

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 15, 2012

No. 26

HOUSE JOURNAL No. 12 (cont.)

Wednesday, March 14, 2012

Rep. Belvin moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 13

Thursday, March 15, 2012

The House assembled at 9:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Roger Boucher.

O God, who delights in goodness and always restores it, direct the hearts of those who serve the common good this day. Give us the fire of Your spirit that we may be steadfast in our purpose to help our citizens flourish in their daily lives, for we know that "Blessed is the one that follows the counsel of the Lord." May our deeds today merit Your blessings. We pray this in Your Holy name. Amen.

Representative Timothy Comerford, 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, Eaton, Fredette, Hofemann, Dorothea Hooper, Gladys Johnsen, Long, McDonnell, Merrow, Pratt, Scentsas and Stroud, the day, illness.

Reps. Aguiar, Blankenbeker, Condra, DeJong, Drisko, Elliott, Hess, Hoell, Katsiantonis, Larsen, Lerandean, Mark Lindsley, Bruce MacMahon, Marcus, Mirski, William O'Connor, Oligny, Panek, Pantelakos, Dennis Reed, Michael Reed, Scala, Stephen Schmidt, Shackett, Molly Smith, Todd Smith, Spainhower, Daniel Sullivan, Kevin Sullivan, Tasker, Joseph

Thomas, Wallner, Weed and Weeden, the day, important business.
Reps. Andolina, Ferrante and Okerman, the day, illness in the family.

INTRODUCTION OF GUESTS

Donna Torvi and Kathy Penn, guests of Rep. Merrick.

Elizabeth Gadowski and Tyler Knisley, students at the Brentwood School, Pages for the day.

REGULAR CALENDAR

CONTINUATION FROM MARCH 8, 2012 (CONT'D)

HB 1405, relative to refugee resettlement. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Kris E. Roberts for the Majority of Municipal and County Government: This is one of those well intentioned bills introduced to solve a problem where the sponsors see a problem but aren't really sure what they are trying to address is even a major factor. HB 1405 would allow local governing bodies to establish moratoriums on refugee resettlement in New Hampshire communities. HB 1405 would allow the local governing body to determine its "absorptive capacity." If the majority of the communities in New Hampshire have a hard time with the definition of "Work Force Housing" what would be the legally acceptable standard for "absorptive capacity?" It became very clear to the committee that many of the speakers on both sides of the issue often misclassified refugee, legal immigrant and illegal immigrant when it came to the issues in question. We were told that refugees, displaced people who are allowed to enter into the United States legally with green card status were having a very negative effect on the Manchester School System. But a review over the past 15 years of New Hampshire's involvement in the refugee programs would not account for the approximately 35-45 different languages spoken by English as a Second Language students in the Manchester school system; of the 1622 refugees who have been resettled in New Hampshire between 2009-2011 almost 78% or 1264 have come from Burundi. In 2010 there were refugees from 8 countries placed in NH. This was repeated in 2009 and 2011 with the majority coming from the same countries. Every state in the country except Wyoming takes part in the refugee resettlement program. There appears to be no federal requirement for a state to participate. New Hampshire takes part through the state government level not through social service organizations. The committee felt that Manchester, due to the size of both the current refugee, legal and illegal immigrant population should address those concerns with the New Hampshire Office of Energy and Planning Refugee Program which in FY 2009 received in excess of \$1,083,000 for refugee services. In FY 2010 another \$510,000 in voluntary agency matching grants funds. The 2009 UNH report on Refugees in New Hampshire show there is about a 50% out-of-state migration of refugees over a three period. This is due to the fact that all refugees are issued green cards and the freedom of movement nationwide. Allowing the local governing body to determine its "Absorptive Capacity" could create some very serious legal questions concerning refugees' freedom of movement. This matter needs to be pro-actively addressed at the city-state level with the state then addressing local concerns with the United States State Department and the Office of Homeland Security, not by New Hampshire enacting a law that could reflect negatively on the honest concerns of some local communities. Vote 15-1.

Rep. John A. Burt for the Minority of Municipal and County Government: This bill gives local control to refugee host communities. Municipal officials testified about the task of preparation of the unique assistance resources needed for new refugees and the communities' ability to meet the needs. HB 1405 requires a letter of agreement between state agencies and local governing bodies. If sufficient resources are not available, the host community may request a moratorium. HB 1405 protects both the host community and the resettled refugees.

The question being adoption of the majority committee report of Inexpedient to Legislate.
 Reps. Greazzo and Pettengill spoke against.
 Rep. Kris Roberts spoke in favor.
 Rep. Winfred Hutchinson spoke against, yielded to questions and requested a roll call;
 sufficiently seconded.

YEAS 119 NAYS 156

YEAS 119

BELKNAP

Accornero, Harry	Bolster, Peter	Flanders, Donald	Millham, Alida
Russell, David	St. Cyr, Jeffrey	Tilton, Franklin	

CARROLL

Babson, David Jr	Fleck, Joseph	Patten, Betsey
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CHESHIRE

Butynski, William	Byrnes, John	Chase, Cynthia	Dwinell, Richard
Hawkes, Samuel	Hunt, John	Lindsey, Steven	Meador, David
Parkhurst, Henry	Roberts, Kris	Sad, Tara	Sterling, Franklin Jr
Tatro, Bruce	Weber, Lucy		

COOS

Coulombe, Gary	Merrick, Evalyn	Theberge, Robert	Tremblay, Marc
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GRAFTON

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

HILLSBOROUGH

Balboni, Michael	Belanger, James	Belvin, William	Campbell, David
Cebrowski, John	Christensen, D.L.	Coffey, James	Cote, David
	Chris		
Coughlin, Sean	Daler, Jennifer	Goley, Jeffrey	Gorman, Mary
Graham, John	Jasper, Shawn	Ober, Lynne	Ober, Russell III
Palmer, Barry	Palmer, Stephen	Porter, Marjorie	Robbins, David
Rosenwald, Cindy	Willette, Robert		

MERRIMACK

Deloge, Helen	DeStefano, Stephen	Foose, Robert	Frazer, June
Gile, Mary	Lockwood, Priscilla	MacKay, James	Owen, Derek
Palfrey, David	Patten, Dick	Potter, Frances	Rice, Chip
Richardson, Gary	Shurtleff, Stephen	Watrous, Rick	Williams, Robert

ROCKINGHAM

Allen, Mary	Antosz, Jason	Bates, David	Cali-Pitts, Jacqueline
Copeland, Timothy	DeSimone, Debra	Devine, James	Garrity, James
Headd, James	Lovejoy, Patricia	Moody, Marcia	Nevins, Chris

Norelli, Terie
Sanders, Elisabeth
Sullivan, James

Quandt, Matt
Schlachman, Donna
Tucker, Pamela

Read, Robin Jr
Sedensky, John
Waddell, James

Reagan, John
Sheffert, Kenneth

STRAFFORD

Berube, Roger
Grassie, Anne
Munck, Philip
Wall, Janet

Brown, Julie
Horrigan, Timothy
Perry, Robert
Watters, David

Browne, Brendon
Kaen, Naida
Schmidt, Peter

Ginsburg, Philip
Keans, Sandra
Sprague, Dale

SULLIVAN

Cloutier, John

Gagnon, Raymond

Rodeschin, Beverly

Schmidt, Andrew

NAYS 156

BELKNAP

Comtois, Guy
Luther, Robert
Swinford, Elaine

Fields, Dennis
Malone, Robert
Tobin, William

Greemore, Robert
Pilliod, James
Worsman, Colette

Kingsbury, Robert
Simpson, Tyler

CARROLL

Chandler, Gene
Umberger, Karen

McCarthy, Frank

Pettengill, Laurie

Tregenza, Norman

CHESHIRE

Cartwright, Anne

Johnson, Jane

Smith, Edwin

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Thomas, Yvonne

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Simard, Paul

Brosseau, Charles
Sorg, Gregory

Gionet, Edmond
Sova, Charles

Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Brown, Kevin
Daniels, Gary
Erickson, Duane
Greazzo, Phil
Hawkins, Kenneth
Hutchinson, Winfred
Maltz, Jonathan
Murphy, Keith
Peterson, Lenette
Seidel, Carl
Soucy, Connie
Terrio, Ross
Whitehead, Randall

Ball, J. Michael
Beattie, Thomas
Burt, John
Day, Russell
Flanagan, Jack
Haefner, Robert
Hinch, Richard
Krasucki, Joseph
McCarthy, Michael
Notter, Jeanine
Pilotte, Maurice
Shaw, Barbara
Stepanek, Stephen
Twombly, Timothy

Baroody, Benjamin
Bergevin, Jerry
Buxton, Michael
Doherty, Shaun
Gagne, Larry
Hansen, Peter
Hogan, Edith
Kurk, Neal
McGuinness, Sean
Ohm, Bill
Proulx, Mark
Silva, Peter
Summers, James
Vaillancourt, Steve

Barry, J. Gail
Boehm, Ralph
Cusson-Cail, Kathleen
Donovan, Daniel
Gimas, John
Hardwick, Harry
Holden, Frank
LeBrun, Donald
Messier, Irene
Pellegrino, Tony
Renzullo, Andrew
Simmons, Tammy
Swank, Matthew
Villeneuve, Moe

MERRIMACK

Cohn, Seth	Giuda, J. Brandon	Hill, Gregory	Keane, Thomas
Kotowski, Frank	Kreis, Kenneth Sr	Lauer-Rago, Kathleen	McGuire, Dan
Sanborn, Laurie	Seaworth, G. Brian	Soltani, Tony	Winter, Steven

ROCKINGHAM

Abrami, Patrick	Azarian, Gary	Baldasaro, Alfred	Belanger, Ronald
Bettencourt, David	Birdsell, Regina	Brown, Paul	Charron, Gene
Comerford, Timothy	DiPentima, Rich	Duarte, Joe	Fesh, Robert
Garcia, Marilinda	Griffin, Mary	Hoelzel, Kathleen	Itse, Daniel
Kappler, Lawrence	Katsakiores, Phyllis	Lundgren, David	Major, Norman
Manuse, Andrew	Mauro, Donna	McKinney, Betsy	Murphy, Brian
O'Connor, John	Packard, Sherman	Peckham, Michele	Quandt, Marshall
Reichard, Kevin	Rice, Frederick	Ritter, Glenn	Sapareto, Frank
Shuler, Wyman III	Smith, William	Tremblay, Stella	Waterhouse, Kevin
Webb, James	Welch, David	Weyler, Kenneth	

STRAFFORD

Cataldo, Sam	DeLemus, Susan	Groen, Warren	Jones, Kyle
Jones, Laura	Parsons, Robbie	Pitre, Joseph	Vita, Carol
Vita, Lucien			

SULLIVAN

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

and the majority committee report failed.
Rep. Greazzo moved the minority committee report of Ought to Pass, spoke in favor and yielded to questions.
Reps. Kris Roberts and Bolster spoke against and yielded to questions.
Rep. Steven Lindsey spoke against.
Rep. LeBrun requested a roll call; sufficiently seconded.

YEAS 190 NAYS 109

YEAS 190

BELKNAP

Comtois, Guy	Fields, Dennis	Flanders, Donald	Greemore, Robert
Kingsbury, Robert	Luther, Robert	Malone, Robert	Russell, David
Simpson, Tyler	Swinford, Elaine	Tobin, William	Worsman, Colette

CARROLL

Chandler, Gene	Fleck, Joseph	McCarthy, Frank	McConkey, Mark
Pettengill, Laurie	Tregenza, Norman	Umberger, Karen	

CHESHIRE

Byrnes, John	Cartwright, Anne	Dwinell, Richard	Johnson, Jane
Smith, Edwin			

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Thomas, Yvonne

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Ladd, Rick Jr
Sova, Charles

Brosseau, Charles
Reilly, Harold Sr

Gionet, Edmond
Simard, Paul

Ingbretson, Paul
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Brown, Kevin
Cebrowski, John

Ball, J. Michael
Beattie, Thomas
Brownrigg, Randall Jr
Coughlin, Sean

Baroody, Benjamin
Bergevin, Jerry
Burt, John
Cusson-Cail,
Kathleen

Barry, J. Gail
Boehm, Ralph
Buxton, Michael
Daniels, Gary

Day, Russell
Flanagan, Jack
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Krasucki, Joseph
McCarthy, Michael
Notter, Jeanine
Pellegrino, Tony
Ramsey, Peter
Silva, Peter
Summers, James
Ulery, Jordan
Whitehead, Randall

Doherty, Shaun
Gagne, Larry
Graham, John
Hardwick, Harry
Hogan, Edith
Kurk, Neal
McGuinness, Sean
Ohm, Bill
Peterson, Lenette
Renzullo, Andrew
Simmons, Tammy
Swank, Matthew
Vaillancourt, Steve

Donovan, Daniel
Gandia, Laura
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
LeBrun, Donald
Messier, Irene
Palmer, Barry
Pilotte, Maurice
Seidel, Carl
Soucy, Connie
Terrio, Ross
Villeneuve, Moe

Erickson, Duane
Gimas, John
Haefner, Robert
Hikel, John
Hutchinson, Winfred
Maltz, Jonathan
Murphy, Keith
Palmer, Stephen
Proulx, Mark
Shaw, Barbara
Stepanek, Stephen
Twombly, Timothy
Warden, Mark

MERRIMACK

Coffey, Jennifer
Keane, Thomas
McGuire, Dan
Soltani, Tony

Cohn, Seth
Kotowski, Frank
Richardson, Jon
Winter, Steven

Giuda, J. Brandon
Kreis, Kenneth Sr
Sanborn, Laurie

Hill, Gregory
Lauer-Rago, Kathleen
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Belanger, Ronald
Charron, Gene
DiPentima, Rich
Griffin, Mary
Katsakiores, Phyllis
Manuse, Andrew
O'Connor, John
Perkins, Lawrence
Ritter, Glenn
Shuler, Wyman III
Waterhouse, Kevin

Azarian, Gary
Bettencourt, David
Comerford, Timothy
Duarte, Joe
Hoelzel, Kathleen
Kolodziej, Walter
Mauro, Donna
Packard, Sherman
Quandt, Marshall
Sapareto, Frank
Smith, William
Webb, James

Baldasaro, Alfred
Birdsell, Regina
Davenport, Joshua
Fesh, Robert
Itse, Daniel
Lundgren, David
McKinney, Betsy
Peckham, Michele
Reichard, Kevin
Sedensky, John
Tremblay, Stella
Welch, David

Bates, David
Brown, Paul
DeSimone, Debra
Garcia, Marilinda
Kappler, Lawrence
Major, Norman
Murphy, Brian
Perkins, Amy
Rice, Frederick
Sheffert, Kenneth
Tucker, Pamela
Weyler, Kenneth

STRAFFORD

Berube, Roger
Groen, Warren
Pitre, Joseph

Brown, Julie
Jones, Kyle
Spang, Judith

Cataldo, Sam
Jones, Laura
Vita, Carol

DeLemus, Susan
Parsons, Robbie
Vita, Lucien

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

Laware, Thomas
Smith, Steven

NAYS 109

BELKNAP

Accornero, Harry
St. Cyr, Jeffrey

Bolster, Peter

Millham, Alida

Pilliod, James

CARROLL

Babson, David Jr

CHESHIRE

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

Chase, Cynthia
Meador, David
Sad, Tara

Hawkes, Samuel
Moore, Robert Jr
Sterling, Franklin Jr

Hunt, John
Parkhurst, Henry
Tatro, Bruce

COOS

Coulombe, Gary

Merrick, Evalyn

Theberge, Robert

Tremblay, Marc

GRAFTON

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pastor, Beatriz
White, Andrew

Gould, Franklin
Pierce, David

HILLSBOROUGH

Balboni, Michael
Christensen, D.L.
Chris
Daler, Jennifer
Jasper, Shawn
Porter, Marjorie
Rowe, Robert

Belanger, James
Christiansen, Lars

Gargas, Carolyn
Leishman, Peter
Rhodes, Brian
Willette, Robert

Belvin, William
Coffey, James

Goley, Jeffrey
Ober, Lynne
Robbins, David

Campbell, David
Cote, David

Gorman, Mary
Ober, Russell III
Rosenwald, Cindy

MERRIMACK

Deloge, Helen
Gile, Mary
Owen, Derek
Rice, Chip
Williams, Robert

DeStefano, Stephen
Hamm, Christine
Palfrey, David
Richardson, Gary

Foose, Robert
Lockwood, Priscilla
Patten, Dick
Shurtleff, Stephen

Frazer, June
MacKay, James
Potter, Frances
Watrous, Rick

ROCKINGHAM

Allen, Mary
Devine, James
Moody, Marcia
Read, Robin Jr
Serlin, Christopher

Antosz, Jason
Garrity, James
Nevins, Chris
Reagan, John
Sullivan, James

Cali-Pitts, Jacqueline
Headd, James
Norelli, Terie
Sanders, Elisabeth
Waddell, James

Copeland, Timothy
Lovejoy, Patricia
Quandt, Matt
Schlachman, Donna

STRAFFORD

Browne, Brendon
Kaen, Naida
Roberts, Jenna
Watters, David

Ginsburg, Philip
Keans, Sandra
Schmidt, Peter

Grassie, Anne
Munck, Philip
Sprague, Dale

Horrigan, Timothy
Perry, Robert
Wall, Janet

SULLIVAN

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

HB 1453, relative to requiring planning boards to require a deeded right-of-way to a public road as a condition for approval of plans for certain developments. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. James E. Coffey for the Majority of Municipal and County Government: This bill requires subdivision regulations adopted by a municipality to require that the creation of a new subdivision not block other land from having access to a public way, by requiring subdivision regulations to require, at a minimum, a twenty foot deeded right of way to a public way. It is intended to reduce the number of landlocked properties, but does not force a sub divider to create a right of way that would accommodate a new road that might be necessary for additional subdivision. The bill also seeks to avoid creating landlocked parcels, especially where existing access may be by present use and not by deed. Vote 9-8.

Rep. Betsey L. Patten for the Minority of Municipal and County Government: Right-of-ways have been negotiated and laid out between private landowners since people have owned real estate. HB 1453 disrupts these agreements by requiring the planning board to force private landowners to negotiate a right-of-way if a land locked parcel is involved in a subdivision. Forcing the negotiation on a private property owner is an infringement of a fundamental right of private property ownership and constitutes a “taking” of private property. And, because HB 1453 mandates a right-of-way it tips the negotiating power towards the right-of-way purchaser. The minority of the committee does not believe that the Planning Board should become a mediator of right-of-way negotiations between private landowners. HB 1453 specifies a 20 foot right-of-way but is silent on its location or any landowner compensation. The minority urges a motion of Inexpedient to Legislate.

LAID ON THE TABLE

Rep. Lynne Ober moved that ***HB 1453***, relative to requiring planning boards to require a deeded right-of-way to a public road as a condition for approval of plans for certain developments, be laid on the table.

Adopted.

REGULAR CALENDAR

CONTINUATION FROM MARCH 8, 2012 (CONT'D)

HB 1482, relative to the exemption from property taxation for hospitals. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Kris E. Roberts for the Majority of Municipal and County Government: This bill came to the committee as a seemingly minor bill. It just added one sentence to RSA 72:23 V concerning charitable organizations property tax exemption. But that one sentence singled out charitable nonprofit hospitals from all other charitable organizations and societies organized, incorporated, or legally doing business in New Hampshire. That one sentence stated that only the property located on the main campus of the hospital's facility would be deemed tax-exempt even if charitable services are provided at the other locations. When the

sponsor was asked if this would mean that if a hospital built a satellite hospital in another part of the city would HB 1482 require that hospital pay property tax like any other business despite its non-profit charitable status. The answer was a very clear yes. It became very clear to the committee that this was a Manchester problem not a state wide problem and that in the attempt to fix a self-imposed Manchester problem HB 1482 had the potential to create a very serious statewide problem. The sponsors told the committee that the city of Manchester was blind-sided by Elliot Hospital. We were told that Manchester sold non-tax producing city owned property to a developer based on the plan of raising about \$1.9 million annually in new property taxes. When pressed, the sponsors told the committee that due to the downturn in the economy the developer's financial resources dried up. It was stated that as a result of Elliot Hospital's ability to attain certain low-interest and other financing the developer and Elliot Hospital went to the city of Manchester with the new proposal. The city of Manchester didn't have the wool pulled over its eyes, the hospital and developer spent years working with the city planning and zoning offices, along with the required state office. Manchester wants it both ways, it wants all the benefits of a medical campus, with the additional good paying jobs, the increase in property values, additional supporting businesses and the community status that comes with a first class hospital plus all the "lost property taxes" on what was non-tax producing property. Right now Manchester not only has a high quality medical facility, it is collecting property taxes on parts of the projects with a projected \$900K in additional yearly property taxes at project completion. Manchester has the ability as does every other community in the state to determine whether or not a non-profit or charitable organization is deserving of a tax-exemption. There are hospitals around the state where the main campus is granted tax exemption status and their "off campus" offices and clinics pay property taxes. If the city has a problem with Elliot Hospital and how it is treated under session law, then it should address that with a bill going forward; Not with HB 1482. If New Hampshire wants to be business friendly to both non-profit and for profit we don't change the rules after the building is built. The right way to do so is to do it going forward so that businesses can base their business decisions on the certainty of current law. Vote 16-1.

Rep. John A. Burt for the Minority of Municipal and County Government: The minority can recognize there is a disparity in the "charitable" assertion of the twenty-two non-profit hospitals in the state of NH. This bill would put all twenty-two of said hospitals on equal footing when it comes to developing their real estate portfolio. The bill is designed to ensure our "non-profit" hospitals who can somehow afford to build \$100,000,000 satellite facilities from "retained earnings" under guise of tax-exempt status, cannot do so without first having to come to some agreement with the town or municipality they would be depriving of tax dollars. From the twenty-two "non-profit" hospitals only one, the Elliot Hospital, came to testify against this legislation. This is because of the twenty-two "non-profit" hospitals, they alone have autonomy in exempting everything they own from taxation due to session law from 1881 and forward. When Mrs. Mary Elliot made provisions in her will to establish the hospital, it was done solely as a charity with local clergy as the trustees. She specifically entrusted that "in furtherance of the charitable, humane and pious objects of the institution...said trustees will faithfully and wisely administer the trust and thereby induce others to largely contribute to the funds of the hospital." Last year the Elliot Hospital took in nearly half a billion dollars with less than 10% of that amount going to "charitable" services. From the time of its creation, the Elliot Hospital has gone from a genuine "charity" to now providing only some charity.

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

Rep. Burt spoke against.

Rep. Kris Roberts spoke in favor and yielded to questions.

Rep. Greazzo spoke against and yielded to questions.

Reps. Lynne Ober and Soltani spoke in favor.

Rep. Hawkins requested a roll call; sufficiently seconded.

YEAS 243 NAYS 65

YEAS 243

BELKNAP

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

CARROLL

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

CHESHIRE

Butynski, William	Byrnes, John	Cartwright, Anne	Chase, Cynthia
Dwinell, Richard	Hawkes, Samuel	Hunt, John	Lindsey, Steven
Meador, David	Moore, Robert Jr	Parkhurst, Henry	Roberts, Kris
Sad, Tara	Smith, Edwin	Sterling, Franklin Jr	Tatro, Bruce
Weber, Lucy			

COOS

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

GRAFTON

Almy, Susan	Benn, Bernard	Brosseau, Charles	Cooney, Mary
Gionet, Edmond	Gould, Franklin	Harding, Laurie	Ingbretson, Paul
Ladd, Rick Jr	Nordgren, Sharon	Pastor, Beatriz	Pierce, David
Reilly, Harold Sr	Smith, Suzanne	Sorg, Gregory	Sova, Charles
Townsend, Charles	White, Andrew		

HILLSBOROUGH

Balboni, Michael	Baroody, Benjamin	Barry, Richard	Beattie, Thomas
Belanger, James	Belvin, William	Boehm, Ralph	Brown, Kevin
Brownrigg, Randall Jr	Buxton, Michael	Campbell, David	Christensen, D.L. Chris
Christiansen, Lars	Coffey, James	Cote, David	Coughlin, Sean
Cusson-Cail, Kathleen	Daler, Jennifer	Daniels, Gary	Day, Russell
Doherty, Shaun	Erickson, Duane	Gandia, Laura	Gargas, Carolyn
Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary	Haefner, Robert
Hardwick, Harry	Hikel, John	Hinch, Richard	Hogan, Edith
Holden, Frank	Jasper, Shawn	LeBrun, Donald	Leishman, Peter
McCarthy, Michael	McGuinness, Sean	Mecheski, Holly	Messier, Irene
Notter, Jeanine	Ober, Lynne	Ober, Russell III	Ohm, Bill
Palmer, Barry	Palmer, Stephen	Parison, James	Pellegrino, Tony
Pilotte, Maurice	Porter, Marjorie	Proulx, Mark	Ramsey, Peter
Renzullo, Andrew	Rhodes, Brian	Robbins, David	Rokas, Ted
Rosenwald, Cindy	Rowe, Robert	Seidel, Carl	Silva, Peter

Stepanek, Stephen
Ulery, Jordan

Swank, Matthew
Villeneuve, Moe

Terrio, Ross
Whitehead, Randall

Twombly, Timothy
Willette, Robert

MERRIMACK

Coffey, Jennifer
Frazer, June
Hill, Gregory
Lauer-Rago, Kathleen
McGuire, Dan
Potter, Frances
Shurtleff, Stephen
Winter, Steven

Deloge, Helen
Gile, Mary
Kidder, David
Lockwood, Priscilla
Owen, Derek
Rice, Chip
Soltani, Tony

DeStefano, Stephen
Giuda, J. Brandon
Kotowski, Frank
MacKay, James
Palfrey, David
Richardson, Gary
Watrous, Rick

Foose, Robert
Hamm, Christine
Kreis, Kenneth Sr
McGuire, Carol
Patten, Dick
Sanborn, Laurie
Williams, Robert

ROCKINGHAM

Abrami, Patrick
Bates, David
Charron, Gene
Devine, James
Fesh, Robert
Itse, Daniel
Lovejoy, Patricia
Moody, Marcia
Packard, Sherman
Reichard, Kevin
Sedensky, John
Sytek, John
Welch, David

Allen, Mary
Bettencourt, David
Comerford, Timothy
DiPentima, Rich
Garrity, James
Kappler, Lawrence
Major, Norman
Nevins, Chris
Perkins, Amy
Ritter, Glenn
Serlin, Christopher
Waddell, James

Azarian, Gary
Birdsell, Regina
Copeland, Timothy
Dowling, Patricia
Griffin, Mary
Katsakiores, Phyllis
Mauro, Donna
Norelli, Terie
Read, Robin Jr
Sanders, Elisabeth
Smith, William
Ward, Joanne

Baldasaro, Alfred
Cali-Pitts, Jacqueline
DeSimone, Debra
Duarte, Joe
Headd, James
Kolodziej, Walter
McMahon, Charles
O'Connor, John
Reagan, John
Schlachman, Donna
Sullivan, James
Webb, James

STRAFFORD

Berube, Roger
Ginsburg, Philip
Jones, Kyle
Munck, Philip
Spang, Judith
Wall, Janet

Brown, Julie
Grassie, Anne
Jones, Laura
Perry, Robert
Sprague, Dale
Watters, David

Browne, Brendon
Groen, Warren
Kaen, Naida
Roberts, Jenna
Vita, Carol

Cataldo, Sam
Horrigan, Timothy
Keans, Sandra
Schmidt, Peter
Vita, Lucien

SULLIVAN

Bowers, Spec
Lefebvre, Benjamin

Cloutier, John
Lovett, Charlene

Gagnon, Raymond
Rodeschin, Beverly

Laware, Thomas
Smith, Steven

NAYS 65

BELKNAP

Fields, Dennis

Greemore, Robert

Simpson, Tyler

CARROLL

Fleck, Joseph

Tregenza, Norman

CHESHIRE

Johnson, Jane

COOS

Daugherty, Duffy

GRAFTON

Bradley, Lester

Simard, Paul

HILLSBOROUGH

Avard, Kevin

Burt, John

Gagne, Larry

Hawkins, Kenneth

Maltz, Jonathan

Simmons, Tammy

Ball, J. Michael

Cebrowski, John

Gimas, John

Hutchinson, Winfred

Murphy, Keith

Soucy, Connie

Barry, J. Gail

Donovan, Daniel

Graham, John

Krasucki, Joseph

Peterson, Lenette

Summers, James

Bergevin, Jerry

Flanagan, Jack

Greazzo, Phil

Kurk, Neal

Shaw, Barbara

Vaillancourt, Steve

MERRIMACK

Cohn, Seth

Keane, Thomas

Richardson, Jon

Seaworth, G. Brian

ROCKINGHAM

Antosz, Jason

Hagan, Joseph

McKinney, Betsy

Quandt, Marshall

Sheffert, Kenneth

Weyler, Kenneth

Brown, Paul

Hoelzel, Kathleen

Murphy, Brian

Quandt, Matt

Shuler, Wyman III

Davenport, Joshua

Lundgren, David

Peckham, Michele

Rice, Frederick

Tremblay, Stella

Garcia, Marilinda

Manuse, Andrew

Perkins, Lawrence

Sapareto, Frank

Waterhouse, Kevin

STRAFFORD

DeLemus, Susan

Newton, Clifford

Parsons, Robbie

SULLIVAN

Cunningham, Steven

LaCasse, Paul Sr

Osgood, Joe

Schmidt, Andrew

and the majority committee report was adopted.

HB 1522-FN, reducing the penalty for violating a local vendor ordinance. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

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

exemptions in RSA 320:3 applied to the ordinances adopted by cities and towns. There should be no confusion as the last sentence in RSA 31:102-a states that "provisions adopted under this section shall be in addition to any requirements imposed by the state under RSA 320 or 321." Vote 14-3.

Rep. John A. Burt for the Minority of Municipal and County Government: This bill would partially repeal an act of the previous legislature by returning the penalty for violating local Hawkers & Peddlers ordinances from a misdemeanor to a violation. Supporters of harsh penalties included some local police who said they are a deterrent to swindlers, crooks, and other riff-raff that compete with local business and pay no property taxes. The committee heard testimony that these local ordinances were selectively enforced and therefore not a problem for legitimate local business. Evident in the discussion and pervasive at every level was confusion about exceptions to the state license in Chapter 320. To further muddy debate, claims were made by committee members that exceptions for charities and farm stands in Chapter 320 apply to this chapter (Chapter 31:102a) because RSA 320:8 mentions both. Not true. "Itinerant vendors, hawkers, peddlers, traders, farmers, merchants, or other people who sell, offer to sell, or take orders for merchandise from temporary or transient sales locations within a town or who go from town to town or place to place" can become a criminal if they forget to purchase or renew their local Peddlers license. The problem with this severe penalty is that it creates as many ways to criminalize vendor activity across New Hampshire as there are towns and cities in New Hampshire. The definition of what is or is not a criminal act ought to be uniform across New Hampshire and never subject to the whim of boards of selectmen, town councils or aldermen. For this reason if for no other, the penalty for violating any hawker's and peddlers license under the present statute should never be anything greater than a violation.

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

LAIID ON THE TABLE

Rep. Gandia moved that **HB 1522-FN**, reducing the penalty for violating a local vendor ordinance, be laid on the table.

On a division vote, 172 members having voted in the affirmative and 119 in the negative, the motion was adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Itse moved that the House reconsider its action whereby, on a voice vote, it adopted the majority committee report of Inexpedient to Legislate on **HB 1303**, amending certain requirements to obtain a local vendor license.

Rep. Itse spoke in favor.

Rep. Jasper spoke against.

On a division vote, 79 members having voted in the affirmative and 218 in the negative, the motion failed.

REGULAR CALENDAR

CONTINUATION FROM MARCH 8, 2012 (CONT'D)

HB 1588, recodifying the laws relative to sheriffs, constables, and police officers.

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

Rep. Betsey L. Patten for the Majority of Municipal and County Government: There were several issues in HB 1588 that caused concern for the committee members. The testimony regarding the fee increases indicated that the amounts put forth were arbitrary. The fees would be levied on sheriffs and constables which could increase budgets at the county levels. The committee felt that increasing fees was not a good public policy that the House should be

supporting. Also the bill expanded the specific Hillsborough sheriff's ability to hire an assistant or clerk to all the county sheriffs. There was no input from any of the county delegations about whether they agreed with this expansion. For these reasons the committee voted Inexpedient to Legislate. Vote 15-1.

Rep. John A. Burt for the Minority of Municipal and County Government: This bill is one of the results of summer work by a subcommittee of Constitutional Review and Statutory Recodification. Working with current and former members of Criminal Justice and Public Safety, they reviewed Title 7, beginning a long process of recodification of all of our statutes, a major long term goal of the Recodification committee as a whole. The recodification bills generated over the summer were meant to involve other members of existing committees far more knowledgeable in the particular subject matter of each bill. The prime sponsor explained that this bill was intended to go to Criminal Justice, for a second review. After a review process with some long time members of the House far more experienced with Title 7, experts in the subject matter, who knew what was obsolete, what was easily updated to current standards and practices, and what sections were currently heavily in use or recently updated, the bill was written. Sadly, despite the prime sponsor's explanations and obvious willingness to work to amend the bill to address any potential concerns that might have been raised, the majority wasn't interested in participating in the recodification process, especially on a section of the RSAs not usually handled by this committee. The minority believes that sending the bill to Criminal Justice as originally intended will allow for the House to continue this important process.

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

Rep. Cohn spoke against.

Rep. Betsey Patten spoke in favor.

Rep. Burt requested a roll call; sufficiently seconded.

YEAS 220 NAYS 92

YEAS 220

BELKNAP

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

CARROLL

Babson, David Jr	Chandler, Gene	Fleck, Joseph	Knox, J. David
McConkey, Mark	Patten, Betsey	Umberger, Karen	

CESHIRE

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

COOS

Coulombe, Gary	Merrick, Evalyn	Rappaport, Laurence	Remick, William
Theberge, Robert	Tholl, John Jr	Thomas, Yvonne	Tremblay, Marc

GRAFTON

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

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

Bradley, Lester
Gould, Franklin
Pastor, Beatriz
White, Andrew

Bulis, Lyle
Harding, Laurie
Pierce, David

HILLSBOROUGH

Balboni, Michael
Beattie, Thomas
Brown, Kevin
Christensen, D.L.
Chris

Cusson-Cail, Kathleen
Gagne, Larry
Gimas, John
Graham, John
Holden, Frank
Leishman, Peter
Ober, Lynne
Pilotte, Maurice
Renzullo, Andrew
Rosenwald, Cindy
Soucy, Connie
Willette, Robert

Baroody, Benjamin
Belanger, James
Brownrigg, Randall Jr
Christiansen, Lars

Daler, Jennifer
Gandia, Laura
Goley, Jeffrey
Haefner, Robert
Hutchinson, Winfred
McCarthy, Michael
Ober, Russell III
Porter, Marjorie
Rhodes, Brian
Rowe, Robert
Stepanek, Stephen

Barry, J. Gail
Belvin, William
Campbell, David
Coffey, James

Day, Russell
Gargasz, Carolyn
Gonzalez, Carlos
Hinch, Richard
Jasper, Shawn
McGuinness, Sean
Palmer, Barry
Proulx, Mark
Robbins, David
Shaw, Barbara
Sullivan, Peter

Barry, Richard
Boehm, Ralph
Cebrowski, John
Cote, David

Doherty, Shaun
Garrity, Patrick
Gorman, Mary
Hogan, Edith
Kurk, Neal
Messier, Irene
Pellegrino, Tony
Ramsey, Peter
Rokas, Ted
Silva, Peter
Whitehead, Randall

MERRIMACK

Coffey, Jennifer
Frazer, June
Kidder, David
Lockwood, Priscilla
Patten, Dick
Soltani, Tony

Deloge, Helen
Gile, Mary
Kotowski, Frank
MacKay, James
Potter, Frances
Watrous, Rick

DeStefano, Stephen
Hamm, Christine
Kreis, Kenneth Sr
Owen, Derek
Richardson, Gary
Williams, Robert

Foose, Robert
Keane, Thomas
Lauer-Rago, Kathleen
Palfrey, David
Shurtleff, Stephen
Winter, Steven

ROCKINGHAM

Allen, Mary
Bettencourt, David
Copeland, Timothy
Dowling, Patricia
Garrity, James
Hoelzel, Kathleen
Lundgren, David
Moody, Marcia
Packard, Sherman
Reagan, John
Sedensky, John
Ward, Joanne
Weyler, Kenneth

Azarian, Gary
Birdsell, Regina
DeSimone, Debra
Duarte, Joe
Griffin, Mary
Kappler, Lawrence
Major, Norman
Nevins, Chris
Perkins, Amy
Sanders, Elisabeth
Sullivan, James
Waterhouse, Kevin

Bates, David
Cali-Pitts, Jacqueline
Devine, James
Fesh, Robert
Hagan, Joseph
Katsakiores, Phyllis
McKinney, Betsy
Norelli, Terie
Perkins, Lawrence
Sapareto, Frank
Sytek, John
Webb, James

Belanger, Ronald
Charron, Gene
DiPentima, Rich
Garcia, Marilinda
Headd, James
Lovejoy, Patricia
McMahon, Charles
O'Connor, John
Read, Robin Jr
Schlachman, Donna
Waddell, James
Welch, David

STRAFFORD

Berube, Roger
Ginsburg, Philip
Munck, Philip
Roberts, Jenna
Wall, Janet

Brown, Julie
Grassie, Anne
Newton, Clifford
Schmidt, Peter
Watters, David

Browne, Brendon
Kaen, Naida
Perry, Robert
Spang, Judith

Cataldo, Sam
Keans, Sandra
Pitre, Joseph
Sprague, Dale

SULLIVAN

Cloutier, John
Lovett, Charlene
Smith, Steven

Gagnon, Raymond
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

Lefebvre, Benjamin
Schmidt, Andrew

NAYS 92

BELKNAP

Comtois, Guy
Malone, Robert

Greemore, Robert
Worsman, Colette

Kingsbury, Robert

Luther, Robert

CARROLL

McCarthy, Frank

Pettengill, Laurie

Tregenza, Norman

CHESHIRE

Cartwright, Anne

COOS

Daugherty, Duffy

Richardson, Herbert

GRAFTON

Brosseau, Charles
Sova, Charles

Ingbretson, Paul
Townsend, Charles

Simard, Paul

Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Buxton, Michael
Erickson, Duane
Hardwick, Harry
LeBrun, Donald
Notter, Jeanine
Peterson, Lenette
Swank, Matthew
Vaillancourt, Steve

Ball, J. Michael
Coughlin, Sean
Flanagan, Jack
Hawkins, Kenneth
Maltz, Jonathan
Ohm, Bill
Seidel, Carl
Terrio, Ross
Villeneuve, Moe

Bergevin, Jerry
Daniels, Gary
Greazzo, Phil
Hikel, John
Mecheski, Holly
Palmer, Stephen
Simmons, Tammy
Twombly, Timothy
Warden, Mark

Burt, John
Donovan, Daniel
Hansen, Peter
Krasucki, Joseph
Murphy, Keith
Parison, James
Summers, James
Ulery, Jordan

MERRIMACK

Cohn, Seth
McGuire, Dan

Giuda, J. Brandon
Richardson, Jon

Hill, Gregory
Seaworth, G. Brian

McGuire, Carol

ROCKINGHAM

Abrami, Patrick
Comerford, Timothy
Manuse, Andrew
Reichard, Kevin
Serlin, Christopher
Tremblay, Stella

Antosz, Jason
Davenport, Joshua
Mauro, Donna
Rice, Frederick
Sheffert, Kenneth

Baldasaro, Alfred
Itse, Daniel
Murphy, Brian
Ritter, Glenn
Shuler, Wyman III

Brown, Paul
Kolodziej, Walter
Peckham, Michele
Schroadter, Adam
Smith, William

STRAFFORD

DeLemus, Susan
Jones, Laura

Groen, Warren
Parsons, Robbie

Horrigan, Timothy
Vita, Carol

Jones, Kyle
Vita, Lucien

SULLIVAN

Bowers, Spec Cunningham, Steven Laware, Thomas
and the majority committee report was adopted.

HB 1674-FN, reducing the interest rate on late and delinquent property tax payments, subsequent payments, and other unpaid taxes. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Kris E. Roberts for the Majority of Municipal and County Government: The sponsors told the committee that the local governments were taking advantage of local property owners by making money from their bad situations. It was stated that last year New Hampshire taxpayers paid about \$18,000,000 in interest on late or unpaid taxes. As anyone should know that there has to be a moral hazard in every financial decision made. If the tax penalty for failing to play by the rules is too low then more people will engage in riskier behavior resulting in the community having to absorb the losses. While 18% may appear to be a high penalty, it isn't when compared to 24-29% interest rates on credit card and up to additional \$49 a month fee for a late payment to Bank of America. Reducing the penalty rate down to 9% would result in more people considering paying off high interest credit cards and other debt first. This would result in the tax payers who paid on time having to occur addition taxes as local communities would have to incur additional borrowing expenses to cover cash flow requirements. It was repeated over and over again by numerous towns and cities that they have no desire to be in the real estate business and that they have bent over backwards to help property owners resolve back tax issues. Numerous communities have repeatedly waiver interest penalties to help bring the property owner current. New Hampshire law allows communities to enter into legal agreements with the elderly and others who can't afford to pay their property taxes allowing them to not only stay in their homes but to avoid mounting interest penalty. The current system seem to be working very well, HB 1674 if passed would change that negatively. Vote 14-3.

Rep. Philip L. Munck for the Minority of Municipal and County Government: This bill, as amended by 2012-0569h, provides an optional way for local governments to reduce the interest rate on delinquent property tax and other tax bills from the current rates of 12% and 18%. Municipality's legislative bodies must vote the change in and can vote it out. A change in the interest rate will take place for taxes levied in the tax year that begins April 1 of the year in which the change is adopted. April 1 is the date on which assessed valuations for property tax are set. The procedure does not change the interest rates for obligations from years prior to the change so adjustments will not have to be made for liens already recorded. Property tax billing programs presently in use in New Hampshire typically include setting the tax interest rates as part of the set-up for each year's tax levy. A municipality can revert to the statutory interest rates the same way it adopts the optional rate. Municipalities can determine for themselves whether the presently high interest rates are needed to insure prompt tax collections.

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

Reps. Munck and Vaillancourt spoke against.

Rep. Kris Roberts spoke in favor.

Rep. Proulx requested a roll call; sufficiently seconded.

YEAS 207 NAYS 104

YEAS 207

BELKNAP

Accornero, Harry

Bolster, Peter

Fields, Dennis

Flanders, Donald

Luther, Robert
St. Cyr, Jeffrey
Worsman, Colette

Millham, Alida
Swinford, Elaine

Pilliod, James
Tilton, Franklin

Russell, David
Tobin, William

CARROLL

Chandler, Gene
Patten, Betsey

Fleck, Joseph
Umberger, Karen

Knox, J. David

McConkey, Mark

CHESHIRE

Byrnes, John
Hunt, John
Moore, Robert Jr
Weber, Lucy

Chase, Cynthia
Johnson, Jane
Roberts, Kris

Dwinell, Richard
Lindsey, Steven
Sad, Tara

Hawkes, Samuel
Meador, David
Smith, Edwin

COOS

Coulombe, Gary
Thomas, Yvonne

Daugherty, Duffy

Hatch, William

Remick, William

GRAFTON

Almy, Susan
Bulis, Lyle
Nordgren, Sharon
Smith, Suzanne

Benn, Bernard
Gould, Franklin
Pastor, Beatriz
Sorg, Gregory

Bradley, Lester
Harding, Laurie
Pierce, David
Taylor, Kathleen

Brosseau, Charles
Ladd, Rick Jr
Reilly, Harold Sr
White, Andrew

HILLSBOROUGH

Balboni, Michael
Beattie, Thomas
Brown, Kevin

Baroody, Benjamin
Belanger, James
Buxton, Michael

Barry, J. Gail
Belvin, William
Cebrowski, John

Barry, Richard
Boehm, Ralph
Christensen, D.L.
Chris

Christiansen, Lars
Cusson-Cail, Kathleen
Donovan, Daniel
Gidge, Kenneth
Gorman, Mary
Hardwick, Harry
Hutchinson, Winfred
McCarthy, Michael
Ohm, Bill
Pilotte, Maurice
Rosenwald, Cindy
Stepanek, Stephen
Willette, Robert

Coffey, James
Daler, Jennifer
Flanagan, Jack
Gimas, John
Graham, John
Hawkins, Kenneth
Jasper, Shawn
Mecheski, Holly
Palmer, Barry
Porter, Marjorie
Rowe, Robert
Terrio, Ross

Cote, David
Day, Russell
Gagne, Larry
Goley, Jeffrey
Haefner, Robert
Hinch, Richard
Kurk, Neal
Ober, Lynne
Pellegrino, Tony
Proulx, Mark
Seidel, Carl
Ulery, Jordan

Coughlin, Sean
Doherty, Shaun
Gargas, Carolyn
Gonzalez, Carlos
Hansen, Peter
Holden, Frank
LeBrun, Donald
Ober, Russell III
Pepino, Leo
Renzullo, Andrew
Soucy, Connie
Villeneuve, Moe

MERRIMACK

Bouchard, Candace
Gile, Mary
Lockwood, Priscilla
Potter, Frances
Shurtleff, Stephen

DeStefano, Stephen
Kidder, David
MacKay, James
Rice, Chip
Soltani, Tony

Foose, Robert
Kotowski, Frank
Owen, Derek
Richardson, Gary
Williams, Robert

Frazer, June
Lauer-Rago, Kathleen
Palfrey, David
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick

Allen, Mary

Antosz, Jason

Azarian, Gary

Belanger, Ronald
Copeland, Timothy
Fesh, Robert
Headd, James
McKinney, Betsy
Nevins, Chris
Perkins, Amy
Reichard, Kevin
Schlachman, Donna
Smith, William
Ward, Joanne

Birdsell, Regina
DeSimone, Debra
Garrity, James
Janvrin, Kevin
McMahon, Charles
Norelli, Terie
Perkins, Lawrence
Ritter, Glenn
Schroadter, Adam
Sytek, John
Welch, David

Cali-Pitts, Jacqueline
Devine, James
Griffin, Mary
Kappler, Lawrence
Moody, Marcia
O'Connor, John
Read, Robin Jr
Sanders, Elisabeth
Sedensky, John
Tucker, Pamela
Weyler, Kenneth

Charron, Gene
DiPentima, Rich
Hagan, Joseph
Lovejoy, Patricia
Murphy, Brian
Packard, Sherman
Reagan, John
Sapareto, Frank
Serlin, Christopher
Waddell, James

STRAFFORD

Berube, Roger
Domingo, Baldwin
Kaen, Naida
Schmidt, Peter
Watters, David

Brown, Julie
Ginsburg, Philip
Keans, Sandra
Spang, Judith

Browne, Brendon
Grassie, Anne
Parsons, Robbie
Sprague, Dale

Cataldo, Sam
Horriggan, Timothy
Perry, Robert
Wall, Janet

SULLIVAN

Bowers, Spec
Lefebvre, Benjamin
Schmidt, Andrew

Cunningham, Steven
Lovett, Charlene
Smith, Steven

Gagnon, Raymond
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 104

BELKNAP

Comtois, Guy
Simpson, Tyler

Greemore, Robert

Kingsbury, Robert

Malone, Robert

CARROLL

Babson, David Jr

McCarthy, Frank

Pettengill, Laurie

Tregenza, Norman

CHESHIRE

Butynski, William
Tatro, Bruce

Cartwright, Anne

Parkhurst, Henry

Sterling, Franklin Jr

COOS

Rappaport, Laurence

Richardson, Herbert

Theberge, Robert

Tremblay, Marc

GRAFTON

Cooney, Mary
Sova, Charles

Gionet, Edmond
Townsend, Charles

Ingbertson, Paul

Simard, Paul

HILLSBOROUGH

Avard, Kevin
Burt, John
Gandia, Laura
Hogan, Edith
Murphy, Keith
Peterson, Lenette

Ball, J. Michael
Campbell, David
Garrity, Patrick
Krasucki, Joseph
Notter, Jeanine
Ramsey, Peter

Bergevin, Jerry
Daniels, Gary
Greazzo, Phil
Maltz, Jonathan
Palmer, Stephen
Rhodes, Brian

Brownrigg, Randall Jr
Erickson, Duane
Hikel, John
Messier, Irene
Parison, James
Robbins, David

Rokas, Ted
Summers, James
Warden, Mark

Shaw, Barbara
Swank, Matthew
Whitehead, Randall

Simmons, Tammy
Twombly, Timothy

Sullivan, Peter
Vaillancourt, Steve

MERRIMACK

Coffey, Jennifer
Hamm, Christine
McGuire, Dan

Cohn, Seth
Hill, Gregory
Patten, Dick

Deloge, Helen
Kreis, Kenneth Sr
Richardson, Jon

Giuda, J. Brandon
McGuire, Carol
Winter, Steven

ROCKINGHAM

Baldasaro, Alfred
Davenport, Joshua
Itse, Daniel
Major, Norman
Rice, Frederick
Tremblay, Stella

Bates, David
Dowling, Patricia
Katsakiores, Phyllis
Manuse, Andrew
Sheffert, Kenneth
Waterhouse, Kevin

Brown, Paul
Duarte, Joe
Kolodziej, Walter
Mauro, Donna
Shuler, Wyman III
Webb, James

Comerford, Timothy
Hoelzel, Kathleen
Lundgren, David
Peckham, Michele
Sullivan, James

STRAFFORD

DeLemus, Susan
Munck, Philip
Vita, Lucien

Groen, Warren
Newton, Clifford

Jones, Kyle
Pitre, Joseph

Jones, Laura
Vita, Carol

SULLIVAN

Cloutier, John
and the majority committee report was adopted.

Laware, Thomas

RECOGNITION OF FORMER SPEAKER OF THE HOUSE

The Speaker recognized the former Speaker of the House, the Honorable Donna Sytek, who was in the Gallery.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Lynne Ober moved that the House reconsider its action whereby, on a roll call vote of 207-104, it adopted the majority committee report of Inexpedient to Legislate on **HB 1674-FN**, reducing the interest rate on late and delinquent property tax payments, subsequent payments, and other unpaid taxes.

Reps. Lynne Ober and Keans spoke against.

Rep. Vaillancourt spoke in favor.

On a division vote, 91 members having voted in the affirmative and 227 in the negative, the motion failed.

SPECIAL ORDERED

Without objection, the Speaker made **HB 1716**, relative to the state 10-year transportation improvement program, a Special Order as the next order of business.

SPECIAL ORDER

HB 1716, relative to the state 10-year transportation improvement program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gene G. Chandler for Public Works and Highways: This bill is the Ten-Year Transportation Improvement Plan for the State of New Hampshire, covering the period from 2013-2022. The plan contains projects in the following categories and estimated total figures: highway funding - \$1.87 billion; turnpike improvements - \$431 million; airports-

\$269 million; and federal transit funding - \$212 million. Many of these projects were submitted by municipalities, via regional planning offices and went through a five month series of 31 statewide public hearings by GACIT (Governor's Advisory Commission on Intermodal Transportation), which consists of the Governor and Council and the Commissioner of Transportation. Their final proposal was submitted by the Governor to the Public Works and Highways Committee, which held several hearings and numerous work sessions, resulting in a number of amendments, which are summarized below. This plan, as in the previous two Ten Year Plans, includes an assumed inflation factor of 3% for projects in the plan. The highway funded projects totaling \$1.87 billion dollars include federal highway aid, betterment and state aid to municipal bridges and highways. The project to improve and widen I-93 up to Exit 3 in Windham is funded through federal funds and state issued GARVEE bonds (bonds in anticipation of federal funds). However, the remainder of the I-93 project between Exit 3 and I-293 in Manchester remains under-funded by \$250 million. The plan meets its state match obligations for federal projects by utilizing turnpike toll credits for the state fund share instead of a cash contribution. This results in approximately \$30 million per year less in actual road and bridge projects and maintenance. Several turnpike projects in the plan, which are funded by toll revenue and federal funds, include the rehabilitation of the Millyard bridges at Exit 4 off I-293 in Manchester and the Newington interchange south of the Little Bay Bridge on the Spaulding Turnpike. Additionally, many highway, turnpike, aeronautic, mass transit and congestion mitigation projects are partially or exclusively funded by federal dollars. Most importantly, this plan assumes continued near-level federal highway transportation funding of \$143 million dollars per year, so if there is any reduction in NH's federal aid, then some projects listed in this Ten-Year Plan will not be funded, resulting in their eventual delay or elimination. Section 2 reiterates the General Court's position, adopted in the 2010 session, that no capital or operation expenses for passenger rail may be expended or committed without prior legislative approval. Section 3- This amendment deals with the Public Works Employee Memorial project approved last session. This language is necessary to allow the committee to raise and approve expenditure of funds and accepted donated materials for the project. Section 6 provides that the Commissioner of Transportation be a non-voting member of GACIT. By doing so it leaves the final decisions concerning the adoption of future Ten-Year Plans solely in the hands of elected officials. The current Commissioner agrees with this change. Section 7 removes the Jennison Road Bridge project, in Milford, from the Plan. This project was added at the final GACIT session to be funded from the State Aid Bridge Program. This program is a competitive process in which all municipalities may participate. Placing this project into the Plan, no matter how worthy, short circuits the entire process, and forces those communities currently awaiting funding from the program to wait even longer. Section 8- This portion advances sections of Route 106 in Belmont and Laconia 2 years contingent upon 100% private funding and permits the Department of Transportation to accept private donations towards the design or construction of all or a portion of Route 106 from Concord to the New Hampshire Motor Speedway. Section 9- This section deals with the Sarah Mildred Long Bridge between Portsmouth and Kittery, Maine. It has come to the attention of the committee that merely rehabilitating the bridge will not provide a sufficient river channel width to allow future sized vessels to navigate the river. It makes no sense to spend millions of dollars when in just a few years modern vessels would not be able to access existing up-river ports in New Hampshire. NHDOT and Maine DOT have agreed to look at this issue. Section 10 removes the Sutton-Bradford (Route 114 road improvements) project from the Plan. This project was placed in the Plan at the final GACIT session, to be funded with Betterment Funds. The Committee believes that it is inappropriate to begin designating projects within the Plan be paid solely from the Betterment Fund. The Committee recommends that the communities along this corridor, in conjunction with the Regional Planning Commission, coordinate with the DOT for use of Betterment Funds and/or the State Aid for Highways program to facilitate needed improvements in alleviating the worst of

the problems along the corridor over time. Section 11 provides the DOT authorization to acquire land and relocate high transmission lines, within existing funding authority, to facilitate the redevelopment of the Hooksett rest areas located on I-93 North and Southbound. This redevelopment was authorized in 2009, and one of the major impediments to moving forward with the project has been the inability to fund the relocation of transmission lines. Section 12 – This section removes the project named Walpole-Charlestown, which is the reconstruction of Main Street in Walpole to NH Route 12A in Charlestown, from the deferred projects list and remain in its original place in the Ten-Year Plan. Section 13-This portion removes the I-93 widening project from the Massachusetts border to Exit 3 from the deferred projects list and adds the project to the Ten-Year Plan, with the premise that funding will come from the use of GARVEE bonds. The committee proposes this amendment with the idea that the state will receive at least level funding of its allotment of federal highway funds. Section 14 allows the Department of Transportation to accept any federal or other funds that might fall from the sky or any other source for the purposes of funding the I-93 widening project from Salem to Manchester. Vote 16-0.

Amendment (1171h)

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

2 Legislative Approval of Passenger Railroad Expenditures. Prior to the expenditure of any state or federal moneys by the state of New Hampshire, or its representatives, on the construction or reconstruction of any passenger railroad infrastructure, or the operation of passenger railroad service, the department of transportation and the New Hampshire rail transit authority shall first receive approval from the general court for both the capital and operating budgets related to passenger rail service. Such legislation shall, pursuant to house and senate rules, be sent to the public works and highways and finance committees in the house of representatives and the transportation and finance committees in the senate, prior to its being acted on by the respective legislative bodies. This section shall not apply to federal money received or expended for planning purposes or studies related to passenger rail service.

3 Powers of Governor and Council; Public Works Employee Memorial. Amend RSA 4:9-i, II(b) to read as follows:

(b) The director of operations, subject to the direction and supervision of the commissioner of transportation, shall administer and disburse ~~to~~ **for** the committee established in RSA 4:9-j the moneys in the special account established under RSA 4:9-j. ~~[No money other than necessary expenses prior to construction shall be disbursed until the governor and council approve and award the contract for the construction of the public works employee memorial.]~~ ***The committee shall approve the expenditure of funds prior to payment by the director of operations.***

(c) ***The director of operations, subject to the direction and supervision of the commissioner of transportation, may administer and disburse to the committee established in RSA 4:9-j, state owned salvaged materials, not otherwise allocated by the department, including but not limited to, granite curb granite blocks, pavement grindings, ditching material, and concrete products, to assist in the construction of the memorial.***

4 Committee Established; Special Account. Amend RSA 4:9-j, I and II to read as follows:

I. A committee is established to oversee the location, design, ~~and~~ construction ***and maintenance*** of a public works employee memorial and to privately raise and expend all the funds necessary for its construction and maintenance. The governor is authorized to accept for the committee, in the name of the state, the gifts of money, which are donated to construct ***and maintain*** the memorial. ***Notwithstanding any other provision of law, except as provided by RSA 4:9-k, III, the committee may accept donated in-kind services, goods, and materials for the construction and maintenance of the memorial without governor and council approval.***

II. The gifts of money, which are donated to **contract**, construct **and maintain** the memorial, shall be placed in a special non-lapsing account in the state treasury, to be expended for the purposes of the public works employee memorial. Any money remaining in the special account after construction of the memorial is completed shall be used for the care, maintenance, repair, and additions to the memorial, or for any other purpose deemed appropriate by the committee. **Notwithstanding any other provision of law, except as provided by RSA 4:9-k, III, the committee may expend the money raised, once accepted as a gift and without the approval of governor and council, to contract for the construction and perpetual maintenance of the memorial.**

5 Committee Membership and Dues. Amend RSA 4:9-k, III and IV to read as follows:

III. The committee shall select the location and design for the public works employee memorial and oversee the construction and maintenance of the memorial. The award of ~~the~~ **any** contract **totaling greater than \$25,000** for the **design, construction, and maintenance** of the public works employee memorial shall be subject to the approval of the governor and council. The committee shall advise and inform the municipality in which the memorial is located as to the design, construction plans, and location for the memorial.

IV. The committee, through the New Hampshire public works community, shall privately raise all the money necessary for the planning, design, construction, and maintenance of the public works employee memorial. Notwithstanding ~~[RSA 4:9-i, II(b)]~~ **any other provision of law, except as provided in RSA 4:9-k, III**, the committee ~~[shall have the authority to]~~ **may** expend the money raised **for the purpose of the public works employee memorial** without the approval of governor and council.

6 Governor's Advisory Commission on Intermodal Transportation; Membership. Amend RSA 228:100 to read as follows:

228:100 Governor's Advisory Commission on Intermodal Transportation (GACIT) Established. There is established a governor's advisory commission on intermodal transportation. The members of the commission shall include the members of the executive council ~~and~~. The commissioner of the department of transportation **shall serve as a non-voting member of the commission.**

7 Jennison Road Bridge Project; Removal. The Jennison Road bridge project, number 8342, is deleted.

8 State 10-Year Transportation Improvement Plan; Belmont-Laconia; Concord-Loudon. The projects named Belmont-Laconia, project number 2787, and the project named Concord-Loudon, project number 8341 of the state 10-year transportation improvement plan 2011-2020 shall be advanced 2 years, contingent upon 100 percent private funding. The department of transportation may accept and expend private funds for the study, design, and construction costs associated with all or any portion of said projects.

9 Sarah Mildred Long Bridge. New Hampshire's share of the costs of rehabilitating or reconstructing the Sarah Mildred Long Bridge over the Piscataqua River between Portsmouth, New Hampshire and Kittery, Maine shall be contingent upon the center lift span being of sufficient length to allow safe passage of the upcoming generation of cargo vessels to assure the economic well-being of the port and the businesses utilizing this important shipping channel.

10 Sutton-Bradford Project; Removal and Deferral. The Sutton-Bradford project, number 8340, is deleted.

11 New Paragraph; Turnpike System; Authority Granted. Amend RSA 237:2 by inserting after paragraph VII the following new paragraph:

VII-a. Acquire land as required and relocate the high voltage transmission lines to support the redevelopment of existing rest areas located on I-93 in the town of Hooksett to full service centers with food, state liquor stores, and other retail goods and services for the traveling public as may be required under 2009, 144:84 and SS 2010, 1:76.

12 Removal of Projects from Deferred Project List. The project named Walpole – Charlestown, number 14747, which consists of reconstruction from Main Street in Walpole to NH route 12A in Charlestown is deleted from the Deferred Projects List.

13 Interstate 93 Widening Project; Removal from Deferred Projects List. The project Salem to Manchester, number 14800, which consists of remaining priority improvements (13933I, 13933E, 13933H) which was included in the Ten Year Plan adopted under 2010, 231:1, is deleted from the Deferred Projects List and added to the Ten Year Transportation Improvement Plan 2013-2022.

14 Interstate 93 Widening Project; Salem to Manchester. The department may accept and expend any federal or other funds, with the approval of the governor and council, for the I-93 widening project Salem to Manchester, number 10418c, 7560.

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

AMENDED ANALYSIS

This bill:

I. Adopts the 10-year transportation improvement plan for 2013-2022.

II. Requires legislative approval for capital and operating budgets related to passenger rail service prior to any expenditures.

III. Clarifies the management and disbursement of various donations for a public works employee memorial.

IV. Provides that the commissioner of the department of transportation serve as a non-voting member of the governor's advisory commission on intermodal transportation.

V. Deletes the Jennison Road bridge project, number 8342.

VI. Advances the Belmont–Laconia project, number 2787 and the Concord–Loudon project, number 8341 contingent upon 100 percent financing.

VII. Provides that New Hampshire's share of the costs of rehabilitating or reconstructing the Sarah Mildred Long Bridge be contingent upon the center lift span being of sufficient length to allow safe passage of the upcoming generation of cargo vessels.

VIII. Deletes the Sutton-Bradford project, number 8340.

IX. Authorizes the commissioner of transportation to acquire land and relocate certain transmission lines for the redevelopment of rest areas on I-93 in the town of Hooksett.

X. Deletes the project Walpole-Charlestown from the Deferred Projects List.

XI. Deletes the Salem to Manchester project of the I-93 widening project from the Deferred Projects List and adds it to the Ten Year Transportation Improvement Plan 2013-2022.

Amendment adopted.

Rep. Cohn offered floor amendment (1238h).

Floor Amendment (1238h)

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

2 Legislative Approval of Passenger Railroad Expenditures. Prior to the expenditure of any state or federal moneys by the state of New Hampshire, or its representatives, on the construction or reconstruction of any passenger railroad infrastructure, or the operation of passenger railroad service, the department of transportation and the New Hampshire rail transit authority shall first receive approval from the general court for both the capital and operating budgets related to passenger rail service. Such legislation shall, pursuant to house and senate rules, be sent to the public works and highways and finance committees in the house of representatives and the transportation and finance committees in the senate, prior to its being acted on by the respective legislative bodies. This section shall not apply to federal money received or expended for planning purposes or studies related to passenger rail service.

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(c) The director of operations, subject to the direction and supervision of the commissioner of transportation, may administer and disburse to the committee established in RSA 4:9-j, state owned salvaged materials, not otherwise allocated by the department, including but not limited to, granite curb granite blocks, pavement grindings, ditching material, and concrete products, to assist in the construction of the memorial.

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II. The gifts of money, which are donated to **contract**, construct **and maintain** the memorial, shall be placed in a special non-lapsing account in the state treasury, to be expended for the purposes of the public works employee memorial. Any money remaining in the special account after construction of the memorial is completed shall be used for the care, maintenance, repair, and additions to the memorial, or for any other purpose deemed appropriate by the committee. **Notwithstanding any other provision of law, except as provided by RSA 4:9-k, III, the committee may expend the money raised, once accepted as a gift and without the approval of governor and council, to contract for the construction and perpetual maintenance of the memorial.**

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III. The committee shall select the location and design for the public works employee memorial and oversee the construction and maintenance of the memorial. The award of ~~the~~ **any** contract **totaling greater than \$25,000** for the **design, construction, and maintenance** of the public works employee memorial shall be subject to the approval of the governor and council. The committee shall advise and inform the municipality in which the memorial is located as to the design, construction plans, and location for the memorial.

IV. The committee, through the New Hampshire public works community, shall privately raise all the money necessary for the planning, design, construction, and maintenance of the public works employee memorial. Notwithstanding ~~[RSA 4:9-i, II(b)]~~ **any other provision of law, except as provided in RSA 4:9-k, III**, the committee ~~[shall have the authority to]~~ **may** expend the money raised **for the purpose of the public works employee memorial** without the approval of governor and council.

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7 Jennison Road Bridge Project; Removal. The Jennison Road bridge project, number 8342, is deleted.

8 State 10-Year Transportation Improvement Plan; Belmont-Laconia; Concord–Loudon. Both the project named Belmont-Laconia, project number 2787, and the project named Concord–Loudon, project number 8341 of the state 10-year transportation improvement plan 2011-2020 shall be advanced 2 years, contingent upon 100 percent private funding for both projects. The department of transportation may accept and expend private funds for the study, design, and construction costs associated with all or any portion of said projects.

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11 New Paragraph; Turnpike System; Authority Granted. Amend RSA 237:2 by inserting after paragraph VII the following new paragraph:

VII-a. Acquire land as required and relocate the high voltage transmission lines to support the redevelopment of existing rest areas located on I-93 in the town of Hooksett to full service centers with food, state liquor stores, and other retail goods and services for the traveling public as may be required under 2009, 144:84.

12 Removal of Projects from Deferred Project List. The project named Walpole – Charlestown, number 14747, which consists of reconstruction from Main Street in Walpole to NH route 12A in Charlestown is deleted from the Deferred Projects List.

13 Interstate 93 Widening Project; Removal from Deferred Projects List. The project named Salem to Manchester, number 14800, which consists of remaining priority improvements (13933I, 13933E, 13933H) which was included in the Ten Year Plan adopted under 2010, 231:1, is deleted from the Deferred Projects List and added to the Ten Year Transportation Improvement Plan 2013-2022.

14 Interstate 93 Widening Project; Salem to Manchester. The department may accept and expend any federal or other funds, with the approval of the governor and council, for the I-93 widening project named Salem to Manchester, number 10418c, 7560.

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

AMENDED ANALYSIS

This bill:

I. Adopts the 10-year transportation improvement plan for 2013-2022.

II. Requires legislative approval for capital and operating budgets related to passenger rail service prior to any expenditures.

III. Clarifies the management and disbursement of various donations for a public works employee memorial.

IV. Provides that the commissioner of the department of transportation serve as a non-voting member of the governor's advisory commission on intermodal transportation.

V. Deletes the Jennison Road bridge project, number 8342.

VI. Advances the Belmont–Laconia project, number 2787 and the Concord–Loudon project, number 8341 contingent upon 100 percent financing for both projects.

VII. Provides that New Hampshire's share of the costs of rehabilitating or reconstructing the Sarah Mildred Long Bridge be contingent upon the center lift span being of sufficient length to allow safe passage of the upcoming generation of cargo vessels.

VIII. Deletes the Sutton-Bradford project, number 8340.

IX. Authorizes the commissioner of transportation to acquire land and relocate certain transmission lines for the redevelopment of rest areas on I-93 in the town of Hooksett.

X. Deletes the project Walpole-Charlestown from the Deferred Projects List.

XI. Deletes the Salem to Manchester project of the I-93 widening project from the Deferred Projects List and adds it to the Ten Year Transportation Improvement Plan 2013-2022.

Rep. Cohn spoke in favor.

Rep. Graham spoke against and yielded to questions.

Floor amendment (1238h) failed.

Committee report adopted and ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Reps. Jasper and Norelli moved that the House reconsider its action whereby, on a voice vote, it adopted the Third Reading motion on March 14, 2012.

Rep. Jasper spoke in favor.

Adopted.

MOTION TO DIVIDE

Reps. Jasper and Norelli moved that **HB 1659-FN**, relative to the women's right to know act regarding abortion information, be divided from the rest of the bills included in the Third Reading motion of March 14, 2012.

Speaker so ordered.

Without objection, the Speaker referred **HB 1659-FN**, relative to the women's right to know act regarding abortion information, to the Committee on Criminal Justice and Public Safety.

THIRD READING MOTION

Reps. Jasper and Norelli moved that the reading of the remaining bills from March 14, 2012 be by title only and resolutions by caption only and that they 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.

Adopted.

Third reading and final passage

HB 1617-FN, repealing the certificate of need law.

HB 1216, relative to the authority for withholding or withdrawal of life-sustaining treatment.

HB 1217, relative to the form for executing advance directives for health care decisions.

HB 1263, relative to the termination of tenancy and repealing the requirement that landlords of restricted residential property provide service of process information.

HB 1677-FN, relative to choice as to whether to join a labor union and eliminating the duty of a public employee labor organization to represent employees who elect not to join or to pay dues or fees to the employee organization.

HB 1300, relative to removing public officials for cause.

HB 1308, relative to the definition of "public body" under the right-to-know law.

HB 1679-FN, relative to partial-birth abortion.

HB 1723, making technical corrections regarding parental notification prior to abortion.

HB 1206, relative to continuing obligations under expired public employee labor agreements.

HB 1574, relative to an employee's lunch or eating period.

HB 1645-FN, relative to decertification of a bargaining unit.

HB 1282-FN-L, relative to workforce housing and the definition of community.

HB 1329, relative to the default budget in certain towns.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Soltani moved that the House reconsider its action whereby, on a roll call vote of 243-65, it adopted the majority committee report of Inexpedient to Legislate on **HB 1482**, relative to the exemption from property taxation for hospitals.

Reps. Soltani and Lynne Ober spoke against.

Rep. Greazzo spoke in favor and yielded to questions.

Rep. Kris Roberts spoke against and yielded to questions.

On a division vote, 67 members having voted in the affirmative and 246 in the negative, the motion failed.

The House recessed at 11:50 a.m.

RECESS

The House reconvened at 1:20 p.m.

(Speaker O'Brien in the Chair)
REGULAR CALENDAR

CONTINUATION FROM MARCH 8, 2012 (CONT'D)

HB 1416-L, relative to the introduction of substances into the New Hampshire public water supply. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charlene M. Lovett for Resources, Recreation and Development: This bill would require those communities that fluoridate their public water supply to post a notice on their residential water system billing statements. The notice is a quote from the Centers for Disease Control and Prevention and warns parents of the danger of giving infants, six months or younger, formula mixed with fluoridated water. The fluoridation of water is a controversial topic. However, those on both sides of the issue agree that there is scientific evidence that supports infants should not be given fluoride. The original bill would have prohibited the introduction of fluoride to any public water supply. The committee amendment replaces the entire bill with the aforementioned warning. Vote 13-2.

Amendment (0961h)

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

AN ACT relative to a required fluoride statement.

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

1 New Section; Water Systems; Fluoride Statement Required. Amend RSA 485 by inserting after section 14-a the following new section:

485:14-b Fluoride Statement Required.

I. If a public water supply is fluoridated, the following notice shall be posted on all residential water system billing statements: "Your public water supply is fluoridated. According to the Centers for Disease Control and Prevention, if your child under the age of 6 months is exclusively consuming infant formula reconstituted with fluoridated water, there may be an increased chance of dental fluorosis. Consult your child's health care provider for more information."

II. The notice shall be located in a conspicuous place on all residential billing statements and the font size of the notice shall be equal to the font size of the billing statement.

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

AMENDED ANALYSIS

This bill requires a fluoride statement to be posted on all residential water system billing statements if the water supply is fluoridated.

Amendment adopted.

Rep. Weber requested a quorum call; Speaker declared a quorum present.

The House recessed at 1:30 p.m.

RECESS

The House reconvened at 1:40 p.m.

(Speaker O'Brien in the Chair)

HB 1416-L (CONT'D)

The question being adoption of the committee report of Ought to Pass with Amendment. On a division vote, 253 members having voted in the affirmative and 23 in the negative, the committee report was adopted and ordered to third reading.

HB 1636, relative to the extension of fill and dredge in wetlands permits. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Thomas J. Howard for the Majority of Resources, Recreation and Development: This bill eliminates bureaucratic red tape individuals have to go through to get a permit to repair or shore up property that is regularly affected by storms and ice. This bill provides that certain permits for repair would no longer expire and require renewal after five years. Vote 10-6.

Rep. Marcia G. Moody for the Minority of Resources, Recreation and Development: The sponsor of this bill wanted to allow his waterfront dredge and fill permit to be extended in perpetuity, if the work must be frequently repeated as storms and ice cause damage to recur. Now a state permit is valid for five years, and a simple form can be filed to extend it for another five. This ten-year period mirrors the Army Corps of Engineers permits required for almost all of the same types of projects. On shifting river systems and fragile shorelands, a five-year renewal allows DES to determine that the original permit is still appropriate. The bill had little support, and the minority feels it may unnecessarily allow damage to some properties, while preventing only a minor inconvenience to the property owner. Majority committee report adopted and ordered to third reading.

HB 1239, requiring the site evaluation committee to consider economic impact prior to issuing a certificate for an energy facility. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank R. Holden for Science, Technology and Energy: This bill would have expanded the list of considerations the Energy Facility Site Evaluation Committee (SEC) would examine before issuing a certificate for an energy facility to include economic impacts to affected communities. The majority feels that the change in the law is unnecessary because the SEC already considers the views of municipal and regional planning commissions and municipal governing bodies in their decisions. The Site Evaluation Committee follows a very comprehensive process, uses checks and balances, does exhaustive research in all of its cases, reaches out to and involves many stakeholder groups with interest in each specific case, and serves New Hampshire well. The concerns expressed by the bill sponsors can already be addressed under current practices and procedures of the Site Evaluation Committee and as a result, this bill is not needed. Vote 12-1.

Committee report adopted.

HB 1346, relative to the construction of power line extensions. **OUGHT TO PASS.**

Rep. Laurence M. Rappaport for Science, Technology and Energy: This bill allows customers to contract directly with power-line utility sub-contractors approved by Public Service Company of New Hampshire (PSNH) for the construction of power line extensions. This has the potential of saving customers thousands of dollars in build-out costs compared to paying PSNH to do the work. In many cases, PSNH actually hires these same sub-contractors to perform their work. The sub-contractors must be qualified and approved by PSNH, perform the work according to PSNH specifications and be final inspected by PSNH. The committee is comfortable that the potential economic benefits and strict safety standards are well balanced in this bill. Vote 11-2.

Committee report adopted and ordered to third reading.

HB 1391, relative to transmission and distribution utility line extension construction and

relative to pole attachments. **REFER FOR INTERIM STUDY.**

Rep. Frank R. Holden for Science, Technology and Energy: This bill would have established standards governing transmission and distribution utility line extension practices, including standards for charges for line extensions, limits on cost recovery, standards for charges for make-ready work, customer service requirements, and requirements for accounting of line extension construction costs. This bill also would have changed standards for boxing lines or cables. The committee appreciates the sponsor's exhaustive research and desire to stimulate the further expansion of high speed broadband throughout the state. But given the complexity of the issues raised in this bill, the majority would like to refer the bill for interim study by the committee, and in addition, has asked the standing Telecommunications Oversight Committee to work with the sponsor and industry to investigate some of the innovative ideas presented in this bill and make recommendations to the legislature. Vote 10-3.

Committee report adopted.

HB 1401, relative to site evaluations and certificates for energy facilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Sam A. Cataldo for Science, Technology and Energy: This bill would have required additional hurdles for the New Hampshire site evaluation committee to take before it could approve the siting of a new energy facility. The additional requirements were subjective and not defined (and thus would be open to multiple interpretations and possible lawsuits). The committee believes that the site evaluation committee follows a very comprehensive process, uses checks and balances, does exhaustive research in all of its cases, reaches out to and involves many stakeholder groups with interest in each specific case, and serves New Hampshire well. The concerns expressed by the bill sponsors can already be addressed under current practices and procedures of the site evaluation committee and as a result, this bill is not needed. Vote 9-4.

Committee report adopted.

HB 1649-FN-A-L, relative to collection of the education property tax and establishing a program to rebate certain excessive property tax payments of eligible taxpayers.

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

Rep. Lynne M. Ober for the Majority of Special Committee on Education Funding Reform: Although a good idea, this legislation would cause dual property tax payment, and in many towns twice annually, requiring payment to your municipality and to the state. Delinquent taxpayers and those being paid by escrow would generate problems. There is similar legislation, HB 447 in interim study in Ways and Means Committee, with the current IS bill and noted concerns. Majority of committee recommends ITL. Vote 10-1.

Rep. Gary B. Richardson for the Minority of Special Committee on Education Funding Reform: HB 1649 would require the Statewide Education Property Tax to be paid to the state rather than to municipalities. The bill would not change the amount of money collected or the distribution of that money. Making payment of a state tax to the state would increase transparency and allow taxpayers to know where their tax dollars are being spent.

Majority committee report adopted.

HB 1483-FN, repealing the retirement system special account. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth Hawkins for the Majority of Special Committee on Public Employee Pensions Reform: This bill removes all references to the Special Account from RSA-100, the New Hampshire Retirement RSA. Last year we transferred the monies in the Special Account back into the corpus, but did not remove the language in the RSA. The amendment addresses 3 other places in the RSA where it is mentioned, but were not included in the original bill. Vote 11-3.

Rep. Daniel J. Sullivan for the Minority of Special Committee on Public Employee Pensions Reform: Part I Article 36A of the New Hampshire Constitution provides all assets, proceeds and income of the New Hampshire Retirement System shall be held in trust for the exclusive purpose of providing benefits, and shall not be diverted to any other purpose. Raiding and depleting the Special Account in order to artificially lower employer rates is such an “other purpose” forbidden by the constitution.

Majority Amendment (0091h)

Amend the bill by inserting after section 10 the following and renumbering the original sections 11-12 to read as 14-15, respectively:

11 Reference Removed; Return of Group I Member Contributions. Amend RSA 100-A:11, I(a) to read as follows:

(a) If a group I member ceases to be an employee or teacher for reasons other than retirement or death and if he or she has not elected to receive a vested deferred retirement allowance under RSA 100-A:10, the amount of his or her accumulated contributions shall be paid within 3 months after his or her written request therefor, provided that the member may not file a written request for such payment until at least 30 days from the date the member ceases to be an employee or a teacher and provided that the member may not again become a group I member during said 30-day period. A group I member shall cease to be an active member if he or she is absent from service for more than 180 days, without requesting return of the amount of his or her accumulated contributions, and the retirement system shall retain his or her accumulated contributions. The annual return credited on inactive, vested members shall be paid pursuant to RSA 100-A:16, II(g). The board shall hold and invest such accumulated contributions on behalf of the inactive member, provided that the annual return credited on the inactive member's accumulated contributions shall be 2 percentage points less than either the assumed rate of return ~~[determined under RSA 100-A:16, II(h)]~~ or the actual rate of return, whichever is lower, for the immediately preceding fiscal year as reported in the comprehensive annual financial report (CAFR), provided the rate of return shall not be less than zero. The inactive member may make a written request for his or her total accumulated contributions, provided he or she is not on a leave of absence, and he or she shall be paid within 3 months after his or her written request. In the event an inactive member who has not withdrawn his or her contributions under this section returns to become an active member in service, his or her previous service shall count toward that member's creditable service to the extent that his or her accumulated contributions have remained in the retirement system.

12 Reference Removed; Return of Group II Member Contributions. Amend RSA 100-A:11, II(a) to read as follows:

(a) If a group II member ceases to be a permanent policeman or permanent fireman for reasons other than retirement or death and if he or she has not elected to receive a vested deferred retirement allowance under RSA 100-A:10, the amount of his or her accumulated contributions shall be paid within 3 months after his or her written request therefor. A group II member shall cease to be an active member if he or she is absent from service for more than 180 days, without requesting return of the amount of his or her accumulated contributions, and the retirement system shall retain his or her accumulated contributions. The annual return credited on inactive, vested members shall be paid pursuant to RSA 100-A:16, II(g). The board shall hold and invest such accumulated contributions on behalf of the inactive member, provided that the annual return credited on the inactive member's accumulated contributions shall be 2 percentage points less than either the assumed rate of return ~~[determined under RSA 100-A:16, II(h)]~~ or the actual rate of return, whichever is lower, for the immediately preceding fiscal year as reported in the comprehensive annual financial report (CAFR), provided the rate of return shall not be less than zero. The inactive member may make a written request for his or her total accumulated contributions, provided he or she is not on a leave of absence, and he or she

shall be paid within 3 months after his or her written request. In the event an inactive member who has not withdrawn his or her contributions under this section returns to become an active member in service, his or her previous service shall count toward that member's creditable service to the extent that his or her accumulated contributions have remained in the retirement system.

13 Reference Removed; Method of Financing. Amend RSA 100-A:16, II(c) to read as follows:

(c) The contributions of each employer for benefits under the retirement system on account of group I members shall consist of a percentage of the earnable compensation of its members to be known as the "normal contribution," and an additional amount to be known as the "accrued liability contribution," provided that beginning with state fiscal year 2013 and for each state fiscal year thereafter, any employer shall pay both normal and accrued liability contributions. The rate percent of such normal contribution in each instance shall be fixed on the basis of the liabilities of the system with respect to the particular members of the various member classifications as shown by actuarial valuation, except as provided in ~~[subparagraphs (h) and (i)]~~ **subparagraph (i)**.

Majority committee amendment adopted.

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

Rep. Hawkins spoke in favor.

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

YEAS 209 NAYS 97

YEAS 209

BELKNAP

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

CARROLL

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

CHESHIRE

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

COOS

Daugherty, Duffy	Rappaport, Laurence	Tholl, John Jr
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GRAFTON

Bradley, Lester	Brosseau, Charles	Bulis, Lyle	Cooney, Mary
Gionet, Edmond	Ingbreton, Paul	Reilly, Harold Sr	Simard, Paul
Sorg, Gregory	Sova, Charles		

HILLSBOROUGH

Balboni, Michael
Beattie, Thomas
Brownrigg, Randall Jr

Coffey, James
Donovan, Daniel
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Lambert, George
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Seidel, Carl
Summers, James
Ulery, Jordan
Whitehead, Randall

Ball, J. Michael
Belvin, William
Burt, John

Cusson-Cail, Kathleen
Erickson, Duane
Graham, John
Hardwick, Harry
Hogan, Edith
Jasper, Shawn
LeBrun, Donald
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Peterson, Lenette
Silva, Peter
Swank, Matthew
Vaillancourt, Steve
Willette, Robert

Barry, J. Gail
Bergevin, Jerry
Cebrowski, John

Daniels, Gary
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Krasucki, Joseph
Maltz, Jonathan
Messier, Irene
Ober, Lynne
Palmer, Stephen
Robbins, David
Simmons, Tammy
Terrio, Ross
Villeneuve, Moe

Barry, Richard
Boehm, Ralph
Christensen, D.L.
Chris
Doherty, Shaun
Gargasz, Carolyn
Haefner, Robert
Hikel, John
Hopper, Gary
Kurk, Neal
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James
Rowe, Robert
Soucy, Connie
Twombly, Timothy
Warden, Mark

MERRIMACK

Cohn, Seth
Kotowski, Frank
McGuire, Carol
Sanborn, Laurie

Giuda, J. Brandon
Kreis, Kenneth Sr
McGuire, Dan
Seaworth, G. Brian

Hill, Gregory
Lauer-Rago, Kathleen
Palfrey, David
Winter, Steven

Keane, Thomas
Lockwood, Priscilla
Richardson, Jon

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Devine, James
Garritty, James
Hoelzel, Kathleen
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Tamburello, Daniel
Ward, Joanne
Weyler, Kenneth

Allen, Mary
Bates, David
Charron, Gene
Duarte, Joe
Griffin, Mary
Itse, Daniel
Lundgren, David
McKinney, Betsy
Packard, Sherman
Rice, Frederick
Schroadter, Adam
Smith, William
Tremblay, Stella
Waterhouse, Kevin

Antosz, Jason
Belanger, Ronald
Comerford, Timothy
Fesh, Robert
Hagan, Joseph
Kappler, Lawrence
Major, Norman
McMahon, Charles
Peckham, Michele
Ritter, Glenn
Sedensky, John
Sullivan, James
Tucker, Pamela
Webb, James

Azarian, Gary
Birdsell, Regina
Davenport, Joshua
Garcia, Marilinda
Headd, James
Katsakiores, Phyllis
Manuse, Andrew
Nevins, Chris
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Sytek, John
Waddell, James
Welch, David

STRAFFORD

Brown, Julie
Jones, Kyle
Munck, Philip
Vita, Carol

Cataldo, Sam
Jones, Laura
Newton, Clifford
Vita, Lucien

DeLemus, Susan
Keans, Sandra
Parsons, Robbie

Groen, Warren
Leonard, Frederick Jr
Pitre, Joseph

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

Laware, Thomas
Smith, Steven

NAYS 97

BELKNAP

Luther, Robert

CARROLL

Knox, J. David

CHESHIRE

Butynski, William
Hawkes, Samuel
Roberts, Kris

Byrnes, John
Lindsey, Steven
Sad, Tara

Chase, Cynthia
Meader, David
Tatro, Bruce

Emerson, Susan
Parkhurst, Henry
Weber, Lucy

COOS

Hatch, William
Theberge, Robert

Merrick, Evalyn
Thomas, Yvonne

Remick, William
Tremblay, Marc

Richardson, Herbert

GRAFTON

Almy, Susan
Ladd, Rick Jr
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Gould, Franklin
Pierce, David

Harding, Laurie
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Garrity, Patrick
Gorman, Mary
Porter, Marjorie
Rosenwald, Cindy

Brown, Kevin
Daler, Jennifer
Gidge, Kenneth
Leishman, Peter
Proulx, Mark
Shaw, Barbara

Buxton, Michael
Day, Russell
Gimas, John
Levasseur, Nickolas
Rhodes, Brian
Sullivan, Peter

Campbell, David
Gandia, Laura
Goley, Jeffrey
McCarthy, Michael
Rokas, Ted

MERRIMACK

Bouchard, Candace
Frazer, June
Patten, Dick
Shurtleff, Stephen

Deloge, Helen
Gile, Mary
Potter, Frances
Soltani, Tony

DeStefano, Stephen
MacKay, James
Rice, Chip
Williams, Robert

Foose, Robert
Owen, Derek
Richardson, Gary

ROCKINGHAM

Cali-Pitts, Jacqueline
Lovejoy, Patricia
Perkins, Lawrence

Copeland, Timothy
Moody, Marcia
Read, Robin Jr

DiPentima, Rich
Norelli, Terie
Schlachman, Donna

Dowling, Patricia
Perkins, Amy
Serlin, Christopher

STRAFFORD

Berube, Roger
Horrigan, Timothy
Schmidt, Peter

Browne, Brendon
Kaen, Naida
Spang, Judith

Ginsburg, Philip
Perry, Robert
Wall, Janet

Grassie, Anne
Roberts, Jenna
Watters, David

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

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

Rep. Lars Christiansen declared a conflict of interest and did not participate.

SPECIAL ORDERED

Without objection, the Speaker made **HB 1440**, relative to driver education, a Special Order as the next order of business

SPECIAL ORDER

HB 1440, relative to driver education. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. John E. Tholl for the Majority of Transportation: This bill, as introduced, would have caused the closure of numerous driving schools by allowing drivers' education to be taken online with the parents teaching the student how to drive, thus eliminating the 10 hours of training provided by a certified driving instructor. This is contrary to the House pro-business stand. The amendment allows the use of online instruction in lieu of classroom hours but requires 10 hours of training (hands on) with a certified driving instructor. This reduces the cost to the student while still meeting the safety needs of the public. The majority of the committee feels strongly that this is a safety issue while still allowing innovative use of technology which the committee fully embraces. Vote 14-2.

Rep. Kyle D. Jones for the Minority of Transportation: The majority amendment does nothing to solve the major problem with New Hampshire's driver education system. The purpose of HB 1440 was to keep low-income teens from falling through the cracks. Currently, these teens cannot afford \$500 to \$700 driving school courses, therefore, they are waiting until age 18 to obtain their license, completely forgoing driver education instruction. The original bill allowed for an online option where NH-DOS-approved online driver education courses would replace classroom instruction at a driving school. To keep the option affordable, the teen's parent, or grandparent, would provide behind-the-wheel training instead of a driving school instructor. The majority amendment keeps the online course but requires that a driving school instructor provide 10 hours of behind-the-wheel training. With online courses costing \$75, and estimates for the cost of instructor-provided behind-the-wheel training ranging \$350 to \$700, the total cost under the majority amendment is \$425 to \$775; the same as attending a driving school course. If we want all teens to choose to receive driver education, we need to allow an affordable option. The minority amendment does this by allowing a superior, convenient, and secure online driver education option that costs only \$75. By allowing a truly affordable option, the minority amendment encourages low-income teens to become educated. Under the minority amendment's online option, parents must provide 20 hours of behind-the-wheel training, in addition to 40 hours of supervised driving, for a total of 60 hours. In addition, these parents must complete their own separate online course. This comprehensive course will teach these parents the most up-to-date information, and the most effective methods, for providing behind-the-wheel training. Teens who choose the minority amendment's online option and fail either their written or road test, and want to try again prior to age 18, must complete a driving school course. This provision will motivate parents to do an excellent job providing behind-the-wheel training, since they will want to make sure their teen passes both tests the first time. The most recent study out of Texas reveals that parent-directed driver education produces teen drivers that have fewer crashes than commercial driving school students. It makes sense that parent-taught behind-the-wheel training would produce safer drivers since parents know their teens best, and that knowledge gives parents an inherent teaching advantage. Also, parents have the most to lose if they don't train their teens properly. Lastly, the charge that the minority amendment will put driving schools out of business is overblown. It may put a few bad driving schools out of business, however, the better driving schools will certainly always be in demand since parents who have money love the convenience of having someone else teach their teen to drive.

Majority Amendment (0968h)

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

1 Statement of Purpose. The general court finds that a number of teenagers postpone obtaining their driver's license until the age of 18 because of the cost of driver education courses offered by driving schools. By providing the option of a more affordable online driver education course, with behind-the-wheel instruction provided by the parent or guardian, a larger number of teenagers may elect to be educated.

2 Conditions and Requirements for a License; Driver Education. Amend RSA 263:19, I to read as follows:

I. A driver's license may be issued subject to the provisions of this chapter to a person under the age of 18 years who has attained his or her sixteenth birthday, if such person shall present a certificate of successful completion of a driver education course given by a public or nonpublic secondary school and approved by the department of education in cooperation with the department of safety, or given by a motor vehicle drivers' school licensed under the provisions of this chapter, ***or available from an approved online driver education course provider pursuant to paragraph I-a and approved by the department of safety.*** An approved driver education course, whether conducted by a secondary school or by a school licensed under this chapter, shall consist of both classroom instruction and behind the wheel driver training of not less than 10 hours, in accordance with rules adopted pursuant to RSA 541-A, published ~~jointly~~ by the ~~[commissioner of education and the]~~ commissioner of safety, such standards to be not less than those presently required. ***An approved online driver education course provider shall comply with the provisions of paragraph I-a.*** The classroom instruction shall include 45 minutes of a nationally-recognized motorcycle safety education course approved by the director and 45 minutes of a nationally-recognized tractor-trailer safety education and awareness course approved by the director. The department of safety, by the nature of its function, shall be held ultimately responsible for setting and maintaining the quality standards for driver education in the state, aided and facilitated by the department of education. This authority shall apply uniformly over ~~[both]~~ secondary school courses ~~[and]~~, private motor vehicle drivers' school courses, ***and approved online driver education courses.***

3 New Paragraph; Driver Education; Online Driver Education Course. Amend RSA 263:19 by inserting after paragraph I the following new paragraph:

I-a.(a)(1) A person who has attained the age 15 and 1/2 years may fulfill the requirements of paragraph I by electing to enroll in an online driver education course which has been approved by the department of safety. The provider of such course may be located in the state of New Hampshire or in another jurisdiction. The course shall include security features, including student voice biometrics, to protect a student's personal information and course records. The online driver education course shall issue a certificate of completion to all students who successfully complete the course. A person electing the online driver education course shall be exempt from the completion of observation time in a dual control vehicle under the supervision of a driver education course instructor. A person electing the online driver education course shall, in addition to any other supervised driving time required under paragraph II, certify and complete an additional 10 hours of supervised driving time under the supervision of a driver education course instructor. The commissioner shall adopt rules relative to the method of certification.

(2) A person under 18 years of age who successfully completes the online driver education course but fails either the written test or road test portion of the licensing examination required under RSA 263:6 shall successfully complete a driver education course given by a public or nonpublic secondary school and approved by the department of education in cooperation with the department of safety or given by a motor vehicle drivers' school licensed under the provisions of this chapter before being eligible to retake the licensing examination required under RSA 263:6.

(b)(1) No later than 30 days after the effective date of this paragraph, the director of the division of motor vehicles, with approval of the commissioner of safety, shall

issue a request for proposals to license online driver education course providers to applicants for youth operator and adult operator licenses at no cost to the state.

(2) Online driver education course providers shall be required to customize their online programs to comply with New Hampshire laws and administrative rules; to promptly revise the curriculum to reflect changes to the laws and regulations in order to ensure that students always are exposed to current information; to include approved additions or deletions to the curriculum and tests regarding any areas the director has determined, based on accident, climatic, highway configuration, and traffic conditions data within the state which may require particular emphasis; and a provision that the state be held harmless to the satisfaction of the attorney general from liability regarding the content and delivery of the program. Online driver education course providers shall be required to include a system of study and test taking that is designed to ensure, to the satisfaction of the director, the identity of the person completing the course and the identity of the person taking the test; to provide random delivery of multiple versions of the test to ensure that the test taker cannot easily predict the questions that will be asked; a system of recordkeeping and transmittal of individual student records and statistics to the division of motor vehicles to eliminate fraud and facilitate evaluation of the success of the program; and such other provisions as the director deems appropriate and necessary in an effort to ensure the program will compare favorably with the traditional classroom experience.

(c) In choosing a provider, the director shall evaluate the proposed cost of the program to the student, the extent to which the proposed curriculum reflects current best practices and any relevant national standards and unique state requirements, the ease of delivery, fraud prevention safeguards, the capabilities, experience, and financial stability of the license applicant, the extent to which the curriculum provides for streaming video including lecture segments and video illustrations of actual driving situations, the degree of interactivity, the means for individual students to ask clarifying questions of an instructor or obtain assistance with technical problems, the extent to which the program is delivered in a manner that is compatible with a wide range of electronic devices, the speed of loading and delivery of program segments, and such other criteria as the director deems appropriate and necessary.

(d) The director, with approval of the commissioner of safety, shall adopt rules pursuant to RSA 541-A relative to the licensing of online driver education course providers, the delivery of online driver education programs, standards, and requirements for data collection and auditing of the programs, the establishment of a license fee sufficient to cover any additional costs to the state in order to provide the program, and provisions for the suspension or revocation of a provider's license for unsatisfactory performance.

(e) The department of safety shall collect data comparing the rate of passing the road and written test for licensing of applicants who successfully completed an online driver education course with applicants that successfully completed a traditional driver education course and those over the age of 18 years that did not complete driver education courses, and data comparing the accident records of these disparate groups and such other data as it deems of value in determining the successes or failure of online driver training. On or before November 1, 2015, the commissioner of safety shall submit a report with the governor and the chairmen of the house and senate transportation committees evaluating the online driver education course program including any relevant statistics and shall include a recommendation as to whether the program should be continued, amended, or canceled.

(f) In this section, "approved online driver education course provider" means an entity which is licensed by the commissioner of the department of safety to provide an online driver education course and provide reports as required by law.

4 Conditions and Requirements for a License; Driver Education; Version Effective July 1, 2016. RSA 263:19, I is repealed and reenacted to read as follows:

I. A driver's license may be issued subject to the provisions of this chapter to a person under the age of 18 years who has attained his or her sixteenth birthday, if such

person shall present a certificate of successful completion of a driver education course given by a public or nonpublic secondary school and approved by the department of education in cooperation with the department of safety or given by a motor vehicle drivers' school licensed under the provisions of this chapter. An approved driver education course, whether conducted by a secondary school or by a school licensed under this chapter, shall consist of both classroom instruction and behind the wheel driver training of not less than 10 hours, in accordance with rules adopted pursuant to RSA 541-A, published by the commissioner of safety, such standards to be not less than those presently required. The classroom instruction shall include 45 minutes of a nationally-recognized motorcycle safety education course approved by the director and 45 minutes of a nationally-recognized tractor-trailer safety education and awareness course approved by the director. The department of safety, by the nature of its function, shall be held ultimately responsible for setting and maintaining the quality standards for driver education in the state, aided and facilitated by the department of education. This authority shall apply uniformly over both secondary school courses and private motor vehicle drivers' school courses.

5 Repeal. RSA 263:19, I-a, relative to online driver education course providers, is repealed.

6 Effective Date.

I. Sections 4 and 5 of this act shall take effect July 1, 2016.

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

AMENDED ANALYSIS

This bill permits a person who has attained the age of 15 and 1/2 years to fulfill the driver education requirement by enrolling in an approved online driver education course. Rep. Packard spoke against.

On a division vote, 58 members having voted in the affirmative and 251 in the negative, the majority committee amendment failed.

Rep. Kyle Jones offered minority committee amendment (0645h).

Minority Amendment (0645h)

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

1 Statement of Purpose. The general court finds that a number of teenagers postpone obtaining their driver's license until the age of 18 because of the cost of driver education courses offered by driving schools. By providing the option of a more affordable online driver education course, with behind-the-wheel instruction provided by the parent or guardian, a larger number of teenagers may elect to be educated.

2 Conditions and Requirements for a License; Driver Education. Amend RSA 263:19, I to read as follows:

I. A driver's license may be issued subject to the provisions of this chapter to a person under the age of 18 years who has attained his or her sixteenth birthday, if such person shall present a certificate of successful completion of a driver education course given by a public or nonpublic secondary school and approved by the department of education in cooperation with the department of safety, or given by a motor vehicle drivers' school licensed under the provisions of this chapter, ***or available from an approved online driver education course provider pursuant to paragraph I-a and approved by the department of safety.*** An approved driver education course, whether conducted by a secondary school or by a school licensed under this chapter, shall consist of both classroom instruction and behind the wheel driver training of not less than 10 hours, in accordance with rules adopted pursuant to RSA 541-A, published ~~jointly~~ by the ~~[commissioner of education and the]~~ commissioner of safety, such standards to be not less than those presently required. ***An approved online driver education course provider shall comply with the provisions of paragraph I-a.*** The classroom instruction shall include 45 minutes of a nationally-recognized motorcycle safety education course approved by the director and 45 minutes of a nationally-recognized tractor-trailer safety education and awareness course

approved by the director. The department of safety, by the nature of its function, shall be held ultimately responsible for setting and maintaining the quality standards for driver education in the state, aided and facilitated by the department of education. This authority shall apply uniformly over ~~[both]~~ secondary school courses ~~[and]~~, private motor vehicle drivers' school courses, **and approved online driver education courses.**

3 New Paragraph; Driver Education; Online Driver Education Course. Amend RSA 263:19 by inserting after paragraph I the following new paragraph:

I-a.(a)(1) A person who has attained the age 15 and 1/2 years may fulfill the requirements of paragraph I by electing to enroll in an online driver education course which has been approved by the department of safety. The provider of such course may be located in the state of New Hampshire or in another jurisdiction. The course shall include security features, including student voice biometrics, to protect a student's personal information and course records. The online driver education course shall issue a certificate of completion to all students who successfully complete the course. A person electing the online driver education course shall be exempt from the completion of observation time in a dual control vehicle under the supervision of a driver education course instructor. A person electing the online driver education course shall, in addition to any other supervised driving time required under paragraph II, certify and complete an additional 20 hours of supervised driving time under the supervision of a licensed parent, guardian, foster parent, stepparent, or grandparent who shall have no convictions in the past 10 years for reckless driving under RSA 265:79, driving or operating under the influence of drugs or liquor under RSA 265-A:2, or aggravated driving while intoxicated under RSA 265-A:3. The commissioner shall adopt rules relative to the method of certification. This additional supervised driving time shall replace the supervised driving time performed by the driver education course instructor as part of a driver education course.

(2) A person under 18 years of age who successfully completes the online driver education course but fails either the written test or road test portion of the licensing examination required under RSA 263:6 shall successfully complete a driver education course given by a public or nonpublic secondary school and approved by the department of education in cooperation with the department of safety or given by a motor vehicle drivers' school licensed under the provisions of this chapter before being eligible to retake the licensing examination required under RSA 263:6.

(b)(1) No later than 30 days after the effective date of this paragraph, the director of the division of motor vehicles, with approval of the commissioner of safety, shall issue a request for proposals to license online driver education course providers to applicants for youth operator and adult operator licenses at no cost to the state.

(2) Online driver education course providers shall be required to customize their online programs to comply with New Hampshire laws and administrative rules; to promptly revise the curriculum to reflect changes to the laws and regulations in order to ensure that students always are exposed to current information; to include approved additions or deletions to the curriculum and tests regarding any areas the director has determined, based on accident, climatic, highway configuration, and traffic conditions data within the state which may require particular emphasis; and a provision that the state be held harmless to the satisfaction of the attorney general from liability regarding the content and delivery of the program. Online driver education course providers shall be required to include a system of study and test taking that is designed to ensure, to the satisfaction of the director, the identity of the person completing the course and the identity of the person taking the test; to provide random delivery of multiple versions of the test to ensure that the test taker cannot easily predict the questions that will be asked; a module to educate parents, guardians, or other licensed adults over the age of 30 regarding how to supervise student drivers in their required road driving experience; a system of recordkeeping and transmittal of individual student records and statistics to the division of motor vehicles to eliminate fraud and facilitate evaluation of the success of the program; and such other

provisions as the director deems appropriate and necessary in an effort to ensure the program will compare favorably with the traditional classroom experience.

(c) In choosing a provider, the director shall evaluate the proposed cost of the program to the student, the extent to which the proposed curriculum reflects current best practices and any relevant national standards and unique state requirements, the ease of delivery, fraud prevention safeguards, the capabilities, experience, and financial stability of the license applicant, the extent to which the curriculum provides for streaming video including lecture segments and video illustrations of actual driving situations, the degree of interactivity, the means for individual students to ask clarifying questions of an instructor or obtain assistance with technical problems, the extent to which the program is delivered in a manner that is compatible with a wide range of electronic devices, the speed of loading and delivery of program segments, and such other criteria as the director deems appropriate and necessary.

(d) The director, with approval of the commissioner of safety, shall adopt rules pursuant to RSA 541-A relative to the licensing of online driver education course providers, the delivery of online driver education programs, standards, and requirements for data collection and auditing of the programs, the establishment of a license fee sufficient to cover any additional costs to the state in order to provide the program, and provisions for the suspension or revocation of a provider's license for unsatisfactory performance.

(e) The department of safety shall collect data comparing the rate of passing the road and written test for licensing of applicants who successfully completed an online driver education course with applicants that successfully completed a traditional driver education course and those over the age of 18 years that did not complete driver education courses, and data comparing the accident records of these disparate groups and such other data as it deems of value in determining the successes or failure of online driver training. On or before November 1, 2015, the commissioner of safety shall submit a report with the governor and the chairmen of the house and senate transportation committees evaluating the online driver education course program including any relevant statistics and shall include a recommendation as to whether the program should be continued, amended, or canceled.

(f) In this section, "approved online driver education course provider" means an entity which is licensed by the commissioner of the department of safety to provide an online driver education course and provide reports as required by law.

4 Conditions and Requirements for a License; Driver Education; Version Effective July 1, 2016. RSA 263:19, I is repealed and reenacted to read as follows:

I. A driver's license may be issued subject to the provisions of this chapter to a person under the age of 18 years who has attained his or her sixteenth birthday, if such person shall present a certificate of successful completion of a driver education course given by a public or nonpublic secondary school and approved by the department of education in cooperation with the department of safety or given by a motor vehicle drivers' school licensed under the provisions of this chapter. An approved driver education course, whether conducted by a secondary school or by a school licensed under this chapter, shall consist of both classroom instruction and behind the wheel driver training of not less than 10 hours, in accordance with rules adopted pursuant to RSA 541-A, published by the commissioner of safety, such standards to be not less than those presently required. The classroom instruction shall include 45 minutes of a nationally-recognized motorcycle safety education course approved by the director and 45 minutes of a nationally-recognized tractor-trailer safety education and awareness course approved by the director. The department of safety, by the nature of its function, shall be held ultimately responsible for setting and maintaining the quality standards for driver education in the state, aided and facilitated by the department of education. This authority shall apply uniformly over both secondary school courses and private motor vehicle drivers' school courses.

5 Repeal. RSA 263:19, I-a, relative to online driver education course providers, is repealed.

6 Effective Date.

I. Sections 4 and 5 of this act shall take effect July 1, 2016.

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

AMENDED ANALYSIS

This bill permits a person who has attained the age of 15 and 1/2 years to fulfill the driver education requirement by enrolling in an approved online driver education course.

Rep. Kyle Jones spoke in favor and requested a roll call; sufficiently seconded.

YEAS 237 NAYS 75

YEAS 237

BELKNAP

Accornero, Harry	Bolster, Peter	Comtois, Guy	Fields, Dennis
Flanders, Donald	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	Fleck, Joseph	Knox, J. David
McCarthy, Frank	McConkey, Mark	Pettengill, Laurie	Tregenza, Norman

CHESHIRE

Butynski, William	Byrnes, John	Cartwright, Anne	Chase, Cynthia
Emerson, Susan	Hunt, John	Lindsey, Steven	Meador, David
Moore, Robert Jr	Sad, Tara	Smith, Edwin	Sterling, Franklin Jr
Tatro, Bruce	Weber, Lucy		

COOS

Daugherty, Duffy	Rappaport, Laurence	Theberge, Robert	Thomas, Yvonne
Tremblay, Marc			

GRAFTON

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

HILLSBOROUGH

Balboni, Michael	Ball, J. Michael	Barry, J. Gail	Barry, Richard
Beattie, Thomas	Boehm, Ralph	Brown, Kevin	Burt, John
Buxton, Michael	Campbell, David	Cebrowski, John	Christensen, D.L.
			Chris
Christiansen, Lars	Coffey, James	Cote, David	Daniels, Gary
Day, Russell	Donovan, Daniel	Erickson, Duane	Gagne, Larry
Gandia, Laura	Gidge, Kenneth	Gimas, John	Gonzalez, Carlos
Gorman, Mary	Graham, John	Greazzo, Phil	Haefner, Robert
Hansen, Peter	Hardwick, Harry	Hikel, John	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
Mecheski, Holly	Messier, Irene	Moran, Edward	Murphy, Keith
Notter, Jeanine	Ober, Lynne	Ober, Russell III	Ohm, Bill

Palmer, Barry
Pilotte, Maurice
Robbins, David
Silva, Peter
Swank, Matthew
Vaillancourt, Steve
Willette, Robert

Palmer, Stephen
Porter, Marjorie
Rowe, Robert
Simmons, Tammy
Terrio, Ross
Villeneuve, Moe

Parison, James
Proulx, Mark
Seidel, Carl
Soucy, Connie
Twombly, Timothy
Warden, Mark

Peterson, Lenette
Renzullo, Andrew
Shaw, Barbara
Summers, James
Ulery, Jordan
Whitehead, Randall

MERRIMACK

Bouchard, Candace
Giuda, J. Brandon
Kreis, Kenneth Sr
McGuire, Dan
Rice, Chip
Seaworth, G. Brian

Coffey, Jennifer
Hill, Gregory
Lauer-Rago, Kathleen
Owen, Derek
Richardson, Gary
Soltani, Tony

Cohn, Seth
Keane, Thomas
Lockwood, Priscilla
Palfrey, David
Richardson, Jon
Winter, Steven

Deloge, Helen
Kotowski, Frank
McGuire, Carol
Potter, Frances
Sanborn, Laurie

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Davenport, Joshua
Garcia, Marilinda
Headd, James
Katsakiores, Phyllis
Manuse, Andrew
Nevins, Chris
Rice, Frederick
Schlachman, Donna
Shuler, Wyman III
Tamburello, Daniel
Ward, Joanne

Allen, Mary
Bates, David
Cali-Pitts, Jacqueline
Devine, James
Garrity, James
Hoelzel, Kathleen
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Ritter, Glenn
Schroadter, Adam
Smith, William
Tremblay, Stella
Waterhouse, Kevin

Antosz, Jason
Belanger, Ronald
Charron, Gene
Duarte, Joe
Griffin, Mary
Itse, Daniel
Lundgren, David
McKinney, Betsy
Peckham, Michele
Sanders, Elisabeth
Sedensky, John
Sullivan, James
Tucker, Pamela
Webb, James

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Fesh, Robert
Hagan, Joseph
Kappler, Lawrence
Major, Norman
McMahon, Charles
Reichard, Kevin
Sapareto, Frank
Sheffert, Kenneth
Sytek, John
Waddell, James
Weyler, Kenneth

STRAFFORD

Berube, Roger
Groen, Warren
Leonard, Frederick Jr
Pitre, Joseph
Vita, Carol

Cataldo, Sam
Jones, Kyle
Munck, Philip
Roberts, Jenna
Vita, Lucien

DeLemus, Susan
Jones, Laura
Newton, Clifford
Schmidt, Peter
Wall, Janet

Domingo, Baldwin
Kaen, Naida
Parsons, Robbie
Sprague, Dale

SULLIVAN

Bowers, Spec
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

Lovett, Charlene

NAYS 75

BELKNAP

None

CARROLL

Chandler, Gene

Patten, Betsey

Umberger, Karen

CHESHIRE

Dwinell, Richard
Roberts, Kris

Hawkes, Samuel

Johnson, Jane

Parkhurst, Henry

COOS

Merrick, Evalyn

Remick, William

Richardson, Herbert

Tholl, John Jr

GRAFTON

Almy, Susan
Harding, Laurie
White, Andrew

Benn, Bernard
Nordgren, Sharon

Cooney, Mary
Pierce, David

Gould, Franklin
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Cusson-Cail, Kathleen
Garritty, Patrick
Leishman, Peter
Rokas, Ted

Belvin, William
Daler, Jennifer
Goley, Jeffrey
Levasseur, Nickolas
Rosenwald, Cindy

Bergevin, Jerry
Doherty, Shaun
Hawkins, Kenneth
Pellegrino, Tony
Sullivan, Peter

Brownrigg, Randall Jr
Gargas, Carolyn
Hinch, Richard
Rhodes, Brian

MERRIMACK

DeStefano, Stephen
MacKay, James

Foose, Robert
Patten, Dick

Frazer, June
Shurtleff, Stephen

Gile, Mary
Williams, Robert

ROCKINGHAM

Copeland, Timothy
Moody, Marcia
Perkins, Lawrence

DiPentima, Rich
Norelli, Terie
Read, Robin Jr

Dowling, Patricia
Packard, Sherman
Serlin, Christopher

Lovejoy, Patricia
Perkins, Amy
Welch, David

STRAFFORD

Brown, Julie
Horriggan, Timothy
Spang, Judith

Browne, Brendon
Keans, Sandra
Watters, David

Ginsburg, Philip
Pelletier, Marsha

Grassie, Anne
Perry, Robert

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond

Laware, Thomas

Lefebvre, Benjamin

and the minority committee amendment was adopted.

Rep. Brian Murphy declared a conflict of interest and did not participate.

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

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

On a division vote, 240 members having voted in the affirmative and 74 in the negative, the minority committee report was adopted and ordered to third reading.

REGULAR CALENDAR

CONTINUATION FROM MARCH 8, 2012 (CONT'D)

HB 1629-FN, relative to state photographic identification indicating veteran's status.

OUGHT TO PASS.

Rep. Steven L. Cunningham for State-Federal Relations and Veterans Affairs: This bill

designates a veteran's status, when appropriate, on drivers' licenses and state identification cards. This facilitates the process for many veterans when they are asked to verify their status. The committee feels that the small cost associated with this bill is worth the benefit to our veterans. Vote 13-1.

Rep. Baldasaro offered floor amendment (1028h).

Floor Amendment (1028h)

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

AN ACT relative to state photographic identification indicating honorable veteran's status.

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

1 Nondriver's Picture Identification Cards; Honorable Veteran's Status Designation.

Amend RSA 260:21, III to read as follows:

III. The identification card shall bear the name, address, social security number, date of birth, blood type (optional), ***honorable veteran's status for the purposes of identification for receiving benefits and services under New Hampshire law (optional)***, picture and signature of the applicant, and in the case of a card issued pursuant to RSA 260:21, I(c), said card shall bear the notation "Golden Granite State Discount Card."

2 Driver's License; Form of License. Amend RSA 263:40 to read as follows:

263:40 Form of License. The commissioner shall, upon payment of the required fee, issue to every applicant a driver's license subject to such conditions as the commissioner may deem expedient and in such form as the commissioner may prescribe. Licenses issued to persons under the age of 21 shall be designed so that their horizontal and vertical axes are opposite the horizontal and vertical axes of licenses issued to other persons, and said licenses shall prominently display the date on which the licensee shall attain the age of 21 years. Consistent with RSA 263:14, the youth operator license shall expire on the 21st anniversary of the applicant's date of birth, at which time the applicant shall be issued a traditional license. The license shall bear thereon a distinguishing number assigned to the licensee and an instant full-face color photograph, image, or likeness of the licensee. There shall also be provided a space wherein the licensee may enter his or her blood type ***and a space wherein the licensee may indicate his or her honorable veteran's status for purposes of identification for receiving benefits and services under New Hampshire law*** if the licensee so desires. ***The license shall bear a special designation or symbol indicating honorable veteran's status for licensees who indicate such veteran status.***

3 Implementation. The amendment to RSA 260:21, III and 263:40 by sections 1 and 2 of this act shall not be implemented by the department of safety until 18 months following the passage of this act.

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

AMENDED ANALYSIS

This bill requires a designation on driver's licenses and nondriver's picture identification cards issued by the division of motor vehicles which indicate honorable veteran's status for purposes of identification for receiving state veterans' benefits and services.

Rep. Baldasaro spoke in favor.

Floor amendment (1028h) adopted.

Rep. Baldasaro offered floor amendment (1175h).

Floor Amendment (1175h)

Amend the bill by replacing section 1 with the following:

1 Nondriver's Picture Identification Cards; Veteran Status Designation. Amend RSA 260:21, III to read as follows:

III. The identification card shall bear the name, address, ~~[social security number,]~~ date of birth, blood type (optional), ***veteran's status for the purposes of identification for receiving benefits and services under New Hampshire law (optional)***, picture and

signature of the applicant, and in the case of a card issued pursuant to RSA 260:21, I(c), said card shall bear the notation "Golden Granite State Discount Card."

Rep. Baldasaro spoke in favor.

Floor amendment (1175h) adopted.

Committee report adopted and ordered to third reading.

HCR 40, for the purpose of petitioning the Congress of the United States to adopt an amendment to the Constitution of the United States, for submission to the states, to require, with certain exceptions, that the federal budget be balanced; or, in the alternative, to call a convention for the sole and exclusive purpose of proposing a federal balanced budget amendment for submission to the states for ratification. **OUGHT TO PASS.**

Rep. Robert L. Theberge for State-Federal Relations and Veterans Affairs: The majority believes that Congress, over the years, has lost touch with the basic needs of its citizens. As a result of foreign aid, wars, congressional perks, uncontrolled programs, over spending by all U.S. departments and agencies, the U.S. budget is out of control. The fiscal irresponsibility at the federal level is one of the greatest threats which face this nation today, a threat which will exacerbate with time. Vote 11-3.

Committee report adopted and ordered to third reading.

HCR 42, supporting the preservation of the electoral college. **OUGHT TO PASS.**

Rep. Jeanine M. Notter for State-Federal Relations and Veterans Affairs: Whereas in the United States Constitution, Article 2, Section 1, Item 2, the Electoral College was created to elect the President. On election by the idea that "majority rules," the majority could be an angry mob. Vote 9-3.

Rep. Itse spoke in favor.

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

YEAS 247 NAYS 63

YEAS 247

BELKNAP

Accornero, Harry
Flanders, Donald
Malone, Robert
Simpson, Tyler
Worsman, Colette

Bolster, Peter
Greemore, Robert
Millham, Alida
St. Cyr, Jeffrey

Comtois, Guy
Kingsbury, Robert
Pilliod, James
Swinford, Elaine

Fields, Dennis
Luther, Robert
Russell, David
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Knox, J. David
Pettengill, Laurie

Babson, David Jr
McCarthy, Frank
Tregenza, Norman

Chandler, Gene
McConkey, Mark
Umberger, Karen

Fleck, Joseph
Patten, Betsey

CHESHIRE

Byrnes, John
Johnson, Jane
Sad, Tara

Cartwright, Anne
Moore, Robert Jr
Smith, Edwin

Dwinell, Richard
Parkhurst, Henry
Sterling, Franklin Jr

Emerson, Susan
Roberts, Kris
Tatro, Bruce

COOS

Daugherty, Duffy
Richardson, Herbert

Merrick, Evalyn
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

GRAFTON

Benn, Bernard
Gionet, Edmond
Reilly, Harold Sr

Bradley, Lester
Ingbretson, Paul
Simard, Paul

Brosseau, Charles
Ladd, Rick Jr
Sorg, Gregory

Bulis, Lyle
Pierce, David
Sova, Charles

HILLSBOROUGH

Balboni, Michael
Beattie, Thomas
Brown, Kevin
Campbell, David

Ball, J. Michael
Belvin, William
Brownrigg, Randall Jr
Cebrowski, John

Barry, J. Gail
Bergevin, Jerry
Burt, John
Christensen, D.L.
Chris

Barry, Richard
Boehm, Ralph
Buxton, Michael
Christiansen, Lars

Coffey, James
Doherty, Shaun
Gagne, Larry
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Kurk, Neal
McCarthy, Michael
Messier, Irene
Ober, Lynne
Palmer, Stephen
Pilotte, Maurice
Rosenwald, Cindy
Silva, Peter
Twombly, Timothy
Warden, Mark

Cusson-Cail, Kathleen
Donovan, Daniel
Gandia, Laura
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
Lambert, George
McClarren, Donald
Moran, Edward
Ober, Russell III
Parison, James
Renzullo, Andrew
Rowe, Robert
Simmons, Tammy
Ulery, Jordan
Whitehead, Randall

Daniels, Gary
Erickson, Duane
Gargas, Carolyn
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
LeBrun, Donald
McGuinness, Sean
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Rhodes, Brian
Seidel, Carl
Soucy, Connie
Vaillancourt, Steve
Willette, Robert

Day, Russell
Flanagan, Jack
Garrity, Patrick
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
Maltz, Jonathan
Mecheski, Holly
Notter, Jeanine
Palmer, Barry
Peterson, Lenette
Rokas, Ted
Shaw, Barbara
Summers, James
Villeneuve, Moe

MERRIMACK

Bouchard, Candace
Gile, Mary
Kotowski, Frank
McGuire, Carol
Sanborn, Laurie
Winter, Steven

Coffey, Jennifer
Giuda, J. Brandon
Kreis, Kenneth Sr
McGuire, Dan
Seaworth, G. Brian

Cohn, Seth
Hill, Gregory
Lauer-Rago, Kathleen
Palfrey, David
Soltani, Tony

DeStefano, Stephen
Keane, Thomas
Lockwood, Priscilla
Patten, Dick
Williams, Robert

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Copeland, Timothy
Fesh, Robert
Hagan, Joseph
Kappler, Lawrence
Major, Norman
McMahon, Charles
Peckham, Michele
Rice, Frederick
Schroadter, Adam
Smith, William
Waddell, James
Welch, David

Allen, Mary
Bates, David
Cali-Pitts, Jacqueline
Davenport, Joshua
Garcia, Marilinda
Headd, James
Katsakiores, Phyllis
Manuse, Andrew
Nevins, Chris
Perkins, Amy
Ritter, Glenn
Sedensky, John
Sullivan, James
Ward, Joanne
Weyler, Kenneth

Antosz, Jason
Belanger, Ronald
Charron, Gene
Devine, James
Garrity, James
Hoelzel, Kathleen
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Tamburello, Daniel
Waterhouse, Kevin

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Duarte, Joe
Griffin, Mary
Itse, Daniel
Lundgren, David
McKinney, Betsy
Packard, Sherman
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Tremblay, Stella
Webb, James

STRAFFORD

Berube, Roger
Groen, Warren
Leonard, Frederick Jr
Pelletier, Marsha
Vita, Lucien

Cataldo, Sam
Horrigan, Timothy
Munck, Philip
Pitre, Joseph
Watters, David

DeLemus, Susan
Jones, Kyle
Newton, Clifford
Sprague, Dale

Domingo, Baldwin
Jones, Laura
Parsons, Robbie
Vita, Carol

SULLIVAN

Bowers, Spec
Lovett, Charlene

Gagnon, Raymond
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

Laware, Thomas
Smith, Steven

NAYS 63

BELKNAP

None

CARROLL

None

CHESHIRE

Butynski, William
Lindsey, Steven

Chase, Cynthia
Meador, David

Hawkes, Samuel
Weber, Lucy

Hunt, John

COOS

Coulombe, Gary

Theberge, Robert

Thomas, Yvonne

GRAFTON

Almy, Susan
Nordgren, Sharon

Cooney, Mary
Smith, Suzanne

Gould, Franklin
Taylor, Kathleen

Harding, Laurie
Townsend, Charles

HILLSBOROUGH

Baroody, Benjamin
Gimas, John
Porter, Marjorie

Cote, David
Goley, Jeffrey
Proulx, Mark

Daler, Jennifer
Gorman, Mary
Robbins, David

Gidge, Kenneth
Leishman, Peter
Sullivan, Peter

MERRIMACK

Deloge, Helen
MacKay, James
Richardson, Gary

Foose, Robert
Owen, Derek
Richardson, Jon

Frazer, June
Potter, Frances
Shurtleff, Stephen

Hamm, Christine
Rice, Chip

ROCKINGHAM

DiPentima, Rich
Norelli, Terie
Sytek, John

Dowling, Patricia
Read, Robin Jr

Lovejoy, Patricia
Schlachman, Donna

Moody, Marcia
Serlin, Christopher

STRAFFORD

Browne, Brendon
Keans, Sandra
Spang, Judith

Ginsburg, Philip
Perry, Robert
Wall, Janet

Grassie, Anne
Roberts, Jenna

Kaen, Naida
Schmidt, Peter

SULLIVAN

Cloutier, John Lefebvre, Benjamin Schmidt, Andrew
and the committee report was adopted and ordered to third reading.

HJR 20, urging Congress to propose an amendment to the United States Constitution to abolish the electoral college. **MAJORITY: INEXPEDIENT TO LEGISLATE.**

MINORITY: OUGHT TO PASS.

Rep. Robert P. Kingsbury for the Majority of State-Federal Relations and Veterans Affairs: The electoral college supports the rights of the people far better than a popular election would. The rights of the people are better protected when they can be personally acquainted with the candidates for electors and the electors can be personally acquainted with each presidential candidate. Being personally acquainted is far superior to only knowing candidates from news media accounts. Vote 10-3.

Rep. John R. Cloutier for the Minority of State-Federal Relations and Veterans Affairs: Abolishing the electoral college in favor of electing the president and vice president by popular vote is an idea whose time has come. The electoral college may have been a good idea in past ages when travel and communication was slower than it is today. Also, citizens weren't as well-informed about political affairs as they are today. However, times have changed and it is time for our two most important elected officials to be chosen by the majority vote of our citizens in a secret ballot. The assertion that abolishing the electoral college would hurt New Hampshire is not true so long as we maintain our first in the nation presidential primary. Also, going to a popular presidential vote could inject more competition into our national political process by allowing third party candidates a more viable chance of winning the presidency and vice presidency.

Majority committee report adopted.

HR 21, requiring the Congress of the United States of America to reaffirm its adherence to the Constitution of the United States regarding international agreements and treaties.

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

Rep. Lucien A. Vita for the Majority of State-Federal Relations and Veterans Affairs: Since 1974 Congress has opted to ignore the congressional oversight requirement in Article 21, Section 2 of the U.S. Constitution, when approving many of the existing treaties and agreements with countries and supranational organizations. This resolution places our representatives of the government on notice that the citizens of New Hampshire require the government to follow the wording and intent of the constitution understood by the authors of that document. Vote 10-4.

Rep. Robert L. Theberge for the Minority of State-Federal Relations and Veterans Affairs: The minority believes that the current resolution is again one of a myriad of bills or resolutions attempting to reaffirm states' rights as already provided by Article 10 of the U.S. Constitution. The resolution is not warranted.

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

Rep. Lucien Vita spoke in favor.

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

YEAS 206 NAYS 97

YEAS 206

BELKNAP

Accornero, Harry
Flanders, Donald

Bolster, Peter
Greemore, Robert

Comtois, Guy
Kingsbury, Robert

Fields, Dennis
Luther, Robert

Malone, Robert
St. Cyr, Jeffrey

Pilliod, James
Swinford, Elaine

Russell, David
Tilton, Franklin

Simpson, Tyler
Worsman, Colette

CARROLL

Ahlgren, Christopher
Knox, J. David
Pettengill, Laurie

Babson, David Jr
McCarthy, Frank
Tregenza, Norman

Chandler, Gene
McConkey, Mark
Umberger, Karen

Fleck, Joseph
Patten, Betsey

CHESHIRE

Byrnes, John
Johnson, Jane

Cartwright, Anne
Lindsey, Steven

Dwinell, Richard
Moore, Robert Jr

Emerson, Susan
Smith, Edwin

COOS

Daugherty, Duffy
Tholl, John Jr

Rappaport, Laurence
Tremblay, Marc

Remick, William

Richardson, Herbert

GRAFTON

Bradley, Lester
Ladd, Rick Jr
Sova, Charles

Brosseau, Charles
Reilly, Harold Sr

Bulis, Lyle
Simard, Paul

Gionet, Edmond
Sorg, Gregory

HILLSBOROUGH

Balboni, Michael
Beattie, Thomas
Brownrigg, Randall Jr
Christensen, D.L.
Chris
Day, Russell
Flanagan, Jack
Graham, John
Hardwick, Harry
Hogan, Edith
Infantine, William
LeBrun, Donald
McGuinness, Sean
Notter, Jeanine
Palmer, Stephen
Proulx, Mark
Silva, Peter
Twombly, Timothy
Whitehead, Randall

Ball, J. Michael
Bergevin, Jerry
Burt, John
Christiansen, Lars
Doherty, Shaun
Gagne, Larry
Greazzo, Phil
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
Maltz, Jonathan
Mecheski, Holly
Ober, Lynne
Parison, James
Renzullo, Andrew
Simmons, Tammy
Ulery, Jordan
Willette, Robert

Barry, J. Gail
Boehm, Ralph
Buxton, Michael
Coffey, James
Donovan, Daniel
Gandia, Laura
Haefner, Robert
Hikel, John
Hopper, Gary
Krasucki, Joseph
McCarthy, Michael
Messier, Irene
Ober, Russell III
Pellegrino, Tony
Rowe, Robert
Soucy, Connie
Vaillancourt, Steve

Barry, Richard
Brown, Kevin
Cebrowski, John
Daniels, Gary
Erickson, Duane
Gonzalez, Carlos
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Lambert, George
McClarren, Donald
Murphy, Keith
Ohm, Bill
Peterson, Lenette
Seidel, Carl
Summers, James
Villeneuve, Moe

MERRIMACK

Coffey, Jennifer
Hill, Gregory
McGuire, Carol
Soltani, Tony

Cohn, Seth
Kotowski, Frank
Palfrey, David
Winter, Steven

DeStefano, Stephen
Kreis, Kenneth Sr
Sanborn, Laurie

Giuda, J. Brandon
Lauer-Rago, Kathleen
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Bates, David
Comerford, Timothy

Antosz, Jason
Belanger, Ronald
Davenport, Joshua

Azarian, Gary
Brown, Paul
Devine, James

Baldasaro, Alfred
Charron, Gene
Dowling, Patricia

Duarte, Joe
Griffin, Mary
Itse, Daniel
Lundgren, David
McKinney, Betsy
Peckham, Michele
Rice, Frederick
Schroadter, Adam
Sullivan, James
Waterhouse, Kevin

Fesh, Robert
Hagan, Joseph
Kappler, Lawrence
Major, Norman
McMahon, Charles
Perkins, Amy
Ritter, Glenn
Sedensky, John
Tamburello, Daniel
Webb, James

Garcia, Marilinda
Headd, James
Katsakiores, Phyllis
Manuse, Andrew
O'Connor, John
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Tremblay, Stella
Welch, David

Garrity, James
Hoelzel, Kathleen
Kolodziej, Walter
Mauro, Donna
Packard, Sherman
Reichard, Kevin
Sapareto, Frank
Shuler, Wyman III
Ward, Joanne
Weyler, Kenneth

STRAFFORD

Cataldo, Sam
Jones, Laura
Parsons, Robbie

DeLemus, Susan
Leonard, Frederick Jr
Pitre, Joseph

Groen, Warren
Munck, Philip
Vita, Carol

Jones, Kyle
Newton, Clifford
Vita, Lucien

SULLIVAN

Bowers, Spec
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

Laware, Thomas
Smith, Steven

NAYS 97

BELKNAP

Millham, Alida

CARROLL

None

CHESHIRE

Butynski, William
Meador, David
Tatro, Bruce

Chase, Cynthia
Parkhurst, Henry
Weber, Lucy

Hawkes, Samuel
Sad, Tara

Hunt, John
Sterling, Franklin Jr

COOS

Coulombe, Gary

Merrick, Evalyn

Theberge, Robert

Thomas, Yvonne

GRAFTON

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pierce, David
White, Andrew

Gould, Franklin
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Cusson-Cail, Kathleen
Gidge, Kenneth
Leishman, Peter
Porter, Marjorie
Rosenwald, Cindy

Belvin, William
Daler, Jennifer
Goley, Jeffrey
Moran, Edward
Rhodes, Brian
Shaw, Barbara

Campbell, David
Gargas, Carolyn
Gorman, Mary
Palmer, Barry
Robbins, David
Sullivan, Peter

Cote, David
Garrity, Patrick
Kurk, Neal
Pilotte, Maurice
Rokas, Ted

MERRIMACK

Bouchard, Candace
Hamm, Christine
Patten, Dick
Richardson, Jon

Deloge, Helen
Lockwood, Priscilla
Potter, Frances
Shurtleff, Stephen

Foose, Robert
MacKay, James
Rice, Chip
Williams, Robert

Frazer, June
Owen, Derek
Richardson, Gary

ROCKINGHAM

Allen, Mary
DiPentima, Rich
Norelli, Terie
Sytek, John

Birdsell, Regina
Lovejoy, Patricia
Read, Robin Jr
Waddell, James

Cali-Pitts, Jacqueline
Moody, Marcia
Schlachman, Donna

Copeland, Timothy
Nevins, Chris
Serlin, Christopher

STRAFFORD

Berube, Roger
Horrigan, Timothy
Perry, Robert
Sprague, Dale

Browne, Brendon
Kaen, Naida
Roberts, Jenna
Wall, Janet

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

Grassie, Anne
Pelletier, Marsha
Spang, Judith

SULLIVAN

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

HR 22, urging recognition of the facts regarding the USS Liberty. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert P. Kingsbury for the Majority of State-Federal Relations and Veterans Affairs: The attack on the USS Liberty was investigated by a board of Navy admirals. The crew of the USS Liberty was recognized by the award of two Congressional medals of honor plus dozens of lesser ranking medals, so the USS Liberty has the record as being the most decorated ship in the U.S. Navy. Vote 9-4.

Rep. Robert L. Theberge for the Minority of State-Federal Relations and Veterans Affairs: Out of respect for the men who died and those wounded during an assault by Israel in 1967 on the USS Liberty, the minority respectfully request a further naval inquiry regarding the assault by a friendly nation. The U.S. government has recognized the heroic actions taken by the men of the USS Liberty. Nonetheless, the crew believes that the overwhelming medals earned cannot correct a wrong.

Majority committee report adopted.

UNANIMOUS CONSENT

Rep. Kappler addressed the House.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of those servicemen who lost their lives supporting their country.

REGULAR CALENDAR

CONTINUATION FROM MARCH 8, 2012 (CONT'D)

HB 1478, relative to the definitions of resident for motor vehicle law purposes and domicile for voting purposes and relative to vehicle registration and driver's license requirements.

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

Rep. Sherman A. Packard for the Majority of Transportation: This bill clarifies the meaning of resident for both voting and motor vehicle law purposes. It states that once you declare

your residence for the purpose of voting, you also are declaring your residence for observing motor vehicle laws. This bill in no way discourages or prevents anyone who is a legal resident of New Hampshire from voting in the ward or town they claim residency. Vote 10-5. Rep. John R. Cloutier for the Minority of Transportation: This bill should have gone to House Election Law first, rather than being referred to Transportation, whose main responsibility is examining legislation relating to motor vehicles and boats. In any case, our state should not pass laws through motor vehicle statutes to enforce election laws. Current law defines domicile for the sole purpose of insuring that voting, our most fundamental Constitutional right, is equally protected for all citizens. The voting requirements are that an individual be a citizen, at least age 18, and that citizen lives (is domiciled) in the voting district. It is essential that we have a single, unambiguous definition of where a person lives in order to ensure that no qualified citizen be turned away through confusion. This bill threatens our most basic democratic principles. The right to vote is one of the most fundamental rights in our nation. In our democratic republic, elections are won by those with the best ideas – not those who would block opponents from exercising their right to vote. The minority believes the sponsors are trying to take away the rights of citizens they think might vote differently than they would.

The question being adoption of the majority committee report of Ought to Pass.
Reps. Cloutier and Pierce spoke against.

MOTION TO LAY ON THE TABLE

Rep. Campbell moved that **HB 1478**, relative to the definitions of resident for motor vehicle law purposes and domicile for voting purposes and relative to vehicle registration and driver's license requirements, be laid on the table.
On a division vote, 101 members having voted in the affirmative and 201 in the negative, the motion failed.

The question now being adoption of the majority committee report of Ought to Pass.
Rep. Gary Richardson spoke against and offered floor amendment (1226h).

Floor Amendment (1226h)

Amend the bill by replacing section 2 with the following:

2 New Paragraph; Voter; Office Holder; Domicile. Amend RSA 654:1 by inserting after paragraph II the following new paragraph:

III. A person who declares an address in a New Hampshire town or ward as his or her domicile for voting purposes shall be deemed to have established his or her residence for motor vehicle law purposes at that address.

AMENDED ANALYSIS

This bill modifies the definition of resident for motor vehicle law purposes and deems a declaration of domicile for voting purposes to establish an address for motor vehicle law purposes. This bill also establishes a 40-day deadline for notifying the department of safety of changes of name or address and obtaining vehicle registrations and drivers' licenses by new residents.

Reps. Gary Richardson and Jasper spoke in favor.
Floor amendment (1226h) adopted.

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

Rep. Bates spoke in favor.

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

On a division vote, 222 members having voted in the affirmative and 84 in the negative, the majority committee report was adopted and ordered to third reading.

HB 1635, relative to motor vehicle inspections. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Samuel L. Hawkes for the Majority of Transportation: This bill cleans up the language of RSA 259 requiring a vehicle to be both inspected and show a valid inspection sticker on the vehicle. Previous language only required a vehicle to be inspected. It did not require a vehicle pass the inspection. Vote 13-2.

Rep. Kyle D. Jones for the Minority of Transportation: This bill seems to try and fix a problem that isn't there. The only person who came to speak to this bill was an attorney who said that there was a loophole in the law that made it so that a person's car didn't have to pass inspection in order to be driven on public roadways. There was some confusion to how this bill would solve this problem. The minority feels that this bill is unnecessary or needs to be put into interim study.

Majority Amendment (0792h)

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

1 New Section; Words and Phrases Defined; Inspect. Amend RSA 259 by inserting after section 44 the following new section:

259:44-a Inspect. "Inspect" in all its moods and tenses shall mean to successfully pass all the requirements of a motor vehicle safety inspection as contained in RSA 266, or as otherwise established by the director.

2 Penalty for Failing to Obey Inspection Requirements. Amend RSA 266:5 to read as follows:

266:5 Penalty for Failing to Obey Inspection Requirements. The ***driver on a way of a motor vehicle required to be inspected under RSA 266:1 that does not bear a valid inspection sticker and the*** driver or owner of any motor vehicle ***otherwise*** failing to comply with the requirements of the director relative to inspection shall be guilty of a violation, and the director may refuse to register, or may suspend or revoke the registration of, any motor vehicle, trailer, or semi-trailer which has not been inspected as required or which is unsafe or unfit to be driven; provided, however, no person shall be charged with a violation of this section until a period of 10 days has elapsed from the date the inspection was due. This section shall not apply to those vehicles required to be inspected under the provisions of RSA 266:1, IV. The fine for a violation of this section shall be \$60.

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

AMENDED ANALYSIS

This bill clarifies the requirement that motor vehicles driven on a way have valid inspection stickers.

Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

HB 1695-FN, increasing certain speed limits. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Thomas W. Laware for the Majority of Transportation: This bill would raise speed limits on the interstate highways in New Hampshire. In particular, limits would be changed from 65 mph to 70 mph, 55 mph to 60 mph, and the minimum speed would go from 45 mph to 50 mph. This bill is attractive to the libertarian in some of us but the committee reasoned that the negatives outweighed the benefits in several areas. New Hampshire highways, even in the more open areas, are too congested to safely move traffic at 70 mph, plus the extra speed, above that, that many drivers would maintain. The hilly and windy roads in New Hampshire are vastly different from the open stretches of highway in the flatter western states that do have the higher limits. The only other New England state that allows speeds above 65 is Maine and that is in a rural section of extreme northern parts from Old Town to Holton. When gasoline savings are considered and original design speed and traffic volume

are factored in, it became clear that New Hampshire is simply incompatible with the higher allowable speed limits. Vote 15-1.

Rep. Kyle D. Jones for the Minority of Transportation: One of the reasons why this bill was introduced was because laws should reflect the consent of the governed. Quite obviously, the current law does not reflect the consent of New Hampshire's citizens as the vast majority of them break the speed limit every day. It was brought to the committee's attention that the majority of drivers feel most comfortable driving around 70 mph on the highway and this bill brings the speed limit up to that. We feel that this bill is a very reasonable change to the current system and that this will make our citizens have more respect for the law.

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

Reps. Vaillancourt and Soltani spoke against.

Reps. Tholl and Jasper spoke in favor.

Rep. Vaillancourt requested a roll call; sufficiently seconded.

YEAS 178 NAYS 126

YEAS 178

BELKNAP

Accornero, Harry
Kingsbury, Robert
Russell, David

Bolster, Peter
Luther, Robert
Tilton, Franklin

Fields, Dennis
Millham, Alida

Flanders, Donald
Pilliod, James

CARROLL

Ahlgren, Christopher
Patten, Betsey

Fleck, Joseph
Umberger, Karen

McCarthy, Frank

McConkey, Mark

CHESHIRE

Butynski, William
Lindsey, Steven
Roberts, Kris
Tatro, Bruce

Chase, Cynthia
Meader, David
Sad, Tara
Weber, Lucy

Dwinell, Richard
Moore, Robert Jr
Smith, Edwin

Hawkes, Samuel
Parkhurst, Henry
Sterling, Franklin Jr

COOS

Coulombe, Gary
Rappaport, Laurence
Tremblay, Marc

Daugherty, Duffy
Remick, William

Hatch, William
Tholl, John Jr

Merrick, Evalyn
Thomas, Yvonne

GRAFTON

Almy, Susan
Nordgren, Sharon
Townsend, Charles

Benn, Bernard
Reilly, Harold Sr
White, Andrew

Cooney, Mary
Smith, Suzanne

Gould, Franklin
Taylor, Kathleen

HILLSBOROUGH

Balboni, Michael
Boehm, Ralph
Cote, David
Doherty, Shaun
Gargas, Carolyn
Gonzalez, Carlos
Hawkins, Kenneth

Baroody, Benjamin
Cebrowski, John
Cusson-Cail, Kathleen
Flanagan, Jack
Gidge, Kenneth
Gorman, Mary
Hinch, Richard

Barry, J. Gail
Christiansen, Lars
Daler, Jennifer
Gagne, Larry
Gimas, John
Graham, John
Hogan, Edith

Belvin, William
Coffey, James
Day, Russell
Gandia, Laura
Goley, Jeffrey
Haefner, Robert
Hopper, Gary

Hutchinson, Winfred
Messier, Irene
Porter, Marjorie
Rokas, Ted
Silva, Peter
Villeneuve, Moe

Jasper, Shawn
Ober, Lynne
Ramsey, Peter
Rosenwald, Cindy
Soucy, Connie
Willette, Robert

McGuinness, Sean
Palmer, Barry
Renzullo, Andrew
Rowe, Robert
Sullivan, Peter

Mecheski, Holly
Pilotte, Maurice
Rhodes, Brian
Seidel, Carl
Ulery, Jordan

MERRIMACK

Bouchard, Candace
Gile, Mary
Lockwood, Priscilla
Potter, Frances
Shurtleff, Stephen

Deloge, Helen
Hamm, Christine
MacKay, James
Rice, Chip
Williams, Robert

DeStefano, Stephen
Kotowski, Frank
Palfrey, David
Richardson, Gary

Frazer, June
Lauer-Rago, Kathleen
Patten, Dick
Sanborn, Laurie

ROCKINGHAM

Allen, Mary
Birdsell, Regina
Devine, James
Garrity, James
Kappler, Lawrence
McMahon, Charles
O'Connor, John
Read, Robin Jr
Serlin, Christopher
Waddell, James

Azarian, Gary
Cali-Pitts, Jacqueline
DiPentima, Rich
Griffin, Mary
Lundgren, David
Moody, Marcia
Packard, Sherman
Sanders, Elisabeth
Sullivan, James
Ward, Joanne

Bates, David
Charron, Gene
Dowling, Patricia
Hagan, Joseph
Major, Norman
Nevins, Chris
Perkins, Amy
Schlachman, Donna
Sytek, John
Welch, David

Belanger, Ronald
Copeland, Timothy
Duarte, Joe
Headd, James
McKinney, Betsy
Norelli, Terie
Perkins, Lawrence
Sedensky, John
Tucker, Pamela
Weyler, Kenneth

STRAFFORD

Berube, Roger
Kaen, Naida
Perry, Robert
Vita, Lucien

Browne, Brendon
Munck, Philip
Schmidt, Peter
Wall, Janet

Cataldo, Sam
Parsons, Robbie
Spang, Judith
Watters, David

Grassie, Anne
Pelletier, Marsha
Sprague, Dale

SULLIVAN

Cloutier, John
Laware, Thomas

Cunningham, Steven
Rodeschin, Beverly

Gagnon, Raymond

LaCasse, Paul Sr

NAYS 126

BELKNAP

Comtois, Guy
St. Cyr, Jeffrey

Greemore, Robert
Swinford, Elaine

Malone, Robert
Worsman, Colette

Simpson, Tyler

CARROLL

Babson, David Jr

Knox, J. David

Pettengill, Laurie

Tregenza, Norman

CHESHIRE

Cartwright, Anne

Emerson, Susan

Hunt, John

Johnson, Jane

COOS

Richardson, Herbert

Theberge, Robert

GRAFTON

Bradley, Lester
Ingbretson, Paul
Sova, Charles

Brosseau, Charles
Ladd, Rick Jr

Bulis, Lyle
Simard, Paul

Gionet, Edmond
Sorg, Gregory

HILLSBOROUGH

Ball, J. Michael
Brown, Kevin
Daniels, Gary
Hardwick, Harry
Krasucki, Joseph
Leishman, Peter
Moran, Edward
Ohm, Bill
Pepino, Leo
Simmons, Tammy
Warden, Mark

Barry, Richard
Burt, John
Donovan, Daniel
Hikel, John
Kurk, Neal
Levasseur, Nickolas
Murphy, Keith
Palmer, Stephen
Peterson, Lenette
Summers, James
Whitehead, Randall

Belanger, James
Buxton, Michael
Erickson, Duane
Holden, Frank
Lambert, George
Maltz, Jonathan
Notter, Jeanine
Parison, James
Proulx, Mark
Twombly, Timothy

Bergevin, Jerry
Campbell, David
Greazzo, Phil
Infantine, William
LeBrun, Donald
McClarren, Donald
Ober, Russell III
Pellegrino, Tony
Shaw, Barbara
Vaillancourt, Steve

MERRIMACK

Coffey, Jennifer
Keane, Thomas
Owen, Derek

Cohn, Seth
Kreis, Kenneth Sr
Richardson, Jon

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

Hill, Gregory
McGuire, Dan
Soltani, Tony

ROCKINGHAM

Abrami, Patrick
Davenport, Joshua
Itse, Daniel
Manuse, Andrew
Reichard, Kevin
Schroadter, Adam
Tamburello, Daniel

Baldasaro, Alfred
Fesh, Robert
Katsakiores, Phyllis
Mauro, Donna
Rice, Frederick
Sheffert, Kenneth
Tremblay, Stella

Brown, Paul
Garcia, Marilinda
Kolodziej, Walter
Peckham, Michele
Ritter, Glenn
Shuler, Wyman III
Waterhouse, Kevin

Comerford, Timothy
Hoelzel, Kathleen
Lovejoy, Patricia
Reagan, John
Sapareto, Frank
Smith, William
Webb, James

STRAFFORD

DeLemus, Susan
Jones, Kyle
Newton, Clifford

Ginsburg, Philip
Jones, Laura
Pitre, Joseph

Groen, Warren
Keans, Sandra
Roberts, Jenna

Horrigan, Timothy
Leonard, Frederick Jr
Vita, Carol

SULLIVAN

Bowers, Spec
Schmidt, Andrew

Howard, Thomas
Smith, Steven

Lovett, Charlene

Osgood, Joe

and the majority committee report was adopted.

HB 1418-FN-A, increasing the threshold amounts for taxation under the business enterprise tax. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Frank V. Sapareto for the Majority of Ways and Means: This bill is very similar to a bill passed by the House last year, but remained on the table OTP, that increased the business enterprise tax threshold from \$150,000 to \$200,000 and the enterprise value tax base from \$75,000 to \$100,000. This bill also adjusts for inflation as tied into the Northeast Region Consumer Price Index. The amount each year is rounded to the nearest \$1,000. The majority of the committee recognizes that \$18,000 to \$20,000 business tax filers have literally no tax due. This bill eliminates thousands of unnecessary returns at a very low cost

to the state and most certainly a tremendous savings to small businesses. The bill is in effect for taxable periods ending on or after 2013 and has no impact on this biennium's budget. Vote 17-3.

Rep. Susan W. Almy for the Minority of Ways and Means: This bill increases the threshold amounts for taxation under the BET. The minority recognizes that the threshold amounts for the business enterprise tax BET should be raised because the floor was set a decade ago, no provision was made for inflation and New Hampshire's small businesses and workers would benefit from the relief. However, if this bill had been in effect in 2010, it would have cost our budget somewhere around \$4 million, based on returns from the depths of the recession. Since the economy is slowly improving, the real revenue loss in the next biennium will be even more. The bill is silent on how this money will be made up. The minority thinks this cut will be added to those mandated by bills already passed last year and make it more difficult to repair the damage done to our economy and citizens by this biennium's budget. It is the opinion of the minority that this is likely to hurt many small businesses more than the relief it provides. We would like to send it to summer study to consider revenue-neutral solutions.

Majority Amendment (0939h)

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

1 Business Enterprise Tax; Returns. Amend RSA 77-E:5 to read as follows:

77-E:5 Returns.

I. Every business enterprise having gross business receipts in excess of [~~\$150,000~~] ***\$200,000 as adjusted biennially for inflation and rounded to the nearest \$1,000 by the commissioner using the Consumer Price Index, Northeast Region*** as defined by RSA 77-E:1, X, during the taxable period or the enterprise value tax base of which is greater than [~~\$75,000~~] ***\$100,000 as adjusted biennially for inflation and rounded to the nearest \$1,000 by the commissioner using the Consumer Price Index, Northeast Region***, shall, on or before the fifteenth day of the third month in the case of enterprises required to file a United States corporation tax return, and the fifteenth day of the fourth month in the case of all other business enterprises, following expiration of its taxable period, make a return to the commissioner. All returns shall be signed by the business enterprise or by its authorized representative, subject to the pains and penalties of perjury and the penalties provided in RSA 21-J:39.

II. Every business enterprise shall in addition file a declaration of its estimated business enterprise tax for its subsequent taxable period; provided, however, if the estimated tax is less than [~~\$200~~] ***\$260***, a declaration need not be filed; and provided further that a declaration shall be filed at the end of any quarter thereafter in which estimated tax exceeds [~~\$200~~] ***\$260***. The declaration shall be filed when payments are due under RSA 77-E:6.

2 Effective Date. This act shall be in effect for taxable periods ending on or after December 31, 2013.

Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

BILLS REMOVED FROM THE CONSENT CALENDAR OF MARCH 7, 2012

HB 1267, relative to adjustments to the child support guidelines based on child support expenses documented by the parties. **INEXPEDIENT TO LEGISLATE.**

Rep. Carolyn M. Gargas for Children and Family Law: This bill would allow a request for modification of child support if there is an indication that expenses incurred by the obligee, based on child support guidelines, varies by at least 10 percent of the actual expenses of the court ordered amount that the obligee incurred on behalf of the children. It would require the obligee to provide evidence of child support expenses for at least 6 months. The committee believes that this change is unnecessary because there is a thorough, in-depth sharing of financial data before a child support determination is made. The mandatory self-

discovery rule currently in place in the Family Division requires the parties to exchange financial information before a child support order is determined and includes 1) current financial affidavit including monthly expenses, 2) past 3 years' personal and business tax forms and forms indicating income, 3) four most recent pay-stubs and year end pay stub; 4) for business owners and self employed, monthly, quarterly and year to date financial statements; 5) medical and dental insurance coverage; 6) loans, mortgages, statement of assets or liabilities; 7) employee benefits; 8) statements for all bank accounts; 9) financial assets such as investments accounts; 10) life insurance; 11) statements for all credit cards, 12) written pre-nuptial or postnuptial agreements. Current law also allows the court to deviate from the child support guidelines due to special circumstances either when the child support amount is initially determined or at modification. Further, current law permits either party to seek a modification of child support at any time when there is a substantial change in circumstances and parties are granted an automatic review of child support every three years if either party requests it. Finally, the committee notes that there is no fiscal note attached to this bill; however, it has the potential to increase litigation and court costs, as well as to increase the adversarial nature of an already very emotional and difficult situation which is antithetical to the purpose of current law. Vote 14-0. Committee report adopted.

HB 1262, prohibiting banks from requiring blood samples, fingerprints, and DNA samples in order to complete a banking transaction. **REFER FOR INTERIM STUDY.**

Rep. Andrew J. Manuse for Commerce and Consumer Affairs: This bill would declare blood samples, fingerprints or DNA samples a form of unreasonable identification, which banks could not use to verify a person's identity prior to cashing a non customer check. Some members of the committee expressed concern that this bill would place undue burdens on bankers' use of technology to ensure the security of their customers, and that customers who did not like such practices could bank somewhere else. The bank is liable if they cash a stolen check and check fraud is increasing in recent years. However, some other members of the committee said that some uses of technology are unethical, and it is the job of the state to protect the rights of all citizens from these unethical uses, particularly when the technological incursion involves a person's own biometric data, which is widely considered in Natural Law to be his or her own property. Ultimately, however, the committee recalled its action earlier this year to Interim Study HB 244, which would restrict the collection of biometric data by state agencies and private entities, and provide a private right of action for the misuse or unlawful collection of biometric data. The committee felt that since the bankers' use of biometric data had come up again, it would only be right to study it alongside HB 244 as an issue of higher urgency among potential issues with the use of biometric data. The committee has pledged to truly study this issue and make a recommendation to the next Legislature, so this bill's Interim Study is not so-called "death with dignity," but a true effort to search for the right answers. Vote 16-0.

Reps. Webb and Sapareto spoke against and yielded to questions.

(Rep. Bettencourt in the Chair)

Rep. McGuinness spoke in favor.

Rep. Hunt spoke in favor and yielded to questions.

Rep. Sapareto requested a roll call; sufficiently seconded.

YEAS 208 NAYS 86

YEAS 208

BELKNAP

Bolster, Peter
Luther, Robert

Fields, Dennis
Millham, Alida

Flanders, Donald
Pilliod, James

Kingsbury, Robert
Russell, David

Simpson, Tyler	Swinford, Elaine	Tilton, Franklin
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CARROLL

Babson, David Jr	Fleck, Joseph	Patten, Betsey	Umberger, Karen
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CHESHIRE

Butynski, William	Chase, Cynthia	Dwinell, Richard	Emerson, Susan
Hawkes, Samuel	Hunt, John	Johnson, Jane	Meador, David
Moore, Robert Jr	Roberts, Kris	Sad, Tara	Smith, Edwin
Sterling, Franklin Jr	Tatro, Bruce	Weber, Lucy	

COOS

Coulombe, Gary	Daugherty, Duffy	Merrick, Evalyn	Remick, William
Tholl, John Jr	Thomas, Yvonne		

GRAFTON

Benn, Bernard	Bradley, Lester	Cooney, Mary	Gionet, Edmond
Gould, Franklin	Harding, Laurie	Ladd, Rick Jr	Nordgren, Sharon
Reilly, Harold Sr	Simard, Paul	Smith, Suzanne	Sorg, Gregory
Taylor, Kathleen	Townsend, Charles	White, Andrew	

HILLSBOROUGH

Balboni, Michael	Ball, J. Michael	Baroody, Benjamin	Barry, J. Gail
Barry, Richard	Belanger, James	Belvin, William	Bergevin, Jerry
Brown, Kevin	Buxton, Michael	Campbell, David	Coffey, James
Cote, David	Cusson-Cail, Kathleen	Daler, Jennifer	Doherty, Shaun
Gagne, Larry	Gandia, Laura	Gargas, Carolyn	Gimas, John
Gonzalez, Carlos	Graham, John	Haefner, Robert	Hansen, Peter
Hawkins, Kenneth	Hogan, Edith	Holden, Frank	Hutchinson, Winfred
Infantine, William	Jasper, Shawn	Krasucki, Joseph	LeBrun, Donald
Leishman, Peter	McClarren, Donald	McGuinness, Sean	Mecheski, Holly
Messier, Irene	Murphy, Keith	Ober, Lynne	Ober, Russell III
Ohm, Bill	Palmer, Stephen	Parison, James	Pellegrino, Tony
Peterson, Lenette	Pilotte, Maurice	Porter, Marjorie	Proulx, Mark
Ramsey, Peter	Renzullo, Andrew	Rokas, Ted	Rosenwald, Cindy
Seidel, Carl	Shaw, Barbara	Silva, Peter	Simmons, Tammy
Sullivan, Peter	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe
Warden, Mark	Whitehead, Randall	Willette, Robert	

MERRIMACK

Bouchard, Candace	Coffey, Jennifer	Cohn, Seth	Deloge, Helen
DeStefano, Stephen	Frazer, June	Hamm, Christine	Hill, Gregory
Keane, Thomas	Kotowski, Frank	Kreis, Kenneth Sr	Lauer-Rago, Kathleen
Lockwood, Priscilla	MacKay, James	McGuire, Carol	Palfrey, David
Patten, Dick	Potter, Frances	Richardson, Gary	Sanborn, Laurie
Seaworth, G. Brian	Shurtleff, Stephen	Soltani, Tony	Winter, Steven

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Azarian, Gary	Bates, David
Belanger, Ronald	Brown, Paul	Cali-Pitts, Jacqueline	Charron, Gene
Copeland, Timothy	Davenport, Joshua	Devine, James	DiPentima, Rich

Duarte, Joe
Griffin, Mary
Kolodziej, Walter
McKinney, Betsy
Norelli, Terie
Rice, Frederick
Serlin, Christopher
Sytek, John
Welch, David

Fesh, Robert
Headd, James
Lovejoy, Patricia
McMahon, Charles
Packard, Sherman
Sanders, Elisabeth
Shuler, Wyman III
Waddell, James

Garcia, Marilinda
Hoelzel, Kathleen
Major, Norman
Moody, Marcia
Read, Robin Jr
Schlachman, Donna
Smith, William
Ward, Joanne

Garrity, James
Kappler, Lawrence
Mauro, Donna
Nevins, Chris
Reagan, John
Schroadter, Adam
Sullivan, James
Waterhouse, Kevin

STRAFFORD

Berube, Roger
Ginsburg, Philip
Parsons, Robbie
Schmidt, Peter
Wall, Janet

Browne, Brendon
Grassie, Anne
Pelletier, Marsha
Spang, Judith
Watters, David

Cataldo, Sam
Kaen, Naida
Perry, Robert
Sprague, Dale

DeLemus, Susan
Newton, Clifford
Pitre, Joseph
Vita, Lucien

SULLIVAN

Howard, Thomas
Osgood, Joe

Laware, Thomas
Rodeschin, Beverly

Lefebvre, Benjamin
Schmidt, Andrew

Lovett, Charlene

NAYS 86

BELKNAP

Accornero, Harry
St. Cyr, Jeffrey

Comtois, Guy
Worsman, Colette

Greemore, Robert

Malone, Robert

CARROLL

Ahlgren, Christopher
Pettengill, Laurie

Knox, J. David
Tregenza, Norman

McCarthy, Frank

McConkey, Mark

CHESHIRE

Cartwright, Anne

Lindsey, Steven

Parkhurst, Henry

COOS

Hatch, William
Tremblay, Marc

Rappaport, Laurence

Richardson, Herbert

Theberge, Robert

GRAFTON

Almy, Susan
Pierce, David

Brosseau, Charles
Sova, Charles

Bulis, Lyle

Ingbretson, Paul

HILLSBOROUGH

Boehm, Ralph
Daniels, Gary
Gidge, Kenneth
Hardwick, Harry
Lambert, George
Notter, Jeanine
Twombly, Timothy

Burt, John
Day, Russell
Goley, Jeffrey
Hikel, John
Levasseur, Nickolas
Rowe, Robert

Cebrowski, John
Donovan, Daniel
Gorman, Mary
Hopper, Gary
Maltz, Jonathan
Soucy, Connie

Christiansen, Lars
Flanagan, Jack
Greazzo, Phil
Kurk, Neal
Moran, Edward
Summers, James

MERRIMACK

Giuda, J. Brandon McGuire, Dan Richardson, Jon

ROCKINGHAM

Baldasaro, Alfred	Birdsell, Regina	Comerford, Timothy	Dowling, Patricia
Hagan, Joseph	Itse, Daniel	Katsakiores, Phyllis	O'Connor, John
Perkins, Amy	Perkins, Lawrence	Reichard, Kevin	Ritter, Glenn
Sapareto, Frank	Sedensky, John	Sheffert, Kenneth	Tamburello, Daniel
Tremblay, Stella	Webb, James	Weyler, Kenneth	

STRAFFORD

Groen, Warren	Horrigan, Timothy	Jones, Laura	Keans, Sandra
Leonard, Frederick Jr	Munck, Philip	Roberts, Jenna	Vita, Carol

SULLIVAN

Bowers, Spec	Cloutier, John	Cunningham, Steven	Gagnon, Raymond
Smith, Steven			

and the committee report was adopted.

HB 1220, repealing the criminal history record and protective order check for the sale of firearms. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen J. Shurtleff for Criminal Justice and Public Safety: This bill would have repealed the criminal history and protective order check for the sale of firearms. In 2010 New Hampshire had sixteen homicides, half of these were domestic violence related. This bill would have removed the protection afforded to those individuals who have obtained a domestic violence or stalking order from the court. Also in 2010 the department of safety's gunline stopped 370 individuals, who could not legally possess a firearm in New Hampshire, from making firearm purchases as a result of gunline checks. It was also pointed out that these protective orders are not fully filled out making identification of the defendant difficult. These protective orders, more than 200 of them, cannot be forwarded to the federal system. This bill was opposed by advocates on behalf of New Hampshire gun rights organizations as well as domestic violence support groups. Vote 15-2.

LAIID ON THE TABLE

Rep. Dan McGuire moved that **HB 1220**, repealing the criminal history record and protective order check for the sale of firearms, be laid on the table.

On a division vote, 252 members having voted in the affirmative and 36 in the negative, the motion was adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR of MARCH 7, 2012 (CONT'D)

HB 1438, relative to confidentiality of police personnel files. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: Personnel files for police or anyone else should be confidential. The committee was told there are already laws on the books that address this issue. This bill is not necessary. Vote 16-0.

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

Rep. Swinford spoke in favor and yielded to questions.

Rep. Ginsburg spoke in favor.

On a division vote, 163 members having voted in the affirmative and 125 in the negative, the committee report was adopted.

(Speaker O'Brien in the Chair)

HB 1523-FN-L, relative to the return of personal property seized by law enforcement agencies from a person charged with a crime. **REFER FOR INTERIM STUDY.**

Rep. Robbie L. Parsons for Criminal Justice and Public Safety: This bill establishes procedures for the return of personal property. The House passed HB 225 to the Senate. The Senate has passed HB 225 with amendment and we will have another chance to vote on this issue. We feel that HB 1523 should be sent to interim study waiting on HB 225. Vote 13-3.

Committee report adopted.

HB 1528-FN, requiring criminal penalties for attorneys in the attorney general's office and the county attorneys' office for failing to prosecute offenses related to falsification in official matters. **INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth Kreis for Criminal Justice and Public Safety: The bill establishes a penalty against attorneys in the Attorney Generals Office and the county attorney's office for failing to prosecute a person who has committed an offense related to falsification in official matters. The committee feels that this bill is too broad in interpretation. Vote 16-0.

Committee report adopted.

HB 1531-FN, relative to prosecution for victimless crimes. **INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth Kreis for Criminal Justice and Public Safety: This bill creates an affirmative defense to any felons or misdemeanors if there was no victim of the crime. The committee has no definition of "victimless" crime and became too broad in incorporating corporations as "persons." Vote 14-2.

On a division vote, 237 members having voted in the affirmative and 40 in the negative, the committee report was adopted.

CALL OF THE HOUSE

Speaker O'Brien ordered a Call of the House. A quorum was declared present and Chamber doors were secured.

**BILLS REMOVED FROM THE CONSENT CALENDAR of
MARCH 7, 2012 (CONT'D)**

HB 1562-FN, establishing a criminal penalty for sending or receiving sexually explicit text messages or images by using a cell phone or other mobile device. **INEXPEDIENT TO LEGISLATE.**

Rep. Kyle J. Tasker for Criminal Justice and Public Safety: The fallout of having a compromising photograph be widely spread through a school or educational setting is severe enough to teach a lesson to the individual and their peers without involving the justice system. The application of harsh penalties in these situations is not productive and an educational approach should be pursued. Vote 14-2.

Committee report adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Kurk moved that the House reconsider its action whereby, on a voice vote, it adopted the committee report of Inexpedient to Legislate on **HB 1562-FN**, establishing a criminal penalty for sending or receiving sexually explicit text messages or images by using a cell phone or other mobile device.

Rep. Kurk spoke against.

On a division vote, 110 members having voted in the affirmative and 176 in the negative, the

motion failed.

**BILLS REMOVED FROM THE CONSENT CALENDAR of
MARCH 7, 2012 (CONT'D)**

HB 1148, requiring the teaching of evolution as a theory in public schools. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph A. Pitre for Education: Pursuant to RSA 189:1-a II, elected school boards are responsible for establishing the structure, accountability, advocacy, and delivery of instruction in each school operated and governed in its district. This bill is contrary to this statute and would affect local control of school districts and make this bill unnecessary. Vote 16-0.

Rep. Bergevin spoke against.

Rep. Boehm spoke in favor.

Rep. Pitre requested a roll call; sufficiently seconded.

YEAS 280 NAYS 7

YEAS 280

BELKNAP

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

CARROLL

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

CHESHIRE

Butynski, William	Cartwright, Anne	Chase, Cynthia	Dwinell, Richard
Emerson, Susan	Hawkes, Samuel	Hunt, John	Johnson, Jane
Lindsey, Steven	Meador, David	Moore, Robert Jr	Parkhurst, Henry
Roberts, Kris	Sad, Tara	Smith, Edwin	Sterling, Franklin Jr
Tatro, Bruce	Weber, Lucy		

COOS

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

GRAFTON

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

HILLSBOROUGH

Balboni, Michael
 Belanger, James
 Buxton, Michael
 Coffey, James
 Daniels, Gary
 Flanagan, Jack
 Gimas, John
 Graham, John
 Hawkins, Kenneth
 Hopper, Gary
 Kurk, Neal
 Levasseur, Nickolas
 Mecheski, Holly
 Notter, Jeanine
 Palmer, Stephen
 Peterson, Lenette
 Renzullo, Andrew
 Seidel, Carl
 Sullivan, Peter
 Vaillancourt, Steve
 Willette, Robert

Ball, J. Michael
 Belvin, William
 Campbell, David
 Cote, David
 Day, Russell
 Gagne, Larry
 Goley, Jeffrey
 Greazzo, Phil
 Hikel, John
 Hutchinson, Winfred
 Lambert, George
 Maltz, Jonathan
 Messier, Irene
 Ober, Lynne
 Parison, James
 Pilotte, Maurice
 Rokas, Ted
 Shaw, Barbara
 Summers, James
 Villeneuve, Moe

Baroody, Benjamin
 Boehm, Ralph
 Cebrowski, John
 Cusson-Cail, Kathleen
 Doherty, Shaun
 Gandia, Laura
 Gonzalez, Carlos
 Haefner, Robert
 Hogan, Edith
 Jasper, Shawn
 LeBrun, Donald
 McClarren, Donald
 Moran, Edward
 Ober, Russell III
 Pellegrino, Tony
 Porter, Marjorie
 Rosenwald, Cindy
 Silva, Peter
 Twombly, Timothy
 Warden, Mark

Barry, J. Gail
 Burt, John
 Christiansen, Lars
 Daler, Jennifer
 Donovan, Daniel
 Gargas, Carolyn
 Gorman, Mary
 Hansen, Peter
 Holden, Frank
 Krasucki, Joseph
 Leishman, Peter
 McGuinness, Sean
 Murphy, Keith
 Ohm, Bill
 Pepino, Leo
 Proulx, Mark
 Rowe, Robert
 Simmons, Tammy
 Ulery, Jordan
 Whitehead, Randall

MERRIMACK

Bouchard, Candace
 DeStefano, Stephen
 Hamm, Christine
 Lauer-Rago, Kathleen
 McGuire, Dan
 Rice, Chip
 Shurtleff, Stephen

Coffey, Jennifer
 Frazer, June
 Hill, Gregory
 Lockwood, Priscilla
 Palfrey, David
 Richardson, Gary
 Soltani, Tony

Cohn, Seth
 Gile, Mary
 Kotowski, Frank
 MacKay, James
 Patten, Dick
 Richardson, Jon
 Winter, Steven

Deloge, Helen
 Giuda, J. Brandon
 Kreis, Kenneth Sr
 McGuire, Carol
 Potter, Frances
 Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
 Bates, David
 Brown, Paul
 Copeland, Timothy
 Duarte, Joe
 Griffin, Mary
 Itse, Daniel
 Major, Norman
 McMahon, Charles
 O'Connor, John
 Read, Robin Jr
 Ritter, Glenn
 Schroadter, Adam
 Shuler, Wyman III
 Ward, Joanne

Allen, Mary
 Belanger, Ronald
 Cali-Pitts, Jacqueline
 Davenport, Joshua
 Fesh, Robert
 Hagan, Joseph
 Kappler, Lawrence
 Manuse, Andrew
 Moody, Marcia
 Packard, Sherman
 Reagan, John
 Sanders, Elisabeth
 Sedensky, John
 Smith, William
 Webb, James

Azarian, Gary
 Bettencourt, David
 Charron, Gene
 Devine, James
 Garcia, Marilinda
 Headd, James
 Kolodziej, Walter
 Mauro, Donna
 Nevins, Chris
 Perkins, Amy
 Reichard, Kevin
 Sapareto, Frank
 Serlin, Christopher
 Sullivan, James
 Welch, David

Baldasaro, Alfred
 Birdsell, Regina
 Comerford, Timothy
 DiPentima, Rich
 Garrity, James
 Hoelzel, Kathleen
 Lovejoy, Patricia
 McKinney, Betsy
 Norelli, Terie
 Perkins, Lawrence
 Rice, Frederick
 Schlachman, Donna
 Sheffert, Kenneth
 Waddell, James
 Weyler, Kenneth

STRAFFORD

Berube, Roger
 Ginsburg, Philip
 Jones, Laura
 Munck, Philip
 Perry, Robert

Browne, Brendon
 Grassie, Anne
 Kaen, Naida
 Newton, Clifford
 Pitre, Joseph

Cataldo, Sam
 Groen, Warren
 Keans, Sandra
 Parsons, Robbie
 Roberts, Jenna

DeLemus, Susan
 Horrigan, Timothy
 Leonard, Frederick Jr
 Pelletier, Marsha
 Schmidt, Peter

Sprague, Dale
Watters, David

Vita, Carol

Vita, Lucien

Wall, Janet

SULLIVAN

Bowers, Spec
Howard, Thomas
Osgood, Joe

Cloutier, John
Laware, Thomas
Rodeschin, Beverly

Cunningham, Steven
Lefebvre, Benjamin
Schmidt, Andrew

Gagnon, Raymond
Lovett, Charlene
Smith, Steven

NAYS 7

BELKNAP

Simpson, Tyler

Worsman, Colette

CARROLL

None

CHESHIRE

None

COOS

None

GRAFTON

None

HILLSBOROUGH

Bergevin, Jerry

Hardwick, Harry

Infantine, William

Soucy, Connie

MERRIMACK

None

ROCKINGHAM

Tremblay, Stella

STRAFFORD

None

SULLIVAN

None

and the committee report was adopted.

HB 1712, relative to the teaching of the Bible in public schools. **INEXPEDIENT TO LEGISLATE.**

Rep. Mary J. Gorman for Education: This bill requires the state board of education to establish an elective Bible literacy course for pupils in grades 9-12. The committee realizes school districts have the authority to create comparative religion courses incorporating a review of the Bible without violating our constitution. Vote 17-0.

Reps. Lauer-Rago, Gorman and Bolster spoke in favor.

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

On a division vote, 284 members having voted in the affirmative and 5 in the negative, the committee report was adopted.

HB 1265, relative to criteria for the government regulation of occupations and professions. **REFER FOR INTERIM STUDY.**

Rep. Spec Bowers for Executive Departments and Administration: HB 1265 would establish that anyone has the right to perform any occupation without a government license, unless and until the legislature establishes a compelling interest in protecting the public health and safety and that licensing is the least restrictive way to accomplish that protection. The committee was unwilling to accept that pronouncement for all professions, and accepts that review of appropriate levels of regulation for the various professions is a proper function of ED&A. Interim Study of HB 1265 will provide the overall framework for evaluating professional licensing this session. Vote 9-3.

Committee report adopted.

HB 1631, allowing persons licensed to provide emergency medical services to work public gatherings and events. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter B. Schmidt for Executive Departments and Administration: The intent of this bill is to give clear legal status to EMTs serving as emergency medical personnel at public events where there is no other provision of coverage and where they are not present as part of their usual unit. After hearing from both the bill's sponsor and the EMT oversight board, the committee concluded that the bill is at best premature and very likely unnecessary. This is because the committee believes the existing statute and rules give the requisite authority for a resolution of the problem, which the EMT community has recognized for some time and is working to address. Vote 12-0.

Rep. White spoke against and yielded to questions.

Committee report failed.

Rep. White moved Ought to Pass and offered floor amendment (1127h).

Floor Amendment (1127h)

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

AN ACT allowing persons licensed to provide emergency medical services to work at social or sporting events.

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

1 New Subparagraph; Plan Required. Amend RSA 21-P:12-b, II by inserting after subparagraph (m) the following new subparagraph:

(n) Develop recommendations relative to a plan to allow New Hampshire emergency medical services providers to provide emergency care at a social or sporting event in New Hampshire without the requirement of being affiliated with any medical services unit or police or fire department if he or she provides care only at the level of his or her certification and follows the New Hampshire bureau of emergency medical services patient care protocols.

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

AMENDED ANALYSIS

This bill allows New Hampshire emergency medical services providers to provide emergency medical services at a social or sporting event under certain circumstances.

Rep. White spoke in favor and yielded to questions.

Floor amendment (21127h) adopted.

Motion of Ought to Pass with Amendment adopted and ordered to third reading.

HB 1492-FN, requiring employers to verify an employee's eligibility to work in the United States. **INEXPEDIENT TO LEGISLATE.**

Rep. G. Brian Seaworth for Labor, Industrial and Rehabilitative Services: While the

majority of the committee is concerned that New Hampshire workers are, in fact, eligible to work and that employers verify that eligibility, we cannot support the bill. This mandates participation at several levels by all public employers, contractors and subcontractors in a status verification system. Testimony from the representatives of county and local government, as well as businesses were uniformly opposed to a requirement that they participate in a flawed federal program resulting in additional costs and regulations. Vote 14-1.

Rep. Duarte spoke against.

Rep. Seaworth spoke in favor.

Rep. Renzullo requested a roll call; sufficiently seconded.

YEAS 226 NAYS 59

YEAS 226

BELKNAP

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

CARROLL

Ahlgren, Christopher	Babson, David Jr	Fleck, Joseph	Knox, J. David
McConkey, Mark	Patten, Betsey	Tregenza, Norman	Umberger, Karen

CHESHIRE

Butynski, William	Chase, Cynthia	Emerson, Susan	Hawkes, Samuel
Hunt, John	Lindsey, Steven	Meader, David	Moore, Robert Jr
Parkhurst, Henry	Roberts, Kris	Sad, Tara	Smith, Edwin
Sterling, Franklin Jr	Tatro, Bruce	Weber, Lucy	

COOS

Coulombe, Gary	Daugherty, Duffy	Hatch, William	Merrick, Evalyn
Remick, William	Richardson, Herbert	Theberge, Robert	Tholl, John Jr
Thomas, Yvonne	Tremblay, Marc		

GRAFTON

Almy, Susan	Benn, Bernard	Bradley, Lester	Cooney, Mary
Gould, Franklin	Harding, Laurie	Ladd, Rick Jr	Nordgren, Sharon
Pierce, David	Reilly, Harold Sr	Simard, Paul	Taylor, Kathleen
Townsend, Charles	White, Andrew		

HILLSBOROUGH

Balboni, Michael	Ball, J. Michael	Baroody, Benjamin	Belanger, James
Belvin, William	Boehm, Ralph	Burt, John	Buxton, Michael
Campbell, David	Christiansen, Lars	Coffey, James	Cote, David
Cusson-Cail, Kathleen	Daler, Jennifer	Daniels, Gary	Day, Russell
Doherty, Shaun	Donovan, Daniel	Gagne, Larry	Gargas, Carolyn
Gimas, John	Goley, Jeffrey	Gorman, Mary	Graham, John
Haefner, Robert	Hansen, Peter	Hawkins, Kenneth	Hogan, Edith
Holden, Frank	Hutchinson, Winfred	Infantine, William	Jasper, Shawn

Kurk, Neal
Maltz, Jonathan
Moran, Edward
Ober, Russell III
Pepino, Leo
Rokas, Ted
Shaw, Barbara
Sullivan, Peter
Warden, Mark

Lambert, George
McClarren, Donald
Murphy, Keith
Palmer, Stephen
Peterson, Lenette
Rosenwald, Cindy
Silva, Peter
Summers, James
Whitehead, Randall

Leishman, Peter
McGuinness, Sean
Notter, Jeanine
Parison, James
Porter, Marjorie
Rowe, Robert
Simmons, Tammy
Ulery, Jordan
Willette, Robert

Levasseur, Nickolas
Messier, Irene
Ober, Lynne
Pellegrino, Tony
Proulx, Mark
Seidel, Carl
Soucy, Connie
Vaillancourt, Steve

MERRIMACK

Bouchard, Candace
DeStefano, Stephen
Kotowski, Frank
McGuire, Carol
Potter, Frances
Seaworth, G. Brian

Coffey, Jennifer
Frazer, June
Lauer-Rago, Kathleen
McGuire, Dan
Rice, Chip
Shurtleff, Stephen

Cohn, Seth
Gile, Mary
Lockwood, Priscilla
Palfrey, David
Richardson, Gary
Soltani, Tony

Deloge, Helen
Hamm, Christine
MacKay, James
Patten, Dick
Richardson, Jon

ROCKINGHAM

Abrami, Patrick
Bettencourt, David
Charron, Gene
DiPentima, Rich
Headd, James
Lovejoy, Patricia
McKinney, Betsy
Norelli, Terie
Sanders, Elisabeth
Sedensky, John
Waddell, James

Allen, Mary
Birdsell, Regina
Comerford, Timothy
Fesh, Robert
Hoelzel, Kathleen
Major, Norman
McMahon, Charles
O'Connor, John
Sapareto, Frank
Serlin, Christopher
Ward, Joanne

Azarian, Gary
Brown, Paul
Copeland, Timothy
Garrity, James
Itse, Daniel
Manuse, Andrew
Moody, Marcia
Perkins, Amy
Schlachman, Donna
Sullivan, James
Welch, David

Bates, David
Cali-Pitts, Jacqueline
Devine, James
Griffin, Mary
Kappler, Lawrence
Mauro, Donna
Nevins, Chris
Read, Robin Jr
Schroadter, Adam
Tucker, Pamela
Weyler, Kenneth

STRAFFORD

Berube, Roger
Ginsburg, Philip
Kaen, Naida
Newton, Clifford
Roberts, Jenna
Watters, David

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

Cataldo, Sam
Horrigian, Timothy
Leonard, Frederick Jr
Pelletier, Marsha
Sprague, Dale

DeLemus, Susan
Jones, Laura
Munck, Philip
Perry, Robert
Wall, Janet

SULLIVAN

Bowers, Spec
Laware, Thomas
Rodeschin, Beverly

Cloutier, John
Lefebvre, Benjamin
Schmidt, Andrew

Cunningham, Steven
Lovett, Charlene

Gagnon, Raymond
Osgood, Joe

NAYS 59

BELKNAP

Comtois, Guy

Greemore, Robert

Simpson, Tyler

CARROLL

McCarthy, Frank

Pettengill, Laurie

CHESHIRE

Cartwright, Anne Dwinell, Richard Johnson, Jane

COOS

Rappaport, Laurence

GRAFTON

Brosseau, Charles Bulis, Lyle Gionet, Edmond Ingbretson, Paul
Sorg, Gregory Sova, Charles

HILLSBOROUGH

Barry, J. Gail Cebrowski, John Flanagan, Jack Gandia, Laura
Greazzo, Phil Hardwick, Harry Hikel, John Hopper, Gary
Krasucki, Joseph LeBrun, Donald Mecheski, Holly Ohm, Bill
Pilotte, Maurice Renzullo, Andrew Twombly, Timothy Villeneuve, Moe

MERRIMACK

Giuda, J. Brandon Hill, Gregory Kreis, Kenneth Sr Winter, Steven

ROCKINGHAM

Baldasaro, Alfred Davenport, Joshua Duarte, Joe Garcia, Marilinda
Hagan, Joseph Kolodziej, Walter Packard, Sherman Perkins, Lawrence
Reagan, John Reichard, Kevin Rice, Frederick Ritter, Glenn
Sheffert, Kenneth Shuler, Wyman III Smith, William Tamburello, Daniel
Tremblay, Stella Webb, James

STRAFFORD

Groen, Warren Pitre, Joseph Vita, Carol Vita, Lucien

SULLIVAN

Howard, Thomas Smith, Steven
and the committee report was adopted.

SPECIAL ORDER

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.

Rep. Carol McGuire offered floor amendment (1084h).

Floor Amendment (1084h)

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

AN ACT prohibiting the use of motor vehicle records for any federal identification database.

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

1 Motor Vehicle Records. Amend RSA 260:14, III to read as follows:

III. Motor vehicle records may be made available pursuant to a court order or in response to a request from a state, a political subdivision of a state, the federal government, or a law enforcement agency for use in official business. The request shall be on a case-by-case basis. Any records received pursuant to this paragraph shall not be further transferred or otherwise made available to any other person or listed entity not authorized under this paragraph. ***No records made available under this section shall be used, directly or indirectly, for any federal identification database.***

2 Employment of Illegal Aliens Prohibited. Amend RSA 275-A:4-a to read as follows:

275-A:4-a Employment of Illegal Aliens Prohibited. No employer may employ an alien whom the employer knows is not a citizen of the United States and not in possession of Form [1-551] ***I-551***, Alien Registration Receipt Card or any other document issued by the United States ***Citizenship and*** Immigration [and Naturalization Service] ***Services*** or the Attorney General of the United States which authorizes him ***or her*** to work.

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

AMENDED ANALYSIS

This bill prohibits the use of motor vehicle records for any federal identification database. This bill also updates references in an employment statute.

Rep. Carol McGuire spoke in favor.

Floor amendment (1084h) adopted.

Committee report of Ought to Pass with Amendment adopted and ordered to third reading.

HB 1437, relative to display of certain historical items in the state house. **INEXPEDIENT TO LEGISLATE.**

Rep. David B. Campbell for Public Works and Highways: A subcommittee was formed and extensively researched the history and current status of these treasures, which belong to past, present and future generations of New Hampshire citizens. In 1978, during a renovation of the secretary of state's vault, secretary of state Bill Gardner discovered a tube containing an engraved 1823 copy made from the original Declaration of Independence, which was sent to New Hampshire by President John Quincy Adams and one of 15 "original" hand copies of the United States Bill of Rights, which was sent to the 15 states in existence in 1793. (The Bill of Rights was adopted in 1791). The latter vellum document (one of 12 known to still exist) was appraised by experts as literally "priceless," and to be in better condition than the original in the national archives. The documents were displayed in the State House visitors center for nearly twenty years. In 1996, because of extensive fading, they were moved by the state archivist and the director of the visitors center to the state archives building, where both documents now reside. The committee is unanimous in its recommendation that these documents remain in the archives at present. In 2006, under a Republican controlled legislature, and again in 2007 under a Democratic legislature, the joint facilities committee fully vetted the issues of when, where and how these valuable documents be displayed. Both times the consensus was to keep the documents at the archive building. Under RSA 5:4-a, the secretary of state is responsible for the care of these documents and has the discretion of when to display them; taking into account their security and protection from theft, damage or destruction. The secretary of state also believes that the Archives building is the best home for these documents presently and the committee concurs. The committee does unanimously recommend, after consultations with the secretary of state, that the joint facilities committee make new digital high resolution copies of these documents and put them on display in the State House visitor's center. This can be

accomplished for a few hundred dollars, without legislation, and within the current budget of the joint facilities committee. Vote 15-0.

MOTION TO SPECIAL ORDER

Rep. Graham moved that **HB 1437**, relative to display of certain historical items in the state house, be made a Special Order to the Session of March 21, 2012.

Rep. Graham spoke in favor.

Adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR of

MARCH 7, 2012 (CONT'D)

HR 23, urging the federal government to reduce the federal deficit in proportion to federal aid. **OUGHT TO PASS.**

Rep. Jeanine M. Notter for State-Federal Relations and Veterans Affairs: This bill is a resolution to send our voice to Congress that we want a balanced budget. We have a similar HCR, but this one does not call for a constitutional convention, and it brings out the \$68 million we are sending overseas. Vote 9-3.

Rep. Horrigan spoke against.

Rep. Baldasaro offered floor amendment (1122h).

Floor Amendment (1122h)

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

A RESOLUTION urging the federal government to reduce the federal deficit by the amount of certain foreign aid.

Amend the resolution by replacing the first paragraph after the title with the following:

Whereas, the global economic slowdown has made national debt a pressing issue; and

Amend the resolution by replacing the first paragraph after the resolving clause with the following:

That the New Hampshire house of representatives urges the federal government to reduce the debt the United States owes to another country by the amount of foreign aid it proposes to give to that country; and

AMENDED ANALYSIS

This resolution urges the federal government to reduce the federal deficit by the amount of certain foreign aid.

Rep. Baldasaro spoke in favor.

Floor amendment (1122h) adopted.

Committee report of Ought to Pass with Amendment adopted and ordered to third reading.

CONSENT CALENDAR

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

HB 1537-FN, relative to violations of privacy occurring outside a private place, removed by

Rep. Gandia

Consent Calendar adopted.

HB 415, relative to access to abuse and neglect investigation records pending a child custody dispute. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Seth Cohn for Constitutional Review and Statutory Recodification: This bill preserves the Part I, Article 15 rights of the accused, by ensuring that any parent, whose access to their children is restricted or limited due to alleged abuse or neglect investigations, will have access to all of the information in any and all records related to the case. The committee

heard a variety of testimony and extensively discussed this concern, and finally found amended language that was acceptable to the entire committee to address all concerns raised, maintaining the fundamental constitutional right to know the nature of any offenses so accused, fully and plainly, substantially and formally. Vote 12-0.

Amendment (1115h)

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

1 New Paragraph; Department of Health and Human Services; Access to Case Records. Amend RSA 170-G:8 by inserting after paragraph VI the following new paragraph:

VII. If, in a proceeding under RSA 461-A, either parent's access to his or her children has been restricted or limited as the result of an investigation of abuse or neglect under RSA 169-C, either parent shall have access to the case record in accordance with subparagraph II(a)(2), a list of case records not produced, and a list of any related third-party records in the possession of the department. The list of case records not produced and the list of third-party records shall identify the source, date, subject matter, and involved parties for each record. A parent who believes that the commissioner has failed to properly exercise his or her discretion to release records under this section shall have the right to appeal the determination to the superior court.

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

AMENDED ANALYSIS

This bill provides that any parent who believes that the department of health and human services has abused its discretion by refusing to release certain records may appeal the decision to the superior court.

SB 188-FN, establishing a committee to study establishing an office of the inspector general. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth Hawkins for Executive Departments and Administration: This bill sets up a study committee to investigate and possibly develop a plan for an inspector general in N.H. There is wide spread belief that if there had been a position like this, FRM may have been prevented. It is also the belief that there are many other areas that could stand investigation regarding cross agency jurisdiction. The amendment simply establishes a quorum for the committee that was left out of the original bill. Vote 10-0.

Amendment (1108h)

Amend the bill by replacing section 4 with the following:

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 senate 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.

REGULAR CALENDAR

SPECIAL ORDER

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.

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 the Session of March 21, 2012.

Rep. Bettencourt spoke in favor.

Adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR

HB 1537-FN, relative to violations of privacy occurring outside a private place. **OUGHT TO PASS.**

Rep. David A. Welch for Criminal Justice and Public Safety: This bill was amended by the House on recommendation of the Constitutional Review and Statutory Recodification Committee (RSA 644:9, I(c)). The existing amendment for this section is currently a Class A misdemeanor. We are only authorized to change or confirm the penalty. The committee voted to confirm the existing penalty. Vote 15-1.

MOTION TO SPECIAL ORDER

Rep. Lynne Ober moved that **HB 1537-FN**, relative to violations of privacy occurring outside a private place, be made a Special Order to the Session of March 21, 2012.

Rep. Lynne Ober spoke in favor.

Adopted.

MOTION TO VACATE

Rep. Packard moved that the House vacate the reference of **SB 291**, relative to the use of currently allowed impact fees by municipalities, and **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, to the Committee on Transportation.

Adopted.

The Speaker referred **SB 291** and **SB 394-L** to the Committee on Public Works and Highways.

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 21, 2012 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 1405, relative to refugee resettlement.

HB 1716, relative to the state 10-year transportation improvement program.

HB 1416-L, relative to a required fluoride statement.

HB 1636, relative to the extension of fill and dredge in wetlands permits.

HB 1346, relative to the construction of power line extensions.

HB 1483-FN, repealing the retirement system special account.

HB 1440, relative to driver education.

HB 1629-FN, relative to state photographic identification indicating honorable veteran's status.

HCR 40, for the purpose of petitioning the Congress of the United States to adopt an amendment to the Constitution of the United States, for submission to the states, to require, with certain exceptions, that the federal budget be balanced; or, in the alternative, to call a convention for the sole and exclusive purpose of proposing a federal balanced budget amendment for submission to the states for ratification.

HCR 42, supporting the preservation of the electoral college.

HR 21, requiring the Congress of the United States of America to reaffirm its adherence to the Constitution of the United States regarding international agreements and treaties.

HB 1478, relative to the definitions of resident for motor vehicle law purposes and domicile

for voting purposes and relative to vehicle registration and driver's license requirements.

HB 1635, relative to motor vehicle inspections.

HB 1418-FN-A, increasing the threshold amounts for taxation under the business enterprise tax.

HB 1631, allowing persons licensed to provide emergency medical services to work at social or sporting events.

HB 1549, prohibiting the use of motor vehicle records for any federal identification database.

HR 23, urging the federal government to reduce the federal deficit by the amount of certain foreign aid.

HB 415, relative to access to abuse and neglect investigation records pending a child custody dispute.

SB 188-FN, establishing a committee to study establishing an office of the inspector general.

CALL OF THE HOUSE LIFTED

Speaker O'Brien lifted the Call of the House.

RECESS MOTION

Rep. Bettencourt moved that the House stand in recess for the purposes of the introduction of bills, the reading-in of petitions, receiving Senate messages, enrolled bill amendments and enrolled bill reports.

Adopted.

The House recessed at 5:55 p.m.

RECESS

(Rep. Giuda in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly Enrolled House Bills numbered 592, 1170 and 1488 and Senate Bill numbered 201.

Rep. Kidder, Sen. Bradley for the Committee

CONFEREE CHANGES

CACR 12, relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education.

Rep. Foose added as alternate.

RECESS

(Rep. Major in the Chair)

Petition #34: Representative Patrick Abrami of Stratham, on behalf of Petitioner Daniel Sheperd, seeks redress relative to grievances involving the State of New Hampshire, a marital master, a judge and an attorney.

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

RECESS