

State of New Hampshire HOUSE RECORD

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

Vol. 34

Concord, N. H.

Wednesday, February 22, 2012

No. 20

HOUSE JOURNAL No. 8 (cont.)

Wednesday, February 15, 2012

Rep. Tucker moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 9

Wednesday, February 22, 2012

The House assembled at 9:00 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.

O God, the fountain of wisdom, whose will is good and gracious and whose law is truth. We ask You once again to guide and bless our Representatives here assembled that they may enact such laws as please You to the glory of Your name and the welfare of our people. Give them a spirit of wisdom and understanding, that they may discern the truth and work in the words of our first President, with charity, humility and a pacific temper of mind which are the characteristics of You, the Divine Author. We remember before You our members who are ill, their families and especially our men and women in armed service and our veterans. Be Thou the healer and protector of all. We ask this in Your Holy name. Amen.

PRESENTING OF COLORS

Members of the 25th Marines Bravo Company presented the Colors.

Representative Andrew Renzullo, member from Hudson, led the Pledge of Allegiance.

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

UNANIMOUS CONSENT

Rep. Baldasaro addressed the House.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of those who fought in the battle of Iwo Jima.

Members of the 25th Marines Bravo Company retired the Colors.

MOTION TO PRINT REMARKS

Rep. Bettencourt moved that the remarks made by Rep. Baldasaro be printed in the Permanent Journal.

Adopted.

REMARKS

Rep. Baldasaro: Thank you, Mister Speaker. Mister Speaker today is the day to remember the Iwo Jima 67th anniversary which was February 19, 1945 to March 26 and for those that aren't aware, we celebrate Iwo Jima Remembrance Day on Sunday. Today I come here on behalf of another legislator that brought this forward to me because I was not in the House in 2004. We talked about the Rev. Dr. Alf Jacobson who was a state senator from 1969 to 1978, a senate president from 1975 to 1981, a state representative from 1982 to 1992 then 1992 to 2004. The representative passed away in 2010. I bring the words as a tradition here on behalf of the representative. It reads, "Fifty-two years ago..." (These are his words back in 1997 when he first did this, but keep in mind this is 1997.) "today, I and some 60,000 fellow Marines assaulted the island of Iwo Jima. Originally scheduled for a three-day battle, it turned out to be a 36-day battle, one of the bloodiest, if not the bloodiest, battle of the war. Part of the reason was that we fought the war differently from other battles that we had fought. The Japanese fought it under the ground. They had 11 miles of tunnels. We fought it above the ground. No single spot of the island was free of danger. The result was that thousands of my fellow Marines were killed in the battle and many more thousands were wounded. Each year that I have been in the legislature, I have stopped for these few moments to honor those who gave the utmost. They gave their lives so that I and all of you can be free. They made the ultimate sacrifice. After 36 days I boarded a ship for Honolulu and from that moment on to this day, I have had nothing but lucky days. Thank you." I'm just going to read a few words here on his last speech here on the floor on February 19, 2004. "I was surprised when several people came up to me to say, 'Oh today is your Iwo Jima speech.' Today marks the 59th anniversary of the landing at Iwo Jima. I was thinking about all of my fellow Marines who still survive. They are all at least 77 or 78 years of age. Some told me today that the 16 million World War II veterans are now down to 4 million veterans. Seventy-five percent have gone to their reward. As I have said before, I say this not just to be saying it, but because I want to honor my fellow Marines." I want to keep in mind during that February 19 to March 26 now and a little research here. There was 27 Medals of Honor were passed out to honorable veteran warriors, 22 were Marines and 5 were Navy Corpsmen. Thank you, Mister Speaker.

LEAVES OF ABSENCE

Reps. Julie Brown, Case, Champagne, Dowling, Eaton, Emerson, Gidge, Hofemann, Dorothea Hooper, Jeudy, Marcus, McDonnell, Moran, Oigny and Sedensky, the day, illness. Reps. DeJong, Leonard, Bruce MacMahon, Malone, Messier and Panek, the day, important business.

Reps. Peckham, Robbins and Stroud, the day, illness in the family.

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

INTRODUCTION OF GUESTS

Peter Swiriduk, guest of Rep. Tregenza. Miranda White, daughter of Rep. White. Jen and Emma Whitehead, daughter and granddaughter of Rep. Whitehead. Gloria Tremblay, wife of Rep. Marc Tremblay. Keith Groen, brother of Rep. Groen. Marine Corps Color Guard, three of whom recently returned from Afghanistan, Lance Corporals Marcouillier, Baccari and Ilacqua and Corporal Julian, guests of the House.

SPECIAL ORDERED

Without objection, the Speaker made **HB 1533**, prohibiting bullying in the state house and legislative office building, a Special Order as the next order of business.

SPECIAL ORDER

HB 1533, prohibiting bullying in the state house and legislative office building.

INEXPEDIENT TO LEGISLATE.

Rep. John W. Cebrowski for Constitutional Review and Statutory Recodification: The Constitution of New Hampshire, Part 2, Articles 22, 35 and 37 provides for the House and Senate to govern their own proceedings independently. To put into statute a process that would potentially subordinate their governance, especially a future legislature which might not concur with that subordination, to another branch of government or a body including members not of either body or each other is contrary to that principle. The nature of this institution is one of passion for positions, firmly held principles, partisan politics, and disagreement. All this requires the highest level of civility, judgment, respect, sensitivity, good communications, and decorum. And those attributes need to run both ways, particularly at times of conflict. Expected cooperation with party platforms and principles is a fact of legislative life. But holding to your conscience is also a fact of legislative life. Whipping is a fact of legislative life, whether it be simple polling or verbal arm-twisting. Disappointment is another fact of legislative life. The “kitchen” can sometimes get hot. Fortunately, we have multiple means, multiple channels or outlets, for venting our frustrations when we feel wronged or misunderstood. They include testifying, debating, making our case to various committee chairs and co-chairs, majority and minority leadership team members, the Speaker, house rules, the redress of grievances committee, and multiple other resources. We have no lack of processes, people, and tools to air our passions and frustrations. Vote 13-2.

Rep. Chandler spoke in favor.

On a division vote, 224 members having voted in the affirmative and 78 in the negative, the committee report was adopted.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 102, establishing a committee to study certain issues relative to the insurance department, banking department, and bureau of securities regulation of the office of the secretary of state. (Amendment printed SJ 1-18-12)

Rep. Jennifer Coffey moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hunt, Mauro, McGuinness and Gidge.

HB 627-FN, relative to “essential benefits” under federal health care reform. (Amendment printed SJ 1-18-12)

Rep. Jennifer Coffey moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hunt, Manuse, Flanders and Schlachman.

MOTION TO SUSPEND HOUSE RULES

Rep. Lovett moved that House Rules be so far suspended as to allow for late introduction of **HB 1724**, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable.

Adopted by the necessary two-thirds vote.

RESOLUTION

Rep. Lovett offered the following: RESOLVED, that late introduction having been approved by a two-thirds vote of the House, House Bill numbered 1724 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 1724-FN, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable. (Lovett, Sull 4; Bettencourt, Rock 4; Odell, Dist 8: Science, Technology and Energy)

MOTION TO SUSPEND HOUSE RULES

Rep. Lovett moved that House Rules be so far suspended as to allow the deadline for reporting of **HB 1724-FN**, requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable, to be moved to March 22, 2012.

On a division vote, 247 members having voted in the affirmative and 62 in the negative, the motion was adopted by the necessary two-thirds vote.

MOTION TO SUSPEND HOUSE RULES

Rep. Bettencourt moved that House Rules be so far suspended as to allow the deadline for reporting of **HB 1725-FN**, prohibiting health care practitioner self-referrals for medical devices, **HB 1726**, exempting the transport of certain electronic waste and universal waste from the hazardous waste transporter registration program and **HB 1727-FN**, to return certain insurance exchange moneys to the federal government, to be moved to March 22, 2012.

On a division vote, 247 members having voted in the affirmative and 68 in the negative, the motion was adopted by the necessary two-thirds vote.

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 1238**, relative to divestiture of Public Service of New Hampshire (PSNH) generation assets, and **HB 1390**, relative to the regulation of incumbent local exchange carriers, to be moved to March 22, 2012.

Adopted by the necessary two-thirds vote.

MOTION TO SUSPEND HOUSE RULES

Rep. Mirski moved that House Rules be so far suspended as to allow the deadline for reporting of **HB 1671**, apportioning congressional districts, to be moved to March 22, 2012.

Adopted by the necessary two-thirds vote.

MOTION TO SUSPEND HOUSE RULES

Rep. Stepanek moved that House Rules be so far suspended as to allow the deadline for reporting of **HB 1607-FN-L**, establishing an education credit against the business profits tax, to be moved to March 22, 2012.

Adopted by the necessary two-thirds vote.

MOTION TO SUSPEND HOUSE RULES

Rep. Balboni moved that House Rules be so far suspended as to allow the deadline for reporting of **HB 1403**, allowing a parent or guardian to withdraw a child from a school district which adopts the international baccalaureate program, to be moved to March 22, 2012.

On a division vote, 248 members having voted in the affirmative and 63 in the negative, the motion was adopted by the necessary two-thirds vote.

PETITION

Petition #33: Representative John A. Burt of Goffstown, on behalf of Petitioner Nicholas Haas of Hooksett, seeks redress relative to a grievance involving the State of New Hampshire, two marital masters, a guardian ad litem and a judge.

The Speaker referred the Petition to the Committee on Redress of Grievances.

CONSENT CALENDAR

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

HB 1126, relative to nomination of candidates for United States senator, removed by Rep. Kingsbury.

HB 1185-FN-A, relative to the police standards and training council, removed by Rep. Rosenwald.

HB 1656-FN, relative to compensation of jurors, removed by Rep. Kingsbury.

HB 1355, relative to county budget adoption by the county convention, removed by Rep. Hoell.

HB 1371, relative to conflicts of interest of county government officials, removed by Rep. Almy.

HB 1466, relative to the investigation by the state attorney general of conflicts of interest of municipal officers and employees, removed by Rep. LaCasse.

HB 1643, relative to county appropriations, removed by Rep. Frank McCarthy.

Consent Calendar adopted.

HB 1470, establishing a committee to study administrative orders related to parental visitation. **INEXPEDIENT TO LEGISLATE.**

Rep. Patricia A. Dowling for Children and Family Law: No one appeared at the hearing on the bill. A later request for written enlightenment from the sponsor was not productive. The bill proposed a study of administrative orders related to parental visitation and when a committee inquiry to the Family Court Division found that the court does not issue administrative orders related to visitation, we decided it was time for an Inexpedient to Legislate. Vote 11-0.

HB 1554, relative to fire code requirements for licensed foster homes. **INEXPEDIENT TO LEGISLATE.**

Rep. Edith A. Hogan for Children and Family Law: This bill provides that a foster family

home located in a multi-unit dwelling which complies with fire code requirements shall not be required to install additional fire-warning devices. The committee understood that the State Fire Marshall's office already sets minimum standards for fire protection in communities. Individual communities have the ability to require enhanced fire protection beyond what the state requires, if they so desire. The committee believed that the current process was effective, respected local control and did not need further attention at this time. Vote 13-0.

HB 1259-FN, relative to payment of medical expenses for individuals who surrender themselves to law enforcement or corrections officials. **OUGHT TO PASS.**

Rep. Dennis H. Fields for Criminal Justice and Public Safety: The majority of the committee felt strongly about passage of this bill as it provides a person who surrenders himself or herself for confinement in a state or county facility and who, in the judgment of law enforcement or correctional officials, that person requires transportation to a medical facility for treatment prior to incarceration, shall be liable for all expenses related to such treatment. Vote 12-1.

HB 1581, relative to procedures for arrest. **INEXPEDIENT TO LEGISLATE.**

Rep. Dennis H. Fields for Criminal Justice and Public Safety: This bill would mandate that a police officer must obtain a warrant before arresting a domestic violence offender, even when there is probable cause that the offender has committed a crime against the victim. Over the past 10 years approximately 50% of all homicides in New Hampshire were domestic violence related. Testimony was given that the passage of this bill would likely result in more injuries and could increase the risk of legality for victims. This bill was opposed by the NH Coalition Against Domestic and Sexual Violence, the Attorney General's Office, the department of safety, the Troopers Association, the Chief's Association, the Police Association, NH Legal Assistance and the ACLU. Vote 14-0.

HB 1584, relative to the authority of police chiefs. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry G. Gagne for Criminal Justice and Public Safety: This bill, if enacted, states that a police chief shall not inhibit the discretion given to a police officer under the law. The prime sponsor stated that he was conflicted regarding this bill and would not have a problem if it was ITL'D. No one was in favor of this bill as it was "a chain of command issue" and the responsibility ultimately rests with the chief of police. Vote 16-0.

HB 1610-FN, relative to lowering the legal drinking age to 19 for active duty members of the armed forces. **INEXPEDIENT TO LEGISLATE.**

Rep. Kyle J. Tasker for Criminal Justice and Public Safety: This bill is in violation of Article 6 of the New Hampshire Bill of Rights stating: "And every person, denomination, or sect shall be equally under the protection of the law; and no subordination of any one sect, denomination or persuasion to another shall ever be established." Additionally, no evidence shows a 19-year-old enlistee is physically or emotionally different than a non-enlisted 19 year old. The dangers of drinking would apply equally. In addition, testimony from the New Hampshire Highway Safety Agency, the New Hampshire department of transportation and the department of safety have stated that they have contacted the Federal Highway Administration and the National Highway Traffic Safety Administration and found that they were not aware of any existing federal waiver or pilot program that would allow a reduction of the legal drinking age while protecting the state from losing Federal Highway funds as stated in HB 1610. Vote 15-0.

HB 1198-FN-L, relative to updating voter birth information in the statewide centralized voter registration database. **INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen M. Hoelzel for Election Law: This bill would mandate that supervisions of the

checklist put the date and place of birth into the state wide voter database. The estimated cost for this project would be approximately \$376,000.00 over FY 2015 and 2016. If a person is a long time registered voter and wasn't required to give this information at the time of registration, they would be removed from the checklist if they do not provide the information. This would leave the elderly and disabled disenfranchised. This issue will resolve itself through attrition so it is not necessary to spend \$376,000.00 in these severe economic times. Vote 13-3.

HB 1719, relative to the filing period for elections. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert J. Perry for Election Law: This bill, as amended, adds a new section clarifying the intent of this bill. Thus, the intent is to indicate that notwithstanding the finite filing deadline contained in RSA 655:14, the secretary of state is authorized to change or extend the filing period as necessary to implement revised elective districts should implementation of redistricting be delayed. It also changes the effective date to be upon passage. Vote 11-1.

Amendment (0851h)

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

1 New Section; Change in Filing Period. Amend RSA 655 by inserting after section 14-b the following new section:

655:14-c Change in Filing Period. Notwithstanding the provisions of RSA 655:14, if the elective districts for any office in RSA 662 have not been amended according to the most recently completed federal decennial census before the commencement of the filing period, the secretary of state is hereby authorized to change or extend the filing period as necessary to implement revised elective districts.

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

HB 1446, relative to the meat inspection program. **INEXPEDIENT TO LEGISLATE.**

Rep. Warren J. Groen for Environment and Agriculture: The committee thinks this bill is unnecessary for several reasons. If we exempt equine as livestock for this reason, then are there other ways that livestock will be exempted? The fact that horses can be pets and companion animals doesn't change their classification as livestock. This bill wouldn't help the cause of those who don't like concept of horse slaughter: it jeopardizes the concept of private property and the owners' desire and right to dispose of their assets as they see fit. Finally, it does muddy the waters of the whole meat inspection program. For these reasons we slaughtered this bill. Vote 13-0.

HB 1155, relative to the regulation of dentists by the board of dental examiners. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth Hawkins for Executive Departments and Administration This bill started as a housekeeping bill to clean up language in RSA 317 relating to renewal applications, ethics, advertising, and misconduct for the dental board. The amendment corrects an error in the drafting and adds a compensation of \$50 per person attending the newly created dental hygienist committee to match the \$50 payment to the Dental Board members for attending meetings. Vote 11-0.

Amendment (0788h)

Amend the bill by replacing section 2 with the following:

2 Professional Misconduct. Amend RSA 317-A:17, II(b) to read as follows:

(b)(1) Commission of any felony or ~~of a~~ misdemeanor involving dishonesty, untrustworthiness, or unprofessional conduct[;]; or

(2) Any administrative or criminal conviction involving moral turpitude; or

(3) The practice of fraud or untruthfulness in obtaining educational credentials, examination scores, or professional licensure in this or any other jurisdiction. Amend the bill by replacing all after section 3 with the following:

4 New Subparagraph; Dental Hygienists Committee; Compensation. Amend RSA 317-A:2-a, I by inserting after subparagraph (c) the following new subparagraph:

(d) Members of the committee shall each receive \$50 for each day actually engaged in the duties of their office, plus reasonable expenses necessarily incurred in the discharge of their duties. Board members serving on the committee shall not receive payment for both board and committee duties if the committee meets on the same day as the board.

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

AMENDED ANALYSIS

This bill makes changes concerning license renewal and misconduct concerning dentists, and compensation of the dental hygienists committee.

HB 1190, relative to the dental hygienists committee of the dental board. **INEXPEDIENT TO LEGISLATE.**

Rep. Spec Bowers for Executive Departments and Administration: *This bill addresses the appointment procedure for the dental hygienists committee of the dental board and addresses the rulemaking authority of the committee.* This bill is premature. Last year we passed a law creating a hygienists committee within the board of dental examiners. The board is scheduled to report about that committee by October 1, this year. Now, when the committee has barely started, is not the time to make changes to the committee. Vote 10-1.

HB 1272, establishing a legislative oversight committee to study implementation of the recommendations of the commission on the status of men and solutions to identified problems. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark L. Proulx for Executive Departments and Administration: The committee agreed that although the Commission on the Status of Men made some excellent recommendations that, in many cases, should be implemented in legislation, a committee to do so was entirely unnecessary. The recommendations have been made public, and any Representative, or group of Representatives, can develop bills from them without forming a formal committee to do so. Vote 9-0.

HB 1315, relative to the effective date of revisions to the state building code. **INEXPEDIENT TO LEGISLATE.**

Rep. Steven J. Winter for Executive Departments and Administration: The contents of this bill were contained in HB 137 which was passed by the House in January of this year. This bill therefore became redundant and is no longer needed as a vehicle for the provisions contained therein. Vote 10-0.

HB 1351, relative to disclosure of confidential information by the board of medicine. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Sytek for Executive Departments and Administration: This bill would have made more precise the language protecting the confidentiality of investigations of complaints against physicians. The committee concluded that existing language was adequate to protect confidential information and, to that extent, the bill was unnecessary. However, as the committee examined other professions in considering this bill, it noticed that the language protecting confidential information was not consistent among them. The amended bill provides this consistent language for embalmers and the allied health professions. Vote 9-0.

Amendment (0716h)

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

AN ACT relative to disclosure of information by the board of funeral directors and embalmers and governing boards of allied health professionals.

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

1 Board of Funeral Directors and Embalmers Disclosure of Information. Amend RSA 325:33, I to read as follows:

I. The board may investigate possible misconduct by licensees, and applicants, and any other matters within the scope of this chapter. Investigations may be conducted with or without the issuance of a board order setting forth the general scope of the investigation. Board investigations and information obtained by the board pursuant to such investigations, including complaints received under RSA 325:32, I(b), shall be privileged, confidential, and exempt from the public disclosure provisions of RSA 91-A, unless such information is subsequently included in the record in a public disciplinary hearing. The board may disclose information obtained in its investigations to law enforcement or health licensing agencies in this state or any other jurisdiction ***or in accordance with specific statutory requirements or court orders.***

2 Allied Health Professionals; Disclosure of Information. Amend the introductory paragraph of RSA 328-F:24, II to read as follows:

II. Unless used in disciplinary proceedings or ~~[required to be]~~ disclosed ~~[by an order of a court]~~ ***to law enforcement or health licensing agencies in this state or any other jurisdiction or in accordance with specific statutory requirements or court orders,*** the following information obtained during investigations shall be held confidential and shall be exempt from the disclosure requirements of RSA 91-A:

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

AMENDED ANALYSIS

This bill clarifies the procedures for disclosure of information by the board of funeral directors and embalmers and the governing boards of allied health professionals

HB 1362, establishing a service animal registration commission. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Calvin D. Pratt for Executive Departments and Administration: As amended, this bill creates a one-time registration option for service animals that have been certified as such and properly tagged by the governor's commission on disability. Upon the death or retirement of the service animal, the registration expires and the tag must be returned. All other state and local ordinances regarding service animals remain in effect. Misrepresenting an animal as a service animal is unlawful. Vote 14-0.

Amendment (0490h)

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

AN ACT exempting service animals from dog registration and licensing and establishing an option for permanent registration and licensing of service animals.

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

1 Service Animals; Exemption from Dog Registration and Licensing. RSA 466:8 is repealed and reenacted to read as follows:

466:8 Exemption From Fees for Registration and Licensing.

I. No fee shall be required for the registration and licensing of a dog which has served with armed forces of the United States and has received an honorable discharge therefrom.

II. No fee shall be required for the registration and licensing of a service animal as defined in RSA 167-D:1, IV. When registering and applying for a license for a service animal, the owner or trainer shall present an identification card issued by a recognized animal training agency. If a service animal has been trained by its owner and does not have an identification card issued by a recognized animal training agency or school, in order to register and license a service animal, the animal shall pass the Assistance Dogs

International Public Access Test administered by a service animal trainer, as defined in RSA 167-D:1, V, and the owner shall present a letter from a health care professional stating that the individual requires the use of a service animal to perform tasks directly related to his or her disability.

III. The owner of a service animal may elect for the registration and licensing of such service animal to be permanent and not subject to annual renewal so long as the service animal has met the requirements of this section and has received a certificate and tag from the Governor's Commission on Disability under paragraph IV.

IV. Certificates and tags stamped "New Hampshire Service Animal – Permanent Registration" with a registration number, shall be issued by the Governor's Commission on Disability to those seeking permanent registration and licensing. Applications may be obtained from a town or municipality issuing agent under RSA 466:1-c upon initial registration and licensing of a service animal or directly from the Governor's Commission on Disability.

V. Upon the death or retirement of a service animal, the owner or person in possession of the service animal tag shall immediately return the tag to the Governor's Commission on Disability.

VI. The tag identifying a service animal shall be used only by an eligible service animal, as defined in RSA 167-D:1, IV.

VII. The owners and trainers of service animals shall comply with all state and local ordinances regarding rabies certification under RSA 436:102 and RSA 466:1-a.

2 Nonuse of Hearing Ear Dog, Guide Dog, or Service Dog. Amend RSA 167-D:8, II to read as follows:

II. It is unlawful for any person to fit an animal with a collar, leash, or harness of the type which represents that the animal is a service animal, ***or service animal tag issued under RSA 466:8*** if in fact said animal is not and to thus use the animal to misrepresent the physical status of said person.

3 New Paragraph; Service Animal Registration Tags; Governor's Commission on Disability. Amend RSA 275-C:6 by inserting after paragraph VI the following new paragraph:

VII. To design, produce, and issue special registration tags and certificates for permanent service animal registration and licensing.

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

AMENDED ANALYSIS

This bill:

I. Allows for the exemption of service animals from the fee for licensing and registration of dogs.

II. Allows the owner of a service animal to opt for a one-time licensing and registration of his or her service animal.

III. Requires the Governor's Commission on Disability with overseeing the permanent registration and licensing for service animals.

HB 1496-FN, relative to the certification of county correctional personnel for purposes of the New Hampshire retirement system. **INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth Hawkins for Executive Departments and Administration: Currently, county correction officers are trained and certified by the New Hampshire Association of Counties using courses approved by the police standards and training council for a fee of \$500.

Currently, each county can train its corrections personnel using the standards from the association, and they are then certified. Many of the counties only have a few new hires so they have joint training classes with the other counties to keep the costs to the taxpayers to a minimum. We could find no reason to change the current procedures as it may increase the cost. Vote 13-0.

HB 1539-L, relative to the state building code. **INEXPEDIENT TO LEGISLATE.**

Rep. Steven J. Winter for Executive Departments and Administration: The contents of this bill were contained in HB 137 which was passed by the House in January of this year. This bill therefore became redundant and is no longer needed as a vehicle for the provisions contained therein. Vote 10-0.

HB 1550, relative to conflicts of interest. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark L. Proulx for Executive Departments and Administration: This bill is unnecessary as city and towns already have provisions in place on conflicts of interest. This bill also lacks definitions that it needs to be clear on what it is trying to do. Vote 13-1.

HB 1702-FN, relative to materials collected during certain proceedings of the board of medicine. **INEXPEDIENT TO LEGISLATE.**

Rep. John Sytek for Executive Departments and Administration: The first part of this bill would have required the board of medicine to establish criteria by which old (3 years +) unfounded complaints would be destroyed. Existing law permits the board of medicine to destroy these records already. The second part of the bill would have also required the board of medicine to establish rules for the disclosure of information in disciplinary proceedings, which they have done already. The committee felt that existing statutory language was adequate and that this bill was not necessary. Vote 10-0.

HB 1132, relative to fish and game laws concerning the Blue Mountain Forest Association. **INEXPEDIENT TO LEGISLATE.**

Rep. Dennis Reed for Fish and Game and Marine Resources: The Blue Mountain Forest Association (originally known as Corbin's Park) was established in 1891 and has had legislative exemption from various fish and game laws since 1895. After testifying the main sponsor asked the committee to ITL this bill. There were four others to speak and they all spoke against this bill. Vote 14-0.

HB 1335, relative to the authority of the fish and game department to refuse to issue a hunting license. **INEXPEDIENT TO LEGISLATE.**

Rep. James C. Webb for Fish and Game and Marine Resources: The committee agreed that the current law in place keeps a level of protection for the agents selling hunting licenses and if the law changed there would be no way for the agent to comply with the new law and the liability could shift to the agent or the state. Vote 14-0.

HB 1336, relative to reciprocity for nonresident trainers of hunting dogs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Marc D. Tremblay for Fish and Game and Marine Resources: This bill corrects an existing flaw in the reciprocity statute to restore the original intent of the bill. Non residents from states or provinces or territories of Canada which allow the training or taking of bear with dogs, and who do not limit or prohibit New Hampshire residents from training or hunting bear with New Hampshire dogs, shall be the only nonresidents allowed to bring dogs into New Hampshire to train or take bear. Vote 14-0.

Amendment (0302h)

Amend the bill by replacing section 1 with the following:

1 Fish and Game; Use of Dogs for Hunting Bear; Reciprocity. Amend RSA 207:12-b to read as follows:

207:12-b Restriction on Nonresident's Dog Training and Use of Dogs for Hunting **Bear**.

I. Notwithstanding RSA 207:12-a, ~~a nonresident shall not train or use dogs for hunting any specific wildlife species in this state during the period when residents of New Hampshire are prohibited from training or using dogs for hunting such wildlife species in the~~

~~nonresident's state of residence or province or territory of Canada. This section shall also apply in cases in which the nonresident's state of residence or province or territory of Canada restricts or limits the number of dog training or dog hunting permits which are issued to citizens of New Hampshire]~~ ***nonresidents from states or provinces or territories of Canada which allow the training or taking of bear with dogs, and who do not limit or prohibit New Hampshire residents from training or hunting bear with New Hampshire dogs, shall be the only nonresidents allowed to bring dogs into New Hampshire to train or take bear.***

II. For the purposes of this section, the executive director shall determine the states, provinces or territories which prohibit or limit New Hampshire residents from the training or use of dogs for hunting ***bear***. Such determination as to the degree of reciprocity shall be final.

HB 1337, relative to the enforcement of violations of fish and game laws, and establishing a committee to study the disposition of wildlife confiscated by the fish and game department. **INEXPEDIENT TO LEGISLATE.**

Rep. Marc D. Tremblay for Fish and Game and Marine Resources: The committee unanimously felt that the present relationship between the various law enforcement agencies function admirably. The present policy is for fish and game to donate confiscated wildlife to needy families and food banks. Vote 14-0.

HB 1392, relative to oyster aquaculture licenses. **OUGHT TO PASS.**

Rep. Richard Okerman for Fish and Game and Marine Resources: HB 1392 is both pro-environment and pro-business. Oysters take three years to mature. During this time they clean nitrogen from Great Bay. A multi-year license would encourage the establishment, investment and operation of an oyster aquaculture plan. Vote 14-0.

HB 1455-FN, relative to special licenses for taking lobster while engaged in recreational scuba diving. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lyle E. Bulis for Fish and Game and Marine Resources: This amended bill provides license availability to scuba divers for the taking of legally sized lobster during the month of September. A scuba licensee can not hold a recreational or commercial lobster harvesting license, nor can the holder of a commercial or recreational license also hold a scuba license. A subcommittee and the sponsor crafted the amendment in a manner that satisfied all concerns and allows scuba divers access to a state resource. Vote 12-0.

Amendment (0780h)

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

1 Lobster Licenses; Recreational Licenses. Amend RSA 211:18, III(a) to read as follows:

(a) If a person is a resident of this state and does not take lobsters or crabs for the purpose of sale and does not use more than 5 traps, the person may receive a recreational lobster and crab license. ***A person receiving a recreational lobster and crab license may not also receive the scuba diver lobster license under paragraph III-c.***

2 New Paragraph; Special Scuba Diver Lobster License. Amend RSA 211:18 by inserting after paragraph III-b the following new paragraph:

III-c. For a \$35 fee, a person who wishes to engage in scuba diving as a recreational activity and not for the purpose of sale, and who is in compliance with RSA 270:31 through 32-a, and has attained 18 years of age, shall be permitted to take lobsters under a special scuba diver lobster license issued by the executive director. The executive director shall make available a number of scuba diver lobster licenses that is equivalent to the number of recreational lobster and crab licenses available each calendar year under subparagraph III(a).

(a) The scuba diver lobster license shall be valid for the month of September only.

(b) The license shall consist of letters and/or numbers which the person engaged in scuba diving shall affix to his or her diving tanks and regulation dive flag in a contrasting color making it readily visible to a conservation officer.

(c) The number of lobsters taken per day by a scuba diver holding an license under this subparagraph shall not exceed 5 per licensee and shall be taken only for the consumption by the licensee, and the licensee's family and guests. No person shall at any time take any lobsters by any method except by hand. Use of a tickle stick, which is a straight or slightly bent stick used to agitate a lobster into coming out of its hole, shall be permitted.

(d) All lobsters taken under a scuba diver lobster license shall be of legal size, as provided by RSA 211:62 and in accordance with RSA 211:27, measured immediately upon capture on the seafloor before surfacing. An equipped scuba diver shall not have in his or her possession more than 5 lobsters at any time.

(e) The scuba diver lobster license may not be transferred to any other person.

(f) Annual catch reports shall be required of all scuba diver lobster license holders at the time of renewal or, if not renewing license, at year end. Annual catch information, in a format determined by the executive director, shall be required of all divers before renewal application will be accepted.

(g) The executive director shall adopt rules for the issuance of the license under this paragraph, and rules governing the sex and size of lobsters allowed to be taken under this paragraph provided such rules conform with requirements applicable to non-commercial 5 pot licenses and commercial lobster license holders.

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

AMENDED ANALYSIS

This bill allows the fish and game department to issue special scuba diver lobster licenses for non-commercial taking of lobsters while engaged in recreational scuba diving.

HB 1555, relative to the penalty for firearm use in a state area for propagation of game controlled by the fish and game department. **OUGHT TO PASS.**

Rep. David H. Watters for Fish and Game and Marine Resources: This bill requires that the penalty for possession of a firearm in a state fish and game refuge applies only to a person who discharges his or her firearm for the purpose of taking wildlife. The bill particularly applies to Bear Brook State Park. Existing statutes prevent carrying a firearm, which the committee believes violates Articles 2 and 2-a of the New Hampshire Constitution. Poaching laws can still be enforced under this bill. National parks were open to firearm possession in 2010 following the 2008 Supreme Court ruling on the right to bear arms, so this bill extends the same logic to state areas reserved for the propagation of game. Vote 13-0.

HB 1646-FN, prohibiting the taking of deer from baited areas. **INEXPEDIENT TO LEGISLATE.**

Rep. Benjamin P. Lefebvre for Fish and Game and Marine Resources: This bill was heavily vetted in committee and subcommittee. Hours of testimony were heard from both sides of the debate that proved to be very emotional. The committee had serious reservations about lack of specific data presented by the Fish and Game Department specifically linking the act of baiting to a decline in health or overall heard of deer. Testimony was heard regarding baiting sites leading to disease in deer populations but many of the studies referenced contradicted each other making the specifics of the subject even more complicated. Committee members agreed that issues of ethics as well as the argument of public perception of baiting and hunting are very real but can not be legislated. The committee also expressed concerns regarding the enforcement and interpretation of the law by conservation officers if changed. The committee feels strongly that there were too many anecdotal facts and not

enough substantial data at this time to recommend this bill for passage. Vote 12-0.

HB 1180*, relative to awards of noneconomic damages. **INEXPEDIENT TO LEGISLATE.*

Rep. Gregory M. Sorg for Judiciary: The committee was unanimously of the opinion whatever deficiencies may exist in other states' civil justice systems; New Hampshire does not have a problem, either systemic or even in isolated cases, of excessive awards of damages. If it did, the public hearing on this bill would assuredly have attracted the attendance and testimony of representatives of the state's very able and very alert insurance defense trial bar and of distressed and disgruntled civil defendants, but just as in past years' hearings of similar bills, no such persons appeared. The committee concluded that this well drafted, well intended, and well presented bill was in the end a solution in search of a problem. Vote 16-0.

HB 1273*, relative to the termination of parental rights in cases where the child is born of rape. **OUGHT TO PASS.*

Rep. Brian J. X. Murphy for Judiciary: This bill provides a mechanism to terminate the parental rights of a rapist father for any child born as a product of that rape. The parental termination is only applicable in instances where the rapist father was convicted of felonious sexual assault or pled guilty to felonious sexual assault, and in those instances, the child's legal guardian must petition for the termination. The committee found that this bill was an appropriate safeguard to allow the victim of rape to insulate a child born of that rape from the convicted rapist. The termination of parental rights will also terminate the rapist father's support requirements and it was noted by the committee that such a consequence would need to be weighed and balanced by the petitioner. Vote 14-2.

HB 1386*, relative to offers of judgments. **INEXPEDIENT TO LEGISLATE.*

Rep. Brian J. X. Murphy for Judiciary: This bill seeks to address the very real problem of protracted litigation in New Hampshire civil courts. The bill offers a comprehensive statute designed to deal with the treatment and consequences of formal offers of settlement between civil litigants. The committee has acknowledged the need for tort reform in this area. However, the committee believes that a previous bill - already passed through the House this session (HB 1181) - would be a better mechanism to affect the necessary change. Vote 16-0.

HB 1479*, relative to the definition of "charitable trust" for the purpose of paid solicitors. **INEXPEDIENT TO LEGISLATE.*

Rep. Rick H. Watrous for Judiciary: The attorney general's office testified that passage of this bill would eliminate the director of charitable trusts' authority to regulate police, law enforcement, and firefighters' unions utilizing a charitable pitch in seeking donations from the public through the employment of a paid solicitor. Removal of this authority does not seem to be what the sponsor intended. This statutory authority was requested by the charitable trusts unit in the 1990s because many states at that time, including the State of New Hampshire, were experiencing problems with some police, firefighter, and law enforcement unions who were soliciting donations through paid solicitors "for charitable purposes" but actually using the funds for non-charitable purposes. The committee believes that current law, containing this oversight authority, should be maintained. Vote 14-0.

HB 1509*, relative to guardianship of elderly persons. **INEXPEDIENT TO LEGISLATE.*

Rep. Brian J. X. Murphy for Judiciary: This bill, brought at the request of a constituent, would have barred a public guardian from selling any of the assets of an elderly ward during the first six months of the guardianship. Committee members were concerned that guardianships are typically established when some crisis exists and assets may need to be sold to provide for the most appropriate care for the elder. As every case is different, the specific needs of each elder under guardianship must be addressed on an individual basis.

The current statute provides needed flexibility so the guardian can make decisions that meet the needs of each individual elder. Vote 15-0.

HB 1616*, relative to procedures and standards for expert testimony. **INEXPEDIENT TO LEGISLATE.*

Rep. Lucy M. Weber for Judiciary: The sponsor stated this was model legislation from ALEC. Parties opposing the adoption of the proposed legislation pointed out that certain portions of the proposed statute already exist in NH statutes or court rules, or have been adopted and followed by the NH supreme court in its decisions. In other areas, the proposed statute would create a conflict with current statutes or court rules, but there was no testimony that there is any need for modification of the present system. To adopt this bill would cause needless duplication and confusion in these areas. Finally, the department of safety opposed certain provisions of the proposed statute on the grounds that these provisions relating to mandatory pre-trial disclosure of expert testimony were enacted into law in NH in 2004, and repealed again in 2005 as being unworkable. Vote 16-0.

HB 1624*, relative to the fiduciary capacity of persons collecting contributions for a nonprofit organization. **INEXPEDIENT TO LEGISLATE.*

Rep. Lucy M. Weber for Judiciary: As drafted, the bill would have removed the fiduciary duty from persons collecting contributions for charitable purposes. The committee members were unanimous in their belief that anyone collecting on behalf of a charity is indeed acting in a fiduciary capacity, and must be held to the standards of conduct of a fiduciary. The sponsor of the bill informed the committee that the bill, as drafted, did not address the problem that is of concern to her. Attorneys from the charitable trust division have offered to work with the sponsor to articulate and address the actual problem. Vote 14-0.

HB 1625*, relative to reports of fund raising counsel for charitable trusts. **INEXPEDIENT TO LEGISLATE.*

Rep. Lucy M. Weber for Judiciary: The term “fund raising counsel” refers to a person, not in the employment of a charity, who for compensation advises the charity on fundraising, but who does not directly solicit contributions for the charity. For example, a paid consultant who designs a capital campaign for a charity would be a fund raising counsel. Currently, RSA 7:28-b requires fund raising counsel to register with the attorney general’s office, requires payment of a registration fee, and sets out requirements for the conduct of these activities. One of these requirements is a written contract between the charity and the fund raising counsel which must be provided to the attorney general’s office for review. This bill would have removed the registration and contract review requirements of the current statute. This was of concern to committee members because of the number of paid solicitors, many from out of state, who try to identify themselves as fund raising counsel to avoid compliance with the more stringent accounting rules for those who are, in fact, acting as paid solicitors. Once again, the sponsor of the bill informed the committee that the bill, as drafted, did not address the problem that is of concern to her. Attorneys from the charitable trust division have offered to work with the sponsor to articulate and address the actual problem. Vote 14-0.

HB 1323*, requiring employers who offer benefits to full-time employees to offer benefits on a pro-rated basis to part-time employees. **INEXPEDIENT TO LEGISLATE.*

Rep. Kevin P. Sullivan for Labor, Industrial and Rehabilitative Services: While this bill has merit as to some benefits such as vacation and sick leave, it is onerous as to how to pro-rate health benefits and retirement plans. Health benefits are paid prior at the beginning of the month, so it is difficult to determine hours of a part-time employee. Vote 15-1.

***HB 1513-FN*, changing the membership of the public employee labor relations board.**

INEXPEDIENT TO LEGISLATE.

Rep. Charles F. Weed for Labor, Industrial and Rehabilitative Services: The committee believes there was confusion about the functions of the public employee labor relations board (PELRB). This bill prohibits state employees from serving on the negotiating team for successor agreements between state negotiators and state employees. The PELRB does not engage in collective bargaining; rather it hears and adjudicates conflicts between public employers and their public employee unions. Those complicated conflicts often deal with who should be in the bargaining unit and whether behavior by either side may be an unfair labor practice. Vote 16-0.

HB 1579, authorizing the department of employment security to garnish the wages of individuals with delinquent unemployment compensation overpayments. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kevin P. Sullivan for Labor, Industrial and Rehabilitative Services: The department of employment security has over 22 million dollars in overpayments. 8.4 million is fraudulent overpayment. These are individuals who are collecting benefits, and gain reemployment with a new employer, and continue to collect benefits from New Hampshire department of employment security. Process is in place to attempt to come to an agreement of repayment, but when the fraudulent collection does not come to said agreement, this allows the department of employment security to garnish wages from new employment. Vote 16-0.

Amendment (0317h)

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

1 New Section; Wage Garnishment. Amend RSA 282-A by inserting after section 152 the following new section:

282-A:152-a Garnishment

I. Definitions. In this section:

(a) "Commissioner" means commissioner of the department of employment security.

(b) "Date that the determination creating the overpayment becomes final" means the date a person has no appeal or appeal period pending under RSA 282-A:164, RSA 282-A:165, and RSA 282-A:42-68.

(c) "Department" means the department of employment security.

(d) "Disposable earnings" means that part of the earnings of any individual remaining after the deduction from those earnings of any amount required by law to be withheld or required by the employer to be withheld as a condition of employment.

(e) "Earnings" means any form of payment to a person for his or her labor including, but not limited to, salary, wages, commission, or other compensation.

(f) "Employer" means any person, business, organization, employing unit, firm, corporation, or association, or any political subdivision or department of the state or federal government, which employs a person or pays income or any other compensation to a person for his or her labor.

(g) "Individual debtor" means a person determined to have been overpaid under RSA 282-A:164, provided the department provided to such person notice of the determination that he or she was overpaid, provided an opportunity for appeal, and opportunities for appeal have been exhausted.

(h) "Notice of garnishment" means a notice requiring an employer to garnish an individual debtor's earnings without a court order.

(i) "Notice of court-ordered garnishment" means a notice requiring an employer to garnish an individual debtor's earnings based on a court order for payments.

II. Upon the failure of any individual debtor to pay any overpayment due to the state under RSA 282-A:164 within 90 days of the date that the determination creating the fraud overpayment becomes final, the department may serve duplicate notices of garnishment

upon any employer that owes, or may owe in the future, earnings to such individual debtor. Any notice of garnishment served upon any employer shall be simultaneously served upon the individual debtor by first-class mail to his or her last known address. The department shall send the individual debtor by first-class mail to his or her last known address a Notice of Intent to Garnish Earnings 14 days before serving any notice of garnishment. No individual debtor shall be deemed under this section to have failed to pay any fraud overpayment due to the state within 90 days of the date that the determination creating the overpayment becomes final, if the debtor:

- (a) Has agreed to a payment plan approved by the department; and
- (b) Is in substantial compliance with such payment plan.

III. The notice of garnishment shall advise the individual debtor and individual debtor's employer:

- (a) Of the employer's obligation to provide one of the duplicate copies of the notice of garnishment to the individual debtor upon receipt;
- (b) Of the amount which may be garnished for any week;
- (c) Of the total amount subject to garnishment;
- (d) That the garnishment applies to any current or subsequent earnings paid 21 or more days after the date of mailing of the notice of garnishment;
- (e) Of the individual debtor's right to file, at any time, for suspension of the notice of garnishment;
- (f) That any amounts which the employer is obligated to withhold pursuant to RSA 458-B have priority over amounts subject to garnishment under this section;
- (g) That, including any fee added and retained under paragraph V, the amount garnished pursuant to this section when added to the amount withheld pursuant to RSA 458-B may not exceed 25 percent of the individual debtor's weekly disposable earnings, or the amount by which the individual debtor's weekly disposable earnings exceed 50 times the minimum hourly wage as established by the Fair Labor Standards Act, whichever is less;
- (h) That the employer must implement garnishment no later than the first earnings that are paid 21 days after the notice was mailed;
- (i) That the garnishment is binding upon the employer until payment in full is made of the total amount subject to garnishment;
- (j) That the employer must send the garnished amount to the commissioner at the same time the individual debtor is paid;
- (k) Of the provisions, liabilities, and penalties in paragraphs IV-IX; and
- (l) Of the employer's right to add and retain a fee of \$1.00 for each garnishment for the administrative cost incurred as a result of the garnishment procedures.

IV. With respect to the individual debtor's right to file for suspension of the notice of garnishment, the notice of garnishment shall state as follows, in at least 12-point type:

This notice of garnishment requires your employer to garnish (take) some of your earnings for work and send them to the department of employment security to repay overpaid unemployment insurance benefits. Once earnings for a week have been garnished, you will not be able to get them back.

You have the right, at any time, to file for suspension (stopping) of this garnishment. If you file for suspension of garnishment, the department of employment security has the right to take you to court to ask a judge to decide how much, if any, of your earnings should be garnished. Instead of going to court, you and the department may be able to agree to a different amount of garnishment. If you want to file for suspension or make an agreement with the department, you must call the department of employment security at _____.

V. The amount which may be garnished for each week shall be determined by the department based on the individual debtor's financial circumstances known to the department, including but not limited to the individual debtor's financial affidavit, if available.

VI. Garnishment under this section shall have priority over any other legal process under state law against the same earnings except withholding under RSA 458-B.

VII. In addition to the amount garnished under this section, the employer may add and retain a fee of \$1.00 for each garnishment for the administrative cost incurred as a result of the garnishment procedures.

VIII. An employer shall:

- (a) Provide one of the duplicate copies of the notice of garnishment to the individual debtor upon receipt;
- (b) Apply the garnishment to any current or subsequent earnings paid 21 or more days after the date of issuance of the notice of garnishment;
- (c) Not garnish for any week more than the amount allowed;
- (d) Suspend garnishment of earnings paid not later than 8 days following receipt of notice from the department of the requirement to do so;
- (e) Give priority to any amounts that the employer is obligated to withhold pursuant to RSA 458-B over amounts subject to garnishment under this section;
- (f) Not allow the amount garnished pursuant to this section, including any fee added and retained under paragraph V, when added to the amount withheld pursuant to RSA 458-B to exceed 25 percent of the individual debtor's weekly disposable earnings, or the amount by which the individual debtor's weekly disposable earnings exceed 50 times the minimum hourly wage as established by the Fair Labor Standards Act, whichever is less;
- (g) Implement garnishment no later than the first payment of earnings that occurs 21 or more days after the notice was mailed;
- (h) Treat the garnishment as binding upon the employer until payment in full is made of the total amount subject to garnishment;
- (i) Send the garnished amount to the commissioner at the same time the individual debtor is paid;
- (j) Notify the commissioner within 20 days of the individual debtor's termination of employment, and shall provide the individual debtor's last known address and the name and address of the present employer, if known.
- (k) Be liable for the accumulated amount it should have garnished if it fails to garnish in accordance with the provisions of the notice.

IX. The employer shall be liable for an administrative fine of \$100 per pay period for each individual debtor with respect to whom the employer has willfully failed to comply with the provisions of subparagraphs VI(g) and VI(j). For other willful violations of this section an administrative fine of not less than \$100 or more than \$500 may be imposed. Prior to assessing such fine against the employer, the commissioner shall notify the employer of its intent to assess the fine, the amount of the fine, the date by which the fine is payable, and shall provide the employer with the opportunity to appeal the imposition of the fine.

X. An employer shall be guilty of a misdemeanor and subject to a fine of up to \$1,000:

- (a) For discharging, refusing to employ, or taking any disciplinary action against an individual debtor because of the garnishment procedures.
- (b) For failure to comply with the provisions of paragraph VI.

XI. Notwithstanding the 90 day limitation in paragraph II an individual debtor may, subject to the approval of the department, agree to voluntary garnishment at any time.

XII. An individual debtor may file for suspension of the notice of garnishment at any time. If the individual debtor files for suspension of the notice of garnishment, the department may file a motion for periodic payments in the Merrimack County Sixth Circuit Court seeking establishment of an order for payments.

XIII. If an individual debtor files for suspension of the notice of garnishment, the department shall suspend the notice of garnishment and advise any employer upon which the notice of garnishment was served to suspend garnishment of earnings paid not later than 8 days following receipt of notice to suspend.

XIV. If an individual debtor who filed for suspension of the notice of garnishment and the department reach an agreement as to the amount which may be garnished for any week, the department may issue a new notice of garnishment consistent with such agreement.

XV. Following the expiration of 90 days after the date a determination which finds an individual debtor overpaid under RSA 282-A:164 becomes final, such determination with interest under RSA 282-A:141, shall be for purposes of RSA 524:6-a the judgment of any circuit court-district division in which the department files a motion for periodic payments.

XVI. Following the issuance of an order for payments by any circuit court-district division on any overpayment due to the state under RSA 282-A:164 for more than 90 days, the department may serve a notice of court-ordered garnishment upon any employer that owes, or may owe in the future, earnings to such individual debtor. Any notice of court-ordered garnishment served upon any employer shall be simultaneously served upon the individual debtor by certified mail to his or her last known address. The amount which may be garnished for any week shall not exceed that amount, applied weekly, deemed appropriate by the circuit court-district division in its order for payments.

XVII. The notice of court-ordered garnishment shall advise the individual debtor and individual debtor's employer:

(a) Of the information required by III(a)-(d) and (f)-(l) of this section; and

(b) Of the individual debtor's right to file a motion with the Merrimack County Sixth Circuit Court seeking a change in the amount of the payments based on a change in financial circumstances;

XVIII. With respect to the individual debtor's right to file a motion with the Merrimack County Sixth Circuit Court, the notice of court-ordered garnishment shall state as follows, in at least 12-point type:

This notice of court-ordered garnishment requires your employer to garnish (take) some of your earnings for work and send them to the department of employment security to repay overpaid unemployment insurance benefits. The amount of the garnishment is based on an order of the Merrimack County Sixth Circuit Court. Once earnings for a week have been garnished, you will not be able to get them back.

You have the right, at any time, to file a motion with the Merrimack County Sixth Circuit Court asking for the amount of the garnishment to be changed based on a change in your financial circumstances. If you want to file a motion, you should contact the Merrimack County Sixth Circuit Court. Nothing in this paragraph prevents you and the department of employment security from agreeing to a greater or lesser amount of garnishment and filing the agreement with the Merrimack County Sixth Circuit Court. If the department of employment security does not agree, you still have the right to file a motion.

XIX. The department may agree to a greater or lesser periodic amount than that amount deemed appropriate by the Merrimack County Sixth Circuit Court in its order for payments, whether or not the individual debtor has requested a hearing before the court to obtain a change in the court's order, and any such agreement shall be filed with the Merrimack County Sixth Circuit Court.

XX. Within 7 days of receiving written notice that the individual debtor has filed a motion to request a change in the court's order, the department shall suspend or modify its notice of court-ordered garnishment consistent with the individual's request to the court.

2 Restitution. Amend RSA 282-A:164 to read as follows:

282-A:164 Restitution. ~~[Whoever]~~ **Any individual who** willfully makes a false statement or representation or knowingly fails to disclose a material fact, whether before a representative of the department of employment security of the state of New Hampshire or in another state before a representative of the unemployment compensation agency of that state which is acting in the capacity of agent for the state of New Hampshire, to obtain or increase any benefit or other payment under this chapter, or under the laws of any other state or the federal government, either for ~~himself~~ **such individual**, or for any other

person, may, in the discretion of the commissioner or his *or her* authorized representative, be determined to be disqualified for benefits for each week directly affected by the false statement or representation or failure to disclose a material fact. All benefits received for each week of such disqualification shall be deemed overpaid, and restitution in an amount equal to such overpayment ***plus a penalty equal to 20 percent of the overpaid benefits*** shall be ordered by the commissioner or his *or her* authorized representative. In addition to such disqualification, ~~[he]~~ ***such individual*** shall be deemed ineligible to receive benefits for not less than 4 nor more than 52 consecutive weeks, beginning with the week in which the decision is made, as determined by the commissioner or his *or her* authorized representative. For each week of determined ineligibility, an amount equal to the individual's maximum weekly benefit rate during such week shall be deducted from the maximum benefits available to ~~[him]~~ ***the individual*** during the benefit year in which such week falls; but no change shall be made in his *or her* weekly benefit amount because of this deduction. ***Payments of the 20 percent penalty on determinations made under this section on or before October 20, 2013 shall be deposited into the fund established by RSA 282-A:140. Payments of the 20 percent penalty on determinations made under this section on or after October 21, 2013 shall be divided with ¼ of such payments being deposited into the fund established by RSA 282-A:140 and ¾ of such payments being deposited into the unemployment compensation fund established in RSA 282-A:103.*** Any proceeding or action taken under this section shall be in lieu of and not in addition to any proceeding or action taken under RSA 282-A:161.

3 New Hire Report; First Day of Work. Amend RSA 282-A:117-a, IV(a) to read as follows:

(a) The individual's complete name, address, ~~[and]~~ social security number, ***and first day of work.***

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

AMENDED ANALYSIS

This bill authorizes the department of employment security to garnish the wages of individuals with delinquent unemployment compensation overpayments.

This bill is a request of the department of employment security.

HB 1661-FN-A, repealing the department of labor's workers' compensation safety program inspection duties and the workers' compensation safety inspection fund and adopting a federal provision which allows a small business to self-certify its spill prevention countermeasure and control plan for above ground storage tanks. **INEXPEDIENT TO LEGISLATE.**

Rep. Joanne A. Ward for Labor, Industrial and Rehabilitative Services: The intent of the bill was to reduce the burden on a small business owner. While well intended, the bill was comprised of too broad a scope for the due diligence of the labor committee. The above ground storage tank section of the bill will be reviewed as an amendment to a resources, recreation and development bill and the remainder of the bill will be addressed in HB 1587. Vote 16-0.

CACR 27, relating to the membership of the house of representatives. Providing that the number of representatives shall be reduced. **INEXPEDIENT TO LEGISLATE.**

Rep. J. Michael Ball for Legislative Administration: The opinion of the committee is that this bill would move the New Hampshire General Court significantly down the path towards creating a professional political class in our state and away from the true citizen legislature which we now enjoy. The relatively small number of constituents each member of the General Court currently represents is well served by our current structure. Reducing the number of representatives would move the individual citizen farther away from having his or her voice heard in the state house. Vote 11-0.

HB 1276, establishing a committee to study general court policies and procedures related to persons with disabilities. **OUGHT TO PASS.**

Rep. J. Michael Ball for Legislative Administration: This bill would serve to establish a study committee to explore ways to make accessibility to the functions of the General Court more readily available to both citizens and legislators who have disabilities. In testimony before our committee, we heard numerous examples of both physical and practical barriers to the public who wish to participate in their government and to disabled legislators who have great difficulty in serving as representatives. We feel that this study group is in keeping with the true spirit of New Hampshire's citizen legislature. Vote 11-0.

HB 1632, establishing a committee to assess the cost savings of digitizing the general court. **OUGHT TO PASS.**

Rep. J. Michael Ball for Legislative Administration: This bill seeks to establish a committee to investigate efficiencies and cost savings associated with introducing modern digital technology to the operations of the General Court. Modern communications devices including smart phones, tablet-style computers and the like show great promise in saving printing costs as well as making information more readily available to legislators and the general public. Vote 11-0.

HB 1149, allowing the planning board chairperson to administer oaths and compel the attendance of witnesses. **INEXPEDIENT TO LEGISLATE.**

Rep. James P. Belanger for Municipal and County Government: This bill would allow a planning board chair to administer oaths and compel the attendance of witnesses. The Zoning Board of Adjustment has these powers but it operates in a quasi-judicial manner and its members adhere to jury standards. Witnesses who are aware that their testimony may be subject to taking an oath may be reluctant to testify, denying the board of valuable input. Most of the testimony given before a planning board is more of an opinion in nature and being subject to allegations that testimony could be under judicial scrutiny would hamper the operation of the board. The informal nature of planning board presentations and citizen input would be hampered by this and the committee felt that witnesses should be invited to attend meetings and participate without being compelled to do so and appear as hostile witnesses. A unanimous vote of the committee to ITL was reached by committee members with many years of experience in planning board and other municipal positions. Vote 14-0.

HB 1160, establishing a committee to study the feasibility of allowing towns to split into smaller political subdivisions. **INEXPEDIENT TO LEGISLATE.**

Rep. Philip L. Munck for Municipal and County Government: The process by which a municipality can be split or combined into new political subdivision is through action of the legislature and has been clearly articulated in the creation of the town of Sugar Hill in 1961 and the failed attempt of Weirs Beach to separate from the city of Laconia in 1991. Separating a political subdivision of the state into new cities or towns inevitably is complex and involves issues unique to the parties involved. For this reason, general principles beyond those available in existing chapter laws and case law probably cannot be established. A study committee could not add to this meaningfully and is not justified. Vote 14-0.

HB 1177-L, relative to the limitation on appropriations under the municipal budget law. **INEXPEDIENT TO LEGISLATE.**

Rep. Philip L. Munck for Municipal and County Government: In towns operating under the official ballot law or the municipal budget law, the budget proposed by the budget committee can be increased by a maximum of ten percent or reduced without limit. Under the proposed bill, the budget can be increased or reduced by no more than 2.5%. This limit would make the budget committee the de facto appropriating authority of the town rather than the town meeting. Vote 14-0.

HB 1215-L, relative to town library budgets. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L. Patten for Municipal and County Government: There are at least two ways the library trustees can propose their budget. One is a separate warrant article voted on individually or as a line item as part of the town's operating budget. HB 1215 would guarantee in an official ballot town, commonly known as SB 2 municipality, that a library would be funded if the warrant article did not pass. The committee felt that the library trustees need to understand the process of budgeting so that their budget in an SB 2 town will be funded. Vote 15-0.

HB 1224, allowing municipalities to send tax, water, and sewer bills electronically and establishing a committee to study municipal functions which could be performed electronically to achieve cost savings. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Philip L. Munck for Municipal and County Government: This local option bill gives tax collectors who wish to electronically send tax, water and sewer bills to customers who wish to receive them. Taxpayers would have to affirmatively "opt-in" to such delivery and would be able to "opt-out" at any time. Notices of delinquent and past due amounts will still have to be sent by mail. This option has been reviewed by the Tax Collectors Association and the banking industry who support it. This bill will assist localities in streamlining and improving service to their customers. Many communities currently transmit such data electronically to mortgage holders and escrow services when requested by the taxpayer. Vote 17-0.

Amendment (0765h)

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

AN ACT allowing municipalities to send tax, water, and sewer bills electronically.

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

1 Delivery of List; Notice to Taxpayer; Other Bills. Amend RSA 76:11 to read as follows:

76:11 Delivery of List; Notice to Taxpayer; Other Bills.

I. Such list shall be delivered to the collector within 30 days from the receipt of information by the selectmen from the commissioner of revenue administration of the rate percent of taxation as provided in RSA 41:15, unless for good cause the time is extended by the commissioner of revenue administration. The collector shall, within 30 days after the receipt of such list, send to every person taxed, a bill for such taxes by first class mail **or, with the approval of the governing body, by electronic means as provided in paragraph II**, unless for good cause the time is extended by the commissioner of revenue administration. Said bill shall be mailed separately and not included with mailing of other town or city bills, unless the governing body of the town or city votes to mail other town or city bills or information directly related to municipal business along with the tax bill. Under no circumstances shall a city or town mail statements of position on matters of public policy along with the tax bill. Upon written request of a mortgagee or its representative, the tax collector of a city or town shall mail **or transfer by electronic means as provided in paragraph II** a duplicate copy of the property tax bill, as it was sent to the property taxpayer, to the party making such request. Other form of notification of tax owed, acceptable to the mortgagee and the tax collector, may be substituted for the duplicate tax bill. A separate written request, with specific property identification, shall be required for each duplicate copy or form. The governing body of a city or town may establish a reasonable fee to be charged for each duplicate copy or form. Resident tax bills may be included with property tax bills when the inclusion of such resident tax bills will not unduly delay the mailing of either the resident or property tax bills.

II. *The collector may issue bills or notices by electronic means only after the taxpayer requests such delivery. There shall be no charge for delivery of bills or notices by electronic means and there shall be no penalty for not choosing to elect*

delivery by electronic means. Any request for electronic delivery of tax bills or notices shall contain the physical signature of the taxpayer or an electronic signature conforming to the requirements of the federal Electronic Signatures Act or its successor. Any agreement executed by a taxpayer to receive tax bills by electronic means shall contain a description of the delivery system proposed to be used and shall contain clear instructions on the method for terminating such delivery.

III. In the event that the collector has any reason to believe that bills or notices sent by electronic means have failed to be delivered, the collector shall promptly send a duplicate of the bills or notices by first class mail. A duplicate bill or notice mailed in compliance shall be at no cost to the taxpayer. Second and subsequent notices of payments due, or notices of tax delinquency shall be sent by first class mail. Sending a bill as provided in this paragraph shall not change the last date that taxes may be paid without penalty.

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

AMENDED ANALYSIS

This bill allows municipalities to send tax, water, and sewer bills electronically.

HB 1425, relative to the creation or elimination of employment positions in Hillsborough county government. **INEXPEDIENT TO LEGISLATE.**

Rep. James P. Belanger for Municipal and County Government: This bill attempts to modify the procedures for creating or eliminating new positions in the Hillsborough County Government. County commissioners are responsible for creating a new position with the approval of the executive committee and they are equally responsible for eliminating positions when the workload or budget demands it. This bill would remove that authority to reduce positions from the Commissioners and require executive committee approval. This would upset the balance of power and place it at the top of the chain with the end result being that employees could no longer have confidence in their direct supervisors, the commissioners, to retain their jobs. The chain of command should be observed in the workplace in assigning work and also in the creation or elimination of positions. Amendments were offered to correct deficiencies in this bill but did not achieve results acceptable to the committee. Vote 14-0.

HB 1497, relative to the writing of warrant articles. **INEXPEDIENT TO LEGISLATE.**

Rep. James P. Belanger for Municipal and County Government: The laudable purpose of this bill is to prevent warrant articles which tend to sway the voter in one direction or another by the persuasive way they are worded. In this writer's 40 years experience with municipal government and warrant articles, those types of wordings have never been seen. Warrant articles generally are vetted by town attorneys, by DRA, by statute and common sense usually prevails for those few others. Should this be evident in a community, it would most certainly be a self correcting issue as voters are not timid and such attempts would certainly be challenged and not recur. This bill describes a reactive measure and would not prevent the original occurrence of such wording. The proposed legislation would declare such a worded article to be null which, although not in keeping with objectivity, the article might be one which the voters certainly would want to act upon and not have it declared null. You are urged to support the committee's unanimous vote. Vote 16-0.

HB 1545, relative to control of land received or acquired by a conservation commission. **INEXPEDIENT TO LEGISLATE.**

Rep. Philip L. Munck for Municipal and County Government: Conservation commissions are successfully fulfilling their purpose under the existing statutes. This bill would prevent conservation commissions from being a conduit for placing property into a permanently protected status and providing for perpetual management of the properties. Such

management arrangements are a requirement to qualify for certain conservation land acquisition grants. Vote 17-0.

***HB 1561-FN*, discontinuing regional planning commissions. INEXPEDIENT TO LEGISLATE.**

Rep. James E. Coffey for Municipal and County Government: This bill nearly instantly does away with all regional planning commissions, without providing any mechanism for existing critical functions that are currently in-place, such as the administration of grants. These planning commissions were enabled by state law and membership in them by our towns is voluntary. Most of our towns, and even some cities, (91%) join these commissions to gain access to a talent pool that they need but could not afford to assemble and maintain on their own. This pooling of talent allows each of our communities to have access to a considerable amount of technical expertise with a minimum investment and overhead. The exact nature of each commission varies slightly with the input of its member towns through a board of directors and contact with commission staff. Some of these commissions are very adept at assisting towns with various types of grant applications and administration. The commissions have also taken a lead role in developing GIS systems for communities, along with other products. The commissions share and exchange information between themselves further enhancing their talent pool. These commissions continue to flourish because they have a high rate of municipal membership and perform an invaluable service for their members. After considering all the facts presented to us, including overwhelming support from local officials, we ask that you support our committee's unanimous 16-0 vote to recommendation. Vote 16-0.

***HB 1586*, relative to the acquisition of land for conservation purposes. INEXPEDIENT TO LEGISLATE.**

Rep. James P. Belanger for Municipal and County Government: Selectmen already hold a public hearing before acquiring land. This bill would require them to hold two such hearings not more than 14 but at least 10 days apart. When a municipality has appropriated funds set aside for land purchases, the voters have already approved of the general purpose of those funds. Yet, if an opportunity arises to make a land purchase for conservation purposes and 50 voters submit a petition, that land cannot be purchased until the next annual town meeting via a warrant article. The opportunity may not be available at that time and the axiom of striking while the iron is hot would be thrown out the window. This legislation simply inserts one more road block in the path of land purchases for conservation purposes even after the voters have approved funds and set them aside with that specific intent. After the legislative body has pre-approved funds for any purpose and given the governing body the authority to expend those funds, there is no need for more than one hearing on the matter and especially no need to bring it back before the voters at another annual meeting. Vote 17-0.

***HB 1626*, establishing a committee to study the current use taxation of farm land and farm structures in which utility lines or services are installed. INEXPEDIENT TO LEGISLATE.**

Rep. John A. Burt for Municipal and County Government: At the committee hearing on February 7th, 2012 the prime sponsor requested the committee to ITL HB 1626. The problem has been worked out and HB 1626 is not needed. Vote 14-0.

***HB 1296*, relative to net energy metering. OUGHT TO PASS.**

Rep. Robert E. Introne for Science, Technology and Energy: This bill increases from 2 to 4 the amount of megawatts of total capacity which may be generated from a combined heat and power (CHP) system for purposes of net energy metering. These systems (CHP) are a developing and promising technology which can produce your heat as well as generate your

electric power (using for example natural gas). CHP systems produce electricity while heating your home or small business. Net metering makes sense in providing a small incentive for residential and small business installations of CHP systems. The expanded megawatt capacity increases the opportunity for small businesses to install and operate these systems. CHP systems are proven to be more efficient, produce less emissions and reduce electric costs, producing an economic benefit. Net metering of CHP systems provides a benefit to consumers that will aid in the adoption of this technology. Nearly 20 others states have already approved net metering for CHP systems. Vote 13-0.

HJR 22, supporting the use of an aversive agent in certain engine coolants and antifreeze to render them unpalatable. **OUGHT TO PASS.**

Rep. Jacqueline A. Cali-Pitts for Science, Technology and Energy: This bill supports the sale of antifreeze in the state that contains a bittering agent. The intent of this bill is to send a strong message to antifreeze manufacturers that we encourage use of such additives to help prevent potentially fatal ingestion of antifreeze by humans or animals, without placing mandates on businesses at this time. Vote 13-0.

HB 1353, relative to establishing an individual's status as a veteran. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alfred P. Baldasaro for State-Federal Relations and Veterans Affairs: The committee felt that by adding in the notarized statement of service from the commanding office/administrative officer will ensure that not one veteran on active duty will be turned away for not having a DD 214, which is issued when you are released from active duty. The second part of the amendment ensures that Title 10 (active duty training) is accounted for when calculating active duty time while serving in our National Guard. Vote 11-0.

Amendment (0666h)

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

1 Documents Used to Establish Veteran Status. Amend RSA 21:50, I(b)(21) to read as follows:

(21) *Notarized statement of service letter signed by the individual's commanding officer or administrative officer.*

(22) Other documents approved by the director, state office of veterans services.

2 Veterans' Tax Credit; Service. Amend RSA 72:28, IV(a) to read as follows:

(a) Every resident of this state who served not less than 90 days in the armed forces of the United States in any qualifying war or armed conflict listed in this section and was honorably discharged or an officer honorably separated from service; or the spouse or surviving spouse of such resident, *provided that Title 10 training for active duty by a member of a national guard or reserve shall be included as service under this subparagraph;*

3 Effective Date.

I. Section 2 of this act shall take effect April 1, 2012.

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

AMENDED ANALYSIS

This bill adds a notarized statement of service letter to the documents accepted to establish an individual's status as a veteran. This bill also specifies that training for active duty shall be included as service for purposes of the veterans' tax credit.

HB 1143, relative to speed limits on certain residential ways. **INEXPEDIENT TO LEGISLATE.**

Rep. John E. Tholl for Transportation: The committee felt that this is a local issue and that the legislature should not insert itself into a local matter. Vote 14-0.

HB 1309-FN-A, establishing a special number plate to support public elementary and secondary schools. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas W. Laware for Transportation: This bill would establish a specialty license plate to support public elementary and secondary schools. These plates would be similar to the “Moose” plates currently available to those willing to pay the additional fee. This is one of those bills that we, at first glance, might support, but soon realized the potential problems and consequences that it would cause. First is the question of how the funds would be allocated, to whom and by whom? This question was not answered. Second, the department of education has the rulemaking authority but no rules outline or formula have been established. The next reason for not supporting the bill is try to prevent the inevitable flood of other organizations rushing to get their own specialty plates. The transportation committee has over the years held to the position that license plates are a tool to aid law enforcement in their work. It can be difficult to identify in a split second, and accurately remember a license number especially when there are multiple styles of plates with different symbols, numbers and letters. And finally, this bill could be a moot point because DMV predicted that not enough interested people would participate in the program to pay for itself. Vote 15-0.

HB 1374-FN, relative to speed limits approaching toll booths. **INEXPEDIENT TO LEGISLATE.**

Rep. Lisa E. Scontsas for Transportation: The committee felt that the fines were excessive. The department of transportation stated it already patrols the highways and turnpikes for speeding violations and enforcement of the law is in place. This bill adds cost to the state. Vote 14-0.

HB 1578, relative to the suspension of registration of vehicles. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas W. Laware for Transportation: At the request of the prime sponsor this bill was voted 14-0 to ITL. No speakers for or against the bill were present for the public hearing. Vote 14-0.

HB 1585-FN, relative to inspections of trucks and buses. **OUGHT TO PASS.**

Rep. Thomas W. Laware for Transportation: The committee heard testimony from a diverse and varied group of speakers, ranging from safety directors of NH trucking companies to the department of safety to business associations – all in favor of OTP. The evidence seems clear that there are no known negatives to changing the requirement of trucks over 18,000 lbs. be inspected annually as opposed to the current biannual requirement. It was clearly shown that there would be no compromise to safety and that there is a redundancy built into the system such as random roadside inspections coupled with a strong motive for companies and drivers to keep their equipment safe. Some factors that make this case are: the level of driver responsibility charged to commercial truck drivers is much higher than that for passenger car drivers; the condition of, and safety for, the truck rests squarely on the driver and the owner of the vehicle. Safety is their main concern and most companies have sophisticated safety programs and incentives to accomplish this goal. According to available information, there are only two other states that still require semi-annual inspections and those states have not shown a higher level of safety because of the biannual requirement. And finally, it was calculated by NHMTA, \$11,500,000 could be saved annually by changing to annual inspections and this without any decrease in vehicle safety. Vote 15-0.

REGULAR CALENDAR

HB 1312, relative to the statute of limitations for violations involving a motor vehicle accident resulting in death or serious bodily injury. **OUGHT TO PASS.**

Rep. Stephen J. Shurtleff for Criminal Justice and Public Safety: This bill increases the statute of limitations for violators involving a motor vehicle accident resulting in death or serious bodily injury from three months to six months. Because of the work load of the state's criminal lab and the length of time that it can sometimes take to get subpoenaed records from phone companies, motor vehicle companies, etc., the current three month statute of limitations is not sufficient time to conduct a thorough investigation for an offense as egregious as taking the life of another. Vote 13-1.
Committee report adopted and ordered to third reading.

HB 1164, requiring documentation of qualifications for presidential candidates.
INEXPEDIENT TO LEGISLATE.

Rep. William B. Smith for Election Law: Although the goal of this bill is worthy, the timing of its introduction would be better suited to be outside the presidential election cycle, so the policy consideration at issue could be considered apart from any connection to the question of President Obama's qualification for office. Vote 14-3.

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

On a division vote, 261 members having voted in the affirmative and 56 in the negative, the committee report was adopted.

HB 1301, relative to challenges to voters. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Dino A. Scala for the Majority of Election Law: The majority feel that HB 1301 removes an unnecessary step to the process of challenging a voter. Although we all believe the right to vote is and will continue to be held to the highest standard of fairness, a right to challenge a voter should remain valid and to a degree unencumbering to the challenger. The majority feels removing the paperwork of a challenge voter affidavit will not increase the amount of unwanted challenges because the moderator has the final authority in all challenges. The system of challenges has worked for many years with the affidavit. The majority feels it is time to remove this unnecessary requirement. Vote 10-6.

Rep. Kathleen M. Hoelzel for the Minority of Election Law: This bill would eliminate the explicit requirements that a challenger to a voter must state a reason for the charge that a voter should not be allowed to vote, that the challenger must have evidence to back up his allegation. Instead, it requires the voter to disprove the allegation, and that challenge be in writing. This turns the law on its head. The minority believes that someone who wishes to take away someone else's most fundamental right to vote should be held to the highest standard, not the lowest. The minority felt strongly that eliminating the written challenge requirement leaves town moderators at real risk of legal action because the moderator cannot require documentation of the challenge. Without a written record of the challenge, the moderator would have no means to defend him or herself against a claim that he or she had done something wrong. But, most importantly, the deputy secretary of state testified that the bill creates an opportunity for mass, indiscriminate challenges that could have the effect of disenfranchising our fellow citizens' fundamental right to vote. This legislature is duty-bound to protect the right to vote, not create opportunities for taking it away.

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

Reps. James Belanger and Pierce spoke against and yielded to questions.

Rep. Bates spoke in favor.

Rep. Scala spoke in favor and yielded to questions.

MOTION TO LAY ON THE TABLE

Rep. Chris Christensen moved that **HB 1301**, relative to challenges to voters, be laid on the table.

Rep. Bates requested a roll call; sufficiently seconded.

YEAS 126 NAYS 216

YEAS 126

BELKNAP

Millham, Alida

Russell, David

CARROLL

None

CHESHIRE

Butynski, William
Johnson, Jane
Moore, Robert Jr
Tatro, Bruce

Chase, Cynthia
Lerandean, Alfred
Parkhurst, Henry
Weber, Lucy

Hawkes, Samuel
Lindsey, Steven
Roberts, Kris
Weed, Charles

Johnsen, Gladys
Meador, David
Sad, Tara

COOS

Coulombe, Gary
Thomas, Yvonne

Merrick, Evalyn

Remick, William

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David
Townsend, Charles

Almy, Susan
Harding, Laurie
Simard, Paul
White, Andrew

Benn, Bernard
Ladd, Rick Jr
Smith, Suzanne

Cooney, Mary
Nordgren, Sharon
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin
Campbell, David

Barry, J. Gail
Christensen, D.L.
Chris

Barry, Richard
Cote, David

Belanger, James
Daler, Jennifer

Drisko, Richard
Gorman, Mary
Katsiantonis, Thomas
Pellegrino, Tony
Rokas, Ted
Thomas, Joseph

Gargas, Carolyn
Graham, John
Leishman, Peter
Peterson, Lenette
Rosenwald, Cindy
Vaillancourt, Steve

Gimas, John
Hutchinson, Winfred
Long, Patrick
Porter, Marjorie
Shaw, Barbara

Goley, Jeffrey
Jasper, Shawn
McClarren, Donald
Rhodes, Brian
Sullivan, Daniel

MERRIMACK

Bouchard, Candace
Frazer, June
Lauer-Rago, Kathleen
Patten, Dick
Shurtleff, Stephen

Deloge, Helen
Gile, Mary
Lockwood, Priscilla
Potter, Frances
Wallner, Mary Jane

DeStefano, Stephen
Hamm, Christine
MacKay, James
Rice, Chip
Watrous, Rick

Foose, Robert
Kidder, David
Owen, Derek
Richardson, Gary

ROCKINGHAM

Allen, Mary
DeSimone, Debra
Hoelzel, Kathleen
Moody, Marcia
Perkins, Amy

Brown, Paul
Devine, James
Lovejoy, Patricia
Nevens, Chris
Quandt, Marshall

Cali-Pitts, Jacqueline
DiPentima, Rich
Major, Norman
Norelli, Terie
Read, Robin Jr

Chirichiello, Brian
Elliott, Robert
Manuse, Andrew
Pantelakos, Laura
Sanders, Elisabeth

Sapareto, Frank

Schlachman, Donna

Serlin, Christopher

STRAFFORD

Browne, Brendon
Kaen, Naida
Spainhower, Dale

Ginsburg, Philip
Keans, Sandra
Spang, Judith

Grassie, Anne
Perry, Robert
Wall, Janet

Horrigan, Timothy
Schmidt, Peter
Watters, David

SULLIVAN

Cloutier, John
Lovett, Charlene

Gagnon, Raymond
Schmidt, Andrew

LaCasse, Paul Sr

Lefebvre, Benjamin

NAYS 216

BELKNAP

Accornero, Harry
Flanders, Donald
Pilliod, James
Tilton, Franklin

Bolster, Peter
Greemore, Robert
Simpson, Tyler
Tobin, William

Comtois, Guy
Kingsbury, Robert
St. Cyr, Jeffrey
Worsman, Colette

Fields, Dennis
Luther, Robert
Swinford, Elaine

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
Moore, Charles

Cartwright, Anne
Smith, Edwin

Dwinell, Richard
Sterling, Franklin Jr

Hunt, John

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Ingbretson, Paul
Sorg, Gregory

Brosseau, Charles
Mirski, Paul
Sova, Charles

Bulis, Lyle
Reilly, Harold Sr

Gionet, Edmond
Shackett, Jeffrey

HILLSBOROUGH

Avard, Kevin
Bergevin, Jerry
Burt, John
Coffey, James
Daniels, Gary
Erickson, Duane
Gandia, Laura
Hardwick, Harry
Hogan, Edith
Lambert, George
McGuinness, Sean
Ober, Russell III

Balboni, Michael
Boehm, Ralph
Buxton, Michael
Condra, William
Day, Russell
Flanagan, Jack
Greazzo, Phil
Hawkins, Kenneth
Hogan, Timothy
LeBrun, Donald
Murphy, Keith
Ohm, Bill

Ball, J. Michael
Brown, Kevin
Cebrowski, John
Coughlin, Sean
Doherty, Shaun
Fredette, Robert
Haefner, Robert
Hikel, John
Holden, Frank
Maltz, Jonathan
Notter, Jeanine
Palmer, Barry

Belvin, William
Brownrigg, Randall Jr
Christiansen, Lars
Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Hansen, Peter
Hinch, Richard
Kurk, Neal
McCarthy, Michael
Ober, Lynne
Palmer, Stephen

Parison, James
Proulx, Mark
Scountsas, Lisa
Soucy, Connie
Swank, Matthew
Villeneuve, Moe

Pepino, Leo
Reed, Michael
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Warden, Mark

Pilotte, Maurice
Renzullo, Andrew
Silva, Peter
Stepanek, Stephen
Twombly, Timothy
Whitehead, Randall

Pratt, Calvin
Rowe, Robert
Simmons, Tammy
Summers, James
Ulery, Jordan
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Hess, David
Kotowski, Frank
McGuire, Dan
Smith, Molly

Coffey, Jennifer
Hill, Gregory
Kreis, Kenneth Sr
Palfrey, David
Smith, Todd

Cohn, Seth
Hoell, J.R.
Lindsley, Mark
Sanborn, Laurie
Soltani, Tony

Giuda, J. Brandon
Keane, Thomas
McGuire, Carol
Seaworth, G. Brian
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Bates, David
Charron, Gene
Ferrante, Beverly
Griffin, Mary
Janvrin, Kevin
Mauro, Donna
Okerman, Richard
Reagan, John
Shuler, Wyman III
Tamburello, Daniel
Waddell, James
Welch, David

Antosz, Jason
Belanger, Ronald
Comerford, Timothy
Fesh, Robert
Hagan, Joseph
Kappler, Lawrence
McMahon, Charles
Packard, Sherman
Rice, Frederick
Smith, William
Tasker, Kyle
Ward, Joanne
Weyler, Kenneth

Azarian, Gary
Bettencourt, David
Copeland, Timothy
Garcia, Marilinda
Headd, James
Kolodziej, Walter
Murphy, Brian
Perkins, Lawrence
Ritter, Glenn
Sullivan, James
Tremblay, Stella
Waterhouse, Kevin

Baldasaro, Alfred
Birdsell, Regina
Duarte, Joe
Garrity, James
Itse, Daniel
Lundgren, David
O'Connor, John
Quandt, Matt
Sheffert, Kenneth
Sytek, John
Tucker, Pamela
Webb, James

STRAFFORD

Andolina, Donald
Groen, Warren

Berube, Roger
Jones, Kyle

Cataldo, Sam
Jones, Laura

DeLemus, Susan
Larsen Schultz,
Kirsten
Parsons, Robbie
Vita, Lucien

Munck, Philip
Pitre, Joseph

Newton, Clifford
Roberts, Jenna

O'Connor, William
Vita, Carol

SULLIVAN

Bowers, Spec
Osgood, Joe
and the motion failed.

Cunningham, Steven
Rodeschin, Beverly
Howard, Thomas
Smith, Steven

Laware, Thomas

The question now being adoption of the majority committee report of Ought to Pass.
Rep. Pierce requested a roll call; sufficiently seconded.

YEAS 212 NAYS 129

YEAS 212

BELKNAP

Accornero, Harry
Greemore, Robert
Simpson, Tyler
Worsman, Colette

Comtois, Guy
Kingsbury, Robert
Swinford, Elaine

Fields, Dennis
Luther, Robert
Tilton, Franklin

Flanders, Donald
Russell, David
Tobin, William

CARROLL

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

CHESHIRE

Byrnes, John	Cartwright, Anne	Dwinell, Richard	Hunt, John
Moore, Charles	Moore, Robert Jr	Smith, Edwin	Sterling, Franklin Jr

COOS

Daugherty, Duffy	Rappaport, Laurence	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	Sorg, Gregory	Sova, Charles	

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Belvin, William
Bergevin, Jerry	Boehm, Ralph	Brown, Kevin	Burt, John
Buxton, Michael	Cebrowski, John	Christiansen, Lars	Condra, William
Coughlin, Sean	Cusson-Cail, Kathleen	Daniels, Gary	Day, Russell
Doherty, Shaun	Donovan, Daniel	Erickson, Duane	Flanagan, Jack
Fredette, Robert	Gagne, Larry	Gandia, Laura	Greazzo, Phil
Haefner, Robert	Hansen, Peter	Hardwick, Harry	Hawkins, Kenneth
Hikel, John	Hinch, Richard	Hogan, Edith	Hogan, Timothy
Holden, Frank	Jasper, Shawn	Kurk, Neal	Lambert, George
LeBrun, Donald	Maltz, Jonathan	McCarthy, Michael	McClarren, Donald
McGuinness, Sean	Murphy, Keith	Notter, Jeanine	Ober, Lynne
Ohm, Bill	Palmer, Barry	Palmer, Stephen	Parison, James
Pepino, Leo	Pratt, Calvin	Proulx, Mark	Reed, Michael
Renzullo, Andrew	Rowe, Robert	Scontsas, Lisa	Seidel, Carl
Silva, Peter	Simmons, Tammy	Soucy, Connie	Souza, Kathleen
Stepanek, Stephen	Summers, James	Swank, Matthew	Terrio, Ross
Twombly, Timothy	Ulery, Jordan	Villeneuve, Moe	Warden, Mark
Whitehead, Randall	Willette, Robert		

MERRIMACK

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

ROCKINGHAM

Abrami, Patrick	Antosz, Jason	Azarian, Gary	Baldasaro, Alfred
Bates, David	Belanger, Ronald	Bettencourt, David	Birdsell, Regina
Charron, Gene	Chirichiello, Brian	Comerford, Timothy	Copeland, Timothy
DeSimone, Debra	Devine, James	Duarte, Joe	Elliott, Robert
Fesh, Robert	Garcia, Marilinda	Griffin, Mary	Hagan, Joseph

Headd, James
Lundgren, David
O'Connor, John
Quandt, Marshall
Ritter, Glenn
Shuler, Wyman III
Tasker, Kyle
Waterhouse, Kevin

Itse, Daniel
Mauro, Donna
Okerman, Richard
Quandt, Matt
Sanders, Elisabeth
Smith, William
Tremblay, Stella
Webb, James

Kappler, Lawrence
McMahon, Charles
Packard, Sherman
Reagan, John
Sapareto, Frank
Sytek, John
Tucker, Pamela
Welch, David

Kolodziej, Walter
Nevins, Chris
Perkins, Lawrence
Rice, Frederick
Sheffert, Kenneth
Tamburello, Daniel
Ward, Joanne
Weyler, Kenneth

STRAFFORD

Andolina, Donald
Groen, Warren

Berube, Roger
Jones, Kyle

Cataldo, Sam
Jones, Laura

DeLemus, Susan
Larsen Schultz,
Kirsten
Parsons, Robbie

Munck, Philip
Pitre, Joseph

Newton, Clifford
Vita, Carol

O'Connor, William
Vita, Lucien

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 129

BELKNAP

Bolster, Peter

Millham, Alida

Pilliod, James

St. Cyr, Jeffrey

CARROLL

Babson, David Jr

McConkey, Mark

Marrow, Harry

CHESHIRE

Butynski, William
Johnson, Jane
Parkhurst, Henry
Weber, Lucy

Chase, Cynthia
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Hawkes, Samuel
Lindsey, Steven
Sad, Tara

Johnsen, Gladys
Meador, David
Tatro, Bruce

COOS

Coulombe, Gary
Thomas, Yvonne

Merrick, Evalyn

Remick, William

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David
White, Andrew

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Ladd, Rick Jr
Taylor, Kathleen

Cooney, Mary
Nordgren, Sharon
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Brownrigg, Randall Jr

Barry, J. Gail
Campbell, David

Barry, Richard
Christensen, D.L.
Chris

Belanger, James
Coffey, James

Cote, David
Gimas, John
Hutchinson, Winfred

Daler, Jennifer
Goley, Jeffrey
Katsiantonis, Thomas

Drisko, Richard
Gorman, Mary
Leishman, Peter

Gargas, Carolyn
Graham, John
Long, Patrick

Ober, Russell III
Porter, Marjorie
Shaw, Barbara

Pellegrino, Tony
Rhodes, Brian
Sullivan, Daniel

Peterson, Lenette
Rokas, Ted
Thomas, Joseph

Pilotte, Maurice
Rosenwald, Cindy
Vaillancourt, Steve

MERRIMACK

Bouchard, Candace
Frazer, June
Lauer-Rago, Kathleen
Patten, Dick
Shurtleff, Stephen

Deloge, Helen
Gile, Mary
Lockwood, Priscilla
Potter, Frances
Wallner, Mary Jane

DeStefano, Stephen
Hamm, Christine
MacKay, James
Rice, Chip
Watrous, Rick

Foose, Robert
Kidder, David
Owen, Derek
Richardson, Gary
Winter, Steven

ROCKINGHAM

Allen, Mary
Ferrante, Beverly
Lovejoy, Patricia
Murphy, Brian
Read, Robin Jr
Waddell, James

Brown, Paul
Garrity, James
Major, Norman
Norelli, Terie
Schlachman, Donna

Cali-Pitts, Jacqueline
Hoelzel, Kathleen
Manuse, Andrew
Pantelakos, Laura
Serlin, Christopher

DiPentima, Rich
Janvrin, Kevin
Moody, Marcia
Perkins, Amy
Sullivan, James

STRAFFORD

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

Ginsburg, Philip
Keans, Sandra
Spainhower, Dale

Grassie, Anne
Perry, Robert
Spang, Judith

Horrigan, Timothy
Roberts, Jenna
Wall, Janet

SULLIVAN

Cloutier, John

Lefebvre, Benjamin

Schmidt, Andrew

Smith, Steven

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

HB 1714*, relative to the term "election" for the purposes of public meetings. **REFER FOR INTERIM STUDY.*

Rep. William B. Smith for Election Law: This bill clarifies that elections at a public meeting can't be held by secret ballots. The majority agrees with the intent to hold elected representatives accountable for their votes, but is concerned with the impact of public votes on influencing a multi-ballot election. The majority believes that a committee could arrive at an amendment that would achieve public votes while preserving the integrity of the election. Vote 13-4.

Committee report adopted.

***HB 1572*, establishing a commission to study the labeling of genetically modified foods.**

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

Rep. Stephen J. Palmer for the Majority of Environment and Agriculture: Discussion concluded that labeling of product containing GMO's would be impractical. At what level of product would we not have to label. The committee decided that more information and study is required to make an accurate decision. Vote 12-1.

Rep. Suzanne J. Smith for the Minority of Environment and Agriculture: The minority believes that there are many unanswered questions pertaining to genetic engineering or modification (GE/GM) of food crops. An Environment and Agriculture Committee study two years ago, focused on the labeling of seeds – not food products. At the public hearing we learned that over 90 percent of soybeans and 80 percent of corn grown come from genetically engineered or genetically modified (GE/GM) seeds. Twelve percent of zucchini grown in this country is GE/GM. One of our major trading partners, China, grows and distributes GE/GM

sweet peppers. Consumers in New Hampshire deserve to know whether produce and food products they are buying come from GE/GM sources. Nearly 50 countries including the 15 European Union nations, Russia, Japan, China, Australia, New Zealand, and South Korea require mandatory labeling of products containing genetically engineered ingredients. GE plants are genetically modified using recombinant DNA methods of breeding. This leads to many unanswered questions. The FDA approves voluntary labeling, but is this enough? Therefore, the minority believes that a study committee is the first step towards better, more accurate labeling of our food products made here in New Hampshire.
Majority committee report adopted.

HB 1609-FN, relative to licensure of polysomnographers by the board of respiratory care practitioners. **REFER TO FOR INTERIM STUDY.**

Rep. Kenneth Hawkins for Executive Departments and Administration: This bill was to license polysomnographers (sleep related disorders). The committee feels that more information is needed in order to make a decision. Vote 11-2.
Committee report adopted.

HB 1219, relative to the definition of wildlife for purposes of regulation by the fish and game department. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David H. Watters for the Majority of Fish and Game and Marine Resources: This bill would remove the term wildlife from the regulation of certain livestock in agricultural operations. It would have the effect of removing regulatory authority of the fish and game department over such animals as elk and red deer. The department and the fish and game commission believe this is a first step towards legalizing the taking of game in propagation facilities which could promote importation of TB and chronic waste disease and negatively effect public perception regarding fair chase. The bill also would repeal licensing requirements for venison wholesalers and repeal recordkeeping and documentation of venison sale. For these reasons the committee opposed the bill. Vote 12-2.

Rep. Richard Okerman for the Minority of Fish and Game and Marine Resources: The minority of the committee felt that this proposal should pass. The “problems” that were stated as objections we could already have as one of the largest game preserve in the US is located in New Hampshire Corburn Park and is a “private” facility that has been here since the late 1800’s. This bill does not create any new laws only recognizes definition of wildlife between fish and game agency and New Hampshire department of agriculture as well as the endangered species act. This proposal could help credit some jobs in agriculture as well as generate some income on the farm.

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

Reps. Watters and Newton spoke in favor.

Rep. Simard spoke against and yielded to questions.

Rep. Reilly requested a roll call; sufficiently seconded.

YEAS 241 NAYS 100

YEAS 241

BELKNAP

Bolster, Peter
Millham, Alida
Tilton, Franklin

Fields, Dennis
Pilliod, James

Flanders, Donald
Russell, David

Kingsbury, Robert
St. Cyr, Jeffrey

CARROLL

Ahlgren, Christopher
Merrow, Harry
Umberger, Karen

Fleck, Joseph
Scala, Dino

Knox, J. David
Schmidt, Stephen

McConkey, Mark
Tregenza, Norman

CHESHIRE

Butynski, William
Hawkes, Samuel
Lindsey, Steven
Roberts, Kris
Weed, Charles

Byrnes, John
Johnsen, Gladys
Meador, David
Sad, Tara

Chase, Cynthia
Johnson, Jane
Moore, Robert Jr
Tatro, Bruce

Dwinell, Richard
Lerandean, Alfred
Parkhurst, Henry
Weber, Lucy

COOS

Coulombe, Gary
Remick, William
Thomas, Yvonne

Hatch, William
Richardson, Herbert

Merrick, Evalyn
Theberge, Robert

Rappaport, Laurence
Tholl, John Jr

GRAFTON

Aguiar, James
Cooney, Mary
Mirski, Paul
Taylor, Kathleen

Almy, Susan
Gould, Franklin
Nordgren, Sharon
Townsend, Charles

Benn, Bernard
Harding, Laurie
Pierce, David
White, Andrew

Bulis, Lyle
Ladd, Rick Jr
Smith, Suzanne

HILLSBOROUGH

Balboni, Michael
Belanger, James
Campbell, David

Ball, J. Michael
Belvin, William
Cebrowski, John

Baroody, Benjamin
Boehm, Ralph
Christensen, D.L.
Chris

Barry, J. Gail
Buxton, Michael
Christiansen, Lars

Coffey, James
Daler, Jennifer
Erickson, Duane
Gandia, Laura
Goley, Jeffrey
Greazzo, Phil
Hinch, Richard
Jasper, Shawn
LeBrun, Donald
McGuinness, Sean
Ohm, Bill
Pilotte, Maurice
Rhodes, Brian
Seidel, Carl
Soucy, Connie
Thomas, Joseph

Condra, William
Daniels, Gary
Flanagan, Jack
Gargas, Carolyn
Gonzalez, Carlos
Hansen, Peter
Hogan, Edith
Katsiantonis, Thomas
Leishman, Peter
Murphy, Keith
Parison, James
Porter, Marjorie
Rokas, Ted
Shaw, Barbara
Souza, Kathleen
Ulery, Jordan

Cote, David
Day, Russell
Fredette, Robert
Garrity, Patrick
Gorman, Mary
Hardwick, Harry
Hogan, Timothy
Kurk, Neal
Maltz, Jonathan
Ober, Lynne
Pepino, Leo
Pratt, Calvin
Rosenwald, Cindy
Silva, Peter
Stepanek, Stephen
Vaillancourt, Steve

Coughlin, Sean
Doherty, Shaun
Gagne, Larry
Gimas, John
Graham, John
Hawkins, Kenneth
Holden, Frank
Lambert, George
McCarthy, Michael
Ober, Russell III
Peterson, Lenette
Renzullo, Andrew
Rowe, Robert
Simmons, Tammy
Sullivan, Daniel
Willette, Robert

MERRIMACK

Bouchard, Candace
Gile, Mary
Lauer-Rago, Kathleen
Owen, Derek
Richardson, Gary
Wallner, Mary Jane

Deloge, Helen
Hamm, Christine
Lindsley, Mark
Patten, Dick
Shurtleff, Stephen
Watrous, Rick

DeStefano, Stephen
Kidder, David
Lockwood, Priscilla
Potter, Frances
Smith, Molly

Frazer, June
Kotowski, Frank
MacKay, James
Rice, Chip
Soltani, Tony

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Antosz, Jason	Azarian, Gary
Bates, David	Belanger, Ronald	Brown, Paul	Charron, Gene
Chirichiello, Brian	Comerford, Timothy	Copeland, Timothy	DeSimone, Debra
Devine, James	DiPentima, Rich	Duarte, Joe	Fesh, Robert
Garrity, James	Griffin, Mary	Headd, James	Hoelzel, Kathleen
Itse, Daniel	Janvrin, Kevin	Kappler, Lawrence	Kolodziej, Walter
Lovejoy, Patricia	Major, Norman	Manuse, Andrew	Mauro, Donna
McKinney, Betsy	McMahon, Charles	Moody, Marcia	Nevins, Chris
Norelli, Terie	O'Connor, John	Packard, Sherman	Pantelakos, Laura
Perkins, Amy	Perkins, Lawrence	Quandt, Marshall	Read, Robin Jr
Reagan, John	Rice, Frederick	Sanders, Elisabeth	Sapareto, Frank
Schlachman, Donna	Serlin, Christopher	Shuler, Wyman III	Sullivan, James
Tasker, Kyle	Tucker, Pamela	Waddell, James	Ward, Joanne
Waterhouse, Kevin	Webb, James	Welch, David	Weyler, Kenneth

STRAFFORD

Andolina, Donald	Berube, Roger	Browne, Brendon	Cataldo, Sam
Ginsburg, Philip	Grassie, Anne	Horrigan, Timothy	Kaen, Naida
Keans, Sandra	Munck, Philip	Newton, Clifford	O'Connor, William
Perry, Robert	Roberts, Jenna	Schmidt, Peter	Spainhower, Dale
Spang, Judith	Vita, Lucien	Wall, Janet	Watters, David

SULLIVAN

Cloutier, John	Cunningham, Steven	Gagnon, Raymond	Lefebvre, Benjamin
Lovett, Charlene	Osgood, Joe	Schmidt, Andrew	Smith, Steven

NAYS 100

BELKNAP

Accornero, Harry	Comtois, Guy	Greemore, Robert	Luther, Robert
Simpson, Tyler	Swinford, Elaine	Tobin, William	Worsman, Colette

CARROLL

Babson, David Jr	McCarthy, Frank	Patten, Betsey	Pettengill, Laurie
------------------	-----------------	----------------	--------------------

CHESHIRE

Cartwright, Anne	Hunt, John	Moore, Charles	Smith, Edwin
------------------	------------	----------------	--------------

COOS

Daugherty, Duffy	Tremblay, Marc
------------------	----------------

GRAFTON

Bradley, Lester	Brosseau, Charles	Gionet, Edmond	Reilly, Harold Sr
Shackett, Jeffrey	Simard, Paul	Sorg, Gregory	Sova, Charles

HILLSBOROUGH

Avard, Kevin	Barry, Richard	Bergevin, Jerry	Brown, Kevin
Brownrigg, Randall Jr	Burt, John	Cusson-Cail, Kathleen	Donovan, Daniel

Drisko, Richard	Haefner, Robert	Hikel, John	Hutchinson, Winfred
McClarren, Donald	Notter, Jeanine	Palmer, Barry	Palmer, Stephen
Pellegrino, Tony	Proulx, Mark	Reed, Michael	Scotsas, Lisa
Summers, James	Swank, Matthew	Terrio, Ross	Twombly, Timothy
Villeneuve, Moe	Warden, Mark	Whitehead, Randall	

MERRIMACK

Blankenbeker, Lynne	Coffey, Jennifer	Cohn, Seth	Foose, Robert
Giuda, J. Brandon	Hill, Gregory	Hoell, J.R.	Keane, Thomas
McGuire, Carol	McGuire, Dan	Palfrey, David	Richardson, Jon
Sanborn, Laurie	Seaworth, G. Brian		

ROCKINGHAM

Baldasaro, Alfred	Bettencourt, David	Birdsell, Regina	Davenport, Joshua
Elliott, Robert	Ferrante, Beverly	Garcia, Marilinda	Hagan, Joseph
Katsakiores, Phyllis	Lundgren, David	Murphy, Brian	Okerman, Richard
Quandt, Matt	Ritter, Glenn	Schroadter, Adam	Sheffert, Kenneth
Smith, William	Sytek, John	Tamburello, Daniel	Tremblay, Stella

STRAFFORD

DeLemus, Susan	Groen, Warren	Jones, Kyle	Jones, Laura
Larsen Schultz, Kirsten	Parsons, Robbie	Pitre, Joseph	Vita, Carol

SULLIVAN

Bowers, Spec	Howard, Thomas	LaCasse, Paul Sr	Laware, Thomas
Rodeschin, Beverly			

and the majority committee report was adopted.

HB 1332, relative to the law enforcement authority of fish and game conservation officers.

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

Rep. Lyle E. Bulis for the Majority of Fish and Game and Marine Resources: This bill changes the law enforcement authority of conservation officers under RSA 206:26 by changing “reasonable cause” for stopping and searching. Existing law permits a conservation officer to stop and search, with reasonable cause, without a warrant for wildlife, or any illegal apparatus subject to forfeiture which may be concealed. It also changes the wording for such searches for marine species. The fish and game department, law enforcement, and members of the public argued that this change would make enforcement of fish and game laws all but impossible. Opponents argued that “probable cause” is the constitutional standard, but “reasonable cause” is also a constitutional standard, as demonstrated in case law, and in Black’s Law Dictionary. Moreover, reasonable cause is the standard for fish and game law enforcement in several other states. Law enforcement testified that officers scrupulously follow procedures to attain warrants when deemed necessary and to protect citizen’s rights. It is in the state’s interest in protecting and preserving the wildlife of this state for the benefit of current and future generations. Rules on the number, size and species of fish and game that may be taken would be impossible to enforce if a conservation officer could not stop and inspect all fish and game that have been caught by only those anglers and hunters who the officer has reasonable cause to believe may have violated fish and game laws. Searches and stops can only be conducted briefly and are strictly limited in scope. A search into locked containers, homes, curtilidge areas or other areas where people have a greater expectation of privacy must only be conducted after probable cause has been developed and a search warrant issued. This statute has been in effect since 1935 without

challenge on constitutional grounds. Vote 10-4.

Rep. Marc D. Tremblay for the Minority of Fish and Game and Marine Resources: The minority strongly believes that this is a fourth amendment issue. During executive session testimony was brought forth that the definition of probable cause from Black's Law Dictionary Abridged sixth edition is the same as reasonable cause. If this is so, why would we not for consistency, change the word reasonable cause to probable cause and vote OTP.

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

Reps. Bulis and Newton spoke in favor.

Reps. Marc Tremblay and Giuda spoke against.

Rep. Okerman requested a roll call; sufficiently seconded.

YEAS 171 NAYS 174

YEAS 171

BELKNAP

Bolster, Peter
St. Cyr, Jeffrey

Flanders, Donald
Tilton, Franklin

Millham, Alida

Russell, David

CARROLL

Knox, J. David

Scala, Dino

Umberger, Karen

CHESHIRE

Butynski, William
Hawkes, Samuel
Lindsey, Steven
Sad, Tara
Weed, Charles

Byrnes, John
Johnsen, Gladys
Meader, David
Smith, Edwin

Chase, Cynthia
Johnson, Jane
Moore, Charles
Tatro, Bruce

Dwinell, Richard
Lerandeau, Alfred
Parkhurst, Henry
Weber, Lucy

COOS

Hatch, William
Thomas, Yvonne

Merrick, Evalyn

Remick, William

Tholl, John Jr

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David
Taylor, Kathleen

Benn, Bernard
Harding, Laurie
Shackett, Jeffrey
Townsend, Charles

Bulis, Lyle
Ladd, Rick Jr
Smith, Suzanne
White, Andrew

Cooney, Mary
Mirski, Paul
Sorg, Gregory

HILLSBOROUGH

Balboni, Michael
Boehm, Ralph
Coffey, James
Cusson-Cail, Kathleen
Gargas, Carolyn
Gonzalez, Carlos
Hansen, Peter
Holden, Frank
Kurk, Neal
Palmer, Barry
Porter, Marjorie

Baroody, Benjamin
Buxton, Michael
Condra, William
Daler, Jennifer
Garrity, Patrick
Gorman, Mary
Hardwick, Harry
Hutchinson, Winfred
Leishman, Peter
Pellegrino, Tony
Proulx, Mark

Barry, Richard
Campbell, David
Cote, David
Day, Russell
Gimas, John
Graham, John
Hawkins, Kenneth
Jasper, Shawn
Levasseur, Nickolas
Pepino, Leo
Rhodes, Brian

Belvin, William
Cebrowski, John
Coughlin, Sean
Gagne, Larry
Goley, Jeffrey
Haefner, Robert
Hogan, Timothy
Katsiantonis, Thomas
McCarthy, Michael
Pilotte, Maurice
Rokas, Ted

Rosenwald, Cindy
Stepanek, Stephen

Rowe, Robert
Sullivan, Daniel

Shaw, Barbara
Terrio, Ross

Souza, Kathleen
Whitehead, Randall

MERRIMACK

Bouchard, Candace
Frazer, June
Kidder, David
Owen, Derek
Rice, Chip

Deloge, Helen
Gile, Mary
Lindsley, Mark
Palfrey, David
Richardson, Gary

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

Foose, Robert
Hess, David
MacKay, James
Potter, Frances
Watrous, Rick

ROCKINGHAM

Azarian, Gary
Devine, James
Griffin, Mary
McKinney, Betsy
Packard, Sherman
Quandt, Marshall
Serlin, Christopher
Weyler, Kenneth

Cali-Pitts, Jacqueline
DiPentima, Rich
Headd, James
Moody, Marcia
Pantelakos, Laura
Read, Robin Jr
Smith, William

Charron, Gene
Elliott, Robert
Lovejoy, Patricia
Nevins, Chris
Perkins, Amy
Sanders, Elisabeth
Tucker, Pamela

DeSimone, Debra
Garrity, James
Major, Norman
Norelli, Terie
Perkins, Lawrence
Schlachman, Donna
Waterhouse, Kevin

STRAFFORD

Berube, Roger
Ginsburg, Philip
Keans, Sandra
Roberts, Jenna
Watters, David

Browne, Brendon
Grassie, Anne
Newton, Clifford
Schmidt, Peter

Cataldo, Sam
Horrigan, Timothy
O'Connor, William
Spainhower, Dale

Domingo, Baldwin
Kaen, Naida
Perry, Robert
Wall, Janet

SULLIVAN

Cloutier, John
Osgood, Joe

Gagnon, Raymond
Rodeschin, Beverly

Lefebvre, Benjamin
Schmidt, Andrew

Lovett, Charlene

NAYS 174

BELKNAP

Accornero, Harry
Kingsbury, Robert
Swinford, Elaine

Comtois, Guy
Luther, Robert
Tobin, William

Fields, Dennis
Pilliod, James
Worsman, Colette

Greemore, Robert
Simpson, Tyler

CARROLL

Ahlgren, Christopher
McConkey, Mark
Schmidt, Stephen

Babson, David Jr
Merrow, Harry
Tregenza, Norman

Fleck, Joseph
Patten, Betsey

McCarthy, Frank
Pettengill, Laurie

CHESHIRE

Cartwright, Anne

Hunt, John

Moore, Robert Jr

COOS

Coulombe, Gary
Theberge, Robert

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

GRAFTON

Bradley, Lester
Reilly, Harold Sr

Brosseau, Charles
Simard, Paul

Gionet, Edmond
Sova, Charles

Ingbretson, Paul

HILLSBOROUGH

Avard, Kevin
Bergevin, Jerry
Christensen, D.L.
Chris

Drisko, Richard
Gandia, Laura
Hogan, Edith
LeBrun, Donald
Mecheski, Holly
Ober, Russell III
Peterson, Lenette
Scotsas, Lisa
Soucy, Connie
Twombly, Timothy
Warden, Mark

Ball, J. Michael
Brown, Kevin
Daniels, Gary

Erickson, Duane
Greazzo, Phil
Hopper, Gary
Maltz, Jonathan
Murphy, Keith
Ohm, Bill
Pratt, Calvin
Seidel, Carl
Summers, James
Ulery, Jordan
Willette, Robert

Barry, J. Gail
Brownrigg, Randall Jr
Doherty, Shaun

Flanagan, Jack
Hikel, John
Krasucki, Joseph
McClarren, Donald
Notter, Jeanine
Palmer, Stephen
Reed, Michael
Silva, Peter
Swank, Matthew
Vaillancourt, Steve

Belanger, James
Burt, John
Donovan, Daniel

Fredette, Robert
Hinch, Richard
Lambert, George
McGuinness, Sean
Ober, Lynne
Parison, James
Renzullo, Andrew
Simmons, Tammy
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Hill, Gregory
Kreis, Kenneth Sr
Richardson, Jon
Smith, Todd

Coffey, Jennifer
Hoell, J.R.
Lauer-Rago, Kathleen
Sanborn, Laurie
Winter, Steven

Cohn, Seth
Keane, Thomas
McGuire, Carol
Seaworth, G. Brian

Giuda, J. Brandon
Kotowski, Frank
McGuire, Dan
Smith, Molly

ROCKINGHAM

Abrami, Patrick
Bates, David
Brown, Paul
Duarte, Joe
Hagan, Joseph
Kappler, Lawrence
Manuse, Andrew
O'Connor, John
Rice, Frederick
Sheffert, Kenneth
Sytek, John
Waddell, James

Allen, Mary
Belanger, Ronald
Chirichiello, Brian
Ferrante, Beverly
Hoelzel, Kathleen
Katsakiores, Phyllis
Mauro, Donna
Okerman, Richard
Ritter, Glenn
Shuler, Wyman III
Tamburello, Daniel
Ward, Joanne

Antosz, Jason
Bettencourt, David
Comerford, Timothy
Fesh, Robert
Itse, Daniel
Kolodziej, Walter
McMahon, Charles
Quandt, Matt
Sapareto, Frank
Sullivan, James
Tasker, Kyle
Webb, James

Baldasaro, Alfred
Birdsell, Regina
Copeland, Timothy
Garcia, Marilinda
Janvrin, Kevin
Lundgren, David
Murphy, Brian
Reagan, John
Schroadter, Adam
Sullivan, Kevin
Tremblay, Stella
Welch, David

STRAFFORD

Andolina, Donald
Jones, Laura

Pitre, Joseph

DeLemus, Susan
Larsen Schultz,
Kirsten

Vita, Carol

Groen, Warren
Munck, Philip

Vita, Lucien

Jones, Kyle
Parsons, Robbie

SULLIVAN

Bowers, Spec
Laware, Thomas

and the majority committee report failed.

Cunningham, Steven
Smith, Steven

Howard, Thomas

LaCasse, Paul Sr

Rep. Marc Tremblay moved the minority committee report of Ought to Pass.
On a division vote, 181 members having voted in the affirmative and 165 in the negative, the minority committee report was adopted and ordered to third reading.

HB 1333, relative to the revocation or suspension of a fish and game license for a conviction.
OUGHT TO PASS WITH AMENDMENT.

Rep. Richard Okerman for Fish and Game and Marine Resources: This bill, as amended, would establish a committee to study a point system for violations of hunting and fishing laws and regulations. Studying a point system could be a pathway to developing a penalty system that more appropriately meets the severity of the violation. Vote 10-2.

Amendment (0616h)

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

AN ACT establishing a committee to study the establishment of a point system for violations of hunting and fishing laws and regulations enforced by the fish and game department.

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

1 Committee Established. There is established a committee to study the establishment of a point system for violations of hunting and fishing laws and regulations enforced by the fish and game department.

2 Membership and Compensation.

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

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

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

II. The committee shall solicit participation and advice from a representative of the fish and game department responsible for enforcement of law and rule violations, and at least 2 members of the public including one person who is a holder of a hunting or fishing license in this state.

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

3 Duties. The committee shall study the establishment of a point system for violations of hunting and fishing laws and regulations enforced by the fish and game department.

4 Chairperson; Meetings. 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.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2012.

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

AMENDED ANALYSIS

This bill establishes a committee to study the establishment of a point system for violations of hunting and fishing laws and regulations enforced by the fish and game department.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 1334, relative to the suspension of a fish and game license by the executive director.
MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Betsy McKinney for the Majority of Fish and Game and Marine Resources: There seems to be no compelling need for this law or this change. In the last nine years the

removal of a license has happened once when a hunter was threatening his daughter with a gun. The lawyer for "Pro-Gun NH" and the sponsor were the only ones to testify for this bill. The committee felt that this was one more arrow in the quiver to protect the public ASAP. Hearings on license removal occur within 30 days to protect due process. Vote 10-4. Rep. Richard Okerman for the Minority of Fish and Game and Marine Resources: The minority of the committee felt that this proposal should pass. The bill would amend the current RSA 214:18 to allow the license holder the opportunity for a due hearing to determine if the license holder is innocent or guilty prior to a license being revoked. Majority committee report adopted.

HB 1339, prohibiting agreements to limit or reserve access to hunting, fishing, and trapping on private land. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Joe Duarte for the Majority of Fish and Game and Marine Resources: Public Trust Doctrine is principle of common law that establishes who owns and manages wildlife including game animals it is the core principle of the north American Model of Wildlife Management. The Public Trust Doctrine is based on three principles. State holds wildlife in trust for all the people. The state has affirmative duty to fulfill the responsibilities created by this trust. The state has no power to abrogate its trust over wildlife by transferring ownership or management of wildlife to private concern of individuals. This bill would prevent giving exclusive right to hunt for payment and excludes others who have the right to hunt while protecting property rights by placing the penalty on the licensee. Vote 8-4. Rep. Norman A. Tregenza for the Minority of Fish and Game and Marine Resources: The minority is sympathetic to the bills intent of prohibiting transactions for game, which belong to the citizens of New Hampshire even if they run onto private property. There is, however, a concern by the minority of infringement upon private property rights. The right to control access to one's land is a fundamental right of property ownership. We believe it is unwise to permit government to intrude itself into private contract.

Majority Amendment (0794h)

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

AN ACT prohibiting agreements for monetary consideration to limit or reserve access to hunting, fishing, and trapping on private land.

Amend RSA 207:57-a, I as inserted by section 1 of the bill by replacing it with the following:

I. No person authorized to hunt, fish, or trap under this title shall enter into any contract with, lease, or otherwise arrange with a private landowner for monetary consideration for the limiting of access of other persons for hunting, fishing, or trapping, or for the reservation of the right to access to property solely for oneself or one group, with the intent of excluding other persons licensed by the department to hunt, fish, or trap.

AMENDED ANALYSIS

This bill prohibits a person engaged in hunting, fishing, or trapping from contracting for monetary consideration for the limitation of access or the reservation of rights to enter private lands.

On a division vote, 152 members having voted in the affirmative and 144 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. White requested a roll call; sufficiently seconded.

YEAS 133 NAYS 216

YEAS 133

BELKNAP

Flanders, Donald	Greemore, Robert	Luther, Robert
------------------	------------------	----------------

CARROLL

McCarthy, Frank	McConkey, Mark	Umberger, Karen
-----------------	----------------	-----------------

CHESHIRE

Butynski, William	Byrnes, John	Chase, Cynthia	Johnsen, Gladys
Lerandau, Alfred	Lindsey, Steven	Meadar, David	Parkhurst, Henry
Sad, Tara	Smith, Edwin	Tatro, Bruce	Weber, Lucy
Weed, Charles			

COOS

Coulombe, Gary	Hatch, William	Rappaport, Laurence	Remick, William
Theberge, Robert	Tholl, John Jr	Thomas, Yvonne	

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Brosseau, Charles
Bulis, Lyle	Cooney, Mary	Ladd, Rick Jr	Mirski, Paul
Nordgren, Sharon	Smith, Suzanne	Taylor, Kathleen	Townsend, Charles

HILLSBOROUGH

Balboni, Michael	Boehm, Ralph	Campbell, David	Cebrowski, John
Coffey, James	Cote, David	Daler, Jennifer	Day, Russell
Fredette, Robert	Gagne, Larry	Garrity, Patrick	Gorman, Mary
Graham, John	Haefner, Robert	Hansen, Peter	Hardwick, Harry
Hawkins, Kenneth	Holden, Frank	Jasper, Shawn	Leishman, Peter
McCarthy, Michael	Palmer, Barry	Parison, James	Pellegrino, Tony
Pepino, Leo	Pilotte, Maurice	Porter, Marjorie	Renzullo, Andrew
Stepanek, Stephen	Sullivan, Daniel	Thomas, Joseph	Whitehead, Randall

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	Gile, Mary	Hamm, Christine	Hess, David
Keane, Thomas	Kidder, David	Kotowski, Frank	Lindsley, Mark
MacKay, James	Owen, Derek	Patten, Dick	Potter, Frances
Rice, Chip	Richardson, Gary	Shurtleff, Stephen	Watrous, Rick

ROCKINGHAM

Allen, Mary	Bettencourt, David	Cali-Pitts, Jacqueline	Chirichiello, Brian
Davenport, Joshua	DiPentima, Rich	Duarte, Joe	Elliott, Robert
Ferrante, Beverly	Fesh, Robert	Griffin, Mary	Lovejoy, Patricia
McKinney, Betsy	McMahon, Charles	Moody, Marcia	Murphy, Brian
Nevins, Chris	Norelli, Terie	Packard, Sherman	Pantelakos, Laura
Quandt, Marshall	Quandt, Matt	Read, Robin Jr	Schlachman, Donna
Tucker, Pamela	Waterhouse, Kevin	Webb, James	

STRAFFORD

Browne, Brendon	Cataldo, Sam	Domingo, Baldwin	Grassie, Anne
Kaen, Naida	Keans, Sandra	Newton, Clifford	O'Connor, William

Perry, Robert
Watters, David

Schmidt, Peter

Spang, Judith

Wall, Janet

SULLIVAN

Cloutier, John

Gagnon, Raymond

Schmidt, Andrew

NAYS 216

BELKNAP

Accornero, Harry
Kingsbury, Robert
Simpson, Tyler
Tobin, William

Bolster, Peter
Millham, Alida
St. Cyr, Jeffrey
Worsman, Colette

Comtois, Guy
Pilliod, James
Swinford, Elaine

Fields, Dennis
Russell, David
Tilton, Franklin

CARROLL

Babson, David Jr
Patten, Betsey
Trogenza, Norman

Fleck, Joseph
Pettengill, Laurie

Knox, J. David
Scala, Dino

Merrow, Harry
Schmidt, Stephen

CHESHIRE

Cartwright, Anne
Johnson, Jane
Sterling, Franklin Jr

Dwinell, Richard
Moore, Charles

Hawkes, Samuel
Moore, Robert Jr

Hunt, John
Roberts, Kris

COOS

Daugherty, Duffy

Merrick, Evalyn

Richardson, Herbert

Tremblay, Marc

GRAFTON

Bradley, Lester
Ingbretson, Paul
Simard, Paul

Gionet, Edmond
Pierce, David
Sorg, Gregory

Gould, Franklin
Reilly, Harold Sr
Sova, Charles

Harding, Laurie
Shackett, Jeffrey
White, Andrew

HILLSBOROUGH

Ball, J. Michael
Belanger, James
Brownrigg, Randall Jr

Baroody, Benjamin
Belvin, William
Burt, John

Barry, J. Gail
Bergevin, Jerry
Buxton, Michael

Barry, Richard
Brown, Kevin
Christensen, D.L.
Chris

Condra, William

Coughlin, Sean

Cusson-Cail,
Kathleen

Daniels, Gary

Doherty, Shaun
Flanagan, Jack
Goley, Jeffrey
Hinch, Richard
Hutchinson, Winfred
LeBrun, Donald
McGuinness, Sean
Ober, Lynne
Peterson, Lenette
Rhodes, Brian
Scotsas, Lisa
Simmons, Tammy

Donovan, Daniel
Gandia, Laura
Gonzalez, Carlos
Hogan, Edith
Katsiantonis, Thomas
Levasseur, Nickolas
Mecheski, Holly
Ober, Russell III
Pratt, Calvin
Rokas, Ted
Seidel, Carl
Soucy, Connie

Drisko, Richard
Gargasz, Carolyn
Greazzo, Phil
Hogan, Timothy
Krasucki, Joseph
Maltz, Jonathan
Murphy, Keith
Ohm, Bill
Proulx, Mark
Rosenwald, Cindy
Shaw, Barbara
Souza, Kathleen

Erickson, Duane
Gimas, John
Hikel, John
Hopper, Gary
Kurk, Neal
McClarren, Donald
Notter, Jeanine
Palmer, Stephen
Reed, Michael
Rowe, Robert
Silva, Peter
Summers, James

Swank, Matthew
Vaillancourt, Steve

Terrio, Ross
Villeneuve, Moe

Twombly, Timothy
Warden, Mark

Ulery, Jordan
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Hill, Gregory
Lockwood, Priscilla
Richardson, Jon
Smith, Todd

Coffey, Jennifer
Hoell, J.R.
McGuire, Carol
Sanborn, Laurie
Soltani, Tony

Cohn, Seth
Kreis, Kenneth Sr
McGuire, Dan
Seaworth, G. Brian
Winter, Steven

Giuda, J. Brandon
Lauer-Rago, Kathleen
Palfrey, David
Smith, Molly

ROCKINGHAM

Abrami, Patrick
Bates, David
Charron, Gene
Devine, James
Headd, James
Kappler, Lawrence
Major, Norman
Okerman, Richard
Rice, Frederick
Schroadter, Adam
Smith, William
Tamburello, Daniel
Ward, Joanne

Antosz, Jason
Belanger, Ronald
Comerford, Timothy
Garcia, Marilinda
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Perkins, Amy
Ritter, Glenn
Serlin, Christopher
Sullivan, James
Tasker, Kyle
Welch, David

Azarian, Gary
Birdsell, Regina
Copeland, Timothy
Garrity, James
Itse, Daniel
Kolodziej, Walter
Mauro, Donna
Perkins, Lawrence
Sanders, Elisabeth
Sheffert, Kenneth
Sullivan, Kevin
Tremblay, Stella
Weyler, Kenneth

Baldasaro, Alfred
Brown, Paul
DeSimone, Debra
Hagan, Joseph
Janvrin, Kevin
Lundgren, David
O'Connor, John
Reagan, John
Sapareto, Frank
Shuler, Wyman III
Sytek, John
Waddell, James

STRAFFORD

Andolina, Donald
Groen, Warren
Larsen Schultz,
Kirsten
Roberts, Jenna

Berube, Roger
Horrigan, Timothy
Munck, Philip
Spainhower, Dale

DeLemus, Susan
Jones, Kyle
Parsons, Robbie
Vita, Carol

Ginsburg, Philip
Jones, Laura
Pitre, Joseph
Vita, Lucien

SULLIVAN

Bowers, Spec
Laware, Thomas
Rodeschin, Beverly

Cunningham, Steven
Lefebvre, Benjamin
Smith, Steven

Howard, Thomas
Lovett, Charlene

LaCasse, Paul Sr
Osgood, Joe

and the majority committee report failed.

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

Minority committee report adopted.

SPECIAL ORDERED

Without objection, the Speaker made **HR 29**, urging the United States Department of Health and Human Services to rescind its rule requiring health plans to provide sterilizations and contraceptives, a Special Order as the next order of business.

SPECIAL ORDER

HR 29, urging the United States Department of Health and Human Services to rescind its rule requiring health plans to provide sterilizations and contraceptives. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Steven L. Cunningham for the Majority of State-Federal Relations and Veterans Affairs: The committee agrees with the resolution's sponsors that the Affordable Care Act of 2010's policies force religious groups to not-so-indirectly pay for medical procedures that

these groups find to be an anathema. The committee also agrees that our federal government thus negates basic religious tenets and that this negation is disturbing, abhorrent and unconstitutional. Although HR 29 is merely a resolution, it does allow the New Hampshire House of Representatives to speak out against an overt attack on basic religious freedoms. Testimony assured us that reproductive services are readily available to all women, often at little or no cost, through various not-for-profit organizations. Vote 13-5. Rep. Dale S. Spainhower for the Minority of State-Federal Relations and Veterans Affairs: The minority of the committee believes that the Patient Protection and Affordable Care Act (PPACA) does not violate any citizen's basic right to religious freedom. The federal policy requires that employees of religion-affiliated institutions, such as hospitals and universities, have access to birth control coverage. Churches are exempt from the requirement. Insurance companies, not the organization affiliated with a church, will be required to pay for birth control costs. No individual will be forced to buy or use contraception. New Hampshire law, as in 28 other states, currently requires insurance companies that cover prescriptions in health care plans to also provide coverage for contraceptives. In the United States, birth control use is widely accepted, including among Catholic women. An April 2011 Guttmacher survey found that 99 percent of all women, including 98 percent of Catholic women, who are sexually active, have used birth control. Drugs that cause abortions are not covered by the policy. Contraceptive drugs are commonly prescribed for other health reasons including: hormonal imbalance, helping to reduce some types of cancer, ovarian cysts, endometriosis, uterine fibroid tumors, abnormal bleeding, and serious infections. Religious freedom also includes employee freedom to choose their own religious values without interference from their employers. The Patient Protection and Affordable Care Act (PPACA) is following a sound public health policy, one that makes contraceptives more affordable and reflects the requirements of the majority of American women and their families, regardless of their religious affiliation.

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

Rep. Theberge spoke against.

Rep. Blankenbeker spoke in favor.

Reps. Keans and DeStefano spoke against.

Rep. Ulery spoke in favor and yielded to questions.

Rep. Bettencourt spoke in favor.

Rep. Tucker requested a roll call; sufficiently seconded.

YEAS 227 NAYS 121

YEAS 227

BELKNAP

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

CARROLL

Ahlgren, Christopher	Babson, David Jr	Fleck, Joseph	McCarthy, Frank
McConkey, Mark	Merrow, Harry	Patten, Betsey	Pettengill, Laurie
Scala, Dino	Schmidt, Stephen	Tregenza, Norman	

CHESHIRE

Byrnes, John	Cartwright, Anne	Dwinell, Richard	Johnson, Jane
--------------	------------------	------------------	---------------

Moore, Charles

Moore, Robert Jr

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Ingbretson, Paul
Sorg, Gregory

Brosseau, Charles
Mirski, Paul
Sova, Charles

Bulis, Lyle
Reilly, Harold Sr

Gionet, Edmond
Shackett, Jeffrey

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Brown, Kevin
Cebrowski, John
Coughlin, Sean
Donovan, Daniel
Gonzalez, Carlos
Hawkins, Kenneth
Hogan, Timothy
Krasucki, Joseph
McClarren, Donald
Notter, Jeanine
Palmer, Stephen
Peterson, Lenette
Rowe, Robert
Soucy, Connie
Swank, Matthew
Ulery, Jordan

Balboni, Michael
Belvin, William
Brownrigg, Randall Jr
Christiansen, Lars
Cusson-Cail, Kathleen
Fredette, Robert
Greazzo, Phil
Hikel, John
Hopper, Gary
LeBrun, Donald
McGuinness, Sean
O'Brien, William
Parison, James
Pratt, Calvin
Seidel, Carl
Souza, Kathleen
Terrio, Ross
Villeneuve, Moe

Ball, J. Michael
Bergevin, Jerry
Burt, John
Coffey, James
Daniels, Gary
Gagne, Larry
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Maltz, Jonathan
Mecheski, Holly
Ohm, Bill
Pellegrino, Tony
Reed, Michael
Silva, Peter
Stepanek, Stephen
Thomas, Joseph
Whitehead, Randall

Barry, J. Gail
Boehm, Ralph
Buxton, Michael
Condra, William
Doherty, Shaun
Gandia, Laura
Hardwick, Harry
Hogan, Edith
Jasper, Shawn
McCarthy, Michael
Murphy, Keith
Palmer, Barry
Pepino, Leo
Renzullo, Andrew
Simmons, Tammy
Summers, James
Twombly, Timothy
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Hill, Gregory
Kreis, Kenneth Sr
McGuire, Dan
Smith, Molly

Coffey, Jennifer
Hoell, J.R.
Lauer-Rago, Kathleen
Palfrey, David
Smith, Todd

Giuda, J. Brandon
Keane, Thomas
Lindsley, Mark
Sanborn, Laurie
Soltani, Tony

Hess, David
Kotowski, Frank
McGuire, Carol
Seaworth, G. Brian
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Comerford, Timothy
Duarte, Joe
Garcia, Marilinda
Headd, James
Kappler, Lawrence
Major, Norman
Murphy, Brian
Packard, Sherman
Ritter, Glenn
Sheffert, Kenneth
Sullivan, Kevin

Allen, Mary
Bates, David
Brown, Paul
Davenport, Joshua
Elliott, Robert
Garrity, James
Hoelzel, Kathleen
Katsakiores, Phyllis
Manuse, Andrew
Nevins, Chris
Quandt, Marshall
Sanders, Elisabeth
Shuler, Wyman III
Sytek, John

Antosz, Jason
Belanger, Ronald
Charron, Gene
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary
Itse, Daniel
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Reagan, John
Sapareto, Frank
Smith, William
Tamburello, Daniel

Azarian, Gary
Bettencourt, David
Chirichiello, Brian
Devine, James
Fesh, Robert
Hagan, Joseph
Janvrin, Kevin
Lundgren, David
McMahon, Charles
Okerman, Richard
Rice, Frederick
Schroadter, Adam
Sullivan, James
Tasker, Kyle

Tremblay, Stella
Webb, James

Tucker, Pamela
Welch, David

Ward, Joanne
Weyler, Kenneth

Waterhouse, Kevin

STRAFFORD

Andolina, Donald
Groen, Warren

Berube, Roger
Jones, Kyle

Cataldo, Sam
Jones, Laura

DeLemus, Susan
Larsen Schultz,
Kirsten

Munck, Philip
Pitre, Joseph

Newton, Clifford
Vita, Carol

O'Connor, William
Vita, Lucien

Parsons, Robbie
Weeden, Michael

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 121

BELKNAP

Bolster, Peter

Millham, Alida

Pilliod, James

CARROLL

Knox, J. David

CHESHIRE

Butynski, William
Johnsen, Gladys
Parkhurst, Henry
Tatro, Bruce

Chase, Cynthia
Lerandeau, Alfred
Roberts, Kris
Weber, Lucy

Hawkes, Samuel
Lindsey, Steven
Sad, Tara
Weed, Charles

Hunt, John
Meador, David
Sterling, Franklin Jr

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David
Townsend, Charles

Almy, Susan
Harding, Laurie
Simard, Paul
White, Andrew

Benn, Bernard
Ladd, Rick Jr
Smith, Suzanne

Cooney, Mary
Nordgren, Sharon
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin
Daler, Jennifer
Flanagan, Jack
Gorman, Mary
Kurk, Neal
Pilotte, Maurice
Rhodes, Brian
Shaw, Barbara

Belanger, James
Day, Russell
Gargas, Carolyn
Graham, John
Leishman, Peter
Porter, Marjorie
Rokas, Ted
Sullivan, Daniel

Campbell, David
Drisko, Richard
Gimas, John
Holden, Frank
Levasseur, Nickolas
Proulx, Mark
Rosenwald, Cindy
Vaillancourt, Steve

Cote, David
Erickson, Duane
Goley, Jeffrey
Katsiantonis, Thomas
Ober, Russell III
Ramsey, Peter
Scotsas, Lisa

MERRIMACK

Bouchard, Candace	Cohn, Seth	Deloge, Helen	DeStefano, Stephen
Foose, Robert	Frazer, June	Gile, Mary	Hamm, Christine
Kidder, David	Lockwood, Priscilla	Mackay, James	Owen, Derek
Patten, Dick	Potter, Frances	Rice, Chip	Richardson, Gary
Richardson, Jon	Shurtleff, Stephen	Wallner, Mary Jane	Watrous, Rick

ROCKINGHAM

Cali-Pitts, Jacqueline	Copeland, Timothy	DiPentima, Rich	Lovejoy, Patricia
McKinney, Betsy	Moody, Marcia	Norelli, Terie	Pantelakos, Laura
Perkins, Amy	Perkins, Lawrence	Read, Robin Jr	Schlachman, Donna
Serlin, Christopher	Waddell, James		

STRAFFORD

Browne, Brendon	Domingo, Baldwin	Ginsburg, Philip	Grassie, Anne
Horrigan, Timothy	Kaen, Naida	Keans, Sandra	Perry, Robert
Roberts, Jenna	Schmidt, Peter	Spainhower, Dale	Spang, Judith
Wall, Janet	Watters, David		

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Schmidt, Andrew
----------------	-----------------	--------------------	-----------------

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

The House recessed at 12:25 p.m.

RECESS

The House reconvened at 1:30 p.m.

(Speaker O'Brien in the Chair)

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of the Honorable member from Portsmouth, Representative James Powers.

SPECIAL ORDERED

Without objection, the Speaker made **HB 1307**, relative to agricultural plates, **HB 1442**, relative to motorcycle noise emission regulation, **HB 1693**, relative to motor vehicle inspections, and **HB 1503**, relative to motorcycle rider education, Special Orders as the next order of business

SPECIAL ORDER

HB 1307, relative to agricultural plates. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kyle D. Jones for Transportation: This bill would allow cargo vans to qualify for agricultural plates as long as they are only used for agricultural purposes and only used within a 20-mile radius of the farm. Cargo vans would be included with trucks, truck tractors and tractors to qualify for agricultural registration rates and plates. It was brought to the committee's attention that there are some farmers who have vans that they want, or need, to use on their farm but they can't because of the way the law is written. This bill would save those New Hampshire farmers money by allowing them to use the vehicles they already have instead of having to purchase another vehicle or a more expensive plate. Vote 10-5.

Amendment (0247h)

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

1 Agricultural Plates. Amend the introductory paragraph of RSA 261:82, I to read as follows:

I. A truck, truck-tractor, ~~[or]~~ tractor, **or cargo van** shall qualify for agricultural registration rates and number plates and shall be driven with such registration only within a 20 mile radius from the main entrance to the farm upon which said vehicle is driven, and may be used for the following purposes:

2 Agricultural Plates. Amend RSA 261:82, V to read as follows:

V. To be eligible for the issuance of an agricultural vehicle registration, the applicant shall sign the following form which the treasurer of a city or such other official as the city government may designate or the town clerk shall provide. This form shall be provided to the applicant upon request without further evidence from the applicant that the plate shall be used for purposes of this section.

I, the undersigned, fully understand the limitations concerning the use of trucks, tractor-trucks, ~~[or]~~ tractors, **or cargo vans** registered under RSA 261:82, and hereby certify that my vehicle will be used only for agricultural and farming purposes and uses incidental thereto, within a 20 mile radius of the main entrance of the farm upon which the vehicle is to be driven.

Signed:

Date: _____

Copies to:

Town or City Clerk

Applicant

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

AMENDED ANALYSIS

This bill permits cargo vans to qualify for agricultural plates.

Amendment adopted.

Committee report adopted and ordered to third reading.

SPECIAL ORDER

HB 1442, relative to motorcycle noise emission regulation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sherman A. Packard for Transportation: Realizing from both inside and outside of the motorcycling community that some motorcyclists believe excessive noise is alright, they are wrong. It is time to change our motorcycle statute to provide relief from excessive exhaust noise. After working for many months with the department of safety, state police, police chiefs from N. Hampton and Rye, NH, motorcyclists rights organization, NH auto dealers association, motorcycle dealers, American motorcycle association the group decided that the bill, as written, would not solve the problem. Instead, all agreed that the state should adopt a new roadside testing procedure that was recently developed by SAE International. This standard is J2825 (measurement of exhaust sound pressure levels of stationary on-highway motorcycles.) Our current testing procedure that was implemented in 1993 was originally developed for off road motorcycles, but this was the only test available. The bill as originally written would require police to test a motorcycle the way a manufacturer does the test. At 50 feet, a motorcycle would drive by at 35 mph numerous times to establish the decibel level. The new J2825 test would allow a police officer to test a motorcycle while it is idling, with either the rider sitting on the bike or the bike on the kickstand. The amendment replaces the original bill with the J2825 testing procedure. Unlike the original bill J2825 allows police to ticket out of state motorcycles who violate our noise laws. The amendment has almost universal supported by the parties involved and all previously mentioned groups. This amendment is business, motorcycle and law enforcement friendly and gets to the heart of the problem. This amendment identifies the small number of motorcyclists who have no respect for other people's rights. Support the committee 14-1 vote to pass HB 1442 as amended. Vote 14-1.

Amendment (0683h)

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

1 Motorcycle Noise Levels. RSA 266:59-a is repealed and reenacted to read as follows:
266:59-a Motorcycle Noise Levels.

I. No person shall operate in this state any motorcycle which produces a sound level in excess of the following decibels, when measured in accordance with the provisions of the SAE International Recommended Practice SAE J2825, "Measurement of Exhaust Sound Pressure Levels of Stationary On-Highway Motorcycles":

(a) For all motorcycles, 92 decibels while the engine is operating at idle speed; or

(b) For motorcycles with less than 3 or more than 4 cylinders, 96 decibels while the engine is operating at 2,000 revolutions per minute or 75 percent of maximum engine speed, whichever is less; or

(c) For 3 and 4 cylinder motorcycles, 100 decibels while the engine is operating at 5,000 revolutions per minute or 75 percent of maximum engine speed, whichever is less.

II. No person shall pass for the purposes of the inspection required by RSA 266:1 any motorcycle which produces a sound level in excess of the following decibels, when measured in accordance with the provisions of the SAE International Recommended Practice SAE J2825, "Measurement of Exhaust Sound Pressure Levels of Stationary On-Highway Motorcycles":

(a) For all motorcycles, 92 decibels while the engine is operating at idle speed; or

(b) For motorcycles with less than 3 or more than 4 cylinders, 96 decibels while the engine is operating at 2,000 revolutions per minute or 75 percent of maximum engine speed, whichever is less; or

(c) For 3 and 4 cylinder motorcycles, 100 decibels while the engine is operating at 5,000 revolutions per minute or 75 percent of maximum engine speed, whichever is less.

III. Any person who violates the provisions of this section shall be guilty of a violation and shall be fined not less than \$100 nor more than \$300.

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

AMENDED ANALYSIS

This bill modifies motorcycle noise level restrictions.

Amendment adopted.

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

Rep. Webb spoke against.

Rep. Packard spoke in favor.

Rep. Ferrante requested a roll call; sufficiently seconded.

YEAS 261 NAYS 80

YEAS 261

BELKNAP

Accornero, Harry
Greemore, Robert
Russell, David
Tilton, Franklin

Bolster, Peter
Kingsbury, Robert
Simpson, Tyler
Tobin, William

Fields, Dennis
Luther, Robert
St. Cyr, Jeffrey
Worsman, Colette

Flanders, Donald
Millham, Alida
Swinford, Elaine

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Schmidt, Stephen

Babson, David Jr
McConkey, Mark
Umberger, Karen

Fleck, Joseph
Merrrow, Harry

Knox, J. David
Patten, Betsey

CHESHIRE

Butynski, William	Byrnes, John	Chase, Cynthia	Dwinell, Richard
Hawkes, Samuel	Johnsen, Gladys	Johnson, Jane	Lerandeau, Alfred
Lindsey, Steven	Meador, David	Moore, Robert Jr	Parkhurst, Henry
Roberts, Kris	Sad, Tara	Smith, Edwin	Sterling, Franklin Jr
Tatro, Bruce	Weber, Lucy	Weed, Charles	

COOS

Coulombe, Gary	Merrick, Evalyn	Rappaport, Laurence	Remick, William
Richardson, Herbert	Theberge, Robert	Tholl, John Jr	

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Bradley, Lester
Bulis, Lyle	Cooney, Mary	Gould, Franklin	Harding, Laurie
Ingbretson, Paul	Ladd, Rick Jr	Pierce, David	Reilly, Harold Sr
Simard, Paul	Smith, Suzanne	Sorg, Gregory	Sova, Charles
Taylor, Kathleen	Townsend, Charles	White, Andrew	

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Baroody, Benjamin	Barry, J. Gail
Barry, Richard	Belvin, William	Bergevin, Jerry	Boehm, Ralph
Brown, Kevin	Burt, John	Buxton, Michael	Campbell, David
Cebrowski, John	Christensen, D.L.	Christiansen, Lars	Coffey, James
	Chris		
Condra, William	Cote, David	Coughlin, Sean	Cusson-Cail, Kathleen
Daler, Jennifer	Daniels, Gary	Day, Russell	Drisko, Richard
Erickson, Duane	Fredette, Robert	Gagne, Larry	Gandia, Laura
Gargas, Carolyn	Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary
Graham, John	Haefner, Robert	Hardwick, Harry	Hawkins, Kenneth
Hikel, John	Hinch, Richard	Hogan, Edith	Hogan, Timothy
Hutchinson, Winfred	Infantine, William	Jasper, Shawn	Katsiantonis, Thomas
Krasucki, Joseph	Kurk, Neal	LeBrun, Donald	Leishman, Peter
Levasseur, Nickolas	McCarthy, Michael	McClarren, Donald	Notter, Jeanine
Ohm, Bill	Palmer, Barry	Pellegrino, Tony	Pepino, Leo
Pilotte, Maurice	Porter, Marjorie	Proulx, Mark	Ramsey, Peter
Renzullo, Andrew	Rhodes, Brian	Rokas, Ted	Rosenwald, Cindy
Rowe, Robert	Scontsas, Lisa	Seidel, Carl	Silva, Peter
Soucy, Connie	Stepanek, Stephen	Sullivan, Daniel	Terrio, Ross
Thomas, Joseph	Twombly, Timothy	Ulery, Jordan	Villeneuve, Moe
Whitehead, Randall			

MERRIMACK

Bouchard, Candace	Coffey, Jennifer	Deloge, Helen	DeStefano, Stephen
Foose, Robert	Frazer, June	Gile, Mary	Hamm, Christine
Hess, David	Keane, Thomas	Kidder, David	Kotowski, Frank
Lauer-Rago, Kathleen	Lindsley, Mark	Lockwood, Priscilla	MacKay, James
Owen, Derek	Palfrey, David	Patten, Dick	Potter, Frances
Rice, Chip	Richardson, Gary	Shurtleff, Stephen	Smith, Molly
Smith, Todd	Wallner, Mary Jane	Watrous, Rick	Williams, Robert
Winter, Steven			

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Bates, David	Belanger, Ronald
Bettencourt, David	Cali-Pitts, Jacqueline	Comerford, Timothy	Copeland, Timothy
Davenport, Joshua	DeSimone, Debra	DiPentima, Rich	Duarte, Joe
Ferrante, Beverly	Fesh, Robert	Garcia, Marilinda	Garrity, James
Griffin, Mary	Hagan, Joseph	Headd, James	Hoelzel, Kathleen
Hutchinson, Karen	Itse, Daniel	Kappler, Lawrence	Katsakiores, Phyllis
Lundgren, David	Major, Norman	Mauro, Donna	McKinney, Betsy
McMahon, Charles	Moody, Marcia	Murphy, Brian	Nevins, Chris
Norelli, Terie	O'Connor, John	Packard, Sherman	Pantelakos, Laura
Quandt, Marshall	Read, Robin Jr	Reagan, John	Rice, Frederick
Ritter, Glenn	Sanders, Elisabeth	Schlachman, Donna	Serlin, Christopher
Shuler, Wyman III	Smith, William	Sullivan, James	Sullivan, Kevin
Sytek, John	Tucker, Pamela	Waddell, James	Ward, Joanne
Waterhouse, Kevin	Welch, David	Weyler, Kenneth	

STRAFFORD

Andolina, Donald	Browne, Brendon	Cataldo, Sam	Domingo, Baldwin
Ginsburg, Philip	Grassie, Anne	Horrigan, Timothy	Kaen, Naida
Keans, Sandra	Munck, Philip	Perry, Robert	Pitre, Joseph
Roberts, Jenna	Schmidt, Peter	Spang, Judith	Vita, Carol
Vita, Lucien	Wall, Janet	Watters, David	

SULLIVAN

Cloutier, John	Cunningham, Steven	Gagnon, Raymond	LaCasse, Paul Sr
Laware, Thomas	Lefebvre, Benjamin	Lovett, Charlene	Osgood, Joe
Rodeschin, Beverly	Schmidt, Andrew	Smith, Steven	

NAYS 80

BELKNAP

Comtois, Guy	Pilliod, James
--------------	----------------

CARROLL

Pettengill, Laurie	Scala, Dino	Tregenza, Norman
--------------------	-------------	------------------

CHESHIRE

Cartwright, Anne	Hunt, John	Moore, Charles
------------------	------------	----------------

COOS

Daugherty, Duffy

GRAFTON

Brosseau, Charles	Gionet, Edmond	Shackett, Jeffrey
-------------------	----------------	-------------------

HILLSBOROUGH

Ball, J. Michael	Brownrigg, Randall Jr	Doherty, Shaun	Donovan, Daniel
Flanagan, Jack	Gimas, John	Hansen, Peter	Holden, Frank
Lambert, George	Maltz, Jonathan	McGuinness, Sean	Mecheski, Holly
Murphy, Keith	Ober, Lynne	Ober, Russell III	Palmer, Stephen

Parison, James
Simmons, Tammy
Warden, Mark

Peterson, Lenette
Souza, Kathleen
Willette, Robert

Pratt, Calvin
Summers, James

Reed, Michael
Vaillancourt, Steve

MERRIMACK

Blankenbeker, Lynne
Kreis, Kenneth Sr
Seaworth, G. Brian

Cohn, Seth
McGuire, Carol
Soltani, Tony

Giuda, J. Brandon
McGuire, Dan

Hill, Gregory
Sanborn, Laurie

ROCKINGHAM

Antosz, Jason
Charron, Gene
Kolodziej, Walter
Sapareto, Frank
Tremblay, Stella

Baldasaro, Alfred
Chirichiello, Brian
Manuse, Andrew
Schroadter, Adam
Webb, James

Birdsell, Regina
Devine, James
Okerman, Richard
Sheffert, Kenneth

Brown, Paul
Elliott, Robert
Quandt, Matt
Tamburello, Daniel

STRAFFORD

Berube, Roger
Jones, Laura

DeLemus, Susan
Larsen Schultz,
Kirsten

Groen, Warren
Newton, Clifford

Jones, Kyle
O'Connor, William

Parsons, Robbie

Spainhower, Dale

Sprague, Dale

Weeden, Michael

SULLIVAN

Bowers, Spec

Howard, Thomas

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

SPECIAL ORDER

HB 1693-FN, relative to motor vehicle inspections. **INEXPEDIENT TO LEGISLATE.**

Rep. Lisa E. Scontsas for Transportation: The committee has once again exhaustively reviewed the issue of changing New Hampshire's vehicle safety inspection program. HB 1693 is dangerous public policy for New Hampshire. It would increase the risks of accidents and injuries and decrease the safety of our public roadways. Vehicles in our state fail their annual safety inspection at a rate of 20% or greater. All of our neighboring states (Maine, Massachusetts, Vermont, and New York) conduct annual vehicle safety inspections. Due to our climate and road conditions, annual inspections are right for NH as well. The most recent state study (PA) on the issue concluded that "nationally, vehicle safety inspection programs appear to be a significant factor in lowering fatal crashes." The committee heard testimony that the bill will double sticker costs, raise inspection costs, and undoubtedly raise vehicle repair costs. We are all aware that preventative maintenance such as an annual inspection or a doctor's physical save on long term costs. We heard testimony that the bill could put NH in a status of non-compliance with our Clean Air Act State Implementation Plan and put at risk an estimated \$300 million of federal highway funds. There is very little public backlash against the current system. The committee heard from no one in favor of the bill other than the prime sponsor, but a great deal of vocal opposition. The NH inspection program is a free-market based system that works and benefits our citizens and public safety. A majority of the committee, by a vote of 12-1, recommends to ITL this bill that will have a negative impact on public safety and our constituents. Vote 12-1.

Reps. Cloutier, Tim Hogan and Packard spoke in favor.

Rep. Tamburello spoke against and yielded to questions.

Rep. Cloutier requested a roll call; sufficiently seconded.

YEAS 238 NAYS 110

YEAS 238

BELKNAP

Bolster, Peter	Fields, Dennis	Flanders, Donald	Kingsbury, Robert
Millham, Alida	Russell, David	St. Cyr, Jeffrey	Swinford, Elaine
Tilton, Franklin	Tobin, William		

CARROLL

Babson, David Jr	Fleck, Joseph	Knox, J. David	McCarthy, Frank
McConkey, Mark	Merrow, Harry	Patten, Betsey	Pettengill, Laurie
Schmidt, Stephen	Umberger, Karen		

CHESHIRE

Butynski, William	Byrnes, John	Chase, Cynthia	Dwinell, Richard
Hawkes, Samuel	Hunt, John	Johnsen, Gladys	Johnson, Jane
Lerandeau, Alfred	Lindsey, Steven	Meader, David	Moore, Robert Jr
Parkhurst, Henry	Roberts, Kris	Sad, Tara	Smith, Edwin
Sterling, Franklin Jr	Tatro, Bruce	Weber, Lucy	Weed, Charles

COOS

Coulombe, Gary	Hatch, William	Merrick, Evalyn	Remick, William
Richardson, Herbert	Theberge, Robert	Tholl, John Jr	

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Brosseau, Charles
Bulis, Lyle	Cooney, Mary	Gould, Franklin	Harding, Laurie
Ladd, Rick Jr	Nordgren, Sharon	Pierce, David	Smith, Suzanne
Taylor, Kathleen	Townsend, Charles	White, Andrew	

HILLSBOROUGH

Baroody, Benjamin	Barry, J. Gail	Barry, Richard	Belvin, William
Boehm, Ralph	Buxton, Michael	Campbell, David	Cebrowski, John
Christensen, D.L.	Christiansen, Lars	Coffey, James	Condra, William
Chris			
Cote, David	Coughlin, Sean	Cusson-Cail, Kathleen	Daler, Jennifer
Day, Russell	Doherty, Shaun	Drisko, Richard	Erickson, Duane
Flanagan, Jack	Gagne, Larry	Gargas, Carolyn	Garritty, Patrick
Gimas, John	Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary
Graham, John	Haefner, Robert	Hardwick, Harry	Hawkins, Kenneth
Hinch, Richard	Hogan, Edith	Hogan, Timothy	Hutchinson, Winfred
Infantine, William	Jasper, Shawn	Krasucki, Joseph	Kurk, Neal
LeBrun, Donald	Leishman, Peter	Levasseur, Nickolas	McCarthy, Michael
McClarren, Donald	Notter, Jeanine	Ober, Lynne	Ohm, Bill
Palmer, Barry	Pellegrino, Tony	Pepino, Leo	Pilotte, Maurice
Porter, Marjorie	Proulx, Mark	Ramsey, Peter	Reed, Michael
Rhodes, Brian	Rokas, Ted	Rosenwald, Cindy	Rowe, Robert
Scoutsas, Lisa	Seidel, Carl	Shaw, Barbara	Soucy, Connie
Souza, Kathleen	Stepanek, Stephen	Sullivan, Daniel	Terrio, Ross
Thomas, Joseph	Twombly, Timothy	Whitehead, Randall	Willette, Robert

MERRIMACK

Bouchard, Candace
Foose, Robert
Hess, David
Lockwood, Priscilla
Patten, Dick
Sanborn, Laurie
Williams, Robert

Coffey, Jennifer
Frazer, June
Kidder, David
MacKay, James
Potter, Frances
Shurtleff, Stephen

Deloge, Helen
Gile, Mary
Kotowski, Frank
Owen, Derek
Rice, Chip
Smith, Todd

DeStefano, Stephen
Hamm, Christine
Lindsley, Mark
Palfrey, David
Richardson, Gary
Watrous, Rick

ROCKINGHAM

Abrami, Patrick
Belanger, Ronald
Copeland, Timothy
Elliott, Robert
Griffin, Mary
Hutchinson, Karen
Major, Norman
Nevins, Chris
Pantelakos, Laura
Sanders, Elisabeth
Sullivan, James
Waddell, James
Weyler, Kenneth

Allen, Mary
Birdsell, Regina
DeSimone, Debra
Ferrante, Beverly
Hagan, Joseph
Kappler, Lawrence
McKinney, Betsy
Norelli, Terie
Quandt, Marshall
Schlachman, Donna
Sullivan, Kevin
Ward, Joanne

Antosz, Jason
Cali-Pitts, Jacqueline
Devine, James
Fesh, Robert
Headd, James
Katsakiores, Phyllis
McMahon, Charles
O'Connor, John
Quandt, Matt
Serlin, Christopher
Sytek, John
Waterhouse, Kevin

Bates, David
Charron, Gene
DiPentima, Rich
Garrity, James
Hoelzel, Kathleen
Lundgren, David
Moody, Marcia
Packard, Sherman
Read, Robin Jr
Shuler, Wyman III
Tucker, Pamela
Welch, David

STRAFFORD

Andolina, Donald
Domingo, Baldwin
Kaen, Naida

Newton, Clifford
Spainhower, Dale
Watters, David

Berube, Roger
Ginsburg, Philip
Keans, Sandra

Pelletier, Marsha
Spang, Judith

Browne, Brendon
Grassie, Anne
Larsen Schultz,
Kirsten
Perry, Robert
Sprague, Dale

Cataldo, Sam
Horrigan, Timothy
Munck, Philip

Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Laware, Thomas
Schmidt, Andrew

Cunningham, Steven
Lefebvre, Benjamin

Gagnon, Raymond
Lovett, Charlene

LaCasse, Paul Sr
Osgood, Joe

NAYS 110

BELKNAP

Accornero, Harry
Pilliod, James

Comtois, Guy
Simpson, Tyler

Greemore, Robert
Worsman, Colette

Luther, Robert

CARROLL

Ahlgren, Christopher

Scala, Dino

Tregenza, Norman

CHESHIRE

Cartwright, Anne

Moore, Charles

COOS

Daugherty, Duffy

Rappaport, Laurence

GRAFTON

Bradley, Lester	Gionet, Edmond	Ingbretson, Paul	Reilly, Harold Sr
Shackett, Jeffrey	Simard, Paul	Sorg, Gregory	Sova, Charles

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Bergevin, Jerry
Brown, Kevin	Brownrigg, Randall Jr	Burt, John	Daniels, Gary
Donovan, Daniel	Fredette, Robert	Gandia, Laura	Greazzo, Phil
Hansen, Peter	Hikel, John	Holden, Frank	Hopper, Gary
Lambert, George	Maltz, Jonathan	McGuinness, Sean	Mecheski, Holly
Murphy, Keith	Ober, Russell III	Palmer, Stephen	Parison, James
Peterson, Lenette	Pratt, Calvin	Renzullo, Andrew	Simmons, Tammy
Summers, James	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe
Warden, Mark			

MERRIMACK

Blankenbeker, Lynne	Cohn, Seth	Giuda, J. Brandon	Hill, Gregory
Hoell, J.R.	Keane, Thomas	Kreis, Kenneth Sr	Lauer-Rago, Kathleen
McGuire, Carol	McGuire, Dan	Richardson, Jon	Seaworth, G. Brian
Smith, Molly	Soltani, Tony	Wallner, Mary Jane	Winter, Steven

ROCKINGHAM

Baldasaro, Alfred	Bettencourt, David	Brown, Paul	Chirichiello, Brian
Comerford, Timothy	Davenport, Joshua	Duarte, Joe	Garcia, Marilinda
Kolodziej, Walter	Manuse, Andrew	Mauro, Donna	Murphy, Brian
Okerman, Richard	Reagan, John	Rice, Frederick	Ritter, Glenn
Sapareto, Frank	Schroadter, Adam	Sheffert, Kenneth	Smith, William
Tamburello, Daniel	Tasker, Kyle	Tremblay, Stella	Webb, James

STRAFFORD

DeLemus, Susan	Groen, Warren	Jones, Kyle	Jones, Laura
O'Connor, William	Parsons, Robbie	Pitre, Joseph	Roberts, Jenna
Vita, Carol	Vita, Lucien	Weeden, Michael	

SULLIVAN

Bowers, Spec	Howard, Thomas	Rodeschin, Beverly	Smith, Steven
--------------	----------------	--------------------	---------------

and the committee report was adopted.

SPECIAL ORDER

HB 1503-FN, relative to motorcycle rider education. **INEXPEDIENT TO LEGISLATE.** Rep. Sherman A. Packard for Transportation: The state motorcycle education program has been in existence since 1990. It was started by the motorcycling community for the new motorcycle riders who had no place to go to learn the proper and safe way to operate a motorcycle. To fund this program, a dollar was added to the registration fee of motorcycles only, and five dollars was added to the renewal of a motorcycle license. To start the program, New Hampshire Motorcyclists Rights Organization contributed about \$30,000 to the state for instructor training and other expenses until money started coming in from registration and licensing fees. Over the years the state program has trained over 44,000 people. This training has proven to save lives and prevent accidents. Because of the enormous start up costs involved in rider education, no private entity did so until the early 2000's. The motorcycling community pushed to have these alternative entities available. Currently the

cost to a student in the state program is \$110.00. The cost of the non-state program runs between \$220.00 and \$349.00. If the state program were to be discontinued, many people would have difficulty with the added expense and probably not take the course. This would no doubt cause an increase of inexperienced riders on the road, causing an increase in accidents and fatalities. This program is a voluntary program and no motorcyclist voiced a concern about paying an extra two dollars a year to help keep the riders safe. This program is completely self-funded by motorcyclists only. The committee asks that you listen to the vast majority of over 100,000 licensed motorcyclists in New Hampshire and support ITL. Vote 14-0.

Rep. DeLemus spoke against and yielded to questions.

Reps. Gorman and Packard spoke in favor and yielded to questions.

Rep. Dan McGuire spoke against.

Rep. Packard requested a roll call; sufficiently seconded.

YEAS 230 NAYS 117

YEAS 230

BELKNAP

Bolster, Peter	Fields, Dennis	Flanders, Donald	Kingsbury, Robert
Millham, Alida	Russell, David	St. Cyr, Jeffrey	Swinford, Elaine
Tilton, Franklin	Tobin, William		

CARROLL

Ahlgren, Christopher	Babson, David Jr	Fleck, Joseph	Knox, J. David
Merrow, Harry	Patten, Betsey	Pettengill, Laurie	Schmidt, Stephen
Umberger, Karen			

CHESHIRE

Butynski, William	Byrnes, John	Chase, Cynthia	Dwinell, Richard
Hawkes, Samuel	Johnsen, Gladys	Lerandeau, Alfred	Lindsey, Steven
Meador, David	Moore, Robert Jr	Parkhurst, Henry	Roberts, Kris
Sad, Tara	Smith, Edwin	Sterling, Franklin Jr	Tatro, Bruce
Weber, Lucy	Weed, Charles		

COOS

Coulombe, Gary	Daugherty, Duffy	Hatch, William	Merrick, Evalyn
Rappaport, Laurence	Remick, William	Richardson, Herbert	Theberge, Robert
Tholl, John Jr			

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Bradley, Lester
Bulis, Lyle	Cooney, Mary	Gould, Franklin	Harding, Laurie
Ladd, Rick Jr	Nordgren, Sharon	Pierce, David	Simard, Paul
Smith, Suzanne	Taylor, Kathleen	Townsend, Charles	White, Andrew

HILLSBOROUGH

Baroody, Benjamin	Barry, J. Gail	Barry, Richard	Belanger, James
Belvin, William	Boehm, Ralph	Campbell, David	Cebrowski, John
Christensen, D.L.	Christiansen, Lars	Coffey, James	Condra, William
Chris			
Cote, David	Coughlin, Sean	Cusson-Cail,	Daler, Jennifer

Daniels, Gary
 Erickson, Duane
 Garrity, Patrick
 Hawkins, Kenneth
 Hogan, Timothy
 Jasper, Shawn
 McCarthy, Michael
 Pepino, Leo
 Ramsey, Peter
 Rokas, Ted
 Shaw, Barbara
 Terrio, Ross
 Willette, Robert

Day, Russell
 Flanagan, Jack
 Gorman, Mary
 Hikel, John
 Holden, Frank
 LeBrun, Donald
 McClarren, Donald
 Pilotte, Maurice
 Reed, Michael
 Rosenwald, Cindy
 Stepanek, Stephen
 Thomas, Joseph

Kathleen
 Doherty, Shaun
 Gagne, Larry
 Graham, John
 Hinch, Richard
 Hutchinson, Winfred
 Leishman, Peter
 Ober, Lynne
 Porter, Marjorie
 Renzullo, Andrew
 Rowe, Robert
 Sullivan, Daniel
 Ulery, Jordan

Drisko, Richard
 Gargas, Carolyn
 Haefner, Robert
 Hogan, Edith
 Infantine, William
 Levasseur, Nickolas
 Pellegrino, Tony
 Proulx, Mark
 Rhodes, Brian
 Scontsas, Lisa
 Summers, James
 Whitehead, Randall

MERRIMACK

Bouchard, Candace
 Foose, Robert
 Hess, David
 Lindsley, Mark
 Palfrey, David
 Richardson, Gary
 Watrous, Rick

Coffey, Jennifer
 Frazer, June
 Keane, Thomas
 Lockwood, Priscilla
 Patten, Dick
 Shurtleff, Stephen
 Williams, Robert

Deloge, Helen
 Gile, Mary
 Kidder, David
 MacKay, James
 Potter, Frances
 Smith, Todd
 Winter, Steven

DeStefano, Stephen
 Hamm, Christine
 Kotowski, Frank
 Owen, Derek
 Rice, Chip
 Wallner, Mary Jane

ROCKINGHAM

Abrami, Patrick
 Belanger, Ronald
 Chirichiello, Brian
 Duarte, Joe
 Griffin, Mary
 Hutchinson, Karen
 Major, Norman
 Nevins, Chris
 Pantelakos, Laura
 Sanders, Elisabeth
 Sytek, John
 Waterhouse, Kevin

Allen, Mary
 Bettencourt, David
 Copeland, Timothy
 Elliott, Robert
 Hagan, Joseph
 Kappler, Lawrence
 McKinney, Betsy
 Norelli, Terie
 Quandt, Marshall
 Schlachman, Donna
 Tucker, Pamela
 Webb, James

Azarian, Gary
 Cali-Pitts, Jacqueline
 DeSimone, Debra
 Ferrante, Beverly
 Headd, James
 Katsakiores, Phyllis
 McMahon, Charles
 O'Connor, John
 Quandt, Matt
 Serlin, Christopher
 Waddell, James
 Welch, David

Baldasaro, Alfred
 Charron, Gene
 DiPentima, Rich
 Fesh, Robert
 Hoelzel, Kathleen
 Lundgren, David
 Moody, Marcia
 Packard, Sherman
 Read, Robin Jr
 Sullivan, James
 Ward, Joanne
 Weyler, Kenneth

STRAFFORD

Berube, Roger
 Ginsburg, Philip
 Keans, Sandra
 Pitre, Joseph
 Spang, Judith
 Weeden, Michael

Browne, Brendon
 Grassie, Anne
 Newton, Clifford
 Roberts, Jenna
 Sprague, Dale

Cataldo, Sam
 Horrigan, Timothy
 Pelletier, Marsha
 Schmidt, Peter
 Wall, Janet

Domingo, Baldwin
 Kaen, Naida
 Perry, Robert
 Spainhower, Dale
 Watters, David

SULLIVAN

Cloutier, John
 Osgood, Joe

Gagnon, Raymond
 Rodeschin, Beverly

Laware, Thomas
 Schmidt, Andrew

Lefebvre, Benjamin

BELKNAP

Accornero, Harry
Pilliod, James

Comtois, Guy
Simpson, Tyler

Greemore, Robert
Worsman, Colette

Luther, Robert

CARROLL

McCarthy, Frank

McConkey, Mark

Scala, Dino

Tregenza, Norman

CHESHIRE

Cartwright, Anne

Hunt, John

Johnson, Jane

Moore, Charles

COOS

None

GRAFTON

Brosseau, Charles
Shackett, Jeffrey

Gionet, Edmond
Sorg, Gregory

Ingbretson, Paul
Sova, Charles

Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin
Brown, Kevin
Donovan, Daniel
Gonzalez, Carlos
Hopper, Gary
Maltz, Jonathan
Notter, Jeanine
Parison, James
Silva, Peter
Twombly, Timothy

Balboni, Michael
Brownrigg, Randall Jr
Fredette, Robert
Greazzo, Phil
Krasucki, Joseph
McGuinness, Sean
Ober, Russell III
Peterson, Lenette
Simmons, Tammy
Vaillancourt, Steve

Ball, J. Michael
Burt, John
Gandia, Laura
Hansen, Peter
Kurk, Neal
Mecheski, Holly
Ohm, Bill
Pratt, Calvin
Soucy, Connie
Villeneuve, Moe

Bergevin, Jerry
Buxton, Michael
Gimas, John
Hardwick, Harry
Lambert, George
Murphy, Keith
Palmer, Stephen
Seidel, Carl
Souza, Kathleen
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
Hoell, J.R.
McGuire, Dan
Smith, Molly

Cohn, Seth
Kreis, Kenneth Sr
Richardson, Jon
Soltani, Tony

Giuda, J. Brandon
Lauer-Rago, Kathleen
Sanborn, Laurie

Hill, Gregory
McGuire, Carol
Seaworth, G. Brian

ROCKINGHAM

Bates, David
Davenport, Joshua
Manuse, Andrew
Reagan, John
Schroadter, Adam
Sullivan, Kevin

Birdsell, Regina
Garcia, Marilinda
Mauro, Donna
Rice, Frederick
Sheffert, Kenneth
Tamburello, Daniel

Brown, Paul
Itse, Daniel
Murphy, Brian
Ritter, Glenn
Shuler, Wyman III
Tasker, Kyle

Comerford, Timothy
Kolodziej, Walter
Okerman, Richard
Sapareto, Frank
Smith, William
Tremblay, Stella

STRAFFORD

Andolina, Donald
Jones, Laura

DeLemus, Susan
Larsen Schultz,
Kirsten

Groen, Warren
Munck, Philip

Jones, Kyle
O'Connor, William

Parsons, Robbie

Vita, Carol

Vita, Lucien

SULLIVAN

Bowers, Spec
Lovett, Charlene
and the committee report was adopted.

Cunningham, Steven
Smith, Steven

Howard, Thomas

LaCasse, Paul Sr

REGULAR CALENDAR (CONT'D)

HB 1197-FN, requiring the commissioner of the department of health and human services to apply for a state plan waiver. **MAJORITY: INEXPEDIENT TO LEGISLATE.**

MINORITY: OUGHT TO PASS.

Rep. Laurie Harding for the Majority of Health, Human Services and Elderly Affairs: The slim bipartisan majority of the Health and Human Service Committee who voted ITL on HB 1197-FN did so because they wanted to avoid placing additional tax burden on the property taxpayers or private payers in nursing homes. The Medicaid Quality Incentive Program (MQIP) was created by the legislature in 2003 and 2004 at the urging of the Republican leadership to bring in additional federal money for nursing home Medicaid reimbursement. This additional federal money was and remains indispensable to the nursing homes, given shrinking state budgets. Funds raised through the MQIP are matched with federal funds and returned to nursing homes. HB 1197 requires that DHHS apply to the federal government to exempt Continuing Care Residential Communities (CCRCs) from the MQIP tax base because the residents of CCRCs generally do not end up on Medicaid and therefore do not benefit from the MQIP tax. However, the inclusion of the CCRCs was thoroughly vetted by the legislature in 2004. Moreover, if CCRCs are now removed from the MQIP, this would reduce the federal funds which are derived from the MQIP, which would bring about two types of tax increases. First, county nursing homes would see reduced MQIP revenues, county property taxes would have to be increased to fill the hole. Second, this would lead to an increase in the so-called "hidden tax" on private payers in county and private nursing homes. These are people who, like the residents of CCRCs, are not on Medicaid. They have saved so that they can pay for their own care. But since nursing homes are receiving less and less funding from the state to cover just a portion of the costs of the state's Medicaid residents in nursing homes, the private pay residents in nursing homes end up paying a rate that is higher (\$238/day) than the costs of care (\$180/day), in order to subsidize the costs of the Medicaid residents (\$140/day). Furthermore, last spring, the state budget diverted 25 percent of MQIP funds away from nursing homes to the general fund. This was in addition to the loss of millions of dollars in MQIP ARRA funding. Vote 8-7.

Rep. Frank R. Kotowski for the Minority of Health, Human Services and Elderly Affairs: The minority vote supports the contention that residents of Continuing Care Retirement Communities have been, and continue to be taxed unfairly. Discriminatory taxation for choosing to spare their family and the state of New Hampshire the expense for their elder care needs is inexcusable. Residents of these C.C.R.C. facilities who have the means, and who prudently planned to fund their own future care by entering into a contract for such care to the end of their lives deserve to have the legislature intervene on their behalf. The minority position requests that this legislature vote down the majority report and vote OTP. Doing so would direct the Department of H.H.S. & E.A. to request a federal waiver of the state plan which, upon approval, would relieve those residents from taxation in the future.

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

Rep. Abrami spoke against and yielded to questions.

Rep. Kotowski spoke against.

Rep. Kurk spoke in favor and yielded to questions.

Rep. Avarad requested a roll call; sufficiently seconded.

YEAS 180 NAYS 160

YEAS 180

BELKNAP

Pilliod, James	Russell, David	Tobin, William	Worsman, Colette
----------------	----------------	----------------	------------------

CARROLL

Fleck, Joseph	Knox, J. David	McCarthy, Frank	McConkey, Mark
Scala, Dino	Tregenza, Norman	Umberger, Karen	

CHESHIRE

Butynski, William	Byrnes, John	Chase, Cynthia	Dwinell, Richard
Hawkes, Samuel	Hunt, John	Johnsen, Gladys	Johnson, Jane
Lerandeau, Alfred	Lindsey, Steven	Meador, David	Moore, Charles
Moore, Robert Jr	Parkhurst, Henry	Roberts, Kris	Sad, Tara
Smith, Edwin	Sterling, Franklin Jr	Tatro, Bruce	Weber, Lucy
Weed, Charles			

COOS

Coulombe, Gary	Hatch, William	Merrick, Evalyn	Theberge, Robert
----------------	----------------	-----------------	------------------

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Bradley, Lester
Bulis, Lyle	Cooney, Mary	Gould, Franklin	Harding, Laurie
Ladd, Rick Jr	Nordgren, Sharon	Pastor, Beatriz	Pierce, David
Reilly, Harold Sr	Simard, Paul	Smith, Suzanne	Sorg, Gregory
Taylor, Kathleen	Townsend, Charles		

HILLSBOROUGH

Baroody, Benjamin	Belanger, James	Belvin, William	Campbell, David
Christensen, D.L.	Cote, David	Coughlin, Sean	Cusson-Cail,
Chris			Kathleen
Daler, Jennifer	Daniels, Gary	Flanagan, Jack	Fredette, Robert
Gargas, Carolyn	Garrity, Patrick	Gimas, John	Goley, Jeffrey
Gorman, Mary	Haefner, Robert	Hopper, Gary	Hutchinson, Winfred
Jasper, Shawn	Kurk, Neal	Leishman, Peter	McCarthy, Michael
McClarren, Donald	Ober, Lynne	Palmer, Stephen	Pellegrino, Tony
Pilotte, Maurice	Porter, Marjorie	Proulx, Mark	Ramsey, Peter
Rhodes, Brian	Rokas, Ted	Rosenwald, Cindy	Rowe, Robert
Seidel, Carl	Shaw, Barbara	Soucy, Connie	Souza, Kathleen
Stepanek, Stephen	Sullivan, Daniel	Terrio, Ross	Vaillancourt, Steve
Whitehead, Randall			

MERRIMACK

Blankenbeker, Lynne	Bouchard, Candace	Deloge, Helen	DeStefano, Stephen
Foose, Robert	Frazer, June	Gile, Mary	Hamm, Christine
Lindsley, Mark	MacKay, James	McGuire, Dan	Owen, Derek
Patten, Dick	Potter, Frances	Rice, Chip	Richardson, Gary
Richardson, Jon	Shurtleff, Stephen	Wallner, Mary Jane	Winter, Steven

ROCKINGHAM

Allen, Mary	Bates, David	Belanger, Ronald	Birdsell, Regina
Brown, Paul	Cali-Pitts, Jacqueline	Charron, Gene	DeSimone, Debra

DiPentima, Rich
Griffin, Mary
McKinney, Betsy
Nevins, Chris
Pantelakos, Laura
Smith, William

Elliott, Robert
Headd, James
McMahon, Charles
Norelli, Terie
Read, Robin Jr
Sytek, John

Ferrante, Beverly
Itse, Daniel
Moody, Marcia
Okerman, Richard
Schlachman, Donna
Waterhouse, Kevin

Fesh, Robert
Katsakiores, Phyllis
Murphy, Brian
Packard, Sherman
Serlin, Christopher
Welch, David

STRAFFORD

Browne, Brendon
Ginsburg, Philip
Keans, Sandra

Cataldo, Sam
Grassie, Anne
Larsen Schultz,
Kirsten

DeLemus, Susan
Horrigan, Timothy
Pelletier, Marsha

Domingo, Baldwin
Kaen, Naida
Perry, Robert

Pitre, Joseph
Spang, Judith

Roberts, Jenna
Sprague, Dale

Schmidt, Peter
Wall, Janet

Spainhower, Dale
Watters, David

SULLIVAN

Cloutier, John
Lovett, Charlene
Smith, Steven

Gagnon, Raymond
Osgood, Joe

Laware, Thomas
Rodeschin, Beverly

Lefebvre, Benjamin
Schmidt, Andrew

NAYS 160

BELKNAP

Accornero, Harry
Flanders, Donald
Millham, Alida
Tilton, Franklin

Bolster, Peter
Greemore, Robert
Simpson, Tyler

Comtois, Guy
Kingsbury, Robert
St. Cyr, Jeffrey

Fields, Dennis
Luther, Robert
Swinford, Elaine

CARROLL

Ahlgren, Christopher
Pettengill, Laurie

Babson, David Jr
Schmidt, Stephen

Morrow, Harry

Patten, Betsey

CHESHIRE

Cartwright, Anne

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence

Remick, William

Richardson, Herbert

GRAFTON

Brosseau, Charles
Sova, Charles

Gionet, Edmond

Ingbretson, Paul

Shackett, Jeffrey

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Brownrigg, Randall Jr
Coffey, James
Donovan, Daniel
Graham, John
Hawkins, Kenneth

Balboni, Michael
Bergevin, Jerry
Burt, John
Condra, William
Gagne, Larry
Greazzo, Phil
Hikel, John

Ball, J. Michael
Boehm, Ralph
Buxton, Michael
Day, Russell
Gandia, Laura
Hansen, Peter
Hinch, Richard

Barry, J. Gail
Brown, Kevin
Cebrowski, John
Doherty, Shaun
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith

Holden, Frank
LeBrun, Donald
Murphy, Keith
Parison, James
Renzullo, Andrew
Summers, James
Villeneuve, Moe

Infantine, William
Maltz, Jonathan
Notter, Jeanine
Peterson, Lenette
Scontsas, Lisa
Thomas, Joseph
Warden, Mark

Krasucki, Joseph
McGuinness, Sean
Ober, Russell III
Pratt, Calvin
Silva, Peter
Twombly, Timothy
Willette, Robert

Lambert, George
Mecheski, Holly
Ohm, Bill
Reed, Michael
Simmons, Tammy
Ulery, Jordan

MERRIMACK

Coffey, Jennifer
Hill, Gregory
Kotowski, Frank
McGuire, Carol
Smith, Molly

Cohn, Seth
Hoell, J.R.
Kreis, Kenneth Sr
Palfrey, David
Smith, Todd

Giuda, J. Brandon
Keane, Thomas
Lauer-Rago, Kathleen
Sanborn, Laurie
Soltani, Tony

Hess, David
Kidder, David
Lockwood, Priscilla
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Chirichiello, Brian
Devine, James
Hagan, Joseph
Kolodziej, Walter
Mauro, Donna
Rice, Frederick
Schroadter, Adam
Sullivan, Kevin
Tucker, Pamela
Weyler, Kenneth

Azarian, Gary
Comerford, Timothy
Duarte, Joe
Hoelzel, Kathleen
Lovejoy, Patricia
O'Connor, John
Ritter, Glenn
Sheffert, Kenneth
Tamburello, Daniel
Waddell, James

Baldasaro, Alfred
Copeland, Timothy
Garcia, Marilinda
Hutchinson, Karen
Major, Norman
Quandt, Matt
Sanders, Elisabeth
Shuler, Wyman III
Tasker, Kyle
Ward, Joanne

Bettencourt, David
Davenport, Joshua
Garrity, James
Kappler, Lawrence
Manuse, Andrew
Reagan, John
Sapareto, Frank
Sullivan, James
Tremblay, Stella
Webb, James

STRAFFORD

Berube, Roger
Munck, Philip
Vita, Carol

Groen, Warren
Newton, Clifford
Vita, Lucien

Jones, Kyle
O'Connor, William
Weeden, Michael

Jones, Laura
Parsons, Robbie

SULLIVAN

Bowers, Spec
and the majority committee report was adopted.

Cunningham, Steven

Howard, Thomas

LaCasse, Paul Sr

HB 1368, relative to real property held as a joint tenancy with rights of survivorship.

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

Rep. Kathleen F. Souza for the Majority of Judiciary: This bill addresses a glitch in state title law. The committee heard testimony from intended heirs who did not indeed inherit property under current joint tenancy law. This bill ensures that if one joint tenant with right of survivorship decides to sever the joint tenancy, then the other joint tenant(s) must be informed. The committee amendment strengthens the protection of all parties by insisting that all parties not only be informed of proposed changes, as called for in the original bill, but that there is a record of their consent to the action. Vote 16-1.

Rep. Gregory M. Sorg for the Minority of Judiciary: As amended by the majority, this bill would create a species of concurrent ownership of real estate previously unknown in New Hampshire law. By taking away the right of a joint tenant unilaterally to defeat the survivorship feature of his or her undivided interest by conveying it to a third person, it would effectively transform joint tenancy into a modified form of tenancy by the entireties, which was abolished in New Hampshire in 1869 and which while it existed applied, and

where it still exists still applies, only to husband and wife. This is objectionable on several grounds. First, the sponsors of the bill were seeking only to require a joint tenant wishing to dispose of his or her undivided interest simply to notify the other joint tenants immediately upon severing the joint tenancy, not to get their permission to do so. Second, redefining joint tenancy to mean something different from what it has historically meant will create needless confusion by compromising the relative immutability of basic principles and definitions of conveyancing law that enables titles to be searched far into the past and understood with confidence. Third, there was and is no evidence that the incident that inspired the filing of HB 1368 was other than an isolated one. The general court should not legislate by anecdote even when adhering to the remedy sought by the sponsors, and certainly should not legislate by anecdote when the remedy adopted has no relation not only to that anecdote but to any other problem known to or brought to the notice of the committee.

Majority Amendment (0406h)

Amend RSA 477:18, II as inserted by section 1 of the bill by replacing it with the following:

II. If the estate is in joint tenancy with rights of survivorship, a joint tenant shall not sever the joint tenancy without the recorded consent of the other joint tenants named in the deed.

AMENDED ANALYSIS

This bill prohibits a joint tenant from severing a joint tenancy with rights of survivorship without the consent of the other joint tenants.

Majority committee amendment adopted.

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

Rep. Soltani spoke against and yielded to questions.

Rep. Souza spoke in favor.

LAI'D ON THE TABLE

Rep. Jasper moved that ***HB 1368***, relative to real property held as a joint tenancy with rights of survivorship, be laid on the table.

On a division vote, 270 members having voted in the affirmative and 36 in the negative, the motion was adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Kurk moved that the House reconsider its action whereby, on a roll call vote of 180-160, the House adopted the majority committee report of Inexpedient to Legislate on ***HB 1197-FN***, requiring the commissioner of the department of health and human services to apply for a state plan waiver.

Rep. Kurk spoke against.

Rep. Abrami spoke in favor.

On a division vote, 77 members having voted in the affirmative and 232 in the negative, the motion failed.

REGULAR CALENDAR (CONT'D)

HB 1422, relative to the applicability of foreign law in cases before New Hampshire courts.

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

Rep. Gregory M. Sorg for the Majority of Judiciary: This bill, as amended, is a preventative measure. It anticipates and is intended to protect against future attempts to apply foreign or international law in the determination of any case or controversy before any tribunal of the state of New Hampshire where such application would supersede or take precedence over the

constitution, laws, and public policy of New Hampshire. It provides an exception from this prohibition in cases where the parties before the tribunal have previously agreed in writing to be governed by foreign or international law. Vote 7-3.

Rep. Lucy M. Weber for the Minority of Judiciary: Proponents of this bill argue it is necessary to prevent the courts in the state of New Hampshire applying the law of a foreign country in such a way as to deprive citizens of New Hampshire their rights under the constitutions of New Hampshire and the United States. Members of the minority are bemused by this argument, because the New Hampshire and United States constitutions, and under them, the statutes enacted by this legislature, are already the controlling law in this state. No one has furnished an instance in which a New Hampshire court has applied foreign law in defiance of either constitution. Vague references were made to the problem having occurred elsewhere in the country, but no actual cites were ever presented. The majority argues it is good to have this law on the books on the off-chance that such a case may arise in the future. The minority believes this is a true case of a solution in search of a problem and would urge that we not clutter the statute books with unneeded legislation.

Majority Amendment (0713h)

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

AN ACT relative to the applicability of foreign law in cases before New Hampshire tribunals.

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

1 Statement of Intent. The general court finds that the laws and constitution of the state of New Hampshire and the constitution of the United States of America afford New Hampshire citizens and businesses many rights, liberties, and privileges. It is the continuing public policy of this state that these rights, liberties, and privileges, and the peace, tranquility, and well-being of the citizens and businesses of this state not be threatened, abridged, violated, or restricted in any way. It is the public policy of this state to protect its citizens and businesses from the application of foreign law when its application could result in a violation of the rights, liberties, or privileges, or disturb the security, peace, tranquility, or well-being of its citizens or businesses. The general court finds that the application of foreign law in various agreements, contracts, claims, and other controversies could violate this public policy.

2 New Section; Applicability of Foreign Law. Amend RSA 490 by inserting after section 14-a the following new section:

490:14-b Applicability of Foreign Law.

I. In this section:

(a) "Foreign law" or "international law" means any law, regulation, rule, instruction, principle, edict, doctrine, system, tenet, precept, or legal code or system established and used or applied outside the United States or its territories, including but not limited to those of any denomination, sect, or geographical locale.

(b) "Tribunal" means any New Hampshire court, board, administrative agency, arbitration and mediation service and provider, enforcement authority, commission, and any other body having similarly binding proceedings, and any other adjudicative, mediation, or enforcement authority, whether formal or informal. The term shall also include persons acting on behalf of such tribunal.

(c) "Business" means a corporation, partnership, limited liability company, sole proprietorship, financial institution, and any other form of entity authorized to do business in the state of New Hampshire.

(d) "Claim" means any matter that is the subject of litigation, arbitration, mediation, application, lawsuit, or public claim filed in the state of New Hampshire or any municipality or subdivision thereof.

II.(a) Unless the parties have previously agreed in writing to the contrary, no tribunal shall apply or enforce a foreign law or a state law or decision enforcing a foreign law,

or base a determination in whole or in part on foreign law, if such application or enforcement would supersede or take precedence over any right, liberty, or privilege under the constitution of the state of New Hampshire, the laws or public policy of the state of New Hampshire, or the constitution of the United States.

(b) If a person subject to personal jurisdiction in New Hampshire asserts a claim alleging that foreign law governs, in whole or in part, any substantive, procedural, or jurisdictional provision thereof, including but not limited to choice of law, forum non conveniens, venue, or forum provisions, and the tribunal determines that granting the claim would supersede or take precedence over any right, liberty, or privilege of any New Hampshire citizen or business under the constitution of the state of New Hampshire, the laws or public policy of the state of New Hampshire, or the constitution of the United States, the claim shall be denied.

III. A tribunal denying any relief requested under authority of this section shall make written findings of fact and conclusions of law in support of such denial.

3 Applicability. The provisions of RSA 490:14-b as inserted by section 2 of this act shall apply to claims filed, and contracts and agreements executed, on or after July 1, 2012.

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

AMENDED ANALYSIS

This bill declares that no New Hampshire tribunal shall enforce foreign law or a state law enforcing foreign law if such enforcement violates the rights of an individual or business under the New Hampshire constitution or the constitution of the United States.

Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

HB 1662-FN, relative to preparation of fiscal notes. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. J. Michael Ball for the Majority of Legislative Administration: This bill will add an additional requirement to describe the costs and benefits of state spending on our citizens and their businesses. This extra layer of explanation to our taxpayers will serve to reaffirm the state's responsibility to act as a good steward of our financial resources. Each and every expenditure should be properly explained to those who foot the bill. The taxpayers deserve to know that their hard earned dollars are spent in a thoughtful manner on programs and departments that serve the public. Vote 7-4.

Rep. Mary Jane Wallner for the Minority of Legislative Administration: The bill requires that departments when preparing fiscal notes include information on the cost and benefits to citizens and businesses. Fiscal notes are already complex and time consuming to prepare, this bill will require an enormous amount of additional work for the departments.

Determining the cost and benefits to businesses and citizens will take much additional time and expertise. The bill will greatly increase the workload on our departments and slow down the fiscal note process. The benefits of a bill are the sponsors responsibility to prove.

Majority committee report adopted and ordered to third reading.

HB 1279-L, relative to voting rights of certain budget committee members. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. James E. Coffey for the Majority of Municipal and County Government: This bill significantly alters the character of the budget committees in municipal budget act towns by changing the representatives to the committee from the governing body, a school district wholly within the town and a village district wholly within the town from voting to non-voting members. This proposed change seems to assume that the members associated with the other boards would form a voting block that would work against the goals of the budget committee. In many towns only the selectmen have a voting representative. The members of the three boards, that could furnish a representative, often have diverse interests from each other and do not always represent a "stacking" of the board. What they can bring to a budget

committee is better understanding of their boards needs and goals which should be used to produce a constructive consensus. Having a board member toil on a committee assigned to accomplish a difficult task of assembling a good budget without a voting voice in the outcome would be detrimental to budgeting process. It is the opinion of a bi-partisan majority of the committee that problems with local budget committees should be resolved at the local level and not by a global fix that would have negative unintended consequences in the many communities where the present process works well. Vote 11-3.

Rep. John A. Burt for the Minority of Municipal and County Government: This bill is intended to unify the provisions of RSA 32 and RSA 669:7 which read in part; "No selectman, town manager, school board member, full-time town, village district, school district or other associated agency employee or village district commissioner shall at the same time serve as a budget committee member-at-large under RSA 32." At-large members are elected to serve in their positions. However, some members are appointed from the town selectmen and school board membership and have full voting rights on the budget committee; a position they were not, and cannot be elected to. This bill would make those positions advisory only and not allow them to continue to exercise two votes on town matters; one each in two incompatible positions.

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

Rep. Pratt spoke against and yielded to questions.

Reps. James Coffey and Lynne Ober spoke in favor.

On a division vote, 227 members having voted in the affirmative and 84 in the negative, the majority committee report was adopted.

HB 1342-FN, prohibiting state and local governments from using funds to employ a lobbyist. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Betsey L. Patten for the Majority of Municipal and County Government: The General Court receives its information in many ways. The unbiased and non-partisan information is received from our legislative research staff – either through legislative services or from our research assistants. All other information we receive comes from lobbyists or individuals with a specific cause and agenda. Both the House and Senate members file legislation each year on many issues – for example, exemptions or credits for disabled persons and veterans, mosquito control, trees and roadside growth, charter changes for local governments, SB 2 issues, town clerk duties and responsibilities, tax collection, assessment of property, fire and police issues, manufactured housing parks, merger of lots or parcels, private property rights, public cemeteries, municipal and state budget processes, county corrections, water rights, libraries, licensing and permit requirement. These issues and many more touch each one of our citizens and all the officials of the state, towns and cities. In order for us, the members of the House, to get information stating each viewpoint would we now expect our officials and employees to travel to Concord to testify on each issue or are we advocating that the state and municipal voices be no longer heard? The committee voted to allow public money to be used so that all voices will be heard. Vote 12-2.

Rep. John A. Burt for the Minority of Municipal and County Government: The minority believes that lobbying is an honorable profession and lobbyists supply much useful information. That is entirely proper when lobbyists are paid by private businesses which have something to gain (or lose) with the legislation in question. However, the minority is convinced that taxpayer money should not be used for lobbying purposes, especially since such monies often go against the wishes of those paying the taxes. It's kind of like public funding of campaigns when your money is taken to support candidates who could be diametrically opposed to your views. This bill would prevent taxpayer money from going to those who lobby either us or any others in decision making positions. While some would try to complicate this bill by claiming it's a denial of free speech, it's really a simply bill. Exercise all the free speech you want, just don't ask taxpayers to pay for your "free" speech.

MOTION TO DIVIDE

Rep. Dan McGuire moved that **HB 1342-FN**, prohibiting state and local governments from using funds to employ a lobbyist, be divided into three sections and spoke in favor.

Rep. Sterling spoke against and yielded to questions.

On a division vote, 66 members having voted in the affirmative and 235 in the negative, the motion failed.

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

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

Reps. Patten and Bouchard spoke in favor.

Rep. Vaillancourt spoke against.

Rep. Lynne Ober requested a quorum call and spoke against.

Rep. Gary Richardson requested a roll call; sufficiently seconded.

YEAS 248 NAYS 57

YEAS 248

BELKNAP

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

CARROLL

Ahlgren, Christopher	Fleck, Joseph	Knox, J. David	McConkey, Mark
Morrow, Harry	Patten, Betsey	Schmidt, Stephen	Umberger, Karen

CHESHIRE

Butynski, William	Byrnes, John	Chase, Cynthia	Dwinell, Richard
Hawkes, Samuel	Johnsen, Gladys	Johnson, Jane	Lindsey, Steven
Moore, Robert Jr	Parkhurst, Henry	Roberts, Kris	Sad, Tara
Smith, Edwin	Sterling, Franklin Jr	Weber, Lucy	Weed, Charles

COOS

Hatch, William	Merrick, Evalyn	Rappaport, Laurence	Remick, William
Theberge, Robert	Tholl, John Jr		

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Bradley, Lester
Bulis, Lyle	Cooney, Mary	Gionet, Edmond	Gould, Franklin
Harding, Laurie	Ladd, Rick Jr	Nordgren, Sharon	Pastor, Beatriz
Pierce, David	Shackett, Jeffrey	Smith, Suzanne	Sorg, Gregory
Sova, Charles	Townsend, Charles		

HILLSBOROUGH

Balboni, Michael	Ball, J. Michael	Barry, J. Gail	Barry, Richard
Belanger, James	Belvin, William	Boehm, Ralph	Brown, Kevin
Buxton, Michael	Campbell, David	Cebrowski, John	Christensen, D.L.

Christiansen, Lars
 Cusson-Cail, Kathleen
 Doherty, Shaun
 Graham, John
 Hardwick, Harry
 Holden, Frank
 Kurk, Neal
 Maltz, Jonathan
 Notter, Jeanine
 Parison, James
 Porter, Marjorie
 Rosenwald, Cindy
 Silva, Peter
 Terrio, Ross
 Villeneuve, Moe

Coffey, James
 Daler, Jennifer
 Flanagan, Jack
 Greazzo, Phil
 Hawkins, Kenneth
 Hutchinson, Winfred
 LeBrun, Donald
 McCarthy, Michael
 Ober, Lynne
 Pellegrino, Tony
 Renzullo, Andrew
 Rowe, Robert
 Simmons, Tammy
 Thomas, Joseph
 Whitehead, Randall

Condra, William
 Daniels, Gary
 Gagne, Larry
 Haefner, Robert
 Hinch, Richard
 Infantine, William
 Leishman, Peter
 McGuinness, Sean
 Ober, Russell III
 Peterson, Lenette
 Rhodes, Brian
 Seidel, Carl
 Soucy, Connie
 Twombly, Timothy
 Willette, Robert

Chris
 Cote, David
 Day, Russell
 Gorman, Mary
 Hansen, Peter
 Hogan, Edith
 Jasper, Shawn
 Levasseur, Nickolas
 Mecheski, Holly
 Ohm, Bill
 Pilotte, Maurice
 Rokas, Ted
 Shaw, Barbara
 Stepanek, Stephen
 Ulery, Jordan

MERRIMACK

Blankenbeker, Lynne
 Foose, Robert
 Kotowski, Frank
 Lockwood, Priscilla
 Patten, Dick
 Sanborn, Laurie
 Smith, Todd

Bouchard, Candace
 Gile, Mary
 Kreis, Kenneth Sr
 MacKay, James
 Potter, Frances
 Seaworth, G. Brian
 Wallner, Mary Jane

Deloge, Helen
 Hamm, Christine
 Lauer-Rago, Kathleen
 McGuire, Carol
 Rice, Chip
 Shurtleff, Stephen
 Winter, Steven

DeStefano, Stephen
 Hess, David
 Lindsley, Mark
 Owen, Derek
 Richardson, Gary
 Smith, Molly

ROCKINGHAM

Abrami, Patrick
 Bates, David
 Charron, Gene
 Devine, James
 Fesh, Robert
 Hagan, Joseph
 Katsakiores, Phyllis
 McKinney, Betsy
 Norelli, Terie
 Quandt, Matt
 Ritter, Glenn
 Shuler, Wyman III
 Tucker, Pamela
 Welch, David

Allen, Mary
 Belanger, Ronald
 Chirichiello, Brian
 DiPentima, Rich
 Garcia, Marilinda
 Headd, James
 Lovejoy, Patricia
 McMahon, Charles
 O'Connor, John
 Read, Robin Jr
 Schlachman, Donna
 Smith, William
 Waddell, James
 Weyler, Kenneth

Azarian, Gary
 Birdsell, Regina
 Copeland, Timothy
 Duarte, Joe
 Garrity, James
 Hoelzel, Kathleen
 Major, Norman
 Moody, Marcia
 Packard, Sherman
 Reagan, John
 Schroadter, Adam
 Sullivan, James
 Ward, Joanne

Baldasaro, Alfred
 Cali-Pitts, Jacqueline
 Davenport, Joshua
 Ferrante, Beverly
 Griffin, Mary
 Kappler, Lawrence
 Mauro, Donna
 Nevins, Chris
 Pantelakos, Laura
 Rice, Frederick
 Serlin, Christopher
 Sullivan, Kevin
 Webb, James

STRAFFORD

Berube, Roger
 Ginsburg, Philip
 Keans, Sandra

Browne, Brendon
 Grassie, Anne
 Larsen Schultz,
 Kirsten

Cataldo, Sam
 Horrigan, Timothy
 Munck, Philip

Domingo, Baldwin
 Kaen, Naida
 Newton, Clifford

O'Connor, William
 Pitre, Joseph
 Sprague, Dale
 Watters, David

Parsons, Robbie
 Roberts, Jenna
 Vita, Carol
 Weeden, Michael

Pelletier, Marsha
 Schmidt, Peter
 Vita, Lucien

Perry, Robert
 Spang, Judith
 Wall, Janet

SULLIVAN

Bowers, Spec

Cloutier, John

Cunningham, Steven

Gagnon, Raymond

Howard, Thomas
Schmidt, Andrew

Laware, Thomas

Lovett, Charlene

Rodeschin, Beverly

NAYS 57

BELKNAP

Kingsbury, Robert

CARROLL

Babson, David Jr

McCarthy, Frank

Pettengill, Laurie

Tregenza, Norman

CHESHIRE

Moore, Charles

COOS

Coulombe, Gary

Daugherty, Duffy

Richardson, Herbert

GRAFTON

Brosseau, Charles

Ingbretson, Paul

Reilly, Harold Sr

Simard, Paul

HILLSBOROUGH

Avard, Kevin
Fredette, Robert
McClarren, Donald
Reed, Michael
Summers, James

Baroody, Benjamin
Hikel, John
Murphy, Keith
Scotsas, Lisa
Vaillancourt, Steve

Burt, John
Krasucki, Joseph
Pratt, Calvin
Souza, Kathleen
Warden, Mark

Donovan, Daniel
Lambert, George
Proulx, Mark
Sullivan, Daniel

MERRIMACK

Cohn, Seth
Richardson, Jon

Giuda, J. Brandon
Soltani, Tony

Hoell, J.R.

McGuire, Dan

ROCKINGHAM

Brown, Paul
Kolodziej, Walter
Tamburello, Daniel

Comerford, Timothy
Manuse, Andrew
Tasker, Kyle

Elliott, Robert
Sheffert, Kenneth
Tremblay, Stella

Itse, Daniel
Sytek, John

STRAFFORD

DeLemus, Susan
Spainhower, Dale

Groen, Warren

Jones, Kyle

Jones, Laura

SULLIVAN

Lefebvre, Benjamin
and the majority committee report was adopted.

Osgood, Joe

Smith, Steven

HB 1367*, relative to the issuance of administrative inspection warrants. **OUGHT TO PASS WITH AMENDMENT.*

Rep. Betsey L. Patten for Municipal and County Government: This bill amends RSA 595-B:2, II regarding the definition of probable cause needed for the court to issue an administrative warrant. A refusal to consent to the entry onto one's property will not be

considered a sufficient reason for probable cause. Vote 14-3.

Amendment (0511h)

Amend the bill by deleting section 1 and renumbering the original sections 2-3 to read as 1-2, respectively.

Amendment adopted.

On a division vote, 288 members having voted in the affirmative and 9 in the negative, the committee report was adopted and ordered to third reading.

HB 1376, relative to amending warrant articles in towns that have adopted the official ballot referendum form of meeting. **INEXPEDIENT TO LEGISLATE.**

Rep. James P. Belanger for Municipal and County Government: Here we have yet another sincere attempt to fix the Official Ballot Referendum (SB 2) method of annual meetings. It, however, does not affect all municipalities but only those with municipal budget committees. If passed, this legislation would prohibit the voters attending the deliberative session from making any changes to the annual budget as proposed by the budget committee. The budget is likely the warrant article with the most impact on a community but this bill would deny the voters any opportunity to modify it and would certainly result in removing reasons to even attend the deliberative session. If the budget committee's numbers would go directly to the ballot without benefit of voter input, the already sparsely attended deliberative sessions would be reduced to even fewer voters to act on the other articles. In effect, the budget committee would have free reign over the budget that gets presented to the official ballot. This would disenfranchise voters who do attend the deliberative session. Vote 16-1. Committee report adopted.

HB 1393, relative to the valuation of property for property tax purposes and procedures for imposing sanctions against appraisers who act in bad faith or violate statutory requirements. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L. Patten for the Majority of Municipal and County Government: After many versions, the final amendment proposes changes which are not necessary. The first change redefines "market value" based on the federal Financial Institutions Reform, Recover and Enforcement Act (FIRREA) instead of the New Hampshire standards. Our New Hampshire definition of "as the same would be appraised in payment of a just debt due from a solvent debtor works today. Requiring consideration of changes due to zoning and wetlands is already covered in RSA 75:8 where selectmen and assessors annually consider adjusting assessments for any changes. The amendment requirement that generally accepted procedure be used to justify the market value during the abatement process is already covered in RSA 76 regarding "Assessment and Abatement of Taxes." Section IV limits the assessing process to only use sales comparison approach. This takes away tools from the assessing practices that make the final town wide assessment reasonable and proportional as required by our Constitution, Part 2, Article 5. The last section of the amendment prohibits an assessor from entering any residential property for inspection without an administrative warrant. Passing this prohibition would more than double the cost and triple the time municipalities will have to spend to fulfill their constitutional obligation as stated in Part 2, Article 5. There are about 680,000 parcels of land with 234 taxing jurisdictions in New Hampshire and requiring an administrative inspection warrant on each of those lots is an unnecessary expense for our municipalities and our court system. The committee voted 15-1 to kill this bill knowing that there are assessing standards that are working well in New Hampshire. Vote 15-1.

Rep. John A. Burt for the Minority of Municipal and County Government: This bill as amended proposes a solution to fix the obvious and prolific problems that we have with subjective property assessments in this state. One example of this inequity is the so-called

view tax, which may reflect anything from the mountains or lake out a back window, to the granite counter tops, leather couches and Monet paintings that go with them inside a home. In short, our current system allows for a subjective, and thus unfair, property tax that is not administered proportionately according to the requirements of the state constitution. The bill would enable a mathematical, in-office procedure for determining property appraisal market values and end the practice of inspecting homes, unless requested by a homeowner. Inspections are not needed for an accurate assessment, and in fact they may add a level of subjectivity that makes assessments less fair, as the example above shows, and thus unconstitutional. In conclusion, this bill as amended would make what is now a subjective, unfair and intrusive process more objective and clear, and it would potentially save a considerable amount of taxpayer money currently spent by communities on home inspections.

On a division vote, 273 members having voted in the affirmative and 19 in the negative, the majority committee report was adopted.

MOTION TO SUSPEND HOUSE RULES

Rep. Itse moved that House Rules be so far suspended as to allow the deadline for reporting of **HB 1475**, relative to enforcement of interstate compacts, to be moved to March 22, 2012. Adopted by the necessary two-thirds vote.

RESOLUTION

Rep. Jasper 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, March 7, 2012 at 9:00 a.m. Adopted.

LATE SESSION

Third reading and final passage

HB 1259-FN, relative to payment of medical expenses for individuals who surrender themselves to law enforcement or corrections officials.

HB 1719, relative to the filing period for elections.

HB 1155, relative to the regulation of dentists by the board of dental examiners.

HB 1351, relative to disclosure of information by the board of funeral directors and embalmers and governing boards of allied health professionals.

HB 1362, exempting service animals from dog registration and licensing and establishing an option for permanent registration and licensing of service animals.

HB 1336, relative to reciprocity for nonresident trainers of hunting dogs.

HB 1392, relative to oyster aquaculture licenses.

HB 1455-FN, relative to special licenses for taking lobster while engaged in recreational scuba diving.

HB 1555, relative to the penalty for firearm use in a state area for propagation of game controlled by the fish and game department.

HB 1273, relative to the termination of parental rights in cases where the child is born of rape.

HB 1579, authorizing the department of employment security to garnish the wages of individuals with delinquent unemployment compensation overpayments.

HB 1276, establishing a committee to study general court policies and procedures related to persons with disabilities.

HB 1632, establishing a committee to assess the cost savings of digitizing the general court.

HB 1224, allowing municipalities to send tax, water, and sewer bills electronically.
HB 1296, relative to net energy metering.
HJR 22, supporting the use of an aversive agent in certain engine coolants and antifreeze to render them impalatable.
HB 1353, relative to establishing an individual's status as a veteran.
HB 1585-FN, relative to inspections of trucks and buses.
HB 1312, relative to the statute of limitations for violations involving a motor vehicle accident resulting in death or serious bodily injury.
HB 1301, relative to challenges to voters.
HB 1332, relative to the law enforcement authority of fish and game conservation officers.
HB 1333, establishing a committee to study the establishment of a point system for violations of hunting and fishing laws and regulations enforced by the fish and game department.
HR 29, urging the United States Department of Health and Human Services to rescind its rule requiring health plans to provide sterilizations and contraceptives.
HB 1307, relative to agricultural plates.
HB 1442, relative to motorcycle noise emission regulation.
HB 1422, relative to the applicability of foreign law in cases before New Hampshire tribunals.
HB 1662-FN, relative to preparation of fiscal notes.
HB 1367, relative to the issuance of administrative inspection warrants.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of the Honorable member from Portsmouth, Representative James Powers.

UNANIMOUS CONSENT

Reps. Itse, Blankenbeker and Abrami addressed the House.

MOTION TO PRINT REMARKS

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

REMARKS

Rep. Blankenbeker: Thank you, Mister Speaker. Thank you colleagues, I just want to recognize a very important man from the City of Concord and for veterans and for this legislature. Unfortunately we lost a really important person in our state on February 18. Kenneth Marriott Tarr who was 85 years old from Concord died on February 18 at his home on Beacon Street. He was born in Columbus, Ohio and in 1944 he graduated from Mt. Vernon High School in Ohio. Upon graduation he enlisted in the U. S. Army and served with the 737th Tank Battalion, known as "Patton's Spearheaders." His unit was engaged in many major battles of World War II, including St. Lo and the Battle of the Bulge. For his service he was the recipient of two Bronze Stars and the Purple Heart. After his honorable discharge, Ken relocated to Concord in 1946 and enrolled in the first class at New England College where he played on both the basketball and baseball teams. He then began a 23 year career as a typesetter with Merrimack Electro at the Rumford Press where he assumed leadership positions with the workers union. He was also a member of my VFW so I'm sorry. Ken continued a long and distinguished career in public service with his appointment in 1969 by then Governor Walter Peterson as the Commandant of the New Hampshire Veterans Home in Tilton and he did a lot of really great work for that Home. He served over

two decades in that position and was instrumental in transforming the Home into a state of the art facility for NH veterans. His extraordinary service to the veterans of NH was recognized in 1993 when a new building at the facility was named in his honor. He also worked tirelessly on the initial development of the State Veterans Cemetery in Boscawen and most of you know that I spend a lot of time there honoring our fallen heroes so that's a really important place for me. He served on the Concord City Council, the New Hampshire State Legislature, five terms from 1968 to 1976, the Governor's Commission for the Handicapped, the Long Term Care Task Force, the Alzheimer's Disease Commission and Prisoner of War Commission. He was a Legislative Officer of the Dept. of Veterans Affairs, a member of the Vietnam Veterans Council, Veterans Needs Assessment Commission, Chairman of our VFW Post here in Concord, #1631 Scholarship Committee and was the former President of the National Association of State Veterans Home Administrators. He was a long time active member of many local organizations including the American Legion Post here in Concord, the Veterans of Foreign Wars and the Disabled American Veterans. He was an avid and talented athlete who competed into his 50's. He was a renowned fast-pitch softball hurler known throughout New England. He coached the American Legion Post #21 baseball team for many years and also served as the Director of American Legion Baseball. He was a player, a coach and on numerous local amateur basketball teams and was a mentor for many of our area youth. Ken was a wonderful husband, father and grandfather to his family and a caring and humble man. He had a great sense of humor, if any of you had the chance to know him or remember him. He was a really great guy and he was a very renowned story teller. Thank you all for indulging me and just recognizing this very, very important man in our community. Thank you, Mister Speaker.

RECESS MOTION

Rep. Jasper 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 5:20 p.m.

RECESS

(Speaker O'Brien in the Chair)

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 648.

Rep. Kidder, Sen. Lambert for the Committee

RECESS

(Rep. Wallner in the Chair)

RESOLUTION

Rep. Shurtleff offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 142, 237, 238, 247, 265, 306, 308, 313, 328, 331, 334, 339, 348, 366, 368, 370, 375 and 380 shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees. Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 142-FN, relative to reorganizing the permitting process within the department of environmental services. (Resources, Recreation and Development/Finance)

SB 237-FN, relative to field purchases and transfers of funds for the state park system and the bureau of trails, and the use of gifts and donations to the division of parks and recreation. (Resources, Recreation and Development/Finance)

SB 238, establishing a committee to assess the form of government in towns that have elected the official ballot referendum form of meeting. (Municipal and County Government)

SB 247-L, relative to certifying municipal culvert installers. (Resources, Recreation and Development/Commerce and Consumer Affairs)

SB 265, relative to the definition of stormwater. (Resources, Recreation and Development)

SB 306, relative to the commercial and industrial construction property tax exemption. (Municipal and County Government)

SB 308, proclaiming January 24, 2013 as Granny D. Day. (Executive Departments and Administration)

SB 313-FN, relative to state photographic identification indicating veteran's status. (Transportation/Finance)

SB 328, relative to the procedure for filling a vacancy on a cooperative school board. (Education)

SB 331, clarifying the definition of surviving spouse for eligibility for line-of-duty death benefits for police officers or firefighters killed in the line of duty. (Executive Departments and Administration)

SB 334, relative to Medicare unfair trade practices. (Commerce and Consumer Affairs)

SB 339, establishing Loon Appreciation Day. (Executive Departments and Administration)

SB 348-FN, relative to the pulse oximetry test for newborns. (Health, Human Services and Elderly Affairs/Finance)

SB 366-FN, relative to use of certain OHRVs on snowmobile trails, and relative to authorization for snowmobiles and OHRVs registered in Vermont and Maine to operate in this state. (Transportation/Finance)

SB 368, relative to nondepository trust companies. (Commerce and Consumer Affairs)

SB 370-FN, relative to the powers of law enforcement and animal control officers. (Environment and Agriculture)

SB 375-FN, relative to a prepaid health plan for Medicaid services and relative to the Medicaid management information system. (Finance)

SB 380, relative to the study committee on juvenile delinquency and children in need of services. (Children and Family Law)

RECESS