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New Hampshire

HOUSE RECORD

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Concord, N.H.

Wednesday, January 22, 2014

No. 8

HOUSE JOURNAL No. 2 (Cont.)

Wednesday, January 15, 2014

Rep. Shurtleff moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 3

Wednesday, January 22, 2014

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

O God of all peoples, whose mercy far exceeds our own. We set aside our own needs for a moment, and we bring before You today the troubles and perils of the people and nations, the sighing of prisoners and captives, the sorrows of the bereaved, the necessities of strangers, the helplessness of the weak, the despondency of the weary, and the failing powers of the aged. O God, draw near to each, and work through us this day that Your blessings might touch their lives. In Your Holy name we pray. Amen.

Representative Shawn Jasper, member from Hudson, led the Pledge of Allegiance.

Isabella St. Laurent, a 13-year old student from Amherst, sang the National Anthem.

LEAVES OF ABSENCE

Reps. Aguiar, Ronald Belanger, Bradley, Carroll, Charron, Connor, Cormier, Susan Emerson, Helmstetter, Irwin, Lundgren, Martel, McCloskey, Mary Nelson, Parsons, Amy Perkins, Sedensky and Wright, the day, illness.

Reps. Ahlgren, Friel, Harding, Hayes, Murotake, William O'Brien, Packard, Priestley, Rowe, Tamburello and Ulery, the day, important business.

Rep. Lawrence Perkins, the day, illness in the family.

INTRODUCTION OF GUESTS

Lois and Jon St. Laurent, parents of the singer, guests of the Amherst Delegation. Judy and Oriana Raymond, mother and daughter of Rep. Raymond. The Honorable John Knowles, former member from Hudson, husband of Rep. Knowles. Jozi Best and Martha Potter, guests of Rep. Rollins. Mark and Nancy Watson, guests of Rep. Cordelli. Fourth graders from the Sanbornton Central School, guests of the House.

Matt Taylor, a student at Lebanon High School, Page for the day.

SPECIAL GUESTS

Iain Bean, Bill Blankenberg, Arthur Brown, John Bunnell, George Durfee, Harry Kageleiry, Dan Lanio, Russell Manchester, John Mastro, Kevin McAdams, Ed O'Reilly, Dick Pockwinse and Burrell York, veterans of the 101st Airborne Division.

PETITIONS

Petitioner Representative Daniel Itse of Fremont on behalf of Joseph Gagnon. This grievance against the judges of the 10th Circuit Court Family Division seeks performance of an audit of the Family Court Division to determine if any courts or judges have a preponderance of appeals; an investigation of any such court or judges for malfeasance or maladministration; and a cap on support orders.

Petitioner Representative Robert Luther on behalf of Ann Marie Monihan. This grievance against the 10th Circuit Court Family Division seeks to have the House of Representatives determine whether or not there was maladministration the part of the Division in Brentwood; determine whether court orders are in violation of NH statutes and NH and US case law and constitutions; investigate whether impeachment proceedings should be brought; propose various amendments to state statutes; establish a committee to propose conflict management resolution for parents and children; and provide restitution, financial and otherwise, to the Petitioner.

MOTION TO VACATE

Rep. Butler moved that the House vacate the reference of **HB 1348**, relative to the community development finance authority, to the Committee on Commerce and Consumer Affairs.

Adopted.

The Speaker referred **HB 1348** to the Committee on Resources, Recreation and Development.

SPECIAL ORDERED

Without objection, the Speaker made **SB 15**, naming a portion of route 101 after the 101st Airborne Division Screaming Eagles, a Special Order as the first order of business.

SPECIAL ORDER

SB 15, naming a portion of route 101 after the 101st Airborne Division Screaming Eagles. **OUGHT TO PASS.** Rep. Franklin T. Tilton for Public Works and Highways. This bill provides that the portion of New Hampshire route 101 from Interstate 93 in Manchester to the Auburn/Candia town line be named the 101st Airborne Division Screaming Eagles Highway in honor of all New Hampshire veterans who have served with the 101st Airborne Division. The 101st is truly one of the Army's elite units with 24 campaigns to its credit. It has received 5 Presidential Unit Citations, 4 Valorous Unit Awards, 5 Meritorious Unit Citations, and 11 awards from foreign governments. This visible recognition of one of our proudest units is also a tribute to all veterans of all of the services. Officials from Manchester and Auburn have provided the Committee with letters of support of their communities for this action. Vote 11-4.

Rep. Frederick Rice spoke in favor.

Adopted unanimously by a rising vote.

MOTION TO PRINT REMARKS

Rep. Baldasaro moved that the remarks made by Rep. Frederick Rice be printed in the Permanent Journal. Without objection, the Speaker so ordered.

REMARKS

Rep. Frederick Rice: Thank you, Madam Speaker. The 101st Airborne Division, also known as the "Screaming Eagles," is one of most famous, one of the most decorated and one of the most storied units ever in the annals of U.S. military history. They were formed in 1942 and at that time their commanding general said, "We have no history, but we do have a rendezvous with destiny." Since that time, they have kept that rendezvous many times in many places. In World War II, they were the first unit into Normandy. They parachuted behind enemy lines in the dark of night to secure the roads off the Utah beachhead. Their story was told in the movie, *The Longest Day*. You may remember the paratrooper who was hung up on the church steeple overnight; that was part of the 101st. They then participated in Operation Market Garden, the largest airborne operation to that time. Their story there is depicted in the movie, *A Bridge Too Far*. Later, around Christmas time in 1944, they found themselves surrounded in the village of Bastogne and when the German commander demanded their surrender, the American commander, General Anthony McAuliffe, replied with one word, "Nuts." They got another nickname there. They were called, "The Battered Bastards of Bastogne." Very appropriate. The TV miniseries, *A Band of Brothers*, tells the story of one company, Easy Company, all the way from their training in England all the way to the end of the war. Many people have watched that very diligently. Stateside in peacetime, they were best known perhaps, for providing the security at Little Rock, Arkansas High School when that school was integrated for the first time. When Vietnam came up, the 101st spent 6 years in country. They fought in such valleys as the A Shau, Hamburger Hill and there is also a movie about that one. During the Gulf War, in the original Persian Gulf War, they were part of the famous "Hail Mary Play" around the left flank that General Schwarzkopf described so eloquently in his remarks on television. In Kosovo, they went in there to keep the peace in 2000. After September 11, they were the conventional unit to go into Afghanistan to fight the Taliban over there. They went back to Iraq for major

deployments in 2003 and 2005. In Afghanistan they have had multiple deployments again from 2007 to 2011. From World War II to the present, the 101st Airborne Division has participated in 21 campaigns. They have received 29 unit decorations for Valor and there have been 22 recipients of the Medal of Honor from their ranks. Here with us in the Gallery today we have 11 veterans of the 101st Airborne Division. They didn't do too shabby either. Amongst them, they have a combined total of 506 jumps out of what other people would call perfectly good airplanes. These gentlemen up there, amongst them, one has been awarded the Silver Star, five Bronze Star medals, six Purple Hearts, four Combat Infantry Badges, two Combat Medical Badges and ten Air Medals. Gentlemen, I salute you. Dozens of books, movies, songs, documentaries, TV shows, and even video games have been made up about this famous unit. Now, New Hampshire has a chance to honor its veterans and other veterans of this division who served, fought and died with it over the past 70 years. SB 15 will dedicate a portion of state highway 101 in Manchester and Auburn in honor of the 101st Airborne Division Screaming Eagles. Both communities have expressed strong support for this honor and appropriate signage will be provided by the 101st Division Association. We are fortunate to have a stretch of open divided highway which happens to have the same numerical designation as this famous unit. I hope that you will join me in a unanimous vote of Ought to Pass in honor of this famous unit and the New Hampshire veterans who have served in its ranks. Thank you, Madam Speaker.

REGULAR CALENDAR – 2013 RETAINED BILLS – PART II (CONT'D)

HB 474, relative to eligibility for in-state tuition rates at the university system of New Hampshire. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. June M. Frazer for the Majority of Education. This bill grants eligibility for in-state tuition in the university system of New Hampshire for children of undocumented immigrants if they have graduated from a New Hampshire high school or attained a New Hampshire high school equivalency certificate; have attended a New Hampshire high school for three years prior to graduation or receiving a New Hampshire high school equivalency certificate; and have met all other criteria for in-state tuition status. These students will also be required, if not already having legal residency in the United States, to file an application, with a copy to the university system of New Hampshire, to legalize the student's status, or will file such an application, with a copy to the university system of New Hampshire as soon as he or she is eligible to do so. Vote 11-7.

Rep. Ralph G. Boehm for the Minority of Education. This bill gives in-state resident tuition privileges to persons that are in this country illegally. It is not fair for out-of state students to have to pay higher tuition than other students that are in this country illegally. It is not right for your children or grandchildren to not be able to take a course because it is filled by illegal residents. The federal government has said continuously that immigration is the purview of the federal government; we in the state should not be interfering with that decision.

Majority Amendment (2219h)

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

1 University System of New Hampshire; Authority of the Trustees. Amend RSA 187-A:16, XXIII to read as follows:

XXIII. Require every student admitted after ~~[December 31, 2012]~~ **June 10, 2014** and receiving the in-state rate of tuition to execute an affidavit attesting *that* he or she is a legal resident of the United States, ***or require the student to file an application, a copy of which shall be furnished to the university system of New Hampshire, to legalize the student's status, or that the student will file such an application, a copy of which shall be furnished to the university system of New Hampshire, as soon as he or she is eligible. To be eligible for in-state tuition, a student who has filed or will fill such an application shall also meet the following requirements:***

(a) The student shall have graduated from an approved New Hampshire high school or earned the New Hampshire high school equivalency certificate.

(b) The student shall have attended a high school in New Hampshire for 3 years prior to graduation or be domiciled in New Hampshire for 3 years prior to receiving a New Hampshire high school equivalency certificate.

I The student shall have met all other criteria for in-state tuition status as established by the university system of New Hampshire board of trustees.

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

AMENDED ANALYSIS

This bill establishes requirements for in-state tuition status for students in the university system of New Hampshire.

Majority committee amendment adopted.

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

Reps. Bick and Boehm spoke against.

Reps. Cordelli and Duarte spoke against and yielded to questions.

Reps. Ladd, Pastor and Jeudy spoke in favor.

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

Rep. Boehm requested a roll call; sufficiently seconded.

YEAS 188 - NAYS 155

YEAS - 188

BELKNAP

Arsenault, Beth

Gulick, Ruth

Huot, David

Raymond, Ian

CARROLL

Buco, Thomas
White, Syndi

Butler, Edward

Lavender, Tom

Ticehurst, Susan

CHESHIRE

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

Berch, Paul
Johnsen, Gladys
Phillips, Larry
Tatro, Bruce

Butynski, William
Lerandeau, Alfred
Robertson, Timothy
Weber, Lucy

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

COOS

Coulombe, Gary
Thomas, Yvonne

Hammon, Marcia

Hatch, William

Moynihan, Wayne

GRAFTON

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

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

Brown, Rebecca
Higgins, Patricia
Mulholland, Catherine
Shackett, Jeffrey
White, Andrew

Cooney, Mary
Ladd, Rick
Nordgren, Sharon
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Brown, Pamela
DiSilvestro, Linda
Gale, Sylvia
Gorman, Mary
Harriott-Gathright, Linda
Jeudy, Jean
Levesque, Melanie
Manley, Jonathan
O'Neil, William
Schmidt, Janice
Soucy, Timothy
Takesian, Charlene
Williams, Kermit

Beaulieu, Jane
Campbell, David
Dobson, Jeremy
Garcia, Michael
Grady, Brenda
Heath, Mary
Knowles, Mary Ann
Long, Patrick
McNamara, Richard
Porter, Marjorie
Shattuck, Gilman
Spratt, Stephen
Vail, Suzanne
Winters, Joel

Boisvert, Ronald
Chandley, Shannon
Eaton, Richard
Gargas, Carolyn
Hackel, Paul
Heden, Ruth
Kopka, Angeline
MacKay, Mariellen
O'Brien, Michael
Ramsey, Peter
Shaw, Barbara
Sullivan, Daniel
Walsh, Robert
Woodbury, David

Booras, Efstathia
Cote, David
Gage, Ruth
Goley, Jeffrey
Hammond, Jill
Jack, Martin
Leishman, Peter
Mangipudi, Latha
O'Flaherty, Tim
Rosenwald, Cindy
Smith, Timothy
Sullivan, Peter
Willette, Robert

MERRIMACK

Alicea, Caroletta
Carey, Lorrie
Frambach, Mary
Henle, Paul
Lockwood, Priscilla
Patten, Dick
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

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

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

Burns, Scott
Ebel, Karen
Gile, Mary
Kidder, David
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

ROCKINGHAM

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

Briden, Steven
Cushing, Robert
Khan, Aboul
Muns, Chris
Till, Mary

Burtis, Elizabeth
Emerson-Brown, Rebecca
Lovejoy, Patricia
Pantelakos, Laura
Ward, Gerald

Cahill, Michael
Flockhart, Eileen
Mann, Maureen
Schlachman, Donna
Wazlaw, Brian

STRAFFORD

Baber, William
Burke, Rachel
Horrigan, Timothy

Berube, Roger
Grassie, Anne
Malloy, Dennis

Bixby, Peter
Grossman, Kenneth
Menear, H. Robert

Burdwood, Greg
Hooper, Dorothea
Merrill, Amanda

Miller, David
Schmidt, Peter
Stevens, Audrey

Perry, Robert
Smith, Marjorie
Verschueren, James

Rogers, Rose Marie
Spainhower, Dale
Wall, Janet

Rollo, Deanna
Spang, Judith

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond
Sweeney, Cynthia

Gottling, Suzanne
Tanner, Linda

Lefebvre, Benjamin

NAYS - 155

BELKNAP

Burchell, Richard
Flanders, Donald
Tilton, Franklin

Comtois, Guy
Greemore, Robert
Vadney, Herbert

Fields, Dennis
Holmes, Stephen
Worsman, Colette

Fink, Charles
Sylvia, Michael

CARROLL

Chandler, Gene
Merrow, Harry

Cordelli, Glenn
Nelson, Bill

Crawford, Karel
Schmidt, Stephen

McConkey, Mark
Umberger, Karen

CHESHIRE

Hunt, John

Johnson, Jane

Parkhurst, Henry

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Reilly, Harold

Doolan, Ralph

Gionet, Edmond

Massimilla, Linda

HILLSBOROUGH

Barry, Richard
Byron, Frank
Culbert, Patrick
Gagne, Larry
Hansen, Peter
Infantine, William
Lambert, George
McCarthy, Michael
Notter, Jeanine
Parison, James
Renzullo, Andrew
Souza, Kathleen
Vaillancourt, Steve

Belanger, James
Cebrowski, John
Daniels, Gary
Graham, John
Hikel, John
Jasper, Shawn
LeBrun, Donald
Meaney, Richard
Ober, Lynne
Pellegrino, Tony
Rhodes, Brian
Straight, Philip
Villeneuve, Moe

Boehm, Ralph
Christiansen, Lars
Danielson, David
Haefner, Robert
Hinch, Richard
Kelley, John
LeVasseur, Richard
Murphy, Kelleigh
Ober, Russell
Peterson, Lenette
Sanborn, Laurie
Stroud, Kathleen
Warden, Mark

Burt, John
Coffey, James
Flanagan, Jack
Hansberry, Daniel
Hopper, Gary
Kurk, Neal
Marston, Dick
Murphy, Keith
Palmer, Stephen
Pratt, Calvin
Sandblade, Emily
Sweeney, Shawn

MERRIMACK

Andrews, Christopher
Kotowski, Frank
Walsh, Thomas

Hess, David
McGuire, Carol

Hoell, J.R.
McGuire, Dan

Karrick, David
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Copeland, Timothy
Duarte, Joe
Ferrante, Beverly
Gordon, Richard
Harris, Jeffrey
Itse, Daniel
McMahon, Charles
Oigny, Jeffrey
Sapareto, Frank
Sweeney, Joe
Waterhouse, Kevin

Allen, Mary
Bishop, Franklin
Danais, Romeo
Dumaine, Dudley
Fesh, Robert
Grace, Curtis
Hodgdon, Bruce
Kappler, Lawrence
Milz, David
Peckham, Michele
Scarlotta, Joe
Sytek, John
Webb, James

Baldasaro, Alfred
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Garcia, Bianca
Griffin, Mary
Hoelzel, Kathleen
Kolodziej, Walter
Nigrello, Robert
Rice, Frederick
Schroadter, Adam
Tasker, Kyle
Weyler, Kenneth

Bick, Patrick
Comerford, Timothy
Devine, James
Emerick, J. Tracy
Garcia, Marilinda
Hagan, Joseph
Introne, Robert
McKinney, Betsy
O'Connor, John
Sanders, Elisabeth
St.James, Kevin
Tucker, Pamela
Whittemore, Lisa

STRAFFORD

Beaudoin, Steven
Groen, Warren

Bickford, David
Jones, Laura

Gardner, Janice
Mullen, John

Gray, James
Pitre, Joseph

SULLIVAN

Grenier, James
Smith, Steven

O'Hearne, Andrew

Osgood, Joe

Rollins, Skip

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

MOTION TO PRINT REMARKS

Rep. Horrigan moved that the debate on **HB 474**, relative to eligibility for in-state tuition rates at the university system of New Hampshire, be printed in the Permanent Journal.

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

On a division vote, 92 members having voted in the affirmative and 252 in the negative, the motion failed.

REGULAR CALENDAR – 2013 RETAINED BILLS – PART II (CONT'D)

HB 110, requiring persons who record cruelty to livestock to report such cruelty and submit such recordings to a law enforcement agency. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert H. Haefner for the Majority of Environment and Agriculture. The majority of the committee believes that HB 110 is an important step for protecting livestock as well as the New Hampshire farmers that raise them. The bill is simple, clear and concise. It protects livestock from intentional cruelty by requiring that the cruelty be reported to the only people that can stop the abuse – our law enforcement officers. The bill enables prosecution of the abusers of the animals, and the bill helps protect our farmers from those that would convict them in the court of public opinion. This bill requires that if you see someone, other than yourself, intentionally abusing an animal, you have a duty to report it within 48 hours to law enforcement. Some claim that in order to exact real punishment for abusers, one needs to videotape over a period of time. What they do not say is that while the filming goes on the abuse continues and continues. Under what moral authority can horrible cruelty to livestock be allowed to continue? While this bill has been mischaracterized by those opposed to it, it is a non-partisan agriculture bill that does exactly what the national animal rights groups ask of their supporters, “If you see animal abuse, report it to local law enforcement.” Vote 11-6.

Rep. Christy D. Bartlett for the Minority of Environment and Agriculture. This bill creates a new crime by amending the state’s criminal code. It will make it a crime for any citizen who witnesses “another person” acting with “cruelty” toward “livestock” or “poultry” and does not report the “cruelty” within 48 hours. This bill applies only to agricultural livestock and poultry. The proposed penalty is a criminal violation to be recorded by the state police. This bill imposes the criminal penalty on any citizen of the state, whether experienced in animal agriculture or not. Testimony was anecdotal as to how “factory farms” in the West and Midwest have been exposed or been offended by certain video investigations on national television and there was no credible testimony that there had been problems experienced by NH farmers. The committee received substantial evidence that NH has an effective animal cruelty, statute while this bill adds a separate definition of animal cruelty. NH has trained animal control officers, and a state veterinarian who already, under existing law, works effectively with law enforcement to prevent cruelty to animals. There was also no information about an increase in costs for investigations by the municipalities. There is no hold harmless provision in this bill to protect the citizens the bill would oblige to make reports. By contrast, the child protection statute legally protects any reporter of abuse, and the present animal cruelty statute expressly holds the state veterinarian harmless from lawsuits from animal owners. The minority believes the proposed bill is bad public policy, and an unnecessary change to the presently effective law against animal cruelty.

Majority Amendment (2209h)

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

AN ACT requiring persons who witness cruelty to livestock to report such cruelty and the existence of any evidence of such cruelty to a law enforcement agency.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Cruelty to Livestock. Amend RSA 644:8 by inserting after paragraph V the following new paragraph:

VI.(a) Anyone who witnesses another person performing acts of cruelty to livestock, as defined in RSA 427:38, or to poultry has a duty to report such cruelty to law enforcement with jurisdiction, within 48 hours of witnessing such cruelty. If the person making the report has evidence of the cruelty, he or she shall have the same duty to notify law enforcement that he or she has such evidence at the same time they make a report. If the evidence is a photograph or video, the witness shall keep an unedited copy for 60 days. It shall be a defense to prosecution under this section if the person witnessing the acts of cruelty reasonably believes his or herself to be criminally liable for the conduct of the actor pursuant to RSA 626:8. Failure to report cruelty to livestock or poultry is a violation and carries a \$250 fine for the first offense and \$1,000 fine for each subsequent offense.

(b) Cruelty for the purpose of this paragraph shall be defined as the commission of an offense which intentionally or knowingly tortures, maims, lacerates or grossly overworks livestock or poultry; or transports or confines livestock or poultry in a cruel manner not consistent with good animal agriculture practices.

AMENDED ANALYSIS

This bill requires persons who witness cruelty to livestock to report such cruelty and existence of any evidence of such cruelty to a law enforcement agency.

LAI D ON THE TABLE

Rep. Sad moved that **HB 110**, requiring persons who record cruelty to livestock to report such cruelty and submit such recordings to a law enforcement agency, be laid on the table.

On a division vote, 329 members having voted in the affirmative and 15 in the negative, the motion was adopted.

REGULAR CALENDAR – 2013 RETAINED BILLS – PART II (CONT'D)

HB 660-FN, requiring the labeling of genetically engineered foods and agricultural commodities. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert H. Haefner for the Majority of Environment and Agriculture. This bill is a misplaced attempt to do at a state level what must be done at a national level – add specific information (label) our food products. The FDA oversees labeling of all food sold in the United States, and it requires that food labeling be limited to that which is relevant to health, safety and nutrition. The FDA has not mandated GMO labeling because they have determined that foods containing these products are safe and substantially the same as their non-GE counterparts. A label would in effect serve as a skull and crossbones, suggesting to the consumer that there is something dangerous in the product when in fact science has shown there is not. This bill is considered by some legal experts to be unconstitutional. Should HB 660 pass, food manufacturers and processors will most certainly mount a challenge on three arguments: the Interstate Commerce Clause, Federal Preemption, and the First Amendment. The costs to the state of fighting a constitutional challenge in court would be massive, and one that New Hampshire, with its small general fund coffers, can ill afford. Nor can the consumer afford the increased costs of food that studies show will come as a result of this bill. The complaint provisions of this bill are impossible to enforce. The onus for ensuring the accuracy of labeling doesn't fall on the shoulders of the food processors and manufacturers, such as Del Monte or Kellogg, but instead firmly on the shoulders of our New Hampshire retailers. How is the owner of your corner grocery going to guarantee that every item on his store shelves is labeled correctly? DHHS has no system in place for enforcement of this bill, since until now the FDA, not the state, has been responsible for all food safety investigation and enforcement. DHHS estimates the fiscal note for enforcement to be between \$125,000 and \$500,000 per year. Foods made with genetically engineered components are safe according to the Food and Drug Administration, The American Association for the Advancement of Science, The American Medical Association, The Bill and Melinda Gates Foundation, The World Health Organization, National Academy of Sciences, the Royal Society of Medicine, The American Council on Science and Health, the European Commission, the American Society of Cell Biology and the International Council for Science, among others. The majority of the Environment and Agriculture Committee agrees with these experts, and recommends that you vote this bill Inexpedient to Legislate. Vote 12-8.

Rep. Peter W. Bixby for the Minority of Environment and Agriculture. New Hampshire citizens have the right to know whether their food is produced with genetic engineering. While we have concerns about the lack of safety and health testing by parties independent of the bio-tech industry, we are not opposed to the use of GE technology per se. We simply feel that people should have the freedom to make their own choices about food, and since knowledge is essential to the proper exercise of that freedom, information about genetically engineered content should be available on food labels. Although labeling of genetically engineered foods would ideally be done at the federal level, the federal government has failed to act on this for over twenty years. It is time for the states to lead, and New Hampshire should do its part by passing an amended version of HB 660 to provide for GE food labeling that is consistent with that in neighboring states.

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

Reps. Whittemore and Timothy Smith spoke against.

Rep. Bixby spoke against and yielded to questions.

Reps. Lauer and Parison spoke in favor and yielded to questions.

MOTION TO RECESS

Rep. Carol McGuire moved that the House stand in recess.

Speaker ruled the motion out of order.

APPEAL OF THE RULING OF THE CHAIR

Rep. Carol McGuire appealed the ruling of the Chair on the motion to recess being out of order.

On a division vote, 258 members having voted in the affirmative and 79 in the negative, the ruling of the Chair was upheld.

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

Rep. Bixby yielded to questions.

Rep. Groen spoke in favor and yielded to questions.

Rep. Raymond spoke against.

Rep. Haefner spoke in favor.

Rep. Sherman requested a roll call; sufficiently seconded.

YEAS 185 - NAYS 162**YEAS - 185
BELKNAP**

Burchell, Richard
Flanders, Donald
Tilton, Franklin

Comtois, Guy
Greemore, Robert
Vadney, Herbert

Fields, Dennis
Huot, David

Fink, Charles
Sylvia, Michael

CARROLL

Buco, Thomas
McConkey, Mark

Chandler, Gene
Merrow, Harry

Cordelli, Glenn
Schmidt, Stephen

Lavender, Tom

CHESHIRE

Ames, Richard
Lerandeau, Alfred
Weber, Lucy

Berch, Paul
Parkhurst, Henry
Young, Harry

Hunt, John
Sad, Tara

Johnson, Jane
Tatro, Bruce

COOS

Hatch, William

Richardson, Herbert

Rideout, Leon

Theberge, Robert

GRAFTON

Almy, Susan
Lauer, Linda
White, Andrew

Bailey, Brad
Reilly, Harold

Gionet, Edmond
Shackett, Jeffrey

Ladd, Rick
Townsend, Charles

HILLSBOROUGH

Barry, Richard
Campbell, David
Culbert, Patrick
Gage, Ruth
Gorman, Mary
Hansen, Peter
Jasper, Shawn
Lambert, George
Mangipudi, Latha
Murphy, Keith
O'Neil, William
Parison, James
Pratt, Calvin
Rokas, Ted
Souza, Kathleen
Sweeney, Shawn
Warden, Mark

Boehm, Ralph
Cebrowski, John
Daniels, Gary
Garcia, Michael
Graham, John
Hikel, John
Katsiantonis, Thomas
LeBrun, Donald
Marston, Dick
Notter, Jeanine
Ober, Lynne
Pellegrino, Tony
Ramsey, Peter
Sanborn, Laurie
Straight, Philip
Takesian, Charlene
Willette, Robert

Boisvert, Ronald
Christiansen, Lars
Danielson, David
Gargas, Carolyn
Hackel, Paul
Hinch, Richard
Kelley, John
Leishman, Peter
McCarthy, Michael
O'Brien, Michael
Ober, Russell
Peterson, Lenette
Renzullo, Andrew
Sandblade, Emily
Stroud, Kathleen
Villeneuve, Moe

Burt, John
Coffey, James
Eaton, Richard
Goley, Jeffrey
Haefner, Robert
Infantine, William
Kopka, Angeline
LeVasseur, Richard
Meaney, Richard
O'Flaherty, Tim
Palmer, Stephen
Porter, Marjorie
Rhodes, Brian
Soucy, Timothy
Sullivan, Peter
Walsh, Robert

MERRIMACK

Andrews, Christopher
Kidder, David
McGuire, Carol
Schuett, Dianne
Webb, Leigh

Bouchard, Candace
Kotowski, Frank
McGuire, Dan
Shurtleff, Stephen

Frambach, Mary
Lockwood, Priscilla
Patten, Dick
Smith, Todd

Hoell, J.R.
MacKay, James
Schamberg, Thomas
Walsh, Thomas

ROCKINGHAM

Abrami, Patrick
Chirichiello, Brian
Emerick, J. Tracy
Gordon, Richard
Hodgdon, Bruce
Khan, Aboul
McMahon, Charles
O'Connor, John
Rice, Frederick
Sweeney, Joe
Weyler, Kenneth

Allen, Mary
Copeland, Timothy
Fesh, Robert
Grace, Curtis
Hoelzel, Kathleen
Kolodziej, Walter
Milz, David
Oligny, Jeffrey
Sanders, Elisabeth
Tucker, Pamela

Baldasaro, Alfred
DeSimone, Debra
Garcia, Bianca
Griffin, Mary
Introne, Robert
Lovejoy, Patricia
Muns, Chris
Pantelakos, Laura
Scarlotta, Joe
Waterhouse, Kevin

Bishop, Franklin
Duarte, Joe
Garcia, Marilinda
Hagan, Joseph
Kappler, Lawrence
McKinney, Betsy
Nigrello, Robert
Peckham, Michele
Schroadter, Adam
Webb, James

STRAFFORD

Beaudoin, Steven
Gray, James
Mullen, John
Spainhower, Dale

Berube, Roger
Groen, Warren
Pitre, Joseph
Stevens, Audrey

Bickford, David
Hooper, Dorothea
Rogers, Rose Marie
Verschueren, James

Gardner, Janice
Jones, Laura
Smith, Marjorie
Wall, Janet

SULLIVANGagnon, Raymond
Schmidt, Andrew

Gottling, Suzanne

Osgood, Joe

Rollins, Skip

NAYS - 162**BELKNAP**Arsenault, Beth
Raymond, IanDiMartino, Lisa
Worsman, Colette

Gulick, Ruth

Holmes, Stephen

CARROLLButler, Edward
Umberger, KarenCrawford, Karel
White, Syndi

Nelson, Bill

Ticehurst, Susan

CHESHIREButynski, William
Ley, Douglas
Robertson, TimothyChase, Cynthia
Mann, John
Shepardson, MarjorieEaton, Daniel
Phillips, Larry
Weed, CharlesJohnsen, Gladys
Roberts, Kris**COOS**Coulombe, Gary
Thomas, Yvonne

Hammon, Marcia

Moynihan, Wayne

Rappaport, Laurence

GRAFTONBenn, Bernard
Ford, Susan
Massimilla, Linda
Piper, WendyBrown, Rebecca
Friedrich, Carol
Mulholland, Catherine
Smith, SuzanneCooney, Mary
Higgins, Patricia
Nordgren, Sharon
Sykes, GeorgeDoolan, Ralph
Lovett, Sid
Pastor, Beatriz**HILLSBOROUGH**Backus, Robert
Brown, Pamela
DiSilvestro, Linda
Gale, Sylvia
Harriott-Gathright, Linda
Jack, Martin
Levesque, Melanie
McNamara, Richard
Shattuck, Gilman
Sullivan, Daniel
Winters, JoelBeaulieu, Jane
Byron, Frank
Dobson, Jeremy
Grady, Brenda
Heath, Mary
Judy, Jean
Long, Patrick
Murphy, Kelleigh
Shaw, Barbara
Vail, Suzanne
Woodbury, DavidBelanger, James
Chandley, Shannon
Flanagan, Jack
Hammond, Jill
Heden, Ruth
Knowles, Mary Ann
MacKay, Mariellen
Rosenwald, Cindy
Smith, Timothy
Vaillancourt, SteveBooras, Efstathia
Cote, David
Gagne, Larry
Hansberry, Daniel
Hopper, Gary
Kurk, Neal
Manley, Jonathan
Schmidt, Janice
Spratt, Stephen
Williams, Kermit**MERRIMACK**Alicea, Caroletta
Carson, Clyde
French, Barbara
Hunt, Jane
Ratzki, Mario
Turcotte, AlanBartlett, Christy
Davis, Frank
Gile, Mary
Karrick, David
Rice, Chip
Wallner, Mary JaneBurns, Scott
Ebel, Karen
Henle, Paul
Moffett, Howard
Richardson, Gary
Walz, Mary BethCarey, Lorrie
Frazer, June
Hirsch, Geoffrey
Myler, Mel
Rogers, Katherine
Watrous, Rick**ROCKINGHAM**Andrews-Ahearn, E. Elaine
Briden, Steven
Comerford, Timothy
Dumaine, Dudley
Flockhart, Eileen
Mann, Maureen
St.James, Kevin
Wazlaw, BrianBick, Patrick
Burtis, Elizabeth
Cushing, Robert
Elliott, Robert
Harris, Jeffrey
Moody, Marcia
Tasker, Kyle
Whittemore, LisaBirdsell, Regina
Cahill, Michael
Danais, Romeo
Emerson-Brown, Rebecca
Heffron, Frank
Schlachman, Donna
Till, MaryBorden, David
Cali-Pitts, Jacqueline
Devine, James
Ferrante, Beverly
Itse, Daniel
Sherman, Thomas
Ward, Gerald**STRAFFORD**Baber, William
Grassie, Anne
Menear, H. Robert
Perry, Robert
Ward, KennethBixby, Peter
Grossman, Kenneth
Merrill, Amanda
Rollo, DeannaBurdwood, Greg
Horrigan, Timothy
Miller, David
Schmidt, PeterBurke, Rachel
Malloy, Dennis
Pelletier, Marsha
Spang, Judith**SULLIVAN**Cloutier, John
Smith, StevenGrenier, James
Tanner, Linda

Lefebvre, Benjamin

O'Hearne, Andrew

and the majority committee report was adopted.
Rep. Birdsell voted Nay and intended to vote Yea.

The House recessed at 1:13 p.m.

RECESS

The House reconvened at 2:15 p.m.

(Rep. Gary Richardson in the Chair)

REGULAR CALENDAR – 2013 RETAINED BILLS – PART II (CONT'D)

HB 173, repealing the authority for supplemental allowances under the judicial retirement plan. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Raymond G. Gagnon for the Majority of Executive Departments and Administration. As introduced, HB 173 repealed provisions allowing the Board of Trustees of the Judicial Retirement Plan to grant annual supplemental allowances to retired judges. This law, RSA 100-C, was adopted in 2003 and first implemented in 2005. Judges that retired under the retirement plan in effect prior to 2005 have received and continue to receive COLAs based on increases granted to active judges. Judges hired before 2005 that have retired since the new plan was implemented, filed a lawsuit challenging the method used for calculating their pension benefit under the new plan. The Supreme Court has ruled that the prior retirement statutes vested an implied contract that vested in the judges upon appointment and that RSA 100-C is unconstitutional as applied to the petitioning judges. If the supplemental allowance provisions are repealed from RSA 100-C, recently retired judges will have strong grounds for a further lawsuit based on the disparity between the COLAs granted to pre-2005 retired judges and the absence of any possibility for supplemental allowances for post-2005 retired judges. Under current law, the Board of Trustees may grant annual supplemental allowances totaling up to \$50,000 in the aggregate to all retired judges. As more judges retire, this amount is divided among an ever increasing pool of retirees. The amendment increases the maximum total amount distributed in supplemental allowances to \$250,000.00 to make up the insufficiency. Vote 10-9.

Rep. Carol M. McGuire for the Minority of Executive Departments and Administration. This bill was amended by the committee to quintuple the funds available for supplemental allowances in the judicial retirement plan, from \$50,000 to \$250,000 per year. Experience with state retirement plans indicates that the full amount will be used every year, bleeding nearly 1% of the fund's corpus from payment of the earned pensions to an attempt at an inflation adjustment. The minority is unwilling to risk the judges, or the taxpayers of the state, by increasing this benefit.

Majority Amendment (2247h)

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

AN ACT relative to supplemental allowances under the judicial retirement plan.

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

1 Judicial Retirement Plan; Supplemental Benefits. Amend RSA 100-C:13, III(g) to read as follows:

(g) The board of trustees shall be permitted to pay out to, or for the benefit of, retired members retired after January 1, 2005 or their beneficiaries, supplemental benefits as provided in RSA 100-C:17, not to exceed ~~[\$50,000]~~ **\$250,000** in the aggregate per calendar year. Said benefits shall be on a nonrecurring basis. ~~[Supplemental benefits greater than \$50,000 per calendar year in the aggregate shall only be paid if the judicial retirement annuity accumulation fund earns at a level greater than the actuarial assumed rate of return approved by the board and the trust is at least 90 percent funded for that calendar year.]~~

2 Supplemental Allowances; Approval. Amend RSA 100-C:17 to read as follows:

100-C:17 Supplemental Allowances. Each calendar year, the general court may approve supplemental benefits in an amount exceeding ~~[\$50,000]~~ **\$250,000** in the aggregate upon recommendation of the board. The board shall have the authority to provide supplemental benefits annually in such percentages or amounts as the board deems advisable, including the ability to segment or tier amounts based upon years without such a benefit. Supplemental benefits shall not be permanent. The board shall provide information required by the general court, including, but not limited to, any change in the Consumer Price Index–Urban for the year prior to the year in which the nonrecurring benefit is to be granted. Supplemental benefits greater than ~~[\$50,000]~~ **\$250,000** per year in the aggregate shall only be paid **(1)** if the judicial retirement annuity accumulation fund earns at a level greater than the actuarial assumed rate of return approved by the board and the trust is at least 90 percent funded for that calendar year, **or (2) as the legislature otherwise provides.**

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

AMENDED ANALYSIS

This bill increases the amount which may be approved for supplemental allowances to be granted to judges retired under the judicial retirement plan.

Reps. Carol McGuire and Kurk spoke against.

Rep. Weber spoke in favor.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 158 - NAYS 172**YEAS - 158
BELKNAP**

Gulick, Ruth

Raymond, Ian

CARROLL

Lavender, Tom

Ticehurst, Susan

CHESHIREAmes, Richard
Johnsen, Gladys
Parkhurst, Henry
Weber, LucyBerch, Paul
Lerandeau, Alfred
Robertson, Timothy
Weed, CharlesButynski, William
Ley, Douglas
Sad, Tara
Young, HarryChase, Cynthia
Mann, John
Shepardson, Marjorie**COOS**Coulombe, Gary
Theberge, Robert

Hammon, Marcia

Hatch, William

Moynihan, Wayne

GRAFTONBenn, Bernard
Higgins, Patricia
Pastor, Beatriz
White, AndrewCooney, Mary
Lauer, Linda
Smith, SuzanneFord, Susan
Mulholland, Catherine
Sykes, GeorgeFriedrich, Carol
Nordgren, Sharon
Townsend, Charles**HILLSBOROUGH**Backus, Robert
Chandley, Shannon
Eaton, Richard
Grady, Brenda
Harriott-Gathright, Linda
Jeu, Jean
Kopka, Angeline
MacKay, Mariellen
O'Brien, Michael
Rhodes, Brian
Shattuck, Gilman
Sullivan, Peter
Woodbury, DavidBooras, Efsthia
Cote, David
Gage, Ruth
Hackel, Paul
Heath, Mary
Katsiantonis, Thomas
Leishman, Peter
Mangipudi, Latha
O'Neil, William
Rokas, Ted
Soucy, Timothy
Vail, SuzanneBrown, Pamela
DiSilvestro, Linda
Gale, Sylvia
Hammond, Jill
Heden, Ruth
Kelley, John
Levesque, Melanie
Manley, Jonathan
Porter, Marjorie
Rosenwald, Cindy
Spratt, Stephen
Walsh, RobertCampbell, David
Dobson, Jeremy
Goley, Jeffrey
Hansberry, Daniel
Jack, Martin
Knowles, Mary Ann
Long, Patrick
McNamara, Richard
Ramsey, Peter
Schmidt, Janice
Sullivan, Daniel
Winters, Joel**MERRIMACK**Alicea, Caroletta
Burns, Scott
Frazer, June
Karrick, David
Patten, Dick
Schuett, Dianne
Watrous, RickAndrews, Christopher
Davis, Frank
French, Barbara
MacKay, James
Ratzki, Mario
Shurtleff, Stephen
Webb, LeighBartlett, Christy
Ebel, Karen
Gile, Mary
Moffett, Howard
Rice, Chip
Wallner, Mary JaneBouchard, Candace
Frambach, Mary
Hirsch, Geoffrey
Myler, Mel
Rogers, Katherine
Walz, Mary Beth**ROCKINGHAM**Borden, David
Heffron, Frank
Pantelakos, Laura
Ward, GeraldCahill, Michael
Lovejoy, Patricia
Scarlotto, Joe
Whittemore, LisaCopeland, Timothy
Mann, Maureen
Schlachman, DonnaFlockhart, Eileen
Muns, Chris
St.James, Kevin**STRAFFORD**Baber, William
Burke, Rachel
Horriggan, Timothy
Merrill, Amanda
Rogers, Rose Marie
Stevens, AudreyBerube, Roger
Gardner, Janice
Kaen, Naida
Miller, David
Rollo, Deanna
Verschuere, JamesBixby, Peter
Grossman, Kenneth
Ketel, Stephen
Pelletier, Marsha
Schmidt, Peter
Wall, JanetBurdwood, Greg
Hooper, Dorothea
Malloy, Dennis
Perry, Robert
Smith, Marjorie
Ward, Kenneth**SULLIVAN**Cloutier, John
O'Hearne, AndrewGagnon, Raymond
Schmidt, AndrewGottling, Suzanne
Sweeney, CynthiaLefebvre, Benjamin
Tanner, Linda**NAYS - 172
BELKNAP**Burchell, Richard
Flanders, Donald
Tilton, FranklinComtois, Guy
Greemore, Robert
Vadney, HerbertFields, Dennis
Holmes, Stephen
Worsman, ColetteFink, Charles
Sylvia, Michael

CARROLL

Buco, Thomas
McConkey, Mark
Umberger, Karen

Chandler, Gene
Morrow, Harry
White, Syndi

Cordelli, Glenn
Nelson, Bill

Crawford, Karel
Schmidt, Stephen

CHESHIRE

Eaton, Daniel
Roberts, Kris

Hunt, John
Tatro, Bruce

Johnson, Jane

Phillips, Larry

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

Thomas, Yvonne

GRAFTON

Bailey, Brad
Ladd, Rick
Reilly, Harold

Brown, Rebecca
Lovett, Sid
Shackett, Jeffrey

Doolan, Ralph
Massimilla, Linda

Gionet, Edmond
Piper, Wendy

HILLSBOROUGH

Barry, Richard
Boisvert, Ronald
Christiansen, Lars
Danielson, David
Gorman, Mary
Hikel, John
Jasper, Shawn
LeVasseur, Richard
Murphy, Kelleigh
Ober, Lynne
Pellegrino, Tony
Sanborn, Laurie
Souza, Kathleen
Vaillancourt, Steve
Williams, Kermit

Beaulieu, Jane
Burt, John
Coffey, James
Gagne, Larry
Graham, John
Hinch, Richard
Kurk, Neal
Marston, Dick
Murphy, Keith
Ober, Russell
Peterson, Lenette
Sandblade, Emily
Straight, Philip
Villeneuve, Moe

Belanger, James
Byron, Frank
Culbert, Patrick
Garcia, Michael
Haefner, Robert
Hopper, Gary
Lambert, George
McCarthy, Michael
Notter, Jeanine
Palmer, Stephen
Pratt, Calvin
Shaw, Barbara
Stroud, Kathleen
Warden, Mark

Boehm, Ralph
Cebrowski, John
Daniels, Gary
Gargas, Carolyn
Hansen, Peter
Infantine, William
LeBrun, Donald
Meaney, Richard
O'Flaherty, Tim
Parison, James
Renzullo, Andrew
Smith, Timothy
Takesian, Charlene
Willette, Robert

MERRIMACK

Carey, Lorrie
Hoell, J.R.
McGuire, Carol
Turcotte, Alan

Carson, Clyde
Kidder, David
McGuire, Dan

Henle, Paul
Kotowski, Frank
Schamberg, Thomas

Hess, David
Lockwood, Priscilla
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Danaïs, Romeo
Elliott, Robert
Garcia, Bianca
Hagan, Joseph
Introne, Robert
Kolodziej, Walter
Moody, Marcia
Peckham, Michele
Sherman, Thomas
Waterhouse, Kevin

Allen, Mary
Burtis, Elizabeth
Devine, James
Emerick, J. Tracy
Gordon, Richard
Harris, Jeffrey
Itse, Daniel
McKinney, Betsy
Nigrello, Robert
Rice, Frederick
Sweeney, Joe
Wazlaw, Brian

Baldasaro, Alfred
Chirichiello, Brian
Duarte, Joe
Ferrante, Beverly
Grace, Curtis
Hodgdon, Bruce
Kappler, Lawrence
McMahon, Charles
O'Connor, John
Sapareto, Frank
Till, Mary
Webb, James

Bick, Patrick
Comerford, Timothy
Dumaine, Dudley
Fesh, Robert
Griffin, Mary
Hoelzel, Kathleen
Khan, Aboul
Milz, David
Oligny, Jeffrey
Schroadter, Adam
Tucker, Pamela
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Jones, Laura
Spang, Judith

Bickford, David
Menear, H. Robert

Gray, James
Mullen, John

Groen, Warren
Pitre, Joseph

SULLIVAN

Grenier, James

Osgood, Joe

Rollins, Skip

Smith, Steven

and the majority committee amendment failed.

The question now being adoption of the motion of Ought to Pass.

Rep. Weber spoke against.

On a division vote, 123 members having voted in the affirmative and 213 in the negative, the motion failed.

Rep. Weber moved the minority committee report of Inexpedient to Legislate.

MOTION TO LAY ON THE TABLE

Rep. Itse moved that **HB 173**, repealing the authority for supplemental allowances under the judicial retirement plan, be laid on the table.

On a division vote, 139 members having voted in the affirmative and 199 in the negative, the motion failed. The question now being adoption of the minority committee report of Inexpedient to Legislate. On a division vote, 279 members having voted in the affirmative and 59 in the negative, the minority committee report was adopted.

Reps. Huot and Flanagan declared a conflict of interest and did not participate.

HB 473-FN, relative to retirement system status for members of the university system police force. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Raymond G. Gagnon for the Majority of Executive Departments and Administration. The request by UNH police officers to join Group II of the NH Retirement System has come before the NH General Court on numerous occasions. Supporters contend that these police officers are required to meet the same criteria (certification) as other NH law enforcement professionals; hence, they should be eligible for the same retirement benefits. In addition, it was mentioned that as members of regional special entry teams they are exposed to the same life threatening risks as their fellow officers. One of the central issues that complicates matters is the fact that university system police are presently part of the federal social security program. This prompted the committee to contact and solicit an opinion from the U.S. Social Security Administration as to what would be required for the UNH police to terminate social security. Unfortunately, due to the recent shutdown of the US federal government this year, the social security administration has been unable to fully research the matter and provide any guidance on the matter. Therefore, the committee recommendation is for interim study, which would allow the necessary time for the US social security administration to fully research the matter and assist the legislature in crafting a substantive response to a recurring issue. Vote 14-5.

Rep. Carol M. McGuire for the Minority of Executive Departments and Administration. This bill would reassign the university system police force from their fully funded defined contribution plan to the state retirement system, which is billions of dollars underfunded. This move would require significantly increased contributions from both the police and the university, especially if the police are required to remain in the Social Security system. Testimony on this matter was inconclusive, but the minority does not believe that this matter will be settled as the majority wishes. In addition, every other university employee is in the defined contribution plan. Majority committee report adopted.

HB 627-FN, requiring unused vacation and sick leave to be converted to service time for purposes of calculating retirement system benefits. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Raymond G. Gagnon for the Majority of Executive Departments and Administration. This bill would add unused vacation and sick time to a retiree's creditable service in the New Hampshire Retirement System (NHRS). Under RSA 100-A, payment for unused vacation and sick time is added to some employees' earnable compensation for purposes of calculating the final pension benefit. Because of changes to this law adopted in 2011, if this bill were adopted, the benefit for employees vested prior to Jan. 1, 2012 would be reduced and the benefit for employees vested after Jan. 1, 2012 would increase since unused vacation and sick time is excluded from their pension calculation. Reducing benefits for the first group will lead to further litigation, and expanding benefits for the second group would be contrary to the original intent of the bill. The majority of the committee believed that neither result would be desirable. Vote 12-7.

Rep. Carol M. McGuire for the Minority of Executive Departments and Administration. HB 627 eliminates the practice of "spiking" in our state retirement system. Spiking occurs when an employee retires with accumulated time off, and receives a lump sum payment for that time. This artificially boosts their last year's salary to something beyond their normal earnings. Since that salary is a key component of the pension calculation, their pension will be higher than if the time off was taken. HB 627 changes the calculation so that the extra time off is added to the employee's length of service instead. Therefore, the pension will accurately reflect the employee's actual final salary and their complete service time. The lump sum is still paid. Spiking is part of the reason our pension system is billions of dollars short. It sets pensions at a level that were never earned during the employee's career, and thus contributions were never set adequately to cover them. This change is a simple, common sense way to give the employee the pension they actually earned and deserve.

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

Rep. Goley spoke in favor.

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

YEAS 198 - NAYS 141

YEAS - 198

BELKNAP

Arsenault, Beth
Raymond, Ian

DiMartino, Lisa

Gulick, Ruth

Huot, David

CARROLL

Buco, Thomas

Butler, Edward

Crawford, Karel

Lavender, Tom

CHESHIREAmes, Richard
Eaton, Daniel
Ley, Douglas
Robertson, Timothy
Weber, LucyBerch, Paul
Johnsen, Gladys
Mann, John
Sad, Tara
Weed, CharlesButynski, William
Johnson, Jane
Parkhurst, Henry
Shepardson, Marjorie
Young, HarryChase, Cynthia
Lerandeau, Alfred
Roberts, Kris
Tatro, Bruce**COOS**Coulombe, Gary
Richardson, HerbertHammon, Marcia
Theberge, Robert

Hatch, William

Moynihan, Wayne

GRAFTONAlmy, Susan
Ford, Susan
Lovett, Sid
Pastor, Beatriz
Townsend, CharlesBenn, Bernard
Friedrich, Carol
Massimilla, Linda
Shackett, Jeffrey
White, AndrewBrown, Rebecca
Higgins, Patricia
Mulholland, Catherine
Smith, SuzanneCooney, Mary
Lauer, Linda
Nordgren, Sharon
Sykes, George**HILLSBOROUGH**Backus, Robert
Brown, Pamela
Danielson, David
Gage, Ruth
Grady, Brenda
Harriott-Gathright, Linda
Jack, Martin
Knowles, Mary Ann
Levesque, Melanie
Manley, Jonathan
O'Flaherty, Tim
Rhodes, Brian
Shattuck, Gilman
Spratt, Stephen
Walsh, RobertBeaulieu, Jane
Campbell, David
DiSilvestro, Linda
Gale, Sylvia
Hackel, Paul
Heath, Mary
Judy, Jean
Kopka, Angeline
Long, Patrick
McCarthy, Michael
O'Neil, William
Rokas, Ted
Shaw, Barbara
Stroud, Kathleen
Woodbury, DavidBoisvert, Ronald
Chandlee, Shannon
Dobson, Jeremy
Goley, Jeffrey
Hammond, Jill
Heden, Ruth
Katsiantonis, Thomas
Lambert, George
MacKay, Mariellen
McNamara, Richard
Porter, Marjorie
Rosenwald, Cindy
Smith, Timothy
Sullivan, DanielBooras, Efstathia
Cote, David
Eaton, Richard
Gorman, Mary
Hansberry, Daniel
Infantine, William
Kelley, John
Leishman, Peter
Mangipudi, Latha
O'Brien, Michael
Ramsey, Peter
Schmidt, Janice
Soucy, Timothy
Vail, Suzanne**MERRIMACK**Alicea, Caroletta
Burns, Scott
Ebel, Karen
Gile, Mary
MacKay, James
Ratzki, Mario
Schuett, Dianne
Walz, Mary BethAndrews, Christopher
Carey, Lorrie
Frambach, Mary
Hirsch, Geoffrey
Moffett, Howard
Rice, Chip
Shurtleff, Stephen
Watrous, RickBartlett, Christy
Carson, Clyde
Frazer, June
Karrick, David
Myler, Mel
Rogers, Katherine
Turcotte, Alan
Webb, LeighBouchard, Candace
Davis, Frank
French, Barbara
Lockwood, Priscilla
Patten, Dick
Schamberg, Thomas
Wallner, Mary Jane**ROCKINGHAM**Andrews-Ahearn, E. Elaine
Burtis, Elizabeth
Cushing, Robert
Mann, Maureen
Schlachman, Donna
Wazlaw, BrianBishop, Franklin
Cahill, Michael
Flockhart, Eileen
Moody, Marcia
Sherman, Thomas
Webb, JamesBorden, David
Cali-Pitts, Jacqueline
Heffron, Frank
Muns, Chris
Till, Mary
Whittemore, LisaBriden, Steven
Copeland, Timothy
Lovejoy, Patricia
Pantelakos, Laura
Ward, Gerald**STRAFFORD**Baber, William
Burke, Rachel
Kaen, Naida
Merrill, Amanda
Rogers, Rose Marie
Spainhower, Dale
Wall, JanetBerube, Roger
Gardner, Janice
Ketel, Stephen
Miller, David
Rollo, Deanna
Spang, Judith
Ward, KennethBixby, Peter
Grossman, Kenneth
Malloy, Dennis
Pelletier, Marsha
Schmidt, Peter
Stevens, AudreyBurdwood, Greg
Horrigan, Timothy
Menear, H. Robert
Perry, Robert
Smith, Marjorie
Verschueren, James**SULLIVAN**Cloutier, John
O'Hearne, AndrewGagnon, Raymond
Schmidt, AndrewGottling, Suzanne
Sweeney, CynthiaLefebvre, Benjamin
Tanner, Linda

NAYS - 141**BELKNAP**

Burchell, Richard
Flanders, Donald
Tilton, Franklin

Comtois, Guy
Greemore, Robert
Vadney, Herbert

Fields, Dennis
Holmes, Stephen
Worsman, Colette

Fink, Charles
Sylvia, Michael

CARROLL

Chandler, Gene
Nelson, Bill
White, Syndi

Cordelli, Glenn
Schmidt, Stephen

McConkey, Mark
Ticehurst, Susan

Merrow, Harry
Umberger, Karen

CHESHIRE

Hunt, John

Phillips, Larry

COOS

Rappaport, Laurence

Rideout, Leon

Thomas, Yvonne

GRAFTON

Bailey, Brad
Piper, Wendy

Doolan, Ralph
Reilly, Harold

Gionet, Edmond

Ladd, Rick

HILLSBOROUGH

Barry, Richard
Byron, Frank
Culbert, Patrick
Garcia, Michael
Hansen, Peter
Jasper, Shawn
Marston, Dick
Notter, Jeanine
Parison, James
Renzullo, Andrew
Straight, Philip
Warden, Mark

Belanger, James
Cebrowski, John
Daniels, Gary
Gargas, Carolyn
Hikel, John
Kurk, Neal
Meaney, Richard
Ober, Lynne
Pellegrino, Tony
Sanborn, Laurie
Takesian, Charlene
Willette, Robert

Boehm, Ralph
Christiansen, Lars
Flanagan, Jack
Graham, John
Hinch, Richard
LeBrun, Donald
Murphy, Kelleigh
Ober, Russell
Peterson, Lenette
Sandblade, Emily
Vaillancourt, Steve
Williams, Kermit

Burt, John
Coffey, James
Gagne, Larry
Haefner, Robert
Hopper, Gary
LeVasseur, Richard
Murphy, Keith
Palmer, Stephen
Pratt, Calvin
Souza, Kathleen
Villeneuve, Moe
Winters, Joel

MERRIMACK

Henle, Paul
Kotowski, Frank

Hess, David
McGuire, Carol

Hoell, J.R.
McGuire, Dan

Kidder, David
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Devine, James
Emerick, J. Tracy
Garcia, Marilinda
Hagan, Joseph
Introne, Robert
Kolodziej, Walter
Nigrello, Robert
Scarlotta, Joe
Tucker, Pamela

Allen, Mary
Chirichiello, Brian
Duarte, Joe
Ferrante, Beverly
Gordon, Richard
Harris, Jeffrey
Itse, Daniel
McKinney, Betsy
O'Connor, John
Schroadter, Adam
Waterhouse, Kevin

Baldasaro, Alfred
Comerford, Timothy
Dumaine, Dudley
Fesh, Robert
Grace, Curtis
Hodgdon, Bruce
Kappler, Lawrence
McMahon, Charles
Peckham, Michele
Sweeney, Joe
Weyler, Kenneth

Bick, Patrick
Dana, Romeo
Elliott, Robert
Garcia, Bianca
Griffin, Mary
Hoelzel, Kathleen
Khan, Aboul
Milz, David
Rice, Frederick
Sytek, John

STRAFFORD

Beaudoin, Steven
Jones, Laura

Bickford, David
Mullen, John

Gray, James
Pitre, Joseph

Groen, Warren

SULLIVAN

Grenier, James

Osgood, Joe

Rollins, Skip

Smith, Steven

and the majority committee report was adopted.

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

HB 461-FN, relative to long-term care services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lisa DiMartino for Health, Human Services and Elderly Affairs. This bill attempts to address the long-term care system serving elders and adults with physical disabilities. The original bill would have allowed individuals eligible to receive Medicaid funded nursing home services an option to choose community based services, if such community services would not result in a greater cost to the state. The original bill had a significant fiscal note which would have impacted county budgets. Consequently, an amendment was adopted to replace the bill. The first part of the amendment increases the income cap for individuals that receive Medicaid from \$591 to \$2130 per month. DHHS will submit a request to the federal government for approval

for the cap increase within 30 days of the effective date of this bill. In addition the amendment addresses the clinical assessment or reassessment at the time of eligibility for the choices for independence program (CFI= care in the community instead of a nursing home). The clinical assessment must be done within 45 days instead of 60, unless there are unusual circumstances such as a physician, or applicant not submitting the required information. The Health and Human Services Oversight subcommittee on Long-Term Care in collaboration with individual members of the Commission on the Medicaid Long-Term Care Financing will review the efficacy of our long-term care policy including the funding mechanism in order to address some of the other complexities presented by HB 461. Vote 16-1.

Amendment (2337h)

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

1 New Paragraph; Long-Term Care; Eligibility. Amend RSA 151-E:3 by inserting after paragraph II the following new paragraph:

II-a. Subject to written approval by the Center for Medicare and Medicaid Services, financial eligibility rules in paragraph II shall include eligibility as medically needy if the person's countable income is at or below the general Medicaid program medically needy income limit or the person incurs allowable medical expenses each month, including the anticipated cost of waiver services, which exceed the amount of the person's monthly income which is over the medically needy income limit for the waiver. For the purpose of the waiver, the medically needy income limit shall be the general Medicaid program medically needy income limit plus the difference between that limit and the special income limit for the waiver. The department shall submit a request for such approval within 30 days of the effective date of this paragraph.

2 Assessment or Reassessment at Time of Eligibility. Amend RSA 151-E:8 to read as follows:

151-E:8 Assessment or Reassessment at Time of Eligibility. The department shall perform an assessment or reassessment of the person's clinical eligibility when the person becomes financially eligible for Medicaid benefits pursuant to RSA 151-E:3, I(b) ***but no later than 45 days from application for long-term care services, unless there are unusual circumstances which impede such a determination within 45 days. Unusual circumstances means when an agency cannot reach a decision because the applicant or examining physician delays or fails to take a required action, or when there is an administrative or other emergency beyond the agency's control. The department shall notify the applicant relative to the nature of the delay within 5 days following the expiration of the 45-day requirement.***

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

AMENDED ANALYSIS

This bill clarifies long-term care eligibility for the purpose of receiving Medicaid-funded nursing home services.

This bill also places a time limit for the required assessment or reassessment for such services unless there are unusual circumstances.

Amendment adopted.

Committee report adopted and referred to the Committee on Finance.

HB 597-FN, relative to mandatory drug testing for certain health care workers. OUGHT TO PASS WITH AMENDMENT.

Rep. Thomas M. Sherman for Health, Human Services and Elderly Affairs. This bill was introduced in response to the hepatitis C outbreak at Exeter Hospital, as a result of drug diversion by an employee of the hospital. The original bill required random drug testing. After an exhaustive collaborative effort involving the prime sponsor, the Statewide Task Force on Drug Diversion, NHDHHS and many stakeholders, the wording of the original bill was replaced by an amendment which requires all health care facilities licensed under RSA 151 to develop and implement a drug free workplace policy in order to maintain licensure. The amended bill defines the components of that required policy while leaving details up to the facilities, allowing flexibility given their wide diversity in size and structure. While facilities can elect to utilize a variety of drug testing strategies in their policy, only testing where a "reasonable suspicion exists" is required by statute. This is the most cost effective test methodology, and the requirement was requested to be in statute by the smaller facilities. Vote 18-0.

Amendment (2261h)

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

AN ACT relative to a drug-free workplace for licensed health care facilities and providers.

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

1 Purpose. It is the intent of the general court that New Hampshire citizens receive health care services in settings that are free from abuse, misuse, and diversion of controlled substances. The state of New Hampshire recognizes that abuse, misuse, and diversion of controlled substances is a serious nationwide problem. New Hampshire further recognizes that patients may be at risk if a health care worker is abusing, misusing, or

diverting controlled substances. New Hampshire is committed to the safety and protection of patients and health care workers by promoting and maintaining a substance-free work environment and discouraging the illegal use and diversion of controlled substances by health care workers. It shall be the policy of the state of New Hampshire that health care facilities and providers licensed under RSA 151 shall have a drug-free workplace policy. It is further the intent of the general court that each licensed health care facility and provider have flexibility to develop and adopt a workplace standard appropriate to its size, the nature of services provided, and its particular setting.

2 New Subdivision; Controlled Substance Abuse, Misuse, and Diversion Prevention. Amend RSA 151 by inserting after section 40 the following new subdivision:

Drug-Free Workplace for Licensed Health Care Facilities and Providers

151:41 Controlled Substance Abuse, Misuse, and Diversion Prevention.

I. Facilities and providers licensed under this chapter, with the exception of laboratories and collection stations, shall adopt a policy establishing procedures for prevention, detection, and resolution of controlled substance abuse, misuse, and diversion. The facility or provider shall establish written procedures to implement its policy that shall apply to employees, contractors, and agents of the facility who provide direct or hands on care to clients when acting within the scope of their employment or representation and shall designate an employee or interdisciplinary team of employees to be responsible for the policy.

II. The policy required under paragraph I shall include:

- (a) Education of health care workers.
- (b) Procedures for monitoring storage, distribution, and procurement of inventory if controlled substances are stored, dispensed, or administered at the health care setting.
- (c) Procedures for voluntary self-referral by addicted employees.
- (d) Procedures for co-worker reporting.
- (e) Procedures for drug testing which shall include, at a minimum, testing where reasonable suspicion exists.
- (f) Procedures for employee assistance.
- (g) Provisions for confidentiality.
- (h) A process for the investigation, reporting, and resolution of drug misuse or diversion.
- (i) Consequences for violation of the drug misuse and diversion prevention policy.

3 Effective Date. This act shall take effect 90 days after its passage.

AMENDED ANALYSIS

This bill requires licensed health care facilities and providers to adopt a policy establishing procedures for prevention, detection, and resolution of substance abuse, misuse, or diversion in the workplace. Amendment adopted.

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

YEAS 289 - NAYS 48

**YEAS - 289
BELKNAP**

Arsenault, Beth
Flanders, Donald
Huot, David
Worsman, Colette

Burchell, Richard
Greemore, Robert
Raymond, Ian

DiMartino, Lisa
Gulick, Ruth
Tilton, Franklin

Fields, Dennis
Holmes, Stephen
Vadney, Herbert

CARROLL

Buco, Thomas
Crawford, Karel
Nelson, Bill
White, Syndi

Butler, Edward
Lavender, Tom
Schmidt, Stephen

Chandler, Gene
McConkey, Mark
Ticehurst, Susan

Cordelli, Glenn
Morrow, Harry
Umberger, Karen

CHESHIRE

Ames, Richard
Eaton, Daniel
Mann, John
Robertson, Timothy
Weber, Lucy

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

Butynski, William
Johnson, Jane
Phillips, Larry
Shepardson, Marjorie
Young, Harry

Chase, Cynthia
Lerandau, Alfred
Roberts, Kris
Tatro, Bruce

COOS

Coulombe, Gary
Rappaport, Laurence
Thomas, Yvonne

Hammon, Marcia
Richardson, Herbert

Hatch, William
Rideout, Leon

Moynihan, Wayne
Theberge, Robert

GRAFTON

Almy, Susan
Cooney, Mary
Gionet, Edmond
Lovett, Sid
Pastor, Beatriz
Smith, Suzanne

Bailey, Brad
Doolan, Ralph
Higgins, Patricia
Massimilla, Linda
Piper, Wendy
Sykes, George

Benn, Bernard
Ford, Susan
Ladd, Rick
Mulholland, Catherine
Reilly, Harold
Townsend, Charles

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

HILLSBOROUGH

Backus, Robert
Boehm, Ralph
Byron, Frank
Christiansen, Lars
Danielson, David
Gage, Ruth
Goley, Jeffrey
Hackel, Paul
Harriott-Gathright, Linda
Jack, Martin
Kelley, John
Leishman, Peter
MacKay, Mariellen
McNamara, Richard
O'Neil, William
Ramsey, Peter
Schmidt, Janice
Soucy, Timothy
Stroud, Kathleen
Vail, Suzanne
Woodbury, David

Barry, Richard
Boisvert, Ronald
Campbell, David
Coffey, James
DiSilvestro, Linda
Gagne, Larry
Gorman, Mary
Haefner, Robert
Heath, Mary
Jasper, Shawn
Knowles, Mary Ann
LeVasseur, Richard
Mangipudi, Latha
Murphy, Kelleigh
Palmer, Stephen
Rhodes, Brian
Shattuck, Gilman
Souza, Kathleen
Sullivan, Daniel
Villeneuve, Moe

Beaulieu, Jane
Booras, Efstathia
Cebrowski, John
Cote, David
Eaton, Richard
Gale, Sylvia
Grady, Brenda
Hammond, Jill
Heden, Ruth
Jeudy, Jean
Kopka, Angeline
Levesque, Melanie
Manley, Jonathan
O'Brien, Michael
Pellegrino, Tony
Rokas, Ted
Shaw, Barbara
Spratt, Stephen
Sullivan, Peter
Walsh, Robert

Belanger, James
Brown, Pamela
Chandlee, Shannon
Culbert, Patrick
Flanagan, Jack
Gargas, Carolyn
Graham, John
Hansberry, Daniel
Hikel, John
Katsiantonis, Thomas
Kurk, Neal
Long, Patrick
McCarthy, Michael
O'Flaherty, Tim
Porter, Marjorie
Rosenwald, Cindy
Smith, Timothy
Straight, Philip
Takesian, Charlene
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Burns, Scott
Ebel, Karen
Gile, Mary
Karrick, David
MacKay, James
Ratzki, Mario
Shurtleff, Stephen
Watrous, Rick

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Henle, Paul
Kidder, David
Moffett, Howard
Rice, Chip
Turcotte, Alan
Webb, Leigh

Bartlett, Christy
Carson, Clyde
Frazer, June
Hess, David
Kotowski, Frank
Myler, Mel
Schamberg, Thomas
Wallner, Mary Jane

Bouchard, Candace
Davis, Frank
French, Barbara
Hirsch, Geoffrey
Lockwood, Priscilla
Patten, Dick
Schuett, Dianne
Walz, Mary Beth

ROCKINGHAM

Abrami, Patrick
Bick, Patrick
Briden, Steven
Chirichiello, Brian
Devine, James
Emerick, J. Tracy
Grace, Curtis
Hodgdon, Bruce
Khan, Aboul
McMahon, Charles
Nigrello, Robert
Scarlott, Joe
Sweeney, Joe
Ward, Gerald

Allen, Mary
Birdsell, Regina
Burtis, Elizabeth
Copeland, Timothy
Duarte, Joe
Ferrante, Beverly
Griffin, Mary
Hoelzel, Kathleen
Kolodziej, Walter
Milz, David
O'Connor, John
Schlachman, Donna
Sytek, John
Waterhouse, Kevin

Andrews-Ahearn, E. Elaine
Bishop, Franklin
Cahill, Michael
Cushing, Robert
Dumaine, Dudley
Fesh, Robert
Harris, Jeffrey
Introne, Robert
Lovejoy, Patricia
Moody, Marcia
Pantelakos, Laura
Sherman, Thomas
Till, Mary
Weyler, Kenneth

Baldasaro, Alfred
Borden, David
Cali-Pitts, Jacqueline
Dana, Romeo
Elliott, Robert
Flockhart, Eileen
Heffron, Frank
Kappler, Lawrence
McKinney, Betsy
Muns, Chris
Peckham, Michele
St.James, Kevin
Tucker, Pamela
Whittemore, Lisa

STRAFFORD

Baber, William
Burke, Rachel
Horrigan, Timothy
Menear, H. Robert
Pelletier, Marsha
Rollo, Deanna
Spang, Judith
Ward, Kenneth

Berube, Roger
Grassie, Anne
Kaen, Naida
Merrill, Amanda
Perry, Robert
Schmidt, Peter
Stevens, Audrey

Bixby, Peter
Gray, James
Ketel, Stephen
Miller, David
Pitre, Joseph
Smith, Marjorie
Verschueren, James

Burdwood, Greg
Grossman, Kenneth
Malloy, Dennis
Mullen, John
Rogers, Rose Marie
Spainhower, Dale
Wall, Janet

SULLIVAN

Cloutier, John
Lefebvre, Benjamin
Smith, Steven

Gagnon, Raymond
O'Hearne, Andrew
Sweeney, Cynthia

Gottling, Suzanne
Osgood, Joe
Tanner, Linda

Grenier, James
Schmidt, Andrew

**NAYS - 48
BELKNAP**

Fink, Charles

Sylvia, Michael

CHESHIRE

Hunt, John

Ley, Douglas

HILLSBOROUGH

Burt, John
Hinch, Richard
LeBrun, Donald
Notter, Jeanine
Peterson, Lenette
Sandblade, Emily
Winters, Joel

Daniels, Gary
Hopper, Gary
Marston, Dick
Ober, Lynne
Pratt, Calvin
Vaillancourt, Steve

Garcia, Michael
Infantine, William
Meaney, Richard
Ober, Russell
Renzullo, Andrew
Warden, Mark

Hansen, Peter
Lambert, George
Murphy, Keith
Parison, James
Sanborn, Laurie
Willette, Robert

MERRIMACK

Hoell, J.R.

McGuire, Carol

McGuire, Dan

Rogers, Katherine

ROCKINGHAM

Comerford, Timothy
Hagan, Joseph
Schroadter, Adam

Garcia, Bianca
Itse, Daniel
Webb, James

Garcia, Marilinda
Mann, Maureen

Gordon, Richard
Rice, Frederick

STRAFFORD

Beaudoin, Steven

Bickford, David

Groen, Warren

Jones, Laura

SULLIVAN

Rollins, Skip

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

Rep. O'Flaherty voted Yea and intended to vote Nay.

HB 582, repealing early offers for medical injury claims. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gary S. Hopper for the Majority of Judiciary. Early offer was passed last term in an effort to help those people who have smaller medical malpractice claims and had little or no recourse to settle them due to the expense of litigation. This bill, as amended, would revise the early offer law to provide greater fairness to a claimant who has suffered a medical injury. It would permit the claimant to recover for lost earning capacity as well as other economic losses. It would eliminate the penalty requiring a claimant who is awarded a recovery in court of less than 125% of a rejected early offer to pay the defendant's reasonable attorney's fees. Any waiver of rights signed by the claimant less than 60 days after the injury would be invalid, and the claimant would have 45 days, instead of 5, to decide whether to proceed with the early offer process after consulting a neutral advisor. It is possible that these changes might encourage claimants to consider participation in the early offer alternative. Vote 10-6.

Rep. Robert H. Rowe for the Minority of Judiciary. The early offer law can be considered as a tort reform law. It gives the citizens, injured as a result of medical error, an alternative process for recovery rather than a lengthy court process. It is an optional process, an alternative to a jury trial. It is not mandatory that the injured party choose the early offer process. As most things in life the law offers the injured citizen a trade off. They can wait longer – three or more years – for a jury trial and have the benefit of greater damages such as pain and suffering, or have a swift process that is primarily designed to compensate the citizen for financial losses alone. Hundreds of hours were spent by the Senate and House committees last term amending the bill before its passage. The effective date was January 2013. The law is so new that as of the committee vote this past October that the rules of process have not been approved and no case has been processed. The minority believes that, as in all major reform matters passed into law, changes may become apparent and modifications made, but not before hearings experience. The law will especially help citizens who have lesser injuries, less than \$250,000 in estimated damages. These citizens cannot currently obtain legal representation due to the high cost and complexity of medical malpractice litigation, and, as such, are without recourse. Early offer gives all injured citizens, especially those having a lesser valued injury, an optional alternative to trial. The minority believes that future changes may be necessary, but not before changes are factually justified, based on experience with the process. The newness of the law and the absence of its use have not given us a factual basis for changes to date. The law is just too new.

Majority Amendment (2318h)

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

AN ACT relative to early offers for medical injury claims.

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

1 Definitions; Economic Loss. Amend RSA 519-C:1, IV to read as follows:

IV. "Economic loss" means monetary expenses incurred by or on behalf of a claimant reasonably related to a medical injury and its consequences, including actual out-of-pocket medical expenses, replacement services, **lost earning capacity**, additional payment to the claimant pursuant to RSA 519-C:7, and 100 percent of the claimant's salary, wages, or income from self-employment or contract work lost as a result of the medical injury. Economic loss does not include: pain and suffering, punitive damages, enhanced compensatory damages, exemplary damages, damages for loss of enjoyment of life (hedonic damages), inconvenience, physical impairment, mental anguish, emotional pain and suffering, and loss of the following: ~~[earning capacity,]~~ consortium, society, companionship, comfort, protection, marital care, parental care, attention, advice, counsel, training, guidance or education, and all other non-economic damages of any kind.

2 New Subparagraph; Definitions; Notice of Injury. Amend RSA 519-C:1, VIII by inserting after subparagraph (j) the following new subparagraph:

(k) Evidence of lost earning capacity, if any, corroborated by a functional capacity evaluation and written statement by the individual's treating physician indicating whether or not the individual has reached maximum medical improvement and the probable duration of the lost earning capacity and a written statement by an economist or other qualified professional estimating the value of such lost earning capacity.

3 Procedure. Amend RSA 519-C:2, XII to read as follows:

XII. ~~[A claimant who rejects an early offer and who does not prevail in an action for medical injury against the medical care provider by being awarded at least 125 percent of the early offer amount, shall be responsible for paying the medical care provider's reasonable attorney's fees and costs incurred in the proceedings under this chapter. The claimant shall certify to the court that a bond or other suitable security for payment of the medical care provider's reasonable attorney's fees and costs has been posted before the court shall consider the case.]~~ **No waiver signed by a claimant prior to 60 days from the date of medical injury shall be held valid.**

4 Notice and Waiver of Rights. Amend RSA 519-C:13, I to read as follows:

I. Claimants electing to pursue resolution of a medical injury under this chapter shall execute a notice and waiver of rights which contains the following wording:

WAIVER OF RIGHTS

By agreeing to submit a notice of injury to the medical care provider, I understand that my rights to seek legal remedies and a jury trial for my injuries guaranteed by Part I, Articles 14 and 20 of the New Hampshire Constitution may be affected.

I understand that I have the right to consult and retain an attorney to represent me regarding this matter, and that if an early offer settlement is reached, my attorney will be paid pursuant to RSA 519-C:5, I by the health care provider, in addition to any amount that is paid for my economic loss.

If I do not have an attorney when I sign this waiver form, the medical provider will appoint a neutral advisor to assist me in the early offer process and to explain, among other things, the differences between proceeding under this chapter or as provided in RSA 507-E and RSA 519-B. **I HAVE THE RIGHT TO WITHDRAW THIS WAIVER AND THE NOTICE OF INJURY ANY TIME PRIOR TO MIDNIGHT OF THE [FIFTH BUSINESS] FORTY FIFTH DAY AFTER MY FIRST MEETING WITH THE ADVISOR, WHICH MUST OCCUR NO LATER THAN 10 BUSINESS DAYS FROM MY NOTIFICATION OF THE IDENTITY OF THE NEUTRAL ADVISOR.**

If after submitting a notice of injury, the medical care provider does NOT extend an early offer (RSA 519-C:1, III), I am free to pursue my legal remedies as defined in New Hampshire law without restriction.

If after submitting a notice of injury, the medical care provider does extend an early offer (RSA 519-C:1, III), I may either:

(1) Accept the early offer;

(2) Request a hearing before a hearing officer to determine whether the early offer includes all of the economic loss I am entitled to under the statute, and if necessary, the hearing officer may order the medical care provider to increase the early offer to meet the requirements of the early offer law; or

(3) Reject the early offer and seek legal remedies **without penalty or consequence.**

~~I understand that [if I reject an early offer and am later awarded economic damages equal to or less than 125 percent of the amount of the early offer, I will be responsible for paying the medical care provider's reasonable attorney's fees and costs incurred in proceedings under this chapter.~~

~~I understand that if an early offer is made by the medical care provider and I accept that offer, disputes regarding the early offer can be resolved only in accordance with RSA 519-C:10 by a hearing officer listed with the judicial branch office of mediation and arbitration, at my request or the request of the medical care provider. If either party believes that the decision of the hearing officer is unlawful, that party may seek discretionary review in the New Hampshire court system; however, there is no assurance that the courts will undertake such review.]~~ **I may seek a remedy through the courts of the state of New Hampshire without penalty or consequence.**

Date _____ Signature _____

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

AMENDED ANALYSIS

This bill:

I. Modifies definitions relating to early offers for medical claims.

II. Requires any waiver of rights by an injured patient to be signed 60 days or more after the medical injury.

III. Modifies time limits regarding waiver of rights.

MOTION TO SPECIAL ORDER

Rep. Kappler moved that **HB 582**, repealing early offers for medical injury claims, be made a Special Order to the end of the Regular Calendar, Part III.

Rep. Kappler spoke in favor.

Rep. Marjorie Smith spoke against.

On a division vote, 144 members having voted in the affirmative and 190 in the negative, the motion failed.

The question being adoption of the majority committee amendment (2318h).

Majority committee amendment adopted.

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

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

YEAS 206 - NAYS 134

YEAS - 206

BELKNAP

Arsenault, Beth
Raymond, Ian

Greemore, Robert

Gulick, Ruth

Huot, David

CARROLL

Buco, Thomas
Ticehurst, Susan

Butler, Edward
White, Syndi

Crawford, Karel

Nelson, Bill

CHESHIRE

Ames, Richard
Eaton, Daniel
Ley, Douglas
Robertson, Timothy
Weber, Lucy

Berch, Paul
Johnsen, Gladys
Mann, John
Sad, Tara
Weed, Charles

Butynski, William
Johnson, Jane
Phillips, Larry
Shepardson, Marjorie
Young, Harry

Chase, Cynthia
Lerandeau, Alfred
Roberts, Kris
Tatro, Bruce

COOS

Coulombe, Gary
Richardson, Herbert

Hammon, Marcia
Theberge, Robert

Hatch, William
Thomas, Yvonne

Moynihan, Wayne

GRAFTON

Almy, Susan
Doolan, Ralph
Higgins, Patricia
Massimilla, Linda
Piper, Wendy
Townsend, Charles

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

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

Cooney, Mary
Gionet, Edmond
Lovett, Sid
Pastor, Beatriz
Sykes, George

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Côté, David
Gale, Sylvia
Hackel, Paul
Heath, Mary
Jack, Martin
Knowles, Mary Ann
Long, Patrick
O'Brien, Michael
Rhodes, Brian
Shattuck, Gilman
Spratt, Stephen
Walsh, Robert

Beaulieu, Jane
Campbell, David
Dobson, Jeremy
Goley, Jeffrey
Hammond, Jill
Heden, Ruth
Judy, Jean
Kopka, Angeline
MacKay, Mariellen
O'Neil, William
Rokas, Ted
Shaw, Barbara
Sullivan, Daniel
Williams, Kermit

Boisvert, Ronald
Chandley, Shannon
Eaton, Richard
Gorman, Mary
Hansberry, Daniel
Hikel, John
Katsiantonis, Thomas
Leishman, Peter
Manley, Jonathan
Porter, Marjorie
Rosenwald, Cindy
Smith, Timothy
Sullivan, Peter
Winters, Joel

Booras, Efstathia
Christiansen, Lars
Gage, Ruth
Grady, Brenda
Harriott-Gathright, Linda
Hopper, Gary
Kelley, John
Levesque, Melanie
McNamara, Richard
Ramsey, Peter
Schmidt, Janice
Soucy, Timothy
Vail, Suzanne
Woodbury, David

MERRIMACK

Alicea, Caroletta
Burns, Scott

Andrews, Christopher
Carey, Lorrie

Bartlett, Christy
Carson, Clyde

Bouchard, Candace
Davis, Frank

Ebel, Karen
Gile, Mary
Kidder, David
Patten, Dick
Schamberg, Thomas
Wallner, Mary Jane

Frambach, Mary
Henle, Paul
MacKay, James
Ratzki, Mario
Schuett, Dianne
Walz, Mary Beth

Frazer, June
Hirsch, Geoffrey
Moffett, Howard
Rice, Chip
Shurtleff, Stephen
Watrous, Rick

French, Barbara
Karrick, David
Myler, Mel
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cali-Pitts, Jacqueline
Elliott, Robert
Lovejoy, Patricia
Pantelakos, Laura
Till, Mary
Whittemore, Lisa

Briden, Steven
Copeland, Timothy
Flockhart, Eileen
Mann, Maureen
Scarlotta, Joe
Ward, Gerald

Burtis, Elizabeth
Cushing, Robert
Heffron, Frank
McKinney, Betsy
Schlachman, Donna
Wazlaw, Brian

Cahill, Michael
Dumaine, Dudley
Introne, Robert
Muns, Chris
St.James, Kevin
Webb, James

STRAFFORD

Baber, William
Burke, Rachel
Grossman, Kenneth
Menear, H. Robert
Pelletier, Marsha
Schmidt, Peter
Verschuere, James

Berube, Roger
Gardner, Janice
Kaen, Naida
Merrill, Amanda
Perry, Robert
Smith, Marjorie
Wall, Janet

Bixby, Peter
Grassie, Anne
Ketel, Stephen
Miller, David
Rogers, Rose Marie
Spainhower, Dale
Ward, Kenneth

Burdwood, Greg
Gray, James
Malloy, Dennis
Mullen, John
Rollo, Deanna
Stevens, Audrey

SULLIVAN

Cloutier, John
O'Hearne, Andrew

Gagnon, Raymond
Sweeney, Cynthia

Gottling, Suzanne
Tanner, Linda

Lefebvre, Benjamin

NAYS - 134

BELKNAP

Burchell, Richard
Fink, Charles
Tilton, Franklin

Comtois, Guy
Flanders, Donald
Vadney, Herbert

DiMartino, Lisa
Holmes, Stephen
Worsman, Colette

Fields, Dennis
Sylvia, Michael

CARROLL

Chandler, Gene
Merrow, Harry

Cordelli, Glenn
Schmidt, Stephen

Lavender, Tom
Umberger, Karen

McConkey, Mark

CHESHIRE

COOS

GRAFTON

HILLSBOROUGH

Barry, Richard
Byron, Frank
Daniels, Gary
Gagne, Larry
Haefner, Robert
Jasper, Shawn
LeVasseur, Richard
Murphy, Kelleigh
Ober, Lynne
Pellegrino, Tony
Sanborn, Laurie
Stroud, Kathleen
Warden, Mark

Belanger, James
Cebrowski, John
Danielson, David
Garcia, Michael
Hansen, Peter
Kurk, Neal
Mangipudi, Latha
Murphy, Keith
Ober, Russell
Peterson, Lenette
Sandblade, Emily
Takesian, Charlene
Willette, Robert

Boehm, Ralph
Coffey, James
DiSilvestro, Linda
Gargas, Carolyn
Hinch, Richard
Lambert, George
Marston, Dick
Notter, Jeanine
Palmer, Stephen
Pratt, Calvin
Souza, Kathleen
Vaillancourt, Steve

Burt, John
Culbert, Patrick
Flanagan, Jack
Graham, John
Infantine, William
LeBrun, Donald
Meaney, Richard
O'Flaherty, Tim
Parison, James
Renzullo, Andrew
Straight, Philip
Villeneuve, Moe

Hess, David
McGuire, Carol

Hoell, J.R.
McGuire, Dan

Kotowski, Frank
Smith, Todd

Lockwood, Priscilla

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Comerford, Timothy

Allen, Mary
Bishop, Franklin
Dana, Romeo

Baldasaro, Alfred
Borden, David
Devine, James

Bick, Patrick
Chirichiello, Brian
Duarte, Joe

Emerick, J. Tracy
Garcia, Marilinda
Hagan, Joseph
Itse, Daniel
McMahon, Charles
O'Connor, John
Sherman, Thomas
Waterhouse, Kevin

Ferrante, Beverly
Gordon, Richard
Harris, Jeffrey
Kappler, Lawrence
Milz, David
Peckham, Michele
Sweeney, Joe
Weyler, Kenneth

Fesh, Robert
Grace, Curtis
Hodgdon, Bruce
Khan, Aboul
Moody, Marcia
Rice, Frederick
Sytek, John

Garcia, Bianca
Griffin, Mary
Hoelzel, Kathleen
Kolodziej, Walter
Nigrello, Robert
Schroadter, Adam
Tucker, Pamela

STRAFFORD

Beaudoin, Steven
Jones, Laura

Bickford, David
Pitre, Joseph

Groen, Warren

Horrigan, Timothy

SULLIVAN

Grenier, James
Smith, Steven

Osgood, Joe

Rollins, Skip

Schmidt, Andrew

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

HB 249-FN, requiring employers to verify an employee's eligibility to work in the United States. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Janice E. Schmidt for the Majority of Labor, Industrial and Rehabilitative Services. This is a solution in search of a problem. The bill proposed to require the State and all political subdivisions as well as all contractors and sub-contractors of the state to implement the federal e-verify system to verify employment eligibility of all new hires. The state, all political subdivisions, and private employers in this State have the ability to implement e-verify at any time by a simple policy decision. E-verify also poses significant difficulties for certain groups, such as women whose names change due to marital status. E-verify imposes an excessive burden of proof on the individual seeking to clear their name and status. Finally, the e-verify program provides no penalties for the few found to be undocumented, but collect massive amounts of data (including photos) for inclusion in federal databases. The committee received information that the data entered into the e-verify system is maintained by the department of homeland security; we received no answers to our questions about which federal agencies have access to the information or how long that information was maintained in the database. The New Hampshire Legislature has rejected the federal "Real ID" provisions because of the same or similar privacy concerns regarding personal information in federal databases. Vote 11-8.

Rep. Kevin P. St. James for the Minority of Labor, Industrial and Rehabilitative Services. E-verify is merely a safeguard that our tax dollars do not go to people ineligible to work in the United States. The I-9 Form is never verified and it is filed in a folder and nothing more. E-verify is a federal employment verification System that actually verifies eligibility and if there is a problem in the database allows a perspective employee to fix a problem they may not know exists.

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

Rep. Infantine spoke against.

Reps. Jan Schmidt and Jones spoke in favor.

Rep. Jan Schmidt requested a roll call; sufficiently seconded.

YEAS 266 - NAYS 68

YEAS - 266 BELKNAP

DiMartino, Lisa
Gulick, Ruth
Sylvia, Michael

Fields, Dennis
Holmes, Stephen
Worsman, Colette

Fink, Charles
Huot, David

Greemore, Robert
Raymond, Ian

CARROLL

Buco, Thomas
McConkey, Mark

Butler, Edward
Morrow, Harry

Cordelli, Glenn
Ticehurst, Susan

Lavender, Tom
White, Syndi

CHESHIRE

Ames, Richard
Eaton, Daniel
Ley, Douglas
Roberts, Kris
Tatro, Bruce

Berch, Paul
Hunt, John
Mann, John
Robertson, Timothy
Weber, Lucy

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

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

COOS

Coulombe, Gary
Rappaport, Laurence

Hammon, Marcia
Theberge, Robert

Hatch, William
Thomas, Yvonne

Moynihan, Wayne

GRAFTON

Almy, Susan
Cooney, Mary
Gionet, Edmond
Lovett, Sid
Pastor, Beatriz
Sykes, George

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

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

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

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Christiansen, Lars
DiSilvestro, Linda
Gale, Sylvia
Gorman, Mary
Hansberry, Daniel
Heden, Ruth
Jeudy, Jean
Lambert, George
Long, Patrick
Marston, Dick
Murphy, Keith
O'Neil, William
Porter, Marjorie
Rokas, Ted
Schmidt, Janice
Soucy, Timothy
Sullivan, Peter
Walsh, Robert
Winters, Joel

Beaulieu, Jane
Burt, John
Coffey, James
Dobson, Jeremy
Garcia, Michael
Grady, Brenda
Hansen, Peter
Hinch, Richard
Kelley, John
LeBrun, Donald
MacKay, Mariellen
McNamara, Richard
Notter, Jeanine
Ober, Lynne
Pratt, Calvin
Rosenwald, Cindy
Shattuck, Gilman
Souza, Kathleen
Takesian, Charlene
Warden, Mark
Woodbury, David

Boisvert, Ronald
Campbell, David
Cote, David
Eaton, Richard
Gargas, Carolyn
Hackel, Paul
Harriott-Gathright, Linda
Hopper, Gary
Knowles, Mary Ann
Leishman, Peter
Mangipudi, Latha
Meaney, Richard
O'Brien, Michael
Ober, Russell
Ramsey, Peter
Sanborn, Laurie
Shaw, Barbara
Spratt, Stephen
Vail, Suzanne
Willette, Robert

Booras, Efstathia
Chandley, Shannon
Danielson, David
Gage, Ruth
Goley, Jeffrey
Hammond, Jill
Heath, Mary
Jack, Martin
Kopka, Angeline
Levesque, Melanie
Manley, Jonathan
Murphy, Kelleigh
O'Flaherty, Tim
Parison, James
Rhodes, Brian
Sandblade, Emily
Smith, Timothy
Straight, Philip
Vaillancourt, Steve
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Burns, Scott
Ebel, Karen
Gile, Mary
Karrick, David
McGuire, Carol
Ratzki, Mario
Schuett, Dianne
Wallner, Mary Jane

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Henle, Paul
Kidder, David
McGuire, Dan
Rice, Chip
Shurtleff, Stephen
Walz, Mary Beth

Bartlett, Christy
Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Lockwood, Priscilla
Myler, Mel
Rogers, Katherine
Smith, Todd
Watrous, Rick

Bouchard, Candace
Davis, Frank
French, Barbara
Hoell, J.R.
MacKay, James
Patten, Dick
Schamberg, Thomas
Turcotte, Alan
Webb, Leigh

ROCKINGHAM

Allen, Mary
Borden, David
Comerford, Timothy
Flockhart, Eileen
Hagan, Joseph
Lovejoy, Patricia
Milz, David
Rice, Frederick
Sherman, Thomas
Wazlaw, Brian

Andrews-Ahearn, E. Elaine
Briden, Steven
Cushing, Robert
Garcia, Bianca
Heffron, Frank
Mann, Maureen
Moody, Marcia
Scarlott, Joe
Till, Mary
Webb, James

Baldasaro, Alfred
Cahill, Michael
Devine, James
Garcia, Marilinda
Hodgdon, Bruce
McKinney, Betsy
Pantelakos, Laura
Schlachman, Donna
Tucker, Pamela
Whittemore, Lisa

Bick, Patrick
Cali-Pitts, Jacqueline
Elliott, Robert
Gordon, Richard
Itse, Daniel
McMahon, Charles
Peckham, Michele
Schroadter, Adam
Ward, Gerald

STRAFFORD

Baber, William
Bixby, Peter
Grassie, Anne
Jones, Laura
Menear, H. Robert
Perry, Robert
Schmidt, Peter
Stevens, Audrey

Beaudoin, Steven
Burdwood, Greg
Groen, Warren
Kaen, Naida
Merrill, Amanda
Pitre, Joseph
Smith, Marjorie
Verschuere, James

Berube, Roger
Burke, Rachel
Grossman, Kenneth
Ketel, Stephen
Miller, David
Rogers, Rose Marie
Spainhower, Dale
Wall, Janet

Bickford, David
Gardner, Janice
Horrigan, Timothy
Malloy, Dennis
Pelletier, Marsha
Rollo, Deanna
Spang, Judith
Ward, Kenneth

SULLIVAN

Cloutier, John
Osgood, Joe
Tanner, Linda

Gottling, Suzanne
Rollins, Skip

Grenier, James
Schmidt, Andrew

O'Hearne, Andrew
Sweeney, Cynthia

NAYS - 68
BELKNAP

Burchell, Richard
 Vadney, Herbert

Comtois, Guy

Flanders, Donald

Tilton, Franklin

CARROLL

Chandler, Gene
 Umberger, Karen

Crawford, Karel

Nelson, Bill

Schmidt, Stephen

COOS

Richardson, Herbert

Rideout, Leon

GRAFTON

Reilly, Harold

HILLSBOROUGH

Barry, Richard
 Cebrowski, John
 Gagne, Larry
 Infantine, William
 LeVasseur, Richard
 Peterson, Lenette
 Villeneuve, Moe

Belanger, James
 Culbert, Patrick
 Graham, John
 Jasper, Shawn
 McCarthy, Michael
 Renzullo, Andrew

Boehm, Ralph
 Daniels, Gary
 Haefner, Robert
 Katsiantonis, Thomas
 Palmer, Stephen
 Stroud, Kathleen

Byron, Frank
 Flanagan, Jack
 Hikel, John
 Kurk, Neal
 Pellegrino, Tony
 Sullivan, Daniel

MERRIMACK

Kotowski, Frank

ROCKINGHAM

Abrami, Patrick
 Danais, Romeo
 Ferrante, Beverly
 Harris, Jeffrey
 Khan, Aboul
 O'Connor, John
 Waterhouse, Kevin

Birdsell, Regina
 Duarte, Joe
 Fesh, Robert
 Hoelzel, Kathleen
 Kolodziej, Walter
 St.James, Kevin
 Weyler, Kenneth

Chirichiello, Brian
 Dumaine, Dudley
 Grace, Curtis
 Introne, Robert
 Muns, Chris
 Sweeney, Joe

Copeland, Timothy
 Emerick, J. Tracy
 Griffin, Mary
 Kappler, Lawrence
 Nigrello, Robert
 Sytek, John

STRAFFORD

Gray, James

Mullen, John

SULLIVAN

Smith, Steven

and the majority committee report was adopted.

HB 569, relative to the placement of all new electric transmission lines in New Hampshire. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Laurence M. Rappaport for the Majority of Science, Technology and Energy. The committee believes that the site evaluation committee should give preference in its permitting process to the burial of elective transmission lines and locating them and all other new transmission lines along existing state transportation rights of way, where available, or private rights of way otherwise. Since the electrical output of large projects often primarily benefits the populous states to our south, this amended bill is designed to lessen the likelihood that New Hampshire residents will have to suffer the visual impact to the landscape of such projects as a result of allowing elective, above ground transmission lines to pass through our state. The amended bill may also provide much needed revenue to the state through the lease of state rights of way. While New Hampshire has done an admirable job of planning for its energy needs in the future, other states have not. The committee believes that New Hampshire residents should not suffer because of this. The amended bill will not apply to the transmission lines associated with small renewable energy projects, which the State may need to achieve its goal of 25% renewable energy by 2025. Vote 12-7.

Rep. Jacqueline A. Cali-Pitts for the Minority of Science, Technology and Energy. This bill is an attempt to influence the decisions of the site evaluation committee (SEC) on certain elective transmission projects. There are extensive studies being done at this time to develop a state energy plan and to look into the methods and procedures of the SEC. Trying to influence these at this time may likely deter new employers from coming to NH. We need stability and certainty in our process, not temporary stopgap measures. We may also stifle the development of new renewable energy sources. This bill is premature at best.

Majority Amendment (2377h)

Amend the bill by replacing section 1 with the following:

1 New Section; Criteria for Approving Transmission Lines for Certificates. Amend RSA 162-H by inserting after section 2 the following new section:

162-H:2-a Criteria for Approving Transmission Lines for Certificates. In determining that a transmission line as described in RSA 162-H:2, VII(d) and (e) meets the criteria for a certificate under this chapter, the committee shall take into consideration the following:

I. Use of existing public rights of way, or, when unavailable, of private rights of way shall be the preferred, but not required, option for locating all new electric transmission lines.

II. Burial of electric transmission lines shall be the preferred, but not required, option for all elective electric transmission lines with supports over 50 feet.

III. The committee may presume that any line not required for system reliability and not proposed to be substantially buried will have an unreasonably adverse effect on aesthetics. The applicant may, by a preponderance of the evidence, demonstrate that an above-ground line should be approved due to particular circumstances, including but not limited to, engineering feasibility, adverse environmental impact, substantially disproportionate cost factors, and lack of negative impact for the route involved.

AMENDED ANALYSIS

This bill makes recommendations for the siting of certain transmission lines.

Majority committee amendment adopted.

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

Rep. Backus spoke against.

Rep. Theberge spoke in favor.

MOTION TO LAY ON THE TABLE

Rep. Cali-Pitts moved that **HB 569**, relative to the placement of all new electric transmission lines in New Hampshire, be laid on the table.

On a division vote, 160 members having voted in the affirmative, and 160 in the negative, the motion failed.

CLERK'S NOTE

The original division vote was 160-159. Pursuant to House Rule 5, the Speaker voted "Nay" which created a tie vote. The motion therefore failed.

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

Rep. Suzanne Smith spoke in favor.

MOTION TO LAY ON THE TABLE

Rep. Vaillancourt moved that **HB 569**, relative to the placement of all new electric transmission lines in New Hampshire, be laid on the table.

Rep. Rideout requested a roll call; sufficiently seconded.

YEAS 151 - NAYS 168

YEAS - 151

BELKNAP

Burchell, Richard
Sylvia, Michael

Comtois, Guy
Tilton, Franklin

Fields, Dennis

Fink, Charles

CARROLL

Buco, Thomas
Schmidt, Stephen

Lavender, Tom

McConkey, Mark

Morrow, Harry

CHESHIRE

Berch, Paul
Ley, Douglas
Robertson, Timothy

Butynski, William
Mann, John
Weed, Charles

Eaton, Daniel
Phillips, Larry

Hunt, John
Roberts, Kris

GRAFTON

Almy, Susan

Gionet, Edmond

HILLSBOROUGH

Backus, Robert
Boisvert, Ronald
Culbert, Patrick
Flanagan, Jack
Grady, Brenda
Infantine, William
LeBrun, Donald
Marston, Dick
Murphy, Keith

Barry, Richard
Brown, Pamela
Danielson, David
Gage, Ruth
Haefner, Robert
Kelley, John
Leishman, Peter
McCarthy, Michael
Notter, Jeanine

Beaulieu, Jane
Burt, John
DiSilvestro, Linda
Garcia, Michael
Hansen, Peter
Kopka, Angeline
LeVasseur, Richard
Meaney, Richard
O'Brien, Michael

Boehm, Ralph
Campbell, David
Eaton, Richard
Goley, Jeffrey
Hikel, John
Lambert, George
Levesque, Melanie
Murphy, Kelleigh
O'Neil, William

Ober, Lynne
Pratt, Calvin
Sandblade, Emily
Straight, Philip
Takesian, Charlene
Willette, Robert

Ober, Russell
Ramsey, Peter
Shaw, Barbara
Stroud, Kathleen
Vaillancourt, Steve

Palmer, Stephen
Rokas, Ted
Smith, Timothy
Sullivan, Daniel
Villeneuve, Moe

Peterson, Lenette
Rosenwald, Cindy
Souza, Kathleen
Sullivan, Peter
Warden, Mark

MERRIMACK

Bouchard, Candace
Kidder, David
McGuire, Dan
Smith, Todd

Burns, Scott
Kotowski, Frank
Patten, Dick
Walz, Mary Beth

Gile, Mary
Lockwood, Priscilla
Rogers, Katherine
Webb, Leigh

Hoell, J.R.
McGuire, Carol
Schamberg, Thomas

ROCKINGHAM

Allen, Mary
Chirichiello, Brian
Duarte, Joe
Fesh, Robert
Hagan, Joseph
Kolodziej, Walter
Oigny, Jeffrey
Schlachman, Donna
Sytek, John
Wazlaw, Brian

Birdsell, Regina
Copeland, Timothy
Dumaine, Dudley
Flockhart, Eileen
Hodgdon, Bruce
McKinney, Betsy
Pantelakos, Laura
Schroadter, Adam
Tasker, Kyle
Webb, James

Briden, Steven
Danaïs, Romeo
Elliott, Robert
Gordon, Richard
Introne, Robert
Moody, Marcia
Peckham, Michele
St.James, Kevin
Tucker, Pamela

Cali-Pitts, Jacqueline
Devine, James
Ferrante, Beverly
Griffin, Mary
Itse, Daniel
Muns, Chris
Scarlotto, Joe
Sweeney, Joe
Waterhouse, Kevin

STRAFFORD

Burke, Rachel
Ketel, Stephen
Rollo, Deanna

Gray, James
Merrill, Amanda
Schmidt, Peter

Groen, Warren
Miller, David
Spainhower, Dale

Kaen, Naida
Pitre, Joseph

SULLIVAN

Gagnon, Raymond
Schmidt, Andrew

Grenier, James
Smith, Steven

O'Hearne, Andrew
Sweeney, Cynthia

Rollins, Skip

NAYS - 168

BELKNAP

DiMartino, Lisa
Holmes, Stephen
Worsman, Colette

Flanders, Donald
Huot, David

Greemore, Robert
Raymond, Ian

Gulick, Ruth
Vadney, Herbert

CARROLL

Butler, Edward
Nelson, Bill

Chandler, Gene
Ticehurst, Susan

Cordelli, Glenn
Umberger, Karen

Crawford, Karel
White, Syndi

CHESHIRE

Ames, Richard
Sad, Tara

Chase, Cynthia
Shepardson, Marjorie

Johnsen, Gladys
Weber, Lucy

Parkhurst, Henry
Young, Harry

COOS

Hammon, Marcia
Richardson, Herbert

Hatch, William
Rideout, Leon

Moynihan, Wayne
Theberge, Robert

Rappaport, Laurence
Thomas, Yvonne

GRAFTON

Bailey, Brad
Doolan, Ralph
Ladd, Rick
Mulholland, Catherine
Reilly, Harold
Townsend, Charles

Benn, Bernard
Ford, Susan
Lauer, Linda
Nordgren, Sharon
Shackett, Jeffrey

Brown, Rebecca
Friedrich, Carol
Lovett, Sid
Pastor, Beatriz
Smith, Suzanne

Cooney, Mary
Higgins, Patricia
Massimilla, Linda
Piper, Wendy
Sykes, George

HILLSBOROUGH

Belanger, James
Chandley, Shannon
Dobson, Jeremy
Gorman, Mary
Hansberry, Daniel
Jack, Martin
Kurk, Neal
Manley, Jonathan
Pellegrino, Tony
Shattuck, Gilman
Williams, Kermit

Booras, Efsthathia
Coffey, James
Gagne, Larry
Graham, John
Harriott-Gathright, Linda
Jasper, Shawn
Long, Patrick
McNamara, Richard
Renzullo, Andrew
Spratt, Stephen
Winters, Joel

Byron, Frank
Cote, David
Gale, Sylvia
Hackel, Paul
Heath, Mary
Jeudy, Jean
MacKay, Mariellen
O'Flaherty, Tim
Sanborn, Laurie
Vail, Suzanne
Woodbury, David

Cebrowski, John
Daniels, Gary
Gargas, Carolyn
Hammond, Jill
Heden, Ruth
Knowles, Mary Ann
Mangipudi, Latha
Parison, James
Schmidt, Janice
Walsh, Robert

MERRIMACK

Bartlett, Christy
Ebel, Karen
Henle, Paul
MacKay, James
Rice, Chip
Wallner, Mary Jane

Carey, Lorrie
Frambach, Mary
Hess, David
Moffett, Howard
Schuett, Dianne
Watrous, Rick

Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Myler, Mel
Shurtleff, Stephen

Davis, Frank
French, Barbara
Karrick, David
Ratzki, Mario
Turcotte, Alan

ROCKINGHAM

Abrami, Patrick
Comerford, Timothy
Grace, Curtis
Kappler, Lawrence
Milz, David
Till, Mary

Baldasaro, Alfred
Emerick, J. Tracy
Harris, Jeffrey
Khan, Aboul
Nigrello, Robert
Ward, Gerald

Bick, Patrick
Garcia, Bianca
Heffron, Frank
Mann, Maureen
O'Connor, John
Weyler, Kenneth

Borden, David
Garcia, Marilinda
Hoelzel, Kathleen
McMahon, Charles
Sherman, Thomas
Whitemore, Lisa

STRAFFORD

Baber, William
Burdwood, Greg
Horrigan, Timothy
Mullen, John
Smith, Marjorie
Wall, Janet

Beaudoin, Steven
Gardner, Janice
Jones, Laura
Pelletier, Marsha
Spang, Judith

Bickford, David
Grassie, Anne
Malloy, Dennis
Perry, Robert
Stevens, Audrey

Bixby, Peter
Grossman, Kenneth
Menear, H. Robert
Rogers, Rose Marie
Verschueren, James

SULLIVAN

Cloutier, John
and the motion failed.

Gottling, Suzanne

Osgood, Joe

Tanner, Linda

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

Reps. Burt and John Mann spoke against.

Reps. Bouchard and Baber spoke in favor.

Rep. Cali-Pitts spoke against and yielded to questions.

Rep. Rappaport spoke in favor and yielded to questions.

Rep. Ford requested a roll call; sufficiently seconded.

YEAS 171 - NAYS 139**YEAS - 171****BELKNAP**

Comtois, Guy
Gulick, Ruth
Vadney, Herbert

DiMartino, Lisa
Holmes, Stephen
Worsman, Colette

Flanders, Donald
Huot, David

Greemore, Robert
Raymond, Ian

CARROLL

Butler, Edward
Nelson, Bill

Chandler, Gene
Ticehurst, Susan

Cordelli, Glenn
Umberger, Karen

Morrow, Harry
White, Syndi

CHESHIRE

Chase, Cynthia
Weber, Lucy

Johnsen, Gladys
Weed, Charles

Sad, Tara

Shepardson, Marjorie

COOS

Hammon, Marcia
Richardson, Herbert

Hatch, William
Rideout, Leon

Moynihan, Wayne
Theberge, Robert

Rappaport, Laurence
Thomas, Yvonne

GRAFTON

Bailey, Brad
Ford, Susan
Lovett, Sid
Pastor, Beatriz
Smith, Suzanne

Brown, Rebecca
Friedrich, Carol
Massimilla, Linda
Piper, Wendy
Sykes, George

Cooney, Mary
Ladd, Rick
Mulholland, Catherine
Reilly, Harold
Townsend, Charles

Doolan, Ralph
Lauer, Linda
Nordgren, Sharon
Shackett, Jeffrey

HILLSBOROUGH

Boehm, Ralph
Coffey, James
Gargas, Carolyn
Harriott-Gathright, Linda
Jack, Martin
Knowles, Mary Ann
McNamara, Richard

Booras, Efsthathia
Cote, David
Graham, John
Heath, Mary
Jasper, Shawn
Kurk, Neal
O'Flaherty, Tim

Byron, Frank
Gagne, Larry
Hackel, Paul
Heden, Ruth
Jeudy, Jean
MacKay, Mariellen
Palmer, Stephen

Cebrowski, John
Gale, Sylvia
Hansberry, Daniel
Hikel, John
Kelley, John
Manley, Jonathan
Parison, James

Pellegrino, Tony
Spratt, Stephen
Willette, Robert

Renzullo, Andrew
Stroud, Kathleen
Williams, Kermit

Schmidt, Janice
Vail, Suzanne

Shattuck, Gilman
Walsh, Robert

MERRIMACK

Carey, Lorrie
Frambach, Mary
Hess, David
Moffett, Howard
Rice, Chip
Watrous, Rick

Carson, Clyde
French, Barbara
Hirsch, Geoffrey
Myler, Mel
Schuett, Dianne

Davis, Frank
Gile, Mary
Karrick, David
Patten, Dick
Shurtleff, Stephen

Ebel, Karen
Henle, Paul
MacKay, James
Ratzki, Mario
Wallner, Mary Jane

ROCKINGHAM

Abrami, Patrick
Chirichiello, Brian
Emerick, J. Tracy
Grace, Curtis
Hoelzel, Kathleen
Mann, Maureen
O'Connor, John
Tucker, Pamela

Andrews-Ahearn, E. Elaine
Comerford, Timothy
Ferrante, Beverly
Griffin, Mary
Kappler, Lawrence
McMahon, Charles
Scarlotto, Joe
Ward, Gerald

Bick, Patrick
Copeland, Timothy
Garcia, Bianca
Harris, Jeffrey
Khan, Aboul
Milz, David
Sherman, Thomas
Weyler, Kenneth

Borden, David
Cushing, Robert
Garcia, Marilinda
Heffron, Frank
Kolodziej, Walter
Nigrello, Robert
Till, Mary
Whittemore, Lisa

STRAFFORD

Baber, William
Burdwood, Greg
Grossman, Kenneth
Merrill, Amanda
Pitre, Joseph
Stevens, Audrey

Beaudoin, Steven
Burke, Rachel
Jones, Laura
Mullen, John
Rogers, Rose Marie
Verschueren, James

Bickford, David
Grassie, Anne
Malloy, Dennis
Pelletier, Marsha
Smith, Marjorie
Wall, Janet

Bixby, Peter
Gray, James
Menear, H. Robert
Perry, Robert
Spang, Judith

Cloutier, John
Sweeney, Cynthia

Gottling, Suzanne
Tanner, Linda

Rollins, Skip

Smith, Steven

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BELKNAP

Burchell, Richard
Tilton, Franklin

Fields, Dennis

Fink, Charles

Sylvia, Michael

CARROLL

Buco, Thomas
Schmidt, Stephen

Crawford, Karel

Lavender, Tom

McConkey, Mark

CHESHIRE

Ames, Richard
Hunt, John
Phillips, Larry

Berch, Paul
Ley, Douglas
Robertson, Timothy

Butynski, William
Mann, John
Young, Harry

Eaton, Daniel
Parkhurst, Henry

GRAFTON

Almy, Susan

Benn, Bernard

Gionet, Edmond

Higgins, Patricia

HILLSBOROUGH

Backus, Robert
Boisvert, Ronald
Chandlee, Shannon
DiSilvestro, Linda
Garcia, Michael
Haefner, Robert
Kopka, Angeline
Levesque, Melanie
McCarthy, Michael
Notter, Jeanine
Ober, Russell
Rokas, Ted
Shaw, Barbara
Sullivan, Peter
Winters, Joel

Barry, Richard
Brown, Pamela
Culbert, Patrick
Eaton, Richard
Goley, Jeffrey
Hammond, Jill
LeBrun, Donald
Long, Patrick
Meaney, Richard
O'Brien, Michael
Peterson, Lenette
Rosenwald, Cindy
Souza, Kathleen
Takesian, Charlene
Woodbury, David

Beaulieu, Jane
Burt, John
Daniels, Gary
Flanagan, Jack
Gorman, Mary
Hansen, Peter
Leishman, Peter
Mangipudi, Latha
Murphy, Kelleigh
O'Neil, William
Pratt, Calvin
Sanborn, Laurie
Straight, Philip
Vaillancourt, Steve

Belanger, James
Campbell, David
Danielson, David
Gage, Ruth
Grady, Brenda
Infantine, William
LeVasseur, Richard
Marston, Dick
Murphy, Keith
Ober, Lynne
Ramsey, Peter
Sandblade, Emily
Sullivan, Daniel
Villeneuve, Moe

MERRIMACK

Bartlett, Christy
Kotowski, Frank
Rogers, Katherine
Walz, Mary Beth

Bouchard, Candace
Lockwood, Priscilla
Schamberg, Thomas
Webb, Leigh

Burns, Scott
McGuire, Carol
Smith, Todd

Kidder, David
McGuire, Dan
Turcotte, Alan

ROCKINGHAM

Allen, Mary
Cali-Pitts, Jacqueline
Dumaine, Dudley
Hagan, Joseph
Lovejoy, Patricia
Pantelakos, Laura
Sweeney, Joe
Wazlaw, Brian

Baldasaro, Alfred
Danaïs, Romeo
Elliott, Robert
Hodgdon, Bruce
McKinney, Betsy
Peckham, Michele
Sytek, John
Webb, James

Birdsell, Regina
Devine, James
Flockhart, Eileen
Introne, Robert
Muns, Chris
Schlachman, Donna
Tasker, Kyle

Briden, Steven
Duarte, Joe
Gordon, Richard
Itse, Daniel
Oigny, Jeffrey
Schroader, Adam
Waterhouse, Kevin

STRAFFORD

Groen, Warren
Miller, David

Horrigan, Timothy
Rollo, Deanna

Kaen, Naida
Spainhower, Dale

Ketel, Stephen

SULLIVAN

Gagnon, Raymond
Schmidt, Andrew

Grenier, James

O'Hearne, Andrew

Osgood, Joe

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

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, January 29, 2014 at 10:00 a.m.
Adopted.

LATE SESSION**Third reading and final passage**

SB 15, naming a portion of route 101 after the 101st Airborne Division Screaming Eagles.

HB 474, relative to eligibility for in-state tuition rates at the university system of New Hampshire.

HB 597-FN, relative to a drug-free workplace for licensed health care facilities and providers.

HB 582, relative to early offers for medical injury claims.

UNANIMOUS CONSENT

Rep. Suzanne Smith requested Unanimous Consent of the House regarding an apology.

Rep. Suzanne Smith addressed the House.

Rep. Groen requested Unanimous Consent of the House regarding the anniversary of Roe v. Wade.

OBJECTION

An objection was raised to Rep. Groen's unanimous consent request by Rep. Bouchard.

RECESS MOTION

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

The House recessed at 5:27 p.m.

RECESS

(Rep. Gary Richardson in the Chair)

RESOLUTION

Rep. Davis offered the following: **RESOLVED**, that late drafting and introduction having been approved by the Rules Committee, House Bill numbered 2014 shall be by this resolution read a first and second time by the therein listed title, sent for printing and referred to the therein designated committee.
Adopted.

INTRODUCTION OF HOUSE BILL**First, second reading and referral**

HB 2014, relative to the state 10-year transportation improvement program. (Campbell, Hills 33: Public Works and Highways)

RECESS

(Rep. Campbell in the Chair)

RESOLUTION

Rep. Shurtleff offered the following: RESOLVED, that late drafting and introduction having been approved by the Rules Committee, House Bill numbered 1634 shall be by this resolution read a first and second time by the therein listed title, sent for printing and referred to the therein designated committee. Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 1634-FN, relative to the salaries of certain unclassified positions. (P. Schmidt, Straf 19: Executive Departments and Administration)

RECESS

REFERRAL DECLINED

Rep. Almy, Chairman of the Committee on Ways and Means, under the provisions of House Rule 46 (f), declined the referral of **HB 569**, relative to the placement of all new electric transmission lines in New Hampshire.

CLERK'S NOTE

HB 569 will appear in the third reading list for the next Session date.

RECESS