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HOUSE RECORD

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Calendar and Journal of the 2013 Session

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Concord, N.H.

Wednesday, February 20, 2013

No. 21

HOUSE JOURNAL No. (Cont.)

Thursday, February 14, 2013

Rep. Kaen moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 8

Wednesday, February 20, 2013

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

Her Excellency, Governor Margaret Wood Hassan, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Jared A. Rardin, Pastor of the South Congregational Church in Concord.

God of peace and hope, we recall today that You are also a God of justice. We recall that in every age You send Your spirit to comfort the afflicted, but that You sometimes need to send us prophets to afflict the comfortable, which, we know, includes us. On this February Wednesday, we recall with gratitude those who have walked before us with the courage to speak truth to power and to question the status quo. We give You thanks for those who have dared to challenge racism and prejudice in all its forms for the sake of a more perfect union. Remind us of the cloud of witnesses who, out of compassion for their fellow human beings, risked and even gave their lives, so that the laws of this country and of this state might actually reflect in truth what our forbears claimed, that we "Hold these truths to be self evident, that all men (and women) are created equal." Help us to listen for their voices and for Yours and to the voices of our neighbors today who are challenging the injustices and prejudices of our own time. May our work reflect to the people of New Hampshire our concern for justice and equality, not for some, but for all. And in so doing, in the words of the great theologian Howard Thurman, "Keep fresh before (us) the moments of (our) high resolve" so that our work today might benefit those whose suffering is the greatest and often the least visible. This we pray in Your liberating name. Amen.

Representative Kris Roberts, member from Keene, led the Pledge of Allegiance.

The National Anthem was sung by Reverend Robert Thompson from Phillips Exeter Academy.

Pastor Renee Rouse of Brookline Community Church sang "America the Beautiful."

LEAVES OF ABSENCE

Reps. Boisvert, Booras, Hackel, Hansberry, Kopka, McCloskey, Pitre, Reilly, Thompson, Till, Joy Tilton and Carol Williams, the day, illness.

Reps. Richard Eaton, Hinch, Moffett, Pelletier, Rhodes, Shackett, Spainhower and Kenneth Ward, the day, important business.

INTRODUCTION OF GUESTS

Reverend Andrew Nelson and Reverend Jorge Bedoya, son and guest of Rep. Bill Nelson. George, Molly, Carolyn and Sarah Simpson, son-in-law, daughter and granddaughters of Rep. Lovett. The Honorable Claire Clarke, former member from Boscawen, Stephanie and Andrew Alicea Sr., Leonard Bell and Marsha Snow, mother, daughter, son and guests of Rep. Alicea. Fourth Graders at Derry Village Elementary School, guests of the Derry Delegation. Miranda White, daughter of Rep. Andrew White. The Honorable Jackie Weatherpoon, former member from Exeter, guest of the House. The Honorable Harvey Keye, former member from

Nashua, his wife Coralia, daughter Kendra Nickodem and daughter and son-in-law Jada Lynn and Sergio Hebra, guests of the House. Claire and Tim Davis, Braden and Nathan Young, guests of Rep. Emerson. John Healey and James Mossman, guests of Rep. Flanagan.

Andrew Alicea, Jr. of Merrimack Valley High School, Jourdain Bell of Bishop Brady High School and Emily LeRay of Exeter High School, Pages for the day.

SPECIAL GUESTS

Aleksey Gustov, Ivan Khlebnikov, Aleksandr Selivanov, Vitaliy Yevdokimov and Dmitriy Popov, members of the World Affairs Council, guests through the Open World Program, guests of the House. Valerie Cunningham, historian and principal of the African-American Cultural Center, who established the Portsmouth Black Heritage Trail and the recipient of the National Restore America Award, and Bradley Randolph, son of Valerie Cunningham, guests of the House.

UNANIMOUS CONSENT

Rep. Levesque addressed the House.

DECLARATION

HONORING HENRY B. RICHARDSON

The First New Hampshire Legislator of African-American Descent

WHEREAS, Henry B. Richardson was elected to the New Hampshire House in 1974, and for two terms faithfully represented his constituents in Hillsborough District 5, which then comprised the towns of Greenville, Sharon, Temple, Lyndeborough and Wilton; and

WHEREAS, during his tenure in the House, Henry B. Richardson was a member of the Education Committee, as well as the Claims, Military & Veterans Affairs Committee, quickly earning the reputation of being an eloquent and gifted speaker; and

WHEREAS, originally from Ohio, Henry B. Richardson persevered from humble beginnings to graduate from college and become a faculty member of the Hampton Institute in Virginia; and

WHEREAS, Henry B. Richardson, who espoused serving country and community, served in the U.S. Army and proceeded to receive a battle commission where he was the only black officer in an integrated unit; and *WHEREAS*, after three wars and 31 years in the Army, Henry B. Richardson retired with the rank of Major, having been decorated 24 times; now therefore be it

DECLARED, that Henry B. Richardson be celebrated as the first person of African-American descent elected to serve in the New Hampshire House of Representatives, thereby inspiring and paving the way for future legislators of diverse backgrounds; and be it further

DECLARED, that the New Hampshire House of Representatives, in recognition of Black History Month, hereby honors Henry B. Richardson for his groundbreaking achievement and reaffirms the significance of his role in New Hampshire history.

Terie Norelli, Speaker of the House
February 20, 2013

MOTION TO PRINT REMARKS

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

REMARKS

Rep. Levesque: Madame Speaker, Honorable Colleagues and guests. I rise for unanimous consent to recognize Black History month and pay tribute to past and current members of the Legislature of African American descent. You may ask why celebrate Black History month? It is a way of remembering our past, appreciating our present and imagining the possibilities for the future. Africans were brought to America in chains over 300 years ago. Although they helped to build this country, they endured centuries of being treated as mere property, unable to experience freedom, unable to engage in free enterprise or even be taught to read and write. In 1857, New Hampshire declared that no one shall be denied citizenship on account of African descent and, along with Vermont, repealed laws against the enlistment of blacks in state militia. In 1863, the Emancipation Proclamation freed all slaves and in 1865 the 13th amendment abolished slavery in all states. 110 years later, NH elected the first African American to the NH Statehouse. His name is Henry B. Richardson (R-Greenville). Henry Richardson served in the military for 31 years, served in 3 wars and was decorated 24 times. He achieved the rank of Major when he retired. Henry B. Richardson won the Republican nomination for his party in 1974. He was elected in 1975. That was a year of firsts; the first African American, the first Native American and the first 19 year old. After serving 2 terms in the NH House, The Hon. Henry Richardson ran for State Senate and was even endorsed by the Manchester Union leader. The Hon. Henry B. Richardson paved the way for Representatives of the future, including myself. Elected in 1986, Linda Diane Long (D-Nashua) served for 4 years in the House. Rep. Long was the sponsor of the Martin Luther

King Day Bill in 1989. In 1989, the Hon. Juanita Bell from Portsmouth served for 2 terms. That same year the Hon. Lionel Johnson (D-Manchester) began his 12 years of service in the NH House. The Hon. Rogers Johnson (R-Stratham) served 3 terms. The Hon. Jackie Weatherspoon (D- Exeter) served 2 terms, 1997-2002, and remains active today in Exeter and in Washington. The Hon. Harvey Keye (D-Nashua), elected in 1998, also served 2 terms. The Hon. Harvey Keye gave an impassioned speech on the House floor which was instrumental in passing the Martin Luther King Day Holiday in NH. The Hon. Claire Clarke (D-Boscawen), served for 10 years from 2001-2010. She was a tireless advocate for Education. The Hon. James Lawrence (R-Hudson) served 3 terms. The Hon. Carol Estes (D-Plymouth) served one term and gave a remarkable floor speech that helped pass civil unions. The Hon. Richard Komi (D-Manchester) originally from Nigeria, served in the House from 2009-2010 and also ran for Mayor of Manchester. Our current Representatives are Rep. Jean Jeudy (D-Manchester), originally from Haiti, Rep. Kris Roberts (D-Keene), Rep. Caroletta Alicea, the daughter of the Hon. Claire Clark and Rep. Linda Harriott-Gathright (D-Nashua). Today we recognize these Representatives cited for their achievement, not only for blazing a trail and being role models to what is achievable, but for transcending barriers of race and gender. It is important to note that the NH House is a diverse fellowship of legislators; African American, Irish, English, Native American, Hispanic, French, Italian, German, Greek, Indian, Haitian, Armenian, Japanese, Scandinavian, Russian and Scottish. If I missed any nationalities, please excuse me, but you know what I mean. We have a diverse group and we should be proud because we were all elected based on the content of our character and our willingness to serve. This is Dr. Martin Luther King's Dream. It is our privilege to have the daughter of The Hon. Henry B. Richardson with us today. Pastor Renee Rouse is the Interim Pastor at the Brookline Community Church in Brookline NH. She graced us with her lovely voice singing *America the Beautiful*. We would like to pay tribute to her father's memory by presenting a commendation recognizing her father, Hon. Henry B. Richardson as the 1st African American Legislator in the NH Statehouse.

COMMUNICATION

February 15, 2013

Attn: Karen Wadsworth

Due to personal and health related issues, I am no longer able to serve in the NH Legislature representing Sullivan County District 4, City of Claremont, Ward 2. Continued success in your work.

Thomas E. Donovan, Jr.

COMMUNICATION

February 14, 2013

Ms. Terie Norelli
Speaker of the House
Third Floor, NH State House
107 North Main Street
Concord, NH 03301

Dear Madam Speaker:

It is with deep regret that I submit to you my resignation, today, from the NH House of Representatives. My declining health along with my age are the two main factors. This legislative body holds many fine memories that I shall always cherish.

Sincerely,
Roland H. LaPlante
Ward 8, Nashua – Hillsboro, Dist. 35

CONSENT CALENDAR

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

HB 278, relative to voluntary installation of fire suppression sprinklers, removed by Rep. Kurk.

HB 344-FN-L, relative to aid to school districts for the cost of special education, removed by Rep. Carol McGuire.

HB 471, establishing a commission to study dual enrollment programs, removed by Rep. Kris Roberts.

HB 143, allowing straight ticket voting, removed by Rep. Vaillancourt.

HB 277, relative to the oath required of public officers, removed by Rep. Hoell.

HB 423-L, relative to amending official ballot warrant articles, removed by Rep. Frederick Rice.

HB 273-FN-L, authorizing the commissioner of the department of resources and economic development to enter into contracts for provision of free Wifi Internet access at Hampton Beach state park, removed by Rep. Cushing.

Consent Calendar adopted.

HB 201, relative to school district policies on health and sex education. **INEXPEDIENT TO LEGISLATE.**
Rep. Rick M. Ladd for Education: House bills 201 and 161 addressed the issue of district policies affecting opt-out provisions on health and sex education. A house education sub committee merged content from HB 201 into HB 161 with amending language. This bill is no longer needed. Vote 18-0.

HB 384, requiring parental consent prior to a mental health examination in public schools. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara E. Shaw for Education: Parental consent is already required by both federal state special Ed laws. RSA 200:34 clearly states the procedures and process that must be followed. This bill is unnecessary and may cause confusion. Vote 18-0.

HB 309, relative to filing for office. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Shawn N. Jasper for Election Law: This bill was filed at the request of the secretary of state to correct an inconsistency in filing requirements. Current law requires that if a person must file for office with the secretary of state and does so on the last day, they must appear in person. The bill as filed was intended to require that any person who files for office with the town or city clerk on the last day of the filing period, must also do so in person. The amendment corrects an error in the bill and fulfills the intent of the sponsor and the secretary of state. Vote 17-0.

Amendment (0303h)

Amend the bill by replacing section 1 with the following:

1 Primary Candidate. Amend RSA 655:16 to read as follows:

655:16 Personal Filing. Except for those who must file with a town or city clerk, any person who files on the last day of the filing period must do so in person before the secretary of state; provided, however, that this requirement shall not apply to the filling of vacancies by party committees. ***If the person must file with a town or city clerk and is filing on the last day of the filing period, he or she shall do so in person.***

HB 328-FN, relative to the sale of pets. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen J. Palmer for Environment and Agriculture: This bill is a cleanup bill as a result of a study committee to RSA 437 with no policy changes. This amendment requires that the animal is free from all visual evidence of any communicable diseases or internal and external parasites. Vote 15-0.

Amendment (0229h)

Amend RSA 437:13-a, II as inserted by section 8 of the bill by replacing it with the following:

II. For purposes of this section, an official health certificate means a certificate signed by a licensed veterinarian on a form approved by the state veterinarian, containing the name and address of the person transferring ownership of the ***dog, cat, bird, or ferret***, the age, sex, breed and description of the ***dog, cat, bird, or ferret***, a list of all types of vaccines or medication administered to the ***dog, cat, bird, or ferret***, and the certification of the veterinarian that the ***dog, cat, bird, or ferret*** is free from visual evidence of any communicable diseases ***or internal or external parasites***.

Amend RSA 437:13-a, IV as inserted by section 8 of the bill by replacing it with the following:

IV. All incorporated or chartered humane societies with operating shelters in the state of New Hampshire are exempt from the requirements of this section relative to transferring ***dogs, cats, birds, or ferrets*** except that all ***dogs, cats, birds, or ferrets*** transferred out of an animal shelter facility shall have a form of positive identification, including but not limited to a tattoo, collar, microchip, ear tag, or any other permanent form of identification approved by the commissioner of agriculture, markets, and food and ***dogs, cats, and ferrets*** shall be vaccinated against rabies in accordance with RSA 436[~~and~~]. ***All dogs, cats, birds, or ferrets*** shall be accompanied by an official health certificate if the ***dog, cat, bird, or ferret*** was imported into the state for transfer with or without a fee.

HB 497, relative to negligent treatment of animals. **INEXPEDIENT TO LEGISLATE.**

Rep. Christy D. Bartlett for Environment and Agriculture: This bill would have added specific acts of negligence to the animal abuse statute – including underweight animals, ammonia levels, and open sores. While the intent is well-meaning, the testimony overwhelmingly pointed out that not all thin dogs are being starved, and not all open sores are due to mistreatment or neglect. The committee determined that our existing animal cruelty statutes are sufficient to deal with real animal abuse. Vote 16-0.

HB 547, establishing a commission to study permanent options for funding the veterinary diagnostic laboratory. **OUGHT TO PASS.**

Rep. Robert H. Haefner for Environment and Agriculture: The bill sets up a short term commission to look at options for permanent funding of the veterinary diagnostic lab at UNH. The lab has been funded historically with one third from the university (college of life science and agriculture), one third by the NH department of agriculture, markets and food and one third from user fees. This has reflected the three customers of the lab. Last term the department of agriculture, markets and food, and UNH cut their funding to the lab because the budgets were cut at both UNH and DAMF. We almost lost the lab until we found some money available

in other dedicated funds at DAMF. The lab did make some significant cuts to its operating costs. The question: "Is there a better way to fund this lab?" The VDL is one of two only in all of New England, the other at UCONN. There is also one other in the northeast at Cornell. Our lab does get work sent to it from our neighboring states. There are a couple of national labs in the area that provide service for the pet industry, but not livestock or rabies. The lab is also part of our state emergency management organization and it is a teaching arm of the pre-veterinary program at UNH, one of the country's best programs. This is a public health service as well. Vote 15-0.

HB 156, relative to the appointment and duties of the state fire marshal. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jeffrey P. Goley for Executive Departments and Administration: The bill, as amended, corrects some problems created from statutory changes over the years and also makes the language gender neutral. It removes language from RSA 153:7 which deals with the appointment of the state fire marshal as that is now covered in RSA 21-P. The second part of the bill, as amended, removes the reference to RSA 106-A:46 which was repealed in 1987 and correctly substitutes RSA 153. Vote 16-0.

Amendment (0058h)

Amend the bill by replacing sections 1 and 2 with the following:

1 State Fire Marshal. Amend RSA 153:7 to read as follows:

153:7 State Fire Marshal. There shall be a state fire marshal who shall be ~~a citizen of this state and shall be technically qualified by training and experience in the prevention, extinguishing and investigation of fires at the time of his appointment. He shall be appointed by the governor and council from a list of at least 3 nominees submitted by the state advisory board of fire control for an indefinite term, which shall not extend beyond his sixty-fifth birthday~~ **qualified and appointed by the governor and council in the manner prescribed in RSA 21-P:12.** He ~~or she~~ shall be subject to removal at any time by the governor and council for inefficiency, neglect of duty, or malfeasance in office, after hearing, with reasonable notice in writing of the charges against him ~~or her~~. The office of the state fire marshal shall be located in Concord in suitable quarters provided by the state. ~~He~~ **The state fire marshal** shall receive the annual salary prescribed by RSA ~~94:1-4~~ **94:1-a**. Such officer shall devote his ~~or her~~ entire time to the duties of the office and ~~he~~ shall discharge such duties and responsibilities as are delegated to ~~him~~ **the fire marshal** by law.

2 Duties of the State Fire Marshal. Amend RSA 153:4-a, IV to read as follows:

IV. To promote the efficient discharge of his ~~or her~~ lawful duties, the state fire marshal or his ~~or her~~ designee may issue citations for violations of fire safety rules under RSA ~~106-A:4-b~~ **153**.

HB 267, relative to the board of accountancy. **OUGHT TO PASS.**

Rep. Carol M. McGuire for Executive Departments and Administration: This bill clarifies the board's rulemaking authority and replaces the last "public accountant" on the board with a CPA. Since public accountants are the grandfathered pre-CPA professionals, there are fewer than 25 left in the state, and the board requested their dedicated seat be replaced by a current professional. Vote 16-0.

HB 376, relative to the shop licensure requirements for barbers, cosmetologists, manicurists, and estheticians. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter B. Schmidt for Executive Departments and Administration: This bill, as amended, arose from the desire of the trade and their licensing board to allow enterprising practitioners to open their own shops at an earlier point in their careers. There was no opposition to the bill and the committee felt we should not unnecessarily restrict ambitious young business people. Vote 16-0.

Amendment (0148h)

Amend the bill by replacing section 1 with the following:

1 Barbers; Shop Licensure; One Year Requirement Removed for Barbers. Amend RSA 313-A:19 to read as follows:

313-A:19 Shop Licensure.

I. It shall be a misdemeanor for any person, as owner, manager, or agent, to open, establish, conduct, or maintain a salon, barbershop, or mobile barbershop without first having obtained a shop license from the board. Application for such shop license shall be made to the board in writing and shall state the name and address of the owner of such shop, the shop's address or, in the case of a mobile barbershop, the business mailing address of the owner, and such other information as may be required by the board. Licenses under this section shall be conspicuously posted within the licensed establishment.

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

(b) Booths attached to or within a salon or barbershop that are operated independently of the salon or barbershop shall be subject to licensure in the same manner as an independent establishment, except that each independently operated booth shall not be required to have a separate sink or shampoo bowl.

III. In the event of a change of location of any licensed shop and upon notice thereof, the board shall issue a transfer of licensure of such shop to its new location, provided such new location meets the requirements of this section. The board may revoke any shop license upon a finding that such shop fails to comply with this chapter or the rules adopted by the board; provided that, before any such certificate shall be revoked, the holder shall have notice thereof and be granted a proper hearing.

IV. In addition to licenses issued under paragraph II, the board may issue a license to an owner of a salon or barbershop who does not personally engage in cosmetology, barbering, or esthetics, provided the salon or barbershop shall fulfill all requirements set forth in the rules of the board and provided further that the owner has paid the required license fee for such salon or barbershop and employs a licensed cosmetologist, barber, manicurist, or esthetician as manager [~~who has previously completed one year of actual experience~~] in [~~a li-~~ ~~censed~~] **the** salon or barbershop. However, this section shall not authorize such owner to practice cosmetology, barbering, manicuring, or esthetics unless the owner has a cosmetologist, barber, or esthetician license.

AMENDED ANALYSIS

This bill removes the requirement that barbers, cosmetologists, manicurists, and estheticians have one year of experience prior to the granting of a shop license.

HB 377, relative to archeological investigations on private or public property. **INEXPEDIENT TO LEGISLATE.**

Rep. Carol M. McGuire for Executive Departments and Administration: This bill would forbid archeological investigations unless there is "concrete evidence that relics exist at that location," and requires stopping construction if "significant relics" are found. Unfortunately this is totally contrary to the principles of archeology, and creates a new duty for property owners: to look for relics, decide if they are "significant" and notify the state if they are, stopping work while they investigate. Right now there are no state laws or requirements in this area; all the requirements are federal. A preliminary archeological survey is required when getting a federal permit, or a joint federal/state permit, such as a wetlands excavation permit. The process required by this bill is not only clumsy; it is in violation of federal law. Vote 16-0.

HB 385, relative to licensure of, and the performance of electrical work by, elevator and accessibility lift mechanics. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank A. Byron for Executive Departments and Administration: This bill, as amended, modifies in RSA 157-B:8-a the requirements for licensure of elevator and accessibility lift mechanics from greater than 5 years to 2 years of documented experience working under a NH licensed elevator or accessibility lift mechanic. The bill also allows for the licensure of elevator or accessibility lift mechanics without an examination who are licensed in other states provided that the licensing requirements of New Hampshire are not greater than those of the other state. These provisions will make it easier for NH mechanics to receive the benefits of other states' reciprocity rules. The bill also amends RSA 319-C:3 by providing an exception to the requirement to hold an electrician's license for licensed elevator or accessibility lift mechanics working only on electrical wiring originating from a final disconnecting means at the equipment or at equipment disconnects located in the elevator machine room and associated with elevator equipment, elevator hoist way doors and the elevator car for both commercial and residential installations. Committee members believe this provides the best allocation of responsibility, with electricians handling general wiring up to the elevator or lift, and the elevator and lift mechanics handling the specialized wiring for the elevator or lift installation. Vote 15-0.

Amendment (0309h)

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

1 Elevator and Accessibility Lifts; License Requirements. Amend RSA 157-B:8-a to read as follows:

157-B:8-a Mechanics. An elevator or accessibility lift mechanic shall pass an examination given by the commissioner ***provided the person has at least 2 years of documented experience working directly under a licensed New Hampshire elevator or accessibility lift mechanic***, except in cases in which an elevator or accessibility lift mechanic has proven to the satisfaction of the commissioner ***that the person has*** experience in excess of 5 years within the state. A license shall be issued to the mechanic for a 2-year period. A fee of \$50 shall be charged for the initial examination and license. A license may be renewed every 2 years upon payment of a fee of \$35. Employees of the department of labor shall not be charged for the issuance or renewal of a license. A person who holds a certificate or license of competency as a mechanic [~~equal to that of this~~] ***issued by another*** state may be issued a license without examination upon payment of a fee of \$35, ***provided that licensees of this state are not subject to greater requirements for certification or licensure in the other state than those required by this state***. The commissioner may revoke any license for cause shown, after a hearing. The holder of a license under question shall receive 7 days' written notice informing the licensee of the charges and of the time and place of the hearing.

2 New Paragraph; Electricians; Exception for Licensed Elevator and Accessibility Lift Mechanics. Amend RSA 319-C:3 by inserting after paragraph XI the following new paragraph:

XII. An elevator or accessibility lift mechanic licensed by the labor commissioner under RSA 157-B:8-a and rules adopted thereunder (a) for accessibility lifts, at the wiring originating from the final disconnecting

means at the equipment; or (b) for elevators, at the equipment disconnects located in the elevator machine room and associated with the elevator equipment, elevator hoistway doors, and elevator car only; in both commercial and residential installations on elevator and accessibility lift controls.

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

AMENDED ANALYSIS

This bill adds a requirement of 2 years of experience working under a licensed elevator or accessibility lift mechanic in order to be licensed in this state and clarifies the eligibility for licensure by reciprocity. The bill also exempts licensed elevator and accessibility lift mechanics from requirements for licensure as an electrician for work in both commercial and residential installations on elevator and accessibility lift controls.

HB 637-FN-A, transferring licensing for retail tobacco sales to the department of revenue administration from the liquor commission. **INEXPEDIENT TO LEGISLATE.**

Rep. Jeffrey P. Goley for Executive Departments and Administration: This bill would transfer the licensing of tobacco sales from the liquor commission to the department of revenue administration. The liquor commission already enforces laws dealing with tobacco products and the committee felt tobacco licensing should remain there, just as liquor and tobacco are with the ATF at a federal level. Currently liquor and tobacco licensing are done on one form and sent to one agency. If this bill passes, businesses will have to file two forms with two different agencies. Both the New Hampshire grocers association and the New England convenience stores association opposed the bill because the current system is working well for them. Vote 16-0.

HB 656-FN, requiring state agencies to develop performance measures and to develop budgets for each biennium. **INEXPEDIENT TO LEGISLATE.**

Rep. Howard M. Moffett for Executive Departments and Administration: This bill would require all executive departments to submit biennial budgets to the department of administrative services, and would require each state agency to adopt a "performance measurement system" for each of its programs. Although the committee supported the idea of performance measurement, it was concerned that: (1) there were too many questions about how performance would be measured; (2) the Finance Committee is working on a comparable bill, and is a better place to work out the details; (3) the proposed oversight committee would require significant additional time from some of the busiest members of the legislature; and (4) because department heads report to the governor rather than the legislature, the bill raises a significant separation of powers issue. Vote 16-0.

HB 408, establishing approved titles for articles of the New Hampshire Constitution. **INEXPEDIENT TO LEGISLATE.**

Rep. David Woodbury for Judiciary: The New Hampshire Constitution, as originally enrolled, did not contain titles for the various articles. This bill seeks to supply those missing titles even though, over the years, printers and publishers have supplied their own titles. The Committee did not feel that the legislature had the authority to effectively amend the New Hampshire Constitution through legislation as opposed to a constitutional amendment. Vote 19-0.

HB 543, relative to ascertaining damages to abutting landowners. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joseph M. Hagan for Judiciary: This bill sets procedures determining damages to private lands when changes in grade or drainage are required for town highway maintenance or repair. Examples include changes in drainage structures such as ditches and culverts. The amendment corrects an error in timing. Vote 20-0.

Amendment (0265h)

Amend RSA 231:75, II as inserted by section 2 of the bill by replacing it with the following:

II. The selectmen shall hear any owner desiring to be heard, either at a hearing noticed under paragraph I, or otherwise within 30 days after receiving a hearing request from an aggrieved owner. If an aggrieved owner applies for damages, the selectmen shall view the premises and assess the damages, if any, within 30 days of said hearing or within 30 days after the completion of the work, whichever is later, and shall file a record of their proceedings in the office of the town clerk. In assessing damages, any benefit which the landowner may receive by such repairs may be set off against the owner's claim. A hearing request made under this paragraph shall be made within 6 months following the completion of the work, and not afterward.

HB 577-FN, relative to responsibility for hazardous materials accidents. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael J. Sylvia for Judiciary: This bill unnecessarily alters the party to be held responsible for the costs associated with hazardous materials accidents. This bill would shift the burden from the person "whose act or omission caused" the accident to a natural person or other person who is the owner, custodian, or otherwise is in possession or control of the hazardous materials involved. This would send a chilling economic signal to our state's businesses. Vote 18-0.

HB 200, relative to an employer's burden of proof in unemployment compensation hearings. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael D. Cahill for Labor, Industrial and Rehabilitative Services: This bill states that the employer, employer's agent or representative shall appear and present proof of alleged employee misconduct at the appeal

tribunal. It is the amendment that requires the appearance of the employer or his/her agent at the tribunal. The current process does not require attendance of the employer in the appeal process. We received testimony that employees are being found ineligible for unemployment without the benefit of due process. Vote 15-0.

Amendment (0263h)

Amend the bill by replacing section 1 with the following:

1 Unemployment Compensation; Procedure During Appeals. Amend RSA 282-A:56 to read as follows:

282-A:56 Procedure. A hearing shall be conducted in such a manner as to ensure a fair and impartial hearing to the interested parties. The appeal tribunal shall hear the appeal de novo and shall not be bound by prior findings or determinations of the department of employment security although the records of said department shall be part of the evidence to be considered by the tribunal. An appeal shall be filed and presented and the hearing conducted in accordance with rules adopted by the commissioner. Such rules need not conform to common law or statutory rules of evidence or other technical rules of procedure. The place and time of a hearing shall be determined by the commissioner. In no case shall a hearing proceed unless the chairman is present. With the agreement of all the parties the appeal tribunal may, without holding a hearing, remand a determination for redetermination pursuant to RSA 282-A:46 for the purpose of correcting obvious department error. ***If the employer alleges he or she dismissed the employee because of the employee's misconduct, the employer or the employer's agent or representative shall appear and shall present proof of such misconduct.***

AMENDED ANALYSIS

This bill requires employers to appear and present proof of misconduct when alleging an employee was dismissed for misconduct.

HB 359, relative to mailing of notices and determinations by the department of employment security. **OUGHT TO PASS.**

Rep. Douglas A. Ley for Labor, Industrial and Rehabilitative Services: The bill leaves to the discretion of the Commissioner of the Department of Employment Security the choice to use first class mail rather than certified mail in sending notices of withdrawals of appeals and decisions on requests to reopen appeal tribunal decisions. Cost savings to the state are estimated at \$6000 per annum. In the unlikely event the intended recipient (who requests the mailing) states that s/he did not receive the notice, the department will accept such claim and mail it a second time. Vote 13-0.

HB 360, relative to overpayments caused by arbitration awards, back pay awards, settlement agreements, or jury verdicts. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael D. Cahill for Labor, Industrial and Rehabilitative Services: This bill was requested by the department of employment security and would establish joint liability for employers and employees regarding restitution in the event of overpayment in certain situations. After additional consideration and consultation with the department, the sponsor requested the committee find it inexpedient to legislate. Vote 13-0.

HB 361, relative to worksharing. **OUGHT TO PASS.**

Rep. Janice E. Schmidt for Labor, Industrial and Rehabilitative Services: This bill brings New Hampshire work sharing requirements into alignment with the federal unemployment tax act. Work sharing allows employers to reduce working hours for an entire group of employees rather than laying off some employees and continuing full employment for others. The plan provides unemployment compensation at a reduced rate. Currently there are 169 employees participating in 15 separate plans. The changes require employers to provide benefits as if the hours had not been reduced, requires a plan presented to the department to include the details of the plan and allows the commissioner to sever any part of the statute that is not approved at the federal level. Vote 14-0.

HB 268-FN, establishing a moratorium period for lobbying for certain state officers. **INEXPEDIENT TO LEGISLATE.**

Rep. Joel F. Winters for Legislative Administration: This bill would extend the prohibition on lobbying by certain public officials after leaving office from six months to one year. The committee was not persuaded that there a problem with the current law that needed to be fixed. Vote 11-0.

HB 602, establishing a committee to study general court policies and procedures relative to persons with disabilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joel F. Winters for Legislative Administration: This bill would have established a study committee to look at how people with disabilities fare under the policies and procedures in the state house complex. The committee agreed there were issues that should be looked at, such as access to the senate gallery. The amendment changes this to a sunset commission so that public members with interest in the needs of people with disabilities can be appointed. Vote 9-0.

Amendment (0319h)

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

AN ACT establishing a commission to study general court policies and procedures relative to persons with disabilities.

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

1 New Chapter; Commission to Study General Court Policies and Procedures Related to Persons with Disabilities. Amend RSA by inserting after chapter 19-L the following new chapter:

CHAPTER 19-M**COMMISSION TO STUDY GENERAL COURT POLICIES AND PROCEDURES RELATED TO PERSONS WITH DISABILITIES**

19-M:1 Commission Established. There is established a commission to study general court policies and procedures related to persons with disabilities.

19-M:2 Membership and Compensation.

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

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

(b) Two members of the senate, appointed by the president of the senate.

(c) Two members of the public having an interest in the needs of people with disabilities, appointed by the governor.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

19-M:3 Duties. The commission shall study general court policies and procedures related to persons with disabilities. The commission study shall include, but not be limited to, procedures to ensure that legislators and citizens with physical disabilities have full access to general court facilities.

19-M:4 Chairperson. The members of the study commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section.

19-M:5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2013.

2 Repeal. RSA 19-M, relative to the commission to study general court policies and procedures related to persons with disabilities, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2013.

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

AMENDED ANALYSIS

This bill establishes a commission to study general court policies and procedures relative to persons with disabilities.

HB 122, relative to limitation of appropriations in official ballot municipalities. **INEXPEDIENT TO LEGISLATE.**

Rep. James Verschueren for Municipal and County Government: The bill sought to permit the recommendations of the budget committee in an official ballot referendum municipality that are revised after the deliberative session, to be used for determining the 10 percent limitation on appropriations. Testimony revealed that the issue ensued from a dispute between selectmen and the budget committee in a particular town. The dispute resulted in the town budget being more limited than it might have been had the dispute been resolved earlier. Additional testimony indicated that the bill offered no improvement on current law. The committee concurred that the issue presented was best left to local resolution and that the bill offered no improvement to current law. Vote 14-0.

HB 280, relative to voting requirements in towns that have adopted official ballot voting. **INEXPEDIENT TO LEGISLATE.**

Rep. Bruce L. Tatro for Municipal and County Government: This bill would require a 2/3 vote to amend a petitioned warrant article. The committee felt that a petitioned article should not have greater value than any other article on the warrant. A petitioned article should be able to be amended the same as other articles, by majority vote. Vote 14-0.

HB 283, establishing a study committee to review the hearings officer's report with regard to the New Hampshire Local Government Center and to study potential changes to RSA 5-B. **OUGHT TO PASS.**

Rep. Tom Lavender for Municipal and County Government: This bill establishes and sets parameters for a study committee to review the report regarding the New Hampshire local government center and to study potential changes to RSA 5-B. Vote 14-0.

HB 330-FN-L, allowing counties to adopt a county income tax to be administered by the department of revenue administration. **INEXPEDIENT TO LEGISLATE.**

Rep. Marjorie A. Porter for Municipal and County Government: This bill would allow counties to establish a 1% tax on income as determined by federal IRS tax filings, with the proceeds to be used to fund education. Collection and distribution of the tax would be the responsibility of the DRA. The committee found this bill fraught with difficulties and unwieldy to administer. NH has no way of accessing federal tax information, as we do not have a state income tax. The bill does not specify how the proceeds would be appropriated to school within the county. DRA does not have the manpower or financial resources to administer the program and an undue burden would be placed on employers, who may have to report their employee's earnings to many different counties. Vote 15-0.

HB 369, relative to investment of excess funds by the county treasurer. **INEXPEDIENT TO LEGISLATE.**

Rep. Dorothea D. Hooper for Municipal and County Government: This bill intended to clarify the investment duties of the county treasurer and to repeal a duplicate authority. The committee determined that the bill muddies the role of the county treasurer. In addition it strains the ability of the executive committee to get members to meetings. Vote 13-2.

HB 438, relative to the appraisal of residences in an industrial or commercial zone. **INEXPEDIENT TO LEGISLATE.**

Rep. James E. Coffey for Municipal and County Government: This bill extends the practice of using residential assessment values in a commercial district for properties that are occupied by the owner as the person's principal place of abode to properties that are of a mixed residential and commercial, use. The bill fails to create a workable state-wide standard and makes the proposed changes optional of a case by case basis. After considerable discussion, including consideration of an amendment, the committee voted to ITL the bill. Vote 16-0.

HB 446, relative to the amount of the optional property tax credit for service-connected total disability. **INEXPEDIENT TO LEGISLATE.**

Rep. Kris E. Roberts for Municipal and County Government: This bill would allow towns and cities to increase the optional property tax credit for service-connected total disability veterans from a maximum of \$2000 to an amount which is one-half total annual property tax bill on each veteran's residential property. Currently RSA 72:27-A provides \$701 or up to \$2000 if authorized by local town or city. The committee understands the fiscal and personal hardship that a totally disabled veteran must confront, but the major beneficiaries of HB 446 would be senior retired military officer homeowners who receive both a military pension and an additional 32 thousand dollars tax free VA payment, plus any unearned income. Unfortunately there are numerous totally disabled veterans who were medically retired and are not homeowners. They receive no tax credit. The committee was concerned with the word shall, with ½ of annual property tax bill. It would create an unequal credit across the state. The maximum \$2000 applies to every community. One half would have no maximum, resulting in local taxpayer subsidizing high income homeowners. Vote 16-0.

HB 425, relative to bridge aid and highway block grants for class V roads in certain village districts. **INEXPEDIENT TO LEGISLATE.**

Rep. John R. Cloutier for Public Works and Highways: The bill as written on the title page has two sections. The first section would make certain village districts eligible to receive state bridge aid and highway funds. The second section would require the department of transportation's bureau of municipal highways to inventory certain roads annually. The committee especially believes the first section would be a major policy change which could reduce the total amount of municipal bridge and highway aid to at least municipalities that contain three miles or more of Class V (least traveled) municipal public roads. Also, the committee believes that the state highway fund's present constrained fiscal situation precludes any increased municipal bridge and highway aid to municipalities. Vote 20-0.

HB 441, making a capital appropriation for the construction of a monument commemorating the 400th anniversary of the discovery of the Isles of Shoals by John Smith. **INEXPEDIENT TO LEGISLATE.**

Rep. David B. Campbell for Public Works and Highways: This bill contemplates the construction of a monument on state-owned land to commemorate one of the few 400th anniversaries to thus far be celebrated in the United States of America. St. Augustine, Florida and the doomed Jamestown Colony have had 400th celebrations, (the Jamestown event was attended by Queen Elizabeth, II of England) even as the Plimoth Plantation is readying for its 400th in 2020. However, New Hampshire has the opportunity to honor, celebrate and memorialize its own significant 400th anniversary next year in 2014. In 1614, famous explorer Captain John Smith discovered and charted the Isles of Shoals six miles off the New Hampshire coast. He named them "Smyth Iles," a name which did not stick and described them in an English best-selling book, a "Description of New England." However, his "description" of our coastline and his christening this region "New England" (with the permission of King James I), is widely credited for the great excitement in England to colonize what have become, to this day, the six "New England" states. This voyage and the discovery of the Isles of Shoals would be Smith's last to the New World. Previously, Smith was a leader at Jamestown,

where he was famously saved from death by the Indian maiden Pocahontas. Prior even to this, by the age of 24, Smith had fought as a mercenary against the Turks in Eastern Europe, (for which he had been knighted in Transylvania), captured and sold into slavery and eventually escaped back to England. To mark the 250th anniversary of Captain John Smith's discovery of the Isles of Shoals, a monument was erected on Star Island on private land in 1864. It was a four-sided marble obelisk topped by three severed, turban-clad Turkish heads, in "tribute" to Smith's earlier life. By the 300th anniversary in 1914, the sea had badly damaged the monument and it was rebuilt with a giant stone and bronze plaque. Over the past century, this monument too, has been greatly worn by the elements. The intent of this bill is to create a state built monument and a tourist attraction on state-owned land (probably on the mainland) in order to honor the 400th anniversary and our great state of New Hampshire. The committee voted unanimously to recommend this bill Inexpedient to Legislate in order to consider it, more properly, in the overall state Capital Budget. Vote 18-0.

HB 509, requiring the department of administrative services to provide the New Hampshire Department of American Legion with office space. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John A. Graham for Public Works and Highways: This bill is a simple update of existing chapter law and does not change the relationship of the state of New Hampshire and the American Legion. Chapter 175, the Laws of 1921, requires that the state provide office space free of charge to the American Legion "in the State House." The Legion currently occupies office space in the State House Annex, and working with Administrative Services, is planning to move from there to similar space at the Gallen Office Park. The bill will allow that move to take place without violating existing statutes. The amendment deletes existing chapter law so that there will not be any confusion over which location takes precedence when this bill becomes law. Vote 19-0.

Amendment (0333h)

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

2 Repeal. 1921, 175, relative to providing permanent headquarters in the state house for the New Hampshire Department of the American Legion, is repealed.

HB 550, relative to the disposition of state-owned real estate. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John A. Graham for Public Works and Highways: The bill amends RSA 4:40, the law dealing with the disposal or sale of surplus state real estate. Currently towns, cities or counties have first right of refusal on the purchase of any such property. However, as the RSA now reads it could be interpreted that the municipality has an unlimited amount of time to declare its intentions once the property is placed on the market. The bill establishes a time frame within which the town, city or county must state if it intends to purchase the property or not. The amendment sets this time at 60 days. The bill also allows up to 15 months to complete the transaction, which provides sufficient time for warrant articles, budgets, etc., to be acted on. Secondly, the bill requires that if a city, town or county, after purchasing surplus property from the state, subsequently sells the same property then the state shall have first right of refusal on the real estate. Vote 19-0.

Amendment (0194h)

Amend RSA 4:40, I as inserted by section 1 of the bill by replacing it with the following:

I. Except as provided in RSA 4:39-c, RSA 228:31-b, and RSA 204-D, upon recommendation of the head of any state department having jurisdiction over the same, all requests for the disposal or leasing of state-owned properties shall be reviewed and approved by the long range capital planning and utilization committee, with advice from the council on resources and development, prior to submission to the governor and council for approval. Upon determination that the property is no longer needed by the state, the governor and council shall first offer it to the town, city, or county in which the property is located. ***The town, city, or county shall have 60 days from the date of approval by the long range capital planning and utilization committee to accept the offer and 15 months to complete the transaction.*** If the town, city, or county refuses the offer, the governor and council may sell, convey, transfer, or lease the real property.

HB 607, relative to construction projects for the adjutant general's department. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Franklin T. Tilton for Public Works and Highways: Currently all construction and/or building renovations costing more than \$25,000 are required to be managed and bid through the bureau of public works design and construction. The departments of fish & game and resources & economic development have an exemption and are allowed to competitively bid construction projects with a value of \$250,000 or less without going through the bureau of public works design and construction. Both these departments have their own engineers and/or architect and oversee small projects at a value of \$250,000 or less. The adjutant general's department now possesses the professional and technical expertise to perform similar services. The state staff is complemented by federal employees including mechanical and civil engineers and an architect. This bill with its clarifying amendment simply adds the adjutant general as a department that may construct or renovate projects costing \$250,000 or less. This will allow New Hampshire to receive federal dollars that have to be used on essential projects within a short timeframe; often these federal dollars had to be rejected in the past and were used by other states. Vote 19-0.

Amendment (0163h)

Amend the bill by replacing section 1 with the following:

1 Public Works Design and Construction; Major Projects; Adjutant General's Department Added. Amend RSA 21-I:80, I(b) to read as follows:

(b) Projects for the department of fish and game, *the adjutant general's department*, and the department of resources and economic development whose estimated total cost is not more than \$250,000. Such projects may be done on a force account basis, by contracts awarded through competitive bidding, by short term rental of construction equipment, or by any combination of these methods. These departments are authorized to rent construction equipment for periods not exceeding 6 months at rates the departments deem competitive through the use of quotes or bids.

AMENDED ANALYSIS

This bill establishes an exemption from the competitive bidding requirement for certain public works design and construction projects for the adjutant general's department.

HB 157, renaming Blood Pond in the town of Lancaster as Mountain Lake Pond. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jane Cormier for Resources, Recreation and Development: The amendment to this bill replaces the entire bill. It states that the pond known as Blood Pond in the town of Lancaster shall be renamed Evans Pond. Some in the community thought reverting the name back to Evans Pond, as it was once previously known, would be beneficial to the area. The Lancaster Select Board held a public hearing regarding the name change. No opposition was heard. Since Blood Pond is a natural water body larger than 10 acres, the name change must be authorized by the legislature. Vote 17-0.

Amendment (0307h)

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

AN ACT renaming Blood Pond in the town of Lancaster as Evans Pond.

Amend the bill by replacing section 1 with the following:

1 Renaming Blood Pond. The pond known as Blood Pond in the town of Lancaster shall be renamed as Evans Pond.

AMENDED ANALYSIS

This bill renames Blood Pond in the town of Lancaster as Evans Pond.

HB 233, relative to the care of war memorials in Franconia Notch state park. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Henry A. L. Parkhurst for Resources, Recreation and Development: The war memorial at Profile Lake in Franconia Notch State Park honors the men and women who have served New Hampshire in times of war. Veterans and their families will pay no fee to visit the war memorial, but will be subject to fees for amenities, amusements and concessions. Volunteers and veterans groups will continue to purchase and install signage and enhance and maintain the memorial site. HB 233 has no fees attached and presumes that the Franconia State Park War Memorial will not be subject to development. The amendment corrects a typographical error to make memorial singular not plural. Vote 17-0.

Amendment (0137h)

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

AN ACT relative to the care of the war memorial in Franconia Notch state park.

Amend the bill by replacing section 1 with the following:

1 New Section; Expansion of State Park System; Franconia Notch State Park; War Memorial. Amend RSA 216-A by inserting after section 6-a the following new section:

216-A:6-b Franconia Notch State Park War Memorial.

I. The war memorial on the eastern shore of Profile Lake in Franconia Notch state park shall be maintained for viewing and visiting by veterans and the public. Signage that recognizes the status of the park as a memorial to the men and women of New Hampshire who have served the nation in times of war as provided for in 1925, 260, and signage that directs people to the memorial site shall be placed in appropriate locations. The state shall not be responsible for the cost of purchasing and installing the signage. The design, construction, installation, and maintenance of any signage authorized under this section shall be approved by the department of resources and economic development or the department of transportation, depending on which agency has jurisdiction under the circumstances. Veterans groups may aid the state in the purchase and placement of signage and enhancing and maintaining the memorial sites through programs such as the Adopt-a-Park program and by other means. Veterans, as defined in RSA 21:50, and members of a veteran's immediate family accompanying them, shall pay no fee to visit the war memorials on the eastern shore of Profile Lake. Fees may be charged for the use of amenities, improvements, amusements, special events, and other enterprise and concession activities.

II. The director of the division of parks and recreation may solicit, accept, and expend any gifts, grants, and donations for the purpose of placement of signage, and enhancing and maintaining the war memorials in accordance with this section.

AMENDED ANALYSIS

This bill establishes the standards of care for the war memorial in Franconia Notch state park.

HB 507-FN, relative to the maximum permit application fee for certain municipal dredging projects. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne J. Smith for Resources, Recreation and Development: This bill brings wetland application fees for municipal dredging projects in line with the statutory cap already in place for similar NH department of transportation projects and tidal dredging projects which benefit municipalities. This bill will lower the application fee paid for large municipal dredging projects to an amended maximum of \$10,000 (the original bill asked for \$5,000). DES testified that large scale projects which would qualify for the cap are rare and they offered support for the bill. Vote 17-0.

Amendment (0241h)

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; Excavating and Dredging Permit; Maximum Application Fee. Amend RSA 482-A:3, X by inserting after subparagraph (b) the following new subparagraph:

(c) For municipal dredging projects with the primary purpose to restore or reclaim a lake or pond, the maximum application fee for a municipality shall be \$10,000 per application plus provisions for technical or consulting services or a combination of such services as necessary to meet the needs of the department. The department may enter into a memorandum of agreement with a municipality to accept equivalent technical or consulting services or a combination of such services in lieu of a portion of the standard application fees. Referred to the Committee on Ways and Means.

HB 212, relative to charitable gaming. **INEXPEDIENT TO LEGISLATE.**

Rep. Patricia T. Lovejoy for Ways and Means: This bill reduces the payout to charities from charitable gaming. Under this bill the 35 percent payout to the charities would be calculated after taxes rather than before taxes. The committee was against any reduction in the payout to charities. In addition this bill made changes to the remitting requirement which will be addressed in HB 314. Vote 15-2.

REGULAR CALENDAR

SPECIAL ORDERED

Without objection, the Speaker made **HB 535**, establishing the white potato as the state vegetable, a special order as the next order of business.

SPECIAL ORDER

HB 535, establishing the white potato as the state vegetable. **OUGHT TO PASS.**

Rep. John T. O'Connor for Environment and Agriculture: At the request of Derry's Village School fourth Graders and the positive research showing that Derry, New Hampshire is where the first white potato was grown in North America, it has been confirmed that Rev. James MacGregor brought a sack of seed potatoes and planted them in 1719 in an area called Nutfield now known as Derry, New Hampshire. The state of Virginia challenged New Hampshire's first in the country claim after research. The Commissioner of Virginia wrote a letter to our state commissioner stating and I quote "According to the best information that we can find, the Irish potato did not come to Virginia until after your 1719 incorporation. We therefore concede to the Great State of New Hampshire, the honor of introducing to this country one of the great food crops." Because of this reason the committee feels strongly that the white potato deserves to be the state vegetable. Vote 14-1.

Rep. Parison spoke against and yielded to questions.

Rep. O'Connor spoke in favor.

On a division vote, 276 members having voted in the affirmative and 75 in the negative, the committee report was adopted and ordered to third reading.

REGULAR CALENDAR (CONT'D)

CACR 3, relating to parental rights. Providing that parents have the natural right to control the health, education, and welfare of their children. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Deanna S. Rollo for the Majority of Children and Family Law: The United States and the New Hampshire Supreme Courts have consistently recognized the natural rights of parents to raise their children as they see fit. This constitutional amendment, although it may be well intended, presents unintended consequences. The rights of parents have to be balanced with the best interest of the children. The House has defeated this exact amendment on three previous occasions. Vote 14-6.

Rep. Daniel C. Itse for the Minority of Children and Family Law: This proposed amendment to the constitution of the State of New Hampshire would enable the people to assert their natural right to parent their children,

to control the health, education and welfare of their children. This amendment affirms repeated decisions of the supreme courts of the state and United States. It would in no way diminish the legitimate power of the state to intervene in situations where parents have committed some act that amounts to forfeiture, such as abuse or neglect. It would set forth as the standard for statute or enforcement the eventual result should a family have the resources to appeal to the highest courts.

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

Reps. Hoell and Itse spoke against.

Rep. DeSimone spoke in favor and yielded to questions.

Rep. Lambert requested a roll call; sufficiently seconded.

YEAS 228 - NAYS 133

YEAS 228

BELKNAP

Arsenault, Beth
Huot, David

Burchell, Richard
Raymond, Ian

DiMartino, Lisa
Tilton, Franklin

Gulick, Ruth

CARROLL

Buco, Thomas
Schmidt, Stephen

Butler, Edward
Ticehurst, Susan

Crawford, Karel
White, Syndi

Lavender, Tom

CHESHIRE

Ames, Richard
Chase, Cynthia
Johnsen, Gladys
Mann, John
Robertson, Timothy
Weber, Lucy

Berch, Paul
Eaton, Daniel
Johnson, Jane
Parkhurst, Henry
Sad, Tara
Weed, Charles

Burridge, Delmar
Emerson, Susan
Lerandeau, Alfred
Phillips, Larry
Shepardson, Marjorie
Young, Harry

Butynski, William
Hunt, John
Ley, Douglas
Roberts, Kris
Tatro, Bruce

COOS

Coulombe, Gary
Richardson, Herbert

Enman, Larry
Theberge, Robert

Hammon, Marcia
Thomas, Yvonne

Moynihan, Wayne

GRAFTON

Aguiar, James
Cooney, Mary
Higgins, Patricia
Massimilla, Linda
Smith, Suzanne

Almy, Susan
Ford, Susan
Ladd, Rick Jr
Mulholland, Catherine
Sykes, George

Benn, Bernard
Friedrich, Carol
Lauer, Linda
Nordgren, Sharon
Townsend, Charles

Brown, Rebecca
Harding, Laurie
Lovett, Sid
Piper, Wendy
White, Andrew

HILLSBOROUGH

Backus, Robert
Chandley, Shannon
DiSilvestro, Linda
Gargas, Carolyn
Grady, Brenda
Harriott-Gathright, Linda
Jeudy, Jean
Leishman, Peter
MacKay, Mariellen
O'Brien, Michael Sr
Rosenwald, Cindy
Smith, Timothy
Sullivan, Peter
Walsh, Robert Jr

Beaulieu, Jane
Connor, Evelyn
Dobson, Jeremy
Gidge, Kenneth
Graham, John
Heden, Ruth
Kelley, John
Levasseur, Nickolas
Manley, Jonathan Sr
Ober, Russell III
Schmidt, Janice
Soucy, Timothy
Takesian, Charlene
Williams, Kermit

Campbell, David
Cote, David
Gage, Ruth
Goley, Jeffrey
Haefner, Robert
Jack, Martin
Knowles, Mary Ann
Levesque, Melanie
McNamara, Richard
Palangas, Eric
Shattuck, Gilman
Spratt, Stephen
Vail, Suzanne
Winters, Joel

Carroll, Douglas
Danielson, David
Gale, Sylvia
Gorman, Mary
Hammond, Jill
Jasper, Shawn
Kurk, Neal
Long, Patrick
Nelson, Mary
Porter, Marjorie
Shaw, Barbara
Sullivan, Daniel
Vaillancourt, Steve
Woodbury, David

MERRIMACK

Alicea, Caroletta
Burns, Scott
Ebel, Karen
Gile, Mary
Karrick, David Jr
Lockwood, Priscilla
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane
Webb, Leigh

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Henle, Paul
Kelly, Sally
MacKay, James
Rice, Chip
Schuett, Dianne
Walsh, Thomas IV

Bartlett, Christy
Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Kidder, David
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Walz, Mary Beth

Bouchard, Candace
Davis, Frank
French, Barbara
Hunt, Jane
Kotowski, Frank
Patten, Dick
Rogers, Katherine
Turcotte, Alan
Watrous, Rick

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Burtis, Elizabeth

Belanger, Ronald
Cahill, Michael

Borden, David
Cali-Pitts, Jacqueline

Briden, Steven
Charron, Gene

Copeland, Timothy
Emerson-Brown, Rebecca
Hayes, Jack
Lovejoy, Patricia
Muns, Chris
Schlachman, Donna
Ward, Gerald

Cushing, Robert Jr
Ferrante, Beverly
Heffron, Frank
Mann, Maureen
Nigrello, Robert
Sherman, Thomas
Wazlaw, Brian

DeSimone, Debra
Flockhart, Eileen
Helmstetter, Barbara
McMahon, Charles
Pantelakos, Laura
St.James, Kevin
Whittemore, Lisa

Elliott, Robert
Grace, Curtis
Khan, Aboul
Moody, Marcia
Peckham, Michele
Sytek, John

STRAFFORD

Baber, William
Burke, Rachel
Gray, James
Hubbard, Pamela
Miller, David
Schmidt, Peter
Verschueren, James

Berube, Roger
Gardner, Janice
Grossman, Kenneth
Kaen, Naida
Perry, Robert
Smith, Marjorie
Wall, Janet

Bixby, Peter
Ginsburg, Philip
Hooper, Dorothea
Malloy, Dennis
Rogers, Rose Marie
Spang, Judith

Burdwood, Greg
Grassie, Anne
Horrigan, Timothy
Menear, H. Robert III
Rollo, Deanna
Stevens, Audrey

SULLIVAN

Cloutier, John
Irwin, Virginia
Sweeney, Cynthia

Gagnon, Raymond
Lefebvre, Benjamin
Tanner, Linda

Gottling, Suzanne
O'Hearne, Andrew

Grenier, James
Schmidt, Andrew

NAYS 133 BELKNAP

Comtois, Guy
Flanders, Donald
Sylvia, Michael

Cormier, Jane
Greemore, Robert Jr
Vadney, Herbert

Fields, Dennis
Holmes, Stephen
Worsman, Colette

Fink, Charles
Luther, Robert

CARROLL

Ahlgren, Christopher
Morrow, Harry

Chandler, Gene
Nelson, Bill

Cordelli, Glenn
Umberger, Karen

McConkey, Mark
Wright, Donald

CHESHIRE

None

COOS

Rappaport, Laurence

Rideout, Leon

GRAFTON

Bailey, Brad

Bradley, Lester

Doolan, Ralph Jr

Gionet, Edmond

HILLSBOROUGH

Barry, Richard
Byron, Frank
Culbert, Patrick
Garcia, Michael
Infantine, William
Marston, Dick
Murotake, David
O'Brien, William
Parison, James
Renzullo, Andrew
Straight, Philip
Warden, Mark

Belanger, James
Cebrowski, John
Daniels, Gary
Hansen, Peter
Lambert, George
Martel, Andre
Murphy, Keith
O'Flaherty, Tim
Pellegrino, Tony
Rowe, Robert
Stroud, Kathleen
Willette, Robert

Boehm, Ralph
Christiansen, Lars
Flanagan, Jack
Hikel, John
LeBrun, Donald
McCarthy, Michael
Murphy, Kelleigh
Ober, Lynne
Peterson, Lenette
Sandblade, Emily
Ulery, Jordan

Burt, John
Coffey, James
Gagne, Larry
Hopper, Gary
LeVasseur, Richard
Meaney, Richard
Notter, Jeanine
Palmer, Stephen
Pratt, Calvin
Souza, Kathleen
Villeneuve, Moe

MERRIMACK

Hess, David
Reed, Dennis

Hoell, J.R.
Smith, Todd

McGuire, Carol

McGuire, Dan

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Danaïs, Romeo
Fesh, Robert
Gordon, Richard
Hodgdon, Bruce
Kolodziej, Walter
Milz, David
Perkins, Amy
Sanders, Elisabeth
Sedensky, John
Tucker, Pamela

Allen, Mary
Bishop, Franklin
Duarte, Joe
Friel, William
Griffin, Mary
Hoelzel, Kathleen
Lundgren, David
O'Connor, John
Perkins, Lawrence
Sapareto, Frank
Tamburello, Daniel
Waterhouse, Kevin

Baldasaro, Alfred
Chirichiello, Brian
Dumaine, Dudley
Garcia, Bianca
Hagan, Joseph
Itse, Daniel
Major, Norman
Oigny, Jeffrey
Priestley, Anne
Scarlott, Joe
Tasker, Kyle
Webb, James Sr

Bick, Patrick
Comerford, Timothy
Emerick, J. Tracy
Garcia, Marilinda
Harris, Jeffrey
Kappler, Lawrence
McKinney, Betsy
Packard, Sherman
Rice, Frederick
Schroadter, Adam
Tremblay, Stella
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Mullen, John Jr

Bickford, David
Parsons, Robbie

Groen, Warren

Jones, Laura

SULLIVAN

Rollins, Skip

Smith, Steven

and the majority committee report was adopted.

SPECIAL ORDER

HB 303, establishing a committee to study the teaching of a second language beginning in kindergarten. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Rick M. Ladd for the Majority of Education: The committee majority recognizes benefits associated with teaching a second language in kindergarten and in subsequent grades. Current education rules as approved by the state board of education currently state that a local school board may provide instruction in one or more world languages in an elementary school and later years. The extent of this instruction and the students to whom it is offered shall be determined by local school board policy. This is a local district policy and funding decision. A committee study is therefore, not necessary. Vote 11-7.

Rep. June M. Frazer for the Minority of Education: This bill was a response to a recommendation by the legislative youth advisory council, 19 young people appointed by the governor, the president of the senate, the speaker of the house, or the secretary of state. The commissioner of education was enthusiastic when the youth council talked about it to her. The seven members initially supporting the bill argued that the great advantages of early world language learning, for example – promoting greater language ability in later grades and enriching brain development, would make the research of the proposed study committee a valuable resource to local school districts interested in such a program.

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

Rep. Gargasz spoke against.

Rep. Ladd spoke in favor.

On a division vote, 258 members having voted in the affirmative and 97 in the negative, the majority committee report was adopted.

HB 197, relative to state representative districts in Hillsborough county. **INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen M. Hoelzel for Election Law: In the New Hampshire Supreme Court case “Petition of Below” in 2004, the Court found that “pursuant to Part II, Articles 9, 11, and 26, the legislature may not reapportion again until its regular session following the next decennial federal census.” In addition, testimony from the Attorney General’s office stated that if this bill passed, the range of deviation would be 11.4% in one Manchester ward. The majority of the committee was sympathetic to the plight of the Pelham voters but did not feel we could constitutionally address it. Vote 13-4.

Rep. Takesian spoke against.

Rep. Hess spoke in favor and yielded to questions.

Rep. Gary Richardson spoke in favor.

On a division vote, 305 members having voted in the affirmative and 49 in the negative, the committee report was adopted.

HB 207, relative to the inspection and regulation of coin-operated amusement rides. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter B. Schmidt for Executive Departments and Administration: This bill resulted from an accident caused by the improper placement of one of the above-referenced amusement rides rather than a defective or faulty machine. Members of the committee visited an amusement facility and viewed a dozen such machines in operation. We concluded that they pose no danger to the public and insurance records showed no accidents or claims over a decade-long period. The proposed regulations would have resulted in the removal of the machines, according to testimony of several business operators, unnecessarily depriving young children “of a little thrill, but not too much,” to quote one entrepreneur. Vote 16-0.

Rep. Cali-Pitts spoke against.

Rep. Peter Schmidt spoke in favor and yielded to questions.

Committee report adopted.

HB 266, repealing certain agency rulemaking exemptions from the administrative procedures act. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy M. Weber for the Majority of Executive Departments and Administration: The bill, as originally drafted, would have repealed a number of long-standing exemptions from the rule-making process under the administrative procedures act. Included were such differing areas as driveway permits, use of limited access highways, licensing utility poles within public highways, pari-mutuel pools, the housing finance authority and state banking institutions. Testimony before the committee was that the exceptions were for regulations in highly technical areas governed by evolving engineering standards or changing scientific knowledge, or

institutions which needed to be responsive to fast-changing financial markets. For these areas, the JLCAR process is too lengthy and burdensome and results in a lack of flexibility. Some of the entities which would be affected do, in fact, provide for rulemaking and public comment, but they do not go through the full JLCAR process. Although an amendment was offered that addressed some of the objections, by allowing some of the exemptions to remain, the majority believe that the bill is unnecessary. Vote 8-7.

Rep. Carol M. McGuire for the Minority of Executive Departments and Administration: This bill deletes a number of old exemptions from the JLCAR process. The agency rules involved will now expire, be reconsidered by the agency and get a public hearing and review by JLCAR at least every ten years. The amendment removes several financing agencies, whose rules are primarily technical details of the bonding process rather than how they interact with the public; these agencies are also separate public companies and the state is not responsible for their debt. In no case does this bill affect the content of any rules; it merely restores them to the normal approval process. Oversight of agency rules – which have the force and effect of law – is one of the inescapable duties of the legislature. DOT's driveway rules were a concern to some, but since DOT had developed these rules years ago, the minority is confident of JLCAR approval.

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

On a division vote, 199 members having voted in the affirmative and 153 in the negative, the majority committee report was adopted.

HB 325-FN, relative to public employee suggestions for cost-saving measures. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Dianne E. Schuett for the Majority of Executive Departments and Administration This bill proposed changes to the suggestion and extraordinary service award program, creating a two-year test period for rewarding public employees with 10 percent of the savings realized from their cost-saving suggestions. While well intended, the majority of the committee believed that the bill left too many unanswered questions and created a process that was unnecessarily cumbersome and unworkable. The current law already provides monetary awards and recognitions which the majority of the committee believes are working well to encourage creativity and stimulate morale of our public employees. Vote 9-5.

Rep. Carol M. McGuire for the Minority of Executive Departments and Administration: This bill, based on a unanimous ED&A committee amendment from last year, extends the current employee suggestion program to allow awards of up to 10% of the amount saved in the first year. Common in private industry, these awards are an incentive for employees and teams of employees to use their experience and skill to develop innovative ways to be more efficient and effective. A certificate is nice, but cash is a real recognition of extra effort and inventiveness.

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

Rep. Byron spoke against.

Rep. Flanagan spoke against and yielded to questions.

Rep. Schuett spoke in favor.

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

YEAS 179 NAYS 179

YEAS 179

BELKNAP

Arsenault, Beth
Huot, David

Burchell, Richard
Raymond, Ian

DiMartino, Lisa

Gulick, Ruth

CARROLL

Buco, Thomas
Ticehurst, Susan

Butler, Edward

Lavender, Tom

Nelson, Bill

CHESHIRE

Ames, Richard
Eaton, Daniel
Parkhurst, Henry
Weber, Lucy

Berch, Paul
Johnsen, Gladys
Phillips, Larry
Weed, Charles

Butynski, William
Lerandeau, Alfred
Sad, Tara
Young, Harry

Chase, Cynthia
Mann, John
Tatro, Bruce

COOS

Coulombe, Gary
Theberge, Robert

Enman, Larry
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

GRAFTON

Aguiar, James
Doolan, Ralph Jr
Lauer, Linda
Piper, Wendy
White, Andrew

Almy, Susan
Ford, Susan
Lovett, Sid
Smith, Suzanne

Benn, Bernard
Friedrich, Carol
Mulholland, Catherine
Sykes, George

Cooney, Mary
Harding, Laurie
Nordgren, Sharon
Townsend, Charles

HILLSBOROUGH

Backus, Robert
 Chandley, Shannon
 Gale, Sylvia
 Grady, Brenda
 Jack, Martin
 Levasseur, Nicholas
 McCarthy, Michael
 Porter, Marjorie
 Shattuck, Gilman
 Spratt, Stephen
 Vail, Suzanne
 Woodbury, David

Beaulieu, Jane
 Connor, Evelyn
 Gidge, Kenneth
 Hammond, Jill
 Jeudy, Jean
 Levesque, Melanie
 Nelson, Mary
 Ramsey, Peter
 Shaw, Barbara
 Sullivan, Daniel
 Vaillancourt, Steve

Campbell, David
 DiSilvestro, Linda
 Goley, Jeffrey
 Harriott-Gathright, Linda
 Kelley, John
 Long, Patrick
 O'Brien, Michael Sr
 Rokas, Ted
 Smith, Timothy
 Sullivan, Peter
 Walsh, Robert Jr

Carroll, Douglas
 Gage, Ruth
 Gorman, Mary
 Heden, Ruth
 Leishman, Peter
 MacKay, Mariellen
 Palangas, Eric
 Rosenwald, Cindy
 Soucy, Timothy
 Takesian, Charlene
 Williams, Kermit

MERRIMACK

Bartlett, Christy
 Davis, Frank
 Gile, Mary
 Kelly, Sally
 Ratzki, Mario
 Schamberg, Thomas
 Wallner, Mary Jane

Bouchard, Candace
 Frambach, Mary
 Hirsch, Geoffrey
 MacKay, James
 Rice, Chip
 Schuett, Dianne
 Walz, Mary Beth

Burns, Scott
 Frazer, June
 Hunt, Jane
 Myler, Mel
 Richardson, Gary
 Shurtleff, Stephen
 Watrous, Rick

Carey, Lorrie
 French, Barbara
 Karrick, David Jr
 Patten, Dick
 Rogers, Katherine
 Turcotte, Alan
 Webb, Leigh

ROCKINGHAM

Andrews-Ahearn, E. Elaine
 Cali-Pitts, Jacqueline
 Emerson-Brown, Rebecca
 Mann, Maureen
 Pantelakos, Laura
 Sherman, Thomas

Borden, David
 Copeland, Timothy
 Helmstetter, Barbara
 Moody, Marcia
 Peckham, Michele
 Wazlaw, Brian

Briden, Steven
 Cushing, Robert Jr
 Khan, Aboul
 Muns, Chris
 Scarlotto, Joe
 Whittemore, Lisa

Cahill, Michael
 Elliott, Robert
 Lovejoy, Patricia
 Norelli, Terie
 Schlachman, Donna

STRAFFORD

Baber, William
 Burdwood, Greg
 Grassie, Anne
 Hubbard, Pamela
 Perry, Robert
 Smith, Marjorie
 Wall, Janet

Berube, Roger
 Burke, Rachel
 Grossman, Kenneth
 Kaen, Naida
 Rogers, Rose Marie
 Spang, Judith

Bickford, David
 Gardner, Janice
 Hooper, Dorothea
 Malloy, Dennis
 Rollo, Deanna
 Stevens, Audrey

Bixby, Peter
 Ginsburg, Philip
 Horrigan, Timothy
 Miller, David
 Schmidt, Peter
 Verschueren, James

SULLIVAN

Cloutier, John
 Irwin, Virginia
 Sweeney, Cynthia

Gagnon, Raymond
 Lefebvre, Benjamin

Gottling, Suzanne
 O'Hearne, Andrew

Grenier, James
 Schmidt, Andrew

NAYS 179**BELKNAP**

Comtois, Guy
 Flanders, Donald
 Sylvia, Michael

Cormier, Jane
 Greemore, Robert Jr
 Tilton, Franklin

Fields, Dennis
 Holmes, Stephen
 Vadney, Herbert

Fink, Charles
 Luther, Robert
 Worsman, Colette

CARROLL

Ahlgren, Christopher
 McConkey, Mark
 White, Syndi

Chandler, Gene
 Merrow, Harry
 Wright, Donald

Cordelli, Glenn
 Schmidt, Stephen

Crawford, Karel
 Umberger, Karen

CHESHIRE

Burridge, Delmar
 Ley, Douglas

Emerson, Susan
 Roberts, Kris

Hunt, John
 Robertson, Timothy

Johnson, Jane
 Shepardson, Marjorie

COOS

Hammon, Marcia

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
 Ladd, Rick Jr

Bradley, Lester
 Massimilla, Linda

Brown, Rebecca

Gionet, Edmond

HILLSBOROUGH

Barry, Richard
 Byron, Frank
 Culbert, Patrick

Belanger, James
 Cebrowski, John
 Daniels, Gary

Boehm, Ralph
 Christiansen, Lars
 Danielson, David

Burt, John
 Coffey, James
 Dobson, Jeremy

Flanagan, Jack
Graham, John
Hopper, Gary
Kurk, Neal
Marston, Dick
Murphy, Keith
Ober, Lynne
Pellegrino, Tony
Rowe, Robert
Souza, Kathleen
Villeneuve, Moe

Gagne, Larry
Haefner, Robert
Infantine, William
LeBrun, Donald
McNamara, Richard
Murphy, Kelleigh
Ober, Russell III
Peterson, Lenette
Sanborn, Laurie
Straight, Philip
Warden, Mark

Garcia, Michael
Hansen, Peter
Jasper, Shawn
LeVasseur, Richard
Meaney, Richard
Notter, Jeanine
Palmer, Stephen
Pratt, Calvin
Sandblade, Emily
Stroud, Kathleen
Willette, Robert

Gargas, Carolyn
Hikel, John
Knowles, Mary Ann
Manley, Jonathan Sr
Murotake, David
O'Flaherty, Tim
Parison, James
Renzullo, Andrew
Schmidt, Janice
Ulery, Jordan
Winters, Joel

MERRIMACK

Andrews, Christopher
Hess, David
Lockwood, Priscilla
Smith, Todd

Carson, Clyde
Hoell, J.R.
McGuire, Carol
Walsh, Thomas IV

Ebel, Karen
Kidder, David
McGuire, Dan

Henle, Paul
Kotowski, Frank
Reed, Dennis

ROCKINGHAM

Abrami, Patrick
Bick, Patrick
Chirichiello, Brian
Duarte, Joe
Fesh, Robert
Garcia, Marilinda
Hagan, Joseph
Hodgdon, Bruce
Kolodziej, Walter
McMahon, Charles
Packard, Sherman
Rice, Frederick
Sedensky, John
Tasker, Kyle
Waterhouse, Kevin

Allen, Mary
Birdsell, Regina
Comerford, Timothy
Dumaine, Dudley
Flockhart, Eileen
Gordon, Richard
Harris, Jeffrey
Hoelzel, Kathleen
Lundgren, David
Nigrello, Robert
Perkins, Amy
Sanders, Elisabeth
St.James, Kevin
Tremblay, Stella
Webb, James Sr

Baldasaro, Alfred
Burtis, Elizabeth
Dana, Romeo
Emerick, J. Tracy
Friel, William
Grace, Curtis
Hayes, Jack
Itse, Daniel
Major, Norman
O'Connor, John
Perkins, Lawrence
Sapareto, Frank
Sytek, John
Tucker, Pamela
Weyler, Kenneth

Belanger, Ronald
Charron, Gene
DeSimone, Debra
Ferrante, Beverly
Garcia, Bianca
Griffin, Mary
Heffron, Frank
Kappler, Lawrence
McKinney, Betsy
Oigny, Jeffrey
Priestley, Anne
Schroadter, Adam
Tamburello, Daniel
Ward, Gerald

STRAFFORD

Beaudoin, Steven
Menear, H. Robert III

Gray, James
Mullen, John Jr

Groen, Warren
Parsons, Robbie

Jones, Laura

SULLIVAN

Rollins, Skip

Smith, Steven

Tanner, Linda

with the Speaker voting in favor creating a tie vote, the majority committee report failed.

Rep. Flanagan moved the minority committee report of Ought to Pass.

On a division vote, 199 members having voted in the affirmative and 162 in the negative, the minority committee report was adopted and ordered to third reading.

HB 296, relative to assignment of circuit court judges as liaison judges. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Frank H. Heffron for the Majority of Judiciary: This bill would require the administrative judge for the circuit court to designate a judge for each circuit court location to serve as the liaison to the communities served by that location concerning issues related to the administration of justice. The committee agreed with the goal of having a justice acquainted with each local community, but it concluded that passage of the bill would interfere with the administration of the court by the judicial branch. Further, the bill is unnecessary because the courts are now doing what the bill directs. Vote 11-9.

Rep. Michael J. Sylvia for the Minority of Judiciary: This bill would by statute, as opposed to court rule, have the administrative judge for the circuit court designate a judge to be liaison to the communities served concerning issues related to the administration of justice. The minority believes that this should be done by statute. Majority committee report adopted.

HB 388, relative to the storage of firearms. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Michael J. Sylvia for the Majority of Judiciary: This bill would grant immunity in civil cases to a firearm owner in the event the stolen firearm is used in the commission of a subsequent crime. This bill lacks a demonstrated need. Vote 12-6.

Rep. Lenette M. Peterson for the Minority of Judiciary: The minority of the committee agrees with the testimony stating that gun owners should not be victimized twice. This bill would protect the rights of law abiding gun owners. Just as you are protected if your vehicle were stolen and used in a crime, this bill would give the gun owner immunity if their gun/guns were stolen and used in a crime.

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

Rep. Peterson spoke against.

Rep. Berch spoke in favor.

Rep. Dumaine requested a roll call; sufficiently seconded.

YEAS 167 NAYS 192

YEAS 167 BELKNAP

Arsenault, Beth
Raymond, Ian

DiMartino, Lisa

Gulick, Ruth

Huot, David

CARROLL

Butler, Edward

Ticehurst, Susan

CHESHIRE

Ames, Richard
Chase, Cynthia
Mann, John
Robertson, Timothy
Weber, Lucy

Berch, Paul
Johnsen, Gladys
Parkhurst, Henry
Sad, Tara
Weed, Charles

Burridge, Delmar
Lerandeau, Alfred
Phillips, Larry
Shepardson, Marjorie
Young, Harry

Butynski, William
Ley, Douglas
Roberts, Kris
Tatro, Bruce

COOS

Enman, Larry
Theberge, Robert

Hammon, Marcia
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

GRAFTON

Aguiar, James
Ford, Susan
Lovett, Sid
Smith, Suzanne

Almy, Susan
Friedrich, Carol
Massimilla, Linda
Sykes, George

Benn, Bernard
Harding, Laurie
Mulholland, Catherine
Townsend, Charles

Cooney, Mary
Higgins, Patricia
Nordgren, Sharon

HILLSBOROUGH

Backus, Robert
Chandlee, Shannon
Gage, Ruth
Grady, Brenda
Jack, Martin
Levasseur, Nickolas
O'Brien, Michael Sr
Rokas, Ted
Spratt, Stephen
Vail, Suzanne

Beaulieu, Jane
Connor, Evelyn
Gale, Sylvia
Hammond, Jill
Kelley, John
Levesque, Melanie
Palangas, Eric
Rosenwald, Cindy
Sullivan, Daniel
Walsh, Robert Jr

Campbell, David
Cote, David
Goley, Jeffrey
Harriott-Gathright, Linda
Knowles, Mary Ann
Long, Patrick
Porter, Marjorie
Schmidt, Janice
Sullivan, Peter
Williams, Kermit

Carroll, Douglas
DiSilvestro, Linda
Gorman, Mary
Heden, Ruth
Leishman, Peter
MacKay, Mariellen
Ramsey, Peter
Shattuck, Gilman
Takesian, Charlene
Woodbury, David

MERRIMACK

Alicea, Caroletta
Davis, Frank
French, Barbara
Hunt, Jane
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

Bartlett, Christy
Ebel, Karen
Gile, Mary
Karrick, David Jr
Patten, Dick
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

Bouchard, Candace
Frambach, Mary
Henle, Paul
Kelly, Sally
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

Carson, Clyde
Frazer, June
Hirsch, Geoffrey
MacKay, James
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cahill, Michael
Flockhart, Eileen
Mann, Maureen
Schlachman, Donna

Borden, David
Cali-Pitts, Jacqueline
Heffron, Frank
Moody, Marcia
Sherman, Thomas

Briden, Steven
Cushing, Robert Jr
Helmstetter, Barbara
Muns, Chris
Ward, Gerald

Burtis, Elizabeth
Emerson-Brown, Rebecca
Lovejoy, Patricia
Pantelakos, Laura
Wazlaw, Brian

STRAFFORD

Baber, William
Burke, Rachel
Grossman, Kenneth
Kaen, Naida
Perry, Robert
Smith, Marjorie
Wall, Janet

Berube, Roger
Gardner, Janice
Hooper, Dorothea
Malloy, Dennis
Rogers, Rose Marie
Spang, Judith

Bixby, Peter
Ginsburg, Philip
Horrigan, Timothy
Menear, H. Robert III
Rollo, Deanna
Stevens, Audrey

Burdwood, Greg
Grassie, Anne
Hubbard, Pamela
Miller, David
Schmidt, Peter
Verschuere, James

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gottling, Suzanne

Lefebvre, Benjamin

O'Hearne, Andrew

NAYS 192**BELKNAP**

Burchell, Richard
Fink, Charles
Luther, Robert
Worsman, Colette

Comtois, Guy
Flanders, Donald
Sylvia, Michael

Cormier, Jane
Greemore, Robert Jr
Tilton, Franklin

Fields, Dennis
Holmes, Stephen
Vadney, Herbert

CARROLL

Ahlgren, Christopher
Crawford, Karel
Nelson, Bill
Wright, Donald

Buco, Thomas
Lavender, Tom
Schmidt, Stephen

Chandler, Gene
McConkey, Mark
Umberger, Karen

Cordelli, Glenn
Morrow, Harry
White, Syndi

CHESHIRE

Eaton, Daniel

Emerson, Susan

Hunt, John

Johnson, Jane

COOS

Coulombe, Gary

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Gionet, Edmond
White, Andrew

Bradley, Lester
Ladd, Rick Jr

Brown, Rebecca
Lauer, Linda

Doolan, Ralph Jr
Piper, Wendy

HILLSBOROUGH

Barry, Richard
Byron, Frank
Culbert, Patrick
Flanagan, Jack
Gidge, Kenneth
Hikel, John
Kurk, Neal
Manley, Jonathan Sr
Meaney, Richard
Nelson, Mary
Ober, Lynne
Pellegrino, Tony
Rowe, Robert
Smith, Timothy
Stroud, Kathleen
Warden, Mark

Belanger, James
Cebrowski, John
Daniels, Gary
Gagne, Larry
Graham, John
Hopper, Gary
Lambert, George
Marston, Dick
Murotake, David
Notter, Jeanine
Ober, Russell III
Peterson, Lenette
Sanborn, Laurie
Soucy, Timothy
Ulery, Jordan
Willette, Robert

Boehm, Ralph
Christiansen, Lars
Danielson, David
Garcia, Michael
Haefner, Robert
Infantine, William
LeBrun, Donald
McCarthy, Michael
Murphy, Keith
O'Brien, William
Palmer, Stephen
Pratt, Calvin
Sandblade, Emily
Souza, Kathleen
Vaillancourt, Steve
Winters, Joel

Burt, John
Coffey, James
Dobson, Jeremy
Gargas, Carolyn
Hansen, Peter
Judy, Jean
LeVasseur, Richard
McNamara, Richard
Murphy, Kelleigh
O'Flaherty, Tim
Parison, James
Renzullo, Andrew
Shaw, Barbara
Straight, Philip
Villeneuve, Moe

MERRIMACK

Andrews, Christopher
Hoell, J.R.
McGuire, Carol
Walsh, Thomas IV

Burns, Scott
Kidder, David
McGuire, Dan

Carey, Lorrie
Kotowski, Frank
Reed, Dennis

Hess, David
Lockwood, Priscilla
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Bick, Patrick
Comerford, Timothy
Duarte, Joe
Ferrante, Beverly
Garcia, Marilinda
Harris, Jeffrey
Itse, Daniel
Lundgren, David
O'Connor, John
Perkins, Amy
Sanders, Elisabeth
Sedensky, John
Tasker, Kyle
Webb, James Sr

Allen, Mary
Birdsell, Regina
Copeland, Timothy
Dumaine, Dudley
Fesh, Robert
Gordon, Richard
Hayes, Jack
Kappler, Lawrence
Major, Norman
Oigny, Jeffrey
Perkins, Lawrence
Sapareto, Frank
St.James, Kevin
Tremblay, Stella
Weyler, Kenneth

Baldasaro, Alfred
Charron, Gene
Dana, Romeo
Elliott, Robert
Friel, William
Griffin, Mary
Hodgdon, Bruce
Khan, Aboul
McKinney, Betsy
Packard, Sherman
Priestley, Anne
Scarlott, Joe
Sytek, John
Tucker, Pamela
Whitemore, Lisa

Belanger, Ronald
Chirichiello, Brian
DeSimone, Debra
Emerick, J. Tracy
Garcia, Bianca
Hagan, Joseph
Hoelzel, Kathleen
Kolodziej, Walter
McMahon, Charles
Peckham, Michele
Rice, Frederick
Schroadtter, Adam
Tamburello, Daniel
Waterhouse, Kevin

STRAFFORD

Beaudoin, Steven
Jones, Laura

Bickford, David
Mullen, John Jr

Gray, James
Parsons, Robbie

Groen, Warren

SULLIVAN

Gagnon, Raymond
Smith, Steven

Grenier, James
Sweeney, Cynthia

Irwin, Virginia
Tanner, Linda

Rollins, Skip

and the majority committee report failed.

Rep. Chandler moved the minority committee report of Ought to Pass.

On a division vote, 211 members having voted in the affirmative and 151 in the negative, the minority committee report was adopted and ordered to third reading.

The House recessed at 12:30 p.m.

RECESS

The House reconvened at 1:35 p.m.

(Speaker Norelli in the Chair)

REGULAR CALENDAR (CONT'D)

HB 403, establishing a commission to study death with dignity for persons suffering from a terminal condition.

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

Rep. Rick H. Watrous for the Majority of Judiciary: In its existing medical directive law, RSA 137-J, the state of New Hampshire recognizes that "a person has a right, founded in the autonomy and sanctity of the person, to control the decisions relating to the rendering of his or her own medical care." As New Hampshire is rapidly aging and modern medicine becomes both more expensive and intrusive, end of life care should be periodically examined by the legislature so that our citizens maintain control over what medicine and procedures they wish to receive. This bill, as amended, would establish a legislative committee to study end of life decisions. The bill originally sought to establish a commission, but the committee strongly felt that keeping the responsibility of the study within the legislature would assure a more efficient process in which interested parties of varied perspectives would be welcomed to share information. As amended, the bill mandates that the legislative study committee will report its findings and recommendations by November 1, 2013. Vote 10-7. Rep. Robert H. Rowe for the Minority of Judiciary: This bill came before the committee to study death with dignity, which the minority believes is euphemism for state sponsored suicide. The title for the bill has been changed to end of life decisions. The bill remains a study bill but offers no direction. The minority does not believe the committee will study subjects such as wills, trusts, estate planning, estate taxes but rather only the original purpose – euthanasia. If a full study of issues involved at end of life is to be undertaken, additional time and experts are necessary unless the parties chosen for the committee will study only the original purpose, euthanasia.

Majority Amendment (0211h)

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

AN ACT establishing a committee to study end of life decisions.

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

1 Committee Established. There is established a committee to study end of life decisions.

2 Membership and Compensation.

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

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

(b) Two members of the senate, appointed by the president of the senate.

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

3 Duties. The committee shall study end of life decisions.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2013.

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

AMENDED ANALYSIS

This bill establishes a committee to study end of life decisions.

Majority committee amendment adopted.

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

Rep. Hagan spoke against.

Rep. Watrous spoke in favor and yielded to questions.

Reps. Lambert and Marjorie Smith spoke in favor.

On a division vote, 212 members having voted in the affirmative and 140 in the negative, the majority committee report was adopted and ordered to third reading.

HB 482-FN, regarding infestation of bed bugs in rental housing. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gary S. Hopper for the Majority of Judiciary: This proposed legislation has come forward as the product of the New Hampshire bed bug action committee which has been working diligently for nearly three years to address the multiple challenges faced by landlords, tenants, public health professionals, housing advocates and others upon the discovery of infestations of bed bugs in rental properties. One significant outbreak in Manchester took place in a multi-unit dwelling more than three years ago and left a number of families quite destitute and emotionally devastated when the outbreak occurred and continued recurrence of these pests illustrated just how difficult bed bugs are to eradicate. The legislation provides remedies that have been agreed upon by a wide cross-section of landlords, tenants and others and provides a framework for a comprehensive response to the amelioration of these troublesome insects. Not acting on this bill may have a profound negative effect on tourism if not dealt with promptly. Vote 17-2.

Rep. Lawrence M. Kappler for the Minority of Judiciary: The minority believes this is a "local housing law" and "minimum housing standards" problem that needs to be addressed at the local level, versus creating more government. This investigation work would just increase tenant/landlord tensions.

Majority committee report adopted and ordered to third reading.

HB 590, relative to the unauthorized practice of law. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David Woodbury for the Majority of Judiciary: This bill seeks to permit persons of good character to represent parties no more than 10 times in a calendar year. The committee had difficulty understanding how to define "represent." Did it mean to represent each of ten parties any number of times, or only ten appearances even if they were all for one party? The committee also felt that the bill might inadvertently put citizens at risk of being represented by untrained, incompetent, and unregulated individuals. Vote 13-5.

Rep. Michael J. Sylvia for the Minority of Judiciary: This bill attempts to clarify language related to practicing as an attorney whereas courts vary in their interpretation of "No person shall be permitted commonly to practice." This bill would allow people of good character to represent others no more than 10 times per year.

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

Reps. Souza, Lambert and Infantine spoke against and yielded to questions.

Reps. Woodbury and Marjorie Smith spoke in favor and yielded to questions.

Rep. Hoell requested a roll call; sufficiently seconded.

Rep. Groen moved Recommit and spoke in favor.

Rep. Marjorie Smith spoke against and yielded to questions.

Rep. Rowe spoke in favor.

Rep. Nickolas Levasseur requested a roll call; sufficiently seconded.

YEAS 178 NAYS 182

YEAS 178 BELKNAP

Burchell, Richard
Flanders, Donald
Tilton, Franklin

Comtois, Guy
Gulick, Ruth
Vadney, Herbert

Cormier, Jane
Luther, Robert
Worsman, Colette

Fields, Dennis
Sylvia, Michael

CARROLL

Ahlgren, Christopher
Lavender, Tom
Schmidt, Stephen

Chandler, Gene
McConkey, Mark
Umberger, Karen

Cordelli, Glenn
Merrow, Harry
White, Syndi

Crawford, Karel
Nelson, Bill
Wright, Donald

CHESHIRE

Hunt, John
Shepardson, Marjorie

Johnson, Jane

Roberts, Kris

Robertson, Timothy

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

Thomas, Yvonne

GRAFTON

Brown, Rebecca
Piper, Wendy

Doolan, Ralph Jr

Ladd, Rick Jr

Massimilla, Linda

HILLSBOROUGH

Barry, Richard
Byron, Frank
Culbert, Patrick
Dobson, Jeremy
Gargas, Carolyn
Hikel, John
Jasper, Shawn
Levasseur, Nickolas
Meaney, Richard
Notter, Jeanine
Ober, Russell III
Pellegrino, Tony
Renzullo, Andrew
Sandblade, Emily
Sweeney, Shawn
Warden, Mark

Belanger, James
Cebrowski, John
Daniels, Gary
Flanagan, Jack
Graham, John
Hopper, Gary
Kurk, Neal
LeVasseur, Richard
Murotake, David
O'Brien, William
Palangas, Eric
Peterson, Lenette
Rokas, Ted
Souza, Kathleen
Takesian, Charlene
Willette, Robert

Boehm, Ralph
Christiansen, Lars
Danielson, David
Gagne, Larry
Haefner, Robert
Infantine, William
Lambert, George
Marston, Dick
Murphy, Keith
O'Flaherty, Tim
Palmer, Stephen
Pratt, Calvin
Rowe, Robert
Straight, Philip
Ulery, Jordan
Williams, Kermit

Burt, John
Coffey, James
DiSilvestro, Linda
Garcia, Michael
Hansen, Peter
Jack, Martin
LeBrun, Donald
McCarthy, Michael
Murphy, Kelleigh
Ober, Lynne
Parison, James
Ramsey, Peter
Sanborn, Laurie
Stroud, Kathleen
Villeneuve, Moe
Winters, Joel

MERRIMACK

Burns, Scott
Lockwood, Priscilla
Walsh, Thomas IV

Hoell, J.R.
McGuire, Carol

Kidder, David
McGuire, Dan

Kotowski, Frank
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Garcia, Marilinda
Hagan, Joseph
Itse, Daniel
McKinney, Betsy
Oligny, Jeffrey
Perkins, Lawrence
Sapareto, Frank
St.James, Kevin
Tucker, Pamela

Allen, Mary
Bishop, Franklin
Comerford, Timothy
Duarte, Joe
Fesh, Robert
Gordon, Richard
Hayes, Jack
Kappler, Lawrence
McMahon, Charles
Packard, Sherman
Priestley, Anne
Schroadter, Adam
Sytek, John
Waterhouse, Kevin

Baldasaro, Alfred
Borden, David
Dana, Romeo
Dumaine, Dudley
Friel, William
Grace, Curtis
Hodgdon, Bruce
Khan, Aboul
Nigrello, Robert
Peckham, Michele
Rice, Frederick
Sedensky, John
Tasker, Kyle
Webb, James Sr

Bick, Patrick
Charron, Gene
DeSimone, Debra
Emerick, J. Tracy
Garcia, Bianca
Griffin, Mary
Hoelzel, Kathleen
Kolodziej, Walter
O'Connor, John
Perkins, Amy
Sanders, Elisabeth
Sherman, Thomas
Tremblay, Stella
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Groen, Warren
Parsons, Robbie

Bickford, David
Grossman, Kenneth
Stevens, Audrey

Bixby, Peter
Jones, Laura

Gray, James
Mullen, John Jr

SULLIVAN

Gagnon, Raymond

Smith, Steven

NAYS 182**BELKNAP**

Arsenault, Beth
Huot, David

DiMartino, Lisa
Raymond, Ian

Fink, Charles

Holmes, Stephen

CARROLL

Buco, Thomas

Butler, Edward

Ticehurst, Susan

CHESHIRE

Ames, Richard
Chase, Cynthia
Lerandeau, Alfred
Phillips, Larry
Weed, Charles

Berch, Paul
Eaton, Daniel
Ley, Douglas
Sad, Tara
Young, Harry

Burridge, Delmar
Emerson, Susan
Mann, John
Tatro, Bruce

Butynski, William
Johnsen, Gladys
Parkhurst, Henry
Weber, Lucy

COOS

Coulombe, Gary
Moynihan, Wayne

Enman, Larry
Theberge, Robert

Hammon, Marcia

Hatch, William

GRAFTON

Aguiar, James
Bradley, Lester
Gionet, Edmond
Lovett, Sid
Sykes, George

Almy, Susan
Cooney, Mary
Harding, Laurie
Mulholland, Catherine
Townsend, Charles

Bailey, Brad
Ford, Susan
Higgins, Patricia
Nordgren, Sharon
White, Andrew

Benn, Bernard
Friedrich, Carol
Lauer, Linda
Smith, Suzanne

HILLSBOROUGH

Backus, Robert	Beaulieu, Jane	Campbell, David	Carroll, Douglas
Chandley, Shannon	Connor, Evelyn	Cote, David	Gage, Ruth
Gale, Sylvia	Gidge, Kenneth	Goley, Jeffrey	Gorman, Mary
Grady, Brenda	Hammond, Jill	Harriott-Gathright, Linda	Heden, Ruth
Jeady, Jean	Kelley, John	Knowles, Mary Ann	Leishman, Peter
Levesque, Melanie	Long, Patrick	MacKay, Mariellen	Manley, Jonathan Sr
McNamara, Richard	Nelson, Mary	O'Brien, Michael Sr	Porter, Marjorie
Rosenwald, Cindy	Schmidt, Janice	Shattuck, Gilman	Shaw, Barbara
Smith, Timothy	Soucy, Timothy	Spratt, Stephen	Sullivan, Daniel
Vail, Suzanne	Vaillancourt, Steve	Walsh, Robert Jr	Woodbury, David

MERRIMACK

Alicea, Caroletta	Andrews, Christopher	Bartlett, Christy	Bouchard, Candace
Carey, Lorrie	Carson, Clyde	Davis, Frank	Ebel, Karen
Frambach, Mary	Frazer, June	French, Barbara	Gile, Mary
Henle, Paul	Hess, David	Hirsch, Geoffrey	Hunt, Jane
Karrick, David Jr	Kelly, Sally	MacKay, James	Myler, Mel
Patten, Dick	Ratzki, Mario	Reed, Dennis	Rice, Chip
Richardson, Gary	Rogers, Katherine	Schamberg, Thomas	Schuett, Dianne
Shurtleff, Stephen	Turcotte, Alan	Wallner, Mary Jane	Walz, Mary Beth
Watrous, Rick	Webb, Leigh		

ROCKINGHAM

Andrews-Ahearn, E. Elaine	Briden, Steven	Burtis, Elizabeth	Cahill, Michael
Copeland, Timothy	Cushing, Robert Jr	Elliott, Robert	Emerson-Brown, Rebecca
Flockhart, Eileen	Harris, Jeffrey	Heffron, Frank	Helmstetter, Barbara
Lovejoy, Patricia	Mann, Maureen	Moody, Marcia	Muns, Chris
Pantelakos, Laura	Schlachman, Donna	Tamburello, Daniel	Ward, Gerald
Wazlaw, Brian	Whittemore, Lisa		

STRAFFORD

Baber, William	Berube, Roger	Burdwood, Greg	Burke, Rachel
Gardner, Janice	Ginsburg, Philip	Grassie, Anne	Hooper, Dorothea
Horrigan, Timothy	Hubbard, Pamela	Kaen, Naida	Ketel, Stephen
Malloy, Dennis	Menear, H. Robert III	Miller, David	Pelletier, Marsha
Perry, Robert	Rogers, Rose Marie	Rollo, Deanna	Schmidt, Peter
Smith, Marjorie	Spang, Judith	Verschueren, James	Wall, Janet

SULLIVAN

Cloutier, John	Gottling, Suzanne	Grenier, James	Irwin, Virginia
Lefebvre, Benjamin	O'Hearne, Andrew	Rollins, Skip	Schmidt, Andrew
Sweeney, Cynthia	Tanner, Linda		

and the motion failed.

Rep. Peter Sullivan declared a conflict of interest and did not participate.

LAID ON THE TABLE

Rep. Tamburello moved that **HB 590**, relative to the unauthorized practice of law, be laid on the table.

On a division vote, 277 members having voted in the affirmative and 83 in the negative, the motion was adopted.

Rep. Peter Sullivan declared a conflict of interest and did not participate.

REGULAR CALENDAR (CONT'D)

HB 605, requiring the supreme court to adopt rules of evidence for the judicial branch family division. **IN-EXPEDIENT TO LEGISLATE.**

Rep. Robert H. Rowe for Judiciary: The thrust of this bill is for the establishment of rules of evidence for the family court that are uniformly followed. The purpose of the sponsors is well-intended. The family division of the circuit court hears approximately 50,000 cases a year; it is the most active court in New Hampshire. Over the past decades the advocate mix in the family court has changed dramatically; it is not presently all lawyers in court. Now, 70% of the parties are pro-se with few having knowledge of the rules of evidence and some having a limited education or understanding of the English language. As such, developing a firm set of rules of evidence is an impossible task. If rules are too lenient and flexible, it may favor the citizen advocate but result in a free-for-all trial. If rules are too firm, it favors the lawyers but not the lay advocates. It is a difficult, if not impossible mix. With the above being true, the clear language in the bill is a demand that the supreme court develop rules for the family branch that are to be uniformly followed. The majority of the committee is in sympathy with the intent of the sponsors, but believes that the legislative branch can not dictate to another branch in accordance with Article 17, Part 1 of the New Hampshire Constitution. Vote 17-2. Committee report adopted.

HB 611, clarifying the equity jurisdiction of the judicial branch family division. **INEXPEDIENT TO LEGISLATE.**

Rep. Marjorie K. Smith for Judiciary: This bill sought to clarify the equity jurisdiction of the judicial branch family division. The provision the bill proposed to amend stems from the superior court statute with its roots in NH law dating from the 1800s. The language was in the original family division pilot project, and continued, unchanged in the family division statute. At one point in the bill the sponsor removed the phrase, "notwithstanding any law to the contrary," but at another point added the phrase, "and where no other special provision has been made by law." The committee concluded that these changes cancelled each other out and that the net result was to confuse rather than clarify the equity jurisdiction of the judicial branch family division. Vote 16-3.

Committee report adopted.

HB 514, permitting members of the general court to receive ski passes for Cannon Mountain ski area. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Steven J. Briden for the Majority of Legislative Administration: The majority of the committee thought that the legislative perk granted by this bill was too large. A one day lift ticket at Cannon Mountain is \$70.00 for an adult, and this bill would allow for unlimited free access. If you were to use this a half dozen times, you would be receiving perks worth twice as much as our biennial salary. This is much more substantial than the other perks that we receive as legislators. This could also send a poor message to our constituents that we are more worried about personal privilege than we are about making laws to help the people of New Hampshire. Vote 5-4.

Rep. George A. Lambert for the Minority of Legislative Administration: Members of the legislature have open access to state parks, which increase awareness and promotion of these locations. The question is do ski passes for legislatures constitute an ethical challenge. When legislators go to Cannon Mountain, there is virtually no incremental cost but it creates additional analog revenue for the Cannon facility. This has been a long standing tradition of legislature that has encouraged members to experience this part of New Hampshire culture. Majority committee report adopted.

HB 622, establishing a committee to study state house security. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Curtis W. Grace for the Majority of Legislative Administration: The issue of state house security in the house chamber, anteroom and gallery has already been addressed in house rules. Security in the rest of the state house complex is under the jurisdiction of the joint facilities committee. Therefore the committee suggests that security in the state house complex be addressed by the joint facilities committee. Vote 8-1.

Rep. George A. Lambert for the Minority of Legislative Administration: The minority believes that the safety of the members has been affected by present policy under rules. A further discussion of some security officers is in order.

Majority committee report adopted.

HB 204-FN-L, relative to the removal of social security and other numbers from registry of deeds documents available on the Internet. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David J. Danielson for the Majority of Municipal and County Government: Current statute allows county registers of deeds to post documents on the internet, and all but one county does so. Document preparers are prohibited from including social security numbers and financial information on documents to be posted. However, some older documents may include this sensitive information. This bill requires the registers of deeds to remove social security numbers, armed forces service numbers, credit card numbers, and deposit account numbers from documents made available on the internet. Registers currently redact such information if they discover it, or if requested to do so by the individual. However, they simply do not have the manpower to go through all posted documents seeking and redacting. In addition, each redaction costs the county \$50, as per contract with the software providers. Members of the committee are sensitive to the privacy needs of citizens, but felt this bill did not solve the problem, and is an unfunded mandate upon the counties. Vote 11-6.

Rep. Syndi G. White for the Minority of Municipal and County Government: The overriding issue in the minority's position is the citizens' right to privacy and the obligation of the state to refrain from knowingly and willingly violating these rights. Currently, county registries of deeds have the choice to put documents online. Some of these include social security numbers, credit card numbers and deposit account info. The general public is unaware their private information is online, easily accessible to those phishing for such information in order to commit identity theft. This bill would reduce the potential of identity theft and reduce the state's liability for knowingly putting citizens at risk. Since counties charge a fee for online searches, the charges incurred by redacting the information could come out of these fees.

Rep. Porter moved Recommit and spoke in favor.

Adopted.

Recommitted to the Committee on Municipal and County Government.

HB 298, prohibiting the publication of the names of persons granted property tax exemptions, credits, or deferrals. **INEXPEDIENT TO LEGISLATE.**

Rep. Kris E. Roberts for Municipal and County Government: This bill would prohibit the publication of the names of persons granted property tax credit or deferrals. The committee believes that it is important that when it comes to taxpayer monies that municipalities be open as possible. NH veteran homeowners are eligible to receive a tax credit up to \$500 and veterans rated totally and permanently disabled are eligible for up to a \$2000 tax credit. Such tax credits are paid by local property owners. As such, it is an expense. Tax deferrals have an affect on the towns over all tax rate. Again the committee believes any factor affecting the tax rate has to be readily available to the public. Additionally HB 298 states that whoever fails to comply shall be guilty of a violation, a very serious concern for the committee. Vote 12-2.

Committee report adopted.

HB 347, authorizing cottage housing development as an innovative land use control. **OUGHT TO PASS.**

Rep. David J. Danielson for Municipal and County Government: This bill provides cities and larger towns the opportunity to consider intensive development in or around the town center by authorizing "cottage housing developments" as an option for local land use boards. The bill sets the parameters for this type of development. "Cottage dwellings" are typically between 800-1200 square feet, and are free-standing. This type of development provides an opportunity for smaller dwellings for those just starting out or those seeking to down-size and who want to live in a detached dwelling. Vote 13-2.

Committee report adopted and ordered to third reading.

HB 436, relative to governance of town libraries. **INEXPEDIENT TO LEGISLATE.**

Rep. Dorothea D. Hooper for Municipal and County Government: This bill permits a town to choose, at its regular meeting, whether the town library shall be governed by a board of trustees or by the selectmen. We heard extensive testimony in opposition to this change, from both library trustees and selectmen. Trustees' duties are extensive, and there is a great body of law to learn. Selectmen worried they already had too much to do. The committee felt that allowing the selectmen to run the libraries may serve to politicize libraries. Library trustees are elected by the public vote and should remain independent. If this bill were to pass, selectmen could begin to determine what could be placed in libraries. Vote 15-0.

Committee report adopted.

SB 39-FN-A, relative to funding of capital projects of the division of ports and harbors, Pease development authority. **OUGHT TO PASS.**

Rep. Gene G. Chandler for Public Works and Highways: This bill reauthorizes already appropriated bonding authority for the purpose of dredging Hampton Harbor and for reconstructing a severely deteriorated metal bulkhead at Hampton Harbor. The waterway at Hampton Harbor has been maintained at state expense. Commercial traffic has increased to a point where the U.S. Army Corps of Engineers has agreed to take over maintenance of the waterway provided that the State dredges the harbor to a certain depth, and the Corps of Engineers will then dredge the harbor deeper. The committee heard testimony that the metal bulkhead is in very poor condition and, if not replaced, portions of the harbor will be closed. The work is being done at the same time to allow use of dredged material in construction of the bulkhead. The committee also felt this project is essential for jobs and to protect the local fishing economy. The bill is being taken up out of the normal capital appropriation cycle so that work can be completed before it impacts waterway traffic in the summer months. The bill decreases future general fund expenditures because of the transfer of maintenance responsibilities to the Corps of Engineers. The bonded indebtedness impact is minimal because the bill reuses already authorized, but unissued capital authority. While the committee did not want to hold up this important legislation, members expressed concern over the current fee structure charged by the Pease Development Authority for dock spaces and moorings. The committee plans to investigate this over the next several months to ascertain if the State of New Hampshire is getting its fair share. Vote 19-0.

Rep. Chandler spoke in favor.

Committee report adopted and ordered to third reading.

HB 318-FN, relative to collection of the education property tax and establishing a program to rebate certain excess property tax payments of eligible taxpayers. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Richard Ames for the Majority of Ways and Means: This bill has appeared before the legislature every term since 2001. The primary intent is to move the collection of the statewide education property tax to the state level, in the hope that so-called donor towns would no longer be identified as such. The secondary purpose is to take the interest now earned by the towns on the money collected and construct an administratively complex low-income property tax subsidy that would better help very low-income people. This interest is likely to remain virtually nil for some years to come. The change to state collection creates a number of expensive administrative issues at state and local level that have not been solved despite six terms of study committees. Vote 9-8.

Rep. Frank V Sapareto for the Minority of Ways and Means: Short of a constitutional amendment, this bill is the only way to target education aid to the communities and towns that are in the greatest need. It allows the state to collect the state property tax and distribute aid constitutionally without creating disparate tax rates. The bill also provides relief to taxpayers whose homes are lost to overly high property tax burdens. This bill has been vetted and polished for many years, and its main opposition has been the inability of the DRA to upgrade its systems. The minority feels there is a greater good in eliminating the perception of donor/receiver towns. The minority further believes that distributing monies to the communities that need it most is imperative to providing good education policy in our state.

MOTION TO LAY ON THE TABLE

Rep. Sapareto moved that **HB 318-FN**, relative to collection of the education property tax and establishing a program to rebate certain excess property tax payments of eligible taxpayers, be laid on the table.

Rep. Kelleigh Murphy requested a roll call; not sufficiently seconded.

On a division vote, 158 members having voted in the affirmative and 184 in the negative, the motion failed.

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

On a division vote, 215 members having voted in the affirmative and 129 in the negative, the majority committee report was adopted.

(Rep. Kaen in the Chair)

HB 335-FN-A, relative to the tobacco tax. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John D. Kelley for the Majority of Ways and Means: The bill attempts to maintain policy established last term of reducing the tobacco tax in order to increase revenues by repealing the sunset to occur on 8/1/13. The policy has failed the test set by the senate, and the state is on track to lose \$30.5M relative to FY11. Vote 10-7.

Rep. Patrick F. Abrami for the Minority of Ways and Means: The minority feels that the contingent tax rate increase for the tobacco tax on cigarettes and other tobacco products based on reporting of tobacco tax revenues be repealed. The minority feels more time is required for tobacco sales to be recovered which were lost in our border town war when the rate per pack was increased to \$1.78. The reduction to \$1.68 per pack was designed to re-stimulate border sales and thus increase stamp sales; and therefore, revenue to the state. Increasing the tax back up to \$1.78 will only further reduce border sales which will result in harm to many merchants.

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

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 207 NAYS 135

YEAS 207 BELKNAP

Arsenault, Beth
Raymond, Ian

DiMartino, Lisa

Gulick, Ruth

Huot, David

CARROLL

Buco, Thomas
McConkey, Mark
White, Syndi

Butler, Edward
Schmidt, Stephen

Crawford, Karel
Ticehurst, Susan

Lavender, Tom
Umberger, Karen

CHESHIRE

Ames, Richard
Chase, Cynthia
Lerandeau, Alfred
Phillips, Larry
Shepardson, Marjorie
Young, Harry

Berch, Paul
Eaton, Daniel
Ley, Douglas
Roberts, Kris
Tatro, Bruce

Burridge, Delmar
Emerson, Susan
Mann, John
Robertson, Timothy
Weber, Lucy

Butynski, William
Johnsen, Gladys
Parkhurst, Henry
Sad, Tara
Weed, Charles

COOS

Coulombe, Gary
Richardson, Herbert

Enman, Larry
Theberge, Robert

Hatch, William
Thomas, Yvonne

Moynihan, Wayne

GRAFTON

Aguiar, James
Cooney, Mary
Harding, Laurie
Massimilla, Linda
Smith, Suzanne

Almy, Susan
Doolan, Ralph Jr
Higgins, Patricia
Mulholland, Catherine
Sykes, George

Benn, Bernard
Ford, Susan
Lauer, Linda
Nordgren, Sharon
White, Andrew

Brown, Rebecca
Friedrich, Carol
Lovett, Sid
Piper, Wendy

HILLSBOROUGH

Backus, Robert
Carroll, Douglas
Danielson, David
Gagne, Larry
Goley, Jeffrey
Hammond, Jill
Jack, Martin
Leishman, Peter
MacKay, Mariellen
Nelson, Mary
Rosenwald, Cindy
Soucy, Timothy
Walsh, Robert Jr

Beaulieu, Jane
Chandlee, Shannon
DiSilvestro, Linda
Gale, Sylvia
Gorman, Mary
Harriott-Gathright, Linda
Jasper, Shawn
Levasseur, Nickolas
Manley, Jonathan Sr
O'Brien, Michael Sr
Shattuck, Gilman
Spratt, Stephen
Williams, Kermit

Belanger, James
Connor, Evelyn
Dobson, Jeremy
Gargas, Carolyn
Grady, Brenda
Heden, Ruth
Jeudy, Jean
Levesque, Melanie
Marston, Dick
O'Flaherty, Tim
Shaw, Barbara
Sullivan, Peter
Winters, Joel

Campbell, David
Cote, David
Gage, Ruth
Gidge, Kenneth
Graham, John
Infantine, William
Knowles, Mary Ann
Long, Patrick
McNamara, Richard
Ramsey, Peter
Smith, Timothy
Vail, Suzanne
Woodbury, David

MERRIMACK

Alicea, Caroletta
Burns, Scott
Ebel, Karen
Gile, Mary
Karrick, David Jr
Lockwood, Priscilla
Ratzki, Mario
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Henle, Paul
Kelly, Sally
MacKay, James
Reed, Dennis
Schamberg, Thomas
Wallner, Mary Jane

Bartlett, Christy
Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Kidder, David
Myler, Mel
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

Bouchard, Candace
Davis, Frank
French, Barbara
Hunt, Jane
Kotowski, Frank
Patten, Dick
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cahill, Michael
Flockhart, Eileen
Khan, Aboul
Muns, Chris
Schlachman, Donna

Borden, David
Copeland, Timothy
Hayes, Jack
Lovejoy, Patricia
Nigrello, Robert
Sherman, Thomas

Briden, Steven
Cushing, Robert Jr
Heffron, Frank
Mann, Maureen
Pantelakos, Laura
Wazlaw, Brian

Burtis, Elizabeth
Emerson-Brown, Rebecca
Helmstetter, Barbara
Moody, Marcia
Peckham, Michele

STRAFFORD

Baber, William
Burke, Rachel
Gray, James
Malloy, Dennis
Rogers, Rose Marie
Spang, Judith

Berube, Roger
Gardner, Janice
Grossman, Kenneth
Menear, H. Robert III
Rollo, Deanna
Stevens, Audrey

Bixby, Peter
Ginsburg, Philip
Hooper, Dorothea
Miller, David
Schmidt, Peter
Verschueren, James

Burdwood, Greg
Grassie, Anne
Horrigan, Timothy
Pelletier, Marsha
Smith, Marjorie
Wall, Janet

SULLIVAN

Cloutier, John
Irwin, Virginia
Sweeney, Cynthia

Gagnon, Raymond
Lefebvre, Benjamin
Tanner, Linda

Gottling, Suzanne
O'Hearne, Andrew

Grenier, James
Schmidt, Andrew

NAYS 135**BELKNAP**

Burchell, Richard
Fink, Charles
Tilton, Franklin

Comtois, Guy
Flanders, Donald
Vadney, Herbert

Cormier, Jane
Holmes, Stephen
Worsman, Colette

Fields, Dennis
Sylvia, Michael

CARROLL

Ahlgren, Christopher
Wright, Donald

Chandler, Gene

Merrow, Harry

Nelson, Bill

CHESHIRE**COOS**

Hammon, Marcia
GRAFTON
Bailey, Brad

Rappaport, Laurence
Bradley, Lester

Rideout, Leon
Gionet, Edmond

Ladd, Rick Jr

HILLSBOROUGH

Barry, Richard
Cebrowski, John
Flanagan, Jack

Boehm, Ralph
Coffey, James
Garcia, Michael

Burt, John
Culbert, Patrick
Haefner, Robert

Byron, Frank
Daniels, Gary
Hansen, Peter

Hopper, Gary
LeVasseur, Richard
Murphy, Keith
Ober, Lynne
Pellegrino, Tony
Rokas, Ted
Souza, Kathleen
Sweeney, Shawn
Villeneuve, Moe

Kurk, Neal
McCarthy, Michael
Murphy, Kelleigh
Palangas, Eric
Peterson, Lenette
Rowe, Robert
Straight, Philip
Takesian, Charlene
Warden, Mark

Lambert, George
Meaney, Richard
Notter, Jeanine
Palmer, Stephen
Pratt, Calvin
Sanborn, Laurie
Stroud, Kathleen
Ulery, Jordan
Willette, Robert

LeBrun, Donald
Murotake, David
O'Brien, William
Parison, James
Renzullo, Andrew
Sandblade, Emily
Sullivan, Daniel
Vaillancourt, Steve

MERRIMACK

Hess, David
Smith, Todd

Hoell, J.R.
Walsh, Thomas IV

McGuire, Carol

McGuire, Dan

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Danais, Romeo
Dumaine, Dudley
Fesh, Robert
Grace, Curtis
Hoelzel, Kathleen
McKinney, Betsy
Packard, Sherman
Rice, Frederick
Sedensky, John
Tremblay, Stella
Weyler, Kenneth

Allen, Mary
Charron, Gene
DeSimone, Debra
Elliott, Robert
Friel, William
Griffin, Mary
Itse, Daniel
McMahon, Charles
Perkins, Amy
Sanders, Elisabeth
Sytek, John
Tucker, Pamela
Whittemore, Lisa

Baldasaro, Alfred
Chirichiello, Brian
Devine, James
Emerick, J. Tracy
Garcia, Bianca
Hagan, Joseph
Kappler, Lawrence
O'Connor, John
Perkins, Lawrence
Sapareto, Frank
Tamburello, Daniel
Waterhouse, Kevin

Bick, Patrick
Comerford, Timothy
Duarte, Joe
Ferrante, Beverly
Gordon, Richard
Hodgdon, Bruce
Kolodziej, Walter
Oigny, Jeffrey
Priestley, Anne
Schroadter, Adam
Tasker, Kyle
Webb, James Sr

STRAFFORD

Beaudoin, Steven
Mullen, John Jr

Bickford, David
Parsons, Robbie

Jones, Laura

Ketel, Stephen

SULLIVAN

Smith, Steven

and the majority committee report was adopted.

Reps. Russell Ober and Groen did not vote and notified the Clerk that they wished to be recorded against.

Rep. Reed voted Yea and intended to vote Nay.

HB 354-FN-A, reducing the rate of the business enterprise tax over a 5-year period and repealing the tax.
MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. David B. Karrick for the Majority of Ways and Means: Repeal or even phased reduction of the business enterprise tax would create a hard to fill revenue hole of between 75 million and 100 million dollars per year. The range in reduction of revenues is due to the difficulty under past data collection methods to calculate how much business profits tax former business enterprise tax payers would have to pay instead. The reduction in revenues would have a very serious effect on needed state services. Originally, the BET was created to resolve a constitutional complaint by large businesses that they were the only ones paying business taxes. The BET was also created to smooth the problem of the extreme volatility in the BPT alone. The majority believes some reduction in the BET could be in order relative to the BPT if only we had adequate revenues to fund necessary government services but repeal should only occur as part of total tax reform. Vote 11-6.

Rep. Laurie J. Sanborn for the Minority of Ways and Means: The minority believes that reducing the rate of the business enterprise tax over time would substantially help employers in our state who must pay the tax on payroll and interest expenses, even if they are not profitable, and would send a clear message that we want them to succeed, grow and hire in New Hampshire.

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

Rep. Rideout spoke against and yielded to questions.

Rep. Carol McGuire spoke against.

Rep. Lovejoy spoke in favor and yielded to questions.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 192 NAYS 161

YEAS 192 BELKNAP

Arsenault, Beth
Raymond, Ian

DiMartino, Lisa

Gulick, Ruth

Huot, David

CARROLL

Buco, Thomas
White, Syndi

Butler, Edward

Lavender, Tom

Ticehurst, Susan

CHESHIRE

Ames, Richard
Chase, Cynthia
Johnsen, Gladys
Parkhurst, Henry
Sad, Tara
Weed, Charles

Berch, Paul
Eaton, Daniel
Lerandeau, Alfred
Phillips, Larry
Shepardson, Marjorie
Young, Harry

Burridge, Delmar
Emerson, Susan
Ley, Douglas
Roberts, Kris
Tatro, Bruce

Butynski, William
Hunt, John
Mann, John
Robertson, Timothy
Weber, Lucy

COOS

Coulombe, Gary
Moynihan, Wayne

Enman, Larry
Theberge, Robert

Hammon, Marcia
Thomas, Yvonne

Hatch, William

GRAFTON

Aguir, James
Cooney, Mary
Higgins, Patricia
Mulholland, Catherine
Sykes, George

Almy, Susan
Ford, Susan
Lauer, Linda
Nordgren, Sharon
Townsend, Charles

Benn, Bernard
Friedrich, Carol
Lovett, Sid
Piper, Wendy
White, Andrew

Brown, Rebecca
Harding, Laurie
Massimilla, Linda
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Connor, Evelyn
Gage, Ruth
Goley, Jeffrey
Harriott-Gathright, Linda
Kelley, John
Levesque, Melanie
McNamara, Richard
Porter, Marjorie
Shattuck, Gilman
Sullivan, Peter
Willette, Robert

Beaulieu, Jane
Cote, David
Gale, Sylvia
Gorman, Mary
Heden, Ruth
Knowles, Mary Ann
Long, Patrick
Nelson, Mary
Ramsey, Peter
Smith, Timothy
Vail, Suzanne
Williams, Kermit

Campbell, David
DiSilvestro, Linda
Gargas, Carolyn
Grady, Brenda
Jack, Martin
Leishman, Peter
MacKay, Mariellen
O'Brien, Michael Sr
Rosenwald, Cindy
Soucy, Timothy
Vaillancourt, Steve
Woodbury, David

Chandley, Shannon
Dobson, Jeremy
Gidge, Kenneth
Hammond, Jill
Judy, Jean
Levasseur, Nickolas
Manley, Jonathan Sr
Palangas, Eric
Schmidt, Janice
Spratt, Stephen
Walsh, Robert Jr

MERRIMACK

Alicea, Caroletta
Burns, Scott
Frambach, Mary
Henle, Paul
Kelly, Sally
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

Andrews, Christopher
Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Lockwood, Priscilla
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

Bartlett, Christy
Davis, Frank
French, Barbara
Hunt, Jane
MacKay, James
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

Bouchard, Candace
Ebel, Karen
Gile, Mary
Karrick, David Jr
Myler, Mel
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Burtis, Elizabeth
Flockhart, Eileen
Mann, Maureen
Pantelakos, Laura
Wazlaw, Brian

Bishop, Franklin
Cahill, Michael
Heffron, Frank
Moody, Marcia
Schlachman, Donna
Whittemore, Lisa

Borden, David
Cushing, Robert Jr
Helmstetter, Barbara
Muns, Chris
Sherman, Thomas

Briden, Steven
Emerson-Brown, Rebecca
Lovejoy, Patricia
Norelli, Terie
Ward, Gerald

STRAFFORD

Baber, William
Burke, Rachel
Grossman, Kenneth
Malloy, Dennis
Perry, Robert
Smith, Marjorie

Berube, Roger
Gardner, Janice
Hooper, Dorothea
Menear, H. Robert III
Rogers, Rose Marie
Spang, Judith

Bixby, Peter
Ginsburg, Philip
Horriggan, Timothy
Miller, David
Rollo, Deanna
Verschueren, James

Burdwood, Greg
Grassie, Anne
Ketel, Stephen
Pelletier, Marsha
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Lefebvre, Benjamin
Tanner, Linda

Gagnon, Raymond
O'Hearne, Andrew

Gottling, Suzanne
Schmidt, Andrew

Irwin, Virginia
Sweeney, Cynthia

NAYS 161**BELKNAP**

Burchell, Richard
Fink, Charles
Tilton, Franklin

Comtois, Guy
Flanders, Donald
Vadney, Herbert

Cormier, Jane
Holmes, Stephen
Worsman, Colette

Fields, Dennis
Sylvia, Michael

CARROLL

Ahlgren, Christopher
McConkey, Mark
Umberger, Karen

Chandler, Gene
Merrow, Harry
Wright, Donald

Cordelli, Glenn
Nelson, Bill

Crawford, Karel
Schmidt, Stephen

CHESHIRE

Johnson, Jane

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Ladd, Rick Jr

Bradley, Lester

Doolan, Ralph Jr

Gionet, Edmond

HILLSBOROUGH

Barry, Richard
Byron, Frank
Culbert, Patrick
Gagne, Larry
Hikel, John
Kurk, Neal
McCarthy, Michael
Murphy, Kelleigh
Ober, Lynne
Pellegrino, Tony
Rokas, Ted
Shaw, Barbara
Sullivan, Daniel
Villeneuve, Moe

Belanger, James
Carroll, Douglas
Daniels, Gary
Garcia, Michael
Hopper, Gary
LeBrun, Donald
Meaney, Richard
Notter, Jeanine
Ober, Russell III
Peterson, Lenette
Rowe, Robert
Souza, Kathleen
Sweeney, Shawn
Warden, Mark

Boehm, Ralph
Cebrowski, John
Danielson, David
Haefner, Robert
Infantine, William
LeVasseur, Richard
Murotake, David
O'Brien, William
Palmer, Stephen
Pratt, Calvin
Sanborn, Laurie
Straight, Philip
Takesian, Charlene
Winters, Joel

Burt, John
Coffey, James
Flanagan, Jack
Hansen, Peter
Jasper, Shawn
Marston, Dick
Murphy, Keith
O'Flaherty, Tim
Parison, James
Renzullo, Andrew
Sandblade, Emily
Stroud, Kathleen
Ulery, Jordan

MERRIMACK

Carey, Lorrie
Kotowski, Frank
Reed, Dennis

Hess, David
McGuire, Carol
Smith, Todd

Hoell, J.R.
McGuire, Dan
Walsh, Thomas IV

Kidder, David
Patten, Dick

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Copeland, Timothy
Duarte, Joe
Fesh, Robert
Gordon, Richard
Harris, Jeffrey
Itse, Daniel
McKinney, Betsy
Oligny, Jeffrey
Perkins, Lawrence
Sapareto, Frank
Tamburello, Daniel
Waterhouse, Kevin

Allen, Mary
Charron, Gene
Danais, Romeo
Elliott, Robert
Friel, William
Grace, Curtis
Hayes, Jack
Kappler, Lawrence
McMahon, Charles
Packard, Sherman
Priestley, Anne
Schroadter, Adam
Tasker, Kyle
Webb, James Sr

Baldasaro, Alfred
Chirichiello, Brian
DeSimone, Debra
Emerick, J. Tracy
Garcia, Bianca
Griffin, Mary
Hodgdon, Bruce
Khan, Aboul
Nigrello, Robert
Peckham, Michele
Rice, Frederick
Sedensky, John
Tremblay, Stella
Weyler, Kenneth

Bick, Patrick
Comerford, Timothy
Devine, James
Ferrante, Beverly
Garcia, Marilinda
Hagan, Joseph
Hoelzel, Kathleen
Kolodziej, Walter
O'Connor, John
Perkins, Amy
Sanders, Elisabeth
Sytek, John
Tucker, Pamela

STRAFFORD

Beaudoin, Steven
Jones, Laura

Bickford, David
Mullen, John Jr

Gray, James
Parsons, Robbie

Groen, Warren

SULLIVAN

Grenier, James

Rollins, Skip

Smith, Steven

and the majority committee report was adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Daniel Eaton moved that the House reconsider its actions whereby, on a roll call vote of 192-161, the House adopted the majority committee report of Inexpedient to Legislate on **HB 354-FN-A**, reducing the rate of the business enterprise tax over a 5-year period and repealing the tax. Rep. Daniel Eaton spoke against. Motion failed.

REGULAR CALENDAR (CONT'D)

HB 370-FN, repealing the education tax credit program. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Susan W. Almy for the Majority of Ways and Means: The program enacted last year to provide a small public subsidy to parents sending their children to private schools or home-schooling them would be repealed

by this bill. The subsidy is provided through a special business tax credit that administratively burdens businesses and two understaffed state agencies. Ironically, it requires vigilance as to whether the children supported are distinct from the donor business and whether they actually moved and stayed moved out of the public system, but purposefully allows no way for the state to determine whether the public money foregone has improved those children's educations, except for the parents' own approval and their voluntary reporting of post-school outcomes. Our public school students and parents are allowed no such leeway. The program forces a choice on the legislature as to whether the cost will come from extremely scarce general fund dollars or by down-shifting to the public schools and local property tax. There is very little expense that a school can cut when it loses a few children per grade. This first term, the legislature chose to put most of that burden on the general fund, a potential loss of \$8-9M over the biennium if the program was successful in attracting business donors and parents, with rapid automatic increases thereafter if successful. In a later term, given our constrained revenues, the choice might be to down-shift the whole burden. The program is also likely to be declared contrary to the state constitution after a lawsuit the state will have to finance. The majority believes that the time to repeal this program is now, given the lack of accountability, complicated administration, unconstitutionality and fragile state of both state and local revenues. Vote 10-7.

Rep. Laurie J. Sanborn for the Minority of Ways and Means: This bill repeals a recently passed scholarship program for lower income families which enables them choice when their child would perform better in a learning environment different from the one they are obligated to attend due to their zip code. The education tax credit bill was well vetted in extensive subcommittee meetings to ensure its constitutionality and effectiveness in helping those that need it, while maintaining our commitment to excellence in the public school system. Caps were placed on the total financial impact on public schools to 1/3 of one percent of the total education budget. The law was also carefully constructed to hold a school district harmless financially if more students leave than would be typical with regular relocation and attrition. The credit has only been in effect for one month. Just the mere mention of a potential repeal has caused potential business participants to be reluctant to contribute to the scholarship program. The minority believes it is imperative that we give this scholarship program, and the children it is aimed at helping, a chance to succeed and keep our promise to the hundreds of families who have already applied for this assistance.

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

Reps. Hess, Kris Roberts and Ladd spoke against and yielded to questions.

Reps. Gile and Carey spoke in favor and yielded to questions.

Reps. Tucker and Sanborn spoke against.

Reps. Porter, Almy and Vaillancourt spoke in favor.

Rep. Almy requested a roll call; sufficiently seconded.

YEAS 188 NAYS 151

YEAS 188 BELKNAP

Arsenault, Beth
Raymond, Ian

DiMartino, Lisa

Gulick, Ruth

Huot, David

CARROLL

Buco, Thomas
White, Syndi

Butler, Edward

Lavender, Tom

Ticehurst, Susan

CHESHIRE

Ames, Richard
Chase, Cynthia
Mann, John
Sad, Tara
Weed, Charles

Berch, Paul
Eaton, Daniel
Parkhurst, Henry
Shepardson, Marjorie
Young, Harry

Burridge, Delmar
Johnsen, Gladys
Phillips, Larry
Tatro, Bruce

Butynski, William
Ley, Douglas
Robertson, Timothy
Weber, Lucy

COOS

Coulombe, Gary
Moynihan, Wayne

Enman, Larry
Theberge, Robert

Hammon, Marcia

Hatch, William

GRAFTON

Aguiar, James
Cooney, Mary
Higgins, Patricia
Mulholland, Catherine
Sykes, George

Almy, Susan
Ford, Susan
Lauer, Linda
Nordgren, Sharon
Townsend, Charles

Benn, Bernard
Friedrich, Carol
Lovett, Sid
Piper, Wendy
White, Andrew

Brown, Rebecca
Harding, Laurie
Massimilla, Linda
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Chandley, Shannon

Beaulieu, Jane
Connor, Evelyn

Campbell, David
Cote, David

Carroll, Douglas
DiSilvestro, Linda

Dobson, Jeremy
Goley, Jeffrey
Harriott-Gathright, Linda
Knowles, Mary Ann
Long, Patrick
Nelson, Mary
Rosenwald, Cindy
Smith, Timothy
Sullivan, Peter
Williams, Kermit

Gage, Ruth
Gorman, Mary
Heden, Ruth
Leishman, Peter
MacKay, Mariellen
O'Brien, Michael Sr
Schmidt, Janice
Soucy, Timothy
Vail, Suzanne
Woodbury, David

Gale, Sylvia
Grady, Brenda
Jack, Martin
Levasseur, Nickolas
Manley, Jonathan Sr
Porter, Marjorie
Shattuck, Gilman
Spratt, Stephen
Vaillancourt, Steve

Gargas, Carolyn
Hammond, Jill
Kelley, John
Levesque, Melanie
McNamara, Richard
Rokas, Ted
Shaw, Barbara
Sullivan, Daniel
Walsh, Robert Jr

MERRIMACK

Alicea, Caroletta
Burns, Scott
Ebel, Karen
Gile, Mary
Karrick, David Jr
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Henle, Paul
Kelly, Sally
Patten, Dick
Rogers, Katherine
Turcotte, Alan

Bartlett, Christy
Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Lockwood, Priscilla
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

Bouchard, Candace
Davis, Frank
French, Barbara
Hunt, Jane
MacKay, James
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cahill, Michael
Flockhart, Eileen
Mann, Maureen
Pantelakos, Laura
Ward, Gerald

Borden, David
Copeland, Timothy
Heffron, Frank
Moody, Marcia
Schlachman, Donna
Wazlaw, Brian

Briden, Steven
Cushing, Robert Jr
Helmstetter, Barbara
Muns, Chris
Sherman, Thomas
Whittemore, Lisa

Burtis, Elizabeth
Emerson-Brown, Rebecca
Lovejoy, Patricia
Oigny, Jeffrey
Sytek, John

STRAFFORD

Baber, William
Burke, Rachel
Grossman, Kenneth
Malloy, Dennis
Rogers, Rose Marie
Spang, Judith

Berube, Roger
Gardner, Janice
Horrigan, Timothy
Miller, David
Rollo, Deanna
Verschueren, James

Bixby, Peter
Ginsburg, Philip
Kaen, Naida
Pelletier, Marsha
Schmidt, Peter
Wall, Janet

Burdwood, Greg
Grassie, Anne
Ketel, Stephen
Perry, Robert
Smith, Marjorie

SULLIVAN

Cloutier, John
Irwin, Virginia
Sweeney, Cynthia

Gagnon, Raymond
Lefebvre, Benjamin
Tanner, Linda

Gottling, Suzanne
O'Hearne, Andrew

Grenier, James
Schmidt, Andrew

NAYS 151

BELKNAP

Burchell, Richard
Fink, Charles
Tilton, Franklin

Comtois, Guy
Flanders, Donald
Vadney, Herbert

Cormier, Jane
Holmes, Stephen
Worsman, Colette

Fields, Dennis
Sylvia, Michael

CARROLL

Ahlgren, Christopher
McConkey, Mark
Umberger, Karen

Chandler, Gene
Morrow, Harry
Wright, Donald

Cordelli, Glenn
Nelson, Bill

Crawford, Karel
Schmidt, Stephen

CHESHIRE

Emerson, Susan

Hunt, John

Johnson, Jane

Roberts, Kris

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Ladd, Rick Jr

Bradley, Lester

Doolan, Ralph Jr

Gionet, Edmond

HILLSBOROUGH

Barry, Richard
Byron, Frank
Culbert, Patrick
Gagne, Larry
Hansen, Peter
Jeudy, Jean

Belanger, James
Cebrowski, John
Daniels, Gary
Garcia, Michael
Hikel, John
Kurk, Neal

Boehm, Ralph
Christiansen, Lars
Danielson, David
Graham, John
Infantine, William
Lambert, George

Burt, John
Coffey, James
Flanagan, Jack
Haefner, Robert
Jasper, Shawn
LeBrun, Donald

LeVasseur, Richard
Murotake, David
O'Brien, William
Palmer, Stephen
Pratt, Calvin
Souza, Kathleen
Ulery, Jordan

Marston, Dick
Murphy, Keith
O'Flaherty, Tim
Parison, James
Renzullo, Andrew
Straight, Philip
Villeneuve, Moe

McCarthy, Michael
Murphy, Kelleigh
Ober, Lynne
Pellegrino, Tony
Sanborn, Laurie
Stroud, Kathleen
Willette, Robert

Meaney, Richard
Notter, Jeanine
Ober, Russell III
Peterson, Lenette
Sandblade, Emily
Takesian, Charlene
Winters, Joel

MERRIMACK

Hess, David
McGuire, Carol
Walsh, Thomas IV

Hoell, J.R.
McGuire, Dan

Kidder, David
Reed, Dennis

Kotowski, Frank
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Comerford, Timothy
Duarte, Joe
Ferrante, Beverly
Gordon, Richard
Harris, Jeffrey
Kappler, Lawrence
McMahon, Charles
Peckham, Michele
Rice, Frederick
Tucker, Pamela

Allen, Mary
Bishop, Franklin
Danaïs, Romeo
Dumaine, Dudley
Fesh, Robert
Grace, Curtis
Hodgdon, Bruce
Khan, Aboul
Nigrello, Robert
Perkins, Amy
Schroadter, Adam
Waterhouse, Kevin

Baldasaro, Alfred
Charron, Gene
DeSimone, Debra
Elliott, Robert
Garcia, Bianca
Griffin, Mary
Hoelzel, Kathleen
Kolodziej, Walter
O'Connor, John
Perkins, Lawrence
Sedensky, John
Webb, James Sr

Bick, Patrick
Chirichiello, Brian
Devine, James
Emerick, J. Tracy
Garcia, Marilinda
Hagan, Joseph
Itse, Daniel
McKinney, Betsy
Packard, Sherman
Priestley, Anne
Tremblay, Stella
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Jones, Laura

Bickford, David
Mullen, John Jr

Gray, James
Parsons, Robbie

Groen, Warren

SULLIVAN

Rollins, Skip

Smith, Steven

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

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Daniel Eaton moved that the House reconsider its action whereby, on a roll call vote of 188-151, it adopted the majority committee report of Ought to Pass on **HB 370-FN**, repealing the education tax credit program.

Rep. Daniel Eaton spoke against.

On a division vote, 140 members having voted in the affirmative and 194 in the negative, the motion failed.

REGULAR CALENDAR(CONT'D)

HB 427, relative to tobacco tax laws. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Thomas C. Schamberg for Ways and Means: This bill merely adds existing requirements already found in the definitions section to the operational part of the statute and adds tobacco stamps to the tobacco products for which records must be kept. The latter is needed to satisfy the recordkeeping required by the master settlement agreement which brings in over \$40M annually. In moving the former language, it became unclear to premium cigar sellers and manufacturers that they were exempt. The amendment clarifies the exemption. It removes the requirement that premium cigars cost more than \$2 at manufacturers' level but maintains other criteria: must use a humidor, all natural tobacco leaf, hand constructed, hand wrapped, purchased directly from a manufacturer and weighing more than 3 pounds per 1000 cigars. Vote 15-3.

Amendment (0317h)

Amend RSA 78:12-a, I-II as inserted by section 1 of the bill by replacing them with the following:

I. Manufacturers, wholesalers, and sub-jobbers shall not sell tobacco products to any licensee who does not possess a valid or current license issued by the commissioner or issued by the liquor commission under RSA 178. ~~[Any person who violates the provisions of this section shall be subject to the penalty provisions of RSA 21-J:39.]~~

II. New Hampshire licensed manufacturers engaged in the business of importing, exporting, producing, or manufacturing tobacco products, other than products defined as premium cigars under RSA 78:1, XXI, shall sell the products only to licensed wholesalers.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 5:
3 Definitions. Amend RSA 78:1, III to read as follows:

III. "Manufacturer" means any person engaged in the business of importing, exporting, producing, or manufacturing tobacco products, **other than products defined as premium cigars under RSA 78:1, XXI**, who sells his product only to licensed wholesalers.

4 Definitions. Amend RSA 78:1, XXI to read as follows:

XXI. "Premium cigars" means cigars which are made entirely by hand of all natural tobacco leaf, hand constructed and hand wrapped, [~~wholesaling for \$2 or more,~~] ***purchased directly from a manufacturer*** and weighing more than 3 pounds per 1000 cigars. These cigars shall be kept in a humidor at the proper humidity.

AMENDED ANALYSIS

This bill clarifies activities which constitute unauthorized sales of tobacco products. The bill also adds records of tobacco stamps sold and tobacco products distributed to required taxpayer records.

Rep. Almy moved Recommit and spoke in favor.

Adopted.

Recommitted to the Committee on Ways and Means.

HB 434-FN-A, relative to renaming the business enterprise tax, capping the amount an employer is liable to pay under such tax, and annually reducing the rate of the tax. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Gilman C. Shattuck for the Majority of Ways and Means: A bipartisan majority of the committee believes that this tax is a unique part of New Hampshire tax law and its unique name reflects that. Since the tax is a tax on payroll, rent and interest, it is not only an income tax. Capping the tax being paid by each individual in a given year is unconstitutional since it will result in varying rates. The department of revenue administration indicates that it will incur a substantial but undetermined cost to change all forms to reflect a new name and a changing rate every year. Further, this department has stated that revenues will be decreased by \$19.6M in total for fiscal years 2014 and 2015. A sizable reduction of this tax, at this time will have major detrimental effects on the ability of our state to meet its obligations to our citizens and businesses. Vote 13-4. Rep. Jordan G. Ulery for the Minority of Ways and Means: The bill sought to accurately identify what the BET is, a tax on the revenue or income of a business from any source. That income is accounted for in payroll payout and, believe it or not, the interest paid on loans. The current practice is a disincentive for businesses to organize in New Hampshire. The minority believes that a reduction of taxes in this fragile economic environment will have a positive impact upon the economy of the state. The minority believes this bill acts as a stimulant and is more important than taxing business.

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

Rep. William O'Brien requested a roll call; sufficiently seconded.

YEAS 201 NAYS 128

YEAS 201

BELKNAP

Arsenault, Beth
Raymond, Ian

DiMartino, Lisa
Tilton, Franklin

Gulick, Ruth

Huot, David

CARROLL

Buco, Thomas
Lavender, Tom

Butler, Edward
Schmidt, Stephen

Chandler, Gene
Ticehurst, Susan

Crawford, Karel
White, Syndi

CHESHIRE

Ames, Richard
Eaton, Daniel
Ley, Douglas
Roberts, Kris
Weber, Lucy

Berch, Paul
Emerson, Susan
Mann, John
Sad, Tara
Weed, Charles

Butynski, William
Hunt, John
Parkhurst, Henry
Shepardson, Marjorie
Young, Harry

Chase, Cynthia
Johnsen, Gladys
Phillips, Larry
Tatro, Bruce

COOS

Coulombe, Gary
Moynihan, Wayne

Enman, Larry
Richardson, Herbert

Hammon, Marcia
Theberge, Robert

Hatch, William

GRAFTON

Aguiar, James
Cooney, Mary
Harding, Laurie
Massimilla, Linda
Smith, Suzanne

Almy, Susan
Doolan, Ralph Jr
Higgins, Patricia
Mulholland, Catherine
Sykes, George

Benn, Bernard
Ford, Susan
Lauer, Linda
Nordgren, Sharon
Townsend, Charles

Brown, Rebecca
Friedrich, Carol
Lovett, Sid
Piper, Wendy
White, Andrew

HILLSBOROUGH

Backus, Robert
Chandley, Shannon
Dobson, Jeremy

Beaulieu, Jane
Connor, Evelyn
Gage, Ruth

Campbell, David
Cote, David
Gale, Sylvia

Carroll, Douglas
DiSilvestro, Linda
Gargas, Carolyn

Goley, Jeffrey
Hammond, Jill
Jasper, Shawn
Kurk, Neal
Long, Patrick
Nelson, Mary
Schmidt, Janice
Spratt, Stephen
Vaillancourt, Steve
Woodbury, David

Gorman, Mary
Harriott-Gathright, Linda
Judy, Jean
Leishman, Peter
MacKay, Mariellen
O'Brien, Michael Sr
Shattuck, Gilman
Sullivan, Daniel
Walsh, Robert Jr

Grady, Brenda
Heden, Ruth
Kelley, John
Levasseur, Nickolas
Manley, Jonathan Sr
Porter, Marjorie
Shaw, Barbara
Sullivan, Peter
Williams, Kermit

Graham, John
Jack, Martin
Knowles, Mary Ann
Levesque, Melanie
McNamara, Richard
Rosenwald, Cindy
Smith, Timothy
Vail, Suzanne
Winters, Joel

MERRIMACK

Alicea, Caroletta
Burns, Scott
Ebel, Karen
Gile, Mary
Hunt, Jane
MacKay, James
Rice, Chip
Schuett, Dianne
Wallner, Mary Jane

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Henle, Paul
Karrick, David Jr
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Walz, Mary Beth

Bartlett, Christy
Carson, Clyde
Frazer, June
Hess, David
Kelly, Sally
Patten, Dick
Rogers, Katherine
Smith, Todd
Webb, Leigh

Bouchard, Candace
Davis, Frank
French, Barbara
Hirsch, Geoffrey
Lockwood, Priscilla
Ratzki, Mario
Schamberg, Thomas
Turcotte, Alan

ROCKINGHAM

Abrami, Patrick
Burtis, Elizabeth
Emerson-Brown, Rebecca
Lovejoy, Patricia
Nigrello, Robert
Sytek, John

Andrews-Ahearn, E. Elaine
Cahill, Michael
Flockhart, Eileen
Mann, Maureen
Pantelakos, Laura
Ward, Gerald

Borden, David
Copeland, Timothy
Heffron, Frank
Moody, Marcia
Schlachman, Donna
Wazlaw, Brian

Briden, Steven
Cushing, Robert Jr
Helmstetter, Barbara
Muns, Chris
Sherman, Thomas
Whittemore, Lisa

STRAFFORD

Baber, William
Burdwood, Greg
Grassie, Anne
Ketel, Stephen
Perry, Robert
Smith, Marjorie

Berube, Roger
Burke, Rachel
Grossman, Kenneth
Malloy, Dennis
Rogers, Rose Marie
Spang, Judith

Bickford, David
Gardner, Janice
Horrigan, Timothy
Miller, David
Rollo, Deanna
Verschuere, James

Bixby, Peter
Ginsburg, Philip
Kaen, Naida
Pelletier, Marsha
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Lefebvre, Benjamin
Tanner, Linda

Gagnon, Raymond
O'Hearne, Andrew

Gottling, Suzanne
Schmidt, Andrew

Irwin, Virginia
Sweeney, Cynthia

NAYS 128

BELKNAP

Burchell, Richard
Flanders, Donald
Worsman, Colette

Cormier, Jane
Holmes, Stephen

Fields, Dennis
Sylvia, Michael

Fink, Charles
Vadney, Herbert

CARROLL

Cordelli, Glenn
Umberger, Karen

McConkey, Mark
Wright, Donald

Morrow, Harry

Nelson, Bill

CHESHIRE

COOS

GRAFTON

Bailey, Brad

Bradley, Lester

Gionet, Edmond

Ladd, Rick Jr

HILLSBOROUGH

Barry, Richard
Byron, Frank
Culbert, Patrick
Gagne, Larry
Hikel, John
LeVasseur, Richard
Murotake, David
O'Brien, William

Belanger, James
Cebrowski, John
Daniels, Gary
Garcia, Michael
Infantine, William
Marston, Dick
Murphy, Keith
O'Flaherty, Tim

Boehm, Ralph
Christiansen, Lars
Danielson, David
Haefner, Robert
Lambert, George
McCarthy, Michael
Murphy, Kelleigh
Ober, Lynne

Burt, John
Coffey, James
Flanagan, Jack
Hansen, Peter
LeBrun, Donald
Meaney, Richard
Notter, Jeanine
Ober, Russell III

Palmer, Stephen
Pratt, Calvin
Souza, Kathleen
Ulery, Jordan

Parison, James
Renzullo, Andrew
Straight, Philip
Villeneuve, Moe

Pellegrino, Tony
Sanborn, Laurie
Stroud, Kathleen
Willette, Robert

Peterson, Lenette
Sandblade, Emily
Takesian, Charlene

MERRIMACK

Hoell, J.R.
Reed, Dennis

Kidder, David
Walsh, Thomas IV

McGuire, Carol

McGuire, Dan

ROCKINGHAM

Allen, Mary
Bishop, Franklin
DeSimone, Debra
Emerick, J. Tracy
Garcia, Marilinda
Hagan, Joseph
Itse, Daniel
McKinney, Betsy
Peckham, Michele
Rice, Frederick
Tucker, Pamela

Baldasaro, Alfred
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Gordon, Richard
Harris, Jeffrey
Kappler, Lawrence
McMahon, Charles
Perkins, Amy
Schroadter, Adam
Waterhouse, Kevin

Bick, Patrick
Comerford, Timothy
Duarte, Joe
Fesh, Robert
Grace, Curtis
Hodgdon, Bruce
Khan, Aboul
O'Connor, John
Perkins, Lawrence
Sedensky, John
Webb, James Sr

Birdsell, Regina
Danaus, Romeo
Elliott, Robert
Garcia, Bianca
Griffin, Mary
Hoelzel, Kathleen
Kolodziej, Walter
Packard, Sherman
Priestley, Anne
Tremblay, Stella
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Mullen, John Jr

Gray, James
Parsons, Robbie

Groen, Warren

Jones, Laura

SULLIVAN

Grenier, James

Rollins, Skip

Smith, Steven

and the majority committee report was adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR

HB 278, relative to voluntary installation of fire suppression sprinklers. **OUGHT TO PASS.**

Rep. John B. Hunt for Commerce and Consumer Affairs: This bill responds to unintended concerns arising from the passage of HB 109, Chapter 203, Laws of 2011. HB 109, the language of which is codified in RSA 674:36, IV, prohibits a planning board from requiring the installation of fire suppression sprinkler systems in proposed one- and two-family residences. The present concern relates to whether a planning board is authorized to accept and enforce an applicant's voluntary offer to install sprinklers in new homes. HB 278 was jointly suggested by the state fire marshal's office and the homebuilders and remodelers association to clarify that an offer to install sprinklers can be accepted by a planning board and enforced by a municipality. During the committee's consideration of the bill, the sole reservation related to whether the bill would encourage planning boards to manipulate applicants to elicit an offer of sprinklers. The committee, however, felt that the language in the bill, stating that the ban "shall not prohibit an applicant from offering to install" adequately addressed this reservation and made clear that such an "offer" could only come from the applicant. Vote 18-0. Rep. Butler moved Recommit and spoke in favor.

Adopted.

Recommitted to the Committee on Commerce and Consumer Affairs.

HB 344-FN-L, relative to aid to school districts for the cost of special education. **OUGHT TO PASS.**

Rep. Rick M. Ladd for Education: Catastrophic aid is provided to school districts for the cost of mandated special education programs. In FY 12, total costs for catastrophic aid amounted to \$79,594,759. In accordance with statute, the portion of entitlement funds provided by the state to local school districts amounted to \$30,921,337; however, the actual entitled amount was reduced to a pro-ratio amount of \$21,340,674., or 69%. In addition, current year funding for these special education costs is based upon the preceding year's costs. Combined with shrinking funding from the state (FY 12 69%, FY 11 77%, FY 10 85% and FY 09 91%) and payment based upon the preceding year, districts are forced to borrow, transfer funds from other operating budget accounts, or rely on reserves to meet special education costs. If a district enrolls a high cost student (\$150,000 – 200,000/yr) during the school year, the district is forced to seek funding from one of the options previously mentioned. This bill provides that the amount of entitlement funding for a given year will not drop below 80%. If this provision was in place during FY 12, additional state funding would be \$3,396,394. The intent of catastrophic aid is to fund mandated IEP costs for our most vulnerable students and to do so at 100%. Each year that the state's portion is decreased, the financial burden is increasingly transferred to the local tax payer. This bill has the unanimous support of the education committee. Vote 18-0.

Rep. Carol McGuire spoke against.

Rep. Ladd spoke in favor.

Committee report adopted and referred to the Committee on Finance.

HB 143, allowing straight ticket voting. **INEXPEDIENT TO LEGISLATE.**

Rep. Melanie A. Levesque for Election law: In 2007 the New Hampshire legislature voted to repeal straight ticket voting. This bill would reinstate the option. In New Hampshire we have an opportunity to meet candidates for office from president to registrar of deeds. Our citizens are astute and want to know whom they are electing. Many people vote based on who will do the best job regardless of party. In addition, straight ticket voting has caused confusion when voters split their ballot. This can result in an over vote, which invalidates the ballot or make it difficult to determine the intention of the voter. The committee believes current law is adequate. Vote 15-0.

On a division vote, 285 members having voted in the affirmative and 36 in the negative, the committee report was adopted.

SPECIAL ORDERED

Without objection, the Chair ordered the remaining bills on today's calendar to be made Special Orders for the next session day at the end of the Regular Calendar.

RESOLUTION

Rep. Shurtleff 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, February 27, 2013 at 10:00 a.m.

Adopted.

LATE SESSION**Third reading and final passage**

HB 309, relative to filing for office.

HB 328-FN, relative to the sale of pets.

HB 547, establishing a commission to study permanent options for funding the veterinary diagnostic laboratory.

HB 156, relative to the appointment and duties of the state fire marshal.

HB 267, relative to the board of accountancy.

HB 376, relative to the shop licensure requirements for barbers, cosmetologists, manicurists, and estheticians.

HB 385, relative to licensure of, and the performance of electrical work by, elevator and accessibility lift mechanics.

HB 543, relative to ascertaining damages to abutting landowners.

HB 200, relative to an employer's burden of proof in unemployment compensation hearings.

HB 359, relative to mailing of notices and determinations by the department of employment security.

HB 361, relative to worksharing.

HB 602, establishing a commission to study general court policies and procedures relative to persons with disabilities.

HB 283, establishing a study committee to review the hearings officer's report with regard to the New Hampshire Local Government Center and to study potential changes to RSA 5-B.

HB 509, requiring the department of administrative services to provide the New Hampshire Department of American Legion with office space.

HB 550, relative to the disposition of state-owned real estate.

HB 607, relative to construction projects for the adjutant general's department.

HB 157, renaming Blood Pond in the town of Lancaster as Evans Pond.

HB 233, relative to the care of the war memorial in Franconia Notch state park.

HB 535, establishing the white potato as the state vegetable.

HB 325-FN, relative to public employee suggestions for cost-saving measures.

HB 388, relative to the storage of firearms.

HB 403, establishing a committee to study end of life decisions.

HB 482-FN, regarding infestation of bed bugs in rental housing.

HB 347, authorizing cottage housing development as an innovative land use control.

SB 39-FN-A, relative to funding of capital projects of the division of ports and harbors, Pease development authority.

HB 370-FN, repealing the education tax credit program.

RECESS MOTION

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

Adopted.

The House recessed at 5:35 p.m.

RECESS

(Rep. Chandler in the Chair)

RESOLUTION

Rep. Jasper offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 115 shall be by this resolution read a first and second time by the therein listed title and referred to the therein designated committee.

Adopted.

INTRODUCTION OF SENATE BILL

First, second reading and referral

SB 115, naming a bride in the town of Whitefield. (Public Works and Highways)

RECESS

(Rep. Burt in the Chair)

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly Enrolled Senate Bill numbered 39.

Rep. Shurtleff, Sen. Stiles for the Committee

RECESS

(Rep. Weber in the Chair)

RESOLUTION

Rep. Raymond Gagnon offered the following: RESOLVED, that late drafting and introduction having been approved by the Rules Committee, House Bill numbered 682 shall be by this resolution read a first and second time by the therein listed title, sent for printing and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 682-FN, relative to credit card fees. (Myler, Merr 10; G. Richardson, Merr 10; Arsenault, Belk 9; Huot, Belk 3; Shurtleff, Merr 11; Grassie, Straf 11; Ratzki, Merr 1; French, Merr 6; Tanner, Sull 9; Gile, Merr 27; Larsen, Dist 15: Commerce and Consumer Affairs)

RECESS

(Rep. French in the Chair)

RESOLUTION

Rep. Ford offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 74 shall be by this resolution read a first and second time by the therein listed title and referred to the therein designated committee.

Adopted.

INTRODUCTION OF SENATE BILL

First, second reading and referral

SB 74, relative to an exemption for entities that furnish hot water through a district energy system. (Science, Technology and Energy)

RECESS

(Rep. French in the Chair)

RESOLUTION

Rep. Ford offered the following: RESOLVED, that late drafting and introduction having been approved by the Rules Committee, House Bills numbered 683 and 684 shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 683-FN, relative to the retirement system status of the director and assistant director of the division of homeland security and emergency management. (Kaen, Straf 5; Jasper, Hills 37; Shurtleff, Merr 11; Weber, Ches 1; Goley, Hills 8; Larsen, Dist 15: Executive Departments and Administration)

HB 684, relative to bridge replacement and bridge aid funds. (Rowe, Hills 22; Sanborn, Hills 41; Hansen, Hills 22; S. Chandley, Hills 22; Bragdon, Dist 11: Public Works and Highways)

RECESS