

State of New Hampshire HOUSE RECORD

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

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Wednesday, February 15, 2012

No. 16

HOUSE JOURNAL No. 7 (cont.)

Wednesday, February 8, 2012

Rep. Kurk moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 8

Wednesday, February 15, 2012

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Roger Boucher.

Lord Almighty, look kindly upon our work today and bless our public authorities. May our care for the common good bear witness to Your desire for harmony among us, and may choosing the truly good and just be our strength in serving our constituents. Give us the clarity of thought, the authentic hearts and consistent courage to make our service a blessing of life for the people of New Hampshire. We keep in mind, night and day before Your presence, our men and women in uniform who are in harm's way, those members of the Chamber who are ill and all our friends who need protection, good health and assurance. Bless us, today, in every good deed. We ask this in Your Holy name. Amen.

Representative Robert Williams, member from Concord, led the Pledge of Allegiance.

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

LEAVES OF ABSENCE

Reps. Andolina, Benn, Carr, Case, Champagne, Eaton, Emerson, Gargas, Hofemann, Dorothea Hooper, McDonnell, Charles Moore, Powers, Sedensky and Taylor, the day, illness.
Reps. DeJong, Dowling, Keith Murphy, Olin, Panek, Pelletier, Jon Richardson, Sapienza,

Serlin, Sheffert and Edwin Smith, the day, important business.

INTRODUCTION OF GUESTS

Erin Lamontagne, guest of Rep. Sanborn. Brian Rossiter, guest of Rep. Cunningham. Sandy Simpson, wife of Rep. Simpson. Fourth Grade students from the Swasey Central School in Brentwood, guests of Rep. Bruce MacMahon. Roxanne O'Brien, Megan, Nicholas and Mitchell Grein and Zachary Patti, wife, daughter and grandsons of Speaker O'Brien.

Leo Hastings, a student at Keene High School and Austin Perrin, a student at Prospect Mountain High School, Pages for the day.

MOTION TO SUSPEND HOUSE RULES

Rep. James Garrity moved that House Rules be so far suspended as to allow the deadline for reporting of **HB 1428**, relative to public utilities commission orders concerning renewable portfolio standards and **HB 1490-FN**, repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions, to be moved to March 22, 2012.

Rep. James Garrity spoke in favor.

Adopted by the necessary two-thirds vote.

CONSENT CALENDAR

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

HB 1343, prohibiting employees of parties and political committees from running for state office, removed by Rep. Vaillancourt.

HB 1344, prohibiting public employees from being candidates for certain offices, removed by Rep. Vaillancourt.

HB 1533, prohibiting bullying in the state house and legislative office building, removed by Rep. Vaillancourt.

HB 1452, prohibiting the establishment of sobriety checkpoints, removed by Rep. Lambert.

HB 1667-FN, relative to the application of the juvenile laws to children up to the age of 18, removed by Rep. Gile.

HB 1650-FN, relative to commerce in food in New Hampshire, removed by Rep. Terrio.

HB 1708-FN, relative to salaries of state employees, removed by Rep. Tamburello.

HB 1657-FN, relative to petitions for guardianship filed by parents of adult children with disabilities, removed by Rep. Lovett.

CACR 20, relating to meetings of the general court. Providing that the general court shall meet biennially, removed by Rep. Tregenza.

HB 1258, relative to late fees charged by utilities, removed by Rep. Cohn.

HB 1503-FN, relative to motorcycle rider education, removed by Rep. DeLemus.

Consent Calendar adopted.

HB 1465, relative to criminal records of juvenile offenders. INEXPEDIENT TO LEGISLATE.

Rep. Anne C. Grassie for Children and Family Law: This bill provides that any person shall have access to juvenile case and court records from proceedings where a juvenile was found to have committed a violent crime or sexual offense. The sponsor did not appear and the testimony was uniformly opposed to the bill. The ostensible intent was to protect the public, but the result of such law could well be just the opposite. New Hampshire already has provision in law that minors who have committed felonies may be certified to stand trial as adults, with attendant public scrutiny. Laws which took effect in 1995-1996 made voluminous juvenile records available to victims of crime. This bill presumes all juvenile

perpetrators of serious crime are irretrievably depraved. This notion is not supported by the evidence. For instance, Texas, noted for being tough on crime and death row executions, has developed a model treatment program specifically for serious violent juvenile offenders and a program for sex offenders. For the violent offender program, recidivism within a year is now 3%, and sex offender program is 2%. This bill would isolate and ostracize and further alienate juvenile offenders when appropriate consequences and constructive engagement are warranted so as not to create an individual who is lost for a lifetime. The public access to records would further victimize victims and make victims out of innocent parties who may be family members discussed in medical, police or psychological records. It allows for an unwarranted intrusion by an often merciless media. The bill would be indiscriminately punitive of guilty and innocent alike, to no good end. Vote 11-0.

HB 1567*, establishing a committee to study the federal Youth Corrections Act. **OUGHT TO PASS.*

Rep. Jane B. Johnson for Children and Family Law: The substance of this bill was recommended by a legislative committee appointed in 2010 to study the education and career opportunities for youth and young adults, 17-21 years of age in the juvenile and adult criminal justice systems. The rationale for the recommendation was to identify practices and programs in the juvenile and adult criminal justice systems that reduce recidivism. In New Hampshire, according to a report of recidivism, male offenders between the ages of 17 and 19 at the time of their release had the highest rate of recidivism at 83.3%. Offenders with the highest rate of recidivism were inmates convicted of property crime. New Hampshire's recidivism rate in the adult corrections system currently is a little less than 50% and very costly. Studies show that education provided in the prison can reduce the rate of recidivism by 30%. To re-acclimate to life on the outside, an education and discernible skills are the surest ways to avoid a cycle of poverty and crime. Adding to the reasons for studying the Youth Corrections Act is the developing field of research on the adolescent brain and economic studies that show that the return on investment (ROI) is \$3.00 for every \$1.00 invested. Keeping 17-21 year old inmates in a setting other than the state corrections facility (prison) saves money in the long term by decreasing re-offending and increasing the possibility that youth offenders can become productive members of society. This study bill will help determine the relevance of the Federal Youth Corrections Act as a possible template for New Hampshire policy. Vote 12-0.

HB 1319*, limiting credit card interchange fees charged to merchants. **INEXPEDIENT TO LEGISLATE.*

Rep. Chris F. Nevins for Commerce and Consumer Affairs: While the committee sympathizes with the intent of this bill to reduce credit interchange fees, we do not believe that enacting price controls on New Hampshire businesses would be helpful to encourage commerce in New Hampshire. The current "four party" system of customer, merchant, customer's bank (the issuer) and the merchant's bank (an acquirer) works well for all parties. The interchange fee is the charge to the merchant for the transition between the acquirer and the issuer. A substantial benefit goes to the merchant from the issuer (customer's bank) to the acquirer or (merchants bank) in the form of funding the transaction covering credit losses, billing and collections, customer service, fraud prevention and losses, data processing and regulatory compliance. Merchants are able to increase sales from accessing the vast purchasing power of millions of card holders around the globe. The biggest benefit to merchants is to allow them to sell on credit without taking a credit risk because that risk is assumed by the customer's bank. The committee feels this system works well and is a benefit to both customers and merchants in New Hampshire. Vote 13-0.

HB 1406*, relative to goods in intrastate commerce. **INEXPEDIENT TO LEGISLATE.*

Rep. Sean M. McGuinness for Commerce and Consumer Affairs: This bill seeks to exempt

certain products produced, manufactured and retained within the boundaries of the state of New Hampshire from federal regulation under the US Constitution's commerce clause. The House has already sent HB 324, relative to lawful commerce in goods and services sold, made, and retained in the state of New Hampshire to Interim Study. Also HB 1406 was scheduled to be sent to a second committee. The committee is committed to working on the issue and will have a recommendation for next year. Vote 11-1.

HB 1445, requiring refunds for returns of merchandise. **INEXPEDIENT TO LEGISLATE.** Rep. Donna C. Mauro for Commerce and Consumer Affairs: This bill requires proprietors of retail establishments to give refunds in the form of cash or credit for returned merchandise under certain circumstances. The bill sponsor further amended the bill by replacing the original bill with requiring retail proprietors to conspicuously display their refund and return of merchandise policies. The committee felt that while these policies are a good idea and are already done by the larger retailers, it would place an undue burden on smaller businesses. Vote 13-0.

HB 1537-FN, prohibiting the use of certain devices that intrude on personal privacy. **OUGHT TO PASS WITH AMENDMENT.** Rep. Christopher W. Serlin for Constitutional Review and Statutory Recodification: The committee was concerned that though the bill was constitutionally necessary the original language of HB 1537 might be too broad, and create unintended consequences. After some discussion and with the support of the bill's sponsor, the committee updated an existing RSA: 644:9(c), with language that would wrap existing policy law around the new duties (and capabilities) which triggered the sponsor's original concern. We believe the language is simple, uncomplicated and recognize that a second committee will have the opportunity to execute these minor changes. Vote 10-0.

Amendment (0539h)

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

AN ACT relative to violations of privacy occurring outside a private place.

Amend the bill by replacing section 1 with the following:

1 Violation of Privacy. Amend RSA 644:9, I(c) to read as follows:

(c) Outside a private place, any device for the purpose of hearing, recording, amplifying, broadcasting, **observing**, or in any way transmitting images, **location, movement**, or sounds originating in such place which would not ordinarily be audible, **visible**, or comprehensible outside such place.

AMENDED ANALYSIS

This bill amends the statute governing violations of privacy occurring outside a private place.

Referred to the Committee on Criminal Justice and Public Safety.

HB 1541, repealing the authority of officials to enter and examine the premises of an automotive recycling dealer. **REFER FOR INTERIM STUDY.**

Rep. Seth Cohn for Constitutional Review and Statutory Recodification: The committee felt that the constitutional issue, under the current statute, allowing unwarranted searches of a particular class of business, was potentially balanced by the need of protecting the general public from potential environmental or criminal activities. While we did not hear of particular incidents of abuse, the prime sponsor did not bring his concerns forward in a timely manner. Given the clear wording of the Part I, Article 19 of the New Hampshire Constitution, the majority of the committee felt that more time was needed to study this issue, and perhaps work together with all interested parties toward a recommended change rather than striking the entire statute. Vote 11-2.

HB 1542, relative to interference with state constitutional rights. **REFER FOR INTERIM STUDY.**

Rep. John W. Cebrowski for Constitutional Review and Statutory Recodification: This bill was intended to create a cause of action and a remedy for intentional interference with state constitutional rights. The bill sought to enable citizens to seek injunctive relief or maintain a civil action, or both, to recover damages for intentional violations of the state constitution's bill of rights by any government entity and its agents. The committee felt that there would be merit associated with sending the bill for further study to a committee composed of members of both Constitutional Review and Redress of Grievances, potentially resulting in a bill of greater worthiness. Vote 11-0.

HB 1623, relative to conflicts of interest of a member of the general court. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Seth Cohn for Constitutional Review and Statutory Recodification: The issue of how to determine if a member is in conflict of interest, and if they should recuse themselves, is a complex one. The committee felt that while there were many sides to this discussion, no clear solution presents itself yet. We did all agree that if sunshine is the best disinfectant, then making disclosures easier to find, both for members and general public, would only help. The bill, as amended, would require the legislative ethics committee to post the disclosure forms, which are already public information, on its website, to avoid individuals having to disturb the clerks or secretary of state's office. Vote 10-0.

Amendment (0606h)

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

AN ACT relative to records of the legislative ethics committee.

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

1 New Section; Legislative Ethics Committee; Records; Publication. Amend RSA 14-B by inserting after section 6 the following new section:

14-B:6-a Publication of Records. All records required to be filed or placed on file with the secretary of state under the provisions of this chapter, or the rules or guidelines adopted in accordance with RSA 14-B:5, if otherwise available to the public, shall be made available on the website maintained by the committee, in a timely manner.

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

AMENDED ANALYSIS

This bill requires the legislative ethics committee to make committee records, rules, and guidelines available on the website maintained by the committee.

Referred to the Committee on Legislative Administration.

HB 1158, relative to the authority of the superintendent of a county correctional facility. **REFER FOR INTERIM STUDY.**

Rep. David A. Welch for Criminal Justice and Public Safety: This bill grants authority to a corrections superintendent to release an inmate to a work release or community service program either with a court order or without. If the inmate absconds or commits a new crime there is no immunity for the superintendent who released the inmate. The committee believes that the intention of the sponsors is worthwhile, but it needs to afford protection for the superintendent. Therefore, we voted to study the process. Vote 12-1.

HB 1184, relative to the use of videotape evidence of criminal activity. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen J. Shurtleff for Criminal Justice and Public Safety: The sponsor of this bill brought to the committee's attention the fact that law enforcement officers, in at least one community, were issuing summons or making arrests for "willful concealment" based solely on viewing a videotape of the offense. The committee's amendment corrects this problem by

allowing a law enforcement officer to issue a summons or take a person into custody for “willful concealment” based on the merchants witnessing the offense or recovering the unlawfully obtained goods or merchandise from the person. Vote 12-0.

Amendment (0552h)

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

AN ACT relative to the use of video evidence to support an arrest for willful concealment of merchandise.

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

1 New Paragraph; Use of Force by Merchants. Amend RSA 627:8-a by inserting after paragraph II the following new paragraph:

III. A peace officer to whom a merchant or his or her agent has surrendered a person the merchant has lawfully detained for willful concealment of goods or merchandise as defined in RSA 637:3-a, notwithstanding RSA 594:10, shall have probable cause to accept custody of and arrest the person without a warrant upon the statement of the merchant or the merchant’s agent or employee that he or she witnessed the offense, or if unlawfully obtained goods or merchandise of the store were recovered from the person.

2 Effective Date. This act shall take effect July 1, 2012.

AMENDED ANALYSIS

This bill permits a peace officer to arrest a person who has been detained by a merchant for willful concealment of merchandise without a warrant if the merchant witnesses the offense or recovers the unlawfully obtained goods or merchandise from the person.

HB 1275, relative to the common law rule of lenity. **INEXPEDIENT TO LEGISLATE.**

Rep. Philip E. Ginsburg for Criminal Justice and Public Safety: The majority believes this bill is poorly drafted and internally inconsistent, and further that it is unnecessary, as the “plain meaning” rule and legislative history are already available as means to resolve any ambiguity in the law. Vote 11-1.

HB 1331, relative to termination of employment for a sexual offense or an offense against a child. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Phil J. Greazzo for Criminal Justice and Public Safety: The majority of the committee feels it is our moral obligation to protect children from those who would do them harm. We trust those charged with educating our children to be worthy of that trust. However, when that trust is broken with a crime against a child, they should be terminated and no longer allowed to be near our children. Vote 14-1.

Amendment (0541h)

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

AN ACT relative to the grounds for termination of employment of a school administrative unit or school district employee.

Amend the bill by replacing section 1 with the following:

1 School Boards, Teachers; Dismissal of Teacher. Amend RSA 189:14-d to read as follows:

189:14-d Termination of Employment. ~~[Employees]~~ **An employee** of a school administrative unit or school district in this state who ~~[have]~~ **has** been convicted of homicide, ~~[child pornography, aggravated felonious sexual assault, felonious sexual assault, or kidnapping,]~~ **or any sexual offense or offense against a child, as those terms are defined in RSA 651-B, which would require the employee to register as a sexual offender or an offender against children under RSA 651-B** in this state or under any statute prohibiting the same conduct in another state, territory, or possession of the United States, shall have ~~[their]~~ **his or her** employment terminated by the school administrative unit or school district after it receives notice of the conviction.

AMENDED ANALYSIS

This bill requires the termination of employment of any school administrative unit or school district employee for conviction of homicide, or any sexual offense or offense against a child which would require the employee to register as a criminal offender or an offender against children under RSA 651-B.

Referred to the Committee on Education.

HB 1494-FN, relative to verification of immigration status of all persons arrested or detained by law enforcement officers. **INEXPEDIENT TO LEGISLATE.**

Rep. David A. Welch for Criminal Justice and Public Safety: This bill would, if enacted, require law enforcement to verify the immigration status of all persons arrested or detained. Testimony revealed only 5 ICE officers are assigned to Enforcement Removal Operations. The present query through NCIC is based on border activity and would take 10-20 minutes before actual status is received. It not only would tie up officers for an extended amount of time, it would likely violate current Federal First Circuit Court of Appeals and New Hampshire and United States Supreme Court decisions prohibiting protracted detention of individuals at traffic stops without reasonable suspicion. This is not good public policy and will create tensions and mistrust between our minority community and our law enforcement officers. Vote 14-1.

HB 1611-FN, repealing certain provisions relative to the sale of pistols and revolvers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David A. Welch for Criminal Justice and Public Safety: This bill repeals RSA 159:8 relative to the license to sell pistols and revolvers at retail, RSA 159:8-a sales to non-residents, RSA 159:8-b penalties for sales to non-residents and 159:10 sales without a license. The federal statutes govern all retail sales of pistols and revolvers and the RSA's govern state licensing for retail sales. Currently the federal F.F.L. licenses are necessary to operate a business to sell at retail, pistols and revolvers. The state license is not necessary and in fact in some cities and towns not required, because it is not known. A similar bill was heard a few years ago. The amendment removes from the bill RSA 159:14 relative to exemptions for the sale of a pistol or revolver. This is the part of our statutes that allow the sale between two parties that know each other. RSA:14 will stay in effect. Vote 12-0.

Amendment (0337h)

Amend section 1 of the bill by deleting paragraph V.

HB 1675-FN, relative to location tracking by electronic communications devices. **REFER FOR INTERIM STUDY.**

Rep. Stephen J. Shurtleff for Criminal Justice and Public Safety: This bill would prohibit a person from gathering information from an electronic communications device without the express consent of the person using the device. The committee felt that the bill had merit. Because this is an early bill, the committee felt that more time was needed to work on an issue with complexity. Vote 11-4.

HB 1690-FN, prohibiting the use of cell phone data extraction devices by law enforcement agencies. **REFER FOR INTERIM STUDY.**

Rep. Dennis H. Fields for Criminal Justice and Public Safety: The committee concluded that any legislation concerning cell phones and the transmission of data is too complex technologically to be dealt with at this time without further study. Vote 11-4.

HB 1694-FN, relative to driving under the influence of drugs. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: This bill has similar

language to HB 1699-FN. The definition of “controlled drug” was changed to read “drug” and was therefore vague. The committee decided to ITL this bill and pass the other which had a better definition of the term. Vote 12-0.

HB 604, relative to the procedures for approval of plans, specifications, and costs of school building construction or renovation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick M. Ladd for Education: In 2010, a moratorium was put on school building aid awards in an effort to provide an opportunity to establish needed policy for the review and approval of new and renovation construction, and most importantly, to slow down the long term growth in school building aid costs. There is growing statewide recognition that the state needs to adopt a procedure based upon an annual priority listing of new and renovation construction projects premised upon established criteria and conditions. This bill sets in place a system in which submitted applications for school building aid are rank ordered in accordance with criteria such as: unsafe conditions; obsolete, inefficient or unacceptable facilities or mechanical and building systems; overcrowding and associated influences to instructional areas and programming; enrollment projections and population shifts; and criteria to determine if a school district has made a reasonable attempt to accommodate maintenance and achieve the design life expectancy of building systems and components. Successful application will complete a rigorous review process involving the department of education, administrative appeal if necessary, the school building authority, and the state board of education. All rules necessary to implement this process shall be adopted pursuant to RSA 541-A. Available resources will determine the number of designated projects to be funded during any one funding cycle. In summary, this bill changes the new and renovation school building aid application and approval process by moving New Hampshire to a priority based model that enables the state to remain in sync with whatever resources are made available in a funding cycle. Vote 14-0.

Amendment (2778h)

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

1 School Building Aid; Approval of Plans, Specifications, and Costs. Amend RSA 198:15-c to read as follows:

198:15-c Approval of Plans, Specifications, and Costs of Construction or Purchase.

I. A school district maintaining approved schools, desiring to avail itself of the grants herein provided shall have the plans, specifications, and cost estimates for school plant construction or proposals for the purchase of school buildings, or both, and the costs for them approved by the state board prior to the start of construction. For this purpose the district shall submit its plans, specifications, cost, and purchase estimates in writing to the department of education ***no later than September 1 of the fiscal year prior to the fiscal year in which the first grant payment is to be made*** on such forms as the department prescribes. A school district shall also submit a copy of any application for energy efficiency reimbursement under RSA 374-F. The department of education shall coordinate with the public utilities commission to ensure that eligible school districts have submitted applications for funding reimbursement and technical assistance as available from energy utility companies to promote indoor air quality and energy efficiency in public schools. ~~[Application for school building aid shall be submitted before January 1 of each year in order to be eligible for school building aid in the fiscal year following the year of submittal.]~~

II.(a) ***The commissioner shall accept school building aid applications based upon completeness and submit a preliminary school building aid list to the school building authority established pursuant to RSA 195-C. By December 1 of each fiscal year, the school building authority shall develop a rank ordered list of all school building construction and renovation aid proposals submitted by school districts and shall categorize each proposal based on school building and site criteria in descending order. The school building authority shall recommend prioritized***

proposals to be funded in descending rank order to the state board of education for approval. School districts which have projects approved for funding shall be notified by the department of education of the projected amount to be funded by January 15.

(b) The project rating system and criteria used to rate project applications, which shall include an administrative review process for appeal of a school district's project point rating, shall be developed by the department of education and be approved by the state board of education no later than November 1, 2013. All rules necessary to implement this section shall be adopted pursuant to RSA 541-A.

(c) A ranking system in support of primary categories criteria shall include consideration of unsafe conditions; obsolete, inefficient, or unsuitable facilities or mechanical and building systems; overcrowding and associated influences to instructional areas and programming; enrollment projections and population shifts; and other conditions as determined necessary. The ranking system shall also include criteria to determine if a school district has made a reasonable attempt to accommodate maintenance activities including scheduled and unscheduled repairs, upkeep, minor alterations, enhancements to buildings, and preventative maintenance necessary to achieve the design life expectancy of building systems and components.

(d) Those proposals not approved and funded shall be considered for funding in the next biennial budget. Available resources will determine the number of designated projects to be funded during any one funding cycle.

(e) Emergency requests shall be dealt with on a case-by-case basis as deemed appropriate by the state board of education.

III. The department of education shall not approve the plans, specifications, cost, or purchase estimates, if in the department's judgment the facilities planned will not adequately meet the educational requirements, or if its cost estimates are excessive or unreasonable. The department of education shall not approve the plans, specifications, cost, or purchase estimates if in the department's judgment the proposed construction or purchase is in conflict with effective statewide planning pursuant to RSA 9-A or the principles of smart growth pursuant to RSA 9-B. Necessary costs of the purchase of school buildings may be determined by any recognized method of real estate appraisal with appropriate adjustments for remodeling or other expenditures. Upon approval of the construction or purchase, or both, by the department of education, the school district shall be entitled to receive an annual grant as provided herein.

2 School Building Aid; Proration and Unexpended Funds. Amend RSA 198:15-e to read as follows:

198:15-e Proration and Unexpended Funds. ~~[H] In any *fiscal* year, the amount appropriated for distribution as school building grants in accordance with RSA 198:15-b shall first be awarded to a school district for an eligible project approved in a prior fiscal year. If the amount appropriated is insufficient [therefor, grants for eligible construction work approved by the legislative body of the school district since the approval of the most recent state biennial budget shall be deferred and included in a request for a future appropriation, or partial grants may be made to the extent of the available appropriation. Any partial grant made shall be prorated proportionally among all districts with eligible construction work approved since the approval of the most recent biennial budget. The department of education shall include any unpaid grant amounts in the next biennial budget or request a supplemental appropriation. If the amount appropriated is insufficient after deducting all grants approved since the approval of the most recent biennial budget,] the appropriation shall be prorated proportionally among the districts entitled to a grant. ***If the amount appropriated exceeds the amount necessary to fully fund grants to a school district for eligible construction in a previous year, the remaining amount of the***~~

appropriation shall be awarded to a school district for an eligible new proposal in the ranked order developed pursuant to RSA 198:15-c, ll(a). Such a district shall receive a grant equal to 100 percent of the eligible amount of the request until the amount appropriated has been exhausted. A partial grant may be awarded to the extent that funds are available. If a school district declines a full or partial grant, a grant shall be made to the next ranked school district until the amount appropriated has been exhausted. Any amounts not distributed in the first year of any biennium may be distributed in the second year if required to distribute the maximum amount permissible under RSA 198:15-a.

3 Effective Date. This act shall take effect July 1, 2012.
Referred to the Committee on Finance.

HB 1461, requiring school officials to notify parents of a class or event involving an outside speaker and allowing parents to opt for their child not to participate in the class or event.
OUGHT TO PASS WITH AMENDMENT.

Rep. Rick M. Ladd for Education: This bill encourages the use of outside speakers in the school as an invaluable component in support of all studies. The bill further directs each school district to develop a policy to notify parents of a school-sponsored event or class that will include a speaker from outside the school who might be considered controversial. Vote 17-0.

Amendment (0570h)

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

1 Studies. Amend RSA 189:10 to read as follows:

189:10 Studies. The school board shall ensure that health education and physical education are taught to pupils as part of the basic curriculum. The school board shall ensure that all studies prescribed by the state board of education are thoroughly taught, especially physiology, hygiene, and health and physical education as they relate to the effects of alcohol and other drugs, child abuse, human immunodeficiency virus (HIV)/acquired immunodeficiency syndrome (AIDS), and sexually transmitted diseases on the human system. ***The use of outside speakers in the school is encouraged as an invaluable component in support of all studies.***

2 New Section; Notification and Parental Option of Outside Speakers in School. Amend RSA 189 by inserting after section 10 the following new section:

189:10-a Notification and Parental Option of Outside Speakers in School. Each public school district shall develop a policy to notify, in a timely manner, pupils' parents of any school-sponsored event or class that will include a speaker from outside the school who might be considered controversial. Such policy shall permit notified parents to withdraw their pupil from the presentation without penalty, and, if necessary, complete an alternative project, at the parent's expense, sufficient to enable the child to meet state requirements for education in the particular subject area. The name of the parent and pupil and any specific reasons disclosed to school officials for the objection to the speaker shall not be public information and shall be excluded from access under RSA 91-A.

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

HB 1571, relative to educational evaluation of home schooled children. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick M. Ladd for Education: This bill amends the home school educational evaluation procedures and annual test results shall only be retained by the parent. Home school parents need only to inform the school district once regarding the student being home schooled. Home schoolers desiring to participate in public school programs or co-curricular activities shall be subject to the same participation policy and eligibility conditions as apply to public school students. Vote 17-0.

Amendment (0554h)

Amend RSA 193-A:6, III(a) as inserted by section 2 of the bill by replacing it with the following:

(a) May be used to demonstrate the child's academic proficiency in order to participate in public school programs, and co-curricular activities which are defined as school district-sponsored and directed athletics, fine arts, and academic activities. Home educated students shall be subject to the same participation policy and eligibility conditions as apply to public school students.

HB 1575, relative to alternative course selections for certain pupils. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph A. Pitre for Education: Although this bill has laudable goals, parental objection and withdrawal from a course creates a problem of where to place and monitor a child during the withdrawal from the class. This would cause an administrative conundrum. The cost of alternative course work at parental expense may cause financial hardship for some parents. HB 542 recently passed and already allows opt out of objectionable material in the classroom. Other alternative coursework such as extended learning opportunities, VLACS, Running Start, and E-start provides many alternative adequate opportunities and makes this bill unnecessary. Vote 16-1.

HB 1136, relative to special state elections. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Regina M. Birdsell for Election Law: This bill changes scheduling requirements for certain special elections. This bill was developed to shorten the time frame for special elections. Special election periods have run as long as 180 days. The original bill shortened it to 34 days. The secretary of state felt the original bill shortened the time frame too much so the amendment was brought forth to lengthen the time to 124 days. Vote 13-0.

Amendment (0459h)

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

1 Nominations for Special State Elections. Amend RSA 655:81, I to read as follows:

I. The special election shall be held on a Tuesday not less than ~~[131]~~ **110** nor more than ~~[145]~~ **124** days following the day that the governor and council declare that there shall be a special election; provided, however, that if one or more municipalities where a special election for state representative will be held have a regularly-scheduled election occurring between ~~[131]~~ **80** and 180 days following the day that the governor and council declare that there shall be a special election, the governor and council shall set the date of the election to coincide with the regularly-scheduled election if a majority of the towns or wards, as represented by the city, jointly request that day; if towns or wards, as represented by the city, request that the special election coincide with regularly-scheduled elections occurring on different dates, the election shall be held on a Tuesday not less than ~~[131]~~ **110** nor more than ~~[145]~~ **124** days following the day that the governor and council declare that there shall be a special election; and

2 Nominations for Special State Elections. Amend RSA 655:81, IV to read as follows:

IV. The primary shall be held ~~[63]~~ **49** days prior to the special election; and

3 Uncontested Primary. Amend RSA 655:82 to read as follows:

655:82 Uncontested Primary. In the event that no party has more than one candidate file **and no nonparty or other candidate files a declaration of intent**, the primary election shall not be conducted. ***In such a case, the special election shall be held on the day previously fixed as the day for the holding of the special primary election.***

4 Vacancies; State Representative. Amend RSA 661:8, III to read as follows:

III. Notwithstanding the provisions of paragraph II, if a vacancy occurs in the office of state representative in a district comprised of a city ward or wards, a request to hold the

primary and special elections on the same dates as the city's biennial primary and regular elections may be submitted to the governor and council by the governing body of the city. If so requested, the governor and council shall declare the vacancy not less than ~~[63]~~ **56** days prior to the date of the city's primary election. The filing period shall be held not more than ~~[57]~~ **50** days nor less than ~~[59]~~ **43** days prior to the primary election. The provisions of RSA 655:81, III, VI, VII, VIII, IX, X, and XI shall apply to elections held pursuant to this paragraph.

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

HB 1291, prohibiting compelled speech. **INEXPEDIENT TO LEGISLATE.**

Rep. John G. Gimas for Election Law: This bill attempted to address the problem of compelled speech. The language of the bill did not adequately address the existing problems. Vote 14-0.

HB 1399, relative to state general election ballots. **REFER FOR INTERIM STUDY.**

Rep. John J. Byrnes for Election Law: This bill would clarify that the names of candidates must be randomized to meet the constitutional imperative that each citizen qualified for office have an equal right to be elected. The secretary of state's office expressed some concerns about ballot design and printing caused by the bill as written. The committee wants to meet the constitutional imperative but believes further study is needed to address the concerns expressed. Vote 12-1.

HB 1211, establishing a committee to study the promotion of lease of state-owned land for use for beginning farmers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne J. Smith for Environment and Agriculture: Agriculture is a vital part of New Hampshire. Support for local foods and local farms is strong, and there are many young people in our state who wish to pursue farming as a career and a life choice. The committee heard testimony that acquiring land for farming is a huge obstacle for these young and beginner farmers. We want to offer them an opportunity to farm and raise their families in New Hampshire. A study conducted by the University of New Hampshire in 2010, found that New Hampshire's local food system contributes 5.7 percent of the state's \$58 billion dollar economy. This report highlights the potential to increase the contribution of local agriculture production and food manufacturing to the gross state product by (GSP) 25 percent. This will not be possible if our farmers cannot afford land to farm. The state owns land that is well suited for agricultural use. The committee formed by HB 1211 will bring the stakeholders who manage these properties (DES and DRED) together with legislators, the NH farm bureau and the New Hampshire institute of agriculture and forestry to study how to best implement a leasing program that will benefit agriculture in New Hampshire, and strengthen the ties that keep our young and beginner farmers in New Hampshire. Vote 14-0.

Amendment (0524h)

Amend RSA 425:26, I as inserted by section 1 of the bill by replacing it with the following:

425:26 Lease of State Land for Farming Study Committee.

I. There is established a committee to study the promotion of lease of state-owned land for use for beginning farmers. The members of the committee shall be as follows:

(a) One member of the house of representatives who is a member of the environment and agriculture committee, appointed by the speaker of the house of representatives.

(b) One member of the senate who is a member of the energy and natural resources committee, appointed by the president of the senate.

(c) One member of the New Hampshire Farm Bureau Federation, appointed by the federation.

- (d) One member of the New England Farmers Union, appointed by the New England Farmers Union.
- (e) The commissioner of the department of agriculture, markets, and food, or designee.
- (f) The commissioner of the department of resources and economic development, or designee.
- (g) The commissioner of the department of environmental services, or designee.
- (h) A member from the New Hampshire Institute of Agriculture and Forestry, appointed by that organization.

Amend RSA 425:26, IV as inserted by section 1 of the bill by replacing it with the following:
IV. 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. Five members of the committee shall constitute a quorum.

HB 1234, establishing a department of environmental services oversight and grievance committee. **REFER FOR INTERIM STUDY.**

Rep. John T. O'Connor for Environment and Agriculture: The committee currently has two bills for oversight of the department of environmental services (DES). We see merit in instituting an objective grievance, oversight and recodification study committee. Given the complexity of the department and associated councils, such as air resources, waste management, water and wetlands, the committee, with the agreement of the sponsor, decided that there is a need for more information. Thus the recommendation HB 1435 as the bill to be the oversight committee. Vote 14-0.

HB 1235, establishing a committee to study and propose a recodification of certain environment-related statutes. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen J. Palmer for Environment and Agriculture: Portions of this bill HB 1235 will be incorporated in HB 1435 which is to establish a committee to oversee the department of environmental services. Vote 13-0.

HB 1241, relative to table wines. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David L. Babson for Environment and Agriculture: The committee heard testimony which stated that because of the alcohol content of mead (the fermentation of agricultural products) a new, viable N.H. industry is being crippled by unnecessary regulation. By allowing the Liquor Commission to approve the sale of mead containing up to 24% alcohol as long as the mead is produced in the same manner as wine, the change will assure the continued and rapid growth of this new N.H. industry. Vote 12-0.

Amendment (0444h)

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

1 Definitions; Table Wine and Wine Vendor. Amend RSA 175:1, LXIX-LXX to read as follows:

LXIX. "Wine-table" means a product obtained by the fermentation of the natural content of fruit or other agricultural products containing sugar and containing more than 6 percent but not more than ~~[15.5]~~ **18** percent alcoholic content by volume at 60 degrees Fahrenheit. ***The commission may approve as a table wine a higher alcoholic content product, not to exceed 24 percent, that is obtained in the same manner.***

LXX. "Wine vendor" means an individual, partnership, limited liability company, or corporation, which sells table wine to the state, containing more than 6 percent but not more than ~~[15.5]~~ **24** percent alcoholic content by volume at 60 degrees Fahrenheit.

2 Wine Manufacturer License. Amend RSA 178:8, I-II to read as follows:

I. Wine manufacturer licensees may ferment fruit or other agricultural products naturally containing sugar to produce table wine [~~containing at least 6 but not more than 15.5 percent alcohol by volume~~], and to produce from that wine fortified wine [~~containing at least 15.5 but not more than 24 percent alcohol by volume~~].

II. Each *wine* manufacturer [~~of domestic wines~~] in this state shall have the right to sell and to transport and deliver wines manufactured by it directly to the holders of on-premises or off-premises licenses issued by the commission. No [~~domestic~~] wine manufactured in this state by any manufacturer shall be sold or delivered in this state in any manner which is inconsistent with the provisions of this title.

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

AMENDED ANALYSIS

This bill defines fermented fruit and agricultural products with an alcohol content of 15.5 to 18 percent as table wine.

Referred to the Committee on Commerce and Consumer Affairs.

***HB 1402*, relative to the sale of homemade food. OUGHT TO PASS WITH AMENDMENT.**

Rep. Guy Comtois for Environment and Agriculture: This bill exempts a person who wishes to produce homestead food products such as jam, jellies, cookies, etc. from licensing up to \$10,000 gross annual sale to sell from the home, farm stand or farmer's market. Excluding potentially hazardous food, it also allows small micro farms to produce 20 gallons of raw milk or raw milk products such as aged cheese, yogurt, cream, butter and kefir, which is legal to sell per day at present. It does not do away with licensing. If a person wishes to license they can, but it does help micro farmers to start out without having to spend a considerable amount of money to comply. Vote 13-0.

Amendment (0624h)

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

AN ACT relative to the sale of homemade food and licensing of certain milk producer-distributors.

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

1 New Paragraph; Homestead Food Operations; Exemption. Amend RSA 143-A:5 by inserting after paragraph VI the following new paragraph:

VII. Homestead food operations selling less than a maximum annual gross sales of \$10,000 of food, excluding potentially hazardous food as defined in RSA 143-A:12, I from the homestead residence, at the owners's farm stand, or at a farmers' markets.

2 Homestead Food License Required. RSA 143-A:12 is repealed and reenacted to read as follows:

143-A:12 Homestead Food License Required.

I. In this subdivision:

(a) "Homestead food operation" means a person who produces homestead food products, excluding potentially hazardous food, only in the home kitchen of that person's primary residence in New Hampshire and only for sale directly to the consumer from the homestead residence, the owner's farm stand, or at farmers' markets.

(b) "Potentially hazardous food" means foods requiring temperature control for safety because they are capable of supporting the rapid growth of pathogenic or toxigenic microorganisms, and the growth of toxin production of clostridium botulinum. Potentially hazardous foods also include processed acidified and low acid canned foods.

(c) "Homestead food products" means all food except potentially hazardous food, and as defined in rule by the commissioner of the department of health and human services through rulemaking under RSA 143-A:13.

II. Homestead food operations selling less than a maximum annual gross sales of \$10,000 of food, excluding potentially hazardous food, from the homestead residence at the

owner's own farm stand, or at farmers' markets are exempt from licensure under this subdivision.

III. Homestead food operations that exceed the \$10,000 maximum annual gross sales limit or homestead food operations who wish to sell food products, excluding potentially hazardous food, to restaurants or other retail food establishments, over the Internet, by mail order, or to wholesalers, brokers or other food distributors who will resell the homestead product shall be licensed under RSA 143-A:4.

IV. All homestead food products sold in packages from the home kitchen or farm stand of a homestead food operation or at farmers' market 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. Such products shall also be clearly labeled with the following statement: "This product is exempt from New Hampshire licensing and inspection."

3 Rulemaking. RSA 143-A:13 is repealed and reenacted to read as follows:

143-A:13 Rulemaking. The commissioner, in consultation with the commissioner of the department of agriculture, markets, and food shall adopt rules, pursuant to RSA 541-A, relative to:

I. Foods which may be made in a homestead food operation and potentially hazardous foods, which shall not be made in a homestead food operation.

II. Content and format of all labeling requirements.

III. Licensing requirements for homestead food operations exceeding the annual maximum gross sales limit or homestead food operations who wish to sell food products, excluding potentially hazardous foods, to restaurants or other retail food establishments, over the Internet, by mail order, or to wholesalers, brokers, or other food distributors who will resell the homestead food product.

IV. Content and format of all forms required under this subdivision.

V. Fees for non-exempt homestead food operation licenses, including application fees and fees for renewal.

4 New Paragraph; Milk Sanitation Code. Amend RSA 184:84 by inserting after paragraph IV the following new paragraph.

V. A milk producer-distributor who daily produces for sale less than 20 gallons of raw milk or processes less than 20 gallons of raw milk into cheese aged at least 60 days, yogurt, cream, butter, or kefir shall not require a milk producer-distributor license, provided these products are offered as direct sales from the producer-distributor's own farm, farm stand, or at a farmers' market to the food consumer within the state of New Hampshire only.

(a) Any product containing raw milk from the milk producer-distributor's farm or farm stand or at farmers' markets shall be clearly labeled. If the product is sold in containers provided by the producer-distributor, the individual container shall have a label which contains the name, address, and phone number of the milk producer-distributor's farm; the name of the product; and the following statement: "This product is made with raw milk and is exempt from New Hampshire licensing and inspection."

(b) A milk producer-distributor selling raw milk products under this paragraph shall place a sign at the point of sale which contains the name, address, and phone number of the milk producer-distributor's farm; and the following statement: "Products from this farm made from raw milk are exempt from New Hampshire licensing and inspection."

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

AMENDED ANALYSIS

This bill exempts certain homestead food operations and homestead food products from licensure by the department of health and human services.

This bill allows for direct sales of raw milk products without a milk producer-distributor license for certain small scale dairy producer-distributors.

Referred to the Committee on Commerce and Consumer Affairs.

HB 1435, establishing a committee to oversee the department of environmental services.
OUGHT TO PASS WITH AMENDMENT.

Rep. Robert H. Haefner for Environment and Agriculture: This bill creates a DES oversight committee. The committee will consist of 12 experienced legislators. It is made up of the Chair, Vice Chair and Ranking Minority Member of each of the three House committees that handle DES legislation and the same leadership from the Senate Committee that covers DES. This gives the committee the most experienced people, is bi-partisan and covers all areas of DES: wetlands, water, air and waste. The committee will further oversee the policy committees' review of all 12 statutes for DES, once every six years. The DES Commissioner will participate at every meeting as a non voting member. A grievance process, although not part of this bill, will be studied for inclusion in a future bill addressing the Councils. Vote 13-0.

Amendment (0510h)

Amend the bill by replacing section 1 with the following:

1 New Sections; Department of Environmental Services Oversight Committee. Amend RSA 21-O by inserting after section 22 the following new sections:

21-O:23 Oversight Committee; Establishment; Purpose.

I. There shall be an oversight committee on environmental services consisting of 12 members as follows:

(a) The chairperson, vice-chairperson, and ranking minority member of the senate energy and natural resources committee, appointed by the president of the senate; and

(b) Nine members of the house of representatives, who shall consist of the chairperson, vice-chairperson, and ranking minority member from the resources, recreation and development committee, the environment and agriculture committee, and the science, technology and energy committee, appointed by the speaker of the house of representatives.

II. Membership on the oversight committee shall be for the biennium and shall be coterminous with membership in the general court.

III. The oversight committee on environmental services shall provide legislative oversight of the department to support a cost effective, comprehensive, coordinated system of environmental services.

21-O:24 Organization and Compensation. The oversight committee shall have a chairperson who shall be chosen by committee vote from among the 4 house and senate committee chairpersons. The chairperson's term of office shall be for the biennium. The committee shall have a clerk who shall be chosen by vote by the members of the committee. The clerk's term of office shall be for the biennium. The members of the committee shall receive legislative mileage when in performance of their duties.

21-O:25 Duties of Oversight Committee. The committee shall:

I. Review quarterly reports of the number and kind of complaints, appeals of decisions and the final actions taken on such complaints and appeals as reported by the commissioner of the department of environmental services.

II. Review all state statutes relative to the department of environmental services in order to identify obsolete provisions and concepts and add clarifying language where necessary through recommendations for the following legislative session. Such review shall be completed every 6 years.

III. Invite the commissioner or his or her designee each meeting of the committee.

IV. Publish an agenda in advance of each committee meeting.

V. Review any other topics deemed helpful to the overview of the department by the commissioner or members of the committee.

VI. Meet at the call of the chair but in no case less than every 3 months.

VII. Make a report no later than the first day of November of the second year of the biennium as to its activities and recommendations to the speaker of the house of representatives and the president of the senate.

Referred to the Committee on Executive Departments and Administration.

HB 1481, relative to effluent limitations with regard to nitrogen. **REFER FOR INTERIM STUDY.**

Rep. John T. O'Connor for Environment and Agriculture: This bill is intended to reduce the nitrogen input into the Piscataqua Region Estuaries and is primarily directed at controlling the sale of lawn fertilizers. Previous reports from E.P.A., municipalities, and conservations organizations in partnership with UNH have shown that other sources are also major contributors, such as waste water treatment facilities, home septic system, storm water run off, and non-point sources. Currently the department of environmental services (DES) will be completing a study regarding the Great Bay estuaries and its information can aid in understanding the scope of the problem. Given the complexity of this issue it will allow the study committee to obtain more scientific data in making an informed decision. Vote 12-0.

HB 1688-FN, relative to exempting maple syrup and milk products produced and sold in state from federal regulation. **INEXPEDIENT TO LEGISLATE.**

Rep. David L Babson for Environment and Agriculture: The committee felt that the lack of federal regulation of the maple industry and the fact that raw milk sales are mostly regulated by the state, this legislation was not necessary. Vote 12-0.

HB 1387, requiring United States flags purchased with state funds or displayed in state facilities to be manufactured in the United States. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth Hawkins for Executive Departments and Administration: This bill would require that any U.S. flag purchased using state monies to be made in the U.S. The amendment adds any POW-MIA flags and state flags purchased to the same requirement. This would only apply to purchases going forward. The committee agreed with the sponsors that it makes sense to buy U.S.A. manufactured flags. Vote 9-0.

Amendment (0548h)

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

AN ACT requiring flags purchased with state funds or displayed in state facilities to be manufactured in the United States.

Amend the bill by replacing section 1 with the following:

1 New Section; State Flag, United States Flag, and POW-MIA Flag; Place of Manufacture. Amend RSA 3 by inserting after section 4 the following new section:

3:4-a State Flag, United States Flag, POW-MIA Flag; Place of Manufacture. Any state flag, United States flag, or POW-MIA flag purchased with state funds or displayed in a state facility shall be manufactured in the United States. This paragraph shall only apply to flags acquired after the effective date of this section.

AMENDED ANALYSIS

This bill requires United States flags, state flags, and POW-MIA flags purchased with state funds or displayed in state facilities to be manufactured in the United States.

HB 625-FN-A, relative to New Hampshire correctional industries. **REFER FOR INTERIM STUDY.**

Rep. William S. Belvin for Finance: This bill passed the House and came to Finance as a second committee. The bill's policy is to strengthen correctional industries, also known as GraniteCor, as a way to enhance inmates' skills, with the ultimate objective of reduced recidivism and cost. The policy objective is laudable, but Finance found that the bill in its

current form raises serious financial questions. There is no complete fiscal note, so its costs are unknown; it forgives a negative corrections' inventory balance of \$2.8 million dollars; it asks for a line-of-credit based on the full faith and credit of the state of NH; it establishes a non-lapsing fund with no procedure for its operation; and it exempts GraniteCor from competitive bidding, the state procurement process and binds various state agencies to buy its products without recourse. A good faith Interim Study should allow GraniteCor and state agencies to achieve agreement and resolve differences, and to put GraniteCor on a sustainable future path in the coming biennium. Vote 22-0.

HB 653-FN, requiring general fund budget reductions to reimburse Medicaid.
INEXPEDIENT TO LEGISLATE.

Rep. Thomas E. Keane for Finance: HB 653 was filed as a place holder to deal with a possible adverse decision from the federal government regarding \$35 million dollars in contested Medicaid payments to the NH department of health and human services. Since the submission of HB 653 there have been additional successful law suits against HHS. The motion to ITL was made in recognition that there is another more suitable bill to deal with a number of the fiscal challenges facing HHS. Vote 24-0.

HB 1669-FN-A-L, requiring the deposit of dedicated fund revenues into the general fund for the 2014 and 2015 fiscal years and requiring non-constitutionally established dedicated funds to be eliminated on June 30, 2015 unless reinstated by the legislature. **REFER FOR INTERIM STUDY.**

Rep. Kenneth L. Weyler for Finance: On its surface this is a simple bill. However, with 300 dedicated funds, the problem is far more complex. The highway fund is established in the constitution, but the 26 separate funds in fish and game are not. Each of those 26 has a specific purpose. Some dedicated funds support a license. A plumber's license funds inspectors who assure that plumbing is done by code, and by licensed plumbers. If the license fee does not go to such inspections, but to the general fund, then does that license charge become a tax? Some of the funds are kept by the state treasurer, but no general funds go into them. The Winnepesaukee River Basin program has funds from ten participating towns to maintain water treatment plants. There is enough misunderstanding about these dedicated funds that the committee wants more member involvement. Here is how we plan to proceed. We will retain the bill. We will notify each policy committee of the dedicated funds held by the department or departments, in their purview. We will provide questions as to the effectiveness of each fund in that department's functions, and these replies will allow the committee to prepare for the next biennial budget, which is when the bill was to take effect. Vote 21-0.

HB 1441, removing the requirement for the reporting of incidents by emergency medical services providers and units. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen J. Schmidt for Health, Human Services and Elderly Affairs: The committee determined that the system of reporting "Emergency Medical Services Incidents" by either electronic or paper format was not efficient nor in the best interests of patients and medical providers. In addition, there is a federal mandate that all medical records be in electronic format by 2014. Vote 16-0.

CACR 30, relating to limitations on impeachment judgment. Providing that judgment may include forfeiture of pension and retirement benefits. **INEXPEDIENT TO LEGISLATE.**

Rep. J. Brandon Giuda for Judiciary: This bill proposed amending Article 39 of the second part of the New Hampshire Constitution to expand the powers of the Senate during impeachment to allow forfeiture of any pension or retirement benefits of the person being impeached. Although the committee recognizes the angst in a portion of the population regarding the Judiciary's seeming inaction with regard to some judges who are performing

poorly, the committee also believed that this proposal was unconstitutional as it applied to taking property that had already transferred to the person being impeached. The committee also felt that other options were available that would better address this problem. Vote 17-0.

CACR 32, relating to judicial conduct. Providing that the people of New Hampshire, in a manner established by law, shall be responsible for investigating and evaluating the conduct of members of the judiciary. **INEXPEDIENT TO LEGISLATE.**

Rep. J. Brandon Giuda for Judiciary: This bill proposed a broad constitutional amendment that would allow the people of New Hampshire to investigate and evaluate the behavior of members of the Judiciary and to impose sanctions, including fines, as necessary. Although the committee recognizes the angst in a portion of the population regarding the Judiciary's seeming inaction with regard to some judges who are performing poorly, the committee thought that this proposal was much too broad and also felt that other options were available that would better address this problem. Vote 16-1.

HB 1394, relative to appeals of eminent domain decisions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. J. Brandon Giuda for Judiciary: The current public utility eminent domain law makes no provision for a property owner who wishes to challenge the constitutionality of an eminent domain taking. Instead, a property owner who disagrees with the decision of the Public Utilities Commission regarding the constitutionality of the taking may only appeal the decision to the superior court using RSA 541-A. However, an appeal under RSA 541-A is not a level playing field, as in such an appeal the superior court considers the PUC's findings as prima facie lawful and reasonable, and may only overturn the PUC's decision if it finds the PUC's decision was "clearly unreasonable or unlawful". HB 1394 as submitted provided an avenue for an owner to appeal the constitutionality of the taking after the taking occurred. The committee amendment improves the submitted bill by allowing an owner to challenge the constitutionality of a taking in superior court early in the process before the taking occurs, and also provides for a level playing field by eliminating the presumptions associated with RSA 541-A. Vote 17-0.

Amendment (0412h)

Amend the bill by replacing section 2 with the following:

2 Procedure. Amend RSA 371:4 to read as follows:

371:4 Procedure. ***Any party challenging the necessity and constitutionality of the taking may, within 60 days after receipt of the petition, file in the superior court of the county in which the land is located a petition to have the necessity and constitutionality of the taking determined by the court. In all other cases,*** the commission shall, upon notice to all parties in interest, hear and determine the necessity for the right prayed for and the compensation to be paid for such right, and shall render judgment accordingly. In such proceedings the provisions relating to flowage rights contained in RSA 482 shall not apply, but when petitions to acquire flowage or drainage rights are filed the commission shall notify the department of environmental services.

HB 1464, establishing non-unanimous juries. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary S. Hopper for Judiciary: A unanimous jury has protected the liberty of the people of New Hampshire and is a hallmark of our constitutional protections. The committee believes we should tread lightly when it comes to changing the jury trial system. Vote 16-0.

HB 1597, relative to taking by eminent domain for certain purposes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. J. Brandon Giuda for Judiciary: Currently, property owners who have a portion of their property taken by eminent domain have only two options: (1) get compensated for the portion

of the property taken and keep the remaining portion, or (2) choosing to require the utility to take the entire property. However, those property owners who choose to keep the remaining portion receive no compensation for the decrease in value to that portion. The submitted bill expands the compensation to include any decrease in value caused by a view impact on the remaining portion. However, the committee acknowledged that any decrease in value is a taking (whether due to a ruined view or other factors), and therefore the ability of an owner to receive compensation should not be limited to devaluation caused by a view impact. As such, the committee amendment improves the submitted bill by expanding the compensation to include all devaluation to the remaining property. Vote 17-0.

Amendment (0411h)

Amend the bill by replacing section 1 with the following:

1 Residential Owner Option. Amend RSA 371:5-a, I to read as follows:

I.(a) When private real property which is used for residential purposes is proposed to be acquired in part for the construction of an above ground substation or transmission line, the owners of the residential property shall have the option to:

(1) Require the utility to condemn and take in fee the entire tract of land impacted by the proposed partial taking including all buildings and improvements thereon ~~and~~; *or*

(2) *Require the utility to compensate the owners for the devaluation of the remaining part, including but not limited to the view and electronic interference, if any.*

(b) All owners, excluding lien holders and mortgagees, of the private real property *shall* make such an election and provide the commission and the utility with written notice of their election within 30 days after receipt of the notice under RSA 371:4. If the utility acquires the entire tract of land with buildings and improvements thereon pursuant to this section or by agreement with the owners, the entire acquisition shall be deemed to be an acquisition for a public purpose and for use in the utility's business.

AMENDED ANALYSIS

This bill grants an owner of real property which was subject to eminent domain whose valuation will be impacted if transmission lines are constructed because of eminent domain the right to be compensated by the owner of the transmission lines for the difference in value.

Referred to the Committee on Commerce and Consumer Affairs.

CACR 23, relating to members of the general court. Providing that members of the general court may not vote on or deliberate on matters in which they have a pecuniary interest.

INEXPEDIENT TO LEGISLATE.

Rep. Paul Mirski for Legislative Administration: The constitution already provides that paid advocates shall forfeit their seat so CACR 23 was deemed to be unnecessary. Also, the committee dealt with violations of paid advocacy by political organizations and parties in other legislation. Vote 13-0.

HB 1213-L, relative to parking for legislators on official business. **INEXPEDIENT TO LEGISLATE.**

Rep. Gladys Johnsen for Legislative Administration: The chief of security would like the House to not create conflict with the city of Concord. The chief of security and the city of Concord have worked well together. Vote 13-0.

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

Rep. Timothy P. Comerford for Legislative Administration: This bill requires the style and form of new articles and amendments to articles proposed by constitutional amendment

concurrent resolutions to conform to the style and form of the New Hampshire Constitution when it originally took effect on June 2, 1784. The bill seems to preserve the meaning of original capitalization and style of words. Vote 11-1.

Referred to the Committee on Constitutional Review and Statutory Recodification.

HB 1176, relative to the amendment of warrant articles at official ballot town meetings.

INEXPEDIENT TO LEGISLATE.

Rep. James P. Belanger for Municipal and County Government: This bill wants to prohibit the voters attending a deliberative session in an official ballot referendum (SB 2) form of town/school meeting from making amendments to a petitioned warrant article. Current law (RSA 39:3 & RSA 197:6) already specifies that petitioned articles must be placed on the warrant as submitted with only minor textual changes. However, when the deliberative session addresses petitioned articles, they are treated the same as all other articles placed on the warrant no matter the method used to put them on the warrant. This is current practice in both official ballot (SB 2) and traditional annual meetings. If this proposal were put into law, voters at the deliberative session would have no say on the issue and would be forced to simply pass the article on to the official ballot for an up or down vote on election day.

Carried to the extreme, a school board or board of selectmen could submit their budget in a petitioned article and the deliberative meeting could not amend it. Voters' rights would be infringed upon and voters would then have no reason to attend the deliberative session. Vote 17-0.

HB 1289, relative to agreements between government units. **INEXPEDIENT TO LEGISLATE.**

Rep. Philip L. Munck for Municipal and County Government: The sponsor requests that this bill proceed no further. There is no demonstrated need to allow the state to be a party to RSA 53-A intermunicipal agreements. Vote 17-0.

HB 1292, requiring a 2/3 majority for borrowing by official ballot towns and school districts. **INEXPEDIENT TO LEGISLATE.**

Rep. Priscilla P. Lockwood for Municipal and County Government: Official ballot municipalities have had a requirement for a 3/5 majority vote for bonds for years with the argument that because many more citizens are voting, the 3/5 requirement is more appropriate. The committee saw no reason to change this. Senate Bill 238 is now under consideration to form a committee to study all the ramifications of the official ballot laws. Vote 17-0.

HB 1349-L, relative to the service of town health officers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James E. Coffey for Municipal and County Government: This bill is a very simple and effective way of allowing municipalities to share health officers for up to thirty days, with approval of the governing body of the receiving town. This would allow for quick assistance in emergencies, especially when specific skills are needed that might help one health officer support another. It is a creative form of short term mutual aid between municipalities for health officers. Vote 17-0.

Amendment (0362h)

Amend RSA 128:5, V as inserted by section 1 of the bill by replacing it with the following:

V. May, if duly appointed to serve any New Hampshire town, serve temporarily at the request of the governing body of any other New Hampshire town and may perform any lawful duties within that other town. For those duties performed at the request of such town, all compensation, expenses and liability coverage shall be incumbent upon the

requesting town. For the purposes of this paragraph, "temporarily" means 30 calendar days or fewer.

HB 1357, relative to the membership of mosquito control districts. **OUGHT TO PASS.**

Rep. Timothy D. Copeland for Municipal and County Government: This proposed legislation amends RSA 430:14 which does 3 things: change the mosquito control district board or committee which is advisory only from the present 3 voters domiciled in the district to up to 5 voters; appoint them to staggered terms, and there shall be no requirement for a quorum. Vote 17-0.

HB 1498-FN-L, repealing dog licensing requirements. **INEXPEDIENT TO LEGISLATE.**

Rep. James P. Belanger for Municipal and County Government: Some town clerks allege that their communities lose money on dog licensing. Cost of enforcement, metal tags and administration exceeds the revenue generated by license fees. They, therefore, want to eliminate dog licensing. This bill would do that but it does not eliminate the need for rabies vaccinations. The committee feels that, without the need for licensing and renewals of those licenses, owners would ignore the rabies vaccine requirement and will eliminate "guard dog" licensing which would result in a public danger. The burden of ensuring all dogs obtain a rabies vaccine would be shifted to the state veterinarian's office where a substantial increase in staff would be required and cost of printing would escalate. Veterinarians in NH now download rabies certificates, free of charge, on the internet. This bill would require veterinarians to purchase these certificates at a cost of \$4.00 which cost would likely be substantially increased to offset the cost of doing business before it is passed on to the consumer. The department of agriculture currently gets \$2.00 per license and the state veterinary diagnostic lab gets \$0.50 per license which equates to \$335,000.00 and \$83,750.00 which would need to be re-directed from the state veterinarian's revenue from rabies certificates sold. The fiscal note on this bill estimates a loss in revenue to local municipalities of approximately \$724,437.00. At-large dogs picked up by law enforcement or neighbors would have no tag and no way to find the owner and might result in more dogs being confined to municipal kennels and ultimately adopted or euthanized. This bill could result in an increase in rabies shots for cats anywhere from \$4.00 to a possible \$8.00. The NH Town Clerk's Association testified against this bill. Vote 17-0.

HB 1507-L, authorizing towns to enter into agreements with the state for collection of outstanding taxes. **INEXPEDIENT TO LEGISLATE.**

Rep. James P. Belanger for Municipal and County Government: Well intended this bill attempts to simplify the burden on municipalities in borrowing money for tax anticipation notes (TANS) by having a standard and reliable source of funds from the State of NH. The source of this supply of funds held by the state is not identified. If this was established, not only would the state be put in the banking business but it would be required to add personnel, administration and to duplicate what is already set up in the private sector. Costs to the state would increase, a new sub department would be set up with salaries and benefits likely exceeding those paid in the private sector. Municipalities have the ability to issue tax anticipation notes per RSA 33:7.III and realize a positive cash flow from such notes purchased by investors. HB 1507 is silent on the practice of selling TANS to investors. Vote 13-0.

HB 1591, relative to the homestead exemption amount. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L. Patten for Municipal and County Government: The purpose of the homestead exemption in RSA 480 was to make sure that the homeowner would have some financial resources available in the event of financial difficulties. The mechanism used to implement this exemption is to have a portion of the value of your homestead paid to you prior to any creditor, if ordered by the court. The amount of the homestead exemption in 1981 was \$5000

and then in 2004 was changed from \$60,000 to \$100,000. HB 1591 would increase the exemption from \$100,000 to \$250,000 for an individual and from \$250,000 to \$500,000 for a couple. One of the consequences of increasing the exemption would be to insulate a large number of properties from any potential for repayment of outstanding debt obligations. Another consequence would limit the same amount of properties from attaining any credit to purchase homes. HB 1591 tips the balance that has been established between buyers and creditors, providing creditors with little opportunity to recover a consumer's outstanding financial obligations and the buyers with a way to escape from all outstanding financial obligations. The committee voted that the balance be kept as is, especially in the current atmosphere of tight credit. Vote 16-0.

HB 1603*, relative to local spending caps. **INEXPEDIENT TO LEGISLATE.*

Rep. Betsey L. Patten for Municipal and County Government: This bill was filed to be sure that the New Hampshire cities and towns that had charters were able to enact limits on the growth of budgets and taxes. HB 1603 contains the same language that was passed by the House last year in HB 341 which was tabled by the Senate. The adoption of SB 2, Chapter 234, Laws of 2011, changed RSA 49-C and RSA 49-D to allow amendments which included spending caps in charter communities and override thresholds. SB 2 also changed RSA 32 to allow municipalities with traditional meetings to adopt spending caps and override thresholds. The committee voted that the changes to RSA 49-d and RSA 32 in SB 2, Chapter 234, Laws of 2011 adequately addressed all the issues contained in HB 1603. Vote 16-0.

HB 1619*, relative to the assessment of property taxes on the value that exceeds \$50,000. **INEXPEDIENT TO LEGISLATE.*

Rep. James P. Belanger for Municipal and County Government: This bill attempts to provide tax relief to the less affluent property owners in our communities by exempting the first \$50,000.00 of their property valuation from taxation. This would result in mobile home owners with values at or below \$50,000.00 to pay no property taxes to support municipal services. It would increase the tax rate of the community to make up for tax revenue losses since every single property in the community would not pay taxes on the first \$50,000.00. In communities with low average tax values, it would increase the tax rate significantly. This would skew the burden of taxes to the higher valued properties which might sound reasonable to some. However, unintended consequences come about when dealing with condominiums and open the door to several known and unknown tax avoidance techniques such as, but not limited to, turning apartments into condominium units and established LLCs for home ownership. The tax exemption only applies to "one principle structure per lot that is being used for residential or commercial purposes" opening the door to challenges by owners of those structures not benefiting from the deduction where multiple structures exist on a common lot. An increase in the tax rate for an apartment building would have the owner pass the increase down to those very tenants who are in the income category that this bill attempts help. Vote 13-0.

HB 1130*, relative to weighted voting by the Winnepesaukee River advisory board. **REFER FOR INTERIM STUDY.*

Rep. Franklin T. Tilton for Public Works and Highways: The advisory board has agreed to address this issue along with some of their ongoing studies. This bill will likely be modified after they have completed their work. Vote 14-0.

HB 1192-FN*, establishing an E-Z Pass commuter discount. **REFER FOR INTERIM STUDY.*

Rep. David B. Campbell for Public Works and Highways: The committee voted this bill to Interim Study as a vehicle to study E-Z Pass issues including possible commuter discounts, (both toll plaza and system-wide) and the impact on turnpike revenues; the E-Z Pass

discount, and the cost of transponders and possible solutions. This bill will also look at issues in Merrimack in conjunction with HB 1369 which addresses the location of the eventual overhead toll and is also being recommended for Interim Study. Vote 10-4.

HB 1369*, relative to the location of overhead tolling on the F.E. Everett turnpike. **REFER FOR INTERIM STUDY.*

Rep. David B. Campbell for Public Works and Highways: This bill is intended to address several important issues relative to the future of the F. E. Everett Turnpike by mandating the future location of the eventual overhead toll booth on the F. E. Everett. Those issues include (1.) recouping some of the turnpike toll revenue lost with the opening of the Airport Access Road (Raymond J. Wieczorek Way) and its connection to Rt. 3A and D. W. Highway; (2.) the possible elimination of some (or all) of the toll ramps in Merrimack and Bedford which are poor revenue generators and obviously very unpopular with local residents; (3.) to address the revenue necessary to complete the widening of F. E. Everett to three lanes in each direction, eliminating the present two-lane sections which creates traffic bottlenecks; and (4.) to recognize the legislature's role as the stewards of the turnpike system and the need to balance issues such as turnpike fairness and diversion of traffic. Since the finding for the overhead tolls is at least three years away, the committee wishes to study these issues in conjunction with the Interim Study recommendation of HB 1192-FN regarding E-Z Pass Commuter Discounts. Vote 14-0.

HB 1385-FN-A*, reducing the rate of the road toll during the 2012 Memorial Day weekend. **INEXPEDIENT TO LEGISLATE.*

Rep. Edwin O. Smith for Public Works and Highways: The committee feels the sponsors have the best interest of the State of New Hampshire with this bill. However many very difficult and complicated issues are present that would require a great deal of changes to accomplish the desired results. First, the estimated \$874,739.00 would come directly from the Highway Fund and any benefits go into General Fund. Second, the towns would lose funding which they receive from the road toll collections. The towns receive 12% of the funds collected and this would be reduced with this bill. Third, the tax is paid by the wholesaler so there is a time lag between collection of the tax and the gas making its way into vehicle gas tanks. Determining when a particular gallon of gas is sold and how it fits into the time frame of this bill would create a very difficult accounting dilemma. Fourth, the wholesaler pays the tax and there is no provision for this tax reduction to be passed on to the retail consumer. Fifth, with interstate agreements which are in place, it would be very difficult to determine the tax on fuel used by out of state vehicles because changing the tax rate for a very short term presents an unworkable accounting situation, due to the fact that the road toll reduction would have to be manually calculated. Additionally, the department of safety which collects the road toll testified that the shortest period of time they can adjust its collection program is 30 days. The New Hampshire Division of Travel and Tourism testified in opposition to this bill as it feels it is able to increase tourism visits and income without lowering state revenues to the highway fund. Vote 15-0.

HB 1504*, reinstating the Maine-New Hampshire Interstate Bridge Authority. **OUGHT TO PASS.*

Rep. John A. Graham for Public Works and Highways: In 2008 the General Court granted permission for the disestablishment of the Interstate Bridge Authority, a compact between New Hampshire and Maine, contingent upon approval of the U.S. Congress. To date this approval has neither been sought nor granted. This bill will revitalize the authority and it will be responsible for the repair, rehabilitation and the reconstruction or replacement of the Memorial Bridge, the Sarah Long Bridge and the I-95 High Level Bridge. The authority will serve as a financial vehicle to hold, invest and distribute funds from the fund established under RSA 234:66. Tolling on the three bridges is prohibited without the express approval of

the legislature. Finally, this revision of RSA 234 will only become effective upon passage of similar legislation by the State of Maine. Vote 14-0.

HB 1576-FN, requiring construction of a noise barrier along Interstate Route 95 in Portsmouth. **INEXPEDIENT TO LEGISLATE.**

Rep. John A. Graham for Public Works and Highways: This bill would require the department of transportation to construct a noise barrier along portions of I-95 in Portsmouth. The DOT estimates that the cost to the turnpike system would be approximately \$2.59 million. There is a process to have projects included in the transportation planning for the state. This process begins at the community level, works its way through the regional planning commissions and the GACIT hearings, finally resulting in the revision of the state's Ten Year Transportation Plan every two years. It does not appear that the sponsors of this bill availed themselves of this process. Finally, the DOT is currently conducting an initial assessment to see if the noise warrants the construction of a noise barrier along this section under their current guidelines. The committee feels that this assessment should be finalized before requiring construction of the barrier. Vote 15-0.

HB 1141, relative to fees for the state park system. **INEXPEDIENT TO LEGISLATE.**

Rep. Lawrence M. Kappler for Resources, Recreation and Development: This bill would have eliminated the requirements that state park system fees receive fiscal committee approval. The sponsor asked the committee to ITL this bill in favor of another bill which modifies the process, which rectifies the problem this bill was intended to correct. Vote 15-0.

HB 1166, relative to the installation of broadband equipment on Cardigan Mountain. **INEXPEDIENT TO LEGISLATE.**

Rep. Harry C. Merrow for Resources, Recreation and Development: The sponsor indicated that the subject matter of this bill had been taken care of and broadband equipment had been installed on the mountain and the bill was no longer necessary. Vote 15-0.

HB 1256, establishing a New Hampshire state register of historic places. **OUGHT TO PASS.**

Rep. Judith T. Spang for Resources, Recreation and Development: This bill puts into statute a New Hampshire state register of historic places, to "recognize, honor, and promote the state's ...heritage." Properties that meet criteria are listed, with the consent of the owner. Listing in no way prohibits any actions by current or future owners with respect to the property. Vote 15-0.

HB 1356, classifying certain land in Litchfield as land to be retained by the state. **OUGHT TO PASS.**

Rep. Judith T. Spang for Resources, Recreation and Development: Respected ecologists have documented the rare/ecological value of Grassy Pond in Litchfield. While owned by the state department of environmental services, the Litchfield Conservation Commission wants to make sure it will be preserved in perpetuity. This bill assures that it will be placed, by statute, on the list of "retained lands" and never disposed of for uses that would degrade it. Vote 15-0.

HB 1380, relative to the development of wetland mitigation banks. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lawrence M. Kappler for Resources, Recreation and Development: This bill authorizes the development of wetland mitigation banks by private entities based on the existing model of publically administered banks. The housekeeping amendment assures that the mitigation bank area is large enough for a meaningful environmental benefit. Vote 14-1.

Amendment (0476h)

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

2 Rulemaking; Funding for Mitigation Banks. Amend RSA 482-A:31, III(c) to read as follows:

(c) No project shall be funded with in lieu payments from losses that occurred outside the ~~[hydrologic unit code 8 watershed, as developed by the United States Geological Survey,]~~ ***service area*** in which the project is located. ***A service area may be a hydrologic unit code 8 watershed, as developed by the United States Geological Survey, or a modification of a hydrologic unit code 8 watershed by the department as approved by the United States Army Corps of Engineers.***

HB 1484, relative to fees for state parks. **OUGHT TO PASS.**

Rep. Peter S. Bolster for Resources, Recreation and Development: This bill establishes a time limit for decisions by the fiscal committee in approving time sensitive fee increases by state agencies such as state parks. A reasonable period of 60 days for action is created by this bill. Vote 16-0.

HB 1525-FN, repealing the wetlands and shorelands review fund. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter S. Bolster for Resources, Recreation and Development: Testimony from developers as well as regulators agreed that the present system of dedicated funds to support the administration of the department of environmental services was working well for all concerned and there was not evidence of abuse or arbitrary fines or fees. Vote 16-0.

HB 1540-FN, relative to conservation easements on public land. **INEXPEDIENT TO LEGISLATE.**

Rep. Judith T. Spang for Resources, Recreation and Development: There are many benefits to a municipality to own land with a conservation easement on it, including public recreation, protecting public water supplies or satisfying mitigation requirements when it builds on wetlands. However, easements require burdensome stewardship and monitoring that most municipalities don't want to do. Granting or selling the easement to a nonprofit land protection organization is the perfect solution, especially if it generates income for the municipality. Except for the sponsors, this bill was opposed by virtually everyone testifying. Vote 16-0.

HB 1557, directing the department of resources and economic development to develop a "Live Free or Die Bucks Program" to increase tourism spending. **INEXPEDIENT TO LEGISLATE.**

Rep. Winfred O. Hutchinson for Resources, Recreation and Development: The majority of the committee felt that although the stated goal of the bill is admirable, the substance of the test and testimony lacked any clear conclusion. The unanimous opinion was that subjecting the program to a "gold standard" was both unmanageable and uncertain. The idea has merit but not on the scale proposed. Vote 16-0.

HB 1210, applying the procedures of the eminent domain procedures act to cases of eminent domain concerning public utilities. **REFER FOR INTERIM STUDY.**

Rep. Frank R. Holden for Science, Technology and Energy: The goals of this bill will be accomplished through other legislative vehicles (for example, the possible House concurrence with the Senate-amended version of HB 648). There are multiple bills filed this session regarding eminent domain and utilities, including a potential study commission. The committee feels that this bill should be studied this summer. Vote 13-1.

HB 1288-FN, relative to protection of private property from the use of eminent domain. **REFER FOR INTERIM STUDY.**

Rep. Jacqueline A. Cali-Pitts for Science, Technology and Energy: This bill's basic intent is to prevent public utilities from using eminent domain over property by changing RSA 371.1. It was also stated that the bill brought RSA 371.1 into compliance with article 12 A of the constitution. The committee had many constitutional questions and felt the bill is worthy of further study. Vote 14-1.

HB 1558, requiring a certificate of public need for eminent domain. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank R. Holden for Science, Technology and Energy: The goals of this bill will be accomplished through other legislative vehicles (for example, the House concurrence with the Senate-amended version of HB 648). There are multiple bills filed this session regarding eminent domain and utilities, including a potential study commission. Vote 15-0.

HB 1473-FN-L, relative to the calculation and distribution of adequate education grants. **REFER FOR INTERIM STUDY.**

Rep. Lynne M. Ober for Special Committee on Education Funding Reform: This bill is a slight revision of HB 337, Chapter 258, Laws of 2011, which this House passed twice last year by overwhelming majorities. The bill calculates the base cost of adequacy using empirical, realistic standards and criteria derived from the state department of education promulgated minimum standards. It increases targeted aid over current law for all categories of targeted students and into the future, would allow significantly greater targeted aid than current law authorizes. However, recognizing the political reality that the Senate has shown no interest in revisiting the adequacy formula this year and not wishing to expend the valuable time of House members in a subtle exercise, the committee voted unanimously to recommend this bill for interim study. By doing so, this bill remains available as a vehicle for future legislative action on this important subject should a consensus emerge in both chambers of the General Court to improve current law. Vote 14-0.

HB 1717, apportioning county commissioner districts. **OUGHT TO PASS.**

Rep. David W. Hess for Special Committee on Redistricting: The committee unanimously adopted this apportionment of county commissioner districts. The deviation in all counties is now within the presumptively valid 10% standard, and required only very minor changes or no changes at all, in eight of the counties. Only Belknap County required a significant realignment with the towns of New Hampton and Sanbornton being joined with the City of Laconia. The committee heard no testimony and received no evidence in opposition to the final reapportionment plan as specified in the bill. Vote 14-0.

HB 1627, relative to communication between federal law enforcement officers and county sheriffs. **INEXPEDIENT TO LEGISLATE.**

Rep. Steven L. Cunningham for State-Federal Relations and Veterans Affairs: The committee heard two similar bills with the same essence. The committee used the other bill as the vehicle to address the intent of both sponsors. Therefore, this bill is redundant and unneeded. Vote 11-0.

HB 1701-FN, prohibiting New Hampshire from entering into or enforcing reciprocal agreements with other states to deny rights and privileges for nonpayment of taxes owed to another state. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lynne F. Blankenbeker for State-Federal Relations and Veterans Affairs: Currently New Hampshire citizens can suffer driver's license suspension for non-payment of income tax in other states under a reciprocal agreement. This bill seeks to remedy this injustice as some agreements (such as state income tax delinquency) cannot be reciprocal because New

Hampshire proudly still refrains from such a tax. A few necessary carve-out provisions were added in order to avoid violation of international fuel tax, registration plans, and uniform carrier registration systems under the Uniformed Carrier Registration Act of 2005. This bill enjoys approval from the New Hampshire DMV as well as received unanimous committee support. Vote 11-0.

Amendment (0692h)

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

1 New Chapter; Prohibition on Certain Reciprocity Agreements With Other States.

Amend RSA by inserting after chapter 12-M the following new chapter:

CHAPTER 12-N

**PROHIBITION ON CERTAIN RECIPROCITY AGREEMENTS
WITH OTHER STATES**

12-N:1 Prohibition on Certain Reciprocity Agreements With Other States. The state of New Hampshire is prohibited from entering into or enforcing reciprocal agreements with other states to deny rights and privileges for nonpayment of taxes owed to another state; provided, that this prohibition shall not apply to the following multi-jurisdictional reciprocal agreements and related taxes and fees:

(a) The international fuel tax agreement authorized pursuant to RSA 260:65-b.

(b) The international registration plan authorized pursuant to RSA 260:73.

(c) The Uniform Carrier Registration System as authorized by section 4305 of the federal Unified Carrier Registration Act of 2005, 49 U.S.C. section 14504a, as amended pursuant to RSA 21-P:4, XIV.

2 New Paragraph; Division of Motor Vehicles. Amend RSA 263:56-a by inserting after paragraph II the following new paragraph:

II-a. Under no circumstances shall the director suspend, revoke, or fail to renew a driver's license for failure to pay taxes to a state other than New Hampshire. The director, upon receipt of request by a driver, accompanied by substantial evidence that a New Hampshire driver license suspension is the result of an out-of-state conviction for failure to pay taxes or an offense not pursuant to New Hampshire state law shall either restore the driver's New Hampshire driving privilege or forward the request to the bureau of hearings for a hearing to evaluate the evidence.

3 Effective Date. This act shall take effect January 1, 2013.

AMENDED ANALYSIS

This bill prohibits New Hampshire from entering into or enforcing reciprocal agreements with other states to deny rights and privileges for nonpayment of taxes owed to another state. Three existing reciprocal agreements are excepted from this prohibition.

Referred to the Committee on Ways and Means.

***HB 1171*, updating certain references in motor vehicle statutes. OUGHT TO PASS.**

Rep. Sherman A. Packard for Transportation: This bill updates certain statutes in current New Hampshire law to mirror federal code. Vote 13-0.

***HB 1299-FN*, relative to permit fee transfer credits. INEXPEDIENT TO LEGISLATE.**

Rep. Robert W. Williams for Transportation: This bill specifies that permit fee transport credits be pro-rated on a daily basis. This is a bill that does not solve any existing problem while it creates several problems. It will create problems such as, the whole process will have to change, and implementation will increase state highway fund expenditures by \$315,000 in 2012. The NH Municipal Association states this bill will have an indeterminable impact on local revenue in 2012 and each year thereafter. Vote 13-0.

***HB 1310*, increasing the number of days a motorcycle learner's permit is valid. OUGHT TO PASS WITH AMENDMENT.**

Rep. Sherman A. Packard for Transportation: This bill increases the number of days a motorcyclist's learners permit is valid from 30 to 45 days. It will allow more time on road in case there is a lot of bad weather. Vote 14-0.

Amendment (0517h)

Amend the bill by replacing section 1 with the following:

1 Motorcycle Learner's Permit; Validity. Amend RSA 263:32, III to read as follows:

III. The permit shall be valid for ~~30~~ **45** days from the date of issuance or until the holder of the permit obtains a special license to drive motorcycles, whichever is sooner.

AMENDED ANALYSIS

This bill increases from 30 to 45 the number of days a motorcycle learner's permit is valid.

HB 1328, relative to vehicle operation with a stuck throttle or runaway engine. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John R. Cloutier for Transportation: The bill, as amended, would require that all driver education courses include instruction on dealing with a stuck throttle or runaway engine. Such instruction would hopefully prevent future vehicular accidents like the one that occurred in Newport in October 2010 when a motorist was killed by another motorist with a stuck throttle. The amendment deletes the bill's original stipulation that a motorist driving with a stuck throttle or runaway engine could be charged with negligent driving – a stipulation that the committee believed was too harsh. Vote 14-0.

Amendment (0559h)

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

AMENDED ANALYSIS

This bill requires that driver education include instruction on dealing with a stuck throttle or runaway engine.

HB 1398, relative to lighting on bicycles at night. **INEXPEDIENT TO LEGISLATE.**

Rep. John R. Cloutier for Transportation: This bill would modify the requirements for lighting on bicycles at night by eliminating the requirement for a red reflector on the bicycle's rear, visible from 300 feet of the rear when directly in front of the lawful upper beams of a motor vehicle's headlamp. A red light would still be mandated on the bicycle's rear though. The majority of the testimony indicated that the bill as written is not necessary, and would likely decrease the overall safety of bicyclists riding in the darkness. Vote 14-0.

HB 1447, relative to motorcycle number plates. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert W. Williams for Transportation: This bill requires that motorcycle number plates bear the "Live Free or Die" motto. The committee concluded that this bill was unnecessary. The department of safety is following current law which makes it mandatory that all passenger plates are to bear the motto. They are prepared, when there is the need for a new issue of motorcycle plates, to make them with "Live Free or Die" taking the place of the word "Motorcycle" on the current plate. The bill, if passed, would be an unneeded expense as it would require making new plates before the current inventory of plates is depleted. Vote 14-0.

HB 1556-FN, reducing fees related to reporting of charitable trusts. **INEXPEDIENT TO LEGISLATE.**

Rep. Patrick F. Abrami for Ways and Means: Current statute calls for charitable trusts, when established, to register with the attorney general for a fee of \$25. Any periodic written report required by statute to be filed with the attorney general shall be accompanied by a filing fee of \$75. This bill calls for the reduction of these fees to \$10 and \$35 respectively.

From the testimony, the committee could not find any compelling reason to lower these fees. Testimony indicated that programs supported by these fees were important and the services provided excellent. With this the committee unanimously agreed to keep the current fees unchanged. Vote 20-0.

REGULAR CALENDAR

HB 1361*, prohibiting generic fiscal notes on bills. **OUGHT TO PASS WITH AMENDMENT.*

Rep. Seth Cohn for Constitutional Review and Statutory Recodification: The committee agreed with the intent of the bill to address fiscal notes that fail to provide adequate information, but disagreed with a solution that put what ought to be House Rules into statute. As amended, this bill simply prohibits legislative budget office from providing fiscal notes that are “awaiting more agency information.” The finance committee will, we hope, further refine this effort to improve fiscal notes moving forward. Vote 8-2.

Amendment (0499h)

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

AN ACT relative to fiscal notes on bills.

Amend the bill by replacing section 1 with the following:

1 Fiscal Notes on Bills. Amend RSA 14:46, IV to read as follows:

IV. The fiscal note for any bill with a fiscal impact shall be prepared and incorporated prior to the introduction of the bill or resolution. ***A fiscal note containing words to the effect of “the office of legislative budget assistant is unable to complete a fiscal note for this bill as it is awaiting information from an agency or agencies” shall not satisfy the requirements of this paragraph.***

AMENDED ANALYSIS

This bill clarifies the language which is permissible on a fiscal note to a bill.

Amendment adopted.

Committee report adopted.

Referred to the Committee on Legislative Administration.

HB 1444*, prohibiting certain state employees from wearing fragrances. **INEXPEDIENT TO LEGISLATE.*

Rep. Paul E. Brown for Constitutional Review and Statutory Recodification: The majority felt that this bill has some merit in that certain people are allergic to fragrances. However, there could be a constitutional conflict between the rights of the employee and the possible health effects of an occasional customer contact with an allergy. We must be mindful that though we are an employer we are also the State. Vote 8-3.

Committee report adopted.

HB 1560*, relative to the interstate Health Care Compact. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.*

Rep. Seth Cohn for the Majority of Constitutional Review and Statutory Recodification: A compact is a constitutionally permitted method for states to cooperate together (Article I, Section 10), with the full permission and direct authorization of congress making the compact into federal law. This particular compact requires that the states pledge to “improve health care policy,” taking the “primary responsibility to regulate health care”, and in return, congress will grant explicit permission to the states to experiment with different approaches to comprehensive health care programs and to fund those programs with federal money. Congress would also authorize the suspension of federal health care regulations by the state legislature if the regulations are in conflict with the state’s new improvements. This compact recognizes that New Hampshire’s health care needs are best solved by those here in New Hampshire, and not by Washington DC regulators trying to force all 50 states

into the same one-size-fits-all solution. Understanding that this bill simply asks the United States Congress to vote to give New Hampshire and other states that have passed this compact language an option in crafting their own innovative health care programs – or accepting existing and new federal healthcare proposals – and that since congressional approval controls the entire process, the majority felt that there were no constitutional issues. Vote 7-4.

Rep. Christopher W. Serlin for the Minority of Constitutional Review and Statutory Recodification: The minority believes this bill has numerous logical and constitutional flaws. The language of HB 1560 allows member states to suspend federal laws, rules and equalities relating to healthcare. The minority believes this compact and the parts granted to member states via its language would be unconstitutional based on the supremacy chapter of our US Constitution; and if federal laws were suspended in a member's state, citizens would be treated un-equally under federal law depending on their state of residence, in violation of the US Constitution's guarantee of due process and equal protection, and as such the minority recommends ITL.

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

Rep. Itse spoke in favor and yielded to questions.

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

YEAS 253 NAYS 92

YEAS 253

BELKNAP

Accornero, Harry	Bolster, Peter	Comtois, Guy	Fields, Dennis
Flanders, Donald	Greemore, Robert	Kingsbury, Robert	Luther, Robert
Millham, Alida	Russell, David	Simpson, Tyler	St. Cyr, Jeffrey
Swinford, Elaine	Tilton, Franklin	Worsman, Colette	

CARROLL

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

CHESHIRE

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

COOS

Daugherty, Duffy	Rappaport, Laurence	Remick, William	Richardson, Herbert
Tholl, John Jr			

GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Gionet, Edmond
Ingbretson, Paul	Ladd, Rick Jr	Mirski, Paul	Reilly, Harold Sr
Shackett, Jeffrey	Simard, Paul	Sorg, Gregory	Sova, Charles

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, J. Gail
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Barry, Richard
Bergevin, Jerry
Burt, John

Christiansen, Lars
Cusson-Cail, Kathleen
Drisko, Richard
Gandia, Laura
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
LeBrun, Donald
McClarren, Donald
Moran, Edward
Palmer, Barry
Pepino, Leo
Reed, Michael
Scotsas, Lisa
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Willette, Robert

Beattie, Thomas
Boehm, Ralph
Buxton, Michael

Coffey, James
Daniels, Gary
Erickson, Duane
Graham, John
Hardwick, Harry
Hogan, Edith
Jasper, Shawn
Maltz, Jonathan
McGuinness, Sean
Notter, Jeanine
Palmer, Stephen
Peterson, Lenette
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve

Belanger, James
Brown, Kevin
Cebrowski, John

Condra, William
Doherty, Shaun
Fredette, Robert
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Krasucki, Joseph
Marcus, Bruce
Mecheski, Holly
Ober, Russell III
Parison, James
Pratt, Calvin
Robbins, David
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Belvin, William
Brownrigg, Randall Jr
Christensen, D.L.
Chris
Coughlin, Sean
Donovan, Daniel
Gagne, Larry
Haefner, Robert
Hikel, John
Holden, Frank
Lambert, George
McCarthy, Michael
Messier, Irene
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Twombly, Timothy
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Hess, David
Kotowski, Frank
Lockwood, Priscilla
Reed, Dennis
Smith, Todd

Coffey, Jennifer
Hill, Gregory
Kreis, Kenneth Sr
McGuire, Carol
Sanborn, Laurie
Soltani, Tony

Cohn, Seth
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Seaworth, G. Brian
Winter, Steven

Giuda, J. Brandon
Keane, Thomas
Lindsley, Mark
Palfrey, David
Smith, Molly

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Comerford, Timothy
Duarte, Joe
Garcia, Marilinda
Hoelzel, Kathleen
Kappler, Lawrence
Major, Norman
McMahon, Charles
Packard, Sherman
Quandt, Marshall
Rice, Frederick
Schroadter, Adam
Sullivan, Kevin
Tremblay, Stella
Welch, David

Allen, Mary
Bates, David
Brown, Paul
Davenport, Joshua
Elliott, Robert
Garrity, James
Introne, Robert
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Peckham, Michele
Quandt, Matt
Ritter, Glenn
Shuler, Wyman III
Sytek, John
Ward, Joanne
Weyler, Kenneth

Antosz, Jason
Belanger, Ronald
Charron, Gene
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary
Itse, Daniel
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Perkins, Amy
Reagan, John
Sanders, Elisabeth
Smith, William
Tamburello, Daniel
Waterhouse, Kevin

Azarian, Gary
Bettencourt, David
Chirichiello, Brian
Devine, James
Fesh, Robert
Headd, James
Janvrin, Kevin
Lundgren, David
McKinney, Betsy
Okerman, Richard
Perkins, Lawrence
Reichard, Kevin
Sapareto, Frank
Sullivan, James
Tasker, Kyle
Webb, James

STRAFFORD

Berube, Roger
Groen, Warren

Brown, Julie
Jones, Kyle

Cataldo, Sam
Jones, Laura

DeLemus, Susan
Larsen Schultz,
Kirsten

Leonard, Frederick Jr
Parsons, Robbie
Weeden, Michael

Munck, Philip
Pitre, Joseph

Newton, Clifford
Vita, Carol

O'Connor, William
Vita, Lucien

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 92

BELKNAP

Pilliod, James

Tobin, William

CARROLL

None

CHESHIRE

Butynski, William
Lerandeau, Alfred
Sad, Tara

Chase, Cynthia
Meader, David
Tatro, Bruce

Hawkes, Samuel
Parkhurst, Henry
Weber, Lucy

Johnsen, Gladys
Roberts, Kris
Weed, Charles

COOS

Coulombe, Gary
Tremblay, Marc

Merrick, Evalyn

Theberge, Robert

Thomas, Yvonne

GRAFTON

Aguiar, James
Harding, Laurie
Smith, Suzanne

Almy, Susan
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pastor, Beatriz
White, Andrew

Gould, Franklin
Pierce, David

HILLSBOROUGH

Baroody, Benjamin
Gimas, John
Katsiantonis, Thomas
Porter, Marjorie
Sullivan, Daniel

Cote, David
Goley, Jeffrey
Kurk, Neal
Rhodes, Brian

Daler, Jennifer
Gorman, Mary
Long, Patrick
Rosenwald, Cindy

Gidge, Kenneth
Jeudy, Jean
Pilotte, Maurice
Shaw, Barbara

MERRIMACK

Bouchard, Candace
Frazer, June
Owen, Derek
Richardson, Gary
Williams, Robert

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

DeStefano, Stephen
Kidder, David
Potter, Frances
Wallner, Mary Jane

Foose, Robert
MacKay, James
Rice, Chip
Watrous, Rick

ROCKINGHAM

Cali-Pitts, Jacqueline
Moody, Marcia
Read, Robin Jr

Copeland, Timothy
Nevins, Chris
Schlachman, Donna

DiPentima, Rich
Norelli, Terie
Waddell, James

Lovejoy, Patricia
Pantelakos, Laura

STRAFFORD

Browne, Brendon
Kaen, Naida
Spainhower, Dale
Watters, David

Ginsburg, Philip
Perry, Robert
Spang, Judith

Grassie, Anne
Roberts, Jenna
Sprague, Dale

Horrigan, Timothy
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John Gagnon, Raymond Lefebvre, Benjamin Schmidt, Andrew
and the majority committee report was adopted.
Referred to the Committee on Commerce and Consumer Affairs.

HB 1128, relative to reports of failed breath tests when using an ignition interlock device.
MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Larry G. Gagne for the Majority of Criminal Justice and Public Safety: This bill requires that ignition interlock device rules require interlock service providers to report failures to pass the breath test to the prosecutor or prosecuting agency, treatment provider, probation officer and defense attorney by means of authorizing the interlock provider to provide these entities with secure electronic access to the data via the interlock provider's web-based portal. Vote 8-4.

Rep. Mark Warden for the Minority of Criminal Justice and Public Safety: The minority believes the amended bill is flawed on two fronts. One, it appears to grant more leeway to the department in instituting rules for data reporting. Secondly, we have serious concerns over privacy, as information on failed interlock tests would be distributed to people outside the justice system, possibly before the alleged violation has been proved.

Majority Amendment (0425h)

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

AN ACT relative to ignition interlock device recalibration and data reports.

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

1 Ignition Interlock Program Rules; Recalibration. Amend RSA 265-A:36, VI(a) to read as follows:

(a) Provide recalibration of each device within 30 days of installation and every 60 days thereafter, unless otherwise ordered by the court, ***or every 180 days when an enhanced technology ignition interlock device is being used;***

2 Ignition Interlock Program Rules; Reporting Failures to Pass Breath Test. Amend RSA 265-A:36, VI(e)-(f) to read as follows:

(e) Provide installation and service to those offenders determined by the court to be unable to pay the full cost of an interlock program by reserving for this purpose a hardship credit equal to 2 percent of the service provider's gross receipts, excluding the purchase or rental cost of the interlock device, which credit and free service shall be reported annually to the department; ~~and~~

(f) Provide a certificate of installation to the vehicle's owner upon installation of the device in a form to be determined by the department's interlock rules; ***and***

(g) Provide reports to the department when data specified in department rules becomes available. The department shall make data from the reports available to the appropriate prosecutor, prosecuting agency, treatment provider, probation officer, and defense attorney by means of authorizing the interlock provider to provide these entities with secure electronic access to the data via the interlock provider's web-based portal.

3 New Section; Definition Added; Enhanced Technology Ignition Interlock Device. Amend RSA 259 by inserting after section 28-a the following new section:

259:28-b Enhanced Technology Ignition Interlock Device. “Enhanced technology ignition interlock device” shall mean an ignition interlock device equipped with a camera and which is capable of transmitting data as events occur.

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

AMENDED ANALYSIS

This bill establishes recalibration requirements for enhanced technology ignition interlock devices and requires that ignition interlock device rules require interlock service providers to report data specified in the rules and make it available through a secure web-based portal.

Majority committee amendment adopted.

On a division vote, 197 members having voted in the affirmative and 143 in the negative, the majority committee report was adopted and ordered to third reading.

(Rep. Jasper in the Chair)

HB 1179, imposing an extended term of imprisonment for assault against a health care worker. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark Warden for Criminal Justice and Public Safety: The committee heard testimony from nurses and other emergency medical providers who have been assaulted by patients. It appears there is a problem, but the committee majority feels this legislation is not the solution. There are already penalties for the crime of assault and there is flexibility in sentencing for the worst offenders. Vote 8-4.

Rep. Jennifer Coffey spoke against and yielded to questions.

Rep. Swinford spoke in favor.

On a division vote, 209 members having voted in the affirmative and 134 in the negative, the committee report was adopted.

(Speaker O'Brien in the Chair)

HB 1352, relative to citizen complaints against a police officer. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry G. Gagne for Criminal Justice and Public Safety: This bill specifies a procedure for reporting complaints against a police officer. The majority of the committee felt that this bill, if enacted, would be an unnecessary interference with the management function of cities and towns. There is already a process in place for complaints to be handled. There are either personnel rules, collective bargaining requirements or statutory procedures that outline how personnel issues are handled. Any citizen can make a complaint. If they don't feel satisfied with how matters are addressed they can go to their local elected officials at the local level. Vote 8-4.

Rep. Sapareto spoke against and yielded to questions.

Reps. Soltani and Gagne spoke in favor

On a division vote, 269 members having voted in the affirmative and 78 in the negative, the committee report was adopted.

HB 1511-FN, relative to felons possessing firearms. **OUGHT TO PASS.**

Rep. Kyle J. Tasker for Criminal Justice and Public Safety: This bill is the least we can do to rectify a situation that exists for rehabilitated felons. Even holding a steak knife is a felony under current statute. Federal statutes more than cover any situation. Vote 11-5.

Rep. Welch moved Recommit, spoke in favor and yielded to questions.

Adopted.

Recommitted to the Committee on Criminal Justice and Public Safety.

HB 1162, establishing a committee to study the effects of compulsory school attendance on children and families. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Ralph G. Boehm for the Majority of Education: This bill creates a committee consisting of three representatives and three senators. The report of this committee is due in November 2012. This itself makes the bill not feasible, due to the amount of work needed. Also compulsory attendance teaches a regimen for life, preparing students for the real world. In school subjects, if some students attend and some don't then classes would be disrupted. We do not need another committee. Vote 14-2.

Rep. J. R. Hoell for the Minority of Education: Our compulsory attendance statutes are over 100 years old, and the education system has changed significantly over that time period. Our current system fulfills the education and instruction, but may, in fact, be detrimental to the other goal which is to develop a love for learning. This committee would be empowered to review both the beneficial effects and any potential detrimental effects to requiring children to be forced to participate in the government education system. Majority committee report adopted.

***HB 1559*, relative to political committees. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Alfred P. Baldasaro for the Majority of Election Law: This bill sought to modify the definition of a "political committee" in RSA 664:2 to specifically include "any organization that does not have as its major purpose promoting, defeating, or influencing candidate elections..." That proposed language directly violates the standard established for the definition of political committee in the US Supreme Court decision for Buckley v. Valeo. In that case, the court held that in order for an organization to be designated a political committee; it must have "the major purpose" of supporting or opposing a candidate. In light of that case law it appears that the language in this bill would clearly be unconstitutional. Therefore, by a bipartisan vote, the majority of the committee determined that this bill is inexpedient to legislate. Vote 14-2.

Rep. Robert J. Perry for the Minority of Election Law: The intent of this bill is to modify the definition of political committee in order to capture the non-profit organizations whose purpose was historically not related primarily to campaign spending, but whose campaign spending has significantly increased over time. To date, these organizations have escaped regulation, especially in the form of not having to disclose the source of the money. This is especially important information to be revealed, given the January, 2010 Supreme Court ruling in Citizens United v Federal Elections Commission unleashing unlimited funding of campaigns through third-party organizations. Toward that end, the definition of political parties is expanded through this bill to include any organization that does not have as its major purpose promoting, defeating, or influencing candidate elections, but that receives contributions or makes expenditures aggregating more than \$5000 in a calendar year for the purpose of promoting, defeating, or influencing, in any way, the nomination or election of any candidate to political office.

Majority committee report adopted.

***HB 1684-FN-A*, relative to campaign contributions and expenditures. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Alfred P. Baldasaro for the Majority of Election Law: This bill proposes to implement a massive new government controlled system to regulate the financing of campaigns for the election of governor, executive council and state senate candidates. The bill provides no mechanism to provide the millions of dollars that would be required for the state to offer public funding of elections. When asked where these revenues would come from, the sponsor suggested implementing a new surcharge on tickets for motor vehicle violations. Although not authorized by the bill, it is clear that some new fee or tax would be required to fund this program. In addition to the obvious problem with the lack of funding, the proposed plan does not even begin to provide a solution for the problem the sponsor sees with the influence exerted on elections by third party organizations. Adopting a program where candidates

limit their campaign spending to the amount of funds provided by the government would exacerbate the disparity that now exists between the money raised and spent by candidates and the independent expenditures made by super-PACs or other third party organizations. Vote 10-6.

Rep. Robert J. Perry for the Minority of Election Law: This bill, when fully implemented, would create the fourth-in-the-nation Clean Elections Law, allowing voters to take ownership of the elections process. It establishes various revenue streams and a fund into which these monies would be held for the campaign expenses of qualifying candidates for governor, councilor, and state senator. When \$1.5 million is reached, it would trigger implementation of the race for executive council; when \$8 million is attained, the race for governor and state senator would be implemented. This bill is modeled after a similar law enjoying 11 years of success in the State of Maine, the first state to pass such a law, which its residents have found important enough to continue funding, despite the hardships derived from the Great Recession. However, unlike the Maine law, HB 1684 does not require monies be expended from the general fund. Since our courts have ruled that these programs be voluntary, HB 1684 is no exception. The Supreme Court ruling in *Citizen's United v Federal Elections Commissions* opens the floodgates to unlimited independent campaign spending. The response to *Citizens United* has been an enormous increase in campaign spending – therefore influence – by third party organizations. Passage of this bill is but one important step in adapting to the daunting consequences of the ruling; in closing the disparity between wealthy and non-wealthy candidates; in breaking the connection between donors and political favors; and, as importantly, in creating an atmosphere of confidence and trust in our elections process.

Majority committee report adopted.

HR 20, urging the federal government to allow the cultivation of hemp for industrial purposes. **OUGHT TO PASS.**

Rep. Derek Owen for Environment and Agriculture: For many years, this House has been considering the growing of hemp as a niche farm crop in the state. Hemp is not marijuana. It is a multi-purpose crop which can be made into balms, oils, fiber (the strongest natural fiber known to man), foods and plastics. Industrial hemp is commercially produced in over 30 countries without any adverse consequences, and 28 states have considered and 15 states have enacted legislation on hemp. The continued reluctance of the United States Drug Enforcement Administration to permit industrial hemp farming is denying New Hampshire farmers the ability to benefit from a high-value, low-input crop, which can provide significant economic benefits to producers and manufacturers alike. Hemp is not marijuana. This resolution will urge the Congress of the United States to remove the existing barriers imposed by the federal government, enabling our state to regulate the commercial production of hemp. Vote 13-1.

Rep. Byrnes requested a roll call; not sufficiently seconded.

On a division vote, 260 members having voted in the affirmative and 41 in the negative, the committee report was adopted and ordered to third reading.

HB 1154, establishing a committee to study the management structure of state government. **REFER FOR INTERIM STUDY.**

Rep. Spec Bowers for Executive Departments and Administration: The bill would create a committee to examine the management structure of the state, prepare an organization chart, and possibly recommend changes to reduce overhead. The committee decided that these functions fell entirely within the scope of the ED&A committee. Rather than asking the House, Senate, and Governor to create a committee, it is far simpler for ED&A to assign an existing subcommittee to do the work as an interim study project. Vote 13-1.

Committee report adopted.

HB 1281, establishing a committee to study alternative medical insurance coverage for elected state officials. **OUGHT TO PASS.**

Rep. Randall A. Whitehead for Executive Departments and Administration: This bill establishes a committee to study alternative medical insurance coverage for elected state officials, with the intent to offer a less expensive and more beneficial health care option for active and former elected officials. Vote 10-3.

Committee report adopted and ordered to third reading.

HB 1686-FN, relative to state contracts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth Hawkins for Executive Departments and Administration: This bill requires that all state contracts awarded by RFP's to be posted on the state website after the bid is awarded. Currently a person can request the information under 91-A, but it becomes a lengthy project. This way the unsuccessful bidder(s) can look and see the difference between their bid and the winning bid. The amendment adds \$4,000 to the bill to buy laptops for the Executive Councilors so that they can receive information needed for their meeting electronically, thus starting to eliminate over one million pieces of paper that are used today. Vote 11-3.

Amendment (0643h)

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

AN ACT relative to state contracts and making an appropriation therefor.

Amend the bill by replacing all after section 1 with the following:

2 Appropriation. There is hereby appropriated the sum of \$4,000 for the biennium ending June 30, 2013, to the department of administrative services to provide computer equipment to the governor and council for the purposes of section 1 of this act. This appropriation shall be in addition to any other appropriations to the department and shall be nonlapsing. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 2012.

AMENDED ANALYSIS

This bill requires all contracts entered into by the state as a result of requests for proposals to be posted on the state transparency website. The bill makes an appropriation for the purposes of the bill.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 1534-FN, repealing the self-funding of the department of labor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Steve Vaillancourt for Finance: Last year, in an attempt to save approximately \$1.4 million in general fund expenditures, the state decided to have the department of labor self-funded by fees and fines. The majority, while casting no aspersions on the department of labor which assured us it would operate within its budget either way, is convinced that in order to provide more openness in government and greater scrutiny on the department budget we should return to funding through the traditional general fund source. It must be stressed that fees and fines were not increased to bring in additional funds this past year but there was some perception that was in fact the case. In terms of funds spent to administer the department, this bill will have no direct impact. General fund revenue and expenditures will increase by \$1.4 million; restricted fund revenue and expenses will decrease by \$1.4 million. The amendment merely corrects a drafting error. Vote 19-5.

Amendment (0359h)

Amend paragraph II of section 14 of the bill by replacing it with the following:

II. RSA 6:12, I(b)(306), relative to the department of labor restricted fund.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 1666-FN, relative to state employee benefits. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Neal M. Kurk for the Majority of Finance: This bill deals with the financial aspects of the state's workforce. As passed by the House on first referral, it would have limited employee benefits to a percentage of salary. On second referral, the Finance committee, found this approach problematic and amended the bill to require legislative approval of any collective bargaining contract entered into by the state. This approach is similar to the one established for political subdivisions, where the town meeting, county delegation or school district meeting is the legislative body that must approve labor contract cost items. Vote 18-6.

Rep. Benjamin C. Baroody for the Minority of Finance: As amended, HB 1666-FN is an entirely different bill than introduced. The amendment was presented in executive session with no opportunity for public comment on this expansive change. There was no fiscal note presented for the amended bill which we believe could be substantial. As amended, HB 1666-FN would require the legislature to approve all collective bargaining agreements entered into by the state but does not provide a prescribed vehicle or process in which the approval would be vetted and voted on. There are currently eight collective bargaining agreements associated with Executive Branch employees, all of which can reach agreement on dates independent of each other, the legislative budget cycle and full legislative session. HB 1666-FN does not address the certainty that such agreements contain binding effective dates and obligations on both the employer and employee representative that will not fall within the customary timeframes for which the legislature meets. As such, the additional approval level created by this bill is likely to result in significant, if not insurmountable, recalculations of collectively bargained compensation or benefit changes, including those that involve third party state contractors. Additionally, this new approval level will require the full legislature to convene for this purpose - potentially at eight different times every biennium. RSA 273-A:3 already provides legislative approval for cost items and ensures that our budget process is directly connected with the approval process. HB 1666-FN could require taxpayers to incur the cost of bringing the full legislature back into session, up to eight separate times, if the agreements were not submitted for approval within a normal legislative session day. It is also noteworthy that HB 1666-FN does not address in which vehicle the approval process would come to the legislature: would a bill be filed or a resolution; would a public hearing be needed; how would we ensure public notice and transparency?

Majority Amendment (0662h)

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

AN ACT relative to legislative approval of collective bargaining agreements entered into by the state.

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

1 New Section; Legislative Approval Required. Amend RSA 273-A by inserting after section 3 the following new section:

273-A:3-a Legislative Approval Required. Every collective bargaining agreement entered into by the state shall be approved by the legislature before it can take effect.

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

AMENDED ANALYSIS

This bill requires legislative approval of any collective bargaining agreement entered into by the state.

Rep. Baroody moved Recommit and spoke in favor.

Rep. Weyler spoke against and yielded to questions.

Rep. Foose requested a roll call; sufficiently seconded.

YEAS 125 NAYS 229

YEAS 125

BELKNAP

None

CARROLL

Knox, J. David

CHESHIRE

Butynski, William
Lerandeau, Alfred
Sad, Tara

Chase, Cynthia
Meador, David
Tatro, Bruce

Hawkes, Samuel
Parkhurst, Henry
Weber, Lucy

Johnsen, Gladys
Roberts, Kris
Weed, Charles

COOS

Coulombe, Gary
Tholl, John Jr

Merrick, Evalyn
Thomas, Yvonne

Remick, William
Tremblay, Marc

Theberge, Robert

GRAFTON

Aguiar, James
Harding, Laurie
Pastor, Beatriz
White, Andrew

Almy, Susan
Ladd, Rick Jr
Pierce, David

Cooney, Mary
Mirski, Paul
Smith, Suzanne

Gould, Franklin
Nordgren, Sharon
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Gandia, Laura
Goley, Jeffrey
Katsiantonis, Thomas
Pepino, Leo
Ramsey, Peter
Shaw, Barbara

Buxton, Michael
Daler, Jennifer
Garrity, Patrick
Gonzalez, Carlos
Leishman, Peter
Pilotte, Maurice
Rhodes, Brian
Sullivan, Daniel

Campbell, David
Day, Russell
Gidge, Kenneth
Gorman, Mary
Long, Patrick
Porter, Marjorie
Rokas, Ted

Coffey, James
Fredette, Robert
Gimas, John
Jeudy, Jean
Moran, Edward
Proulx, Mark
Rosenwald, Cindy

MERRIMACK

Bouchard, Candace
Frazer, June
Lockwood, Priscilla
Potter, Frances
Shurtleff, Stephen
Williams, Robert

Deloge, Helen
Gile, Mary
Mackay, James
Rice, Chip
Soltani, Tony

DeStefano, Stephen
Hamm, Christine
Owen, Derek
Richardson, Gary
Wallner, Mary Jane

Foos, Robert
Kidder, David
Patten, Dick
Seaworth, G. Brian
Watrous, Rick

ROCKINGHAM

Cali-Pitts, Jacqueline
Garcia, Marilinda
Moody, Marcia
Perkins, Lawrence
Schlachman, Donna

Chirichiello, Brian
Hagan, Joseph
Norelli, Terie
Quandt, Marshall
Waddell, James

Copeland, Timothy
Janvrin, Kevin
Pantelakos, Laura
Quandt, Matt
Webb, James

DiPentima, Rich
Lovejoy, Patricia
Perkins, Amy
Read, Robin Jr

STRAFFORD

Berube, Roger
Grassie, Anne
Perry, Robert
Spang, Judith

Brown, Julie
Horrigan, Timothy
Roberts, Jenna
Sprague, Dale

Browne, Brendon
Kaen, Naida
Schmidt, Peter
Wall, Janet

Ginsburg, Philip
Munck, Philip
Spainhower, Dale
Watters, David

SULLIVAN

Cloutier, John
Rodeschin, Beverly

Gagnon, Raymond
Schmidt, Andrew

Lefebvre, Benjamin

Lovett, Charlene

NAYS 229

BELKNAP

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

Bolster, Peter
Greemore, Robert
Pilliod, James
Swinford, Elaine

Comtois, Guy
Kingsbury, Robert
Russell, David
Tilton, Franklin

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

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Babson, David Jr
McConkey, Mark
Scala, Dino

Chandler, Gene
Merrow, Harry
Schmidt, Stephen

Fleck, Joseph
Patten, Betsey
Tregenza, Norman

CHESHIRE

Byrnes, John
Johnson, Jane

Cartwright, Anne
Moore, Robert Jr

Dwinell, Richard
Sterling, Franklin Jr

Hunt, John

COOS

Daugherty, Duffy

Rappaport, Laurence
Richardson, Herbert

GRAFTON

Bradley, Lester
Ingbretson, Paul
Sorg, Gregory

Brosseau, Charles
Reilly, Harold Sr
Sova, Charles

Bulis, Lyle
Shackett, Jeffrey

Gionet, Edmond
Simard, Paul

HILLSBOROUGH

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Bergevin, Jerry
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Balboni, Michael
Beattie, Thomas
Boehm, Ralph
Cebrowski, John

Ball, J. Michael
Belanger, James
Brown, Kevin
Christensen, D.L.
Chris

Barry, J. Gail
Belvin, William
Brownrigg, Randall Jr
Christiansen, Lars

Condra, William

Coughlin, Sean

Cusson-Cail,
Kathleen
Drisko, Richard
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Krasucki, Joseph

Daniels, Gary

Doherty, Shaun
Gagne, Larry
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred

Donovan, Daniel
Graham, John
Hardwick, Harry
Hogan, Edith
Jasper, Shawn

Erickson, Duane
Haefner, Robert
Hikel, John
Holden, Frank
Kurk, Neal

Lambert, George
McClarren, Donald
Notter, Jeanine
Palmer, Barry
Peterson, Lenette
Robbins, David
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

LeBrun, Donald
McGuinness, Sean
Ober, Lynne
Palmer, Stephen
Pratt, Calvin
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Twombly, Timothy
Whitehead, Randall

Maltz, Jonathan
Mecheski, Holly
Ober, Russell III
Parison, James
Reed, Michael
Scontsas, Lisa
Soucy, Connie
Swank, Matthew
Ulery, Jordan
Willette, Robert

McCarthy, Michael
Messier, Irene
Ohm, Bill
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Vaillancourt, Steve

MERRIMACK

Blankenbeker, Lynne
Hess, David
Kotowski, Frank
McGuire, Carol
Sanborn, Laurie

Coffey, Jennifer
Hill, Gregory
Kreis, Kenneth Sr
McGuire, Dan
Smith, Molly

Cohn, Seth
Hoell, J.R.
Lauer-Rago, Kathleen
Palfrey, David
Smith, Todd

Giuda, J. Brandon
Keane, Thomas
Lindsley, Mark
Reed, Dennis
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Davenport, Joshua
Elliott, Robert
Griffin, Mary
Itse, Daniel
Lundgren, David
McKinney, Betsy
O'Connor, John
Reagan, John
Sanders, Elisabeth
Smith, William
Tamburello, Daniel
Waterhouse, Kevin

Allen, Mary
Bates, David
Brown, Paul
DeSimone, Debra
Ferrante, Beverly
Headd, James
Kappler, Lawrence
Major, Norman
McMahon, Charles
Okerman, Richard
Reichard, Kevin
Sapareto, Frank
Sullivan, James
Tasker, Kyle
Welch, David

Antosz, Jason
Belanger, Ronald
Charron, Gene
Devine, James
Fesh, Robert
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Rice, Frederick
Schroadter, Adam
Sullivan, Kevin
Tremblay, Stella
Weyler, Kenneth

Azarian, Gary
Bettencourt, David
Comerford, Timothy
Duarte, Joe
Garrity, James
Introne, Robert
Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Peckham, Michele
Ritter, Glenn
Shuler, Wyman III
Sytek, John
Ward, Joanne

STRAFFORD

Cataldo, Sam
Jones, Laura

DeLemus, Susan
Larsen Schultz,
Kirsten
Parsons, Robbie
Weeden, Michael

Groen, Warren
Leonard, Frederick Jr

Jones, Kyle
Newton, Clifford

O'Connor, William
Vita, Lucien

Pitre, Joseph

Vita, Carol

SULLIVAN

Bowers, Spec
Laware, Thomas
and the motion failed.

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Smith, Steven

LaCasse, Paul Sr

Majority committee amendment adopted.

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

Rep. Kurk spoke in favor and yielded to questions.

Rep. Baroody spoke against and yielded to questions.

Rep. Weyler spoke in favor.

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

YEAS 232 NAYS 119

YEAS 232

BELKNAP

Accornero, Harry
Greemore, Robert
Russell, David
Worsman, Colette

Comtois, Guy
Kingsbury, Robert
Simpson, Tyler

Fields, Dennis
Luther, Robert
Tilton, Franklin

Flanders, Donald
Pilliod, James
Tobin, William

CARROLL

Babson, David Jr
McConkey, Mark
Scala, Dino

Chandler, Gene
Merrow, Harry
Schmidt, Stephen

Fleck, Joseph
Patten, Betsey
Tregenza, Norman

McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

CHESHIRE

Byrnes, John
Johnson, Jane

Cartwright, Anne
Moore, Robert Jr

Dwinell, Richard
Sterling, Franklin Jr

Hunt, John

COOS

Daugherty, Duffy

Rappaport, Laurence

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Ingbretson, Paul
Sorg, Gregory

Brosseau, Charles
Mirski, Paul
Sova, Charles

Bulis, Lyle
Reilly, Harold Sr

Gionet, Edmond
Simard, Paul

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Bergevin, Jerry
Burt, John

Balboni, Michael
Beattie, Thomas
Boehm, Ralph
Cebrowski, John

Ball, J. Michael
Belanger, James
Brown, Kevin
Christensen, D.L.
Chris

Barry, J. Gail
Belvin, William
Brownrigg, Randall Jr
Christiansen, Lars

Coffey, James
Daniels, Gary
Erickson, Duane
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
Krasucki, Joseph
Maltz, Jonathan
Messier, Irene
Ober, Russell III
Parison, James
Pratt, Calvin
Scotsas, Lisa
Soucy, Connie
Terrio, Ross
Vaillancourt, Steve

Condra, William
Doherty, Shaun
Fredette, Robert
Haefner, Robert
Hikel, John
Holden, Frank
Kurk, Neal
McClarren, Donald
Moran, Edward
Ohm, Bill
Pellegrino, Tony
Reed, Michael
Seidel, Carl
Souza, Kathleen
Thomas, Joseph
Villeneuve, Moe

Coughlin, Sean
Donovan, Daniel
Gagne, Larry
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Lambert, George
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Renzullo, Andrew
Silva, Peter
Stepanek, Stephen
Twombly, Timothy
Whitehead, Randall

Cusson-Cail, Kathleen
Drisko, Richard
Graham, John
Hardwick, Harry
Hogan, Edith
Jasper, Shawn
LeBrun, Donald
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Rowe, Robert
Simmons, Tammy
Swank, Matthew
Ulery, Jordan
Willette, Robert

MERRIMACK

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

ROCKINGHAM

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

STRAFFORD

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

SULLIVAN

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

NAYS 119

BELKNAP

Bolster, Peter	Millham, Alida	St. Cyr, Jeffrey
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CARROLL

Ahlgren, Christopher	Knox, J. David
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CHESHIRE

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

COOS

Coulombe, Gary
Tremblay, Marc

Merrick, Evalyn

Theberge, Robert

Thomas, Yvonne

GRAFTON

Aguiar, James
Harding, Laurie
Pierce, David
White, Andrew

Almy, Susan
Ladd, Rick Jr
Shackett, Jeffrey

Cooney, Mary
Nordgren, Sharon
Smith, Suzanne

Gould, Franklin
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Daler, Jennifer
Gidge, Kenneth
Gorman, Mary
Long, Patrick
Proulx, Mark
Rokas, Ted
Sullivan, Daniel

Buxton, Michael
Day, Russell
Gimas, John
Jeudy, Jean
McCarthy, Michael
Ramsey, Peter
Rosenwald, Cindy

Campbell, David
Gandia, Laura
Goley, Jeffrey
Katsiantonis, Thomas
Pilotte, Maurice
Rhodes, Brian
Shaw, Barbara

Cote, David
Garrity, Patrick
Gonzalez, Carlos
Leishman, Peter
Porter, Marjorie
Robbins, David
Stroud, Kathleen

MERRIMACK

Bouchard, Candace
Frazer, June
MacKay, James
Rice, Chip
Watrous, Rick

Deloge, Helen
Gile, Mary
Owen, Derek
Richardson, Gary
Williams, Robert

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

Foose, Robert
Lockwood, Priscilla
Potter, Frances
Wallner, Mary Jane

ROCKINGHAM

Cali-Pitts, Jacqueline
Lovejoy, Patricia
Pantelakos, Laura
Quandt, Matt
Webb, James

Copeland, Timothy
Lundgren, David
Perkins, Amy
Read, Robin Jr

DiPentima, Rich
Moody, Marcia
Perkins, Lawrence
Schlachman, Donna

Janvrin, Kevin
Norelli, Terie
Quandt, Marshall
Waddell, James

STRAFFORD

Berube, Roger
Grassie, Anne
Roberts, Jenna
Sprague, Dale

Brown, Julie
Horrigan, Timothy
Schmidt, Peter
Wall, Janet

Browne, Brendon
Kaen, Naida
Spainhower, Dale
Watters, David

Ginsburg, Philip
Perry, Robert
Spang, Judith

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond

Lefebvre, Benjamin

Lovett, Charlene

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

The House recessed at 12:30 p.m.

RECESS

The House reconvened at 1:35 p.m.

(Speaker O'Brien in the Chair)

REGULAR CALENDAR (CONT'D)

CACR 28, relating to the allocation of authority between the legislative and judicial branches. Providing that the supreme court shall determine the constitutionality of judicial

acts and the legislature shall determine the constitutionality of legislative acts.

MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Barry J. Palmer for the Majority of Judiciary: This constitutional amendment would overturn the system of checks and balances between the legislative and judicial branches of government as they have existed in New Hampshire for two hundred years. Part I, Article 37 of the New Hampshire constitution has provided for the separation of powers between the three branches of government since 1784. *Merrell v. Sherburne*, the case articulating the power of the state supreme court to rule on the constitutionality of legislative acts, has stood the test of time since the early 1800s. The judiciary rules on the constitutionality of legislative acts under the federal constitution and in all 49 other states. Under this amendment, the legislature could pass a bill that was clearly unconstitutional, and citizens aggrieved by the unconstitutional statute would have no recourse other than that afforded by the next election. The majority understands the concerns raised about certain specific rulings by our supreme court, but believe this amendment goes too far in the attempt to address those few specific rulings. Under our system of checks and balances, the legislature can overrule a court ruling on a statute simply by enacting a new statute. A court ruling on a constitutional issue must be changed by the adoption of a constitutional amendment. To require less would be to hand too much power to the unfettered authority of the legislature, and would defeat the court's role as the protector of the constitutional rights of minority interests against the tyranny of the majority. Vote 10-6.

Rep. Gregory M. Sorg for the Minority of Judiciary: CACR 28 would bring the supreme court back to constitutional legitimacy by writing into the New Hampshire constitution the distinction between adjudicatory and legislative acts drawn by Justice Levi Woodbury in the 1818 case of *Merrill v. Sherburne*, the first case to come before the state's highest court under the constitution's separation of powers provision, Article 37 of Part 1. By so doing, it would restore the original understanding of the boundaries of the separation of powers, reflected in that case, whereby the judiciary was the final authority of the constitutionality of adjudicatory acts and the Legislature was the final authority on the constitutionality of legislative acts. It has only been in recent times, since its 1983 decision in *State v. LaFrance*, that the supreme court of New Hampshire has laid claim to final, unreviewable authority, binding on the legislative and executive branches, to refuse to enforce on constitutional grounds acts of a purely legislative character. By reason that the court has an inherent institutional bias in favor of resolving separation of powers issues to the benefit of judicial power at the expense of legislative, this sweeping, anti-historical assertion of authority has resulted in judicial intrusions into the legislature's exclusively granted constitutional authority to establish state policy to such an extent that the court acts today as a virtual third chamber of the legislature, with veto power over the other two, exercisable by whichever three persons happen to comprise a majority of the court at any given time. One can only hope that the legislative branch will eventually tire of having its maturely considered and hard fought-for policy choices repeatedly subordinated to those imposed by the judicial branch, and will take the action called for in CACR 28 to restore the constitutional separation of powers and system of checks and balances among the three branches of our government.

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

Rep. Lambert spoke against.

Rep. Rowe spoke in favor.

Rep. Soltani spoke against and yielded to questions.

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

YEAS 239 NAYS 108

YEAS 239

BELKNAP

Bolster, Peter
Millham, Alida
Swinford, Elaine

Fields, Dennis
Pilliod, James
Tilton, Franklin

Flanders, Donald
Russell, David
Tobin, William

Luther, Robert
St. Cyr, Jeffrey

CARROLL

Ahlgren, Christopher
Knox, J. David
Pettengill, Laurie

Babson, David Jr
McConkey, Mark
Schmidt, Stephen

Chandler, Gene
Merrow, Harry
Umberger, Karen

Fleck, Joseph
Patten, Betsey

CHESHIRE

Butynski, William
Hawkes, Samuel
Lerandeau, Alfred
Roberts, Kris
Weber, Lucy

Byrnes, John
Hunt, John
Meader, David
Sad, Tara
Weed, Charles

Chase, Cynthia
Johnsen, Gladys
Moore, Robert Jr
Sterling, Franklin Jr

Dwinell, Richard
Johnson, Jane
Parkhurst, Henry
Tatro, Bruce

COOS

Coulombe, Gary
Tholl, John Jr

Merrick, Evalyn
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Aguiar, James
Gould, Franklin
Pastor, Beatriz
Townsend, Charles

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

Bulis, Lyle
Ladd, Rick Jr
Shackett, Jeffrey

Cooney, Mary
Nordgren, Sharon
Smith, Suzanne

HILLSBOROUGH

Ball, J. Michael
Brown, Kevin
Cebrowski, John

Baroody, Benjamin
Brownrigg, Randall Jr
Christensen, D.L.
Chris

Belvin, William
Buxton, Michael
Coffey, James

Boehm, Ralph
Campbell, David
Condra, William

Cote, David

Coughlin, Sean

Cusson-Cail,
Kathleen

Daler, Jennifer

Daniels, Gary
Fredette, Robert
Gidge, Kenneth
Gorman, Mary
Hinch, Richard
Jasper, Shawn
LeBrun, Donald
McGuinness, Sean
Ohm, Bill
Pepino, Leo
Pratt, Calvin
Robbins, David
Seidel, Carl
Souza, Kathleen
Terrio, Ross

Day, Russell
Gagne, Larry
Gimas, John
Graham, John
Holden, Frank
Jeudy, Jean
Leishman, Peter
Messier, Irene
Palmer, Barry
Peterson, Lenette
Proulx, Mark
Rokas, Ted
Shaw, Barbara
Stepanek, Stephen
Thomas, Joseph

Doherty, Shaun
Gandia, Laura
Goley, Jeffrey
Haefner, Robert
Hutchinson, Winfred
Kurk, Neal
Long, Patrick
Parison, James
Pilotte, Maurice
Reed, Michael
Rosenwald, Cindy
Silva, Peter
Stroud, Kathleen
Vaillancourt, Steve

Drisko, Richard
Garrity, Patrick
Gonzalez, Carlos
Hawkins, Kenneth
Infantine, William
Lambert, George
McCarthy, Michael
Ober, Russell III
Pellegrino, Tony
Porter, Marjorie
Rhodes, Brian
Rowe, Robert
Simmons, Tammy
Sullivan, Daniel
Whitehead, Randall

MERRIMACK

Bouchard, Candace
Foose, Robert
Hamm, Christine
Lindsley, Mark
Palfrey, David
Richardson, Gary
Smith, Todd

Coffey, Jennifer
Frazer, June
Hess, David
Lockwood, Priscilla
Patten, Dick
Sanborn, Laurie
Wallner, Mary Jane

Deloge, Helen
Gile, Mary
Kidder, David
MacKay, James
Potter, Frances
Shurtleff, Stephen
Watrous, Rick

DeStefano, Stephen
Giuda, J. Brandon
Kotowski, Frank
Owen, Derek
Rice, Chip
Smith, Molly
Williams, Robert

ROCKINGHAM

Abrami, Patrick
Bates, David
Charron, Gene
DiPentima, Rich
Headd, James
Janvrin, Kevin
Major, Norman
Murphy, Brian
Packard, Sherman
Read, Robin Jr
Sullivan, James
Waterhouse, Kevin

Allen, Mary
Bettencourt, David
Copeland, Timothy
Fesh, Robert
Hoelzel, Kathleen
Kappler, Lawrence
McKinney, Betsy
Nevins, Chris
Pantelakos, Laura
Sanders, Elisabeth
Sytek, John

Antosz, Jason
Birdsell, Regina
DeSimone, Debra
Garrity, James
Introne, Robert
Katsakiores, Phyllis
McMahon, Charles
Norelli, Terie
Peckham, Michele
Sapareto, Frank
Waddell, James

Azarian, Gary
Cali-Pitts, Jacqueline
Devine, James
Hagan, Joseph
Itse, Daniel
Lovejoy, Patricia
Moody, Marcia
O'Connor, John
Quandt, Marshall
Schlachman, Donna
Ward, Joanne

STRAFFORD

Berube, Roger
Grassie, Anne
Larsen Schultz,
Kirsten
Perry, Robert
Spang, Judith
Weeden, Michael

Brown, Julie
Horrigan, Timothy
Leonard, Frederick Jr

Roberts, Jenna
Sprague, Dale

Browne, Brendon
Kaen, Naida
Munck, Philip

Schmidt, Peter
Wall, Janet

Ginsburg, Philip
Keans, Sandra
Parsons, Robbie

Spainhower, Dale
Watters, David

SULLIVAN

Bowers, Spec
Lefebvre, Benjamin
Smith, Steven

Cloutier, John
Lovett, Charlene

Gagnon, Raymond
Rodeschin, Beverly

Laware, Thomas
Schmidt, Andrew

NAYS 108

BELKNAP

Accornero, Harry
Simpson, Tyler

Comtois, Guy
Worsman, Colette

Greemore, Robert

Kingsbury, Robert

CARROLL

McCarthy, Frank

Scala, Dino

Tregenza, Norman

CHESHIRE

Cartwright, Anne

COOS

Daugherty, Duffy

Rappaport, Laurence

GRAFTON

Bradley, Lester
Mirski, Paul
Sova, Charles

Brosseau, Charles
Reilly, Harold Sr

Gionet, Edmond
Simard, Paul

Ingbretson, Paul
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Beattie, Thomas
Christiansen, Lars
Hansen, Peter
Krasucki, Joseph
Notter, Jeanine
Soucy, Connie
Villeneuve, Moe

Balboni, Michael
Belanger, James
Donovan, Daniel
Hardwick, Harry
Maltz, Jonathan
Palmer, Stephen
Swank, Matthew
Willette, Robert

Barry, J. Gail
Bergevin, Jerry
Erickson, Duane
Hikel, John
McClarren, Donald
Renzullo, Andrew
Twombly, Timothy

Barry, Richard
Burt, John
Greazzo, Phil
Hogan, Edith
Mecheski, Holly
Scontsas, Lisa
Ulery, Jordan

MERRIMACK

Blankenbeker, Lynne
Kreis, Kenneth Sr
Reed, Dennis

Cohn, Seth
Lauer-Rago, Kathleen
Seaworth, G. Brian

Hill, Gregory
McGuire, Carol
Soltani, Tony

Keane, Thomas
McGuire, Dan
Winter, Steven

ROCKINGHAM

Baldasaro, Alfred
Comerford, Timothy
Garcia, Marilinda
Manuse, Andrew
Perkins, Lawrence
Rice, Frederick
Smith, William
Webb, James

Belanger, Ronald
Davenport, Joshua
Griffin, Mary
Mauro, Donna
Quandt, Matt
Ritter, Glenn
Tamburello, Daniel
Welch, David

Brown, Paul
Duarte, Joe
Kolodziej, Walter
Okerman, Richard
Reagan, John
Schroadter, Adam
Tasker, Kyle
Weyler, Kenneth

Chirichiello, Brian
Elliott, Robert
Lundgren, David
Perkins, Amy
Reichard, Kevin
Shuler, Wyman III
Tremblay, Stella

STRAFFORD

Cataldo, Sam
Jones, Laura
Vita, Carol

DeLemus, Susan
Newton, Clifford
Vita, Lucien

Groen, Warren
O'Connor, William

Jones, Kyle
Pitre, Joseph

SULLIVAN

Cunningham, Steven
and the majority committee report was adopted.

Howard, Thomas

LaCasse, Paul Sr

Osgood, Joe

(Rep. Chandler in the Chair)

HB 1135, establishing a civil action for certain disruptions of funerals of members or former members of the armed forces. **MAJORITY: INEXPEDIENT TO LEGISLATE.**

MINORITY: OUGHT TO PASS.

Rep. Lenette M. Peterson for the Majority of Judiciary: The current law already protects the right of all funerals and does not single out one funeral over another. Since current law was enacted in 2007, there have been no disruptions to any funeral; therefore no changes to the statute are necessary. Vote 10-7.

Rep. Barry J. Palmer for the Minority of Judiciary: There are few things neither more dignified nor poignant than a military funeral, with its honor guard, a trumpeter playing taps and presentation of the American flag to a surviving family member, and disruption of such a funeral by misguided protesters would compound a family's grief. When a person is laid to final rest and goes to his or her maker, it's a sacred moment. And because the person

is an American hero who served this country, it is hallowed ground. This bill simply enhances the current funeral disruption law (a misdemeanor) by providing an opportunity for a civil action to mitigate their grief because of a disruption. This bill simply tells those who are considering such a sacrilegious disruption that in New Hampshire "Don't even think about it!"

The question being adoption of the majority committee report of Inexpedient to Legislative.
Rep. Baldasaro spoke in favor.
Rep. Kris Roberts spoke against.
Majority committee report adopted.

(Speaker O'Brien in the Chair)

HB 1298, relative to the definition of "public use" under the eminent domain procedure act.
OUGHT TO PASS WITH AMENDMENT.

Rep. Robert H. Rowe for Judiciary: When property is taken by eminent domain for public use, public use shall not include the public benefits resulting from private economic development and private commercial enterprise, including increased tax revenues and increased employment opportunities; nor shall "public use" include use by a for-profit, private, participant funded transmission line or facility or other uses not needed for system reliability. Vote 15-2.

Amendment (0414h)

Amend the bill by replacing section 1 with the following:

1 Eminent Domain Procedure Act: Definition of "Public Use." Amend RSA 498-A:2, VII(b) to read as follows:

(b) Except as provided in subparagraphs (a)(2) and (4) of this paragraph, public use shall not include the public benefits resulting from private economic development and private commercial enterprise, including increased tax revenues and increased employment opportunities; *nor shall "public use" include use by a for-profit, private, participant funded transmission line or facility or other uses not needed for system reliability.*

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 1395, revoking amendments to supreme court rules 50 and 50-A. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M. Sorg for the Majority of Judiciary: The rulemaking authority of the supreme court under Part 2, Article 73-a of the New Hampshire constitution is limited to "rules governing the administration of all courts in the state and the practice and procedure to be followed in all such courts." Notwithstanding this express limitation, the supreme court on December 29, 2010, ostensibly under authority of Article 73-a, issued a rule, to take effect on March 1, 2011, requiring attorneys to create or maintain a pooled interest-bearing trust account for clients' funds nominal in amount or to be held for a short period of time, and to remit the interest earned to the New Hampshire Bar Foundation. The court was thus requiring attorneys to generate money to send to an organization founded by the court and administered by trustees appointed by the court, in order to support charitable activities approved by the court. The separation of powers enshrined in Part 2, Article 37 forbids the creation by the judicial branch of a parallel welfare state in which the supreme court is judiciary, legislature and executive all rolled into one, while the Thirteenth Amendment to the federal constitution forbids slavery or involuntary servitude, even of lawyers. Part 2, Article 73-a creates no exception to either proscription. Vote 13-4.

Rep. Lucy M. Weber for the Minority of Judiciary: Attorneys maintain trust accounts to hold funds belonging to clients separate from funds belonging to the attorney or the law firm. When a significant sum belonging to one client is held for more than a few days, that client's

money is put into a separate bank account, and the interest on that bank account goes to the client when the account is closed, just as it would if the funds were held by a real estate agent or other agent. A trust account for pooled client funds is used only for small amounts of client money, or larger sums held for a very short period of time. Because the interest on this account does not belong to the attorney, lawyer's trust funds accounts used to be put into non-interest bearing accounts. Obviously, the entity benefitting from the accrued interest on a non-interest bearing trust account is the bank. Some years ago, the supreme court created the IOLTA program—Interest On Lawyers' Trust Accounts. Rather than being retained by the banks, the interest on IOLTA accounts is remitted by the bank holding the account to the Bar Association to be used for the provision of legal services to those in need, and for legal education programs. Proponents of this bill argue that the accrued interest belongs to the client, and that the supreme court has no power to require the payment of the accrued interest to the Bar Foundation. The minority notes that this bill does not return this interest to any client. It would be impractical, in any case, to try to compute how much of each day's interest has accrued to each client with funds in the lawyer's trust account. Passage of HB 1395 simply reverts to the old standard of allowing the bank to keep any interest that would otherwise accrue on the lawyer's trust account. The minority believes that the inherent power of the supreme court to regulate the practice of law includes the power to require attorneys to participate in the IOLTA program.

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

Rep. Weber spoke against.

Rep. Sorg spoke in favor and yielded to questions.

On a division vote, 250 members having voted in the affirmative and 94 in the negative, the majority committee report was adopted.

Referred to the Committee on Constitutional Review and Statutory Recodification.

HB 1396, restoring and reinforcing the exemptions from levy, sale on execution, and liability to be encumbered or taken for the payment of debts of the homestead right. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Robert H. Rowe for the Majority of Judiciary: This House bill was killed by the Senate in 2011; the sponsor resubmitted the bill in 2012. The bill relates to citizens' residential homestead right and the result of one decision by the New Hampshire Supreme Court. Homestead is a right each homeowner has in his/her owned real estate. The right goes back hundreds of years and without any controversy until the attorney for one party lost the appeal as a result fraud perpetrated on the mortgaging bank. Homestead is the legislated dollar amount that creditors cannot take from property owners by suit or bankruptcy. The facts in the subject case that motivated this bill are as follows. A man and woman in a relationship mortgaged their homestead to a bank, and, as normal, waved their homestead rights. The owners separated. One party took out a new mortgage and had a friend come to the closing and forge the signature of the other owner. Criminal fraud was committed against the bank. The bank foreclosed on the second mortgage and did not allow the remaining owner the homestead interest. The sponsor, who was the remaining owner's attorney argued that since she did not sign the new mortgage and wave her homestead interest that she should retain her homestead interest. The court saw that she had waved her right in the first mortgage and sided with the mortgaging bank. A total change in this historic right is unnecessary based on one court case alone, where fraud on the bank was an issue. The committee believes that the passage of this bill might have a negative impact on future lending practices that would result in all citizens suffering. Vote 9-6.

Rep. Gregory M. Sorg for the Minority of Judiciary: This is the exact same bill that last year, as HB 305, was approved by the Judiciary Committee 16-0 and passed by the full House on the consent calendar, but which ultimately died in the Senate. It would amend the homestead law, RSA Chapter 480, in order to change a rule established in the 2007 case of

Chase v. Ameriquest Mortgage Co., 155 N.H. 19. Until *Chase*, it had been widely understood that a person's statutory homestead interest (currently \$100,000) was exempt both from levy or sale on execution and from liability to be encumbered or taken for the payment of debts, unless encumbered in strict compliance with one of the four specific exceptions of RSA 480:4. In *Chase*, however, the Supreme Court used the doctrine of equitable subrogation, to the extent of the amount of the new mortgage-secured loan that was used to pay off the old one, it recognized an equitable lien on Mrs. Chase's statutory \$100,000 homestead exemption in favor of the foreclosing mortgage lender, even though her signature on the mortgage being foreclosed had been forged. This bill would clarify that the homestead law excepts homesteads from applicability of the common law doctrines of equitable subrogation and unjust enrichment; that the right of creditors to be secured is subordinated to the broader social benefit of preventing destitution and homelessness of mothers and children; and that the purpose of the homestead exemption is to safeguard to debtors and their families the shelter of the homestead roof.

The question being adoption of the majority committee report of Inexpedient to Legislate, Rep. Soltani spoke against.

Rep. Rowe spoke in favor.

On a division vote, 238 members having voted in the affirmative and 90 in the negative, the majority committee report was adopted.

(Rep. Chandler in the Chair)

HB 1183, relative to access to the galleries in the general court. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Timothy P. Comerford for the Majority of Legislative Administration: This bill seeks to clarify the fact that streaming video, audio, or other electronic means are not substitutes for having the house gallery open. The New Hampshire Constitution in Part 2, Article 8 is already clear on the issue of keeping the gallery open, however, the doors of the gallery are to be kept open while the house is in session to those that behave decently. The bill is unnecessary as the constitution is the authority in this matter. Vote 10-4.

Rep. Cynthia L. Chase for the Minority of Legislative Administration: The minority feels that there is a need to insure that the gallery remains open at all times that the house is in session. Streaming video should never be a substitute for an open gallery.

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

Rep. Horrigan spoke against and yielded to questions.

Rep. Condra spoke in favor and yielded to questions.

Rep. Soltani spoke against.

Rep. Mirski spoke in favor.

Rep. Bergevin requested a roll call; not sufficiently seconded.

On a division vote, 243 members having voted in the affirmative and 81 in the negative, the majority committee report was adopted.

(Speaker O'Brien in the Chair)

HB 1227, relative to disqualification of certain members of the general court. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. J. Michael Ball for the Majority of Legislative Administration: The New Hampshire General Court is a true citizen legislature, comprised of members who work in a wide variety of professions while simultaneously performing their legislative duties. Our state benefits from the expertise our members bring to the state house by virtue of their respective work experiences. Unfortunately, there are some professions that are incompatible with service as a legislator. This bill clarifies that no member of the general court can hold their seat while

simultaneously in the employment of a political party, a committee of a political party or a lobbyist. This bill harkens back to the earliest days of the general court when issues arose about legislators serving while being paid advocates for a cause. It is one thing for a legislator to be employed in their civilian career and another thing entirely for a legislator to be employed as an advocate for causes before the general court. This bill will enable our citizens to be secure in the knowledge that their representatives have a primary allegiance to the public and are not beholden to the directives of a particular party or special interest by virtue of their employment. Vote 10-2.

Rep. Mary Jane Wallner for the Minority of Legislative Administration: The bill carves out one group of people who are excluded from serving in the New Hampshire legislature. The bill appears in conflict with our constitution. The voter knows when they are voting if the person who is running has a conflict. The voters will make their decision.

Majority Amendment (0435h)

Amend the bill by replacing section 2 with the following:

2 New Paragraph; Vacancy; Prohibited Remuneration. Amend RSA 652:12 by inserting after paragraph VI the following new paragraph:

VII. Is a member of the general court and simultaneously receives remuneration of any sort from:

- (a) A party, as defined in RSA 652:11;
- (b) A political committee of a political party, as defined in RSA 664:2, V; or
- (c) A lobbyist required to register under RSA 15.

AMENDED ANALYSIS

This bill provides that a vacancy occurs if a member of the general court simultaneously receives remuneration of any sort from a party, a political committee of a political party, or a lobbyist.

Majority committee amendment adopted.

Rep. Ball offered floor amendment (0795h).

Floor Amendment (0795h)

Amend the bill by replacing section 2 with the following:

2 New Paragraph; Vacancy; Prohibited Remuneration. Amend RSA 652:12 by inserting after paragraph VI the following new paragraph:

VII. Is a member of the general court and simultaneously is an employee of or regularly receives remuneration of any sort from:

- (a) A party, as defined in RSA 652:11;
- (b) A political committee of a political party, as defined in RSA 664:2, V; or
- (c) A lobbyist required to register under RSA 15.

AMENDED ANALYSIS

This bill provides that a vacancy occurs if a member of the general court simultaneously is an employee of or regularly receives remuneration of any sort from a party, a political committee of a political party, or a lobbyist.

Reps. Ball and Mirski spoke in favor.

Floor amendment (0795h) adopted.

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

Rep. Mirski yielded to questions.

Rep. Cali-Pitts requested a roll call; not sufficiently seconded.

On a division vote, 229 members having voted in the affirmative and 85 in the negative, the majority committee report was adopted.

Referred to the Committee on Constitutional Review and Statutory Recodification.

PROTEST

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Cali-Pitts filed a protest to HB 1227 on the basis that it is unconstitutional.

REGULAR CALENDAR (CONT'D)

HB 1271-L, relative to the penalty for violating ordinances governing hawkers and peddlers. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Timothy D. Copeland for the Majority of Municipal and County Government: This proposed bill reduces the penalty phase from a class B misdemeanor to a violation offence. The original intent of the existing law was to allow local towns to help protect their residents from nefarious vendors who use door-to-door sales as a ploy to commit crimes. The protection lies in the ability of towns to develop a local ordinance for vendors that requires a criminal record check. Presently, a vendor who has class B misdemeanor conviction would be found out through this licensing process. If this same illegitimate vendor then attempted to ply his trade in another community and that community conducted a record check as part of the licensing process, that community would learn of his criminality and deny the license. By changing this law as proposed in this bill, violation level convictions would not be tracked and therefore, communities would not be able to learn of a criminal history by a vendor applicant. Further, this proposed change is contrary to the most recent change for RSA 31:102-a, which was adopted on Sept 11, 2010, that now allows local communities to work with the state to conduct more stringent criminal record checks on vendors protecting our citizens from preying criminals. Shouldn't that take precedence here, why would we want criminals to have the upper hand on our citizens? Vote 9-4.

Rep. John A. Burt for the Minority of Municipal and County Government: A "vendor" is someone who offers something for sale. A vendor - a hawker or peddler - is someone who sells either a service or a product. The first and most troubling feature of New Hampshire's existing hawker's and peddlers law is that it is too broad and ill defined. This defect naturally leads to the second most troubling feature of the law which is that it creates as many ways to criminalize vendor activity across New Hampshire as there are towns and cities in New Hampshire. Under existing statute, what would be perfectly legal for a vendor to do in the way of promoting sales in one town or city could easily be a misdemeanor offense in an adjacent town. In other words, a vendor could be prosecuted for criminal activity in one town but not another. It is alarmingly obvious that over time, as towns and cities pick and choose from the statute's broad menu of potentially criminal activities in the creation of hawker and peddler ordinances, this dangerous flaw will become amplified and exacerbated and acts of injustice will proliferate. The definition of what is or is not a criminal act ought to be uniform across New Hampshire and never subject to the whim of boards of selectmen, town councils or aldermen. For this reason if for no other, the penalty for violating any hawker's and peddlers license under the present statute should never be anything greater than a violation.

The question being adoption of the majority committee report of Inexpedient to Legislate. Reps. Burt and Lambert spoke against.

Rep. Copeland spoke in favor and yielded to questions.

On a division vote, 191 members having voted in the affirmative and 128 in the negative, the majority committee report was adopted.

HB 1294, relative to applications for abatement of property taxes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John A. Burt for Municipal and County Government: This bill makes some simple changes to make the process easier for taxpayers to apply for a property tax abatement, either themselves or through a representative. The amendment allows a guardian or heir to apply for an abatement if the property owner of record is incapacitated or recently deceased.

Vote 15-2.

Amendment (0604h)

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

1 Abatement of Property Taxes; Application Form; Signature. Amend RSA 76:16, III(g) to read as follows:

(g) A place for the ~~[applicant's]~~ signature ***of the applicant, the applicant's authorized attorney, or the applicant's authorized nonattorney representative acting pursuant to RSA 71-B:7-a*** with a certification ~~[by the person applying]~~ that the application has a good faith basis and the facts in the application are true.

2 New Paragraph; Abatement Application. Amend RSA 76:16 by inserting after paragraph IV the following new paragraph:

V. In the case of a taxpayer being deceased or incapacitated, an heir or a guardian may sign the application.

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

AMENDED ANALYSIS

This bill provides that the signature authorizing a property tax abatement may be from an applicant's authorized attorney or nonattorney representative, or if deceased or incapacitated, from an heir or guardian.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 1689-FN, relative to taxation of Pease development authority property. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John A. Burt for the Majority of Municipal and County Government: The intent of this bill was to cancel a section of HB 2 which reiterated that the hangars at the Skyhaven Airport in Rochester NH were exempt from property taxes by the City of Rochester. The aforementioned section was not the only law that protected these properties from taxation but was a belt-and-suspenders assurance because of attempts by the city to assess taxes. The City of Rochester has been offered the airport for over twenty years by the state. The city kept holding out for the state to make greater investments so that the revenue from hangar rents and fuel sales would pay for the operation of the airport. It has always been a close thing whether the revenue would support the operation. The city knew this and that was why it kept stalling on the take-over. The state finally gave up on the city ever taking the airport over, and it was assigned to the Pease Development Authority with the hope that if the revenues did not support the costs, the PDA could afford the costs. It appears that the city now feels that if there is a new group that can cover the costs, that they can now take advantage of that, and tax the airport without fear of losing this valuable community asset. This is short sighted and hostile to the state maintaining its network of airports. The city could have owned the airport for nothing but did not want the risk. The city's reluctance to take on the responsibility should not now be rewarded by removing the tax exemption that has been in effect since the hangars were built. Vote 7-6.

Rep. Kris E. Roberts for the Minority of Municipal and County Government: This bill is an attempt to repeal an earmark that was inserted in HB 2, Chapter 224, Laws of 2011 which resulted in very few people having the opportunity to vote up or down based on its merits. As a result of the passage of HB 2 the Pease Development Authority was granted a special tax exemption which gave it an unfair advantage over other publicly own airports in the state. The Keene airport, which is located in Swanzey, owns aircraft hangers which were built with public funds and leased out to private aircraft owners which pay their lease payment to the City of Keene and property tax to the town of Swanzey. Since the cost of hanger rent is a major factor where pilots base their aircraft, HB 1689-FN would provide the Pease Development Authority a two-fold unfair economic advantage over other airports required by law to charge property tax while ensuring that Pease Development Authority

would have greater access to the local share of the aircraft registration fees. Furthermore the earmark granting Pease Development Authority the authority to not charge property tax on public property or land leased to non-government agencies or private individuals creates a separate class of citizens in New Hampshire which could result in numerous court challenges. The committee was told that the financial viability of the airport is totally dependent on its ability to lease out the hangers with the agreement that the renters would be exempt from local property taxes. If the financial future of the airport is based on a small number of privately owned aircraft, is that really a risk that the state of New Hampshire willing to take?

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

Rep. Leonard spoke against and yielded to questions.

Rep. Weyler spoke in favor.

Rep. Kris Roberts spoke against.

Rep. Giuda spoke in favor and yielded to questions.

On a division vote, 255 members having voted in the affirmative and 54 in the negative, the majority committee report was adopted.

HB 1257-FN, eliminating the tolls on the Everett turnpike in the town of Merrimack.

INEXPEDIENT TO LEGISLATE.

Rep. Dale R. Sprague for Public Works and Highways: To recap the history of tolls in Merrimack, in the early 1980's the Merrimack legislative delegation and the Merrimack town council were unified in their support of these three exits being tolled as the way to pay for the considerable turnpike improvements that were requested in Merrimack. The NH Turnpike system spent 49 million dollars in the construction of Exits 10, 11 and 12, as well as portions of Industrial Drive and Camp Sergeant Road (from the intersection of Old Camp Sergeant Road south of Exit 10 all the way to Route 101A), which greatly improved east/west travel throughout Merrimack without a toll. These turnpike improvements were instrumental in attracting commercial users (such as Fidelity and Digital, industries and residential developments to locate in Merrimack. The New Hampshire turnpike system continues to own, operate and maintain (pave, stripe, plow and salt) these sections of roadways at turnpike expense. Removing these tolls would shift a heavier burden on other toll payers in the turnpike system located in other areas of the state creating another form of donor communities. Furthermore, none of the principal of the bonds to build these roads has yet to be paid off. However, the town of Merrimack has received millions of dollars in property taxes as a direct result of these turnpike system improvements. In light of these facts, and because of concerns of precedence and fairness throughout the turnpike system, the committee unanimously voted this bill as inexpedient. HB 1369, relative to the location of overhead tolling on the F. E. Everett Turnpike and HB 1192, establishing an E-Z Pass commuter discount, have both been referred to Interim Study to cover possible legislation to address these outstanding turnpike issues. Vote 14-0.

Committee report adopted.

HB 1412, requiring the department of transportation to post signs on roads that cross the border into Massachusetts. **INEXPEDIENT TO LEGISLATE.**

Rep. Candace C. W. Bouchard for Public Works and Highways: This bill would amend RSA 230:84 requiring all roads that cross the New Hampshire/Massachusetts state line to bear signs that say "Warning Massachusetts Border 500 feet." This bill would also require the department of transportation to establish a sponsor-a-sign program. In return, a business sponsoring a sign would be identified on the sign. The committee recognizes the good intentions of the bill, but found the bill flawed as not all roads that cross into Massachusetts are state roads. The committee also heard testimony of border communities being good neighbors and felt this legislation would negatively impact that relationship. The division of

economic development and the division of travel and tourism both oppose this bill. Travel and tourism is the second largest industry in terms of jobs supported by dollars from out of state and Massachusetts travelers are a large market share of travel and tourism to our state. The “warning signs” are not a message of hospitality. New Hampshire is also a partner in Discover New England, a non-profit organization created as a partnership to promote travel and tourism in overseas markets with other New England states. The organization has proven to be very successful and these warning signs could jeopardize the working relationship with Massachusetts. The warning signs would also make attracting Massachusetts businesses to New Hampshire more difficult by giving the impression they are not welcome. Testimony showed that almost all, if not every, state road crossing the New Hampshire border into Massachusetts had a sign signifying the state line, and this bill would unnecessarily jeopardize tourism dollars, jobs and attracting new businesses to New Hampshire. Vote 15-0.

On a division vote, 285 members having voted in the affirmative and 16 in the negative, the committee report was adopted.

HB 1140, relative to the care of war memorials in Franconia Notch state park. **MAJORITY: OUGHT TO PASS. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Peter S. Bolster for the Majority of Resources, Recreation and Development: This bill will affirm the special memorial status of Franconia State Park dedicated to War Time Veterans in the 1920’s. It retains flexibility to the State Park Service to improve and maintain the park in a manner consistent with the enjoyment of this resource for all people. Vote 12-3.

Rep. Judith T. Spang for the Minority of Resources, Recreation and Development: The minority supports this initiative to assure that the war memorials in Franconia State Park be not only protected, but maintained in a way that assures the public the opportunity to honor those who have served our country. However, the minority prefers that the problems in this bill be corrected by the committee before it leaves our hands.

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

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 295 NAYS 23

YEAS 295

BELKNAP

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

CARROLL

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

CHESHIRE

Butynski, William	Byrnes, John	Cartwright, Anne	Dwinell, Richard
Hawkes, Samuel	Hunt, John	Johnsen, Gladys	Lerandeau, Alfred
Meador, David	Moore, Robert Jr	Parkhurst, Henry	Roberts, Kris
Sad, Tara	Tatro, Bruce		

COOS

Coulombe, Gary
Remick, William
Thomas, Yvonne

Daugherty, Duffy
Richardson, Herbert
Tremblay, Marc

Merrick, Evalyn
Theberge, Robert

Rappaport, Laurence
Tholl, John Jr

GRAFTON

Aguiar, James
Bulis, Lyle
Ingbretson, Paul
Pierce, David
Townsend, Charles

Almy, Susan
Cooney, Mary
Ladd, Rick Jr
Reilly, Harold Sr
White, Andrew

Bradley, Lester
Gionet, Edmond
Mirski, Paul
Shackett, Jeffrey

Brosseau, Charles
Gould, Franklin
Nordgren, Sharon
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Barry, J. Gail
Boehm, Ralph
Buxton, Michael
Coffey, James
Daler, Jennifer
Donovan, Daniel
Gagne, Larry
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Infantine, William
Kurk, Neal
Maltz, Jonathan
Mecheski, Holly
Ober, Lynne
Pellegrino, Tony
Porter, Marjorie
Renzullo, Andrew
Rowe, Robert
Simmons, Tammy
Stroud, Kathleen
Twombly, Timothy
Whitehead, Randall

Balboni, Michael
Belanger, James
Brown, Kevin
Campbell, David
Cote, David
Daniels, Gary
Drisko, Richard
Gandia, Laura
Graham, John
Hardwick, Harry
Hogan, Edith
Jasper, Shawn
Lambert, George
McCarthy, Michael
Messier, Irene
Ober, Russell III
Pepino, Leo
Pratt, Calvin
Rhodes, Brian
Seidel, Carl
Soucy, Connie
Sullivan, Daniel
Ulery, Jordan
Willette, Robert

Ball, J. Michael
Belvin, William
Brownrigg, Randall Jr
Cebrowski, John
Coughlin, Sean
Day, Russell
Erickson, Duane
Gimas, John
Greazzo, Phil
Hawkins, Kenneth
Hopper, Gary
Jeudy, Jean
Leishman, Peter
McClarren, Donald
Moran, Edward
Ohm, Bill
Peterson, Lenette
Proulx, Mark
Rokas, Ted
Shaw, Barbara
Souza, Kathleen
Swank, Matthew
Vaillancourt, Steve

Baroody, Benjamin
Bergevin, Jerry
Burt, John
Christiansen, Lars
Cusson-Cail, Kathleen
Doherty, Shaun
Fredette, Robert
Goley, Jeffrey
Haefner, Robert
Hikel, John
Hutchinson, Winfred
Krasucki, Joseph
Long, Patrick
McGuinness, Sean
Notter, Jeanine
Palmer, Stephen
Pilotte, Maurice
Ramsey, Peter
Rosenwald, Cindy
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Gile, Mary
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Richardson, Gary
Smith, Todd

Bouchard, Candace
Giuda, J. Brandon
Kidder, David
Lindsley, Mark
Palfrey, David
Seaworth, G. Brian
Soltani, Tony

Cohn, Seth
Hess, David
Kotowski, Frank
MacKay, James
Patten, Dick
Shurtleff, Stephen
Wallner, Mary Jane

DeStefano, Stephen
Hill, Gregory
Kreis, Kenneth Sr
McGuire, Carol
Reed, Dennis
Smith, Molly
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Bates, David
Brown, Paul
Comerford, Timothy

Allen, Mary
Belanger, Ronald
Cali-Pitts, Jacqueline
Copeland, Timothy

Azarian, Gary
Bettencourt, David
Charron, Gene
Davenport, Joshua

Baldasaro, Alfred
Birdsell, Regina
Chirichiello, Brian
DeSimone, Debra

Devine, James
Fesh, Robert
Headd, James
Kappler, Lawrence
Major, Norman
McMahon, Charles
Okerman, Richard
Read, Robin Jr
Ritter, Glenn
Shuler, Wyman III
Tamburello, Daniel
Waddell, James
Weyler, Kenneth

Duarte, Joe
Garcia, Marilinda
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Reagan, John
Sanders, Elisabeth
Smith, William
Tasker, Kyle
Ward, Joanne

Elliott, Robert
Garrity, James
Introne, Robert
Kolodziej, Walter
Mauro, Donna
Nevins, Chris
Pantelakos, Laura
Reichard, Kevin
Sapareto, Frank
Sullivan, James
Tremblay, Stella
Webb, James

Ferrante, Beverly
Griffin, Mary
Itse, Daniel
MacMahon, Bruce
McKinney, Betsy
O'Connor, John
Quandt, Matt
Rice, Frederick
Schroadter, Adam
Sytek, John
Tucker, Pamela
Welch, David

STRAFFORD

Berube, Roger
DeLemus, Susan
Jones, Laura

Brown, Julie
Grassie, Anne
Keans, Sandra

Browne, Brendon
Groen, Warren
Larsen Schultz,
Kirsten
O'Connor, William
Schmidt, Peter
Vita, Lucien

Cataldo, Sam
Jones, Kyle
Leonard, Frederick Jr

Parsons, Robbie
Spainhower, Dale
Wall, Janet

Munck, Philip
Perry, Robert
Sprague, Dale

Newton, Clifford
Pitre, Joseph
Vita, Carol

SULLIVAN

Bowers, Spec
Howard, Thomas
Osgood, Joe

Cloutier, John
LaCasse, Paul Sr
Rodeschin, Beverly

Cunningham, Steven
Laware, Thomas
Schmidt, Andrew

Gagnon, Raymond
Lovett, Charlene
Smith, Steven

NAYS 23

BELKNAP

None

CARROLL

None

CHESHIRE

Chase, Cynthia

Weber, Lucy

Weed, Charles

COOS

None

GRAFTON

Harding, Laurie

Pastor, Beatriz

Simard, Paul

Smith, Suzanne

HILLSBOROUGH

Gorman, Mary

LeBrun, Donald

Reed, Michael

Scontsas, Lisa

MERRIMACK

Deloge, Helen

Frazer, June

Potter, Frances

Williams, Robert

ROCKINGHAM

DiPentima, Rich

Lovejoy, Patricia

Moody, Marcia

Schlachman, Donna

STRAFFORD

Ginsburg, Philip

Horrigan, Timothy

Kaen, Naida

Spang, Judith

SULLIVAN

None

and the majority committee report was adopted.

Referred to the Committee on State-Federal Relations and Veterans Affairs.

HB 1436, establishing a committee to oversee the management of natural resources by the department of resources and economic development. **MAJORITY: OUGHT TO PASS.**

MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Andrew Renzullo for the Majority of Resources, Recreation and Development: This bill looks to establish an oversight committee relative to the management of natural resources by the department of resources and economic development. This would include the park system and forest and lands. This would not be something new. There are other legislative oversight committees. For instance, there is one such committee relative to health and human services. Whereas our laws are an intricate legal web constantly building on what came previously and whereas, many of the laws and programs governing natural resources find their genesis in state and federal actions which are constantly in flux, the committee would periodically review the statutes under which the department operates to ensure they are current and identify areas where adjustments may be necessary. The committee would monitor the efficiency of operation and the quality of service provided, the efficacy of selected programs, trends affecting program costs and participation. The committee may make recommendations to the commissioner and recommendations for legislation as indicated by its findings. The committee would maintain communications with the department, and any other departments, as necessary to accomplish its work. The oversight committee would also review the effectiveness of the many subcommittees, councils, task forces, and other ancillary bodies of the department. Most importantly, this oversight committee will be a good communication device between the responsible committee leaderships, majority and minority, of both bodies of the legislature and the administration. It should be noted that the (DRED) commissioner states, "The Department of Resources and Economic Development supports the concept behind the bill where greater understanding and cooperation be developed between the legislature and the agency." Vote 12-4.

Rep. James D. Aguiar for the Minority of Resources, Recreation and Development: There are over 20 committees involved with the department of resources and economic development. This bill establishes a committee to oversee the department of resources and economic development (DRED). The minority will admit that there have been practices, decisions and rules established by DRED which at times have confounded members of the committee. However, this oversight committee appears to be planted on the slippery slope of micromanagement. The list of areas to be supervised by this proposed committee is extensive and overly ambitious. One would expect a serious review of such matters to require a committee meeting at least weekly, yet the bill proposes meeting once every two months. It is difficult to conceive of meaningful guidance coming from a committee meeting so sporadically. There is also no fiscal note to determine the possible costs for what will undoubtedly be considerable costs for the agency staff in responding to committee requests. The minority knows that the RR and D Committee currently has authority to call staff members from DRED before the committee to deal with specific matters deemed problematic. This would be a much more productive use of RR and D time as well as that of the

administrators and staff of DRED.

Majority committee report adopted.

Referred to the Committee on Executive Departments and Administration.

HB 1305, reestablishing the exemption from property taxation for telecommunications poles and conduits and establishing a committee to study how utilities are taxed by the state and municipalities. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Frank R. Holden for the Majority of Science, Technology and Energy: The extension of the property tax to telecom utility poles is a new tax. While the exemption from property tax is somewhat unique, this new tax will ultimately be passed on to the customers. In fact the PUC approved a 99 cent per line “municipal property tax” charge for FairPoint to start billing in April as a direct result of this tax. There was, at one point in time, a statewide tax on these utility poles which was ended in lieu of the Communications Service Tax (CST).

Allowing municipalities to tax these poles will result in a double tax which will be paid primarily by land line customers, putting them at an even greater disadvantage. This new double tax is not conducive to making New Hampshire more business friendly and creating jobs. The committee also heard that there was a wide disparity in the ways municipalities were attempting to assess these poles and if they were going to be taxed it should be in an even handed, fair and transparent manner. This bill establishes a long overdue committee to study how all utilities are taxed by the state and municipalities. Meanwhile, this new tax should be stopped immediately by reestablishing the long-standing exemption. Vote 13-1.

Rep. Beatriz Pastor for the Minority of Science, Technology and Energy: The property tax exemption for wooden poles and conduits owned by the telecommunication companies expired on July 1, 2010. Since that time, the House has had opportunity but not acted to reinstate that exemption. By exempting telephone poles and conduits from property taxation, this bill would shift the property tax burden away from companies like FairPoint and Comcast and onto all other taxpayers. If one taxpayer receives a tax exemption, all other taxpayers are paying for it. Thus, one could claim that an exemption for telephone poles is simply a subsidy funded by a tax increase on all other taxpayers. Supporters claim poles should not be taxed because different towns assess them at significantly different values. It would seem, however, that if there are problems of inconsistent assessing, the solution is to improve assessing standards, not to give the industry a free ride. The pole exemption has not existed in New Hampshire for almost two years and telecommunication companies began paying property taxes on their poles and conduits in 2011. Reinstating the exemption now will reduce municipal revenues, disrupt municipal assessing and shift more property taxes onto local taxpayers. The legislature has already shifted too many burdens onto municipalities and local property taxpayers in recent years. This bill continues that unfortunate trend. It will result in a tax increase of approximately \$5 million to \$6 million for New Hampshire property taxpayers. It is a corporate subsidy at taxpayer expense, and should be opposed.

MOTION TO INDEFINITELY POSTPONE

Rep. Vaillancourt moved that the House Indefinitely Postpone ***HB 1305***, reestablishing the exemption from property taxation for telecommunications poles and conduits and establishing a committee to study how utilities are taxed by the state and municipalities.

Rep. Vaillancourt spoke in favor and yielded to questions.

Reps. James Garrity and Jasper spoke against.

APPEAL OF THE RULING OF THE CHAIR

Rep. Weber appealed the ruling of the Chair on limiting debate without a vote by the members.

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

Reps. Norelli and Vaillancourt spoke against.

Rep. Chandler spoke in favor.

Rep. Bettencourt requested a roll call; sufficiently seconded.

YEAS 219 NAYS 88

YEAS 219

BELKNAP

Accornero, Harry	Bolster, Peter	Fields, Dennis	Flanders, Donald
Greemore, Robert	Kingsbury, Robert	Pilliod, James	Russell, David
Simpson, Tyler	St. Cyr, Jeffrey	Swinford, Elaine	Tilton, Franklin
Tobin, William	Worsman, Colette		

CARROLL

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

CHESHIRE

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

COOS

Daugherty, Duffy	Rappaport, Laurence	Remick, William	Richardson, Herbert
Tholl, John Jr	Tremblay, Marc		

GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Gionet, Edmond
Ingbretson, Paul	Mirski, Paul	Reilly, Harold Sr	Shackett, Jeffrey
Simard, Paul	Sova, Charles		

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, J. Gail
Barry, Richard	Belanger, James	Belvin, William	Bergevin, Jerry
Boehm, Ralph	Brown, Kevin	Burt, John	Buxton, Michael
Campbell, David	Cebrowski, John	Christiansen, Lars	Coffey, James
Coughlin, Sean	Cusson-Cail, Kathleen	Daniels, Gary	Doherty, Shaun
Donovan, Daniel	Drisko, Richard	Erickson, Duane	Fredette, Robert
Gagne, Larry	Gandia, Laura	Gonzalez, Carlos	Graham, John
Greazzo, Phil	Haefner, Robert	Hansen, Peter	Hardwick, Harry
Hawkins, Kenneth	Hikel, John	Hinch, Richard	Hogan, Edith
Holden, Frank	Jasper, Shawn	Krasucki, Joseph	Kurk, Neal
Lambert, George	LeBrun, Donald	Maltz, Jonathan	McCarthy, Michael
McClarren, Donald	McGuinness, Sean	Mecheski, Holly	Notter, Jeanine
Ober, Lynne	Ohm, Bill	Palmer, Stephen	Pellegrino, Tony
Peterson, Lenette	Pratt, Calvin	Proulx, Mark	Ramsey, Peter
Reed, Michael	Renzullo, Andrew	Rowe, Robert	Scontsas, Lisa
Seidel, Carl	Silva, Peter	Simmons, Tammy	Soucy, Connie
Stepanek, Stephen	Stroud, Kathleen	Swank, Matthew	Thomas, Joseph

Twombly, Timothy
Willette, Robert

Ulery, Jordan

Villeneuve, Moe

Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Hess, David
Lauer-Rago, Kathleen
Palfrey, David
Smith, Molly

Bouchard, Candace
Hill, Gregory
Lindsley, Mark
Reed, Dennis
Smith, Todd

Cohn, Seth
Keane, Thomas
McGuire, Carol
Sanborn, Laurie
Winter, Steven

Giuda, J. Brandon
Kotowski, Frank
McGuire, Dan
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Bates, David
Brown, Paul
Davenport, Joshua
Ferrante, Beverly
Griffin, Mary
Itse, Daniel
MacMahon, Bruce
McKinney, Betsy
Packard, Sherman
Ritter, Glenn
Smith, William
Tasker, Kyle
Ward, Joanne

Allen, Mary
Belanger, Ronald
Charron, Gene
Devine, James
Fesh, Robert
Headd, James
Kappler, Lawrence
Major, Norman
McMahon, Charles
Reagan, John
Sanders, Elisabeth
Sullivan, James
Tremblay, Stella
Webb, James

Azarian, Gary
Bettencourt, David
Chirichiello, Brian
Duarte, Joe
Garcia, Marilinda
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Nevins, Chris
Reichard, Kevin
Schroadter, Adam
Sytek, John
Tucker, Pamela
Welch, David

Baldasaro, Alfred
Birdsell, Regina
Comerford, Timothy
Elliott, Robert
Garrity, James
Introne, Robert
Kolodziej, Walter
Mauro, Donna
Okerman, Richard
Rice, Frederick
Shuler, Wyman III
Tamburello, Daniel
Waddell, James
Weyler, Kenneth

STRAFFORD

Cataldo, Sam

DeLemus, Susan

Groen, Warren

Larsen Schultz,
Kirsten

Leonard, Frederick Jr
Parsons, Robbie
Vita, Lucien

Munck, Philip
Pitre, Joseph

Newton, Clifford
Sprague, Dale

O'Connor, William
Vita, Carol

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 88

BELKNAP

Millham, Alida

CARROLL

None

CHESHIRE

Butynski, William
Lerandeau, Alfred
Tatro, Bruce

Chase, Cynthia
Meader, David
Weber, Lucy

Hawkes, Samuel
Roberts, Kris
Weed, Charles

Johnsen, Gladys
Sad, Tara

COOS

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

Aguiar, James	Almy, Susan	Cooney, Mary	Gould, Franklin
Harding, Laurie	Nordgren, Sharon	Pastor, Beatriz	Pierce, David
Smith, Suzanne	Townsend, Charles	White, Andrew	

HILLSBOROUGH

Baroody, Benjamin	Cote, David	Daler, Jennifer	Garrity, Patrick
Goley, Jeffrey	Gorman, Mary	Hutchinson, Winfred	Jeudy, Jean
Leishman, Peter	Long, Patrick	Messier, Irene	Pilotte, Maurice
Rhodes, Brian	Rokas, Ted	Rosenwald, Cindy	Shaw, Barbara
Sullivan, Daniel	Vaillancourt, Steve		

MERRIMACK

Deloge, Helen	DeStefano, Stephen	Frazer, June	Gile, Mary
Hamm, Christine	Hoell, J.R.	Lockwood, Priscilla	MacKay, James
Patten, Dick	Potter, Frances	Richardson, Gary	Shurtleff, Stephen
Soltani, Tony	Wallner, Mary Jane	Williams, Robert	

ROCKINGHAM

Cali-Pitts, Jacqueline	Copeland, Timothy	DiPentima, Rich	Lovejoy, Patricia
Moody, Marcia	Norelli, Terie	Pantelakos, Laura	Quandt, Matt
Read, Robin Jr	Schlachman, Donna		

STRAFFORD

Brown, Julie	Browne, Brendon	Ginsburg, Philip	Grassie, Anne
Horrigan, Timothy	Jones, Kyle	Jones, Laura	Kaen, Naida
Keans, Sandra	Perry, Robert	Schmidt, Peter	Spainhower, Dale
Spang, Judith	Wall, Janet	Watters, David	

SULLIVAN

Cloutier, John	Gagnon, Raymond	Schmidt, Andrew
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and the ruling of the Chair was upheld.

The question now being adoption of the motion to Indefinitely Postpone.

Rep. Jasper continued speaking against.

Rep. Burt requested a roll call; sufficiently seconded.

YEAS 127 NAYS 182

YEAS 127

BELKNAP

Accornero, Harry	Greemore, Robert	Millham, Alida	Simpson, Tyler
Tilton, Franklin			

CARROLL

Knox, J. David	Patten, Betsey
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CHESHIRE

Butynski, William
Lerandeau, Alfred
Tatro, Bruce

Chase, Cynthia
Meador, David
Weber, Lucy

Hawkes, Samuel
Moore, Robert Jr
Weed, Charles

Johnsen, Gladys
Roberts, Kris

COOS

Coulombe, Gary
Thomas, Yvonne

Merrick, Evalyn
Tremblay, Marc

Remick, William

Theberge, Robert

GRAFTON

Aguiar, James
Ingbretson, Paul
Pierce, David
Smith, Suzanne

Cooney, Mary
Ladd, Rick Jr
Reilly, Harold Sr
White, Andrew

Gould, Franklin
Nordgren, Sharon
Shackett, Jeffrey

Harding, Laurie
Pastor, Beatriz
Simard, Paul

HILLSBOROUGH

Ball, J. Michael
Campbell, David
Gagne, Larry
Greazzo, Phil
Leishman, Peter
Pilotte, Maurice
Rosenwald, Cindy
Swank, Matthew

Baroody, Benjamin
Cote, David
Garrity, Patrick
Hutchinson, Winfred
Long, Patrick
Ramsey, Peter
Shaw, Barbara
Vaillancourt, Steve

Belanger, James
Daler, Jennifer
Gorman, Mary
Judy, Jean
Maltz, Jonathan
Rhodes, Brian
Simmons, Tammy
Willette, Robert

Belvin, William
Fredette, Robert
Graham, John
Kurk, Neal
Messier, Irene
Rokas, Ted
Sullivan, Daniel

MERRIMACK

Bouchard, Candace
Gile, Mary
McGuire, Dan
Richardson, Gary
Wallner, Mary Jane

Cohn, Seth
Lauer-Rago, Kathleen
Palfrey, David
Shurtleff, Stephen
Williams, Robert

Deloge, Helen
Lockwood, Priscilla
Patten, Dick
Smith, Todd
Winter, Steven

Frazer, June
MacKay, James
Reed, Dennis
Soltani, Tony

ROCKINGHAM

Allen, Mary
Lovejoy, Patricia
O'Connor, John
Ritter, Glenn
Sytek, John
Webb, James

Chirichiello, Brian
Manuse, Andrew
Pantelakos, Laura
Schlachman, Donna
Tamburello, Daniel

Copeland, Timothy
McMahon, Charles
Quandt, Matt
Schroadter, Adam
Tasker, Kyle

DiPentima, Rich
Moody, Marcia
Reagan, John
Sullivan, James
Waddell, James

STRAFFORD

Berube, Roger
Grassie, Anne
Pitre, Joseph
Watters, David

Brown, Julie
Horrigan, Timothy
Spainhower, Dale

Browne, Brendon
Keans, Sandra
Spang, Judith

Ginsburg, Philip
Munck, Philip
Sprague, Dale

SULLIVAN

Bowers, Spec
Smith, Steven

Cloutier, John

Gagnon, Raymond

Osgood, Joe

NAYS 182

BELKNAP

Bolster, Peter	Fields, Dennis	Flanders, Donald	Kingsbury, Robert
Pilliod, James	Russell, David	St. Cyr, Jeffrey	Swinford, Elaine
Tobin, William	Worsman, Colette		

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
McCarthy, Frank	McConkey, Mark	Morrow, Harry	Pettengill, Laurie
Scala, Dino	Schmidt, Stephen	Trogenza, Norman	Umberger, Karen

CHESHIRE

Byrnes, John	Cartwright, Anne	Dwinell, Richard	Sad, Tara
Sterling, Franklin Jr			

COOS

Daugherty, Duffy	Rappaport, Laurence	Richardson, Herbert	Tholl, John Jr
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GRAFTON

Almy, Susan	Bradley, Lester	Brosseau, Charles	Bulis, Lyle
Gionet, Edmond	Mirski, Paul	Sova, Charles	Townsend, Charles

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Barry, J. Gail	Barry, Richard
Bergevin, Jerry	Boehm, Ralph	Brown, Kevin	Burt, John
Buxton, Michael	Cebrowski, John	Christiansen, Lars	Coffey, James
Coughlin, Sean	Cusson-Cail, Kathleen	Daniels, Gary	Doherty, Shaun
Donovan, Daniel	Drisko, Richard	Erickson, Duane	Gandia, Laura
Goley, Jeffrey	Gonzalez, Carlos	Haefner, Robert	Hansen, Peter
Hardwick, Harry	Hawkins, Kenneth	Hikel, John	Hinch, Richard
Hogan, Edith	Holden, Frank	Jasper, Shawn	Krasucki, Joseph
Lambert, George	LeBrun, Donald	McCarthy, Michael	McClarren, Donald
McGuinness, Sean	Mecheski, Holly	Notter, Jeanine	Ober, Lynne
Ohm, Bill	Palmer, Stephen	Pellegrino, Tony	Peterson, Lenette
Pratt, Calvin	Proulx, Mark	Reed, Michael	Renzullo, Andrew
Rowe, Robert	Rowe, Lisa	Seidel, Carl	Silva, Peter
Soucy, Connie	Stepanek, Stephen	Stroud, Kathleen	Thomas, Joseph
Twombly, Timothy	Ulery, Jordan	Villeneuve, Moe	Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne	DeStefano, Stephen	Giuda, J. Brandon	Hamm, Christine
Hess, David	Hill, Gregory	Hoell, J.R.	Keane, Thomas
Kotowski, Frank	Lindsley, Mark	McGuire, Carol	Sanborn, Laurie
Seaworth, G. Brian	Smith, Molly		

ROCKINGHAM

Abrami, Patrick	Azarian, Gary	Baldasaro, Alfred	Bates, David
Belanger, Ronald	Bettencourt, David	Birdsell, Regina	Brown, Paul
Cali-Pitts, Jacqueline	Charron, Gene	Comerford, Timothy	Davenport, Joshua
Devine, James	Duarte, Joe	Elliott, Robert	Ferrante, Beverly

Fesh, Robert
Headd, James
Kappler, Lawrence
Major, Norman
Norelli, Terie
Reichard, Kevin
Smith, William
Welch, David

Garcia, Marilinda
Hoelzel, Kathleen
Katsakiores, Phyllis
Mauro, Donna
Okerman, Richard
Rice, Frederick
Tremblay, Stella
Weyler, Kenneth

Garrity, James
Introne, Robert
Kolodziej, Walter
McKinney, Betsy
Packard, Sherman
Sanders, Elisabeth
Tucker, Pamela

Griffin, Mary
Itse, Daniel
MacMahon, Bruce
Nevins, Chris
Read, Robin Jr
Shuler, Wyman III
Ward, Joanne

STRAFFORD

Cataldo, Sam
Jones, Laura

DeLemus, Susan
Kaen, Naida

Groen, Warren
Larsen Schultz,
Kirsten

Jones, Kyle
Leonard, Frederick Jr

Newton, Clifford
Schmidt, Peter

O'Connor, William
Vita, Carol

Parsons, Robbie
Vita, Lucien

Perry, Robert
Wall, Janet

SULLIVAN

Cunningham, Steven
Lovett, Charlene
and the motion failed.

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Schmidt, Andrew

Laware, Thomas

The question now being adoption of the majority committee report of Ought to Pass.
Rep. Jasper offered floor amendment (0832h).

Floor Amendment (0832h)

Amend the bill by deleting section 4 and renumbering the original sections 5-10 to read as 4-9, respectively.

Amend the bill by replacing section 9 with the following:

9 Effective Date.

I. Sections 1-3 of this act shall take effect April 1, 2013.

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

Rep. Jasper spoke in favor.

On a division vote, 289 members having voted in the affirmative and 13 in the negative, floor amendment (0832h) was adopted.

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

Rep. James Belanger spoke against and yielded to questions.

Rep. Kaen spoke in favor and yielded to questions.

Reps. Kris Roberts and Bouchard spoke against.

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

YEAS 133 NAYS 161

YEAS 133

BELKNAP

Fields, Dennis
Worsman, Colette

Greemore, Robert

St. Cyr, Jeffrey

Swinford, Elaine

CARROLL

Ahlgren, Christopher

Babson, David Jr

Knox, J. David

McCarthy, Frank

Merrow, Harry	Scala, Dino	Schmidt, Stephen	Tregenza, Norman
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CHESHIRE

Cartwright, Anne	Moore, Robert Jr	Sad, Tara	Sterling, Franklin Jr
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COOS

Daugherty, Duffy Tholl, John Jr	Merrick, Evalyn	Rappaport, Laurence	Richardson, Herbert
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GRAFTON

Almy, Susan Mirski, Paul	Bradley, Lester Sova, Charles	Brosseau, Charles Townsend, Charles	Gionet, Edmond
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HILLSBOROUGH

Avard, Kevin Boehm, Ralph Christiansen, Lars	Balboni, Michael Brown, Kevin Coffey, James	Barry, Richard Burt, John Cusson-Cail, Kathleen Gonzalez, Carlos Hikel, John Krasucki, Joseph Notter, Jeanine Pellegrino, Tony Renzullo, Andrew Silva, Peter Thomas, Joseph	Bergevin, Jerry Buxton, Michael Doherty, Shaun Haefner, Robert Hogan, Edith Lambert, George Ober, Lynne Peterson, Lenette Rowe, Robert Soucy, Connie Twombly, Timothy
Erickson, Duane Hardwick, Harry Holden, Frank LeBrun, Donald Ohm, Bill Pratt, Calvin Scontsas, Lisa Stepanek, Stephen Ulery, Jordan	Goley, Jeffrey Hawkins, Kenneth Jasper, Shawn McGuinness, Sean Palmer, Stephen Proulx, Mark Seidel, Carl Stroud, Kathleen Villeneuve, Moe		

MERRIMACK

Blankenbeker, Lynne Hill, Gregory McGuire, Carol	DeStefano, Stephen Hoell, J.R. Sanborn, Laurie	Giuda, J. Brandon Kotowski, Frank Smith, Molly	Hess, David Lindsley, Mark Smith, Todd
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ROCKINGHAM

Azarian, Gary Bettencourt, David Davenport, Joshua Fesh, Robert Introne, Robert Lovejoy, Patricia Read, Robin Jr Smith, William Weyler, Kenneth	Baldasaro, Alfred Birdsell, Regina Devine, James Garcia, Marilinda Itse, Daniel Major, Norman Rice, Frederick Tasker, Kyle	Bates, David Brown, Paul Duarte, Joe Garrity, James Kappler, Lawrence Mauro, Donna Sanders, Elisabeth Tucker, Pamela	Belanger, Ronald Cali-Pitts, Jacqueline Elliott, Robert Griffin, Mary Kolodziej, Walter McKinney, Betsy Shuler, Wyman III Welch, David
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STRAFFORD

Cataldo, Sam Newton, Clifford	Groen, Warren O'Connor, William	Kaen, Naida Vita, Carol	Leonard, Frederick Jr Vita, Lucien
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SULLIVAN

Cunningham, Steven Rodeschin, Beverly	Howard, Thomas	LaCasse, Paul Sr	Lovett, Charlene
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NAYS 161

BELKNAP

Accornero, Harry	Bolster, Peter	Flanders, Donald	Kingsbury, Robert
Millham, Alida	Pilliod, James	Russell, David	Simpson, Tyler
Tilton, Franklin	Tobin, William		

CARROLL

Chandler, Gene	Fleck, Joseph	McConkey, Mark	Patten, Betsey
Pettengill, Laurie	Umberger, Karen		

CHESHIRE

Butynski, William	Byrnes, John	Chase, Cynthia	Dwinell, Richard
Hawkes, Samuel	Johnsen, Gladys	Lerandeau, Alfred	Meador, David
Roberts, Kris	Tatro, Bruce	Weber, Lucy	Weed, Charles

COOS

Coulombe, Gary	Remick, William	Theberge, Robert	Tremblay, Marc
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GRAFTON

Aguiar, James	Bulis, Lyle	Cooney, Mary	Gould, Franklin
Harding, Laurie	Ingbretson, Paul	Ladd, Rick Jr	Nordgren, Sharon
Pastor, Beatriz	Pierce, David	Reilly, Harold Sr	Shackett, Jeffrey
Simard, Paul	Smith, Suzanne	White, Andrew	

HILLSBOROUGH

Ball, J. Michael	Baroody, Benjamin	Barry, J. Gail	Belanger, James
Belvin, William	Campbell, David	Cebrowski, John	Daler, Jennifer
Daniels, Gary	Donovan, Daniel	Drisko, Richard	Fredette, Robert
Gagne, Larry	Gandia, Laura	Gorman, Mary	Graham, John
Greazzo, Phil	Hansen, Peter	Hutchinson, Winfred	Infantine, William
Judy, Jean	Kurk, Neal	Leishman, Peter	Long, Patrick
Maltz, Jonathan	McClarren, Donald	Messier, Irene	Pilotte, Maurice
Ramsey, Peter	Rhodes, Brian	Rokas, Ted	Rosenwald, Cindy
Shaw, Barbara	Simmons, Tammy	Sullivan, Daniel	Swank, Matthew
Vaillancourt, Steve	Whitehead, Randall	Willette, Robert	

MERRIMACK

Bouchard, Candace	Deloge, Helen	Frazer, June	Gile, Mary
Hamm, Christine	Keane, Thomas	Lauer-Rago, Kathleen	Lockwood, Priscilla
MacKay, James	McGuire, Dan	Palfrey, David	Patten, Dick
Reed, Dennis	Richardson, Gary	Seaworth, G. Brian	Shurtleff, Stephen
Soltani, Tony	Wallner, Mary Jane	Winter, Steven	

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Charron, Gene	Chirichiello, Brian
Comerford, Timothy	Copeland, Timothy	DiPentima, Rich	Ferrante, Beverly
Headd, James	Hoelzel, Kathleen	Katsakiores, Phyllis	MacMahon, Bruce
Manuse, Andrew	McMahon, Charles	Moody, Marcia	Nevins, Chris
O'Connor, John	Okerman, Richard	Packard, Sherman	Pantelakos, Laura

Quandt, Matt
Schlachman, Donna
Tamburello, Daniel
Webb, James

Reagan, John
Schroadter, Adam
Tremblay, Stella

Reichard, Kevin
Sullivan, James
Waddell, James

Ritter, Glenn
Sytek, John
Ward, Joanne

STRAFFORD

Browne, Brendon
Jones, Kyle

Ginsburg, Philip
Keans, Sandra

Grassie, Anne
Larsen Schultz,
Kirsten

Horrigan, Timothy
Munck, Philip

Parsons, Robbie
Spainhower, Dale

Perry, Robert
Spang, Judith

Pitre, Joseph
Wall, Janet

Schmidt, Peter
Watters, David

SULLIVAN

Bowers, Spec
Osgood, Joe

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond
Smith, Steven

Laware, Thomas

and the majority committee report failed.

Rep. Patten moved the minority committee report of Inexpedient to Legislate.

On a division vote, 181 members having voted in the affirmative and 113 in the negative, the minority committee report was adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Vaillancourt moved that the House reconsider its action whereby, on a division vote of 181-113, it found **HB 1305**, reestablishing the exemption from property taxation for telecommunications poles and conduits and establishing a committee to study how utilities are taxed by the state and municipalities, Inexpedient to Legislate.

Rep. Vaillancourt spoke against.

On a division vote, 90 members having voted in the affirmative and 204 in the negative, the motion failed.

REGULAR CALENDAR (CONT'D)

HB 1670, apportioning executive council districts. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert H. Rowe for the Majority of Special Committee on Redistricting: The subcommittee reviewed seven Executive Council plans including the existing plan adopted in 2002. Of the seven plans, the subcommittee recommended amendment 0518h to the full committee. This amendment provides for more compact districts and the compatibility of communities. The only exception is the second Council District. This district stretches across the state and is the least compact of the five districts. While the committee would desire a more compact district, it must be recognized that the current second district stretches from the coast to the Connecticut River. Nonetheless the committee is confident that the bill as amended meets all Federal and State requirements. Vote 11-4.

Rep. Lucy M. Weber for the Minority of Special Committee on Redistricting: One look at the map of the proposed Executive Council districts is all that is needed to see what is wrong with this proposal. Only District One makes sense. The boundaries of Districts Three, Four and Five are convoluted. District Two now resembles a dragon that has swallowed a medium sized mammal. This most tortuous of districts starts at the Connecticut River with Charlestown and Walpole, curves south to include Keene east to Marlborough to Dublin, then curves north only to bulge out again around the Concord area, from whence it zigzags east in a line a single town wide until it reaches the seacoast and curves south again to end at Portsmouth. Proponents of the plan argue that it preserves continuity with the current plan. However, in the proposed plan, significant population centers have been switched from

one district to another. Three members of the minority agree that continuity is to be encouraged. Because the current Executive Council districts, without any modification whatsoever, fall well within the acceptable deviation range, three members of the minority would recommend that they remain unchanged. The fourth member of the minority would favor a different redistricting plan.

Majority Amendment (0518h)

Amend the bill by replacing section 1 with the following:

1 Councilor Districts. RSA 662:2 is repealed and reenacted to read as follows:

662:2 Councilor Districts. The state is divided into 5 districts for the choosing of councilors, each of which may elect one councilor. The districts shall be constituted as follows:

I. Councilor district number 1 is constituted of the counties of Coos and Grafton, the unincorporated place of Hale's Location, the towns of Albany, Alton, Andover, Bartlett, Brookfield, Center Harbor, Chatham, Conway, Cornish, Croydon, Danbury, Eaton, Effingham, Freedom, Gilford, Grantham, Hart's Location, Hill, Jackson, Madison, Meredith, Middleton, Milton, Moultonborough, New Durham, New Hampton, New London, Newport, Ossipee, Plainfield, Sanbornton, Sandwich, Springfield, Sunapee, Tamworth, Tilton, Tuftonboro, Wakefield, Wilmot, and Wolfeboro, and the cities of Claremont and Laconia.

II. Councilor district number 2 is constituted of the towns of Acworth, Alstead, Barnstead, Belmont, Boscawen, Bradford, Canterbury, Charlestown, Dublin, Durham, Farmington, Gilsum, Goshen, Harrisville, Hopkinton, Langdon, Lempster, Madbury, Marlborough, Marlow, Nelson, Newbury, Newington, Northfield, Rollinsford, Roxbury, Salisbury, Stoddard, Strafford, Sullivan, Surry, Sutton, Unity, Walpole, Warner, Washington, and Webster, and the cities of Concord, Dover, Franklin, Keene, Portsmouth, Rochester, and Somersworth.

III. Councilor district number 3 is constituted of the towns of Atkinson, Barrington, Brentwood, Candia, Chester, Danville, Deerfield, East Kingston, Epping, Exeter, Fremont, Greenland, Hampstead, Hampton, Hampton Falls, Hudson, Kensington, Kingston, Lee, New Castle, Newfields, Newmarket, Newton, North Hampton, Northwood, Nottingham, Pelham, Plaistow, Raymond, Rye, Salem, Sandown, Seabrook, South Hampton, Stratham, and Windham.

IV. Councilor district number 4 is constituted of the towns of Allenstown, Auburn, Bedford, Bow, Chichester, Derry, Epsom, Goffstown, Hooksett, Londonderry, Loudon, Pembroke, and Pittsfield, and the city of Manchester.

V. Councilor district number 5 is constituted of the towns of Amherst, Antrim, Bennington, Brookline, Chesterfield, Deering, Dunbarton, Fitzwilliam, Francestown, Greenfield, Greenville, Hancock, Henniker, Hillsborough, Hinsdale, Hollis, Jaffrey, Litchfield, Lyndeborough, Mason, Merrimack, Milford, Mont Vernon, New Boston, New Ipswich, Peterborough, Richmond, Rindge, Sharon, Swanzey, Temple, Troy, Weare, Westmoreland, Wilton, Winchester, and Windsor, and the city of Nashua.

Rep. Rowe spoke in favor.

Rep. Vaillancourt spoke against.

CALL OF THE HOUSE

Rep. Bettencourt moved a Call of the House.

With 271 members having answered the Call, a quorum was declared present and Chamber doors were secured.

The question now being adoption of the majority committee amendment.

On a division vote, 177 members having voted in the affirmative and 99 in the negative, the majority committee amendment was adopted.

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

Rep. Vaillancourt offered floor amendment (0725h).

Floor Amendment (0725h)

Amend the bill by replacing section 1 with the following:

1 Councilor Districts. RSA 662:2 is repealed and reenacted to read as follows:

662:2 Councilor Districts. The state is divided into 5 districts for the choosing of councilors, each of which may elect one councilor. The districts shall be constituted as follows:

I. Councilor district number 1 is constituted of the counties of Belknap, Carroll, and Coos, the unincorporated place of Livermore, the towns of Ashland, Barrington, Bath, Benton, Bethlehem, Bridgewater, Bristol, Campton, Dorchester, Easton, Ellsworth, Farmington, Franconia, Groton, Haverhill, Hebron, Holderness, Landaff, Lincoln, Lisbon, Littleton, Lyman, Lyme, Middleton, Milton, Monroe, New Durham, Orford, Piermont, Plymouth, Rumney, Strafford, Sugar Hill, Thornton, Warren, Waterville Valley, Wentworth, and Woodstock, and the cities of Rochester and Somersworth.

II. Councilor district number 2 is constituted of the county of Sullivan, the towns of Alexandria, Alstead, Andover, Boscawen, Bow, Bradford, Canaan, Canterbury, Chesterfield, Chichester, Danbury, Dublin, Enfield, Gilsum, Grafton, Hanover, Harrisville, Henniker, Hill, Hinsdale, Hopkinton, Loudon, Marlborough, Marlow, Nelson, New London, Newbury, Northfield, Orange, Pembroke, Pittsfield, Richmond, Roxbury, Salisbury, Stoddard, Sullivan, Surry, Sutton, Swanzey, Walpole, Warner, Webster, Westmoreland, Wilmot, and Winchester, and the cities of Concord, Franklin, Keene, and Lebanon.

III. Councilor district number 3 is constituted of the towns of Atkinson, Brentwood, Chester, Danville, Durham, East Kingston, Epping, Exeter, Fremont, Greenland, Hampstead, Hampton, Hampton Falls, Kensington, Kingston, Lee, Madbury, New Castle, Newfields, Newington, Newmarket, Newton, North Hampton, Nottingham, Plaistow, Rollinsford, Rye, Salem, Sandown, Seabrook, South Hampton, Stratham, and Windham, and the cities of Dover and Portsmouth.

IV. Councilor district number 4 is constituted of the towns of Allenstown, Auburn, Bedford, Candia, Deerfield, Derry, Epsom, Goffstown, Hooksett, Litchfield, Londonderry, Northwood, and Raymond, and the city of Manchester.

V. Councilor district number 5 is constituted of the towns of Amherst, Antrim, Bennington, Brookline, Deering, Dunbarton, Fitzwilliam, Frankestown, Greenfield, Greenville, Hancock, Hillsborough, Hollis, Hudson, Jaffrey, Lyndeborough, Mason, Merrimack, Milford, Mont Vernon, New Boston, New Ipswich, Pelham, Peterborough, Rindge, Sharon, Temple, Troy, Weare, Wilton, and Windsor, and the city of Nashua.

Rep. Vaillancourt spoke in favor.

Rep. Hess spoke against.

Rep. Jasper requested a roll call; sufficiently seconded.

YEAS 96 NAYS 179

YEAS 96

BELKNAP

Accornero, Harry

Greemore, Robert

Millham, Alida

Simpson, Tyler

CARROLL

None

CHESHIRE

Butynski, William
Johnsen, Gladys

Cartwright, Anne
Roberts, Kris

Chase, Cynthia
Sad, Tara

Hawkes, Samuel
Weed, Charles

COOS

Coulombe, Gary

Merrick, Evalyn

Remick, William

Theberge, Robert

GRAFTON

Aguiar, James
Smith, Suzanne

Gould, Franklin

Nordgren, Sharon

Pierce, David

HILLSBOROUGH

Ball, J. Michael
Daler, Jennifer
Goley, Jeffrey
Hutchinson, Winfred
McGuinness, Sean
Ramsey, Peter
Shaw, Barbara
Vaillancourt, Steve

Baroody, Benjamin
Drisko, Richard
Gorman, Mary
Leishman, Peter
Messier, Irene
Rhodes, Brian
Simmons, Tammy
Willette, Robert

Barry, J. Gail
Gagne, Larry
Graham, John
Long, Patrick
Pilotte, Maurice
Rokas, Ted
Sullivan, Daniel

Campbell, David
Gandia, Laura
Greazzo, Phil
Maltz, Jonathan
Proulx, Mark
Rosenwald, Cindy
Thomas, Joseph

MERRIMACK

Bouchard, Candace
Foosse, Robert
Hoell, J.R.
Palfrey, David
Soltani, Tony

Cohn, Seth
Frazer, June
Lockwood, Priscilla
Richardson, Gary
Wallner, Mary Jane

Deloge, Helen
Gile, Mary
MacKay, James
Seaworth, G. Brian

DeStefano, Stephen
Hamm, Christine
McGuire, Dan
Shurtleff, Stephen

ROCKINGHAM

Allen, Mary
Moody, Marcia
Tamburello, Daniel

DiPentima, Rich
Pantelakos, Laura
Tremblay, Stella

Lovejoy, Patricia
Read, Robin Jr
Welch, David

MacMahon, Bruce
Schlachman, Donna

STRAFFORD

Browne, Brendon
Kaen, Naida
Schmidt, Peter
Watters, David

Ginsburg, Philip
Keans, Sandra
Spainhower, Dale

Grassie, Anne
Munck, Philip
Spang, Judith

Horrigan, Timothy
Perry, Robert
Wall, Janet

SULLIVAN

Cloutier, John

Gagnon, Raymond

Smith, Steven

NAYS 179

BELKNAP

Fields, Dennis
Russell, David
Tobin, William

Flanders, Donald
St. Cyr, Jeffrey
Worsman, Colette

Kingsbury, Robert
Swinford, Elaine

Pilliod, James
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Knox, J. David
Patten, Betsey
Tregenza, Norman

Babson, David Jr
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Chandler, Gene
McConkey, Mark
Scala, Dino

Fleck, Joseph
Merrow, Harry
Schmidt, Stephen

CHESHIRE

Byrnes, John
Weber, Lucy

Dwinell, Richard

Moore, Robert Jr

Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Almy, Susan
Cooney, Mary
Ladd, Rick Jr
Sova, Charles

Bradley, Lester
Gionet, Edmond
Mirski, Paul
Townsend, Charles

Brosseau, Charles
Harding, Laurie
Pastor, Beatriz
White, Andrew

Bulis, Lyle
Ingbretson, Paul
Shackett, Jeffrey

HILLSBOROUGH

Avard, Kevin
Belvin, William
Buxton, Michael
Cusson-Cail, Kathleen
Erickson, Duane
Hardwick, Harry
Jasper, Shawn
LeBrun, Donald
Palmer, Stephen
Renzullo, Andrew
Silva, Peter
Twombly, Timothy

Balboni, Michael
Boehm, Ralph
Cebrowski, John
Daniels, Gary
Fredette, Robert
Hawkins, Kenneth
Krasucki, Joseph
McClarren, Donald
Pellegrino, Tony
Rowe, Robert
Soucy, Connie
Ulery, Jordan

Barry, Richard
Brown, Kevin
Christiansen, Lars
Doherty, Shaun
Haefner, Robert
Hikel, John
Kurk, Neal
Notter, Jeanine
Peterson, Lenette
Scontsas, Lisa
Stepanek, Stephen
Villeneuve, Moe

Belanger, James
Burt, John
Coffey, James
Donovan, Daniel
Hansen, Peter
Hogan, Edith
Lambert, George
Ohm, Bill
Pratt, Calvin
Seidel, Carl
Stroud, Kathleen
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Keane, Thomas
McGuire, Carol
Smith, Todd

Giuda, J. Brandon
Kotowski, Frank
Reed, Dennis
Winter, Steven

Hess, David
Lauer-Rago, Kathleen
Sanborn, Laurie

Hill, Gregory
Lindsley, Mark
Smith, Molly

ROCKINGHAM

Abrami, Patrick
Belanger, Ronald
Cali-Pitts, Jacqueline
Davenport, Joshua
Fesh, Robert
Headd, James
Kappler, Lawrence
Mauro, Donna
O'Connor, John
Reichard, Kevin
Smith, William
Waddell, James

Azarian, Gary
Bettencourt, David
Charron, Gene
Devine, James
Garcia, Marilinda
Hoelzel, Kathleen
Kolodziej, Walter
McMahon, Charles
Okerman, Richard
Rice, Frederick
Sytek, John
Ward, Joanne

Baldasaro, Alfred
Birdsell, Regina
Comerford, Timothy
Duarte, Joe
Garrity, James
Introne, Robert
Major, Norman
Nevins, Chris
Packard, Sherman
Ritter, Glenn
Tasker, Kyle
Webb, James

Bates, David
Brown, Paul
Copeland, Timothy
Ferrante, Beverly
Griffin, Mary
Itse, Daniel
Manuse, Andrew
Norelli, Terie
Reagan, John
Shuler, Wyman III
Tucker, Pamela
Weyler, Kenneth

STRAFFORD

Cataldo, Sam	DeLemus, Susan	Groen, Warren	Jones, Kyle
Jones, Laura	Larsen Schultz, Kirsten	Newton, Clifford	Parsons, Robbie
Pitre, Joseph	Vita, Carol	Vita, Lucien	

SULLIVAN

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

and floor amendment (0725h) failed.

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

Rep. Weber spoke against.

Rep. Hess spoke in favor.

Rep. Vaillancourt requested a roll call; sufficiently seconded.

YEAS 180 NAYS 95

YEAS 180

BELKNAP

Fields, Dennis	Flanders, Donald	Kingsbury, Robert	Pilliod, James
Russell, David	Simpson, Tyler	St. Cyr, Jeffrey	Swinford, Elaine
Tilton, Franklin	Tobin, William	Worsman, Colette	

CARROLL

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

CHESHIRE

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

COOS

Rappaport, Laurence	Richardson, Herbert	Tholl, John Jr	Tremblay, Marc
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GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Gionet, Edmond
Ingbretson, Paul	Ladd, Rick Jr	Mirski, Paul	Shackett, Jeffrey
Sova, Charles			

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Barry, Richard	Belanger, James
Belvin, William	Boehm, Ralph	Brown, Kevin	Burt, John
Buxton, Michael	Cebrowski, John	Christiansen, Lars	Coffey, James
Cusson-Cail, Kathleen	Daniels, Gary	Doherty, Shaun	Donovan, Daniel

Drisko, Richard
Graham, John
Hikel, John
Kurk, Neal
McClarren, Donald
Palmer, Stephen
Proulx, Mark
Seidel, Carl
Stroud, Kathleen
Villeneuve, Moe

Erickson, Duane
Haefner, Robert
Hogan, Edith
Lambert, George
McGuinness, Sean
Pellegrino, Tony
Renzullo, Andrew
Silva, Peter
Thomas, Joseph
Whitehead, Randall

Fredette, Robert
Hardwick, Harry
Jasper, Shawn
LeBrun, Donald
Notter, Jeanine
Peterson, Lenette
Rowe, Robert
Soucy, Connie
Twombly, Timothy

Gandia, Laura
Hawkins, Kenneth
Krasucki, Joseph
Maltz, Jonathan
Ohm, Bill
Pratt, Calvin
Scontsas, Lisa
Stepanek, Stephen
Ulery, Jordan

MERRIMACK

Blankenbeker, Lynne
Keane, Thomas
McGuire, Carol
Seaworth, G. Brian

Giuda, J. Brandon
Kotowski, Frank
McGuire, Dan
Smith, Molly

Hess, David
Lauer-Rago, Kathleen
Reed, Dennis
Smith, Todd

Hill, Gregory
Lindsley, Mark
Sanborn, Laurie
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Belanger, Ronald
Charron, Gene
Devine, James
Garcia, Marilinda
Hoelzel, Kathleen
Kolodziej, Walter
McMahon, Charles
Packard, Sherman
Ritter, Glenn
Tamburello, Daniel
Ward, Joanne

Azarian, Gary
Bettencourt, David
Comerford, Timothy
Duarte, Joe
Garrity, James
Introne, Robert
Major, Norman
Nevins, Chris
Reagan, John
Shuler, Wyman III
Tasker, Kyle
Webb, James

Baldasaro, Alfred
Birdsell, Regina
Copeland, Timothy
Ferrante, Beverly
Griffin, Mary
Itse, Daniel
Manuse, Andrew
O'Connor, John
Reichard, Kevin
Smith, William
Tucker, Pamela
Welch, David

Bates, David
Brown, Paul
Davenport, Joshua
Fesh, Robert
Headd, James
Kappler, Lawrence
Mauro, Donna
Okerman, Richard
Rice, Frederick
Sytek, John
Waddell, James
Weyler, Kenneth

STRAFFORD

Cataldo, Sam
Larsen Schultz,
Kirsten
Pitre, Joseph

Groen, Warren
Munck, Philip
Vita, Carol

Jones, Kyle
Newton, Clifford
Vita, Lucien

Jones, Laura
Parsons, Robbie

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

Laware, Thomas
Smith, Steven

NAYS 95

BELKNAP

Accornero, Harry

Greemore, Robert

Millham, Alida

CARROLL

None

CHESHIRE

Butynski, William

Chase, Cynthia

Hawkes, Samuel

Johnsen, Gladys

Roberts, Kris

Sad, Tara

Weber, Lucy

Weed, Charles

COOS

Coulombe, Gary
Theberge, Robert

Daugherty, Duffy

Merrick, Evalyn

Remick, William

GRAFTON

Aguiar, James
Harding, Laurie
Smith, Suzanne

Almy, Susan
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pastor, Beatriz
White, Andrew

Gould, Franklin
Pierce, David

HILLSBOROUGH

Ball, J. Michael
Daler, Jennifer
Greazzo, Phil
Long, Patrick
Rhodes, Brian
Simmons, Tammy

Baroody, Benjamin
Gagne, Larry
Hansen, Peter
Messier, Irene
Rokas, Ted
Sullivan, Daniel

Barry, J. Gail
Goley, Jeffrey
Hutchinson, Winfred
Pilotte, Maurice
Rosenwald, Cindy
Vaillancourt, Steve

Campbell, David
Gorman, Mary
Leishman, Peter
Ramsey, Peter
Shaw, Barbara
Willette, Robert

MERRIMACK

Bouchard, Candace
Foose, Robert
Hoell, J.R.
Richardson, Gary

Cohn, Seth
Frazer, June
Lockwood, Priscilla
Shurtleff, Stephen

Deloge, Helen
Gile, Mary
MacKay, James
Soltani, Tony

DeStefano, Stephen
Hamm, Christine
Palfrey, David
Wallner, Mary Jane

ROCKINGHAM

Allen, Mary
MacMahon, Bruce
Read, Robin Jr

Cali-Pitts, Jacqueline
Moody, Marcia
Schlachman, Donna

DiPentima, Rich
Norelli, Terie
Tremblay, Stella

Lovejoy, Patricia
Pantelakos, Laura

STRAFFORD

Browne, Brendon
Horrigan, Timothy
Schmidt, Peter
Watters, David

DeLemus, Susan
Kaen, Naida
Spainhower, Dale

Ginsburg, Philip
Keans, Sandra
Spang, Judith

Grassie, Anne
Perry, Robert
Wall, Janet

SULLIVAN

Cloutier, John

Gagnon, Raymond

LaCasse, Paul Sr

Schmidt, Andrew

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

MOTION TO PRINT DEBATE

Rep. Rosenwald moved that the debate on the motion of Ought to Pass with Amendment on **HB 1670**, apportioning executive council districts, be printed in the Permanent Journal.

Rep. Bettencourt moved to amend the motion to include the entire debate.

On a division vote, 236 members having voted in the affirmative and 38 in the negative, the motion to amend was adopted.

The question now being adoption of the motion to print the entire debate on **HB 1670**, apportioning executive council districts, in the Permanent Journal.
Adopted.

DEBATE ON HB 1670

Rep. Rowe: Mister Speaker, I move amendment 0518h.

Speaker O'Brien: Rep. Rowe moves committee amendment 0518h. It is printed in the House Record on page 729. He is recognized to speak to his motion.

Rep. Rowe: Thank you, Mister Speaker. The subcommittee in charge with recommending this amendment on redistricting executive council reviewed eight plans including the current plan. Of the eight, six were good, two were excellent and none were perfect. So, in my opinion, there is no possibility on any redistricting plan to have a perfect plan and here is why. One, you have to meet all state constitutional and statutory requirements. Two, you have to meet all...

Speaker O'Brien: Will the member suspend? Members are indicating that they are having a great deal of difficulty hearing the speaker. The speaker has a right to be heard. Will members please take their conversations into the anteroom? You may proceed, Rep. Rowe.

Rep. Rowe: Thank you, Mister Speaker. In order to have a perfect plan, you must meet all state constitutional and statutory requirements. Two, you must meet all federal constitutional and statutory requirements, including zero deviation and third, you have to please every single representative, senator, executive council member and 100+ cities and towns. It is impossible. Of the two excellent plans we reviewed, we liked the committee amendment and we proposed that committee amendment. It is not perfect, but it is excellent. It takes the five districts and in four of the districts, it makes them more compact and compatible. There is only one district that is a little convoluted and I know you are going to hear about that and it's in district #2 that extends across the state east to west, but the current executive council district also extends across the state east and west. This is a good plan and I ask that you vote for it. Now, let me say one thing. If they like we could change one little town and put it in another district, but then we would have to change another district and another and another. We could be working on this plan to improve it from now to the end of time and it wouldn't be any better so I ask you to support the committee amendment. Thank you.

Speaker O'Brien: Does the member yield to a question? The member does not yield for a question. Rep. Vaillancourt is recognized to speak on the question. The question is the adoption of House amendment 0518h, printed in House Record page 729.

Rep. Vaillancourt: Thank you, Mister Speaker. I wasn't planning to speak on this. I was just going to offer an amendment afterwards, but there was a misstatement by the previous speaker. He said that if you move one town, you would throw everything off. We are not doing state representative districts here. In executive council districts, if you divide the population of the state, which is 1,316,470 by 5, you get 263,294. If you take 10% of that, you are talking about 26,000 so you could have a deviation of 26,000 without having to change anything if you moved one town here or there. In fact, Mister Speaker, Mister Speaker, I just wondered Mister Speaker if you realize that if we did absolutely nothing, even though the populations have gotten out of control a little bit, they are still within acceptable deviation. And, Mister Speaker I say to you, doing absolutely nothing would be preferable to this. I know we are not supposed to have props here, but I did leave a map on the back table and I have emailed each of you a map which points out this plan because you really need to see this to believe it and that's all you need to do. All you need to do is see this because earlier today I Googled Elbridge Gerry, one of the great founding fathers, Governor of Massachusetts and the man for which that term gerrymandering was named. In fact, there is on Google a map of the Elbridge Gerry district that brought about gerrymandering. Mister Speaker, you would be amazed how much this plan for district #2 looks like the Elbridge gerrymander. You just can't make this stuff up. It's true. The previous speaker said that only one district is out of kilter or the word that he used, a problem. But, we are not talking about 400 seats where one out of 400 would be one quarter percent. You do the math. One out of 5 districts not good, admittedly not good by the people that are proposing this. One out of 5 is 20% so you've got a mess with 20% of the state and it wouldn't take a lot of effort to fix

it. Let's just go down how this proposal came about. The previous speaker chaired the subcommittee. He asked for proposals. I submitted three proposals. They were called Plans A, B and C. Executive Council members were invited in to look at the plans and give their opinion. One Executive Council member, the current member in district #2 said he would prefer my plan if it had a few changes made and he did not lose quite as many of the surrounding Concord towns as he lost. So after spending literally dozens of hours working on plans A, B and C, I went back and spent a couple more hours and revamped the plan so that he would not lose the towns that he did not want to lose. I did this at the encouragement of the vice chairman, the committee chairman that chaired the subcommittee and the person that just spoke. I received assurances that looked pretty good, the plan that I'd come up with and then what do you think happened? What do you think happened? After all these committee proposals were presented including the gentleman from Hooksett right here in the front row that had a proposal, which although I didn't support, is much better than the proposal before you. The gentleman from Hooksett's proposal is better. Doing nothing is better. This is about the worst you can do. I want all of you to have a map. Whether you take my map or download it yourself because maybe in 20 years from now, you'll dig this map out and you will be talking to your grandchildren and you'll say, "Sonny, I want you to see this map. Back in 2012; look at this joke that we perpetuated on the state of New Hampshire." What a laugh you'll have when you show your grandchildren this thing that looks like a cobra swallowing either a large antelope or a small water buffalo. We can do better than this. We have four plans; make that five plans that are better than this, including the gentleman from Hooksett's plan. This is about the worst possible plan you can conceive and what is the deviation of this plan, Mister Speaker? We do redistricting every ten years so that we can get the smallest deviation possible so that we can live with the constitutional mandate of one man, one vote. This plan creates district #2 wandering all the way from the great Vermont border and the Connecticut River all the way to the Seacoast but not stopping there, going all the way down to Portsmouth. It incorporates so many Democrats that no Democrat could lose district #2, but of course that is the point of gerrymandering, isn't it, that you're going to pack the other district so that no Republican could ever lose it. Usually when you gerrymander, you are a little more careful. You disguise it a little bit because the Senate redistricting plan which we will consider maybe next week; the House hasn't vote on that, is in fact gerrymandering, but its ingenious gerrymandering because it looks good. This plan doesn't look good. This plan is a joke. I refuse to vote for a joke, but I realize the majority has the votes to pass it, so Mister Speaker I will say no more.

Speaker O'Brien: I'm sorry, you couldn't hear him? Usually that's not the problem. We are locking down the House to make sure we have a quorum. The question before the House is the adoption of the committee amendment (0518h). It is printed in House Record 11 on page 729. Are you ready for the question? Rep. Vaillancourt requests a division vote. This will be a division vote. Will members please take their seats? The Chair recognizes Rep. Bettencourt.

Rep. Bettencourt: Thank you, Mister Speaker. Mister Speaker, I move to have a Call of the House.

Speaker O'Brien: Rep. Bettencourt moves a Call of the House. Will members please take their seats and push their buttons to record their presence when we turn on the voting stations? Please take your seats. At this point we are going throughout the building looking for members, which is required for a Call of the House. Will all members please take their seats? Rep. Vaillancourt, you well know that you are not supposed to pass out anything in the House. The House will come to order. The question before the House is the adoption of the committee amendment. This is a division vote. Members are not to leave the Hall. The Hall is under lockdown. Question before the House is shall the House adopt the committee amendment. This is a division vote. If you are in favor of adopting the committee amendment, you'll press the green button. If you are opposed, you'll press the red button.

Voting stations will be open for 30 seconds. The House will be attentive to the state of the vote. 177 members having voting in the affirmative and 99 in the negative, the committee amendment is adopted. The Chair recognizes Rep. Vaillancourt for an amendment.

Rep. Vaillancourt: Thank you, Mister Speaker. I would like to offer floor amendment (0725h).

Speaker O'Brien: Rep. Vaillancourt moves floor amendment (0725h) to HB 1670 and is recognized to speak to his motion.

Rep. Vaillancourt: Thank you, Mister Speaker. I like to follow the rules, so while I was speaking against the previous amendment I decided I should not speak in favor of this one, but of course, now that you have passed the “Daliesque” plan, Salvador Dali, if you pass this amendment, this would take affect because this would be the most recent thing to pass. I never knew that we weren’t allowed to hand out maps, but if anybody wants one I guess you can’t run out to the antechamber to get a map because you can no longer leave the room. Maybe one of your neighbors has a map because all you really need to do to see how superior this plan is to look at the two maps side by side, but there is more to it than that of course because as I was mentioning on the previous bill, we do redistricting to get as close as possible to the ideal of one man, one vote. 263,294 people per executive council district would be ideal. This plan has a deviation of 0.54% as close to perfect you are likely to get. Why? Because dozens of hours were spent putting this plan together. It wasn’t something just thrown together at the last minute so we could make a “Daliesque” creation. In this plan, district #1 has 263,783; district #2 has 262,381, district #3, 263,717, district #4, 263,788 and district #5, 262,801. The greatest negative deviation is 0.35%. The greatest positive deviation is +0.19%. The deviation for this plan is 7 times better than the plan you just voted for. In other words, we come 7 times as close to reaching that ideal. I may exaggerate a little bit so let me give you the exact numbers. The previous plan had a deviation of 3.52%, certainly within the limits, Mister Speaker, of what we can do, but as I mentioned before, we don’t need to do anything. If we pass no plan we are within acceptable deviation and then no people would have to move around. So, let’s think about what the committee was asked to do when we put these executive council plans together. You should know that ten years ago no changes were made. The deviation was deemed acceptable so these maps have not changed basically for 20 years. We’ve had the same map. I decided maybe it would make sense if we made the map a little more compact, made districts look like they really should, instead of having those zigzagged lines which in fact are evidence of gerrymandering. So I tried to take a balancing act and I tried to take districts that look very much like they should be natural inclinations of sanity and at the same time move the fewest number of people around. I have to readily admit I moved some people around, but then the plan you just passed out of a 263,000 district, it moved 100,000 people around in one of the districts. 100,000 people. 40% of the people in a district were moved around in the plan you just voted for so my plan doesn’t move nearly that many people around and it creates configurations that are very good to the eye. Everybody that’s seen these two plans tells me, “Of course we favor the one on the bottom.” So let’s look at community interest. I know it’s getting late, but this is so much fun doing the real facts behind redistricting as opposed to having something that was thrown at you. The reason that I put plan D together, if you will look at your map if you have it, is because plans A, B and C had a couple of zigzags and as I alluded to earlier, Councilor St. Hilaire from district #2 wanted to get more of the Concord communities with him. So, I redid the map so he could get more of the Concord communities. However, you may notice that district #1 no longer included Hanover and Lebanon. Some people weren’t happy that Hanover and Lebanon were removed from district #1. Hanover has 10,000 people with Lebanon, that’s about 22,000 people, only one-fifth the number of people that were moved in just one of the districts and many, many people were moved in other districts in the plan you just passed. So, the councilor from district #1, I guess I can name his name, we’re not supposed to refer to other House members here, but are we allowed to mention executive councilor’s names, but you know the guy from district #1 that big part of the state up north.

He came in and he didn't like the idea of losing Lebanon and Hanover. He thought that was a powerful part of his district so I was trying to go by community interest and I did a little looking at the red book. If you look at the red book, the district councilor, a Republican from district #1, doesn't win Lebanon and Hanover because the people of Lebanon and Hanover are like the people in the lower part of the Connecticut Valley, progressives, liberals, dare I say Democrats. So the plan that you see before you now takes into account community of interest because it groups like people together. The people of Hanover and Lebanon probably have a lot more in common with the people of Keene and the more progressive people down river than the people up north in Lincoln, Woodstock, some of those towns up north that are very, I don't want to use the word unprogressive, shall we say conservative. So this plan not only looks good as a map, it not only has a deviation 7 times better than what you just voted on, but it takes into account communities of interest. It doesn't, and they mentioned that the previous plan only disrupts district #2, but in fact it disrupts district #4 which happens to be the Manchester district that I'm a part of. You know, Mister Speaker, I've been accused in papers going around that I'm doing this for selfish or personal reasons. Nothing I have done for House or Executive Councilor districts has anything to do with me. That's a slur on my character. That should be refuted if you just look at this plan. This plan was done strictly by the numbers and strictly by what looks good and when people say, oh it's an ego trip for you, can't be true because I told you one executive councilor objected to and at the request from the representative from Amherst, I took it back and spent another 10 hours or so redoing it to make it look better so that everybody likes it. So, that's a slur that personally I can do without as *Maggie May* would say. Then there is one other canard that I need to deal with and I don't like hearsay evidence, Mister Speaker, but the committee chairman told the committee that the Senate liked this plan and that's why we should vote for it. I just happened to be in contact that day with the Senate President who had taken my 4 plans home and emailed me that he liked my 4 plans. So I'm not too worried if you vote against this because I suspect, unlike the House plan that we rubber stamp their plans and they rubber stamp ours, I suspect the Senate may discover sanity and vote for a plan. Thank you, Mister Speaker. Please vote green.

Speaker O'Brien: The question before the House is the motion by Rep. Vaillancourt to adopt floor amendment (0725h). The Chair recognizes the gentleman from Hooksett to speak to the question.

Rep. Hess: Thank you very much, Mister Speaker. Mister Speaker, I think redistricting is much too important to be determined by histrionics and emotion. I think it deserves to be a reasoned judgment based upon the facts, based upon law and based upon existing geographic and political circumstances. Political considerations are not only permitted in redistricting, they are looked towards. Let me quote some language from a U.S. Supreme Court decision which was handed down 25 days ago on January 20. "Redistricting ordinarily involves criteria and standards that have been weighed and evaluated by the elected branches in the exercise of their political judgment." Let me read to you what our Supreme Court said in *Burling vs. Chandler* and I quote, "Political considerations are tolerated in legislatively implemented redistricting plans." What are those considerations? Well, first of all, for state redistricting, the norm or the goal is not to come as close to zero deviation between the districts as possible. Many, many more factors come into play and should come into play. I will ask your permission to cite a decision by the California Supreme Court; you can accept my apologies for citing that court. Let me just tell you what the California Supreme Court said in terms of a punch list of things that can and should be and must be considered in redistricting. First of all, they said you want to be sure that you redistrict contiguous areas. That's pretty self evident. Secondly, that court said you want to have geographical integrity and by that they meant not only political subdivisions having integrity but major regions of the state having integrity being joined together. Thirdly, that court said you want to have districts that have a sense of community, of shared values, of shared beliefs as long as they don't violate the prohibited discriminations which none of us have to consider here. The

court added that you could also look at lines of communication and transportation to see if exactly whether or not the constituents have that shared belief in that community of interest. That court went on to say what compactness means and I'll quote the court on compactness. "Compactness does not refer to geometric shapes, but to the ability of citizens to relate to each other and their representatives and to the ability of representatives to relate effectively to their constituents. So, what do we have in this proposal that is superior to the committee amendment that you just passed? Nothing. This amendment actually doubles the orphan executive council districts in this state. Not just one, but two districts, district #1 and district #2 have been distorted and moved around for no meaningful purpose. The amendment that we just passed moved 42 towns and cities from one district to another. This amendment moves 61 towns and cities from one district to another unnecessarily and it does it in a way that destroys the community and the fabric and the current forms of the districts. Let me take for example district #1 to begin with. District #1 in its current format extends from the Lakes Region and just about a parallel line below the Lakes Region to the Maine border up through the north woods back down through the Connecticut River Valley and the I93 corridor that goes through the White Mountains and continues south along the Connecticut River Valley almost to Cheshire County. So you have all of Coos, all of Grafton, all of Carroll, two-thirds of Sullivan and two-thirds or three-quarters of Belknap County in that district. Those are contiguous counties with shared interest. They tend to be more rural, they're up north, they share the values of outdoor living. The Connecticut Valley, contrary to what the former speaker just said, does have a similarity of community all the way down the valley. Sure you can point to Hanover and say yeah, that's a little hot bed of blue, but that's the only hot bed of blue in that region. The councilor, the incumbent from the first district said, "I represent the Connecticut Valley. I know the people of the Connecticut Valley. I want to continue representing them so I can do a better job for them." This plan takes the Connecticut Valley south of Hanover away from district #1 and puts it in district #2 for no reason, but to replace the people that were taken away in Hanover and Lebanon and in almost all of Sullivan County, what happened? We see district #1 now extends now all the way down the Maine border and it includes Rochester and Rollinsford and two-thirds of Stratford County now. So instead of having virtually five stand alone counties in district #1, we have now split them up and instead of having a district that looks west and looks down the Connecticut Valley and looks to the north, we have one that's looking east in the east, looking north in the north and looking west for part of the area in the Connecticut Valley. It doesn't make sense. It doesn't make sense for the interest of those people. It doesn't make sense for the purposes of redistricting to reflect share values and communities of interest. Let's look at district #2. If you have a map, you can look at it and if you can't I can describe it to you. I call district #2 a tumor because it starts in the eastern end of Merrimack County from Bow, from Pembroke, from Chichester, from Deerfield and then sweeps in a big giant fan to the Connecticut River. So from Bow to Hanover and Lebanon, from Deerfield to Hinsdale, it doesn't make sense. There are not shared community values or interest in that conglomerate. That's the 2nd district of this plan that's distorted. Three, four and five are fairly compact. In fact, the districts of 3, 4 and 5, if you compare the committee amendment that you have already adopted to this amendment, look very much alike. Sure there are occasionally towns here that are moved from one district to the other, but basically district #3 is moved slightly to the west and now the boundary of the Merrimack County and Rockingham County forms the northwestern boundary of that district. District #4 is moved slightly up under the committee amendment just like it is in this one. We add a few more towns in the I93 corridor in eastern Merrimack County and district #5 is moved a little bit west so that it gets a little bit more of Cheshire County. This plan satisfies the standards. The deviation is 3.52%. That is a 25% improvement over the current districts. It meets community of interest. It bands together those parts of our state that think like each other, that think they are part of the same entity and I would suggest that you vote red and defeat this amendment so that we can go on with our business and get

out of here.

Speaker O'Brien: The question before the House is the adoption of the Vaillancourt amendment (0725h). Are you ready for the question? Rep. Cohn requests a division vote. This will be a division vote. Everybody should be here. Rep. Jasper requests a roll call. Is that sufficiently seconded? That is sufficiently seconded. This will be a roll call vote. Again, our presence should be fairly well established at this point. Question before the House is shall amendment (0725h) be adopted. It's a roll call vote. The House will be attentive to the state of the vote. The House will be attentive to the state of the vote. 96 members having voted in the affirmative and 179 in the negative, the motion fails. The question before the House is shall HB 1670 be Ought to Pass with Amendment. The Chair recognizes the gentlelady from Walpole, Rep. Weber, to speak to the question.

Rep. Weber: Thank you, Mister Chairman. You'll be glad to know my colleagues, Mister Speaker, I beg your pardon, I'm not going to favor you with any more descriptions of the much tortured districts that look like a snake swallowed a donkey. I am however going to address a couple of things that have come up in debate. The criteria listed by the member from Hooksett, if you look at that particularly tortured district, the district is described as a little convoluted and we were given all of these factors that we were supposed to look at. District #2 flunks geographical integrity. It flunks a sense of community. It flunks lines of communication because you can't get there from here and it flunks transportation. It may flunk the ability of the constituents to relate to each other too, but I will try. I want also to speak for one minute on the process. We have heard about how the councilors were consulted. We heard about how the representatives were consulted and we've heard about how senators were consulted. The people who were not consulted in this process were the people. Yes, a number of plans were on the website for quite some time. This plan was on the website for approximately 24 hours before the public hearing. We didn't hear from the public on whether they liked this or not and I think that's wrong. Finally, I want to point out that the majority says this plan that they have proposed provides consistency, but it doesn't. We've heard about the population shifts. If you want to provide consistency, vote red so that we can bring in the motion of ITL. Leave the districts exactly how they have been for 20 years and we can all go home. Thank you.

Speaker O'Brien: The question before the House is the committee report and recommendation of Ought to Pass with Amendment. The Chair recognizes the gentleman from Hooksett, Rep. Hess to speak to the question.

Rep. Hess: Thank you very much, Mister Speaker. I apologize for consuming any more time than is necessary this afternoon. We have discussed the various considerations for redistricting already. I won't go into them. What I will say is this. District #1 remains intact representing a community of interest and shared values unlike probably any other part of the state. It's certainly the largest area by 4 or 5 times, but there are community of interest in those tourist areas, in those outdoor areas and those essentially rural areas. In order to increase the population in district #1, we had to take population from towns in district #2. District #2 is the only district that borders on district #1 so we had to move district #1 down and sort of squeeze district #2 in the process in order to bring up the votes higher in district #1 and make them more equal. In district #3, the plan that you are being asked to vote upon, basically represents Rockingham County with one or two towns off on the east and one or two towns from Hillsborough in the west, certainly a community of interest and shared values and perceived common interest. District #4, like the previous amendment that you considered, moved slightly to the north, but generally follows the I93 corridor, the golden triangle if you will, and proceeds up along the eastern side of Merrimack County. Shared values, shared communications, they read the same newspaper in those towns just like they do in district #5. They read the same newspapers. District #3, excuse me, district #5, as I said before, moves slightly to the west, but it combines Hillsborough County almost in its entirety with the exception of a few towns around Manchester and around the Manchester border and then continues on to Cheshire County. There are essentially two

communities in that area, if you think of it, you have the eastern Hillsborough County area with the suburban towns, the bedroom communities, etc. and then you have the more western towns like Peterborough and Sharron which are really philosophically, ideologically and community wise part of Cheshire County. So, I would urge you to vote yes on the pending motion and press the green button.

Speaker O'Brien: The question before the House is the committee report and recommendation of Ought to Pass with Amendment on HB 1670. Representative Bettencourt requests a roll call vote. Is that sufficiently seconded? It is sufficiently seconded. This will be a roll call vote. Members will please take their seats. The House will be attentive to the state of the vote. 180 members having voted in the affirmative and 95 in the negative, the committee report is adopted.

MOTION TO VACATE

Rep. Renzullo moved that the House vacate the reference of **SB 297**, relative to the apprentice hunting license, to the Committee on Resources, Recreation and Development. Adopted.

The Speaker referred **SB 297** to the Committee on Fish and Game and Marine Resources.

MOTION TO SUSPEND HOUSE RULES

Rep. Carol McGuire moved that House Rules be so far suspended as to allow the deadline for reporting of **HB 1260-FN**, relative to poker games and charitable gaming, **HB 1476**, prohibiting the enforcement of out-of-state laws, rules, codes, and fees not approved by the New Hampshire legislature and **HB 1508**, relative to procedures of the board of mental health practice, to be moved to March 22, 2012.

Rep. Carol McGuire spoke in favor.

Adopted by the necessary two-thirds vote.

MOTION TO SUSPEND HOUSE RULES

Rep. Hawkins moved that House Rules be so far suspended as to allow the deadline for reporting of **HB 1460**, establishing a committee to study additional public employee pension reforms, to be moved to March 22, 2012.

Rep. Hawkins spoke in favor.

Adopted by the necessary two-thirds vote.

MOTION TO SPECIAL ORDER

Rep. Bettencourt moved that the remainder of bills be special ordered to the end of the Calendar for February 22, 2012.

Adopted.

RESOLUTION

Rep. Bettencourt 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 Wednesday, February 22,, 2012 at 9:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 1567, establishing a committee to study the federal Youth Corrections Act.

HB 1184, relative to the use of video evidence to support an arrest for willful concealment of merchandise.

HB 1611-FN, repealing certain provisions relative to the sale of pistols and revolvers.

HB 1461, requiring school officials to notify parents of a class or event involving an outside speaker and allowing parents to opt for their child not to participate in the class or event.

HB 1571, relative to educational evaluation of home schooled children.

HB 1136, relative to special state elections.

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

HB 1387, requiring flags purchased with state funds or displayed in state facilities to be manufactured in the United States.

HB 1394, relative to appeals of eminent domain decisions.

HB 1349-L, relative to the service of town health officers.

HB 1357, relative to the membership of mosquito control districts.

HB 1504, reinstating the Maine-New Hampshire Interstate Bridge Authority.

HB 1256, establishing a New Hampshire state register of historic places.

HB 1356, classifying certain land in Litchfield as land to be retained by the state.

HB 1380, relative to the development of wetland mitigation banks.

HB 1484, relative to fees for state parks.

HB 1717, apportioning county commissioner districts.

HB 1171, updating certain references in motor vehicle statutes.

HB 1310, increasing the number of days a motorcycle learner's permit is valid.

HB 1328, relative to vehicle operation with a stuck throttle or runaway engine.

HB 1128, relative to ignition interlock device recalibration and data reports.

HR 20, urging the federal government to allow the cultivation of hemp for industrial purposes.

HB 1281, establishing a committee to study alternative medical insurance coverage for elected state officials.

HB 1686-FN, relative to state contracts and making an appropriation therefor.

HB 1534-FN, repealing the self-funding of the department of labor.

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

HB 1298, relative to the definition of "public use" under the eminent domain procedure act.

HB 1294, relative to applications for abatement of property taxes.

HB 1670, apportioning executive council districts.

UNANIMOUS CONSENT

Rep. Baldasaro addressed the House.

CALL OF THE HOUSE LIFTED

Speaker O'Brien lifted the Call of the House.

RECESS MOTION

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

Adopted.

The House recessed at 7:25 p.m.

RECESS

(Rep. Bettencourt in the Chair)

ENROLLED BILL AMENDMENT

HB 648, relative to eminent domain by public utilities and establishing a commission to investigate the procedural rights of the landowner when a petition is presented to the public utilities commission by a utility seeking eminent domain, develop a framework for the state to provide use rights to transmission developers on state owned rights-of-way, develop policies to encourage burying such lines where practicable, and establish a structure for payment.

Amendment (0723-EBA)

Amend section 5 of the bill by replacing lines 1-3 with the following:

5 New Section; Project Delay; Option to Purchase. Amend RSA 371 by inserting after section 16-a the following new section:

371:16-b Project Delay; Option to Purchase. If, after a period of 5 years, the project for which

Adopted.

RECESS

(Rep. Jennifer Coffey in the Chair)

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 418.

Rep. Kidder, Sen. Prescott for the Committee

RECESS

(Speaker O'Brien in the Chair)

RESOLUTION

Rep. Bettencourt offered the following: RESOLVED, that late drafting and introduction having been approved by the Rules Committee, House Bill numbered 1725 shall be by this resolution read a first and second time by the therein listed title, sent for printing and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 1725-FN, prohibiting health care practitioner self-referrals for medical devices. (Jasper, Hills 27; Hess, Merr 9; Chandler, Carr 1; Bettencourt, Rock 4; G. Richardson, Merr 4; Pierce, Graf 9; Hagan, Rock 7; O'Brien, Hills 4; Wall, Straf 7; Lambert, Dist 13; Luther, Dist 12: Judiciary)

RECESS

(Rep. Griffin in the Chair)

RESOLUTION

Rep. Mauro offered the following: RESOLVED, that late drafting and introduction having been approved by the Rules Committee, House Bills numbered 1726 and 1727 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and

referred to the therein designated committees.
Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 1726, exempting the transport of certain electronic waste and universal waste from the hazardous waste transporter registration program. (Cohn, Merr 6; Hill, Merr 6; D. McGuire, Merr 8; Barnes, Jr., Dist 17: Environment and Agriculture)

HB 1727-FN, to return certain insurance exchange moneys to the federal government. (Itse, Rock 9; Manuse, Rock 5; Lambert, Hills 27: Finance)

RECESS

(Speaker O'Brien in the Chair)

COMMITTEE ASSIGNMENTS

The Speaker made the following changes to committee assignments:

Rep. Beverly A. Ferrante off the Committee on Municipal and County Government.

Rep. Lynne M. Ober on the Committee on Municipal and County Government, Chair.

Rep. John R. Cloutier on the Committee on State-Federal Relations and Veterans Affairs.

Rep. Roland P. Hofemann off the Committee on State-Federal Relations and Veterans Affairs.

RECESS