



State of
New Hampshire

HOUSE RECORD

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

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Vol. 35

Concord, N.H.

Wednesday, March 27, 2013

No. 31

HOUSE JOURNAL No. 12 (Cont.)

Thursday, March 21, 2013

Rep. Kaen moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 13

Wednesday, March 27, 2013

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

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

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

I began the day with a small ceremony of Footwashing. It's based on the story of Jesus at the last Supper taking a moment to wash the feet of his disciples. It is one of the pivotal stories of the importance of serving our fellow human beings, and let me tell you, when you're washing someone else's feet, you can't help but draw near to their lives, their journeys, and their pain. I have some good news! I'm not going to ask you to wash one another's feet. I'm just going to ask you to pray with me a prayer that I've put in the first person, remembering your own call to service, and beginning with a moment of silence.

O Holy God, sometimes You reveal Yourself to me in vast displays of ocean, sky, and cosmic motion. At other times, You make Yourself known to me when I draw near enough to someone else to see their calloused feet, or sense their thirst, or feel the weight on their shoulders. Either way, thank You for both. For in both instances, You remind me that there is more to this life than my own concerns, my own needs. Much more. Far more. And I am always made better for the realization. Humble me when it is humbling I need. Teach me to serve with a thankful heart and not a closed one. Open my eyes to the needs of both my friends and my enemies, and teach me again what children at play seem to know; a human being, is a human being, and worthy of our largest smile and our greatest work. In Your Holy name. Amen.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of the former House Speaker from Whitefield, the Honorable Harold Burns.

Representative Kathleen Hoelzel, member from Raymond, led the Pledge of Allegiance.

Representative Chris Muns, member from Hampton, led the singing of the National Anthem.

LEAVES OF ABSENCE

Reps. Cote, Jane Hunt, Rokas and Carol Williams, the day, illness.

Reps. Richard Eaton, Kolodziej, Kotowski, Lavender, Lundgren, Moody, Mullen, Pratt, Rhodes and Tremblay, important business.

INTRODUCTION OF GUESTS

Hunter Taylor, Ruth Larson and Bill Morse, guests of Rep. Burchell. Sheila Peterson and Justin Wood, daughter and guest of Rep. Peterson. Rick Zeller, son-in-law of Rep. Lockwood. Stephen Root, husband of Rep. Ebel.

CONSENT CALENDAR

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

HB 316-FN, relative to regulating alkaline hydrolysis for the disposal of human remains, removed by Rep. Kappler.

HB 344-FN-L, relative to aid to school districts for the cost of special education, removed by Rep. Ladd. Consent Calendar adopted.

Rep. Whittemore declared a conflict of interest on **HB 570-FN** and did not participate in the vote on the Consent Calendar.

HB 246, relative to falsity by employer. **OUGHT TO PASS.**

Rep. Steve Vaillancourt for Criminal Justice and Public Safety: This bill passed the Labor Committee 19-0 and the House on Consent Calendar. It came to Criminal Justice and Public Safety Committee since a penalty is involved. The committee learned that no change of penalties is involved. A Class A misdemeanor in cases involving less than \$500 by the employer; a Class A felony, if more than \$1,000 is involved, and a Class B felony, if the amount of benefits involved is between \$500 and \$1,000. This is in line with other penalties and the committee has no problems with the bill. Vote 17-0.

HB 399-FN, establishing the New Hampshire liberty act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Steve Vaillancourt for Criminal Justice and Public Safety: After passing the House 337-15, this bill came to the committee since a penalty is involved. Considerable comments arose, many of which were beyond the scope of the committee. As a compromise, the committee voted to remove the two lines dealing with the penalty. They merely stated that violators could be prosecuted to the full extent of New Hampshire law which is the case with all laws and need not be specifically stated here. Vote 11-0.

Amendment (1030h)

Amend RSA 646-B:1 as inserted by section 2 of the bill by replacing it with the following:

646-B:1 Support of National Defense Authorization Act Prohibited. The state of New Hampshire shall not provide material support or participate in any way with the implementation of Sections 1021 and 1022 of the National Defense Authorization Act for Fiscal Year 2012 within the boundaries of this state. The department of safety is hereby directed to report to the governor and the legislature any attempt by agencies or agents of the United States government to secure the implementation of Sections 1021 and 1022 of the National Defense Authorization Act for Fiscal Year 2012 through the operations of that or any other state department.

HB 686, relative to governor and council approval of state contracts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jeffrey P. Goley for Executive Departments and Administration: The bill, as amended, will require the liquor commission to get lease and contract agreements for stores and warehouses approved by the attorney general and, in the case of a contract, approval by the governor and council as well as the attorney general, before becoming effective. The liquor commission will continue to be exempt from going to governor and council for the purchase of supplies, materials, goods, and services for the purpose of day to day operations. This will allow the liquor commission the flexibility to take advantage of buying opportunities while ensuring that long-term contracts have oversight by the governor and council. Vote 12-0.

Amendment (1029h)

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

AN ACT relative to approval of liquor commission contracts.

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

1 Purchase of Supplies; Liquor Commission. Amend RSA 21-I:18, I(b) to read as follows:

(b) The liquor commission is [completely] exempted from the provisions of this chapter, provided that the liquor commission uses competitive bidding when acquiring consumable supplies, materials, goods, and services that are necessary for, incidental to, or related to the operation of the liquor commission.

2 Liquor Commission; State Stores. Amend RSA 177:1 to read as follows:

177:1 State Stores. The commission may lease, purchase, and equip, in the name of the state, such stores, warehouses, supplies, materials, equipment, products, and other marketing and merchandising requirements for the sale or promotion of liquor and related products as are necessary to carry out the provisions of this chapter. The commission may lease, in the name of the state, space in state stores for the purpose of installing automated teller machines. **Any lease or contract made pursuant to this section shall be approved by the attorney general and, in the case of a contract, by the governor and council as well as the attorney general, before becoming effective.** No newly established state store shall be operated within 200 feet of any public or private school, church, chapel, or parish house.

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

AMENDED ANALYSIS

This bill requires any lease or contract made by the liquor commission to be approved by the attorney general, and contracts made by the liquor commission to be approved by the governor and council and the attorney general.

HB 131-FN-L, relative to payment for medical services for county prisoners. **INEXPEDIENT TO LEGISLATE.** Rep. Cindy Rosenwald for Finance: The subject matter of this bill is also addressed in HB 432. The committee decided to go forward with HB 432 instead, so HB 131 is not necessary. Vote 22-0.

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

Rep. Susan M. Ford for Finance: This bill authorizes a city or town to conduct a special meeting necessitated by changes in adequate education funding. There have been times in the past when towns and cities have finalized budgets only to discover that the adequacy grant number has changed. This bill will help the towns and cities. Vote 22-0.

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

Rep. Susan M. Ford for Finance: This bill would exempt the White Mountains Regional School District from the moratorium on school building aid grants. Since the local bond issue to build a new career and technical education center failed, this bill is no longer necessary. Vote 23-0.

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

Rep. Martin L. Jack for Public Works and Highways: The Public Works and Highways committee, as the second committee, considered only section 1 of the bill dealing with construction contracts. Often, federal military construction funding is offered to the adjutant general, and if not accepted immediately, will be offered to another state. Under RSA 21-I:80, the bureau of public works and the capital budget oversight committee must be consulted for oversight and approval of large state construction projects, to ensure compliance with all necessary design and bidding standards. This procedure introduces a delay that often causes funding to be lost. The adjutant general and several other agencies possess equivalent in-house design engineering expertise. Therefore, this bill creates an exemption to allow the adjutant general to authorize construction on state military facilities with federal funds. The bill was previously reported Ought to Pass with Amendment from the State-Federal Relations and Veterans Affairs committee on a unanimous vote, and passed the House on the consent calendar. Vote 20-0.

HB 184-FN, relative to the oil discharge cleanup fund. **OUGHT TO PASS.**

Rep. Richard Ames for Ways and Means: This bill addresses two areas. First, it amends RSA 146-F:2, II to define "motor oil storage facility" to mean a location of storage tanks with a combined capacity not to exceed 45,000 gallons. Testimony before Ways and Means confirmed the Resources, Recreation and Development recommendation on this bill. This legislation is needed to ensure that motor oil discharge cleanup funds will only be used to address releases from the smaller storage facilities and not those facilities with a potential for catastrophic release. A catastrophic release from a facility larger than 45,000 gallons would deplete the cleanup fund. Larger companies normally carry insurance to cover such spills and expressed no opposition to this change in the existing law. Vote 18-0.

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

Rep. Patrick F. Abrami for Ways and Means: This bill sets the fee for scuba divers, who are residents of NH and take no more than five lobsters per day during the month of September, at \$35. The committee felt that this fee, which is at the same level as a recreational lobster and crab license which limits the number of recreational traps to five, to be reasonable. Vote 18-0.

Amendment (0973h)

Amend RSA 211:18, III-c (a) as inserted by section 2 of the bill by replacing it with the following:

III-c.(a) For a \$35 fee, a resident who wishes to engage in scuba diving as a recreational activity and not for the purpose of commerce, and who is in compliance with RSA 270:31 through 270:32-a, and has attained 18 years of age, shall be permitted to take lobsters under a special scuba diver lobster license issued by the executive director. The executive director shall make available a number of scuba diver lobster licenses that is equivalent to the number of recreational lobster and crab licenses available each calendar year under subparagraph III(a).

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

Rep. David B. Karrick for Ways and Means: The bill makes technical corrections to existing registration fee structures for OHRV transfer fees, removes the penalty of completion of a training program for certain OHRV and snowmobile violations, and deletes the program issuing vanity plates or decals. The amendment changes the effective date for elimination of vanity plates and decals to July 1, 2013 to correspond with the agency's fiscal year. Vote 18-0.

Amendment (0955h)

Amend the bill by replacing section 3 with the following:

3 Effective Date.

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

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

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

Rep. Laurie J. Sanborn for Ways and Means: This bill caps the application fee for municipal dredging projects to restore a lake or pond to \$10,000, as it is for similar tidal dredging projects, instead of using a per square foot calculation. The fiscal impact on the state is expected to be negligible. Vote 16-0.

HB 652-FN, relative to the judicial branch information technology fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank W. Davis for Ways and Means: This bill was requested by the Supreme Court to fund the maintenance costs of the e-court project, bringing the court information technology system into the 21st century. It increased the filing fee to the judicial information technology fund account from 14 percent to 30 percent. The committee amendment reduces the percentage of filing fees from court entry fees being paid into the court facilities escrow account from seven percent to six percent. The court will adjust its fees to be revenue neutral, and the reduction to six percent will make this increase smaller. Vote 17-1.

Amendment (1024h)

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

2 Supreme Court; Entry Fees. Amend RSA 490:24, I to read as follows:

I. For the benefit of the state, there shall be paid to the clerk for the entry of every reserved case, bill of exceptions, petition, appeal, or other action, for the filing of every motion or other document supplementary to the entered case, and for any service rendered by the clerk, such fees as shall from time to time be established by the court. The clerk shall set aside [7] **6** percent of each entry fee paid into the court for deposit into a special escrow account established under RSA 490:26-c and [14] **30** percent of each entry fee paid into the court for deposit into the judicial branch information technology fund established under RSA 490:26-h. The proceeds of fees for motions to appear in court pro hac vice shall be paid into the law library revolving fund established in RSA 490:25, III.

3 Judicial Branch Family Division; Entry Fees. Amend RSA 490-D:12, II to read as follows:

II. Fees as established by the supreme court under RSA 490:26-a shall be paid to the clerk of the applicable circuit court established in RSA 490-F for the benefit of the state. The clerk shall set aside [7] **6** percent of each entry fee paid into the court for deposit into a special escrow account established under RSA 490:26-c and [14] **30** percent of each entry fee paid into the court for deposit into the judicial branch information technology fund established under RSA 490:26-h. The proceeds of fees for motions to appear in court pro hac vice shall be paid into the law library revolving fund established in RSA 490:25, III.

4 Superior Court; Entry Fees. Amend RSA 499:18, II to read as follows:

II. Fees as established by the supreme court under RSA 490:26-a shall be paid to the clerk of the applicable circuit court established in RSA 490-F for the benefit of the state. The clerk shall set aside [7] **6** percent of each entry fee paid into the court for deposit into a special escrow account established under RSA 490:26-c and [14] **30** percent of each entry fee paid into the court for deposit into the judicial branch information technology fund established under RSA 490:26-h. The proceeds of fees for motions to appear in court pro hac vice shall be paid into the law library revolving fund established in RSA 490:25, III.

5 District Court; Entry Fees. Amend RSA 502-A:28, II to read as follows:

II. The clerk shall set aside [7] **6** percent of each entry fee paid into the court for deposit into a special escrow account established under RSA 490:26-c and [14] **30** percent of each entry fee paid into the court for deposit into the judicial branch information technology fund established under RSA 490:26-h. The proceeds of fees for motions to appear in court pro hac vice shall be paid into the law library revolving fund established in RSA 490:25, III.

6 Probate Court, Entry Fees. Amend RSA 547:27-c, II to read as follows:

II. The clerk shall set aside [7] **6** percent of each entry fee paid into the court for deposit into a special escrow account established under RSA 490:26-c and [14] **30** percent of each entry fee paid into the court for deposit into the judicial branch information technology fund established under RSA 490:26-h. The proceeds of fees for motions to appear in court pro hac vice shall be paid into the law library revolving fund established in RSA 490:25, III.

7 Escrow Fund for Court Facility Improvements; Entry Fees. Amend RSA 490:26-c, I to read as follows:

I. ~~[Seven]~~ ~~Six~~ percent of each entry fee collected in the judicial branch family division and in the supreme, district, superior, and probate courts shall be deposited in escrow for court facility improvements. Moneys in the escrow fund shall be used for improvements to existing facilities by the department of administrative services as recommended and approved by the supreme court.

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

AMENDED ANALYSIS

This bill increases the percentage of court filing fees to be deposited in the judicial branch information technology fund and decreases the percentage of such fees to be deposited in the escrow fund for court facility improvements.

REGULAR CALENDAR

SPECIAL ORDER

HB 135, relative to physical force in defense of a person and relative to the definition of non-deadly force. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. Steve Vaillancourt for the Majority of Criminal Justice and Public Safety: This bill, which has been a focus of much attention and a lengthy hearing in Reps Hall, came to the committee with three sections. The committee, in an attempt to reach compromise which balances rights of freedom with safety interests of society, always a delicate balance, accepted an amendment which eliminates two of the three sections of the bill. All that remains is section one which repeals what is widely referred to as the stand your ground provision which was passed last year. This bill does not prevent anyone from owning or carrying guns. It simply takes us back to the practice that was in effect for more than three decades (and was never challenged in court) which affirms that a person is not justified in using deadly force on another if he or she can retreat from the encounter. Note that nothing about the bill prevents one from using deadly force if retreat is not deemed possible. Also note that the person is not required to retreat if the incident occurs on his or her private property. Thus, the castle doctrine is left intact. The committee believes a legitimate difference can and should be drawn between actions in defense of one's home and actions in common or public areas. The committee amendment removes the controversial section (two), referred to by some as the "brandishing" section in recognition of the Ward Bird case. In other words, what Ward Bird did in the famous case would still be legal because it was in regard to his own property. The committee, in concurrence with the sponsor, also removed section three which would have repealed a statute relative to civil immunity for the use of force. In other words, civil immunity will remain for those using force. Many reasons were stated for retaining section one of the bill; the most salient being that ours would be a safer society if people are not encouraged to use guns on the street as a first resort. Some committee members thought of times when they ran into problems on the street, problems which were resolved but could well have escalated had they or those around them attempted to draw weapons. The majority understands that some will not be happy with passage of even a single section of this bill, but the amendment should be seen as a compromise that most should be able to live with. Vote 12-6. Rep. Kyle J. Tasker for the Minority of Criminal Justice and Public Safety: The minority feels this bill has no demonstrable merit and it would be foolish to change the law every two years without giving current law a chance to demonstrate results. This body is not so fickle as to remove a right once granted.

Majority Amendment (0341h)

Amend the bill by deleting sections 2 and 3 and renumbering the original section 4 to read as 2.

AMENDED ANALYSIS

This bill eliminates the provision allowing a person to use deadly force anywhere he or she has a right to be. On a division vote, 217 members having voted in the affirmative and 115 in the negative, the majority committee amendment was adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Itse offered floor amendment (1031h).

Floor Amendment (1031h)

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

AN ACT relative to physical force in defense of a person and relative to the state's liability for lost income of any person who is physically injured or killed as a result of retreating or attempting to retreat.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:
2 New Paragraph; Physical Force in Defense of a Person; State Liability for Lost Income. Amend RSA 627:4 by inserting after paragraph III the following new paragraph:

IV. Notwithstanding any law to the contrary, the state shall be liable for all lost income of any person who is physically injured or killed as a result of retreating or attempting to retreat pursuant to paragraph III.

The person who is physically injured or such person's legal representative, or the executor or administrator of the decedent's estate, or a family member of the decedent, may bring a civil action against the state in any superior court in the state to recover lost income.

AMENDED ANALYSIS

This bill:

I. Eliminates the provision allowing a person to use deadly force anywhere he or she has a right to be.

II. Permits civil suits against the state to recover lost income by any person physically injured or killed as a result of retreating or attempting to retreat.

Rep. Gary Richardson spoke against.

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

YEAS 103 - NAYS 254

YEAS 103

BELKNAP

Burchell, Richard
Flanders, Donald
Sylvia, Michael

Comtois, Guy
Greemore, Robert Jr
Tilton, Franklin

Cormier, Jane
Holmes, Stephen
Worsman, Colette

Fink, Charles
Luther, Robert

CARROLL

Chandler, Gene
Umberger, Karen

Crawford, Karel
Wright, Donald

McConkey, Mark

Nelson, Bill

CHESHIRE

Hunt, John

COOS

Rideout, Leon

GRAFTON

Bailey, Brad
Reilly, Harold Sr

Bradley, Lester

Brown, Rebecca

Gionet, Edmond

HILLSBOROUGH

Boehm, Ralph
Coffey, James
Gidge, Kenneth
Jasper, Shawn
Marston, Dick
Murphy, Keith
Pellegrino, Tony
Soucy, Timothy
Willette, Robert

Burt, John
Culbert, Patrick
Haefner, Robert
Kurk, Neal
McCarthy, Michael
Murphy, Kelleigh
Peterson, Lenette
Stroud, Kathleen

Cebrowski, John
Danielson, David
Hikel, John
LeBrun, Donald
Meaney, Richard
Notter, Jeanine
Renzullo, Andrew
Sweeney, Shawn

Christiansen, Lars
Flanagan, Jack
Hopper, Gary
LeVasseur, Richard
Murotake, David
O'Brien, William
Sandblade, Emily
Villeneuve, Moe

MERRIMACK

Hess, David
Smith, Todd

Hoell, J.R.

McGuire, Dan

Reed, Dennis

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Danais, Romeo
Dumaine, Dudley
Garcia, Marilinda
Itse, Daniel
Peckham, Michele
Sedensky, John
Waterhouse, Kevin

Allen, Mary
Bishop, Franklin
DeSimone, Debra
Elliott, Robert
Gordon, Richard
Khan, Aboul
Rice, Frederick
Sweeney, Joe

Baldasaro, Alfred
Chirichiello, Brian
Devine, James
Emerick, J. Tracy
Harris, Jeffrey
McMahon, Charles
Sanders, Elisabeth
Tamburello, Daniel

Bick, Patrick
Comerford, Timothy
Duarte, Joe
Garcia, Bianca
Hodgdon, Bruce
Oligny, Jeffrey
Sapareto, Frank
Tucker, Pamela

STRAFFORD

Beaudoin, Steven
Pitre, Joseph

Groen, Warren

Jones, Laura

Parsons, Robbie

SULLIVAN

Grenier, James

Rollins, Skip

Smith, Steven

NAYS 254

BELKNAP

Arsenault, Beth
Huot, David

DiMartino, Lisa
Raymond, Ian

Fields, Dennis
Vadney, Herbert

Gulick, Ruth

CARROLL

Buco, Thomas
Schmidt, Stephen

Butler, Edward
Ticehurst, Susan

Cordelli, Glenn
White, Syndi

Merrow, Harry

CHESHIRE

Ames, Richard
Chase, Cynthia
Johnson, Jane
Parkhurst, Henry
Sad, Tara
Weed, Charles

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

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

Butynski, William
Johnsen, Gladys
Mann, John
Robertson, Timothy
Weber, Lucy

COOS

Coulombe, Gary
Rappaport, Laurence

Enman, Larry
Richardson, Herbert

Hammon, Marcia
Theberge, Robert

Moynihan, Wayne
Thomas, Yvonne

GRAFTON

Aguiar, James
Doolan, Ralph Jr
Higgins, Patricia
Massimilla, Linda
Piper, Wendy
Townsend, Charles

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

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

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

HILLSBOROUGH

Backus, Robert
Boisvert, Ronald
Carroll, Douglas
DiSilvestro, Linda
Garcia, Michael
Grady, Brenda
Hansberry, Daniel
Hinch, Richard
Knowles, Mary Ann
Long, Patrick
McCloskey, David
O'Flaherty, Tim
Parison, James
Sanborn, Laurie
Smith, Timothy
Sullivan, Peter
Walsh, Robert Jr
Woodbury, David

Barry, Richard
Brown, Pamela
Chandley, Shannon
Gage, Ruth
Garritty, Patrick
Graham, John
Hansen, Peter
Infantine, William
Kopka, Angeline
MacKay, Mariellen
McNamara, Richard
Ober, Lynne
Porter, Marjorie
Schmidt, Janice
Spratt, Stephen
Takesian, Charlene
Warden, Mark

Beaulieu, Jane
Byron, Frank
Connor, Evelyn
Gagne, Larry
Goley, Jeffrey
Hackel, Paul
Harriott-Gathright, Linda
Jack, Martin
Leishman, Peter
Manley, Jonathan Sr
Nelson, Mary
Ober, Russell III
Rosenwald, Cindy
Shattuck, Gilman
Straight, Philip
Vail, Suzanne
Williams, Kermit

Belanger, James
Campbell, David
Daniels, Gary
Gale, Sylvia
Gorman, Mary
Hammond, Jill
Heden, Ruth
Jeudy, Jean
Levesque, Melanie
Martel, Andre
O'Brien, Michael Sr
Palmer, Stephen
Rowe, Robert
Shaw, Barbara
Sullivan, Daniel
Vaillancourt, Steve
Winters, Joel

MERRIMACK

Alicea, Caroletta
Burns, Scott
Ebel, Karen
Gile, Mary
Kelly, Sally
McGuire, Carol
Ratzki, Mario
Schamberg, Thomas
Turcotte, Alan
Watrous, Rick

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Henle, Paul
Kidder, David
Moffett, Howard
Rice, Chip
Schuett, Dianne
Wallner, Mary Jane
Webb, Leigh

Bartlett, Christy
Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Lockwood, Priscilla
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Walsh, Thomas IV

Bouchard, Candace
Davis, Frank
French, Barbara
Karrick, David Jr
MacKay, James
Patten, Dick
Rogers, Katherine
Tilton, Joy
Walz, Mary Beth

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Burtis, Elizabeth
Copeland, Timothy
Fesh, Robert
Griffin, Mary
Helmstetter, Barbara
Major, Norman
Nigrello, Robert
Perkins, Amy
Schlachman, Donna
Thompson, David
Webb, James Sr

Belanger, Ronald
Cahill, Michael
Cushing, Robert Jr
Flockhart, Eileen
Hagan, Joseph
Hoelzel, Kathleen
Mann, Maureen
O'Connor, John
Perkins, Lawrence
Sherman, Thomas
Till, Mary
Weyler, Kenneth

Borden, David
Cali-Pitts, Jacqueline
Emerson-Brown, Rebecca
Friel, William
Hayes, Jack
Kappler, Lawrence
Milz, David
Packard, Sherman
Priestley, Anne
St.James, Kevin
Ward, Gerald
Whitemore, Lisa

Briden, Steven
Charron, Gene
Ferrante, Beverly
Grace, Curtis
Heffron, Frank
Lovejoy, Patricia
Muns, Chris
Pantelakos, Laura
Scarlottio, Joe
Sytek, John
Wazlaw, Brian

STRAFFORD

Baber, William
Burdwood, Greg
Grassie, Anne

Berube, Roger
Burke, Rachel
Gray, James

Bickford, David
Gardner, Janice
Grossman, Kenneth

Bixby, Peter
Ginsburg, Philip
Hooper, Dorothea

Horrigan, Timothy
Menear, H. Robert III
Rollo, Deanna
Stevens, Audrey

Hubbard, Pamela
Miller, David
Schmidt, Peter
Verschuere, James

Kaen, Naida
Perry, Robert
Smith, Marjorie
Wall, Janet

Malloy, Dennis
Rogers, Rose Marie
Spainhower, Dale

SULLIVAN

Cloutier, John
Lefebvre, Benjamin

Gagnon, Raymond
O'Hearne, Andrew

Gottling, Suzanne
Sweeney, Cynthia

Irwin, Virginia

and floor amendment (1031h) failed.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Itse offered floor amendment (1033h).

Floor Amendment (1033h)

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

AN ACT relative to physical force in defense of a person, and relative to the state's liability for attorney's fees and court costs of any person against whom legal action is brought for failing to retreat.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:
2 New Paragraph; Physical Force in Defense of a Person; State Liability for Attorney's Fees and Court Costs. Amend RSA 627:4 by inserting after paragraph III the following new paragraph:

IV. Notwithstanding any law to the contrary, the state shall be liable for all attorney's fees and court costs of any person against whom a civil or criminal action is brought for failing to retreat pursuant to paragraph III and such person is acquitted or found not liable.

AMENDED ANALYSIS

This bill:

I. Eliminates the provision allowing a person to use deadly force anywhere he or she has a right to be.

II. Provides that the state shall be liable for all attorney's fees and court costs for any person against whom a civil or criminal action is brought and who is acquitted of, or found not liable for, failing to retreat as required under law.

Rep. Gary Richardson spoke against.

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

YEAS 146 NAYS 213

YEAS 146 BELKNAP

Burchell, Richard
Flanders, Donald
Sylvia, Michael

Comtois, Guy
Greemore, Robert Jr
Tilton, Franklin

Cormier, Jane
Holmes, Stephen
Worsman, Colette

Fink, Charles
Luther, Robert

CARROLL

Ahlgren, Christopher
Morrow, Harry
White, Syndi

Chandler, Gene
Nelson, Bill
Wright, Donald

Crawford, Karel
Schmidt, Stephen

McConkey, Mark
Umberger, Karen

CHESHIRE

Hunt, John

Johnson, Jane

Roberts, Kris

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Ladd, Rick Jr

Bradley, Lester
Reilly, Harold Sr

Doolan, Ralph Jr

Gionet, Edmond

HILLSBOROUGH

Barry, Richard
Byron, Frank
Daniels, Gary
Graham, John
Hinch, Richard
LeBrun, Donald
McCarthy, Michael
Murphy, Kelleigh
Ober, Russell III
Peterson, Lenette
Sandblade, Emily
Sweeney, Shawn

Belanger, James
Cebrowski, John
Flanagan, Jack
Haefner, Robert
Infantine, William
LeVasseur, Richard
Meaney, Richard
Notter, Jeanine
Palmer, Stephen
Renzullo, Andrew
Soucy, Timothy
Villeneuve, Moe

Boehm, Ralph
Coffey, James
Garcia, Michael
Hansen, Peter
Jasper, Shawn
Marston, Dick
Murotake, David
O'Brien, William
Parison, James
Rowe, Robert
Straight, Philip
Willette, Robert

Burt, John
Culbert, Patrick
Gidge, Kenneth
Hikel, John
Kurk, Neal
Martel, Andre
Murphy, Keith
Ober, Lynne
Pellegrino, Tony
Sanborn, Laurie
Stroud, Kathleen

MERRIMACK

Hoell, J.R.
Walsh, Thomas IV

McGuire, Carol

McGuire, Dan

Reed, Dennis

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Danaïs, Romeo
Dumaine, Dudley
Garcia, Bianca
Griffin, Mary
Hoelzel, Kathleen
McKinney, Betsy
O'Connor, John
Perkins, Amy
Sanders, Elisabeth
Sweeney, Joe
Tucker, Pamela

Allen, Mary
Bishop, Franklin
DeSimone, Debra
Elliott, Robert
Garcia, Marilinda
Hagan, Joseph
Itse, Daniel
McMahon, Charles
Oligny, Jeffrey
Perkins, Lawrence
Sapareto, Frank
Sytek, John
Waterhouse, Kevin

Baldasaro, Alfred
Chirichiello, Brian
Devine, James
Emerick, J. Tracy
Gordon, Richard
Harris, Jeffrey
Kappler, Lawrence
Milz, David
Packard, Sherman
Priestley, Anne
Schroadter, Adam
Tamburello, Daniel
Webb, James Sr

Bick, Patrick
Comerford, Timothy
Duarte, Joe
Ferrante, Beverly
Grace, Curtis
Hodgdon, Bruce
Khan, Aboul
Nigrello, Robert
Peckham, Michele
Rice, Frederick
Sedensky, John
Thompson, David
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Parsons, Robbie

Bickford, David
Pitre, Joseph

Groen, Warren

Jones, Laura

SULLIVAN

Grenier, James

Rollins, Skip

Smith, Steven

NAYS 213**BELKNAP**

Arsenault, Beth
Huot, David

DiMartino, Lisa
Raymond, Ian

Fields, Dennis
Vadney, Herbert

Gulick, Ruth

CARROLL

Buco, Thomas

Butler, Edward

Cordelli, Glenn

Ticehurst, Susan

CHESHIRE

Ames, Richard
Chase, Cynthia
Lerandeau, Alfred
Phillips, Larry
Tatro, Bruce

Berch, Paul
Eaton, Daniel
Ley, Douglas
Robertson, Timothy
Weber, Lucy

Burridge, Delmar
Emerson, Susan
Mann, John
Sad, Tara
Weed, Charles

Butynski, William
Johnsen, Gladys
Parkhurst, Henry
Shepardson, Marjorie
Young, Harry

COOS

Coulombe, Gary
Theberge, Robert

Enman, Larry
Thomas, Yvonne

Hammon, Marcia

Moynihan, Wayne

GRAFTON

Aguiar, James
Cooney, Mary
Higgins, Patricia
Mulholland, Catherine
Shackett, Jeffrey
White, Andrew

Almy, Susan
Ford, Susan
Lauer, Linda
Nordgren, Sharon
Smith, Suzanne

Benn, Bernard
Friedrich, Carol
Lovett, Sid
Pastor, Beatriz
Sykes, George

Brown, Rebecca
Harding, Laurie
Massimilla, Linda
Piper, Wendy
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Campbell, David
Connor, Evelyn
Gagne, Larry
Gorman, Mary
Hansberry, Daniel
Jack, Martin
Leishman, Peter
Manley, Jonathan Sr
O'Brien, Michael Sr
Schmidt, Janice
Spratt, Stephen
Vail, Suzanne
Williams, Kermit

Beaulieu, Jane
Carroll, Douglas
Danielson, David
Gale, Sylvia
Grady, Brenda
Harriott-Gathright, Linda
Judy, Jean
Levesque, Melanie
McCloskey, David
O'Flaherty, Tim
Shattuck, Gilman
Sullivan, Daniel
Vaillancourt, Steve
Winters, Joel

Boisvert, Ronald
Chandley, Shannon
DiSilvestro, Linda
Garrity, Patrick
Hackel, Paul
Heden, Ruth
Knowles, Mary Ann
Long, Patrick
McNamara, Richard
Porter, Marjorie
Shaw, Barbara
Sullivan, Peter
Walsh, Robert Jr
Woodbury, David

Brown, Pamela
Christiansen, Lars
Gage, Ruth
Goley, Jeffrey
Hammond, Jill
Hopper, Gary
Kopka, Angeline
MacKay, Mariellen
Nelson, Mary
Rosenwald, Cindy
Smith, Timothy
Takesian, Charlene
Warden, Mark

MERRIMACK

Alicea, Caroletta
Burns, Scott

Andrews, Christopher
Carey, Lorrie

Bartlett, Christy
Carson, Clyde

Bouchard, Candace
Davis, Frank

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

Frambach, Mary
 Henle, Paul
 Kelly, Sally
 Moffett, Howard
 Rice, Chip
 Schuett, Dianne
 Wallner, Mary Jane

Frazer, June
 Hess, David
 Kidder, David
 Myler, Mel
 Richardson, Gary
 Shurtleff, Stephen
 Walz, Mary Beth

French, Barbara
 Hirsch, Geoffrey
 Lockwood, Priscilla
 Patten, Dick
 Rogers, Katherine
 Tilton, Joy
 Watrous, Rick

ROCKINGHAM

Andrews-Ahearn, E. Elaine
 Burtis, Elizabeth
 Copeland, Timothy
 Flockhart, Eileen
 Helmstetter, Barbara
 Muns, Chris
 Sherman, Thomas
 Wazlaw, Brian

Belanger, Ronald
 Cahill, Michael
 Cushing, Robert Jr
 Friel, William
 Lovejoy, Patricia
 Pantelakos, Laura
 St.James, Kevin
 Whittemore, Lisa

Borden, David
 Cali-Pitts, Jacqueline
 Emerson-Brown, Rebecca
 Hayes, Jack
 Major, Norman
 Scarlotto, Joe
 Till, Mary

Briden, Steven
 Charron, Gene
 Fesh, Robert
 Heffron, Frank
 Mann, Maureen
 Schlachman, Donna
 Ward, Gerald

STRAFFORD

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

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

Bixby, Peter
 Ginsburg, Philip
 Hooper, Dorothea
 Malloy, Dennis
 Rogers, Rose Marie
 Spainhower, Dale

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

SULLIVAN

Cloutier, John
 Lefebvre, Benjamin

Gagnon, Raymond
 O'Hearne, Andrew

Gottling, Suzanne
 Sweeney, Cynthia

Irwin, Virginia

and floor amendment (1033h) failed.

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

Reps. Peterson, Burt, Burchell and Rideout spoke against.

Reps. Cormier, Hoell and Baldasaro spoke against and yielded to questions.

Reps. Ginsburg, Shurtleff and Vaillancourt spoke in favor.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 189 NAYS 184

YEAS 189

BELKNAP

Arsenault, Beth
 Raymond, Ian

DiMartino, Lisa

Fields, Dennis

Huot, David

CARROLL

Butler, Edward

Ticehurst, Susan

White, Syndi

CHESHIRE

Ames, Richard
 Chase, Cynthia
 Ley, Douglas
 Roberts, Kris
 Tatro, Bruce

Berch, Paul
 Eaton, Daniel
 Mann, John
 Robertson, Timothy
 Weber, Lucy

Burridge, Delmar
 Johnsen, Gladys
 Parkhurst, Henry
 Sad, Tara
 Weed, Charles

Butynski, William
 Lerandean, Alfred
 Phillips, Larry
 Shepardson, Marjorie
 Young, Harry

COOS

Coulombe, Gary
 Moynihan, Wayne

Enman, Larry
 Theberge, Robert

Hammon, Marcia
 Thomas, Yvonne

Hatch, William

GRAFTON

Aguiar, James
 Ford, Susan
 Lauer, Linda
 Nordgren, Sharon
 Sykes, George

Almy, Susan
 Friedrich, Carol
 Lovett, Sid
 Pastor, Beatriz
 Townsend, Charles

Benn, Bernard
 Harding, Laurie
 Massimilla, Linda
 Piper, Wendy
 White, Andrew

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

HILLSBOROUGH

Backus, Robert
 Campbell, David
 DiSilvestro, Linda

Beaulieu, Jane
 Carroll, Douglas
 Gage, Ruth

Booras, Efstathia
 Chandley, Shannon
 Gale, Sylvia

Brown, Pamela
 Connor, Evelyn
 Garrity, Patrick

Gorman, Mary
Hansberry, Daniel
Katsiantonis, Thomas
Levasseur, Nickolas
Manley, Jonathan Sr
O'Brien, Michael Sr
Shattuck, Gilman
Sullivan, Peter
Williams, Kermit

Grady, Brenda
Harriott-Gathright, Linda
Knowles, Mary Ann
Levesque, Melanie
McCloskey, David
Porter, Marjorie
Smith, Timothy
Vail, Suzanne
Woodbury, David

Hackel, Paul
Heden, Ruth
Kopka, Angeline
Long, Patrick
McNamara, Richard
Rosenwald, Cindy
Spratt, Stephen
Vaillancourt, Steve

Hammond, Jill
Jeudy, Jean
Leishman, Peter
MacKay, Mariellen
Nelson, Mary
Schmidt, Janice
Sullivan, Daniel
Walsh, Robert Jr

MERRIMACK

Alicea, Caroletta
Carson, Clyde
French, Barbara
Karrick, David Jr
Moffett, Howard
Richardson, Gary
Shurtleff, Stephen
Walz, Mary Beth

Andrews, Christopher
Davis, Frank
Gile, Mary
Kelly, Sally
Myler, Mel
Rogers, Katherine
Tilton, Joy
Watrous, Rick

Bartlett, Christy
Ebel, Karen
Henle, Paul
Kidder, David
Ratzki, Mario
Schamberg, Thomas
Turcotte, Alan
Webb, Leigh

Bouchard, Candace
Frazer, June
Hirsch, Geoffrey
MacKay, James
Rice, Chip
Schuett, Dianne
Wallner, Mary Jane

ROCKINGHAM

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

Borden, David
Cali-Pitts, Jacqueline
Heffron, Frank
Muns, Chris
Sherman, Thomas
Whittemore, Lisa

Briden, Steven
Cushing, Robert Jr
Helmstetter, Barbara
Pantelakos, Laura
Till, Mary

Burtis, Elizabeth
Emerson-Brown, Rebecca
Lovejoy, Patricia
Scarlotto, Joe
Ward, Gerald

STRAFFORD

Baber, William
Burke, Rachel
Grossman, Kenneth
Kaen, Naida
Miller, David
Schmidt, Peter
Stevens, Audrey

Berube, Roger
Gardner, Janice
Hooper, Dorothea
Ketel, Stephen
Perry, Robert
Smith, Marjorie
Verschueren, James

Bixby, Peter
Ginsburg, Philip
Horrigan, Timothy
Malloy, Dennis
Rogers, Rose Marie
Spainhower, Dale
Wall, Janet

Burdwood, Greg
Grassie, Anne
Hubbard, Pamela
Menear, H. Robert III
Rollo, Deanna
Spang, Judith
Ward, Kenneth

SULLIVAN

Cloutier, John
Lefebvre, Benjamin

Gagnon, Raymond
O'Hearne, Andrew

Gottling, Suzanne
Schmidt, Andrew

Irwin, Virginia
Sweeney, Cynthia

NAYS 184

BELKNAP

Burchell, Richard
Flanders, Donald
Luther, Robert
Worsman, Colette

Comtois, Guy
Greemore, Robert Jr
Sylvia, Michael

Cormier, Jane
Gulick, Ruth
Tilton, Franklin

Fink, Charles
Holmes, Stephen
Vadney, Herbert

CARROLL

Ahlgren, Christopher
Crawford, Karel
Schmidt, Stephen

Buco, Thomas
McConkey, Mark
Umberger, Karen

Chandler, Gene
Morrow, Harry
Wright, Donald

Cordelli, Glenn
Nelson, Bill

CHESHIRE

Emerson, Susan

Hunt, John

Johnson, Jane

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Gionet, Edmond

Bradley, Lester
Ladd, Rick Jr

Brown, Rebecca
Reilly, Harold Sr

Doolan, Ralph Jr
Shackett, Jeffrey

HILLSBOROUGH

Barry, Richard
Burt, John
Coffey, James
Flanagan, Jack
Gidge, Kenneth
Hansen, Peter
Infantine, William

Belanger, James
Byron, Frank
Culbert, Patrick
Gagne, Larry
Goley, Jeffrey
Hikel, John
Jack, Martin

Boehm, Ralph
Cebrowski, John
Daniels, Gary
Garcia, Michael
Graham, John
Hinch, Richard
Jasper, Shawn

Boisvert, Ronald
Christiansen, Lars
Danielson, David
Gargas, Carolyn
Haefner, Robert
Hopper, Gary
Kurk, Neal

Lambert, George
Martel, Andre
Murphy, Keith
O'Flaherty, Tim
Parison, James
Rowe, Robert
Soucy, Timothy
Takesian, Charlene
Willette, Robert

LeBrun, Donald
McCarthy, Michael
Murphy, Kelleigh
Ober, Lynne
Pellegrino, Tony
Sanborn, Laurie
Straight, Philip
Ulery, Jordan
Winters, Joel

LeVasseur, Richard
Meaney, Richard
Notter, Jeanine
Ober, Russell III
Peterson, Lenette
Sandblade, Emily
Stroud, Kathleen
Villeneuve, Moe

Marston, Dick
Murotake, David
O'Brien, William
Palmer, Stephen
Renzullo, Andrew
Shaw, Barbara
Sweeney, Shawn
Warden, Mark

MERRIMACK

Burns, Scott
Hoell, J.R.
Patten, Dick

Carey, Lorrie
Lockwood, Priscilla
Reed, Dennis

Frambach, Mary
McGuire, Carol
Smith, Todd

Hess, David
McGuire, Dan
Walsh, Thomas IV

ROCKINGHAM

Abrami, Patrick
Bick, Patrick
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Friel, William
Grace, Curtis
Hayes, Jack
Kappler, Lawrence
McMahon, Charles
Oigny, Jeffrey
Perkins, Lawrence
Sapareto, Frank
Sweeney, Joe
Thompson, David
Weyler, Kenneth

Allen, Mary
Birdsell, Regina
Comerford, Timothy
Devine, James
Emerick, J. Tracy
Garcia, Bianca
Griffin, Mary
Hodgdon, Bruce
Khan, Aboul
Milz, David
Packard, Sherman
Priestley, Anne
Schroadter, Adam
Sytek, John
Tucker, Pamela

Baldasaro, Alfred
Bishop, Franklin
Copeland, Timothy
Duarte, Joe
Ferrante, Beverly
Garcia, Marilinda
Hagan, Joseph
Hoelzel, Kathleen
Major, Norman
Nigrello, Robert
Peckham, Michele
Rice, Frederick
Sedensky, John
Tamburello, Daniel
Waterhouse, Kevin

Belanger, Ronald
Charron, Gene
Danaia, Romeo
Dumaine, Dudley
Fesh, Robert
Gordon, Richard
Harris, Jeffrey
Itse, Daniel
McKinney, Betsy
O'Connor, John
Perkins, Amy
Sanders, Elisabeth
St.James, Kevin
Tasker, Kyle
Webb, James Sr

STRAFFORD

Beaudoin, Steven
Jones, Laura

Bickford, David
Parsons, Robbie

Gray, James
Pitre, Joseph

Groen, Warren

SULLIVAN

Grenier, James

Rollins, Skip

Smith, Steven

Tanner, Linda

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

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Gary Richardson moved that the House reconsider its action whereby, on a roll call vote of 189-184, the House adopted the majority committee report of Ought to Pass with Amendment on **HB 135**, relative to physical force in defense of a person and relative to the definition of non-deadly force.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 175 NAYS 198

YEAS 175

BELKNAP

Burchell, Richard
Flanders, Donald
Sylvia, Michael

Comtois, Guy
Greemore, Robert Jr
Tilton, Franklin

Cormier, Jane
Holmes, Stephen
Vadney, Herbert

Fink, Charles
Luther, Robert
Worsman, Colette

CARROLL

Ahlgren, Christopher
McConkey, Mark
Umberger, Karen

Chandler, Gene
Morrow, Harry
White, Syndi

Cordelli, Glenn
Nelson, Bill
Wright, Donald

Crawford, Karel
Schmidt, Stephen

CHESHIRE

Emerson, Susan

Hunt, John

Johnson, Jane

Roberts, Kris

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Ladd, Rick Jr

Bradley, Lester
Reilly, Harold Sr

Doolan, Ralph Jr
Shackett, Jeffrey

Gionet, Edmond

HILLSBOROUGH

Barry, Richard
Byron, Frank
Culbert, Patrick
Gagne, Larry
Graham, John
Hinch, Richard
Kurk, Neal
Marston, Dick
Murotake, David
O'Brien, William
Palmer, Stephen
Renzullo, Andrew
Shaw, Barbara
Sweeney, Shawn
Warden, Mark

Belanger, James
Cebrowski, John
Daniels, Gary
Garcia, Michael
Haefner, Robert
Hopper, Gary
Lambert, George
Martel, Andre
Murphy, Keith
O'Flaherty, Tim
Parison, James
Rowe, Robert
Soucy, Timothy
Takesian, Charlene
Willette, Robert

Boehm, Ralph
Christiansen, Lars
Danielson, David
Gargas, Carolyn
Hansen, Peter
Infantine, William
LeBrun, Donald
McCarthy, Michael
Murphy, Kelleigh
Ober, Lynne
Pellegrino, Tony
Sanborn, Laurie
Straight, Philip
Ulery, Jordan

Burt, John
Coffey, James
Flanagan, Jack
Gidge, Kenneth
Hikel, John
Jasper, Shawn
LeVasseur, Richard
Meaney, Richard
Notter, Jeanine
Ober, Russell III
Peterson, Lenette
Sandblade, Emily
Stroud, Kathleen
Villeneuve, Moe

MERRIMACK

Burns, Scott
McGuire, Carol
Walsh, Thomas IV

Hess, David
McGuire, Dan

Hoell, J.R.
Reed, Dennis

Lockwood, Priscilla
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Bick, Patrick
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Friel, William
Grace, Curtis
Hayes, Jack
Kappler, Lawrence
McMahon, Charles
Oigny, Jeffrey
Perkins, Lawrence
Sapareto, Frank
Sweeney, Joe
Thompson, David
Weyler, Kenneth

Allen, Mary
Birdsell, Regina
Comerford, Timothy
Devine, James
Emerick, J. Tracy
Garcia, Bianca
Griffin, Mary
Hodgdon, Bruce
Khan, Aboul
Milz, David
Packard, Sherman
Priestley, Anne
Schroadter, Adam
Sytek, John
Tucker, Pamela

Baldasaro, Alfred
Bishop, Franklin
Copeland, Timothy
Duarte, Joe
Ferrante, Beverly
Garcia, Marilinda
Hagan, Joseph
Hoelzel, Kathleen
Major, Norman
Nigrello, Robert
Peckham, Michele
Rice, Frederick
Sedensky, John
Tamburello, Daniel
Waterhouse, Kevin

Belanger, Ronald
Charron, Gene
Danais, Romeo
Dumaine, Dudley
Fesh, Robert
Gordon, Richard
Harris, Jeffrey
Itse, Daniel
McKinney, Betsy
O'Connor, John
Perkins, Amy
Sanders, Elisabeth
St.James, Kevin
Tasker, Kyle
Webb, James Sr

STRAFFORD

Beaudoin, Steven
Jones, Laura

Bickford, David
Parsons, Robbie

Gray, James
Pitre, Joseph

Groen, Warren

SULLIVAN

Grenier, James

Rollins, Skip

Smith, Steven

NAYS 198**BELKNAP**

Arsenault, Beth
Huot, David

DiMartino, Lisa
Raymond, Ian

Fields, Dennis

Gulick, Ruth

CARROLL

Buco, Thomas

Butler, Edward

Ticehurst, Susan

CHESHIRE

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

Berch, Paul
Eaton, Daniel
Mann, John
Sad, Tara
Weed, Charles

Burridge, Delmar
Johnsen, Gladys
Parkhurst, Henry
Shepardson, Marjorie
Young, Harry

Butynski, William
Lerandeau, Alfred
Phillips, Larry
Tatro, Bruce

COOS

Coulombe, Gary
Moynihan, Wayne

Enman, Larry
Theberge, Robert

Hammon, Marcia
Thomas, Yvonne

Hatch, William

GRAFTON

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

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

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

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

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Connor, Evelyn
Garritty, Patrick
Hackel, Paul
Heden, Ruth
Knowles, Mary Ann
Levesque, Melanie
McCloskey, David
Porter, Marjorie
Smith, Timothy
Vail, Suzanne
Winters, Joel

Beaulieu, Jane
Campbell, David
DiSilvestro, Linda
Goley, Jeffrey
Hammond, Jill
Jack, Martin
Kopka, Angeline
Long, Patrick
McNamara, Richard
Rosenwald, Cindy
Spratt, Stephen
Vaillancourt, Steve
Woodbury, David

Boisvert, Ronald
Carroll, Douglas
Gage, Ruth
Gorman, Mary
Hansberry, Daniel
Judy, Jean
Leishman, Peter
MacKay, Mariellen
Nelson, Mary
Schmidt, Janice
Sullivan, Daniel
Walsh, Robert Jr

Booras, Efsthia
Chandley, Shannon
Gale, Sylvia
Grady, Brenda
Harriott-Gathright, Linda
Katsiantonis, Thomas
Levasseur, Nickolas
Manley, Jonathan Sr
O'Brien, Michael Sr
Shattuck, Gilman
Sullivan, Peter
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Carey, Lorrie
Frambach, Mary
Henle, Paul
Kidder, David
Patten, Dick
Rogers, Katherine
Tilton, Joy
Watrous, Rick

Andrews, Christopher
Carson, Clyde
Frazer, June
Hirsch, Geoffrey
MacKay, James
Ratzki, Mario
Schamberg, Thomas
Turcotte, Alan
Webb, Leigh

Bartlett, Christy
Davis, Frank
French, Barbara
Karrick, David Jr
Moffett, Howard
Rice, Chip
Schuett, Dianne
Wallner, Mary Jane

Bouchard, Candace
Ebel, Karen
Gile, Mary
Kelly, Sally
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Walz, Mary Beth

ROCKINGHAM

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

Borden, David
Cali-Pitts, Jacqueline
Heffron, Frank
Muns, Chris
Sherman, Thomas
Whittemore, Lisa

Briden, Steven
Cushing, Robert Jr
Helmstetter, Barbara
Pantelakos, Laura
Till, Mary

Burtis, Elizabeth
Emerson-Brown, Rebecca
Lovejoy, Patricia
Scarlotto, Joe
Ward, Gerald

STRAFFORD

Baber, William
Burke, Rachel
Grossman, Kenneth
Kaen, Naida
Miller, David
Schmidt, Peter
Stevens, Audrey

Berube, Roger
Gardner, Janice
Hooper, Dorothea
Ketel, Stephen
Perry, Robert
Smith, Marjorie
Verschueren, James

Bixby, Peter
Ginsburg, Philip
Horrigan, Timothy
Malloy, Dennis
Rogers, Rose Marie
Spainhower, Dale
Wall, Janet

Burdwood, Greg
Grassie, Anne
Hubbard, Pamela
Menear, H. Robert III
Rollo, Deanna
Spang, Judith
Ward, Kenneth

SULLIVAN

Cloutier, John
Lefebvre, Benjamin
Tanner, Linda

Gagnon, Raymond
O'Hearne, Andrew

Gottling, Suzanne
Schmidt, Andrew

Irwin, Virginia
Sweeney, Cynthia

and the motion failed.

REGULAR CALENDAR (CONT'D)**SPECIAL ORDER**

HB 451-FN, repealing the license requirement for carrying a concealed pistol or revolver. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: The majority of the committee believes this bill is unnecessary because current law regarding the issuance of concealed carry permits is sufficient. The present system ensures that local police departments do not issue licenses to persons that should not have them. Vote 14-4.

Rep. Hoell spoke against.

Reps. Burt and Sylvia spoke against and yielded to questions.

Rep. Cushing spoke in favor.

Rep. Sylvia requested a roll call; sufficiently seconded.

YEAS 226 NAYS 144

YEAS 226**BELKNAP**

Arsenault, Beth
Gulick, Ruth

DiMartino, Lisa
Huot, David

Fields, Dennis
Raymond, Ian

Flanders, Donald

CARROLL

Buco, Thomas
Schmidt, Stephen

Butler, Edward
Ticehurst, Susan

Crawford, Karel
White, Syndi

Merrow, Harry

CHESHIRE

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

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

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

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

COOS

Enman, Larry
Theberge, Robert

Hammon, Marcia
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

GRAFTON

Aguiar, James
Cooney, Mary
Higgins, Patricia
Nordgren, Sharon
Smith, Suzanne

Almy, Susan
Ford, Susan
Lauer, Linda
Pastor, Beatriz
Sykes, George

Benn, Bernard
Friedrich, Carol
Lovett, Sid
Piper, Wendy
Townsend, Charles

Brown, Rebecca
Harding, Laurie
Mulholland, Catherine
Shackett, Jeffrey
White, Andrew

HILLSBOROUGH

Backus, Robert
Brown, Pamela
DiSilvestro, Linda
Garritty, Patrick
Grady, Brenda
Harriott-Gathright, Linda
Katsiantonis, Thomas
Levasseur, Nickolas
Manley, Jonathan Sr
Nelson, Mary
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Daniel
Vaillancourt, Steve

Beaulieu, Jane
Campbell, David
Gage, Ruth
Gidge, Kenneth
Hackel, Paul
Heden, Ruth
Knowles, Mary Ann
Levesque, Melanie
Martel, Andre
O'Brien, Michael Sr
Rowe, Robert
Smith, Timothy
Sullivan, Peter
Walsh, Robert Jr

Boisvert, Ronald
Chandley, Shannon
Gale, Sylvia
Goley, Jeffrey
Hammond, Jill
Jack, Martin
Kopka, Angeline
Long, Patrick
McCloskey, David
Porter, Marjorie
Schmidt, Janice
Soucy, Timothy
Takesian, Charlene
Williams, Kermit

Booras, Efsthathia
Connor, Evelyn
Gargas, Carolyn
Gorman, Mary
Hansberry, Daniel
Judy, Jean
Leishman, Peter
MacKay, Mariellen
McNamara, Richard
Ramsey, Peter
Shattuck, Gilman
Spratt, Stephen
Vail, Suzanne
Woodbury, David

MERRIMACK

Alicea, Caroletta
Carey, Lorrie
Frambach, Mary
Henle, Paul
Kidder, David
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Walz, Mary Beth

Bartlett, Christy
Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Lockwood, Priscilla
Patten, Dick
Rogers, Katherine
Tilton, Joy
Watrous, Rick

Bouchard, Candace
Davis, Frank
French, Barbara
Karrick, David Jr
MacKay, James
Ratzki, Mario
Schamberg, Thomas
Turcotte, Alan
Webb, Leigh

Burns, Scott
Ebel, Karen
Gile, Mary
Kelly, Sally
Moffett, Howard
Rice, Chip
Schuett, Dianne
Wallner, Mary Jane

ROCKINGHAM

Abrami, Patrick
Briden, Steven
Charron, Gene
Emerson-Brown, Rebecca
Griffin, Mary
Lovejoy, Patricia
O'Connor, John
Priestley, Anne
St.James, Kevin
Whittemore, Lisa

Andrews-Ahearn, E. Elaine
Burtis, Elizabeth
Copeland, Timothy
Fesh, Robert
Hayes, Jack
Mann, Maureen
Oligny, Jeffrey
Scarlotta, Joe
Till, Mary

Belanger, Ronald
Cahill, Michael
Cushing, Robert Jr
Flockhart, Eileen
Heffron, Frank
Muns, Chris
Pantelakos, Laura
Schlachman, Donna
Ward, Gerald

Borden, David
Cali-Pitts, Jacqueline
Elliott, Robert
Grace, Curtis
Helmstetter, Barbara
Nigrello, Robert
Peckham, Michele
Sherman, Thomas
Wazlaw, Brian

STRAFFORD

Baber, William
Burke, Rachel
Grossman, Kenneth
Kaen, Naida
Miller, David
Schmidt, Peter
Stevens, Audrey

Berube, Roger
Gardner, Janice
Hooper, Dorothea
Ketel, Stephen
Perry, Robert
Smith, Marjorie
Verschueren, James

Bixby, Peter
Ginsburg, Philip
Horriggan, Timothy
Malloy, Dennis
Rogers, Rose Marie
Spainhower, Dale
Wall, Janet

Burdwood, Greg
Grassie, Anne
Hubbard, Pamela
Menear, H. Robert III
Rollo, Deanna
Spang, Judith
Ward, Kenneth

SULLIVAN

Cloutier, John
Lefebvre, Benjamin
Tanner, Linda

Gagnon, Raymond
O'Hearne, Andrew

Gottling, Suzanne
Schmidt, Andrew

Irwin, Virginia
Sweeney, Cynthia

NAYS 144
BELKNAP

Burchell, Richard
Greemore, Robert Jr
Tilton, Franklin

Comtois, Guy
Holmes, Stephen
Vadney, Herbert

Cormier, Jane
Luther, Robert
Worsman, Colette

Fink, Charles
Sylvia, Michael

CARROLL

Ahlgren, Christopher
Nelson, Bill

Chandler, Gene
Umberger, Karen

Cordelli, Glenn
Wright, Donald

McConkey, Mark

CHESHIRE

Hunt, John

Johnson, Jane

COOS

Coulombe, Gary

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Ladd, Rick Jr

Bradley, Lester
Massimilla, Linda

Doolan, Ralph Jr
Reilly, Harold Sr

Gionet, Edmond

HILLSBOROUGH

Barry, Richard
Byron, Frank
Culbert, Patrick
Gagne, Larry
Hansen, Peter
Infantine, William
LeBrun, Donald
Meaney, Richard
Notter, Jeanine
Ober, Russell III
Peterson, Lenette
Straight, Philip
Villeneuve, Moe

Belanger, James
Cebrowski, John
Daniels, Gary
Garcia, Michael
Hikel, John
Jasper, Shawn
LeVasseur, Richard
Murotake, David
O'Brien, William
Palmer, Stephen
Renzullo, Andrew
Stroud, Kathleen
Warden, Mark

Boehm, Ralph
Christiansen, Lars
Danielson, David
Graham, John
Hinch, Richard
Kurk, Neal
Marston, Dick
Murphy, Keith
O'Flaherty, Tim
Parison, James
Sanborn, Laurie
Sweeney, Shawn
Willette, Robert

Burt, John
Coffey, James
Flanagan, Jack
Haefner, Robert
Hopper, Gary
Lambert, George
McCarthy, Michael
Murphy, Kelleigh
Ober, Lynne
Pellegrino, Tony
Sandblade, Emily
Ulery, Jordan
Winters, Joel

MERRIMACK

Andrews, Christopher
McGuire, Dan

Hess, David
Reed, Dennis

Hoell, J.R.
Walsh, Thomas IV

McGuire, Carol

ROCKINGHAM

Allen, Mary
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Gordon, Richard
Hoelzel, Kathleen
McKinney, Betsy
Perkins, Amy
Sapareto, Frank
Sytek, John
Tucker, Pamela

Baldasaro, Alfred
Comerford, Timothy
Duarte, Joe
Friel, William
Hagan, Joseph
Itse, Daniel
McMahon, Charles
Perkins, Lawrence
Schroadter, Adam
Tamburello, Daniel
Waterhouse, Kevin

Bick, Patrick
Danais, Romeo
Dumaine, Dudley
Garcia, Bianca
Harris, Jeffrey
Kappler, Lawrence
Milz, David
Rice, Frederick
Sedensky, John
Tasker, Kyle
Webb, James Sr

Birdsell, Regina
DeSimone, Debra
Emerick, J. Tracy
Garcia, Marilinda
Hodgdon, Bruce
Khan, Aboul
Packard, Sherman
Sanders, Elisabeth
Sweeney, Joe
Thompson, David
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Jones, Laura

Bickford, David
Parsons, Robbie

Gray, James
Pitre, Joseph

Groen, Warren

SULLIVAN

Grenier, James

Rollins, Skip

Smith, Steven

and the committee report was adopted.

SPECIAL ORDER

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.

LAID ON THE TABLE

Rep. Berch moved that **HB 619-FN**, prohibiting images of a person's residence to be taken from the air, be laid on the table.

On a division vote, 278 members having voted in the affirmative and 87 in the negative, the motion was adopted.

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bill numbered 57.

Rep. Shurtleff, Sen. Prescott for the Committee

The House recessed at 12:33 p.m.

RECESS

The House reconvened at 1:35 p.m.

(Speaker Norelli in the Chair)

REGULAR CALENDAR (CONT'D)

HB 420, establishing orange, red, and yellow as the state colors. **OUGHT TO PASS.**

Rep. Romeo Danais for Executive Departments and Administration: This bill brings colors officially to New Hampshire. The children of 4th grade class, Freedom Elementary School, presented a very colorful display of why yellow, orange and red – the colors of our magnificent fall foliage – should be our New Hampshire official colors. The discussion centered around how colorful New Hampshire is for tourists; the rich red colors of our native lobsters, the brilliant range of pumpkins and how important pumpkins are to our fall celebrations, the colors red, yellow and orange play so well in the centerpieces of our fall harvest tables. Indeed, New Hampshire celebrates these colors for all to enjoy, not only natives of New Hampshire but all the far away tourists who come to celebrate all that is New Hampshire in the fall. Vote 12-6.

LAID ON THE TABLE

Rep. Andrew White moved that **HB 420**, establishing orange, red, and yellow as the state colors, be laid on the table.

On a division vote, 266 members having voted in the affirmative and 66 in the negative, the motion was adopted.

REGULAR CALENDAR (CONT'D)

HB 398-FN, relative to leave time for certain state employees. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Daniel J. Sullivan for the Majority of Executive Departments and Administration: This bill would change the current law that allows health and human services employees who move from a classified position to an unclassified position to retain their accrued annual leave. The majority does not see a need to change the current practice, as it helps in retaining qualified employees by allowing health and human services to promote from within. Members of the majority recognize that a difference exists between the treatment of health and human services employees and employees of other departments. There was discussion of extending the current practice at health and human services to other departments, but the majority believed that, given current fiscal reality, now was not the time to extend the practice to other departments. Vote 11-9.

Rep. Carol M. McGuire for the Minority of Executive Departments and Administration: This bill, as amended, simply seeks to fix a disparity of benefits between some HHS employees and other state employees. An artifact of the 1995 reorganization of HHS, when many positions were involuntarily converted from classified (union eligible positions) to unclassified (appointed, not covered by normal personnel rules, usually but not always a management position), the law remains that an HHS classified employee taking an unclassified position in HHS can "bank" accumulated leave. State employees in other departments - or HHS employees taking an unclassified position in a different department - lose accumulated leave when they take an unclassified position. The minority believes this differential treatment is unfair, and this section of law should have sunset in 1996. The amendment, unanimously approved by the committee, ensures that employees who transitioned to unclassified positions in the past are not affected by this change. It remains true that classified and unclassified positions have different advantages and disadvantages, and every employee considering making this transition needs to balance the advantages and disadvantages in their particular case.

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

Reps. Lynne Ober and Carol McGuire spoke against.

Rep. Goley spoke in favor and yielded to questions.

On a division vote, 182 members having voted in the affirmative and 177 in the negative, the majority committee report was adopted.

SPECIAL ORDERED

Without objection, the Speaker made **HB 617-FN-A-L**, increasing the rate of the road toll and establishing the New Hampshire state and municipal road and bridge account, a Special Order as the next order of business.

SPECIAL ORDER

HB 617-FN-A-L, increasing the rate of the road toll and establishing the New Hampshire state and municipal road and bridge account. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Patricia T. Lovejoy for the Majority of Ways and Means: HB 617 was sent to Ways & Means as a second committee. After a four and half hour public hearing and extensive deliberations the committee recommends an amendment to the bill which accomplishes three things: First, it reduces the proposed increase in the road toll for gasoline and diesel fuel from 15 cents to 12 cents, spreading the gas increase 4 cents per year over 3 years; for diesel the 12 cent increase will be spread out over 6 years -- 2 cents per year. At peak, it will raise \$92 million a year. Second, at the request of the Public Works & Highways Committee, all unrefunded road toll generated from the increased revenue will be deposited into the existing highway and bridge betterment account. This insures that in addition to the constitutional provision safeguarding road toll revenue for "highway purposes" and the NH state and municipal road and bridge account set up in the original HB 617, that ALL money generated from the increased road toll will be spent on state and local roads and bridges. Third, it reinstates the commission to study revenue alternatives to the road toll that was inadvertently terminated by prior legislation. New Hampshire's highway system is its economic lifeblood; supporting commerce, tourism and our everyday lives. A good infrastructure is imperative for NH to compete with other states for new business and new jobs. New Hampshire has an infrastructure crisis. The problem is getting worse and more expensive each year. The last time the gas tax was raised was 1991. During that time period the cost to pave one mile of highway has increased from \$18,000 to \$51,000. NH has the lowest gas tax in the northeast and the second lowest across the nation's "Frostbelt." As a point of information the state that had the lowest gas tax in the Frostbelt was Wyoming; on 2/15/13 Wyoming's Republican Governor signed into law a one-year increase from 14 cents to 24 cents per gallon tax. Today, by not properly investing in our roads and bridges, we face an infrastructure crisis, that is on its way to becoming a catastrophe. There are four major issues: First, the Interstate widening is \$250 million underfunded. Without new revenues that project will not be completed.

Second, over 1/3 of our state roads are rated in poor condition (meaning major work is required). This number has almost tripled in just 12 years. NH has the 9th worst rural roads in the nation. Without new revenue the miles of state roads in poor condition will continue to grow, as will the cost to fix the problem. Third, is the condition of our bridges. NH has the 11th worst bridges in the country. There are currently 140 red listed bridges, (a red list bridge is a bridge with at least one structural defect). Without investing in bridges there will be over 200 on the red list by the year 2020. The state's number one red list bridge is the Sarah long bridge, connecting Portsmouth to Kittery, which will cost \$85 million to rebuild. Fourth, our municipalities are struggling with the same problems; roads in poor condition and 353 red listed bridges with 10-12 bridges being closed each year. With dwindling state aid, towns must rely on property taxes to fix problems that are simply too big for local taxpayers to bear. Once the increase is fully phased-in and, if every penny were to pass through to the consumer (which testimony indicates it will not), a NH motorist who drives 12,000 miles/ yr. at 22 MPG would pay about \$65 more per year. Those who drive less, pay less and those who use the roads more, pay more. That is the definition of a true user fee. Out-of-state drivers will contribute by purchasing millions of gallons of gas. Compare this \$65 cost to that in the recent study indicating that the average NH driver now pays \$323 a year in extra auto repairs due to bad roads. This bill saves the ordinary citizen money. It will have a direct positive impact by creating over 800 new jobs, and have an economic ripple effect as hundreds of millions of construction dollars are expended within NH's borders. Vote 11-7.

Rep. Laurie J. Sanborn for the Minority of Ways and Means: Raising the gas tax disproportionately hurts the hard working and lower income families in our state who are already struggling to make ends meet. It also harms small businesses, which must try to absorb these additional costs or pass them on to the consumer. Higher taxes discourage economic growth, not encourage it. While safe roads and bridges are important to the people of NH, we need to do a better job managing the money we already receive. This bill unfairly places the entire burden on our already overburdened taxpayers, at a time when the economy is still fragile and over 40,000 people are still looking for work.

Majority Amendment (1035h)

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

AN ACT increasing the rate of the road toll, establishing the New Hampshire state and municipal road and bridge account, and establishing the commission to study revenue alternatives to the road toll.

Amend the bill by replacing section 2 with the following:

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

260:32 Levy of Tolls and Exemptions. There is hereby imposed a road toll of \$.18 per gallon upon the sale of each gallon of motor fuel sold by distributors thereof. ***The road toll on gasoline shall increase to \$.22 per gallon beginning July 1, 2013; to \$.26 per gallon beginning July 1, 2014; and to \$.30 per gallon beginning July 1, 2015. The road toll on special fuel (diesel) shall increase to \$.20 per gallon on July 1, 2013; to \$.22 per gallon on July 1, 2014; to \$.24 per gallon on July 1, 2015; to \$.26 per gallon on July 1, 2016; to \$.28 per gallon on July 1, 2017; and to \$.30 per gallon on July 1, 2018.*** The road toll shall be collected by the distributor from the purchaser and remitted to the state in the manner hereinafter set forth. ***All amounts collected in excess of \$.18 per gallon shall be deposited on a monthly basis into the New Hampshire state and municipal road and bridge account established in RSA 260:32-a.*** Provided, that the road toll shall not apply to:

Amend the bill by replacing all after section 6 with the following:

7 Road Toll; Exception. Amend RSA 260:60 to read as follows:

260:60 Exception.

I. Notwithstanding all other laws and rules to the contrary, annually, on or before June 1, the road toll administrator shall compare the number of gallons on which refunds have been made for the preceding calendar year for motor fuel used in the propulsion of boats on inland public waters of the state, with the number of gallons of such motor fuel sold and delivered directly into the fuel tanks, or supplementary fuel tanks, of boats or outboard motors upon the inland public waters for use in such boats or outboards, based on the number of boats registered in the state at 100 gallons usage per boat, and if there is any balance of unrefunded tolls so collected, the administrator shall report the same to the comptroller who shall, on July 1, next following, ***except as provided in paragraph II***, credit 1/2 of said balance to the general fund and credit 1/2 of said balance to the fish and game department. The funds credited to the fish and game department shall be used by said department to carry out its program and be accounted for as the fish and game fund is accounted for. Any funds credited to the fish and game department as above provided shall not lapse at the end of the fiscal year. The department shall pay monthly to the state treasurer all revenue from the aircraft landing area toll.

II. Unrefunded tolls under paragraph I that resulted from any increase in the road toll over \$.18 per gallon shall be credited to the highway and bridge betterment account established in RSA 235:23-a.

8 Road Tolls; Credit Provided; Liability Insurance. Amend RSA 260:61, I to read as follows:

I. Annually, on or before June 30, the comptroller shall transfer, from road tolls collected, an amount equal to the number of licensed OHRVs and snowmobiles for the previous year times the average number of gallons consumed per year per OHRV and snowmobile times the gasoline road toll imposed under RSA 260:32, less any amount refunded for OHRV and snowmobile use for the previous year, to the fish and game department and the bureau of trails as follows. The road toll administrator shall report to the comptroller if there is a balance of unrefunded road tolls collected. The administrator shall certify the amount to the comptroller who shall credit 1/2 of such balance to the bureau of trails for use as provided in paragraph I-a, and 1/2 of such balance to the fish and game department, ***except that unrefunded tolls that resulted from any increase in the road toll over \$.18 per gallon shall be credited to the highway and bridge betterment account established in RSA 235:23-a.*** For the purposes of this section, "the average number of gallons consumed per year per OHRV or snowmobile" is 100.

9 New Subdivision; Commission to Study Revenue Alternatives to the Road Toll. Amend RSA 21-J by inserting after section 47 the following new subdivision:

Commission to Study Revenue Alternatives to the Road Toll

21-J:48 Commission to Study Revenue Alternatives to the Road Toll.

I. There is established a commission to study revenue alternatives to the road toll for the funding of the state's highways and bridges.

II.(a) The members of the commission shall be as follows:

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

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

(3) The commissioner of the department of revenue administration, or designee.

(4) The commissioner of the department of safety, or designee.

(5) The commissioner of the department of environmental services, or designee.

(6) The commissioner of the department of transportation, or designee.

(b) 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 alternatives to the gas tax, through user taxes or fees, for funding improvements to the state's highways and bridges, ensuring that all motor vehicles contribute their fair share. The committee shall consider the interim report of the commission on the taxation of alternative fuel and electric-powered motor vehicles of November 1, 2012, track the programs developed in other states, and recommend legislation when an appropriate alternative is defined.

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. The first meeting of the commission shall be held within 45 days of the effective date of this section. Three members of the commission shall constitute a quorum.

V. The commission shall submit annual reports of its findings and any 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 of each year.

10 Effective Date.

I. Sections 1-8 of this act shall take effect July 1, 2013.

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

AMENDED ANALYSIS

This bill:

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

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

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

IV. Credits the revenue from certain unrefunded tolls resulting from the increase in the road toll to the highway and bridge betterment account.

V. Establishes a commission to study revenue alternatives to the road toll for the funding of the state's highways and bridges.

On a division vote, 243 members having voted in the affirmative and 117 in the negative, the majority committee amendment was adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. William O'Brien offered floor amendment (1127h).

Floor Amendment (1127h)

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

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

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

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

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

I. Department of transportation ~~[, including the office of information technology]~~: Not less than [73] **100** percent, ***of which up to one percent shall be used for the supervision of traffic on public highways within this state.***

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

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

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

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

AMENDED ANALYSIS

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

Reps. William O'Brien and Baldasaro spoke in favor.

Rep. Bouchard spoke against and yielded to questions.

Rep. Tucker requested a roll call; sufficiently seconded.

YEAS 146 NAYS 217

YEAS 146

BELKNAP

Burchell, Richard
Fink, Charles
Sylvia, Michael

Comtois, Guy
Flanders, Donald
Tilton, Franklin

Cormier, Jane
Greemore, Robert Jr
Vadney, Herbert

Fields, Dennis
Luther, Robert
Worsman, Colette

CARROLL

Ahlgren, Christopher
Nelson, Bill

Chandler, Gene
Schmidt, Stephen

Cordelli, Glenn
White, Syndi

Merrow, Harry
Wright, Donald

CHESHIRE

Emerson, Susan

Hunt, John

COOS

Rappaport, Laurence

Rideout, Leon

GRAFTON

Bailey, Brad
Ladd, Rick Jr

Bradley, Lester

Doolan, Ralph Jr

Gionet, Edmond

HILLSBOROUGH

Barry, Richard
Byron, Frank
Culbert, Patrick
Garcia, Michael
Hinch, Richard
LeBrun, Donald
McCarthy, Michael
Murphy, Kelleigh
Ober, Lynne
Peterson, Lenette
Sandblade, Emily
Ulery, Jordan
Willette, Robert

Belanger, James
Cebrowski, John
Daniels, Gary
Graham, John
Hopper, Gary
LeVasseur, Richard
Meaney, Richard
Notter, Jeanine
Ober, Russell III
Renzullo, Andrew
Straight, Philip
Vaillancourt, Steve
Winters, Joel

Boehm, Ralph
Christiansen, Lars
Flanagan, Jack
Hansen, Peter
Kurk, Neal
Marston, Dick
Murotake, David
O'Brien, William
Palmer, Stephen
Rowe, Robert
Sweeney, Shawn
Villeneuve, Moe

Burt, John
Coffey, James
Gagne, Larry
Hikel, John
Lambert, George
Martel, Andre
Murphy, Keith
O'Flaherty, Tim
Parison, James
Sanborn, Laurie
Takesian, Charlene
Warden, Mark

MERRIMACK

Hess, David
McGuire, Dan

Hoell, J.R.
Walsh, Thomas IV

Kidder, David

McGuire, Carol

ROCKINGHAM

Abrami, Patrick
Bick, Patrick
Chirichiello, Brian
Duarte, Joe
Ferrante, Beverly
Garcia, Marilinda
Harris, Jeffrey
Itse, Daniel
McMahon, Charles
Packard, Sherman
Sapareto, Frank
Sweeney, Joe
Tucker, Pamela

Allen, Mary
Birdsell, Regina
Comerford, Timothy
Dumaine, Dudley
Fesh, Robert
Gordon, Richard
Hayes, Jack
Kappler, Lawrence
Nigrello, Robert
Peckham, Michele
Scarlotto, Joe
Sytek, John
Waterhouse, Kevin

Baldasaro, Alfred
Cali-Pitts, Jacqueline
Danais, Romeo
Elliott, Robert
Friel, William
Grace, Curtis
Hodgdon, Bruce
Khan, Aboul
O'Connor, John
Rice, Frederick
Schroadter, Adam
Tamburello, Daniel
Webb, James Sr

Belanger, Ronald
Charron, Gene
Devine, James
Emerick, J. Tracy
Garcia, Bianca
Hagan, Joseph
Hoelzel, Kathleen
McKinney, Betsy
Oigny, Jeffrey
Sanders, Elisabeth
Sedensky, John
Tasker, Kyle
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Jones, Laura

Bickford, David
Parsons, Robbie

Gray, James
Pitre, Joseph

Groen, Warren

SULLIVAN

Rollins, Skip

Smith, Steven

NAYS 217**BELKNAP**

Arsenault, Beth
Huot, David

DiMartino, Lisa
Raymond, Ian

Gulick, Ruth

Holmes, Stephen

CARROLL

Buco, Thomas
Ticehurst, Susan

Butler, Edward
Umberger, Karen

Crawford, Karel

McConkey, Mark

CHESHIRE

Ames, Richard
Chase, Cynthia
Lerandeau, Alfred
Phillips, Larry
Tatro, Bruce

Berch, Paul
Eaton, Daniel
Ley, Douglas
Roberts, Kris
Weber, Lucy

Burridge, Delmar
Johnsen, Gladys
Mann, John
Sad, Tara
Weed, Charles

Butynski, William
Johnson, Jane
Parkhurst, Henry
Shepardson, Marjorie
Young, Harry

COOS

Coulombe, Gary
Moynihan, Wayne

Enman, Larry
Richardson, Herbert

Hammon, Marcia
Theberge, Robert

Hatch, William
Thomas, Yvonne

GRAFTON

Aguiar, James
Cooney, Mary
Higgins, Patricia
Mulholland, Catherine
Shackett, Jeffrey
White, Andrew

Almy, Susan
Ford, Susan
Lauer, Linda
Nordgren, Sharon
Smith, Suzanne

Benn, Bernard
Friedrich, Carol
Lovett, Sid
Pastor, Beatriz
Sykes, George

Brown, Rebecca
Harding, Laurie
Massimilla, Linda
Piper, Wendy
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Connor, Evelyn
Gale, Sylvia
Gorman, Mary
Hammond, Jill
Jack, Martin
Kopka, Angeline
Long, Patrick
McNamara, Richard
Porter, Marjorie
Shattuck, Gilman
Spratt, Stephen
Vail, Suzanne

Beaulieu, Jane
Campbell, David
Danielson, David
Gargas, Carolyn
Grady, Brenda
Hansberry, Daniel
Judy, Jean
Leishman, Peter
MacKay, Mariellen
Nelson, Mary
Ramsey, Peter
Shaw, Barbara
Stroud, Kathleen
Walsh, Robert Jr

Boisvert, Ronald
Carroll, Douglas
Dobson, Jeremy
Gidge, Kenneth
Hackel, Paul
Harriott-Gathright, Linda
Katsiantonis, Thomas
Levasseur, Nickolas
Manley, Jonathan Sr
O'Brien, Michael Sr
Rosenwald, Cindy
Smith, Timothy
Sullivan, Daniel
Williams, Kermit

Booras, Efstathia
Chandley, Shannon
Gage, Ruth
Goley, Jeffrey
Haefner, Robert
Heden, Ruth
Knowles, Mary Ann
Levesque, Melanie
McCloskey, David
Pellegrino, Tony
Schmidt, Janice
Soucy, Timothy
Sullivan, Peter
Woodbury, David

MERRIMACK

Alicea, Caroletta
Burns, Scott
Ebel, Karen
Gile, Mary
Lockwood, Priscilla
Patten, Dick
Richardson, Gary
Shurtleff, Stephen
Walz, Mary Beth

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Hirsch, Geoffrey
MacKay, James
Ratzki, Mario
Rogers, Katherine
Tilton, Joy
Watrous, Rick

Bartlett, Christy
Carson, Clyde
Frazer, June
Karrick, David Jr
Moffett, Howard
Reed, Dennis
Schamberg, Thomas
Turcotte, Alan
Webb, Leigh

Bouchard, Candace
Davis, Frank
French, Barbara
Kelly, Sally
Myler, Mel
Rice, Chip
Schuett, Dianne
Wallner, Mary Jane

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cahill, Michael
Flockhart, Eileen
Lovejoy, Patricia
Pantelakos, Laura
Schlachman, Donna
Ward, Gerald

Borden, David
Copeland, Timothy
Griffin, Mary
Mann, Maureen
Perkins, Amy
St.James, Kevin
Wazlaw, Brian

Briden, Steven
Cushing, Robert Jr
Heffron, Frank
Milz, David
Perkins, Lawrence
Thompson, David
Whittemore, Lisa

Burtis, Elizabeth
Emerson-Brown, Rebecca
Helmstetter, Barbara
Muns, Chris
Priestley, Anne
Till, Mary

STRAFFORD

Baber, William
Burke, Rachel
Grossman, Kenneth
Kaen, Naida
Miller, David
Rollo, Deanna
Spang, Judith
Ward, Kenneth

Berube, Roger
Gardner, Janice
Hooper, Dorothea
Ketel, Stephen
Pelletier, Marsha
Schmidt, Peter
Stevens, Audrey

Bixby, Peter
Ginsburg, Philip
Horrigan, Timothy
Malloy, Dennis
Perry, Robert
Smith, Marjorie
Verschueren, James

Burdwood, Greg
Grassie, Anne
Hubbard, Pamela
Menear, H. Robert III
Rogers, Rose Marie
Spainhower, Dale
Wall, Janet

SULLIVAN

Cloutier, John
Irwin, Virginia
Sweeney, Cynthia

Gagnon, Raymond
Lefebvre, Benjamin

Gottling, Suzanne
O'Hearne, Andrew

Grenier, James
Schmidt, Andrew

and floor amendment (1127h) failed.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Groen offered floor amendment (1124h).

Floor Amendment (1124h)

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

AN ACT increasing the rate of the road toll, establishing the New Hampshire state and municipal road and bridge account, establishing the commission to study revenue alternatives to the road toll, and relative to police presence in highway work zones.

Amend the bill by replacing all after section 9 with the following:

10 New Section; Presence of Uniformed Officers in Highway Work Zones. Amend RSA 228 by inserting after section 7 the following new section:

228:7-a Presence of Uniformed Officers in Highway Work Zones.

I. State expenditures for the use of uniformed officers as a presence in highway work zones shall be limited to one percent of project construction costs in fiscal year 2014 and 0.5 percent in fiscal year 2015 and thereafter.

II. The department shall determine when the presence of uniformed officers in work zones on class IV and V highways is required.

11 Effective Date.

I. Sections 1 through 8 and section 10 of this act shall take effect July 1, 2013.

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

AMENDED ANALYSIS

This bill:

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

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

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

IV. Credits the revenue from certain unrefunded tolls resulting from the increase in the road toll to the highway and bridge betterment account.

V. Establishes a commission to study revenue alternatives to the road toll for the funding of the state's highways and bridges.

VI. Limits the expenditure of state funds for the use of uniformed officers as a presence in highway work zones.

VII. Authorizes the department of transportation to determine when police presence is required on highway construction sites on class IV and V highways.

Rep. Groen spoke in favor and yielded to questions.

Rep. Campbell spoke against.

On a division vote, 138 members having voted in the affirmative and 220 in the negative, floor amendment (1124h) failed.

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

(Rep. Kaen in the Chair)

Reps. Burt and Renzullo spoke against and yielded to questions.

Rep. Lovejoy spoke in favor and yielded to questions.

Reps. Waterhouse and Young spoke in favor.

Rep. Rideout spoke against.

(Speaker Norelli in the Chair)

Rep. Campbell spoke in favor and yielded to questions.

Rep. Dumaine requested a roll call; sufficiently seconded.

YEAS 206 NAYS 158

YEAS 206

BELKNAP

Arsenault, Beth
Raymond, Ian

DiMartino, Lisa
Tilton, Franklin

Gulick, Ruth

Huot, David

CARROLL

Buco, Thomas

Butler, Edward

McConkey, Mark

Ticehurst, Susan

CHESHIRE

Ames, Richard
Chase, Cynthia
Ley, Douglas
Sad, Tara
Weed, Charles

Berch, Paul
Eaton, Daniel
Mann, John
Shepardson, Marjorie
Young, Harry

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

Butynski, William
Lerandean, Alfred
Roberts, Kris
Weber, Lucy

COOS

Coulombe, Gary
Moynihan, Wayne

Enman, Larry
Theberge, Robert

Hammon, Marcia

Hatch, William

GRAFTON

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

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

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

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

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Connor, Evelyn
Gale, Sylvia
Grady, Brenda
Hansberry, Daniel
Jeudy, Jean
Levesque, Melanie
McCloskey, David
O'Flaherty, Tim
Shattuck, Gilman
Sullivan, Daniel
Walsh, Robert Jr
Woodbury, David

Beaulieu, Jane
Campbell, David
Danielson, David
Gidge, Kenneth
Graham, John
Harriott-Gathright, Linda
Knowles, Mary Ann
Long, Patrick
McNamara, Richard
Porter, Marjorie
Smith, Timothy
Sullivan, Peter
Willette, Robert

Boisvert, Ronald
Carroll, Douglas
Dobson, Jeremy
Goley, Jeffrey
Hackel, Paul
Heden, Ruth
Kopka, Angeline
MacKay, Mariellen
Nelson, Mary
Ramsey, Peter
Soucy, Timothy
Takesian, Charlene
Williams, Kermit

Booras, Efstathia
Chandley, Shannon
Gage, Ruth
Gorman, Mary
Hammond, Jill
Jack, Martin
Levasseur, Nickolas
Manley, Jonathan Sr
O'Brien, Michael Sr
Schmidt, Janice
Spratt, Stephen
Vail, Suzanne
Winters, Joel

MERRIMACK

Alicea, Caroletta
Burns, Scott
Ebel, Karen

Andrews, Christopher
Carey, Lorrie
Frambach, Mary

Bartlett, Christy
Carson, Clyde
Frazer, June

Bouchard, Candace
Davis, Frank
French, Barbara

Gile, Mary
Kelly, Sally
Moffett, Howard
Rice, Chip
Schuett, Dianne
Wallner, Mary Jane

Henle, Paul
Kidder, David
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Walz, Mary Beth

Hirsch, Geoffrey
Lockwood, Priscilla
Patten, Dick
Rogers, Katherine
Tilton, Joy
Watrous, Rick

Karrick, David Jr
MacKay, James
Ratzki, Mario
Schamberg, Thomas
Turcotte, Alan
Webb, Leigh

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cahill, Michael
Flockhart, Eileen
Lovejoy, Patricia
Pantelakos, Laura
Ward, Gerald

Borden, David
Cali-Pitts, Jacqueline
Heffron, Frank
Mann, Maureen
Schlachman, Donna
Waterhouse, Kevin

Briden, Steven
Cushing, Robert Jr
Helmstetter, Barbara
Milz, David
Sytek, John
Wazlaw, Brian

Burtis, Elizabeth
Emerson-Brown, Rebecca
Khan, Aboul
Muns, Chris
Till, Mary
Whittemore, Lisa

STRAFFORD

Baber, William
Burke, Rachel
Grossman, Kenneth
Kaen, Naida
Miller, David
Rollo, Deanna
Spang, Judith
Ward, Kenneth

Berube, Roger
Gardner, Janice
Hooper, Dorothea
Ketel, Stephen
Pelletier, Marsha
Schmidt, Peter
Stevens, Audrey

Bixby, Peter
Ginsburg, Philip
Horrigan, Timothy
Malloy, Dennis
Perry, Robert
Smith, Marjorie
Verschuere, James

Burdwood, Greg
Grassie, Anne
Hubbard, Pamela
Menear, H. Robert III
Rogers, Rose Marie
Spainhower, Dale
Wall, Janet

SULLIVAN

Cloutier, John
Irwin, Virginia
Sweeney, Cynthia

Gagnon, Raymond
Lefebvre, Benjamin
Tanner, Linda

Gottling, Suzanne
O'Hearne, Andrew

Grenier, James
Schmidt, Andrew

NAYS 158

BELKNAP

Burchell, Richard
Fink, Charles
Luther, Robert

Comtois, Guy
Flanders, Donald
Sylvia, Michael

Cormier, Jane
Greemore, Robert Jr
Vadney, Herbert

Fields, Dennis
Holmes, Stephen
Worsman, Colette

CARROLL

Ahlgren, Christopher
Morrow, Harry
White, Syndi

Chandler, Gene
Nelson, Bill
Wright, Donald

Cordelli, Glenn
Schmidt, Stephen

Crawford, Karel
Umberger, Karen

CHESHIRE

Emerson, Susan

Hunt, John

Johnson, Jane

Parkhurst, Henry

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

Thomas, Yvonne

GRAFTON

Bailey, Brad
Ladd, Rick Jr

Bradley, Lester
Shackett, Jeffrey

Doolan, Ralph Jr

Gionet, Edmond

HILLSBOROUGH

Barry, Richard
Byron, Frank
Culbert, Patrick
Garcia, Michael
Hikel, John
Lambert, George
Marston, Dick
Murotake, David
O'Brien, William
Parison, James
Rosenwald, Cindy
Shaw, Barbara
Ulery, Jordan

Belanger, James
Cebrowski, John
Daniels, Gary
Gargas, Carolyn
Hinch, Richard
LeBrun, Donald
Martel, Andre
Murphy, Keith
Ober, Lynne
Pellegrino, Tony
Rowe, Robert
Straight, Philip
Vaillancourt, Steve

Boehm, Ralph
Christiansen, Lars
Flanagan, Jack
Haefner, Robert
Hopper, Gary
Leishman, Peter
McCarthy, Michael
Murphy, Kelleigh
Ober, Russell III
Peterson, Lenette
Sanborn, Laurie
Stroud, Kathleen
Villeneuve, Moe

Burt, John
Coffey, James
Gagne, Larry
Hansen, Peter
Kurk, Neal
LeVasseur, Richard
Meaney, Richard
Notter, Jeanine
Palmer, Stephen
Renzullo, Andrew
Sandblade, Emily
Sweeney, Shawn
Warden, Mark

MERRIMACK

Hess, David
Reed, Dennis

Hoell, J.R.
Walsh, Thomas IV

McGuire, Carol

McGuire, Dan

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina

Allen, Mary
Bishop, Franklin

Baldasaro, Alfred
Charron, Gene

Bick, Patrick
Chirichiello, Brian

Comerford, Timothy
Duarte, Joe
Ferrante, Beverly
Garcia, Marilinda
Hagan, Joseph
Hoelzel, Kathleen
McMahon, Charles
Packard, Sherman
Priestley, Anne
Scarlotta, Joe
Sweeney, Joe
Tucker, Pamela

Copeland, Timothy
Dumaine, Dudley
Fesh, Robert
Gordon, Richard
Harris, Jeffrey
Itse, Daniel
Nigrello, Robert
Peckham, Michele
Rice, Frederick
Schroadter, Adam
Tamburello, Daniel
Webb, James Sr

Danais, Romeo
Elliott, Robert
Friel, William
Grace, Curtis
Hayes, Jack
Kappler, Lawrence
O'Connor, John
Perkins, Amy
Sanders, Elisabeth
Sedensky, John
Tasker, Kyle
Weyler, Kenneth

Devine, James
Emerick, J. Tracy
Garcia, Bianca
Griffin, Mary
Hodgdon, Bruce
McKinney, Betsy
Oigny, Jeffrey
Perkins, Lawrence
Sapareto, Frank
St.James, Kevin
Thompson, David

STRAFFORD

Beaudoin, Steven
Jones, Laura

Bickford, David
Parsons, Robbie

Gray, James
Pitre, Joseph

Groen, Warren

SULLIVAN

Rollins, Skip

Smith, Steven

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

REGULAR CALENDAR (CONT'D)

HB 455, establishing a committee to study the use of a cash balance retirement plan for new state employees. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jeffrey P. Goley for the Majority of Executive Departments and Administration: There was a study done last session on defined contribution plans. During that study some information was also collected on cash balance plans. There was enough information collected and available on the subject that the sponsor was able to put detailed language in this study bill setting out the specifics of the cash balance plan to be studied. The majority of the committee believes there is already enough information available on the subject and a study committee is not needed at this time. Moreover, a subcommittee of interested committee members could study this and other retirement alternatives at any time without the need to create another study committee by statute. Vote 10-8.

Rep. Shawn P. Sweeney for the Minority of Executive Departments and Administration: This bill establishes a committee to study a potentially viable alternative to the current defined benefit pension system for new employees. The cash balance plan has been identified among potential solutions to the growing concerns over new members being added to the current pension system, with its billion dollar unfunded liability that requires increasing contribution rates, now and into the future. The degrading financial viability of this expanding system requires our response. There are reasonable arguments to be made for or against one plan or another, but no reasonable argument against researching alternatives.

MOTION TO LAY ON THE TABLE

Rep. Dan McGuire moved that **HB 455**, establishing a committee to study the use of a cash balance retirement plan for new state employees, be laid on the table.

On a division vote, 161 members having voted in the affirmative and 194 in the negative, the motion failed.

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

Majority committee report adopted.

HB 683-FN, relative to the retirement system status of the director and assistant director of the division of homeland security and emergency management. **OUGHT TO PASS.**

Rep. Lucy M. Weber for Executive Departments and Administration: This bill pertains only to the director and assistant director of Homeland Security and Emergency Management. It allows either to elect not to become a member of the retirement system, or to be eligible to continue group II status if he or she was a group II member or retiree prior to appointment. The majority was aware of concern about treating these two positions differently from other non-classified positions, but was persuaded of the compelling reasons for the departure. The current and past holders of these positions have come from the larger of our New Hampshire policy or fire departments, bringing with them a wealth of knowledge and experience in handling emergency situations in New Hampshire. To require such a qualified candidate to forfeit group II benefits would make it less likely that future appointees will be from New Hampshire, as appointees vested in the retirement systems of other states can serve with no loss of benefits. The majority thought it is in the best interests of all of our citizens to ensure that persons holding these positions most critical to our safety be those with the most available knowledge and experience of the workings of New Hampshire's emergency system. We believe an emergency is no place for on-the-job training. Vote 13-5.

Rep. Worsman spoke against.

Rep. Weber spoke in favor.

Rep. Hansen requested a roll call; sufficiently seconded.

YEAS 165 NAYS 191**YEAS 165
BELKNAP**Arsenault, Beth
Huot, DavidDiMartino, Lisa
Raymond, Ian

Fields, Dennis

Gulick, Ruth

CARROLLBuco, Thomas
White, Syndi

Butler, Edward

Crawford, Karel

Ticehurst, Susan

CHESHIREAmes, Richard
Chase, Cynthia
Lerandeau, Alfred
Shepardson, MarjorieBerch, Paul
Eaton, Daniel
Mann, John
Weber, LucyBurridge, Delmar
Emerson, Susan
Parkhurst, Henry
Weed, CharlesButynski, William
Johnsen, Gladys
Sad, Tara
Young, Harry**COOS**

Enman, Larry

Hammon, Marcia

Hatch, William

Moynihan, Wayne

GRAFTONAguiar, James
Ford, Susan
Lovett, Sid
Smith, SuzanneAlmy, Susan
Friedrich, Carol
Mulholland, Catherine
Townsend, CharlesBenn, Bernard
Higgins, Patricia
Nordgren, SharonCooney, Mary
Lauer, Linda
Pastor, Beatriz**HILLSBOROUGH**Backus, Robert
Campbell, David
Danielson, David
Gale, Sylvia
Hackel, Paul
Hikel, John
Leishman, Peter
McCarthy, Michael
Rosenwald, Cindy
Vail, SuzanneBooras, Efstathia
Chandley, Shannon
DiSilvestro, Linda
Gargas, Carolyn
Hammond, Jill
Jack, Martin
Levesque, Melanie
McCloskey, David
Shattuck, Gilman
Walsh, Robert JrBrown, Pamela
Christiansen, Lars
Dobson, Jeremy
Goley, Jeffrey
Hansberry, Daniel
Knowles, Mary Ann
MacKay, Mariellen
McNamara, Richard
Shaw, Barbara
Williams, KermitByron, Frank
Connor, Evelyn
Gage, Ruth
Grady, Brenda
Harriott-Gathright, Linda
Kopka, Angeline
Manley, Jonathan Sr
Porter, Marjorie
Spratt, Stephen
Woodbury, David**MERRIMACK**Alicea, Caroletta
Carson, Clyde
French, Barbara
Karrick, David Jr
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Watrous, RickBouchard, Candace
Davis, Frank
Gile, Mary
Kelly, Sally
Patten, Dick
Rogers, Katherine
Tilton, JoyBurns, Scott
Frambach, Mary
Henle, Paul
MacKay, James
Ratzki, Mario
Schamberg, Thomas
Turcotte, AlanCarey, Lorrie
Frazer, June
Hirsch, Geoffrey
Moffett, Howard
Rice, Chip
Schuett, Dianne
Wallner, Mary Jane**ROCKINGHAM**Andrews-Ahearn, E. Elaine
Cushing, Robert Jr
Heffron, Frank
Pantelakos, Laura
Schlachman, Donna
Ward, GeraldBorden, David
Emerson-Brown, Rebecca
Helmstetter, Barbara
Peckham, Michele
St.James, Kevin
Waterhouse, KevinBurtis, Elizabeth
Flockhart, Eileen
Mann, Maureen
Priestley, Anne
Sweeney, Joe
Wazlaw, BrianCahill, Michael
Griffin, Mary
McKinney, Betsy
Scarlotto, Joe
Sytek, John**STRAFFORD**Baber, William
Ginsburg, Philip
Horrigan, Timothy
Miller, David
Schmidt, Peter
Verschuieren, JamesBixby, Peter
Grassie, Anne
Hubbard, Pamela
Perry, Robert
Smith, Marjorie
Wall, JanetBurdwood, Greg
Gray, James
Kaen, Naida
Rogers, Rose Marie
Spang, JudithBurke, Rachel
Grossman, Kenneth
Malloy, Dennis
Rollo, Deanna
Stevens, Audrey**SULLIVAN**Cloutier, John
O'Hearne, AndrewGagnon, Raymond
Rollins, Skip

Gottling, Suzanne

Grenier, James

**NAYS 191
BELKNAP**Burchell, Richard
Flanders, Donald
Sylvia, MichaelComtois, Guy
Greemore, Robert Jr
Tilton, FranklinCormier, Jane
Holmes, Stephen
Vadney, HerbertFink, Charles
Luther, Robert
Worsman, Colette

CARROLL

Ahlgren, Christopher
Morrow, Harry
Wright, Donald

Chandler, Gene
Nelson, Bill

Cordelli, Glenn
Schmidt, Stephen

McConkey, Mark
Umberger, Karen

CHESHIRE

Hunt, John
Roberts, Kris

Johnson, Jane
Tatro, Bruce

Ley, Douglas

Phillips, Larry

COOS

Coulombe, Gary
Theberge, Robert

Rappaport, Laurence
Thomas, Yvonne

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Gionet, Edmond
Piper, Wendy

Bradley, Lester
Harding, Laurie
Shackett, Jeffrey

Brown, Rebecca
Ladd, Rick Jr
Sykes, George

Doolan, Ralph Jr
Massimilla, Linda
White, Andrew

HILLSBOROUGH

Barry, Richard
Boisvert, Ronald
Coffey, James
Gagne, Larry
Graham, John
Hinch, Richard
Lambert, George
Marston, Dick
Murphy, Kelleigh
O'Brien, William
Palmer, Stephen
Ramsey, Peter
Sandblade, Emily
Straight, Philip
Sweeney, Shawn
Villeneuve, Moe

Beaulieu, Jane
Burt, John
Culbert, Patrick
Garcia, Michael
Haefner, Robert
Jasper, Shawn
LeBrun, Donald
Meaney, Richard
Nelson, Mary
O'Flaherty, Tim
Parison, James
Renzullo, Andrew
Schmidt, Janice
Stroud, Kathleen
Takesian, Charlene
Warden, Mark

Belanger, James
Carroll, Douglas
Daniels, Gary
Gidge, Kenneth
Hansen, Peter
Jeudy, Jean
LeVasseur, Richard
Murotake, David
Notter, Jeanine
Ober, Lynne
Pellegrino, Tony
Rowe, Robert
Smith, Timothy
Sullivan, Daniel
Ulery, Jordan
Willette, Robert

Boehm, Ralph
Cebrowski, John
Flanagan, Jack
Gorman, Mary
Heden, Ruth
Kurk, Neal
Long, Patrick
Murphy, Keith
O'Brien, Michael Sr
Ober, Russell III
Peterson, Lenette
Sanborn, Laurie
Soucy, Timothy
Sullivan, Peter
Vaillancourt, Steve
Winters, Joel

MERRIMACK

Andrews, Christopher
Hoell, J.R.
McGuire, Dan
Webb, Leigh

Bartlett, Christy
Kidder, David
Reed, Dennis

Ebel, Karen
Lockwood, Priscilla
Walsh, Thomas IV

Hess, David
McGuire, Carol
Walz, Mary Beth

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Garcia, Marilinda
Harris, Jeffrey
Itse, Daniel
McMahon, Charles
O'Connor, John
Rice, Frederick
Tamburello, Daniel
Webb, James Sr

Allen, Mary
Briden, Steven
Comerford, Timothy
Duarte, Joe
Fesh, Robert
Gordon, Richard
Hayes, Jack
Kappler, Lawrence
Milz, David
Packard, Sherman
Sanders, Elisabeth
Thompson, David
Weyler, Kenneth

Baldasaro, Alfred
Cali-Pitts, Jacqueline
Copeland, Timothy
Elliott, Robert
Friel, William
Grace, Curtis
Hodgdon, Bruce
Khan, Aboul
Muns, Chris
Perkins, Amy
Schroadter, Adam
Till, Mary
Whittemore, Lisa

Bick, Patrick
Charron, Gene
Danaia, Romeo
Emerick, J. Tracy
Garcia, Bianca
Hagan, Joseph
Hoelzel, Kathleen
Lovejoy, Patricia
Nigrello, Robert
Perkins, Lawrence
Sedensky, John
Tucker, Pamela

STRAFFORD

Beaudoin, Steven
Jones, Laura
Pelletier, Marsha

Bickford, David
Ketel, Stephen
Pitre, Joseph

Gardner, Janice
Menear, H. Robert III
Spainhower, Dale

Groen, Warren
Parsons, Robbie
Ward, Kenneth

SULLIVAN

Irwin, Virginia
Sweeney, Cynthia

Lefebvre, Benjamin
Tanner, Linda

Schmidt, Andrew

Smith, Steven

and the committee report failed.

Rep. Worsman moved Inexpedient to Legislate.

LAID ON THE TABLE

Rep. Kaen moved that **HB 683-FN**, relative to the retirement system status of the director and assistant director of the division of homeland security and emergency management, be laid on the table.

On a division vote, 194 members having voted in the affirmative and 162 in the negative, the motion was adopted.

REGULAR CALENDAR (CONT'D)

HB 260-FN, relative to voluntary services provided to children in need under RSA 169-D. OUGHT TO PASS WITH AMENDMENT.

Rep. Katherine D. Rogers for Finance: Legislators heard from their communities about the “downshifting” of costs when services for children in need of services (CHINS) was nearly eliminated in the current budget. This bill, as amended, expands the definition of a child in need of services under RSA 169-D which was severely restricted in the current biennium. It creates a voluntary CHINS program and requires that the appropriate voluntary services have been attempted and proven unsuccessful prior to a petition being filed with the court. This bill gives people who would otherwise go to court to access services under the voluntary option and may result in lower cost services for three reasons in addition to savings in court, prosecution and defense costs. 1. Voluntary services are limited in their scope - no access is given to residential services, which are only available through the court system. 2. Voluntary services are also limited in length, while court-ordered services have no such limitation. 3. Service plans developed under the voluntary services procedures will include the department in the planning process, so its resources are much less likely to be at the mercy of a judge ordering something that the department doesn't consider necessary. Additionally this bill invokes a “circuit breaker” that allows the department to suspend voluntary services and just provide services under the court process for the remainder of the biennium should costs be more substantial than expected. The bill also directs the department to collect data regarding the CHINS program and provides for the suspension of voluntary services if appropriated funds will be insufficient to support services for the remainder of the biennium. The bill additionally requires school board truancy policies to include certain information relative to student attendance. Vote 16-7.

Amendment (0968h)

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

AN ACT relative to the children in need of services (CHINS) program.

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

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

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

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

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

II. “Child in need of services” means a child under the age of 18:

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

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

(c) Who has exhibited willful repeated or habitual conduct constituting offenses which would be violations under the criminal code of this state if committed by an adult or, if committed by a person 16 years of age or older, would be violations under the motor vehicle code of this state; or

(d) With a diagnosis of severe emotional, cognitive, or other mental health issues who engages in aggressive, fire setting, or sexualized behaviors that pose a danger to the child or others and who is otherwise unable or ineligible to receive services under RSA 169-B or RSA 169-C; and

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

3 New Paragraph; Children in Need of Services; Definition of Truant Added. Amend RSA 169 D:2 by inserting after paragraph XIII the following new paragraph:

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

4 Children in Need of Services; Petition. Amend RSA 169-D:5, I to read as follows:

I.(a) A petition alleging that a child is in need of services under RSA 169-D:2, II(a) may be filed by a truant officer or school official from the school district where the child is attending school

with a judge or clerk of the court in the judicial district where the child is found or resides. In accordance with RSA 189:36, II, a truant officer or school official shall not file a petition alleging that a child is in need of services under RSA 169-D:2, II(a) until all steps in the school district's intervention process under RSA 189:34, II have been followed.

(b) A petition alleging that a child is in need of services under RSA 169-D:2, II(b) or RSA 169-D:2, II(c) may be filed by a parent, legal guardian or custodian, school official, or law enforcement officer with a judge or clerk of the court in the judicial district in which the child is found or resides.

(c) A petition alleging that a child is in need of services under RSA 169-D:2, II(d) may, with the consent of the department, be filed by a parent, legal guardian or custodian, school official, or law enforcement officer with a judge or clerk of the court in the judicial district in which the child is found or resides.

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

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

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

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

169-D:5-c Voluntary Services. The department may offer the child and family, on a voluntary basis, any services permitted under RSA 169-D:17. The department may decline to offer services to a child or family if it concludes that the child does not meet the definition of child in need of services in RSA 169-D:2, II. Notwithstanding RSA 541-A, denials of voluntary services shall not be subject to appeal, however the department's decision to decline services shall not preclude any person from bringing a petition pursuant to RSA 169-D:5, I. If the department declines services in a case referred to it by the court, the department shall notify the court that it has declined voluntary services and the bases therefor. Voluntary services shall not include the out-of-home placement of the child. Voluntary services provided pursuant to this section shall be time limited, not to exceed 9 months.

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

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

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

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

169-D:9 Pre-adjudicatory Procedure.

I. Except in emergencies, the department, its agent, or any person or agency it designates shall determine what voluntary service options are available to the child and family. A referral for this determination may be made by any person permitted to bring a petition under RSA 169-D:5, I. To achieve this purpose, the department may designate a multi-disciplinary team to consider the facts and circumstances of the case, the needs of the child and family, and available diversion programs, services, and resources. This conference shall be attended by the child, if appropriate, his or her parents, legal guardians or custodians, and representatives of any public institution or agency having legal responsibility over the child, and may be attended by parties invited by the family and representatives of any public or private institutions or agencies having discretionary ability to coordinate and/or supply services to the child or family. If the child does not attend a multi-disciplinary conference, an appropriate individual shall be designated to solicit the child's input and help the child understand available service options and supports.

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

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

(a) Identification of the circumstances which contributed to the need for services.

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

(c) The name of the person within the each affected public service agency who is directly responsible for assuring that specific services identified in the plan are provided.

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

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

(f) Designation of a responsible person or agency for oversight of the plan.

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

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

VI. If a petition has been filed, the voluntary family services plan shall be submitted to the court. A voluntary services plan shall stay the proceedings for a period not to exceed 90 days from the date of implementation, unless the parties agree, in writing, to an extension for additional periods not to exceed 90 days. If the parties determine services are necessary for longer than 180 days, the department shall submit a report to the court which outlines the progress that has been achieved during the duration of services and explains why continued services are necessary. Such reports shall be filed every 180 days until voluntary services are discontinued. If, upon reviewing the report, the court questions the need for continued services, it shall schedule a show cause hearing, at which the child, if appropriate, the child's parent or caretaker, and the department shall appear.

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

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

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

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

9 Children in Need of Services; Release Prior to Initial Appearance. Amend RSA 169-D:10, II and III to read as follows:

II. Pending the initial appearance, the court shall release the child to one of the following, which in the court's opinion is the least restrictive and most appropriate:

(a) A parent or guardian;

(b) A relative or suitable adult;

(c) ***Where there are reasonable grounds to believe that the child is a runaway under RSA 169-D:2, II(b) or that the child is a child in need of services under RSA 169-D:2, II(d),*** the custody of department of health and human services for placement in a foster home, as defined in RSA 169-C:3, XIII, a group home, a crisis home, or a shelter care facility with expenses chargeable as provided in RSA 169-D:29; or

(d) [Repealed.]

(e) An alcohol crisis center certified to accept juveniles.

III. ***Where there are reasonable grounds to believe that the child is a runaway under RSA 169-D:2, II(b) or that the child is a child in need of services under RSA 169-D:2, II(d) and*** [Should] there [be] ***is*** no shelter care/detention bed available, nor an appropriate parent, guardian, or custodian as defined in paragraph II of this section available, the court or the officer taking the child into temporary custody shall notify the department. If the child cannot be referred to an alternative to secure detention, the court shall make an order authorizing the department to place the child. The department shall then promptly arrange for placement of the child.

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

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

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

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

(1) Determined to have an intellectual disability; or

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

11 Children in Need of Services; Release Pending Adjudicatory Hearing. Amend RSA 169-D:13, I to read as follows:

I. Following the initial appearance, a child alleged to be in need of services may be ordered by the court subject to such conditions as the court may order, to be:

(a) Retained in the custody of a parent, guardian, or custodian; or

(b) Released in the supervision and care of a relative; or

(c) ***Where the petition alleges that the child is a habitual runaway under RSA 169-D:2, II(b) or that the child is a child in need of services under RSA 169-D:2, II(d), released to the custody of the department of health and human services for placement in a foster home, as defined in RSA 169-C:3, XIII, a group home, a crisis home, or a shelter care facility with expenses chargeable as provided in RSA 169-D:29.***

(d) [Repealed.]

I-a. Where the petition alleges that the child is a habitual truant under RSA 169-D:2, II(a), that the child repeatedly disregards the reasonable and lawful commands of his or her parents, guardian, or custodian under RSA 169-D:2, II(b), or that the child repeatedly or habitually engages in conduct that constitutes violation level offenses under RSA 169-D:2, II(c), the court shall not order the out-of-home placement of the child.

12 Children in Need of Services; Dispositional Hearing. Amend RSA 169-D:17, I to read as follows:

I. If the court finds the child is in need of services, it shall order the least restrictive and most appropriate disposition considering the facts in the case, the investigation report, and the dispositional recommendations of the parties and counsel. The dispositional recommendation of the department of health and human services shall include the costs of the recommended services, placements, and programs. Such disposition may include:

(a) Permitting the child to remain with a parent, guardian, relative, or custodian, subject to such limitations and conditions as the court may prescribe, including:

(1) Ordering the child or parent, guardian, relative, or custodian, or both, to accept individual or family counseling;

(2) Placing the child on conditional release for a term of 2 years or less.

(b)(1) Releasing the child in the supervision and care of a relative or suitable adult; or

(2)(A) ***Where the petition alleges that the child is a habitual runaway under RSA 169-D:2, II(b) or that the child is a child in need of services under RSA 169-D:2, II(d), releasing the child to the custody of the department of health and human services for placement in a foster home, as defined in RSA 169-C:3, XIII, a group home, a crisis home, or a shelter care facility with expenses charged in accordance with RSA 169-D:29.***

(B) Notwithstanding subparagraph (A), where the petition alleges that the child is a habitual truant under RSA 169-D:2, II(a), that the child repeatedly disregards the reasonable and lawful commands of his or her parents, guardian, or custodian under RSA 169-D:2, II(b), or that the child repeatedly or habitually engages in conduct that constitutes violation level offenses under RSA 169-D:2, II(c), the court shall not order the out-of-home placement of the child.

(c) Imposing a fine or restitution, or both, on a child who has committed an offense which, if committed by an adult, would be a violation under the criminal code of this state; or has committed an offense which, if committed by a person 16 years of age or older, would be a violation under the motor vehicle code of this state; or has violated an ordinance or bylaw of a city or town. Such fine shall not exceed the fine which may be imposed against an adult for the same offense.

(d) Ordering the minor to perform up to 50 hours of uncompensated public service subject to the approval of the elected or appointed official authorized to give approval of the city or town in which the offense occurred. The court's order for uncompensated public service shall include the name of the official who will provide supervision to the minor. However, no person who performs such public service under this subparagraph shall receive any benefits that such employer gives to its other employees, including, but not limited to, workers' compensation and unemployment benefits and no such employer shall be liable for any damages sustained by a person while performing such public service or any damages caused by that person unless the employer is guilty of gross negligence.

(e) Requiring any child to attend structured after-school or evening programs which address some of the child's compliance issues, as well as supervise the child during the time of the day in which the child most values his or her freedom and the time which is most often used to perform unruly acts. The cost of said programs shall be paid by private insurance, if available, or otherwise by the child, parent, guardian, or person having custody of the child, or may be available to the child free of charge based on the limited means of the family or based on the program's receipt of other funding. Payment shall be made pursuant to RSA 169-D:29 only for those programs that have been certified pursuant to RSA 170-G:4, XVIII.

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

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

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

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

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

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

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

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

(g) The number of cases in which the department received a referral of a child for services but declined to provide services pursuant to RSA 169-D:5-c, along with the basis for those decisions.

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

14 School Board Truancy Policy. Amend RSA 189:34, II(b) to read as follows:

(b) A process for intervention designed to address individual cases of truancy as quickly as possible and to reduce the number of habitual truants in the school district. ***The process shall consider and document the effect, if any, on the child's attendance of the following: inconsistent and ineffective school attendance policies; poor record keeping; notification provided to parents or guardians of the child's absences; unsafe school environment; poor school climate; poor relations with teachers; and the adequacy of the identification of the child's special education needs.*** The board shall provide for the participation of parents in the development of the policy. The policy shall include early parental involvement in the intervention process. The policy shall also designate an employee in each school as the person responsible for truancy issues.

15 Children in Need of Services; Suspension of Voluntary Services. The fiscal committee of the general court may authorize the suspension of voluntary services under RSA 169-D upon certification by the commissioner of the department of health and human services that appropriated funds will be insufficient to support voluntary services for the remainder of the biennium ending June 30, 2015.

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

AMENDED ANALYSIS

This bill:

I. Expands the definition of a child in need of services under RSA 169-D and revises the circumstances under which the court may order various services or placements. The bill also directs the department of health and human services to collect certain data regarding the CHINS program and provides for the suspension of voluntary services if appropriated funds will be insufficient to support voluntary services for the remainder of the biennium.

II. Requires school board truancy policies to include certain information relative to student attendance. Rep. Carol McGuire requested a roll call; sufficiently seconded.

YEAS 215 NAYS 138

YEAS 215

BELKNAP

Arsenault, Beth
Raymond, Ian

DiMartino, Lisa

Gulick, Ruth

Huot, David

CARROLL

Buco, Thomas
White, Syndi

Butler, Edward
Wright, Donald

Crawford, Karel

Ticehurst, Susan

CHESHIRE

Ames, Richard
Chase, Cynthia
Johnson, Jane
Parkhurst, Henry
Tatro, Bruce

Berch, Paul
Eaton, Daniel
Lerandeau, Alfred
Phillips, Larry
Weber, Lucy

Burridge, Delmar
Emerson, Susan
Ley, Douglas
Sad, Tara
Weed, Charles

Butynski, William
Johnsen, Gladys
Mann, John
Shepardson, Marjorie
Young, Harry

COOS

Coulombe, Gary
Moynihan, Wayne

Enman, Larry
Theberge, Robert

Hammon, Marcia
Thomas, Yvonne

Hatch, William

GRAFTON

Aguiar, James
Cooney, Mary
Higgins, Patricia
Massimilla, Linda
Piper, Wendy
Townsend, Charles

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

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

Brown, Rebecca
Harding, Laurie
Lovett, Sid
Pastor, Beatriz
Sykes, George

HILLSBOROUGH

Backus, Robert
Campbell, David
Danielson, David
Gale, Sylvia
Gorman, Mary
Hansberry, Daniel
Jeudy, Jean
Levesque, Melanie
McCloskey, David
O'Flaherty, Tim
Schmidt, Janice
Spratt, Stephen
Walsh, Robert Jr

Beaulieu, Jane
Carroll, Douglas
DiSilvestro, Linda
Gargas, Carolyn
Grady, Brenda
Harriott-Gathright, Linda
Knowles, Mary Ann
Long, Patrick
McNamara, Richard
Porter, Marjorie
Shattuck, Gilman
Sullivan, Daniel
Williams, Kermit

Boisvert, Ronald
Chandley, Shannon
Dobson, Jeremy
Gidge, Kenneth
Hackel, Paul
Heden, Ruth
Kopka, Angeline
MacKay, Mariellen
Nelson, Mary
Ramsey, Peter
Shaw, Barbara
Sullivan, Peter
Winters, Joel

Brown, Pamela
Connor, Evelyn
Gage, Ruth
Goley, Jeffrey
Hammond, Jill
Jack, Martin
Leishman, Peter
Manley, Jonathan Sr
O'Brien, Michael Sr
Rosenwald, Cindy
Smith, Timothy
Vail, Suzanne
Woodbury, David

MERRIMACK

Alicea, Caroletta
Burns, Scott
Ebel, Karen
Gile, Mary
Kelly, Sally
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Walz, Mary Beth

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Henle, Paul
Lockwood, Priscilla
Patten, Dick
Rogers, Katherine
Tilton, Joy
Watrous, Rick

Bartlett, Christy
Carson, Clyde
Frazer, June
Hirsch, Geoffrey
MacKay, James
Ratzki, Mario
Schamberg, Thomas
Turcotte, Alan
Webb, Leigh

Bouchard, Candace
Davis, Frank
French, Barbara
Karrick, David Jr
Moffett, Howard
Rice, Chip
Schuett, Dianne
Wallner, Mary Jane

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cahill, Michael
Emerson-Brown, Rebecca
Heffron, Frank
Muns, Chris
Perkins, Amy
Schlachman, Donna
Wazlaw, Brian

Borden, David
Cali-Pitts, Jacqueline
Flockhart, Eileen
Helmstetter, Barbara
Nigrello, Robert
Perkins, Lawrence
St.James, Kevin
Whittemore, Lisa

Briden, Steven
Copeland, Timothy
Grace, Curtis
Lovejoy, Patricia
Pantelakos, Laura
Priestley, Anne
Till, Mary

Burtis, Elizabeth
Cushing, Robert Jr
Griffin, Mary
Mann, Maureen
Peckham, Michele
Scarlotto, Joe
Ward, Gerald

STRAFFORD

Baber, William
Burke, Rachel
Grossman, Kenneth
Ketel, Stephen
Pelletier, Marsha
Rollo, Deanna
Spang, Judith

Bickford, David
Gardner, Janice
Horrigan, Timothy
Malloy, Dennis
Perry, Robert
Schmidt, Peter
Stevens, Audrey

Bixby, Peter
Ginsburg, Philip
Hubbard, Pamela
Meneer, H. Robert III
Pitre, Joseph
Smith, Marjorie
Verschueren, James

Burdwood, Greg
Grassie, Anne
Kaen, Naida
Miller, David
Rogers, Rose Marie
Spainhower, Dale
Wall, Janet

SULLIVAN

Cloutier, John
Lefebvre, Benjamin
Sweeney, Cynthia

Gottling, Suzanne
O'Hearne, Andrew
Tanner, Linda

Grenier, James
Schmidt, Andrew

Irwin, Virginia
Smith, Steven

NAYS 138**BELKNAP**

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

Comtois, Guy
Flanders, Donald
Sylvia, Michael

Cormier, Jane
Greemore, Robert Jr
Tilton, Franklin

Fields, Dennis
Holmes, Stephen
Vadney, Herbert

CARROLL

Ahlgren, Christopher
Nelson, Bill

Cordelli, Glenn
Schmidt, Stephen

McConkey, Mark
Umberger, Karen

Morrow, Harry

CHESHIRE

Hunt, John

Roberts, Kris

COOS

Rappaport, Laurence	Richardson, Herbert	Rideout, Leon
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GRAFTON

Bailey, Brad	Bradley, Lester	Doolan, Ralph Jr	Gionet, Edmond
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HILLSBOROUGH

Barry, Richard	Belanger, James	Boehm, Ralph	Burt, John
Byron, Frank	Cebrowski, John	Christiansen, Lars	Coffey, James
Culbert, Patrick	Daniels, Gary	Flanagan, Jack	Gagne, Larry
Garcia, Michael	Graham, John	Haefner, Robert	Hansen, Peter
Hikel, John	Hinch, Richard	Jasper, Shawn	Kurk, Neal
Lambert, George	LeBrun, Donald	LeVasseur, Richard	Marston, Dick
McCarthy, Michael	Meaney, Richard	Murotake, David	Murphy, Keith
Murphy, Kelleigh	Notter, Jeanine	O'Brien, William	Ober, Lynne
Ober, Russell III	Palmer, Stephen	Parison, James	Pellegrino, Tony
Peterson, Lenette	Renzullo, Andrew	Rowe, Robert	Sanborn, Laurie
Sandblade, Emily	Straight, Philip	Stroud, Kathleen	Sweeney, Shawn
Takesian, Charlene	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe
Warden, Mark	Willette, Robert		

MERRIMACK

Hess, David	Hoell, J.R.	Kidder, David	McGuire, Carol
McGuire, Dan	Reed, Dennis	Walsh, Thomas IV	

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Baldasaro, Alfred	Bick, Patrick
Birdsell, Regina	Charron, Gene	Chirichiello, Brian	Comerford, Timothy
Danais, Romeo	Devine, James	Duarte, Joe	Elliott, Robert
Emerick, J. Tracy	Ferrante, Beverly	Fesh, Robert	Friel, William
Garcia, Bianca	Garcia, Marilinda	Gordon, Richard	Hagan, Joseph
Harris, Jeffrey	Hayes, Jack	Hodgdon, Bruce	Hoelzel, Kathleen
Itse, Daniel	Kappler, Lawrence	Khan, Aboul	McKinney, Betsy
McMahon, Charles	Milz, David	O'Connor, John	Packard, Sherman
Rice, Frederick	Sanders, Elisabeth	Sapareto, Frank	Schroadter, Adam
Sedensky, John	Sweeney, Joe	Sytek, John	Tamburello, Daniel
Thompson, David	Tucker, Pamela	Waterhouse, Kevin	Webb, James Sr
Weyler, Kenneth			

STRAFFORD

Beaudoin, Steven	Gray, James	Groen, Warren	Jones, Laura
Parsons, Robbie			

SULLIVAN

Gagnon, Raymond Rollins, Skip
and the committee amendment was adopted.
Rep. Pitre voted Yea and intended to vote Nay.

The question now being adoption of the committee report of Ought to Pass with Amendment.
On a division vote, 211 members having voted in the affirmative and 140 in the negative, the committee report was adopted and ordered to third reading.

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

Rep. Stephen P. Spratt for the Majority of Finance: This bill revises health care reimbursement rates for inpatient, outpatient and emergency room care for county and state prisoners, further defines health care facilities and independent provider rates and limits rates for prisoners who are eligible for Medicaid to current Medicaid rates. This bill helps contain taxpayer costs for inmate medical care. Vote 20-3.

Rep. Dan McGuire for the Minority of Finance: This bill requires hospitals and other health care providers to serve county prisoners for a price specified in the bill. While this kind of thing is rampant throughout our health financing laws, forcing someone to work, particularly for a non-negotiated rate of pay, is involuntary servitude, i.e. slavery. Laws like this drive providers out of business, decreasing the availability of health care, increasing wait times and costs. Since the law doesn't do anything positive to create savings, such as cutting red tape, all it does is inefficiently shift costs from counties onto health care providers and customers. The cost of jails ought to be borne by the general taxpayer, not disguised as rising health insurance costs.

Majority Amendment (0907h)

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

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

I.(a) Except as provided in subparagraphs (b) through [(f)], ~~no hospital or emergency room shall charge a county or its agent~~ **(g) the county department of corrections or its agent shall pay health care facilities licensed pursuant to RSA 151 no more than 110 percent of the Medicare allowable rate for inpatient, outpatient, or emergency room care provided for prisoners in county correctional facilities.**

(b) Except as provided in subparagraphs (c) through (e), and subparagraph (i), the county department of corrections or its agent shall pay independent health care providers licensed in this state no more than 125 percent of the Medicare allowable rate for care provided for prisoners in county correctional facilities.

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

[(e)] **(d) [Hospitals] The county department of corrections shall pay health care facilities licensed pursuant to RSA 151 and** reported by the department of health and human services as having a negative operating margin in the most recent year for which [hospital-audited] **audited** financial data is available ~~[shall charge]~~ no more than 125 percent of the Medicare rate.

[(d)] **(e) Nothing in this section shall preclude the superintendent of a county correctional facility from negotiating and executing medical service rate agreements with health care facilities licensed pursuant to RSA 151, or other licensed medical providers, for the provision of medical or dental services to county prisoners at the lowest rate possible, or utilizing rates in existing agreements.**

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

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

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

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

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

(i) If a county prisoner's medical care is covered by Medicaid, the health care facility licensed pursuant to RSA 151, or the licensed health care provider, or both, shall be paid at the Medicaid rate for services provided.

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

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

(b) Except as provided in subparagraphs (c) through (e), and subparagraph (h), the state department of corrections or its agent shall pay independent health care providers licensed in this state no more than 125 percent of the Medicare allowable rate for care provided for prisoners in state correctional facilities.

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

(d) The state department of corrections shall pay health care facilities licensed pursuant to RSA 151 and reported by the department of health and human services as having a negative operating margin in the most recent year for which audited financial data is available no more than 125 percent of the Medicare rate.

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

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

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

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

(h) If a state prisoner's medical care is covered by Medicaid, the facility or the licensed health care provider, or both, shall be paid at the Medicaid rate for services provided.

II. Nothing in this section shall preclude the commissioner of the *state* department of corrections from ~~[having the discretion to negotiate and execute]~~ **negotiating and executing** medical service rate agreements with ~~[hospitals or]~~ health care facilities **licensed pursuant to RSA 151, or other licensed medical providers**, for the provision of medical **or dental** services to state prisoners at the lowest rate possible, or utilizing rates in existing agreements.

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

Majority committee amendment adopted.

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

On a division vote, 238 members having voted in the affirmative and 106 in the negative, the majority committee report was adopted and ordered to third reading.

HB 615-FN-A, relative to the New Hampshire national guard recruitment and retention scholarship fund and making an appropriation therefor. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Katherine D. Rogers for the Majority of Finance: The bill makes an appropriation of \$25,000 to the New Hampshire national guard recruitment and retention scholarship fund for the fiscal year ending June 30, 2014. The committee wholeheartedly supports the policy of this bill and, in following past practices of not passing "legislative specials," has inserted into HB 1 (the budget bill) a new line item for this appropriation. HB 1's new line item within the adjutant general's department for \$25,000 in fiscal year 2014 as well as FY 2015 doubles the amount HB 615 requested, and by so doing the committee has memorialized this program as a permanent fixture thereby assuring the continuation of this program. The program had previously depended on a revenue stream from the rental of national guard property that no longer exists. The committee intends to "enshrine" this program into House fiscal policy and work to reward those who serve us in the New Hampshire national guard. Vote 15-8.

Rep. Karen C. Umberger for the Minority of Finance: The minority of the committee believes that HB 615 should have been amended to include the New Hampshire national guard recruitment and retention scholarship fund of \$25,000 in both FY 14 and FY 15 to match the funding that is proposed in HB 1. This action would have formally established the House position of funding the scholarships for both FY 14 and FY 15 rather than the possibility that, because of the majority's position of ITL, the funding could be eliminated. The question being adoption of the majority committee report of Inexpedient to Legislate.

Rep. Katherine Rogers spoke against.

LAI D ON THE TABLE

Rep. Katherine Rogers moved that **HB 615-FN-A**, relative to the New Hampshire national guard recruitment and retention scholarship fund and making an appropriation therefore, be laid on the table.

Adopted.

REGULAR CALENDAR (CONT'D)

HB 185-FN, relative to the fuel oil discharge cleanup fund. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Richard Ames for the Majority of Ways and Means: This bill adds one-quarter of a penny to the current one penny per gallon fuel oil importation fee, restoring the fee to the 1.25 cent level that it was at as of the end of Fiscal Year 2010. All income generated by this fee is deposited into the fuel oil discharge cleanup fund, a discharge prevention and contamination cleanup program established by the legislature in 1993 under RSA 146-E. The program is administered by the oil fund disbursement board with assistance from the department of environmental services (DES); the restoration of the fee to 1.25 cents per gallon is recommended by the board and by DES. The program offers significant public health and environmental protection benefits to NH homeowners, businesses, schools and local governments, paying fuel oil contamination costs not covered by insurance. The program also funds the state's SAFETANK program, helping qualified low income families to replace or bring into compliance residential fuel oil tanks in danger of release. SAFETANK prevention funding is designed to avoid costly cleanups (e.g., \$1,500 invested in prevention can save \$17,500 in average cleanup costs). DES estimates that the balance in the fuel oil discharge cleanup fund will fall to \$220,000 by June 30, 2013, too low to meet the fund's program responsibilities. The NH business and industry association (BIA) testified at the Ways and Means hearing in support of the quarter of a penny fee adjustment called for by this bill, citing the fund's cost effectiveness and contribution to economic development. The majority of the committee agrees that this fee restoration is needed to enable continuation of this cost effective program. Vote 11-7.

Rep. Russell T. Ober for the Minority of Ways and Means: The purpose of this bill is to increase the cost of the fuel oil importation fee by 0.25 cents per gallon. This fee provides money for the fuel oil discharge cleanup fund known as the FOD fund. The total income for this fund for the last nine years has averaged \$3M per year, and the total expenses for the fund for the same period of time have averaged \$2.9M. Since the current fee is covering expenses, the minority believes that no change should be made. The SAFETANK program, which is discretionary spending, can be adjusted according to the budget for FOD. Work can be continued on the cleanup program without this increase. The cost to the user of fuel oil should not be increased at this time. Therefore, the minority believes this bill should be ITL.

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

YEAS 194 NAYS 156

YEAS 194 BELKNAP

Arsenault, Beth
Raymond, Ian

DiMartino, Lisa

Gulick, Ruth

Huot, David

CARROLL

Buco, Thomas

Butler, Edward

Ticehurst, Susan

CHESHIRE

Ames, Richard
Chase, Cynthia
Ley, Douglas
Roberts, Kris
Weber, Lucy

Berch, Paul
Eaton, Daniel
Mann, John
Sad, Tara
Weed, Charles

Burridge, Delmar
Johnsen, Gladys
Parkhurst, Henry
Shepardson, Marjorie
Young, Harry

Butynski, William
Lerandeau, Alfred
Phillips, Larry
Tatro, Bruce

COOS

Coulombe, Gary
Moynihan, Wayne

Enman, Larry
Theberge, Robert

Hammon, Marcia
Thomas, Yvonne

Hatch, William

GRAFTON

Aguiar, James
Cooney, Mary
Higgins, Patricia
Mulholland, Catherine
Shackett, Jeffrey
White, Andrew

Almy, Susan
Ford, Susan
Lauer, Linda
Nordgren, Sharon
Smith, Suzanne

Benn, Bernard
Friedrich, Carol
Lovett, Sid
Pastor, Beatriz
Sykes, George

Brown, Rebecca
Harding, Laurie
Massimilla, Linda
Piper, Wendy
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Campbell, David
DiSilvestro, Linda
Gargas, Carolyn
Haefner, Robert
Heden, Ruth
Kopka, Angeline
MacKay, Mariellen
O'Brien, Michael Sr
Schmidt, Janice
Spratt, Stephen
Walsh, Robert Jr

Beaulieu, Jane
Carroll, Douglas
Dobson, Jeremy
Gorman, Mary
Hammond, Jill
Jack, Martin
Leishman, Peter
Manley, Jonathan Sr
Porter, Marjorie
Shattuck, Gilman
Sullivan, Daniel
Williams, Kermit

Boisvert, Ronald
Chandley, Shannon
Gage, Ruth
Grady, Brenda
Hansberry, Daniel
Judy, Jean
Levesque, Melanie
McCloskey, David
Ramsey, Peter
Shaw, Barbara
Sullivan, Peter
Woodbury, David

Brown, Pamela
Connor, Evelyn
Gale, Sylvia
Hackel, Paul
Harriott-Gathright, Linda
Knowles, Mary Ann
Long, Patrick
McNamara, Richard
Rosenwald, Cindy
Smith, Timothy
Vail, Suzanne

MERRIMACK

Alicea, Caroletta
Burns, Scott
Ebel, Karen
Gile, Mary
Kelly, Sally
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Walz, Mary Beth

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Henle, Paul
Kidder, David
Patten, Dick
Rogers, Katherine
Tilton, Joy
Watrous, Rick

Bartlett, Christy
Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Lockwood, Priscilla
Ratzki, Mario
Schamberg, Thomas
Turcotte, Alan
Webb, Leigh

Bouchard, Candace
Davis, Frank
French, Barbara
Karrick, David Jr
MacKay, James
Rice, Chip
Schuett, Dianne
Wallner, Mary Jane

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cahill, Michael

Borden, David
Cali-Pitts, Jacqueline

Briden, Steven
Cushing, Robert Jr

Burtis, Elizabeth
Emerson-Brown, Rebecca

Flockhart, Eileen
Khan, Aboul
Pantelakos, Laura
Ward, Gerald

Hayes, Jack
Lovejoy, Patricia
Peckham, Michele
Wazlaw, Brian

Heffron, Frank
Mann, Maureen
Schlachman, Donna
Whittemore, Lisa

Helmstetter, Barbara
Muns, Chris
Till, Mary

STRAFFORD

Baber, William
Gardner, Janice
Hubbard, Pamela
Menear, H. Robert III
Rogers, Rose Marie
Spainhower, Dale
Wall, Janet

Bixby, Peter
Ginsburg, Philip
Kaen, Naida
Miller, David
Rollo, Deanna
Spang, Judith

Burdwood, Greg
Grassie, Anne
Ketel, Stephen
Pelletier, Marsha
Schmidt, Peter
Stevens, Audrey

Burke, Rachel
Grossman, Kenneth
Malloy, Dennis
Perry, Robert
Smith, Marjorie
Verschueren, James

SULLIVAN

Cloutier, John
Lefebvre, Benjamin
Tanner, Linda

Gagnon, Raymond
O'Hearne, Andrew

Gottling, Suzanne
Schmidt, Andrew

Irwin, Virginia
Sweeney, Cynthia

NAYS 156

BELKNAP

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

Comtois, Guy
Flanders, Donald
Sylvia, Michael

Cormier, Jane
Greemore, Robert Jr
Tilton, Franklin

Fields, Dennis
Holmes, Stephen
Vadney, Herbert

CARROLL

Ahlgren, Christopher
McConkey, Mark
Umberger, Karen

Chandler, Gene
Morrow, Harry
White, Syndi

Cordelli, Glenn
Nelson, Bill
Wright, Donald

Crawford, Karel
Schmidt, Stephen

CHESHIRE

Emerson, Susan

Hunt, John

Johnson, Jane

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Ladd, Rick Jr

Bradley, Lester

Doolan, Ralph Jr

Gionet, Edmond

HILLSBOROUGH

Barry, Richard
Byron, Frank
Culbert, Patrick
Gagne, Larry
Hikel, John
LeBrun, Donald
Meaney, Richard
Nelson, Mary
Ober, Lynne
Peterson, Lenette
Sandblade, Emily
Takesian, Charlene
Warden, Mark

Belanger, James
Cebrowski, John
Daniels, Gary
Garcia, Michael
Jasper, Shawn
LeVasseur, Richard
Murotake, David
Notter, Jeanine
Palmer, Stephen
Renzullo, Andrew
Straight, Philip
Ulery, Jordan
Willette, Robert

Boehm, Ralph
Christiansen, Lars
Danielson, David
Gidge, Kenneth
Kurk, Neal
Marston, Dick
Murphy, Keith
O'Brien, William
Parison, James
Rowe, Robert
Stroud, Kathleen
Vaillancourt, Steve
Winters, Joel

Burt, John
Coffey, James
Flanagan, Jack
Graham, John
Lambert, George
McCarthy, Michael
Murphy, Kelleigh
O'Flaherty, Tim
Pellegrino, Tony
Sanborn, Laurie
Sweeney, Shawn
Villeneuve, Moe

MERRIMACK

Hess, David
Moffett, Howard

Hoell, J.R.
Reed, Dennis

McGuire, Carol
Walsh, Thomas IV

McGuire, Dan

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Copeland, Timothy
Elliott, Robert
Friel, William
Grace, Curtis
Hodgdon, Bruce
McKinney, Betsy
O'Connor, John
Priestley, Anne

Allen, Mary
Charron, Gene
Danais, Romeo
Emerick, J. Tracy
Garcia, Bianca
Griffin, Mary
Hoelzel, Kathleen
McMahon, Charles
Packard, Sherman
Rice, Frederick

Baldasaro, Alfred
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Garcia, Marilinda
Hagan, Joseph
Itse, Daniel
Milz, David
Perkins, Amy
Sanders, Elisabeth

Bick, Patrick
Comerford, Timothy
Duarte, Joe
Fesh, Robert
Gordon, Richard
Harris, Jeffrey
Kappler, Lawrence
Nigrello, Robert
Perkins, Lawrence
Sapareto, Frank

Scarlotto, Joe
Sweeney, Joe
Tucker, Pamela

Schroadter, Adam
Sytek, John
Waterhouse, Kevin

Sedensky, John
Tamburello, Daniel
Webb, James Sr

St.James, Kevin
Thompson, David
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Horrigan, Timothy

Bickford, David
Jones, Laura

Gray, James
Parsons, Robbie

Groen, Warren
Pitre, Joseph

SULLIVAN

Grenier, James

Rollins, Skip

Smith, Steven

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

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

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

Rep. Thomas C. Schamberg for the Majority of Ways and Means: A legislative committee from last summer recommended operators of youth skill camps, except for municipally operated camps, perform background checks on all employees and volunteers. Long and short term camps have to certify to the department of environmental services (DES) that no employee has a violent or abusive criminal record. The bill creates a dedicated fund to support implementation of both long and short term youth camp regulations. The regulatory assessment of long term camps is underfunded, and dollars are being diverted from other parts of the agency to cover costs. The board of directors of the NH camp directors association endorsed the DES request for a recreation (long-term) camp license fee of \$200, which they realize will fully pay for their costs. Together with the youth skill (short-term) camp fee of \$25, this will meet the annual expenses of \$36,500 expended by DES. These camps feel they need to be regulated to reassure parents that their children are being safeguarded. Vote 11-7.

Rep. Laurie J. Sanborn for the Minority of Ways and Means: The minority wholeheartedly supports the policy of requiring criminal background checks for volunteers and employees at youth skill camps, as we currently do for recreation camps. However, we cannot support the fee increase, which changes from \$50 to \$200 for each recreation camp and \$0 to \$25 for skill camps. We are also not comfortable with creating an additional dedicated fund.

Majority Amendment (1021h)

Amend RSA 485-A:24, I as inserted by section 3 of the bill by replacing it with the following:

I. No person shall for profit or for charitable purposes operate any *recreation camp, as defined in RSA 485-A:23, I*, designed or intended as a vacation or recreation resort, without a license issued by the department. Said license is to be conditioned upon the maintenance of clean, healthful sanitary conditions and methods, as determined and approved by said department, good only for the calendar year in which it is issued and subject to suspension or revocation at any time for cause. The fee for such license shall be [~~\$50 to~~] **\$200 which shall** be paid into the [~~state treasury~~] **recreation camp and youth skill camp fund established in RSA 485-A:24-a.**

AMENDED ANALYSIS

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

MOTION TO LAY ON THE TABLE

Rep. Vaillancourt moved that **HB 295**, requiring criminal background checks for volunteers and employees at youth skill camps, be laid on the table.

On a division vote, 165 members having voted in the affirmative and 184 in the negative, the motion failed.

The question now being adoption of the majority committee amendment.

On a division vote, 204 members having voted in the affirmative and 145 in the negative, the majority committee amendment was adopted.

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

Rep. Vaillancourt spoke against.

Rep. Almy spoke in favor.

Rep. Sapareto requested a roll call; sufficiently seconded.

YEAS 199 NAYS 150

YEAS 199

BELKNAP

Arsenault, Beth
Huot, David

DiMartino, Lisa
Raymond, Ian

Flanders, Donald

Gulick, Ruth

CARROLL

Ahlgren, Christopher
Nelson, Bill

Buco, Thomas
Ticehurst, Susan

Butler, Edward
White, Syndi

Crawford, Karel

CHESHIRE

Ames, Richard
Chase, Cynthia
Ley, Douglas
Sad, Tara
Weed, Charles

Berch, Paul
Eaton, Daniel
Mann, John
Shepardson, Marjorie
Young, Harry

Burridge, Delmar
Johnsen, Gladys
Parkhurst, Henry
Tatro, Bruce

Butynski, William
Lerandeau, Alfred
Phillips, Larry
Weber, Lucy

COOS

Coulombe, Gary
Moynihan, Wayne

Enman, Larry
Theberge, Robert

Hammon, Marcia
Thomas, Yvonne

Hatch, William

GRAFTON

Aguiar, James
Cooney, Mary
Higgins, Patricia
Mulholland, Catherine
Shackett, Jeffrey
White, Andrew

Almy, Susan
Ford, Susan
Lauer, Linda
Nordgren, Sharon
Smith, Suzanne

Benn, Bernard
Friedrich, Carol
Lovett, Sid
Pastor, Beatriz
Sykes, George

Brown, Rebecca
Harding, Laurie
Massimilla, Linda
Piper, Wendy
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Campbell, David
Connor, Evelyn
Gargas, Carolyn
Hammond, Jill
Jack, Martin
Levesque, Melanie
McCloskey, David
Porter, Marjorie
Shattuck, Gilman
Sullivan, Daniel
Williams, Kermit

Beaulieu, Jane
Carroll, Douglas
DiSilvestro, Linda
Gorman, Mary
Hansberry, Daniel
Judy, Jean
Long, Patrick
McNamara, Richard
Ramsey, Peter
Shaw, Barbara
Sullivan, Peter
Woodbury, David

Boisvert, Ronald
Chandley, Shannon
Dobson, Jeremy
Grady, Brenda
Harriott-Gathright, Linda
Knowles, Mary Ann
MacKay, Mariellen
Nelson, Mary
Rosenwald, Cindy
Smith, Timothy
Vail, Suzanne

Brown, Pamela
Christiansen, Lars
Gage, Ruth
Hackel, Paul
Heden, Ruth
Kopka, Angeline
Manley, Jonathan Sr
O'Brien, Michael Sr
Schmidt, Janice
Spratt, Stephen
Walsh, Robert Jr

MERRIMACK

Alicea, Caroletta
Burns, Scott
Ebel, Karen
Gile, Mary
Kelly, Sally
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Walz, Mary Beth

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Henle, Paul
Kidder, David
Patten, Dick
Rogers, Katherine
Tilton, Joy
Watrous, Rick

Bartlett, Christy
Carson, Clyde
Frazer, June
Hirsch, Geoffrey
MacKay, James
Ratzki, Mario
Schamberg, Thomas
Turcotte, Alan
Webb, Leigh

Bouchard, Candace
Davis, Frank
French, Barbara
Karrick, David Jr
Moffett, Howard
Rice, Chip
Schuett, Dianne
Wallner, Mary Jane

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cali-Pitts, Jacqueline
Flockhart, Eileen
McKinney, Betsy
Peckham, Michele
Till, Mary

Borden, David
Cushing, Robert Jr
Heffron, Frank
Muns, Chris
Schlachman, Donna
Ward, Gerald

Briden, Steven
Elliott, Robert
Helmstetter, Barbara
Nigrello, Robert
Sweeney, Joe
Wazlaw, Brian

Cahill, Michael
Emerson-Brown, Rebecca
Mann, Maureen
Pantelakos, Laura
Thompson, David
Whittemore, Lisa

STRAFFORD

Baber, William
Gardner, Janice
Horrigan, Timothy
Malloy, Dennis
Rogers, Rose Marie
Spainhower, Dale
Wall, Janet

Bixby, Peter
Ginsburg, Philip
Hubbard, Pamela
Menear, H. Robert III
Rollo, Deanna
Spang, Judith

Burdwood, Greg
Grassie, Anne
Kaen, Naida
Miller, David
Schmidt, Peter
Stevens, Audrey

Burke, Rachel
Grossman, Kenneth
Ketel, Stephen
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 150 BELKNAP

Burchell, Richard
Fink, Charles
Sylvia, Michael

Comtois, Guy
Greemore, Robert Jr
Tilton, Franklin

Cormier, Jane
Holmes, Stephen
Vadney, Herbert

Fields, Dennis
Luther, Robert
Worsman, Colette

CARROLL

Chandler, Gene
Schmidt, Stephen

Cordelli, Glenn
Umberger, Karen

McConkey, Mark
Wright, Donald

Morrow, Harry

CHESHIRE

Emerson, Susan

Hunt, John

Johnson, Jane

Roberts, Kris

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Ladd, Rick Jr

Bradley, Lester

Doolan, Ralph Jr

Gionet, Edmond

HILLSBOROUGH

Barry, Richard
Byron, Frank
Daniels, Gary
Gale, Sylvia
Hansen, Peter
Lambert, George
Marston, Dick
Murphy, Keith
O'Flaherty, Tim
Pellegrino, Tony
Sanborn, Laurie
Takesian, Charlene
Warden, Mark

Belanger, James
Cebrowski, John
Danielson, David
Garcia, Michael
Hikel, John
LeBrun, Donald
McCarthy, Michael
Murphy, Kelleigh
Ober, Lynne
Peterson, Lenette
Sandblade, Emily
Ulery, Jordan
Willette, Robert

Boehm, Ralph
Coffey, James
Flanagan, Jack
Graham, John
Jasper, Shawn
Leishman, Peter
Meaney, Richard
Notter, Jeanine
Palmer, Stephen
Renzullo, Andrew
Stroud, Kathleen
Vaillancourt, Steve
Winters, Joel

Burt, John
Culbert, Patrick
Gagne, Larry
Haefner, Robert
Kurk, Neal
LeVasseur, Richard
Murotake, David
O'Brien, William
Parison, James
Rowe, Robert
Sweeney, Shawn
Villeneuve, Moe

MERRIMACK

Hess, David
McGuire, Dan

Hoell, J.R.
Reed, Dennis

Lockwood, Priscilla
Walsh, Thomas IV

McGuire, Carol

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Comerford, Timothy
Duarte, Joe
Friel, William
Grace, Curtis
Hayes, Jack
Kappler, Lawrence
O'Connor, John
Priestley, Anne
Scarlottio, Joe
Sytek, John
Waterhouse, Kevin

Allen, Mary
Burtis, Elizabeth
Copeland, Timothy
Emerick, J. Tracy
Garcia, Bianca
Griffin, Mary
Hodgdon, Bruce
Khan, Aboul
Packard, Sherman
Rice, Frederick
Schroadter, Adam
Tamburello, Daniel
Webb, James Sr

Baldasaro, Alfred
Charron, Gene
Danais, Romeo
Ferrante, Beverly
Garcia, Marilinda
Hagan, Joseph
Hoelzel, Kathleen
McMahon, Charles
Perkins, Amy
Sanders, Elisabeth
Sedensky, John
Tasker, Kyle
Weyler, Kenneth

Bick, Patrick
Chirichiello, Brian
Devine, James
Fesh, Robert
Gordon, Richard
Harris, Jeffrey
Itse, Daniel
Milz, David
Perkins, Lawrence
Sapareto, Frank
St.James, Kevin
Tucker, Pamela

STRAFFORD

Beaudoin, Steven
Jones, Laura

Bickford, David
Parsons, Robbie

Gray, James
Pelletier, Marsha

Groen, Warren
Pitre, Joseph

SULLIVAN

Rollins, Skip

Smith, Steven

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

HB 411-FN-A, repealing a future reduction in vessel registration fees. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mary R. Cooney for the Majority of Ways and Means: This bill repeals a reduction in vessel registration fees scheduled to take effect on July 1, 2015. This would mean cutting the fees back to 1992 levels, one-half of their present levels. When these fees were raised in 2008, the intent was to build up a fund to be used to offset the cost of a new marine patrol headquarters and boathouse. The reason for the sunset was to allow the committee to reassess the size of the increase once this cost was known, not to end it. The current com-

bination headquarters-boathouse is in serious disrepair. It has been settling into the ground for two decades and is unstable. The roof does not meet snow load requirements, the electrical and mechanical systems are archaic, and the building is not ADA compliant. This revenue stream is necessary to make the expected bond payments for the new headquarters as well as to pay for needed upgrades to equipment and to restore many of the summer boating officers who had been cut from 50 or 60 down to 30 officers last summer due to lack of funding. Tourism is one of our biggest industries. This bill supports tourism by promoting safe boating, monitoring invasive aquatic weeds, and providing protection to all using the lakes and shorelines. Vote 11-7. Rep. Jordan G. Ulery for the Minority of Ways and Means: The general court raised fees four years ago. This bill reneges on the promise of reducing fees. The marine patrol needs a new building, and the agency funding was lapsed last term, which meant the planning was stopped. The agency needs to justify its needs within the scope of the general fund and the general court needs to honor its word to the people. We need to keep the trust of the people.

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

YEAS 189 NAYS 153

YEAS 189

BELKNAP

Arsenault, Beth
Raymond, Ian

DiMartino, Lisa
Vadney, Herbert

Gulick, Ruth

Huot, David

CARROLL

Buco, Thomas

Butler, Edward

Ticehurst, Susan

White, Syndi

CHESHIRE

Ames, Richard
Chase, Cynthia
Ley, Douglas
Roberts, Kris
Weber, Lucy

Berch, Paul
Eaton, Daniel
Mann, John
Sad, Tara
Weed, Charles

Burridge, Delmar
Johnsen, Gladys
Parkhurst, Henry
Shepardson, Marjorie
Young, Harry

Butynski, William
Lerandean, Alfred
Phillips, Larry
Tatro, Bruce

COOS

Coulombe, Gary
Theberge, Robert

Hammon, Marcia
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

GRAFTON

Aguir, James
Cooney, Mary
Higgins, Patricia
Mulholland, Catherine
Shackett, Jeffrey
White, Andrew

Almy, Susan
Ford, Susan
Lauer, Linda
Nordgren, Sharon
Smith, Suzanne

Benn, Bernard
Friedrich, Carol
Lovett, Sid
Pastor, Beatriz
Sykes, George

Brown, Rebecca
Harding, Laurie
Massimilla, Linda
Piper, Wendy
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Campbell, David
Dobson, Jeremy
Gorman, Mary
Harriott-Gathright, Linda
Knowles, Mary Ann
MacKay, Mariellen
Nelson, Mary
Rosenwald, Cindy
Spratt, Stephen
Walsh, Robert Jr

Beaulieu, Jane
Carroll, Douglas
Gage, Ruth
Hackel, Paul
Heden, Ruth
Kopka, Angeline
Manley, Jonathan Sr
O'Brien, Michael Sr
Schmidt, Janice
Sullivan, Daniel
Williams, Kermit

Boisvert, Ronald
Chandley, Shannon
Gale, Sylvia
Hammond, Jill
Jack, Martin
Leishman, Peter
McCloskey, David
Porter, Marjorie
Shattuck, Gilman
Sullivan, Peter
Woodbury, David

Brown, Pamela
Connor, Evelyn
Gargas, Carolyn
Hansberry, Daniel
Judy, Jean
Long, Patrick
McNamara, Richard
Ramsey, Peter
Smith, Timothy
Vail, Suzanne

MERRIMACK

Alicea, Caroletta
Davis, Frank
French, Barbara
Kelly, Sally
Moffett, Howard
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

Bartlett, Christy
Ebel, Karen
Gile, Mary
Kidder, David
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

Bouchard, Candace
Frambach, Mary
Henle, Paul
Lockwood, Priscilla
Patten, Dick
Rogers, Katherine
Tilton, Joy
Webb, Leigh

Carey, Lorrie
Frazer, June
Karrick, David Jr
MacKay, James
Ratzki, Mario
Schamberg, Thomas
Turcotte, Alan

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cahill, Michael
Emerson-Brown, Rebecca
Helmstetter, Barbara
Muns, Chris
St.James, Kevin

Borden, David
Cali-Pitts, Jacqueline
Flockhart, Eileen
Khan, Aboul
Pantelakos, Laura
Sytek, John

Briden, Steven
Cushing, Robert Jr
Hayes, Jack
Lovejoy, Patricia
Scarlotto, Joe
Ward, Gerald

Burtis, Elizabeth
Elliott, Robert
Heffron, Frank
Mann, Maureen
Schlachman, Donna
Wazlaw, Brian

STRAFFORD

Baber, William
Burke, Rachel
Grossman, Kenneth
Ketel, Stephen
Perry, Robert
Smith, Marjorie
Verschuereen, James

Bickford, David
Gardner, Janice
Horrigan, Timothy
Malloy, Dennis
Rogers, Rose Marie
Spainhower, Dale
Wall, Janet

Bixby, Peter
Ginsburg, Philip
Hubbard, Pamela
Miller, David
Rollo, Deanna
Spang, Judith

Burdwood, Greg
Grassie, Anne
Kaen, Naida
Pelletier, Marsha
Schmidt, Peter
Stevens, Audrey

SULLIVAN

Cloutier, John
Lefebvre, Benjamin
Tanner, Linda

Gagnon, Raymond
O'Hearne, Andrew

Gottling, Suzanne
Schmidt, Andrew

Irwin, Virginia
Sweeney, Cynthia

**NAYS 153
BELKNAP**

Burchell, Richard
Fink, Charles
Sylvia, Michael

Comtois, Guy
Flanders, Donald
Tilton, Franklin

Cormier, Jane
Greemore, Robert Jr
Worsman, Colette

Fields, Dennis
Holmes, Stephen

CARROLL

Ahlgren, Christopher
Merrow, Harry
Wright, Donald

Cordelli, Glenn
Nelson, Bill

Crawford, Karel
Schmidt, Stephen

McConkey, Mark
Umberger, Karen

CHESHIRE

Emerson, Susan

Hunt, John

Johnson, Jane

COOS

Enman, Larry

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Ladd, Rick Jr

Bradley, Lester

Doolan, Ralph Jr

Gionet, Edmond

HILLSBOROUGH

Barry, Richard
Byron, Frank
Culbert, Patrick
Flanagan, Jack
Haefner, Robert
Kurk, Neal
Marston, Dick
Murphy, Kelleigh
Ober, Lynne
Peterson, Lenette
Sandblade, Emily
Takesian, Charlene
Warden, Mark

Belanger, James
Cebrowski, John
Daniels, Gary
Garcia, Michael
Hansen, Peter
Lambert, George
Meaney, Richard
Notter, Jeanine
Palmer, Stephen
Renzullo, Andrew
Shaw, Barbara
Ulery, Jordan
Willette, Robert

Boehm, Ralph
Christiansen, Lars
Danielson, David
Grady, Brenda
Hikel, John
LeBrun, Donald
Murotake, David
O'Brien, William
Parison, James
Rowe, Robert
Stroud, Kathleen
Vaillancourt, Steve
Winters, Joel

Burt, John
Coffey, James
DiSilvestro, Linda
Graham, John
Jasper, Shawn
LeVasseur, Richard
Murphy, Keith
O'Flaherty, Tim
Pellegrino, Tony
Sanborn, Laurie
Sweeney, Shawn
Villeneuve, Moe

MERRIMACK

Andrews, Christopher
Hirsch, Geoffrey
Reed, Dennis

Burns, Scott
Hoell, J.R.
Walsh, Thomas IV

Carson, Clyde
McGuire, Carol

Hess, David
McGuire, Dan

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Copeland, Timothy
Emerick, J. Tracy
Garcia, Bianca
Griffin, Mary

Allen, Mary
Charron, Gene
Danais, Romeo
Ferrante, Beverly
Garcia, Marilinda
Hagan, Joseph

Baldasaro, Alfred
Chirichiello, Brian
Devine, James
Fesh, Robert
Gordon, Richard
Harris, Jeffrey

Bick, Patrick
Comerford, Timothy
Duarte, Joe
Friel, William
Grace, Curtis
Hodgdon, Bruce

Hoelzel, Kathleen
McMahon, Charles
Packard, Sherman
Priestley, Anne
Schroadter, Adam
Thompson, David
Webb, James Sr

Itse, Daniel
Milz, David
Peckham, Michele
Rice, Frederick
Sedensky, John
Till, Mary
Weyler, Kenneth

Kappler, Lawrence
Nigrello, Robert
Perkins, Amy
Sanders, Elisabeth
Sweeney, Joe
Tucker, Pamela
Whittemore, Lisa

McKinney, Betsy
O'Connor, John
Perkins, Lawrence
Sapareto, Frank
Tamburello, Daniel
Waterhouse, Kevin

STRAFFORD

Beaudoin, Steven
Parsons, Robbie

Gray, James
Pitre, Joseph

Groen, Warren

Jones, Laura

SULLIVAN

Grenier, James

Rollins, Skip

Smith, Steven

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

BILLS REMOVED FROM THE CONSENT CALENDAR OF MARCH 13, 2013

HB 389, relative to discovery in misdemeanor and violation cases. **INEXPEDIENT TO LEGISLATE.**

Rep. Philip E. Ginsburg for Criminal Justice and Public Safety: The bill would provide that a person issued a summons for a misdemeanor or violation could obtain at no cost a copy of the police report and other discoverable information in the case. The committee heard that court rules and professional ethics require that this information be provided to the person by law enforcement and the court, and that remedies for failure to provide it are available in the trial process. The committee heard no evidence that this change in the law was necessary. Vote 20-0.

Rep. James Belanger spoke against and yielded to questions.

Rep. Pantelakos spoke in favor.

On a division vote, 226 members having voted in the affirmative and 98 in the negative, the committee report was adopted.

HB 679, relative to renovations to the vocational technical center at Alvirne high school. **INEXPEDIENT TO LEGISLATE.**

Rep. Ralph G. Boehm for Education: This bill requires the department of education to include Alvirne high school technical center in the department's list of capital improvement projects. This bill is not necessary because all technical centers are automatically on the list. Alvirne high school is on the list for 2020-21. Vote 20-0. Rep. Christiansen spoke against.

MOTON TO LAY ON THE TABLE

Rep. Christiansen moved that **HB 679**, relative to renovations to the vocational technical center at Alvirne high school, be laid on the table.

Motion failed.

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

Committee report adopted.

HB 189, repealing the commission to study water infrastructure sustainability funding. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne H. Gottling for Resources, Recreation and Development: The committee unanimously supported the bill, as amended, to extend the water infrastructure sustainability commission to November 1, 2013 in order to issue its final report. The commission conducted several years of research and issued an interim report. The bill, as amended, allows the work of the commission to be completed. Vote 19-0.

Amendment (0511h)

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

AN ACT extending the commission to study water infrastructure sustainability funding.

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

1 Commission to Study Water Infrastructure Sustainability Funding. Amend 2009, 245:5, as amended by 2010, 21:1; 2011, 144:1; and 2012, 148:2 to read as follows:

245:5 Report. The commission shall make an interim report on or before November 1, 2009, and another on November 1, 2010, with a final report of its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house 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 extends the commission to study water infrastructure sustainability funding for one year. Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.
Rep. Kappler spoke against.

MOTION TO LAY ON THE TABLE.

Rep. Kappler moved that **HB 189**, repealing the commission to study water infrastructure sustainability funding, be laid on the table.

On a division vote, 135 members having voted in the affirmative and 172 in the negative, the motion failed.

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

Rep. Gottling spoke in favor.

On a division vote, 238 members having voted in the affirmative and 83 in the negative, the committee report was adopted and ordered to third reading.

HB 527, repealing the exotic aquatic weeds and species committee. **INEXPEDIENT TO LEGISLATE.**

Rep. James D. Aguiar for Resources, Recreation and Development: This bill would have repealed RSA 487:30 which created the exotic aquatic weeds and species committee. Said committee was empowered to: (a) Study the spread of exotic aquatic weeds and exotic aquatic species in the waters of New Hampshire including education, management, and potential means to eliminate the spread of these weeds and species; (b) aid in the control and eradication of milfoil; and (c) solicit, hold, and expend gifts, grants, and donations from any source to carry out the purposes of the committee. The committee heard testimony supporting the continuation of this body. Clean, healthy waterways are critical to the economy of New Hampshire and the exotic aquatic weeds and species committee has played a positive role in protecting this vital natural resource. Vote 19-0.

Rep. Kappler spoke against.

Rep. Suzanne Smith spoke in favor.

Committee report adopted.

HB 549, establishing a committee to study a constitutional amendment to prevent dedicated funding for a specific purpose from being diverted from that purpose. **INEXPEDIENT TO LEGISLATE.**

Rep. Russell T. Ober for Ways and Means: There have been several instances where dedicated funds lost their money to the general fund, usually when money in the budget was inadequate. The total banning of the practice would also have major side effects. Further, a committee to study wording for a constitutional amendment seems unnecessarily complex. Vote 17-1.

Reps. Bixby and Spang spoke against.

Rep. Almy spoke in favor.

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

On a division vote, 246 members having voted in the affirmative and 54 in the negative, the committee report was adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR

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

Rep. Carol M. McGuire for Executive Departments and Administration: The policy of authorizing alkaline hydrolysis having been approved by the House, ED&A concentrated on the regulatory aspects. Rulemaking authority is appropriate for this process, and the fees will cover the cost of regulations. The committee amendment specifies technical requirements for the facility, the pressure vessel, and proper discharge of fluid residues, resolving some concerns brought up at the public hearing. Vote 11-1.

Amendment (0993h)

Amend RSA 325-B:3 as inserted by section 1 of the bill by inserting after paragraph II the following new paragraph:

III. Alkaline hydrolysis for dissolution of human remains shall comply with the following requirements:

(a) The alkaline hydrolysis facility shall only utilize a commercially available, purpose-built system.

(b) Dissolution systems which operate above atmospheric pressure shall only employ an American Society of Mechanical Engineers' (ASME) certified pressure vessel as a dissolution chamber.

(c) The dissolution system shall use parameters of heat, time, and solution circulation sufficient to achieve complete dissolution of all tissue remains.

(d) The alkaline dissolution process shall ensure that the discharge liquid that is a byproduct of the dissolution process meets the facility's sewage collection and treatment facility requirements regarding acceptable temperature, biological oxygen demand/chemical oxygen demand (BOD/COD), and pH level and shall comply with Environmental Protection Agency regulations in 40 CFR Part 403.5.

(e) Equipment used for alkaline hydrolysis of human remains may not be used for the disposal of animals or other biological materials.

(f) No facility using the alkaline hydrolysis process may discharge liquid as a byproduct of the process into a septic system. This prohibition does not prevent the facility from discharging into a holding tank that is periodically pumped and transported to a suitable disposal facility. Facilities who choose to discharge into a holding tank which is transferred to a sewage treatment facility are not exempt from the effluent requirements for BOD/COD and pH levels specified by that facility or compliance with Environmental Protection Agency regulations in 40 CFR Part 403.5.

MOTION TO LAY ON THE TABLE

Rep. Kappler moved that **HB 316-FN**, relative to regulating alkaline hydrolysis for the disposal of human remains, be laid on the table.

Rep. Kappler requested a roll call; sufficiently seconded.

YEAS 82 NAYS 214

YEAS 82 BELKNAP

Cormier, Jane	Flanders, Donald	Greemore, Robert Jr	Holmes, Stephen
Sylvia, Michael	Worsman, Colette		

CARROLL

Ahlgren, Christopher	Cordelli, Glenn	McConkey, Mark	Nelson, Bill
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CHESHIRE

Butynski, William

COOS

Rappaport, Laurence	Rideout, Leon	Theberge, Robert	Thomas, Yvonne
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GRAFTON

Bailey, Brad	Bradley, Lester	Doolan, Ralph Jr
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HILLSBOROUGH

Backus, Robert	Belanger, James	Boehm, Ralph	Cebrowski, John
Daniels, Gary	Flanagan, Jack	Gargas, Carolyn	Haefner, Robert
Hansberry, Daniel	Hikel, John	McCarthy, Michael	Murotake, David
Murphy, Kelleigh	Nelson, Mary	Notter, Jeanine	Ober, Lynne
Palmer, Stephen	Parison, James	Peterson, Lenette	Sandblade, Emily
Shattuck, Gilman	Sullivan, Peter	Villeneuve, Moe	

MERRIMACK

Hoell, J.R.	Karrick, David Jr	Reed, Dennis	Tilton, Joy
Turcotte, Alan			

ROCKINGHAM

Baldasaro, Alfred	Bick, Patrick	Birdsell, Regina	Chirichiello, Brian
Danaïs, Romeo	Devine, James	Duarte, Joe	Dumaine, Dudley
Fesh, Robert	Friel, William	Garcia, Bianca	Gordon, Richard
Griffin, Mary	Harris, Jeffrey	Hodgdon, Bruce	Hoelzel, Kathleen
Kappler, Lawrence	Milz, David	O'Connor, John	Peckham, Michele
Priestley, Anne	Rice, Frederick	Sanders, Elisabeth	Scarlotto, Joe
Schroadter, Adam	Sedensky, John	Tamburello, Daniel	Thompson, David
Tucker, Pamela	Webb, James Sr		

STRAFFORD

Grossman, Kenneth	Parsons, Robbie	Perry, Robert
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SULLIVAN

Gagnon, Raymond	Schmidt, Andrew	Smith, Steven
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NAYS 214

BELKNAP

Burchell, Richard	DiMartino, Lisa	Fields, Dennis	Fink, Charles
Raymond, Ian	Tilton, Franklin	Vadney, Herbert	

CARROLL

Buco, Thomas	Butler, Edward	Merrow, Harry	Schmidt, Stephen
Ticehurst, Susan	Umberger, Karen	White, Syndi	

CHESHIRE

Ames, Richard
Eaton, Daniel
Johnson, Jane
Parkhurst, Henry
Tatro, Bruce

Berch, Paul
Emerson, Susan
Lerandeau, Alfred
Phillips, Larry
Weber, Lucy

Burridge, Delmar
Hunt, John
Ley, Douglas
Sad, Tara
Weed, Charles

Chase, Cynthia
Johnsen, Gladys
Mann, John
Shepardson, Marjorie
Young, Harry

COOS

Coulombe, Gary
Moynihan, Wayne

Enman, Larry

Hammon, Marcia

Hatch, William

GRAFTON

Aguir, James
Cooney, Mary
Harding, Laurie
Lovett, Sid
Pastor, Beatriz
Townsend, Charles

Almy, Susan
Ford, Susan
Higgins, Patricia
Massimilla, Linda
Piper, Wendy
White, Andrew

Benn, Bernard
Friedrich, Carol
Ladd, Rick Jr
Mulholland, Catherine
Smith, Suzanne

Brown, Rebecca
Gionet, Edmond
Lauer, Linda
Nordgren, Sharon
Sykes, George

HILLSBOROUGH

Barry, Richard
Byron, Frank
Coffey, James
DiSilvestro, Linda
Graham, John
Heden, Ruth
Kopka, Angeline
Leishman, Peter
Manley, Jonathan Sr
Meaney, Richard
Porter, Marjorie
Schmidt, Janice
Stroud, Kathleen
Ulery, Jordan
Williams, Kermit

Beaulieu, Jane
Campbell, David
Connor, Evelyn
Gale, Sylvia
Hackel, Paul
Jack, Martin
Kurk, Neal
Levesque, Melanie
Marston, Dick
Murphy, Keith
Ramsey, Peter
Shaw, Barbara
Sullivan, Daniel
Vail, Suzanne
Winters, Joel

Brown, Pamela
Carroll, Douglas
Culbert, Patrick
Garcia, Michael
Hammond, Jill
Jeudy, Jean
Lambert, George
Long, Patrick
McCloskey, David
O'Brien, Michael Sr
Rosenwald, Cindy
Smith, Timothy
Sweeney, Shawn
Vaillancourt, Steve
Woodbury, David

Burt, John
Chandley, Shannon
Danielson, David
Grady, Brenda
Harriott-Gathright, Linda
Knowles, Mary Ann
LeBrun, Donald
MacKay, Mariellen
McNamara, Richard
O'Brien, William
Sanborn, Laurie
Spratt, Stephen
Takesian, Charlene
Willette, Robert

MERRIMACK

Alicea, Caroletta
Carson, Clyde
Frazer, June
Hirsch, Geoffrey
McGuire, Carol
Patten, Dick
Rogers, Katherine
Wallner, Mary Jane

Bartlett, Christy
Davis, Frank
French, Barbara
Kelly, Sally
McGuire, Dan
Ratzki, Mario
Schamberg, Thomas
Walz, Mary Beth

Bouchard, Candace
Ebel, Karen
Gile, Mary
Lockwood, Priscilla
Moffett, Howard
Rice, Chip
Schuett, Dianne
Webb, Leigh

Burns, Scott
Frambach, Mary
Henle, Paul
MacKay, James
Myler, Mel
Richardson, Gary
Shurtleff, Stephen

ROCKINGHAM

Abrami, Patrick
Cahill, Michael
Cushing, Robert Jr
Flockhart, Eileen
Khan, Aboul
Pantelakos, Laura
Till, Mary
Whittemore, Lisa

Borden, David
Charron, Gene
Elliott, Robert
Hagan, Joseph
Lovejoy, Patricia
Schlachman, Donna
Ward, Gerald

Briden, Steven
Comerford, Timothy
Emerick, J. Tracy
Heffron, Frank
Mann, Maureen
St.James, Kevin
Waterhouse, Kevin

Burtis, Elizabeth
Copeland, Timothy
Emerson-Brown, Rebecca
Itse, Daniel
McMahon, Charles
Sytek, John
Wazlaw, Brian

STRAFFORD

Baber, William
Burke, Rachel
Gray, James
Kaen, Naida
Pelletier, Marsha
Schmidt, Peter
Verschuieren, James

Beaudoin, Steven
Gardner, Janice
Horrigan, Timothy
Malloy, Dennis
Pitre, Joseph
Smith, Marjorie
Wall, Janet

Bixby, Peter
Ginsburg, Philip
Hubbard, Pamela
Menear, H. Robert III
Rogers, Rose Marie
Spang, Judith

Burdwood, Greg
Grassie, Anne
Jones, Laura
Miller, David
Rollo, Deanna
Stevens, Audrey

SULLIVAN

Cloutier, John
O'Hearne, Andrew

Grenier, James
Rollins, Skip

Irwin, Virginia
Sweeney, Cynthia

Lefebvre, Benjamin
Tanner, Linda

and the motion failed.

The question now being adoption of the committee amendment.

On a division vote, 264 members having voted in the affirmative and 32 in the negative, the committee amendment was adopted.

Committee report adopted and ordered to third reading.

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

Rep. Susan M. Ford for Finance: This bill removes the requirement that catastrophic special education funds to be prorated among the school districts entitled to such aid shall be at least 80 percent of the districts' entitlement for catastrophic aid. The committee believes that catastrophic aid will be addressed within HB 1 and recommends ITL for this stand-alone appropriations bill. Vote 22-0.

LAID ON THE TABLE

Rep. Ladd moved that **HB 344-FN-L**, relative to aid to school districts for the cost of special education, be laid on the table.

Motion adopted.

RESOLUTION

Rep. Shurtleff offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, April 3, 2013 at 10:00 a.m.

MOTION TO LAY ON THE TABLE

Rep. Lambert moved that the third reading motion be laid on the table.

Rep. Lambert withdrew his motion.

Third reading motion adopted.

LATE SESSION

Third reading and final passage

HB 246, relative to falsity by employer.

HB 399-FN, establishing the New Hampshire liberty act.

HB 686, relative to approval of liquor commission contracts.

HB 269-L, authorizing a city or town to conduct a special meeting necessitated by changes in adequate education funding.

HB 524, relative to national guard facilities, the national guard scholarship fund, and the state active duty death benefit.

HB 184-FN, relative to the oil discharge cleanup fund.

HB 259-FN, relative to special licenses for taking lobster while engaged in recreational scuba diving.

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

HB 507-FN, relative to the maximum permit application fee for certain municipal dredging projects.

HB 652-FN, relative to the judicial branch information technology fund.

HB 135, relative to physical force in defense of a person and relative to the definition of non-deadly force.

HB 617-FN-A-L, increasing the rate of the road toll, establishing the New Hampshire state and municipal road and bridge account, and establishing the commission to study revenue alternatives to the road toll.

HB 260, relative to the children in need of services (CHINS) program.

HB 432-FN, relative to health care costs for county and state inmates.

HB 185-FN, relative to the fuel oil discharge cleanup fund.

HB 295, requiring criminal background checks for volunteers and employees at youth skill camps.

HB 411-FN-A, repealing a future reduction in vessel registration fees.

HB 189, extending the commission to study water infrastructure sustainability funding.

HB 316-FN, relative to regulating alkaline hydrolysis for the disposal of human remains.

UNANIMOUS CONSENT

Reps. Gary Richardson, Baldasaro and Spang addressed the House

MOTION TO PRINT REMARKS

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

REMARKS

Rep. Baldasaro: Thank you, Madam Speaker. Before I get started here, last year many of us on both sides here came together with a bill to come up with a day in order to celebrate Welcome Home Vietnam Veterans

Day. Representatives here like Kris Roberts, Steve Shurtleff, Robert Theberge, Ken Weyler or Don LeBrun. If I missed any that were pushing this here, thank you for helping us get this forward because you made some extraordinary connections with Vietnam veterans throughout the state. I know this day, some Vietnam veterans did not want it, but there are many out there that really did appreciate it so I did get with the Governor and she jumped right on it. I have a history of working with Governor Hassan on veteran's issues when she was a senator and she didn't hesitate when putting this together. Before I read that, I would like all the veterans in the room to please stand. Thank you for your service. I'm going to first read the words from William Reddell, who is our Adjutant General here and I was not a Vietnam veteran. I joined the Marines in 1975 in October so in January or so I went to my first unit and I seen, first hand, how the Vietnam veterans that were waiting to be discharged, how they were treated out in town at Camp Lejeune. It was really my first experience as a young Marine. I didn't know any better. I thought that's the way military were treated, you know, and I was shocked at the names they called them. I won't even reinvent it again, but I was disgusted. Over the years as my time as a Marine, I seen things start to change, especially when I got back from Desert Storm and the parades and everything else. We actually brought back the respect to the military that our Vietnam veterans so dearly deserved. I will start out real quick here because if anybody is interested here, on Saturday, March 30th at 2:00 p.m., the State of New Hampshire is officially recognizing the service of its Vietnam veterans with a Welcome Home ceremony at the Army Aviation Support facility on Regional Drive in Concord. A year ago, on the war's 50th anniversary, the Legislature passed a law making March 30th to honor Vietnam veterans. Now, keep in mind, these are General Reddell's words that I am going to read here, "The men and women who served in Vietnam were never properly thanked. They never received a homecoming. There were no ceremonies or parades. There were no banners hanging from highway overpasses. No police escorts. They were shunned from the moment they touched down on American soil. Instead of being embraced at terminals across the country, many of our warriors slipped into a bathroom to change out of their uniform. As a nation, we treated them as outcasts. Now in their 60's and 70's, those same veterans swore that the next generation of war hero's coming home would receive the gratitude they deserve. From Desert Storm to Operation Enduring Freedom, Iraqi Freedom and New Dawn, never again would our nation treat our returning veterans so badly. They delivered on their promise. Now it is our turn to show them the same respect and gratitude they have so justifiably earned. Saturday's ceremony is an opportunity for all of us to say Thank you, job well done. As citizen soldiers and airmen, it's an opportunity for us to return the favor. It's an opportunity for us to pay a debt that is 40 years overdue and a central step towards healing a national wound. I strongly encourage you to consider the significance of what your attendance will mean to our Vietnam veterans, for if not for us, then who. If not now, then when. Please join me and the Governor and our Congressional Delegation in welcoming home our Vietnam veterans on Saturday." That is from General Reddell, who is the Adjutant. Now, from the Governor.

The State of New Hampshire
By Her Excellency
Margaret Wood Hassan, Governor
A Proclamation
WELCOME HOME VIETNAM VETERANS DAY
MARCH 30, 2013

WHEREAS, In 2007, the United States Congress, by separate Senate and House Resolutions, declared that a Welcome Home Vietnam Veterans Day should be established; and

WHEREAS, The Vietnam War was fought in Vietnam from 1961 to 1975, and involved North Vietnam and Viet Cong in conflict with the United States and South Vietnam; and

WHEREAS, In 1965, there were 80,000 United States troops in Vietnam, and by 1969 a peak of approximately 543,000 troops was reached; and

WHEREAS, On March 30, 1973, the United States armed forces completed the withdrawal of combat troops from Vietnam; and

WHEREAS, More than 58,000 members of the United States armed forces lost their lives in Vietnam and more than 300,000 were wounded; and

WHEREAS, Upon their return home, members of the United States Armed Forces who served bravely and faithfully for the United States during the Vietnam War were caught in the crossfire of public debate about the involvement of the United States in the war; and

WHEREAS, Vietnam veterans served honorably, risking their lives in answer to the nation's call; and

WHEREAS, In peacetime, Vietnam veterans have continued to make enormous contributions to our communities, our state, and our nation; and

WHEREAS, The establishment of a Welcome Home Vietnam Veterans Day is an appropriate way to honor those members of the United States armed forces who served in Vietnam during the Vietnam War;

NOW, THEREFORE, I, MARGARET WOOD HASSAN, GOVERNOR of the State of New Hampshire, do hereby proclaim **MARCH 30, 2013** as **WELCOME HOME VIETNAM VETERANS DAY** in the State of New Hampshire to acknowledge and commemorate the military service of American men and women in Vietnam.

Given this 30th day of March, in the year of Our Lord two thousand and thirteen, and the independence of the United States of America, two hundred and thirty-seven.

Margaret Wood Hassan, Governor

This is awesome what the Governor did and what many of our other veterans did. I don't know if Russ Ober is here. Russ Ober was a big supporter. He left there. I wish he was sitting there. In closing on this here, about five years ago, I put a Welcome Home Vietnam Veterans in Londonderry at the school. One of the guests we had was Mike Huckabee and we had Chuck Norris there. Why this is emotional to many, it would sadden me and it's tough for an old Marine to put a tear in his eye, but I sat there up at the stage and I seen Vietnam veterans. When we broke out the banner that said Welcome Home Vietnam Veterans, there were tears. They went through the tough days and that was their opportunity and I know there are Vietnam veterans that are here in this room that have not left yet and they deserve every bit of praise like every other warrior that came forward and shed blood and I thank you for your service brothers and sisters. Welcome home. Thank you.

RECESS MOTION

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

Adopted.

The House recessed at 6:30 p.m.

RECESS

(Rep. Shurtleff in the Chair)

RESOLUTION

Rep. Davis offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 2, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 24, 28, 29, 30, 33, 34, 35, 42, 43, 44, 45, 47, 48, 49, 50, 51, 52, 54, 58, 60, 62, 64, 67, 68, 69, 71, 76, 81, 82, 83, 84, 85, 88, 89, 90, 92, 93, 94, 96, 97, 101, 102, 104, 105, 106, 107, 112, 117, 119, 122, 124, 127, 128, 131, 132, 133, 136, 139, 146, 153, 157, 159, 161, 165, 171, 178, 185, 187, 188, 189, 192 and 194 shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 2, relative to the calculation of the local tax cap. (Municipal and County Government)

SB 11-L, relative to water and sewer utility districts and water or sewer utility districts. (Municipal and County Government)

SB 12, relative to protection and preservation of significant archeological deposits. (Municipal and County Government)

SB 13, relative to hearings in the department of safety. (Transportation)

SB 14, relative to the rulemaking authority of and administrative fine authority for the department of resources and economic development. (Executive Departments and Administration/Ways and Means)

SB 15, naming a portion of route 101 after the 101st Airborne Division Screaming Eagles. (Public Works and Highways)

SB 17, establishing a commission to study palliative care and associated quality of life initiatives. (Health, Human Services and Elderly Affairs)

SB 18, conferring degree-granting authority to the American University of Madaba. (Education)

SB 19, repealing provisions relative to the sale of the former Laconia state school property and eliminating a ramp toll on the Everett turnpike in the town of Merrimack. (Public Works and Highways)

SB 20, making modifications to the DWI ignition interlock program. (Transportation)

SB 21, making technical corrections to the International Registration Plan. (Transportation)

SB 22, exempting small trailers from inspection requirements; allowing qualified dealers to inspect trailers; and deleting a reference to highway enforcement officers. (Transportation)

SB 24, relative to Medicaid rates. (Executive Departments and Administration)

SB 28, relative to the department of transportation inventory fund and relative to the effective date of the transfer of the electricians' board to the joint board for licensure and certification. (Finance)

SB 29, relative to the motorist service signing program. (Public Works and Highways)

SB 30, making technical corrections to tax laws. (Ways and Means)

SB 33, making technical changes to the judicial retirement plan. (Executive Departments and Administration)

SB 34, relative to the appointment of bail commissioners. (Judiciary)

SB 35, relative to the master jury list. (Judiciary)

SB 42, relative to applications for licensure by the real estate appraisers board. (Executive Departments and Administration)

- SB 43**, relative to the property taxation of qualifying historic buildings. (Municipal and County Government)
- SB 44**, relative to the disposal of controlled drugs by law enforcement officers. (Judiciary/Executive Departments and Administration)
- SB 45**, relative to electronic prescriptions. (Health, Human Services and Elderly Affairs)
- SB 47**, relative to a surviving spouse's right to retain a Purple Heart plate. (Transportation)
- SB 48**, relative to school performance and accountability. (Education)
- SB 49**, relative to appeals of planning board decisions. (Municipal and County Government)
- SB 50**, relative to expiration of variances and special exceptions. (Municipal and County Government)
- SB 51**, relative to the definition of "professional service." (Commerce and Consumer Affairs)
- SB 52**, relative to names of limited partnerships. (Commerce and Consumer Affairs)
- SB 54**, relative to appeals from the department of administrative services bureau of public works design and construction. (Executive Departments and Administration)
- SB 58**, relative to the taxation of water works or flood control land held in another town or city. (Municipal and County Government)
- SB 60**, relative to assisted living facilities and landlord tenant law. (Judiciary)
- SB 62**, authorizing the placement of a certain sign in the town of Danbury. (Municipal and County Government)
- SB 64**, relative to public informational meetings on dams. (Resources, Recreation and Development)
- SB 67**, establishing a committee to examine the issue of statutory authority for all terrain vehicles, off high-way recreational vehicles, and low speed utility vehicles to access public highways for food, fuel, and lodging. (Transportation)
- SB 68**, relative to the escrow fund for court facility improvements. (Judiciary)
- SB 69**, relative to superior court jurisdiction over domestic violence petitions. (Judiciary)
- SB 71**, establishing a committee to study the use and misuse of prescription drugs in workers' compensation cases. (Health, Human Services and Elderly Affairs)
- SB 76**, relative to disqualification of candidates. (Election Law)
- SB 81**, authorizing phlebotomists to withdraw blood for alcohol concentration tests. (Criminal Justice and Public Safety)
- SB 82**, establishing a commission to identify strategies needed for developing and implementing a competency-based public education system. (Education)
- SB 83**, relative to the controlled drug prescription health and safety program. (Health, Human Services and Elderly Affairs)
- SB 84**, relative to road toll administration, relative to motor vehicles carrying property for hire, and relative to administration of the international registration plan. (Public Works and Highways)
- SB 85**, relative to commercial motor vehicle operation. (Transportation)
- SB 88**, relative to the Honor and Remember Flag as an official symbol to recognize and honor fallen members of the armed forces. (State-Federal Relations and Veterans Affairs)
- SB 89**, relative to the definition of lead fishing sinkers and jigs and the penalties for prohibited sales of lead fishing sinkers and jigs. (Fish and Game and Marine Resources)
- SB 90**, establishing a committee to study developing a policy for veteran preference for government hiring. (Executive Departments and Administration)
- SB 92**, prohibiting multiple prescription drug failures. (Commerce and Consumer Affairs)
- SB 93**, relative to plumbers and mechanical contractors on state boards. (Executive Departments and Administration)
- SB 94**, relative to portable electronics insurance. (Commerce and Consumer Affairs)
- SB 96**, relative to vexatious litigants. (Judiciary)
- SB 97**, relative to high school equivalency and relative to illiteracy. (Education)
- SB 101**, relative to collocation and modification of personal wireless services facilities. (Science, Technology and Energy)
- SB 102**, relative to the selection of members of the conservation commission. (Municipal and County Government)
- SB 104**, establishing a commission to study the current community-based system of commodities reporting by junk or scrap metal dealers in New Hampshire. (Commerce and Consumer Affairs)
- SB 105**, relative to disclosure of expert testimony in civil cases and relative to the recording of depositions. (Judiciary)
- SB 106**, relative to confidentiality in adult guardianship cases. (Judiciary)
- SB 107**, relative to probate administration. (Judiciary)
- SB 112**, requiring constitutional amendment concurrent resolutions to contain the language for the voter's guide. (Education)
- SB 117-FN**, establishing a commission to study the regulation of pharmacy benefits managers. (Commerce and Consumer Affairs/Ways and Means)
- SB 119-FN-A**, directing the joint legislative historical committee to conduct a study of state house flag restoration and preservation. (Executive Departments and Administration/Finance)

SB 122-FN, establishing a commercial shrimp license. (Fish and Game and Marine Resources)
SB 124-FN, establishing an integrated land development permit. (Resources, Recreation and Development)
SB 127-FN, relative to registration of certain state contracts with the department of state and repealing the information practices act. (Commerce and Consumer Affairs)
SB 128-FN-L, relative to fees for vital records. (Ways and Means)
SB 131-FN-L, relative to a permitting process for the removal of submerged logs from certain great ponds. (Resources, Recreation and Development)
SB 132-FN, establishing a committee to study police special details. (Executive Departments and Administration)
SB 133-FN, adopting the interstate wildlife violators compact. (Fish and Game and Marine Resources)
SB 136, relative to the rights of the immediate family of crime victims. (Judiciary)
SB 139-FN-L, relative to mileage fees for sheriffs and deputy sheriffs. (Municipal and County Government)
SB 146-FN-L, relative to aid to the permanently and totally disabled and old age assistance. (Health, Human Services and Elderly Affairs/Municipal and County Government)
SB 153-FN, relative to legislative approval of collective bargaining agreements entered into by the state. (Finance)
SB 157-FN, establishing a New Hampshire disaster relief fund. (Finance)
SB 159, exempting drivers of eligible agricultural and farm vehicles from certain federal motor carrier regulations. (Transportation)
SB 161, relative to electronic funds transfers. (Commerce and Consumer Affairs)
SB 165, repealing a prohibition relative to auxiliary state troopers. (Transportation)
SB 171, relative to the council for children and adolescents with chronic health conditions. (Health, Human Services and Elderly Affairs)
SB 178, establishing a committee to review and make recommendations regarding consolidating all state energy positions throughout state departments. (Executive Departments and Administration)
SB 185, establishing a commission on housing policy and regulation. (Executive Departments and Administration)
SB 187, posthumously emancipating enslaved Africans in New Hampshire. (Judiciary)
SB 188-FN, relative to municipally-owned utilities. (Public Works and Highways)
SB 189-FN, relative to the licensure of fuel gas fitters and plumbers by a mechanical licensing board established within the department of safety and transferring regulation of plumbers to the mechanical licensing board. (Executive Departments and Administration/Ways and Means)
SB 192-FN-L, establishing a committee to study the establishment of a state infrastructure bank. (Public Works and Highways/Finance)
SB 194-FN, requiring the department of health and human services to implement the Medicaid family planning expansion. (Health, Human Services and Elderly Affairs/Finance)

RECESS

(Rep. Sanborn in the Chair)

RESOLUTION

Rep. Shurtleff offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 31, 38, 41, 80, 87, 95, 100, 111, 114, 116, 126, 135, 137, 138, 140, 155, 160, 170, 172, 173, 179, 190 and 197 shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 31, relative to a ban on the incidental combustion of untreated wood at municipal transfer stations. (Science, Technology and Energy)
SB 38, relative to pharmacy rights during an audit. (Commerce and Consumer Affairs)
SB 41, revising the New Hampshire business corporations act, RSA 293-A. (Commerce and Consumer Affairs)
SB 80, relative to expanding the community revitalization tax relief program to provide incentives for rehabilitating historic structures. (Municipal and County Government)
SB 87, relative to the patients' bill of rights. (Health, Human Services and Elderly Affairs)
SB 95, relative to choice of pharmacy under workers' compensation. (Labor, Industrial and Rehabilitative Services)
SB 100, authorizing electronic payment of payroll. (Labor, Industrial and Rehabilitative Services)
SB 111, permitting municipalities to establish a capital reserve plan for expenditure of capital reserve funds and relative to electronic billing by municipal utilities. (Municipal and County Government)

SB 114, regulating guaranteed price plans and prepaid contracts for heating oil, kerosene, or liquefied petroleum gas. (Commerce and Consumer Affairs)

SB 116-FN, relative to the licensure of liquefied propane installation and service technicians. (Executive Departments and Administration/Ways and Means)

SB 126-FN, relative to business practices between motor vehicle manufacturers, distributors, and dealers. (Commerce and Consumer Affairs)

SB 135-FN, relative to the regulation of the practice of genetic counseling. (Executive Departments and Administration)

SB 137-FN, relative to sibling visitation rights. (Judiciary)

SB 138-FN, relative to support for certain residents of nursing and assisted living facilities. (Health, Human Services and Elderly Affairs)

SB 140-FN, requiring a pharmacy to substitute generically equivalent drugs for any prescription paid for by state funds. (Commerce and Consumer Affairs)

SB 155-FN-A, requiring revenue from commemorative liquor bottles to be used for the preservation of state house Civil War battle flags. (Executive Departments and Administration/Ways and Means)

SB 160-FN-A, relative to turnpikes and electronic toll collection. (Public Works and Highways)

SB 170, relative to advance directives pertaining to life-sustaining treatment. (Health, Human Services and Elderly Affairs)

SB 172-FN-L, relative to public funds. (Municipal and County Government/Finance)

SB 173, relative to criminal background checks for individuals volunteering or applying for employment at licensed child care facilities. (Children and Family Law/Criminal Justice and Public Safety)

SB 179, clarifying the definition of "renewable generation facility" for purposes of payments in lieu of property tax payments. (Science, Technology and Energy)

SB 190-FN, relative to admission fees for certain persons at state parks and historical sites. (Resources, Recreation and Development/Ways and Means)

SB 197, relative to the inclusion of a default budget in separate warrant articles submitted by sewer commissions. (Municipal and County Government)

SENATE MESSAGES

CONCURRENCE

HB 126-L, relative to use of revolving funds by towns for maintaining recycling programs.

HB 194, relative to collection of permit fees paid with insufficient fund checks.

HB 208, relative to annual reports of county officers.

HB 236, relative to membership of the council on autism spectrum disorders.

HB 309, relative to filing for office.

HB 543, relative to ascertaining damages to abutting landowners.

NONCONCURRENCE

HB 198, relative to town boundary perambulation.

HB 251, relative to the legislative members of the home education advisory council.

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

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

RECESS