



State of
New Hampshire

HOUSE RECORD

First Year of the 163rd General Court Calendar and Journal of the 2013 Session

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Concord, N.H.

Wednesday, March 6, 2013

No. 24

HOUSE JOURNAL No. 8 (Cont.)

Wednesday, February 20, 2013

(Rep. Shurtleff in the Chair)

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

In the absence of a quorum, Rep. Hatch moved that the House adjourn.
Adopted.

The Chair, without objection, stated that the House stand in recess for the purposes of the introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports.

The House adjourned at 10:05 a.m. until Wednesday, March 6, 2013 at 10:00 a.m.

RECESS

(Rep. Shurtleff in the Chair)

RESOLUTION

Rep. Wallner offered the following: RESOLVED, that late drafting and introduction having been approved by the Rules Committee, House Bill numbered 685 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 685, relative to state agency communications under the right-to-know law. (Leishman, Hills 24; L. Ober, Hills 37; M. Nelson, Hills 35: Judiciary)

RECESS

(Rep. Kaen in the Chair)

RESOLUTION

Rep. Shurtleff offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 57 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 57, relative to approval of the project proposal by the Town of Alstead for the lower Warren Brook Restoration project, establishing a commission to determine the appropriate use of flood damaged property, and repealing a commission established in 2006 to determine the appropriate use of property damaged in the October 2005 floods. (Resources, Recreation and Development)

RECESS

(Rep. Shurtleff in the Chair)

RESOLUTION

Rep. Weber offered the following: RESOLVED, that late drafting and introduction having been approved by the Rules Committee, House Bill numbered 686 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 686, relative to governor and council approval of state contracts. (L. Ober, Hills 37; Leishman, Hills 24; M. Nelson, Hills 35; Rosenwald, Hills 30; Morse, Dist 22; Reagan, Dist 17: Executive Departments and Administration)

RECESS

(Rep. Kaen in the Chair)

RESOLUTION

Rep. Norelli offered the following: RESOLVED, that late drafting and introduction having been approved by the Rules Committee, House Bills numbered 1 and 2 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 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2014 and June 30, 2015. (Wallner, Merr 10: Finance)

HB 2-FN-A-L, relative to state fees, funds, revenues, and expenditures. (Wallner, Merr 10: Finance)

RECESS

(Rep. Shurtleff in the Chair)

RESOLUTION

Rep. Almy offered the following: RESOLVED, that late drafting and introduction having been approved by the Rules Committee, House Bill numbered 25 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 25-FN-A, making appropriations for capital improvements. (Campbell, Hills 33: Public Works and Highways)

RECESS

(Rep. Gorman in the Chair)

RESOLUTION

Rep. Cote offered the following: RESOLVED, that introduction having been approved by the Rules Committee, House Resolution numbered 8 shall be by this resolution read a first and second time by the therein listed title.
Adopted.

INTRODUCTION OF HOUSE RESOLUTION**First, second reading**

HR 8, affirming revenue estimates for fiscal years 2013, 2014, and 2015. (Almy, Graf 13)

RECESS

Rep. Kaen moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 9

Wednesday, March 6, 2013

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

Prayer was offered by Guest Chaplain, Reverend Canon Charles LaFond, Canon for Congregational Life of the Episcopal Diocese of New Hampshire.

Most spiritual traditions differentiate between stillness and silence. Silence is simply not speaking. Stillness is of the heart and minds, so I welcome you in a moment of stillness. Let us pray. God of all mercy, companion us in leadership as we take responsibility for enabling others to achieve a shared purpose under conditions of uncertainty. When we try to wiggle out of uncertainty by pretending that we are sure about what we think,

forgive us for our pride. Give us the grace and humility to imagine a reality beyond that of which we are so sure so that we might be right even in our perceived power. Finally, help us to be against issues and not against people so that together we may lead not with power but with integrity, the integer of a wholeness of being, balance and bravery. Amen.

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

Representative Barbara Shaw, member from Manchester, led the Pledge of Allegiance.

The Bow High School Chorus sang the National Anthem.

LEAVES OF ABSENCE

Reps. Azarian, Palangas, Tatro and Carol Williams, the day, illness.

Reps. Barry, Richard Eaton, Flanders, Bianca Garcia, Hackel, Kotowski, Nickolas Levasseur, Ley, Nigrello, Oligny, Rokas, Souza, Spainhower and Gerald Ward, the day, important business.

INTRODUCTION OF GUESTS

Donald Jean, guest of Rep. Gale. Kristina Eskalona, guest of Rep. Friedrich. Catherine Cavelon, guest of Rep. Jeudy. Elaine Frank, guest of Rep. Sally Kelly. Nancy Kelley, wife of Rep. Jack Kelley.

MOTION TO SUSPEND HOUSE RULES

Reps. Shurtleff and Chandler moved that a section of House Rule 65 be so far suspended as to permit the deadline of the last day to act on House Bills going to a second committee, to be moved to March 7, 2013.

Rep. Chandler spoke in favor.

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

YEAS 321 - NAYS 38

YEAS 321

BELKNAP

Arsenault, Beth
Fink, Charles
Luther, Robert
Worsman, Colette

Burchell, Richard
Gulick, Ruth
Raymond, Ian

DiMartino, Lisa
Holmes, Stephen
Tilton, Franklin

Fields, Dennis
Huot, David
Vadney, Herbert

CARROLL

Ahlgren, Christopher
Crawford, Karel
Nelson, Bill
White, Syndi

Buco, Thomas
Lavender, Tom
Schmidt, Stephen
Wright, Donald

Butler, Edward
McConkey, Mark
Ticehurst, Susan

Chandler, Gene
Morrow, Harry
Umberger, Karen

CHESHIRE

Ames, Richard
Chase, Cynthia
Johnsen, Gladys
Parkhurst, Henry
Sad, Tara
Young, Harry

Berch, Paul
Eaton, Daniel
Johnson, Jane
Phillips, Larry
Shepardson, Marjorie

Burridge, Delmar
Emerson, Susan
Lerandeau, Alfred
Roberts, Kris
Weber, Lucy

Butynski, William
Hunt, John
Mann, John
Robertson, Timothy
Weed, Charles

COOS

Coulombe, Gary
Rappaport, Laurence
Thomas, Yvonne

Enman, Larry
Richardson, Herbert

Hammon, Marcia
Rideout, Leon

Moynihan, Wayne
Theberge, Robert

GRAFTON

Aguiar, James
Bradley, Lester
Ford, Susan
Higgins, Patricia
Massimilla, Linda
Piper, Wendy
Sykes, George

Almy, Susan
Brown, Rebecca
Friedrich, Carol
Ladd, Rick Jr
Mulholland, Catherine
Reilly, Harold Sr
Townsend, Charles

Bailey, Brad
Cooney, Mary
Gionet, Edmond
Lauer, Linda
Nordgren, Sharon
Shackett, Jeffrey
White, Andrew

Benn, Bernard
Doolan, Ralph Jr
Harding, Laurie
Lovett, Sid
Pastor, Beatriz
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Booras, Efstathia
Cebrowski, John
Connor, Evelyn
Danielson, David

Beaulieu, Jane
Byron, Frank
Chandley, Shannon
Cote, David
DiSilvestro, Linda

Belanger, James
Campbell, David
Christiansen, Lars
Culbert, Patrick
Dobson, Jeremy

Boehm, Ralph
Carroll, Douglas
Coffey, James
Daniels, Gary
Flanagan, Jack

Gage, Ruth
Gidge, Kenneth
Graham, John
Hansen, Peter
Hopper, Gary
Jeudy, Jean
Kurk, Neal
Levesque, Melanie
Martel, Andre
Nelson, Mary
Ober, Russell III
Pratt, Calvin
Rowe, Robert
Shaw, Barbara
Stroud, Kathleen
Vail, Suzanne
Winters, Joel

Gagne, Larry
Goley, Jeffrey
Haefner, Robert
Harriott-Gathright, Linda
Infantine, William
Kelley, John
LeBrun, Donald
Long, Patrick
McCarthy, Michael
O'Brien, Michael Sr
Parison, James
Renzullo, Andrew
Sanborn, Laurie
Smith, Timothy
Sullivan, Daniel
Walsh, Robert Jr
Woodbury, David

Gale, Sylvia
Gorman, Mary
Hammond, Jill
Heden, Ruth
Jack, Martin
Knowles, Mary Ann
Leishman, Peter
MacKay, Mariellen
McCloskey, David
O'Flaherty, Tim
Pellegrino, Tony
Rhodes, Brian
Sandblade, Emily
Soucy, Timothy
Sullivan, Peter
Willette, Robert

Gargas, Carolyn
Grady, Brenda
Hansberry, Daniel
Hinch, Richard
Jasper, Shawn
Kopka, Angeline
LeVasseur, Richard
Manley, Jonathan Sr
McNamara, Richard
Ober, Lynne
Porter, Marjorie
Rosenwald, Cindy
Shattuck, Gilman
Spratt, Stephen
Takesian, Charlene
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Burns, Scott
Ebel, Karen
Gile, Mary
Hunt, Jane
Lockwood, Priscilla
Myler, Mel
Rice, Chip
Schuett, Dianne
Wallner, Mary Jane
Webb, Leigh

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Henle, Paul
Karrick, David Jr
MacKay, James
Patten, Dick
Richardson, Gary
Shurtleff, Stephen
Walsh, Thomas IV

Bartlett, Christy
Carson, Clyde
Frazer, June
Hess, David
Kelly, Sally
McGuire, Carol
Ratzki, Mario
Rogers, Katherine
Tilton, Joy
Walz, Mary Beth

Bouchard, Candace
Davis, Frank
French, Barbara
Hirsch, Geoffrey
Kidder, David
Moffett, Howard
Reed, Dennis
Schamberg, Thomas
Turcotte, Alan
Watrous, Rick

ROCKINGHAM

Abrami, Patrick
Bick, Patrick
Briden, Steven
Chirichiello, Brian
DeSimone, Debra
Emerson-Brown, Rebecca
Friel, William
Heffron, Frank
Kappler, Lawrence
Lundgren, David
McMahon, Charles
O'Connor, John
Perkins, Amy
Sanders, Elisabeth
Sedensky, John
Sytek, John
Wazlaw, Brian

Allen, Mary
Birdsell, Regina
Cahill, Michael
Copeland, Timothy
Devine, James
Ferrante, Beverly
Gordon, Richard
Helmstetter, Barbara
Khan, Aboul
Major, Norman
Milz, David
Packard, Sherman
Perkins, Lawrence
Sapareto, Frank
Sherman, Thomas
Till, Mary
Webb, James Sr

Andrews-Ahearn, E. Elaine
Bishop, Franklin
Cali-Pitts, Jacqueline
Cushing, Robert Jr
Dumaine, Dudley
Fesh, Robert
Griffin, Mary
Hodgdon, Bruce
Kolodziej, Walter
Mann, Maureen
Moody, Marcia
Pantelakos, Laura
Priestley, Anne
Scarlotta, Joe
St.James, Kevin
Tremblay, Stella
Weyler, Kenneth

Belanger, Ronald
Borden, David
Charron, Gene
Danais, Romeo
Emerick, J. Tracy
Flockhart, Eileen
Hayes, Jack
Hoelzel, Kathleen
Lovejoy, Patricia
McKinney, Betsy
Muns, Chris
Peckham, Michele
Rice, Frederick
Schlachman, Donna
Sweeney, Joe
Waterhouse, Kevin
Whittemore, Lisa

STRAFFORD

Baber, William
Burke, Rachel
Grossman, Kenneth
Kaen, Naida
Miller, David
Pitre, Joseph
Smith, Marjorie
Wall, Janet

Berube, Roger
Gardner, Janice
Hooper, Dorothea
Ketel, Stephen
Mullen, John Jr
Rogers, Rose Marie
Spang, Judith
Ward, Kenneth

Bixby, Peter
Ginsburg, Philip
Horrigan, Timothy
Malloy, Dennis
Parsons, Robbie
Rollo, Deanna
Stevens, Audrey

Burdwood, Greg
Grassie, Anne
Hubbard, Pamela
Menear, H. Robert III
Perry, Robert
Schmidt, Peter
Verschueren, James

SULLIVAN

Cloutier, John
Irwin, Virginia
Schmidt, Andrew

Gagnon, Raymond
Lefebvre, Benjamin
Smith, Steven

Gottling, Suzanne
O'Hearne, Andrew
Sweeney, Cynthia

Grenier, James
Rollins, Skip
Tanner, Linda

NAYS 38 BELKNAP

Comtois, Guy

Cormier, Jane

Greemore, Robert Jr

Sylvia, Michael

CARROLL

Cordelli, Glenn

CHESHIRE

None

COOS

None

GRAFTON

None

HILLSBOROUGH

Burt, John
Marston, Dick
Murphy, Kelleigh
Peterson, Lenette
Vaillancourt, Steve

Garcia, Michael
Meaney, Richard
Notter, Jeanine
Straight, Philip
Villeneuve, Moe

Hikel, John
Murotake, David
O'Brien, William
Sweeney, Shawn
Warden, Mark

Lambert, George
Murphy, Keith
Palmer, Stephen
Ulery, Jordan

MERRIMACK

Hoell, J.R.

Smith, Todd

ROCKINGHAM

Baldasaro, Alfred
Hagan, Joseph

Comerford, Timothy
Harris, Jeffrey

Duarte, Joe
Itse, Daniel

Grace, Curtis
Thompson, David

STRAFFORD

Beaudoin, Steven

Gray, James

Groen, Warren

Jones, Laura

SULLIVAN

None

and the motion was adopted by the necessary two-thirds vote.

MOTION TO SUSPEND HOUSE RULES

Reps. Shurtleff and Chandler moved that a section of House Rule 65 be so far suspended as to permit the deadline of the last day to act on House Bills not going to a second committee, to be moved to March 28, 2013. Rep. Shurtleff spoke in favor.

On a division vote, 344 members having voted in the affirmative and 19 in the negative, the motion was adopted by the necessary two-thirds vote.

MOTION TO SUSPEND HOUSE RULES

Reps. Shurtleff and Chandler moved that House Rules be so far suspended as to allow the deadline for reporting of **HB 686**, relative to governor and council approval of state contracts, to be moved to March 21, 2013. Rep. Gary Richardson spoke in favor.

On a division vote, 347 members having voted in the affirmative and 16 in the negative, the motion was adopted by the necessary two-thirds vote.

COMMUNICATION

March 6, 2013

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

Dear Karen:

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Hillsborough District No. 31 (Nashua Ward -4)

Pamela T. Brown, d, Nashua (2 Clocktower Place, Apt. 209) 03063

Sincerely,
William M. Gardner, Secretary of State

CONSENT CALENDAR

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

HB 479-FN-L, relative to the creation and division of school districts, removed by Rep. Hoell.

HB 561-FN, abolishing the department of cultural resources, removed by Rep. Vaillancourt.

Consent Calendar adopted.

Rep. Moffett declared a conflict of interest on **HB 252** and did not participate in the vote on the Consent Calendar.

HB 327-FN, relative to payment of attorneys' fees for indigent parents in termination of parental rights cases. **OUGHT TO PASS.**

Rep. Ruth P. Gulick for Children and Family Law: This bill assures that a parent or parents faced with the termination of their parental rights will have representation of counsel. This constitutionally long-held fundamental right will be provided irrespective of the parents' financial, emotional or intellectual capacity. Vote 19-0.

HB 651-FN-A, restoring funding and payment of fees by the judicial council for indigent parties. **INEXPEDIENT TO LEGISLATE.**

Rep. Dudley D. Dumaine for Children and Family Law: This bill is identical to HB 671, except this bill includes an appropriation. HB 671 unanimously passed the committee. Thus, the committee felt HB 651 was not required. Vote 19-0.

HB 253, eliminating limitations on sales by nano breweries for consumption on the premises. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joe W. Scarlotto for Commerce and Consumer Affairs: This bill, as introduced, would have repealed the serving size limitations on sale of beer samples by nano breweries for consumption on the premise. The amendment preserves the current sample size restrictions on nano brewery licenses that cost \$240 and provides for an enhanced nano brewery license to allow them to be exempt from the sample limitations. The enhanced license of \$240, for a total cost of \$480, matches an already existing license for establishments that only sell beer and wine but must have food available for sale. Vote 15-1.

Amendment (0358h)

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

AN ACT relative to limitations on sales by nano breweries for consumption on the premises.

Amend the bill by replacing section 1 with the following:

1 Nano Brewery; On-Premises Licensing. Amend RSA 178:12-a, II(a) to read as follows:

II.(a) The annual fee for each license issued under this section shall be \$240. ***The licensee may elect to be licensed as an on-premises nano brewery by paying an additional annual fee of \$240, which shall entitle the licensee to be exempt from the limitations on sales in subparagraph III(e) during such times as the licensee offers food for sale.***

AMENDED ANALYSIS

This bill allows a nano brewery to obtain a license upgrade exempting the licensee from sales limitations when the licensee is selling food.

HB 275-FN, requiring the liquor commission to establish a pilot program for the sale of New Hampshire microbrewery and nano brewery beers at certain state liquor stores. **INEXPEDIENT TO LEGISLATE.**

Rep. John B. Hunt for Commerce and Consumer Affairs: The committee felt putting beer in the highway liquor stores would create more problems, conflicts and headaches for a commission that has enough problems just promoting NH wines. Selling warm beer at roadside liquor stores is just not going to work. Vote 16-1.

HB 320-FN, establishing a state bank. **INEXPEDIENT TO LEGISLATE.**

Rep. Jill S. Hammond for Commerce and Consumer Affairs: The intent of this bill was to establish a state bank, to hold public moneys and serve as a development bank. However, this would require substantial capitalization, a difficult undertaking in New Hampshire. Presently, development funding in this state is already handled well through such organizations as the business finance authority, the community development finance authority and the municipal bond bank. The committee learned that the state's banking needs are served quite sufficiently through accounts at several private sector banks, minimizing transaction fees through compensating balance arrangements and in better times, traditional earnings. Vote 19-0.

HB 333-FN, relative to advertising of New Hampshire products by the liquor commission. **INEXPEDIENT TO LEGISLATE.**

Rep. Pamela Z. Tucker for Commerce and Consumer Affairs: The purpose of this bill is to direct the liquor commission to spend advertising money on our New Hampshire made liquor and beverages sold in the state liquor stores. While the committee wants to help our local businesses, it is not the legislature's responsibility to manage the liquor commission's advertising dollars. Additionally, the 5% of advertising money suggested in the bill to be allocated is arbitrary with no rationale for the amount. Vote 18-0.

HB 464, establishing a procedure for removal of condominium board members. **INEXPEDIENT TO LEGISLATE.**

Rep. Ruth S. Heden for Commerce and Consumer Affairs: The accountability of condominium board members is one of the issues currently under review by the committee to study laws relating to condos and homeowner associations and they identified many interrelated issues. They plan further research before proposing new legislation. Vote 19-0.

HB 274-FN, requiring a mandatory minimum sentence for class B burglary. **INEXPEDIENT TO LEGISLATE.**

Rep. Steve Vaillancourt for Criminal Justice and Public Safety: The sponsor of this bill noted that it was filed due to a constituent request. The committee is hesitant to pass anything based on a single episode, especially when the bill would remove judicial discretion and cause longer prison terms (at a cost of approximately \$35,000 a year). The committee does not believe a class B burglary should require an incarceration term of at least three years. Vote 19-0.

HB 348, relative to determining the period of license revocation for driving under the influence. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark Warden for Criminal Justice and Public Safety: The committee unanimously decided this legislation was unneeded. Testimony suggested that the bill, if passed, would remove judicial discretion in sentencing. The New Hampshire State Police indicated it might also be difficult to implement without additional changes to its information technology systems. Vote 19-0.

HB 142, relative to teacher evaluation systems. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick M. Ladd for Education: This bill, as amended, states that school boards shall develop, with involvement of teachers and principals, for adoption, any teacher evaluation and support system to be used in the school district or school for the continued improvement of instruction. Any teacher or evaluation and support system provided by DOE or as approved by the state board may serve as a guide or reference. This is much like the curriculum frameworks that also serve as a guide and reference. Vote 17-1.

Amendment (0462h)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; School Boards; Duty to Provide Education. Amend RSA 189:1-a by inserting after paragraph II the following new paragraph:

III. The school board shall develop, with the involvement of teachers and principals, for adoption any teacher evaluation and support system to be used in the school district or school for the continual improvement of instruction. Any teacher evaluation and support system that may be provided by the department of education or approved by the state board of education may serve as a guide and reference to the school district or school. In this paragraph, "teacher" shall have the same meaning as provided in RSA 189:14-a, V. Nothing in this paragraph shall supersede collective bargaining rights under RSA 273-A.

AMENDED ANALYSIS

This bill provides that the school board shall be responsible for the development and adoption of a teacher evaluation system.

HB 180, relative to the definitions of "student athlete" and "student sports" for the management of concussion and head injury. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick M. Ladd for Education: During the previous biennium, legislation was passed requiring that school districts have policies in place for the management of concussion and head injuries in student sports, grades 9-12. This bill extends the definition of "student athlete" and "student sports" to include students involved in any intramural sports program conducted outside the regular teaching day or in competitive sports programs between schools in grades 4-12. Due to the growing awareness of the potential long term health effects from concussions that occur when a person suffers a jarring hit or fall, this change better serves all student athletes. Vote 18-0.

Amendment (0099h)

Amend the bill by replacing section 1 with the following:

1 Head Injury Policies for Student Sports; Definitions. Amend RSA 200:52, III-IV to read as follows:

III. "Student-athlete" means a student *involved in any intramural sports program conducted outside the regular teaching day or competitive student sports program between schools* in grades [9-12 involved in student sports] **4-12.**

IV. "Student sports" means [athletic programs] *intramural sports programs conducted outside the regular teaching day for students in grades 4-12 or competitive athletic programs between schools* for students in grades [9-12] **4-12.**

HB 269-L, authorizing a city or town to conduct a special meeting necessitated by changes in adequate education funding. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ralph G. Boehm for Education: This bill puts into law a provision for cities or towns to hold a special meeting, without court approval, if there is a change in the school funding formula. This law also has the budget committee, if one, to be involved in any budget changes. Parts of this provision have been put into the adequacy funding changes in the past. This puts it into law for future changes. The amendment makes it clear that this provision is only effective if the funding formula changes after the school district meeting, and only if the formula change is for that budget year. Vote 17-0.

Amendment (0359h)

Amend the bill by replacing sections 2 and 3 with the following:

2 New Paragraph; Use of Official Ballot. Amend RSA 40:13 by inserting after paragraph XVII the following new paragraph:

XVIII. In response to statutory changes resulting in reductions or increases in distribution of state revenues for education pursuant to RSA 198:41 to school districts which would take effect after the adoption of a new school district budget and would apply in the fiscal year covered by the new budget, the governing body of a school district which uses the official ballot for voting may, after consultation with the budget committee, call a special meeting of the legislative body to consider a reduction, rescission, or increase of appropriations made at an annual meeting. A special meeting under this paragraph shall not be petitioned under RSA 39:3 and no petitioned warrant articles shall be inserted in the warrant. The governing body's warrant shall specify, in one or more articles, the amounts of appropriations proposed for reduction, rescission, or increase from the operating budget or separate warrant articles, or both, adopted at the annual meeting. The governing body of such school district shall post a notice of the meeting, which shall include the warrant, in at least 2 public places within the political subdivision, one of which shall be on the political subdivision's website, if such exists, at least 7 days prior to the meeting. Additional notice shall be published in a newspaper of local or regional circulation in the political subdivision, provided that if there is no newspaper of local or regional circulation in which notice can be published at least 7 days before the date of the meeting, public notice shall be posted in at least one additional place within the political subdivision. The meeting shall be conducted in accordance with the provisions of this chapter. The most recently updated checklist shall be used. The legislative body, after consultation with the budget committee, may approve or disapprove any proposed reduction, rescission, or increase of appropriations, or may approve lesser reductions, but the legislative body shall not approve greater reductions, or reduce or rescind an appropriation not specified in the warrant, or act on any other business at the meeting. The governing body shall hold a public hearing on the proposed reductions, rescissions, or increase at least 14 days prior to the meeting. Notice of the time, place, and subject of such hearing shall be posted in at least 2 public places within the political subdivision, one of which shall be on the political subdivision's website, if such exists, at least 7 days prior to the hearing. The provisions of the following chapters of the RSAs, as they apply to special meetings of the legislative body of a school district shall not be required for special meetings held pursuant to this paragraph: RSA 32, RSA 39, RSA 49-D, RSA 197, RSA 654, RSA 669, RSA 670, and RSA 671.

3 New Section; Cities and Wards; Special Meeting. Amend RSA 44 by inserting after section 10-a the following new section:

44:10-b Special Meeting. In response to statutory changes resulting in reductions or increases in distribution of state revenues for education pursuant to RSA 198:41 to school districts which would take effect after the adoption of a new school district budget and would apply in the fiscal year covered by the new budget, the governing body of a city may call a special meeting of the legislative body to consider a reduction, rescission, or increase of appropriations made at an annual meeting. The legislative body may approve or disapprove any proposed reduction, rescission, or increase of appropriations, or may approve lesser reductions. The governing body shall provide notice and hold a public hearing on the proposed reductions, rescissions, or increase in accordance with local practices and procedures for notice of public hearings.

AMENDED ANALYSIS

This bill authorizes a city or town to conduct a special meeting necessitated by changes in adequate education funding.

Referred to the Committee on Finance.

HB 321-FN-L, requiring proficiency on the statewide assessment for high school graduation. **INEXPEDIENT TO LEGISLATE.**

Rep. Mel Myler for Education: After considering the merits of the bill, the committee felt the bill was not necessary in lieu of the pending change to the common core curriculum to be implemented throughout the state. The common core provides an aligned curriculum with periodic assessments in a student's educational experience. Research indicates that a single "high stake" test does not adequately demonstrate the total academic achievement of a student. Vote 19-0.

HB 322-FN-L, requiring proficiency on the statewide assessment for advancement to grades 4 and 8. **INEXPEDIENT TO LEGISLATE.**

Rep. Mel Myler for Education: After considering the merits of the bill, the committee felt the student testing will be amply covered with the implementation of the common core curriculum. The common core provides an aligned curriculum. Throughout the students' educational experience, there is on-going student academic progress assessment that examines both the achievement of content and skill development. Statewide assessment for advancement to grades 4 and 8 is not necessary due to the continuing assessment of students. Vote 17-1.

HB 324-FN-L, relative to the school district budget for kindergarten. **INEXPEDIENT TO LEGISLATE.**

Rep. June M. Frazer for Education: This bill would require that "the school board, if the school district is not controlled by the municipal budget act, shall prepare a separate budget for expenses and revenues related

to kindergarten for the annual or any special meeting, which shall not be included in the budget required under RSA 197:5-a." Members of the committee saw no need for this change and members familiar with school district budgeting observed that such a procedure would be so complicated as to be all but impossible. Additionally, it would cost money for both school districts and the department of revenue administration, a representative from that department testified. For all these reasons, the committee unanimously voted to find the bill inexpedient to legislate. Vote 18-0.

HB 519, requiring the division of higher education to develop a policy on academic credit for a student's military occupation, military training, coursework, and experience. **OUGHT TO PASS.**

Rep. Mel Myler for Education: After reviewing the merits of the proposal, it was recognized that military personnel go through a rigorous education and training in order to perform their duty. This learning and experience should be credited to future higher education endeavors. Vote 18-0.

HB 537, establishing a commission to study the feasibility of developing an industrial cooperative program for science, technology, engineering, and manufacturing programs at the university of New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Judith T. Spang for Education: This bill proposes an ambitious program based on one overseen by the sponsor in Massachusetts, designed to enhance high tech education and career readiness for UNH students. The dean of UNH Manchester attested to the university's many similar initiatives to wed course work with work experience at high tech companies, with the ambitious goal of graduating twice as many high-tech students by 2025. The committee felt this bill is unnecessary and would divert time and effort from the University for Little Gain. The UNH administration will continue to work with the sponsor for his input on its on-going programs. Vote 18-0.

HB 563-FN-L, relative to tuition and transportation payments for students attending a vocational education program. **INEXPEDIENT TO LEGISLATE.**

Rep. James L. Grenier for Education: This bill was drafted to require all funds for vocational tuition and transportation be used exclusively for the vocational education program. It is often the case that regular and vocational programs overlap and costs are shared. Payments are made from general funds for both programs and partitioning vocational revenues from other funds would not be practical. Schools must have the flexibility to expend funds as needed. Vote 18-0.

HB 626, prioritizing school building aid funds for a high school in which accreditation is probationary or has been revoked. **INEXPEDIENT TO LEGISLATE.**

Rep. Rick M. Ladd for Education: Accreditation through the New England Association of schools and colleges should not be used to elevate one school over another in terms of school construction funding. Prioritizing school construction or renovation projects is a decision for DOE, the school building authority and the state board based upon state criteria and conditions identified for funding and not those of another organization such as NEASC. Not all high schools in the state are accredited; this is a local decision, however, the recommendations made by a hand-picked accreditation team, invited by the school to be evaluated, should not be used to circumvent the states prioritization process. Vote 16-2.

HB 642-FN, establishing a scholarship program for certain New Hampshire residents interested in attending a postsecondary educational institution in the university system of New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Judith T. Spang for Education: This bill would establish a NH scholars program for students pursuing a degree at the university system of NH who have a grade point average of at least 3.0. There is currently no state-funded scholarship program at the university system. Revenue would come from a cigarette tax in excess of \$1.00 over the current tax rates, which would not be assured. The committee was most concerned that all tobacco tax revenues under TSA 198:39, I (a) would be removed from the general education trust fund. This would further reduce funds going to K-12 education, including adequacy funding, kindergarten and charter schools. Vote 17-0.

HB 148, relative to electoral college electors. **INEXPEDIENT TO LEGISLATE.**

Rep. Mary Ann Knowles for Election Law: This bill would adopt the interstate agreement to elect the President of the United States by popular vote. States adopting the agreement pledge to award all of their electoral votes to the presidential candidate who receives the greatest number of popular votes in the country. The committee agreed that, under our federal system of government, we are a sovereign state and our voters value their independence and want each of their votes to count. Entering into this compact could also lessen the importance of New Hampshire's esteemed First in the Nation Primary. Vote 17-0.

HB 206, relative to political advertising. **OUGHT TO PASS.**

Rep. Mary Ann Knowles for Election Law: This bill modifies restrictions on removal of political advertising. It clarifies the current statute to specify who may remove advertising from private property and adds the specified period of one week after each primary and general election during which the candidate may retrieve signs that have been collected and retained by town maintenance or law enforcement personnel. Vote 17-0.

HB 308, relative to technical changes to election laws. **OUGHT TO PASS.**

Rep. Evelyn M. Connor for Election Law: This bill has three purposes: 1. It authorizes city and town clerks to issue copies of the checklist, in addition to the supervisors of the checklist, which offers the public more hours in which to obtain said copies. 2. It requires the printing of the primary election sample ballot to be on tinted paper. This will make the law consistent for both the primary and general election and is the current practice. 3. It clarifies reporting obligations of political committees, so that when political committee expenditures or receipts exceed \$500, the committee must continue reporting through the remainder of the election cycle. Vote 17-0.

HB 406, relative to the availability of contribution information in lobbyist statements on the Internet. **IN-EXPEDIENT TO LEGISLATE.**

Rep. Shawn N. Jasper for Election Law: While the committee agrees with the goal of the legislation, we recognized that there would be a cost associated with that goal and we are not willing to recommend any additional expenditure at this time. The sponsor of the bill spoke with representatives of the secretary of state's office and is satisfied that as time and advancing technology allow, the information which he would like to see on the secretary of state's web site will be posted. In the meantime, all of the information is available for the public review in the office of the secretary of state. Vote 17-0.

HB 521, establishing a committee to study New Hampshire election laws and procedures. **OUGHT TO PASS.**

Rep. Mary L. Till for Election Law: This bill will establish a study committee to review election laws and procedures. There are over 200 pages of instructions regarding how to conduct elections. Over half of the bills before the committee had to do with the conduct of elections. It has been many years since we have taken a comprehensive look at election procedures. This bill will give us the opportunity to streamline, clear up contradictions and perhaps simplify the procedures. Vote 17-0.

HB 601, requiring ballot measures to be in plain English. **INEXPEDIENT TO LEGISLATE.**

Rep. Mary L. Till for Election Law: This bill requires ballot measures to be in plain English. The committee is concerned that there is no simple definition of plain English. Currently every effort is made by the secretary of state to be as clear and concise as the ballot measure itself makes possible. The committee takes the position that this bill adds nothing to existing practices. Vote 17-0.

HB 612, requiring a disclosure statement by persons seeking a party's nomination for elective office. **INEXPEDIENT TO LEGISLATE.**

Rep. Shawn N. Jasper for Election Law: While the committee is supportive of full disclosure by candidates and office holders, we believe that the declaration of candidacy form is not the proper venue for the disclosures sought in this bill. The bill is unclear as to whether all the disclosures are mandatory or optional, but the plain reading of the bill and the testimony of the sponsor seems to make them mandatory. The bill would require candidates in a primary election to state that they agree with their party platform or point out the areas with which they disagree, something few of us could likely do on any given day. Among other disclosures, it would require candidates to list the clubs and non-governmental or non-profit organizations with which they are, or are likely to become, affiliated. It would also require candidates to agree that they would not vote or participate in matters in which they have a pecuniary interest, something that goes well beyond the requirements of law or ethics guidelines. Vote 17-0.

HB 319-FN, relative to benefits for state employees serving in the armed forces. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary S. Nelson for Executive Departments and Administration: This bill, as amended, increases benefits for state employees called to active duty with the New Hampshire National Guard or Navy, Army or Air Force reserve units. It provides that a regular employee of New Hampshire who uses 15 days leave of absence, shall in addition, be entitled to up to 30 days of partial pay as defined in RSA 110-B:37, IV(a)(1) for any additional military drill or training under military authority. It allows a returning service member to use up to 15 days annual leave before returning to work and provides adjustments should inadequate amounts of leave be accrued. The committee was told the associated costs were indeterminable. Vote 18-0.

Amendment (0442h)

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

1 State Employees. Amend RSA 112:9 to read as follows:

112:9 State Employees.

I. Any regular employee of the state of New Hampshire who is a member of any reserve component of the armed forces of the United States or of this state shall, upon request, be entitled to not more than 15 days leave of absence with pay in any one training year for the purpose of engaging in military drill, training, or other temporary duty under military or naval authority. The provisions of this section shall not apply to any such employee who has been inducted or has enlisted in active service in the armed forces of the United States.

II. Any regular employee of the state of New Hampshire who uses 15 days leave of absence under paragraph I shall, in addition, be entitled to up to 30 days of partial pay, as defined in RSA 110-B:37, IV(a)(1), for any additional military drill or training under military or naval authority.

2 New Subparagraph; Pay and Allowance. Amend RSA 110-B:37, IV(a) by inserting after subparagraph (3) the following new subparagraph:

(4) Upon the employee's return to New Hampshire after active duty service, he or she may use up to 15 days of annual leave prior to reporting back to work. If an employee does not have adequate annual leave time available, he or she may be charged against future annual leave accruals, or against future compensation, if sufficient leave is not accrued and employment is terminated.

3 Effective Date. This act shall take effect 60 days after its passage.
Referred to the Committee on Finance.

HB 372, relative to state agency telecommunications services. **OUGHT TO PASS.**

Rep. Jeffrey P. Goley for Executive Departments and Administration: The state is in the process of moving from the Centrix system of telephone service to a voice over internet protocol or VOIP system, which will save the state a considerable amount of money. In the transition, the oversight of the new system is going from the department of administrative services to the department of safety. The department of administrative services had been exempt from the rule making process of 541-A in order to write a manual containing comprehensive uniform procedures, practices, instructions and billing processes for the telecommunication service. This bill gives the department of safety the same exemption from 541-A so that it can write a new manual for the new system, as well as revise it from time to time as needed. Vote 16-0.

HB 395-FN, relative to the prohibition on the use of state funds to hire lobbyists. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank A. Byron for Executive Departments and Administration: This bill attempts to restrict the recipients of state funds from using the funds, directly or indirectly, to lobby or attempt to influence legislation. Further, the bill would require a 5-year delay in the hiring of any former registered lobbyist. The committee members believed that the bill, as written, was too broad and would potentially impact municipalities' ability to protect their interests and may potentially impact the ability of the governor to make executive appointments. Vote 15-0.

HB 558, relative to disclosure of information regarding charitable solicitations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Romeo Danais for Executive Departments and Administration: This bill has to do with reporting the percentage retained by a solicitor for a charitable trust. The bill requires this information to be disclosed in a website directory maintained by the attorney general's (AG) office and be available to the general public at no cost. This information is already being tracked by the AG's office and will not cause any additional cost to the state. Vote 16-1.

Amendment (0178h)

Amend the bill by replacing section 1 with the following:

1 Registration Requirements for Paid Solicitor; Disclosure of Funds Required. Amend RSA 7:28-c, VII to read as follows:

VII. Within 90 days after a solicitation campaign has been completed, and on the anniversary of the commencement of a solicitation campaign lasting more than one year, the paid solicitor and the charitable trust shall file with the attorney general a joint financial report for the campaign, including gross revenue and an itemization of all expenses incurred. The report shall be completed on a form prescribed by the attorney general. The report shall be signed by an authorized official of the paid solicitor and an authorized official from the charitable trust, and they shall certify, under oath, that it is true to the best of their knowledge.

The director of charitable trusts shall prepare and make available in a searchable format on the state website the percentage of contributions retained by or paid to the solicitor and the percentage retained by the charitable trust for each solicitation campaign.

AMENDED ANALYSIS

This bill requires the director of charitable trusts to report on the state website the percentage of contributions retained by the solicitor and the percentage retained by the charitable trust for each solicitation campaign.

HB 252, consolidating the property appraisal division and the municipal services division of the department of revenue administration. **OUGHT TO PASS.**

Rep. William A. Hatch for Finance: This bill consolidates the property appraisal division with the municipal division of the department of revenue. The consolidation is part of the department of revenue's efforts to improve the operational efficiency in the various divisions. This allows a reduction in the work force of close to twenty positions which in turn means considerable savings. This bill, as amended by amendment 2013-0094h, was voted Ought to Pass by Executive Departments and Administration with a unanimous vote. Vote 25-0.

HB 254-FN-A, abolishing certain positions in the liquor commission. **OUGHT TO PASS.**

Rep. Lynne M. Ober for Finance: This bill makes a technical correction to an amendment included in HB 2, Chapter 144, Laws of 2009. It abolishes three duplicative positions in the state liquor commission. As part of the liquor modernization act (included in HB 2, 2009), the three main department heads were converted

from classified “chief” to unclassified “director” positions. Due to turmoil in the commission, it was not until 2012 that the final establishment of the director positions was completed with SB 234, Chapter 226 and the classified positions were maintained in parallel with the unclassified positions. This bill completes the process by abolishing the classified positions. In 2009, an attempt was made to abolish these three positions in one of the amendments to HB 2, but the language was incorrect and the DAS commissioner testified that she was unable to “abolish” the positions until clarifying language clearly stating “abolish” was passed. This bill passed through the policy committee (ED&A) unanimously and was sent to Finance as a second committee. Vote 25-0.

HB 394-FN, relative to transfer of funds by the liquor commission. **OUGHT TO PASS WITH AMENDMENT.** Rep. Lynne M. Ober for Finance: This bill makes a technical correction to an amendment included in HB 2, Chapter 144, Laws of 2009, which resulted in the liquor modernization act. The amendment corrects a drafting error in the original bill. As amended, this bill makes transfers within the liquor commission consistent with established policy by ensuring that the liquor commission must work within the constraints of RSA 9:17-a and RSA 9:17-c. The bill still allows the liquor commission to transfer up to 5 percent of its budget in order to accomplish its mission. It also clarifies what information needs to be provided to the Fiscal committee about any transfers by stating that the purpose of the transfer must be sent to the Fiscal committee when transfers are reported. Vote 25-0.

Amendment (0216h)

Amend the bill by replacing section 1 with the following:

1 Liquor Commission Fund Transfers. Amend RSA 176:16, V to read as follows:

V. The commission may transfer funds totaling up to 5 percent of the *commission's* operating budget in any fiscal year for any specific purposes to funds for other purposes within and among the appropriations for the operation of the commission. The commission shall report annually 60 days after the close of each fiscal year to the fiscal committee of the general court all transfers accomplished under the provisions of this section, *including the purpose of each transfer*. The provisions of this section shall not be subject to RSA 9:16-a, *and shall be subject to* RSA 9:17-a[,] and RSA 9:17-c.

HB 276, relative to wildlife resistant solid waste storage and disposal. **INEXPEDIENT TO LEGISLATE.** Rep. Dennis Reed for Fish and Game and Marine Resources: This bill required owners of solid waste containers, which are attracting nuisance wildlife, to store or dispose of such waste in a wildlife resistant manner and would, if passed, put undue expense on the entire state and container suppliers. Vote 14-0.

HB 304-FN, relative to OHRV registration transfer fees, removing the penalty of completion of a training program for certain OHRV and snowmobile violations, and deleting OHRV and snowmobile vanity plates or decals. **OUGHT TO PASS.**

Rep. Dennis Reed for Fish and Game and Marine Resources: This bill corrects the designation of a portion of an OHRV registration and deletes the requirement that persons convicted of violating statutes on speed limit, safe speed or decibel limits on noise successfully complete an OHRV or snowmobile training program. The bill also deletes the authorization for OHRV and snowmobile vanity plates or decals. Vote 14-0.

Referred to the Committee on Ways and Means.

HB 121-FN, requiring drug testing of applicants for Temporary Assistance to Needy Families (TANF). **INEXPEDIENT TO LEGISLATE.**

Rep. Susan J. Ticehurst for Health, Human Services and Elderly Affairs: This bill denies benefits to TANF applicants who test positive for drug use. The committee voted Inexpedient to Legislate for a number of reasons. The small savings from reducing payments to disqualified parents would be exceeded by reimbursements to qualified parents for testing costs. Legal expenses would be incurred, as the Fourth Amendment prohibits suspicion-less searches of entire groups of citizens such as TANF beneficiaries, whose rates of drug use and abuse are typically no higher than those found in the general population. Applicants would be required to disclose private medical information, while there is no exemption for legal use of prescription drugs. There is no appeal process for false positive test results. Children would particularly be harmed by the reduction in household resources for basic essentials such as housing, food and transportation. Costs would be shifted to municipalities as parents turn to them for help. Finally, the bill does not meet its goal of offering assistance to people who may be using drugs, since no support is provided for treatment, which may be inaccessible to impoverished parents. This bill benefits neither families nor the state. Vote 16-1.

HB 293, relative to the adverse events reporting system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Thomas M. Sherman for Health, Human Services and Elderly Affairs: The bill would update the adverse events reporting system by which adverse health care events are reported by hospitals and ambulatory care centers to the commissioner of the department of health and human services. The system would use the national quality forum, a national standard for reporting, as its benchmark. HB 293 allows amendments to the national quality forum to be incorporated by reference. In addition, the bill also outlines reporting requirements for events such as the hepatitis C exposure at Exeter Hospital. The amendment clarifies that such reporting will be based on intentional exposure of another person to a blood borne disease rather than only if there is documented transmission of that illness. Vote 17-0.

Amendment (0255h)

Amend RSA 151:38, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) The exposure of a patient to a non-aerosolized bloodborne pathogen by a health care worker's intentional, unsafe act. An act by hospital or ambulatory surgery center staff resulting in an infection or disease shall be considered to be purposefully unsafe if it meets all of the following criteria:

- (1) There was an intentional act or reckless behavior;
- (2) No reasonable person with similar qualifications, training and experience would have acted the same way under similar circumstances; and
- (3) There were no extenuating circumstances that could justify the act.

HB 417, establishing a commission to study creating a New Hampshire plan for Alzheimer's disease. **INEXPEDIENT TO LEGISLATE.**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The committee strongly supported the establishment of a study committee on dementia and Alzheimer's disease. This condition represents a significant health issue particularly among the elderly. To expedite this study, the committee recommended that the Health and Human Services Oversight Committee appoint a subcommittee to conduct the study. Subsequently, the Oversight Committee did authorize the formation of the dementia and Alzheimer disease subcommittee and has appointed a chair for the subcommittee. Therefore, this legislation is not needed. Vote 20-0.

HB 432-FN, relative to health care costs for county and state inmates. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen J. Schmidt for Health, Human Services and Elderly Affairs: Current law establishes reimbursement schedules for hospitals and health care facilities (as defined in the applicable RSA's) providing health inmate care services to a set percentage amount in excess of the standard Medicare reimbursement rate. Presently, most outpatient health care providers are reimbursed at the full rate. This bill allows county and state correction officials to have the opportunity to reduce inmate health care costs by entering into contractual agreements with hospitals and health care providers, as defined. The bill is supported by county and state corrections and unopposed by the NH hospital association. Vote 20-0.

Amendment (0324h)

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

1 Medical Services for County Prisoners. Amend RSA 623-C:1, I to read as follows:

I.(a) Except as provided in subparagraphs (b) through (f), ~~no hospital or emergency room shall charge a county or its agent~~ **(g) the department of corrections or its agent shall pay health care facilities and hospitals at no** more than 110 percent of the Medicare allowable rate for inpatient or emergency room care provided for prisoners in county correctional facilities. ***In this chapter, "health care facilities" mean ambulatory and specialty-medical services centers licensed under RSA 151, and shall include but not be limited to surgical, rehabilitation, long-term care, oncology, radiology/imaging centers, and dialysis centers, and shall also include physician, nurse practitioner, dental, and allied health care practices, and community health care clinics operating under a licensed healthcare facility.***

(b) ***Except as provided in subparagraphs (c) through (e), the department of corrections or its agent shall pay the following providers no more than 125 percent of the Medicare allowable rate for care provided for prisoners in county correctional facilities:***

- (1) Physicians and surgeons licensed pursuant to RSA 329.***
- (2) Podiatrists licensed pursuant to RSA 315.***
- (3) Dentists licensed pursuant to RSA 317-A.***
- (4) Optometrists licensed pursuant to RSA 327.***
- (5) Advanced practice registered nurses licensed pursuant to RSA 326-B:18.***
- (6) Physician assistants licensed pursuant to RSA 328-D.***
- (7) Physical therapists licensed pursuant to RSA 328-A.***
- (8) Athletic trainers licensed pursuant to RSA 326-G.***
- (9) Occupational therapists licensed pursuant to RSA 326-C.***
- (10) Speech and language pathologists licensed pursuant to RSA 326-F.***
- (11) Respiratory therapists licensed pursuant to RSA 326-E.***
- (12) Recreational therapists licensed pursuant to RSA 326-J.***
- (13) Dietitians licensed pursuant to RSA 326-H.***
- (14) Audiologists licensed pursuant to RSA 137-F.***
- (15) Pharmacies licensed pursuant to RSA 318.***
- (16) Durable medical equipment providers.***

(c) Allowances provided by hospitals shall qualify as community benefits under RSA 7:32-d, III(b).

~~(e)~~ ***(d)*** Hospitals reported by the department of health and human services as having a negative operating margin in the most recent year for which hospital-audited financial data is available shall charge no more than 125 percent of the Medicare rate.

~~[(d)]~~ (e) ***Nothing in this section shall preclude the superintendent of a county correctional facility from negotiating and executing medical service rate agreements with hospitals, health care facilities, or other licensed medical providers for the provision of medical or dental services to prisoners at the lowest rate possible, or from utilizing rates in existing agreements.***

(f) The superintendent of a county correctional facility may waive the application of subparagraph (a) if the superintendent determines such action is necessary to ensure prisoner access to medically necessary care.

~~[(e)]~~ The superintendent of a county correctional facility may waive the application of subparagraph (a) if the superintendent determines such action to be necessary for the efficient operations of the county correctional facility.

~~(f) Nothing in this paragraph shall require a hospital to admit any person]~~

(g) The superintendent of a county correctional facility may waive the application of subparagraph (a) if the superintendent determines such action to be necessary for the efficient operations of the county correctional facility.

(h) The superintendent of a county correctional facility may at any time audit any claim or seek clarification on any payment made pursuant to this section, or both. Upon request by the superintendent, the provider shall furnish information on pricing methodology and shall detail any internal process controls for ensuring accurate pricing of claims processed under this section. Claim information shall be provided in the industry standard format, including but not limited to the application of global surgery provisions, billing for surgical assistants, and bundling.

2 Medical Services for State Prisoners. Amend RSA 623-C:2, I to read as follows:

I. (a) Except as provided in subparagraphs (b) through ~~[(d)]~~ (f), the department of corrections or its agent shall pay health care facilities and hospitals ***at no more than*** 110 percent of the Medicare allowable rate for inpatient, outpatient, or emergency room care provided for prisoners in state correctional facilities. In this chapter, "health care facilities" mean ambulatory and specialty-medical services centers licensed under RSA 151, and shall include but not be limited to surgical, rehabilitation, long term ***care***, oncology, ***radiology/imaging centers***, and dialysis centers, ~~[but shall not]~~ ***and shall also*** include physician ~~[practices and community health care clinics]~~, ***nurse practitioner, dental, and allied health care practices, and community health care clinics operating under a licensed healthcare facility.***

(b) ***Except as provided in subparagraphs (c) through (e), the department of corrections or its agent shall pay the following providers no more than 125 percent of the Medicare allowable rate for care provided for prisoners in state correctional facilities:***

- (1) Physicians and surgeons licensed pursuant to RSA 329.***
- (2) Podiatrists licensed pursuant to RSA 315.***
- (3) Dentists licensed pursuant to RSA 317-A.***
- (4) Optometrists licensed pursuant to RSA 327.***
- (5) Advanced practice registered nurses licensed pursuant to RSA 326-B:18.***
- (6) Physician assistants licensed pursuant to RSA 328-D.***
- (7) Physical therapists licensed pursuant to RSA 328-A.***
- (8) Athletic trainers licensed pursuant to RSA 326-G.***
- (9) Occupational therapists licensed pursuant to RSA 326-C.***
- (10) Speech and language pathologists licensed pursuant to RSA 326-F.***
- (11) Respiratory therapists licensed pursuant to RSA 326-E.***
- (12) Recreational therapists licensed pursuant to RSA 326-J.***
- (13) Dietitians licensed pursuant to RSA 326-H.***
- (14) Audiologists licensed pursuant to RSA 137-F.***
- (15) Pharmacies licensed pursuant to RSA 318.***
- (16) Durable medical equipment providers.***

(c) Allowances provided by hospitals shall qualify as community benefits under RSA 7:32-d, III(b).

(d) Hospitals reported by the department of health and human services as having a negative operating margin in the most recent year for which hospital-audited financial data is available shall charge no more than 125 percent of the Medicare rate.

~~[(e)]~~ (e) The commissioner of the department of corrections may waive the application of subparagraph (a) if the commissioner determines such action is necessary to ensure prisoner access to medically necessary care.

~~[(d)]~~ (f) The commissioner of the department of corrections may waive the application of subparagraph (a) if the commissioner determines such action to be necessary for the efficient operations of the state correctional facility.

(g) The commissioner of the department of corrections may at any time audit any claim or seek clarification on any payment made pursuant to this section, or both. Upon request by the commissioner, the provider shall furnish information on pricing methodology and shall detail

any internal process controls for ensuring accurate pricing of claims processed under this section. Claim information shall be provided in the industry standard format, including but not limited to the application of global surgery provisions, billing for surgical assistants, and bundling.

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

Referred to the Committee on Finance.

HB 228, relative to insurance fraud. **OUGHT TO PASS.**

Rep. Frank H. Heffron for Judiciary: This bill, requested by the insurance department, establishes venue for offenses relating to insurance fraud. It provides that in any prosecution for such offenses, the offense shall be deemed to have been committed in any of six different locations, including the county or judicial district in which any element of the offense was committed, or in which the insurance policy provides coverage, or in which money was received for the fraudulent act. The committee concluded that this is necessary because an offender, for example, may be located in one place and mail fraudulent documents from another place in regard to insured property in yet another. Vote 16-1.

HB 413, making relinquishment or abandonment of leased premises a defense for landlords. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Woodbury for Judiciary: This bill, as amended, gives landlords an alternative to an unnecessary eviction procedure when a tenant relinquishes or abandons a leased premise. If the circumstances of a tenant's departure meet the requirements of this bill, a landlord has a defense to a lawsuit for an illegal eviction if such should be filed by the tenant at a later date. Vote 19-0.

Amendment (0345h)

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

AN ACT relative to property abandoned by tenants.

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

1 New Paragraph; Landlord Defense; Property Relinquished or Abandoned by Tenant. Amend RSA 540-A:4 by inserting after paragraph XI the following new paragraph:

XII. Relinquishment of possession or abandonment of possession shall be an affirmative defense to an action brought pursuant to this chapter.

(a) Relinquishment of possession occurs when the landlord receives a statement signed by each adult tenant of a rented or leased premises stating that the tenant has relinquished possession of the rented or leased premises and has no intent to return.

(b) Abandonment of possession means all tenants have physically vacated the premises without the intent to return. There shall be a rebuttable presumption that the tenants have abandoned the premises if:

(1) The landlord provided all tenants with a written property abandonment notice, by leaving the notice at the rented or leased premises and by sending the notice by certified mail to the last known address of at least one adult tenant. The property abandonment notice shall also comply with subparagraph (d); and

(2) At least 2 of the following conditions were present:

(A) All adult tenants of the rented or leased premises have notified the landlord in writing of their intent to vacate the premises by a certain date and that date has passed, provided that the written notice of one adult tenant who has lawful possession to the premises pursuant to an order under RSA 173-B shall suffice.

(B) All keys to the rented or leased premises have been returned to the landlord, which shall include leaving all keys in the rented or leased premises.

(C) The tenant or tenants have removed from the rented or leased premises all or the majority of their personal property, and the only items remaining in the premises are inconsistent with the intended use of the premises.

(D) The tenant or tenants have failed or neglected to pay rent for the rented or leased premises for a period of more than 91 days, provided that during those 91 days the landlord, if requested to do so, provided ordinary and reasonable verification of rental information to any agency assisting the tenant or tenants, and that the landlord did not refuse to accept payment on behalf of the tenant or tenants by any agency offering assistance.

(c) The defense of abandonment does not abrogate the landlord's duty under RSA 540-A:3, VII to maintain and exercise reasonable care in the storage of the personal property of tenants who have vacated the premises for a period of 7 days after the date upon which such tenants have vacated the rented or leased premises. The 7 days shall begin the day after the landlord serves the written property abandonment notice.

(d) In providing the property abandonment notice required under subparagraph (b), the landlord shall use conspicuous language identifying, with specificity, the reasons the landlord deems the property abandoned. The notice shall also advise the tenant or tenants of their right to retrieve any personal property as well as their right to file an action under RSA 540-A. The notice must be signed by the landlord, or the landlord's agent. The use of the following notice language, in at least 12-point type, shall be deemed sufficient notice language:

NOTICE OF PROPERTY ABANDONMENT

This residence, known as _____, has been abandoned. I certify that, on this date, the property is believed to have been abandoned for the following circled reasons:

- 1.) You notified me in writing that you intended to vacate the premises;
- 2.) You have returned your keys to the premises;
- 3.) You have removed from the premises all or the majority of your personal property, and the only items remaining in the premises are inconsistent with the intended use of the property;
- 4.) You have failed or neglected to pay rent for the premises for a period of more than 91 days.

Because you have abandoned the premises, we will retake possession of this property and the locks may be changed. We will store your personal property for 7 days, and you have a right to get your personal property during that time.

If you disagree with any action we take, you should notify us immediately. You are also entitled to file what is called a "540-A petition" at your nearest court. You may have other additional legal rights as well.

Signed: _____ Date: _____

Landlord's or Landlord's Agent's Mailing Address: _____

Landlord's or Landlord's Agent's Telephone Number: _____

2 New Subparagraph; Prohibited Practices; Remedies; Unlawful Dispossession. Amend RSA 540-A:4, IX by inserting after subparagraph (c) the following new subparagraph:

(d) Landlord damages for any unlawful dispossession or lock-out of a tenant from the premises where the landlord has re-let the premises or has a new tenant in the premises shall not be less than \$3,000. In the event the damages exceed the \$3,000 minimum, the award shall not exceed the amount that would have been awarded pursuant to subparagraph (a).

3 Effective Date. This act shall take effect January 1, 2014.

AMENDED ANALYSIS

This bill provides that, under certain circumstances and if the landlord has provided the tenant with a notice of property abandonment, the landlord may assert that tenant has relinquished possession or abandoned the premises.

HB 426, relative to payment of costs and fees in guardianship cases. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank H. Heffron for Judiciary: This bill relates to payment of costs and fees in guardianship cases. The bill, as introduced, provides that in certain cases, fees for counsel for the petitioner, as well as for counsel for the proposed ward, should be borne by the proposed ward. The committee approved an amendment proposed by the court administration providing that fees for counsel for the petitioner should be borne by the proposed ward only if the court has granted the petition to establish a guardianship; the awarding of costs, expenses and fees from the assets of the ward will not cause undue hardship to the ward and the costs, expenses and fees are reasonable and necessary. The committee concluded that the bill, as amended, sets appropriate standards for the award of costs, expenses and counsel fees of the petitioner from the assets of the proposed ward. Vote 18-0.

Amendment (0410h)

Amend the bill by replacing section 1 with the following:

1 Guardianship Cases; Costs and Fees. RSA 464-A:43, I and II are repealed and reenacted to read as follows:

I. Except in cases in which the petitioner filed the petition in bad faith, the court costs, expenses, and fees for counsel for the proposed ward and any resource person shall be borne by the proposed ward. In cases in which the petitioner acted in bad faith, the petitioner shall bear all such costs, expenses, and fees of the proceeding. The court may allow for payment of the costs, expenses, and fees of counsel for the petitioner from the assets of the ward, provided:

(a) The court has granted the petition to establish the guardianship;

(b) The awarding of costs, expenses, and legal fees from the assets of the ward will not cause undue financial hardship to the ward; and

(c) The costs, expenses, and legal fees incurred are reasonable and were necessary to protect the health, safety, welfare, or other personal, property, or financial interests of the ward or the ward's estate.

II. If the proposed ward is indigent, the costs, expenses, and legal fees for counsel for the proposed ward and any resource person incurred that are related to the petition for guardianship proceeding shall be borne by the state.

AMENDED ANALYSIS

This bill establishes criteria for payment of certain fees and court costs in guardianship cases.

HB 440, relative to new hire reports to the department of employment security. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kevin P. St. James for Labor, Industrial and Rehabilitative Services: This bill, as amended, is a request of the department of employment security (DES). It brings New Hampshire in compliance with the unemploy-

ment compensation integrity act of 2011 by requiring New Hampshire employers to report to the department as “new hires” (1.) Individuals whom they have previously terminated from employment and who have come back to work for them after more than 60 consecutive calendar days; and (2.) individuals with whom they had previously contracted for services for a fee exceeding \$2,500 and with whom they are again contracting for such services after a separation of more than 60 consecutive calendar days. Vote 13-1.

Amendment (0397h)

Amend the bill by replacing section 2 with the following:

2 New Hire Reports. Amend RSA 282-A:117-a, XV(a)-(e) to read as follows:

(a) ~~[Was permanently laid off.~~

(b) ~~Was terminated from employment.~~

(c) ~~Had a break in service of more than 26 consecutive weeks.]~~ ***Was previously employed by the employing unit but has been separated from prior employment for at least 60 consecutive calendar days.***

(d) ~~Had a break in service due to a seasonal layoff of more than 10 consecutive weeks if, as of the commencement of the break in service, the rehiring employer was under an order to withhold child support from the individual's wages.~~

(e) ~~(b)~~ Was required to complete a W-4 form due to a previous work separation.

HB 555, relative to the content of fiscal notes for bills. **INEXPEDIENT TO LEGISLATE.**

Rep. Joel F. Winters for Legislative Administration: This bill would require the Legislative Budget Assistant to prepare expanded fiscal notes, analyzing the legislation's costs and benefits, effects on businesses and other economic impacts. While the committee appreciated the sponsors' intent in seeking more information for legislation and considered scaled back versions, we ultimately felt it would not be practical to put the additional analysis together in a timely manner. Vote 12-0.

HB 613-FN, relative to procedures and authority for the redress of grievances. **INEXPEDIENT TO LEGISLATE.**

Rep. Joel F. Winters for Legislative Administration: This bill would statutorily create a redress of grievances committee in the legislature with a wide range of powers, including overturning actions by government agencies, awarding restitution from the treasury, initiating removal proceedings against judges and attorneys and forcing state agencies to change their policies or even recommending their dissolution. The committee felt this amount of power in the hands of a legislative committee was inappropriate. Vote 12-0.

HB 667-FN-A, establishing a temporary surcharge to the road toll to be dedicated to funding the state 10-year transportation improvement plan for rural and town roads. **INEXPEDIENT TO LEGISLATE.**

Rep. John R. Cloutier for Public Works and Highways: The committee is very grateful to the sponsor for his recognition of the need to fix our roads, bridges and his willingness to introduce a bill to address the problem. However, the committee believes that the issue is more comprehensively addressed in House Bill 617. Vote 16-0.

HB 428, relative to funds for dam maintenance, removal and improvement. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne J. Smith for Resources, Recreation and Development: This bill allows municipalities to apply to the dam maintenance revolving loan fund. Presently, only privately owned dams are eligible to apply to the fund for loans. Municipalities own 358 of the active dams in this state and many of these dams are in need of repair or have outlived their purpose. HB 428 provides low-cost loans which can be used to maintain, repair, improve or remove a dam. The amendment assures that if a borrower defaults on the loan that the state is not liable for taking on ownership and responsibility for the dam. Vote 19-1.

Amendment (0401h)

Amend RSA 482:55-a, II as inserted by section 1 of the bill by replacing it with the following:

II. The department shall establish rules for the fund including the application process, criteria for award, the procedure for making loans, the interest rate to be applied, the maximum loan amount, the time frame for repayment, ***actions to be taken in the event of a default on a loan***, and oversight of the administration of the fund. In providing loans, the department shall evaluate the risk posed by the dam, the public benefit of the dam, the private benefit of the dam to lakefront owners, ***the ecological impacts of the dam***, ~~[and] the potential for [their contribution]~~ ***contributions*** to needed maintenance, repair, or reconstruction, the financial resources of the applicant, and the relative cost of maintaining, repairing, or ~~[reconstructing]~~ ***improving*** the dam as compared to removing or breaching the dam.

HB 524, relative to national guard facilities, the national guard scholarship fund, and the state active duty death benefit. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Leon H. Rideout for State-Federal Relations and Veterans Affairs: The major thrust of this bill is to enable the adjutant general to accept federal funds as they become available in order to improve both state and federal facilities. In the past, money has been returned because the state has not been able to react in a

timely manner. This bill also cleans up language in the scholarship program and clarifies not extending pay and benefits to non active duty personnel. Adjutant general supports this bill and there was no opposition testimony heard. Vote 13-0.

Amendment (0475h)

Amend RSA 110-B:28, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The adjutant general may cooperate with and enter into ***contracts or*** agreements with the federal government, or any agency thereof, as he or she deems desirable to secure the participation of the United States government, through the allotment of federal funds, in the costs of constructing, enlarging, or altering armories or other [military] facilities. ***The adjutant general may authorize the federal government to perform contracting for construction, modifications, or improvements to state owned facilities or land, subject to the approval of the New Hampshire department of justice. The adjutant general may adopt procedures relative to this section to ensure the best interest of the federal and state of New Hampshire governments and the national guard.***

Referred to the Committee on Public Works and Highways.

HCR 1, urging Congress to fund the development and implementation of a comprehensive health care delivery system to enhance the level of specialty care for New Hampshire's veterans. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert L. Theberge for State-Federal Relations and Veterans Affairs: A similar resolution was passed by the legislature in 2010 to meet the medical needs of our veterans who deserve a full-fledged VA Hospital and specialty clinics. This legislation ensures that the needs of our veterans are met and recommends that New Hampshire have a pilot program whereby each veteran would be issued a medical card to be used in all hospitals, clinics and any medical facility throughout the state. Vote 10-0.

Amendment (0264h)

Amend the resolution by replacing the seventh clause after the title with the following:

Whereas, New Hampshire is one of only 2 states in the nation without a full-service hospital, requiring veterans to travel to Vermont, Massachusetts, Maine, and Rhode Island for medical treatment; and Amend the resolution by replacing the first paragraph after the resolving clause with the following:

That the New Hampshire legislature respectfully urges the Congress of the United States and the Department of Veterans Affairs to fulfill the Department's goal of providing excellence in patient care by increasing the types of and access to specialty care at a full service VA Manchester Medical Center, or by developing a pilot program to utilize a veteran's medical card for use in New Hampshire's medical facilities in order to provide better care to veterans residing in rural areas, or by the establishment of additional community based outpatient clinics, outpatient clinics, or vet centers as justified by veterans' medical and mental health needs along with greater use of mobile clinics, and where cost effective, enter into contract services with the goal of increasing services and reducing travel time to ensure access to health care is available when it is needed;

HB 282, relative to mixed use school buses and relative to licensing and criminal records of driver education instructors. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sherman A. Packard for Transportation: This bill, as amended, adds sport utility vehicles to the definition of mixed school bus use. It also allows the department of safety to require a criminal record check for every applicant of an initial driver education instructor certificate. The amendment states that a condition for employment at the department of safety may be required to submit to a background investigation and a criminal history records check. Vote 14-0.

Amendment (0209h)

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

AN ACT relative to mixed use school buses, relative to licensing and criminal records of driver education instructors, and relative to background checks for department of safety employees.

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:
4 New Section; Department of Safety; Employee Candidate Background Checks. Amend RSA 21-P by inserting after section 15-b the following new section:

21-P:15-c Employee Candidate Background Checks.

I. The commissioner may require a background investigation and a criminal history records check on any candidate for employment or promotion prior to a final offer of employment. The commissioner may request only a state records check or both a federal and state records check, to be conducted through the division of state police. The department may extend a conditional offer of employment to a candidate, with a final offer of employment subject to a successfully completed criminal history records check.

II. A candidate for employment in a position which the commissioner determines requires a background investigation and a criminal history records check shall submit to the department a notarized criminal history records release form, as provided by the division of state police, which authorizes the release of the person's

criminal records, if any. The candidate shall submit with the release form a complete set of fingerprints taken by a law enforcement agency as directed by the commissioner. In the event that the first set of fingerprints is invalid due to insufficient pattern and a second set of fingerprints is necessary in order to complete the criminal history records check, the conditional offer of employment shall remain in effect. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the department may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where a candidate has lived during the past 5 years.

III. To obtain a state records check only, the department shall submit a state criminal history records release form to the division of state police. To obtain both the federal and the state records check, the department shall submit the criminal history records release form and applicant fingerprint card to the division of state police, which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the background investigation, the division of state police shall report any criminal conviction information to the commissioner. The department may submit fingerprint information electronically, in accordance with procedures established by the division of state police. The department shall maintain the confidentiality and security of all criminal history records information received pursuant to this paragraph.

IV. In this section, "candidate for employment" shall include candidates for contract positions, volunteers, or interns.

AMENDED ANALYSIS

This bill modifies the definition of mixed use school bus, requires criminal records checks of driver education instructors, updates references relating to suspending or revoking a school license or driver education certificate, and authorizes background checks on candidates for employment or promotion at the department of safety.

This bill was requested by the department of safety.

HB 332-FN-A-L, relative to antique vessel registration. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy A. Soucy for Transportation: The passage of this bill would negatively impact the federal coast guard recreational boating safety grant that provides almost half the funding for the marine patrol and could jeopardize the eligibility for the grant which brings in more than \$1 million dollars a year. Vote 12-0.

HB 383, relative to operation of OHRVs on the traveled portion of public highways, where permitted. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael B. O'Brien for Transportation: This bill will require a OHRV operator, who is not licensed to drive, and a youth operator to be in the company of an operator 18 years or older and responsible and liable, according to the law, for the personal injury or property damage to others which may result from such operation by an unlicensed person. The amendment replaces the bill. Vote 14-1.

Amendment (0380h)

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

1 New Paragraph; OHRV Operation on Traveled Portion of Public Highway. Amend RSA 215-A:29 by inserting after paragraph I the following new paragraph:

I-a.(a) Any person operating an OHRV along the traveled portion of a public highway, where permitted, shall be required to be licensed to drive as described in subparagraph I(b)(2); or

(b) Any person operating an OHRV along the traveled portion of a public highway, where permitted, who is not licensed to drive as described in subparagraph I(b)(2) shall be accompanied at all times by a person who is licensed to drive as described in subparagraph I(b)(2), who is at least 18 years of age, and who shall be legally responsible and be liable according to the law for personal injury or property damage to others which may result from such operation by an unlicensed person.

(c) This paragraph shall not apply to road crossings or the use of class VI highways designated as trails pursuant to RSA 215-A:6.

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

HB 444, establishing a committee to study the use of autonomous vehicles in New Hampshire. **OUGHT TO PASS.**

Rep. Tim O'Flaherty for Transportation: Autonomous vehicles have enormous potential to provide transportation for elderly and disabled drivers as well as provide a low cost transportation option for those currently without a vehicle. In addition to these potential benefits, autonomous vehicles may be the single best way to reduce automobile casualties. This bill would form a study committee, at no expense to the state, to examine in what areas the state may assist deployment of autonomous vehicles by defining a legal framework for them to operate in New Hampshire. Vote 14-1.

HB 500, requiring the department of safety to maintain a division of motor vehicles driver licensing and registration office in Belknap county. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael B. O'Brien for Transportation: The committee feels it is not appropriate to mandate the department of safety to open an office in Belknap County. However, to provide an office for the area, the committee recommends the finance committee review the matter with the DOS to see if the needs of Belknap County can be met in the budget. Vote 16-0.

HB 488-FN, changing the definition of "cigarette" under the tobacco tax to match the definition of "cigarette" under the Master Settlement Agreement. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Thomas C. Schamberg for Ways and Means: This brings the definition of "cigarette" in conformity with RSA 541-C:2, IV, to ensure diligent enforcement of the Master Settlement Agreement RSA 541-C and RSA 541-D and that we will continue to bring in \$42M a year under the MSA. The assistant attorney general stated failure to pass this bill will put annual payments in jeopardy, and agreed to the amendment. Vote 18-0.

Amendment (0339h)

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

1 Tobacco Tax; Definition of Cigarette. RSA 78:1, XVII is repealed and reenacted to read as follows:

XVII.(a) In conformity with RSA 451-C:2, IV, "cigarette" means any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and consists of or contains:

(1) Any roll of tobacco wrapped in paper or in any substance not containing tobacco; or

(2) Tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette; or

(3) Any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in subparagraph (a)(1).

(b) The term "cigarette" includes "roll-your-own" (i.e., any tobacco which, because of its appearance, type, packaging, or labeling is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes). For purposes of this definition of "cigarette," 0.09 ounces of "roll-your-own" tobacco shall constitute one individual "cigarette."

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

HB 520, establishing a committee to study implementing Keno in New Hampshire. **OUGHT TO PASS.**

Rep. David W. Hess for Ways and Means: This bill establishes a joint legislative committee to study the implementation of Keno. Keno is a form of gambling which is quite different from the lottery, charitable gambling and casino gambling. It has not been independently analyzed and studied by any state committee or commission in recent history, if at all. The committee voted to establish the study committee rather than consider the prime sponsor's proposed amendment which would have established Keno without any study. This bill was requested by the state lottery commission. Vote 17-1.

REGULAR CALENDAR - PART I

SB 115, naming a bridge in the town of Whitefield. **OUGHT TO PASS.**

Rep. Gene G. Chandler for Public Works and Highways: This bill names a bridge over the Johns River in Whitefield after the Burns family, a family of long standing in the town of Whitefield. Starting with Major John Burns back in the 1770's, one of the original organizers and most active among the pioneers of the town, through House Speaker and State Senator Harold Burns and other distinguished members of the family. The Burns family has a long history of community service to Whitefield, the North Country and the State of New Hampshire. Vote 17-0.

Rep. Jasper spoke in favor.

Committee report adopted and ordered to third reading.

MOTION TO PRINT REMARKS

Rep. Gary Richardson moved that the remarks made by Rep. Jasper be printed in the Permanent Journal. Adopted.

REMARKS

Rep. Jasper: Thank you, Madam Speaker. I rise in support of the bill. I wasn't expecting to speak today and I wished that I had planned to so that I could have a few more of my facts in line here so please bear with me if I speak in error on a few things. Obviously from the blurb, you know that the Burns family has been in Whitefield since about 1770. This bill honors the family, but I think more specifically, the former Speaker of this House, Harold Burns, who I had the distinct pleasure of serving under both as his Assistant Majority Leader and as his Majority Whip. Harold is a true gentleman in every sense of the word. In the time that I served with him, I never saw an indication of partisanship in his role as Speaker. I saw him truly presiding over the House in a manner that was as fair as he could possibly make it. He treated every member with respect. He listened to what every person had to say. As a member of his leadership team, I was very impressed by the fact that when the leadership team got together, the Speaker did not speak to his position

first, he listened to what everyone had to say and then after taking that in, made his decision, as a Speaker should. He served three terms as Speaker of this House, but he served many terms representing Whitefield before he came to that position. My coming into his leadership team was really a real surprise to me. I supported Donna Sytek in that race and certainly had no expectation of being part of that team at that time and I bring that all up only to show you that he did in fact include people and that I was brought into that level at that time. There was Caroline Gross as his Majority Leader, the lady whose picture hangs on the wall behind us. So, he has served his community, he served the House as his family has for well over 200 years, which is certainly an impressive record for any family. Harold served as a long-time moderator in the Town of Whitefield and came back after leaving the House to serve as State Senator. Any of you that go down to Eastern State's Exposition are likely to see him serving maple syrup in the NH building. He is a true son of New Hampshire, a true gentleman and he was a true statesman in this House and in the Senate and I would hope that we unanimously pass this bill and show him and his family the recognition that he and the generations of the Burns family so justly deserve.

IMMEDIATE THIRD READING

Rep. Shurtleff moved that **SB 115**, naming a bridge in the town of Whitefield, be ordered to third reading and final passage at the present time.
Adopted.

Third reading and final passage

SB 115, naming a bridge in the town of Whitefield.

REGULAR CALENDAR – PART I (CONT'D)

HB 260-FN, relative to voluntary services provided by the department of health and human services to children in need. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patrick T. Long for Children and Family Law: This bill, as amended, addresses the needs expressed by police and school districts throughout the state. It creates a broad voluntary CHINS (children in need) program. It also requires that appropriate voluntary services have been attempted and were unsuccessful prior to the petition being filed. The amendment replaces the entire bill. Vote 19-0.

Amendment (0447h)

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

AN ACT relative to voluntary services provided to children in need under RSA 169-D.

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

1 Children in Need of Services; Applicability of Chapter. RSA 169-D:1, IV and V are repealed and reenacted to read as follows:

IV. To protect the integrity of the family by authorizing adjudication and the imposition of dispositional judgment requiring participation in a plan of services only after appropriate voluntary alternatives have been unsuccessful; and

V. When appropriate voluntary service options have been unsuccessful, to provide effective judicial procedures through which family service plans are executed and enforced, and which assure the parties fair hearings at which their constitutional and other rights as citizens are recognized and protected.

2 Definition of Child in Need of Services. RSA 169-D:2, II is repealed and reenacted to read as follows:

II. "Child in need of services" means a child under the age of 18 who is:

(a) Subject to compulsory school attendance, and who is habitually, willfully, and without good and sufficient cause, truant from school; or

(b) A child who habitually runs away from home or who repeatedly disregards the reasonable and lawful commands of his or her parents, guardian, or custodian and places himself or herself or others in unsafe circumstances; or

(c) Is diagnosed with a severe emotional, cognitive, or other mental health issue and engages in aggressive, fire-setting, or sexualized behaviors that pose a danger to the child or others; and

(d) Is expressly found to be in need of care, guidance, counseling, discipline, supervision, treatment, or rehabilitation.

3 New Paragraph; Definition Added. Amend RSA 169-D:2 by inserting after paragraph XIII the following new paragraph:

XIV. "Truant" means a child between the ages of 6 and 18 years who is either not attending school as required by law or who is not participating in an alternative learning plan under RSA 193:1. "Truancy" shall have the same meaning as in RSA 189:35-a.

4 Petition. Amend RSA 169-D:5, I to read as follows:

I. A petition alleging a child is in need of services may~~[-with the consent of the department,]~~ be filed by a parent, legal guardian or custodian, school official, or law enforcement officer with a judge or clerk of the court in the judicial district in which the child is found or resides. The petition shall be in writing and veri-

fied under oath. The following notice shall be printed on the front of the petition in bold in no smaller than 14 point font size: "See back for important information and financial obligations." The back of the petition shall include a notice of liability for parents and other individuals chargeable by law for the child's support and necessities.

5 New Paragraph; Petition. Amend RSA 169-D:5 by inserting after paragraph II the following new paragraph:

II-a. Any petition filed shall include language demonstrating that appropriate voluntary services have been attempted, the nature of voluntary services attempted, and the reason court compulsion is necessary. If, upon review of the petition, the court is not satisfied that the petition includes sufficient information to find that appropriate voluntary services were attempted and unsuccessful, the court shall, prior to scheduling the child's initial appearance, refer the petition to the department, which shall proceed pursuant to RSA 169-D:9.

6 New Section; Voluntary Services. Amend RSA 169-D by inserting after section 5-b the following new section:

169-D:5-c Voluntary Services. The department may offer the child and family, on a voluntary basis, any services permitted under RSA 169-D:17.

7 Issuance of Summons and Notice. RSA 169-D:6, I is repealed and reenacted to read as follows:

I.(a) After a legally sufficient petition has been filed, unless the case is referred to the department pursuant to RSA 169-D:5 or a consent order is entered and approved, the court shall schedule an initial appearance and issue a summons, including a copy of the petition, to be served personally upon the person having custody or control of the child or with whom the child may be, requiring that person to appear with the child on the specified date and time. Refusal of the child to participate in the development of a voluntary service plan may constitute sufficient information that voluntary service and support options have been unsuccessful.

(b) If personal service is not possible, service shall occur at the usual place of abode of the person having custody or control of the child or with whom the child may be, requiring that person to appear with the child at a specified place and time which time shall not be less than 24 hours after service. If the person so notified is not the parent or guardian of the child, then a parent or guardian shall be notified, provided they and their residence are known.

8 Diversion and Pre-adjudicatory Procedure. RSA 169-D:9 is repealed and reenacted to read as follows:

169-D:9 Pre-adjudicatory Procedure.

I. Except in emergencies, the department, its agent, or any person or agency it designates shall determine what voluntary service options are available to the child and family. To achieve this purpose, the department may designate a multi-disciplinary team to consider the facts and circumstances of the case, the needs of the child and family, and available diversion programs, services, and resources. This conference shall be attended by the child, if appropriate, his or her parents, legal guardians or custodians, and representatives of any public institution or agency having legal responsibility over the child, and may be attended by parties invited by the family and representatives of any public or private institutions or agencies having discretionary ability to coordinate and/or supply services to the child or family. If the child does not attend a multi-disciplinary conference, an appropriate individual shall be designated to solicit the child's input and help the child understand available service options and supports.

II. If available, a multi-disciplinary conference may be held at any time before or after a petition is filed but shall be held before the child's initial appearance pursuant to RSA 169-D:11.

III. At any time before or after a petition is filed, the child, his or her caretakers, and the department may effect an individualized voluntary family services plan, which shall include:

(a) Identification of the conduct of the child, caretaker, or any family member which is causing harm to the child.

(b) A description of the services that are needed for the child, the child's caretakers, or other family members, the availability of such services within the community, and a plan for ensuring that any such services that are available will be secured and provided.

(c) The name of the person within the affected public service agency who is directly responsible for assuring that the voluntary family services plan is implemented.

(d) An estimate of the time anticipated to be necessary to accomplish the goals set out in the plan.

(e) Any other provisions deemed appropriate by the parties.

IV. A voluntary family services plan shall set forth in writing the terms and conditions agreed to by the child, the child's caretaker, and all parties responsible for implementation of the voluntary services plan. A written copy of the plan shall be submitted to each party or person responsible for implementation of the plan.

V. A voluntary services plan may be amended by agreement of the parties at any time. If a petition has been filed, the amended plan shall be submitted to the court.

VI. If a petition has been filed, the voluntary family services plan shall be submitted to the court. A voluntary services plan shall stay the proceedings for a period not to exceed 90 days from the date of implementation, unless the parties agree, in writing, to an extension for additional periods not to exceed 90 days. If the parties determine services are necessary for longer than 180 days, the department shall submit a report

to the court which outlines the progress that has been achieved during the duration of services and explains why continued services are necessary. Such reports shall be filed every 180 days until voluntary services are discontinued. If, upon reviewing the report, the court questions the need for continued services, it shall schedule a show cause hearing, at which the child, if appropriate, the child's parent or caretaker, and the department shall appear.

VII. When the petitioning person or agency, the court, the department, or a member of the multi-disciplinary team suspects that a child has a disability, an administrator at the responsible school district shall be notified. If appropriate, the school district shall refer the child for evaluation to determine if the child is in need of special education and related services.

VIII. A voluntary family services plan shall not be considered an adjudicatory hearing pursuant to RSA 169-B or 169-D, or a criminal trial. Evidence of the existence of such agreement shall not be used against the child over objection in any juvenile adjudicatory hearing or criminal trial.

IX. Any incriminating statement made by the child during discussions or conferences incident to the voluntary family services plan shall not be used against the child, over objection, in adjudicatory hearing pursuant to RSA 169-B or 169-D, or a criminal trial. Any such statement may be reported as the basis for a referral to the department pursuant to RSA 169-C, if there is reasonable basis to believe that a child's physical or mental health or welfare is endangered by abuse or neglect.

X. A voluntary family services plan suspends the proceedings on the petition. If the child satisfies the terms of the voluntary family services plan, he or she shall be discharged from further services or supervision, and the pending complaint or petition shall be dismissed with prejudice.

9 Initial Appearance. Amend RSA 169-D:11, II(c) and (d) to read as follows:

(c) Establish any conditions for release; ~~and~~

(d) Set a hearing date[-]; **and**

(e) ***Inquire of the juvenile and a parent or guardian of the juvenile if the juvenile has been:***

(1) Determined to have an intellectual disability; or

(2) Determined to have a mental illness, emotional or behavioral disorder, or another disorder that may impede the child's decision-making abilities; or

(3) Identified as eligible for special education services.

10 New Section; Data Collection. Amend RSA 169-D by inserting after section 30 the following new section: 169-D:31 Data Collection.

I. The department shall establish a system to collect data. The system shall collect information related to:

(a) The person or entity who referred the child for services and/or filed the petition.

(b) The racial and ethnic identity of the child.

(c) The insurance status and coverage of child served.

(d) The length of time a child receives services under this chapter, including the time prior and subsequent to the filing of a petition.

(e) The identity of any public or private organization to whom the department has referred a child or family.

(f) Any other information, including outcome data, that may assist the department and the court in evaluating the availability and effectiveness of services for children who receive assistance under this chapter.

II. The department shall, upon request, make available to members of the public, compilations of the data which do not contain identifying information.

11 Effective Date. This act shall take effect September 1, 2013.

AMENDED ANALYSIS

This bill expands the definition of a child in need of services under RSA 169-D and requires consideration of voluntary services before proceeding with a petition under RSA 169-D. The bill also requires the department of health and human services to collect certain data regarding petitions under RSA 169-D.

Amendment adopted.

Committee report adopted and referred to the Committee on Finance.

HB 625-FN, relative to oversight of guardians ad litem by the guardian ad litem board. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Kelleigh D. Murphy for the Majority of Children and Family Law: This bill would have created a full-time administrative position to distribute guardian ad litem performance surveys to parties in a divorce case. While the intent is well-meaning and the committee feels that data on guardian ad litem performance is important, the committee had concerns that parties might be inherently biased and that perhaps judges, attorneys and court staff would be the more appropriate parties to survey. Vote 17-2.

Rep. Jeffrey D. Oligny for the Minority of Children and Family Law: The performance of the guardian ad litem system in New Hampshire is not being monitored. No data exists to demonstrate the favorable performance of ongoing chronic problems. Analyzing performance ensuring that the children of New Hampshire are receiving services is in their best interests.

Majority committee report adopted.

HB 671-FN, restoring state payment of fees for guardians ad litem and attorneys where the parents are indigent. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Cynthia L. Chase for Children and Family Law: This bill restores funding for indigent parents in abuse and neglect cases. This is a critical stage for parents who are in danger of losing their children. The committee believes that parents deserve advice of counsel at this critical stage. The committee voted to support the bill in an effort to insure that a parent's rights to parent their children in these cases is adequately protected. The amendment replaces the bill. The original bill also funded guardians ad litem in marital cases. Vote 19-0.

Amendment (0431h)

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

AN ACT restoring state payment of fees for attorneys in child abuse and neglect cases where the parents are indigent.

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

1 Child Protection Act; Liability of Expenses. Amend RSA 169-C:27, I(f) to read as follows:

(f) ~~[Neither]~~ **Notwithstanding any provision of law to the contrary**, the department ~~[nor the judicial council]~~ shall have ~~[authority]~~ **no responsibility** for the payment of the cost of assigned counsel for any party under this chapter.

2 Adequate Representation Costs. Amend RSA 604-A:1-a to read as follows:

604-A:1-a Neglected or Abused Children. In cases involving a neglected or abused child, when a guardian ad litem is appointed for the child as provided in RSA 169-C:10, the cost of such appointment shall be paid from funds appropriated for indigent defense pursuant to this chapter. ***In cases involving a neglected or abused child, when an attorney is appointed to represent a parent determined to be indigent pursuant to RSA 169-C:10, II, at the preliminary hearing or a hearing pursuant to RSA 169-C:6-a, III, whichever occurs earlier, the cost of such appointment shall be paid from funds appropriated for indigent defense pursuant to this chapter.***

3 Child Protection Act; Preliminary Hearing. Amend RSA 169-C:15, III(a) to read as follows:

(a) Appoint ~~[a CASA or other approved program guardian ad litem or]~~ an attorney ~~[or other qualified guardian ad litem]~~ to represent the child pursuant to RSA 169-C:10.

4 Child Protection Act; Appointment of Counsel. Amend RSA 169-C:10, II(a) to read as follows:

(a) In cases involving a neglected or abused child under this chapter, where the child's expressed interests conflict with the recommendation for dispositional orders of the guardian ad litem, the court may appoint an attorney to represent the interests of the child. ***In any case of neglect or abuse brought pursuant to this chapter, the court shall appoint an attorney to represent an indigent parent alleged to have neglected or abused his or her child. In addition, the court may appoint an attorney to represent an indigent parent not alleged to have neglected or abused his or her child if the parent is a household member and such independent legal representation is necessary to protect the parent's interest. The court shall not appoint an attorney to represent any other persons involved in a case brought under this chapter.***

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

AMENDED ANALYSIS

This bill restores state payment of fees for attorneys in child abuse and neglect cases where the parents are indigent.

Amendment adopted.

Rep. Walz offered floor amendment (0564h).

Floor Amendment (0564h)

Amend the bill by replacing section 3 with the following:

3 Child Protection Act; Preliminary Hearing. Amend RSA 169-C:15, III(a) to read as follows:

(a) Appoint a CASA or other approved program guardian ad litem or an attorney ~~[or other qualified guardian ad litem]~~ to represent the child pursuant to RSA 169-C:10.

Rep. Walz spoke in favor.

Floor amendment (0564h) adopted.

Committee report adopted and referred to the Committee on Finance.

HB 681, relative to the membership, duties, and responsibilities of the guardian ad litem board and establishing the Court Appointed Advocates for Children in Divorce (CAACD) Corporation. **INEXPEDIENT TO LEGISLATE.**

Rep. Deanna S. Rollo for Children and Family Law: This bill revises the membership and duties of the guardian ad litem board. It also transfers administration of the guardian ad litem board from the department of administrative services to the joint board of licensure and certification. The committee felt there were technical and structural problems with adding this to the joint board. Furthermore, the joint board said they do not have the resources. Vote 18-1.

Committee report adopted.

HB 315-FN, relative to liquor commission discounts. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jill S. Hammond for the Majority of Commerce and Consumer Affairs: This legislation would eliminate the current distinction in the discount applicable on purchases of wines by off-premise retail license holders from the liquor commission. Those licensees with wine purchases under \$350,000 annually get at least a 15%-20% discount; larger retailers with annual purchases above that amount receive at least a 10% discount. Allowing all retail licensees the larger discount would have resulted in a revenue decrease to the state liquor commission between \$4.7 million and \$5 million annually over the next four fiscal years. Vote 15-3.

Rep. Laura M. Jones for the Minority of Commerce and Consumer Affairs: This bill would have equalized the wholesale discount rate, on wine, for all retailers. Current law gives smaller retailers a greater percentage discount than larger retailers. The New Hampshire Constitution Part 1, Article 1 states that government is instituted for the general good. In other words, legitimate actions of government must benefit all equally at the time they are taken. Therefore, government should not pick winners and losers. The minority believes that there should be a level playing field for all retailers and that government should not interfere with the operation of the free market by setting different rates.

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

On a division vote, 238 members having voted in the affirmative and 110 in the negative, the majority committee report was adopted.

HB 382-FN, reducing the nonresident fee for obtaining a license for a pistol or a revolver. **INEXPEDIENT TO LEGISLATE.**

Rep. Steve Vaillancourt for Criminal Justice and Public Safety: This bill would reduce the fee for out-of-staters to obtain a pistol permit from \$100 (for four years) to \$20. The bill would cost the state, based on current applications, \$428,880 a year. More than 20 states recognize the New Hampshire permit, so in a sense the fee is a bargain for those applying here. If anything, the committee felt the fee could be increased. For that reason, the committee voted Inexpedient to Legislate on this 80 percent decrease. Vote 17-2.

Rep. Vaillancourt spoke in favor and yielded to questions.

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

YEAS 295 - NAYS 74**YEAS 295****BELKNAP**

Arsenault, Beth
Fink, Charles
Huot, David

Burchell, Richard
Greemore, Robert Jr
Raymond, Ian

DiMartino, Lisa
Gulick, Ruth
Tilton, Franklin

Fields, Dennis
Holmes, Stephen
Vadney, Herbert

CARROLL

Ahlgren, Christopher
Crawford, Karel
Schmidt, Stephen

Buco, Thomas
Lavender, Tom
Ticehurst, Susan

Butler, Edward
Merrow, Harry
Umberger, Karen

Chandler, Gene
Nelson, Bill
White, Syndi

CHESHIRE

Ames, Richard
Chase, Cynthia
Johnson, Jane
Phillips, Larry
Shepardson, Marjorie

Berch, Paul
Eaton, Daniel
Lerandeau, Alfred
Roberts, Kris
Weber, Lucy

Burridge, Delmar
Emerson, Susan
Mann, John
Robertson, Timothy
Weed, Charles

Butynski, William
Johnsen, Gladys
Parkhurst, Henry
Sad, Tara
Young, Harry

COOS

Coulombe, Gary
Rappaport, Laurence

Enman, Larry
Richardson, Herbert

Hammon, Marcia
Theberge, Robert

Moynihan, Wayne
Thomas, Yvonne

GRAFTON

Aguiar, James
Bradley, Lester
Ford, Susan
Ladd, Rick Jr
Mulholland, Catherine
Reilly, Harold Sr
Townsend, Charles

Almy, Susan
Brown, Rebecca
Friedrich, Carol
Lauer, Linda
Nordgren, Sharon
Shackett, Jeffrey
White, Andrew

Bailey, Brad
Cooney, Mary
Harding, Laurie
Lovett, Sid
Pastor, Beatriz
Smith, Suzanne

Benn, Bernard
Doolan, Ralph Jr
Higgins, Patricia
Massimilla, Linda
Piper, Wendy
Sykes, George

HILLSBOROUGH

Backus, Robert
Booras, Efstathia
Cebrowski, John

Beaulieu, Jane
Brown, Pam
Chandley, Shannon

Belanger, James
Campbell, David
Christiansen, Lars

Boisvert, Ronald
Carroll, Douglas
Coffey, James

Connor, Evelyn
DiSilvestro, Linda
Gagne, Larry
Goley, Jeffrey
Haefner, Robert
Harriott-Gathright, Linda
Jasper, Shawn
Knowles, Mary Ann
LeVasseur, Richard
Manley, Jonathan Sr
Nelson, Mary
Rhodes, Brian
Shattuck, Gilman
Spratt, Stephen
Vail, Suzanne
Willette, Robert

Cote, David
Dobson, Jeremy
Gale, Sylvia
Gorman, Mary
Hammond, Jill
Heden, Ruth
Jeudy, Jean
Kopka, Angeline
Levesque, Melanie
Marston, Dick
O'Brien, Michael Sr
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Daniel
Vaillancourt, Steve
Williams, Kermit

Culbert, Patrick
Flanagan, Jack
Gargas, Carolyn
Grady, Brenda
Hansberry, Daniel
Hopper, Gary
Katsiantonis, Thomas
Kurk, Neal
Long, Patrick
McCloskey, David
Pellegrino, Tony
Rowe, Robert
Smith, Timothy
Sullivan, Peter
Villeneuve, Moe
Winters, Joel

Danielson, David
Gage, Ruth
Gidge, Kenneth
Graham, John
Hansen, Peter
Jack, Martin
Kelley, John
Leishman, Peter
MacKay, Mariellen
McNamara, Richard
Porter, Marjorie
Schmidt, Janice
Soucy, Timothy
Takesian, Charlene
Walsh, Robert Jr
Woodbury, David

MERRIMACK

Alicea, Caroletta
Burns, Scott
Ebel, Karen
Gile, Mary
Hunt, Jane
Lockwood, Priscilla
Patten, Dick
Rogers, Katherine
Smith, Todd
Walsh, Thomas IV

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Henle, Paul
Karrick, David Jr
MacKay, James
Ratzki, Mario
Schamberg, Thomas
Tilton, Joy
Walz, Mary Beth

Bartlett, Christy
Carson, Clyde
Frazer, June
Hess, David
Kelly, Sally
Moffett, Howard
Rice, Chip
Schuett, Dianne
Turcotte, Alan
Watrous, Rick

Bouchard, Candace
Davis, Frank
French, Barbara
Hirsch, Geoffrey
Kidder, David
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Wallner, Mary Jane
Webb, Leigh

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Cahill, Michael
Copeland, Timothy
Emerson-Brown, Rebecca
Grace, Curtis
Heffron, Frank
Khan, Aboul
Mann, Maureen
Muns, Chris
Peckham, Michele
Sanders, Elisabeth
St.James, Kevin
Till, Mary
Webb, James Sr

Allen, Mary
Bishop, Franklin
Cali-Pitts, Jacqueline
Cushing, Robert Jr
Fesh, Robert
Griffin, Mary
Helmstetter, Barbara
Lovejoy, Patricia
McMahon, Charles
O'Connor, John
Perkins, Amy
Scarlotta, Joe
Sweeney, Joe
Tucker, Pamela
Whittemore, Lisa

Andrews-Ahearn, E. Elaine
Borden, David
Charron, Gene
DeSimone, Debra
Flockhart, Eileen
Hagan, Joseph
Hoelzel, Kathleen
Lundgren, David
Milz, David
Packard, Sherman
Perkins, Lawrence
Schlachman, Donna
Sytek, John
Waterhouse, Kevin

Belanger, Ronald
Briden, Steven
Chirichiello, Brian
Elliott, Robert
Friel, William
Hayes, Jack
Kappler, Lawrence
Major, Norman
Moody, Marcia
Pantelakos, Laura
Priestley, Anne
Sherman, Thomas
Thompson, David
Wazlaw, Brian

STRAFFORD

Baber, William
Burdwood, Greg
Grassie, Anne
Horrigan, Timothy
Malloy, Dennis
Perry, Robert
Schmidt, Peter
Verschuereen, James

Beaudoin, Steven
Burke, Rachel
Gray, James
Hubbard, Pamela
Menear, H. Robert III
Pitre, Joseph
Smith, Marjorie
Wall, Janet

Berube, Roger
Gardner, Janice
Grossman, Kenneth
Kaen, Naida
Miller, David
Rogers, Rose Marie
Spang, Judith
Ward, Kenneth

Bixby, Peter
Ginsburg, Philip
Hooper, Dorothea
Ketel, Stephen
Parsons, Robbie
Rollo, Deanna
Stevens, Audrey

SULLIVAN

Cloutier, John
Irwin, Virginia
Schmidt, Andrew

Gagnon, Raymond
Lefebvre, Benjamin
Smith, Steven

Gottling, Suzanne
O'Hearne, Andrew
Sweeney, Cynthia

Grenier, James
Rollins, Skip
Tanner, Linda

NAYS 74

BELKNAP

Comtois, Guy
Worsman, Colette

Cormier, Jane

Luther, Robert

Sylvia, Michael

CARROLL

Cordelli, Glenn

McConkey, Mark

Wright, Donald

CHESHIRE

Hunt, John

COOS

Rideout, Leon

GRAFTON

Gionet, Edmond

HILLSBOROUGH

Boehm, Ralph
Garcia, Michael
Lambert, George
Meaney, Richard
Notter, Jeanine
Ober, Russell III
Pratt, Calvin
Straight, Philip
Warden, Mark

Burt, John
Hikel, John
LeBrun, Donald
Murotake, David
O'Brien, William
Palmer, Stephen
Renzullo, Andrew
Stroud, Kathleen

Byron, Frank
Hinch, Richard
Martel, Andre
Murphy, Keith
O'Flaherty, Tim
Parison, James
Sanborn, Laurie
Sweeney, Shawn

Daniels, Gary
Infantine, William
McCarthy, Michael
Murphy, Kelleigh
Ober, Lynne
Peterson, Lenette
Sandblade, Emily
Ulery, Jordan

MERRIMACK

Hoell, J.R.

McGuire, Carol

Reed, Dennis

ROCKINGHAM

Baldasaro, Alfred
Devine, James
Ferrante, Beverly
Hodgdon, Bruce
Rice, Frederick
Tamburello, Daniel

Bick, Patrick
Duarte, Joe
Garcia, Marilinda
Itse, Daniel
Sapareto, Frank
Tasker, Kyle

Comerford, Timothy
Dumaine, Dudley
Gordon, Richard
Kolodziej, Walter
Schroadter, Adam
Tremblay, Stella

Danaïs, Romeo
Emerick, J. Tracy
Harris, Jeffrey
McKinney, Betsy
Sedensky, John
Weyler, Kenneth

STRAFFORD

Groen, Warren

Jones, Laura

Mullen, John Jr

SULLIVAN

None

and the committee report was adopted.

HB 299-FN, relative to tuition payments for chartered public school pupils. **OUGHT TO PASS.**

Rep. Ralph G. Boehm for Education: This bill amends RSA 198:42 IV to read the same as it did prior to 2011. This law was changed in 2011 and had the undesired effect to stop future funding of new charter schools. Discussions with the attorney general's office stated that returning the law back to its original language would allow the board of education to remove the moratorium on new charter schools. The current moratorium may also cause the loss of federal grant money for new charter schools. Vote 11-8.

Committee report adopted and referred to the Committee on Finance.

HB 570-FN, relative to school building aid grant eligibility for the White Mountain Regional school district. **OUGHT TO PASS.**

Rep. Rick M. Ladd for Education: White Mountains Regional School District's Career and Technical Center (vocational education) is due to receive state aid in FY 14. Most often, when a CTE renovation project is awarded, it makes sense to do other needed work on the high school portion of the facility at the same time; however, funding for the high school portion of the project involves a separate funding source from school building aid. Originally, the CTE project (75% funding) was scheduled for the 2012 – 2013 biennium. Due to other state CTE projects, the White Mountains Regional Career and Technical Center renovation project was bumped into the 2014 – 2015 biennium. In accordance with HB 2, Chapter 224, 2011 session, adopted legislation directed the commissioner of education not to issue building aid or alternative school building aid for any project approved on or after June 30, 2011 through June 30, 2013. This period of time is commonly known as the school building aid moratorium. The moratorium was enacted due to existing state approved school building aid debt equaling \$540,000,000. During the moratorium period, RSA 198:15 was significantly changed in order to insure that funding for future building aid grants would be appropriated by the general court. Beginning on July 1, 2013, the capped amount is not to exceed \$50M annually. The new procedure also requires school construction and renovation grants to address certain criteria and conditions and grants will be prioritized by a process involving DOE and the state building authority with the state board approving and notifying recipients by January 15, 2014 of this school year. The moratorium period did provide an exception to receive building aid if a building or portion thereof constituted a clear and imminent danger to the life or safety of occupants or other persons, and required remediation prior to July 1, 2013. Although White Mountains Regional High School does have concerns, the district did not submit a renovation grant under this provision. No request was submitted to DOE. Due to the CTE grant falling into the timeframe of the school building aid moratorium and due to the original CTE grant scheduling change, White Mountains Regional High School is requesting an exemption from the moratorium and asking that the school district obtain legislative

approval to submit a building aid grant application based upon the “old” funding formula that preceded the moratorium. Under the previous formula, applications were not rated upon the new application conditions, i.e., safety, grounds, educational program support, instructional areas, specialized spaces, administrative spaces, etc. The previous system did not require prioritization, and funding was supported through borrowing and issuing bonds which led to the \$540M debt. The funding process proposed in this bill for White Mountains Regional School District raises policy issues associated with requirements of the new prioritized grant system. There is also the question of the CTE grant being delayed that led the district into the moratorium phase and a subsequent new building aid prioritization system. The education policy committee requests that this matter be given further consideration for fiscal issues. The education committee discussed the matter that funding for this project may not fall within the remaining \$6.2M available within the \$50M capped amount following the deduction of the \$43.8M payment that must be allocated to obligated debt from past projects. Current statute requires that the available \$6.2M or thereabouts will be used to fund top priority projects (safety), etc., and once awarded, 80% of approved funding will be received by recipients with the remaining 20% project grant received upon project completion. The past alternative funding formula requested by White Mountains School District will revert to the old system of spreading payments over future years, and possibly require a separate appropriation. For these financial decisions, the education policy committee recommended OTP in order to expedite the bill to the proper committee for review of financial considerations. Vote 16-2.

Rep. Lynne Ober spoke against.

Rep. Ladd spoke in favor.

On a division vote, 198 members having voted in the affirmative and 146 in the negative, the committee report was adopted and referred to the Committee on Finance.

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

HB 615-FN-A, relative to the New Hampshire national guard recruitment and retention scholarship fund and making an appropriation therefor. **OUGHT TO PASS.**

Rep. Mel Myler for Education: In reviewing this bill, the committee recognizes the important and essential service our national guard performs in meeting the needs of our nation. The state national guard performs a vital military function protecting all. To provide a marginal scholarship fund for those who volunteered their lives, is the least the state of New Hampshire can do in recognition of this service. Vote 18-0.

Committee report adopted and referred to the Committee on Finance.

HB 632-A, establishing the position of state advisor of the FFA in the department of agriculture, markets, and food. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Tara A. Sad for the Majority of Environment and Agriculture: This bill would appropriate \$20,000 per year over the biennium to the department of agriculture, markets and food for funding of the state FFA (formerly Future Farmers of America) Advisor. For over sixty years, the FFA has been training agricultural professionals and leaders, including the hundreds currently active in the program who will become our state's new generation of farmers. The committee understands that all appropriations for the upcoming biennium need to be addressed in HB1 (the appropriations bill) and not in standalone bills such as this, and therefore reluctantly recommends ITL. However, the committee strongly urges the Finance Committee, during its budget negotiations, to approve this miniscule appropriation request for this essential program that ensures the future of New Hampshire agriculture. Vote 11-7.

Rep. Robert H. Haefner for the Minority of Environment and Agriculture: While the minority of the committee on environment and agriculture understands and even supports the majority, that a bill that adds \$20,000 per year outside of the budget is going nowhere, the minority cannot allow the NH house agriculture committee to ITL a bill that supports a state coordinator for the FFA (formerly the Future Farmers of America) without raising a flag. New Hampshire agriculture is important to this state economically, with 4,166 farms which are responsible for our open space and rural culture. The FFA builds mature, disciplined and confident young adults that are the future of NH agriculture. The statewide coordinator is critically important to the success of the organization – coordinating between the sixteen state chapters and the national organization. Without this position, FFA would be unable to function. This was a funded position for years with the department of education until it was defunded a couple of years ago. If we lose FFA, we have lost a treasure of our state and jeopardize the future of New Hampshire Agriculture.

Majority committee report adopted.

HB 669-FN-L, relative to nonpayment of property taxes on current use land. **INEXPEDIENT TO LEGISLATE.**

Rep. Michele S. Peckham for Environment and Agriculture: Although the committee felt that the motivations of the bill's sponsor were well intended, the committee found that the penalty for non-payment of property taxes, which was the loss of current use status for a landowner, was too harsh a penalty and did more harm to towns than benefit. Vote 15-2.

Committee report adopted.

HB 445-FN-L, allowing public employers in the state to buy into the state health insurance plan. **INEXPEDIENT TO LEGISLATE.**

Rep. Raymond G. Gagnon for Executive Departments and Administration: While the committee appreciates the intent of the sponsor to broaden the insurance pool, the committee found the bill to be confusing, with potential unintended consequences. The committee's concern was that this bill could dramatically increase administrative costs and overwhelm the department of administrative services. The committee was also concerned about the potential for driving up costs for existing pool members. Vote 15-3.

Committee report adopted.

HB 654-FN, relative to licensure and renewal fees. **OUGHT TO PASS.**

Rep. Carol M. McGuire for Executive Departments and Administration: This bill sets in statute, rather than in rules, the licensing fees for a number of small boards and relieves the boards of the obligation to have the fees sum to 125% of their budget. The study committee on fees in rules (2012) learned that boards are reluctant to change their fees often enough to remain at that level and as a result they average over 160% of their budget. HB 654 sets all the licensing fees to \$100, which approximates 125%, and will also make it easier for the soon to be consolidated staff to administer. In the future, these fees can be reviewed as part of the budget cycle and adjusted along with the boards' budgets. Vote 15-3.

Committee report adopted and referred to the Committee on Ways and Means.

HB 199, relative to expenditures from the fish and game search and rescue fund. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Jonathan F. Manley for the Majority of Fish and Game and Marine Resources: This bill is overly restrictive to the fish and game department. This bill would have limited fish and game from expending funds from the search and rescue fund to their officers for search and rescue operations. The bill's prime sponsor offered testimony and an amendment to scrap this bill and create an entirely new bill. The committee felt that if the sponsor wished to create an entirely new bill then that could be done for next year. Vote 12-2.

Rep. John A. Burt for the Minority of Fish and Game and Marine Resources: This bill was prompted by an analysis of the quarterly reports of the search and rescue fund. It was noted that there seemed to be a minimum charge against the fund of 125 regular hours of fish and game officers whether there were 3 rescues or 20. If the number of rescues went above 20 then the regular hours increased proportionally. This caused the sponsor to think that there were some inappropriate charges against the fund leading to its deficit. The sponsor, in an attempt to make the search and rescue process more efficient and self supporting, sought to replace the original bill with an amendment that would require fish and game to explore placing a chip in a hiker registration card. This card would not be required but could be purchased voluntarily. The chip would enable fish and game, given the name of the card holder, to pinpoint the hiker's location in the event of a report that the hiker was overdue. This would utilize technology with surveillance satellites or aircraft transponders. The sale of the cards would provide funds to the search and rescue fund. The committee did not consider the amendment. Either concept presented seemed worthy of consideration to deal with the consistent problem of shortages in the search and rescue fund.

Majority committee report adopted.

HB 259-FN, relative to special licenses for taking lobster while engaged in recreational scuba diving. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John A. Burt for Fish and Game and Marine Resources: This same bill passed the committee last year unanimously and passed the House on the consent calendar before heading to the Senate. This bill provides license availability, on a 2 year pilot program basis, to certified scuba divers for the taking of legally-sized lobster during the month of September only. The majority of the committee felt that all residents, including divers, should have access to a state resource. The pilot program will allow data to be collected that will prove invaluable to conservation in managing this resource. No testimony was heard that indicated that the diver's limited access would affect the lobster population density in a recognizable fashion. If passed, we would join every other state on the East Coast (except Maine) to allow scuba diving for lobster. Vote 8-6.

Amendment (0386h)

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

3 Scuba Diver Lobster License Removed; 2016. Amend RSA 211:18, III(a) to read as follows:

(a) If a person is a resident of this state and does not take lobsters or crabs for the purpose of sale and does not use more than 5 traps, the person may receive a recreational lobster and crab license. ~~[A person receiving a recreational lobster and crab license may not also receive the scuba diver lobster license under paragraph III-c.]~~

4 Repeal; 2016. RSA 211:18, III-c, relative to special scuba diver lobster licenses, is repealed.

5 Effective Date.

I. Sections 3 and 4 of this act shall take effect January 1, 2016.

II. The remainder of this act shall take effect January 1, 2014.

AMENDED ANALYSIS

This bill allows the fish and game department to issue special scuba diver lobster licenses for noncommercial taking of lobsters while engaged in recreational scuba diving. The authority to issue the special scuba diver lobster licenses is repealed January 1, 2016.

Amendment adopted.

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

Rep. Duarte spoke in favor and yielded to questions.

Rep. Burt requested a roll call; sufficiently seconded.

YEAS 303 - NAYS 66

YEAS 303

BELKNAP

Arsenault, Beth
Fields, Dennis
Holmes, Stephen
Sylvia, Michael

Burchell, Richard
Fink, Charles
Huot, David
Tilton, Franklin

Comtois, Guy
Greemore, Robert Jr
Luther, Robert
Vadney, Herbert

Cormier, Jane
Gulick, Ruth
Raymond, Ian
Worsman, Colette

CARROLL

Ahlgren, Christopher
Lavender, Tom
Ticehurst, Susan

Butler, Edward
McConkey, Mark
Umberger, Karen

Cordelli, Glenn
Merrow, Harry
White, Syndi

Crawford, Karel
Schmidt, Stephen
Wright, Donald

CHESHIRE

Ames, Richard
Eaton, Daniel
Mann, John
Shepardson, Marjorie

Berch, Paul
Emerson, Susan
Phillips, Larry
Young, Harry

Burridge, Delmar
Hunt, John
Roberts, Kris

Chase, Cynthia
Johnsen, Gladys
Robertson, Timothy

COOS

Enman, Larry
Rideout, Leon

Hammon, Marcia
Theberge, Robert

Moynihan, Wayne
Thomas, Yvonne

Rappaport, Laurence

GRAFTON

Bailey, Brad
Cooney, Mary
Gionet, Edmond
Massimilla, Linda
Shackett, Jeffrey

Benn, Bernard
Doolan, Ralph Jr
Higgins, Patricia
Nordgren, Sharon
Smith, Suzanne

Bradley, Lester
Ford, Susan
Lauer, Linda
Pastor, Beatriz
Townsend, Charles

Brown, Rebecca
Friedrich, Carol
Lovett, Sid
Reilly, Harold Sr
White, Andrew

HILLSBOROUGH

Backus, Robert
Brown, Pam
Carroll, Douglas
Coffey, James
Daniels, Gary
Flanagan, Jack
Gargas, Carolyn
Hansberry, Daniel
Hinch, Richard
Katsiantonis, George
Kurk, Neal
LeVasseur, Richard
Marston, Dick
McNamara, Richard
Murphy, Kelleigh
O'Brien, William
Palmer, Stephen
Porter, Marjorie
Rhodes, Brian
Sandblade, Emily
Smith, Timothy
Sullivan, Daniel
Vaillancourt, Steve
Winters, Joel

Belanger, James
Burt, John
Cebrowski, John
Connor, Evelyn
Danielson, David
Gage, Ruth
Goley, Jeffrey
Hansen, Peter
Infantine, William
Katsiantonis, Thomas
Lambert, George
Levesque, Melanie
Martel, Andre
Meaney, Richard
Nelson, Mary
O'Flaherty, Tim
Parison, James
Pratt, Calvin
Rokas, Ted
Schmidt, Janice
Soucy, Timothy
Sweeney, Shawn
Villeneuve, Moe
Woodbury, David

Boehm, Ralph
Byron, Frank
Chandley, Shannon
Cote, David
DiSilvestro, Linda
Gagne, Larry
Grady, Brenda
Harriott-Gathright, Linda
Jack, Martin
Kelley, John
LeBrun, Donald
Long, Patrick
McCarthy, Michael
Murotake, David
Notter, Jeanine
Ober, Lynne
Pellegrino, Tony
Ramsey, Peter
Rosenwald, Cindy
Shattuck, Gilman
Straight, Philip
Ulery, Jordan
Warden, Mark

Boisvert, Ronald
Campbell, David
Christiansen, Lars
Culbert, Patrick
Dobson, Jeremy
Gale, Sylvia
Haefner, Robert
Hikel, John
Judy, Jean
Knowles, Mary Ann
Leishman, Peter
MacKay, Mariellen
McCloskey, David
Murphy, Keith
O'Brien, Michael Sr
Ober, Russell III
Peterson, Lenette
Renzullo, Andrew
Sarnorn, Laurie
Shaw, Barbara
Stroud, Kathleen
Vail, Suzanne
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Burns, Scott

Andrews, Christopher
Carey, Lorrie

Bartlett, Christy
Carson, Clyde

Bouchard, Candace
Ebel, Karen

Frambach, Mary
Henle, Paul
Hunt, Jane
MacKay, James
Myler, Mel
Shurtleff, Stephen
Wallner, Mary Jane
Webb, Leigh

Frazer, June
Hess, David
Karrick, David Jr
McGuire, Carol
Ratzki, Mario
Smith, Todd
Walsh, Thomas IV

French, Barbara
Hirsch, Geoffrey
Kidder, David
McGuire, Dan
Richardson, Gary
Tilton, Joy
Walz, Mary Beth

Gile, Mary
Hoell, J.R.
Lockwood, Priscilla
Moffett, Howard
Schamberg, Thomas
Turcotte, Alan
Watrous, Rick

ROCKINGHAM

Abrami, Patrick
Bick, Patrick
Cali-Pitts, Jacqueline
Danaïs, Romeo
Dumaine, Dudley
Fesh, Robert
Gordon, Richard
Harris, Jeffrey
Hodgdon, Bruce
Kolodziej, Walter
Mann, Maureen
Packard, Sherman
Sapareto, Frank
St.James, Kevin
Thompson, David
Waterhouse, Kevin

Allen, Mary
Birdsell, Regina
Charron, Gene
DeSimone, Debra
Elliott, Robert
Flockhart, Eileen
Grace, Curtis
Hayes, Jack
Hoelzel, Kathleen
Lovejoy, Patricia
McMahon, Charles
Peckham, Michele
Schlachman, Donna
Sweeney, Joe
Till, Mary
Wazlaw, Brian

Andrews-Ahearn, E. Elaine
Briden, Steven
Comerford, Timothy
Devine, James
Emerson-Brown, Rebecca
Friel, William
Griffin, Mary
Heffron, Frank
Itse, Daniel
Lundgren, David
Milz, David
Priestley, Anne
Schroadter, Adam
Tamburello, Daniel
Tremblay, Stella
Weyler, Kenneth

Baldasaro, Alfred
Cahill, Michael
Copeland, Timothy
Duarte, Joe
Ferrante, Beverly
Garcia, Marilinda
Hagan, Joseph
Helmstetter, Barbara
Kappler, Lawrence
Major, Norman
O'Connor, John
Rice, Frederick
Sedensky, John
Tasker, Kyle
Tucker, Pamela
Whittemore, Lisa

STRAFFORD

Beaudoin, Steven
Burdwood, Greg
Grassie, Anne
Hubbard, Pamela
Menear, H. Robert III
Pitre, Joseph
Smith, Marjorie
Wall, Janet

Berube, Roger
Burke, Rachel
Gray, James
Jones, Laura
Mullen, John Jr
Rogers, Rose Marie
Spang, Judith

Bickford, David
Gardner, Janice
Groen, Warren
Kaen, Naida
Parsons, Robbie
Rollo, Deanna
Stevens, Audrey

Bixby, Peter
Ginsburg, Philip
Grossman, Kenneth
Malloy, Dennis
Perry, Robert
Schmidt, Peter
Verschueren, James

SULLIVAN

Cloutier, John
Lefebvre, Benjamin
Smith, Steven

Gottling, Suzanne
O'Hearne, Andrew
Tanner, Linda

Grenier, James
Rollins, Skip

Irwin, Virginia
Schmidt, Andrew

NAYS 66 BELKNAP

DiMartino, Lisa

CARROLL

Nelson, Bill

CHESHIRE

Parkhurst, Henry

Sad, Tara

COOS

Hatch, William

Richardson, Herbert

GRAFTON

Aguiar, James
Mulholland, Catherine

Almy, Susan
Piper, Wendy

Harding, Laurie
Sykes, George

Ladd, Rick Jr

HILLSBOROUGH

Beaulieu, Jane
Gorman, Mary
Jasper, Shawn
Spratt, Stephen
Willette, Robert

Booras, Efstathia
Graham, John
Kopka, Angeline
Sullivan, Peter

Garcia, Michael
Hammond, Jill
Manley, Jonathan Sr
Takesian, Charlene

Gidge, Kenneth
Heden, Ruth
Rowe, Robert
Walsh, Robert Jr

MERRIMACK

Davis, Frank
Rice, Chip

Kelly, Sally
Rogers, Katherine

Patten, Dick
Schuett, Dianne

Reed, Dennis

ROCKINGHAM

Bishop, Franklin
Khan, Aboul
Pantelakos, Laura
Scarlotta, Joe

Borden, David
McKinney, Betsy
Perkins, Amy
Sherman, Thomas

Cushing, Robert Jr
Moody, Marcia
Perkins, Lawrence
Sytek, John

Emerick, J. Tracy
Muns, Chris
Sanders, Elisabeth
Webb, James Sr

STRAFFORD

Baber, William
Miller, David

Hooper, Dorothea

Horrigan, Timothy

Ketel, Stephen

SULLIVAN

Gagnon, Raymond

Sweeney, Cynthia

and the committee report was adopted and referred to the Committee on Ways and Means.

HB 316-FN, relative to regulating alkaline hydrolysis for the disposal of human remains. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard E. Meaney for Health, Human Services and Elderly Affairs: This bill establishes alkaline hydrolysis as a legal procedure for the disposal of human remains. Alkaline hydrolysis is a procedure whereby human remains are reduced to bone fragments by a solution of water and potassium hydroxide. Alkaline hydrolysis is more energy efficient than cremation, produces less CO₂ than cremation and has no vaporized mercury emissions. Alkaline hydrolysis ensures complete destruction of infectious agents and produces sterile effluent that will not harm the public. This eco-friendly alternative to traditional cremation is less expensive than traditional burial. Passage of this bill provides families with an alternative to the traditional methods of cremation and burial for the disposal of the remains of loved ones. Vote 15-2.

Amendment (0344h)

Amend RSA 325-B:1, I as inserted by section 1 of the bill by replacing it with the following:

I. "Alkaline hydrolysis" means the technical process that reduces human remains to bone fragments by use of an American Society of Mechanical Engineers (ASME) certified pressure vessel that operates above atmospheric pressure using the parameters of heat, time, and solution sufficient to achieve complete dissolution of all tissue remains.

Amend RSA 325-B:1, XIV as inserted by section 1 of the bill by replacing it with the following:

XIV. "Leak proof pouch" means a plastic, vinyl, protein-based, or similar material bag that is made specifically for the containment of human remains.

Amendment adopted.

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

Reps. Bill Nelson, Kappler and LeBrun spoke against.

Rep. Harding spoke in favor.

Rep. Vaillancourt spoke in favor and yielded to questions.

On a division vote, 257 members having voted in the affirmative and 113 in the negative, the committee report was adopted and referred to the Committee on Executive Departments and Administration.

HB 652-FN, relative to the judicial branch information technology fund. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Joseph M. Hagan for the Majority of Judiciary: State law authorizes seven percent (7%) of filing fees for the supreme court, family court, superior court, district court and probate court be paid into a special escrow account for the benefit of the state. This bill allows increasing the contribution from this account from 14% to 30% for maintaining judicial branch information technology. This will be paid for by slight increases in fees by the users of court services and not impacting taxpayers at large. Vote 12-6.

Rep. Robert H. Rowe for the Minority of Judiciary: Maintaining the judicial branch technology equipment is important if we desire to move forward with electronic court. We are years behind other states in this regard. However, in supporting this effort the minority believes the increased costs should not be placed on the users. Additional funding should come from the court budget and the general fund rather than paid by user fees and surcharges. If anything, filing fees should be reduced, but the legislature has no control over this; fees are strictly set by court rules. Sooner than later the filing fees and other court imposed charges will discourage the adjudication of disputes by citizens. Sooner or later the user fees will be of a magnitude to be in violation of Part 1, Article 14, of the New Hampshire Constitution.

Majority committee report adopted and referred to the Committee on Ways and Means.

HJR 2-FN-A, making restitution to Jeffery Frost for inappropriate prosecution. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter M. Sullivan for Judiciary: The committee takes no stance on the merits of Jeffrey Frost's claim. Our objection to HJR 2 is based on our learning that Mr. Frost chose to initiate litigation in Superior Court. This is the appropriate forum. The House is not equipped to offer findings of fact or rulings of law in a civil

tort case. Further, passing HJR 2 would set a dangerous precedent. A flood of aggrieved litigants seeking financial compensation through the legislative process would overwhelm the House staff and undermine the authority of the courts. Vote 19-0.

Committee report adopted.

MOTION TO REMOVE FROM THE TABLE

Rep. Rowe moved that **HB 590**, relative to the unauthorized practice of law, be removed from the table.

Adopted.

Rep. Rowe moved Recommit and spoke in favor.

Rep. Marjorie Smith spoke in favor.

Adopted.

Recommitted to the Committee on Judiciary.

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

The House recessed at 12:01 p.m.

RECESS

The House reconvened at 1:05 p.m.

(Speaker Norelli in the Chair)

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly Enrolled Senate Bill numbered 115.

Rep. Shurtleff, Sen. Prescott for the Committee

REGULAR CALENDAR – PART I (CONT'D)

HB 617-FN-A-L, increasing the rate of the road toll, increasing the vehicle registration fee, and establishing the New Hampshire state and municipal road and bridge account. **OUGHT TO PASS WITH AMENDMENT.** Rep. David B. Campbell for Public Works and Highways: New Hampshire's state and municipal roads and bridges are in terrible condition. The problem is getting worse and more expensive each year. The unanimous, bi-partisan 18-0 endorsement of HB 617 by the committee is an acknowledgment that the only way to begin to correct the problem is by properly funding the repairs of our crumbling infrastructure. Only money, not words and not ideology, will fix roads and bridges. For the last 22 years, consecutive Legislatures have neglected this problem by declaring the state and its taxpayers could not afford to raise the road toll. The fact is we can't afford not to. New Hampshire's highway system is its economic life blood, supporting commerce, tourism and our everyday lives. Today, by not properly funding or maintaining NH's roads and bridges, we face an infrastructure crisis, that is on its way to becoming a catastrophe. How big is the crisis?: 1) Interstate 93 widening (the main transportation artery into NH) is \$250 million underfunded. Without new revenue it will not be completed. 2) 1661 miles of state roads are currently rated in poor condition, needing major work, (ballooning from 630 miles of poor roads in 2000), which account for over one-third (36%) of NH's 4500 miles of state roads; ranking NH 9th worst nationally in rural roads. Without new revenue the miles of state roads in poor condition will continue to increase, as will the cost to repair them...exponentially. 3) There are currently 140 red list state bridges, and without new revenue that number will grow to 174 by 2016, and over 200 by 2020. The state's number one red list bridge (Sarah Mildred Long Bridge connecting Portsmouth to Kittery, ME) will cost NH \$85 million and is unfunded. 4) NH's towns & cities are in worse shape with 353 red list bridges and 10 -12 being closed per year. Their roads continue to deteriorate and with dwindling state highway and bridge aid, must rely on property taxes to fix problems that are too big for local property taxpayers to bear. HB 617 addresses these problems over a ten year horizon. It raises the road toll (gas tax) by 4 cents per gallon of gasoline in each of the following three fiscal years and 3 cents per gallon in the fourth fiscal year for a total of 15 cents by FY 2017. This user fee was last raised in 1991 to 18 cents/gallon when gasoline was \$1.13 per gallon. During the 4 years Judd Gregg was governor it was raised twice (28%). NH has the lowest gas tax in the Northeast and second lowest across the nation's "Frostbelt." Importantly, it sets up a separate protected fund, within the already constitutionally protected highway fund, to ensure that EVERY PENNY of the increase will be used to fund the maintenance, construction and reconstruction of NH's state and municipal roads and bridges. It increases the road toll for diesel fuel by 2.5 cents per year for 6 years for a total of 15 cents by FY 2019. The committee did this to spread out the cost for the trucking industry, but because heavy trucks do more damage to roads and bridges, and that NH diesel tax is the lowest in the northeast, they too must help to pay to fix the bridges and roads they rely on for their livelihood. This increase in the road toll will raise just under one billion dollars over the next ten years. It will raise almost \$800 million dollars for the NH DOT to finish I-93 and reduce the number of state red list bridges and state roads in poor condition. It will significantly help towns and cities fix their roads and bridges by raising over \$200 million dollars more in municipal aid (a 70% increase). HB 617, as amended: 1) increases municipal block grant Aid by over \$13 million/yr. (46% more), 2) doubles the annual state bridge aid for municipalities from \$6.8 million/yr. to \$13.6 million/yr. to help fix their red list bridges, 3) doubles the annual state highway aid for municipalities from

\$1.7 million/yr. to \$3.4 million dollars/yr., and 4) eliminates the one year delay from when municipal block grant aid is raised and sent to municipalities. Once this 15 cent increase is fully phased-in and IF every penny passes through to the consumer (which testimony indicates it will not), the average NH driver (12,000 miles/yr at 22.6 MPG) will pay \$79 more per year. Compare this number to the recent study by TRIP indicating the average NH driver now pays annually \$323 in added automobile repairs (up from \$259 four years ago). This bill will have a direct economic impact by creating over 1,000 new jobs and means hundreds of millions of dollars of construction within NH and it will put NH back on an 8-10 year repaving cycle, thereby saving taxpayer millions of dollars. The amendment eliminated the increase in the registration fee and spread a 15 cent increase over 4 years for gasoline and 6 years for diesel. It also added weight restricted bridges and unnumbered state highways as priorities to help rural and North Country roads. NH's present and future taxpayers, the driving public, the State's tourism industry and overall economy cannot afford to further delay raising sufficient funds to properly fix the state and municipal roads and bridges. Vote 18-0.

Amendment (0489h)

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

AN ACT increasing the rate of the road toll and establishing the New Hampshire state and municipal road and bridge account.

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

1 New Subparagraph; Application of Receipts. Amend RSA 6:12, I(b) by inserting after subparagraph (310) the following new subparagraph:

(311) Moneys deposited in the New Hampshire state and municipal road and bridge account established under RSA 260:32-a.

2 Levy of Tolls and Exemptions. Amend the introductory paragraph of RSA 260:32 to read as follows:

260:32 Levy of Tolls and Exemptions. There is hereby imposed a road toll of \$.18 per gallon upon the sale of each gallon of motor fuel sold by distributors thereof. ***The road toll on gasoline shall increase to \$.22 per gallon beginning July 1, 2013; to \$.26 per gallon beginning July 1, 2014; to \$.30 per gallon beginning July 1, 2015; and to \$.33 per gallon beginning July 1, 2016. The road toll on special fuel (diesel) shall increase to \$.205 per gallon on July 1, 2013; to \$.23 per gallon on July 1, 2014; to \$.255 per gallon on July 1, 2015; to \$.28 per gallon on July 1, 2016; to \$.305 per gallon on July 1, 2017; and to \$.33 per gallon on July 1, 2018.*** The road toll shall be collected by the distributor from the purchaser and remitted to the state in the manner hereinafter set forth. ***All amounts collected in excess of \$.18 per gallon shall be deposited on a monthly basis into the New Hampshire state and municipal road and bridge account established in RSA 260:32-a.*** Provided, that the road toll shall not apply to:

3 New Section; Account Established. Amend RSA 260 by inserting after section 32 the following new section:

260:32-a Account Established. There is hereby established a separate account in the highway fund called the New Hampshire state and municipal road and bridge account. The account is to be used exclusively for the construction, reconstruction, and maintenance of state and municipal roads and bridges, including weight-restricted bridges and unnumbered roads owned by the state, to improve safe travel for motorists, create jobs, and promote commerce, tourism, and economic growth in the state. The account shall consist of the funds attributable to all road toll revenue collected in excess of \$.18 per gallon, net of any block grant aid apportionment pursuant to RSA 235:23, I. The amount deposited into the New Hampshire road and bridge account is hereby exclusively and continually appropriated to the department of transportation and shall be nonlapsing.

4 Block Grant Aid; Apportionment. Amend RSA 235:23, I to read as follows:

I. Apportionment A. In each fiscal year, the commissioner shall allocate an amount not less than 12 ***percent*** of the ***estimated*** total road toll revenue and motor vehicle fees ***to be*** collected ~~[in the preceding]~~ ***during the*** fiscal year to a local highway aid fund. This fund shall be distributed to each city, town, and unincorporated place on a formula in which 1/2 of the amount is based on the proportion which the mileage of regularly maintained class IV and class V highways in each municipality, as of January 1 of the previous year, bears to the total of such mileage in the state; and 1/2 of the amount is based on the proportion which the office of energy and planning population estimate of each municipality bears to the latest estimate of the total population of the state as of July 1 of the year of the estimate. ***Since the payment is based upon estimated revenues to be received during the fiscal year, the following year's payment shall be adjusted for any overpayment or underpayment during the prior year based upon the actual audited total road toll revenues and motor vehicle fees collected.*** The aid to be distributed under this paragraph shall be in addition to all other state and federal aid specifically authorized by statute.

5 New Section; State Bridge Aid; State Highway Aid. Amend RSA 234 by inserting after section 4 the following new section:

234:4-a State Bridge Aid. Beginning in fiscal year 2016, the state allocation under this chapter to municipalities for state bridge aid shall be no less than \$13,600,000 per year.

6 New Section; Federal and State Highway Aid; State Highway Aid. Amend RSA 235 by inserting after section 15 the following new section:

235:15-a State Highway Aid. Beginning in fiscal year 2016, the state allocation under this chapter to municipalities for state highway aid shall be no less than \$3,400,000 per year.

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

AMENDED ANALYSIS

This bill:

I. Establishes the New Hampshire state and municipal road and bridge account.

II. Increases the road toll for gasoline and diesel fuel.

III. Provides for adjustment in payments by the department of transportation to municipalities for highway construction and reconstruction aid when such payments are based on estimated revenue.

Amendment adopted.

MOTION TO LAY ON THE TABLE

Rep. Itse moved that **HB 617-FN-A-L**, increasing the rate of the road toll, increasing the vehicle registration fee, and establishing the New Hampshire state and municipal road and bridge account, be laid on the table. Rep. Carol McGuire requested a roll call; sufficiently seconded.

YEAS 126 - NAYS 207

YEAS 126 BELKNAP

Comtois, Guy
Greemore, Robert Jr
Vadney, Herbert

Cormier, Jane
Holmes, Stephen
Worsman, Colette

Fields, Dennis
Luther, Robert

Fink, Charles
Sylvia, Michael

CARROLL

Ahlgren, Christopher
Morrow, Harry

Chandler, Gene
Nelson, Bill

Cordelli, Glenn

Crawford, Karel

CHESHIRE

Johnson, Jane

COOS

Rappaport, Laurence

Rideout, Leon

Thomas, Yvonne

GRAFTON

Bailey, Brad

Bradley, Lester

Ladd, Rick Jr

Reilly, Harold Sr

HILLSBOROUGH

Boehm, Ralph
Daniels, Gary
Gargas, Carolyn
Hinch, Richard
Lambert, George
Meaney, Richard
Notter, Jeanine
Ober, Russell III
Peterson, Lenette
Sanborn, Laurie
Sweeney, Shawn
Willette, Robert

Burt, John
Flanagan, Jack
Haefner, Robert
Hopper, Gary
LeVasseur, Richard
Murotake, David
O'Brien, William
Palmer, Stephen
Pratt, Calvin
Sandblade, Emily
Vaillancourt, Steve

Byron, Frank
Gagne, Larry
Hansen, Peter
Infantine, William
Marston, Dick
Murphy, Keith
O'Flaherty, Tim
Parison, James
Renzullo, Andrew
Straight, Philip
Villeneuve, Moe

Cebrowski, John
Garcia, Michael
Hikel, John
Katsiantonis, George
McCarthy, Michael
Murphy, Kelleigh
Ober, Lynne
Pellegrino, Tony
Rowe, Robert
Stroud, Kathleen
Warden, Mark

MERRIMACK

Hoell, J.R.
Smith, Todd

McGuire, Carol
Walsh, Thomas IV

McGuire, Dan

Reed, Dennis

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Danais, Romeo
Emerick, J. Tracy
Gordon, Richard
Harris, Jeffrey
Kappler, Lawrence
Packard, Sherman
Sanders, Elisabeth
Sweeney, Joe
Webb, James Sr

Allen, Mary
Charron, Gene
Devine, James
Ferrante, Beverly
Grace, Curtis
Hayes, Jack
Kolodziej, Walter
Perkins, Lawrence
Sapareto, Frank
Tamburello, Daniel
Weyler, Kenneth

Baldasaro, Alfred
Chirichiello, Brian
Duarte, Joe
Fesh, Robert
Griffin, Mary
Hodgdon, Bruce
McKinney, Betsy
Priestley, Anne
Sedensky, John
Thompson, David

Bick, Patrick
Comerford, Timothy
Dumaine, Dudley
Garcia, Marilinda
Hagan, Joseph
Itse, Daniel
O'Connor, John
Rice, Frederick
St.James, Kevin
Tucker, Pamela

STRAFFORDBeaudoin, Steven
Jones, LauraBickford, David
Parsons, RobbieGray, James
Pitre, Joseph

Groen, Warren

SULLIVAN

Rollins, Skip

Smith, Steven

NAYS 207**BELKNAP**Arsenault, Beth
Huot, DavidBurchell, Richard
Raymond, IanDiMartino, Lisa
Tilton, Franklin

Gulick, Ruth

CARROLLBuco, Thomas
Ticehurst, SusanButler, Edward
Umberger, KarenLavender, Tom
White, Syndi

McConkey, Mark

CHESHIREAmes, Richard
Chase, Cynthia
Mann, John
Sad, Tara
Young, HarryBerch, Paul
Eaton, Daniel
Phillips, Larry
Shepardson, MarjorieBurridge, Delmar
Johnsen, Gladys
Roberts, Kris
Weber, LucyButynski, William
Lerandeau, Alfred
Robertson, Timothy
Weed, Charles**COOS**

Enman, Larry

Hammon, Marcia

Hatch, William

Moynihan, Wayne

GRAFTONAguiar, James
Cooney, Mary
Higgins, Patricia
Mulholland, Catherine
Shackett, JeffreyAlmy, Susan
Doolan, Ralph Jr
Lauer, Linda
Nordgren, Sharon
Smith, SuzanneBenn, Bernard
Ford, Susan
Lovett, Sid
Pastor, Beatriz
Sykes, GeorgeBrown, Rebecca
Friedrich, Carol
Massimilla, Linda
Piper, Wendy
Townsend, Charles**HILLSBOROUGH**Backus, Robert
Booras, Efstathia
Chandley, Shannon
DiSilvestro, Linda
Goley, Jeffrey
Hammond, Jill
Jack, Martin
Knowles, Mary Ann
Manley, Jonathan Sr
Porter, Marjorie
Shaw, Barbara
Sullivan, Peter
Williams, KermitBeaulieu, Jane
Brown, Pam
Connor, Evelyn
Gage, Ruth
Gorman, Mary
Hansberry, Daniel
Jasper, Shawn
Leishman, Peter
McCloskey, David
Ramsey, Peter
Smith, Timothy
Takesian, Charlene
Winters, JoelBelanger, James
Campbell, David
Cote, David
Gale, Sylvia
Grady, Brenda
Harriott-Gathright, Linda
Judy, Jean
Levesque, Melanie
McNamara, Richard
Rosenwald, Cindy
Soucy, Timothy
Vail, Suzanne
Woodbury, DavidBoisvert, Ronald
Carroll, Douglas
Danielson, David
Gidge, Kenneth
Graham, John
Heden, Ruth
Kelley, John
Long, Patrick
O'Brien, Michael Sr
Schmidt, Janice
Spratt, Stephen
Walsh, Robert Jr**MERRIMACK**Alicea, Caroletta
Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Kidder, David
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Walz, Mary BethBartlett, Christy
Davis, Frank
French, Barbara
Hunt, Jane
Lockwood, Priscilla
Patten, Dick
Rogers, Katherine
Tilton, Joy
Watrous, RickBouchard, Candace
Ebel, Karen
Gile, Mary
Karrick, David Jr
MacKay, James
Ratzki, Mario
Schamberg, Thomas
Turcotte, Alan
Webb, LeighBurns, Scott
Frambach, Mary
Henle, Paul
Kelly, Sally
Moffett, Howard
Rice, Chip
Schuett, Dianne
Wallner, Mary Jane**ROCKINGHAM**Bishop, Franklin
Cali-Pitts, Jacqueline
Emerson-Brown, Rebecca
Helmstetter, Barbara
Lundgren, David
Moody, Marcia
Perkins, Amy
Waterhouse, KevinBorden, David
Copeland, Timothy
Flockhart, Eileen
Hoelzel, Kathleen
Major, Norman
Muns, Chris
Sytek, John
Wazlaw, BrianBriden, Steven
Cushing, Robert Jr
Friel, William
Khan, Aboul
Mann, Maureen
Pantelakos, Laura
Till, Mary
Whittemore, LisaCahill, Michael
Elliott, Robert
Heffron, Frank
Lovejoy, Patricia
Milz, David
Peckham, Michele
Tremblay, Stella

STRAFFORD

Baber, William
Burke, Rachel
Hooper, Dorothea
Ketel, Stephen
Mullen, John Jr
Rollo, Deanna
Stevens, Audrey

Berube, Roger
Gardner, Janice
Horrigan, Timothy
Malloy, Dennis
Pelletier, Marsha
Schmidt, Peter
Verschueren, James

Bixby, Peter
Grassie, Anne
Hubbard, Pamela
Meneer, H. Robert III
Perry, Robert
Smith, Marjorie
Wall, Janet

Burdwood, Greg
Grossman, Kenneth
Kaen, Naida
Miller, David
Rogers, Rose Marie
Spang, Judith
Ward, Kenneth

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gottling, Suzanne
Sweeney, Cynthia

Grenier, James
Tanner, Linda

Irwin, Virginia

and the motion failed.

The question now being adoption of the committee report of Ought to Pass with Amendment.
Rep. William O'Brien offered floor amendment (0696h).

Floor Amendment (0696h)

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

AN ACT establishing the allocation of gross appropriations from the highway fund.

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

1 Allocation of Appropriations from the Highway Fund. Amend RSA 9:9-b to read as follows:

9:9-b Allocation of Gross Appropriations From Highway Fund. For each fiscal year of the biennium, gross highway fund appropriations net of highway block grant aid, shall be allocated in the operating budget as follows:

I. Department of transportation [~~including the office of information technology~~]: Not less than [73] **100** percent.

II. Department of safety: Not to exceed [26] **zero** percent.

III. Other projects that comply with part 2, article 6-a of the New Hampshire constitution, relative to the use of highway funds: Not to exceed [1] **zero** percent.

IV. All revenue in excess of the necessary cost of collection and administration accruing to the state from registration fees, operators' licenses, gasoline road tolls, or any other special charges or taxes with respect to the operation of motor vehicles or the sale or consumption of motor vehicle fuels shall be credited to the highway fund. No expenditure by the department of transportation of funds in the highway fund shall be other than in compliance with part 2, article 6-a of the New Hampshire constitution, relative to the use of highway funds, and otherwise shall be limited exclusively for the construction, reconstruction, and maintenance of public highways within this state, including the payment of the interest and principal of obligations incurred for said purposes; and no part of such revenues shall, by transfer of funds or otherwise, be diverted to any other purpose whatsoever.

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

AMENDED ANALYSIS

This bill requires that all funds appropriated to the highway fund shall be used by the department of transportation for the construction, reconstruction, and maintenance of public highways within this state.

Reps. Daniel Eaton and Jasper spoke against.

Rep. William O'Brien spoke in favor.

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

YEAS 120 - NAYS 251

YEAS 120**BELKNAP**

Burchell, Richard
Fink, Charles
Vadney, Herbert

Comtois, Guy
Greemore, Robert Jr
Worsman, Colette

Cormier, Jane
Luther, Robert

Fields, Dennis
Sylvia, Michael

CARROLL

Cordelli, Glenn
Schmidt, Stephen

Crawford, Karel
Wright, Donald

McConkey, Mark

Nelson, Bill

CHESHIRE

Hunt, John

COOS

Rappaport, Laurence

Rideout, Leon

GRAFTON

Bradley, Lester

Gionet, Edmond

Reilly, Harold Sr

HILLSBOROUGH

Boehm, Ralph
Coffey, James
Garcia, Michael
Hinch, Richard
LeBrun, Donald
Meaney, Richard
Notter, Jeanine
Ober, Russell III
Pratt, Calvin
Sandblade, Emily
Vaillancourt, Steve

Burt, John
Daniels, Gary
Graham, John
Hopper, Gary
LeVasseur, Richard
Murotake, David
O'Brien, William
Palmer, Stephen
Renzullo, Andrew
Straight, Philip
Villeneuve, Moe

Byron, Frank
Flanagan, Jack
Hansen, Peter
Infantine, William
Marston, Dick
Murphy, Keith
O'Flaherty, Tim
Parison, James
Rowe, Robert
Sweeney, Shawn
Warden, Mark

Christiansen, Lars
Gagne, Larry
Hikel, John
Lambert, George
McCarthy, Michael
Murphy, Kelleigh
Ober, Lynne
Peterson, Lenette
Sanborn, Laurie
Ulery, Jordan
Willette, Robert

MERRIMACK

Hess, David
Walsh, Thomas IV

Hoell, J.R.

McGuire, Carol

McGuire, Dan

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Devine, James
Emerick, J. Tracy
Gordon, Richard
Harris, Jeffrey
Lundgren, David
O'Connor, John
Schroadter, Adam
Tremblay, Stella

Allen, Mary
Chirichiello, Brian
Duarte, Joe
Ferrante, Beverly
Grace, Curtis
Hodgdon, Bruce
Major, Norman
Priestley, Anne
Sedensky, John
Tucker, Pamela

Baldasaro, Alfred
Comerford, Timothy
Dumaine, Dudley
Fesh, Robert
Griffin, Mary
Itse, Daniel
McKinney, Betsy
Rice, Frederick
Tamburello, Daniel
Webb, James Sr

Bick, Patrick
Danaïs, Romeo
Elliott, Robert
Garcia, Marilinda
Hagan, Joseph
Kappler, Lawrence
McMahon, Charles
Sapareto, Frank
Tasker, Kyle
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Mullen, John Jr

Gray, James
Parsons, Robbie

Groen, Warren
Pitre, Joseph

Jones, Laura

SULLIVAN

Rollins, Skip

Smith, Steven

NAYS 251**BELKNAP**

Arsenault, Beth
Huot, David

DiMartino, Lisa
Raymond, Ian

Gulick, Ruth
Tilton, Franklin

Holmes, Stephen

CARROLL

Ahlgren, Christopher
Lavender, Tom
White, Syndi

Buco, Thomas
Morrow, Harry

Butler, Edward
Ticehurst, Susan

Chandler, Gene
Umberger, Karen

CHESHIRE

Ames, Richard
Chase, Cynthia
Johnson, Jane
Phillips, Larry
Shepardson, Marjorie

Berch, Paul
Eaton, Daniel
Lerandeau, Alfred
Roberts, Kris
Weber, Lucy

Burridge, Delmar
Emerson, Susan
Mann, John
Robertson, Timothy
Weed, Charles

Butynski, William
Johnsen, Gladys
Parkhurst, Henry
Sad, Tara
Young, Harry

COOS

Enman, Larry
Richardson, Herbert

Hammon, Marcia
Theberge, Robert

Hatch, William
Thomas, Yvonne

Moynihan, Wayne

GRAFTON

Aguiar, James
Brown, Rebecca
Friedrich, Carol
Lauer, Linda
Nordgren, Sharon
Smith, Suzanne

Almy, Susan
Cooney, Mary
Harding, Laurie
Lovett, Sid
Pastor, Beatriz
Sykes, George

Bailey, Brad
Doolan, Ralph Jr
Higgins, Patricia
Massimilla, Linda
Piper, Wendy
Townsend, Charles

Benn, Bernard
Ford, Susan
Ladd, Rick Jr
Mulholland, Catherine
Shackett, Jeffrey
White, Andrew

HILLSBOROUGH

Backus, Robert
Booras, Efstathia

Beaulieu, Jane
Brown, Pam

Belanger, James
Campbell, David

Boisvert, Ronald
Carroll, Douglas

Cebrowski, John
Culbert, Patrick
Gale, Sylvia
Gorman, Mary
Hansberry, Daniel
Jasper, Shawn
Knowles, Mary Ann
Long, Patrick
McCloskey, David
Pellegrino, Tony
Rokas, Ted
Shaw, Barbara
Stroud, Kathleen
Vail, Suzanne
Woodbury, David

Chandlee, Shannon
Danielson, David
Gargas, Carolyn
Grady, Brenda
Harriott-Gathright, Linda
Katsiantonis, George
Kurk, Neal
MacKay, Mariellen
McNamara, Richard
Porter, Marjorie
Rosenwald, Cindy
Smith, Timothy
Sullivan, Daniel
Walsh, Robert Jr

Connor, Evelyn
DiSilvestro, Linda
Gidge, Kenneth
Haefner, Robert
Heden, Ruth
Katsiantonis, Thomas
Leishman, Peter
Manley, Jonathan Sr
Nelson, Mary
Ramsey, Peter
Schmidt, Janice
Soucy, Timothy
Sullivan, Peter
Williams, Kermit

Cote, David
Gage, Ruth
Goley, Jeffrey
Hammond, Jill
Jack, Martin
Kelley, John
Levesque, Melanie
Martel, Andre
O'Brien, Michael Sr
Rhodes, Brian
Shattuck, Gilman
Spratt, Stephen
Takesian, Charlene
Winters, Joel

MERRIMACK

Alicea, Caroletta
Burns, Scott
Ebel, Karen
Gile, Mary
Karrick, David Jr
MacKay, James
Ratzki, Mario
Rogers, Katherine
Smith, Todd
Walz, Mary Beth

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Henle, Paul
Kelly, Sally
Moffett, Howard
Reed, Dennis
Schamberg, Thomas
Tilton, Joy
Watrous, Rick

Bartlett, Christy
Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Kidder, David
Myler, Mel
Rice, Chip
Schuett, Dianne
Turcotte, Alan
Webb, Leigh

Bouchard, Candace
Davis, Frank
French, Barbara
Hunt, Jane
Lockwood, Priscilla
Patten, Dick
Richardson, Gary
Shurtleff, Stephen
Wallner, Mary Jane

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Burtis, Elizabeth
Copeland, Timothy
Flockhart, Eileen
Helmstetter, Barbara
Lovejoy, Patricia
Muns, Chris
Perkins, Amy
Schlachman, Donna
Sytek, John
Wazlaw, Brian

Bishop, Franklin
Cahill, Michael
Cushing, Robert Jr
Friel, William
Hoelzel, Kathleen
Mann, Maureen
Packard, Sherman
Perkins, Lawrence
Sherman, Thomas
Thompson, David
Whittemore, Lisa

Borden, David
Cali-Pitts, Jacqueline
DeSimone, Debra
Hayes, Jack
Khan, Aboul
Milz, David
Pantelakos, Laura
Sanders, Elisabeth
St.James, Kevin
Till, Mary

Briden, Steven
Charron, Gene
Emerson-Brown, Rebecca
Heffron, Frank
Kolodziej, Walter
Moody, Marcia
Peckham, Michele
Scarlotta, Joe
Sweeney, Joe
Waterhouse, Kevin

STRAFFORD

Baber, William
Burdwood, Greg
Grossman, Kenneth
Kaen, Naida
Miller, David
Rollo, Deanna
Stevens, Audrey

Berube, Roger
Burke, Rachel
Hooper, Dorothea
Ketel, Stephen
Pelletier, Marsha
Schmidt, Peter
Verschuere, James

Bickford, David
Gardner, Janice
Horrigan, Timothy
Malloy, Dennis
Perry, Robert
Smith, Marjorie
Wall, Janet

Bixby, Peter
Grassie, Anne
Hubbard, Pamela
Menear, H. Robert III
Rogers, Rose Marie
Spang, Judith
Ward, Kenneth

SULLIVAN

Cloutier, John
Irwin, Virginia
Sweeney, Cynthia

Gagnon, Raymond
Lefebvre, Benjamin
Tanner, Linda

Gottling, Suzanne
O'Hearne, Andrew

Grenier, James
Schmidt, Andrew

and floor amendment (0696h) failed.

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

Reps. Rideout, Burt and Vaillancourt spoke against and yielded to questions.

Rep. Campbell spoke in favor and yielded to questions.

Reps. McConkey, Cloutier and Bouchard spoke in favor.

Reps. Tucker and Ladd spoke against.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 207 - NAYS 163

YEAS 207 BELKNAP

Arsenault, Beth
Raymond, Ian

DiMartino, Lisa
Tilton, Franklin

Gulick, Ruth

Huot, David

CARROLL

Buco, Thomas
Ticehurst, Susan

Butler, Edward

Lavender, Tom

McConkey, Mark

CHESHIRE

Ames, Richard
Chase, Cynthia
Mann, John
Sad, Tara
Young, Harry

Berch, Paul
Eaton, Daniel
Phillips, Larry
Shepardson, Marjorie

Burridge, Delmar
Johnsen, Gladys
Roberts, Kris
Weber, Lucy

Butynski, William
Lerandeau, Alfred
Robertson, Timothy
Weed, Charles

COOS

Coulombe, Gary
Moynihan, Wayne

Enman, Larry
Theberge, Robert

Hammon, Marcia

Hatch, William

GRAFTON

Aguiar, James
Cooney, Mary
Higgins, Patricia
Mulholland, Catherine
Smith, Suzanne

Almy, Susan
Ford, Susan
Lauer, Linda
Nordgren, Sharon
Sykes, George

Benn, Bernard
Friedrich, Carol
Lovett, Sid
Pastor, Beatriz
Townsend, Charles

Brown, Rebecca
Harding, Laurie
Massimilla, Linda
Piper, Wendy
White, Andrew

HILLSBOROUGH

Backus, Robert
Campbell, David
DiSilvestro, Linda
Goley, Jeffrey
Hammond, Jill
Jack, Martin
Kelley, John
MacKay, Mariellen
Nelson, Mary
Rhodes, Brian
Smith, Timothy
Sullivan, Peter
Williams, Kermit

Beaulieu, Jane
Chandley, Shannon
Gage, Ruth
Gorman, Mary
Hansberry, Daniel
Jasper, Shawn
Knowles, Mary Ann
Manley, Jonathan Sr
O'Brien, Michael Sr
Rokas, Ted
Soucy, Timothy
Takesian, Charlene
Winters, Joel

Boisvert, Ronald
Connor, Evelyn
Gale, Sylvia
Grady, Brenda
Harriott-Gathright, Linda
Katsiantonis, George
Levesque, Melanie
McCloskey, David
Porter, Marjorie
Schmidt, Janice
Spratt, Stephen
Vail, Suzanne
Woodbury, David

Brown, Pam
Danielson, David
Gidge, Kenneth
Graham, John
Heden, Ruth
Katsiantonis, Thomas
Long, Patrick
McNamara, Richard
Ramsey, Peter
Shattuck, Gilman
Sullivan, Daniel
Walsh, Robert Jr

MERRIMACK

Alicea, Caroletta
Burns, Scott
Ebel, Karen
Gile, Mary
Hunt, Jane
Lockwood, Priscilla
Patten, Dick
Rogers, Katherine
Tilton, Joy
Watrous, Rick

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Henle, Paul
Karrick, David Jr
MacKay, James
Ratzki, Mario
Schamberg, Thomas
Turcotte, Alan
Webb, Leigh

Bartlett, Christy
Carson, Clyde
Frazer, June
Hess, David
Kelly, Sally
Moffett, Howard
Rice, Chip
Schuett, Dianne
Wallner, Mary Jane

Bouchard, Candace
Davis, Frank
French, Barbara
Hirsch, Geoffrey
Kidder, David
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Walz, Mary Beth

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cahill, Michael
Flockhart, Eileen
Khan, Aboul
Moody, Marcia
Schlachman, Donna
Waterhouse, Kevin

Borden, David
Cali-Pitts, Jacqueline
Friel, William
Lovejoy, Patricia
Muns, Chris
Sherman, Thomas
Wazlaw, Brian

Briden, Steven
Cushing, Robert Jr
Heffron, Frank
Mann, Maureen
Pantelakos, Laura
Sytek, John
Whittemore, Lisa

Burtis, Elizabeth
Emerson-Brown, Rebecca
Helmstetter, Barbara
Milz, David
Scarlottto, Joe
Till, Mary

STRAFFORD

Baber, William
Burke, Rachel
Hooper, Dorothea
Ketel, Stephen
Pelletier, Marsha
Schmidt, Peter
Verschuieren, James

Berube, Roger
Gardner, Janice
Horriggan, Timothy
Malloy, Dennis
Perry, Robert
Smith, Marjorie
Wall, Janet

Bixby, Peter
Grassie, Anne
Hubbard, Pamela
Menear, H. Robert III
Rogers, Rose Marie
Spang, Judith
Ward, Kenneth

Burdwood, Greg
Grossman, Kenneth
Kaen, Naida
Miller, David
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 163 BELKNAP

Burchell, Richard
Fink, Charles
Sylvia, Michael

Comtois, Guy
Greemore, Robert Jr
Vadney, Herbert

Cormier, Jane
Holmes, Stephen
Worsman, Colette

Fields, Dennis
Luther, Robert

CARROLL

Ahlgren, Christopher
Morrow, Harry
White, Syndi

Chandler, Gene
Nelson, Bill
Wright, Donald

Cordelli, Glenn
Schmidt, Stephen

Crawford, Karel
Umberger, Karen

CHESHIRE

Emerson, Susan

Hunt, John

Johnson, Jane

Parkhurst, Henry

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

Thomas, Yvonne

GRAFTON

Bailey, Brad
Ladd, Rick Jr

Bradley, Lester
Reilly, Harold Sr

Doolan, Ralph Jr
Shackett, Jeffrey

Gionet, Edmond

HILLSBOROUGH

Belanger, James
Carroll, Douglas
Cote, David
Gagne, Larry
Hansen, Peter
Infantine, William
Leishman, Peter
McCarthy, Michael
Murphy, Kelleigh
Ober, Lynne
Pellegrino, Tony
Rosenwald, Cindy
Shaw, Barbara
Ulery, Jordan
Willette, Robert

Boehm, Ralph
Cebrowski, John
Culbert, Patrick
Garcia, Michael
Hikel, John
Kurk, Neal
LeVasseur, Richard
Meaney, Richard
Notter, Jeanine
Ober, Russell III
Peterson, Lenette
Rowe, Robert
Straight, Philip
Vaillancourt, Steve

Burt, John
Christiansen, Lars
Daniels, Gary
Gargas, Carolyn
Hinch, Richard
Lambert, George
Marston, Dick
Murotake, David
O'Brien, William
Palmer, Stephen
Pratt, Calvin
Sanborn, Laurie
Stroud, Kathleen
Villeneuve, Moe

Byron, Frank
Coffey, James
Flanagan, Jack
Haefner, Robert
Hopper, Gary
LeBrun, Donald
Martel, Andre
Murphy, Keith
O'Flaherty, Tim
Parison, James
Renzullo, Andrew
Sandblade, Emily
Sweeney, Shawn
Warden, Mark

MERRIMACK

Hoell, J.R.
Smith, Todd

McGuire, Carol
Walsh, Thomas IV

McGuire, Dan

Reed, Dennis

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Comerford, Timothy
Devine, James
Emerick, J. Tracy
Gordon, Richard
Harris, Jeffrey
Itse, Daniel
McKinney, Betsy
Peckham, Michele
Rice, Frederick
Sedensky, John
Tasker, Kyle
Webb, James Sr

Allen, Mary
Bishop, Franklin
Copeland, Timothy
Duarte, Joe
Ferrante, Beverly
Grace, Curtis
Hayes, Jack
Kappler, Lawrence
McMahon, Charles
Perkins, Amy
Sanders, Elisabeth
St.James, Kevin
Thompson, David
Weyler, Kenneth

Baldasaro, Alfred
Charron, Gene
Danais, Romeo
Dumaine, Dudley
Fesh, Robert
Griffin, Mary
Hodgdon, Bruce
Kolodziej, Walter
O'Connor, John
Perkins, Lawrence
Sapareto, Frank
Sweeney, Joe
Tremblay, Stella

Bick, Patrick
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Garcia, Marilinda
Hagan, Joseph
Hoelzel, Kathleen
Major, Norman
Packard, Sherman
Priestley, Anne
Schroadter, Adam
Tamburello, Daniel
Tucker, Pamela

STRAFFORD

Beaudoin, Steven
Jones, Laura

Bickford, David
Mullen, John Jr

Gray, James
Parsons, Robbie

Groen, Warren
Pitre, Joseph

SULLIVAN

Rollins, Skip

Smith, Steven

and the committee report was adopted and referred to the Committee on Ways and Means.

(Rep. Kaen in the Chair)

SPECIAL ORDER

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. **INEXPEDIENT TO LEGISLATE.**

Rep. Jane E. Beaulieu for Resources, Recreation and Development: This bill was drafted to authorize the state to enter into contracts with the Hampton Beach Village Precinct to provide free Wifi Internet access to Hampton Beach State Park. The department of resources and economic development (DRED) already has the ability to enter into agreements. In addition, representatives from the departments of information technology, the state's core network and their providers, raised several concerns, including the costs to, liabilities for and expectations of the state. The committee encourages the precinct to continue dialogue with local businesses, DRED and other stakeholders. Vote 17-0.
Committee report adopted.

HB 295, requiring criminal background checks for volunteers and employees at youth skill camps. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. James D. Aguiar for the Majority of Resources, Recreation and Development: This bill fills a gap in the attempt to protect young people from harm, including sexual and physical abuse, at the hands of those employed at, volunteering for or operating specialized skills camps. For many years, individuals or groups operating recreational camps have been required to conduct background checks on all employees or volunteers at said camps, these include your classic summer camps where boys and girls learn to swim, canoe, hike, start a campfire, etc. In relatively recent history, there has been an explosion of specialized camps where specified "skills" have been the focus, such as basketball, tennis or music, to name a few. Such camps have been exempt from background checks for all staff. This bill requires that any individual or entity operating such a camp certify to the department of environmental services (DES) that it has conducted background checks on all staff and employees whose duties bring them in contact with children at the camp. Since this requirement will demand a significant increase in the workload for DES, a fee of \$25 will be charged to any individual, group or entity applying for a license to operate such a camp in the State of New Hampshire. This bill also establishes a dedicated fund to cover the costs of verifying, documenting and storing the information associated with said background checks. Vote 17-2.

Rep. Andrew Renzullo for the Minority of Resources, Recreation and Development: While the minority supports the concept of requiring background checks for volunteers and employees at youth skill camps, it cannot support the imposition of a \$25 fee paid to the Department of Environmental Services (DES).

Majority Amendment (0450h)

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

1 Safety Regulations; Subdivision Heading Amended. Amend the subdivision heading preceding RSA 485-A:23 to read as follows:

Safety Regulations *for Camps, Pools, and Bathing Places*

2 Definition of Recreation Camp and Youth Skill Camp. RSA 485-A:23 is repealed and reenacted to read as follows:

485-A:23 Definitions. In this subdivision:

I. "Recreation camp" means any place set apart for recreational purposes for boys and girls. It shall not be construed to apply to private camps owned or leased for individual or family use, or to any camp operated for a period of less than 10 days in a year.

II. "Youth skill camp" means a nonprofit or for-profit program that lasts 8 hours or more that is operated by an entity, other than a municipality, for the purpose of teaching a skill to minors. Such camps include, but are not limited to, the teaching of sports, the arts, and scientific inquiry.

3 Recreation Camp Licensing and Youth Skill Camp Certification; Criminal Background Check Required. Amend RSA 485-A:24 and RSA 485-A:25 to read as follows:

485-A:24 ***Recreation Camp*** License; [Fee] ***Youth Skill Camp Certification of Criminal Background Check.***

I. No person shall for profit or for charitable purposes operate any recreation camp, as defined in RSA 485-A:23, I, designed or intended as a vacation or recreation resort, without a license issued by the department. Said license is to be conditioned upon the maintenance of clean, healthful sanitary conditions and methods, as determined and approved by said department, good only for the calendar year in which it is issued and subject to suspension or revocation at any time for cause. The fee for such license shall be \$50 [to] which shall be paid into the [state treasury] recreation camp and youth skill camp fund established in RSA 485-A:24-a.

II. (a) No person or entity, other than a municipality, shall for profit or for charitable purposes operate any youth skill camp, as defined in RSA 485-A:23, II, without having performed background checks on the camp owners, all employees, and all volunteers at the camp and having certified to the department that no individual has a criminal conviction for any offense involving:

(1) Causing or threatening direct physical injury to any individual; or

(2) Causing or threatening harm of any nature to any child or children.

(b) Any person or entity required to perform background checks and provide certification to the department pursuant to subparagraph (a) shall pay a fee of \$25 to the department. All such fees collected by the department shall be deposited into the recreation camp and youth skill camp fund established in RSA 485-A:24-a.

(c) Subparagraphs (a) and (b) shall not apply to any person or entity which owns property used to operate a youth skill camp or any buildings or structures on such property used in the operation of a youth skill camp, provided such person or entity obtains written certification signed by the youth skill camp operator stating that background checks in accordance with this paragraph have been completed.

485-A:25 Rulemaking.

I. The commissioner shall adopt rules under RSA 541-A relative to:

(a) Issuance of licenses to **recreation** camp operators under RSA 485-A:24, *I*.

(b) **Requirements for performing criminal background checks at youth skill camps and certifying acceptable results.**

(c) Water quality-related issues for the protection of persons using **recreation** camp facilities regulated under ~~[this subdivision]~~ **RSA 485-A:24, I.**

II. The commissioner, in consultation with the department of health and human services, shall adopt all other necessary rules under RSA 541-A, relative to public health and safety issues for the protection of persons ~~[using camp facilities regulated under this subdivision]~~ **attending recreation camps regulated under RSA 485-A:24, I.**

4 New Section; Water Pollution and Waste Disposal; Fund Established. Amend 485-A by inserting after section 24 the following new section:

485-A:24-a Recreation Camp and Youth Skill Camp Fund. There is established in the office of the state treasurer a nonlapsing fund to be known as the recreation camp and youth skill camp fund to be administered by the commissioner of the department of environmental services, and which shall be kept distinct and separate from all other funds. All moneys in the fund shall be continually appropriated to the commissioner of the department of environmental services for the purpose of paying costs associated with administering the provisions of RSA 485-A:24 and 485-A:25.

5 Safety Regulations; Injunction. Amend RSA 485-A:27 to read as follows:

485-A:27 Injunction. Any person operating or maintaining a ~~[youth]~~ **recreation camp, youth skill camp,** ~~[or]~~ public swimming pool, or bathing place without the same having been approved by the department may be enjoined by the superior court or any justice of the court upon petition brought by the attorney general.

6 New Subparagraph; Application of Receipts; Recreation Camp and Youth Skill Camp Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (310) the following new subparagraph:

(311) Moneys deposited into the recreation camp and youth skill camp fund established in RSA 485-A:24-a.

7 Effective Date. This act shall take effect 30 days after its passage.

AMENDED ANALYSIS

This bill requires youth skill camp operators to certify to the department of environmental services that their employees and volunteers have undergone a criminal background check. The bill also establishes a recreation camp and youth skill camp fund.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 244 - NAYS 112

YEAS 244

BELKNAP

Arsenault, Beth
Gulick, Ruth
Vadney, Herbert

DiMartino, Lisa
Huot, David
Worsman, Colette

Fields, Dennis
Raymond, Ian

Greemore, Robert Jr
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Lavender, Tom
White, Syndi

Buco, Thomas
Morrow, Harry
Wright, Donald

Butler, Edward
Schmidt, Stephen

Crawford, Karel
Ticehurst, Susan

CHESHIRE

Ames, Richard
Chase, Cynthia
Lerandeau, Alfred
Roberts, Kris
Weber, Lucy

Berch, Paul
Eaton, Daniel
Mann, John
Robertson, Timothy
Weed, Charles

Burridge, Delmar
Emerson, Susan
Parkhurst, Henry
Sad, Tara
Young, Harry

Butynski, William
Johnsen, Gladys
Phillips, Larry
Shepardson, Marjorie

COOS

Coulombe, Gary
Moynihan, Wayne

Enman, Larry
Richardson, Herbert

Hammon, Marcia
Theberge, Robert

Hatch, William
Thomas, Yvonne

GRAFTON

Aguiar, James
Brown, Rebecca
Friedrich, Carol
Ladd, Rick Jr
Mulholland, Catherine
Shackett, Jeffrey
White, Andrew

Almy, Susan
Cooney, Mary
Gionet, Edmond
Lauer, Linda
Nordgren, Sharon
Smith, Suzanne

Benn, Bernard
Doolan, Ralph Jr
Harding, Laurie
Lovett, Sid
Pastor, Beatriz
Sykes, George

Bradley, Lester
Ford, Susan
Higgins, Patricia
Massimilla, Linda
Piper, Wendy
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Campbell, David
Cote, David
Gale, Sylvia
Gorman, Mary
Hansberry, Daniel
Jack, Martin
Knowles, Mary Ann
LeVasseur, Richard
Manley, Jonathan Sr
Murotake, David
Ramsey, Peter
Sanborn, Laurie
Soucy, Timothy
Takesian, Charlene
Woodbury, David

Beaulieu, Jane
Carroll, Douglas
Danielson, David
Gargas, Carolyn
Grady, Brenda
Harriott-Gathright, Linda
Jasper, Shawn
Kurk, Neal
Levesque, Melanie
Marston, Dick
Nelson, Mary
Rhodes, Brian
Schmidt, Janice
Spratt, Stephen
Vail, Suzanne

Boisvert, Ronald
Chandle, Shannon
DiSilvestro, Linda
Gidge, Kenneth
Graham, John
Heden, Ruth
Katsiantonis, Thomas
LeBrun, Donald
Long, Patrick
McCloskey, David
O'Brien, Michael Sr
Rokas, Ted
Shattuck, Gilman
Sullivan, Daniel
Walsh, Robert Jr

Brown, Pam
Connor, Evelyn
Gage, Ruth
Goley, Jeffrey
Hammond, Jill
Infantine, William
Kelley, John
Leishman, Peter
MacKay, Mariellen
McNamara, Richard
Porter, Marjorie
Rosenwald, Cindy
Smith, Timothy
Sullivan, Peter
Williams, Kermit

MERRIMACK

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Henle, Paul
Kelly, Sally
Patten, Dick
Rogers, Katherine
Smith, Todd
Walsh, Thomas IV

Bartlett, Christy
Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Kidder, David
Ratzki, Mario
Schamberg, Thomas
Tilton, Joy
Walz, Mary Beth

Bouchard, Candace
Davis, Frank
French, Barbara
Hunt, Jane
MacKay, James
Rice, Chip
Schuett, Dianne
Turcotte, Alan
Watrous, Rick

Burns, Scott
Ebel, Karen
Gile, Mary
Karrick, David Jr
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Wallner, Mary Jane
Webb, Leigh

ROCKINGHAM

Abrami, Patrick
Borden, David
Cali-Pitts, Jacqueline
Elliott, Robert
Friel, William
Helmstetter, Barbara
Moody, Marcia
Peckham, Michele
Schlachman, Donna
Till, Mary

Allen, Mary
Briden, Steven
Copeland, Timothy
Emerick, J. Tracy
Grace, Curtis
Lovejoy, Patricia
Muns, Chris
Perkins, Lawrence
Sherman, Thomas
Wazlaw, Brian

Andrews-Ahearn, E. Elaine
Burtis, Elizabeth
Cushing, Robert Jr
Emerson-Brown, Rebecca
Hayes, Jack
Mann, Maureen
Packard, Sherman
Priestley, Anne
St.James, Kevin
Whittemore, Lisa

Birdsell, Regina
Cahill, Michael
DeSimone, Debra
Flockhart, Eileen
Heffron, Frank
McKinney, Betsy
Pantelakos, Laura
Scarlottio, Joe
Sytek, John

STRAFFORD

Baber, William
Burke, Rachel
Hooper, Dorothea
Malloy, Dennis
Perry, Robert
Smith, Marjorie
Wall, Janet

Beaudoin, Steven
Gardner, Janice
Horriggan, Timothy
Menear, H. Robert III
Rogers, Rose Marie
Spang, Judith
Ward, Kenneth

Bixby, Peter
Grassie, Anne
Hubbard, Pamela
Miller, David
Rollo, Deanna
Stevens, Audrey

Burdwood, Greg
Grossman, Kenneth
Ketel, Stephen
Mullen, John Jr
Schmidt, Peter
Verschueren, James

SULLIVAN

Cloutier, John
Lefebvre, Benjamin
Sweeney, Cynthia

Gottling, Suzanne
O'Hearne, Andrew
Tanner, Linda

Grenier, James
Rollins, Skip

Irwin, Virginia
Schmidt, Andrew

NAYS 112**BELKNAP**

Burchell, Richard
Holmes, Stephen

Comtois, Guy
Sylvia, Michael

Cormier, Jane

Fink, Charles

CARROLL

Cordelli, Glenn

McConkey, Mark

Nelson, Bill

Umberger, Karen

Hunt. John Johnson. Jane

Rappaport, Laurence Rideout, Leon

Bailey, Brad

Belanger, James	Boehm, Ralph	Burt, John	Byron, Frank
Cebrowski, John	Christiansen, Lars	Coffey, James	Culbert, Patrick
Daniels, Gary	Flanagan, Jack	Gagne, Larry	Garcia, Michael
Haefner, Robert	Hansen, Peter	Hikel, John	Hinch, Richard
Hopper, Gary	Lambert, George	McCarthy, Michael	Meaney, Richard
Murphy, Keith	Murphy, Kelleigh	Notter, Jeanine	O'Brien, William
O'Flaherty, Tim	Ober, Lynne	Ober, Russell III	Palmer, Stephen
Parison, James	Pellegrino, Tony	Peterson, Lenette	Pratt, Calvin
Renzullo, Andrew	Rowe, Robert	Sandblade, Emily	Shaw, Barbara
Straight, Philip	Stroud, Kathleen	Sweeney, Shawn	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Moe	Warden, Mark	Willette, Robert
Winters, Joel			

Hoell, J.R.	Lockwood, Priscilla	McGuire, Carol	McGuire, Dan
Reed, Dennis			

Baldasaro, Alfred	Bick, Patrick	Charron, Gene	Chirichiello, Brian
Comerford, Timothy	Danais, Romeo	Duarte, Joe	Dumaine, Dudley
Ferrante, Beverly	Fesh, Robert	Garcia, Marilinda	Gordon, Richard
Griffin, Mary	Harris, Jeffrey	Hodgdon, Bruce	Hoelzel, Kathleen
Itse, Daniel	Kappler, Lawrence	Khan, Aboul	Kolodziej, Walter
Major, Norman	McMahon, Charles	Milz, David	O'Connor, John
Perkins, Amy	Rice, Frederick	Sanders, Elisabeth	Sapareto, Frank
Schroadter, Adam	Sedensky, John	Sweeney, Joe	Tamburello, Daniel
Thompson, David	Tremblay, Stella	Tucker, Pamela	Waterhouse, Kevin
Webb, James Sr	Weyler, Kenneth		

Bickford, David	Gray, James	Groen, Warren	Jones, Laura
Parsons, Robbie	Pelletier, Marsha	Pitre, Joseph	

Gagnon, Raymond Smith, Steven

Rep. Andrew Renzullo for the Minority of Resources, Recreation and Development: At present, the department of environmental services (DES) requires installers of underground and above ground storage tanks to be certified by a professional organization that requires they be retested every two years on up to five aspects of the installation process. This requirement is not required by statute, but has been instituted by rule at first voluntarily, now mandatory. This bill would allow DES to institute continuing educational requirements for license renewal, but prohibit a complete retesting for renewal. What other profession requires a complete retesting for the licensee to keep their license? It is the opinion of the minority that this bill is business friendly and decreases expensive and unnecessary regulation without affecting public safety.

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

On a division vote, 207 members having voted in the affirmative and 143 in the negative, the majority committee report was adopted.

HB 411-FN-A, repealing a future reduction in vessel registration fees. **OUGHT TO PASS.**

Rep. Sherman A. Packard for Transportation: This bill repeals a reduction in vessel registration fees scheduled to take effect on July 1, 2015. Though many of us would like to reduce fees when possible, it is not realistic that such a reduction would be good for boating safety. Vote 12-2.

Rep. Burt spoke against.

Rep. Michael O'Brien spoke in favor and yielded to questions.

Rep. Flanagan requested a roll call; sufficiently seconded.

YEAS 236 - NAYS 117

YEAS 236

BELKNAP

Arsenault, Beth
Holmes, Stephen

DiMartino, Lisa
Huot, David

Fields, Dennis
Raymond, Ian

Gulick, Ruth

CARROLL

Buco, Thomas
McConkey, Mark
Ticehurst, Susan

Butler, Edward
Morrow, Harry
Umberger, Karen

Chandler, Gene
Nelson, Bill
White, Syndi

Crawford, Karel
Schmidt, Stephen

CHESHIRE

Ames, Richard
Chase, Cynthia
Parkhurst, Henry
Sad, Tara
Young, Harry

Berch, Paul
Eaton, Daniel
Phillips, Larry
Shepardson, Marjorie

Burridge, Delmar
Emerson, Susan
Roberts, Kris
Weber, Lucy

Butynski, William
Johnsen, Gladys
Robertson, Timothy
Weed, Charles

COOS

Coulombe, Gary
Richardson, Herbert

Enman, Larry
Theberge, Robert

Hatch, William
Thomas, Yvonne

Moynihan, Wayne

GRAFTON

Aguiar, James
Ford, Susan
Higgins, Patricia
Massimilla, Linda
Piper, Wendy
Townsend, Charles

Almy, Susan
Friedrich, Carol
Ladd, Rick Jr
Mulholland, Catherine
Shackett, Jeffrey
White, Andrew

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

Cooney, Mary
Harding, Laurie
Lovett, Sid
Pastor, Beatriz
Sykes, George

HILLSBOROUGH

Backus, Robert
Campbell, David
Connor, Evelyn
Gage, Ruth
Gidge, Kenneth
Graham, John
Harriott-Gathright, Linda
Jasper, Shawn
Leishman, Peter
Manley, Jonathan Sr
O'Brien, Michael Sr
Rosenwald, Cindy
Shaw, Barbara
Straight, Philip
Vail, Suzanne
Woodbury, David

Beaulieu, Jane
Carroll, Douglas
Cote, David
Gagne, Larry
Goley, Jeffrey
Haefner, Robert
Heden, Ruth
Katsiantonis, Thomas
Levesque, Melanie
McCloskey, David
Porter, Marjorie
Rowe, Robert
Smith, Timothy
Sullivan, Daniel
Walsh, Robert Jr

Boisvert, Ronald
Chandlee, Shannon
Danielson, David
Gale, Sylvia
Gorman, Mary
Hammond, Jill
Hinch, Richard
Kelley, John
Long, Patrick
McNamara, Richard
Rhodes, Brian
Schmidt, Janice
Soucy, Timothy
Sullivan, Peter
Willette, Robert

Brown, Pam
Christiansen, Lars
DiSilvestro, Linda
Gargas, Carolyn
Grady, Brenda
Hansberry, Daniel
Jack, Martin
Knowles, Mary Ann
MacKay, Mariellen
Nelson, Mary
Rokas, Ted
Shattuck, Gilman
Spratt, Stephen
Takesian, Charlene
Williams, Kermit

MERRIMACK

Andrews, Christopher
Carson, Clyde
Frazer, June
Hess, David
Kidder, David
Myler, Mel
Rice, Chip
Shurtleff, Stephen
Walz, Mary Beth

Bartlett, Christy
Davis, Frank
French, Barbara
Hunt, Jane
Lockwood, Priscilla
Patten, Dick
Richardson, Gary
Tilton, Joy
Watrous, Rick

Bouchard, Candace
Ebel, Karen
Gile, Mary
Karrick, David Jr
MacKay, James
Ratzki, Mario
Schamberg, Thomas
Turcotte, Alan
Webb, Leigh

Carey, Lorrie
Frambach, Mary
Henle, Paul
Kelly, Sally
Moffett, Howard
Reed, Dennis
Schuett, Dianne
Wallner, Mary Jane

ROCKINGHAM

Abrami, Patrick
Burtis, Elizabeth
Copeland, Timothy
Emerson-Brown, Rebecca
Friel, William
Hoelzel, Kathleen
McKinney, Betsy
Packard, Sherman
Schlachman, Donna
Thompson, David
Whittemore, Lisa

Andrews-Ahearn, E. Elaine
Cahill, Michael
Cushing, Robert Jr
Ferrante, Beverly
Griffin, Mary
Khan, Aboul
Moody, Marcia
Pantelakos, Laura
Sherman, Thomas
Till, Mary

Borden, David
Cali-Pitts, Jacqueline
Elliott, Robert
Fesh, Robert
Heffron, Frank
Lovejoy, Patricia
Muns, Chris
Priestley, Anne
St.James, Kevin
Waterhouse, Kevin

Briden, Steven
Chirichiello, Brian
Emerick, J. Tracy
Flockhart, Eileen
Helmstetter, Barbara
Mann, Maureen
Norelli, Terie
Scarlotto, Joe
Sytek, John
Wazlaw, Brian

STRAFFORD

Baber, William
Gardner, Janice
Horrigan, Timothy
Menear, H. Robert III
Perry, Robert
Smith, Marjorie
Wall, Janet

Bixby, Peter
Grassie, Anne
Hubbard, Pamela
Miller, David
Rogers, Rose Marie
Spang, Judith
Ward, Kenneth

Burdwood, Greg
Grossman, Kenneth
Ketel, Stephen
Mullen, John Jr
Rollo, Deanna
Stevens, Audrey

Burke, Rachel
Hooper, Dorothea
Malloy, Dennis
Pelletier, Marsha
Schmidt, Peter
Verschueren, James

SULLIVAN

Cloutier, John
Irwin, Virginia
Tanner, Linda

Gagnon, Raymond
Lefebvre, Benjamin

Gottling, Suzanne
O'Hearne, Andrew

Grenier, James
Sweeney, Cynthia

NAYS 117**BELKNAP**

Burchell, Richard
Greemore, Robert Jr
Worsman, Colette

Comtois, Guy
Sylvia, Michael

Cormier, Jane
Tilton, Franklin

Fink, Charles
Vadney, Herbert

CARROLL

Ahlgren, Christopher

Cordelli, Glenn

Lavender, Tom

Wright, Donald

CHESHIRE

Hunt, John

Johnson, Jane

COOS

Hammon, Marcia

Rappaport, Laurence

Rideout, Leon

GRAFTON

Bailey, Brad

Bradley, Lester

Doolan, Ralph Jr

HILLSBOROUGH

Belanger, James
Cebrowski, John
Flanagan, Jack
Infantine, William
LeVasseur, Richard
Murotake, David
O'Brien, William
Palmer, Stephen
Pratt, Calvin
Stroud, Kathleen
Villeneuve, Moe

Boehm, Ralph
Coffey, James
Garcia, Michael
Kurk, Neal
Marston, Dick
Murphy, Keith
O'Flaherty, Tim
Parison, James
Renzullo, Andrew
Sweeney, Shawn
Warden, Mark

Burt, John
Culbert, Patrick
Hansen, Peter
Lambert, George
McCarthy, Michael
Murphy, Kelleigh
Ober, Lynne
Pellegrino, Tony
Sanborn, Laurie
Ulery, Jordan
Winters, Joel

Byron, Frank
Daniels, Gary
Hikel, John
LeBrun, Donald
Meaney, Richard
Notter, Jeanine
Ober, Russell III
Peterson, Lenette
Sandblade, Emily
Vaillancourt, Steve

MERRIMACK

Burns, Scott
McGuire, Dan

Hirsch, Geoffrey
Smith, Todd

Hoell, J.R.
Walsh, Thomas IV

McGuire, Carol

ROCKINGHAM

Allen, Mary
Charron, Gene
Devine, James
Gordon, Richard
Hodgdon, Bruce
Major, Norman
Peckham, Michele

Baldasaro, Alfred
Comerford, Timothy
Duarte, Joe
Hagan, Joseph
Itse, Daniel
McMahon, Charles
Perkins, Amy

Bick, Patrick
Danais, Romeo
Dumaine, Dudley
Harris, Jeffrey
Kappler, Lawrence
Milz, David
Perkins, Lawrence

Birdsell, Regina
DeSimone, Debra
Garcia, Marilinda
Hayes, Jack
Kolodziej, Walter
O'Connor, John
Rice, Frederick

Sanders, Elisabeth
Tamburello, Daniel
Weyler, Kenneth

Schroadter, Adam
Tremblay, Stella

Sedensky, John
Tucker, Pamela

Sweeney, Joe
Webb, James Sr

STRAFFORD

Beaudoin, Steven
Jones, Laura

Bickford, David
Parsons, Robbie

Gray, James
Pitre, Joseph

Groen, Warren

SULLIVAN

Rollins, Skip

Smith, Steven

and the committee report was adopted and referred to the Committee on Ways and Means.

(Speaker Norelli in the Chair)

BILLS REMOVED FROM CONSENT CALENDAR of 2-20-13

SPECIAL ORDER

HB 471, establishing a commission to study dual enrollment programs. **INEXPEDIENT TO LEGISLATE.**
Rep. June M. Frazer for Education: The committee agreed that dual enrollment programs are already widespread in New Hampshire; hence, no legislation is needed to promote this practice. Vote 18-0.

Rep. Kris Roberts spoke against.

Rep. Frazer spoke in favor.

On a division vote, 299 members having voted in the affirmative and 41 in the negative, the committee report was adopted.

SPECIAL ORDER

HB 277, relative to the oath required of public officers. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert J. Perry for Election Law: This bill would require that any person who violates their oath of office shall be removed from said office "by the authority responsible for the original appointment." The committee determined that this bill, if enacted, would be unenforceable as the determination of what constitutes a violation of one's oath is subjective, perhaps arbitrary, absent judicial review. For example, a perceived violation of a police officer's oath might be an officer who tickets one person but not another. Vote 17-0.

Rep. Hoell spoke against.

Rep. Perry spoke in favor.

Committee report adopted.

SPECIAL ORDER

HB 423-L, relative to amending official ballot warrant articles. **INEXPEDIENT TO LEGISLATE.**

Rep. James P. Belanger for Municipal and County Government: This bill would prohibit amending a petitioned warrant article at a deliberative session in an official ballot (RSA40) municipality. This would not allow any modifications to the article when new information might change the amount or clarify the intent. If a town meeting has a petitioned article to pave a parking lot for \$30,000 and the intent is to pave only part of the total parking area, the amount might be different based on more recent quotes. This bill would prevent clarification and modifications to correct things. Once a petitioned warrant article is received and "warned" in the original language, it should be treated like any other warrant article at the deliberative session. Tying the hands of voters at deliberative session may reduce the already low attendance because voters will feel ineffective. Warrant articles at deliberative session should not be treated so differently than those at traditional town meetings. Vote 15-0.

Rep. Frederick Rice spoke against and yielded to questions.

Reps. Emerick and Hoell spoke against.

Rep. James Belanger spoke in favor and requested a roll call; sufficiently seconded.

YEAS 286 - NAYS 65

YEAS 286

BELKNAP

Arsenault, Beth
Huot, David

DiMartino, Lisa
Raymond, Ian

Greemore, Robert Jr
Vadney, Herbert

Gulick, Ruth

CARROLL

Ahlgren, Christopher
Crawford, Karel
Nelson, Bill
White, Syndi

Buco, Thomas
Lavender, Tom
Schmidt, Stephen

Butler, Edward
McConkey, Mark
Ticehurst, Susan

Chandler, Gene
Merrow, Harry
Umberger, Karen

CHESHIRE

Ames, Richard
Chase, Cynthia

Berch, Paul
Eaton, Daniel

Burridge, Delmar
Emerson, Susan

Butynski, William
Hunt, John

Johnsen, Gladys
Phillips, Larry
Shepardson, Marjorie

Johnson, Jane
Roberts, Kris
Weber, Lucy

Mann, John
Robertson, Timothy
Weed, Charles

Parkhurst, Henry
Sad, Tara
Young, Harry

COOS

Coulombe, Gary
Moynihan, Wayne
Thomas, Yvonne

Enman, Larry
Rappaport, Laurence

Hammon, Marcia
Richardson, Herbert

Hatch, William
Theberge, Robert

GRAFTON

Aguiar, James
Bradley, Lester
Friedrich, Carol
Ladd, Rick Jr
Nordgren, Sharon
Smith, Suzanne

Almy, Susan
Cooney, Mary
Gionet, Edmond
Lauer, Linda
Pastor, Beatriz
Sykes, George

Bailey, Brad
Doolan, Ralph Jr
Harding, Laurie
Lovett, Sid
Piper, Wendy
Townsend, Charles

Benn, Bernard
Ford, Susan
Higgins, Patricia
Massimilla, Linda
Reilly, Harold Sr
White, Andrew

HILLSBOROUGH

Backus, Robert
Boisvert, Ronald
Carroll, Douglas
Connor, Evelyn
Danielson, David
Gagne, Larry
Gorman, Mary
Hansberry, Daniel
Hikel, John
Jasper, Shawn
Kurk, Neal
Long, Patrick
McCloskey, David
O'Flaherty, Tim
Parison, James
Rosenwald, Cindy
Smith, Timothy
Sullivan, Daniel
Vaillancourt, Steve
Winters, Joel

Beaulieu, Jane
Brown, Pam
Chandle, Shannon
Cote, David
DiSilvestro, Linda
Gale, Sylvia
Grady, Brenda
Hansen, Peter
Hinch, Richard
Katsiantonis, Thomas
Leishman, Peter
MacKay, Mariellen
McNamara, Richard
Ober, Lynne
Pellegrino, Tony
Schmidt, Janice
Soucy, Timothy
Sullivan, Peter
Walsh, Robert Jr
Woodbury, David

Belanger, James
Byron, Frank
Christiansen, Lars
Culbert, Patrick
Flanagan, Jack
Gargas, Carolyn
Haefner, Robert
Harriott-Gathright, Linda
Infantine, William
Kelley, John
LeVasseur, Richard
Manley, Jonathan Sr
Nelson, Mary
Ober, Russell III
Porter, Marjorie
Shattuck, Gilman
Spratt, Stephen
Takesian, Charlene
Willette, Robert

Boehm, Ralph
Campbell, David
Coffey, James
Daniels, Gary
Gage, Ruth
Goley, Jeffrey
Hammond, Jill
Heden, Ruth
Jack, Martin
Knowles, Mary Ann
Levesque, Melanie
McCarthy, Michael
O'Brien, Michael Sr
Palmer, Stephen
Rhodes, Brian
Shaw, Barbara
Stroud, Kathleen
Vail, Suzanne
Williams, Kermit

MERRIMACK

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Henle, Paul
Karrick, David Jr
MacKay, James
Ratzki, Mario
Schamberg, Thomas
Turcotte, Alan
Watrous, Rick

Bartlett, Christy
Carson, Clyde
Frazer, June
Hess, David
Kelly, Sally
Moffett, Howard
Rice, Chip
Schuett, Dianne
Wallner, Mary Jane
Webb, Leigh

Bouchard, Candace
Davis, Frank
French, Barbara
Hirsch, Geoffrey
Kidder, David
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Walsh, Thomas IV

Burns, Scott
Ebel, Karen
Gile, Mary
Hunt, Jane
Lockwood, Priscilla
Patten, Dick
Rogers, Katherine
Tilton, Joy
Walz, Mary Beth

ROCKINGHAM

Allen, Mary
Borden, David
Cali-Pitts, Jacqueline
Cushing, Robert Jr
Emerson-Brown, Rebecca
Griffin, Mary
Helmstetter, Barbara
Lovejoy, Patricia
Moody, Marcia
Pantelakos, Laura
Sanders, Elisabeth
St.James, Kevin
Till, Mary
Webb, James Sr

Andrews-Ahearn, E. Elaine
Briden, Steven
Charron, Gene
DeSimone, Debra
Ferrante, Beverly
Harris, Jeffrey
Hodgdon, Bruce
Major, Norman
Muns, Chris
Perkins, Amy
Scarlottio, Joe
Sweeney, Joe
Tucker, Pamela
Weyler, Kenneth

Birdsell, Regina
Burtis, Elizabeth
Chirichiello, Brian
Devine, James
Fesh, Robert
Hayes, Jack
Hoelzel, Kathleen
Mann, Maureen
O'Connor, John
Perkins, Lawrence
Schlachman, Donna
Sytek, John
Waterhouse, Kevin
Whitemore, Lisa

Bishop, Franklin
Cahill, Michael
Copeland, Timothy
Elliott, Robert
Flockhart, Eileen
Heffron, Frank
Kappler, Lawrence
McKinney, Betsy
Packard, Sherman
Priestley, Anne
Sherman, Thomas
Thompson, David
Wazlaw, Brian

STRAFFORD

Baber, William
Burdwood, Greg
Gray, James

Beaudoin, Steven
Burke, Rachel
Grossman, Kenneth

Bickford, David
Gardner, Janice
Horrigan, Timothy

Bixby, Peter
Grassie, Anne
Hubbard, Pamela

Jones, Laura
Menear, H. Robert III
Perry, Robert
Smith, Marjorie
Wall, Janet

Kaen, Naida
Miller, David
Rogers, Rose Marie
Spang, Judith
Ward, Kenneth

Ketel, Stephen
Parsons, Robbie
Rollo, Deanna
Stevens, Audrey

Malloy, Dennis
Pelletier, Marsha
Schmidt, Peter
Verschueren, James

Cloutier, John
Irwin, Virginia
Schmidt, Andrew

Gagnon, Raymond
Lefebvre, Benjamin
Smith, Steven

Gottling, Suzanne
O'Hearne, Andrew
Sweeney, Cynthia

Grenier, James
Rollins, Skip
Tanner, Linda

SULLIVAN

NAYS 65

BELKNAP

Burchell, Richard
Fink, Charles
Worsman, Colette

Comtois, Guy
Holmes, Stephen

Cormier, Jane
Sylvia, Michael

Fields, Dennis
Tilton, Franklin

CARROLL

Cordelli, Glenn

Wright, Donald

CHESHIRE

None

COOS

Rideout, Leon

GRAFTON

Mulholland, Catherine

HILLSBOROUGH

Burt, John
Lambert, George
Murotake, David
O'Brien, William
Rowe, Robert
Sweeney, Shawn

Cebrowski, John
LeBrun, Donald
Murphy, Keith
Peterson, Lenette
Sanborn, Laurie
Ulery, Jordan

Garcia, Michael
Marston, Dick
Murphy, Kelleigh
Pratt, Calvin
Sandblade, Emily
Villeneuve, Moe

Graham, John
Meaney, Richard
Notter, Jeanine
Renzullo, Andrew
Straight, Philip

MERRIMACK

Hoell, J.R.

McGuire, Carol

McGuire, Dan

Reed, Dennis

ROCKINGHAM

Abrami, Patrick
Danaïs, Romeo
Friel, William
Itse, Daniel
Peckham, Michele
Tamburello, Daniel

Baldasaro, Alfred
Duarte, Joe
Garcia, Marilinda
Khan, Aboul
Rice, Frederick
Tremblay, Stella

Bick, Patrick
Dumaine, Dudley
Gordon, Richard
Kolodziej, Walter
Schroadter, Adam

Comerford, Timothy
Emerick, J. Tracy
Hagan, Joseph
Milz, David
Sedensky, John

STRAFFORD

Groen, Warren

Mullen, John Jr

Pitre, Joseph

SULLIVAN

None

and the committee report was adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR

HB 561-FN, abolishing the department of cultural resources. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M. Weber for Executive Departments and Administration: This bill, in addition to abolishing the department of cultural resources, would transfer the division of libraries and the division of historical resources to the department of state and would transfer the film and television commission to the department of resources and economic development. There was overwhelming testimony that the relatively modest amounts expended on the department of cultural resources returns enormous benefits to the state. The department promotes programs which enrich the lives of our individual citizens, make the state a more desirable place to live, help artists and art organizations with marketing and business strategies, encourage tourism, enhance the revenue of other businesses and of the state and attract nearly a million dollars of federal grant money to the state. The secretary of state's office noted that they do not have staff qualified to absorb the two divisions proposed for transfer to them and gave their opinion that any savings would be negligible. The transfer would leave the two divisions without the capacity to attract and manage grants, which would, in turn, impact services.

The committee members concluded that the current structure is working well and enhances not only quality of life, but business and state revenues. The state dollars spent are leveraged to provide greatly enhanced returns both to private businesses and through them, to the state as well. The committee members believe that the demonstrated benefits provided by the current structure greatly outweigh any potential short-term savings. Vote 17-0.

Rep. Weber spoke in favor.

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

YEAS 253 - NAYS 86

YEAS 253

BELKNAP

Arsenault, Beth
Huot, David

DiMartino, Lisa
Raymond, Ian

Fields, Dennis
Worsman, Colette

Gulick, Ruth

CARROLL

Buco, Thomas
Crawford, Karel
Schmidt, Stephen

Butler, Edward
Lavender, Tom
Ticehurst, Susan

Chandler, Gene
McConkey, Mark
Umberger, Karen

Cordelli, Glenn
Morrow, Harry
White, Syndi

CHESHIRE

Ames, Richard
Chase, Cynthia
Johnsen, Gladys
Roberts, Kris
Weber, Lucy

Berch, Paul
Eaton, Daniel
Mann, John
Robertson, Timothy
Weed, Charles

Burridge, Delmar
Emerson, Susan
Parkhurst, Henry
Sad, Tara
Young, Harry

Butynski, William
Hunt, John
Phillips, Larry
Shepardson, Marjorie

COOS

Coulombe, Gary
Moynihan, Wayne

Enman, Larry
Rappaport, Laurence

Hammon, Marcia
Theberge, Robert

Hatch, William
Thomas, Yvonne

GRAFTON

Aguiar, James
Cooney, Mary
Gionet, Edmond
Lauer, Linda
Nordgren, Sharon
Sykes, George

Almy, Susan
Doolan, Ralph Jr
Harding, Laurie
Lovett, Sid
Pastor, Beatriz
Townsend, Charles

Benn, Bernard
Ford, Susan
Higgins, Patricia
Massimilla, Linda
Piper, Wendy
White, Andrew

Bradley, Lester
Friedrich, Carol
Ladd, Rick Jr
Mulholland, Catherine
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Brown, Pam
Cebrowski, John
Culbert, Patrick
Gage, Ruth
Goley, Jeffrey
Haefner, Robert
Heden, Ruth
Katsiantonis, Thomas
Leishman, Peter
Manley, Jonathan Sr
Nelson, Mary
Rosenwald, Cindy
Spratt, Stephen
Takesian, Charlene
Winters, Joel

Beaulieu, Jane
Byron, Frank
Chandlee, Shannon
Danielson, David
Gagne, Larry
Gorman, Mary
Hammond, Jill
Hinch, Richard
Kelley, John
Levesque, Melanie
McCarthy, Michael
O'Brien, Michael Sr
Schmidt, Janice
Sullivan, Daniel
Vail, Suzanne
Woodbury, David

Belanger, James
Campbell, David
Connor, Evelyn
DiSilvestro, Linda
Gale, Sylvia
Grady, Brenda
Hansberry, Daniel
Infantine, William
Knowles, Mary Ann
Long, Patrick
McCloskey, David
Pellegrino, Tony
Shattuck, Gilman
Sullivan, Peter
Walsh, Robert Jr

Boisvert, Ronald
Carroll, Douglas
Cote, David
Flanagan, Jack
Gargas, Carolyn
Graham, John
Harriott-Gathright, Linda
Jack, Martin
Kurk, Neal
MacKay, Mariellen
McNamara, Richard
Porter, Marjorie
Smith, Timothy
Sweeney, Shawn
Williams, Kermit

MERRIMACK

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Henle, Paul
Karrick, David Jr
McGuire, Carol
Ratzki, Mario
Schamberg, Thomas
Turcotte, Alan
Watrous, Rick

Bartlett, Christy
Carson, Clyde
Frazer, June
Hess, David
Kelly, Sally
Moffett, Howard
Rice, Chip
Schuett, Dianne
Wallner, Mary Jane
Webb, Leigh

Bouchard, Candace
Davis, Frank
French, Barbara
Hirsch, Geoffrey
Lockwood, Priscilla
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Walsh, Thomas IV

Burns, Scott
Ebel, Karen
Gile, Mary
Hunt, Jane
MacKay, James
Patten, Dick
Rogers, Katherine
Tilton, Joy
Walz, Mary Beth

ROCKINGHAM

Andrews-Ahearn, E. Elaine
 Briden, Steven
 Charron, Gene
 Danaïs, Romeo
 Fesh, Robert
 Hayes, Jack
 Kappler, Lawrence
 Major, Norman
 Pantelakos, Laura
 Scarlotto, Joe
 Sweeney, Joe
 Tucker, Pamela

Bick, Patrick
 Burtis, Elizabeth
 Chirichiello, Brian
 DeSimone, Debra
 Flockhart, Eileen
 Heffron, Frank
 Khan, Aboul
 Mann, Maureen
 Peckham, Michele
 Schlachman, Donna
 Sytek, John
 Waterhouse, Kevin

Bishop, Franklin
 Cahill, Michael
 Copeland, Timothy
 Elliott, Robert
 Griffin, Mary
 Helmstetter, Barbara
 Kolodziej, Walter
 Moody, Marcia
 Priestley, Anne
 Sedensky, John
 Thompson, David
 Wazlaw, Brian

Borden, David
 Cali-Pitts, Jacqueline
 Cushing, Robert Jr
 Emerson-Brown, Rebecca
 Harris, Jeffrey
 Hoelzel, Kathleen
 Lovejoy, Patricia
 Packard, Sherman
 Sanders, Elisabeth
 Sherman, Thomas
 Till, Mary
 Whittemore, Lisa

STRAFFORD

Baber, William
 Burke, Rachel
 Hubbard, Pamela
 Menear, H. Robert III
 Rogers, Rose Marie
 Spang, Judith
 Ward, Kenneth

Beaudoin, Steven
 Grassie, Anne
 Kaen, Naida
 Miller, David
 Rollo, Deanna
 Stevens, Audrey

Bixby, Peter
 Grossman, Kenneth
 Ketel, Stephen
 Pelletier, Marsha
 Schmidt, Peter
 Verschuere, James

Burdwood, Greg
 Horrigan, Timothy
 Malloy, Dennis
 Perry, Robert
 Smith, Marjorie
 Wall, Janet

SULLIVAN

Cloutier, John
 Irwin, Virginia
 Schmidt, Andrew

Gagnon, Raymond
 Lefebvre, Benjamin
 Sweeney, Cynthia

Gottling, Suzanne
 O'Hearne, Andrew
 Tanner, Linda

Grenier, James
 Rollins, Skip

NAYS 86**BELKNAP**

Burchell, Richard
 Holmes, Stephen

Cormier, Jane
 Sylvia, Michael

Fink, Charles
 Tilton, Franklin

Greemore, Robert Jr
 Vadney, Herbert

CARROLL

Ahlgren, Christopher

Nelson, Bill

Wright, Donald

CHESHIRE

Johnson, Jane

COOS

Rideout, Leon

GRAFTON

Bailey, Brad

Reilly, Harold Sr

HILLSBOROUGH

Boehm, Ralph
 Daniels, Gary
 Jasper, Shawn
 Marston, Dick
 Murphy, Kelleigh
 Palmer, Stephen
 Renzullo, Andrew
 Straight, Philip
 Warden, Mark

Burt, John
 Garcia, Michael
 Lambert, George
 Meaney, Richard
 Notter, Jeanine
 Parison, James
 Sanborn, Laurie
 Ulery, Jordan
 Willette, Robert

Christiansen, Lars
 Hansen, Peter
 LeBrun, Donald
 Murotake, David
 O'Brien, William
 Peterson, Lenette
 Sandblade, Emily
 Vaillancourt, Steve

Coffey, James
 Hikel, John
 LeVasseur, Richard
 Murphy, Keith
 O'Flaherty, Tim
 Pratt, Calvin
 Shaw, Barbara
 Villeneuve, Moe

MERRIMACK

Hoell, J.R.

McGuire, Dan

Reed, Dennis

ROCKINGHAM

Abrami, Patrick
 Devine, James
 Ferrante, Beverly
 Hodgdon, Bruce
 O'Connor, John
 Schroadter, Adam
 Weyler, Kenneth

Allen, Mary
 Duarte, Joe
 Friel, William
 Itse, Daniel
 Perkins, Amy
 Tamburello, Daniel

Birdsell, Regina
 Dumaine, Dudley
 Gordon, Richard
 Milz, David
 Perkins, Lawrence
 Tremblay, Stella

Comerford, Timothy
 Emerick, J. Tracy
 Hagan, Joseph
 Muns, Chris
 Rice, Frederick
 Webb, James Sr

STRAFFORD

Bickford, David
 Jones, Laura

Gardner, Janice
 Mullen, John Jr

Gray, James
 Parsons, Robbie

Groen, Warren
 Pitre, Joseph

SULLIVAN

Smith, Steven

and the committee report was adopted.

HB 479-FN-L, relative to the creation and division of school districts. **INEXPEDIENT TO LEGISLATE.**

Rep. Beth R. Arsenault for Education: This bill would allow any group of ten residents to create its own school district with no consent from the school district or its residents. It further allows those residents to take their tax dollars with them. The new district could be exempt from state mandates and waive state funding. The committee was concerned that the new district could cherry-pick higher taxed properties to the detriment of the original district and could create uncertainty with school budgeting. Vote 18-0.

Rep. Hoell spoke against.

Rep. Arsenault spoke in favor.

Rep. Sylvia requested a roll call; sufficiently seconded.

YEAS 287 - NAYS 48**YEAS 287****BELKNAP**

Arsenault, Beth
Gulick, Ruth
Vadney, Herbert

DiMartino, Lisa
Huot, David

Fields, Dennis
Raymond, Ian

Greemore, Robert Jr
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Cordelli, Glenn
Merrow, Harry
Umberger, Karen

Buco, Thomas
Crawford, Karel
Nelson, Bill
White, Syndi

Butler, Edward
Lavender, Tom
Schmidt, Stephen

Chandler, Gene
McConkey, Mark
Ticehurst, Susan

CHESHIRE

Ames, Richard
Chase, Cynthia
Johnson, Jane
Roberts, Kris
Weber, Lucy

Berch, Paul
Eaton, Daniel
Mann, John
Robertson, Timothy
Weed, Charles

Burridge, Delmar
Emerson, Susan
Parkhurst, Henry
Sad, Tara
Young, Harry

Butynski, William
Johnsen, Gladys
Phillips, Larry
Shepardson, Marjorie

COOS

Coulombe, Gary
Moynihan, Wayne

Enman, Larry
Rideout, Leon

Hammon, Marcia
Theberge, Robert

Hatch, William
Thomas, Yvonne

GRAFTON

Aguiar, James
Bradley, Lester
Friedrich, Carol
Ladd, Rick Jr
Mulholland, Catherine
Reilly, Harold Sr
White, Andrew

Almy, Susan
Cooney, Mary
Gionet, Edmond
Lauer, Linda
Nordgren, Sharon
Smith, Suzanne

Bailey, Brad
Doolan, Ralph Jr
Harding, Laurie
Lovett, Sid
Pastor, Beatriz
Sykes, George

Benn, Bernard
Ford, Susan
Higgins, Patricia
Massimilla, Linda
Piper, Wendy
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Boisvert, Ronald
Chandley, Shannon
Culbert, Patrick
Flanagan, Jack
Gargas, Carolyn
Graham, John
Hansen, Peter
Hinch, Richard
Kelley, John
LeVasseur, Richard
Manley, Jonathan Sr
McNamara, Richard
Pellegrino, Tony
Sanborn, Laurie
Smith, Timothy
Sweeney, Shawn
Vaillancourt, Steve
Winters, Joel

Beaulieu, Jane
Brown, Pam
Coffey, James
Daniels, Gary
Gage, Ruth
Goley, Jeffrey
Haefner, Robert
Harriott-Gathright, Linda
Jack, Martin
Knowles, Mary Ann
Levesque, Melanie
Marston, Dick
Nelson, Mary
Porter, Marjorie
Schmidt, Janice
Spratt, Stephen
Takesian, Charlene
Walsh, Robert Jr
Woodbury, David

Belanger, James
Byron, Frank
Connor, Evelyn
Danielson, David
Gagne, Larry
Gorman, Mary
Hammond, Jill
Heden, Ruth
Jasper, Shawn
Kurk, Neal
Long, Patrick
McCarthy, Michael
O'Brien, Michael Sr
Renzullo, Andrew
Shattuck, Gilman
Sullivan, Daniel
Ulery, Jordan
Willette, Robert

Boehm, Ralph
Campbell, David
Cote, David
DiSilvestro, Linda
Gale, Sylvia
Grady, Brenda
Hansberry, Daniel
Hikel, John
Katsiantonis, Thomas
Leishman, Peter
MacKay, Mariellen
McCloskey, David
Palmer, Stephen
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Peter
Vail, Suzanne
Williams, Kermit

MERRIMACK

Andrews, Christopher
 Carey, Lorrie
 Frambach, Mary
 Henle, Paul
 Karrick, David Jr
 Moffett, Howard
 Reed, Dennis
 Schamberg, Thomas
 Turcotte, Alan
 Watrous, Rick

Bartlett, Christy
 Carson, Clyde
 Frazer, June
 Hess, David
 Kelly, Sally
 Myler, Mel
 Rice, Chip
 Schuett, Dianne
 Wallner, Mary Jane
 Webb, Leigh

Bouchard, Candace
 Davis, Frank
 French, Barbara
 Hirsch, Geoffrey
 Lockwood, Priscilla
 Patten, Dick
 Richardson, Gary
 Shurtleff, Stephen
 Walsh, Thomas IV

Burns, Scott
 Ebel, Karen
 Gile, Mary
 Hunt, Jane
 MacKay, James
 Ratzki, Mario
 Rogers, Katherine
 Tilton, Joy
 Walz, Mary Beth

ROCKINGHAM

Abrami, Patrick
 Birdsell, Regina
 Cahill, Michael
 Copeland, Timothy
 Devine, James
 Flockhart, Eileen
 Hayes, Jack
 Hoelzel, Kathleen
 Major, Norman
 Muns, Chris
 Peckham, Michele
 Rice, Frederick
 Sherman, Thomas
 Till, Mary
 Whittemore, Lisa

Allen, Mary
 Borden, David
 Cali-Pitts, Jacqueline
 Cushing, Robert Jr
 Elliott, Robert
 Friel, William
 Heffron, Frank
 Kappler, Lawrence
 Mann, Maureen
 O'Connor, John
 Perkins, Amy
 Sanders, Elisabeth
 Sweeney, Joe
 Waterhouse, Kevin

Andrews-Ahearn, E. Elaine
 Briden, Steven
 Charron, Gene
 Danais, Romeo
 Emerson-Brown, Rebecca
 Griffin, Mary
 Helmstetter, Barbara
 Khan, Aboul
 Milz, David
 Packard, Sherman
 Perkins, Lawrence
 Schlachman, Donna
 Sytek, John
 Wazlaw, Brian

Bick, Patrick
 Burtis, Elizabeth
 Chirichiello, Brian
 DeSimone, Debra
 Fesh, Robert
 Harris, Jeffrey
 Hodgdon, Bruce
 Lovejoy, Patricia
 Moody, Marcia
 Pantelakos, Laura
 Priestley, Anne
 Sedensky, John
 Thompson, David
 Webb, James Sr

STRAFFORD

Baber, William
 Burdwood, Greg
 Gray, James
 Kaen, Naida
 Miller, David
 Perry, Robert
 Schmidt, Peter
 Verschueren, James

Beaudoin, Steven
 Burke, Rachel
 Grossman, Kenneth
 Ketel, Stephen
 Mullen, John Jr
 Pitre, Joseph
 Smith, Marjorie
 Wall, Janet

Bickford, David
 Gardner, Janice
 Horrigan, Timothy
 Malloy, Dennis
 Parsons, Robbie
 Rogers, Rose Marie
 Spang, Judith
 Ward, Kenneth

Bixby, Peter
 Grassie, Anne
 Hubbard, Pamela
 Menear, H. Robert III
 Pelletier, Marsha
 Rollo, Deanna
 Stevens, Audrey

SULLIVAN

Cloutier, John
 Irwin, Virginia
 Schmidt, Andrew

Gagnon, Raymond
 Lefebvre, Benjamin
 Smith, Steven

Gottling, Suzanne
 O'Hearne, Andrew
 Sweeney, Cynthia

Grenier, James
 Rollins, Skip
 Tanner, Linda

NAYS 48**BELKNAP**

Burchell, Richard
 Sylvia, Michael

Cormier, Jane
 Worsman, Colette

Fink, Charles

Holmes, Stephen

CARROLL**CHESHIRE****COOS****GRAFTON****HILLSBOROUGH**

Burt, John
 Infantine, William
 Murotake, David
 O'Brien, William
 Pratt, Calvin
 Warden, Mark

Cebrowski, John
 Lambert, George
 Murphy, Keith
 O'Flaherty, Tim
 Sandblade, Emily

Christiansen, Lars
 LeBrun, Donald
 Murphy, Kelleigh
 Parison, James
 Straight, Philip

Garcia, Michael
 Meaney, Richard
 Notter, Jeanine
 Peterson, Lenette
 Villeneuve, Moe

MERRIMACK

Hoell, J.R.

McGuire, Carol

McGuire, Dan

ROCKINGHAM

Bishop, Franklin
Emerick, J. Tracy
Itse, Daniel
Tremblay, Stella

Comerford, Timothy
Ferrante, Beverly
Kolodziej, Walter
Weyler, Kenneth

Duarte, Joe
Gordon, Richard
Schroadter, Adam

Dumaine, Dudley
Hagan, Joseph
Tamburello, Daniel

STRAFFORD

Groen, Warren

SULLIVAN

None

and the committee report was adopted.

SPECIAL ORDERED

Without objection, the Speaker made **SB 40-FN-L**, relative to distribution of education funds for fiscal year 2013, a special order as the next order of business.

SPECIAL ORDER

SB 40-FN-L, relative to distribution of education funds for fiscal year 2013. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Susan M. Ford for the Majority of Finance: This bill applies a fix to address a technical error by the department of education that caused school districts to rely on the wrong set of figures in creating their 2013 budgets. If we don't make this correction, many towns may have to go back and revote on a new budget and in many cases, assess higher taxes on citizens, in addition to the increase expected at town meetings for this year. By making this correction we will prevent confusion, delay, and a possible potential for higher tax bills for citizens in 77 of the towns in the state. Appropriations for adequate education grants were unchanged during the budget process for 2012-2013, so applying a hold harmless provision for 2013 will not require any additional appropriations. Appropriations for adequate grants were level funded for FY 2012 and FY 2013 during the budget process at approximately \$578.2 million. The department of education's current estimate of adequate education grants for FY 2013 is \$574.8 million. Therefore, the \$3.4 million additional cost of the proposed hold harmless grant can be absorbed within the existing appropriation for FY 2013. Vote 22-1.

Rep. Neal M. Kurk for the Minority of Finance: The department of education is responsible for the miscalculation that led to this bill. The miscalculation led districts to vote on their budgets in March assuming a higher amount of state adequacy funding than they will actually receive for the 2012-13 school year. The overall shortfall, some \$3.4 million, is less than one-half of one percent of total state adequacy funding. Seventy-seven districts are affected to a minor degree, although the shortfall is a significant percentage for a very small number of districts. In light of the state's projected general fund \$30 million deficit for the current biennium, and the increased demands for state services in the upcoming biennium, it would be prudent to use this money to minimize significant challenges for other programs in balancing the next budget.

Rep. Wallner requested a roll call; sufficiently seconded.

YEAS 302 - NAYS 34**YEAS 302****BELKNAP**

Arsenault, Beth
Fink, Charles
Huot, David
Worsman, Colette

Burchell, Richard
Greemore, Robert Jr
Raymond, Ian

DiMartino, Lisa
Gulick, Ruth
Tilton, Franklin

Fields, Dennis
Holmes, Stephen
Vadney, Herbert

CARROLL

Buco, Thomas
Crawford, Karel
Nelson, Bill
White, Syndi

Butler, Edward
Lavender, Tom
Schmidt, Stephen
Wright, Donald

Chandler, Gene
McConkey, Mark
Ticehurst, Susan

Cordelli, Glenn
Morrow, Harry
Umberger, Karen

CHESHIRE

Ames, Richard
Chase, Cynthia
Johnson, Jane
Roberts, Kris
Weber, Lucy

Berch, Paul
Eaton, Daniel
Mann, John
Robertson, Timothy
Weed, Charles

Burridge, Delmar
Emerson, Susan
Parkhurst, Henry
Sad, Tara
Young, Harry

Butynski, William
Johnsen, Gladys
Phillips, Larry
Shepardson, Marjorie

COOS

Coulombe, Gary
Moynihan, Wayne
Thomas, Yvonne

Enman, Larry
Rappaport, Laurence

Hammon, Marcia
Rideout, Leon

Hatch, William
Theberge, Robert

GRAFTON

Aguiar, James
Cooney, Mary
Gionet, Edmond
Lauer, Linda
Nordgren, Sharon
Smith, Suzanne

Almy, Susan
Doolan, Ralph Jr
Harding, Laurie
Lovett, Sid
Pastor, Beatriz
Sykes, George

Benn, Bernard
Ford, Susan
Higgins, Patricia
Massimilla, Linda
Piper, Wendy
Townsend, Charles

Bradley, Lester
Friedrich, Carol
Ladd, Rick Jr
Mulholland, Catherine
Reilly, Harold Sr
White, Andrew

HILLSBOROUGH

Backus, Robert
Brown, Pam
Carroll, Douglas
Coffey, James
Daniels, Gary
Gagne, Larry
Goley, Jeffrey
Haefner, Robert
Heden, Ruth
Kelley, John
Leishman, Peter
MacKay, Mariellen
McNamara, Richard
O'Brien, Michael Sr
Pellegrino, Tony
Sanborn, Laurie
Shaw, Barbara
Sullivan, Daniel
Vail, Suzanne
Williams, Kermit

Beaulieu, Jane
Burt, John
Cebrowski, John
Connor, Evelyn
Danielson, David
Gale, Sylvia
Gorman, Mary
Hammond, Jill
Infantine, William
Knowles, Mary Ann
LeVasseur, Richard
Manley, Jonathan Sr
Meaney, Richard
O'Brien, William
Porter, Marjorie
Sandblade, Emily
Smith, Timothy
Sullivan, Peter
Vaillancourt, Steve
Winters, Joel

Belanger, James
Byron, Frank
Chandley, Shannon
Cote, David
DiSilvestro, Linda
Garcia, Michael
Grady, Brenda
Hansberry, Daniel
Jack, Martin
Lambert, George
Levesque, Melanie
McCarthy, Michael
Murotake, David
Palmer, Stephen
Pratt, Calvin
Schmidt, Janice
Spratt, Stephen
Sweeney, Shawn
Walsh, Robert Jr
Woodbury, David

Boisvert, Ronald
Campbell, David
Christiansen, Lars
Culbert, Patrick
Gage, Ruth
Gargas, Carolyn
Graham, John
Harriott-Gathright, Linda
Katsiantonis, Thomas
LeBrun, Donald
Long, Patrick
McCloskey, David
Nelson, Mary
Parison, James
Rosenwald, Cindy
Shattuck, Gilman
Straight, Philip
Takesian, Charlene
Willette, Robert

MERRIMACK

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Henle, Paul
Kelly, Sally
McGuire, Dan
Ratzki, Mario
Schamberg, Thomas
Turcotte, Alan
Watrous, Rick

Bartlett, Christy
Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Lockwood, Priscilla
Moffett, Howard
Rice, Chip
Schuett, Dianne
Wallner, Mary Jane
Webb, Leigh

Bouchard, Candace
Davis, Frank
French, Barbara
Hunt, Jane
MacKay, James
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Walsh, Thomas IV

Burns, Scott
Ebel, Karen
Gile, Mary
Karrick, David Jr
McGuire, Carol
Patten, Dick
Rogers, Katherine
Tilton, Joy
Walz, Mary Beth

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Burtis, Elizabeth
Chirichiello, Brian
Danaïs, Romeo
Elliott, Robert
Flockhart, Eileen
Hayes, Jack
Hoelzel, Kathleen
Lovejoy, Patricia
Moody, Marcia
Pantelakos, Laura
Priestley, Anne
Sedensky, John
Tamburello, Daniel
Waterhouse, Kevin

Allen, Mary
Bishop, Franklin
Cahill, Michael
Comerford, Timothy
DeSimone, Debra
Emerick, J. Tracy
Friel, William
Heffron, Frank
Kappler, Lawrence
Major, Norman
Muns, Chris
Peckham, Michele
Rice, Frederick
Sherman, Thomas
Thompson, David
Wazlaw, Brian

Andrews-Ahearn, E. Elaine
Borden, David
Cali-Pitts, Jacqueline
Copeland, Timothy
Duarte, Joe
Emerson-Brown, Rebecca
Griffin, Mary
Helmstetter, Barbara
Khan, Aboul
Mann, Maureen
O'Connor, John
Perkins, Amy
Sanders, Elisabeth
Sweeney, Joe
Till, Mary
Webb, James Sr

Bick, Patrick
Briden, Steven
Charron, Gene
Cushing, Robert Jr
Dumaine, Dudley
Fesh, Robert
Harris, Jeffrey
Hodgdon, Bruce
Kolodziej, Walter
Milz, David
Packard, Sherman
Perkins, Lawrence
Schlachman, Donna
Sytek, John
Tremblay, Stella
Whittemore, Lisa

STRAFFORD

Baber, William
Burdwood, Greg
Gray, James
Jones, Laura
Menear, H. Robert III
Pitre, Joseph
Smith, Marjorie
Wall, Janet

Beaudoin, Steven
Burke, Rachel
Grossman, Kenneth
Kaen, Naida
Miller, David
Rogers, Rose Marie
Spang, Judith
Ward, Kenneth

Bickford, David
Gardner, Janice
Horrigan, Timothy
Ketel, Stephen
Mullen, John Jr
Rollo, Deanna
Stevens, Audrey

Bixby, Peter
Grassie, Anne
Hubbard, Pamela
Malloy, Dennis
Perry, Robert
Schmidt, Peter
Verschueren, James

SULLIVAN

Cloutier, John
Irwin, Virginia
Schmidt, Andrew

Gagnon, Raymond
Lefebvre, Benjamin
Smith, Steven

Gottling, Suzanne
O'Hearne, Andrew
Sweeney, Cynthia

Grenier, James
Rollins, Skip
Tanner, Linda

**NAYS 34
BELKNAP**

Cormier, Jane

Sylvia, Michael

CARROLL

Ahlgren, Christopher

CHESHIRE

Hunt, John

COOS

None

GRAFTON

Bailey, Brad

HILLSBOROUGH

Boehm, Ralph
Hinch, Richard
Murphy, Keith
Peterson, Lenette
Warden, Mark

Flanagan, Jack
Jasper, Shawn
Murphy, Kelleigh
Renzullo, Andrew

Hansen, Peter
Kurk, Neal
Notter, Jeanine
Ulery, Jordan

Hikel, John
Marston, Dick
O'Flaherty, Tim
Villeneuve, Moe

MERRIMACK

Hess, David

Hoell, J.R.

Reed, Dennis

ROCKINGHAM

Devine, James
Itse, Daniel

Ferrante, Beverly
Schroadter, Adam

Gordon, Richard
Weyler, Kenneth

Hagan, Joseph

STRAFFORD

Groen, Warren

Parsons, Robbie

SULLIVAN

None

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

Rep. Pelletier did not vote and notified the Clerk that she wished to be recorded in favor.

HOUSE RESOLUTION 8

A RESOLUTION affirming revenue estimates for fiscal years 2013, 2014, and 2015.

Whereas, the House Ways and Means Committee has considered what the unrestricted revenue estimates should be for fiscal years 2013, 2014, 2015 and has presented those estimates to the House of Representatives;

Resolved by the House of Representatives:

That the House wishes to go on record as affirming the following revenue estimates for fiscal years 2013, 2014, and 2015.

Committee estimates are based on current rates.

	FY 2013		FY 2014	FY 2015
GEN'L & EDUCATION				
TRUST FUND:	Official	Committee	Committee	Committee
(Dollars in Millions)	Estimate	Estimate	Estimate	Estimate
Business Profits Tax	\$322.000	\$307.600	\$306.600	\$314.000
Business Enterprise Tax	196.100	198.400	204.400	209.400
Subtotal	518.100	506.000	511.000	523.400
Meals & Rooms Tax	234.300	250.000	258.300	270.100
Tobacco Tax	219.000	207.500	199.200	191.300
Liquor Sales	139.000	129.000	132.400	135.800
Interest & Dividends Tax	87.100	94.000	95.400	97.400
Insurance Tax	86.800	86.800	86.900	109.500
Communications Tax	82.400	66.500	66.500	63.300
Real Estate Transfer Tax	81.200	95.200	102.800	107.900
Court Fines & Fees	13.800	13.700	13.700	13.700
Securities Revenue	35.900	38.200	37.600	37.600
Utility Consumption Tax	6.000	6.000	5.900	5.900
Board & Care Revenue	21.000	26.700	27.500	28.200
Beer Tax	13.200	13.200	13.200	13.200

Other	73.900	70.700	75.800	76.300
Lottery Transfers	72.000	71.300	72.700	74.200
Racing & Charitable Gaming	3.800	2.700	2.700	2.700
Tobacco Settlement	42.400	41.700	42.400	41.900
Utility Property Tax	28.300	33.800	34.500	35.400
Statewide Property Tax	363.100	363.100	363.100	363.100
SUBTOTAL	\$2,121.300	\$2,116.100	\$2,141.600	\$2,190.900
Medicaid Enhancement Tax	104.800	70.800	72.200	73.700
Medicaid Recoveries	3.800	5.400	5.400	5.400
TOTAL GEN'L & ED				
TRUST FUNDS	\$2,229.900	\$2,192.300	\$2,219.200	\$2,270.000

	FY 2013		FY 2014	FY 2015
HIGHWAY FUNDS:	Official	Committee	Committee	Committee
(Dollars in Millions)	Estimate	Estimate	Estimate	Estimate
Road Toll	\$124.500	\$123.400	\$122.800	\$122.100
Motor Vehicle Fees	109.600	110.100	112.900	113.300
Miscellaneous	<u>43.600</u>	<u>44.000</u>	<u>6.300</u>	<u>6.300</u>
TOTAL HIGHWAY FUNDS	\$277.700	\$277.500	\$242.000	\$241.700

	FY 2013		FY 2014	FY 2015
FISH AND GAME FUNDS:	Official	Committee	Committee	Committee
(Dollars in Millions)	Estimate	Estimate	Estimate	Estimate
Fish & Game Licenses	\$8.700	\$8.100	\$8.100	\$8.100
Fines & Miscellaneous	<u>1.900</u>	<u>1.900</u>	<u>1.600</u>	<u>1.600</u>
TOTAL FISH & GAME FUNDS	\$10.600	\$10.000	\$9.700	\$9.700

Rep. Almy moved Ought to Pass, spoke in favor and yielded to questions.

Rep. Hess spoke against and yielded to questions.

LAID ON THE TABLE

Rep. Almy moved that **HR 8**, affirming revenue estimates for fiscal years 2013, 2014, and 2015, be laid on the table.

Adopted.

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, March 13, 2013 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 327-FN, relative to payment of attorneys' fees for indigent parents in termination of parental rights cases.

HB 253, relative to limitations on sales by nano breweries for consumption on the premises.

HB 142, relative to teacher evaluation systems.

HB 180, relative to the definitions of "student athlete" and "student sports" for the management of concussion and head injury.

HB 519, requiring the division of higher education to develop a policy on academic credit for a student's military occupation, military training, coursework, and experience.

HB 206, relative to political advertising.

HB 308, relative to technical changes to election laws.

HB 521, establishing a committee to study New Hampshire election laws and procedures.

HB 372, relative to state agency telecommunications services.

HB 558, relative to disclosure of information regarding charitable solicitations.

HB 252, consolidating the property appraisal division and the municipal services division of the department of revenue administration.

HB 254-FN-A, abolishing certain positions in the liquor commission.

HB 394-FN, relative to transfer of funds by the liquor commission.

HB 293, relative to the adverse events reporting system.

HB 228, relative to insurance fraud.

HB 413, relative to property abandoned by tenants.

HB 426, relative to payment of costs and fees in guardianship cases.

HB 440, relative to new hire reports to the department of employment security.

HB 428, relative to funds for dam maintenance, removal and improvement.

HCR 1, urging Congress to fund the development and implementation of a comprehensive health care delivery system to enhance the level of specialty care for New Hampshire's veterans.

HB 282, relative to mixed use school buses, relative to licensing and criminal records of driver education instructors, and relative to background checks for department of safety employees.

HB 383, relative to operation of OHRVs on the traveled portion of public highways, where permitted.

HB 444, establishing a committee to study the use of autonomous vehicles in New Hampshire.

HB 488-FN, changing the definition of "cigarette" under the tobacco tax to match the definition of "cigarette" under the Master Settlement Agreement.

HB 520, establishing a committee to study implementing Keno in New Hampshire.

SB 40-FN-L, relative to distribution of education funds for fiscal year 2013.

UNANIMOUS CONSENT

Reps. Vail and Enman addressed the House.

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 6:00 p.m.

RECESS