

State of New Hampshire HOUSE RECORD

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

Vol. 34

Concord, N. H.

Thursday, March 8, 2012

No. 23

HOUSE JOURNAL No. 10 (cont.)

Wednesday, March 7, 2012

Rep. Tucker moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 11

Thursday, March 8, 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.
Heavenly Father, the urge of Spring provides a new initiative and hope for what we do here. As we are not blind to the beauty of the earth that brings forth new life, so let our work here be fertile in the ways of justice and truth. Bless our work with honest purpose this day. May Your face shine upon us and be gracious to our citizens and, as You test our steps, also guide them in every decision we make. We ask this in Your Holy name. Amen.

Representative Daniel Itse, member from Fremont, led the Pledge of Allegiance.

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

LEAVES OF ABSENCE

Reps. Case, Champagne, Chirichiello, DeSimone, Eaton, Hofemann, Dorothea Hooper, Jeudy, Gladys Johnsen, Marcus, McDonnell, Mirski, Rokas, Scala and Tobin, the day, illness. Reps. Kevin Brown, Carr, DeJong, Drisko, Flanders, Gonzalez, Kolodziej, Levasseur, Mark Lindsley, Luther, Bruce MacMahon, Norelli, William O'Connor, Oigny, Panek, Pantelakos, Dennis Reed, Rhodes, Jon Richardson, Rosenwald, Stephen Schmidt, Todd Smith, Kevin Sullivan, Swank, Joseph Thomas, Weed and Whitehead, the day, important business.

Reps. Beattie, Deloge, Lovett, Okerman and Proulx, the day, illness in the family.

INTRODUCTION OF GUESTS

Sharon Bradley, wife of Rep. Bradley.

Marissa Anderson of Kennett High School and Dennis Khukaenko, an exchange student at Central High School, Pages for the day.

UNANIMOUS CONSENT

Rep. Bulis addressed the House.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of SPC Matthew R. Woods.

MOTION TO PRINT REMARKS

Rep. White moved that the remarks made by Rep. Bulis be printed in the Permanent Journal.

REMARKS

Rep. Bulis: Thank you, Mister Speaker. The representative district for Grafton 1 consists of the towns of Littleton and Lyman. Lyman is a small town with 500 voters. I rise today to tell you about a young man from Lyman, New Hampshire, Mr. Matthew R. Woods. Matthew Woods graduated from Lisbon High School with the class of 2007. He participated on the varsity soccer team, the basketball team and the baseball team. He joined the U. S. Army in January 2009 with basic training at Fort Knox, Kentucky and then on to Fort Benning, Georgia, joining the 1st US Calvary, Heavy Brigade Combat Team. One of Matthews's favorite sayings was, "Live, love and ice fish." Well, there is no ice fishing in Iraq. Specialist Woods served a year's tour in Iraq, spanning 2009 and 2010. He participated in two combat campaigns. He was awarded the Army Achievement Medal, National Defense Service Medal and the Iraq Campaign Medal, among others. Specialist Woods died unexpectedly in his sleep at Fort Benning, Georgia on February 19. He is forever 22 years old. He is survived by his mom and dad, Michael and Rena Woods, a brother, Michael, his grandmother, aunts, uncles and cousins. On Monday, February 27, there was a funeral service held for Specialist Woods in the gymnasium at Lisbon High School. The place was just packed, standing room only. A memory card at the guest book table displays an American flag on the front and on the back it says: *In Loving Memory, SPC Matthew R. Woods, June 12, 1989 to February 19, 2012. Our Young Soldier. His home was with his family and his home was with his friends. Then his home was with the Army, the U.S. Army that made him a man. He traveled far from home for his country, places most of us have never been. A comrade in arms in Iraq. Proud to be one of America's men. He always made time for his family, kept in touch with soldiers and friends, from New Hampshire to Georgia. The list of those he touched never ends. Now his home is high in heaven, home again with family and friends. Still watching over American's people, still loving the country he defends.* Thank you, Mister Speaker.

REGULAR CALENDAR CONTINUED FROM MARCH 7, 2012

SPECIAL ORDER

HB 1182, prohibiting the sale of baby food products containing bisphenol A in New Hampshire. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Matt J. Quandt for the Majority of Commerce and Consumer Affairs: This bill prohibits

the manufacturing and selling of baby bottles with BPA. BPA has been used for years and practically every soda can is lined with BPA. Currently manufacturers uniformly no longer use BPA and most will state on the package that they are BPA free. The committee felt that since the industry was already addressing the issue, the legislation was not necessary. Vote 14-2.

Rep. Donna L. Schlachman for the Minority of Commerce and Consumer Affairs: Most of the committee had never heard of bisphenol-A (BPA) or knew that it can be found in thousands of commonly used plastic products, including baby bottles and containers of infant formula. The American Chemistry Council testified to the safe use of BPA in the linings of most canned foods, and stated that extensive testing has found it to be perfectly safe.

Unfortunately, there is conflicting scientific data as to whether or not BPA is linked to serious health problems. Both the American Chemistry Council and the International Formula Council testified against this bill, stating that it is not a health hazard. The FDA has also ruled, to date, that it is safe. It may well be that the ban of its use in other states and in many countries around the world was premature and based on fear mongering. It should be noted, however, that the amount of BPA in canned food varies widely, with infant formula having among the highest concentration of BPA according to a 2007 study by an independent laboratory. While BPA may be found in most of us, the highest levels have been detected in infants and young children. The committee heard that many manufacturers have stopped using BPA in baby products. The minority would rather err on the side of caution regarding the health of newborns and infants, and is more comfortable prohibiting its use in infant formula and baby food storage containers and in reusable baby food or beverage containers. We do not feel relying of parents to be knowledgeable about BPA and know to look for it on labels of everything they buy is enough protection.

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

Rep. Brian Murphy spoke against and yielded to questions.

Rep. Hunt spoke in favor and yielded to questions.

On a division vote, 140 members having voted in the affirmative and 142 in the negative, the majority committee report failed.

Rep. Brian Murphy moved the minority committee report of Ought to Pass.

Rep. Vaillancourt requested a roll call; sufficiently seconded.

YEAS 166 NAYS 125

YEAS 166

BELKNAP

Accornero, Harry
Pilliod, James

Greemore, Robert
Simpson, Tyler

Kingsbury, Robert
St. Cyr, Jeffrey

Malone, Robert
Worsman, Colette

CARROLL

Babson, David Jr
Tregenza, Norman

McCarthy, Frank

Merrow, Harry

Pettengill, Laurie

CHESHIRE

Butynski, William
Lerandeau, Alfred
Weber, Lucy

Cartwright, Anne
Moore, Robert Jr

Chase, Cynthia
Parkhurst, Henry

Hawkes, Samuel
Tatro, Bruce

COOS

Coulombe, Gary

Merrick, Evalyn

Remick, William

Richardson, Herbert

Theberge, Robert

Thomas, Yvonne

Tremblay, Marc

GRAFTON

Aguiar, James
Bulis, Lyle
Nordgren, Sharon
Simard, Paul

Almy, Susan
Cooney, Mary
Pierce, David
Smith, Suzanne

Benn, Bernard
Gionet, Edmond
Reilly, Harold Sr
Townsend, Charles

Bradley, Lester
Gould, Franklin
Shackett, Jeffrey
White, Andrew

HILLSBOROUGH

Avard, Kevin
Christensen, D.L.
Chris
Coughlin, Sean
Gargas, Carolyn
Greazzo, Phil
Krasucki, Joseph
Messier, Irene
Pellegrino, Tony
Reed, Michael
Sullivan, Peter

Baroody, Benjamin
Coffey, James
Daler, Jennifer
Gidge, Kenneth
Hogan, Edith
LeBrun, Donald
Notter, Jeanine
Peterson, Lenette
Rowe, Robert
Summers, James

Barry, J. Gail
Condra, William
Donovan, Daniel
Goley, Jeffrey
Holden, Frank
Leishman, Peter
Palmer, Barry
Pilotte, Maurice
Soucy, Connie
Twombly, Timothy

Cebrowski, John
Cote, David
Flanagan, Jack
Gorman, Mary
Hopper, Gary
Long, Patrick
Parison, James
Porter, Marjorie
Stroud, Kathleen

MERRIMACK

Coffey, Jennifer
Gile, Mary
Keane, Thomas
Owen, Derek
Shurtleff, Stephen
Williams, Robert

Cohn, Seth
Giuda, J. Brandon
Kidder, David
Potter, Frances
Smith, Molly
Winter, Steven

Foose, Robert
Hamm, Christine
Kotowski, Frank
Rice, Chip
Wallner, Mary Jane

Frazer, June
Hill, Gregory
Kreis, Kenneth Sr
Richardson, Gary
Watrous, Rick

ROCKINGHAM

Abrami, Patrick
Cali-Pitts, Jacqueline
DiPentima, Rich
Itse, Daniel
Mauro, Donna
Pantelakos, Laura
Reichard, Kevin
Shuler, Wyman III
Ward, Joanne

Antosz, Jason
Charron, Gene
Elliott, Robert
Janvrin, Kevin
Moody, Marcia
Perkins, Amy
Ritter, Glenn
Tasker, Kyle
Waterhouse, Kevin

Belanger, Ronald
Copeland, Timothy
Ferrante, Beverly
Katsakiores, Phyllis
Murphy, Brian
Perkins, Lawrence
Schlachman, Donna
Tremblay, Stella
Webb, James

Birdsell, Regina
Devine, James
Hagan, Joseph
Lovejoy, Patricia
Nevins, Chris
Read, Robin Jr
Serlin, Christopher
Waddell, James

STRAFFORD

Berube, Roger
Horrigan, Timothy
Keans, Sandra

Pitre, Joseph
Watters, David

Browne, Brendon
Jones, Kyle
Larsen Schultz,
Kirsten
Schmidt, Peter

Ginsburg, Philip
Jones, Laura
Munck, Philip

Spainhower, Dale

Grassie, Anne
Kaen, Naida
Perry, Robert

Spang, Judith

SULLIVAN

Bowers, Spec
Lefebvre, Benjamin

Cloutier, John
Rodeschin, Beverly

Gagnon, Raymond
Schmidt, Andrew

LaCasse, Paul Sr
Smith, Steven

NAYS 125

BELKNAP

Comtois, Guy
Swinford, Elaine

Fields, Dennis

Millham, Alida

Russell, David

CARROLL

Chandler, Gene

Fleck, Joseph

Patten, Betsey

CHESHIRE

Byrnes, John
Meader, David

Dwinell, Richard
Sad, Tara

Hunt, John
Smith, Edwin

Johnson, Jane
Sterling, Franklin Jr

COOS

Daugherty, Duffy

Hatch, William

Rappaport, Laurence

GRAFTON

Brosseau, Charles
Sova, Charles

Ingbretson, Paul

Ladd, Rick Jr

Sorg, Gregory

HILLSBOROUGH

Balboni, Michael
Belvin, William
Burt, John
Day, Russell
Gagne, Larry
Haefner, Robert
Hinch, Richard
Maltz, Jonathan
Ober, Lynne
Renzullo, Andrew
Stepanek, Stephen
Vaillancourt, Steve

Ball, J. Michael
Bergevin, Jerry
Buxton, Michael
Doherty, Shaun
Gandia, Laura
Hansen, Peter
Hutchinson, Winfred
McClarren, Donald
Ober, Russell III
Seidel, Carl
Sullivan, Daniel
Villeneuve, Moe

Barry, Richard
Boehm, Ralph
Cusson-Cail, Kathleen
Erickson, Duane
Gimas, John
Hardwick, Harry
Jasper, Shawn
McGuinness, Sean
Ohm, Bill
Silva, Peter
Terrio, Ross
Warden, Mark

Belanger, James
Brownrigg, Randall Jr
Daniels, Gary
Fredette, Robert
Graham, John
Hikel, John
Kurk, Neal
Murphy, Keith
Palmer, Stephen
Simmons, Tammy
Ulery, Jordan
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Hoell, J.R.
McGuire, Carol
Seaworth, G. Brian

Bouchard, Candace
Lauer-Rago, Kathleen
McGuire, Dan

DeStefano, Stephen
Lockwood, Priscilla
Palfrey, David

Hess, David
MacKay, James
Sanborn, Laurie

ROCKINGHAM

Allen, Mary
Bettencourt, David
Duarte, Joe
Headd, James
Major, Norman
Reagan, John
Sedensky, John
Wehler, David

Azarian, Gary
Brown, Paul
Fesh, Robert
Hoelzel, Kathleen
Manuse, Andrew
Rice, Frederick
Smith, William
Weyler, Kenneth

Baldasaro, Alfred
Comerford, Timothy
Garrity, James
Kappler, Lawrence
McMahon, Charles
Sanders, Elisabeth
Sullivan, James

Bates, David
Dowling, Patricia
Griffin, Mary
Lundgren, David
O'Connor, John
Sapareto, Frank
Tucker, Pamela

STRAFFORD

Brown, Julie
Parsons, Robbie

Cataldo, Sam
Vita, Carol

DeLemus, Susan
Vita, Lucien

Groen, Warren

SULLIVAN

Cunningham, Steven Laware, Thomas Osgood, Joe
and the minority committee report was adopted and ordered to third reading.

SPECIAL ORDER

HB 1251-FN, permitting off-premises licensees to sell liquor. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer R. Coffey for the Majority of Commerce and Consumer Affairs: The committee heard concerns regarding accessibility of alcohol to our young as well as budget concerns. There were also concerns that businesses should be allowed to compete with any other business and not compete with government to keep their jobs. Given all the concerns raised by the majority of the committee, it was decided a closer look should be taken at issues concerning alcohol in New Hampshire. Vote 10-8.

Rep. Donna L. Schlachman for the Minority of Commerce and Consumer Affairs: The amendment, which replaces the entire bill, was brought after the committee deadlocked on previous amendments to this bill. This final amendment did, indeed, break the deadlock by proposing a study committee. However the bipartisan minority feels this is just the camel's nose under a tent of bad public policy. There is no reason to jeopardize state profits or change the system of checks and balance we have in place. It works. New Hampshire's state-controlled sale of alcohol is best described as a golden goose. The return of profits to our general fund are the highest of any state in the nation. The committee heard ample and compelling testimony regarding the success of our state liquor commission and there is no need for this study.

Majority Amendment (1011h)

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

AN ACT establishing a committee to study requiring that all sales of alcoholic beverages for off-premises consumption be made at state liquor stores.

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

1 Committee Established. There is established a committee to study requiring that all sales of alcoholic beverages for off-premises consumption be made at state liquor stores.

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) Three 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 requiring that all sales of alcoholic beverages for off-premises consumption be made at state liquor stores. The committee study shall include:

I. The benefits and drawbacks of eliminating sales of beer and wine at grocery and convenience stores, where alcoholic beverages are currently available alongside such common household items as milk, bananas, and newspapers.

II. The extent to which consolidating all retail sales at state liquor stores will improve control and scrutiny of employees handling and selling alcoholic beverages, including requiring that such persons be 21 years of age.

III. The effect of such consolidation on expenditures for enforcement actions against licensees.

IV. The effect of such consolidation on the duties of the liquor commission to optimize profitability and maintain proper controls.

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. Four 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 requiring that all sales of alcoholic beverages for off-premises consumption be made at state liquor stores.

Majority committee amendment adopted.

Rep. Hikel offered floor amendment (1116h).

Floor Amendment (1116h)

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

AN ACT permitting off-premises licensees to sell liquor.

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

1 Combination License. Amend RSA 178:18, I-II to read as follows:

I. Off-premises licenses shall be issued only for grocery **or convenience stores** and drug stores not holding on-premises licenses. Such licenses shall authorize the licensees to sell **liquor**, fortified wine, table wine, and beverages for consumption only off the premises designated in the licenses and not to other licensees for resale. Such sale shall be made only in the immediate container in which the **liquor**, beverage, wine, or fortified wine was received by the off-premises combination licensee; except that in the case of the holder of a wholesale distributor license, beverages may be sold only in such barrels, bottles, or other containers as the commission may by rule prescribe. Off-premises licenses may also authorize the licensee to sell tobacco products. There shall be no restriction on the number of combination licenses held by any person. The license shall authorize the licensee to transport and deliver **liquor**, beverages, tobacco products, and table or fortified wines ordered from and sold by the licensee in vehicles operated under the licensee's control or an employee's control. ***The commission may require that licensees selling liquor display signage no larger than 12 inches by 12 inches provided to them by the commission reading as follows: "New Hampshire Liquor and Wine OUTLET – Substation – visit our website www.LiquorandWineOutlets.com for Products, Sales, and Promotions, Store Locations, and more."***

II. All sales of tobacco, **liquor**, beverages, fortified wines, and table wine shall be recorded on cash registers. No additional registers shall be added during the remainder of the year without prior approval of the commission. No rebate shall be allowed for cash registers discontinued during the license year.

2 Purchases. Amend RSA 178:28, IV to read as follows:

IV. A schedule of hours and procedures by which holders of off-premises retail licenses may purchase **liquor**, fortified wines, and table wines by the bottle at state retail liquor stores. ***All liquor purchases by off-premises retail licensees at the state retail liquor stores and liquor warehouses shall be at the shelf price, including sales and promotions, paid by retail customers at state liquor stores at the time of the sale.***

3 Purchases. Amend RSA 178:28, VI to read as follows:

VI. A schedule of hours and procedures by which **liquor**, fortified wines, and table wines may be purchased for resale by holders of off-premises retail licenses on a credit basis,

the terms of which shall provide for payment of accounts within a time period not to exceed 30 days and not less than 15 days to be determined by the commission.

4 Applicability. Off-premises combination licensees are authorized to purchase and store liquor beginning on the effective date of this act, but shall not sell liquor until 90 days after the effective date of this act. The liquor commission shall notify all licensees allowed to sell liquor pursuant to this act of the date upon which liquor sales may begin.

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

AMENDED ANALYSIS

This bill permits off-premises combination licensees to sell liquor.

Reps. Hikel and Warden spoke in favor.

Reps. Jennifer Coffey and Nevins spoke against and yielded to questions.

Rep. DeLemus spoke in favor and yielded to questions.

On a division vote, 123 members having voted in the affirmative and 179 in the negative, floor amendment (1116h) failed.

Majority committee report adopted and ordered to third reading.

SPECIAL ORDER

HB 1283-FN, relative to insurance payments for domestics. **INEXPEDIENT TO LEGISLATE.**

Rep. Chris F. Nevins for Commerce and Consumer Affairs: This bill was brought forward to eliminate a federal mandate on all home insurance policies that cover "domestics" if injured while on your property. A domestic, for example, could include the person you hire to your clean house, shovel snow from your driveway or rake leaves. When an employer (homeowner) pays money to a domestic, a monetary relationship is involved and the employer (homeowner) must buy insurance. The onus to covering a domestic is still on the homeowner. The average claim payment is \$15,000-\$25,000 nationwide and the cost of protection to the policyholder is just three (3) dollars. This fee has been in place for over 40 years on all homeowner policies and has remained at that level all that time. The committee felt that it does not make sense to try to carve out such a small fee that reduces a much larger risk and voted to ITL the bill. Vote 14-2.

Committee report adopted.

SPECIAL ORDER

HB 1297, relative to health care exchanges. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Andrew J. Manuse for the Majority of Commerce and Consumer Affairs: A recent New York Times article said "the success of [the president's] health care overhaul ... depends on the creation of ... health insurance exchanges," which are new state or federal bureaucracies set up to administer the rules and regulations regarding health insurance under the so-called "Patient Protection and Affordable Care Act of 2010" and its follow-up legislation. HB 1297 with the amendment recommended by the committee would be the state's most reasonable and measured response to the president's federal act because it would prohibit the creation of a state health insurance exchange and contribute to a nationwide effort by a majority of states to force the repeal and replacement of this bad public health care policy. While passing HB 1297 would contribute to the potential success of 28 other states' lawsuit in the U.S. Supreme Court challenging the federal act's constitutionality, the most significant reason to pass this bill is that it would encourage the ultimate amendment, repeal or replacement of the federal act regardless of the outcome of the federal lawsuit. In other words, passing this bill in New Hampshire and other states is the most effective way to ensure better and more affordable market-based health care reform is advanced in Congress. At the very least, because of a legal fault in the federal law that provides subsidies to insurance companies only in states with a state exchange, and not in states defaulting to a federal exchange, Congress will have to reopen the federal law to address this issue or face

the monumental and apparent costs of the law's implementation and the increased public opposition that will come with it. Regardless of the outcome of the next election, this practical reality will force Congress to change the federal law, which is a good reason for this Legislature to prohibit the voluntary implementation of a state exchange, one of the law's key components, at this time. Only 17 states are studying the implementation of a state exchange, and the other 33 states have already done what we're proposing with this bill or they are considering the idea. It's also important to note that not even the handful of states actively pursuing a state exchange are likely to meet a federal deadline to create one, and the federal HHS Department has already indicated it won't meet many of its own deadlines, so fears about the looming deadline's approach are unfounded. To be clear: the federal act gives states the option to create a state health insurance exchange and pay for the operation of the state exchange starting in 2015, or to default to a federal health insurance exchange and let the federal government pay for its operation. The idea of a state exchange option was installed into the federal act using "local control" rhetoric to encourage states to voluntarily pursue the idea. Perhaps the plan was to get states to figure out how to implement the federal law for the federal government? This rhetoric worked for a time, but now even early leaders on the idea of adopting a state exchange have backtracked after further study. Contrary to those arguing that a state exchange would help New Hampshire maintain control over its insurance regulations, the federal law itself says exchanges can be established "only as prescribed by the HHS Secretary." States may adopt only those exchange laws and regulations that "the secretary determines implements the standards within the state." The federal secretary may change the rules without additional approval at any stage in the game, and the state exchange must comply. In summary, while a state exchange would be entirely controlled by federal regulators, just like a federal exchange would, the state of New Hampshire would have to pay anywhere from \$10 million to \$30 million a year to operate a state exchange starting in 2015. Massachusetts' example, which may not even comply with developing federal rules, costs that state about \$29 million a year to operate. By creating a state exchange, we gain nothing and we lose millions that we simply can't afford to lose. HB 1297 will install roadblocks to this colossal financial mistake while recognizing that the next State Legislature will be able to reverse this action if changes to the federal law make the idea of a state exchange more appealing. The committee amendment removes a provision that would have prohibited the state's involvement with the creation of a federal exchange, which would have cost the state Medicaid money. With the amendment language, this bill will not cost the state Medicaid money because it only prohibits the planning, creating or participating in a state health insurance exchange and not a federal exchange. However, due to the flaw in federal law and lack of funding on the federal level, it's possible that a federal exchange may never be imposed on us. Repealing, replacing or amending the president's federal health care reform is favored by a supermajority of likely voters in both parties, and only 37 percent of the population actually supports the provisions in the federal law. Clearly, prohibiting the planning, creation or participation of a state exchange is the right thing to do at this time, and since we have no power to bind any future NH Legislature, it is also the measured and appropriate thing to do to make sure that we are only implementing the federal act in New Hampshire if there is no other way to resist. It is reasonable for us to put this blockade in place to ensure our departments are not spinning their wheels and spending the people's money for no reason while everything is worked out in Washington and our way forward becomes clearer. It will be much easier to take appropriate action when we know the details, and much harder to roll back the implementation of the federal act if we don't pass this bill now. Vote 10-6.

Rep. Donna L. Schlachman for the Minority of Commerce and Consumer Affairs: The bipartisan minority believes that the changes this bill, as amended, makes to our state's 2010 Federal Health Care Reform statute (which took effect in July 2011) is poor public policy. The current law was put in place to prevent NH from defaulting into federal oversight and implementation and specifically preserves our flexibility in responding to the

Patient Protection and Affordable Care Act. This bill, as amended, prohibits our agencies and departments from engaging in planning for any state exchange for health insurance or in enacting any parts of the Federal Patient Protection and Affordable Care Act without legislative action. This guarantees that New Hampshire will default to a federally designed health care exchange at the same time it prohibits the implementation by the insurance commissioner of the exchange. Barring all planning for even a minimalist exchange would undercut the long established state mechanisms for regulating health insurance in NH. Prohibiting our state agencies from any involvement in planning could eventually harm both NH businesses and consumers. As stated in committee by the majority, this bill is a political solution to what the legislature was unable to achieve in an earlier attempt to have New Hampshire's Attorney General join the lawsuit against the Federal Patient Protection and Affordable Care Act. No one can predict what the outcome of the Supreme Court decision on the ACA will be. Wishing for something is not the same as being prepared for what may occur. The bipartisan minority, including those who are not fans of the Patient Protection and Affordable Care Act, understand that it is not good public policy to prohibit "the state and all of its agencies, departments, and subdivisions" from planning for the future. The only testimony in favor of this bill came from local politicians and their political "think tanks." Those intimately involved in NH's healthcare planning and delivery, and members of New Hampshire's business community (e.g., the Department of Health and Human Services, NH Voices for Health, the NH Insurance Department, Anthem, National Federation of Independent Business, NH Delta Dental, the Business and Industry Association, the American Cancer Society, the American Heart Association, the NH Hospital Association, Professional Insurance Agents of NH) as well as private citizens all spoke against this bill. As amended, this bill prohibits our own knowledgeable and experienced departments from planning for the future. They have specifically asked us not to tie their hands. Planning is paramount for whatever health care system that will greet us down the road. The minority believes it is irresponsible to put any changes to our health care delivery system on hold.

Majority Amendment (0527h)

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

AN ACT relative to federal health care reform and health care exchanges.

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

1 Federal Health Care Reform; Purpose and Scope. Amend RSA 420-N:1 to read as follows:

420-N:1 Purpose and Scope.

~~[I.]~~ The intent of this chapter is to preserve the constitutional integrity and sovereignty of the state of New Hampshire under the Tenth Amendment to the United States Constitution and part I, article 7 of the New Hampshire constitution by creating a legislative oversight committee to supervise the insurance commissioner's ~~[implementation]~~ **administration** of the insurance reforms required under the Patient Protection and Affordable Care Act of 2009, Public Law 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111-152, including any federal regulations, interpretations, standards, or guidance issued thereunder (hereinafter "the Act").

~~[II. Further, it is the intent of this chapter to prevent the state of New Hampshire from defaulting into federal oversight regarding the Act by not meeting certain federally-mandated time frames for state implementation of the Act. It is the intent of this chapter to preserve the state's flexibility by allowing consideration of each state implementation requirement as it arises.]~~

2 Federal Health Care Reform; Consistency. Amend RSA 420-N:6 to read as follows:

420-N:6 Consistency. In order to ~~[prevent a default to federal regulation and to preserve the state's status as the sole regulator of]~~ **protect the state's rights and responsibilities to regulate** the business of insurance within the state, the oversight committee shall have the authority to find, with respect to any specific provision within Title XXXVII, that the

provision is inconsistent with and prevents the application of the Act. Upon such a finding, the ~~[commissioner may, on a provisional basis, implement this provision of the Act]~~ **oversight committee shall make a recommendation to the legislature.** The ~~[commissioner's]~~ **commissioner and any other state official in any agency, department and subdivision and any government in New Hampshire shall not have** authority to implement this provision ~~[shall extend only]~~ until such time as the general court can take legislative action to amend Title XXXVII as it deems appropriate.

3 New Section; Prohibition. Amend RSA 420-N by inserting after section 6 the following new section:

420-N:7 Prohibition. The state of New Hampshire and all of its agencies, departments, and subdivisions and any government in New Hampshire shall not plan, create, participate in or enable a state exchange for health insurance including, but not limited to, the exchange requirements of the Act. In addition, the state of New Hampshire and all of its agencies, departments, and subdivisions and any government in New Hampshire shall not contract with any private entity to plan, create, or enable a state exchange for health insurance including, but not limited to, the exchange requirements of the Act.

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

AMENDED ANALYSIS

This bill clarifies the implementation of certain provisions of the Patient Protection and Affordable care Act.

This bill also prohibits the state of New Hampshire from planning, creating, or participating in a state health care exchange.

Rep. Schlachman spoke against.

Rep. Manuse spoke in favor and yielded to questions.

Rep. Bettencourt requested a roll call; sufficiently seconded.

YEAS 219 NAYS 94

YEAS 219

BELKNAP

Accornero, Harry
Pilliod, James
Swinford, Elaine

Comtois, Guy
Russell, David
Tilton, Franklin

Fields, Dennis
Simpson, Tyler
Worsman, Colette

Malone, Robert
St. Cyr, Jeffrey

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie

Babson, David Jr
McConkey, Mark
Tregenza, Norman

Chandler, Gene
Morrow, Harry
Umberger, Karen

Fleck, Joseph
Patten, Betsey

CHESHIRE

Byrnes, John
Johnson, Jane

Cartwright, Anne
Moore, Robert Jr

Dwinell, Richard
Smith, Edwin

Hunt, John
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bradley, Lester
Ingbretson, Paul
Simard, Paul

Brosseau, Charles
Ladd, Rick Jr
Sorg, Gregory

Bulis, Lyle
Reilly, Harold Sr
Sova, Charles

Gionet, Edmond
Shackett, Jeffrey

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, J. Gail
Barry, Richard	Belanger, James	Belvin, William	Bergevin, Jerry
Boehm, Ralph	Brownrigg, Randall Jr	Burt, John	Buxton, Michael
Cebrowski, John	Christensen, D.L.	Christiansen, Lars	Coffey, James
	Chris		
Condra, William	Coughlin, Sean	Cusson-Cail, Kathleen	Daniels, Gary
Doherty, Shaun	Donovan, Daniel	Erickson, Duane	Flanagan, Jack
Fredette, Robert	Gandia, Laura	Graham, John	Greazzo, Phil
Haefner, Robert	Hansen, Peter	Hardwick, Harry	Hawkins, Kenneth
Hikel, John	Hinch, Richard	Hogan, Edith	Holden, Frank
Hopper, Gary	Hutchinson, Winfred	Jasper, Shawn	Krasucki, Joseph
Kurk, Neal	Lambert, George	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	Pellegrino, Tony
Peterson, Lenette	Pratt, Calvin	Reed, Michael	Renzullo, Andrew
Rowe, Robert	Scotsas, Lisa	Seidel, Carl	Silva, Peter
Simmons, Tammy	Soucy, Connie	Stepanek, Stephen	Stroud, Kathleen
Summers, James	Terrio, Ross	Twombly, Timothy	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Moe	Warden, Mark	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	Sanborn, Laurie	Seaworth, G. Brian	Smith, Molly
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	Garrity, James
Griffin, Mary	Hagan, Joseph	Headd, James	Hoelzel, Kathleen
Itse, Daniel	Janvrin, Kevin	Kappler, Lawrence	Katsakiores, Phyllis
Lundgren, David	Major, Norman	Manuse, Andrew	Mauro, Donna
McKinney, Betsy	McMahon, Charles	Murphy, Brian	O'Connor, John
Packard, Sherman	Perkins, Amy	Perkins, Lawrence	Reagan, John
Reichard, Kevin	Rice, Frederick	Ritter, Glenn	Sanders, Elisabeth
Sapareto, Frank	Sedensky, John	Sheffert, Kenneth	Shuler, Wyman III
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	Groen, Warren	Jones, Kyle
Jones, Laura	Larsen Schultz,	Munck, Philip	Newton, Clifford
	Kirsten		
Parsons, Robbie	Pitre, Joseph	Vita, Carol	Vita, Lucien
Weeden, Michael			

SULLIVAN

Bowers, Spec
Osgood, Joe

Cunningham, Steven
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

Laware, Thomas

NAYS 94

BELKNAP

Millham, Alida

CARROLL

Knox, J. David

CHESHIRE

Butynski, William
Lindsey, Steven
Sad, Tara

Chase, Cynthia
Meador, David
Tatro, Bruce

Hawkes, Samuel
Parkhurst, Henry
Weber, Lucy

Lerandean, Alfred
Roberts, Kris

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William
Thomas, Yvonne

Merrick, Evalyn

Remick, William

GRAFTON

Aguiar, James
Gould, Franklin
Smith, Suzanne

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pierce, David
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Gargas, Carolyn
Gorman, Mary
Porter, Marjorie

Cote, David
Gidge, Kenneth
Leishman, Peter
Shaw, Barbara

Daler, Jennifer
Gimas, John
Long, Patrick
Sullivan, Daniel

Day, Russell
Goley, Jeffrey
Pilotte, Maurice
Sullivan, Peter

MERRIMACK

Bouchard, Candace
Gile, Mary
MacKay, James
Potter, Frances
Wallner, Mary Jane

DeStefano, Stephen
Hamm, Christine
Owen, Derek
Rice, Chip
Watrous, Rick

Foose, Robert
Kidder, David
Palfrey, David
Richardson, Gary
Williams, Robert

Frazer, June
Lockwood, Priscilla
Patten, Dick
Shurtleff, Stephen

ROCKINGHAM

Cali-Pitts, Jacqueline
Moody, Marcia
Schlachman, Donna

DiPentima, Rich
Nevins, Chris
Serlin, Christopher

Dowling, Patricia
Pantelakos, Laura

Lovejoy, Patricia
Read, Robin Jr

STRAFFORD

Brown, Julie
Horriggan, Timothy
Roberts, Jenna
Wall, Janet

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

Ginsburg, Philip
Keans, Sandra
Spainhower, Dale

Grassie, Anne
Perry, Robert
Spang, Judith

SULLIVAN

Cloutier, John Gagnon, Raymond Lefebvre, Benjamin Schmidt, Andrew
and the majority committee amendment was adopted.
Majority committee report adopted and ordered to third reading.

SPECIAL ORDER

HB 1348, relative to playing mind sports for money. **INEXPEDIENT TO LEGISLATE.**

Rep. Chris F. Nevins for Commerce and Consumer Affairs: Mind sports refer to human games whose long term outcomes are determined primarily in the skill of the players. It was the intent of the sponsor to include backgammon, bridge, chess and poker in this definition and should not be regulated like gambling. At this point the committee felt that it should not sort through what are gambling issues and what are not as this would only confuse the law enforcement consumers. The committee was awaiting an amendment to have high stakes poker games in homes but it was not forthcoming. Vote 15-1.

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

On a division vote, 235 members having voted in the affirmative and 73 in the negative, the committee report was adopted.

SPECIAL ORDER

HB 1590, requiring the disclosure to patients and prospective patients of the charges for medical procedures. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Jennifer R. Coffey for the Majority of Commerce and Consumer Affairs: The committee understands the intent of the sponsor's mandate. However, the free market shows that many providers' offices already provide this information via their financial counselors and the information is also available via the NH insurance dept. website. This bill however, would force employers to make secretaries and health care providers also financial counselors and be put in the position in giving estimates for any possible scenario to the given situation the patient is asking about over the phone. The bill would also have an impact on the cost of doing business and could increase medical care costs. Vote 15-2.

Rep. Andrew J. Manuse for the Minority of Commerce and Consumer Affairs: This bill, as amended, adds medical "list" price disclosure, avoiding all areas where it might interfere with medical care in a responsible manner while still providing pricing indicators that are lacking right now in the industry. The minority thinks this bill, as amended, attempts to answer all of the raised objections heard in testimony. It avoids insurance contractual concerns by only applying to uninsured people. It removes a requirement to price out emergency or critical care to avoid the risk that unexpected but medically necessary additional procedures won't be provided or paid for. It merely asks for what "retail pricing" would be, and even then only in a non-binding estimate. We heard bipartisan testimony that failure to provide pricing information is a widespread problem and that people are forced to undergo treatment before knowing how much they might have to pay for it. This failure to provide pricing for medical procedures has prevented the free market and competition from being a factor in the industry, and this has contributed to the increase in medical care costs. Medical care is not impossible to price accurately: the animal medical care provided at your local veterinarian clinic often generates a complete pricing report even in advance. Why can't human medical care do the same? We require our automotive mechanics to provide reasonable estimates, and we expect accurate pricing from our restaurants, retail stores, service professionals and most others. Why do we hold medical care immune from this most basic of consumer protections: the right of the consumer to know (even roughly) what a service will cost them before that service is performed on their behalf? The industry and the state currently provides some limited hospital disclosure pricing and requires disclosure of facility costs (i.e., the cost of the room), but we don't require disclosure of other aspects of medical care given, such as how much it costs to provide a pain pill, put on a splint, provide

stitches, or put on a band-aid. We have to provide some form of consumer relief mechanism to help battle the high cost of medical care. The few examples of pricing transparency, elective items such as laser eye surgery or plastic surgery, only support the minority's belief of the need for this legislation, and that prices will drop as a result. The free market can help, but only if we stop shielding our medical providers from the same market forces all the rest of us face. Consumers will shop for lower costing care, doctors and others will compete to provide that care, and our poorest will again find themselves able to afford care, instead of having to risk treatment at an unknown price. No longer will patients walk into the doctor's office, unsure what it cost them to walk out, or worse, choose not to walk in at all because of a fear of what the cost might be and risk continuing poor health.

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

(Rep. Stepanek in the Chair)

Reps. Jennifer Coffey and Simmons spoke in favor.

Rep. Krasucki spoke against.

Rep. Simmons requested a roll call; sufficiently seconded.

YEAS 236 NAYS 79

YEAS 236

BELKNAP

Accornero, Harry
Millham, Alida
St. Cyr, Jeffrey

Bolster, Peter
Pilliod, James
Swinford, Elaine

Comtois, Guy
Russell, David
Tilton, Franklin

Fields, Dennis
Simpson, Tyler
Worsman, Colette

CARROLL

Ahlgren, Christopher
Knox, J. David
Pettengill, Laurie

Babson, David Jr
McConkey, Mark
Tregenza, Norman

Chandler, Gene
Merrow, Harry
Umberger, Karen

Fleck, Joseph
Patten, Betsey

CHESHIRE

Butynski, William
Hawkes, Samuel
Meader, David
Smith, Edwin

Byrnes, John
Hunt, John
Moore, Robert Jr
Sterling, Franklin Jr

Chase, Cynthia
Johnson, Jane
Parkhurst, Henry
Tatro, Bruce

Dwinell, Richard
Lerandeau, Alfred
Sad, Tara
Weber, Lucy

COOS

Daugherty, Duffy
Remick, William
Thomas, Yvonne

Hatch, William
Richardson, Herbert
Tremblay, Marc

Merrick, Evalyn
Theberge, Robert

Rappaport, Laurence
Tholl, John Jr

GRAFTON

Aguiar, James
Bulis, Lyle
Harding, Laurie
Pierce, David
Townsend, Charles

Almy, Susan
Cooney, Mary
Ladd, Rick Jr
Shackett, Jeffrey
White, Andrew

Benn, Bernard
Gionet, Edmond
Nordgren, Sharon
Smith, Suzanne

Bradley, Lester
Gould, Franklin
Pastor, Beatriz
Taylor, Kathleen

HILLSBOROUGH

Ball, J. Michael

Baroody, Benjamin

Belanger, James

Belvin, William

Bergevin, Jerry
 Buxton, Michael
 Coffey, James
 Cusson-Cail, Kathleen
 Donovan, Daniel
 Garrity, Patrick
 Greazzo, Phil
 Hikel, John
 Hutchinson, Winfred
 Leishman, Peter
 Murphy, Keith
 Ober, Russell III
 Pilotte, Maurice
 Rowe, Robert
 Soucy, Connie
 Terrio, Ross

Boehm, Ralph
 Campbell, David
 Condra, William
 Daler, Jennifer
 Erickson, Duane
 Gidge, Kenneth
 Haefner, Robert
 Hinch, Richard
 Jasper, Shawn
 McClarren, Donald
 Notter, Jeanine
 Palmer, Barry
 Pratt, Calvin
 Scontsas, Lisa
 Stroud, Kathleen
 Ulery, Jordan

Brownrigg, Randall Jr
 Cebrowski, John
 Cote, David
 Daniels, Gary
 Gagne, Larry
 Gimas, John
 Hardwick, Harry
 Hogan, Edith
 Lambert, George
 McGuinness, Sean
 O'Brien, William
 Pellegrino, Tony
 Ramsey, Peter
 Silva, Peter
 Sullivan, Daniel
 Vaillancourt, Steve

Burt, John
 Christiansen, Lars
 Coughlin, Sean
 Day, Russell
 Gandia, Laura
 Graham, John
 Hawkins, Kenneth
 Holden, Frank
 LeBrun, Donald
 Messier, Irene
 Ober, Lynne
 Peterson, Lenette
 Renzullo, Andrew
 Simmons, Tammy
 Sullivan, Peter
 Willette, Robert

MERRIMACK

Blankenbeker, Lynne
 Frazer, June
 Hoell, J.R.
 McGuire, Carol
 Potter, Frances
 Seaworth, G. Brian
 Williams, Robert

Coffey, Jennifer
 Gile, Mary
 Kotowski, Frank
 Owen, Derek
 Rice, Chip
 Shurtleff, Stephen
 Winter, Steven

DeStefano, Stephen
 Giuda, J. Brandon
 Lockwood, Priscilla
 Palfrey, David
 Richardson, Gary
 Smith, Molly

Foose, Robert
 Hess, David
 MacKay, James
 Patten, Dick
 Sanborn, Laurie
 Wallner, Mary Jane

ROCKINGHAM

Abrami, Patrick
 Belanger, Ronald
 Cali-Pitts, Jacqueline
 Devine, James
 Fesh, Robert
 Hoelzel, Kathleen
 Lundgren, David
 McMahon, Charles
 Pantelakos, Laura
 Read, Robin Jr
 Sanders, Elisabeth
 Sytek, John
 Waterhouse, Kevin

Allen, Mary
 Bettencourt, David
 Charron, Gene
 DiPentima, Rich
 Garrity, James
 Janvrin, Kevin
 Major, Norman
 Moody, Marcia
 Peckham, Michele
 Reagan, John
 Schlachman, Donna
 Tucker, Pamela
 Welch, David

Antosz, Jason
 Birdsell, Regina
 Comerford, Timothy
 Duarte, Joe
 Griffin, Mary
 Kappler, Lawrence
 Mauro, Donna
 Nevins, Chris
 Perkins, Amy
 Rice, Frederick
 Sedensky, John
 Waddell, James

Azarian, Gary
 Brown, Paul
 Copeland, Timothy
 Elliott, Robert
 Headd, James
 Lovejoy, Patricia
 McKinney, Betsy
 Packard, Sherman
 Perkins, Lawrence
 Ritter, Glenn
 Sullivan, James
 Ward, Joanne

STRAFFORD

Berube, Roger
 Grassie, Anne
 Kaen, Naida
 Perry, Robert
 Sprague, Dale
 Waters, David

Brown, Julie
 Groen, Warren
 Keans, Sandra
 Pitre, Joseph
 Vita, Carol

Browne, Brendon
 Jones, Kyle
 Munck, Philip
 Schmidt, Peter
 Vita, Lucien

Cataldo, Sam
 Jones, Laura
 Newton, Clifford
 Spainhower, Dale
 Wall, Janet

SULLIVAN

Gagnon, Raymond

Osgood, Joe

Rodeschin, Beverly

Smith, Steven

BELKNAP

Malone, Robert

CARROLL

McCarthy, Frank

CHESHIRE

Cartwright, Anne

Lindsey, Steven

COOS

Coulombe, Gary

GRAFTON

Brosseau, Charles
Sorg, Gregory

Ingbretson, Paul
Sova, Charles

Reilly, Harold Sr

Simard, Paul

HILLSBOROUGH

Avard, Kevin
Flanagan, Jack
Krasucki, Joseph
Ohm, Bill
Reed, Michael
Twombly, Timothy

Balboni, Michael
Fredette, Robert
Kurk, Neal
Palmer, Stephen
Seidel, Carl
Villeneuve, Moe

Barry, J. Gail
Goley, Jeffrey
Long, Patrick
Parison, James
Shaw, Barbara
Warden, Mark

Barry, Richard
Gorman, Mary
Maltz, Jonathan
Porter, Marjorie
Summers, James

MERRIMACK

Bouchard, Candace
Keane, Thomas
McGuire, Dan

Cohn, Seth
Kidder, David
Watrous, Rick

Hamm, Christine
Kreis, Kenneth Sr

Hill, Gregory
Lauer-Rago, Kathleen

ROCKINGHAM

Baldasaro, Alfred
Ferrante, Beverly
Manuse, Andrew
Sapareto, Frank
Smith, William
Weyler, Kenneth

Bates, David
Hagan, Joseph
Murphy, Brian
Serlin, Christopher
Tasker, Kyle

Davenport, Joshua
Itse, Daniel
O'Connor, John
Sheffert, Kenneth
Tremblay, Stella

Dowling, Patricia
Katsakiores, Phyllis
Reichard, Kevin
Shuler, Wyman III
Webb, James

STRAFFORD

DeLemus, Susan

Ginsburg, Philip

Horriggan, Timothy

Larsen Schultz,
Kirsten

Parsons, Robbie

Roberts, Jenna

Spang, Judith

SULLIVAN

Bowers, Spec
Laware, Thomas

Cloutier, John
Lefebvre, Benjamin

Cunningham, Steven
Schmidt, Andrew

LaCasse, Paul Sr

and the majority committee report was adopted.

Rep. Warden voted Nay and intended to vote Yea.

(Speaker O'Brien in the Chair)

SPECIAL ORDER

HB 1691-FN, establishing a state bank. **INEXPEDIENT TO LEGISLATE.**

Rep. Donna L. Schlachman for Commerce and Consumer Affairs: Last session, the committee considered, and rejected 13-3, a bill for a study committee on the feasibility of establishing a state economic development bank in New Hampshire. While some members of the committee were, and still are, willing to objectively engage in said study, the committee does not support its outright establishment. Proponents used the Bank of North Dakota, established 93 years ago, as a successful model. The committee believes that the unique circumstances in North Dakota in 1919 are not applicable to New Hampshire. The claims of the sponsors that the state could save substantial dollars in banking fees on the billions of dollars that pass through our accounts were not supported by specific information provided by the state treasurer regarding the management of the myriad accounts held by the state. In addition, no one from the business community or the department of economic development spoke in support of this bill. Vote 11-1.

Rep. Hunt spoke in favor.

Rep. Lars Christiansen spoke against and requested a roll call; not sufficiently seconded.

On a division vote, 265 members having voted in the affirmative and 31 in the negative, the committee report was adopted.

SPECIAL ORDER

HB 1700-FN, repealing licensing requirements for money transmitters. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Donna L. Schlachman for the Majority of Commerce and Consumer Affairs: This bill would have repealed the requirement that money transmitters be licensed by the state of New Hampshire. Both the Attorney General's Office and the Banking Department expressed concerns that New Hampshire consumers will be left dealing with businesses that have absolutely no solvency requirements, either by taking out a bond or meeting a minimum level of capitalization before they open their doors. The bipartisan majority believes this leaves consumers, who may be harmed by said businesses, no hope of financial restitution. Our citizens have an expectation that they can go to our state departments to seek assistance or redress. The committee heard conflicting interpretation as to whether or not, in the absence of any state statute, a violation of federal statutes provide any relevant protections since the federal statutes specifically refers back to violation of state statutes. Presently there are only two states with no licensing requirements for money transmitters. The bipartisan majority does not feel it is in the interest of our citizens to become the third. Vote 11-6.

Rep. Andrew J. Manuse for the Minority of Commerce and Consumer Affairs: All money transmitters are, according to the Federal Bank Secrecy Act, considered "money services businesses" (MSBs). Subsequently, all MSB's and thus all money transmitters are required to register with FinCEN. The specific purpose of this registration is to hold these companies accountable on issues of fraud and money laundering. The restrictive licensing locally here in New Hampshire is redundant. The burden it places on local businesses - many of which do not even know if they fall under MSB criteria - is thus unnecessary. No substantive security benefit is enjoyed, yet local businesses assume thousands in compliance costs, lawyer's fees, uncertainty, and opportunity costs. Further, the money transmitter licensing in New Hampshire is impotent. Criminals do not care about such licenses - only the legal, legitimate businesses seek them out and seek compliance. Further still, with new peer-to-peer payment technologies developed in the past few years, we are approaching a time when "money transmission" isn't exclusively done by corporations. Rather, individuals in both their personal activities and their pseudo-entrepreneurial ventures will find themselves quickly in breach of state laws on money transmission. It will force all such ventures to shut down in lieu of deep pockets, or move out of state. HB 1700 removes the redundancy of current NH money transmittal law, opens up competition, provides savings to businesses

and consumers locally, and enables companies working with the new payment technologies to locate and thrive in the state.

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

Rep. Hunt spoke against.

Majority committee report failed.

Rep. Hunt moved Refer for Interim Study and spoke in favor.

Adopted.

SPECIAL ORDER

HR 27, urging New Hampshire policymakers to declare "brainpower" a state resource.

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

Rep. Frederick C. Rice for the Majority of Commerce and Consumer Affairs: High level academic, intellectual and scientific capabilities and resources are certainly among the types of resources that New Hampshire should seek to encourage, develop and market as factors that may contribute to growth. Simply labeling these assets as "brainpower" in hopes that it will attract investment or economic growth is simplistic and counter productive, however. Potential private investment for the purpose of promoting this concept can be implemented at any time by coordinating directly with the state agencies responsible for economic development and education. Vote 13-3.

Rep. Donna L. Schlachman for the Minority of Commerce and Consumer Affairs: On the surface, this resolution may seem like the bridge to no-where. What should be known, however, is the motivation behind it. This resolution is at the request of dozens of prominent leaders in the business and education community who are looking to the state to show its clear support for a campaign aimed at a concrete educational and business problem: attracting students to our science, technical, engineering and math programs and holding onto our brightest graduates. More importantly, they are willing and able to put financial resources into this effort. It is common knowledge that New Hampshire is not graduating enough students to fill specific highly skilled jobs, and that many graduates are leaving our state to work elsewhere. Efforts to fill these skilled positions with our graduates and with people willing to relocate to our state are falling short, and businesses are impacted. New Hampshire's community college and university system are making progress in meeting the needs of our employers. It is past time, though, for New Hampshire to do more to build opportunity and relationships in New Hampshire and expand our public-private partnership to aggressively craft our image beyond being a great place to vacation and raise a family. The business and educational leaders who requested this resolution are asking the legislature for a symbolic gesture to give governmental legitimacy to their investment in helping New Hampshire to form stronger bonds for success and to become a destination state for the best and the brightest. Rather than argue over better ways to express what the committee all agreed was an education, retention and attraction issue, the minority wishes to give the green light to private business leaders who are ready to spend private money for the public good.

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

Rep. Brian Murphy spoke against.

Rep. Jennifer Coffey spoke in favor and yielded to questions.

Rep. Gile requested a roll call; sufficiently seconded.

YEAS 182 NAYS 137

YEAS 182

BELKNAP

Accornero, Harry
Millham, Alida
Tilton, Franklin

Fields, Dennis
Russell, David
Worsman, Colette

Kingsbury, Robert
Simpson, Tyler

Malone, Robert
Swinford, Elaine

CARROLL

Ahlgren, Christopher
Morrow, Harry
Umberger, Karen

Babson, David Jr
Patten, Betsey

Fleck, Joseph
Pettengill, Laurie

McConkey, Mark
Tregenza, Norman

CHESHIRE

Butynski, William
Emerson, Susan
Parkhurst, Henry
Tatro, Bruce

Byrnes, John
Hunt, John
Sad, Tara

Chase, Cynthia
Lerandeau, Alfred
Smith, Edwin

Dwinell, Richard
Moore, Robert Jr
Sterling, Franklin Jr

COOS

Daugherty, Duffy
Thomas, Yvonne

Merrick, Evalyn
Tremblay, Marc

Rappaport, Laurence

Tholl, John Jr

GRAFTON

Benn, Bernard
Pierce, David
Taylor, Kathleen

Bradley, Lester
Reilly, Harold Sr
White, Andrew

Bulis, Lyle
Shackett, Jeffrey

Gionet, Edmond
Simard, Paul

HILLSBOROUGH

Balboni, Michael
Belvin, William
Cebrowski, John

Ball, J. Michael
Boehm, Ralph
Christensen, D.L.
Chris

Baroody, Benjamin
Brownrigg, Randall Jr
Coffey, James

Belanger, James
Buxton, Michael
Condra, William

Coughlin, Sean

Cusson-Cail,
Kathleen

Daler, Jennifer

Daniels, Gary

Day, Russell
Fredette, Robert
Gidge, Kenneth
Hansen, Peter
Holden, Frank
Kurk, Neal
Murphy, Keith
Ohm, Bill
Pratt, Calvin
Shaw, Barbara
Stepanek, Stephen
Ulery, Jordan

Doherty, Shaun
Gagne, Larry
Gimas, John
Hikel, John
Hopper, Gary
McCarthy, Michael
Notter, Jeanine
Parison, James
Reed, Michael
Silva, Peter
Stroud, Kathleen
Vaillancourt, Steve

Erickson, Duane
Gandia, Laura
Graham, John
Hinch, Richard
Jasper, Shawn
McGuinness, Sean
Ober, Lynne
Pellegrino, Tony
Renzullo, Andrew
Simmons, Tammy
Summers, James
Willette, Robert

Flanagan, Jack
Gargas, Carolyn
Haefner, Robert
Hogan, Edith
Krasucki, Joseph
Messier, Irene
Ober, Russell III
Pilotte, Maurice
Seidel, Carl
Soucy, Connie
Terrio, Ross

MERRIMACK

Blankenbeker, Lynne
Hoell, J.R.
Lauer-Rago, Kathleen
Seaworth, G. Brian

Coffey, Jennifer
Keane, Thomas
Lockwood, Priscilla
Smith, Molly

DeStefano, Stephen
Kidder, David
MacKay, James
Winter, Steven

Hill, Gregory
Kreis, Kenneth Sr
Palfrey, David

ROCKINGHAM

Allen, Mary

Azarian, Gary

Bates, David

Belanger, Ronald

Bettencourt, David
Comerford, Timothy
Dowling, Patricia
Griffin, Mary
Kappler, Lawrence
Mauro, Donna
Reichard, Kevin
Sapareto, Frank
Sytek, John

Birdsell, Regina
Copeland, Timothy
Duarte, Joe
Headd, James
Lundgren, David
McKinney, Betsy
Rice, Frederick
Sedensky, John
Tucker, Pamela

Brown, Paul
Davenport, Joshua
Elliott, Robert
Hoelzel, Kathleen
Major, Norman
McMahon, Charles
Ritter, Glenn
Shuler, Wyman III
Welch, David

Charron, Gene
Devine, James
Fesh, Robert
Janvrin, Kevin
Manuse, Andrew
Packard, Sherman
Sanders, Elisabeth
Sullivan, James
Weyler, Kenneth

STRAFFORD

Berube, Roger
Jones, Laura
Spainhower, Dale
Weeden, Michael

Brown, Julie
Munck, Philip
Vita, Carol

Browne, Brendon
Newton, Clifford
Vita, Lucien

Cataldo, Sam
Pitre, Joseph
Watters, David

SULLIVAN

Cunningham, Steven

Osgood, Joe

Rodeschin, Beverly

NAYS 137

BELKNAP

Bolster, Peter
St. Cyr, Jeffrey

Comtois, Guy

Greemore, Robert

Pilliod, James

CARROLL

Knox, J. David

McCarthy, Frank

CHESHIRE

Cartwright, Anne
Meader, David

Hawkes, Samuel
Roberts, Kris

Johnson, Jane
Weber, Lucy

Lindsey, Steven

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William

Remick, William

Richardson, Herbert

GRAFTON

Aguiar, James
Gould, Franklin
Nordgren, Sharon
Sova, Charles

Almy, Susan
Harding, Laurie
Pastor, Beatriz
Townsend, Charles

Brosseau, Charles
Ingbertson, Paul
Smith, Suzanne

Cooney, Mary
Ladd, Rick Jr
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Burt, John
Donovan, Daniel
Greazzo, Phil
LeBrun, Donald
McClarren, Donald
Ramsey, Peter
Sullivan, Peter

Barry, J. Gail
Campbell, David
Garrity, Patrick
Hardwick, Harry
Leishman, Peter
Palmer, Barry
Rowe, Robert
Twombly, Timothy

Barry, Richard
Christiansen, Lars
Goley, Jeffrey
Hutchinson, Winfred
Long, Patrick
Palmer, Stephen
Scontsas, Lisa
Villeneuve, Moe

Bergevin, Jerry
Cote, David
Gorman, Mary
Lambert, George
Maltz, Jonathan
Peterson, Lenette
Sullivan, Daniel

MERRIMACK

Bouchard, Candace	Cohn, Seth	Foose, Robert	Frazer, June
Gile, Mary	Giuda, J. Brandon	Hamm, Christine	Kotowski, Frank
McGuire, Carol	Owen, Derek	Patten, Dick	Potter, Frances
Rice, Chip	Sanborn, Laurie	Shurtleff, Stephen	Wallner, Mary Jane
Watrous, Rick	Williams, Robert		

ROCKINGHAM

Abrami, Patrick	Antosz, Jason	Baldasaro, Alfred	Cali-Pitts, Jacqueline
DiPentima, Rich	Ferrante, Beverly	Garrity, James	Hagan, Joseph
Itse, Daniel	Katsakiores, Phyllis	Lovejoy, Patricia	Moody, Marcia
Murphy, Brian	Nevins, Chris	O'Connor, John	Pantelakos, Laura
Peckham, Michele	Perkins, Amy	Read, Robin Jr	Reagan, John
Schlachman, Donna	Serlin, Christopher	Sheffert, Kenneth	Smith, William
Tasker, Kyle	Tremblay, Stella	Waddell, James	Ward, Joanne
Waterhouse, Kevin	Webb, James		

STRAFFORD

DeLemus, Susan	Domingo, Baldwin	Ginsburg, Philip	Grassie, Anne
Groen, Warren	Horrigan, Timothy	Jones, Kyle	Kaen, Naida
Keans, Sandra	Larsen Schultz, Kirsten	Parsons, Robbie	Perry, Robert
Roberts, Jenna Wall, Janet	Schmidt, Peter	Spang, Judith	Sprague, Dale

SULLIVAN

Bowers, Spec	Cloutier, John	Gagnon, Raymond	LaCasse, Paul Sr
Laware, Thomas	Lefebvre, Benjamin	Schmidt, Andrew	Smith, Steven

and the majority committee report was adopted.

***HB 1318*, relative to carrying firearms. INEXPEDIENT TO LEGISLATE.**

Rep. Dennis H. Fields for Criminal Justice and Public Safety: This bill permits any person who meets the requirements established in RSA 159:4 to carry a firearm openly or concealed, loaded or unloaded. The committee felt this would create more problems than intended. This would create more problems of drugs, addictions, greed, gang violence, domestic violence, along with road rage. This would, as the bill is written, allow anyone 18 years or older to carry a firearm, loaded or unloaded, openly or concealed on or about his/her person or in a vehicle without any form of licensing or permitting required by the state of New Hampshire. Vote 10-6.

LAI D ON THE TABLE

Rep. Welch moved that ***HB 1318***, relative to carrying firearms, be laid on the table. On a division vote, 246 members having voted in the affirmative and 73 in the negative, the motion was adopted.

REGULAR CALENDAR (CONT'D)

HB 1341, repealing the provision relative to the unauthorized use of firearms in the compact part of a city or town. **OUGHT TO PASS.**

Rep. Kyle J. Tasker for Criminal Justice and Public Safety: This bill repeals RSA 644:13 which was originally crafted as a noise statute and controlled discharges of firearms,

cannons and firecrackers within a defined area. Testimony indicated it has been used in the largest city in New Hampshire and the statute no longer contains references to firecrackers. Vote 11-5.

Rep. Willette spoke in favor.

Rep. Suzanne Smith spoke against, yielded to questions and requested a roll call; sufficiently seconded.

YEAS 196 NAYS 123

YEAS 196

BELKNAP

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

CARROLL

Ahlgren, Christopher	Babson, David Jr	Fleck, Joseph	Knox, J. David
McCarthy, Frank	McConkey, Mark	Marrow, Harry	Pettengill, Laurie
Tregenza, Norman	Umberger, Karen		

CHESHIRE

Cartwright, Anne	Dwinell, Richard	Emerson, Susan	Hunt, John
Johnson, Jane	Smith, Edwin		

COOS

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

GRAFTON

Brosseau, Charles	Gionet, Edmond	Ingbreton, Paul	Reilly, Harold Sr
Simard, Paul	Sorg, Gregory	Sova, Charles	

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, Richard
Belanger, James	Belvin, William	Boehm, Ralph	Brownrigg, Randall Jr
Burt, John	Christiansen, Lars	Condra, William	Coughlin, Sean
Cusson-Cail, Kathleen	Daniels, Gary	Day, Russell	Doherty, Shaun
Erickson, Duane	Fredette, Robert	Gagne, Larry	Gandia, Laura
Gargas, Carolyn	Gidge, Kenneth	Greazzo, Phil	Haefner, Robert
Hansen, Peter	Hardwick, Harry	Hawkins, Kenneth	Hikel, John
Hinch, Richard	Hogan, Edith	Holden, Frank	Hopper, Gary
Infantine, William	Krasucki, Joseph	Kurk, Neal	Lambert, George
Maltz, Jonathan	McCarthy, Michael	McClarren, Donald	McGuinness, Sean
Messier, Irene	Murphy, Keith	Notter, Jeanine	Ober, Lynne
Ober, Russell III	Ohm, Bill	Palmer, Stephen	Parison, James
Pellegrino, Tony	Peterson, Lenette	Pratt, Calvin	Reed, Michael
Renzullo, Andrew	Rowe, Robert	Scontsas, Lisa	Seidel, Carl
Silva, Peter	Simmons, Tammy	Soucy, Connie	Stepanek, Stephen
Stroud, Kathleen	Summers, James	Twombly, Timothy	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Moe	Warden, Mark	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
Seaworth, G. Brian	Smith, Molly	Winter, Steven	

ROCKINGHAM

Allen, Mary	Antosz, Jason	Baldasaro, Alfred	Bates, David
Belanger, Ronald	Bettencourt, David	Birdsell, Regina	Brown, Paul
Charron, Gene	Comerford, Timothy	Davenport, Joshua	Devine, James
Dowling, Patricia	Duarte, Joe	Elliott, Robert	Fesh, Robert
Garritty, James	Griffin, Mary	Hagan, Joseph	Headd, James
Hoelzel, Kathleen	Itse, Daniel	Janvrin, Kevin	Kappler, Lawrence
Katsakiores, Phyllis	Lundgren, David	Major, Norman	Manuse, Andrew
Mauro, Donna	McMahon, Charles	Nevins, Chris	O'Connor, John
Packard, Sherman	Perkins, Amy	Perkins, Lawrence	Reagan, John
Reichard, Kevin	Rice, Frederick	Ritter, Glenn	Sanders, Elisabeth
Sedensky, John	Sheffert, Kenneth	Shuler, Wyman III	Smith, William
Sullivan, James	Sytek, John	Tasker, Kyle	Tremblay, Stella
Waterhouse, Kevin	Webb, James	Welch, David	Weyler, Kenneth

STRAFFORD

Brown, Julie	Cataldo, Sam	DeLemus, Susan	Groen, Warren
Jones, Kyle	Jones, Laura	Larsen Schultz, Kirsten	Newton, Clifford
Parsons, Robbie	Pitre, Joseph	Vita, Carol	Vita, Lucien
Weeden, Michael			

SULLIVAN

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

NAYS 123

BELKNAP

Millham, Alida

CARROLL

Patten, Betsey

CHESHIRE

Butynski, William	Byrnes, John	Chase, Cynthia	Hawkes, Samuel
Lerandeau, Alfred	Lindsey, Steven	Meador, David	Moore, Robert Jr
Parkhurst, Henry	Roberts, Kris	Sad, Tara	Sterling, Franklin Jr
Tatro, Bruce	Weber, Lucy		

COOS

Merrick, Evalyn	Remick, William	Theberge, Robert	Thomas, Yvonne
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GRAFTON

Aguilar, James	Almy, Susan	Benn, Bernard	Bradley, Lester
Bulis, Lyle	Cooney, Mary	Gould, Franklin	Harding, Laurie
Ladd, Rick Jr	Nordgren, Sharon	Pastor, Beatriz	Pierce, David
Shackett, Jeffrey	Smith, Suzanne	Taylor, Kathleen	Townsend, Charles
White, Andrew			

HILLSBOROUGH

Baroody, Benjamin	Barry, J. Gail	Bergevin, Jerry	Buxton, Michael
Campbell, David	Cebrowski, John	Christensen, D.L.	Coffey, James
		Chris	
Cote, David	Daler, Jennifer	Donovan, Daniel	Flanagan, Jack
Garrity, Patrick	Gimas, John	Goley, Jeffrey	Gorman, Mary
Hutchinson, Winfred	Jasper, Shawn	LeBrun, Donald	Leishman, Peter
Long, Patrick	Palmer, Barry	Pilotte, Maurice	Porter, Marjorie
Ramsey, Peter	Shaw, Barbara	Sullivan, Daniel	Sullivan, Peter
Terrio, Ross			

MERRIMACK

Bouchard, Candace	DeStefano, Stephen	Foose, Robert	Frazer, June
Gile, Mary	Hamm, Christine	Hess, David	Kidder, David
Lockwood, Priscilla	MacKay, James	Owen, Derek	Palfrey, David
Patten, Dick	Potter, Frances	Rice, Chip	Shurtleff, Stephen
Wallner, Mary Jane	Watrous, Rick	Williams, Robert	

ROCKINGHAM

Abrami, Patrick	Azarian, Gary	Cali-Pitts, Jacqueline	Copeland, Timothy
DiPentima, Rich	Ferrante, Beverly	Lovejoy, Patricia	McKinney, Betsy
Moody, Marcia	Pantelakos, Laura	Peckham, Michele	Read, Robin Jr
Schlachman, Donna	Serlin, Christopher	Waddell, James	Ward, Joanne

STRAFFORD

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

SULLIVAN

Cloutier, John	Gagnon, Raymond	Lefebvre, Benjamin	Rodeschin, Beverly
Schmidt, Andrew			

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

HB 1449, requiring a search warrant for searches of privately-owned property.

INEXPEDIENT TO LEGISLATE.

Rep. Philip E. Ginsburg for Criminal Justice and Public Safety: Since the moment the Constitution was ratified we have been working to define and constantly redefine the area within which the individual should enjoy freedom from incursion by the state. More than 200 years of statute, case law and commentary have brought us to the current balance between the rights of the individual and the interest of the broader public. The majority believes that to make the radical change in that balance called for in this bill, would constitute an irresponsible and excessive exercise of legislative authority. Vote 8-5.

On a division vote, 210 members having voted in the affirmative and 105 in the negative, the committee report was adopted.

***HB 1468*, relative to seizure of personal property. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Philip E. Ginsburg for the Majority of Criminal Justice and Public Safety: Existing law, the product of two centuries of interpretation of the United States and New Hampshire Constitutions in light of experience, establishes conditions and restrictions on search and seizure to both protect the rights of the individual and further the public interest and safety. The law also creates a limited number of exceptional circumstances where property may be seized without the usual requirements of a warrant (where evidence might be destroyed otherwise in “exigent circumstances” of danger to persons, etc.). This bill would eliminate all these exceptions, destroying the law’s balance between the individual and the general interest and significantly endangering public safety. Vote 9-5.

Rep. Mark Warden for the Minority of Criminal Justice and Public Safety: In the spirit of increased accountability for law enforcement, this bill improves the legal rights of New Hampshire citizens in regards to police seizing personal property without a warrant. Article 19 Part I of our constitution guarantees this right, but according to testimony before the committee, there have been abuses and further clarity in the law may be needed. Majority committee report adopted.

***HB 1511-FN*, relative to felons possessing firearms. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Stephen J. Shurtleff for the Majority of Criminal Justice and Public Safety: This bill would remove the restriction on a convicted felon to possess certain non-firearms. This would include the possession of a black jack, brass knuckles, sword cane, billy clubs, etc. The committee believes it is not in the best interest of public safety to allow felons to be able to legally possess these dangerous weapons. The bill would reduce the offense for any felon who illegally completes and signs an application for purchasing a firearm from a felony to a misdemeanor. The committee believes that a criminal offense of this seriousness should be a felony. Lastly, the bill would allow convicted felons to possess black powder weapons. The committee realizes that there are some black powder revolvers that would allow an individual to fire six rounds as fast as they can pull the trigger, and then they could quickly replace the cylinder and fire six more shots. To have this fire power in the hands of a convicted felon is not in the best interest of our citizens. Furthermore it is a felony under the federal firearms laws for a convicted felon to possess any firearm, including a black powder weapon. In New Hampshire, if an individual commits a felony, then goes on to lead a productive life, they can petition the Governor and Executive Council for a pardon. If the pardon is granted, then their criminal record is expunged and all their rights, including their rights under the 2nd Amendment, are fully restored. Another process is an annulment that can be applied for after a certain time period. Vote 14-2.

Rep. Mark Warden for the Minority of Criminal Justice and Public Safety: This bill originally passed OTP in committee, but because of a clerical error was re-committed where the vote turned upside down. Despite this curious turn of events, the minority feels this bill has merit and would help reduce workload on the over burdened court system and restore rights under the law for felons convicted of nonviolent offenses.

The question being adoption of the majority committee report of Inexpedient to Legislate. Rep. Manuse requested a roll call; sufficiently seconded.

YEAS 261 NAYS 58

YEAS 261

BELKNAP

Accornero, Harry
Millham, Alida
Swinford, Elaine

Bolster, Peter
Russell, David
Tilton, Franklin

Fields, Dennis
Simpson, Tyler
Worsman, Colette

Greemore, Robert
St. Cyr, Jeffrey

CARROLL

Ahlgren, Christopher
McConkey, Mark
Umberger, Karen

Babson, David Jr
Merrow, Harry

Knox, J. David
Patten, Betsey

McCarthy, Frank
Pettengill, Laurie

CHESHIRE

Butynski, William
Emerson, Susan
Lindsey, Steven
Roberts, Kris
Weber, Lucy

Byrnes, John
Hawkes, Samuel
Meador, David
Sad, Tara

Chase, Cynthia
Johnson, Jane
Moore, Robert Jr
Smith, Edwin

Dwinell, Richard
Lerandeau, Alfred
Parkhurst, Henry
Tatro, Bruce

COOS

Coulombe, Gary
Remick, William
Thomas, Yvonne

Daugherty, Duffy
Richardson, Herbert
Tremblay, Marc

Merrick, Evalyn
Theberge, Robert

Rappaport, Laurence
Tholl, John Jr

GRAFTON

Aguiar, James
Brosseau, Charles
Gould, Franklin
Pastor, Beatriz
Simard, Paul
White, Andrew

Almy, Susan
Bulis, Lyle
Harding, Laurie
Pierce, David
Smith, Suzanne

Benn, Bernard
Cooney, Mary
Ladd, Rick Jr
Reilly, Harold Sr
Taylor, Kathleen

Bradley, Lester
Gionet, Edmond
Nordgren, Sharon
Shackett, Jeffrey
Townsend, Charles

HILLSBOROUGH

Avard, Kevin
Belanger, James
Brownrigg, Randall Jr
Christensen, D.L.
Chris
Cote, David

Balboni, Michael
Belvin, William
Buxton, Michael
Christiansen, Lars

Baroody, Benjamin
Bergevin, Jerry
Campbell, David
Coffey, James

Barry, Richard
Boehm, Ralph
Cebrowski, John
Condra, William

Coughlin, Sean

Cusson-Cail,
Kathleen

Daler, Jennifer

Day, Russell
Gagne, Larry
Gidge, Kenneth
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
Leishman, Peter
Moran, Edward
Palmer, Barry
Ramsey, Peter
Shaw, Barbara
Stroud, Kathleen

Doherty, Shaun
Gandia, Laura
Gimas, John
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Long, Patrick
Notter, Jeanine
Pellegrino, Tony
Rowe, Robert
Silva, Peter
Sullivan, Daniel

Donovan, Daniel
Gargas, Carolyn
Goley, Jeffrey
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael
Ober, Lynne
Pilote, Maurice
Scontsas, Lisa
Soucy, Connie
Sullivan, Peter

Flanagan, Jack
Garrity, Patrick
Gorman, Mary
Hardwick, Harry
Hogan, Edith
Infantine, William
LeBrun, Donald
Messier, Irene
Ohm, Bill
Porter, Marjorie
Seidel, Carl
Stepanek, Stephen
Terrio, Ross

Ulery, Jordan

Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Foose, Robert
Hess, David
Kotowski, Frank
MacKay, James
Potter, Frances
Wallner, Mary Jane

Bouchard, Candace
Frazer, June
Hill, Gregory
Kreis, Kenneth Sr
Owen, Derek
Rice, Chip
Watrous, Rick

Coffey, Jennifer
Gile, Mary
Keane, Thomas
Lauer-Rago, Kathleen
Palfrey, David
Shurtleff, Stephen
Williams, Robert

DeStefano, Stephen
Hamm, Christine
Kidder, David
Lockwood, Priscilla
Patten, Dick
Smith, Molly

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Copeland, Timothy
Elliott, Robert
Hagan, Joseph
Katsakiores, Phyllis
Mauro, Donna
Nevins, Chris
Peckham, Michele
Reichard, Kevin
Schlachman, Donna
Shuler, Wyman III
Tucker, Pamela
Webb, James

Allen, Mary
Bates, David
Cali-Pitts, Jacqueline
Devine, James
Ferrante, Beverly
Headd, James
Lovejoy, Patricia
McKinney, Betsy
O'Connor, John
Perkins, Amy
Rice, Frederick
Sedensky, John
Smith, William
Waddell, James
Welch, David

Antosz, Jason
Belanger, Ronald
Charron, Gene
DiPentima, Rich
Fesh, Robert
Janvrin, Kevin
Lundgren, David
McMahon, Charles
Packard, Sherman
Perkins, Lawrence
Sanders, Elisabeth
Serlin, Christopher
Sullivan, James
Ward, Joanne
Weyler, Kenneth

Azarian, Gary
Bettencourt, David
Comerford, Timothy
Dowling, Patricia
Garritty, James
Kappler, Lawrence
Major, Norman
Moody, Marcia
Pantelakos, Laura
Read, Robin Jr
Sapareto, Frank
Sheffert, Kenneth
Sytek, John
Waterhouse, Kevin

STRAFFORD

Berube, Roger
Domingo, Baldwin
Horrigan, Timothy

Brown, Julie
Ginsburg, Philip
Kaen, Naida

Browne, Brendon
Grassie, Anne
Keans, Sandra

Cataldo, Sam
Groen, Warren
Larsen Schultz,
Kirsten
Perry, Robert
Spang, Judith
Weeden, Michael

Munck, Philip
Roberts, Jenna
Sprague, Dale

Newton, Clifford
Schmidt, Peter
Wall, Janet

Parsons, Robbie
Spainhower, Dale
Watters, David

SULLIVAN

Cloutier, John
Lefebvre, Benjamin
Smith, Steven

Cunningham, Steven
Osgood, Joe
Gagnon, Raymond
Rodeschin, Beverly

LaCasse, Paul Sr
Schmidt, Andrew

NAYS 58

BELKNAP

Comtois, Guy

Kingsbury, Robert

Malone, Robert

Pilliod, James

CARROLL

None

CHESHIRE

Cartwright, Anne

Hunt, John

COOS

None

GRAFTON

Ingbretson, Paul

Sorg, Gregory

Sova, Charles

HILLSBOROUGH

Ball, J. Michael
Erickson, Duane
McClarren, Donald
Palmer, Stephen
Reed, Michael
Twombly, Timothy

Barry, J. Gail
Fredette, Robert
McGuinness, Sean
Parison, James
Renzullo, Andrew
Vaillancourt, Steve

Burt, John
Lambert, George
Murphy, Keith
Peterson, Lenette
Simmons, Tammy
Warden, Mark

Daniels, Gary
Maltz, Jonathan
Ober, Russell III
Pratt, Calvin
Summers, James

MERRIMACK

Cohn, Seth
McGuire, Dan

Giuda, J. Brandon
Seaworth, G. Brian

Hoell, J.R.
Winter, Steven

McGuire, Carol

ROCKINGHAM

Brown, Paul
Hoelzel, Kathleen
Ritter, Glenn

Davenport, Joshua
Itse, Daniel
Tasker, Kyle

Duarte, Joe
Manuse, Andrew
Tremblay, Stella

Griffin, Mary
Reagan, John

STRAFFORD

DeLemus, Susan
Vita, Carol

Jones, Kyle
Vita, Lucien

Jones, Laura

Pitre, Joseph

SULLIVAN

Bowers, Spec

Laware, Thomas

and the majority committee report was adopted.

HB 1526-FN, decriminalizing possession of less than one ounce of marijuana. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kyle J. Tasker for Criminal Justice and Public Safety: The bill, as amended, reduces penalties for possession of less than ½ ounce of marijuana to a violation punishable by fine for the first two offenses and keeps the third and subsequent offenses as class A misdemeanors punishable by up to 1 year in jail and a fine not to exceed \$1,000. This represents a measured and calculated reduction in penalties for possession of marijuana remaining a felony level offense. The state of New Hampshire is surrounded by states that have taken similar measures with good results. Vote 9-7.

Amendment (0593h)

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

AN ACT relative to possession of less than one-half ounce of marijuana.

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

1 New Section; Controlled Drug Act; Possession of Less Than One-Half Ounce of Marijuana. Amend RSA 318-B by inserting after section 2-b the following new section:

318-B:2-c Possession of Less Than One-Half Ounce Marijuana.

I. Any person 18 years of age or older who is in possession of less than one-half ounce of marijuana, including any adulterants or dilutants, and who engages in any conduct prohibited under RSA 318-B:2 shall be guilty of:

(a) A violation and subject to a fine not to exceed \$250 and forfeiture of the marijuana for a first offense.

(b) A violation and subject to a fine not to exceed \$500 and forfeiture of the marijuana for a second offense.

(c) A class A misdemeanor and subject to a fine not to exceed \$1,000 and forfeiture of the marijuana for a third or subsequent offense.

II.(a) Any person under 21 years of age who is in possession of less than one-half ounce of marijuana, including any adulterants or dilutants, and who engages in any conduct prohibited under RSA 318-B:2 shall be guilty of:

(1) A violation and subject to a fine not to exceed \$250 and forfeiture of the marijuana for a first offense.

(2) A violation and subject to a fine not to exceed \$500 and forfeiture of the marijuana for a second offense.

(3) A class A misdemeanor and subject to a fine not to exceed \$1,000 and forfeiture of the marijuana for a third or subsequent offense.

(b) The parents or legal guardians of any offender under 18 years of age shall be notified of the offense. The court may order any offender under 21 years of age at the time of the offense to complete an approved drug awareness program, at the offender's expense, within one year of the date of the offense. Further, the court may order the offender to perform community service which shall be completed within one year of the date of the offense. The offender shall furnish the court with evidence of completion of a required drug awareness program or required community service. An offender who fails to complete either a required drug awareness program or community service, or both, shall be subject to a fine of up to \$500 for a first offense and a fine of up to \$1,000 for a second or subsequent offense.

2 Controlled Drug Act; Penalties. Amend RSA 318-B:26, II(d) to read as follows:

(d) In the case of marijuana *in a quantity of less than one-half ounce*, including any adulterants or dilutants~~[-or]~~, *the person shall be guilty as provided in RSA 318-B:2-c. In the case of 5 grams or less of hashish*, the person shall be guilty of a class A misdemeanor.

3 Controlled Drug Act; Penalties. Amend RSA 318-B:26, III(a) to read as follows:

(a) Controls any premises or vehicle where he *or she* knows a controlled drug or its analog is illegally kept or deposited, *except if the controlled drug is less than one-half ounce of marijuana as provided in RSA 318-B:2-c;*

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

AMENDED ANALYSIS

This bill establishes penalties for any person who possesses less than one-half ounce of marijuana.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. Rep. Shurtleff spoke against.

Rep. Tasker spoke in favor.

Rep. Hansen requested a roll call; sufficiently seconded.

YEAS 162 NAYS 161

YEAS 162

BELKNAP

Accornero, Harry

Comtois, Guy

Greemore, Robert

Kingsbury, Robert

Malone, Robert	Pilliod, James	Swinford, Elaine	Worsman, Colette
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CARROLL

Ahlgren, Christopher Umberger, Karen	Babson, David Jr	Pettengill, Laurie	Tregenza, Norman
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CHESHIRE

Cartwright, Anne Lindsey, Steven Sterling, Franklin Jr	Chase, Cynthia Meader, David Weber, Lucy	Dwinell, Richard Roberts, Kris	Hawkes, Samuel Sad, Tara
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COOS

Coulombe, Gary	Hatch, William	Rappaport, Laurence	Theberge, Robert
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GRAFTON

Aguiar, James Gionet, Edmond Pastor, Beatriz Sorg, Gregory	Almy, Susan Gould, Franklin Pierce, David Sova, Charles	Benn, Bernard Harding, Laurie Simard, Paul White, Andrew	Cooney, Mary Ingbretson, Paul Smith, Suzanne
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HILLSBOROUGH

Avard, Kevin Belanger, James	Ball, J. Michael Campbell, David	Baroody, Benjamin Christensen, D.L. Chris	Barry, Richard Christiansen, Lars
Daler, Jennifer Gagne, Larry Greazzo, Phil Kurk, Neal McGuinness, Sean Ohm, Bill Reed, Michael Simmons, Tammy Summers, James Warden, Mark	Donovan, Daniel Gidge, Kenneth Hikel, John Lambert, George Murphy, Keith Parison, James Renzullo, Andrew Soucy, Connie Terrio, Ross	Erickson, Duane Gimas, John Holden, Frank Long, Patrick Ober, Lynne Porter, Marjorie Scontsas, Lisa Stroud, Kathleen Twombly, Timothy	Fredette, Robert Gorman, Mary Hopper, Gary Maltz, Jonathan Ober, Russell III Pratt, Calvin Shaw, Barbara Sullivan, Peter Vaillancourt, Steve

MERRIMACK

Blankenbeker, Lynne Hamm, Christine Lockwood, Priscilla Potter, Frances Watrous, Rick	Bouchard, Candace Hoell, J.R. McGuire, Carol Rice, Chip Winter, Steven	Coffey, Jennifer Keane, Thomas McGuire, Dan Seaworth, G. Brian	Cohn, Seth Kidder, David Owen, Derek Smith, Molly
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ROCKINGHAM

Antosz, Jason Cali-Pitts, Jacqueline DiPentima, Rich Katsakiores, Phyllis McKinney, Betsy Read, Robin Jr Schlachman, Donna Tremblay, Stella Weyler, Kenneth	Azarian, Gary Charron, Gene Duarte, Joe Lovejoy, Patricia Nevins, Chris Reagan, John Sedensky, John Waterhouse, Kevin	Baldasaro, Alfred Comerford, Timothy Ferrante, Beverly Lundgren, David O'Connor, John Ritter, Glenn Smith, William Webb, James	Brown, Paul Davenport, Joshua Itse, Daniel Manuse, Andrew Peckham, Michele Sapareto, Frank Tasker, Kyle Welch, David
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STRAFFORD

Browne, Brendon	DeLemus, Susan	Domingo, Baldwin	Ginsburg, Philip
Grassie, Anne	Horrigan, Timothy	Jones, Kyle	Jones, Laura
Kaen, Naida	Keans, Sandra	Newton, Clifford	Pitre, Joseph
Roberts, Jenna	Spang, Judith	Sprague, Dale	Weeden, Michael

SULLIVAN

Bowers, Spec	Cloutier, John	Cunningham, Steven	LaCasse, Paul Sr
Laware, Thomas	Lefebvre, Benjamin	Schmidt, Andrew	Smith, Steven

NAYS 161

BELKNAP

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

CARROLL

Fleck, Joseph	Knox, J. David	McCarthy, Frank	McConkey, Mark
Marrow, Harry	Patten, Betsey		

CHESHIRE

Butynski, William	Byrnes, John	Emerson, Susan	Hunt, John
Johnson, Jane	Lerandeau, Alfred	Moore, Robert Jr	Parkhurst, Henry
Smith, Edwin	Tatro, Bruce		

COOS

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

GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Ladd, Rick Jr
Nordgren, Sharon	Reilly, Harold Sr	Shackett, Jeffrey	Taylor, Kathleen
Townsend, Charles			

HILLSBOROUGH

Balboni, Michael	Barry, J. Gail	Belvin, William	Bergevin, Jerry
Boehm, Ralph	Brownrigg, Randall Jr	Burt, John	Buxton, Michael
Cebrowski, John	Coffey, James	Condra, William	Cote, David
Coughlin, Sean	Cusson-Cail, Kathleen	Daniels, Gary	Day, Russell
Doherty, Shaun	Flanagan, Jack	Gandia, Laura	Gargas, Carolyn
Garrity, Patrick	Goley, Jeffrey	Haefner, Robert	Hansen, Peter
Hardwick, Harry	Hawkins, Kenneth	Hinch, Richard	Hogan, Edith
Hutchinson, Winfred	Infantine, William	Jasper, Shawn	Krasucki, Joseph
LeBrun, Donald	Leishman, Peter	McCarthy, Michael	McClarren, Donald
Messier, Irene	Moran, Edward	Notter, Jeanine	Palmer, Barry
Palmer, Stephen	Pellegrino, Tony	Peterson, Lenette	Pilotte, Maurice
Ramsey, Peter	Rowe, Robert	Seidel, Carl	Silva, Peter
Stepanek, Stephen	Sullivan, Daniel	Ulery, Jordan	Villeneuve, Moe
Willette, Robert			

MERRIMACK

DeStefano, Stephen	Foose, Robert	Frazer, June	Gile, Mary
Hess, David	Hill, Gregory	Kotowski, Frank	Kreis, Kenneth Sr
Lauer-Rago, Kathleen	MacKay, James	Palfrey, David	Patten, Dick
Shurtleff, Stephen	Wallner, Mary Jane	Williams, Robert	

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Bates, David	Belanger, Ronald
Bettencourt, David	Birdsell, Regina	Copeland, Timothy	Devine, James
Dowling, Patricia	Elliott, Robert	Fesh, Robert	Garrity, James
Griffin, Mary	Hagan, Joseph	Headd, James	Hoelzel, Kathleen
Janvrin, Kevin	Kappler, Lawrence	Major, Norman	Mauro, Donna
McMahon, Charles	Moody, Marcia	Packard, Sherman	Pantelakos, Laura
Perkins, Amy	Perkins, Lawrence	Reichard, Kevin	Rice, Frederick
Sanders, Elisabeth	Serlin, Christopher	Sheffert, Kenneth	Shuler, Wyman III
Sullivan, James	Sytek, John	Tucker, Pamela	Waddell, James
Ward, Joanne			

STRAFFORD

Berube, Roger	Brown, Julie	Cataldo, Sam	Groen, Warren
Larsen Schultz, Kirsten	Munck, Philip	Parsons, Robbie	Perry, Robert
Schmidt, Peter	Spainhower, Dale	Vita, Carol	Vita, Lucien
Wall, Janet	Watters, David		

SULLIVAN

Gagnon, Raymond Osgood, Joe Rodeschin, Beverly
and the committee report was adopted and ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Comerford moved that the House reconsider its action whereby, on a roll call vote of 162-161, it adopted the committee report of Ought to Pass with Amendment on ***HB 1526-FN***, relative to possession of less than one-half ounce of marijuana.

Rep. Comerford spoke against.

On a division vote, 140 members having voted in the affirmative and 184 in the negative, the motion failed.

REGULAR CALENDAR (CONT'D)

HB 1532-FN, relative to trespass on land which is not posted. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth Kreis for Criminal Justice and Public Safety: The bill amends the criminal trespass statute in circumstances where property is not posted with "no trespassing" signs and allows law enforcement to remain on property they are invited to enter. Vote 12-4.

Amendment (0609h)

Amend the bill by replacing section 1 with the following:

1 Criminal Trespass. Amend RSA 635:2, I to read as follows:

I.(a) A person is guilty of criminal trespass if, knowing that he *or she* is not licensed or privileged to do so, he *or she* enters or remains in any place *for any purpose, except as authorized in this paragraph.*

(b) *A law enforcement officer may enter or remain on the property of another if invited to be there or when acting consistently with a recognized exception to the warrant requirement.*

Amendment adopted.

On a division vote, 201 members having voted in the affirmative and 109 in the negative, the committee report was adopted and ordered to third reading.

HB 1630, relative to traffic control at public meetings or functions. **INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth Kreis for Criminal Justice and Public Safety: This bill would take discretion away from local officials in determining what is best safety practice for their community.

Vote 10-4.

Committee report adopted.

HB 1651-FN, requiring the division of state police to equip special weapons and tactics (SWAT) units or teams with tactical cameras. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Kenneth Kreis for the Majority of Criminal Justice and Public Safety: This bill requires the division of state police to equip special weapons and tactics (SWAT) units or teams with tactical cameras. Unfortunately, the proposal does not include repairs or replacements when necessary. The bill falls short in providing for training and use of the equipment and the fiscal note does not match with DOS cost sheet, the difference is almost \$60,000. Vote 13-3.

Rep. Kyle J. Tasker for the Minority of Criminal Justice and Public Safety: Equipping SWAT teams with cameras can remove the hesitation experienced by team members before using lethal force by guaranteeing the information being used to make the decision is available to those reviewing the shooting. This has the potential to expedite the investigation to determine if the shooting is justified.

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

Rep. Kreis spoke in favor.

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

YEAS 200 NAYS 122

YEAS 200

BELKNAP

Accornero, Harry
Russell, David

Fields, Dennis
St. Cyr, Jeffrey

Millham, Alida
Swinford, Elaine

Pilliod, James
Worsman, Colette

CARROLL

Ahlgren, Christopher
Morrow, Harry

Knox, J. David
Patten, Betsey

McCarthy, Frank
Umberger, Karen

McConkey, Mark

CHESHIRE

Butynski, William
Emerson, Susan
Meader, David
Sad, Tara

Byrnes, John
Hawkes, Samuel
Moore, Robert Jr
Smith, Edwin

Chase, Cynthia
Hunt, John
Parkhurst, Henry
Weber, Lucy

Dwinell, Richard
Lerandeau, Alfred
Roberts, Kris

COOS

Coulombe, Gary
Rappaport, Laurence
Thomas, Yvonne

Daugherty, Duffy
Remick, William
Tremblay, Marc

Hatch, William
Theberge, Robert

Merrick, Evalyn
Tholl, John Jr

GRAFTON

Aguiar, James
Cooney, Mary
Nordgren, Sharon
Shackett, Jeffrey

Almy, Susan
Gould, Franklin
Pastor, Beatriz
Smith, Suzanne

Benn, Bernard
Harding, Laurie
Pierce, David
Sova, Charles

Bulis, Lyle
Ladd, Rick Jr
Reilly, Harold Sr
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin
Belvin, William
Campbell, David
Cusson-Cail, Kathleen
Doherty, Shaun
Gagne, Larry
Goley, Jeffrey
Hinch, Richard
Krasucki, Joseph
Long, Patrick
Moran, Edward
Pellegrino, Tony
Ramsey, Peter
Stepanek, Stephen
Villeneuve, Moe

Barry, J. Gail
Bergevin, Jerry
Cebrowski, John
Daler, Jennifer
Erickson, Duane
Gandia, Laura
Gorman, Mary
Holden, Frank
Kurk, Neal
McCarthy, Michael
Ober, Lynne
Peterson, Lenette
Renzullo, Andrew
Stroud, Kathleen
Willette, Robert

Barry, Richard
Boehm, Ralph
Cote, David
Daniels, Gary
Flanagan, Jack
Garrity, Patrick
Haefner, Robert
Hutchinson, Winfred
LeBrun, Donald
McClarren, Donald
Ohm, Bill
Pilotte, Maurice
Shaw, Barbara
Sullivan, Daniel

Belanger, James
Buxton, Michael
Coughlin, Sean
Day, Russell
Fredette, Robert
Gimas, John
Hawkins, Kenneth
Jasper, Shawn
Leishman, Peter
McGuinness, Sean
Palmer, Barry
Porter, Marjorie
Silva, Peter
Terrio, Ross

MERRIMACK

Blankenbeker, Lynne
Foose, Robert
Kidder, David
Patten, Dick
Smith, Molly

Bouchard, Candace
Gile, Mary
Kreis, Kenneth Sr
Potter, Frances
Wallner, Mary Jane

Coffey, Jennifer
Hamm, Christine
Lockwood, Priscilla
Sanborn, Laurie
Williams, Robert

DeStefano, Stephen
Hill, Gregory
MacKay, James
Shurtleff, Stephen
Winter, Steven

ROCKINGHAM

Allen, Mary
Bettencourt, David
Devine, James
Garrity, James
Hoelzel, Kathleen
Lovejoy, Patricia
McKinney, Betsy
Packard, Sherman
Schlachman, Donna
Sullivan, James
Ward, Joanne

Antosz, Jason
Birdsell, Regina
Duarte, Joe
Griffin, Mary
Janvrin, Kevin
Lundgren, David
McMahon, Charles
Pantelakos, Laura
Sedensky, John
Sytek, John
Welch, David

Azarian, Gary
Charron, Gene
Ferrante, Beverly
Hagan, Joseph
Kappler, Lawrence
Major, Norman
Moody, Marcia
Read, Robin Jr
Serlin, Christopher
Tucker, Pamela
Weyler, Kenneth

Baldasaro, Alfred
Copeland, Timothy
Fesh, Robert
Headd, James
Katsakiores, Phyllis
Mauro, Donna
O'Connor, John
Sanders, Elisabeth
Shuler, Wyman III
Waddell, James

STRAFFORD

Berube, Roger
Ginsburg, Philip

Brown, Julie
Grassie, Anne

Browne, Brendon
Kaen, Naida

Domingo, Baldwin
Larsen Schultz,

Munck, Philip
Schmidt, Peter
Wall, Janet

Parsons, Robbie
Spainhower, Dale
Watters, David

Perry, Robert
Spang, Judith

Kirsten
Pitre, Joseph
Sprague, Dale

SULLIVAN

Cloutier, John
Rodeschin, Beverly

Gagnon, Raymond

Lefebvre, Benjamin

Osgood, Joe

NAYS 122

BELKNAP

Bolster, Peter
Malone, Robert

Comtois, Guy
Simpson, Tyler

Greemore, Robert
Tilton, Franklin

Kingsbury, Robert

CARROLL

Babson, David Jr

Fleck, Joseph

Pettengill, Laurie

Tregenza, Norman

CHESHIRE

Cartwright, Anne
Tatro, Bruce

Johnson, Jane

Lindsey, Steven

Sterling, Franklin Jr

COOS

Richardson, Herbert

GRAFTON

Bradley, Lester
Simard, Paul

Brosseau, Charles
Sorg, Gregory

Gionet, Edmond
Townsend, Charles

Ingbretson, Paul
White, Andrew

HILLSBOROUGH

Avard, Kevin
Burt, John

Balboni, Michael
Christensen, D.L.
Chris

Ball, J. Michael
Christiansen, Lars

Brownrigg, Randall Jr
Coffey, James

Condra, William
Greazzo, Phil
Hopper, Gary
Messier, Irene
Palmer, Stephen
Rowe, Robert
Soucy, Connie
Ulery, Jordan

Donovan, Daniel
Hansen, Peter
Infantine, William
Murphy, Keith
Parison, James
Scotsas, Lisa
Sullivan, Peter
Vaillancourt, Steve

Gargas, Carolyn
Hardwick, Harry
Lambert, George
Notter, Jeanine
Pratt, Calvin
Seidel, Carl
Summers, James
Warden, Mark

Gidge, Kenneth
Hogan, Edith
Maltz, Jonathan
Ober, Russell III
Reed, Michael
Simmons, Tammy
Twombly, Timothy

MERRIMACK

Cohn, Seth
Keane, Thomas
Owen, Derek
Watrous, Rick

Frazer, June
Kotowski, Frank
Palfrey, David

Giuda, J. Brandon
McGuire, Carol
Rice, Chip

Hoell, J.R.
McGuire, Dan
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick

Bates, David

Belanger, Ronald

Brown, Paul

Cali-Pitts, Jacqueline	Comerford, Timothy	Davenport, Joshua	DiPentima, Rich
Dowling, Patricia	Elliott, Robert	Itse, Daniel	Manuse, Andrew
Nevins, Chris	Peckham, Michele	Perkins, Amy	Perkins, Lawrence
Reagan, John	Reichard, Kevin	Rice, Frederick	Ritter, Glenn
Sapareto, Frank	Sheffert, Kenneth	Smith, William	Tasker, Kyle
Tremblay, Stella	Waterhouse, Kevin	Webb, James	

STRAFFORD

Cataldo, Sam	DeLemus, Susan	Groen, Warren	Horrigan, Timothy
Jones, Kyle	Jones, Laura	Keans, Sandra	Newton, Clifford
Roberts, Jenna	Vita, Carol	Vita, Lucien	Weeden, Michael

SULLIVAN

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

and the majority committee report was adopted.

HB 1654-FN, relative to earned time credits for inmates participating in rehabilitative programming. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David A. Welch for Criminal Justice and Public Safety: This bill, as amended, provides an avenue for those inmates who want to be rehabilitated to earn time off their sentence for successful completion of educational programs, such as GED or high school which is offered by the state or higher education programs which are paid for by the inmate. This has the effect of allowing a certain number of days to be taken off the minimum sentence if the parole board agrees to the reduction. An inmate who successfully completes a GED program would receive a 90 day reduction, or a high school diploma a 120 day reduction in their minimum and maximum sentence. For college degrees, a 180 day reduction for each of an Associates, Bachelors, or Masters degree and a Doctor of Philosophy. Vocational programs would earn up to 60 days for successful completion if the commissioner agrees that the program is valuable to the inmate's rehabilitation. Vote 14-1.

Amendment (0646h)

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

1 New Section; Parole of Prisoners; Earned Time Credits. Amend RSA 651-A by inserting after section 22 the following new section:

651-A:22-a Earned Time Credits.

I. The commissioner, after reviewing a prisoner's record, shall award to a prisoner a one-time reduction in his or her minimum and maximum sentences for successful completion of each of the following programs while incarcerated:

(a) Education Programs:

(1) GED	90 day reduction in the prisoner's minimum sentence and 90 day reduction in the prisoner's maximum sentence.
(2) High School Diploma	120 day reduction in the prisoner's minimum sentence and 120 day reduction in the prisoner's maximum sentence.
(3) Associate's Degree	180 day reduction in the prisoner's minimum sentence and 180 day reduction in the prisoner's maximum sentence.
(4) Bachelor's Degree	180 day reduction in the prisoner's minimum sentence and 180 day reduction in the prisoner's maximum sentence.
(5) Master's Degree	180 day reduction in the prisoner's minimum sentence and 180 day reduction in the prisoner's maximum sentence.
(6) Doctor of Philosophy	180 day reduction in the prisoner's minimum sentence and 180 day reduction in the prisoner's maximum sentence.

(b) Vocational Programming. A prisoner who successfully completes a vocational program that is authorized and approved by the department or who successfully completes a vocational program that the commissioner deems to be valuable to the prisoner's rehabilitation, shall be entitled to a reduction of up to 60 days in his or her minimum sentence and a reduction of up to 60 days in his or her maximum sentence. The commissioner shall establish procedures, which shall be exempt from RSA 541-A, for awarding such reductions.

II. The earned time reductions authorized in paragraph I shall be available to prisoners who were sentenced prior to, on, or after the effective date of this section.

2 Sentences and Limitations. Amend RSA 651:2, II-e to read as follows:

II-e. To the minimum sentence of every person who is sentenced to imprisonment for a maximum of more than one year shall be added a disciplinary period equal to 150 days for each year of the minimum term of the sentence, to be prorated for any part of the year. The presiding justice shall certify, at the time of sentencing, the minimum term of the sentence and the additional disciplinary period required under this paragraph. This additional disciplinary period may be reduced for good conduct as provided in RSA 651-A:22 **and for earned time as provided in RSA 651-A:22-a**. There shall be no addition to the sentence under this section for the period of pre-trial confinement for which credit against the sentence is awarded pursuant to RSA 651-A:23.

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

AMENDED ANALYSIS

This bill authorizes the commissioner of the department of corrections to award earned time credits for a prisoner's participation in or completion of educational or vocational programming.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. Rep. Welch spoke in favor and yielded to questions.

MOTION TO LAY ON THE TABLE

Rep. Bettencourt moved that **HB 1654-FN**, relative to earned time credits for inmates participating in rehabilitative programming, be laid on the table.

Rep. Lambert requested a roll call; sufficiently seconded.

YEAS 153 NAYS 171

YEAS 153

BELKNAP

Accornero, Harry
Millham, Alida
Swinford, Elaine

Comtois, Guy
Russell, David
Tilton, Franklin

Greemore, Robert
Simpson, Tyler
Worsman, Colette

Malone, Robert
St. Cyr, Jeffrey

CARROLL

Fleck, Joseph
Pettengill, Laurie

Knox, J. David

McCarthy, Frank

Patten, Betsey

CHESHIRE

Byrnes, John
Johnson, Jane

Cartwright, Anne
Lerandeau, Alfred

Dwinell, Richard
Moore, Robert Jr

Hunt, John
Smith, Edwin

COOS

Daugherty, Duffy
Thomas, Yvonne

Rappaport, Laurence

Theberge, Robert

Tholl, John Jr

GRAFTON

Brosseau, Charles
Sova, Charles

Reilly, Harold Sr

Shackett, Jeffrey

Sorg, Gregory

HILLSBOROUGH

Ball, J. Michael
Boehm, Ralph
Coffey, James
Cusson-Cail, Kathleen
Gagne, Larry
Haefner, Robert
Hikel, John
Hutchinson, Winfred
LeBrun, Donald
Notter, Jeanine
Pepino, Leo
Rowe, Robert
Soucy, Connie

Barry, J. Gail
Brownrigg, Randall Jr
Condra, William
Daniels, Gary
Gandia, Laura
Hansen, Peter
Hinch, Richard
Infantine, William
McClarren, Donald
Ohm, Bill
Peterson, Lenette
Scontsas, Lisa
Stepanek, Stephen

Barry, Richard
Buxton, Michael
Cote, David
Doherty, Shaun
Graham, John
Hardwick, Harry
Hogan, Edith
Jasper, Shawn
McGuinness, Sean
Palmer, Barry
Ramsey, Peter
Silva, Peter
Terrio, Ross

Belvin, William
Cebrowski, John
Coughlin, Sean
Flanagan, Jack
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Kurk, Neal
Messier, Irene
Pellegrino, Tony
Renzullo, Andrew
Simmons, Tammy

MERRIMACK

Blankenbeker, Lynne
Hill, Gregory
McGuire, Carol

Coffey, Jennifer
Keane, Thomas
Palfrey, David

Giuda, J. Brandon
Kotowski, Frank
Sanborn, Laurie

Hess, David
Lauer-Rago, Kathleen
Smith, Molly

ROCKINGHAM

Abrami, Patrick
Bettencourt, David
Duarte, Joe
Griffin, Mary
Lundgren, David
McMahon, Charles
Perkins, Amy
Ritter, Glenn
Sullivan, James
Ward, Joanne

Allen, Mary
Birdsell, Regina
Elliott, Robert
Headd, James
Major, Norman
O'Connor, John
Reagan, John
Sanders, Elisabeth
Sytek, John
Waterhouse, Kevin

Baldasaro, Alfred
Comerford, Timothy
Fesh, Robert
Hoelzel, Kathleen
Manuse, Andrew
Packard, Sherman
Reichard, Kevin
Sedensky, John
Tucker, Pamela
Webb, James

Bates, David
Copeland, Timothy
Garrity, James
Kappler, Lawrence
McKinney, Betsy
Peckham, Michele
Rice, Frederick
Sheffert, Kenneth
Waddell, James
Weyler, Kenneth

STRAFFORD

Brown, Julie
Jones, Laura

Cataldo, Sam
Larsen Schultz,
Kirsten

Groen, Warren
Munck, Philip

Jones, Kyle
Newton, Clifford

Spainhower, Dale
Weeden, Michael

Sprague, Dale

Vita, Carol

Vita, Lucien

SULLIVAN

Cunningham, Steven

Osgood, Joe

Rodeschin, Beverly

BELKNAP

Bolster, Peter	Fields, Dennis	Kingsbury, Robert	Pilliod, James
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CARROLL

Ahlgren, Christopher	Babson, David Jr	McConkey, Mark	Merrow, Harry
Tregenza, Norman	Umberger, Karen		

CHESHIRE

Butynski, William	Chase, Cynthia	Emerson, Susan	Hawkes, Samuel
Lindsey, Steven	Meador, David	Parkhurst, Henry	Roberts, Kris
Sad, Tara	Sterling, Franklin Jr	Tatro, Bruce	Weber, Lucy

COOS

Coulombe, Gary	Hatch, William	Merrick, Evalyn	Remick, William
Richardson, Herbert	Tremblay, Marc		

GRAFTON

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

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Baroody, Benjamin	Belanger, James
Bergevin, Jerry	Burt, John	Campbell, David	Christensen, D.L. Chris
Christiansen, Lars	Daler, Jennifer	Day, Russell	Donovan, Daniel
Erickson, Duane	Fredette, Robert	Gargas, Carolyn	Garrity, Patrick
Gidge, Kenneth	Gimas, John	Goley, Jeffrey	Gorman, Mary
Hopper, Gary	Krasucki, Joseph	Lambert, George	Leishman, Peter
Long, Patrick	Maltz, Jonathan	McCarthy, Michael	Moran, Edward
Murphy, Keith	Ober, Lynne	Ober, Russell III	Palmer, Stephen
Parison, James	Pilotte, Maurice	Porter, Marjorie	Pratt, Calvin
Reed, Michael	Seidel, Carl	Shaw, Barbara	Stroud, Kathleen
Sullivan, Daniel	Sullivan, Peter	Summers, James	Twombly, Timothy
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe	Warden, Mark
Willette, Robert			

MERRIMACK

Bouchard, Candace	Cohn, Seth	DeStefano, Stephen	Foose, Robert
Frazer, June	Gile, Mary	Hamm, Christine	Hoell, J.R.
Kidder, David	Kreis, Kenneth Sr	Lockwood, Priscilla	MacKay, James
McGuire, Dan	Owen, Derek	Patten, Dick	Potter, Frances
Rice, Chip	Seaworth, G. Brian	Shurtleff, Stephen	Soltani, Tony
Wallner, Mary Jane	Williams, Robert	Winter, Steven	

ROCKINGHAM

Antosz, Jason	Azarian, Gary	Brown, Paul	Cali-Pitts, Jacqueline
Charron, Gene	Davenport, Joshua	Devine, James	DiPentima, Rich

Dowling, Patricia
Janvrin, Kevin
Moody, Marcia
Sapareto, Frank
Smith, William

Ferrante, Beverly
Katsakiores, Phyllis
Nevins, Chris
Schlachman, Donna
Tasker, Kyle

Hagan, Joseph
Lovejoy, Patricia
Perkins, Lawrence
Serlin, Christopher
Tremblay, Stella

Itse, Daniel
Mauro, Donna
Read, Robin Jr
Shuler, Wyman III
Welch, David

STRAFFORD

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

Browne, Brendon
Grassie, Anne
Parsons, Robbie
Schmidt, Peter

DeLemus, Susan
Horrigan, Timothy
Perry, Robert
Spang, Judith

Domingo, Baldwin
Kaen, Naida
Pitre, Joseph
Wall, Janet

SULLIVAN

Bowers, Spec
Laware, Thomas
and the motion failed.

Cloutier, John
Lefebvre, Benjamin

Gagnon, Raymond
Schmidt, Andrew

LaCasse, Paul Sr
Smith, Steven

The question now being adoption of the committee report of Ought to Pass with Amendment.
Reps. Bettencourt, Jennifer Coffey and Tholl spoke against.
Rep. Lambert spoke in favor.
Rep. Ginsburg spoke in favor and yielded to questions.
Rep. Bettencourt requested a roll call; sufficiently seconded.

YEAS 152 NAYS 171

YEAS 152

BELKNAP

Bolster, Peter
Swinford, Elaine

Kingsbury, Robert

Millham, Alida

Pilliod, James

CARROLL

Babson, David Jr
Umberger, Karen

Knox, J. David

McConkey, Mark

Morrow, Harry

CHESHIRE

Butynski, William
Hawkes, Samuel
Sad, Tara

Cartwright, Anne
Lindsey, Steven
Weber, Lucy

Chase, Cynthia
Meader, David

Emerson, Susan
Roberts, Kris

COOS

Coulombe, Gary
Tremblay, Marc

Hatch, William

Merrick, Evalyn

Remick, William

GRAFTON

Aguiar, James
Cooney, Mary
Ladd, Rick Jr
Simard, Paul

Almy, Susan
Gionet, Edmond
Nordgren, Sharon
Smith, Suzanne

Benn, Bernard
Gould, Franklin
Pastor, Beatriz
Townsend, Charles

Bulis, Lyle
Harding, Laurie
Pierce, David
White, Andrew

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Baroody, Benjamin	Belanger, James
Bergevin, Jerry	Burt, John	Campbell, David	Cebrowski, John
Christensen, D.L.	Christiansen, Lars	Condra, William	Daler, Jennifer
Chris			
Day, Russell	Donovan, Daniel	Erickson, Duane	Fredette, Robert
Gargas, Carolyn	Garrity, Patrick	Gidge, Kenneth	Gimas, John
Goley, Jeffrey	Gorman, Mary	Krasucki, Joseph	Lambert, George
Leishman, Peter	Maltz, Jonathan	McCarthy, Michael	Moran, Edward
Murphy, Keith	Ober, Russell III	Parison, James	Pilotte, Maurice
Porter, Marjorie	Pratt, Calvin	Ramsey, Peter	Seidel, Carl
Shaw, Barbara	Stroud, Kathleen	Sullivan, Daniel	Sullivan, Peter
Summers, James	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe
Warden, Mark			

MERRIMACK

Bouchard, Candace	Cohn, Seth	Foose, Robert	Frazer, June
Gile, Mary	Hamm, Christine	Hill, Gregory	Hoell, J.R.
Kidder, David	Kreis, Kenneth Sr	Lockwood, Priscilla	MacKay, James
McGuire, Carol	McGuire, Dan	Owen, Derek	Patten, Dick
Potter, Frances	Rice, Chip	Seaworth, G. Brian	Shurtleff, Stephen
Wallner, Mary Jane	Williams, Robert		

ROCKINGHAM

Allen, Mary	Antosz, Jason	Brown, Paul	Cali-Pitts, Jacqueline
Charron, Gene	DiPentima, Rich	Dowling, Patricia	Hagan, Joseph
Itse, Daniel	Katsakiores, Phyllis	Lovejoy, Patricia	Major, Norman
Moody, Marcia	Nevins, Chris	Perkins, Lawrence	Read, Robin Jr
Sanders, Elisabeth	Sapareto, Frank	Schlachman, Donna	Serlin, Christopher
Smith, William	Tremblay, Stella	Welch, David	

STRAFFORD

Berube, Roger	Browne, Brendon	DeLemus, Susan	Domingo, Baldwin
Ginsburg, Philip	Grassie, Anne	Horrigan, Timothy	Kaen, Naida
Keans, Sandra	Parsons, Robbie	Perry, Robert	Roberts, Jenna
Schmidt, Peter	Spang, Judith	Watters, David	

SULLIVAN

Bowers, Spec	Cloutier, John	Gagnon, Raymond	LaCasse, Paul Sr
Lefebvre, Benjamin	Schmidt, Andrew		

NAYS 171

BELKNAP

Accornero, Harry	Comtois, Guy	Fields, Dennis	Greemore, Robert
Malone, Robert	Russell, David	Simpson, Tyler	St. Cyr, Jeffrey
Tilton, Franklin	Worsman, Colette		

CARROLL

Ahlgren, Christopher	Chandler, Gene	Fleck, Joseph	McCarthy, Frank
Patten, Betsey	Pettengill, Laurie	Tregenza, Norman	

CHESHIRE

Byrnes, John
Lerandeau, Alfred
Sterling, Franklin Jr

Dwinell, Richard
Moore, Robert Jr
Tatro, Bruce

Hunt, John
Parkhurst, Henry

Johnson, Jane
Smith, Edwin

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Thomas, Yvonne

Richardson, Herbert

Theberge, Robert

GRAFTON

Bradley, Lester
Sorg, Gregory

Brosseau, Charles
Sova, Charles

Reilly, Harold Sr
Taylor, Kathleen

Shackett, Jeffrey

HILLSBOROUGH

Ball, J. Michael
Boehm, Ralph
Cote, David
Doherty, Shaun
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
Long, Patrick
Notter, Jeanine
Pellegrino, Tony
Renzullo, Andrew
Simmons, Tammy
Twombly, Timothy

Barry, J. Gail
Brownrigg, Randall Jr
Coughlin, Sean
Flanagan, Jack
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
McClarren, Donald
Ohm, Bill
Pepino, Leo
Rowe, Robert
Soucy, Connie
Willette, Robert

Barry, Richard
Buxton, Michael
Cusson-Cail, Kathleen
Gagne, Larry
Haefner, Robert
Hikel, John
Hopper, Gary
Kurk, Neal
McGuinness, Sean
Palmer, Barry
Peterson, Lenette
Scontsas, Lisa
Stepanek, Stephen

Belvin, William
Coffey, James
Daniels, Gary
Gandia, Laura
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
LeBrun, Donald
Messier, Irene
Palmer, Stephen
Reed, Michael
Silva, Peter
Terrio, Ross

MERRIMACK

Blankenbeker, Lynne
Hess, David
Palfrey, David
Winter, Steven

Coffey, Jennifer
Keane, Thomas
Sanborn, Laurie

DeStefano, Stephen
Kotowski, Frank
Smith, Molly

Giuda, J. Brandon
Lauer-Rago, Kathleen
Soltani, Tony

ROCKINGHAM

Abrami, Patrick
Bettencourt, David
Davenport, Joshua
Ferrante, Beverly
Headd, James
Lundgren, David
McMahon, Charles
Perkins, Amy
Ritter, Glenn
Sullivan, James
Waddell, James
Weyler, Kenneth

Azarian, Gary
Birdsell, Regina
Devine, James
Fesh, Robert
Hoelzel, Kathleen
Manuse, Andrew
O'Connor, John
Reagan, John
Sedensky, John
Sytek, John
Ward, Joanne

Baldasaro, Alfred
Comerford, Timothy
Duarte, Joe
Garrity, James
Janvrin, Kevin
Mauro, Donna
Packard, Sherman
Reichard, Kevin
Sheffert, Kenneth
Tasker, Kyle
Waterhouse, Kevin

Bates, David
Copeland, Timothy
Elliott, Robert
Griffin, Mary
Kappler, Lawrence
McKinney, Betsy
Peckham, Michele
Rice, Frederick
Shuler, Wyman III
Tucker, Pamela
Webb, James

STRAFFORD

Brown, Julie

Cataldo, Sam

Groen, Warren

Jones, Kyle

Jones, Laura	Larsen Schultz, Kirsten	Munck, Philip	Newton, Clifford
Spainhower, Dale Wall, Janet	Sprague, Dale Weeden, Michael	Vita, Carol	Vita, Lucien

SULLIVAN

Cunningham, Steven Smith, Steven	Laware, Thomas	Osgood, Joe	Rodeschin, Beverly
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and the committee report failed.
Rep. Bettencourt moved Inexpedient to Legislate.
Motion adopted.

HB 1696-FN, limiting the offense of speeding to cases resulting in property damage or personal injury to another and excluding speeding offenses from the habitual offender statute. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Philip E. Ginsburg for the Majority of Criminal Justice and Public Safety: This bill would make speeding illegal only if it resulted in property damage or personal injury, making it impossible for law enforcement to limit driving at excessive speeds. Studies show this would result, according to testimony the committee heard, in more and more destructive accidents. All but one member of the committee voting believed this alone was ample grounds to support a motion to ITL. Vote 15-1.

Rep. Mark Warden for the Minority of Criminal Justice and Public Safety: The minority feels this legislation is a common sense approach to modifying statutes to conform with our driving culture. Practically speaking, 80-85% of drivers don't obey speed limits currently. Why criminalize such common behavior if no harm is done? If the speeding results in property damage or personal injury, that's where law enforcement should get involved. Majority committee report adopted.

HB 1699-FN, relative to driving under the influence of drugs. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robbie L. Parsons for the Majority of Criminal Justice and Public Safety: This bill fills a loophole that allows law enforcement to stop drivers that are driving erratically or dangerously. This bill adds "chemical substance, natural or synthetic," which may be in combination with intoxicating liquor. If the arresting officer deems a person is operating under the influence of these drugs, physical tests such as blood or urine testing may be conducted and may be admitted in the court as evidence. Current law only specifies controlled drugs of which there are only five controlled drugs. The change from "controlled drugs" to chemical substances, natural or synthetic allows the abuse of several more intoxicating drugs or substances to be detected and used as evidence of impaired driving. Vote 8-5.

Rep. Mark Warden for the Minority of Criminal Justice and Public Safety: This bill greatly expands prohibitions on drivers of cars, boats and snowmobiles to include all chemical substances, whether natural or synthetic if they lead to driving under the influence. Caffeine, vitamins, fragrances and all prescription drugs would now qualify a driver for additional penalties if the driver is under their influence. This law is impractical and virtually unenforceable. While there are proven tests for alcohol concentration in breath or blood, there is no such definitive test for thousands of common substances.

Majority Amendment (0115h)

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

1 Chemical Substance. Amend RSA 261:180, III to read as follows:

III. The commissioner, when suspending a driver's license or privilege to drive because the driver is an habitual offender or has been convicted of negligent homicide involving the use of a motor vehicle, manslaughter involving the use of a motor vehicle, a subsequent offense of driving or attempting to drive under the influence of intoxicating liquor or any ~~[controlled drug]~~ **chemical substance, natural or synthetic**, under RSA 265-A:2, I, or aggravated driving while intoxicated or attempted aggravated driving while intoxicated under RSA 265-A:3, shall also revoke the registration of any vehicle registered to the individual whose license is being revoked or suspended, for the period of revocation or suspension of the license or privilege to drive.

2 Chemical Substance. Amend RSA 265-A:2 to read as follows:

265-A:2 Driving or Operating Under Influence of Drugs or Liquor; Driving or Operating With Excess Alcohol Concentration.

I. No person shall drive or attempt to drive a vehicle upon any way or operate or attempt to operate an OHRV:

(a) While such person is under the influence of intoxicating liquor or any ~~[controlled drug]~~ **chemical substance, natural or synthetic**, or any combination of intoxicating liquor and ~~[controlled drugs]~~ **chemical substances, natural or synthetic**; or

(b) While such person has an alcohol concentration of 0.08 or more or in the case of a person under the age of 21, 0.02 or more.

II. No person shall operate or attempt to operate a boat while under the influence of intoxicating liquor or a ~~[controlled drug]~~ **chemical substance, natural or synthetic**, or any combination of intoxicating liquor and a ~~[controlled drug or drugs]~~ **chemical substance or substances, natural or synthetic**, or while such person has an alcohol concentration of 0.08 or more or in the case of persons under the age of 21, 0.02 or more.

3 Chemical Substance. Amend the introductory paragraph of RSA 265-A:3, I to read as follows:

I. While under the influence of intoxicating liquor or any ~~[controlled drug]~~ **chemical substance, natural or synthetic**, or any combination of intoxicating liquor and ~~[controlled drug or drugs]~~ **chemical substance or substances, natural or synthetic**, and, at the time alleged:

4 Chemical Substance. Amend RSA 265-A:4 to read as follows:

265-A:4 Implied Consent of Driver or Operator to Submit to Testing to Determine Alcohol Concentration. Any person who drives, operates, or attempts to operate an OHRV, drives or attempts to drive a vehicle upon the ways of this state, or operates or attempts to operate a boat upon the public waters of the state shall be deemed to have given consent to physical tests and examinations for the purpose of determining whether such person is under the influence of intoxicating liquor or ~~[controlled drugs]~~ **chemical substances, natural or synthetic**, and to a chemical, infrared molecular absorption, or gas chromatograph test or tests of any or all of any combination of the following: blood, urine, or breath, for the purpose of determining the ~~[controlled drug]~~ **chemical substance, natural or synthetic**, content of such person's blood or alcohol concentration if arrested for any offense arising out of acts alleged to have been committed while the person was driving, operating, attempting to operate, or in actual physical control of an OHRV, driving, attempting to drive, or in actual physical control of a vehicle, or operating, attempting to operate, or in actual physical control of a boat while under the influence of intoxicating liquor or ~~[controlled drugs]~~ **chemical substances, natural or synthetic**, or while having an alcohol concentration in excess of the statutory limits contained in RSA 265-A:2 or RSA 265-A:3. The test or tests shall be administered at the direction of a law enforcement officer, peace officer, or authorized agent having reasonable grounds to believe the person to have been driving, operating, attempting to operate, or in actual physical control of an OHRV, driving or in actual physical control of a vehicle, or operating or in actual physical control of a boat while under the influence of intoxicating liquor or ~~[controlled drugs]~~ **chemical substances, natural or synthetic**, or while having an alcohol concentration of 0.08 or more, or in the case of a person under the

age of 21, 0.02 or more. A copy of the report of any such test shall be furnished by the law enforcement agency to the person tested within 48 hours of receipt of the report by the agency by certified mail directed to the address shown on such person's license or other identification furnished by the person. Results of a test of the breath shall be furnished immediately in writing to the person tested by the certified breath testing operator conducting the test. When the incident involves an accident resulting in death or serious bodily injury to any person as provided in RSA 265-A:16, the prerequisites of RSA 265-A:8 shall not apply. Properly trained personnel of the United States Coast Guard may arrest and conduct tests on persons who are believed to be under the influence of intoxicating liquor or ~~[controlled drugs]~~ **chemical substances, natural or synthetic**, or a combination thereof, and who are in physical control of a boat operating upon the public coastal waters of this state.

5 Chemical Substance. Amend RSA 265-A:5, II to read as follows:

II. All such blood and urine tests made under the direction of a law enforcement officer, authorized agent, or peace officer shall be conducted in the forensic science laboratory of the department of safety established in RSA 106-B:2-a or, in the case of blood and urine samples to be tested for the presence of ~~[controlled drugs]~~ **chemical substances, natural or synthetic**, in any other laboratory capable of conducting such tests which is licensed under the laws of this or any other state and which has also been licensed by the U.S. Department of Health and Human Services under the Clinical Laboratory Improvement Act of 1988, as amended.

6 Chemical Substance. Amend RSA 265-A:5, V(a) to read as follows:

(a) Methods and procedures for the testing of blood, urine, and breath to determine alcohol concentration and ~~[controlled drug]~~ **chemical substance, natural or synthetic**, content of a person's blood;

7 Chemical Substance. Amend RSA 265-A:9 to read as follows:

265-A:9 Effect of Evidence of Alcohol Concentration Test. The provisions of this subdivision do not limit the introduction of any other competent evidence bearing on the question of whether a person charged with the violation of RSA 265-A:2, I(a), or RSA 265-A:3, I, was under the influence of intoxicating liquor or any ~~[controlled drug]~~ **chemical substance, natural or synthetic**.

8 Chemical Substance. Amend RSA 265-A:10 to read as follows:

265-A:10 Effect of Evidence of Refusal to Take Alcohol Concentration Test. If a person refuses to submit to a test as provided in RSA 265-A:4, such refusal may be admissible into evidence in a civil or criminal action or proceeding arising out of an act alleged to have been committed by that person while driving, operating, attempting to operate, or in actual physical control of an OHRV, driving, attempting to drive, or in actual physical control of a vehicle, or operating, attempting to operate, or in actual physical control of a boat while under the influence of intoxicating liquor or any ~~[controlled drug]~~ **chemical substance, natural or synthetic**.

9 Chemical Substance. Amend RSA 265-A:11 to read as follows:

265-A:11 Evidence.

I. Upon complaint, information, indictment, or trial of any person charged with the violation of RSA 265-A:2, the court may admit evidence of physical testing of the defendant for being under the influence of intoxicating liquor or ~~[controlled drugs]~~ **chemical substances, natural or synthetic**, as provided in RSA 265-A:4, and of the ~~[controlled drug]~~ **chemical substance, natural or synthetic**, content of the defendant's blood and the defendant's alcohol concentration, as shown by a test of his or her breath, blood, or urine as provided in RSA 265-A:4. Evidence that there was, at the time alleged, an alcohol concentration of 0.03 or less is prima facie evidence that the defendant was not under the influence of intoxicating liquor. Evidence that there was, at the time alleged, an alcohol concentration of more than 0.03 and less than 0.08 is relevant evidence but is not to be given prima facie effect in indicating whether or not the defendant was under the influence of

intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. Evidence that there was, at the time alleged, an alcohol concentration of 0.08 or more is prima facie evidence that the defendant was under the influence of intoxicating liquor. In addition, evidence that there was, at the time alleged, an alcohol concentration of 0.08 or more shall, in conjunction with the evidence otherwise required by RSA 265-A:2, I(b) of driving or attempting to drive a vehicle upon a way, constitute a separate offense under RSA 265-A:2, I(b); and evidence that there was, at the time alleged, an alcohol concentration of 0.08 or more shall, in conjunction with the evidence otherwise required by RSA 265-A:3, II of driving or attempting to drive a vehicle upon a way and of one or more of the circumstances specified in RSA 265-A:3, II (a), (b), (c), and (d) constitute a separate offense under RSA 265-A:3, II; and evidence that there was, at the time alleged, an alcohol concentration of 0.16 or more shall, in conjunction with the evidence otherwise required by RSA 265-A:3, III of driving or attempting to drive a vehicle upon a way, constitute a separate offense under RSA 265-A:3, III.

II. Upon complaint, information, indictment, or trial of any person charged with a violation of the provisions of RSA 265-A:2, II relative to the operation of boats by a person under the influence of intoxicating liquor or a ~~[controlled drug]~~ **chemical substance, natural or synthetic**, the court may admit evidence of the defendant's alcohol concentration at the time alleged, as shown by a chemical, infrared molecular absorption, or gas chromatograph test or tests of his or her breath, urine, or blood. Evidence that there was, at the time alleged, an alcohol concentration of 0.08 or more, is prima facie evidence that the defendant was under the influence of intoxicating liquor. Evidence that the defendant had, at the time alleged, an alcohol concentration of more than 0.03 and less than 0.08 is relevant evidence and may be considered with other competent evidence in determining whether or not the defendant was under the influence of intoxicating liquor. Evidence that the defendant had, at the time alleged, an alcohol concentration of 0.03 or less is prima facie evidence that the defendant was not under the influence of intoxicating liquor.

10 Chemical Substance. Amend RSA 265-A:12, V to read as follows:

V. Any person who is arraigned on a charge arising under RSA 265-A:2, RSA 265-A:3, or RSA 265-A:43 shall file, within 10 days of such person's receipt of the results of any toxicology test administered to such person for the presence of any ~~[controlled drug]~~ **chemical substance, natural or synthetic**, a notice in said court requiring the attendance of the certifying scientist. Failure to file notice shall be deemed a waiver to require attendance of the certifying scientist at trial. The official report of the test issued pursuant to RSA 265-A:4 shall be deemed conclusive evidence of the conduct of the result of such test.

11 Chemical Substance. Amend RSA 265-A:14, IV(a) to read as follows:

(a) That the authorized agent or peace officer had reasonable grounds to believe the arrested person had been operating, had been attempting to operate, or was in actual physical control of a boat upon the public waters of this state while under the influence of intoxicating liquor or ~~[controlled drugs]~~ **chemical substances, natural or synthetic**, or any combination thereof;

12 Chemical Substance. Amend RSA 265-A:15, I to read as follows:

I. Any law enforcement officer, authorized agent, or peace officer, who has been certified by the police standards and training council according to standards for such certification contained in rules adopted by said council pursuant to RSA 541-A, having reasonable grounds to believe that a person has been driving, operating, attempting to operate, or in actual physical control of an OHRV, driving, attempting to drive, or in actual physical control of a vehicle, or operating, attempting to operate, or in actual physical control of a boat upon the public waters of the state while under the influence of intoxicating liquor or ~~[controlled drug]~~ **chemical substance, natural or synthetic**, or while the person's alcohol concentration was 0.08 or more or in the case of a person under the age of 21, 0.02 or more or in the case of a person licensed to operate and operating a commercial vehicle or operating a commercial vessel and licensed pursuant to RSA 270-E:22 at the time of the

offense, 0.04 or more may, without making an arrest, request that such person submit to a preliminary breath test for alcohol concentration to be administered by the officer. The results of any test administered under this section may be introduced into evidence in a court for any relevant purpose. Failure to submit to the test shall not constitute a violation of this chapter. Evidence of a failure to submit to a preliminary breath test shall not be admissible in court in any prosecution under this subdivision, except for the purpose of determining whether the officer had probable cause to arrest the person. The provisions of this section shall not limit the introduction of any other competent evidence bearing on the question of whether a person charged with violating RSA 265-A:2, I(a), RSA 265-A:2, II, or RSA 265-A:3 was under the influence of intoxicating liquor or any ~~[controlled drug]~~ **chemical substance, natural or synthetic**. Nothing contained in this section shall be construed to prevent or require a subsequent test pursuant to RSA 265-A:4. The police officer requesting the test shall advise orally the person to be tested that his or her failure to take the test or his or her taking of the test shall not be construed to prevent or require a subsequent test pursuant to RSA 265-A:4. The results of the test shall be furnished immediately to the person tested by the police officer administering the test and in writing, if requested.

13 Chemical Substance. Amend the introductory paragraph of RSA 265-A:16 to read as follows:

265-A:16 Blood Testing of Certain Motor Vehicle Fatalities. When a collision, boating accident, or OHRV accident results in death or serious bodily injury to any person, all drivers or operators involved, whether living or deceased, and all deceased vehicle, boat, or OHRV occupants and pedestrians involved shall be tested for evidence of alcohol or ~~[controlled drugs]~~ **chemical substances, natural or synthetic**. A law enforcement officer, authorized agent, or peace officer shall request a licensed physician, registered nurse, certified physician's assistant, or qualified medical technician or medical technologist to withdraw blood from each driver or operator involved if living and from the body of each deceased driver or operator, deceased occupant, or deceased pedestrian, in accordance with RSA 611-B:14, II, for the purpose of testing for evidence of alcohol content or ~~[controlled drugs]~~ **chemical substances, natural or synthetic**; provided that in the case of a living driver or operator the officer has probable cause to believe that the driver or operator caused the collision or accident. All tests made under this section shall be conducted by the forensic science laboratory established in RSA 106-B:2-a or in any other laboratory capable of conducting such tests which is licensed under the laws of this or any other state and which has also been licensed by the U.S. Department of Health and Human Services under the Clinical Laboratory Improvement Act of 1988, as amended. A copy of the report of any such test shall be kept on file by the medical examiner. The filed report is not a public record under RSA 91-A. However, the report shall be made available to the following:

14 Chemical Substance. Amend RSA 265-A:17 to read as follows:

265-A:17 Arrest Without a Warrant. Notwithstanding any other statutory provision of law to the contrary, a law enforcement officer may, without a warrant, arrest any person involved in a traffic accident, OHRV accident, or boating accident when the officer has probable cause to believe that such person has committed an offense, an element of which is driving under the influence of intoxicating liquors, ~~[controlled drugs]~~ **chemical substances, natural or synthetic**, or both. Notwithstanding any statutory provision of law to the contrary, a law enforcement officer may make such an arrest in such officer's own jurisdiction or on the property of any medical facility in another jurisdiction in this state where the person or others are taken for treatment for injuries suffered in such traffic accident.

15 Chemical Substance. Amend RSA 265-A:21, I to read as follows:

I. Notwithstanding the provisions of RSA 651:5, no court shall order an annulment of any record of conviction of driving or attempting to drive a vehicle upon any way or driving, operating, attempting to operate, or being in actual physical control of an OHRV or operating or attempting to operate a boat on the waters of this state while under the

influence of intoxicating liquor or any ~~[controlled drug]~~ **chemical substance, natural or synthetic**, or while having an alcohol concentration of 0.08 or more or of aggravated drunken driving until 10 years after the date of conviction. Any record thus annulled shall be retained in a permanent file, to be opened only for purposes of sentencing in the case of an offense under RSA 265-A:3.

16 Chemical Substance. Amend RSA 265-A:35, II to read as follows:

II. No holder of a probationary license shall drive or attempt to drive a vehicle upon any way when he or she is under the influence of intoxicating liquor or any ~~[controlled drug]~~ **chemical substance, natural or synthetic**, or any combination of intoxicating liquor and ~~[controlled drugs]~~ **chemical substances, natural or synthetic**, so that the alcohol concentration is 0.03 or more. Driving with an alcohol concentration of 0.03 or more is a per se violation of a probationary license and subjects the probationary license holder to administrative suspension of his or her driver's license for not less than 90 days and not more than 180 days. Such administrative suspension shall be in addition to any court imposed suspension or revocation periods.

17 Chemical Substance. Amend RSA 270:12-a, I(b) to read as follows:

(b) The provisions of RSA 265-A, relative to the operation or attempted operation of boats by a person under the influence of intoxicating liquor or a ~~[controlled drug]~~ **chemical substance, natural or synthetic**, or other unlawful operation of boats thereunder;

18 Chemical Substance. Amend RSA 651:6, II(b)-(c) to read as follows:

(b) Has previously been convicted of a violation of RSA 630:3, II, RSA 265-A:3, I(b) or II(b), or any crime in any other jurisdiction involving driving or attempting to drive a motor vehicle under the influence of ~~[controlled drugs]~~ **chemical substances, natural or synthetic**, or intoxicating liquors, or both, and such person has committed a crime as defined under RSA 630:3, II or RSA 265-A:3, I(b) or II(b); or

(c) Has twice previously been convicted in this state or any other jurisdiction, for driving or attempting to drive a motor vehicle under the influence of intoxicating liquors or ~~[controlled drugs]~~ **chemical substances, natural or synthetic**, or both, and such person has committed a crime as defined under RSA 630:3, II or RSA 265-A:3, I(b) or II(b).

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

AMENDED ANALYSIS

This bill changes the prohibition on driving under the influence of a controlled drug to driving under the influence of a chemical substance, natural or synthetic.

On a division vote, 218 members having voted in the affirmative and 84 in the negative, the majority committee amendment was adopted.

On a division vote, 192 members having voted in the affirmative and 113 in the negative, the majority committee report was adopted and ordered to third reading.

The House recessed at 12:35 p.m.

RECESS

The House reconvened at 1:45 p.m.

(Speaker O'Brien in the Chair)

REGULAR CALENDAR (CONT'D)

HB 1705-FN-A, allowing purchase and use of marijuana by adults, regulating the purchase and use of marijuana, and imposing taxes on the wholesale and retail sale of marijuana.

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

Rep. Kenneth Kreis for the Majority of Criminal Justice and Public Safety: This bill was presented as a "victimless crime" and would allow the purchase and use of marijuana by 21 year olds and over, would regulate the purchase and sale of marijuana, imposes taxes on the wholesale and retail sale. This bill also created a complete new level of bureaucracy and rule making authority. Vote 10-7.

Rep. Mark Warden for the Minority of Criminal Justice and Public Safety: The minority

believes tax and regulate is the model to deal with this matter. Putting the control, regulation, taxation and sale in the hands of government and reputable business instead of that of the criminal element is the proper course. The time has come to look closely at the downside of current policy. A concern often raised is this will still be illegal under the federal law. Our neighbors Maine, Massachusetts, Rhode Island and Vermont, among others, have legalized some form of marijuana, including medical use, with only rare instances of the feds cracking down on legally operated businesses. There is precedent in New Hampshire for exercising 10th Amendment state sovereignty, including our rejection of Real ID and the current efforts to block Obamacare-mandated health insurance exchanges. Taxing and regulating marijuana would lead to an increase in revenues into state coffers, allowing for reduction of taxes elsewhere or adding to the rainy day fund. Tax receipts would far surpass regulatory and enforcement costs, as we see today with sales of tobacco and alcohol. People in the Live Free or Die state should be free to engage in activities they enjoy, as long as they are not harming others or infringing on others' rights. Such behaviors are protected by the NH constitution's Art. 2 Part I guarantee of natural rights. Art 18 Part I further exhorts that penalties should be proportioned to the crimes. Clearly, a felony or even misdemeanor for simple possession of under an ounce of marijuana for personal, recreational use is disproportionate and Draconian. Seeing that in the history of mankind no one has ever died from ingesting it, the evidence is clear, the policy has created far more harm than good. If we asserted our state rights and took control over this matter, taxed it and regulated it, we would save millions of dollars, free up law enforcement to focus on more serious matters, and fill the coffers with millions of dollars that could be used toward more serious societal ills.

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

Rep. Bowers spoke against.

Rep. Kreis spoke in favor.

Rep. Greazzo spoke against and yielded to questions.

Rep. Soltani spoke in favor, yielded to questions and requested a roll call; sufficiently seconded.

YEAS 228 NAYS 89

YEAS 228

BELKNAP

Accornero, Harry
Simpson, Tyler
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Ahlgren, Christopher
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Chandler, Gene
McConkey, Mark
Umberger, Karen

Fleck, Joseph
Morrow, Harry

Knox, J. David
Patten, Betsey

CHESHIRE

Butynski, William
Hunt, John
Moore, Robert Jr
Smith, Edwin

Byrnes, John
Johnson, Jane
Parkhurst, Henry
Tatro, Bruce

Cartwright, Anne
Lerandeau, Alfred
Roberts, Kris

Emerson, Susan
Meador, David
Sad, Tara

COOS

Daugherty, Duffy

Hatch, William

Rappaport, Laurence

Remick, William

Richardson, Herbert

Tholl, John Jr

Thomas, Yvonne

Tremblay, Marc

GRAFTON

Aguiar, James
Bulis, Lyle
Ladd, Rick Jr
Sova, Charles

Almy, Susan
Cooney, Mary
Nordgren, Sharon
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Cusson-Cail, Kathleen
Donovan, Daniel
Gargasz, Carolyn
Haefner, Robert
Hikel, John
Hopper, Gary
Kurk, Neal
McClarren, Donald
Moran, Edward
Palmer, Barry
Peterson, Lenette
Renzullo, Andrew
Stepanek, Stephen
Ulery, Jordan

Barry, J. Gail
Boehm, Ralph
Campbell, David
Condra, William

Daler, Jennifer
Flanagan, Jack
Gidge, Kenneth
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
LeBrun, Donald
McGuinness, Sean
Notter, Jeanine
Palmer, Stephen
Pilotte, Maurice
Rowe, Robert
Stroud, Kathleen
Villeneuve, Moe

Barry, Richard
Brownrigg, Randall Jr
Cebrowski, John
Cote, David

Daniels, Gary
Fredette, Robert
Gorman, Mary
Hardwick, Harry
Hogan, Edith
Jasper, Shawn
Leishman, Peter
Mecheski, Holly
Ober, Lynne
Pellegrino, Tony
Ramsey, Peter
Silva, Peter
Sullivan, Peter
Willette, Robert

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Shurtleff, Stephen
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DeStefano, Stephen
Hill, Gregory
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Potter, Frances
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Foose, Robert
Keane, Thomas
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Soltani, Tony

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Duarte, Joe
Garritty, James
Hoelzel, Kathleen
Lovejoy, Patricia
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Read, Robin Jr
Sanders, Elisabeth
Shuler, Wyman III
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Webb, James

Allen, Mary
Bettencourt, David
Copeland, Timothy
Elliott, Robert
Griffin, Mary
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McMahon, Charles
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Welch, David

Baldasaro, Alfred
Birdsell, Regina
Devine, James
Ferrante, Beverly
Hagan, Joseph
Kappler, Lawrence
Major, Norman
Moody, Marcia
Perkins, Amy
Rice, Frederick
Sedensky, John
Sullivan, James
Ward, Joanne
Weyler, Kenneth

Bates, David
Cali-Pitts, Jacqueline
DiPentima, Rich
Fesh, Robert
Headd, James
Katsakiores, Phyllis
Mauro, Donna
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Perkins, Lawrence
Ritter, Glenn
Sheffert, Kenneth
Sytek, John
Waterhouse, Kevin

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Larsen Schultz,
Kirsten

Munck, Philip
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Sprague, Dale
Watters, David

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Gagnon, Raymond

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NAYS 89

BELKNAP

Comtois, Guy
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Greemore, Robert

Kingsbury, Robert

Malone, Robert

CARROLL

Babson, David Jr

Tregenza, Norman

CHESHIRE

Chase, Cynthia
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Hawkes, Samuel

Lindsey, Steven

Sterling, Franklin Jr

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Theberge, Robert

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Benn, Bernard
Pierce, David
White, Andrew

Gould, Franklin
Simard, Paul

Ingbretson, Paul
Smith, Suzanne

Pastor, Beatriz
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Gagne, Larry
Long, Patrick
Parison, James
Scontsas, Lisa
Terrio, Ross

Ball, J. Michael
Gimas, John
Maltz, Jonathan
Porter, Marjorie
Seidel, Carl
Twombly, Timothy

Belanger, James
Greazzo, Phil
Murphy, Keith
Pratt, Calvin
Shaw, Barbara
Vaillancourt, Steve

Erickson, Duane
Lambert, George
Ober, Russell III
Robbins, David
Simmons, Tammy
Warden, Mark

MERRIMACK

Cohn, Seth
McGuire, Dan
Watrous, Rick

Gile, Mary
Owen, Derek
Winter, Steven

Hoell, J.R.
Patten, Dick

McGuire, Carol
Seaworth, G. Brian

ROCKINGHAM

Antosz, Jason
Davenport, Joshua
Sapareto, Frank
Tremblay, Stella

Azarian, Gary
Manuse, Andrew
Schroadter, Adam

Brown, Paul
O'Connor, John
Serlin, Christopher

Comerford, Timothy
Reagan, John
Tasker, Kyle

STRAFFORD

Browne, Brendon
Jones, Laura
Perry, Robert

Ginsburg, Philip
Kaen, Naida
Roberts, Jenna

Horrigan, Timothy
Keans, Sandra
Spang, Judith

Jones, Kyle
Leonard, Frederick Jr
Weeden, Michael

SULLIVAN

Bowers, Spec
Laware, Thomas

Cloutier, John
Lefebvre, Benjamin

Cunningham, Steven
Schmidt, Andrew

LaCasse, Paul Sr

and the majority committee report was adopted.

HB 1707-FN, relative to penalties for operation after revocation or suspension. **OUGHT TO PASS.**

Rep. David A. Welch for Criminal Justice and Public Safety: This bill modifies the law that specifies enhanced penalties for driving after revocation or suspension for certain serious offenses by making those penalties apply when the revocation or suspension was for an equivalent offense in another jurisdiction. Those offenses are RSA 265:79 Reckless Driving, RSA 265-A:2 Drunk Driving, RSA 265-A:3 Aggravated DWI, and RSA 630:3, II Negligent Homicide under the influence. These statutes affect operation of OHRV and level the field by including out of state operators while in New Hampshire. Vote 13-4.

Committee report adopted and ordered to third reading.

HB 1709-FN, establishing a criminal offense for failure to report a missing or deceased child. **REFER FOR INTERIM STUDY.**

Rep. Kyle J. Tasker for Criminal Justice and Public Safety: The committee feels current statute is sufficient and if a loophole exists, that needs to be addressed. Further study will be needed to accurately address the situation. Unintended consequences are a potential problem if the language is not properly crafted. Vote 17-0.

LAIID ON THE TABLE

Rep. Swinford moved that ***HB 1709-FN***, establishing a criminal offense for failure to report a missing or deceased child, be laid on the table.

Adopted.

REGULAR CALENDAR (CONT'D)

CACR 8, relating to education. Providing that the legislature shall have the power to authorize schools. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael A Balboni for the Majority of Education: CACR 8 restores the people's right to local control of education and the authority of the Legislature in education and education funding. In 1968, NH ballots included Question No. 3, a proposed Constitutional amendment which read: "Are you in favor of amending Article 6 of Part I of the Constitution so as to strike out certain specific sectarian references ..." The ballot question included this summary of the original Article 6: "Article 6 authorizes local public taxation for the support of 'Protestant' clergymen only, and promises equal protection of the law solely to 'every denomination of Christians'." The ballot question provided voters with the following explanation of the effect of the proposed amendment: "If the amendment is adopted, the above-described sectarian references will be stricken from the state constitution, putting all religious denominations on a basis of equality and removing the present conflict with the U.S. Constitution." Though the voters were told that only the sectarian references were to be removed, the actual amendment changes went far beyond this. The amendment also removed and altered several non-religious phrases in the Article, and these changes were not

explained to the voters. CACR 8 would give the people the opportunity to restore to their Constitution the non-religious aspects that were removed in 1968. These restorations include the following: the purpose of education as being to teach the fundamental principles of the Constitution so that the people are better able to control their government; empowering the legislature to authorize schools, to create and regulate public schools; providing school districts the exclusive control over the selection of their teachers and their compensation; the school districts control over curriculum which is inherent in the original Article's exclusive control over the selection of teachers; and each school district's responsibility as the first payers of education expense consistent with the exclusive control over teacher selection and compensation and curriculum selection. CACR 8 then proposes two further changes: it ratifies judicial rulings which enable the state to pay for non-religious education at religious schools; and it clarifies the legislature's power to supplement local funding of public education. The first change makes clearly and permanently constitutional the state's current practices such as funding the non-religious education component for special needs students as required, for example, under federal special ed regulations, and the giving of scholarships to nursing students for the non-religious part of their education at religious schools. The second part ensures that the state funding of education will be consistent with the coordinating Articles of the Constitution of New Hampshire, specifically Part I, Articles 12, 28 and 29 and Part II, Articles 2 and 5 which make the legislature the supreme policy body of the state, and the only body capable of determining state spending. CACR 8 can be summed up as restoring the local control of education and the authority of the legislature in regard to education and education funding; thereby returning the people firmly in control of public education. Vote 12-5.

Rep. June M. Frazer for the Minority of Education: This constitutional amendment opens the door to local funding of schools without any supplement from the state. Note the word "may" in the following sentence: "The several political subdivisions ... shall make adequate provision at their own expense for their schools, provided that the legislature may supplement that provision in the manner and degree that the legislature finds most beneficial to the general good." Should a future legislature choose to unfund the public schools, funding them would force already overburdened property taxpayers to pay markedly higher taxes to maintain the quality of their schools. Moreover, CACR 8, in this same language, has already been rejected by the House. The reason why it was recommitted to the education committee was to hold it in case other related bills did not materialize. Since CACR 12 is still in process, passing CACR 8, already rejected once, would be in opposition to the reason it was recommitted.

The question being adoption of the majority committee report of Ought to Pass.
Rep. Gorman spoke against.

MOTION TO LAY ON THE TABLE

Rep. Bettencourt moved that **CACR 8**, relating to education. Providing that the legislature shall have the power to authorize schools, be laid on the table.
On a division vote, 229 members having voted in the affirmative and 83 in the negative, the motion failed lacking the necessary three-fifths vote.

MOTION TO SPECIAL ORDER

Rep. Bettencourt moved that **CACR 8**, relating to education. Providing that the legislature shall have the power to authorize schools, be made a Special Order to March 15, 2012.
Adopted.

REGULAR CALENDAR (CONT'D)

HB 1175, relative to the membership of the cooperative school district budget committees.

OUGHT TO PASS.

Rep. Gregory Hill for Education: The issue this bill seeks to resolve concerns cooperative school districts and specifically those with budget committees duly elected. The committee heard testimony that the process of the school board appointing a voting member to the budget committee gave “two bites at the apple” to each item appearing in the budget; once at the school board level and again at the budget committee level. The input of the school board member on such matters is of great import, but their place on the budget committee should be advisory and not voting. Vote 9-6.

Committee report adopted and ordered to third reading.

HB 1377, requiring postsecondary education institutions to compile and submit reports on remedial education courses. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gregory Hill for the Majority of Education: The current RSA 193-E:4 requires the department of education (DOE) to submit a report containing information on indicators at postsecondary New Hampshire institutions concerning remedial education courses. But what information would they have to collect? It’s unclear. This bill, as amended, outlines information to be gathered by our universities and community colleges and directs the DOE to share the information with the House and Senate. Testimony was heard that currently 65 to 70 percent of community college freshmen are unprepared for college math and need remediation ... double the national average. This is but one example of indicators of a problem worthy of further investigation and discovery. Without gathering information little can be discovered. The DOE, in current law, shall integrate all data collected into the data warehouse (the unique pupil identifier system) with the goal of tracking student outcomes and improving postsecondary readiness. This bill gives more detailed information, to potentially allow the DOE a better chance at interpreting policies and programs that are, or are not, successful throughout New Hampshire schools. Vote 11-5.

Rep. June M. Frazer for the Minority of Education: There are three major objections to this bill. One, the data that is to be gathered will not fulfill the bill’s stated goal of determining the source of and reasons for the current level of remediation at post-secondary schools. Too many demographic variables among the students and the different missions of the institutions would not be taken into account, thereby invalidating the data. Two, witnesses from post-secondary institutions said the questions are inapplicable to their institutions or add unnecessarily burdensome reporting to their tasks. Three, the bill calls for retrieving the data at the wrong level; high school exit exams would produce more useful information than data gathered at the post-secondary level.

Majority Amendment (0614h)

Amend the bill by replacing section 1 with the following:

1 Delivery of an Adequate Education; Remedial Education Reports. Amend RSA 193-E:3, VI(a) to read as follows:

(a) Annually, beginning with the ~~[2011-2012]~~ **2012-2013** school year, each postsecondary institution as defined in RSA 193-E:4 shall submit a report, which shall not include any personally identifiable information such as, but not limited to, name, gender, or social security number, to the ***speaker of the house of representatives, senate president, the members of the house and senate education committees, and the commissioner of the*** department of education containing information on indicators in the following areas:

- (1) Remedial education courses, ***including:***
 - (A) ***The number of courses offered.***
 - (B) ***The areas of study of such courses.***
 - (C) ***The number of pupils enrolled in each course.***

(D) The number and percentage of pupils who graduate high school and enroll in a community college in the same year, and who require remediation.

(E) The number of pupils who have been in remedial classes for more than one year.

(F) The number and percentage of pupils who successfully complete remedial courses in their first attempt and then go on to graduate.

(G) The total cost of providing such remedial courses.

(H) The cost, if any, for remedial courses charged to the pupil or parents of a pupil.

(I) The name and location of all previous high schools, public, private, or home school, attended by pupils who graduate high school and enroll in a community college in the same year, and who are enrolled in remedial courses.

(2) Entry, withdrawal, and transfers.

(3) Degrees and certificates granted.

Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

HB 1424-FN, relative to a parent's conscientious objection to a school, school program, or school curriculum. **INEXPEDIENT TO LEGISLATE.**

Rep. Ralph G. Boehm for Education: The major part of this bill was taken care of last year with HB 542. If a parent has an objection to a school, school program or school curriculum, they can take their child out now and put her in another school or home school. Therefore this bill is not needed. Vote 16-1.

Rep. Hoell spoke against and yielded to questions.

Rep. Balboni spoke in favor.

On a division vote, 264 members having voted in the affirmative and 54 in the negative, the committee report was adopted.

HB 1606-FN, adopting the interstate compact on educational support for military children. **REFER FOR INTERIM STUDY.**

Rep. Rick M. Ladd for Education: The interstate compact on educational support for military children is an agreement among member states that establishes practices that will allow for the uniform treatment of military children transferring between school districts and between states. The committee recognizes and appreciates the challenges and concerns faced by military school-age children when frequently transferring from one school district to another. The committee has identified numerous, complex issues that require further study: oversight responsibility, financing, enforcement, rule making, accountability, and more. A subcommittee will prepare recommended considerations for statutory language action for the next session. Vote 16-0.

Committee report adopted.

HB 1703-FN, requiring a course in business or financial literacy as a prerequisite to high school graduation. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. J. R. Hoell for the Majority of Education: The committee felt there is a real need to instruct students in the area of home finance, including the following areas of instruction: budgets, investing, borrowing, insurance, checking and savings accounts and taxation. These skills are critical to success of these students after graduation in today's society, however, the committee also felt that the current text of the bill was an unfunded mandate. There was sufficient value in addressing the concerns this year, that the committee believed that an amendment was necessary to correct the constitutional concerns and was willing to draft one, but the house schedule did not permit drafting an amendment in time to be ready

for the house deadline. Vote 12-4.

Rep. Barbara E. Shaw for the Minority of Education: The implementation of the requirements of this bill would be an unfunded mandate that could cost more than four million dollars in local expenditures. It requires an additional course of study rather than stressing skills or proficiency of subject matter and adds additional credit for graduation. The minority of the committee chose not to support this bill, as written, at this time.

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

Rep. Balboni offered floor amendment (1051h).

Floor Amendment (1051h)

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

AN ACT requiring the school board to develop and implement a policy that incorporates the foundations of financial literacy into the school curriculum and instruction.

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

1 Legislative Intent. The general court finds that:

I. It is the policy of the state of New Hampshire that public elementary and secondary education shall provide all students with the opportunity to acquire the knowledge and skills necessary to prepare them for successful participation in the social, economic, scientific, technological, and political systems of a free government; an education that is consistent with the curriculum and student proficiency standards specified in state school approval rules and New Hampshire curriculum frameworks (RSA 193-E:1, I); and

II. Respecting New Hampshire's long tradition of community involvement, in which a public education is provided through an integrated system of shared responsibility between state and local government, wherein the state establishes, through curriculum guidelines, the framework for the delivery of educational services at the local level, and wherein school districts then have flexibility in implementing diverse educational approaches tailored to meet student needs (RSA 193-E:1, II); and

III. The curriculum frameworks present educational goals, broad pedagogical approaches and strategies for assisting students in the development of the skills, competencies, and knowledge called for by the academic standards for each area of education, including the area of financial literacy and personal finance (RSA 193-E:2-a, V and "K-12 Social Studies New Hampshire Curriculum Framework" Strand: Economics (EC:6), Standard:SS:EC:6:Personal Finance); and

IV. It is the responsibility of local teachers, administrators, and school boards to identify and implement approaches best suited for the students in their communities to acquire the skills and knowledge included in the frameworks, to determine the scope, organization, and sequence of course offerings, and to choose the methods of instruction, the activities, and the materials to be used (RSA 193-E:2-a, V); therefore,

V. A school board shall develop and implement a policy that incorporates the foundations of financial literacy, including personal finance, into the school curriculum and instruction. Financial literacy is critical to the success of citizens in modern society, therefore such instruction shall include, but not be limited to, the concepts of budgeting, checking and savings accounts, understanding how credit operates and factors that affect creditworthiness, understanding compound interest, basic investment principles, elements of home purchase, risk management and how insurance operates, an introduction to federal and state taxation, and consumer rights and protection.

2 New Section; School Boards; Financial Literacy. Amend RSA 189 by inserting after section 10 the following new section:

189:10-a Financial Literacy. Because financial literacy is critical to the success of citizens in modern society, the school board shall develop and implement a policy that incorporates the foundations of financial literacy, including personal finance, into the school curriculum and instruction.

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

AMENDED ANALYSIS

This bill requires the school board to develop and implement a policy that incorporates the foundations of financial literacy into the school curriculum and instruction.

Reps. Balboni and Boehm spoke in favor.

Rep. Shaw spoke against.

Floor amendment (1051h) adopted.

Majority committee report adopted and ordered to third reading.

HB 1713-FN, abolishing the department of education and transferring all functions, duties, and responsibilities to the commissioner of education and the state board of education.

INEXPEDIENT TO LEGISLATE.

Rep. Mary Stuart Gile for Education: The New Hampshire state department of education provides guidance, technical assistance and resources to local school districts. Information regarding district-specific data, grants, new initiatives and instructional programs are readily available electronically as well as in person. HB 1713, if passed, would negatively impact the effectiveness of the local school districts, the functions and responsibilities of the state board of education, and ultimately, the children of New Hampshire. Vote 16-1.

Reps. Gile and Balboni spoke in favor.

Rep. Hoell spoke against and yielded to questions.

Rep. Julie Brown requested a roll call; sufficiently seconded.

YEAS 276 NAYS 44

YEAS 276

BELKNAP

Bolster, Peter
Millham, Alida
St. Cyr, Jeffrey

Comtois, Guy
Pilliod, James
Swinford, Elaine

Greemore, Robert
Russell, David
Tilton, Franklin

Kingsbury, Robert
Simpson, Tyler

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Ahlgren, Christopher
Knox, J. David
Patten, Betsey

Babson, David Jr
McCarthy, Frank
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Chase, Cynthia
Johnson, Jane
Moore, Robert Jr
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Emerson, Susan
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Parkhurst, Henry
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Richardson, Herbert
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Campbell, David

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Cebrowski, John

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Brownrigg, Randall Jr
Christensen, D.L.
Chris

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Daler, Jennifer
Erickson, Duane
Gandia, Laura
Gimas, John
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Messier, Irene
Ohm, Bill
Pilotte, Maurice
Robbins, David
Shaw, Barbara
Stroud, Kathleen
Terrio, Ross

Cote, David
Daniels, Gary
Flanagan, Jack
Gargas, Carolyn
Goley, Jeffrey
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael
Moran, Edward
Palmer, Barry
Porter, Marjorie
Rowe, Robert
Silva, Peter
Sullivan, Daniel
Ulery, Jordan

Coughlin, Sean
Day, Russell
Fredette, Robert
Garrity, Patrick
Gorman, Mary
Hardwick, Harry
Hogan, Edith
Infantine, William
LeBrun, Donald
McClarren, Donald
Notter, Jeanine
Parison, James
Reed, Michael
Scontsas, Lisa
Soucy, Connie
Sullivan, Peter
Willette, Robert

Cusson-Cail, Kathleen
Donovan, Daniel
Gagne, Larry
Gidge, Kenneth
Graham, John
Hawkins, Kenneth
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Hamm, Christine
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Ward, Joanne
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Cali-Pitts, Jacqueline
Davenport, Joshua
Duarte, Joe
Garrity, James
Itse, Daniel
Lovejoy, Patricia
McKinney, Betsy
O'Connor, John
Read, Robin Jr
Schlachman, Donna
Shuler, Wyman III
Tamburello, Daniel
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Antosz, Jason
Belanger, Ronald
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Smith, William
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Moody, Marcia
Perkins, Amy
Sanders, Elisabeth
Serlin, Christopher
Sullivan, James
Waddell, James
Welch, David

STRAFFORD

Berube, Roger
Domingo, Baldwin
Horrigan, Timothy
Keans, Sandra
Parsons, Robbie
Roberts, Jenna
Sprague, Dale
Watters, David

Brown, Julie
Ginsburg, Philip
Jones, Kyle
Leonard, Frederick Jr
Pelletier, Marsha
Schmidt, Peter
Vita, Carol
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Worsman, Colette

CARROLL

None

CHESHIRE

Cartwright, Anne

COOS

Daugherty, Duffy

Rappaport, Laurence

GRAFTON

Sova, Charles

HILLSBOROUGH

Avard, Kevin
Condra, William
Mecheski, Holly
Pellegrino, Tony
Vaillancourt, Steve

Ball, J. Michael
Greazzo, Phil
Murphy, Keith
Peterson, Lenette
Villeneuve, Moe

Bergevin, Jerry
Lambert, George
Ober, Russell III
Pratt, Calvin
Warden, Mark

Burt, John
Maltz, Jonathan
Palmer, Stephen
Simmons, Tammy

MERRIMACK

Cohn, Seth
McGuire, Dan

Giuda, J. Brandon
Seaworth, G. Brian

Hoell, J.R.

McGuire, Carol

ROCKINGHAM

Brown, Paul
Rice, Frederick
Tremblay, Stella

Hoelzel, Kathleen
Ritter, Glenn

Manuse, Andrew
Schroadter, Adam

Reagan, John
Tasker, Kyle

STRAFFORD

DeLemus, Susan

SULLIVAN

LaCasse, Paul Sr Laware, Thomas
and the committee report was adopted.

CACR 21, relating to referendums. Providing that voters may veto laws by referendum.

MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Dino A. Scala for the Majority of Election Law: This legislation originally proposed an amendment to the New Hampshire constitution that would give the citizens of New Hampshire the right to nullify or veto laws passed by the General Court. The majority of the committee feels that CACR 21 has a tremendous amount of merit and should be studied further. The voters of New Hampshire should have a way to stop or overturn legislation that they feel goes against the majority of the citizens of our state. The majority feels that there should be a further check and balance to our law making system and CACR 21 could be that balance. This further study is warranted. Vote 9-7.

Rep. Peter R. Leishman for the Minority of Election Law: The minority believes that this constitutional amendment concurrent resolution allowing voters to directly repeal state statutory provisions by referendum should be found inexpedient to legislate. Referenda like most other political institutions have both advantages and disadvantages. However, the minority believes the disadvantages outweigh the advantages. History has shown that referenda are a poor substitute for a legislature and governor with the courage to tackle difficult problems. Further to the point, referenda are sometimes seen as a means available to elected representatives to avoid having to take an unpopular position on a controversial issue. One only has to examine the history behinds a woman's right to vote. By 1916 suffragists managed to put a woman's right to vote on the ballot in many states including Iowa, Kansas, New York, Massachusetts, Pennsylvania and New Jersey. All six measures failed. Fortunately, in 1919, congress passed the 19th amendment to the United States Constitution, which declared no citizens could be denied the right to vote on the basis of sex. Additionally, if New Hampshire had institutions of representative government that were weak or in a fledging state, allowing referenda might make sense. However, New Hampshire has the 4th largest English-speaking legislative body in the world. Finally, the minority fears majoritarianism, a concern that the majority might use referenda to trample on minority rights.

On a division vote, 210 members having voted in the affirmative and 84 in the negative, the majority committee report was adopted.

CACR 29, relating to the attorney general. Providing that the attorney general be elected for a 2-year term. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard B. Drisko for Election Law: The intent of this bill was to provide that the attorney general be elected rather than appointed and his/her term would be 2 years, coinciding with the terms of other elected offices. The committee felt no change from the present appointment process was needed. Vote 15-4.

Committee report adopted.

HB 1569-FN, relative to nomination of political organizations. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Regina M. Birdsell for the Majority of Election Law: This bill changes the definition of party for election purposes to include a political organization certified as a party by nomination papers. Voters signing the nomination papers may request that they be registered as a member of that party but are not required to join that party. The majority feels the current laws in place that allow a political organization to achieve party status are adequate and it would be undesirable to count political organizations as a party based on signatures of people who may have no connection to that organization. Vote 16-3.

Rep. David M. Pierce for the Minority of Election Law: New Hampshire has some of the most restrictive ballot access laws in the country. This helps ensure that the two principal political parties will always “own” the ballot. But the ballot belongs to the people, not the parties, for the people choose their government. More choices on the ballot encourage a competition of ideas and a healthy exchange of ideas is critical to a vibrant democracy, and the minority believes we are badly in need of a healthier democracy.
Majority committee report adopted.

HB 1595, relative to voting in primary elections. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Susan C. DeLemus for the Majority of Election Law: This bill stated that no application for a change of party affiliation shall be accepted on the day of a primary election. As amended, it now allows registration and states that no person shall disaffiliate from a party during the 90 days following a state or presidential primary election. This would eliminate the special provisions permitting undeclared voters to revert to undeclared status after voting in a primary election. It also requires undeclared voters to follow the same procedures for change of registration as voters whose party affiliation were declared prior to voting in the primary election. Vote 12-7.

Rep. David M. Pierce for the Minority of Election Law: This bill would prohibit any voter from switching parties for 90 days after a primary election. But the right to freely decide for oneself who to associate with is one of our most fundamental. This means that the state has no authority to dictate to its citizens that he or she must or must not be a member of any political party. We should not violate our citizens’ most fundamental rights, especially since no compelling reason can be offered to justify this infringement.

Majority Amendment (0771h)

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

AN ACT relative to changes of party registration on primary day.

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

1 Elections; Voters and Checklists; Provisions for Primary Elections; Change of Registration. Amend RSA 654:34, II-IV to read as follows:

II. Change of registration of a voter who has been registered as an undeclared voter.

(a) Any legal voter who has been registered as an undeclared voter may register as a member of the party of the voter's choice by appearing before the supervisors of the checklist for the voter's town or ward any time they meet, except as prohibited by paragraph IV, and stating to them, under oath or affirmation, if required, that the voter intends to affiliate with and generally supports the candidates of the party with which the voter offers to register, in which case the voter shall be registered as a member of such party.

(b) A voter may also register as a member of a party at any primary by requesting to be registered as a member and voting the ballot of the party of the voter's choice. ~~[A voter may also register once again as an undeclared voter after voting in a primary as a registered member of a party by returning the card provided for in paragraph V to the person at the polls designated by the town or city clerk to accept the card. All such cards shall be in the possession of the supervisors of the checklist at the close of the polls on election day.]~~

III. Notwithstanding any provision of paragraphs I and II to the contrary, no person who has voted in a primary may thereafter on the day of said primary change the person's party registration~~[- unless, prior to voting in the primary, the person was registered as an undeclared voter, in which case the person may once again register as an undeclared voter, as provided in subparagraph II(b)].~~

IV. No person, who is already registered to vote, whether his *or her* party membership has been previously registered or not, shall affiliate with a party or disaffiliate from a party between the first Wednesday in June and the day before the state primary

election. ***No person shall disaffiliate from a party during the 90 days following a state or presidential primary election.***

2 Repeal. RSA 654:34, V, relative to change of registration cards for undeclared voters, is repealed.

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

AMENDED ANALYSIS

This bill:

I. Eliminates the special provisions permitting undeclared voters to revert to undeclared status after voting in a primary election.

II. Requires undeclared voters to follow the same procedures for change of registration as voters whose party affiliations were declared prior to voting in the primary election.

III. Prohibits disaffiliation from a party during the 90 days following a state or presidential primary election.

Majority committee amendment adopted.

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

Reps. Pierce, Manuse and Vaillancourt spoke against and yielded to questions.

Reps. Comerford, Jasper and Bates spoke in favor.

Rep. Patrick Garrity requested a roll call; sufficiently seconded.

YEAS 136 NAYS 178

YEAS 136

BELKNAP

Comtois, Guy
Pilliod, James
Tilton, Franklin

Greemore, Robert
Russell, David

Kingsbury, Robert
Simpson, Tyler

Malone, Robert
St. Cyr, Jeffrey

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Umberger, Karen

Babson, David Jr
McConkey, Mark

Chandler, Gene
Pettengill, Laurie

Fleck, Joseph
Tregenza, Norman

CHESHIRE

Smith, Edwin

Sterling, Franklin Jr

COOS

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

Tremblay, Marc

GRAFTON

Brosseau, Charles
Reilly, Harold Sr

Bulis, Lyle
Sorg, Gregory

Gionet, Edmond
Sova, Charles

Ingbertson, Paul

HILLSBOROUGH

Avard, Kevin
Brownrigg, Randall Jr
Condra, William
Erickson, Duane
Haefner, Robert

Balboni, Michael
Buxton, Michael
Coughlin, Sean
Flanagan, Jack
Hardwick, Harry

Bergevin, Jerry
Cebrowski, John
Daniels, Gary
Gagne, Larry
Hikel, John

Boehm, Ralph
Christiansen, Lars
Donovan, Daniel
Gandia, Laura
Hinch, Richard

Hogan, Edith
LeBrun, Donald
Notter, Jeanine
Palmer, Stephen
Renzullo, Andrew
Soucy, Connie
Villeneuve, Moe

Infantine, William
Maltz, Jonathan
Ober, Lynne
Parison, James
Rowe, Robert
Stepanek, Stephen
Willette, Robert

Jasper, Shawn
McGuinness, Sean
Ohm, Bill
Pellegrino, Tony
Seidel, Carl
Twombly, Timothy

Krasucki, Joseph
Mecheski, Holly
Palmer, Barry
Pratt, Calvin
Silva, Peter
Ulery, Jordan

MERRIMACK

Blankenbeker, Lynne
Kotowski, Frank
McGuire, Dan
Winter, Steven

Giuda, J. Brandon
Kreis, Kenneth Sr
Palfrey, David

Hess, David
Lauer-Rago, Kathleen
Smith, Molly

Hill, Gregory
McGuire, Carol
Soltani, Tony

ROCKINGHAM

Allen, Mary
Bates, David
Duarte, Joe
Hagan, Joseph
O'Connor, John
Ritter, Glenn
Sytek, John
Tucker, Pamela

Antosz, Jason
Bettencourt, David
Elliott, Robert
Kappler, Lawrence
Packard, Sherman
Sedensky, John
Tamburello, Daniel
Waterhouse, Kevin

Azarian, Gary
Birdsell, Regina
Fesh, Robert
Major, Norman
Reagan, John
Sheffert, Kenneth
Tasker, Kyle
Welch, David

Baldasaro, Alfred
Comerford, Timothy
Griffin, Mary
McMahon, Charles
Rice, Frederick
Shuler, Wyman III
Tremblay, Stella
Weyler, Kenneth

STRAFFORD

Cataldo, Sam
Munck, Philip
Vita, Carol

DeLemus, Susan
Newton, Clifford
Vita, Lucien

Groen, Warren
Parsons, Robbie
Weeden, Michael

Keans, Sandra
Pitre, Joseph

SULLIVAN

Cunningham, Steven

Osgood, Joe

Rodeschin, Beverly

NAYS 178

BELKNAP

Accornero, Harry
Worsman, Colette

Bolster, Peter

Millham, Alida

Swinford, Elaine

CARROLL

Knox, J. David

Morrow, Harry

Patten, Betsey

CHESHIRE

Butynski, William
Emerson, Susan
Lindsey, Steven
Sad, Tara

Byrnes, John
Hawkes, Samuel
Moore, Robert Jr
Weber, Lucy

Cartwright, Anne
Hunt, John
Parkhurst, Henry

Chase, Cynthia
Johnson, Jane
Roberts, Kris

COOS

Daugherty, Duffy
Thomas, Yvonne

Merrick, Evalyn

Remick, William

Theberge, Robert

GRAFTON

Aguiar, James
Cooney, Mary
Nordgren, Sharon
Simard, Paul
White, Andrew

Almy, Susan
Gould, Franklin
Pastor, Beatriz
Smith, Suzanne

Benn, Bernard
Harding, Laurie
Pierce, David
Taylor, Kathleen

Bradley, Lester
Ladd, Rick Jr
Shackett, Jeffrey
Townsend, Charles

HILLSBOROUGH

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

Daler, Jennifer
Garrity, Patrick
Gorman, Mary
Hawkins, Kenneth
Kurk, Neal
McCarthy, Michael
Ober, Russell III
Reed, Michael
Simmons, Tammy
Summers, James

Baroody, Benjamin
Belvin, William
Coffey, James

Day, Russell
Gidge, Kenneth
Graham, John
Holden, Frank
Lambert, George
McClarren, Donald
Peterson, Lenette
Robbins, David
Stroud, Kathleen
Terrio, Ross

Barry, J. Gail
Burt, John
Cote, David

Fredette, Robert
Gimas, John
Greazzo, Phil
Hopper, Gary
Leishman, Peter
Messier, Irene
Pilotte, Maurice
Scontsas, Lisa
Sullivan, Daniel
Vaillancourt, Steve

Barry, Richard
Campbell, David
Cusson-Cail, Kathleen

Gargas, Carolyn
Goley, Jeffrey
Hansen, Peter
Hutchinson, Winfred
Long, Patrick
Murphy, Keith
Porter, Marjorie
Shaw, Barbara
Sullivan, Peter

MERRIMACK

Bouchard, Candace
Foos, Robert
Hoell, J.R.
Owen, Derek
Sanborn, Laurie
Watrous, Rick

Coffey, Jennifer
Frazer, June
Keane, Thomas
Patten, Dick
Seaworth, G. Brian
Williams, Robert

Cohn, Seth
Gile, Mary
Kidder, David
Potter, Frances
Shurtleff, Stephen

DeStefano, Stephen
Hamm, Christine
Lockwood, Priscilla
Rice, Chip
Wallner, Mary Jane

ROCKINGHAM

Abrami, Patrick
Copeland, Timothy
Dowling, Patricia
Hoelzel, Kathleen
Lovejoy, Patricia
Moody, Marcia
Read, Robin Jr
Schroadter, Adam
Waddell, James

Belanger, Ronald
Davenport, Joshua
Ferrante, Beverly
Itse, Daniel
Manuse, Andrew
Nevins, Chris
Reichard, Kevin
Serlin, Christopher
Ward, Joanne

Brown, Paul
Devine, James
Garrity, James
Janvrin, Kevin
Mauro, Donna
Perkins, Amy
Sanders, Elisabeth
Smith, William
Webb, James

Charron, Gene
DiPentima, Rich
Headd, James
Katsakiores, Phyllis
McKinney, Betsy
Perkins, Lawrence
Schlachman, Donna
Sullivan, James

STRAFFORD

Berube, Roger
Ginsburg, Philip
Jones, Laura

Pelletier, Marsha
Sprainhower, Dale

Brown, Julie
Grassie, Anne
Kaen, Naida

Perry, Robert
Sprague, Dale

Browne, Brendon
Horrigian, Timothy
Larsen Schultz,
Kirsten
Roberts, Jenna
Wall, Janet

Domingo, Baldwin
Jones, Kyle
Leonard, Frederick Jr

Schmidt, Peter
Watters, David

SULLIVAN

Cloutier, John

Gagnon, Raymond

LaCasse, Paul Sr

Laware, Thomas

Lefebvre, Benjamin Smith, Steven
and the majority committee report failed.
Rep. Pierce moved the minority committee report of Inexpedient to Legislate and requested a
roll call; sufficiently seconded.

YEAS 195 NAYS 124

YEAS 195

BELKNAP

Accornero, Harry	Bolster, Peter	Kingsbury, Robert	Millham, Alida
Pilliod, James	Swinford, Elaine		

CARROLL

Knox, J. David	Merrow, Harry	Patten, Betsey
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CHESHIRE

Butynski, William	Byrnes, John	Cartwright, Anne	Chase, Cynthia
Emerson, Susan	Hawkes, Samuel	Hunt, John	Johnson, Jane
Lindsey, Steven	Moore, Robert Jr	Parkhurst, Henry	Roberts, Kris
Sad, Tara	Weber, Lucy		

COOS

Coulombe, Gary	Daugherty, Duffy	Merrick, Evalyn	Remick, William
Theberge, Robert	Thomas, Yvonne		

GRAFTON

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

HILLSBOROUGH

Ball, J. Michael	Baroody, Benjamin	Barry, J. Gail	Barry, Richard
Belanger, James	Belvin, William	Bergevin, Jerry	Campbell, David
Christensen, D.L. Chris	Christiansen, Lars	Coffey, James	Cote, David
Cusson-Cail, Kathleen	Daler, Jennifer	Day, Russell	Fredette, Robert
Gargas, Carolyn	Garrity, Patrick	Gidge, Kenneth	Gimas, John
Goley, Jeffrey	Gorman, Mary	Graham, John	Greazzo, Phil
Haefner, Robert	Hansen, Peter	Hawkins, Kenneth	Holden, Frank
Hopper, Gary	Hutchinson, Winfred	Infantine, William	Kurk, Neal
Leishman, Peter	Long, Patrick	McCarthy, Michael	McClarren, Donald
Messier, Irene	Murphy, Keith	Ober, Russell III	Peterson, Lenette
Pilotte, Maurice	Porter, Marjorie	Reed, Michael	Robbins, David
Scontsas, Lisa	Shaw, Barbara	Simmons, Tammy	Stroud, Kathleen
Sullivan, Daniel	Sullivan, Peter	Summers, James	Terrio, Ross
Vaillancourt, Steve			

MERRIMACK

Bouchard, Candace	Coffey, Jennifer	Cohn, Seth	DeStefano, Stephen
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Foose, Robert
Hoell, J.R.
McGuire, Dan
Potter, Frances
Shurtleff, Stephen

Frazer, June
Kidder, David
Owen, Derek
Rice, Chip
Wallner, Mary Jane

Gile, Mary
Lockwood, Priscilla
Palfrey, David
Sanborn, Laurie
Watrous, Rick

Hamm, Christine
MacKay, James
Patten, Dick
Seaworth, G. Brian
Williams, Robert

ROCKINGHAM

Abrami, Patrick
Brown, Paul
Devine, James
Headd, James
Katsakiores, Phyllis
McKinney, Betsy
Perkins, Lawrence
Sanders, Elisabeth
Serlin, Christopher
Waddell, James

Allen, Mary
Charron, Gene
DiPentima, Rich
Hoelzel, Kathleen
Lovejoy, Patricia
Moody, Marcia
Read, Robin Jr
Schlachman, Donna
Smith, William
Ward, Joanne

Belanger, Ronald
Copeland, Timothy
Dowling, Patricia
Itse, Daniel
Manuse, Andrew
Nevins, Chris
Reagan, John
Schroadter, Adam
Sullivan, James
Webb, James

Birdsell, Regina
Davenport, Joshua
Garrity, James
Janvrin, Kevin
Mauro, Donna
Perkins, Amy
Reichard, Kevin
Sedensky, John
Tasker, Kyle
Welch, David

STRAFFORD

Berube, Roger
Ginsburg, Philip
Jones, Laura

Brown, Julie
Grassie, Anne
Kaen, Naida

Browne, Brendon
Horrigan, Timothy
Larsen Schultz,
Kirsten
Perry, Robert
Spainhower, Dale
Wall, Janet

Domingo, Baldwin
Jones, Kyle
Leonard, Frederick Jr

Munck, Philip
Roberts, Jenna
Sprague, Dale

Pelletier, Marsha
Schmidt, Peter
Vita, Carol

Pitre, Joseph
Spang, Judith
Watters, David

SULLIVAN

Bowers, Spec
Lefebvre, Benjamin

Cloutier, John
Smith, Steven

Gagnon, Raymond

LaCasse, Paul Sr

NAYS 124

BELKNAP

Comtois, Guy
Simpson, Tyler

Greemore, Robert
St. Cyr, Jeffrey

Malone, Robert
Tilton, Franklin

Russell, David
Worsman, Colette

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Umberger, Karen

Babson, David Jr
McConkey, Mark

Chandler, Gene
Pettengill, Laurie

Fleck, Joseph
Tregenza, Norman

CHESHIRE

Smith, Edwin

Sterling, Franklin Jr

COOS

Rappaport, Laurence

Richardson, Herbert

Tholl, John Jr

Tremblay, Marc

GRAFTON

Bulis, Lyle
Sova, Charles

Gionet, Edmond

Ingbreton, Paul

Sorg, Gregory

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Boehm, Ralph	Brownrigg, Randall Jr
Burt, John	Buxton, Michael	Cebrowski, John	Condra, William
Coughlin, Sean	Daniels, Gary	Donovan, Daniel	Erickson, Duane
Flanagan, Jack	Gagne, Larry	Gandia, Laura	Hardwick, Harry
Hikel, John	Hinch, Richard	Hogan, Edith	Jasper, Shawn
Krasucki, Joseph	Lambert, George	LeBrun, Donald	Maltz, Jonathan
McGuinness, Sean	Mecheski, Holly	Notter, Jeanine	Ober, Lynne
Ohm, Bill	Palmer, Barry	Palmer, Stephen	Parison, James
Pellegrino, Tony	Pratt, Calvin	Renzullo, Andrew	Rowe, Robert
Seidel, Carl	Silva, Peter	Soucy, Connie	Stepanek, Stephen
Twombly, Timothy	Ulery, Jordan	Villeneuve, Moe	Willette, Robert

MERRIMACK

Blankenbeker, Lynne	Giuda, J. Brandon	Hess, David	Hill, Gregory
Keane, Thomas	Kotowski, Frank	Kreis, Kenneth Sr	Lauer-Rago, Kathleen
McGuire, Carol	Smith, Molly	Soltani, Tony	Winter, Steven

ROCKINGHAM

Antosz, Jason	Azarian, Gary	Baldasaro, Alfred	Bates, David
Bettencourt, David	Comerford, Timothy	Duarte, Joe	Elliott, Robert
Ferrante, Beverly	Fesh, Robert	Griffin, Mary	Hagan, Joseph
Kappler, Lawrence	Major, Norman	McMahon, Charles	O'Connor, John
Packard, Sherman	Rice, Frederick	Ritter, Glenn	Sapareto, Frank
Sheffert, Kenneth	Shuler, Wyman III	Sytek, John	Tamburello, Daniel
Tremblay, Stella	Tucker, Pamela	Waterhouse, Kevin	Weyler, Kenneth

STRAFFORD

Cataldo, Sam	DeLemus, Susan	Groen, Warren	Keans, Sandra
Newton, Clifford	Parsons, Robbie	Vita, Lucien	Weeden, Michael

SULLIVAN

Cunningham, Steven	Laware, Thomas	Osgood, Joe	Rodeschin, Beverly
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and the minority committee report was adopted.

HB 1664-FN, transferring election law enforcement to the secretary of state. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Alfred P. Baldasaro for the Majority of Election Law: The bill, as introduced, proposed to transfer responsibility for enforcing election laws from the attorney general to the secretary of state. The majority felt it was in the best interests of all to study this proposal further before making any recommendation on whether the attorney general or the secretary of state should have this authority. The bill was amended to create a study committee to evaluate past practices on investigations and whether it is feasible/practical for the secretary of state to assume the responsibility. Vote 12-7.

Rep. John G. Gimas for the Minority of Election Law: Though the issue of election law violation reporting has at times frustrated the election law committee, solving this problem with the appropriate department would work fair better than transferring these responsibilities to another one.

Majority Amendment (0858h)

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

AN ACT establishing a committee to study transferring election law enforcement to the secretary of state.

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

1 Committee Established. There is established a committee to study transferring election law enforcement to the secretary of state.

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) Three 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:

I. Evaluate the effectiveness of election law enforcement by the attorney general.

II. Assess the feasibility and practicality of transferring election law enforcement responsibilities to the secretary of 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. Four 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 transferring election law enforcement to the secretary of state.

Majority committee amendment adopted.

On a division vote, 202 members having voted in the affirmative and 96 in the negative, the majority committee report was adopted and ordered to third reading.

(Rep. Renzullo in the Chair)

HB 1676-FN-A, relative to campaign contributions and expenditures. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. William B. Smith for the Majority of Election Law: This bill establishes a pilot program of public funding for candidates for state senator, with a termination date of January 2018. The majority feels that taxpayers should not be asked to fund candidates they don't support, and are not convinced that public funding provides the benefits claimed of lower cost and "cleaner" elections. Additionally, costs of start up and administration of the program are not likely to be covered without use of general funds. Vote 15-4.

Rep. Robert J. Perry for the Minority of Election Law: In the past 14 years, no candidate for governor has won the governor's race without raising less than \$1.2 million. In the 2002 gubernatorial race, a candidate self-funded \$10.6 million. Over \$2 million has been raised in each of the last four election cycles for state Senate, an increase of 45 percent since 2000. Average Senate campaign spending is now \$80,000.00 for an essentially volunteer position. In 2010, 7 Senate candidates self-funded \$10,000.00 or more. This means the Senate will soon have few members who can identify with most of his/her constituents. HB 1676 would create a clean elections funding pilot program for five Senate races selected at random by the secretary of state. Candidates qualify for the financing after collecting a requisite number of private contributions. A fund is established and funded from various sources, none of which

would, under the floor amendment; involve use of the general fund. Participating candidates would then use monies received into the fund to finance their primary and general election campaigns. The pilot project would sunset on January 1, 2018. A New Hampshire clean elections program would mitigate the disparity between wealthy and non-wealthy candidates; would reduce the number of hours dedicated to dialing for dollars and the potential obligations such contributions create; allow more time for constituent services; and provide more citizen confidence that the system is working in their best interests. The Supreme Court ruling in Citizens United, opening the floodgates to unlimited campaign spending creates urgency for campaign reform. The minority believes the time has come for New Hampshire to move toward reform, along with the other 20 states that have. Our representative democracy depends on it.

The question being adoption of the majority committee report of Inexpedient to Legislate.
Rep. Perry spoke against.
Rep. William Smith spoke in favor and yielded to questions.
Rep. Dan McGuire requested a roll call; sufficiently seconded.

YEAS 230 NAYS 82

YEAS 230

BELKNAP

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

CARROLL

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

CHESHIRE

Byrnes, John	Cartwright, Anne	Emerson, Susan	Hunt, John
Johnson, Jane	Moore, Robert Jr	Smith, Edwin	Sterling, Franklin Jr

COOS

Rappaport, Laurence	Richardson, Herbert	Theberge, Robert	Tremblay, Marc
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GRAFTON

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

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, J. Gail
Belanger, James	Belvin, William	Bergevin, Jerry	Boehm, Ralph
Brownrigg, Randall Jr	Burt, John	Buxton, Michael	Cebrowski, John
Christensen, D.L.	Christiansen, Lars	Coffey, James	Condra, William
Chris			
Coughlin, Sean	Cusson-Cail, Kathleen	Daniels, Gary	Day, Russell
Donovan, Daniel	Erickson, Duane	Flanagan, Jack	Fredette, Robert

Gagne, Larry
 Graham, John
 Hardwick, Harry
 Hogan, Edith
 Infantine, William
 Lambert, George
 McClarren, Donald
 Notter, Jeanine
 Ohm, Bill
 Pellegrino, Tony
 Reed, Michael
 Seidel, Carl
 Stepanek, Stephen
 Twombly, Timothy
 Warden, Mark

Gandia, Laura
 Greazzo, Phil
 Hawkins, Kenneth
 Holden, Frank
 Jasper, Shawn
 LeBrun, Donald
 McGuinness, Sean
 O'Brien, William
 Palmer, Barry
 Pepino, Leo
 Robbins, David
 Silva, Peter
 Stroud, Kathleen
 Ulery, Jordan
 Willette, Robert

Gargas, Carolyn
 Haefner, Robert
 Hikel, John
 Hopper, Gary
 Krasucki, Joseph
 Maltz, Jonathan
 Mecheski, Holly
 Ober, Lynne
 Palmer, Stephen
 Peterson, Lenette
 Rowe, Robert
 Simmons, Tammy
 Summers, James
 Vaillancourt, Steve

Gimas, John
 Hansen, Peter
 Hinch, Richard
 Hutchinson, Winfred
 Kurk, Neal
 McCarthy, Michael
 Murphy, Keith
 Ober, Russell III
 Parison, James
 Pratt, Calvin
 Scontsas, Lisa
 Soucy, Connie
 Terrio, Ross
 Villeneuve, Moe

MERRIMACK

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

Coffey, Jennifer
 Hoell, J.R.
 Lauer-Rago, Kathleen
 Palfrey, David
 Winter, Steven

Cohn, Seth
 Keane, Thomas
 Lockwood, Priscilla
 Sanborn, Laurie

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

ROCKINGHAM

Abrami, Patrick
 Baldasaro, Alfred
 Brown, Paul
 Davenport, Joshua
 Fesh, Robert
 Headd, James
 Kappler, Lawrence
 Mauro, Donna
 O'Connor, John
 Reagan, John
 Sanders, Elisabeth
 Shuler, Wyman III
 Tamburello, Daniel
 Waddell, James
 Welch, David

Allen, Mary
 Bates, David
 Charron, Gene
 Devine, James
 Garrity, James
 Hoelzel, Kathleen
 Katsakiores, Phyllis
 McKinney, Betsy
 Packard, Sherman
 Reichard, Kevin
 Schroadter, Adam
 Smith, William
 Tasker, Kyle
 Ward, Joanne
 Weyler, Kenneth

Antosz, Jason
 Bettencourt, David
 Comerford, Timothy
 Duarte, Joe
 Griffin, Mary
 Itse, Daniel
 Major, Norman
 McMahon, Charles
 Perkins, Amy
 Rice, Frederick
 Sedensky, John
 Sullivan, James
 Tremblay, Stella
 Waterhouse, Kevin

Azarian, Gary
 Birdsell, Regina
 Copeland, Timothy
 Ferrante, Beverly
 Hagan, Joseph
 Janvrin, Kevin
 Manuse, Andrew
 Nevins, Chris
 Perkins, Lawrence
 Ritter, Glenn
 Sheffert, Kenneth
 Sytek, John
 Tucker, Pamela
 Webb, James

STRAFFORD

Berube, Roger
 Groen, Warren
 Larsen Schultz,
 Kirsten
 Parsons, Robbie
 Weeden, Michael

Cataldo, Sam
 Jones, Kyle
 Leonard, Frederick Jr

Pitre, Joseph

DeLemus, Susan
 Jones, Laura
 Munck, Philip

Vita, Carol

Domingo, Baldwin
 Keans, Sandra
 Newton, Clifford

Vita, Lucien

SULLIVAN

Bowers, Spec
 Rodeschin, Beverly

Cunningham, Steven
 Smith, Steven

Laware, Thomas

Osgood, Joe

BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Parkhurst, Henry

Chase, Cynthia
Roberts, Kris

Hawkes, Samuel
Sad, Tara

Lindsey, Steven
Weber, Lucy

COOS

Coulombe, Gary

Merrick, Evalyn

Remick, William

Thomas, Yvonne

GRAFTON

Aguiar, James
Gould, Franklin
Pierce, David

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pastor, Beatriz
White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Garrity, Patrick
Leishman, Peter
Porter, Marjorie

Campbell, David
Gidge, Kenneth
Long, Patrick
Shaw, Barbara

Cote, David
Goley, Jeffrey
Messier, Irene
Sullivan, Daniel

Daler, Jennifer
Gorman, Mary
Pilotte, Maurice
Sullivan, Peter

MERRIMACK

Bouchard, Candace
Gile, Mary
Patten, Dick
Wallner, Mary Jane

DeStefano, Stephen
Hamm, Christine
Potter, Frances
Watrous, Rick

Foose, Robert
Kidder, David
Rice, Chip
Williams, Robert

Frazer, June
MacKay, James
Shurtleff, Stephen

ROCKINGHAM

Cali-Pitts, Jacqueline
Moody, Marcia
Serlin, Christopher

DiPentima, Rich
Read, Robin Jr

Elliott, Robert
Sapareto, Frank

Lovejoy, Patricia
Schlachman, Donna

STRAFFORD

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

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

Ginsburg, Philip
Pelletier, Marsha
Spainhower, Dale
Watters, David

Grassie, Anne
Perry, Robert
Spang, Judith

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

and the majority committee report was adopted.

(Speaker O'Brien in the Chair)

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Vaillancourt moved that the House reconsider its

action whereby, on a roll call vote of 195-124, it adopted the minority committee report of Inexpedient to Legislate on **HB 1595**, relative to changes of party registration on primary day.

Rep. Vaillancourt spoke against.

On a division vote, 79 members having voted in the affirmative and 233 in the negative, the motion failed.

REGULAR CALENDAR (CONT'D)

HB 1218, relative to state authority to accept federal aid. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Maurice L. Pilotte for the Majority of Executive Departments and Administration: Currently, all grants and aid that agencies anticipate becoming available during the budget cycle, whether regularly occurring or one-time only availability, must be included in an agency's budget proposal. All such grants require approval of the Governor and Executive Council. Any grant that involves hiring of personnel, whether or not there is a commitment to such personnel after the expiration of the grant, require approval of the Governor and Executive Council AND the joint fiscal committee of the general court. Emergency grant applications are subject to the same requirements, Governor and Executive Council for applications for grants or aid that do not require hiring personnel and the involvement of the joint fiscal committee if there is such a requirement. The committee considers that requiring approval of the general court in all these situations would make the application process unmanageable. Vote 10-3.

Rep. Spec Bowers for the Minority of Executive Departments and Administration: Currently, federal grants are presented to the Finance or Fiscal committee for approval only after they have been granted. The legislature has no opportunity to weigh in on which grants are requested or what they would be used for. It is our responsibility to craft the state's budget and to spend its funds as effectively as possible. This bill would have the legislature approve grant applications, thus improving our control over one third of our spending.

Majority committee report adopted.

HB 1254, establishing a committee to study the effect of illegal immigration on the state and its political subdivisions. **OUGHT TO PASS.**

Rep. Mark L. Proulx for Executive Departments and Administration: This bill is to establish a committee to look at the effects of illegal immigration. The committee shall report its findings and any recommendations for proposed legislation no later than November 1, 2012. This committee will not look at legal immigration. Vote 11-1.

Committee report adopted and ordered to third reading.

HB 1338, relative to failure to renew a professional or occupational license. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. John Sytek for the Majority of Executive Departments and Administration: This bill would permit members of licensed professions who let their licenses lapse, for any reason, to renew their licenses. They would be able to do so, regardless of how long it had been since their licenses lapsed, and without going through any relicensing procedure. The committee felt that this approach was too broad. The amount of lapse time might not be critical for some professions. However, for others (e.g. thoracic surgeons) even a short lapse could be problematic. The committee wished to see a profession-by-profession examination to include appropriate, tailored criteria to show current proficiency. Vote 10-1.

Rep. Spec Bowers for the Minority of Executive Departments and Administration: The requirements for renewing professional licenses are prejudicial to licensees who may wish to cease working in their profession for a period of time beyond the statutory limit for renewal and who may wish to return to their chosen field at a later date. It is absurd to require such

licensees, individuals who may have a lifetime of experience in their particular trade or profession to have to begin the application process from scratch as a new applicant. Draconian re-licensing requirements in such circumstances speak more to licensed professions' interest in keeping out competition, than anything having to do with consumer protection. HB 1338 would allow those whose circumstances have changed and wish to return to work the opportunity to do so.

Majority committee report adopted.

HB 1431, relative to requirements to obtain a barber license. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Spec Bowers for the Majority of Executive Departments and Administration: HB 1431, as amended, creates flexibility in how a person can learn the skills needed to obtain a barber license. Under current statute, an applicant needs 800 hours of schooling or 1600 hours of apprenticeship. The bill retains the option of 800 hours of schooling but also allows for "equivalent training and experience." Many people don't learn well in a classroom setting, but do very well in a more hands-on setting. We should encourage alternative ways of learning. One way that many children have learned a trade is from their parents. Some children start helping their parents as early as age 7; by the time they turn 15, many of them have learned the skills of the trade. But current law does not recognize that training. Parents then have to pay thousands of dollars to send children to a school in order to qualify for a license. The bill would allow someone who has learned the skills, through their parents or via apprenticeship or by some other means, to apply for a license. It puts more emphasis on practical tests of a person's qualifications rather than on number of hours of schooling. The bill strengthens the requirements for examination to ensure that an applicant indeed has at least the minimum skills to be a barber. HB 1431 also makes it easier for a licensed barber to open a shop. Current law requires a licensed barber to wait a year before opening his or her own shop. But the very fact that someone is licensed means that that person is qualified to be a barber. Requiring a qualified barber to wait a year is undue restraint of trade. Additionally, some rules for setting up a shop in a residence are a barrier to entry into the trade. The bill removes the statutory basis for rules that have no basis in protecting the public health and safety. The amendment replaces the original bill. Vote 8-4.

Rep. Peter B. Schmidt for the Minority of Executive Departments and Administration: Once again, we see in HB 1431 an attempt to rectify a problem that does not exist, and to create alternatives already available under board rules and to bring back a world long gone, all in pursuit of some libertarian goals of highly questionable value, to say nothing of desirability or workability. HB 1431 tinkers with a profession that is already well established and well regulated, in which the practitioners believe in and support their present structure and governance. Barbers, cosmetologists and estheticians need thorough and skilled training to enable them to both serve and protect the public. The danger of harm, injury, even disfigurement, is substantial if adequate knowledge of sanitation, use of chemicals and emergency procedures is haphazard or slipshod. There is no public call for the changes sought by HB 1431 and the trade rejects them. This bill should be rejected by the House, as well.

Majority Amendment (0923h)

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

AN ACT relative to requirements for a barber to obtain a license and for a licensed barber, cosmetologist, manicurist, or esthetician to obtain a shop license.

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

1 Findings.

I. Qualifications of barbers. The general court finds that:

(a) For thousands and thousands of years parents taught their trade to their children;

- (b) In recent times, there has been a shift toward classroom training;
- (c) Many people who might not learn well in a classroom setting can learn very well via a hands-on experience of doing the work;
- (d) Education via a repeated experience is often retained better than via classroom training; and
- (e) The state, therefore, should facilitate alternatives to classroom training.

II. It is the intent of the general court that the board of barbering, cosmetology, and esthetics, be flexible in determining what is “equivalent training and experience” compared to classroom training, and that the board determine qualifications primarily by practical exam rather than by number of hours of training.

III. Shop licensure. The general court finds that a barber, cosmetologist, manicurist, or esthetician licensed under RSA 313-A is ipso facto qualified to engage in that trade; and that requiring a qualified applicant to wait one year before opening a shop is undue restraint of trade. The general court further finds that requiring a shop in a residence to have its own entrance, space, and required facilities, separate from the residents, is an unwarranted barrier to entry. It is the intent of the general court that the only requirements for a shop are those that are necessary to ensure public health and safety.

2 Barbers; Training. Amend RSA 313-A:10, I(c) and (d) to read as follows:

- (c) Have received training of:
 - (1) A minimum of 800 hours of training in a school of barbering approved by the board; or
 - (2) ~~[A minimum of 1,600 hours distributed over a period of at least 12 months under a licensed barber who has engaged in the practice of barbering within the state for at least 2 years]~~ **Equivalent training and experience;**
- (d) Pass an examination conducted by the board, **demonstrating the minimum skills needed to perform the art of barbering;** and

3 Shop License; Minimum Licensure Removed. Amend RSA 313-A:19, II(a) to read as follows:

II.(a) Any licensed barber, cosmetologist, manicurist, or esthetician ~~[who has completed one year of actual experience in a salon or barbershop]~~ shall, upon written application accompanied by the required fees, receive a license to operate a salon, barbershop, or mobile barbershop in this state, provided that the salon, barbershop, or mobile barbershop meets all requirements established in the rules of the board.

4 Rulemaking; Shop Licenses. Amend RSA 313-A:8, X to read as follows:

X. Conditions and standards for operation under a shop license, including health and safety standards, **provided that a shop in a residence may share its entrance, space, and required facilities with the residents and shall not be required to have its entrance marked;**

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

AMENDED ANALYSIS

This bill reduces the number of hours for a person to obtain a barber license by training and experience, and allows for a shop license to be issued for a residence and to a licensed barber, cosmetologist, manicurist, or esthetician upon licensure.

Majority committee amendment adopted.

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

Reps. Gorman and Peter Schmidt spoke against.

Rep. Bowers spoke in favor.

Rep. Carol McGuire spoke in favor and yielded to questions.

On a division vote, 174 members having voted in the affirmative and 120 in the negative, the majority committee report was adopted and ordered to third reading.

HB 1549, prohibiting the adoption of a requirement that employers participate in the E-Verify system and the use of motor vehicle records for the E-Verify system. **OUGHT TO PASS.**

Rep. Kenneth Hawkins for Executive Departments and Administration: HB 1549 prohibits the state to require the use of the federal E-Verify system, and also bans supplying information from the driver's license database to that system. E-Verify is a federal database system that is used to verify citizenship and/or legal residence status for employers, but it is being expanded into a de facto national ID card system without the card. Since New Hampshire has firmly declined to participate in REAL ID, pass cards, and other national ID systems, it should stay out of the E-Verify system as well. Keeping driver's license data separate from federal databases of this sort is necessary to protect the privacy of our residents. Employers that find E-Verify useful are free to use it to determine that employees are legally entitled to work in this country, but New Hampshire will not mandate it. Vote 11-1.

MOTION TO SPECIAL ORDER

Rep. Carol McGuire moved that **HB 1549**, prohibiting the adoption of a requirement that employers participate in the E-Verify system and the use of motor vehicle records for the E-Verify system, be made a Special Order immediately following **HB 1492-FN**, requiring employers to verify an employee's eligibility to work in the United States.

Rep. Carol McGuire spoke in favor.

Adopted.

REGULAR CALENDAR (CONT'D)

HB 1613, relative to protected health information. **REFER FOR INTERIM STUDY.**

Rep. Evalyn S. Merrick for Health, Human Services and Elderly Affairs: Medical privacy is controlled by HIPAA. This law has a serious loophole in that it does not require notification when an unauthorized disclosure or breach is suspected. Notification is only required when a breach is confirmed through investigation, which may take up to three months. Further, investigation is conducted by the entity which holds the information and may have made the unauthorized disclosure. In New Hampshire, individuals own their medical information and may wish to take practical steps to protect themselves from the disastrous effects of identity theft and medical identity theft. There have been several large medical information breaches in New Hampshire, so it is reasonable to give individuals as much upfront notice as possible when a breach is suspected. However, problems and concerns, including cost, were identified in committee, and more work is needed. Therefore, the recommendation is for interim study. Vote 14-4.

Committee report adopted.

SPECIAL ORDERED

Without objection, the Speaker made the following bills not presenting any debate Special Orders as the next order of business.

SPECIAL ORDER

HB 1178, relative to the losing party's payment of the prevailing party's costs in tort actions. **REFER FOR INTERIM STUDY.**

Rep. Brian J. X. Murphy for Judiciary: This bill would require that the court order the losing party to pay the prevailing party's attorney fees and court costs in all tort actions. The committee acknowledged the valuable intent of the bill, but could not reach a consensus regarding whether such a change would have unintended consequences in New Hampshire. Only one other state has a "loser-pays" model – Alaska. Ultimately the committee decided it would be more prudent to study the consequences, as applied to New Hampshire, prior to

enacting such a significant change to the judicial system. Vote 9-7.
Committee report adopted.

SPECIAL ORDER

HB 1261, relative to recovery of delinquent condominium fees. **REFER FOR INTERIM STUDY.**

Rep. Peter L. Silva for Judiciary: This bill attempts to close a loophole in foreclosures where condo associations are obligated to pay the carrying costs (insurance, maintenance, repairs, and heat) of vacant property. In foreclosures of single family homes, the mortgage holder pays these costs or risks significant losses due to fire, vandalism, etc. Partial relief was made last term by allowing a six month priority lien for mortgages closed after January 2011. This bill would allow multiple six month priority liens and eliminate grandfathering. Opponents of the bill argue that mortgage lending would be impaired as such restrictions prevent resale of the mortgage to government agencies such as Fannie Mae and Freddy Mac. They further argue that enhanced enforcement of default provisions (priority loans) or existing mortgages is unconstitutional. While the committee is sympathetic to the condo association position, they feel the consequences required further study. Vote 12-4.
Committee report adopted.

SPECIAL ORDER

HB 1269, relative to immunity from civil liability for sports officials. **INEXPEDIENT TO LEGISLATE.**

Rep. Brian J. X. Murphy for Judiciary: This bill seeks to protect volunteers at sporting events. Notwithstanding the noble objective of encouraging volunteerism in New Hampshire, the committee felt that granting civil immunity for "sports officials" was a dangerous precedent. The committee also noted that athletic associations can and do purchase insurance that would respond to these suits. Vote 13-1.
Committee report adopted.

SPECIAL ORDER

HB 1474, relative to eliminating the requirement that attorneys be members of the state bar association. **OUGHT TO PASS.**

Rep. Paul D. LaCasse for Judiciary: This bill requires that the professional organization known as the Bar Association, become a voluntary organization. Currently, all attorneys admitted to practice law in New Hampshire by the judicial branch are required by the judicial branch to be a member of the Bar Association. The majority of the committee believes that the professional society would be more efficient and offer greater program services to New Hampshire attorneys if it was a voluntary association rather than a mandatory monopoly as it is currently. De-unification will give attorneys independence and encourages them to advocate for their clients and the citizens. Vote 12-5.
Rep. Keans requested a roll call; sufficiently seconded.

YEAS 199 NAYS 88

YEAS 199

BELKNAP

Accornero, Harry
Kingsbury, Robert
St. Cyr, Jeffrey

Comtois, Guy
Malone, Robert
Swinford, Elaine

Fields, Dennis
Russell, David
Worsman, Colette

Greemore, Robert
Simpson, Tyler

CARROLL

Ahlgren, Christopher

Babson, David Jr

Chandler, Gene

McCarthy, Frank

McConkey, Mark
Tregenza, Norman

Merrow, Harry
Umberger, Karen

Patten, Betsey

Pettengill, Laurie

CHESHIRE

Byrnes, John
Moore, Robert Jr

Cartwright, Anne
Smith, Edwin

Emerson, Susan
Sterling, Franklin Jr

Johnson, Jane

COOS

Daugherty, Duffy
Tremblay, Marc

Merrick, Evalyn

Rappaport, Laurence

Richardson, Herbert

GRAFTON

Brosseau, Charles
Pierce, David
Sova, Charles

Bulis, Lyle
Reilly, Harold Sr

Gionet, Edmond
Shackett, Jeffrey

Ladd, Rick Jr
Simard, Paul

HILLSBOROUGH

Avard, Kevin
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Ball, J. Michael
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Barry, J. Gail
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Buxton, Michael
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Condra, William
Donovan, Daniel
Gagne, Larry
Graham, John
Hardwick, Harry
Hopper, Gary
Krasucki, Joseph
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pratt, Calvin
Rowe, Robert
Soucy, Connie
Twombly, Timothy
Warden, Mark

Cusson-Cail, Kathleen
Erickson, Duane
Gandia, Laura
Greazzo, Phil
Hawkins, Kenneth
Hutchinson, Winfred
Kurk, Neal
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Reed, Michael
Seidel, Carl
Stepanek, Stephen
Ulery, Jordan
Willette, Robert

Daniels, Gary
Flanagan, Jack
Gimas, John
Haefner, Robert
Hikel, John
Infantine, William
Maltz, Jonathan
Mecheski, Holly
Ober, Lynne
Palmer, Stephen
Renzullo, Andrew
Silva, Peter
Stroud, Kathleen
Vaillancourt, Steve

Day, Russell
Fredette, Robert
Gorman, Mary
Hansen, Peter
Hogan, Edith
Jasper, Shawn
McCarthy, Michael
Messier, Irene
Ober, Russell III
Peterson, Lenette
Robbins, David
Simmons, Tammy
Summers, James
Villeneuve, Moe

MERRIMACK

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

Coffey, Jennifer
Hill, Gregory
Kreis, Kenneth Sr
Palfrey, David
Soltani, Tony

Cohn, Seth
Hoell, J.R.
Lauer-Rago, Kathleen
Sanborn, Laurie
Winter, Steven

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

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Belanger, Ronald
Charron, Gene
Duarte, Joe
Garrity, James
Hoelzel, Kathleen
Manuse, Andrew

Allen, Mary
Bettencourt, David
Comerford, Timothy
Elliott, Robert
Griffin, Mary
Itse, Daniel
Mauro, Donna

Baldasaro, Alfred
Birdsell, Regina
Davenport, Joshua
Ferrante, Beverly
Hagan, Joseph
Kappler, Lawrence
McKinney, Betsy

Bates, David
Brown, Paul
Devine, James
Fesh, Robert
Headd, James
Major, Norman
McMahon, Charles

Nevins, Chris
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Schroadter, Adam
Sullivan, James
Tremblay, Stella
Weyler, Kenneth

Packard, Sherman
Ritter, Glenn
Sedensky, John
Sytek, John
Ward, Joanne

Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Webb, James

Reichard, Kevin
Sapareto, Frank
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Vita, Carol

SULLIVAN

Bowers, Spec
Rodeschin, Beverly

Cunningham, Steven
Smith, Steven

Laware, Thomas

Osgood, Joe

NAYS 88

BELKNAP

Bolster, Peter

Millham, Alida

Pilliod, James

Tilton, Franklin

CARROLL

None

CHESHIRE

Butynski, William
Lindsey, Steven
Weber, Lucy

Chase, Cynthia
Parkhurst, Henry

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Porter, Marjorie
Terrio, Ross

Daler, Jennifer
Pellegrino, Tony
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Bouchard, Candace
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Horrigan, Timothy
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Kaen, Naida
Roberts, Jenna
Wall, Janet

Ginsburg, Philip
Keans, Sandra
Schmidt, Peter
Watters, David

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

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

Reps. John O'Connor and Peter Sullivan declared conflicts of interest and did not participate.

SPECIAL ORDER

HB 1510-FN, relative to taxpayer standing for declaratory judgments. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick H. Watrous for Judiciary: This bill restores the long established right of local taxpayers to file for declaratory judgment, which asks a court what the law is when a governmental action is challenged. It is not a suit for money damages. For a century and a half ---until a court ruling in 2010---all taxpayers had standing in the state court to seek such relief. As far back as 1863, the New Hampshire Supreme Court found that taxpayers had a legitimate interest in the disposition of their tax dollars and allowed such suits. In *Clapp v. Town of Jaffrey*, 97 N.H. 456 (1952) the court held, "it is plain that every taxpayer of a town has a vital interest in and a right to the preservation of an orderly and lawful government regardless of whether his purse is immediately touched." This was echoed in 1974 when the Supreme Court also held that "it is well settled in this state that plaintiffs, as taxpayers, have standing to seek redress for the unlawful acts of their public officials." However, two years ago in the case of *Baer v. N.H. Department of Education*, 160 N.H. 727 (2010) all of these taxpayer standing cases were set aside by the Supreme Court. The court's new interpretation of RSA 491:22 now requires taxpayers to demonstrate an injury or an impairment of rights in order to bring a declaratory judgment action. This bill, as amended by a bipartisan majority, clarifies the law to again permit taxpayer suits to challenge governmental action- returning to taxpayers the same right that they possessed from 1863 until 2010. Vote 10-2.

Amendment (0963h)

Amend the bill by replacing section 1 with the following:

1 Declaratory Judgments; Standing. Amend RSA 491:22, I to read as follows:

I. Any person claiming a present legal or equitable right or title may maintain a petition against any person claiming adversely to such right or title to determine the question as between the parties, and the court's judgment or decree thereon shall be conclusive. ***The taxpayers of a taxing district in this state shall be deemed to have an equitable right and interest in the preservation of an orderly and lawful government within such district; therefore any taxpayer in the jurisdiction of the taxing district shall have standing to petition for relief under this section without having to demonstrate that his or her personal rights were impaired or prejudiced.*** The existence of an adequate remedy at law or in equity shall not preclude any person from

obtaining such declaratory relief. However, the provisions of this paragraph shall not affect the burden of proof under RSA 491:22-a or permit awards of costs and attorney's fees under RSA 491:22-b in declaratory judgment actions that are not for the purpose of determining insurance coverage.

Amendment adopted.

Committee report adopted and ordered to third reading.

SPECIAL ORDER

HB 1605-FN, relative to checking firearms at courthouse entrances. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS**

Rep. Brian J. X. Murphy for the Majority of Judiciary: This bill would require all courts to operate a temporary weapons check service for any person entering the facility. The bill specifically prohibits the requirement of producing any type of identification or documentation. While the majority of the committee acknowledged and appreciated the second amendment rights this bill strives to preserve, those rights must be balanced against public safety interests. Vote 9-7.

Rep. Lenette M. Peterson for the Minority of Judiciary: The courts already collect and store firearms for off-duty/on-duty law enforcement officers. Having your firearms collected would be safer than leaving them in one's vehicle.

On a division vote, 224 members having voted in the affirmative and 65 in the negative, the majority committee report was adopted.

SPECIAL ORDER

HB 1682-FN, relative to forfeiture of personal property. **REFER FOR INTERIM STUDY.**

Rep. Brian J. X. Murphy for Judiciary: This bill proposed comprehensive changes to the state's asset forfeiture laws to address the inequities of requiring a both a criminal proceeding as well as addition to a civil proceeding. The Committee recognized the value of reviewing these statutes but felt a detailed analysis of the problem and the proposed solution should be the next step. Vote 9-5.

Committee report adopted.

SPECIAL ORDER

HB 1720-FN, relative to jury trials under the consumer protection act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Brian J. X. Murphy for Judiciary: This bill establishes a right to a jury trial for claims brought under the consumer protection act for class actions where the amount in dispute is \$50,000 or more. Currently the courts do not allow jury trials for consumer protection matters. The committee felt that the right to a jury trial is a significant constitutional right and that the proposed bill, as amended, would ensure that the right is afforded to an important category of litigants. Vote 14-2.

Amendment (0922h)

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

AN ACT relative to jury trials in class actions brought under the consumer protection act.

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

1 Consumer Protection Act; Class Actions. Amend RSA 358-A:10-a, I to read as follows:

I. Persons entitled to bring an action under RSA 358-A:10 may, if the unlawful act or practice has caused similar injury to numerous other persons, institute an action as representative or representatives of a class of persons who are residents of this state or whose cause of action arose within this state against one or more defendants as individuals or as representatives of a class or against one or more such defendants having a principal place of business within this state, and the petition shall allege such facts as will show that these persons or the named defendants specifically named and served with process have been

fairly chosen and adequately and fairly represent the whole class, to recover ~~actual~~ damages as provided for in RSA 358-A:10. The court may require the plaintiff to prove such allegations, unless all of the members of the class have entered their appearance, and the court may also determine that it shall not be sufficient to prove such facts by the admissions of the defendants who have entered their appearance. In any action brought under this section, the court may order, in addition to actual damages, injunctive or other equitable relief and reasonable attorney's fees.

2 Consumer Protection Act; Qualifications of Class Action. Amend RSA 358-A:10-a, II(e)(3) to read as follows:

(3) The court finds that the questions of law or fact common to the members of the class predominate over any questions affecting only individual members, and that a class action is superior to other available methods for the fair and efficient adjudication of the controversy. The matters pertinent to the findings include: the interest of members of the class in individually controlling the prosecution or defense of separate actions; the extent and nature of any litigation concerning the controversy already commenced by or against members of the class; the desirability or undesirability of concentrating the litigation of the claims in the particular forum; and the difficulties likely to be encountered in the management of a class action[-]; **and**

(f) The attorney for the representative parties will adequately represent the interests of the class.

3 New Paragraph; Consumer Protection Act; Class Actions; Jury Trial. Amend RSA 358-A:10-a by inserting after paragraph X the following new paragraph:

XI. In any action brought in the superior court pursuant to this section, except those in which the amount in controversy does not exceed \$50,000, the parties have a right to a trial by jury. For the purposes of this section, the separate claims of the proposed members of the class may be aggregated to meet the minimum amount in controversy required.

4 Applicability. This act shall apply only to actions brought on or after January 1, 2013.

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

Amendment adopted.

Committee report adopted and ordered to third reading.

RESOLUTION

Rep. Bettencourt offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 14, 2012 at 9:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 1182, prohibiting the sale of baby food products containing bisphenol A in New Hampshire.

HB 1251-FN, establishing a committee to study requiring that all sales of alcoholic beverages for off-premises consumption be made at state liquor stores.

HB 1297, relative to federal health care reform and health care exchanges.

HB 1341, repealing the provision relative to the unauthorized use of firearms in the compact part of a city or town.

HB 1526-FN, relative to possession of less than one-half ounce of marijuana.

HB 1532-FN, relative to trespass on land which is not posted.

HB 1699-FN, relative to driving under the influence of drugs.

HB 1707-FN, relative to penalties for operation after revocation or suspension.

HB 1175, relative to the membership of the cooperative school district budget committees.

HB 1377, requiring postsecondary education institutions to compile and submit reports on remedial education courses.

HB 1703-FN, requiring the school board to develop and implement a policy that incorporates the foundations of financial literacy into the school curriculum and instruction

HB 1664-FN, establishing a committee to study transferring election law enforcement to the secretary of state.

HB 1254, establishing a committee to study the effect of illegal immigration on the state and its political subdivisions.

HB 1431, relative to requirements for a barber to obtain a license and for a licensed barber, cosmetologist, manicurist, or esthetician to obtain a shop license.

HB 1474, relative to eliminating the requirement that attorneys be members of the state bar association.

HB 1510-FN, relative to taxpayer standing for declaratory judgments.

HB 1720-FN, relative to jury trials in class actions brought under the consumer protection act.

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 4:45 p.m.

RECESS

(Rep. Ulery in the Chair)

RESOLUTION

Rep. Garcia offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 216, 219, 221, 230, 231, 243, 244, 250, 261, 268, 269, 277, 280, 281, 287, 288, 289, 291, 317, 321, 333, 342, 347, 349, 354, 357, 371, 373, 378, 379, 391, 394 and 400 shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 216, relative to notification of revocation of conditional discharge by the department of health and human services. (Judiciary)

SB 219-FN, relative to guaranteed issue for health insurance. (Commerce and Consumer Affairs)

SB 221, relative to life, accident, and health insurance. (Commerce and Consumer Affairs)

SB 230-FN, relative to the calculation of average final compensation for certain retirement system members. (Special Committee Public Employee Pensions Reform)

SB 231, relative to municipal liens. (Municipal and County Government)

SB 243, relative to the management of trust funds and capital reserve funds. (Municipal and County Government)

SB 244-FN, relative to the administration of the New Hampshire retirement system. (Special Committee Public Employee Pensions Reform)

SB 250, relative to operation of ATVs and trail bikes on state lands. (Resources, Recreation and Development)

SB 261, relative to requirements for warrant articles. (Municipal and County Government)

SB 268, relative to the appointment of the treasurer of the Concord school district. (Education)

SB 269, relative to the definition of default budget in towns that use official ballot voting. (Municipal and County Government)

SB 277, establishing a sexual offender management board. (Criminal Justice and Public Safety)

SB 280, relative to the procedure for approval of medical parole. (Criminal Justice and Public Safety)

SB 281, relative to exposure to infectious disease by emergency response and public safety workers and notification of public health authorities. (Health, Human Services and Elderly Affairs)

SB 287, relative to confidential prescription data. (Health, Human Services and Elderly Affairs)

SB 288, relative to the exchange of public health information through a health information exchange. (Commerce and Consumer Affairs)

SB 289-FN, relative to presenting photo identification to vote in person. (Election Law)

SB 291, relative to the use of currently allowed impact fees by municipalities. (Transportation)

SB 317, relative to towable devices permitted to be towed by a motorboat. (Transportation)

SB 321-FN, establishing a committee to study the continuation of payments to long-term care facilities. (Health, Human Services and Elderly Affairs)

SB 333, relative to a surviving spouse's right to retain a Purple Heart plate. (Transportation)

SB 342, relative to the inclusion of requirements for log structures in the state building code. (Executive Departments and Administration)

SB 347-FN, relative to the department of health and human services administrative appeals. (Health, Human Services and Elderly Affairs)

SB 349, relative to the administration of juvenile justice services. (Health, Human Services and Elderly Affairs)

SB 354, relative to the escrow fund for court facility improvements. (Judiciary)

SB 357, establishing a commission to study how the Patient Protection and Affordable Care Act of 2009, as amended, will affect emergency and ambulance providers. (Health, Human Services and Elderly Affairs)

SB 371, allowing a lien for labor and materials for professional design services. (Commerce and Consumer Affairs)

SB 373-L, authorizing the retention of funds by a school district. (Education)

SB 378, allowing municipalities to remove snow from private roads and driveways and class VI highways. (Municipal and County Government)

SB 379, relative to insurance fraud. (Judiciary)

SB 391, naming a portion of New Hampshire route 107/43 in the town of Deerfield the Honorable Joseph E. Stone Highway. (Public Works and Highways)

SB 394-L, relative to the reclassification of Province Road in Strafford from the intersection of Route 202A to Ricky Nelson Road from class II to class V. (Transportation)

SB 400, including owls within the definition of raptor for the purpose of falconry. (Resources, Recreation and Development)

SENATE MESSAGE CONCURRENCE

HB 592, apportioning state representative districts and relative to the boundaries of wards.

HB 1170, allowing municipalities to authorize the inclusion of a statement of the estimated tax impact of the budget and special warrant articles to be voted at annual meeting.

HB 1488, relative to the alternative budget procedure in a school administrative unit.

RECESS

(Speaker O'Brien in the Chair)

COMMITTEE ASSIGNMENTS

The Speaker made the following changes to committee assignments:

Rep. Sorg on the Committee on Constitutional Review and Statutory Recodification as Vice Chairman and off the Committee on Judiciary.

Rep. Cebrowski on the Committee on Judiciary as Vice Chairman and off the Committee on Constitutional Review and Statutory Recodification.

RECESS