid certificate of medication administration; or
(b) A licensed nurse delegates the task of medication administration to the LNA who is employed in the home care, residential care, or adult day care setting. The board, in consultation with the commissioner of health and human services or a designee, shall adopt rules under RSA 541-A establishing standards for such delegation of medication administration which include, but are not limited to, limitations on the number of delegations per assistive personnel, training and competency requirements, documentation requirements, and medication administration error reporting requirements.

2 New Chapter; Nursing Care and Consumer Directed Attendant Care Services. Amend RSA by inserting after chapter 332-J the following new chapter:

CHAPTER 332-K**NURSING CARE AND CONSUMER DIRECTED ATTENDANT CARE SERVICES**

332-K:1 Nursing Care and Consumer Directed Attendant Care Services; Care by Unlicensed Persons. No provision of Title XXX shall prohibit the following care:

I. Nursing care provided by family and friends.

II. Consumer directed attendant care services directed by or on behalf of an individual with a disability of any age who requires assistance with such services in order to live in his or her home and community, including a residential care facility.

III. For the purpose of this section:

(a) "Attendant care services" means assistance with any of the following:

(1) Activities of daily living;

- (2) Instrumental activities of daily living; or
- (3) Health maintenance activities.

(b) "Health maintenance activities" means activities that a licensed health care professional determines could be performed by the individual if the individual were physically able and may safely be performed in the home or community setting. Such activities include, but are not limited to, bowel and bladder care, routine ostomy care, medication administration, and wound care.

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

AMENDED ANALYSIS

This bill clarifies the authority of licensed nurse assistants to administer medication and adds an exemption from regulation for nursing care and consumer directed attendant care services provided by unlicensed persons.

HB 510, establishing a commission to study the regulation of pawnbrokers, secondhand dealers, and junk or scrap metal dealers. **OUGHT TO PASS.**

Rep. Peter B. Schmidt for Executive Departments and Administration. The committee heard uncontroverted testimony that the statutes governing the referenced trades and businesses dealing in metals generally are antiquated and inadequate. Metals theft is a growing and pernicious threat to NH property owners and the people of NH in general. The above-referenced business sector is also placed in jeopardy by the criminal element involved in metals theft and recognizes that a collaborative effort to update and reform the relevant statutes is urgently needed, which they both support and are prepared to participate in; the committee concurs. Vote 15-0.

HB 216-FN, relative to recovery of certain investigatory costs by regulatory boards and commissions. **OUGHT TO PASS.**

Rep. David J. Danielson for Finance. This bill as submitted seeks to provide a board or commission the ability to require a licensee, registrant, or certificate holder who is subject to misconduct that is sufficient to support a disciplinary action to compensate the board or commission for reasonable costs of investigation and prosecution up to a maximum of \$10,000 per incident. This sum may be imposed in addition to any otherwise authorized administrative fines levied by the board or commission as part of the penalty. The investigative and prosecution costs shall be assessed by the board or commission and any sums recovered shall be credited for the use of the board or commission and disbursed by the board or commission for any future investigations of complaints. The discussion of the bill, the testimony of a prime sponsor caused division I of finance to recommend the bill as ought to pass and the essence of the bill and accompanying fiscal note to be included in HB 2. The vote was bipartisan. Vote 23-0.

HB 561-FN, relative to the use of revenues generated by electric and other utility company leases and rentals. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph A. Pitre for Finance. The premise of this bill was to place revenue received by the state from rental, lease and royalties from utilities into the revenue stabilization account. According to the public utilities commission there are no state properties being utilized that would fall into this category. If in the future some arrangement might be made by the state, then this concept could be explored in greater detail. Vote 24-0.

HB 580-FN, relative to travel expenses for members of the building code review board. **INEXPEDIENT TO LEGISLATE.**

Rep. Lynne M. Ober for Finance. This bill would have established mileage reimbursement for the building code review board for travel to and from board meetings. This would have required an appropriation of approximately \$10,000 per year for each year of the biennium. Because it is a budget year, the committee felt it was more appropriate to ITL this bill and establish mileage reimbursement as part of the biennium's budget. Vote 23-0.

HB 651-FN-L, transferring the portion of special education costs directly related to health issues to the department of health and human services. **INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth L. Weyler for Finance. This concept has been tried before, unsuccessfully. There is within the department of health and human services a program called "Katie Beckett." This program requires DHHS to pay for medical assistance for a special education student where the individual education program (IEP), calls for it. This requirement is based upon the income of the student rather than the parent's income. So regardless of the family insurance or income, DHHS pays. Previously we attempted to get the department of education and DHHS to give us, in a non-identified way, the amounts involved in a school's catastrophic aid request. Despite the request for non-identified information, DHHS stymied us with HIPAA. We fear a repeat of this. Vote 24-0.

HB 671-FN-A, relative to mental health first aid training and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. J. Tracy Emerick for Finance. This bill is relative to mental health first aid training and was amended by the policy committee. During discussions with the prime sponsor and agency representative, it was dis-

covered that the agency thought that a non-lapsing dedicated fund would be more appropriate because the expected receipt of grants and donation would be relatively small. The committee discussed whether this should be part of the budget process and the agency agreed, but commented that they were unaware of the request until after it was too late discussing whether they wanted this in their budget. Since dedicated funds are handled by ways and means, house finance will refer the request to that committee for possible inclusion in HB 1 and HB 2. Vote 22-1.

HB 674-FN, relative to the salaries of certain unclassified positions. **INEXPEDIENT TO LEGISLATE.**

Rep. David J. Danielson for Finance. This bill as submitted seeks to codify certain unclassified positions, amends a title of a position in the department of administrative services and to amend 2013, 205:2 relative to a financial examinations supervisor in the insurance department. A number of positions were suggested for increased compensation as a result of the reclassifications sought. The discussion and testimony led finance division I to the conclusion that these items should be included in the budget because they should take effect in the next biennium. Because the budget is currently being discussed in house finance, the decision was to include this into the appropriate, associated sections of HB 1 and HB 2. Vote 23-0.

HB 212, relative to revocation of hunting licenses of persons convicted of a felony while hunting, trapping, or fishing. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James A. Spillane for Fish and game and Marine Resources. This bill, as amended, closes a flaw in the process that allowed sexual predators to retain hunting, fishing, and trapping privileges. As amended, it tightly works to compel the director of fish and game to revoke those privileges when sexual offenses are committed while hunting, fishing, or trapping and protects the young hunters, fishers, and trappers. Vote 14-0.

Amendment (0229h)

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

AN ACT relative to revocation of fish and game licenses of persons convicted of sexual assault while hunting, trapping, or fishing.

Amend the bill by replacing section 1 with the following:

1 Fish and Game; Sexual Assault Conviction; Revocation of Licenses. Amend RSA 214:19 to read as follows: 214:19 Revocation or Suspension for Conviction.

I. The executive director may revoke or suspend the license of any person who has been found guilty in any court of a violation of any provision of this title or any rule or regulation of the executive director, or who has been found guilty in a municipal or district court of a violation of RSA 163-B or RSA 635:2. Such revocation or suspension shall not continue for more than one year from the date thereof, except for a conviction under RSA 208:8, in which case the revocation or suspension may be for a period not to exceed 5 years, or except for a conviction under RSA 208:1-a, in which case the revocation or suspension may be for a period not to exceed 2 years.

II. The executive director shall revoke or suspend the license of any person who has been found guilty in any court a second time within 5 years of the first finding of guilt, of a violation of any such laws or regulations, for a period of not less than one, nor more than 3 years from the date of such finding or conviction.

III. *The executive director shall revoke the license, for a period of not less than 5 years, of any person convicted of aggravated felonious sexual assault, felonious sexual assault, or sexual assault, except for sexual assault under RSA 632-A:4, I(c), which occurred while the person was engaged in hunting, trapping, or fishing.*

AMENDED ANALYSIS

This bill requires that the minimum period of revocation of a license issued by the fish and game department for a person convicted of sexual assault while hunting, trapping, or fishing is 5 years.

HB 423, designating the bobcat as the New Hampshire state wildcat. **OUGHT TO PASS.**

Rep. Harold B. Parker for Fish and Game and Marine Resources. This bill recognizes the rebound of the bobcat in the state of New Hampshire. They are found from Massachusetts to Canada. The bobcat is an important part of New Hampshire's ecosystem. Designating the bobcat as New Hampshire's state wildcat is fitting because the bobcat's unique and elegant features are symbolic of New Hampshire's abundant natural beauty. This bill is also an excellent example of a civics lesson where grade school students from Peterborough have experienced what it's like to work with the New Hampshire General Court. Vote 14-0.

HB 251-FN, excluding circumcision from the state Medicaid plan. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas M. Sherman for Health, Human Services and Elderly Affairs. This bill would exclude Medicaid patients from funding for circumcision. The committee heard extensive testimony on both sides of the issue. Data and recommendations from the American Academy of Pediatrics supported the health benefits of the practice. Religious considerations were also heard. It was noted that the bill would disproportionately impact those with limited financial resources. Finally, it was understood that the department of health and human services already has their authority. Therefore, the committee voted overwhelmingly inexpedient to legislate. Vote 16-1.

HB 383, relative to the immunization/vaccination registry. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Thomas M. Sherman for Health, Human Services and Elderly Affairs. This bill, as amended, creates privacy protection for the immunization/vaccination registry. The format is opt out with required full disclosure of the patient's right to opt out at the time of each vaccination. Opt out may occur at any time with either no entry in the registry or complete removal of any data already therein. This allows for an effective registry while ensuring the privacy rights of those who do not wish to participate. Vote 16-1.

Amendment (0724h)

Amend RSA 141-C:20-f as inserted by section 2 of the bill by replacing it with the following:

141-C:20-f Immunization/Vaccination Registry.

I. The department shall establish and maintain a state immunization/vaccination registry. The registry shall be a repository of accurate, complete and current immunization/vaccination records to aid, coordinate, and promote immunization/vaccination uptake in accordance with paragraph VI and provide for vaccine inventory monitoring and controls.

II. No patient, or the patient's parent or guardian if the patient is a minor, shall be required to participate in the immunization/vaccination registry. At the time of immunization/vaccination by an administering health care provider or prior to or at an office visit with a current health care provider, a patient, or the patient's parent or guardian if the patient is a minor, shall be provided an opportunity by the administering or current health care provider to opt out of the registry. Such an opportunity shall be provided in writing in a clear, succinct and conspicuous manner, in simple language, and in a form style and size easily readable by the average adult. If the communication is outside of an office visit, it shall be individually directed and the sole subject of the communication. The option shall be exercised by the patient or, if the patient is a minor, the patient's parent or guardian by checking off a box and dating and signing the document. For each patient who does not exercise this option, the administering or the current health care provider shall provide to the immunization/vaccination registry such information relating to immunizations/vaccinations contained in the patient's medical records held by the health care provider as the commissioner may require by rule. At the request of a former patient, any health care provider shall provide to the immunization/vaccination registry such information relating to immunizations/vaccinations contained in the patient's medical records held by the health care provider as the commissioner may require by rule. No health care provider shall provide to the department or to the immunization/vaccination registry the name of, or any information relating to any patient who opts out of participating in the registry.

III. Except as provided in paragraph II, no information relating to an immunization/vaccination shall be reported by a health care provider or by any other person to the immunization/vaccination registry.

IV. Access to the information in the registry shall be limited to physicians, nurses, other appropriate health care providers, including those licensed in other states as determined by the commissioner, schools, and child care agencies, but only for named individuals in their care, and a record of each such access shall be kept by the immunization/vaccination registry. Health agencies of the state of New Hampshire or its political subdivisions demonstrating a need for such information, as determined by the commissioner for the purposes set forth in paragraph VI, shall have such access as the commissioner may determine. Access by health agencies of other states or the federal government, or by researchers, shall be limited to de-identified data only.

V. A patient who participates in the immunization/vaccination registry, or the patient's parent or guardian if the registrant is a minor:

(a) May review and correct information contained in the immunization/vaccination registry upon verification from the patient's health care provider in which case only the corrected information may remain in the registry, and no other record of the transaction, including the request itself, shall be kept; or

(b) May withdraw from participation at any time and remove information from the immunization/vaccination registry by submitting a request in writing to the department in which case no information relating to the patient shall remain in the registry, and no record of the transaction, including the request itself, shall be kept.

VI. The information contained in the registry shall be used for the following purposes:

(a) To remind registrants to receive all required immunizations/vaccinations in a timely manner by providing access to the registrant's immunization/vaccination record and to provide registrants with information about recommended immunizations/vaccinations.

(b) To assure appropriate management and use of vaccines distributed by the department.

(c) To control communicable diseases by assisting in the identification of individuals who require immediate immunization/vaccination in the event of a disease outbreak.

VII. The commissioner shall adopt rules under RSA 541-A concerning the following:

(a) The establishment and maintenance of the immunization/vaccination registry.

(b) The methods for submitting and content of reports of immunizations/vaccinations.

(c) Procedures, for the patient or, if the patient is a minor, for the patient's parent or guardian to opt out of participation in the immunization/vaccination registry at any time.

(d) Procedures for the patient or, if the patient is a minor, for the patient's parent or guardian to review and correct information contained in the immunization/vaccination registry.

(e) Procedures for the patient or, if the patient is a minor, for the patient's parent or guardian to remove information from the immunization/vaccination registry.

(f) Limits on and methods of access to the registry by those authorized to gain access under paragraph IV of this section.

(g) Procedures for managed care organizations to obtain summary statistics of immunization information on managed care organization members from the registry.

(h) Procedures for the patient or, if the patient is a minor, for the patient's parent or guardian to reverse the previous decision to opt out of the immunization/vaccination registry.

VIII. Any person reporting, receiving, or disclosing information to or from the immunization/vaccination registry as authorized by this section or by any rule adopted pursuant to this section shall not be liable for civil damages of any kind connected with such submission or disclosure of immunization/vaccination information.

IX. Nothing in this section is intended to affect the obligations of persons under RSA 141-C:20-a to have their children immunized/vaccinated.

X. Nothing in this section shall preclude the right of the patient, or the patient's parent or guardian if the patient is a minor, to claim exemption from immunization/vaccination as defined in RSA 141-C:20-c; nor shall anything in this section require such patient to be included in the immunization/vaccination registry if the patient, or the patient's parent or guardian if the patient is a minor, objects thereto on any grounds.

XI. No health care provider shall discriminate in any way against a person solely because that person elects not to participate in the immunization/vaccination registry.

XII. Information collected under this section shall be treated as confidential and the records containing such information shall be exempt from the public disclosure provisions of RSA 91-A.

XIII. Information in the immunization/vaccination registry may be transferred to or from the immunization/vaccination registry through a health information organization, as defined in RSA 332-I:1, II(c), provided that no such information shall be retained by the health information organization.

HB 422-FN, relative to the signing authority of physician assistants. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary C. Freitas for Health, Human Services & Elderly Affairs. This bill authorizes physician assistants to certify death certificates. Other states have this in place at this time. An amendment removed the section in the original bill which would have allowed physicians assistants to authorize involuntary commitment and involuntary admission to state institutions. Vote 17-0.

Amendment (0671h)

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

AN ACT relative to certification of death certificates by physician assistants.

Amend RSA 5-C:62, III(c) as inserted by section 5 of the bill by replacing it with the following:

(c) The official capacity of the registered nurse or physician, which shall be: attending/associate physician or APRN **or physician assistant**; non-attending physician or APRN **or physician assistant**; pronouncing registered nurse; medical examiner/deputy medical examiner; temporary/assistant medical examiner; or assistant deputy medical examiner, non-physician.

Amend RSA 5-C:64I V(b) as inserted by section 8 of the bill by replacing it with the following:

(b) For deaths occurring in a nursing home or in a similar non-acute care hospital or institution, the attending physician [or], APRN, **or physician assistant** shall be the physician [or], APRN, **or physician assistant** who regularly attends to the medical needs of the nursing home residents or the resident's personal physician [or], APRN, **or physician assistant** if the resident was under the care of such physician [or], APRN, **or physician assistant**.

Amend the bill by replacing section 13 with the following:

13 Amendments and Corrections to a Death Record. Amend RSA 5-C:94, II-V to read as follows:

II. The certifying physician [or], APRN, **or physician assistant** shall initiate corrections concerning the cause of death, in writing, to the division, by signing and completing the supplemental death certificate as described in RSA 5-C:62.

III. The correction authorization from the physician [or], APRN, **or physician assistant** shall be retained by the division in accordance with the retention schedule for a death record as established by this chapter. The death record shall be amended and noted as being amended.

IV. In the case where the division queries the physician [or], APRN, **or physician assistant** concerning the cause of death, the physician [or], APRN, **or physician assistant** shall send notice of the change in the cause of death directly to the division.

V. The physician's [or], APRN's, **or physician assistant's** information concerning a change in the cause of death shall be retained by the division in accordance with the retention schedule for a death record established by this chapter. The death record shall be amended and noted as being amended.

Amend the bill by deleting sections 17-22 and renumbering the original section 23 to read as 17.

AMENDED ANALYSIS

This bill allows physician assistants to certify death certificates.

HB 517, relative to disciplinary actions for physicians whose license to practice is suspended or revoked. **INEXPEDIENT TO LEGISLATE.**

Rep. Helen M. Deloge for Health, Human Services & Elderly Affairs. This bill seeks to impose further disciplinary actions on physicians following the voluntary, or involuntary suspension, or revocation of a medical license. The bill seeks to ban financial, or ownership interest in the physician's group practice, or health care facility. As a disciplinary action has occurred, regarding licensure, it is not appropriate to impose further action that may be considered by the facility's licensing board. Vote 17-0.

HB 628-FN, relative to indemnification of health care facilities under certain circumstances. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen J. Schmidt for Health, Human Services & Elderly Affairs. This bill, as amended, provides that health care facilities licensed under RSA 15-C, when acting in good faith, should disclose employment information regarding employee misconduct and competency upon request of a prospective employer. The providing facility, its directors and employees shall be immune from civil liability for providing the information unless it is proven that the disclosed information was false. This legislation is the fourth recommendation from the NH statewide taskforce on drug diversion to prevent another outbreak similar to the hepatitis C outbreak in Exeter. Vote 17-0.

Amendment (0718h)

Amend RSA 151:16-c as inserted by section 1 of the bill by replacing it with the following:

151:16-c Health Care Facilities; Disclosure of Employment Information; Immunity. Any facility licensed under this chapter shall, when acting in good faith, disclose employment information regarding misconduct and competency about a health care worker upon request of a prospective or current employer. A facility and its directors and employees who provide information in accordance with this section shall be immune from civil liability for providing the information or for any consequences that result from the disclosure of the information unless it is alleged and proven that the information disclosed was false and disclosed with knowledge that such information was false.

AMENDED ANALYSIS

This bill declares that any facility licensed under RSA 151 shall provide certain employment information to any other facility regarding an employee or prospective employee if the information was provided in good faith.

HB 108-FN, relative to the content and sealing of minutes in nonpublic sessions under the right-to-know law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Timothy O. Horrigan for Judiciary. A committee or other governmental body can hold nonpublic sessions only to discuss certain specific subject matters. RSA 91-A: 3 contains 11 subparagraphs which basically limit nonpublic sessions to: personnel and labor issues, contract negotiations, litigation, public safety issues, private financial information, and other confidential information. Usually, the minutes will end up being sealed, for the same reasons why the session itself was made nonpublic in the first place. The existing law already requires the body to affirmatively take a recorded vote to seal the minutes of a nonpublic session. This bill merely deals with how such votes are taken. Members of a committee or other body are still allowed to debate the issue of sealing the minutes in nonpublic session— but the actual recorded vote has to happen in public session. The majority of the judiciary committee agreed that the passage of HB 108, as amended, would increase the public's confidence that nonpublic sessions are being held only when necessary. Vote 17-0.

Amendment (0684h)

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

AN ACT relative to sealing nonpublic session minutes.

Amend RSA 91-A:3, III as inserted by section 1 of the bill by replacing it with the following:

III. Minutes of meetings in nonpublic session shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, unless, by recorded vote of 2/3 of the members present[.] **taken in public session**, it is determined that divulgence of the information likely would affect adversely the reputation of any person other than a member of the public body itself, or render the proposed action ineffective, or pertain to terrorism, more specifically, to matters relating to the preparation for and the carrying out of all emergency functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life. This shall include training to carry out such functions. In the event of such circumstances, information may be withheld until, in the opinion of a majority of members, the aforesaid circumstances no longer apply.

AMENDED ANALYSIS

This bill declares that a vote to seal nonpublic session minutes shall be taken in public session.

HB 138-FN, relative to inspection of governmental records under the right-to-know law. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael J. Sylvia for Judiciary. The committee had three very similar bills addressing RSA 91-A:4 IV, all seeking to clarify and strengthen the public's right to inspect, or receive electronic records without being charged a fee. The committee unanimously agreed to amend HB 606 to encompass HB 656 and HB 138. Vote 15-0.

HB 285, relative to discussion with legal counsel under the right-to-know law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert Hull for Judiciary. Under current New Hampshire law, public bodies are permitted to conduct meetings in nonpublic session for specific enumerated purposes. This bill, as amended, creates a new permitted purpose for the nonpublic session for public bodies to consider correspondence from counsel. This would be a cost saving for public bodies, as legal counsel would no longer need to be present in order to consider correspondence in a nonpublic environment. Vote 18-0.

Amendment (0237h)

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; Right-to-Know Law; Nonpublic Sessions. Amend RSA 91-A:3, II by inserting after subparagraph (j) the following new subparagraph:

(k) Consideration of correspondence from legal counsel.

AMENDED ANALYSIS

This bill adds correspondence with legal counsel to the law governing nonpublic sessions under the right-to-know law.

HB 309, permitting landlords to remove tenants' property in certain circumstances. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark McLean for Judiciary. RSA 540-A: 3 III currently prohibits a landlord from in any way denying a tenant access to their personal private property. The only means of redress now available to the landlord is through the judicial process of the courts. This bill, as amended, would give landlords the legal authority to remove tenant property in certain limited circumstances. In cases where an immediate threat to the health and safety of another tenant or person is present, such as a blocked fire lane, no notification would be required for removal. In the absence of an immediate threat, the landlord may remove the tenant property after 48 hours notice if the property is leaking and causing damage or an environmental hazard. Tenant property that is inoperable, located in a no parking area, or stored in violation of the lease agreement could be removed after six (6) days notice. This bill strikes a balance; allowing landlords to operate their properties in a way that preserves property integrity and community safety, while maintaining the right of notification for tenants. Vote 17-1.

Amendment (0429h)

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

1 New Paragraphs; Prohibited Practices; Removal of Property. Amend RSA 540-A:3 by inserting after paragraph II the following new paragraphs:

II-a. Notwithstanding paragraph II, and subject to the notice requirements of paragraph II-b:

(a) A landlord may remove, at the expense of the item's owner, any vehicle, motorcycle, trailer, ATV, or other property that blocks vehicular access to a common driveway, fire lane, parking area, or travel lane, or blocks access to a dumpster.

(b) A landlord may remove, at the expense of the item's owner, any property that is leaking fluids that are damaging the parking surface or creating an environmental hazard.

(c) A landlord may remove, at the expense of the item's owner, any property that is located in a posted no-parking area, is unregistered or inoperable, or is parked or stored in a manner prohibited under the terms of a lease agreement.

II-b. Prior to removing an item pursuant to paragraph II-a, the landlord shall provide notice as follows:

(a) In cases under RSA 540-A:3, II-a(a), prior to removal of the item the landlord shall make such efforts to notify the tenant who owns or possesses the item, if the landlord knows such tenant's identity, as are reasonable under the totality of the circumstances. If there is an immediate threat to the health or safety of another tenant or person, no notice shall be required.

(b) In cases under RSA 540-A:3, II-a(b), the landlord shall provide written notice no fewer than 48 hours prior to removing the property by:

(1) Placing a written notice on the item; and

(2) If the landlord knows the identity of the tenant who owns or possesses the item, placing a written notice on the door of such tenant's unit; or

(3) If the landlord does not know the identity of the tenant who owns or possesses the item, placing a written notice in a conspicuous location in one common area of each building in the apartment complex.

(c) In cases under RSA 540-A:3, II-a(c), the landlord shall provide the following notices to the tenant prior to removing the property:

(1) First notice, at least 6 days prior to removal of the item, by:

(A) Placing a written notice on the item; and

(B) If the landlord knows the identity of the tenant who owns or possesses the item, placing a written notice on the door of such tenant's unit; or

(C) If the landlord does not know the identity of the tenant who owns or possesses the item, placing a written notice in a conspicuous location in one common area of each building in the apartment complex; and

(2) Final notice, at least 24 hours prior to removal of the item, by:

(A) Placing a written notice on the item; and

(B) If the landlord knows the identity of the tenant who owns or possess the item, placing a written notice on the door of such tenant's unit; or

(C) If the landlord does not know the identity of the tenant who owns or possesses the item, placing a notice in a conspicuous location in one common area of each building in the apartment complex.

II-c. A landlord who removes a tenant's property pursuant to paragraphs II-a and II-b shall not initiate any possessory action based on the tenant's failure to remove the item; provided that if such failure caused substantial damage to the property of the landlord or another tenant, or injury to another person, the landlord may initiate eviction pursuant to RSA 540:2, II(b) or (d).

2 Effective date. This act shall take effect January 1, 2016.

HB 418, relative to waiver of rights to inherited property. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Claire A. Rouillard for Judiciary. This bill, as amended, allows a person who inherits real property to disclaim any interest in it. It allows a person to sign a waiver with the court and record that waiver in the registry of deeds in the county in which the real estate is located. That waiver will eliminate responsibility or liability related to that property, to the person who signed the waiver as well as his or her heirs and assigns. Vote 15-0.

Amendment (0242h)

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

AN ACT relative to waiver of rights to devised or inherited real property.

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

1 New Section; Waiver of Rights to Devised or Inherited Real Property. Amend RSA 554 by inserting after section 18-a the following new section:

554:18-b Waiver of Rights to Devised or Inherited Real Property. Notwithstanding any right to disclaim an interest in property as provided for in RSA 563-B, a person who has been devised real estate by testamentary instrument, or inherited under the laws of intestacy, may waive his or her rights to the property by filing a written notice of waiver with the court in which the estate administration is pending that shall include a legal description of the property. The waiving party shall provide a copy of the waiver to the administrator of the estate and shall record an attested copy in the registry of deeds in the county in which the real estate is located. Once filed with the court and recorded at the registry of deeds, the waiver may not be revoked. The effect of the waiver will be to relinquish the right of the waiving party and his or her heirs and assigns from receiving any and all right, title, and interest in and to the real estate. The waiving party and his or her heirs and assigns shall thereafter bear no responsibility or liability related to or arising from the real estate. The cost to record the waiver in the registry of deeds shall not exceed \$5. A waiver filed after the final account has been allowed, or the estate administration has been closed by other means, shall not be effective.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill allows a person who is devised or inherits real property to waive his or her rights to such property. The fee charged for filing a waiver document shall not exceed \$5.

HB 447, relative to quorums for meetings under the right-to-know law. **INEXPEDIENT TO LEGISLATE.** Rep. David Woodbury for Judiciary. This bill seeks to modify the current requirement of a physically present quorum as to state boards, commissions or authorities save for the trustees of the university system. A quorum may be achieved by a combination of physical presence and participation and telephone or electronic communication. While this measure might allow participation on boards by persons of limited mobility, it would require purchase of the needed equipment, and more importantly would deprive participants of a full opportunity of give and take, and of assessing demeanor of participants. This measure, if adopted, would encourage meetings with as few as one member actually present. This would not be in the best interest of the people of New Hampshire. Vote 16-1.

HB 633-FN, establishing a right-to-know grievance commission and relative to notice of meetings under the right-to-know law. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert Hull for Judiciary. This bill establishes a right-to-know grievance commission consisting of 15 citizens who will serve without pay. The commission members would hear right-to-know complaints statewide at a cost of \$75.00 for each complaint. The judiciary committee felt that some form of an appeals system might be helpful but agrees that structure of this commission is unworkable. The commission members would need to travel long distances, possibly overnight without pay. No adjudication authority has been given to the commission. As such the decision would be only advisory. Further, the right-to-know law is extremely technical; as such may be more than the commission members can understand. While a competent and speedy right-to-know appeal system may be helpful, this presents an unworkable process. Vote 17-1.

HB 641-FN, relative to certain causes of action by inhabitants of this state. **INEXPEDIENT TO LEGISLATE.**

Rep. Charlene F. Takesian for Judiciary. Neither sponsor of the bill came to present information with regards to what the purpose of this bill is. Based on the wording of the bill it wasn't clear what the sponsor's intent was. With no information available and no one to testify on either side, the committee voted inexpedient to legislate on this bill. Vote 11-0.

HB 656-FN-L, relative to inspection of governmental records under the right-to-know law. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael J. Sylvia for Judiciary. The committee had three very similar bills addressing RSA 91-A:4 IV, all seeking to clarify and strengthen the public's right to inspect, or receive electronic records without being charged a fee. The committee unanimously agreed to amended HB 606 to encompass HB 656 and HB 138. Vote 15-0.

HB 163, establishing a state minimum hourly rate. **INEXPEDIENT TO LEGISLATE.**

Rep. Nick Zaricki for Labor, Industrial and Rehabilitative Services. This bill, if passed into law, would increase the minimum wage more than one hundred percent, from \$7.25 per hour, to \$16.00 per hour. The committee heard 3 bills addressing minimum wage increases; the bipartisan majority recommends ITL on this bill and HB 392 and allowing debate on the issue on HB 684. Vote 17-2.

HB 347, relative to payment of wages of certain hourly school district employees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Fred Doucette for Labor, Industrial and Rehabilitative Services. This amended, enabling legislation allows for various options of payment that are currently not available to hourly employees subject to conditions of a collective bargaining agreement. The bill also contains an employee opt out clause. Vote 19-0.

Amendment (0426h)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Payment of Wages; Hourly School District Employees. Amend RSA 275:43 by inserting after paragraph IV the following new paragraph:

IV-a.(a) The commissioner shall permit payment of wages less frequently than weekly where a school district collective bargaining agreement for hourly employees provides an option to be paid in any number of equal installments with one additional installment.

(b) Such additional installment shall require a full reconciliation of pay at least once each calendar year. Each employee shall be informed in writing, prior to choosing the equal payment option, that the reconciliation could result in a paycheck of less than the equal pay amount to a possible zero balance due the employee. In all instances, payment shall be made regularly on a predesignated date. The commissioner may prescribe the terms and conditions of such permission, and limit the duration thereof.

(c) Any employee may exclude himself or herself from participation in the provisions of this paragraph. If the employee chooses this option, the employee shall notify the school district in writing prior to the first pay check.

HB 361, relative to the definition of "employee." **OUGHT TO PASS WITH AMENDMENT.**

Rep. Tammy A. Simmons for Labor, Industrial and Rehabilitative Services. Being aware of changes in the workplace where more and more people are working for an employer outside of the "traditional" workplace, the committee unanimously agreed that the issue deserves a more in-depth study. Vote 19-0.

Amendment (0132h)

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

AN ACT establishing a committee to study the definition of "employee" and the application of that definition to persons who work exclusively at home via the Internet for online business activities.

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

1 Statement of Purpose. The general court recognizes that the technology sector is an increasingly important part of our economy and that supporting and encouraging technology driven businesses to locate and expand in New Hampshire will benefit our citizenry with high-wage career opportunities and spin-off economic benefits.

2 Committee Established. There is established a committee to study the definition of “employee” and the application of that definition to persons who work exclusively at home via the Internet for online business activities.

3 Membership and Compensation.

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

- (a) Four members of the house of representatives, appointed by the speaker of the house of representatives.
- (b) One member of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

4 Duties.

I. The committee shall:

(a) Investigate how many persons are working exclusively at home via the Internet for online business activities and are currently considered employees in both the public and private sector.

(b) Analyze and propose changes, if any, to state laws which define employee, including, but not limited to: RSA 275:4, II, RSA 275:42, II, RSA 275-E:1, I; and RSA 279:1, X.

(c) Identify other state’s definitions of employee pertaining to persons who may be working exclusively at home via the Internet for online business activities.

(d) Analyze the potential impact and the economic advantages and disadvantages in New Hampshire of any proposed legislation.

II. The committee may work with and obtain information from the following individuals, state agencies, and organizations, and others as deemed appropriate:

- (a) Persons who are working from home.
- (b) Employers of persons who are working from home.
- (c) The department of labor.
- (d) The department of employment security.

5 Chairperson; Quorum. The first-named house member shall be the committee chairperson. The first meeting of the committee shall be called by the committee chairperson. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

6 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2015.

7 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study the definition of “employee” and the application of that definition to persons who work exclusively at home via the Internet for online business activities.

HB 411, prohibiting the payment of subminimum wages to persons with disabilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Tammy A. Simmons for Labor, Industrial and Rehabilitative Services. This bill, as amended, eliminates an anachronistic policy that dates back to the 1930s and 1940s. No employers or agencies in NH currently pay sub-minimum wages to disabled employees. This bill does not impact the ability to pay sub-minimum wages in a family business under 279:26a or for training purposes under 279:22-aa. The committee unanimously recognized that disabled people deserve the same dignity and employment opportunities within the same guidelines as everyone else. Vote 20-0.

Amendment (0075h)

Amend RSA 279:21-b as inserted by section 1 of the bill by replacing it with the following:

279:21-b Payment of Subminimum Wages. Except as provided in RSA 279:22-aa and RSA 279:26-a, no person shall employ any individual with a disability as an employee at an hourly rate lower than that set forth in RSA 279:21.

HB 521, relative to the size of the pool of the workers’ compensation appeals board. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Leonard P. Turcotte for Labor, Industrial and Rehabilitative Services. This bill was a direct request of the department of labor. Testimony primarily focused on the sometimes needless and costly requirement to maintain a pool of 33 members to the Workers’ Compensation Appeal Board even when the caseload was light. The request was to change the existing language, to a requirement of “up to 33 members.” The committee, however, believes a minimum number of members should also exist which necessitated the amendment to require a “minimum of 21 members.” The bill also requested, through amendment, to raise the daily per diem for each member of the board. Testimony and data provided by presenters convinced the committee that the per diem increase was warranted. For the foregoing reasons, the committee finds this bill OTP/A. Vote 20-0.

Amendment (0698h)

Amend RSA 281-A:42-a, I as inserted by section 1 of the bill by replacing it with the following:

I. There is established a compensation appeals board. The board shall consist of a pool of ***not less than 21 and not more than 33*** members, of which ~~[11]~~, ***to the extent possible, 1/3 of the*** members shall represent labor, ~~[11]~~ ***1/3 of the*** members shall represent employers or workers' compensation insurers and ~~[11]~~ ***1/3 of the*** members shall be attorneys who shall be neutral. Members of the board shall be appointed by the governor and council from a list of nominees submitted by the commissioner. The commissioner shall submit at least 2 nominees for each vacancy to be filled. Any person appointed by the governor and council who is not qualified or who ceases to be qualified in the capacity in which such person is serving on the appeals board shall be replaced by the governor and council. Terms of board members shall be 3 years, except the initial appointments shall be staggered so that no more than 1/3 of the members' terms shall expire in the same year. Members of the board shall have at least 5 years' experience in the area of workers' compensation. As a condition to maintaining eligibility to hear appeals, board members shall have at least 10 hours annually of training and briefing in the area of workers' compensation and relevant disciplines. The commissioner, or designee, with the assistance of the attorney general's staff shall supervise and approve the training. The commissioner shall have the authority to suspend the eligibility of any member of the board who is not in compliance with such annual training requirements, and to reinstate such member's eligibility upon compliance. The commissioner may suspend from active participation any board member who fails to render a decision or order within 30 days of the hearing as required by RSA 281-A:43, I(b). The commissioner may rescind the suspension once the board member is in compliance with RSA 281-A:43, I(b). Appeals from a decision of the commissioner or the commissioner's representative shall be heard de novo by a 3-member panel, composed of an attorney who shall serve as chair, one member representing labor and one member representing employers or workers' compensation insurers. At least 2 like votes shall be necessary for a decision by the panel. The board shall hear appeals, in accordance with RSA 281-A:43, I(b), from the decisions of the commissioner made pursuant to RSA 281-A:43. No person who is an interested party or an employee of an interested party shall participate as a member of the panel. The board shall conduct its proceedings in such a manner as to ensure a fair and impartial hearing.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Compensation Appeals Board; Compensation. Amend RSA 281-A:42-a, III to read as follows:

III. Attorney members of the board shall receive ~~[\$200]~~ ***\$350*** per diem and all other members of the board shall each receive ~~[\$150]~~ ***\$250*** per diem for each day devoted to the work of the board and shall be reimbursed for necessary travel expenses.

AMENDED ANALYSIS

This bill adjusts the size of the workers' compensation appeals board and increases per diem compensation for members of the board.

HB 522, making certain changes in the law governing toxic substances in the workplace to comply with federal law. **OUGHT TO PASS.**

Rep. Katherine Prudhomme-O'Brien for Labor, Industrial and Rehabilitative Services. This bill unified federal and state terminology pertaining to potentially dangerous substances used in the workplace and aims to make such documents as understandable, clear and uniform as possible. Vote 19-0.

HB 523, relative to the jurisdiction of the penalty appeal board. **OUGHT TO PASS.**

Rep. Anthony J. Pellegrino for Labor, Industrial and Rehabilitative Services. This bill clarifies that the penalty appeal board shall hear appeals on all penalties imposed by the commissioner of labor and has no opposition from the committee. Vote 19-0.

HB 300, requiring state employees and state public officials to obtain prior permission to attend meetings and hearings of the general court. **INEXPEDIENT TO LEGISLATE.**

Rep. Jack B. Flanagan for Legislative Administration. This bill would restrict the attendance of state employees acting in their official capacity at any legislative meeting of hearing unless their presence was requested by the chair of a committee of the general court. The majority of the committee felt that all meetings were public regardless of the attendees' job status. Additionally, it was felt that a state employee of an affected agency provides valuable information on pending legislation and its implementation. Vote 8-0.

HB 452, repealing the governor's authority to declare a state of emergency. **INEXPEDIENT TO LEGISLATE.**

Rep. Jack B. Flanagan for Legislative Administration. This bill would remove the governor's authority to declare a state of emergency and grant that authority solely to the legislature. For a number of reasons, the majority of the committee felt that this bill was not practical. These reasons include that the legislature is not in session year round, and our state may be bound by certain requirements set forth by the federal government dealing with important matters relating to emergency operations, natural disaster relief, and homeland security. As the chief executive of the state, the governor should have the authority to declare emergencies and be able to direct state resources. Vote 8-1.

HB 458, revising the legislative ethics laws and the guidelines of the legislative ethics committee. **OUGHT TO PASS.**

Rep. Anthony J. Pellegrino for Legislative Administration. This bill is the result of the work of the Commission to Study and Update the Rules and Procedures of the Legislative Ethics Committee. The commission met regularly for 12 months and solicited input from current and former members of the legislative ethics committee to find ways to improve and update the laws governing legislative ethics. Among many changes, the bill establishes a separate chapter regulating the acceptance of gifts and honorariums by legislators and legislative staff. Currently, executive and legislative branch officials are all governed by RSA 15-B. The bill also broadens the definition of 'conflict of interest' to include personal as well as financial interests. In addition, it increases the value of a prohibited gift from something valued at less than \$25 to something of value greater than \$50. At the same time, the bill closes a current loophole that allows a person to give a legislator multiple gifts throughout the year as long as they have a value under \$25 by establishing an aggregate limit of \$250 per calendar year for multiple gifts from a single source. The committee believes that these and other changes in this bill will strengthen our legislative ethics laws, guidelines and procedures as well as eliminate some of the ambiguities contained in them. Vote 9-0.

HB 321, establishing a committee to study improvements to the Elizabeth Meader Hanson site in Dover. **INEXPEDIENT TO LEGISLATE.**

Rep. Virginia O'Brien Irwin for Public Works and Highways. The committee is not opposed to honoring New Hampshire women who have added to our rich history. However, there was a question over the ownership of the parcel where the monument is located. The committee received input from the department of transportation which showed that the land was not owned by the department. The department of resources and economic development can work with the city of Dover to study the issue of the monument if they so desire. Vote 17-0.

HB 460, establishing a commission to study revenue alternatives to the road toll for the funding the state's highways and bridges. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John R. Cloutier for Public Works and Highways. This bill, as amended, would establish a nine-member study commission to study revenue alternatives to the road toll for electric-powered and hybrid vehicles for the funding of improvements to the state's roads and bridges. The commission shall study alternatives to the road toll for electric-powered and hybrid vehicles, and may study other emerging vehicle fuels and technologies for funding road and bridge improvements, ensuring that all motor vehicles pay their fair share. The commission shall also track current road toll revenues, and, as it deems appropriate, analyze related programs developed in other states, and recommend legislation. Under the amended bill, the commission's recommendations must be filed by November 1, 2015. Vote 15-0.

Amendment (0575h)

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

AN ACT establishing a commission to study revenue alternatives to the road toll for electric-powered and hybrid vehicles for the funding of improvements to the state's highways and bridges.

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

1 New Subdivision; Commission to Study Revenue Alternatives to the Road Toll. Amend RSA 21-J by inserting after section 47 the following new subdivision:

Commission to Study Revenue Alternatives to the Road Toll

21-J:48 Commission to Study Revenue Alternatives to the Road Toll.

I. There is established a commission to study revenue alternatives to the road toll for electric-powered and hybrid vehicles for the funding of improvements to the state's highways and bridges.

II.(a) The members of the commission shall be as follows:

- (1) Three members of the house of representatives, appointed by the speaker of the house of representatives, all of whom shall be members of the public works and highways committee.
- (2) Two members of the senate, appointed by the president of the senate.
- (3) The commissioner of the department of revenue administration, or designee.
- (4) The commissioner of the department of safety, or designee.
- (5) The commissioner of the department of environmental services, or designee.
- (6) The commissioner of the department of transportation, or designee.

(b) Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

III. The commission shall study alternatives to the road toll for electric-powered and hybrid vehicles, and may study other emerging vehicle fuels and technologies, for funding improvements to the state's highways and bridges, ensuring that all motor vehicles contribute their fair share. The commission shall consider the interim report of the commission on the taxation of alternative fuel and electric-powered motor vehicles of

November 1, 2012, and the final report of the commission to study future sustainable revenue sources for funding improvements to state and municipal highways and bridges, dated November 1, 2010. The commission shall also track current road toll revenues and, as it deems appropriate, analyze related programs developed in other states and recommend legislation.

IV. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Three members of the commission shall constitute a quorum.

V. The commission shall submit a report of its findings and any proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2015.

2 Repeal. RSA 21-J:48, relative to commission to study revenue alternatives to the road toll, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 2, 2015.

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

HB 511, relative to funding of eligible infrastructure projects. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne H. Gottling for Resources, Recreation and Development. HB 511, as amended, establishes a study committee to explore the future of the state aid grants program administered by the department of environmental services (DES). Pursuant to RSA 486:1, RSA 486-A:3, and RSA 149-M:43, the state legislature has expressly authorized a grant program for municipalities to receive 20% to 30% assistance toward principal and interest payments on eligible environmental infrastructure projects (drinking water, wastewater, and landfill projects). Because these public works projects are usually driven by federal and state regulations, these entities have historically contributed their fair share of project costs. Since 1959, the State of New Hampshire has recognized the importance of water pollution control projects and provided financial aid to our towns and cities. The state aid program has granted more than \$400,000,000 in aid to eligible projects to help offset the local cost of environmental infrastructure projects. The state has recognized that cities and towns by themselves cannot and should not bear all of the cost of compliance with federal and state regulations. Because of budgetary constraints in 2008, the state aid grant program was disrupted. Legislative action in 2013 resulted in resumption of payments to 127 infrastructure projects known as "delayed and deferred" projects. In 2013, the department of environmental services testified to the need for a redesign of the state aid grant program. HB 511, as amended, provides the vehicle for this action. HB 511 will examine all aspects of this important state-local partnership as well as the long-term fiscal commitment needed to support the infrastructure assets that are vital to our economy and environment. Vote 20-0.

Amendment (0576h)

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

AN ACT establishing a committee to study the funding of certain state aid grants.

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

1 Committee Established. There is established a committee to study the funding of state aid grants under RSA 486, RSA 486-A, and RSA 149-M.

2 Membership and Compensation.

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

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives, 2 of whom shall be members of the resources, recreation and development committee, and one of whom shall be a member of the house finance committee.

(b) Two members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study the state aid programs under RSA 486, RSA 486-A, and RSA 149-M, with emphasis on the funding of these programs. The study shall include, but not be limited to:

(a) Determining whether the current thresholds for state aid are appropriate.

(b) Determining how to fund future state aid projects.

(c) Establishing clear criteria for when and which projects are eligible for state aid grants.

(d) Establishing clear criteria for prioritization of future state aid projects.

(e) Determining the best financing options available to fund future state aid projects.

(f) Any other matter the committee deems relevant.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2015.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study the funding of state aid grants under RSA 486, RSA 486-A, and RSA 149-M

HB 667-FN, relative to aquatic invasive species and authorizing a program to inspect boats for the presence of aquatic invasive species. **INEXPEDIENT TO LEGISLATE.**

Rep. John A. Mullen for Resources, Recreation and Development. This legislation sought to increase boat inspections for invasive species during water events through a permit process that included the promoter of such events inspecting all boats at the primary boat launch. While the committee realizes that invasive species are a constant threat to the health of our waters and it was felt that we should do what we can to control the spread of such species the practicality of the inspections and the administration of such was cumbersome and would not result in major reduction of incoming invasive species. DES supported the intent for prevention and inspection, but putting control in the hands of the marine patrol would overlap other agencies and be confusing and difficult to administer. NH lakes was in agreement that an increase in education by the NH Lakes Association members, DES, fish and game and the department of safety, the marine patrol, would be more productive in controlling invasive species. Vote 20-0.

HB 541-FN, relative to cellular mobile radio communications as public utilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Laurence M. Rappaport for Science, Technology and Energy. The committee believes that there is no way to make this bill work. It was opposed by the major carriers. Since they already compete in many markets, the committee felt that they did not need regulation and the committee couldn't imagine how they might be regulated should this bill pass. Vote 17-0.

HB 374, permitting certain vehicles to proceed through an intersection after stopping for a red light. **INEXPEDIENT TO LEGISLATE.**

Rep. Chris True for Transportation. The majority of the committee feels that it is far too dangerous to allow hard to see vehicles to proceed through intersections in this manner. Thirty-six percent of all accidents occur at intersections. The committee was also concerned about our traffic from tourism being unaware that this can occur. Vote 15-1.

HB 506, clarifying the conditions under which motor vehicle information may be used. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Werner D. Horn for Transportation. This bill, as amended, is a department of safety supported bill that will require motor vehicle information obtained from people who evade tolls to comply with privacy laws. The committee amendment adds clarifying language assigning the responsibility to the department of transportation and defines that responsibility for the department's third party contractors. Vote 16-0.

Amendment (0536h)

Amend RSA 260:14, III-a as inserted by section 4 of the bill by replacing it with the following:

III-a. ~~[Except for a person's photograph, computerized image, and social security number, motor vehicle records]~~ ***The name and last known address of the owner of a vehicle used in violation of RSA 236:31-b and the physical characteristics of such vehicle*** may be made available to the department of transportation ***or to a non-governmental contracted agent of the department of transportation*** for ~~[collection of a toll]~~ ***toll collection purposes only*** as identified by a toll collection system, pursuant to RSA 236:31. Any records received under this paragraph shall not be ***used for purposes other than for toll collection and shall not be*** further transferred or otherwise made available to any other ~~[non-governmental agency]~~ ***person or entity*** that is not a ~~[contracting]~~ ***contracted*** agent of the department of transportation for toll collection. ***The nongovernmental contracted agent of the department of transportation for toll collection is prohibited from releasing the motor vehicle records to a third party or from using the records for the collection of debts outside the toll collection system. Notwithstanding the provisions of RSA 260:14, XIV, the department of transportation shall be responsible for ensuring its own and its contracted agent's compliance with this section, and the commissioner, upon determining that the department of transportation or its contracted agent has violated any provisions of this section, may, with or without a hearing, prohibit the department of transportation and its contracted agent from receiving motor vehicle records for a period of 5 years or until such time as he or she is satisfied that procedures are in place and will be enforced to ensure compliance with this chapter.***

Amend RSA 260:14, III-c as inserted by section 5 of the bill by replacing it with the following:

III-c. The name and last known address of the owner of a vehicle used in violation of a toll collection system and the physical characteristics of such vehicle may be made available to another state, or to a statutory or non-governmental contracted agent of such other state for the collection of a toll in such other state as identified by a toll collection system pursuant to RSA 236:31, I(i), whether the vehicle was used in violation of an electronic toll collection system or the vehicle was identified by a toll collection monitoring system when there is no cash option in the toll lanes. Any records received under this paragraph shall not be used for purposes other than for toll collection and shall not be further transferred or otherwise made available to a person or entity that is not a statutory or contracted agent of such other state for toll collection. The other state or statutory or nongovernmental contracted agent of such other state is prohibited from releasing the motor vehicle records to a third party or from using the records for the collection of debts outside the toll collection system. Notwithstanding the provisions of RSA 260:14, XIV, such other state shall be responsible for ensuring its own and its statutory or contracted agent's compliance with this section, and the commissioner, upon determining that such other state or its statutory or contracted agent has violated any provisions of this section may, with or without a hearing, prohibit such other state and its statutory or contracted agent from receiving motor vehicle records for period of 5 years or until such time as he or she is satisfied that procedures are in place and will be enforced to ensure compliance with this chapter.

HB 532, relative to commercial vessel insurance and eliminating the mooring appeals board. **INEXPEDIENT TO LEGISLATE.**

Rep. Bruce E. Hodgdon for Transportation. This bill is unclear on the insurance rules for commercial vessels. It also removes the mooring appeals board, which would not allow a complaint to be heard by a civilian board. Vote 16-0.

HB 542, relative to motor vehicle emission requirements. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry G. Gagne for Transportation. This bill would exempt vehicles that are 10 or more years old and vehicles for which repairs are unsuccessful from emissions control requirements. This bill would jeopardize the state's compliance with the federal Clean Air Act. Because this bill would conflict with the CAA, the committee voted ITL on this bill. Vote 16-0.

HB 180, relative to the definition of "price or consideration" under the real estate transfer tax. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patrick F. Abrami for Ways and Means. This bill clarifies language in the real estate transfer tax definition in RSA 78-B:1-a in section IV by adding the words, in a contractual transfer, after "price or consideration." There were concerns from the hearings about situations related to transfers that occur by devise or by other testamentary disposition. An amendment was drafted to address these concerns. This amendment explicitly states that upon death, the heirs who inherit any real estate are not subject to the transfer tax. However, if one heir sells out to the other(s), that transfer would be subject to the transfer tax provision. At that point, even if the transfer between heirs is a gift, the value of the transfer will be at fair market value. Once the amendment was adopted, the committee voted unanimously in a bipartisan way. Vote 21-0.

Amendment (0113h)

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

AN ACT relative to the definition of "price or consideration" under the real estate transfer tax and relative to the exception for transfers by devise under such tax.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:
2 Real Estate Transfer Tax; Exceptions. Amend RSA 78-B:2, XI to read as follows:

XI. To transfers that occur by devise **or by other testamentary disposition**, or by the laws regulating intestate succession and descent, or by the death of any cotenant in real estate held by joint tenancy; **regardless of any consideration paid or obligation assumed by the transferee.**

AMENDED ANALYSIS

This bill clarifies that the definition of "price or consideration" under the real estate transfer tax applies only to contractual transfers. The bill also excepts transfers by devise or other testamentary disposition, regardless of any consideration paid or obligation assumed by the transferee, from the real estate transfer tax.

HB 278, relative to town clerk fees for fill and dredge permit applications. **INEXPEDIENT TO LEGISLATE.**

Rep. Brian S. Gallagher for Ways and Means. This proposed bill would authorize a fee for sending copies of fill and dredge permits to certain boards. The amount of revenue collected was determined to be of minor impact for town clerks. It was learned during testimony by the committee that this fee was previously removed by the legislature, as the applications were mailed out. Vote 21-0.

HB 462-FN, repealing an increase in the fuel oil discharge cleanup fund fee. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul J. Henle for Ways and Means. This fund is an insurance mechanism for businesses and homeowners against heating oil spills. It is impossible to get spill coverage in homeowner or business policies, with the

exception of oil delivery employees' liability coverage. When the rare spill occurs, if not for rapid clean-up, neighboring homes and businesses also suffer. Affected businesses often must close. The fund has two functions: rapid clean-up and assistance to low-income owners of deteriorated tanks (SAFETANK). The latter costs \$1500, and averts a spill whose clean-up averages \$17,500. After all tanks are brought to code, the fund fee can be significantly reduced. In normal winters, the fund maintains an adequate balance for both functions. In the few easy winters, the fund comes close to the \$2.5M balance over which the fee is suspended. In hard winters, the fund managers first suspend SAFETANK, and then delay clean-up of the least urgent spills, increasing their future cost. Cutting the current fee will jeopardize the fuel oil discharge cleanup project by delaying cleanups. Delaying cleanup will contaminate more soil, and seriously harm more businesses, municipal buildings, churches and homeowners. The fund is overseen by a commission of oil distributors, dealers and members of the public, and was given a strong positive report in a performance audit. Vote 19-0.

HB 588-FN-A-L, extending the Coos county job creation tax credit to Carroll county. **INEXPEDIENT TO LEGISLATE.**

Rep. Patrick F. Abrami for Ways and Means. This bill simply extends the Coos County job creation tax credit (RSA 71-C:2) to Carroll County. The committee had three major concerns. First, this tax credit was explicitly voted in for Coos County only as a way to help this economically depressed region of our state. The concern is that if the legislature opens this up to Carroll County, other counties could want the same consideration in future years. Second, it was discussed that constitutional challenges have been prevented because the original Coos County bill was narrowly crafted and that opening this up to another county without opening it up to all counties could be problematic. Finally, there is no provision in the original law that caps the total amount of credits in a year that can be given and this bill does not recommend any caps either. There were concerns that, with an expansion of this bill, much needed general fund revenue would be lost with no upper bound. The committee voted ITL in a unanimous bipartisan fashion. Vote 21-0.

HB 599, relative to the economic revitalization zone tax credit program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patrick F. Abrami for Ways and Means. This bill changes eligibility requirements for the economic revitalization zones and requires each zone to be reevaluated every 5 years to determine if the zone still meets eligibility criteria. The bill specifies that only full time jobs are counted for purposes of calculating the business tax credits received by the zone. This bill also authorizes the commissioner of the department of resources and economic development (DRED) to establish rules for evaluating the effectiveness of the economic revitalization zone tax credit program. This bill was requested by DRED as enhancements to the existing economic revitalization zone program. The bill was amended by changing the term full-time job to full time equivalent job, providing a definition of full time equivalent. The amendment also added Brownfields to the list of reasons land or structures previously used for industrial, commercial, or retail purposes but currently are not so used. With this amendment the bill was voted in a unanimous bipartisan manner. Vote 21-0.

Amendment (0550h)

Amend RSA 162-N:2, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Vacant land or structures previously used for industrial, commercial, or retail purposes but currently not so used due to demolition, age, obsolescence, deterioration, **Brownfields**, relocation of the former occupant's operations, or cessation of operation resulting from unfavorable economic conditions either generally or in a specific economic sector.

Amend RSA 162-N:4, I(a) as inserted by section 4 of the bill by replacing it with the following:

(a) Quality and quantity of **full-time equivalent** jobs to be created.

Amend RSA 162-N:6, II as inserted by section 5 of the bill by replacing it with the following:

II. The sum of the following:

(a) 4 percent of the salary for each new **full-time equivalent** job created in the calendar year with a wage less than or equal to 1.75 times the then current state minimum wage.

(b) 5 percent of the salary for each new **full-time equivalent** job created in the calendar year with a wage greater than 1.75 times the then current state minimum wage and less than or equal to 2.5 times the then current state minimum wage.

(c) 6 percent of the salary for each new **full-time equivalent** job created in the calendar year with a wage greater than 2.5 times the then current state minimum wage.

(d) 4 percent of the lesser of the following:

(1) The actual cost incurred in the calendar year of creating a new facility or renovating an existing facility, and expenditures for machinery, equipment, or other materials, except inventory.

(2) \$20,000 for each new **full-time equivalent** job created in the calendar year.

Amend the bill by inserting after section 7 the following and renumbering the original section 8 to read as 9:
8 Definitions. Amend RSA 162-N:1 to read as follows:

162-N:1 Definition. In this chapter[;]:

I. "Economic revitalization zone" means a zone designated by the commissioner of resources and economic development as an economic revitalization zone in accordance with the provisions of this chapter.

II. "Full-time equivalent" means the sum of all hours paid annually divided by 2,080.

AMENDED ANALYSIS

This bill changes eligibility requirements for economic revitalization zones and requires each zone to be reevaluated every 5 years to determine if the zone still meets eligibility criteria. The bill specifies that only full-time equivalent jobs are counted for purposes of calculating the business tax credits received by the zone. The bill also authorizes the commissioner of the department of resources and economic development to establish rules for evaluating the effectiveness of an economic revitalization zone tax credit program

HB 622-FN-A, relative to taxation of the taxable estates of decedents. **INEXPEDIENT TO LEGISLATE.** Rep. Brian S. Gallagher for Ways and Means. This proposal establishes a rate of the New Hampshire estate tax of eight (8) percent upon the gross value of the additional portion of a decedent's taxable estate which would exceed \$2,000,000. Testimony emphasized that enactment of this bill would create doubt and send a negative message to individual and business trust and financial services. Moving forward with this type of legislation would create an environment more difficult to attract new business into New Hampshire. Vote 21-0.

HB 664-FN, consolidating existing oil pollution funds. **OUGHT TO PASS WITH AMENDMENT.** Rep. Bill H. Ohm for Ways and Means. This bill, prepared at the request of the department of environmental services and the oil fund disbursement board, consolidates six existing oil and gasoline pollution funds into two funds, one administered by DES and the other by the oil disbursement board. This action will improve the ability of the agencies to allocate funds to the highest priority projects. Existing fees would not change, but would be better utilized. Vote 21-0.

Amendment (0491h)

Amend RSA 146-A:11-b, II as inserted by section 4 of the bill by replacing it with the following:

II. Any person who imports or causes to be imported oil into the state, except those using oil pipelines, railroads, and highways to transport oil products between states other than New Hampshire or for international transport of oil products, shall be licensed by the department of safety under this chapter. The annual fee for the license shall be ***\$0.01625 per gallon of on-road and off-road gasoline and diesel fuel, \$0.01375 per gallon of fuel oil, diesel products, and used oil for on-premise heating, \$0.04125 per gallon of motor oil and \$0.00125 per gallon of all other oil*** imported into this state. The fee shall be paid monthly by such person to the department of safety. The department of safety shall deposit the first ~~[\$100,000]~~ ***\$125,000*** of fees paid in each fiscal year into the general fund. The remainder shall be deposited into the oil pollution control fund ~~[administered]~~ ***established under RSA 146-A:11-a, and the oil discharge and disposal cleanup established under RSA 146-D:3, I, based on an allocation determined for each fiscal year*** by the department of environmental services ***and the oil fund disbursement board***. Imposition of the fee shall be based on the record of the person and certified as accurate to the department of safety.

Amend RSA 146-A:11-b, II as inserted by section 5 of the bill by replacing it with the following:

II. Any person who imports or causes to be imported oil into the state, except those using oil pipelines, railroads, and highways to transport oil products between states other than New Hampshire or for international transport of oil products, shall be licensed by the department of safety under this chapter. The annual fee for the license shall be ~~[\$0.01625 per gallon of on-road and off-road gasoline and diesel fuel, \$0.01375 per gallon of fuel oil, diesel products, and used oil for on-premise heating, \$0.04125 per gallon of motor oil and] \$0.00125 per gallon of [all other]~~ oil imported into this state. The fee shall be paid monthly by such person to the department of safety. The department of safety shall deposit the first \$125,000 of fees paid in each fiscal year into the general fund. The remainder shall be deposited into the oil pollution control fund ***administered*** ~~[established under RSA 146-A:11-a, and the oil discharge and disposal cleanup established under RSA 146-D:3, I, based on an allocation determined for each fiscal year]~~ by the department of environmental services ~~[and the oil fund disbursement board.]~~ Imposition of the fee shall be based on the record of the person and certified as accurate to the department of safety.

HB 680-FN-L, relative to establishing the rate for and the collection of the education property tax and establishing a homestead exemption from the education property tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Patrick F. Abrami for Ways and Means. This bill establishes the rate of the statewide education tax at \$8 per 1,000 of the value of taxable property and transfers the authority to collect the educational property tax from the municipalities to the department of revenue administration (DRA). This bill establishes a homestead exception from the education property tax for the first \$250,000 of assessed value of homestead property. The bill also requires an annual transfer of \$150,000,000 from the education trust fund to the general fund. This bill was voted ITL in a nearly unanimous and very bipartisan vote. On a philosophical basis the aim of this bill is to shift the state property tax burden for education funding from those with less expensive homes to those with more expensive homes. There are those on the committee who believe that there is a certain amount of

progressiveness in the education property tax already and all this would do is increase this progressiveness to a point of unreasonableness. On a practical level, the DRA indicated the shifting of the requirement for them to administer and collect this tax, would require much resource and thus cost to the state. They added that an added burden would also be realized by the municipalities, indicating that their data bases are not strong or robust enough to meet the demands of this most fundamental change in approach to collecting the education statewide property tax. Vote 20-1.

REGULAR CALENDAR

HB 426, relative to the prohibition on the use of mobile electronic devices while driving. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Werner D. Horn for the Majority of Transportation. This bill seeks to limit the scope of RSA 265:79-c, a law taking effect July 1, 2015, to persons less than 18 years of age, prohibiting the use of a mobile electronic device while operating a motor vehicle. Testimony given by the NH state police indicates that there is not sufficient training that allows persons of any age to safely operate motor vehicles while simultaneously operating a mobile electronic device. Keeping RSA 265:79-c whole solidifies the commitment to keeping NH's families whole to the best of our ability. Vote 13-3.

Rep. Chris True for the Minority of Transportation. The minority of the committee feels since we trust people to show reasonable responsibility in seat belt and helmet use, this bill should pass. Statistics from other states do not show an increase in safety or a decrease in accidents with a ban on mobile electronic devices. Passing a law to fine cell phone use will cause people to hide their phones in their lap, causing even more driver distractions. Personal responsibility is the New Hampshire way.

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

Rep. True spoke against.

Rep. Horn spoke in favor and yielded to questions.

Rep. Dan McGuire requested a roll call; sufficiently seconded.

YEAS 214 - NAYS 136

YEAS - 214

BELKNAP

Dumais, Russell
Luther, Robert

Fields, Dennis
Tilton, Franklin

Gallagher, Brian
Varney, Peter

Hurt, George

CARROLL

Buco, Thomas
Nelson, Bill
Umberger, Karen

Butler, Edward
Parker, Harold

Crawford, Karel
Schmidt, Stephen

McConkey, Mark
Ticehurst, Susan

CHESHIRE

Abbott, Michael
Chase, Cynthia
Pearson, William
Sad, Tara
Weber, Lucy

Ames, Richard
Eaton, Daniel
Phillips, Larry
Shepardson, Marjorie

Berch, Paul
Ley, Douglas
Roberts, Kris
Tatro, Bruce

Bordenet, John
Parkhurst, Henry
Robertson, Timothy
Tilton, Benjamin

COOS

Fothergill, John
Richardson, Herbert

Froburg, Alethea
Tholl, John

Moynihan, Wayne
Thomas, Yvonne

Rappaport, Laurence

GRAFTON

Abel, Richard
Brown, Duane
Gionet, Edmond
Ladd, Rick
Piper, Wendy

Almy, Susan
Cooney, Mary
Hennessey, Erin
Maes, Kevin
Smith, Suzanne

Bennett, Travis
Darrow, Stephen
Hennessey, Martha
Massimilla, Linda
Sykes, George

Brown, Chris
Ford, Susan
Higgins, Patricia
Nordgren, Sharon
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Christensen, Chris
DiSilvestro, Linda
Gargas, Carolyn
Gorman, Mary
Hansberry, Daniel
Hinch, Richard
Long, Patrick
McNamara, Richard
Peterson, Ken

Barry, Richard
Cohen, Alan
Forest, Armand
Gidge, Kenneth
Gould, Linda
Harvey, Suzanne
Infantine, William
Mangipudi, Latha
O'Brien, Michael
Pierce, David

Beaulieu, Jane
Cornell, Patricia
Freitas, Mary
Goley, Jeffrey
Guerette, C. Lee
Heath, Mary
Jack, Martin
Manley, Jonathan
O'Neil, William
Porter, Marjorie

Brown, Pamela
Cote, David
Gagne, Larry
Gonzalez, Carlos
Haefner, Robert
Herbert, Christopher
Kurk, Neal
Martel, Andre
Pellegrino, Anthony
Roberts, Carol

Rosenwald, Cindy
Smith, Timothy
Straight, Phillip
Woodbury, David

Rowe, Robert
Snow, Kendall
Vann, Ivy

Shattuck, Gilman
Soucy, Timothy
Walsh, Robert

Shaw, Barbara
Souza, Kathleen
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Deloge, Helen
Gile, Mary
Horn, Werner
MacKay, James
Ratzki, Mario
Shurtleff, Stephen
Wheeler, Deborah

Bartlett, Christy
Doherty, David
Henle, Paul
Karrick, David
Moffett, Howard
Rice, Harold (Chip)
Turcotte, Alan

Bradley, Paula
Ebel, Karen
Hess, David
Kenison, Linda
Myler, Mel
Rogers, Katherine
Wallner, Mary Jane

Carson, Clyde
French, Barbara
Hirsch, Geoffrey
Kotowski, Frank
Patten, Dick
Saunderson, George
Walsh, Thomas

ROCKINGHAM

Abrami, Patrick
Berrien, Skip
Cardon, G. Thomas
DeSimone, Debra
Elliott, Robert
Griffin, Mary
Introne, Robert
Manning, John
Nigrello, Robert
Rice, Frederick
Sytek, John

Azarian, Gary
Borden, David
Chase, Francis
Devine, James
Fesh, Robert
Hagan, Joseph
Katsakiores, Phyllis
Matthews, Carolyn
Packard, Sherman
Sanders, Elisabeth
Ward, Gerald

Barnes, Arthur
Cahill, Michael
Christie, Andrew
DiFranco, Debbie
Francese, Paula
Heffron, Frank
Lovejoy, Patricia
McBeath, Rebecca
Pantelakos, Laura
Sherman, Thomas
Welch, David

Belanger, Ronald
Cali-Pitts, Jacqueline
Cushing, Robert
Doucette, Fred
Gordon, Pamela
Hoelzel, Kathleen
Major, Norman
McKinney, Betsy
Potucek, John
Simpson, Alexis
Weyler, Kenneth

STRAFFORD

Baber, William
Cilley, Jacalyn
Kaen, Naida
Stevens, Audrey
Ward, Kenneth

Berube, Roger
DiSesa, Len
Rollo, Deanna
Treleaven, Susan

Bixby, Peter
Gray, James
Schmidt, Peter
Verschuereen, James

Burton, Wayne
Horrigan, Timothy
Southworth, Thomas
Wall, Janet

SULLIVAN

Cloutier, John
Grenier, James
Oxenham, Lee

Converse, Larry
Irwin, Virginia
Schmidt, Andrew

Gagnon, Raymond
Laware, Thomas
Smith, Steven

Gottling, Suzanne
O'Hearne, Andrew

NAYS - 136

BELKNAP

Aldrich, Glen
Howard, Jr., Raymond

Comtois, Guy
LeBreche, Shari

Fisher, Robert
Sylvia, Michael

Fraser, Valerie
Vadney, Herbert

CARROLL

Avellani, Lino
McCarthy, Frank

Chandler, Gene
Wright, Ted

Comeau, Ed

Cordelli, Glenn

CHESHIRE

Emerson, Susan

Hunt, John

McConnell, Jim

COOS

Rideout, Leon

GRAFTON

Bailey, Brad

Hull, Robert

Johnson, Eric

Shackett, Jeffrey

HILLSBOROUGH

Balcom, John
Burt, John
Donovan, Daniel
Estevez, Eric
Griffin, Barbara
Lachance, Joseph
McCarthy, Peggy
Murotake, David
Ober, Russell
Proulx, Mark
Schleien, Eric
Smith, Gregory
Wolf, Terry

Belanger, James
Byron, Frank
Eastman, Eric
Ferreira, Elizabeth
Halstead, Carolyn
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Ohm, Bill
Rice, Kimberly
Scoutsas, Lisa
Stepanek, Stephen
Zaricki, Nick

Boehm, Ralph
Christiansen, Lars
Edelblut, Frank
Fromuth, Bart
Hansen, Peter
Leishman, Peter
McLean, Mark
Notter, Jeanine
Palmer, Barry
Rouillard, Claire
Seidel, Carl
Sullivan, Victoria

Bouldin, Amanda
Christie, Rick
Edwards, Elizabeth
Goulette, William
Hogan, Edith
Marston, Dick
Moore, Josh
O'Brien, William
Parison, James
Sanborn, Laurie
Simmons, Tammy
Takesian, Charlene

MERRIMACK

Brewster, Michael
Kidder, David
Martin, John
Schuett, Dianne

French, Harold
Kuch, Bill
McGuire, Carol
Seaworth, Brian

Hill, Gregory
Long, Douglas
McGuire, Dan

Hoell, J.R.
Marple, Richard
Parent, Jason

ROCKINGHAM

Abramson, Max
Chirichiello, Brian
Friel, William
Harris, Jeffrey
Kellogg, Shem
O'Connor, John
Tamburello, Daniel
Tucker, Pamela
Woitkun, Steven

Allen, Mary
Cook, Allen
Gannon, William
Hodgdon, Bruce
Kolodziej, Walter
Prudhomme-O'Brien, Katherine
Tasker, Kyle
Vose, Michael
Wood, David

Baldasaro, Alfred
Duarte, Joe
Gordon, Richard
Itse, Daniel
McMahon, Charles
Schroadter, Adam
Thomas, Douglas
Ward, Joanne

Bates, David
Ferrante, Beverly
Guthrie, Joseph
Kappler, Lawrence
Milz, David
Spillane, James
True, Chris
Webb, James

STRAFFORD

Beaudoin, Steven
Hannon, Joseph
Leeman, Don
Turcotte, Leonard

Bickford, David
Jones, Laura
Mullen, John
Wuelper, Kurt

Cheney, Catherine
Kaczynski, Jr., Thomas
Pitre, Joseph

Groen, Warren
Knowles, Robert
Spang, Judith

SULLIVAN

Bridge, Ernest

Rollins, Skip

and the majority committee report was adopted.

MOTION TO LAY ON THE TABLE

Rep. Tamburello moved that **HB 426**, relative to the prohibition on the use of mobile electronic devices while driving, be laid on the table.

On a division vote, 133 members having voted in the affirmative and 220 in the negative, the motion failed.

REGULAR CALENDAR CONT'D

HB 469, relative to highway surveillance. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael B. O'Brien for Transportation. This bill would define surveillance determining ownership or location of a motor vehicle or its occupants. However, your cell phone or camera however used, could come under the jurisdiction of this bill. Several other questions arose on the use of transponders on trucks or rental vehicles which could also be compromised by this bill. The committee felt there were too many questions to support this bill. Vote 14-2.

Committee report adopted.

HB 485, relative to license restoration fees. **INEXPEDIENT TO LEGISLATE.**

Rep. Werner D. Horn for Transportation. This bill addresses fees for government services, specifically the restoration of a driver's license when suspended or revoked for medical reasons. There is no additional process to restore a license revoked or suspended for a criminal offense or for medical reasons. Since the same work is required, this necessitates the same fee. Vote 9-7.

Reps. Leeman and True spoke against.

Reps. Horn and Steven Smith spoke in favor.

On a division vote, 182 members having voted in the affirmative and 172 in the negative, the committee report was adopted.

HB 553-FN, relative to dealer registration privileges by a dealership management company and proof of ownership of a vehicle at the time of sale. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Thomas C. Walsh for Transportation. This bill, as amended, allows the director of motor vehicles to approve additional forms to prove ownership of new and used vehicles. It also defines how dealership management companies (multiple dealerships under the same ownership) can use dealer plates. This is supported by the department of safety and the NH auto dealers association. This is good for both business and the consumer. Vote 16-0.

Amendment (0479h)

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

1 Certificate of Origin. Amend RSA 261:13 to read as follows:

261:13 Certificate of Origin. When a new vehicle is delivered in this state by the manufacturer to [his] *its* agent or [his] franchised dealer, the manufacturer shall execute and deliver to [his] *the* agent or [his] franchised dealer a certificate of origin in the form prescribed by the director, and no person shall bring into this state any new vehicle unless he *or she* has in his *or her* possession the certificate of origin as prescribed by

the director. The certificate of origin shall contain the vehicle identification number of the motor vehicle, the name of the manufacturer, model year, year of manufacture, number of cylinders, a general description of the body, if any, and the type of model. When a new vehicle is sold in this state, the manufacturer, [his] agent, or [his] franchised dealer shall execute and deliver to the purchaser, in case of an absolute sale, assignment of the certificate of origin, **or a copy of the certificate of origin pending the original and an acceptable form proving assignment approved by the director**, or, if other than absolute sale, assignment of the certificate of origin subject to contract, signed or executed by the manufacturer, [his] agent, or [his] dealer, with the genuine names and business or residence addresses of both stated thereon, and certified to have been executed with full knowledge of the contents and with the consent of both purchaser and seller. No manufacturer, distributor, or manufacturer's authorized agent shall issue any duplicate, supplemental, or replacement certificate of origin unless the legend "duplicate" is placed on said certificate and the director is notified in writing of the circumstances under which said certificate was issued. A dealer registered under the provisions of RSA 261 who makes a courtesy delivery shall prepare the title application and supporting documents, but said delivery shall not be construed as a sale by the New Hampshire dealer.

2 Resale by a Dealer. Amend RSA 261:15 to read as follows:

261:15 Resale by a Dealer. If a dealer buys a vehicle and holds it for resale and procures the certificate of title from the owner or the lienholder within 10 days after delivery ~~[to him]~~ of the vehicle, ~~[he]~~ **the dealer** need not send the certificate to the department but, upon transferring the vehicle to another person other than by the creation of a security interest, shall promptly execute the assignment and warranty of title by a dealer, **or if the title is held by a finance source show a copy of the title pending the original, and execute an acceptable form approved by the director proving assignment**, showing the names and addresses of the transferee and of any lienholder holding a security interest created or reserved at the time of the resale and the date of [his] **the** security agreement, in the spaces provided therefor on the certificate or as the director prescribes, and mail or deliver the certificate to the department with the transferee's application for a new certificate.

3 Use of Dealer Registration. Amend RSA 261:111, III to read as follows:

III. The dealer's employees who are employed full-time in the retail motor vehicle business may be issued a dealer plate on motor vehicles owned by the dealer, at the dealer's discretion, for personal use outside of normal business hours **and no person other than such employees shall operate such motor vehicles**. For purposes of this paragraph, ~~only~~ the dealer's employees **shall include employees of a dealership management company solely engaged in the day-to-day business operations of the dealership** ~~[and no other person shall operate such motor vehicles]~~. Personal use shall require that the motor vehicle be in saleable condition, with all legally required window stickers as appropriate, in view to the general public.

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

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 584-FN, making various changes to laws relating to motor vehicles and vessels. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Thomas C. Walsh for Transportation. This bill contains a variety of legislative fixes requested by the department of safety. This housekeeping bill addresses technical changes, not policy changes. The committee amendment adds a provision to refund fees to plate holders when the plate is rescinded for rules violations. Vote 12-4.

Amendment (0686h)

Amend RSA 72-A:10 as inserted by section 1 of the bill by replacing it with the following:

72-A:10 Refund. Once paid, no part of ~~[any]~~ **the** boat fee shall be refunded.

Amend RSA 270-E:5, IV as inserted by section 2 of the bill by replacing it with the following:

IV. The department may issue refunds **of the state portion of the registration fee** to registrants in cases where a registrant has inadvertently registered the same vessel twice within the same registration period or has overpaid a registration fee **or if there is evidence the decals and registration have not been used. Such request shall be submitted within 90 days from the date of registration.**

Amend the bill by inserting after section 10 the following and renumbering the original section 11 to read as 13:

11 Vanity Plate Processing; Refunds; Credits. Amend RSA 261:89 to read as follows:

261:89 Vanity Number Plates. The director is hereby authorized to design and to issue, under such rules as the director deems appropriate, vanity number plates to be used on motor vehicles in lieu of other number plates. Such number plates shall be of such design and shall bear such letters or letters and numbers as the director shall prescribe, but there shall be no duplication of identification. Such number plates or a changeable designation of the effective period thereof, as the director shall determine, shall be issued only upon application therefor and upon payment of a special vanity plate service fee of \$40, said special fee to be in addition to the regular motor vehicle registration fee and any other number plate manufacturing fee otherwise required

by law for the particular vehicle. Plates shall be renewed on an annual basis for \$40 per set. All special fees collected under this section shall be paid to the state treasurer and distributed as provided by RSA 263:52. ***Upon rejection of an application for vanity number plates, the director shall refund or credit the collected special vanity plate service fee. The director shall recall any vanity number plates that have been issued which do not conform to applicable law and rules, regardless of when the plates were issued. Any person whose application for vanity number plates has been rejected or whose vanity number plates have been recalled shall be issued a number plate of the same classification as the plate that had been requested or recalled. The prorated by month portion of the special vanity plate service fee shall be refunded or credited to the person whose vanity number plates have been recalled.***

12 Deposits Into Driver Training Fund. Amend RSA 263:52, I to read as follows:

I. The proceeds from original license fees as provided in RSA 263:42 and the vanity plate service fee collected in accordance with RSA 261:89, plus the fee for the renewal of the use of such plates, after ***any refunding authorized by law and*** costs of such plates or designation of effective periods thereof and issuance of same have been appropriated and deducted, shall be expended for course materials, licensing of schools, and certification of instructors in connection with safe motor vehicle driving conducted in or under the supervision of secondary schools. Such balance shall be kept in a separate fund. The commissioner of safety shall adopt, pursuant to RSA 541-A, and publish, rules governing the courses of instruction and training.

AMENDED ANALYSIS

This bill:

- I. Allows for refunds of vessel registration under certain conditions.
- II. Defines "maintained for use" in regards to antique motor vehicles and motorcycles.
- III. Requires driver's license holders and vehicle owners to notify the department of safety of a change of mailing address.
- IV. Removes the requirement to list the driver license applicant's blood type.
- V. Makes changes to proof required by the department of safety for walking disability placards.
- VI. Allows for refunds or credits from the processing of vanity number plate applications.
- VII. Deposits vanity plate service fee proceeds into the driver training fund minus authorized refunds.
- VIII. Authorizes the recall of improperly issued vanity number plates.
- IX. Changes the department of safety's rulemaking authority for setting fees for motorcycle rider education.

This bill is a request of the department of safety.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 169, relative to table stakes poker. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary S. Azarian for Ways and Means. The majority of the committee, after serious consideration, agreed that the current law in regards to this issue was reasonable and equitable and found no beneficial cause to amend standing law. Vote 14-5.

Rep. Williams spoke against.

Rep. Azarian spoke in favor.

On a division vote, 157 members having voted in the affirmative and 204 in the negative, the committee report failed.

Rep. Williams moved Ought to Pass.

Motion adopted and ordered to third reading.

HB 439, relative to religious societies. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert L. Nigrello for Ways and Means. The majority of the committee agrees that the current law protects the public from religious organizations that have not registered as a charitable organization. Religious organizations can incorporate as a charitable organization; as such the donation restrictions are removed. Vote 18-1

Committee report adopted.

HB 445, defining poker as a game of skill. **INEXPEDIENT TO LEGISLATE.**

Rep. Patrick F. Abrami for Ways and Means. The committee was asked to make a judgment as to whether poker is a game of skill and thus not be considered gambling. We agree that a good poker player is skilled at reading the body language of other players, but at its core it is still a game of chance because the cards you are dealt are still random. Even if it were purely a game of skill, the committee feels that this is still a form of gambling that needs to be regulated to prevent high stakes games from being played at any location in the state without oversight. Vote 17-2.

Rep. Ammon spoke against and yielded to questions.

Rep. Abrami spoke in favor.

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

YEAS 217 - NAYS 150**YEAS - 217
BELKNAP**Gallagher, Brian
Tilton, FranklinHurt, George
Varney, Peter

Luther, Robert

Spanos, Peter

CARROLLButler, Edward
McConkey, Mark
Ticehurst, SusanChandler, Gene
Nelson, Bill
Umberger, KarenCrawford, Karel
Parker, HaroldMcCarthy, Frank
Schmidt, Stephen**CHESHIRE**Abbott, Michael
Chase, Cynthia
Ley, Douglas
Roberts, Kris
Tatro, BruceAmes, Richard
Eaton, Daniel
Parkhurst, Henry
Robertson, Timothy
Tilton, BenjaminBerch, Paul
Emerson, Susan
Pearson, William
Sad, Tara
Weber, LucyBordenet, John
Hunt, John
Phillips, Larry
Shepardson, Marjorie**COOS**Froborg, Alethea
Tholl, JohnMoynihan, Wayne
Thomas, Yvonne

Richardson, Herbert

Theberge, Robert

GRAFTONAbel, Richard
Cooney, Mary
Ladd, Rick
Smith, SuzanneAlmy, Susan
Ford, Susan
Maes, Kevin
Sykes, GeorgeBennett, Travis
Hennessey, Martha
Nordgren, Sharon
Townsend, CharlesBrown, Chris
Higgins, Patricia
Piper, Wendy**HILLSBOROUGH**Backus, Robert
Brown, Pamela
DiSilvestro, Linda
Gargas, Carolyn
Gorman, Mary
Hansen, Peter
Hinch, Richard
Leishman, Peter
McNamara, Richard
Palmer, Barry
Porter, Marjorie
Rowe, Robert
Snow, Kendall
Vann, Ivy
Woodbury, DavidBalcom, John
Christensen, Chris
Forest, Armand
Gidge, Kenneth
Griffin, Barbara
Harvey, Suzanne
Infantine, William
Long, Patrick
O'Brien, Michael
Pellegrino, Anthony
Proulx, Mark
Shattuck, Gilman
Soucy, Timothy
Walsh, RobertBarry, Richard
Cohen, Alan
Freitas, Mary
Goley, Jeffrey
Haefner, Robert
Heath, Mary
Jack, Martin
Mangipudi, Latha
O'Neil, William
Peterson, Ken
Roberts, Carol
Shaw, Barbara
Straight, Phillip
Williams, KermitBooras, Efstathia
Cornell, Patricia
Gagne, Larry
Gonzalez, Carlos
Hansberry, Daniel
Herbert, Christopher
Kurk, Neal
Manley, Jonathan
Ober, Lynne
Pierce, David
Rosenwald, Cindy
Smith, Timothy
Takesian, Charlene
Wolf, Terry**MERRIMACK**Alicia, Caroletta
Deloge, Helen
French, Barbara
Hirsch, Geoffrey
Kotowski, Frank
Patten, Dick
Saunderson, George
Wallner, Mary JaneBartlett, Christy
Doherty, David
Gile, Mary
Karrick, David
MacKay, James
Ratzki, Mario
Schuett, Dianne
Wheeler, DeborahBradley, Paula
Ebel, Karen
Henle, Paul
Kenison, Linda
Moffett, Howard
Rice, Harold (Chip)
Shurtleff, StephenCarson, Clyde
Frazer, June
Hess, David
Kidder, David
Myler, Mel
Rogers, Katherine
Turcotte, Alan**ROCKINGHAM**Abrami, Patrick
Borden, David
Christie, Andrew
Doucette, Fred
Gordon, Pamela
Heffron, Frank
Manning, John
McMahon, Charles
Packard, Sherman
Ward, Gerald
Weyler, KennethAzarian, Gary
Cahill, Michael
Cook, Allen
Elliott, Robert
Gordon, Richard
Hoelzel, Kathleen
Matthews, Carolyn
Milz, David
Sherman, Thomas
Ward, Joanne
Woitkun, StevenBarnes, Arthur
Cali-Pitts, Jacqueline
Cushing, Robert
Fesh, Robert
Guthrie, Joseph
Lovejoy, Patricia
McBeath, Rebecca
Nigrello, Robert
Simpson, Alexis
Webb, JamesBerrien, Skip
Cardon, G. Thomas
Devine, James
Francese, Paula
Hagan, Joseph
Major, Norman
McKinney, Betsy
O'Connor, John
Sytek, John
Welch, David**STRAFFORD**Baber, William
DiSesa, LenBerube, Roger
Gardner, JaniceBixby, Peter
Gray, JamesBurton, Wayne
Horrigan, Timothy

Kaen, Naida
Smith, Marjorie
Treleaven, Susan
Ward, Kenneth

Leeman, Don
Southworth, Thomas
Turcotte, Leonard

Rollo, Deanna
Spang, Judith
Verschueren, James

Schmidt, Peter
Stevens, Audrey
Wall, Janet

SULLIVAN

Bridge, Ernest
Grenier, James
Oxenham, Lee

Cloutier, John
Irwin, Virginia
Schmidt, Andrew

Gagnon, Raymond
Laware, Thomas
Smith, Steven

Gottling, Suzanne
O'Hearne, Andrew

NAYS - 150

BELKNAP

Aldrich, Glen
Fisher, Robert
Sylvia, Michael

Comtois, Guy
Fraser, Valerie
Vadney, Herbert

Dumais, Russell
Howard, Jr., Raymond

Fields, Dennis
LeBreche, Shari

CARROLL

Avellani, Lino
Wright, Ted

Buco, Thomas

Comeau, Ed

Cordelli, Glenn

CHESHIRE

COOS

McConnell, Jim

Rappaport, Laurence

Rideout, Leon

GRAFTON

Bailey, Brad
Hennessey, Erin
Massimilla, Linda

Brown, Duane
Hull, Robert
Shackett, Jeffrey

Darrow, Stephen
Ingbretson, Paul

Gionet, Edmond
Johnson, Eric

HILLSBOROUGH

Adams, Christopher
Biggie, Barbara
Byron, Frank
Danielson, David
Edwards, Elizabeth
Gould, Linda
Hogan, Edith
Martel, Andre
Moore, Josh
O'Brien, William
Rice, Kimberly
Scontsas, Lisa
Souza, Kathleen
Twombly, Timothy

Ammon, Keith
Boehm, Ralph
Christiansen, Lars
Donovan, Daniel
Estevez, Eric
Goulette, William
Lachance, Joseph
McCarthy, Peggy
Murotake, David
Ober, Russell
Rouillard, Claire
Seidel, Carl
Stepanek, Stephen
Zaricki, Nick

Beaulieu, Jane
Bouldin, Amanda
Christie, Rick
Eastman, Eric
Ferreira, Elizabeth
Guerette, C. Lee
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Ohm, Bill
Sanborn, Laurie
Simmons, Tammy
Sullivan, Daniel

Belanger, James
Burt, John
Cote, David
Edelblut, Frank
Fromuth, Bart
Halstead, Carolyn
Marston, Dick
McLean, Mark
Notter, Jeanine
Parison, James
Schleien, Eric
Smith, Gregory
Sullivan, Victoria

MERRIMACK

Brewster, Michael
Horn, Werner
Martin, John
Seaworth, Brian

French, Harold
Kuch, Bill
McGuire, Carol
Walsh, Thomas

Hill, Gregory
Long, Douglas
McGuire, Dan

Hoell, J.R.
Marple, Richard
Parent, Jason

ROCKINGHAM

Abramson, Max
Belanger, Ronald
DiFranco, Debbie
Friel, William
Hodgdon, Bruce
Katsakiores, Phyllis
Pantelakos, Laura
Sanders, Elisabeth
Tasker, Kyle
Vose, Michael

Allen, Mary
Chase, Francis
Duarte, Joe
Gannon, William
Introne, Robert
Kellogg, Shem
Potucek, John
Schroadter, Adam
Thomas, Douglas
Wood, David

Baldasaro, Alfred
Chirichiello, Brian
Emerick, J. Tracy
Griffin, Mary
Itse, Daniel
Kolodziej, Walter
Prudhomme-O'Brien, Katherine
Spillane, James
True, Chris

Bates, David
DeSimone, Debra
Ferrante, Beverly
Harris, Jeffrey
Kappler, Lawrence
Lundgren, David
Rice, Frederick
Tamburello, Daniel
Tucker, Pamela

STRAFFORD

Beaudoin, Steven
Groen, Warren
Knowles, Robert
Whitehouse, Joshua

Bickford, David
Hannon, Joseph
Mullen, John
Wuelper, Kurt

Cheney, Catherine
Jones, Laura
Pitre, Joseph

Cilley, Jacalyn
Kaczynski, Jr., Thomas
Sprague, Dale

SULLIVAN

Converse, Larry

Rollins, Skip

and the committee report was adopted.

HB 547, reestablishing the exemption from property taxation for telecommunications poles and conduits. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. Patrick F. Abrami for the Majority of Ways and Means. The original bill called for reestablishing the exemption from property taxation for telecommunication poles and conduits. This exemption was repealed by the legislature effective July 1, 2010. Prior to its repeal many warned about lawsuits related to this issue between the telecommunication companies and municipalities. That has now become reality with numerous lawsuits pending throughout the state on this issue. It was clear from the testimony that the telecommunications companies were willing to compromise and agreed to the tax, as long as the issue of pole and conduit valuations was addressed. It was clear from testimony that a methodology for valuations was needed. Committee testimony showed pole values vary greatly from municipality to municipality. An amendment was filed that replaces the whole bill that provides such a methodology. The amendment states that the value should be equal to, "the direct replacement cost of the pole and/or the conduit, defined as the actual cost of the pole or conduit including the labor cost of installation less depreciation calculated on a straight-line basis for a period of 30 years with a residual value of no less than 20 percent." This language is close to the approach utilized by many assessors, but provides guidance to all municipal assessors that direct replacement cost should be utilized, that the cost includes installation which is a cost well established by the telecommunications industry, that the depreciation is straight-line for 30 years, and the language acknowledges that even the oldest of poles and conduits have a residual value and establishes a floor under that value. We heard testimony that the courts will fix this problem and establish these kinds of parameters. We should not have the courts fix a legislative problem. The legislature should fix the problem as this amendment does. It should be noted that poles and conduits owned by the electric companies can accept the assessed value derived by the department of revenue administration (DRA) or the town assessed value. The electric industry is highly regulated and all their properties are valued by the DRA. Their rates are set for them and are based on all costs of doing business including property taxes. The telecommunications industry is in a truly competitive environment and ever evolving race against technological advances that place extreme competitive pressures on them. This is why they are fighting for at least a level playing field, town to town and city to city. A majority of the committee agreed and voted the amendment and bill OTP/A that the legislature should take the lead in fixing this issue by stating its intent when defining parameters for assessing poles and conduits. Vote 14-7.

Rep. Susan W. Almy for the Minority of Ways and Means. The original bill is an attempt by the deregulated telephone companies to restore an exemption of their poles from property tax enjoyed during the era of regulation. The amendment is the companies' offer to end about 170 company lawsuits against varying municipal valuations, now consolidated into one in Concord district court and headed toward resolution. The towns and cities prefer to let the court decide the issue. The committee had only a few hours to consider it, and no time for municipal feedback on the final amendment. It is clear from testimony that about two thirds of most towns' poles are older than 30 years and would be assessed under the amended bill at 20% of replacement value. Municipalities depreciate down to 15-25% of value, but we do not know how long their depreciation schedule is - whether based on 30, 50 or more years; 30 years is the amendment's choice, but 50 years is quite reasonable given the average length of service of a pole. If they use 50 and the law says 30, most municipalities will lose considerable property tax. The bill's supporters cited extreme variation in municipal value per pole, but we learned that the most extreme example of \$2400 in Lempster was due to very-high-capacity poles installed for the new wind farm. Finally, the amended bill creates a constitutional issue in that the towns and cities are required to assess telephone poles (with electric wires attached) in a way different from the way they have for decades assessed electric poles (with telephone wires attached). An advisory opinion should be sought from the supreme court.

Majority Amendment (0643h)

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

AN ACT relative to the valuation of poles and conduits owned by telephone utilities.

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

1 Reference Change. Amend RSA 72:8-a to read as follows:

72:8-a Telecommunications Poles and Conduits. ~~[Except as provided in RSA 72:8-b,]~~ All structures, poles, towers, and conduits employed in the transmission of telecommunication, cable, or commercial mobile radio services shall be taxed as real estate in the town in which such property or any part of it is situated. ***Except as provided in RSA 72:8-c,*** the valuation of such property shall be based on its value as real estate. Other devices and equipment, including wires, fiber optics, and switching equipment employed in the transmission of telecommunication, cable, or commercial mobile radio services shall not be taxable as real estate.

2 New Section; Property Taxation; Valuation of Poles and Conduits Owned by Telephone Utilities. Amend RSA 72 by inserting after section 8-b the following new section:

72:8-c Valuation of Poles and Conduits Owned by Telephone Utilities. The value of poles or conduits employed in the transmission of telecommunication owned in whole or in part by telephone utilities, as defined in RSA 362:7, or providers of Voice over Internet Protocol ("VoIP") service or IP-enabled service, each as defined in RSA 362:7, for purposes of tax assessment against said entity shall be determined by the following formula: the direct replacement cost of the pole or conduit, defined as the actual cost of the pole or conduit including the labor cost of installation less depreciation calculated on a straight-line basis for a period of 30 years with a residual value of no less than 20 percent.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes the valuation for purposes of the property tax assessment of poles or conduits employed in the transmission of telecommunication owned in whole or in part by telephone utilities.

Majority committee amendment adopted.

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

Rep. Abrami spoke in favor.

Rep. Almy spoke against and yielded to questions.

Rep. Lovejoy spoke in favor and yielded to questions.

Rep. Spanos requested a roll call; sufficiently seconded.

YEAS 205 - NAYS 162

YEAS - 205

BELKNAP

Aldrich, Glen
Fraser, Valerie
LeBreche, Shari

Comtois, Guy
Gallagher, Brian
Sylvia, Michael

Fields, Dennis
Howard, Jr., Raymond
Varney, Peter

Fisher, Robert
Hurt, George

CARROLL

Avellani, Lino
McConkey, Mark
Wright, Ted

Chandler, Gene
Nelson, Bill

Cordelli, Glenn
Schmidt, Stephen

McCarthy, Frank
Ticehurst, Susan

CHESHIRE

Bordenet, John

Eaton, Daniel

Emerson, Susan

Hunt, John

COOS

Fothergill, John
Rideout, Leon

Froburg, Alethea
Tholl, John

Rappaport, Laurence

Richardson, Herbert

GRAFTON

Brown, Chris
Johnson, Eric

Gionet, Edmond

Hull, Robert

Ingbretson, Paul

HILLSBOROUGH

Adams, Christopher
Belanger, James
Brown, Pamela
Cohen, Alan
Edelblut, Frank
Gargas, Carolyn
Gould, Linda
Hansen, Peter
Hopper, Gary
Marston, Dick
Moore, Josh
Ober, Lynne
Pellegrino, Anthony
Rice, Kimberly
Seidel, Carl
Souza, Kathleen
Vann, Ivy

Ammon, Keith
Biggie, Barbara
Burt, John
Cote, David
Ferreira, Elizabeth
Gidge, Kenneth
Guerette, C. Lee
Heath, Mary
Infantine, William
Martel, Andre
Murphy, Keith
Ober, Russell
Peterson, Ken
Rowe, Robert
Simmons, Tammy
Stepanek, Stephen
Wolf, Terry

Balcom, John
Boehm, Ralph
Christensen, Chris
Danielson, David
Fromuth, Bart
Goley, Jeffrey
Haefner, Robert
Hinch, Richard
Lachance, Joseph
McCarthy, Peggy
Notter, Jeanine
Ohm, Bill
Porter, Marjorie
Sanborn, Laurie
Smith, Timothy
Straight, Phillip
Zaricki, Nick

Barry, Richard
Bouldin, Amanda
Christie, Rick
Donovan, Daniel
Gagne, Larry
Gonzalez, Carlos
Halstead, Carolyn
Hogan, Edith
LeBrun, Donald
McLean, Mark
O'Brien, William
Parison, James
Proulx, Mark
Schleien, Eric
Snow, Kendall
Sullivan, Victoria

MERRIMACK

Bartlett, Christy
Hoell, J.R.
Marple, Richard
Wheeler, Deborah

Brewster, Michael
Kotowski, Frank
McGuire, Carol

Deloge, Helen
Long, Douglas
McGuire, Dan

Hill, Gregory
MacKay, James
Parent, Jason

ROCKINGHAM

Abrami, Patrick
 Baldasaro, Alfred
 Borden, David
 Chase, Francis
 DeSimone, Debra
 Elliott, Robert
 Friel, William
 Guthrie, Joseph
 Hoelzel, Kathleen
 Katsakiores, Phyllis
 Lundgren, David
 McKinney, Betsy
 Packard, Sherman
 Rice, Frederick
 Tamburello, Daniel
 Ward, Joanne
 Wood, David

Abramson, Max
 Bates, David
 Cahill, Michael
 Chirichiello, Brian
 Devine, James
 Emerick, J. Tracy
 Gannon, William
 Hagan, Joseph
 Introne, Robert
 Kellogg, Shem
 Major, Norman
 McMahon, Charles
 Pantelakos, Laura
 Sanders, Elisabeth
 Tasker, Kyle
 Webb, James

Allen, Mary
 Belanger, Ronald
 Cali-Pitts, Jacqueline
 Christie, Andrew
 Doucette, Fred
 Ferrante, Beverly
 Gordon, Richard
 Harris, Jeffrey
 Itse, Daniel
 Kolodziej, Walter
 Manning, John
 Milz, David
 Potucek, John
 Schroadter, Adam
 True, Chris
 Welch, David

Azarian, Gary
 Berrien, Skip
 Cardon, G. Thomas
 Cook, Allen
 Duarte, Joe
 Fesh, Robert
 Griffin, Mary
 Hodgdon, Bruce
 Kappler, Lawrence
 Lovejoy, Patricia
 Matthews, Carolyn
 Nigrello, Robert
 Prudhomme-O'Brien, Katherine
 Spillane, James
 Vose, Michael
 Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
 Gardner, Janice
 Horrigan, Timothy
 Knowles, Robert
 Smith, Marjorie
 Wuelper, Kurt

Bickford, David
 Gray, James
 Jones, Laura
 Leeman, Don
 Spang, Judith

Cilley, Jacalyn
 Groen, Warren
 Kaczynski, Jr., Thomas
 Mullen, John
 Turcotte, Leonard

DiSesa, Len
 Hannon, Joseph
 Kaen, Naida
 Pitre, Joseph
 Whitehouse, Joshua

SULLIVAN

Bridge, Ernest

Laware, Thomas

Rollins, Skip

Smith, Steven

NAYS - 162**BELKNAP**

Dumais, Russell
 Vadney, Herbert

Luther, Robert

Spanos, Peter

Tilton, Franklin

CARROLL

Buco, Thomas
 Parker, Harold

Butler, Edward
 Umberger, Karen

Comeau, Ed

Crawford, Karel

CHESHIRE

Abbott, Michael
 Ley, Douglas
 Phillips, Larry
 Shepardson, Marjorie

Ames, Richard
 McConnell, Jim
 Roberts, Kris
 Tatro, Bruce

Berch, Paul
 Parkhurst, Henry
 Robertson, Timothy
 Tilton, Benjamin

Chase, Cynthia
 Pearson, William
 Sad, Tara
 Weber, Lucy

COOS

Moynihan, Wayne

Thomas, Yvonne

GRAFTON

Abel, Richard
 Brown, Duane
 Hennessey, Erin
 Maes, Kevin
 Shackett, Jeffrey

Almy, Susan
 Cooney, Mary
 Hennessey, Martha
 Massimilla, Linda
 Smith, Suzanne

Bailey, Brad
 Darrow, Stephen
 Higgins, Patricia
 Nordgren, Sharon
 Sykes, George

Bennett, Travis
 Ford, Susan
 Ladd, Rick
 Piper, Wendy
 Townsend, Charles

HILLSBOROUGH

Backus, Robert
 Christiansen, Lars
 Edwards, Elizabeth
 Gorman, Mary
 Harvey, Suzanne
 Long, Patrick
 McNamara, Richard
 Palmer, Barry
 Rosenwald, Cindy
 Shaw, Barbara
 Takesian, Charlene
 Woodbury, David

Beaulieu, Jane
 Cornell, Patricia
 Estevez, Eric
 Goulette, William
 Herbert, Christopher
 Mangipudi, Latha
 Murotake, David
 Pierce, David
 Rouillard, Claire
 Smith, Gregory
 Twombly, Timothy

Booras, Efstathia
 DiSilvestro, Linda
 Forest, Armand
 Griffin, Barbara
 Jack, Martin
 Manley, Jonathan
 O'Brien, Michael
 Roberts, Carol
 Scotsas, Lisa
 Soucy, Timothy
 Walsh, Robert

Byron, Frank
 Eastman, Eric
 Freitas, Mary
 Hansberry, Daniel
 Leishman, Peter
 McClarren, Donald
 O'Neil, William
 Rokas, Ted
 Shattuck, Gilman
 Sullivan, Daniel
 Williams, Kermit

MERRIMACK

Alicea, Caroletta
 Ebel, Karen

Bradley, Paula
 Frazer, June

Carson, Clyde
 French, Barbara

Doherty, David
 French, Harold

Gile, Mary
Horn, Werner
Kuch, Bill
Patten, Dick
Saunderson, George
Turcotte, Alan

Henle, Paul
Karrick, David
Martin, John
Ratzki, Mario
Schuett, Dianne
Wallner, Mary Jane

Hess, David
Kenison, Linda
Moffett, Howard
Rice, Harold (Chip)
Seaworth, Brian

Hirsch, Geoffrey
Kidder, David
Myler, Mel
Rogers, Katherine
Shurtleff, Stephen

ROCKINGHAM

Barnes, Arthur
Gordon, Pamela
Sherman, Thomas
Tucker, Pamela

Cushing, Robert
Heffron, Frank
Simpson, Alexis
Ward, Gerald

DiFranco, Debbie
McBeath, Rebecca
Sytek, John
Woitkun, Steven

Francese, Paula
O'Connor, John
Thomas, Douglas

STRAFFORD

Baber, William
Cheney, Catherine
Sprague, Dale
Wall, Janet

Berube, Roger
Rollo, Deanna
Stevens, Audrey
Ward, Kenneth

Bixby, Peter
Schmidt, Peter
Treleaven, Susan

Burton, Wayne
Southworth, Thomas
Verschueren, James

SULLIVAN

Cloutier, John
Grenier, James
Schmidt, Andrew

Converse, Larry
Irwin, Virginia

Gagnon, Raymond
O'Hearne, Andrew

Gottling, Suzanne
Oxenham, Lee

and the majority committee report was adopted and ordered to third reading.
Reps. DiSesa and Porter voted Yea and intended to vote Nay.

HB 551-FN, relative to preventing diversion of business income to tax havens. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Jordan G. Ulery for the Majority of Ways and Means. This bill would fundamentally change the manner New Hampshire collects taxes on businesses in the state that are organized overseas. While the analysis suggests an undeterminable increase in revenue, there is a corresponding large increase in administrative costs by the DRA and a biannual review of foreign nations to determine which nations are or are not tax havens, a difficult to understand definition. The biannual review may involve declaring the property of our largest trading partner, Canada, in the name of its Queen, the islands of Jersey and Guernsey. New Hampshire already has too high tax on the entities that give our neighbors jobs. Do we really want to make the granite state even more unfriendly to business? Vote 13-8.

Rep. Richard Ames for the Minority of Ways and Means. Large multi-national corporations have developed elaborate schemes to avoid taxation by hiding profits in subsidiary corporations based in overseas tax haven jurisdictions. As currently structured, our business profits tax is unable to reach and tax NH's fair share of these profits, even though the profits are attributable to NH-based business activity. Smaller NH-based businesses are unable to engage in these international profit-shifting schemes and therefore bear a greater tax burden than the big multi-national corporations. HB 551, following the lead of Montana and Oregon, would amend our business profits tax so as to pierce this overseas corporate veil and close this unfair tax loophole. The bill identifies by name the overseas jurisdictions that are currently known to serve as tax havens. The bill includes a tax haven definition and a process to enable the periodic updating of the tax haven list. Profits realized by business organizations incorporated in these tax haven jurisdictions, unlike all other overseas corporations that are beyond the so-called "water's edge," are then brought back into the NH business profits tax apportionment formula. This system has been in effect to good effect in Montana for about a decade and in Oregon since 2013. The governor's budget estimated that this change in law in NH would produce \$3.5M in FY 2016 and \$8.0M in FY 2017.

MOTION TO SPECIAL ORDER

Rep. Major moved that **HB 551-FN**, relative to preventing diversion of business income to tax havens, be made a Special Order to the end of the Regular Calendar.
Motion adopted.

REGULAR CALENDAR CONT'D

HB 643-FN, relative to recovery of certain lottery winnings. **INEXPEDIENT TO LEGISLATE.**

Rep. Norman L. Major for Ways and Means. This bill would allow HHS to recover public assistance benefits from lottery winners. The recovery would be limited to state benefits only and not exceed half of the prize. During the past year the lottery commission reported 23 winners of \$40,000 or more and many winners with winnings of less than a few thousand dollars. While NH has a recovery system for child support, a different system is needed to track public assistance beneficiaries. The committee concluded that the difficulty and expense of such a collection system outweighs the potential benefits. Vote 19-2.
Committee report adopted.

HB 655-FN, establishing a credit against business profits taxes for motion picture production expenditures in New Hampshire. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Patricia T. Lovejoy for the Majority of Ways and Means. This bill provides for a \$10 million annual credit to the motion picture industry for production expenses incurred in NH and qualified non-NH expenses. The tax credits may be transferred, sold or assigned to other taxpayers with tax liabilities. This issue was extensively studied by this committee last term. Most states that have instituted film credits have income and sales tax that allow the state to recoup a significant portion of the credit through collection of sales and income tax on the activities that take place in their state. The majority of the committee believes that the state should not be singling out one industry for preferential treatment. Vote 11-10.

Rep. Bill H. Ohm for the Minority of Ways and Means. Committee testimony indicated that all of our neighboring states have such a tax credit and attract this type of business. NH has none and gets none. Testimony was heard from a number of actors who live here, but cannot work here, for lack of business and must commute to neighboring states. The minority feels that this proposed tax credit is similar to the existing R&D tax credit, namely a criteria on a checklist that keeps NH in the running for new business. The bill is structured such that there is no financial exposure unless new business is brought into NH, and the bill sunsets in 4 years. The committee was concerned that other terms of the bill were unfavorable to NH. The minority will be offering a floor amendment that would make the bill revenue neutral by cutting back the size of tax credit to match the projected room and meals tax that would be generated by the new business and to apply only to a NH business. Please oppose ITL so that an amendment can be introduced.

LAI'D ON THE TABLE

Rep. Ohm moved that **HB 655-FN**, establishing a credit against business profits taxes for motion picture production expenditures in New Hampshire, be laid on the table.

On a division vote, 329 members having voted in the affirmative and 39 in the negative, the motion was adopted.

REGULAR CALENDAR CONT'D

HB 673-FN-A, establishing a sales and use tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Don E. Leeman for Ways and Means. The sales tax has long been considered to be the most regressive of all taxes. Furthermore, the residents of NH have never supported the imposition of a sales tax in any amount. Finally, the imposition of a sales tax would result in the loss of many jobs, possibly numbering in the thousands. It could also result in the closing of many businesses, especially in the communities near the border of NH and our neighboring states. Vote 19-2.

Rep. Sylvia requested a roll call; sufficiently seconded.

YEAS 355 - NAYS 13

YEAS - 355

BELKNAP

Aldrich, Glen
Fisher, Robert
Hurt, George
Sylvia, Michael

Comtois, Guy
Fraser, Valerie
LeBreche, Shari
Tilton, Franklin

Dumais, Russell
Gallagher, Brian
Luther, Robert
Vadney, Herbert

Fields, Dennis
Howard, Jr., Raymond
Spanos, Peter
Varney, Peter

CARROLL

Avellani, Lino
Comeau, Ed
McConkey, Mark
Ticehurst, Susan

Buco, Thomas
Cordelli, Glenn
Nelson, Bill
Umberger, Karen

Butler, Edward
Crawford, Karel
Parker, Harold
Wright, Ted

Chandler, Gene
McCarthy, Frank
Schmidt, Stephen

CHESHIRE

Abbott, Michael
Chase, Cynthia
Ley, Douglas
Robertson, Timothy
Tilton, Benjamin

Ames, Richard
Eaton, Daniel
McConnell, Jim
Sad, Tara
Weber, Lucy

Berch, Paul
Emerson, Susan
Parkhurst, Henry
Sterling, Franklin

Bordenet, John
Hunt, John
Pearson, William
Tatro, Bruce

COOS

Fothergill, John
Richardson, Herbert

Hatch, William
Rideout, Leon

Moynihan, Wayne
Tholl, John

Rappaport, Laurence
Thomas, Yvonne

GRAFTON

Abel, Richard
Brown, Chris
Gionet, Edmond

Almy, Susan
Cooney, Mary
Hennessey, Erin

Bailey, Brad
Darrow, Stephen
Hennessey, Martha

Bennett, Travis
Ford, Susan
Higgins, Patricia

Hull, Robert
Maes, Kevin
Smith, Suzanne

Ingbretson, Paul
Massimilla, Linda
Sykes, George

Johnson, Eric
Piper, Wendy
Townsend, Charles

Ladd, Rick
Shackett, Jeffrey

HILLSBOROUGH

Adams, Christopher
Barry, Richard
Boehm, Ralph
Burt, John
Christie, Rick
Danielson, David
Edelblut, Frank
Forest, Armand
Gidge, Kenneth
Gould, Linda
Haefner, Robert
Harvey, Suzanne
Hogan, Edith
Kurk, Neal
Long, Patrick
Martel, Andre
McNamara, Richard
Notter, Jeanine
Ober, Lynne
Parison, James
Porter, Marjorie
Rosenwald, Cindy
Schleien, Eric
Simmons, Tammy
Soucy, Timothy
Sullivan, Daniel
Walsh, Robert
Zaricki, Nick

Ammon, Keith
Beaulieu, Jane
Booras, Efstathia
Byron, Frank
Cohen, Alan
DiSilvestro, Linda
Edwards, Elizabeth
Freitas, Mary
Goley, Jeffrey
Goulette, William
Halstead, Carolyn
Heath, Mary
Hopper, Gary
Lachance, Joseph
Mangipudi, Latha
McCarthy, Peggy
Moore, Josh
O'Brien, Michael
Ober, Russell
Pellegrino, Anthony
Proulx, Mark
Rouillard, Claire
Scontsas, Lisa
Smith, Gregory
Souza, Kathleen
Sullivan, Victoria
Williams, Kermit

Backus, Robert
Belanger, James
Bouldin, Amanda
Christensen, Chris
Cornell, Patricia
Donovan, Daniel
Estevez, Eric
Fromuth, Bart
Gonzalez, Carlos
Griffin, Barbara
Hansberry, Daniel
Herbert, Christopher
Infantine, William
LeBrun, Donald
Manley, Jonathan
McClarren, Donald
Murotake, David
O'Brien, William
Ohm, Bill
Peterson, Ken
Rice, Kimberly
Rowe, Robert
Seidel, Carl
Smith, Timothy
Stepanek, Stephen
Takesian, Charlene
Wolf, Terry

Balcom, John
Biggie, Barbara
Brown, Pamela
Christiansen, Lars
Cote, David
Eastman, Eric
Ferreira, Elizabeth
Gagne, Larry
Gorman, Mary
Guerette, C. Lee
Hansen, Peter
Hinch, Richard
Jack, Martin
Leishman, Peter
Marston, Dick
McLean, Mark
Murphy, Keith
O'Neil, William
Palmer, Barry
Pierce, David
Rokas, Ted
Sanborn, Laurie
Shaw, Barbara
Snow, Kendall
Straight, Phillip
Vann, Ivy
Woodbury, David

MERRIMACK

Alicea, Caroletta
Deloge, Helen
French, Barbara
Hess, David
Horn, Werner
Kotowski, Frank
Marple, Richard
Moffett, Howard
Rice, Harold (Chip)
Seaworth, Brian
Walsh, Thomas

Bradley, Paula
Doherty, David
French, Harold
Hill, Gregory
Karrick, David
Kuch, Bill
Martin, John
Myler, Mel
Rogers, Katherine
Shurtleff, Stephen
Wheeler, Deborah

Brewster, Michael
Ebel, Karen
Gile, Mary
Hirsch, Geoffrey
Kenison, Linda
Long, Douglas
McGuire, Carol
Parent, Jason
Saunderson, George
Turcotte, Alan

Carson, Clyde
Frazer, June
Henle, Paul
Hoell, J.R.
Kidder, David
MacKay, James
McGuire, Dan
Patten, Dick
Schuett, Dianne
Wallner, Mary Jane

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Berrien, Skip
Chirichiello, Brian
DeSimone, Debra
Duarte, Joe
Fesh, Robert
Gordon, Pamela
Hagan, Joseph
Introne, Robert
Kellogg, Shem
Major, Norman
McKinney, Betsy
O'Connor, John
Prudhomme-O'Brien, Katherine
Sherman, Thomas
Tamburello, Daniel
Tucker, Pamela
Webb, James
Wood, David

Abramson, Max
Barnes, Arthur
Borden, David
Christie, Andrew
Devine, James
Elliott, Robert
Francesse, Paula
Gordon, Richard
Harris, Jeffrey
Itse, Daniel
Kolodziej, Walter
Manning, John
McMahon, Charles
Packard, Sherman
Rice, Frederick
Simpson, Alexis
Tasker, Kyle
Vose, Michael
Welch, David

Allen, Mary
Bates, David
Cardon, G. Thomas
Cook, Allen
DiFranco, Debbie
Emerick, J. Tracy
Friel, William
Griffin, Mary
Hodgdon, Bruce
Kappler, Lawrence
Lovejoy, Patricia
Matthews, Carolyn
Milz, David
Pantelakos, Laura
Sanders, Elisabeth
Spillane, James
Thomas, Douglas
Ward, Gerald
Weyler, Kenneth

Azarian, Gary
Belanger, Ronald
Chase, Francis
Cushing, Robert
Doucette, Fred
Ferrante, Beverly
Gannon, William
Guthrie, Joseph
Hoelzel, Kathleen
Katsakiores, Phyllis
Lundgren, David
McBeath, Rebecca
Nigrello, Robert
Potucek, John
Schroadter, Adam
Sytek, John
True, Chris
Ward, Joanne
Woitkun, Steven

STRAFFORD

Baber, William
Bixby, Peter
DiSesa, Len
Hannon, Joseph

Beaudoin, Steven
Burton, Wayne
Gardner, Janice
Horrigan, Timothy

Berube, Roger
Cheney, Catherine
Gray, James
Jones, Laura

Bickford, David
Cilley, Jacalyn
Groen, Warren
Kaczynski, Jr., Thomas

Knowles, Robert
Rollo, Deanna
Spang, Judith
Turcotte, Leonard
Whitehouse, Joshua

Leeman, Don
Schmidt, Peter
Sprague, Dale
Verschuere, James
Wuelper, Kurt

Mullen, John
Smith, Marjorie
Stevens, Audrey
Wall, Janet

Pitre, Joseph
Southworth, Thomas
Treleaven, Susan
Ward, Kenneth

Bridge, Ernest
Gottling, Suzanne
O'Hearne, Andrew
Smith, Steven

Cloutier, John
Grenier, James
Oxenham, Lee

Converse, Larry
Irwin, Virginia
Rollins, Skip

Gagnon, Raymond
Laware, Thomas
Schmidt, Andrew

SULLIVAN

NAYS - 13 CHESHIRE

Phillips, Larry

Roberts, Kris

Shepardson, Marjorie

COOS

Froburg, Alethea

GRAFTON

Nordgren, Sharon

HILLSBOROUGH

Roberts, Carol

Shattuck, Gilman

MERRIMACK

Bartlett, Christy

Ratzki, Mario

ROCKINGHAM

Cahill, Michael

Cali-Pitts, Jacqueline

Heffron, Frank

STRAFFORD

Kaen, Naida

and the committee report was adopted.

Rep. Cali-Pitts voted Nay and intended to vote Yea.

HB 679-FN, establishing tax deferrals for expansion of natural gas distribution systems. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph R. Lachance for Ways and Means. This bill established a tax deferral on the business profits tax (BPT), the business enterprise tax (BET), the utility property tax (UPT) and property tax for natural gas distribution systems. Under this bill, effective July 1, 2015, a qualifying business may apply to the department of revenue administration (DRA) for a 5-year tax deferral of BPT, BET and UPT for taxes due each year during the 5-year period and for interest accrued at 5% annually on the amount due. The DRA notes the commissioner of the DRA has no way of estimating the amount of taxes and interest that would be deferred for the 5-year period. The DRA would have an increase in expenditures in order to administer this bill. This bill requires DRA to adopt rules under RSA 541-A for administration implementation of this bill, and assumes additional personnel would be needed to revise forms, reprogram computers, and to write rules and administration of the bill. The committee agreed this bill is ITL. Vote 20-0.

Committee report adopted.

HB 681-FN-A, increasing the marriage license fees. **OUGHT TO PASS.**

Rep. Susan W. Almy for Ways and Means. Domestic violence fills our jails, kills our citizens, poisons our children's futures, and overburdens our police, courts and emergency responders. New Hampshire's coalition against domestic and sexual violence is the lowest-funded agency of its type in the continental United States, and lost funding further during the recession years. Its mainstay is federal funding, and since at least 1981 the state provided matching money for the federal grants from two sources, the general fund and \$38 of the \$45 marriage license. The general fund money is sorely needed elsewhere; the \$38 was raised from \$33 in 1993. The money goes into a dedicated fund which rarely has a positive balance, and is used to match federal grants at 2:1 and 4:1. About one-third is used in statewide training programs for law enforcement and nurse examiners, and expert interpreters and prevention specialists for the crisis centers. The fourteen member agencies get 43% of their operating budgets from the remaining two-thirds of the federal-state money. These agencies provide temporary shelter for men, women and children fleeing abusers, for adolescent education in establishing healthy families and relationships, for local police and court training and consultations in dealing with victims and abusers for a best outcome. The \$5 increase to the marriage license (after 22 years) will allow them to acquire 2-4 times that money from federal grants, totaling \$135-270,000 annually - possibly enough to return the coalition to the budget level they had in the decade pre-recession. This would allow them to restore vital prevention and crisis services to near the frugal level the state provided at that time. Vote 20-1.

Rep. Sanborn offered floor amendment (0826h).

Floor Amendment (0826h)

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

AN ACT making an appropriation to the department of health and human services for the purpose of funding the domestic violence grant program.

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

1 Department of Health and Human Services; Domestic Violence Grant Program; Appropriation. There is hereby appropriated to the department of health and human services the sum of \$45,545 for the fiscal year ending June 30, 2016, and the sum of \$45,545 for the fiscal year ending June 30, 2017, for the purpose of funding the domestic violence grant program under RSA 173-B:16. The appropriation shall be deposited in the fund for the domestic violence grant program established in RSA 173-B:15. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

2 Effective Date. This act shall take effect July 1, 2015.

AMENDED ANALYSIS

This bill makes an appropriation to the department of health and human services for the purpose of funding the domestic violence grant program under RSA 173-B:15.

Rep. Cushing spoke against and yielded to questions.

Rep. Almy spoke against.

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

YEAS 170 - NAYS 199**YEAS - 170****BELKNAP**

Aldrich, Glen
Fraser, Valerie
Luther, Robert

Comtois, Guy
Gallagher, Brian
Sylvia, Michael

Dumais, Russell
Howard, Jr., Raymond
Vadney, Herbert

Fisher, Robert
Hurt, George
Varney, Peter

CARROLL

Avellani, Lino
Nelson, Bill

Chandler, Gene
Parker, Harold

Comeau, Ed
Schmidt, Stephen

Cordelli, Glenn
Wright, Ted

CHESHIRE

Emerson, Susan

Hunt, John

Roberts, Kris

Sterling, Franklin

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

Tholl, John

GRAFTON

Bailey, Brad
Hull, Robert

Darrow, Stephen
Ingbreton, Paul

Gionet, Edmond
Ladd, Rick

Hennessey, Erin
Piper, Wendy

HILLSBOROUGH

Adams, Christopher
Belanger, James
Byron, Frank
Edelblut, Frank
Gould, Linda
Hansen, Peter
Infantine, William
Marston, Dick
McLean, Mark
O'Brien, William
Palmer, Barry
Proulx, Mark
Schleien, Eric
Smith, Gregory
Sullivan, Victoria
Zaricki, Nick

Ammon, Keith
Biggie, Barbara
Christensen, Chris
Ferreira, Elizabeth
Goulette, William
Hinch, Richard
Kurk, Neal
Martel, Andre
Moore, Josh
Ober, Lynne
Parison, James
Rice, Kimberly
Scoutsas, Lisa
Souza, Kathleen
Takesian, Charlene

Balcom, John
Bouldin, Amanda
Christie, Rick
Fromuth, Bart
Griffin, Barbara
Hogan, Edith
Lachance, Joseph
McCarthy, Peggy
Murphy, Keith
Ober, Russell
Pellegrino, Anthony
Rouillard, Claire
Seidel, Carl
Stepanek, Stephen
Twombly, Timothy

Barry, Richard
Burt, John
Eastman, Eric
Gagne, Larry
Halstead, Carolyn
Hopper, Gary
LeBrun, Donald
McClarren, Donald
Notter, Jeanine
Ohm, Bill
Peterson, Ken
Sanborn, Laurie
Simmons, Tammy
Straight, Phillip
Wolf, Terry

MERRIMACK

Brewster, Michael
Horn, Werner
McGuire, Dan

French, Harold
Kotowski, Frank
Parent, Jason

Hess, David
Kuch, Bill
Seaworth, Brian

Hill, Gregory
McGuire, Carol
Walsh, Thomas

ROCKINGHAM

Abrami, Patrick
Barnes, Arthur
Doucette, Fred
Fesh, Robert
Hoelzel, Kathleen
Katsakiores, Phyllis
Nigrello, Robert
Prudhomme-O'Brien, Katherine
Spillane, James
Thomas, Douglas
Ward, Joanne

Abramson, Max
Chirichiello, Brian
Duarte, Joe
Gordon, Richard
Introne, Robert
Kellogg, Shem
O'Connor, John
Rice, Frederick
Sytek, John
True, Chris
Webb, James

Azarian, Gary
Cook, Allen
Elliott, Robert
Harris, Jeffrey
Itse, Daniel
Lundgren, David
Packard, Sherman
Sanders, Elisabeth
Tamburello, Daniel
Tucker, Pamela
Weyler, Kenneth

Baldasaro, Alfred
DeSimone, Debra
Emerick, J. Tracy
Hodgdon, Bruce
Kappler, Lawrence
Major, Norman
Potucek, John
Schroadter, Adam
Tasker, Kyle
Vose, Michael

STRAFFORD

Beaudoin, Steven
Groen, Warren
Knowles, Robert
Whitehouse, Joshua

Bickford, David
Hannon, Joseph
Leeman, Don
Wuelper, Kurt

Cheney, Catherine
Jones, Laura
Mullen, John

Gray, James
Kaczynski, Jr., Thomas
Pitre, Joseph

SULLIVAN

Bridge, Ernest

Laware, Thomas

Rollins, Skip

Smith, Steven

NAYS - 199**BELKNAP**

Fields, Dennis

LeBreche, Shari

Spanos, Peter

Tilton, Franklin

CARROLL

Buco, Thomas
McConkey, Mark

Butler, Edward
Ticehurst, Susan

Crawford, Karel
Umberger, Karen

McCarthy, Frank

CHESHIRE

Abbott, Michael
Chase, Cynthia
Parkhurst, Henry
Sad, Tara
Weber, Lucy

Ames, Richard
Eaton, Daniel
Pearson, William
Shepardson, Marjorie

Berch, Paul
Ley, Douglas
Phillips, Larry
Tatro, Bruce

Bordenet, John
McConnell, Jim
Robertson, Timothy
Tilton, Benjamin

COOS

Fothergill, John
Thomas, Yvonne

Froburg, Alethea

Hatch, William

Moynihan, Wayne

GRAFTON

Abel, Richard
Cooney, Mary
Johnson, Eric
Shackett, Jeffrey

Almy, Susan
Ford, Susan
Maes, Kevin
Smith, Suzanne

Bennett, Travis
Hennessey, Martha
Massimilla, Linda
Sykes, George

Brown, Chris
Higgins, Patricia
Nordgren, Sharon
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Cote, David
Edwards, Elizabeth
Gargas, Carolyn
Gorman, Mary
Harvey, Suzanne
Leishman, Peter
McNamara, Richard
Pierce, David
Rosenwald, Cindy
Smith, Timothy
Vann, Ivy

Beaulieu, Jane
Christiansen, Lars
Danielson, David
Estevez, Eric
Gidge, Kenneth
Guerette, C. Lee
Heath, Mary
Long, Patrick
Murotake, David
Porter, Marjorie
Rowe, Robert
Snow, Kendall
Walsh, Robert

Boehm, Ralph
Cohen, Alan
DiSilvestro, Linda
Forest, Armand
Goley, Jeffrey
Haefner, Robert
Herbert, Christopher
Mangipudi, Latha
O'Brien, Michael
Roberts, Carol
Shattuck, Gilman
Soucy, Timothy
Williams, Kermit

Booras, Efstathia
Cornell, Patricia
Donovan, Daniel
Freitas, Mary
Gonzalez, Carlos
Hansberry, Daniel
Jack, Martin
Manley, Jonathan
O'Neil, William
Rokas, Ted
Shaw, Barbara
Sullivan, Daniel
Woodbury, David

MERRIMACK

Alicea, Caroletta
Deloge, Helen
French, Barbara
Hoell, J.R.
Long, Douglas
Moffett, Howard
Rice, Harold (Chip)
Shurtleff, Stephen

Bartlett, Christy
Doherty, David
Gile, Mary
Karrick, David
MacKay, James
Myler, Mel
Rogers, Katherine
Turcotte, Alan

Bradley, Paula
Ebel, Karen
Henle, Paul
Kenison, Linda
Marple, Richard
Patten, Dick
Saunderson, George
Wallner, Mary Jane

Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Kidder, David
Martin, John
Ratzki, Mario
Schuett, Dianne
Wheeler, Deborah

ROCKINGHAM

Allen, Mary
Borden, David
Chase, Francis
DiFranco, Debbie
Gannon, William
Hagan, Joseph
Manning, John
McMahon, Charles
Simpson, Alexis
Wood, David

Bates, David
Cahill, Michael
Christie, Andrew
Ferrante, Beverly
Gordon, Pamela
Heffron, Frank
Matthews, Carolyn
Milz, David
Ward, Gerald

Belanger, Ronald
Cali-Pitts, Jacqueline
Cushing, Robert
Francesca, Paula
Griffin, Mary
Kolodziej, Walter
McBeath, Rebecca
Pantelakos, Laura
Welch, David

Berrien, Skip
Cardon, G. Thomas
Devine, James
Friel, William
Guthrie, Joseph
Lovejoy, Patricia
McKinney, Betsy
Sherman, Thomas
Woitkun, Steven

STRAFFORD

Baber, William
DiSesa, Len
Rollo, Deanna
Spang, Judith
Turcotte, Leonard

Berube, Roger
Gardner, Janice
Schmidt, Peter
Sprague, Dale
Verschueren, James

Bixby, Peter
Horrigan, Timothy
Smith, Marjorie
Stevens, Audrey
Wall, Janet

Burton, Wayne
Kaen, Naida
Southworth, Thomas
Treleaven, Susan
Ward, Kenneth

SULLIVAN

Cloutier, John
Grenier, James
Schmidt, Andrew

Converse, Larry
Irwin, Virginia

Gagnon, Raymond
O'Hearne, Andrew

Gottling, Suzanne
Oxenham, Lee

and floor amendment (0826h) failed.

Rep. Major voted Yea and intended to vote Nay.

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

Rep. William O'Brien requested a roll call; sufficiently seconded.

YEAS 223 - NAYS 146**YEAS - 223****BELKNAP**

Fields, Dennis
Varney, Peter

Hurt, George

LeBreche, Shari

Tilton, Franklin

CARROLL

Buco, Thomas
Nelson, Bill
Umberger, Karen

Butler, Edward
Parker, Harold

Crawford, Karel
Schmidt, Stephen

McConkey, Mark
Ticehurst, Susan

CHESHIRE

Abbott, Michael
Chase, Cynthia
Parkhurst, Henry
Robertson, Timothy
Tilton, Benjamin

Ames, Richard
Eaton, Daniel
Pearson, William
Sad, Tara
Weber, Lucy

Berch, Paul
Hunt, John
Phillips, Larry
Shepardson, Marjorie

Bordenet, John
Ley, Douglas
Roberts, Kris
Tatro, Bruce

COOS

Fothergill, John
Tholl, John

Froburg, Alethea
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

GRAFTON

Abel, Richard
Cooney, Mary
Ladd, Rick
Shackett, Jeffrey

Almy, Susan
Ford, Susan
Maes, Kevin
Smith, Suzanne

Bennett, Travis
Hennessey, Martha
Massimilla, Linda
Sykes, George

Brown, Chris
Higgins, Patricia
Nordgren, Sharon
Townsend, Charles

HILLSBOROUGH

Adams, Christopher
Beaulieu, Jane
Cornell, Patricia
Donovan, Daniel
Gargas, Carolyn
Gorman, Mary
Hansberry, Daniel
Herbert, Christopher
Kurk, Neal
Mangipudi, Latha
O'Neil, William
Pierce, David
Rokas, Ted

Backus, Robert
Booras, Efsthia
Cote, David
Edwards, Elizabeth
Gidge, Kenneth
Griffin, Barbara
Hansen, Peter
Hinch, Richard
Lachance, Joseph
Manley, Jonathan
Ober, Lynne
Porter, Marjorie
Rosenwald, Cindy

Balcom, John
Brown, Pamela
Danielson, David
Forest, Armand
Goley, Jeffrey
Guerette, C. Lee
Harvey, Suzanne
Infantine, William
Leishman, Peter
McNamara, Richard
Palmer, Barry
Proulx, Mark
Rouillard, Claire

Barry, Richard
Cohen, Alan
DiSilvestro, Linda
Freitas, Mary
Gonzalez, Carlos
Haefner, Robert
Heath, Mary
Jack, Martin
Long, Patrick
O'Brien, Michael
Pellegrino, Anthony
Roberts, Carol
Scontsas, Lisa

Shattuck, Gilman
Snow, Kendall
Takesian, Charlene
Wolf, Terry

Shaw, Barbara
Soucy, Timothy
Vann, Ivy
Woodbury, David

Smith, Gregory
Straight, Phillip
Walsh, Robert

Smith, Timothy
Sullivan, Daniel
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Deloge, Helen
French, Barbara
Hirsch, Geoffrey
MacKay, James
Patten, Dick
Saunderson, George
Wallner, Mary Jane

Bartlett, Christy
Doherty, David
Gile, Mary
Karrick, David
Martin, John
Ratzki, Mario
Schuett, Dianne
Wheeler, Deborah

Bradley, Paula
Ebel, Karen
Henle, Paul
Kenison, Linda
Moffett, Howard
Rice, Harold (Chip)
Shurtleff, Stephen

Carson, Clyde
Frazer, June
Hess, David
Kidder, David
Myler, Mel
Rogers, Katherine
Turcotte, Alan

ROCKINGHAM

Abrami, Patrick
Borden, David
Chase, Francis
Doucette, Fred
Gordon, Pamela
Hoelzel, Kathleen
Manning, John
McMahon, Charles
Prudhomme-O'Brien, Katherine
Sytek, John

Allen, Mary
Cahill, Michael
Christie, Andrew
Elliott, Robert
Guthrie, Joseph
Lovejoy, Patricia
Matthews, Carolyn
Milz, David
Sanders, Elisabeth
Vose, Michael

Azarian, Gary
Cali-Pitts, Jacqueline
Cushing, Robert
Ferrante, Beverly
Hagan, Joseph
Lundgren, David
McBeath, Rebecca
Nigrello, Robert
Sherman, Thomas
Ward, Gerald

Berrien, Skip
Cardon, G. Thomas
DiFranco, Debbie
Francese, Paula
Heffron, Frank
Major, Norman
McKinney, Betsy
Pantelakos, Laura
Simpson, Alexis
Welch, David

STRAFFORD

Baber, William
DiSesa, Len
Kaen, Naida
Smith, Marjorie
Stevens, Audrey
Ward, Kenneth

Berube, Roger
Gardner, Janice
Knowles, Robert
Southworth, Thomas
Treleaven, Susan

Bixby, Peter
Gray, James
Rollo, Deanna
Spang, Judith
Verschueren, James

Burton, Wayne
Horrigan, Timothy
Schmidt, Peter
Sprague, Dale
Wall, Janet

SULLIVAN

Cloutier, John
Grenier, James
Oxenham, Lee

Converse, Larry
Irwin, Virginia
Rollins, Skip

Gagnon, Raymond
Laware, Thomas
Schmidt, Andrew

Gottling, Suzanne
O'Hearne, Andrew
Smith, Steven

NAYS - 146

BELKNAP

Aldrich, Glen
Fraser, Valerie
Spanos, Peter

Comtois, Guy
Gallagher, Brian
Sylvia, Michael

Dumais, Russell
Howard, Jr., Raymond
Vadney, Herbert

Fisher, Robert
Luther, Robert

CARROLL

Avellani, Lino
McCarthy, Frank

Chandler, Gene
Wright, Ted

Comeau, Ed

Cordelli, Glenn

CHESHIRE

Emerson, Susan

McConnell, Jim

Sterling, Franklin

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Hull, Robert

Darrow, Stephen
Ingbretson, Paul

Gionet, Edmond
Johnson, Eric

Hennessey, Erin
Piper, Wendy

HILLSBOROUGH

Ammon, Keith
Bouldin, Amanda
Christiansen, Lars
Estevez, Eric
Gould, Linda
Hopper, Gary
McCarthy, Peggy
Murotake, David

Belanger, James
Burt, John
Christie, Rick
Ferreira, Elizabeth
Goulette, William
LeBrun, Donald
McClarren, Donald
Murphy, Keith

Biggie, Barbara
Byron, Frank
Eastman, Eric
Fromuth, Bart
Halstead, Carolyn
Marston, Dick
McLean, Mark
Notter, Jeanine

Boehm, Ralph
Christensen, Chris
Edelblut, Frank
Gagne, Larry
Hogan, Edith
Martel, Andre
Moore, Josh
O'Brien, William

Ober, Russell
Rice, Kimberly
Seidel, Carl
Sullivan, Victoria

Ohm, Bill
Rowe, Robert
Simmons, Tammy
Twombly, Timothy

Parison, James
Sanborn, Laurie
Souza, Kathleen
Zaricki, Nick

Peterson, Ken
Schleien, Eric
Stepanek, Stephen

MERRIMACK

Brewster, Michael
Horn, Werner
Marple, Richard
Seaworth, Brian

French, Harold
Kotowski, Frank
McGuire, Carol
Walsh, Thomas

Hill, Gregory
Kuch, Bill
McGuire, Dan

Hoell, J.R.
Long, Douglas
Parent, Jason

ROCKINGHAM

Abramson, Max
Belanger, Ronald
Devine, James
Friel, William
Harris, Jeffrey
Kappler, Lawrence
O'Connor, John
Schroadter, Adam
Thomas, Douglas
Webb, James

Baldasaro, Alfred
Chirichiello, Brian
Duarte, Joe
Gannon, William
Hodgdon, Bruce
Katsakiores, Phyllis
Packard, Sherman
Spillane, James
True, Chris
Weyler, Kenneth

Barnes, Arthur
Cook, Allen
Emerick, J. Tracy
Gordon, Richard
Introne, Robert
Kellogg, Shem
Potucek, John
Tamburello, Daniel
Tucker, Pamela
Woitkun, Steven

Bates, David
DeSimone, Debra
Fesh, Robert
Griffin, Mary
Itse, Daniel
Kolodziej, Walter
Rice, Frederick
Tasker, Kyle
Ward, Joanne
Wood, David

STRAFFORD

Beaudoin, Steven
Hannon, Joseph
Mullen, John
Wuelper, Kurt

Bickford, David
Jones, Laura
Pitre, Joseph

Cheney, Catherine
Kaczynski, Jr., Thomas
Turcotte, Leonard

Groen, Warren
Leeman, Don
Whitehouse, Joshua

SULLIVAN

Bridge, Ernest

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

HB 236, relative to child support and allowable child care expenses. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Daniel C. Itse for the Majority of Children and Family Law. As amended, this bill ensures that all of the children, natural and adopted, of an individual who has a child support obligation are treated equally. This bill removes an existing inequity by birth order. It will hopefully remove existing impediments to stable second marriages. Vote 11-8.

Rep. Martha Hennessey for the Minority of Children and Family Law. The minority believes that children of divorce even within the "best" divorces, have lived through crises inherent in the end of their family of origin. Stability is critical and in the best interest of all children including financial stability. HB 236 allows the parent providing court-ordered financial support to reduce financial support to existing children when he/she has subsequent biological or adopted children. The needs of existing children are not reduced when parents remarry and have other children.

Majority Amendment (0618h)

Amend the bill by replacing section 1 with the following:

1 Child Support Guidelines; Self-Support Reserve. Amend RSA 458-C:2, X to read as follows:

X. "Self-support reserve" means 115 percent of the federal poverty guideline for a single person living alone **or for the obligor's household**, as determined annually by the United States Department of Health and Human Services. ***The obligor's household shall include the obligor and any minor natural or adopted children of the obligor who are not the subject of the support order.***

2 Child Support Guidelines; Allowable Child Care Expenses. Amend RSA 458-C:2, I-a to read as follows:

I-a. "Allowable child care expenses" means actual work-related child care expenses for ~~the children to whom the order applies~~ ***the natural or adopted children of either party*** and includes necessary work-related education and training costs.

AMENDED ANALYSIS

This bill increases the amount of the self-support reserve if the obligor's household includes other natural or adopted children of the obligor. The bill also expands the definition of allowable child care expenses to include expenses for the natural or adopted children of either party.

Majority committee amendment adopted.

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

Rep. Martha Hennessey spoke against and yielded to questions.

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

YEAS 191 - NAYS 174**YEAS - 191****BELKNAP**

Aldrich, Glen
Fraser, Valerie
LeBreche, Shari
Tilton, Franklin

Dumais, Russell
Gallagher, Brian
Luther, Robert
Vadney, Herbert

Fields, Dennis
Howard, Jr., Raymond
Spanos, Peter

Fisher, Robert
Hurt, George
Sylvia, Michael

CARROLL

Avellani, Lino
McCarthy, Frank
Schmidt, Stephen

Chandler, Gene
McConkey, Mark
Umberger, Karen

Comeau, Ed
Nelson, Bill
Wright, Ted

Cordelli, Glenn
Parker, Harold

CHESHIRE

Emerson, Susan
Tilton, Benjamin

Hunt, John

McConnell, Jim

Sterling, Franklin

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

Tholl, John

GRAFTON

Bailey, Brad
Hennessey, Erin
Ladd, Rick

Brown, Duane
Hull, Robert

Darrow, Stephen
Ingbretson, Paul

Gionet, Edmond
Johnson, Eric

HILLSBOROUGH

Adams, Christopher
Belanger, James
Burt, John
Christie, Rick
Edelblut, Frank
Gagne, Larry
Haefner, Robert
Hogan, Edith
LeBrun, Donald
McLean, Mark
Notter, Jeanine
Ohm, Bill
Peterson, Ken
Sanborn, Laurie
Silva, Peter
Stepanek, Stephen
Zaricki, Nick

Ammon, Keith
Biggie, Barbara
Byron, Frank
Danielson, David
Estevez, Eric
Gargas, Carolyn
Halstead, Carolyn
Hopper, Gary
Martel, Andre
Moore, Josh
O'Brien, William
Palmer, Barry
Rice, Kimberly
Schleien, Eric
Simmons, Tammy
Sullivan, Victoria

Balcom, John
Boehm, Ralph
Christensen, Chris
Donovan, Daniel
Ferreira, Elizabeth
Gonzalez, Carlos
Hansen, Peter
Infantine, William
McCarthy, Peggy
Murotake, David
Ober, Lynne
Parison, James
Rouillard, Claire
Scotsas, Lisa
Smith, Gregory
Twombly, Timothy

Barry, Richard
Bouldin, Amanda
Christiansen, Lars
Eastman, Eric
Fromuth, Bart
Goulette, William
Hinch, Richard
Lachance, Joseph
McClarren, Donald
Murphy, Keith
Ober, Russell
Pellegrino, Anthony
Rowe, Robert
Seidel, Carl
Souza, Kathleen
Wolf, Terry

MERRIMACK

Carson, Clyde
Horn, Werner
Marple, Richard
Parent, Jason

French, Harold
Kotowski, Frank
Martin, John
Seaworth, Brian

Hill, Gregory
Kuch, Bill
McGuire, Carol
Walsh, Thomas

Hoell, J.R.
Long, Douglas
McGuire, Dan

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Cook, Allen
Emerick, J. Tracy
Gannon, William
Hagan, Joseph
Itse, Daniel
Kolodziej, Walter
Milz, David
Potucek, John
Spillane, James
Thomas, Douglas
Ward, Joanne
Wood, David

Abramson, Max
Bates, David
DeSimone, Debra
Ferrante, Beverly
Gordon, Richard
Hodgdon, Bruce
Kappler, Lawrence
Major, Norman
Nigrello, Robert
Rice, Frederick
Sytek, John
True, Chris
Webb, James

Allen, Mary
Chase, Francis
Devine, James
Fesh, Robert
Griffin, Mary
Hoelzel, Kathleen
Katsakiores, Phyllis
Manning, John
O'Connor, John
Sanders, Elisabeth
Tamburello, Daniel
Tucker, Pamela
Welch, David

Azarian, Gary
Chirichiello, Brian
Duarte, Joe
Friel, William
Guthrie, Joseph
Introne, Robert
Kellogg, Shem
McKinney, Betsy
Packard, Sherman
Schroadter, Adam
Tasker, Kyle
Vose, Michael
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Hannon, Joseph
Mullen, John

Bickford, David
Jones, Laura
Pitre, Joseph

Gray, James
Kaczynski, Jr., Thomas
Turcotte, Leonard

Groen, Warren
Knowles, Robert
Wuelper, Kurt

SULLIVAN

Laware, Thomas

Rollins, Skip

Smith, Steven

**NAYS - 174
BELKNAP**

Varney, Peter

CARROLL

Buco, Thomas

Butler, Edward

Crawford, Karel

Ticehurst, Susan

CHESHIREAbbott, Michael
Chase, Cynthia
Pearson, William
Sad, TaraAmes, Richard
Eaton, Daniel
Phillips, Larry
Shepardson, MarjorieBerch, Paul
Ley, Douglas
Roberts, Kris
Tatro, BruceBordenet, John
Parkhurst, Henry
Robertson, Timothy
Weber, Lucy**COOS**Fothergill, John
Thomas, Yvonne

Froburg, Alethea

Hatch, William

Moynihan, Wayne

GRAFTONAbel, Richard
Cooney, Mary
Maes, Kevin
Shackett, JeffreyAlmy, Susan
Ford, Susan
Massimilla, Linda
Smith, SuzanneBennett, Travis
Hennessey, Martha
Nordgren, Sharon
Sykes, GeorgeBrown, Chris
Higgins, Patricia
Piper, Wendy
Townsend, Charles**HILLSBOROUGH**Backus, Robert
Cohen, Alan
Edwards, Elizabeth
Goley, Jeffrey
Guerette, C. Lee
Herbert, Christopher
Manley, Jonathan
O'Neil, William
Roberts, Carol
Shaw, Barbara
Sullivan, Daniel
Williams, KermitBeaulieu, Jane
Cornell, Patricia
Forest, Armand
Gorman, Mary
Hansberry, Daniel
Jack, Martin
Marston, Dick
Pierce, David
Rokas, Ted
Smith, Timothy
Takesian, Charlene
Woodbury, DavidBooras, Efstathia
Côté, David
Freitas, Mary
Gould, Linda
Harvey, Suzanne
Long, Patrick
McNamara, Richard
Porter, Marjorie
Rosenwald, Cindy
Snow, Kendall
Vann, IvyBrown, Pamela
DiSilvestro, Linda
Gidge, Kenneth
Griffin, Barbara
Heath, Mary
Mangipudi, Latha
O'Brien, Michael
Proulx, Mark
Shattuck, Gilman
Soucy, Timothy
Walsh, Robert**MERRIMACK**Alicea, Caroletta
Deloge, Helen
French, Barbara
Karrick, David
Moffett, Howard
Rice, Harold (Chip)
Shurtleff, StephenBartlett, Christy
Doherty, David
Gile, Mary
Kenison, Linda
Myler, Mel
Rogers, Katherine
Turcotte, AlanBradley, Paula
Ebel, Karen
Henle, Paul
Kidder, David
Patten, Dick
Saunderson, George
Wallner, Mary JaneBrewster, Michael
Frazer, June
Hirsch, Geoffrey
MacKay, James
Ratzki, Mario
Schuett, Dianne
Wheeler, Deborah**ROCKINGHAM**Barnes, Arthur
Cahill, Michael
Cushing, Robert
Francese, Paula
Lovejoy, Patricia
Pantelakos, Laura
Ward, GeraldBelanger, Ronald
Cali-Pitts, Jacqueline
DiFranco, Debbie
Gordon, Pamela
Lundgren, David
Prudhomme-O'Brien, Katherine
Woitkun, StevenBerrien, Skip
Cardon, G. Thomas
Doucette, Fred
Harris, Jeffrey
Matthews, Carolyn
Sherman, ThomasBorden, David
Christie, Andrew
Elliott, Robert
Heffron, Frank
McBeath, Rebecca
Simpson, Alexis**STRAFFORD**Baber, William
Cheney, Catherine
Horriggan, Timothy
Schmidt, Peter
Sprague, Dale
Wall, JanetBerube, Roger
Cilley, Jacalyn
Kaen, Naida
Smith, Marjorie
Stevens, Audrey
Ward, KennethBixby, Peter
DiSesa, Len
Leeman, Don
Southworth, Thomas
Treleaven, SusanBurton, Wayne
Gardner, Janice
Rollo, Deanna
Spang, Judith
Verschueren, James**SULLIVAN**Bridge, Ernest
Gottling, Suzanne
Oxenham, LeeCloutier, John
Grenier, James
Schmidt, AndrewConverse, Larry
Irwin, VirginiaGagnon, Raymond
O'Hearne, Andrew

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

The House recessed at 12:15 p.m.

RECESS

The House reconvened at 1:15 p.m.

(Speaker Jasper in the Chair)

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Comeau moved that the House reconsider its action whereby, on a voice vote, the House adopted the committee report of Inexpedient to Legislate on **HB 283**, requiring school districts to establish a policy permitting a pupil's parent or legal guardian to observe his or her classes.

Rep. Comeau spoke in favor.

Rep. Ladd spoke against.

Motion failed.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Tucker moved that the House reconsider its action whereby, on a roll call vote of 181-134, the House adopted the committee report of Ought to Pass on **HCR 2**, applying to Congress to hold a convention for amendments.

Reps. Baldasaro and McConnell spoke in favor.

Rep. Theberge spoke against.

On a division vote, 135 members having voted in the affirmative and 224 in the negative, the motion failed.

MOTION TO SPECIAL ORDER

Rep. Shurtleff moved that **HB 658-FN**, prohibiting collective bargaining agreements that require employees to join a labor union, be made a Special Order as the last bill on today's Regular Calendar.

Motion adopted.

REGULAR CALENDAR CONT'D

HB 380, relative to investigations of child day care agencies. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Skip Berrien for the Majority of Children and Family Law. This bill requires daycare agency licensing complaint interviews of children to be conducted in the presence of a representative of said agency, with the consent of the parent or guardian and with audio or video recording. The committee voted inexpedient to legislate because the provisions of this bill are addressed in a required department of health and human services child care registration form. The presence of an agency representative is inappropriate and agencies are reluctant to make electronic recordings. Vote 9-8.

Rep. Jeffrey D. Oligny for the Minority of Children and Family Law. The minority has plans to amend the bill to address concerns heard in committee which led to the inexpedient to legislate vote.

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

Rep. Itse spoke against.

Rep. Kappler requested a roll call; sufficiently seconded.

YEAS 154 - NAYS 217

YEAS - 154

BELKNAP

Spanos, Peter

CARROLL

Buco, Thomas
Umberger, Karen

Butler, Edward

McConkey, Mark

Ticehurst, Susan

CHESHIRE

Abbott, Michael
Chase, Cynthia
Pearson, William
Shepardson, Marjorie

Ames, Richard
Eaton, Daniel
Phillips, Larry
Tatro, Bruce

Berch, Paul
Ley, Douglas
Robertson, Timothy
Tilton, Benjamin

Bordenet, John
Parkhurst, Henry
Sad, Tara
Weber, Lucy

COOS

Froburg, Alethea
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

Theberge, Robert

GRAFTON

Abel, Richard
Ford, Susan
Massimilla, Linda
Sykes, George

Almy, Susan
Hennessey, Martha
Nordgren, Sharon
Townsend, Charles

Bennett, Travis
Higgins, Patricia
Piper, Wendy

Cooney, Mary
Maes, Kevin
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Cornell, Patricia
Forest, Armand
Gorman, Mary
Heath, Mary
Long, Patrick
O'Brien, Michael
Roberts, Carol
Shattuck, Gilman
Sullivan, Daniel
Woodbury, David

Beaulieu, Jane
Cote, David
Freitas, Mary
Guerette, C. Lee
Jack, Martin
Mangipudi, Latha
O'Neil, William
Rokas, Ted
Smith, Timothy
Vann, Ivy

Brown, Pamela
DiSilvestro, Linda
Gidge, Kenneth
Hansberry, Daniel
Katsiantonis, Thomas
Manley, Jonathan
Palmer, Barry
Rosenwald, Cindy
Snow, Kendall
Walsh, Robert

Cohen, Alan
Edwards, Elizabeth
Goley, Jeffrey
Harvey, Suzanne
Leishman, Peter
McNamara, Richard
Porter, Marjorie
Rouillard, Claire
Soucy, Timothy
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Ebel, Karen
Karrick, David
Moffett, Howard
Rice, Harold (Chip)
Shurtleff, Stephen

Bartlett, Christy
Frazer, June
Kenison, Linda
Myler, Mel
Rogers, Katherine
Turcotte, Alan

Carson, Clyde
Gile, Mary
Kidder, David
Patten, Dick
Saunderson, George
Wallner, Mary Jane

Doherty, David
Hirsch, Geoffrey
MacKay, James
Ratzki, Mario
Schuett, Dianne
Wheeler, Deborah

ROCKINGHAM

Barnes, Arthur
Cali-Pitts, Jacqueline
Francese, Paula
Lovejoy, Patricia
Sherman, Thomas
Wood, David

Berrien, Skip
Cushing, Robert
Gordon, Pamela
McBeath, Rebecca
Simpson, Alexis

Borden, David
DiFranco, Debbie
Hagan, Joseph
McKinney, Betsy
Ward, Gerald

Cahill, Michael
Elliott, Robert
Heffron, Frank
Pantelakos, Laura
Woitkun, Steven

STRAFFORD

Baber, William
Cilley, Jacalyn
Kaen, Naida
Southworth, Thomas
Treleaven, Susan

Berube, Roger
DiSesa, Len
Rollo, Deanna
Spang, Judith
Verschueren, James

Bixby, Peter
Gardner, Janice
Schmidt, Peter
Sprague, Dale
Wall, Janet

Burton, Wayne
Horrian, Timothy
Smith, Marjorie
Stevens, Audrey
Ward, Kenneth

SULLIVAN

Cloutier, John
O'Hearne, Andrew

Converse, Larry
Oxenham, Lee

Gagnon, Raymond
Schmidt, Andrew

Gottling, Suzanne

NAYS - 217**BELKNAP**

Aldrich, Glen
Fisher, Robert
Hurt, George
Tilton, Franklin

Comtois, Guy
Fraser, Valerie
LeBreche, Shari
Vadney, Herbert

Dumais, Russell
Gallagher, Brian
Luther, Robert
Varney, Peter

Fields, Dennis
Howard, Jr., Raymond
Sylvia, Michael

CARROLL

Avellani, Lino
Crawford, Karel
Schmidt, Stephen

Chandler, Gene
McCarthy, Frank
Wright, Ted

Comeau, Ed
Nelson, Bill

Cordelli, Glenn
Parker, Harold

CHESHIRE

Emerson, Susan
Sterling, Franklin

Hunt, John

McConnell, Jim

Roberts, Kris

COOS

Fothergill, John
Tholl, John

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Gionet, Edmond
Johnson, Eric

Brown, Chris
Hennessey, Erin
Ladd, Rick

Brown, Duane
Hull, Robert
Shackett, Jeffrey

Darrow, Stephen
Ingbertson, Paul

HILLSBOROUGH

Adams, Christopher
Belanger, James
Bouldin, Amanda
Christiansen, Lars
Eastman, Eric

Ammon, Keith
Biggie, Barbara
Burt, John
Christie, Rick
Edelblut, Frank

Balcom, John
Boehm, Ralph
Byron, Frank
Danielson, David
Estevez, Eric

Barry, Richard
Booras, Efsthia
Christensen, Chris
Donovan, Daniel
Ferreira, Elizabeth

Fromuth, Bart
Gould, Linda
Halstead, Carolyn
Hogan, Edith
Lachance, Joseph
McCarthy, Peggy
Murotake, David
Ober, Lynne
Pellegrino, Anthony
Rice, Kimberly
Seidel, Carl
Souza, Kathleen
Sweeney, Shawn
Zaricki, Nick

Gagne, Larry
Goulette, William
Hansen, Peter
Hopper, Gary
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Ober, Russell
Peterson, Ken
Rowe, Robert
Silva, Peter
Stepanek, Stephen
Takesian, Charlene

Gargas, Carolyn
Griffin, Barbara
Herbert, Christopher
Infantine, William
Marston, Dick
McLean, Mark
Notter, Jeanine
Ohm, Bill
Pierce, David
Schleien, Eric
Simmons, Tammy
Straight, Phillip
Twombly, Timothy

Gonzalez, Carlos
Haefner, Robert
Hinch, Richard
Kurk, Neal
Martel, Andre
Moore, Josh
O'Brien, William
Parison, James
Proulx, Mark
Scontsas, Lisa
Smith, Gregory
Sullivan, Victoria
Wolf, Terry

MERRIMACK

Bradley, Paula
French, Harold
Hoell, J.R.
Long, Douglas
McGuire, Dan

Brewster, Michael
Henle, Paul
Horn, Werner
Marple, Richard
Parent, Jason

Deloge, Helen
Hess, David
Kotowski, Frank
Martin, John
Seaworth, Brian

French, Barbara
Hill, Gregory
Kuch, Bill
McGuire, Carol
Walsh, Thomas

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Chase, Francis
Devine, James
Ferrante, Beverly
Gordon, Richard
Hodgdon, Bruce
Kappler, Lawrence
Lundgren, David
Milz, David
Potucek, John
Schroadter, Adam
Tasker, Kyle
Vose, Michael
Weyler, Kenneth

Abramson, Max
Bates, David
Chirichiello, Brian
Doucette, Fred
Fesh, Robert
Griffin, Mary
Hoelzel, Kathleen
Katsakiores, Phyllis
Major, Norman
Nigrello, Robert
Prudhomme-O'Brien, Katherine
Spillane, James
Thomas, Douglas
Ward, Joanne

Allen, Mary
Belanger, Ronald
Cook, Allen
Duarte, Joe
Friel, William
Guthrie, Joseph
Introne, Robert
Kellogg, Shem
Manning, John
O'Connor, John
Rice, Frederick
Sytek, John
True, Chris
Webb, James

Azarian, Gary
Cardon, G. Thomas
DeSimone, Debra
Emerick, J. Tracy
Gannon, William
Harris, Jeffrey
Itse, Daniel
Kolodziej, Walter
Matthews, Carolyn
Packard, Sherman
Sanders, Elisabeth
Tamburello, Daniel
Tucker, Pamela
Welch, David

STRAFFORD

Beaudoin, Steven
Groen, Warren
Knowles, Robert
Turcotte, Leonard

Bickford, David
Hannon, Joseph
Leeman, Don
Whitehouse, Joshua

Cheney, Catherine
Jones, Laura
Mullen, John
Wuelper, Kurt

Gray, James
Kaczynski, Jr., Thomas
Pitre, Joseph

SULLIVAN

Bridge, Ernest
Rollins, Skip

Grenier, James
Smith, Steven

Irwin, Virginia

Laware, Thomas

and the majority committee report failed.

Rep. Itse moved the minority committee report of Ought to Pass and offered floor amendment (0234h).

Floor Amendment (0234h)

Amend the bill by replacing section 1 with the following:

1 Child Day Care Licensing; Rulemaking. Amend RSA 170-E:11, IV to read as follows:

IV. Policy and procedures concerning monitoring visits, investigation of complaints and disciplinary proceedings, including corrective action plans, against licensees; ***provided that any interview with a child shall be conducted only in the presence of the child's parent, legal guardian, or their designee and with the prior written consent of the child's parent or legal guardian. The department of health and human services shall make an audio or video recording of the interview according to the department's protocol for recording such interviews. The child's parent or legal guardian shall be provided a copy of the recording upon request, for a fee of not more than \$10.***

AMENDED ANALYSIS

This bill permits the department of health and human services to interview a child as part of an investigation of a child day care agency only if the child's parent or legal guardian is present and consents to the interview. The bill requires the department to record the interview and provide a copy of the recording to the child's parent or guardian upon request.

Rep. Itse spoke in favor and yielded to questions.

Rep. Shurtleff requested a roll call; sufficiently seconded.

YEAS 213 - NAYS 157**YEAS - 213****BELKNAP**

Aldrich, Glen
Fisher, Robert
Hurt, George
Tilton, Franklin

Comtois, Guy
Fraser, Valerie
LeBreche, Shari
Vadney, Herbert

Dumais, Russell
Gallagher, Brian
Luther, Robert
Varney, Peter

Fields, Dennis
Howard, Jr., Raymond
Sylvia, Michael

CARROLL

Avellani, Lino
Crawford, Karel
Parker, Harold
Wright, Ted

Chandler, Gene
McCarthy, Frank
Schmidt, Stephen

Comeau, Ed
McConkey, Mark
Ticehurst, Susan

Cordelli, Glenn
Nelson, Bill
Umberger, Karen

CHESHIRE

Emerson, Susan
Sterling, Franklin

Hunt, John
Tilton, Benjamin

McConnell, Jim

Roberts, Kris

COOS

Fothergill, John

Richardson, Herbert

Rideout, Leon

Tholl, John

GRAFTON

Bailey, Brad
Ingbretson, Paul

Brown, Duane
Johnson, Eric

Hennessey, Erin
Ladd, Rick

Hull, Robert
Shackett, Jeffrey

HILLSBOROUGH

Adams, Christopher
Belanger, James
Burt, John
Christie, Rick
Eastman, Eric
Fromuth, Bart
Gonzalez, Carlos
Guerette, C. Lee
Hinch, Richard
Kurk, Neal
McCarthy, Peggy
Murotake, David
Ober, Russell
Peterson, Ken
Schleien, Eric
Simmons, Tammy
Sullivan, Victoria
Wolf, Terry

Ammon, Keith
Biggie, Barbara
Byron, Frank
Cohen, Alan
Edelblut, Frank
Gagne, Larry
Gould, Linda
Haefner, Robert
Hogan, Edith
Lachance, Joseph
McClarren, Donald
Murphy, Keith
Ohm, Bill
Proulx, Mark
Scoutsas, Lisa
Souza, Kathleen
Sweeney, Shawn
Zaricki, Nick

Balcom, John
Boehm, Ralph
Christensen, Chris
Danielson, David
Estevez, Eric
Gargas, Carolyn
Goulette, William
Halstead, Carolyn
Hopper, Gary
LeBrun, Donald
McLean, Mark
Notter, Jeanine
Parison, James
Rice, Kimberly
Seidel, Carl
Stepanek, Stephen
Takesian, Charlene

Barry, Richard
Bouldin, Amanda
Christiansen, Lars
Donovan, Daniel
Ferreira, Elizabeth
Gidge, Kenneth
Griffin, Barbara
Hansen, Peter
Infantine, William
Martel, Andre
Moore, Josh
Ober, Lynne
Pellegrino, Anthony
Rowe, Robert
Silva, Peter
Straight, Phillip
Twombly, Timothy

MERRIMACK

Brewster, Michael
Hoell, J.R.
Kuch, Bill
McGuire, Carol
Walsh, Thomas

French, Harold
Horn, Werner
Long, Douglas
McGuire, Dan

Hess, David
Kidder, David
Marple, Richard
Parent, Jason

Hill, Gregory
Kotowski, Frank
Martin, John
Seaworth, Brian

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Chirichiello, Brian
Doucette, Fred
Ferrante, Beverly
Gordon, Richard
Hodgdon, Bruce
Kappler, Lawrence
Lundgren, David
McKinney, Betsy
Packard, Sherman
Sanders, Elisabeth
Tamburello, Daniel
Tucker, Pamela
Welch, David

Abramson, Max
Bates, David
Cook, Allen
Duarte, Joe
Fesh, Robert
Griffin, Mary
Hoelzel, Kathleen
Katsakiores, Phyllis
Major, Norman
Milz, David
Potucek, John
Schroadter, Adam
Tasker, Kyle
Vose, Michael
Weyler, Kenneth

Allen, Mary
Belanger, Ronald
DeSimone, Debra
Elliott, Robert
Friel, William
Guthrie, Joseph
Introne, Robert
Kellogg, Shem
Manning, John
Nigrello, Robert
Prudhomme-O'Brien, Katherine
Spillane, James
Thomas, Douglas
Ward, Joanne
Wood, David

Azarian, Gary
Chase, Francis
Devine, James
Emerick, J. Tracy
Gannon, William
Hagan, Joseph
Itse, Daniel
Kolodziej, Walter
Matthews, Carolyn
O'Connor, John
Rice, Frederick
Sytek, John
True, Chris
Webb, James

STRAFFORD

Beaudoin, Steven
Groen, Warren
Knowles, Robert
Spang, Judith

Bickford, David
Hannon, Joseph
Leeman, Don
Turcotte, Leonard

Cheney, Catherine
Jones, Laura
Mullen, John
Whitehouse, Joshua

Gray, James
Kaczynski, Jr., Thomas
Pitre, Joseph
Wuelper, Kurt

SULLIVAN

Bridge, Ernest
Smith, Steven

Grenier, James

Laware, Thomas

Rollins, Skip

NAYS - 157**BELKNAP**

Spanos, Peter

CARROLL

Buco, Thomas

Butler, Edward

CHESHIRE

Abbott, Michael
Chase, Cynthia
Pearson, William
Shepardson, Marjorie

Ames, Richard
Eaton, Daniel
Phillips, Larry
Tatro, Bruce

Berch, Paul
Ley, Douglas
Robertson, Timothy
Weber, Lucy

Bordenet, John
Parkhurst, Henry
Sad, Tara

COOS

Froburg, Alethea
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

Rappaport, Laurence

GRAFTON

Abel, Richard
Cooney, Mary
Hennessey, Martha
Nordgren, Sharon
Townsend, Charles

Almy, Susan
Darrow, Stephen
Higgins, Patricia
Piper, Wendy

Bennett, Travis
Ford, Susan
Maes, Kevin
Smith, Suzanne

Brown, Chris
Gionet, Edmond
Massimilla, Linda
Sykes, George

HILLSBOROUGH

Backus, Robert
Cornell, Patricia
Forest, Armand
Hansberry, Daniel
Jack, Martin
Mangipudi, Latha
O'Brien, Michael
Pierce, David
Rosenwald, Cindy
Smith, Timothy
Vann, Ivy

Beaulieu, Jane
Cote, David
Freitas, Mary
Harvey, Suzanne
Katsiantonis, Thomas
Manley, Jonathan
O'Brien, William
Porter, Marjorie
Rouillard, Claire
Snow, Kendall
Walsh, Robert

Booras, Efstathia
DiSilvestro, Linda
Goley, Jeffrey
Heath, Mary
Leishman, Peter
Marston, Dick
O'Neil, William
Roberts, Carol
Shattuck, Gilman
Soucy, Timothy
Williams, Kermit

Brown, Pamela
Edwards, Elizabeth
Gorman, Mary
Herbert, Christopher
Long, Patrick
McNamara, Richard
Palmer, Barry
Rokas, Ted
Smith, Gregory
Sullivan, Daniel
Woodbury, David

MERRIMACK

Alicea, Caroletta
Deloge, Helen
French, Barbara
Karrick, David
Myler, Mel
Rogers, Katherine
Turcotte, Alan

Bartlett, Christy
Doherty, David
Gile, Mary
Kenison, Linda
Patten, Dick
Saunderson, George
Wallner, Mary Jane

Bradley, Paula
Ebel, Karen
Henle, Paul
MacKay, James
Ratzki, Mario
Schuett, Dianne
Wheeler, Deborah

Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Moffett, Howard
Rice, Harold (Chip)
Shurtleff, Stephen

ROCKINGHAM

Barnes, Arthur
Cali-Pitts, Jacqueline
Francese, Paula
Lovejoy, Patricia
Simpson, Alexis

Berrien, Skip
Cardon, G. Thomas
Gordon, Pamela
McBeath, Rebecca
Ward, Gerald

Borden, David
Cushing, Robert
Harris, Jeffrey
Pantelakos, Laura
Woitkun, Steven

Cahill, Michael
DiFranco, Debbie
Heffron, Frank
Sherman, Thomas

STRAFFORD

Baber, William
Cilley, Jacalyn
Kaen, Naida
Southworth, Thomas
Verschueren, James

Berube, Roger
DiSesa, Len
Rollo, Deanna
Sprague, Dale
Wall, Janet

Bixby, Peter
Gardner, Janice
Schmidt, Peter
Stevens, Audrey
Ward, Kenneth

Burton, Wayne
Horrigan, Timothy
Smith, Marjorie
Treleaven, Susan

SULLIVAN

Cloutier, John
Irwin, Virginia

Converse, Larry
O'Hearne, Andrew

Gagnon, Raymond
Oxenham, Lee

Gottling, Suzanne
Schmidt, Andrew

and floor amendment (0234h) was adopted.

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

Rep. Long spoke against.

Rep. Itse spoke in favor and yielded to questions.

Rep. Shurtleff requested a roll call; sufficiently seconded.

YEAS 214 - NAYS 157**YEAS - 214****BELKNAP**

Aldrich, Glen
Fisher, Robert
Hurt, George
Tilton, Franklin

Comtois, Guy
Fraser, Valerie
LeBreche, Shari
Vadney, Herbert

Dumais, Russell
Gallagher, Brian
Luther, Robert
Varney, Peter

Fields, Dennis
Howard, Jr., Raymond
Sylvia, Michael

CARROLL

Avellani, Lino
Crawford, Karel
Parker, Harold

Chandler, Gene
McCarthy, Frank
Schmidt, Stephen

Comeau, Ed
McConkey, Mark
Umberger, Karen

Cordelli, Glenn
Nelson, Bill
Wright, Ted

CHESHIRE

Emerson, Susan
Sterling, Franklin

Hunt, John

McConnell, Jim

Roberts, Kris

COOS

Richardson, Herbert

Rideout, Leon

Tholl, John

GRAFTON

Bailey, Brad
Hennessey, Erin
Ladd, Rick

Brown, Duane
Hull, Robert
Shackett, Jeffrey

Darrow, Stephen
Ingbertson, Paul

Gionet, Edmond
Johnson, Eric

HILLSBOROUGH

Adams, Christopher
Belanger, James
Burt, John
Christie, Rick
Eastman, Eric
Fromuth, Bart
Gonzalez, Carlos
Haefner, Robert
Hogan, Edith
Lachance, Joseph
McCarthy, Peggy
Murotake, David
Ober, Russell
Peterson, Ken
Rowe, Robert
Silva, Peter
Stepanek, Stephen
Takesian, Charlene

Ammon, Keith
Biggie, Barbara
Byron, Frank
Cohen, Alan
Edelblut, Frank
Gagne, Larry
Gould, Linda
Halstead, Carolyn
Hopper, Gary
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pierce, David
Schleien, Eric
Simmons, Tammy
Straight, Phillip
Twombly, Timothy

Balcom, John
Boehm, Ralph
Christensen, Chris
Danielson, David
Estevez, Eric
Gargas, Carolyn
Goulette, William
Hansen, Peter
Infantine, William
Marston, Dick
McLean, Mark
Notter, Jeanine
Parison, James
Proulx, Mark
Scotsas, Lisa
Smith, Gregory
Sullivan, Victoria
Wolf, Terry

Barry, Richard
Bouldin, Amanda
Christiansen, Lars
Donovan, Daniel
Ferreira, Elizabeth
Gidge, Kenneth
Griffin, Barbara
Hinch, Richard
Kurk, Neal
Martel, Andre
Moore, Josh
Ober, Lynne
Pellegrino, Anthony
Rice, Kimberly
Seidel, Carl
Souza, Kathleen
Sweeney, Shawn
Zaricki, Nick

MERRIMACK

Brewster, Michael
Hoell, J.R.
Kuch, Bill
McGuire, Carol
Walsh, Thomas

French, Harold
Horn, Werner
Long, Douglas
McGuire, Dan
Wheeler, Deborah

Hess, David
Kidder, David
Marple, Richard
Parent, Jason

Hill, Gregory
Kotowski, Frank
Martin, John
Seaworth, Brian

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Chirichiello, Brian
Devine, James
Emerick, J. Tracy
Gannon, William

Abramson, Max
Barnes, Arthur
Christie, Andrew
Doucette, Fred
Ferrante, Beverly
Gordon, Richard

Allen, Mary
Bates, David
Cook, Allen
Duarte, Joe
Fesh, Robert
Griffin, Mary

Azarian, Gary
Chase, Francis
DeSimone, Debra
Elliott, Robert
Friel, William
Guthrie, Joseph

Hagan, Joseph
Itse, Daniel
Kolodziej, Walter
McKinney, Betsy
Packard, Sherman
Sanders, Elisabeth
Tamburello, Daniel
Tucker, Pamela
Welch, David

Hodgdon, Bruce
Kappler, Lawrence
Lundgren, David
Milz, David
Potucek, John
Schroadter, Adam
Tasker, Kyle
Vose, Michael
Weyler, Kenneth

Hoelzel, Kathleen
Katsakiores, Phyllis
Major, Norman
Nigrello, Robert
Prudhomme-O'Brien, Katherine
Spillane, James
Thomas, Douglas
Ward, Joanne
Wood, David

Introne, Robert
Kellogg, Shem
Matthews, Carolyn
O'Connor, John
Rice, Frederick
Sytek, John
True, Chris
Webb, James

Beaudoin, Steven
Groen, Warren
Knowles, Robert
Turcotte, Leonard

Bickford, David
Hannon, Joseph
Leeman, Don
Whitehouse, Joshua

Cheney, Catherine
Jones, Laura
Mullen, John
Wuelper, Kurt

Gray, James
Kaczynski, Jr., Thomas
Pitre, Joseph

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Smith, Steven

Grenier, James

Laware, Thomas

Rollins, Skip

STRAFFORD

SULLIVAN

NAYS - 157 BELKNAP

Spanos, Peter

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Butler, Edward

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Ticehurst, Susan

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Pearson, William
Shepardson, Marjorie

Ames, Richard
Eaton, Daniel
Phillips, Larry
Tatro, Bruce

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Berch, Paul
Ley, Douglas
Robertson, Timothy
Tilton, Benjamin

Bordenet, John
Parkhurst, Henry
Sad, Tara
Weber, Lucy

Fothergill, John
Rappaport, Laurence

Froburg, Alethea
Thomas, Yvonne

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Hatch, William

Moynihan, Wayne

Abel, Richard
Cooney, Mary
Maes, Kevin
Smith, Suzanne

Almy, Susan
Ford, Susan
Massimilla, Linda
Sykes, George

GRAFTON

Bennett, Travis
Hennessey, Martha
Nordgren, Sharon
Townsend, Charles

Brown, Chris
Higgins, Patricia
Piper, Wendy

Backus, Robert
Cornell, Patricia
Forest, Armand
Guerette, C. Lee
Herbert, Christopher
Long, Patrick
O'Brien, Michael
Porter, Marjorie
Rouillard, Claire
Soucy, Timothy
Williams, Kermit

Beaulieu, Jane
Cote, David
Freitas, Mary
Hansberry, Daniel
Jack, Martin
Mangipudi, Latha
O'Brien, William
Roberts, Carol
Shattuck, Gilman
Sullivan, Daniel
Woodbury, David

HILLSBOROUGH

Booras, Efsthathia
DiSilvestro, Linda
Goley, Jeffrey
Harvey, Suzanne
Katsiantonis, Thomas
Manley, Jonathan
O'Neil, William
Rokas, Ted
Smith, Timothy
Vann, Ivy

Brown, Pamela
Edwards, Elizabeth
Gorman, Mary
Heath, Mary
Leishman, Peter
McNamara, Richard
Palmer, Barry
Rosenwald, Cindy
Snow, Kendall
Walsh, Robert

Alicea, Caroletta
Deloge, Helen
French, Barbara
Karrick, David
Myler, Mel
Rogers, Katherine
Turcotte, Alan

Bartlett, Christy
Doherty, David
Gile, Mary
Kenison, Linda
Patten, Dick
Saunderson, George
Wallner, Mary Jane

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Henle, Paul
MacKay, James
Ratzki, Mario
Schuett, Dianne

Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Moffett, Howard
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Shurtleff, Stephen

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Gordon, Pamela
Manning, John
Simpson, Alexis

Borden, David
Cushing, Robert
Harris, Jeffrey
McBeath, Rebecca
Ward, Gerald

Cahill, Michael
DiFranco, Debbie
Heffron, Frank
Pantelakos, Laura
Woitkun, Steven

STRAFFORD

Baber, William
Cilley, Jacalyn
Kaen, Naida
Southworth, Thomas
Treleven, Susan

Berube, Roger
DiSesa, Len
Rollo, Deanna
Spang, Judith
Verschuere, James

Bixby, Peter
Gardner, Janice
Schmidt, Peter
Sprague, Dale
Wall, Janet

Burton, Wayne
Horrigan, Timothy
Smith, Marjorie
Stevens, Audrey
Ward, Kenneth

SULLIVAN

Cloutier, John
Irwin, Virginia

Converse, Larry
O'Hearne, Andrew

Gagnon, Raymond
Oxenham, Lee

Gottling, Suzanne
Schmidt, Andrew

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

HB 441, relative to financial affidavits submitted in hearings regarding child support, property settlement, and alimony. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Daniel C. Itse for the Majority of Children and Family Law. As amended, this bill moves the requirement for financial affidavits for support and alimony hearings from court rules to statute so that it cannot be waived. Over the past several years there have been multiple occasions which one party to a hearing was excused from this requirement creating an inherent inequity in the process. The bill also requires submission of a knowingly false affidavit to be reported to the county attorney as sworn falsification (RSA 641:2). If no action is taken by the county attorney, it enables parties to the hearing to introduce and prosecute the matter privately as a misdemeanor b. Vote 11-8

Rep. Audrey M. Stevens for the Minority of Children and Family Law. The minority is extremely concerned that due diligence was not done with this bill, as amended. The amendment introduced at the executive session, and not previously vetted, opens up areas which may elevate conflict in cases. For example, when a disgruntled spouse may press charges without agreement of the court. The minority believes that there are already laws on the books concerning false statements, making this bill unnecessary, and possibly resulting in unintended negative consequences.

Majority Amendment (0614h)

Amend RSA 458:15-b, I as inserted by section 1 of the bill by replacing it with the following:

I. Prior to a hearing regarding child support, property settlement, or alimony, both parties shall submit financial affidavits. The financial affidavits shall be accepted as prima facie evidence of income unless challenged by the court. Submission of a knowingly false financial affidavit shall be referred for prosecution as an act of falsification under RSA 641. Any party to the case may submit a criminal complaint as a misdemeanor B offense directly to the district court, pursuant to RSA 592-A:7. In the absence of prosecution by the county attorney, the party may prosecute the offense privately.

AMENDED ANALYSIS

This bill requires the parties to submit, as evidence of income, financial affidavits prior to any hearing regarding child support, property settlement, or alimony. The bill also provides that a party who knowingly submits a false financial affidavit may be charged with a crime of falsification. The bill further provides that the crime may be prosecuted privately.

Majority committee amendment adopted.

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

On a division vote, 213 members having voted in the affirmative and 150 in the negative, the majority committee report was adopted and ordered to third reading.

HB 449, relative to the duration of child support. **OUGHT TO PASS.**

Rep. Elizabeth Ferreira for Children and Family Law. This bill clarifies current statute regarding when adult child support terminates: when a child over the age of 18 withdraws from high school (support would not be restarted if the adult child enters a GED program); and upon incarceration for a criminal conviction. The bill also allows parents to have access to their adult child's education records if the adult child is still in high school and child support is still being paid. Vote 13-6.

Committee report adopted and ordered to third reading.

HB 514, revising the child support guidelines. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Debra L. DeSimone for the Majority of Children and Family Law. RSA 458-C:3 provides child support guidelines based on an income shares formula which were enacted effective July 1, 2013. HB 514 would drastically change how child support is calculated. The majority of the committee agrees this is not beneficial to support for children. Vote 12-8.

Rep. Jeffrey D. Oligny for the Minority of Children and Family Law. The minority remains concerned with the level of conflict that exists in divorced families as a result of the state's current child support guidelines

that often provide profits to parents for raising their children. As opposed to a “winner-take-all” philosophy which puts price tags on the heads of our children, the minority proposes a cap on child support awards which limits the profit and incentive to litigate over child custody between fit parents. Current guidelines make New Hampshire children more profitable than almost every other state in the nation and the minority hopes to change that. The minority supports ought to pass.

Majority committee report adopted.

HB 516, relative to the determination of parental rights based on the best interest of the child and relative to grounds for modification of an order regarding parental rights and responsibilities. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Carolyn M. Gargasz for the Majority of Children and Family Law. This bill, which has failed twice in the past does not put best interests of the child as a priority. Best interest is the New Hampshire policy and a nationally recognized standard for determining a child’s time with each parent. Some criteria removed are child’s relationship with each parent, each parent’s ability to provide for and care for the child, and whether contact between the parent and child is likely to harm the child. It also imposes a rebuttable presumption of equal parenting time. In New Hampshire, each family is unique and this provision imposes a “one size fits all” standard. Vote 11-9.

Rep. Jeffrey D. Oigny for the Minority of Children and Family Law. The main intent of the bill is to remove subjective custody criteria, which judges were unable to properly decide and which was used to remove fit parents from their children. It is also supported by considerable psychological studies that a 50/50 parenting presumption (not creating an adversarial winner/loser dichotomy) is best for children. The state should promote divorced parent cooperation and not adversity. The minority prefers to pass this bill.

LAID ON THE TABLE

Rep. Gargasz moved that **HB 516**, relative to the determination of parental rights based on the best interest of the child and relative to grounds for modification of an order regarding parental rights and responsibilities, be laid on the table.

On a division vote, 250 members having voted in the affirmative and 115 in the negative, the motion was adopted.

REGULAR CALENDAR CONT'D

HB 637-FN, relative to acts of falsification in family law cases. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Debra L. DeSimone for the Majority of Children and Family Law. In current law, people in court are sworn in to tell the truth. False swearing is already in statute; Title LXII Criminal Code Chapter 641 Falsification in Official Matter Section 641:2 effective November 1, 1993. HB 637 would not make RSA 641:2 better. Vote 12-6.

Rep. Daniel C. Itse for the Minority of Children and Family Law. Falsification in judicial proceedings is an offense against the other party. Failure to punish this offense is an injustice perpetrated by the court. This bill would ensure that justice is served. Tolerating this injustice is inexcusable.

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

On a division vote, 213 members having voted in the affirmative and 152 in the negative, the majority committee report was adopted.

HB 137, relative to homeowner’s insurance. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Laura M. Jones for the Majority of Commerce and Consumer Affairs. Currently in New Hampshire, an insurer has the right not to renew a property insurance contract with an insured if the insured has filed two or more valid claims in a 12-month period. In cases of non-renewal, the insured has the option of switching to the surplus and excess market for three years, and then the insured may return to the standard market. This bill seeks to reduce the number of possible valid claims by creating a type of ‘non-claim’ claim. A ‘non-claim’ claim would be any claim that is closed without payment to the insured or a third party, and where the insurer loss adjusting expense does not exceed a set amount. There may be varied reasons for non-payment, but the fact remains that frequency of claims filed is a valid underwriting risk. Proper accounting of underwriting risks is the key to solvent insurers and accurate premium pricing for all insurance customers. Therefore, the majority of the committee believes that ITL is the correct recommendation. Vote 12-8.

Rep. Richard M. Abel for the Minority of Commerce and Consumer Affairs. The minority believes this bill provides a needed, additional layer of consumer protections for New Hampshire policyholders of homeowner’s insurance. It clarifies the term “valid claim” to prevent insurance companies from non-renewing policies based solely on a policyholder making an inquiry about coverage, on claims closed without payment to the insured or third party claimants or in which insurer loss adjusting expense does that not exceed \$10,000.

Majority committee report adopted.

HB 158, requiring the managing agent to return the records of a condominium association upon the request of the association. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Rebecca McBeath for the Majority of Commerce and Consumer Affairs. This bill adds a section to the Condominium Act establishing a process by which condominium unit owners associations (board of directors, president, attorney, etc.) may obtain the association's records held by the contracted management agent of the association. This bill also specifies the time frame by which the agent must produce the association's documents after such a request, and authorizes the award of reasonable legal fees to the association if a lawsuit for production of documents is required. Vote 15-5.

Rep. Bart Fromuth for the Minority of Commerce and Consumer Affairs. The minority felt that this bill is an unwarranted government intrusion into the world of commercial contracts. The minority recommends that condo associations hire better attorneys. Furthermore, the bill, as introduced, calls for the return of all documents held by the management company within thirty (30) days. The minority also felt that this time period was unreasonable given the extraordinary amount of documentation to be turned over.

Majority Amendment (0049h)

Amend RSA 356-B:40-b as inserted by section 1 of the bill by replacing it with the following:

356-B:40-b Unit Owners' Association Records. Upon written request from the unit owner's association, its board of directors, the president of the association, or the association's attorney to the managing agent, sent by first class mail, facsimile, or electronically, the managing agent shall, irrespective of any language to the contrary in any management contract, return to the board of directors, president, or the association's attorney, any and all association records held by the managing agent within 30 days from the date of the request for such records. The managing agent shall have the right, at its own expense, to copy any and all association records it wishes to keep for its own records but shall comply with the requirement of returning all records to the association within the 30-day period. If the managing agent fails to return all association records within the 30-day period and the association institutes a lawsuit for purposes of recovering the association's records, then any judgment or order in favor of the association shall include the association's reasonable legal fees and costs as determined by the court.

Majority committee amendment adopted.

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

Rep. Baldasaro requested a roll call; request not in order.

On a division vote, 245 members having voted in the affirmative and 119 in the negative the majority committee report was adopted and ordered to third reading.

HB 210, relative to financial responsibility limits for motor vehicle liability insurance. **INEXPEDIENT TO LEGISLATE.**

Rep. John Bordenet for Commerce and Consumer Affairs. This bill raises the financial responsibility limits for motor vehicle liability insurance. The committee believes that it is inappropriate to increase the financial burden imposed on people required to purchase this insurance. Vote 12-7.

Committee report adopted.

HB 220-FN, requiring licensure of community association property managers. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Harold F. French for the Majority of Commerce and Consumer Affairs. The bill proposes requiring licensure of community assoc. property managers for condominiums. Although well intended to address some condo owners complaints about property managers, licensing of these business professionals was unwarranted since they are hired and fired by the condo association. Ultimately, it is the condo association that should decide if they are not competent rather than a state licensure board. These private business people are evaluated by the market because there are no standards of conformity that comes with licensure. Anything that would be addressed through licensure is already addressed in existing condo legislation. Vote 13-7.

Rep. Kermit R. Williams for the Minority of Commerce and Consumer Affairs. This bill was created by the committee to study the laws relating to condominium and homeowners' associations. Testimony in the committee revealed that while some condominium association property managers were well-trained and provided excellent service to their communities, there were others who failed to meet reasonable standards of professionalism. The committee recommended licensure of property managers in order to achieve greater competence and accountability. This bill would create a licensing board as part of the joint board of licensure and certification. The board would consist of property managers and related persons and would ensure that license candidates meet defined standards, including background and training. The state already licenses professionals who interact with private citizens, from hairdressers to doctors. Property managers handle large sums of money and have significant control over the operation of an entire community. It makes sense that both the providers and their customers would be well served by licensing.

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

Rep. Williams spoke against and yielded to questions.

Rep. Harold French spoke in favor.

On a division vote, 239 members having voted in the affirmative and 117 in the negative, the majority committee report was adopted.

HB 343, requiring certain charitable nonprofit corporations to provide certain information relative to board members. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Laura M. Jones for the Majority of Commerce and Consumer Affairs. This bill would require all charitable nonprofit corporations that are required to file IRS Form 990 to provide a list of the names, titles, and towns/cities of residence of the members of its board of directors on its website, or, lacking a website, upon request within 10 business days. Even though this information is already included on Form 990, and is also accessible through the New Hampshire secretary of states corporate web page, supporters of this bill desire even greater transparency. However, according to the New Hampshire ACLU, passing this bill would set precedent compelling organizations to speak in this way (dictating website content). In addition, no other state in the country has this requirement. Organizations also testified regarding their concern for protecting the privacy of their board members by not including this type of information on their websites. Not only were they concerned about privacy, but also safety, and their ability to find volunteers willing to serve as board members if such information was required to be placed on their websites. The majority of the committee believes that since this information is already available and the Attorney General has the authority to shut down a non-profit if it fails to disclose its board members, we should not legislate the website content of these corporations. Vote 13-6.

Rep. Edward A. Butler for the Minority of Commerce and Consumer Affairs. This bill simply requires that all nonprofits with budgets over \$50,000 per year, who file 990s with the charitable trusts division, publish their board of directors on their websites, or by other means if there is no website. We actually heard one board member in our hearing complain that he might be bothered by members of the public if his name were published. The minority believes that this is a simple and basic responsibility to maintain the public trust.

Majority committee report adopted.

HB 358, relative to driver's license information obtained by pawnbrokers and secondhand dealers. **OUGHT TO PASS.**

Rep. Christopher J. Herbert for Commerce and Consumer Affairs. Currently, driver's license information may only be transferred by non-law enforcement personnel in non-electronic format and with the consent of the license holder. This bill permits pawnbrokers and second hand dealers to record and retain such information in an electronic format for their sales records and for submission to law enforcement for the sole purpose of identifying sellers of stolen merchandise. The consent of the license holder would continue to be required in this situation. Vote 15-5.

Committee report adopted and ordered to third reading.

HB 495, relative to referral fees for settlement services. **OUGHT TO PASS.**

Rep. Harold F. French for Commerce and Consumer Affairs. The committee strongly recommends the passage of this legislation because it creates a pro-business atmosphere encouraging future growth in certain segments of the commercial real estate industry. The bill would allow referral fees commercial real estate transactions. It does not change, however, the current prohibition under the real estate law of allowing real estate agents to be compensated for finding or negotiating financing for residential real estate transactions. However, it removes the state regulation over commercial contracts between business entities. Vote 14-3. Committee report adopted and ordered to third reading.

HB 508, relative to the dissolution of the New Hampshire medical malpractice joint underwriting association. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laura M. Jones for Commerce and Consumer Affairs. This bill establishes a procedure for the dissolution of the New Hampshire Medical Malpractice Joint Underwriting Association (JUA). At the direction of the commission to study the New Hampshire medical malpractice JUA, the New Hampshire insurance department investigated the availability of replacement insurance, and finding sufficient availability, requested this legislation to wind down the JUA. The committee heard testimony that the JUA was not established to drive out private insurance, but only to avert a crisis with the lack of supply of medical malpractice insurance that occurred in the 1970s. Currently, the JUA is unsustainable without significant premium increases. The wind down is to be done under court supervision, and coverage will last for an additional year to give those insured additional time to find replacement coverage. The amendment makes technical corrections to the original bill, and makes a provision for the purchase of tail coverage. Vote 15-1.

Amendment (0674h)

Amend RSA 404-C:15, I as inserted by section 2 of the bill by replacing it with the following:

I. Upon the effective date of this section, the insurance commissioner shall bring a petition to the superior court for Merrimack county for the receivership of the New Hampshire medical malpractice joint underwriting association (NHMMJUA) pursuant to RSA 402-C. The receivership of the NHMMJUA shall include the stabilization reserve fund trust established in 1986 to pay deficits of the association incurred as a result of policies issued prior to January 1, 1986. Subject to such receivership, the NHMMJUA shall be a continuation of the same unincorporated association in existence immediately before the effective date of this section. The NHMMJUA shall be an insurer organized in this state for purposes of RSA 402-C.

Amend RSA 404-C:15, II as inserted by section 2 by inserting after subparagraph (d) the following new subparagraph:

(e) Upon the non-renewal of any claims-made policy issued by the NHMMJUA that is in-force as of the effective date of this section, calculate the amount of tail premium collected, using reasonable actuarial methodologies and standards of practice, and return the tail coverage premium to the policyholder. For the purpose of this subparagraph, tail coverage premium shall mean that portion of the premium collected by the NHMMJUA and separately identified in NHMMJUA's financial statements, and which would have been used to provide tail coverage if tail coverage had been provided under the terms of the policy. Return of tail coverage premium shall only be provided to those claims-made policyholders who will not otherwise receive tail coverage under their claims-made policies.

Amend RSA 404-C:15, III as inserted by section 2 of the bill by replacing it with the following:

III. The NHMMJUA shall have no in-force insurance business after December 31, 2016, other than extended reporting coverage elected under policies issued on or before December 31, 2015.

Amend RSA 404-C:16, IV as inserted by section 2 of the bill by replacing it with the following:

IV. The board members and officers of the NHMMJUA shall continue to be officers, trustees, officials, or employees of the state subject to RSA 99-D through the date of the rehabilitation order.

V. Until liquidated, the NHMMJUA shall continue as a legally cognizable unincorporated association solely for the purpose of winding down the NHMMJUA, consistent with this chapter. The provisions of this section and RSA 402-C shall control the management of claims and obligations of the association and shall supersede the provisions of administrative rules governing the operation of the NHMMJUA.

Amend RSA 404-C:17 as inserted by section 2 of the bill by replacing it with the following:

404-C:17 Closure of the NHMMJUA.

I. Subject to the provisions of RSA 404-C:15 and RSA 404-C:16, the NHMMJUA's obligations shall be wound up through rehabilitation under chapter 402-C.

II. Upon the resolution of all the association's obligations, and upon the approval of the supervising court, the association shall thereupon be liquidated and the receiver discharged.

III. The provisions of RSA 404-C:15 – RSA 404-C:17 shall not alter, and shall not be construed to alter, any vested contractual rights that any class of NHMMJUA policyholders may have with respect to excess surplus of the NHMMJUA. The existence and extent of any such rights shall be determined by the court in the receivership proceeding.

Amend the bill by replacing sections 5 and 6 with the following:

5 Applicability; Effective Date of Repeal. Section 4, paragraph II of this act shall take effect upon the date of dissolution and the end of the receivership of the New Hampshire medical malpractice joint underwriting association as certified by the insurance commissioner to the director of the office of legislative services and the secretary of state.

6 Effective Date.

I. Section 4, paragraph II of this act shall take effect as provided in section 5 of this act.

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

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 548, establishing the federally-facilitated health exchange as the health exchange for New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph A. Hannon for Commerce and Consumer Affairs. This bill is in reaction to a future United States Supreme Court decision, expected in June 2015, regarding whether or not individuals in states that have not already set up a state based exchange qualify for subsidies. The majority of the committee believes that this bill is not needed since we cannot predict what the USSC will decide, and if there is a solution needed it must come from the federal level. Vote 11-5.

Rep. William O'Brien requested a roll call; sufficiently seconded.

YEAS 237 - NAYS 131**YEAS - 237****BELKNAP**

Aldrich, Glen
Fisher, Robert
Hurt, George
Sylvia, Michael

Comtois, Guy
Fraser, Valerie
LeBreche, Shari
Tilton, Franklin

Dumais, Russell
Gallagher, Brian
Luther, Robert
Vadney, Herbert

Fields, Dennis
Howard, Jr., Raymond
Spanos, Peter
Varney, Peter

CARROLL

Avellani, Lino
Crawford, Karel
Parker, Harold
Wright, Ted

Chandler, Gene
McCarthy, Frank
Schmidt, Stephen

Comeau, Ed
McConkey, Mark
Ticehurst, Susan

Cordelli, Glenn
Nelson, Bill
Umberger, Karen

CHESHIRE

Bordenet, John
Phillips, Larry

Hunt, John
Roberts, Kris

McConnell, Jim
Sterling, Franklin

Pearson, William

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

Tholl, John

GRAFTON

Bailey, Brad
Hennessey, Erin
Ladd, Rick

Brown, Duane
Hull, Robert
Massimilla, Linda

Darrow, Stephen
Ingbretson, Paul
Shackett, Jeffrey

Gionet, Edmond
Johnson, Eric

HILLSBOROUGH

Adams, Christopher
Belanger, James
Brown, Pamela
Christie, Rick
Edelblut, Frank
Forest, Armand
Gonzalez, Carlos
Guerette, C. Lee
Hinch, Richard
Katsiantonis, Thomas
Marston, Dick
McLean, Mark
Notter, Jeanine
Ohm, Bill
Peterson, Ken
Rouillard, Claire
Scontos, Lisa
Smith, Gregory
Straight, Phillip
Twombly, Timothy

Ammon, Keith
Biggie, Barbara
Burt, John
Danielson, David
Edwards, Elizabeth
Fromuth, Bart
Gould, Linda
Haefner, Robert
Hogan, Edith
Kurk, Neal
Martel, Andre
Moore, Josh
O'Brien, William
Palmer, Barry
Pierce, David
Rowe, Robert
Seidel, Carl
Smith, Timothy
Sullivan, Victoria
Wolf, Terry

Balcom, John
Boehm, Ralph
Byron, Frank
Donovan, Daniel
Estevez, Eric
Gagne, Larry
Goulette, William
Halstead, Carolyn
Hopper, Gary
Lachance, Joseph
McCarthy, Peggy
Murotake, David
Ober, Lynne
Parison, James
Proulx, Mark
Sanborn, Laurie
Silva, Peter
Souza, Kathleen
Sweeney, Shawn
Zaricki, Nick

Barry, Richard
Bouldin, Amanda
Christiansen, Lars
Eastman, Eric
Ferreira, Elizabeth
Gargas, Carolyn
Griffin, Barbara
Hansen, Peter
Infantine, William
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Ober, Russell
Pellegrino, Anthony
Rice, Kimberly
Schleien, Eric
Simmons, Tammy
Stepanek, Stephen
Takesian, Charlene

MERRIMACK

Brewster, Michael
Hill, Gregory
Kidder, David
Marple, Richard
Parent, Jason

Deloge, Helen
Hoell, J.R.
Kotowski, Frank
Martin, John
Saunderson, George

French, Harold
Horn, Werner
Kuch, Bill
McGuire, Carol
Seaworth, Brian

Hess, David
Karrick, David
Long, Douglas
McGuire, Dan
Walsh, Thomas

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Cardon, G. Thomas
Cook, Allen
Duarte, Joe
Fesh, Robert
Griffin, Mary
Hodgdon, Bruce
Kappler, Lawrence
Major, Norman
Milz, David
Potucek, John
Schroadter, Adam

Abramson, Max
Barnes, Arthur
Chase, Francis
DeSimone, Debra
Elliott, Robert
Friel, William
Guthrie, Joseph
Hoelzel, Kathleen
Katsakiores, Phyllis
Manning, John
Nigrello, Robert
Prudhomme-O'Brien, Katherine
Spillane, James

Allen, Mary
Bates, David
Chirichiello, Brian
Devine, James
Emerick, J. Tracy
Gannon, William
Hagan, Joseph
Introne, Robert
Kellogg, Shem
Matthews, Carolyn
O'Connor, John
Rice, Frederick
Sytek, John

Azarian, Gary
Belanger, Ronald
Christie, Andrew
Doucette, Fred
Ferrante, Beverly
Gordon, Richard
Harris, Jeffrey
Itse, Daniel
Kolodziej, Walter
McKinney, Betsy
Packard, Sherman
Sanders, Elisabeth
Tamburello, Daniel

Tasker, Kyle
Vose, Michael
Weyler, Kenneth

Thomas, Douglas
Ward, Joanne
Woitkun, Steven

True, Chris
Webb, James
Wood, David

Tucker, Pamela
Welch, David

STRAFFORD

Beaudoin, Steven
Gray, James
Kaczynski, Jr., Thomas
Pitre, Joseph
Turcotte, Leonard

Bickford, David
Groen, Warren
Knowles, Robert
Southworth, Thomas
Whitehouse, Joshua

Cheney, Catherine
Hannon, Joseph
Leeman, Don
Stevens, Audrey
Wuelper, Kurt

Cilley, Jacalyn
Jones, Laura
Mullen, John
Treleaven, Susan

SULLIVAN

Bridge, Ernest
Smith, Steven

Grenier, James

Laware, Thomas

Rollins, Skip

NAYS - 131 CARROLL

Buco, Thomas

Butler, Edward

CHESHIRE

Abbott, Michael
Eaton, Daniel
Robertson, Timothy
Tilton, Benjamin

Ames, Richard
Emerson, Susan
Sad, Tara
Weber, Lucy

Berch, Paul
Ley, Douglas
Shepardson, Marjorie

Chase, Cynthia
Parkhurst, Henry
Tatro, Bruce

COOS

Fothergill, John
Thomas, Yvonne

Froburg, Alethea

Hatch, William

Moynihan, Wayne

GRAFTON

Abel, Richard
Cooney, Mary
Maes, Kevin
Sykes, George

Almy, Susan
Ford, Susan
Nordgren, Sharon
Townsend, Charles

Bennett, Travis
Hennessey, Martha
Piper, Wendy

Brown, Chris
Higgins, Patricia
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Cornell, Patricia
Gidge, Kenneth
Harvey, Suzanne
Leishman, Peter
McNamara, Richard
Roberts, Carol
Soucy, Timothy
Williams, Kermit

Beaulieu, Jane
Cote, David
Goley, Jeffrey
Heath, Mary
Long, Patrick
O'Brien, Michael
Rosenwald, Cindy
Sullivan, Daniel
Woodbury, David

Booras, Efstathia
DiSilvestro, Linda
Gorman, Mary
Herbert, Christopher
Mangipudi, Latha
O'Neil, William
Shattuck, Gilman
Vann, Ivy

Cohen, Alan
Freitas, Mary
Hansberry, Daniel
Jack, Martin
Manley, Jonathan
Porter, Marjorie
Snow, Kendall
Walsh, Robert

MERRIMACK

Alicea, Caroletta
Doherty, David
Gile, Mary
MacKay, James
Ratzki, Mario
Shurtleff, Stephen

Bartlett, Christy
Ebel, Karen
Henle, Paul
Moffett, Howard
Rice, Harold (Chip)
Turcotte, Alan

Bradley, Paula
Frazer, June
Hirsch, Geoffrey
Myler, Mel
Rogers, Katherine
Wallner, Mary Jane

Carson, Clyde
French, Barbara
Kenison, Linda
Patten, Dick
Schuett, Dianne
Wheeler, Deborah

ROCKINGHAM

Berrien, Skip
Cushing, Robert
Heffron, Frank
Sherman, Thomas

Borden, David
DiFranco, Debbie
Lovejoy, Patricia
Simpson, Alexis

Cahill, Michael
Francese, Paula
McBeath, Rebecca
Ward, Gerald

Cali-Pitts, Jacqueline
Gordon, Pamela
Pantelakos, Laura

STRAFFORD

Baber, William
Gardner, Janice
Schmidt, Peter
Verschuere, James

Berube, Roger
Horrigan, Timothy
Smith, Marjorie
Wall, Janet

Bixby, Peter
Kaen, Naida
Spang, Judith
Ward, Kenneth

DiSesa, Len
Rollo, Deanna
Sprague, Dale

SULLIVAN

Cloutier, John
Irwin, Virginia

Converse, Larry
O'Hearne, Andrew

Gagnon, Raymond
Oxenham, Lee

Gottling, Suzanne
Schmidt, Andrew

and the committee report was adopted.

HB 554-FN, relative to sales of beer in refillable containers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kermit R. Williams for Commerce and Consumer Affairs. This bill was the recommendation of the commission to study the sale of beer in refillable containers. The commission studied packaging definitions and standards, retail logistics, consumer procedures, and general health and safety issues arising from authorizing liquor licensees to sell draft beer in refillable containers, often referred to as growlers. The bill, as amended, defines a standard growler package that all licensees can use, and defines a set of license standards to ensure that on and off-premise retailers that sell growlers will meet standards for operation and sanitation, and will have made a strong financial commitment to the sale of craft beer. New Hampshire brewers who do not wish to have others put their beer in refillable containers can opt out of the program by notifying the liquor commission. Vote 12-4.

Amendment (0599h)

Amend RSA 178:32, I-II as inserted by section 2 of the bill by replacing them with the following:

I. An on-premises or off-premises licensee maintaining an inventory of at least 200 different beer labels and paying an additional fee of \$240 shall be issued a refillable beer container license authorizing the licensee to fill standard refillable containers in accordance with this section.

II. The licensee shall attend a training program approved by the commission within 45 calendar days of the training program's availability. The training program shall include instructions in the sales, inspection, cleaning, and filling of standard refillable beer containers and sanitation standards for tap lines and equipment. Committee amendment adopted.

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

Rep. McBeath requested a roll call; sufficiently seconded.

YEAS 311 - NAYS 58**YEAS - 311****BELKNAP**

Aldrich, Glen
Fisher, Robert
LeBreche, Shari
Tilton, Franklin

Comtois, Guy
Fraser, Valerie
Luther, Robert
Vadney, Herbert

Dumais, Russell
Gallagher, Brian
Spanos, Peter

Fields, Dennis
Howard, Jr., Raymond
Sylvia, Michael

CARROLL

Avellani, Lino
Cordelli, Glenn
Parker, Harold

Buco, Thomas
Crawford, Karel
Schmidt, Stephen

Chandler, Gene
McCarthy, Frank
Umberger, Karen

Comeau, Ed
McConkey, Mark
Wright, Ted

CHESHIRE

Abbott, Michael
Eaton, Daniel
McConnell, Jim
Sad, Tara
Tilton, Benjamin

Ames, Richard
Emerson, Susan
Pearson, William
Shepardson, Marjorie
Weber, Lucy

Berch, Paul
Hunt, John
Phillips, Larry
Sterling, Franklin

Chase, Cynthia
Ley, Douglas
Robertson, Timothy
Tatro, Bruce

COOS

Fothergill, John
Richardson, Herbert
Thomas, Yvonne

Hatch, William
Rideout, Leon

Moynihan, Wayne
Theberge, Robert

Rappaport, Laurence
Tholl, John

GRAFTON

Abel, Richard
Brown, Duane
Gionet, Edmond
Ladd, Rick
Shackett, Jeffrey

Bailey, Brad
Cooney, Mary
Hull, Robert
Maes, Kevin
Townsend, Charles

Bennett, Travis
Darrow, Stephen
Ingbretson, Paul
Nordgren, Sharon

Brown, Chris
Ford, Susan
Johnson, Eric
Piper, Wendy

HILLSBOROUGH

Adams, Christopher
Barry, Richard
Boehm, Ralph
Byron, Frank
Danielson, David
Edelblut, Frank
Forest, Armand
Gidge, Kenneth
Goulette, William
Halstead, Carolyn

Ammon, Keith
Beaulieu, Jane
Bouldin, Amanda
Christiansen, Lars
DiSilvestro, Linda
Edwards, Elizabeth
Freitas, Mary
Gonzalez, Carlos
Griffin, Barbara
Hansberry, Daniel

Backus, Robert
Belanger, James
Brown, Pamela
Christie, Rick
Donovan, Daniel
Estevez, Eric
Fromuth, Bart
Gorman, Mary
Guerette, C. Lee
Hansen, Peter

Balcom, John
Biggie, Barbara
Burt, John
Cote, David
Eastman, Eric
Ferreira, Elizabeth
Gagne, Larry
Gould, Linda
Haefner, Robert
Heath, Mary

Hinch, Richard
 Jack, Martin
 LeBrun, Donald
 Martel, Andre
 McNamara, Richard
 O'Brien, Michael
 Ober, Russell
 Pellegrino, Anthony
 Proulx, Mark
 Rouillard, Claire
 Scotsas, Lisa
 Simmons, Tammy
 Stepanek, Stephen
 Sweeney, Shawn
 Williams, Kermit

Hogan, Edith
 Katsiantonis, Thomas
 Leishman, Peter
 McCarthy, Peggy
 Moore, Josh
 O'Brien, William
 Ohm, Bill
 Peterson, Ken
 Rice, Kimberly
 Rowe, Robert
 Seidel, Carl
 Smith, Gregory
 Straight, Phillip
 Takesian, Charlene
 Wolf, Terry

Hopper, Gary
 Kurk, Neal
 Manley, Jonathan
 McClarren, Donald
 Murotake, David
 O'Neil, William
 Palmer, Barry
 Pierce, David
 Roberts, Carol
 Sanborn, Laurie
 Shattuck, Gilman
 Soucy, Timothy
 Sullivan, Daniel
 Twombly, Timothy
 Woodbury, David

Infantine, William
 Lachance, Joseph
 Marston, Dick
 McLean, Mark
 Notter, Jeanine
 Ober, Lynne
 Parison, James
 Porter, Marjorie
 Rosenwald, Cindy
 Schleien, Eric
 Silva, Peter
 Souza, Kathleen
 Sullivan, Victoria
 Walsh, Robert
 Zaricki, Nick

MERRIMACK

Bartlett, Christy
 Deloge, Helen
 Hess, David
 Horn, Werner
 Kuch, Bill
 Martin, John
 Parent, Jason
 Rogers, Katherine
 Wallner, Mary Jane

Bradley, Paula
 Doherty, David
 Hill, Gregory
 Karrick, David
 Long, Douglas
 McGuire, Carol
 Patten, Dick
 Schuett, Dianne
 Walsh, Thomas

Brewster, Michael
 Ebel, Karen
 Hirsch, Geoffrey
 Kidder, David
 MacKay, James
 McGuire, Dan
 Ratzki, Mario
 Seaworth, Brian
 Wheeler, Deborah

Carson, Clyde
 French, Harold
 Hoell, J.R.
 Kotowski, Frank
 Marple, Richard
 Myler, Mel
 Rice, Harold (Chip)
 Shurtleff, Stephen

ROCKINGHAM

Abrami, Patrick
 Baldasaro, Alfred
 Borden, David
 Christie, Andrew
 Devine, James
 Emerick, J. Tracy
 Gannon, William
 Hagan, Joseph
 Hoelzel, Kathleen
 Katsakiores, Phyllis
 Major, Norman
 Milz, David
 Potucek, John
 Sherman, Thomas
 Tasker, Kyle
 Vose, Michael
 Weyler, Kenneth

Abramson, Max
 Barnes, Arthur
 Cardon, G. Thomas
 Cook, Allen
 Doucette, Fred
 Ferrante, Beverly
 Gordon, Richard
 Harris, Jeffrey
 Introne, Robert
 Kellogg, Shem
 Manning, John
 Nigrello, Robert
 Prudhomme-O'Brien, Katherine
 Spillane, James
 Thomas, Douglas
 Ward, Joanne
 Woitkun, Steven

Allen, Mary
 Bates, David
 Chase, Francis
 Cushing, Robert
 Duarte, Joe
 Fesh, Robert
 Griffin, Mary
 Heffron, Frank
 Itse, Daniel
 Kolodziej, Walter
 Matthews, Carolyn
 O'Connor, John
 Rice, Frederick
 Sytek, John
 True, Chris
 Webb, James
 Wood, David

Azarian, Gary
 Belanger, Ronald
 Chirichiello, Brian
 DeSimone, Debra
 Elliott, Robert
 Friel, William
 Guthrie, Joseph
 Hodgdon, Bruce
 Kappler, Lawrence
 Lovejoy, Patricia
 McKinney, Betsy
 Packard, Sherman
 Sanders, Elisabeth
 Tamburello, Daniel
 Tucker, Pamela
 Welch, David

STRAFFORD

Baber, William
 Cheney, Catherine
 Groen, Warren
 Kaen, Naida
 Pitre, Joseph
 Sprague, Dale
 Whitehouse, Joshua

Beaudoin, Steven
 Cilley, Jacalyn
 Hannon, Joseph
 Knowles, Robert
 Schmidt, Peter
 Turcotte, Leonard
 Wuelper, Kurt

Berube, Roger
 Gardner, Janice
 Jones, Laura
 Leeman, Don
 Smith, Marjorie
 Verschuere, James

Bickford, David
 Gray, James
 Kaczynski, Jr., Thomas
 Mullen, John
 Spang, Judith
 Wall, Janet

SULLIVAN

Bridge, Ernest
 Gottling, Suzanne
 O'Hearne, Andrew

Cloutier, John
 Grenier, James
 Rollins, Skip

Converse, Larry
 Irwin, Virginia
 Schmidt, Andrew

Gagnon, Raymond
 Laware, Thomas
 Smith, Steven

NAYS - 58

BELKNAP

Hurt, George

Varney, Peter

Butler, Edward

Nelson, Bill

CARROLL

Ticehurst, Susan

CHESHIRE

Roberts, Kris

COOS

Froborg, Alethea

GRAFTON

Almy, Susan
Massimilla, Linda

Hennessey, Erin
Smith, Suzanne

Hennessey, Martha
Sykes, George

Higgins, Patricia

HILLSBOROUGH

Booras, Efstathia
Goley, Jeffrey
Mangipudi, Latha

Cohen, Alan
Harvey, Suzanne
Smith, Timothy

Cornell, Patricia
Herbert, Christopher
Snow, Kendall

Gargas, Carolyn
Long, Patrick
Vann, Ivy

MERRIMACK

Alicea, Caroletta
Henle, Paul
Turcotte, Alan

Frazer, June
Kenison, Linda

French, Barbara
Moffett, Howard

Gile, Mary
Saunderson, George

ROCKINGHAM

Berrien, Skip
Francese, Paula
Schroadter, Adam

Cahill, Michael
Gordon, Pamela
Simpson, Alexis

Cali-Pitts, Jacqueline
McBeath, Rebecca
Ward, Gerald

DiFranco, Debbie
Pantelakos, Laura

STRAFFORD

Bixby, Peter
Rollo, Deanna
Ward, Kenneth

Burton, Wayne
Southworth, Thomas

DiSesa, Len
Stevens, Audrey

Horrigan, Timothy
Treleven, Susan

SULLIVAN

Oxenham, Lee

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

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

HB 570-FN, establishing a condominium dispute resolution board. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. George Hurt for the Majority of Commerce and Consumer Affairs. The committee had a lively debate on this bill both in the subcommittee and in executive session. This bill establishes a condominium dispute resolution board to hear and determine unit owner complaints relative to board noncompliance with association by-laws and state condominium laws. The committee felt unit owners who are dissatisfied with the work of elected board members have the ability to replace them in the next election. Equally important, testimony was given that there is no funding available to effectively establish a new condominium dispute resolution board. Vote 10-6.

Rep. Kermit R. Williams for the Minority of Commerce and Consumer Affairs. This bill was created by the Committee to Study the Laws relating to Condominium and Homeowners' Associations, which spent many hours over the past two years listening to testimony from New Hampshire citizens from all sides of the issue: condo owners and residents, condominium association board members, property managers who operate condominium facilities, and lawyers who work in the condominium business. The rules that control the association are the declaration and bylaws, both of which are originally written by the developer, and usually created for his benefit. There is no standard set for bylaws, so the fairness for residents and the amount of "democracy" in place in the association varies dramatically. Some boards don't follow their own bylaws, and the residents have little recourse other than suing. Some experts have called condominium associations small local governments; they levy fees, charge fines, maintain common facilities, and make rules for residents. If they were actually governments, the public outcry would be deafening. In New Hampshire, we have very strict rules for local governments, so they are fair to all residents. Open meetings and sunshine laws provide transparency and ensure that everyone knows what's going on, and has a chance to be heard. There are some wonderful, well-managed condominium developments, where residents are content. The others are the focus of this bill. The attorney general gets many complaints each year, but tells the complainer that there is little they can do. Currently, a resident must take issues to court, running up thousands in legal fees. This bill would provide a lower-cost method for dispute resolution, with a board of volunteers from all areas of condominium life reviewing the issues and attempting arbitration, or making a decision that will have the force of law through the court system. With 1 in 7 residents of New Hampshire living in condominiums, we have a responsibility to ensure fair treatment for all, just as we require of other local governments.

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

Rep. Williams spoke against.

Rep. Hurt spoke in favor.

On a division vote, 219 members having voted in the affirmative and 132 in the negative, the majority committee report was adopted.

HB 683-FN, regulating cash for gold businesses. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Harold F. French for the Majority of Commerce and Consumer Affairs. The committee voted to ITL this proposed legislation of licensing and regulating the cash for gold business. The intention was to stop “fly by night” gold transactions that some fear are just ways to fence stolen jewelry. Although well intended, this attempt to regulate commerce between private parties is not in the best interest of the citizens of the state and seen as another over reach of the state into private business transactions. We found that it was unwarranted, trying to solve mythical and fanciful problems that do not exist. Vote 9-5.

Rep. Kermit R. Williams for the Minority of Commerce and Consumer Affairs. This bill requires cash for gold businesses to be licensed and have a permanent place of business. It only applies to towns and cities where pawnbrokers and secondhand dealers are already required to be licensed. New Hampshire police agencies have been dealing with an increase in jewelry theft, driven largely by drug use, where the thieves sell the merchandise quickly, often for much less than it is worth. By ensuring that local law enforcement is aware of the existence of cash for gold businesses and where they are operating in their towns, this bill would make it more likely that stolen jewelry is recovered and returned to rightful owners, for whom the items often have a sentimental value far in excess of their intrinsic value.

Majority committee report adopted.

HB 150, establishing a study committee on the legalization of marijuana. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert R. Cushing for Criminal Justice and Public Safety. This bill, as amended by the committee, recognizes that in our state and the rest of the country, seismic changes are taking place in society with respect to attitudes about marijuana. In recent years, 24 states, including New Hampshire, have legalized the use of marijuana for medical reasons, and the voters in 5 states and the District of Columbia have voted to legalize adult recreational use. And last year the house passed a bill to legalize marijuana. The committee believes it is time for a comprehensive look at New Hampshire marijuana policy and establishes a commission of key stakeholders to study issues relating to the legalization, regulation and taxation of marijuana. In conducting its study the commission will look at specific issues related to the growing, selling, taxing, limiting use, advertising, promoting and otherwise regulating marijuana and marijuana-infused edible products, study the experience of NH and other states regarding the use of marijuana for medical and recreational purposes and other issues the commission deems relevant. The commission consists of 3 members of the house and 2 members of the senate, appointed by the Speaker and Senate President: the Attorney General or designee, the commissioners of the department of safety, the department of health and human services, the department of revenue administration, and the department of agriculture, markets and food, or their designees; one representative each from the NH Association of Chiefs of Police, NH Civil Liberties Union, New Futures, Marijuana Policy Project, NH Bar association, NH Medical Society, the NH Farm Bureau Federal, and three members of the public appointed by the governor. The commission will make a report on or before December 1, 2016. Vote 13-4.

Amendment (0347h)

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

AN ACT establishing a commission to study the legalization, regulation, and taxation of marijuana.

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

1 New Subdivision; Commission to Study the Legalization, Regulation, and Taxation of Marijuana. Amend RSA 318-B by inserting after section 38 the following new subdivision:

Commission to Study the Legalization, Regulation, and Taxation of Marijuana

318-B:39 Commission to Study the Legalization, Regulation, and Taxation of Marijuana Established.

I. There is established a commission to study the legalization, regulation, and taxation of marijuana. The members of the commission shall be as follows:

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

(b) Two members of the senate, appointed by the president of the senate.

(c) The attorney general, or designee.

(d) The commissioner of the department of safety, or designee.

(e) The commissioner of the department of health and human services, or designee.

(f) The commissioner of the department of revenue administration, or designee.

(g) The commissioner of the department of agriculture, markets and food, or designee.

(h) A representative of the New Hampshire Association of Chiefs of Police, appointed by that organization.

(i) A representative of the New Hampshire Civil Liberties Union, appointed by that organization.

(j) A representative of New Futures, appointed by that organization.

(k) A representative of the Marijuana Policy Project, appointed by that organization.

(l) A representative of the New Hampshire Bar Association, appointed by that organization.

(m) A representative of the New Hampshire Medical Society, appointed by that organization.

(n) A representative of the New Hampshire Farm Bureau Federation, appointed by that organization.

(o) Three representatives of the public, appointed by the governor.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

III. The commission shall study the legalization, regulation, and taxation of marijuana including the specific issues related to growing, selling, taxing, limiting use, advertising, promoting, and otherwise regulating marijuana and marijuana-infused edible products. The committee shall also study the experiences of New Hampshire and other states regarding the use of marijuana for medical purposes and for recreational purposes. The commission shall study any other issue that the commission deems relevant to its objective. The commission may solicit the advice or testimony of any organization or individual with information or expertise relevant to its study.

IV. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Ten members of the commission shall constitute a quorum.

V. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before December 1, 2016.

2 Repeal. RSA 318-B:39, relative to a commission to study the legalization, regulation, and taxation of marijuana, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect December 1, 2016.

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

AMENDED ANALYSIS

This bill establishes a commission to study the legalization, regulation, and taxation of marijuana.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 214-FN, relative to circumstances under which a police officer's certification may be revoked. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Len DiSesa for the Majority of Criminal Justice and Public Safety. This bill, while well-intentioned, is a solution seeking a problem. There are already legal mechanisms in place to deal with the revocation of a police officer's certification if s/he has been convicted of committing a crime, or if the officer has been terminated from employment for egregious behavior (or for severe violations of department standard operating procedures.) This bill would remove all discretion from police chiefs and from the New Hampshire Police Standards and Training Council by making the de-certification mandatory using a standard of "clear and convincing evidence," which would potentially violate the officer's due process rights under the constitution. Vote 13-3.

Rep. John A. Burt for the Minority of Criminal Justice and Public Safety. The minority of the committee feels there must be measures taken to correct the negative perception of law enforcement by the public. Establishing a higher standard for police officers will ensure the law enforcement community as a whole will be made safer and the citizens they serve will have greater confidence in the integrity of the police.

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

Rep. Abramson spoke against.

Rep. DiSesa spoke in favor.

Rep. Hoell requested a roll call; sufficiently seconded.

YEAS 233 - NAYS 122

YEAS - 233

BELKNAP

Dumais, Russell
Tilton, Franklin

Fields, Dennis

Hurt, George

Spanos, Peter

CARROLL

Buco, Thomas
McConkey, Mark
Ticehurst, Susan

Butler, Edward
Nelson, Bill
Umberger, Karen

Chandler, Gene
Parker, Harold

Crawford, Karel
Schmidt, Stephen

CHESHIRE

Abbott, Michael
Chase, Cynthia
Parkhurst, Henry
Sad, Tara
Weber, Lucy

Ames, Richard
Eaton, Daniel
Pearson, William
Shepardson, Marjorie

Berch, Paul
Emerson, Susan
Phillips, Larry
Sterling, Franklin

Bordenet, John
Hunt, John
Robertson, Timothy
Tatro, Bruce

COOS

Fothergill, John
Richardson, Herbert

Froburg, Alethea
Theberge, Robert

Hatch, William
Tholl, John

Moynihan, Wayne
Thomas, Yvonne

GRAFTON

Abel, Richard
Brown, Duane
Hennessey, Martha
Nordgren, Sharon
Sykes, George

Almy, Susan
Cooney, Mary
Higgins, Patricia
Piper, Wendy
Townsend, Charles

Bennett, Travis
Ford, Susan
Ladd, Rick
Shackett, Jeffrey

Brown, Chris
Hennessey, Erin
Massimilla, Linda
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Biggie, Barbara
Christiansen, Lars
Danielson, David
Freitas, Mary
Goley, Jeffrey
Haefner, Robert
Hinch, Richard
Leishman, Peter
Martel, Andre
O'Neil, William
Peterson, Ken
Roberts, Carol
Sanborn, Laurie
Smith, Timothy
Sullivan, Daniel
Williams, Kermit

Balcom, John
Booras, Efsthia
Cohen, Alan
DiSilvestro, Linda
Gagne, Larry
Gonzalez, Carlos
Hansberry, Daniel
Jack, Martin
Long, Patrick
McCarthy, Peggy
Ober, Russell
Pierce, David
Rosenwald, Cindy
Scotsas, Lisa
Snow, Kendall
Takesian, Charlene
Wolf, Terry

Beaulieu, Jane
Byron, Frank
Cornell, Patricia
Donovan, Daniel
Gargas, Carolyn
Gorman, Mary
Harvey, Suzanne
Kurk, Neal
Mangipudi, Latha
McNamara, Richard
Palmer, Barry
Porter, Marjorie
Rouillard, Claire
Seidel, Carl
Soucy, Timothy
Vann, Ivy
Woodbury, David

Belanger, James
Christensen, Chris
Cote, David
Forest, Armand
Gidge, Kenneth
Guerette, C. Lee
Heath, Mary
LeBrun, Donald
Manley, Jonathan
O'Brien, Michael
Pellegrino, Anthony
Proulx, Mark
Rowe, Robert
Shattuck, Gilman
Straight, Phillip
Walsh, Robert

MERRIMACK

Bartlett, Christy
Doherty, David
Gile, Mary
Kenison, Linda
Moffett, Howard
Rice, Harold (Chip)
Shurtleff, Stephen

Bradley, Paula
Ebel, Karen
Henle, Paul
Kidder, David
Myler, Mel
Rogers, Katherine
Turcotte, Alan

Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Kotowski, Frank
Patten, Dick
Saunderson, George
Wallner, Mary Jane

Deloge, Helen
French, Barbara
Karrick, David
MacKay, James
Ratzki, Mario
Schuett, Dianne
Wheeler, Deborah

ROCKINGHAM

Abrami, Patrick
Borden, David
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Gordon, Pamela
Hagan, Joseph
Lovejoy, Patricia
McBeath, Rebecca
O'Connor, John
Sanders, Elisabeth
Ward, Gerald
Weyler, Kenneth

Azarian, Gary
Cahill, Michael
Christie, Andrew
Devine, James
Ferrante, Beverly
Gordon, Richard
Heffron, Frank
Major, Norman
McKinney, Betsy
Packard, Sherman
Sherman, Thomas
Ward, Joanne
Woitkun, Steven

Barnes, Arthur
Cali-Pitts, Jacqueline
Cook, Allen
DiFranco, Debbie
Fesh, Robert
Griffin, Mary
Hoelzel, Kathleen
Manning, John
Milz, David
Pantelakos, Laura
Simpson, Alexis
Webb, James

Berrien, Skip
Cardon, G. Thomas
Cushing, Robert
Doucette, Fred
Francese, Paula
Guthrie, Joseph
Katsakiores, Phyllis
Matthews, Carolyn
Nigrello, Robert
Potucek, John
Sytek, John
Welch, David

STRAFFORD

Baber, William
Cilley, Jacalyn
Horrigan, Timothy
Smith, Marjorie
Stevens, Audrey
Ward, Kenneth

Berube, Roger
DiSesa, Len
Kaen, Naida
Southworth, Thomas
Treleaven, Susan

Bixby, Peter
Gardner, Janice
Rollo, Deanna
Spang, Judith
Verschueren, James

Burton, Wayne
Gray, James
Schmidt, Peter
Sprague, Dale
Wall, Janet

SULLIVAN

Cloutier, John
Grenier, James
Smith, Steven

Converse, Larry
O'Hearne, Andrew

Gagnon, Raymond
Oxenham, Lee

Gottling, Suzanne
Schmidt, Andrew

NAYS - 122**BELKNAP**

Aldrich, Glen
Howard, Jr., Raymond
Vadney, Herbert

Fisher, Robert
LeBreche, Shari
Varney, Peter

Fraser, Valerie
Luther, Robert

Gallagher, Brian
Sylvia, Michael

CARROLLAvellani, Lino
Wright, Ted

Comeau, Ed

Cordelli, Glenn

McCarthy, Frank

CHESHIRE

McConnell, Jim

Tilton, Benjamin

COOS

Rappaport, Laurence

Rideout, Leon

GRAFTONBailey, Brad
Ingbretson, PaulDarrow, Stephen
Johnson, Eric

Gionet, Edmond

Hull, Robert

HILLSBOROUGHAdams, Christopher
Burt, John
Estevez, Eric
Goulette, William
Herbert, Christopher
Marston, Dick
Murotake, David
Ohm, Bill
Silva, Peter
Stepanek, Stephen
Zaricki, NickAmmon, Keith
Christie, Rick
Ferreira, Elizabeth
Griffin, Barbara
Hogan, Edith
McClarren, Donald
Murphy, Keith
Parison, James
Simmons, Tammy
Sullivan, VictoriaBoehm, Ralph
Edelblut, Frank
Fromuth, Bart
Halstead, Carolyn
Hopper, Gary
McLean, Mark
Notter, Jeanine
Rice, Kimberly
Smith, Gregory
Sweeney, ShawnBouldin, Amanda
Edwards, Elizabeth
Gould, Linda
Hansen, Peter
Lachance, Joseph
Moore, Josh
O'Brien, William
Schleien, Eric
Souza, Kathleen
Twombly, Timothy**MERRIMACK**Brewster, Michael
Hoell, J.R.
Marple, Richard
Seaworth, BrianFrench, Harold
Horn, Werner
Martin, John
Walsh, ThomasHess, David
Kuch, Bill
McGuire, CarolHill, Gregory
Long, Douglas
Parent, Jason**ROCKINGHAM**Abramson, Max
Chase, Francis
Gannon, William
Itse, Daniel
Prudhomme-O'Brien, Katherine
Tasker, Kyle
Wood, DavidAllen, Mary
Duarte, Joe
Harris, Jeffrey
Kappler, Lawrence
Rice, Frederick
Thomas, DouglasBaldasaro, Alfred
Emerick, J. Tracy
Hodgdon, Bruce
Kellogg, Shem
Spillane, James
True, ChrisBates, David
Friel, William
Introne, Robert
Kolodziej, Walter
Tamburello, Daniel
Tucker, Pamela**STRAFFORD**Beaudoin, Steven
Jones, Laura
Mullen, John
Wuelper, KurtBickford, David
Kaczynski, Jr., Thomas
Pitre, JosephGroen, Warren
Knowles, Robert
Turcotte, LeonardHannon, Joseph
Leeman, Don
Whitehouse, Joshua**SULLIVAN**

Bridge, Ernest

Irwin, Virginia

Laware, Thomas

Rollins, Skip

and the majority committee report was adopted.

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

HB 255-FN, relative to petitioning for annulment of a class B misdemeanor offense. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Shawn P. Sweeney for Criminal Justice and Public Safety. Under current law, those convicted of both class A and class B misdemeanors must wait 3 years from the end of the sentence before being allowed to petition the court for a hearing on annulment of the conviction. This bill reduces the waiting period for the less serious class B misdemeanor conviction to 2 years. The amendment excludes domestic violence related convictions from the reduced time period. Vote 17-0.

Amendment (0161h)

Amend the bill by replacing section 1 with the following:

1 Annulment of Criminal Records. Amend RSA 651:5, III to read as follows:

III. Except as provided in RSA 265-A:21 or in paragraphs V and VI, any person convicted of an offense may petition for annulment of the record of arrest, conviction, and sentence when the petitioner has completed all the terms and conditions of the sentence and has thereafter been convicted of no other crime, except a motor vehicle offense classified as a violation other than driving while intoxicated under RSA 265-A:2, I, RSA 265:82, or RSA 265:82-a for a period of time as follows:

(a) For a violation, one year, unless the underlying conviction was for an offense specified under RSA 259:39.

(b) For a class B misdemeanor except as provided in [subparagraph (f), 3 years] **subparagraphs (f) and (h), 2 years.**

(c) For a class A misdemeanor except as provided in subparagraph (f), 3 years.

(d) For a class B felony except as provided in subparagraph (g), 5 years.

(e) For a class A felony, 10 years.

(f) For sexual assault under RSA 632-A:4, 10 years.

(g) For felony indecent exposure or lewdness under RSA 645:1, II, 10 years.

(h) For any misdemeanor where the victim was, at the time of the offense, a family or household member or intimate partner as those terms are defined in RSA 173-B:1, 3 years.

AMENDED ANALYSIS

This bill reduces the waiting period for petitioning for annulment of a class B misdemeanor offense. The bill also establishes a 3-year waiting period for petitioning for annulment of an offense involving a family or household member or intimate partner.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 367-FN, redefining simple assault. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Robert R. Cushing for the Majority of Criminal Justice and Public Safety. This bill attempts to amend New Hampshire's simple assault law. Currently law enforcement can use the crime of "simple assault" to charge abusers in dating situations who assault their victims. Simple assault is also the crime that routinely allows victims of domestic violence to qualify for a restraining order under RSA 173-B. If enacted this bill would make it more difficult for victims of domestic violence to receive the protection they need under the law. Under HB 367, if an abuser punches, pushes, slaps or spits on a victim but does not leave a visible injury, a law enforcement officer will have to determine whether a reasonable person would find that conduct offensive, threatening or provocative before arresting the offender. This complicates and potentially delays an arrest and civil relief in cases that pose imminent danger to victims. This bill would also legalize seemingly innocuous grooming behavior by sex offenders. For example, if a man goes to a city park and tickles small children he does not know, the children might not find this conduct "offensive," "threatening" or "provocative." Furthermore, a person cannot be charged with simple assault for simply tapping someone on the shoulder; there must be intent in order to charge under current law. We have no reason to believe that this statute is being unfairly enforced; this is a solution in search of a problem. Vote 12-4.

Rep. Ed Comeau for the Minority of Criminal Justice and Public Safety. The existing statute, RSA 631:2-a, narrowly defines the parameters of simple assault. Presently it covers; bodily injury to another; recklessly causing bodily injury to another; or negligently causing bodily injury by a deadly weapon; and is a misdemeanor unless committed in a fight entered into by mutual consent, in which case it is a violation. HB 367-FN adds the gender and broadens the parameters to add additional physical contact that would be understood to be offensive, threatening or provocative or unprivileged physical contact that would be understood to purposely cause sexual arousal or gratification. It is the minority opinion that these additions will more fairly defend or prosecute people that are accused of simple assault.

Majority committee report adopted.

HB 490-FN, prohibiting the retail sale of reloadable aerial shell fireworks. **INEXPEDIENT TO LEGISLATE.**

Rep. John A. Burt for Criminal Justice and Public Safety. The majority of the committee agreed that this bill is not needed. NH towns and cities currently have the power to make local ordinances on fireworks. This bill was for one incident that was the homeowners fault. Vote 10-6.

Committee report adopted.

HB 560-FN, including a fetus in the definition of "another" for the purpose of certain criminal offenses. **MAJORITY: OUGHT TO PASS. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. John A. Burt for the Majority of Criminal Justice and Public Safety. This bill aims to give the families of wanted unborn children an avenue for justice when the unborn child is killed by the criminal or negligent actions of a third party. There is a string of tragic events in NH that have left families searching for justice. This bill will give the families that avenue. This bill fulfills the request of the state supreme court spelled out in the NH v Lamy case handed down April 9, 2009, when they overturned the negligent homicide conviction of Joshua Lamy in the death of Dominick Emmons. Part of the ruling stated that if the NH legislature finds the ruling in this case unfortunate as the court does they should revisit the homicide statutes in regards to a fetus like many other states have done. Thirty-eight other states have similar laws to the one proposed in HB 560. Twenty-three of these states start at conception making this proposed law in the middle ground. The 8-week point of protection centers on the women's choice it is also the point of pregnancy when miscarriages

drops off dramatically. Expectant mothers are exempted from prosecution under this statute. Abortion is not affected by the proposed law as the Abortion choice is also exempted under the bill. All challenges to fetal homicide laws have been denied as long as the law contained this exemption and in fact, fetal homicide laws have been in existence since California passed the first in the early 1970s. There is also language in the bill to protect families that require in vitro fertilization to complete their families. This bill will do away with the antiquated born alive rule formed in the 1900s and bring NH into the mainstream in regards to fetal homicide. Vote 10-7.

Rep. Laura C. Pantelakos for the Minority of Criminal Justice and Public Safety. While the minority certainly understands the desire to find justice for crimes that result in devastating effects for women and their families, we believe that this bill as written is not the answer. Current New Hampshire assault laws already have enhanced penalties for injuries that result in the death or stillbirth of a fetus. Last session we addressed a similar bill (1503) and it passed with an amendment. However this session, HB 560 as written, again creates a contradiction in one of the frameworks underpinning the Roe v. Wade Supreme Court decision by establishing fetal rights separate from the woman's rights. Similar fetal homicide bills elsewhere have resulted in pregnant women being arrested for harm to their fetuses. To address this problem in HB 560, we will present and recommend an amendment that passed the house in the last session. We believe now, as a majority of members did then, that the amendment strikes a meaningful compromise. We ask members to support it as they have in the past.

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

Rep. Weber offered minority committee amendment (0759h)

Minority Amendment (0759h)

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

AN ACT relative to the penalties for negligent homicide and manslaughter causing a miscarriage or stillbirth and relative to miscarriage or stillbirth in second degree murder cases.

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

1 Homicide; Manslaughter. Amend RSA 630:2 to read as follows:

630:2 Manslaughter.

I. A person is guilty of manslaughter when he *or she* causes the death of another:

(a) Under the influence of extreme mental or emotional disturbance caused by extreme provocation but which would otherwise constitute murder; or

(b) Recklessly.

II.(a) Manslaughter shall be punishable by imprisonment for a term of not more than 30 years.

(b) Manslaughter which causes a miscarriage or stillbirth, as defined in RSA 631:1, II(a) and (b), shall be punishable by imprisonment for a term of not more than 60 years.

III. In addition to any other penalty imposed, if the death of another person resulted from the driving of a motor vehicle, the court may revoke the license or driving privilege of the convicted person indefinitely.

2 Homicide; Negligent Homicide. Amend RSA 630:3 to read as follows:

630:3 Negligent Homicide.

I. A person is guilty of a class B felony when he *or she* causes the death of another negligently. **A person convicted of class B felony negligent homicide which causes a miscarriage or stillbirth, as defined in RSA 631:1, II(a) and (b), shall be punished by imprisonment for a term of not more than 14 years.**

II. A person is guilty of a class A felony when in consequence of being under the influence of intoxicating liquor or a controlled drug or any combination of intoxicating liquor and controlled drug while operating a propelled vehicle, as defined in RSA 637:9, III or a boat as defined in RSA 265-A:1, II, he or she causes the death of another. **A person convicted of class A felony negligent homicide which causes a miscarriage or stillbirth, as defined in RSA 631:1, II(a) and (b), shall be punished by imprisonment for a term of not more than 25 years.**

III. In addition to any other penalty imposed, if the death of another person resulted from the negligent driving of a motor vehicle, the court may revoke the license or driving privilege of the convicted person for up to 7 years. In cases where the person is convicted under paragraph II, the court shall revoke the license or driving privilege of the convicted person indefinitely and the person shall not petition for eligibility to reapply for a driver's license for at least 7 years. In a case in which alcohol was involved, the court may also require that the convicted person shall not have a license to drive reinstated until after the division of motor vehicles receives certification of installation of an ignition interlock device as described in RSA 265-A:36, which shall remain in place for a period not to exceed 5 years.

3 Homicide; Second Degree Murder. Amend RSA 630:1-b to read as follows:

630:1-b Second Degree Murder.

I. A person is guilty of murder in the second degree if:

(a) He *or she* knowingly causes the death of another; or

(b) He *or she* causes such death recklessly under circumstances manifesting an extreme indifference to the value of human life. Such recklessness and indifference are presumed if the actor causes the death by the use of a deadly weapon in the commission of, or in an attempt to commit, or in immediate flight after committing or attempting to commit any class A felony.

II. Murder in the second degree shall be punishable by imprisonment for life or for such term as the court may order.

III. In cases where a person is convicted of murder in the second degree which causes a miscarriage or stillbirth, as defined in RSA 631:1, II(a) and (b), the judge shall explicitly state for the record that he or she considered the miscarriage or stillbirth as a factor in pronouncing sentence and shall explain what effect, if any, the miscarriage or stillbirth had in determining the sentence imposed.

4 Effective Date. This act shall take effect January 1, 2016.

AMENDED ANALYSIS

This bill adds an enhanced term of imprisonment for manslaughter or negligent homicide causing a miscarriage or stillbirth. The bill also requires that in second degree murder convictions, the judge shall state for the record that he or she considered the miscarriage or stillbirth as a factor in pronouncing sentence and shall explain what effect, if any, the miscarriage or stillbirth had in determining the sentence.

Reps. Weber and Rosenwald spoke in favor.

Rep. Richardson spoke against.

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

YEAS 168 - NAYS 190

YEAS - 168

BELKNAP

Hurt, George

Spanos, Peter

Vadney, Herbert

Varney, Peter

CARROLL

Buco, Thomas

Butler, Edward

Crawford, Karel

Ticehurst, Susan

CHESHIRE

Abbott, Michael
Chase, Cynthia
Ley, Douglas
Roberts, Kris
Tilton, Benjamin

Ames, Richard
Eaton, Daniel
Parkhurst, Henry
Robertson, Timothy
Weber, Lucy

Berch, Paul
Emerson, Susan
Pearson, William
Sad, Tara

Bordenet, John
Hunt, John
Phillips, Larry
Shepardson, Marjorie

COOS

Froburg, Alethea
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

Theberge, Robert

GRAFTON

Abel, Richard
Cooney, Mary
Maes, Kevin
Smith, Suzanne

Almy, Susan
Ford, Susan
Massimilla, Linda
Sykes, George

Bennett, Travis
Hennessey, Martha
Nordgren, Sharon
Townsend, Charles

Brown, Chris
Higgins, Patricia
Piper, Wendy

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Cote, David
Freitas, Mary
Gorman, Mary
Heath, Mary
Leishman, Peter
Martel, Andre
Ober, Russell
Rosenwald, Cindy
Smith, Gregory
Sullivan, Daniel
Williams, Kermit

Beaulieu, Jane
Christiansen, Lars
DiSilvestro, Linda
Gargas, Carolyn
Guerette, C. Lee
Herbert, Christopher
Long, Patrick
McNamara, Richard
Peterson, Ken
Rouillard, Claire
Smith, Timothy
Takesian, Charlene
Woodbury, David

Booras, Efstathia
Cohen, Alan
Donovan, Daniel
Gidge, Kenneth
Halstead, Carolyn
Jack, Martin
Mangipudi, Latha
O'Brien, Michael
Porter, Marjorie
Rowe, Robert
Snow, Kendall
Vann, Ivy

Bouldin, Amanda
Cornell, Patricia
Edwards, Elizabeth
Goley, Jeffrey
Harvey, Suzanne
Kurk, Neal
Manley, Jonathan
O'Neil, William
Roberts, Carol
Shattuck, Gilman
Soucy, Timothy
Walsh, Robert

MERRIMACK

Alicea, Caroletta
Deloge, Helen
French, Barbara
Kenison, Linda

Bartlett, Christy
Doherty, David
Henle, Paul
Kidder, David

Bradley, Paula
Ebel, Karen
Hirsch, Geoffrey
MacKay, James

Carson, Clyde
Frazer, June
Karrick, David
Moffett, Howard

Myler, Mel
Rogers, Katherine
Turcotte, Alan

Patten, Dick
Saunderson, George
Wallner, Mary Jane

Ratzki, Mario
Schuett, Dianne
Wheeler, Deborah

Rice, Harold (Chip)
Shurtleff, Stephen

ROCKINGHAM

Berrien, Skip
Cardon, G. Thomas
Francese, Paula
Major, Norman
Milz, David
Ward, Gerald

Borden, David
Cushing, Robert
Gordon, Pamela
Manning, John
Sanders, Elisabeth

Cahill, Michael
DiFranco, Debbie
Heffron, Frank
McBeath, Rebecca
Sherman, Thomas

Cali-Pitts, Jacqueline
Elliott, Robert
Lovejoy, Patricia
McMahon, Charles
Simpson, Alexis

STRAFFORD

Baber, William
DiSesa, Len
Schmidt, Peter
Sprague, Dale
Ward, Kenneth

Bixby, Peter
Horrigan, Timothy
Smith, Marjorie
Treleaven, Susan

Burton, Wayne
Kaen, Naida
Southworth, Thomas
Verschueren, James

Cilley, Jacalyn
Rollo, Deanna
Spang, Judith
Wall, Janet

SULLIVAN

Cloutier, John
Irwin, Virginia

Converse, Larry
O'Hearne, Andrew

Gagnon, Raymond
Schmidt, Andrew

Gottling, Suzanne

NAYS - 190

BELKNAP

Aldrich, Glen
Fraser, Valerie
Tilton, Franklin

Comtois, Guy
Gallagher, Brian

Dumais, Russell
LeBreche, Shari

Fields, Dennis
Luther, Robert

CARROLL

Avellani, Lino
McCarthy, Frank
Schmidt, Stephen

Chandler, Gene
McConkey, Mark
Umberger, Karen

Comeau, Ed
Nelson, Bill
Wright, Ted

Cordelli, Glenn
Parker, Harold

CHESHIRE

McConnell, Jim

COOS

Fothergill, John
Tholl, John

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Hennessey, Erin
Ladd, Rick

Brown, Duane
Hull, Robert
Shackett, Jeffrey

Darrow, Stephen
Ingbretson, Paul

Gionet, Edmond
Johnson, Eric

HILLSBOROUGH

Adams, Christopher
Biggie, Barbara
Christensen, Chris
Edelblut, Frank
Fromuth, Bart
Goulette, William
Hinch, Richard
Lachance, Joseph
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pierce, David
Schleien, Eric
Simmons, Tammy
Sullivan, Victoria

Ammon, Keith
Boehm, Ralph
Christie, Rick
Estevez, Eric
Gagne, Larry
Griffin, Barbara
Hogan, Edith
LeBrun, Donald
McLean, Mark
Notter, Jeanine
Palmer, Barry
Proulx, Mark
Scoutsas, Lisa
Souza, Kathleen
Sweeney, Shawn

Balcom, John
Burt, John
Danielson, David
Ferreira, Elizabeth
Gonzalez, Carlos
Haefner, Robert
Hopper, Gary
Marston, Dick
Moore, Josh
O'Brien, William
Parison, James
Rice, Kimberly
Seidel, Carl
Stepanek, Stephen
Twombly, Timothy

Belanger, James
Byron, Frank
Eastman, Eric
Forest, Armand
Gould, Linda
Hansen, Peter
Infantine, William
McCarthy, Peggy
Murotake, David
Ober, Lynne
Pellegrino, Anthony
Sanborn, Laurie
Silva, Peter
Straight, Phillip
Wolf, Terry

MERRIMACK

Brewster, Michael
Horn, Werner
Marple, Richard
Parent, Jason

Hess, David
Kotowski, Frank
Martin, John
Seaworth, Brian

Hill, Gregory
Kuch, Bill
McGuire, Carol
Walsh, Thomas

Hoell, J.R.
Long, Douglas
McGuire, Dan

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Chase, Francis

Abramson, Max
Barnes, Arthur
Chirichiello, Brian

Allen, Mary
Bates, David
Christie, Andrew

Azarian, Gary
Belanger, Ronald
Cook, Allen

DeSimone, Debra
Emerick, J. Tracy
Gannon, William
Hagan, Joseph
Introne, Robert
Kellogg, Shem
O'Connor, John
Prudhomme-O'Brien, Katherine
Sytek, John
True, Chris
Webb, James
Wood, David

Devine, James
Ferrante, Beverly
Gordon, Richard
Harris, Jeffrey
Itse, Daniel
Kolodziej, Walter
Packard, Sherman
Rice, Frederick
Tamburello, Daniel
Tucker, Pamela
Welch, David

Doucette, Fred
Fesh, Robert
Griffin, Mary
Hodgdon, Bruce
Kappler, Lawrence
Matthews, Carolyn
Pantelakos, Laura
Schroadter, Adam
Tasker, Kyle
Vose, Michael
Weyler, Kenneth

Duarte, Joe
Friel, William
Guthrie, Joseph
Hoelzel, Kathleen
Katsakiores, Phyllis
Nigrello, Robert
Potucek, John
Spillane, James
Thomas, Douglas
Ward, Joanne
Woitkun, Steven

STRAFFORD

Beaudoin, Steven
Gray, James
Kaczynski, Jr., Thomas
Pitre, Joseph
Wuelper, Kurt

Berube, Roger
Groen, Warren
Knowles, Robert
Stevens, Audrey

Bickford, David
Hannon, Joseph
Leeman, Don
Turcotte, Leonard

Cheney, Catherine
Jones, Laura
Mullen, John
Whitehouse, Joshua

SULLIVAN

Bridge, Ernest
Smith, Steven

Grenier, James

Laware, Thomas

Rollins, Skip

and the minority committee amendment (0759h) failed.

Rep. Booras voted Yea and intended to vote Nay.

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

Rep. Hirsch spoke against.

Reps. Rideout, Jones and Notter spoke against.

Rep. Rideout requested a roll call; sufficiently seconded.

YEAS 208 NAYS 155

YEAS - 208

BELKNAP

Aldrich, Glen
Fraser, Valerie
LeBreche, Shari
Varney, Peter

Comtois, Guy
Gallagher, Brian
Luther, Robert

Dumais, Russell
Howard, Jr., Raymond
Spanos, Peter

Fields, Dennis
Hurt, George
Tilton, Franklin

CARROLL

Avellani, Lino
McCarthy, Frank
Schmidt, Stephen

Chandler, Gene
McConkey, Mark
Umberger, Karen

Comeau, Ed
Nelson, Bill
Wright, Ted

Cordelli, Glenn
Parker, Harold

CHESHIRE

Emerson, Susan

McConnell, Jim

Sterling, Franklin

Tilton, Benjamin

COOS

Fothergill, John
Theberge, Robert

Rappaport, Laurence
Tholl, John

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Hull, Robert
Shackett, Jeffrey

Brown, Duane
Ingbertson, Paul

Darrow, Stephen
Johnson, Eric

Hennessey, Erin
Ladd, Rick

HILLSBOROUGH

Adams, Christopher
Boehm, Ralph
Christiansen, Lars
Eastman, Eric
Fromuth, Bart
Goulette, William
Hansen, Peter
Hopper, Gary
Marston, Dick
McLean, Mark
Notter, Jeanine
Parison, James
Rice, Kimberly
Schleien, Eric

Ammon, Keith
Burt, John
Christie, Rick
Edelblut, Frank
Gagne, Larry
Griffin, Barbara
Herbert, Christopher
Infantine, William
Martel, Andre
Moore, Josh
O'Brien, William
Pellegrino, Anthony
Rouillard, Claire
Scotsas, Lisa

Balcom, John
Byron, Frank
Danielson, David
Estevez, Eric
Gonzalez, Carlos
Haefner, Robert
Hinch, Richard
Lachance, Joseph
McCarthy, Peggy
Murotake, David
Ohm, Bill
Pierce, David
Rowe, Robert
Seidel, Carl

Biggie, Barbara
Christensen, Chris
Donovan, Daniel
Ferreira, Elizabeth
Gould, Linda
Halstead, Carolyn
Hogan, Edith
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Palmer, Barry
Proulx, Mark
Sanborn, Laurie
Silva, Peter

Simmons, Tammy
Stepanek, Stephen
Twombly, Timothy

Smith, Gregory
Straight, Phillip
Wolf, Terry

Smith, Timothy
Sullivan, Victoria

Souza, Kathleen
Sweeney, Shawn

MERRIMACK

Brewster, Michael
Horn, Werner
Marple, Richard
Parent, Jason

French, Harold
Kotowski, Frank
Martin, John
Patten, Dick

Hill, Gregory
Kuch, Bill
McGuire, Carol
Seaworth, Brian

Hoell, J.R.
Long, Douglas
McGuire, Dan
Walsh, Thomas

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Cardon, G. Thomas
Cook, Allen
Duarte, Joe
Fesh, Robert
Griffin, Mary
Hodgdon, Bruce
Kappler, Lawrence
Major, Norman
Milz, David
Potucek, John
Schroadter, Adam
Tasker, Kyle
Vose, Michael
Weyler, Kenneth

Abramson, Max
Barnes, Arthur
Chase, Francis
DeSimone, Debra
Elliott, Robert
Friel, William
Guthrie, Joseph
Hoelzel, Kathleen
Katsakiores, Phyllis
Manning, John
Nigrello, Robert
Prudhomme-O'Brien, Katherine
Spillane, James
Thomas, Douglas
Ward, Joanne
Woitkun, Steven

Allen, Mary
Bates, David
Chirichiello, Brian
Devine, James
Emerick, J. Tracy
Gannon, William
Hagan, Joseph
Introne, Robert
Kellogg, Shem
Matthews, Carolyn
O'Connor, John
Rice, Frederick
Sytek, John
True, Chris
Webb, James
Wood, David

Azarian, Gary
Belanger, Ronald
Christie, Andrew
Doucette, Fred
Ferrante, Beverly
Gordon, Richard
Harris, Jeffrey
Itse, Daniel
Kolodziej, Walter
McMahon, Charles
Packard, Sherman
Sanders, Elisabeth
Tamburello, Daniel
Tucker, Pamela
Welch, David

STRAFFORD

Beaudoin, Steven
Groen, Warren
Knowles, Robert
Turcotte, Leonard

Berube, Roger
Hannon, Joseph
Leeman, Don
Whitehouse, Joshua

Cheney, Catherine
Jones, Laura
Mullen, John
Wuelper, Kurt

Gray, James
Kaczynski, Jr., Thomas
Pitre, Joseph

SULLIVAN

Gagnon, Raymond
Smith, Steven

Grenier, James

Laware, Thomas

Rollins, Skip

NAYS - 155

BELKNAP

Vadney, Herbert

CARROLL

Buco, Thomas

Butler, Edward

Crawford, Karel

Ticehurst, Susan

CHESHIRE

Abbott, Michael
Chase, Cynthia
Parkhurst, Henry
Robertson, Timothy
Weber, Lucy

Ames, Richard
Eaton, Daniel
Pearson, William
Sad, Tara

Berch, Paul
Hunt, John
Phillips, Larry
Shepardson, Marjorie

Bordenet, John
Ley, Douglas
Roberts, Kris
Tatro, Bruce

COOS

Froburg, Alethea

Hatch, William

Moynihan, Wayne

Thomas, Yvonne

GRAFTON

Abel, Richard
Cooney, Mary
Higgins, Patricia
Piper, Wendy

Almy, Susan
Ford, Susan
Maes, Kevin
Smith, Suzanne

Bennett, Travis
Gionet, Edmond
Massimilla, Linda
Sykes, George

Brown, Chris
Hennessey, Martha
Nordgren, Sharon
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Bouldin, Amanda
Cote, David
Freitas, Mary
Guerette, C. Lee
Kurk, Neal
Manley, Jonathan
Ober, Russell
Rosenwald, Cindy
Sullivan, Daniel
Williams, Kermit

Beaulieu, Jane
Brown, Pamela
DiSilvestro, Linda
Gidge, Kenneth
Harvey, Suzanne
Leishman, Peter
McNamara, Richard
Peterson, Ken
Shattuck, Gilman
Takesian, Charlene
Woodbury, David

Belanger, James
Cohen, Alan
Edwards, Elizabeth
Goley, Jeffrey
Heath, Mary
Long, Patrick
O'Brien, Michael
Porter, Marjorie
Snow, Kendall
Vann, Ivy

Booras, Efsthathia
Cornell, Patricia
Forest, Armand
Gorman, Mary
Jack, Martin
Mangipudi, Latha
O'Neil, William
Roberts, Carol
Soucy, Timothy
Walsh, Robert

MERRIMACK

Alicea, Caroletta
 Deloge, Helen
 French, Barbara
 Hirsch, Geoffrey
 MacKay, James
 Rice, Harold (Chip)
 Shurtleff, Stephen

Bartlett, Christy
 Doherty, David
 Gile, Mary
 Karrick, David
 Moffett, Howard
 Rogers, Katherine
 Turcotte, Alan

Bradley, Paula
 Ebel, Karen
 Henle, Paul
 Kenison, Linda
 Myler, Mel
 Saunderson, George
 Wallner, Mary Jane

Carson, Clyde
 Frazer, June
 Hess, David
 Kidder, David
 Ratzki, Mario
 Schuett, Dianne
 Wheeler, Deborah

ROCKINGHAM

Berrien, Skip
 Cushing, Robert
 Heffron, Frank
 Pantelakos, Laura

Borden, David
 DiFranco, Debbie
 Lovejoy, Patricia
 Sherman, Thomas

Cahill, Michael
 Francese, Paula
 McBeath, Rebecca
 Simpson, Alexis

Cali-Pitts, Jacqueline
 Gordon, Pamela
 McKinney, Betsy
 Ward, Gerald

STRAFFORD

Baber, William
 Cilley, Jacalyn
 Rollo, Deanna
 Spang, Judith
 Verschueren, James

Bickford, David
 DiSesa, Len
 Schmidt, Peter
 Sprague, Dale
 Wall, Janet

Bixby, Peter
 Horrigan, Timothy
 Smith, Marjorie
 Stevens, Audrey
 Ward, Kenneth

Burton, Wayne
 Kaen, Naida
 Southworth, Thomas
 Treleaven, Susan

SULLIVAN

Bridge, Ernest
 Irwin, Virginia

Cloutier, John
 O'Hearne, Andrew

Converse, Larry
 Oxenham, Lee

Gottling, Suzanne
 Schmidt, Andrew

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

HB 592-FN, relative to vulnerable users of highways. **INEXPEDIENT TO LEGISLATE.**

Rep. John F. Martin for Criminal Justice and Public Safety. This bill seeks to increase the penalty for an unintended act from a class A misdemeanor to a class B felony. It creates yet another special class of victim and specifically intends to threaten to punish an unintended act with a possible state prison sentence. Other statutes already address unlawful operation of a vehicle or vessel, and this bill adds nothing except another enhanced penalty. Vote 10-7.

Committee report adopted.

HB 597-FN, relative to penalties for indecent exposure and lewdness. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John E. Tholl for Criminal Justice and Public Safety. The bill, as amended, brings the act of fornicating, exposing his or her genitals, or performing any other act of gross lewdness to a child under 16 for the purpose of sexual gratification or sexual arousal from a misdemeanor to the same level as sending a photograph depicting those same events, which is currently a class B felony. Vote 16-0.

Amendment (0313h)

Amend RSA 645:1, II(a) as inserted by section 1 of the bill by replacing it with the following:

(a) ***Such person, with the intent to cause sexual gratification or arousal, purposely fornicates, exposes his or her genitals, or performs any other act of gross lewdness in the presence of a child who is less than 16 years of age.***

AMENDED ANALYSIS

This bill increases the criminal penalty for purposely, with the intent to cause sexual gratification or arousal, fornicating, exposing his or her genitals, or performing any other act of gross lewdness while in the presence of a child less than 16 years of age from a misdemeanor to a class B felony.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 618-FN, relative to penalties for the possession of marijuana and relative to the cultivation of marijuana plants. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert R. Cushing for Criminal Justice and Public Safety. This bill reforms NH marijuana laws to make possession of a small amount of marijuana a violation, subject to a fine, instead of a misdemeanor crime subject to jail and a criminal record. It is similar to the steps taken by 19 other states, including all other New England states, to decriminalize marijuana possession, and HB 618 is similar to decriminalization legislation that has been passed by the house 5 times since 2008. This bill does not endorse the use of marijuana, nor ignore the problems that can be associated with its use. The committee amended the bill to reduce from one ounce to one half ounce the amount of marijuana one could possess without being subject to misdemeanor arrest, include escalating fines for repeat violations of the law and maintain the current law outlawing possession of marijuana plants. This bill seeks to stop making criminals out of citizens by placing our marijuana laws more in line with voter opinion, the New Hampshire constitution, and common sense. Vote 12-3.

Amendment (0699h)

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

AN ACT relative to penalties for the possession of marijuana.

Amend RSA 318-B:2-c, I as inserted by section 1 of the bill by replacing it with the following:

I. Except as provided in RSA 126-X, any person possessing 1/2 ounce or less of marijuana, including adulterants or dilutants, shall be guilty of a violation, and subject to the penalties provided in paragraph III.

Amend RSA 318-B:2-c, III(a) as inserted by section 1 of the bill by replacing it with the following:

III.(a) Any person 18 years of age or older who is convicted of violating paragraph I or II shall be subject to a fine of \$100 for a first offense, a fine of \$200 for a second offense under this subparagraph, and a fine of \$500 for a third or subsequent offense under this subparagraph, and shall forfeit the marijuana or hashish to the state.

Amend RSA 318-B:2-c, IV(a) as inserted by section 1 of the bill by replacing it with the following:

(a) No record of a violation of this section shall be recorded in any publicly available database of criminal offenders.

Amend RSA 318-B:2-c, VI(a) and (b) as inserted by section 1 of the bill by replacing it with the following:

(a) Except as specifically provided in RSA 263:56-b, III and IV, neither the state nor any of its political subdivisions shall impose any form of penalty on a person for possessing 1/2 ounce or less of marijuana, 5 grams or less of hashish, or paraphernalia for marijuana use, nor shall any penalties or obligations exceeding those outlined in RSA 263:56-b, III or IV be imposed by the state nor any of its political subdivisions solely for having cannabinoids or cannabinoid metabolites in the urine, blood, sweat, hair, fingernails, toenails, or other tissue or fluid of the human body.

(b) Possession of 1/2 ounce or less of marijuana, possession of 5 grams or less of hashish, possession of paraphernalia for marijuana use, or the presence of cannabinoids or cannabinoid metabolites in the urine, blood, sweat, hair, fingernails, toenails, or other tissue or fluid of the human body shall not constitute grounds for denying a person student financial aid, public housing, or any form of public financial assistance including unemployment benefits, or denying a person the right to operate a motor vehicle, or disqualifying a person from serving as a foster parent or adoptive parent.

Amend RSA 318-B:26, I as inserted by section 2 of the bill by deleting RSA 318-B:26, I(e)

AMENDED ANALYSIS

This bill reduces the penalty for possession of one ounce or less of marijuana to a violation, and reduces the penalty for possession of other amounts of marijuana.

Committee amendment adopted.

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

Rep. Gannon spoke against.

Rep. Schroadter spoke in favor.

Rep. Edwards requested a roll call; sufficiently seconded.

YEAS 297 - NAYS 67**YEAS - 297****BELKNAP**

Aldrich, Glen
Howard, Jr., Raymond

Comtois, Guy
LeBreche, Shari

Fisher, Robert
Sylvia, Michael

Fraser, Valerie
Vadney, Herbert

CARROLL

Avellani, Lino
Ticehurst, Susan

Butler, Edward
Wright, Ted

Comeau, Ed

Schmidt, Stephen

CHESHIRE

Abbott, Michael
Chase, Cynthia
Pearson, William
Sad, Tara
Tilton, Benjamin

Ames, Richard
Eaton, Daniel
Phillips, Larry
Shepardson, Marjorie
Weber, Lucy

Berch, Paul
Ley, Douglas
Roberts, Kris
Sterling, Franklin

Bordenet, John
McConnell, Jim
Robertson, Timothy
Tatro, Bruce

COOS

Fothergill, John
Rappaport, Laurence

Froburg, Alethea
Richardson, Herbert

Hatch, William
Rideout, Leon

Moynihan, Wayne
Thomas, Yvonne

GRAFTON

Abel, Richard
Brown, Chris
Gionet, Edmond
Hull, Robert
Massimilla, Linda
Smith, Suzanne

Almy, Susan
Cooney, Mary
Hennessey, Erin
Ingbertson, Paul
Nordgren, Sharon
Sykes, George

Bailey, Brad
Darrow, Stephen
Hennessey, Martha
Johnson, Eric
Piper, Wendy
Townsend, Charles

Bennett, Travis
Ford, Susan
Higgins, Patricia
Maes, Kevin
Shackett, Jeffrey

HILLSBOROUGH

Adams, Christopher
Beaulieu, Jane
Brown, Pamela
Christiansen, Lars
Cote, David
Eastman, Eric
Ferreira, Elizabeth
Gidge, Kenneth
Goulette, William
Harvey, Suzanne
Hogan, Edith
Kurk, Neal
Long, Patrick
McCarthy, Peggy
Moore, Josh
O'Brien, William
Ohm, Bill
Rice, Kimberly
Rowe, Robert
Shattuck, Gilman
Snow, Kendall
Straight, Phillip
Takesian, Charlene
Williams, Kermit

Ammon, Keith
Belanger, James
Burt, John
Christie, Rick
Danielson, David
Edelblut, Frank
Freitas, Mary
Goley, Jeffrey
Griffin, Barbara
Heath, Mary
Hopper, Gary
Lachance, Joseph
Mangipudi, Latha
McClarren, Donald
Murotake, David
O'Neil, William
Parison, James
Roberts, Carol
Sanborn, Laurie
Simmons, Tammy
Soucy, Timothy
Sullivan, Daniel
Twombly, Timothy
Wolf, Terry

Backus, Robert
Booras, Efstathia
Byron, Frank
Cohen, Alan
DiSilvestro, Linda
Edwards, Elizabeth
Fromuth, Bart
Gorman, Mary
Guerette, C. Lee
Herbert, Christopher
Infantine, William
LeBrun, Donald
Manley, Jonathan
McLean, Mark
Murphy, Keith
Ober, Lynne
Peterson, Ken
Rosenwald, Cindy
Schleien, Eric
Smith, Gregory
Souza, Kathleen
Sullivan, Victoria
Vann, Ivy
Woodbury, David

Balcom, John
Bouldin, Amanda
Christensen, Chris
Cornell, Patricia
Donovan, Daniel
Estevez, Eric
Gagne, Larry
Gould, Linda
Halstead, Carolyn
Hinch, Richard
Jack, Martin
Leishman, Peter
Marston, Dick
McNamara, Richard
O'Brien, Michael
Ober, Russell
Porter, Marjorie
Rouillard, Claire
Scotsas, Lisa
Smith, Timothy
Stepanek, Stephen
Sweeney, Shawn
Walsh, Robert
Zaricki, Nick

MERRIMACK

Alicea, Caroletta
Carson, Clyde
Frazer, June
Henle, Paul
Karrick, David
Long, Douglas
McGuire, Dan
Patten, Dick
Seaworth, Brian
Walsh, Thomas

Bartlett, Christy
Deloge, Helen
French, Barbara
Hirsch, Geoffrey
Kenison, Linda
MacKay, James
Moffett, Howard
Ratzki, Mario
Shurtleff, Stephen
Wheeler, Deborah

Bradley, Paula
Doherty, David
French, Harold
Hoell, J.R.
Kidder, David
Marple, Richard
Myler, Mel
Rice, Harold (Chip)
Turcotte, Alan

Brewster, Michael
Ebel, Karen
Gile, Mary
Horn, Werner
Kuch, Bill
McGuire, Carol
Parent, Jason
Saunderson, George
Wallner, Mary Jane

ROCKINGHAM

Abrami, Patrick
Barnes, Arthur
Cahill, Michael
Christie, Andrew
Duarte, Joe
Fesh, Robert
Guthrie, Joseph
Itse, Daniel
Major, Norman
Nigrello, Robert
Prudhomme-O'Brien, Katherine
Spillane, James
True, Chris
Ward, Joanne
Woitkun, Steven

Abramson, Max
Belanger, Ronald
Cali-Pitts, Jacqueline
Cushing, Robert
Elliott, Robert
Francese, Paula
Hagan, Joseph
Katsakiores, Phyllis
McBeath, Rebecca
O'Connor, John
Schroadter, Adam
Sytek, John
Tucker, Pamela
Webb, James
Wood, David

Azarian, Gary
Berrien, Skip
Cardon, G. Thomas
DiFranco, Debbie
Emerick, J. Tracy
Friel, William
Heffron, Frank
Kellogg, Shem
McKinney, Betsy
Pantelakos, Laura
Sherman, Thomas
Tasker, Kyle
Vose, Michael
Welch, David

Baldasaro, Alfred
Borden, David
Chirichiello, Brian
Doucette, Fred
Ferrante, Beverly
Gordon, Pamela
Introne, Robert
Lovejoy, Patricia
Milz, David
Potucek, John
Simpson, Alexis
Thomas, Douglas
Ward, Gerald
Weyler, Kenneth

STRAFFORD

Baber, William
Bixby, Peter
DiSesa, Len
Jones, Laura
Pitre, Joseph
Southworth, Thomas
Turcotte, Leonard
Whitehouse, Joshua

Beaudoin, Steven
Burton, Wayne
Gray, James
Kaczynski, Jr., Thomas
Rollo, Deanna
Spang, Judith
Verschueren, James
Wuelper, Kurt

Berube, Roger
Cheney, Catherine
Hannon, Joseph
Kaen, Naida
Schmidt, Peter
Stevens, Audrey
Wall, Janet

Bickford, David
Cilley, Jacalyn
Horrigan, Timothy
Knowles, Robert
Smith, Marjorie
Treleaven, Susan
Ward, Kenneth

SULLIVAN

Bridge, Ernest
Gottling, Suzanne
O'Hearne, Andrew

Cloutier, John
Grenier, James
Oxenham, Lee

Converse, Larry
Irwin, Virginia
Rollins, Skip

Gagnon, Raymond
Laware, Thomas
Schmidt, Andrew

NAYS - 67**BELKNAP**

Dumais, Russell
Luther, Robert

Fields, Dennis
Spanos, Peter

Gallagher, Brian
Tilton, Franklin

Hurt, George
Varney, Peter

CARROLL

Chandler, Gene
McConkey, Mark

Cordelli, Glenn
Nelson, Bill

Crawford, Karel
Parker, Harold

McCarthy, Frank

CHESHIRE

Emerson, Susan

Hunt, John

Parkhurst, Henry

COOS

Tholl, John

GRAFTON

Brown, Duane

Ladd, Rick

HILLSBOROUGH

Biggie, Barbara
Gonzalez, Carlos
Martel, Andre
Proulx, Mark

Boehm, Ralph
Haefner, Robert
Palmer, Barry
Seidel, Carl

Forest, Armand
Hansberry, Daniel
Pellegrino, Anthony
Silva, Peter

Gargas, Carolyn
Hansen, Peter
Pierce, David

MERRIMACK

Hess, David
Rogers, Katherine

Hill, Gregory
Schuett, Dianne

Kotowski, Frank

Martin, John

ROCKINGHAM

Allen, Mary
DeSimone, Debra
Griffin, Mary
Kappler, Lawrence
McMahon, Charles

Bates, David
Devine, James
Harris, Jeffrey
Kolodziej, Walter
Packard, Sherman

Chase, Francis
Gannon, William
Hodgdon, Bruce
Manning, John
Rice, Frederick

Cook, Allen
Gordon, Richard
Hoelzel, Kathleen
Matthews, Carolyn
Sanders, Elisabeth

STRAFFORD

Groen, Warren

Leeman, Don

Mullen, John

Sprague, Dale

SULLIVAN

Smith, Steven

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

HB 647-FN, exempting convictions for simple assault from an extended term of imprisonment and relative to annulments of certain criminal convictions. **INEXPEDIENT TO LEGISLATE.**

Rep. David A. Welch for Criminal Justice and Public Safety. The bill would have removed the assault on an EMT, a paid fire fighter, a volunteer firefighter, an on call firefighter, a licensed emergency medical care provider, and a police officer from the extended term of imprisonment statute. While the bill had some merit dealing with annulment, the committee felt that it would be inappropriate to pass the bill as written. A co-sponsor who is a committee member concurred. Vote 11-6.

LAID ON THE TABLE

Rep. Welch moved that **HB 647-FN**, exempting convictions for simple assault from an extended term of imprisonment and relative to annulments of certain criminal convictions, be laid on the table.
Motion adopted.

REGULAR CALENDAR CONT'D

HB 648-FN, requiring detention under arraignment for persons arrested for violation of protective orders and increasing the fee for bail commissioners. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety. This bill requires detention until arraignment for persons arrested for a violation of a domestic violence order issued by a bail commissioner. The change addresses a discrepancy in the law between orders issued by a bail commissioner and the court. It brings the two practices in line. The amendment deletes the section of the bill, which would have increased the bail commissioner fee from \$40.00 to \$60.00. Vote 15-0.

Amendment (0616h)

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

AN ACT requiring detention until arraignment for persons arrested for violation of protective orders.

Amend the bill by deleting section 4 and renumbering the original section 5 to read as 4.

AMENDED ANALYSIS

This bill requires detention until arraignment for persons arrested for violation of a domestic violence or stalking protective order.

Committee amendment adopted.

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

On a division vote, 255 members having voted in the affirmative and 99 in the negative, the committee report was adopted and ordered to third reading.

HB 650-FN, requiring background checks for commercial firearms sales. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John A. Burt for the Majority of Criminal Justice and Public Safety. The bill requires that every firearm transaction go through a licensed dealer. Opponents of the bill pointed out that the language used in the definitions section is both broad and ambiguous and there is a real possibility that law abiding citizens would be turned into criminals. Enforcement of the current laws on the books should be a priority over creating new laws. The bill fundamentally changes the burden of proof to the individual as opposed to the state—a shift in our standards of jurisprudence. The majority of the committee believes that this bill would create more issues than it would solve and therefore opposed passage of this legislation. Vote 10-6.

Rep. Len DiSesa for the Minority of Criminal Justice and Public Safety. This bill will close the loophole for any firearms purchase between a seller and a buyer that is advertised commercially, requiring the seller to engage a federally licensed firearms dealer so that a national instant criminal background check, known as NICS, can be initiated. This is the standard currently in use for all commercial firearms purchases at gun shops, gun shows, and for purchases made from reputable dealers on-line using the internet. HB 650-FN would not require any sale that is non-commercial in nature, a private sale, a transfer or an exchange of a firearm between individuals provided that neither party to the transaction is a prohibited person (i.e., a convicted felon, a domestic abuser, or anyone who is prohibited from owning or possessing a firearm under 18 U.S.C. section 922(d) or pursuant to state law.) This bill is a common sense approach to protecting the community while not impeding a law abiding citizen's rights under the Second Amendment. Since 1998, New Hampshire has conducted well over 1 million background checks through NICS. In most cases, the NICS check is completed in a few minutes, and with over 300 million firearms in the United States – and that number is growing each year – conducting background checks for all commercial purchases is a common sense approach to sensible firearms safety. According to F.B.I. statistics, NICS is customarily available 17 hours a day, seven days a week, including holidays except Christmas. Nationally since mandatory background checks became law in 1998; more than 1,000,000 disqualified persons have been prevented from owning or possessing a firearm. Polls have indicated an overwhelming majority of New Hampshire residents, New Hampshire gun owners, and NRA members favor background checks for firearms purchases, and HB 650-FN is supported by the New Hampshire department of safety.

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

Reps. DiSesa and Rogers spoke against.

Rep. Burt spoke in favor.

Rep. Hoell spoke in favor and yielded to questions.

Rep. Rogers requested a roll call; sufficiently seconded.

YEAS 236 - NAYS 124**YEAS - 236****BELKNAP**

Aldrich, Glen
Fisher, Robert
Hurt, George
Sylvia, Michael

Comtois, Guy
Fraser, Valerie
LeBreche, Shari
Tilton, Franklin

Dumais, Russell
Gallagher, Brian
Luther, Robert
Vadney, Herbert

Fields, Dennis
Howard, Jr., Raymond
Spanos, Peter
Varney, Peter

CARROLL

Avellani, Lino
Crawford, Karel
Parker, Harold

Chandler, Gene
McCarthy, Frank
Schmidt, Stephen

Comeau, Ed
McConkey, Mark
Umberger, Karen

Cordelli, Glenn
Nelson, Bill
Wright, Ted

CHESHIRE

Eaton, Daniel
Parkhurst, Henry
Tilton, Benjamin

Emerson, Susan
Roberts, Kris

Hunt, John
Sterling, Franklin

McConnell, Jim
Tatro, Bruce

COOS

Fothergill, John
Theberge, Robert

Rappaport, Laurence
Tholl, John

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Hennessey, Erin
Ladd, Rick

Brown, Duane
Hull, Robert
Shackett, Jeffrey

Darrow, Stephen
Ingbretson, Paul

Gionet, Edmond
Johnson, Eric

HILLSBOROUGH

Adams, Christopher
Beaulieu, Jane
Bouldin, Amanda
Christiansen, Lars
Donovan, Daniel
Estevez, Eric
Gagne, Larry
Gould, Linda
Halstead, Carolyn
Hopper, Gary
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Ober, Lynne
Parison, James
Rouillard, Claire
Seidel, Carl
Souza, Kathleen
Sweeney, Shawn
Zaricki, Nick

Ammon, Keith
Belanger, James
Burt, John
Christie, Rick
Eastman, Eric
Ferreira, Elizabeth
Gargas, Carolyn
Goulette, William
Hansen, Peter
Infantine, William
Marston, Dick
McLean, Mark
Notter, Jeanine
Ober, Russell
Pellegrino, Anthony
Sanborn, Laurie
Silva, Peter
Stepanek, Stephen
Takesian, Charlene

Balcom, John
Boehm, Ralph
Byron, Frank
Danielson, David
Edelblut, Frank
Forest, Armand
Goley, Jeffrey
Griffin, Barbara
Hinch, Richard
Kurk, Neal
Martel, Andre
Moore, Josh
O'Brien, William
Ohm, Bill
Proulx, Mark
Schleien, Eric
Simmons, Tammy
Straight, Phillip
Twombly, Timothy

Barry, Richard
Booras, Efstathia
Christensen, Chris
DiSilvestro, Linda
Edwards, Elizabeth
Fromuth, Bart
Gonzalez, Carlos
Haefner, Robert
Hogan, Edith
Lachance, Joseph
McCarthy, Peggy
Murotake, David
O'Neil, William
Palmer, Barry
Rice, Kimberly
Scontsas, Lisa
Smith, Gregory
Sullivan, Victoria
Wolf, Terry

MERRIMACK

Brewster, Michael
Hess, David
Kotowski, Frank
McGuire, Carol
Rice, Harold (Chip)

Frazer, June
Hill, Gregory
Kuch, Bill
McGuire, Dan
Seaworth, Brian

French, Barbara
Hoell, J.R.
Marple, Richard
Parent, Jason
Turcotte, Alan

French, Harold
Horn, Werner
Martin, John
Patten, Dick
Walsh, Thomas

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Cardon, G. Thomas
DeSimone, Debra
Elliott, Robert
Friel, William
Guthrie, Joseph
Hoelzel, Kathleen
Katsakiores, Phyllis
Manning, John
Milz, David
Potucek, John
Schroadter, Adam
Thomas, Douglas
Ward, Joanne
Woitkun, Steven

Abramson, Max
Barnes, Arthur
Chase, Francis
Devine, James
Emerick, J. Tracy
Gannon, William
Hagan, Joseph
Introne, Robert
Kellogg, Shem
Matthews, Carolyn
Nigrello, Robert
Prudhomme-O'Brien, Katherine
Spillane, James
True, Chris
Webb, James
Wood, David

Allen, Mary
Bates, David
Chirichiello, Brian
Doucette, Fred
Ferrante, Beverly
Gordon, Richard
Harris, Jeffrey
Itse, Daniel
Kolodziej, Walter
McKinney, Betsy
O'Connor, John
Rice, Frederick
Sytek, John
Tucker, Pamela
Welch, David

Azarian, Gary
Belanger, Ronald
Cook, Allen
Duarte, Joe
Fesh, Robert
Griffin, Mary
Hodgdon, Bruce
Kappler, Lawrence
Major, Norman
McMahon, Charles
Packard, Sherman
Sanders, Elisabeth
Tasker, Kyle
Vose, Michael
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Gray, James
Kaczynski, Jr., Thomas
Pitre, Joseph
Wuelper, Kurt

Berube, Roger
Groen, Warren
Knowles, Robert
Sprague, Dale

Bickford, David
Hannon, Joseph
Leeman, Don
Turcotte, Leonard

Cheney, Catherine
Jones, Laura
Mullen, John
Whitehouse, Joshua

SULLIVAN

Bridge, Ernest
O'Hearne, Andrew

Converse, Larry
Rollins, Skip

Grenier, James
Smith, Steven

Laware, Thomas

NAYS - 124 CARROLL

Butler, Edward Ticehurst, Susan

CHESHIRE

Abbott, Michael	Ames, Richard	Berch, Paul	Bordenet, John
Chase, Cynthia	Ley, Douglas	Phillips, Larry	Robertson, Timothy
Sad, Tara	Shepardson, Marjorie	Weber, Lucy	

COOS

Froburg, Alethea	Hatch, William	Moynihan, Wayne
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GRAFTON

Abel, Richard	Almy, Susan	Bennett, Travis	Brown, Chris
Cooney, Mary	Ford, Susan	Hennessey, Martha	Higgins, Patricia
Maes, Kevin	Massimilla, Linda	Nordgren, Sharon	Piper, Wendy
Smith, Suzanne	Sykes, George	Townsend, Charles	

HILLSBOROUGH

Backus, Robert	Brown, Pamela	Cohen, Alan	Cornell, Patricia
Cote, David	Freitas, Mary	Gidge, Kenneth	Gorman, Mary
Guerette, C. Lee	Hansberry, Daniel	Harvey, Suzanne	Heath, Mary
Herbert, Christopher	Jack, Martin	Leishman, Peter	Long, Patrick
Mangipudi, Latha	Manley, Jonathan	McNamara, Richard	O'Brien, Michael
Pierce, David	Porter, Marjorie	Roberts, Carol	Rosenwald, Cindy
Shattuck, Gilman	Snow, Kendall	Soucy, Timothy	Sullivan, Daniel
Vann, Ivy	Walsh, Robert	Williams, Kermit	Woodbury, David

MERRIMACK

Alicea, Caroletta	Bartlett, Christy	Bradley, Paula	Carson, Clyde
Deloge, Helen	Doherty, David	Ebel, Karen	Gile, Mary
Henle, Paul	Hirsch, Geoffrey	Karrick, David	Kidder, David
MacKay, James	Moffett, Howard	Myler, Mel	Ratzki, Mario
Rogers, Katherine	Saunderson, George	Schuett, Dianne	Shurtleff, Stephen
Wallner, Mary Jane	Wheeler, Deborah		

ROCKINGHAM

Berrien, Skip	Borden, David	Cahill, Michael	Cali-Pitts, Jacqueline
Christie, Andrew	Cushing, Robert	DiFranco, Debbie	Francese, Paula
Gordon, Pamela	Heffron, Frank	Lovejoy, Patricia	McBeath, Rebecca
Pantelakos, Laura	Sherman, Thomas	Simpson, Alexis	Ward, Gerald

STRAFFORD

Baber, William	Bixby, Peter	Burton, Wayne	Cilley, Jacalyn
DiSesa, Len	Horrigan, Timothy	Kaen, Naida	Rollo, Deanna
Schmidt, Peter	Smith, Marjorie	Southworth, Thomas	Spang, Judith
Stevens, Audrey	Treleaven, Susan	Verschueren, James	Wall, Janet
Ward, Kenneth			

SULLIVAN

Cloutier, John	Gagnon, Raymond	Gottling, Suzanne	Irwin, Virginia
Oxenham, Lee	Schmidt, Andrew		

and the majority committee report was adopted.

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

Rep. Barbara French voted Yea and intended to vote Nay.

HB 653-FN, prohibiting the use of sex offender registry information for the purpose of harassing, intimidating, or threatening a registered sexual offender or offender against children, or any family member, employer or landlord of such person. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.** Rep. John F. Martin for the Majority of Criminal Justice and Public Safety. This bill creates a special class of victims for offenses already covered by other statutes. Prohibiting the use of the sex offender registry is not enforceable as written, as there are multiple registries, state and federal, located online. Additionally the cost to upgrade the DOS website would run into tens of thousands of dollars. Vote 10-6.

Rep. Dick Marston for the Minority of Criminal Justice and Public Safety. This bill prohibits the use of sex offender registry information found on the department of safety's website for the purpose of harassing, intimidating, or threatening a registered sex offender or offender against children, or any family member, employer, or landlord of such person. The department would be required to post on the website a warning against such prohibited use of the website information and requiring users to acknowledge these prohibitions

prior to accessing the website. There have been a number of instances where registered sex offenders have been harassed and even injured, and landlords pressured who have provided them with housing. Although this law would not be a panacea, it might at least make someone think twice before misusing the information in this way. We are not sure at this point what would be involved technically to facilitate acknowledgement of the warning before accessing the site but we assume it would be technically possible.

Majority committee report adopted.

HB 669-FN-L, requiring law enforcement agencies to report on the receipt of certain equipment and grants from the federal government and on the deployment of tactical teams. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Arthur E. Barnes for the Majority of Criminal Justice and Public Safety. This bill would require municipal agencies to develop and submit reports on receipt of surplus military equipment, grants and tactical team deployment. After development, the report must be submitted to a number of different state agencies. The committee felt the cost of staff to comply, develop, copy and submit the reports created an Article 28-A conflict. Vote 11-4.

Rep. Ed Comeau for the Minority of Criminal Justice and Public Safety. This bill adds Chapter 106-L and 106-L:2 and requires towns in receipt of equipment paid for through federal grants from: department of defense; homeland security; department of justice; office of national drug control policy and department of the treasury; to provide a report which would contain the outcomes caused by the use of federally granted equipment by law enforcement. The report would contain; ancillary cost associated with the use of such equipment; which law enforcement agency used the equipment; where the equipment was used; and the reason for deploying the equipment by law enforcement. The report would contain the type of warrant executed and if a no-knock provision was used; Number of arrests made; contraband or property seized. The report would show if an armored personnel carrier was used and why it was needed; firearm discharges; demographic makeup of the encountered; law enforcement injuries or deaths. It also adds section 106-L:3 annotating the reporting format to be used. It has been argued that HB 669-FN places an undue financial burden upon the towns and their agencies; and it is an unfunded mandate which is unconstitutional, per 28-A. It is the minority opinion that this information is already compiled by law enforcement and is readily available and can easily be placed in a report, such as RSA 91-A provides. It is the minority opinion that the influx of federally granted equipment received by towns, without oversight to their use in civilian law enforcement, is a detriment. That the report will support the public's right to know how this specialized equipment is being used and its positive and negative effects on local communities.

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

Rep. Sylvia spoke against.

Rep. Barnes spoke in favor.

Rep. Fromuth requested a roll call; sufficiently seconded.

YEAS 245 - NAYS 110

YEAS - 245 BELKNAP

Dumais, Russell
Luther, Robert

Fields, Dennis
Spanos, Peter

Fraser, Valerie
Tilton, Franklin

Gallagher, Brian
Vadney, Herbert

CARROLL

Buco, Thomas
McCarthy, Frank
Schmidt, Stephen

Butler, Edward
McConkey, Mark
Ticehurst, Susan

Chandler, Gene
Nelson, Bill
Umberger, Karen

Crawford, Karel
Parker, Harold

CHESHIRE

Abbott, Michael
Chase, Cynthia
Parkhurst, Henry
Sad, Tara
Weber, Lucy

Ames, Richard
Eaton, Daniel
Pearson, William
Sterling, Franklin

Berch, Paul
Emerson, Susan
Phillips, Larry
Tatro, Bruce

Bordenet, John
Hunt, John
Roberts, Kris
Tilton, Benjamin

COOS

Froburg, Alethea
Richardson, Herbert

Hatch, William
Rideout, Leon

Moynihan, Wayne
Tholl, John

Rappaport, Laurence

GRAFTON

Almy, Susan
Ford, Susan
Ingbretson, Paul
Piper, Wendy
Townsend, Charles

Brown, Duane
Hennessey, Erin
Ladd, Rick
Shackett, Jeffrey

Cooney, Mary
Hennessey, Martha
Massimilla, Linda
Smith, Suzanne

Darrow, Stephen
Higgins, Patricia
Nordgren, Sharon
Sykes, George

HILLSBOROUGH

Balcom, John
 Biggie, Barbara
 Byron, Frank
 Cohen, Alan
 Forest, Armand
 Gidge, Kenneth
 Gould, Linda
 Halstead, Carolyn
 Hinch, Richard
 Leishman, Peter
 Marston, Dick
 Moore, Josh
 Pellegrino, Anthony
 Rouillard, Claire
 Seidel, Carl
 Snow, Kendall
 Sullivan, Daniel
 Williams, Kermit

Barry, Richard
 Boehm, Ralph
 Christensen, Chris
 Cornell, Patricia
 Freitas, Mary
 Goley, Jeffrey
 Griffin, Barbara
 Hansberry, Daniel
 Jack, Martin
 Long, Patrick
 Martel, Andre
 O'Brien, Michael
 Pierce, David
 Rowe, Robert
 Shattuck, Gilman
 Soucy, Timothy
 Takesian, Charlene
 Wolf, Terry

Beaulieu, Jane
 Booras, Efstathia
 Christiansen, Lars
 Cote, David
 Gagne, Larry
 Gonzalez, Carlos
 Guerette, C. Lee
 Harvey, Suzanne
 Kurk, Neal
 Mangipudi, Latha
 McCarthy, Peggy
 Ober, Lynne
 Porter, Marjorie
 Sanborn, Laurie
 Smith, Gregory
 Souza, Kathleen
 Twombly, Timothy
 Woodbury, David

Belanger, James
 Brown, Pamela
 Christie, Rick
 DiSilvestro, Linda
 Gargas, Carolyn
 Gorman, Mary
 Haefner, Robert
 Heath, Mary
 LeBrun, Donald
 Manley, Jonathan
 McClarren, Donald
 Palmer, Barry
 Proulx, Mark
 Scontsas, Lisa
 Smith, Timothy
 Straight, Phillip
 Walsh, Robert

MERRIMACK

Alicea, Caroletta
 Doherty, David
 Gile, Mary
 Hirsch, Geoffrey
 Kidder, David
 Marple, Richard
 Ratzki, Mario
 Turcotte, Alan

Bradley, Paula
 Ebel, Karen
 Henle, Paul
 Horn, Werner
 Kotowski, Frank
 Moffett, Howard
 Rice, Harold (Chip)
 Wallner, Mary Jane

Carson, Clyde
 Frazer, June
 Hess, David
 Karrick, David
 Kuch, Bill
 Myler, Mel
 Schuett, Dianne
 Walsh, Thomas

Deloge, Helen
 French, Barbara
 Hill, Gregory
 Kenison, Linda
 MacKay, James
 Patten, Dick
 Shurtleff, Stephen
 Wheeler, Deborah

ROCKINGHAM

Abrami, Patrick
 Berrien, Skip
 Chase, Francis
 Cushing, Robert
 Doucette, Fred
 Ferrante, Beverly
 Griffin, Mary
 Hoelzel, Kathleen
 Major, Norman
 Nigrello, Robert
 Sanders, Elisabeth
 Thomas, Douglas
 Welch, David

Allen, Mary
 Cahill, Michael
 Chirichiello, Brian
 DeSimone, Debra
 Duarte, Joe
 Fesh, Robert
 Guthrie, Joseph
 Introne, Robert
 Matthews, Carolyn
 O'Connor, John
 Schroadter, Adam
 True, Chris
 Woitkun, Steven

Azarian, Gary
 Cali-Pitts, Jacqueline
 Christie, Andrew
 Devine, James
 Elliott, Robert
 Friel, William
 Harris, Jeffrey
 Kolodziej, Walter
 McBeath, Rebecca
 Packard, Sherman
 Sherman, Thomas
 Ward, Joanne
 Wood, David

Barnes, Arthur
 Cardon, G. Thomas
 Cook, Allen
 DiFranco, Debbie
 Emerick, J. Tracy
 Gordon, Pamela
 Heffron, Frank
 Lovejoy, Patricia
 Milz, David
 Pantelakos, Laura
 Sytek, John
 Webb, James

STRAFFORD

Baber, William
 Cheney, Catherine
 Horrigan, Timothy
 Pitre, Joseph
 Southworth, Thomas
 Verschueren, James

Bickford, David
 Cilley, Jacalyn
 Jones, Laura
 Rollo, Deanna
 Spang, Judith
 Wall, Janet

Bixby, Peter
 DiSesa, Len
 Kaen, Naida
 Schmidt, Peter
 Sprague, Dale
 Ward, Kenneth

Burton, Wayne
 Gray, James
 Leeman, Don
 Smith, Marjorie
 Stevens, Audrey

SULLIVAN

Cloutier, John
 Grenier, James

Converse, Larry
 O'Hearne, Andrew

Gagnon, Raymond
 Rollins, Skip

Gottling, Suzanne
 Smith, Steven

NAYS - 110**BELKNAP**

Aldrich, Glen
 Hurt, George

Comtois, Guy
 LeBreche, Shari

Fisher, Robert
 Sylvia, Michael

Howard, Jr., Raymond
 Varney, Peter

CARROLL

Avellani, Lino

Comeau, Ed

Cordelli, Glenn

Wright, Ted

CHESHIRE

Ley, Douglas

McConnell, Jim

Robertson, Timothy

Shepardson, Marjorie

COOS

Fothergill, John

Theberge, Robert

GRAFTON

Abel, Richard
Gionet, Edmond

Bailey, Brad
Hull, Robert

Bennett, Travis
Johnson, Eric

Brown, Chris
Maes, Kevin

HILLSBOROUGH

Adams, Christopher
Burt, John
Edelblut, Frank
Fromuth, Bart
Hopper, Gary
Murotake, David
Ober, Russell
Roberts, Carol
Stepanek, Stephen
Zaricki, Nick

Ammon, Keith
Danielson, David
Edwards, Elizabeth
Goulette, William
Lachance, Joseph
Murphy, Keith
Ohm, Bill
Schleien, Eric
Sullivan, Victoria

Backus, Robert
Donovan, Daniel
Estevez, Eric
Hansen, Peter
McLean, Mark
Notter, Jeanine
Parison, James
Silva, Peter
Sweeney, Shawn

Bouldin, Amanda
Eastman, Eric
Ferreira, Elizabeth
Hogan, Edith
McNamara, Richard
O'Brien, William
Rice, Kimberly
Simmons, Tammy
Vann, Ivy

MERRIMACK

Brewster, Michael
McGuire, Carol
Seaworth, Brian

French, Harold
McGuire, Dan

Hoell, J.R.
Rogers, Katherine

Martin, John
Saunderson, George

ROCKINGHAM

Abramson, Max
Borden, David
Hodgdon, Bruce
Kellogg, Shem
Prudhomme-O'Brien, Katherine
Tasker, Kyle
Weyler, Kenneth

Baldasaro, Alfred
Francese, Paula
Itse, Daniel
Manning, John
Rice, Frederick
Tucker, Pamela

Bates, David
Gannon, William
Kappler, Lawrence
McMahon, Charles
Simpson, Alexis
Vose, Michael

Belanger, Ronald
Gordon, Richard
Katsakiores, Phyllis
Potucek, John
Spillane, James
Ward, Gerald

STRAFFORD

Beaudoin, Steven
Knowles, Robert

Groen, Warren
Mullen, John

Hannon, Joseph
Turcotte, Leonard

Kaczynski, Jr., Thomas
Wuelper, Kurt

SULLIVAN

Bridge, Ernest
Schmidt, Andrew

Irwin, Virginia

Laware, Thomas

Oxenham, Lee

and the majority committee report was adopted.

HB 685-FN, prohibiting a state agency, state employee, or political subdivision from enforcing any federal law regarding a firearm, firearm accessory, or ammunition. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Geoffrey D. Hirsch for the Majority of Criminal Justice and Public Safety. Come January of 2016, should local police face criminal prosecution for assisting federal agents in controlling weapons and ammunition during a drug bust or terrorist action? In May of 2016, can local marine patrol assist the coast guard in a drug or human trafficking incident that involves firearms without facing criminal charges? HB 685-FN creates such criminal charges against local law enforcement. The bill is fundamentally problematic by stating that only laws adopted after the effective date of the bill will apply. This will lead to dangerous confusion as time passes and new federal laws are implemented or old laws revised. At critical moments, do we want local law enforcement wondering which federal laws can or cannot be enforced? HB 685 is attempting to solve a problem that does not exist. It does hold the potential for many unintended consequences both in the area of public safety and in the performance of our local and state law enforcement. Assuming that any law or group of laws has reached an arbitrary ceiling beyond which one must not go is not just bad public policy; it is a disservice to the evolving needs of its citizenry. Vote 12-5.

Rep. John A. Burt for the Minority of Criminal Justice and Public Safety. This bill prohibits, with penalties, the use of state or local government resources to enforce future federal statutes in the area of firearms. This bill relies upon Article 7 of the NH Constitution, the 10th amendment to the US Constitution and recent US Supreme court cases like the 1997 case, *Printz v. US*, in which Justice Scalia held: "the federal government may neither issue directives requiring the States to address particular problems, nor command the states' officers, or those of their political subdivisions, to administer or enforce a federal regulatory program." The minority believed that passage of this bill is an important first step to establishing a proper balance between what the state should pay for the enforcement of and what the federal government should pay for the enforcement of.

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

Rep. Tholl spoke in favor.

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

YEAS 234 - NAYS 119**YEAS - 234
BELKNAP**Fields, Dennis
Varney, Peter

Hurt, George

Spanos, Peter

Tilton, Franklin

CARROLLBuco, Thomas
Parker, HaroldButler, Edward
Schmidt, StephenCrawford, Karel
Ticehurst, SusanNelson, Bill
Umberger, Karen**CHESHIRE**Abbott, Michael
Chase, Cynthia
Ley, Douglas
Roberts, Kris
Sterling, FranklinAmes, Richard
Eaton, Daniel
Parkhurst, Henry
Robertson, Timothy
Tilton, BenjaminBerch, Paul
Emerson, Susan
Pearson, William
Sad, Tara
Weber, LucyBordenet, John
Hunt, John
Phillips, Larry
Shepardson, Marjorie**COOS**Froburg, Alethea
Richardson, HerbertHatch, William
Tholl, John

Moynihan, Wayne

Rappaport, Laurence

GRAFTONAbel, Richard
Cooney, Mary
Higgins, Patricia
Nordgren, Sharon
Sykes, GeorgeAlmy, Susan
Darrow, Stephen
Ladd, Rick
Piper, Wendy
Townsend, CharlesBennett, Travis
Ford, Susan
Maes, Kevin
Shackett, JeffreyBrown, Chris
Hennessey, Martha
Massimilla, Linda
Smith, Suzanne**HILLSBOROUGH**Backus, Robert
Boehm, Ralph
Christiansen, Lars
DiSilvestro, Linda
Gagne, Larry
Gorman, Mary
Hansen, Peter
Infantine, William
Leishman, Peter
Martel, Andre
Palmer, Barry
Porter, Marjorie
Rowe, Robert
Shattuck, Gilman
Soucy, Timothy
Takesian, Charlene
Williams, KermitBalcom, John
Brown, Pamela
Cohen, Alan
Edwards, Elizabeth
Gargas, Carolyn
Griffin, Barbara
Harvey, Suzanne
Jack, Martin
Long, Patrick
McNamara, Richard
Pellegrino, Anthony
Proulx, Mark
Sanborn, Laurie
Smith, Gregory
Souza, Kathleen
Twombly, Timothy
Woodbury, DavidBeaulieu, Jane
Byron, Frank
Cornell, Patricia
Forest, Armand
Gidge, Kenneth
Haefner, Robert
Heath, Mary
Kurk, Neal
Mangipudi, Latha
O'Brien, Michael
Peterson, Ken
Roberts, Carol
Scontsas, Lisa
Smith, Timothy
Straight, Phillip
Vann, IvyBelanger, James
Christensen, Chris
Cote, David
Freitas, Mary
Goley, Jeffrey
Hansberry, Daniel
Hinch, Richard
LeBrun, Donald
Manley, Jonathan
O'Neil, William
Pierce, David
Rouillard, Claire
Seidel, Carl
Snow, Kendall
Sullivan, Daniel
Walsh, Robert**MERRIMACK**Alicea, Caroletta
Doherty, David
Henle, Paul
Kenison, Linda
Moffett, Howard
Rice, Harold (Chip)
Shurtleff, Stephen
Wheeler, DeborahBradley, Paula
Ebel, Karen
Hess, David
Kidder, David
Myler, Mel
Rogers, Katherine
Turcotte, AlanCarson, Clyde
Frazer, June
Hirsch, Geoffrey
Kotowski, Frank
Patten, Dick
Saunderson, George
Wallner, Mary JaneDeloge, Helen
Gile, Mary
Karrick, David
MacKay, James
Ratzki, Mario
Schuett, Dianne
Walsh, Thomas**ROCKINGHAM**Abrami, Patrick
Berrien, Skip
Cardon, G. Thomas
DeSimone, Debra
Elliott, Robert
Francese, Paula
Guthrie, Joseph
Lovejoy, Patricia
McBeath, Rebecca
Nigrello, Robert
Rice, Frederick
Sytek, John
Woitkun, StevenAllen, Mary
Borden, David
Chase, Francis
Devine, James
Emerick, J. Tracy
Friel, William
Heffron, Frank
Major, Norman
McKinney, Betsy
Packard, Sherman
Sanders, Elisabeth
Ward, GeraldBarnes, Arthur
Cahill, Michael
Christie, Andrew
DiFranco, Debbie
Ferrante, Beverly
Gordon, Pamela
Hoelzel, Kathleen
Manning, John
McMahon, Charles
Pantelakos, Laura
Sherman, Thomas
Webb, JamesBelanger, Ronald
Cali-Pitts, Jacqueline
Cushing, Robert
Doucette, Fred
Fesh, Robert
Griffin, Mary
Introne, Robert
Matthews, Carolyn
Milz, David
Prudhomme-O'Brien, Katherine
Simpson, Alexis
Welch, David

STRAFFORD

Baber, William
Cilley, Jacalyn
Jones, Laura
Rollo, Deanna
Spang, Judith
Verschueren, James

Bickford, David
DiSesa, Len
Kaen, Naida
Schmidt, Peter
Sprague, Dale
Wall, Janet

Bixby, Peter
Gray, James
Leeman, Don
Smith, Marjorie
Stevens, Audrey
Ward, Kenneth

Burton, Wayne
Horrigan, Timothy
Pitre, Joseph
Southworth, Thomas
Treleaven, Susan

SULLIVAN

Bridge, Ernest
Gottling, Suzanne
Oxenham, Lee

Cloutier, John
Grenier, James
Schmidt, Andrew

Converse, Larry
Irwin, Virginia
Smith, Steven

Gagnon, Raymond
O'Hearne, Andrew

NAYS - 119**BELKNAP**

Aldrich, Glen
Fraser, Valerie
Luther, Robert

Comtois, Guy
Gallagher, Brian
Sylvia, Michael

Dumais, Russell
Howard, Jr., Raymond
Vadney, Herbert

Fisher, Robert
LeBreche, Shari

CARROLL

Avellani, Lino
McConkey, Mark

Comeau, Ed
Wright, Ted

Cordelli, Glenn

McCarthy, Frank

CHESHIRE**COOS**

Fothergill, John

Rideout, Leon

GRAFTON

Bailey, Brad
Hull, Robert

Brown, Duane
Ingbertson, Paul

Gionet, Edmond
Johnson, Eric

Hennessey, Erin

HILLSBOROUGH

Adams, Christopher
Bouldin, Amanda
Donovan, Daniel
Ferreira, Elizabeth
Goulette, William
Marston, Dick
Moore, Josh
O'Brien, William
Parison, James
Simmons, Tammy
Zaricki, Nick

Ammon, Keith
Burt, John
Eastman, Eric
Fromuth, Bart
Halstead, Carolyn
McCarthy, Peggy
Murotake, David
Ober, Lynne
Rice, Kimberly
Stepanek, Stephen

Barry, Richard
Christie, Rick
Edelblut, Frank
Gonzalez, Carlos
Hogan, Edith
McClarren, Donald
Murphy, Keith
Ober, Russell
Schleien, Eric
Sullivan, Victoria

Biggie, Barbara
Danielson, David
Estevez, Eric
Gould, Linda
Lachance, Joseph
McLean, Mark
Notter, Jeanine
Ohm, Bill
Silva, Peter
Sweeney, Shawn

MERRIMACK

Brewster, Michael
Horn, Werner
McGuire, Carol

French, Harold
Kuch, Bill
McGuire, Dan

Hill, Gregory
Marple, Richard
Seaworth, Brian

Hoell, J.R.
Martin, John

ROCKINGHAM

Abramson, Max
Chirichiello, Brian
Gordon, Richard
Kappler, Lawrence
O'Connor, John
Tasker, Kyle
Vose, Michael

Azarian, Gary
Cook, Allen
Harris, Jeffrey
Katsakiores, Phyllis
Potucek, John
Thomas, Douglas
Ward, Joanne

Baldasaro, Alfred
Duarte, Joe
Hodgdon, Bruce
Kellogg, Shem
Schroadter, Adam
True, Chris
Weyler, Kenneth

Bates, David
Gannon, William
Itse, Daniel
Kolodziej, Walter
Spillane, James
Tucker, Pamela
Wood, David

STRAFFORD

Beaudoin, Steven
Kaczynski, Jr., Thomas
Whitehouse, Joshua

Cheney, Catherine
Knowles, Robert
Wuelper, Kurt

Groen, Warren
Mullen, John

Hannon, Joseph
Turcotte, Leonard

SULLIVAN

Laware, Thomas

Rollins, Skip

and the majority committee report was adopted.

HB 124, relative to the implementation of new college and career readiness standards. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Glenn Cordelli for Education. This bill, as amended, requires that the state board of education conduct public hearings regarding proposed standards, one in each executive council district. This bill does not apply to common core state standards. The bill further requires a complete evaluation of the proposed standard(s) to be provided by the legislature. The majority believes it is better to be open, communicate and have thorough debate on standards before, rather than after and option. This bill is about an open, transparent adoption process. Vote 16-5.

Amendment (0326h)

Amend RSA 186:11, XXXVII as inserted by section 1 of the bill by replacing it with the following:

XXXVII. Implementation of College and Career Readiness Standards.

(a) The state board shall not adopt or implement new college and career readiness standards nor shall the state board direct the department of education to implement any additional standards until the state board, in consultation with the department, school districts, and chartered public schools, performs an evaluation of the new standards in comparison to current standards and other nationally-recognized standards and provides the results of such evaluation to the same, and to the chairperson of the house and senate committees with primary jurisdiction over education and to the legislative oversight committee established in RSA 193-C:7.

(b) The state board shall hold a public hearing in each executive council district to present the department's proposed college and career readiness standards and shall take public testimony regarding the adoption of the proposed standards.

AMENDED ANALYSIS

This bill requires the state board of education to evaluate and report on any new college and career readiness standards, and prohibits the board from implementing any such new standards until the board conducts a public hearing in each executive council district.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 276, providing that school districts shall not be required to adopt the common core standards. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Rick M. Ladd for the Majority of Education. In 2010, the state board of education adopted the common core state standards in math and language arts. In accordance with RSA 186:8, the state board of education shall adopt rules relative to minimum curriculum and educational standards for all grades of the public schools. The standards delineate what students should know and be able to do at each grade level. School districts desiring to adopt their own standards have been told by NH DOE that they are not required to participate in the common core state standards; however, districts must comply with statewide assessments that measure common core standards if the districts desire to receive Title I funding (elementary secondary education act). As amended, this bill provides a school board that elects not to implement, or participate in common core state standards, or any other minimum educational standards adopted by the state board pursuant to rules or adopted by the state board in any other fashion to adopt and implement standards of its own that either meet or exceed those of the state. This is truly an effort to preserve local control from the ever-encroaching federal department of education's controlling footprint. Vote 12-9.

Rep. Mary Heath for the Minority of Education. The minority believes HB 276 is unnecessary. Neither the NH department of education nor the NH state board of education mandate that local school districts adopt the common core. The commissioner of education has explained that it is not a requirement and does not impact any funding issues.

Majority Amendment (0474h)

Amend RSA 186:8, I as inserted by section 1 of the bill by replacing it with the following:

I. Minimum curriculum and educational standards for all grades of the public schools; provided that the state board shall adopt no rule pursuant to RSA 541-A nor shall the state board formally or informally adopt a policy or guideline that requires a school district or any public school to implement or participate in the common core state standards. If a school board elects not to implement or participate in the common core state standards or any other minimum educational standards adopted by the state board pursuant to RSA 541-A or as adopted through state board policy or guidelines for all grades in public schools, the school board shall adopt and implement standards that meet or exceed those standards.

AMENDED ANALYSIS

This bill prohibits the state board of education from adopting a rule requiring a school district or any public school to implement the common core state standards. The bill also requires a school board that elects not to implement or participate in the common core state standards or other minimum educational standards to adopt and implement educational standards that meet or exceed those standards.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Heath spoke against.

Rep. Ladd spoke in favor and yielded to questions.

Rep. Hoell requested a roll call; sufficiently seconded.

YEAS 225 - NAYS 130

YEAS - 225

BELKNAP

Aldrich, Glen
Fisher, Robert
Hurt, George
Sylvia, Michael

Comtois, Guy
Fraser, Valerie
LeBreche, Shari
Tilton, Franklin

Dumais, Russell
Gallagher, Brian
Luther, Robert
Vadney, Herbert

Fields, Dennis
Howard, Jr., Raymond
Spanos, Peter
Varney, Peter

CARROLL

Avellani, Lino
Crawford, Karel
Parker, Harold

Chandler, Gene
McCarthy, Frank
Schmidt, Stephen

Comeau, Ed
McConkey, Mark
Umberger, Karen

Cordelli, Glenn
Nelson, Bill
Wright, Ted

CHESHIRE

Emerson, Susan
Sterling, Franklin

Hunt, John
Tilton, Benjamin

McConnell, Jim

Parkhurst, Henry

COOS

Fothergill, John
Tholl, John

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Hennessey, Erin
Ladd, Rick

Brown, Duane
Hull, Robert
Massimilla, Linda

Darrow, Stephen
Ingbreton, Paul
Shackett, Jeffrey

Gionet, Edmond
Johnson, Eric

HILLSBOROUGH

Adams, Christopher
Belanger, James
Byron, Frank
Cohen, Alan
Edelblut, Frank
Forest, Armand
Gonzalez, Carlos
Guerette, C. Lee
Hinch, Richard
Lachance, Joseph
McCarthy, Peggy
Murotake, David
Ober, Lynne
Parison, James
Proulx, Mark
Schleien, Eric
Simmons, Tammy
Straight, Phillip
Twombly, Timothy

Ammon, Keith
Biggie, Barbara
Christensen, Chris
Danielson, David
Edwards, Elizabeth
Fromuth, Bart
Gould, Linda
Haefner, Robert
Hogan, Edith
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Ober, Russell
Pellegrino, Anthony
Rice, Kimberly
Scotsas, Lisa
Smith, Gregory
Sullivan, Victoria
Wolf, Terry

Balcom, John
Boehm, Ralph
Christiansen, Lars
Donovan, Daniel
Estevez, Eric
Gagne, Larry
Goulette, William
Halstead, Carolyn
Infantine, William
Marston, Dick
McLean, Mark
Notter, Jeanine
Ohm, Bill
Peterson, Ken
Rouillard, Claire
Seidel, Carl
Souza, Kathleen
Sweeney, Shawn
Zaricki, Nick

Barry, Richard
Burt, John
Christie, Rick
Eastman, Eric
Ferreira, Elizabeth
Gargas, Carolyn
Griffin, Barbara
Hansen, Peter
Kurk, Neal
Martel, Andre
Moore, Josh
O'Brien, William
Palmer, Barry
Pierce, David
Rowe, Robert
Silva, Peter
Stepanek, Stephen
Takesian, Charlene

MERRIMACK

Brewster, Michael
Hill, Gregory
Kidder, David
Martin, John
Walsh, Thomas

Ebel, Karen
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Kotowski, Frank
McGuire, Carol

French, Harold
Horn, Werner
Kuch, Bill
McGuire, Dan

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Seaworth, Brian

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Cardon, G. Thomas
Cook, Allen
Duarte, Joe
Fesh, Robert
Griffin, Mary

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Gannon, William
Harris, Jeffrey

Hodgdon, Bruce
Kappler, Lawrence
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Packard, Sherman
Sanders, Elisabeth
Thomas, Douglas
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Woitkun, Steven

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Manning, John
Milz, David
Potucek, John
Schroadter, Adam
True, Chris
Webb, James
Wood, David

Introne, Robert
Kellogg, Shem
Matthews, Carolyn
Nigrello, Robert
Prudhomme-O'Brien, Katherine
Spillane, James
Tucker, Pamela
Welch, David

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O'Connor, John
Rice, Frederick
Sytek, John
Vose, Michael
Weyler, Kenneth

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Bickford, David
Hannon, Joseph
Leeman, Don
Whitehouse, Joshua

Cheney, Catherine
Jones, Laura
Mullen, John
Wuelper, Kurt

Gray, James
Kaczynski, Jr., Thomas
Pitre, Joseph

SULLIVAN

Bridge, Ernest
Rollins, Skip

Gottling, Suzanne
Smith, Steven

Grenier, James

Laware, Thomas

NAYS - 130

CARROLL

Buco, Thomas

Butler, Edward

Ticehurst, Susan

CHESHIRE

Abbott, Michael
Chase, Cynthia
Phillips, Larry
Shepardson, Marjorie

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

Berch, Paul
Ley, Douglas
Robertson, Timothy
Weber, Lucy

Bordenet, John
Pearson, William
Sad, Tara

COOS

Froburg, Alethea

Hatch, William

Moynihan, Wayne

GRAFTON

Abel, Richard
Cooney, Mary
Maes, Kevin
Sykes, George

Almy, Susan
Ford, Susan
Nordgren, Sharon
Townsend, Charles

Bennett, Travis
Hennessey, Martha
Piper, Wendy

Brown, Chris
Higgins, Patricia
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Cote, David
Goley, Jeffrey
Heath, Mary
Mangipudi, Latha
Porter, Marjorie
Smith, Timothy
Vann, Ivy

Beaulieu, Jane
DiSilvestro, Linda
Gorman, Mary
Jack, Martin
McNamara, Richard
Roberts, Carol
Snow, Kendall
Walsh, Robert

Brown, Pamela
Freitas, Mary
Hansberry, Daniel
Leishman, Peter
O'Brien, Michael
Rosenwald, Cindy
Soucy, Timothy
Williams, Kermit

Cornell, Patricia
Gidge, Kenneth
Harvey, Suzanne
Long, Patrick
O'Neil, William
Shattuck, Gilman
Sullivan, Daniel
Woodbury, David

MERRIMACK

Alicea, Caroletta
Deloge, Helen
Gile, Mary
MacKay, James
Ratzki, Mario
Schuett, Dianne
Wheeler, Deborah

Bartlett, Christy
Doherty, David
Henle, Paul
Moffett, Howard
Rice, Harold (Chip)
Shurtleff, Stephen

Bradley, Paula
Frazer, June
Hirsch, Geoffrey
Myler, Mel
Rogers, Katherine
Turcotte, Alan

Carson, Clyde
French, Barbara
Karrick, David
Patten, Dick
Saunderson, George
Wallner, Mary Jane

ROCKINGHAM

Berrien, Skip
DiFranco, Debbie
Lovejoy, Patricia
Simpson, Alexis

Borden, David
Francese, Paula
McBeath, Rebecca
Ward, Gerald

Cahill, Michael
Gordon, Pamela
Pantelakos, Laura

Cushing, Robert
Heffron, Frank
Sherman, Thomas

STRAFFORD

Baber, William
DiSesa, Len
Smith, Marjorie
Stevens, Audrey
Ward, Kenneth

Bixby, Peter
Horrigan, Timothy
Southworth, Thomas
Treleaven, Susan

Burton, Wayne
Rollo, Deanna
Spang, Judith
Verschueren, James

Cilley, Jacalyn
Schmidt, Peter
Sprague, Dale
Wall, Janet

SULLIVAN

Cloutier, John
O'Hearne, Andrew

Converse, Larry
Oxenham, Lee

Gagnon, Raymond
Schmidt, Andrew

Irwin, Virginia

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

HB 303, relative to statewide assessment standards and relative to parental consent for psychological services to students. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. James Verschueren for the Majority of Education. This bill consisted of two somewhat unrelated sections. Section I proposed additional criteria for the adoption of statewide educational improvement and assessment programs. Section II proposed that no psychological services shall be provided without written consent of the pupil's parent or legal guardian, except as ordered by a court. The majority vote in favor of ITL consisted of individuals opposed to one or the other, or both of the sections. Section I added language that was deemed confusing and/or duplicative of language already in statute. Section II was objected to more vigorously on multiple grounds. The language was ill-defined; parental rights are already protected by existing statute and the restriction proposed was of such severity that school personnel would be prevented from acting in the best interest of the child. Vote 12-9.

Rep. Victoria L. Sullivan for the Minority of Education. The minority believes that this bill defines the criteria that shall be used in the development of statewide assessments. This clarifies that the assessment will not be used to assess dispositions, attitudes and behaviors. This bill also adds the protection that no psychological services shall be provided without parental consent.

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

Rep. Victoria Sullivan spoke against.

Rep. Verschueren spoke in favor.

On a division vote, 166 members having voted in the affirmative and 169 in the negative, the majority committee report failed.

Rep. Hoell moved the minority committee report of Ought to Pass with Amendment and offered minority committee amendment (0622h).

Minority Amendment (0622h)

Amend the bill by replacing section 1 with the following:

1 Statewide Educational Improvement and Assessment Program; Program Established. Amend RSA 193-C:3, III to read as follows:

III. The following criteria shall be used in the development of the program:

(a) Educational standards specifying what students should know and be able to do shall be clearly defined before assessment procedures and exercises are developed.

(b) The assessment exercises or tasks shall be valid and appropriate representations of the standards the students are expected to achieve.

(c) At each grade level assessed, the standards and expectations shall be the same for every New Hampshire student.

(d) Teachers shall be involved in designing and using the assessment system.

(e) Assessment frameworks and reports shall be understandable and widely disseminated to parents, teachers, administrators, other school personnel, school board members, teacher preparation programs, business people, government officials, and community members.

(f)(1) **Assessments shall be:**

(A) **Valid, reliable, and objective.**

(B) **Appropriate for the cognitive, social-emotional, speech-language, fine motor, and gross motor development of the student.**

(C) **Used to measure content knowledge and skills.**

(2) **Assessments shall not be used to:**

(A) **Measure student dispositions, including student values, attitudes, or beliefs.**

(B) **Diagnose educational or behavioral disorders.**

(g) The assessment system shall be subject to continuous review and improvement.

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

YEAS 129 - NAYS 227

YEAS - 129

BELKNAP

Dumais, Russell
Luther, Robert

Gallagher, Brian
Sylvia, Michael

Howard, Jr., Raymond
Tilton, Franklin

LeBreche, Shari

CARROLL

Avellani, Lino
Ticehurst, Susan

Chandler, Gene

McCarthy, Frank

McConkey, Mark

CHESHIRE

Parkhurst, Henry

Phillips, Larry

Sterling, Franklin

Tilton, Benjamin

COOS

Rideout, Leon

Tholl, John

GRAFTON

Bailey, Brad
Ingbretson, Paul
Townsend, Charles

Darrow, Stephen
Johnson, Eric

Gionet, Edmond
Ladd, Rick

Hull, Robert
Shackett, Jeffrey

HILLSBOROUGH

Adams, Christopher
Boehm, Ralph
Christie, Rick
Gonzalez, Carlos
Hogan, Edith
McCarthy, Peggy
Notter, Jeanine
Ohm, Bill
Silva, Peter
Straight, Phillip

Ammon, Keith
Bouldin, Amanda
Donovan, Daniel
Goulette, William
Kurk, Neal
McLean, Mark
O'Brien, William
Parison, James
Smith, Gregory
Sweeney, Shawn

Belanger, James
Burt, John
Eastman, Eric
Haefner, Robert
Lachance, Joseph
Moore, Josh
Ober, Lynne
Rowe, Robert
Souza, Kathleen
Twombly, Timothy

Biggie, Barbara
Christensen, Chris
Fromuth, Bart
Halstead, Carolyn
Marston, Dick
Murphy, Keith
Ober, Russell
Seidel, Carl
Stepanek, Stephen
Wolf, Terry

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Bradley, Paula
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Seaworth, Brian

Brewster, Michael
Hoell, J.R.
McGuire, Carol
Walsh, Thomas

French, Harold
Horn, Werner
McGuire, Dan

Henle, Paul
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Patten, Dick

ROCKINGHAM

Abrami, Patrick
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Tucker, Pamela
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Allen, Mary
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Introne, Robert
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Webb, James

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Beaudoin, Steven
Hannon, Joseph
Leeman, Don
Wuelper, Kurt

Bickford, David
Jones, Laura
Mullen, John

Gray, James
Kaczynski, Jr., Thomas
Verschuere, James

Groen, Warren
Knowles, Robert
Whitehouse, Joshua

SULLIVAN

Grenier, James

Laware, Thomas

Rollins, Skip

Smith, Steven

NAYS - 227**BELKNAP**

Aldrich, Glen
Fraser, Valerie
Varney, Peter

Comtois, Guy
Hurt, George

Fields, Dennis
Spanos, Peter

Fisher, Robert
Vadney, Herbert

CARROLL

Buco, Thomas
Crawford, Karel
Umberger, Karen

Butler, Edward
Nelson, Bill
Wright, Ted

Comeau, Ed
Parker, Harold

Cordelli, Glenn
Schmidt, Stephen

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Abbott, Michael
Chase, Cynthia
McConnell, Jim
Sad, Tara

Ames, Richard
Eaton, Daniel
Pearson, William
Shepardson, Marjorie

Berch, Paul
Emerson, Susan
Roberts, Kris
Tatro, Bruce

Bordenet, John
Ley, Douglas
Robertson, Timothy
Weber, Lucy

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Froburg, Alethea
Richardson, Herbert

Hatch, William

Moynihan, Wayne

Rappaport, Laurence

GRAFTON

Abel, Richard
Brown, Duane
Hennessey, Martha
Nordgren, Sharon

Almy, Susan
Cooney, Mary
Higgins, Patricia
Piper, Wendy

Bennett, Travis
Ford, Susan
Maes, Kevin
Smith, Suzanne

Brown, Chris
Hennessey, Erin
Massimilla, Linda
Sykes, George

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Cornell, Patricia
Edelblut, Frank
Forest, Armand
Gidge, Kenneth
Griffin, Barbara
Harvey, Suzanne
Jack, Martin
Mangipudi, Latha
McNamara, Richard
Palmer, Barry
Porter, Marjorie
Rosenwald, Cindy
Scontosas, Lisa
Snow, Kendall
Takesian, Charlene
Woodbury, David

Balcom, John
Byron, Frank
Cote, David
Edwards, Elizabeth
Freitas, Mary
Goley, Jeffrey
Guerette, C. Lee
Heath, Mary
LeBrun, Donald
Manley, Jonathan
Murotake, David
Pellegrino, Anthony
Proulx, Mark
Rouillard, Claire
Shattuck, Gilman
Soucy, Timothy
Vann, Ivy
Zaricki, Nick

Barry, Richard
Christiansen, Lars
Danielson, David
Estevez, Eric
Gagne, Larry
Gorman, Mary
Hansberry, Daniel
Hinch, Richard
Leishman, Peter
Martel, Andre
O'Brien, Michael
Peterson, Ken
Rice, Kimberly
Sanborn, Laurie
Simmons, Tammy
Sullivan, Daniel
Walsh, Robert

Beaulieu, Jane
Cohen, Alan
DiSilvestro, Linda
Ferreira, Elizabeth
Gargas, Carolyn
Gould, Linda
Hansen, Peter
Infantine, William
Long, Patrick
McClarren, Donald
O'Neil, William
Pierce, David
Roberts, Carol
Schleien, Eric
Smith, Timothy
Sullivan, Victoria
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Doherty, David
Gile, Mary
Kenison, Linda
Martin, John
Rice, Harold (Chip)
Shurtleff, Stephen

Bartlett, Christy
Ebel, Karen
Hill, Gregory
Kidder, David
Moffett, Howard
Rogers, Katherine
Turcotte, Alan

Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Kotowski, Frank
Myler, Mel
Saunderson, George
Wallner, Mary Jane

Deloge, Helen
French, Barbara
Karrick, David
MacKay, James
Ratzki, Mario
Schuett, Dianne
Wheeler, Deborah

ROCKINGHAM

Azarian, Gary
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Chirichiello, Brian
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Ferrante, Beverly
Gannon, William
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Lovejoy, Patricia
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Potucek, John
Simpson, Alexis
Wood, David

Belanger, Ronald
Cali-Pitts, Jacqueline
Christie, Andrew
DiFranco, Debbie
Fesh, Robert
Gordon, Pamela
Hodgdon, Bruce
Major, Norman
Nigrello, Robert
Prudhomme-O'Brien, Katherine
Thomas, Douglas

Berrien, Skip
Cardon, G. Thomas
Cook, Allen
Doucette, Fred
Francese, Paula
Griffin, Mary
Hoelzel, Kathleen
Manning, John
O'Connor, John
Sanders, Elisabeth
Ward, Gerald

Borden, David
Chase, Francis
Cushing, Robert
Elliott, Robert
Friel, William
Harris, Jeffrey
Katsakiores, Phyllis
McBeath, Rebecca
Pantelakos, Laura
Sherman, Thomas
Ward, Joanne

STRAFFORD

Baber, William
Cilley, Jacalyn
Pitre, Joseph
Southworth, Thomas
Treleaven, Susan

Bixby, Peter
DiSesa, Len
Rollo, Deanna
Spang, Judith
Turcotte, Leonard

Burton, Wayne
Horrigan, Timothy
Schmidt, Peter
Sprague, Dale
Wall, Janet

Cheney, Catherine
Kaen, Naida
Smith, Marjorie
Stevens, Audrey
Ward, Kenneth

SULLIVAN

Bridge, Ernest
Irwin, Virginia

Cloutier, John
O'Hearne, Andrew

Converse, Larry
Oxenham, Lee

Gagnon, Raymond
Schmidt, Andrew

and the minority committee amendment failed.

LAI D ON THE TABLE

Rep. Hinch moved that **HB 303**, relative to statewide assessment standards and relative to parental consent for psychological services to students, be laid on the table.

Rep. Hoell requested a roll call; sufficiently seconded.

YEAS 230 - NAYS 127**YEAS - 230
BELKNAP**

Fields, Dennis
LeBreche, Shari

Fraser, Valerie
Varney, Peter

Gallagher, Brian

Hurt, George

CARROLL

Buco, Thomas
McConkey, Mark
Umberger, Karen

Butler, Edward
Parker, Harold

Chandler, Gene
Schmidt, Stephen

Crawford, Karel
Ticehurst, Susan

CHESHIRE

Abbott, Michael
Chase, Cynthia
Pearson, William
Sad, Tara
Tilton, Benjamin

Ames, Richard
Eaton, Daniel
Phillips, Larry
Shepardson, Marjorie
Weber, Lucy

Berch, Paul
Emerson, Susan
Roberts, Kris
Sterling, Franklin

Bordenet, John
Ley, Douglas
Robertson, Timothy
Tatro, Bruce

COOS

Froburg, Alethea
Richardson, Herbert

Hatch, William
Tholl, John

Moynihan, Wayne

Rappaport, Laurence

GRAFTON

Abel, Richard
Brown, Chris
Hennessey, Martha
Massimilla, Linda
Sykes, George

Almy, Susan
Cooney, Mary
Higgins, Patricia
Nordgren, Sharon
Townsend, Charles

Bailey, Brad
Ford, Susan
Ingbertson, Paul
Piper, Wendy

Bennett, Travis
Gionet, Edmond
Maes, Kevin
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Cohen, Alan
DiSilvestro, Linda
Freitas, Mary
Gorman, Mary
Hansberry, Daniel
Jack, Martin
Long, Patrick
McClarren, Donald
O'Neil, William
Pellegrino, Anthony
Roberts, Carol
Shattuck, Gilman
Soucy, Timothy
Twombly, Timothy
Wolf, Terry

Balcom, John
Byron, Frank
Cornell, Patricia
Donovan, Daniel
Gargas, Carolyn
Griffin, Barbara
Harvey, Suzanne
Kurk, Neal
Mangipudi, Latha
McLean, Mark
Ober, Lynne
Peterson, Ken
Rosenwald, Cindy
Smith, Gregory
Straight, Phillip
Vann, Ivy
Woodbury, David

Barry, Richard
Christensen, Chris
Cote, David
Edwards, Elizabeth
Gidge, Kenneth
Guerette, C. Lee
Heath, Mary
LeBrun, Donald
Manley, Jonathan
McNamara, Richard
Ober, Russell
Porter, Marjorie
Rouillard, Claire
Smith, Timothy
Sullivan, Daniel
Walsh, Robert
Zaricki, Nick

Beaulieu, Jane
Christiansen, Lars
Danielson, David
Forest, Armand
Goley, Jeffrey
Haefner, Robert
Hinch, Richard
Leishman, Peter
McCarthy, Peggy
O'Brien, Michael
Palmer, Barry
Proulx, Mark
Seidel, Carl
Snow, Kendall
Takesian, Charlene
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Deloge, Helen
French, Barbara
Hirsch, Geoffrey
MacKay, James
Patten, Dick
Saunderson, George
Wallner, Mary Jane

Bartlett, Christy
Doherty, David
Gile, Mary
Karrick, David
Marple, Richard
Ratzki, Mario
Schuett, Dianne
Walsh, Thomas

Bradley, Paula
Ebel, Karen
Henle, Paul
Kenison, Linda
Moffett, Howard
Rice, Harold (Chip)
Shurtleff, Stephen
Wheeler, Deborah

Carson, Clyde
Frazer, June
Hess, David
Kidder, David
Myler, Mel
Rogers, Katherine
Turcotte, Alan

ROCKINGHAM

Allen, Mary
Borden, David
Chase, Francis
DeSimone, Debra
Ferrante, Beverly
Heffron, Frank
Major, Norman
McKinney, Betsy
Pantelakos, Laura
Simpson, Alexis
Welch, David

Barnes, Arthur
Cahill, Michael
Chirichiello, Brian
Devine, James
Francese, Paula
Hoelzel, Kathleen
Manning, John
McMahon, Charles
Sanders, Elisabeth
Sytek, John
Woitkun, Steven

Belanger, Ronald
Cali-Pitts, Jacqueline
Christie, Andrew
DiFranco, Debbie
Gordon, Pamela
Kolodziej, Walter
Matthews, Carolyn
Milz, David
Schroadter, Adam
Ward, Gerald
Wood, David

Berrien, Skip
Cardon, G. Thomas
Cushing, Robert
Doucette, Fred
Guthrie, Joseph
Lovejoy, Patricia
McBeath, Rebecca
Packard, Sherman
Sherman, Thomas
Webb, James

STRAFFORD

Baber, William
Cilley, Jacalyn
Kaen, Naida
Schmidt, Peter
Sprague, Dale
Wall, Janet

Bickford, David
DiSesa, Len
Leeman, Don
Smith, Marjorie
Stevens, Audrey
Wuelper, Kurt

Bixby, Peter
Gray, James
Mullen, John
Southworth, Thomas
Treleaven, Susan

Burton, Wayne
Horrigan, Timothy
Rollo, Deanna
Spang, Judith
Verschueren, James

SULLIVAN

Cloutier, John
Irwin, Virginia
Schmidt, Andrew

Converse, Larry
Laware, Thomas
Smith, Steven

Gagnon, Raymond
O'Hearne, Andrew

Grenier, James
Oxenham, Lee

NAYS - 127**BELKNAP**

Aldrich, Glen
Howard, Jr., Raymond
Tilton, Franklin

Comtois, Guy
Luther, Robert
Vadney, Herbert

Dumais, Russell
Spanos, Peter

Fisher, Robert
Sylvia, Michael

CARROLL

Avellani, Lino
Nelson, Bill

Comeau, Ed
Wright, Ted

Cordelli, Glenn

McCarthy, Frank

CHESHIRE**COOS****GRAFTON**

Brown, Duane
Johnson, Eric

Darrow, Stephen
Ladd, Rick

Hennessey, Erin
Shackett, Jeffrey

Hull, Robert

HILLSBOROUGH

Adams, Christopher
Boehm, Ralph
Eastman, Eric
Fromuth, Bart
Goulette, William
Infantine, William
Moore, Josh
O'Brien, William
Rice, Kimberly
Scoutsas, Lisa
Stepanek, Stephen

Ammon, Keith
Bouldin, Amanda
Edelblut, Frank
Gagne, Larry
Halstead, Carolyn
Lachance, Joseph
Murotake, David
Ohm, Bill
Rowe, Robert
Silva, Peter
Sullivan, Victoria

Belanger, James
Burt, John
Estevez, Eric
Gonzalez, Carlos
Hansen, Peter
Marston, Dick
Murphy, Keith
Parison, James
Sanborn, Laurie
Simmons, Tammy
Sweeney, Shawn

Biggie, Barbara
Christie, Rick
Ferreira, Elizabeth
Gould, Linda
Hogan, Edith
Martel, Andre
Notter, Jeanine
Pierce, David
Schleien, Eric
Souza, Kathleen

MERRIMACK

Brewster, Michael
Horn, Werner
McGuire, Carol

French, Harold
Kotowski, Frank
McGuire, Dan

Hill, Gregory
Kuch, Bill
Seaworth, Brian

Hoell, J.R.
Martin, John

ROCKINGHAM

Abrami, Patrick
Bates, David
Emerick, J. Tracy
Gordon, Richard
Introne, Robert
Kellogg, Shem
Prudhomme-O'Brien, Katherine
Thomas, Douglas
Ward, Joanne

Abramson, Max
Cook, Allen
Fesh, Robert
Griffin, Mary
Itse, Daniel
Nigrello, Robert
Rice, Frederick
True, Chris
Weyler, Kenneth

Azarian, Gary
Duarte, Joe
Friel, William
Harris, Jeffrey
Kappler, Lawrence
O'Connor, John
Spillane, James
Tucker, Pamela

Baldasaro, Alfred
Elliott, Robert
Gannon, William
Hodgdon, Bruce
Katsakiores, Phyllis
Potucek, John
Tasker, Kyle
Vose, Michael

STRAFFORD

Beaudoin, Steven
Jones, Laura
Turcotte, Leonard

Cheney, Catherine
Kaczynski, Jr., Thomas
Ward, Kenneth

Groen, Warren
Knowles, Robert
Whitehouse, Joshua

Hannon, Joseph
Pitre, Joseph

SULLIVAN

Bridge, Ernest

Rollins, Skip

and the motion was adopted.

REGULAR CALENDAR CONT'D

HB 332, relative to school district policy regarding objectionable course material. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Victoria L. Sullivan for the Majority of Education. This bill requires parental notification no less than two weeks prior to the teaching of materials involving human sexuality, or human sexual education. This bill also requires said material be made available for parental/guardian review. This bill will also open communication between schools and parents, resulting in greater parental engagement and necessary conversations with their children regarding these sensitive issues. Vote 10-9.

Rep. Mary Heath for the Minority of Education. The minority believes the content of HB 332 currently exists within the NH minimum standards, which has set guidance in this area for local school districts.

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

Rep. Duane Brown spoke in favor.

Rep. Heath spoke against.

Rep. Victoria Sullivan spoke in favor and yielded to questions

Rep. Aldrich requested a roll call; sufficiently seconded.

YEAS 217 - NAYS 136**YEAS - 217
BELKNAP**

Aldrich, Glen
Fisher, Robert
Hurt, George
Sylvia, Michael

Comtois, Guy
Fraser, Valerie
LeBreche, Shari
Tilton, Franklin

Dumais, Russell
Gallagher, Brian
Luther, Robert
Vadney, Herbert

Fields, Dennis
Howard, Jr., Raymond
Spanos, Peter
Varney, Peter

CARROLL

Avellani, Lino
McCarthy, Frank
Schmidt, Stephen

Comeau, Ed
McConkey, Mark
Umberger, Karen

Cordelli, Glenn
Nelson, Bill

Crawford, Karel
Parker, Harold

CHESHIRE

Emerson, Susan
Sterling, Franklin

Hunt, John
Tilton, Benjamin

McConnell, Jim

Parkhurst, Henry

COOS

Fothergill, John
Tholl, John

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Hennessey, Erin
Ladd, Rick

Brown, Duane
Hull, Robert
Massimilla, Linda

Darrow, Stephen
Ingbreton, Paul
Shackett, Jeffrey

Gionet, Edmond
Johnson, Eric

HILLSBOROUGH

Adams, Christopher
Belanger, James
Burt, John
Christie, Rick
Edelblut, Frank
Fromuth, Bart
Goulette, William
Hinch, Richard
Lachance, Joseph
McCarthy, Peggy
Murotake, David
Ober, Lynne
Parison, James
Proulx, Mark
Sanborn, Laurie
Silva, Peter
Stepanek, Stephen
Wolf, Terry

Ammon, Keith
Biggie, Barbara
Byron, Frank
Danielson, David
Edwards, Elizabeth
Gagne, Larry
Griffin, Barbara
Hogan, Edith
LeBrun, Donald
McClarren, Donald
Murphy, Keith
Ober, Russell
Pellegrino, Anthony
Rice, Kimberly
Schleien, Eric
Simmons, Tammy
Straight, Phillip
Zaricki, Nick

Balcom, John
Boehm, Ralph
Christensen, Chris
Donovan, Daniel
Estevez, Eric
Gonzalez, Carlos
Haefner, Robert
Infantine, William
Marston, Dick
McLean, Mark
Notter, Jeanine
Ohm, Bill
Peterson, Ken
Rouillard, Claire
Scotsas, Lisa
Smith, Gregory
Sullivan, Victoria

Barry, Richard
Bouldin, Amanda
Christiansen, Lars
Eastman, Eric
Ferreira, Elizabeth
Gould, Linda
Halstead, Carolyn
Kurk, Neal
Martel, Andre
Moore, Josh
O'Brien, William
Palmer, Barry
Pierce, David
Rowe, Robert
Seidel, Carl
Souza, Kathleen
Twombly, Timothy

MERRIMACK

Brewster, Michael
Hill, Gregory
Kidder, David
Martin, John
Ratzki, Mario

French, Barbara
Hoell, J.R.
Kotowski, Frank
McGuire, Carol
Seaworth, Brian

French, Harold
Horn, Werner
Kuch, Bill
McGuire, Dan
Turcotte, Alan

Hess, David
Karrick, David
Marple, Richard
Patten, Dick
Walsh, Thomas

ROCKINGHAM

Abrami, Patrick
 Baldasaro, Alfred
 Chase, Francis
 DeSimone, Debra
 Elliott, Robert
 Friel, William
 Guthrie, Joseph
 Introne, Robert
 Kellogg, Shem
 Matthews, Carolyn
 Nigrello, Robert
 Prudhomme-O'Brien, Katherine
 Thomas, Douglas
 Ward, Joanne
 Woitkun, Steven

Abramson, Max
 Barnes, Arthur
 Chirichiello, Brian
 Devine, James
 Emerick, J. Tracy
 Gannon, William
 Harris, Jeffrey
 Itse, Daniel
 Kolodziej, Walter
 McKinney, Betsy
 O'Connor, John
 Rice, Frederick
 True, Chris
 Webb, James
 Wood, David

Allen, Mary
 Bates, David
 Christie, Andrew
 Doucette, Fred
 Ferrante, Beverly
 Gordon, Richard
 Hodgdon, Bruce
 Kappler, Lawrence
 Major, Norman
 McMahon, Charles
 Packard, Sherman
 Schroadter, Adam
 Tucker, Pamela
 Welch, David

Azarian, Gary
 Belanger, Ronald
 Cook, Allen
 Duarte, Joe
 Fesh, Robert
 Griffin, Mary
 Hoelzel, Kathleen
 Katsakiores, Phyllis
 Manning, John
 Milz, David
 Potucek, John
 Sytek, John
 Vose, Michael
 Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
 Groen, Warren
 Knowles, Robert
 Turcotte, Leonard

Bickford, David
 Hannon, Joseph
 Leeman, Don
 Whitehouse, Joshua

Cheney, Catherine
 Jones, Laura
 Mullen, John
 Wuelper, Kurt

Gray, James
 Kaczynski, Jr., Thomas
 Pitre, Joseph

SULLIVAN

Bridge, Ernest
 Rollins, Skip

Gagnon, Raymond
 Smith, Steven

Grenier, James

Laware, Thomas

NAYS - 136**CARROLL**

Buco, Thomas

Butler, Edward

Ticehurst, Susan

Wright, Ted

CHESHIRE

Abbott, Michael
 Chase, Cynthia
 Phillips, Larry
 Tatro, Bruce

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

Berch, Paul
 Ley, Douglas
 Sad, Tara

Bordenet, John
 Pearson, William
 Shepardson, Marjorie

COOS

Froburg, Alethea

Hatch, William

Moynihan, Wayne

Theberge, Robert

GRAFTON

Abel, Richard
 Cooney, Mary
 Maes, Kevin
 Sykes, George

Almy, Susan
 Ford, Susan
 Nordgren, Sharon
 Townsend, Charles

Bennett, Travis
 Hennessey, Martha
 Piper, Wendy

Brown, Chris
 Higgins, Patricia
 Smith, Suzanne

HILLSBOROUGH

Backus, Robert
 Cornell, Patricia
 Freitas, Mary
 Guerette, C. Lee
 Jack, Martin
 Manley, Jonathan
 Porter, Marjorie
 Smith, Timothy
 Sweeney, Shawn
 Williams, Kermit

Beaulieu, Jane
 Cote, David
 Gidge, Kenneth
 Hansberry, Daniel
 Leishman, Peter
 McNamara, Richard
 Roberts, Carol
 Snow, Kendall
 Takesian, Charlene
 Woodbury, David

Brown, Pamela
 DiSilvestro, Linda
 Goley, Jeffrey
 Harvey, Suzanne
 Long, Patrick
 O'Brien, Michael
 Rosenwald, Cindy
 Soucy, Timothy
 Vann, Ivy

Cohen, Alan
 Forest, Armand
 Gorman, Mary
 Heath, Mary
 Mangipudi, Latha
 O'Neil, William
 Shattuck, Gilman
 Sullivan, Daniel
 Walsh, Robert

MERRIMACK

Alicea, Caroletta
 Deloge, Helen
 Gile, Mary
 MacKay, James
 Rogers, Katherine
 Wallner, Mary Jane

Bartlett, Christy
 Doherty, David
 Henle, Paul
 Moffett, Howard
 Saunderson, George
 Wheeler, Deborah

Bradley, Paula
 Ebel, Karen
 Hirsch, Geoffrey
 Myler, Mel
 Schuett, Dianne

Carson, Clyde
 Frazer, June
 Kenison, Linda
 Rice, Harold (Chip)
 Shurtleff, Stephen

ROCKINGHAM

Berrien, Skip
 Cardon, G. Thomas
 Gordon, Pamela
 Pantelakos, Laura

Borden, David
 Cushing, Robert
 Heffron, Frank
 Sherman, Thomas

Cahill, Michael
 DiFranco, Debbie
 Lovejoy, Patricia
 Simpson, Alexis

Cali-Pitts, Jacqueline
 Francese, Paula
 McBeath, Rebecca
 Ward, Gerald

STRAFFORD

Baber, William
DiSesa, Len
Schmidt, Peter
Sprague, Dale
Wall, Janet

Bixby, Peter
Horrigan, Timothy
Smith, Marjorie
Stevens, Audrey
Ward, Kenneth

Burton, Wayne
Kaen, Naida
Southworth, Thomas
Treleaven, Susan

Cilley, Jacalyn
Rollo, Deanna
Spang, Judith
Verschueren, James

SULLIVAN

Cloutier, John
Oxenham, Lee

Converse, Larry
Schmidt, Andrew

Irwin, Virginia

O'Hearne, Andrew

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

HB 519, establishing a committee to study department of education policies affecting dyslexic students. **OUGHT TO PASS.**

Rep. John L. Balcom for Education. It is the intent of the bill that this committee will study the condition of dyslexia within NH schools. The goal of this committee is to publish findings, which include successful intervention methods and effective corrective processes such as Orton-Gillingham. Vote 17-4. Committee report adopted and ordered to third reading.

HB 520, establishing privacy protections for student online personal information. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Glenn Cordelli for the Majority of Education. This bill deals with data protection at the state level. This bill applies to local district use of online K-12 systems. It prohibits the system operators from using student data to develop advertising, or selling the information. It requires them to use reasonable security measures and remove information when requested. This bill is modeled after a California bill that passed their legislature unanimously. Vote 10-9.

Rep. Andrew R. Schmidt for the Minority of Education. While this bill is well intended, and there is a compelling need for student data privacy protection, this bill has serious shortcomings. It lacks enforcement mechanisms or penalties for resolutions. In fact, the bill fails to define who constitutes an aggrieved party. Finally, this is modeled on California legislation that has not been implemented, so we do not have the benefit of experience.

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

Rep. Andrew Schmidt spoke against.

Rep. Cordelli spoke in favor and yielded to questions.

On a division vote, 216 members having voted in the affirmative and 125 in the negative, the majority committee report was adopted and ordered to third reading.

HB 555, relative to participation of chartered public school students in school district co-curricular activities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Glenn Cordelli for Education. This bill as, amended, provides public charter students with the right to participate in co-curricular activities in their resident districts. Current statutes already provide this opportunity to non-public and home school students. Vote 18-3.

Amendment (0696h)

Amend the bill by replacing section 1 with the following:

1 Public Chartered Schools; Access to Public School Programs. Amend RSA 193:1-c to read as follows:

193:1-c Access to Public School Programs by Nonpublic, **Public Chartered Schools** or Home Educated Pupils.

I. Nonpublic, **public chartered school**, or home educated pupils shall have access to curricular courses and cocurricular programs offered by the school district in which the pupil resides. The local school board may adopt a policy regulating participation in curricular courses and cocurricular programs, provided that such policy shall not be more restrictive for non-public, **public chartered school**, or home educated pupils than the policy governing the school district's resident pupils. In this section, "cocurricular" shall include those activities which are designed to supplement and enrich regular academic programs of study, provide opportunities for social development, and encourage participation in clubs, athletics, performing groups, and service to school and community. For purposes of allowing access as described in this section, a "home educated pupil" shall not include any pupil who has graduated from a high school level program of home education, or its equivalent, or has attained the age of 21.

II. Nothing in this section shall be construed to require a parent to establish a home education program which exceeds the requirements of RSA 193:1.

AMENDED ANALYSIS

This bill clarifies the ability of public chartered school pupils to participate in programs and co-curricular activities in their resident district.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 578, relative to state board of education compliance with unfunded federal education mandates. **WITH-OUT RECOMMENDATION.** Vote 10-10.

Statement in support of Ought To Pass: Rep. Rick Ladd.

This bill identifies the ever- increasing federal footprint and resultant unfunded costs downshifted to state and local education. As in programs established in support of the Individual Disabilities Education Act (IDEA) federal mandates once promised at 40% are in reality 17%, leaving the difference to state and local tax-payers. This bill states that the state board shall not adopt rules that require a school district to comply with a federally mandated curriculum, method of instruction or statewide assessment program that is not fully paid by federal funds.

Statement in support of Inexpedient to Legislate: Rep. Mary Heath.

This bill has far reaching negative implications for the state and local school districts. It also counteracts existing RSA's and rules and seriously limits the capacity of the NH department of education to carry out the responsibilities assigned to them by the general court. This bill is not in the best interest of children and local school districts.

Rep. Cordelli moved Ought to Pass and spoke in favor.

Rep. Myler spoke against.

Rep. Cordelli requested a roll call; sufficiently seconded.

YEAS 204 - NAYS 136

YEAS - 204

BELKNAP

Aldrich, Glen
Fraser, Valerie
LeBreche, Shari
Tilton, Franklin

Dumais, Russell
Gallagher, Brian
Luther, Robert
Vadney, Herbert

Fields, Dennis
Howard, Jr., Raymond
Spanos, Peter
Varney, Peter

Fisher, Robert
Hurt, George
Sylvia, Michael

CARROLL

Avellani, Lino
McCarthy, Frank
Schmidt, Stephen

Chandler, Gene
McConkey, Mark
Umberger, Karen

Comeau, Ed
Nelson, Bill
Wright, Ted

Cordelli, Glenn
Parker, Harold

CHESHIRE

Emerson, Susan

Hunt, John

McConnell, Jim

Sterling, Franklin

COOS

Fothergill, John
Tholl, John

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Hull, Robert
Shackett, Jeffrey

Darrow, Stephen
Ingbertson, Paul

Gionet, Edmond
Johnson, Eric

Hennessey, Erin
Ladd, Rick

HILLSBOROUGH

Adams, Christopher
Belanger, James
Burt, John
Cohen, Alan
Edelblut, Frank
Fromuth, Bart
Goulette, William
Hinch, Richard
Lachance, Joseph
McLean, Mark
Notter, Jeanine
Ohm, Bill
Peterson, Ken
Rouillard, Claire
Scotsas, Lisa

Ammon, Keith
Biggie, Barbara
Byron, Frank
Danielson, David
Edwards, Elizabeth
Gagne, Larry
Haefner, Robert
Hogan, Edith
LeBrun, Donald
Moore, Josh
O'Brien, William
Palmer, Barry
Pierce, David
Rowe, Robert
Seidel, Carl

Balcom, John
Boehm, Ralph
Christensen, Chris
Donovan, Daniel
Estevez, Eric
Gonzalez, Carlos
Halstead, Carolyn
Infantine, William
Marston, Dick
Murotake, David
Ober, Lynne
Parison, James
Proulx, Mark
Sanborn, Laurie
Silva, Peter

Barry, Richard
Bouldin, Amanda
Christie, Rick
Eastman, Eric
Ferreira, Elizabeth
Gould, Linda
Hansen, Peter
Kurk, Neal
McCarthy, Peggy
Murphy, Keith
Ober, Russell
Pellegrino, Anthony
Rice, Kimberly
Schleien, Eric
Simmons, Tammy

Smith, Gregory
Sullivan, Victoria
Zaricki, Nick

Souza, Kathleen
Sweeney, Shawn

Stepanek, Stephen
Takesian, Charlene

Straight, Phillip
Twombly, Timothy

MERRIMACK

Brewster, Michael
Horn, Werner
Marple, Richard
Seaworth, Brian

French, Harold
Kidder, David
Martin, John
Walsh, Thomas

Hill, Gregory
Kotowski, Frank
McGuire, Carol

Hoell, J.R.
Kuch, Bill
McGuire, Dan

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Cardon, G. Thomas
DeSimone, Debra
Emerick, J. Tracy
Gordon, Richard
Hodgdon, Bruce
Kappler, Lawrence
Major, Norman
Milz, David
Potucek, John
Sytek, John
Tucker, Pamela
Welch, David

Abramson, Max
Barnes, Arthur
Chase, Francis
Devine, James
Fesh, Robert
Griffin, Mary
Hoelzel, Kathleen
Katsakiores, Phyllis
Manning, John
Nigrello, Robert
Prudhomme-O'Brien, Katherine
Tasker, Kyle
Vose, Michael
Weyler, Kenneth

Allen, Mary
Bates, David
Chirichiello, Brian
Duarte, Joe
Friel, William
Guthrie, Joseph
Introne, Robert
Kellogg, Shem
McKinney, Betsy
O'Connor, John
Rice, Frederick
Thomas, Douglas
Ward, Joanne
Woitkun, Steven

Azarian, Gary
Belanger, Ronald
Christie, Andrew
Elliott, Robert
Gannon, William
Harris, Jeffrey
Itse, Daniel
Kolodziej, Walter
McMahon, Charles
Packard, Sherman
Spillane, James
True, Chris
Webb, James
Wood, David

STRAFFORD

Beaudoin, Steven
Groen, Warren
Knowles, Robert
Sprague, Dale

Bickford, David
Hannon, Joseph
Leeman, Don
Turcotte, Leonard

Cheney, Catherine
Jones, Laura
Mullen, John
Wuelper, Kurt

Gray, James
Kaczynski, Jr., Thomas
Pitre, Joseph

SULLIVAN

Bridge, Ernest
Rollins, Skip

Gagnon, Raymond
Smith, Steven

Grenier, James

Laware, Thomas

NAYS - 136

CARROLL

Buco, Thomas

Butler, Edward

Ticehurst, Susan

CHESHIRE

Abbott, Michael
Chase, Cynthia
Pearson, William
Sad, Tara
Weber, Lucy

Ames, Richard
Eaton, Daniel
Phillips, Larry
Shepardson, Marjorie

Berch, Paul
Ley, Douglas
Roberts, Kris
Tatro, Bruce

Bordenet, John
Parkhurst, Henry
Robertson, Timothy
Tilton, Benjamin

COOS

Froburg, Alethea

Hatch, William

Moynihan, Wayne

Theberge, Robert

GRAFTON

Abel, Richard
Cooney, Mary
Massimilla, Linda
Sykes, George

Almy, Susan
Ford, Susan
Nordgren, Sharon
Townsend, Charles

Bennett, Travis
Higgins, Patricia
Piper, Wendy

Brown, Chris
Maes, Kevin
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Cornell, Patricia
Freitas, Mary
Griffin, Barbara
Heath, Mary
Mangipudi, Latha
O'Neil, William
Shattuck, Gilman
Sullivan, Daniel
Wolf, Terry

Beaulieu, Jane
Cote, David
Gidge, Kenneth
Guerette, C. Lee
Jack, Martin
Manley, Jonathan
Porter, Marjorie
Smith, Timothy
Vann, Ivy
Woodbury, David

Brown, Pamela
DiSilvestro, Linda
Goley, Jeffrey
Hansberry, Daniel
Leishman, Peter
McNamara, Richard
Roberts, Carol
Snow, Kendall
Walsh, Robert

Christiansen, Lars
Forest, Armand
Gorman, Mary
Harvey, Suzanne
Long, Patrick
O'Brien, Michael
Rosenwald, Cindy
Soucy, Timothy
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Deloge, Helen

Bartlett, Christy
Doherty, David

Bradley, Paula
Ebel, Karen

Carson, Clyde
Frazer, June

Gile, Mary
MacKay, James
Rice, Harold (Chip)
Shurtleff, Stephen

Henle, Paul
Moffett, Howard
Rogers, Katherine
Turcotte, Alan

Karrick, David
Myler, Mel
Saunderson, George
Wallner, Mary Jane

Kenison, Linda
Ratzki, Mario
Schuett, Dianne
Wheeler, Deborah

ROCKINGHAM

Berrien, Skip
DiFranco, Debbie
Lovejoy, Patricia
Simpson, Alexis

Cahill, Michael
Francese, Paula
Matthews, Carolyn
Ward, Gerald

Cali-Pitts, Jacqueline
Gordon, Pamela
Pantelakos, Laura

Cushing, Robert
Heffron, Frank
Sherman, Thomas

STRAFFORD

Baber, William
Horrigan, Timothy
Smith, Marjorie
Treleaven, Susan

Bixby, Peter
Kaen, Naida
Southworth, Thomas
Verschueren, James

Burton, Wayne
Rollo, Deanna
Spang, Judith
Wall, Janet

DiSesa, Len
Schmidt, Peter
Stevens, Audrey
Ward, Kenneth

SULLIVAN

Cloutier, John
Oxenham, Lee

Converse, Larry
Schmidt, Andrew

Irwin, Virginia

O'Hearne, Andrew

and the motion of Ought to Pass was adopted and ordered to third reading.

HB 603, relative to student exemptions from assessments, questionnaires, or surveys. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Ralph G. Boehm for the Majority of Education. This bill gives parents the right to remove their child from taking the state annual assessment. Thus, reinforcing parental rights as to their control of what their children have access to. The amendment removes part of the bill that was passed earlier this session in HB 206. Other states are allowing parents to exempt their children from testing without any loss in federal funds. The number of students not taking the test should not statistically jeopardize any comparison with other schools. Vote 11-10.

Rep. Mary Stuart Gile for the Minority of Education. This bill requires school districts to adopt a policy allowing a student to be exempted without penalty from any assessment, questionnaire or survey based on the parent/guardian's determination that the material is questionable. The minority supports RSA 193-C:4, which requires the state board of education to adopt rules relative to RSA 541-A regarding student exemption from assessment programs. The minority is also concerned that the bill does not provide constructive alternative activities for students who are exempt. Doing nothing/punishment are not acceptable.

Majority Amendment (0661h)

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

AN ACT relative to student exemption from the statewide assessment.

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

1 Statewide Education Improvement and Assessment; Assessment Required. Amend RSA 193-C:6 to read as follows:

193-C:6 Assessment Required. Each year, a statewide assessment shall be administered in all school districts in the state in grades 3 through 8 and one grade in high school. All public school students in the designated grades shall participate in the assessment, unless such student is exempted *from taking the test by his or her parent or legal guardian*, or provided that the commissioner of the department of education may, through an agreement with another state when such state and New Hampshire are parties to an interstate agreement, allow ~~[pupils]~~ *students* to participate in that state's assessment program as an alternative to the assessment required under this chapter. Home educated students may contact their local school districts if they wish to participate in the statewide assessment. Private schools may contact the department of education to participate in the statewide assessment. *A school district shall not penalize any student for being exempted from taking the statewide assessment by his or her parent or legal guardian, nor shall the department of education or the state board of education penalize any school district for a lower participation rate. A school district shall create a form to be signed by the parent or legal guardian of any student exempted from the assessment.*

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

AMENDED ANALYSIS

This bill allows a student to be exempted from taking the statewide assessment by the student's parent or legal guardian, without penalty to the student or the school district.

Rep. Ladd spoke against.

Majority committee amendment failed.

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

Rep. Boehm offered floor amendment (0758h).

Floor Amendment (0758h)

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

AN ACT relative to student exemption from the statewide assessment.

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

1 Statewide Education Improvement and Assessment; Assessment Required. Amend RSA 193-C:6 to read as follows:

193-C:6 Assessment Required. Each year, a statewide assessment shall be administered in all school districts in the state in grades 3 through 8 and one grade in high school. All public school students in the designated grades shall participate in the assessment, unless such student is exempted *from taking the test by his or her parent or legal guardian*, or provided that the commissioner of the department of education may, through an agreement with another state when such state and New Hampshire are parties to an interstate agreement, allow ~~[pupils]~~ *students* to participate in that state's assessment program as an alternative to the assessment required under this chapter. Home educated students may contact their local school districts if they wish to participate in the statewide assessment. Private schools may contact the department of education to participate in the statewide assessment. *A school district shall not penalize any exempted student nor shall the department of education or the state board of education penalize any school district for a lower participation rate. A school district shall develop a form to be signed by the parent or legal guardian of any student exempted from the assessment. The school district shall provide an appropriate alternative educational activity for the time period during which the assessment is administered. The alternative activity shall be agreed upon by the school district and parent or legal guardian of the student.*

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

AMENDED ANALYSIS

This bill declares that a student exempted from taking the statewide assessment by the student's parent or legal guardian shall not be penalized. The bill also requires a school district to provide an appropriate alternative educational activity for the time period during which the assessment is administered.

Rep. Boehm spoke in favor.

Rep. Hoell spoke against.

Floor amendment (0758h) adopted.

Majority committee report adopted and ordered to third reading.

HB 112, relative to domicile for voting purposes. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Adam R. Schroadter for the Majority of Election Law. This bill puts into statute the current guidelines used by the supervisors of the checklist when registering a person to vote. The guidelines are in the procedure manual used by election officials. Adding them to statute makes them more accessible to everyone. New Hampshire law technically requires documentary proof of citizenship, age, and domicile in order to register to vote. However, election officials are empowered to accept any kind of proof "deemed reasonable" by them to satisfy these criteria. Election officials and voter registrants alike are often uncertain what qualifies as domicile for voting purposes. This bill, as amended, identifies general qualifications that may be considered sufficient, such as where the person owns or rents property that they primarily live in, or enrollment and attendance at a college or university in New Hampshire. Vote 9-8.

Rep. Wayne M. Burton for the Minority of Election Law. This bill, as amended, encodes a partial list of factors in state law that might be considered by election officials in establishing a person's domicile for voting purposes. Five of the factors refer to how a person's residence is established by other statutes enacted for purposes other than voting. For voting eligibility purposes, current "domicile," not long-term residence is required by the NH Constitution. One of the factors listed in the amendment, for example, is demonstrating eligibility to procure a NH hunting or fishing license. Since both require that a person live in NH for two years, they are impermissible as criteria for establishing voter eligibility. Another example is possessing a NH driver's license, which requires that a person intends to remain in NH either permanently or indefinitely to qualify as a resident. Under the NH Constitution as interpreted by the courts, intent to remain in NH cannot be considered in determining a person's voting eligibility. Because the list of factors in the amended bill, if made a part of a statute, could be confused by election officials as requirements, the minority believes those factors, which are already included in the secretary of state's guidelines, are sufficient to inform election officials of determining a person's eligibility to vote. The current process has been well established and is working well. Therefore the minority of the Election Law Committee believes this bill is both unnecessary and potentially damaging to the integrity of our most precious right, that of casting our vote.

Majority Amendment (0066h)

Amend the bill by replacing section 1 with the following:

1 Voter Qualifications; Domicile. Amend RSA 654:1 to read as follows:

654:1 Voter; Office Holder.

I. Every inhabitant of the state, having a single established domicile for voting purposes, being a citizen of the United States, of the age provided for in Article 11 of Part First of the Constitution of New Hampshire, shall have a right at any meeting or election, to vote in the town, ward, or unincorporated place in which he or she is domiciled. An inhabitant's domicile for voting purposes is that one place where a person, more than any other place, has established a physical presence and manifests an intent to maintain a single continuous presence for domestic, social, and civil purposes relevant to participating in democratic self-government. A person has the right to change domicile at any time, however a mere intention to change domicile in the future does not, of itself, terminate an established domicile before the person actually moves.

II.(a) When determining a person's qualifications as a voter, the following factors may be considered as evidence of the person's domicile:

(1) The school district in which the person's residence is located.

(2) The address listed on the person's individual federal income tax return.

(3) The address designated by the person as his or her residence or homestead for purposes of state and local taxes.

(4) The place where the person spends the most nights of the year.

(5) The place where the person keeps his or her most valuable and precious possessions.

(6) The place that would be considered the person's residence for purposes of obtaining a driver's license.

(7) The place that would be considered the person's residence for purposes of applying for a passport or other federal identification.

(8) The place that would be considered the person's residence for purposes of eligibility for a resident hunting or fishing license.

(b) A person shall not be considered domiciled in this state if the person is temporarily absent from another state in a manner that would be consistent with RSA 654:2.

[I-a.] **III.** A student of any institution of learning may lawfully claim domicile for voting purposes in the New Hampshire town or city in which he or she lives while attending such institution of learning if such student's claim of domicile otherwise meets the requirements of RSA 654:1, I.

[H-] **IV.** Any elected or appointed official for whom one of the qualifications for his or her position is eligibility to be a voter in the area represented or served shall be considered to have resigned if the official moves his or her domicile so that he or she can no longer qualify to be a voter in the area represented or served. Any vacancy so created shall be filled as prescribed by law.

AMENDED ANALYSIS

This bill establishes factors to be considered in determining domicile for voting purposes.

Rep. Bates spoke against and yielded to questions.

Rep. Hoelzel spoke in favor.

Majority committee amendment failed.

LAID ON THE TABLE

Rep. Hoelzel moved that **HB 112**, relative to domicile for voting purposes, be laid on the table.

On a division vote, 254 members having voted in the affirmative and 85 in the negative, the motion was adopted.

MOTION TO REFER TO JUSTICES

Rep. Hoelzel moved that an opinion of the justices on the constitutionality of **HB 112**, relative to domicile for voting purposes, be requested.

On a division vote, 190 members having voted in the affirmative and 148 in the negative, the motion was adopted.

REGULAR CALENDAR CONT'D

HB 328, relative to delivery of absentee ballots. **OUGHT TO PASS.**

Rep. James P. Gray for Election Law. RSA 657:17 requires that voters mail their absentee ballots or "personally deliver it to the city or town clerk from whom it was sent." HB 328 will allow a spouse, parent, sibling or a child to deliver the ballot to the clerk. The committee took note that a ballot rejected by the clerk can be placed in a mailbox by the same person who presented it to the clerk and when it is delivered by the post office that ballot will be accepted. The majority of the committee believes that accepting ballots from the family members listed in the bill is appropriate and will not degrade the legitimacy of the absentee ballot process. Vote 12-6.

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

HB 373, establishing the red-tailed hawk as the New Hampshire state raptor. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Peter W. Bixby for the Majority of Environment and Agriculture. This bill, brought at the request of 4th graders from Hampton Falls, would designate the red tailed hawk as the New Hampshire state raptor. Students noted that several of the bird's characteristics make it a good symbol for the state: adaptability, attentiveness to family, and strong, determined presence. While this raptor is not unique to our state, one great advantage is its familiarity. It is easy for our citizens to look up and spot this noble looking bird. Vote 10-8. Rep. Christy D. Bartlett for the Minority of Environment and Agriculture. It's always tough to oppose a group of 4th graders who are counting on the committee to pass a bill they've presented. However, this bill split the committee as many of us didn't feel that NH needed another "state bird" even if this one is a raptor. Additionally, the red-tailed hawk is ubiquitous to the entire country and not unique to NH. If a state raptor is absolutely necessary, it should seem that a pick of the 5 species that are threatened or endangered might have been more deserving, if the intention is to draw attention. During a budget year when our energy and efforts should be directed elsewhere, it would seem that a more valuable educational lesson would be that not all bills are passed.

MOTION TO SPECIAL ORDER

Rep. Haefner moved that **HB 373**, establishing the red-tailed hawk as the New Hampshire state raptor, be made a Special Order as the first order of business for tomorrow, Thursday, March 12, 2015.

Rep. Haefner spoke in favor.

Motion adopted.

REGULAR CALENDAR CONT'D

HB 609-FN, relative to hydraulic fracturing. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Warren J. Groen for the Majority of Environment and Agriculture. This bill would ban hydraulic fracturing for gas and oil in New Hampshire and also ban the treatment of fracking waste at New Hampshire municipal waste treatment facilities, neither of which is done in New Hampshire today. Three hundred trillion years ago, when the granite features of New Hampshire were formed, the heat was so intense that all the petroleum deposits were vaporized. Therefore, there is no need to frack for something that doesn't exist here. Any businessman that tried to make a living hauling fracking waste to New Hampshire would go broke at the start and take his banker down with him. No sewage treatment system in New Hampshire would, or could legally, accept the untreated waste if it did arrive here. The Department of Environmental Services believes that the bill is not necessary because we will never frack for oil and gas, and because we already have regulations that would prevent fracking waste from entering our wastewater treatment facilities. The majority of the E&A committee agrees. Vote 12-6.

Rep. Christy D. Bartlett for the Minority of Environment and Agriculture. At this time, there is no evidence of oil shale or any other energy deposits in the Granite State that may require fracking to extract. Yet, energy industry lobbyists opposed this bill prohibiting fracking. In fact, there are significant concerns for NH stemming from fracking in other states. Testimony opposed to the bill concentrated on the remote possibility of drilling here. But this gives a false sense of security and ignores the impacts of fracking beyond the act of drilling. There are additional risks, and the bill addresses them by prohibiting the importation of wastewater and solid waste from fracking operations in other states. If brought to NH for treatment, these hazardous wastes have the potential to affect local groundwater and drinking water supplies. As other states act to control these risks, NH may become an economical option for fracking wastewater disposal. This bill would send the message that we do not want other states' hazardous wastes.

CLERK'S NOTE

Rep. Groen notified the Clerk that the blurb was written intentionally to reflect the age of the earth. The Clerk, for accuracy, is appending this note so that it is understood the writer of the blurb intended to use the arbitrary age he established, despite any accepted model by religious or scientific dogma.

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

Rep. Bartlett spoke against.

Rep. O'Connor spoke in favor.

Rep. Groen spoke in favor and yielded to questions.

Rep. Tucker requested a roll call; sufficiently seconded.

YEAS 254 - NAYS 81**YEAS - 254****BELKNAP**

Aldrich, Glen
Fisher, Robert
Hurt, George
Sylvia, Michael

Comtois, Guy
Fraser, Valerie
LeBreche, Shari
Tilton, Franklin

Dumais, Russell
Gallagher, Brian
Luther, Robert
Vadney, Herbert

Fields, Dennis
Howard, Jr., Raymond
Spanos, Peter
Varney, Peter

CARROLL

Avellani, Lino
Comeau, Ed
Nelson, Bill
Wright, Ted

Buco, Thomas
Cordelli, Glenn
Parker, Harold

Butler, Edward
McCarthy, Frank
Schmidt, Stephen

Chandler, Gene
McConkey, Mark
Umberger, Karen

CHESHIRE

Abbott, Michael
Eaton, Daniel
Roberts, Kris
Weber, Lucy

Berch, Paul
Hunt, John
Sad, Tara

Bordenet, John
Ley, Douglas
Sterling, Franklin

Chase, Cynthia
McConnell, Jim
Tatro, Bruce

COOS

Fothergill, John
Theberge, Robert

Rappaport, Laurence
Tholl, John

Richardson, Herbert

Rideout, Leon

GRAFTON

Almy, Susan
Darrow, Stephen
Ingbertson, Paul
Nordgren, Sharon

Bailey, Brad
Gionet, Edmond
Johnson, Eric
Piper, Wendy

Brown, Chris
Hennessey, Erin
Ladd, Rick
Shackett, Jeffrey

Cooney, Mary
Hull, Robert
Massimilla, Linda
Townsend, Charles

HILLSBOROUGH

Adams, Christopher
Belanger, James
Burt, John
Cohen, Alan
Eastman, Eric
Fromuth, Bart
Gonzalez, Carlos
Griffin, Barbara
Hinch, Richard
Kurk, Neal
Long, Patrick
McLean, Mark
Notter, Jeanine
Ober, Russell
Pellegrino, Anthony
Proulx, Mark
Sanborn, Laurie
Silva, Peter
Souza, Kathleen
Sullivan, Victoria
Walsh, Robert
Zaricki, Nick

Ammon, Keith
Biggie, Barbara
Byron, Frank
Cornell, Patricia
Edelblut, Frank
Gagne, Larry
Gorman, Mary
Haefner, Robert
Hogan, Edith
Lachance, Joseph
Marston, Dick
McNamara, Richard
O'Brien, Michael
Ohm, Bill
Peterson, Ken
Rice, Kimberly
Schleien, Eric
Simmons, Tammy
Stepanek, Stephen
Sweeney, Shawn
Williams, Kermit

Balcom, John
Boehm, Ralph
Christensen, Chris
Danielson, David
Ferreira, Elizabeth
Gidge, Kenneth
Gould, Linda
Halstead, Carolyn
Infantine, William
LeBrun, Donald
Martel, Andre
Moore, Josh
O'Brien, William
Palmer, Barry
Pierce, David
Rosenwald, Cindy
Seidel, Carl
Smith, Gregory
Straight, Phillip
Takesian, Charlene
Wolf, Terry

Barry, Richard
Bouldin, Amanda
Christie, Rick
Donovan, Daniel
Forest, Armand
Goley, Jeffrey
Goulette, William
Hansen, Peter
Jack, Martin
Leishman, Peter
McCarthy, Peggy
Murphy, Keith
Ober, Lynne
Parison, James
Porter, Marjorie
Rouillard, Claire
Shattuck, Gilman
Soucy, Timothy
Sullivan, Daniel
Twombly, Timothy
Woodbury, David

MERRIMACK

Bradley, Paula
French, Harold
Horn, Werner
Martin, John
Rice, Harold (Chip)
Wheeler, Deborah

Brewster, Michael
Henle, Paul
Kenison, Linda
McGuire, Carol
Seaworth, Brian

Carson, Clyde
Hill, Gregory
Kotowski, Frank
McGuire, Dan
Shurtleff, Stephen

Ebel, Karen
Hoell, J.R.
Kuch, Bill
Moffett, Howard
Walsh, Thomas

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Chase, Francis
Doucette, Fred
Fesh, Robert
Gordon, Richard

Abramson, Max
Bates, David
Christie, Andrew
Duarte, Joe
Francese, Paula
Griffin, Mary

Allen, Mary
Belanger, Ronald
DeSimone, Debra
Elliott, Robert
Friel, William
Guthrie, Joseph

Azarian, Gary
Cardon, G. Thomas
Devine, James
Emerick, J. Tracy
Gannon, William
Harris, Jeffrey

Hodgdon, Bruce
Kappler, Lawrence
Lovejoy, Patricia
Milz, David
Potucek, John
Spillane, James
True, Chris
Webb, James

Hoelzel, Kathleen
Katsakiores, Phyllis
Manning, John
Nigrello, Robert
Prudhomme-O'Brien, Katherine
Sytek, John
Tucker, Pamela
Welch, David

Introne, Robert
Kellogg, Shem
Matthews, Carolyn
O'Connor, John
Rice, Frederick
Tasker, Kyle
Vose, Michael
Weyler, Kenneth

Itse, Daniel
Kolodziej, Walter
McMahon, Charles
Packard, Sherman
Schroadter, Adam
Thomas, Douglas
Ward, Joanne
Wood, David

STRAFFORD

Beaudoin, Steven
Gray, James
Kaczynski, Jr., Thomas
Mullen, John
Turcotte, Leonard
Wuelper, Kurt

Bickford, David
Groen, Warren
Kaen, Naida
Schmidt, Peter
Verschueren, James

Bixby, Peter
Hannon, Joseph
Knowles, Robert
Sprague, Dale
Wall, Janet

Cheney, Catherine
Jones, Laura
Leeman, Don
Treleaven, Susan
Whitehouse, Joshua

SULLIVAN

Bridge, Ernest
Rollins, Skip

Converse, Larry
Schmidt, Andrew

Grenier, James
Smith, Steven

Laware, Thomas

NAYS - 81 CARROLL

Ticehurst, Susan

CHESHIRE

Ames, Richard
Phillips, Larry

Emerson, Susan
Robertson, Timothy

Parkhurst, Henry
Shepardson, Marjorie

Pearson, William
Tilton, Benjamin

COOS

Froburg, Alethea

Hatch, William

Moynihan, Wayne

GRAFTON

Abel, Richard
Higgins, Patricia

Bennett, Travis
Maes, Kevin

Ford, Susan
Smith, Suzanne

Hennessey, Martha
Sykes, George

HILLSBOROUGH

Backus, Robert
Edwards, Elizabeth
Hansberry, Daniel
Manley, Jonathan
Snow, Kendall

Beaulieu, Jane
Estevez, Eric
Harvey, Suzanne
O'Neil, William
Vann, Ivy

Cote, David
Freitas, Mary
Heath, Mary
Roberts, Carol

DiSilvestro, Linda
Guerette, C. Lee
Mangipudi, Latha
Smith, Timothy

MERRIMACK

Alicea, Caroletta
Frazer, June
Myler, Mel
Turcotte, Alan

Bartlett, Christy
Gile, Mary
Rogers, Katherine
Wallner, Mary Jane

Deloge, Helen
Karrick, David
Saunderson, George

Doherty, David
MacKay, James
Schuett, Dianne

ROCKINGHAM

Barnes, Arthur
Cushing, Robert
McBeath, Rebecca
Ward, Gerald

Berrien, Skip
DiFranco, Debbie
Pantelakos, Laura
Woitkun, Steven

Cahill, Michael
Gordon, Pamela
Sherman, Thomas

Cali-Pitts, Jacqueline
Heffron, Frank
Simpson, Alexis

STRAFFORD

Baber, William
Horriggan, Timothy
Stevens, Audrey

Burton, Wayne
Rollo, Deanna
Ward, Kenneth

Cilley, Jacalyn
Smith, Marjorie

DiSesa, Len
Southworth, Thomas

SULLIVAN

Cloutier, John
Oxenham, Lee

Gagnon, Raymond

Irwin, Virginia

O'Hearne, Andrew

and the majority committee report was adopted.

QUESTION OF THE HOUSE

The Speaker, having planned on completing bills through the Committee on Executive Departments and Administration, put the question to the House on whether to stay and complete those bills or finish them tomorrow.

The question being shall the House stay and complete bills as planned by the Speaker?

On a division vote, 190 members having voted in the affirmative and 142 in the negative, the House stays.

REGULAR CALENDAR CONT'D**HB 660-FN**, relative to small farms and farmstands. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS**

Rep. John T. O'Connor for the Majority of Environment and Agriculture. This bill will allow only small farms (defined in the bill as under \$100,000 gross sales per year) to be exempt from all state and local building codes, environmental laws, labor laws, safety and health codes, federal meat inspection programs, or any other statute that may be related to small farms. The exemption includes the sale of non-inspected and potentially hazardous foods, which could then be sold at retail stores and restaurants. In addition, the bill requires that the Department of Agriculture, Markets and Food (DAMF) maintains documents on each individual farm to include types of foods and dollar values of every sale, barter and trade. DAMF stated that they are unsure what the bill would require of them. The majority of the committee is in agreement that we need to help the viability of small farms. To that end, we recently passed The Homestead Food Act, which exempted farmers with sales under \$20,000 from licensing and inspection requirements for non-hazardous value-added products. E&A has three other bills in committee also aimed at reducing the regulations for small farmers. We feel that, due to the potential risks to public health and safety, this bill goes too far. Both DAMF and the farm bureau oppose the bill. Vote 14-4.

Rep. Warren J. Groen for the Minority of Environment and Agriculture. This bill was broad in its scope, but solid in its goals. The minority believes that a "retain" motion was in order so the bill could be analyzed and tweaked for the benefit of NH's small farmers. These farmers suffer under burdensome regulations that do not comport to our state's motto of "Live free or die."

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

Rep. Comtois spoke against and yielded to questions.

Rep. O'Connor spoke in favor.

On a division vote, 202 members having voted in the affirmative and 85 in the negative, the majority committee report was adopted.

CACR 10, relating to term of office. Providing that beginning with the 2018 general election, there shall be a 4-year term of office for governor. **INEXPEDIENT TO LEGISLATE.**

Rep. J.R. Hoell for Executive Departments and Administration. This constitutional amendment would change the office of governor from a 2-year term to a 4-year term. The committee had concerns that additional money, which would be poured into our state for this high level race, would further degrade the very personal side of the NH elections. Further concerns expressed during the executive session were that the governor would be less responsive to the people as there was a longer period of time before they would be back in front of the citizens for a re-election campaign. The committee felt that this was a solution in search of a problem as only one governor was not re-elected over the last 20-year period. With the other state level offices serving a two-year term, the committee saw no need to change just the term of the governor. Lastly, unlike other states that have four year terms for the office of governor, there is no recall provision in either our statutes or in our constitution. Vote 9-5.

MOTION TO SPECIAL ORDER

Rep. Andrew Christie moved that **CACR 10**, relating to term of office. Providing that beginning with the 2018 general election, there shall be a 4-year term of office for governor, be made a Special Order to the end of the Regular Calendar.

Motion failed.

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

Rep. Gagnon spoke against.

Rep. Hoell spoke in favor.

On a division vote, 208 members having voted in the affirmative and 78 in the negative, the committee report was adopted.

HB 113, designating the mastodon as the official state fossil. **INEXPEDIENT TO LEGISLATE.**

Rep. John Sytek for Executive Departments and Administration. This bill would designate the mastodon as the official state fossil (as does Michigan). It is the result of the third (now fourth) grade class project at Bradford elementary school. The committee was impressed with the quality of the effort. The pupils enlisted the aid of both UNH and Dartmouth professors. Three well-spoken pupils stated their case in testimony before the committee. However, the committee felt that New Hampshire has enough cultural and historical artifacts such as our state motto, flower and bird. There was no compelling evidence to indicate that the lack of a state fossil would detract from the imagery of our state nor would adding this designation significantly complement the extant array of our state emblems. Vote 11-4.

MOTION TO SPECIAL ORDER

Rep. Andrew Christie moved that **HB 113**, designating the mastodon as the official state fossil, be made a Special Order to the end of the Regular Calendar.

Reps. Andrew Christie and Baldasaro spoke in favor.

Motion adopted.

REGULAR CALENDAR CONT'D

HB 141, relative to rulemaking authority concerning work schedules in pharmacies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter B. Schmidt for Executive Departments and Administration. This bill, as amended, expands rulemaking authority in the board of pharmacy to permit the board to address the current critical pressurization of work schedules and work responsibilities in some pharmacy settings. The committee received persuasive oral and written testimony detailing stressful and unhealthful circumstances, which are not in the public interest and could credibly threaten public safety. Granting this additional rulemaking authority will enable the board of pharmacy to create flexible work rules to alleviate current inappropriate conditions, while permitting businesses to manage their personnel for a high degree of efficiency and productivity. Vote 10-5.

Amendment (0048h)

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

AN ACT relative to rulemaking authority concerning practice standards and safe and secure operation of pharmacies.

Amend the bill by replacing section 1 with the following:

1 Pharmacists and Pharmacies; Rulemaking; Practice Standards; Safe and Secure Operation. Amend RSA 318:5-a to read as follows:

318:5-a Rulemaking Authority. The board shall adopt rules, pursuant to RSA 541-A, relative to:

- I. The application procedure for any license issued under this chapter;
- II. The qualifications of applicants in addition to those requirements set by statute;
- III. Design and content of all forms required under this chapter;
- IV. How an applicant shall be examined, including:
 - (a) Time and place of examination;
 - (b) The subjects to be tested;
 - (c) Passing grade; and
 - (d) Disposition of examination papers;

IV-a. The standards for registering pharmacies and licensing pharmacists and the practice of pharmacy;

V. How a license shall be renewed;

VI. Ethical **and practice** standards required to be met by each holder of any license, **permit, registration, or certificate** issued under this chapter and how such license, **permit, or registration, or certificate** may be revoked for violation of these standards;

VII. The establishment of all fees and fines required under this chapter, including application fees for nonresidents;

VII-a. Continuing education requirements under this chapter;

VIII. Procedures for the conduct of hearings consistent with the requirements of due process;

IX. Procedures for the inspection of licensees;

X. Registration or certification of pharmacy technicians, including:

- (a) Requirements for registration or certification;
- (b) The duties, functions, and **practice** standards of conduct of pharmacy technicians;
- (c) Requirements for the supervision of pharmacy technicians by licensed pharmacists;
- (d) Standards for denial and revocation of registration and certification;
- (e) Establishment of the effective period of registration or certification;
- (f) Requirements for renewal of registration or certification; and
- (g) Requirements for reinstatement of registration or certification.

XI. The establishment of fees for registration or certification of pharmacy technicians, including fees for renewal or reinstatement.

XI-a. Registration of pharmacy interns, including:

- (a) Requirements for registration;
- (b) The duties, functions, and **practice** standards of conduct of pharmacy interns;
- (c) Requirements for the supervision of pharmacy interns by licensed pharmacists;
- (d) Standards for denial and revocation of registration;
- (e) Establishment of the effective period of registration;
- (f) Requirements for renewal of registration; and
- (g) Requirements for reinstatement of registration.

XI-b. The establishment of fees for registration of pharmacy interns, including fees for renewal or reinstatement.

XII. Procedures for the use, documentation, security, maintenance, and monitoring of automated pharmacy systems, including the placement of automated pharmacy systems in long-term care facilities, hospices, and state or county correctional institutions, for the purposes of storage and dispensing of controlled and non-controlled prescription drugs.

XIII. Standards for contracting, implementation, and operation of central prescription processing.

XIV. The adoption of protocols and procedures for the temporary absence of a pharmacist from a pharmacy while on duty.

XV. The requirements for the use of electronic transmission prescriptions, including the contents of such order and the verification of electronic signatures.

XVI. Procedures and protocols for emergency contraception drug therapy, pursuant to RSA 318:47-e.

XVII. The education and training standards and other requirements for pharmacists who, pursuant to prescriber-approved protocol:

(a) Administer prescription medications, including influenza immunizations.

(b) Engage in collaborative pharmacy practices.

XVIII. Disclosure and confidentiality relative to the New Hampshire Rx advantage program, pursuant to RSA 161-L:3.

XIX. The standards for the safe and secure operation of pharmacies in meeting the requirements of this chapter and the protection of public health.

AMENDED ANALYSIS

This bill adds pharmacy board rulemaking authority to adopt rules concerning practice standards and the safe and secure operation of pharmacies.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 279, establishing a commission to study the economic impact of the arts and culture in New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jacalyn L. Cilley for Executive Department and Administration. This bill establishes a commission tasked with studying the economic impact of arts and cultural activities in New Hampshire. The committee heard testimony that this is a vibrant sector of our economy, but for which there is currently no concrete quantitative assessment of its contribution to our overall economy. The amendment by the committee extends the deadline for the report by this commission to November 1, 2016 to allow the commission to do a comprehensive assessment and also includes the provision that the commission shall make recommendations for the enhancement and expansion of this sector of the economy. Vote 12-4.

Amendment (0650h)

Amend RSA 19-A:14, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The commission shall study the economic impact of the arts and culture in New Hampshire and recommend ways in which the state can enhance and expand this sector of the New Hampshire economy. In the performance of its duties, the commission may solicit information and testimony from local artists and any group or organization with information relevant to the study.

Amend RSA 19-A:14, VI as inserted by section 1 of the bill by replacing it with the following:

VI. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2016.

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

I. Section 2 of this act shall take effect November 1, 2016.

Committee amendment adopted.

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

Rep. William O'Brien requested a roll call; sufficiently seconded.

YEAS 174 - NAYS 121

**YEAS - 174
BELKNAP**

Fields, Dennis

Luther, Robert

CARROLL

Buco, Thomas
Parker, Harold

Butler, Edward
Schmidt, Stephen

Chandler, Gene
Ticehurst, Susan

McConkey, Mark
Umberger, Karen

CHESHIRE

Abbott, Michael
Chase, Cynthia
Parkhurst, Henry
Sad, Tara
Weber, Lucy

Ames, Richard
Emerson, Susan
Pearson, William
Shepardson, Marjorie

Berch, Paul
Hunt, John
Roberts, Kris
Tatro, Bruce

Bordenet, John
Ley, Douglas
Robertson, Timothy
Tilton, Benjamin

COOS

Fothergill, John
Tholl, John

Hatch, William

Moynihan, Wayne

Richardson, Herbert

GRAFTON

Abel, Richard
Ford, Susan
Maes, Kevin
Smith, Suzanne

Almy, Susan
Hennessey, Martha
Massimilla, Linda
Sykes, George

Brown, Chris
Higgins, Patricia
Piper, Wendy
Townsend, Charles

Cooney, Mary
Ladd, Rick
Shackett, Jeffrey

HILLSBOROUGH

Backus, Robert
Biggie, Barbara
DiSilvestro, Linda
Freitas, Mary
Guerette, C. Lee
Hinch, Richard
Leishman, Peter
McNamara, Richard
Peterson, Ken
Rosenwald, Cindy
Soucy, Timothy
Takesian, Charlene
Woodbury, David

Balcom, John
Cohen, Alan
Donovan, Daniel
Gargas, Carolyn
Haefner, Robert
Hogan, Edith
Mangipudi, Latha
O'Brien, Michael
Pierce, David
Smith, Gregory
Souza, Kathleen
Vann, Ivy
Zaricki, Nick

Barry, Richard
Cote, David
Eastman, Eric
Gidge, Kenneth
Harvey, Suzanne
Jack, Martin
Manley, Jonathan
O'Neil, William
Porter, Marjorie
Smith, Timothy
Straight, Phillip
Walsh, Robert

Belanger, James
Danielson, David
Estevez, Eric
Goley, Jeffrey
Heath, Mary
Kurk, Neal
Martel, Andre
Pellegrino, Anthony
Proulx, Mark
Snow, Kendall
Sullivan, Daniel
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Ebel, Karen
Kenison, Linda
Rogers, Katherine
Turcotte, Alan

Bartlett, Christy
Frazer, June
MacKay, James
Saunderson, George
Wheeler, Deborah

Deloge, Helen
French, Harold
Myler, Mel
Schuett, Dianne

Doherty, David
Henle, Paul
Rice, Harold (Chip)
Shurtleff, Stephen

ROCKINGHAM

Barnes, Arthur
Cardon, G. Thomas
DeSimone, Debra
Francese, Paula
Guthrie, Joseph
Lovejoy, Patricia
O'Connor, John
Simpson, Alexis

Berrien, Skip
Chirichiello, Brian
Devine, James
Friel, William
Heffron, Frank
Manning, John
Packard, Sherman
Ward, Gerald

Cahill, Michael
Christie, Andrew
Doucette, Fred
Gordon, Pamela
Hoelzel, Kathleen
McMahon, Charles
Pantelakos, Laura
Webb, James

Cali-Pitts, Jacqueline
Cushing, Robert
Elliott, Robert
Griffin, Mary
Introne, Robert
Nigrello, Robert
Rice, Frederick
Woitkun, Steven

STRAFFORD

Baber, William
Cilley, Jacalyn
Jones, Laura
Rollo, Deanna
Sprague, Dale
Ward, Kenneth

Bickford, David
DiSesa, Len
Kaen, Naida
Schmidt, Peter
Stevens, Audrey

Bixby, Peter
Gray, James
Knowles, Robert
Smith, Marjorie
Treleaven, Susan

Burton, Wayne
Horrigan, Timothy
Leeman, Don
Southworth, Thomas
Wall, Janet

SULLIVAN

Bridge, Ernest
Irwin, Virginia

Cloutier, John
Smith, Steven

Converse, Larry

Gagnon, Raymond

NAYS - 121**BELKNAP**

Aldrich, Glen
Fraser, Valerie
Spanos, Peter
Varney, Peter

Comtois, Guy
Howard, Jr., Raymond
Sylvia, Michael

Dumais, Russell
Hurt, George
Tilton, Franklin

Fisher, Robert
LeBreche, Shari
Vadney, Herbert

CARROLL

Avellani, Lino

Comeau, Ed

Cordelli, Glenn

McCarthy, Frank

CHESHIRE

McConnell, Jim

COOS

Rappaport, Laurence

Rideout, Leon

Theberge, Robert

GRAFTONBailey, Brad
Hull, RobertDarrow, Stephen
Ingbertson, PaulGionet, Edmond
Johnson, Eric

Hennessey, Erin

HILLSBOROUGHAdams, Christopher
Burt, John
Edelblut, Frank
Gagne, Larry
Griffin, Barbara
Lachance, Joseph
McLean, Mark
O'Brien, William
Rice, Kimberly
Seidel, Carl
Sweeney, ShawnAmmon, Keith
Byron, Frank
Edwards, Elizabeth
Gorman, Mary
Halstead, Carolyn
LeBrun, Donald
Moore, Josh
Ohm, Bill
Rouillard, Claire
Silva, Peter
Twombly, TimothyBoehm, Ralph
Christensen, Chris
Ferreira, Elizabeth
Gould, Linda
Hansen, Peter
Marston, Dick
Murphy, Keith
Palmer, Barry
Sanborn, Laurie
Simmons, Tammy
Wolf, TerryBouldin, Amanda
Christie, Rick
Fromuth, Bart
Goulette, William
Infantine, William
McCarthy, Peggy
Notter, Jeanine
Parison, James
Schleien, Eric
Sullivan, Victoria**MERRIMACK**Brewster, Michael
Kotowski, Frank
McGuire, DanHill, Gregory
Kuch, Bill
Seaworth, BrianHoell, J.R.
Martin, John
Walsh, ThomasHorn, Werner
McGuire, Carol**ROCKINGHAM**Abrami, Patrick
Bates, David
Gannon, William
Itse, Daniel
Matthews, Carolyn
Schroadter, Adam
Tucker, Pamela
Weyler, KennethAbramson, Max
Chase, Francis
Gordon, Richard
Kappler, Lawrence
Milz, David
Sytek, John
Vose, Michael
Wood, DavidAllen, Mary
Duarte, Joe
Harris, Jeffrey
Kellogg, Shem
Potucek, John
Thomas, Douglas
Ward, JoanneBaldasaro, Alfred
Emerick, J. Tracy
Hodgdon, Bruce
Kolodziej, Walter
Prudhomme-O'Brien, Katherine
True, Chris
Welch, David**STRAFFORD**Cheney, Catherine
Mullen, JohnGroen, Warren
Turcotte, LeonardHannon, Joseph
Wuelper, Kurt

Kaczynski, Jr., Thomas

SULLIVAN

Laware, Thomas

O'Hearne, Andrew

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

HB 286, relative to permits issued by building inspectors. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Steven P. Beaudoin for Executive Departments and Administration. This enabling legislation, as amended, will allow a municipality to authorize a building inspector or code enforcement official to consider deed restrictions and covenants prior to issuing a building permit. Currently, this is not allowed under statute and code enforcement officials' hands are tied leaving enforcement of covenants a civil matter. Though zoning may allow certain structures and land uses, oftentimes covenants and deed restrictions prohibit them. This bill will allow an official the ability to take those into account if the municipality chooses to adopt a process to do so. Vote 12-2.

Amendment (0216h)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Power to Amend State Building Code and Establish Enforcement Procedures. Amend RSA 674:51 by inserting after paragraph V the following new paragraph:

VI. A municipality that has adopted a process to enforce a building code may authorize the building inspector to require compliance with applicable deed restrictions or covenants relative to structures erected, altered, or placed on the premises as a condition to the issuance of a building permit.

AMENDED ANALYSIS

This bill enables a municipality to authorize the building inspector to require compliance with applicable deed restrictions or covenants as a condition to the issuance of a building permit.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 325, relative to the release of the names of winners of multi-state lotteries. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory G. Smith for Executive Departments and Administration. This bill would allow winners of multi-state lotteries (e.g. Powerball) to remain anonymous. A majority of the committee felt that although it's understandable why some winners might not want their names released that the principle of transparency was paramount to ensure that the public maintain confidence in the integrity of such games. There was also concern that this law would illegally attempt to bind out-of-state interests since it only affected multi-state lotteries. Current law already allows winners who wish to remain anonymous to have winnings paid to an anonymous trust. Vote 12-4.

Committee report adopted.

HB 410, relative to the uniform anatomical gift act. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark L. Proulx for Executive Departments and Administration. This bill was written to repeal a provision in NH law that prohibited the sale of body parts harvested after a person's death. The purchase and sale of human organs is prohibited by the National Organ Transplant Act, therefore this change to state law would not permit the sale of organs in New Hampshire. The only country we were aware of that does allow this is Iran. The committee felt that repeal of RSA 291-A:16 was not prudent and could only lead to confusion over the state of the law. Vote 12-3.

Rep. Dan McGuire requested a roll call; sufficiently seconded.

YEAS 245 - NAYS 54**YEAS - 245****BELKNAP**

Fields, Dennis
Spanos, Peter

Fisher, Robert
Tilton, Franklin

LeBreche, Shari

Luther, Robert

CARROLL

Buco, Thomas
McCarthy, Frank
Ticehurst, Susan

Butler, Edward
McConkey, Mark
Umberger, Karen

Chandler, Gene
Parker, Harold

Comeau, Ed
Schmidt, Stephen

CHESHIRE

Abbott, Michael
Chase, Cynthia
McConnell, Jim
Roberts, Kris
Sterling, Franklin

Ames, Richard
Emerson, Susan
Parkhurst, Henry
Robertson, Timothy
Tatro, Bruce

Berch, Paul
Hunt, John
Pearson, William
Sad, Tara
Tilton, Benjamin

Bordenet, John
Ley, Douglas
Phillips, Larry
Shepardson, Marjorie
Weber, Lucy

COOS

Fothergill, John
Richardson, Herbert

Hatch, William
Rideout, Leon

Moynihan, Wayne
Theberge, Robert

Rappaport, Laurence
Tholl, John

GRAFTON

Abel, Richard
Cooney, Mary
Hennessey, Erin
Maes, Kevin
Smith, Suzanne

Almy, Susan
Darrow, Stephen
Hennessey, Martha
Massimilla, Linda
Sykes, George

Bailey, Brad
Ford, Susan
Higgins, Patricia
Piper, Wendy
Townsend, Charles

Brown, Chris
Gionet, Edmond
Ladd, Rick
Shackett, Jeffrey

HILLSBOROUGH

Adams, Christopher
Belanger, James
Christensen, Chris
Danielson, David
Freitas, Mary
Gidge, Kenneth
Goulette, William
Hansen, Peter
Infantine, William
LeBrun, Donald
Martel, Andre
O'Brien, Michael
Parison, James
Porter, Marjorie
Rouillard, Claire
Smith, Timothy
Straight, Phillip
Twombly, Timothy
Wolf, Terry

Backus, Robert
Biggie, Barbara
Christie, Rick
DiSilvestro, Linda
Fromuth, Bart
Goley, Jeffrey
Griffin, Barbara
Harvey, Suzanne
Jack, Martin
Leishman, Peter
McCarthy, Peggy
O'Neil, William
Pellegrino, Anthony
Proulx, Mark
Sanborn, Laurie
Snow, Kendall
Sullivan, Daniel
Vann, Ivy
Woodbury, David

Balcom, John
Boehm, Ralph
Cohen, Alan
Donovan, Daniel
Gagne, Larry
Gorman, Mary
Guerette, C. Lee
Heath, Mary
Kurk, Neal
Mangipudi, Latha
McNamara, Richard
Ohm, Bill
Peterson, Ken
Rice, Kimberly
Seidel, Carl
Soucy, Timothy
Sullivan, Victoria
Walsh, Robert

Barry, Richard
Byron, Frank
Cote, David
Estevez, Eric
Gargas, Carolyn
Gould, Linda
Haefner, Robert
Hinch, Richard
Lachance, Joseph
Manley, Jonathan
Notter, Jeanine
Palmer, Barry
Pierce, David
Rosenwald, Cindy
Smith, Gregory
Souza, Kathleen
Takesian, Charlene
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Doherty, David
Henle, Paul
Kuch, Bill
Rice, Harold (Chip)
Shurtleff, Stephen

Bartlett, Christy
Ebel, Karen
Horn, Werner
MacKay, James
Rogers, Katherine
Turcotte, Alan

Brewster, Michael
Frazer, June
Kenison, Linda
Martin, John
Saunderson, George
Walsh, Thomas

Deloge, Helen
French, Harold
Kotowski, Frank
Myler, Mel
Schuett, Dianne
Wheeler, Deborah

ROCKINGHAM

Abrami, Patrick
Berrien, Skip
Chase, Francis
DeSimone, Debra
Elliott, Robert
Gannon, William
Guthrie, Joseph
Introne, Robert
Matthews, Carolyn
O'Connor, John
Prudhomme-O'Brien, Katherine
Sytek, John
Ward, Gerald
Woitkun, Steven

Allen, Mary
Cahill, Michael
Chirichiello, Brian
Devine, James
Emerick, J. Tracy
Gordon, Pamela
Harris, Jeffrey
Kolodziej, Walter
McMahon, Charles
Packard, Sherman
Rice, Frederick
Thomas, Douglas
Ward, Joanne
Wood, David

Barnes, Arthur
Cali-Pitts, Jacqueline
Christie, Andrew
Doucette, Fred
Francese, Paula
Gordon, Richard
Hodgdon, Bruce
Lovejoy, Patricia
Milz, David
Pantelakos, Laura
Schroadter, Adam
True, Chris
Webb, James

Belanger, Ronald
Cardon, G. Thomas
Cushing, Robert
Duarte, Joe
Friel, William
Griffin, Mary
Hoelzel, Kathleen
Manning, John
Nigrello, Robert
Potucek, John
Simpson, Alexis
Vose, Michael
Welch, David

STRAFFORD

Baber, William
Cilley, Jacalyn
Jones, Laura
Rollo, Deanna
Sprague, Dale
Verschueren, James

Bickford, David
DiSesa, Len
Kaen, Naida
Schmidt, Peter
Stevens, Audrey
Wall, Janet

Bixby, Peter
Gray, James
Knowles, Robert
Smith, Marjorie
Treleaven, Susan
Ward, Kenneth

Burton, Wayne
Horrigan, Timothy
Leeman, Don
Southworth, Thomas
Turcotte, Leonard
Wuelper, Kurt

SULLIVAN

Bridge, Ernest
O'Hearne, Andrew

Cloutier, John
Smith, Steven

Gagnon, Raymond

Irwin, Virginia

NAYS - 54**BELKNAP**

Aldrich, Glen
Howard, Jr., Raymond
Varney, Peter

Comtois, Guy
Hurt, George

Dumais, Russell
Sylvia, Michael

Fraser, Valerie
Vadney, Herbert

CARROLL

Avellani, Lino

Cordelli, Glenn

GRAFTON

Hull, Robert

Ingbretson, Paul

Johnson, Eric

HILLSBOROUGH

Ammon, Keith
Edelblut, Frank
Hogan, Edith
Murphy, Keith
Simmons, Tammy

Bouldin, Amanda
Edwards, Elizabeth
Marston, Dick
O'Brien, William
Sweeney, Shawn

Burt, John
Ferreira, Elizabeth
McLean, Mark
Schleien, Eric
Zaricki, Nick

Eastman, Eric
Halstead, Carolyn
Moore, Josh
Silva, Peter

MERRIMACK

Hill, Gregory
Seaworth, Brian

Hoell, J.R.

McGuire, Carol

McGuire, Dan

ROCKINGHAM

Abramson, Max
Itse, Daniel
Weyler, Kenneth

Baldasaro, Alfred
Kappler, Lawrence

Bates, David
Kellogg, Shem

Heffron, Frank
Tucker, Pamela

STRAFFORD

Cheney, Catherine
Mullen, John

Groen, Warren

Hannon, Joseph

Kaczynski, Jr., Thomas

SULLIVAN

Converse, Larry

Laware, Thomas

and the committee report was adopted.

HB 413-FN-A, establishing the governing board of polysomnographic technologists within the allied health professionals. **INEXPEDIENT TO LEGISLATE.**

Rep. J.R. Hoell for Executive Departments and Administration . The bill would have created a governing board and a licensing system for polysomnographers [sleep technicians]. These technicians work under a doctor's direct supervision, do not administer any medicines, have only minimal contact with their subjects, and are not permitted to perform any medical procedures at all. The committee thought that establishing a new board (more state government) and the mechanism of licensing were not warranted for these technicians who are presently under the respiratory board. In addition, there is already a national registration program for polysomnographers, which seems to fill the need. Furthermore, language in the bill left members of the majority concerned as the initial requirements for license included, "be of good moral character" and "demonstrate sufficient evidence of good professional character and reliability..." While these are good attributes and worthwhile traits for those engaged in the profession, these are not metrics by which a board can create definitive and subjective criteria to grade someone. Some of the majority thought that inclusion under the medical technician board (registration) would address the potential concerns of the sponsors. Vote 9-4. Committee report adopted.

HB 427, relative to the definition of the New Hampshire fire code. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jeffrey P. Goley for the Majority of Executive Departments and Administration. This bill, as amended, will update the New Hampshire fire code from the 2009 edition to the current 2015 codes and gives the state fire marshal time to provide the updated information and training to those affected by the change before the new codes become law. The updates were reviewed and recommended by the state fire marshal and the board of fire control. This 11-member board advises the state fire marshal and is comprised of representatives from the following industries (1) manufacturing, (2) the storage of petroleum products, (3) the position of forest fire warden and who is a chief of a volunteer or full-time fire department, (4) fire insurance underwriting, (5) the position of chief of a municipal fire department, (6) a registered architect, (7) a chemical engineer, (8) an electrical engineer, (9) the position of chief of a volunteer fire department, (10) natural gas distribution, and (11) propane gas distribution. Additional stakeholders that provided input on this bill represented: the building code review board, the department of health and human services, health care engineers, the department of education, the association for assisted living, nursing home facilities, and the lobbyist for the home builders and commercial contractors. None of these parties testified in opposition to the bill. If this bill is adopted, all of the amendments to the state fire code that had been previously approved by the legislature and are currently in place will be carried forward. These amendments include exempting the requirement for residential fire sprinklers, any referenced permits in the code, corn mazes and allowing alternative stair configuration in establishing dwellings. Vote 11-3.

Rep. J.R. Hoell for the Minority of Executive Departments and Administration. The bill updates the standards used within the state for all new building construction or renovation, building operation and maintenance, fire department access, and hazardous material storage. The current edition of this standard used in the state is the NFPA 101: Life Safety Code 2009 edition and the Uniform Fire Code NFPA 1, 2009 edition, as published by the national fire protection association just 6 years ago. The bill simply changes the date to the most recent edition of the manual, however, the changes made over the last 6 years were extensive and included such restrictions as: "no hibachi, grill, or other similar device used for cooking, heating, or any other purpose shall be used....within 10 feet (3m) of any structure." Reviewing the website for the NFPA showed that these standards have only been adopted statewide by 19 other states. The website also showed that the NFPA has already published the first update to this manual, yet the manual has only been in use for 2 months. The minority felt that this bill to mandate the adoption of the new standards was premature and the changes contained needed additional vetting prior to their adoption. The committee membership had significant concerns about the costs to the taxpayers for upgrading the public buildings to these new specifications during future renovations. Members thought that retaining the bill would have been a better choice so a more thorough review of the changes could be done instead of pushing this bill through.

Majority Amendment (0446h)

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect January 1, 2016.

Majority committee amendment adopted.

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

Rep. Ohm offered floor amendment (0780h).

Floor Amendment (0780h)

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect January 1, 2018.

Rep. Ohm spoke in favor.

Rep. Hoell spoke in favor and yielded to questions.

Rep. Andrew Christie spoke against.

On a division vote, 158 members having voted in the affirmative and 127 in the negative, floor amendment (0780h) was adopted.

Majority committee report adopted and ordered to third reading.

HB 448, establishing February 6 as Ronald Reagan Day. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory G. Smith for Executive Departments and Administration. This bill would require the governor to annually declare February 6 as "Ronald Reagan Day." A majority of committee felt that although President Reagan might have had a significant impact on American history that such proclamations should be limited to those who have a strong and unique connection to the State of New Hampshire and are not honored in other ways. President Reagan has many tributes already including Reagan National Airport, the USS Ronald Reagan aircraft carrier, and in New Hampshire a peak in the White Mountains. On that basis, we voted to ITL this bill. Vote 9-5.

Rep. Notter spoke against.

Rep. Gregory Smith spoke in favor.

Rep. Horn requested a roll call; sufficiently seconded.

YEAS 196 - NAYS 103

YEAS - 196

BELKNAP

Fields, Dennis	Fisher, Robert	Fraser, Valerie	Howard, Jr., Raymond
LeBreche, Shari	Luther, Robert		

CARROLL

Buco, Thomas	Butler, Edward	Ticehurst, Susan	Umberger, Karen
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CHESHIRE

Abbott, Michael	Ames, Richard	Berch, Paul	Bordenet, John
Chase, Cynthia	Eaton, Daniel	Hunt, John	Ley, Douglas
Parkhurst, Henry	Pearson, William	Phillips, Larry	Roberts, Kris
Robertson, Timothy	Sad, Tara	Shepardson, Marjorie	Tatro, Bruce
Tilton, Benjamin	Weber, Lucy		

COOS

Fothergill, John	Hatch, William	Moynihan, Wayne	Rappaport, Laurence
Richardson, Herbert	Theberge, Robert	Tholl, John	

GRAFTON

Abel, Richard	Almy, Susan	Brown, Chris	Cooney, Mary
Hennessey, Erin	Hennessey, Martha	Higgins, Patricia	Hull, Robert
Johnson, Eric	Maes, Kevin	Massimilla, Linda	Nordgren, Sharon
Piper, Wendy	Shackett, Jeffrey	Smith, Suzanne	Sykes, George
Townsend, Charles			

HILLSBOROUGH

Ammon, Keith	Backus, Robert	Balcom, John	Barry, Richard
Belanger, James	Biggie, Barbara	Boehm, Ralph	Bouldin, Amanda
Byron, Frank	Cohen, Alan	Cote, David	DiSilvestro, Linda
Edelblut, Frank	Edwards, Elizabeth	Ferreira, Elizabeth	Freitas, Mary
Gagne, Larry	Gargas, Carolyn	Gidge, Kenneth	Goley, Jeffrey
Gorman, Mary	Goulette, William	Griffin, Barbara	Guerette, C. Lee
Halstead, Carolyn	Harvey, Suzanne	Heath, Mary	Hinch, Richard
Jack, Martin	Kurk, Neal	LeBrun, Donald	Leishman, Peter
Mangipudi, Latha	Manley, Jonathan	Martel, Andre	McNamara, Richard
O'Neil, William	Palmer, Barry	Peterson, Ken	Pierce, David
Porter, Marjorie	Rosenwald, Cindy	Rouillard, Claire	Sanborn, Laurie
Schleien, Eric	Simmons, Tammy	Smith, Gregory	Smith, Timothy
Snow, Kendall	Soucy, Timothy	Sullivan, Daniel	Sullivan, Victoria
Takesian, Charlene	Vann, Ivy	Walsh, Robert	Williams, Kermit
Wolf, Terry	Woodbury, David		

MERRIMACK

Alicea, Caroletta	Bartlett, Christy	Brewster, Michael	Deloge, Helen
Doherty, David	Ebel, Karen	Frazer, June	Gile, Mary
Henle, Paul	Hoell, J.R.	Kenison, Linda	Kotowski, Frank
Kuch, Bill	MacKay, James	McGuire, Carol	Myler, Mel
Rice, Harold (Chip)	Rogers, Katherine	Saunderson, George	Schuetz, Dianne
Seaworth, Brian	Shurtleff, Stephen	Turcotte, Alan	Wallner, Mary Jane
Wheeler, Deborah			

ROCKINGHAM

Abrami, Patrick
Berrien, Skip
Christie, Andrew
Francesce, Paula
Heffron, Frank
Matthews, Carolyn
O'Connor, John
Thomas, Douglas
Woitkun, Steven

Allen, Mary
Cahill, Michael
Cushing, Robert
Friel, William
Hoelzel, Kathleen
McMahon, Charles
Pantelakos, Laura
True, Chris

Barnes, Arthur
Cali-Pitts, Jacqueline
DeSimone, Debra
Gordon, Pamela
Kellogg, Shem
Milz, David
Simpson, Alexis
Ward, Gerald

Bates, David
Chase, Francis
Elliott, Robert
Guthrie, Joseph
Lovejoy, Patricia
Nigrello, Robert
Sytek, John
Welch, David

STRAFFORD

Baber, William
Cilley, Jacalyn
Horrigan, Timothy
Schmidt, Peter
Stevens, Audrey
Wall, Janet

Bickford, David
DiSesa, Len
Jones, Laura
Smith, Marjorie
Treleaven, Susan
Ward, Kenneth

Bixby, Peter
Gray, James
Kaen, Naida
Southworth, Thomas
Turcotte, Leonard
Wuelper, Kurt

Burton, Wayne
Hannon, Joseph
Rollo, Deanna
Sprague, Dale
Verschueren, James

SULLIVAN

Bridge, Ernest
O'Hearne, Andrew

Cloutier, John

Converse, Larry

Gagnon, Raymond

NAYS - 103**BELKNAP**

Aldrich, Glen
Spanos, Peter

Comtois, Guy
Tilton, Franklin

Dumais, Russell
Vadney, Herbert

Hurt, George
Varney, Peter

CARROLL

Avellani, Lino
McCarthy, Frank

Chandler, Gene
McConkey, Mark

Comeau, Ed
Parker, Harold

Cordelli, Glenn
Schmidt, Stephen

CHESHIRE

Emerson, Susan

McConnell, Jim

Sterling, Franklin

COOS

Rideout, Leon

GRAFTON

Bailey, Brad
Ladd, Rick

Darrow, Stephen

Gionet, Edmond

Ingbreton, Paul

HILLSBOROUGH

Adams, Christopher
Danielson, David
Fromuth, Bart
Hogan, Edith
McCarthy, Peggy
Notter, Jeanine
Pellegrino, Anthony
Silva, Peter
Twombly, Timothy

Burt, John
Donovan, Daniel
Gould, Linda
Infantine, William
McLean, Mark
O'Brien, William
Proulx, Mark
Souza, Kathleen
Zaricki, Nick

Christensen, Chris
Eastman, Eric
Haefner, Robert
Lachance, Joseph
Moore, Josh
Ohm, Bill
Rice, Kimberly
Straight, Phillip

Christie, Rick
Estevez, Eric
Hansen, Peter
Marston, Dick
Murphy, Keith
Parison, James
Seidel, Carl
Sweeney, Shawn

MERRIMACK

French, Harold
McGuire, Dan

Hill, Gregory
Walsh, Thomas

Horn, Werner

Martin, John

ROCKINGHAM

Abramson, Max
Chirichiello, Brian
Emerick, J. Tracy
Harris, Jeffrey
Kappler, Lawrence
Potucek, John
Tucker, Pamela
Weyler, Kenneth

Baldasaro, Alfred
Devine, James
Gannon, William
Hodgdon, Bruce
Kolodziej, Walter
Prudhomme-O'Brien, Katherine
Vose, Michael
Wood, David

Belanger, Ronald
Doucette, Fred
Gordon, Richard
Introne, Robert
Manning, John
Rice, Frederick
Ward, Joanne

Cardon, G. Thomas
Duarte, Joe
Griffin, Mary
Itse, Daniel
Packard, Sherman
Schroadter, Adam
Webb, James

STRAFFORD

Cheney, Catherine
Leeman, Don

Groen, Warren
Mullen, John

Kaczynski, Jr., Thomas

Knowles, Robert

SULLIVAN

Laware, Thomas

Smith, Steven

and the committee report was adopted.

HB 454, relative to the commandant of the veterans' home. **INEXPEDIENT TO LEGISLATE.**

Rep. J.R. Hoell for Executive Departments and Administration. The bill sought to make the position of commandant an honorably discharged veteran who would have a fixed three year term. The section of the bill that created the three year term, was the issue that the majority of the committee felt would have unintended consequences. During the executive session, issues like getting good applicants for a three year term may be a real issue. While the goals of the bill were laudable, the potential downsides of shifting from an open ended position to this fixed term outweighed the benefits. Vote 12-3.

Rep. Theberge spoke against.

Rep. Peter Schmidt spoke in favor.

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

YEAS 172 - NAYS 126**YEAS - 172****BELKNAP**

Dumais, Russell
Sylvia, Michael

Fields, Dennis
Tilton, Franklin

Fisher, Robert

Spanos, Peter

CARROLL

Butler, Edward
Schmidt, Stephen

Chandler, Gene
Ticehurst, Susan

McConkey, Mark
Umberger, Karen

Parker, Harold

CHESHIRE

Abbott, Michael
Hunt, John
Phillips, Larry
Sterling, Franklin

Ames, Richard
Ley, Douglas
Robertson, Timothy
Tatro, Bruce

Bordenet, John
Parkhurst, Henry
Sad, Tara
Tilton, Benjamin

Chase, Cynthia
Pearson, William
Shepardson, Marjorie
Weber, Lucy

COOS

Fothergill, John

Moynihan, Wayne

Richardson, Herbert

Tholl, John

GRAFTON

Abel, Richard
Hennessey, Martha
Nordgren, Sharon
Townsend, Charles

Almy, Susan
Ingretson, Paul
Shackett, Jeffrey

Bailey, Brad
Ladd, Rick
Smith, Suzanne

Brown, Chris
Maes, Kevin
Sykes, George

HILLSBOROUGH

Ammon, Keith
Bouldin, Amanda
Donovan, Daniel
Gagne, Larry
Griffin, Barbara
Harvey, Suzanne
Kurk, Neal
McNamara, Richard
Peterson, Ken
Rosenwald, Cindy
Simmons, Tammy
Souza, Kathleen
Vann, Ivy

Backus, Robert
Cohen, Alan
Edwards, Elizabeth
Goley, Jeffrey
Guerette, C. Lee
Heath, Mary
LeBrun, Donald
Moore, Josh
Pierce, David
Rouillard, Claire
Smith, Gregory
Straight, Phillip
Walsh, Robert

Barry, Richard
Cote, David
Ferreira, Elizabeth
Gould, Linda
Haefner, Robert
Hinch, Richard
Manley, Jonathan
O'Brien, Michael
Porter, Marjorie
Sanborn, Laurie
Snow, Kendall
Sullivan, Daniel
Williams, Kermit

Biggie, Barbara
Danielson, David
Freitas, Mary
Goulette, William
Hansen, Peter
Infantine, William
McLean, Mark
Palmer, Barry
Proulx, Mark
Schleien, Eric
Soucy, Timothy
Takesian, Charlene
Wolf, Terry

MERRIMACK

Bartlett, Christy
Henle, Paul
MacKay, James
Saunderson, George
Wallner, Mary Jane

Deloge, Helen
Kenison, Linda
McGuire, Carol
Schuett, Dianne
Walsh, Thomas

Doherty, David
Kotowski, Frank
McGuire, Dan
Shurtleff, Stephen
Wheeler, Deborah

Ebel, Karen
Kuch, Bill
Myler, Mel
Turcotte, Alan

ROCKINGHAM

Abrami, Patrick
Cali-Pitts, Jacqueline
Devine, James
Friel, William
Introne, Robert
Milz, David
Simpson, Alexis
Webb, James

Belanger, Ronald
Chase, Francis
Doucette, Fred
Gordon, Pamela
Kellogg, Shem
Nigrello, Robert
Sytek, John
Welch, David

Berrien, Skip
Chirichiello, Brian
Elliott, Robert
Heffron, Frank
Lovejoy, Patricia
O'Connor, John
True, Chris
Wood, David

Cahill, Michael
Christie, Andrew
Francese, Paula
Hoelzel, Kathleen
Matthews, Carolyn
Packard, Sherman
Vose, Michael

STRAFFORD

Baber, William
Cilley, Jacalyn
Kaen, Naida
Sprague, Dale
Wall, Janet

Bickford, David
DiSesa, Len
Mullen, John
Stevens, Audrey
Ward, Kenneth

Burton, Wayne
Gray, James
Schmidt, Peter
Treleaven, Susan
Wuelper, Kurt

Cheney, Catherine
Jones, Laura
Southworth, Thomas
Verschueren, James

SULLIVAN

Bridge, Ernest
Smith, Steven

Converse, Larry

Gagnon, Raymond

Irwin, Virginia

NAYS - 126**BELKNAP**

Aldrich, Glen
Hurt, George

Comtois, Guy
LeBreche, Shari

Fraser, Valerie
Vadney, Herbert

Howard, Jr., Raymond
Varney, Peter

CARROLL

Avellani, Lino
McCarthy, Frank

Buco, Thomas

Comeau, Ed

Cordelli, Glenn

CHESHIRE

Berch, Paul
Roberts, Kris

Eaton, Daniel

Emerson, Susan

McConnell, Jim

COOS

Hatch, William

Rappaport, Laurence

Rideout, Leon

Theberge, Robert

GRAFTON

Cooney, Mary
Higgins, Patricia
Piper, Wendy

Darrow, Stephen
Hull, Robert

Gionet, Edmond
Johnson, Eric

Hennessey, Erin
Massimilla, Linda

HILLSBOROUGH

Adams, Christopher
Burt, John
DiSilvestro, Linda
Fromuth, Bart
Hogan, Edith
Mangipudi, Latha
Murphy, Keith
Ohm, Bill
Seidel, Carl
Sweeney, Shawn

Balcom, John
Byron, Frank
Eastman, Eric
Gidge, Kenneth
Jack, Martin
Marston, Dick
Notter, Jeanine
Parison, James
Silva, Peter
Twombly, Timothy

Belanger, James
Christensen, Chris
Edelblut, Frank
Gorman, Mary
Lachance, Joseph
Martel, Andre
O'Brien, William
Pellegrino, Anthony
Smith, Timothy
Woodbury, David

Boehm, Ralph
Christie, Rick
Estevez, Eric
Halstead, Carolyn
Leishman, Peter
McCarthy, Peggy
O'Neil, William
Rice, Kimberly
Sullivan, Victoria
Zaricki, Nick

MERRIMACK

Alicea, Caroletta
Hill, Gregory
Rice, Harold (Chip)

Brewster, Michael
Hoell, J.R.
Rogers, Katherine

Frazer, June
Horn, Werner
Seaworth, Brian

French, Harold
Martin, John

ROCKINGHAM

Abramson, Max
Bates, David
Duarte, Joe
Griffin, Mary
Itse, Daniel
Pantelakos, Laura
Schroadter, Adam
Ward, Joanne

Allen, Mary
Cardon, G. Thomas
Emerick, J. Tracy
Guthrie, Joseph
Kappler, Lawrence
Potucek, John
Thomas, Douglas
Weyler, Kenneth

Baldasaro, Alfred
Cushing, Robert
Gannon, William
Harris, Jeffrey
Kolodziej, Walter
Prudhomme-O'Brien, Katherine
Tucker, Pamela
Woitkun, Steven

Barnes, Arthur
DeSimone, Debra
Gordon, Richard
Hodgdon, Bruce
McMahon, Charles
Rice, Frederick
Ward, Gerald

STRAFFORD

Bixby, Peter
Kaczynski, Jr., Thomas
Smith, Marjorie

Groen, Warren
Knowles, Robert
Turcotte, Leonard

Hannon, Joseph
Leeman, Don

Horrigan, Timothy
Rollo, Deanna

SULLIVAN

Cloutier, John

Laware, Thomas

O'Hearne, Andrew

and the committee report was adopted.

HB 455-FN, relative to the board of managers of the New Hampshire veterans' home. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jacalyn L. Cilley for Executive Departments and Administration. This bill increases the membership of the board of managers of the New Hampshire veterans' home, requires the board to meet at a specified interval and eliminates compensation for the secretary of the board. At the request of the commandant and the president of the board, the committee amended the bill to change the interval of the board meetings from "monthly" to quarterly. We heard testimony that the board currently meets on a quarterly basis and as frequently as necessary between those meetings. The committee unanimously agrees this is the appropriate approach. Vote 15-0.

Amendment (0636h)

Amend RSA 119:3-a as inserted by section 2 of the bill by replacing it with the following:

119:3-a Meetings of the Board. The board of managers shall meet quarterly and when called to meet by the chairman of the board. All meeting times and venues shall be noticed in the calendars of the house of representatives and the senate.

AMENDED ANALYSIS

This bill increases the membership of the board of managers of the New Hampshire veterans' home, requires the board to meet quarterly, and deletes compensation for the secretary of the board.

Rep. Theberge spoke against.

Rep. Cilley spoke in favor and yielded to questions.

On a division vote, 196 members having voted in the affirmative and 103 in the negative, the committee amendment was adopted.

Committee report adopted and ordered to third reading.

HB 632-FN, relative to fiscal impact statements submitted by agencies adopting a rule under RSA 541-A. **INEXPEDIENT TO LEGISLATE.**

Rep. John Sytek for Executive Departments and Administration. The committee found the intent of this bill laudable. It would attempt to foster an inviting atmosphere for small business to come to and to stay in New Hampshire. The bill would accomplish this by reining in burdensome administrative rules on businesses. How it would accomplish this would be by requiring an analysis of the cost of the proposed regulation versus the benefit. So far, so good. But the analysis specified in the bill is lengthy, complex, and often unknowable. We need only look at our own fiscal notes to see how daunting this process can be. The committee received a letter signed by virtually every commissioner in state government. While not at all opposed to the goals of the bill, they expressed concerns that their departments did not have staff with sufficient expertise to perform such analyses. Nor did they have the budget to hire outside consultants to meet the requirements of this bill. Because of this enormous devil in the details, the committee, with regret, could not support the bill as written. Vote 12-2.

Committee report adopted.

SPECIAL ORDER**HB 658-FN**, prohibiting collective bargaining agreements that require employees to join a labor union. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Leonard P. Turcotte for the Majority of Labor, Industrial and Rehabilitative Services. The majority of the committee believes the workers in our state should have the individual choice and freedom to decide whether a portion of their pay should be mandatorily paid to a union. While the option is always available on whether or not an individual joins the union, negotiated contracts between an employer and union frequently require the non-members to pay a "contract maintenance fee," "contract recovery fee" or "agency fee." According to at least two representatives of unions engaged in the state, these fees are at least 66% of the full union member fees and are paid to support negotiations, the day-to-day operation of the union, and representation of both members and non-members. The citizens of New Hampshire support the issue of "right to work" as a large majority of the general population, and a majority of union members polled, are in agreement. Vote 11-9.

Rep. Douglas A. Ley for the Minority of Labor, Industrial and Rehabilitative Services. This bill represents our biannual exercise in regards to so-called 'right to work' legislation. Despite claims of sponsors and advocates, this legislation would not create jobs nor improve the NH economy. Instead, it bars labor organizations from recovering the costs of negotiating and enforcing contracts - contracts which by law cover all members of the bargaining unit, including non-union employees. Furthermore, the decision to carve out exceptions for police officers and firefighters was justified on grounds of the need for unit cohesion. That same logic can apply to any workplace including those where employees and labor organizations agree to allow the union to recover the costs of negotiating for and defending non-union employees. Such interference in the freedom to contract is unacceptable to the minority.

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

Rep. Baldasaro spoke in favor and yielded to questions.

Rep. Doucette spoke against.

Rep. Ley spoke against and yielded to questions.

Rep. Leonard Turcotte spoke in favor.

Rep. Tucker requested a roll call; sufficiently seconded.

YEAS 149 - NAYS 146

YEAS - 149

BELKNAP

Aldrich, Glen
Fraser, Valerie
Luther, Robert
Vadney, Herbert

Comtois, Guy
Howard, Jr., Raymond
Spanos, Peter
Varney, Peter

Dumais, Russell
Hurt, George
Sylvia, Michael

Fisher, Robert
LeBreche, Shari
Tilton, Franklin

CARROLL

Avellani, Lino
McCarthy, Frank
Umberger, Karen

Chandler, Gene
McConkey, Mark
Wright, Ted

Comeau, Ed
Parker, Harold

Cordelli, Glenn
Schmidt, Stephen

CHESHIRE

Hunt, John

McConnell, Jim

Sterling, Franklin

COOS

Fothergill, John

Rappaport, Laurence

Rideout, Leon

GRAFTON

Bailey, Brad
Hull, Robert
Shackett, Jeffrey

Darrow, Stephen
Ingretson, Paul

Gionet, Edmond
Johnson, Eric

Hennessey, Erin
Ladd, Rick

HILLSBOROUGH

Adams, Christopher
Belanger, James
Byron, Frank
Eastman, Eric
Gagne, Larry
Haefner, Robert
Hogan, Edith
LeBrun, Donald
Murphy, Keith
Parison, James
Sanborn, Laurie
Simmons, Tammy
Wolf, Terry

Ammon, Keith
Biggie, Barbara
Christensen, Chris
Edelblut, Frank
Gould, Linda
Halstead, Carolyn
Infantine, William
Marston, Dick
Notter, Jeanine
Peterson, Ken
Schleien, Eric
Smith, Gregory
Zaricki, Nick

Balcom, John
Boehm, Ralph
Christie, Rick
Ferreira, Elizabeth
Goulette, William
Hansen, Peter
Kurk, Neal
McLean, Mark
O'Brien, William
Rice, Kimberly
Seidel, Carl
Souza, Kathleen

Barry, Richard
Burt, John
Donovan, Daniel
Fromuth, Bart
Griffin, Barbara
Hinch, Richard
Lachance, Joseph
Moore, Josh
Ohm, Bill
Rouillard, Claire
Silva, Peter
Twombly, Timothy

MERRIMACK

Brewster, Michael
Horn, Werner
McGuire, Carol

French, Harold
Kotowski, Frank
McGuire, Dan

Hill, Gregory
Kuch, Bill
Seaworth, Brian

Hoell, J.R.
Martin, John
Walsh, Thomas

ROCKINGHAM

Abrami, Patrick
Belanger, Ronald
Duarte, Joe
Harris, Jeffrey
Itse, Daniel
Matthews, Carolyn
Prudhomme-O'Brien, Katherine
Sytek, John
Vose, Michael

Allen, Mary
Chase, Francis
Emerick, J. Tracy
Hodgdon, Bruce
Kappler, Lawrence
O'Connor, John
Rice, Frederick
Thomas, Douglas
Ward, Joanne

Baldasaro, Alfred
Christie, Andrew
Gannon, William
Hoelzel, Kathleen
Kellogg, Shem
Packard, Sherman
Schroadter, Adam
True, Chris
Weyler, Kenneth

Bates, David
DeSimone, Debra
Griffin, Mary
Introne, Robert
Kolodziej, Walter
Potucek, John
Spillane, James
Tucker, Pamela
Wood, David

STRAFFORD

Gray, James
Kaczynski, Jr., Thomas
Turcotte, Leonard

Groen, Warren
Knowles, Robert
Wuelper, Kurt

Hannon, Joseph
Leeman, Don

Jones, Laura
Mullen, John

SULLIVAN

Bridge, Ernest

Smith, Steven

NAYS - 146 BELKNAP

Fields, Dennis

CARROLL

Buco, Thomas

Butler, Edward

Ticehurst, Susan

CHESHIRE

Abbott, Michael
Chase, Cynthia
Parkhurst, Henry
Robertson, Timothy
Tilton, Benjamin

Ames, Richard
Eaton, Daniel
Pearson, William
Sad, Tara
Weber, Lucy

Berch, Paul
Emerson, Susan
Phillips, Larry
Shepardson, Marjorie

Bordenet, John
Ley, Douglas
Roberts, Kris
Tatro, Bruce

COOS

Hatch, William
Tholl, John

Moynihan, Wayne

Richardson, Herbert

Theberge, Robert

GRAFTON

Abel, Richard
Ford, Susan
Massimilla, Linda
Sykes, George

Almy, Susan
Hennessey, Martha
Nordgren, Sharon
Townsend, Charles

Brown, Chris
Higgins, Patricia
Piper, Wendy

Cooney, Mary
Maes, Kevin
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Danielson, David
Gidge, Kenneth
Harvey, Suzanne
Mangipudi, Latha
McNamara, Richard
Porter, Marjorie
Snow, Kendall
Takesian, Charlene
Woodbury, David

Bouldin, Amanda
DiSilvestro, Linda
Goley, Jeffrey
Heath, Mary
Manley, Jonathan
O'Brien, Michael
Proulx, Mark
Soucy, Timothy
Vann, Ivy

Cohen, Alan
Edwards, Elizabeth
Gorman, Mary
Jack, Martin
Martel, Andre
O'Neil, William
Rosenwald, Cindy
Sullivan, Daniel
Walsh, Robert

Cote, David
Freitas, Mary
Guerette, C. Lee
Leishman, Peter
McCarthy, Peggy
Pierce, David
Smith, Timothy
Sweeney, Shawn
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Ebel, Karen
MacKay, James
Saunderson, George
Wheeler, Deborah

Bartlett, Christy
Frazer, June
Myler, Mel
Schuett, Dianne

Deloge, Helen
Henle, Paul
Rice, Harold (Chip)
Shurtleff, Stephen

Doherty, David
Kenison, Linda
Rogers, Katherine
Wallner, Mary Jane

ROCKINGHAM

Abramson, Max
Cali-Pitts, Jacqueline
Doucette, Fred
Gordon, Pamela
Lovejoy, Patricia
Nigrello, Robert
Webb, James

Barnes, Arthur
Cardon, G. Thomas
Elliott, Robert
Gordon, Richard
Manning, John
Pantelakos, Laura
Welch, David

Berrien, Skip
Cushing, Robert
Francesca, Paula
Guthrie, Joseph
McMahon, Charles
Simpson, Alexis
Woitkun, Steven

Cahill, Michael
Devine, James
Friel, William
Heffron, Frank
Milz, David
Ward, Gerald

STRAFFORD

Baber, William
Cilley, Jacalyn
Rollo, Deanna
Sprague, Dale
Wall, Janet

Bickford, David
DiSesa, Len
Schmidt, Peter
Stevens, Audrey
Ward, Kenneth

Bixby, Peter
Horrigan, Timothy
Smith, Marjorie
Treleaven, Susan

Burton, Wayne
Kaen, Naida
Southworth, Thomas
Verschueren, James

SULLIVAN

Cloutier, John
Laware, Thomas

Converse, Larry
O'Hearne, Andrew

Gagnon, Raymond

Irwin, Virginia

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

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. William O'Brien moved that the House reconsider its action whereby, on a roll call vote of 149-146, the House adopted the majority committee report of Ought to Pass on **HB 658-FN**, prohibiting collective bargaining agreements that require employees to join a labor union. Rep. William O'Brien spoke against.

On a division vote, 135 members having voted in the affirmative and 160 in the negative, the motion failed.

RESOLUTION

Rep. Hinch offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 12, 2015 at 9:00 a.m.
Motion adopted.

LATE SESSION**Third reading and final passage**

HB 305, relative to assessment of and discharge planning for minors in the juvenile court system.
HB 122, relative to advertising of liquor or beverages.
HB 171, relative to rebating.
HB 175, establishing a committee to study improving the efficiency of the financial approval process for housing subdivisions used by the department of justice.
HB 177-FN, relative to sales of alcoholic beverages by manufacturers.
HB 184, relative to travel insurance.
HB 195, relative to continuing care communities.
HB 223-FN, relative to external review under the managed care law.
HB 308, relative to the supervision of a real estate office and the duties of a facilitator under the real estate practice act.
HB 353, relative to the governance of condominium unit owners' associations.
HB 381-FN, allowing a liquor manufacturer to be issued an on-premises license.
HB 429, revising the commission to review and consider alcoholic beverage manufacturing processes and retail sales in manufacturing facilities.
HB 478, relative to rulemaking for market conduct record retention and production.
HB 479, relative to uninsured or hit-and-run motor vehicle coverage.
HB 480, relative to policies for property and casualty insurance.
HB 481, relative to commercial insurance.
HB 482, relative to the insurance claims adjuster definition.
HB 498, relative to notification of radon and arsenic testing.
HB 531, establishing a committee to study short-term rentals by homeowners and owners of residential properties.
HB 644-FN, relative to regulation of small loans, title loans, and payday loans.
HB 666-FN, relative to licensing of money transmitters.
HB 198, relative to retention requirements for certain motor vehicle records.
HB 270, granting immunity from criminal prosecution to a person who reports a drug related emergency.
HB 287, allowing citizens to record by audio or video a traffic stop by law enforcement officers.
HB 472, relative to the parole board and parole board procedures.
HB 494, relative to industrial hemp as a controlled substance.
HB 322, relative to protection of personally identifiable data by the department of education.
HB 346, relative to criminal history records checks for school employees and volunteers.
HB 424, relative to the accessibility of assessment materials.
HB 491, relative to immunity for school personnel using reasonable force to protect a minor.
HB 507, relative to teacher personally identifiable data.
HB 604, relative to the use of mixed use school buses by special education pupils.
HB 610, relative to a school board vote on the reassignment of a pupil.
HB 200, allowing homestead food operations exempt from licensure to sell homestead food products at retail food stores.
HB 421, authorizing the university of New Hampshire to grow industrial hemp for research purposes.
HB 109-FN-L, relative to the testing of backflow devices.
HB 326, relative to the board of registration of medical technicians.
HB 363, relative to Lyme disease awareness.
HB 408, making a technical correction relative to fees for chiropractors.
HB 425, relative to procedures for the adoption of agency rules under the administrative procedures act.
HB 473, relative to the smoking policy at the New Hampshire veterans' home.
HB 484, relative to medication administration by licensed nursing assistants and relative to exemptions from regulation for certain nursing care and attendant care services.
HB 510, establishing a commission to study the regulation of pawnbrokers, secondhand dealers, and junk or scrap metal dealers.

HB 216-FN, relative to recovery of certain investigatory costs by regulatory boards and commissions.

HB 212, relative to revocation of fish and game licenses of persons convicted of sexual assault while hunting, trapping, or fishing.

HB 423, designating the bobcat as the New Hampshire state wildcat.

HB 383, relative to the immunization/vaccination registry.

HB 422-FN, relative to certification of death certificates by physician assistants.

HB 628-FN, relative to indemnification of health care facilities under certain circumstances.

HB 108-FN, relative to sealing nonpublic session minutes.

HB 285, relative to discussion with legal counsel under the right-to-know law.

HB 309, permitting landlords to remove tenants' property in certain circumstances.

HB 418, relative to waiver of rights to devised or inherited real property.

HB 347, relative to payment of wages of certain hourly school district employees.

HB 361, establishing a committee to study the definition of "employee" and the application of that definition to persons who work exclusively at home via the Internet for online business activities.

HB 411, prohibiting the payment of subminimum wages to persons with disabilities.

HB 521, relative to the size of the pool of the workers' compensation appeals board.

HB 522, making certain changes in the law governing toxic substances in the workplace to comply with federal law.

HB 523, relative to the jurisdiction of the penalty appeal board.

HB 458, revising the legislative ethics laws and the guidelines of the legislative ethics committee.

HB 460, establishing a commission to study revenue alternatives to the road toll for electric-powered and hybrid vehicles for the funding of improvements to the state's highways and bridges.

HB 511, establishing a committee to study the funding of certain state aid grants.

HB 506, clarifying the conditions under which motor vehicle information may be used.

HB 180, relative to the definition of "price or consideration" under the real estate transfer tax and relative to the exception for transfers by devise under such tax.

HB 599, relative to the economic revitalization zone tax credit program.

HB 664-FN, consolidating existing oil pollution funds.

HB 553-FN, relative to dealer registration privileges by a dealership management company and proof of ownership of a vehicle at the time of sale.

HB 584-FN, making various changes to laws relating to motor vehicles and vessels.

HB 169, relative to table stakes poker.

HB 547, relative to the valuation of poles and conduits owned by telephone utilities.

HB 681-FN-A, increasing the marriage license fees.

HB 236, relative to child support and allowable child care expenses.

HB 380, relative to investigations of child day care agencies.

HB 441, relative to financial affidavits submitted in hearings regarding child support, property settlement, and alimony.

HB 449, relative to the duration of child support.

HB 158, requiring the managing agent to return the records of a condominium association upon the request of the association.

HB 358, relative to driver's license information obtained by pawnbrokers and secondhand dealers.

HB 495, relative to referral fees for settlement services.

HB 508, relative to the dissolution of the New Hampshire medical malpractice joint underwriting association.

HB 554-FN, relative to sales of beer in refillable containers.

HB 150, establishing a commission to study the legalization, regulation, and taxation of marijuana.

HB 255-FN, relative to petitioning for annulment of a class B misdemeanor offense.

HB 560-FN, including a fetus in the definition of "another" for the purpose of certain criminal offenses.

HB 597-FN, relative to penalties for indecent exposure and lewdness.

HB 618-FN, relative to penalties for the possession of marijuana.

HB 648-FN, requiring detention until arraignment for persons arrested for violation of protective orders.

HB 124, relative to the implementation of new college and career readiness standards.

HB 276, providing that school districts shall not be required to adopt the common core standards.

HB 332, relative to school district policy regarding objectionable course material.

HB 519, establishing a committee to study department of education policies affecting dyslexic students.

HB 520, establishing privacy protections for student online personal information.

HB 555, relative to participation of chartered public school students in school district co-curricular activities.

HB 578, relative to state board of education compliance with unfunded federal education mandates.

HB 603, relative to student exemption from the statewide assessment.

HB 328, relative to delivery of absentee ballots.

HB 141, relative to rulemaking authority concerning practice standards and safe and secure operation of pharmacies.

HB 279, establishing a commission to study the economic impact of the arts and culture in New Hampshire.

HB 286, relative to permits issued by building inspectors.

HB 427, relative to the definition of the New Hampshire fire code.

HB 455-FN, relative to the board of managers of the New Hampshire veterans' home.

HB 658-FN, prohibiting collective bargaining agreements that require employees to join a labor union.

UNANIMOUS CONSENT

Rep. Cilley requested Unanimous Consent of the House in regards to an apology and addressed the House.

RECESS MOTION

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

Motion adopted.

The House recessed at 8:35 p.m.

RECESS