

State of New Hampshire HOUSE RECORD

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Calendar and Journal of the 2012 Session

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Concord, N. H.

Tuesday, May 15, 2012

No. 43

HOUSE JOURNAL No. 19 (cont.)

Wednesday, May 9, 2012

Rep. Jasper moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 20

Tuesday, May 15, 2012

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

Prayer was offered by House Chaplain, Reverend Roger Boucher.

Almighty God, our heavenly Father, send down upon those who hold office in this Chamber the spirit of wisdom, charity and justice; that with a steadfast purpose they may faithfully serve to promote the well-being of all people by faithful administration and wise laws and that the rights of all may be protected. We remember our peace officers who ensure stability in our towns and cities. Protect them, Lord. With a single hint of responsibility, help us be aware of the drama of our actions upon our citizens. Give us the satisfaction of seeing a wholesome culture among us and a vigorous pursuit of a lasting happiness for those we serve. We pray this in Your Holy name. Amen.

Representative William Hatch, member from Gorham, led the Pledge of Allegiance.

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

LEAVES OF ABSENCE

Reps. Beattie, Case, Charron, Emerson, Erickson, Patrick Garrity, Hofemann, Jeudy, Panek and Robert Williams, the day, illness.

Reps. Aguiar, Kevin Brown, Condra, Copeland, Kolodziej, Larsen Shultz, Leonard,

Lundgren, Bruce MacMahon, Charles Moore, Oligny, Perry, Michael Reed, Herbert Richardson, Rokas, Connie Soucy, Spainhower, Kevin Sullivan and Tasker, the day, important business.

Reps. Andolina and Wall, the day, illness in the family.

INTRODUCTION OF GUESTS

Dick Simpson, brother of Rep. Simpson. Marty Jack, guest of Rep. Rosenwald. Marilyn Lieto, guest of Rep. Suzanne Smith. Karen Ebell, guest of Rep. Foose. Jennifer Manuse and Linda Underwood, wife and mother-in-law of Rep. Manuse. Fourth graders from Bridgewater-Hebron Village School, guests of the Grafton District 7 delegation.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 1157, relative to signage at fuel service stations. (Amendment printed SJ 5-2-12)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted.

HB 1254, establishing a committee to study the effect of illegal immigration on the state and its political subdivision. (Amendment printed SJ 4-25-12)

Rep. Carol McGuire moved that the House nonconcur and spoke in favor.

Adopted.

HB 1281, establishing a committee to study alternative medical insurance coverage for elected state officials. (Amendment printed SJ 4-11-12)

Rep. Carol McGuire moved that the House nonconcur and spoke in favor.

Adopted.

HB 1552-FN, relative to the reporting of funds. (Amendment printed SJ 4-18-12)

Rep. Carol McGuire moved that the House concur and spoke in favor.

Adopted.

HB 1686-FN, relative to state contracts and making an appropriation therefor.

(Amendment printed SJ 4-25-12)

Rep. Carol McGuire moved that the House concur and spoke in favor.

Adopted.

HB 1274-FN, transferring the McAuliffe-Shepard discovery center to a private nonprofit corporation and making supplemental appropriations. (Amendment printed SJ 4-25-12)

Rep. Carol McGuire moved that the House concur and spoke in favor.

Adopted.

HB 269-FN, relative to the authority of departments to transfer funds among budget accounting units. (Amendment printed SJ 4-25-12)

Rep. Weyler moved that the House nonconcur and spoke in favor.

Adopted.

HB 420-FN, relative to the definition of employee and clarifying the criteria for exempting workers from employee status. (Amendment printed SJ 5-25-12)

Rep. Daniels moved that the House concur and spoke in favor.

Adopted.

HB 1587, relative to employer safety programs. (Amendment printed SJ 4-25-12)

Rep. Daniels moved that the House concur and spoke in favor.
Adopted.

HB 479-FN, relative to receivership of nursing homes and other residential health care facilities. (Amendment printed SJ 1-18-12)

Rep. Reagan moved that the House concur and spoke in favor.
Adopted.

HB 1207-FN, defining the owner of timber rights for purposes of timber tax assessment. (Amendment printed SJ 4-25-12)

Rep. Renzullo moved that the House concur and spoke in favor.
Adopted.

HB 1415, relative to permits for repair or replacement of sewage and waste disposal system. (Amendment printed SJ 4-25-12)

Rep. Renzullo moved that the House concur and spoke in favor.
Adopted.

HB 1416-L, relative to a required fluoride statement. (Amendment printed SJ 4-25-12)

Rep. Renzullo moved that the House concur and spoke in favor.
Adopted.

HB 1495-FN, establishing a Purple Heart Trail along U. S. Route 3. (Amendment printed SJ 4-18-12)

Rep. Renzullo moved that the House concur and spoke in favor.
Adopted.

HB 1629-FN, relative to state photographic identification indicating honorable veteran's status. (Amendment printed SJ 5-2-12)

Rep. Baldasaro moved that the House concur and spoke in favor.
Adopted.

HB 1171, updating certain references in motor vehicle statutes. (Amendment printed SJ 4-18-12)

Rep. Packard moved that the House concur and spoke in favor.
Adopted.

HB 1307, relative to agricultural plates. (Amendment printed SJ 4-11-12)

Rep. Packard moved that the House concur and spoke in favor.
Adopted.

HB 1310, increasing the number of days a motorcycle learner's permit is valid. (Amendment printed SJ 4-11-12)

Rep. Packard moved that the House concur and spoke in favor.
Adopted.

HB 1434, relative to display of antique motor vehicle plates. (Amendment printed SJ 4-18-12)

Rep. Packard moved that the House concur and spoke in favor.
Adopted.

HB 1383, relative to residency status for the purpose of receiving in-state tuition status within the university system of New Hampshire. (Amendment printed SJ 5-2-12)

Rep. Balboni moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Boehm, Duarte, Balboni and Hill.

HB 1692-FN, making changes to the administration of the university system of New Hampshire. (Amendment printed SJ 5-2-12)

Rep. Balboni moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Balboni, Parsons, Weyler and Pitre.

HB 1593-FN, relative to the department of information technology. (Amendment printed SJ 4-25-12)

Rep. Carol McGuire moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Hansen, Pilotte, Bowers and Winter.

HB 1687-FN, relative to state employee information available on the state transparency website. (Amendment printed SJ 4-18-12)

Rep. Carol McGuire moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Hawkins, Lynne Ober, Belvin and Dan McGuire.

HB 350-FN, updating laws relative to the fiscal committee of the general court. (Amendment printed SJ 4-25-12)

Rep. Mirski moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Bettencourt, Dan McGuire, Winter and Foose.

HB 1367, relative to the issuance of administrative inspection warrants. (Amendment printed SJ 5-2-12)

Rep. Lynne Ober moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Betsey Patten, Sterling, James Coffey and Tatro.

HB 256-FN, relative to the administrative appeals process of the department of environmental services and establishing a committee to study the appeal process of the department of environmental services. (Amendment printed SJ 4-25-12)

Rep. Renzullo moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Ahlgren, Howard, Spang and Giuda.

**SENATE MESSAGE
NONCONCURS WITH AMENDMENT
REQUESTS COMMITTEE OF CONFERENCE**

SB 19-FN, relative to the definition of "prime wetlands."

The President appointed Sens. Odell, Merrill and Lambert.

Rep. Renzullo moved that the House accede.

Adopted.

The Speaker appointed Reps. Renzullo, Pettengill, Kappler and Spang.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS (CONT'D)

HB 1353, relative to establishing an individual's status as a veteran. (Amendment printed SJ 5-2-12)

Rep. Baldasaro moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Baldasaro, Blankenbeker, Cunningham and Theberge.

HB 1701-FN, prohibiting New Hampshire from entering into or enforcing reciprocal agreements with other states to deny rights and privileges for nonpayment of taxes owed to another state. (Amendment printed SJ 5-2-12)

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

Rep. Manuse spoke against.

Rep. Baldasaro spoke in favor.

On a division vote, 191 members having voted in the affirmative and 133 in the negative, the motion was adopted.

The Speaker appointed Reps. Baldasaro, Blankenbeker, Cunningham and Theberge.

MOTION TO LIMIT DEBATE

Rep. Jasper moved that debate on the reports, bills, amendments and motions arising out of the current House Calendar be limited to 20 minutes: 10 minutes each for proponents and opponents, 5 minutes for each speaker, including questions.

On a division vote, 232 members having voted in the affirmative and 105 in the negative, the motion was adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Laware moved that the House reconsider its action whereby, on a roll call vote of 298-46, it adopted the committee report of Ought to Pass on **SB 270**, relative to civil commitment of persons found incompetent to stand trial.

Rep. Hoell spoke in favor and yielded to questions.

Rep. Swinford spoke against.

On a division vote, 72 members having voted in the affirmative and 256 in the negative, the motion failed.

CONSENT CALENDAR

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

SB 350-FN, relative to the sale of portable electronics insurance, removed by Rep. Hunt.

SB 244-FN, relative to the administration of the New Hampshire retirement system, removed by Rep. Hawkins.

SB 83-FN, enabling municipalities to create other post-employment benefits (OPEB) trusts, removed by Rep. Munck.

SB 282, authorizing the commissioner of safety to require the installation of an ignition interlock device or enhanced technology ignition interlock device as a condition of restoring driving privileges in certain instances, removed by Rep. Manuse.

SB 351, relative to proclaiming Blue Star Mother's Day, removed by Rep. Baldasaro.

SB 203-FN-A, relative to limited liability companies, removed by Rep. Giuda.

Consent Calendar adopted.

SB 247-FN-L, relative to certifying municipal culvert installers. **OUGHT TO PASS.**

Rep. Jennifer R. Coffey for Commerce and Consumer Affairs: This bill authorizes the department of environmental services to develop a certification program for municipal culvert installers. The intent is to allow those municipalities who have the staff and the

capability to enroll in the program so that they may expeditiously install an unintended culvert replacement. The city or town still must plan ahead and use the usual process when planning to repair a road, but this legislation would enable a city or town to replace an unplanned culvert repair if it were to arise in the middle of the construction. Vote 15-0.

SB 284, establishing a certified public health dental hygienist in New Hampshire. **OUGHT TO PASS.**

Rep. Chris F. Nevins for Commerce and Consumer Affairs: This bill was the result of stakeholders in oral health, including members of the NH dental society, NH dental hygienists, the oral health coalition and the board of dental examiners to present a coordinated bill, which expands the current scope of practice for these providers to include new duties such as placing temporary restorations without excavation, nutritional counseling and certain x-ray/imaging. The committee concurred that the expanded duties given public health dental hygienists are safe and beneficial for patients as they do not result in irremediable alteration of the oral anatomy but rather yield positive impacts on oral health of our New Hampshire population. Vote 16-0.

SB 288, relative to the exchange of public health information through a health information exchange. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James M. Sullivan for Commerce and Consumer Affairs: This bill makes it possible for a health care provider, in the course of patient treatment, to transmit required public health care information incidental to that treatment directly to public health through the health information organization system. This would simplify the alternative use of paper copies, faxes or other forms of messaging, making the record keeping efficient and secure. Vote 17-0.

Amendment (1943h)

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

AN ACT relative to medical records and patient information.

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

1 New Paragraph; Medical Records and Patient Information. Amend RSA 332-I:3 by inserting after paragraph VII the following new paragraph:

VIII. Notwithstanding paragraph I, health care providers otherwise required or authorized by law to submit data to the department of health and human services may do so through a health information organization; provided, that such transmissions meet the same standards for privacy and security of protected health information that apply when such information is exchanged between providers.

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

AMENDED ANALYSIS

This bill allows health care providers who are required to submit data to the department of health and human services to submit such data through a health information organization under certain circumstances.

SB 272-FN, relative to truancy. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura M. Jones for Education: This bill was voted ITL by the committee because concerns were raised during the public hearing on the bill. One concern is that the impact of costs isn't adequately clarified. Another concern is whether the language is sufficient to give parents standing to participate in the court proceedings. Since this issue will be studied in conjunction with another bill, the committee recommends ITL. Vote 14-1.

SB 300, relative to special education services in chartered public schools. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kathleen A. Lauer-Rago for Education: This bill clarifies and establishes a procedure

for a local education agency (LEA) to provide special education services as identified in an individualized education program (IEP) for a special education student who attends a public chartered school. It also clarifies the well established law that special education students attending a charter school will be provided the transportation services specified in their IEP by the resident school district. It also establishes in law what have been best practices regarding a resident district and the services provided at a charter school, as well as requiring the charter school to provide due process in the provision of special education and related services to children with disabilities. Vote 14-1.

Amendment (2142h)

Amend the introductory paragraph in RSA 194-B:11, III(b) as inserted by section 1 of the bill by replacing it with the following:

(b) When a child is enrolled by a parent in a chartered public school, the local education agency of the child's resident district shall convene a meeting of the individualized education program (IEP) team and shall invite a representative of the chartered public school to that meeting. At the meeting, the IEP team shall determine how to ensure the provision of a free and appropriate public education in accordance with the child's IEP. The child's special education and related services shall be provided using any or all of the methods listed below starting with the least restrictive environment:

SB 232, relative to the date for the state primary election. **INEXPEDIENT TO LEGISLATE.**

Rep. Alfred P. Baldasaro for Election Law: Although the sponsors intended to give a greater period of time between the primaries and the general elections, the committee was concerned that holding the primaries in August would adversely affect voter turn out. Also the secretary of state showed that there is a 55 day window after each primary to the general election for the next 20 years. Not only do the 55 days allow for printing ballots and holding recounts but it ensures that we comply with the Federal Voting Assistance Program (FVAP) which protects uniformed personnel and overseas citizens voting rights. Under the Federal MOVE Act the states have 45 days to ensure compliance with the FVAP. Vote 20-0.

SB 177, relative to training of directors and officers of nonprofit corporations. **REFER FOR INTERIM STUDY.**

Rep. Peter T. Hansen for Executive Departments and Administration: The broad nature of the constituents impacted by this bill and the immensely varying size, in monetary terms, suggests to the committee that a quick and one size fits all solution does not serve the constituency well. Testimony revealed there are some 8400 charitable organizations in the state with but approximately less than 300 whose income exceeds \$250,000 annually. Most troublesome issues with the smaller organizations are the result of insufficient knowledge of the law and not fraud. The majority of the charitable organizations felt that as proposed cost and volunteer time to train board members would have a negative effect on their recruiting and retention efforts. The largest organizations are better financed to withstand the costs and risk and the dollar amount of potential fraud is larger. It was agreed by all parties that a solution was available through a cooperative effort to address all the concerns in revised or new legislation, and they have committed to work with the committee. Vote 13-0.

SB 226, transferring the administration of the electricians' board to the joint board for licensure and certification. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Spec Bowers for Executive Departments and Administration: The electricians reported conflicts at the department of safety over hiring and firing decisions and rulemaking authority. They believe that they will operate more smoothly and have greater autonomy if they are attached to the joint board. Neither the fire marshal nor the joint board objected to

the administrative move. The fire marshal voiced some reservations about the inspectors leaving his department but testimony indicated that the department of safety seldom had need of the inspectors, that the inspectors belonged more appropriately with the electricians' board, and that the board could easily cooperate with the department of safety as needed. A second change for electricians was to synchronize continuing education with the release of new versions of the national electric code rather than with the renewal date of an electrician's code. Previously, some electricians might have to get their education on a new code within days of a new code being released or not for almost three years depending on when it happened that they needed to renew their licenses. Now, all electricians will need to be educated on a new code within 12 months of a new code being published, even if their renewal date might be years away. The amendment was a non-germane request by the board of accountancy (part of the joint board), requesting that for the most egregious violations of the board's rules, the maximum administrative punishment be doubled. The concern was that some violators were treating the fine as just a cost of doing business. Vote 12-0.

Amendment (1629h)

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

AN ACT transferring the administration of the electricians' board to the joint board for licensure and certification, and changing the administrative fine authority of the board of accountancy.

Amend the bill by replacing all after section 5 with the following:

6 New Section; Electricians' Board; Continuing Education. Amend RSA 319-C by inserting after section 6-b the following new section:

319-C:6-c Continuing Education, NFPA 70 Changes. The board shall adopt rules relative to continuing education applicable to all licensees for training and compliance with the latest published edition of the NFPA 70, National Electrical Code, as published by the National Fire Protection Association. Each licensee shall show proof of completion of continuing education requirements adopted under this section within 12 months from the January 1 following the publication date of the latest version of the NFPA 70. Proof of completion shall be furnished to the board by the continuing education provider. Failure to complete the continuing education shall render the electrician's license invalid until the licensee demonstrates to the board that he or she has completed the requisite number of continuing education hours.

7 Repeal. The following are repealed:

III. RSA 319-C:11, relative to disposition of funds.

II. RSA 21-P:12, VI, relative to the bureau of electrical safety and licensing within the division of fire safety.

III. RSA 6:12, I(b)(201), relative to the electricians' board account.

8 New Hampshire Accountancy Act; Enforcement; Disciplinary Action. Amend RSA 309-B:10, I to read as follows:

I. After notice and hearing pursuant to RSA 309-B:12, the board may ~~[revoke any certificate, permit, or registration issued under RSA 309-B:7, 309-B:8 or 309-B:9 or corresponding provisions of prior laws; suspend any such certificate, permit, or registration; or refuse to renew any such certificate, permit, or registration for a period of not more than 5 years. The board may reprimand, censure, or limit the scope of practice of any licensee; impose an administrative fine not exceeding \$1,000; or place any licensee on probation, all with or without terms, conditions, and limitations, for any one or more of the following reasons]~~ **take disciplinary action in any one or more of the following ways:**

(a) By written reprimand or censure.

(b) By suspension or refusal to renew for a period of not more than 5 years, any such certificate, permit, or registration.

I By limiting the scope of practice of any licensee or placing a licensee on probation, with or without terms, conditions, and limitations.

(d) By revocation of any certificate, permit, or registration issued under RSA 309-B:7, 309-B:8, or 309-B:9 or corresponding provisions of prior laws.

(e) By assessing civil penalties, after notification and due process, in amounts established by the board which shall not exceed \$2,000 per offense or, in the case of continuing offenses, \$200 for each day the violation continues, whichever is greater.

I-a. Misconduct sufficient to support disciplinary proceedings under this section shall include:

(a) Fraud or deceit in obtaining a certificate, permit, or registration.

(b) Cancellation, revocation, suspension, or refusal to renew a license or practice rights by any other state, including possessions of the United States, for any cause involving disciplinary reasons.

I Failure, on the part of a holder of a certificate under RSA 309-B:7 or permit under RSA 309-B:8 or registration under RSA 309-B:9, to maintain compliance with the requirements for issuance or renewal of such certificate, permit, or registration or to report changes to the board under RSA 309-B:7, VI and 309-B:8, VI.

(d) Revocation or suspension of the right to practice before any state, including possessions of the United States, or federal agency for disciplinary reasons.

(e) Dishonesty, fraud, or gross negligence in the performance of services as a licensee or in the filing or failure to file the licensee's own income or employment tax returns or the payment of the licensee's income or employment tax liability.

(f) Violation of any provision of this chapter or rule adopted by the board under this chapter or violation of professional standards.

(g) Violation of any rule of professional conduct adopted by the board under RSA 309-B:4, VIII(d).

(h) Conviction of a felony, or of any crime an element of which is dishonesty or fraud, under the laws of the United States, of this state, or of any other state, of any possessions of the United States, or of any other country if the acts involved would have constituted a crime under the laws of this state.

(i) Performance of any fraudulent act while holding a certificate, registration, or permit issued under this chapter or prior law.

(j) Any conduct reflecting adversely upon the licensee's fitness to perform services as a licensee.

(k) Making any false or misleading statement or verification, in support of an application for a certificate, registration, or permit filed by another.

9 New Hampshire Accountancy Act; Rulemaking. Amend RSA 309-B:4, VIII(i) to read as follows:

(i) ***The establishment of administrative fines for violations of this chapter.***

(j) Such other rules as the board may deem necessary or appropriate for implementing the provisions and purposes of this chapter.

10 Effective Date.

III. Section 6 of this act shall take effect January 1, 2014.

II. The remainder of this act shall take effect July 1, 2013.

AMENDED ANALYSIS

This bill transfers the administration of the electricians' board from the department of safety to the joint board for licensure and certification. The bill also expands the authority for the board of accountancy to impose administrative fines for violations of the New Hampshire accountancy act.

SB 234-FN, relative to salary grades for certain executive branch positions and relative to

the retirement classification of the director of the division of forests and lands. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter T. Hansen for Executive Departments and Administration: This bill originally sought to provide consideration for 2 issues. A: establish salary grades for a number of unclassified state positions and B: provide for the continued group II membership for the position of director of forests and lands so long as that individual had at least 10 years of participation as a group II member and continues to meet applicable qualifications of a permanent fireman under the retirement system. It was noted during testimony that currently there are additional special exceptions written in law for a limited number of positions similar in intent to the applicable section of the original bill. The committee amended the bill to include additional salary grades for positions in unclassified state positions that were not in the original and further, removed language that sought to create an additional special exception for a state unclassified position. Effective personnel strategy and policy includes the training and preparation for future leadership and provides for unforeseen circumstances beyond the control of management, whether it be early retirement or the myriad of unexpected occurrences life presents. Therefore no one individual employee ought to be indispensable to the organization. Further, when employees are offered promotions, the duties and benefits of that position are defined and the individual has the option of accepting or rejecting that offer. It is also believed that carve-outs and special exceptions for an individual tend to discourage rather than encourage harmony within an organization. Therefore the amended bill strikes from law current special provisions for the limited number (7) of unclassified positions and “grandfathers” the single individual currently qualified under the current law. Vote 13-1.

Amendment (2015h)

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

AN ACT relative to salary grades for certain executive branch positions and relative to the retirement classification of certain state officials.

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

1 Unclassified Salaries; Liquor Commission; Department of Information Technology.

Amend RSA 94:1-a, I(b) by inserting in grade GG the following:

- I. Liquor commission, director of marketing, merchandising, and warehousing.
- II. Liquor commission, director of enforcement and licensing.
- III. Liquor commission, chief operating officer.
- IV. Department of information technology, chief information security officer.

2 Unclassified Salaries; Public Utilities Commission; Department of Information Technology. Amend RSA 94:1-a, I(b) by inserting in grade HH the following:

- I. Public utilities commission, director of safety and security.
- II. Department of information technology, director of agency software.

3 Unclassified Salaries; Department of Administrative Services. Amend RSA 94:1-a, I(b) by inserting in grade JJ the following:

- I. Department of administrative services, deputy commissioner.

4 Repeal. The following are repealed:

- I. RSA 206:8-a, relative to group II eligibility of the executive director of fish and game.
- II. RSA 21-P:5-a, III, relative to group II eligibility of the director of homeland security and emergency management.
- III. RSA 21-P:36-a, relative to group II eligibility of the assistant director of homeland security and emergency management.
- IV. RSA 21-H:8-a, relative to group II eligibility of the assistant commissioner and division directors, department of corrections.

5 Applicability. The repeal of RSA 21-P:36-a in section 4 of this act shall not apply to the individual serving as the assistant director of homeland security and emergency management on the effective date of this act.

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

AMENDED ANALYSIS

This bill:

I. Establishes the salary grades for certain positions in the liquor commission, the department of information technology, and the department of administrative services.

II. Repeals authorization for certain state employees to remain eligible for group II retirement status based on their prior service and group II membership.

SB 256, relative to public utilities commission contracts with consultants. **OUGHT TO PASS.**

Rep. Kenneth Hawkins for Executive Departments and Administration: This bill corrects a problem found in a performance audit of the PUC. Currently a contract with a consultant for mergers, transfers, sales or leases of the works or system of a public utility is approved by governor and council, but any extensions are not. This has resulted in contracts being extended and the utility being billed for the additional dollars without G&C approval. That results in consumers being billed as these dollars are included in the rate structure. This bill sets thresholds for G&C approval of \$250,000 for mergers, sales, transfers, or leases. It also sets the threshold of \$100,000 for investigations or proceedings. Any extensions on these contracts would have to be approved by G&C. Vote 12-0.

SB 331, clarifying the definition of surviving spouse for eligibility for line-of-duty death benefits for police officers or firefighters killed in the line of duty. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth Hawkins for Executive Departments and Administration: The language in this bill was requested by the department of safety for police officers, or firefighters killed in the line of duty to clarify who would receive the death benefit, and the timeframe to determine whether it was in the line of duty. The amendment was brought forward to correct a problem that came up last year. A bill was passed to allow the state to pay for a medical subsidy promised to a widow of a police officer killed in the line of duty. The bill did not include a provision to pay LGC for the invoices sent to the widow for \$3,150.79. This provides for the state to pay the invoices of \$3,150.79. Vote 14-0.

Amendment (2019h)

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

AN ACT clarifying the definition of surviving spouse for eligibility for line-of-duty death benefits for police officers or firefighters killed in the line of duty, and making an appropriation for a shortfall in an individual medical subsidy payment.

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 Appropriation; Individual Medical Subsidy Shortfall. The sum of \$3,150.79 is hereby appropriated to the New Hampshire Local Government Center for payment of the shortfall in medical subsidy payments for the period of July 2009 through January 2010 on behalf of a certain surviving spouse of a police officer killed in the line of duty. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill clarifies the definition of surviving spouse of a police officer or firefighter killed in the line of duty and clarifies the time when determination of eligibility is made. This bill exempts the state from liability for claims of improper payment of a death benefit. The bill

also makes an appropriation to the New Hampshire Local Government Center for a shortfall in an individual medical subsidy payment.

SB 338-FN, relative to military discipline by the national guard. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Steven J. Winter for Executive Departments and Administration: This bill was amended in the senate with the words “or non-judicial” removed. Non-judicial punishment (commonly known as NJP) was removed from the text because the affected statute, RSA 110-B:39 is for implementation of the Uniform Code of Military Justice (UCMJ). Non-judicial punishment is properly addressed in the subsequent statute, RSA 110-B:40. The process or procedure of NJP still exists. This deletion merely acknowledges that process or procedure in the proper RSA. An amendment was passed by the committee to add that in all cases where a member of the New Hampshire National Guard Judge Advocate Staff serves as lead counsel in a New Hampshire state court, such counsel must be a member of the New Hampshire Bar Association. Vote 14-0.

Amendment (2007h)

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

AN ACT relative to military discipline by the national guard and relative to qualifications of national guard judge advocate staff.

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

2 Appointment of Judge Advocate; New Hampshire Bar Membership; When Required.

Amend RSA 110-B:16, IV to read as follows:

IV. Members of the national guard may be ordered by the governor or under his authority to perform special duty, including duty in a judicial proceeding conducted pursuant to this chapter or as a member of or in any other capacity with any military board or as an investigating officer or as a medical examiner or as a judge advocate in the performance of legal services in any suit, action or proceeding. ***In all cases where a member of the national guard judge advocate staff serves as lead counsel in a New Hampshire state court, such counsel shall be a member of the New Hampshire Bar Association.***

AMENDED ANALYSIS

This bill removes a statutory reference to non-judicial punishment in the New Hampshire code of military justice. The bill also requires a member of the national guard judge advocate staff serving as lead counsel in a state court proceeding to be a member of the New Hampshire Bar Association.

SB 342, relative to the inclusion of requirements for log structures in the state building code. **OUGHT TO PASS.**

Rep. Calvin D. Pratt for Executive Departments and Administration: This bill will allow the adoption of specific standards for log buildings into the state building codes. Any amendments adopted must still be vetted by the legislature before becoming permanent. These standards will be specific to log buildings only and will not affect general codes, including fire prevention and safety codes currently in effect. Vote 14-0.

SB 230-FN, relative to the calculation of average final compensation for certain retirement system members. **OUGHT TO PASS.**

Rep. Timothy L. Twombly for Finance: Finance is the second committee for this bill, which provides a technical correction to the calculation of average final compensation for retirement system members. It changes the calculation of excess compensation level over the member’s career from an average dollar amount to a percentage which is used in determining annual earnable compensation for pension purposes. There is no financial impact to the state. Vote 23-0.

SB 237-FN, relative to field purchases and transfers of funds for the state park system and the bureau of trails, and the use of gifts and donations to the division of parks and recreation. **OUGHT TO PASS.**

Rep. Benjamin C. Baroody for Finance: Finance is the second committee for this bill, which removes the June 30, 2012 sunset date that is presently in statute on the process for field purchases and transfers of funds for the state park system and bureau of trails and also establishes a fund to receive donations to the park system as well as guidelines for approving and expending designated donations. The department of resources and economic development states this bill may increase state restricted revenue and expenditures by an indeterminable amount in FY 2012 and each year thereafter. The department states this bill addresses efficiencies in operations, to the extent the department directly receives an increase in cash donations to the state park gifts and donations fund. The department stated that everything is working out very well for them. The committee feels this is a fiscally sound policy. Vote 23-0.

SB 280, relative to the procedure for approval of medical parole. **OUGHT TO PASS.**

Rep. Bernard L. Benn for Finance: This medical parole bill is in Finance as a second committee. The current statute states that a medical parole can only be granted by a majority vote of the full 7-member parole board. This bill changes the requirement from a vote by the full board to a majority vote which includes at least 3 votes of the members who are present and voting, similar to what is currently required for other types of paroles. To be granted a medical parole, an inmate must meet 3 conditions: have a terminal, debilitating, incapacitating or incurable medical condition; render the cost of medical treatment excessive; allow the parole board to determine that the public will not be in danger. Inmates, if paroled without confinement, are eligible for Medicaid or Medicare. Medical paroles thus significantly reduce the cost for medical care to the state and are more humane for the inmate and his family. Vote 23-0.

SB 307-FN, relative to the refund of tax overpayment related to a fraudulent investment scheme. **OUGHT TO PASS.**

Rep. Colette Worsman for Finance: Finance is the second committee for this bill, which was submitted at the request of the DRA and provides a refund for taxpayers who are victims of a fraudulent investment scheme. The victim paid taxes on income that did not exist, and lost that money. While federal law allows a deduction for a "theft loss," that deduction is not readily applicable to New Hampshire taxes. In addition, a three year statute of limitations complicates the process. DRA has proposed that the taxpayer have a 180 day window, beginning after an amended federal tax return has been filed, to petition for a New Hampshire refund. The taxpayer can submit the same paperwork to the DRA for validation. However, the department of revenue states this bill, as amended by the Senate (Amendment #2012-0667s), may decrease state revenue by an indeterminable amount in FY 2013 and each year thereafter. This bill is fair and taxpayer friendly. Vote 19-0.

SB 313-FN, relative to state photographic identification indicating veteran's status. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles E. Sova for Finance: This bill is not necessary since HB 1629 has been amended by the Senate to include the language in SB 313 which is superior to the language contained in the original version of HB 1629. Vote 23-0.

SB 330-FN, requiring an independent financial opinion prior to the leasing of any state park property to a private entity. **OUGHT TO PASS.**

Rep. Colette Worsman for Finance: Finance is the second committee for this bill, which applies to substantial leases (all or a majority of a park or operation) and for a lease term of

at least ten years. It assures the commissioner of the department of resources and economic development that a proposed lessee will be able to meet the required obligations of said lease and requires the due diligence necessary to protect and maximize the return on the state's park assets. However, the agency said that restricted expenditures would increase, but that it was impossible to estimate the amount of the increases. The department of resources and economic development states this bill requires an independent financial consulting firm to conduct a written analysis of a lease proposal before leasing any state park if the lease is for a minimum of 10 years and is for the entirety or majority of the facility, or enables for significant capital investment. Additionally, this bill could make the lessee liable for all costs associated with financial analysis if required by the director of the division of parks and recreation. The cost associated with the written analysis is indeterminable as it would depend on the complexity of a particular state park, the complexity of the transaction, the structure of the transaction, and the nature of the costs. An analysis would likely include a review of the park history, cash flow projections, rate analysis including discounting, capital asset analysis including cost of financing, and a comparison to other similar enterprises. Because the bill allows for the lessee to be liable for the costs of the analysis, there may be no cost to the state. However, if a decision is made to not require the lessee pay these costs, the department may have an indeterminable increase in state park fund expenditures. Vote 22-1.

SB 347-FN, relative to the department of health and human services administrative appeals. **OUGHT TO PASS.**

Rep. Paul H. Simard for Finance: This bill changes the appeals process for various HHS services to eliminate futile claims that originate due to changes in state or federal law. The financial impact to the state would be positive, while protecting the rights of individuals applying for or receiving services from the department. Vote 26-0.

SB 404-FN, relative to funding for pupils enrolled in vocational education programs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Karen C. Umberger for Finance: The bill effects how the career and technical education (CTE) programs are funded and the committee concurs with the policy committee recommendations; there is no impact on state funds. The amendment simply clarifies some issues as requested by the policy committee. The department of education will develop a formula for determining tuition and transportation costs for all CTE programs as well as procedures for disbursement of funds in conjunction with the House and Senate committees. It also defines a sending school district as being where a student resides and if a child is enrolled in a charter school the sending district shall be where the student resides. The sending district will be responsible for 25% of the receiving district cost per pupil for the prior year. Additionally, the receiving district may charge a fee of not to exceed 3% that shall only be used for CTE program development, improvement, and equipment. It further clarifies that the state tuition responsibility for a student enrolled in an alternative education program shall not exceed the per student cost of a child enrolled in a CTE program as calculated by the department of education. Vote 25-0.

Amendment (2161h)

Amend RSA 188-E:6, II as inserted by section 2 of the bill by replacing it with the following:

II. A student's sending district shall be financially responsible for an amount equal to 25 percent of the receiving district's cost per pupil for the prior school year, as calculated by the department of education.

Amend the bill by replacing section 3 with the following:

3 Regional Vocational Education; Tuition. Amend RSA 188-E:7 to read as follows:
188-E:7 Tuition.

I. The department of education is authorized to pay from its regular budget tuition for full or part-time students, attending programs at designated vocational centers or designated vocational educational courses at other comprehensive high schools, whose residence is in a district where the high school of normal attendance does not offer a similar vocational education course. The department is authorized to pay from its budget for at risk students who reside in a school district in which the high school does not offer an alternative education program, to attend an alternative education program at a regional vocational education center or the associated high school. ~~[The tuition payment shall not exceed the cost of attending the regional vocational education center.]~~

II. The liability of the state and local school districts for tuition shall be determined by the state board under rules adopted pursuant to RSA 541-A, provided that a receiving district may charge a student from a sending district a differential ~~[vocational]~~ **career and technical** education ~~[rate]~~ **fee not to exceed 3 percent of the receiving district's cost per pupil for the prior school year, as calculated by the department of education,** and **provided** that the receiving district shall deposit ~~[that]~~ **the differential fee** into its capital reserve account to be used for ~~[vocational centers]~~ **career and technical education program development, improvement,** and equipment.

III. **The state's tuition liability for a student enrolled in an alternative education program shall not exceed the per student cost of a student enrolled in a career and technical education program, as calculated by the department of education.**

SB 283, relative to disposition of nursing home patient accounts. **OUGHT TO PASS.**

Rep. Brian J. X. Murphy for Judiciary: This bill modifies the requirements for disposition of the personal property of a nursing home patient after the patient's death. The bill expedites the process by which a nursing home administrator can settle personal property through the county probate process. This bill also increases the threshold of the amount eligible through this process from \$2,500 to \$5,000. The committee recognized the benefit of both changes to the existing statute. Vote 14-0.

SB 301, relative to the amendment of pleadings in landlord-tenant actions. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald B. McClarren for Judiciary: This bill would allow a landlord to file an amended writ to correct a technical defect within in seven (7) days. The right to amend the writ is regularly allowed by the court. The committee felt the bill was redundant and unnecessary. Vote 15-0.

SB 269, relative to the definition of default budget in towns that use official ballot voting. **INEXPEDIENT TO LEGISLATE.**

Rep. Philip L. Munck for Municipal and County Government: Issues relating to the calculation of default budgets in official ballot towns (SB 2) have arisen so many times this biennial session that a bill to comprehensively study the budget issues for these towns. (SB 238 – should have been passed by both House and Senate by the time this bill appears on the calendar). While this bill appears to be a technical clarification of the statutes, the committee was divided on its efficacy. The committee unanimously agreed that it should be studied in the context of the larger review. Vote 15-1.

SB 395, relative to construction of an access road on land in current use. **OUGHT TO PASS.**

Rep. Franklin W. Sterling for Municipal and County Government: The purpose of this bill is to add language to the existing statute (RSA 79-A:7, VI(e), that a property which has an existing right of way at the time the property is placed into current use does not lose that status if the right of way is upgraded for the benefit of the adjoining property being served by

the right of way. The new language only clarifies that fact; it does not add a new exemption. Vote 16-0.

SB 252, increasing the maximum term for energy performance contracts. **OUGHT TO PASS.**

Rep. Naida L. Kaen for Science, Technology and Energy: Current law limits energy performance contracts to projects with a maximum of a 10-year payback. Testimony provided many examples of projects for the energy betterment of government or private buildings or equipment with longer paybacks which would benefit us all by saving energy if the maximum were extended to 20 years. This bill does that. Vote 15-0.

SCR 2, regarding the White Mountain National Forest. **OUGHT TO PASS.**

Rep. Lester W. Bradley for Science, Technology and Energy: This bill encourages the US Government to take better care of the trail system in the White Mountain National Forest in New Hampshire, specifically to perform more distinct trail blazes and repair damaged bridges over streams. Inadequate trail marking results in hikers becoming lost in the wilderness areas of the forest, and in many cases NH Fish and Game and police are required to search for those lost hikers. This results in expense to the state of New Hampshire, not the federal government. The committee endorses this resolution. Vote 15-0.

SB 398, proclaiming March 30, 2013 as Welcome Home Vietnam Veterans Day. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David C. Lundgren for State-Federal Relations and Veterans Affairs: This bill gives long overdue recognition to our state's Korean and Vietnam War veterans by proclaiming March 30 as Welcome Home Vietnam Veterans Day and July 27 as Korean War Veterans Day annually. Vote 17-0.

Amendment (2102h)

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

AN ACT proclaiming March 30 as Welcome Home Vietnam Veterans Day and proclaiming July 27 as Korean War Veterans Day.

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

2 New Section; Welcome Home Vietnam Veterans Day. Amend RSA 4 by inserting after section 13-q the following new section:

4:13-r Welcome Home Vietnam Veterans Day. The governor shall annually proclaim March 30 of each year as Welcome Home Vietnam Veterans Day to acknowledge and commemorate the military service of American men and women in Vietnam. The day may be observed by suitable observances and exercises by civic groups and the public.

3 Findings. The general court hereby finds and declares the following:

I. The Korean War began on June 25, 1950 when communist North Korea invaded South Korea.

II. During this war, nearly 1.8 million members of the United States Armed Forces served alongside the forces of the Republic of Korea and 20 other allied nations. The war took 36,574 American lives and wounded over 103,000.

III. By July 1953 all sides involved in the conflict were ready to sign an agreement ending the bloodshed.

IV. On July 27, 1953, a ceasefire agreement was signed at Panmunjom.

V. The establishment of a Korean War Veterans Day would be an appropriate way to honor those members of the United States armed forces who served in Korea during the Korean War.

4 New Section; Korean War Veterans Day. Amend RSA 4 by inserting after section 13-r the following new section:

4:13-s Korean War Veterans Day. The governor shall annually proclaim July 27 of each year as Korean War Veterans Day to acknowledge and commemorate the military service of American men and women who served in Korea. The day may be observed by suitable observances and exercises by civic groups and the public.

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

AMENDED ANALYSIS

This bill proclaims March 30 as Welcome Home Vietnam Veterans Day to acknowledge and commemorate the military service of American men and women in Vietnam.

This bill also proclaims July 27 as Korean War Veterans Day to acknowledge and commemorate the military service of American men and women who served in Korea.

SB 361, establishing a commission to study the feasibility of establishing energy infrastructure corridors within existing transportation rights of way and repealing a commission. **OUGHT TO PASS.**

Rep. Richard W. Hinch for Transportation: This bill establishes a commission to study using existing transportation rights of way for utility infrastructure corridors. Vote 10-0.

SB 205, revising the New Hampshire business corporations act, RSA 293-A. **OUGHT TO PASS.**

Rep. Laurie J. Sanborn for Ways and Means: This bill creates a committee to study possible revisions to the New Hampshire business corporations act, and creates no new fees. Vote 21-0.

SB 314-FN, relative to state-owned vehicle fleet management. **OUGHT TO PASS.**

Rep. Keith Murphy for Ways and Means: This bill will enable the state to be reimbursed for employee personal use of state-owned vehicles at the IRS rate of 55.5 cents per mile, with all reimbursements going to the state highway fund. According to the department of administrative services, there were 1.4 million personal miles driven on state-owned vehicles in 2011. The committee voted unanimously to support this commonsense proposal. Vote 21-0.

SB 326-FN-A-L, relative to state reimbursement of towns. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laurie J. Sanborn for Ways and Means: As amended, this bill ensures our state lives up to its promise to 18 towns, which gave up much of their land over 50 years ago for flood control, and clarifies that the state of New Hampshire will fulfill its obligations. As such, it has zero impact on the current budget but gives assurance to towns that have relied upon the state's commitment for decades. Following a public hearing, a non-germane amendment was added which continues our ongoing efforts to improve our trust laws, which have made New Hampshire one of the top states in the nation to establish trusts and have helped to create jobs and expand the economy. This amendment has no fiscal impact on the state. Vote 20-0.

Amendment (2205h)

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

AN ACT relative to state reimbursement of towns, relative to taxation of trusts under the interest and dividends tax, and clarifying that a provision of the uniform trust code applies to all trusts.

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

1 Repeal. RSA 122:4, II, relative to reimbursement to towns and cities of moneys owed by other states, is repealed.

2 Appropriation; Department of Revenue Administration. Notwithstanding RSA 122:4, II, the sum equal to the arrearages owed by any state under the Merrimack River compact and the Connecticut River compact for the fiscal year ending June 30, 2012 is hereby

appropriated to the department of revenue administration for the fiscal year ending June 30, 2014, for the purpose of making payments to towns affected by RSA 484 in accordance with RSA 122:4, I. The sum equal to the arrearages owed by any state under the Merrimack River compact and the Connecticut River compact for the fiscal year ending June 30, 2013, is hereby appropriated to the department of revenue administration for the fiscal year ending June 30, 2015 for the purpose of making payments to towns affected by RSA 484 in accordance with RSA 122:4, I. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Contingency. Notwithstanding RSA 122:4, II, if any other state in a river management compact with the state of New Hampshire makes a payment in any amount on an arrearage to the state of New Hampshire, then within 30 days of receiving such payment, the state treasurer shall distribute such money to the towns affected by RSA 484 in the manner prescribed by RSA 122:4, I for the fiscal years ending June 30, 2012 and June 30, 2013. Any additional funds shall lapse to the general fund on June 30, 2013.

4 Interest and Dividends Tax; Who Taxable. Amend RSA 77:3, I(b) and (c) to read as follows:

(b) Partnerships, limited liability companies, **and** associations, ~~[and trusts,]~~ the beneficial interest in which is not represented by transferable shares, whose gross interest and dividend income from all sources exceeds \$2,400 during the taxable year, but not including a qualified investment company as defined in RSA 77-A:1, XXI, or a trust comprising a part of an employee benefit plan, as defined in the Employee Retirement Income Security Act of 1974, section 3.

(c) ~~[Fiduciaries]~~ **Executors** deriving their appointment from a court of this state whose gross interest and dividend income from all sources exceeds \$2,400 during the taxable year.

5 Interest and Dividends Tax; Trusts Not Subject to Tax. Amend RSA 77:4, III to read as follows:

III. Dividends, other than stock dividends paid in new stock of the partnership, limited liability company, **or** association~~[-or trust]~~ issuing the same, on shares in partnerships, limited liability companies, **or** associations~~[-or trusts]~~ the beneficial interest in which is represented by transferable shares.

6 Interest and Dividends Tax; Income From Trusts. Amend RSA 77:10 to read as follows:

77:10 Income From Trusts. ~~[The income received by estates held by trustees, any one of whom is an inhabitant of this state, or has derived his appointment from a court of this state, shall be subject to the taxes imposed by this chapter, except that]~~ **Interest and dividend** income received by estates held by trustees treated as grantor trusts under section 671 of the United States Internal Revenue Code shall be included in the return of their ~~[owners]~~ **grantor**, to the extent that the ~~[persons to whom the income from the trust is payable, or for whose benefit it is accumulated, are inhabitants]~~ **grantor is an inhabitant or resident** of this state. **Income reported by, and taxed federally as interest or dividends to, a trust beneficiary who is an individual inhabitant or resident of this state with respect to distributions from a trust that is not treated as a grantor trust under section 671 of the United States Internal Revenue Code shall be included as interest or dividends in the return of such beneficiary and subject to taxation in accordance with the provisions of this chapter.**

7 Interest and Dividends Tax; Guardians, etc. Amend RSA 77:13 to read as follows:

77:13 Guardians, etc. RSA 77:9 ~~[to 12]~~ **through RSA 77:11** shall apply to guardians, conservators, trustees in bankruptcy, receivers, and assignees for the benefit of creditors, so far as apt, to the taxable income received by them ~~[and to their beneficiaries, and to corporations acting as trustees or in any other fiduciary capacity].~~

8 Interest and Dividends Tax; Application of Sections. Amend RSA 77:14-d to read as follows:

77:14-d Application of Sections. RSA 77:14-a to 77:14-c shall apply, so far as apt, to associations ~~[and trusts]~~, but not to partnerships, limited liability companies, **and** associations~~[-and trusts]~~ the beneficial interest in which is represented by transferable shares.

9 New Paragraph; Uniform Trust Code; Trustee's Authority to Decant Trust. Amend RSA 564-B:4-418 by inserting after paragraph (h) the following new paragraph:

(i) Unless terms of the first trust expressly provide otherwise, regardless of whether the first trust was created before or after the date of enactment of any provision of this section, this section shall apply to:

(1) Any trust governed by the laws of this state, including a trust whose governing law has changed to the laws of this state; and

(2) Any trust that has a trustee who is an individual domiciled in this state or a trustee which is a New Hampshire chartered trust company, provided that a majority of the trustees select this state as the location for the primary administration of the trust by an instrument in writing, signed and acknowledged by a majority of the trustees. The instrument exercising this selection shall be kept with the records of the trust.

10 Repeal. RSA 77:12, relative to taxation of income from nonresident trustees, is repealed.

11 Applicability. Sections 4-8 and 10 of this act shall apply to taxable periods ending on or after December 31, 2011.

12 Effective Date.

I. Sections 1 - 2 of this act shall take effect July 1, 2013.

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

AMENDED ANALYSIS

This bill:

I. Repeals the reduction in certain reimbursements paid to towns and cities who have lost taxable valuation of certain lands.

II. Allows moneys received by the state to pay arrearages under certain river compacts to be distributed to towns listed under such compacts.

III. Appropriates money to pay towns under certain river compacts the arrearages owed until such arrearages can be collected.

IV. Eliminates certain taxation of trusts under the interest and dividends tax. The bill also clarifies that a uniform trust code provision relative to decanting applies to all trusts, regardless of when the trust was created.

SB 343-FN, establishing an independent board of psychologists. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patrick F. Abrami for Ways and Means: This bill establishes a board of psychologists for the regulation of licensed psychologists. Currently the board of mental health practice regulates licensed psychologists. Our committee is charged with reviewing taxes and fees. To insure there are no new fees associated with this bill the committee amended this bill leaving the board of mental health practice the board with continuing responsibility to establish fees for psychologists as well as receive and account for all fees and pay the moneys to the state treasurer to be deposited in the General Fund. The committee unanimously passed this bill. Vote 20-0.

Amendment (2192h)

Amend RSA 329-B:10, XV through XIX as inserted by section 1 of the bill by replacing them with the following:

XV. Procedures for receiving and addressing complaints against licensees who have had a personal or professional relationship with a board member.

XVI. Procedures relative to the disclosure to the public of final disciplinary actions by the board, including those actions that occur without holding a public hearing. Dismissed complaints shall not be made public.

XVII. Standards of care for the practice of telemedicine or tele-health.

XVIII. Guidance for providing informed consent under RSA 329-B:32.

Amend RSA 329-B:11 through 329-B:13 as inserted by section 1 of the bill by replacing it with the following:

329-B:11 Receipts and Disbursements. The board of mental health practice, under its continuing responsibility to establish fees for psychologists, shall receive and account for all fees under the provisions of this chapter, and shall pay such moneys to the state treasurer to be deposited in the general fund.

329-B:12 Establishment of Fees; Continued Responsibility of Board of Mental Health Practice. The board of mental health practice, pursuant to RSA 330-A:12, II, shall continue to establish fees applicable to psychologists for review of applicants; licensure; renewal of license; reinstatement of license; inactive license status; reactivation of an inactive license; examination of applicants; transcribing and transferring records; and other services, including investigations, and hearings conducted under this chapter.

329-B:13 Records and Reports.

I. The board shall keep records of its proceedings and separate registers of all applications for licensure and all complaints filed against licensees. Such records shall show information relative to the application or complaint and the board's response to the application or complaint, without disclosing the identity of those involved, as the rules of the board may prescribe. The records shall be public and shall be open to inspection at all reasonable times, except for records compiled in connection with disciplinary investigations and records otherwise exempt from disclosure under RSA 91-A or other applicable statutes.

II. Biennially, as of October 1, the board shall submit to the governor a report of the applications, licensure, and other activity of the preceding biennium, and shall also transmit a complete statement of the expenditures of the board.

Amend RSA 329-B:15 as inserted by section 1 of the bill by replacing it with the following:

329-B:15 Psychologist License.

I. The board shall issue a psychologist license to any person who:

(a) Has passed a satisfactory examination in psychology.

(b) Has received the doctoral degree based on a program of studies, the content of which was primarily psychological, from a regionally accredited educational institution having a graduate program, or its substantial equivalent in both subject matter and extent of training.

(c) Has had at least 2 years of satisfactory, supervised experience in the field of psychology.

(d) Is of good professional character.

(e) Has paid all fees established and collected by the board of mental health practice.

II. Examinations for applicants under this chapter shall be held by the board at least once each year. The board shall determine the subject and scope of the examination, which may be written, oral, or both. If an applicant fails the first examination, the applicant may be admitted to a subsequent examination upon the payment of an additional fee in the amount established by the board of mental health practice under RSA 330-A:12.

Amend RSA 329-B:21, III(e) as inserted by section 1 of the bill by replacing it with the following:

(e) By assessing administrative fines in amounts established by the board which shall not exceed \$2,000 per offense, or, in the case of continuing offenses, \$200 for each day up to a total not exceeding \$2,000. All amounts collected shall be paid to the state treasurer for deposit in the general fund.

Amend RSA 329-B:25 as inserted by section 1 of the bill by replacing it with the following:

329-B:25 Expirations, Renewals, Reinstatements, and Inactive Status.

I. Licenses shall be valid for a period of 2 years and shall become invalid on the expiration date unless renewed. It shall be the duty of the board to notify every person licensed by the board under this chapter of the date of expiration of the license and the amount of the fee that shall be required for its renewal for 2 years. Such notice shall be mailed at least 2 months in advance of the date of expiration of such license. Renewal shall be conditional upon filing a timely and complete renewal application and payment of the fee as set by the board of mental health practice under RSA 330-A:12.

II. If a license is not renewed it may be reinstated not later than 6 months after the date of license expiration upon compliance with rules adopted by the board and payment of the fee established by the board of mental health practice under RSA 330-A:12. A license may be placed on inactive status pursuant to rules adopted by the board.

III. Upon the request of a person licensed by the board who is a member of any reserve component of the armed forces of the United States or the national guard and is called to active duty, the board shall place such person's license on inactive status. The license may be reactivated, after notification to the board, within one year of the person's release from active status by payment of the renewal fee to the board of mental health practice and with proof of completion of the most current continuing education requirement unless still within the renewal period.

Amend RSA 329-B:27, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Except for administrative rules relating to establishing and collecting fees for psychologists, administrative rules pertaining to psychologists adopted under RSA 330-A that are in effect on June 30, 2012, shall remain in effect and be administered by the board of psychologists under RSA 329-B until such rules are amended, repealed, superseded, or expired. The board of mental health practice shall continue to have responsibility to establish and collect fees for psychologists.

Amend the bill by replacing section 5 with the following:

5 Mental Health Practice; Fees. Amend RSA 330-A:12 to read as follows:
330-A:12 Fees.

I. The board shall establish fees pursuant to RSA 541-A for review of applicants for licensure; supervisory agreements; applications for licensed ~~psychologist,~~ pastoral psychotherapist, independent clinical social worker, clinical mental health counselor, and marriage and family therapist; renewal of license; renewal of dual license; reinstatement of license; inactive license status; reactivation of an inactive license; examination of applicants; transcribing and transferring records; and other services, including investigations and hearings conducted under this chapter.

II. *The board shall continue to have responsibility for the establishment, collection, and disbursement of fees for psychologists regulated under RSA 329-B. The board shall establish fees pursuant to RSA 541-A for the activities listed in RSA 329-B:12.*

AMENDED ANALYSIS

This bill establishes a board of psychologists for the regulation of licensed psychologists. Currently the board of mental health practice regulates licensed psychologists. The bill continues the responsibility of the board of mental health practice to establish the fees charged to psychologists.

REGULAR CALENDAR

SB 175, regulating the commercial use of a person's identity. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jennifer R. Coffey for Commerce and Consumer Affairs: This bill recognizes in statute what has been recognized by the NH courts for years and that is that a human being has the right of publicity. That is to say that a human being possesses the property right to their

own image and the right to control the use of that image in commerce. Ironically, it is the only property right recognized by the state that until now was not a property you can leave to your descendent. SB 175, as amended by the committee, creates what 15 other states recognize as a descendible right of property, but sets a limit to ensure that after a respectable amount of years that right expires. The amendment ensures that freedom of speech is protected by noting the rights protected in the New Hampshire State Constitution, the United States Constitution with an additional specification of the rights protected under the 1st Amendment. As written, the bill ensures our most basic human right of property to control one's self image is protected, in keeping with the preamble of the United States Constitution. Vote 17-1.

Amendment (2008h)

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

1 Purpose. The legislature finds that:

I. A person's right to control the commercial use of his or her identity, sometimes called the "right of publicity," has been recognized by the courts of this state (see *Rensburg v. Docusearch, Inc.*, 149 N.H. 148 (2003) and *Thompson v. C&C Research Development, LLC*, 153 N.H. 446 (2006)).

II. This act will make clear that individuals who are domiciled in New Hampshire at the time of death retain a protectable right regarding the commercial use of their identities that is descendible to their heirs or successors.

III. This act will respect the New Hampshire constitution and the United States Constitution by its recognition that the substance of the protected right of publicity will be governed by the common law, which balances the right to control the commercial use of one's name and/or likeness against the rights to freedom of expression.

2 New Chapter; Descendibility; and Transferability of Rights Regarding Commercial Use of Individual Identity. Amend RSA by inserting after chapter 359- L the following new chapter:

CHAPTER 359-M

DESCENDIBILITY AND TRANSFERABILITY OF RIGHTS REGARDING COMMERCIAL USE OF INDIVIDUAL IDENTITY

359-M:1 Recognition of the Right to Control Commercial Use of Identity. The common law recognizes that every natural person has the right to control the commercial use of his or her identity, subject to limitations imposed by the New Hampshire constitution and the United States Constitution.

359-M:2 Transferability and Descendibility of the Right to Control Commercial Use of Identity.

I. The right to control the commercial use of a person's identity, as recognized by the common law and as may be further developed under the common law, is a property right that survives death. The right is freely transferable and descendible, in whole or in part, during and after a person's life by means of:

(a) A written contract, license, conveyance, or assignment or a will, trust, or other testamentary instrument, executed before or after the enactment of this chapter, and by the original holder or his or her successor-in-interest; or

(b) Intestate succession occurring before or after the enactment of this chapter.

II. In the absence of an express transfer in a testamentary instrument of the right to control commercial use of a person's identity, a provision in a testamentary instrument that provides for the disposition of the residue of the deceased person's assets shall be effective to transfer that right in accordance with the terms of that provision.

359-M:3 Duration and Termination.

I. The right protected under this chapter endures for a term consisting of the death of the person plus 70 years after his or her death, regardless of whether the person commercially exploits the right during his or her lifetime.

II. A person's right under this chapter shall be deemed to have existed prior to the enactment of this chapter, and at the time of the death of the original holder or his or her successor-in-interest, whether that death occurs before or after the enactment of this chapter, for the purpose of determining entitlement to the right.

III. The right protected under this chapter terminates if its holder dies without having transferred or devised it, either during his or her life or through a will, trust, or other testamentary instrument, and there are no surviving natural persons to whom the right can pass by intestate succession.

IV. The right protected under this chapter applies only to any person who died a domiciliary of the state of New Hampshire.

359-M:4 Exercise and Enforcement. The right protected under this chapter, including the right to consent to the use of a deceased person's identity, may be exercised and enforced by any one person or entity who holds, or persons or entities who together hold, more than a 1/2 interest in the right.

359-M:5 Applicability. The prohibitions set forth in this chapter apply only to unauthorized use of a person's identity occurring after July 15, 2012 or upon passage, whichever occurs first.

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

AMENDED ANALYSIS

This bill provides for the transferability and descendibility of the common law right to control the commercial use of one's identity.

Amendment adopted.

Committee report adopted and ordered to third reading.

SB 219-FN, relative to guaranteed issue for health insurance. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.** Rep. Andrew J. Manuse for the Majority of Commerce and Consumer Affairs: This bill, as amended, grandfatheres certain state insurance policies under the federal health care overhaul of 2010 and implements a minor provision of the act, which guarantees issue for health insurance to individuals under 19 years of age and prohibits the imposition of a preexisting exclusion period for these individuals. This will ease confusion between state and federal law and ensure that the state insurance department can continue to regulate health insurance in New Hampshire without the federal government stepping on its toes. In addition, the committee added to SB 219 the House language of HB 1297 (passed the House on March 8) which prohibits the implementation of a state health benefits exchange under the federal health care overhaul, in an effort to bring about a committee of conference and pass both bills. The committee was surprised that compromise language for HB 1297 that was worked on by House and Senate leaders and the insurance department, leaving all three sides satisfied with the agreement, did not pass immediately through the Senate, and is adding the House language on this bill in the hope of continuing the discussion to pass the compromise language. As to the merits of HB 1297, which already passed the House with the language now in this bill with a veto-proof margin, the federal health overhaul entices states with the choice to create a state operated health benefits exchange or to rely on a federal operated exchange, but it is against the state's best interest to create a state health benefits exchange. In effect, a state exchange or a federal exchange is no different; the federal bureaucracy would control either version. Yet, a state exchange would cost New Hampshire an additional \$10 million to \$15 million a year to run starting in 2015—money we just don't have—just to pay for state officials to follow the federal government's orders. Even if we do end up with federal health care reform, HB 1297 would save New Hampshire money. The compromise language the committee hopes to work toward passing would be

inserted in RSA 420-N, updating the responsibility of the Joint Health Care Reform Oversight Committee to guide the state's executive branch in protecting New Hampshire from the federal law. Under this language, HB 1297 would give state officials guidance on how they should interact with federal agents in the event that the court does not overturn the federal act in its upcoming decision or if the federal act is not repealed by Congress. Specifically, the amended HB 1297 would direct state officials to maintain a free market for health insurance to the best of their ability under the federal law. However, the language still takes advantage of a flaw in the federal law that relies on states creating their own exchanges. The federal law did not provide for the contingency that states would refuse to set up exchanges, and because of this, by New Hampshire not creating a state exchange along with other states, it will be more likely that the federal health insurance overhaul would be repealed or amended, regardless of the Supreme Court's ruling. In conclusion, the language of HB 1297 that the House Commerce Committee is working toward passing would provide for every possible outcome and maintain the state's stance against the federal act, and it still ensures New Hampshire maintains its ability to regulate health insurance on its own, regardless of what happens next. Vote 14-3.

Rep. Donna L. Schlachman for the Minority of Commerce and Consumer Affairs: The purpose of this bill, as introduced, was to clarify language in New Hampshire's statute related to insurance policies for individuals under age 19. The bill, as written, had issues related to clarity and the committee worked on an amendment with the insurance carriers and the New Hampshire Insurance Department to fix this. The minority supported this amendment which is found in sections 1 and 2 of amendment passed by the committee. The minority objects to the amendment passed by the committee because section 3 of the amendment is the content of HB 1297 passed by the House earlier this session and tabled by the Senate. The minority felt that HB 1297 set poor public policy when it was passed by the House and has not changed its position.

Majority Amendment (2178h)

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

AN ACT relative to guaranteed issue for health insurance and relative to federal health care reform and health care exchanges.

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

1 Medical Underwriting. Amend RSA 420-G:5, II to read as follows:

II. Health carriers providing health coverage for individuals may refuse to write or issue coverage to an individual because of his or her ***claims experience, medical history or health status, except in the case of a non-grandfathered policy providing coverage for an individual under 19 years of age. For the purposes of this paragraph, a policy shall be considered grandfathered if it meets applicable requirements for grandfathered policies under the Patient Protection and Affordable Care Act of 2009, Public Law 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111-152, including any federal regulations, interpretations, standards, or guidance issued thereunder.*** Regardless of ~~[claim]~~ ***claims*** experience, health status, or medical history, health carriers providing health coverage for small employers shall not refuse to write or issue any of their available coverages or health benefit plans to any small employer group that elects to be covered under that plan and agrees to make premium payments and meet the other requirements of the plan.

2 New Paragraph; Preexisting Conditions. Amend RSA 420-G:7 by inserting after paragraph II the following new paragraph:

II-a. No health carrier shall impose a preexisting condition exclusion period under any non-grandfathered policy providing health coverage issued to a person under 19 years of age. For the purposes of this paragraph, a policy shall be considered grandfathered if it meets applicable requirements for grandfathered policies under the Patient Protection and

Affordable Care Act of 2009, Public Law 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111-152, including any federal regulations, interpretations, standards, or guidance issued thereunder.

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

420-N:1 Purpose and Scope.

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

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

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

420-N:6 Consistency. In order to ~~[prevent a default to federal regulation and to preserve the state's status as the sole regulator of]~~ **protect the state's rights and responsibilities to regulate** the business of insurance within the state, the oversight committee shall have the authority to find, with respect to any specific provision within Title XXXVII, that the provision is inconsistent with and prevents the application of the Act. Upon such a finding, the ~~[commissioner may, on a provisional basis, implement this provision of the Act]~~ **oversight committee shall make a recommendation to the legislature.** The ~~[commissioner's]~~ **commissioner and any other state official in any agency, department and subdivision and any government in New Hampshire shall not have** authority to implement this provision ~~[shall extend only]~~ until such time as the general court can take legislative action to amend Title XXXVII as it deems appropriate.

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

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

6 Effective Date.

I. Sections 1 and 2 of this act shall take effect July 1, 2012.

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

AMENDED ANALYSIS

This bill:

I. Declares that health carriers shall issue and renew health insurance coverage to individuals under 19 years of age and shall not impose a preexisting condition exclusion period for such individuals if the policy meets the grandfathered requirements of the federal Patient Protection and Affordable Care Act of 2009, as amended.

II. Clarifies the implementation of certain provisions of the Patient Protection and Affordable care Act.

III. Prohibits the state of New Hampshire from planning, creating, or participating in a state health care exchange.

Majority committee amendment adopted.
Majority committee report adopted and ordered to third reading.

SB 334, relative to Medicare unfair trade practices. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Kenneth N. Gidge for the Majority of Commerce and Consumer Affairs: This bill is misleading by only pointing to insurance agents being inconvenienced and not telling us that for years some insurance agents have taken advantage of the elderly and disabled who are on Medicare. Many dishonest insurance agents call upon the elderly, earning their trust by using the word Medicare in their sale's pitch. Medicare was the key to open the door and then the bait and switch tactics began. It is fair to say that some elderly and disabled were misled and many were confused. It is believed that some elderly were cleverly directed to buy insurance they did not need, want and many could not afford. Calls came into the N.H. insurance dept. from the children of the elderly, friends and neighbors. Advocates for the elderly and disabled called, all with the same story, something had to be done. In 2010 the N.H. insurance department supported HB 1364. The bill passed by majority, became law effective 2011 (Chapter 258, Laws of 2010). The N.H. insurance dept. made it clear that since the law of 2011, there have been few complaints. In New Hampshire the elderly and disabled are safer. This law works. SB 334 is wrong. Vote 12-6.

Rep. Andrew J. Manuse for the Minority of Commerce and Consumer Affairs: This bill clarifies the law making it legal again for an insurance broker to sell life insurance or annuity products when a potential client has come in to discuss Medicare products without having to make a separate appointment for that purpose. Currently, an insurance agent has a legal gag order against being able to sell these other legitimate and legal products under RSA 417:4 when a client has an appointment with the broker to discuss Medicare products. The current law presents an inconvenience to the client, who might want to discuss Medicare products along with life insurance and annuity products during the same meeting, because the insurance broker is not legally allowed to discuss the full range of products available. The current law is also a violation of the insurance broker's first amendment right as well as his or her right to make a livelihood by selling perfectly legal and legitimate products. The current "Nanny State" law assumes that some people will be duped into buying life insurance or annuities when they don't really want or need them, but that decision should be made by individual clients or their representatives, not by the government. The Republican Minority believes insurance brokers should be able to sell all of the products they offer at all times to any client without having to jump over the type of red tape that this bill repeals.

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

Rep. Manuse spoke against.

Rep. Gidge spoke in favor.

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

YEAS 212 NAYS 126

YEAS 212

BELKNAP

Accornero, Harry
Luther, Robert

Bolster, Peter
Russell, David

Fields, Dennis
St. Cyr, Jeffrey

Flanders, Donald
Tilton, Franklin

CARROLL

Babson, David Jr
Patten, Betsey

Chandler, Gene
Schmidt, Stephen

Fleck, Joseph
Umberger, Karen

Merrow, Harry

CHESHIRE

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

COOS

Coulombe, Gary	Daugherty, Duffy	Hatch, William	Merrick, Evalyn
Rappaport, Laurence	Remick, William	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	Ladd, Rick Jr	Mirski, Paul	Nordgren, Sharon
Pastor, Beatriz	Pierce, David	Reilly, Harold Sr	Simard, Paul
Smith, Suzanne	Taylor, Kathleen	Townsend, Charles	White, Andrew

HILLSBOROUGH

Baroody, Benjamin	Barry, Richard	Belanger, James	Bergevin, Jerry
Boehm, Ralph	Buxton, Michael	Campbell, David	Cebrowski, John
Champagne, Norma	Coffey, James	Cote, David	Coughlin, Sean
Cusson-Cail, Kathleen	Daler, Jennifer	Day, Russell	Flanagan, Jack
Fredette, Robert	Gargas, Carolyn	Gidge, Kenneth	Gimas, John
Gonzalez, Carlos	Gorman, Mary	Graham, John	Hansen, Peter
Hardwick, Harry	Hawkins, Kenneth	Holden, Frank	Hutchinson, Winfred
Infantine, William	Jasper, Shawn	Krasucki, Joseph	LeBrun, Donald
Leishman, Peter	Levasseur, Nickolas	Long, Patrick	McClarren, Donald
Messier, Irene	Moran, Edward	Palmer, Barry	Pellegrino, Tony
Pepino, Leo	Pilotte, Maurice	Porter, Marjorie	Proulx, Mark
Rhodes, Brian	Robbins, David	Rosenwald, Cindy	Scontsas, Lisa
Shaw, Barbara	Silva, Peter	Souza, Kathleen	Stepanek, Stephen
Stroud, Kathleen	Sullivan, Daniel	Sullivan, Peter	Terrio, Ross
Twombly, Timothy	Whitehead, Randall	Willette, Robert	

MERRIMACK

Bouchard, Candace	Cohn, Seth	Deloge, Helen	DeStefano, Stephen
Foose, Robert	Frazer, June	Gile, Mary	Hamm, Christine
Hess, David	Kidder, David	Kotowski, Frank	Lindsley, Mark
Lockwood, Priscilla	MacKay, James	McDonnell, John	Owen, Derek
Palfrey, David	Patten, Dick	Potter, Frances	Reed, Dennis
Rice, Chip	Richardson, Gary	Shurtleff, Stephen	Soltani, Tony
Wallner, Mary Jane	Watrous, Rick	Winter, Steven	

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Azarian, Gary	Belanger, Ronald
Birdsell, Regina	Cali-Pitts, Jacqueline	DeSimone, Debra	DiPentima, Rich
Dowling, Patricia	Duarte, Joe	Elliott, Robert	Griffin, Mary
Hagan, Joseph	Headd, James	Introne, Robert	Lovejoy, Patricia
McKinney, Betsy	McMahon, Charles	Moody, Marcia	Nevins, Chris
Norelli, Terie	O'Connor, John	Packard, Sherman	Pantelakos, Laura

Perkins, Amy
Read, Robin Jr
Sheffert, Kenneth
Welch, David

Perkins, Lawrence
Rice, Frederick
Shuler, Wyman III
Weyler, Kenneth

Quandt, Marshall
Sedensky, John
Waddell, James

Quandt, Matt
Serlin, Christopher
Webb, James

STRAFFORD

Berube, Roger
Grassie, Anne
Munck, Philip
Schmidt, Peter

Brown, Julie
Hooper, Dorothea
O'Connor, William
Spang, Judith

Browne, Brendon
Horrigan, Timothy
Pitre, Joseph
Sprague, Dale

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

SULLIVAN

Cloutier, John
Lovett, Charlene
Smith, Steven

Cunningham, Steven
Osgood, Joe

Gagnon, Raymond
Rodeschin, Beverly

LaCasse, Paul Sr
Schmidt, Andrew

NAYS 126

BELKNAP

Comtois, Guy
Pilliod, James

Greemore, Robert
Simpson, Tyler

Kingsbury, Robert
Swinford, Elaine

Malone, Robert
Worsman, Colette

CARROLL

Ahlgren, Christopher
Scala, Dino

Knox, J. David
Tregenza, Norman

McCarthy, Frank

Pettengill, Laurie

CHESHIRE

Cartwright, Anne

Hunt, John

Sterling, Franklin Jr

COOS

None

GRAFTON

Ingbretson, Paul

Shackett, Jeffrey

Sorg, Gregory

Sova, Charles

HILLSBOROUGH

Avard, Kevin
Belvin, William

Balboni, Michael
Brownrigg, Randall Jr

Ball, J. Michael
Burt, John

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

Christiansen, Lars
Donovan, Daniel
Greazzo, Phil
Hopper, Gary
McCarthy, Michael
Notter, Jeanine
Palmer, Stephen
Renzullo, Andrew
Summers, James
Villeneuve, Moe

Daniels, Gary
Drisko, Richard
Hikel, John
Kurk, Neal
McGuinness, Sean
Ober, Lynne
Parison, James
Rowe, Robert
Thomas, Joseph
Warden, Mark

DeJong, Cameron
Gagne, Larry
Hinch, Richard
Lambert, George
Mecheski, Holly
Ober, Russell III
Peterson, Lenette
Seidel, Carl
Ulery, Jordan

Doherty, Shaun
Gandia, Laura
Hogan, Edith
Maltz, Jonathan
Murphy, Keith
Ohm, Bill
Pratt, Calvin
Simmons, Tammy
Vaillancourt, Steve

MERRIMACK

Blankenbeker, Lynne	Coffey, Jennifer	Giuda, J. Brandon	Hoell, J.R.
Keane, Thomas	Kreis, Kenneth Sr	McGuire, Carol	McGuire, Dan
Richardson, Jon	Sanborn, Laurie	Smith, Molly	Smith, Todd

ROCKINGHAM

Antosz, Jason	Baldasaro, Alfred	Bates, David	Brown, Paul
Chirichiello, Brian	Comerford, Timothy	Davenport, Joshua	Devine, James
Ferrante, Beverly	Fesh, Robert	Garcia, Marilinda	Garritty, James
Hoelzel, Kathleen	Itse, Daniel	Kappler, Lawrence	Katsakiores, Phyllis
Major, Norman	Manuse, Andrew	Mauro, Donna	Murphy, Brian
Okerman, Richard	Reagan, John	Reichard, Kevin	Ritter, Glenn
Sanders, Elisabeth	Sapareto, Frank	Schroadter, Adam	Smith, William
Sullivan, James	Sytek, John	Tamburello, Daniel	Tremblay, Stella
Tucker, Pamela	Ward, Joanne	Waterhouse, Kevin	

STRAFFORD

Cataldo, Sam	DeLemus, Susan	Groen, Warren	Jones, Laura
Newton, Clifford	Parsons, Robbie	Vita, Carol	Vita, Lucien
Weeden, Michael			

SULLIVAN

Bowers, Spec Howard, Thomas Laware, Thomas
and the majority committee report was adopted.
Reps. Swank and Hill declared a conflict of interest and did not participate.

INTRODUCTION OF GUESTS

Fourth graders at Pelham Elementary School, guests of the Hillsborough District 27 delegation.

REGULAR CALENDAR (CONT'D)

SB 356, limiting the authority of delegates to Article V amendment conventions.

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

Rep. Gregory M. Sorg for the Majority of Constitutional Review and Statutory Recodification: This bill, as amended, would give life to the dormant second alternative for proposing amendments to the federal constitution under Article V, that of calling a convention upon the application of the legislatures of two-thirds of the states. Little effort has ever been made, and no effort has ever gone far, in applying for the calling of a convention, in large part out of fear of a "runaway" convention whose delegates would take it upon them selves to propose amendments exceeding the purposes motivating the call. This bill would put in place for future use by New Hampshire, and would serve as a model for similar legislation in other states, specific instructions by which delegates would be bound by oath as agents of the general court to consider or approve no topic or specific language of a proposed amendment other than an amendment within the scope of the Article V petition passed by the general court. Vote 7-3.

Rep. Christopher W. Serlin for the Minority of Constitutional Review and Statutory Recodification: The minority of the committee believes SB 356 serves no purpose that cannot be addressed if and when any Constitutional Convention might be called under Article V of our Constitution. Some members discussed the need to pass this language for purposes of signaling other states to pass their own version of this same legislation in hopes, ultimately,

of calling an Art V Convention. The minority of the committee feels New Hampshire should be passing legislation that focuses on New Hampshire and not be involved in the business of sending signals to other states. The minority of the committee further believes that attaching potential for criminal or civil penalties to the actions of delegates, in hopes of managing the behavior of such delegates, could force future convention delegates into situations where their sworn obligations might conflict with their own rights of conscience, in violation of Pt 1, Art 4 of New Hampshire's Constitution.

Majority Amendment (2208h)

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

1 New Chapter; Constitutional Convention; Authority of New Hampshire Delegates.

Amend RSA by inserting after chapter 20-B the following new chapter:

CHAPTER 20-C

AUTHORITY OF NEW HAMPSHIRE DELEGATES TO CONSTITUTIONAL CONVENTION

20-C:1 Definitions. In this chapter:

I. "Article V convention" means a convention called by the states pursuant to the Constitution for the United States of America, Article V.

II. "Article V petition" means a concurrent resolution by the general court of New Hampshire calling for a convention pursuant to the Constitution for the United States of America, Article V.

III. "Delegate" means a person from the state of New Hampshire, selected by law to represent the people and state of New Hampshire at an Article V convention.

IV. "Permitted scope" means the topic of an amendment or specific language of an amendment that may be considered by the Article V convention.

V. "Unauthorized amendment" means any amendment outside the scope permitted by the Article V petition passed by the general court of New Hampshire.

20-C:2 Authority of New Hampshire Delegates.

I. No delegate from New Hampshire to the Article V convention shall have the authority to allow consideration, consider, or approve an unauthorized amendment to the Constitution for the United States of America.

II. Any vote taken by a delegate from New Hampshire at the Article V convention in violation of paragraph I of this section shall be null and void. Any delegate making this vote shall be immediately disqualified from serving as a delegate to the Article V convention.

III. Every delegate from New Hampshire to the Article V convention called for by the Article V petition shall be required to take the following oath:

"I do solemnly swear or affirm that to the best of my abilities, I will, as a delegate to the Article V convention, uphold the Constitution and laws of the United States and the state of New Hampshire. I will accept and will act according to the limits of the authority as a delegate granted to me by New Hampshire law, and I will not vote to consider or approve any unauthorized amendment to the Constitution for the United States of America. I understand and accept any penalties that may be imposed on me by New Hampshire law for violating this oath."

IV. Any delegate who violates the oath contained in paragraph III of this section shall be subject to the maximum criminal penalty under RSA 641:2.

V. The secretary of state shall certify the selection of the New Hampshire delegates in writing to the Article V convention and shall provide a copy of the certification to each delegate. No delegate shall have authority to vote or otherwise serve as a delegate at the Article V convention without the certification.

VI. The secretary of state shall promulgate rules and regulations setting out a process for selecting alternative delegates to the Article V convention in the event a delegate becomes unable or ineligible to serve. If a delegate becomes ineligible to serve under the provisions of paragraph IV, the alternate delegate shall immediately be entitled to represent

New Hampshire as a delegate in place of the delegate who has become ineligible and the secretary of state shall immediately provide certification to the new delegate.

VII. The secretary of state shall notify the Article V convention and any delegate involved of the automatic revocation of that delegate's certification should the delegate violate his or her pledge to act only within the limits of the authority granted by the state of New Hampshire.

20-C:3 Enforcement by Attorney General; Right to Private Action.

I. The provisions of this chapter shall be enforced by the department of justice.

II. A New Hampshire citizen may file an action to enforce the requirements of this chapter and shall be entitled to reasonable attorney's fees if successful.

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

AMENDED ANALYSIS

This bill limits the scope of authority granted to delegates to a constitutional convention called pursuant to Article V of the Constitution for the United States of America.

Majority committee amendment adopted.

Rep. Itse offered floor amendment (2215h).

Floor Amendment (2215h)

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

AN ACT limiting the authority of delegates to Article V conventions and recodifying the laws relative to religious societies and adding a religious exemption to the insurance mandates relative to coverage for contraception.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 Repeal. The following are repealed:

I. RSA 306:2, relative to taxes.

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

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

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

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

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

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

420-A:17-c Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services. Every health service corporation and every other similar corporation licensed under the laws of another state that issues or renews any policy of group accident or health insurance providing benefits for medical or hospital expenses, which provides coverage for outpatient services shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for outpatient contraceptive services under the same terms and conditions as for other outpatient services. "Outpatient contraceptive services" means consultations, examinations, and medical services, provided on an outpatient basis and related to the use of contraceptive methods to prevent pregnancy which has been

approved by the U.S. Food and Drug Administration. Each health service corporation and every other similar corporation licensed under the laws of a different state that issues or renews any group policy of accident or health insurance providing benefits for medical or hospital expenses which provides a prescription rider shall cover all prescription contraceptive drugs and prescription contraceptive devices approved by the U.S. Food and Drug Administration under the same terms and conditions as other prescription drugs. Nothing in this section shall be construed as altering the terms and conditions of a contract relating to prescription drugs and outpatient services. ***No proprietorship, employer owned in whole or in part by a religious society, or employer formed for religious intent shall be required to include in its coverage for its employees the provisions of this section if the employer has a religious objection.***

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

420-B:8-gg Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services. Every health maintenance organization and every other similar corporation licensed under the laws of another state that issues or renews any policy of group health insurance providing benefits for medical or hospital expenses, which provides coverage for outpatient services shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for outpatient contraceptive services under the same terms and conditions as for other outpatient services. "Outpatient contraceptive services" means consultations, examinations, and medical services, provided on an outpatient basis and related to the use of contraceptive methods to prevent pregnancy which has been approved by the U.S. Food and Drug Administration. Each health maintenance organization and every other similar corporation licensed under the laws of another state that issues or renews any group health insurance providing benefits for medical or hospital expenses which provides a prescription rider shall cover all prescription contraceptive drugs and prescription contraceptive devices approved by the U.S. Food and Drug Administration under the same terms and conditions as other prescription drugs. Nothing in this section shall be construed as altering the terms and conditions of a contract relating to prescription drugs and outpatient services. ***No proprietorship, employer owned in whole or in part by a religious society, or employer formed for religious intent shall be required to include in its coverage for its employees the provisions of this section if the employer has a religious objection.***

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

AMENDED ANALYSIS

This bill:

I. Limits the scope of amendments that may be considered by delegates to a constitutional convention called pursuant to Article V of the United States Constitution.

II. Recodifies title 29, relative to religious societies.

III. Adds a religious exemption to the insurance mandates relative to coverage for contraception.

Rep. Itse spoke in favor.

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

YEAS 205 NAYS 134

YEAS 205

BELKNAP

Accornero, Harry

Comtois, Guy

Fields, Dennis

Flanders, Donald

Greemore, Robert
Pilliod, James
Worsman, Colette

Kingsbury, Robert
Simpson, Tyler

Luther, Robert
Swinford, Elaine

Malone, Robert
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Pettengill, Laurie

Babson, David Jr
Scala, Dino

Fleck, Joseph
Schmidt, Stephen

McCarthy, Frank
Tregenza, Norman

CHESHIRE

Byrnes, John

Cartwright, Anne

Johnson, Jane

Smith, Edwin

COOS

Daugherty, Duffy

Rappaport, Laurence Tremblay, Marc

GRAFTON

Bradley, Lester
Ingbretson, Paul
Sorg, Gregory

Brosseau, Charles
Mirski, Paul
Sova, Charles

Bulis, Lyle
Reilly, Harold Sr

Gionet, Edmond
Shackett, Jeffrey

HILLSBOROUGH

Avard, Kevin
Belvin, William
Burt, John
Christiansen, Lars
Daniels, Gary
Donovan, Daniel
Gonzalez, Carlos
Hardwick, Harry
Hogan, Edith
Infantine, William
LeBrun, Donald
Mecheski, Holly
Ober, Lynne
Parison, James
Pratt, Calvin
Seidel, Carl
Stepanek, Stephen
Twombly, Timothy
Whitehead, Randall

Balboni, Michael
Bergevin, Jerry
Buxton, Michael
Coffey, James
Day, Russell
Flanagan, Jack
Graham, John
Hawkins, Kenneth
Holden, Frank
Jasper, Shawn
Maltz, Jonathan
Moran, Edward
Ohm, Bill
Pellegrino, Tony
Proulx, Mark
Silva, Peter
Swank, Matthew
Ulery, Jordan
Willette, Robert

Ball, J. Michael
Boehm, Ralph
Cebrowski, John
Coughlin, Sean
DeJong, Cameron
Gagne, Larry
Greazzo, Phil
Hikel, John
Hopper, Gary
Krasucki, Joseph
McClarren, Donald
Murphy, Keith
Palmer, Barry
Pepino, Leo
Renzullo, Andrew
Simmons, Tammy
Terrio, Ross
Villeneuve, Moe

Barry, Richard
Brownrigg, Randall Jr
Champagne, Norma
Cusson-Cail, Kathleen
Doherty, Shaun
Gandia, Laura
Hansen, Peter
Hinch, Richard
Hutchinson, Winfred
Lambert, George
McGuinness, Sean
Notter, Jeanine
Palmer, Stephen
Peterson, Lenette
Rowe, Robert
Souza, Kathleen
Thomas, Joseph
Warden, Mark

MERRIMACK

Blankenbeker, Lynne
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Smith, Molly

Coffey, Jennifer
Keane, Thomas
Lindsley, Mark
Palfrey, David
Smith, Todd

Giuda, J. Brandon
Kotowski, Frank
McDonnell, John
Reed, Dennis
Soltani, Tony

Hill, Gregory
Kreis, Kenneth Sr
McGuire, Carol
Richardson, Jon
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Brown, Paul
Devine, James

Allen, Mary
Bates, David
Chirichiello, Brian
Duarte, Joe

Antosz, Jason
Belanger, Ronald
Comerford, Timothy
Ferrante, Beverly

Azarian, Gary
Birdsell, Regina
Davenport, Joshua
Fesh, Robert

Garcia, Marilinda
Headd, James
Major, Norman
Murphy, Brian
Peckham, Michele
Ritter, Glenn
Shuler, Wyman III
Tamburello, Daniel
Waterhouse, Kevin

Garrity, James
Itse, Daniel
Manuse, Andrew
Nevins, Chris
Reagan, John
Schroadter, Adam
Smith, William
Tremblay, Stella
Webb, James

Griffin, Mary
Kappler, Lawrence
Mauro, Donna
O'Connor, John
Reichard, Kevin
Sedensky, John
Sullivan, James
Tucker, Pamela
Welch, David

Hagan, Joseph
Katsakiores, Phyllis
McMahon, Charles
Okerman, Richard
Rice, Frederick
Sheffert, Kenneth
Sytek, John
Ward, Joanne
Weyler, Kenneth

STRAFFORD

Berube, Roger
Jones, Laura
Parsons, Robbie
Weeden, Michael

Cataldo, Sam
Munck, Philip
Pitre, Joseph

DeLemus, Susan
Newton, Clifford
Vita, Carol

Groen, Warren
O'Connor, William
Vita, Lucien

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

NAYS 134

BELKNAP

Bolster, Peter

Russell, David

St. Cyr, Jeffrey

CARROLL

Chandler, Gene
Umberger, Karen

Knox, J. David

Marrow, Harry

Patten, Betsey

CHESHIRE

Butynski, William
Hunt, John
Meader, David
Sad, Tara
Weed, Charles

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

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

Hawkes, Samuel
Lindsey, Steven
Roberts, Kris
Weber, Lucy

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William
Tholl, John Jr

Merrick, Evalyn
Thomas, Yvonne

Remick, William

GRAFTON

Almy, Susan
Harding, Laurie
Pierce, David
Townsend, Charles

Benn, Bernard
Ladd, Rick Jr
Simard, Paul
White, Andrew

Cooney, Mary
Nordgren, Sharon
Smith, Suzanne

Gould, Franklin
Pastor, Beatriz
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin
Christensen, D.L.
Chris
Fredette, Robert

Barry, J. Gail
Cote, David
Gargasz, Carolyn

Belanger, James
Daler, Jennifer
Gidge, Kenneth

Campbell, David
Drisko, Richard
Gimas, John

Gorman, Mary
Long, Patrick
Pilotte, Maurice
Rosenwald, Cindy
Sullivan, Daniel

Kurk, Neal
McCarthy, Michael
Porter, Marjorie
Scontsas, Lisa
Sullivan, Peter

Leishman, Peter
Messier, Irene
Rhodes, Brian
Shaw, Barbara
Summers, James

Levasseur, Nickolas
Ober, Russell III
Robbins, David
Stroud, Kathleen
Vaillancourt, Steve

MERRIMACK

Bouchard, Candace
Foosse, Robert
Kidder, David
Patten, Dick
Shurtleff, Stephen

Cohn, Seth
Frazer, June
Lockwood, Priscilla
Potter, Frances
Wallner, Mary Jane

Deloge, Helen
Gile, Mary
MacKay, James
Rice, Chip
Watrous, Rick

DeStefano, Stephen
Hamm, Christine
Owen, Derek
Richardson, Gary

ROCKINGHAM

Cali-Pitts, Jacqueline
Elliott, Robert
McKinney, Betsy
Pantelakos, Laura
Quandt, Matt
Waddell, James

DeSimone, Debra
Hoelzel, Kathleen
Moody, Marcia
Perkins, Amy
Read, Robin Jr

DiPentima, Rich
Introne, Robert
Norelli, Terie
Perkins, Lawrence
Sapareto, Frank

Dowling, Patricia
Lovejoy, Patricia
Packard, Sherman
Quandt, Marshall
Serlin, Christopher

STRAFFORD

Brown, Julie
Hooper, Dorothea
Schmidt, Peter

Browne, Brendon
Horrigan, Timothy
Spang, Judith

Ginsburg, Philip
Keans, Sandra
Sprague, Dale

Grassie, Anne
Roberts, Jenna
Watters, David

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lovett, Charlene

Schmidt, Andrew

and floor amendment (2215h) was adopted.

On a division vote, 210 members having voted in the affirmative and 130 in the negative, the majority committee report was adopted and ordered to third reading.

SB 378, allowing municipalities to remove snow from private roads and driveways and class VI highways. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Seth Cohn for the Majority Constitutional Review and Statutory Recodification: The committee unanimously agreed that the underlying bill, allowing municipalities to vote to remove snow from private roads and class VI highways, while raising a potential constitutional violation of using public monies for private purposes, was needed to solve real world issues raised in various towns already and allowed a legal solution to the current problems. Towns need a viable way to arrange service for these existing roads, when appropriate, in a manner that doesn't require the taking of complete ownership and maintenance of the road in question and this bill provides that mechanism cleanly and with legislative body oversight of the process. The committee felt that the constitutional concern was minimal at best, especially with the allowance of an optional fee to be charged for services rendered. The committee chose not to discuss the House amendment to the bill as it was not the purpose for which the bill was sent to the committee and there were no obvious constitutional issues. Vote 8-3.

Rep. Gary B. Richardson for the Minority of Constitutional Review and Statutory Recodification: The minority supports allowing municipalities to remove snow from private roads under the conditions established by the bill. The minority opposes the non germane amendment relating to de-certification of bargaining units because the committee failed to

allow consideration of constitutional issues relating to the amendment. The minority also believes that the notice for the hearing and the executive session was inadequate.

The question being adoption of the majority committee report of Ought to Pass. On a division vote, 195 members having voted in the affirmative and 137 in the negative, the majority committee report was adopted and ordered to third reading.

Rep. Mirski declared a conflict of interest and did not participate.

SPECIAL ORDERED

Without objection, the Speaker made **SB 289-FN**, relative to presenting photo identification to vote in person, a Special Order as the next order of business.

SPECIAL ORDER

SB 289-FN, relative to presenting photo identification to vote in person. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William B. Smith for the Majority of Election Law: SB 289, as passed by the Senate, requires one of a wide variety of photo identifications to be presented in order to vote. Voters without photo identification must execute a challenged voter affidavit in elections after January 1, 2013. Procedures are established for follow up in cases that an affidavit is submitted, and to collect data about incidences of lack of photo identification. Requirements are established for appropriate voter education prior to implementation. It is the opinion of the majority that the vulnerability of NH's election system to fraudulent voting requires urgent action starting with the 2012 general election. Consequently the bill was amended to require that a voter present one of four (4) specified types of photo identification, starting November 1st, 2012. If unable to do so he or she must sign a qualified voter affidavit before voting. Such affidavit requires a photograph of the voter to be taken and attached. The photograph requirement is waived if proper working equipment is not available. Vote 13-7. Rep. David M. Pierce for the Minority of Election Law: The committee unanimously passed an amendment to a photo identification bill in 2011 (that bill was ultimately sent to Interim Study). This time the committee could not reach that kind of bi-partisan consensus. This is principally because the subcommittee failed to inquire meaningfully into crucial issues affecting the bill (e.g., whether the election fund can be used to pay for the costs of section I(V) of the bill). The town and city clerks supported the bill as it come to us from the senate, but now oppose it. They are charged with running an efficient polling place on Election Day, and believe this bill, as amended, will create chaos on election day. The deputy secretary of state also testified that the bill doesn't allow sufficient time to implement the proof of identity requirement properly. The bottom line is that the committee has shown it knows how to draft a photo ID bill that works; a photo ID bill that protects the process but doesn't disenfranchise anyone of their fundamental right to vote. This bill, as amended, doesn't come close to meeting that standard. Our citizens deserve much better from us.

Majority Amendment (2169h)

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

1 Obtaining a Ballot. Amend RSA 659:13 to read as follows:

659:13 Obtaining a Ballot.

I.(a) A person desiring to vote shall, before being admitted to the enclosed space within the guardrail, announce his or her name **and address** to one of the ballot clerks who shall ~~[thereupon repeat the name; and]~~, if the name is found on the checklist by the ballot clerk, ~~[the ballot clerk shall put a checkmark beside it and again]~~ repeat the name **and address**. ~~[The ballot clerk shall state the address listed on the checklist for the voter, and ask if the address is correct;]~~ If the address **announced by voter is different from what appears** on the checklist, ~~[is not correct]~~ **but is in the same town or ward**, the ballot clerk

shall *ask the voter for proof of his or her new domicile address in accordance with RSA 654:12, I(c) and, upon receipt of proof showing a change of domicile*, correct the address in red on the paper checklist and the supervisors of the checklist shall cause the centralized voter registration database to reflect the correction. *If the voter executes a domicile affidavit as proof for a change of domicile, it shall be given to the supervisors of the checklist and retained in accordance with RSA 33-A:3-a. If the voter does not present proof of new domicile or the address announced by voter is not within the same voting district, the ballot clerk shall inform the voter that he or she is not qualified to vote in that polling place.*

(b) The voter, if *the ballot clerk determines that he or she is* ~~still~~ qualified to vote in the town or ward, and unless challenged as provided for in RSA ~~[659:27-33]~~ **659:27 through 659:33**, shall then be ~~[allowed to enter the space enclosed by the guardrail. After the voter enters the enclosed space]~~ *asked to present proof of his or her identity meeting the requirements of paragraph II. If the voter presents such proof of identity to the ballot clerk*, the ballot clerk shall give the voter one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state. *The ballot clerk shall also mark the checklist using a ruler or other straight edge to ensure accuracy of the mark in order to show that the voter obtained his or her ballot. If the photo identification is an out-of state driver's license, the ballot clerk shall record the state of issuance on the checklist in a color designated for such entries and the supervisors of the checklist or designee shall submit the information to the secretary of state within 30 days of the election. The voter shall then be allowed to enter the space enclosed by the guardrail to mark and cast his or her ballot.*

(c)(1) *If the voter does not have a valid photo identification, the ballot clerk shall inform the voter that he or she may execute a qualified voter affidavit in accordance with RSA 654:12. The voter shall receive an explanatory document prepared by the secretary of state explaining the proof of identity requirements.*

(2) *If the voter desires to execute a qualified voter affidavit, the moderator or the moderator's designee shall take a photograph of the voter and immediately print and attach the photograph to, and thus make it a part of, the affidavit form. The photograph shall be 2 inches by 2 inches, or larger, and be in color. The moderator or his or her designee who took the photograph and the voter shall then sign the qualified voter affidavit. The moderator or designee shall delete the photograph from the camera in the presence of the voter. If the moderator or his or her designee is unable to take the voter's photograph due to equipment failure or other cause beyond the moderator's or his or her designee's reasonable control, the voter may execute a qualified voter affidavit without a photograph.*

(3) *If the voter objects to the photograph requirement because of religious beliefs, he or she may execute an affidavit of religious exemption in accordance with RSA 659:13-b, which shall be attested to by 2 election officers and attached to the qualified voter affidavit.*

II.(a) A valid photo identification shall show the name of the individual to whom the identification was issued, and the name shall substantially conform to the name in the individual's voter registration record; it also shall show a photograph of the individual to whom the identification was issued; and it shall also have an expiration date that has not been exceeded by a period of more than 5 years from the current date. The following forms of identification bearing a photograph of the voter shall satisfy the identification requirements of paragraph I:

- (1) A driver's license issued by any state or the federal government.*
- (2) An identification card issued by the director of the division of motor vehicles under the provisions of RSA 260:21.*
- (3) A United States armed services identification card.*
- (4) A United States passport.*

(5) A qualified voter affidavit in accordance with subparagraph I(c).

(b) Additionally, the identification requirements of paragraph I may be satisfied by verification of the person's identity by a moderator or supervisor of the checklist or the town or city clerk, provided that if any person authorized to challenge a voter under RSA 659:27 objects to such verification, the voter shall be required to execute a challenged voter affidavit.

III. If a voter on the nonpublic checklist executes an affidavit in accordance with subparagraph I(c), the affidavit shall not be subject to RSA 91-A.

IV.(a) The secretary of state shall cause a letter of identity verification to be mailed by first class mail to each voter who executed a qualified voter affidavit or affidavit of religious exemption in accordance with paragraph I, unless the same person is sent letter of identity verification pursuant to RSA 654:12, V(b). The letter shall be mailed within 60 days after the election. The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information. The letter shall notify the person that a person who did not present valid photo identification voted using his or her name and address and instruct the person to return the letter within 30 days with a written confirmation that the person voted or to contact the attorney general immediately if he or she did not vote. The letter shall also inform the person of the procedure for obtaining a free nondriver's picture identification card for voting purposes.

(b) The secretary of state shall cause any letters mailed pursuant to subparagraph (a) that are returned as undeliverable by the United States Post Office to be referred to the attorney general. The secretary of state shall also prepare and forward to the attorney general a list of all persons who were mailed letters under subparagraph (a) and have not confirmed that they voted. Upon receipt of notice from a person who receives a letter of identity verification that the person did not vote, or upon receipt of a referral from the secretary of state, the attorney general shall cause an investigation to be made to determine whether fraudulent voting occurred.

(c) Within 60 days after any election held after November 1, 2012, the secretary of state shall compile a report by voting district of the number of voters who registered or voted on election day but did not present valid photo identification, and forward the report to the speaker of the house of representatives, the president of the senate, and the chairpersons of the appropriate house and senate standing committees with jurisdiction over election law.

V.(a) The secretary of state shall provide to each town or city the photography equipment, supplies, and printing device that are necessary to enable it to comply with the photograph provision of subparagraph I(c), along with instructions in their use. The state requirement for competitive bid and approval of governor and council for initial purchase of this equipment is waived. The secretary of state may make initial purchases of this equipment with the approval of the fiscal committee of the general court.

(b) If the moderator or his or her designee is unable to take the voter's photograph due to equipment failure or other cause beyond the moderator's or his or her designee's reasonable control, the secretary of state may waive a voter's compliance with the photograph requirement of subparagraph I(c).

2 New Subdivisions; Voter Identification Advisory Committee; Voter Education Requirements. Amend RSA 652 by inserting after section 23 the following new subdivisions: Voter Identification Advisory Committee

652:24 Voter Identification Advisory Committee.

I. There is established a voter identification advisory committee. The committee shall review the implementation of voter identification requirements after every state

general election. If the committee determines that problems exist requiring statutory changes, the committee shall report its findings to the senate and house standing committees with jurisdiction over election laws.

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

- (a) The secretary of state or designee.
- (b) The president of the senate or designee.
- (c) The speaker of the house of representatives or designee.
- (d) The governor or designee.
- (e) The president of the New Hampshire City and Town Clerks' Association, or his or her representative.

III. The committee shall meet at the call of the secretary of state or designee, who shall serve as chairperson.

Voter Education Requirements

652:25 Voter Education Requirements.

I. The secretary of state shall prepare an explanatory document explaining the proof of identity requirements of RSA 659:13, including all the permissible methods for proving identity and the dates of applicability of these requirements. The secretary of state shall provide copies of the explanatory document to all towns and wards, so it will be available to all persons registering to vote at the city or town hall and at all polling places at each election held after the effective date of this section.

II. The secretary of state shall take whatever measures he or she deems necessary to educate the public about the voter identification requirements in RSA 659:13. Such measures shall include prominently displaying on the department of state's website information for voters relating to the voter identification requirements in RSA 659:13. The department shall also provide explanatory information relating to voter identification requirements to media outlets that request such information and shall encourage such outlets to assist the department in educating the public about the voter identification requirements in RSA 659:13.

3 Election Fund Reimbursement. Amend RSA 5:6-d, III to read as follows:

III. The secretary of state is authorized to accept, budget, and, subject to the limitations of this paragraph, expend monies in the election fund received from any party for the purposes of conducting elections, voter and election official education, the purchase or lease of ~~[voting]~~ equipment ~~[which]~~ **that** complies with Help America Vote Act of 2002, Public Law 107-252, **or with RSA 659:13, V, reimbursing the department of safety for the actual cost of voter identification cards**, election law enforcement, and improvements to related information technology, including acquisition and operation of an automated election management system. The secretary of state shall not expend any monies in the election fund unless the balance in the fund following such expenditures shall be at least ~~[15]~~ **12** times the estimated annual cost of maintaining the programs established to comply with the Help America Vote Act of 2002, Public Law 107-252.

4 Identification Cards; Voucher. Amend RSA 260:21, V to read as follows:

V.**(a)** The fee for such card shall be \$10 and is not refundable, except that no fee shall be charged to any person who, for reason of health or age, turns in his **or her** driver's license before the expiration date of such license. For purposes of this section, reasons of age shall be deemed to apply only to those persons over age 65. ***A person who requires a photo identification card only for voter identification purposes may obtain a voucher in the form provided for in subparagraph (b) from his or her town or city clerk or the secretary of state exempting the voter from the identification card fee. Upon presentation of the voucher to the division, the actual costs of issuing the card shall be paid by the secretary of state from the election fund established under RSA 5:6-d. An identification card paid for by the secretary of state shall be valid for voter identification purposes only, and the card, which shall be known as a voter identification card, shall be marked "for voter identification only."***

(b) The identification card voucher shall be in the following form:

IDENTIFICATION CARD VOUCHER

To be completed by applicant:

Name: _____

Domicile Address: _____

Mailing Address: _____

I hereby swear or affirm that I require a photo identification for voting purposes and that I do not possess a form of identification that meets the requirements of the election laws of this state.

I hereby swear or affirm that I am the identical person whom I represent myself to be and that to the best of my knowledge and belief the information above is true and correct.

(Signature of applicant)

To be completed by town or city clerk:

I, the clerk of _____ (town or city), hereby swear or affirm that the person identified on this voucher is qualified to vote in this city or town.

(Signature of town or city clerk)

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000.

Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

5 Statutes Posted. Amend RSA 658:29 to read as follows:

658:29 Statutes Posted. The secretary of state shall prepare and distribute copies of the following RSA sections which the selectmen shall post or cause to be posted outside the guardrail in the polling place at all elections: RSA 654:7-a, RSA 654:7-b; ***RSA 659:13, RSA 659:13-b***, RSA 659:27, RSA 659:30, RSA 659:31, RSA 659:32, RSA 659:34, RSA 659:35, RSA 659:37, RSA 659:38, RSA 659:40, RSA 659:41, RSA 659:103; RSA 666:4, RSA 666:5, RSA 666:8. In addition, the secretary of state shall include any other statutes or regulations that are required to be posted by state or federal law. The secretary of state may also include statutes or regulations that, in the secretary of state's judgment, would aid a voter in casting a vote or in contacting the appropriate official if the voter believes that his or her voting rights are being violated.

6 New Section; Proof of Voter Identity Instructions to be Posted. Amend RSA 658 by inserting after section 29 the following new section:

658:29-a Proof of Voter Identity Instructions to be Posted. The secretary of state shall prepare a notice explaining to voters the photo identification requirement in RSA 659:13, including all the permissible methods for proving identity, and directing voters to the department of state's website or to the town or city clerk to obtain the explanatory document described in RSA 652:25, I, for additional information. Such notice shall also include the penalties as described in RSA 659:34. The governing body of each town or ward shall prominently display this notice for at least 14 days prior to each election held after the effective date of this section. The poster shall be placed outside the guardrail at each polling place at all elections.

7 Wrongful Voting; Penalties for Voter Fraud. Amend RSA 659:34, I-II to read as follows:

I. A person is subject to a civil penalty not to exceed \$5,000 if such person:

(a) When registering to vote; when obtaining an official ballot; ~~or~~ when casting a vote by official ballot; ***or when applying for a photo identification card for voting purposes, purposely or knowingly*** makes a false material statement regarding his or her qualifications as a voter to an election officer or submits a voter registration form, an election

day registration affidavit, a qualified voter affidavit, a domicile affidavit, **or affidavit of religious exemption, an identification card voucher**, or an absentee registration affidavit containing false material information regarding his or her qualifications as a voter;

(b) Votes more than once for any office or measure;
(c) Applies for a ballot in a name other than his or her own;
(d) Applies for a ballot in his or her own name after he or she has voted once;
(e) Votes for any office or measure at an election if such person is not qualified to vote as provided in RSA 654; ~~or~~

(f) Gives a false name or answer if under examination as to his or her qualifications as a voter before the supervisors of the checklist or moderator; **or**

(g) Presents falsified proof of identity at any election.

II. A person is guilty of a class B felony if, at any election, such person ~~[purposefully]~~ **purposely** or knowingly commits an act specified in subparagraph I(b) **or I(e)**. A person is guilty of a class A misdemeanor if, at any election, such person ~~[purposefully]~~ **purposely** or knowingly commits any of the other acts listed in paragraph I, **and, if the act involved the use of false proof of identity or voting using the name of another person, the person shall be sentenced to a mandatory sentence in the county correctional facility of not less than 30 days for a first offense under this section, 90 days for a second offense under this section, and 180 days for a third or subsequent offense under this section.**

8 New Section; Affidavit of Religious Exemption. Amend RSA 659 by inserting after section 13-a the following new section:

659:13-b Affidavit of Religious Exemption. The affidavit of religious exemption shall be in the following form:

AFFIDAVIT OF RELIGIOUS EXEMPTION

Name: _____

Domicile Address: _____

Date of birth: _____

I hereby swear or affirm that because of my religious beliefs, I object to having my photograph taken and that I do not possess a form of identification that meets the requirements of the election laws of this state showing my photograph.

I hereby swear or affirm, under the penalties for voting fraud set forth below, that I am the identical person whom I represent myself to be and that to the best of my knowledge and belief the information above is true and correct.

(Signature of affiant)

In accordance with RSA 659:34, the penalty for knowingly or purposely providing false information when voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

This affidavit was executed before us on the date shown and the person who subscribed his or her name to the foregoing affidavit swore that the facts contained in this affidavit are true to the best of his or her knowledge and belief.

(Name of First Election Officer)
(Date)

(Name of Second Election Officer)

(Name of First Election Officer)

(Name of Second Election Officer)

9 Right to Know Exemption. Amend RSA 654:31-a to read as follows:

654:31-a Right to Know Exemption. The information contained on the checklist of a town or city, specifically, the name, domicile address, mailing address, town or city, and party affiliation, if any, of registered voters, except as otherwise provided by statute, is public information subject to RSA 91-A. All other information on the voter registration form,

absentee registration affidavit, qualified voter and domicile affidavits, ***affidavit of religious exemption***, and application for absentee ballot shall be treated as confidential information and the records containing this information shall be exempt from the public disclosure provisions of RSA 91-A, except as provided by statutes other than RSA 91-A. Notwithstanding the foregoing, qualified voter and domicile affidavits are public records subject to RSA 91-A for the sole purpose of challenging an individual registering to vote or voting, challenging ballots to be recounted, to the extent that such ballot challenges are specifically authorized by law, or determining the accuracy of any qualified voter or domicile affidavit. Election officials and law enforcement personnel in furtherance of their official duties may access and may disclose information from the voter registration form, qualified voter and domicile affidavits, ***affidavits of religious exemption***, absentee registration affidavits, and applications for absentee ballots, if necessary to resolve a challenge to an individual registering to vote or voting, or if necessary to investigate or prosecute election law violations or any crime. Law enforcement access and use of such records for the investigation or prosecution of crimes unrelated to election law violations shall be limited to the records of the specific individuals who are the subject of the investigation or prosecution.

10 New Paragraph; Disposition and Retention Schedule. Amend RSA 33-A:3-a by inserting after paragraph CLV the following new paragraph:

CLVI. Affidavits of religious exemption: until voter is removed from checklist plus 7 years.

11 Repeal. RSA 659:13, II(b), relative to verification of identity, is repealed.

12 Applicability. In accordance with RSA 659:13, as amended by this act, ballot clerks shall request that the voters present a valid photo identification at all elections after the effective date of this act. Notwithstanding the provisions of RSA 659:13, as amended by this act, prior to November 1, 2012, if the voter does not present such identification, he or she may vote without executing a qualified voter affidavit, but the ballot clerk shall provide the voter with a copy of the explanatory document specified in RSA 652:25 and explain the need for photo identification after November 1, 2012.

13 Effective Date.

I. Section 11 of this act shall take effect June 30, 2013.

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

AMENDED ANALYSIS

This bill:

I. Requires that a voter be asked to present proof of identity to vote in person. Voters who prove identity by executing a qualified voter affidavit shall be photographed or execute an affidavit of religious exemption.

II. Requires that the secretary of state pay the cost for a picture identification card upon presentation of a voucher to the division of motor vehicles.

III. Establishes minimum sentences for certain voter fraud violations.

Rep. Pierce spoke against.

Reps. William Smith and Bates spoke in favor.

REMOVED FROM THE CHAMBER

After repeated requests for Rep. Vaillancourt to come to order, the Speaker ordered the Sergeant-at-Arms to remove Rep. Vaillancourt from the Chamber.

MOTION TO APPEAL THE RULING OF THE CHAIR

Rep. Soltani moved to appeal the ruling of the Chair.

The Speaker ruled the appeal out of order.

MOTION TO ALLOW RETURN TO THE CHAMBER

Rep. Jasper moved that Rep. Vaillancourt be allowed back into the Chamber upon giving an

apology to the Chair and to the House.

Rep. Soltani moved to amend the motion by removing the apology.

The Speaker ruled the amendment to the motion out of order.

The question now being adoption of the motion to allow Rep. Vaillancourt to return to the Chamber upon apologizing to the Chair and to the House.

Reps. Jasper, Elliott, Kingsbury, Gagne and Lambert spoke in favor.

Reps. Soltani, Gonzalez and Norelli spoke against.

Rep. Jasper requested a roll call; sufficiently seconded.

YEAS 238 NAYS 103

YEAS 238

BELKNAP

Accornero, Harry
Flanders, Donald
Malone, Robert
St. Cyr, Jeffrey

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

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

Fields, Dennis
Luther, Robert
Simpson, Tyler
Worsman, Colette

CARROLL

Ahlgren, Christopher
Knox, J. David
Pettengill, Laurie
Umberger, Karen

Babson, David Jr
McCarthy, Frank
Scala, Dino

Chandler, Gene
Morrow, Harry
Schmidt, Stephen

Fleck, Joseph
Patten, Betsey
Tregenza, Norman

CHESHIRE

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

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

Cartwright, Anne
Johnson, Jane
Parkhurst, Henry
Tatro, Bruce

Dwinell, Richard
Lerandeau, Alfred
Sad, Tara

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Remick, William

Theberge, Robert

GRAFTON

Bradley, Lester
Harding, Laurie
Reilly, Harold Sr
Sova, Charles

Brosseau, Charles
Ingretson, Paul
Shackett, Jeffrey

Bulis, Lyle
Ladd, Rick Jr
Simard, Paul

Gionet, Edmond
Mirski, Paul
Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Campbell, David

Balboni, Michael
Belanger, James
Brownrigg, Randall Jr
Cebrowski, John

Ball, J. Michael
Belvin, William
Burt, John
Champagne, Norma

Christiansen, Lars

Coffey, James

Coughlin, Sean

Daniels, Gary
Drisko, Richard

Day, Russell
Flanagan, Jack

Doherty, Shaun
Gagne, Larry

Barry, J. Gail
Bergevin, Jerry
Buxton, Michael
Christensen, D.L.
Chris
Cusson-Cail,
Kathleen
Donovan, Daniel
Gargas, Carolyn

Graham, John
Hawkins, Kenneth
Hopper, Gary
Krasucki, Joseph
McCarthy, Michael
Moran, Edward
Ohm, Bill
Pepino, Leo
Rhodes, Brian
Silva, Peter
Swank, Matthew
Villeneuve, Moe

Greazzo, Phil
Hikel, John
Hutchinson, Winfred
Lambert, George
McClarren, Donald
Notter, Jeanine
Palmer, Barry
Pratt, Calvin
Rowe, Robert
Stepanek, Stephen
Terrio, Ross
Whitehead, Randall

Hansen, Peter
Hinch, Richard
Infantine, William
LeBrun, Donald
McGuinness, Sean
Ober, Lynne
Parison, James
Proulx, Mark
Scontsas, Lisa
Stroud, Kathleen
Twombly, Timothy

Hardwick, Harry
Hogan, Edith
Jasper, Shawn
Maltz, Jonathan
Mecheski, Holly
Ober, Russell III
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Summers, James
Ulery, Jordan

MERRIMACK

Blankenbeker, Lynne
Hess, David
Kidder, David
Lindsley, Mark
Palfrey, David
Sanborn, Laurie

Bouchard, Candace
Hill, Gregory
Kotowski, Frank
McDonnell, John
Patten, Dick
Smith, Molly

Coffey, Jennifer
Hoell, J.R.
Kreis, Kenneth Sr
McGuire, Carol
Reed, Dennis
Smith, Todd

Giuda, J. Brandon
Keane, Thomas
Lauer-Rago, Kathleen
McGuire, Dan
Richardson, Jon
Winter, Steven

ROCKINGHAM

Abrami, Patrick
Bates, David
Cali-Pitts, Jacqueline
DeSimone, Debra
Elliott, Robert
Garritty, James
Introne, Robert
Lovejoy, Patricia
McMahon, Charles
Okerman, Richard
Rice, Frederick
Sheffert, Kenneth
Tamburello, Daniel
Ward, Joanne

Antosz, Jason
Belanger, Ronald
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Griffin, Mary
Itse, Daniel
Major, Norman
Murphy, Brian
Packard, Sherman
Ritter, Glenn
Shuler, Wyman III
Tremblay, Stella
Webb, James

Azarian, Gary
Birdsell, Regina
Comerford, Timothy
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Kappler, Lawrence
Mauro, Donna
Nevins, Chris
Peckham, Michele
Sanders, Elisabeth
Sullivan, James
Tucker, Pamela
Welch, David

Baldasaro, Alfred
Brown, Paul
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Headd, James
Katsakiores, Phyllis
McKinney, Betsy
O'Connor, John
Reichard, Kevin
Sapareto, Frank
Sytek, John
Waddell, James
Weyler, Kenneth

STRAFFORD

Berube, Roger
Munck, Philip
Schmidt, Peter
Weeden, Michael

Cataldo, Sam
Newton, Clifford
Sprague, Dale

DeLemus, Susan
O'Connor, William
Vita, Carol

Groen, Warren
Pitre, Joseph
Watters, David

SULLIVAN

Bowers, Spec
LaCasse, Paul Sr
Smith, Steven

Cloutier, John
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Gagnon, Raymond
Rodeschin, Beverly

NAYS 103

BELKNAP

None

CARROLL

None

CHESHIRE

Chase, Cynthia
Weber, Lucy

Johnsen, Gladys
Weed, Charles

Lindsey, Steven

Roberts, Kris

COOS

Coulombe, Gary

Hatch, William

Merrick, Evalyn

Thomas, Yvonne

GRAFTON

Almy, Susan
Nordgren, Sharon
Taylor, Kathleen

Benn, Bernard
Pastor, Beatriz
Townsend, Charles

Cooney, Mary
Pierce, David
White, Andrew

Gould, Franklin
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Fredette, Robert
Gonzalez, Carlos
Leishman, Peter
Murphy, Keith
Porter, Marjorie
Simmons, Tammy
Thomas, Joseph

Cote, David
Gandia, Laura
Gorman, Mary
Levasseur, Nickolas
Palmer, Stephen
Robbins, David
Souza, Kathleen
Warden, Mark

Daler, Jennifer
Gidge, Kenneth
Holden, Frank
Long, Patrick
Peterson, Lenette
Rosenwald, Cindy
Sullivan, Daniel
Willette, Robert

DeJong, Cameron
Gimas, John
Kurk, Neal
Messier, Irene
Pilotte, Maurice
Shaw, Barbara
Sullivan, Peter

MERRIMACK

Cohn, Seth
Frazer, June
Owen, Derek
Shurtleff, Stephen

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

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

Foose, Robert
Lockwood, Priscilla
Richardson, Gary
Watrous, Rick

ROCKINGHAM

Allen, Mary
Moody, Marcia
Perkins, Lawrence
Reagan, John
Smith, William

DiPentima, Rich
Norelli, Terie
Quandt, Marshall
Schroadter, Adam
Waterhouse, Kevin

Hoelzel, Kathleen
Pantelakos, Laura
Quandt, Matt
Sedensky, John

Manuse, Andrew
Perkins, Amy
Read, Robin Jr
Serlin, Christopher

STRAFFORD

Brown, Julie
Hooper, Dorothea
Keans, Sandra
Vita, Lucien

Browne, Brendon
Horrigan, Timothy
Parsons, Robbie

Ginsburg, Philip
Jones, Laura
Roberts, Jenna

Grassie, Anne
Kaen, Naida
Spang, Judith

SULLIVAN

Howard, Thomas
and the motion was adopted.

Lefebvre, Benjamin

Lovett, Charlene

Schmidt, Andrew

Rep. Vaillancourt apologized; apology not accepted.

SPECIAL COMMITTEE ASSIGNMENT

The Speaker appointed Reps. Jasper, Hess and Campbell to an Investigative Committee on the actions of Rep. Vaillancourt.

REGULAR CALENDAR (CONT'D)

The question now being adoption of the majority committee amendment to ***SB 289-FN***, relative to presenting photo identification to vote in person.

Rep. Jasper requested a roll call; sufficiently seconded.

YEAS 223 NAYS 118

YEAS 223

BELKNAP

Accornero, Harry	Bolster, Peter	Comtois, Guy	Fields, Dennis
Flanders, Donald	Greemore, Robert	Kingsbury, Robert	Luther, Robert
Malone, Robert	Pilliod, James	Simpson, Tyler	Swinford, Elaine
Tilton, Franklin	Worsman, Colette		

CARROLL

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

CHESHIRE

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

COOS

Daugherty, Duffy	Rappaport, Laurence	Remick, William	Tremblay, Marc
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GRAFTON

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

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, J. Gail
Barry, Richard	Belvin, William	Bergevin, Jerry	Boehm, Ralph
Brownrigg, Randall Jr	Burt, John	Buxton, Michael	Cebrowski, John
Champagne, Norma	Christiansen, Lars	Coffey, James	Coughlin, Sean
Cusson-Cail, Kathleen	Daniels, Gary	Day, Russell	Doherty, Shaun
Donovan, Daniel	Flanagan, Jack	Gagne, Larry	Gandia, Laura
Gonzalez, Carlos	Graham, John	Greazzo, Phil	Hansen, Peter
Hardwick, Harry	Hawkins, Kenneth	Hikel, John	Hinch, Richard
Hogan, Edith	Holden, Frank	Hopper, Gary	Hutchinson, Winfred
Infantine, William	Jasper, Shawn	Krasucki, Joseph	Kurk, Neal
Lambert, George	LeBrun, Donald	Maltz, Jonathan	McClarren, Donald
McGuinness, Sean	Mecheski, Holly	Messier, Irene	Moran, Edward
Notter, Jeanine	Ober, Lynne	Ohm, Bill	Palmer, Barry
Palmer, Stephen	Parison, James	Pellegrino, Tony	Pepino, Leo

Peterson, Lenette
Rowe, Robert
Simmons, Tammy
Summers, James
Villeneuve, Moe

Pratt, Calvin
Scontsas, Lisa
Souza, Kathleen
Terrio, Ross
Whitehead, Randall

Proulx, Mark
Seidel, Carl
Stepanek, Stephen
Twombly, Timothy
Willette, Robert

Renzullo, Andrew
Silva, Peter
Stroud, Kathleen
Ulery, Jordan

MERRIMACK

Blankenbeker, Lynne
Hess, David
Kotowski, Frank
McDonnell, John
Reed, Dennis
Soltani, Tony

Coffey, Jennifer
Hill, Gregory
Kreis, Kenneth Sr
McGuire, Carol
Sanborn, Laurie
Winter, Steven

Cohn, Seth
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Smith, Molly

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

ROCKINGHAM

Abrami, Patrick
Bates, David
Davenport, Joshua
Ferrante, Beverly
Griffin, Mary
Itse, Daniel
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sytek, John
Ward, Joanne
Weyler, Kenneth

Antosz, Jason
Belanger, Ronald
Devine, James
Fesh, Robert
Hagan, Joseph
Kappler, Lawrence
Mauro, Donna
Nevins, Chris
Peckham, Michele
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Waterhouse, Kevin

Azarian, Gary
Birdsell, Regina
Duarte, Joe
Garcia, Marilinda
Headd, James
Katsakiores, Phyllis
McKinney, Betsy
O'Connor, John
Perkins, Amy
Reichard, Kevin
Sapareto, Frank
Smith, William
Tremblay, Stella
Webb, James

Baldasaro, Alfred
Comerford, Timothy
Elliott, Robert
Garrity, James
Introne, Robert
Major, Norman
McMahon, Charles
Okerman, Richard
Perkins, Lawrence
Rice, Frederick
Sedensky, John
Sullivan, James
Tucker, Pamela
Welch, David

STRAFFORD

Cataldo, Sam
Newton, Clifford
Vita, Carol

DeLemus, Susan
O'Connor, William
Vita, Lucien

Groen, Warren
Parsons, Robbie
Weeden, Michael

Munck, Philip
Pitre, Joseph

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene
Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 118

BELKNAP

Russell, David

St. Cyr, Jeffrey

CARROLL

Tregenza, Norman

CHESHIRE

Butynski, William

Chase, Cynthia

Hawkes, Samuel

Johnsen, Gladys

Lerandeau, Alfred
Parkhurst, Henry
Weber, Lucy

Lindsey, Steven
Roberts, Kris
Weed, Charles

Meador, David
Sad, Tara

Moore, Robert Jr
Tatro, Bruce

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

Gould, Franklin
Pierce, David
White, Andrew

HILLSBOROUGH

Baroody, Benjamin

Belanger, James

Campbell, David

Christensen, D.L.
Chris

Cote, David
Fredette, Robert
Gorman, Mary
McCarthy, Michael
Porter, Marjorie
Shaw, Barbara
Thomas, Joseph

Daler, Jennifer
Gargas, Carolyn
Leishman, Peter
Murphy, Keith
Rhodes, Brian
Sullivan, Daniel
Warden, Mark

DeJong, Cameron
Gidge, Kenneth
Levasseur, Nickolas
Ober, Russell III
Robbins, David
Sullivan, Peter

Drisko, Richard
Gimas, John
Long, Patrick
Pilotte, Maurice
Rosenwald, Cindy
Swank, Matthew

MERRIMACK

Bouchard, Candace
Frazer, June
Lockwood, Priscilla
Rice, Chip
Wallner, Mary Jane

Deloge, Helen
Gile, Mary
Owen, Derek
Richardson, Gary
Watrous, Rick

DeStefano, Stephen
Hamm, Christine
Patten, Dick
Richardson, Jon

Foose, Robert
Kidder, David
Potter, Frances
Shurtleff, Stephen

ROCKINGHAM

Allen, Mary
DeSimone, Debra
Lovejoy, Patricia
Read, Robin Jr
Waddell, James

Brown, Paul
DiPentima, Rich
Moody, Marcia
Schlachman, Donna

Cali-Pitts, Jacqueline
Dowling, Patricia
Norelli, Terie
Schroadter, Adam

Chirichiello, Brian
Hoelzel, Kathleen
Pantelakos, Laura
Serlin, Christopher

STRAFFORD

Berube, Roger
Grassie, Anne
Kaen, Naida
Spang, Judith

Brown, Julie
Hooper, Dorothea
Keans, Sandra
Sprague, Dale

Browne, Brendon
Horrigan, Timothy
Roberts, Jenna
Watters, David

Ginsburg, Philip
Jones, Laura
Schmidt, Peter

SULLIVAN

Cloutier, John
and the majority committee amendment was adopted.

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

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

Rep. Worsman requested a roll call; sufficiently seconded.

YEAS 226 NAYS 115

YEAS 226

BELKNAP

Accornero, Harry	Bolster, Peter	Comtois, Guy	Fields, Dennis
Flanders, Donald	Greemore, Robert	Kingsbury, Robert	Luther, Robert
Malone, Robert	Pilliod, James	Simpson, Tyler	Swinford, Elaine
Tilton, Franklin	Worsman, Colette		

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
McCarthy, Frank	Merrow, Harry	Patten, Betsey	Pettengill, Laurie
Scala, Dino	Schmidt, Stephen	Umberger, Karen	

CHESHIRE

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

COOS

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

GRAFTON

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

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Barry, J. Gail	Barry, Richard
Belvin, William	Bergevin, Jerry	Boehm, Ralph	Brownrigg, Randall Jr
Burt, John	Buxton, Michael	Cebrowski, John	Champagne, Norma
Christiansen, Lars	Coffey, James	Coughlin, Sean	Cusson-Cail, Kathleen
Daniels, Gary	Day, Russell	Doherty, Shaun	Donovan, Daniel
Flanagan, Jack	Gagne, Larry	Gandia, Laura	Gonzalez, Carlos
Graham, John	Greazzo, Phil	Hansen, Peter	Hardwick, Harry
Hawkins, Kenneth	Hikel, John	Hinch, Richard	Hogan, Edith
Holden, Frank	Hopper, Gary	Hutchinson, Winfred	Infantine, William
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	Ohm, Bill
Palmer, Barry	Palmer, Stephen	Parison, James	Pellegrino, Tony
Pepino, Leo	Peterson, Lenette	Pratt, Calvin	Proulx, Mark
Renzullo, Andrew	Rowe, Robert	Scontsas, Lisa	Seidel, Carl
Silva, Peter	Souza, Kathleen	Stepanek, Stephen	Stroud, Kathleen
Summers, James	Swank, Matthew	Terrio, Ross	Twombly, Timothy
Ulery, Jordan	Villeneuve, Moe	Whitehead, Randall	Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Hess, David
Kotowski, Frank
Lockwood, Priscilla
Palfrey, David
Smith, Todd

Coffey, Jennifer
Hill, Gregory
Kreis, Kenneth Sr
McDonnell, John
Reed, Dennis
Soltani, Tony

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

Giuda, J. Brandon
Keane, Thomas
Lindsley, Mark
McGuire, Dan
Smith, Molly

ROCKINGHAM

Abrami, Patrick
Bates, David
Davenport, Joshua
Ferrante, Beverly
Griffin, Mary
Itse, Daniel
Manuse, Andrew
Murphy, Brian
Packard, Sherman
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Sytek, John
Waddell, James
Welch, David

Antosz, Jason
Belanger, Ronald
Devine, James
Fesh, Robert
Hagan, Joseph
Kappler, Lawrence
Mauro, Donna
Nevins, Chris
Peckham, Michele
Reagan, John
Sanders, Elisabeth
Shuler, Wyman III
Tamburello, Daniel
Ward, Joanne
Weyler, Kenneth

Azarian, Gary
Birdsell, Regina
Duarte, Joe
Garcia, Marilinda
Headd, James
Katsakiores, Phyllis
McKinney, Betsy
O'Connor, John
Perkins, Amy
Reichard, Kevin
Sapareto, Frank
Smith, William
Tremblay, Stella
Waterhouse, Kevin

Baldasaro, Alfred
Comerford, Timothy
Elliott, Robert
Garrity, James
Introne, Robert
Major, Norman
McMahon, Charles
Okerman, Richard
Perkins, Lawrence
Rice, Frederick
Sedensky, John
Sullivan, James
Tucker, Pamela
Webb, James

STRAFFORD

Cataldo, Sam
Newton, Clifford
Vita, Carol

DeLemus, Susan
O'Connor, William
Vita, Lucien

Groen, Warren
Parsons, Robbie
Weeden, Michael

Munck, Philip
Pitre, Joseph

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 115

BELKNAP

Russell, David

St. Cyr, Jeffrey

CARROLL

Knox, J. David

Trogenza, Norman

CHESHIRE

Butynski, William
Lerandeau, Alfred
Parkhurst, Henry
Weber, Lucy

Chase, Cynthia
Lindsey, Steven
Roberts, Kris
Weed, Charles

Hawkes, Samuel
Meador, David
Sad, Tara

Johnsen, Gladys
Moore, Robert Jr
Tatro, Bruce

COOS

Coulombe, Gary

Hatch, William

Merrick, Evalyn

Thomas, Yvonne

GRAFTON

Almy, Susan
Harding, Laurie
Smith, Suzanne

Benn, Bernard
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

Gould, Franklin
Pierce, David
White, Andrew

HILLSBOROUGH

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

Baroody, Benjamin
Cote, David

Belanger, James
Daler, Jennifer

Campbell, David
DeJong, Cameron

Drisko, Richard
Gimas, John
Long, Patrick
Rhodes, Brian
Simmons, Tammy
Warden, Mark

Fredette, Robert
Gorman, Mary
Ober, Russell III
Robbins, David
Sullivan, Daniel

Gargas, Carolyn
Leishman, Peter
Pilote, Maurice
Rosenwald, Cindy
Sullivan, Peter

Gidge, Kenneth
Levasseur, Nickolas
Porter, Marjorie
Shaw, Barbara
Thomas, Joseph

MERRIMACK

Bouchard, Candace
Frazer, June
Owen, Derek
Richardson, Gary
Watrous, Rick

Deloge, Helen
Gile, Mary
Patten, Dick
Richardson, Jon

DeStefano, Stephen
Hamm, Christine
Potter, Frances
Shurtleff, Stephen

Foose, Robert
Kidder, David
Rice, Chip
Wallner, Mary Jane

ROCKINGHAM

Allen, Mary
DeSimone, Debra
Lovejoy, Patricia
Read, Robin Jr

Brown, Paul
DiPentima, Rich
Moody, Marcia
Schlachman, Donna

Cali-Pitts, Jacqueline
Dowling, Patricia
Norelli, Terie
Schroadter, Adam

Chirichiello, Brian
Hoelzel, Kathleen
Pantelakos, Laura
Serlin, Christopher

STRAFFORD

Berube, Roger
Grassie, Anne
Kaen, Naida
Sprague, Judith

Brown, Julie
Hooper, Dorothea
Keans, Sandra
Sprague, Dale

Browne, Brendon
Horrigan, Timothy
Roberts, Jenna
Watters, David

Ginsburg, Philip
Jones, Laura
Schmidt, Peter

SULLIVAN

Cloutier, John

Gagnon, Raymond

Lefebvre, Benjamin

Schmidt, Andrew

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

The House recessed at 12:55 p.m.

RECESS

The House reconvened at 2:00 p.m.

(Speaker O'Brien in the Chair)

SPECIAL INVESTIGATIVE COMMITTEE REPORT

Rep. Hess reported that Rep. Vaillancourt is now prepared to make an apology to the Chair and to the House.

Rep. Vaillancourt apologized; apology not accepted.

Rep. Hess requests that the Special Investigative Committee consult with Rep. Vaillancourt; the Speaker so ordered.

Rep. Vaillancourt apologized; apology not accepted.

Rep. Vaillancourt apologized; apology accepted.

REGULAR CALENDAR (CONT'D)

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

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

Rep. Joseph A. Pitre for the Majority of Education: For years, the Concord school district charter has been under the exclusive control of the Legislature. In 2011, the Legislature gave the District the opportunity to decide if it wanted to become autonomous. And as the chairwoman of the Concord School District Charter Commission stated after its June 13, 2011 vote to send the new charter to the residents of Concord for their approval, "the one thing that united all the members of the commission was the goal to bring the charter under the control of Concord voters." In their November 8, 2011 vote, the people of Concord approved the measure. Clearly the people of Concord want to have direct oversight of their own school district. Under RSA 671:6, school districts are required to elect a clerk, moderator, and treasurer. This is in keeping with the people of Concord's desire to have those running the district be accountable to the people. Yet SB 268 would exempt the Concord school district from this election requirement and would allow the school board to appoint the district's treasurer who would be accountable to the board and not the people. By allowing the school district treasurer to be appointed, no checks and balances on the distribution of public funds would be realized. If this bill becomes law, it would provide Concord with a unique and potentially dangerous exception to state law which applies to other school districts. The majority of the committee believes making such an exception is not good public policy and recommends that the full House vote in favor of ITL. Vote 9-8.

Rep. J. R. Hoell for the Minority of Education: In 2011, the citizens of Concord voted to remove the charter governing the Concord school district from the legislature. Prior to 2011, all changes related to the charter had to be introduced and voted on by the Legislature. In an effort to continue the support of local districts managing their own affairs and in the process of reviewing the new Concord school district charter, it was noted that it did not meet a requirement of RSA 671:6. On the recommendation of the NH secretary of state, SB 268 was introduced to add a section, indicating that an exception could be made to RSA 671:6 in cases where the governing body of the school district serves as the legislative body pursuant to the school district's governing charter or statute, and the officers of the school district are appointed or otherwise chosen in accordance with the school district's governing charter or statute. SB 268 addresses a minor detail that if not passed, complicates the implementation of the new locally supported Concord school district charter.

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

Rep. Hoell spoke against.

Rep. Boehm spoke in favor and yielded to questions.

Rep. Gile spoke against and yielded to questions.

Rep. Balboni spoke in favor.

On a division vote, 197 members having voted in the affirmative and 131 in the negative, the majority committee report was adopted.

SB 328, relative to the procedure for filling a vacancy on a cooperative school board.

OUGHT TO PASS WITH AMENDMENT.

Rep. J. R. Hoell for Education: Current statutes (RSA 671:33) require that co-operative school districts fill vacancies by a vote of the current co-operative school board. In co-operative districts, there are potentially towns that have a plurality of seats on the school board. In these cases, there exists the potential for the current members of a co-operative school board to fill the vacancy with a new member that may not be looking out for the best interests of the town they are supposed to be representing. The bill changes the statute to create a process for filling the vacancy for co-operative school boards for situations where there are either single or multiple members representing a town. If the town only has one

member on the board, the town moderator shall appoint the interim member. If the moderator is unable to fill the position, the board of selectmen shall appoint the person. If the town has multiple members on the school board, the members decide, and if they are unable to come to agreement, the process reverts to the process used for the single member districts. Vote 17-0.

Amendment (2104h)

Amend RSA 671:33, II(b) as inserted by section 1 of the bill by replacing it with the following:

(b) In a cooperative school district, the remaining school board members representing the same town or towns as the departed member shall fill a vacancy on the school board, provided that there are at least 2 such members. If there are less than 2 remaining members on the cooperative school board representing the same town or towns as the departed member, or if the remaining members are unable, by majority vote, to agree upon an appointment, the moderator shall fill the vacancy or, if the moderator is unable to fill the vacancy, the selectmen of the town or towns involved shall fill the vacancy by majority vote in convention. A member appointed to fill a vacancy under this subparagraph shall serve until the next district election when the voters of the district shall elect a replacement for the unexpired term.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. Rep. Boehm spoke in favor.

Committee report adopted and ordered to third reading.

SB 373-L, authorizing the retention of funds by a school district. OUGHT TO PASS WITH AMENDMENT.

Rep. Barbara E. Shaw for Education: This bill, with amendments, allows a school district, by a vote of the legislative body of a town or city, to authorize the retention of unassigned general funds up to 2.5 percent of its current fiscal year's end net assessment, pursuant to RSA 198:5, for the purpose of having funds on hand for emergency expenditures and over expenditures under RSA 32:11 or to be used as a revenue source to reduce the tax rate. Additionally, it allows the legislative body of Manchester, upon recommendation of the school board, to authorize the retention of additional funds determined by the larger size of its budget and affected by its tax cap. Vote 16-0.

Amendment (2193h)

Amend RSA 198:4-b, II as inserted by section 1 of the bill by replacing it with the following:

II. Notwithstanding any other provision of law, a school district by a vote of the legislative body, may authorize, indefinitely until specific rescission, the school district to retain year-end unassigned general funds in an amount not to exceed, in any fiscal year, 2.5 percent of the current fiscal year's net assessment pursuant to RSA 198:5, for the purpose of having funds on hand to use as a revenue source for emergency expenditures and overexpenditures under RSA 32:11, or to be used as a revenue source to reduce the tax rate.

Amend RSA 198:4-b as inserted by section 1 of the bill by inserting after paragraph II the following new paragraph:

III. The legislative body of the city of Manchester, upon recommendation of the school committee, may authorize, indefinitely until specific rescission, the school district to retain year-end unassigned general funds.

Amendment adopted.

Rep. Greazzo offered floor amendment (2260h).

Floor Amendment (2260h)

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

AN ACT authorizing the retention of funds by a school district and relative to regional vocational education centers in the Manchester school district.

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

2 New Paragraph; Definition of High School. Amend RSA 194:23 by inserting after paragraph II, the following new paragraph:

II-a. In this section, the term “high school” shall include any regional vocational education center in the Manchester school district which complies with the provisions of RSA 188-E.

3 Regional Vocational Education; Program. Amend RSA 188-E:5, II to read as follows:

II. Regional vocational centers shall, on a space available basis, enroll any student requesting enrollment who has attended 2 years of high school regardless of the number of academic credits earned, *except that the Manchester school district shall, on a space available basis, enroll and bear the associated costs for any Manchester school district student in grades 9-12 who resides in the city of Manchester and who requests enrollment in a regional vocational center within the district*, provided that *in either case*:

(a) The student has successfully completed any courses required as a prerequisite for the career and technical education program elected; or

(b) The prerequisites have been waived by the regional vocational center. Such a waiver shall not be unreasonably withheld.

4 Effective Date.

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

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

AMENDED ANALYSIS

This bill authorizes a school district to retain funds for emergency expenditures or to reduce the tax rate. The bill also makes changes to the definition and enrollment requirements for regional vocational education centers in the Manchester school district and provides that the Manchester school district shall bear the costs associated with such changes.

Rep. Greazzo spoke in favor.

Floor amendment (2260h) adopted.

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

Rep. Balboni spoke in favor.

CLERK'S NOTE

It became apparent that not all members had copies of FA (2260h). While copies were being obtained, the following occurred:

SPECIAL ORDERED

Without objection, the Speaker made **SB 402-FN**, relative to the adoption of policies for the management of concussion and head injury in youth sports, a Special Order as the next order of business.

SPECIAL ORDER

SB 402-FN, relative to the adoption of policies for the management of concussion and head injury in youth sports. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick M. Ladd for Education: This bill, as amended, encourages the school board of each district to develop guidelines to inform and educate coaches, students, athletes and parents of the nature and risk of concussion and head injury while participating in student sports.

The bill further requires a school coach, official, licensed athletic trainer or health care

provider to remove a student athlete from a practice or game upon suspicion that the student-athlete has sustained a concussion. In accordance with New Hampshire Interscholastic Athletic Association practice, the student-athlete may return upon receiving written authorization from a health care provider. This legislation is only directed to student sport in grades 9-12. The committee heard much testimony in support of this bill, including NHIAA, medical personnel, parents, professional athletes, etc. The bill, as amended, has unanimous committee support. Vote 17-0.

Amendment (2124h)

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

AN ACT relative to the adoption of policies for the management of concussion and head injury in student sports.

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

1 Legislative Findings. The general court finds that:

I. A concussion is caused by a blow or motion to the head or body that causes the brain to move rapidly inside the skull. The risk of catastrophic injuries or death are significant when a concussion or head injury is not properly evaluated and managed.

II. Concussions are a type of mild brain injury that can disrupt the way the brain normally works. Concussions can result from a fall or from players colliding with each other, the ground, or obstacles. Concussions occur with or without loss of consciousness, but the vast majority occur without loss of consciousness. When managed properly, the majority of concussions resolve without direct medical intervention in 10-14 days.

III. Continuing to play with a concussion or symptoms of head injury leaves the student-athlete especially vulnerable to greater injury and even death.

2 New Subdivision; Health and Sanitation; Head Injury Policies for Student Sports.

Amend RSA 200 by inserting after section 48 the following new subdivision:

Head Injury Policies for Student Sports

200:49 Head Injury Policies for Student Sports. Education is the key to identification and appropriate management of all concussions. The school board of each school district is encouraged to develop guidelines and other pertinent information and forms for student sports to inform and educate coaches, student-athletes, and student-athletes' parents or guardians of the nature and risk of concussion and head injury including continuing to play after concussion or head injury. On an annual basis, a school district or school is encouraged to distribute a concussion and head injury information sheet to all student-athletes.

200:50 Removal of Student-Athlete.

I. A school employee coach, official, licensed athletic trainer, or health care provider who suspects that a student-athlete has sustained a concussion or head injury in a practice or game shall remove the student-athlete from play immediately.

II. A student-athlete who has been removed from play shall not return to play on the same day or until he or she is evaluated by a health care provider and receives medical clearance and written authorization from that health care provider to return to play. The student-athlete shall also present written permission from a parent or guardian to return to play.

III. No person who authorizes a student-athlete to return to play shall be liable for civil damages resulting from any act or omission in the rendering of such care, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

200:51 School Districts; Limitation of Liability.

I. An employee of a school administrative unit, school, or chartered public school, or a school volunteer, pupil, parent, legal guardian, or employee of a company under contract to a school, school district, school administrative unit, or chartered public school, shall be immune from civil liability for good faith conduct arising from or pertaining to the injury or death of a student-athlete provided the action or inaction was in compliance with this subdivision and local school board policies relative to the management of concussions and

head injuries. This limitation of liability shall extend to school-sponsored athletic activities. A school district or school may provide concussion guidelines to other organizations sponsoring athletic activities on school property, however the school district or school shall not be required to enforce compliance with such guidelines.

200:52 Definitions. As used in this subdivision:

I. "Health care provider" means a person who is licensed, certified, or otherwise statutorily authorized by the state to provide medical treatment and is trained in the evaluation and management of concussions.

II. "School property" means school property as defined in RSA 193-D:1.

III. "Student-athlete" means a student in grades 9-12 involved in student sports.

IV. "Student sports" means athletic programs for students in grades 9-12.

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

AMENDED ANALYSIS

This bill requires school districts to develop policies for the management of concussion and head injury in student sports and limits a school district's liability for injuries occurring on school district property.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. Rep. Ladd spoke in favor.

On a division vote, 296 members having voted in the affirmative and 26 in the negative, the committee report was adopted and ordered to third reading.

SB 373-L CONT'D

All members having copies of FA (2260h), the question being adoption of the committee report of Ought to Pass with Amendment.

Rep. Flanagan spoke against.

Rep. Balboni spoke in favor and yielded to questions.

On a division vote, 245 members having voted in the affirmative and 68 in the negative, the committee report was adopted and ordered to third reading.

REGULAR CALENDAR (CONT'D)

SB 236, relative to nomination of candidates. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dino A. Scala for Election Law: This bill, as introduced and amended, was brought at the request of the Secretary of State. It reverses changes made to accommodate the compressed time period between the primaries and the general election in 2010. This bill 1) modifies the procedure for nominating at political organization 2) changes various dates relating to nomination of candidates, recounts, and hearings by the ballot law commission 3) permits a voter who has been registered as an undeclared voter to register as undeclared after voting in a primary by signing an undeclared voter list 4) changes the requirements for the ballots cast form. Vote 15-0.

Amendment (2078h)

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

AN ACT relative to nomination of candidates and political organizations, election procedure, and recounts.

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

1 Retention Schedule. Amend RSA 33-A:3-a, CXLI(c) to read as follows:

(c)(1) Party change form: until voter is removed from checklist plus 7 years.

(2) List of undeclared voters from the statewide centralized voter registration database: 7 years.

2 Change of Registration. Amend RSA 654:34, II(b) to read as follows:

(b) A voter may also register as a member of a party at any primary by requesting to be registered as a member and voting the ballot of the party of the voter's choice. A voter may also register once again as an undeclared voter after voting in a primary as a registered member of a party by returning the card ***or signing the list of undeclared voters from the statewide centralized voter registration database*** provided for in paragraph V. ***If cards are used, the voter shall return the card*** to the person at the polls designated by the town or city clerk to accept the card. All such cards ***and lists*** shall be in the possession of the supervisors of the checklist at the close of the polls on election day.

3 Change of Registration. Amend RSA 654:34, V to read as follows:

V.(a) At any primary, the supervisors of the checklist shall make available within the polling place a card ***or list of undeclared voters from the statewide centralized voter registration database*** to enable a voter who was registered as an undeclared voter but who changed registration on the day of the primary in order to vote as a registered member of a party to change registration so that the voter is registered once again as an undeclared voter. The card ***or list*** shall be in substantially the following form:

Name _____
(Print)
Address _____

I hereby request that my political party registration be changed as follows:

From: Democrat ☐ or Republican ☐

To: Undeclared ☐

Signed under the pains and penalties of perjury.

Date _____

(b) The supervisors of the checklist, upon receipt of such a card ***or list***, shall keep it in accordance with RSA 33-A:3-a and at ~~the next~~ ***the public*** session of supervisors of the checklist ***on election day*** shall change the party of the voter as indicated on the card ***or list***.

4 Declaration of Intent; Political Organization. Amend RSA 655:17-c to read as follows:
655:17-c Declaration of Intent; Political Organization.

I. Declarations of intent for political organizations shall be in the following form and signed by the chairman of the political organization:

I, _____, chairman of the _____ organization hereby declare that the _____ organization intends to file nomination papers by the deadline established under RSA 655:43, I. ~~I further declare that the _____ organization intends to file the names of candidates for the following offices with the nomination papers.]~~

II. At the time of filing the declaration of intent, the chairman of the political organization shall submit a list of the offices for which it intends to file candidates and the names of the candidates for those offices. In addition, each candidate shall file a declaration of candidacy. The declaration of candidacy shall be in the form provided by RSA 655:17 with the understanding that, where the form says primary election, it shall be construed to mean general election. If the political organization does not obtain enough nomination papers to have its name placed on the ballot, any declarations of candidacy filed for that political organization shall be void.

5 Vacancy for Office on Party Ticket. Amend RSA 655:37 to read as follows:

655:37 Vacancy for Office on Party Ticket. If, after the holding of a state primary election, a vacancy exists for any office on a party ticket, such vacancy may be filled as provided in this section. The appropriate party committee shall notify the secretary of state in writing of a person they designate to fill the vacancy. The person so designated shall, no later than the first ~~Friday~~

Tuesday following the primary election, file with the secretary of state a declaration of candidacy as provided in RSA 655:17 with the understanding that, where the form says primary election, it shall be construed to mean general election. If the candidate is designated for the office of governor, executive councilor, state senator, or state representative, he or she shall also file, no later than ~~[5:00 p.m. on]~~ the first ~~[Friday]~~ **Tuesday** following the primary, the appropriate affidavit as provided in RSA 655:29. Any candidate who has not filed all the forms required by this section within the required period of time shall not have his or her name printed on the state general election ballot for that office.

6 General Content of Return. Amend RSA 659:73, VI to read as follows:

VI. The moderator shall record and sign a ballots cast form prepared by the secretary of state within 48 hours of the closing of the polls, or other time ordered by the secretary of state, and shall submit the form to the secretary of state, with a copy to the clerk. The ballots cast form shall include, but not be limited to:

(a) The number of ~~[voters who voted in person on election day checked off on the checklist as having voted]~~ **ballots cast.**

(b) The number of absentee ~~[voters checked off on the checklist as having voted]~~ **ballots cast.**

7 Write-In Nomination. Amend RSA 659:88, I(b) to read as follows:

(b) A person whose name was not printed anywhere on the official state primary election ballot, and who receives the nomination of a party by write-in vote in a primary election and wishes to accept the nomination, shall file a declaration of candidacy with the secretary of state no later than ~~[3:00 p.m. on]~~ the first ~~[Friday]~~ **Monday** after the primary. The declaration of candidacy shall be filed with the understanding that, where the form says "primary election," it shall be construed to mean "general election." Such person shall not, however, be required to pay the administrative assessment under RSA 655:19-c.

8 Rejection of Nomination by Write-In Vote. RSA 659:90 is repealed and reenacted to read as follows:

659:90 Rejection of Nomination by Write-In Vote. Persons nominated by write-in vote who wish to reject the nomination shall reject their nominations as follows. A person notified in writing of his or her nomination by the secretary of state as required by RSA 659:89 shall advise the secretary of state in writing if he or she wishes to reject the nomination. If such rejection of nomination is not received by the secretary of state by the first Tuesday following the date of the primary, the person shall be deemed to have accepted the nomination, and his or her name shall appear on the official ballot as a candidate for the office. If for any reason the person cannot be contacted by the deadline for the printing of the ballots, the candidate's name shall be printed on the official state general election ballot.

9 Nomination for Incompatible Offices. Amend RSA 659:91 to read as follows:

659:91 Nominations for Incompatible Offices. Any person who is nominated by the same political party for incompatible offices shall notify the secretary of state in person, in writing, by facsimile transmission, or by e-mailing a signed statement as an attachment no later than ~~[3:00 p.m. on the Thursday]~~ **the Friday** following the date of the primary of which nomination he or she will accept. Thereupon the secretary of state shall declare a vacancy to exist in the nomination which such person declined. The vacancy shall be filled as provided in RSA 655:37 except that all the necessary declarations of candidacy and affidavits shall be filed no later than 5:00 p.m. on the ~~[Friday]~~ **first Tuesday** following the date of the primary.

10 Time and Notice of Recount. Amend RSA 660:4 to read as follows:

660:4 Time and Notice. Upon satisfactory application for a recount as provided in RSA 660:1, the secretary of state shall begin the process of recounting the ballots on **a date selected by the secretary of state, which shall be no later than** the Wednesday following the deadline for requesting a recount. A recount shall take place at any suitable state facility in the city of Concord as may be designated by the secretary of state. The secretary of state shall give a reasonable notice thereof to the applicant and to each of the opposing candidates. The secretary of state shall also prepare and distribute to the applicant

and to each of the opposing candidates the rules and procedures governing the recount at the same time notice of the time and place for holding the recount is given to the applicant and to each opposing candidate.

11 Primary Recount Applications. Amend RSA 660:7, I to read as follows:

I. Any person for whom a vote was cast for any nomination of any party at a state primary may apply for a recount, provided that the difference between the votes cast for the applying candidate and a candidate of that party declared nominated is less than 10 votes or less than 1.5 percent of the total ballots cast in the primary for that party in the towns which comprise the office to be recounted. The application shall be made in writing to the secretary of state and shall be submitted no later than 5:00 p.m. on the ~~[day]~~ **Friday** after the primary election. ~~[The request may be made by hand delivery, by facsimile transmission, or as an attachment to an e-mail. The fee shall be paid prior to the beginning of the recount. Recounts shall begin 2 days after the primary election and shall be conducted so as to complete all recounts involving towns or wards which have pending requests for absentee ballots for the general election from UOCAVA voters no later than 8:00 a.m. on the Saturday following the primary. Other recounts shall begin during the week following the primary.]~~
Each candidate requesting a recount shall pay the secretary of state fees as provided in RSA 660:2.

12 Ballot Law Commission; Hearing Date. Amend the introductory paragraph of RSA 665:5, I to read as follows:

I. ***If necessary***, the ballot law commission shall meet ~~[at 9:00 a.m. on the Saturday following the regularly scheduled state primary election and, if necessary, on]~~ ***on the third Thursday of September in each general election year and*** the third Friday following the presidential primary election in order to hear and decide:

13 Repeal. RSA 655:40-b, relative to filing names of candidates, is repealed.

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

AMENDED ANALYSIS

This bill:

I. Modifies the procedure for nominating a political organization.

II. Changes various dates relating to nomination of candidates, recounts, and hearings by the ballot law commission.

III. Permits a voter who has been registered as an undeclared voter to register as undeclared after voting in a primary by signing an undeclared voter list.

IV. Changes the requirements for the ballots cast form.

Amendment adopted.

Committee report adopted and ordered to third reading.

SB 318-FN, relative to voter registration. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Susan C. DeLemus for the Majority of Election Law: SB 318 removes a statement from RSA 654:1 that was added in 2007 that could be construed to mean that someone can vote in NH without being a resident of the state. It also restores language to the voter registration form that existed prior to July 1st, 2007. The house amended the bill to make changes to the verification procedure to follow up on people who register to vote without showing approved photo identification. The Senate version required the Department of Motor Vehicle to send letters to these people. The majority of the committee determined that it would be more appropriate to have the Secretary of State carry out this verification process. Vote 9-8.

Rep. Kathleen M. Hoelzel for the Minority of Election Law: This bill has several serious flaws. The proposed voter registration form includes references to motor vehicle laws. There was no explanation by the committee as to the reason for inserting only motor vehicle laws instead of all New Hampshire state laws such as tax laws etc. The definition of domicile on the new, proposed, voter application form is different than the definition domicile affidavit form.

Majority Amendment (2101h)

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

1 Voter, Office Holder; Claim of Domicile. Amend RSA 654:1, I to read as follows:

I. Every inhabitant of the state, having a single established domicile for voting purposes, being a citizen of the United States, of the age provided for in Article 11 of Part First of the Constitution of New Hampshire, shall have a right at any meeting or election, to vote in the town, ward, or unincorporated place in which he or she is domiciled. An inhabitant's domicile for voting purposes is that one place where a person, more than any other place, has established a physical presence and manifests an intent to maintain a single continuous presence for domestic, social, and civil purposes relevant to participating in democratic self-government. A person has the right to change domicile at any time, however a mere intention to change domicile in the future does not, of itself, terminate an established domicile before the person actually moves. ~~[A person's claim of domicile for voting purposes shall not be conclusive of the person's residence for any other legal purpose.]~~

2 Voter Registration. Amend RSA 654:7 to read as follows:

654:7 ***Voter Registration***; Voter Registration Form.

I. Any person registering to vote shall be:

(a) At least 18 years of age on the day of the election; and

(b) A United States citizen; and

(c) Domiciled in the town or city in which the applicant is registering to vote and not otherwise disqualified to vote.

II. The applicant shall be required to produce appropriate proof of qualifications as provided in RSA 654:12 and fill out the form as prescribed in paragraph IV.

III. If an applicant is unable to provide the proof of qualifications as required in RSA 654:12, he or she may register by completing the necessary affidavits, pursuant to RSA 654:12, and completing the form in paragraph IV.

IV. A standard registration application form shall be used throughout the state. The registration form shall be no larger than 8 1/2 inches by 11 inches. The secretary of state shall prescribe the form of the voter registration form, which shall be in substantially the following form:

Date _____

VOTER REGISTRATION FORM

(Please print or type)

1. Name

_____	_____	_____
Last	(suffix) First	Full Middle Name

2. ***Domicile*** Address

_____	_____
Street	Ward Number

_____	_____
Town or City	Zip Code

3. Mailing Address if different than in 2

_____	_____
Street	Ward Number

_____	_____
Town or City	Zip Code

4. Place and Date of Birth

_____	_____
Town or City	State

Date _____

5. If a naturalized citizen, give name of court where and date when naturalized

6. Place last registered to vote

Street Ward Number

7. Name under which previously registered, if different from above

8. Party Affiliation (if any)

9. Driver's License Number _____ State _____

If you do not have a valid driver's license, provide the last four digits of your social security number ____ _

My name is _____. I am today registering to vote in the city/town of _____, New Hampshire.

I understand that to vote in this city/town, I must be at least 18 years of age, I must be a United States citizen, and I must be domiciled in this city/town.

~~[I understand that I can claim only one city/town as my domicile at a time. A domicile is that place, more than any other, where I sleep most nights of the year, or to which I intend to return after a temporary absence. By registering or voting today, I acknowledge that I am not registering to vote or voting in any other city/town.]~~

I understand that a person can claim only one state and one city/town as his or her domicile at a time. A domicile is that place, to which upon temporary absence, a person has the intention of returning. By registering or voting today, I am acknowledging that I am not domiciled or voting in any other state or any other city/town.

In declaring New Hampshire as my domicile, I am subject to the laws of the state of New Hampshire which apply to all residents, including laws requiring a driver to register a motor vehicle and apply for a New Hampshire's driver's license within 60 days of becoming a resident.

In declaring New Hampshire as my domicile, I realize that I am not qualified to vote in the state or federal elections in another state.

If I have any questions as to whether I am entitled to vote in this city/town, I am aware that a supervisor of the checklist is available to address my questions or concerns.

I acknowledge that I have read and understand the above qualifications for voting and do hereby swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the above-stated city/town, and, if registering on election day, that I have not voted and will not vote at any other polling place this election.

Date

Signature

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000.

Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

3 Qualified Voter Affidavit. Amend RSA 654:12, I(a) to read as follows:

(a) CITIZENSHIP. The supervisors of the checklist, or the town or city clerk, shall accept from the applicant any one of the following as proof of citizenship: the applicant's birth certificate, passport, naturalization papers if the applicant is a naturalized citizen, a qualified voter affidavit, or any other reasonable documentation which indicates the applicant is a United States citizen. The qualified voter affidavit shall be in the following form, and shall be retained in accordance with RSA 33-A:3-a:

Date: _____

QUALIFIED VOTER AFFIDAVIT (Identity, Citizenship, Age)

Name: _____
Name at birth if different: _____
Place of birth: _____
Date of birth: _____
Date and Place of Naturalization: _____
Domicile Address: _____
Mailing Address (if different): _____

I hereby swear and affirm, under the penalties for voting fraud set forth below, that I ***am not in possession of some or all of the documents necessary to prove my identity, citizenship, and age and that I*** am the identical person whom I represent myself to be, that I am a duly qualified voter of this town (or ward), that I am a United States citizen, that I am at least 18 years of age as of this date or will be at the next election, and that to the best of my knowledge and belief the information above is true and correct.

(Signature of applicant)

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000.

Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

On the date shown above, before me, _____ (print name of notary public, justice of the peace, election officer), appeared _____ (print name of person whose signature is being notarized), (known to me or satisfactorily proven (circle one) to be the person whose name appears above, and he or she subscribed his or her name to the foregoing affidavit and swore that the facts contained in this affidavit are true to the best of his or her knowledge and belief.

This affidavit was executed for purposes of proving (check all that apply):

[] Identity

[] Citizenship

[] Age

Notary Public/Justice of the Peace/
Official Authorized by RSA 659:30

4 Domicile Affidavit. Amend RSA 654:12, I(c) to read as follows:

(c) DOMICILE. Any reasonable documentation which indicates that the applicant has a domicile and intends to maintain a domicile, as defined in this chapter, in the town, city, or ward in which he or she desires to vote, or, if the applicant does not have reasonable documentation in his or her possession at the place and time of voter registration, an affidavit in the following form, which shall be retained in accordance with RSA 33-A:3-a:

DOMICILE AFFIDAVIT

Date: _____
Name: _____
Current Domicile Address: _____
Street Ward Number

Town or City Zip Code
Current Mailing Address (if different): _____
Street Ward Number

Town or City Zip Code
Date when current domicile was established: Month: ____ Year: ____
Place and date of birth: _____
Address of last previous domicile: _____
Street Ward Number

Town or City Zip Code

I hereby swear and affirm, under the penalties for voting fraud set forth below, that ***I am not currently in possession of necessary documents to prove my domicile and that*** my established domicile is at the current domicile address I have entered above. I understand that I can claim only one city/town as my domicile at a time. A domicile is that place, more than any other, where I sleep most nights of the year, or to which I intend to return after a temporary absence. By registering or voting today, I acknowledge that I am not registering to vote or voting in any other city/town, and that to the best of my knowledge and belief the information above is true and correct.

(Signature of applicant)

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

On the date shown above, before me, _____ (print name of notary public, justice of the peace, election officer), appeared _____ (print name of person whose signature is being notarized), (known to me or satisfactorily proven (circle one) to be the person whose name appears above, and he or she subscribed his or her name to the foregoing affidavit and swore that the facts contained in this affidavit are true to the best of his or her knowledge and belief.

Notary Public/Justice of the Peace/ Official Authorized by RSA 659:30

5 Voter Records. Amend RSA 654:12, V(a)-(b) to read as follows:

V.(a) The election official approving the application for registration as voter of a person who does not present an approved form of photo identification as proof of identity when registering, shall mark the voter registration form to indicate that no photo identification was presented and shall inform the person that, if he or she is a first-time election day registrant in New Hampshire, he or she will receive a letter of identity verification. The person entering the voter information into the centralized voter registration database shall determine if the person is listed in the system as having been previously registered in the town or ward reported by the applicant on the voter registration form. If the person is a new registrant who has not been previously registered anywhere in New Hampshire or if the centralized voter registration database does not confirm a previous registration claimed on the voter registration form, the election official shall cause the record created in the centralized voter registration database to indicate that the person is a new applicant in New Hampshire and that no photo identification was presented. When municipalities enter information on people who register on election day into the centralized voter registration database, to the extent practical applicants who are registering for the first time in New Hampshire and who also register without presenting an approved photo identification shall be entered first. ***The person entering the voter information of election day residents into the centralized voter registration database shall cause the records to indicate if the voter executed a domicile affidavit.***

(b) The secretary of state shall cause a letter of identity verification to be mailed by first class mail to each voter identified at ~~[a state general]~~ ***any*** election as a first-time election day registrant in New Hampshire who also did not verify his or her identity with an approved photo identification. The letter shall be mailed within 90 days after the ~~[general]~~ election. The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information. The letter shall notify the person that a person who was unable to present photo identification registered or registered and voted using his or her name and address and instruct the person to return the letter within 45 days with a written confirmation that the

person registered and voted or to contact the attorney general immediately if he or she did not register and vote. Any voter under a protective order pursuant to RSA 173-B, and whose name does not appear on the checklist as provided under RSA 654:25, shall not be subject to the provisions of paragraph V.

6 New Subparagraphs; Voter Registration; Domicile Verification. Amend RSA 654:12, V by inserting after subparagraph (c) the following new subparagraphs:

(d) Within 90 days of each election, the secretary of state shall cause a list of persons executing domicile affidavits since the prior election to be forwarded to the attorney general and the division of motor vehicles. The secretary of state shall send a letter to each such person informing him or her of a driver's obligation to obtain a New Hampshire driver's license within 60 days of becoming a New Hampshire resident. The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information.

(e) The secretary of state shall cause any letters mailed pursuant to subparagraph (d) that are returned as undeliverable by the United States Post Office to be referred to the attorney general and the attorney general shall cause an investigation to be made to determine whether fraudulent registration or voting occurred.

(f) Upon completion of any investigation authorized under this section, the attorney general shall forward a report summarizing the results of the investigation to the speaker of the house of representatives, the president of the senate, and the chairpersons of the appropriate house and senate standing committees with jurisdiction over election law.

7 Qualifications of Voter Applicant; Identity. Amend RSA 654:12, III to read as follows:

III. To prove the qualifications set forth in paragraphs I and II, an applicant for registration as a voter must prove his or her identity to establish that the evidence used to prove age, citizenship, and domicile relate to the applicant. A person who has in his or her immediate possession a photo identification approved for use by paragraph II must present that identification when applying for registration. A person who does not have an approved photo identification with him or her may establish identity through ~~[any reasonable means, including, but not limited to: photo identification not approved by paragraph II, but determined to be legitimate by the supervisors of the checklist or clerk, verification of the person's identity by another person registered as a voter and known to the supervisor or clerk, or]~~ completion of the qualified voter affidavit, which shall be retained in accordance with RSA 33-A:3-a. Residents of a nursing home or similar facility may prove their identity through verification of identity by the administrator of the facility or by his or her designee. For the purposes of this section, the application of a person whose identity has been verified by an official of a nursing home or similar facility shall be treated in the same manner as the application of a person who proved his or her identity with a photo identification.

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

Majority committee amendment adopted.

Rep. Bates offered floor amendment (2223h).

Floor Amendment (2223h)

Amend the bill by replacing section 4 with the following:

4 Domicile Affidavit. Amend RSA 654:12, I(c) to read as follows:

(c) DOMICILE. Any reasonable documentation which indicates that the applicant has a domicile and intends to maintain a domicile, as defined in this chapter, in the town, city, or ward in which he or she desires to vote, or, if the applicant does not have reasonable documentation in his or her possession at the place and time of voter registration, an affidavit in the following form, which shall be retained in accordance with RSA 33-A:3-a:

DOMICILE AFFIDAVIT

Date: _____

Name: _____

Current Domicile Address: _____

Street

Ward Number

Town or City Zip Code

Current Mailing Address (if different): _____
Street Ward Number

Town or City Zip Code

Date when current domicile was established: Month: ____ Year: ____

Place and date of birth: _____

Address of last previous domicile: _____

Street Ward Number

Town or City Zip Code

I hereby swear and affirm, under the penalties for voting fraud set forth below, that ***I am not currently in possession of necessary documents to prove my domicile and that*** my established domicile is at the current domicile address I have entered above. I understand that ***[I] a person*** can claim only ***one state and*** one city/town as ***[my] his or her*** domicile at a time. A domicile is that place, ~~more than any other, where I sleep most nights of the year, or~~ to which ~~[I intend to return after a]~~ ***upon*** temporary absence, ***a person has the intention of returning.*** By registering or voting today, I ~~[acknowledge]~~ ***am acknowledging*** that I am not ~~[registering to vote]~~ ***domiciled*** or voting in any other city/town, and that to the best of my knowledge and belief the information above is true and correct.

(Signature of applicant)

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

On the date shown above, before me, _____ (print name of notary public, justice of the peace, election officer), appeared _____ (print name of person whose signature is being notarized), (known to me or satisfactorily proven (circle one) to be the person whose name appears above, and he or she subscribed his or her name to the foregoing affidavit and swore that the facts contained in this affidavit are true to the best of his or her knowledge and belief.

Notary Public/Justice of the Peace/ Official Authorized by RSA 659:30

Rep. Bates spoke in favor and yielded to questions.

Floor amendment (2223h) adopted.

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

Rep. Bates requested a roll call; sufficiently seconded.

YEAS 224 NAYS 102

YEAS 224

BELKNAP

Accornero, Harry
Flanders, Donald
Pilliod, James
Tobin, William

Bolster, Peter
Greemore, Robert
Simpson, Tyler
Worsman, Colette

Comtois, Guy
Kingsbury, Robert
Swinford, Elaine

Fields, Dennis
Malone, Robert
Tilton, Franklin

CARROLL

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

CHESHIRE

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

COOS

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

GRAFTON

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

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, J. Gail
Barry, Richard	Belvin, William	Bergevin, Jerry	Boehm, Ralph
Brownrigg, Randall Jr	Burt, John	Buxton, Michael	Cebrowski, John
Champagne, Norma	Christensen, D.L.	Christiansen, Lars	Cusson-Cail, Kathleen
	Chris		
Daniels, Gary	Day, Russell	Doherty, Shaun	Donovan, Daniel
Flanagan, Jack	Fredette, Robert	Gagne, Larry	Gandia, Laura
Gonzalez, Carlos	Graham, John	Greazzo, Phil	Hansen, Peter
Hardwick, Harry	Hawkins, Kenneth	Hikel, John	Hogan, Edith
Holden, Frank	Hutchinson, Winfred	Infantine, William	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	Ohm, Bill	Palmer, Barry
Palmer, Stephen	Parison, James	Pellegrino, Tony	Pepino, Leo
Peterson, Lenette	Pratt, Calvin	Proulx, Mark	Renzullo, Andrew
Rowe, Robert	Scotsas, Lisa	Seidel, Carl	Silva, Peter
Simmons, Tammy	Souza, Kathleen	Stepanek, Stephen	Stroud, Kathleen
Summers, James	Swank, Matthew	Twombly, Timothy	Ulery, Jordan
Villeneuve, Moe	Whitehead, Randall	Willette, Robert	

MERRIMACK

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

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Azarian, Gary	Baldasaro, Alfred
Bates, David	Belanger, Ronald	Bettencourt, David	Birdsell, Regina

Chirichiello, Brian
Duarte, Joe
Garcia, Marilinda
Headd, James
Katsakiores, Phyllis
McKinney, Betsy
Packard, Sherman
Reichard, Kevin
Sapareto, Frank
Sullivan, James
Tucker, Pamela
Webb, James

Comerford, Timothy
Elliott, Robert
Garrity, James
Introne, Robert
Major, Norman
McMahon, Charles
Peckham, Michele
Rice, Frederick
Schroadter, Adam
Sytek, John
Waddell, James
Welch, David

Davenport, Joshua
Ferrante, Beverly
Griffin, Mary
Itse, Daniel
Manuse, Andrew
O'Connor, John
Quandt, Matt
Ritter, Glenn
Sedensky, John
Tamburello, Daniel
Ward, Joanne
Weyler, Kenneth

Devine, James
Fesh, Robert
Hagan, Joseph
Kappler, Lawrence
Mauro, Donna
Okerman, Richard
Reagan, John
Sanders, Elisabeth
Smith, William
Tremblay, Stella
Waterhouse, Kevin

STRAFFORD

Cataldo, Sam
Munck, Philip
Pitre, Joseph

DeLemus, Susan
Newton, Clifford
Vita, Carol

Groen, Warren
O'Connor, William
Vita, Lucien

Jones, Laura
Parsons, Robbie

SULLIVAN

Bowers, Spec
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Howard, Thomas
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 102

BELKNAP

Russell, David

St. Cyr, Jeffrey

CARROLL

Knox, J. David

CHESHIRE

Butynski, William
Johnsen, Gladys
Roberts, Kris
Weed, Charles

Chase, Cynthia
Lindsey, Steven
Sad, Tara

Hawkes, Samuel
Meador, David
Tatro, Bruce

Hunt, John
Parkhurst, Henry
Weber, Lucy

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Merrick, Evalyn

Theberge, Robert

GRAFTON

Almy, Susan
Pastor, Beatriz
Townsend, Charles

Benn, Bernard
Pierce, David
White, Andrew

Gould, Franklin
Smith, Suzanne

Harding, Laurie
Taylor, Kathleen

HILLSBOROUGH

Baroody, Benjamin
Daler, Jennifer
Gidge, Kenneth
Levasseur, Nickolas

Belanger, James
DeJong, Cameron
Gimas, John
Ober, Russell III

Campbell, David
Drisko, Richard
Gorman, Mary
Pilotte, Maurice

Cote, David
Gargasz, Carolyn
Leishman, Peter
Ramsey, Peter

Rhodes, Brian
Sullivan, Daniel
Warden, Mark

Robbins, David
Sullivan, Peter

Rosenwald, Cindy
Thomas, Joseph

Shaw, Barbara
Vaillancourt, Steve

MERRIMACK

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

Deloge, Helen
Hamm, Christine
Potter, Frances
Wallner, Mary Jane

DeStefano, Stephen
Kidder, David
Rice, Chip
Watrous, Rick

Foose, Robert
Owen, Derek
Richardson, Gary

ROCKINGHAM

Brown, Paul
Dowling, Patricia
Pantelakos, Laura
Schlachman, Donna

Cali-Pitts, Jacqueline
Hoelzel, Kathleen
Perkins, Amy
Serlin, Christopher

DeSimone, Debra
Lovejoy, Patricia
Perkins, Lawrence

DiPentima, Rich
Moody, Marcia
Read, Robin Jr

STRAFFORD

Berube, Roger
Grassie, Anne
Roberts, Jenna
Watters, David

Brown, Julie
Horrigan, Timothy
Schmidt, Peter

Browne, Brendon
Keans, Sandra
Spang, Judith

Ginsburg, Philip
Pelletier, Marsha
Sprague, Dale

SULLIVAN

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

SB 370-FN, relative to the powers of law enforcement and animal control officers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David L. Babson for Environment and Agriculture: This bill deletes the wording defining the work conditions of the state veterinarian which was legislated in 1921. At that time, the state vet job became full time and the legislature wanted to be sure that the appointed individual devoted his/her full time to the job. The committee felt that today, this requirement is unnecessary. Vote 12-0.

Amendment (2119h)

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

AN ACT relative to the powers of the state veterinarian.

Amend RSA 436:8 as inserted by section 1 of the bill by replacing it with the following:

436:8 Powers. The state veterinarian, under the direction of the commissioner, shall have all of the powers of the commissioner and shall have general charge of the enforcement of this chapter~~[-and shall devote his or her entire time and attention to the duties of his or her office]~~. Complaints under RSA 644:8, 644:8-a, 644:8-aa and any other law pertaining to the abuse of domestic animals, as defined under RSA 436:1, shall initially be filed with the local law enforcement agency, animal control officer, state police, or sheriff which has jurisdiction over where the animal is located or kept. At the request of the local law enforcement agency, animal control officer, state police, or sheriff, the state veterinarian shall assist in a secondary capacity in enforcing the provisions of and investigating said complaints. In the event the commissioner becomes incapacitated or a vacancy occurs in the office, the state veterinarian shall perform all the duties of that office during any such incapacity or until any such vacancy is filled. The commissioner may direct the state veterinarian to act for him or her in an official capacity whenever he or she may be absent from his or her duties.

AMENDED ANALYSIS

This bill provides for powers of the state veterinarian.
Amendment adopted.
Committee report adopted and ordered to third reading.

(Rep. Kappler in the Chair)

SB 239-FN, relative to the membership and duties of the installation standards board.
OUGHT TO PASS WITH AMENDMENT.

Rep. John Sytek for Executive Departments and Administration: This bill updates the installation standards board. It reduces the board size from 12 to 9 by eliminating the positions of those who never attend meetings. It provides for the appointment of board members by governor and council, rather than by the commissioner of safety. It also provides a minor stipend and actual travel expenses consistent with similar boards. Vote 12-0.

Amendment (1588h)

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

1 Manufactured Housing Installation Standards; Inspections. Amend the introductory paragraph of RSA 205-D:5, I to read as follows:

I. The local enforcement agency, or if there is no local enforcement agency, the ~~[state fire marshal or the state fire marshal's]~~ **board or the board's** designee, shall:

2 Manufactured Housing Installation Standards; Inspections. Amend RSA 205-D:5, II to read as follows:

II. Whenever a local enforcement agency, or if there is no local enforcement agency, ~~[the state fire marshal or the state fire marshal's]~~ **the board or the board's** designee~~[s]~~ orders the correction of a violation under subparagraph I(c), he or she shall immediately notify the board.

3 Manufactured Housing Installation Standards; Fees. Amend RSA 205-D:12, I to read as follows:

I. The board may establish, pursuant to RSA 541-A, fees for licensure, license renewal, training, inspections ~~[conducted by the state fire marshal]~~, and **issuance of** the manufacturer's warranty seal. The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year. ~~[The fee for the manufacturer's warranty seal shall not exceed \$50. If the fees collected through licensure, license renewal, training, and the manufacturer's warranty seal are not sufficient to produce revenue to carry out the responsibilities of the board and the responsibilities of the state fire marshal in conducting inspections under this chapter, then the board shall establish a fee for inspection which shall not exceed \$100.]~~

4 Membership of the Installation Standards Board. Amend RSA 205-D:2, I to read as follows:

I. There is hereby created an installation standards board consisting of ~~[the commissioner of the department of safety or the commissioner's designee and 12 additional]~~ **9** members appointed by the ~~[commissioner of safety]~~ **governor and council** as follows:

(a) ~~[Two public members who are not tenants or owners of a manufactured house, owners or operators of a manufactured housing park, or in any way associated with the manufactured housing industry.]~~

~~(b)~~ One installer of manufactured housing, nominated by the New Hampshire Manufactured Housing Association.

~~(c)~~ **(b)** One structural engineer or architect licensed in this state for a minimum of 5 years, nominated by the board of professional engineers established under RSA 310-A:3.

~~(d)~~ **(c)** One dealer or retailer, nominated by the New Hampshire Manufactured Housing Association.

~~[(e) One owner or operator]~~ **(d) Two owners or operators** of a manufactured housing park with 100 or fewer lots, nominated by the New Hampshire Manufactured Housing Association.

~~[(f)]~~ **(e)** One owner or operator of a manufactured housing park with more than 100 lots, nominated by the New Hampshire Manufactured Housing Association.

~~[(g)]~~ **(f)** One member of a cooperative manufactured housing park, nominated by the Mobile/Manufactured Homeowner and Tenants Association of New Hampshire.

~~[(h)]~~ **(g)** One municipal building code official, nominated by the New Hampshire Building Officials Association.

~~[(i)]~~ **(h)** One municipal fire chief, nominated by the New Hampshire Association of Fire Chiefs.

~~[(j) One civil engineer licensed in this state for a minimum of 5 years, nominated by the board of professional engineers established under RSA 310-A:3.~~

~~[(k) One homeowner of a manufactured house, nominated by the Mobile/Manufactured Homeowner and Tenants Association of New Hampshire.]~~

5 Membership and Terms of Board. RSA 205-D:2, II-IV are repealed and reenacted to read as follows:

II. Each member shall serve a 3-year term and until a successor is appointed and qualified. If there is a vacancy on the board, the provisions of RSA 21:33-a and RSA 21:34 shall apply.

III. The board shall biennially elect a chairperson and vice-chairperson. Five members of the board shall constitute a quorum.

IV. Members of the board shall receive \$25 for each day they are engaged in the duties of their office and shall be reimbursed for all actual travel, incidental, and clerical expenses incurred in carrying out the provisions of this chapter.

6 Renewal. Amend RSA 205-D:11, I to read as follows:

I. All licenses issued by the board shall expire on the last day of the month of the licensee's birth ***in the third year following the year of issuance***, but may be renewed during the following month, retroactive to the first day of the month. Upon failure to pay the renewal fee within the required period, a licensee may renew his or her license by submitting the required fee plus \$10 before the last day of the second month following the month of his or her birth.

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

AMENDED ANALYSIS

This bill:

I. Transfers responsibility for manufactured housing inspections from the state fire marshal to the manufactured housing installation standards board.

II. Removes statutory limitations on fees established by the board for warranty seals and inspections.

III. Revises the membership of the installation standards board and establishes a stipend for board members.

IV. Extends the license renewal period for licenses issued by the manufactured housing installation standards board.

Amendment adopted.

Committee report adopted and ordered to third reading.

(Speaker O'Brien in the Chair)

SB 259, relative to the appointment of the director of ports and harbors and relative to transfer of land within the Pease development authority. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Randall A. Whitehead for Executive Departments and Administration: This bill will enhance the viability of one of New Hampshire's most important economic engines, the former Pease Air Force Base. Great progress has already been made there, as Pease is

recognized as one of America's greatest post- base closing success stories. In fact, this economic dynamo produces half a billion dollars to the local and state economies annually. The bill will accomplish three things: 1) Transfer appointment of the of the director of ports and harbors from the governor and council to the Pease Development Authority (PDA) board of directors, thus insuring a proper line of authority for the PDA. 2) Extend the date by which regulatory authority over certain lands within the PDA is to be transferred to municipalities by 30 years, thus attracting capital investment in the area and insuring future economic development. 3) Authorize the Pease division of ports and harbors to enter into a project with the US Army Corps of Engineers for the purpose of dredging parts of Hampton and Seabrook harbors, the cost of which will be shared by the state and the Corps for the initial dredging, with all future dredging to be paid for by the Corps, thus saving the state significant on-going future expenses. Vote 12-2.

Amendment (2187h)

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

AN ACT relative to the appointment of the director of ports and harbors, relative to the transfer of land within the Pease development authority, and relative to dredging the Hampton and Seabrook Harbors.

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

3 New Paragraph; Pease Division of Ports and Harbors; Authority to Enter Agreement with the Department of the Army in Connection with the Hampton and Seabrook Harbors Dredging Project. Amend RSA 12-G:42 by inserting after paragraph XIV the following new paragraph:

XV. Be authorized to enter into a project partnership agreement with the Department of the Army in connection with the Hampton Harbor, Hampton, Seabrook, New Hampshire Navigation Improvement and Maintenance Dredging Project, Section 107 of the River and Harbor Act of 1960 (PL 86-645), as amended, for the dredging of Hampton Harbor inlet, and the commercial anchorage areas of Hampton and Seabrook Harbors. Incident to the execution of the agreement and the acceptance of federal aid, the authority is authorized to take all actions required of the authority under the agreement, including, but not limited to:

(a) Execute an indemnification agreement in the name of the authority and the state with and for the benefit of the United States for damage arising from the design, construction, or operation and maintenance of the project and any betterments and the local service facilities;

(b) Accept, as between the U.S. Army Corps of Engineers and the authority, the obligations imposed on an operator of the project under the federal Comprehensive Environmental Response Compensation and Liability Act (CERCLA) of 1980, 42 U.S.C. section 9601, et seq., as amended;

(c) Provide or acquire all lands, easements, rights of way, and suitable borrow and dredged or excavated material disposal areas that the Department determines the authority must provide for the construction, operation, maintenance, repair, replacement, rehabilitation, monitoring and management of the project; and

(d) Bear half the costs for services provided in connection with non-binding alternative dispute resolution as may be necessary under the agreement.

AMENDED ANALYSIS

This bill:

I. Transfers appointment of the director of ports and harbors from the governor to the Pease development authority board of directors.

II. Extends the date by which regulatory authority over certain lands within the Pease development authority is to be transferred to the municipalities.

III. Authorizes the Pease division of ports and harbors to enter into a project partnership agreement with the Department of the Army for the purpose of dredging portions of the Hampton and Seabrook Harbors.

Amendment adopted.

Committee report adopted and ordered to third reading.

Rep. Gary Richardson declared a conflict of interest and did not participate.

CLERK'S NOTE

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

REGULAR CALENDAR (CONT'D)

SB 308, proclaiming January 24, 2013 as Granny D. Day. **OUGHT TO PASS.**

Rep. Kenneth Hawkins for Executive Departments and Administration: The committee supports the one time only observance of Granny D Day. The committee recommends that sponsors and supporters of these proclamations to annually petition the governor to proclaim the celebration of a day, rather than filing legislation at a cost of \$1,000.00 or more. Vote 8-6.

On a division vote, 102 members having voted in the affirmative and 142 in the negative, the committee report failed.

CLERK'S NOTE

The constitutionally required two-thirds of the membership for action by majority vote was declared present.

LAIID ON THE TABLE

Rep. Bettencourt moved that **SB 308**, proclaiming January 24, 2013 as Granny D. Day, be laid on the table.

On a division vote, 208 members having voted in the affirmative and 86 in the negative, the motion was adopted.

REGULAR CALENDAR (CONT'D)

SB 310, relative to the commemoration of Purple Day in recognition of epilepsy awareness and relative to the observance of Cancer Prevention Day. **INEXPEDIENT TO LEGISLATE.**

Rep. Spec Bowers for Executive Departments and Administration: The bill would require the governor to issue proclamations to promote awareness of epilepsy and of cancer. The entire committee supports the observance of Purple Day and Cancer Prevention Day, and urges the governor to issue such proclamations. But the majority notes that the governor has the authority on his own to issue proclamations and no additional legislative authority is needed. The committee encourages organizers of these worthy causes to directly petition the governor to proclaim the celebration of Purple Day and Cancer Prevention Day. Vote 7-5.

On a division vote, 261 members having voted in the affirmative and 38 in the negative, the committee report was adopted.

SB 311-FN-A, establishing a director of the division of weights and measures and relative to the setting of weights and measures fees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol M. McGuire for Executive Departments and Administration: This bill, as amended, addresses a number of issues with the division of weights and measures. First, it specifies the duties of the director of the division, including developing procedures for

prosecuting violations, performing investigations, and standard operating procedures for the inspectors. Second, it creates an advisory board for the division, including the non-agricultural operators who have had recurrent difficulties with the division. The board will include one legislator, appointed by the Speaker, presumably from one of the relevant committees such as E&A, Commerce, or ED&A. Third, it allows the division to collect fees for metrology services and weights and measures licenses. These are not new fees; they have been in existence for years but were overlooked by the department when last year's SB 157, Chapter 202 deleted the commissioner's rulemaking authority for these fees and put all (or so we thought) fees in statute. The AG has ruled that without the authority to create fees, they cannot be collected, resulting in the loss of approximately \$148,000/year of fees for services still performed. SB 311 explicitly authorizes the collection of these fees but does not allow any increases until FY 2014. Fourth, it specifies the information required on a fuel delivery ticket, as opposed to an invoice, and allows customers to opt out of any of these requirements. An investigation showed that about half the propane delivery trucks and a third of fuel oil trucks were not capable of automatically providing all the information currently required on such a ticket, and there has been only one complaint in about 20 years. Finally, it amends the special police powers of the weights and measures enforcers. The committee amendment replaces the entire bill. Vote 9-3.

Amendment (2146h)

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

AN ACT relative to weights and measures.

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

1 New Sections; Division of Weights And Measures; Director. Amend RSA 438 by inserting after section 8 the following new sections:

438:8-a Division Director; Duties. The director shall operate under the duties prescribed to him or her by the commissioner, including but not limited to:

I. Subject to direction from the commissioner, the director of weights and measures shall direct and supervise the functions of the division of weights and measures including the work of the inspectors, the metrologist, and the clerical staff.

II. The director, in accordance with the policies of the department of administrative services shall keep records on the weights and measures inspectors which shall include by employee, the hours worked, approval of any overtime hours worked and the reason therefor, and accurate records of leave time accrued and used.

III. The director shall, with the approval of the commissioner, establish a written procedure for prosecuting violations of this chapter and shall make judicious use of the civil penalty system in lieu of criminal prosecution when in his or her judgment it will be equally or more effective in enforcing the provisions of this chapter.

IV. The director shall, with approval of the commissioner, establish a written code of conduct for the inspectors which shall be available upon request and shall establish written regulations and standard operating procedures for the inspectors.

V. The director shall provide quarterly reports of investigations of complaints to the advisory board. Such reports shall include the date and nature of the complaint, the investigator of the complaint, and the resolution of the complaint.

438:8-b Weights and Measures Advisory Board.

I. There shall be a weights and measures advisory board consisting of 11 members. With the exception of the member from the general court, the members shall be appointed by commissioner of the department of agriculture, markets, and food, and shall include the following:

- (a) Two members nominated by the New Hampshire Grocers Association.
- (b) One member nominated by the Oil Heat Council of New Hampshire.
- (c) One member who is a scrap dealer.

(d) Two members who are farmers, one of whom is engaged in retail of his or her products.

(e) One legislator from the house of representatives, appointed by the speaker of the house of representatives.

(f) One member nominated by the Propane Gas Association of New England.

(g) One member nominated by the Independent Oil Marketers Association.

(h) One member of the general public who is not involved commercially with weights and measures.

(i) One member who is a weights and measures service technician registered under RSA 438:14-a.

II. The director of weights and measures shall serve as an ex-officio, non-voting member of the board.

III. Following an initial appointment for staggered terms, each board member shall serve for a term of 4 years. Board members shall not serve more than 2 consecutive terms. The board shall annually elect from among its members a chairman and a vice-chairman.

IV. Board members shall serve without compensation, except that they shall receive reimbursement for mileage when in the performance of their duties. This reimbursement shall be a charge against the appropriation for the department for weights and measures.

V. The board shall meet at least 2 times per year at a time and place to be fixed by the chairman. Additional meetings shall occur either upon his or her own motion or at the request of 3 or more board members.

VI. The weights and measures advisory board shall regularly advise the director of the division of weights and measures and the commissioner on all matters related to the enforcement of this chapter.

2 New Subparagraphs; Authority to Collect Fees. Amend RSA 438:8, I by inserting after subparagraph (j) the following new subparagraphs:

(k) The collection of fees set in departmental rules Agr 1410.03 through 1410.07.

(l) Procedures for investigating complaints about weights and measures generally.

3 Applicability. The provisions of RSA 438:8, I(k) as inserted by section 2 of this act shall not be construed as allowing the commissioner of agriculture, markets, and food to change the fees set in departmental rules Agr 1410.03 through 1410.07 prior to June 30, 2013.

4 Petroleum Products Delivery Tickets and Invoices. Amend RSA 438:33 to read as follows:

438:33 Furnace and Stove Oil.

I. All distillate heating oil sold at retail shall be sold by liquid measure or by net weight in accordance with the provisions of RSA 438:20.

II. In the case of each delivery of such liquid fuel not in package form and in an amount greater than 100 gallons in the case of sale by liquid measure, or 100 pounds in the case of sale by weight, there shall be rendered to the purchaser at the time of delivery, **or as otherwise specified by the customer**, a printed delivery ticket which shall clearly state the following:

(a) ~~[The name and address of the vendor;]~~ ***The date the product was delivered.***

(b) The name and address of the ~~[purchaser;]~~ ***vendor, including the street, city, state, and zip code.***

(c) ~~[The identity of the type of fuel comprising the delivery;]~~ ***The name and address of the purchaser.***

(d) ~~[The unit price, that is, the price per gallon or per pound, as the case may be, of the fuel delivered;]~~ ***The type of product being delivered.***

(e) In the case of sale by liquid measure, the liquid volume of the delivery shall be determined by a meter with a register printing the meter readings on a ticket from which

such liquid volume shall be computed and expressed in terms of the gallon and its binary or decimal subdivisions (said ticket shall not be inserted into the register until immediately before delivery is begun, and in no case shall a ticket be in the register when the vehicle is in motion); or the liquid volume may be determined by a vehicle tank used as a measure when in full compliance with the National Institute of Standards and Technology Handbook 44, as adopted by the National Conference of Weights and Measures, and calibrated by a weights and measures official. Sale by a liquid measuring device, as defined in said Handbook 44, and sale by a vapor meter are excluded from this paragraph[3].

(f) In the case of sales by weight, the net weight of the delivery, together with any weighing scale readings from which such net weight has been computed, expressed in terms of tons or pounds avoirdupois.

(g) If there is correction for temperature:

(1) The net gallons or liters delivered; and

(2) The statement: "The volume delivered has been adjusted to the volume at 60 degrees Fahrenheit."

III. All invoices, whether mailed or left at time of delivery, shall contain at least the following:

(a) The date the product is delivered;

(b) The name and address of the vendor, including the street, city, state, and zip code;

(c) The name and address of the purchaser, including the street, city, state, and zip code;

(d) The type of product being delivered;

(e) The unit price, per gallon or liter, of the product being delivered;

(f) The total computed price for the volume delivered or the terms of any prompt payment discount being offered to the purchaser.

5 Police Powers, Right of Entry and Stoppage. Amend RSA 438:15 to read as follows:

438:15 Police Powers, Right of Entry and Stoppage. With respect to the enforcement of this chapter and any other law dealing with weights and measures that he **or she** is or may be empowered to enforce, the commissioner, or ~~his~~ **the commissioner's** inspectors at his **or her** direction, is hereby vested with special police powers, and is authorized to arrest, without formal warrant, any violator of said laws, and to seize for use as evidence, without formal warrant, incorrect or unsealed weights and measures or amounts or packages of commodity found to be used, retained, offered, or exposed for sale or sold in violation of law. ~~[In the performance of his official duties, the commissioner is authorized to enter and go into or upon, without formal warrant, any structure or premises, and to stop any person whatsoever and to require him to proceed, with or without any vehicle of which he may be in charge, to some place which the commissioner may specify.]~~

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

AMENDED ANALYSIS

This bill:

I. Establishes a director of the division of weights and measures.

II. Establishes a weights and measures advisory board.

III. Allows the commissioner of the department of agriculture, markets, and food to collect certain fees related to weights and measures and adopt procedures to investigate weights and measures complaints.

IV. Establishes requirements for delivery tickets and invoices on petroleum products delivery.

Reps. Carol McGuire and Hawkins spoke in favor.

Rep. Babson spoke against.

On a division vote, 195 members having voted in the affirmative and 111 in the negative, the committee amendment was adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. Rep. John O'Connor spoke against.

On a division vote, 204 members having voted in the affirmative and 106 in the negative, the committee report was adopted and ordered to third reading.

Rep. Worsman declared a conflict of interest and did not participate.

SB 339, establishing Loon Appreciation Day. **OUGHT TO PASS.**

Rep. Maurice L. Pilotte for Executive Departments and Administration: The committee agrees that the loon is an extraordinary bird and important to New Hampshire's lakes and admires the efforts for its preservation and protection. The committee recommends that the organizers of the Loon Preservation Committee's Loon Festival annually petition the Governor to proclaim the celebration of Loon Appreciation Day. Vote 9-3.

Committee report failed.

LAID ON THE TABLE

Rep. Silva moved that **SB 339**, establishing Loon Appreciation Day, be laid on the table. Motion adopted.

REGULAR CALENDAR (CONT'D)

SB 155-FN-A, relative to section 179 expense deductions under the business profits tax.

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

Rep. William S. Belvin for the Majority of Finance: Finance is the second committee for this bill, which raises the amount that certain business assets can be written off in the year they are purchased, rather than depreciated over several years. This is known as the IRS Section 179 deduction. In 2000, the New Hampshire limit was set at \$20,000 and this bill raises that to \$25,000. This limit increase will result in reduced revenue, but the amount is unknown. The committee thought that rather than place this burden on the current state budget, that in building the next state budget for FY 2014/2015 due consideration should be given to appropriate IRS Section 179 policy relative to future economic conditions. Consequently an amendment was adopted to change the bill's effective date to July 01, 2013 without changing the bill's IRS Section 179 content. The previously attached House amendment related to "refugee re-settlement" was unchanged. Vote 17-6.

Rep. Bernard L. Benn for the Minority of Finance: This bill, as amended, will not affect the current budget. However, it kicks the can down the road and will have a detrimental affect on revenues for the next budget. While it is not possible to predict accurately how much revenues will be reduced, we heard testimony that it will be at least \$5 million and potentially significantly more. The minority doesn't buy the argument that the increase in economic activity anticipated by the increase in expense deduction allowed in the underlying bill will offset the loss in business profit tax revenue. New Hampshire cannot afford the loss of more revenue without damaging the quality of life of our citizens, especially our most disadvantaged. On April 25 the House added an amendment to the bill that would allow local governing bodies to establish moratoria on refugee resettlement in New Hampshire communities. The minority believes that although the amendment was added within the strict interpretation of the House rules, it is not good practice and makes for poor legislation. For these two reasons, we do not support this bill.

Majority Amendment (2128h)

Amend the bill by replacing section 4 with the following:

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect July 1, 2013.

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

Reps. Ohm and Foose spoke against.
Reps. Belvin and Kappler spoke in favor.

CLERK'S NOTE

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

On a division vote, 134 members having voted in the affirmative and 103 in the negative, the majority committee amendment failed lacking the necessary two-thirds vote.

CALL OF THE HOUSE

Speaker O'Brien ordered a Call of the House. A quorum was declared present and the Call was lifted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Drisko moved that the House reconsider its action whereby, on a division vote of 134-103, it failed to adopt the majority committee amendment by the necessary two-thirds vote on ***SB 155-FN-A***, relative to section 179 expense deductions under the business profits tax.

Rep. Bettencourt spoke in favor.

On a division vote, 202 members having voted in the affirmative and 109 in the negative, the motion was adopted.

The question now being adoption of the majority committee amendment.

On a division vote, 156 members having voted in the affirmative and 155 in the negative, the majority committee amendment was adopted.

CLERK'S NOTE

The original vote was 155-155. Pursuant to House Rule 5, the Speaker voted "Yea" and broke the tie vote.

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

Rep. Foose spoke against and yielded to questions.

Rep. Weyler spoke in favor and yielded to questions.

Rep. Belvin spoke in favor.

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

YEAS 231 NAYS 79

YEAS 231

BELKNAP

Accornero, Harry
Greemore, Robert
Russell, David
Tobin, William

Comtois, Guy
Kingsbury, Robert
Simpson, Tyler
Worsman, Colette

Fields, Dennis
Malone, Robert
Swinford, Elaine

Flanders, Donald
Pilliod, James
Tilton, Franklin

CARROLL

Babson, David Jr

Chandler, Gene

Fleck, Joseph

Knox, J. David

McCarthy, Frank
Pettengill, Laurie

McConkey, Mark
Schmidt, Stephen

Merrow, Harry
Tregenza, Norman

Patten, Betsey
Umberger, Karen

CHESHIRE

Cartwright, Anne
Johnson, Jane

Dwinell, Richard
Moore, Robert Jr

Hawkes, Samuel
Smith, Edwin

Hunt, John

COOS

Daugherty, Duffy

Rappaport, Laurence

Tholl, John Jr

Tremblay, Marc

GRAFTON

Bradley, Lester
Ingbretson, Paul
Simard, Paul

Brosseau, Charles
Ladd, Rick Jr
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Gionet, Edmond
Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin
Barry, J. Gail
Bergevin, Jerry
Champagne, Norma

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

Ball, J. Michael
Belanger, James
Burt, John
Christiansen, Lars

Baroody, Benjamin
Belvin, William
Cebrowski, John
Coffey, James

Cusson-Cail, Kathleen
Doherty, Shaun
Fredette, Robert
Gonzalez, Carlos
Hardwick, Harry
Hutchinson, Winfred
Kurk, Neal
Maltz, Jonathan
Moran, Edward
Ober, Russell III
Parison, James
Proulx, Mark
Scontsas, Lisa
Souza, Kathleen
Swank, Matthew
Vaillancourt, Steve
Willette, Robert

Daniels, Gary
Donovan, Daniel
Gagne, Larry
Graham, John
Hawkins, Kenneth
Infantine, William
Lambert, George
McClarren, Donald
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Renzullo, Andrew
Seidel, Carl
Stepanek, Stephen
Thomas, Joseph
Villeneuve, Moe

Day, Russell
Drisko, Richard
Gandia, Laura
Greazzo, Phil
Hikel, John
Jasper, Shawn
LeBrun, Donald
McGuinness, Sean
Notter, Jeanine
Palmer, Barry
Peterson, Lenette
Robbins, David
Silva, Peter
Sullivan, Daniel
Twombly, Timothy
Warden, Mark

DeJong, Cameron
Flanagan, Jack
Gimas, John
Hansen, Peter
Hogan, Edith
Krasucki, Joseph
Long, Patrick
Messier, Irene
Ober, Lynne
Palmer, Stephen
Pratt, Calvin
Rowe, Robert
Simmons, Tammy
Summers, James
Ulery, Jordan
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Hess, David
Kotowski, Frank
McGuire, Carol
Richardson, Jon
Smith, Todd

Coffey, Jennifer
Hill, Gregory
Lauer-Rago, Kathleen
McGuire, Dan
Sanborn, Laurie
Soltani, Tony

Cohn, Seth
Hoell, J.R.
Lindsley, Mark
Palfrey, David
Seaworth, G. Brian
Winter, Steven

Giuda, J. Brandon
Keane, Thomas
McDonnell, John
Reed, Dennis
Smith, Molly

ROCKINGHAM

Abrami, Patrick
Bates, David
Brown, Paul
DeSimone, Debra

Allen, Mary
Belanger, Ronald
Chirichiello, Brian
Devine, James

Azarian, Gary
Bettencourt, David
Comerford, Timothy
Dowling, Patricia

Baldasaro, Alfred
Birdsell, Regina
Davenport, Joshua
Duarte, Joe

Elliott, Robert
Garritty, James
Hoelzel, Kathleen
Katsakiores, Phyllis
McKinney, Betsy
Okerman, Richard
Reichard, Kevin
Sapareto, Frank
Smith, William
Tremblay, Stella
Webb, James

Ferrante, Beverly
Griffin, Mary
Introne, Robert
Major, Norman
McMahon, Charles
Packard, Sherman
Rice, Frederick
Schroadter, Adam
Sullivan, James
Tucker, Pamela
Welch, David

Fesh, Robert
Hagan, Joseph
Itse, Daniel
Manuse, Andrew
Nevins, Chris
Quandt, Matt
Ritter, Glenn
Sedensky, John
Sytek, John
Waddell, James
Weyler, Kenneth

Garcia, Marilinda
Headd, James
Kappler, Lawrence
Mauro, Donna
O'Connor, John
Reagan, John
Sanders, Elisabeth
Sheffert, Kenneth
Tamburello, Daniel
Ward, Joanne

STRAFFORD

Cataldo, Sam
Munck, Philip
Pitre, Joseph

DeLemus, Susan
Newton, Clifford
Vita, Carol

Groen, Warren
O'Connor, William
Vita, Lucien

Jones, Laura
Parsons, Robbie
Weeden, Michael

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

NAYS 79

BELKNAP

Bolster, Peter

CARROLL

None

CHESHIRE

Butynski, William
Sad, Tara

Chase, Cynthia
Sterling, Franklin Jr

Johnsen, Gladys
Weber, Lucy

Parkhurst, Henry
Weed, Charles

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William
Thomas, Yvonne

Merrick, Evalyn

Remick, William

GRAFTON

Almy, Susan
Pastor, Beatriz
Taylor, Kathleen

Benn, Bernard
Pierce, David
Townsend, Charles

Cooney, Mary
Shackett, Jeffrey

Harding, Laurie
Smith, Suzanne

HILLSBOROUGH

Campbell, David
Gidge, Kenneth
Pilotte, Maurice
Rosenwald, Cindy

Cote, David
Gorman, Mary
Porter, Marjorie
Stroud, Kathleen

Daler, Jennifer
Leishman, Peter
Ramsey, Peter
Sullivan, Peter

Gargas, Carolyn
Levasseur, Nickolas
Rhodes, Brian

MERRIMACK

Bouchard, Candace

Deloge, Helen

DeStefano, Stephen

Foose, Robert

Frazer, June
Lockwood, Priscilla
Wallner, Mary Jane

Gile, Mary
Potter, Frances
Watrous, Rick

Hamm, Christine
Richardson, Gary

Kidder, David
Shurtleff, Stephen

ROCKINGHAM

Cali-Pitts, Jacqueline
Norelli, Terie
Read, Robin Jr

DiPentima, Rich
Pantelakos, Laura
Schlachman, Donna

Lovejoy, Patricia
Perkins, Amy
Serlin, Christopher

Moody, Marcia
Perkins, Lawrence

STRAFFORD

Berube, Roger
Grassie, Anne
Schmidt, Peter

Brown, Julie
Horrigan, Timothy
Spang, Judith

Browne, Brendon
Keans, Sandra
Watters, David

Ginsburg, Philip
Pelletier, Marsha

SULLIVAN

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

Gagnon, Raymond
Lefebvre, Benjamin

(Rep. Chandler in the Chair)

SB 295-FN-A, increasing the research and development tax credit against the business profits tax. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Paul H. Simard for the Majority of Finance: The Finance Committee passed this bill restoring the original \$1 million research and development tax credit for NH business. This indicates our continued commitment to support our business community. Vote 17-9.

Rep. Dan McGuire for the Minority of Finance: The minority strongly objects to the actions of the majority in removing the 24-hour abortion waiting period, for entirely non-financial reasons. That social policy was extensively debated and passed by the full House twice, once as an original bill, and once as an amendment to SB 295. The underlying principle is just as important today.

Majority Amendment (2220h)

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

AN ACT relative to the research and development tax credit against the business profits tax.

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

1 Prospective Repeal of Research and Development Tax Credit Repealed. 2007, 271:6, relative to the repeal of the research and development tax credit authorized by RSA 77-A:5, XIII, RSA 77-E:3-b, and RSA 162-P:1, is repealed.

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

AMENDED ANALYSIS

This bill repeals the prospective repeal of the research and development tax credit.

Rep. McDonnell spoke against.

Rep. Bouchard requested a roll call; sufficiently seconded.

YEAS 172 NAYS 123

YEAS 172

BELKNAP

Bolster, Peter
Worsman, Colette

Flanders, Donald

Pilliod, James

Tobin, William

CARROLL

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

CHESHIRE

Butynski, William	Chase, Cynthia	Dwinell, Richard	Hawkes, Samuel
Hunt, John	Johnsen, Gladys	Moore, Robert Jr	Parkhurst, Henry
Sad, Tara	Smith, Edwin	Sterling, Franklin Jr	Weber, Lucy
Weed, Charles			

COOS

Coulombe, Gary	Hatch, William	Merrick, Evalyn	Rappaport, Laurence
Remick, William	Theberge, Robert	Thomas, Yvonne	

GRAFTON

Almy, Susan	Benn, Bernard	Bradley, Lester	Cooney, Mary
Harding, Laurie	Ladd, Rick Jr	Pastor, Beatriz	Pierce, David
Smith, Suzanne	Taylor, Kathleen	Townsend, Charles	

HILLSBOROUGH

Baroody, Benjamin	Belvin, William	Boehm, Ralph	Campbell, David
Christensen, D.L.	Christiansen, Lars	Cote, David	Daler, Jennifer
Chris			
Day, Russell	DeJong, Cameron	Flanagan, Jack	Gargas, Carolyn
Gidge, Kenneth	Gimas, John	Gorman, Mary	Graham, John
Infantine, William	Jasper, Shawn	Kurk, Neal	Leishman, Peter
Levasseur, Nickolas	Long, Patrick	Messier, Irene	Moran, Edward
Pellegrino, Tony	Pilotte, Maurice	Porter, Marjorie	Ramsey, Peter
Rhodes, Brian	Rosenwald, Cindy	Rowe, Robert	Scontsas, Lisa
Souza, Kathleen	Stroud, Kathleen	Sullivan, Daniel	Sullivan, Peter
Summers, James	Swank, Matthew	Thomas, Joseph	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Moe	Warden, Mark	Willette, Robert

MERRIMACK

Bouchard, Candace	Cohn, Seth	Deloge, Helen	DeStefano, Stephen
Foose, Robert	Frazer, June	Gile, Mary	Hamm, Christine
Hess, David	Hill, Gregory	Keane, Thomas	Kidder, David
Kotowski, Frank	Lockwood, Priscilla	Palfrey, David	Potter, Frances
Reed, Dennis	Richardson, Gary	Shurtleff, Stephen	Smith, Molly
Smith, Todd	Wallner, Mary Jane	Watrous, Rick	

ROCKINGHAM

Allen, Mary	Azarian, Gary	Belanger, Ronald	Bettencourt, David
Birdsell, Regina	Brown, Paul	Cali-Pitts, Jacqueline	Chirichiello, Brian
Devine, James	DiPentima, Rich	Duarte, Joe	Elliott, Robert
Ferrante, Beverly	Fesh, Robert	Garrrity, James	Griffin, Mary
Hagan, Joseph	Hoelzel, Kathleen	Kappler, Lawrence	Katsakiores, Phyllis
Lovejoy, Patricia	McKinney, Betsy	McMahon, Charles	Moody, Marcia
Nevins, Chris	Norelli, Terie	Packard, Sherman	Pantelakos, Laura
Read, Robin Jr	Sanders, Elisabeth	Schlachman, Donna	Sedensky, John
Serlin, Christopher	Smith, William	Tucker, Pamela	Waddell, James

Welch, David

Weyler, Kenneth

STRAFFORD

Berube, Roger
Ginsburg, Philip
Munck, Philip
Spang, Judith
Weeden, Michael

Brown, Julie
Grassie, Anne
Pelletier, Marsha
Vita, Carol

Browne, Brendon
Horrigan, Timothy
Pitre, Joseph
Vita, Lucien

Cataldo, Sam
Keans, Sandra
Schmidt, Peter
Watters, David

SULLIVAN

Cloutier, John
Lefebvre, Benjamin

Cunningham, Steven
Rodeschin, Beverly

Gagnon, Raymond

LaCasse, Paul Sr

NAYS 123

BELKNAP

Accornero, Harry
Kingsbury, Robert
Swinford, Elaine

Comtois, Guy
Malone, Robert
Tilton, Franklin

Fields, Dennis
Russell, David

Greemore, Robert
Simpson, Tyler

CARROLL

McCarthy, Frank

Schmidt, Stephen

Tregenza, Norman

CHESHIRE

Cartwright, Anne

COOS

Daugherty, Duffy

Tholl, John Jr

Tremblay, Marc

GRAFTON

Brosseau, Charles
Mirski, Paul
Sorg, Gregory

Bulis, Lyle
Reilly, Harold Sr
Sova, Charles

Gionet, Edmond
Shackett, Jeffrey

Ingbretson, Paul
Simard, Paul

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Cebrowski, John
Doherty, Shaun
Gagne, Larry
Hansen, Peter
Hutchinson, Winfred
McClarren, Donald
Ohm, Bill
Proulx, Mark
Simmons, Tammy

Balboni, Michael
Belanger, James
Coffey, James
Donovan, Daniel
Gandia, Laura
Hardwick, Harry
Krasucki, Joseph
McGuinness, Sean
Parison, James
Renzullo, Andrew
Twombly, Timothy

Ball, J. Michael
Bergevin, Jerry
Cusson-Cail, Kathleen
Drisko, Richard
Gonzalez, Carlos
Hikel, John
LeBrun, Donald
Murphy, Keith
Peterson, Lenette
Seidel, Carl
Whitehead, Randall

Barry, J. Gail
Burt, John
Daniels, Gary
Fredette, Robert
Greazzo, Phil
Hogan, Edith
Maltz, Jonathan
Notter, Jeanine
Pratt, Calvin
Silva, Peter

MERRIMACK

Blankenbeker, Lynne
Lauer-Rago, Kathleen

Coffey, Jennifer
Lindsley, Mark

Giuda, J. Brandon
McDonnell, John

Hoell, J.R.
McGuire, Carol

McGuire, Dan
Soltani, Tony

Richardson, Jon

Sanborn, Laurie

Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Davenport, Joshua
Headd, James
Mauro, Donna
Perkins, Lawrence
Sapareto, Frank
Sytek, John
Webb, James

Baldasaro, Alfred
DeSimone, Debra
Itse, Daniel
O'Connor, John
Reichard, Kevin
Schroadter, Adam
Tamburello, Daniel

Bates, David
Dowling, Patricia
Major, Norman
Okerman, Richard
Rice, Frederick
Sheffert, Kenneth
Tremblay, Stella

Comerford, Timothy
Garcia, Marilinda
Manuse, Andrew
Perkins, Amy
Ritter, Glenn
Sullivan, James
Ward, Joanne

STRAFFORD

DeLemus, Susan
O'Connor, William

Groen, Warren
Parsons, Robbie

Jones, Laura

Newton, Clifford

SULLIVAN

Bowers, Spec
Smith, Steven

Howard, Thomas

Laware, Thomas

Osgood, Joe

and the majority committee amendment was adopted.
Rep. Tucker offered floor amendment (2224h).

Floor Amendment (2224h)

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

AN ACT relative to the research and development tax credit against the business profits tax and relative to the women's right to know act regarding abortion information.

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

2 New Chapter; Women's Right to Know Act. Amend RSA by inserting after chapter 132-A the following new chapter:

CHAPTER 132-B

WOMEN'S RIGHT TO KNOW ACT

132-B:1 Title. This act shall be known as the "Women's Right to Know Act."

132-B:2 Definitions. In this chapter:

I. "Abortion" means the act of using or prescribing any instrument, medicine, drug, or any other substance, device, or means with the intent to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will with reasonable likelihood cause the death of the unborn child. Such use, prescription, or means is not an abortion if done with the intent to:

- (a) Save the life or preserve the health of an unborn child;
- (b) Remove a dead unborn child caused by spontaneous abortion; or
- (c) Remove an ectopic pregnancy.

II. "Facility" or "medical facility" means any public or private hospital, clinic, center, medical school, medical training institution, health care facility, physician's office, infirmary, dispensary, ambulatory surgical treatment center, or other institution or location wherein medical care is provided to any person.

III. "Gestational age" means the time that has elapsed since the first day of the woman's last menstrual period.

IV. "Hospital" means a facility licensed under RSA 151.

V. "Medical emergency" means that condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate termination of her pregnancy to avert her death or for which a

delay will create serious risk of substantial and irreversible impairment of a major bodily function.

VI. "Physician" means any person licensed under RSA 329. The term includes medical doctors and doctors of osteopathy.

VII. "Pregnant" or "pregnancy" means that female reproductive condition of having an unborn child in the woman's uterus.

VIII. "Qualified person" means an agent of the physician who is a psychologist, licensed social worker, licensed professional counselor, registered nurse, or physician.

IX. "Unborn child" means the offspring of human beings from conception until birth.

132-B:3 Informed Consent Requirement. No abortion shall be performed or induced without the voluntary and informed consent of the woman upon whom the abortion is to be performed or induced. Except in the case of a medical emergency, consent to an abortion is voluntary and informed if and only if:

I. At least 24 hours before the abortion, the physician who is to perform the abortion or the referring physician has informed the woman, orally and in person, of the following:

(a) The name of the physician who will perform the abortion;

(b) Medically-accurate information that a reasonable patient would consider material to the decision of whether or not to undergo the abortion, including (1) a description of the proposed abortion method; (2) the immediate and long-term medical risks associated with the proposed abortion method including, but not limited to, the risks of infection, hemorrhage, cervical or uterine perforation, danger to subsequent pregnancies; and (3) alternatives to the abortion;

(c) The probable gestational age of the unborn child at the time the abortion is to be performed;

(d) The medical risks associated with carrying her child to term; and

(e) Any need for anti-Rh immune globulin therapy if she is Rh negative, the likely consequences of refusing such therapy, and the cost of the therapy.

II. At least 24 hours before the abortion, the physician who is to perform the abortion, the referring physician, or a qualified person has informed the woman, orally and in person, that she is free to withhold or withdraw her consent to the abortion at any time without affecting her right to future care or treatment and without the loss of any state or federally-funded benefits to which she might otherwise be entitled.

III. In the event of a medical emergency requiring an immediate termination of pregnancy, the physician who performed the abortion shall clearly certify in writing the nature of the medical emergency and the circumstances which necessitated the waiving of the informed consent requirements of this chapter. This certification shall be signed by the physician who performed the emergency abortion, and shall be permanently filed in both the records of the physician performing the abortion and the records of the facility where the abortion takes place.

IV. A physician shall not require or obtain payment for a service provided in relation to abortion to a patient who has inquired about an abortion or scheduled an abortion until the expiration of the 24-hour reflection period required in this section.

132-B:4 Medical Emergencies. When a medical emergency compels the performance of an abortion, the physician shall inform the woman, before the abortion if possible, of the medical indications supporting the physician's judgment that an immediate abortion is necessary to avert her death or that a 24-hour delay will cause substantial and irreversible impairment of a major bodily function.

132-B:5 Civil Penalties.

I. In addition to any and all remedies available under the common or statutory law of this state, failure to comply with the requirements of this chapter shall:

(a) Provide a basis for a civil malpractice action for actual and punitive damages.

(b) Provide a basis for a professional disciplinary action under RSA 329.

II. No civil liability may be assessed against the female upon whom the abortion is performed.

III. When requested, the court shall allow a woman to proceed using solely her initials or a pseudonym and may close any proceedings in the case and enter other protective orders to preserve the privacy of the woman upon whom the abortion was performed.

IV. If judgment is rendered in favor of the plaintiff, the court shall also render judgment for a reasonable attorney's fee in favor of the plaintiff against the defendant.

V. If judgment is rendered in favor of the defendant and the court finds that the plaintiff's suit was frivolous and brought in bad faith, the court shall also render judgment for reasonable attorney's fees in favor of the defendant against the plaintiff.

132-B:6 Construction. Nothing in this chapter shall be construed as creating or recognizing a right to abortion. It is not the intention of this law to make lawful an abortion that is currently unlawful.

132-B:7 Right of Intervention. The general court, by joint resolution, may appoint one or more of its members, who sponsored or cosponsored this chapter in his or her official capacity, to intervene as a matter of right in any case in which the constitutionality of this chapter is challenged.

132-B:8 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

3 Effective Date.

I. Section 2 of this act shall take effect July 1, 2013.

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

AMENDED ANALYSIS

The bill:

I. Repeals the prospective repeal of the research and development tax credit.

II. Establishes the women's right to know act.

Rep. Weyler spoke in favor.

Rep. Foose spoke against.

Rep. Jasper requested a roll call; sufficiently seconded.

YEAS 178 NAYS 120

YEAS 178

BELKNAP

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

Bolster, Peter
Greemore, Robert
Russell, David
Tobin, William

Comtois, Guy
Kingsbury, Robert
Simpson, Tyler
Worsman, Colette

Fields, Dennis
Malone, Robert
Swinford, Elaine

CARROLL

Fleck, Joseph
Tregenza, Norman

McCarthy, Frank

Pettengill, Laurie

Schmidt, Stephen

CHESHIRE

Cartwright, Anne

Dwinell, Richard

COOS

Daugherty, Duffy

Rappaport, Laurence

Tholl, John Jr

Tremblay, Marc

GRAFTON

Bradley, Lester
Ingbretson, Paul
Sorg, Gregory

Brosseau, Charles
Mirski, Paul
Sova, Charles

Bulis, Lyle
Reilly, Harold Sr

Gionet, Edmond
Shackett, Jeffrey

HILLSBOROUGH

Avard, Kevin
Belanger, James
Cebrowski, John

Balboni, Michael
Bergevin, Jerry
Christiansen, Lars

Ball, J. Michael
Boehm, Ralph
Coffey, James

Barry, Richard
Burt, John
Cusson-Cail,
Kathleen
Doherty, Shaun
Gonzalez, Carlos
Hogan, Edith
Krasucki, Joseph
McClarren, Donald
Ohm, Bill
Peterson, Lenette
Seidel, Carl
Swank, Matthew
Villeneuve, Moe

Daniels, Gary
Donovan, Daniel
Greazzo, Phil
Hutchinson, Winfred
Lambert, George
McGuinness, Sean
Palmer, Stephen
Proulx, Mark
Silva, Peter
Thomas, Joseph
Whitehead, Randall

Day, Russell
Gagne, Larry
Hansen, Peter
Infantine, William
LeBrun, Donald
Murphy, Keith
Parison, James
Renzullo, Andrew
Simmons, Tammy
Twombly, Timothy
Willette, Robert

DeJong, Cameron
Gandia, Laura
Hardwick, Harry
Jasper, Shawn
Maltz, Jonathan
Notter, Jeanine
Pellegrino, Tony
Rowe, Robert
Souza, Kathleen
Ulery, Jordan

MERRIMACK

Blankenbeker, Lynne
Hoell, J.R.
McDonnell, John
Reed, Dennis
Smith, Molly

Giuda, J. Brandon
Kotowski, Frank
McGuire, Carol
Richardson, Jon
Smith, Todd

Hess, David
Lauer-Rago, Kathleen
McGuire, Dan
Sanborn, Laurie
Soltani, Tony

Hill, Gregory
Lindsley, Mark
Palfrey, David
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Belanger, Ronald
Comerford, Timothy
Duarte, Joe
Garritty, James
Kappler, Lawrence
Mauro, Donna
Okerman, Richard
Reichard, Kevin
Schroadter, Adam
Sullivan, James
Tucker, Pamela
Weyler, Kenneth

Azarian, Gary
Bettencourt, David
Davenport, Joshua
Ferrante, Beverly
Griffin, Mary
Katsakiores, Phyllis
McMahon, Charles
Packard, Sherman
Rice, Frederick
Sedensky, John
Sytek, John
Ward, Joanne

Baldasaro, Alfred
Birdsell, Regina
DeSimone, Debra
Fesh, Robert
Headd, James
Major, Norman
Nevins, Chris
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Tamburello, Daniel
Webb, James

Bates, David
Chirichiello, Brian
Devine, James
Garcia, Marilinda
Itse, Daniel
Manuse, Andrew
O'Connor, John
Reagan, John
Sanders, Elisabeth
Smith, William
Tremblay, Stella
Welch, David

STRAFFORD

Cataldo, Sam
Munck, Philip
Pitre, Joseph

DeLemus, Susan
Newton, Clifford
Vita, Carol

Groen, Warren
O'Connor, William
Vita, Lucien

Jones, Laura
Parsons, Robbie
Weeden, Michael

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

NAYS 120

BELKNAP

None

CARROLL

Babson, David Jr
Patten, Betsey

Knox, J. David
Umberger, Karen

McConkey, Mark

Merrow, Harry

CHESHIRE

Butynski, William
Johnsen, Gladys
Smith, Edwin

Chase, Cynthia
Moore, Robert Jr
Sterling, Franklin Jr

Hawkes, Samuel
Parkhurst, Henry
Weber, Lucy

Hunt, John
Sad, Tara
Weed, Charles

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William
Thomas, Yvonne

Merrick, Evalyn

Remick, William

GRAFTON

Almy, Susan
Ladd, Rick Jr
Smith, Suzanne

Benn, Bernard
Pastor, Beatriz
Taylor, Kathleen

Cooney, Mary
Pierce, David
Townsend, Charles

Harding, Laurie
Simard, Paul

HILLSBOROUGH

Baroody, Benjamin
Christensen, D.L.
Chris
Flanagan, Jack
Gimas, John
Kurk, Neal
Messier, Irene
Pratt, Calvin
Scontsas, Lisa
Summers, James

Barry, J. Gail
Cote, David
Fredette, Robert
Gorman, Mary
Leishman, Peter
Moran, Edward
Ramsey, Peter
Stroud, Kathleen
Vaillancourt, Steve

Belvin, William
Daler, Jennifer
Gargas, Carolyn
Graham, John
Levasseur, Nickolas
Pilotte, Maurice
Rhodes, Brian
Sullivan, Daniel
Warden, Mark

Campbell, David
Drisko, Richard
Gidge, Kenneth
Hikel, John
Long, Patrick
Porter, Marjorie
Rosenwald, Cindy
Sullivan, Peter

MERRIMACK

Bouchard, Candace
Foosse, Robert
Keane, Thomas
Richardson, Gary
Winter, Steven

Cohn, Seth
Frazer, June
Kidder, David
Shurtleff, Stephen

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

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

ROCKINGHAM

Allen, Mary
Dowling, Patricia
Lovejoy, Patricia
Pantelakos, Laura
Schlachman, Donna

Brown, Paul
Elliott, Robert
McKinney, Betsy
Perkins, Amy
Serlin, Christopher

Cali-Pitts, Jacqueline
Hagan, Joseph
Moody, Marcia
Perkins, Lawrence
Waddell, James

DiPentima, Rich
Hoelzel, Kathleen
Norelli, Terie
Read, Robin Jr

STRAFFORD

Berube, Roger
Grassie, Anne
Schmidt, Peter

Brown, Julie
Horrigan, Timothy
Spang, Judith

Browne, Brendon
Keans, Sandra
Watters, David

Ginsburg, Philip
Pelletier, Marsha

SULLIVAN

Cloutier, John
and floor amendment (2224h) was adopted.

Gagnon, Raymond

Lefebvre, Benjamin

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

Reps. Simard and Weyler spoke in favor.

Rep. Bettencourt requested a roll call; sufficiently seconded.

YEAS 198 NAYS 100

YEAS 198

BELKNAP

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

Bolster, Peter
Greemore, Robert
Russell, David
Tobin, William

Comtois, Guy
Kingsbury, Robert
Simpson, Tyler
Worsman, Colette

Fields, Dennis
Malone, Robert
Swinford, Elaine

CARROLL

Fleck, Joseph
Patten, Betsey

McCarthy, Frank
Pettengill, Laurie

McConkey, Mark
Schmidt, Stephen

Merrow, Harry
Tregenza, Norman

CHESHIRE

Cartwright, Anne

Dwinell, Richard

COOS

Daugherty, Duffy
Tremblay, Marc

Rappaport, Laurence

Remick, William

Tholl, John Jr

GRAFTON

Bradley, Lester
Ingbretson, Paul
Shackett, Jeffrey

Brosseau, Charles
Ladd, Rick Jr
Sorg, Gregory

Bulis, Lyle
Mirski, Paul
Sova, Charles

Gionet, Edmond
Reilly, Harold Sr

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Coffey, James
Doherty, Shaun
Gandia, Laura
Hansen, Peter
Hutchinson, Winfred
Lambert, George
McGuinness, Sean

Balboni, Michael
Belanger, James
Burt, John
Cusson-Cail, Kathleen
Donovan, Daniel
Gimas, John
Hardwick, Harry
Infantine, William
LeBrun, Donald
Moran, Edward

Ball, J. Michael
Belvin, William
Cebrowski, John
Daniels, Gary
Drisko, Richard
Gonzalez, Carlos
Hikel, John
Jasper, Shawn
Maltz, Jonathan
Murphy, Keith

Barry, J. Gail
Bergevin, Jerry
Christiansen, Lars
DeJong, Cameron
Gagne, Larry
Greazzo, Phil
Hogan, Edith
Krasucki, Joseph
McClarren, Donald
Notter, Jeanine

O'Brien, William
Pellegrino, Tony
Renzullo, Andrew
Simmons, Tammy
Swank, Matthew
Villeneuve, Moe

Ohm, Bill
Peterson, Lenette
Rowe, Robert
Souza, Kathleen
Thomas, Joseph
Warden, Mark

Palmer, Stephen
Pratt, Calvin
Seidel, Carl
Stroud, Kathleen
Twombly, Timothy
Whitehead, Randall

Parison, James
Proulx, Mark
Silva, Peter
Summers, James
Ulery, Jordan
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Hill, Gregory
Lindsley, Mark
Palfrey, David
Seaworth, G. Brian
Winter, Steven

Coffey, Jennifer
Keane, Thomas
McDonnell, John
Reed, Dennis
Smith, Molly

Giuda, J. Brandon
Kotowski, Frank
McGuire, Carol
Richardson, Jon
Smith, Todd

Hess, David
Lauer-Rago, Kathleen
McGuire, Dan
Sanborn, Laurie
Soltani, Tony

ROCKINGHAM

Abrami, Patrick
Belanger, Ronald
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Griffin, Mary
Kappler, Lawrence
Mauro, Donna
Okerman, Richard
Reichard, Kevin
Schroadter, Adam
Sullivan, James
Ward, Joanne

Azarian, Gary
Bettencourt, David
Comerford, Timothy
Dowling, Patricia
Fesh, Robert
Hagan, Joseph
Katsakiores, Phyllis
McMahon, Charles
Packard, Sherman
Rice, Frederick
Sedensky, John
Tamburello, Daniel
Webb, James

Baldasaro, Alfred
Birdsell, Regina
Davenport, Joshua
Duarte, Joe
Garcia, Marilinda
Headd, James
Major, Norman
Nevins, Chris
Quandt, Matt
Ritter, Glenn
Sheffert, Kenneth
Tremblay, Stella
Welch, David

Bates, David
Brown, Paul
DeSimone, Debra
Elliott, Robert
Garrity, James
Itse, Daniel
Manuse, Andrew
O'Connor, John
Reagan, John
Sanders, Elisabeth
Smith, William
Tucker, Pamela
Weyler, Kenneth

STRAFFORD

Cataldo, Sam
Munck, Philip
Pitre, Joseph

DeLemus, Susan
Newton, Clifford
Vita, Carol

Groen, Warren
O'Connor, William
Vita, Lucien

Jones, Laura
Parsons, Robbie
Weeden, Michael

SULLIVAN

Bowers, Spec
Laware, Thomas

Cunningham, Steven
Osgood, Joe

Howard, Thomas
Rodeschin, Beverly

LaCasse, Paul Sr
Smith, Steven

NAYS 100

BELKNAP

None

CARROLL

Babson, David Jr

Knox, J. David

Umberger, Karen

CHESHIRE

Butynski, William
Johnsen, Gladys
Sterling, Franklin Jr

Chase, Cynthia
Moore, Robert Jr
Weber, Lucy

Hawkes, Samuel
Parkhurst, Henry
Weed, Charles

Hunt, John
Sad, Tara

COOS

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

Almy, Susan Pastor, Beatriz Taylor, Kathleen	Benn, Bernard Pierce, David Townsend, Charles	Cooney, Mary Simard, Paul	Harding, Laurie Smith, Suzanne
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HILLSBOROUGH

Baroody, Benjamin	Campbell, David	Christensen, D.L. Chris	Cote, David
Daler, Jennifer Gargas, Carolyn Kurk, Neal Messier, Irene Rhodes, Brian Sullivan, Peter	Day, Russell Gidge, Kenneth Leishman, Peter Pilotte, Maurice Rosenwald, Cindy Vaillancourt, Steve	Flanagan, Jack Gorman, Mary Levasseur, Nickolas Porter, Marjorie Scontsas, Lisa	Fredette, Robert Graham, John Long, Patrick Ramsey, Peter Sullivan, Daniel

MERRIMACK

Bouchard, Candace Foos, Robert Kidder, David Shurtleff, Stephen	Cohn, Seth Frazer, June Lockwood, Priscilla Wallner, Mary Jane	Deloge, Helen Gile, Mary Potter, Frances Watrous, Rick	DeStefano, Stephen Hamm, Christine Richardson, Gary
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ROCKINGHAM

Allen, Mary Lovejoy, Patricia Pantelakos, Laura Schlachman, Donna	Cali-Pitts, Jacqueline McKinney, Betsy Perkins, Amy Serlin, Christopher	DiPentima, Rich Moody, Marcia Perkins, Lawrence Sytek, John	Hoelzel, Kathleen Norelli, Terie Read, Robin Jr Waddell, James
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STRAFFORD

Berube, Roger Grassie, Anne Schmidt, Peter	Brown, Julie Horrigan, Timothy Spang, Judith	Browne, Brendon Keans, Sandra Watters, David	Ginsburg, Philip Pelletier, Marsha
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SULLIVAN

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

Rep. Hoell did not vote and notified the Clerk that he wished to be recorded in favor.

(Speaker O'Brien in the Chair)

SB 332, repealing a prohibition relative to auxiliary state troopers and repealing the law governing motor vehicles carrying property for hire. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William B. Smith for the Majority of Finance: This bill makes the use of auxiliary state police more efficient by allowing flexibility in hours worked for these part time employees. It also repeals the law governing motor vehicles carrying property for hire since federal law takes precedence over state law. The amendment requires law enforcement officers to record citizen complaints about TSA agent searches upon complaint by the citizen, for inclusion into

a state-wide database. It also permits audio and video recording of the TSA search. Vote 20-6.

Rep. Robert A. Foose for the Minority of Finance: Even though the minority did agree with the logic of the initial bill that was focused on the use of auxiliary state supporters, the introduction of a non germane amendment at the last minute causes us to suggest that the appropriate vote should be ITL. The amendment reintroduces the provision that individuals can challenge actions by the TSA and that these challenges can become part of a public record. This process has already been considered by the House and Senate without mutual agreement.

Majority Amendment (2221h)

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

AN ACT repealing a prohibition relative to auxiliary state troopers, repealing the law governing motor vehicles carrying property for hire, and relative to searches conducted for purposes of transportation-related security.

Amend the bill by inserting after section 4 the following and renumbering the original sections 5-6 to read as 6-7, respectively:

5 New Chapter; Federal Agency Searches Recorded. Amend RSA by inserting after chapter 595-B the following new chapter:

CHAPTER 595-C

FEDERAL AGENCY SEARCHES RECORDED

595-C:1 Federal Agency Searches Recorded.

I. Any law enforcement officer, as defined in RSA 651:6, I-a(a) who is stationed or present at an airport, bus station, train station, highway, or other transportation-related location or is in the presence of or who is working with an agent of the federal Transportation Security Administration or its equivalent while such agent is conducting an administrative search for transportation security of persons about to travel or already traveling in a vehicle of any kind shall record all interactions between the agent and citizen when that citizen complains to the law enforcement officer about the manner in which the administrative search is being or has been conducted.

II. When a law enforcement officer is not available at the site of an administrative search conducted for transportation security, a citizen may file a complaint at any office of the county sheriff within the state of New Hampshire, and the officer taking the report shall follow the same procedures as would be required had he or she been at the scene.

III. In such cases as described in paragraphs I and II, the law enforcement officer shall record the name and address of the citizen as well as the name and address or official identification of the agent, along with an accurate statement of the details involving the complaint and his or her observations of the federal agent's behavior when applicable.

IV. Such records described in paragraph III shall be submitted within 5 business days to the division of state police for inclusion on an electronic database specifically identified as "Citizen Complaints About TSA Searches." The division of state police shall maintain the reports on the electronic database for at least 5 years, after which the records may be archived but not destroyed.

V. The information recorded pursuant to this section, with the name and other identifying information of the complainant redacted, shall be a public record under RSA 91-A.

VI. The department of safety and its employees and agents shall not be held liable for errors of omission or commission in the recording and maintenance of information under this section unless the error is shown to be the result of gross negligence or an intentional act.

VII.(a) In order to assist in the accuracy of records created by law enforcement officers in paragraph III, all citizens being searched shall be afforded their rights under the First Amendment to the Constitution for the United States of America and under Part 1,

Article 22 of the New Hampshire Constitution to record, or designated a person to record, using any type of audio and video recording device, or a device that records just audio or just video, all interactions with an agent described in paragraph I, even in the presence of a law enforcement officer, without exception.

(b) If a citizen is prevented in any way from exercising his or her rights as specified in this section, he or she may require a law enforcement officer to enforce the provisions of this section.

(c) If a law enforcement officer does not enforce the provisions of this chapter or makes it difficult for a citizen to exercise his or her rights as specified in this section, the law enforcement officer may be guilty of official oppression pursuant to RSA 643:1.

Amend the bill by replacing section 7 with the following:

7 Effective Date.

I. Section 5 of this act shall take effect 90 days after its passage.

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

AMENDED ANALYSIS

This bill repeals a prohibition relative to auxiliary state troopers and repeals the law governing motor vehicles carrying property for hire.

This bill also requires law enforcement officers to document complaints relating to administrative searches by agents of the Transportation Security Administration.

Rep. Foote spoke against.

Rep. Manuse spoke in favor.

Majority committee amendment adopted.

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

Rep. Sova spoke in favor.

Majority committee report adopted and ordered to third reading.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly Enrolled House Bills numbered 242, 344, 1204, 1380, 1409, 1477, 1537, 1549, 1707 and 1723 and Senate Bills numbered 49, 152 and 319.

Rep. Kidder, Sen. Prescott for the Committee

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, May 16, 2012 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 247-FN-L, relative to certifying municipal culvert installers.

SB 284, establishing a certified public health dental hygienist in New Hampshire.

SB 288, relative to the exchange of public health information through a health information exchange.

SB 300, relative to special education services in chartered public schools.

SB 226, transferring the administration of the electricians' board to the joint board for licensure and certification.

SB 234-FN, relative to salary grades for certain executive branch positions and relative to the retirement classification of the director of the division of forests and lands.

SB 256, relative to public utilities commission contracts with consultants.

SB 331, clarifying the definition of surviving spouse for eligibility for line-of-duty death benefits for police officers or firefighters killed in the line of duty.

SB 338-FN, relative to military discipline by the national guard.

SB 342, relative to the inclusion of requirements for log structures in the state building code.

SB 230-FN, relative to the calculation of average final compensation for certain retirement system members.

SB 237-FN, relative to field purchases and transfers of funds for the state park system and the bureau of trails, and the use of gifts and donations to the division of parks and recreation.

SB 280, relative to the procedure for approval of medical parole.

SB 307-FN, relative to the refund of tax overpayment related to a fraudulent investment scheme.

SB 330-FN, requiring an independent financial opinion prior to the leasing of any state park property to a private entity.

SB 347-FN, relative to the department of health and human services administrative appeals.

SB 404-FN, relative to funding for pupils enrolled in vocational education programs.

SB 283, relative to disposition of nursing home patient accounts.

SB 395, relative to construction of an access road on land in current use.

SB 252, increasing the maximum term for energy performance contracts.

SCR 2, regarding the White Mountain National Forest.

SB 398, proclaiming March 30, 2013 as Welcome Home Vietnam Veterans Day.

SB 361, establishing a commission to study the feasibility of establishing energy infrastructure corridors within existing transportation rights of way and repealing a commission.

SB 205, revising the New Hampshire business corporations act, RSA 293-A.

SB 314-FN, relative to state-owned vehicle fleet management.

SB 326-FN-A-L, relative to state reimbursement of towns.

SB 343-FN, establishing an independent board of psychologists.

SB 175, regulating the commercial use of a person's identity.

SB 219-FN, relative to guaranteed issue for health insurance.

SB 356, limiting the authority of delegates to Article V amendment conventions.

SB 378, allowing municipalities to remove snow from private roads and driveways and class VI highways.

SB 289-FN, relative to presenting photo identification to vote in person.

SB 328, relative to the procedure for filling a vacancy on a cooperative school board.

SB 402-FN, relative to the adoption of policies for the management of concussion and head injury in youth sports.

SB 373-L, authorizing the retention of funds by a school district.

SB 236, relative to nomination of candidates.

SB 318-FN, relative to voter registration.

SB 370-FN, relative to the powers of law enforcement and animal control officers.

SB 239-FN, relative to the membership and duties of the installation standards board.

SB 259, relative to the appointment of the director of ports and harbors and relative to transfer of land within the Pease development authority.

SB 311-FN-A, establishing a director of the division of weights and measures and relative to the setting of weights and measures fees.

SB 155-FN-A, relative to section 179 expense deductions under the business profits tax.

SB 295-FN-A, increasing the research and development tax credit against the business profits tax.

SB 332, repealing a prohibition relative to auxiliary state troopers and repealing the law governing motor vehicles carrying property for hire.

UNANIMOUS CONSENT

Reps. Kingsbury and Weber addressed the House.

MOTION TO PRINT REMARKS

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

Adopted.

REMARKS

Rep. Kingsbury: Thank you, Mister Speaker. It came up earlier today and I thought I'd make a comment or two. In the middle of June, about 200 of the members of my division will get together for a reunion in Pittsburgh. Every once in awhile people say how come you veterans still get together? So, I'll offer a reason or two. All of us lived because someone else died that we might live. We meet in memory of them. We have a special memory session about that. In those days, when we promised to do something, we did it. We kept our word even though it often meant dying. We kept our word or we died trying to keep it. Members of Congress and some others, who promise to support and defend the Constitution, then repeatedly violate it, make us wonder. While vets may have lived in lethal surroundings, we veterans kept our word to each other and therefore we live in a truthful society. We meet now and then in grateful memory of having once been privileged to have lived in a truthful society. We veterans' main regret is that there are no words in the English language to tell anyone exactly what these near-death experiences were like, but we meet now and then, as I said, in grateful memory of once having lived in privilege to have lived in a truthful society. Thank you.

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 5:05 p.m.

RECESS