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Wednesday, March 13, 2013

No. 26

HOUSE JOURNAL No. 9 (Cont.)

Wednesday, March 6, 2013

Rep. Kaen moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 10

Wednesday, March 13, 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 House Chaplain, Reverend Jared A. Rardin, Pastor of the South Congregational Church in Concord.

God of light and truth, as the sun illuminates this city and the longer days lift our spirits, illuminate our work this day. Lift our spirits and raise our hopes. Elevate our trust in the future and in one another. Reveal to us the good and just paths to take and remove all self-interest from us that the collective good might be our greatest concern. Enlighten the places of our fear and mistrust, that we might see one another as You see us; flawed for sure, but filled as well with abiding hopes, unshared talents and worthy dreams. Help us to honor the power You have entrusted to us and to use it wisely and without favor, falsehood or malice. Put our concern for well-being above our concern for wealth, our concern for people above our concern for profits and our concern for the vulnerable above our concern for special interests. May our work today reflect a spirit of justice and generosity and may it be said of us at the end of the day that what we said and decided here made a real and positive difference in helping New Hampshire strive toward a better future for all. Bless every person here, especially those who are ill or suffering.

Representative Elisabeth Sanders, member from Danville, led the Pledge of Allegiance.

The National Anthem was sung by the member from Alton, Representative Jane Cormier.

LEAVES OF ABSENCE

Reps. Bishop, Cote, John Kelley, Priestly, Rowe and James Webb, the day, illness.

Reps. Azarian, Burtis, Dobson, Richard Eaton, Garrity, Ketel, Kolodziej, Luther, Menear, Merrow, Mullen, Murotake, Oligny, Palangas, Schlachman, Stephen Schmidt, Kathleen Souza, Tamburello and Watrous, the day, important business.

INTRODUCTION OF GUESTS

Dante Scarlotto, Dominique Hopkinson and Gary Fujioka, son daughter and guest of Rep. Scarlotto. Tracy Johnson, daughter of Rep. Jane Johnson. Fourth grade students from Bow Elementary School, guests of the Merrimack District 23 Delegation. Fourth grade students from Donderro Elementary School, guests of the Portsmouth Delegation.

Jeff Brown and Ginger Gates of Pembroke Academy and Jamison Finnermore of Monadnock Regional High School, Pages for the day.

CONSENT CALENDAR

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

HB 389, relative to discovery in misdemeanor and violation cases, removed by Rep. James Belanger.

HB 679, relative to renovations to the vocational technical center at Alvirne high school, removed by Rep. Christiansen.

HB 189, repealing the commission to study water infrastructure sustainability funding, removed by Rep. Kappler.

HB 527, repealing the exotic aquatic weeds and species committee, removed by Rep. Kappler.

HB 549, establishing a committee to study a constitutional amendment to prevent dedicated funding for a specific purpose from being diverted from that purpose, removed by Rep. Bixby.

Consent Calendar adopted.

HB 433, relative to procedures for juvenile delinquency petitions filed by a school district or school official and establishing a committee to study the children in need of services (CHINS) program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patrick T. Long for Children and Family Law: This bill clarifies for school resource officers (SRO's) and school districts their specific responsibilities prior to filing a juvenile delinquency petition. The bill also clarifies that the child has had the opportunity to resolve their issue through normalized approaches. (Programs designed to help the child without court oversight). The amendment removes the study committee and more clearly defines the petitioner's responsibility. Vote 15-0.

Amendment (0566h)

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

AN ACT relative to procedures for juvenile delinquency petitions filed by a school district or school official.

Amend RSA 169-B:6, IV as inserted by section 2 of the bill by replacing it with the following:

IV. When a school official, including school resource officers assigned to a school district pursuant to a contract agreement with the local police department, or a local police department as a result of a report made by a school official or school resource officer, files a petition involving a minor with a disability pursuant to RSA 186-C, upon submission of a juvenile petition, but prior to the child's initial appearance the legally liable school district shall provide assurance that prior to its filing:

(a) It was determined whether or not the child is a child with a disability according to RSA 186-C:2, I.

(b) If the school district has determined that the child is a child with a disability, a manifestation review pursuant to 20 U.S.C. section 1415(k)(1)(E) occurred.

(c) If the child's conduct was determined to be a manifestation of the child's disability, the school district followed the process set forth in 20 U.S.C. section 1415(k)(1)(F).

(d) It has reviewed for appropriateness the minor's current individualized education program (IEP), behavior intervention plan, and placement, and has made modifications where appropriate.

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

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

AMENDED ANALYSIS

This bill provides that, unless an incident presents a serious threat to school safety, the school district shall attempt to resolve the issue through available educational interventions before filing a juvenile delinquency petition.

HB 470, establishing a task force to determine the effects of the recession on child and family programs. **INEXPEDIENT TO LEGISLATE.**

Rep. Carolyn M. Gargas for Children and Family Law: This bill would establish yet another task force to study family-related issues. There is a similar narrower bill in the Health and Human Services committee, HB 557. At the suggestion of the Chair of the Health and Human Services committee, this bill is recommended Inexpedient to Legislate and the issues raised in both bills will be examined by the Health and Human Services Oversight Committee. The committee believes this is a better approach than establishing another body to study over-lapping issues. Vote 16-0.

HB 604, relative to alimony. **INEXPEDIENT TO LEGISLATE.**

Rep. Daniel C. Itse for Children and Family Law: The proposed change to RSA 458:9 was based upon one known instance. The committee agreed that while the current statute has not fully achieved its intent, that the proposed change may not either. The appropriate correction, whether legislative or administrative, will likely become apparent after a planned discussion with the judiciary. Vote 16-0.

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

Rep. John B. Hunt for Commerce and Consumer Affairs: As amended, if a developer of a subdivision is willing to put in sprinklers in a proposed subdivision, he or she must include sprinklers in their initial proposal to be allowed as a requirement for approval. Hopefully this will insure that sprinklers will not be used as a bargaining chip. Vote 18-0.

Amendment (0790h)

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

1 Subdivision of Land; Sprinklers. Amend RSA 674:36, IV to read as follows:

IV. The planning board shall not require, or adopt any regulation requiring, the installation of a fire suppression sprinkler system in proposed one- or 2-family residences as a condition of approval for a local permit. Nothing in this paragraph shall prohibit a duly adopted regulation mandating a cistern, dry hydrant, fire pond, or other credible water source other than a fire suppression sprinkler system. ***Nothing in this paragraph shall prevent an applicant from including the installation of fire suppression sprinkler systems in proposed one- or 2-family residences and, if the application is otherwise approved, the installation of such systems shall be required and shall be enforceable as a condition of the approval.***

2 Building Code; Sprinklers. Amend RSA 674:51, V to read as follows:

V. No municipality or local land use board as defined in RSA 672:7 shall adopt any ordinance, regulation, code, or administrative practice requiring the installation of automatic fire suppression sprinklers in any new or existing detached one- or 2-family dwelling unit in a structure used only for residential purposes. Notwithstanding any provision of law to the contrary, no municipality or local land use board shall enforce any existing ordinance, regulation, code, or administrative practice requiring the installation or use of automatic fire suppression sprinklers in any manufactured housing unit as defined in RSA 674:31 situated in a manufactured housing park as defined in RSA 205-A:1, II. ***Nothing in this paragraph shall affect the ability of an applicant for a local land use permit to include the installation of fire suppression sprinklers pursuant to RSA 674:36, IV, or affect the validity or enforceability of such inclusion.***

HB 355, establishing a committee to study the feasibility of cities and towns transferring insurance under the Patient Protection and Affordable Care Act. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura M. Jones for Commerce and Consumer Affairs: The duties of the committee established by this bill would include determining whether there is an economic benefit to the municipalities to use the insurance under the Act. The committee had two concerns with this bill. First, municipalities are large employers and so the Patient Protection and Affordable Care Act does not apply to them. Second, we have no idea what the plans or premiums will be on the exchange, therefore, at this point in time there is nothing to compare. Maybe in the future this type of study committee would be helpful. Vote 16-1.

HB 356, establishing a committee to study the feasibility of the state transferring insurance under the Patient Protection and Affordable Care Act. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura M. Jones for Commerce and Consumer Affairs: The duties of this committee would include determining whether there is an economic benefit to the state to use the insurance covered under the Act. The committee had two concerns with this bill. First, the state is a large employer and so the Patient Protection and Affordable Care Act does not apply to it. Second, we have no idea what the plans or premiums will be on the exchange, therefore, at this point in time there is nothing to compare. Maybe in the future this type of study committee would be helpful. Vote 16-1.

HB 367, relative to the municipal bond bank reserve process. **OUGHT TO PASS.**

Rep. Jill S. Hammond for Commerce and Consumer Affairs: This bill clarifies the process for appropriation requests by the New Hampshire municipal bond bank in the event of a shortfall in a bond reserve fund, and also expands the terms under which governmental units may sell their bonds or notes to the New Hampshire municipal bond bank. It brings greater flexibility and timeliness to the bank's functions of aggregating and marketing bonds for local government entities, which it has been doing for over 30 years. This bill is supported by the state treasurer and the municipal association, among others. Vote 17-0.

HB 386, establishing a committee to study streamlining inspections and licensing of businesses. **INEXPEDIENT TO LEGISLATE.**

Rep. Donna L. Schlachman for Commerce and Consumer Affairs: The sponsor's expressed desire in filing this bill was to help new and existing businesses navigate the processes involved with business regulation in the state and chose to begin with inspections and licensing. The legislature has taken up similar concerns in the past and the state has made a number of specific changes across all state agencies to increase transparency and streamline processes. Considerable state investment in an effort, known as New Hampshire One-Stop and some of its feature are already available. Other features are being phased in with the goal of small businesses being able to do all their filings and licensing on line. New Hampshire One-Stop is expected to save the state and businesses time and money. In addition, the division of economic development already has a considerable list of on-line resources to help business start-ups navigate the state at different stages of need. Vote 17-0.

HB 400, relative to funding agreements issued by life insurance companies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kermit R. Williams for Commerce and Consumer Affairs: This bill is a request of the insurance department. HB 400 establishes a new chapter in Title XXXVII, Insurance Statutes, RSA 408-E, that enables life insurers to issue funding agreements. While funding agreements are not a life insurance or annuity product, because life insurers issuing them are subject to the jurisdiction of the insurance department, the department and the industry requested that this insurer business expansion be regulated by the insurance department. Funding agreements enable the accumulation of funds by insurers for payment to the holder not based on

morbidity or mortality. The bill delineates permissible holders of funding agreements, the allocation of monies received by the insurer to one or more separate accounts, and the necessary reserve requirements to be maintained by insurers. Vote 17-2.

Amendment (0574h)

Amend RSA 408-E:2, I as inserted by section 1 of the bill by replacing it with the following:

I. "Funding agreement" means an agreement issued by a life insurance company, not based on mortality or morbidity, providing for the accumulation of funds by the insurer for the purpose of making one or more payments to the holder, where the initial premium paid is \$1,000,000 or more. Except as provided in this chapter, a "funding agreement" does not constitute life insurance or an annuity and does not constitute a security, as defined by RSA 421-B:2, XX.

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

HB 401, relative to property and casualty insurers under the risk-based capital law. **OUGHT TO PASS.**

Rep. Emily C. Sandblade for Commerce and Consumer Affairs: When a property or casualty insurance company's capitalization is below three times its risk-based capital, and if the trend in the company's capital is downward over time, this bill requires the insurance company to file a plan with the state's insurance commissioner detailing how it is going to reverse the trend. The insurance commissioner then monitors the company's progress toward regaining sufficient capitalization and/or intervenes to try to maintain adequate insurer solvency. Vote 17-0.

HB 457, establishing a committee to study eliminating and combining liquor licenses. **INEXPEDIENT TO LEGISLATE.**

Rep. John B. Hunt for Commerce and Consumer Affairs: The issues of the varied liquor licenses has been discussed and studied several times in the past few years. Recently we passed legislation to allow the liquor commission to give out licenses without new legislation for every different variation of business that come forward. So at this time, a study committee is not necessary. Vote 18-1.

HB 489-FN, relative to the New Hampshire medical malpractice joint underwriting association. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jill S. Hammond for Commerce and Consumer Affairs: This bill, at the request of the insurance department, establishes the New Hampshire medical malpractice joint underwriting association act. The New Hampshire medical malpractice joint underwriting association (the "JUA" as it has been known) was set up about 30 years ago in response to a need for competitively priced malpractice insurance for doctors having trouble finding such in our small state. It has been operating under the insurance department rules structure, and had accumulated a significant reserve fund. When there was an attempt to tap those funds for general fund budget purposes a few years ago, suit was brought that led to a NH supreme court decision that all funds belonged to the JUA, and not the state. The need, which this bill satisfies, is to clearly establish the JUA in statute, as a non-profit organization fulfilling the role of providing medical malpractice insurance to eligible risks (doctors), establishing its board of directors, delineating its powers and duties, and directing how it shall dispose of any future surplus, without adversely affecting the voluntary market. Additionally, the JUA's officials are indemnified by the state against civil action, as are similar state agencies such as the Pease development authority. Vote 18-0.

Amendment (0670h)

Amend RSA 404-I:6 as inserted by section 2 of the bill by replacing it with the following:

404-I:6 Board of Directors.

I. The board of directors of the association shall consist of 7 voting representatives as follows:

(a) An insurer which is a member of the New Hampshire Association of Domestic Insurance Companies, appointed by such association with notice to the commissioner.

(b) A health care provider which is a member of the New Hampshire Medical Society, appointed by the society with notice to the commissioner.

(c) A health care provider which is a member of the New Hampshire Hospital Association, appointed by the association with notice to the commissioner.

(d) A member insurer of the association, appointed by the commissioner.

(e) A health care provider who is not a member of the New Hampshire Medical Society or a member of the New Hampshire Hospital Association, appointed by the commissioner.

(f) Two representatives of the public who are not members of any of the groups in (a) through (e), appointed by the commissioner.

II. The board of directors of the association shall continue to consist of the members of the board appointed under administrative rules until the expiration of each board member's term or the resignation of the board member, whichever first occurs. Board members may be appointed for additional terms in accordance with the plan of operation adopted under this chapter.

III. Notwithstanding RSA 91-A or any other law to the contrary, members of the board shall be permitted to participate in meetings by telephone, provided that any board member so participating shall be able to be heard and to hear every other board member participating in the meeting, and unless the board is meeting in nonpublic session pursuant to RSA 91-A:3, shall be able to hear and be heard by all members of the public attending the meeting, and that the meeting is held at a physical location available to the public and identified in the notice of the meeting, and that at least 2 members of the association are physically present at the meeting. Voting members of the board participating by telephone shall be treated as present at the meeting for all purposes, including the establishment of quorum.

Amend RSA 404-I:7, XV as inserted by section 2 of the bill by replacing it with the following:

XV. Reimburse any servicing facility for obligations of the association paid by the facility and for expenses incurred by the facility while adjudicating claims on behalf of the association and pay the other expenses of the association authorized by this chapter.

Amend RSA 404-I:8, VI(k) as inserted by section 2 of the bill by replacing it with the following:

(k) Establish procedures to keep records of all transactions of the association as well as financial reports to be completed in accordance with statutory accounting practices and procedures.

Amend the introductory paragraph of RSA 404-I:9, I as inserted by section 2 of the bill by replacing it with the following:

I. Upon a determination by the board that the anticipated liabilities of the association for policies written will exceed the general assets of the association, the board may recommend to the commissioner an assessment upon one, all, or any combination of the following persons: Amend RSA 404-I:11, I as inserted by section 2 of the bill by replacing it with the following:

I. The association shall be exempt from payment of all taxes levied by this state or any of its subdivisions except taxes levied on real or personal property and is intended to be exempt from federal tax.

Amend RSA 404-I:12 as inserted by section 2 of the bill by replacing it with the following:

404-I:12 Surplus.

I. The board shall have exclusive authority to direct the use of surplus funds of the association in accordance with this chapter, subject only to the commission's regulatory authority to ensure the association acts in compliance with this chapter and insurance law. Neither the commissioner, the legislature, nor any other state agency, officer, or official shall have the authority to direct the application of surplus funds of the association as such rights rest solely with the board.

II. At the sole discretion of the board, any surplus shall be applied only in any one or more of the following ways:

(a) Held to reduce future assessments against policyholders, health care providers, and member insurers;

(b) Held to reduce potential future rate increases provided that the application of surplus to reduce rate increases does not result in interference by the association with the voluntary market; or

(c) Used to provide grants in aid to health care providers servicing medically underserved populations.

III. Policyholders shall not have nor shall acquire any vested right or entitlement to the surplus of the association.

Amend RSA 404-I as inserted by section 2 of the bill by inserting after RSA 404-I:15 the following new section:

404-I:16 Tax Reserve Fund

I. A reserve fund of \$25,000,000 shall be segregated by the association for the payment of any federal tax liability arising from the excess premiums paid and that has or shall be returned to policyholders in accordance with a court approved plan of allocation in the action in the Merrimack County Superior Court, docket no. 217-2010-CV-00414.

II. The association, the insurance commissioner, or designee, and a representative of the association's policyholders, designated by the president of the New Hampshire Medical Society, shall jointly approach the United States Internal Revenue Service to obtain a closing agreement, or its equivalent, determining whether the association has any federal tax liability arising from the return of premium to policyholders.

III. No later than 30 days after receipt of the closing agreement, or its equivalent, the NHMMJUA shall interplead, into the Merrimack County Superior Court docket no. 217-2010-CV-00414, for the purpose of adjudicating all policyholders' claims in accordance with the approved plan of allocation, any funds remaining in the \$25,000,000 reserve fund after satisfaction of any taxes owed.

IV. Funds that cannot be distributed to a policyholder in the court proceeding docket no. 217-2010-CV-00414, due to the inability to locate the policyholder after reasonable efforts, shall revert to the association to be used to provide grants in aid to health care providers servicing medically underserved populations.

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

3 Repeal. The following are repealed:

I. RSA 404-C:14, relative to the New Hampshire Medical Malpractice Joint Underwriting Association.

II. RSA 404-I:16, relative to the tax reserve fund.

4 Contingency. Paragraph II of section 3 of this act shall take effect on the date upon which all moneys in the tax reserve fund have been disbursed in accordance with RSA 404-I:16 as inserted by section 2 of this act, as certified by the insurance commissioner to the secretary of state and the director of legislative services.

5 Effective Date.

I. Paragraph II of section 3 of this act shall take effect as provided in section 4 of this act.

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

HB 511-FN, relative to insurance holding companies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jill S. Hammond for Commerce and Consumer Affairs: This bill updates the law relative to insurance holding companies as necessary for accreditation from the national association insurance commissioners (NAIC), and is at the request of the insurance department. Increasingly in our national market, domestic insurance companies are being bought and held by international insurance holding companies. For state insurance departments to adequately assess the viability of such holding companies, cooperation through the NAIC becomes the best model. The commissioner may participate in supervisory colleges with other regulators, including other state, federal, and international regulatory agencies, to do such assessments. Vote 19-0.

Amendment (0510h)

Amend RSA 401-B:1, III as inserted by section 1 of the bill by replacing it with the following:

III. "Control" (including the terms "controlling", "controlled by" and "under common control with") means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or non-management services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing, 10 percent or more of the voting securities of any other person. This presumption may be rebutted by a showing made in the manner provided by RSA 401-B:4, XI that control does not exist in fact. The commissioner may determine, after furnishing all persons in interest notice and opportunity to be heard and making specific findings of fact to support such determination, that control exists in fact, notwithstanding the absence of a presumption to that effect.

Amend RSA 401-B:5, II-a and III as inserted by section 1 of the bill by renumbering them to read as III and IV.

Amend RSA 401-B:8, I as inserted by section 1 of the bill by replacing it with the following:

I. Documents, materials, or other information in the possession or control of the insurance department that are obtained by or disclosed to the commissioner or any other person in the course of an examination or investigation made pursuant to RSA 401-B:6 and all information reported pursuant to RSA 401-B:3, II(l) and (m), RSA 401-B:4, and RSA 401-B:5, shall be confidential by law and privileged shall not be subject to RSA 91-A, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action. However, the commissioner is authorized to use the documents, materials, or other information in the furtherance of any regulatory or legal action brought as part of the commissioner's official duties. The commissioner shall not otherwise make the documents, materials or other information public without the prior written consent of the insurer to which it pertains unless the commissioner, after giving the insurer and its affiliates who would be affected thereby notice and opportunity to be heard, determines that the interests of policyholders, shareholders, or the public will be served by the publication thereof, in which event the commissioner may publish all or any part in such manner as may be deemed appropriate.

Amend RSA 401-B:8, III(d)(1) as inserted by section 1 of the bill by replacing it with the following:

(1) Specify procedures and protocols regarding the confidentiality and security of information shared with the NAIC and its affiliates and subsidiaries pursuant to this chapter, including procedures and protocols for sharing by the NAIC with other state, federal, or international regulators.

Amend RSA 401-B:8, III(d)(4) as inserted by section 1 of the bill by replacing it with the following:

(4) Require the NAIC and its affiliates and subsidiaries to consent to intervention by an insurer in any judicial or administrative action in which the NAIC and its affiliates and subsidiaries may be required to disclose confidential information about the insurer and shared with the NAIC and its affiliates and subsidiaries pursuant to this chapter.

HB 526-FN, relative to a reinsurance mechanism for the individual health insurance market. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kermit R. Williams for Commerce and Consumer Affairs: New Hampshire currently operates two high-risk insurance pools providing subsidized individual health insurance for residents who have been denied coverage because of pre-existing conditions or other issues that limit their access to private coverage. The federal high-risk pool was created by the US department of health and human services, and is funded by federal grants. The state high-risk pool was created through RSA 404-G, and is funded by assessments on state health insurance companies. Both pools are operated by a non-profit organization, the New Hampshire Health Plan (NHHP). The patient protection and affordable care act, passed by Congress in 2010, requires health insurance companies to accept all applicants and offer the same rates regardless of pre-existing conditions, starting on January 1, 2014. This will allow current NHHP participants to obtain individual health

insurance plans under the same rates, rules and subsidies as other New Hampshire residents. Because of these changes in insurance law, the high-risk pools are no longer necessary, and federal subsidies will cease at the end of this year. This bill directs the NHHP to notify participants that they should apply for health insurance under the rules created by the affordable care act, and wind down its operations and terminate its pool coverage by December 31, 2013. Vote 17-0.

Amendment (0349h)

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

AN ACT relative to termination of activities and dissolution of the association created under RSA 404-G.

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

1 New Section; Termination of Activities and Dissolution. Amend RSA 404-G by inserting after section 10 the following new section:

404-G:11 Termination of Activities and Dissolution. Notwithstanding the provisions of RSA 404-G:1 – RSA 404-G:7, the association shall undertake the winding down and cessation of the risk sharing subsidy mechanism, the high risk pool and the federally qualified high risk pool, and the dissolution of the association, as follows:

I. The risk sharing subsidy mechanism described in RSA 404-G:5 shall cease. The final subsidies shall be determined based on calendar year 2013 experience and paid to eligible carriers in 2014.

II. The risk adjustment and subsidization established by the commissioner through Ins 1908 with respect to individual health policies to children under age 19 shall cease. The final subsidies shall be determined based on calendar year 2013 experience and disbursed in accordance with the association's disbursement plan as approved by the commissioner.

III. The high risk pool under RSA 404-G:5-b shall cease in accordance with the following:

(a) Health care coverage provided by the pool shall cease at the close of business on December 31, 2013;

(b) On or before November 1, 2013, the association, through the high risk pool administrator, shall notify all individuals currently enrolled in the pool of the year-end termination of coverage;

(c) The association may renew coverage for existing enrollees or enroll new individuals in the high risk pool until December 1, 2013; provided, that at the time of renewal or application, such enrollees are given notice that pool coverage will terminate on December 31, 2013;

(d) Insurance laws and regulations providing for guaranteed renewal and guaranteed premiums for a period of 12-months, and any similar insurance laws or regulations, shall not apply to the high risk pool to the extent that they are inconsistent with this section;

(e) No individual shall be eligible for coverage through the high risk pool on or after January 1, 2014; and

(f) The association may extend the contract of the existing high risk pool administrator without a competitive bidding process through the period of time required to wind down the operations of the high risk pool.

IV. Coverage under the federally qualified high risk pool described in RSA 404-G:5-g shall cease as of the close of business on December 31, 2013, and the pool shall dissolve in accordance with the Act and as directed by, and under the contract of the association with, the Secretary of the United States Department of Health and Human Services.

V. The board of directors of the association shall prepare and submit to the commissioner for approval within 60 days of the effective date of this section, a plan of termination which shall be an amendment to the plans of operation described in RSA 404-G:5 and RSA 404-G:5-a. The plan of termination shall provide for such administrative measures as are necessary or desirable to terminate the risk sharing subsidy mechanism, under 19 subsidy mechanism, high risk pool and federally qualified high risk pool, and such provisions shall not be inconsistent with this section.

VI. Following the cessation of coverage on December 31, 2013, the association shall take such actions as are necessary and desirable to wind down its affairs under this chapter in accordance with the plan of termination. The association shall retain all of its powers and duties, including, but not limited to, its power to establish and collect regular and special assessments under RSA 404-G:5 and RSA 404-G:5-a, and the immunity provided by RSA 404-G:9 and the bylaws of the association. Any excess funds remaining after the satisfaction of all of the association's liabilities shall be returned to the association's members in proportion to their respective liability for the last regular assessments imposed by the association.

VII. When the association has completed the winding down of its affairs under this chapter and satisfied in full all of its liabilities, then it shall submit to the commissioner for approval a plan of dissolution. Upon approval of the plan of dissolution, the association shall file a certificate of dissolution with the secretary of state, whereupon the association shall cease to exist.

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

AMENDED ANALYSIS

This bill establishes a procedure for the termination of activities and dissolution of the association created pursuant to RSA 404-G for the operation of the high risk pool.

HB 559, relative to the general banking laws of the state. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jill S. Hammond for Commerce and Consumer Affairs: This bill, brought at the request of the banking department, defines "qualified institutions" and details how such institutions are to be audited and inspected. It also requires criminal background checks for persons seeking to form a financial institution. A section was removed in the original bill that would have required any federally-chartered financial institution filing a report of a security breach to its federal regulator to also send a copy to the state banking department; it was deemed a conflict of authority and not enforceable. Vote 19-0.

Amendment (0587h)

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

1 New Section; Privileges Not Affected by Disclosure. Amend RSA 383 by inserting after section 10-f the following new section:

383:10-g Privileges Not Affected by Disclosure. Notwithstanding the exceptions to confidentiality in RSA 383:10-b, the submission of any information to any federal banking agency, state banking department, or foreign banking authority for any purpose in the course of any supervisory or regulatory process shall not be construed as waiving, destroying, or otherwise affecting any privilege such person may claim with regard to any information under federal or state law as to any person other than such agency, department, or authority.

2 Annual Audits. Amend RSA 384:43 to read as follows:

384:43 Annual Audits.

I. The board of trustees or directors of every financial institution~~[-except credit unions;]~~ under the supervision of the bank commissioner ***and subject to the exemptions in RSA 384:43-a***, shall ~~[employ]~~ ***engage*** a certified public accountant ~~[or public accountant]~~, at least annually, to serve as its auditor. ***Each financial institution shall give written notice to the bank commissioner of its engagement of an auditor at the time of its engagement and shall require its auditor to confirm the engagement in writing to the commissioner within 30 days of such engagement. Each financial institution shall give written notice to the bank commissioner of the termination of the engagement of an auditor at the time of such termination and shall require the auditor to confirm the termination in writing to the commissioner within 30 days of such termination.***

II. ~~[The auditors selected in]~~ ***Any auditor engaged pursuant to*** paragraph I, shall examine the books, accounts, and operating systems of the institution in such a manner as in ~~[their]~~ ***his or her*** judgment will result in an audit that is in agreement with generally accepted accounting standards.

III. ~~[Institutions subject to this section may satisfy the requirements of paragraphs I and II by:~~

~~(a) Engaging an independent external accounting firm which renders an audit report and opinion consistent with the duties of the auditor described in paragraph II; or~~

~~(b) Employing an internal audit staff which conducts a continuing internal audit program, provided an independent external auditor reviews the internal audit procedures and reports to the board annually; or~~

~~(c) Entering into an arrangement with the bank commissioner, approved by the directors by duly recorded vote and by the commissioner in writing, under which the commissioner makes one examination each year of the affairs of the institution. The expense of such examination shall be chargeable to and paid by the institution. The procedure for such payment shall be the same as for payments by institutions for cost of examinations under RSA 383:11. Sums collected under this section shall be payable to the state treasurer as restricted revenue and credited to the appropriation for the bank commissioner. Any such arrangement may be terminated by either party upon at least 30 days notice in writing.~~

~~IV.] Each financial institution shall direct its auditor to provide, ***and the auditor shall provide***, the bank commissioner with a copy of its audit report, within 60 days after each is made available to the financial institution. [Reports on the review of internal audit program shall be submitted in a format prescribed by the commissioner in a rule adopted pursuant to RSA 541-A.] All such reports, memoranda, and correspondence remain the property of the individual financial institution.~~

~~V.] IV. The bank commissioner shall, in the course of his ***or her*** regular official examination of the institution and at such other times that he ***or she*** considers advisable, review and analyze the work and reports of such accountants and auditors. ***The auditors shall provide the commissioner with such work and reports as the commissioner may reasonably request provided such request is limited to matters that relate to the safety and soundness of the institution.*** If the commissioner determines that any audit is inadequate or substantially violates the provisions of this section, he ***or she*** shall report his ***or her*** findings with instructions in writing to the trustees or directors, who shall, within 30 days after receiving such report, cause the institution to comply with the report and instructions.~~

3 New Section; Exemption to Annual Audit Requirement. Amend RSA 384 by inserting after section 43 the following new section:

384:43-a Exemption to Annual Audit Requirement.

I. The commissioner may exempt a financial institution from the annual audit requirement of RSA 384:43 if the institution demonstrates that:

(a) It can maintain its safety and soundness without the audit;

(b) The cost of an audit would be an undue financial burden on the institution; and

(c) It has an alternate audit arrangement in place that will assure the commissioner that its financial statements are true and accurate.

II. The commissioner may revoke any exemption granted if, in his or her judgment, the safety and soundness of the exempt institution requires it.

4 Preliminary Audit. Amend RSA 394-B:41 to read as follows:

394-B:41 Preliminary Audit. ***If the commissioner grants a credit union an exemption to the external audit requirement under RSA 354:43-a, the credit union's*** supervisory committee shall at least semi-annually conduct or cause to be conducted an audit of the books and records and an examination of the business and affairs of the credit union~~[-or, with the approval of the bank commissioner, the credit union may engage an independent professional auditor to conduct such an audit and examination at least annually].~~ The supervisory committee ~~[or such independent professional auditor]~~ shall conduct a thorough audit of receipts, disbursements, assets, and liabilities. The supervisory committee ~~[or such independent professional auditor]~~ shall conduct verification not less than every 2 years.

5 Election; Oath. Amend RSA 384:5 to read as follows:

384:5 Election; Oath.

I. Officers, directors, [and] trustees, and managers in the case of a limited liability company shall be elected ***or appointed*** as frequently as the charter or bylaws of the bank or savings association may require, but not less than once every 3 years~~[-and they shall hold office until others are elected and qualified].~~

II. All officers, directors, [and] trustees, and managers in the case of a limited liability company upon election ***or appointment***, shall be sworn to the faithful discharge of their duties~~[-except that they shall be required to take an oath of office only on the first occasion of their election or appointment and shall not be required to take any such oath thereafter].~~

6 Organization. Amend RSA 392:14 to read as follows:

392:14 Organization. The organizers shall adopt bylaws which may be incorporated in an operating agreement if the company is a limited liability company, and shall also elect, or cause to be elected, such directors or managers and officers as may be required by the organizational instrument or bylaws. All directors, managers, and officers so elected shall be sworn to the faithful performance of their duties ***in accordance with RSA 384:5***. A temporary clerk or secretary shall make and attest a record of the proceedings until the clerk or secretary has been chosen and sworn, including a record of such choice and qualification.

7 Oath. Amend RSA 394-B:30 to read as follows:

394-B:30 Oath. All directors, ~~[and]~~ ***all*** members of ~~the~~ supervisory ~~[and]~~ ***or*** credit committees, ~~[as well as]~~ ***and*** all officers ~~[whom such directors may elect]~~ ***upon their election or appointment and at each re-election or re-appointment***, shall be sworn to the faithful performance of their duties. A record of every such qualification shall be filed and preserved with the records of the corporation.

8 Duties; Commissioner. Amend RSA 383:9 to read as follows:

383:9 Duties.

I. The commissioner shall have general supervision of all banks (except national banks), trust companies, building and loan associations, credit unions, Morris plan banks, small loan companies, and other similar institutions in the state. ***Except as provided in RSA 383:9-d, he or she*** shall examine into the condition and management of all such institutions ~~[at least]~~ every 18 months ~~[with the exception of highly rated institutions provided for in RSA 383:9-d]~~, and more often when necessary in his ***or her*** judgment or when so directed by the governor. ~~[He]~~ ***The commissioner*** may regulate the buying or selling of securities by ~~[savings]~~ banks for officers, employees, or customers. He ***or she*** shall assign to the deputy commissioner and the assistants appointed under RSA 383:7 such of his ***or her*** duties as he ***or she*** sees fit. ***In accordance with RSA 383:9-d, qualified institutions under RSA 383:9-a may be examined less often, but at no time shall the commissioner examine the condition and management of any institution less than every 36 months.***

II. ~~[The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the duties assigned him by paragraph I.]~~ ***The commissioner may conduct an examination at any location of the institution's operations, including any place where assets are located or where records are made, posted, or kept. The commissioner shall have the power to conduct such an examination outside the state of New Hampshire and outside the United States and its territories.***

III. The commissioner may adopt rules, pursuant to RSA 541-A, relative to the duties assigned to him or her by this section.

9 Examination of Qualified Institutions; Nondepository Trust Companies. Amend RSA 383:9-d to read as follows:

383:9-d Examination of [~~Highly Rated~~] **Qualified** Institutions; Nondepository Trust Companies.

I. [~~The bank commissioner may, at his or her discretion, waive one 18-month examination requirement under RSA 383:9 every 6 years for institutions which have consistently been given high ratings in past examinations. The commissioner may also substitute for an 18-month examination once every 6 years a report of a federal institution examining agency whose reports regularly include a report on New Hampshire institutions.~~] Within any 6-year period in which 4 18-month examinations are required under RSA 383:9, the commissioner may for [~~highly rated~~] institution **qualified under paragraph II**:

(a) Waive one examination;

(b) Substitute for one examination a report of a federal bank examining agency whose reports regularly include a report on New Hampshire banks; and

(c) Perform 2 examinations as required by 383:9.

II. **An institution qualifies for examination treatment under paragraphs I and III if:**

(a) **It has consistently been given high ratings in past exams;**

(b) **It is not currently subject to an enforcement proceeding or order; and**

(c) **The commissioner has deemed it prudent to apply this provision.**

III. The commissioner may, at his or her sole discretion, upon the written request of a [~~highly-rated~~] nondepository trust company **qualified under paragraph II**, satisfy the examination requirement of RSA 383:9, including modifications under paragraph I, for such trust company through an off-premises examination of:

(a) An audit report satisfying the requirements of RSA 384:43, I and II if it is prepared in accordance with RSA 384:43[~~, III(a) and (b)~~], and a fiduciary audit conforming to applicable generally accepted auditing standards; and

(b) Such other records and information of the institution as may be required by the commissioner.

10 New Sections; Affiliates of Institutions; Nondepositions; Criminal History Records Check. Amend RSA 383 by inserting after section 9-h the following new sections:

383:9-i Affiliates of Institutions.

I. For purposes of this section, "affiliate" shall have the same meaning as in the Federal Reserve Act, 12 U.S.C. section 371c(b), and the regulations adopted thereunder.

II. In the course of conducting any examination, special examination, investigation, or visitation of any institution under RSA 383:9, the commissioner shall, subject to the limitations of federal law, have the jurisdiction and power to examine any affiliate of such institution. Such an examination is limited to those issues which, in the determination of the commissioner, affect the safe and sound operation of the institution and the relationship between the institution and the affiliate.

383:9-j Nondepository Financial Institutions; Criminal History Records Check.

I. The department may complete a background investigation and criminal history records check on the person or group of persons acting in concert who acquire directly or indirectly 10 percent or more of the beneficial ownership or control of the voting shares of a nondepository financial institution, new officers, and directors and any person in a similar position or performing similar functions. If the acquirer is a subsidiary, the department may complete a background investigation and criminal history records check on the individuals who are the indirect owners, as defined in RSA 397-A:1, VIII-a.

II. If required by the department, the persons described in paragraph I shall submit to the department a notarized criminal history records release form, as provided by the New Hampshire department of safety, division of state police, which authorizes the release of the person's criminal records, if any. The person shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the banking department. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints is necessary in order to complete the criminal history records check. 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 the person has lived during the past 5 years.

III. The department shall submit the criminal history records release form 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 release copies of the criminal conviction records to the department. The department shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph.

IV. The department may require the incorporators to pay the actual costs of each background investigation and criminal history records check.

11 Reports of Proscribed Activity. Amend RSA 384:36 to read as follows:

384:36 Reports of Proscribed Activity. Institutions subject to this chapter shall file with the bank commissioner copies of reports required by the provisions of section 208.62 of the Federal Reserve Board's Regulation H (12 C.F.R. **section** 208.62), Federal Deposit Insurance Corporation regulations part 353 (12 C.F.R. **section** 353.1 et seq.), [~~and~~] National Credit Union Administration regulations section [~~Part~~] 748.1(c) (12 C.F.R. **section** 748.1(c)), **and the Department of the Treasury, Financial Crimes Enforcement Networks'**

Regulations, (31 C.F.R. chapter X) as may be amended from time to time. Reports required by this section shall be filed with the bank commissioner at the same time such reports are filed with the institution's federal regulators. A financial institution subject to this section, and any director, officer, employee, or agent of such financial institution, that files a report pursuant to this section shall be protected from liability for any disclosure contained therein. All reports filed with the commissioner under this section shall be confidential and shall not be subject to subpoena or to the requirements of RSA 91-A, except that the commissioner shall provide copies of such reports upon request to the New Hampshire department of justice, criminal bureau.

12 Petition; Trust Companies; Criminal History Records Check. RSA 392:5, III is repealed and reenacted to read as follows:

III.(a) The department may complete a background investigation and criminal history records check on the petitioner's organizers, officers, and directors or managers, and any person in a similar position or performing similar functions. The department may also complete a background investigation and criminal history records check on any person, including an individual, that owns, beneficially owns, has the right to vote, or has the power to sell or direct the sale of 10 percent or more of the petitioner. If the petitioner is a subsidiary, the department may complete a background investigation and criminal history records check on the individuals who are the indirect owners, as defined in RSA 397-A:1, VIII-a.

(b) If required by the department, the persons described in subparagraph (a) shall submit to the department a notarized criminal history records release form, as provided by the New Hampshire department of safety, division of state police, which authorizes the release of the person's criminal records, if any. The person shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the banking department. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints is necessary in order to complete the criminal history records check. 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 the person has lived during the past 5 years.

(c) The department shall submit the criminal history records release form 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 release copies of the criminal conviction records to the department. The department shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph.

(d) The department may require the petitioner to pay the actual costs of each background investigation and criminal history records check.

IV. The failure of a petitioner to furnish required information, data, other material, or the required fee within 30 days after a request may be considered an abandonment of the petition.

13 Petition; Banks' Criminal History Records Check. RSA 386-A:4, II is repealed and reenacted to read as follows:

II.(a) The department may complete a background investigation and criminal history records check on the petitioner's organizers, officers, and directors, trustees, or managers and any person in a similar position or performing similar functions. The department may also complete a background investigation and criminal history records check on any person, including an individual, that owns, beneficially owns, has the right to vote, or has the power to sell or direct the sale of 10 percent or more of the petitioner. If the petitioner is a subsidiary, the department may complete a background investigation and criminal history records check on the individuals who are the indirect owners, as defined in RSA 397-A:1, VIII-a.

(b) If required by the department, the persons described in subparagraph (a) shall submit to the department a notarized criminal history records release form, as provided by the New Hampshire department of safety, division of state police, which authorizes the release of the person's criminal records, if any. The person shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the banking department. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints is necessary in order to complete the criminal history records check. 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 the person has lived during the past 5 years.

(c) The department shall submit the criminal history records release form 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 release copies of the criminal conviction records to the department. The department shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph.

(d) The department may require the petitioner to pay the actual costs of each background investigation and criminal history records check.

III. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the petition required by paragraph I.

14 New Section; Savings Associations; Criminal History Records Check. Amend RSA 393 by inserting after section 1-b the following new section:

393:1-c Savings Associations; Criminal History Records Check.

I. The department may complete a background investigation and criminal history records check on the incorporators, officers and directors, and any person in a similar position or performing similar functions. The department may also complete a background investigation and criminal history records check on any person, including an individual, that owns, beneficially owns, has the right to vote, or has the power to sell or direct the sale of 10 percent or more of the petitioner. If the petitioner is a subsidiary, the department may complete a background investigation and criminal history records check on the individuals who are the indirect owners, as defined in RSA 397-A:1, VIII-a.

II. If required by the department, the persons described in paragraph I shall submit to the department a notarized criminal history records release form, as provided by the New Hampshire department of safety, division of state police, which authorizes the release of the person's criminal records, if any. The person shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the banking department. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints is necessary in order to complete the criminal history records check. 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 the person has lived during the past 5 years.

III. The department shall submit the criminal history records release form 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 release copies of the criminal conviction records to the department. The department shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph.

IV. The department may require the incorporators to pay the actual costs of each background investigation and criminal history records check.

15 New Section; Credit Unions. Amend RSA 394-B by inserting after section 4 the following new section:

394-B:4-a Credit Unions; Criminal History Records Check.

I. The department may complete a background investigation and criminal history records check on the persons seeking to form a credit union, the proposed officers and directors of the credit union, and any person in a similar position or performing similar functions.

II. If required by the department, the persons described in paragraph I shall submit to the department a notarized criminal history records release form, as provided by the New Hampshire department of safety, division of state police, which authorizes the release of the person's criminal records, if any. The person shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the banking department. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints is necessary in order to complete the criminal history records check. 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 the person has lived during the past 5 years.

III. The department shall submit the criminal history records release form 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 release copies of the criminal conviction records to the department. The department shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph.

IV. The department may require the incorporators to pay the actual costs of each background investigation and criminal history records check.

16 Credit Unions; Use of Funds. Amend RSA 394-B:16, I-II to read as follows:

I. It may deposit its money in any corporate credit union whose shares and deposits are insured by the National Credit Union Administration or other qualified share and deposit insurance fund deemed acceptable by the bank commissioner, and may deposit its money in any cooperative bank, building and loan association, savings bank, trust company, federal savings and loan association, or national bank in New England that is **federally** insured [~~by either the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation~~].

II. It may invest up to the insured amount in any cooperative bank, building and loan association, savings bank, trust company, federal savings and loan association, or national bank in the United States, [~~which~~] **that** is **federally** insured [~~by either the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation~~].

17 New Section; Merchant Banks; Criminal History Records Check. Amend RSA 392-A by inserting after section 6 the following new section:

392-A:6-a Merchant Bank; Criminal History Records Check.

I. The department may complete a background investigation and criminal history records check on the person or group of persons acting in concert who acquire directly or indirectly 10 percent or more of the beneficial ownership or control of the voting shares, new officers, and directors and any person in a similar position or performing similar functions. If the acquirer is a subsidiary, the department may complete a background investigation and criminal history records check on the individuals who are the indirect owners, as defined in RSA 397-A:1, VIII-a.

II. If required by the department, the persons described in paragraph I shall submit to the department a notarized criminal history records release form, as provided by the New Hampshire department of safety, division of state police, which authorizes the release of the person's criminal records, if any. The person shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the banking department. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints is necessary in order to complete the criminal history records check. 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 the person has lived during the past 5 years.

III. The department shall submit the criminal history records release form 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 release copies of the criminal conviction records to the department. The department shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph.

IV. The department may require the incorporators to pay the actual costs of each background investigation and criminal history records check.

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

HB 560, repealing the board of trust company incorporation. **OUGHT TO PASS.**

Rep. Frederick C. Rice for Commerce and Consumer Affairs: The board of trust company incorporation is a superfluous body which no longer performs any useful function and meets only because of its legislative requirement to do so. Its duties are being performed by the banking commissioner. Vote 17-0.

HB 640, relative to the standard valuation law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Emily C. Sandblade for Commerce and Consumer Affairs: This bill is a request of the insurance department. The bill readopts with amendment RSA 410 standard valuation with the latest National Association of Insurance Commissioners (NAIC) model language required for insurance department accreditation with the NAIC. The language of the bill modernizes uniform national standards for the valuation of life insurance and annuity policies. The new model language replaces static formulas used to calculate risks with a principles-based approach that allows insurers to calculate statutory reserves and capital using more complex actuarial modeling, simulation and their own experience and data to better quantify those risks and capture the various risks inherent in establishing adequate reserves. The insurance department will continue to evaluate insurer's principles-based approaches to maintain the valuation quality. The bill also contains the adoption of a valuation manual that provides insurers with specific guidance for each product to make sure life insurers are holding the correct amount in reserve to meet their obligations to policyholders. And, the bill amends existing RSA 409-A standard nonforfeiture law for life insurance, to align that law with the new standard valuation criteria. Vote 19-0.

Amendment (0656h)

Amend RSA 410:3, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) The insurance commissioner shall annually value, or cause to be valued, the reserve liabilities (hereinafter called reserves) for all outstanding life insurance policies and annuity and pure endowment contracts of every life insurance company doing business in this state, except that in the case of an alien company, such valuation shall be limited to its United States business, issued on or after April 7, 1943 and prior to the operative date of the valuation manual. In calculating reserves, the commissioner may use group methods and approximate averages for fractions of a year or otherwise. In lieu of the valuation of the reserves required of a foreign or alien company, the commissioner may accept any valuation made, or caused to be made, by the insurance supervisory official of any state or other jurisdiction when the valuation complies with the minimum standard provided in this chapter.

Amend the introductory paragraph of RSA 410:5 as inserted by section 1 of the bill by replacing it with the following:

410:5 Computation of Minimum Standards. Except as provided in paragraphs I and II and RSA 410:14, the minimum standard for the valuation of policies and contracts issued prior to April 7, 1943, except group annuity and pure endowment contracts, shall be that provided by the laws in effect immediately prior to that date. Except as provided in RSA 410:6 and RSA 410:7, the minimum standard for the valuation of group annuity and pure endowment contracts issued prior to April 7, 1943, shall be that provided by the laws in

effect immediately prior to such date except that the interest rate specified shall be 5 percent per annum for all such contracts. Except as otherwise provided in RSA 410:6, RSA 410:7, and RSA 410:14 the minimum standard for the valuation of all policies and contracts issued on or after April 7, 1943, shall be the commissioners reserve valuation methods defined in RSA 410:8, RSA 410:9, RSA 410:12 and RSA 410:14, 5 percent interest for group annuity and pure endowment contracts and 3 ½ percent interest for all other such policies and contracts, or in the case of life insurance policies and contracts, other than annuity and pure endowment contracts, issued on or after September 1, 1943, 4 percent interest for policies issued prior to August 1, 1979, 5 ½ percent interest for single premium life insurance policies and 4 ½ percent interest for all other policies issued on or after August 1, 1979 and the following tables:

Amend RSA 410:18, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) All documents, materials and other information, including, but not limited to, all working papers, and copies thereof, created, produced or obtained by or disclosed to the commissioner or any other person in the course of an examination made under RSA 410:15, VI; provided, however, that if an examination report or other material prepared in connection with an examination made under RSA 410:15, VI is not held as private and confidential information under RSA 400-A:37, an examination report or other material prepared in connection with an examination made under RSA 410:15, VI shall not be "confidential information" to the same extent as if such examination report or other material had been prepared under RSA 400-A:37;

Amend RSA 410:18, I(e) as inserted by section 1 of the bill by replacing it with the following:

(e) Any documents, materials, data, and other information submitted by a company under RSA 410:17, collectively, "experience data," and any other documents, materials, data, and other information, including, but not limited to, all working papers, and copies thereof, created or produced in connection with such experience data, in each case that include any potentially company-identifying or personally identifiable information, that is provided to or obtained by the commissioner (together with any "experience data," the "experience materials") and any other documents, materials, data, and other information, including, but not limited to, all working papers, and copies thereof, created, produced or obtained by or disclosed to the commissioner or any other person in connection with such experience materials.

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

2 New Section; Standard Forfeiture Law for Life Insurance; Definition. Amend RSA 409 by inserting after section 1 the following new section:

409:1-a Definition. In this chapter, "operative date of the valuation manual" means the January 1 of the first calendar year that the valuation manual as defined in RSA 410:2, XII is effective.

3 Standard Forfeiture Law for Life Insurance; Adjusted Premium After Later Dates. Amend RSA 409:5-b, VIII(f) and (g) to read as follows:

(f)(1) ***For policies issued prior to the operative date of the valuation manual, any commissioner's standard*** ordinary mortality tables, adopted after 1980 by the National Association of Insurance Commissioners, that are approved by rule adopted by the commissioner pursuant to RSA 541-A for use in determining the minimum nonforfeiture standard may be substituted for the Commissioner's 1980 Standard Ordinary Mortality Table with or without Ten-Year Select Mortality Factors or for the Commissioner's 1980 Extended Term Insurance Table.

(2) ***For policies issued on or after the operative date of the valuation manual, the valuation manual shall provide the Standard Ordinary Mortality Table for use in determining the minimum nonforfeiture standard that may be substituted for the Commissioners 1980 Standard Ordinary Mortality Table with or without Ten-Year Select Mortality Factors or for the Commissioners 1980 Extended Term Insurance Table. If the commissioner approves by regulation any Commissioner's Standard Ordinary Mortality Table adopted by the National Association of Insurance Commissioners for use in determining the minimum nonforfeiture standard for policies issued on or after the operative date of the valuation manual then that minimum nonforfeiture standard supersedes the minimum nonforfeiture standard provided by the valuation manual.***

(g)(1) ***For policies issued prior to the operative date of the valuation manual, any commissioner's standard*** industrial mortality tables, adopted after 1980 by the National Association of Insurance Commissioners, that are approved by rule adopted by the commissioner pursuant to RSA 541-A for use in determining the minimum nonforfeiture standard may be substituted for the Commissioner's 1961 Standard Industrial Mortality Table or the Commissioner's 1961 Industrial Extended Term Insurance Table.

(2) ***For policies issued on or after the operative date of the valuation manual the valuation manual shall provide the Commissioner's Standard Mortality Table for use in determining the minimum nonforfeiture standard that may be substituted for the Commissioners 1961 Standard Industrial Mortality Table or the Commissioners 1961 Industrial Extended Term Insurance Table. If the commissioner approves by regulation any Commissioner's Standard Industrial Mortality Table adopted by the National Association of Insurance Commissioners for use in determining the minimum nonforfeiture standard for policies issued on or after the operative date of the valuation manual then that minimum nonforfeiture standard supersedes the minimum nonforfeiture standard provided by the valuation manual.***

4 Standard Forfeiture Law for Life Insurance; Adjusted Premium After Later Dates. Amend RSA 409:5-b, IX to read as follows:

IX. *The nonforfeiture interest rate is defined below:*

(1) *For policies issued prior to the operative date of the valuation manual,* the nonforfeiture interest rate per annum for any policy issued in a particular calendar year shall be equal to 125 percent of the calendar year statutory valuation interest rate for such policy as defined in RSA 410 rounded to the nearer 1/4 of one percent.

(2) *For policies issued on or after the operative date of the valuation manual the nonforfeiture interest rate per annum for any policy issued in a particular calendar year shall be provided by the valuation manual.*

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

HB 209, relative to the relinquishment of firearms as a condition of bail. **INEXPEDIENT TO LEGISLATE.** Rep. Andrew S. O'Hearne for Criminal Justice and Public Safety: This bill was reviewed in a subcommittee which found no compelling arguments to support it. The subcommittee also determined that this bill was an over reach into the judicial discretion of judges. Vote 18-0.

HB 396, establishing a committee to study requiring safety training or instruction prior to the purchase or acquisition of a firearm. **INEXPEDIENT TO LEGISLATE.**

Rep. Kyle J. Tasker for Criminal Justice and Public Safety: Although well intentioned, safety instruction for any potentially dangerous device, be it lawn darts or a BB gun, should be provided by parents. It is not within the scope of this committee to study requiring training for non-firearm related items, nor would meaningful legislation come of it. Vote 18-0.

HB 407, relative to the penalty for making a false statement in a criminal complaint. **INEXPEDIENT TO LEGISLATE.**

Rep. Delmar D. Burrige for Criminal Justice and Public Safety: This bill will limit prosecutorial discretion in situations of false swearing. It is preferable to allow prosecutors broad discretion in these cases rather than limiting it. Moreover, the charging decision is more appropriately an executive branch function, not one that should be limited by legislation. To the extent that this language putting an officer on notice that a false statement on a complaint may result in criminal prosecution is appropriate. It should remain broad. This bill will make it unnecessarily narrow. It is unclear how this change will make the existing statute any better. Moreover, the existing statute provides that a false statement on a criminal complaint may result in criminal prosecution. There is insufficient reason to specifically restrict the offense to be charged. Therefore, this change is unnecessary and may introduce confusion into the area of law. Vote 18-2.

HB 431-FN, relative to witness tampering. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: The committee agreed with the sponsors and those who testified that this bill is unworkable. Vote 20-0.

HB 447, relative to annulment of criminal records. **INEXPEDIENT TO LEGISLATE.**

Rep. Geoffrey D. Hirsch for Criminal Justice and Public Safety: The bill would require the sentencing court to annul the criminal records of a person convicted of certain offenses without petition or hearing. The committee believes that seeking a petition or hearing to annul a criminal record is an appropriate responsibility to the person. Requiring the court to automatically annul records without a hearing or petition would create an expensive recordkeeping burden on the courts. Further, many on the committee believe that current annulment statutes are sufficient. Vote 17-0.

HB 450-FN, relative to the annulment of criminal records. **OUGHT TO PASS.**

Rep. Delmar D. Burrige for Criminal Justice and Public Safety: This bill requires that records of annulled arrests, convictions, and sentences be sealed and requires the state police criminal records unit to remove an annulled criminal record upon payment of the required fee. Testimony in support came from the department of safety and a retired probation supervisor with 30 years experience from Portsmouth, New Hampshire. Vote 17-0.

HB 502, relative to protection of persons from domestic violence. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert R. Cushing for Criminal Justice and Public Safety: This bill prohibits a law enforcement officer from arresting an abuser unless the officer witnesses the abuse or the victim goes to the court to file a criminal complaint against their abuser. This bill changes New Hampshire's "presumptive arrest" policy which states that an officer should arrest an abuser in cases where he/she has probable cause to believe that a person has committed abuse. This bill changes "should" to "may." If this bill becomes law, an officer who is called to a scene and sees a victim with visible injuries could not arrest the abuser on the spot. The committee feels this bill would undermine protections for victims of domestic violence and recommends the bill be inexpedient to legislate. This bill was opposed by victims of domestic violence, the New Hampshire coalition against domestic and sexual violence and its 14 member programs, the attorney general, the department of safety, and many other law enforcement agencies. Vote 20-0.

HB 503, relative to arrests for domestic violence. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert R. Cushing for Criminal Justice and Public Safety: This prohibits a law enforcement officer from arresting an abuser unless the victim files (or has previously filed) a criminal complaint. If this bill passes, even if the officer has witnessed the abuse he or she cannot make an arrest without a warrant. In addition, the bill takes away law enforcement's ability to arrest for a violation of a stalking or domestic violence protective order until the victim has filed a criminal complaint with the court. The bill also repeals the current directive to, officers to use all means within reason to prevent further abuse, including but not limited to removing deadly weapons from the possession of the alleged abuser, transporting the victim and their children to a safe place, assisting the victims in removing personal items from the home, and giving the victims notice of the rights and remedies available to them under the law. The committee believes the current law protects victims of domestic violence and should not be changed. This bill was opposed by victims of domestic violence, the New Hampshire coalition against domestic and sexual violence and their 14 member programs, the attorney general, the department of safety, and many other law enforcement agencies. Vote 20-0.

HB 504, relative to official oppression. **INEXPEDIENT TO LEGISLATE.**

Rep. Philip E. Ginsburg for Criminal Justice and Public Safety: Existing law makes it a misdemeanor for a public servant to use his office to commit an unauthorized act for his own benefit. (The law uses the masculine pronouns.) This bill would in addition make it a violation for a public servant to commit such an act without benefit to him/her, or to refrain from performing a duty imposed on him/her by law. The committee concluded that the bill mostly duplicates the existing law, and where it does not, would be difficult to prosecute, particularly in proving a negative. In addition the committee heard testimony that the present law, along with complaints to the department of justice office of public integrity, was sufficient to deal with such offenses, rendering the addition needless. And, though they were not decisive, the bill's grammatical problems, while reflecting a laudable attempt at gender neutrality, did not militate in its favor. Vote 19-1.

HB 609, relative to possession of a firearm on school property. **INEXPEDIENT TO LEGISLATE.**

Rep. Geoffrey D. Hirsch for Criminal Justice and Public Safety: This bill mandates that school districts submit warrant articles to their districts' legislative body regarding whether or not school employees carry concealed firearms while on school property. This mandate erodes local control as schools already have ways to institute protective measures without legislative mandates. Police chiefs, school boards, principals and teacher associations are all opposed to this bill. The committee unanimously agrees with their concerns. Vote 18-0.

HB 616-FN, relative to the enforcement of false swearing and perjury in official matters. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: The committee felt this bill was very confusing particularly because it leaves open the question, "Who would arrest who?" The committee believes that there are sufficient laws on the books that cover abuse of prosecutorial discretion. Vote 19-1.

CACR 6, relating to education. Providing that the legislature shall have the power to authorize schools. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara E. Shaw for Education: This bill changes the language of current law that provides that the legislature have the power to authorize political subdivisions to establish schools under their control. However, the legislature would be the sole authority to determine the funding for these subdivisions. These two principals contradict, as the current law created by the legislature determines adequate education rights for each child and its funding. This change would be counter-productive to current law. Vote 16-2.

HB 300, requiring postsecondary education institutions to compile and submit reports on remedial education courses. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert F. Willette for Education: This bill mandates post-secondary institutions of education to submit a many-element report regarding their remedial education. After in-depth consideration based on testimony to the committee from state education officials and schools of post-secondary education regarding HB 300, the committee has determined that to mandate HB 300 would create a burden and a red-tape task for post-secondary schools and the department of education, to provide extraneous data that may not be useful due to information that is already available to secondary schools of education. Vote 18-0.

HB 317-FN, relative to verification of school district membership data. **INEXPEDIENT TO LEGISLATE.**

Rep. Mel Myler for Education: This bill would provide for the verification of school district membership (student count). However, on review of the department of education's process for accounting student attendance, the committee felt the process was complete. There are about 200,000 students in our K-12 public schools. Last year, there were 104 students in questionable status. Of those students, 30 were "full time equated" (FTE). The committee felt no further legislation was needed at this time. Vote 19-0.

HB 553, establishing New Hampshire anti-bullying day. **INEXPEDIENT TO LEGISLATE.**

Rep. Mary J. Gorman for Education: This bill requires the governor to proclaim the second Wednesday in November as NH Anti-Bullying Day. Strafford Middle School students have established a Kids Against

Bullying Club (KAB) and approached their representative to present this bill. The committee supports an ITL motion for the following reasons. Bullying is already a high profile topic. New Hampshire has enacted a strict anti-bullying law and it is working. There is nothing to prevent the KAB Club from reaching out to other schools, organizations and businesses to develop activities, etc. to raise awareness of bullying and its consequences. The legislature cannot mandate the governor to proclaim an Anti-Bullying Day. However, the KAB Club can approach the prime sponsor to request a proclamation from the governor acknowledging their efforts to combat bullying. Vote 18-0.

HB 629-FN, relative to designation as a high performance school for the purpose of qualifying for additional school building aid grants. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick M. Ladd for Education: This bill, as amended, addresses two changes within the school building aid statute. First, when rewriting the building aid statute in the last session, the following once included language was excluded: "funds received from trusts, bequests, gifts or insurance policies shall not be eligible for computing grants (building aid) hereunder." Proposed language in this bill reinstates the sentence with changes: "Funds received from charitable trusts, bequests, gifts, insurance policies, federal grants or grants from other state programs shall not be eligible for computing grants hereunder." The reason for stating "charitable" trusts is because some school districts do create various expendable trusts with tax money, often from end of year surplus that they use at a later date. It has always been understood that trusts derived from tax dollars are eligible, but it is good to clarify the point. Secondly, the remaining change occurring in this bill inserts another criterion to be considered by the DOE when receiving building aid proposals/ applications, and that change is: "School security design and integration of security systems." Although we do not want new or renovated schools looking like jails, we should consider security design and security systems in all future school construction. Vote 18-1.

Amendment (0701h)

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

AN ACT relative to the criteria for approving and calculating school building aid grants.

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

1 New Subparagraph; School Building Aid; Amount of Grant. Amend RSA 198:15-b, I(a)(2) by inserting after subparagraph (D) the following new subparagraph:

(E) Funds received from charitable trusts, bequests, gifts, insurance policies, federal grants, or grants from other state programs shall not be considered in computing grants under this paragraph.

2 School Building Aid; Approval of Plans. Amend RSA 198:15-c, II(b)(7) to read as follows:

(7) ***School security design and integration of security systems.***

(8) Any other criteria that the state board of education may determine are necessary.

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

AMENDED ANALYSIS

This bill provides that funds received from charitable trusts, bequests, gifts, insurance policies, federal grants, or grants from other state programs shall not be considered in computing school building aid grants. The bill also adds an additional criterion based on school security for the approval of school building plans.

HB 631-FN-L, requiring school boards to establish a policy allowing parents to send their children to an out-of-district school. **INEXPEDIENT TO LEGISLATE.**

Rep. Mary J. Gorman for Education: This bill allows parents to enroll their child in a school outside of the district where the child resides. The parents would also receive 50% of the statewide average cost per public school pupil as calculated by the department of education. This bill violates the tenet of public education as a public good. Public dollars are diverted to private control with no accountability for their use. This is a back door voucher bill which may be used to support religious schools. This breaches the wall of separation of church from state and violates Article 83 of the NH Constitution. Vote 20-0.

HB 643-FN, establishing a science, technology, engineering, and mathematics scholars program. **INEXPEDIENT TO LEGISLATE.**

Rep. Andrew R. Schmidt for Education: This bill, while noble in intent, presents some problems. First of all, the scholarships are based upon academic major rather than merit and/or financial need. Second, the bill gives improper preference to one area of study over all others. The committee also felt that our limited resources would be best applied to the university system as a whole rather than to students in a specific area of study. Finally, the bill presents administration problems due to its forfeiture and repayment provisions. Vote 20-0.

HB 680, relative to attending a public school or public academy outside of the school district in which the pupil resides. **INEXPEDIENT TO LEGISLATE.**

Rep. Ralph G. Boehm for Education: This bill would allow students to attend schools outside their district. This is already in law. School districts must specify a tuition rate for their schools if an outside district student is accepted. School districts already have policies in place to allow for this. This bill also states that

school districts must specify how many seats are available. This is not possible, as for the most part, this is not known until the school years starts. Special education costs may also be a hindrance, as the sending, or resident school district is financially responsible. Vote 19-0.

HB 183, relative to processing absentee ballots. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Evelyn M. Connor for Election Law: This bill, as amended, would enable the processing of previously received absentee ballots two hours after the opening of the polls. Current law requires that such processing shall begin at 1:00 p.m. The committee believes that greater flexibility is desirable. Vote 17-0.

Amendment (0460h)

Amend the bill by replacing section 1 with the following:

1 Processing Absentee Ballots. Amend RSA 659:49 to read as follows:

659:49 Processing Absentee Ballots.

[I.] Processing of previously received absentee ballots shall **not** begin ~~[at 1:00 p.m.]~~ **earlier than 2 hours after the opening of the polls.** The processing of the absentee ballots shall not unnecessarily interfere with normal voting procedures, nor shall the polls be closed ~~[at any time during the]~~ **for the purpose of processing** of such ballots. Absentee ballots which are received after ~~[1:00 p.m.]~~ **the polls open** and prior to 5:00 p.m. ~~[shall]~~ **may** be processed as soon after receipt as possible. Under no circumstances shall absentee ~~[ballots]~~ **ballot votes** be counted prior to the closing of the polls.

~~[H. Notwithstanding the provisions of paragraph I, upon the written challenges of 10 or more voters who are present at the polls no later than 1:00 p.m., the moderator shall postpone the processing of all absentee ballots until after the polls close and prior to the counting of all ballots cast in the election.]~~

HB 248, establishing a committee to study implementation of early processing of absentee ballots at state elections. **INEXPEDIENT TO LEGISLATE.**

Rep. Mary Ann Knowles for Election Law: This bill would establish a committee to study implementation of early processing of absentee ballots at state elections. The committee has dealt with much of the process in another bill. The committee also has concerns about the provision in this bill that would consider the "feasibility of processing absentee ballots prior to Election Day." Such a provision would open the process to potential unintended consequences, and could result in ballot security issues. Vote 17-0.

HB 265, relative to procedures by absentee voters. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dick Marston for Election Law: This bill, as amended, will allow an absentee voter to authorize a family member or caregiver to deliver their ballot to their city or town clerk.

This is an alternate, common sense procedure requiring completion by the voter of an authorization identifying the family member or caregiver on the back of the return envelope. If the absentee ballot is delivered by a family member or caregiver, the clerk shall refuse to accept the ballot unless the delivery authorization on the return envelope is fully completed. Vote 17-0.

Amendment (0437h)

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

1 Absentee Voting Materials; Return Envelope. Amend RSA 657:7, III to read as follows:

III. Return envelopes of size sufficient to contain the preceding envelope addressed to the town and city clerks of the state in which absentee voters shall return their ballots. On the envelopes shall be printed "Enclosed is the ballot of an absentee voter" and, at the top thereof, 4 blank spaces with the words "Name, Voting Address, Ward, Town or City" appropriately printed thereon. ***On the back of the return envelope shall be printed or stamped the following:***

If you are having a family member or caregiver deliver this envelope to the city or town clerk, you must complete the following:

I, _____, hereby authorize _____, who is my _____ (state relationship of voter to person delivering the envelope) to deliver this envelope containing my absentee ballot to the city or town clerk. I understand that I must fully complete this authorization for the delivery of my ballot by such person to be valid and for the ballot so delivered to be counted. (Signature) _____

2 Absentee Voting; Procedure by Voter; Procedure by Clerk. Amend RSA 657:17 and RSA 657:18 to read as follows:

657:17 Procedure by Voter. After marking the ballot, the voter or the person assisting a blind voter shall enclose and seal the same in an inner envelope. The voter shall execute the affidavit. The voter or the person assisting the blind voter shall enclose and seal the inner envelope with the affidavit in an outer envelope. The voter shall then endorse on the outer envelope his or her name, address, and voting place and shall mail the envelope, affixing postage, or personally deliver it to the city or town clerk from whom it was sent. ***Alternatively, the voter may authorize a member of his or her family or the voter's caregiver to deliver the envelope to the city or town clerk by completing the authorization on the back of the return envelope.***

657:18 Procedure by Clerk. Upon receipt of an outer envelope purporting to contain an official absentee voting ballot, the clerk of the city or town shall attach thereto the application for an absentee ballot submitted by said voter and record the information pursuant to RSA 657:15. All such envelopes shall be preserved unopened until election day. ***If the absentee ballot is delivered by a family member or caregiver, the clerk shall refuse to accept the ballot unless the delivery authorization on the return envelope is fully completed.***

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

HB 352, relative to sending checklists to the state archives. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Evelyn M. Connor for Election Law: This bill, as amended, extends the deadline for supervisors of the checklist, and the corresponding officers in cities, to get marked checklists to the state archives from 60 days after the election to 90 days, after inputting the information in the statewide centralized voter database. Vote 17-0.

Amendment (0087h)

Amend the bill by replacing section 1 with the following:

1 Checklists to Archives. Amend RSA 659:102 to read as follows:

659:102 Preservation of Checklists. ~~[No later than the fourth Friday after]~~ ***Within 90 days of the closing of the polls for*** each regular state general election, and for each presidential primary election, the supervisors of the checklist in the towns, and the corresponding officers in the cities, shall send one of the marked checklists which were used in that election, certified by the officers, to the state archives. In addition, if directed by the secretary of state, they shall send one of the unmarked checklists which were used in the state general election at which a president was elected to the clerk of the federal district court for the district of New Hampshire. One marked copy of every checklist used in any election shall be turned over to the town or city clerk by the supervisors. The clerk shall preserve such checklists in his or her custody for a public record for a period set forth in RSA 33-A:3-a.

HB 380-FN, requiring disclosure of gifts and campaign contributions by lobbyists. **INEXPEDIENT TO LEGISLATE.**

Rep. Evelyn M. Connor for Election Law: This bill would require political committees and candidates filing campaign receipt and expenditure reports under RSA 664 to include a separate itemized list of donations from lobbyists. Currently, political candidates and political committees are required to itemize all receipts of contributions over \$25. Any listing which exceeds an individual's aggregate total of \$100 shall be accompanied by the contributor's occupation including official job title, the name of the contributor's employer and the city or town of the contributor's principal place of business. While the committee is fully in favor of transparency it regards such a requirement as a duplication of effort, and questions how such a requirement would work in practice. Vote 15-0.

HB 412-FN, relative to absentee voter applicant information. **INEXPEDIENT TO LEGISLATE.**

Rep. Mary Ann Knowles for Election Law: This bill would allow candidates for state or federal elections to obtain voter applicant information from either the secretary of state or the city or town clerk. The committee heard testimony from the New Hampshire City and Town Clerks' Association opposing the bill. They feared that unintended consequences could occur with electronic dissemination of this data. Those voters who request absentee ballots would have no idea about whether or not their names and information would be disseminated indiscriminately, and that they might be targeted for large volumes of calls and mail. The deputy secretary of state testified that there would not be an effective means of policing. Vote 17-0.

HB 579, establishing an independent legislative redistricting commission. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary B. Richardson for Election Law: This bill would establish an independent legislative redistricting commission. Although the idea of removing politics from the redistricting process sounds appealing, it is difficult to achieve and the bill has several technical problems. More importantly, Part 2, Article 9 of the New Hampshire constitution grants the legislature authority to "make an apportionment of representatives according to the last general census." Although it could be argued that it would be permissible for the legislature to delegate that authority, the committee felt that such a delegation would amount to abdication of our responsibilities. Based on the evidence presented to the committee, in those states that have adopted redistricting commissions, most, if not all, have done so by constitutional amendment. Vote 17-0.

HB 234, relative to occupational and professional boards and commissions procedures concerning military service and occupational experience or training. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary S. Nelson for Executive Departments and Administration: The bill, as amended, consolidates existing language contained in several different existing licensing statutes. This consolidation clarifies and facilitates licensing for members of the military and their spouses. Vote 20-0.

Amendment (0633h)

Amend the bill by replacing section 1 with the following:

1 Occupations and Professions; Military Training or Experience; Spouses. RSA 332-G:7 is repealed and reenacted to read as follows:

332-G:7 Military Service; Occupational Experience or Training; Spouses.

I. Each of the boards or commissions established in this title shall, upon presentation of satisfactory evidence with an application for licensure, certification, or registration, accept education, training, or service completed by an individual as a member of the armed forces, as defined in defined in RSA 21:50, II, toward the qualifications required to receive the license, certificate, or registration in question.

II. Notwithstanding any general or special law to the contrary, upon the request of a licensee or registration or certificate holder who is a member of any reserve component of the armed forces of the United States or the national guard and is called to active duty, the corresponding board or commission shall place the person's license registration, or certificate on inactive status. The license registration, or certificate may be reactivated within one year of the person's release from active status by payment of the renewal fee and with proof of completion of the most current continuing education requirement, if any, unless still within the renewal period.

III. Notwithstanding any general or special law to the contrary, each of the boards or commissions under this title authorized to conduct licensure, certification, or registration, and examinations therefor, shall upon the presentation of satisfactory evidence by an applicant before the board or commission, facilitate the issuance of a license or certification for a person: (i) who is certified or licensed in a state other than New Hampshire; (ii) whose spouse is a member of the armed forces in the United States; (iii) whose spouse is the subject of a military transfer to New Hampshire; and (iv) who left employment to accompany a spouse to New Hampshire. The procedure shall include, but not be limited to, facilitating the issuance of a license, certificate, or registration if, in the opinion of the board or commission, the requirements for licensure, certification, or registration of such other state are substantially equivalent to the requirements for licensure, certification, or registration in New Hampshire.

IV. Every board or commission under this title shall adopt rules under RSA 541-A for:

(a) What constitutes military education, training, or service acceptable for the specific regulated occupation or profession, as required under paragraph I.

(b) The procedures and notice required for the inactive status of licenses, certificates, or registrations under paragraph II.

(c) Procedures for facilitating issuance of licenses, certificates, or registrations for a spouse of a member of the armed forces as required in paragraph III.

AMENDED ANALYSIS

This bill requires boards and commissions granting licenses, certificates, or registrations to credit acceptable military education, training, or service to grant inactive status of licenses, certificates, or registrations during active military service; and to facilitate the issuance of licenses, certificates, or registrations for a spouse of a member of the armed forces.

HB 334-FN, requiring pharmacy interns to register with the pharmacy board. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter B Schmidt for Executive Departments and Administration: This bill recognizes the responsibility of the pharmacy board with regard to maintaining the greatest possible control over access to prescription drugs and to prevent diversion thereof as much as possible. This oversight would be enhanced, the committee believes, by registering pharmacy interns. Vote 20-0.

Amendment (0625h)

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Definition Added; Pharmacy Intern. Amend RSA 318:1, XI-a to read as follows:

XI-a. ***"Pharmacy intern" means a person who is registered by the board pursuant to RSA 318:15-b and:***

(a) Is enrolled in a professional degree program of a school or college of pharmacy that has been approved by the board and is satisfactorily progressing toward meeting the requirements for licensure as a pharmacist starting no earlier than 4 months prior to the third year of study; or

(b) Is a graduate of an approved professional degree program of a school or college of pharmacy or is a graduate who has established educational equivalency by obtaining a Foreign Pharmacy Graduate Examination Committee (FPGEC) Certificate, who is currently licensed by the board of pharmacy for the purpose of obtaining practical experience as a requirement for licensure as a pharmacist; or

(c) Is a qualified applicant awaiting examination for licensure or meeting board requirements for re-licensure; or

(d) Is participating in a residency or fellowship program.

XI-b. "Pharmacy technician" means a person, other than a pharmacist **or a pharmacy intern**, either registered or certified by the board for the purpose of assisting a pharmacist in the practice of pharmacy.

AMENDED ANALYSIS

This bill requires pharmacy interns to register with the pharmacy board and comply with rules concerning the functions of pharmacy interns adopted by the board.

HB 342-FN, relative to part-time employment of retired members of the retirement system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Raymond G. Gagnon for Executive Departments and Administration: The bill, as originally drafted, would have reduced the number of hours that New Hampshire retirement system (NHRS) retirees could work for employers in the retirement system without penalty from 32 hours per week to 24 hours per week, and from a total of 1300 hours annually to 1000 hours annually. As amended in its entirety into a reporting requirement, it will provide valuable information regarding NHRS retirees. Employers will report the number of hours worked and the compensation earned to the NHRS on a quarterly basis, so NHRS can collect and maintain data that is unavailable now. The bill does not take effect until 120 days after passage to allow time to prepare, and includes a sunset provision in 2018, which allows time for sufficient data to be developed. Vote 18-1.

Amendment (0677h)

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

AN ACT relative to reporting of compensation paid to retired members of the retirement system.

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

1 New Paragraph; Retirement System; Report on Retiree Compensation. Amend RSA 100-A:16 by inserting after paragraph VI the following new paragraph:

VII. Every employer shall report to the retirement system quarterly, in a format provided by the retirement system, all compensation paid by the employer to retired members of the retirement system, including the name of, and the total hours worked, for each retired member of the retirement system.

2 Repeal; 2018. RSA 100-A:16, VII, relative to employer reports on retired member compensation, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2018.

II. The remainder of this act shall take effect 120 days after its passage.

AMENDED ANALYSIS

This bill requires retirement system employers to report quarterly to the retirement system all compensation paid to retired members of the retirement system. The requirement is repealed in 2018.

HB 353, relative to the regulation of private investigators and security guards. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary S. Nelson for Executive Departments and Administration: This bill makes several changes to the statutes covering private investigators, security guards and bail recovery agents. It allows the commissioner or a designee to enforce the chapter. Additionally the commissioner may request the assistance of local or county law enforcement in investigating violations. It adds a licensed security guard to the advisory board created to review complaints. It adds bail recovery agents to the entities already required to obtain agency licenses at a cost of \$150.00 for an agency employing one licensed person. It requires a rifle familiarization course for all security officers, private investigators and bail enforcement agents who have rifles as part of their equipment, and adds shotgun familiarization for private investigators. The amendment removed provisions which would have required licensing for those engaged simply in research rather than active investigation and removed a provision which would have extended licensing to those conducting investigations into character, reputation, or fitness for employment. Vote 20-0.

Amendment (0613h)

Amend the bill by deleting section 3 and renumbering the original sections 4-7 to read as 3-6, respectively.

AMENDED ANALYSIS

This bill makes various changes to the licensing and regulation of private investigators, security guard services, and bail recovery agents by the commissioner of safety.

HB 463-FN, requiring property managers to be certified. **INEXPEDIENT TO LEGISLATE.**

Rep. Romeo Danais for Executive Departments and Administration: This bill would force certification of property managers through only one named organization to the exclusion of any and all other organizations that render relevant certifications. The committee was not persuaded that mandatory certification was needed. In addition, the committee felt that excluding all other organizations from being able to render certification and forcing managers to be certified only through one agency was incorrect. The committee also noted that the RSA to be amended had been largely superseded over a decade ago. Vote 20-0.

HB 478-FN, requiring the department of health and human services to license supervised visitation centers. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter B. Schmidt for Executive Departments and Administration: This bill is a reprise of legislation offered in the last term, unsuccessfully. The bill would require the department of health and human services to license supervised visitation centers, at a cost yet to be determined. This year, no one appeared on either side and the committee felt there was no alternative to ITL. Vote 18-0.

HB 620-FN-L, relative to the adjustment of member and employer contribution rates in the retirement system. **INEXPEDIENT TO LEGISLATE.**

Rep. Raymond G. Gagnon for Executive Departments and Administration: Groups representing both employees and employers opposed this bill. The concern was that the bill would increase the financial burden on employees, as well as cause budget increases for municipalities and other employers. An additional concern was that the issue of whether the legislature can increase contribution rates for active members is currently being challenged in Merrimack County Superior Court on constitutional grounds; hence it was felt the legislature should not complicate matters at this time. Vote 18-0.

HB 313, relative to the regulation of the compounding of drugs by pharmacists. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles E. McMahon for Health, Human Services and Elderly Affairs: In 2012, over 500 New Hampshire citizens were exposed to fungal meningitis due to contaminated medicine from an out of state compounding facility. As a result, there are still 13 currently being monitored for evidence of disease. This tragic event demanded that we review our policies and procedures to ensure this does not happen in our state. To meet that goal, HB 313, as amended, shall strengthen the oversight of New Hampshire compound medication pharmacies and improve quality protections for consumers who utilize compound medications. Further, with the passage of this bill, we shall have an enhanced definition of compounding, strict criteria and processes of compounding facilities based on the United States pharmacopeia standards, and improved labeling regulations to clearly identify compounded medications. Vote 15-0.

Amendment (0604h)

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

1 Pharmacists; Definition of Compounding. Amend RSA 318:1, III-a to read as follows:

III-a. "Compounding" means the preparation, mixing, assembling, packaging or labeling of a drug or device as a result of a practitioner's prescription drug order or initiative based on the pharmacist-patient-prescriber relationship in the course of professional practice or, for the purpose of, or as an incident, to research, teaching, or chemical analysis, but not selling or dispensing. "Compounding" also includes the preparation of drugs or devices in anticipation of prescription drug orders based on routine, regularly observed prescribing patterns. [The compound drug product shall bear the label of the pharmacy responsible for compounding and dispensing the product directly to the patient for administration, and the prescription shall be filed at that pharmacy.] **"Compounding" shall not include the reconstitution of powdered formulations before dispensing.**

2 Pharmacists; Definition of Manufacturing. Amend RSA 318:1, VIII to read as follows:

VIII. "Manufacturing" means the production, preparation, propagation, conversion or processing of a drug or device, either directly or indirectly, by large volume extraction from substances of natural origin, or independently by means of chemical or biological synthesis, and includes any packaging or repackaging of a substance or labeling or relabeling of its container, and the promotion and marketing of such drugs and devices **for resale**. [~~"Manufacturing" also includes the preparation and promotion of commercially available products from bulk compounds for resale by pharmacists to anyone other than a patient via a prescription, practitioners, or other persons.~~] **Manufacturing shall be governed by Good Manufacturing Practices as adopted and enforced by the federal Food and Drug Administration.**

3 Reference Added; Compounding. Amend RSA 318:14 to read as follows:

318:14 Pharmacy. A licensed pharmacist shall have the right to conduct a pharmacy for the compounding, **according to the provisions of RSA 318:14-a**, of medicines upon physicians', dentists', optometrists', podiatrists', veterinarians', advanced practice registered nurses', naturopathic doctors', and physician assistants' prescriptions [~~and for the manufacture,~~] **or valid order for the sale**[,] and distribution of drugs, medicines, and poisons.

4 New Section; Compounding. Amend RSA 318 by inserting after section 14 the following new section:

318:14-a Compounding.

I. Products that are not commercially available may be compounded for hospital or office use but shall not be resold or dispensed. Nonprescription items may be compounded upon order by a practitioner for sale as long as the labeling complies with RSA 318:47-a and the product is not a copy of, or similar to, prescription or nonprescription products. All compounding shall be done in compliance with the United States Pharmacopeia as defined by board of pharmacy rules.

II. The compound drug product shall bear the label of the pharmacy responsible for compounding and dispensing the product directly to the patient for administration, and the prescription shall be filed at that pharmacy. Compounded prescription labels shall include a statement similar to "This medication was specifically compounded for you at the request of your practitioner."

III. A pharmacist shall offer a compounded drug product to a practitioner for administration to an individual patient, in limited quantities. The compounded drug products are for practitioner administration only and shall not be re-dispensed. The pharmacist shall maintain records to indicate what compounded drug products were provided to the medical office or practice. Compounding pharmacies may advertise or otherwise promote the fact that they provide prescription compounding services, in accordance with state law and rules of the board, as well as applicable federal laws.

IV. Where a commercial drug shortage exists because a manufacturer is the only entity currently manufacturing a drug product of a specific strength, dosage form, or route of administration for sale in the United States, and the manufacturer cannot supply the drug product to the public or to practitioners for use, a pharmacist may compound a limited quantity using the active pharmaceutical ingredient and sell to a patient with a valid prescription from a valid prescriber. When the compounded drug product is sold to a medical office or practice it is for the practitioner to administer to patients, and shall not be for resale.

V. The board shall adopt rules under RSA 541-A concerning the regulation of compounding.

VI. Labeling requirements pursuant to paragraph II shall not apply when medication is dispensed to institutionalized patients as provided under RSA 318:47-b.

5 Dealing in or Possessing Prescription Drugs. Amend the introductory paragraph of RSA 318:42, II to read as follows:

II. Physicians, dentists, optometrists, podiatrists, veterinarians, advanced practice registered nurses, naturopathic doctors, and physician assistants from possessing, compounding *in accordance with RSA 318:14-a*, personally administering, or distributing prescription drugs to meet the immediate medical needs of their patients. For advanced practice registered nurses and physician assistants, compounding shall be limited according to RSA 318:42, VIII.

6 Prescription Labels; Reference to Compounding Added. Amend RSA 318:47-a to read as follows:

318:47-a Prescription Labels. Whenever a pharmacist dispenses a noncontrolled drug pursuant to a prescription, he shall affix to the container in which such drug is dispensed a label showing at least the name and address of the pharmacy and the name or initials of the dispensing pharmacist or pharmacist-in-charge; the prescription identification number assigned by the pharmacy; the date dispensed; any directions as may be stated on the prescription; the name of the prescribing practitioner; the name of the patient; all pertinent auxiliary labels; and, unless otherwise indicated by the prescribing physician, dentist, veterinarian, or advanced practice registered nurse, the name, strength, and quantity of the drug dispensed. All drugs dispensed to a patient that have been filled using a centralized prescription processing system shall bear a label containing an identifiable code that provides a complete audit trail of the dispensing of the drug and pharmaceutical care activities. No person shall alter, deface, or remove any label so affixed. ***A compounded drug product shall also be labeled as provided in RSA 318:14-a, II. The compound drug product shall bear the label of the pharmacy responsible for compounding and dispensing the product directly to the patient for administration, and the prescription shall be filed at that pharmacy. Compounded prescription labels shall include a statement similar to "This medication was specifically compounded for you at the request of your practitioner."***

7 New Paragraph; Controlled Drugs; Labels. Amend RSA 318-B:13 by inserting after paragraph III the following new paragraph:

IV. A compounded drug product shall also be labeled as provided in RSA 318:14-a.

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

HB 375, requiring certain health care organizations to report to the department of health and human services regarding implementation of New Hampshire's 10-year mental health plan. **OUGHT TO PASS.**

Rep. E. Elaine Andrews-Ahearn for Health, Human Services and Elderly Affairs: This bill provides a mechanism by which managed health care organizations/vendors are required to provide quarterly reports to the department of health and human services. This report will document the progress being made toward the benchmarks established for mental health services in the ten year mental health care program. Vote 19-0.

HB 378, requiring optometrists to warn parents about the progression of myopia when prescribing distance lenses for children. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank R. Kotowski for Health, Human Services and Elderly Affairs: Requiring optometrists to warn parents about progression of myopia when prescribing distance lenses for children is currently normal practice when deemed necessary by eye-care professionals. Data supporting the need for the legislatures to mandate notification is inconclusive at best. The committee is of the opinion that specifying what, or how, medical professionals must communicate to patients is not in anyone's best interest. Vote 19-0.

HB 475, relative to the timing of the release of patients from New Hampshire hospital. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen J. Schmidt for Health, Human Services and Elderly Affairs: This bill was drafted to address an issue regarding the timely release of patients from New Hampshire hospital. The committee found that the process of patient release was already tightly controlled. Patient rights are protected by strict medical as well as judicial protocols. The committee majority agreed that existing protocols would best protect patients, communities and the State of New Hampshire. Vote 17-1.

HB 499, establishing a commission to study funding mechanisms for increasing the number of mental health beds statewide. **INEXPEDIENT TO LEGISLATE.**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill addressed a serious problem regarding the current bed capacity crisis at New Hampshire hospital and the lack of mental health hospital beds statewide. The primary purpose outlined in the bill was to form a committee to study funding mechanisms for mental health hospital beds. This is the responsibility of the Finance Committees of the House and Senate. In addition, the Health and Human Services Joint Oversight Committee has already initiated discussion on mental health hospital beds and the relationship to community mental health services. The sponsor agreed with this approach. Vote 18-0.

HB 528, relative to support and care costs for children with disabilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles E. McMahon for Health, Human Services and Elderly Affairs: The care and maintenance of disabled adults is a responsibility for which family resources are in constant demand. The intent of this bill, as presented, was to require divorced parents who have adult children with disabilities to provide monetary support as a result of a court order in a divorce action. Upon review, the bill was amended to specifically identify the length of court ordered support to end at age 21 and to thereby prevent the unintended consequence of a loss of eligibility for Medicaid disability waiver funding. Further, the bill, as amended, seeks to ensure that eligibility will not be compromised by the mandated requirement of funding from a divorced parent. This would put waiver funding at risk and increase general fund requests for support. Finally, the bill, as amended, ensures funding continues for disabled adults over age 21 via waiver funding for those that qualify. Vote 15-0.

Amendment (0594h)

Amend the bill by replacing section 1 with the following:

1 Parental Rights and Responsibilities; Duration of Support for Child with Disabilities. Amend RSA 461-A:14, IV to read as follows:

IV. The amount of a child support obligation shall remain as stated in the order until the dependent child for whom support is ordered completes his or her high school education or reaches the age of 18 years, whichever is later, or marries, or becomes a member of the armed services, at which time the child support obligation, including all educational support obligations, terminates without further legal action. ~~[If the order involves a disabled child, the court shall specify the duration of the order, which may be beyond the time when the child reaches the age of 18:]~~ ***If the parties have a child with disabilities, the court may initiate or continue the child support obligation after the child reaches the age of 18. No child support order for a child with disabilities may continue after the child reaches age 21.***

AMENDED ANALYSIS

This bill allows the court to initiate or continue child support beyond the age of 18 for children with disabilities, provided that the order does not continue after the child reaches age 21.

HB 556, establishing a committee to study the resolution of barriers to the use of telehealth technology in New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: Advances in information technology and telecommunications have the potential to transform health care in New Hampshire. This bill forms a committee to study the resolution of barriers that are identified including the delivery of services in rural areas. Telehealth can be of particular importance in the delivery of mental health services; a system that is now undergoing a severe crisis. The study will include issues regarding confidentiality, licensing regulations and insurance reimbursement. Vote 16-0.

Amendment (0735h)

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study the resolution of barriers, including identifying and attempting to resolve such barriers, to the use of telehealth technology in New Hampshire.

Amend the bill by replacing section 3 with the following:

3 Duties.

I. The committee shall study the resolution of barriers, including identifying and attempting to resolve such barriers, to the use of telehealth technology in New Hampshire. The committee's study shall include, but not be limited to:

- (a) Patients lack of high speed Internet service necessary for videoconferencing.
- (b) Cumbersome licensing regulations for health care professionals.
- (c) Inconsistent reimbursement policies.
- (d) Any other matter the committee deems relevant to its study.

Amend the bill by replacing section 4 with the following:

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

HB 557, establishing a committee to study the financial assistance program for needy families (FANF) and state supplemental programs (SSP) for the needy blind, permanently and totally disabled, and old age assistance. **INEXPEDIENT TO LEGISLATE.**

Rep. Laurie Harding for Health, Human Services and Elderly Affairs: This bill was introduced in an effort to study the financial assistance programs for needy families (FANF) and the state supplemental programs (SSP) for the needy blind, permanently and totally disabled as a result of budget cuts in the last biennium. Children and Family Law committee had a similar bill. The two committees discussed these bills with the stakeholders and decided to refer the subject matter to a subcommittee of the Health and Human Services Oversight committee. Consequently an ITL motion was made on HB 557. Vote 16-0.

HB 636, relative to the waitlist for community mental health services. **OUGHT TO PASS.**

Rep. Laurie Harding for Health, Human Services and Elderly Affairs: This bill extends the sunset of a provision that was passed in spring of 2011 which would allow the behavioral health centers to create a "waiting list" when necessary of those people with mental health disorders who are unable to pay for services but have an emergency situation. Providers can use their clinical judgment as to who needs to be seen emergently and who can wait. Prior law required that all clients be seen immediately which was not possible as the agencies faced shrinking financial resources. Those individuals who are severely mentally ill and in crisis will be seen right away but others will go on a waiting list that will prioritize the order in which they will be seen. This statute will sunset on July 1, 2015 which will give the legislature an opportunity for re-evaluation of this intervention. Vote 16-0.

HB 127-FN-L, relative to the state minimum hourly rate. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary M. Coulombe for Labor, Industrial and Rehabilitative Services: There were three bills submitted this session regarding minimum wage: HB 127, HB 241, and HB 501. The committee examined these three bills together and used HB 501 as a vehicle to go forward. Therefore, a recommendation of ITL was made for both HB 127 and HB 241. Vote 19-1.

HB 241-FN, establishing a state minimum hourly rate. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary M. Coulombe for Labor, Industrial and Rehabilitative Services: There were three bills submitted this session regarding minimum wage: HB 127, HB 241, and HB 501. The committee examined these three bills together and used HB 501 as a vehicle to go forward. Therefore, a recommendation of ITL was made for both HB 127 and HB 241. Vote 19-1.

HB 373, establishing a right of discovery to a carrier's investigation of claims in workers' compensation cases. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles F. Weed for Labor, Industrial and Rehabilitative Services: This bill, as amended, requires release of documents requested by an injured worker to be provided to that worker. The committee was unanimous in the belief that all information requested that could be reasonably be calculated to lead to admissible evidence should be provided to a claimant in a workers compensation investigation and subsequent hearing. The claimant bears the burden of proof to demonstrate that he or she was hurt at work; the right of discovery levels the playing field whereas testimony was given that withholding evidence has jeopardized fair hearings in the past. Vote 18-0.

Amendment (0569h)

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

1 New Section; Materials to be Provided to Claimant Upon Request. Amend RSA 281-A by inserting after section 43 the following new section:

281-A:43-a Materials to be Provided to Claimant Upon Request. A carrier, self-insured, or the employer shall provide to the claimant, upon request, copies of all documents filed by the carrier or employer with the department of labor, copies of all correspondence to any medical personnel relative to the claim, all photographs or video taken, reports by any person or persons whether experts or not concerning the incident, conditions or maintenance of the equipment or machines or area, and copies of all statements obtained from any person and any other information or materials used during the carrier's investigation of whether to admit or deny the claim.

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

AMENDED ANALYSIS

This bill establishes a right of discovery to a carrier's investigation of claims in workers' compensation cases.

HB 379, prohibiting an employer from requiring an employee or prospective employee to disclose his or her social media passwords. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary M. Coulombe for Labor, Industrial and Rehabilitative Services: There were two bills submitted this session dealing with the same issue: HB 379 and HB 414. The committee chose to use HB 414 as a vehicle to move the issue forward, thus the committee voted to recommend ITL for HB 379. Vote 20-0.

HB 414, relative to privacy in the workplace. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Douglas A. Ley for Labor, Industrial and Rehabilitative Services: This bill closely limits employers from requesting or requiring employees and prospective employees to provide passwords or access to private social media accounts. Emphasizing maximal individual employee privacy, the bill does include specific exceptions. It allows employers to adopt policies governing and monitoring use of employer-owned electronic equipment, and permits employers to conduct certain investigations consistent with state and federal securities and financial laws, rules, and regulations. Vote 19-1.

Amendment (0636h)

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

1 New Subdivision; Use of Social Media. Amend RSA 275 by inserting after section 70 the following new subdivision:

Use of Social Media

275:71 Definitions. In this subdivision:

I. "Social media" means an electronic medium where users may create and view user-generated content, including but not limited to uploading or downloading videos or still photographs, blogs, video blogs, podcasts, or instant messages.

II. "Personal account" means an account, service, or profile on a social networking website that is used by a current or prospective employee primarily for personal communications unrelated to any business purposes of the employer. This definition shall not apply to any account, service, or profile created, maintained, used, or accessed by a current or prospective employee for business purposes of the employer or to engage in business related communications.

275:72 Use of Social Media.

I. No employer shall request or require that an employee or prospective employee disclose a user name or password for accessing any personal account or service through an electronic communication device.

II. No employer shall compel an employee or applicant to add anyone, including the employer or the employer's agent, to a list of contacts associated with a personal account or require, request, suggest, or cause an employee or applicant to change the privacy settings associated with any personal account.

III. No employer shall take or threaten to take disciplinary action against any employee for such employee's refusal to provide a user name or password, to add anyone to a list of contacts, or to change a privacy setting.

IV. Nothing in this subdivision shall limit an employer's right to:

(a) Adopt and enforce lawful workplace policies governing the use of the employer's electronic equipment, including policies regarding Internet use, social networking site use, and electronic mail use.

(b) Monitor usage of the employer's electronic equipment and electronic mail.

V. Nothing in this subdivision shall prohibit an employer from obtaining information about an employee or prospective employee that is in the public domain or to prevent an employer from conducting an investigation to ensure compliance with securities or financial laws or other regulatory requirements based on information on an employee's personal website, Internet website, or web-based account or similar account for business purposes, except as proscribed in paragraph I and II.

VI. Nothing in this subdivision shall be construed to prevent an employer from complying with the requirements of state or federal statutes, rules or regulations, case law, or rules of self-regulatory organizations.

275:73 Penalty. Any employer violating RSA 275:72 shall be subject to a civil penalty, to be imposed by the labor commissioner in accordance with the procedures established in RSA 273:11-a. An employer aggrieved by the commissioner's assessment of such penalty may appeal in accordance with RSA 273:11-c.

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

HB 546, relative to medical examinations under workers' compensation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sally H. Kelly for Labor, Industrial and Rehabilitative Services: This bill, as amended, changes a definition in the workers compensation statute; the term "independent medical examinations" is changed to "to employer required medical examinations" and further provides clarification that the examination is being performed at the request of the employer. The committee listened to testimony on both sides of the issue and it was clear the examinations are not independent but rather for the benefit of the employer, self insured or insurance company. There was no dispute in changing the term to eliminate confusion and make the purpose of the examination clear. Vote 20-0.

Amendment (0642h)

Amend the bill by replacing section 1 with the following:

1 Workers' Compensation; Medical Examinations. Amend RSA 281-A:38, II to read as follows:

II. Any health care provider conducting [~~independent~~] **employer-required** medical examinations under this chapter shall be certified by the appropriate specialty board as recognized by the American Board of Medical Specialties or obtain the approval of the commissioner for those specialties not recognized by such board. The health care provider shall maintain a current practice in that area of specialty. The [~~independent~~] **employer-required** medical examination shall take place within a 50-mile radius of the residence of the injured employee, unless, within the discretion of the commissioner, examination outside the 50-mile radius is necessary to obtain the services of a provider who specializes in the evaluation and treatment specific to the nature and extent of the employee's injury. **The injured employee shall be told that the exam is at the request of the employer.** The injured employee shall not be required to submit to more than 2 [~~independent~~] **employer-required** medical examinations per year, unless within the discretion of the commissioner, more than 2 examinations are necessary. An injured employee shall have the right to have a witness present during such examination. In the event that a witness is present, including but not limited to a witness taking notes or observing, on behalf of the injured employee, the witness shall not interfere in the examination in any way. The injured employee shall be required to sign an authorization, as prepared by the commissioner, to the effect that he or she understands that his or her medical history and condition or conditions will be discussed during said examination and that he or she waives any right to privacy that he or she may have under the circumstances of voluntarily allowing a witness to be present on his or her behalf.

AMENDED ANALYSIS

This bill clarifies the conduct of independent medical examinations under workers' compensation.

HB 363, establishing a committee to study the form of the oath taken by members of the general court. **OUGHT TO PASS.**

Rep. George A. Lambert for Legislative Administration: A study committee on the oaths taken by members of the general court is necessary. As part of the hearing process the committee discovered through an error in the procedures for oaths signed by representatives in the current session. That error was introduced years ago due to an error in the reproduction of the state's Constitution and the forms. The office of the secretary of state agrees that to have a committee review these procedures would be beneficial. Vote 11-0.

HB 410, relative to the definition of gift received by an elected official, public official, public employee, or legislative employee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary B. Richardson for Legislative Administration: This bill, as originally drafted, was one of several bills in committee that would have changed the definition of a gift of insignificant value for purposes of legislative ethics and made other changes to our ethics rules. The committee believes that there are sufficient ambiguities and confusion regarding ethics that it would make sense to do a comprehensive review of the rules and procedures of the legislative ethics committee and the laws governing legislative ethics. Accordingly, the committee amendment creates a commission to study and make recommendations for proposed legislation on or before November 1, 2013. Vote 12-0.

Amendment (0466h)

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

AN ACT establishing a commission to study and update the rules and procedures of the legislative ethics committee under RSA 14-B and the laws governing legislative ethics under RSA 15-B.

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

1 New Section; Commission Established; Legislative Ethics. Amend RSA 14-B by inserting after section 10 the following new section:

14-B:11 Commission to Study and Update the Rules and Procedures of the Legislative Ethics Committee Under RSA 14-B and the Laws Governing Legislative Ethics Under RSA 15-B.

I. There is hereby established a commission to study and update the rules and procedures of the legislative ethics committee under RSA 14-B and the laws governing legislative ethics under RSA 15-B. The commission shall be composed of the following members:

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

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

(c) Three public members, each of whom shall be either a former member of the legislative ethics committee or a person otherwise knowledgeable in the field of governmental ethics procedures, appointed jointly by the speaker of the house and the president of the senate.

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

III. The commission shall study the current laws, rules, and guidelines for legislative ethics under RSA 14-B and RSA 15-B as well as the procedures of the legislative ethics committee under RSA 14-B and

propose updates to the laws, rules, guidelines, and procedures as necessary, in light of the increased significance of statutory legislative ethics provisions since the enactment of RSA 14-B in 1991 and RSA 15-B in 2006.

IV. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. Five members of the commission shall constitute a quorum.

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

2 Repeal. RSA 14-B:11, relative to the commission to study and update the rules and procedures of the legislative ethics committee under RSA 14-B and the laws governing legislative ethics under RSA 15-B, is repealed.

3 Effective Date.

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

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

AMENDED ANALYSIS

This bill establishes a commission to study and update the rules and procedures of the legislative ethics committee under RSA 14-B and the laws governing legislative ethics under RSA 15-B.

HB 128, relative to recording public votes in public records. **INEXPEDIENT TO LEGISLATE.**

Rep. James Verschuere for Municipal and County Government: This bill would have required the legislative body of any town, school district, or village district to require that any votes by advisory and governing bodies on budget items, warrant articles or ballot questions be recorded votes and the numerical tally of any such vote be printed in the town, school district, or village district warrant next to the affected warrant article or on the ballot next to the affected ballot question. Current law leaves these provisions to be determined locally by vote of the legislative body of the municipality. The sponsor did not appear to present the bill, leaving the sole testimony to a committee member who introduced the bill in lieu of the sponsor. The committee viewed this as a local issue not in need of further statutory action. Vote 12-2.

HB 139, relative to the time towns that have adopted official ballot voting have to approve bonding in solid waste management districts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kathleen M. Stroud for Municipal and County Government: This bill extends the amount of time towns have to adopt bonds in solid waste management districts. The new time line facilitates the required meetings and notices. Vote 17-0.

Amendment (0219h)

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

3 Solid Waste Management Districts; Corporate Body; Powers. Amend RSA 53-B:7, VI(c) to read as follows:

(c) If, before the ~~[45-day]~~ **120 day** period has passed, the legislative body of any member municipality votes to disapprove of the debt, it shall not be incurred. The provisions of RSA 31:5 shall not apply to actions by special town meetings under this paragraph. ***The provisions of RSA 32 and 33:8-a shall apply to actions by town meetings under this paragraph.*** A legislative body may disapprove the debt only if, under the terms and conditions of the district agreement, the municipality will incur obligations under RSA 53-B:7-c. After ~~[60]~~ **120** days the district committee may again authorize the incurrence of debt which shall be subject to the rejection conditions of subparagraphs (a) and (c). A municipality which votes to reject 2 successive debt incurrences shall be allowed to withdraw from the district in accordance with the provisions of this chapter and the district agreement. If the municipality has not withdrawn within ~~[60]~~ **120** days of the second debt rejection, the committee is authorized to incur the debt over the member municipality's rejection.

4 Solid Waste Management Districts; Corporate Body; Powers. Amend RSA 53-B:7, XX(a) to read as follows:

(a) No long-term contract shall take effect until ~~[45]~~ **120** days after authorization by the district committee to allow for rejection of the proposed long-term contract by member municipalities under subparagraph (c), unless the rejection period and authority have been waived in the district agreement.

5 Solid Waste Management Districts; Corporate Body; Powers. Amend RSA 53-B:7, XX(c) to read as follows:

(c) If, before the ~~[45-day]~~ **120-day** period has passed, the legislative body of any member municipality votes to disapprove of the long-term contract, it shall not be entered into. The provisions of RSA 31:5 shall not apply to action by special town meetings under this paragraph. A legislative body may disapprove the contract only if, under the terms and conditions of the district agreement, the municipality will incur obligations under RSA 53-B:7-c. After ~~[60]~~ **120** days the district committee may again authorize the long-term contract which shall be subject to the rejection conditions of subparagraphs (a) and (c). A municipality which votes to reject 2 successive long-term contracts shall be allowed to withdraw from the district in accordance with the provisions of this chapter and the district agreement. If the municipality has not withdrawn within ~~[60]~~ **120** days of the second contract rejection, the committee is authorized to enter into the long-term contract over the member municipality's rejection.

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

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

Rep. Syndi G. White for Municipal and County Government: The committee recommends that this bill ought to pass with amendment because it is a step to protect the privacy rights of NH citizens. Under current law, the preparer of a document shall not include an individual's social security number, armed forces service numbers in a document that will be recorded in the registry of deeds. However, older documents often do contain these numbers, and the general public may be unaware that their personal information is easily accessible to anyone searching online. The counties who have put their information on line are exposing their residents to the risk of identity theft. This bill, as amended, will require registry staff to redact personal information on the online documents if they discover them during the course of regular business. Counties routinely charge for downloading these documents, and could set user fees to cover any costs incurred in the process of redaction. Vote 20-0.

Amendment (0649h)

Amend the bill by replacing section 1 with the following:

1 Registers of Deeds; Social Security Numbers and Financial Information. Amend RSA 478:4-b to read as follows:

478:4-b Records; Social Security Numbers and Financial Information.

I. The preparer of a document shall not include an individual's social security number, armed forces service number, credit card number, or deposit account numbers in a document that is prepared and presented for recording in the office of the register of deeds. This paragraph shall not apply to state or federal tax liens[,] **and** certified copies of death certificates[, and other documents required by law to contain such information that are] filed or recorded in the office of the register of deeds. For the purpose of this section, "preparer" shall mean the person who drafts the documents that are recorded with the register of deeds. Preparer shall not include any person who hires, requires, refers, pays, or requests that the documents be drafted or recorded.

II. If a deed or instrument that includes an individual's social security number, armed forces service number, credit card number, or deposit account numbers, was filed with the register of deeds and is available on the Internet, [the individual may request that the register of deeds] **and if the information is discovered by the register of deeds in the ordinary course of business after the effective date of this section, the register of deeds shall** redact such information from the Internet record. The register of deeds shall **also** establish a procedure by which individuals may request that such information be redacted from its files which are available on the Internet. Upon request, the information shall be redacted.

III. The register of deeds shall comply with an individual's request to redact his or her social security number, armed forces service number, credit card number, or deposit account numbers within 5 business days of the receipt of the request, or sooner, if ordered to do so by a court, for good cause shown.

AMENDED ANALYSIS

This bill requires the registers of deeds to remove social security numbers, armed forces service numbers, credit card numbers, and deposit account numbers discovered by registers in the ordinary cause of business from documents made available on the Internet.

HB 429, relative to service of writs against cities. **OUGHT TO PASS.**

Rep. James Verschueren for Municipal and County Government: This bill permits service of writs against certain cities to be made upon the city manager and city clerk. Current law requires writs to be served to the mayor or one of the aldermen and the city clerk. The change would make for an efficient, transparent process for people who wish to serve writs. This bill parallels duties of city managers under RSA 49-C:16. All testimony was strongly in favor of this bill as it removes an unnecessary impediment to efficient processing when the mayor and/or aldermen do not have day-to-day responsibility for city administration and are therefore not always readily accessible. Vote 16-0.

HB 460-L, relative to amending the default budget in towns that use official ballot voting. **INEXPEDIENT TO LEGISLATE.**

Rep. James P. Belanger for Municipal and County Government: Upon the failure to pass the proposed budget at the annual meeting, current statute provides for reverting to a default budget which is clearly defined. The default budget may not be to everyone's liking but it is a known amount when people go to the polls. Allowing the deliberative session, in an official ballot municipality, to not only come up with a proposed budget but to also put forth a default budget gives them the power to zero out or reduce a default budget to the point where the community could not meet its obligations. The current statutes defining a default budget at least allow the municipality to operate at the same level as the prior year when the default was acceptable. Leaving that open to modification at the deliberative session defeats the intent of those voters who wish to revert to the prior year's budget. If the deliberative session is allowed to amend the default budget, it could establish a default budget to be exactly the same as the proposed budget thus removing any options for the voters. Vote 16-0.

HB 506, relative to certain time periods for adoption and amendment of town codes and ordinances. **OUGHT TO PASS.**

Rep. James P. Belanger for Municipal and County Government: Holding public hearings in larger towns are not always easy to arrange. The current statute mandates two public hearings for adoption and amendment of town codes and ordinances to be held at least 10 days but not more than 14 days apart. This often puts the governing body in a squeeze. This bill changes the 14 days to 21 days allowing for more flexibility in the holding of the public hearings. NHMA supports this bill as a policy bill. The committee agrees that more time would be a benefit and saw no downside to the extended period. Vote 16-0.

HB 522, relative to duties of town treasurers. **OUGHT TO PASS.**

Rep. James E. Coffey for Municipal and County Government: This bill allows for a more efficient method of payment of invoices by a town without any loss of security or accountability. Vote 16-1.

HB 531, allowing towns and cities to exempt farm buildings and structures from property taxation. **INEXPEDIENT TO LEGISLATE.**

Rep. James P. Belanger for Municipal and County Government: The committee recognizes the need to support agriculture in our state. Exempting real estate used in one type of business while not in others is discriminatory. It is widely accepted and specified in state statute that equine activity is considered agricultural and this bill might be construed to include horse only barns, riding academies and other non farm buildings. The assessment of buildings in municipalities is a local control issue and assessors already have the authority to make local adjustments as needed. Vote 16-1.

HB 541, relative to city charters. **INEXPEDIENT TO LEGISLATE.**

Rep. Dorothea D. Hooper for Municipal and County Government: This bill would require city charters to provide that the city clerk be elected by the elected body of the city and further require the clerk to reside in the city. The committee felt that this might politicize the position. It would also interfere with hiring on the basis of residing rather than qualifications. The clerk would also be serving multiple bosses instead of a city manager. Vote 20-0.

HB 589, relative to a selectman serving on the school board. **INEXPEDIENT TO LEGISLATE.**

Rep. David J. Danielson for Municipal and County Government: After considering the proposal of the sponsor and considering the testimony of a number of speakers the committee agreed unanimously that a possible conflict of interest would occur by having a selectman appointed to the board. For municipalities where people may have served as both selectman and a school board member they do so based on a popular vote, thereby maintaining the integrity of the system. Vote 18-0.

HB 593, establishing a committee to study extending the due date for final property tax bills. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy D. Copeland for Municipal and County Government: Currently the state has hundreds of laws that deal with the assessing, billing, abatement, and collection of taxes. Many of these laws have dates and deadlines connected into the final billing date. If the final bill date was extended it would affect these laws and many of them would need to have extensive review and possible changes as well. The changes would not be small and would create a significant amount of work for many to change a system that works well now. Extending a due date for taxes by three months would create a serious hardship for most, if not all, communities in several ways. Most communities in New Hampshire decided years ago to use the "twice annual billing" for property taxes, which means bills are routinely due in July and December. One of the main reasons that most communities chose this semiannual billing process is that it allows communities to collect taxes several months in advance, which provides a community with a stronger cash flow and prevents the need for short term borrowing. As you may recall, prior to the law allowing semiannual tax billing in New Hampshire, many communities needed to borrow short term funds through the sale of Tax Anticipations Notes (TANs), which have an interest cost to them. Furthermore, extending the due date would decrease interest income on investments as well as decrease fees collected on late tax payments. The payback on what is outlined here would be extensive. Vote 18-1.

HB 634, relative to water resource management and protection plans in municipal master plans. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David J. Danielson for Municipal and County Government: Water has become a primary concern for many municipalities in the state, particularly how future building will affect supply. The committee felt it is critical that municipalities have the tools to consider water resources management. This simply adds a section to those topics that can be considered in a master plan. It is an option to use if wanted. Vote 19-1.

Amendment (0598h)

Amend the bill by replacing section 3 with the following:

3 New Subdivision; Water Resources Management and Protection Plans. Amend RSA 674 by inserting after section 66 the following new subdivision:

Water Resources Management and Protection Plans

674:67 Water Resources Management and Protection Plans.

I. A municipality may include in its master plan a local water resource management and protection plan to protect the quantity and quality of water resources. A local water resource and management plan may:

(a) Assess the adequacy of water resources by assessing the quality of the resource as compared to state standards, the amount of water available for consumption in a municipality, the amount of water currently being consumed or displaced in the municipality, and future water use needs based on local, regional, and state planning or population projection studies.

(b) Encourage the integration of comprehensive land use planning with planning for the protection and management of surface and groundwater resources.

(c) Provide statistical and scientific data to support proposed municipal ordinances intended to protect and manage water resources.

II. Local water resources management and protection plans shall be implemented through the adoption and enforcement of municipal ordinances consistent with the plan and through such other measures as are appropriate and legally available to municipal government for the furtherance of the objectives set forth in the plan.

III. Nothing in this subdivision shall be construed to allow municipalities to regulate surface or groundwater withdrawals regulated by the department of environmental services pursuant to RSA 485, RSA 485-C, and RSA 485-A:12, III and IV.

IV. Once a local water resources management and protection plan has been adopted, it shall be placed on file with the department of environmental services. The plan shall be made available to the public upon reasonable request and payment for any costs incurred in the duplication of the report.

HB 655-FN, relative to the collection of the amount of the property tax deferral for the elderly or disabled upon sale of the property. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David A. Bickford for Municipal and County Government: This bill, as amended, requires towns to begin collection on deferred taxes upon the property's sale or other conveyance. Vote 20-0.

Amendment (0488h)

Amend RSA 72:38-a, IV-a as inserted by section 1 of the bill by replacing it with the following:

IV-a. When the owner of a property subject to a tax deferral sells or otherwise conveys the property, the owner or grantee shall pay in full the deferred taxes plus any interest due and the municipality shall provide recorded written release or satisfaction of the notice of tax deferral. If the owner or grantee, who shall be deemed to have notice of and shall take title to the property subject to the notice of tax deferral, does not pay the accrued amount on the property within 9 months of the date of sale or conveyance of the property, the municipality may commit the accrued amount of the deferral to the collector of taxes with a warrant signed by the assessing officials requiring him or her to collect it; and the collector of taxes shall have the same rights and remedies in relation thereto as provided in RSA 76:13 and RSA 80. Prior to holding a tax sale or executing a priority tax lien under RSA 80:59, the collector shall, at least 30 days prior to such tax sale or tax lien execution, send notice by certified or registered mail, to the last known post office address of the current owner, if known, or to the last known address of the taxpayer who received the deferral, and to all mortgagees from whom permission has been sought pursuant to paragraph III of this section. Any person with a legal interest in the property may redeem it, either prior to the tax sale or tax lien execution, or subsequently as set forth in RSA 80:32 or RSA 80:69.

HB 257-FN, discontinuing collection of the toll at exit 12 on the Everett turnpike in the town of Merrimack. **INEXPEDIENT TO LEGISLATE.**

Rep. Virginia Irwin for Public Works and Highways: The committee voted Inexpedient to Legislate on this bill due to the fact that there is another bill coming from the Senate to address this issue. The committee believes it should address the toll issues in Merrimack in the context of the overall F.E. Everett Turnpike improvements and in the context of the ten year transportation plan. Vote 19-0.

HB 393, relative to effluent limitations with regard to nitrogen and phosphorus. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Adam R. Schroadter for Resources, Recreation and Development: This bill, as amended, reduces pollution in state lakes and bays by reducing nitrogen and phosphorus content of fertilizers sold at retail and intended for use on turf. Matching effective product standards recently set in other states, the bill provides consistency to business and a reasonable assurance of tax or rate savings to communities spending on wastewater projects to remove these same pollutants. The amendment allows municipalities and counties the ability to pass ordinances setting their own buffers and setbacks for use of fertilizer. Vote 17-2.

Amendment (0561h)

Amend RSA 431:4-c and 431:4-d as inserted by section 5 of the bill by replacing them with the following:

431:4-c Existing Inventories. No provision of RSA 431:4-a or RSA 431:4-b shall restrict the continued sale by retailers of any fertilizer from any existing inventories in stock on December 31, 2013.

431:4-d Preemption of Local Regulation. Except as otherwise specifically provided in this subdivision, no ordinance or regulation of local government, including but not limited to, an action by a local governmental agency or department, a county board of commissioners or a city council, or a local regulation adopted by the use of an initiative measure, may prohibit or in any way attempt to regulate any matter relating to the registration, sale, formulation, or transportation of fertilizer.

HB 513, relative to the shoreland protection act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sid Lovett for Resources, Recreation and Development: This bill modifies several provisions of the shoreland protection act relative to minimum shoreland protection standards by clarifying definitions which will guide compliance regarding the maintenance of a waterfront buffers, groundcover and limiting impervious surfaces. The amendment defines the terms groundcover and unaltered state. It also indicates that the standards for impervious surface design refer to the ten-year, 24 hour storm, thus making this bill consistent with related law. Finally, the amendment clarifies the process of oversight and enforcement. Vote 17-0.

Amendment (0590h)

Amend the bill by replacing sections 1 through 3 with the following:

1 Definition; "Ground Cover." RSA 483-B:4, VII is repealed and reenacted to read as follows:

VII. "Ground cover" means any herbaceous plant or any woody seedling or shrub generally less than 3 feet in height. Ground cover shall not include lawns, landscaped areas, gardens, invasive species as listed by the department of agriculture, markets, and food in accordance with RSA 430:53, III, exotic species as designated by rule of the department of environmental services in accordance with RSA 487:24, VII, imported organic or stone mulches, or other artificial materials.

2 Definition; Unaltered State. Amend RSA 483-B:4, XXIV-b to read as follows:

XXIV-b. "Unaltered state" means *native* vegetation allowed to grow without cutting, limbing, trimming, pruning, mowing, or other similar activities except as needed for [plant health, normal maintenance, and] renewal **or to maintain or improve plant health.**

3 Enforcement by Commissioner. Amend RSA 483-B:5, II to read as follows:

II. The commissioner or his or her designee may, for cause, enter upon any subject land or parcel at any reasonable time [after written notification], **upon presentation of department identification**, to perform oversight and enforcement duties provided for in this chapter.

Amend the bill by replacing section 7 with the following:

7 Impervious Surfaces. Amend RSA 483-B:9, V(g)(1) to read as follows:

(1) No more than 30 percent of the area of a lot located within the protected shoreland shall be composed of impervious surfaces, unless a stormwater management system designed and certified by a professional engineer [that will not concentrate stormwater runoff or contribute to erosion] is implemented. **Such system design shall demonstrate that the post-development volume and peak flow rate based on the 10-year, 24-hour storm event, shall not exceed the pre-development volume and peak flow rate for flow off the property within the protected shoreland.**

HB 516, establishing a committee to study the overlap of federal, state, and local regulation relative to environmental issues. **OUGHT TO PASS.**

Rep. Brian Wazlaw for Resources, Recreation and Development: The committee established by this bill will review federal, state and local environmental permitting and regulatory permitting processes and programs common to development projects to determine whether these processes and programs contain duplicative regulation. The committee will review duplicative regulations and evaluate any value gained by redundancy. Vote 17-2.

SB 57, relative to approval of the project proposed 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. **OUGHT TO PASS.**

Rep. Leigh A. Webb for Resources, Recreation and Development: This bill represents the last phase of the clean up and restoration of devastation caused by the 2005 Alstead floods. It will enable a newly-formed commission to give DES the necessary approval to perform final reclamation work on this state-owned land. The federal funds for this project are due to expire in September 2013, thus necessitating the urgency of passage so the work can commence as quickly as possible. Vote 18-0.

HB 374, relative to electric utility investment in distributed energy resources. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ian P. Raymond for Science, Technology and Energy: This bill amends RSA 374: G, in order to better express the original intent of the RSA, which is to stimulate investment in clean renewable distributed energy resources. This bill offers clarification of the current statute, with a more concise description of the statute's purpose, as well as a hierarchical reordering of the criteria used by the public utilities commission when they determine whether a distributed energy resource is in the public interest. The amendment adds a competitive procurement criterion to minimize project costs. Vote 19-0.

Amendment (0707h)

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

1 Purpose. Amend RSA 374-G:1 to read as follows:

374-G:1 Purpose. Distributed energy resources can increase overall energy efficiency and provide energy **security and** diversity by eliminating, displacing, or better managing **traditional fossil fuel** energy deliveries from the centralized bulk power grid, in keeping with the objectives of RSA 362-F:1. It is therefore in the public interest to stimulate investment in distributed energy resources in New Hampshire **in diverse ways, including** by encouraging New Hampshire electric public utilities to invest in **renewable and clean** distributed energy resources [~~including clean and renewable generation~~] **at the lowest reasonable cost to taxpayers** benefiting the transmission and distribution system under state regulatory oversight.

2 Rate Filing; Authorization. RSA 374-G:5, I-III are repealed and reenacted to read as follows:

I. A New Hampshire electric public utility may seek rate recovery for its portion of investments in distributed energy resources from the commission by making an appropriate rate filing. At a minimum, such filing shall include the following:

- (a) A detailed description and economic and environmental evaluation of the proposed investment.
- (b) A discussion of the costs, benefits, and risks of the proposal with specific reference to the factors listed in paragraph II, including an analysis of the costs, benefits, and rate implications to the participating customers, to the company's default service customers, and to the utility's distribution customers.
- (c) A description of any equipment or installation specifications, solicitations, and procurements it has or intends to implement.
- (d) A showing that the utility has used a competitive bidding process to reasonably minimize the costs of the project to its customers.
- (e) A showing that it has made reasonable efforts to involve local businesses in its program.
- (f) Evidence of compliance with any applicable emission limitations.
- (g) A copy of any customer contracts or agreements to be executed as part of the program.

II. Prior to authorizing a utility's recovery of investments made in distributed energy resources, the commission shall determine that the utility's investment and its recovery in rates, as proposed, are in the public interest. Determination of the public interest under this section shall include giving a balanced consideration and proportional weight to each of the following factors:

- (a) The effect on the reliability, safety, and efficiency of electric service.
- (b) The efficient and cost-effective realization of the purposes of the renewable portfolio standards of RSA 362-F and the restructuring policy principles of RSA 374-F:3.
- (c) The energy security benefits of the investment to the state of New Hampshire.
- (d) The environmental benefits of the investment to the state of New Hampshire.
- (e) The economic development benefits and liabilities of the investment to the state of New Hampshire.
- (f) The effect on competition within the region's electricity markets and the state's energy services market.
- (g) The costs and benefits to the utility's customers, including but not limited to a demonstration that the company has exercised competitive processes to reasonably minimize costs of the project to ratepayers and to maximize private investment in the project.

(h) Whether the expected value of the economic benefits of the investment to the utility's ratepayers over the life of the investment outweigh the economic costs to the utility's ratepayers.

(i) The costs and benefits to any participating customer or customers.

III. Authorized and prudently incurred investments shall be recovered under this section in a utility's base distribution rates as a component of rate base, and cost recovery shall include the recovery of depreciation, a return on investment, taxes, and other operating and maintenance expenses directly associated with the investment, net of any offsetting revenues received by the utility directly attributable to the investment. The utility may recover all reasonable costs associated with the filing, whether or not the application is approved by the commission.

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

HB 517, relative to the incidental combustion of untreated wood at certain municipal transfer stations. **OUGHT TO PASS.**

Rep. Charles L. Townsend for Science, Technology and Energy: Members of the committee find that New Hampshire towns have made provisions for alternate management of construction and demolition waste, largely keeping it out of burn piles and that the incidental combustion of untreated wood at solid waste transfer stations, when burned under the supervision of a solid waste operator, is not an impediment to those provisions. Therefore the committee supports allowing incidental combustion to continue. Vote 16-0.

HB 192, relative to street rods. **INEXPEDIENT TO LEGISLATE.**

Rep. Sherman A. Packard for Transportation: This bill would change the definition of a street rod from its original language of pre-1949 to 50 years or older. It would not accomplish the intent of the sponsors' constituent. The national hot rod association representatives opposed the changes this bill would bring about. Vote 15-1.

HB 245, relative to the cost of railroad crossings upon the restoration of rail service. **INEXPEDIENT TO LEGISLATE.**

Rep. George E. Sykes for Transportation: This bill would have required any railroad that restores service to an abandoned track to be responsible for the cost of restoring crossing points. Based upon a sub-committee report, the committee felt this bill was only addressing a possible future problem. The New Hampshire department of transportation as an owner of rail also testified in opposition to the bill. The committee felt also that more data was needed. Vote 9-2.

HB 391-FN, relative to highway noise and establishing a commission to study options for mitigation of damages associated with highway noise. **OUGHT TO PASS WITH AMENDMENT.**

Rep. George E. Sykes for Transportation: This bill will establish a committee to look into options that might be available to mitigate noise damage from highways. The committee amended the bill to establish a study committee to find answers to the many questions that arose during the public hearing. After the study, further recommendations on legislation may be possible. Vote 11-0.

Amendment (0449h)

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

AN ACT establishing a committee to study options for mitigation of damages associated with highway noise.

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

1 Committee to Study Options for Mitigation of Damages Associated With Highway Noise.

I. There is established a committee to study options for mitigating damages associated with highway noise.

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

(a) Three members of the house of representatives, one of whom shall be a member of the public works and highways committee, appointed by the speaker of the house of representatives.

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

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

IV. The committee shall:

(a) Review data regarding the cost and effectiveness of methods of ameliorating road noise including methods used in New Hampshire, methods used in other states, and methods that are currently in development.

(b) Gather and review information on the effects noise levels above 65 decibels have on people whose primary residences abut highways, including testimony from affected individuals.

(c) Investigate options for mitigating damages caused by highway noise including compensation, methods detailed by the department, and any other technology that may exist.

V. The members of the committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

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

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

AMENDED ANALYSIS

This bill establishes a committee to consider options for mitigating damages associated with highway noise.

HB 567, relative to identification of publicly owned vehicles. **INEXPEDIENT TO LEGISLATE.**

Rep. Steven D. Smith for Transportation: This bill would have required local, county, and city governments as well as some non-profits to apply identifying markings on their vehicles. The committee felt that this was an unfunded mandate. Additionally, the bill refers to "agencies," but does not define "agency," making it difficult to enact. Vote 12-0.

HB 240-FN-A, repealing the prospective repeal date for the research and development tax credit. **INEXPEDIENT TO LEGISLATE.**

Rep. John D. Kelley for Ways and Means: This bill is no longer needed after the passage of SB 1. The gist of this bill is included in SB 1. Vote 16-2.

HB 487-FN, relative to refunds for tobacco tax stamps. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Ames for Ways and Means: This bill seeks to limit refunds for tobacco tax stamps purchased by wholesalers. Its purpose, in part, is to prevent speculative stamp purchases that might be attempted in advance of proposed or contingent increases in the tobacco tax rate. Closely related to this problem is the question of whether and how to provide for a so-called "floor tax" on tobacco products held by retailers to which

tobacco stamps purchased at the prior, lower rate have been affixed by the wholesaler. Retailers testified that the "floor tax" is unduly burdensome to administer and should be avoided or minimized if at all possible. The committee will seek to properly address these problems through an amendment to HB 659, an act increasing the tobacco tax. Therefore, this bill is unnecessary. Vote 17-0.

HB 581-FN-L, relative to recovering moneys from a neighboring state for mitigation of flooding. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Thomas C. Schamberg for Ways and Means: This bill was requested by 18 immediate towns affected by the building of multiple federal dams that flooded 20,000 acres of NH lands and impacted revenue lost to these towns. A compact between New Hampshire and the states of Massachusetts and Connecticut, which benefited from the flood control, was entered into for payment of compensation for tax losses. The bill urges the attorney general of NH to expedite pursuit of underpayments owed NH under the compacts. Vote 18-0.

Amendment (0121h)

Amend the bill by replacing section 1 with the following:

1 Recovery of Flood Moneys. The attorney general is hereby urged to expedite the pursuit of the arrearages owed to New Hampshire by Massachusetts for mitigation of flooding as part of the 1953 and 1957 interstate compacts. The attorney general shall make quarterly reports to the speaker of the house of representatives, the president of the senate, and the governor commencing on November 1, 2013 regarding its efforts to collect the moneys owed.

AMENDED ANALYSIS

This bill urges the attorney general to expedite the pursuit of moneys owed to New Hampshire by Massachusetts for mitigation of flooding pursuant to 2 interstate compacts.

HB 598, relative to the reasonable compensation deduction under the business profits tax. **OUGHT TO PASS.** Rep. Patricia T. Lovejoy for Ways and Means: This bill raises the safe-harbor recordkeeping threshold for reasonable compensation from \$50,000 to \$75,000. The department of revenue administration anticipates little to no revenue impact of this change. This bill helps small businesses by reducing compliance requirements. Vote 18-0.

HB 662-FN, requiring the department of revenue administration to collect and make available data on the amount of meals and rooms tax revenue generated in each municipality. **INEXPEDIENT TO LEGISLATE.** Rep. Patrick F. Abrami for Ways and Means: This bill calls for the DRA to collect data on the amount of meals and rooms tax revenue by municipality by the tenth day of the following month. The committee unanimously voted to ITL this bill citing four practical reasons. First, revenues for a month are not available in ten days; second, tax confidentiality law prevents the revealing of tax data for municipalities with less than 30 taxpayers; third, many businesses with sites in multiple municipalities file a consolidated return with all revenues being reported in one municipality; fourth, some businesses are seasonal, pushing them above and below the 30 taxpayer threshold potentially creating much work for the DRA. Vote 18-0.

HB 676-FN-A-L, extending and expanding the Coos county job creation tax credit. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia T. Lovejoy for Ways and Means: As amended, this bill extends the sunset date of the Coos county tax credit from 2013 to 2018. This credit has been a successful and inexpensive credit for developing jobs in Coos County. Vote 18-0.

Amendment (0640h)

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

AN ACT extending the Coos county job creation tax credit.

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

1 Business Enterprise Tax; Coos County Job Creation Tax Credit. Amend RSA 77-E:3-c, II to read as follows:

II. The initial job creation tax credit allowed under this paragraph shall not apply to any tax period ending prior to the effective date of this section, or to any tax period ending after December 31, [2013] **2018**. After being initially granted, the tax credit shall be renewable for 4 consecutive additional years, provided that no additional tax credit shall be granted *under this chapter* for any tax period after December 31, [2017] **2022**.

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

AMENDED ANALYSIS

This bill extends the Coos county job creation credit for 5 years.

REGULAR CALENDAR - PART I

HB 472, relative to residential units in rooming houses. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Edward A. Butler for the Majority of Commerce and Consumer Affairs: This bill simply closes a loophole currently being used by some landlords to continue to keep those living in rooming houses from becoming

tenants. RSA 540:1-a, IV(a) as it exists states that there is an exemption from tenancy rights for "Rooms in rooming or boarding houses which are rented to transient guests for fewer than 90 consecutive days." Some landlords have been skirting this simply stated expectation by moving rooming house guests to another room before their 90 days expires, effectively preventing them from becoming tenants. The majority believes that it is only right to reinforce the 90 day limitation, to prevent skirting the law, and to allow those living in rooming houses to become tenants, with the rights and responsibilities associated with that status, after 90 days of consecutive residency. Vote 10-7.

Rep. Laura M. Jones for the Minority of Commerce and Consumer Affairs: The minority agrees with the majority that this bill was introduced with good intentions, to improve living conditions for occupants of rooming houses. Currently, occupants can be moved to another room, within the same rooming house, before 90 days have passed, in order to avoid tenancy status. Why would rooming house landlords want their occupants to be exempt from the definition of tenancy? According to one landlord who testified, many occupants have criminal records and/or behavior problems, or they are on a "bad tenants" list and other landlords will not rent to them. In other words, they are the type of occupants that a landlord would prefer to be able to "lock-out," should a problem arise, instead of going through the standard, time-consuming eviction process for evicting a "tenant." This landlord testified that if this legislation becomes law, he will sell his two rooming houses. He said that being a rooming house landlord will not be worth the trouble. According to a report emailed to the committee, by the Economic Justice Project Coordinator of the American Friends Service Committee, and published by Housing Action NH, there is a shortage of 24,000 rental units in the very low income category. Losing more of these units will cause a hardship since without this option; many occupants could end up in homeless shelters at taxpayer expense. Another unintended consequence, caused by this legislation, may be that more occupants will be "locked-out" just before the 90 day time period has passed. This will be very inconvenient for occupants because they will have to move and find another rooming house that will rent to them. Even though advocates for rooming house occupants, who testified before the committee, do not believe this legislation will have a detrimental effect, the minority believes that this legislation may reduce the supply of affordable housing and inconvenience occupants.

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

On a division vote, 189 members having voted in the affirmative and 138 in the negative, the majority committee report was adopted and ordered to third reading.

HB 153, prohibiting the designation of industrial hemp as a controlled substance. **OUGHT TO PASS.**

Rep. Mark Warden for Criminal Justice and Public Safety: This enabling legislation would allow the growing of industrial hemp in New Hampshire. It specifies that the industrial plant be removed from the controlled substance statute. By removing the prohibition, this bill allows a new agricultural crop to be grown, if a farmer so chooses. The committee saw examples of hemp textiles and hemp food (oil, seeds) products. Vote 17-2.

Committee report adopted and ordered to third reading.

HB 247-FN, increasing compensation for wrongful incarceration. **OUGHT TO PASS.**

Rep. Kyle J. Tasker for Criminal Justice and Public Safety: This bill would raise the compensation for the extremely rare case of wrongful incarceration from a maximum of \$20,000 total to \$20,000 for each year of wrongful incarceration. The committee feels because only one case of wrongful conviction was brought to our attention the financial burden will not be significant. The amended dollar figure is much more reasonable and realistic and fair compensation has the potential to forestall potentially disastrous law suits. Vote 10-9. Committee report adopted and ordered to third reading.

HB 453, repealing the prospective repeal of the information and analysis center. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Linda Harriott-Gathright for the Majority of Criminal Justice and Public Safety: In 2010 the legislature established an information and analysis center (IAC) at the department of safety, and enacted RSA Chapter 651-F, which set forth how the center would be operated and the procedures that should be taken to ensure that people's civil rights were not violated by the center. After the 9/11 tragedy, a commission was set up by Congress to study how the nation's intelligence, security, law enforcement and defense agencies missed the fact that the 9/11 terrorists had entered this country on fake credentials, traveled across the country, including New England, and were never discovered by the FBI, CIA, or the military. The commission concluded that federal agencies were not in the best position to gather intelligence on terrorist organizations and terrorists within the country itself, and that local, state and county law enforcement, being closer to the people, should be first line of defense. A robust data collection system can help us identify what and where these places are and to warn us, not only of terrorist or criminal activity, but also such natural disasters as hurricanes and floods. By monitoring the depth and speed of melting of the snow pack in the spring IAC can work with the DES bureau of dams and prevent flooding. We can "lean forward" and proactively place sandbags and other resources in low lying areas in advance of coastal flooding. New Hampshire, unique among the states, set up what we call an "all crimes/all hazards" center, which is our IAC. We don't just

gather and share data on terrorism, or on crime, but we look at natural hazards as well and try to prepare the state for them, to prevent them whenever we can and give safety warning to our citizens. Further, an advisory committee, including the attorney generals office and the New Hampshire civil liberties union serve to ensure that our civil rights are not violated. Vote 14-5.

Rep. Mark Warden for the Minority of Criminal Justice and Public Safety: The minority feels the New Hampshire fusion center (officially known as the information and analysis center) is an unnecessary redundancy. The justification for its existence was to improve communications among federal, state and local law enforcement entities. This can be accomplished without a separate bureaucracy. The original legislation for the center included a sunset provision; this bill would repeal that sunset. With limited resources, the money spent on this program, run under the auspices of homeland security, could be used for more pressing state needs. Majority committee report adopted and ordered to third reading.

Rep. Christopher Andrews declared a conflict of interest and did not participate.

HB 498, permitting the use of firearms by military or veterans groups in the compact part of a town for military or veterans events, or national holidays. **INEXPEDIENT TO LEGISLATE.**

Rep. Kyle J. Tasker for Criminal Justice and Public Safety: This bill removes the requirement to alert the local police prior to a discharge of firearm or cannon in connection with a military funeral, national holidays and other military commemorations. Veterans have never been refused permission for these activities. The majority of the committee feels this bill is unnecessary. Vote 13-6.

Rep. Pantelakos moved Recommit and spoke in favor.

Adopted.

Recommitted to the Committee on Criminal Justice and Public Safety.

HB 161, relative to school district policies on health and sex education. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ralph G. Boehm for Education: This bill allows parents to opt-out of sex education lessons in the health curriculum for religious objections and personal beliefs. The amendment keeps in the religious objection for health curriculum. This bill puts into law what is policy in a lot of school districts. Current law allows parents to opt-out for only religious reasons for the sex education portion of the health curriculum. Vote 13-5.

Amendment (0321h)

Amend the bill by replacing section 1 with the following:

1 State Board of Education; Duties. Amend RSA 186:11, IX-b to read as follows:

IX-b. Health and Sex Education. Require school districts to adopt a policy allowing an exception to a particular unit of health ~~[or sex]~~ education instruction based on religious objections **and a policy allowing an exception to a particular unit of sex education instruction based on religious objections or personal beliefs.** Such policy shall include a provision for alternative learning sufficient to enable the child to meet state requirements for health education.

AMENDED ANALYSIS

This bill requires a school district to adopt a policy allowing an exception to health and sex education based on religious objections, personal beliefs, or both.

Rep. Boehm yielded to questions.

MOTION TO LAY ON THE TABLE

Rep. French moved that **HB 161**, relative to school district policies on health and sex education, be laid on the table.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 160 - NAYS 192

YEAS 160

BELKNAP

Arsenault, Beth

DiMartino, Lisa

Fields, Dennis

Raymond, Ian

CARROLL

Buco, Thomas

Crawford, Karel

CHESHIRE

Ames, Richard
Eaton, Daniel
Mann, John
Sad, Tara
Weed, Charles

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

Burridge, Delmar
Lerandeau, Alfred
Roberts, Kris
Tatro, Bruce

Chase, Cynthia
Ley, Douglas
Robertson, Timothy
Weber, Lucy

COOS

Enman, Larry

Hammon, Marcia

Moynihan, Wayne

Thomas, Yvonne

GRAFTON

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

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

Benn, Bernard
Friedrich, Carol
Lovett, Sid
Pastor, Beatriz
White, Andrew

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

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Connor, Evelyn
Grady, Brenda
Jeudy, Jean
MacKay, Mariellen
Ober, Lynne
Rosenwald, Cindy
Soucy, Timothy
Walsh, Robert Jr

Beaulieu, Jane
Campbell, David
Gage, Ruth
Hackel, Paul
Kopka, Angeline
Manley, Jonathan Sr
Ober, Russell III
Schmidt, Janice
Sullivan, Peter

Boisvert, Ronald
Carroll, Douglas
Gale, Sylvia
Hammond, Jill
Leishman, Peter
McNamara, Richard
Porter, Marjorie
Shattuck, Gilman
Vail, Suzanne

Booras, Efstathia
Chandley, Shannon
Goley, Jeffrey
Heden, Ruth
Levesque, Melanie
O'Brien, Michael Sr
Rhodes, Brian
Smith, Timothy
Vaillancourt, Steve

MERRIMACK

Alicea, Caroletta
Carey, Lorrie
Frambach, Mary
Hirsch, Geoffrey
Kidder, David
Rice, Chip
Shurtleff, Stephen
Webb, Leigh

Andrews, Christopher
Carson, Clyde
French, Barbara
Hunt, Jane
Lockwood, Priscilla
Richardson, Gary
Tilton, Joy

Bartlett, Christy
Davis, Frank
Gile, Mary
Karrick, David Jr
MacKay, James
Rogers, Katherine
Turcotte, Alan

Bouchard, Candace
Ebel, Karen
Henle, Paul
Kelly, Sally
Myler, Mel
Schuett, Dianne
Walz, Mary Beth

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Charron, Gene
Emerson-Brown, Rebecca
Lovejoy, Patricia
Muns, Chris
Ward, Gerald

Borden, David
Copeland, Timothy
Flockhart, Eileen
Major, Norman
Pantelakos, Laura
Wazlaw, Brian

Briden, Steven
Devine, James
Heffron, Frank
Mann, Maureen
Sytek, John
Whittemore, Lisa

Cali-Pitts, Jacqueline
Elliott, Robert
Helmstetter, Barbara
Moody, Marcia
Till, Mary

STRAFFORD

Baber, William
Grassie, Anne
Malloy, Dennis
Schmidt, Peter
Stevens, Audrey

Berube, Roger
Hooper, Dorothea
Miller, David
Smith, Marjorie
Wall, Janet

Bickford, David
Hubbard, Pamela
Perry, Robert
Spainhower, Dale
Ward, Kenneth

Burke, Rachel
Kaen, Naida
Rollo, Deanna
Spang, Judith

SULLIVAN

Gottling, Suzanne
Tanner, Linda

Irwin, Virginia

O'Hearne, Andrew

Sweeney, Cynthia

NAYS 192**BELKNAP**

Burchell, Richard
Flanders, Donald
Sylvia, Michael

Comtois, Guy
Greemore, Robert Jr
Tilton, Franklin

Cormier, Jane
Gulick, Ruth
Vadney, Herbert

Fink, Charles
Holmes, Stephen
Worsman, Colette

CARROLL

Ahlgren, Christopher
Lavender, Tom
Umberger, Karen

Butler, Edward
McConkey, Mark
White, Syndi

Chandler, Gene
Nelson, Bill
Wright, Donald

Cordelli, Glenn
Ticehurst, Susan

CHESHIRE

Butynski, William
Parkhurst, Henry

Hunt, John

Johnsen, Gladys

Johnson, Jane

COOS

Coulombe, Gary
Theberge, Robert

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Ladd, Rick Jr

Bradley, Lester
Piper, Wendy

Doolan, Ralph Jr
Shackett, Jeffrey

Gionet, Edmond

HILLSBOROUGH

Barry, Richard
Byron, Frank
Daniels, Gary
Gagne, Larry
Graham, John
Harriott-Gathright, Linda
Jack, Martin
Lambert, George
Marston, Dick
Murphy, Keith
O'Brien, William
Pellegrino, Tony
Sanborn, Laurie
Straight, Philip
Ulery, Jordan
Williams, Carol

Belanger, James
Cebrowski, John
Danielson, David
Garcia, Michael
Haefner, Robert
Hinch, Richard
Jasper, Shawn
LeBrun, Donald
McCarthy, Michael
Murphy, Kelleigh
O'Flaherty, Tim
Peterson, Lenette
Sandblade, Emily
Stroud, Kathleen
Villeneuve, Moe
Williams, Kermit

Boehm, Ralph
Christiansen, Lars
DiSilvestro, Linda
Gargas, Carolyn
Hansberry, Daniel
Hopper, Gary
Knowles, Mary Ann
LeVasseur, Richard
McCloskey, David
Nelson, Mary
Palmer, Stephen
Pratt, Calvin
Shaw, Barbara
Sweeney, Shawn
Warden, Mark
Winters, Joel

Burt, John
Coffey, James
Flanagan, Jack
Gorman, Mary
Hansen, Peter
Infantine, William
Kurk, Neal
Long, Patrick
Meaney, Richard
Notter, Jeanine
Parison, James
Renzullo, Andrew
Spratt, Stephen
Takesian, Charlene
Willette, Robert
Woodbury, David

MERRIMACK

Burns, Scott
Kotowski, Frank
Ratzki, Mario
Walsh, Thomas IV

Frazer, June
McGuire, Carol
Reed, Dennis

Hess, David
McGuire, Dan
Schamberg, Thomas

Hoell, J.R.
Moffett, Howard
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Bick, Patrick
Comerford, Timothy
Duarte, Joe
Fesh, Robert
Gordon, Richard
Hayes, Jack
Kappler, Lawrence
McMahon, Charles
Packard, Sherman
Rice, Frederick
Schroadter, Adam
Sweeney, Joe
Waterhouse, Kevin

Allen, Mary
Birdsell, Regina
Cushing, Robert Jr
Dumaine, Dudley
Friel, William
Grace, Curtis
Hodgdon, Bruce
Khan, Aboul
Milz, David
Peckham, Michele
Sanders, Elisabeth
Sedensky, John
Thompson, David
Weyler, Kenneth

Baldasaro, Alfred
Cahill, Michael
Dana, Romeo
Emerick, J. Tracy
Garcia, Bianca
Griffin, Mary
Hoelzel, Kathleen
Lundgren, David
Nigrello, Robert
Perkins, Amy
Sapareto, Frank
Sherman, Thomas
Tremblay, Stella

Belanger, Ronald
Chirichiello, Brian
DeSimone, Debra
Ferrante, Beverly
Garcia, Marilinda
Harris, Jeffrey
Itse, Daniel
McKinney, Betsy
O'Connor, John
Perkins, Lawrence
Scarlotto, Joe
St.James, Kevin
Tucker, Pamela

STRAFFORD

Beaudoin, Steven
Ginsburg, Philip
Horrigan, Timothy
Rogers, Rose Marie

Bixby, Peter
Gray, James
Jones, Laura
Verschuere, James

Burdwood, Greg
Groen, Warren
Parsons, Robbie

Gardner, Janice
Grossman, Kenneth
Pitre, Joseph

SULLIVAN

Cloutier, John
Rollins, Skip

Gagnon, Raymond
Schmidt, Andrew

Grenier, James
Smith, Steven

Lefebvre, Benjamin

and the motion failed.

Amendment adopted.

On a division vote, 246 members having voted in the affirmative and 106 in the negative, the committee report was adopted and ordered to third reading.

HB 576, establishing Franklin Pierce Day. **INEXPEDIENT TO LEGISLATE.**

Rep. Carol M. McGuire for Executive Departments and Administration: This bill would have the governor declare November 23 of every year as Franklin Pierce Day. Pierce, the only president from New Hampshire, was a very controversial figure in his time and the controversy is still alive today. As a compromise candidate during the divisive period leading up to the Civil War, Pierce was reviled in New Hampshire for his support of the Kansas-Nebraska Act, which extended slavery to the western territories, and his vigorous enforcement of the Fugitive Slave Act. The committee was unwilling to perpetually honor such a person, and suggests to the sponsors that the governor can proclaim such a day on her own authority. Vote 15-0.

LAI D ON THE TABLE

Rep. Vaillancourt moved that **HB 576**, establishing Franklin Pierce Day, be laid on the table.

On a division vote, 221 members having voted in the affirmative and 129 in the negative, the motion was adopted.

REGULAR CALENDAR - PART I (CONT'D)

HB 486-FN-A, making an appropriation for the purpose of paying residential care providers at the Chase Home for Children. **OUGHT TO PASS.**

Rep. Cindy Rosenwald for Finance: This bill appropriates 2.7 million in general funds to settle a lawsuit on rates for at-risk children's shelter services; the state lost the lawsuit in 2011. This appropriation has been set aside from FY 2012 funds and already accounted for in the 2012 comprehensive annual financial report (CAFR). This appropriation, therefore, does not impact either the current or future budget, but the bill is needed to allow the state to make the payment as directed by the courts. Vote 24-0.

Committee report adopted and ordered to third reading.

HB 614-FN, limiting the authorization for new annual general fund-supported debt. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Bernard L. Benn for the Majority of Finance: The intent of this bill is to limit the amount of general fund supported debt in any biennium to 90% of the debt paid off in the prior biennium. The sponsor proposed an amendment to address some of the concerns expressed at the full committee hearing such as dealing with emergencies, short term borrowing needed by the treasury, and a sunset provision. The Finance committee appreciated the intent of the bill but chose not to develop the proposed amendment. The general sense of the committee was that the bill in any form was not needed at this time since the legislature, under both Republican and Democratic leadership, has shown "backbone," has resisted too much borrowing, and has kept New Hampshire's debt to unrestricted revenue ratios well within the parameters set by the state treasurer and that which is expected by the bond rating agencies. Vote 14-11.

Rep. Neal M. Kurk for the Minority of Finance: The legislature has traditionally had the "backbone" to limit its authorization of capital appropriations to an amount recommended by the state treasurer. However, in recent years, state authorized debt has increased more rapidly than usual, and measures of indebtedness looked at by bond rating agencies, such as debt per capita and debt as a percent of personal income, have risen significantly. This bill would have the state return to more prudent debt levels by limiting the authorization of new debt to no more than 90% of retired debt. Fiscal responsibility suggests the state should not live beyond its means.

The question being adoption of the majority committee report of Inexpedient to Legislate On a division vote, 222 members having voted in the affirmative and 127 in the negative, the majority committee report was adopted.

HB 623-FN-A, appropriating funds to the department of environmental services for the purpose of funding eligible and completed drinking water, wastewater, and landfill closure projects under the state aid grant program. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter R. Leishman for Finance: The prime sponsor and supporters of this bill are to be complimented for bringing this important issue to the forefront of the legislature. As a result of the severe economic downturn during the last two biennia, the funding of approved state drinking water, wastewater and landfill closure projects was deferred. However, as with other appropriations bills, the committee believes that this requested appropriation should be addressed in HB 1, the budget bill. Therefore, as with other stand-alone appropriations bills this session, the committee recommends ITL. The committee will make the restoration of the funding of these projects a top priority during the upcoming budget. Additionally, the governor has included some funding for this important program in her budget. Vote 22-2.

Committee report adopted.

HB 271, stating that New Hampshire will not accept expanded Medicaid. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Laurie Harding for Majority of Health, Human Services and Elderly Affairs: The primary reason that the committee voted HB 271 inexpedient to legislate was because passage of this bill would close the door on further discussion related to Medicaid expansion. It was clear from the public hearing that those testifying (45-50 people) at the very least expected the legislature to continue to explore Medicaid expansion as an option for not only increasing the number of individuals in New Hampshire with health care coverage but also because it would be a vehicle for bringing hundreds of millions of federal dollars into the state. In fact, the federal law is clear that the federal financing / matching rate is: 100% for calendar years 2014, 2015, and 2016; 95% for calendar year 2017; 94% for 2018; 93% for 2019; and 90% for calendar year 2020 and each year thereafter. Section 1905(y)(1) of the Social Security Act, codified at 42 USC § 1396d(y)(1). The Medicaid expansion and its federal financing / matching rate are enshrined in federal law. Changing either of these federal government obligations would require an Act of Congress. In addition, the expansion is entirely voluntary; states can decide when to come into the expansion and they can decide when to leave. During the hearing, the committee heard from business people, representatives from insurance companies, hospitals, physicians, nurses, those suffering from and providers treating people with substance use disorders, as well as many others supporting Medicaid expansion. The ongoing themes of public testimony were related to: doing what is right by working people who are uninsured and have no regular access to health care, helping business

owners who can't afford to offer coverage to their low-income employees, addressing the concerns of health care providers who now receive no compensation for treating people without health coverage and reducing the pressure on insurers to shift these uncompensated care costs onto all who pay for private health insurance premiums. The committee thinks that the conversation about Medicaid expansion is just beginning. An ITL vote on HB 271 allows the dialogue to continue. Vote 13-6.

Rep. Richard Meaney for the Minority of Health, Human Services and Elderly Affairs: This bill is needed to prevent Medicaid expansion in New Hampshire. Medicaid expansion is unaffordable. Medicaid rolls in New Hampshire would swell to include nearly one in every six New Hampshire residents. Even thousands of county and state inmates will be covered under expanded Medicaid, hamstringing current efforts to provide cost-efficient care. Many businesses that now provide private insurance will cease providing such insurance due to expensive federal mandates. The "\$2.5 billion federal dollars between 2014-2019" that would be coming to New Hampshire is a pretense and an expensive one at that. Every federal dollar spent today requires 42 cents of borrowing. "Federal dollars" are taxpayer dollars, many of which come from New Hampshire. New Hampshire residents will pay increased taxes and fees to support expanded Medicaid. The state budget will require at least \$15 million annually from 2014-2019 and subsequently an additional \$50-\$100 million annually to service the Medicaid pretense. If the federal promise to provide 90% of NH's expanded Medicaid costs is fulfilled in a manner similar to the fulfillment of the Special Education promise (feds promised 40%, are delivering 17%), we will see NH's expanded Medicaid costs reach a quarter of a billion dollars per year. In the absence of cost controls and reform, we simply can't put more people into a broken system that doesn't work.

SPECIAL ORDERED

Rep. MacKay moved that **HB 271**, stating that New Hampshire will not accept expanded Medicaid, be made a Special Order for the next session day in the Regular Calendar order.

Rep. MacKay spoke in favor.

Adopted.

REGULAR CALENDAR - PART I (CONT'D)

HB 452, relative to Food and Drug Administration approval of medication, equipment, and therapies. **IN-EXPEDIENT TO LEGISLATE.**

Rep. Laurie Harding for Health, Human Services and Elderly Affairs: This bill was voted ITL because no sponsors were present at the hearing and no witnesses came to testify. The bill was only nine lines long and addressed the complex topic of facilities licensed by New Hampshire being able to dispense medication and use equipment and therapies which have not been approved by the FDA. While some of the committee was interested in pursuing this topic, the majority of the committee recognized that there was a great deal of work to be done on a bill about which the committee knew very little. Vote 11-6.

Committee report adopted.

HB 118, providing legal immunity for 911 calls for drug or alcohol related emergencies. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael J. Sylvia for the Majority of Judiciary: More Granite Staters die from overdoses than traffic accidents each year; this bill would encourage them to seek medical help in the event of a drug or alcohol overdose by providing them with immunity from prosecution. New Hampshire would join 11 other states which have implemented Good Samaritan laws. Immunity would only be for a few enumerated crimes; possession, control, or transportation, but not for any other charges, such as distribution or DWI. Further, it does not prohibit law enforcement from investigating offenses not covered by the immunity. Studies show that people are hesitant to report an overdose event for fear of involving law enforcement. Delays in getting treatment for a person suffering an overdose will cause more harm and may result in death; HB 118 will save lives. Vote 11-7.

Rep. Joseph M. Hagan for the Minority of Judiciary: This bill would contradict present law. It was opposed by the New Hampshire Chiefs of Police Association and the department of corrections. This would give "A Get Out of Jail Free" card to drug dealers.

Majority Amendment (0392h)

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

AN ACT providing immunity from criminal prosecution for seeking medical assistance with an emergency drug or alcohol overdose event.

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

1 New Section; Criminal Code; General Principles. Amend RSA 626 by inserting after section 8 the following new section:

626:9 Immunity for Persons who Suffer or Report an Emergency Drug or Alcohol Overdose Event.

I. A person who reports an emergency drug or alcohol overdose event shall be immune from criminal prosecution for an offense described in this section if:

(a) The person reports in good faith an emergency drug or alcohol overdose event to a law enforcement officer, the 911 system, or a medical provider;

(b) The person remains at the scene of the event until a law enforcement officer or an emergency medical responder arrives or the person remains at the facilities of the medical provider until a law enforcement officer arrives;

(c) The person identifies himself or herself to, and cooperates with, the law enforcement officer, emergency medical responder, or medical provider; and

(d) The chargeable offense arises from the same course of events from which the emergency drug or alcohol overdose event arose.

II. The immunity described in paragraph I shall also extend to the person who suffered the emergency drug or alcohol overdose event if the chargeable offense arose from the same course of events from which the emergency drug or alcohol overdose event arose.

III. The immunity described in paragraph I shall apply to the following criminal offenses:

(a) Possession, control, or transportation of a controlled drug, controlled drug analog, or any preparation containing a controlled drug, or possession, control, or transportation of any drug paraphernalia under RSA 318-B:2.

(b) Unlawful possession and intoxication under RSA 179:10.

(c) Prohibited sales of alcohol under RSA 179:5.

IV. Nothing in this section shall prohibit the prosecution of any person for an offense other than an offense listed in paragraph III or to limit the ability of a prosecutor or a law enforcement officer to obtain or use evidence obtained from a report, recording, or any other statement provided pursuant to paragraph I to investigate and prosecute an offense other than an offense listed in paragraph III.

V. In this section, "emergency drug or alcohol overdose event" means an acute condition including, but not limited to, physical illness, coma, mania, hysteria, or death resulting from the consumption or use of a controlled substance, or of alcohol, or another substance with which a controlled substance or alcohol was combined, and that a layperson would reasonably believe to be a drug or alcohol overdose that requires medical assistance.

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

AMENDED ANALYSIS

This bill provides immunity from criminal prosecution for any person who in good faith seeks medical assistance with, or experiences, an emergency drug or alcohol overdose event.

Majority committee amendment adopted.

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

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

On a division vote, 245 members having voted in the affirmative and 107 in the negative, the majority committee report was adopted and ordered to third reading.

HB 409, relative to the issuance of a default judgment in landlord-tenant actions. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul S. Berch for Judiciary: Current law allows a tenant to ask the court to vacate a default judgment for good cause shown. This bill would require the tenant to pay all rent as due between date of motion to vacate and the decision by the court. The committee felt the bill lacked proper standards, did not define the amount of rent that would need to be paid nor gave the tenant a chance to contest that amount, and did not say to whom and when rent should be paid. The committee felt there were due process problems with this bill. Vote 15-4.

On a division vote, 240 members having voted in the affirmative and 110 in the negative, the committee report was adopted.

HB 483-FN, relative to information regarding abortion. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Sylvia E. Gale for the Majority of Judiciary: This bill would require that all pregnant women seeking abortion care services be informed at least 24 hours prior to the procedure of certain information regarding that procedure by a treating or referring physician. This requirement would impose ideologically driven obstacles to women seeking this medical service and is both impractical and burdensome and could lead to increased health risks for some patients. No woman facing this most personal and difficult decision has come to the point of seeking to terminate a pregnancy without significant thought, deliberation and discussion with her family, friends and health care professionals. This bill suggests that women do not think carefully about abortion and are unable to make responsible decision without government interference. Any woman considering an abortion, like any patient, should receive full and unbiased information from clinical and medical care providers about the chosen procedure and alternative options. Licensed abortion care service providers are already required, like any other medical and clinical care professionals, to provide patients with full and complete information. This bill is unnecessary and potentially harmful for women seeking legally protected abortion care services in licensed medical practices in New Hampshire. Safe and legal abortion appears to be

the only medical procedure in which legislative interference is proposed. Such attempts to impose legislative imperatives between a patient and her professional medical provider are unnecessary and should not be acceptable to this body. Vote 13-6.

Rep. Lenette M. Peterson for the Minority of Judiciary: This is a pro-educational/pro-choice bill. Education is key to make an informed decision. Elective surgery is not performed within a 24-hour notice and there is no reason why an abortion cannot have a 24-hour waiting period. This bill would allow plenty of time to study all options available, before making a life changing decision.

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

Reps. Cormier, Notter, Cebrowski and Birdsell spoke against.

Reps. Gale and Peter Sullivan spoke in favor.

Rep. Bouchard requested a roll call; sufficiently seconded.

YEAS 229 - NAYS 121

YEAS 229

BELKNAP

DiMartino, Lisa

Gulick, Ruth

Huot, David

Raymond, Ian

Buco, Thomas
Lavender, Tom
White, Syndi

Butler, Edward
McConkey, Mark

Chandler, Gene
Ticehurst, Susan

Crawford, Karel
Umberger, Karen

CHESHIRE

Ames, Richard
Eaton, Daniel
Lerandeau, Alfred
Phillips, Larry
Shepardson, Marjorie
Young, Harry

Berch, Paul
Emerson, Susan
Ley, Douglas
Roberts, Kris
Tatro, Bruce

Burridge, Delmar
Hunt, John
Mann, John
Robertson, Timothy
Weber, Lucy

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

COOS

Coulombe, Gary
Theberge, Robert

Enman, Larry
Thomas, Yvonne

Hammon, Marcia

Moynihan, Wayne

GRAFTON

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

Almy, Susan
Ford, Susan
Higgins, Patricia
Massimilla, Linda
Piper, Wendy
Townsend, Charles

Benn, Bernard
Friedrich, Carol
Ladd, Rick Jr
Mulholland, Catherine
Shackett, Jeffrey
White, Andrew

Brown, Rebecca
Gionet, Edmond
Lauer, Linda
Nordgren, Sharon
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Booras, Efstathia
Carroll, Douglas
Flanagan, Jack
Gargas, Carolyn
Grady, Brenda
Harriott-Gathright, Linda
Katsiantonis, Thomas
Levesque, Melanie
McCloskey, David
Ober, Lynne
Ramsey, Peter
Shattuck, Gilman
Spratt, Stephen
Walsh, Robert Jr
Winters, Joel

Barry, Richard
Brown, Pamela
Chandley, Shannon
Gage, Ruth
Gidge, Kenneth
Graham, John
Heden, Ruth
Knowles, Mary Ann
Long, Patrick
McNamara, Richard
Ober, Russell III
Rhodes, Brian
Shaw, Barbara
Sullivan, Peter
Warden, Mark
Woodbury, David

Beaulieu, Jane
Byron, Frank
Connor, Evelyn
Gale, Sylvia
Goley, Jeffrey
Hackel, Paul
Jack, Martin
Kurk, Neal
MacKay, Mariellen
O'Brien, Michael Sr
Porter, Marjorie
Rosenwald, Cindy
Smith, Timothy
Takesian, Charlene
Williams, Carol

Boisvert, Ronald
Campbell, David
DiSilvestro, Linda
Garcia, Michael
Gorman, Mary
Hammond, Jill
Judy, Jean
Leishman, Peter
Manley, Jonathan Sr
O'Flaherty, Tim
Pratt, Calvin
Schmidt, Janice
Soucy, Timothy
Vail, Suzanne
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Burns, Scott
Ebel, Karen
Gile, Mary
Hunt, Jane
Lockwood, Priscilla

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Henle, Paul
Karrick, David Jr
MacKay, James

Bartlett, Christy
Carson, Clyde
Frazer, June
Hess, David
Kelly, Sally
Moffett, Howard

Bouchard, Candace
Davis, Frank
French, Barbara
Hirsch, Geoffrey
Kidder, David
Myler, Mel

Patten, Dick
Richardson, Gary
Shurtleff, Stephen
Webb, Leigh

Ratzki, Mario
Rogers, Katherine
Tilton, Joy

Reed, Dennis
Schamberg, Thomas
Turcotte, Alan

Rice, Chip
Schuett, Dianne
Walz, Mary Beth

ROCKINGHAM

Allen, Mary
Briden, Steven
Elliott, Robert
Helmstetter, Barbara
McMahon, Charles
Pantelakos, Laura
Sweeney, Joe
Ward, Gerald

Andrews-Ahearn, E. Elaine
Cahill, Michael
Emerson-Brown, Rebecca
Lovejoy, Patricia
Moody, Marcia
Scarlottio, Joe
Sytek, John
Wazlaw, Brian

Belanger, Ronald
Copeland, Timothy
Flockhart, Eileen
Mann, Maureen
Muns, Chris
Sherman, Thomas
Thompson, David
Whitemore, Lisa

Borden, David
Cushing, Robert Jr
Heffron, Frank
McKinney, Betsy
Nigrello, Robert
St.James, Kevin
Till, Mary

STRAFFORD

Baber, William
Burke, Rachel
Grossman, Kenneth
Kaen, Naida
Rogers, Rose Marie
Spainhower, Dale
Wall, Janet

Bickford, David
Gardner, Janice
Hooper, Dorothea
Malloy, Dennis
Rollo, Deanna
Spang, Judith
Ward, Kenneth

Bixby, Peter
Ginsburg, Philip
Horrigan, Timothy
Miller, David
Schmidt, Peter
Stevens, Audrey

Burdwood, Greg
Grassie, Anne
Hubbard, Pamela
Perry, Robert
Smith, Marjorie
Verschueren, James

SULLIVAN

Cloutier, John
Irwin, Virginia
Sweeney, Cynthia

Gagnon, Raymond
Lefebvre, Benjamin
Tanner, Linda

Gottling, Suzanne
O'Hearne, Andrew

Grenier, James
Schmidt, Andrew

NAYS 121 BELKNAP

Burchell, Richard
Fink, Charles
Tilton, Franklin

Comtois, Guy
Flanders, Donald
Vadney, Herbert

Cormier, Jane
Greemore, Robert Jr
Worsman, Colette

Fields, Dennis
Holmes, Stephen

CARROLL

Ahlgren, Christopher

Cordelli, Glenn

Nelson, Bill

Wright, Donald

CHESHIRE

Butynski, William

Johnson, Jane

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad

Bradley, Lester

Doolan, Ralph Jr

HILLSBOROUGH

Belanger, James
Christiansen, Lars
Gagne, Larry
Hopper, Gary
Lambert, George
Martel, Andre
Murphy, Kelleigh
Palmer, Stephen
Renzullo, Andrew
Ulery, Jordan

Boehm, Ralph
Coffey, James
Haefner, Robert
Infantine, William
LeBrun, Donald
McCarthy, Michael
Nelson, Mary
Parison, James
Straight, Philip
Vaillancourt, Steve

Burt, John
Daniels, Gary
Hansen, Peter
Jasper, Shawn
LeVasseur, Richard
Meaney, Richard
Notter, Jeanine
Pellegrino, Tony
Stroud, Kathleen
Villeneuve, Moe

Cebrowski, John
Danielson, David
Hinch, Richard
Kopka, Angeline
Marston, Dick
Murphy, Keith
O'Brien, William
Peterson, Lenette
Sweeney, Shawn
Willette, Robert

MERRIMACK

Hoell, J.R.
Smith, Todd

Kotowski, Frank

McGuire, Carol

McGuire, Dan

ROCKINGHAM

Abrami, Patrick
Charron, Gene
DeSimone, Debra
Emerick, J. Tracy
Garcia, Bianca
Griffin, Mary
Hodgdon, Bruce

Baldasaro, Alfred
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Garcia, Marilinda
Hagan, Joseph
Hoelzel, Kathleen

Bick, Patrick
Comerford, Timothy
Duarte, Joe
Fesh, Robert
Gordon, Richard
Harris, Jeffrey
Itse, Daniel

Birdsell, Regina
Danaïs, Romeo
Dumaine, Dudley
Friel, William
Grace, Curtis
Hayes, Jack
Kappler, Lawrence

Khan, Aboul
O'Connor, John
Perkins, Lawrence
Schroadter, Adam
Waterhouse, Kevin

Lundgren, David
Packard, Sherman
Rice, Frederick
Sedensky, John
Weyler, Kenneth

Major, Norman
Peckham, Michele
Sanders, Elisabeth
Tremblay, Stella

Milz, David
Perkins, Amy
Sapareto, Frank
Tucker, Pamela

STRAFFORD

Berube, Roger
Parsons, Robbie

Gray, James
Pitre, Joseph

Groen, Warren

Jones, Laura

SULLIVAN

Smith, Steven

and the majority committee report was adopted.

HB 583, relative to proceedings of medical injury claims screening panels. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gary S. Hopper for the Majority of Judiciary: Screening panels were instituted as a means to sift through medical malpractice law suits in an effort to reduce the time and expense of medical malpractice suits. Over time they have become mini-trials which include the expense of expert witnesses who may cost thousands of dollars. This bill, as amended, allows written offers of proof as evidence rather than live expert witnesses. This will help to return these panels to their original intent and reduce their costs. Vote 12-6.

Rep. Robert H. Rowe for the Minority of Judiciary: This law was passed over a decade ago in an attempt to reduce or moderate the increase of the high medical malpractice insurance costs that medical practitioners are paying. The law established a law suit screening panel --- a doctor, retired judge and lawyer to screen suits. Before a suit can go to the jury the parties must present the liability issue before the panel. This bill modifies the screening panel procedure. The minority believe that it is untimely to make any changes because the entire law is to be formally evaluated this year and a final report submitted on or before December 1, 2013. The responsible action to take is to wait for the final report.

Majority Amendment (0458h)

Amend the bill by replacing section 7 with the following:

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

Majority committee report adopted.

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

On a division vote, 201 members having voted in the affirmative and 153 in the negative, the majority committee report was adopted and ordered to third reading.

Rep. Gary Richardson declared a conflict of interest and did not participate.

HB 596-FN-L, relative to service of notice of civil actions. **INEXPEDIENT TO LEGISLATE.**

Rep. Lenette M. Peterson for Judiciary: The committee believes that this bill is trying to fix a problem that does not exist. By having a sheriff deliver the notice, there is no delay in the tenant receiving the notice. Landlords can be fined each day that the notice is not delivered. Vote 14-1.

Committee report adopted.

HJR 1, directing the joint legislative historical committee to acquire and display a portrait of suffragist Marilla Marks Ricker. **OUGHT TO PASS.**

Rep. Marsha L. Pelletier for Legislative Administration: It is our honor to offer the name of Marilla Marks Ricker as an early suffragist who, in 1871, cast the first vote as a woman in United States, in the city of Dover New Hampshire. A portrait will be acquired to be displayed and the cost will be defrayed by the joint historical committee and league of women voters. Vote 9-0.

SPECIAL ORDERED

Rep. Gary Richardson moved that **HJR 1**, directing the joint legislative historical committee to acquire and display a portrait of suffragist Marilla Marks Ricker, be Special Ordered to the end of today's Regular Calendar -- Part I.

Adopted.

REGULAR CALENDAR - PART I (CONT'D)

HB 362, banning corn-based ethanol as an additive to gasoline sold in New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert A. Backus for Science, Technology and Energy: All members of the committee expressly endorsed the goal of moving New Hampshire away from using corn based ethanol as a component of gasoline in New Hampshire and agreed that using a food crop for transportation fuel is not good public policy. The majority further believes that, as amended, the bill contains sufficient protection against the possibility that New Hampshire, standing alone in this position, might require its own "boutique" gasoline and lack sufficient

market power to cause suppliers to offer gasoline which does not include corn-based ethanol at a reasonable price. Ample assurance against this concern is provided by the amendment which conditions any New Hampshire ban on three other New England states (or four out of the six states) joining in the ban or by the air pollution advisory committee certifying the ready availability of a non corn based ethanol gasoline blend in New Hampshire at a reasonable price. Vote 11-6.

Amendment (0350h)

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

3 Contingency. Sections 1 and 2 of this act shall take effect upon the date certified to the secretary of state and the office of legislative services of either of the following:

I. The air pollution advisory committee, established by RSA 125-J:11, determines, in consultation with the department of environmental services, that at least 3 other New England states in addition to New Hampshire have statutorily banned corn-based ethanol as an additive to gasoline; or

II. The air pollution advisory committee determines that a fuel that can be used by a regulated entity to meet their compliance obligation pursuant to the federal Renewable Fuels Standard for either advanced biofuel, as defined in the Clean Air Act, 42 U.S.C. 7545(o)(1)(B) or cellulosic biofuel as defined in the Clean Air Act, 42 U.S.C. 7545 (o)(1)(E) is readily available and in sufficient quantities to replace corn-based ethanol in New Hampshire's gasoline supply such that it will not have a significant impact on the price or supply, or both, of gasoline delivered for use in New Hampshire.

4 Report Required. The department of environmental services shall report to the governor, the speaker of the house, the president of the senate, the science, technology and energy committee, and the air pollution advisory committee no later than September 1 annually on the consideration or adoption, or both, of corn-based ethanol bans in other New England states. The report shall also summarize information available to the department on the potential availability and market for advanced and cellulosic biofuel that could serve as a replacement to corn-based ethanol in New Hampshire's gasoline supply.

5 Effective Date.

I. Sections 1 and 2 of this act shall take effect as provided in section 3 of this act.

II. The remainder of this act shall take effect 60 days after its passage.

Amendment adopted.

Committee report adopted and ordered to third reading.

HR 7, urging the New Hampshire congressional delegation to sponsor and support a constitutional amendment to re-establish the authority of the states and Congress to regulate campaign spending by entities created by law. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Alfred P. Baldasaro for the Majority of State-Federal Relations and Veterans Affairs: The majority believes that HR 7 should have been presented as an HCR, where the Senate would have a say on the subject matter that involves a voice not just by the House. Laws are already on the books dealing with campaign donations and spending. Vote 6-4.

Rep. Linda Massimilla for the Minority of State-Federal Relations and Veterans Affairs: The purpose of the legislation is to address the supreme court's decision with the 2009 citizens united ruling which allows for the disproportionate influence on campaign spending. Corporations and individual citizens are not equal when it comes to free speech, however they may have similar property rights.

LAID ON THE TABLE

Rep. Theberge moved that **HR 7**, urging the New Hampshire congressional delegation to sponsor and support a constitutional amendment to re-establish the authority of the states and Congress to regulate campaign spending by entities created by law, be laid on the table.

Adopted.

REGULAR CALENDAR - PART I (CONT'D)

HB 146, increasing the speed limit on a portion of I-93 to 70 miles per hour. **OUGHT TO PASS.**

Rep. Brian D. Rhodes for Transportation: This bill raises the speed limit on Interstate 93 from mile marker 45 (Canterbury between exit 17 and 18) north to the Vermont border. This is a rural section of the interstate that has been constructed to support a speed limit of 70 mph. The current speed limit through Franconia Notch will remain the same as its current posted speed. National statistics have not produced an increase in accident rates due to limits being increased by 5 mph. Vote 10-4.

Rep. Vaillancourt offered floor amendment (0577h).

Floor Amendment (0577h)

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

AN ACT increasing the speed limit on a portion of I-93 and a portion of I-89 to 70 miles per hour.

Amend the bill by replacing section 1 with the following:

1 Speed Limits Raised. Amend RSA 265:60, II(e) to read as follows:

(e) 65 miles an hour on the interstate system, the central New Hampshire turnpike and the eastern New Hampshire turnpike in locations where said highways are 4-lane divided highways or other divided highways of 4 or more lanes, ***except that the speed limit on the portion of I-93 from mile marker 45 to the Vermont border, and the portion of I-89 from mile marker 5 to mile marker 55, shall be 70 miles per hour.***

AMENDED ANALYSIS

This bill increases the speed limit on a portion of I-93 and a portion of I-89 to 70 miles per hour.

Rep. Vaillancourt spoke in favor.

Rep. Michael O'Brien spoke against and yielded to questions.

On a division vote, 165 members having voted in the affirmative and 187 in the negative, floor amendment (0577h) failed.

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

Rep. Bouchard spoke in favor.

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

YEAS 292 - NAYS 65

YEAS 292

BELKNAP

Burchell, Richard
Fink, Charles
Huot, David

Comtois, Guy
Flanders, Donald
Sylvia, Michael

Cormier, Jane
Greemore, Robert Jr
Tilton, Franklin

Fields, Dennis
Holmes, Stephen
Worsman, Colette

CARROLL

Ahlgren, Christopher
Cordelli, Glenn
White, Syndi

Buco, Thomas
Lavender, Tom
Wright, Donald

Butler, Edward
McConkey, Mark

Chandler, Gene
Umberger, Karen

CHESHIRE

Berch, Paul
Emerson, Susan
Lerandeau, Alfred
Tatro, Bruce

Burridge, Delmar
Hunt, John
Ley, Douglas
Weber, Lucy

Chase, Cynthia
Johnsen, Gladys
Robertson, Timothy
Weed, Charles

Eaton, Daniel
Johnson, Jane
Sad, Tara

COOS

Coulombe, Gary
Rideout, Leon

Moynihan, Wayne
Theberge, Robert

Rappaport, Laurence

Richardson, Herbert

GRAFTON

Aguiar, James
Cooney, Mary
Harding, Laurie
Mulholland, Catherine
Shackett, Jeffrey

Almy, Susan
Ford, Susan
Ladd, Rick Jr
Nordgren, Sharon
Smith, Suzanne

Benn, Bernard
Friedrich, Carol
Lauer, Linda
Pastor, Beatriz
Sykes, George

Bradley, Lester
Gionet, Edmond
Lovett, Sid
Piper, Wendy
White, Andrew

HILLSBOROUGH

Backus, Robert
Boehm, Ralph
Campbell, David
Coffey, James
DiSilvestro, Linda
Gale, Sylvia
Goley, Jeffrey
Haefner, Robert
Hinch, Richard
Jasper, Shawn
Kopka, Angeline
LeVasseur, Richard
Marston, Dick
McNamara, Richard
Nelson, Mary
O'Flaherty, Tim
Parison, James
Pratt, Calvin
Rokas, Ted
Schmidt, Janice

Barry, Richard
Booras, Efstathia
Cebrowski, John
Culbert, Patrick
Flanagan, Jack
Garcia, Michael
Gorman, Mary
Hammond, Jill
Hopper, Gary
Judy, Jean
Kurk, Neal
Levesque, Melanie
Martel, Andre
Meaney, Richard
Notter, Jeanine
Ober, Lynne
Pellegrino, Tony
Ramsey, Peter
Rosenwald, Cindy
Shattuck, Gilman

Beaulieu, Jane
Burt, John
Chandley, Shannon
Daniels, Gary
Gage, Ruth
Gargas, Carolyn
Graham, John
Hansen, Peter
Infantine, William
Katsiantonis, Thomas
LeBrun, Donald
Long, Patrick
McCarthy, Michael
Murphy, Keith
O'Brien, Michael Sr
Ober, Russell III
Peterson, Lenette
Renzullo, Andrew
Sanborn, Laurie
Shaw, Barbara

Belanger, James
Byron, Frank
Christiansen, Lars
Danielson, David
Gagne, Larry
Gidge, Kenneth
Hackel, Paul
Harriott-Gathright, Linda
Jack, Martin
Knowles, Mary Ann
Leishman, Peter
MacKay, Mariellen
McCloskey, David
Murphy, Kelleigh
O'Brien, William
Palmer, Stephen
Porter, Marjorie
Rhodes, Brian
Sandblade, Emily
Smith, Timothy

Soucy, Timothy
Sullivan, Peter
Vail, Suzanne
Warden, Mark

Spratt, Stephen
Sweeney, Shawn
Vaillancourt, Steve
Willette, Robert

Straight, Philip
Takesian, Charlene
Villeneuve, Moe
Williams, Kermit

Stroud, Kathleen
Ulery, Jordan
Walsh, Robert Jr
Winters, Joel

MERRIMACK

Andrews, Christopher
Ebel, Karen
Hoell, J.R.
MacKay, James
Myler, Mel
Rice, Chip
Smith, Todd

Bouchard, Candace
Frambach, Mary
Hunt, Jane
McGuire, Carol
Patten, Dick
Richardson, Gary
Tilton, Joy

Burns, Scott
Gile, Mary
Kidder, David
McGuire, Dan
Ratzki, Mario
Schuett, Dianne
Turcotte, Alan

Carson, Clyde
Hess, David
Kotowski, Frank
Moffett, Howard
Reed, Dennis
Shurtleff, Stephen
Walsh, Thomas IV

ROCKINGHAM

Abrami, Patrick
Belanger, Ronald
Cahill, Michael
Comerford, Timothy
Devine, James
Emerick, J. Tracy
Friel, William
Grace, Curtis
Heffron, Frank
Itse, Daniel
Major, Norman
Milz, David
O'Connor, John
Perkins, Lawrence
Scarlotta, Joe
St.James, Kevin
Tremblay, Stella
Weyler, Kenneth

Allen, Mary
Bick, Patrick
Cali-Pitts, Jacqueline
Copeland, Timothy
Duarte, Joe
Ferrante, Beverly
Garcia, Bianca
Hagan, Joseph
Helmstetter, Barbara
Khan, Aboul
Mann, Maureen
Moody, Marcia
Packard, Sherman
Rice, Frederick
Schroadter, Adam
Sweeney, Joe
Tucker, Pamela
Whittemore, Lisa

Andrews-Ahearn, E. Elaine
Birdsell, Regina
Charron, Gene
Cushing, Robert Jr
Dumaine, Dudley
Fesh, Robert
Garcia, Marilinda
Harris, Jeffrey
Hodgdon, Bruce
Lovejoy, Patricia
McKinney, Betsy
Muns, Chris
Pantelakos, Laura
Sanders, Elisabeth
Sedensky, John
Sytek, John
Ward, Gerald

Baldasaro, Alfred
Briden, Steven
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Flockhart, Eileen
Gordon, Richard
Hayes, Jack
Hoelzel, Kathleen
Lundgren, David
McMahon, Charles
Nigrello, Robert
Peckham, Michele
Sapareto, Frank
Sherman, Thomas
Thompson, David
Waterhouse, Kevin

STRAFFORD

Beaudoin, Steven
Burke, Rachel
Gray, James
Jones, Laura
Pitre, Joseph
Spainhower, Dale
Wall, Janet

Berube, Roger
Gardner, Janice
Groen, Warren
Kaen, Naida
Rogers, Rose Marie
Spang, Judith
Ward, Kenneth

Bickford, David
Ginsburg, Philip
Hooper, Dorothea
Malloy, Dennis
Rollo, Deanna
Stevens, Audrey

Burdwood, Greg
Grassie, Anne
Horrigan, Timothy
Parsons, Robbie
Smith, Marjorie
Verschueren, James

SULLIVAN

Cloutier, John
O'Hearne, Andrew
Tanner, Linda

Gagnon, Raymond
Rollins, Skip

Grenier, James
Schmidt, Andrew

Lefebvre, Benjamin
Smith, Steven

NAYS 65

BELKNAP

DiMartino, Lisa

Gulick, Ruth

Raymond, Ian

Vadney, Herbert

CARROLL

Crawford, Karel

Nelson, Bill

Ticehurst, Susan

CHESHIRE

Ames, Richard
Roberts, Kris

Butynski, William
Shepardson, Marjorie

Mann, John
Young, Harry

Parkhurst, Henry

COOS

Enman, Larry

Hammon, Marcia

Thomas, Yvonne

GRAFTON

Bailey, Brad
Massimilla, Linda

Brown, Rebecca
Townsend, Charles

Doolan, Ralph Jr

Higgins, Patricia

HILLSBOROUGH

Boisvert, Ronald
Grady, Brenda
Williams, Carol

Brown, Pamela
Hansberry, Daniel
Woodbury, David

Carroll, Douglas
Heden, Ruth

Connor, Evelyn
Manley, Jonathan Sr

MERRIMACK

Alicea, Caroletta
 Frazer, June
 Karrick, David Jr
 Schamberg, Thomas

Bartlett, Christy
 French, Barbara
 Kelly, Sally
 Walz, Mary Beth

Carey, Lorrie
 Henle, Paul
 Lockwood, Priscilla
 Webb, Leigh

Davis, Frank
 Hirsch, Geoffrey
 Rogers, Katherine

ROCKINGHAM

Borden, David
 Kappler, Lawrence

Danais, Romeo
 Perkins, Amy

Emerson-Brown, Rebecca
 Till, Mary

Griffin, Mary
 Wazlaw, Brian

STRAFFORD

Baber, William
 Miller, David

Bixby, Peter
 Perry, Robert

Grossman, Kenneth
 Schmidt, Peter

Hubbard, Pamela

SULLIVAN

Gottling, Suzanne

Irwin, Virginia

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

HB 242, relative to child passenger restraint requirements. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Elizabeth B. Burtis for Transportation: This bill, as amended, brings the New Hampshire child restraint law closer to the nationally accepted best practice for child safety and changes the height restriction for requiring a child restraint device to 56" and changes the age restriction to six years of age increasing the existing law the age by one year and the height one inch. Medical and safety experts advocated for the passage of this bill. The majority of the committee felt the safety of New Hampshire's children to be the most important consideration when voting on this bill. Vote 12-3.

Amendment (0454h)

Amend the bill by replacing section 1 with the following:

1 Rules of the Road; Child Restraint System. Amend RSA 265:107-a, I-b to read as follows:

I-b. No person shall drive a motor vehicle on any way while carrying as a passenger a person less than [6] 7 years of age unless such passenger is properly fastened and secured by a child restraint system which is in accordance with the safety standards approved by the United States Department of Transportation in 49 C.F.R. section 571.213. If the passenger is [55] 56 inches or more in height, the provisions of this paragraph shall not apply.

AMENDED ANALYSIS

This bill increases the height exception to the child restraint system requirement for motor vehicle operation and adds 6-year-old children to the requirement.

SPECIAL ORDERED

Rep. Bouchard moved that **HB 242**, relative to child passenger restraint requirements, be made a Special Order for the next session day in the Regular Calendar order.

Rep. Bouchard spoke in favor.

Adopted.

REGULAR CALENDAR - PART I (CONT'D)

HB 289-FN, increasing certain speed limits to 70 miles per hour. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Michael B. O'Brien for the Majority of Transportation: This bill, if passed, would have allowed 70 mph on the interstate system and 65 mph on the central turnpike system. The majority of the committee feels that this increase would press the safety design of the roads to a higher limit, decreasing safe vehicular traffic. Thus, with road safety in mind, the committee recommends keeping the current speed limits. The committee has agreed in HB 146 to allow the increase in speed in a limited capacity and will continue to monitor its progress. Vote 14-1.

Rep. Tim O'Flaherty for the Minority of Transportation: The outdated low speed limit of 65 mph does little to reduce automobile accidents since most occur due to a differential in speed between vehicles. This bill increases the minimum speed limit to 50 mph to reduce a differential in speed. The department of safety testified it supported increasing the minimum speed limit.

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

Rep. Michael O'Brien spoke in favor.

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

YEAS 206 - NAYS 148

**YEAS 206
BELKNAP**

DiMartino, Lisa
 Raymond, Ian

Flanders, Donald
 Tilton, Franklin

Gulick, Ruth

Huot, David

CARROLL

Ahlgren, Christopher
Crawford, Karel
Ticehurst, Susan

Buco, Thomas
Lavender, Tom
Umberger, Karen

Chandler, Gene
McConkey, Mark
White, Syndi

Cordelli, Glenn
Nelson, Bill

CHESHIRE

Ames, Richard
Chase, Cynthia
Mann, John
Tatro, Bruce

Berch, Paul
Johnsen, Gladys
Roberts, Kris
Weber, Lucy

Burridge, Delmar
Johnson, Jane
Sad, Tara
Weed, Charles

Butynski, William
Lerandeau, Alfred
Shepardson, Marjorie
Young, Harry

COOS

Enman, Larry
Richardson, Herbert

Hammon, Marcia
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

GRAFTON

Aguiar, James
Doolan, Ralph Jr
Lauer, Linda
Smith, Suzanne

Almy, Susan
Ford, Susan
Lovett, Sid
Sykes, George

Bailey, Brad
Harding, Laurie
Massimilla, Linda
Townsend, Charles

Cooney, Mary
Higgins, Patricia
Piper, Wendy
White, Andrew

HILLSBOROUGH

Backus, Robert
Byron, Frank
Connor, Evelyn
Gargas, Carolyn
Hammond, Jill
Hinch, Richard
Knowles, Mary Ann
Long, Patrick
McNamara, Richard
Pellegrino, Tony
Rosenwald, Cindy
Straight, Philip
Vail, Suzanne
Woodbury, David

Beaulieu, Jane
Campbell, David
Flanagan, Jack
Goley, Jeffrey
Hansberry, Daniel
Infantine, William
Kopka, Angeline
MacKay, Mariellen
Nelson, Mary
Porter, Marjorie
Shattuck, Gilman
Stroud, Kathleen
Walsh, Robert Jr

Boisvert, Ronald
Cebrowski, John
Gage, Ruth
Grady, Brenda
Harriott-Gathright, Linda
Jack, Martin
LeVasseur, Richard
Manley, Jonathan Sr
O'Brien, Michael Sr
Ramsey, Peter
Soucy, Timothy
Sullivan, Peter
Williams, Carol

Brown, Pamela
Chandley, Shannon
Gale, Sylvia
Haefner, Robert
Heden, Ruth
Jasper, Shawn
Levesque, Melanie
McCloskey, David
O'Brien, William
Rhodes, Brian
Spratt, Stephen
Takesian, Charlene
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Burns, Scott
Frambach, Mary
Hirsch, Geoffrey
Lockwood, Priscilla
Ratzki, Mario
Schuett, Dianne
Walsh, Thomas IV

Andrews, Christopher
Carey, Lorrie
Frazer, June
Hunt, Jane
MacKay, James
Reed, Dennis
Shurtleff, Stephen
Walz, Mary Beth

Bartlett, Christy
Carson, Clyde
French, Barbara
Kelly, Sally
Moffett, Howard
Richardson, Gary
Tilton, Joy
Webb, Leigh

Bouchard, Candace
Davis, Frank
Gile, Mary
Kotowski, Frank
Myler, Mel
Rogers, Katherine
Turcotte, Alan

ROCKINGHAM

Abrami, Patrick
Borden, David
Copeland, Timothy
Flockhart, Eileen
Helmstetter, Barbara
Major, Norman
Nigrello, Robert
Sanders, Elisabeth
Till, Mary

Allen, Mary
Cahill, Michael
Cushing, Robert Jr
Griffin, Mary
Hodgdon, Bruce
Mann, Maureen
Packard, Sherman
Sherman, Thomas
Weyler, Kenneth

Andrews-Ahearn, E. Elaine
Charron, Gene
DeSimone, Debra
Hayes, Jack
Kappler, Lawrence
Moody, Marcia
Pantelakos, Laura
Sytek, John
Whitemore, Lisa

Bick, Patrick
Chirichiello, Brian
Emerson-Brown, Rebecca
Heffron, Frank
Khan, Aboul
Muns, Chris
Perkins, Amy
Thompson, David

STRAFFORD

Baber, William
Burke, Rachel
Gray, James
Kaen, Naida
Rollo, Deanna
Spang, Judith
Ward, Kenneth

Berube, Roger
Gardner, Janice
Grossman, Kenneth
Miller, David
Schmidt, Peter
Stevens, Audrey

Bixby, Peter
Ginsburg, Philip
Hooper, Dorothea
Perry, Robert
Smith, Marjorie
Verschueren, James

Burdwood, Greg
Grassie, Anne
Hubbard, Pamela
Rogers, Rose Marie
Spainhower, Dale
Wall, Janet

SULLIVAN

Cloutier, John
Lefebvre, Benjamin

Gottling, Suzanne
O'Hearne, Andrew

Grenier, James
Schmidt, Andrew

Irwin, Virginia

NAYS 148 BELKNAP

Burchell, Richard
Fink, Charles
Vadney, Herbert

Comtois, Guy
Greemore, Robert Jr
Worsman, Colette

Cormier, Jane
Holmes, Stephen

Fields, Dennis
Sylvia, Michael

CARROLL

Wright, Donald

CHESHIRE

Eaton, Daniel
Parkhurst, Henry

Emerson, Susan
Robertson, Timothy

Hunt, John

Ley, Douglas

COOS

Rappaport, Laurence

Rideout, Leon

Theberge, Robert

GRAFTON

Benn, Bernard
Gionet, Edmond
Pastor, Beatriz

Bradley, Lester
Ladd, Rick Jr
Shackett, Jeffrey

Brown, Rebecca
Mulholland, Catherine

Friedrich, Carol
Nordgren, Sharon

HILLSBOROUGH

Barry, Richard
Burt, John
Culbert, Patrick
Gagne, Larry
Graham, John
Judy, Jean
LeBrun, Donald
McCarthy, Michael
Notter, Jeanine
Palmer, Stephen
Renzullo, Andrew
Schmidt, Janice
Ulery, Jordan
Willette, Robert

Belanger, James
Carroll, Douglas
Daniels, Gary
Garcia, Michael
Hackel, Paul
Katsiantonis, Thomas
Leishman, Peter
Meaney, Richard
O'Flaherty, Tim
Parison, James
Rokas, Ted
Shaw, Barbara
Vaillancourt, Steve
Winters, Joel

Boehm, Ralph
Christiansen, Lars
Danielson, David
Gidge, Kenneth
Hansen, Peter
Kurk, Neal
Marston, Dick
Murphy, Keith
Ober, Lynne
Peterson, Lenette
Sanborn, Laurie
Smith, Timothy
Villeneuve, Moe

Booras, Efstathia
Coffey, James
DiSilvestro, Linda
Gorman, Mary
Hopper, Gary
Lambert, George
Martel, Andre
Murphy, Kelleigh
Ober, Russell III
Pratt, Calvin
Sandblade, Emily
Sweeney, Shawn
Warden, Mark

MERRIMACK

Ebel, Karen
McGuire, Carol
Schamberg, Thomas

Hoell, J.R.
McGuire, Dan

Karrick, David Jr
Patten, Dick

Kidder, David
Rice, Chip

ROCKINGHAM

Baldasaro, Alfred
Cali-Pitts, Jacqueline
Duarte, Joe
Ferrante, Beverly
Garcia, Marilinda
Harris, Jeffrey
Lundgren, David
O'Connor, John
Sapareto, Frank
St.James, Kevin
Ward, Gerald

Belanger, Ronald
Comerford, Timothy
Dumaine, Dudley
Fesh, Robert
Gordon, Richard
Hoelzel, Kathleen
McKinney, Betsy
Peckham, Michele
Scarlotto, Joe
Sweeney, Joe
Waterhouse, Kevin

Birdsell, Regina
Danais, Romeo
Elliott, Robert
Friel, William
Grace, Curtis
Itse, Daniel
McMahon, Charles
Perkins, Lawrence
Schroadter, Adam
Tremblay, Stella
Wazlaw, Brian

Briden, Steven
Devine, James
Emerick, J. Tracy
Garcia, Bianca
Hagan, Joseph
Lovejoy, Patricia
Milz, David
Rice, Frederick
Sedensky, John
Tucker, Pamela

STRAFFORD

Beaudoin, Steven
Jones, Laura

Bickford, David
Malloy, Dennis

Groen, Warren
Parsons, Robbie

Horrigan, Timothy
Pitre, Joseph

SULLIVAN

Gagnon, Raymond

Rollins, Skip

Smith, Steven

Tanner, Linda

and the majority committee report was adopted.
Rep. Wazlaw voted Nay and intended to vote Yea.

HB 291-FN, increasing certain speed limits to 75 miles per hour. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Michael B. O'Brien for the Majority of Transportation: This bill, if passed, would allow 75 mph on the interstate system and 65 mph on the central turnpike system. It also would have allowed portions of the highway system four lanes or more a speed of 60 mph up from 55 mph. The majority of the committee feels that the increase would have taxed the safe engineered limits of the roads and recommends keeping the current speed limits. The committee has agreed in HB 146 to allow the increase in speed in a limited capacity and will continue to monitor its progress. Vote 14-1.

Rep. Tim O'Flaherty for the Minority of Transportation: The current speed limit of 65 mph is too low and arbitrarily enforced. The law should be in accord with actual practice and is undermined when it promulgates widely unenforceable edicts and when they are enforced or done arbitrarily.

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

YEAS 252 - NAYS 100

YEAS 252

BELKNAP

DiMartino, Lisa
Huot, David

Fields, Dennis
Raymond, Ian

Flanders, Donald
Tilton, Franklin

Gulick, Ruth
Vadney, Herbert

CARROLL

Ahlgren, Christopher
Crawford, Karel
Ticehurst, Susan

Buco, Thomas
Lavender, Tom
Umberger, Karen

Chandler, Gene
McConkey, Mark
White, Syndi

Cordelli, Glenn
Nelson, Bill

CHESHIRE

Ames, Richard
Chase, Cynthia
Mann, John
Shepardson, Marjorie
Young, Harry

Berch, Paul
Johnsen, Gladys
Parkhurst, Henry
Tatro, Bruce

Burridge, Delmar
Lerandean, Alfred
Roberts, Kris
Weber, Lucy

Butynski, William
Ley, Douglas
Sad, Tara
Weed, Charles

COOS

Enman, Larry
Richardson, Herbert

Hammon, Marcia
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

GRAFTON

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

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

Bailey, Brad
Cooney, Mary
Harding, Laurie
Massimilla, Linda
Smith, Suzanne

Benn, Bernard
Doolan, Ralph Jr
Higgins, Patricia
Nordgren, Sharon
Sykes, George

HILLSBOROUGH

Backus, Robert
Booras, Efstathia
Carroll, Douglas
Coffey, James
Gage, Ruth
Grady, Brenda
Hansberry, Daniel
Hopper, Gary
Jeudy, Jean
Levesque, Melanie
Martel, Andre
O'Brien, Michael Sr
Ramsey, Peter
Shattuck, Gilman
Stroud, Kathleen
Williams, Carol

Barry, Richard
Brown, Pamela
Cebrowski, John
Connor, Evelyn
Gagne, Larry
Hackel, Paul
Harriott-Gathright, Linda
Infantine, William
Knowles, Mary Ann
Long, Patrick
McCloskey, David
Palmer, Stephen
Rhodes, Brian
Soucy, Timothy
Sullivan, Peter
Williams, Kermit

Beaulieu, Jane
Byron, Frank
Chandlee, Shannon
Daniels, Gary
Gargas, Carolyn
Haefner, Robert
Heden, Ruth
Jack, Martin
Leishman, Peter
MacKay, Mariellen
McNamara, Richard
Pellegrino, Tony
Rosenwald, Cindy
Spratt, Stephen
Takesian, Charlene
Woodbury, David

Boisvert, Ronald
Campbell, David
Christiansen, Lars
Flanagan, Jack
Goley, Jeffrey
Hammond, Jill
Hinch, Richard
Jasper, Shawn
LeVasseur, Richard
Manley, Jonathan Sr
Nelson, Mary
Porter, Marjorie
Schmidt, Janice
Straight, Philip
Vail, Suzanne

MERRIMACK

Alicea, Caroletta
Burns, Scott
Ebel, Karen
Gile, Mary
Karrick, David Jr
Lockwood, Priscilla
Patten, Dick
Rogers, Katherine
Tilton, Joy
Webb, Leigh

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Hess, David
Kelly, Sally
MacKay, James
Ratzki, Mario
Schamberg, Thomas
Turcotte, Alan

Bartlett, Christy
Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Kidder, David
Moffett, Howard
Reed, Dennis
Schuett, Dianne
Walsh, Thomas IV

Bouchard, Candace
Davis, Frank
French, Barbara
Hunt, Jane
Kotowski, Frank
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Walz, Mary Beth

ROCKINGHAM

Abrami, Patrick
Bick, Patrick

Allen, Mary
Birdsell, Regina

Andrews-Ahearn, E. Elaine
Borden, David

Belanger, Ronald
Briden, Steven

Cahill, Michael
Copeland, Timothy
Devine, James
Fesh, Robert
Griffin, Mary
Hodgdon, Bruce
Major, Norman
Nigrello, Robert
Perkins, Amy
Sweeney, Joe
Ward, Gerald

Cali-Pitts, Jacqueline
Cushing, Robert Jr
Elliott, Robert
Flockhart, Eileen
Hayes, Jack
Kappler, Lawrence
Mann, Maureen
Packard, Sherman
Sanders, Elisabeth
Sytek, John
Wazlaw, Brian

Charron, Gene
Danais, Romeo
Emerson-Brown, Rebecca
Garcia, Bianca
Heffron, Frank
Khan, Aboul
Moody, Marcia
Pantelakos, Laura
Sedensky, John
Thompson, David
Weyler, Kenneth

Chirichiello, Brian
DeSimone, Debra
Ferrante, Beverly
Garcia, Marilinda
Helmstetter, Barbara
Lovejoy, Patricia
Muns, Chris
Peckham, Michele
Sherman, Thomas
Till, Mary
Whittemore, Lisa

STRAFFORD

Baber, William
Burke, Rachel
Gray, James
Kaen, Naida
Rogers, Rose Marie
Spainhower, Dale
Wall, Janet

Berube, Roger
Gardner, Janice
Grossman, Kenneth
Malloy, Dennis
Rollo, Deanna
Spang, Judith
Ward, Kenneth

Bixby, Peter
Ginsburg, Philip
Hooper, Dorothea
Miller, David
Schmidt, Peter
Stevens, Audrey

Burdwood, Greg
Grassie, Anne
Hubbard, Pamela
Perry, Robert
Smith, Marjorie
Verschuere, James

SULLIVAN

Cloutier, John
Irwin, Virginia
Schmidt, Andrew

Gagnon, Raymond
Lefebvre, Benjamin
Tanner, Linda

Gottling, Suzanne
O'Hearne, Andrew

Grenier, James
Rollins, Skip

NAYS 100 BELKNAP

Burchell, Richard
Greemore, Robert Jr

Comtois, Guy
Holmes, Stephen

Cormier, Jane
Sylvia, Michael

Fink, Charles
Worsman, Colette

CARROLL

Wright, Donald

CHESHIRE

Eaton, Daniel

Emerson, Susan

Hunt, John

Robertson, Timothy

COOS

Rappaport, Laurence
GRAFTON
Gionet, Edmond

Rideout, Leon
Ladd, Rick Jr

Theberge, Robert
Mulholland, Catherine

Shackett, Jeffrey

HILLSBOROUGH

Belanger, James
Danielson, David
Gorman, Mary
Katsiantonis, Thomas
Marston, Dick
Murphy, Kelleigh
Ober, Lynne
Pratt, Calvin
Sandblade, Emily
Ulery, Jordan
Willette, Robert

Boehm, Ralph
DiSilvestro, Linda
Graham, John
Kurk, Neal
McCarthy, Michael
Notter, Jeanine
Ober, Russell III
Renzullo, Andrew
Shaw, Barbara
Vaillancourt, Steve
Winters, Joel

Burt, John
Garcia, Michael
Hansen, Peter
Lambert, George
Meaney, Richard
O'Brien, William
Parison, James
Rokas, Ted
Smith, Timothy
Villeneuve, Moe

Culbert, Patrick
Gidge, Kenneth
Hikel, John
LeBrun, Donald
Murphy, Keith
O'Flaherty, Tim
Peterson, Lenette
Sanborn, Laurie
Sweeney, Shawn
Walsh, Robert Jr

MERRIMACK

Hoell, J.R.

McGuire, Carol

McGuire, Dan

Rice, Chip

ROCKINGHAM

Baldasaro, Alfred
Emerick, J. Tracy
Hagan, Joseph
Lundgren, David
O'Connor, John
Scarlott, Joe
Tucker, Pamela

Comerford, Timothy
Friel, William
Harris, Jeffrey
McKinney, Betsy
Perkins, Lawrence
Schroadter, Adam
Waterhouse, Kevin

Duarte, Joe
Gordon, Richard
Hoelzel, Kathleen
McMahon, Charles
Rice, Frederick
St.James, Kevin

Dumaine, Dudley
Grace, Curtis
Itse, Daniel
Milz, David
Sapareto, Frank
Tremblay, Stella

STRAFFORD

Beaudoin, Steven
Jones, Laura

Bickford, David
Parsons, Robbie

Groen, Warren
Pitre, Joseph

Horrigan, Timothy

SULLIVAN

Smith, Steven

and the majority committee report was adopted.

HB 302, relative to restrictions on holders of youth operators' licenses. **INEXPEDIENT TO LEGISLATE.** Rep. Sherman A. Packard for Transportation: A majority of the committee felt that the new restrictions in this bill were too restrictive considering the rural areas of New Hampshire. It restricts the ability to have a passenger during the first six months of driving unless they are family members. Vote 12-3. Committee report adopted.

SPECIAL ORDERED

Without objection, the Speaker made **HB 399-FN**, establishing the New Hampshire liberty act, a Special Order as the next order of business.

SPECIAL ORDER

HB 399-FN, establishing the New Hampshire liberty act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Timothy J. Smith for State-Federal Relations and Veterans Affairs: This bill, as amended, seeks to prevent New Hampshire from cooperation in indefinite detention of persons inside the state. The amendments strengthened the bill, and helped to resolve concerns about the bill's constitutional legality under the supremacy clause. Members felt that the bill, as amended, helps protect people in New Hampshire from indefinite detention, and urges the attorney general to challenge the constitutionality of indefinite detention in federal court should it actually happen. Vote 16-0.

Amendment (0717h)

Amend RSA 646-B:1, II as inserted by section 2 of the bill by replacing it with the following:

II. Any person who violates paragraph I shall be prosecuted to the fullest extent of current New Hampshire law related to the applicable crime.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Lawsuit Challenging the National Defense Authorization Act for Fiscal Year 2012. The general court urges the attorney general to initiate or support any lawsuit challenging the constitutionality of the detainment provisions of the National Defense Authorization Act for Fiscal Year 2012.

AMENDED ANALYSIS

This bill establishes the New Hampshire liberty act. The bill prohibits the state from supporting or implementing 2 sections of the National Defense Authorization Act for Fiscal Year 2012, pertaining to the authority of the United States armed services to detain persons suspected of terrorism. The bill also urges the New Hampshire attorney general to challenge the constitutionality of the detainment provisions of the federal law. Amendment adopted.

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

Rep. Theberge spoke in favor.

Rep. Winters requested a roll call; sufficiently seconded.

YEAS 337 - NAYS 15**YEAS 337****BELKNAP**

Burchell, Richard
Fields, Dennis
Gulick, Ruth
Tilton, Franklin

Comtois, Guy
Fink, Charles
Holmes, Stephen
Vadney, Herbert

Cormier, Jane
Flanders, Donald
Raymond, Ian
Worsman, Colette

DiMartino, Lisa
Greemore, Robert Jr
Sylvia, Michael

CARROLL

Ahlgren, Christopher
Crawford, Karel
Ticehurst, Susan

Buco, Thomas
Lavender, Tom
Umberger, Karen

Chandler, Gene
McConkey, Mark
White, Syndi

Cordelli, Glenn
Nelson, Bill
Wright, Donald

CHESHIRE

Ames, Richard
Eaton, Daniel
Lerandeau, Alfred
Roberts, Kris
Tatro, Bruce

Burridge, Delmar
Emerson, Susan
Ley, Douglas
Robertson, Timothy
Weed, Charles

Butynski, William
Hunt, John
Mann, John
Sad, Tara
Young, Harry

Chase, Cynthia
Johnsen, Gladys
Parkhurst, Henry
Shepardson, Marjorie

COOS

Enman, Larry
Rappaport, Laurence
Thomas, Yvonne

Hammon, Marcia
Richardson, Herbert

Hatch, William
Rideout, Leon

Moynihan, Wayne
Theberge, Robert

GRAFTON

Aguiar, James
Bradley, Lester
Ford, Susan
Higgins, Patricia
Massimilla, Linda
Smith, Suzanne

Almy, Susan
Brown, Rebecca
Friedrich, Carol
Ladd, Rick Jr
Mulholland, Catherine
Sykes, George

Bailey, Brad
Cooney, Mary
Gionet, Edmond
Lauer, Linda
Piper, Wendy
Townsend, Charles

Benn, Bernard
Doolan, Ralph Jr
Harding, Laurie
Lovett, Sid
Shackett, Jeffrey
White, Andrew

HILLSBOROUGH

Backus, Robert
Boehm, Ralph
Burt, John
Cebrowski, John
Connor, Evelyn
DiSilvestro, Linda
Garcia, Michael
Grady, Brenda
Hammond, Jill
Heden, Ruth
Infantine, William
Katsiantonis, Thomas
LeBrun, Donald
Long, Patrick
Martel, Andre
Meaney, Richard
Notter, Jeanine
Ober, Lynne
Pellegrino, Tony
Ramsey, Peter
Sanborn, Laurie
Shaw, Barbara
Straight, Philip
Takesian, Charlene
Villeneuve, Moe
Williams, Carol

Barry, Richard
Boisvert, Ronald
Byron, Frank
Chandley, Shannon
Culbert, Patrick
Flanagan, Jack
Gargas, Carolyn
Graham, John
Hansberry, Daniel
Hikel, John
Jack, Martin
Knowles, Mary Ann
Leishman, Peter
MacKay, Mariellen
McCarthy, Michael
Murphy, Keith
O'Brien, Michael Sr
Ober, Russell III
Peterson, Lenette
Renzullo, Andrew
Sandblade, Emily
Smith, Timothy
Stroud, Kathleen
Uler, Jordan
Walsh, Robert Jr
Williams, Kermit

Beaulieu, Jane
Booras, Efstathia
Campbell, David
Christiansen, Lars
Daniels, Gary
Gage, Ruth
Gidge, Kenneth
Hackel, Paul
Hansen, Peter
Hinch, Richard
Jasper, Shawn
Kurk, Neal
LeVasseur, Richard
Manley, Jonathan Sr
McCloskey, David
Murphy, Kelleigh
O'Brien, William
Palmer, Stephen
Porter, Marjorie
Rhodes, Brian
Schmidt, Janice
Soucy, Timothy
Sullivan, Peter
Vail, Suzanne
Warden, Mark
Winters, Joel

Belanger, James
Brown, Pamela
Carroll, Douglas
Coffey, James
Danielson, David
Gagne, Larry
Gorman, Mary
Haefner, Robert
Harriott-Gathright, Linda
Hopper, Gary
Judy, Jean
Lambert, George
Levesque, Melanie
Marston, Dick
McNamara, Richard
Nelson, Mary
O'Flaherty, Tim
Parison, James
Pratt, Calvin
Rokas, Ted
Shattuck, Gilman
Spratt, Stephen
Sweeney, Shawn
Vaillancourt, Steve
Willette, Robert
Woodbury, David

MERRIMACK

Alicea, Caroletta
Burns, Scott
Frambach, Mary
Hess, David
Karrick, David Jr
Lockwood, Priscilla
Moffett, Howard
Schamberg, Thomas
Webb, Leigh

Andrews, Christopher
Carey, Lorrie
Frazer, June
Hirsch, Geoffrey
Kelly, Sally
MacKay, James
Patten, Dick
Tilton, Joy

Bartlett, Christy
Carson, Clyde
French, Barbara
Hoell, J.R.
Kidder, David
McGuire, Carol
Ratzki, Mario
Walsh, Thomas IV

Bouchard, Candace
Ebel, Karen
Gile, Mary
Hunt, Jane
Kotowski, Frank
McGuire, Dan
Rice, Chip
Walz, Mary Beth

ROCKINGHAM

Abrami, Patrick
Belanger, Ronald
Briden, Steven
Chirichiello, Brian
Danais, Romeo
Dumaine, Dudley
Ferrante, Beverly
Garcia, Bianca
Griffin, Mary
Heffron, Frank
Itse, Daniel
Lundgren, David
McMahon, Charles
Nigrello, Robert
Peckham, Michele
Sanders, Elisabeth
Sedensky, John
Sytek, John
Tucker, Pamela
Weyler, Kenneth

Allen, Mary
Bick, Patrick
Cahill, Michael
Comerford, Timothy
DeSimone, Debra
Elliott, Robert
Fesh, Robert
Garcia, Marilinda
Hagan, Joseph
Helmstetter, Barbara
Kappler, Lawrence
Major, Norman
Milz, David
O'Connor, John
Perkins, Amy
Sapareto, Frank
Sherman, Thomas
Thompson, David
Ward, Gerald
Whittemore, Lisa

Andrews-Ahearn, E. Elaine
Birdsell, Regina
Cali-Pitts, Jacqueline
Copeland, Timothy
Devine, James
Emerick, J. Tracy
Flockhart, Eileen
Gordon, Richard
Harris, Jeffrey
Hodgdon, Bruce
Khan, Aboul
Mann, Maureen
Moody, Marcia
Packard, Sherman
Perkins, Lawrence
Scarlott, Joe
St.James, Kevin
Till, Mary
Waterhouse, Kevin

Baldasaro, Alfred
Borden, David
Charron, Gene
Cushing, Robert Jr
Duarte, Joe
Emerson-Brown, Rebecca
Friel, William
Grace, Curtis
Hayes, Jack
Hoelzel, Kathleen
Lovejoy, Patricia
McKinney, Betsy
Muns, Chris
Pantelakos, Laura
Rice, Frederick
Schroadter, Adam
Sweeney, Joe
Tremblay, Stella
Wazlaw, Brian

STRAFFORD

Baber, William
Bixby, Peter

Beaudoin, Steven
Burdwood, Greg

Berube, Roger
Burke, Rachel

Bickford, David
Gardner, Janice

Ginsburg, Philip
Grossman, Kenneth
Jones, Laura
Perry, Robert
Schmidt, Peter
Stevens, Audrey

Grassie, Anne
Hooper, Dorothea
Kaen, Naida
Pitre, Joseph
Smith, Marjorie
Verschueren, James

Gray, James
Horrigan, Timothy
Malloy, Dennis
Rogers, Rose Marie
Spainhower, Dale
Wall, Janet

Groen, Warren
Hubbard, Pamela
Miller, David
Rollo, Deanna
Spang, Judith
Ward, Kenneth

Cloutier, John
Irwin, Virginia
Schmidt, Andrew

Gagnon, Raymond
Lefebvre, Benjamin
Smith, Steven

Gottling, Suzanne
O'Hearne, Andrew
Tanner, Linda

Grenier, James
Rollins, Skip

SULLIVAN

NAYS 15

BELKNAP

Huot, David

CARROLL

None

CHESHIRE

Berch, Paul

Weber, Lucy

COOS

None

GRAFTON

Nordgren, Sharon

Pastor, Beatriz

HILLSBOROUGH

Goley, Jeffrey

Rosenwald, Cindy

MERRIMACK

Davis, Frank
Schuett, Dianne

Myler, Mel
Shurtleff, Stephen

Richardson, Gary
Turcotte, Alan

Rogers, Katherine

ROCKINGHAM

None

STRAFFORD

Parsons, Robbie

SULLIVAN

None

and the committee report was adopted.

MOTION TO SUSPEND HOUSE RULES

Rep. Theberge moved that House Rules be so far suspended as to allow **HB 399-FN**, establishing the New Hampshire liberty act, to be referred to the Committee on Criminal Justice and Public Safety as a 2nd Committee past the deadline.

Reps. Theberge and Chandler spoke in favor.

Adopted by the necessary two-thirds vote.

The House recessed at 12:20 p.m.

RECESS

The House reconvened at 1:20 p.m.

(Rep. Kaen in the Chair)

REGULAR CALENDAR - Part I (CONT'D)

HB 345, repealing the prohibition on tinted glass in motor vehicles. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Michael B. O'Brien for the Majority of Transportation: This bill, if passed, would have increased the allowed amount of after-market window tinting for vehicles. It also would have allowed the sides of the driver and passenger to be tinted as well as the windshield. The majority of the committee felt that the safety of our troopers and law enforcement officers is paramount and increasing after-market tinting would jeopardize their safety. Persons who require for medical reasons after market tinting on a windshield or on the windows to the left and right of the driver may apply to the department of safety for a special permit waiver. Vote 14-1. Rep. Tim O'Flaherty for the Minority of Transportation: This bill was given an ITL recommendation based on the sentiment that this would affect officer safety despite any evidence to support the notion that tinted windows would endanger anyone. The current prohibition imposes a cost on some vehicle owners who must remove tinting and denies New Hampshire citizens the right to the full enjoyment of their property.

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

Rep. Winters spoke against.

Rep. Sapareto spoke against and yielded to questions.

Rep. Michael O'Brien spoke in favor.

On a division vote, 242 members having voted in the affirmative and 102 in the negative, the majority committee report was adopted.

HB 314, raising limits on single wagers in games of chance. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia T. Lovejoy for Ways and Means: This bill, as amended, raises the single wager limit on any game of chance from \$4.00 to \$6.00. The \$6.00 bet limit makes the odds work properly in the table games such as craps. The increased bet limit will increase the payout to charities and is estimated to increase tax revenue to the state by \$608,672. This bill also changes the remitting requirement from every five days – with five checks – to once a month by the 5th day of the following month. This will significantly reduce the recordkeeping of the NH racing and charitable gaming commission and the game operators. Vote 15-2.

Amendment (0311h)

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

1 Wager Limit. Amend RSA 287-D:3, V to read as follows:

V. No single wager by a player, on any game of chance, shall exceed the amount of [~~\$4~~] **\$6**.

2 Game Operators; Deposit of Funds. Amend RSA 287-D:3, X to read as follows:

X. In games where chips have monetary value, 10 percent of the rake or house winnings and other moneys collected by the game operator that are not paid out as prizes to players, less moneys used by the racing and charitable gaming commission to fund authorized personnel expenses and related costs, shall be paid to the state treasurer for deposit into the general fund. Such payments shall be made [~~within 5 business days of the game date on which the funds were collected~~] **once per month not later than the 5th day of the month for the funds collected in the previous month.**

3 Effective Date. This act shall take effect 90 days after its passage.

AMENDED ANALYSIS

This bill raises limits on single wagers in games of chance. The bill also provides for the deposit of funds by the game operators once a month by the 5th day of the month.

Amendment adopted.

Rep. Kurk offered floor amendment (0557h).

Floor Amendment (0557h)

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

AN ACT raising limits on single wagers in games of chance and relative to gross revenues received by charitable organizations participating in games of chance.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 New Paragraph; Charitable Organizations; Gross Revenues Received. Amend RSA 287-D:3 by inserting after paragraph X the following new paragraph:

XI. Notwithstanding any provision of law to the contrary, after deducting the pay out of prizes, the total of any fees, any rent under paragraph VII, and any other charges of any kind permitted under this chapter, the charitable organization shall retain no less than 30 percent of the gross revenues from any game of chance on any game date in which game operators licensed under RSA 287-D:2-c are involved in any capacity.

AMENDED ANALYSIS

This bill:

I. Raises limits on single wagers in games of chance.

II. Provides for the deposit of funds by the game operators once a month by the 5th day of the month.

III. Requires charitable organizations to retain no less than 30 percent of the gross revenues from any game of chance minus any prizes paid on any game date in which game operators are involved.

Rep. Kurk spoke in favor.

Rep. Lovejoy spoke against and yielded to questions.

(Speaker Norelli in the Chair)

On a division vote, 213 members having voted in the affirmative and 135 in the negative, floor amendment (0557h) was adopted.

Committee report adopted and ordered to third reading.

HB 564-FN, relative to simulcast greyhound races. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia T. Lovejoy for the Majority of Ways and Means: This bill seeks to prohibit simulcast of any dog races in NH if the race took place in a state that does not require reporting of greyhound injuries. Currently,

there are three states that meet this definition – Florida, Alabama and Arizona. There are two facilities in NH that simulcast dog races, the Rockingham and Seabrook Parks. The vast majority of greyhound races that are simulcast from these two parks are races that take place in Florida venues. Just over 40 percent of all simulcast betting at Seabrook Park is on greyhound races. The Park has stated, and informed their employees, that due to the significantly reduced income they would be closing both their simulcast operation and their charitable gaming room if this bill becomes law. This would result in the loss of 150 jobs and in the loss of \$700,000 per year to charities that rely on the Seabrook charitable gaming operation. The Racing and Charitable Gaming Commission estimates the loss to state revenue to be \$190,000, with a potential loss of up to \$900,000 if Seabrook Park closes, in addition to the loss of ancillary revenues, of rooms & meals tax and business profit taxes. This bill is meant to send a message to Florida to encourage them to institute injury reporting. No other state has taken this stand. A bi-partisan majority of the committee supports the motion to ITL this bill. We believe it will costs jobs, reduce funds to charities and that it will have a negligible impact on Florida's lawmakers. Vote 11-7.

Rep. Mary R. Cooney for the Minority of Ways and Means: The minority of the committee feels that this bill supports the New Hampshire policy of humane treatment of animals and greyhound dogs in particular. The legislature banned greyhound dog racing in 2010 because of its inherent lack of humane treatment of the dogs involved in the business of greyhound racing. This bill only bans the simulcast signals from the states which do not have the policy of reporting injury records to the state. There are seven states that still have dog racing tracks, three of whom still have no reporting system in place: Florida, Alabama and Arizona. In states that require the reporting of injuries, the tracks are better maintained, adoption rates are higher and injuries are fewer. The amendment allows up to July 1, 2014 for the two tracks to switch their simulcast contracts from Florida and Alabama to states that do have an injury reporting requirement. The wagering on simulcast races, both harness, thoroughbred and dog racing is over \$76M. The minority feels that New Hampshire should require the tracks that hold these New Hampshire simulcast licenses to comply with the previously stated values of humane treatment of greyhound racing dogs.

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

Reps. Vaillancourt, Mulholland, Cooney and Robertson spoke against.

Reps. Kahn and Elliott spoke in favor.

Rep. Lovejoy spoke in favor and yielded to questions.

Rep. DiSilvestro requested a roll call; sufficiently seconded.

YEAS 243 - NAYS 108

YEAS 243

BELKNAP

Burchell, Richard
Flanders, Donald
Tilton, Franklin

Comtois, Guy
Greemore, Robert Jr
Vadney, Herbert

DiMartino, Lisa
Gulick, Ruth
Worsman, Colette

Fields, Dennis
Huot, David

CARROLL

Ahlgren, Christopher
Cordelli, Glenn
Nelson, Bill

Buco, Thomas
Crawford, Karel
Wright, Donald

Butler, Edward
Lavender, Tom

Chandler, Gene
McConkey, Mark

CHESHIRE

Berch, Paul
Emerson, Susan
Lerandeau, Alfred
Sad, Tara

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

Chase, Cynthia
Johnsen, Gladys
Mann, John
Weber, Lucy

Eaton, Daniel
Johnson, Jane
Roberts, Kris

COOS

Coulombe, Gary
Rideout, Leon

Enman, Larry
Thomas, Yvonne

Hammon, Marcia

Rappaport, Laurence

GRAFTON

Almy, Susan
Gionet, Edmond
Lauer, Linda
Shackett, Jeffrey

Bailey, Brad
Harding, Laurie
Pastor, Beatriz
White, Andrew

Bradley, Lester
Higgins, Patricia
Piper, Wendy

Doolan, Ralph Jr
Ladd, Rick Jr
Reilly, Harold Sr

HILLSBOROUGH

Barry, Richard
Boisvert, Ronald
Campbell, David
Connor, Evelyn

Beaulieu, Jane
Brown, Pamela
Cebrowski, John
Culbert, Patrick

Belanger, James
Burt, John
Chandley, Shannon
Daniels, Gary

Boehm, Ralph
Byron, Frank
Christiansen, Lars
Danielson, David

DiSilvestro, Linda
Gargas, Carolyn
Haefner, Robert
Hikel, John
Knowles, Mary Ann
LeVasseur, Richard
Marston, Dick
Meaney, Richard
Notter, Jeanine
Ober, Lynne
Porter, Marjorie
Rhodes, Brian
Soucy, Timothy
Ulery, Jordan
Williams, Carol

Flanagan, Jack
Goley, Jeffrey
Hammond, Jill
Hinch, Richard
Kurk, Neal
Long, Patrick
McCarthy, Michael
Murphy, Keith
O'Brien, Michael Sr
Palmer, Stephen
Pratt, Calvin
Rokas, Ted
Straight, Philip
Villeneuve, Moe
Winters, Joel

Gage, Ruth
Grady, Brenda
Hansberry, Daniel
Jasper, Shawn
Lambert, George
MacKay, Mariellen
McCloskey, David
Murphy, Kelleigh
O'Brien, William
Parison, James
Ramsey, Peter
Sanborn, Laurie
Stroud, Kathleen
Warden, Mark

Garcia, Michael
Graham, John
Hansen, Peter
Jeudy, Jean
LeBrun, Donald
Manley, Jonathan Sr
McNamara, Richard
Nelson, Mary
O'Flaherty, Tim
Pellegrino, Tony
Renzullo, Andrew
Sandblade, Emily
Sullivan, Daniel
Willette, Robert

MERRIMACK

Alicea, Caroletta
Frambach, Mary
Kidder, David
McGuire, Carol
Ratzki, Mario
Shurtleff, Stephen
Walsh, Thomas IV

Andrews, Christopher
Hess, David
Kotowski, Frank
McGuire, Dan
Reed, Dennis
Smith, Todd
Walz, Mary Beth

Bartlett, Christy
Hoell, J.R.
Lockwood, Priscilla
Moffett, Howard
Schamberg, Thomas
Tilton, Joy
Webb, Leigh

Bouchard, Candace
Hunt, Jane
MacKay, James
Patten, Dick
Schuett, Dianne
Turcotte, Alan

ROCKINGHAM

Abrami, Patrick
Belanger, Ronald
Charron, Gene
Danaïs, Romeo
Dumaine, Dudley
Fesh, Robert
Gordon, Richard
Hayes, Jack
Itse, Daniel
Major, Norman
Muns, Chris
Pantelakos, Laura
Rice, Frederick
Sedensky, John
Tremblay, Stella
Whittemore, Lisa

Allen, Mary
Bick, Patrick
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Friel, William
Griffin, Mary
Helmstetter, Barbara
Kappler, Lawrence
McKinney, Betsy
Nigrello, Robert
Peckham, Michele
Sanders, Elisabeth
St.James, Kevin
Tucker, Pamela

Andrews-Ahearn, E. Elaine
Birdsell, Regina
Copeland, Timothy
Devine, James
Emerick, J. Tracy
Garcia, Bianca
Hagan, Joseph
Hodgdon, Bruce
Khan, Aboul
McMahon, Charles
O'Connor, John
Perkins, Amy
Sapareto, Frank
Sweeney, Joe
Waterhouse, Kevin

Baldasaro, Alfred
Borden, David
Cushing, Robert Jr
Duarte, Joe
Ferrante, Beverly
Garcia, Marilinda
Harris, Jeffrey
Hoelzel, Kathleen
Lovejoy, Patricia
Milz, David
Packard, Sherman
Perkins, Lawrence
Scarlotta, Joe
Thompson, David
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Ginsburg, Philip
Grossman, Kenneth
Pitre, Joseph
Spainhower, Dale

Berube, Roger
Grassie, Anne
Jones, Laura
Rogers, Rose Marie
Verschueren, James

Bixby, Peter
Gray, James
Kaen, Naida
Rollo, Deanna
Wall, Janet

Gardner, Janice
Groen, Warren
Malloy, Dennis
Schmidt, Peter

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gottling, Suzanne
Smith, Steven

Grenier, James

O'Hearne, Andrew

NAYS 108 BELKNAP

Fink, Charles

Holmes, Stephen

Raymond, Ian

CARROLL

Ticehurst, Susan

Umberger, Karen

White, Syndi

CHESHIRE

Ames, Richard
Robertson, Timothy

Burridge, Delmar
Shepardson, Marjorie

Parkhurst, Henry
Weed, Charles

Phillips, Larry

COOS

Hatch, William

Moynihan, Wayne

Richardson, Herbert

Theberge, Robert

GRAFTON

Aguiar, James
Ford, Susan
Mulholland, Catherine

Benn, Bernard
Friedrich, Carol
Smith, Suzanne

Brown, Rebecca
Lovett, Sid
Sykes, George

Cooney, Mary
Massimilla, Linda
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Gagne, Larry
Hackel, Paul
Jack, Martin
Ober, Russell III
Smith, Timothy
Takesian, Charlene
Williams, Kermit

Booras, Efsthathia
Gale, Sylvia
Harriott-Gathright, Linda
Katsiantonis, Thomas
Peterson, Lenette
Spratt, Stephen
Vail, Suzanne
Woodbury, David

Carroll, Douglas
Gidge, Kenneth
Heden, Ruth
Leishman, Peter
Schmidt, Janice
Sullivan, Peter
Vaillancourt, Steve

Coffey, James
Gorman, Mary
Infantine, William
Levesque, Melanie
Shattuck, Gilman
Sweeney, Shawn
Walsh, Robert Jr

MERRIMACK

Burns, Scott
Ebel, Karen
Henle, Paul
Rice, Chip

Carey, Lorrie
Frazer, June
Hirsch, Geoffrey
Richardson, Gary

Carson, Clyde
French, Barbara
Karrick, David Jr
Rogers, Katherine

Davis, Frank
Gile, Mary
Kelly, Sally

ROCKINGHAM

Briden, Steven
Emerson-Brown, Rebecca
Mann, Maureen
Till, Mary

Cahill, Michael
Flockhart, Eileen
Moody, Marcia
Ward, Gerald

Cali-Pitts, Jacqueline
Grace, Curtis
Sherman, Thomas
Wazlaw, Brian

Comerford, Timothy
Heffron, Frank
Sytek, John

STRAFFORD

Baber, William
Hooper, Dorothea
Parsons, Robbie
Spang, Judith

Bickford, David
Horriggan, Timothy
Pelletier, Marsha
Stevens, Audrey

Burdwood, Greg
Hubbard, Pamela
Perry, Robert
Ward, Kenneth

Burke, Rachel
Miller, David
Smith, Marjorie

SULLIVAN

Gagnon, Raymond

Irwin, Virginia

Rollins, Skip

Tanner, Linda

and the majority committee report was adopted.

SPECIAL ORDER

HJR 1, directing the joint legislative historical committee to acquire and display a portrait of suffragist Marilla Marks Ricker. **OUGHT TO PASS.**

Rep. Marsha L. Pelletier for Legislative Administration: It is our honor to offer the name of Marilla Marks Ricker as an early suffragist who, in 1871, cast the first vote as a woman in United States, in the city of Dover New Hampshire. A portrait will be acquired to be displayed and the cost will be defrayed by the joint historical committee and League of Women Voters. Vote 9-0.

Reps. Pelletier and Cushing spoke in favor.

Committee report adopted and ordered to third reading.

MOTION TO PRINT REMARKS

Rep. Itse moved that the remarks made by Rep. Pelletier be printed in the Permanent Journal. Adopted.

REMARKS

Rep. Pelletier: Thank you, Madam Speaker. Members of the House, this bill came through our committee and it was voted 9-0 and we could have put it on Consent, but I thought that we needed to talk about it a little bit before it went through. It is our honor to offer the name of Marilla Marks Ricker as a an early suffragist who in 1871 cast the first vote as a woman in the United States and it happened in the City of Dover, New Hampshire. What we are going to try to do is get a portrait that will be displayed and the cost will be defrayed by the Joint Historical Committee and the League of Women Voters. I wanted to say a few words about Marilla Ricker. She was born in New Durham and she graduated from Colby Academy in New London. She was a teacher until she was 23, and I do identify with this lady as a teacher and a representative from Dover. She was teaching until she was 23 and then she got married and the rules were then that if you got married, as a woman, you did not teach. So, she moved with her husband to Dover and I'm sure she took care of the household and supported him and then he died five years into the marriage. Well, he was in real estate and left her property and left her money. Like a good citizen, she went down to the City of Dover to pay her property taxes. She paid those and then she asked to register to vote because it was important that if you have taxes to pay, you want representation. As a matter of fact, we even fought a war over that with England. So, her reasoning was, if laws didn't say a woman could vote, then not necessarily that they couldn't. She voted anyway and they took her ballot out and didn't count the vote. She continued on with her fight for rights every time she went down to pay her taxes each year. She paid under protest because she wasn't allowed to vote. She thought if you were a criminal and the law says "he" does that mean they don't prosecute women and that was not the case. She continued throughout her life speaking out for women's rights. She

went and got a law degree. She was the first in Washington D.C., a woman, to receive a law degree. She was the first woman to receive a law degree in New Hampshire. Some of her character traits were that she was frank, generous, open-hearted, guided by persistence; you can see that persistence coming through, the ability to foresee possibilities rather than settle for what is, strength of character, hard work and courage and she changed history to the benefit of New Hampshire citizens and all of the United States. Well, came the year that she was 70 years old, she decided to submit her name on the ballot to be a Governor because it says if you live here for 7 years and you are more than 30, you can. Well, she was more than 30, twice that at least, but anyway, she did submit her name on the Republican side of the ballot, but it was never put on the ballot because it was judged that women still could not vote so therefore she couldn't have her name on the ballot. This continued until the 19th Amendment came down and New Hampshire voted for that and the vote through the House at that time was 212 to 143 and the Senate was 14-10. The 19th Amendment, as you know, became part of our Constitution and this happened about two months before she died. So, she did live to see that women had the right to vote and women were citizens just like everyone else. It is with honor that we offer her name and it's especially important because this is the first year we have an all woman U.S. Congressional Delegation. We have a woman Governor. We have a Chief Justice of the Supreme Court that is a woman. We have a woman Speaker of the House. We have a woman Senate Minority Leader. We have a woman State Treasurer and we have many women here in the House as well as those in cities and towns that serve as Selectmen on very many important issues. That is why it is important. Thank you.

REGULAR CALENDAR - PART II

SB 1-FN-A, increasing the research and development tax credit against the business profits tax. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susan W. Almy for Ways and Means: The research and development tax credit has been in place now for five years and is doing what it was designed to do: help mostly small businesses improve their products and productivity and grow our economy. New Hampshire cannot afford to compete on tax credits with other states, but our small targeted credit does have an effect. So many companies are applying now that they are getting a quarter of what they qualify for. This increase is to provide a better incentive in that regard. The sunset is also repealed in order to provide long-term certainty. The amendment fixes this repeal and adds text to allow further reporting to the legislature, which has been cleared with the department of resources and economic development. Vote 18-0.

Amendment (0547h)

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

AN ACT increasing the research and development tax credit against the business profits tax and relative to the report of the commissioner of resources and economic development on the research and development tax credit.

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

2 Research and Development Tax Credit Program. Amend RSA 162-P:1 to read as follows:

162-P:1 Research and Development Tax Credit Program.

I. The commissioner of resources and economic development shall file a report detailing the implementation of the tax credit program under RSA 77-A:5, XIII and the results achieved. The report shall include the following:

(a) Methods and activities used to implement the tax credit program.

(b) The number of companies, including venture capital funds, contacted relative to locating research and development activities in the state.

(c) ***Types and sizes of companies using the credit, and the effect on hiring and company growth, to the extent permitted by confidentiality concerns.***

(d) ***Size of the credit relative to the federal credit for typical companies.***

(e) Other information as deemed relevant.

II. This report shall be filed with the president of the senate, the speaker of the house of representatives, ***the chairmen of the house and senate ways and means committees***, and the governor on or before July 31 of each year, beginning with July 31, 2008.

3 Repeal. 2007, 271:7, I, as amended by 2012, 116:1, relative to the prospective repeal date of the research and development tax credit, is repealed.

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

AMENDED ANALYSIS

This bill increases the research and development tax credit against the business profits tax. The bill repeals the prospective repeal of the research and development tax credit.

The bill also changes the reporting requirements for the commissioner of resources and economic development regarding the research and development tax credit.

Amendment failed.

Rep. Almy offered floor amendment (0708h).

Floor Amendment (0708h)

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

AN ACT increasing the research and development tax credit against the business profits tax and relative to the report of the commissioner of resources and economic development on the research and development tax credit.

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

2 Research and Development Tax Credit Program. Amend RSA 162-P:1 to read as follows:.

162-P:1 Research and Development Tax Credit Program.

I. The commissioner of resources and economic development shall file a report detailing the implementation of the tax credit program under RSA 77-A:5, XIII and the results achieved. The report shall include the following:

(a) Methods and activities used to implement the tax credit program.

(b) The number of companies, including venture capital funds, contacted relative to locating research and development activities in the state.

(c) *Types and sizes of companies using the credit, and the effect on hiring and company growth, to the extent permitted by confidentiality concerns.*

(d) *Size of the credit relative to the federal credit for typical companies.*

(e) Other information as deemed relevant.

II. This report shall be filed with the president of the senate, the speaker of the house of representatives, *the chairmen of the house and senate ways and means committees*, and the governor on or before July 31 of each year, beginning with July 31, 2008.

3 Repeal. 2007, 271:6 and 2007, 271:7, I, as amended by 2012, 116:1, relative to the prospective repeal date of the research and development tax credit, are repealed.

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

AMENDED ANALYSIS

This bill increases the research and development tax credit against the business profits tax. The bill repeals the prospective repeal of the research and development tax credit.

The bill also changes the reporting requirements for the commissioner of resources and economic development regarding the research and development tax credit.

Rep. Almy spoke in favor.

Floor amendment (0708h) adopted.

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

Rep. Almy yielded to questions.

Rep. Campbell requested a roll call; sufficiently seconded.

YEAS 342 - NAYS 7**YEAS 342****BELKNAP**

Burchell, Richard
Fink, Charles
Holmes, Stephen
Tilton, Franklin

Comtois, Guy
Flanders, Donald
Huot, David
Vadney, Herbert

DiMartino, Lisa
Greemore, Robert Jr
Raymond, Ian
Worsman, Colette

Fields, Dennis
Gulick, Ruth
Sylvia, Michael

CARROLL

Ahlgren, Christopher
Cordelli, Glenn
Nelson, Bill
Wright, Donald

Buco, Thomas
Crawford, Karel
Ticehurst, Susan

Butler, Edward
Lavender, Tom
Umberger, Karen

Chandler, Gene
McConkey, Mark
White, Syndi

CHESHIRE

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

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

Burridge, Delmar
Emerson, Susan
Lerandeau, Alfred
Roberts, Kris
Tatro, Bruce

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

COOS

Coulombe, Gary
Moynihan, Wayne
Thomas, Yvonne

Enman, Larry
Richardson, Herbert

Hammon, Marcia
Rideout, Leon

Hatch, William
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
Boehm, Ralph
Burt, John
Cebrowski, John
Connor, Evelyn
DiSilvestro, Linda
Gale, Sylvia
Goley, Jeffrey
Hackel, Paul
Harriott-Gathright, Linda
Infantine, William
Knowles, Mary Ann
LeVasseur, Richard
Manley, Jonathan Sr
McNamara, Richard
Nelson, Mary
O'Flaherty, Tim
Pellegrino, Tony
Renzullo, Andrew
Sanborn, Laurie
Smith, Timothy
Stroud, Kathleen
Takesian, Charlene
Villeneuve, Moe
Williams, Carol

Barry, Richard
Boisvert, Ronald
Byron, Frank
Chandley, Shannon
Culbert, Patrick
Flanagan, Jack
Garcia, Michael
Gorman, Mary
Haefner, Robert
Heden, Ruth
Jack, Martin
Lambert, George
Levesque, Melanie
Marston, Dick
Meaney, Richard
Notter, Jeanine
Ober, Lynne
Peterson, Lenette
Rhodes, Brian
Sandblade, Emily
Soucy, Timothy
Sullivan, Daniel
Ulery, Jordan
Walsh, Robert Jr
Williams, Kermit

Beaulieu, Jane
Booras, Efstathia
Campbell, David
Christiansen, Lars
Daniels, Gary
Gage, Ruth
Gargasz, Carolyn
Grady, Brenda
Hammond, Jill
Hikel, John
Jasper, Shawn
LeBrun, Donald
Long, Patrick
McCarthy, Michael
Murphy, Keith
O'Brien, Michael Sr
Ober, Russell III
Porter, Marjorie
Rokas, Ted
Schmidt, Janice
Spratt, Stephen
Sullivan, Peter
Vail, Suzanne
Warden, Mark
Winters, Joel

Belanger, James
Brown, Pamela
Carroll, Douglas
Coffey, James
Danielson, David
Gagne, Larry
Gidge, Kenneth
Graham, John
Hansberry, Daniel
Hinch, Richard
Jeudy, Jean
Leishman, Peter
MacKay, Mariellen
McCloskey, David
Murphy, Kelleigh
O'Brien, William
Palmer, Stephen
Pratt, Calvin
Rosenwald, Cindy
Shattuck, Gilman
Straight, Philip
Sweeney, Shawn
Vaillancourt, Steve
Willette, Robert
Woodbury, David

MERRIMACK

Alicea, Caroletta
Burns, Scott
Ebel, Karen
Gile, Mary
Hoell, J.R.
Kidder, David
McGuire, Carol
Ratzki, Mario
Rogers, Katherine
Smith, Todd
Walz, Mary Beth

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Henle, Paul
Hunt, Jane
Kotowski, Frank
McGuire, Dan
Reed, Dennis
Schamberg, Thomas
Turcotte, Alan
Webb, Leigh

Bartlett, Christy
Carson, Clyde
Frazer, June
Hess, David
Karrick, David Jr
Lockwood, Priscilla
Moffett, Howard
Rice, Chip
Schuett, Dianne
Wallner, Mary Jane

Bouchard, Candace
Davis, Frank
French, Barbara
Hirsch, Geoffrey
Kelly, Sally
MacKay, James
Patten, Dick
Richardson, Gary
Shurtleff, Stephen
Walsh, Thomas IV

ROCKINGHAM

Abrami, Patrick
Bick, Patrick
Cahill, Michael
Comerford, Timothy
DeSimone, Debra
Elliott, Robert
Fesh, Robert
Garcia, Marilinda
Hagan, Joseph
Helmstetter, Barbara
Kappler, Lawrence
Mann, Maureen
Moody, Marcia
Pantelakos, Laura
Rice, Frederick
Sedensky, John
Tasker, Kyle
Tucker, Pamela
Weyler, Kenneth

Allen, Mary
Birdsell, Regina
Cali-Pitts, Jacqueline
Copeland, Timothy
Devine, James
Emerick, J. Tracy
Flockhart, Eileen
Gordon, Richard
Harris, Jeffrey
Hodgdon, Bruce
Khan, Aboul
McKinney, Betsy
Muns, Chris
Peckham, Michele
Sanders, Elisabeth
Sherman, Thomas
Thompson, David
Ward, Gerald
Whittemore, Lisa

Andrews-Ahearn, E. Elaine
Borden, David
Charron, Gene
Cushing, Robert Jr
Duarte, Joe
Emerson-Brown, Rebecca
Friel, William
Grace, Curtis
Hayes, Jack
Hoelzel, Kathleen
Lovejoy, Patricia
McMahon, Charles
O'Connor, John
Perkins, Amy
Sapareto, Frank
St.James, Kevin
Till, Mary
Waterhouse, Kevin

Baldasaro, Alfred
Briden, Steven
Chirichiello, Brian
Danais, Romeo
Dumaine, Dudley
Ferrante, Beverly
Garcia, Bianca
Griffin, Mary
Heffron, Frank
Itse, Daniel
Major, Norman
Milz, David
Packard, Sherman
Perkins, Lawrence
Scarlottio, Joe
Sweeney, Joe
Tremblay, Stella
Wazlaw, Brian

STRAFFORD

Baber, William
Burdwood, Greg

Beaudoin, Steven
Burke, Rachel

Berube, Roger
Ginsburg, Philip

Bixby, Peter
Grassie, Anne

Gray, James
 Horrigan, Timothy
 Malloy, Dennis
 Perry, Robert
 Schmidt, Peter
 Stevens, Audrey

Groen, Warren
 Hubbard, Pamela
 Miller, David
 Pitre, Joseph
 Smith, Marjorie
 Verschueren, James

Grossman, Kenneth
 Jones, Laura
 Parsons, Robbie
 Rogers, Rose Marie
 Spainhower, Dale
 Wall, Janet

Hooper, Dorothea
 Kaen, Naida
 Pelletier, Marsha
 Rollo, Deanna
 Spang, Judith
 Ward, Kenneth

SULLIVAN

Cloutier, John
 O'Hearne, Andrew
 Tanner, Linda

Gottling, Suzanne
 Rollins, Skip

Grenier, James
 Schmidt, Andrew

Irwin, Virginia
 Smith, Steven

NAYS 7 BELKNAP

None

CARROLL

None

CHESHIRE

Parkhurst, Henry

COOS

Rappaport, Laurence

GRAFTON

None

HILLSBOROUGH

Hansen, Peter

Kurk, Neal

Parison, James

MERRIMACK

None

ROCKINGHAM

Sytek, John

STRAFFORD

Bickford, David

SULLIVAN

None

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

HB 405, establishing a committee to study issues related to children and families. **INEXPEDIENT TO LEGISLATE.**

Rep. Audrey M. Stevens for Children and Family Law: The committee agreed that the intent of this bill is a request for the information that is being researched in other study committees that are already established. The committee felt the other committees were better suited to present future legislation. Vote 15-3.

Committee report adopted.

HB 539, relative to enforcement of child support orders. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Kelleigh D. Murphy for the Majority of Children and Family Law: This bill would have required the court to make a finding that the obligor has the ability to pay prior to issuing a finding of contempt or imposing other sanctions. The committee was concerned that the bill was duplicative, given that the present uniform support order requires the court to make a finding of an obligor's ability to pay. The committee further felt that current law properly placed the burden to prove an inability to pay on the obligor, and that this bill would turn that on its head. Vote 16-2.

Rep. Jeffrey D. Oigny for the Minority of Children and Family Law: Evidence continues to come from public members that have been sanctioned by the court for non-payment of child support without a clear finding from the court that they have the ability to pay the current court order. Although the uniform support order form has a checkbox to assure that someone has the ability to pay their child support order, the effectiveness of this remains in question. This bill assures that we sanction persons appropriately for failure to pay child support and do not inappropriately punish parents, further limiting their earnings ability and further harming the family financially.

Majority committee report adopted.

HB 551, establishing a commission to study the establishment of a paid family leave insurance program, contingent on the availability of federal funds to be administered through the department of employment security and supported by a payroll deduction or other revenue source. **OUGHT TO PASS WITH AMENDMENT.** Rep. Robert L. Nigrello for Children and Family Law: The majority believes a study to determine if a private voluntary paid portion of the family medical leave act (FLMA) would be viable within the state. The paid portion of the leave would come from a voluntary funded insurance plan for employees and employers. The existing task force on work and family will be charged with producing the study with a reduced and amended membership. Committee believes a viable voluntary program could be a competitive advantage to New Hampshire businesses. The amendment adjusts the make up of the task force to eliminate members from organizations that no longer exist and balance it with new members. Vote 15-1.

Amendment (0718h)

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

AN ACT relative to the composition and duties of the task force on work and family.

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

1 Task Force on Work and Family; Membership. RSA 276-B:2, I is repealed and reenacted to read as follows:

I. The members of the task force shall be as follows:

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

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

(c) One member appointed by the governor.

(d) The commissioner of the department of employment security, or designee.

(e) The commissioner of labor, or designee.

(f) The commissioner of the department of health and human services, or designee.

(g) The commissioner of the department of education, or designee.

(h) A representative of the Business and Industry Association of New Hampshire, appointed by the association.

(i) A representative of the New Hampshire Small Business Association, appointed by that organization.

(j) A representative of the New Hampshire Small Business Development Center at the university of New Hampshire, appointed by the center.

(k) A representative of a local chamber of commerce, appointed by the governor.

(l) A representative of the Greater New Hampshire Human Resource Association, appointed by the association.

(m) A representative of the university of New Hampshire, Carsey Institute, appointed by the institute.

(n) A representative of the New Hampshire Children's Trust Fund, appointed by that organization.

(o) A representative of the university of New Hampshire cooperative extension, appointed by the extension.

(p) A representative of Child and Family Services, appointed by that organization.

(q) A representative of the New Hampshire Children's Alliance, appointed by that organization.

(r) A member of the New Hampshire AFL-CIO, appointed by the chapter president.

(s) A representative of skilled workers, appointed by the New Hampshire State Building and Construction Trades Council.

(t) A representative of Spark NH, appointed by that organization.

(u) A representative of the Women's Fund of New Hampshire, appointed by that organization.

(v) A representative of the insurance industry appointed by the New Hampshire Association of Domestic Insurance Companies.

2 New Subparagraphs; Task Force on Work and Family; Duties. Amend RSA 276-B:3, I by inserting after subparagraph (e) the following new subparagraphs:

(f) Study the establishment of a paid family leave voluntary insurance program, contingent on the availability of federal funds to be administered through the department of employment security and supported by a payroll deduction or other revenue source.

(g) Seek federal and private funds to complete an actuarial study to determine the costs of sustaining a paid family leave voluntary insurance program.

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

AMENDED ANALYSIS

This bill changes the composition and duties of the task force on work and family.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 552, relative to child support expenditures. **INEXPEDIENT TO LEGISLATE.**

Rep. Caroletta C. Alicea for Children and Family Law: This bill increases the costs that are currently set for child support payments without solving the problem it seeks to address. Merely creating a separate

bank account will not eliminate the struggles between mothers and fathers in regards to the child support awards. There are also concerns that persons who currently have divorced and are in volatile situations could possibly be put in harms way. Vote 15-0.

Committee report adopted.

HB 554, allowing parents to agree on college contributions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ruth P. Gulick for Children and Family Law: This bill will allow parents to agree upon college contributions and file such agreement with the court. Under present law, the courts may not enforce such agreements even when both parents agree upon the contributions. This bill would allow such agreements, and would further allow parties to designate such payments as modifiable or non-modifiable. Finally, the amendment adds a requirement for mediation of such agreements prior to court action where a party wishes to deviate from a filed agreement. Vote 18-0.

Amendment (0484h)

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

2 New Sections; Agreement on College Expenses. Amend RSA 461-A by inserting after section 20 the following new sections:

461-A:21 Agreement on College Expenses. Parents may agree to contribute to their child's college expenses or other educational expenses beyond the completion of high school as part of a stipulated decree, signed by both parents and approved by the court. The agreed-on contribution may be made by one or both parents. The agreement may provide for contributions to an account to save for college, for the use of an asset, or for payment of educational expenses as incurred. Any such agreement shall specify the amount of the contribution, a percentage, or a formula to determine the amount of the contribution.

461-A:22 Modification of Agreements on College Expenses. Every agreement made under RSA 461-A:21 shall state whether the agreement either is modifiable or is not modifiable. To qualify as not modifiable, the agreement shall state a specific dollar amount to be contributed by either or both parents. If the parents' agreement states that it is modifiable, the legal test for modification shall be a substantial change in circumstances that was not foreseeable when the agreement was signed.

461-A:23 Enforcement of Agreements on College Expenses. The court shall enforce any parental agreement on educational expenses that meets the requirements of RSA 461-A:21.

461-A:24 Mediation of Agreements on College Expenses. Before any court hearing to modify or enforce any agreement to contribute to college expenses, the parties shall participate in mediation, either privately contracted mediation or mediation under RSA 461-A:7.

3 Applicability. The requirements of RSA 461-A:21 as inserted by section 2 of this act shall not apply to parental agreements signed before the effective date of this act.

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

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 571, establishing a task force to study and make recommendations on the judicial branch family court division. **INEXPEDIENT TO LEGISLATE.**

Rep. Kelleigh D. Murphy for Children and Family Law: This bill would have established a 21-member task force to study and make recommendations on the family court division. The committee felt that this bill was overly broad, that there were a number of more narrowly tailored study bills before the committee already, and that testimony showed that there were ample recent studies on the family court division. Vote 16-0.

Committee report adopted.

HB 664-FN, relative to the New Hampshire vaccine association. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kermit R. Williams for Commerce and Consumer Affairs: This bill amends the New Hampshire Vaccine Association Law (RSA 126-Q), a non-profit corporation that collects revenues from assessable entities for the cost of CDC-recommended vaccines provided to children in New Hampshire. The amendment replaces the entire bill after the enacting clause. The bill broadens the class of assessable entities to include third party administrators that are either licensed by or required to register with the Insurance Department, thereby including self-funded coverage. The bill also changes the assessable unit from all lives to child lives. Vote 15-4.

Amendment (0686h)

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

1 New Hampshire Vaccine Association; Definitions. RSA 126-Q:1 is repealed and reenacted to read as follows:

126-Q:1 Definitions. In this chapter:

I. "Assessable coverage" means:

(a) Health coverage as defined in RSA 420-G:2, IX;

(b) Stop loss coverage that conforms with RSA 415-H:3, or other group excess loss insurance purchased against the risk that any particular claim, or total liability, will exceed a specified dollar amount; or

(c) Group health plan, as defined by 42 U.S.C. 300gg-91(a).

II. "Assessable entity" means any:

- (a) Health maintenance organization, as defined by RSA 420-B:1, VI.
- (b) Third party administrator, as defined by RSA 402-H:1, I.
- (c) Entity providing administrator services and required to register with the insurance commissioner under RSA 402-H:11-a or RSA 402-H:11-b.
- (d) Insurance company licensed pursuant to RSA 401:1, IV.
- (e) Health service corporation, as defined by RSA 420-A:1, III.

III. "Assessable lives" means all children under 19 years of age residing in the state who have assessable coverage written or administered by an assessable entity.

IV. "Assessment" means the assessable entity's liability with respect to childhood vaccines determined in accordance with this chapter. For purposes of rate setting and medical loss ratio calculations, all association assessments are considered pharmaceutical or medical benefit costs and not regulatory costs. In the event of any insolvency or similar proceeding affecting any payer, assessments shall be included in the highest priority of obligations to be paid by or on behalf of such payer.

V. "Association" means the New Hampshire vaccine association.

VI. "Board" means the board of directors of the New Hampshire vaccine association.

VII. "Commissioner" means the commissioner of the department of health and human services.

VIII. "Estimated vaccine cost" means the estimated cost to the state over the course of a state fiscal year of the purchase, distribution, and administration of vaccines purchased at the federal discount rate by the department of health and human services.

IX. "Provider" means a person licensed by this state to provide health care services to persons or a partnership or corporation made up of those persons.

X. "Total non-federal program cost" means the estimated vaccine cost less the amount of federal revenue available to the state for the purchase, distribution, and administration of vaccines.

XI. "Vaccine" means any preparations of killed microorganisms, living attenuated organisms, or living fully virulent organisms that are approved by the federal Food and Drug Administration and recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention and have been authorized by the commissioner of the department of health and human services for administration to children of the state of New Hampshire under the age of 19 years for the purposes of producing or artificially increasing immunity to particular life-threatening and disabling diseases.

2 New Hampshire Vaccine Association; Creation. Amend RSA 126-Q:2 to read as follows:

126-Q:2 Creation of Association. There is hereby created a nonprofit corporation to be known as the New Hampshire vaccine association. The association is formed to assess ~~[insurers]~~ **assessable entities** for the cost of vaccines provided to certain children in New Hampshire.

3 New Hampshire Vaccine Association; Powers and Duties. Amend RSA 126-Q:3, I to read as follows:

I. The New Hampshire vaccine association shall be comprised of all ~~[insurers currently writing or maintaining health insurance in New Hampshire]~~ **assessable entities**.

4 New Hampshire Vaccine Association; Powers and Duties. Amend RSA 126-Q:3, III(a) to read as follows:

(a) Three representatives selected from the ~~[insurers]~~ **assessable entities** currently writing ~~[or]~~, maintaining ~~[health insurance in New Hampshire and having the most child covered lives in New Hampshire]~~, **or administering assessable coverage through a voting process where votes are based on assessable lives. The plan of operation shall provide details for this selection process.**

5 New Hampshire Vaccine Association; Powers and Duties. Amend RSA 126-Q:3, V(e)-(n) to read as follows:

(e) On an annual basis, no later than November 1 of each year, establish the amount of the assessment **for the succeeding year.**

(f) Enter into contracts as necessary or proper to collect and disburse the assessment.

(g) Enter into contracts as necessary or proper to administer the plan of operation.

(h) Sue or be sued, including taking any legal action necessary or proper for the recovery of any assessment for, on behalf of, or against members of the association or other participating person.

(i) Appoint from among its directors, committees as necessary to provide technical assistance in the operation of the association, including the hiring of independent consultants as necessary.

(j) ~~[Notify, in writing, each insurer of the insurer's assessment by November 15 of each year].~~ **Determine an assessment amount and collect payments from assessed entities in accordance with RSA 126-Q:4.**

(k) Submit an annual report to the commissioner of insurance, in a manner and form determined by the commissioner, listing the association membership base, providing a count of ~~[covered]~~ **assessable** lives by ~~[member]~~ **assessable entity**, identifying changes in ~~[association membership and covered]~~ **assessable** lives **by assessable entity**, describing the collection of assessments, listing payment delinquencies, and containing such other related information as the commissioner may require.

(l) Allow each ~~[insurer]~~ **assessable entity** up to ~~[90 days after the notification required by subparagraph (j)]~~ to remit its assessment or submit an assessment payment plan, subject to approval by the associa-

tion and initial payment under an approved assessment payment plan] **45 days after the closing of each calendar quarter to report its assessable lives and remit its corresponding assessment amount as calculated pursuant to RSA 126-Q:4.**

(m) ~~[Deposit annual]~~ **Collect assessments from assessable entities as calculated under RSA 126-Q:4 and deposit said** assessments ~~[collected by the association]~~ less the association's administrative costs **annually and reserves** with the state treasurer to the credit of the vaccine purchase fund established pursuant to RSA 141-C:17-a. **At the written request of the association following a majority vote of the board of directors, any funds forwarded to the state treasurer for the vaccine purchase fund remaining unexpended for childhood vaccines, shall promptly be returned to the association.**

(n) **Be authorized to enter into one or more agreements with other applicable authorities in surrounding states to reduce the risk of duplicate assessments and to assure availability of vaccines for children who are residents of this state but who receive vaccination services in other states. Any costs relating to any such agreement shall be considered additional vaccine costs of the program for purposes of determining the association's assessments.**

(o) Perform any other functions as may be necessary or proper to carry out the plan of operation.

(p) **Adopt procedures by which affiliated assessable entities calculate their assessment on an aggregate basis and procedures to ensure that no assessable life is counted more than once. Unless otherwise determined by the board, the assessable entity responsible for the payment of the provider's administrative costs for childhood vaccines shall be the entity responsible for reporting assessable lives and payment of the corresponding assessment.**

6 New Hampshire Vaccine Association; Assessment. RSA 126-Q:4 is repealed and reenacted to read as follows:

126-Q:4 Assessment Determination.

I. The board shall determine an assessment for each assessable entity in accordance with this section. An assessment determination made pursuant to this section is a pharmaceutical cost and not a regulatory cost for purposes of calculating the carrier's medical loss ratio.

II. In determining the assessment amount, the board shall:

(a) Estimate the total non-federal program cost for the succeeding year;

(b) Add its anticipated operating costs for the succeeding year and such additional working capital reserves as may be established by the board from time to time;

(c) Add a reserve of up to 10 percent of the anticipated cost under subparagraph (a) for unanticipated costs associated with providing vaccines to children covered; and

(d) Subtract the amount of any unexpended assessments collected in the preceding year along with any unexpended interest accrued to the fund during the preceding year.

III. The board shall include in its plan of operations, details regarding the timing for assessment collections, and the form and format assessable entities shall use to calculate assessments.

IV. The board shall include in its plan of operation details regarding payment due dates, grace periods, late payment fees, interest, and other details regarding the collection of assessments.

V. The board may determine an interim assessment for new vaccines or unanticipated shortfalls in the association's ability to meet childhood vaccine funding needs. The board shall calculate the interim assessment in accordance with paragraph II, and the interim assessment is payable the calendar quarter that begins no less than 30 days following the establishment of the federal contract price. The board shall not impose more than one interim assessment per year, except in the case of a public health emergency declared in accordance with state or federal law.

VI. In the event that the association discontinues operation for any reason, any unexpended assessments, including unexpended funds from prior assessments in the state vaccine purchase fund, shall be refunded to payees in proportion to the respective assessment payments by payees over the most recent 8 quarters prior to discontinuation of association operations.

7 New Hampshire Vaccine Association; Powers and Duties. Amend RSA 126-Q:5 to read as follows:

126-Q:5 Powers and Duties. In addition to the duties and powers enumerated elsewhere in this chapter:

I. The commissioner of insurance shall ~~[fine any insurer that fails to pay an assessment within 6 months of notification under RSA 126-Q:3, V(j). The fine shall be at least \$5,000 and no more than 125 percent of the amount of the delinquent assessment. Fines so levied shall be deposited with the state treasurer to the credit of the vaccine purchase fund established pursuant to RSA 141-C:17-a],~~ **after notice from the association, issue a show cause order to any assessable entity that fails to comply with the association's plan of operation. In addition to late fees and other penalties imposed by the association, assessable entities may, after a finding of just cause, be subject to a minimum fine of \$5,000, a maximum fine of 25 percent of the total amount of delinquent assessments, and licensure suspension.**

I-a. The insurance commissioner shall annually review the **assessment** report required under RSA 126-Q:3, V(k) ~~[on association membership, covered lives, and the payment of assessments]~~ to ensure that all ~~[insurers that should be members of the association]~~ **assessable entities** are participating in the association

and that all ~~[association members]~~ **assessable entities** have accurately reported ~~[covered]~~ **assessable** lives ~~[and paid the proper assessment]~~. The association shall remedy any problem identified by the commissioner with respect to ~~[membership in the association, reporting of covered lives, or payment of the assessment]~~ **assessable entities and assessable lives**.

II. The commissioner and the commissioner of insurance may adopt rules, pursuant to RSA 541-A, as necessary to carry out the purposes of this chapter.

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

Amendment adopted.

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

On a division vote, 291 members having voted in the affirmative and 53 in the negative, the committee report was adopted and ordered to third reading.

HB 668-FN, relative to group and individual health insurance market rules. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Chris Muns for Commerce and Consumer Affairs: This bill is a request of the insurance department. HB 668 preserves New Hampshire's state regulatory authority over health insurance. After new market rules under the federal Affordable Care Act (ACA) take effect on January 1, 2014, state insurance laws will be preempted if their enforcement would prevent the application of the federal law. As amended, HB 668 makes the minimal changes required to preserve state regulatory authority, while retaining provisions that do not conflict with the ACA. Specifically, the bill aligns New Hampshire's market rules for the individual and small group markets with those of the ACA by eliminating underwriting and preexisting condition waiting periods and adopting the ACA's allowable rating factors and employee counting rules. As amended, the bill would retain the status quo which prohibits geographic rating, but would require the department to prepare a report highlighting alternative approaches to geographic rating and their likely impacts. The department would also study the possibility of linking availability of a tobacco cessation program to use of the tobacco rating factor in the individual market; this linkage would already be present in the small group market. Vote 16-3.

Amendment (0627h)

Amend RSA 420-G:2, XII-a as inserted by section 4 of the bill by replacing it with the following:

XII-a. "List billing" means a method of calculating premium rates for small employer groups in which each enrolled employee's rate varies ~~[only]~~ by the enrolled employee's attained age ~~[and]~~, the enrolled employee's family composition, **and tobacco use by the enrolled employee and the employee's covered family**.

Amend the bill by replacing section 6 with the following:

6 Definitions Added. Amend RSA 420-G:2, XV-a to read as follows:

XV-a. **"Qualified health plan" means a health plan that meets all requirements for certification set forth under 42 U.S.C. section 18021 and any applicable rules or regulations.**

XV-b. "Rating period" means the time period for which the premium rate charged by a health carrier to an individual or a small employer for a health benefit plan is in effect.

XV-c. **"SHOP exchange" means the Small Business Health Options Program established for New Hampshire under 42 U.S.C. section 13031(b).**

Amend RSA 420-G:4, I-a(f) as inserted by section 9 of the bill by replacing it with the following:

(f) For small employers, carriers shall calculate premium rates for employee and dependent coverage on a list bill basis and shall provide the employer with a billing statement that shows premiums on both a list bill and a composite bill basis.

Amend RSA 420-G:5, I as inserted by section 11 of the bill by replacing it with the following:

I. Health carriers providing ~~[health]~~ **grandfathered** coverage ~~[for individuals]~~ may **in the individual market only**, perform medical underwriting, including the use of health statements or screenings or the use of prior claims history, to the extent necessary to establish or modify premium rates as provided in RSA 420-G:4. **Health carriers shall not perform medical underwriting for any other type of coverage in the individual and small group markets. Health carriers providing coverage in the large group market may perform medical underwriting.**

Amend the bill by replacing section 18 with the following:

18 Participation Requirements. Amend RSA 420-G:9, I and II to read as follows:

I. For coverage purchased outside of the SHOP exchange, a health carrier may not require more than the minimum participation percentage of the employees eligible for health coverage in a small employer group to participate in the health carrier's health coverage plan. The minimum participation percentage shall be 75 percent when the health carrier's plan is the sole health coverage plan being sponsored by the employer group, and 37.5 percent when the health carrier's plan is not the sole health coverage plan being sponsored by the employer group.

I-a. For coverage purchased in the SHOP exchange, the exchange shall not require more than the minimum participation percentage of the employees eligible for health coverage in a small employer group to participate in the SHOP exchange, equal to 75 percent. No health carrier shall apply any other participation test.

II. For the purpose of calculating whether or not a small employer group's enrollment meets a carrier's minimum participation requirements:

(a) Any full-time or part-time employees who are covered as a dependent on another person's health coverage **or are enrolled in a governmental plan such as Medicare, Medicaid, or TRICARE** shall be excluded from the count.

(b) **Any full-time or part-time employees who have been found eligible for a premium tax credit and are enrolled in a qualified health plan purchased through an exchange shall be excluded from the count.**

(c) The total number of full-time employees and part-time employees who are otherwise eligible for health coverage shall be counted.

Amend the bill by replacing section 20 with the following:

20 Rulemaking. Amend RSA 420-G:14, I to read as follows:

I. ~~(a) The commissioner [may] shall adopt rules, under RSA 541-A, [necessary to the proper administration of this chapter:]~~ **relative to establishing:**

(1) Uniform age rating levels that are consistent with 45 C.F.R. 147.102.

(2) Special enrollment periods designed to allow employees to purchase individual coverage on the exchange during their employer's open enrollment period, even if the employer's open enrollment period does not coincide with the open enrollment period in the individual market.

(b) The commissioner may adopt further rules, pursuant to RSA 541-A, necessary to the proper administration of this chapter.

Amend the bill by replacing all after section 25 with the following:

26 New Section; Prohibition on Lifetime or Annual Limits; Coverage of Preventative Health Services.

Amend RSA 420-G by inserting after section 3 the following new section:

420-G:3-a Prohibition on Lifetime or Annual Limits; Coverage of Preventative Health Services.

I. All health coverage offered by health carriers to individuals, small employers, or large employers shall:

(a) Not contain lifetime or annual limits, in accordance with 42 U.S.C. section 300gg-11(a); and

(b) Provide coverage for preventative health services, without any cost-sharing requirements, in accordance with 42 U.S.C. section 300gg-13.

II. This section shall not apply to grandfathered health coverage.

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

420-N:6-a Consistency. In order to prevent a default to federal regulation and to preserve the state's status as the sole regulator of the business of insurance within the state, the oversight committee shall have the authority to find, with respect to any specific provision within Title XXXVII, that the provision is inconsistent with and prevents the application of the Act and to authorize the commissioner, on a provisional basis, to implement a specific provision of the Act. The commissioner's authority to implement this provision shall extend only until such time as the general court can take legislative action to amend Title XXXVII as it deems appropriate.

28 Report Required. The commissioner shall issue a report to the speaker of the house of representatives, the president of the senate, the house and senate committees having jurisdiction over commerce issues, and the governor no later than December 1, 2013 with respect to considerations and possible approaches to the creation of geographic rating areas for the individual and small group markets and with respect to the possibility of requiring that carriers applying a tobacco rating factor in the individual market make available a tobacco cessation wellness program, participation in which would fully offset any increase in premium due to the tobacco rating factor.

29 Repeal. The following are repealed:

I. RSA 420-G:4-b, relative to New Hampshire HealthFirst.

II. RSA 420-G:7, IV, relative to alternative method of crediting coverage.

30 Effective Date.

I. Sections 27 and 28 of this act shall take effect 60 days after its passage.

II. Section 8 of this act shall take effect January 1, 2016.

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

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 337-FN, legalizing marijuana and cannabis. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Brenda E. Grady for the Majority of Criminal Justice and Public Safety: This bill went through several motions in committee before arriving at the final Inexpedient to Legislate. Of the many points and concerns raised were: a) The "message" being sent to young people that marijuana, being legally available to those over 21, minimized the negative effect on a user under 21. b) Some members had a shared belief that marijuana was indeed the "Gateway Drug" for other illegal drugs. c) The biochemical affects upon the brain, especially

when used frequently, have been shown to be psychoactive, influencing memory, thinking and concentration. d) Testimony against this bill was provided by a federal firearms licensee because passing a state law legalizing marijuana will conflict with federal laws that prohibit any person who is an unlawful user of marijuana from shipping, transporting, receiving, or possessing firearms or ammunition. Additionally, federal law makes it unlawful for any person, including federal firearms licensees to dispose of any firearm or ammunition to any person who is an unlawful user of a controlled substance, such as marijuana. Again, this bill is in conflict with federal law. Vote 12-8.

Rep. Mark Warden for the Minority of Criminal Justice and Public Safety: This bill would remove the words “cannabis and marijuana” from RSA section 318-B, the Controlled Drug Act. It repeals the prohibition on this plant in all forms and repeals the illegality of possessing drug paraphernalia such as pipes, bongs and “carburetion tubes and masks.” The minority believes that the time has come for a serious discussion about the state’s war on marijuana users. Untold costs to the taxpayers, ruined families and careers and misallocation of law enforcement and judicial resources away from prosecuting violent crimes are all good reasons to pass this legislation. Study after study shows that a large percentage of the population supports ending marijuana prohibition. Further, the minority rejects the notion of federal supremacy in this area. The United States and state constitutions guarantee state sovereignty and the state’s responsibility to make laws that govern its residents is clear. We proved with Real ID that we can successfully challenge overreach from Washington, DC. Relative to legal products, every thinking person realizes that abuse of tobacco and alcohol are far greater dangers to personal and public health than simple cannabis use. Finally, this legislation turns back the notion that the state must regulate the personal behavior of adults and youths. Parents are the best ones to teach proper conduct and safe habits to their children. Criminal penalties for cannabis possession have the unintended consequence of supplanting parental responsibility, encouraging a father and mother to abdicate their duty to teach right and wrong to their children.

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

YEAS 239 - NAYS 112

YEAS 239

BELKNAP

Burchell, Richard
Holmes, Stephen
Vadney, Herbert

DiMartino, Lisa
Huot, David
Worsman, Colette

Fields, Dennis
Raymond, Ian

Flanders, Donald
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Crawford, Karel
Ticehurst, Susan

Buco, Thomas
Lavender, Tom
Umberger, Karen

Chandler, Gene
McConkey, Mark
Wright, Donald

Cordelli, Glenn
Nelson, Bill

CHESHIRE

Ames, Richard
Chase, Cynthia
Johnson, Jane
Sad, Tara

Berch, Paul
Emerson, Susan
Lerandeau, Alfred
Tatro, Bruce

Burridge, Delmar
Hunt, John
Mann, John
Weber, Lucy

Butynski, William
Johnsen, Gladys
Parkhurst, Henry

COOS

Enman, Larry
Rappaport, Laurence

Hammon, Marcia
Richardson, Herbert

Hatch, William
Rideout, Leon

Moynihan, Wayne
Thomas, Yvonne

GRAFTON

Aguiar, James
Brown, Rebecca
Harding, Laurie
Massimilla, Linda
Piper, Wendy
Townsend, Charles

Almy, Susan
Cooney, Mary
Higgins, Patricia
Mulholland, Catherine
Shackett, Jeffrey
White, Andrew

Bailey, Brad
Doolan, Ralph Jr
Ladd, Rick Jr
Nordgren, Sharon
Smith, Suzanne

Bradley, Lester
Ford, Susan
Lauer, Linda
Pastor, Beatriz
Sykes, George

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Carroll, Douglas
Connor, Evelyn
Flanagan, Jack
Grady, Brenda
Hansberry, Daniel

Boehm, Ralph
Burt, John
Cebrowski, John
Daniels, Gary
Gale, Sylvia
Graham, John
Harriott-Gathright, Linda

Boisvert, Ronald
Byron, Frank
Chandley, Shannon
Danielson, David
Gargas, Carolyn
Haefner, Robert
Heden, Ruth

Booras, Efsthathia
Campbell, David
Coffey, James
DiSilvestro, Linda
Goley, Jeffrey
Hammond, Jill
Hinch, Richard

Infantine, William
LeBrun, Donald
Manley, Jonathan Sr
Meaney, Richard
Pellegrino, Tony
Shattuck, Gilman
Sullivan, Daniel
Walsh, Robert Jr

Jack, Martin
LeVasseur, Richard
Marston, Dick
Nelson, Mary
Porter, Marjorie
Soucy, Timothy
Ulery, Jordan
Willette, Robert

Jasper, Shawn
Levesque, Melanie
McCarthy, Michael
Notter, Jeanine
Renzullo, Andrew
Spratt, Stephen
Vail, Suzanne
Williams, Carol

Knowles, Mary Ann
MacKay, Mariellen
McCloskey, David
Palmer, Stephen
Rosenwald, Cindy
Stroud, Kathleen
Villeneuve, Moe
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Carey, Lorrie
Frambach, Mary
Kelly, Sally
Patten, Dick
Rogers, Katherine
Smith, Todd
Walsh, Thomas IV

Andrews, Christopher
Carson, Clyde
Frazer, June
Kotowski, Frank
Reed, Dennis
Schamberg, Thomas
Tilton, Joy
Webb, Leigh

Bouchard, Candace
Davis, Frank
Hirsch, Geoffrey
MacKay, James
Rice, Chip
Schuett, Dianne
Turcotte, Alan

Burns, Scott
Ebel, Karen
Hunt, Jane
Moffett, Howard
Richardson, Gary
Shurtleff, Stephen
Wallner, Mary Jane

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Charron, Gene
Duarte, Joe
Fesh, Robert
Gordon, Richard
Heffron, Frank
Kappler, Lawrence
McKinney, Betsy
Muns, Chris
Peckham, Michele
Sanders, Elisabeth
Sytek, John
Wazlaw, Brian

Allen, Mary
Borden, David
Copeland, Timothy
Dumaine, Dudley
Flockhart, Eileen
Grace, Curtis
Helmstetter, Barbara
Khan, Aboul
McMahon, Charles
O'Connor, John
Perkins, Amy
Sedensky, John
Thompson, David
Weyler, Kenneth

Baldasaro, Alfred
Cahill, Michael
DeSimone, Debra
Elliott, Robert
Garcia, Bianca
Hagan, Joseph
Hodgdon, Bruce
Lovejoy, Patricia
Milz, David
Packard, Sherman
Perkins, Lawrence
Sherman, Thomas
Tremblay, Stella
Whittemore, Lisa

Bick, Patrick
Cali-Pitts, Jacqueline
Devine, James
Ferrante, Beverly
Garcia, Marilinda
Harris, Jeffrey
Hoelzel, Kathleen
Major, Norman
Moody, Marcia
Pantelakos, Laura
Rice, Frederick
St.James, Kevin
Tucker, Pamela

STRAFFORD

Baber, William
Gardner, Janice
Hubbard, Pamela
Perry, Robert
Spainhower, Dale

Berube, Roger
Ginsburg, Philip
Jones, Laura
Pitre, Joseph
Stevens, Audrey

Bixby, Peter
Groen, Warren
Malloy, Dennis
Rollo, Deanna
Verschuere, James

Burdwood, Greg
Hooper, Dorothea
Miller, David
Schmidt, Peter
Wall, Janet

SULLIVAN

Gagnon, Raymond
Rollins, Skip

Gottling, Suzanne
Smith, Steven

Irwin, Virginia
Sweeney, Cynthia

O'Hearne, Andrew
Tanner, Linda

NAYS 112

BELKNAP

Comtois, Guy
Sylvia, Michael

Fink, Charles

Greemore, Robert Jr

Gulick, Ruth

CARROLL

Butler, Edward

White, Syndi

CHESHIRE

Eaton, Daniel
Robertson, Timothy

Ley, Douglas
Shepardson, Marjorie

Phillips, Larry
Weed, Charles

Roberts, Kris

COOS

Coulombe, Gary

Theberge, Robert

GRAFTON

Benn, Bernard
Reilly, Harold Sr

Friedrich, Carol

Gionet, Edmond

Lovett, Sid

HILLSBOROUGH

Barry, Richard
Culbert, Patrick
Gidge, Kenneth
Hikel, John
Leishman, Peter

Beaulieu, Jane
Gage, Ruth
Gorman, Mary
Judy, Jean
McNamara, Richard

Belanger, James
Gagne, Larry
Hackel, Paul
Kurk, Neal
Murphy, Keith

Christiansen, Lars
Garcia, Michael
Hansen, Peter
Lambert, George
Murphy, Kelleigh

O'Brien, Michael Sr
Ober, Russell III
Rhodes, Brian
Schmidt, Janice
Sweeney, Shawn
Winters, Joel

O'Brien, William
Parison, James
Rokas, Ted
Smith, Timothy
Takesian, Charlene
Woodbury, David

O'Flaherty, Tim
Peterson, Lenette
Sanborn, Laurie
Straight, Philip
Vaillancourt, Steve

Ober, Lynne
Pratt, Calvin
Sandblade, Emily
Sullivan, Peter
Warden, Mark

MERRIMACK

Bartlett, Christy
Hoell, J.R.
McGuire, Carol

French, Barbara
Karrick, David Jr
McGuire, Dan

Gile, Mary
Kidder, David
Ratzki, Mario

Henle, Paul
Lockwood, Priscilla
Walz, Mary Beth

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cushing, Robert Jr
Friel, William
Mann, Maureen
Tasker, Kyle

Briden, Steven
Danais, Romeo
Griffin, Mary
Sapareto, Frank
Till, Mary

Chirichiello, Brian
Emerick, J. Tracy
Hayes, Jack
Scarlott, Joe
Ward, Gerald

Comerford, Timothy
Emerson-Brown, Rebecca
Itse, Daniel
Sweeney, Joe
Waterhouse, Kevin

STRAFFORD

Beaudoin, Steven
Gray, James
Parsons, Robbie
Spang, Judith

Bickford, David
Grossman, Kenneth
Pelletier, Marsha
Ward, Kenneth

Burke, Rachel
Horrigan, Timothy
Rogers, Rose Marie

Grassie, Anne
Kaen, Naida
Smith, Marjorie

SULLIVAN

Cloutier, John

Grenier, James

Schmidt, Andrew

and the majority committee report was adopted.

Reps. Sanborn and Hansen voted Nay and intended to vote Yea.

HB 442, prohibiting residency restrictions for registered sex offenders and offenders against children. **OUGHT TO PASS.**

Rep. Brenda E. Grady for Criminal Justice and Public Safety: The majority of the committee felt that this bill would be considered unconstitutional if brought up to the court. Testimony supplied by the department of safety stated that such restrictions force sex offenders "underground" into a non-compliance status. Vote 16-2. Committee report adopted and ordered to third reading.

HB 458, relative to resisting arrest. **INEXPEDIENT TO LEGISLATE.**

Rep. Philip E. Ginsburg for Criminal Justice and Public Safety: Existing law makes it a misdemeanor for a person to physically interfere with an arrest; the act becomes a class B felony if resisting arrest causes serious bodily injury. The bill would confine the offense to cases of "lawful" arrest based on probable cause, eliminating the provision in current law that the offense exists regardless of whether there is a legal basis for the arrest. The committee concluded that the change would encourage many arrestees, believing that they were being arrested improperly, to feel justified in violent resistance, endangering both law enforcement officers and themselves. The committee prefers that, in the interest of public safety, questions of the legality of arrests be decided peacefully, in court. Vote 18-2.

Rep. Dan McGuire spoke against.

Rep. Ginsburg spoke in favor.

Rep. Worsman requested a roll call; sufficiently seconded.

YEAS 252 - NAYS 96

YEAS 252

BELKNAP

DiMartino, Lisa
Huot, David

Fields, Dennis
Raymond, Ian

Flanders, Donald
Tilton, Franklin

Gulick, Ruth

CARROLL

Ahlgren, Christopher
Crawford, Karel
Ticehurst, Susan

Buco, Thomas
Lavender, Tom
White, Syndi

Butler, Edward
McConkey, Mark

Chandler, Gene
Nelson, Bill

CHESHIRE

Ames, Richard
Chase, Cynthia
Lerandeau, Alfred
Sad, Tara
Weed, Charles

Berch, Paul
Eaton, Daniel
Ley, Douglas
Shepardson, Marjorie

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

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

COOS

Coulombe, Gary
Moynihan, Wayne

Enman, Larry
Richardson, Herbert

Hammon, Marcia
Theberge, Robert

Hatch, William
Thomas, Yvonne

GRAFTON

Aguiar, James
Brown, Rebecca
Gionet, Edmond
Lauer, Linda
Nordgren, Sharon
Shackett, Jeffrey
White, Andrew

Almy, Susan
Cooney, Mary
Harding, Laurie
Lovett, Sid
Pastor, Beatriz
Smith, Suzanne

Benn, Bernard
Ford, Susan
Higgins, Patricia
Massimilla, Linda
Piper, Wendy
Sykes, George

Bradley, Lester
Friedrich, Carol
Ladd, Rick Jr
Mulholland, Catherine
Reilly, Harold Sr
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Campbell, David
Connor, Evelyn
Gagne, Larry
Gorman, Mary
Haefner, Robert
Heden, Ruth
Knowles, Mary Ann
Levesque, Melanie
McNamara, Richard
Porter, Marjorie
Schmidt, Janice
Spratt, Stephen
Sullivan, Peter
Walsh, Robert Jr

Beaulieu, Jane
Carroll, Douglas
Danielson, David
Gale, Sylvia
Grady, Brenda
Hammond, Jill
Jack, Martin
Kurk, Neal
MacKay, Mariellen
Nelson, Mary
Rhodes, Brian
Shattuck, Gilman
Straight, Philip
Takesian, Charlene
Williams, Carol

Boisvert, Ronald
Cebrowski, John
DiSilvestro, Linda
Gargas, Carolyn
Graham, John
Hansberry, Daniel
Jasper, Shawn
Leishman, Peter
Manley, Jonathan Sr
O'Brien, Michael Sr
Rokas, Ted
Smith, Timothy
Stroud, Kathleen
Vail, Suzanne
Williams, Kermit

Brown, Pamela
Chandley, Shannon
Gage, Ruth
Goley, Jeffrey
Hackel, Paul
Harriott-Gathright, Linda
Judy, Jean
LeVasseur, Richard
McCloskey, David
Pellegrino, Tony
Rosenwald, Cindy
Soucy, Timothy
Sullivan, Daniel
Vaillancourt, Steve
Woodbury, David

MERRIMACK

Alicea, Caroletta
Burns, Scott
Ebel, Karen
Gile, Mary
Karrick, David Jr
MacKay, James
Reed, Dennis
Schamberg, Thomas
Tilton, Joy
Walz, Mary Beth

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Henle, Paul
Kelly, Sally
Moffett, Howard
Rice, Chip
Schuett, Dianne
Turcotte, Alan
Webb, Leigh

Bartlett, Christy
Carson, Clyde
Frazer, June
Hess, David
Kidder, David
Patten, Dick
Richardson, Gary
Shurtleff, Stephen
Wallner, Mary Jane

Bouchard, Candace
Davis, Frank
French, Barbara
Hirsch, Geoffrey
Kotowski, Frank
Ratzki, Mario
Rogers, Katherine
Smith, Todd
Walsh, Thomas IV

ROCKINGHAM

Abrami, Patrick
Cahill, Michael
Copeland, Timothy
Devine, James
Emerson-Brown, Rebecca
Griffin, Mary
Helmstetter, Barbara
Mann, Maureen
Muns, Chris
Perkins, Amy
Sedensky, John
Thompson, David
Wazlaw, Brian

Andrews-Ahearn, E. Elaine
Cali-Pitts, Jacqueline
Cushing, Robert Jr
Dumaine, Dudley
Fesh, Robert
Harris, Jeffrey
Khan, Aboul
McKinney, Betsy
O'Connor, John
Perkins, Lawrence
Sherman, Thomas
Till, Mary
Whittemore, Lisa

Borden, David
Charron, Gene
Dana, Romeo
Elliott, Robert
Flockhart, Eileen
Hayes, Jack
Lovejoy, Patricia
Milz, David
Packard, Sherman
Sanders, Elisabeth
St.James, Kevin
Ward, Gerald

Briden, Steven
Chirichiello, Brian
DeSimone, Debra
Emerick, J. Tracy
Grace, Curtis
Heffron, Frank
Major, Norman
Moody, Marcia
Pantelakos, Laura
Scarlott, Joe
Sytek, John
Waterhouse, Kevin

STRAFFORD

Baber, William
Burke, Rachel
Hooper, Dorothea
Kaen, Naida
Perry, Robert
Smith, Marjorie
Verschuere, James

Berube, Roger
Ginsburg, Philip
Horrigan, Timothy
Malloy, Dennis
Rogers, Rose Marie
Spainhower, Dale
Wall, Janet

Bixby, Peter
Grassie, Anne
Hubbard, Pamela
Miller, David
Rollo, Deanna
Spang, Judith
Ward, Kenneth

Burdwood, Greg
Grossman, Kenneth
Jones, Laura
Pelletier, Marsha
Schmidt, Peter
Stevens, Audrey

SULLIVAN

Cloutier, John
Irwin, Virginia
Sweeney, Cynthia

Gagnon, Raymond
O'Hearne, Andrew
Tanner, Linda

Gottling, Suzanne
Schmidt, Andrew

Grenier, James
Smith, Steven

NAYS 96 BELKNAP

Burchell, Richard
Holmes, Stephen

Comtois, Guy
Sylvia, Michael

Fink, Charles
Vadney, Herbert

Greemore, Robert Jr
Worsman, Colette

CARROLL

Cordelli, Glenn

Wright, Donald

CHESHIRE

Hunt, John

Phillips, Larry

Roberts, Kris

Robertson, Timothy

COOS

Rappaport, Laurence

Rideout, Leon

GRAFTON

Bailey, Brad

Doolan, Ralph Jr

HILLSBOROUGH

Barry, Richard
Burt, John
Culbert, Patrick
Hikel, John
LeBrun, Donald
Murphy, Keith
O'Flaherty, Tim
Parison, James
Sanborn, Laurie
Villeneuve, Moe

Belanger, James
Byron, Frank
Daniels, Gary
Hinch, Richard
Marston, Dick
Murphy, Kelleigh
Ober, Lynne
Peterson, Lenette
Sandblade, Emily
Warden, Mark

Boehm, Ralph
Christiansen, Lars
Flanagan, Jack
Infantine, William
McCarthy, Michael
Notter, Jeanine
Ober, Russell III
Pratt, Calvin
Sweeney, Shawn
Willette, Robert

Booras, Efstathia
Coffey, James
Garcia, Michael
Lambert, George
Meaney, Richard
O'Brien, William
Palmer, Stephen
Renzullo, Andrew
Ulery, Jordan
Winters, Joel

MERRIMACK

Hoell, J.R.
McGuire, Dan

Hunt, Jane

Lockwood, Priscilla

McGuire, Carol

ROCKINGHAM

Allen, Mary
Comerford, Timothy
Garcia, Bianca
Hodgdon, Bruce
McMahon, Charles
Sweeney, Joe
Weyler, Kenneth

Baldasaro, Alfred
Duarte, Joe
Garcia, Marilinda
Hoelzel, Kathleen
Peckham, Michele
Tasker, Kyle

Bick, Patrick
Ferrante, Beverly
Gordon, Richard
Itse, Daniel
Rice, Frederick
Tremblay, Stella

Birdsell, Regina
Friel, William
Hagan, Joseph
Kappler, Lawrence
Sapareto, Frank
Tucker, Pamela

STRAFFORD

Beaudoin, Steven
Groen, Warren

Bickford, David
Parsons, Robbie

Gardner, Janice
Pitre, Joseph

Gray, James

SULLIVAN

Rollins, Skip

and the committee report was adopted.

HB 512, relative to the power of a peace officer to make an arrest without a warrant. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert R. Cushing for Criminal Justice and Public Safety: This bill is one of a series of bills to come before the committee this year that the bipartisan majority believes would weaken current law protecting victims of domestic violence and make those victims more vulnerable to battering and other abuse. The bill prohibits a law enforcement officer from arresting a batterer without a warrant in any case unless the officer or another police officer witnessed the abuse occurring. If this bill is enacted, a police officer responding to a domestic call who arrived at the scene and found a woman knocked unconscious, with a man the officer had probable cause to believe was the perpetrator standing nearby, the officer would be unable to make an arrest for domestic violence until the victim regained consciousness and could write out a complaint. The bill also repeals the current law that permits an arrest without warrant when a law enforcement officer has probable cause to believe that the person to be arrested has committed a misdemeanor crime and, if not immediately arrested, will not be apprehended, will destroy or conceal evidence of the crime or will cause further personal injury or damage to property. The bill was opposed by victims who had been battered and abused by their domestic partners, by the New Hampshire coalition against domestic and sexual violence and its 14 member programs, as well as the attorney general, the department of safety, and many other law enforcement agencies. The majority believes passing this bill will roll back domestic violence protections that have been in place since the legislature, in 1999, revised the Protection of Persons from Domestic Violence Law. We urge the House to defeat this bill and send a clear message that in the state of New Hampshire domestic abuse is a crime that will not be tolerated or condoned. Vote 18-2. Committee report adopted.

HB 619-FN, prohibiting images of a person's residence to be taken from the air. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Steve Vaillancourt for Criminal Justice and Public Safety: Admittedly, New Hampshire may be the first state to pass a bill of this kind, but by a wide margin, the committee believes that we should be proud in going where no state has gone before. In fact, this bill could well become a model for other states when it comes to regulating drones which, more and more as technology advances, could pose a threat to individual privacy. The amendment is carefully crafted and thorough in defining air space, drones and other items referred to in the body of the bill. The goal is to prevent images of a person's residence to be taken from the air by drones which can be extremely small and are now increasingly available, at a very cheap cost. The committee is alarmed to think that a person could use one of these devices to invade a neighbor's privacy. We delight in being in the forefront of stopping Big Brother from making inroads here. At the same time, wording is careful so as to not ban aerial photos, taken by drones, of properties when no faces are recognizable. While this bill might be difficult to enforce, so too are many other laws we pass, and as publicity spreads on the progress of this bill, the committee expects many positive results, if not in the next month or year, then certainly in the mid and long term. Vote 16-2.

Amendment (0448h)

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

AN ACT regulating the use of drones.

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

1 New Chapter; Drones. Amend RSA by inserting after chapter 644 the following new chapter:

CHAPTER 644-A
DRONES

644-A:1 Definitions. In this chapter:

I. "Airspace" means the space above the ground in New Hampshire that is not part of airspace governed by federal law.

II. "Drone" means an unmanned flying machine that is capable of:

(a) Capturing images or sounds of objects or people on the ground, in or about buildings or structures, or in the air;

(b) Intercepting communications on the ground, in or about buildings and structures, or in the air; or

(c) Firing a bullet, LASER-type ray, other projectile or any kind of lethal or non-lethal weapon.

III. "Government" means federal, state and local agencies and departments and any political subdivisions thereof, including employees, agents and contractors.

IV. "Individual" means a living human being.

V. "Information" means any evidence, images, sounds, or data gathered by a drone.

VI. "Person" means individuals, corporations, organizations, for-profit and not-for-profit entities, excluding the government.

VII. "Surveillance" means the act of monitoring, observing, photographing, taking images of, listening to, or making a recording of:

(a) A recognizable individual or a group of individuals or their movements, activities, and communications; or

(b) The interior of a building or structure.

644-A:2 Use of Drones Prohibited; Exceptions.

I.(a) No government shall use a drone in this state; provided, however, that such prohibition shall not apply:

(1) To counter a high risk of a terrorist attack by a specific person if the United States Secretary of Homeland Security determines that credible intelligence indicates there is that risk.

(2) If a government first obtains a search warrant based on probable cause signed by a judge authorizing the use of a drone. The warrant shall be limited to a particular person or location and limited to a particular investigation. The warrant shall be limited to a period of 45 days. Within 10 days after the warrant expires, the law enforcement agency shall serve a copy of the warrant on the person subject to drone surveillance, except that a judge may delay notice upon a showing of reason to believe that the notice would jeopardize an ongoing investigation.

(3) If a government possesses reasonable suspicion that, under particular circumstances, swift action is needed to prevent imminent harm to life or serious damage to property, or to forestall the imminent escape of a suspect, or the destruction of evidence. The use of a drone under subparagraph (c) shall be limited to a period of 48 hours. Within 24 hours of the initiation of the use of a drone under this subparagraph (c), the government shall report in writing the use of a drone to the attorney general.

(4) If a government obtains the prior, written consent of the person who is the subject of the surveillance and the owner or lessee of the property which is the subject of the surveillance.

(b) If a government uses a drone under this paragraph, it shall within 24 hours permanently destroy all information gathered by the drone other than that relating directly to the purpose for which the warrant was obtained.

(c) Evidence obtained by a government through the use of a drone in violation of this paragraph shall not be admissible in any judicial or administrative proceeding and shall not be used to establish reasonable suspicion or probable cause to believe that an offense has been committed.

II. No person shall use a drone to conduct surveillance without the prior, written consent of each affected individual or other person and each owner or possessor of affected buildings or structures. It shall not be a defense to a charge of violating this chapter that the property, including buildings, structures or land, below the airspace was not marked with a no-trespassing sign or similar notice.

III. No government or person shall own or use a drone that is equipped with a bullet, LASER-ray, other projectile or any kind of lethal or non-lethal weapon.

IV. No person shall use a drone for the purpose of hunting or stalking game.

V. Any government or person that owns, uses, or exercises control over a drone in this state that causes injury to a person or property shall be strictly liable for the injury.

644-A:3 Reporting Requirement. A government that owns or operates one or more drones shall on each July 1st report in writing to the attorney general the number of drones it owns, leases, and uses and the number of times each was used during the prior year.

644-A:4 Penalties.

I. Each individual, including a government employee, agent, and contractor, who violates RSA 644-A:2, I shall be guilty of a class B felony.

II. Each person, including a government employee, agent, and contractor, who violates RSA 644-A:2, III shall be guilty of a class A felony.

III. A government that violates RSA 644-A:2, I or III shall be subject to a civil penalty of up to \$10,000 which shall be deposited in the general fund of the state.

IV. Each person who violates RSA 644-A:2, II shall be guilty of a class A misdemeanor.

V. Each person who violates RSA 644-A:2, IV shall be guilty of a class B misdemeanor.

VI. Any person who suffers injury caused by a drone operated in violation of this chapter shall be entitled to damages from the person or government that committed the violation of not less than \$5,000 and an award of reasonable attorney fees.

VII. In addition to any other remedies allowed by law, a person who gains unauthorized control over a drone shall be liable to the owner of the drone in an amount of not less than \$5,000 and an award of reasonable attorney fees.

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

AMENDED ANALYSIS

This bill prohibits, with limited exceptions, the use of drones by state agencies and individuals. It establishes criminal penalties and civil remedies for violations of the law.

SPECIAL ORDERED

Rep. Pantelakos moved that **HB 619-FN**, prohibiting images of a person's residence to be taken from the air, be made a Special Order for the next session day in the Regular Calendar order.

Rep. Pantelakos spoke in favor.

LAID ON THE TABLE

Rep. Cali-Pitts moved that **HB 619-FN**, prohibiting images of a person's residence to be taken from the air, be laid on the table.

Adopted.

REGULAR CALENDAR - PART II (CONT'D)

HB 673-FN, requiring prosecution of a law enforcement officer for failure to enforce the crime of interference with custody. **INEXPEDIENT TO LEGISLATE.**

Rep. Brenda E. Grady for Criminal Justice and Public Safety: This bill would make it a class B felony for a state, county or local law enforcement officer to knowingly fail to enforce state law on interference with custody as defined in RSA 633:4. The majority of the committee believed that a class B felony was too severe a consequence for a police officer to suffer when dealing with custody arguments. Too many variables may be involved that influence the decision for a parent to withhold a child temporarily from custody. It was also believed that police officers may be pressured to make arrests simply to avoid criminal prosecution themselves. Vote 16-3. Committee report adopted.

CACR 7, relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education. **INEXPEDIENT TO LEGISLATE.**

Rep. June M. Frazer for Education: This CACR would provide “that the General Court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education.” The committee noted that the contents of the bill had been rejected by the General Court several times in the past, as recently as March 2011. It was argued at that time that “should future legislature choose to defund the public schools, funding them would force already overburdened property taxpayers to pay markedly higher taxes to maintain the quality of their schools.” Vote 14-4.
Committee report adopted.

HB 119, relative to voter registration. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Gary B. Richardson for the Majority Election Law: This bill amends voter registration procedures. The committee amendment changes the voter registration form to conform to the definition of domicile contained in RSA 654:1. The amendment also removes references to laws relating to motor vehicle registration and licensing from the voter registration form. The amendment includes a provision requested by the minority that acknowledges that registering to vote may cause notification to be sent to the last place where the registrant formerly voted. Finally, the amendment retains language contained in current law acknowledging that knowingly providing false information to vote is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Vote 10-8.

Rep. Shawn N. Jasper for the Minority of Election Law: The minority takes exception to the portion of the bill which removes the notification to new voters that by declaring New Hampshire as their domicile they are subject to the laws of the state which apply to all residents, including laws requiring a driver to register a motor vehicle and apply for a New Hampshire driver's license within 60 days of becoming a resident. The committee has been provided with copies of the affidavit, which the Secretary of State has filed with the court in reference to the ongoing case of Hannah Rivers et al. v. State of New Hampshire, in which he reports on specific instances where new voters have experienced problems because they did not realize the consequences of registering to vote and one individual complained that they felt lied to and had they been fully informed they never would have registered; the individual felt “totally taken advantage of.” We should not ignore the fact that our laws do require certain things of people who decide to declare New Hampshire as their domicile; they do and potential voters should be informed of the most obvious of them. The minority recognizes that there is confusion about the difference between domicile and residency, but the simple truth is that one cannot claim that they can move their domicile to New Hampshire, but claim residency in another state. In his affidavit the Secretary of State states; “It cannot be that non-residents can somehow claim domicile for voting purposes only and be able to change the foundation of New Hampshire and its government by voting for its lawmakers and proposed constitutional amendments on the ballot.” The language the majority wants to remove does nothing to change the underlying law on which the statement is based, but it does allow others to mislead potential voters and cause they type of problems which the Secretary points out.

Majority Amendment (0494h)

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

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

654:7 Voter Registration; Voter Registration Form.

I. Any person registering to vote shall be:

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

(b) A United States citizen; and

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

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

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

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

Date _____

VOTER REGISTRATION FORM

(Please print or type)

1. Name	_____		
	Last (suffix)	First	Full Middle Name
2. Domicile Address	_____		
	Street	Ward Number	

Town or City		Zip Code
3. Mailing Address if different than in 2 _____		
Street		Ward Number
Town or City		Zip Code
4. Place and Date of Birth _____		
Date _____	Town or City	State
5. If a naturalized citizen, give name of court where and date when naturalized _____		
6. Place last registered to vote _____		
Town or City		

Street		Ward Number
7. Name under which previously registered, if different from above _____		
8. Party Affiliation (if any) _____		
9. Driver's License Number _____		State _____
If you do not have a valid driver's license, provide the last four digits of your social security number _____		

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

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

A domicile for voting purposes is that one place where a person, more than any other place, has established a physical presence and manifests an intent to maintain a single continuous presence for domestic, social, and civil purposes relevant to participating in democratic self-government. A domicile is that place, to which upon temporary absence, a person has the intention of returning.

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

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

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

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

I acknowledge that I have read and understand the above qualifications for voting and do hereby swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the above-stated city/town, and, if registering on election day, that I have not voted and will not vote at any other polling place this election. ***I acknowledge that by registering to vote in this jurisdiction, notification of this registration may be sent to the city/town where I last registered to vote.***

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

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

AMENDED ANALYSIS

This bill modifies the voter registration form.

Majority committee amendment adopted.

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

Rep. Jasper spoke against.

Rep. Gary Richardson spoke in favor and yielded to questions.

Rep. Burt requested a roll call; sufficiently seconded.

YEAS 190 - NAYS 149**YEAS 190
BELKNAP**DiMartino, Lisa
Raymond, Ian

Gulick, Ruth

Holmes, Stephen

Huot, David

CARROLLBuco, Thomas
White, Syndi

Butler, Edward

Lavender, Tom

Ticehurst, Susan

CHESHIREAmes, Richard
Chase, Cynthia
Ley, Douglas
Roberts, Kris
Tatro, BruceBerch, Paul
Eaton, Daniel
Mann, John
Robertson, Timothy
Weber, LucyBurridge, Delmar
Emerson, Susan
Parkhurst, Henry
Sad, Tara
Weed, CharlesButynski, William
Johnsen, Gladys
Phillips, Larry
Shepardson, Marjorie**COOS**Coulombe, Gary
Theberge, RobertHammon, Marcia
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

GRAFTONAguiar, James
Cooney, Mary
Higgins, Patricia
Mulholland, Catherine
Smith, SuzanneAlmy, Susan
Ford, Susan
Lauer, Linda
Nordgren, Sharon
Sykes, GeorgeBenn, Bernard
Friedrich, Carol
Lovett, Sid
Pastor, Beatriz
Townsend, CharlesBrown, Rebecca
Harding, Laurie
Massimilla, Linda
Piper, Wendy
White, Andrew**HILLSBOROUGH**Backus, Robert
Brown, Pamela
Connor, Evelyn
Goley, Jeffrey
Hammond, Jill
Jack, Martin
Levesque, Melanie
McNamara, Richard
Porter, Marjorie
Schmidt, Janice
Spratt, Stephen
Walsh, Robert JrBeaulieu, Jane
Campbell, David
DiSilvestro, Linda
Gorman, Mary
Hansberry, Daniel
Judy, Jean
MacKay, Mariellen
Nelson, Mary
Rhodes, Brian
Shattuck, Gilman
Sullivan, Daniel
Williams, KermitBoisvert, Ronald
Carroll, Douglas
Gage, Ruth
Grady, Brenda
Harriott-Gathright, Linda
Knowles, Mary Ann
Manley, Jonathan Sr
O'Brien, Michael Sr
Rokas, Ted
Smith, Timothy
Sullivan, Peter
Winters, JoelBooras, Efstathia
Chandlee, Shannon
Gale, Sylvia
Hackel, Paul
Heden, Ruth
Leishman, Peter
McCloskey, David
O'Flaherty, Tim
Rosenwald, Cindy
Soucy, Timothy
Vaillancourt, Steve
Woodbury, David**MERRIMACK**Alicia, Caroletta
Burns, Scott
Ebel, Karen
Gile, Mary
Karrick, David Jr
Patten, Dick
Rogers, Katherine
Tilton, Joy
Webb, LeighAndrews, Christopher
Carey, Lorrie
Frambach, Mary
Henle, Paul
Kelly, Sally
Ratzki, Mario
Schamberg, Thomas
Turcotte, AlanBartlett, Christy
Carson, Clyde
Frazer, June
Hirsch, Geoffrey
MacKay, James
Rice, Chip
Schuett, Dianne
Wallner, Mary JaneBouchard, Candace
Davis, Frank
French, Barbara
Hunt, Jane
Moffett, Howard
Richardson, Gary
Shurtleff, Stephen
Walz, Mary Beth**ROCKINGHAM**Andrews-Ahearn, E. Elaine
Cali-Pitts, Jacqueline
Heffron, Frank
Moody, Marcia
Till, MaryBorden, David
Cushing, Robert Jr
Helmstetter, Barbara
Muns, Chris
Ward, GeraldBriden, Steven
Emerson-Brown, Rebecca
Lovejoy, Patricia
Pantelakos, Laura
Wazlaw, BrianCahill, Michael
Flockhart, Eileen
Mann, Maureen
Sherman, Thomas
Whittemore, Lisa**STRAFFORD**Baber, William
Gardner, Janice
Hooper, Dorothea
Malloy, Dennis
Rogers, Rose Marie
Spainhower, Dale
Wall, JanetBixby, Peter
Ginsburg, Philip
Horrigan, Timothy
Miller, David
Rollo, Deanna
Spang, Judith
Ward, KennethBurdwood, Greg
Grassie, Anne
Hubbard, Pamela
Pelletier, Marsha
Schmidt, Peter
Stevens, AudreyBurke, Rachel
Grossman, Kenneth
Kaen, Naida
Perry, Robert
Smith, Marjorie
Verschueren, James

SULLIVAN

Cloutier, John
O'Hearne, Andrew

Gagnon, Raymond
Schmidt, Andrew

Gottling, Suzanne
Sweeney, Cynthia

Irwin, Virginia
Tanner, Linda

NAYS 149**BELKNAP**

Burchell, Richard
Flanders, Donald
Vadney, Herbert

Comtois, Guy
Greemore, Robert Jr
Worsman, Colette

Fields, Dennis
Sylvia, Michael

Fink, Charles
Tilton, Franklin

CARROLL

Ahlgren, Christopher
McConkey, Mark

Chandler, Gene
Nelson, Bill

Cordelli, Glenn
Umberger, Karen

Crawford, Karel
Wright, Donald

CHESHIRE

Hunt, John

COOS

Enman, Larry

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Ladd, Rick Jr

Bradley, Lester
Reilly, Harold Sr

Doolan, Ralph Jr
Shackett, Jeffrey

Gionet, Edmond

HILLSBOROUGH

Barry, Richard
Cebrowski, John
Daniels, Gary
Garcia, Michael
Hansen, Peter
Infantine, William
LeVasseur, Richard
Murphy, Keith
Ober, Lynne
Pellegrino, Tony
Sanborn, Laurie
Sweeney, Shawn
Willette, Robert

Boehm, Ralph
Christiansen, Lars
Danielson, David
Gargas, Carolyn
Hikel, John
Jasper, Shawn
Marston, Dick
Murphy, Kelleigh
Ober, Russell III
Peterson, Lenette
Sandblade, Emily
Takesian, Charlene

Burt, John
Coffey, James
Flanagan, Jack
Graham, John
Hinch, Richard
Kurk, Neal
McCarthy, Michael
Notter, Jeanine
Palmer, Stephen
Pratt, Calvin
Straight, Philip
Ulery, Jordan

Byron, Frank
Culbert, Patrick
Gagne, Larry
Haefner, Robert
Hopper, Gary
LeBrun, Donald
Meaney, Richard
O'Brien, William
Parison, James
Renzullo, Andrew
Stroud, Kathleen
Villeneuve, Moe

MERRIMACK

Hess, David
Lockwood, Priscilla
Smith, Todd

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

Kidder, David
McGuire, Dan

Kotowski, Frank
Reed, Dennis

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Copeland, Timothy
Duarte, Joe
Ferrante, Beverly
Garcia, Marilinda
Harris, Jeffrey
Itse, Daniel
McKinney, Betsy
Packard, Sherman
Rice, Frederick
St.James, Kevin
Tremblay, Stella

Allen, Mary
Charron, Gene
Danais, Romeo
Dumaine, Dudley
Fesh, Robert
Gordon, Richard
Hayes, Jack
Kappler, Lawrence
McMahon, Charles
Peckham, Michele
Sanders, Elisabeth
Sweeney, Joe
Tucker, Pamela

Baldasaro, Alfred
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Friel, William
Griffin, Mary
Hodgdon, Bruce
Khan, Aboul
Milz, David
Perkins, Amy
Schroadter, Adam
Sytek, John
Waterhouse, Kevin

Bick, Patrick
Comerford, Timothy
Devine, James
Emerick, J. Tracy
Garcia, Bianca
Hagan, Joseph
Hoelzel, Kathleen
Major, Norman
O'Connor, John
Perkins, Lawrence
Sedensky, John
Thompson, David
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Parsons, Robbie

Gray, James
Pitre, Joseph

Groen, Warren

Jones, Laura

SULLIVAN

Grenier, James

Smith, Steven

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

HB 448, making changes to state representative districts. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary B. Richardson for Election Law: This bill seeks to redistrict Belknap, Hillsborough and Merrimack counties. The NH Supreme Court has ruled in clear and unequivocal language that the legislature may only

reapportion once following the last decennial census. "As soon as the legislature has fulfilled its constitutional duty to reapportion once based upon the last federal census, it may not reapportion again until the next federal census," (Petition of Senator Clifton Below, 151 NH 135 (2004) issued June 22, 2004.) Some members of the committee urged that the bill be retained. The majority believes that the law is clear and that retention of the bill would only encourage the false hopes of those aggrieved by the current redistricting plan that some alternative plan can be adopted before the next census. As much as some may object to the current redistricting plan, the Supreme Court found it constitutional. We are a nation of laws and must follow the law even when we disagree with it. Vote 11-6.

Rep. Peter Schmidt spoke against and yielded to questions.

(Rep. Kaen in the Chair)

Rep. Gary Richardson spoke in favor.

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

YEAS 282 - NAYS 53

YEAS 282

BELKNAP

Burchell, Richard
Holmes, Stephen
Tilton, Franklin

Fields, Dennis
Huot, David
Worsman, Colette

Flanders, Donald
Raymond, Ian

Gulick, Ruth
Sylvia, Michael

CARROLL

Ahlgren, Christopher
Cordelli, Glenn
Ticehurst, Susan

Buco, Thomas
Lavender, Tom
Umberger, Karen

Butler, Edward
McConkey, Mark
White, Syndi

Chandler, Gene
Nelson, Bill
Wright, Donald

CHESHIRE

Ames, Richard
Eaton, Daniel
Mann, John
Robertson, Timothy
Weber, Lucy

Berch, Paul
Emerson, Susan
Parkhurst, Henry
Sad, Tara

Burridge, Delmar
Hunt, John
Phillips, Larry
Shepardson, Marjorie

Chase, Cynthia
Ley, Douglas
Roberts, Kris
Tatro, Bruce

COOS

Hammon, Marcia
Richardson, Herbert

Hatch, William
Rideout, Leon

Moynihan, Wayne
Theberge, Robert

Rappaport, Laurence
Thomas, Yvonne

GRAFTON

Aguiar, James
Bradley, Lester
Ford, Susan
Higgins, Patricia
Mulholland, Catherine
Shackett, Jeffrey

Almy, Susan
Brown, Rebecca
Friedrich, Carol
Ladd, Rick Jr
Nordgren, Sharon
Smith, Suzanne

Bailey, Brad
Cooney, Mary
Gionet, Edmond
Lauer, Linda
Pastor, Beatriz
Sykes, George

Benn, Bernard
Doolan, Ralph Jr
Harding, Laurie
Massimilla, Linda
Piper, Wendy
White, Andrew

HILLSBOROUGH

Backus, Robert
Boisvert, Ronald
Byron, Frank
Coffey, James
DiSilvestro, Linda
Garcia, Michael
Graham, John
Hansen, Peter
Hopper, Gary
Jeudy, Jean
LeVasseur, Richard
McCarthy, Michael
Murphy, Kelleigh
O'Brien, William
Pellegrino, Tony
Renzullo, Andrew
Sanborn, Laurie
Soucy, Timothy
Sweeney, Shawn
Walsh, Robert Jr
Woodbury, David

Barry, Richard
Booras, Efsthathia
Campbell, David
Connor, Evelyn
Flanagan, Jack
Gargas, Carolyn
Hackel, Paul
Harriott-Gathright, Linda
Infantine, William
Kurk, Neal
MacKay, Mariellen
McNamara, Richard
Nelson, Mary
O'Flaherty, Tim
Peterson, Lenette
Rhodes, Brian
Sandblade, Emily
Spratt, Stephen
Ulery, Jordan
Warden, Mark

Beaulieu, Jane
Brown, Pamela
Cebrowski, John
Daniels, Gary
Gage, Ruth
Goley, Jeffrey
Hammond, Jill
Hikel, John
Jack, Martin
LeBrun, Donald
Manley, Jonathan Sr
Meaney, Richard
Notter, Jeanine
Palmer, Stephen
Porter, Marjorie
Rokas, Ted
Shattuck, Gilman
Straight, Philip
Vail, Suzanne
Willette, Robert

Boehm, Ralph
Burt, John
Chandlely, Shannon
Danielson, David
Gagne, Larry
Gorman, Mary
Hansberry, Daniel
Hinch, Richard
Jasper, Shawn
Leishman, Peter
Marston, Dick
Murphy, Keith
O'Brien, Michael Sr
Parison, James
Pratt, Calvin
Rosenwald, Cindy
Smith, Timothy
Stroud, Kathleen
Villeneuve, Moe
Winters, Joel

MERRIMACK

Alicea, Caroletta
Burns, Scott
Frambach, Mary
Hess, David
Karrick, David Jr
Lockwood, Priscilla
Moffett, Howard
Rice, Chip
Shurtleff, Stephen
Wallner, Mary Jane

Andrews, Christopher
Carey, Lorrie
Frazer, June
Hirsch, Geoffrey
Kelly, Sally
MacKay, James
Patten, Dick
Richardson, Gary
Smith, Todd
Walsh, Thomas IV

Bartlett, Christy
Davis, Frank
French, Barbara
Hoell, J.R.
Kidder, David
McGuire, Carol
Ratzki, Mario
Schamberg, Thomas
Tilton, Joy
Walz, Mary Beth

Bouchard, Candace
Ebel, Karen
Henle, Paul
Hunt, Jane
Kotowski, Frank
McGuire, Dan
Reed, Dennis
Schuett, Dianne
Turcotte, Alan
Webb, Leigh

ROCKINGHAM

Abrami, Patrick
Bick, Patrick
Cahill, Michael
Comerford, Timothy
DeSimone, Debra
Ferrante, Beverly
Garcia, Bianca
Harris, Jeffrey
Hoelzel, Kathleen
Lovejoy, Patricia
Muns, Chris
Peckham, Michele
Sanders, Elisabeth
Sherman, Thomas
Thompson, David
Weyler, Kenneth

Allen, Mary
Birdsell, Regina
Cali-Pitts, Jacqueline
Copeland, Timothy
Duarte, Joe
Fesh, Robert
Garcia, Marilinda
Heffron, Frank
Itse, Daniel
McKinney, Betsy
O'Connor, John
Perkins, Amy
Scarlotto, Joe
St.James, Kevin
Tremblay, Stella

Andrews-Ahearn, E. Elaine
Borden, David
Charron, Gene
Cushing, Robert Jr
Dumaine, Dudley
Flockhart, Eileen
Gordon, Richard
Helmstetter, Barbara
Kappler, Lawrence
McMahon, Charles
Packard, Sherman
Perkins, Lawrence
Schroadter, Adam
Sweeney, Joe
Tucker, Pamela

Baldasaro, Alfred
Briden, Steven
Chirichiello, Brian
Danais, Romeo
Elliott, Robert
Friel, William
Hagan, Joseph
Hodgdon, Bruce
Khan, Aboul
Milz, David
Pantelakos, Laura
Rice, Frederick
Sedensky, John
Sytek, John
Ward, Gerald

STRAFFORD

Baber, William
Grassie, Anne
Jones, Laura
Pitre, Joseph
Spainhower, Dale

Beaudoin, Steven
Gray, James
Malloy, Dennis
Rogers, Rose Marie
Wall, Janet

Burdwood, Greg
Groen, Warren
Parsons, Robbie
Rollo, Deanna
Ward, Kenneth

Burke, Rachel
Hubbard, Pamela
Pelletier, Marsha
Smith, Marjorie

SULLIVAN

Cloutier, John
O'Hearne, Andrew
Sweeney, Cynthia

Gagnon, Raymond
Rollins, Skip
Tanner, Linda

Grenier, James
Schmidt, Andrew

Irwin, Virginia
Smith, Steven

**NAYS 53
BELKNAP**

DiMartino, Lisa

Fink, Charles

Greemore, Robert Jr

Vadney, Herbert

CARROLL

None

CHESHIRE

Butynski, William

Johnsen, Gladys

Weed, Charles

COOS

Coulombe, Gary

Enman, Larry

GRAFTON

Lovett, Sid

Reilly, Harold Sr

Townsend, Charles

HILLSBOROUGH

Carroll, Douglas
Grady, Brenda
Levesque, Melanie
Schmidt, Janice
Vaillancourt, Steve

Christiansen, Lars
Haefner, Robert
McCloskey, David
Sullivan, Daniel
Williams, Kermit

Culbert, Patrick
Heden, Ruth
Ober, Lynne
Sullivan, Peter

Gale, Sylvia
Knowles, Mary Ann
Ober, Russell III
Takesian, Charlene

MERRIMACK

Carson, Clyde

Rogers, Katherine

ROCKINGHAM

Burtis, Elizabeth
Major, Norman
Waterhouse, Kevin

Emerick, J. Tracy
Mann, Maureen
Wazlaw, Brian

Emerson-Brown, Rebecca
Moody, Marcia
Whittemore, Lisa

Griffin, Mary
Till, Mary

STRAFFORD

Bixby, Peter
Miller, David
Stevens, Audrey

Ginsburg, Philip
Perry, Robert

Grossman, Kenneth
Schmidt, Peter

Horrigan, Timothy
Spang, Judith

SULLIVAN

Gottling, Suzanne

and the committee report was adopted.

HB 599-FN, relative to establishing a single liquor commissioner. **OUGHT TO PASS WITH AMENDMENT.** Rep. Lucy M. Weber for Executive Departments and Administration: This bill reduces the number of liquor commissioners from three to one, bringing the liquor commission into line with the structure of most other departments. The amendment made two changes to the original bill. The first broadened the experience required to "significant business and retail experience." The majority believes this provides sufficient flexibility to allow a larger pool of applicants, but makes it clear the degree of experience and professionalism required. The second change clarified that existing language barring any interest in the liquor or beverage business meant any financial interest. Vote 16-2.

Amendment (0603h)

Amend the bill by replacing section 1 with the following:

1 Liquor Commission. Amend RSA 176:1 to read as follows:

176:1 Commission. There shall be a state liquor commission ~~[consisting of 3 members]~~ **under the executive direction of a liquor commissioner, who shall also be known as the chairman of the liquor commission**, appointed by the governor with the consent of the council. ~~[Not more than 2 members shall belong to the same political party. Each member]~~ **The commissioner shall have significant business management and retail experience and shall complete a criminal history records check prior to confirmation by the council. The liquor commissioner** shall hold office for a term of 6 years. If a vacancy shall occur ~~[in the commission]~~, it shall be filled for the remainder of the term. ~~[Any or all of the commissioners]~~ **The commissioner** may be removed by the governor and council for cause.

Amend the bill by replacing section 3 with the following:

3 Requirements. Amend RSA 176:4 to read as follows:

176:4 Requirements. The ~~[members of the commission]~~ **commissioner** shall devote ~~[their]~~ **his or her** entire time to the service of the commission. ~~[No member of the commission]~~ **The commissioner** shall ~~[be directly or indirectly interested]~~ **not have any financial interest, direct or indirect**, in the liquor or beverage business. The compensation and expenses of the ~~[commissioners]~~ **commissioner** and the expenses of the administration of this chapter shall be paid by the state on the warrant of the governor with the approval of the council.

Amendment adopted.

Committee report adopted and ordered to third reading.

Rep. Mary Nelson notified the Clerk that she wished to be recorded as opposed to the passage of **HB 599-FN**, as amended.

HB 610-FN, relative to attorney's fees and costs in an action against a governmental unit for false arrest. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter M. Sullivan for Judiciary: This bill appears to be an imperfect solution searching for a non-existent problem. Other than a few anecdotal accounts, the committee received no evidence that false arrests are an endemic problem in New Hampshire. This legislation could potentially have the unintended consequences of encouraging litigation and discouraging law enforcement officers from making appropriate arrests. Existing state and federal law contains appropriate remedies for false arrest, and these have served our state well. Vote 15-1.

Committee report adopted.

HB 670-FN, relative to marital masters. **INEXPEDIENT TO LEGISLATE.**

Rep. David Woodbury for Judiciary: This bill raises the same concerns in the same language as HB 648. However, this bill contains language mandating the appointment of a new Coos County marital master. Both the committee and the judicial branch felt that this mandate ran afoul of the roles of separate branches of government. The committee received and accepted clear assurances from judicial branch personnel that it is addressing Coos County's concerns. Vote 15-1.

Committee report adopted.

HB 178-FN-L, relative to binding arbitration in public labor relations disputes. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Christopher R. Andrews for the Majority of Labor, Industrial and Rehabilitative Services: This bill was an attempt by the sponsor to alleviate the endless cycle of failed negotiations with respect to ratifying a collective bargaining agreement. A subcommittee reviewed the report authored in 2011 as well as heard testimony

from stake holders. While it's evident that a concern may exist as we were furnished anecdotal evidence, the subcommittee was in consensus that we heard no evidence with respect to when and or why negotiations do not succeed past the current process which would warrant adoption of the proposal. The subcommittee unanimously agreed to propose that two recommendations from the 2011 report move forward, requiring the PELRB to maintain on their website a training program with respect to NH RSA and Rules governing collective bargaining which would allow all parties to have a clear understanding of process and timeline, further the PELRB would be required to track and maintain a database of the disposition of collective bargaining agreements following the vote track and maintain a database of the disposition of collective bargaining agreements following the vote of the local legislative body. This report would be furnished to the Speaker of the House and Senate President in order to analyze future data to better understand where problems may arise from the current process. It was felt that we do not currently have enough hard evidence to make any substantive changes to current RSA to be of benefit to all parties. Vote 18-2.

Rep. Charles F. Weed for the Minority of Labor, Industrial and Rehabilitative Services: The minority is disappointed that the majority has neglected the original intent of the bill as filed to fix what is broken in the impasse procedure of RSA 273a. The policy of getting more evidence about expired contracts is a notable goal. However, there was lack of evidence of recurring endless negotiations resulting from the impasse procedure that terminates in an unaccepted fact finder report. The "one size fits all" impasse procedure in situations where the final contract does not go to the voters sometimes leads to a negotiating process without an end.

Majority Amendment (0623h)

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

AN ACT relative to public employer collective bargaining agreements.

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

1 New Paragraph; Public Employer Labor Relations; Public Employer Labor Relations Board. Amend RSA 273-A:2 by inserting after paragraph VIII the following new paragraph:

IX. The board shall develop, post, and maintain on its website training to educate negotiating parties as to applicable laws and rules and the skills that contribute to effective collective bargaining.

2 New Paragraph; Records and Reports. Amend RSA 273-A:16 by inserting after paragraph IV the following new paragraph:

V. Within 14 days after a legislative body votes on a collective bargaining agreement or a fact finding report, the result of such vote shall be reported by the public employer to the board, which shall maintain a record of such information and provide an annual summary report to the speaker of the house of representatives and the senate president.

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

AMENDED ANALYSIS

This bill requires the public employee labor relations board to:

I. Post online training for collective bargaining.

II. Maintain a record how political subdivisions vote on collective bargaining agreements and provide the legislature with an annual report.

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

Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

HB 501-FN, relative to the minimum wage. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Sally H. Kelly for the Majority of Labor, Industrial and Rehabilitative Services: New Hampshire's original minimum wage statute, enacted in 1949, began a tradition of providing for a state minimum wage. In 2011 legislation was enacted which removed the New Hampshire minimum wage language, automatically defaulting New Hampshire to the federal minimum wage. Some of those voting in the majority struggled with passing language that did not increase the minimum wage; in the end the majority knows restoring the New Hampshire minimum wage at \$7.25 per hour is a positive first step but clearly more work needs to be done to help these low end wage earners. Vote 15-5.

Rep. Gary L. Daniels for the Minority of Labor, Industrial and Rehabilitative Services: The minority consists of those who believe that a business knows better than government what that business can afford to pay someone, and one who wanted an increased minimum wage, which the committee rejected.

Majority Amendment (0658h)

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

AN ACT instituting a state minimum hourly rate.

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

1 Minimum Hourly Rate. Amend the introductory paragraph of RSA 279:21 to read as follows:

279:21 Minimum Hourly Rate. Unless otherwise provided by statute, no person, firm, or corporation shall employ any employee at an hourly rate lower than **\$7.25 or** that set forth in the federal minimum wage law, as amended. Tipped employees of a restaurant, hotel, motel, inn or cabin, who customarily and regularly receive more than \$30 a month in tips directly from the customers will receive a base rate from the employer of not less than 45 percent of the applicable minimum wage. If an employee shows to the satisfaction of the commissioner that the actual amount of wages received at the end of each pay period did not equal the minimum wage for all hours worked, the employer shall pay the employee the difference to guarantee the applicable minimum wage. The limitations imposed hereby shall be subject to the following exceptions:

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

AMENDED ANALYSIS

This bill establishes a state minimum hourly wage.

Majority committee amendment adopted.

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

Rep. Weed offered floor amendment (0824h)

Floor Amendment (0824h)

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

1 Minimum Hourly Rate. Amend the introductory paragraph of RSA 279:21 to read as follows:

279:21 Minimum Hourly Rate. Unless otherwise provided by statute, no person, firm, or corporation shall employ any employee at an hourly rate lower than **\$7.75 or** that set forth in the federal minimum wage law, as amended. Tipped employees of a restaurant, hotel, motel, inn or cabin, who customarily and regularly receive more than \$30 a month in tips directly from the customers will receive a base rate from the employer of not less than 45 percent of the applicable minimum wage. If an employee shows to the satisfaction of the commissioner that the actual amount of wages received at the end of each pay period did not equal the minimum wage for all hours worked, the employer shall pay the employee the difference to guarantee the applicable minimum wage. The limitations imposed hereby shall be subject to the following exceptions:

Reps. Weed, Robertson and Andrew White spoke in favor.

Rep. Cahill spoke in favor and yielded to questions.

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

YEAS 152 - NAYS 182

YEAS 152

BELKNAP

DiMartino, Lisa
Raymond, Ian

Gulick, Ruth

Holmes, Stephen

Huot, David

CARROLL

Butler, Edward

Ticehurst, Susan

White, Syndi

CHESHIRE

Ames, Richard
Chase, Cynthia
Mann, John
Shepardson, Marjorie

Berch, Paul
Eaton, Daniel
Parkhurst, Henry
Tatro, Bruce

Burridge, Delmar
Johnsen, Gladys
Phillips, Larry
Weber, Lucy

Butynski, William
Ley, Douglas
Robertson, Timothy
Weed, Charles

COOS

Hammon, Marcia
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

Theberge, Robert

GRAFTON

Aguiar, James
Ford, Susan
Mulholland, Catherine
Townsend, Charles

Benn, Bernard
Friedrich, Carol
Nordgren, Sharon

Cooney, Mary
Lovett, Sid
Pastor, Beatriz

Doolan, Ralph Jr
Massimilla, Linda
Sykes, George

HILLSBOROUGH

Backus, Robert
Christiansen, Lars
Goley, Jeffrey
Harriott-Gathright, Linda
Leishman, Peter
McNamara, Richard
Rokas, Ted
Soucy, Timothy
Vail, Suzanne

Booras, Efstathia
DiSilvestro, Linda
Gorman, Mary
Heden, Ruth
Levesque, Melanie
Nelson, Mary
Schmidt, Janice
Spratt, Stephen
Walsh, Robert Jr

Brown, Pamela
Gage, Ruth
Hackel, Paul
Jack, Martin
Manley, Jonathan Sr
O'Brien, Michael Sr
Shattuck, Gilman
Sullivan, Daniel
Williams, Kermit

Carroll, Douglas
Gale, Sylvia
Hansberry, Daniel
Jeudy, Jean
McCloskey, David
Rhodes, Brian
Smith, Timothy
Sullivan, Peter
Woodbury, David

MERRIMACK

Andrews, Christopher
Frambach, Mary
Hirsch, Geoffrey
MacKay, James
Rice, Chip
Schuett, Dianne
Wallner, Mary Jane

Bartlett, Christy
Frazer, June
Hunt, Jane
Moffett, Howard
Richardson, Gary
Shurtleff, Stephen
Walz, Mary Beth

Burns, Scott
French, Barbara
Karrick, David Jr
Patten, Dick
Rogers, Katherine
Tilton, Joy
Webb, Leigh

Davis, Frank
Gile, Mary
Kelly, Sally
Ratzki, Mario
Schamberg, Thomas
Turcotte, Alan

ROCKINGHAM

Allen, Mary
Burtis, Elizabeth
Cushing, Robert Jr
Helmstetter, Barbara
Pantelakos, Laura
Ward, Gerald

Andrews-Ahearn, E. Elaine
Cahill, Michael
Emerson-Brown, Rebecca
Mann, Maureen
Perkins, Lawrence
Wazlaw, Brian

Borden, David
Cali-Pitts, Jacqueline
Flockhart, Eileen
Moody, Marcia
Thompson, David

Briden, Steven
Copeland, Timothy
Heffron, Frank
Muns, Chris
Till, Mary

STRAFFORD

Baber, William
Ginsburg, Philip
Hubbard, Pamela
Rogers, Rose Marie
Spang, Judith

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

Burdwood, Greg
Grossman, Kenneth
Pelletier, Marsha
Schmidt, Peter
Ward, Kenneth

Burke, Rachel
Horrigan, Timothy
Perry, Robert
Smith, Marjorie

SULLIVAN

Cloutier, John
Schmidt, Andrew

Irwin, Virginia
Tanner, Linda

O'Hearne, Andrew

Rollins, Skip

NAYS 182**BELKNAP**

Burchell, Richard
Greemore, Robert Jr
Worsman, Colette

Fields, Dennis
Sylvia, Michael

Fink, Charles
Tilton, Franklin

Flanders, Donald
Vadney, Herbert

CARROLL

Ahlgren, Christopher
Lavender, Tom
Wright, Donald

Buco, Thomas
McConkey, Mark

Chandler, Gene
Nelson, Bill

Cordelli, Glenn
Umberger, Karen

CHESHIRE

Emerson, Susan

Hunt, John

Roberts, Kris

Sad, Tara

COOS

Coulombe, Gary
Rideout, Leon

Enman, Larry

Rappaport, Laurence

Richardson, Herbert

GRAFTON

Almy, Susan
Gionet, Edmond
Lauer, Linda
Smith, Suzanne

Bailey, Brad
Harding, Laurie
Piper, Wendy
White, Andrew

Bradley, Lester
Higgins, Patricia
Reilly, Harold Sr

Brown, Rebecca
Ladd, Rick Jr
Shackett, Jeffrey

HILLSBOROUGH

Barry, Richard
Burt, John
Chandlee, Shannon
Daniels, Gary
Garcia, Michael
Haefner, Robert
Hinch, Richard
Kurk, Neal
Marston, Dick
Murphy, Kelleigh
Ober, Lynne
Peterson, Lenette
Rosenwald, Cindy
Stroud, Kathleen
Vaillancourt, Steve
Winters, Joel

Beaulieu, Jane
Byron, Frank
Coffey, James
Danielson, David
Gargasz, Carolyn
Hammond, Jill
Infantine, William
LeBrun, Donald
McCarthy, Michael
Notter, Jeanine
Palmer, Stephen
Porter, Marjorie
Sanborn, Laurie
Sweeney, Shawn
Villeneuve, Moe

Boehm, Ralph
Campbell, David
Connor, Evelyn
Flanagan, Jack
Grady, Brenda
Hansen, Peter
Jasper, Shawn
LeVasseur, Richard
Meaney, Richard
O'Brien, William
Parison, James
Pratt, Calvin
Sandblade, Emily
Takesian, Charlene
Warden, Mark

Boisvert, Ronald
Cebrowski, John
Culbert, Patrick
Gagne, Larry
Graham, John
Hikel, John
Knowles, Mary Ann
MacKay, Mariellen
Murphy, Keith
O'Flaherty, Tim
Pellegrino, Tony
Renzullo, Andrew
Straight, Philip
Ulery, Jordan
Willette, Robert

MERRIMACK

Alicea, Caroletta
Ebel, Karen
Kotowski, Frank
Reed, Dennis

Bouchard, Candace
Henle, Paul
Lockwood, Priscilla
Smith, Todd

Carey, Lorrie
Hess, David
McGuire, Carol
Walsh, Thomas IV

Carson, Clyde
Hoell, J.R.
McGuire, Dan

ROCKINGHAM

Abrami, Patrick
Charron, Gene
Devine, James
Emerick, J. Tracy
Garcia, Bianca
Hagan, Joseph
Itse, Daniel
Major, Norman
O'Connor, John
Rice, Frederick
Sedensky, John
Sytek, John
Weyler, Kenneth

Baldasaro, Alfred
Comerford, Timothy
Duarte, Joe
Ferrante, Beverly
Garcia, Marilinda
Harris, Jeffrey
Kappler, Lawrence
McKinney, Betsy
Packard, Sherman
Sanders, Elisabeth
Sherman, Thomas
Tremblay, Stella
Whittemore, Lisa

Bick, Patrick
Danais, Romeo
Dumaine, Dudley
Fesh, Robert
Gordon, Richard
Hodgdon, Bruce
Khan, Aboul
McMahon, Charles
Peckham, Michele
Scarlotto, Joe
St.James, Kevin
Tucker, Pamela

Birdsell, Regina
DeSimone, Debra
Elliott, Robert
Friel, William
Griffin, Mary
Hoelzel, Kathleen
Lovejoy, Patricia
Milz, David
Perkins, Amy
Schroadter, Adam
Sweeney, Joe
Waterhouse, Kevin

STRAFFORD

Beaudoin, Steven
Malloy, Dennis
Wall, Janet

Gray, James
Parsons, Robbie

Groen, Warren
Pitre, Joseph

Jones, Laura
Spainhower, Dale

SULLIVAN

Gagnon, Raymond
Smith, Steven

Gottling, Suzanne
Sweeney, Cynthia

Grenier, James

Lefebvre, Benjamin

and floor amendment (0824h) failed.

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

Rep. Dan McGuire spoke against.

Rep. Sally Kelly spoke in favor.

Rep. Andrew White requested a roll call; sufficiently seconded.

YEAS 200 - NAYS 133**YEAS 200****BELKNAP**

DiMartino, Lisa

Gulick, Ruth

Huot, David

Raymond, Ian

CARROLL

Buco, Thomas
White, Syndi

Butler, Edward

Lavender, Tom

Ticehurst, Susan

CHESHIRE

Ames, Richard
Chase, Cynthia
Ley, Douglas
Roberts, Kris
Tatro, Bruce

Berch, Paul
Eaton, Daniel
Mann, John
Robertson, Timothy
Weber, Lucy

Burridge, Delmar
Emerson, Susan
Parkhurst, Henry
Sad, Tara
Weed, Charles

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
Cooney, Mary
Harding, Laurie
Massimilla, Linda
Piper, Wendy
White, Andrew

Almy, Susan
Doolan, Ralph Jr
Higgins, Patricia
Mulholland, Catherine
Smith, Suzanne

Benn, Bernard
Ford, Susan
Lauer, Linda
Nordgren, Sharon
Sykes, George

Brown, Rebecca
Friedrich, Carol
Lovett, Sid
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Campbell, David
Connor, Evelyn
Goley, Jeffrey

Beaulieu, Jane
Carroll, Douglas
DiSilvestro, Linda
Gorman, Mary

Booras, Efstathia
Chandley, Shannon
Gage, Ruth
Grady, Brenda

Brown, Pamela
Christiansen, Lars
Gale, Sylvia
Hackel, Paul

Hammond, Jill
Infantine, William
Leishman, Peter
McCloskey, David
Porter, Marjorie
Schmidt, Janice
Spratt, Stephen
Walsh, Robert Jr

Hansberry, Daniel
Jack, Martin
Levesque, Melanie
McNamara, Richard
Rhodes, Brian
Shattuck, Gilman
Sullivan, Daniel
Williams, Kermit

Harriott-Gathright, Linda
Jeudy, Jean
MacKay, Mariellen
Nelson, Mary
Rokas, Ted
Smith, Timothy
Sullivan, Peter
Winters, Joel

Heden, Ruth
Knowles, Mary Ann
Manley, Jonathan Sr
O'Brien, Michael Sr
Rosenwald, Cindy
Soucy, Timothy
Vail, Suzanne
Woodbury, David

MERRIMACK

Alicea, Caroletta
Burns, Scott
Ebel, Karen
Gile, Mary
Karrick, David Jr
Patten, Dick
Rogers, Katherine
Tilton, Joy
Webb, Leigh

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Henle, Paul
Kelly, Sally
Ratzki, Mario
Schamberg, Thomas
Turcotte, Alan

Bartlett, Christy
Carson, Clyde
Frazer, June
Hirsch, Geoffrey
MacKay, James
Rice, Chip
Schuett, Dianne
Wallner, Mary Jane

Bouchard, Candace
Davis, Frank
French, Barbara
Hunt, Jane
Moffett, Howard
Richardson, Gary
Shurtleff, Stephen
Walz, Mary Beth

ROCKINGHAM

Allen, Mary
Burtis, Elizabeth
Cushing, Robert Jr
Heffron, Frank
Moody, Marcia
Perkins, Amy
Thompson, David
Whittemore, Lisa

Andrews-Ahearn, E. Elaine
Cahill, Michael
Elliott, Robert
Helmstetter, Barbara
Muns, Chris
Perkins, Lawrence
Till, Mary

Borden, David
Cali-Pitts, Jacqueline
Emerson-Brown, Rebecca
Lovejoy, Patricia
Pantelakos, Laura
Sherman, Thomas
Ward, Gerald

Briden, Steven
Copeland, Timothy
Flockhart, Eileen
Mann, Maureen
Peckham, Michele
Sweeney, Joe
Wazlaw, Brian

STRAFFORD

Baber, William
Ginsburg, Philip
Hubbard, Pamela
Perry, Robert
Smith, Marjorie
Wall, Janet

Bixby, Peter
Grassie, Anne
Malloy, Dennis
Rogers, Rose Marie
Spainhower, Dale
Ward, Kenneth

Burdwood, Greg
Grossman, Kenneth
Miller, David
Rollo, Deanna
Spang, Judith

Burke, Rachel
Horrigan, Timothy
Pelletier, Marsha
Schmidt, Peter
Stevens, Audrey

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 133

BELKNAP

Burchell, Richard
Greemore, Robert Jr
Vadney, Herbert

Fields, Dennis
Holmes, Stephen
Worsman, Colette

Fink, Charles
Sylvia, Michael

Flanders, Donald
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Nelson, Bill

Chandler, Gene
Umberger, Karen

Cordelli, Glenn
Wright, Donald

McConkey, Mark

CHESHIRE

COOS

GRAFTON

Bailey, Brad
Reilly, Harold Sr

Bradley, Lester
Shackett, Jeffrey

Gionet, Edmond

Ladd, Rick Jr

HILLSBOROUGH

Barry, Richard
Byron, Frank
Daniels, Gary
Garcia, Michael
Hansen, Peter
Kurk, Neal
McCarthy, Michael

Boehm, Ralph
Cebrowski, John
Danielson, David
Gargas, Carolyn
Hikel, John
LeBrun, Donald
Meaney, Richard

Boisvert, Ronald
Coffey, James
Flanagan, Jack
Graham, John
Hinch, Richard
LeVasseur, Richard
Murphy, Keith

Burt, John
Culbert, Patrick
Gagne, Larry
Haefner, Robert
Jasper, Shawn
Marston, Dick
Murphy, Kelleigh

Notter, Jeanine
Parison, James
Renzullo, Andrew
Stroud, Kathleen
Vaillancourt, Steve

O'Brien, William
Pellegrino, Tony
Sanborn, Laurie
Sweeney, Shawn
Villeneuve, Moe

O'Flaherty, Tim
Peterson, Lenette
Sandblade, Emily
Takesian, Charlene
Warden, Mark

Palmer, Stephen
Pratt, Calvin
Straight, Philip
Ulery, Jordan
Willette, Robert

MERRIMACK

Hess, David
McGuire, Carol
Walsh, Thomas IV

Hoell, J.R.
McGuire, Dan

Kotowski, Frank
Reed, Dennis

Lockwood, Priscilla
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Charron, Gene
Devine, James
Ferrante, Beverly
Garcia, Marilinda
Harris, Jeffrey
Kappler, Lawrence
McMahon, Charles
Rice, Frederick
Sedensky, John
Tucker, Pamela

Baldasaro, Alfred
Comerford, Timothy
Duarte, Joe
Fesh, Robert
Gordon, Richard
Hodgdon, Bruce
Khan, Aboul
Milz, David
Sanders, Elisabeth
St.James, Kevin
Waterhouse, Kevin

Bick, Patrick
Danaïs, Romeo
Dumaine, Dudley
Friel, William
Griffin, Mary
Hoelzel, Kathleen
Major, Norman
O'Connor, John
Scarlotta, Joe
Sytek, John
Weyler, Kenneth

Birdsell, Regina
DeSimone, Debra
Emerick, J. Tracy
Garcia, Bianca
Hagan, Joseph
Itse, Daniel
McKinney, Betsy
Packard, Sherman
Schroadter, Adam
Tremblay, Stella

STRAFFORD

Beaudoin, Steven
Parsons, Robbie

Gray, James
Pitre, Joseph

Groen, Warren

Jones, Laura

SULLIVAN

Smith, Steven

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

SPECIAL ORDERED

Without objection, the Speaker made the remainder of bills on today's calendar Special Orders for the next session day.

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly Enrolled Senate Bill numbered 40.
Rep. Schuett, Sen. Prescott for the Committee

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 20, 2013 at 10:00 a.m.
Adopted.

LATE SESSION

Third reading and final passage

HB 433, relative to procedures for juvenile delinquency petitions filed by a school district or school official and establishing a committee to study the children in need of services (CHINS) program.

HB 278, relative to voluntary installation of fire suppression sprinklers.

HB 367, relative to the municipal bond bank reserve process.

HB 400, relative to funding agreements issued by life insurance companies.

HB 401, relative to property and casualty insurers under the risk-based capital law.

HB 489-FN, relative to the New Hampshire medical malpractice joint underwriting association.

HB 511-FN, relative to insurance holding companies.

HB 526-FN, relative to termination of activities and dissolution of the association created under RSA 404-G.

HB 559, relative to the general banking laws of the state.

HB 560, repealing the board of trust company incorporation.

HB 640, relative to the standard valuation law.

HB 450-FN, relative to the annulment of criminal records.

HB 629-FN, relative to the criteria for approving and calculating school building aid grants.

HB 183, relative to processing absentee ballots.

HB 265, relative to procedures by absentee voters.

HB 352, relative to sending checklists to the state archives.

HB 234, relative to occupational and professional boards and commissions procedures concerning military service and occupational experience or training.

HB 334-FN, requiring pharmacy interns to register with the pharmacy board.

HB 342-FN, relative to reporting of compensation paid to retired members of the retirement system.

HB 353, relative to the regulation of private investigators and security guards.

HB 313, relative to the regulation of the compounding of drugs by pharmacists.

HB 375, requiring certain health care organizations to report to the department of health and human services regarding implementation of New Hampshire's 10-year mental health plan.

HB 528, relative to support and care costs for children with disabilities.

HB 556, establishing a committee to study the resolution of barriers to the use of telehealth technology in New Hampshire.

HB 636, relative to the waitlist for community mental health services.

HB 373, establishing a right of discovery to a carrier's investigation of claims in workers' compensation cases.

HB 414, relative to privacy in the workplace.

HB 546, relative to medical examinations under workers' compensation.

HB 363, establishing a committee to study the form of the oath taken by members of the general court.

HB 410, establishing a commission to study and update the rules and procedures of the legislative ethics committee under RSA 14-B and the laws governing legislative ethics under RSA 15-B.

HB 139, relative to the time towns that have adopted official ballot voting have to approve bonding in solid waste management districts.

HB 204-FN-L, relative to the removal of social security and other numbers from registry of deeds documents available on the Internet.

HB 429, relative to service of writs against cities.

HB 506, relative to certain time periods for adoption and amendment of town codes and ordinances.

HB 522, relative to duties of town treasurers.

HB 634, relative to water resource management and protection plans in municipal master plans.

HB 655-FN, relative to the collection of the amount of the property tax deferral for the elderly or disabled upon sale of the property.

HB 393, relative to effluent limitations with regard to nitrogen and phosphorus.

HB 513, relative to the shoreland protection act.

HB 516, establishing a committee to study the overlap of federal, state, and local regulation relative to environmental issues.

SB 57, relative to approval of the project proposed 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.

HB 374, relative to electric utility investment in distributed energy resources.

HB 517, relative to the incidental combustion of untreated wood at certain municipal transfer stations.

HB 391-FN, establishing a committee to study options for mitigation of damages associated with highway noise.

HB 581-FN-L, relative to recovering moneys from a neighboring state for mitigation of flooding.

HB 598, relative to the reasonable compensation deduction under the business profits tax.

HB 676-FN-A-L, extending the Coos county job creation tax credit.

HB 472, relative to residential units in rooming houses.

HB 153, prohibiting the designation of industrial hemp as a controlled substance.

HB 247-FN, increasing compensation for wrongful incarceration.

HB 453, repealing the prospective repeal of the information and analysis center.

HB 161, relative to school district policies on health and sex education.

HB 486-FN-A, making an appropriation for the purpose of paying residential care providers at the Chase Home for Children.

HB 118, providing immunity from criminal prosecution for seeking medical assistance with an emergency drug or alcohol overdose event.

HB 583, relative to proceedings of medical injury claims screening panels.

HB 362, banning corn-based ethanol as an additive to gasoline sold in New Hampshire.

HB 146, increasing the speed limit on a portion of I-93 to 70 miles per hour.

HB 314, raising limits on single wagers in games of chance and relative to gross revenues received by charitable organizations participating in games of chance.

HJR 1, directing the joint legislative historical committee to acquire and display a portrait of suffragist Marilla Marks Ricker.

SB 1-FN-A, increasing the research and development tax credit against the business profits tax.

HB 551, relative to the composition and duties of the task force on work and family.

HB 554, allowing parents to agree on college contributions.

HB 664-FN, relative to the New Hampshire vaccine association.

HB 668-FN, relative to group and individual health insurance market rules.

HB 442, prohibiting residency restrictions for registered sex offenders and offenders against children.

HB 119, relative to voter registration.

HB 599-FN, relative to establishing a single liquor commissioner.

HB 178-FN-L, relative to public employer collective bargaining agreements.

HB 501-FN, instituting a state minimum hourly rate.

RECESS MOTION

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

Adopted.

The House recessed at 5:28 p.m.

RECESS

(Rep. Weber in the Chair)

RESOLUTION

Rep. Gary Richardson offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 199 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 199, authorizing the attorney general to join the settlement of accrued claims relating to the non-participating tobacco manufacturers adjustment disputes for 2003 to 2011 and the 2012 non-participating tobacco manufacturers adjustment. (Judiciary)

RECESS

COMMITTEE ASSIGNMENTS

The Speaker made the following changes to committee assignments:

Rep. Mariellen MacKay off the Committee on Children and Family Law and on the Committee on Health, Human Services and Elderly Affairs.

Rep. Pam Brown on the Committee on Children and Family Law.

RECESS

(Rep. Shurtleff in the Chair)

ENROLLED BILL AMENDMENT

SB 57, relative to approval of the project proposed 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. (Amendment printed SJ 3-14-13)

Adopted.

SENATE MESSAGE

CONCURRENCE WITH AMENDMENT

SB 1-FN-A, increasing the research and development tax credit against the business profits tax and relative to the report of the commissioner of resources and economic development on the research and development tax credit.

RECESS

(Rep. Kaen in the Chair)

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly Enrolled Senate Bill numbered 1.

Rep. Shurtleff, Sen. Odell for the Committee

RECESS