State of New Hampshire
HOUSE RECORD

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

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HOUSE JOURNAL No. 9 (cont.)

Wednesday, February 22, 2012

Rep. Belvin moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 10

Wednesday, March 7, 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.
Today, once again heavenly Lord, we ask that You help us to represent and use the enormous creative and spiritual potential of our citizens sensibly. Give us the wisdom to understand that what we want is not always what we need, for it may be derived at the expense of our own dignity. We always hold up to You our friends and families of members here, praying for their good health and prosperous good. Keep our men and women in uniform safe from harm and bless the veterans who have served to preserve the future for our children. Help us to challenge our own hearts so that we do not become satisfied with the elimination of tyrants around the world while accepting a contaminated and despotic moral atmosphere at home. There is important work to do and so give us the strength for a leadership which respects life and liberty and the peoples' hope to pursue their happiness without burdening the responsibility of others. Help us to craft good legislation, seeking always the true and the good so that we may subsequently act responsibly for our constituents doing our work rationally and with care. Help us to flourish as persons and citizens in the way that our founders hoped for. This is our need for the great state of New Hampshire, today. This is our request. We ask this in Your Holy name. Amen.

Representative Janet Wall, member from Madbury, led the Pledge of Allegiance.

The Granite Statesmen, from Southern New Hampshire, sang the National Anthem.

LEAVES OF ABSENCE

Reps. Case, Champagne, Chirichiello, DeJong, DeSimone, Eaton, Hatch, Hofemann, Dorothea Hooper, Gladys Johnsen, Marcus, McDonnell, Mirski, Rokas, Scala and Sprague, the day, illness.
Reps. Drisko, Flanders, Howard, Kolodziej, Mark Lindsley, William O'Connor, Panek, Dennis Reed, Rhodes, and Stephen Schmidt, the day, important business.
Reps. Beattie, Deloge and Long, the day, illness in the family.

INTRODUCTION OF GUESTS

The Honorable Catriona Beck, former member from Bennington; the Honorable Claudia Anne Chase, former member from Francestown; the Honorable Suzanne Harvey, former member from Nashua; the Honorable Jill Shaffer Hammond, former member Peterborough; the Honorable Ed Butler, former member from Hart's Location; the Honorable Martha McLeod, former member from Franconia; the Honorable Anna Tilton, former member from Swanzey; the Honorable Melanie Levesque, former member from Brookline; the Honorable Mo Baxley, former member from Andover; the Honorable Deanna Rollo, former member from Rollinsford; and the Honorable Caitlin Rollo, former member from Manchester; guests of Rep. Norelli. Deb Johnson, guest of Rep. Tregenza. Carol and Jennifer Day, wife and daughter of Rep. Day. Paul and Veronica Baard, guests of Rep. Brosseau. William MaGill, 1st Assistant Clerk of the Vermont House of Representatives, guest of Speaker O'Brien.

Kristen Van Uden and Stephanie Horn of Trinity High School, Pages for the day.

SPECIAL GUEST PRESENTATION

Patrick Binns, Canadian Consul General to New England, addressed the House.

NEW HAMPSHIRE HOUSE OF REPRESENTATIVES
PROCLAMATION

In recognition of New Hampshire and Canada relations, March 7, 2012
WHEREAS, The United States and Canada share not only a 5,500-mile border which is the world's longest unmilitarized border, but also common ideals and democratic principles. The relationship between Canada and the United States is unique in the world, and the two countries have a shared prosperity fostered by two-way investment and jobs; and
WHEREAS, relations between Canada and the United States span more than two centuries, in which they have developed one of the most successful international relationships in the modern world with the largest and most comprehensive trade relationships in the world; and
WHEREAS, over 8 million American jobs are dependent on trade with Canada, including 37,700 jobs here in New Hampshire in 2010; and
WHEREAS, Canada represents an important export market for New Hampshire of $493 million last year. Canadian tourists flocked to New Hampshire in 2010 making 471,700 visits and contributing $123 million to the local economy; now therefore,
BE IT DECLARED that today we recognize and celebrate the strength of the Canada—New Hampshire relationship and our commitment to working together to enhance our mutually beneficial trade relationship and ensure many more years of cooperation, friendship, trade and goodwill.

William L. O'Brien, Speaker of the House
Offered by the New Hampshire Speaker of the House this 7th day of March 2012

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 597, revising the child support guidelines based on an income shares model of calculating child support. (Amendment printed SJ 1-18-12)
Rep. Moran moved that the House nonconcur and request a Committee of Conference. Adopted.
The Speaker appointed Reps. Moran, Edith Hogan, Connie Soucy and Lovejoy.

HB 145, permitting the audio and video recording of a law enforcement officer while in the course of his or her official duties. (Amendment printed SJ 2-8-12)
Rep. Swinford moved that the House nonconcur and request a Committee of Conference. Adopted.
The Speaker appointed Reps. Welch, Warden, Parsons and Ginsburg.

HB 146, relative to the right of a jury to judge the application of the law in relationship to the facts in controversy. (Amendment printed SJ 1-18-12)
Rep. Rowe moved that the House nonconcur and request a Committee of Conference. Adopted.
The Speaker appointed Reps. Giuda, LaCasse, McClarren and Wall.

HB 158, relative to the misuse of social security numbers. (Amendment printed SJ 1-18-12)
Rep. Rowe moved that the House nonconcur and request a Committee of Conference. Adopted.
The Speaker appointed Reps. Brian Murphy, Hagan, Barry Palmer and Watrous.

MOTION TO LIMIT DEBATE

Rep. Jasper moved that debate on the reports, bills, amendments and motions arising out of the current House Calendar be limited to 20 minutes: 10 minutes each for proponents and opponents, 5 minutes for each speakers.
On a division vote, 216 members having voted in the affirmative and 95 in the negative, the motion was adopted.

REGULAR CALENDAR FROM FEBRUARY 15, 2012

HB 1718, relative to judicial review of electoral districts. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. David W. Hess for the Majority of Special Committee on Redistricting: This bill does three things. First, it provides for the expeditious judicial review of challenges to electoral districts. As such, it merely codifies the past practice of the courts in handling such challenges. Further, it contemplates that any such challenge can be entertained in the first instance in either the superior or supreme court. Second, it requires the expedited filing of any appeal from the superior court to the supreme court, specifying that any appeal must be filed within five days after the date of the decision in the lower court, rather than the standard thirty days. It is also the intent of this legislation to bypass the standard procedural rule requiring a motion for reconsideration and decision on that motion before an appeal can be filed. Finally, the bill specifies that the speaker of the house and the president of the senate must be joined as necessary parties to any case challenging the validity of their house and senate electoral districts respectively, and that as parties; they may be represented by separate counsel of their own choosing. However, the bill makes clear that such separate representation shall not be construed to relieve the attorney general of its traditional duty to defend duly enacted statutes and represent the state in such cases. Vote 11-4.
Rep. Steve Vaillancourt for the Minority of Special Committee on Redistricting: This bill, as originally filed, demands that the superior court shall hear and rule on any redistricting law

suits not later than ten days following the commencement of any such action in Superior Court. This is simply not feasible, a fact which even the majority recognized in offering a substitute amendment. After delaying action on redistricting for eight months, the legislature displays the ultimate in chutzpah to expect the court to be able to handle the matter in ten days. The minority is reminded of the book The Little Prince by Antoine de St. Exupery. The Little Prince lived on such a small planet that he could witness a sunset simply by taking a few steps. When he visited a large planet ruled by a king, the Little Prince longed for a sunset and asked the king to order one. Alas the king could not make such an order contrary to the laws of nature, so the Little Prince demanded to know how such an absolute ruler could not demand absolute obedience. In positing this bill, the majority assumes the role of the Little Prince who thinks he can get his way whenever he wishes. The king, attempting an explanation, asked the little prince who would be wrong if the king demanded that a man sprout wings and fly like a bird. Would the man be wrong for failing to carry out such an order or would the king be wrong for issuing such an impossible order? Obviously, the king would be wrong and obviously the House is wrong if it attempts to pass such a bill as this. Howie Zibel, representing the Supreme Court, assured the committee that the court would do everything in their power to handle any law suit in as expeditious a manner as possible. In opposing the bill, he asked that a bit of comity be displayed between branches. The minority believes that in pushing such a bill, the House displays more comedy than comity. The bill, even as amended to insist that any appeal be filed within five days, is totally unnecessary and could do more harm than good. Since this bill could be challenged in court, it might actually slow down rather than speed up any redistricting court action. Most likely, this bill would have as little impact as the House's order to cities to get their ward maps drawn by January; that bill has not advanced beyond the Senate, and January is long gone. Also, legal experts are quick to note than any good barrister could meet the five day requirement with a rudimentary appeal and fill in details later. The minority asks that we display a bit of comity and common sense and ITL this bill and the amendment. It's time for us to stop huffing and puffing and demanding things which just aren't possible, especially since we are the most guilty of delaying the process.

Majority Amendment (0617h)

Amend the bill by replacing section 1 with the following:

1 New Section; Elective Districts; Judicial Review. Amend RSA 662 by inserting after section 6 the following new section:

662:7 Judicial Review.

I. Any court deciding the merits of a challenge to the validity of electoral districts shall give precedence to the challenge over all other matters before it and shall hear and rule on the challenge as expeditiously as possible. No decision of the superior court on the validity of electoral districts shall be subject to appeal unless filed with the supreme court within 5 days after the date of the decision. The supreme court shall give the appeal precedence over all other matters before it.

II. The house of representatives and the senate shall be necessary parties to any case involving a challenge to the validity of their electoral districts and may be represented by counsel chosen by the speaker of the house of representatives and the president of the senate respectively. The provisions of this paragraph shall not relieve the attorney general of any duty to represent the state in such case.

Majority committee amendment adopted.

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

Rep. Weber spoke against.

Rep. Soltani spoke against and yielded to questions.

Rep. Hess spoke in favor.

On a division vote, 211 members having voted in the affirmative and 104 in the negative, the majority committee report was adopted and ordered to third reading.

REMOVED FROM THE CONSENT CALENDAR OF FEBRUARY 15, 2012

HB 1343, prohibiting employees of parties and political committees from running for state office. **INEXPEDIENT TO LEGISLATE.**
Rep. Andrew R. Schmidt for Constitutional Review and Statutory Recodification: Part I, Article II of the Constitution of New Hampshire states that "Every inhabitant of the state having the proper qualifications has an equal right to be elected to office." Our NH constitution provides for broad and inclusive representation. Free, fair and full debate and representation of diverse views is essential to the political process. Our process is by its very nature political. Therefore, to deny anyone on the basis of political agenda or type of employment is unconstitutional. Vote 12-0.
Committee report adopted.

HB 1344, prohibiting public employees from being candidates for certain offices. **INEXPEDIENT TO LEGISLATE.**
Rep. Andrew R. Schmidt for Constitutional Review and Statutory Recodification: Part I, Article II of the Constitution of New Hampshire states that "Every inhabitant of the state having the proper qualifications has an equal right to be elected to office." Part II article 9 of the Constitution guarantees that we will have a House of Representative founded in principles of equality and representation therein "shall be as equal as circumstances will admit." The goal of our constitution is to have as broad a representation as possible. To deny rights of public employees, a large group of citizens with this basic tenet of our constitution is wrong. Furthermore concerns about potential conflicts of interest are more appropriately addressed by disclosure and ethics rules. Consequently the committee voted unanimously to ITL. Vote 12-0.
Committee report adopted.

HB 1452, prohibiting the establishment of sobriety checkpoints. **INEXPEDIENT TO LEGISLATE.**
Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: This bill would stop sobriety check points. The police have to go to court to get permission to hold a sobriety check. It is advertised in the newspaper. Even the sponsors agreed it was working. They felt that roving patrols would work better. Police departments do have roving patrols. The committee felt we needed both to keep drunken drivers off our roads. These sponsors felt it was an invasion of people rights. We heard very little from the public. Vote 12-1.
Reps. Lambert and Cohn spoke against.
Reps. Kappler and Pantelakos spoke in favor.
Rep. Dan McGuire requested a roll call; sufficiently seconded.

YEAS 226 NAYS 111

YEAS 226

BELKNAP

Bolster, Peter	Fields, Dennis	Greemore, Robert	Kingsbury, Robert
Luther, Robert	Millham, Alida	Russell, David	Simpson, Tyler
St. Cyr, Jeffrey	Swinford, Elaine	Tilton, Franklin	Tobin, William

CARROLL

Chandler, Gene	Fleck, Joseph	Knox, J. David	McCarthy, Frank

McConkey, Mark	Merrow, Harry	Patten, Betsey	Umberger, Karen

CHESHIRE

Butynski, William	Byrnes, John	Chase, Cynthia	Dwinell, Richard
Emerson, Susan	Hawkes, Samuel	Lerandeau, Alfred	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	Merrick, Evalyn	Remick, William	Richardson, Herbert
Theberge, Robert	Tholl, John Jr	Thomas, Yvonne	Tremblay, Marc

GRAFTON

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
Smith, Suzanne	Taylor, Kathleen	Townsend, Charles	White, Andrew

HILLSBOROUGH

Balboni, Michael	Baroody, Benjamin	Barry, J. Gail	Barry, Richard
Belanger, James	Belvin, William	Boehm, Ralph	Brown, Kevin
Brownrigg, Randall Jr	Buxton, Michael	Campbell, David	Cebrowski, John
Christensen, D.L. Chris	Christiansen, Lars	Coffey, James	Cote, David
Coughlin, Sean	Cusson-Cail, Kathleen	Daler, Jennifer	Day, Russell
Doherty, Shaun	Donovan, Daniel	Gagne, Larry	Gandia, Laura
Gargasz, Carolyn	Garrity, Patrick	Gidge, Kenneth	Gimas, John
Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary	Graham, John
Greazzo, Phil	Haefner, Robert	Hawkins, Kenneth	Hikel, John
Hinch, Richard	Hogan, Edith	Holden, Frank	Hutchinson, Winfred
Jasper, Shawn	Krasucki, Joseph	LeBrun, Donald	Leishman, Peter
McCarthy, Michael	McClarren, Donald	Messier, Irene	Palmer, Barry
Pellegrino, Tony	Peterson, Lenette	Pilotte, Maurice	Porter, Marjorie
Proulx, Mark	Robbins, David	Rosenwald, Cindy	Rowe, Robert
Shaw, Barbara	Silva, Peter	Stepanek, Stephen	Stroud, Kathleen
Sullivan, Daniel	Swank, Matthew	Terrio, Ross	Whitehead, Randall
Willette, Robert			

MERRIMACK

Blankenbeker, Lynne	Bouchard, Candace	DeStefano, Stephen	Foose, Robert
Frazer, June	Gile, Mary	Hamm, Christine	Hess, David
Keane, Thomas	Kotowski, Frank	Kreis, Kenneth Sr	Lauer-Rago, Kathleen
Lockwood, Priscilla	MacKay, James	Owen, Derek	Palfrey, David
Patten, Dick	Potter, Frances	Rice, Chip	Richardson, Gary
Richardson, Jon	Shurtleff, Stephen	Smith, Molly	Smith, Todd
Wallner, Mary Jane	Williams, Robert	Winter, Steven	

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Azarian, Gary	Baldasaro, Alfred
Belanger, Ronald	Bettencourt, David	Birdsell, Regina	Cali-Pitts, Jacqueline
Charron, Gene	Copeland, Timothy	Devine, James	DiPentima, Rich

Dowling, Patricia	Elliott, Robert	Ferrante, Beverly	Fesh, Robert
Garrity, James	Griffin, Mary	Hagan, Joseph	Headd, James
Hoelzel, Kathleen	Janvrin, Kevin	Kappler, Lawrence	Katsakiores, Phyllis
Lovejoy, Patricia	Lundgren, David	Major, Norman	McKinney, Betsy
Moody, Marcia	Murphy, Brian	Nevins, Chris	Norelli, Terie
O'Connor, John	Oligny, Jeffrey	Packard, Sherman	Pantelakos, Laura
Perkins, Amy	Read, Robin Jr	Sanders, Elisabeth	Schlachman, Donna
Sedensky, John	Serlin, Christopher	Shuler, Wyman III	Sullivan, James
Sytek, John	Tucker, Pamela	Waddell, James	Ward, Joanne
Waterhouse, Kevin	Webb, James	Welch, David	Weyler, Kenneth

STRAFFORD

Berube, Roger	Brown, Julie	Browne, Brendon	Cataldo, Sam
Ginsburg, Philip	Grassie, Anne	Larsen Schultz, Kirsten	Parsons, Robbie
Perry, Robert	Schmidt, Peter	Spainhower, Dale	Spang, Judith
Wall, Janet	Watters, David		

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Lovett, Charlene
Osgood, Joe	Rodeschin, Beverly	Schmidt, Andrew	

NAYS 111

BELKNAP

Accornero, Harry	Comtois, Guy	Malone, Robert	Pilliod, James
Worsman, Colette			

CARROLL

Babson, David Jr	Pettengill, Laurie	Tregenza, Norman

CHESHIRE

Carr, Daniel	Cartwright, Anne	Johnson, Jane	Lindsey, Steven
Moore, Charles			

COOS

Daugherty, Duffy	Rappaport, Laurence

GRAFTON

Aguiar, James	Brosseau, Charles	Gionet, Edmond	Ingbretson, Paul
Shackett, Jeffrey	Simard, Paul	Sorg, Gregory	Sova, Charles

HILLSBOROUGH

Avard, Kevin	Ball, J. Michael	Bergevin, Jerry	Burt, John
Condra, William	Daniels, Gary	Erickson, Duane	Flanagan, Jack
Fredette, Robert	Hardwick, Harry	Hopper, Gary	Kurk, Neal
Lambert, George	Maltz, Jonathan	McGuinness, Sean	Murphy, Keith
Notter, Jeanine	Ober, Lynne	Ober, Russell III	Ohm, Bill
Palmer, Stephen	Parison, James	Pratt, Calvin	Reed, Michael
Renzullo, Andrew	Seidel, Carl	Simmons, Tammy	Soucy, Connie
Summers, James	Twombly, Timothy	Ulery, Jordan	Vaillancourt, Steve

Villeneuve, Moe	Warden, Mark		

MERRIMACK

Coffey, Jennifer	Cohn, Seth	Giuda, J. Brandon	Hill, Gregory
Hoell, J.R.	Kidder, David	McGuire, Carol	McGuire, Dan
Seaworth, G. Brian	Soltani, Tony	Watrous, Rick	

ROCKINGHAM

Antosz, Jason	Bates, David	Brown, Paul	Comerford, Timothy
Davenport, Joshua	Duarte, Joe	Garcia, Marilinda	Itse, Daniel
Manuse, Andrew	Mauro, Donna	McMahon, Charles	Okerman, Richard
Peckham, Michele	Perkins, Lawrence	Reagan, John	Reichard, Kevin
Rice, Frederick	Ritter, Glenn	Sapareto, Frank	Sheffert, Kenneth
Smith, William	Tasker, Kyle	Tremblay, Stella	

STRAFFORD

DeLemus, Susan	Groen, Warren	Horrigan, Timothy	Jones, Kyle
Jones, Laura	Kaen, Naida	Keans, Sandra	Leonard, Frederick Jr
Munck, Philip	Newton, Clifford	O'Connor, William	Pitre, Joseph
Roberts, Jenna	Vita, Carol	Vita, Lucien	

SULLIVAN

Bowers, Spec	Cunningham, Steven	LaCasse, Paul Sr	Laware, Thomas
Smith, Steven			

and the committee report was adopted.

HB 1667-FN, relative to the application of the juvenile laws to children up to the age of 18.
INEXPEDIENT TO LEGISLATE.
Rep. Kyle J. Tasker for Criminal Justice and Public Safety: This bill would raise the age of minority from 17 to 18. Currently there are about 60 youths at the Sununu center and barely enough staff to take care of them. This is not the time to increase the age. It remains that 17 year olds commit serious crimes and may not deserve to be tried as a juvenile. Statutes provide for certification as an adult but the current law is serving us well. Vote 12-2.
Rep. Tasker spoke in favor.
Rep. Gile spoke against and requested a roll call; sufficiently seconded.

YEAS 218 NAYS 119

YEAS 218

BELKNAP

Accornero, Harry	Bolster, Peter	Comtois, Guy	Fields, Dennis
Greemore, Robert	Kingsbury, Robert	Luther, Robert	Malone, Robert
Millham, Alida	Russell, David	Simpson, Tyler	St. Cyr, Jeffrey
Swinford, Elaine	Tilton, Franklin	Tobin, William	

CARROLL

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

CHESHIRE

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

COOS

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

GRAFTON

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

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, J. Gail
Barry, Richard	Belvin, William	Bergevin, Jerry	Boehm, Ralph
Brown, Kevin	Brownrigg, Randall Jr	Burt, John	Buxton, Michael
Cebrowski, John	Christensen, D.L. Chris	Christiansen, Lars	Coffey, James
Condra, William	Coughlin, Sean	Cusson-Cail, Kathleen	Daniels, Gary
Day, Russell	Donovan, Daniel	Erickson, Duane	Flanagan, Jack
Gagne, Larry	Gandia, Laura	Gonzalez, Carlos	Graham, John
Greazzo, Phil	Haefner, Robert	Hansen, Peter	Hardwick, Harry
Hawkins, Kenneth	Hikel, John	Hinch, Richard	Hogan, Edith
Holden, Frank	Hutchinson, Winfred	Jasper, Shawn	Krasucki, Joseph
Kurk, Neal	LeBrun, Donald	Maltz, Jonathan	McCarthy, Michael
McClarren, Donald	McGuinness, Sean	Messier, Irene	Murphy, Keith
Notter, Jeanine	Ober, Lynne	Ober, Russell III	Ohm, Bill
Palmer, Barry	Palmer, Stephen	Parison, James	Pellegrino, Tony
Pepino, Leo	Peterson, Lenette	Pilotte, Maurice	Pratt, Calvin
Reed, Michael	Renzullo, Andrew	Rowe, Robert	Seidel, Carl
Simmons, Tammy	Stepanek, Stephen	Stroud, Kathleen	Summers, James
Swank, Matthew	Terrio, Ross	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Moe	Willette, Robert		

MERRIMACK

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

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Antosz, Jason	Azarian, Gary
Baldasaro, Alfred	Bates, David	Belanger, Ronald	Bettencourt, David
Birdsell, Regina	Brown, Paul	Charron, Gene	Comerford, Timothy
Copeland, Timothy	Davenport, Joshua	Devine, James	Duarte, Joe
Elliott, Robert	Ferrante, Beverly	Fesh, Robert	Garcia, Marilinda
Garrity, James	Griffin, Mary	Hagan, Joseph	Headd, James
Hoelzel, Kathleen	Janvrin, Kevin	Kappler, Lawrence	Lundgren, David
Major, Norman	Manuse, Andrew	McKinney, Betsy	McMahon, Charles
Murphy, Brian	Nevins, Chris	O'Connor, John	Okerman, Richard

Oligny, Jeffrey	Packard, Sherman	Reagan, John	Reichard, Kevin
Rice, Frederick	Ritter, Glenn	Sanders, Elisabeth	Sedensky, John
Sheffert, Kenneth	Smith, William	Sullivan, James	Sytek, John
Tasker, Kyle	Tremblay, Stella	Tucker, Pamela	Waddell, James
Ward, Joanne	Waterhouse, Kevin	Webb, James	Welch, David
Weyler, Kenneth			

STRAFFORD

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

SULLIVAN

Bowers, Spec	Cunningham, Steven	Laware, Thomas	Lefebvre, Benjamin
Osgood, Joe	Rodeschin, Beverly		

NAYS 119

BELKNAP

Pilliod, James

CARROLL

None

CHESHIRE

Butynski, William	Carr, Daniel	Chase, Cynthia	Emerson, Susan
Hawkes, Samuel	Johnson, Jane	Lerandeau, Alfred	Lindsey, Steven
Meader, David	Parkhurst, Henry	Roberts, Kris	Sad, Tara
Tatro, Bruce	Weber, Lucy	Weed, Charles	

COOS

Coulombe, Gary	Merrick, Evalyn	Richardson, Herbert	Theberge, Robert
Thomas, Yvonne			

GRAFTON

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

HILLSBOROUGH

Baroody, Benjamin	Belanger, James	Campbell, David	Cote, David
Daler, Jennifer	Fredette, Robert	Gargasz, Carolyn	Garrity, Patrick
Gidge, Kenneth	Gimas, John	Goley, Jeffrey	Gorman, Mary
Hopper, Gary	Katsiantonis, Thomas	Lambert, George	Leishman, Peter
Moran, Edward	Porter, Marjorie	Proulx, Mark	Robbins, David
Rosenwald, Cindy	Shaw, Barbara	Soucy, Connie	Sullivan, Daniel
Twombly, Timothy	Warden, Mark	Whitehead, Randall	

MERRIMACK

Bouchard, Candace	DeStefano, Stephen	Foose, Robert	Frazer, June
Gile, Mary	Hamm, Christine	MacKay, James	Owen, Derek
Patten, Dick	Potter, Frances	Rice, Chip	Richardson, Gary
Richardson, Jon	Shurtleff, Stephen	Wallner, Mary Jane	Watrous, Rick
Williams, Robert			

ROCKINGHAM

Cali-Pitts, Jacqueline	DiPentima, Rich	Dowling, Patricia	Itse, Daniel
Katsakiores, Phyllis	Lovejoy, Patricia	Mauro, Donna	Moody, Marcia
Norelli, Terie	Pantelakos, Laura	Peckham, Michele	Perkins, Amy
Perkins, Lawrence	Read, Robin Jr	Sapareto, Frank	Schlachman, Donna
Serlin, Christopher	Shuler, Wyman III		

STRAFFORD

Berube, Roger	Brown, Julie	Browne, Brendon	Grassie, Anne
Horrigan, Timothy	Jones, Laura	Kaen, Naida	Keans, Sandra
Perry, Robert	Roberts, Jenna	Schmidt, Peter	Spainhower, Dale
Spang, Judith	Wall, Janet	Watters, David	

SULLIVAN

Cloutier, John	Gagnon, Raymond	LaCasse, Paul Sr	Lovett, Charlene
Schmidt, Andrew	Smith, Steven		

and the committee report was adopted.

HB 1650-FN, relative to commerce in food in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth W. Sheffert for Environment and Agriculture: We had two food regulation bills and we decide to ITL this bill and work on HB 1402 with amendment. There was much more farmer support for HB 1402. Vote 13-0.

Reps. Terrio and Davenport spoke against.

Rep. Haefner spoke in favor.

Rep. Lambert requested a roll call; sufficiently seconded.

YEAS 278 NAYS 60

YEAS 278

BELKNAP

Comtois, Guy	Fields, Dennis	Greemore, Robert	Kingsbury, Robert
Luther, Robert	Malone, Robert	Millham, Alida	Russell, David
Simpson, Tyler	St. Cyr, Jeffrey	Swinford, Elaine	Tilton, Franklin

CARROLL

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

CHESHIRE

Butynski, William	Byrnes, John	Carr, Daniel	Chase, Cynthia
Dwinell, Richard	Emerson, Susan	Hawkes, Samuel	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

Daugherty, Duffy	Merrick, Evalyn	Rappaport, Laurence	Remick, William
Richardson, Herbert	Theberge, Robert	Tholl, John Jr	Thomas, Yvonne
Tremblay, Marc			

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Brosseau, Charles
Bulis, Lyle	Cooney, Mary	Gionet, Edmond	Gould, Franklin
Harding, Laurie	Ladd, Rick Jr	Nordgren, Sharon	Pastor, Beatriz
Pierce, David	Reilly, Harold Sr	Shackett, Jeffrey	Simard, Paul
Smith, Suzanne	Sova, Charles	Taylor, Kathleen	Townsend, Charles

HILLSBOROUGH

Balboni, Michael	Ball, J. Michael	Baroody, Benjamin	Barry, J. Gail
Barry, Richard	Belanger, James	Belvin, William	Boehm, Ralph
Brownrigg, Randall Jr	Burt, John	Buxton, Michael	Campbell, David
Cebrowski, John	Christensen, D.L. Chris	Coffey, James	Condra, William
Cote, David	Coughlin, Sean	Cusson-Cail, Kathleen	Daler, Jennifer
Daniels, Gary	Day, Russell	Doherty, Shaun	Donovan, Daniel
Erickson, Duane	Flanagan, Jack	Fredette, Robert	Gagne, Larry
Gandia, Laura	Gargasz, Carolyn	Garrity, Patrick	Gidge, Kenneth
Gimas, John	Goley, Jeffrey	Gonzalez, Carlos	Graham, John
Haefner, Robert	Hansen, Peter	Hardwick, Harry	Hawkins, Kenneth
Hikel, John	Hinch, Richard	Hogan, Edith	Holden, Frank
Hutchinson, Winfred	Jasper, Shawn	Krasucki, Joseph	Kurk, Neal
LeBrun, Donald	Leishman, Peter	McCarthy, Michael	McClarren, Donald
McGuinness, Sean	Messier, Irene	Moran, Edward	Murphy, Keith
Notter, Jeanine	Ober, Lynne	Ober, Russell III	Ohm, Bill
Palmer, Barry	Palmer, Stephen	Pellegrino, Tony	Pilotte, Maurice
Ramsey, Peter	Reed, Michael	Renzullo, Andrew	Robbins, David
Rosenwald, Cindy	Rowe, Robert	Scontsas, Lisa	Seidel, Carl
Shaw, Barbara	Silva, Peter	Simmons, Tammy	Soucy, Connie
Stepanek, Stephen	Stroud, Kathleen	Sullivan, Daniel	Summers, James
Swank, Matthew	Twombly, Timothy	Ulery, Jordan	Villeneuve, Moe
Whitehead, Randall	Willette, Robert		

MERRIMACK

Blankenbeker, Lynne	Bouchard, Candace	Coffey, Jennifer	DeStefano, Stephen
Foose, Robert	Frazer, June	Gile, Mary	Giuda, J. Brandon
Hamm, Christine	Hess, David	Hill, Gregory	Keane, Thomas
Kidder, David	Kotowski, Frank	Kreis, Kenneth Sr	Lauer-Rago, Kathleen
Lockwood, Priscilla	MacKay, James	McGuire, Carol	Owen, Derek
Palfrey, David	Patten, Dick	Potter, Frances	Rice, Chip
Richardson, Gary	Sanborn, Laurie	Shurtleff, Stephen	Smith, Molly
Smith, Todd	Wallner, Mary Jane	Watrous, Rick	Williams, Robert
Winter, Steven			

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Azarian, Gary	Baldasaro, Alfred
Bates, David	Belanger, Ronald	Bettencourt, David	Birdsell, Regina
Cali-Pitts, Jacqueline	Charron, Gene	Copeland, Timothy	Devine, James
DiPentima, Rich	Dowling, Patricia	Duarte, Joe	Elliott, Robert
Fesh, Robert	Garcia, Marilinda	Garrity, James	Griffin, Mary
Hagan, Joseph	Headd, James	Hoelzel, Kathleen	Janvrin, Kevin
Kappler, Lawrence	Lovejoy, Patricia	Major, Norman	Mauro, Donna
McKinney, Betsy	McMahon, Charles	Moody, Marcia	Nevins, Chris
Norelli, Terie	O'Connor, John	Oligny, Jeffrey	Packard, Sherman
Pantelakos, Laura	Perkins, Amy	Perkins, Lawrence	Read, Robin Jr
Reagan, John	Rice, Frederick	Ritter, Glenn	Sanders, Elisabeth
Schlachman, Donna	Sedensky, John	Serlin, Christopher	Sheffert, Kenneth
Shuler, Wyman III	Sullivan, James	Sullivan, Kevin	Sytek, John
Tucker, Pamela	Waddell, James	Ward, Joanne	Waterhouse, Kevin
Welch, David	Weyler, Kenneth		

STRAFFORD

Berube, Roger	Browne, Brendon	Cataldo, Sam	Ginsburg, Philip
Grassie, Anne	Groen, Warren	Horrigan, Timothy	Kaen, Naida
Keans, Sandra	Leonard, Frederick Jr	Munck, Philip	Newton, Clifford
O'Connor, William	Parsons, Robbie	Perry, Robert	Pitre, Joseph
Schmidt, Peter	Spainhower, Dale	Spang, Judith	Wall, Janet
Watters, David			

SULLIVAN

Cunningham, Steven	Gagnon, Raymond	Laware, Thomas	Lefebvre, Benjamin
Lovett, Charlene	Osgood, Joe	Rodeschin, Beverly	Schmidt, Andrew
Smith, Steven			

NAYS 60

BELKNAP

Accornero, Harry	Pilliod, James	Worsman, Colette

CARROLL

Tregenza, Norman

CHESHIRE

Cartwright, Anne	Moore, Charles

COOS

None

GRAFTON

Bradley, Lester	Ingbretson, Paul	Sorg, Gregory	White, Andrew

HILLSBOROUGH

Avard, Kevin	Bergevin, Jerry	Brown, Kevin	Christiansen, Lars
Greazzo, Phil	Hopper, Gary	Katsiantonis, Thomas	Lambert, George
Maltz, Jonathan	Parison, James	Peterson, Lenette	Pratt, Calvin
Proulx, Mark	Terrio, Ross	Vaillancourt, Steve	Warden, Mark

MERRIMACK

Cohn, Seth	Hoell, J.R.	McGuire, Dan	Richardson, Jon
Seaworth, G. Brian	Soltani, Tony		

ROCKINGHAM

Antosz, Jason	Brown, Paul	Comerford, Timothy	Davenport, Joshua
Ferrante, Beverly	Itse, Daniel	Katsakiores, Phyllis	Lundgren, David
MacMahon, Bruce	Manuse, Andrew	Murphy, Brian	Okerman, Richard
Reichard, Kevin	Sapareto, Frank	Smith, William	Tasker, Kyle
Tremblay, Stella	Webb, James		

STRAFFORD

Brown, Julie	DeLemus, Susan	Jones, Kyle	Jones, Laura
Larsen Schultz, Kirsten	Roberts, Jenna	Vita, Carol	Vita, Lucien

SULLIVAN

Bowers, Spec LaCasse, Paul Sr

and the committee report was adopted.

MOTION TO SPECIAL ORDER

Rep. Vaillancourt moved that ***HB 1708-FN,*** relative to salaries of state employees, be made a Special Order as the first order of business after today's lunch break.
Adopted.

REMOVED FROM THE CONSENT CALENDAR OF FEBRUARY 15, 2012 (CONT'D)

HB 1657-FN, relative to petitions for guardianship filed by parents of adult children with disabilities. **INEXPEDIENT TO LEGISLATE.**
Rep. Lucy M. Weber for Judiciary: This bill would require the court to waive the filing fee for a parent who files to become the guardian of an adult disabled child. The argument in favor of the bill is that the parent already has a heavy burden in caring for a disabled child, and they should not have to bear the burden of court filing fees as well. Committee members were sympathetic to the difficulties of caring for a disabled child and negotiating the court guardianship process. However, the majority is concerned that a blanket waiver of fees in these cases will lead to blanket waiver requests in other situations which may be equally deserving. In cases of need, there is already a procedure in place for the waiver of court fees, and the committee heard testimony that fees are already waived in approximately 25% of these cases. Vote 15-2.
Reps. Lovett and Bowers spoke against.

(Rep. Bettencourt in the Chair)

Rep. Peterson spoke in favor.
Rep. Avard requested a roll call; sufficiently seconded.

YEAS 217 NAYS 121

YEAS 217

BELKNAP

Kingsbury, Robert	Millham, Alida	Pilliod, James	St. Cyr, Jeffrey
Tilton, Franklin			

CARROLL

Chandler, Gene	Fleck, Joseph	McConkey, Mark	Merrow, Harry
Patten, Betsey	Umberger, Karen		

CHESHIRE

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

COOS

Coulombe, Gary	Merrick, Evalyn	Remick, William	Richardson, Herbert
Theberge, Robert	Thomas, Yvonne	Tremblay, Marc	

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Bulis, Lyle
Cooney, Mary	Gionet, Edmond	Harding, Laurie	Ladd, Rick Jr
Nordgren, Sharon	Pastor, Beatriz	Pierce, David	Shackett, Jeffrey
Simard, Paul	Smith, Suzanne	Sorg, Gregory	Townsend, Charles
White, Andrew			

HILLSBOROUGH

Ball, J. Michael	Barry, Richard	Belanger, James	Belvin, William
Boehm, Ralph	Buxton, Michael	Christensen, D.L. Chris	Cote, David
Coughlin, Sean	Cusson-Cail, Kathleen	Daler, Jennifer	Day, Russell
Doherty, Shaun	Erickson, Duane	Gagne, Larry	Gargasz, Carolyn
Gidge, Kenneth	Gimas, John	Goley, Jeffrey	Gonzalez, Carlos
Graham, John	Haefner, Robert	Hawkins, Kenneth	Hinch, Richard
Hogan, Edith	Holden, Frank	Hopper, Gary	Jasper, Shawn
Jeudy, Jean	Krasucki, Joseph	Kurk, Neal	Leishman, Peter
Maltz, Jonathan	McCarthy, Michael	McClarren, Donald	Mecheski, Holly
Notter, Jeanine	Ober, Lynne	Ober, Russell III	Pellegrino, Tony
Pepino, Leo	Peterson, Lenette	Pilotte, Maurice	Porter, Marjorie
Pratt, Calvin	Proulx, Mark	Ramsey, Peter	Robbins, David
Rosenwald, Cindy	Rowe, Robert	Silva, Peter	Simmons, Tammy
Stepanek, Stephen	Stroud, Kathleen	Sullivan, Daniel	Swank, Matthew
Terrio, Ross	Ulery, Jordan	Villeneuve, Moe	Warden, Mark
Whitehead, Randall	Willette, Robert		

MERRIMACK

Blankenbeker, Lynne	Bouchard, Candace	DeStefano, Stephen	Foose, Robert
Frazer, June	Gile, Mary	Giuda, J. Brandon	Hill, Gregory
Keane, Thomas	Kidder, David	Kotowski, Frank	Kreis, Kenneth Sr
Lockwood, Priscilla	MacKay, James	McGuire, Carol	Owen, Derek
Patten, Dick	Potter, Frances	Rice, Chip	Richardson, Gary
Sanborn, Laurie	Shurtleff, Stephen	Soltani, Tony	Watrous, Rick
Williams, Robert			

ROCKINGHAM

Allen, Mary	Azarian, Gary	Baldasaro, Alfred	Comerford, Timothy
Copeland, Timothy	Davenport, Joshua	Devine, James	DiPentima, Rich
Dowling, Patricia	Elliott, Robert	Fesh, Robert	Garrity, James
Griffin, Mary	Hagan, Joseph	Headd, James	Hoelzel, Kathleen
Itse, Daniel	Janvrin, Kevin	Kappler, Lawrence	Lovejoy, Patricia
Major, Norman	Manuse, Andrew	Mauro, Donna	McMahon, Charles
Murphy, Brian	Nevins, Chris	Norelli, Terie	O'Connor, John
Oligny, Jeffrey	Packard, Sherman	Pantelakos, Laura	Peckham, Michele
Perkins, Lawrence	Read, Robin Jr	Reagan, John	Rice, Frederick
Ritter, Glenn	Sanders, Elisabeth	Sapareto, Frank	Schlachman, Donna
Sedensky, John	Serlin, Christopher	Sheffert, Kenneth	Shuler, Wyman III
Smith, William	Sullivan, Kevin	Tasker, Kyle	Tucker, Pamela
Waddell, James	Ward, Joanne	Waterhouse, Kevin	Welch, David
Weyler, Kenneth			

STRAFFORD

Berube, Roger	Browne, Brendon	Ginsburg, Philip	Grassie, Anne
Horrigan, Timothy	Jones, Kyle	Kaen, Naida	Keans, Sandra
Leonard, Frederick Jr	Munck, Philip	Newton, Clifford	O'Connor, William
Parsons, Robbie	Perry, Robert	Pitre, Joseph	Roberts, Jenna
Schmidt, Peter	Spainhower, Dale	Vita, Lucien	Wall, Janet
Watters, David			

SULLIVAN

Lefebvre, Benjamin	Osgood, Joe	Rodeschin, Beverly	Schmidt, Andrew

NAYS 121

BELKNAP

Accornero, Harry	Comtois, Guy	Fields, Dennis	Greemore, Robert
Luther, Robert	Malone, Robert	Russell, David	Simpson, Tyler
Swinford, Elaine	Worsman, Colette		

CARROLL

Babson, David Jr	McCarthy, Frank	Pettengill, Laurie	Tregenza, Norman

CHESHIRE

Cartwright, Anne	Emerson, Susan	Johnson, Jane	Moore, Charles
Parkhurst, Henry			

COOS

Daugherty, Duffy	Rappaport, Laurence

GRAFTON

Bradley, Lester	Brosseau, Charles	Gould, Franklin	Ingbretson, Paul
Reilly, Harold Sr	Sova, Charles	Taylor, Kathleen	

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Barry, J. Gail	Bergevin, Jerry

Brown, Kevin	Brownrigg, Randall Jr	Burt, John	Cebrowski, John
Christiansen, Lars	Coffey, James	Condra, William	Daniels, Gary
Donovan, Daniel	Flanagan, Jack	Fredette, Robert	Gandia, Laura
Garrity, Patrick	Hansen, Peter	Hardwick, Harry	Hikel, John
Hutchinson, Winfred	Katsiantonis, Thomas	LeBrun, Donald	McGuinness, Sean
Messier, Irene	Moran, Edward	Murphy, Keith	Ohm, Bill
Palmer, Barry	Palmer, Stephen	Parison, James	Reed, Michael
Renzullo, Andrew	Scontsas, Lisa	Seidel, Carl	Shaw, Barbara
Soucy, Connie	Summers, James	Twombly, Timothy	Vaillancourt, Steve

MERRIMACK

Coffey, Jennifer	Cohn, Seth	Hamm, Christine	Hoell, J.R.
Lauer-Rago, Kathleen	McGuire, Dan	Palfrey, David	Richardson, Jon
Seaworth, G. Brian	Smith, Molly	Smith, Todd	Wallner, Mary Jane
Winter, Steven			

ROCKINGHAM

Abrami, Patrick	Antosz, Jason	Bates, David	Belanger, Ronald
Birdsell, Regina	Brown, Paul	Cali-Pitts, Jacqueline	Charron, Gene
Duarte, Joe	Ferrante, Beverly	Garcia, Marilinda	Katsakiores, Phyllis
Lundgren, David	MacMahon, Bruce	McKinney, Betsy	Moody, Marcia
Okerman, Richard	Perkins, Amy	Reichard, Kevin	Schroadter, Adam
Sullivan, James	Sytek, John	Tremblay, Stella	Webb, James

STRAFFORD

Brown, Julie	Cataldo, Sam	DeLemus, Susan	Groen, Warren
Jones, Laura	Larsen Schultz, Kirsten	Spang, Judith	Vita, Carol

SULLIVAN

Bowers, Spec	Cloutier, John	Cunningham, Steven	Gagnon, Raymond
LaCasse, Paul Sr	Laware, Thomas	Lovett, Charlene	Smith, Steven

and the committee report was adopted.

(Speaker O'Brien in the Chair)

CACR 20, relating to meetings of the general court. Providing that the general court shall meet biennially. **INEXPEDIENT TO LEGISLATE.**

Rep. David H. Kidder for Legislative Administration: The committee felt that this would create transitional confusion. The committee felt a bill that would more carefully define the work of the 2nd year of a session would be more appropriate. Vote 12-0.

On a division vote, 270 members having voted in the affirmative and 63 in the negative, the committee report was adopted.

HB 1258, relative to late fees charged by utilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Sam A. Cataldo for Science, Technology and Energy: This bill is almost identical to a bill that the House voted to ITL in 2011. This bill would require all public utilities to bill based on a 30 day payment cycle. The problem presented by this one-size-fits-all solution is that each utility is bound by the legacy metering and customer billing systems which are not easily changed. Any costs resulting from expensive system changes would be passed on to all ratepayers. The PUC determines the rate for late fees and oversees the utility billing process. The committee feels that the PUC properly monitors the utility companies and no further legislation is needed at this time. Vote 15-0.

Rep. Flanagan spoke against.

Rep. James Garrity spoke in favor.
On a division vote, 210 members having voted in the affirmative and 121 in the negative, the committee report was adopted.

COMMUNICATION

March 7, 2012

Ms. Karen Wadsworth
Clerk of the House of Representatives
State House
Concord NH 03301

Dear Karen:
Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day.
Hillsborough County District No. 10, Peter Sullivan, d, Manchester (54 Blodget St.) 03104

Sincerely,
William M. Gardner, Secretary of State

SPECIAL ORDERED

Without objection, the Speaker made ***HB 1214,*** banning corn-based ethanol as an additive to gasoline sold in New Hampshire, a Special Order as the next order of business.

SPECIAL ORDER
HB 1214, banning corn-based ethanol as an additive to gasoline sold in New Hampshire.
MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.
Rep. Beatriz Pastor for the Majority of Science, Technology and Energy: This bill bans the use of corn-based ethanol as an additive to gasoline in the state of New Hampshire. It is by now quite clear that the use of corn-based ethanol has not solved the main problems it was intended to solve. Far from being carbon-neutral, corn-based ethanol actually has a bigger carbon footprint than gasoline, thus it has a negative environmental impact. It is not truly a renewable fuel due to the amounts of fossil fuel and related products required for its production. Moreover, growing food for fuel has driven food prices up: grain prices, meat prices, egg and dairy prices. It is non-sustainable—in fact a Cornell University study called it "unsustainable subsidized food-burning." Corn-based ethanol production has turned out to be far from cheap for the taxpayer: the corn-based ethanol producing industry has already collected over 25 billion dollars in taxpayer subsidies. It has not lowered the price of gasoline. And last, but not least, it has caused millions in damages to boats, cars and other small engines. Since the ban this bill calls for would only take effect if two other New England states took similar action, it would allow for a viable regional distribution strategy that would not put an impossible burden on gasoline distributors; and it would encourage refiners and distributors to supply corn-based ethanol-free gasoline to our state. Vote 7-6.
Rep. Jacqueline A. Cali-Pitts for the Minority of Science, Technology and Energy: This bill seeks to ban corn-based ethanol from being sold in New Hampshire. The bill also said we would not ban ethanol unless two other New England states also banned ethanol. The goal in the bill is currently unattainable given current federal laws, EPA rules, and regional petroleum refining capacity in New England. New Hampshire simply does not represent a large enough market to warrant a boutique gasoline mix, and even if it did, there are currently few affordable alternatives to corn-based ethanol in the marketplace. Rather than follow, New Hampshire should lead the way in pursuing affordable alternatives. The minority feels that we need to "send a message to Washington" expressing our disapproval of

current corn-based ethanol policy, we did not feel that passing this legislation is the proper way to send a message at this time. We feel it is imprudent to pass this bill and we should send a strongly-worded official policy letter to our congressional delegation.
Majority committee report adopted and ordered to third reading.

SPECIAL ORDERED

Without objection, the Speaker made ***HB 1487,*** relative to prior legislative approval for the expenditure of funds for low carbon fuel standards programs, a Special Order as the next order of business.

SPECIAL ORDER

HB 1487, relative to prior legislative approval for the expenditure of funds for low carbon fuel standards programs. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Frank R. Holden for the Majority of Science, Technology and Energy: This bill, as amended, does three things: First, it clearly states our policy position that New Hampshire shall not join, implement, or participate in any state, regional, or national low carbon fuel standards program that requires quotas, caps, or mandates on any fuels used for transportation, industrial purposes, or home heating. We want to make it clear to the other Northeast states that we will not be dragged into a multi-state "liquid-RGGI" program. Second, it still allows the Department of Environmental Services (DES) to represent the state in regional discussions of such topics, but requires DES to make the state's policy position clear. Third, it requires DES to report to the fiscal committee on a quarterly basis any expenses resulting from such regional discussions. Vote 8-5.

Rep. Beatriz Pastor for the Minority of Science, Technology and Energy: This legislation is unnecessary because it does not address or correct an existing problem. The Department of Environmental Services (DES) does have a seat at the table of regional discussions where it is its job to represent the best interest of our citizens in any regional initiative being discussed. However, DES does not have the legislative authority to implement any LCFS right now. Should DES determine such a program is necessary to protect air quality, or is otherwise in the best interests of the State, they would have to seek legislative approval to "join, implement, or participate" in any regional program. Furthermore, this legislation does create a problem: HB 1487 weakens the position of NH in regional conversations about how programs affecting fuels might be designed. NH DES often participates in regional discussions regarding air quality issues. In these discussions, NH already starts in a relatively weak bargaining because it has one the lowest numbers of regulated sources (# of cars, gallons of fuel sold, etc.). However, because there is an interest among the other states in maintaining full regional participation, NH is able to leverage our potential withdrawal from a program to advocate for programs that work for our state and our citizens. HB 1487 would make NH a non-voice at the regional table, with no influence over program design, choice or implementation.

Majority Amendment (0920h)

Amend the title of the bill by replacing it with the following:
AN ACT relative to low carbon fuel standards programs.
Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Participation in Low Carbon Fuel Standards Programs. Amend RSA 21-O by inserting after section 22 the following new subdivision:
Participation in Low Carbon Fuel Standards Programs

21-O:23 Low Carbon Fuel Standards Programs; State Participation.

I. The state of New Hampshire shall not join, implement, or participate in any state, regional, or national low carbon fuel standards program or any similar program that requires

quotas, caps, or mandates on any fuels used for transportation, industrial purposes, or home heating.

II. The department may engage in regional and national discussions of such programs. In all such discussions, the department shall inform all other participants of the prohibitions of paragraph I.

III. The department shall report all expenses resulting from its discussions to the legislative fiscal committee on a quarterly basis.

21-O:24 Applicability. Nothing in this subdivision shall be construed to affect or modify the provisions of RSA 125-J or RSA 125-O.

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

AMENDED ANALYSIS

This bill prohibits the state from participating in any low carbon fuel standards program requiring quotas, caps, or mandates on fuels used for transportation, industrial purposes, or home heating.

Majority committee amendment adopted.

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

Rep. Kaen spoke against.

Rep. James Garrity spoke in favor.

Rep. Bettencourt requested a roll call; sufficiently seconded.

YEAS 243 NAYS 96

YEAS 243

BELKNAP

Accornero, Harry	Comtois, Guy	Fields, Dennis	Greemore, Robert
Kingsbury, Robert	Luther, Robert	Malone, Robert	Pilliod, James
Russell, David	Simpson, Tyler	St. Cyr, Jeffrey	Swinford, Elaine
Tilton, Franklin	Worsman, Colette		

CARROLL

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

CHESHIRE

Byrnes, John	Carr, Daniel	Cartwright, Anne	Dwinell, Richard
Emerson, Susan	Johnson, Jane	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
Ladd, Rick Jr	Reilly, Harold Sr	Shackett, Jeffrey	Simard, Paul
Sorg, Gregory	Sova, Charles		

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, J. Gail
Barry, Richard	Belanger, James	Belvin, William	Bergevin, Jerry
Boehm, Ralph	Brown, Kevin	Brownrigg, Randall Jr	Burt, John
Buxton, Michael	Cebrowski, John	Christensen, D.L. Chris	Christiansen, Lars
Coffey, James	Condra, William	Coughlin, Sean	Cusson-Cail, Kathleen
Daniels, Gary	Doherty, Shaun	Donovan, Daniel	Erickson, Duane
Flanagan, Jack	Fredette, Robert	Gagne, Larry	Gandia, Laura
Gimas, John	Gonzalez, Carlos	Graham, John	Haefner, Robert
Hansen, Peter	Hardwick, Harry	Hawkins, Kenneth	Hinch, Richard
Hogan, Edith	Holden, Frank	Hutchinson, Winfred	Jasper, Shawn
Krasucki, Joseph	Kurk, Neal	Lambert, George	LeBrun, Donald
Maltz, Jonathan	McCarthy, Michael	McClarren, Donald	McGuinness, Sean
Mecheski, Holly	Moran, Edward	Murphy, Keith	Notter, Jeanine
Ober, Lynne	Ober, Russell III	Ohm, Bill	Palmer, Barry
Palmer, Stephen	Parison, James	Pellegrino, Tony	Pepino, Leo
Peterson, Lenette	Pratt, Calvin	Proulx, Mark	Reed, Michael
Renzullo, Andrew	Robbins, David	Rowe, Robert	Scontsas, Lisa
Seidel, Carl	Silva, Peter	Simmons, Tammy	Soucy, Connie
Stepanek, Stephen	Stroud, Kathleen	Summers, James	Swank, Matthew
Terrio, Ross	Twombly, Timothy	Ulery, Jordan	Vaillancourt, Steve
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	Lauer-Rago, Kathleen	McGuire, Carol
McGuire, Dan	Palfrey, David	Richardson, Jon	Sanborn, Laurie
Seaworth, G. Brian	Smith, Molly	Smith, Todd	Soltani, Tony
Winter, Steven			

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Antosz, Jason	Azarian, Gary
Baldasaro, Alfred	Bates, David	Belanger, Ronald	Bettencourt, David
Birdsell, Regina	Brown, Paul	Charron, Gene	Comerford, Timothy
Copeland, Timothy	Davenport, Joshua	Devine, James	Dowling, Patricia
Duarte, Joe	Elliott, Robert	Ferrante, Beverly	Fesh, Robert
Garcia, Marilinda	Garrity, James	Griffin, Mary	Hagan, Joseph
Headd, James	Hoelzel, Kathleen	Itse, Daniel	Janvrin, Kevin
Kappler, Lawrence	Katsakiores, Phyllis	MacMahon, Bruce	Major, Norman
Manuse, Andrew	Mauro, Donna	McKinney, Betsy	McMahon, Charles
Murphy, Brian	Nevins, Chris	O'Connor, John	Okerman, Richard
Oligny, Jeffrey	Packard, Sherman	Peckham, Michele	Perkins, Amy
Perkins, Lawrence	Reagan, John	Reichard, Kevin	Rice, Frederick
Ritter, Glenn	Sanders, Elisabeth	Schroadter, Adam	Sedensky, John
Sheffert, Kenneth	Shuler, Wyman III	Smith, William	Sullivan, James
Sullivan, Kevin	Sytek, John	Tasker, Kyle	Tremblay, Stella
Tucker, Pamela	Ward, Joanne	Waterhouse, Kevin	Webb, James
Welch, David	Weyler, Kenneth		

STRAFFORD

Cataldo, Sam	DeLemus, Susan	Groen, Warren	Jones, Kyle
Jones, Laura	Larsen Schultz,	Leonard, Frederick Jr	Munck, Philip

	Kirsten		
Newton, Clifford	O'Connor, William	Parsons, Robbie	Pitre, Joseph
Vita, Carol	Vita, Lucien		

SULLIVAN

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

NAYS 96

BELKNAP

Bolster, Peter	Millham, Alida

CARROLL

None

CHESHIRE

Butynski, William	Chase, Cynthia	Hawkes, Samuel	Lerandeau, Alfred
Lindsey, Steven	Meader, David	Parkhurst, Henry	Roberts, Kris
Sad, Tara	Tatro, Bruce	Weber, Lucy	Weed, Charles

COOS

Coulombe, Gary	Merrick, Evalyn	Remick, William	Thomas, Yvonne

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Gould, Franklin	Nordgren, Sharon	Pastor, Beatriz	Pierce, David
Smith, Suzanne	Taylor, Kathleen	Townsend, Charles	White, Andrew

HILLSBOROUGH

Baroody, Benjamin	Campbell, David	Cote, David	Daler, Jennifer
Garrity, Patrick	Goley, Jeffrey	Gorman, Mary	Jeudy, Jean
Katsiantonis, Thomas	Leishman, Peter	Messier, Irene	Pilotte, Maurice
Porter, Marjorie	Ramsey, Peter	Rosenwald, Cindy	Shaw, Barbara
Sullivan, Daniel	Sullivan, Peter		

MERRIMACK

Bouchard, Candace	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	Shurtleff, Stephen	Wallner, Mary Jane
Watrous, Rick	Williams, Robert		

ROCKINGHAM

Cali-Pitts, Jacqueline	DiPentima, Rich	Lovejoy, Patricia	Lundgren, David
Moody, Marcia	Norelli, Terie	Pantelakos, Laura	Read, Robin Jr
Schlachman, Donna	Serlin, Christopher	Waddell, James	

STRAFFORD

Berube, Roger	Brown, Julie	Browne, Brendon	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.

SPECIAL ORDERED

Without objection, the Speaker made ***HB 1677-FN,*** relative to choice as to whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization, a Special Order as the next order of business.
Rep. Bolster objected.

MOTION TO SPECIAL ORDER

Rep. Bolster moved that ***HB 1677-FN,*** relative to choice as to whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization, be made a Special Order for next week's Session.
Rep. Bolster requested a roll call; sufficiently seconded.

YEAS 300 NAYS 41

YEAS 300

BELKNAP

Accornero, Harry	Bolster, Peter	Fields, Dennis	Greemore, Robert
Kingsbury, Robert	Luther, Robert	Malone, Robert	Millham, Alida
Pilliod, James	Russell, David	St. Cyr, Jeffrey	Swinford, Elaine
Tilton, Franklin	Worsman, Colette		

CARROLL

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

CHESHIRE

Butynski, William	Byrnes, John	Carr, Daniel	Cartwright, Anne
Chase, Cynthia	Dwinell, Richard	Emerson, Susan	Hawkes, Samuel
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	Daugherty, Duffy	Merrick, Evalyn	Rappaport, Laurence
Remick, William	Richardson, Herbert	Theberge, Robert	Tholl, John Jr
Thomas, Yvonne	Tremblay, Marc		

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Bradley, Lester
Brosseau, Charles	Bulis, Lyle	Cooney, Mary	Gionet, Edmond
Gould, Franklin	Harding, Laurie	Ladd, Rick Jr	Nordgren, Sharon
Pastor, Beatriz	Pierce, David	Reilly, Harold Sr	Smith, Suzanne
Sova, Charles	Taylor, Kathleen	Townsend, Charles	White, Andrew

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Baroody, Benjamin	Barry, J. Gail
Barry, Richard	Belvin, William	Boehm, Ralph	Brown, Kevin
Brownrigg, Randall Jr	Burt, John	Buxton, Michael	Campbell, David
Cebrowski, John	Christensen, D.L. Chris	Christiansen, Lars	Coffey, James
Condra, William	Cote, David	Coughlin, Sean	Daler, Jennifer
Day, Russell	Doherty, Shaun	Donovan, Daniel	Erickson, Duane
Flanagan, Jack	Fredette, Robert	Gandia, Laura	Garrity, Patrick
Gimas, John	Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary
Graham, John	Haefner, Robert	Hansen, Peter	Hardwick, Harry
Hawkins, Kenneth	Hinch, Richard	Hogan, Edith	Holden, Frank
Hopper, Gary	Hutchinson, Winfred	Jasper, Shawn	Jeudy, Jean
Katsiantonis, Thomas	Kurk, Neal	Lambert, George	LeBrun, Donald
Leishman, Peter	Levasseur, Nickolas	Maltz, Jonathan	McCarthy, Michael
McClarren, Donald	McGuinness, Sean	Mecheski, Holly	Messier, Irene
Notter, Jeanine	Ober, Lynne	Ober, Russell III	Ohm, Bill
Palmer, Barry	Palmer, Stephen	Parison, James	Pellegrino, Tony
Peterson, Lenette	Pilotte, Maurice	Porter, Marjorie	Pratt, Calvin
Proulx, Mark	Ramsey, Peter	Reed, Michael	Renzullo, Andrew
Robbins, David	Rosenwald, Cindy	Rowe, Robert	Scontsas, Lisa
Seidel, Carl	Shaw, Barbara	Silva, Peter	Soucy, Connie
Stepanek, Stephen	Stroud, Kathleen	Sullivan, Daniel	Sullivan, Peter
Terrio, Ross	Twombly, Timothy	Ulery, Jordan	Vaillancourt, Steve
Warden, Mark	Whitehead, Randall	Willette, Robert	

MERRIMACK

Blankenbeker, Lynne	Bouchard, Candace	Coffey, Jennifer	Cohn, Seth
DeStefano, Stephen	Foose, Robert	Frazer, June	Gile, Mary
Giuda, J. Brandon	Hamm, Christine	Hill, Gregory	Hoell, J.R.
Keane, Thomas	Kidder, David	Kotowski, Frank	Kreis, Kenneth Sr
Lockwood, Priscilla	MacKay, James	McGuire, Carol	Owen, Derek
Palfrey, David	Patten, Dick	Potter, Frances	Rice, Chip
Richardson, Gary	Richardson, Jon	Sanborn, Laurie	Seaworth, G. Brian
Shurtleff, Stephen	Smith, Molly	Smith, Todd	Soltani, Tony
Wallner, Mary Jane	Watrous, Rick	Williams, Robert	Winter, Steven

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Antosz, Jason	Azarian, Gary
Baldasaro, Alfred	Bates, David	Belanger, Ronald	Bettencourt, David
Birdsell, Regina	Cali-Pitts, Jacqueline	Charron, Gene	Comerford, Timothy
Copeland, Timothy	Davenport, Joshua	DiPentima, Rich	Dowling, Patricia
Duarte, Joe	Elliott, Robert	Ferrante, Beverly	Fesh, Robert
Garcia, Marilinda	Garrity, James	Griffin, Mary	Hagan, Joseph
Headd, James	Hoelzel, Kathleen	Itse, Daniel	Janvrin, Kevin
Kappler, Lawrence	Katsakiores, Phyllis	Lovejoy, Patricia	Major, Norman
Manuse, Andrew	Mauro, Donna	McKinney, Betsy	McMahon, Charles
Moody, Marcia	Murphy, Brian	Nevins, Chris	Norelli, Terie

O'Connor, John	Okerman, Richard	Packard, Sherman	Pantelakos, Laura
Peckham, Michele	Perkins, Amy	Perkins, Lawrence	Read, Robin Jr
Reichard, Kevin	Rice, Frederick	Schlachman, Donna	Sedensky, John
Serlin, Christopher	Sheffert, Kenneth	Sullivan, James	Sullivan, Kevin
Sytek, John	Tucker, Pamela	Waddell, James	Ward, Joanne
Waterhouse, Kevin	Webb, James	Welch, David	Weyler, Kenneth

STRAFFORD

Berube, Roger	Brown, Julie	Browne, Brendon	Cataldo, Sam
DeLemus, Susan	Ginsburg, Philip	Grassie, Anne	Groen, Warren
Horrigan, Timothy	Kaen, Naida	Keans, Sandra	Larsen Schultz, Kirsten
Newton, Clifford	Parsons, Robbie	Perry, Robert	Pitre, Joseph
Roberts, Jenna	Schmidt, Peter	Spainhower, Dale	Spang, Judith
Wall, Janet	Watters, David		

SULLIVAN

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

NAYS 41

BELKNAP

Comtois, Guy	Simpson, Tyler		

CARROLL

None

CHESHIRE

Moore, Charles

COOS

None

GRAFTON

Shackett, Jeffrey	Simard, Paul	Sorg, Gregory	

HILLSBOROUGH

Ball, J. Michael	Belanger, James	Bergevin, Jerry	Cusson-Cail, Kathleen
Daniels, Gary	Gagne, Larry	Krasucki, Joseph	Murphy, Keith
Pepino, Leo	Simmons, Tammy	Summers, James	Swank, Matthew
Villeneuve, Moe			

MERRIMACK

Lauer-Rago, Kathleen	McGuire, Dan		

ROCKINGHAM

Brown, Paul	Devine, James	Lundgren, David	MacMahon, Bruce

Reagan, John	Ritter, Glenn	Sanders, Elisabeth	Schroadter, Adam
Shuler, Wyman III	Smith, William	Tasker, Kyle	Tremblay, Stella

STRAFFORD

Jones, Kyle	Jones, Laura	Leonard, Frederick Jr	Munck, Philip
O'Connor, William	Vita, Carol	Vita, Lucien	

SULLIVAN

Smith, Steven
and the motion was adopted.

SPECIAL ORDERED

Without objection, the Speaker made ***HB 1546,*** recodifying the laws relative to religious societies, a Special Order as the next order of business.

SPECIAL ORDER

HB 1546, recodifying the laws relative to religious societies. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Joshua C. Davenport for the Majority of Constitutional Review and Statutory Recodification: This bill recodifies Title 29, relative to religious societies reviewing each chapter line by line, twice, once in the original summertime subcommittee work last year, prior to bill signoff, and then again this year with full public having public hearings and more subcommittee work, items were discussed as potentially obsolete and ready for repeal, or updated to more current standards of language and practice, and otherwise reviewed for any constitutional concerns. We found language focused on various specific religious groups, discussion of the details of pew ownership in meetinghouses and regulation of what are now considered private church matters. We believe these corrections and/or removal are appropriate at this time. As amended, this bill would also correct an infringement upon religious conscience in our insurance statues which had gone unobserved. The NH Constitution bars the government of NH from infringing upon the natural right of religious conscience and bars the government from restrictions on religious conscience which would affect the person, liberty or property rights of the people of NH, unless the exercise of these rights would disturb the public peace or disturb others in their religious worship, (Part I, Art. IV). Therefore, this amendment is not only permissible under the NH Constitution, but is compelled at the first reasonable opportunity. That would be now. Vote 10-6.

Rep. Christopher W. Serlin for the Minority of Constitutional Review and Statutory Recodification: The minority of the committee objects strenuously to HB 1546, as amended, for two reasons. The lesser of the two, given the severity of the second, is that amendment 2012-0973h, offering exceptions to current insurance coverage requirements for contraceptive drugs and processes, was introduced and ultimately attached to a bill that had nothing whatsoever to do with insurance or contraception. The original bill was a simple house-keeping bill that in and of itself faced no objection. The aforementioned amendment is of such import that it should have been a policy bill with far more time to debate and receive public input than a hastily arranged hearing after initial efforts to introduce it fell afoul of House Rules for proper notice. The second and far more significant reason for the minority's objection is that the entire basis of the need for morality exemptions for any employer, to provisions of law applying to contraception, is based on the false premise that employers in the state today currently face a restriction of their religious liberty by offering health insurance coverage to their employees. This is simply not the case. As demonstrated by the minority and through testimony at the hearing, no entity or individual faces a restriction of their religious liberty under current insurance law. Any entity or individual, if they have any objections to state policy for inclusion of contraception as part of prescription coverage

(the "only" condition under which the contraception coverage is mandated), easily avoids entering into a conflict by 1) electing not to issue insurance coverage at all, 2) self-insuring (thus avoiding the coverage rule) or 3) issuing a policy through regulated carriers which does not include prescription drug coverage. The inclusion of prescription drug coverage is the only trigger for mandatory coverage of contraceptives and procedures that are designed to prevent pregnancy. But proponents advocate that these protections are not enough. They argue that there somehow exists a right on the part of those entities seeking coverage in the commercial market to essentially force their particular moral code into the marketplace. They wish to offer insurance. They do not wish to self-insure, or cannot. And they wish to have commercial coverage that includes prescription drug coverage. Only when all of these conditions are met is the contraception coverage requirement also met. Nobody is forced to offer insurance (though the minority agrees its good policy to do so). Nobody is forced to purchase insurance through a commercial carrier. And nobody is forced to offer a drug plan if in fact they do elect freely to offer coverage through the market and not self-insure. How can proponents argue that by entering into the marketplace of their own free will, and electing a plan that includes the only trigger for mandatory contraceptive coverage – a prescription drug plan – groups are somehow denied protection of their First Amendment rights after doing so? Proponents argue First Amendment freedoms are essentially absolute. But neither our state nor US constitutions provide absolute protection and a limitless extension of a claim of religious freedom in the public space. Simply said, within the walls of a church, the state does not interfere with practice or belief. But outside those walls, in the public space, our fundamental freedoms are sometimes constrained by the laws of the land as long as those laws apply to everyone. Our state constitution refers to fundamental liberties applying to individuals, not employers, churches or other bodies as entities. And there is a significant body of federal rulings that demonstrate the limits of religious freedom. In 1879, the United States Supreme Court recognized that a First Amendment expression of religious freedom does not override a valid state interest when it wrote: "Can a man excuse his practices to the contrary because of his religious belief? To permit this would be to make the professed doctrines of religious belief superior to the law of the land, and in effect to permit every citizen to become a law unto himself." (Reynolds v United States). The court found so again in 1940 when it wrote: "Conscientious scruples have not, in the course of the long struggle for religious toleration, relieved the individual from obedience to a general law not aimed at the promotion or restriction of religious beliefs." (Minersville School Dist Bd of Educ v. Gobitis). More recently, even SCOTUS Justice Antonin Scalia wrote; "We have never held that an individual's religious beliefs excuse him from compliance with an otherwise valid law." (Employment Division v. Smith). The minority does not believe in the context of these mandatory coverage laws that any encumbrance of religious liberty exists. Given that NH has had these mandates for 12 years – and that they have not been opposed until now, an election year; and given that much of the testimony repeated claims of overreach by the current administration and sounded far more like a campaign speech than an honest policy debate, it is clear to the minority that this is an effort to politicize a question of sound public policy rather than to address a legitimate question of fundamental liberties. Current law provides multiple ways in which any person or organization that has specific concerns with contraception may maintain their religious freedom when it comes to health insurance for themselves or employees of an organization. Arguing that religious freedom is somehow unconstitutionally constrained because that individual or organization first freely elected to bypass all 3 methods allowable under current law – each of which alone would have prevented them from being exposed to their conflict in the first place – sounds more like an effort to extend those entities' definition of religious liberty into the public space with the expectation of complete protection under the law, than it does a claim of real harm done to the entity or individual's First Amendment freedoms.

Majority Amendment (1026h)

Amend the title of the bill by replacing it with the following:
AN ACT recodifying the laws relative to religious societies and adding a religious exemption to the insurance mandates relative to coverage for contraception.
Amend the bill by replacing all after the enacting clause with the following:

1 Gender Neutral References: Amend RSA 306:1 to read as follows:

306:1 Membership. No person shall be liable as a member of an incorporated religious society without his ***or her*** express consent first having been obtained; and any person may separate from any such society by leaving with the clerk thereof a written notice signed by him ***or her*** of his ***or her*** intention so to separate, and by paying all legal assessments and arrearages then due from him ***or her*** to the society.

2 Powers as to Donations. Amend RSA 306:3 to read as follows:

306:3 Powers as to Donation. If a donation, gift or grant is made to any unincorporated religious society ***consisting of 10 or more unrelated individuals***, such society shall be a corporation so far as may be necessary to take, hold, manage and use the donation, gift or grant[~~; but the income of the donations, gifts or grants to any such unincorporated religious society shall not exceed the sum of $5,000 a year~~].

3 Corporate Powers. Amend RSA 306:4 to read as follows:

306:4 Corporate Powers. The trustees, deacons, church wardens or other similar officers of churches or religious societies[~~, if citizens of the United States,~~] shall be deemed bodies corporate for the purpose of taking and holding in succession grants and donations, whether of real or personal estate, made either to them and their successors, or to their respective churches, or to the poor of their churches.

4 Joint Donees. Amend RSA 306:5 to read as follows:

306:5 Joint Donees. If the [~~ministers, elders or vestry~~] ***clergy*** of a church shall, in the grants and donations mentioned in RSA 306:4, have been joined with the deacons or church wardens as donees or grantees, such officers and their successors, together with the deacons or church wardens, shall be deemed the corporation for the purposes of the grants and donations.

5 Parsonage Land. Amend RSA 306:6 to read as follows:

306:6 Parsonage Land. The [~~minister~~] ***clergy*** of a church or religious society, of whatever denomination, [~~if a citizen of the United States,~~] shall be capable of taking in succession parsonage land granted to the [~~minister~~] ***clergy*** and his ***or her*** successors, or to the use of the [~~ministers~~] ***clergy***, or granted by any words of the like import, and may prosecute and defend in all actions relating to the land.

6 Sale of Meeting Houses by Proprietors. Amend RSA 307:1 to read as follows:

307:1 By Proprietors. The proprietors of a meetinghouse[~~, other than a religious society subject to the provisions of RSA 308,~~] may sell the same and divide the proceeds as provided in this chapter when it has ceased to be occupied as a place of public worship for the space of 2 years.

7 Sale of Meeting Houses; Procedure. Amend RSA 307:4 to read as follows:

307:4 Procedure. At the meeting called as provided in RSA 307:3, the proprietors may vote to sell the meetinghouse and appurtenances, and appoint all necessary agents to carry their votes into effect. [~~If the interest of the proprietors consists of the ownership of pews, each one shall have the right to cast one vote for each pew owned by him, and a majority vote shall bind the proprietors.~~]

8 Repeal. The following are repealed:

I. RSA 306:2, relative to taxes.

II. RSA 306:7 through RSA 306:11, relative to general provisions regarding religious societies.

III. RSA 307:10 through RSA 307:20, relative to repairs, alterations, and removals of meetinghouses.

IV. RSA 308, relative to dissolutions of religious societies.

9 Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services; Group; Religious Exemption. Amend RSA 415:18-i to read as follows:

415:18-i Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services. Each insurer that issues or renews any group policy of accident or health insurance providing benefits for medical or hospital expenses, which provides coverage for outpatient services shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for outpatient contraceptive services under the same terms and conditions as for other outpatient services. "Outpatient contraceptive services" means consultations, examinations, and medical services, provided on an outpatient basis and related to the use of contraceptive methods to prevent pregnancy which has been approved by the U.S. Food and Drug Administration. Each insurer that issues or renews any policy of group accident or health insurance providing benefits for medical or hospital expenses which provides a prescription rider shall cover all prescription contraceptive drugs and prescription contraceptive devices approved by the U.S. Food and Drug Administration under the same terms and conditions as other prescription drugs. Nothing in this section shall be construed as altering the terms and conditions of a contract relating to prescription drugs and outpatient services. ***No employer shall be required to include in its coverage for its employees the provisions of this section if the employer has a religious objection.***

10 Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services; Health Service Corporations; Religious Exemption. Amend RSA 420-A:17-c to read as follows:

420-A:17-c Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services. Every health service corporation and every other similar corporation licensed under the laws of another state that issues or renews any policy of group accident or health insurance providing benefits for medical or hospital expenses, which provides coverage for outpatient services shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for outpatient contraceptive services under the same terms and conditions as for other outpatient services. "Outpatient contraceptive services" means consultations, examinations, and medical services, provided on an outpatient basis and related to the use of contraceptive methods to prevent pregnancy which has been approved by the U.S. Food and Drug Administration. Each health service corporation and every other similar corporation licensed under the laws of a different state that issues or renews any group policy of accident or health insurance providing benefits for medical or hospital expenses which provides a prescription rider shall cover all prescription contraceptive drugs and prescription contraceptive devices approved by the U.S. Food and Drug Administration under the same terms and conditions as other prescription drugs. Nothing in this section shall be construed as altering the terms and conditions of a contract relating to prescription drugs and outpatient services. ***No employer shall be required to include in its coverage for its employees the provisions of this section if the employer has a religious objection.***

11 Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services; Health Maintenance Organizations; Religious Exemption. Amend RSA 420-B:8-gg to read as follows:

420-B:8-gg Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services. Every health maintenance organization and every other similar corporation licensed under the laws of another state that issues or renews any policy of group health insurance providing benefits for medical or hospital expenses, which provides coverage for outpatient services shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for outpatient contraceptive services under the same

terms and conditions as for other outpatient services. "Outpatient contraceptive services" means consultations, examinations, and medical services, provided on an outpatient basis and related to the use of contraceptive methods to prevent pregnancy which has been approved by the U.S. Food and Drug Administration. Each health maintenance organization and every other similar corporation licensed under the laws of another state that issues or renews any group health insurance providing benefits for medical or hospital expenses which provides a prescription rider shall cover all prescription contraceptive drugs and prescription contraceptive devices approved by the U.S. Food and Drug Administration under the same terms and conditions as other prescription drugs. Nothing in this section shall be construed as altering the terms and conditions of a contract relating to prescription drugs and outpatient services. ***No employer shall be required to include in its coverage for its employees the provisions of this section if the employer has a religious objection.***

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

AMENDED ANALYSIS

This bill recodifies title 29, relative to religious societies.

This bill also adds a religious exemption to the insurance mandates relative to coverage for contraception.

Reps. Serlin and DeStefano spoke against.

PERSONAL PRIVILIGE

Rep. Bettencourt addressed the House.

(HB 1546 CONT'D)

The question now being adoption of the majority committee amendment.

Rep. Itse spoke in favor.

Rep. Umberger requested a roll call; sufficiently seconded.

YEAS 187 NAYS 152

YEAS 187

BELKNAP

Accornero, Harry	Comtois, Guy	Fields, Dennis	Greemore, Robert
Kingsbury, Robert	Malone, Robert	Simpson, Tyler	Swinford, Elaine
Tilton, Franklin	Worsman, Colette		

CARROLL

Fleck, Joseph	McCarthy, Frank	Merrow, Harry	Patten, Betsey
Pettengill, Laurie	Tregenza, Norman		

CHESHIRE

Byrnes, John	Cartwright, Anne	Johnson, Jane	Moore, Charles

COOS

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

GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Ingbretson, Paul
Reilly, Harold Sr	Shackett, Jeffrey	Sorg, Gregory	Sova, Charles

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, Richard
Belanger, James	Belvin, William	Bergevin, Jerry	Boehm, Ralph
Brownrigg, Randall Jr	Burt, John	Buxton, Michael	Cebrowski, John
Christiansen, Lars	Coffey, James	Condra, William	Coughlin, Sean
Cusson-Cail, Kathleen	Daniels, Gary	Doherty, Shaun	Donovan, Daniel
Erickson, Duane	Gagne, Larry	Gandia, Laura	Gonzalez, Carlos
Haefner, Robert	Hansen, Peter	Hardwick, Harry	Hawkins, Kenneth
Hikel, John	Hinch, Richard	Hogan, Edith	Hutchinson, Winfred
Jasper, Shawn	Krasucki, Joseph	Lambert, George	LeBrun, Donald
Maltz, Jonathan	McCarthy, Michael	McClarren, Donald	McGuinness, Sean
Mecheski, Holly	Moran, Edward	Murphy, Keith	Notter, Jeanine
Ohm, Bill	Palmer, Barry	Palmer, Stephen	Parison, James
Pellegrino, Tony	Peterson, Lenette	Pratt, Calvin	Reed, Michael
Renzullo, Andrew	Rowe, Robert	Seidel, Carl	Silva, Peter
Simmons, Tammy	Soucy, Connie	Stroud, Kathleen	Summers, James
Swank, Matthew	Twombly, Timothy	Ulery, Jordan	Villeneuve, Moe
Warden, Mark	Whitehead, Randall	Willette, Robert	

MERRIMACK

Blankenbeker, Lynne	Coffey, Jennifer	Giuda, J. Brandon	Hoell, J.R.
Keane, Thomas	Kotowski, Frank	Kreis, Kenneth Sr	Lauer-Rago, Kathleen
McGuire, Carol	McGuire, Dan	Palfrey, David	Sanborn, Laurie
Smith, Molly	Smith, Todd	Soltani, Tony	Winter, Steven

ROCKINGHAM

Abrami, Patrick	Antosz, Jason	Baldasaro, Alfred	Bates, David
Belanger, Ronald	Bettencourt, David	Birdsell, Regina	Brown, Paul
Comerford, Timothy	Davenport, Joshua	Devine, James	Duarte, Joe
Elliott, Robert	Ferrante, Beverly	Fesh, Robert	Garcia, Marilinda
Garrity, James	Griffin, Mary	Hagan, Joseph	Headd, James
Hoelzel, Kathleen	Itse, Daniel	Janvrin, Kevin	Kappler, Lawrence
Lundgren, David	MacMahon, Bruce	Major, Norman	Manuse, Andrew
Mauro, Donna	McMahon, Charles	Nevins, Chris	O'Connor, John
Okerman, Richard	Oligny, Jeffrey	Peckham, Michele	Reagan, John
Reichard, Kevin	Rice, Frederick	Ritter, Glenn	Sanders, Elisabeth
Sapareto, Frank	Schroadter, Adam	Sedensky, John	Sheffert, Kenneth
Shuler, Wyman III	Smith, William	Sullivan, James	Sytek, John
Tremblay, Stella	Tucker, Pamela	Waterhouse, Kevin	Welch, David
Weyler, Kenneth			

STRAFFORD

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

SULLIVAN

Bowers, Spec	Cunningham, Steven	Laware, Thomas	Osgood, Joe
Rodeschin, Beverly			

NAYS 152

BELKNAP

Bolster, Peter	Millham, Alida	Pilliod, James	St. Cyr, Jeffrey

CARROLL

Babson, David Jr	Chandler, Gene	Knox, J. David	McConkey, Mark
Umberger, Karen			

CHESHIRE

Butynski, William	Carr, Daniel	Chase, Cynthia	Dwinell, Richard
Emerson, Susan	Hawkes, Samuel	Lerandeau, Alfred	Lindsey, Steven
Meader, David	Moore, Robert Jr	Parkhurst, Henry	Roberts, Kris
Sad, Tara	Sterling, Franklin Jr	Tatro, Bruce	Weber, Lucy
Weed, Charles			

COOS

Coulombe, Gary	Merrick, Evalyn	Remick, William	Theberge, Robert
Thomas, Yvonne	Tremblay, Marc		

GRAFTON

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

HILLSBOROUGH

Baroody, Benjamin	Barry, J. Gail	Brown, Kevin	Campbell, David
Christensen, D.L. Chris	Cote, David	Daler, Jennifer	Day, Russell
Flanagan, Jack	Fredette, Robert	Gargasz, Carolyn	Garrity, Patrick
Gidge, Kenneth	Gimas, John	Goley, Jeffrey	Gorman, Mary
Graham, John	Holden, Frank	Jeudy, Jean	Katsiantonis, Thomas
Kurk, Neal	Leishman, Peter	Levasseur, Nickolas	Messier, Irene
Ober, Lynne	Ober, Russell III	Pepino, Leo	Pilotte, Maurice
Porter, Marjorie	Proulx, Mark	Ramsey, Peter	Robbins, David
Rosenwald, Cindy	Scontsas, Lisa	Shaw, Barbara	Sullivan, Daniel
Sullivan, Peter	Terrio, Ross	Vaillancourt, Steve	

MERRIMACK

Bouchard, Candace	Cohn, Seth	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
Seaworth, G. Brian	Shurtleff, Stephen	Wallner, Mary Jane	Watrous, Rick
Williams, Robert			

ROCKINGHAM

Allen, Mary	Azarian, Gary	Cali-Pitts, Jacqueline	Charron, Gene
Copeland, Timothy	DiPentima, Rich	Dowling, Patricia	Katsakiores, Phyllis
Lovejoy, Patricia	McKinney, Betsy	Moody, Marcia	Norelli, Terie
Packard, Sherman	Pantelakos, Laura	Perkins, Amy	Perkins, Lawrence
Read, Robin Jr	Schlachman, Donna	Serlin, Christopher	Sullivan, Kevin

Tasker, Kyle	Waddell, James	Ward, Joanne	Webb, James

STRAFFORD

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

SULLIVAN

Cloutier, John	Gagnon, Raymond	LaCasse, Paul Sr	Lefebvre, Benjamin
Lovett, Charlene	Schmidt, Andrew	Smith, Steven	

and the majority committee amendment was adopted.

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

MOTION TO DIVIDE

Rep. Manuse moved that ***HB 1546,*** recodifying the laws relative to religious societies and adding a religious exemption to the insurance mandates relative to coverage for contraception, be divided into two parts: Sections 1-8 and Sections 9-12.
Without objection, the Speaker so ordered.

The question now being adoption of Sections 1-8.
Adopted.

The question now being adoption of the remainder of the bill, Sections 9-12.
Reps. Manuse and Jennifer Coffey spoke in favor.
Rep. Serlin spoke against and yielded to questions.
Rep. Bettencourt requested a roll call; sufficiently seconded.

YEAS 196 NAYS 150

YEAS 196

BELKNAP

Accornero, Harry	Comtois, Guy	Fields, Dennis	Greemore, Robert
Kingsbury, Robert	Luther, Robert	Malone, Robert	Simpson, Tyler
Swinford, Elaine	Tilton, Franklin	Worsman, Colette	

CARROLL

Fleck, Joseph	McCarthy, Frank	McConkey, Mark	Merrow, Harry
Patten, Betsey	Pettengill, Laurie	Tregenza, Norman	

CHESHIRE

Byrnes, John	Cartwright, Anne	Johnson, Jane	Moore, Charles

COOS

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

GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Gionet, Edmond
Ingbretson, Paul	Reilly, Harold Sr	Sorg, Gregory	Sova, Charles

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, Richard
Belanger, James	Bergevin, Jerry	Boehm, Ralph	Brownrigg, Randall Jr
Burt, John	Buxton, Michael	Cebrowski, John	Christiansen, Lars
Coffey, James	Condra, William	Coughlin, Sean	Cusson-Cail, Kathleen
Daniels, Gary	Doherty, Shaun	Donovan, Daniel	Erickson, Duane
Flanagan, Jack	Fredette, Robert	Gagne, Larry	Gandia, Laura
Gonzalez, Carlos	Haefner, Robert	Hansen, Peter	Hardwick, Harry
Hawkins, Kenneth	Hikel, John	Hinch, Richard	Hogan, Edith
Hopper, Gary	Hutchinson, Winfred	Jasper, Shawn	Krasucki, Joseph
Lambert, George	Maltz, Jonathan	McCarthy, Michael	McClarren, Donald
McGuinness, Sean	Mecheski, Holly	Moran, Edward	Murphy, Keith
Notter, Jeanine	O'Brien, William	Ohm, Bill	Palmer, Barry
Palmer, Stephen	Parison, James	Pellegrino, Tony	Peterson, Lenette
Pratt, Calvin	Reed, Michael	Renzullo, Andrew	Rowe, Robert
Seidel, Carl	Silva, Peter	Simmons, Tammy	Soucy, Connie
Stepanek, Stephen	Stroud, Kathleen	Summers, James	Swank, Matthew
Twombly, Timothy	Ulery, Jordan	Villeneuve, Moe	Warden, Mark
Whitehead, Randall	Willette, Robert		

MERRIMACK

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

ROCKINGHAM

Abrami, Patrick	Antosz, Jason	Baldasaro, Alfred	Bates, David
Belanger, Ronald	Bettencourt, David	Birdsell, Regina	Brown, Paul
Comerford, Timothy	Davenport, Joshua	Devine, James	Duarte, Joe
Elliott, Robert	Ferrante, Beverly	Fesh, Robert	Garcia, Marilinda
Garrity, James	Griffin, Mary	Hagan, Joseph	Headd, James
Hoelzel, Kathleen	Itse, Daniel	Kappler, Lawrence	Katsakiores, Phyllis
Lundgren, David	MacMahon, Bruce	Manuse, Andrew	Mauro, Donna
McMahon, Charles	Nevins, Chris	O'Connor, John	Okerman, Richard
Oligny, Jeffrey	Peckham, Michele	Reagan, John	Reichard, Kevin
Rice, Frederick	Ritter, Glenn	Sanders, Elisabeth	Sapareto, Frank
Schroadter, Adam	Sedensky, John	Sheffert, Kenneth	Shuler, Wyman III
Smith, William	Sullivan, James	Sytek, John	Tremblay, Stella
Tucker, Pamela	Ward, Joanne	Waterhouse, Kevin	Webb, James
Welch, David	Weyler, Kenneth		

STRAFFORD

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

SULLIVAN

Bowers, Spec	Cunningham, Steven	Laware, Thomas	Osgood, Joe
Rodeschin, Beverly			

NAYS 150

BELKNAP

Bolster, Peter	Millham, Alida	Pilliod, James	Russell, David
St. Cyr, Jeffrey			

CARROLL

Babson, David Jr	Chandler, Gene	Knox, J. David	Umberger, Karen

CHESHIRE

Butynski, William	Carr, Daniel	Chase, Cynthia	Dwinell, Richard
Emerson, Susan	Hawkes, Samuel	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	Merrick, Evalyn	Remick, William	Theberge, Robert
Thomas, Yvonne	Tremblay, Marc		

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Gould, Franklin	Harding, Laurie	Ladd, Rick Jr	Nordgren, Sharon
Pastor, Beatriz	Pierce, David	Shackett, Jeffrey	Simard, Paul
Smith, Suzanne	Taylor, Kathleen	Townsend, Charles	White, Andrew

HILLSBOROUGH

Baroody, Benjamin	Barry, J. Gail	Belvin, William	Brown, Kevin
Campbell, David	Christensen, D.L. Chris	Cote, David	Daler, Jennifer
Day, Russell	Gargasz, Carolyn	Gidge, Kenneth	Gimas, John
Goley, Jeffrey	Gorman, Mary	Graham, John	Holden, Frank
Jeudy, Jean	Katsiantonis, Thomas	Kurk, Neal	LeBrun, Donald
Leishman, Peter	Levasseur, Nickolas	Messier, Irene	Ober, Lynne
Ober, Russell III	Pepino, Leo	Pilotte, Maurice	Porter, Marjorie
Proulx, Mark	Ramsey, Peter	Robbins, David	Rosenwald, Cindy
Scontsas, Lisa	Shaw, Barbara	Sullivan, Daniel	Sullivan, Peter
Terrio, Ross	Vaillancourt, Steve		

MERRIMACK

Bouchard, Candace	Cohn, Seth	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	Williams, Robert

ROCKINGHAM

Allen, Mary	Azarian, Gary	Cali-Pitts, Jacqueline	Charron, Gene
Copeland, Timothy	DiPentima, Rich	Dowling, Patricia	Janvrin, Kevin
Lovejoy, Patricia	Major, Norman	McKinney, Betsy	Moody, Marcia
Norelli, Terie	Packard, Sherman	Pantelakos, Laura	Perkins, Amy
Perkins, Lawrence	Read, Robin Jr	Schlachman, Donna	Serlin, Christopher
Sullivan, Kevin	Tasker, Kyle	Waddell, James	

STRAFFORD

Browne, Brendon	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	LaCasse, Paul Sr	Lefebvre, Benjamin
Lovett, Charlene	Schmidt, Andrew	Smith, Steven	

and Sections 9-12 were adopted and the bill was ordered to third reading.

The House recessed at 12:20 p.m.

RECESS

The House reconvened at 1:30 p.m.

(Speaker O'Brien in the Chair)

SPECIAL ORDER

HB 1708-FN, relative to salaries of state employees. **INEXPEDIENT TO LEGISLATE.** Rep. Kenneth Hawkins for Executive Departments and Administration: This bill would have reduced the salaries of a number of unclassified employees, UNH positions, and community college positions to what the governor makes. Currently the joint committee on employee classification in conjunction with the Hay Group approves the salary grade of positions which are then vetted in the Senate & House before ED&A Committees and then voted on by the members. Vote 13-0.
Rep. Tamburello spoke against.
Rep. Hawkins spoke in favor.
Committee report adopted.

REGULAR CALENDAR FROM FEBRUARY 22, 2012

SB 201, apportioning state senate districts. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Paul Mirski for the Majority of Special Committee on Redistricting: The constitution provides that the House and Senate be responsible for determining the qualifications of their respective memberships. For this reason and also for the simple reason that no discrepancy in overall deviation is present in the proposed Senate plan, the Redistricting Committee recommends the Senate Redistricting Plan on Ought to Pass. Vote 11-4.
Rep. David M. Pierce for the Minority of Special Committee on Redistricting: The sole constitutional purpose for redistricting is to equalize the population of elective districts to comply with the federal one-person/one-vote requirement. SB 201 draws elective district boundaries for senate districts 4-8 and 15 that make those districts' populations less equal, not more. The committee heard testimony that this was necessary to accommodate a public request to include Holderness into District 2, a claim the minority finds inexplicable. The witness did not respond to the direct question of whether the Senate considered any plans that made all the districts of more equal size rather than less equal. The minority hopes it did, but there is no evidence it did. The House has an independent constitutional duty to

ensure equal size districts and the minority believes we should do our duty.

The question being adoption of the majority committee report of Ought to Pass.
Reps. Soltani and Pierce spoke against.
Reps. Vaillancourt and Bates spoke in favor.
On a division vote, 253 members having voted in the affirmative and 91 in the negative, the majority committee report was adopted and ordered to third reading.

HB 1277, requiring federal law enforcement agencies to notify New Hampshire law enforcement agencies prior to investigation or enforcement of federal law in New Hampshire, as all lawful police work is local. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**
Rep. Lynne F. Blankenbeker for the Majority of State-Federal Relations and Veterans Affairs: This is an unnecessary bill. A number of New Hampshire law enforcement officials including sheriffs, reported that they have a very good working relationship with federal law enforcement and investigative agencies and their communications with those agencies are excellent and timely. This bill, if adopted, has the potential to compromise and/or impede highly classified federal investigations of national security (i.e., antiterrorism efforts). While the amendment improves the original bill, the majority of this committee felt the potential threat to national and local security far outweigh the mandate to correct a problem that simply does not exist. Vote 9-2.
Rep. Robert P. Kingsbury for the Minority of State-Federal Relations and Veterans Affairs: There have been violations of the provisions of the U.S. Constitution that limit the federal police to doing police work in Washington, D.C. and federal property only. Those violations have resulted in thousands of deaths and billions on billions of property damage as in 9/11 for one example.
Majority committee report adopted.

HCR 36, urging Congress to amend or repeal legislation expanding the constitutionally delegated powers of federal government. **INEXPEDIENT TO LEGISLATE.**
Rep. Steven L. Cunningham for State-Federal Relations and Veterans Affairs: Many resolutions with similar themes pass through this committee. While sympathetic with most of these, the committee feels it inappropriate to forward but a few representative resolutions. As a redundant resolution, the committee recommends ITL. Vote 8-2.
Committee report adopted.

HR 25, affirming States' powers based on the Constitution for the United States and the Constitution of New Hampshire. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Lucien A. Vita for the Majority of State-Federal Relations and Veterans Affairs: This resolution is in support of the state's efforts to preserve and enforce the Constitution of the United States of America with specific reference to part 1, article 7 of the Constitution of the State of New Hampshire and the tenth amendment of the Constitution of the United States of America. Vote 8-2.
Rep. Robert L. Theberge for the Minority of State-Federal Relations and Veterans Affairs: The minority believes that another resolution advocating state rights which is guaranteed by the 10th Amendment of the United States Constitution is not warranted. Furthermore, the resolution does not meet the definition of a "simple resolution" per House Rules.

Majority Amendment (0704h)
Amend the bill by replacing the second paragraph after the resolving clause with the following:

That copies of this resolution be transmitted by the House Clerk to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the New Hampshire congressional delegation.
Majority committee amendment adopted.
Majority committee report adopted and ordered to third reading.

HB 1489-FN, repealing the decrease of the fuel oil importation fee. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**
Rep. Keith Murphy for the Majority of Ways and Means: The "fuel oil importation fee" is slated to decrease from .0125 cents per gallon to .01 cents per gallon on July 1, 2012. The department of environmental services requested this bill, which would cancel that reduction. While the committee is confident that the cleanup fund does important work protecting our environment from abandoned or leaking tanks, the fund currently has a healthy surplus, enough to fund operations for at least two years under the department's most pessimistic projections. Further, testimony was heard that outlays from the fund have been declining over time. Thus, the majority of the committee sees no need to cancel the planned reduction. We are cognizant of the fact that all fees and taxes on goods are ultimately paid for by consumers, and we are reluctant to force citizens to pay $590,000 additional taxes per year unless necessary. Vote 14-5.
Rep. William A. Hatch for the Minority of Ways and Means: This bill repeals the decrease of $.0025 to the fuel oil importation fee for the fuel oil discharge cleanup fund. The majority believes the fund has ample income and repeal is not necessary and voted to ITL the bill. The minority disagrees and believes passage is necessary which was clearly illustrated by the facts presented at the public hearing. One should also note the business organization that represents the businesses that pay the fee spoke in favor of this important program and in favor of passing the bill. The fuel oil discharge fund provides contamination cleanup funds for homeowners, landowners, businesses, government, schools and churches. It also has "Safetank" program to pay for replacing old and unsafe heating oil tanks before they leak which saves thousands of dollars in avoided cleanup cost. It is important to consider there is no private insurance or other programs available if this fund becomes insolvent. In 2009 the fund became critically low and the legislative budget assistant reported the fund was undercapitalized, which caused delays in cleanups and tank replacements. That information prompted the Ways and Means Committee to request a performance audit of the fund. The fee and some administrative practices were adjusted in response to the audit and it is important to note the fee is where the audit and LBA showed it absolutely should be and any reduction in fees would jeopardize the program's ability to continue to effectively protect the public. The fund is now under additional pressure due to the decrease in imports of oil, thus lower revenues. The minority also believes the majority did not consider the cyclical nature of the fund and demand can be higher even though use is down which means less revenues to accommodate demand. In addition the minority does not believe the majority gave the statutory ceiling of the import fee collections consideration. If they get $2.5 million the collections automatically cease. This amount was determined after a complete audit and review of the fund and is considered the correct amount. The minority believes to not pass this bill will not allow the fund to have an appropriate balance for contingency disaster preparedness and future planned cleanups at large bulk fuel storage areas. This fund provides for very important public safety and health activities and to put the fund at risk the minority believes it is putting public safety and health at risk.

The question being adoption of the majority committee report of Inexpedient to Legislate.
Rep. Chris Christensen spoke against and yielded to questions.
Rep. Keith Murphy spoke in favor.
On a division vote, 225 members having voted in the affirmative and 117 in the negative, the majority committee report was adopted.

REMOVED FROM THE CONSENT CALENDAR OF FEBRUARY 22, 2012

HB 1126, relative to nomination of candidates for United States senator. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph D. Thomas for Election Law: This bill establishes a new procedure for selecting candidates for the United States Senate. The State Senate and the House of Representatives would meet by party to select their primary candidates for the general election for U.S. Senate. The purpose for this is to make the Senator more responsible to his or her state. The XVII amendment establishes a procedure for the electorate to do this function. The majority of the committee believes this to be unconstitutional. Vote 14-1.

Rep. Kingsbury spoke against.

Rep. Bates spoke in favor.

Committee report adopted.

HB 1185-FN-A, relative to the police standards and training council. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Maurice L. Pilotte for Executive Departments and Administration: The bill, as amended, makes two changes to RSA 188-F:26: (1) it replaces the Councils broad rule-making authority with specific areas of rule-making authority, (2) it adds a provision that all donations and grants require approval of the Governor and Executive Council. The amendment removes section 3 & 4 of the bill which proposed that the Council's current funding source, i.e. a share of the penalty assessment on fines be deposited in the General Fund. Removal of this funding source would require that the Council's appropriation be funded exclusively by the General Fund. Concern was expressed that this could lead to a downshift of training costs to municipalities and corrections institutions.

Amendment (0751h)

Amend the bill by replacing all after section 2 with the following:

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

AMENDED ANALYSIS

This bill specifies the rulemaking authority of the police standards and training council and requires governor and council approval of donations and grants made to the police standards and training council.

Rep. Carol McGuire yielded to questions.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 1656-FN, relative to compensation of jurors. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M. Sorg for Judiciary: This bill would make what the committee agrees would be long overdue increases in the per diem compensation and mileage reimbursement rates paid to jurors, currently only $10 for each half day's service and 20¢ per mile, respectively, This bill would amend RSA 500-A:15 by increasing them to $80 and to the maximum mileage rate established in the United States Internal Revenue Code and Regulations (presently 55.5¢). The fiscal note made clear that this - indeed any - significant increase in either component would have a very great impact on the judicial branch appropriation, and that there is simply no room in the current biennium's budget to offset this. The committee felt that a more propitious time to file a bill such as this would be the first year of a future biennium so that it can be considered as a component of the biennial budget in the normal course of the budgeting process. Vote 16-1.

Rep. Rowe spoke in favor.

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

YEAS 238 NAYS 105

YEAS 238

BELKNAP

Fields, Dennis	Greemore, Robert	Luther, Robert	Millham, Alida
Pilliod, James	Russell, David	St. Cyr, Jeffrey	Swinford, Elaine
Tilton, Franklin			

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
Knox, J. David	McConkey, Mark	Merrow, Harry	Patten, Betsey
Pettengill, Laurie	Umberger, Karen		

CHESHIRE

Butynski, William	Byrnes, John	Carr, Daniel	Chase, Cynthia
Dwinell, Richard	Hawkes, Samuel	Hunt, John	Meader, David
Moore, Charles	Moore, Robert Jr	Roberts, Kris	Sad, Tara
Smith, Edwin	Sterling, Franklin Jr	Tatro, Bruce	Weber, Lucy

COOS

Theberge, Robert	Tholl, John Jr	Thomas, Yvonne

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Bradley, Lester
Brosseau, Charles	Bulis, Lyle	Cooney, Mary	Harding, Laurie
Ladd, Rick Jr	Nordgren, Sharon	Pastor, Beatriz	Shackett, Jeffrey
Smith, Suzanne	Sorg, Gregory	Taylor, Kathleen	Townsend, Charles

HILLSBOROUGH

Barry, J. Gail	Barry, Richard	Belanger, James	Belvin, William
Boehm, Ralph	Brownrigg, Randall Jr	Campbell, David	Cebrowski, John
Christensen, D.L. Chris	Christiansen, Lars	Coffey, James	Condra, William
Cote, David	Coughlin, Sean	Cusson-Cail, Kathleen	Daler, Jennifer
Day, Russell	Doherty, Shaun	Donovan, Daniel	Erickson, Duane
Flanagan, Jack	Gagne, Larry	Gandia, Laura	Gargasz, Carolyn
Garrity, Patrick	Gidge, Kenneth	Gimas, John	Gonzalez, Carlos
Gorman, Mary	Graham, John	Haefner, Robert	Hansen, Peter
Hardwick, Harry	Hikel, John	Hinch, Richard	Holden, Frank
Hopper, Gary	Hutchinson, Winfred	Infantine, William	Jasper, Shawn
Jeudy, Jean	Katsiantonis, Thomas	Krasucki, Joseph	Kurk, Neal
Leishman, Peter	Levasseur, Nickolas	McCarthy, Michael	McClarren, Donald
McGuinness, Sean	Moran, Edward	Notter, Jeanine	Ober, Lynne
Ober, Russell III	Palmer, Barry	Pellegrino, Tony	Peterson, Lenette
Pilotte, Maurice	Porter, Marjorie	Pratt, Calvin	Robbins, David
Rosenwald, Cindy	Rowe, Robert	Shaw, Barbara	Silva, Peter
Stroud, Kathleen	Sullivan, Daniel	Sullivan, Peter	Swank, Matthew
Terrio, Ross	Villeneuve, Moe	Whitehead, Randall	Willette, Robert

MERRIMACK

Blankenbeker, Lynne	Bouchard, Candace	Coffey, Jennifer	DeStefano, Stephen
Foose, Robert	Frazer, June	Gile, Mary	Giuda, J. Brandon
Hamm, Christine	Hess, David	Hill, Gregory	Keane, Thomas
Kidder, David	Kotowski, Frank	Lauer-Rago, Kathleen	Lockwood, Priscilla
MacKay, James	Owen, Derek	Patten, Dick	Potter, Frances
Rice, Chip	Richardson, Gary	Sanborn, Laurie	Shurtleff, Stephen
Smith, Molly	Wallner, Mary Jane	Watrous, Rick	Williams, Robert

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Antosz, Jason	Azarian, Gary
Baldasaro, Alfred	Belanger, Ronald	Bettencourt, David	Birdsell, Regina
Cali-Pitts, Jacqueline	Charron, Gene	Comerford, Timothy	Copeland, Timothy
Devine, James	DiPentima, Rich	Dowling, Patricia	Elliott, Robert
Ferrante, Beverly	Fesh, Robert	Garrity, James	Griffin, Mary
Hagan, Joseph	Headd, James	Janvrin, Kevin	Kappler, Lawrence
Lovejoy, Patricia	Lundgren, David	MacMahon, Bruce	Major, Norman
Mauro, Donna	McKinney, Betsy	McMahon, Charles	Moody, Marcia
Murphy, Brian	Nevins, Chris	Norelli, Terie	O'Connor, John
Packard, Sherman	Pantelakos, Laura	Peckham, Michele	Perkins, Amy
Perkins, Lawrence	Read, Robin Jr	Rice, Frederick	Ritter, Glenn
Sanders, Elisabeth	Schlachman, Donna	Sedensky, John	Sheffert, Kenneth
Shuler, Wyman III	Sullivan, James	Sullivan, Kevin	Tucker, Pamela
Waddell, James	Ward, Joanne	Welch, David	Weyler, Kenneth

STRAFFORD

Berube, Roger	Browne, Brendon	Cataldo, Sam	Ginsburg, Philip
Grassie, Anne	Groen, Warren	Jones, Kyle	Jones, Laura
Kaen, Naida	Keans, Sandra	Larsen Schultz, Kirsten	Leonard, Frederick Jr
Munck, Philip	Newton, Clifford	O'Connor, William	Perry, Robert
Roberts, Jenna	Schmidt, Peter	Spang, Judith	Vita, Carol
Wall, Janet	Watters, David	Weeden, Michael	

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Lovett, Charlene
Rodeschin, Beverly			

NAYS 105

BELKNAP

Accornero, Harry	Bolster, Peter	Comtois, Guy	Kingsbury, Robert
Malone, Robert	Simpson, Tyler	Worsman, Colette	

CARROLL

McCarthy, Frank	Tregenza, Norman

CHESHIRE

Cartwright, Anne	Emerson, Susan	Johnson, Jane	Lindsey, Steven
Parkhurst, Henry	Weed, Charles		

COOS

Coulombe, Gary	Merrick, Evalyn	Rappaport, Laurence	Remick, William
Richardson, Herbert	Tremblay, Marc		

GRAFTON

Gionet, Edmond	Gould, Franklin	Ingbretson, Paul	Reilly, Harold Sr
Simard, Paul	Sova, Charles	White, Andrew	

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Baroody, Benjamin
Bergevin, Jerry	Brown, Kevin	Burt, John	Buxton, Michael
Daniels, Gary	Fredette, Robert	Greazzo, Phil	Hogan, Edith
Lambert, George	LeBrun, Donald	Maltz, Jonathan	Mecheski, Holly
Messier, Irene	Murphy, Keith	Ohm, Bill	Palmer, Stephen
Parison, James	Proulx, Mark	Reed, Michael	Renzullo, Andrew
Scontsas, Lisa	Simmons, Tammy	Soucy, Connie	Summers, James
Twombly, Timothy	Ulery, Jordan	Vaillancourt, Steve	Warden, Mark

MERRIMACK

Cohn, Seth	Hoell, J.R.	Kreis, Kenneth Sr	McGuire, Carol
McGuire, Dan	Palfrey, David	Seaworth, G. Brian	Soltani, Tony
Winter, Steven			

ROCKINGHAM

Bates, David	Brown, Paul	Davenport, Joshua	Duarte, Joe
Garcia, Marilinda	Hoelzel, Kathleen	Itse, Daniel	Katsakiores, Phyllis
Manuse, Andrew	Okerman, Richard	Reagan, John	Reichard, Kevin
Sapareto, Frank	Schroadter, Adam	Serlin, Christopher	Smith, William
Sytek, John	Tamburello, Daniel	Tremblay, Stella	Waterhouse, Kevin
Webb, James			

STRAFFORD

Brown, Julie	DeLemus, Susan	Horrigan, Timothy	Parsons, Robbie
Pelletier, Marsha	Pitre, Joseph	Spainhower, Dale	Vita, Lucien

SULLIVAN

Bowers, Spec	Cunningham, Steven	LaCasse, Paul Sr	Laware, Thomas
Osgood, Joe	Schmidt, Andrew	Smith, Steven	

and the committee report was adopted.

HB 1355, relative to county budget adoption by the county convention. **INEXPEDIENT TO LEGISLATE.**

Rep. Philip L. Munck for Municipal and County Government: This bill is an inappropriate response to a hypothetical situation in which a county convention fails to adopt a budget within the statutory time limits. Instead of the county commissioner's proposed budget going into effect, it would substitute the prior year's budget as a kind of "default" budget. The statute proved ample opportunity for the convention to adopt a budget and this change is not needed. Vote 14-0.

Reps. Hoell and Seaworth spoke against.

Reps. Munck and Betsey Patten spoke in favor.

Rep. Sterling requested a roll call; sufficiently seconded.

YEAS 224 NAYS 111

YEAS 224

BELKNAP

Accornero, Harry	Bolster, Peter	Fields, Dennis	Millham, Alida
Russell, David	Simpson, Tyler	St. Cyr, Jeffrey	Tilton, Franklin

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
McConkey, Mark	Merrow, Harry	Patten, Betsey	Umberger, Karen

CHESHIRE

Butynski, William	Byrnes, John	Carr, Daniel	Chase, Cynthia
Dwinell, Richard	Hawkes, Samuel	Hunt, John	Johnson, Jane
Lindsey, Steven	Meader, 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	Merrick, Evalyn	Richardson, Herbert	Theberge, Robert
Tholl, John Jr	Thomas, Yvonne	Tremblay, Marc	

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Bradley, Lester
Brosseau, Charles	Bulis, Lyle	Cooney, Mary	Gould, Franklin
Harding, Laurie	Nordgren, Sharon	Pastor, Beatriz	Pierce, David
Reilly, Harold Sr	Shackett, Jeffrey	Smith, Suzanne	Taylor, Kathleen
Townsend, Charles	White, Andrew		

HILLSBOROUGH

Balboni, Michael	Ball, J. Michael	Baroody, Benjamin	Barry, Richard
Belanger, James	Belvin, William	Boehm, Ralph	Cebrowski, John
Christensen, D.L. Chris	Christiansen, Lars	Coffey, James	Condra, William
Cote, David	Cusson-Cail, Kathleen	Daler, Jennifer	Doherty, Shaun
Erickson, Duane	Gagne, Larry	Gandia, Laura	Gargasz, Carolyn
Garrity, Patrick	Gidge, Kenneth	Gimas, John	Gonzalez, Carlos
Gorman, Mary	Graham, John	Haefner, Robert	Hardwick, Harry
Hawkins, Kenneth	Hinch, Richard	Hogan, Edith	Holden, Frank
Hutchinson, Winfred	Infantine, William	Jasper, Shawn	Jeudy, Jean
Krasucki, Joseph	Kurk, Neal	Levasseur, Nickolas	McCarthy, Michael
McGuinness, Sean	Messier, Irene	Moran, Edward	Ober, Lynne
Ober, Russell III	Palmer, Barry	Pellegrino, Tony	Pepino, Leo
Peterson, Lenette	Pilotte, Maurice	Porter, Marjorie	Pratt, Calvin
Proulx, Mark	Robbins, David	Rosenwald, Cindy	Rowe, Robert
Shaw, Barbara	Silva, Peter	Simmons, Tammy	Soucy, Connie
Stepanek, Stephen	Sullivan, Daniel	Ulery, Jordan	Villeneuve, Moe
Whitehead, Randall			

MERRIMACK

Bouchard, Candace	DeStefano, Stephen	Foose, Robert	Frazer, June

Gile, Mary	Hamm, Christine	Hess, David	Kidder, David
Kotowski, Frank	Lockwood, Priscilla	MacKay, James	Owen, Derek
Palfrey, David	Patten, Dick	Potter, Frances	Rice, Chip
Richardson, Gary	Shurtleff, Stephen	Wallner, Mary Jane	Watrous, Rick
Williams, Robert			

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Antosz, Jason	Azarian, Gary
Bates, David	Bettencourt, David	Brown, Paul	Copeland, Timothy
Devine, James	DiPentima, Rich	Dowling, Patricia	Elliott, Robert
Ferrante, Beverly	Fesh, Robert	Garrity, James	Griffin, Mary
Hagan, Joseph	Headd, James	Hoelzel, Kathleen	Janvrin, Kevin
Kappler, Lawrence	Katsakiores, Phyllis	Lovejoy, Patricia	Lundgren, David
MacMahon, Bruce	Major, Norman	McKinney, Betsy	McMahon, Charles
Moody, Marcia	Murphy, Brian	Nevins, Chris	Norelli, Terie
O'Connor, John	Packard, Sherman	Pantelakos, Laura	Perkins, Amy
Perkins, Lawrence	Read, Robin Jr	Rice, Frederick	Sanders, Elisabeth
Schlachman, Donna	Sedensky, John	Serlin, Christopher	Shuler, Wyman III
Sullivan, James	Sytek, John	Waddell, James	Welch, David
Weyler, Kenneth			

STRAFFORD

Berube, Roger	Brown, Julie	Browne, Brendon	Cataldo, Sam
Domingo, Baldwin	Ginsburg, Philip	Grassie, Anne	Horrigan, Timothy
Kaen, Naida	Keans, Sandra	Leonard, Frederick Jr	Munck, Philip
Pelletier, Marsha	Perry, Robert	Roberts, Jenna	Schmidt, Peter
Spainhower, Dale	Spang, Judith	Wall, Janet	Watters, David

SULLIVAN

Cloutier, John	Cunningham, Steven	Gagnon, Raymond	Laware, Thomas
Lefebvre, Benjamin	Lovett, Charlene	Rodeschin, Beverly	Schmidt, Andrew

NAYS 111

BELKNAP

Comtois, Guy	Greemore, Robert	Kingsbury, Robert	Luther, Robert
Malone, Robert	Pilliod, James	Swinford, Elaine	Worsman, Colette

CARROLL

McCarthy, Frank	Pettengill, Laurie	Tregenza, Norman

CHESHIRE

Cartwright, Anne	Emerson, Susan

COOS

Rappaport, Laurence	Remick, William

GRAFTON

Gionet, Edmond	Ingbretson, Paul	Ladd, Rick Jr	Simard, Paul
Sorg, Gregory	Sova, Charles		

HILLSBOROUGH

Avard, Kevin	Barry, J. Gail	Bergevin, Jerry	Brown, Kevin
Brownrigg, Randall Jr	Burt, John	Buxton, Michael	Coughlin, Sean
Daniels, Gary	Donovan, Daniel	Flanagan, Jack	Fredette, Robert
Greazzo, Phil	Hansen, Peter	Hikel, John	Hopper, Gary
LeBrun, Donald	Maltz, Jonathan	McClarren, Donald	Mecheski, Holly
Murphy, Keith	Notter, Jeanine	Ohm, Bill	Palmer, Stephen
Reed, Michael	Renzullo, Andrew	Scontsas, Lisa	Sullivan, Peter
Summers, James	Swank, Matthew	Terrio, Ross	Twombly, Timothy
Vaillancourt, Steve	Warden, Mark	Willette, Robert	

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	Sanborn, Laurie	Seaworth, G. Brian
Smith, Molly	Soltani, Tony	Winter, Steven	

ROCKINGHAM

Baldasaro, Alfred	Belanger, Ronald	Birdsell, Regina	Charron, Gene
Comerford, Timothy	Davenport, Joshua	Duarte, Joe	Garcia, Marilinda
Itse, Daniel	Manuse, Andrew	Okerman, Richard	Reagan, John
Reichard, Kevin	Ritter, Glenn	Sapareto, Frank	Schroadter, Adam
Sheffert, Kenneth	Smith, William	Sullivan, Kevin	Tamburello, Daniel
Tremblay, Stella	Ward, Joanne	Waterhouse, Kevin	Webb, James

STRAFFORD

DeLemus, Susan	Groen, Warren	Jones, Kyle	Jones, Laura
Larsen Schultz, Kirsten	Newton, Clifford	O'Connor, William	Parsons, Robbie
Pitre, Joseph	Vita, Carol	Vita, Lucien	Weeden, Michael

SULLIVAN

Bowers, Spec	LaCasse, Paul Sr	Osgood, Joe	Smith, Steven

and the committee report was adopted.

HB 1371, relative to conflicts of interest of county government officials. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsey L. Patten for Municipal and County Government: Currently there is no requirement to address a conflict of interest by county government officials. HB 1371 sets up a prohibition against a conflict of interest and requires that if a conflict exists on a specific issue then the official shall not vote. The bill includes a process for the reporting of a complaint of a conflict of interest as set up in RSA 28:10-a. The committee voted unanimously to have open and transparent government at the county level as well. Vote 15-0.

Amendment (0706h)

Amend RSA 30-A:3, II as inserted by section 1 of the bill by replacing it with the following:

II. County government officials shall not participate in any matter in which they, or their spouse, parent, sibling, child, or dependents have a private interest, personal or pecuniary, which may directly affect or influence the performance of their duties.

Amendment adopted.

Rep. Almy offered floor amendment (0981h).

Floor Amendment (0981h)

Amend RSA 30-A:3 as inserted by section 1 of the bill by deleting paragraph III.

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

2 Committee Established. There is established a committee to develop legislation to enable the enforcement of RSA 30-A:3 as inserted by this act.

I.(a) The committee shall consist of 5 members of the house of representatives, at least 3 of whom shall have served more than one term on their county executive committees, appointed by the speaker of the house of representatives.

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

II. The committee shall:

(a) Develop legislation to enable the enforcement of RSA 30-A:3.

(b) Develop a definition for the term private personal interest.

(c) Determine the best forum for airing complaints and deciding on penalties.

(d) Establish possible penalties and consider a statewide mechanism for providing advice on procedures and precedents.

(e) Solicit testimony and advice from county officials to assist in its duties.

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

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

3 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

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

AMENDED ANALYSIS

This bill requires that county government officials not participate in matters they have an interest in, and establishes a committee to develop legislation to enable enforcement.

Rep. Almy spoke in favor.

Rep. Bulis spoke against.

On a division vote, 80 members having voted in the affirmative and 248 in the negative, floor amendment (0981) failed.

Committee report adopted and ordered to third reading.

HB 1466, relative to the investigation by the state attorney general of conflicts of interest of municipal officers and employees. **INEXPEDIENT TO LEGISLATE.**

Rep. Harry Accornero for Municipal and County Government: This bill would give the attorney general the authority to investigate certain conflicts of interest and evaluate for both civil as well as criminal penalties. The majority of the committee felt this would put an undue burden on the attorney general's office and questions if this would require a need for more staff. The committee also felt this would bypass the local county attorney taking away any local input and control. Vote 13-1.

Rep. Accornero spoke in favor.

Rep. LaCasse spoke against.

Rep Sterling spoke in favor and yielded to questions.

Committee report adopted.

HB 1643, relative to county appropriations. **INEXPEDIENT TO LEGISLATE.**

Rep. James E. Coffey for Municipal and County Government: This bill adds a phrase to RSA 24:14, I-a that defines each appropriation as a single line item. This would result in chaos

for those administering county budgets. The details of managing each county should rest with county commissioners and their delegations. We should avoid micro managing the counties and allow them to develop their own policies and procedures for day to day operation. Vote 15-0.
Rep. Frank McCarthy spoke against.
Rep. James Coffey spoke in favor.
On a division vote, 270 members having voted in the affirmative and 41 in the negative, the committee report was adopted.

CONSENT CALENDAR

Rep. Bettencourt moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.
HB 1267, relative to adjustments to the child support guidelines based on child support expenses documented by the parties, removed by Rep. Oligny.
HB 1262, prohibiting banks from requiring blood samples, fingerprints, and DNA samples in order to complete a banking transaction, removed by Rep. Webb.
HB 1220, repealing the criminal history record and protective order check for the sale of firearms, removed by Rep. Dan McGuire.
HB 1438, relative to confidentiality of police personnel files, removed by Rep. Giuda.
HB 1523-FN-L, relative to the return of personal property seized by law enforcement agencies from a person charged with a crime, removed by Rep. Giuda.
HB 1528-FN, requiring criminal penalties for attorneys in the attorney general's office and the county attorneys' office for failing to prosecute offenses related to falsification in official matters, removed by Rep. Oligny.
HB 1531-FN, relative to prosecution for victimless crimes, removed by Rep. Lambert.
HB 1562-FN, establishing a criminal penalty for sending or receiving sexually explicit text messages or images by using a cell phone or other mobile device, removed by Rep. Gandia.
HB 1148, requiring the teaching of evolution as a theory in public schools, removed by Rep. Bergevin.
HB 1712, relative to the teaching of the Bible in public schools, removed by Rep. Bergevin.
HB 1265, relative to criteria for the government regulation of occupations and professions, removed by Rep. Carol McGuire.
HB 1631, allowing persons licensed to provide emergency medical services to work public gatherings and events, removed by Rep. White.
HB 1492-FN, requiring employers to verify an employee's eligibility to work in the United States, removed by Rep. Duarte.
HB 1437, relative to display of certain historical items in the state house, removed by Rep. Sapareto.
HR 23, urging the federal government to reduce the federal deficit in proportion to federal aid, removed by Rep. Horrigan.
Consent Calendar adopted.

HB 1191, relative to responsibilities of parents of certain minors. **INEXPEDIENT TO LEGISLATE.**
Rep. Franklin F. Gould for Children and Family Law: The intent of the bill is commendable. However, attempting to make the parents of unwed minors involved in a pregnancy out-of-wedlock equally responsible for the medical costs associated with the pregnancy birth and rearing of the child until one or both biological parents reaches 18 or become emancipated is fraught with problems. Some of the issues: Can the father be identified with certainty? Who would pay for paternity DNA testing? Would the parties be more inclined to abortion? What if some or all of the parents are not amenable to jurisdiction? Currently, health insurance providers in New Hampshire are required to provide newborns coverage for thirty-one (31) days under existing family health insurance policies. This bill would impose

financial obligations on insurers that were not factored into premiums and could cause substantial increases, cancellations and lawsuits against the state for retroactively impairing contract rights, prohibited by Article 23 of our New Hampshire Constitution. Almost all insurance plans, including Medicare and Medicaid have contracted rates with hospitals which are always far less than the amount of the hospital bill. Newborns with complications can be immensely expensive, easily reaching half a million or more in hospital and physician charges which could end up in patient/parent bankruptcy and uncollectible provider charges. An uninsured, however, would be billed the full amount. The sponsors, Republican and Democrat, are concerned about a lack of responsibility and want to develop a conversation. We agree, with the need for dialogue, but HB 1191 is not a viable vehicle for this. Vote 11-0.

HB 1419, relative to the rights of military parents. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Patricia T. Lovejoy for Children and Family Law: This bill establishes that parents who are absent due to military service have certain rights with regard to parenting arrangements involving minor children. Forty states have adopted all or part of this legislation. The amendment states it is in the best interest of the children for courts to address the military membership of the parents at the time of the initial parenting plan and allows the court to hear a motion for permanent modification of parental rights and responsibilities prior to or upon return of the deploying parent. The committee and sponsors were in accord. Vote 13-0.

Amendment (0984h)
Amend paragraph II of section 1 of the bill by replacing it with the following:
II. The mobilization of these military parents, with sometimes little advance notice, can have a disruptive effect on parenting arrangements involving minor children.
Amend paragraph V of section 1 of the bill by replacing it with the following:
V. It is in the best interests of these children for the courts to address the military membership of one or both parents at the time of the initial parenting plan or anytime thereafter, regardless of whether the service member has temporary duty orders or a deployment or mobilization order.
Amend RSA 458-D:4, II as inserted by section 2 of the bill by replacing it with the following:
II. Nothing in this chapter shall preclude the court from hearing a motion for permanent modification of parental rights and responsibilities or parent-child contact prior to or upon return of the deploying parent. Absence created by deployment or mobilization or the potential for future deployment or mobilization shall not be the sole factor supporting a change in circumstances pursuant to RSA 458-C:5 or RSA 463:13.
AMENDED ANALYSIS
This bill establishes that parents who are absent due to military service have certain rights with regard to parenting arrangements involving minor children.

HB 1469, relative to enforcement of parenting plans. **INEXPEDIENT TO LEGISLATE.**
Rep. Debra L. DeSimone for Children and Family Law: This bill directs the court to provide notice of the type remedies the court may order to enforce a parenting plan. It provides that, if a party has violated a parenting plan, the court may modify the parenting plan or schedule, require the party to post a bond, require either or both parties to attend counseling, award attorney's fees to the prevailing party, or modify a spousal support order. It also provides that the Department of Health and Human Services may initiate an abuse and neglect investigation under RSA 169-C based on parenting plan violations, and it authorizes law enforcement to enforce court orders relative to residential responsibility for a child, including forcible entry and removal of children from a home. The courts' prime enforcement tool is contempt. RSA 461-A: 4-a, entitled "Judicial Enforcement of Parenting Plan" speaks in terms of a motion for contempt or enforcement of an order where the courts can fashion the remedy to fit the case. With contempt, that remedy can reach all the way to

imprisonment. Thus, the courts already have the necessary tools and this bill is simply redundant in this respect. But it is destructively aggressive in encouraging the use of law enforcement to forcibly remove children from their home as a partial penalty. It also misconstrues the definition of abuse and neglect in RSA 169-C in an attempt to make a violation of a parenting plan grounds for filing an abuse or neglect petition. Without a change in the definition, the Division for Children, Youth and Families (DCYF) could get copies of an order but have no ability to pursue them. Even if that were resolved, it presents a resource issue for the agency whose main mission is child safety. It would potentially pull the agency into ongoing marital disputes on a regular basis. The courts have, with some significant success, managed conflicts inherent in failed relationships with dependent children coming before them. In the overwhelming majority of the cases, the parties are able to successfully navigate these dissolutions with the courts having to do little more than review and approve the relative responsibilities agreed upon. This bill brings an unnecessarily adversarial and potentially traumatic sledge hammer to situations that really require more awareness of the serious damage inflicted on vulnerable children by ongoing parental conflict. We cannot mandate maturity and should not enable vendettas. Vote 12-1.

HB 1153, relative to fire protection of floors in certain detached dwellings. **INEXPEDIENT TO LEGISLATE.**
Rep. Andrew J. Manuse for Commerce and Consumer Affairs: In the name of "fire safety," HB 1153 would require 1/2-inch gypsum sheetrock to be installed on the basement ceiling of all new single or two-family homes or single or two-family homes with substantial renovations after January 1, or as an alternative, the bill would require an automatic sprinkler system to be installed in these circumstances. The committee heard testimony from builders who said in many New Hampshire basements, it would be impossible to install sheetrock on the basement ceiling and still meet occupancy code standards due to clearance issues. In addition, when there are pipes or other obstructions on the ceiling, the requirement for sheetrock would be an expensive proposition. Also, sheetrock in the basement has a higher likelihood to develop health-hazardous mold, and would therefore have to be replaced frequently. Because the opportunities for installation of sheetrock in the basement are significantly limited and thus sprinkler systems would be the regular default, some committee members felt this bill was really just a back-door approach to require sprinklers in single and two-family homes. The legislature has already taken a strong position against the installation of these expensive sprinkler systems by inserting language into RSA 153:5 that says "rules shall not require automatic suppressant or sprinkler systems in detached one- or 2-family dwelling units in a structure used only for residential purposes." Builders testifying against this bill said the regulations required within it would kill what's left of a struggling building industry during tough economic times. This House has pledged to do the opposite by reducing regulations, spending and taxation. Therefore, the committee thought it was best to uphold the legislature's clear positions and kill this bill. Vote 16-0.

HB 1157, relative to signage at fuel service stations. **OUGHT TO PASS WITH AMENDMENT.**
Rep. James F. Headd for Commerce and Consumer Affairs: This bill eliminates the necessity of posting and displaying fuel prices on pump toppers on top of all fuel pumps in New Hampshire if the gas stations have the prices posted on large signs at the street. Eliminating the pump toppers ensures that the consumer is looking at the current price on the electronic dispensers rather than the toppers. Toppers can be tampered with and are also a redundant posting of the price of fuel. The amendment insures that toppers may continue to be used. Vote 13-0.

Amendment (0931h)
Amend the bill by replacing all after the enacting clause with the following:

1 Gasoline and Diesel Fuel Prices; Street Signs. RSA 339:30-a is repealed and reenacted to read as follows:

339:30-a Gasoline and Diesel Fuel Prices.

I. All persons who shall offer for sale or sell any petroleum fuels at retail shall post the price of all grades and services of such petroleum fuels in at least 2 of the following ways:

(a) On a price sign affixed to the fuel dispenser in numerals not less than 4 inches high and 3/4 of an inch in width; such price signs shall be placed on the dispenser so that they are clearly visible from both sides of the dispenser from either direction of a motorist's approach;

(b) On a stationary street fuel price sign; the stationary street fuel sign must be clearly visible from the street; or

(c) By a digital unit price indicator or an analog unit price indicator on the face of the dispenser; the indicators must display the actual price of the fuel pumped.

II. Numerals indicating fractions or portions of whole numbers on any posted price shall be at least 1/2 the size of the whole number n such display, and all posted prices shall reflect the total price of such fuel, including all taxes thereon.

III. If a computing device is part of the fuel dispensing equipment, it shall compute the total price for single purchases at all the unit prices for which the grade, blend, or mixture of motor vehicle fuel being dispensed is offered for sale, except for the unit prices charged by contract for fleet sales and similar price-contract sales. When a grade, blend, or mixture of motor vehicle fuel is offered for sale at more than one unit price through a dispenser with a computing device:

(a) The unit price for a transaction shall be selected by controls on the dispenser to be used by the customer;

(b) A printed receipt of the transaction shall be made available to the customer, showing unit price, the total number of gallons dispensed, and the total price of the sale issued mechanically by the dispenser; or

(c) A printed receipt shall be made available to the customer, showing the unit price, the total number of gallons dispensed, and the total price of the sale from a person attending the dispenser or the store where the fuel is offered for sale.

IV. When a special sale price or promotional discount price is offered on a grade, blend, or mixture of motor vehicle fuel, the dispenser shall be set to compute transactions at the special sale price or promotional discount price.

V. Any person who shall violate the provisions of this section shall be guilty of a violation.

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

AMENDED ANALYSIS

This bill establishes signage requirements for gasoline and diesel fuel prices.

HB 1172, authorizing nano brewery licensees to sell their products at farmers' markets. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donna L. Schlachman for Commerce and Consumer Affairs: This bill, as amended, accomplishes two things. First, it enables nano breweries, brew pubs, and beverage manufacturers to sell their products at New Hampshire farmers' markets, should said markets care to carry their products. Second, it establishes a category of alcohol consultants in our liquor statutes to allow in-home wine, beer or liquor tasting parties for the purpose of educating consumers about their product. The bill, as amended, places clear requirements and restrictions on that activities of holders of alcohol consultant licenses. Vote 18-0.

Amendment (0989h)

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

AN ACT authorizing nano brewery, beverage manufacturer, and brew pub licensees to sell their products at farmers' markets and establishing an alcohol consultant license.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 6:

2 New Subparagraph; Beverage Manufacturer; Farmers' Markets. Amend RSA 178:12, IV by inserting after subparagraph (b) the following new subparagraph:

(c) A holder of a beverage manufacturer license may transport its products to a farmers' market, and may sell such products at retail in the original container.

3 New Paragraph; Brew Pub; Farmers' Markets. Amend RSA 178:13 by inserting after paragraph V the following new paragraph:

VI. A brew pub licensee may transport its products to a farmers' market, and may sell such products at retail in the original container.

4 New Section; Alcohol Consultant. Amend RSA 178 by inserting after section 27 the following new section:

178:27-a Alcohol Consultant.

I. The commission may issue an alcohol consultant license for the purpose of education directly to consumers over 21 years of age and soliciting orders for the sale of alcoholic beverages tasted during an educational event at a residence. No alcohol consultant shall deliver or provide alcoholic beverages for sale during an educational event.

II. All wine or liquor used for educational events shall be purchased from the liquor commission at retail or from an in-state manufacturer. All beverages used for educational events shall be purchased from a licensed wholesale distributor. Any beer, wine, or liquor not available in New Hampshire may be obtained from a direct shipper who holds a valid direct shipper permit.

III. An alcohol consultant may provide wine samples of no more than 2 ounces per person for each bottle sampled, beer samples of not more than 4 ounces per person, and liquor samples of not more than 0.5 ounces per person. An alcohol consultant may provide samples from up to 6 bottles of wine or liquor or 12 bottles of beer at each educational event.

IV. Alcohol consultants shall remove all unused product from the premises after the educational event.

V. A copy of the alcohol consultant license shall be in any vehicle transporting alcoholic beverages to or from an educational event.

VI. Alcohol consultants shall register each educational event with the liquor commission-division of enforcement and licensing. The commission shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The registration procedures and required information to ensure that consumers are over 21 years of age.

(b) The signature form or other identification procedures to be used by an alcohol consultant to ensure compliance with RSA 179:5 and 178:27.

VII. Any person holding an alcohol consultant license under this section who serves or permits or allows to be served alcoholic beverages to a person under 21 years of age shall be guilty of a class B felony and shall have such license permanently revoked.

VIII. Alcohol consultants shall maintain records for at least 3 years in a manner which will permit the commission to ascertain the truthfulness of the information filed and permit the commission to perform an audit of filings upon reasonable request.

5 New Subparagraph; Fees; Alcohol Consultant. Amend RSA 178:29, V-b by inserting after subparagraph (b) the following new subparagraph:

(c) The annual alcohol consultant fee shall be $100 or, if the alcohol consultant is an agent of a direct shipper, $25.

AMENDED ANALYSIS

This bill authorizes nano brewery, beverage manufacturer, and brew pub licensees to sell their products at farmers' markets. This bill also establishes an alcohol consultant license.

HB 1208, relative to restrictions on beverage manufacturers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sean M. McGuinness for Commerce and Consumer Affairs: In its original form, this bill was introduced to accomplish three things relative to advertising in general, labeling of NH product and defining serving size parameters relative to nano breweries or brew pubs. Over the course of three work sessions the bill received much attention, testimony and participation. The bill in its final form, as amended, maintains restrictions on billboard advertising and further qualifies other forms including restricting targeted advertising directed at schools, colleges and persons under the age of 21. Further, the bill defines product labeling requirements for beverages manufacturers such as nano breweries that sell exclusively in the State f New Hampshire exempting these producers from costly and time consuming federal labeling approval. Vote 18-0.

Amendment (0941h)

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

AN ACT relative to advertising of alcoholic beverages.

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

1 Advertising Restrictions. Amend RSA 179:31, XII to read as follows:

XII. No holder of a beverage manufacturer license, wholesale distributor license, or beverage vendor license***, and no on-premises licensee or off-premises licensee, or group thereof,*** shall advertise, either directly or indirectly, ***promoting the consumption of alcohol*** in any [~~booklet, program, program book,~~] yearbook[~~, magazine, newspaper, periodical, brochure, circular, or other similar publication published by, for, or in behalf of any religious, fraternal, educational, patriotic, social, or civic group. No on-premises licensee or off-premises licensee, any group thereof, or any holder of a beverage manufacturer license, wholesale distributor license, or vendor license, through any control, ownership, interlocking ownership, interlocking directors, or otherwise shall advertise or cause any manner or form of advertising to be inserted in such publications~~] ***or other publication distributed predominantly to persons under 21 years of age***.

2 Label Approval Not Required. The liquor commission shall not, by rule or otherwise, require a beverage vendor, beverage manufacturer, nano brewery, or brew pub to obtain federal label approval for beer, as defined in RSA 175:1, VII, sold exclusively in the state of New Hampshire.

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

AMENDED ANALYSIS

This bill:

I. Limits a prohibition on advertising in certain publications by liquor licensees.

II. Prohibits the liquor commission from requiring federal label approval for New Hampshire beer.

HB 1228, prohibiting the sale of grave markers and memorial markers by funeral directors. **INEXPEDIENT TO LEGISLATE.**

Rep. Chris F. Nevins for Commerce and Consumer Affairs: This bill was introduced to separate funeral establishments from marker sales by amending RSA 325:44. It was noted that while some funeral establishments do engage in this commerce, there did not seem to be a compelling reason submitted not to continue doing so. Funeral establishments offer a variety of services to their clients and to carve out this one service in a free market would be construed as anti-competitive. Federal law bans a funeral home from charging extra to provide pass through services such as grave markers. There were not complaints submitted by consumers and the committee felt that an ITL was in order. Vote 15-0.

HB 1231, repealing the prohibition on the sale, gift, or display of certain young birds and rabbits. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Andrew J. Manuse for Commerce and Consumer Affairs: This bill, as amended, repeals a law that requires any person who wants to buy baby chickens, geese or ducks to purchase

at least 12 of these creatures when they are below four weeks of age. If this bill passes, people can purchase any number of young birds, which is more compatible with local ordinances that limit the number of birds a person can own on their property to less than 12 as well as households that don't need as many eggs as 12 chickens provide. The amendment ensures that young rabbits, for biological reasons, can still not be purchased before they reach four weeks of age. While well intentioned, RSA 437:15's limitation on the sale of young birds creates a serious problem for the growing number of people interested in raising a small flock of chickens, ducks or geese on their land, and the businesses that sell such birds. By repealing the restrictions on the sale of these birds in RSA 437:15, New Hampshire citizens will be able to purchase chicks (and goslings or ducklings) from a few days old to raise and then provide eggs for their families, a trend that has been noted in the Wall Street Journal and Southwest Airline's Spirit magazine as good for business. Here in New Hampshire, raising anywhere from three to three-dozen chicks (or goslings or ducklings), or more, requires heat and other care until they have enough feathers and body weight to regulate their own temperature. This bill does not repeal a law requiring stores that sell young birds to also sell the equipment necessary to keep the birds healthy and to use while holding the birds as stock (RSA 437:16), nor does it repeal a law prohibiting the artificial coloring of young birds or rabbits (RSA 437:14). People interested in starting a small flock can learn more about the care of young birds from several sources, and the law still encourages them to do so. This bill will allow for citizens to develop a greater connection to New Hampshire's rural past and to our always-important food supply. Self-reliance, enjoyment and breakfast—what could be better? Vote 16-0.

Amendment (0446h)

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

AN ACT removing the prohibition on the sale, gift, or display of certain young birds.

Amend the bill by replacing section 1 with the following:

1 Sale of Rabbits. Amend RSA 437:15 to read as follows:

437:15 Sale or Gift of Small Quantities. [~~Chicks, ducklings, goslings, and~~] Rabbits younger than 4 weeks of age shall not be sold or offered for sale; raffled; or offered or given as a prize, premium, or advertising device[~~, in quantity of less than 12 birds or animals to an individual person~~].

AMENDED ANALYSIS

This bill removes the prohibition on the sale, gift, or display of certain young birds.

HB 1236-FN, relative to ownership and operation of liquor licensees. **REFER FOR INTERIM STUDY.**

Rep. Sean M. McGuinness for Commerce and Consumer Affairs: This bill was introduced in consideration of nano breweries, brew pubs and in fact all NH beverage manufacturers allowing them to operate up to five additional locations under a single liquor license. The bill also attempts to repeal restrictions in the code (RSA 179:11, III – IV) which prohibits employment and/or participation in the business interests of more than a single beverage manufacturer, beverage vendor or distributor licensed by the NH Liquor Commission. The concept of multiple locations under one license was largely rejected by the committee, the prohibition against duel employment or multiple business interest was found to be a more complex matter insofar as it affects many aspects of the law and a delicate balance between licensees in our three tier NH system. Vote 17-1.

HB 1243, establishing a committee to study the requirements of the deposit of certain checks. **INEXPEDIENT TO LEGISLATE.**

Rep. David J. Palfrey for Commerce and Consumer Affairs: This bill is the result of an individual not being able to deposit a check at his local NH bank payable to him as trustee of his own revocable living trust. Subsequently the individual was advised of a procedure that

would eliminate this problem by having the check issued differently which did work for the individual. Since there is a procedure under the UCC that, if followed, allows for cashing a check issued by a trust, the committee felt there was no need for a committee to study a problem that did not exist. Vote 16-0.

HB 1359, relative to exceptions for municipal regulation of hawkers and peddlers. **INEXPEDIENT TO LEGISLATE.**
Rep. David J. Palfrey for Commerce and Consumer Affairs: The intent of the bill is to control door to door sales persons. It would take away control from local communities interfering with how they regulate their businesses. The subject of the bill is also before another committee. Vote 16-0.

HB 1370, making technical changes to the New Hampshire real estate practice act. **OUGHT TO PASS.**
Rep. Sean M. McGuinness for Commerce and Consumer Affairs: This bill was requested by the New Hampshire real estate commission and was presented as needed housekeeping legislation applicable to RSA 331-A:25 f and RSA 331-A:26 XXII. The bill is straight forward and does two things. First, it clarifies those ministerial acts of a licensee (Broker or Sales Person) acting in the capacity of a "facilitator" does not form an "agency" relationship in a real estate transaction. Second, it requires a licensee who has an ownership interest in a property being sold or leased, to disclose that fact to buyer or a lessee. The committee believed that these were reasonable technical changes consistent with the intents and purposes of Real Estate Practices Act, Chapter 331-A. Vote 13-0.

HB 1409, relative to definitions under the Uniform Securities Act. **OUGHT TO PASS WITH AMENDMENT.**
Rep. David J. Palfrey for Commerce and Consumer Affairs: As introduced, HB 1409 makes various changes to definitions under the Uniform Securities Act. This bill is a request of the bureau of securities regulation. The impetus of the bill was the FRM scandal and is an attempt to address some of the legal questions of what is an investment contract. The amendment clarifies that in the definition of "security" that changes certificates of deposit to certificate of deposit for a security. This was a request of the banking department so that the definition did not draw in all certificates of deposit. Vote 15-0.

Amendment (0544h)

Amend RSA 421-B:2, XX as inserted by section 4 of the bill by replacing it with the following:

XX.(a) "Security" [~~means~~] ***shall include*** any note; stock; treasury stock; bond; debenture; evidence of indebtedness; certificate of interest or participation in any profit sharing agreement; membership interest in a limited liability company; partnership interest in a registered limited liability partnership; partnership interest in a limited partnership; collateral trust certificate; preorganization certificate or subscription; transferable shares; investment contract; investment metal contract or investment gem contract; voting trust certificate; certificate of deposit for a security; certificate of interest or participation in an oil, gas or mining right, title or lease or in payments out of production under such a right, title or lease; ***any put, call, straddle, option, or privilege on any security, certificate of deposit for a security, or group or index of securities (including any interest therein or based on the value thereof), or any put, call, straddle, option, or privilege entered into on a national securities exchange relating to foreign currency,*** or, in general, any interest or instrument commonly known as a security, or any certificate of interest or participation in, temporary or interim certificate for, receipt for guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing. "Security" does not include any insurance or endowment policy or annuity contract under which an insurance company promises to pay money either in a lump sum or periodically for life or for some other specified [~~period~~] ***time***.

HB 1410, relative to securities regulation. **OUGHT TO PASS WITH AMENDMENT.** Rep. Donna L. Schlachman for Commerce and Consumer Affairs: The amendment which replaces the bill makes changes to the state's securities statute in order to strengthen investigative powers and hearing procedures related to possible securities fraud or deceit. The definition of "willful" or "willfully" is added to make it clear that the individual is aware that his or her actions are in violation of the law but that "evil motive" is not required in order for the law to be in forced. Hearing procedures are expanded to specify the time frame for investigation and to improve oversight of said procedures to ensure that cases do not fall victim of inaction. The amendment makes two changes to the penalty section and moves a violation of a specific part from a felony to a misdemeanors for a first offense if committed by an individual. Vote 16-0.

Amendment (0442h)

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

1 New Paragraph; Definitions. Amend RSA 421-B:2 by inserting after paragraph XXII the following new paragraph:

XXIII. "Willful" or "willfully," especially in connection with RSA 421-B:24, but not limited thereto, means an intentional act or omission to perform an act in that the person was aware of what he or she was doing or failing to do. However, evil motive, scienter, intent to violate this title, or knowledge that this title was being violated is not required.

2 Sales and Purchases. The introductory paragraph of RSA 421-B:3, II is repealed and reenacted to read as follows:

II. For purposes of paragraph I(c), to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person, shall include but not be limited to:

3 Criminal Penalty. Amend RSA 421-B:24 to read as follows:

421-B:24 Criminal Penalty.

I. Any person who willfully***, as defined in RSA 421-B:2, XXIII,*** violates any provisions of RSA 421-B:3, 421-B:4, 421-B:5 or fails to comply with an order from the secretary of state to cease and desist or for an injunction issued pursuant to RSA 421-B:23, or who fails to comply with an order to pay a fine, penalty, rescission, restitution, or disgorgement greater than $10,000 pursuant to RSA 421-B:10, 421-B:23, or 421-B:26, or who violates RSA 421-B:19 knowing that the statement was false or misleading in any material respect, shall be guilty of a class B felony. Each of the acts specified shall constitute a separate offense and a prosecution or conviction for any one of such offenses shall not bar prosecution or conviction for any other offense.

II. Any person who willfully violates RSA ***421-B:3-a,*** 421-B:6, 421-B:11 or 421-B:20 shall be guilty of a class A misdemeanor if a natural person, and guilty of a ***class B*** felony if any other person. Each of the acts specified shall constitute a separate offense and a prosecution or conviction for any one of such offenses shall not bar prosecution or conviction for any other offense. For any subsequent offense, any person shall be guilty of a class B felony.

III. [Repealed.]

IV. Nothing in this chapter limits the power of the state to punish any person for any conduct which constitutes a crime by statute.

V. The crimes established in paragraphs I and II of this section are public welfare offenses.

4 Hearing Procedures. Amend RSA 421-B:26-a, XXI-XXVIII to read as follows:

XXI. Within a reasonable time after the hearing, the presiding officer shall issue a written decision stating the action to be taken by the department and may set forth findings of fact, conclusions of law, and disposition. All decisions shall be reached upon the basis of a

preponderance of the evidence. [~~The decision of the presiding officer shall be construed as the decision of the secretary of state.~~]

XXII. Any party to whom notice has been forwarded pursuant to and in accordance with these rules who fails to appear shall have a default judgment rendered against him.

XXIII.***(a) Within 30 days after a final decision or disposition of a motion for reconsideration by the presiding officer:***

(1) Any party, including the bureau staff, may file an appeal of the presiding officer's decision to the secretary of state; or

(2) Upon his or her own motion, the secretary of state may elect to review a presiding officer's decision.

(b) In either case, the procedure for such proceeding shall be the same as in paragraph XXVI.

(c) The secretary of state may elect to conduct the proceeding de novo, on the record, with or without allowing the parties to supplement the record. In the latter case, the procedure shall be the same as that provided for in paragraph XVII.

(d) At the conclusion of the proceedings, by written decision, the secretary of state may accept or reject the presiding officer's decision, in whole or in part, substitute his or her own findings of fact and conclusions of law, or return the case to the original presiding officer, or to a substitute presiding officer, for action consistent with the secretary's instruction.

XXIV. The presiding officer may take judicial notice.

[~~XXIV.~~] ***XXV.*** Where the interests of justice will be better served without prejudice to the substantial rights of any party, a presiding officer may sever one case from another or may consolidate 2 or more cases, preserving to all parties the right of appeal from the single or several decisions rendered.

[~~XXV.~~] ***XXVI.*** Once a hearing notice has been issued commencing an adjudicatory proceeding, no party shall communicate with the presiding officer or the secretary of state concerning the merits of the case except upon notice to all parties nor shall any party cause another person to make such communications.

[~~XXVI.~~] ***XXVII.*** Within 30 days after [~~a~~] ***the presiding officer's*** final decision, any party ***including the bureau's staff,*** may ***but is not required to*** file a motion for reconsideration which shall serve as a petition for rehearing under RSA 541. No distinctions shall be made between the terms "reconsideration" and "rehearing." A motion for reconsideration shall:

[~~(1)~~] ***(a)*** Identify each error of law, error of reasoning, or erroneous conclusion contained in the final order which the moving party wishes the [~~secretary of state~~] ***presiding officer*** to reconsider.

[~~(2)~~] ***(b)*** Concisely state the correct factual finding, correct reasoning, and correct conclusion being advocated.

[~~(3)~~] ***(c)*** Include any memorandum of law the petitioner wishes to submit.

[~~XXVII.~~] ***XXVIII.*** Within 30 days after a final decision, the presiding officer may reconsider, revise or reverse any final action on the presiding officer's own motion. If reconsideration is based upon the existing record, prior notice shall not be given to the parties. If the presiding officer believes further information or argument should be considered, the parties shall be provided with an appropriate notice and opportunity to be heard before any revision is made in the previous action.

[~~XXVIII. The filing of a motion for reconsideration shall not operate as a stay of any order or decision, but a motion for stay may be combined with a motion for reconsideration.~~]

XXIX. During the process outlined in this section, any preliminary order, such as a summary cease and desist order, shall remain in full force and effect. Further, during the process of reconsideration or appeal, any order or decision shall not be stayed. However, the presiding officer or the secretary before whom the case is heard may consider a motion for stay.

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

AMENDED ANALYSIS

This bill makes various changes to securities regulation laws, including increasing criminal penalties.

HB 1411, establishing a committee to study small brewer relationships with distributors. **INEXPEDIENT TO LEGISLATE.**

Rep. James F. Headd for Commerce and Consumer Affairs: The intent of this bill was to establish a committee to study brewer relationships with distributors. During the committee hearing the sponsor's concerns were issues in Massachusetts and he did not articulate or enumerate any real issues with the current New Hampshire law. There are contractual arrangements between brewer and distributor to insure the three tier system is maintained and that no brewer can control the market. Vote 13-0.

HB 1439, establishing a committee to study sprinkler requirements in nightclubs. **INEXPEDIENT TO LEGISLATE.**

Rep. Donna L. Schlachman for Commerce and Consumer Affairs: The committee heard from the state fire marshal that issues around fire sprinkler requirements for nightclubs as well as other public venues has been studied since the late 1800's with the focus always on reducing risk. A study by the National Fire Protection Association, conducted after the tragic fire at Rhode Island's Station Nightclub, led New Hampshire to adopt the temporary interim amendment to the life safety code and most nightclubs in New Hampshire have sprinkler systems. New Hampshire has in place a clear process for seeking a variance for sprinklers. The committee was given specific examples of public venues that have obtained variances, and the reasons for these, and examples of others that did not receive a variance. There is a clear appeals process, and the committee did not feel further study is warranted. Vote 13-0.

HB 1471, relative to authority for opticians to replace eyeglasses. **INEXPEDIENT TO LEGISLATE.**

Rep. Andrew J. Manuse for Commerce and Consumer Affairs: This bill would allow an optician to reproduce existing spectacle lenses without a new prescription from an optometrist. The current statute as written is confusing, but already allows this to happen. The committee heard testimony from opticians who said it is incorrect to interpret RSA 327-A:1 as a requirement for a person to get a new prescription after 24 months. They said RSA 327-A:1, while poorly written, allows any person to replace their broken spectacle lenses without a prescription at any time. In fact, the law allows a person to purchase replacement lenses for any reason at any time without a prescription. Therefore, this bill is not needed. Vote 16-0.

HB 1493-FN, relative to copayments for certain specialists. **REFER FOR INTERIM STUDY.**

Rep. Chris F. Nevins for Commerce and Consumer Affairs: This bill declares that an insurer shall not charge a copayment, coinsurance or office visit deductible for certain specialists that are greater than that paid for an office visit to a licensed physician or osteopath. The committee heard testimony which noted that copayments are not being equitably distributed yet we also heard that copayments are based on the contract signed by the employer so that if for example, physical therapists are paid at a higher rate than physicians there will be definite cost implications. It was the committee's opinion that there were more issues to address and voted this bill to interim study. Vote 13-0.

HB 1500-FN, relative to on-premises liquor licenses. **INEXPEDIENT TO LEGISLATE.**

Rep. Chris F. Nevins for Commerce and Consumer Affairs: The intent of this bill was to

simplify the licensing and requirements of on-premises liquor licenses. Since current law requires food to be served at all restaurants certain businesses fall under a myriad of license exceptions based upon certain services they provide (pool halls, tennis courts, etc.). This bill attempted to carve out a food exception that would benefit many licenses but would have a negative impact on approximately 890 licensees state wide and cause a revenue loss to the state. The committee felt ITL was in order. Vote 17-0.

HB 1600-FN, relative to collection notification practices. **INEXPEDIENT TO LEGISLATE.**
Rep. Sean M. McGuinness for Commerce and Consumer Affairs: This bill was intended to address unfair, deceptive or unreasonable debt collection practices relevant in connection with residential property inspections. The complaint being that field agents employed by banks and other direct creditors are sometimes in the practice of leaving notes on the premises of a property in foreclosure that requests the occupants to contact the creditor. Evidence shows that these field agent notifications are inspection related and are more concerned with issues of occupancy, property condition, vacancy and/or abandonment of the property rather than any true collection effort. The committee considered testimony that any new law codifying an entire new set of definitions and regulations was unnecessary given that New Hampshire already has some of the most restrictive collection laws in the country. The FDCPA (Federal Debt Collection Practices Act) and new regulations found in the Wall Street Reform and Consumer Protection Act ("Dodd-Frank Act" Pub. L.111-203, H.R. 4173) were more than sufficient to regulate and enforce any real or perceived unfair, deceptive or unreasonable debt collection practices. Vote 13-0.

HB 1628-FN-L, relative to compliance with fire safety and state building code requirements by municipalities. **INEXPEDIENT TO LEGISLATE.**
Rep. Jennifer R. Coffey for Commerce and Consumer Affairs: The committee, after hearing testimony, realized that municipalities already maintain control over when they purchase equipment and that this bill was unnecessary. This information was provided by a Durham Fire Chief and found to be true in many communities. The people of NH vote on capital purchases at town meetings and local election days giving them the opportunity to approve or disapprove of such purchases. Vote 17-0.

HB 1194, relative to the text of Article 73-a of Part II of the New Hampshire Constitution. **INEXPEDIENT TO LEGISLATE.**
Rep. Seth Cohn for Constitutional Review and Statutory Recodification: The committee appreciates the sponsor's concern that in 1978, the people who voted on Article 73-a, did not get to see the entire article text when they voted, and perhaps were not aware of the last sentence of the proposed constitutional change, "The rules so promulgated shall have the force and effect of law." The legislature passed RSA 663:3 in 1979 as a direct result of this lack of clarity, but the vote taken in 1978 was certainly legal at the time. Directing the Secretary of State to simply remove the last sentence by legislative fiat, as this bill seeks to do, would be an unconstitutional change to the current text. Vote 13-0.

HB 1536, relative to the preservation of religious freedom. **INEXPEDIENT TO LEGISLATE.**
Rep. Daniel C. Itse for Constitutional Review and Statutory Recodification: The committee believes that the protection of civil rights is vital to the preservation of our Republic of which religious liberty is only one to this end, the committee has recommended for interim study HB 1542 to enable protection of all of our civil liberties from government interference, and will use this as a vehicle to improve our current civil rights statutes, 354:B. Vote 13-0.

HB 1553, repealing obsolete and outdated provisions of the Revised Statutes Annotated.

OUGHT TO PASS WITH AMENDMENT.
Rep. Joshua C. Davenport for Constitutional Review and Statutory Recodification: This bill addresses the second purpose of your Constitutional Review and Statutory Recodification committee. In this case, the Recodification was focused on legislation that has expired due to a terminating date. The committee received input from executive agencies and limited that repealed language to instances where there was no objection to repeal. Unanimous. Vote 15-0.

Amendment (0996h)
Amend the bill by replacing all after the enacting clause with the following:
1 Repeal; Agriculture. RSA 184-A, relative to northeast interstate dairy compact, is repealed.
2 Repeal; Education. The following are repealed:
I. RSA 186-C:7-a, IV, relative to revisions to the interagency agreement for special education.
II. RSA 186-C:21, III, relative to a plan provided by the executive planning commission on special education.
III. RSA 188-F:27, V, relative to education and training requirements for fish and game officers.
IV. RSA 188-F:27, VI, relative to education and training of investigators under RSA 106-A and RSA 287-E.
V. RSA 188-F:35, II, relative to training of campus security officers.
VI. RSA 193:37, relative to a report and recommendations on the parents and teachers programs.
VII. RSA 193-E:2-b, III, relative to determination of the cost of an adequate education.
VIII. RSA 198:4-d, III-a, relative to a report on school accounting standards.
3 Repeal; Health and Human Services. The following are repealed:
I. RSA 151-C:4, IV-VII, relative to certificate of need prohibitions.
II. RSA 151-E:6, III, relative to implementation of the acuity-based reimbursement system.
III. RSA 151-E:6-c, IV, relative to changes to the payment system for Medicaid services in nursing facilities.
4 Repeal; Probate Courts. RSA 560:3, II and III, relative to notice of dower and curtesy claims, are repealed.
5 Effective Date. This act shall take effect 60 days after its passage.

HB 1240, relative to license suspensions for refusal to consent to an alcohol test. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Dennis H. Fields for Criminal Justice and Public Safety: This bill, as amended, authorizes the commissioner of the department of safety to allow that a license suspension for refusal to consent to an alcohol test run concurrently if the license has been suspended or revoked for 10 years, and the person meets requirements established by RSA 265-A:14. The committee agreed the commissioner of department of safety have discretion in these final matters. Vote 16-0.

Amendment (0783h)
Amend the bill by replacing all after the enacting clause with the following:
1 Refusal of Consent; Suspension. Amend RSA 265-A:14, II to read as follows:
II. ***Except as provided in paragraph VI,*** the 180-day or 2-year suspension period or denial of issuance period imposed pursuant to this section shall not run concurrently with any other penalty imposed under the provision of this title. Any such suspension or denial of

a license or privilege to drive shall be imposed in addition to any other penalty provided by law, subject to review as provided in RSA 265-A:31.

2 New Paragraph; Refusal of Consent; Suspension. Amend RSA 265-A:14 by inserting after paragraph V the following new paragraph:

VI. The commissioner, after a hearing and for good cause shown, may authorize the concurrent running of a suspension period or denial of issuance period imposed pursuant to this section, to be applied retroactively, if:

(a) The person's license or privilege to drive has been continuously suspended or revoked for 10 years or more;

(b) The person has no conviction for negligent homicide with a motor vehicle, or equivalent out-of-state offense, and no more than 2 lifetime convictions for driving under the influence of drugs or liquor or aggravated driving while intoxicated, or equivalent out-of-state offense; and

(c) The person has not driven a motor vehicle for 10 years or more and has not held a driver's license in any state during that time.

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

AMENDED ANALYSIS

This bill authorizes the commissioner of the department of safety to allow that a license suspension for refusal to consent to an alcohol test run concurrently if the license has been suspended or revoked for 10 years and the person meets requirements established by the bill.

HB 1304, relative to the waiver of financial responsibility requirements for certain habitual offenders. **OUGHT TO PASS.**

Rep. Larry G. Gagne for Criminal Justice and Public Safety: This bill amends RSA 262:22, II, the law that requires a decertified habitual offender to file an SR 22 proof of insurance for 3 years after being decertified. This bill authorizes a waiver of that requirement in certain situations. To be eligible for a waiver under this bill, the habitual offender will be required to demonstrate that he/she has not driven in violation of the habitual offender order and has not held a license in 5 years or more. Moreover, the person must demonstrate good cause to obtain a waiver. This bill provides some discretion to a mandatory requirement that can be unduly burdensome to a person who has been a habitual offender for a lengthy period of time, and therefore, without a valid license. In addition, it limits the waiver to those individuals who have demonstrated that they are entitled to such a waiver, by their good behavior in not driving illegally. Consequently, this bill does not compromise public safety because only a person who has not violated the habitual offender order may qualify for a waiver. Moreover, the time period of 5 years exceeds the maximum sanction of 4 years to be a habitual offender. Therefore, qualifying individuals will have served more than the maximum habitual offender term before they qualify for the waiver. This bill is a fair and rational policy change. Finally, by requiring that good cause be shown, a waiver will not be granted to an undeserving individual or to someone who presents a public safety risk. The New Hampshire department of safety is in favor of this bill for the reasons stated. Vote 15-1.

HB 1327, relative to official oppression. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth Kreis for Criminal Justice and Public Safety: This bill revises the offense of official oppression by making it either a Class B misdemeanor or a violation, depending on whether a public servant acted with a purpose to benefit himself, herself, or another, or to harm another. Further, it establishes a chain of notice once the alleged violation is received. Vote 15-1.

Amendment (0873h)

Amend the bill by replacing section 2 with the following:

2 Official Oppression. Amend RSA 643:1 to read as follows:

643:1 Official Oppression.

I. A public servant, as defined in RSA 640:2, II, is guilty of a misdemeanor if, with a purpose to benefit himself***, herself,*** or another or to harm another, he ***or she*** knowingly commits an unauthorized act which purports to be an act of his ***or her*** office; or knowingly refrains from performing a duty imposed on him ***or her*** by law or clearly inherent in the nature of his ***or her*** office.

II. A public servant, as defined in RSA 640:2, II, is guilty of a violation if, without a purpose to benefit himself, herself, or another or to harm another, he or she purposely commits an unauthorized act which purports to be an act of his or her office; or purposely refrains from performing a duty imposed upon him or her by law.

III. Any county attorney or law enforcement officer receiving notice of any alleged violation of this section shall immediately forward written notice of the same with any other information that the county attorney or law enforcement officer may have to the department of justice.

AMENDED ANALYSIS

This bill revises the offense of official oppression by making it either a class B misdemeanor or a violation, depending on whether a public servant acted with a purpose to benefit himself, herself, or another or to harm another.

HB 1423, relative to justification for use of deadly force in defense of another. **INEXPEDIENT TO LEGISLATE.**
Rep. Kenneth Kreis for Criminal Justice and Public Safety: This bill removes the requirement that a person not be the initial aggressor in order to legally use deadly force in defense of another. Reversing what was previously passed in SB 88, both the Attorney General and the NHACLU supported the ITL, as well as the department of safety. Vote 16-0.

HB 1499-FN, relative to criminal coercion. **INEXPEDIENT TO LEGISLATE.**
Rep. David A. Welch for Criminal Justice and Public Safety: The sponsor suggested that we find this bill Inexpedient to Legislate and we have complied with the sponsor's request. Vote 15-0.

HB 1514-FN, establishing the crime of oppressing an inhabitant's free exercise of rights. **INEXPEDIENT TO LEGISLATE.**
Rep. Larry G. Gagne for Criminal Justice and Public Safety: This bill would lead to a flurry of legal actions and honest public servants being accused of vague offenses and costing the public officials and the communities who employ them. There are already numerous federal civil rights statutes that provide severe criminal and civil penalties for obstructing, intimidating or injuring a person in the exercise of a constitutional right and these cases can be brought in state as well as federal court. This bill is clearly over the top and not needed and once again singles out public servants as the only people it would prosecute for doing anything that someone feels would be official oppression. Vote 13-0.

HB 1518-FN, relative to penalties for certain sex offenders. **INEXPEDIENT TO LEGISLATE.**
Rep. Dennis H. Fields for Criminal Justice and Public Safety: This bill would amend RSA 632-A:2, aggravated felonious sexual assault. There were problems with the language in the bill. Furthermore the committee felt that the increased penalty, which mandates life imprisonment, might not be appropriate. The bill would change 20 years to 40 years for aggravated felonious sexual assault. Vote 14-1.

HB 1520-FN, prohibiting law enforcement officers from failing to investigate criminal complaints against public servants. **INEXPEDIENT TO LEGISLATE.**

Rep. Robbie L. Parsons for Criminal Justice and Public Safety: This bill would charge a police/law enforcement officer with a misdemeanor for failing to investigate a criminal complaint against public servants. To put a law enforcement officer in a position of becoming a criminal him or herself is a very bad idea. The complaint could be against a police chief, selectman or other public official, which in most cases would be their employers. These complaints should be investigated by the county attorney or the attorney generals office. Vote 16-0.

HB 1524-FN, expanding the definition of official oppression. **INEXPEDIENT TO LEGISLATE.**
Rep. Dennis H. Fields for Criminal Justice and Public Safety: This bill would amend RSA 643:1, Official Oppression. Under current law, it is a misdemeanor for a public official to misuse his or her position by knowingly committing unauthorized acts. The effect of expanding RSA 643:1 would be bad public policy to criminalize governmental actions not tainted by some element of improper motives, such as wrongfully benefiting or harming another. The committee felt this change would subject every public servant to potential liability for every discretionary decision, to act or not to act, also this would unreasonably mean liability would have a severely, negative and chilling effect on the willingness of highly qualified people to serve our great state in our government. This bill would take away all laws. Vote 13-0.

HB 1527-FN, exempting cultivation of marijuana from manufacturing under the controlled drug act. **INEXPEDIENT TO LEGISLATE.**
Rep. Phil J. Greazzo for Criminal Justice and Public Safety: The committee believes allowing the cultivation of marijuana to be exempt from the criminal code would be a mistake. This would open up a flood gate of growing operations which would likely fund the criminal element instead of law abiding citizens. Providing a funding source for the criminal element is a dangerous proposition. If we were ever to allow this type of legislation, the model of taxation and regulation would put this matter squarely in the hands of government and reputable businesses. Vote 15-1.

HB 1568, relative to imposition of consecutive sentences. **INEXPEDIENT TO LEGISLATE.**
Rep. Robert M. Fesh for Criminal Justice and Public Safety: This bill would prevent a judge from imposing consecutive sentences when more than one offence has occurred separately. The judge needs to have discretion on each charge. This bill is not needed and will cause more harm than good. Vote 16-0.

HB 1604-FN, relative to penalties for motor vehicle accidents involving death or serious bodily injury to a pedestrian. **INEXPEDIENT TO LEGISLATE.**
Rep. Mark Warden for Criminal Justice and Public Safety: This bill would have added Draconian criminal penalties to drivers who cause serious bodily injury or death while driving, even if the accident is without intent. This would change the penalty for a second offense from a misdemeanor to a Class B felony, punishable by 3.5 to 7 years in prison. Vote 16-0.

HB 1615, relative to industrial hemp. **OUGHT TO PASS.**
Rep. Phil J. Greazzo for Criminal Justice and Public Safety: The committee recognizes the historical significance hemp has played in the establishment of our great nation and believe it's time for New Hampshire to take a stand in urging the federal government to allow our farmers, industries, and businesses, to once again put this crop back into service. If one cared to translate the name "New Hampshire" to modern English, you would realize we're living in New Hemp County. HB 1615 "shall only take effect upon certification by the Drug

Enforcement Agency to the secretary of state and the office of legislative services that at least 2 of the 6 New England states have adopted similar legislation prohibiting industrial hemp from being designated as a controlled substance." The wording is intentional in that it separates industrial hemp (which contains less than 0.3% THC) from its botanical cousin, marijuana, (which contains the amounts ranging from 8-20%) as was the original intent of Congress in 1937. This is evidenced by their later "Hemp for Victory" campaign during WWII, urging farmers to grow hemp for the war effort. During that time 400,000 acres of Hemp were cultivated between 1942 and 1945 for rope, canvas, uniforms, and other products needed by our military due to the loss of supply from the Philippines falling to the Japanese. Hemp was last grown in New Hampshire during the 1950's. It's time to return this invaluable crop to our agriculture. Vote 15-1.

HB 1665-FN, adopting the model drug offender accountability and treatment act. **OUGHT TO PASS WITH AMENDMENT.**
Rep. David A. Welch for Criminal Justice and Public Safety: This is a bill that has been amended to provide a guideline to the counties that may want to establish a "drug court." It includes a statement of purpose that includes policies and goals. Another section suggests how to implement the drug court including 10 key components as outlined in the Model Drug Offender Accountability and Treatment Act and as defined by the United States Department of Justice. Currently Strafford County and Rockingham County have established drug courts and both support this legislation. Vote 13-2.

Amendment (0197h)
Amend the title of the bill by replacing it with the following:
AN ACT enabling a superior court or circuit court to implement one or more drug courts.
Amend the bill by replacing all after the enacting clause with the following:
1 New Chapter; Drug Courts. Amend RSA by inserting after chapter 490-F the following new chapter:

CHAPTER 490-G
DRUG COURTS

490-G:1 Purpose; Policy and Goals.

I. The legislature recognizes that a critical need exists in this state for the criminal justice system to reduce the incidence of substance abuse and the crimes resulting from it. For the criminal justice system to maintain credibility, all drug offenders must be held accountable for their actions. A growing body of research demonstrates the impact of substance abuse on public safety, personal health and health care costs, the spread of communicable disease, educational performance and attainment, work force reliability and productivity, family safety, and financial stability. Requiring that accountability and rehabilitating treatment, in addition to or in place of, conventional and expensive incarceration, will promote public safety, the welfare of the individuals involved, reduce the burden upon the public treasury and benefit the common welfare of this state. The goals of this chapter shall include:

(a) To enhance community safety and quality of life for citizens;
(b) To reduce recidivism;
(c) To reduce substance abuse;
(d) To increase the personal, familial, and societal accountability of drug offenders;
(e) To restore drug offenders to productive, law-abiding, and taxpaying citizens;
(f) To promote effective interaction and use of resources among criminal justice and community agencies;
(g) To reduce the costs of incarceration; and
(h) To improve the efficiency of the criminal justice system by enacting an effective methodology.

II. While working in drug court reshapes the traditional roles of judges and lawyers, ethical duties do not significantly differ from those in traditional courtrooms. Drug court judges and lawyers must adhere to the standards set forth in the Model Code of Judicial Conduct, the Model Rules of Professional Conduct, the American Bar Association Standards of Criminal Justice, and the Model Drug Offender Accountability and Treatment Act. The proper exercise of the roles of judge or lawyer in the drug court need not conflict with the professionals' ethical obligations and can enable judges and attorneys to fulfill the highest aspirations of their professional ethics while embarking on an innovative way to break the cycle of substance abuse and crime. Drug court judges and attorneys must remain continually cognizant of the due process rights guaranteed to all citizens and the state's substantial interest in maintaining effective and efficient judicial and penal systems.

490-G:2 Implementation of Drug Courts.

I.(a) Each superior or circuit court may establish one or more drug courts under which drug offenders may be processed to address appropriately an identified substance abuse problem. "Drug court" means a judicial intervention process that incorporates and substantially complies with the Ten Key Components listed in subparagraph (b) and may include:

(1) "Pre-adjudication" where a drug offender is ordered to participate in drug court before charges are filed or before conviction;

(2) "Post-adjudication" where a drug offender is ordered to participate in drug court after entering a plea of guilty or nolo contendre or having been found guilty;

(3) "Reentry" where a drug offender is ordered to participate in drug court upon release from a sentence of incarceration; or

(4) "Combination program" which may include pre-adjudication, post-adjudication, and/or reentry.

(b) "Ten Key Components" as outlined in the Model Drug Offender Accountability and Treatment Act and as defined by the United States Department of Justice, are:

(1) Drug courts integrate alcohol and other drug treatment services with justice system case processing;

(2) Using a nonadversarial approach, prosecution and defense counsel promote public safety while protecting participants' (drug offenders') due process rights;

(3) Eligible participants (drug offenders) are identified early and promptly placed in the drug court program;

(4) Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services;

(5) Abstinence is monitored by frequent alcohol and other drug testing;

(6) A coordinated strategy governs drug court responses to participants' (drug offenders') compliance;

(7) Ongoing judicial interaction with each drug court participant (drug offender) is essential;

(8) Monitoring and evaluation measure the achievement of program (drug court) goals and gauge effectiveness;

(9) Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations; and

(10) Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court effectiveness.

II. Upon successful completion of a program recommended by the drug court, a drug offender's case may be disposed of by the judge in the manner prescribed by the agreement and by the applicable policies and procedures adopted by the drug court. This may include, but is not limited to, withholding criminal charges, dismissal of charges, probation, deferred sentencing, suspended sentencing, split sentencing, or a reduced period of incarceration.

III. A person sentenced by a drug court may, at least one year after successful completion of all programs and conditions imposed by the drug court, petition for annulment of the charges that resulted in entry into the drug court.

IV. The drug court may convene a local steering committee made up of community leaders who can provide support for the drug court.

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

AMENDED ANALYSIS

This bill enables a superior court or circuit court to implement one or more drug courts.

HB 1139, making changes to the unique pupil identification system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gregory Hill for Education: This bill would allow parents to have access to whatever information is being kept about their children in the unique pupil identifier data warehouse. A person over age 18 would have access to their own information and would simply need to request the information at the last school attended. Also included in this bill is the ability for parents of home-schooled children to decide if they want to opt-in to the unique pupil identifier system rather than having to opt-out. Vote 14-0.

Amendment (0600h)

Amend the bill by replacing section 1 with the following:

1 Unique Pupil Identification; Availability. Amend RSA 193-E:5, I(b) to read as follows:

(b) The random number generator shall make available to each early childhood program, district, or postsecondary institution a unique pupil identifier for each pupil pursuing an education in a New Hampshire early childhood program, district, or postsecondary institution. The unique pupil identifier itself shall not permit pupil identification within a [~~sub-category~~] ***subcategory*** including, but not limited to, early childhood program, district, postsecondary institution, sex, age, grade, or county of residence.

Amend the bill by inserting after section 1 the following and renumbering the original sections 2-4 to read as 3-5, respectively:

2 Unique Pupil Identification; Access. Amend RSA 193-E:5, I(d) to read as follows:

(d)***(1)*** Access to the random number generator shall be limited to an early childhood program director or designee, a district superintendent or designee, or a postsecondary institution registrar or designee, and only for pupils pursuing an education in that early childhood program, district, or postsecondary institution.

(2) A parent or legal guardian shall, upon request made in person to the early child program director, school district superintendent for the district which the child last attended, or postsecondary institution registrar, have access to their child's unique pupil identifier and their child's data maintained in the data warehouse. A person who is 18 years of age or older shall, upon request made in person to the early child program director, school district superintendent for the district which the person last attended, or postsecondary institution registrar, have access to their unique pupil identifier and their data maintained in the data warehouse.

(3) Any person who knowingly violates [~~this provision~~] ***the provisions of this subparagraph*** is guilty of a class B felony and may be subject to involuntary termination of employment.

AMENDED ANALYSIS

This bill allows a parent, legal guardian, or person who is 18 years of age or older to have access to the unique pupil identifier and related information in the data warehouse, allows home educated pupils to opt in for inclusion in the unique pupil identification system, and repeals certain provisions relative to access to unique pupil identification data.

HB 1167, repealing the 180 day school year requirement. **OUGHT TO PASS WITH**

AMENDMENT.
Rep. Rick M. Ladd for Education: This bill, as amended, maintains the 180 day school year. If a school district determines that it is necessary to modify the school calendar through the use of equivalent days, then the decision to determine the length of an equivalent school day shall be determined by the local school board. The bill changes current statutory language that requires the school board to follow the equivalent number of hours as required in the rules of the department of education, and assigns responsibility to the local school board. Vote 15-0.

Amendment (0793h)

Amend the title of the bill by replacing it with the following:
AN ACT relative to the calculation of days in the school year.
Amend the bill by replacing all after the enacting clause with the following:

1 School Boards; Days of School. Amend RSA 189:1 to read as follows:

189:1 Days of School. The school board of every district shall provide standard schools for at least 180 days in each year, or the equivalent number of hours [~~as required in the rules of the department of education~~], at such places in the district as will best serve the interests of education and give to all the pupils within the district as nearly equal advantages as are practicable.

2 School Boards; Reduction of Time. Amend RSA 189:2 to read as follows:

189:2 Reduction of Time. If the school board of any district shall decide that, by reason of special conditions or circumstances, the maintenance of standard schools for 180 days, or the equivalent number of hours [~~if approved by the commissioner of the department of education~~], in said district is undesirable, said school board may so represent in writing to the state board. If, upon hearing, the state board, or the commissioner when authorized by the state board, shall be of the opinion that the representation is true, it may reduce the time of maintaining such schools in said district to such limits as it may deem wise. Provided, however, that the state board, or the commissioner if authorized, shall not reduce the days during which schools shall be in session, as provided in RSA 189:1, on account of workshops, conventions or teachers' institutes.

3 School Boards, Transportation, and Instruction of Pupils; Standard School. Amend RSA 189:24 to read as follows:

189:24 Standard School. A standard school is one approved by the state board of education, and maintained for at least 180 days in each year, or the equivalent number of hours [~~as required in the rules of the department of education~~], in a suitable and sanitary building, equipped with approved furniture, books, maps and other necessary appliances, taught by teachers, directed and supervised by a principal and a superintendent, each of whom shall hold valid educational credentials issued by the state board of education, with suitable provision for the care of the health and physical welfare of all pupils. A standard school shall provide instruction in all subjects prescribed by statute or by the state board of education for the grade level of pupils in attendance.

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

AMENDED ANALYSIS

This bill removes the requirement that the equivalent number of hours in the school year shall be provided for in department of education rules.

HB 1199, relative to school district voting on school building projects. **INEXPEDIENT TO LEGISLATE.**
Rep. Barbara E. Shaw for Education: The issue of qualification, process, and distribution of school building aid grants is extensively designed and addressed in HB 604, already passed by the House and HB 533 presently in Finance. SB 383, currently in the Senate, also addresses process criteria, and conditions relevant to this issue. The committee believes that this bill does not address the numerous components of school building aid grants and is,

therefore, unnecessary, as the issues are better addressed in the other bills. Vote 16-0.

HB 1202-FN, relative to tuition payments for chartered public school students attending out-of-district regional vocational education centers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael A. Balboni for Education: The goal of the original bill was to clarify current law in regard to who pays the local portion of the tuition obligation when a chartered public school student attends a program or course of study at a regional vocational education center outside of the student's resident district. According to RSA 188-E, the state and the district in which the student resides are to share the tuition cost in a 75% state and 25% district split and it has been ongoing practice for the student's district of residence to pay the local tuition portion. However, a situation arose recently where a chartered public school student's district of residence refused to pay the local tuition portion to an out of district regional vocational education center. Cited in defense of this non-payment was the definition of the "sending district" provided in RSA 188-E:2. It reads: "Sending district' shall mean a school district where students reside, and for whom said district has tuition responsibility, who attend a regional center, regional course, or alternative education program other than within the district itself." The district now refusing to pay the local tuition portion interpreted this definition to require both clauses (district where student resides, and the district that has tuition responsibility) to be tests for whether or not a district is labeled the "sending district'. Since the resident district claimed that they did not have tuition responsibility for the charter school student (it is a state-approved, not a district-approved chartered public school), the district was not the "sending district" and, therefore, did not have to pay the 25% local tuition portion. This interpretation, however, is unique and differs from original legislative intent and ongoing practice where only the first clause is the test (the "sending district'" is the district where the student resides) and, if true, then that district is the "sending district" and has the 25% tuition responsibility. A subcommittee deliberated over several days to determine how best to meet the original intent of the state-local partnership regarding vocational education center tuition payments without changing the entire Chapter 188-E. The solution is the committee amendment which replaces the title of the bill and its entire contents. The amendment clarifies the original legislative intent by clearly defining the "sending district" as the "school district where students reside." And it clearly states the original legislative intent that "If a student attends a chartered public school the sending district shall be the school district in which the student resides." By clarifying this definition in RSA 188-E:2, RSA 188-E:6, II becomes crystal clear where it states: "the sending school district shall be responsible for 25 percent of the full tuition." Vote 17-0.

Amendment (0602h)

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

AN ACT amending the definition of "sending district" as it applies to students attending regional vocational education programs.

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

1 Regional Vocational Education; Definition. Amend RSA 188-E:2, II to read as follows:

II. "Sending district" shall mean:

(a) A school district where students reside[~~, and for whom said district has tuition responsibility,~~] who attend a regional center, regional course, or alternative education program other than within the district itself***; or***

(b) If a student attends a chartered public school the sending district shall be the school district in which the student resides.

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

AMENDED ANALYSIS

This bill amends the definition of "sending district" as it applies to students attending regional vocational education programs and adds specific language relative to chartered public school students attending such programs.

HB 1382, including parents in the approval process for alternative learning plans and requiring a truant officer to obtain a warrant or permission of a parent prior to returning a child to school. **INEXPEDIENT TO LEGISLATE.**
Rep. Rick M. Ladd for Education: Current law requires alternative learning plans to be developed in consultation with the pupil, child's parent, school guidance counselor, and school principal. Final approval must come from the school district superintendent. This is because the school district is ultimately responsible for implementation of the alternative learning plan and its cost. HB 1382 would change this process by providing a bypass around the superintendent and make the child's parent the one who has the final approval authority. The committee believes this is poor public policy on two counts. First, the entity with the ultimate responsibility should be the one to have final approval authority, in this case the superintendent since success or failure of the alternative learning plan is the responsibility of the school district. Second, the parent is already involved in the development of the alternative learning plan. The bill would make parental approval of their own plan a redundant exercise. Vote 15-1.

HB 1417, relative to a student's freedom of association. **OUGHT TO PASS.**
Rep. Laura M. Jones for Education: This bill provides that no institution within the university or community college systems of New Hampshire shall prohibit, as a condition of admission or continued enrollment, any student from becoming a member of any group or organization. During the public hearing, the committee became aware that the infringement of a student's freedom of association had been an issue in New Hampshire, and this bill would prevent it from occurring in the future. This bill does not prohibit colleges and universities from dealing with student behavior that runs contrary to school policy. Vote 15-0.

HB-1456, relative to school district policies on health and sex education. **OUGHT TO PASS.**
Rep. Rick M. Ladd for Education: Current statute requires school districts to adopt a policy allowing a pupil or the parent of an adolescent to opt out from a unit of health or sex education instruction based upon religious objection. This committee has received numerous testimonies that an exception should further include matters of conscience or other considerations. Vote 16-0.

HB 1457, relative to scientific inquiry in the public schools. **INEXPEDIENT TO LEGISLATE.**
Rep. Joseph A. Pitre for Education: Under RSA 189:1-a II, elected school boards are responsible for establishing the structure, accountability, advocacy, and delivery of instruction in each school operated and governed in its district. This bill is contrary to this statute and would affect local control of school districts. This makes this bill unnecessary. Vote 16-0.

HB 1467, relative to educational requirements for teacher certification. **REFER FOR INTERIM STUDY.**
Rep. Kathleen A. Lauer-Rago for Education: The issue of teacher preparation is one that the committee feels deserves more attention than the committee has time to devote to it. A couple of concerns, for example, are that the State of New Hampshire has no-bid teacher preparation assessments and said assessments do not appear to be reflective of best practices in the country. Vote 16-0.

HB 1516-FN-L, relative to the instruction of English and mathematics for pupils in kindergarten through grade 3. **INEXPEDIENT TO LEGISLATE.**
Rep. Michael A. Balboni for Education: The original purpose of the bill was to achieve the goal of producing students who are entering fourth grade who are proficient in English and Mathematics at the third grade level. These two subject areas are the fundamental foundation upon which all future learning builds upon. It is commonly understood that children in kindergarten through third grade are learning to read. And by the fourth grade they should be reading to learn. State assessments (the New England Common Assessment Program, NECAP) have shown that since 2005 approximately 70+% of New Hampshire public school students have scored proficient or above in reading and 65+% in math. But these results mean that approximately 30% of fourth graders cannot read or do math at the minimum state standard for proficiency at the third grade level. In an attempt to improve third grade reading proficiency, the current legislature changed the state education adequacy aid going to local municipalities by including an additional $675 for each third grade student who is not proficient in reading. The presumption is that the local school districts will use that additional money to help these children learn to read at grade level. However, current law and the funding formula do not specify how these additional funds should be spent. A municipality receiving these funds could spend the money on any perceived greater need in the municipal budget. HB 1516 is an attempt to focus local school districts to intensively teach English and Math to K-3 students. It prescribes specific instructional hours required for each school day. It requires extensive ongoing assessments of each student's progress toward proficiency. And it requires customized education programs for students who are not making sufficient progress toward proficiency in English or math. Such a change in current local education practice would be difficult. Several obstacles need to be overcome, and issues worked through before such an intensive form of instruction could be properly implemented. However, education subcommittee and the full committee determined that there was not enough time to amend the bill in a way that would provide the necessary incentives, assessment methods, and corrective actions necessary to ensure that all our K-3 children become proficient in English and math to the greatest extent possible. There is agreement on the goal of the bill, but the specifics on how to get there will need more legislative work. The hope is that the next legislature will take up this important task. Vote 17-0.

HB 1583, relative to immunity for school personnel using reasonable force to protect a minor. **OUGHT TO PASS.**
Rep. Ralph G. Boehm for Education: This bill is the same as HB 375 that passed this House last year and was amended by the Senate. The amendment in the Senate was not agreeable to the House, and the bill died in the committee of conference. The committee, in a strong bi-partisan agreement, believes that "the legislature should make a strong statement to teachers, administrators, parents and students by moving the balance of power back to the teachers by providing them with immunity when using reasonable force to control students who are ruining the educational climate for others." (Judiciary Committee Report, House Record Vol. 33, No. 15, February 18, 2011). Testimony from teachers and administrators received by this committee confirmed that, due to the lack of parental support and the threat of lawsuits, teachers are afraid to intervene when students exhibit disruptive or violent behavior, possibly resulting in harm to themselves or others. Vote 14-2.

HB 1589, establishing a committee to study and propose a recodification of the education laws currently in RSA title 15. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Gregory Hill for Education: This bill establishes a committee to study and propose a recodification of the education laws currently in RSA Title XV. The amendment changes the report due date to November 1, 2014. Since the education laws are extensive and have not been recodified for decades, the committee agreed that this task needs to be accomplished.

Vote 14-0.

Amendment (0697h)

Amend the bill by replacing paragraph I of section 2 with the following:

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

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

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

Amend the bill by replacing section 5 with the following:

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, 2014.

HB 1637-L, authorizing a school district which uses official ballot voting to conduct a special meeting necessitated by changes in adequate education funding. **REFER FOR INTERIM STUDY.**

Rep. Ralph G. Boehm for Education: In the past when the education adequacy funding formula was changed, it was allowed that towns could hold a special meeting to spend any additional revenue without having to petition the court. This bill would have put this into law so that every time the formula is changed, the special meeting section would not have to be in the funding bill. However, this bill only addressed official ballot law school districts. It is needed for all towns, not just SB 2 towns, and it was felt by the committee that since this is not needed this year, it could be studied to have an all encompassing bill for next session. The department of revenue administration also recommended that this be done for all towns. Vote 17-0.

HB 1715, relative to authorized regional enrollment area agreements. **INEXPEDIENT TO LEGISLATE.**

Rep. Ralph G. Boehm for Education: This bill would modify the law dealing with long term contractual agreements in an authorized regional enrollment area contract. It was determined that the contents of this bill are already covered in law and also specifically case law. Vote 16-0.

HB 1232-FN, relative to prerecorded political messages. **OUGHT TO PASS.**

Rep. David M. Pierce for Election Law: This bill repeals the ban on calling a voter whose name is on the federal do-not-call registry with prerecorded political messages. Political messages are permitted to be made under the federal do not call statute because political speech cannot be limited in this way because political speech has more first amendment protection than the commercial speech the statute was designed to target. Because our state law conflicts with federal law, it is appropriate to repeal the state law. Vote 9-1.

HB 1345, prohibiting party committees from selecting candidates for office. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph D. Thomas for Election Law: The proposed bill would prevent political parties from filling vacancies on a ballot when an insufficient number of people file to be candidates to fill the available positions or when a candidate on the ballot is disqualified according to RSA 655:38. The present law allows these vacancies to be filled by people who support their parties' philosophy. The committee believes that political parties should retain the right to fill vacancies on their party's primary ballot. Vote 18-0.

HB 1673-FN, relative to complaints of election law violations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susan C. DeLemus for Election Law: This bill, as amended, requires the attorney general to submit regular reports on election complaints to the General Court. It calls for a summary of each complaint to include date received, nature of allegation, date of alleged violation. 1) A description of the response. 2) If no investigation of complaint, why? 3) The result of investigations and any actions taken. 4) Updates of unresolved complaints. It simply gets information to the legislature so that informed decisions can be made when considering any legislation. Vote 18-1.

Amendment (0956h)

Amend the bill by replacing section 1 with the following:

1 Enforcement of the Election Laws. Amend RSA 7:6-c to read as follows:

7:6-c Enforcement of the Election Laws.

I. Upon receipt of a ***signed*** written complaint [~~signed by a voter of the state of New Hampshire~~], or upon his ***or her*** own motion, the attorney general may in his ***or her*** discretion, conduct investigations to determine whether any violation of the election laws has occurred and may prosecute anyone responsible for such a violation. In conducting an investigation under this section the attorney general may enlist the aid of the county attorneys, the state police, and other public officers. In the exercise of his ***or her*** powers and duties under this section, the attorney general may hold hearings and require the attendance of individuals by the use of subpoena and may require the production of books, documents, records***,*** and other tangible goods by use of subpoena duces tecum. Any testimony required by the attorney general at a hearing which he ***or she*** is empowered to hold under this section shall be given under oath. ***The attorney general shall maintain records of complaints and investigations of alleged violations of the election laws.***

II. The attorney general shall report to the general court by September 1, 2012 and at least once during every 6-month period thereafter on the status of all complaints of alleged violations of the election laws received. The attorney general shall submit the report to the standing committees of the senate and house of representatives with jurisdiction over election law. The report shall include, but not be limited to the following:

(a) A summary of each complaint received during the preceding 6 months, or during the period since the previous report if such period is less than 6 months. The summary for each complaint shall include, at a minimum, the date received, the nature of the alleged violation, and the date of the alleged violation.

(b) A description of the response to each complaint received and whether the complaint was investigated.

(c) For each complaint not investigated, an explanation of why the complaint was not investigated.

(d) For each complaint investigated, the results of the investigation and a description of actions taken following the investigation.

(e) An update on all complaints received but not resolved during a prior reporting period.

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

AMENDED ANALYSIS

This bill requires the attorney general to submit regular reports on election complaints to the general court.

HB 1681-FN, relative to reporting political expenditures and contributions. **REFER FOR INTERIM STUDY.**

Rep. Regina M. Birdsell for Election Law: This bill was brought forth to bring more transparency into political expenditures and contributions arena by requiring any political committee whose receipts or expenditures in support of a candidate measure or political party exceeds $500.00 by filing electronically. However, there were some concerns regarding

the user friendliness of the secretary of state's website, so the committee decided to bring this bill to an interim study. The committee felt the bill has merit and would like to work with the secretary of state to look into feasible options for improving the website to allow a more transparent means into reporting political expenditures and contributions. Vote 11-0.

HB 1704-FN, relative to limits on political contributions and relative to reporting by political committees. **OUGHT TO PASS.**
Rep. Shaun S. Doherty for Election Law: This bill would create additional political committee reporting periods and place in statue the pre-primary/exploratory phase of an election. In an effort to provide more transparency in our elections, political committees would now be required to file a report every 6 months during non-election years and quarterly in election years. This bill allows for a candidate to collect up to $5,000 during the exploratory phase of an election, which occurs once their political committee is filed with the secretary of state and until they file to place their name on the ballot in June. A candidate would be able to collect an additional $5,000 for the primary and for the general election phase of an election. The attorney general's office has repeatedly asked for legislative guidance as to the contribution limits and time periods, and this bill provides it. Vote 17-2.

HB 1127, relative to barbering apprentices. **OUGHT TO PASS.**
Rep. Randall A. Whitehead for Executive Departments and Administration: This bill is business friendly, enables more citizens to become licensed barbers and presents no risks to customers. Vote 13-0.

HB 1142, relative to the electricians' board. **REFER FOR INTERIM STUDY.**
Rep. John Sytek for Executive Departments and Administration: The committee intends to address the concerns of this bill in conjunction with SB 226. The committee feels that it is better to have one comprehensive bill regarding a particular licensed profession than multiple bills with the possibility of inadvertent conflict. Vote 12-0.

HB 1150, relative to examinations for licensure as a professional engineer or land surveyor. **OUGHT TO PASS.**
Rep. Calvin D. Pratt for Executive Departments and Administration: This bill provides for proctored exams for professional engineers and land surveyors using an electronic format that replaces pen and paper formats. The bill replaces "oral" and "written" references with the word "proctored." All the committee's concerns with cheating, tampering, and the most current electronic test procedures were satisfied. Vote 12-0.

HB 1169, requiring the secretary of state to make a report of lands over which jurisdiction has been ceded to the federal government. **INEXPEDIENT TO LEGISLATE.**
Rep. Steven J. Winter for Executive Departments and Administration: This bill would result in the opposite result of what it was written to accomplish. The secretary of state informs us that he requested a search of archives ten years ago to determine what paperwork had been filed by the federal government to accept ceded property from the State of New Hampshire. No such documents were found and as a result no land has been ceded to the federal government by the state. Since the secretary of state has been in office from well before that search, he is also confident that no such ceding has taken place since that search. Passage of this bill could lead to potential adverse results in this issue. Vote 12-0.

HB 1173, relative to complaints against psychologists. **INEXPEDIENT TO LEGISLATE.**
Rep. John Sytek for Executive Departments and Administration: The subject matter of this bill has been entirely incorporated into the more comprehensive HB 1508 which is still in committee. Since this bill is now unnecessary, the committee recommends ITL. Vote 12-0.

HB 1187, establishing a commission to prepare for possible action in the event of a catastrophic occurrence that renders the federal government unable to function. **INEXPEDIENT TO LEGISLATE.**
Rep. John Sytek for Executive Departments and Administration: This bill would establish a committee to determine possible action by NH in the event that the federal government is unable to function. The committee felt that this possibility was too remote to warrant state attention. It also felt that if any such catastrophic event were to occur, there would be far more contingencies than any such action plan could effectively address. For these reasons the committee recommends ITL. Vote 10-0.

HB 1248-FN, relative to emergency management compacts. **INEXPEDIENT TO LEGISLATE.**
Rep. Kenneth Hawkins for Executive Departments and Administration: The bill sponsor requested that we ITL this bill as it was unconstitutional. We agreed with that request. Vote 11-0.

HB 1255, relative to the membership of the commission on primary care workforce issues. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Calvin D. Pratt for Executive Departments and Administration: This bill, as amended, adds five additional members to the commission on primary care workforce issues, expanding the commission from twelve to seventeen members. The amendment corrects a grammatical error. Vote 12-0.

Amendment (0943h)
Amend RSA 126-T:1, XI as inserted by section 1 of the bill by replacing it with the following:
XI. A representative of the New Hampshire Area Health Education Center, appointed by the organization.

HB 1316, relative to continuing education for licensed electricians. **REFER FOR INTERIM STUDY.**
Rep. John Sytek for Executive Departments and Administration: The committee intends to incorporate the content of this bill dealing with continuing education requirements for electricians into SB 226. The committee feels that it is the safer course to have one comprehensive bill regarding a particular licensed profession than multiple bills with the possibility of inadvertent conflict. Vote 13-0.

HB 1381, exempting note finders from licensing requirements for real estate brokers and mortgage brokers. **INEXPEDIENT TO LEGISLATE.**
Rep. Spec Bowers for Executive Departments and Administration: This bill was requested by a constituent who was notified that he had to be licensed even though there appeared to be no statute to that effect. In the public hearing it became clear that note finders are NOT required to be licensed. The banking agency has written a formal letter to that effect, and the real estate board has never intimated that they were involved. The committee recommends ITL because the bill is not needed. Vote 12-0.

HB 1448, requiring public access to any document and Internet content which is incorporated by reference in administrative rules. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Maurice L. Pilotte for Executive Departments and Administration: This bill addresses how to guarantee a citizen's right to access administrative rules when such rules incorporate by reference documents and/or internet content. The bill: (1) adds a definition of "internet content" in RSA 541-A which governs administrative rules; (2) requires that agencies make a copy of any document or internet content incorporated by reference in administrative rules

and make it available for inspection; (3) requires that the agency clearly identify where "internet content" materials can be found by the citizen; (4) crafts a narrow exception to RSA 541-A for the department of health and human services Medical Assistance Program "criteria for medical services and items" when these criteria are found only on the internet and are updated monthly. RSA 541-A currently requires that any undated internet content be printed, dated, and made available for inspection by the agency. Vote 14-0.

Amendment (0830h)

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

1 New Paragraph; Definition; Internet Content. Amend RSA 541-A:1 by inserting after paragraph VII-a the following new paragraph:

VII-b. "Internet content" means material that exists only on a website on the Internet.

2 New Paragraphs; Administrative Rules; Public Access to Documents and Internet Content Incorporated by Reference. Amend RSA 541-A:12 by inserting after paragraph V the following new paragraphs:

VI. Each agency shall, upon request for a copy of any document or Internet content incorporated by reference in the agency's rules, make available for inspection any such document or downloaded Internet content.

VII. Each agency shall include the information required in paragraph IV(b) as an appendix with each filing of the proposed or adopted rule. The agency shall make the information available to the public with a proposed or adopted rule whenever the rule is made available to or requested by the public. When the rule is published pursuant to RSA 541-A:15, the information shall be published as an appendix to the rule chapter containing the rule with a reference in the rule to the appendix. The information shall not be required to be filed on a separate page.

3 New Paragraph; Exception. Amend RSA 541-A:21 by inserting after paragraph VII the following new paragraph:

VIII. Rules relative to the department of health and human services medical assistance program coverage criteria for medical services and items, adopted under either RSA 161:4-a, IX or other rulemaking authority of the commissioner of the department relative to the medical assistance program, shall be exempt from RSA 541-A:12, V and may incorporate by reference these criteria as Internet content without specifying a date or edition for the content incorporated. Amendments to these criteria shall be exempt from the requirements of RSA 541-A:5 through RSA 541-A:14.

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

HB 1502-FN, relative to appeal of abatement requests to the board of tax and land appeals. **INEXPEDIENT TO LEGISLATE.**

Rep. Carol M. McGuire for Executive Departments and Administration: This bill would require the board of tax and land appeals to investigate and decide fairly on appeals of property tax abatements. This is to address a perceived problem by some appellants that selectmen and assessors are given undue deference, which is not borne out by the facts. A recently instituted procedure requires the first step in an appeal to be mediation with the assessing authority, which has eliminated many frivolous appeals. The committee believes that current law properly sets the impartiality of the board of tax and land appeals and changes are not necessary. Vote 12-0.

HB 1538, relative to innovative cosmetic or esthetic treatments. **INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth Hawkins for Executive Departments and Administration: This bill regarding barbers, cosmetologists, and esthetics would have allowed them to use products to be used that were not for their intended purpose, and to allow treatments using animals as long as

they didn't harm the animal. We decided that this would open too large of an exception to help public safety. Vote 11-1.

HB 1573, establishing a committee to study the duties and responsibilities of the attorney general which are required in law. **INEXPEDIENT TO LEGISLATE.**
Rep. Spec Bowers for Executive Departments and Administration: At the time this bill was filed there was some controversy as to what were the duties of the AG. The bill would establish a study committee to try to resolve the controversy. At this time that question is moot. It is not clear that the study committee could produce any useful results. Whatever work the committee might produce could be done equally well by any interested individuals. There is no apparent benefit to creating a committee. Vote 10-2.

HB 1593-FN, relative to the department of information technology. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Peter T. Hansen for Executive Departments and Administration: This bill repeals the impending repeal date of July 1, 2114 for the department of information technology. The committee felt there are a number of critical issues yet to be addressed and resolved and that it is necessary to grant specific rulemaking authority to insure success. The bill amends membership criteria by allowing designees rather than the heads of departments to be appointed to the information technology council, and adds certain public members to the council. The bill also amends RSA 21-R:4 adding 2 additional strategic tasks and grants very specific rulemaking authority to the commissioner to support specific tasks named in the bill. The commissioner or his designee is also added as a member to the advisory council on emergency preparedness and security committee. Vote 12-0.

Amendment (0884h)
Amend the bill by replacing all after section 1 with the following:
2 Information Technology Council; Agency Membership. Amend RSA 21-R:6, II(f) to read as follows:
(f) Two heads of other departments, ***or their designees,*** appointed by the governor.
3 Information Technology Council; Members Added. Amend RSA 21-R:6, II(k) to read as follows:
(k) ***One representative of academia, appointed by the governor for a 3-year term.***
(l) One representative of the business community, appointed by the governor for a 3-year term.
(m) One person appointed by the governor for a 3-year term, who shall serve as the chairperson of the council.
4 New Paragraphs; Department of Information Technology; Duties of the Commissioner. Amend RSA 21-R:4 by inserting after paragraph XV the following new paragraphs:
XVI. Developing and implementing a strategy to address cyber security risks to the state's data, information, and technology resources.
XVII. Developing and implementing a strategy to address the state's geographical information system (GIS) technology.
5 New Section; Department of Information Technology; Rulemaking Authority. Amend RSA 21-R by inserting after section 4 the following new section:
21-R:4-a Rulemaking Authority. The commissioner may adopt rules, pursuant to RSA 541-A, relative to:
I. Computer system consolidations, implementation, and operation.
II. Implementation and operation of centralized services.
III. Implementation and operation of technology security.

6 Advisory Council on Emergency Preparedness and Security; Commissioner of the Department of Information Technology Added. Amend RSA 21-P:48, I(uu) to read as follows:

(uu) ***The commissioner of the department of information technology, or designee.***

(vv) Such other representatives as the governor, from time to time, may deem necessary for the fulfillment of the council's mandates.

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

AMENDED ANALYSIS

This bill:

I. Repeals the prospective repeal date of July 1, 2014 for the department of information technology.

II. Permits agency heads to appoint designees to the information technology council and adds certain public members to the council.

III. Requires the commissioner of the department of information technology to develop a cyber security strategy and GIS strategy and authorizes the commissioner to adopt related administrative rules.

IV. Adds the commissioner of the department of information technology to the advisory council on emergency preparedness and security.

HB 1602, removing the exemption for janitors from pesticide applicator licensing. **INEXPEDIENT TO LEGISLATE.**

Rep. John Sytek for Executive Departments and Administration: Under present law, commercial applicators of pesticides (i.e. those who apply pesticides professionally) are required to be registered under RSA 430:33. Janitors are exempt from this requirement both under law (RSA 430:46) and rule (PES 303.03). The types of pesticides considered in the exemption are ordinary, over-the-counter products such as RAID and ant traps. This bill would repeal that exemption on the grounds of protecting public health. However, all the testimony in support of this bill was anecdotal. There were no instances presented of personal injury. The hypothetical scenarios suggested seemed to be a reach. For these reasons, the committee concluded that this bill was not necessary at this time. Vote 8-2.

HB 1668-FN, relative to an individual's right to access to all state government files concerning the individual. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter T. Hansen for Executive Departments and Administration: HB 1668 would require upon request any state agency which has files or information pertaining to an individual to provide a copy of same upon request and allows for no exemptions, no provisions to redact other people's personal data, and no restrictions on the type of files to be provided. If passed this law may unwittingly jeopardize the privacy of innocent 3rd parties whose information may also be contained in the copied information. Further, agencies would be exposed to the unintended violation of HIPPA or the driver privacy act. A myriad of law enforcement, national security, homeland security and ongoing investigations' information may be compromised and justice denied by the passage of this bill. Current law RSA 91-A :5, lV protecting the privacy of individuals is in direct conflict with the intent of this bill. Current law provides generous access to information, files and records while protecting the individual and the mandates of many if not all state agencies. Vote 12-0.

HB 1687-FN, relative to state employee information available on the state transparency website. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth Hawkins for Executive Departments and Administration: This bill would allow the Finance Committee to obtain the number of employees and their salaries to be posted on the state transparency website without their names. Currently during budget deliberations there is no easy way to get that information. The amendment changes the source from the Transparent NH web site to using data from GHRS database at DAS. The

Transparent NH site is only posted once a year. The GHRS information is available after each pay period. Vote 12-0.

Amendment (0883h)

Amend the bill by replacing section 1 with the following:

1 Online Access to Budget Information and Reports; State Employee Positions. Amend RSA 9-F:1, II (d) to read as follows:

(d) ***All full-time state employee positions including state agency, accounting unit, position number, job title, current labor grade and step, current annual salary and whether the position is vacant or filled, in a searchable format. Information published under this subparagraph shall not include employee names and shall be updated no later than biweekly.***

(e) Any other information as determined by the department of information technology and the department of administrative services, in consultation with the legislative oversight committee established in RSA 9-F:2.

AMENDED ANALYSIS

This bill requires the state transparency website to include certain information relative to full-time state employee positions.

HB 1638, establishing a commission to study and recommend standards for downshifting and cost shifting from the state to counties, cities, towns, and individuals. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas E. Keane for Finance: This bill established a commission to study and recommend standards for down-shifting and cost shifting from the state to counties, towns and individuals and to issue a report by November 1, 2012. After a discussion of other means of obtaining down shifting cost data the committee voted unanimously 20-0, to ITL. Vote 20-2.

HB 1551, clarifying the liability of landowners, lessees, and occupants of premises who allow other persons to use the premises for hunting, fishing, and other recreational purposes or to remove fuel wood. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Benjamin P. Lefebvre for Fish and Game and Marine Resources: HB 1551, as amended, makes changes to RSA 212:34, the duty of care law. This bill came about after a lawsuit was brought against a New Hampshire farmer in which the plaintiff claimed he was injured after a landowner was negligent in giving permission to use a deer stand and hunt on his property. This lawsuit was eventually dropped but not after considerable undue personal and financial stress was endured. This lawsuit sent a shockwave through the landowner, farm, forest and outdoor recreation community and acres upon acres of private land that was previously open for recreational purposes was in threat of being closed. This bill, as amended, states any land owner, lessee, manager or holder of an easement who allows hunting, fishing, trapping camping, fuel wood removal or other recreational activities owes no duty of care to keep premises safe for entry. This however does not limit the liability that comes from malicious action or injury suffered where services are provided for a monetary charge. This bill, as amended, also adds payments of attorney's fees and court costs by the losing party in an attempt to reduce frivolous lawsuits. Vote 13-0.

Amendment (0839h)

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

AN ACT clarifying the liability of landowners, lessees, and occupants of premises who allow other persons to use the premises for hunting, fishing, and other recreational purposes or to remove fuel wood, and relative to the losing party's payment of the prevailing party's costs in actions against such landowners, lessees, and occupants.

Amend RSA 212:34, III(b) as inserted by section 1 of the bill by replacing it with the following:

(b) For injury suffered in any case where permission to hunt, fish, trap, camp, ride horseback, ride bicycles, hike, use for water sports, winter sports, use of snowmobiles as defined in RSA 215-C, or use of OHRVs as defined in RSA 215-A, sightsee, or remove fuel wood was granted for a [~~consideration~~] ***monetary charge*** other than the [~~consideration~~] ***monetary charge***, if any, paid to said landowner by the state; or

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 New Subdivision; Losing Party's Payment of Prevailing Party's Attorney's Fees and Court Costs in Certain Actions Against Landowners, Lessees, and Occupants. Amend RSA 507 by inserting after section 17 the following new subdivision:

Payment of Attorney's Fees and Court Costs in Certain Actions
Against Landowners, Lessees, and Occupants

507:18 Payment of Attorney's Fees and Court Costs in Certain Actions Against Landowners, Lessees, and Occupants.

I. In any action arising under RSA 212:34, III against a landowner, lessee, manager, holder of an easement, or occupant of land, the court shall order the losing party to pay the prevailing party's attorney's fees and court costs.

II. The court shall offer the losing party the opportunity to present evidence to the court of inability to pay the entire amount of the prevailing party's attorney's fees and court costs. If the court finds that the losing party is unable to pay the entire amount of attorney's fees and court costs, it may waive the portion of the prevailing party's attorney's fees and court costs which the losing party is unable to pay.

AMENDED ANALYSIS

This bill clarifies the liability of landowners, lessees, and occupants of premises who allow other persons to use the premises for hunting, fishing, and other recreational purposes or to remove fuel wood. The bill also requires the losing party to pay the prevailing party's attorney's fees and court costs in actions against such landowners, lessees, and occupants.

HB 1340, relative to reimbursing chiropractors. **INEXPEDIENT TO LEGISLATE.**
Rep. John M. Reagan for Health, Human Services and Elderly Affairs: Upon consultation with the House Commerce Committee, it was determined insufficient evidence had been presented to justify a legislative directive ordering insurers to directly reimburse practitioners of chiropractic medicine. Vote 18-0.

HB 1519-FN, requiring hospitals to provide Medicaid patient outpatient services at outpatient Medicaid rates for certain hours. **INEXPEDIENT TO LEGISLATE.**
Rep. John M. Reagan for Health, Human Services and Elderly Affairs: The runaway costs of health care delivery are a result of incomplete philosophy as well as lack of rational payer accountability. The rates paid system will need more detailed attention than the bill offers. Vote 18-0.

HB 1596, relative to the membership of the advisory council on child care. **OUGHT TO PASS WITH AMENDMENT.**
Rep. John M. Reagan for Health, Human Services and Elderly Affairs: The amendment clarifies membership in the advisory council on child care and allows for replacement of members lost through dissolution of the appointing body. It further adds the Health & Human Services Oversight Committee to those receiving reports. Vote 18-0.

Amendment (0802h)

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

1 Advisory Council on Child Care; Representative of School Age Child Care Providers. Amend RSA 126-A:17, II(e) to read as follows:

(e) One individual representing the interests of school age child care ***providers***, appointed by [~~Plus Time N.H~~] ***the New Hampshire Afterschool Network***.

2 New Subparagraph; Advisory Council on Child Care; Representative of Foster Parents. Amend RSA 126-A:17, II by inserting after subparagraph (n) the following new subparagraph:

(o) One individual representing the interests of foster parents, appointed by the New Hampshire Foster and Adoptive Parent Association.

3 Advisory Council on Child Care; Report to Health and Human Services Oversight Committee. Amend RSA 126-A:17, V(a) and (b) to read as follows:

(a) Developing a 5-year state plan of recommended improvements of child care services in the state of New Hampshire, copies to be sent to the speaker of the house ***of representatives***, the president of the senate, and the governor.

(b) Submitting an annual progress report of the council's 5-year state plan to the speaker of the house ***of representatives***, the president of the senate, ***the oversight committee on health and human services,*** and the governor.

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

AMENDED ANALYSIS

This bill revises the membership of the advisory council on child care to include representatives of afterschool child care providers and foster parents. The bill also requires the council to provide the oversight committee on health and human services with a copy of its annual report.

HB 1599, relative to mammography. **INEXPEDIENT TO LEGISLATE.**
Rep. John M. Reagan for Health, Human Services and Elderly Affairs: While the committee was moved by the testimony relating to an unfortunate radiology outcome, expert testimony convinced the committee the current medical standard of practice was more than sufficient to guard breast health by physicians. Vote 13-3.

HB 1614, establishing a committee to study the public health implications involved with the imposition of the energy provisions of the state building code. **INEXPEDIENT TO LEGISLATE.**
Rep. John M. Reagan for Health, Human Services and Elderly Affairs: Unhealthy buildings prompted this request for a study of building codes allowing new construction to rot away before the mortgage can be retired. Testimony offered the International Codes Council overseer of the codes as paying attention to this distressing and costly problem mitigating the need for a study committee. Vote 18-0.

HB 1618, relative to fire safety standards for community living facilities. **OUGHT TO PASS WITH AMENDMENT.**
Rep. John M. Reagan for Health, Human Services and Elderly Affairs: This measure relieves home based care givers from having to provide what are now disqualifying fire protection measures when contracting to provide services. Vote 17-0.

Amendment (0915h)

Amend the title of the bill by replacing it with the following:
AN ACT relative to types of community living facilities.
Amend the bill by replacing section 1 with the following:

1 Repeal. RSA 126-A:23, relative to types of community living facilities, is repealed.

AMENDED ANALYSIS

This bill repeals the law regarding types of community living facilities.

HB 1640, establishing a committee to study application requirements for nursing home patients seeking respite care. **INEXPEDIENT TO LEGISLATE.**
Rep. John M. Reagan for Health, Human Services and Elderly Affairs: The committee wishes we could affect changes in regulations of the Medis but these regulations are a federal matter best adjusted by pressure from the congressional delegation. Vote 17-0.

HB 1644, relative to the regulation of home health care providers by the department of health and human services. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Laurie Harding for Health, Human Services and Elderly Affairs: This bill requires that individuals who are providing private in-home care services such as personal care, companionship or homemaking services for compensation must have a criminal background check and be registered with the state. Registration will be an annual process. Registration is not required of family members who are providing care for compensation. The committee believes that this legislation will be a positive step toward protecting vulnerable individuals who require community support. Vote 17-0.

Amendment (0947h)
Amend the title of the bill by replacing it with the following:
AN ACT relative to the regulation of individual home health care service providers by the department of health and human services.
Amend the bill by replacing all after the enacting clause with the following:
1 License or Registration Required. Amend the section heading of RSA 151:2 to read as follows:
151:2 License ***or Registration*** Required.
2 New Paragraph; Individual Home Care Service Provider; Registration Required. Amend RSA 151:2 by inserting after paragraph IV the following new paragraph:
V. No person shall operate as, or represent himself or herself as, an individual home care service provider as defined in RSA 151:2-b, V unless that person is registered in accordance with this chapter.
3 Individual Home Heath Care Service Provider. Amend the section heading of RSA 151:2-b to read as follows:
151:2-b Home Health Care Provider ***and Individual Home Care Service Provider***.
4 New Paragraph; Definition Added. Amend RSA 151:2-b by inserting after paragraph IV the following new paragraph:
V. "Individual home care service provider" means any individual not employed by a home health care provider licensed under RSA 151:2, I(b) who solicits and provides personal care services or homemaker services for compensation to clients in their places of residence; provided that the client is not a family member.
5 Rulemaking. Amend the section heading of RSA 151:9-a to read as follows:
151:9-a Rules for Home Health Care Providers ***and Individual Home Care Service Providers***.
6 New Paragraph; Rulemaking Added. Amend RSA 151:9-a by inserting after paragraph XI the following new paragraph:
XII. Requirements for mandatory registration of individual home care service providers which shall not exceed a criminal background check and a state registry check.
7 Effective Date. This act shall take effect 60 days after its passage.
AMENDED ANALYSIS
This bill requires persons providing individual personal care services or homemaker services to be registered with the department of health and human services.

HB 1223-FN, relative to remedies under the right-to-know law. **OUGHT TO PASS WITH AMENDMENT.**
Rep. J. Brandon Giuda for Judiciary: This bill will help enhance transparency of government

by holding public officials accountable for egregious violations of New Hampshire's right-to-know law (RSA 91-A). The committee heard significant evidence of RSA 91-A violations by public officials, including lawsuits where citizens prevailed in court at their own cost, only to have public officials continue to ignore the law. This bill allows citizens who file legitimate lawsuits for RSA 91-A violations to recover their legal expenses if the court finds that the lawsuit was necessary to force compliance with RSA 91-A or to address a purposeful violation of RSA 91-A. It also allows the court to remove those public officials from office who violate RSA 91-A knowingly and in bad faith. Finally, the bill allows municipalities to recover legal fees from plaintiffs who file frivolous RSA 91-A lawsuits and from public officials who are found to have violated the law knowingly and in bad faith. Vote 12-0.

Amendment (0866h)

Amend RSA 91-A:8, I as inserted by section 1 of the bill by replacing it with the following:

I. If any public body or public agency or officer, employee, or other official thereof, violates any provisions of this chapter, such public body or public agency shall be liable for reasonable attorney's fees and costs incurred in a lawsuit under this chapter, provided that the court finds that such lawsuit was necessary in order to enforce compliance with the provisions of this chapter or to address a purposeful violation of this chapter. Fees shall not be awarded unless the court finds that the public body, public agency, or person knew or should have known that the conduct engaged in was in violation of this chapter or if the parties, by agreement, provide that no such fees shall be paid.

Amend RSA 91-A:8, IV as inserted by section 1 of the bill by replacing it with the following:

IV. If the court finds that an officer, employee, or other official of a public body or public agency has knowingly violated RSA 91-A:2-a, or has violated any other provision of this chapter in bad faith, the court shall order that such officer, employee, or other official of a public body or public agency be removed from his or her position or positions within the public body or agency. Upon such finding, such person or persons shall also be required to reimburse the public body or public agency for any attorney's fees or costs it paid pursuant to paragraph I.

HB 1252, relative to required documentation of ownership in foreclosure proceedings. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M. Sorg for Judiciary: This bill is one of several addressing well publicized perceived abuses in the foreclosure process that have arisen aided by the growth of and changes in the secondary market for mortgages and mortgage-secured promissory notes. A series of assignments and reassignments of such instruments may give rise to doubts as to the right of a foreclosing entity to do so. This bill would require such an entity to have and present the actual instrument before a foreclosure sale would be valid. The committee majority concluded that the complexity of this issue and the number of differing bills that have been filed to address it are such that, in order to avoid possibly adding to rather than resolving the problem it would be more appropriate for referral to a study committee or commission during the next legislative session. Vote 15-2.

HB 1290, relative to self-storage facility liens. **OUGHT TO PASS.**

Rep. Donald B. McClarren for Judiciary: Currently, the owner of a storage facility is required to use certified mail, return receipt requested, to request information from the department of motor vehicles or the secretary of state as to whether personal property left in a self storage facility is subject to a security lien. This bill would allow this to be done by electronic or verified mail. Vote 16-1.

HB 1347, requiring the courts to file reports of complaints against court officers, court staff, and any other person involved in the administration of justice. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald C. Andolina for Judiciary: The committee believes that this bill has some merit in creating a repository of complaints made against individuals associated with the courts; however, the committee is concerned over the lack of specificity regarding the nature of the complaints. The committee would note that citizens may currently make complaints regarding judicial officials to the judicial conduct committee, complaints regarding lawyers to the professional conduct committee and complaints regarding guardians ad litem to the GAL board and that information regarding those complaints is publically available. The committee also believes that the process envisioned by the bill is not clearly defined as to how the complaints would flow through to the General Court's website. The majority felt that this bill if passed could have an adverse fiscal and human resources impact to the administrative office of the courts and to the normal operations of the House and Senate Clerks, possibly causing unforeseen and undesirable implementation costs. Vote 13-2.

HB 1363, relative to banking regulations and foreclosures. **INEXPEDIENT TO LEGISLATE.**
Rep. Gregory M. Sorg for Judiciary: This bill is another addressing perceived abuses in the mortgage foreclosure process. This one appears directed to avoiding carelessness and clerical errors in assignments of mortgages by denying legal effect to interests based upon recorded assignments on blank forms, the idea being, as best the committee could gather, that individual assignments rather than multiple, or batch, assignments on a blank form would impose internal discipline on the process. The committee majority concluded that it would be more appropriate for mortgage abuse issues to be dealt with as a whole by a study committee or commission during the next legislative session rather than piecemeal by numerous narrowly focused bills during this session. Vote 17-0.

HB 1450, eliminating the requirement that the county attorney be a member of the New Hampshire bar. **INEXPEDIENT TO LEGISLATE.**
Rep. Brian J. X. Murphy for Judiciary: The committee determined that implicit in the position of county attorney is the need to be an attorney. Otherwise, the county attorney, who is vested with the duty of representing the people's interest, would be unable to appear before the judiciary on the people's behalf. As a practical matter, many of the smaller counties would have to hire a licensed attorney to execute official duties, resulting in an adverse fiscal impact to that county. Accordingly, the committee felt that the passage of this bill would be ill-advised. Vote 16-0.

HB 1459, relative to court proceedings in civil actions. **INEXPEDIENT TO LEGISLATE.**
Rep. J. Brandon Giuda for Judiciary: The sponsor presented to the committee a broad and lengthy judicial reform bill relating to court actions, including attorney's fees, frivolous law suits and dismissal of law suits. The committee believes that all of the elements requested in the bill are currently in law or court rule. As such, further action is unnecessary. Vote 12-2.

HB 1462, relative to the eviction process. **INEXPEDIENT TO LEGISLATE.**
Rep. Lenette M. Peterson for Judiciary: This bill would allow a landlord engaged in an eviction process to correct an error in the writ filed in the circuit court. Currently, circuit court allows amendments or writs under Rule 3.8. The committee believes that there are adequate provisions in the court rules to allow for a fair and equitable process for all parties. Vote 12-2.

HB 1506-FN, relative to the right-to-know exemption for public employee personnel files. **INEXPEDIENT TO LEGISLATE.**
Rep. Kathleen F. Souza for Judiciary: The majority of the committee found much merit in this bill's purpose. However, they were not convinced that the proposed wording would achieve the sponsors' objectives. While the exemption for public employee's personnel

records (from the right-to know law) was removed, the remaining exemptions would frustrate the intent. A second important consideration was the potential misuse of personal information. Vote 11-1.

HB 1535-FN, relative to arrest records under the right-to-know law. **OUGHT TO PASS.**
Rep. Brian J. X. Murphy for Judiciary: The purpose of this act is to make arrest records public and to require that they contain basic and essential information about an arrest. The public has a substantial interest in the information contained in arrest records considering the public safety implications and the deprivation of personal freedoms. Currently, New Hampshire's right-to-know laws do not expressly address arrest records. As a result, the public's access to this information is patchwork and inconsistent. This bill will create uniformity among the various police departments and increase transparency throughout the state. Vote 13-0.

HB 1594, abolishing assessment of damages in tort actions by joint and several liability. **INEXPEDIENT TO LEGISLATE.**
Rep. Gregory M. Sorg for Judiciary: New Hampshire's current comparative negligence system, although sometimes described as imposing joint and several liability among judgment tortfeasors, does not, strictly speaking, actually do so. Although it is true that a party found more than 50% negligent can be held liable for payment of all damages and is thus burdened with the responsibility to seek contribution or indemnity from the other negligent parties for their respective percentages of liability, no party found less than 50% negligent can be held liable for payment of a percentage of the damages greater than the percentage attributed to that party. This bill would extend the limitation on liability to the more-than-50% negligent party as well. The committee concluded that the present system is preferable because it better assures that the injured plaintiff will receive compensation for his injuries "completely, and without any denial; promptly, and without delay," as guaranteed by Article 14 of the New Hampshire Bill of Rights; that it is better to place the burden of seeking contribution upon the most negligent tortfeasor than upon the completely or comparatively innocent plaintiff. Vote 16-0.

HB 1598, relative to the definition of "meeting" under the right-to-know law. **INEXPEDIENT TO LEGISLATE.**
Rep. Donald B. McClarren for Judiciary: The purpose of this bill was to clarify the definition of "meeting" under the right-to-know. While the attempt was noble the result was less than non-contentious. The understanding from the committee members was that the definition of "meeting" proposed was not simple enough. Vote 11-0.

HB 1601, relative to the notice to defendant in small claims actions. **INEXPEDIENT TO LEGISLATE.**
Rep. Gregory M. Sorg for Judiciary: RSA 503:6, the section of the statutes setting the requirements for notice to the defendant in small claims actions, was extensively revised in 2007 to provide for service of notice by first class mail in order to ease the administrative burden on the district court caused by the previous requirement to serve notice by certified mail. This bill would revise subsection II of RSA 503:6, which covers what to do in the event that the notice is returned as undeliverable or the defendant does not respond. In cases in which the notice is not returned and the defendant does not respond, current law presumes that he got notice and chose to ignore it. This bill would in these circumstances presume that the notice was lost in the mail or misdirected, and oblige the plaintiff to complete service as in other actions at law, at the plaintiff's expense. The committee concluded that lost or misdirected mail is the rare exception; that the presumption in current law is therefore the correct one; and that to pass HB 1601 would be an invitation to defendants to simply ignore the notice and thereby cause delay, subject innocent plaintiffs to needless expense, and

undermine the purpose of the 2007 amendment. Vote 13-0.

HB 1655-FN, relative to the use of superior court facilities in Nashua. **INEXPEDIENT TO LEGISLATE.**
Rep. Barry J. Palmer for Judiciary: Although the committee had high praise for the recent cost-cutting measures taken by the Judiciary, this particular bill was deemed "penny-wise and pound foolish," because although it does save the court system money, cost is down-shifted to the greater Nashua community. Substantial increase in cost would be felt by greater Nashua police departments, the legal community, the County Attorney's office, and would severely affect the businesses in downtown Nashua which depend on the court. There will also be additional jury travel costs incurred, amounting to thousand of dollars. The unanimous vote of the committee speaks for itself. Vote 17-0.

HB 1722, relative to disqualification of judges and lawyers from practicing in the circuit courts. **OUGHT TO PASS WITH AMENDMENT.**
Rep. J. Brandon Giuda for Judiciary: This bill clarifies when part-time judges and lawyers affiliated with those judges are disqualified from practicing in the circuit courts due to their professional affiliations. This bill is necessary because under the overly-strict provisions of the newly-enacted circuit court law, part-time judges would become extinct because their law partners would be prohibited from practicing in most New Hampshire courts. Part time judges are a part of New Hampshire's history and are critical to the efficiency of the justice system. As such, this bill reestablishes the disqualification standards that had been in effect for many years. Vote 16-0.

Amendment (1006h)
Amend RSA 490-F:9 as inserted by section 1 of the bill by replacing it with the following:
490-F:9 Disqualifications of Judges. No judge or clerk of ***any division of*** the circuit court shall be retained or employed as an attorney in any action, complaint, or proceeding pending in a division of the circuit court or circuit court site in which that judge or clerk has been certified or assigned. [~~No attorney shall be permitted to practice before any division of the circuit court where any justice, associate justice, or special justice is associated with such attorney in the practice of law~~] ***No attorney associated with such a judge in the practice of law shall be permitted to practice in the division at the circuit court site in which the judge is assigned.***

HB 1163, relative to the withholding union dues from wages. **INEXPEDIENT TO LEGISLATE.**
Rep. Gary L. Daniels for Labor, Industrial and Rehabilitative Services: This bill prohibits the withholding of union dues and fees from an employee's paycheck. The statutes currently authorize a number of items to be withheld from an employee's paycheck with the employee's permission. The committee felt that targeting this one item was not appropriate since many of the other authorized deductions were also going to private entities. Vote 17-0.

HB 1174, relative to negotiations for contracts for county employees. **OUGHT TO PASS WITH AMENDMENT.**
Rep. William J. Infantine for Labor, Industrial and Rehabilitative Services: This bill states the executive committee or the county convention may designate a member of the convention to observe the collective bargaining negotiating sessions for the purpose of advising the convention regarding the cost items in a bargaining contract. The amendment holds the designee subject to the same legal requirements as the employer negotiating them, including confidentiality requirements. Vote 16-1.

Amendment (0933h)

Amend the bill by replacing section 1 with the following:

1 New Section; Counties; Commissioners Negotiations; Convention Representative. Amend RSA 28 by inserting after section 10-b the following new section:

28:10-c Collective Bargaining with Employee Bargaining Units. The county executive committee or the county convention may designate a member of the convention to observe collective bargaining negotiating sessions for the purpose of advising the convention regarding the cost items contained in any proposed contract to be approved by the county convention. Such advice shall only occur after a proposed contract is approved by the parties and sent to the convention for approval. The convention designee shall be a silent observer only and shall not participate in the negotiations in any way. The convention designee shall be subject to the same legal requirements as the employer negotiating team, including, but not limited to, confidentiality requirements.

AMENDED ANALYSIS

This bill allows for a member of the county convention to be an observer in the negotiations for a county employee contract in order to provide advise on the costs items in any contract to be approved by the convention.

HB 1237, relative to the membership of the advisory committee appointed to assist the state negotiator in collective bargaining negotiations. **OUGHT TO PASS WITH AMENDMENT.** Rep. William J. Infantine for Labor, Industrial and Rehabilitative Services: This bill, as amended, re-establishes the joint legislative committee on employment relations that was disbanded a few years ago. The joint committee will be made up of two members of the House, one selected by the Speaker and one selected by the minority leader, two members of the Senate, one appointed by the Senate President and one by the minority leader of the Senate. The fifth member of the committee rotates between the President of the Senate and the Speaker of the House. The committee shall meet with the state negotiating committee as necessary to discuss state objectives on the bargaining process. The committee shall also hold hearings on collective bargaining agreements and review all fact finding reports. It shall submit any recommendation on such agreements to the members of the House and Senate. Vote 16-0.

Amendment (0910h)

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

AN ACT establishing the joint committee on employee relations.

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

1 New Paragraph; Joint Legislative Committee. Amend RSA 273-A:9 by inserting after paragraph V the following new paragraph:

VI. There shall be a joint legislative committee known as the joint committee on employee relations.

(a) The joint committee on employee relations shall include the following members:

(1) Two members, one appointed by the speaker of the house of representatives, and one appointed by the minority leader of the house of representatives.

(2) Two members, one appointed by the president of the senate, and one appointed by the minority leader of the senate.

(b) The chair of the committee shall rotate biennially between the president of the senate or designee and the speaker of the house or designee, provided that the president of the senate shall serve as the first chairperson under the provisions of this subparagraph. In the event that the presiding officer or designee serving as chairperson resigns or for any reason is unable to serve, the other presiding officer or designee shall become chairperson, provided that such substitution shall not change the rotation provided for in this subparagraph.

(c) The joint committee on employee relations shall meet with the state negotiating committee after the first Wednesday in December in the even-numbered years as necessary, to discuss the state's objectives in the bargaining process. Meeting shall be at the call of the chairperson of the joint committee on employee relations.

(d) The joint committee on employee relations shall hold hearings on all collective bargaining agreements with state employees and on all fact-finders' reports relative to the collective bargaining process with state employees and shall submit any recommendation on such agreements or reports to the members of the senate and the house of representatives.

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

AMENDED ANALYSIS

This bill establishes the joint committee on employee relations.

HB 1270, requiring an employer to disclose non-compete and non-piracy agreements to a potential employee prior to making an offer of employment. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William J. Infantine for Labor, Industrial and Rehabilitative Services: The bill requires an employer to disclose any non-compete and/or non-piracy agreements as part of an offer of employment. If not the agreement would be void and unenforceable. The amendment makes this also apply to internal promotions subject to a non-compete or non-piracy agreement. Vote 15-1.

Amendment (0840h)

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

AN ACT requiring an employer to disclose non-compete and non-piracy agreements prior to making an offer of employment or an offer of change in job classification.

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Non-Compete and Non-Piracy Agreements. Amend RSA 275 by inserting after section 69 the following new subdivision:

Non-Compete and Non-Piracy Agreements

275:70 Notice of Non-Compete and Non-Piracy Agreements Required. Prior to or concurrent with making an offer of change in job classification or an offer of employment, every employer shall provide a copy of any non-compete or non-piracy agreement that is part of the employment agreement to the employee or potential employee. Any contract that is not in compliance with this section shall be void and unenforceable.

AMENDED ANALYSIS

This bill requires an employer to disclose non-compete and non-piracy agreements to an employee or potential employee prior to making an offer of employment or an offer of change in job classification.

HB 1366, establishing a committee to study seasonal employment and the calculation of unemployment compensation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kevin P. Sullivan for Labor, Industrial and Rehabilitative Services: The bill, as amended, addresses "seasonal" workers who are temporarily detached from the work force because the industry in which they are employed closes for seasonal reasons. In recent years they did not need to seek employment if they had a call back date of 16 weeks or less. With the passage of this bill, the detached employee will need to seek temporary work with the knowledge that they will be returning to full time employment on recall. There are protections within the amendment to cover wages, hours and other conditions. In addition, this amendment also addresses the issue of most recent employer for the purpose of charging benefits. The definition changes to 13 weeks, or 90 days, which is a typical probationary period. This was included to address unintended consequences of a temporary employer, whose account was being charged if they laid off a worker after five consecutive weeks of

employment. Vote 16-1.

Amendment (0903h)

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

AN ACT relative to employer charges for unemployment compensation benefits and relative to suitable work and eligibility requirements for claimants for unemployment compensation benefits.

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

1 Unemployment Compensation; Most Recent Employer. Amend RSA 282-A:12 to read as follows:

282-A:12 Most Recent Employer. "Most recent employer" means the last ***non-reimbursing*** employer prior to the effective date of the initial claim with whom an individual's work record exceeded [~~4~~] ***12*** consecutive weeks of employment while such individual received no benefits under RSA 282-A ***provided that the employer provided employment, or from which wages in employment were paid or are payable, between the beginning of the base period, whether primary or alternate, and the benefit year ending of the claim year***.

2 Unemployment Benefits; Benefit Eligibility Conditions. Amend RSA 282-A:31, I(d) to read as follows:

(d) He or she is available for and seeking permanent, full-time or part-time work for which he or she is qualified provided that[~~,~~] :

(1) He or she must also be available for and seeking temporary, full-time or part-time work for which he or she is qualified if the commissioner determines that permanent full-time or part-time work for which he or she is qualified is not immediately available within the individual's labor market area; and

(2) He or she must instead be available for and seeking temporary, full-time or part-time work for which he or she is qualified if the commissioner determines that the individual reasonably expects to be recalled in 4 to 26 weeks to permanent full-time or part-time work from which the individual is temporarily separated and equivalent or better work for which he or she is qualified is not immediately available within the individual's labor market area; and

(3) The wages, hours, or other conditions of the temporary work are not substantially less favorable to the individual than those prevailing for similar temporary or permanent work in the locality; and

(4) If availability is limited to part-time work, the claim for unemployment benefits is based on wages earned in part-time work.

3 Disqualifications for Benefits. Amend RSA 282-A:32, I(a)(1) to read as follows:

(1) An unemployed individual, not under a disqualification, accepts employment which would not have been deemed suitable work under subparagraph (d) and terminates such employment within a period of not more than [~~4~~] ***12*** consecutive weeks of employment with or without good cause;

4 Disqualifications for Benefits. Amend RSA 282-A:32, I(d) to read as follows:

(d) [~~He~~] ***The individual*** has failed, without good cause, either to apply for available, suitable work when so directed by the employment office or the commissioner or to accept suitable work when offered him ***or her***, or to return to his ***or her*** customary self-employment (if any) when so directed by the commissioner.

(1) [~~The commissioner, in determining whether or not any work is suitable for an individual, shall consider the following~~] ***If the commissioner determines that work in the individual's customary occupation, at the individual's customary rate of pay, is immediately available within the individual's labor market area, the commissioner, to find that any work is suitable for an individual, shall determine each of the following***:

(A) ***That*** the degree of risk involved to [~~his~~] ***the individual's*** health, safety and morals ***in performing such work is reasonable***; and

(B) [~~His~~] ***That the individual's*** physical fitness ***reasonably allows the individual to perform the essential functions of the work***; and

(C) [~~His~~] ***That the individual's*** prior training ***and experience reasonably allow the individual to successfully perform or to acquire those skills necessary to perform the work***; and

(D) [~~His experience; and~~

~~(E) His prospects for securing, in his labor market area, work in his customary occupation; and~~

~~(F)~~] ***That*** the distance of the available work from [~~his~~] ***the individual's*** residence ***is reasonable***; but such distance shall not be ***considered reasonable if it is both*** substantially greater than that distance to all those places to which others living in the same town or city travel for work which utilizes similar or related skills or services, and also ***substantially greater than the distance*** to where [~~he~~] ***the individual*** acquired his ***or her*** currently available annual earnings; and

(E) That the rate of pay for the work is reasonable in light of the individual's

[~~(G) His~~] prior earnings and length of unemployment, but ***in determining whether the rate of pay is reasonable*** his ***or her*** prior earnings shall be given more weight than his ***or her*** length of unemployment.

(2) If the commissioner determines that work in the individual's customary occupation and at the individual's customary rate of pay is not immediately available within the individual's labor market area, the commissioner, to find that any work is suitable for an individual, shall determine each of the following:

(A) That the degree of risk involved to the individual's health, safety and morals in performing such work is reasonable; and

(B) That the individual's physical fitness reasonably allows the individual to perform the essential functions of the work; and

(C) That the individual's prior training and experience reasonably allow the individual to successfully perform, or to acquire those skills necessary to perform, the work; and

(D) That the distance of the available work from the individual's residence is reasonable; but such distance shall not be considered reasonable if it is both substantially greater than that distance to all those places to which others living in the same town or city travel for work which utilizes similar or related skills or services, and also substantially greater than the distance to where the individual acquired the individual's currently available annual earnings; and

(E) That the work, part-time or full-time, pays minimum wage or an hourly rate which when multiplied times 40 is equal to or greater than 150 percent of the individual's weekly benefit, whichever is greater; and

(F) That the wages, hours, or other conditions of the temporary work are not substantially less favorable to the individual than those prevailing for similar temporary or permanent work in the locality.

[~~(2)~~] ***(3)*** Notwithstanding any other provision of this chapter, no work shall be deemed suitable and benefits shall not be denied under this chapter to any otherwise eligible individual for refusing to accept new full-time or part-time work under any of the following conditions:

(A) If the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(B) If the wages, hours, or other conditions of the work are substantially less favorable to the individual than those prevailing for similar work in the locality;

(C) If, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization;

(D) If the individual is unable to apply for or accept full-time or part-time work during the hours of a particular shift because he or she is the only adult available for the care of an ill, infirm, or physically or mentally disabled family member whom a licensed physician has certified is in need of care for the activities of daily living;

(E) If the individual is unable to apply for or accept full-time or part-time work during the hours of a particular shift because he or she is the only adult available for the care of a natural, adopted, step, or foster child under the age of 16; or

(F) If the individual is permanently physically and/or mentally disabled, full-time or part-time work for such individual shall be deemed to be the hours and shifts the individual is physically able to work as certified by a licensed physician provided there is a market for the services the individual offers during such hours and shifts.

(4) Notwithstanding any other provision of this chapter, benefits shall not be denied under this chapter to any otherwise eligible individual for refusing to accept new suitable, temporary, full-time, or part-time work, offered to the individual without the expectation of such work becoming permanent, for any week which follows the earlier of:

(A) The last week which includes one or more days within the maximum expected duration of the temporary work; or

(B) The fifth week of the 5 weeks in which the individual, subsequent to the date the individual refused such temporary work, meets the earnings requalification requirements of RSA 282-A:32, I.

[~~(3)~~] ***(5)*** For the purposes of section 3304(a)(8) of the Internal Revenue Code of 1954, this subsection, together with RSA 282-A:31, I(c) shall be waived.

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

AMENDED ANALYSIS

This bill increases the number of weeks a non-reimbursing employer must provide employment before its separate account becomes chargeable for unemployment compensation benefits. This bill also amends the criteria for establishing suitable work and the eligibility and disqualification provisions for unemployment compensation claimants.

HB 1427, relative to declaring that private contracting of governmental operations shall not be deemed an unfair labor practice. **INEXPEDIENT TO LEGISLATE.**
Rep. G. Brian Seaworth for Labor, Industrial and Rehabilitative Services: With the concurrence of the sponsor, the committee finds that the language in this bill is redundant with existing case law. We therefore determined that this bill is unnecessary. Vote 17-0.

HB 1443, relative to unemployment compensation payments. **INEXPEDIENT TO LEGISLATE.**
Rep. Gary L. Daniels for Labor, Industrial and Rehabilitative Services: Under current law, individuals in the employment of the state or any political subdivision who provide services for an educational institution are ineligible to receive unemployment compensation during school summer vacation and during school holiday breaks. HB 1443 would have repealed this ineligibility and allowed these individuals to collect unemployment compensation during these periods. An amendment to HB 1366, developed by the Department of Employment Security and its advisory council over the past year addressed the issue of unemployment compensation for seasonal workers, including the subject matter of HB 1443. The committee found the HB 1366 amendment acceptable, not only in regard to the tenets of the amendment, but also in regard to addressing the subject matter of HB 1443, and therefore voted that HB 1443 be ITL. Vote 16-1.

HB 1454, establishing a task force to study the charging of reimbursing employers in certain situations for the purpose of calculating unemployment benefits. **INEXPEDIENT TO LEGISLATE.**
Rep. Kevin P. Sullivan for Labor, Industrial and Rehabilitative Services: The committee passed HB 1366 with amendment. That amendment addresses the issue of most recent employer, making this bill a moot point. The task force is no longer needed. Vote 17-0.

HB 1543, relative to workers' compensation coverage and safety program requirements in state contracts. **INEXPEDIENT TO LEGISLATE.**
Rep. Gary L. Daniels for Labor, Industrial and Rehabilitative Services: This bill dealt with certificates of insurance and would have required that for any person entering this state in the middle of an insurance policy, the commissioner must accept a rider listing the state of New Hampshire in satisfaction of certain certificates of insurance requirements. Secondly, the bill addressed safety program requirements as they pertained to out-of-state contractors. Testimony at the public hearing suggested that "rider" may not be the right word to address the certificate of insurance issue. The Department of Labor testified that NH has no reciprocity and that passage of the safety program aspect of this bill may create conflicts with other statutes. Further testimony by the Department of Insurance suggested that the statute designated for amendment may not be the correct statute to amend. Based on the testimony, the sponsor felt that the bill needed more work than what time allowed and therefore asked the committee to vote HB 1543 ITL. Vote 14-0.

HB 1570, relative to the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization. **INEXPEDIENT TO LEGISLATE.**
Rep. Tammy A. Simmons for Labor, Industrial and Rehabilitative Services: The committee felt that the language contained in this bill is better addressed in other bills being recommended for passage by this committee. There is no need to bring multiple bills covering the same matter forward to the entire body. Vote 17-0.

HB 1582, relative to medical and surgical benefits for state employees. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Andrew A. White for Labor, Industrial and Rehabilitative Services: HB 1582, as amended, conveys the general court's intent that state employees' participation in medical savings accounts specific to retirement health care is a worthwhile endeavor that should be pursued throughout one's career so that employees have funds set aside to cover retiree health care costs. HB 1582 enables the department of administrative services to make incremental progress towards modifying retiree health care for state employees in alignment with employee participation in retiree medical savings accounts, specifically for the purpose of offsetting future retiree health care costs to be borne by the state. Passage of HB 1582 ensures that such incremental progress in shifting retiree health care from the state to employees is documented through a reduction in the state's post employment benefit liability. Vote 16-0.

Amendment (0885h)
Amend the bill by inserting before section 1 the following and renumbering the original sections 1-2 to read as 2-3, respectively:
1 Statement of Intent. The intent of this act is to encourage state employees to contribute pretax moneys to post-retirement medical savings plans if authorized by a collective bargaining agreement.

HB 1587, relative to employer safety programs. **OUGHT TO PASS WITH AMENDMENT.**
Rep. William J. Infantine for Labor, Industrial and Rehabilitative Services: This bill

increases the employee member threshold from ten employees to fifteen before requiring a safety program to be in place and presented to the department of labor. The amendment requires the employer to review and update the safety plan at least every two years versus having to present a safety plan summary to the New Hampshire department of labor every two years. Vote 17-0.

Amendment (0820h)

Amend RSA 281-A:64, II and III as inserted by section 2 of the bill by replacing them with the following:

II. All employers with [~~10~~] ***15*** or more employees shall prepare, with the assistance of the commissioner, a current written safety program ***and file this program with the commissioner***. [~~The programs~~] ***After a written safety program has been filed, the program*** shall be [~~filed biennially with the commissioner on January 1~~] ***reviewed and updated by the employer at least every 2 years***. Employer programs shall, in addition to the specific rules and regulations regarding worker safety, include the process of warnings, job suspension, and job termination for violations of the safety rules and regulations set forth in the program.

III. Every employer of [~~5~~] ***15*** or more employees shall establish and administer a joint loss management committee composed of equal numbers of employer and employee representatives. Employee representatives shall be selected by the employees. If workers are represented by a union, the union shall select the employee representatives. The joint loss management committee shall meet regularly to develop and carry out workplace safety programs, alternative work programs that allow and encourage injured employees to return to work, and programs for continuing education of employers and employees on the subject of workplace safety. The committee shall perform all duties required in rules adopted pursuant to this section.

HB 1620, requiring employers to participate in the E-Verify system of the United States Citizenship and Immigration Services. **INEXPEDIENT TO LEGISLATE.**
Rep. G. Brian Seaworth for Labor, Industrial and Rehabilitative Services: While the majority of the committee agrees with the concept that employers verify eligibility of their employees, we cannot support the bill. The bill mandates that all New Hampshire employers participate in the federal e-verify program. Representatives of businesses were uniformly opposed to the increased in cost and regulation that this would entail. The majority feels that e-verify is not ready for universal application. Vote 13-1.

HB 1639, relative to employment of certain disability retirees by retirement system employers. **INEXPEDIENT TO LEGISLATE.**
Rep. Joanne A. Ward for Labor, Industrial and Rehabilitative Services: The intent of the bill was to prevent a retired individual with a permanent disability from accepting employment in the same job classification. This bill was introduced for a specific situation but the committee found the ramification of enacting this bill too broad, with unacceptable consequences. Vote 13-1.

HB 1151, relative to the default budget in official ballot towns and districts. **INEXPEDIENT TO LEGISLATE.**
Rep. Franklin W. Sterling for Municipal and County Government: This bill would repeal and re-define items that could be included in default budget under RSA 41:13, IX (a) numbers 2 and 3. However, the bill would leave in place the definition of a default budget contained in RSA 41:12, IX (b) which includes items contained in RSA 41:13, IX (a) numbers 2 and 3. Therefore the committee voted to ITL. Additionally a bill to study the entire SB 2 process, including default budgets is in the Senate and the committee believes this needs a thorough and careful review. Vote 17-0.

HB 1159, defining a default budget for a municipality. **INEXPEDIENT TO LEGISLATE.**
Rep. Philip L. Munck for Municipal and County Government: The intent of HB 1159 is to repeal the items that "shall at a minimum" be included in a default budget (RSA 40:13, XI-a) and replaces them with the previous years budget and any new debt service. This bill could result in default budgets that are widely at variance with the intent of the official ballot act by requiring, among other things, the inclusion of one-time expenses and debt service on declining payments of bond issues which could result in default budgets larger then proposed budgets. It also does not allow for recognition of new contractual obligations such as labor agreements. Vote 17-0.

HB 1201, relative to the assessment of property taxes on Pinkerton Academy. **INEXPEDIENT TO LEGISLATE.**
Rep. Betsey L. Patten for Municipal and County Government: Pinkerton is a public academy which contracts with the school districts of Derry, Chester, Hampstead and, in 2013, Auburn and that makes Pinkerton the local high school of those towns. The Academy is registered as a non-profit organization and is located in Derry. The services provided by Pinkerton to the town of Derry includes facilities for fire department training, a red cross shelter, polling places for elections, activities and facilities for senior citizens, elementary school children, local civic and athletic groups. HB 1201 seeks to tax Pinkerton's property as if the Academy were a for-profit entity. Apparently the premise of the bill is that the host town of Derry is burdened by paying totally for fire and police coverage along with plowing the campus since 30% of the students come from other towns that do not contribute to those expenses. No concrete evidence was given for this premise. The unintended consequence of the passage of this bill would be that all towns served by Pinkerton would see an increase in tuition from $600-$900 dollars per student and the excellent partnership between Pinkerton and Derry would very likely change. Another consequence would be that for the first time, the legislature would be authorizing towns to tax non-profit schools. There was no local support for this bill and members of the Derry delegation testified that there was no communication between the sponsors of the bill and the rest of the delegation. Based on the lack of support for the bill and the unintended consequences the committee voted unanimously to recommend Inexpedient to Legislate. Vote 17-0.

HB 1230-FN, requiring a listing of state real property. **OUGHT TO PASS WITH AMENDMENT.**
Rep. John A. Graham for Public Works and Highways: This bill is an outgrowth of a 2010 committee that was formed to identify surplus state land that could be sold to help fund the budget deficit. During the course of the committee's work it was found that many parcels of state owned real estate had reverter clauses or other impediments to the sale of the property. While administrative services does maintain a list of all state property it does not include any information on reversion provisions or easements. This legislation requires all state agencies to provide this information to Administrative Services. The amendment changes the initial reporting date from November 1, 2012 to July 1, 2013 and also changes the requirement for reporting from annually to biennially. Vote 14-0.

Amendment (0726h)
Amend RSA 4:39-e, I as inserted by section 1 of the bill by replacing it with the following:

I. On or before July 1, 2013, and biennially thereafter, each state agency, as defined in RSA 21-G:5, III, shall make a report identifying all real property owned or leased by the agency. For each parcel owned by the agency, the report shall include any reversion provisions, conservation or other easements, lease arrangements with third parties, and any other agreement that may affect the future sale of the property. For each parcel leased by the agency, the report shall include the lease term.

Amend the bill by replacing section 2 with the following:

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

HB 1280-FN, relative to the sale of E-Z Pass transponders and relative to the online New Hampshire E-Z Pass service center. **INEXPEDIENT TO LEGISLATE.**
Rep. David B. Campbell for Public Works and Highways: The goals of this bill are currently part of existing NH turnpike policy. Additionally, the committee referred HB 1192-FN to Interim Study as a vehicle to study all E-Z Pass issues and recommend any possible legislation. Vote 14-0.

HB 1293, establishing a rest area gas station and retail opportunities commission. **INEXPEDIENT TO LEGISLATE.**
Rep. Mark E. McConkey for Public Works and Highways: This bill establishes a commission to study retail opportunities and the sale of gasoline at rest areas on interstate highways. Current federal law prohibits interstate areas built after January 1, 1960 from offering commercial services such as fuel and food. While HB 1293 is well intended, unless Congress changes federal law, the proposed commission would be prohibited from proposing or constructing any new retail or gas operations on any New Hampshire Interstate highway. Vote 14-0.

HB 1207-FN, defining the owner of timber rights for purposes of timber tax assessment. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Andrew Renzullo for Resources, Recreation and Development: At present, the DRA requires that all owners, including all tenants-in-common, sign an intent to cut timber. This goes beyond accepted common law practice where one tenant-in-common is all that would be required. This bill prescribes a method for guaranteeing that the timber yield tax will be paid when the property has multiple tenants-in-common, even when some do not sign to cut. It also allows for a process to proceed absent a signature of one of the tenants-in-common. The amendment requires the non-signing tenants-in-common be notified by certified mail at least 30 days prior to cutting and that a bond be filed to secure payment of the yield tax if any tenant-in-common does not sign. Vote 17-0.

Amendment (0680h)

Amend RSA 79:1, II(a)(2) as inserted by section 1 of the bill by replacing it with the following:

(2) For purposes of tenants-in-common, any one or more of the tenants-in-common that hold title to the subject property. For purposes of RSA 79:10, I(a), any one or more of tenants-in-common may sign an intent to cut. Provided, however, that non-signing tenants-in-common shall have been notified by certified mail of the intent to cut at least 30 days prior to cutting and that a bond or surety is filed to secure payment of the yield tax if any tenant-in-common does not sign or give a power of attorney to sign a notice of intent to cut.

HB 1233, establishing a statute of limitations on wetlands filling and dredging. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Harry C. Merrow for Resources, Recreation and Development: Under current law there is no statute of limitations on enforcement of wetland violations. In other words, a current/recent owner of the property could be charged with a wetland violation on something that occurred years ago under a different owner. This limits enforcement violations to a five year period unless the purchaser knew of the violation at the time of purchase. Action against the violator is still allowed including injunctive relief requiring restoration of the impacted areas if written notice was provided prior to June 1, 2013. Any person who suffers damages as a result of a violation may also seek compensation from the person who

committed the violation. Vote 17-0.

Amendment (0562h)

Amend RSA 482-A:14-c as inserted by section 1 of the bill by replacing it with the following:

482-A14-c Limitation on Enforcement Action. No person who acquires property, by any means, more than 5 years after an activity constituting a violation of this chapter has been completed, shall be subject to an enforcement action under this chapter for such violation, provided such person allows restoration of impacted areas, unless the person knew of the existence of the violation at the time that the person acquired the property. Nothing in this section shall limit any enforcement action for violation of this chapter, including injunctive relief requiring restoration of impacted areas, against the person who committed the violation. Nothing in this section shall limit any enforcement action with respect to any violation of this chapter, including injunctive relief requiring restoration of impacted areas, for which written notice of the violation has been provided to the owner by the department prior to January 1, 2013. In addition to any common law remedy, any person who suffers damages as a result of a violation of this chapter committed by another may seek compensation from the person who committed the violation, including diminution in property value and reasonable attorney's fees.

HB 1373, relative to the definition of first-in, first-out as it applies to wastewater or public water supply projects. **REFER FOR INTERIM STUDY.**

Rep. Andrew Renzullo for Resources, Recreation and Development: Prior to November 2008, towns would receive state aid grants (20% to 30% of the debt service) for waste and water projects. Due to revenue shortfalls, these grants could not be funded after November 2008. Some 100 projects are in limbo, having been constructed in anticipation of said grants. A sequential list exists of these Delayed and Deferred State Aid Grants which determines the order of payment should money become available. This bill uses a different criteria which, in effect, reshuffles the list. But there is no money to fund any payments anyway. In consultation with the vice-chair of the Finance Committee, the Resources, Recreation and Development Committee has elected to refer this bill to Interim Study to act as a vehicle for funding distribution should funding become available. Vote 16-0.

HB 1415, relative to exceptions for proposed sewage waste disposal systems. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David H. Russell for Resources, Recreation and Development: This bill would allow a land owner to apply for a "permit by rule" from DES for $300 to repair or replace "in kind" a failed sewage waste disposal system, providing certain criteria are met. These criteria include: no increase in sewage loading, setbacks are adhered to and footprint remains the same. This is a "win, win" for DES and the applicant, who saves money, and DES is able to keep better records of residential systems. Vote 17-0.

Amendment (0934h)

Amend the bill by replacing the title with the following:

AN ACT relative to permits for repair or replacement of sewage and waste disposal system.

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

1 Permit by Rule Submissions. Amend RSA 485-A:30, I and I-a to read as follows:

I. Any person submitting plans and specifications for a subdivision of land shall pay to the department a fee of $300 per lot. Said fee shall be for reviewing such plans and specifications and making site inspections. Any person submitting plans and specifications ***or an application for a permit by rule as provided in RSA 485-A:33, IV*** for sewage or waste disposal systems shall pay to the department a fee of $290 for each system. Said fee shall be for reviewing such plans and specifications ***or application for permit by rule***,

making site inspections, the administration of sludge and septage management programs, and [~~for~~] establishing a system for electronic permitting for waste disposal systems, subdivision plans, [~~and for~~] permits and approvals under the department's land regulation authority. The fees required by this paragraph shall be paid at the time said plans and specifications ***or application for permit by rule*** are submitted and shall be deposited in the subsurface systems fund established in paragraph I-b. For the purposes of this paragraph, the term "lot" shall not include tent sites or travel trailer sites in recreational parks which are operated on a seasonal basis for not more than 9 months per year.

I-a. In addition to fees required under paragraph I, any person submitting plans and specifications ***or an application for a permit by rule as provided in RSA 485-A:33, IV*** for sewage or waste disposal systems shall pay to the department a fee of $10 for each system for use in the septage handling and treatment facilities grant program to municipalities under RSA 486:3, III. [~~Until July 1, 2010, the fees required by this paragraph shall be paid at the time said plans and specifications are submitted and shall be deposited in the subsurface systems fund established in paragraph I-b. After July 1, 2010,~~] The fees required by this paragraph shall be paid at the time said plans and specifications ***or application for permit by rule*** are submitted and shall be deposited in the septage management fund established in paragraph I-c.

2 New Paragraph; Permit by Rule Submissions. Amend RSA 485-A:33 by inserting after paragraph III the following new paragraph:

IV.(a) The repair or replacement in-kind of a sewage or waste disposal system shall qualify for a permit by rule, provided all of the following criteria are met:

(1) The existing system receives only domestic sewage.

(2) There is no increase in sewage loading proposed for the repaired or replacement system.

(3) The bottom of the bed is located no less than 24 inches above the seasonable high water table.

(4) The system is located 75 feet or more from an abutter's well unless there is a standard well release form recorded with the registry of deeds in accordance with RSA 485-A:30-b or there is an existing department waiver to the distance for the abutter's well.

(5) The system is located 75 feet or more from the owner's well unless there is an existing department waiver to the distance for the owner's well.

(6) The existing system received prior construction and operational approval from the department and the replacement or repaired system will conform to the provisions of such approval, provided the department may by rule require a minimum septic tank size of 1,000 gallons.

(7) The system is not within 75 feet of any surface water, water supply well, or very poorly drained soil unless authorized by the prior departmental approval described in subparagraph (6).

(8) No new waivers to the department's rules are requested.

(9) The system has not been previously repaired or replaced under a permit by rule in accordance with the provisions of this paragraph.

(b) Construction of the system may proceed upon the submission of an application to the department by a permitted designer under RSA 485-A:35 and receipt of the permit by rule from the department.

(c) The repaired or replacement system shall not be covered or placed in operation without final inspection and approval by an authorized agent of the department. All inspection by the department shall be accomplished within 7 business days after receipt of written notice from the installer that the system is ready for inspection. The installer shall provide the authorized agent of the department, at the time of the inspection, a copy of the previously approved plan bearing the state approval stamp and associated operational approval, and an existing conditions plan bearing the seal of the permitted designer performing work under the permit by rule.

(d) The applicant submitting the permit by rule application shall assume all liability and responsibility for the components of the design that are part of the system being repaired or replaced under the permit by rule.

(e) The installer constructing the system shall assume all liability and responsibility for the construction of the system components repaired or replaced under the permit by rule.

(f) For purposes of this paragraph, "in-kind" shall mean a repair or replacement that is of an equivalent nature and in the same location.

3 New Paragraph; Rulemaking. Amend RSA 485-A:41 by inserting after paragraph IV the following new paragraph:

V. Adopt rules relative to the application for and granting of permits by rule for repair or replacement of certain sewage or waste disposal systems under RSA 485-A:33, IV.

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

AMENDED ANALYSIS

This bill creates a permit for the repair or replacement of certain sewage or waste disposal systems.

HB 1480, relative to requiring sprinklers in certain buildings. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Adam R. Schroadter for Resources, Recreation and Development: This pro-business, pro-local-control bill states that no rule requiring sprinkler systems shall apply to buildings deemed of cultural importance until the building undergoes a substantial renovation. The original bill also applied to commercial buildings. The amendment removed commercial buildings from the bill. It also provided a process whereby a building can be deemed of cultural importance under this section. Vote 16-0.

Amendment (0940h)

Amend RSA 153:5 as inserted by section 1 of the bill by replacing it with the following:

153:5 Rules. The state fire marshal shall adopt rules, with the approval of the commissioner of safety, to be known as the state fire code, pursuant to RSA 541-A, to further the purposes of this chapter and such applicable fire safety and building laws as he ***or she*** shall deem necessary for the protection from fire and fire hazards for people in the state and for the general welfare of property and people within the state. The rules may include, but not be limited to, the keeping, storage, use, manufacture, sale, handling, transportation, or disposal of highly flammable materials and rubbish, and of flammable fluids and compounds and flammable tablets and may include standards for the materials and construction of receptacles and buildings to be used for any of these purposes. The fire marshal may adopt the most recent edition of the provisions of the national fire protection association code or other recognized codes as rules, in whole or in part; however, such rules shall not require automatic suppressant or sprinkler systems in detached one- or 2-family dwelling units in a structure used only for residential purposes, in areas of buildings or additions in which the discharge of water would be undesirable as determined by the state fire marshal, or in rooms or areas containing either generators, transformers, telecommunications equipment or facilities, or electronic data processing equipment, or in telecommunications or electric utility company equipment buildings or areas occupied exclusively for telecommunications equipment, electrical transformation and switching equipment, associated electrical distribution equipment, batteries, and standby engines or generators, provided that those spaces or areas are equipped throughout with an automatic fire detection system. The rules shall apply to the construction and remodeling of buildings and structures for the containment of flammable liquids and to the new installation and replacement of equipment used in connection with flammable liquids. The rules shall apply to existing buildings, structures, or equipment***, except that no rule requiring sprinkler systems shall apply to buildings deemed of cultural importance by the town planning board, or***

selectmen where there is no planning board, until the building undergoes a substantial renovation equaling or greater than the assessed value of such property. The fire marshal may exempt a building, structure, or equipment from such rules if he or she finds that such exemption does not constitute a hazard to the public welfare and safety. A reasonable time, as determined by the state fire marshal, shall be allowed to make necessary alterations. Nothing in this section shall be construed to prevent municipalities from adopting bylaws or ordinances relative to a subject area of rules adopted by the fire marshal in accordance with this section if such bylaws or ordinances are no less restrictive than those adopted by the fire marshal.

Amend RSA 674:36, IV as inserted by section 3 of the bill by replacing it with the following:

IV. The planning board shall not require, or adopt any regulation requiring, the installation of a fire suppression sprinkler system in proposed one- or 2-family residences as a condition of approval for a local permit. Nothing in this paragraph shall prohibit a duly adopted regulation mandating a cistern, dry hydrant, fire pond, or other credible water source other than a fire suppression sprinkler system. ***No regulation requiring sprinkler systems shall apply to buildings deemed of cultural importance by the town planning board, or selectmen where there is no planning board, until the building undergoes a substantial renovation equaling or greater than the assessed value of such property.***

AMENDED ANALYSIS

This bill exempts certain historic buildings from sprinkler requirements until renovated.

HB 1495-FN, establishing a Purple Heart Trail along U.S. Route 3 and relative to fees for state parks for members of the United States uniformed services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lawrence M. Kappler for Resources, Recreation and Development: HB 1495, as amended, simply adds an additional Purple Heart trail, US Route 3 from the Massachusetts to the Canadian border, honoring our veterans. The amendment removes section two of the bill concerning state park fees for veterans, which the committee will work out and amend into SB 358. The sponsor of HB 1495 agrees to the amendment. Vote 16-1.

Amendment (0815h)

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

AN ACT establishing a Purple Heart Trail along U. S. Route 3.

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

AMENDED ANALYSIS

This bill designates a Purple Heart Trail along U. S. Route 3 from the Massachusetts border to the Canadian border.

HB 1501-FN-L, establishing a fund to upgrade wastewater treatment plants. **REFER FOR INTERIM STUDY.**

Rep. Judith T. Spang for Resources, Recreation and Development: This bill addresses a problem of the inadequacy of funding available for upgrading municipal waste water treatment plants to meet water quality standards. The bill would also have proposed to fund the replacement of failing individual septic systems that can pollute both groundwater and New Hampshire's ponds, lakes and rivers. It was recognized that the bill's provision of a $25 donation by property owners for each house's toilet is unworkable. However, the committee would like to take this opportunity to work with organizations and individuals to address this critical problem. Vote 16-0.

HB 1529-FN-L, relative to the introduction of fluoride and herbicides into the drinking water of the state. **INEXPEDIENT TO LEGISLATE.**

Rep. D. L. Chris Christensen for Resources, Recreation and Development: This bill would

prevent the addition of fluoride or herbicides into drinking water supplies within ten miles of the water intake. The committee also heard HB 1416 dealing with fluoride and used that bill to deal with the fluoride issue. Testimony from the department of environmental services (DES) and others was heavily against further restrictions on herbicides which are already controlled by DES, fish and game and the department of agriculture foods and markets. Since there are already strict controls on the use of herbicides, and routine denials of applications where water intakes are present, this part of the bill was unnecessary. Vote 16-0.

HB 1721, relative to the approval process to increase the load on a sewage disposal system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Andrew Renzullo for Resources, Recreation and Development: At the present time, the law requires a new septic design be approved by DES should there be an expansion of the footprint of a residential dwelling, unless the still operable existing septic system is less than 20 years old. The bill looked to remove the 20 year limitation. The committee amendment keeps the 20 year exemption, establishes an exemption for lots greater than five acres, and creates a simplified and much cheaper approval by notification process to allow additions to dwellings with septic systems older than 20 years. Incorporated in the committee amendment is a non-germane section related to oil spillage prevention, control and counter measure plans. This section was presented by DES and has the support of the New Hampshire auto dealers association. Vote 16-0.

Amendment (0992h)

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

AN ACT relative to permitting for the replacement of sewage disposal systems and relative to oil spillage prevention, control, and countermeasure plans.

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

1 Approval for Modifications to Sewage Systems. Amend RSA 485-A:38, II-a to read as follows:

II-a.***(a)*** No construction or operational approval shall be required from the department prior to expanding, relocating, or replacing any structure that does not increase the load on a sewage disposal system, as long as all of the following conditions are met:

[~~(a)~~]***(1)(A)*** The lot is served by a sewage disposal system that received construction and operational approval from the department within 20 years of the date of the issuance of a building permit for the proposed expansion, relocation, or replacement[~~.~~]***; or***

(B) The lot is 5 acres or more in size.

[~~(b)~~]***(2)*** If the property is nonresidential, no waivers were granted in the construction or operational approval of any requirements for total wastewater lot loading, depth to groundwater, or horizontal distances to surface water, water supply systems, or very poorly drained soils.

[~~(c)~~]***(3)*** When applicable, the proposed expansion, relocation, or replacement complies with the requirements of the shoreland water quality protection act, RSA 483-B.

(b) An owner of a project that requires department approval to proceed because neither of the conditions of subparagraphs (a)(1)(A) or (B) are met, may either submit for approval a design for a new sewage disposal system or apply for a permit by rule for in-kind replacement under RSA 485-A:33, IV. Under either approach, once approval for the sewage disposal system is received from the department, work may commence on expanding, relocating, or replacing the structure. Construction of the sewage disposal system is not required to satisfy the requirements of this subparagraph.

2 Approval for Modifications to Sewage Systems. Amend RSA 485-A:38, II-a to read as follows:

II-a.***(a)*** No construction or operational approval shall be required from the department prior to expanding, relocating, or replacing any structure that does not increase the load on a sewage disposal system, as long as all of the following conditions are met:

[~~(a)~~] ***(1)(A)*** The lot is served by a sewage disposal system that received construction and operational approval from the department within 20 years of the date of the issuance of a building permit for the proposed expansion, relocation, or replacement[~~.~~]***; or***

(B) The lot is 5 acres or more in size.

[~~(b)~~] ***(2)*** If the property is nonresidential, no waivers were granted in the construction or operational approval of any requirements for total wastewater lot loading, depth to groundwater, or horizontal distances to surface water, water supply systems, or very poorly drained soils.

[~~(c)~~] ***(3)*** When applicable, the proposed expansion, relocation, or replacement complies with the requirements of the shoreland water quality protection act, RSA 483-B.

(b) An owner of a project that requires department approval to proceed because neither of the conditions of subparagraphs (a)(1)(A) or (B) are met, may either submit for approval a design for a new sewage disposal system or apply for a permit for in-kind replacement under paragraph II-b. Under either approach, once approval for the new sewage disposal system is received from the department, work may commence on expanding, relocating, or replacing the structure. Construction of the sewage disposal system is not required to satisfy the requirements of this subparagraph.

3 New Paragraph; In-Kind Replacement by Permit by Rule. Amend RSA 485-A:38 by inserting after paragraph II-a the following new paragraph:

II-b.(a) For the purposes of subparagraph I-a(b), a sewage disposal system shall qualify for in-kind replacement through a permit by rule, provided all of the following criteria are met:

(1) The existing system receives only domestic sewage.

(2) There is no increase in sewage loading proposed for the replacement system.

(3) The bottom of the bed is located no less than 24 inches above the seasonable high water table.

(4) The system is located 75 feet or more from an abutter's well unless there is a standard well release form recorded with the registry of deeds in accordance with RSA 485-A:30-b or there is an existing department waiver to the abutter's well.

(5) The system is located 75 feet or more from the owner's well unless there is an existing department waiver to the owner's well.

(6) The existing system received prior construction and operational approval from the department and the replacement system will conform to the provisions of such approval, provided the department may by rule require a minimum septic tank size of 1,000 gallons.

(7) The system is not within 75 feet of any surface water, water supply well or very poorly drained soil unless authorized by the prior departmental approval described in subparagraph (6).

(8) No new waivers to the department's rules are requested.

(9) The system has not been previously replaced under a permit by rule in accordance with the provisions of this paragraph.

(b) Construction of the system may proceed upon the submission of an application to the department by a permitted designer under RSA 485-A:35 and receipt of construction approval from the department.

(c) The replacement system shall not be covered or placed in operation without final inspection and approval by an authorized agent of the department. All inspection by the department shall be accomplished within 7 business days after receipt of written notice from the installer that the system is ready for inspection. The installer shall provide the

authorized agent of the department, at the time of the inspection, a copy of the previously approved plan bearing the state approval stamp and associated operational approval, and an existing conditions plan bearing the seal of the permitted designer performing work under the permit by rule.

(d) The applicant submitting the permit by rule application shall assume all liability and responsibility for the components of the design that are part of the system being replaced under the permit by rule.

(e) The installer constructing the system shall assume all liability and responsibility for the construction of the system components replaced under the permit by rule.

(f) For purposes of this paragraph, "in-kind" means a repair or replacement of an equivalent nature and in the same location.

4 New Paragraph; Rulemaking. Amend RSA 485-A:41 by inserting after paragraph IV the following new paragraph:

V. Adopt rules relative to the application for and granting of permits by rule for replacement of certain sewage disposal systems under RSA 485-A:38, II-b.

5 New Paragraph; Definitions; Oil Spillage. Amend RSA 146-A:2 by inserting after paragraph XIII the following new paragraph:

XIV. "Qualified facility" means a facility:

(a) That has had no single discharge exceeding 1,000 gallons or no 2 discharges each exceeding 42 gallons, other than discharges that are the result of natural disasters, acts of war, or terrorism;

(b) That has an aggregate aboveground oil storage capacity of 5,000 gallons or less, of which not more than 660 gallons is for storage of gasoline; and

(c) For which preparation of a spill prevention, control, and countermeasure (SPCC) plan does not necessitate the practice of engineering as defined in RSA 310-A:2, III.

6 New Paragraph; Rulemaking; Oil Spillage. Amend RSA 146-A:11-c by inserting after paragraph I the following new paragraph:

I-a. Requirements for facility owners to prepare, submit, and comply with a spill prevention, control, and countermeasure (SPCC) plan prepared in accordance with 40 C.F.R. section 112, provided that no such rules shall require the owner of a qualified facility, as defined in RSA 146-A:2, XIV, to engage a professional engineer to prepare or approve the SPCC plan for that facility.

7 Contingency. If HB 1415 of the 2012 legislative session becomes law, section 1 of this act shall take effect and sections 2-4 of this act shall not take effect. If HB 1415 does not become law, section 1 of this act shall not take effect and sections 2-4 of this act shall take effect upon its passage.

8 Effective Date.

I Sections 1-4 of this act shall take effect as provided in section 7 of this act.

II. Sections 5-6 of this act shall take effect July 1, 2012.

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

AMENDED ANALYSIS

This bill allows certain sewage disposal systems to be replaced after approval by the department of environmental services and requires the department of environmental services to adopt rules regarding requirements for oil spill prevention, control, and countermeasure (SPCC) plans.

HB 1129, establishing a committee to study the frequency and financial consequences of erroneously dialed 911 calls. **INEXPEDIENT TO LEGISLATE.**

Rep. Lester W. Bradley for Science, Technology and Energy: This bill was brought because of people mistakenly dialing 911 when dialing numbers in the 991 exchange (Littleton area). The NH department of safety testified that this is a very small percentage of the misdialed 911. In fact more 911 misdials are made via mistaken "pocket dials" than through

misdialing 991. The committee feels that this problem can be dealt with through existing programs and procedures. Vote 13-0.

HB 1133, relative to membership of the enhanced 911 commission. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Jacqueline A. Cali-Pitts for Science, Technology and Energy: This bill updates the membership of the enhanced 911 commission, to include major communication vendors, public safety officials, and emergency dispatch experts. The amendment adds Comcast as a member. The committee heard no opposition to the bill or amendment. Vote 13-0.

Amendment (0778h)
Amend RSA 106-H:3, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) There is hereby established an enhanced 911 commission consisting of [~~17~~] ***19*** members, including the director of the division of fire standards and training and emergency medical services or designee, the chairman of the public utilities commission or designee[~~, a representative of the department of safety~~] ***the commissioner of the department of safety or designee***, a public member, a police officer experienced in responding to emergency calls, a representative of the disabled community, and one active member recommended by each of the following organizations, nominated by the governor with the approval of the council:

(1) Fairpoint.
(2) New Hampshire Association of Fire Chiefs.
(3) New Hampshire Association of Chiefs of Police.
(4) New Hampshire Federation of Fire Mutual Aids.
(5) New Hampshire Municipal Association.
(6) New Hampshire Sheriffs Association.
(7) New Hampshire Telephone Association.
(8) New England Cable Telecommunications Association.
(9) The commissioner of the department of administrative services.
(10) A representative of the mobile telecommunications carriers industry.
(11) A representative of the Professional Firefighters of New Hampshire.
(12) A representative of the New Hampshire Emergency Dispatchers Association.
(13) Comcast.

AMENDED ANALYSIS

This bill requires that the commissioner of the department of safety or his or her designee sit on the enhanced 911 commission. This bill also adds a member recommended by Comcast and a representative of the New Hampshire Emergency Dispatchers Association to the commission.

HB 1152, establishing a committee to study high speed digital subscriber line (DSL) service. **INEXPEDIENT TO LEGISLATE.**
Rep. William H. O'Connor for Science, Technology and Energy: This bill would have established a new committee to study high speed DSL (Digital Subscriber Line) service, to address problems with reliability and speed issues, and to ensure that DSL service is provided as advertised. The majority of the committee felt that this subject should be handled by the existing Telecommunication Oversight Committee, and establishing a new committee to only study DSL would be redundant. Vote 13-0.

HB 1295, establishing a committee to study the potential effects of total deregulation of the telecommunications industry. **INEXPEDIENT TO LEGISLATE.**
Rep. Jacqueline A. Cali-Pitts for Science, Technology and Energy: This bill would have established a new committee to study the subject of full telecommunication deregulation.

During committee discussion, it was pointed out that the existing telecommunications oversight committee had studied the issue in 2011 and had made recommendations regarding deregulation of the retail telecommunications market. Since the telecommunications oversight committee is a permanent committee, it can continue to study these issues. Therefore, this new committee is not needed. The prime sponsor agrees. Vote 13-0.

HB 1324, establishing a committee to study the public utilities commission. **INEXPEDIENT TO LEGISLATE.**
Rep. Frank R. Holden for Science, Technology and Energy: This bill would have created a new committee to study the Public Utilities Commission. The committee believed it would more expedient to create a subcommittee of Science, Technology & Energy members rather than create a new study committee to study this issue. Work could be started immediately and this is within the purview of the Science, Technology & Energy Committee. Furthermore, the Chair has already appointed the subcommittee, which includes the prime sponsor of the bill. Vote 12-1.

HB 1458, relative to the responsibilities of telecommunications companies that permit third party billing. **INEXPEDIENT TO LEGISLATE.**
Rep. James E. Devine for Science, Technology and Energy: This bill was filed by several representatives who had family members who had been the victims of "cramming." During testimony on the bill, the committee heard from the telecommunication companies that most of these cramming issues have been dealt with in the marketplace and have been addressed by the FCC and federal government. In addition, all of the companies now react immediately if a customer discovers an unauthorized third party charge on their bill, and remove those charges. This bill would also have created the unintended consequence of forbidding consolidated billing from telecom providers who offered partner products or services as a "bundle" (for example, telecom providers partnering with other providers, such as satellite.) The committee feels that individual issues can be resolved without a change in law. Vote 13-0.

HB 1477, relative to the definition of spent materials. **OUGHT TO PASS.**
Rep. Frank R. Holden for Science, Technology and Energy: This bill deals with the definition of "spent materials." It brings the New Hampshire department of environmental services (DES) definition in line with the federal definition. Currently there is ambiguity as to which materials may be recycled rather than treated as hazardous waste. This bill was submitted at the request of responsible New Hampshire manufacturers wishing to recycle alcohol used for cleaning circuit boards. DES supports this bill. It is good for New Hampshire's environment because it will allow reuse and recycling of these materials, and as a result will reduce the hazardous waste stream. Vote 13-0.

HB 1321, establishing a committee to study the relationship between public funding of postsecondary education and workforce development. **INEXPEDIENT TO LEGISLATE.**
Rep. Susan C. DeLemus for Special Committee on Education Funding Reform: This bill proposed to establish a committee to study the relationship between public funding of postsecondary education and workforce development. While the committee thought such a study would be useful, it also knew that RSA 12-A:51 through RSA 12-A:61 did establish a standing administrative committee that was tasked with evaluating workforce development, training for an effective workforce and the issues concerning appropriate economic development. Therefore this bill, which proposed setting up a duplicative committee, was not needed. Vote 12-0.

HB 1564, establishing a committee to study and recommend solutions for simplifying the

calculation of the cost of public education through the combination of adequate education, school building aid, and catastrophic aid funding. **INEXPEDIENT TO LEGISLATE.**
Rep. Michael A. Balboni for Special Committee on Education Funding Reform: This bill proposed to establish a committee to study and recommend solutions for simplifying the calculation of the cost of public education through the combination of adequate education, school building aid, and catastrophic aid funding. After review of the proposal, the committee felt that the three funding types could not be combined. Adequate education funding is a constitutional requirement; catastrophic aid is a special education reimbursement program that reimburses a percentage of a school district's special education expenses that meet the criteria established for catastrophic aid and, finally, school building aid is an operational expense that supports the renovation of existing school properties and building of new schools. The committee felt that adequate education funding, school building aid, and catastrophic aid funding had each been established in separate bills. Therefore, we supported the ITL recommendation. Vote 11-1.

HB 1306-FN-L, requiring retirement system employers to make contributions for part-time employment of retired members of the retirement system. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Kenneth Hawkins for Special Committee on Public Employee Pensions Reform: The original bill was to charge the unfunded liability portion on the employer rates for the New Hampshire Retirement System on part time employees that had retired from the NHRS. After much discussion about how many employees there were, how much money was involved, and how much money would this bring to the NHRS it was decided we needed more information. The amendment requires all employer members of the NHRS to report to DRA for p/t employees who are retired from NHRS the employee name, dollars earned, and the group (I or II) they are in. DRA is then required to provide a report to the Pension Committee of the totals by Group. DRA was selected because the information can be held confidentially. Vote 12-0.

Amendment (0986h)

Amend the title of the bill by replacing it with the following:
AN ACT requiring a report on part-time employment of retired members of the retirement system.
Amend the bill by replacing all after the enacting clause with the following:

1 Retirement System Employers; Report on Part-time Wages of Retirees; Revenue Administration Report.

I. Each employer in the retirement system, as defined in RSA 100-A:1, IV, shall compile from its employee's W-2 information the total dollars paid for each part-time employee who is a retired member of the New Hampshire retirement system, and shall submit to the department of revenue administration on or before September 1, 2012 the names of such part-time employees, the amount paid in wages to the employee in the previous state fiscal year, and the retirement system group and classification from which the employee is retired.

II. The department of revenue administration shall provide a report to the chairperson of the house special committee on public employee pensions reform on or before November 1, 2012 compiling and detailing the information received under paragraph I.

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

AMENDED ANALYSIS

The bill requires retirement system employers to provide information on the wages of part-time employees who are retired members of the retirement system and for the department of revenue administration to report to the house special committee on public employee pensions reform.

HB 1672, apportioning delegates to state party conventions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Paul Mirski for Special Committee on Redistricting: The provision for electing delegates to the Republican State Party Convention are described in state statute. HB 1672, as amended, will perpetuate the present scheme through 2015 and as adjusted for population growth in the various towns and cities according to the 2010 census. Vote 10-0.

Amendment (1000h)

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

1 Delegates to State Party Conventions. RSA 662:6 is repealed and reenacted to read as follows:

662:6 Delegates to State Party Conventions. At every state primary election, the voters shall elect delegates to each state party convention as follows:

I. Belknap County

Alton	2
Barnstead	1
Belmont	2
Center Harbor	1
Gilford	2
Gilmanton	1
Laconia	5
Meredith	2
New Hampton	1
Sanbornton	1
Tilton	1

II. Carroll County

Albany	1
Bartlett	1
Brookfield	1
Chatham	1
Conway	3
Eaton	1
Effingham	1
Freedom	1
Hale's Location	1
Hart's Location	1
Jackson	1
Madison	1
Moultonborough	1
Ossipee	1
Sandwich	1
Tamworth	1
Tuftonboro	1
Wakefield	2
Wolfeboro	2

III. Cheshire County

Alstead	1
Chesterfield	1
Dublin	1
Fitzwilliam	1
Gilsum	1
Harrisville	1
Hinsdale	1

Jaffrey	2
Keene	7
Marlborough	1
Marlow	1
Nelson	1
Richmond	1
Rindge	2
Roxbury	1
Stoddard	1
Sullivan	1
Surry	1
Swanzey	2
Troy	1
Walpole	1
Westmoreland	1
Winchester	1
IV. Coos County	
Atkinson & Gilmanton Academy Grant	0
Bean's Grant	0
Bean's Purchase	0
Berlin	3
Cambridge	1
Carroll	1
Chandler's Purchase	0
Clarksville	1
Colebrook	1
Columbia	1
Crawford's Purchase	0
Cutt's Grant	0
Dalton	1
Dix's Grant	1
Dixville	1
Dummer	1
Errol	1
Erving's Location	0
Gorham	1
Green's Grant	1
Hadley's Purchase	0
Jefferson	1
Kilkenny	0
Lancaster	1
Low & Burbank's Grant	0
Martin's Location	0
Milan	1
Millsfield	1
Northumberland	1
Odell	1
Pinkham's Grant	1
Pittsburg	1
Randolph	1
Sargent's Purchase	1
Second College Grant	0
Shelburne	1

Stark	1
Stewartstown	1
Stratford	1
Success	0
Thompson & Meserve's Purchase	0
Wentworth's Location	1
Whitefield	1
V. Grafton County	
Alexandria	1
Ashland	1
Bath	1
Benton	1
Bethlehem	1
Bridgewater	1
Bristol	1
Campton	1
Canaan	1
Dorchester	1
Easton	1
Ellsworth	1
Enfield	1
Franconia	1
Grafton	1
Groton	1
Hanover	3
Haverhill	1
Hebron	1
Holderness	1
Landaff	1
Lebanon	4
Lincoln	1
Lisbon	1
Littleton	2
Livermore	0
Lyman	1
Lyme	1
Monroe	1
Orange	1
Orford	1
Piermont	1
Plymouth	2
Rumney	1
Sugar Hill	1
Thornton	1
Warren	1
Waterville Valley	1
Wentworth	1
Woodstock	1
VI. Hillsborough County	
Amherst	3
Antrim	1
Bedford	6
Bennington	1

Brookline	2
Deering	1
Francestown	1
Goffstown	5
Greenfield	1
Greenville	1
Hancock	1
Hillsborough	2
Hollis	2
Hudson	7
Litchfield	3
Lyndeborough	1
Manchester	33
Mason	1
Merrimack	8
Milford	5
Mont Vernon	1
Nashua	26
New Boston	2
New Ipswich	2
Pelham	4
Peterborough	2
Sharon	1
Temple	1
Weare	3
Wilton	1
Windsor	1

VII. Merrimack County

Allenstown	1
Andover	1
Boscawen	1
Bow	2
Bradford	1
Canterbury	1
Chichester	1
Concord	13
Danbury	1
Dunbarton	1
Epsom	1
Franklin	3
Henniker	1
Hill	1
Hooksett	4
Hopkinton	2
Loudon	2
New London	1
Newbury	1
Northfield	1
Pembroke	2
Pittsfield	1
Salisbury	1
Sutton	1
Warner	1

Webster	1	
Wilmot	1	
VIII. Rockingham County		
Atkinson	2	
Auburn	2	
Brentwood	1	
Candia	1	
Chester	1	
Danville	1	
Deerfield	1	
Derry	10	
East Kingston	1	
Epping	2	
Exeter	4	
Fremont	1	
Greenland	1	
Hampstead	3	
Hampton	5	
Hampton Falls	1	
Kensington	1	
Kingston	2	
Londonderry	7	
New Castle	1	
Newfields	1	
Newington	1	
Newmarket	3	
Newton		1
North Hampton	1	
Northwood	1	
Nottingham	1	
Plaistow	2	
Portsmouth	6	
Raymond	3	
Rye	2	
Salem	9	
Sandown	2	
Seabrook	3	
South Hampton	1	
Stratham	2	
Windham	4	
IX. Strafford County		
Barrington	3	
Dover	9	
Durham	4	
Farmington	2	
Lee	1	
Madbury	1	
Middleton	1	
Milton	1	
New Durham	1	
Rochester	9	
Rollinsford	1	
Somersworth	4	

Strafford	1
X. Sullivan County	
Acworth	1
Charlestown	2
Claremont	4
Cornish	1
Croydon	1
Goshen	1
Grantham	1
Langdon	1
Lempster	1
Newport	2
Plainfield	1
Springfield	1
Sunapee	1
Unity	1
Washington	1

2 Reference Deleted. Amend RSA 653:6 to read as follows:

653:6 Delegates to State Party Conventions. At every state primary election, the voters in each state representative district shall elect delegates to each state party convention [~~in accordance with the districts laid out in RSA 662:6~~]. In order to be elected as a delegate to a state party convention, a person shall be a registered voter of the same party in the district from which the person is to be elected, and shall receive either a minimum of 10 votes or 10 percent of the votes cast in the district from which the person is to be elected, whichever is less. A person who is entitled to serve as a delegate because he or she has been nominated for office as provided in RSA 667:21 shall not be entitled to serve as an elected delegate under this section, and the next highest eligible vote-getter shall be elected.

3 Repeal. RSA 662:6, relative to delegates to state party conventions, is repealed.

4 Effective Date.

I. Sections 2 and 3 of this act shall take effect January 1, 2015.

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

AMENDED ANALYSIS

This bill specifies how delegates to state party conventions are to be elected in accordance with the latest federal decennial census. This bill repeals the statute apportioning delegates to state party conventions effective January 1, 2015.

HJR 21, informing the United States Congress that it is the desire of the general court of New Hampshire that the New Hampshire national guard shall not serve outside the borders of New Hampshire absent a declaration of war. **INEXPEDIENT TO LEGISLATE.**
Rep. Alfred P. Baldasaro for State-Federal Relations and Veterans Affairs: The committee felt that if the National Guard received Title 10 monies from the federal government which pays for much of our rolling stock, aircraft, beans and bullets and training under Article One, Section 8 to provide for organizing, arming and disciplining the militia. This would cause a large hole in our budget to support our state National Guard. Vote 13-0.

HR 28, opposing federal efforts to establish minimum standards for states that allow the carrying of concealed firearms. **INEXPEDIENT TO LEGISLATE.**
Rep. Jeanine M. Notter for State-Federal Relations and Veterans Affairs: Although the sponsor had good intentions, we found no evidence of a problem existing. An internet rumor at the time of LSR submission ran rampant. Subsequent research indicates that no such federal legislation is presently under consideration. Vote 13-0.

HB 1193, relative to requirements for temporary certificates of safe boating education.

INEXPEDIENT TO LEGISLATE.
Rep. John A. Hikel for Transportation: While this bill's intent is to enhance boating safety, there was overwhelming testimony to not pass this legislation, with economic impact being a primary concern. Vote 15-0.

HB 1278, relative to obstructions on highways. **REFER FOR INTERIM STUDY.**
Rep. John R. Cloutier for Transportation: This bill would revise RSA 236:15 in regard to and adding language exempting certain signs which conform to all local regulations and project no further into the highway then the U.S. postal mailbox with which they are associated shall not be considered obstructions within the meaning of the section. The committee decided to interim study the bill because of concerns raised by the department of transportation in regard to the new exemption's language. Language which DOT believed could cause liability problems in the future for DOT and/or municipalities, if a snow plow knocked over one of the signs which would be allowed by the bill's proposed exemption, for example. Vote 15-0.

HB 1287-FN, relative to nonresident vehicle registration. **INEXPEDIENT TO LEGISLATE.**
Rep. Samuel L. Hawkes for Transportation: The intent of this law is to allow the state to raise revenue from auto registration from anyone who owns real property in the state. Any car registered in New Hampshire is eligible to be insured in New Hampshire. With New Hampshire insurance rates being some of the lowest in the nation, this law would allow anyone with a summer home here to take advantage of those low rates and then return to their winter home where rates might be much higher. This could put a burden on all permanent residents and this would increase rates for everyone. Vote 15-0.

HB 1414, relative to revocation or suspension of youth operators' licenses for speeding. **REFER FOR INTERIM STUDY.**
Rep. Thomas W. Laware for Transportation: This bill would exempt drivers under the age of 20 from license revocation which is a result of a speeding violation. It was the opinion of the committee that this issue is complicated and did not address the different and conflicting interests of those involved. As the law reads now, any driver under the age of 20 would lose their driving privilege for a speeding violation. This bill would have exempted that driver from that license revocation. The committee agreed that the action of revocation is probably justified and should continue as policy. However, those for the other side believe that since 18 year olds can vote, get married, and serve in the armed forces that they should be treated as adults. It is for these opposing arguments that the committee voted to send this bill to interim study. Other unanswered details such as the severity of the infraction and which other exemptions are currently allowed were other concerns. This bill does have some merit. Vote 15-0.

HB 1432, relative to the release of motor vehicle registration information. **INEXPEDIENT TO LEGISLATE.**
Rep. John R. Cloutier for Transportation: This bill would have authorized law enforcement officers to disclose to hospital personnel the name of the registered owner of a vehicle parked on hospital property. Although the committee sympathized with the sponsor's intent, which was to help hospitals deal with vehicles parked on their properties for long periods of time, it believes the bill's present language is too vague. Such vague language could unintentionally result in hospital employees obtaining vehicle registration information to which they are not entitled. Obtaining this information would then be considered by many to be a violation of personal privacy. Vote 15-0.

HB 1434, relative to display of antique motor vehicle plates. **OUGHT TO PASS WITH**

AMENDMENT.
Rep. Lisa E. Scontsas for Transportation: RSA 261:89a already allows antique motor vehicles to affix a year of manufacture license plate to the front of the vehicle. This bill will allow such a plate to be affixed to both the front and rear of antique vehicles, as defined in RSA 259; 4, to antique vehicles manufactured in 1950 or before. The vehicles still have to be registered annually as antique and must carry a set of the antique plates in or on the vehicles, in similar fashion as the standard used by DMV for our legislative plates. Vote 14-0.

Amendment (0882h)
Amend the bill by replacing section 1 with the following:
1 Antique Motor Vehicle Plates; Placement. Amend RSA 261:89-a, I to read as follows:
I. The director may permit the owner of an antique motor vehicle or motorcycle, as defined in RSA 259:4, or trailer, as defined in paragraph II of this section, to use a registration plate which was issued in the same year that the antique motor vehicle, motorcycle, or trailer was manufactured, provided the motor vehicle, motorcycle, or trailer is registered as an antique motor vehicle, motorcycle, or trailer under this chapter, and the number of the antique plate is recorded with the director. ***Registration plates issued in the same year that the antique motor vehicle was manufactured may be affixed to both the front and rear of the antique motor vehicle, to either the front or rear of the antique motorcycle, and to the rear of the antique trailer for any such vehicle with a year of manufacture of 1950 or earlier if the registration plate matching the registration certificate is carried within the antique motor vehicle.*** Any antique motor vehicle, motorcycle, or trailer bearing a registration plate with the year of manufacture shall also carry, within it, a valid antique motor vehicle, motorcycle, or trailer registration certificate and a permit issued under this section. [~~The registration plate matching the registration certificate shall be affixed to the rear of the antique motor vehicle, motorcycle, or trailer. The registration plate which was issued in the same year that the antique motor vehicle was manufactured shall be affixed to the front of the antique motor vehicle, to either the front or rear of the antique motorcycle, and to the rear of the antique trailer, provided it is not placed in a location where the registration plate is normally affixed.~~]

HB 388-FN, establishing the amount of the enhanced 911 services surcharge and requiring providers of voice over Internet protocol services to pay surcharges for deposit in the enhanced 911 system fund. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Frank V. Sapareto for Ways and Means: This bill establishes the amount of the enhanced 911 services surcharge and requires providers of voice over Internet protocol services to pay surcharges for deposit in the enhanced 911 system fund. This surcharge is currently being levied at the rate of 57 cents. This bill puts the fee in statute and under the control of the legislature. The surcharge shall be 57 cents levied on VOIP service, landline service and standard cellular service. This service fee shall remain under the control of the legislature and the funds are strictly limited to the development and operation of the enhanced 911 service and the statewide emergency notification system. The bill further requires a study and report by the telecommunications planning development and advisory committee as established in RSA 12-A:46 and shall study how to determine the application of 911 services to all classes of prepaid communications devices. The committee's report is due Dec. 1, 2012. The study committee's effective date is upon passage and the remainder of the bill shall take effect January 1, 2013. Vote 21-0.

Amendment (0907h)
Amend the title of the bill by replacing it with the following:

AN ACT establishing the amount of the enhanced 911 services surcharge and requiring providers of Voice over Internet Protocol services to pay surcharges for deposit in the enhanced 911 system fund.

Amend RSA 106-H:2, XV as inserted by section 1 of the bill by replacing it with the following:

XV. "Voice over Internet Protocol" or "VoIP" means any service that:

(a) Enables real-time, 2-way voice communications that originate from or terminate to the user's location in Internet Protocol or any successor protocol;

(b) Requires a broadband connection from the user's location; and

(c) Permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.

Amend 106-H:9, I as inserted by section 3 of the bill by replacing it with the following:

I.***(a)*** The enhanced 911 system and the statewide emergency notification system shall be funded through a surcharge ***of $0.57*** to be levied upon each residence and business telephone exchange line, including PBX trunks and Centrex lines, each individual commercial mobile radio service number, ***each VoIP service number with a primary place of use within New Hampshire,*** and each semi-public and public coin and public access line. ***For purposes of this subparagraph, "primary place of use" shall have the same meaning as the definition contained in 4 U.S.C. section 124(g).*** No such surcharge shall be imposed upon more than 25 business telephone exchange lines, including PBX trunks and Centrex lines, or more than 25 commercial mobile radio service exchange lines ***or VoIP service lines or channels*** per customer billing account. ***Funds generated by this surcharge shall be used only for the operation and maintenance of the enhanced 911 system and the statewide emergency notification system.***

(b) In the case of local exchange telephone companies, the surcharge shall be contained within tariffs or rate schedules filed with the public utilities commission and shall be billed on a monthly basis by each local exchange telephone company.

(c) In the case of an entity which provides commercial mobile radio service the surcharge shall be billed to each customer on a monthly basis and shall not be subject to any state or local tax; the surcharge shall be collected by the commercial mobile radio service provider, and may be identified on the customer's bill.

(d) In the case of a VoIP provider, the surcharge shall be billed to each customer on a monthly basis and shall not be subject to any state or local tax; the surcharge shall be collected by the VoIP provider, and may be identified on the customer's bill.

(e) Each local exchange telephone company***, VoIP service provider,*** or entity which provides commercial mobile radio service shall remit the surcharge amounts on a [~~monthly~~] ***quarterly*** basis***, as prescribed by the commissioner,*** to the enhanced 911 services bureau, which shall be forwarded to the state treasurer for deposit in the enhanced 911 system fund. The state treasurer shall pay expenses incurred in the administration of the enhanced 911 system and the statewide emergency notification system from such fund. Such fund shall not lapse. If the expenditure of additional funds over budget estimates is necessary for the proper functioning of the enhanced 911 system or the statewide emergency notification system, the department of safety may request, with prior approval of the fiscal committee of the general court, the transfer of funds from the enhanced 911 system fund to the department of safety for such purposes. The moneys in the account shall not be used for any purpose other than the development and operation of enhanced 911 services and the statewide emergency notification system, in accordance with the terms of this chapter. [~~Surcharge amounts shall be reviewed after the budget has been approved or modified, and if appropriate, new tariffs or rate schedules shall be filed with the public utilities commission reflecting the surcharge amount.~~]

Amend the bill by inserting all after section 4 with the following:

5 Study and Report by Telecommunications Planning and Development Advisory Committee. The telecommunications planning and development advisory committee,

established in RSA 12-A:46, shall study how to determine the application of a 911 services surcharge to all classes of prepaid communications devices. The committee shall submit a report on its findings and any recommendations for legislation to the speaker of the house of representatives, the senate president, the chairpersons of the house science, technology, and energy committee and the senate energy and natural resources committees, the house clerk, the senate clerk, the governor and the state library on or before December 1, 2012.

6 Effective Date.

I. Section 5 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 2013.

AMENDED ANALYSIS

This bill establishes by statute the amount of the enhanced 911 services surcharge and requires providers of Voice over Internet Protocol services to pay such surcharge. The bill repeals a requirement that the enhanced 911 services surcharge provide adequate funding for enhanced 911 system operations and the statewide emergency notification system. The bill requires the telecommunications planning and advisory committee to study and report on applying a 911 services surcharge to all classes of prepaid communications devices.

HB 602-FN-A, relative to funding the law requiring reporting of health care acquired infections. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patrick F. Abrami for Ways and Means: Several years ago, a law requiring hospitals to report to a state database health care acquired infections was expanded to include ambulatory surgery centers (ASC). The original law incorporated a fee to be assessed to the hospitals to fund the program if the federal government stopped funding this program or reduced the funding of this program. When the law was amended to include the ASC, it neglected to extend the fee to these entities. This bill corrects that by including the ASC's in a new formula to be utilized in assessing these fees. The formula calls for the hospital to be assessed 70 percent and the ASC's 30 percent. The amendment to this bill insures that federal monies will be utilized before the fees are assessed. The amendment includes language that assures oversight by both the House Health and Human Services and the Ways and Means Committee. Vote 17-2.

Amendment (0831h)

Amend RSA 151:36 as inserted by section 3 of the bill by inserting after paragraph V the following new paragraph:

VI. The commissioner shall apply for all federal funding available to supplement the health care associated infections program. In the event federal funding is unavailable to cover the program costs either in part or in its entirety, the hospitals and ambulatory surgical centers shall be responsible for paying their proportion of the fees under this chapter to support the program's operating budget.

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:

5 New Paragraph; Report Required. Amend RSA 151:34 by inserting after paragraph III the following new paragraph:

IV. In addition to the department's reporting responsibilities under this section, the department shall beginning in 2012 make a biennial report to the oversight committee on health and human services and the house and senate ways and means committees on or before August 1, regarding the health care associated infections program costs, the amount of federal funding received for the program, and the amount of fees paid by hospitals and ambulatory surgical centers to support the program.

AMENDED ANALYSIS

This bill establishes a fee for hospitals and ambulatory surgical centers required to report health care associated infections. This bill also establishes a fund to be used for purposes of administration of the health care associated infections law.

HB 1204, relative to matching funds of highway projects. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Norman L. Major for Ways and Means: This bill permits the use of turnpike toll credits as a match for federal highway funds and road projects without approval of the capital budget overview committee. Toll credits are defined and any use of these credits other than a match shall require prior approval of the committee. A public hearing was held on a non-germane amendment. The amendment allows an existing rooms and meals license to remain valid during pendency of the appeal process if the appeal bond is given. The amendment also corrects the rooms and meals tax to read 9 percent instead of 8 percent and also allows the operator up to 10 days to file a surety bond with the department after a hearing and ruling by the commissioner or his designee. The committee feels the amendment makes the administration of the law more business friendly. Vote 20-0.

Amendment (0684h)

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

AN ACT relative to matching funds of highway projects, and relative to the administration of the meals and rooms tax.

Amend the bill by replacing all after section 2 with the following:

3 Meals and Rooms; Suspension and Revocation of Licenses; Appeal. Amend RSA 78-A:5, II to read as follows:

II. Any operator aggrieved by a suspension, revocation or refusal of the commissioner may appeal from the ruling either by application to the board of tax and land appeals or by petition to the superior court in the county in which he or she resides or conducts his or her operation within 10 days after receiving written notice of the commissioner's ruling in the manner prescribed in RSA 78-A:15. The board of tax and land appeals or the court, as the case may be, shall hear the appeal forthwith. If the appealing operator files a bond running to the state in an amount fixed by the board of tax and land appeals or the court, with a surety company authorized to do business in the state as surety, conditioned on the payment of taxes due and to become due during the pendency of the appeal, the ruling appealed from is inoperative if it is a ruling of suspension or revocation. If the ruling appealed from is a refusal to [~~issue a~~] ***renew an existing*** license, the [~~commissioner shall issue the license~~] ***existing license shall remain valid*** during the pendency of the appeal if the appeal bond is given.

4 Collection of Tax on Meals and Rooms; Reference to Tax Rate Corrected. Amend RSA 78-A:7, I(a) to read as follows:

I.(a) The operator shall either state the amount of the tax to each occupant, purchaser of a meal, or renter, or state that the tax is included in the price of the occupancy, meal, or gross rental receipts received. If the amount of the gratuity is not separately stated, the purchaser's or occupant's contract or receipt shall include the following language:

"The [~~8~~] ***9*** percent tax on meals and rooms is included for the costs of meals and lodging only."

5 Collection of Tax on Meals and Rooms; Reference to Tax Rate Corrected. Amend RSA 78-A:7, IV to read as follows:

IV. In lieu of keeping detailed records of taxes collected, and in lieu of payment of the taxes collected under this chapter, an operator may, in writing, elect to compute the amount of taxes due at [~~8~~] ***9*** percent of the total taxable rent, charge for meals, or gross rental receipts received by it, or both, exclusive of the taxes collected on such rents, charges, and gross rental receipts. If this election is made, the operator may not change the method of computing taxes without the written consent of the department. Any balance of the tax remaining in possession of the operator may be retained by it.

6 Meals and Rooms; Surety Bonds. Amend RSA 78-A:8-b, I to read as follows:

I. When the commissioner or his designee, in his discretion, deems it necessary to protect the revenues to be obtained under this chapter, he may, after notice and hearing, require any operator required to collect the tax imposed by RSA 78-A:6 to file with him a bond issued by a surety company authorized by the New Hampshire insurance department to do business in this state, in an amount fixed by the commissioner or his designee, to secure the payment of any tax, interest or penalties due, or which may become due. [~~The operator shall file a bond within 10 days after the department has issued and mailed such notice.~~] Surety bonds may be required in situations such as, but not limited to, failure to file returns, failure to make payments with returns at the time required by law, tender by an operator of checks returned for insufficient funds, failure to pay interest and penalties assessed, operators who are itinerant, transient***,*** or temporary, and any other situation which, in the discretion of the commissioner or his designee, renders the collection of the tax in jeopardy. ***If, after a hearing, the commissioner or the commissioner's designee issues an order requiring an operator to file a surety bond with the department, the operator shall file such bond within 10 days of the issuance of the order.***

7 Effective Date.

I. Sections 1 and 2 of this act shall take effect 60 days after its passage.

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

AMENDED ANALYSIS

This bill permits use of turnpike toll credits as a match for federal highway funds and road projects without approval of the capital budget overview committee. The bill also makes changes to the appeal procedure and surety bond requirement for meals and rooms tax operators.

HB 1678-FN-A-L, establishing video lottery and table gaming at certain locations in New Hampshire. **INEXPEDIENT TO LEGISLATE.**
Rep. David W. Hess for Ways and Means: In view of the fact that this committee has had a similar casino gambling bill in its possession for a year, and has held numerous subcommittee work sessions and a public hearing on that bill, HB 593, the committee believed this bill was redundant and unnecessary to consider. Vote 19-0.

HB 1697-FN-A, establishing keno in New Hampshire. **INEXPEDIENT TO LEGISLATE.**
Rep. Stephen B. Stepanek for Ways and Means: The purpose of this bill is to establish keno in the state of New Hampshire. While the bill is extensive the issue of instituting keno in New Hampshire has never been studied. The committee believes the issue deserves a complete study which another bill, HB 1698-FN-A in subcommittee, can address. Therefore, this bill is not needed at this time and the sponsor is in agreement with this decision. Vote 19-0.

HB 1698-FN-A, establishing keno and providing scholarship money to New Hampshire students. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Patrick F. Abrami for Ways and Means: The underlying bill called for the operation and playing of keno games with the licensing of keno game operators by the lottery commission, and the establishment of a keno scholarship trust fund. Constitutional issues arose with the scholarship trust fund, in that the Constitution specifies that all lottery revenues must go to the education trust fund. This issue along with issues such as which establishments would be allowed to offer keno, the fee splits between the state and the establishments, and many others, needed time to be properly studied. With that an amendment was passed to send the concept of keno gaming to a study committee to address these issues and to craft comprehensive keno legislation. The committee unanimously agreed. Vote 20-0.

Amendment (0860h)

Amend the title of the bill by replacing it with the following:
AN ACT establishing a committee to study implementing keno in the state of New Hampshire.
Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study implementing keno in the state of New Hampshire.

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.

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

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

3 Duties. The committee shall study if and how to implement keno in the state.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, 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 implementing keno in the state of New Hampshire.

SB 153-FN, relative to the regulation of real estate appraisers by the New Hampshire real estate appraiser board. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Gary S. Azarian for Ways and Means: This bill aligns the regulation of real estate appraisers to federal regulation as required by the Dodd-Frank Reform Act. Vote 19-0.

Amendment (0798h)
Amend RSA 310-B:19 as inserted by section 14 of the bill by replacing it with the following:

310-B:19 Hearings***; Investigations***. ***The board may undertake investigations of allegations of misconduct. The form of an investigation is a matter of discretion of the board.*** The board shall take no disciplinary action without a hearing. At least 14 days prior to hearing, all parties to a disciplinary proceeding shall be served, either personally or by certified mail, return receipt requested, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the board, but no complaint shall be acted upon unless in writing. A hearing shall be held on all written complaints [~~received~~] ***not dismissed*** by the board within [~~90~~] ***180*** days after the date notice of a complaint was received by the accused, unless otherwise agreed to by the parties. Disciplinary hearings shall be conducted within [~~90~~] ***180*** days of receipt of the complaint before at least [~~5~~] ***4*** members of the board. Written notice of all disciplinary decisions made by the board shall be given to all parties to the proceeding upon their issuance. Orders of the board shall be subject to the contested case provisions of RSA 541-A.

REGULAR CALENDAR

HB 1365, relative to complaint investigation procedures of the guardian ad litem board. **REFER FOR INTERIM STUDY.**
Rep. Franklin F. Gould for Children and Family Law: This bill required the guardian ad

litem board to refer complaints to the appropriate court for further review and prohibits the board from dismissing a complaint because it relates to a pending judicial proceeding. The proposed amendment would alter the existing RSA 490-C4, I(g). It would remove from the board any options related to action "upon written allegation or complaint against presently or formerly certified GAL holding an appointment in a case under the authority of a court, etc." Further, the amendment removes any option of dismissal of a complaint on the basis that the complaint relates to a pending trial or judicial proceeding. Currently, a complaint relating to a trial or judicial proceeding in progress shall be dismissed without prejudice unless the board for good cause votes to proceed immediately with such complaint. In many ongoing cases, taking up a complaint during proceeding would lengthen the case, and jeopardize the parties' privacy, and ability to work together. Basically, this bill, as amended, would actually interrupt the process of a court case to deal instantly with a complaint. The State of New Hampshire guardian ad litem board performance audit, January 2012, makes recommendations that deal with training, oversight, management and funding. The audit also recommends development of a complaint database. In light of these recommendations, the committee recommends Interim Study. The committee has initiated discussion with executive departments and administration committee and will seek to form a joint study committee. Vote 13-1.
Rep. Moran spoke in favor.
Rep. Oligny spoke against, yielded to questions and requested a roll call; sufficiently seconded.

YEAS 251 NAYS 89

YEAS 251

BELKNAP

Bolster, Peter	Comtois, Guy	Fields, Dennis	Greemore, Robert
Kingsbury, Robert	Luther, Robert	Malone, Robert	Millham, Alida
Russell, David	St. Cyr, Jeffrey	Tilton, Franklin	

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Knox, J. David
McCarthy, Frank	McConkey, Mark	Merrow, Harry	Patten, Betsey
Umberger, Karen			

CHESHIRE

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

COOS

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

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Bulis, Lyle
Cooney, Mary	Gionet, Edmond	Gould, Franklin	Harding, Laurie

Ingbretson, Paul	Ladd, Rick Jr	Nordgren, Sharon	Pastor, Beatriz
Pierce, David	Smith, Suzanne	Sorg, Gregory	Sova, Charles
Taylor, Kathleen	Townsend, Charles	White, Andrew	

HILLSBOROUGH

Balboni, Michael	Ball, J. Michael	Baroody, Benjamin	Barry, J. Gail
Barry, Richard	Belanger, James	Belvin, William	Boehm, Ralph
Brown, Kevin	Brownrigg, Randall Jr	Buxton, Michael	Campbell, David
Cebrowski, John	Christensen, D.L. Chris	Christiansen, Lars	Coffey, James
Cote, David	Cusson-Cail, Kathleen	Daler, Jennifer	Day, Russell
Doherty, Shaun	Erickson, Duane	Fredette, Robert	Gagne, Larry
Gandia, Laura	Gargasz, Carolyn	Gidge, Kenneth	Gimas, John
Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary	Graham, John
Greazzo, Phil	Haefner, Robert	Hinch, Richard	Holden, Frank
Hopper, Gary	Hutchinson, Winfred	Infantine, William	Jasper, Shawn
Jeudy, Jean	Kurk, Neal	Leishman, Peter	Maltz, Jonathan
McCarthy, Michael	McClarren, Donald	McGuinness, Sean	Mecheski, Holly
Messier, Irene	Moran, Edward	Ober, Lynne	Ober, Russell III
Palmer, Barry	Palmer, Stephen	Pellegrino, Tony	Pepino, Leo
Peterson, Lenette	Pilotte, Maurice	Porter, Marjorie	Pratt, Calvin
Ramsey, Peter	Robbins, David	Rosenwald, Cindy	Rowe, Robert
Shaw, Barbara	Silva, Peter	Simmons, Tammy	Stepanek, Stephen
Stroud, Kathleen	Sullivan, Daniel	Sullivan, Peter	Twombly, Timothy
Vaillancourt, Steve	Villeneuve, Moe	Warden, Mark	

MERRIMACK

Blankenbeker, Lynne	Bouchard, Candace	DeStefano, Stephen	Foose, Robert
Frazer, June	Gile, Mary	Hamm, Christine	Hess, David
Keane, Thomas	Kotowski, Frank	MacKay, James	McGuire, Carol
McGuire, Dan	Owen, Derek	Palfrey, David	Patten, Dick
Potter, Frances	Rice, Chip	Richardson, Gary	Sanborn, Laurie
Shurtleff, Stephen	Smith, Molly	Smith, Todd	Soltani, Tony
Wallner, Mary Jane	Watrous, Rick	Williams, Robert	Winter, Steven

ROCKINGHAM

Allen, Mary	Antosz, Jason	Azarian, Gary	Bates, David
Belanger, Ronald	Bettencourt, David	Brown, Paul	Cali-Pitts, Jacqueline
Charron, Gene	Copeland, Timothy	Devine, James	DiPentima, Rich
Dowling, Patricia	Duarte, Joe	Elliott, Robert	Fesh, Robert
Garcia, Marilinda	Garrity, James	Griffin, Mary	Hagan, Joseph
Headd, James	Hoelzel, Kathleen	Kappler, Lawrence	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	Read, Robin Jr
Reagan, John	Ritter, Glenn	Sanders, Elisabeth	Schlachman, Donna
Sullivan, James	Sullivan, Kevin	Sytek, John	Waddell, James
Ward, Joanne	Waterhouse, Kevin	Welch, David	

STRAFFORD

Berube, Roger	Brown, Julie	Cataldo, Sam	Domingo, Baldwin
Ginsburg, Philip	Grassie, Anne	Horrigan, Timothy	Kaen, Naida
Keans, Sandra	Munck, Philip	Newton, Clifford	O'Connor, William
Parsons, Robbie	Pelletier, Marsha	Perry, Robert	Pitre, Joseph

Roberts, Jenna	Schmidt, Peter	Spainhower, Dale	Vita, Carol
Vita, Lucien	Wall, Janet	Watters, David	Weeden, Michael

SULLIVAN

Cloutier, John	Cunningham, Steven	Gagnon, Raymond	Laware, Thomas
Lovett, Charlene	Osgood, Joe	Rodeschin, Beverly	Schmidt, Andrew

NAYS 89

BELKNAP

Accornero, Harry	Pilliod, James	Simpson, Tyler	Swinford, Elaine
Worsman, Colette			

CARROLL

Fleck, Joseph	Pettengill, Laurie	Tregenza, Norman

CHESHIRE

Cartwright, Anne

COOS

Tremblay, Marc

GRAFTON

Bradley, Lester	Brosseau, Charles	Reilly, Harold Sr	Shackett, Jeffrey
Simard, Paul			

HILLSBOROUGH

Avard, Kevin	Bergevin, Jerry	Burt, John	Condra, William
Coughlin, Sean	Daniels, Gary	Donovan, Daniel	Flanagan, Jack
Hansen, Peter	Hardwick, Harry	Hikel, John	Hogan, Edith
Krasucki, Joseph	LeBrun, Donald	Levasseur, Nickolas	Murphy, Keith
Notter, Jeanine	Ohm, Bill	Parison, James	Proulx, Mark
Reed, Michael	Scontsas, Lisa	Soucy, Connie	Summers, James
Swank, Matthew	Terrio, Ross	Ulery, Jordan	Whitehead, Randall
Willette, Robert			

MERRIMACK

Coffey, Jennifer	Cohn, Seth	Giuda, J. Brandon	Hill, Gregory
Hoell, J.R.	Kreis, Kenneth Sr	Lauer-Rago, Kathleen	Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick	Baldasaro, Alfred	Birdsell, Regina	Comerford, Timothy
Ferrante, Beverly	Itse, Daniel	Janvrin, Kevin	Katsakiores, Phyllis
Murphy, Brian	Okerman, Richard	Oligny, Jeffrey	Perkins, Amy
Perkins, Lawrence	Reichard, Kevin	Rice, Frederick	Sapareto, Frank
Schroadter, Adam	Sedensky, John	Serlin, Christopher	Sheffert, Kenneth
Shuler, Wyman III	Smith, William	Tamburello, Daniel	Tasker, Kyle
Tremblay, Stella	Tucker, Pamela	Webb, James	Weyler, Kenneth

STRAFFORD

DeLemus, Susan	Groen, Warren	Jones, Kyle	Jones, Laura
Larsen Schultz, Kirsten	Leonard, Frederick Jr		

SULLIVAN

Bowers, Spec	LaCasse, Paul Sr	Smith, Steven

and the committee report was adopted.

HB 1530-FN, relative to oversight of guardians ad litem by the guardian ad litem board. **REFER FOR INTERIM STUDY.**

Rep. Jane B. Johnson for Children and Family Law: This bill required the Guardian ad Litem Board to collect and analyze performance data for each guardian ad litem. The programs and services of the Guardian ad Litem are diverse. Nationally, there is no single best practice or standard service model. Likewise, in New Hampshire, oversight of their services is fragmented among the GAL Board, the courts and CASA of New Hampshire. This bill would add more responsibility to an already over burdened board. The committee recommends Interim Study to facilitate the structuring of an effective service and oversight based on the State of New Hampshire performance audit of the GAL Board issued on January of 2012. Vote 12-2.

Committee report adopted.

CACR 11, relating to terms for state judges. Providing that all state judges be commissioned for renewable 5-year terms. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Seth Cohn for the Majority of Constitutional Review and Statutory Recodification: This constitutional amendment, as amended, would add a renewable term of 7 years in length to all future judicial appointments, subject to reconfirmation. It was the feeling of the majority of the committee that the people, having what seems to some to be no currently effective method of judicial oversight, deserve the opportunity to consider this Constitutional amendment, to discuss the issues raised and to ultimately vote on this change to the New Hampshire Constitution. Vote 10-5.

Rep. Christopher W. Serlin for the Minority of Constitutional Review and Statutory Recodification: The minority believes the fundamental balance of powers, established in our state constitution, uses the life term of judges as a strong counter to the ebb and flow of popular opinion that drives election of an executive and legislature. Changing the structure of the judiciary to have terms for judges will expose that branch of government, normally responsible only to the constitution, to the pressure of popular opinion, which would severely impact their constitutional duties to base opinion only on the principles of our constitution.

Majority Amendment (0951h)

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

RELATING TO: terms for state judges.

PROVIDING THAT: all state judges be commissioned for renewable 7-year terms.

Amend the resolution by replacing paragraphs I and II with the following:

I. That article 35 of the first part of the constitution be amended to read as follows:

[Art.] 35. [[~~The Judiciary; Tenure of Office, etc.~~]] It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as impartial as the lot of humanity will admit. It is therefore not only the best policy, but for the security of the rights of the people, that the judges of the supreme judicial court should hold their offices ***for the term appointed*** so long as they behave well; subject, however, to such limitations, on account of age, as may be provided by the Constitution of the

State; and that they should have honorable salaries, ascertained and established by standing laws.

II. That article 73 of the second part of the constitution be amended to read as follows:

[Art.] 73 [[~~Tenure of Office To Be Expressed in Commissions; Judges to Hold Office During Good Behavior etc.; Removal~~].] The tenure that all commissioned officers shall have by Law in their offices shall be expressed in their respective commissions, and all judicial officers duly appointed, commissioned and sworn, shall hold their offices ***for renewable 7-year terms*** during good behavior except those for whom a different provision is made in this Constitution; ***except for those holding office on January 1, 2012 who shall hold their offices during good behavior unless a different provision is made in this Constitution.*** The Governor with consent of the Council may remove any commissioned officer for reasonable cause upon the address of both houses of the Legislature, provided nevertheless that the cause for removal shall be stated fully and substantially in the address and shall not be a cause which is a sufficient ground for impeachment, and provided further that no officer shall be so removed unless he shall have had an opportunity to be heard in his defense by a joint committee of both houses of the Legislature.

Amend the resolution by replacing paragraph V with the following:

V. That the wording of the question put to the qualified voters shall be:

"Are you in favor of amending Article 35 of the first part of the Constitution and Article 73 of the second part of the Constitution, so that these articles read as follows:

[Art.] 35. It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as impartial as the lot of humanity will admit. It is therefore not only the best policy, but for the security of the rights of the people, that the judges of the supreme judicial court should hold their offices for the term appointed so long as they behave well; subject, however, to such limitations, on account of age, as may be provided by the Constitution of the State; and that they should have honorable salaries, ascertained and established by standing laws.

[Art.] 73 The tenure that all commissioned officers shall have by Law in their offices shall be expressed in their respective commissions, and all judicial officers duly appointed, commissioned and sworn, shall hold their offices for renewable 7-year terms during good behavior except those for whom a different provision is made in this Constitution; except for those holding office on January 1, 2012 who shall hold their offices during good behavior unless a different provision is made in this Constitution. The Governor with consent of the Council may remove any commissioned officer for reasonable cause upon the address of both houses of the Legislature, provided nevertheless that the cause for removal shall be stated fully and substantially in the address and shall not be a cause which is a sufficient ground for impeachment, and provided further that no officer shall be so removed unless he shall have had an opportunity to be heard in his defense by a joint committee of both houses of the Legislature.

AMENDED ANALYSIS

This constitutional amendment concurrent resolution requires all state judges to be commissioned for renewable 7-year terms.

Majority committee amendment adopted.

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

Reps. Davenport, Giuda and Soltani spoke in favor.

Rep. Gary Richardson spoke against.

Rep. Itse requested a roll call; sufficiently seconded.

YEAS 218 NAYS 120

YEAS 218

BELKNAP

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

CARROLL

Fleck, Joseph	McCarthy, Frank	McConkey, Mark	Merrow, Harry
Patten, Betsey	Pettengill, Laurie	Tregenza, Norman	

CHESHIRE

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

COOS

Rappaport, Laurence	Richardson, Herbert	Tholl, John Jr	Tremblay, Marc

GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Ingbretson, Paul
Reilly, Harold Sr	Shackett, Jeffrey	Simard, Paul	Sorg, Gregory
Sova, Charles			

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, J. Gail
Belanger, James	Belvin, William	Bergevin, Jerry	Boehm, Ralph
Brown, Kevin	Brownrigg, Randall Jr	Burt, John	Buxton, Michael
Cebrowski, John	Christensen, D.L. Chris	Christiansen, Lars	Coffey, James
Condra, William	Daniels, Gary	Day, Russell	Doherty, Shaun
Donovan, Daniel	Flanagan, Jack	Fredette, Robert	Gandia, Laura
Gonzalez, Carlos	Greazzo, Phil	Haefner, Robert	Hardwick, Harry
Hawkins, Kenneth	Hikel, John	Hogan, Edith	Holden, Frank
Hopper, Gary	Krasucki, Joseph	Kurk, Neal	Lambert, George
LeBrun, Donald	Maltz, Jonathan	McCarthy, Michael	McClarren, Donald
McGuinness, Sean	Mecheski, Holly	Messier, Irene	Murphy, Keith
Notter, Jeanine	Ober, Lynne	Ober, Russell III	Ohm, Bill
Palmer, Barry	Palmer, Stephen	Parison, James	Pellegrino, Tony
Peterson, Lenette	Pratt, Calvin	Proulx, Mark	Reed, Michael
Renzullo, Andrew	Scontsas, Lisa	Silva, Peter	Simmons, Tammy
Soucy, Connie	Stepanek, Stephen	Stroud, Kathleen	Sullivan, Peter
Summers, James	Swank, Matthew	Terrio, Ross	Twombly, Timothy
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe	Warden, Mark
Whitehead, Randall	Willette, Robert		

MERRIMACK

Blankenbeker, Lynne	Coffey, Jennifer	Cohn, Seth	Giuda, J. Brandon

Hill, Gregory	Hoell, J.R.	Keane, Thomas	Kotowski, Frank
Kreis, Kenneth Sr	Lauer-Rago, Kathleen	McGuire, Carol	McGuire, Dan
Sanborn, Laurie	Seaworth, G. Brian	Smith, Todd	Soltani, Tony
Winter, Steven			

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Antosz, Jason	Baldasaro, Alfred
Bates, David	Belanger, Ronald	Bettencourt, David	Birdsell, Regina
Brown, Paul	Comerford, Timothy	Copeland, Timothy	Davenport, Joshua
Devine, James	Dowling, Patricia	Duarte, Joe	Elliott, Robert
Ferrante, Beverly	Fesh, Robert	Garcia, Marilinda	Garrity, James
Griffin, Mary	Hagan, Joseph	Headd, James	Hoelzel, Kathleen
Itse, Daniel	Janvrin, Kevin	Kappler, Lawrence	Katsakiores, Phyllis
Major, Norman	Manuse, Andrew	Mauro, Donna	McMahon, Charles
O'Connor, John	Okerman, Richard	Oligny, Jeffrey	Packard, Sherman
Perkins, Amy	Perkins, Lawrence	Reagan, John	Reichard, Kevin
Rice, Frederick	Ritter, Glenn	Sanders, Elisabeth	Sapareto, Frank
Schroadter, Adam	Sedensky, John	Sheffert, Kenneth	Shuler, Wyman III
Smith, William	Sullivan, James	Sullivan, Kevin	Tamburello, Daniel
Tasker, Kyle	Tremblay, Stella	Tucker, Pamela	Waddell, James
Ward, Joanne	Waterhouse, Kevin	Webb, James	Welch, David
Weyler, Kenneth			

STRAFFORD

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

SULLIVAN

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

NAYS 120

BELKNAP

Kingsbury, Robert	Millham, Alida	Pilliod, James

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Knox, J. David
Umberger, Karen			

CHESHIRE

Butynski, William	Carr, Daniel	Chase, Cynthia	Emerson, Susan
Hawkes, Samuel	Lindsey, Steven	Meader, David	Parkhurst, Henry
Roberts, Kris	Sad, Tara	Tatro, Bruce	Weber, Lucy
Weed, Charles			

COOS

Coulombe, Gary	Daugherty, Duffy	Merrick, Evalyn	Remick, William

Theberge, Robert	Thomas, Yvonne		

GRAFTON

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

HILLSBOROUGH

Baroody, Benjamin	Barry, Richard	Campbell, David	Cote, David
Coughlin, Sean	Cusson-Cail, Kathleen	Daler, Jennifer	Gargasz, Carolyn
Gidge, Kenneth	Gimas, John	Goley, Jeffrey	Gorman, Mary
Graham, John	Hinch, Richard	Jasper, Shawn	Jeudy, Jean
Leishman, Peter	Moran, Edward	Pilotte, Maurice	Porter, Marjorie
Ramsey, Peter	Robbins, David	Rosenwald, Cindy	Rowe, Robert
Shaw, Barbara	Sullivan, Daniel		

MERRIMACK

Bouchard, Candace	DeStefano, Stephen	Foose, Robert	Frazer, June
Gile, Mary	Hamm, Christine	Hess, David	Kidder, David
Lockwood, Priscilla	MacKay, James	Palfrey, David	Patten, Dick
Potter, Frances	Richardson, Gary	Shurtleff, Stephen	Smith, Molly
Wallner, Mary Jane	Watrous, Rick	Williams, Robert	

ROCKINGHAM

Cali-Pitts, Jacqueline	Charron, Gene	DiPentima, Rich	Lovejoy, Patricia
McKinney, Betsy	Moody, Marcia	Murphy, Brian	Nevins, Chris
Norelli, Terie	Pantelakos, Laura	Read, Robin Jr	Schlachman, Donna
Serlin, Christopher	Sytek, John		

STRAFFORD

Berube, Roger	Brown, Julie	Browne, Brendon	Domingo, Baldwin
Ginsburg, Philip	Grassie, Anne	Kaen, Naida	Keans, Sandra
Pelletier, Marsha	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 failed lacking the constitutionally required three-fifths vote.

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

LAID ON THE TABLE

Rep. Bettencourt moved that ***CACR 11,*** relating to terms for state judges. Providing that all state judges be commissioned for renewable 7-year terms, be laid on the table.

On a division vote, 244 members having voted in the affirmative and 97 in the negative, the motion was adopted by the necessary three-fifths vote.

REGULAR CALENDAR (CONT'D)

HB 1131, establishing a committee to study the revisions to laws which would be necessary if the supreme court and superior court were abolished as constitutional courts. **OUGHT**

TO PASS WITH AMENDMENT.
Rep. Seth Cohn for Constitutional Review and Statutory Recodification: While the legislative branch crates law, and the executive branch executes the laws, historically, the judicial branch maintains a neutral stance, adjudicating the laws on behalf of the people and maintaining the balance of powers among the 3 branches. The varied makeup of the court affects this critical role, through the many decisions reached by its members. The controller of the makeup of that judicial body gains more influence in the long run. The United States federal system attempts to achieve a balanced court through the use of presidential appointment and Senate confirmation. Some states use other methods of maintaining this check and balance of the court makeup, including directly elected judges, limited terms of office, or state senate confirmation. Here in New Hampshire, the executive council serves as the sole check to the governor's appointment process, leaving the makeup entirely in the hands of the executive branch. Given the concerns that some have about judicial oversight and undue activism, and the variety of means used nationwide to address it, the majority of the committee felt that an exploration of options was the most appropriate next step to take, and perhaps recommend future legislative action. Vote 9-4.

Amendment (0944h)
Amend the title of the bill by replacing it with the following:
AN ACT establishing a committee to study methods of creating a balanced and neutral judiciary.
Amend the bill by replacing all after the enacting clause with the following:
1 Committee Established. There is established a committee to study methods of creating a balanced and neutral judiciary.
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) Two members of the senate, appointed by the president of the senate.
II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.
3 Duties. The committee shall study methods of creating a balanced and neutral judiciary.
4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.
5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2012.
6 Effective Date. This act shall take effect upon its passage.
AMENDED ANALYSIS
This bill establishes a committee to study methods of creating a balanced and neutral judiciary.
Amendment adopted.
Committee report adopted and ordered to third reading.

HB 1146, requiring pupils to stand during the pledge of allegiance. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Anne S. Cartwright for the Majority of Constitutional Review and Statutory Recodification: Requiring children who are physically able to stand for the pledge of allegiance doesn't mean assent to the words. The public schools of New Hampshire should

teach and expect from our children courtesy, respect and decorum just as expected of the members of the New Hampshire House. Vote 8-4.
Rep. Paul E. Brown for the Minority of Constitutional Review and Statutory Recodification: The minority of the committee appreciates the desire of the majority to have students show additional respect, beyond the already legally required silence and respect for students who are participating, by requiring them to stand for the Pledge of Allegiance (first authored in 1892). However, we believe that any compelled physical action, like standing, potentially violates the New Hampshire Constitution's Part I Article 4 (right of conscience), raises a potential religious issue (Part I, Article 5) due to the words "Under God" (officially added in 1954), and finally, it puts us on a very slippery slope that the minority is uncomfortable standing upon. If rising to your feet can be required by the state, what other positive actions could also be compelled in the name of an increased patriotism? Reciting the pledge itself? Wearing uniforms? Purchasing health insurance for the good of the county as a whole? The freedoms that the flag represents, including our ability to peacefully dissent, are freedoms hard fought and died for, freedoms still envied by many nations and this is the true legacy and value of our Republic that we all want students (and all other citizens) to better understand and voluntarily respect. Any compelled participation will only send our impressionable youth the wrong message.

The question being adoption of the majority committee report of Ought to Pass.
Rep. Gary Richardson spoke against.

(Rep. Jennifer Coffey in the Chair)

Rep. Cartwright spoke in favor.
Rep. Vaillancourt requested a quorum call; the Chair declared a quorum present.
Rep. Krasucki spoke in favor.
Rep. Gargasz spoke against.
Rep. Vaillancourt spoke against and yielded to questions.
Rep. Cebrowski requested a roll call; sufficiently seconded.

YEAS 155 NAYS 170

YEAS 155

BELKNAP

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

CARROLL

Fleck, Joseph	McConkey, Mark	Merrow, Harry	Pettengill, Laurie

CHESHIRE

Byrnes, John	Cartwright, Anne	Dwinell, Richard	Emerson, Susan
Moore, Robert Jr	Parkhurst, Henry	Smith, Edwin	

COOS

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

GRAFTON

Brosseau, Charles	Bulis, Lyle	Gionet, Edmond	Ladd, Rick Jr

Reilly, Harold Sr	Simard, Paul	Sorg, Gregory	Sova, Charles

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Baroody, Benjamin	Barry, J. Gail
Barry, Richard	Bergevin, Jerry	Brownrigg, Randall Jr	Burt, John
Buxton, Michael	Cebrowski, John	Christiansen, Lars	Condra, William
Donovan, Daniel	Flanagan, Jack	Fredette, Robert	Gonzalez, Carlos
Graham, John	Hardwick, Harry	Hawkins, Kenneth	Hikel, John
Hinch, Richard	Hogan, Edith	Hopper, Gary	Hutchinson, Winfred
Jasper, Shawn	Krasucki, Joseph	LeBrun, Donald	McClarren, Donald
Mecheski, Holly	Messier, Irene	Notter, Jeanine	O'Brien, William
Ohm, Bill	Palmer, Barry	Palmer, Stephen	Parison, James
Pellegrino, Tony	Pepino, Leo	Proulx, Mark	Renzullo, Andrew
Scontsas, Lisa	Shaw, Barbara	Silva, Peter	Soucy, Connie
Stepanek, Stephen	Stroud, Kathleen	Summers, James	Swank, Matthew
Twombly, Timothy	Villeneuve, Moe	Willette, Robert	

MERRIMACK

Giuda, J. Brandon	Hill, Gregory	Keane, Thomas	Kotowski, Frank
Lauer-Rago, Kathleen	Palfrey, David	Smith, Molly	Smith, Todd
Soltani, Tony			

ROCKINGHAM

Antosz, Jason	Baldasaro, Alfred	Bates, David	Birdsell, Regina
Copeland, Timothy	Davenport, Joshua	Devine, James	Dowling, Patricia
Duarte, Joe	Elliott, Robert	Ferrante, Beverly	Fesh, Robert
Garrity, James	Griffin, Mary	Hagan, Joseph	Headd, James
Itse, Daniel	Janvrin, Kevin	Kappler, Lawrence	Katsakiores, Phyllis
McKinney, Betsy	McMahon, Charles	Murphy, Brian	Nevins, Chris
Okerman, Richard	Perkins, Amy	Perkins, Lawrence	Reichard, Kevin
Rice, Frederick	Ritter, Glenn	Sanders, Elisabeth	Sapareto, Frank
Sedensky, John	Sheffert, Kenneth	Shuler, Wyman III	Smith, William
Tamburello, Daniel	Tremblay, Stella	Waddell, James	Ward, Joanne
Webb, James	Weyler, Kenneth		

STRAFFORD

Berube, Roger	Cataldo, Sam	Groen, Warren	Larsen Schultz, Kirsten
Munck, Philip	Parsons, Robbie	Vita, Carol	Vita, Lucien

SULLIVAN

Bowers, Spec	Gagnon, Raymond	Laware, Thomas	Osgood, Joe
Rodeschin, Beverly	Schmidt, Andrew	Smith, Steven	

NAYS 170

BELKNAP

Bolster, Peter	Malone, Robert	Millham, Alida

CARROLL

Ahlgren, Christopher	Babson, David Jr	Knox, J. David	Patten, Betsey

Tregenza, Norman	Umberger, Karen		

CHESHIRE

Butynski, William	Carr, Daniel	Chase, Cynthia	Hawkes, Samuel
Hunt, John	Johnson, Jane	Lindsey, Steven	Roberts, Kris
Sad, Tara	Sterling, Franklin Jr	Weber, Lucy	Weed, Charles

COOS

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

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Bradley, Lester
Cooney, Mary	Gould, Franklin	Harding, Laurie	Nordgren, Sharon
Pastor, Beatriz	Pierce, David	Smith, Suzanne	Taylor, Kathleen
Townsend, Charles	White, Andrew		

HILLSBOROUGH

Ball, J. Michael	Belanger, James	Belvin, William	Boehm, Ralph
Brown, Kevin	Campbell, David	Christensen, D.L. Chris	Coffey, James
Cote, David	Coughlin, Sean	Cusson-Cail, Kathleen	Daler, Jennifer
Daniels, Gary	Day, Russell	Doherty, Shaun	Gagne, Larry
Gandia, Laura	Gargasz, Carolyn	Gidge, Kenneth	Gimas, John
Goley, Jeffrey	Gorman, Mary	Greazzo, Phil	Haefner, Robert
Hansen, Peter	Infantine, William	Kurk, Neal	Lambert, George
Leishman, Peter	Levasseur, Nickolas	Maltz, Jonathan	McCarthy, Michael
McGuinness, Sean	Moran, Edward	Murphy, Keith	Ober, Lynne
Ober, Russell III	Peterson, Lenette	Pilotte, Maurice	Porter, Marjorie
Pratt, Calvin	Ramsey, Peter	Reed, Michael	Robbins, David
Rosenwald, Cindy	Simmons, Tammy	Sullivan, Daniel	Sullivan, Peter
Terrio, Ross	Ulery, Jordan	Vaillancourt, Steve	Warden, Mark
Whitehead, Randall			

MERRIMACK

Blankenbeker, Lynne	Bouchard, Candace	Cohn, Seth	DeStefano, Stephen
Foose, Robert	Frazer, June	Gile, Mary	Hamm, Christine
Hess, David	Hoell, J.R.	Kidder, David	Lockwood, Priscilla
MacKay, James	McGuire, Carol	McGuire, Dan	Patten, Dick
Potter, Frances	Richardson, Gary	Seaworth, G. Brian	Shurtleff, Stephen
Wallner, Mary Jane	Watrous, Rick	Williams, Robert	Winter, Steven

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Belanger, Ronald	Brown, Paul
Cali-Pitts, Jacqueline	Charron, Gene	Comerford, Timothy	DiPentima, Rich
Garcia, Marilinda	Hoelzel, Kathleen	Lovejoy, Patricia	Major, Norman
Manuse, Andrew	Mauro, Donna	Moody, Marcia	Norelli, Terie
O'Connor, John	Packard, Sherman	Pantelakos, Laura	Read, Robin Jr
Reagan, John	Schlachman, Donna	Schroadter, Adam	Serlin, Christopher
Sullivan, James	Sytek, John	Tucker, Pamela	Waterhouse, Kevin
Welch, David			

STRAFFORD

Brown, Julie	Browne, Brendon	DeLemus, Susan	Domingo, Baldwin
Ginsburg, Philip	Grassie, Anne	Horrigan, Timothy	Jones, Kyle
Jones, Laura	Kaen, Naida	Keans, Sandra	Newton, Clifford
O'Connor, William	Pelletier, Marsha	Perry, Robert	Roberts, Jenna
Schmidt, Peter	Spang, Judith	Wall, Janet	Watters, David
Weeden, Michael			

SULLIVAN

Cloutier, John	Cunningham, Steven	Lefebvre, Benjamin	Lovett, Charlene

and the majority committee report failed.

(Speaker O'Brien in the Chair)

Rep. Vaillancourt moved the minority committee report of Inexpedient to Legislate.
On a division vote, 181 members having voted in the affirmative and 143 in the negative, the minority committee report was adopted.

MOTION TO PRINT REMARKS

Rep. Kurk moved that the remarks made by Rep. Vaillancourt during the debate on ***HB 1146,*** requiring pupils to stand during the pledge of allegiance, be printed in the Permanent Journal.
Motion failed.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Vaillancourt moved that the House reconsider its action whereby, on a division vote of 181-143, it adopted the minority committee report of Inexpedient to Legislate on ***HB 1146,*** requiring pupils to stand during the pledge of allegiance
Rep. Vaillancourt spoke against.
On a division vote, 119 members having voted in the affirmative and 204 in the negative, the motion failed.

(Rep. James Garrity in the Chair)

REGULAR CALENDAR (CONT'D)

HCR 41, urging the United States Congress to find that the Department of Health and Human Services' grant to Planned Parenthood of Northern New England is unconstitutional and void. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Joshua C. Davenport for the Majority of Constitutional Review and Statutory Recodification: Planned Parenthood has historically received federal money under the Title 10 regulatory laws. Title 10 explicitly grants to individual states the authority to distribute these funds as they see fit within the guidelines. The state of New Hampshire declined to grant funds to Planned Parenthood through the Executive Council, which controls all contracts over $5,000. The US Department of Health and Human Services then directly gave monies to Planned Parenthood by executive fiat, bypassing the congressionally approved process and expanding their own administrative reach. The majority of the committee found no delegation of power from the US Congress to the US Department of Health and Human Services which authorized such action. Additionally, the Title 10 money transfer mechanism is constitutionally reasonable only due to the state's involvement in the procedure, making the direct transfer to Planned Parenthood a constitutional overreach. Vote 8-4.
Rep. Christopher W. Serlin for the Minority of Constitutional Review and Statutory Recodification: The committee failed to address or discuss at length the question of constitutionality. The minority believes this resolution represents an ideological statement first and foremost, by those who do not believe in the substance of the services provided by

Planned Parenthood. Proponents of this bill admit that there is currently no other organization available to provide the healthcare services, for women in particular, in the geographical area served by Planned Parenthood. Putting New Hampshire women at risk for purposes of fulfilling an argument against the United States government is poor policy and not the sort of statement this House should make. The minority believes given these factors that HCR 41 makes a statement that political ideology is more important than reliable, quality healthcare for women in New Hampshire, and as such cannot possibly agree to support HCR 41.

The question being adoption of the majority committee report of Ought to Pass.
Reps. Bouchard and Keans spoke against.
Rep. Reichard and Groen spoke in favor.
Rep. Serlin requested a roll call; sufficiently seconded.

YEAS 179 NAYS 134

YEAS 179

BELKNAP

Accornero, Harry	Comtois, Guy	Fields, Dennis	Greemore, Robert
Kingsbury, Robert	Malone, Robert	Russell, David	Simpson, Tyler
Tilton, Franklin	Worsman, Colette		

CARROLL

Ahlgren, Christopher	Fleck, Joseph	McConkey, Mark	Pettengill, Laurie
Tregenza, Norman	Umberger, Karen		

CHESHIRE

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

COOS

Daugherty, Duffy	Rappaport, Laurence	Tholl, John Jr	Tremblay, Marc

GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Gionet, Edmond
Ingbretson, Paul	Reilly, Harold Sr	Sorg, Gregory	Sova, Charles

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, Richard
Belanger, James	Belvin, William	Bergevin, Jerry	Boehm, Ralph
Brown, Kevin	Brownrigg, Randall Jr	Burt, John	Buxton, Michael
Cebrowski, John	Christiansen, Lars	Coffey, James	Condra, William
Coughlin, Sean	Daniels, Gary	Doherty, Shaun	Donovan, Daniel
Gagne, Larry	Gandia, Laura	Greazzo, Phil	Haefner, Robert
Hansen, Peter	Hardwick, Harry	Hawkins, Kenneth	Hikel, John
Hinch, Richard	Hogan, Edith	Infantine, William	Krasucki, Joseph
Lambert, George	LeBrun, Donald	Maltz, Jonathan	McCarthy, Michael
McClarren, Donald	McGuinness, Sean	Mecheski, Holly	Murphy, Keith
Notter, Jeanine	O'Brien, William	Ohm, Bill	Palmer, Barry
Palmer, Stephen	Parison, James	Pellegrino, Tony	Pepino, Leo
Peterson, Lenette	Pratt, Calvin	Reed, Michael	Renzullo, Andrew
Rowe, Robert	Silva, Peter	Simmons, Tammy	Soucy, Connie

Stepanek, Stephen	Stroud, Kathleen	Summers, James	Swank, Matthew
Terrio, Ross	Twombly, Timothy	Ulery, Jordan	Villeneuve, Moe
Whitehead, Randall	Willette, Robert		

MERRIMACK

Coffey, Jennifer	Giuda, J. Brandon	Hill, Gregory	Hoell, J.R.
Kotowski, Frank	Lauer-Rago, Kathleen	McGuire, Carol	McGuire, Dan
Palfrey, David	Seaworth, G. Brian	Smith, Molly	Smith, Todd
Soltani, Tony	Winter, Steven		

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Baldasaro, Alfred	Bates, David
Brown, Paul	Charron, Gene	Comerford, Timothy	Davenport, Joshua
Devine, James	Duarte, Joe	Elliott, Robert	Fesh, Robert
Garcia, Marilinda	Griffin, Mary	Headd, James	Hoelzel, Kathleen
Itse, Daniel	Janvrin, Kevin	Kappler, Lawrence	Katsakiores, Phyllis
Major, Norman	Manuse, Andrew	Mauro, Donna	Murphy, Brian
Nevins, Chris	O'Connor, John	Okerman, Richard	Perkins, Amy
Perkins, Lawrence	Reagan, John	Reichard, Kevin	Rice, Frederick
Ritter, Glenn	Sanders, Elisabeth	Schroadter, Adam	Sedensky, John
Sheffert, Kenneth	Shuler, Wyman III	Smith, William	Sullivan, James
Sullivan, Kevin	Tamburello, Daniel	Tremblay, Stella	Tucker, Pamela
Ward, Joanne	Waterhouse, Kevin	Webb, James	Weyler, Kenneth

STRAFFORD

Berube, Roger	Cataldo, Sam	DeLemus, Susan	Groen, Warren
Jones, Kyle	Jones, Laura	Larsen Schultz, Kirsten	Munck, Philip
Newton, Clifford	Parsons, Robbie	Vita, Carol	Vita, Lucien
Weeden, Michael			

SULLIVAN

Bowers, Spec	Cunningham, Steven	Laware, Thomas	Osgood, Joe
Rodeschin, Beverly	Smith, Steven		

NAYS 134

BELKNAP

Bolster, Peter	Millham, Alida	St. Cyr, Jeffrey

CARROLL

Babson, David Jr	Knox, J. David	Merrow, Harry	Patten, Betsey

CHESHIRE

Butynski, William	Carr, Daniel	Chase, Cynthia	Emerson, Susan
Hawkes, Samuel	Hunt, John	Johnson, Jane	Lindsey, Steven
Parkhurst, Henry	Roberts, Kris	Sad, Tara	Smith, Edwin
Sterling, Franklin Jr	Weber, Lucy	Weed, Charles	

COOS

Coulombe, Gary	Merrick, Evalyn	Remick, William	Richardson, Herbert

Theberge, Robert	Thomas, Yvonne		

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Gould, Franklin	Harding, Laurie	Ladd, Rick Jr	Nordgren, Sharon
Pastor, Beatriz	Pierce, David	Simard, Paul	Smith, Suzanne
Townsend, Charles	White, Andrew		

HILLSBOROUGH

Baroody, Benjamin	Barry, J. Gail	Campbell, David	Christensen, D.L. Chris
Cote, David	Cusson-Cail, Kathleen	Daler, Jennifer	Day, Russell
Flanagan, Jack	Fredette, Robert	Gargasz, Carolyn	Gidge, Kenneth
Gimas, John	Goley, Jeffrey	Gorman, Mary	Graham, John
Hutchinson, Winfred	Jasper, Shawn	Kurk, Neal	Leishman, Peter
Messier, Irene	Moran, Edward	Ober, Lynne	Ober, Russell III
Pilotte, Maurice	Porter, Marjorie	Proulx, Mark	Robbins, David
Rosenwald, Cindy	Scontsas, Lisa	Shaw, Barbara	Sullivan, Daniel
Sullivan, Peter	Vaillancourt, Steve		

MERRIMACK

Bouchard, Candace	Cohn, Seth	DeStefano, Stephen	Foose, Robert
Frazer, June	Gile, Mary	Hamm, Christine	Hess, David
Keane, Thomas	Kidder, David	Lockwood, Priscilla	MacKay, James
Patten, Dick	Potter, Frances	Richardson, Gary	Shurtleff, Stephen
Wallner, Mary Jane	Watrous, Rick	Williams, Robert	

ROCKINGHAM

Birdsell, Regina	Cali-Pitts, Jacqueline	Copeland, Timothy	DiPentima, Rich
Dowling, Patricia	Ferrante, Beverly	Hagan, Joseph	Lovejoy, Patricia
McKinney, Betsy	McMahon, Charles	Moody, Marcia	Norelli, Terie
Pantelakos, Laura	Read, Robin Jr	Schlachman, Donna	Serlin, Christopher
Sytek, John	Waddell, James	Welch, David	

STRAFFORD

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

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Lovett, Charlene
Schmidt, Andrew			

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

(Speaker O'Brien in the Chair)

HB 1212, relative to resisting arrest. **INEXPEDIENT TO LEGISLATE.**

Rep. Philip E. Ginsburg for Criminal Justice and Public Safety: The committee believes this bill, which would apply penalties for resisting or interfering with an arrest only if the arrest were "lawful," would increase violence and injury to both those arrested and law enforcement officers. The proper place to resolve disagreements in such matters is the courts, through the legal process. Vote 12-5.

Rep. Dan McGuire spoke against.
Reps. Soltani and Ginsburg spoke in favor.
Rep. Lambert spoke against and yielded to questions.
On a division vote, 196 members having voted in the affirmative and 104 in the negative, the committee report was adopted.

HB 1244, relative to firearms possession while trapping. **OUGHT TO PASS.**
Rep. Kyle J. Tasker for Criminal Justice and Public Safety: This bill allows those who are engaged in trapping be allowed to carry a firearm larger than a .22 caliber long rifle cartridge, or a shotgun larger than number 4 birdshot for self protection while attending traps. The bill is clear that the larger caliber firearms are only for the purpose of self protection. Vote 12-5.
Committee report adopted and ordered to third reading.

HB 1246, permitting resident application for pistol or revolver licenses to be submitted to the state police or the sheriff's department. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Larry G. Gagne for the Majority of Criminal Justice and Public Safety: This bill will permit residents of this state to apply to the director of state police, or county sheriff for a license to carry a pistol or revolver. As we all know, personal and personality conflicts do happen. Restricting access to something as important as second amendment rights is inappropriate. This bill will allow New Hampshire citizens to approach more than just one official to apply for a concealed carry permit. Vote 9-7.
Rep. David A. Welch for the Minority of Criminal Justice and Public Safety: This bill allows a resident of New Hampshire to apply for a concealed weapons license from the State Police or county sheriffs department. Testimony suggested that a local police chief might not grant the license request and therefore this bill was unnecessary. The local chief knows the resident presumably and it is likely that the department of safety and/or sheriff would contact the chief for information about the character of the applicant. The minority believes that this bill is unnecessary because if the license is denied, an appeal to the district court would likely grant the license barring a criminal record.

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

YEAS 183 NAYS 120

YEAS 183

BELKNAP

Greemore, Robert	Kingsbury, Robert	Malone, Robert	Pilliod, James
Simpson, Tyler	St. Cyr, Jeffrey	Swinford, Elaine	Worsman, Colette

CARROLL

Ahlgren, Christopher	Babson, David Jr	Fleck, Joseph	McConkey, Mark
Merrow, Harry	Pettengill, Laurie	Tregenza, Norman	Umberger, Karen

CHESHIRE

Cartwright, Anne	Dwinell, Richard	Emerson, Susan	Hunt, John
Johnson, Jane	Moore, Robert Jr	Roberts, Kris	Sterling, Franklin Jr

COOS

Coulombe, Gary	Daugherty, Duffy	Merrick, Evalyn	Rappaport, Laurence
Remick, William	Tremblay, Marc		

GRAFTON

Brosseau, Charles	Gionet, Edmond	Ingbretson, Paul	Simard, Paul
Sorg, Gregory	Sova, Charles	White, Andrew	

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Baroody, Benjamin
Barry, J. Gail	Barry, Richard	Belanger, James	Belvin, William
Boehm, Ralph	Brown, Kevin	Brownrigg, Randall Jr	Burt, John
Buxton, Michael	Christensen, D.L. Chris	Christiansen, Lars	Coffey, James
Daniels, Gary	Doherty, Shaun	Donovan, Daniel	Gagne, Larry
Gandia, Laura	Greazzo, Phil	Hansen, Peter	Hardwick, Harry
Hawkins, Kenneth	Hikel, John	Hogan, Edith	Hutchinson, Winfred
Infantine, William	Jasper, Shawn	Krasucki, Joseph	Kurk, Neal
Lambert, George	Maltz, Jonathan	McCarthy, Michael	McClarren, Donald
McGuinness, Sean	Moran, Edward	Murphy, Keith	Notter, Jeanine
Ohm, Bill	Palmer, Barry	Palmer, Stephen	Parison, James
Pellegrino, Tony	Pepino, Leo	Peterson, Lenette	Pratt, Calvin
Proulx, Mark	Reed, Michael	Renzullo, Andrew	Scontsas, Lisa
Shaw, Barbara	Silva, Peter	Simmons, Tammy	Soucy, Connie
Stepanek, Stephen	Stroud, Kathleen	Summers, James	Terrio, Ross
Twombly, Timothy	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe
Warden, Mark	Whitehead, Randall	Willette, Robert	

MERRIMACK

Coffey, Jennifer	Cohn, Seth	Giuda, J. Brandon	Hill, Gregory
Hoell, J.R.	Kotowski, Frank	Lauer-Rago, Kathleen	McGuire, Carol
McGuire, Dan	Palfrey, David	Seaworth, G. Brian	Smith, Molly
Smith, Todd	Soltani, Tony	Winter, Steven	

ROCKINGHAM

Abrami, Patrick	Baldasaro, Alfred	Bates, David	Brown, Paul
Cali-Pitts, Jacqueline	Comerford, Timothy	Davenport, Joshua	Devine, James
Dowling, Patricia	Duarte, Joe	Elliott, Robert	Garcia, Marilinda
Garrity, James	Griffin, Mary	Hagan, Joseph	Hoelzel, Kathleen
Itse, Daniel	Janvrin, Kevin	Kappler, Lawrence	Major, Norman
Manuse, Andrew	Mauro, Donna	McMahon, Charles	Murphy, Brian
O'Connor, John	Okerman, Richard	Reichard, Kevin	Rice, Frederick
Ritter, Glenn	Sanders, Elisabeth	Schroadter, Adam	Sheffert, Kenneth
Shuler, Wyman III	Smith, William	Sullivan, James	Sytek, John
Tamburello, Daniel	Tasker, Kyle	Tremblay, Stella	Tucker, Pamela
Webb, James	Weyler, Kenneth		

STRAFFORD

Berube, Roger	DeLemus, Susan	Groen, Warren	Jones, Kyle
Jones, Laura	Larsen Schultz, Kirsten	Munck, Philip	O'Connor, William
Parsons, Robbie	Roberts, Jenna	Spang, Judith	Vita, Carol
Vita, Lucien	Watters, David	Weeden, Michael	

SULLIVAN

Bowers, Spec	Cunningham, Steven	Laware, Thomas	Lovett, Charlene
Osgood, Joe	Rodeschin, Beverly	Smith, Steven	

NAYS 120

BELKNAP

Accornero, Harry	Fields, Dennis	Millham, Alida	Russell, David
Tilton, Franklin			

CARROLL

Knox, J. David	Patten, Betsey

CHESHIRE

Butynski, William	Byrnes, John	Carr, Daniel	Chase, Cynthia
Hawkes, Samuel	Lindsey, Steven	Parkhurst, Henry	Sad, Tara
Smith, Edwin	Weber, Lucy	Weed, Charles	

COOS

Richardson, Herbert	Theberge, Robert	Tholl, John Jr	Thomas, Yvonne

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	Smith, Suzanne	Townsend, Charles	

HILLSBOROUGH

Bergevin, Jerry	Campbell, David	Cebrowski, John	Condra, William
Cote, David	Cusson-Cail, Kathleen	Daler, Jennifer	Day, Russell
Flanagan, Jack	Fredette, Robert	Gargasz, Carolyn	Gidge, Kenneth
Gimas, John	Goley, Jeffrey	Gorman, Mary	Graham, John
Haefner, Robert	LeBrun, Donald	Leishman, Peter	Levasseur, Nickolas
Messier, Irene	Pilotte, Maurice	Porter, Marjorie	Robbins, David
Rosenwald, Cindy	Sullivan, Daniel	Sullivan, Peter	

MERRIMACK

Bouchard, Candace	Foose, Robert	Frazer, June	Gile, Mary
Hess, David	Kidder, David	Lockwood, Priscilla	MacKay, James
Patten, Dick	Potter, Frances	Richardson, Gary	Shurtleff, Stephen
Wallner, Mary Jane	Watrous, Rick		

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Birdsell, Regina	Charron, Gene
Copeland, Timothy	DiPentima, Rich	Ferrante, Beverly	Fesh, Robert
Headd, James	Katsakiores, Phyllis	Lovejoy, Patricia	McKinney, Betsy
Nevins, Chris	Norelli, Terie	Pantelakos, Laura	Perkins, Amy
Perkins, Lawrence	Read, Robin Jr	Schlachman, Donna	Sedensky, John
Serlin, Christopher	Waddell, James	Ward, Joanne	Waterhouse, Kevin
Welch, David			

STRAFFORD

Brown, Julie	Browne, Brendon	Cataldo, Sam	Domingo, Baldwin
Ginsburg, Philip	Grassie, Anne	Horrigan, Timothy	Kaen, Naida
Keans, Sandra	Pelletier, Marsha	Perry, Robert	Schmidt, Peter
Wall, Janet			

SULLIVAN

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

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

SENATE MESSAGE

REQUESTS CONCURRENCE WITH AMENDMENT

CACR 6, relating to taxation. Providing that a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees, or to authorize the issuance of state bonds and providing that the general court shall appropriate funds for payment of interest and installments of principle of all state bonds.

Rep. Stepanek moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Stepanek, Sanborn, Ulery and Azarian.

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 Thursday, March 8, 2012 at 9:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 1718, relative to judicial review of electoral districts.

HB 1214, banning corn-based ethanol as an additive to gasoline sold in New Hampshire.

HB 1487, relative to low carbon fuel standards programs.

HB 1546, recodifying the laws relative to religious societies and adding a religious exemption to the insurance mandates relative to coverage for contraception.

SB 201, apportioning state senate districts.

HR 25, affirming States' powers based on the Constitution for the United States and the Constitution of New Hampshire.

HB 1185-FN-A, relative to the police standards and training council.

HB 1371, relative to conflicts of interest of county government officials.

HB 1419, relative to the rights of military parents.

HB 1157, relative to signage at fuel service stations.

HB 1172, authorizing nano brewery, beverage manufacturer, and brew pub licensees to sell their products at farmers' markets and establishing an alcohol consultant license.

HB 1208, relative to advertising of alcoholic beverages.

HB 1231, removing the prohibition on the sale, gift, or display of certain young birds.

HB 1370, making technical changes to the New Hampshire real estate practice act.

HB 1409, relative to definitions under the Uniform Securities Act.

HB 1410, relative to securities regulation.

HB 1553, repealing obsolete and outdated provisions of the Revised Statutes Annotated.
HB 1240, relative to license suspensions for refusal to consent to an alcohol test.
HB 1304, relative to the waiver of financial responsibility requirements for certain habitual offenders.
HB 1327, relative to official oppression.
HB 1615, relative to industrial hemp.
HB 1665-FN, enabling a superior court or circuit court to implement one or more drug courts.
HB 1139, making changes to the unique pupil identification system.
HB 1167, relative to the calculation of days in the school year.
HB 1202-FN, amending the definition of "sending district" as it applies to students attending regional vocational education programs.
HB 1417, relative to a student's freedom of association.
HB-1456, relative to school district policies on health and sex education.
HB 1583, relative to immunity for school personnel using reasonable force to protect a minor.
HB 1589, establishing a committee to study and propose a recodification of the education laws currently in RSA title 15.
HB 1232-FN, relative to prerecorded political messages.
HB 1673-FN, relative to complaints of election law violations.
HB 1704-FN, relative to limits on political contributions and relative to reporting by political committees.
HB 1127, relative to barbering apprentices.
HB 1150, relative to examinations for licensure as a professional engineer or land surveyor.
HB 1255, relative to the membership of the commission on primary care workforce issues.
HB 1448, requiring public access to any document and Internet content which is incorporated by reference in administrative rules.
HB 1593-FN, relative to the department of information technology.
HB 1687-FN, relative to state employee information available on the state transparency website.
HB 1551, clarifying the liability of landowners, lessees, and occupants of premises who allow other persons to use the premises for hunting, fishing, and other recreational purposes or to remove fuel wood, and relative to the losing party's payment of the prevailing party's costs in actions against such landowners, lessees, and occupants.
HB 1596, relative to the membership of the advisory council on child care.
HB 1618, relative to types of community living facilities.
HB 1644, relative to the regulation of individual home health care service providers by the department of health and human services.
HB 1223-FN, relative to remedies under the right-to-know law.
HB 1290, relative to self-storage facility liens.
HB 1535-FN, relative to arrest records under the right-to-know law.
HB 1722, relative to disqualification of judges and lawyers from practicing in the circuit courts.
HB 1174, relative to negotiations for contracts for county employees.
HB 1237, establishing the joint committee on employee relations.
HB 1270, requiring an employer to disclose non-compete and non-piracy agreements prior to making an offer of employment or an offer of change in job classification.
HB 1366, relative to employer charges for unemployment compensation benefits and relative to suitable work and eligibility requirements for claimants for unemployment compensation benefits.
HB 1582, relative to medical and surgical benefits for state employees.
HB 1587, relative to employer safety programs.
HB 1230-FN, requiring a listing of state real property.

HB 1207-FN, defining the owner of timber rights for purposes of timber tax assessment.
HB 1233, establishing a statute of limitations on wetlands filling and dredging.
HB 1415, relative to permits for repair or replacement of sewage and waste disposal system.
HB 1480, relative to requiring sprinklers in certain buildings.
HB 1495-FN, establishing a Purple Heart Trail along U. S. Route 3.
HB 1721, relative to permitting for the replacement of sewage disposal systems and relative to oil spillage prevention, control, and countermeasure plans.
HB 1133, relative to membership of the enhanced 911 commission.
HB 1477, relative to the definition of spent materials.
HB 1306-FN-L, requiring a report on part-time employment of retired members of the retirement system.
HB 1672, apportioning delegates to state party conventions.
HB 1434, relative to display of antique motor vehicle plates.
HB 388-FN, establishing the amount of the enhanced 911 services surcharge and requiring providers of Voice over Internet Protocol services to pay surcharges for deposit in the enhanced 911 system fund.
HB 602-FN-A, relative to funding the law requiring reporting of health care acquired infections.
HB 1204, relative to matching funds of highway projects, and relative to the administration of the meals and rooms tax.
HB 1698-FN-A, establishing a committee to study implementing keno in the state of New Hampshire.
SB 153-FN, relative to the regulation of real estate appraisers by the New Hampshire real estate appraiser board.
HB 1131, establishing a committee to study methods of creating a balanced and neutral judiciary.
HCR 41, urging the United States Congress to find that the Department of Health and Human Services' grant to Planned Parenthood of Northern New England is unconstitutional and void.
HB 1244, relative to firearms possession while trapping.
HB 1246, permitting resident application for pistol or revolver licenses to be submitted to the state police or the sheriff's department.

UNANIMOUS CONSENT

Rep. Perry addressed the House.

MOTION TO PRINT REMARKS

Rep. Theberge moved that the remarks made by Rep. Perry be printed in the Permanent Journal.
Adopted.

REMARKS

Rep. Perry: Thank you, Mister Speaker. Two years ago, Thursday, March 9, marks the death of a woman who is nationally known for her commitment to change. She is the subject of at least two documentaries and two books, one of which was just released last week. In addition, January 24 of this year was recognized in her honor by formal proclamation. She was known among friends and acquaintances for her curiosity, compassion, conviction and charisma. She was born on Walker Street in Laconia and attended Emerson College before marriage. She and her husband raised two children during the great depression. She later worked at Bee Bee Shoe Company as assistant to the president and remained there for 20 years. In 1960, her help was directly sought by an Alaskan Inuit couple. She, her husband and two friends responded and were ultimately the most influential people in stopping the

planned explosion of hydrogen bombs, saving an Inuit village at Point Hope. Later she played a significant role in preventing a proposed East/West highway from forever altering the picturesque Town of Dublin and surrounds made famous as *Our Town* by Thornton Wilder. The couple retired in 1972, but she remained active in town affairs as she nursed her husband through ten years with Alzheimer's. Resulting from her notoriety in 1999, she became friends with a man just a few years younger who shared her convictions for civic responsibility, civil rights, social justice and protection of the environment. His name is folk singer, Pete Seeger. Seeger honored her over the years at the wonderful and continuing annual music and environmental festival held at Croton-on Hudson, New York. Seeger, himself, is well known for his successful clean up of a great stretch of the Hudson River, authorizing the construction in 1969 of a 106 foot sailing sloop, known as "The Clearwater" to bring attention to his cause. You may know by now I speak of Doris "Granny D" Haddock, who in 1999 at age 89 walked 10 miles per day for 14 months to bring attention to the need for campaign reform. Her trip included 1,000 miles of desert, cross-country skiing more than 100 miles when a historic snowfall made walking impossible and subjecting herself to exhaustion, pain, dehydration, potential dog and snake bites, but rarely self-doubt. She was not to be late for her scheduled arrival in Washington DC where she was ultimately met by 2,200 cheering supporters. On January 3, 2000 in Clarksville, West Virginia on her way to Washington, she uttered these words, "I have talked long enough for someone who is supposed to be out walking, but let me say that I take my town with me. Our town (Our Town, referring to Thornton Wilder) always travels with me. Not even two steps away, the longitude and latitude of it crosses my heart. We bring the good community into being with our love and our relentless consciousness. We mustn't fail to appreciate the magical moment of life and to fully participate in it joyfully and constructively; never giving an inch to injustice, unfairness or inequality, nor ever forgetting the long line of people we have known and loved in the great circle that extends well into the next life." In 2003, she traveled 22,000 miles on a voter registration drive, focused on registering working women and minorities. At age 94, great-grandmother of 16 and still eager to raise a little hell, Doris ran for Congress. I quote Ruth Meyer, a dear friend of Doris, "She aspired to live on the stage, showed that talent when very young and began doing one-act plays, something she did later in her adult life and something she contemplated seriously doing on March 7, 2010 just two days before her death on March 9. Her goal, to raise some of the matching seed money to set aside for New Hampshire citizen funded elections." Lastly, a tip of the hat to Senator Molly Kelly and her senate colleagues for recently adding a year's extension of Granny D Day in New Hampshire to include January 24, 2013. Thank you for allowing me to tell you about this remarkable, youthful adventurer, wife, mother, reformer, candidate and continuing inspiration for many across our country. May she finally rest in peace. Doris "Granny D" Haddock, January 24, 1910 to March 9, 2010. Thank you very much.

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 5:30 p.m.

RECESS