



State of
New Hampshire

HOUSE RECORD

Second Year of the 163rd General Court Calendar and Journal of the 2014 Session

Web Site Address: www.gencourt.state.nh.us

Vol. 36

Concord, N.H.

Wednesday, January 29, 2014

No. 10

HOUSE JOURNAL No. 3 (Cont.)

Wednesday, January 22, 2014

Rep. Kaen moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 4

Wednesday, January 29, 2014

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

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

Show us the suffering of the most miserable so we will know our people's plight. Free us to pray for others for You are present in every person. Help us to take responsibility for our own lives so that we can be free at last. Grant us courage to serve others for in service there is true life. Give us honesty and patience so that we can work with others. Bring forth song and celebration so that the spirit will be alive among us. Let the spirit flourish and grow so that we will never tire of the struggle. Let us remember those who have died for justice for they have given us life. Help us love even those who hate us, so that we can change the world. Amen.

Representative Ruth Gage, member from Goffstown, led the Pledge of Allegiance.

Representative Mary Griffin, member from Windham, led the singing of the National Anthem.

LEAVES OF ABSENCE

Reps. Bradley, Carroll, Charron, Susan Emerson, Fink, Michael Garcia, Gardner, Helmstetter, Dorothea Hooper, Jane Hunt, Lambert, Major, Parsons, Amy Perkins, Scarlotto, Tatro and Vail, the day, illness.

Reps. Beaudoin, Dobson, Friedrich, Gagnon, Hubbard, Kolodziej, Lerandeau, Keith Murphy, Kelleigh Murphy, Nordgren, Notter, Michael O'Brien, Oigny, Pelletier, Timothy Smith and Soucy, the day, important business.
Rep. Lawrence Perkins, the day, illness in the family.

INTRODUCTION OF GUESTS

Sid Bixler, guest of Rep. Young.

Martina Lofquist, a Swedish foreign exchange student at Oyster River High School, Page for the day.

COMMUNICATION

Via Email on January 27, 2014

Dear Madam Speaker:

It is with mixed emotions that I submit my resignation from the New Hampshire House of Representatives effective immediately, as I have accepted the position of County Commissioner for Grafton County District 2, the seat formerly held by Ray Burton. I will be forever grateful for the time that I spent in the House of Representatives, and I regret the need to resign mid-term. At the same time, I am looking forward to the new challenges that I will face in the coming months, and appreciate the chance to continue the public service legacy that was the hallmark of Commissioner Burton.

I will follow up with a formal written letter in the near future, but ask again that my resignation be effective immediately upon receipt of this e-mail in order to comply with state statutes.

Best regards,
Linda D. Lauer, Representative, Grafton District 15
Environment & Agriculture Committee

COMMUNICATION

January 27, 2014

The Honorable Terie Norelli
Speaker of the House
Room 312
State House
Concord, NH 03301

Madam Speaker;

It is with great sadness that I must resign my seat as a representative to the NH general court. It has been a great privilege and an honor to serve as a representative to this fine institution. However, business obligations, family obligations and recent health issues have kept me from fully, and properly, fulfilling my commitments to my committee, my constituents, and this institution. I will cherish the many friendships and wonderful people I have met over my past two terms and hope one day to be able to return.

Sincerely,
Rep. Gary S. Azarian
Ways and Means Committee
Rockingham 8

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

HB 580, establishing moratoriums on wind turbine plants and electric transmission line projects. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Robert A. Backus for the Majority of Science, Technology and Energy. The majority vote to deem this bill inexpedient to legislate is based on several factors. First, two bills supported by the committee and now law (SB 99 and SB 191) have established processes, now underway, to review both the standards for project approval by the New Hampshire site evaluation committee and to create the first new state energy plan since 2002. The majority believes these are the appropriate vehicles to address concerns both about the siting process for new energy projects, whether wind or another energy source, and the weighing of costs and benefits for choosing our energy options. These efforts are the appropriate venues to make decisions about New Hampshire's energy future. Second, New Hampshire has long stated its support for renewable energy in legislatively establishing a goal of achieving 25% of its electrical energy supply from renewables and in joining the Regional Greenhouse Gas Initiative (RGGI). A mandated moratorium on one available and expanding source of renewable energy, which produces no greenhouse gases, is inconsistent with these legislative goals. Third, in a time when New Hampshire wants to attract new and emerging areas of business, a moratorium sends a not welcome signal. Vote 13-6.

Rep. Harold T. Reilly for the Minority of Science, Technology and Energy. If passed, this bill would prevent construction of new wind generation projects until the state issues a comprehensive energy plan. Wind power is quickly proving how ineffective it is as a source of electricity and how resoundingly ineffective it is in reducing carbon emissions. Even with the small amount of wind power we are now theoretically capable of producing in New Hampshire, our wind sites are often being told to stop producing due to power fluctuations induced by the sporadic nature of wind power and the inability of the transmission grid to handle it. Around the world many countries and states, e.g. Germany and California, which were early adopters of wind turbines are now decommissioning them, having found that rate payer costs have skyrocketed, grid instability is very problematic, and carbon emissions often are increasing as well. Here in New England, our grid manager (ISO-NE) does not consider wind power as part of the base-reliable power and frequently curtails wind operations because of power inconsistency and transmission problems. Even when wind turbines are producing electricity, other more reliable sources such as gas turbines often are kept running (and using fossil fuels) just so they will be immediately available to make-up for fluctuations in the wind power. Further, fearing damage to our tourism based economy, there has been a huge outpouring of opposition to adding more mountain top industrial wind power in New Hampshire, particularly in the region near Mt. Cardigan and Newfound Lake, a major area of our resort and tourism business. We currently have two studies underway (and funded at \$200,000 each, by this legislature, this year): SB 99 (a study of the site evaluation committee and its processes), and SB 191 (establishing a state energy plan). We should defeat ITL and then pass this bill for a moratorium on wind turbine plants and their electric transmission line projects, and wait at least until those studies have been completed before allowing any further expansion of wind power in New Hampshire.

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

Reps. Vadney, Rebecca Brown, Reilly and Rappaport spoke against and yielded to questions.

Reps. Baber and Shepardson spoke in favor.

Rep. Groen spoke against.

Rep. Backus spoke in favor and yielded to questions.

Rep. Reilly requested a roll call; sufficiently seconded.

YEAS 194 - NAYS 148**YEAS - 194
BELKNAP**

Arsenault, Beth	Huot, David	Raymond, Ian
-----------------	-------------	--------------

CARROLL

Buco, Thomas	Butler, Edward	White, Syndi
--------------	----------------	--------------

CHESHIRE

Ames, Richard	Berch, Paul	Butynski, William	Chase, Cynthia
Eaton, Daniel	Hunt, John	Johnsen, Gladys	Ley, Douglas
Mann, John	Phillips, Larry	Roberts, Kris	Robertson, Timothy
Sad, Tara	Shepardson, Marjorie	Weber, Lucy	Weed, Charles
Young, Harry			

COOS

Coulombe, Gary	Enman, Larry	Moynihan, Wayne	Thomas, Yvonne
----------------	--------------	-----------------	----------------

GRAFTON

Almy, Susan	Benn, Bernard	Harding, Laurie	Higgins, Patricia
Mulholland, Catherine	Pastor, Beatriz	Sykes, George	Townsend, Charles
White, Andrew			

HILLSBOROUGH

Backus, Robert	Barry, Richard	Beaulieu, Jane	Boisvert, Ronald
Booras, Efstathia	Brown, Pamela	Campbell, David	Cebrowski, John
Chandley, Shannon	Connor, Evelyn	Cote, David	Danielson, David
DiSilvestro, Linda	Eaton, Richard	Gage, Ruth	Gidge, Kenneth
Goley, Jeffrey	Grady, Brenda	Hackel, Paul	Hammond, Jill
Harriott-Gathright, Linda	Heath, Mary	Heden, Ruth	Infantine, William
Jeu, Jean	Kelley, John	Knowles, Mary Ann	Kopka, Angeline
LeBrun, Donald	Leishman, Peter	Levesque, Melanie	Long, Patrick
MacKay, Mariellen	Mangipudi, Latha	Manley, Jonathan	Marston, Dick
McCloskey, David	McNamara, Richard	Meaney, Richard	Nelson, Mary
O'Flaherty, Tim	O'Neil, William	Porter, Marjorie	Ramsey, Peter
Rhodes, Brian	Rosenwald, Cindy	Rowe, Robert	Schmidt, Janice
Shattuck, Gilman	Shaw, Barbara	Spratt, Stephen	Sullivan, Daniel
Sullivan, Peter	Vaillancourt, Steve	Walsh, Robert	Warden, Mark
Williams, Kermit	Winters, Joel	Woodbury, David	

MERRIMACK

Alicea, Caroletta	Andrews, Christopher	Bartlett, Christy	Bouchard, Candace
Burns, Scott	Carey, Lorrie	Carson, Clyde	Davis, Frank
Frambach, Mary	Frazer, June	French, Barbara	Henle, Paul
Hirsch, Geoffrey	Kelly, Sally	Lockwood, Priscilla	MacKay, James
Moffett, Howard	Patten, Dick	Rice, Chip	Richardson, Gary
Rogers, Katherine	Schamberg, Thomas	Schuetz, Dianne	Shurtleff, Stephen
Turcotte, Alan	Wallner, Mary Jane	Walz, Mary Beth	Watrous, Rick
Webb, Leigh			

ROCKINGHAM

Allen, Mary	Andrews-Ahearn, E. Elaine	Bishop, Franklin	Borden, David
Briden, Steven	Burtis, Elizabeth	Cahill, Michael	Cali-Pitts, Jacqueline
Chirichiello, Brian	Cushing, Robert	Devine, James	Elliott, Robert
Emerson-Brown, Rebecca	Ferrante, Beverly	Flockhart, Eileen	Friel, William
Heffron, Frank	Itse, Daniel	Lovejoy, Patricia	Mann, Maureen
McKinney, Betsy	Moody, Marcia	Muns, Chris	Pantelakos, Laura
Peckham, Michele	Sanders, Elisabeth	Sapareto, Frank	Schlachman, Donna
Sherman, Thomas	St.James, Kevin	Sweeney, Joe	Tamburello, Daniel
Till, Mary	Ward, Gerald	Wazlaw, Brian	Weyler, Kenneth

STRAFFORD

Baber, William	Berube, Roger	Bixby, Peter	Burdwood, Greg
Burke, Rachel	Grassie, Anne	Gray, James	Grossman, Kenneth
Horriggan, Timothy	Kaen, Naida	Malloy, Dennis	Merrill, Amanda
Miller, David	Mullen, John	Perry, Robert	Rogers, Rose Marie
Rollo, Deanna	Schmidt, Peter	Smith, Marjorie	Stevens, Audrey
Verschueren, James	Wall, Janet	Ward, Kenneth	

SULLIVAN

Cloutier, John
Lefebvre, Benjamin
Smith, Steven

Gottling, Suzanne
O'Hearne, Andrew
Sweeney, Cynthia

Grenier, James
Rollins, Skip
Tanner, Linda

Irwin, Virginia
Schmidt, Andrew

NAYS - 148**BELKNAP**

Burchell, Richard
Fields, Dennis
Holmes, Stephen
Vadney, Herbert

Comtois, Guy
Flanders, Donald
Luther, Robert
Worsman, Colette

Cormier, Jane
Greemore, Robert
Sylvia, Michael

DiMartino, Lisa
Gulick, Ruth
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Lavender, Tom
Ticehurst, Susan

Chandler, Gene
McConkey, Mark
Umberger, Karen

Cordelli, Glenn
Merrow, Harry
Wright, Donald

Crawford, Karel
Nelson, Bill

CHESHIRE

Johnson, Jane

Parkhurst, Henry

COOS

Hammon, Marcia
Rideout, Leon

Hatch, William
Theberge, Robert

Rappaport, Laurence

Richardson, Herbert

GRAFTON

Bailey, Brad
Ford, Susan
Massimilla, Linda
Smith, Suzanne

Brown, Rebecca
Gionet, Edmond
Piper, Wendy

Cooney, Mary
Ladd, Rick
Reilly, Harold

Doolan, Ralph
Lovett, Sid
Shackett, Jeffrey

HILLSBOROUGH

Boehm, Ralph
Coffey, James
Gagne, Larry
Graham, John
Hikel, John
Jasper, Shawn
McCarthy, Michael
Ober, Russell
Peterson, Lenette
Sandblade, Emily
Takesian, Charlene

Burt, John
Culbert, Patrick
Gale, Sylvia
Haefner, Robert
Hinch, Richard
Kurk, Neal
Murotake, David
Palmer, Stephen
Pratt, Calvin
Souza, Kathleen
Ulery, Jordan

Byron, Frank
Daniels, Gary
Gargas, Carolyn
Hansberry, Daniel
Hopper, Gary
LeVasseur, Richard
O'Brien, William
Parison, James
Renzullo, Andrew
Straight, Philip
Villeneuve, Moe

Christiansen, Lars
Flanagan, Jack
Gorman, Mary
Hansen, Peter
Jack, Martin
Martel, Andre
Ober, Lynne
Pellegrino, Tony
Sanborn, Laurie
Stroud, Kathleen
Willette, Robert

MERRIMACK

Ebel, Karen
Karrick, David
McGuire, Dan
Walsh, Thomas

Gile, Mary
Kidder, David
Myler, Mel

Hess, David
Kotowski, Frank
Ratzki, Mario

Hoell, J.R.
McGuire, Carol
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Comerford, Timothy
Duarte, Joe
Garcia, Bianca
Hagan, Joseph
Hoelzel, Kathleen
Lundgren, David
O'Connor, John
Sytek, John
Webb, James

Baldasaro, Alfred
Copeland, Timothy
Dumaine, Dudley
Garcia, Marilinda
Harris, Jeffrey
Introne, Robert
McMahon, Charles
Packard, Sherman
Tasker, Kyle
Whittemore, Lisa

Bick, Patrick
Danais, Romeo
Emerick, J. Tracy
Gordon, Richard
Hayes, Jack
Kappler, Lawrence
Milz, David
Rice, Frederick
Tucker, Pamela

Birdsell, Regina
DeSimone, Debra
Fesh, Robert
Griffin, Mary
Hodgdon, Bruce
Khan, Aboul
Nigrello, Robert
Sedensky, John
Waterhouse, Kevin

STRAFFORD

Bickford, David
Pitre, Joseph

Groen, Warren
Spang, Judith

Jones, Laura

Menear, H. Robert

SULLIVAN

Osgood, Joe

and the majority committee report was adopted.

MOTION TO SUSPEND HOUSE RULES

Rep. Carol McGuire moved that House Rules be suspended to allow a request for Unanimous Consent out of order from the Agenda of the day.

Rep. Vaillancourt spoke against.

Reps. Baldasaro and Rideout spoke in favor and yielded to questions.

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

Rep. Burt requested a roll call; sufficiently seconded.

YEAS 131 - NAYS 210

YEAS - 131

BELKNAP

Comtois, Guy
Greemore, Robert
Vadney, Herbert

Cormier, Jane
Holmes, Stephen
Worsman, Colette

Fields, Dennis
Luther, Robert

Flanders, Donald
Sylvia, Michael

CARROLL

Ahlgren, Christopher
Morrow, Harry

Chandler, Gene
Nelson, Bill

Cordelli, Glenn
Umberger, Karen

McConkey, Mark
Wright, Donald

CHESHIRE

Hunt, John

COOS

Rappaport, Laurence

Rideout, Leon

GRAFTON

Bailey, Brad

Doolan, Ralph

Gionet, Edmond

Reilly, Harold

HILLSBOROUGH

Barry, Richard
Cebrowski, John
Daniels, Gary
Haefner, Robert
Hinch, Richard
Marston, Dick
Murotake, David
Palmer, Stephen
Pratt, Calvin
Sandblade, Emily
Villeneuve, Moe

Boehm, Ralph
Christiansen, Lars
Danielson, David
Hansberry, Daniel
Hopper, Gary
Martel, Andre
Nelson, Mary
Parison, James
Renzullo, Andrew
Souza, Kathleen
Warden, Mark

Burt, John
Coffey, James
Flanagan, Jack
Hansen, Peter
LeBrun, Donald
McCarthy, Michael
O'Brien, William
Pellegrino, Tony
Rowe, Robert
Straight, Philip
Willette, Robert

Byron, Frank
Culbert, Patrick
Gagne, Larry
Hikel, John
LeVasseur, Richard
Meaney, Richard
Ober, Lynne
Peterson, Lenette
Sanborn, Laurie
Ulery, Jordan

MERRIMACK

Hess, David
McGuire, Carol

Hoell, J.R.
McGuire, Dan

Karrick, David
Smith, Todd

Kotowski, Frank
Walsh, Thomas

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Danais, Romeo
Dumaine, Dudley
Friel, William
Griffin, Mary
Hodgdon, Bruce
Khan, Aboul
O'Connor, John
Sapareto, Frank
Tamburello, Daniel
Wazlaw, Brian

Allen, Mary
Bishop, Franklin
DeSimone, Debra
Emerick, J. Tracy
Garcia, Bianca
Hagan, Joseph
Introne, Robert
McMahon, Charles
Packard, Sherman
Schroadter, Adam
Tasker, Kyle
Webb, James

Baldasaro, Alfred
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Garcia, Marilinda
Harris, Jeffrey
Itse, Daniel
Milz, David
Rice, Frederick
Sedensky, John
Tucker, Pamela
Weyler, Kenneth

Bick, Patrick
Comerford, Timothy
Duarte, Joe
Fesh, Robert
Gordon, Richard
Hayes, Jack
Kappler, Lawrence
Nigrello, Robert
Sanders, Elisabeth
Sweeney, Joe
Waterhouse, Kevin

STRAFFORD

Gray, James
Mullen, John

Groen, Warren
Pitre, Joseph

Grossman, Kenneth

Jones, Laura

SULLIVAN

Osgood, Joe

Rollins, Skip

NAYS - 210

BELKNAP

Arsenault, Beth
Huot, David

Burchell, Richard
Raymond, Ian

DiMartino, Lisa
Tilton, Franklin

Gulick, Ruth

CARROLL

Buco, Thomas
Ticehurst, Susan

Butler, Edward
White, Syndi

Crawford, Karel

Lavender, Tom

CHESHIRE

Ames, Richard
Eaton, Daniel
Mann, John
Sad, Tara
Young, Harry

Berch, Paul
Johnsen, Gladys
Parkhurst, Henry
Shepardson, Marjorie

Butynski, William
Johnson, Jane
Phillips, Larry
Weber, Lucy

Chase, Cynthia
Ley, Douglas
Robertson, Timothy
Weed, Charles

COOS

Coulombe, Gary
Moynihan, Wayne

Enman, Larry
Richardson, Herbert

Hammon, Marcia
Theberge, Robert

Hatch, William
Thomas, Yvonne

GRAFTON

Almy, Susan
Ford, Susan
Lovett, Sid
Piper, Wendy
Townsend, Charles

Benn, Bernard
Harding, Laurie
Massimilla, Linda
Shackett, Jeffrey
White, Andrew

Brown, Rebecca
Higgins, Patricia
Mulholland, Catherine
Smith, Suzanne

Cooney, Mary
Ladd, Rick
Pastor, Beatriz
Sykes, George

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Côté, David
Gale, Sylvia
Grady, Brenda
Heath, Mary
Jasper, Shawn
Kopka, Angeline
Long, Patrick
McCloskey, David
Ober, Russell
Rokas, Ted
Shaw, Barbara
Sullivan, Peter
Williams, Kermit

Belanger, James
Campbell, David
DiSilvestro, Linda
Gidge, Kenneth
Hackel, Paul
Heden, Ruth
Judy, Jean
Kurk, Neal
MacKay, Mariellen
McNamara, Richard
Porter, Marjorie
Rosenwald, Cindy
Spratt, Stephen
Takesian, Charlene
Winters, Joel

Boisvert, Ronald
Chandley, Shannon
Eaton, Richard
Goley, Jeffrey
Hammond, Jill
Infantine, William
Kelley, John
Leishman, Peter
Mangipudi, Latha
O'Flaherty, Tim
Ramsey, Peter
Schmidt, Janice
Stroud, Kathleen
Vaillancourt, Steve
Woodbury, David

Booras, Efsthathia
Connor, Evelyn
Gage, Ruth
Gorman, Mary
Harriott-Gathright, Linda
Jack, Martin
Knowles, Mary Ann
Levesque, Melanie
Manley, Jonathan
O'Neil, William
Rhodes, Brian
Shattuck, Gilman
Sullivan, Daniel
Walsh, Robert

MERRIMACK

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

Andrews, Christopher
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
Kelly, Sally
Moffett, Howard
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cahill, Michael
Elliott, Robert
Hoelzel, Kathleen
McKinney, Betsy
Peckham, Michele
Sytek, John

Borden, David
Cali-Pitts, Jacqueline
Emerson-Brown, Rebecca
Lovejoy, Patricia
Moody, Marcia
Schlachman, Donna
Till, Mary

Briden, Steven
Copeland, Timothy
Flockhart, Eileen
Lundgren, David
Muns, Chris
Sherman, Thomas
Ward, Gerald

Burtis, Elizabeth
Cushing, Robert
Heffron, Frank
Mann, Maureen
Pantelakos, Laura
St.James, Kevin
Whittemore, Lisa

STRAFFORD

Baber, William
Burdwood, Greg
Kaen, Naida
Miller, David
Schmidt, Peter
Verschueren, James

Berube, Roger
Burke, Rachel
Malloy, Dennis
Perry, Robert
Smith, Marjorie
Wall, Janet

Bickford, David
Grassie, Anne
Menear, H. Robert
Rogers, Rose Marie
Spang, Judith
Ward, Kenneth

Bixby, Peter
Horrigan, Timothy
Merrill, Amanda
Rollo, Deanna
Stevens, Audrey

SULLIVAN

Cloutier, John
Lefebvre, Benjamin
Sweeney, Cynthia

Gottling, Suzanne
O'Hearne, Andrew
Tanner, Linda

Grenier, James
Schmidt, Andrew

Irwin, Virginia
Smith, Steven

and the motion failed.

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

HB 427, relative to tobacco tax laws. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Richard Ames for the Majority of Ways and Means. This bill clarifies activities which constitute unauthorized sales of tobacco products. This bill also adds records of tobacco stamps sold and tobacco products distributed to required taxpayer records. The bill clarifies definitions relating to “manufacturer” and “premium cigars” and adds a definition of “humidor” to the tobacco tax laws and the liquor laws. Specifically, in the “premium cigars” definition, the amendment changes the existing limitation of “wholesaling for \$2 or more” to “sold by a manufacturer for an established price of \$1.50 or more....”. This change, and all others, are deemed by the majority to be equivalent to the previous definitions. Vote 10-9.

Rep. Russell T. Ober for the Minority of Ways and Means. This bill sets an arbitrary figure to define “premium cigars.” This is in violation of the NH Constitution in dividing one class into two separate tax rates. First the legislature exempts “premium cigars” from tobacco taxation and then defines “premium cigars” in such a way as to tax some of them. There is a very small amount of taxes collected for cigars which cost less than \$1.50 and are defined as “premium.”

Majority Amendment (2275h)

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

1 Unauthorized Sales. Amend RSA 78:12-a to read as follows:

78:12-a Unauthorized Sales.

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

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

III. *New Hampshire licensed wholesalers engaged in business in this state shall purchase all unstamped tobacco products directly from a New Hampshire licensed manufacturer, and shall sell all products to licensed wholesalers, sub-jobbers, vending machine operators, retailers, and those persons exempted from the tobacco tax under RSA 78:7-b.*

IV. *Sub-jobbers shall only re-sell tobacco products to other licensed sub-jobbers, vending machine operators, retailers, and those persons exempted from the tobacco tax under RSA 78:7-b.*

V. *Any person who violates the provisions of this section shall be subject to the penalty provisions of RSA 21-J:39.*

2 Required Taxpayer Records. Amend RSA 78:18 to read as follows:

78:18 Required Taxpayer Records. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the form for records of **tobacco stamps and of** all tobacco products manufactured, produced, purchased, **distributed**, and sold. Each manufacturer, wholesaler, sub-jobber, vending machine operator and retailer shall keep complete and accurate records of all **tobacco stamps and all** such tobacco products **manufactured, produced, purchased, distributed, and sold**. Such records shall be safely preserved for 3 years in such manner as to insure permanency and accessibility for inspection by the commissioner and the commissioner's authorized agents. The commissioner and the authorized agents may examine the books, papers and records of any manufacturer, wholesaler, sub-jobber, vending machine operator or retailer doing business in this state, for the purpose of determining whether the tax imposed by this chapter has been fully paid, and they may investigate and examine the stock of tobacco products in or upon any premises where such tobacco products are possessed, stored or sold, for the purpose of determining whether the provisions of this chapter are being obeyed. Each sampler shall keep complete and accurate records of tobacco products distributed free to consumers in New Hampshire for promotional purposes. The commissioner and the commissioner's authorized agents may examine such records.

3 Definitions. Amend RSA 78:1, III to read as follows:

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

4 Definitions. RSA 78:1, XXI is repealed and reenacted to read as follows:

XXI. “Premium cigars” means cigars which:

- (a) Are made entirely by hand of all natural tobacco leaf;
- (b) Are hand constructed and hand wrapped;
- (c) Are sold by a manufacturer for an established price of \$1.50 or more, exclusive of any discount or other reduction;
- (d) Weigh more than 3 pounds per 1000 cigars; and
- (e) Are kept in a humidor.

5 New Paragraph; Definitions; Humidor. Amend RSA 78:1 by inserting after paragraph XXI the following new paragraph:

XXII. "Humidor" means a container or room specifically designed to store and age cigars within the optimal humidity range of 65 percent to 72 percent at room temperature, containing a humidification device or system designed to add or remove moisture from its interior space to maintain the desired level of humidity.

6 New Paragraph; Liquor Commission; Definitions. Amend RSA 175:1 by inserting after paragraph XXXVII the following new paragraph:

XXXVII-a. "Humidor" means a container or room specifically designed to store and age cigars within the optimal humidity range of 65 percent to 72 percent at room temperature, containing a humidification device or system designed to add or remove moisture from its interior space to maintain the desired level of humidity.

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

AMENDED ANALYSIS

This bill clarifies activities which constitute unauthorized sales of tobacco products. The bill also adds records of tobacco stamps sold and tobacco products distributed to required taxpayer records. The bill changes definitions relating to "manufacturer" and "premium cigars" and adds a definition of "humidor" to the tobacco tax laws and the liquor laws.

Majority committee amendment adopted.

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

Rep. Tucker spoke against.

Rep. Almy spoke in favor.

Rep. Jones requested a roll call; sufficiently seconded.

YEAS 185 - NAYS 152

YEAS - 185

BELKNAP

Gulick, Ruth	Huot, David	Raymond, Ian
--------------	-------------	--------------

CARROLL

Buco, Thomas	Butler, Edward	Lavender, Tom	Ticehurst, Susan
White, Syndi			

CHESHIRE

Ames, Richard	Berch, Paul	Butynski, William	Chase, Cynthia
Eaton, Daniel	Johnsen, Gladys	Ley, Douglas	Mann, John
Parkhurst, Henry	Phillips, Larry	Roberts, Kris	Robertson, Timothy
Sad, Tara	Shepardson, Marjorie	Weber, Lucy	Weed, Charles
Young, Harry			

COOS

Coulombe, Gary	Enman, Larry	Hammon, Marcia	Hatch, William
Moynihan, Wayne	Theberge, Robert	Thomas, Yvonne	

GRAFTON

Almy, Susan	Benn, Bernard	Brown, Rebecca	Cooney, Mary
Ford, Susan	Harding, Laurie	Higgins, Patricia	Lovett, Sid
Massimilla, Linda	Mulholland, Catherine	Pastor, Beatriz	Piper, Wendy
Smith, Suzanne	Sykes, George	Townsend, Charles	White, Andrew

HILLSBOROUGH

Backus, Robert	Beaulieu, Jane	Booras, Efstathia	Brown, Pamela
Campbell, David	Chandley, Shannon	Connor, Evelyn	Cote, David
DiSilvestro, Linda	Gage, Ruth	Gale, Sylvia	Gargas, Carolyn
Gidge, Kenneth	Goley, Jeffrey	Gorman, Mary	Grady, Brenda
Hackel, Paul	Hammond, Jill	Hansberry, Daniel	Harriott-Gathright, Linda
Heath, Mary	Heden, Ruth	Jack, Martin	Judy, Jean
Kelley, John	Knowles, Mary Ann	Kopka, Angeline	Leishman, Peter
Levesque, Melanie	Long, Patrick	MacKay, Mariellen	Mangipudi, Latha
Manley, Jonathan	McCloskey, David	McNamara, Richard	Nelson, Mary
O'Neil, William	Porter, Marjorie	Ramsey, Peter	Rhodes, Brian
Rokas, Ted	Rosenwald, Cindy	Schmidt, Janice	Shattuck, Gilman
Shaw, Barbara	Spratt, Stephen	Sullivan, Daniel	Sullivan, Peter
Walsh, Robert	Williams, Kermit	Woodbury, David	

MERRIMACK

Alicea, Caroletta	Andrews, Christopher	Bartlett, Christy	Bouchard, Candace
Burns, Scott	Carey, Lorrie	Carson, Clyde	Davis, Frank
Ebel, Karen	Frambach, Mary	Frazer, June	French, Barbara
Gile, Mary	Henle, Paul	Hirsch, Geoffrey	Karrick, David

Kelly, Sally
Patten, Dick
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

MacKay, James
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

Moffett, Howard
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cahill, Michael
Flockhart, Eileen
McKinney, Betsy
Peckham, Michele
Ward, Gerald

Borden, David
Cali-Pitts, Jacqueline
Heffron, Frank
Moody, Marcia
Schlachman, Donna
Wazlaw, Brian

Briden, Steven
Cushing, Robert
Lovejoy, Patricia
Muns, Chris
Sherman, Thomas

Burtis, Elizabeth
Emerson-Brown, Rebecca
Mann, Maureen
Pantelakos, Laura
Till, Mary

STRAFFORD

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

Berube, Roger
Grassie, Anne
Malloy, Dennis
Rogers, Rose Marie
Spang, Judith
Ward, Kenneth

Bixby, Peter
Grossman, Kenneth
Menear, H. Robert
Rollo, Deanna
Stevens, Audrey

Burdwood, Greg
Horrigan, Timothy
Merrill, Amanda
Schmidt, Peter
Verschuieren, James

SULLIVAN

Cloutier, John
Lefebvre, Benjamin
Tanner, Linda

Gottling, Suzanne
O'Hearne, Andrew

Grenier, James
Schmidt, Andrew

Irwin, Virginia
Sweeney, Cynthia

NAYS - 152

BELKNAP

Burchell, Richard
Fields, Dennis
Luther, Robert
Worsman, Colette

Comtois, Guy
Flanders, Donald
Sylvia, Michael

Cormier, Jane
Greemore, Robert
Tilton, Franklin

DiMartino, Lisa
Holmes, Stephen
Vadney, Herbert

CARROLL

Ahlgren, Christopher
McConkey, Mark
Wright, Donald

Chandler, Gene
Morrow, Harry

Cordelli, Glenn
Nelson, Bill

Crawford, Karel
Umberger, Karen

CHESHIRE

Hunt, John

Johnson, Jane

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Reilly, Harold

Doolan, Ralph
Shackett, Jeffrey

Gionet, Edmond

Ladd, Rick

HILLSBOROUGH

Barry, Richard
Burt, John
Coffey, James
Gagne, Larry
Hikel, John
Jasper, Shawn
Marston, Dick
Murotake, David
Ober, Russell
Peterson, Lenette
Sanborn, Laurie
Takesian, Charlene
Warden, Mark

Belanger, James
Byron, Frank
Culbert, Patrick
Graham, John
Hinch, Richard
Kurk, Neal
Martel, Andre
O'Brien, William
Palmer, Stephen
Pratt, Calvin
Sandblade, Emily
Ulery, Jordan
Willette, Robert

Boehm, Ralph
Cebrowski, John
Danielson, David
Haefner, Robert
Hopper, Gary
LeBrun, Donald
McCarthy, Michael
O'Flaherty, Tim
Parison, James
Renzullo, Andrew
Souza, Kathleen
Vaillancourt, Steve
Winters, Joel

Boisvert, Ronald
Christiansen, Lars
Flanagan, Jack
Hansen, Peter
Infantine, William
LeVasseur, Richard
Meaney, Richard
Ober, Lynne
Pellegrino, Tony
Rowe, Robert
Straight, Philip
Villeneuve, Moe

MERRIMACK

Hess, David
McGuire, Carol

Hoell, J.R.
McGuire, Dan

Kidder, David
Smith, Todd

Kotowski, Frank
Walsh, Thomas

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina

Allen, Mary
Chirichiello, Brian

Baldasaro, Alfred
Comerford, Timothy

Bick, Patrick
Copeland, Timothy

Danais, Romeo
Dumaine, Dudley
Fesh, Robert
Gordon, Richard
Hayes, Jack
Itse, Daniel
McMahon, Charles
Packard, Sherman
Schroadter, Adam
Sytek, John
Webb, James

DeSimone, Debra
Elliott, Robert
Friel, William
Griffin, Mary
Hodgdon, Bruce
Kappler, Lawrence
Milz, David
Rice, Frederick
Sedensky, John
Tamburello, Daniel
Weyler, Kenneth

Devine, James
Emerick, J. Tracy
Garcia, Bianca
Hagan, Joseph
Hoelzel, Kathleen
Khan, Aboul
Nigrello, Robert
Sanders, Elisabeth
St.James, Kevin
Tucker, Pamela
Whittemore, Lisa

Duarte, Joe
Ferrante, Beverly
Garcia, Marilinda
Harris, Jeffrey
Introne, Robert
Lundgren, David
O'Connor, John
Sapareto, Frank
Sweeney, Joe
Waterhouse, Kevin

STRAFFORD

Bickford, David
Mullen, John

Gray, James
Pitre, Joseph

Groen, Warren

Jones, Laura

SULLIVAN

Osgood, Joe

Rollins, Skip

Smith, Steven

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

HB 485-FN-A, establishing keno. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Patrick F. Abrami for the Majority of Ways and Means. This bill will allow establishments licensed to pour liquor to also offer the game of Keno, which is an electronic lottery game. As such the net revenue generated would go to the education trust fund. The amendment to this bill states that the licensee may retain 8 percent of the proceeds from Keno games. In addition, of the remaining 92 percent, one percent shall be paid to the Department of Health and Human Services to support research, prevention, intervention, and treatment services for problem gamblers. Vote 14-5.

Rep. Mary R. Cooney for the Minority of Ways and Means. While this bill presents the promise of eight to nine million dollars in revenue to the state of New Hampshire every year, the minority believes that the damage done to the communities far outweighs the revenue gains. Keno is billed as an extension of lottery. Massachusetts citizens spend three times what New Hampshire citizens do on gambling, and a large part of the difference seems to be due to Keno. In the search for easy money there is always a cost. Since there is no option for towns or cities to prohibit Keno in their communities, Keno could be located in any venue which serves alcohol. According to the fiscal note each location will sell \$175,000 worth of tickets per year. This means that those dollars will be pulled out of the local economy. Finally, our New Hampshire brand will be damaged with the additional advertising of Keno games.

Majority Amendment (2393h)

Amend the introductory paragraph of RSA 284:45, VI as inserted by section 1 of the bill by replacing it with the following:

VI. To be eligible for licensure under this subdivision an applicant shall:

Amend RSA 284:46, II as inserted by section 1 of the bill by replacing it with the following:

II. A licensee may retain 8 percent of the proceeds from keno games. Of the remaining 92 percent:

(a) One percent shall be paid to the department of health and human services to support research, prevention, intervention, and treatment services for problem gamblers.

(b) The remainder shall be deposited in the education trust fund established under RSA 198:39.

AMENDED ANALYSIS

This bill:

I. Allows the operation and playing of keno games.

II. Provides for licensing of keno game operators by the lottery commission.

III. Directs revenues from keno to the department of health and human services to address problem gamblers and to the education trust fund.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Leigh Webb offered floor amendment (0153h).

Floor Amendment (0153h)

Amend RSA 284:42 as inserted by section 1 of the bill by replacing it with the following:

284:42 Administration and Enforcement. The lottery commission shall administer and enforce this subdivision relative to keno games operating in a town or city that has voted to allow such gaming.

Amend RSA 284:45, VI(a) as inserted by section 1 of the bill by replacing it with the following:

(a) Document that it is a liquor license holder under RSA 178:10-a, RSA 178:18, RSA 178:19, or RSA 178:20, and that the keno games will only be operated in towns and cities that have voted to allow the operation of keno games pursuant to RSA 284:50.

Amend section 1 of the bill by inserting after RSA 284:49 the following new RSA section:
284:50 Local Option.

I. Any town or city may allow the operation of keno games according to the provisions of this subdivision, in the following manner:

(a) In a town, the question shall be placed on the warrant of a special or annual town meeting under the procedures set out in RSA 39:3, and shall be voted on a ballot; provided, however, if the question is placed on the warrant at a special town meeting, it shall be the only question at such special town meeting. In a city, the legislative body may vote to place the question on the official ballot for any regular municipal election, or, in the alternative, shall place the question on the official ballot for any regular municipal election upon submission to the legislative body of a petition signed by 5 percent of the registered voters.

(b) The selectmen, aldermen, or city council shall hold a public hearing on the question at least 15 days but not more than 30 days before the question is to be voted on. Notice of the hearing shall be posted in at least 2 public places in the municipality and published in a newspaper of general circulation at least 7 days before the hearing.

(c) The wording of the question shall be substantially as follows: "Shall we allow the operation of keno games within the town or city?"

II. If a majority of those voting on the question vote "Yes," keno games may be operated within the town or city.

III. If the question is not approved, the question may later be voted upon according to the provisions of paragraph I, provided, however, that the town may consider the question at no more than one special town meeting and the annual town meeting in the same calendar year.

AMENDED ANALYSIS

This bill:

I. Allows the operation and playing of keno games.

II. Provides for licensing of keno game operators by the lottery commission.

III. Directs revenues from keno to the education trust fund.

IV. Requires local adoption for keno games to be operated in a town or city.

Reps. Leigh Webb and Abrami spoke in favor.

On a division vote, 272 members having voted in the affirmative and 70 in the negative, floor amendment (0153h) was adopted.

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

Rep. Abrami offered floor amendment (0227h).

Floor Amendment (0227h)

Amend RSA 284:46, II(b) as inserted by section 1 of the bill by replacing it with the following:

(b) The remainder, less the administrative costs of the lottery commission and prize payouts, shall be deposited in the education trust fund established under RSA 198:39.

Amend RSA 284:46 as inserted by section 1 of the bill by deleting paragraph IV.

AMENDED ANALYSIS

This bill:

I. Allows the operation and playing of keno games.

II. Provides for licensing of keno game operators by the lottery commission.

III. Directs revenues from keno to the department of health and human services to address problem gamblers and to the education trust fund.

Rep. Abrami spoke in favor.

Floor amendment (0227h) adopted.

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

Rep. Abrami spoke in favor and yielded to questions.

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

YEAS 202 - NAYS 141

YEAS - 202

BELKNAP

Burchell, Richard
Greemore, Robert

Comtois, Guy
Gulick, Ruth

DiMartino, Lisa
Luther, Robert

Fields, Dennis
Sylvia, Michael

CARROLL

Ahlgren, Christopher
Lavender, Tom
White, Syndi

Buco, Thomas
McConkey, Mark
Wright, Donald

Butler, Edward
Merrow, Harry

Cordelli, Glenn
Umberger, Karen

CHESHIRE

Butynski, William
Weber, Lucy

Eaton, Daniel
Young, Harry

Hunt, John

Johnsen, Gladys

COOS

Coulombe, Gary
Theberge, Robert

Enman, Larry
Thomas, Yvonne

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Reilly, Harold

Ladd, Rick
Shackett, Jeffrey

Massimilla, Linda

Piper, Wendy

HILLSBOROUGH

Barry, Richard
Burt, John
Cote, David
DiSilvestro, Linda
Gagne, Larry
Grady, Brenda
Heath, Mary
Knowles, Mary Ann
Marston, Dick
McNamara, Richard
O'Flaherty, Tim
Pellegrino, Tony
Rhodes, Brian
Shaw, Barbara
Sullivan, Daniel
Williams, Kermit

Belanger, James
Byron, Frank
Culbert, Patrick
Eaton, Richard
Gidge, Kenneth
Haefner, Robert
Hinch, Richard
Kopka, Angeline
Martel, Andre
Meaney, Richard
O'Neil, William
Pratt, Calvin
Rokas, Ted
Spratt, Stephen
Takesian, Charlene
Winters, Joel

Boehm, Ralph
Campbell, David
Daniels, Gary
Flanagan, Jack
Goley, Jeffrey
Hansberry, Daniel
Infantine, William
Leishman, Peter
McCarthy, Michael
Murotake, David
Ober, Lynne
Ramsey, Peter
Sanborn, Laurie
Straight, Philip
Ulery, Jordan

Boisvert, Ronald
Coffey, James
Danielson, David
Gage, Ruth
Gorman, Mary
Harriott-Gathright, Linda
Judy, Jean
MacKay, Mariellen
McCloskey, David
Nelson, Mary
Ober, Russell
Renzullo, Andrew
Sandblade, Emily
Stroud, Kathleen
Warden, Mark

MERRIMACK

Alicea, Caroletta
Carey, Lorrie
Karrick, David
McGuire, Carol
Rogers, Katherine
Turcotte, Alan

Andrews, Christopher
Frambach, Mary
Kelly, Sally
McGuire, Dan
Schamberg, Thomas
Walsh, Thomas

Bouchard, Candace
Hirsch, Geoffrey
Kotowski, Frank
Patten, Dick
Schuett, Dianne
Webb, Leigh

Burns, Scott
Hoell, J.R.
Lockwood, Priscilla
Richardson, Gary
Shurtleff, Stephen

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Chirichiello, Brian
Danais, Romeo
Elliott, Robert
Friel, William
Hagan, Joseph
Hoelzel, Kathleen
Lundgren, David
O'Connor, John
Rice, Frederick
Sedensky, John
Sytek, John
Tucker, Pamela
Whittemore, Lisa

Allen, Mary
Borden, David
Comerford, Timothy
DeSimone, Debra
Emerick, J. Tracy
Garcia, Bianca
Hayes, Jack
Itse, Daniel
McMahon, Charles
Packard, Sherman
Sanders, Elisabeth
Sherman, Thomas
Tamburello, Daniel
Waterhouse, Kevin

Andrews-Ahearn, E. Elaine
Briden, Steven
Copeland, Timothy
Devine, James
Emerson-Brown, Rebecca
Gordon, Richard
Heffron, Frank
Kappler, Lawrence
Milz, David
Pantelakos, Laura
Sapareto, Frank
St.James, Kevin
Tasker, Kyle
Webb, James

Baldasaro, Alfred
Burtis, Elizabeth
Cushing, Robert
Duarte, Joe
Ferrante, Beverly
Griffin, Mary
Hodgdon, Bruce
Khan, Aboul
Nigrello, Robert
Peckham, Michele
Schroadter, Adam
Sweeney, Joe
Till, Mary
Weyler, Kenneth

STRAFFORD

Baber, William
Gray, James
Kaen, Naida
Pitre, Joseph

Bickford, David
Grossman, Kenneth
Menear, H. Robert
Rollo, Deanna

Bixby, Peter
Horrigan, Timothy
Miller, David
Stevens, Audrey

Burdwood, Greg
Jones, Laura
Mullen, John

SULLIVAN

Cloutier, John
O'Hearne, Andrew
Smith, Steven

Grenier, James
Osgood, Joe

Irwin, Virginia
Rollins, Skip

Lefebvre, Benjamin
Schmidt, Andrew

**NAYS - 141
BELKNAP**

Arsenault, Beth
Huot, David
Worsman, Colette

Cormier, Jane
Raymond, Ian

Flanders, Donald
Tilton, Franklin

Holmes, Stephen
Vadney, Herbert

CARROLL

Chandler, Gene

Crawford, Karel

Nelson, Bill

Ticehurst, Susan

CHESHIREAmes, Richard
Ley, Douglas
Roberts, Kris
Weed, CharlesBerch, Paul
Mann, John
Robertson, TimothyChase, Cynthia
Parkhurst, Henry
Sad, TaraJohnson, Jane
Phillips, Larry
Shepardson, Marjorie**COOS**

Hammon, Marcia

Hatch, William

Moynihan, Wayne

Rappaport, Laurence

GRAFTONAlmy, Susan
Doolan, Ralph
Higgins, Patricia
Smith, SuzanneBenn, Bernard
Ford, Susan
Lovett, Sid
Sykes, GeorgeBrown, Rebecca
Gionet, Edmond
Mulholland, Catherine
Townsend, CharlesCooney, Mary
Harding, Laurie
Pastor, Beatriz
White, Andrew**HILLSBOROUGH**Backus, Robert
Cebrowski, John
Gale, Sylvia
Hammond, Jill
Hopper, Gary
Kurk, Neal
Long, Patrick
Palmer, Stephen
Rosenwald, Cindy
Souza, Kathleen
Walsh, RobertBeaulieu, Jane
Chandley, Shannon
Gargas, Carolyn
Hansen, Peter
Jack, Martin
LeBrun, Donald
Mangipudi, Latha
Parison, James
Rowe, Robert
Sullivan, Peter
Willette, RobertBooras, Efsthathia
Christiansen, Lars
Graham, John
Heden, Ruth
Jasper, Shawn
LeVasseur, Richard
Manley, Jonathan
Peterson, Lenette
Schmidt, Janice
Vaillancourt, Steve
Woodbury, DavidBrown, Pamela
Connor, Evelyn
Hackel, Paul
Hikel, John
Kelley, John
Levesque, Melanie
O'Brien, William
Porter, Marjorie
Shattuck, Gilman
Villeneuve, Moe**MERRIMACK**Bartlett, Christy
Frazer, June
Hess, David
Myler, Mel
Wallner, Mary JaneCarson, Clyde
French, Barbara
Kidder, David
Ratzki, Mario
Walz, Mary BethDavis, Frank
Gile, Mary
MacKay, James
Rice, Chip
Watrous, RickEbel, Karen
Henle, Paul
Moffett, Howard
Smith, Todd**ROCKINGHAM**Bick, Patrick
Fesh, Robert
Lovejoy, Patricia
Muns, ChrisCahill, Michael
Flockhart, Eileen
Mann, Maureen
Schlachman, DonnaCali-Pitts, Jacqueline
Harris, Jeffrey
McKinney, Betsy
Ward, GeraldDumaine, Dudley
Introne, Robert
Moody, Marcia
Wazlaw, Brian**STRAFFORD**Berube, Roger
Malloy, Dennis
Schmidt, Peter
Wall, JanetBurke, Rachel
Merrill, Amanda
Smith, Marjorie
Ward, KennethGrassie, Anne
Perry, Robert
Spang, JudithGroen, Warren
Rogers, Rose Marie
Verschueren, James**SULLIVAN**

Gottling, Suzanne

Sweeney, Cynthia

Tanner, Linda

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

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

Rep. Patrick F. Abrami for Ways and Means. This bill completes the consolidation of 17 regulatory boards and councils as well as professionals licensed by the Department of Health and Human Services. The bill was voted OTP in the first year of biennium and came to Ways and Means to address the fees. The original bill called for all 17 entities to have licensing fees and certification registration set at \$100. Ways and Means recommends amending that language to adopt a two fee structure of \$55/\$150, based upon complexity. The new fee structure meets the 125% revenue to expense ratio. All 17 entities will be housed in one facility with shared staff with the goal of reducing costs. The new fee structure reduces the revenue to the state by about \$20,000. Vote 19-0.

Amendment (2391h)

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

1 Acupuncture; Rulemaking Authority. Amend RSA 328-G:7, II to read as follows:

II. Scope of practice[;] **and** fees for applications[;] ~~and fees for licenses issued or renewed under this chapter~~].

2 Acupuncture; License Fee. Amend RSA 328-G:9, II(d) to read as follows:

(d) Has paid the ~~[requisite fees]~~ **\$110 license fee** and filed the application established by the board.

3 Acupuncture License Renewal Fee. Amend RSA 328-G:9, IX to read as follows:

IX. All licenses issued by the board shall be valid for 2 years from the date of issuance and shall be renewed biennially or reissued pursuant to rules adopted, and upon payment of ~~[fees established by the board]~~ **a \$110 renewal fee.**

4 Alcohol and Other Drug Use; License and Renewal Fee Established. Amend RSA 330-C:8, I to read as follows:

I. The board shall charge ~~[fees for the application, issuance, renewal,]~~ **licensed drug and alcohol counselors, licensed clinical supervisors, and certified recovery support workers a \$110 fee for the issuance of an initial license or certification, and \$110 for the renewal of a license or certificate under this chapter. The fee for a master licensed drug and alcohol counselor shall be \$300 and the renewal fee shall be \$300. All license and renewal fees under this paragraph shall be valid for 2 years from the date of issuance. In addition the board shall establish by rule fees for license and certificate applications,** late renewal, and reinstatement of all licenses and certifications authorized by this chapter. ~~[The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses for the board for the previous fiscal year.]~~

5 Alcohol and Other Drug Use; Rulemaking Authority. Amend RSA 330-C:9, IV to read as follows:

IV. The establishment of **license and certificate application, late renewal, and reinstatement** fees required under this chapter.

6 Boxing and Wrestling; Rulemaking Authority. Amend RSA 285:7, IV to read as follows:

IV. A fee schedule for ~~[licenses,]~~ permits and amateur cards and for the renewal of ~~[licenses and]~~ amateur cards;

7 Boxing and Wrestling; Promoter Permit Fees Established. Amend RSA 285:10, I to read as follows:

I. No promoter shall arrange a professional fighting sports competition in the state without a permit from the commission. **The fee for permits shall be \$100 for each day of the event.** A different permit shall be required for each day of competitions.

8 Boxing and Wrestling; License Fees Established. Amend RSA 285:11 to read as follows:

285:11 Licenses Required. No person shall participate in a professional fighting sports competition as a contestant, manager, referee, judge, second or timekeeper without a license from the commission. **The fee for all licenses issued by the commission shall be \$20.** Licenses granted by the commission shall be valid for one year from the date of issue unless revoked or suspended by the commission. The commission shall, upon application, renew any license unless good cause is shown that the license should not be renewed. **The fee for all license renewals issued by the commission shall be \$20.**

9 Dietitians; Rulemaking Authority. Amend RSA 326-H:10 to read as follows:

326-H:10 Rulemaking.

~~[E.]~~ The board shall adopt rules, pursuant to RSA 541-A, relative to:

~~[(a)]~~ **I.** The application procedures for licensure or temporary licensure to practice as a licensed dietitian in this state.

~~[(b)]~~ **II.** The renewal, suspension, revocation, and reinstatement of licenses.

~~[(c)]~~ **III.** The establishment of fees for ~~[licenses, renewals, and]~~ reinstatement of licenses.

~~[(d)]~~ **IV.** Educational qualifications for licensure.

~~[(e)]~~ **V.** The conditions and fees for licensing out-of-state dietitians.

~~[(f)]~~ **VI.** Continuing education requirements.

~~[(g)]~~ **VII.** Procedures for investigations and hearings held under this chapter.

~~[(h)]~~ **VIII.** Procedures for appealing hearing board decisions.

~~[(i)]~~ **IX.** Disciplinary actions including penalties, sanctions, supplemental training requirements, and treatment and counseling requirements for licensees involved in violations of the code of ethics, which may include revocation of license, suspension of license, fines, community service, oral or written reprimand, additional education or training, and supervised training and counseling, including substance abuse treatment and counseling.

~~[H. The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year.]~~

10 New Paragraph; Dietitians; License Fee Established. Amend RSA 326-H:12 by inserting after paragraph IV the following new paragraph:

V. Pay the \$110 license fee.

11 Dietitians; Renewal Fee Established. Amend RSA 326-H:14, II to read as follows:

II. All licenses issued by the board shall be valid for 2 years from the date of issuance and shall be renewed biennially or reissued pursuant to rules adopted and upon payment of ~~[fees established by the board]~~ **a \$110 license renewal fee.** The board shall cause notification of impending license expiration to be sent to

each licensed person at least 60 days prior to the expiration of the license. Licenses shall continue as valid until final action is exercised by the board on an application for renewal, provided that the application is filed before the expiration date of the license.

12 Electrology; License and Renewal Fees Established. Amend RSA 314:10 to read as follows:
314:10 Fees.

I. ***The fee for an initial biennial license and for renewal of the biennial license issued under this chapter shall be \$110.*** The commissioner shall establish by rule a schedule of fees for [~~application and licensure;~~] ***applications***, examinations, [~~license renewal~~] and license replacement.

II. [~~The schedule of fees adopted by the commissioner shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses incurred by the department in carrying out the substance of this chapter in the previous fiscal year.~~] Fees collected shall be appropriated to the department and used to carry out the provisions of this chapter.

13 Funeral Directors and Embalmers; Rulemaking Authority. Amend RSA 325:9, V to read as follows:

V. The establishment of [~~all~~] fees [~~required under this chapter~~] ***for the examination of applicants, funeral home inspections, and transcribing and transferring records and other services;***

14 Funeral Directors and Embalmers; License and Renewal Fee Established. Amend RSA 325:12-a to read as follows:

325:12-a Fees. ***The fee for an initial annual license and for renewal of an annual license issued under this chapter shall be: \$55 for embalmers and apprentices and \$150 for funeral directors.*** The board shall establish fees for examination of applicants, [~~for licenses and for renewal of licenses to practice under this chapter;~~] for funeral home inspections, and for transcribing and transferring records and other services. [~~The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year.~~]

15 Funeral Directors and Embalmers; Renewal Period Extended. Amend RSA 325:25, I to read as follows:

I. Every person licensed to practice under this chapter, except as provided in RSA 325:29, shall apply to the board for annual license renewal. The board shall require each licensee to show proof of meeting the continuing education requirement of RSA 325:28-a within the preceding year. Payment shall be made to the board secretary of [~~a~~] ***the*** renewal fee established [~~by the board~~] in RSA 325:12-a.

16 Hearing Care Providers; Rulemaking. Amend RSA 137-F:6, V to read as follows:

V. [~~License and registration application fees;~~] Examination fees, [~~renewal fees;~~] and any other fees required under this chapter[~~; provided that the fees shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year.~~]

17 Hearing Aid Dealer Registration and Renewal Fees. Amend RSA 137-F:8 to read as follows:

137-F:8 Registration of Hearing Aid Dealers Required. No person shall engage in the business of selling or offering for rent hearing aids unless such person is registered in accordance with this chapter and unless the registration of such person is current and valid. ***The fee for an initial registration under this section is \$150.*** This section includes the selling or renting of hearing aids by mail in this state by a person outside the state. Registration certificates shall be renewed annually on or before June 30 ***upon payment of a \$150 renewal fee.***

18 Audiology License Fee. Amend RSA 137-F:11, II to read as follows:

II. The board shall license each applicant who satisfies the requirements of this chapter. Upon payment of a ***\$300*** license fee, the board shall issue to such person a certificate of licensure which shall be evidence of the right to practice as an audiologist. ***The license shall be valid for 2 years from the date of issuance.***

19 Audiology License Fee; Reference Change. Amend RSA 137-F:13, I(b) to read as follows:

(b) Pay to the board the appropriate license [~~application~~] fee.

20 Audiology License Renewal Fee. Amend RSA 137-F:20 to read as follows:

137-F:20 License Renewal. A license issued under RSA 137-F:13 shall expire at 12:01 a.m. on July 1 of the odd year next succeeding its date of issuance. Every person licensed under this chapter who wishes to renew a license shall, on or before the expiration date, pay a [~~fee for renewal of license~~] ***\$300 renewal fee*** to the board. The board shall notify each person licensed under this chapter of the date of expiration of such person's license and the renewal fee required. The notice shall be mailed to such person's last known address as provided to the board at least 60 days in advance of the expiration of such license. Renewals are contingent upon evidence of 20 hours or the equivalent in continuing education units, including, but not limited to, attending professional meetings or completing approved independent studies and regional in-service programs, as determined by the board.

21 Massage Therapists and Establishments; Rulemaking Authority. Amend RSA 328-B:4, VII(e) to read as follows:

(e) License modifications and license renewal applications [~~and fees~~].

22 Massage Therapists and Establishments; License Fee Established. Amend RSA 328-B:6, I(a) to read as follows:

(a) Submits the required application form and ***\$110 licensing*** fee.

23 Massage Therapists and Establishments; License Renewal Fee Established. Amend RSA 328-B:7 to read as follows:

328-B:7 License Renewal. All licenses issued pursuant to this chapter shall expire 2 years after the date of issue. License renewals shall be granted upon approval of the commissioner of the renewal application and submission of the required **\$110** renewal fee.

24 Midwives; Powers and Duties. Amend RSA 326-D:4, I(b) to read as follows:

(b) Establishing fees for examination of applicants~~[-certification, and renewal of certification]~~.

25 Midwives; Rulemaking Authority. Amend RSA 326-D:5, I(h) to read as follows:

(h) Establishing ~~[a]n~~ **examination** fees authorized under RSA 326-D:4, I(b)~~[-provided that the fees shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the council for the previous fiscal year]~~.

26 Midwives; Certification and Renewal Fee Established. Amend RSA 326-D:6, I and II to read as follows:

I. No person shall practice midwifery in this state without first obtaining certification from the council. The council shall certify for the practice of midwifery any person applying for such certification who meets the qualifications adopted under RSA 326-D:5, I(a) and who submits ~~[the]~~ **a \$110** certification fee ~~[established by the council pursuant to RSA 326-D:4, I(b)]~~.

II. Certification issued under this chapter shall be subject to renewal every 2 years and shall expire unless renewed in accordance with rules adopted by the council and upon payment of ~~[the]~~ **a \$110** renewal fee ~~[established under RSA 326-D:4, I(b)]~~.

27 Naturopaths; Board Duties. Amend RSA 328-E:8, I(a) to read as follows:

(a) Determine fees ~~[for licensure,]~~ for application to take the examination pursuant to RSA 328-E:9, I(f) and RSA 332-G:2~~[-and for license renewal under RSA 328-E:13]~~.

28 Naturopaths; License Fees Established. Amend RSA 328-E:9, I(f) to read as follows:

(f) File an application and pay the **\$300** license ~~[fees]~~ **fee**.

29 Naturopaths; License Renewal Fees Established. Amend RSA 328-E:13, I to read as follows:

I. The license to practice naturopathic medicine shall be renewed biennially. A fee in the amount ~~[determined by the board]~~ **of \$300** shall accompany the application for renewal.

30 Nursing Home Administrators. Amend RSA 151-A:4-a, II to read as follows:

II. To establish and collect fees for examination of applicants, ~~[for licenses and renewal of licenses to practice under this chapter,]~~ for temporary and emergency permits, and for transcribing and transferring records and other services. ~~[The fees established by the board shall recover revenues equal to 125 percent of the direct operating expenses of the board for the previous year or the full cost of the board, including the cost of support and administrative services provided by other agencies, whichever is greater.]~~

31 Nursing Home Administrators; License Fee Established. Amend the introductory paragraph of RSA 151-A:5 to read as follows:

151-A:5 Qualifications for Admission to Examination. The board shall admit to examination for licensure as a nursing home administrator any candidate who pays a ~~[reasonable]~~ **\$300 licensing** fee ~~[as established by the board]~~ and submits evidence of good moral character and suitability prescribed by the board and evidence that the candidate is at least 21 years old and has completed preliminary education satisfactory to the board; provided:

32 Nursing Home Administrators; Registration Renewal Fee Established. Amend RSA 151-A:8, II to read as follows:

II. Upon making an application for a new certificate of registration such individual shall pay a ~~[reasonable]~~ **\$300** biennial registration **renewal** fee ~~[as established by the board]~~.

33 Optometrists; Fees. Amend RSA 327:5-a to read as follows:

327:5-a Fees. The board shall establish fees for ~~[application for licensure, renewal, and]~~ **license** reinstatement~~[-]~~ and for transcribing and transferring records and other services. ~~[The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year.]~~

34 Optometrists; License Fee Established. Amend RSA 327:6 to read as follows:

327:6 Licenses; Qualifications. No person, except as otherwise provided in this chapter, shall practice optometry without a license. The board shall not issue a license to any applicant until the person has passed an examination approved by the board, and has presented satisfactory evidence in the form of affidavits properly sworn to, that the person is over 18 years of age and of good moral character, has completed a minimum of 2 years at a college of arts and sciences and has graduated from a school or college of optometry approved by the board, maintaining a minimum of 4 years in optometric training. Persons who submit an application which demonstrates that they meet the eligibility requirements of this chapter and any rules adopted by the board pursuant to RSA 541-A, **and pay the \$150 licensing fee**, shall be licensed by the board.

35 Optometrists; License Renewal Fee Established. Amend RSA 327:13, I to read as follows:

I. All licenses issued under this chapter shall automatically expire on July 1 of each year, unless an application for renewal of the license is received by the board on or before that date **along with the \$150 license renewal fee**.

36 Optometrists; Rulemaking Authority. Amend RSA 327:31, VI to read as follows:

VI. The establishment of ~~[all] fees [required under this chapter]~~ **for license reinstatement, and for transcribing and transferring records and other services;**

37 Podiatrists; Rulemaking Authority. Amend RSA 315:4, VII to read as follows:

VII. The establishment of ~~[all] fees [required under this chapter]~~ **for license reinstatement and for transcribing and transferring records and other services;**

38 Podiatrists; License Fee Established. Amend RSA 315:8, I to read as follows:

I. The board shall issue a license to applicants who have submitted a complete application, **paid a \$150 license fee**, achieved a satisfactory examination score, and satisfied all other criteria of competence and professional character required by this chapter.

39 Podiatrists; Renewal Fee Established. Amend RSA 315:11, I to read as follows:

I. Every person licensed to practice under this chapter shall apply to the board on ~~[a biennial]~~ **an annual** basis for renewal of license on forms provided by the board and shall pay a **\$150** renewal fee ~~[as established in rules of the board]~~. As a condition of renewal of license, each licensee shall show proof of having completed the continuing education units as required in rules adopted by the board.

40 Podiatrists; Fees. Amend RSA 315:15 to read as follows:

315:15 Fees. The board shall establish fees for ~~[license applications and for renewal of licenses to practice podiatry and for]~~ transcribing and transferring records and other services. ~~[The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year.]~~

41 Reflexologists; Rulemaking Authority. Amend RSA 328-H:5, VIII(a) to read as follows:

(a) ~~[License application fees,]~~ Late fees~~[-, renewal fees,]~~ and reinstated license fees.

42 Reflexologists; License Fee Established. Amend RSA 328-H:8, I(c) to read as follows:

(c) Makes payment of ~~[fees required in rules adopted by the department]~~ **the \$110 license fee;**

43 Reflexologists; Renewal Fee Established. Amend RSA 328-H:9, II to read as follows:

II. All licenses issued pursuant to this chapter shall expire 2 years after the date of issuance. License renewals shall be granted upon approval by the department of the renewal application and submission of the required **\$110** renewal fee.

44 Body Art; License Required. Amend RSA 314-A:2, II to read as follows:

II. ~~[Licenses issued by the commissioner shall be valid for one year from the date of issue.]~~ **The fee for an initial license and a renewal license shall be \$55. The license shall be valid for one year from the date of issuance.**

45 Psychologists Board; Fees Established. Amend RSA 329-B:12 to read as follows:

329-B:12 Establishment of Fees; Continued Responsibility of Board of Mental Health Practice.

I. The fee for an initial license and for a renewal license shall be \$300. The license shall be valid for 2 years from the date of issuance.

II. The board of mental health practice, pursuant to RSA 330-A:12, II, shall continue to establish fees applicable to psychologists for review of applicants; ~~[licensure; renewal of license;]~~ reinstatement of license; inactive license status; reactivation of an inactive license; examination of applicants; transcribing and transferring records; and other services, including investigations and hearings conducted under this chapter.

46 Chiropractor License. Amend RSA 316-A:14 to read as follows:

316-A:14 Licenses and Certificates. Each applicant who qualifies and who attains a minimum grade of 70 percent upon the examination given under RSA 316-A:13, I shall receive a license from the board as a chiropractor permitted to practice in New Hampshire. **The fee for an initial license and for a license renewal shall be \$300. The license shall be valid for 2 years from the date of issuance.**

47 Renewals. Amend 316-A:20 to read as follows:

316-A:20 Renewal. Any person holding a chiropractor's license may have the same renewed upon application and payment of the **\$300 renewal** fee ~~[established by the board]~~. Each applicant shall submit satisfactory evidence that the applicant has completed at least 20 hours of continuing education approved by or conducted by the International Chiropractors Association, or the American Chiropractic Association, or the New Hampshire board of chiropractic examiners, or any state-chartered chiropractic school or college, within one year prior to the date of renewal. In the event of failure to comply with the provisions of this section, the applicant shall appear before the board to show cause why the license should not be suspended.

48 Ophthalmic Dispensers. Amend RSA 327-A:7 to read as follows:

327-A:7 Application and Registration Fees. Every application for a certificate of registration for ophthalmic dispensing shall be accompanied by a non-refundable registration fee of ~~[\$100]~~ **110**. Upon approval of the application by the commissioner, the applicant shall be issued a certificate of registration for ophthalmic dispensing to be valid for 2 years. The fee for renewal of any certificate of registration shall be ~~[\$100]~~ **110**.

49 Office of Professional Licensing. Amend RSA 126-A:10-a to read as follows:

126-A:10-a ~~[Administrative Support; Professional Regulatory Boards]~~ **Office of Professional Licensing.**

I. For any professional regulatory boards and advisory councils or committees which are under the supervision and control of the department, [and] for any boards or councils which are administratively attached under RSA 21-G:10 to the department and are designated as subject to the provisions of this section, **and for any profession or occupation licensed by the department**, the commissioner [may] **shall establish an office of professional licensing** to consolidate the following functions in order to provide efficiency and coordination of the administrative support of professional regulatory boards:

- (a) Location of office space and meeting space.
- (b) Provision of staff for administrative support functions.
- (c) Mailing and processing services.
- (d) Automated licensing and regulatory compliance system administration and support.
- (e) Procurement of supplies.

I-a.(a) The office of professional licensing shall assess an annual license and renewal fee of either \$55 or \$150, or a biennial license and renewal fee of \$110 or \$300, for each professional regulatory board, council, or profession subject to the provisions of this section. This subparagraph shall not apply to the board of dental examiners under RSA 317-A; the office of licensed allied health professionals under RSA 328-F; or the board of mental health practice under RSA 330-A.

(b) If the license and renewal fee for a new professional category is not established in statute, the relevant board shall recommend the appropriate fee level to the commissioner. The total of all license and renewal fees from the professions identified in paragraph IV, excluding the boards in subparagraphs IV(e), (k), and (n), shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses for the board for the previous fiscal year.

II. Department costs for the services provided under this section shall be reimbursed by the boards and councils with such costs allocated equitably amongst the respective boards and councils, as determined by the commissioner.

III. Nothing in this section shall affect the authority of professional regulatory boards and councils administratively attached to the department from exercising the powers, duties, functions, and responsibilities granted by statute.

IV. The following regulatory boards and councils shall be subject to the provisions of this section:

- (a) The board of hearing care providers under RSA 137-F:3.**
- (b) The board of examiners of nursing home administrators under RSA 151-A.**
- (c) The board of podiatry under RSA 315.**
- (d) The board of chiropractors examiners under RSA 316-A.**
- (e) The board of dental examiners under RSA 317-A.**
- (f) The board of registration of funeral directors and embalmers under RSA 325.**
- (g) The midwifery council under RSA 326-D.**
- (h) The board of licensed dietitians under RSA 326-H.**
- (i) The board of registration in optometry under RSA 327.**
- (j) The naturopathic board of examiners under RSA 328-E.**
- (k) The office of licensed allied health professionals under RSA 328-F.**
- (l) The board of acupuncture licensing under RSA 328-G.**
- (m) The board of psychologists under RSA 329-B.**
- (n) The board of mental health practice under RSA 330-A.**
- (o) The board of licensing for alcohol and other drug use professionals under RSA 330-C.**

V. The following professions, licensed by the department of health and human services, shall be subject to the provisions of this section:

- (a) Electrologists under RSA 314.**
- (b) Body art practitioners under RSA 314-A.**
- (c) Ophthalmic dispensers under RSA 327-A.**
- (d) Reflexology, structural integrators, and Asian bodywork therapists under RSA 328-H.**
- (e) Massage therapists under RSA 328-B.**

50 Home Health Care Providers. RSA 151:5, XI is repealed and reenacted to read as follows:

XI. Home health care providers:

- (a) Registered individuals; \$25.
- (b) Agencies; \$250.

51 Repeal. The following are repealed:

- I. RSA 137-F:3, VI, relative to appropriations to the hearing care providers board.
- II. RSA 328-B:4, VII(a), relative to rulemaking authority for massage license application fees.
- III. RSA 327-A:12, III, relative to fees for ophthalmic dispensers established by rule.

52 Effective Date. This act shall take effect July 1, 2014.

Amendment adopted.

Committee report adopted and ordered to third reading.

The House recessed at 12:50 p.m.

RECESS

The House reconvened at 1:50 p.m.

(Rep. Kaen in the Chair)

REGULAR CALENDAR – 2013 RETAINED BILLS – PART III

HB 120, relative to hours of sales by off-premises liquor licensees. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Ruth S. Heden for the Majority of Commerce and Consumer Affairs. This bill would extend the hours for off-premise alcohol sales (in grocery and convenience stores) from 11:45 p.m. to 1:00 a.m. Members of the majority believe that New Hampshire's adults are capable of taking care of their alcohol shopping needs within the hours currently in our statute, and that extending those hours is unnecessary and not responsible public health policy. Alcohol sales in New Hampshire are robust, coming in over \$1 billion per year. At the same time, alcohol abuse costs New Hampshire over \$1 billion per year, mostly in lost worker productivity. 49% of our young adults ages 18 to 25 binge drink, exceeding the national average by almost 10%. In March, our state rated first in this statistic. The majority believes in supporting our businesses; however, no individuals or organizations representing retail merchants spoke in favor of this bill. Vote 11-9.

Rep. John B. Hunt for the Minority of Commerce and Consumer Affairs. Amend RSA 179:17, II(a) to read as follows: "(a) Off-premises licensees may sell from 6:00 a.m. to 11:45 p.m., 7 days a week. The licensee may sell until 1:00 a.m. under conditions authorized by the legislative body of the city or town in which the premises are located if the legislative body adopts an ordinance authorizing such sales." The amendment mirrors what we passed and is now law allowing restaurants to stay open later if authorized by their cities or towns. The minority believes that it only makes sense to do the same for stores that sell beer and wine. Not only is this good for the tourist business but it also is more convenient for those who work second shifts and do not get off work until 11 p.m.

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

Reps. Tucker and Hunt spoke against.

Rep. Schlachman spoke in favor.

(Speaker Norelli in the Chair)

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 170 - NAYS 156

YEAS - 170

BELKNAP

DiMartino, Lisa
Raymond, Ian

Flanders, Donald

Holmes, Stephen

Huot, David

CARROLL

Ahlgren, Christopher
Ticehurst, Susan

Buco, Thomas

Butler, Edward

Nelson, Bill

CHESHIRE

Ames, Richard
Mann, John
Robertson, Timothy
Weed, Charles

Berch, Paul
Parkhurst, Henry
Sad, Tara
Young, Harry

Butynski, William
Phillips, Larry
Shepardson, Marjorie

Chase, Cynthia
Roberts, Kris
Weber, Lucy

COOS

Coulombe, Gary
Moynihan, Wayne

Enman, Larry
Richardson, Herbert

Hammon, Marcia
Thomas, Yvonne

Hatch, William

GRAFTON

Almy, Susan
Ford, Susan
Massimilla, Linda
Sykes, George

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

Brown, Rebecca
Higgins, Patricia
Pastor, Beatriz
White, Andrew

Cooney, Mary
Lovett, Sid
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Cote, David
Gale, Sylvia
Grady, Brenda

Beaulieu, Jane
Campbell, David
Eaton, Richard
Gargas, Carolyn
Hammond, Jill

Boisvert, Ronald
Chandley, Shannon
Flanagan, Jack
Gidge, Kenneth
Hansberry, Daniel

Booras, Efsthathia
Connor, Evelyn
Gage, Ruth
Goley, Jeffrey
Harriott-Gathright, Linda

Heath, Mary
Leishman, Peter
Mangipudi, Latha
Nelson, Mary
Schmidt, Janice
Williams, Kermit

Heden, Ruth
Levesque, Melanie
Manley, Jonathan
O'Neil, William
Shattuck, Gilman
Woodbury, David

Knowles, Mary Ann
Long, Patrick
McCloskey, David
Porter, Marjorie
Spratt, Stephen

Kopka, Angeline
MacKay, Mariellen
McNamara, Richard
Rosenwald, Cindy
Walsh, Robert

MERRIMACK

Alicea, Caroletta
Davis, Frank
Henle, Paul
Moffett, Howard
Rice, Chip
Shurtleff, Stephen
Walz, Mary Beth

Bartlett, Christy
Frambach, Mary
Karrick, David
Myler, Mel
Richardson, Gary
Smith, Todd
Watrous, Rick

Bouchard, Candace
Frazer, June
Kelly, Sally
Patten, Dick
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

Carey, Lorrie
Gile, Mary
MacKay, James
Ratzki, Mario
Schuett, Dianne
Wallner, Mary Jane

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cahill, Michael
Devine, James
Harris, Jeffrey
Lundgren, David
Pantelakos, Laura
Wazlaw, Brian

Birdsell, Regina
Cali-Pitts, Jacqueline
Elliott, Robert
Heffron, Frank
Mann, Maureen
Schlachman, Donna

Bishop, Franklin
Copeland, Timothy
Emerson-Brown, Rebecca
Khan, Aboul
Moody, Marcia
Sherman, Thomas

Borden, David
Cushing, Robert
Flockhart, Eileen
Lovejoy, Patricia
Muns, Chris
Ward, Gerald

STRAFFORD

Baber, William
Grassie, Anne
Malloy, Dennis
Pelletier, Marsha
Schmidt, Peter
Wall, Janet

Berube, Roger
Grossman, Kenneth
Menear, H. Robert
Perry, Robert
Smith, Marjorie
Ward, Kenneth

Bixby, Peter
Horrigan, Timothy
Merrill, Amanda
Rogers, Rose Marie
Spang, Judith

Burke, Rachel
Kaen, Naida
Miller, David
Rollo, Deanna
Verschuere, James

SULLIVAN

Cloutier, John
Rollins, Skip

Gottling, Suzanne
Schmidt, Andrew

Irwin, Virginia
Sweeney, Cynthia

O'Hearne, Andrew
Tanner, Linda

NAYS - 156

BELKNAP

Burchell, Richard
Greemore, Robert
Tilton, Franklin

Comtois, Guy
Gulick, Ruth
Vadney, Herbert

Cormier, Jane
Luther, Robert
Worsman, Colette

Fields, Dennis
Sylvia, Michael

CARROLL

Chandler, Gene
Morrow, Harry

Cordelli, Glenn
Umberger, Karen

Crawford, Karel
Wright, Donald

McConkey, Mark

CHESHIRE

Eaton, Daniel
Ley, Douglas

Hunt, John

Johnsen, Gladys

Johnson, Jane

COOS

Rappaport, Laurence

Rideout, Leon

GRAFTON

Bailey, Brad
Piper, Wendy

Doolan, Ralph
Reilly, Harold

Gionet, Edmond
Shackett, Jeffrey

Ladd, Rick

HILLSBOROUGH

Barry, Richard
Byron, Frank
Culbert, Patrick
Gagne, Larry
Hikel, John
Jack, Martin
Kurk, Neal
Martel, Andre
O'Brien, William
Palmer, Stephen
Pratt, Calvin
Sandblade, Emily
Sullivan, Peter
Warden, Mark

Belanger, James
Cebrowski, John
Daniels, Gary
Graham, John
Hinch, Richard
Jasper, Shawn
LeBrun, Donald
McCarthy, Michael
O'Flaherty, Tim
Parison, James
Renzullo, Andrew
Souza, Kathleen
Ulery, Jordan
Willette, Robert

Boehm, Ralph
Christiansen, Lars
Danielson, David
Haefner, Robert
Hopper, Gary
Jeudy, Jean
LeVasseur, Richard
Meaney, Richard
Ober, Lynne
Pellegrino, Tony
Rowe, Robert
Straight, Philip
Vaillancourt, Steve
Winters, Joel

Burt, John
Coffey, James
DiSilvestro, Linda
Hansen, Peter
Infantine, William
Kelley, John
Marston, Dick
Murotake, David
Ober, Russell
Peterson, Lenette
Sanborn, Laurie
Stroud, Kathleen
Villeneuve, Moe

MERRIMACK

Andrews, Christopher
Hess, David
Kotowski, Frank
Schamberg, Thomas

Burns, Scott
Hirsch, Geoffrey
Lockwood, Priscilla
Walsh, Thomas

Carson, Clyde
Hoell, J.R.
McGuire, Carol

Ebel, Karen
Kidder, David
McGuire, Dan

ROCKINGHAM

Abrami, Patrick
Chirichiello, Brian
Duarte, Joe
Fesh, Robert
Hagan, Joseph
Itse, Daniel
Milz, David
Peckham, Michele
Schroadter, Adam
Sytek, John
Tucker, Pamela
Whittemore, Lisa

Allen, Mary
Comerford, Timothy
Dumaine, Dudley
Garcia, Bianca
Hayes, Jack
Kappler, Lawrence
Nigrello, Robert
Rice, Frederick
Sedensky, John
Tamburello, Daniel
Waterhouse, Kevin

Baldasaro, Alfred
Danais, Romeo
Emerick, J. Tracy
Gordon, Richard
Hodgdon, Bruce
McKinney, Betsy
O'Connor, John
Sanders, Elisabeth
St.James, Kevin
Tasker, Kyle
Webb, James

Bick, Patrick
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary
Introne, Robert
McMahon, Charles
Packard, Sherman
Sapareto, Frank
Sweeney, Joe
Till, Mary
Weyler, Kenneth

STRAFFORD

Bickford, David
Mullen, John

Gray, James
Pitre, Joseph

Groen, Warren
Stevens, Audrey

Jones, Laura

SULLIVAN

Grenier, James

Osgood, Joe

Smith, Steven

and the majority committee report was adopted.

HB 343-FN, relative to laws regarding pawnbrokers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laura M. Jones for Commerce and Consumer Affairs. The amendment replaces the original bill and creates a study commission, where members of law enforcement, and industry, will be appointed along with legislators. This way all stakeholders will be able to provide input and craft legislative recommendations to update state law regarding pawnbrokers and secondhand dealers. Current state law includes antiquated language, and does not reflect current business practices, nor the concerns of law enforcement. Since a large number of small businesses are affected, and many concerns including privacy, business impact, and jurisdiction were identified, the committee decided that creating a study commission was the best way to proceed. Vote 14-4.

Amendment (2305h)

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

AN ACT establishing a commission to study regulatory requirements for pawnbrokers and secondhand dealers in New Hampshire.

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

1 New Section; Pawnbrokers; Commission to Study Regulatory Requirements for Pawnbrokers and Secondhand Dealers in New Hampshire. Amend RSA 399-A by inserting after section 19 the following new section:

399-A:20 Commission to Study Regulatory Requirements for Pawnbrokers and Secondhand Dealers in New Hampshire.

I. There is established a commission to study regulatory requirements for pawnbrokers and secondhand dealers in New Hampshire, the purpose of which shall be to review state and local regulation of pawnbrokers and secondhand dealers to determine whether current statutes and ordinances should be revised for consistency and to better reflect current business practices and/or law enforcement concerns.

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

(a) One member of the senate, appointed by the senate president.

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

(c) One representative of law enforcement from a municipality in which a pawnshop and secondhand shop are located, appointed by the senate president.

(d) A representative of the New Hampshire Association of Chiefs of Police, appointed by the association.

(e) A county attorney with experience in property crimes, appointed by the governor.

(f) One representative of the pawnbroker industry who is also a member of the National Pawnbrokers Association, appointed by the senate president.

(g) One representative of the secondhand dealer industry, appointed by the speaker of the house of representatives.

(h) One representative of the coin dealer industry who transacts business with the general public, appointed by the senate president.

(i) One representative of the antique dealer industry, who transacts business with the general public, appointed by the speaker of the house of representatives.

III. The commission shall:

(a) Study current laws and ordinances regulating pawnbrokers and secondhand dealers in New Hampshire.

(b) Study issues surrounding recordkeeping, reporting, and retention periods, including privacy and constitutional questions.

(c) Study the changes in recovery rates in municipalities that have mandated recordkeeping, reporting, and retention periods, and determine what caused the change and whether the amount of change justified the increase in regulation.

(d) Consider the impact changes to state law would have on the industry, including any ethical concerns.

(e) Study issues related to jurisdiction and law enforcement inspections.

(f) Identify the type of items and transactions that should be regulated and those that should be excluded from regulation, including whether a minimum dollar value is appropriate.

(g) Recommend statutory changes to reflect current business practices and address identified enforcement issues.

(h) Solicit such information and testimony from individuals, agencies, and entities as may assist the commission in the performance of its duties.

IV. Members of the commission shall serve without compensation, except that legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

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

VI. The commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2014.

2 Repeal. RSA 399-A:20, relative to the commission to study regulatory requirements for pawnbrokers and secondhand dealers in New Hampshire, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect December 1, 2014.

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

AMENDED ANALYSIS

This bill establishes a commission to study regulatory requirements for pawnbrokers and secondhand dealers in New Hampshire.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 430, requiring insurance companies sending out solicitations for marketing purposes to include their insurance license number on such solicitations. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Donna L. Schlachman for the Majority of Commerce and Consumer Affairs. The bill was introduced on behalf of a former New Hampshire state representative who has noticed an increase in life insurance mail solicitations to seniors using pieces made to look like official government documents and asking that personal information be sent back. The New Hampshire insurance department testified that the license number requirement in the bill would not be helpful to consumers. The amendment replaces the bill. It requires that mail solicitations targeting consumers over age 60, and containing a pre-paid response card for consumer contact information, clearly disclose that the piece is a solicitation for insurance. It must also provide the contact address and toll-free number for the New Hampshire insurance department if consumers have questions. The majority, some who have received and been confused by such mailings, believes that New Hampshire should be make it clear that commercial free speech does not include deceptive advertising to seniors. Vote 11-9.

Rep. John B. Hunt for the Minority of Commerce and Consumer Affairs. The minority believes this bill, as amended by the majority, is unnecessary, bureaucratic and nebulous. The bill assumes that consumers over the age 60 do not know junk mail when they get it and particular when there is a pre-paid response card. The insurance department already has and is currently pursuing current licensed companies that have sent out misleading solicitations. This new disclosure may seem innocuous but will become a problem for many insurance companies who do their mailings nationwide. Passage of this bill may have the negative impact by driving insurance companies away from NH and therefore reducing competition.

Majority Amendment (1708h)

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

AN ACT requiring insurance companies sending out solicitations for insurance to include a disclosure on such solicitations.

Amend the bill by replacing section 1 with the following:

1 New Section; Life Insurance; Solicitations for Insurance. Amend RSA 408 by inserting after section 11 the following new section:

408:11-a Advertisements. Any solicitation for insurance authorized to be sold in New Hampshire under authority of RSA 401:1, III which is sent through the United States Postal Service, targeted primarily, but not solely to New Hampshire consumers over age 60, and which invites the consumer to send his or her contact information to the insurer or any person acting on behalf of the insurer using a pre-paid response card, shall include the following disclosure or a substantially similar disclosure, conspicuously on the mailing: *"This is a solicitation for insurance. You do not have to respond. If you have questions and are a New Hampshire resident, contact the New Hampshire Insurance Department at _____."* The solicitation shall include the address and toll-free number for the New Hampshire insurance department.

AMENDED ANALYSIS

This bill requires insurance companies sending out solicitations for insurance to include a disclosure on such solicitations.

Majority committee amendment adopted.

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

YEAS 181 - NAYS 150

YEAS - 181

BELKNAP

DiMartino, Lisa
Huot, David

Flanders, Donald
Raymond, Ian

Greemore, Robert

Gulick, Ruth

CARROLL

Buco, Thomas

Butler, Edward

Nelson, Bill

Ticehurst, Susan

CHESHIRE

Ames, Richard
Johnsen, Gladys
Phillips, Larry
Shepardson, Marjorie

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

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

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

COOS

Coulombe, Gary
Moynihan, Wayne

Enman, Larry
Thomas, Yvonne

Hammon, Marcia

Hatch, William

GRAFTON

Almy, Susan
Doolan, Ralph
Lovett, Sid
Piper, Wendy
White, Andrew

Benn, Bernard
Ford, Susan
Massimilla, Linda
Smith, Suzanne

Brown, Rebecca
Harding, Laurie
Mulholland, Catherine
Sykes, George

Cooney, Mary
Higgins, Patricia
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Cote, David
Gage, Ruth
Grady, Brenda
Heath, Mary
Leishman, Peter
Mangipudi, Latha
Nelson, Mary
Rokas, Ted
Shaw, Barbara
Williams, Kermit

Beaulieu, Jane
Campbell, David
DiSilvestro, Linda
Gale, Sylvia
Hammond, Jill
Heden, Ruth
Levesque, Melanie
Manley, Jonathan
O'Neil, William
Rosenwald, Cindy
Spratt, Stephen
Woodbury, David

Boisvert, Ronald
Chandley, Shannon
Eaton, Richard
Goley, Jeffrey
Hansberry, Daniel
Judy, Jean
Long, Patrick
McCloskey, David
Porter, Marjorie
Schmidt, Janice
Sullivan, Peter

Booras, Efsthathia
Connor, Evelyn
Flanagan, Jack
Gorman, Mary
Harriott-Gathright, Linda
Knowles, Mary Ann
MacKay, Mariellen
McNamara, Richard
Rhodes, Brian
Shattuck, Gilman
Walsh, Robert

MERRIMACK

Alicea, Caroletta
Burns, Scott
Frambach, Mary
Henle, Paul
MacKay, James
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

Andrews, Christopher
Carey, Lorrie
Frazer, June
Hirsch, Geoffrey
Moffett, Howard
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

Bartlett, Christy
Carson, Clyde
French, Barbara
Karrick, David
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

Bouchard, Candace
Davis, Frank
Gile, Mary
Kelly, Sally
Patten, Dick
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

ROCKINGHAM

Allen, Mary
Cahill, Michael
Elliott, Robert
Khan, Aboul
Muns, Chris
Till, Mary
Whittemore, Lisa

Andrews-Ahearn, E. Elaine
Cali-Pitts, Jacqueline
Emerson-Brown, Rebecca
Lundgren, David
Pantelakos, Laura
Ward, Gerald

Bishop, Franklin
Chirichiello, Brian
Flockhart, Eileen
Mann, Maureen
Schlachman, Donna
Wazlaw, Brian

Borden, David
Cushing, Robert
Heffron, Frank
Moody, Marcia
Sherman, Thomas
Webb, James

STRAFFORD

Baber, William
Grassie, Anne
Menear, H. Robert
Pelletier, Marsha
Schmidt, Peter
Verschuereen, James

Berube, Roger
Grossman, Kenneth
Merrill, Amanda
Perry, Robert
Smith, Marjorie
Wall, Janet

Bixby, Peter
Horrigan, Timothy
Miller, David
Rogers, Rose Marie
Spang, Judith
Ward, Kenneth

Burke, Rachel
Kaen, Naida
Mullen, John
Rollo, Deanna
Stevens, Audrey

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gottling, Suzanne
Tanner, Linda

Irwin, Virginia

O'Hearne, Andrew

NAYS - 150**BELKNAP**

Burchell, Richard
Holmes, Stephen
Vadney, Herbert

Comtois, Guy
Luther, Robert
Worsman, Colette

Cormier, Jane
Sylvia, Michael

Fields, Dennis
Tilton, Franklin

CARROLL

Ahlgren, Christopher
McConkey, Mark

Chandler, Gene
Merrow, Harry

Cordelli, Glenn
Umberger, Karen

Crawford, Karel
Wright, Donald

CHESHIRE

Eaton, Daniel

Hunt, John

Johnson, Jane

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Gionet, Edmond

Ladd, Rick

Reilly, Harold

Shackett, Jeffrey

HILLSBOROUGH

Barry, Richard
Byron, Frank
Culbert, Patrick
Gargas, Carolyn
Hansen, Peter
Infantine, William
Kopka, Angeline
Marston, Dick
Murotake, David
Ober, Russell
Peterson, Lenette
Sanborn, Laurie
Stroud, Kathleen
Vaillancourt, Steve
Winters, Joel

Belanger, James
Cebrowski, John
Daniels, Gary
Gidge, Kenneth
Hikel, John
Jack, Martin
Kurk, Neal
Martel, Andre
O'Brien, William
Palmer, Stephen
Pratt, Calvin
Sandblade, Emily
Sullivan, Daniel
Villeneuve, Moe

Boehm, Ralph
Christiansen, Lars
Danielson, David
Graham, John
Hinch, Richard
Jasper, Shawn
LeBrun, Donald
McCarthy, Michael
O'Flaherty, Tim
Parison, James
Renzullo, Andrew
Souza, Kathleen
Takesian, Charlene
Warden, Mark

Burt, John
Coffey, James
Gagne, Larry
Haefner, Robert
Hopper, Gary
Kelley, John
LeVasseur, Richard
Meaney, Richard
Ober, Lynne
Pellegrino, Tony
Rowe, Robert
Straight, Philip
Ulery, Jordan
Willette, Robert

MERRIMACK

Ebel, Karen
Kotowski, Frank
Walsh, Thomas

Hess, David
Lockwood, Priscilla

Hoell, J.R.
McGuire, Carol

Kidder, David
McGuire, Dan

ROCKINGHAM

Abrami, Patrick
Comerford, Timothy
Devine, James
Ferrante, Beverly
Gordon, Richard
Hayes, Jack
Kappler, Lawrence
Nigrello, Robert

Baldasaro, Alfred
Copeland, Timothy
Duarte, Joe
Fesh, Robert
Griffin, Mary
Hodgdon, Bruce
Lovejoy, Patricia
O'Connor, John

Bick, Patrick
Danais, Romeo
Dumaine, Dudley
Garcia, Bianca
Hagan, Joseph
Introne, Robert
McKinney, Betsy
Packard, Sherman

Birdsell, Regina
DeSimone, Debra
Emerick, J. Tracy
Garcia, Marilinda
Harris, Jeffrey
Itse, Daniel
Milz, David
Peckham, Michele

Rice, Frederick
Sedensky, John
Tamburello, Daniel
Weyler, Kenneth

Sanders, Elisabeth
St.James, Kevin
Tasker, Kyle

Sapareto, Frank
Sweeney, Joe
Tucker, Pamela

Schroadter, Adam
Sytek, John
Waterhouse, Kevin

STRAFFORD

Bickford, David
Malloy, Dennis

Gray, James
Pitre, Joseph

Groen, Warren

Jones, Laura

SULLIVAN

Grenier, James
Sweeney, Cynthia

Osgood, Joe

Rollins, Skip

Smith, Steven

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

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

SB 169, relative to non-covered services under dental insurance plans. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward A. Butler for the Majority of Commerce and Consumer Affairs. The majority on this bill believes: 1) This does not help consumers. It is likely that the 60% of insured consumers who visit dentists will face increased costs as some restrictions on costs of services will be lifted, if this legislation were to pass. 2) Though it was argued that cost shifting is occurring, raising costs to uninsured consumers, no data or examples were presented to support this claim. 2) Though similar legislation has passed in several other states, proponents of this bill were unable to produce statistics on the impact on costs resulting from this change. 4) The dental industry in NH does not need this bill. We have one of, if not the most, successful provision of dental services in the country, with the highest mean average income for dentists of \$234,000. Vote 12-8.

Rep. Jill S. Hammond for the Minority of Commerce and Consumer Affairs. The premise of SB 169 is simple: if a dental insurance company does not cover the dental service, it should not be able to dictate the price of the service. This is a policy which has been adopted by 35 other states. NH dental practices are small businesses with little negotiating power against large dental benefit/insurance companies. SB 169 was model legislation that would simply protect our NH small businesses from an unfair business practice. It was supported by the NH Dental Society and Northeast Delta Dental. Dental insurance companies should be required to have some "skin in the game" if they are going to be allowed to set prices.

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

On a division vote, 218 members having voted in the affirmative and 115 in the negative, the majority committee report was adopted.

HB 217, imposing an extended term of imprisonment for assault against a health care provider. **INEXPEDIENT TO LEGISLATE.**

Rep. Steve Vaillancourt for Criminal Justice and Public Safety. The committee has tremendous respect for all health care providers in the state. However, we cannot support this bill, which would mandate an extended prison term for anyone who assaults a health care provider. This committee has made a concerted effort this year against removing discretion from prosecutors and judges. This bill, unfortunately, does just that and would result in an additional three-year prison term, at a cost of \$35,000 a year, for anyone found guilty. Mind you, this is above and beyond any sentence, which would already be handed out. Currently, these extended sentences apply only for a law enforcement officer, a paid firefighter, volunteer firefighter, on-call firefighter, and licensed emergency medical care provider. If we add nurses, physician's assistants, and other ancillary medical personnel (as this bill would do), and we in fact cover school nurses, (which remains unclear at this point) what about teacher and other school personnel? Are we making them second class citizens? Is that fair? What about public defenders? They certainly come in contact with those who might evince violent behavior, but they would not be covered by this bill. What about a good Samaritan, who in attempting to stop a serious crime on the street, is assaulted? Should that person not be included as well if we are expanding enhanced penalties? Aside from that problem, the attorney general's office offered testimony that many of the ill people who would be charged with this enhanced penalty are in a mentally disabled state and thus could not be found guilty under the legal maxim that you can't be found guilty if you don't intend your actions. Thus, this bill not merely takes us down a slippery slope but also opens up a can of worms. The New Hampshire Association of Criminal Defense Attorneys, which presumably would stand to benefit with more legal fees if this bill were to pass, in fact testified against it that we should not be enacting enhanced prison terms putting more and more people in jail for longer periods of time, especially when we would be focusing on the very group which should not be punished more severely. While sympathetic with the plight or medical care providers, we believe the answer is private rather than governmental action. The committee was provided no statistics defining the extent of the problem this bill would address. We are skeptical of the wisdom of the plea to pass this so that workers might "feel better." This is the ultimate in feel good legislation, which would most likely create more problems than it solves. Vote 12-6.

Committee report adopted.

HB 336-FN, prohibiting the retail sale of certain fireworks devices. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark Warden for Criminal Justice and Public Safety. This bill to limit sales of certain types of fireworks was introduced in response to an incident in which people were seriously hurt after a home-based fireworks show went terribly wrong and people were injured. The committee strives to find balance between the interests of all parties and not rush to pass legislation based on one-time events or freak accidents. While fireworks can be dangerous if used improperly, the sales of these products are a boon to New Hampshire businesses and any restriction on the freedom of people to engage in such activities should not be taken lightly. This issue is better addressed through the concept of caveat emptor than through new criminal statute. Vote 16-0. Committee report adopted.

HB 496-FN, relative to driving privileges for certain first-time DWI offenders. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert R. Cushing for Criminal Justice and Public Safety. This bill would authorize limited driving privileges for eligible first-time DWI offenders to facilitate employment, rehabilitation and medical treatment. The amendment initially requires that the first-time offender shall not be eligible for the limited license until after a minimum 14-day license revocation. The amendment further requires the person to prove the need for the limited license only for the purposes of traveling to and from the person's place of employment, alcohol or drug treatment/rehabilitation or medical treatment on a regular basis. The person also must pay an application fee of \$50 and must have their vehicle equipped with an enhanced technology ignition interlock device at their expense. The committee believes that this limited driving privilege will allow first-time offenders to maintain their employment while still abiding by the strict requirements of the law. Vote 16-1.

Amendment (2250h)

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

1 Driver's License Fees; Restoration. Amend RSA 263:42, V to read as follows:

V.(a) Whenever a driver's license has been suspended or revoked, or notwithstanding RSA 263:56-a, III, whenever the holder of a commercial driver license has been disqualified for a period of greater than 15 days, a fee of \$100 shall be paid by the licensee for the restoration of such license or commercial driver license; provided, however, that in the event of a license suspension under RSA 263:14, a fee of \$50 shall be paid by the licensee for the restoration of the original or youth operators' license. Under certain conditions the commissioner may waive the restoration fee for a default or suspension. The commissioner shall adopt rules, under RSA 541-A, relative to such waiver procedures.

(b) Whenever a driver's license has been suspended or revoked and a limited privilege license is issued under RSA 263:57-b, a fee of \$50 shall be paid by the licensee for the issuance of the limited privilege license.

2 New Section; Limited Driving Privilege After Revocation or Suspension. Amend RSA 263 by inserting after section 57-a the following new section:

263:57-b Limited Driving Privilege After Revocation or Suspension.

I. Notwithstanding any provision of law to the contrary, if a person is convicted of a first offense under RSA 265-A:2, I, not including any conviction involving driving a commercial motor vehicle, he or she may petition the court for a restoration of his or her operator's license with limited driving privileges. To qualify for consideration, the person shall submit proof of financial responsibility in accordance with RSA 265-A:28 and an application that demonstrates the need for the license. Satisfactory evidence of at least one of the following must be presented, including satisfactory proof from the employer, program, medical treatment facility, or other destination:

(a) That the person must operate a motor vehicle as a requisite of the person's occupation or employment.

(b) That the person must operate a motor vehicle to seek employment or to get to and from a place of employment.

(c) That the person must operate a motor vehicle to get to or from an alcohol or drug treatment or rehabilitation program.

(d) That the person or a member of the person's immediate family requires medical treatment on a regular basis and the person must operate a motor vehicle in order that the treatment may be obtained.

II. A license restored under this section shall limit the person's driving privileges:

(a) To the times, places, and days determined to be necessary for the person to seek or retain employment, to attend any alcohol or drug treatment or rehabilitation program, or to obtain required medical treatment for the person or a member of the person's immediate family.

(b) To times, places, and days that are specifically stated.

(c) To vehicles equipped with enhanced technology ignition interlock devices.

III. A license restored under this section shall not be effective until after a minimum of 14 days of the period of revocation has passed and shall expire on the date specified by the court.

IV. A violation of this section or the terms of the license restored under this section shall be considered a violation of RSA 263:64 and the license shall be revoked.

3 Effective Date. This act shall take effect January 1, 2015.

Amendment adopted.

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

Rep. Warden offered floor amendment (0012h).

Floor Amendment (0012h)

Amend RSA 263:57-b, II(c) as inserted by section 2 of the bill by replacing it with the following:

(c) To vehicles equipped with ignition interlock devices.

Rep. Warden spoke in favor and yielded to questions.

Rep. Cushing spoke in favor.

On a division vote, 120 members having voted in the affirmative and 216 in the negative, floor amendment (0012h) failed.

Committee report adopted and ordered to third reading.

HB 645-FN, relative to an extended term of imprisonment for persons with 2 prior convictions. **REFER FOR INTERIM STUDY.**

Rep. Robert R. Cushing for Criminal Justice and Public Safety. This bill would amend the circumstances under which a person with two prior convictions would receive an extended term of imprisonment. The committee was made aware of a potential issue with RSA 651:6 resulting from a prior amendment to the law in 2003; however, this issue is presently the subject of a pending New Hampshire Supreme Court case. The committee recommends Interim Study to monitor the outcome of the case before proceeding with legislation. Vote 16-2. Committee report adopted.

HB 533, relative to the mathematics requirement for high school graduation. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Andrew R. Schmidt for the Majority of Education. This bill will improve results in mathematics education. The requirement of one year of imbedded math in addition to three years of required math will improve college and work readiness. There's no one specific course mandate in the bill. Local control by school boards is prescribed. Vote 15-3.

Rep. Ralph G. Boehm for the Minority of Education. This is a local control issue. School districts may not have resources to determine what is math, or be able to offer courses. Students may or may not need four years of math.

Majority Amendment (2253h)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; State Board of Education; Rulemaking. Amend RSA 186:8 by inserting after paragraph VI the following new paragraph:

VII. The state board of education shall adopt rules, pursuant to RSA 541-A that require a high school pupil to attain competency in mathematics for each year in which he or she is in high school through graduation to ensure career and college readiness. A pupil may meet this requirement either by satisfactorily completing a minimum of 4 courses in mathematics or by satisfactorily completing a minimum of 3 mathematics courses and one non-mathematics content area course in which mathematics knowledge and skills are embedded and applied, as may be approved by the school board. The rules shall be implemented in the 2015-16 school year. Majority committee amendment adopted.

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

Rep. Boehm spoke against and yielded to questions.

Rep. Andrew Schmidt spoke in favor.

Rep. Ladd spoke in favor and yielded to questions.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 209 - NAYS 125

YEAS - 209

BELKNAP

DiMartino, Lisa
Raymond, Ian

Fields, Dennis
Tilton, Franklin

Gulick, Ruth
Worsman, Colette

Huot, David

CARROLL

Buco, Thomas
Morrow, Harry

Butler, Edward
Umberger, Karen

Chandler, Gene

Crawford, Karel

CHESHIRE

Ames, Richard
Eaton, Daniel
Phillips, Larry
Weber, Lucy

Berch, Paul
Ley, Douglas
Robertson, Timothy
Weed, Charles

Butynski, William
Mann, John
Sad, Tara
Young, Harry

Chase, Cynthia
Parkhurst, Henry
Shepardson, Marjorie

COOS

Coulombe, Gary
Moynihan, Wayne

Enman, Larry
Theberge, Robert

Hammon, Marcia
Thomas, Yvonne

Hatch, William

GRAFTON

Almy, Susan
Cooney, Mary
Harding, Laurie
Mulholland, Catherine
Sykes, George

Bailey, Brad
Doolan, Ralph
Higgins, Patricia
Pastor, Beatriz
Townsend, Charles

Benn, Bernard
Ford, Susan
Ladd, Rick
Reilly, Harold
White, Andrew

Brown, Rebecca
Gionet, Edmond
Lovett, Sid
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Connor, Evelyn
Flanagan, Jack
Gidge, Kenneth
Haefner, Robert
Heden, Ruth
Knowles, Mary Ann
Levesque, Melanie
McCloskey, David
Pellegrino, Tony
Rosenwald, Cindy
Spratt, Stephen
Takesian, Charlene
Winters, Joel

Beaulieu, Jane
Campbell, David
Cote, David
Gage, Ruth
Goley, Jeffrey
Hammond, Jill
Jack, Martin
Kopka, Angeline
Long, Patrick
McNamara, Richard
Porter, Marjorie
Schmidt, Janice
Stroud, Kathleen
Walsh, Robert
Woodbury, David

Boisvert, Ronald
Chandley, Shannon
Culbert, Patrick
Gale, Sylvia
Gorman, Mary
Harriott-Gathright, Linda
Judy, Jean
Leishman, Peter
MacKay, Mariellen
Nelson, Mary
Rhodes, Brian
Shattuck, Gilman
Sullivan, Daniel
Willette, Robert

Booras, Efsthathia
Christiansen, Lars
Eaton, Richard
Gargas, Carolyn
Grady, Brenda
Heath, Mary
Kelley, John
LeVasseur, Richard
Mangipudi, Latha
O'Neil, William
Rokas, Ted
Shaw, Barbara
Sullivan, Peter
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Burns, Scott
Frambach, Mary
Henle, Paul
Kotowski, Frank
Myler, Mel
Richardson, Gary
Turcotte, Alan
Webb, Leigh

Andrews, Christopher
Carey, Lorrie
Frazer, June
Hirsch, Geoffrey
Lockwood, Priscilla
Patten, Dick
Rogers, Katherine
Wallner, Mary Jane

Bartlett, Christy
Carson, Clyde
French, Barbara
Kelly, Sally
MacKay, James
Ratzki, Mario
Schuett, Dianne
Walz, Mary Beth

Bouchard, Candace
Davis, Frank
Gile, Mary
Kidder, David
Moffett, Howard
Rice, Chip
Shurtleff, Stephen
Watrous, Rick

ROCKINGHAM

Abrami, Patrick
Cahill, Michael
Devine, James
Flockhart, Eileen
Moody, Marcia
Peckham, Michele
Sherman, Thomas
Waterhouse, Kevin

Andrews-Ahearn, E. Elaine
Cushing, Robert
Dumaine, Dudley
Hayes, Jack
Muns, Chris
Sanders, Elisabeth
St.James, Kevin
Wazlaw, Brian

Borden, David
Danais, Romeo
Elliott, Robert
Khan, Aboul
Nigrello, Robert
Schlachman, Donna
Sweeney, Joe
Whittemore, Lisa

Briden, Steven
DeSimone, Debra
Emerson-Brown, Rebecca
Mann, Maureen
Pantelakos, Laura
Sedensky, John
Ward, Gerald

STRAFFORD

Baber, William
Burke, Rachel
Kaen, Naida
Mullen, John
Rollo, Deanna
Stevens, Audrey

Berube, Roger
Grassie, Anne
Malloy, Dennis
Pelletier, Marsha
Schmidt, Peter
Verschuere, James

Bixby, Peter
Grossman, Kenneth
Menear, H. Robert
Perry, Robert
Smith, Marjorie
Wall, Janet

Burdwood, Greg
Horrigan, Timothy
Merrill, Amanda
Rogers, Rose Marie
Spang, Judith
Ward, Kenneth

SULLIVAN

Cloutier, John
O'Hearne, Andrew
Tanner, Linda

Gottling, Suzanne
Schmidt, Andrew

Grenier, James
Smith, Steven

Lefebvre, Benjamin
Sweeney, Cynthia

NAYS - 125**BELKNAP**

Burchell, Richard
Luther, Robert

Flanders, Donald
Sylvia, Michael

Greemore, Robert
Vadney, Herbert

Holmes, Stephen

CARROLL

Ahlgren, Christopher
Ticehurst, Susan

Cordelli, Glenn
White, Syndi

McConkey, Mark
Wright, Donald

Nelson, Bill

CHESHIRE

Hunt, John	Johnsen, Gladys	Johnson, Jane	Roberts, Kris
------------	-----------------	---------------	---------------

COOS

Rappaport, Laurence	Richardson, Herbert	Rideout, Leon
---------------------	---------------------	---------------

GRAFTON

Massimilla, Linda	Piper, Wendy	Shackett, Jeffrey
-------------------	--------------	-------------------

HILLSBOROUGH

Barry, Richard	Belanger, James	Boehm, Ralph	Burt, John
Byron, Frank	Cebrowski, John	Coffey, James	Daniels, Gary
Danielson, David	DiSilvestro, Linda	Gagne, Larry	Graham, John
Hansberry, Daniel	Hansen, Peter	Hikel, John	Hinch, Richard
Hopper, Gary	Infantine, William	Jasper, Shawn	Kurk, Neal
LeBrun, Donald	Manley, Jonathan	Marston, Dick	McCarthy, Michael
Meaney, Richard	Murotake, David	O'Brien, William	O'Flaherty, Tim
Ober, Lynne	Ober, Russell	Palmer, Stephen	Parison, James
Peterson, Lenette	Pratt, Calvin	Renzullo, Andrew	Rowe, Robert
Sanborn, Laurie	Sandblade, Emily	Souza, Kathleen	Straight, Philip
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe	Warden, Mark

MERRIMACK

Ebel, Karen	Hess, David	Hoell, J.R.	Karrick, David
McGuire, Carol	McGuire, Dan	Schamberg, Thomas	Walsh, Thomas
Rockingham			
Allen, Mary	Baldasaro, Alfred	Bick, Patrick	Birdsell, Regina
Bishop, Franklin	Cali-Pitts, Jacqueline	Chirichiello, Brian	Comerford, Timothy
Copeland, Timothy	Duarte, Joe	Emerick, J. Tracy	Ferrante, Beverly
Fesh, Robert	Garcia, Bianca	Garcia, Marilinda	Gordon, Richard
Griffin, Mary	Hagan, Joseph	Harris, Jeffrey	Heffron, Frank
Hodgdon, Bruce	Hoelzel, Kathleen	Introne, Robert	Itse, Daniel
Kappler, Lawrence	Lovejoy, Patricia	McKinney, Betsy	McMahon, Charles
Milz, David	O'Connor, John	Packard, Sherman	Rice, Frederick
Sapareto, Frank	Schroadter, Adam	Sytek, John	Tamburello, Daniel
Till, Mary	Tucker, Pamela	Webb, James	Weyler, Kenneth

STRAFFORD

Bickford, David	Gray, James	Groen, Warren	Jones, Laura
Miller, David	Pitre, Joseph		

SULLIVAN

Irwin, Virginia	Osgood, Joe	Rollins, Skip
-----------------	-------------	---------------

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

HB 151, relative to duties of inspectors of election. REFER FOR INTERIM STUDY.

Rep. Kathleen M. Hoelzel for Election Law. The purpose of this bill was to have all references to "inspectors of elections" be in one place in the statutes. Presently duties, appointments, school district inspectors are in different sections of the law. The committee agreed that it is time to review all references to "inspectors of elections." Vote 15-2.

Committee report adopted.

HB 600-FN, relative to voter registration. REFER FOR INTERIM STUDY.

Rep. Mary L. Till for Election Law. The intent of HB 600 is to modify the voter registration form and procedures and to clarify the impact of a person's claim of domicile on the voter's residency obligations. A subcommittee was unable to reach a consensus related to the definitions of domicile and of residence and the majority of the committee determined that these questions could better be resolved by Interim Study. Vote 10-7.

Committee report adopted.

HB 421, relative to regulation of real estate brokerage and sales by the real estate commission. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Daniel C. Hansberry for the Majority of Executive Departments and Administration. This bill increases the number of continuing education hours required for reviewing a real estate sales or brokerage license from twelve to fifteen, as requested by both the New Hampshire Real Estate Commission and the New Hampshire Board of Realtors. Additionally, it increases the fine, per offense, for practicing real estate without a license from \$2,000.00 to \$10,000.00 or the actual gain realized from the unlawful sale if it exceeds \$10,000.00. Vote 11-7.

Rep. Bianca R. Garcia for the Minority of Executive Departments and Administration. The minority's opposition to this bill is due to the fact that that broker supervision and individual initiative always trump a broad-brush mandate; that while an expanded range of subjects for core education classes are great, legislation is

not needed to do that, the Real Estate Commission could do so through rules; and, that there was only one sponsor who put this bill forward on behalf of the Real Estate Commission: there was no wide-seen support or public outcry for this change.

Majority Amendment (2212h)

Amend RSA 331-A:4, I through II as inserted by section 2 of the bill by replacing them with the following:

I. An owner[~~builder or tenant of real estate or to regular employees with respect to property owned or leased by the owner, builder, or tenant, or to a prospective purchaser or tenant of real estate or to regular employees with respect to property sought to be acquired or leased by the purchaser or tenant, and who does not hold himself or herself out as a real estate broker~~] ***who is not a licensee, or the regular employees of an owner of real estate who are not licensees, with respect to the real property of the owner;***

I-a. A prospective purchaser or tenant who is not a licensee, or the regular employees of a prospective purchaser or tenant who are not licensees, with respect to the real property of the owner;

II. An attorney-in-fact ***who is not a licensee acting under a power of attorney with respect to real property of the principal of the attorney-in-fact;***

Amend RSA 331-A: 4, IX as inserted by section 2 of the bill by replacing it with the following:

IX. A ***condominium*** unit owners' association that rents condominium [~~and townhouse~~] units for periods of 30 days or less for the exclusive benefit of the unit owners and the unit owners' association provided ***that*** such rentals are managed through an on-site rental office that is operated and controlled exclusively by the unit owners' association.

Amend the bill by replacing section 3 with the following:

3 Continuing Education. Amend RSA 331-A:20, II to read as follows:

II. In reviewing and approving an application for a continuing education course, the commission shall assess the content with the primary purpose of assuring that real estate licensees possess the knowledge, skills, and competence necessary to perform the licensee's duties in the real estate business. The subject matter of the course must be directly related to real estate practice in New Hampshire. Continuing education courses shall consist of the following:

(a) Continuing education 3-hour core courses shall cover, but not be limited to, changes in state and federal laws dealing with real estate brokerage, housing, financing of real property and consumer protection as well as changes in state enabling laws dealing with zoning and subdivision practices. The core courses shall be [designated as core courses] designed to [improve the licensee's knowledge of the real estate business and to] assist the licensee in keeping abreast of changing laws, rules and practices which will affect the interest of the licensee's clients or customers.

(b) Continuing education elective courses shall cover, but not be limited to, property valuation, construction, contract and agency law, ethics, financing and investment, land use and zoning, property management, taxation, environmental issues, and supervision and office management. The elective courses shall be designed to assist the licensee in keeping abreast of changing laws, rules, and practices which affect the interest of the licensee's clients or customers.

Amend the bill by replacing section 5 with the following:

5 Disciplinary Actions; Appeals. Amend RSA 331-A:28, III to read as follows:

III. The action of the commission in revoking, suspending, or denying a license or accreditation, or levying a fine, shall be subject to appeal to the superior court at the instance of the licensee or an accredited individual, institution, or organization, within 30 days after the filing of the commission's decision. An appeal shall suspend the commission's decision, except in the case of revocation of license or accreditation. The record of the hearing of the action of the commission shall be presented to the superior court for review and the superior court shall give the review under this chapter priority on the court calendar. The superior court may confirm, reverse, or modify the commission's decision, or order a trial de novo without a jury as justice may require.

Amend the bill by replacing section 6 with the following:

6 Penalty; Unlawful Practice Added; Injunction; Fine Authority. Amend RSA 331-A:34 to read as follows: 331-A:34 ***Unlawful Practice***; Penalty.

I. Whoever, not being licensed or otherwise authorized according to the law of this state, shall advertise oneself as engaging in real estate brokerage activity, or shall engage in real estate brokerage activity, according to this chapter, or in any way hold oneself out as qualified to do so, or call oneself a "real estate salesperson", "real estate broker", or "real estate licensee", or whoever does such acts after receiving notice that such person's license has been suspended or revoked, is engaged in unlawful practice.

II. Any person [acting as a real estate broker or real estate salesperson, without a license,] who engages in unlawful practice shall be guilty of a class A misdemeanor if a natural person, or guilty of a felony if any other person.

III. The commission, after hearing and upon making an affirmative finding under paragraph I, that the person is engaged in unlawful practice, may take action in any one or more of the following ways:

(a) A cease and desist order in accordance with paragraph IV.

(b) The imposition of a fine not to exceed the amount of any gain or economic benefit that the person derived from the violation or \$10,000 for each offense, whichever amount is greater.

IV. The commission is authorized to issue a cease and desist order against any person or entity engaged in unlawful practice. The cease and desist order shall be enforceable in superior court.

V. The attorney general, the commission, or the prosecuting attorney of any county or municipality where the act of unlawful practice takes place may maintain an action to enjoin any person or entity from continuing to do acts of unlawful practice. The action to enjoin shall not replace any other civil, criminal, or regulatory remedy. An injunction without bond is available to the commission.

Majority committee amendment adopted.

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

Rep. Warden offered floor amendment (0004h).

Floor Amendment (0004h)

Amend the bill by deleting section 4 and renumbering the original sections 5-9 to read as 4-8, respectively.

Reps. Warden and Bianca Garcia spoke in favor.

Rep. Weber spoke against.

On a division vote, 126 members having voted in the affirmative and 193 in the negative, floor amendment (0004h) failed.

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

Rep. Burt requested a roll call; sufficiently seconded.

YEAS 185 - NAYS 140

YEAS - 185

BELKNAP

DiMartino, Lisa
Raymond, Ian

Gulick, Ruth

Huot, David

Luther, Robert

CARROLL

Butler, Edward

Ticehurst, Susan

CHESHIRE

Ames, Richard
Johnsen, Gladys
Phillips, Larry
Weber, Lucy

Berch, Paul
Ley, Douglas
Robertson, Timothy
Weed, Charles

Butynski, William
Mann, John
Sad, Tara
Young, Harry

Chase, Cynthia
Parkhurst, Henry
Shepardson, Marjorie

COOS

Coulombe, Gary
Moynihan, Wayne

Enman, Larry
Theberge, Robert

Hammon, Marcia
Thomas, Yvonne

Hatch, William

GRAFTON

Almy, Susan
Ford, Susan
Lovett, Sid
Shackett, Jeffrey
White, Andrew

Benn, Bernard
Gionet, Edmond
Massimilla, Linda
Smith, Suzanne

Brown, Rebecca
Harding, Laurie
Mulholland, Catherine
Sykes, George

Cooney, Mary
Higgins, Patricia
Piper, Wendy
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Connor, Evelyn
Eaton, Richard
Gargas, Carolyn
Grady, Brenda
Heath, Mary
Kelley, John
Levesque, Melanie
Manley, Jonathan
O'Neil, William
Rosenwald, Cindy
Spratt, Stephen
Williams, Kermit

Beaulieu, Jane
Campbell, David
Cote, David
Flanagan, Jack
Gidge, Kenneth
Hammond, Jill
Heden, Ruth
Knowles, Mary Ann
Long, Patrick
McCloskey, David
Porter, Marjorie
Schmidt, Janice
Straight, Philip
Woodbury, David

Boisvert, Ronald
Chandley, Shannon
Culbert, Patrick
Gage, Ruth
Goley, Jeffrey
Hansberry, Daniel
Jack, Martin
Kopka, Angeline
MacKay, Mariellen
McNamara, Richard
Rhodes, Brian
Shattuck, Gilman
Sullivan, Daniel

Booras, Efsthia
Coffey, James
DiSilvestro, Linda
Gale, Sylvia
Gorman, Mary
Harriott-Gathright, Linda
Jeudy, Jean
Leishman, Peter
Mangipudi, Latha
Nelson, Mary
Rokas, Ted
Shaw, Barbara
Walsh, Robert

MERRIMACK

Alicea, Caroletta
Carson, Clyde

Bartlett, Christy
Davis, Frank

Bouchard, Candace
Ebel, Karen

Carey, Lorrie
Frambach, Mary

Frazer, June
Kelly, Sally
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

French, Barbara
Lockwood, Priscilla
Patten, Dick
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

Hirsch, Geoffrey
MacKay, James
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

Karrick, David
Moffett, Howard
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cali-Pitts, Jacqueline
Elliott, Robert
Lovejoy, Patricia
Nigrello, Robert
Sedensky, John
Whittemore, Lisa

Borden, David
Copeland, Timothy
Emerson-Brown, Rebecca
Mann, Maureen
Pantelakos, Laura
Sherman, Thomas

Briden, Steven
Cushing, Robert
Flockhart, Eileen
Moody, Marcia
Rice, Frederick
Ward, Gerald

Cahill, Michael
Danais, Romeo
Heffron, Frank
Muns, Chris
Schlachman, Donna
Wazlaw, Brian

STRAFFORD

Baber, William
Burke, Rachel
Malloy, Dennis
Pelletier, Marsha
Schmidt, Peter
Verschueren, James

Berube, Roger
Grassie, Anne
Menear, H. Robert
Perry, Robert
Smith, Marjorie
Wall, Janet

Bixby, Peter
Grossman, Kenneth
Merrill, Amanda
Rogers, Rose Marie
Spang, Judith
Ward, Kenneth

Burdwood, Greg
Horrigan, Timothy
Miller, David
Rollo, Deanna
Stevens, Audrey

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gottling, Suzanne
Sweeney, Cynthia

Irwin, Virginia
Tanner, Linda

O'Hearne, Andrew

NAYS - 140

BELKNAP

Burchell, Richard
Holmes, Stephen
Worsman, Colette

Fields, Dennis
Sylvia, Michael

Flanders, Donald
Tilton, Franklin

Greemore, Robert
Vadney, Herbert

CARROLL

Ahlgren, Christopher
Crawford, Karel
Umberger, Karen

Buco, Thomas
McConkey, Mark
White, Syndi

Chandler, Gene
Merrow, Harry
Wright, Donald

Cordelli, Glenn
Nelson, Bill

CHESHIRE

Hunt, John

Roberts, Kris

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Reilly, Harold

Doolan, Ralph

Ladd, Rick

Pastor, Beatriz

HILLSBOROUGH

Barry, Richard
Byron, Frank
Danielson, David
Hansen, Peter
Jasper, Shawn
Marston, Dick
O'Brien, William
Palmer, Stephen
Pratt, Calvin
Souza, Kathleen
Vaillancourt, Steve
Winters, Joel

Belanger, James
Cebrowski, John
Gagne, Larry
Hikel, John
Kurk, Neal
McCarthy, Michael
O'Flaherty, Tim
Parison, James
Renzullo, Andrew
Sullivan, Peter
Villeneuve, Moe

Boehm, Ralph
Christiansen, Lars
Graham, John
Hopper, Gary
LeBrun, Donald
Meaney, Richard
Ober, Lynne
Pellegrino, Tony
Rowe, Robert
Takesian, Charlene
Warden, Mark

Burt, John
Daniels, Gary
Haefner, Robert
Infantine, William
LeVasseur, Richard
Murotake, David
Ober, Russell
Peterson, Lenette
Sandblade, Emily
Ulery, Jordan
Willette, Robert

MERRIMACK

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

Burns, Scott
Kidder, David
Walsh, Thomas

Henle, Paul
Kotowski, Frank

Hess, David
McGuire, Carol

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina

Allen, Mary
Chirichiello, Brian

Baldasaro, Alfred
Comerford, Timothy

Bick, Patrick
DeSimone, Debra

Devine, James
 Ferrante, Beverly
 Gordon, Richard
 Hayes, Jack
 Itse, Daniel
 McMahon, Charles
 Peckham, Michele
 Sweeney, Joe
 Tucker, Pamela

Duarte, Joe
 Fesh, Robert
 Griffin, Mary
 Hodgdon, Bruce
 Kappler, Lawrence
 Milz, David
 Sanders, Elisabeth
 Sytek, John
 Waterhouse, Kevin

Dumaine, Dudley
 Garcia, Bianca
 Hagan, Joseph
 Hoelzel, Kathleen
 Khan, Aboul
 O'Connor, John
 Schroadter, Adam
 Tamburello, Daniel
 Webb, James

Emerick, J. Tracy
 Garcia, Marilinda
 Harris, Jeffrey
 Introne, Robert
 McKinney, Betsy
 Packard, Sherman
 St.James, Kevin
 Till, Mary
 Weyler, Kenneth

STRAFFORD

Bickford, David
 Kaen, Naida

Gray, James
 Mullen, John

Groen, Warren
 Pitre, Joseph

Jones, Laura

SULLIVAN

Grenier, James

Osgood, Joe

Rollins, Skip

Smith, Steven

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

Reps. Daniel Eaton and Sapareto declared a conflict of interest and did not participate.

HB 658-FN, relative to registration for medical technicians. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Frank A. Byron for the Majority of Executive Departments and Administration. In response to a recent hospital incident, HB 658 establishes a new board under RSA 328-I which will register medical technicians assisting licensed health care professionals in the diagnosis, treatment and prevention of diseases. The bill requires medical technicians who have access to both patients and drugs to complete a background check and register through the board but provides an exemption for medical professionals who are already registered or licensed by the state. The bill further requires that hospitals verify their medical technician registration with the board and amends RSA 151 to require verification of registration and reporting of disciplinary actions for medical technicians. HB 658 also provides appropriate penalties for both medical facilities for failure to report or confirm employee registration and for medical technicians who fail to register. Vote 13-5.

Rep. Carol M. McGuire for the Minority of Executive Departments and Administration. This bill creates a new, mandatory registration requirement for “medical technicians” defined as any non-licensed employee in a health care facility with access to both drugs and patients. The only requirements for registration are an completed application, criminal background check, and, of course, payment of the fee; an unregistered technician – and his employer – could be fined \$1,000/day, up to \$50,000. The minority believes that this process will pose a significant barrier to entry to employees in these fast-growing fields, while not addressing the operational and management omissions and poor practices that lead to the incidents in Exeter Hospital. Drug free workplace policies and better control of medications are a more appropriate action than registration.

Majority Amendment (2342h)

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

1 New Chapter; Board of Registration of Medical Technicians. Amend RSA by inserting after chapter 328-H the following new chapter:

BOARD OF REGISTRATION OF MEDICAL TECHNICIANS

328-I:1 Statement of Intent. The practice of medical technician is a privilege granted by the people according to laws enacted by the general court and not a natural right. In the interests of public health, safety, and welfare, and to protect the public from any unprofessional, improper, incompetent unlawful, fraudulent, and deceptive practice of medical technician it is necessary to provide laws and rules to regulate the granting and subsequent use of the privilege to practice as a medical technician.

328-I:2 Definitions. In this chapter:

I. “Board” means the board of registration of medical technicians.

II. “Commissioner” means the commissioner of the department of health and human services.

III. “Department” means the department of health and human services.

IV. “Health care facility” means health care facilities licensed under RSA 151.

V. “Medical establishment” means a physician’s office, clinic, laboratory or place where medicine is practiced which is not licensed under RSA 151.

VI. “Medical technician” means a health care professional who is not licensed or registered by a New Hampshire regulatory board and who assists licensed health care professionals in the diagnosis, treatment and prevention of disease. For the purposes of this chapter, medical technicians shall be limited to health care professionals with access to drugs and patients in a health care facility or in a medical establishment.

328-I:3 Board, Membership, Terms, Administrative Attachment.

I. There shall be a board of registration of medical technicians consisting of 5 members. The members shall be:

(a) The commissioner, or designee.

(b) Four members appointed by the governor with the consent of the council as follows:

(1) Three licensed health care providers, one of whom shall have experience supervising medical technicians and one of whom shall be a licensed physician.

(2) One public member, who shall be a person who is not, and never was, a member of a health care profession or the spouse of any such person, and who does not have, and never has had, a material financial interest in either the provision of medical services or an activity directly related to health care.

II. The members under subparagraph (b) shall be appointed to a term of 5 years. The commissioner shall serve coterminous with his or her term of office. No member shall serve more than 2 consecutive terms.

III. Appointed members of the board shall receive \$50 for each day actually engaged in the duties of the board and shall be reimbursed for all actual travel necessarily incurred in carrying out the provisions of this chapter.

IV. The board shall be an administratively attached agency, under RSA 21-G:10, to the department. In addition, the board shall be subject to the provisions of RSA 126-A:10-a.

328-I:4 Powers and Duties of the Board. The board shall:

I. Accept applications for certificates of registration under this chapter, and approving or denying such applications.

II. Renew certificates of registration.

III. Suspend or revoke certificates of registration upon the grounds listed in RSA 328-I:10, and conduct hearings regarding the denial, suspension, revocation and renewal of certificates as provided in RSA 328-I:12.

IV. Accept written complaints against registrants, conduct necessary investigations upon such written complaints, and resolve complaints.

V. Publicize the complaint procedure.

VI. Adopt rules pursuant to RSA 328-I:5.

VII. Maintain a database of registered medical technicians and share all information received with other licensing boards or advisory committees within this state, and with appropriate boards out of state and with any law enforcement entity, as allowed by RSA 91-A and in accordance with RSA 328-I:12, I.

VIII. Post a list of registrants and their status on its website.

IX. Prepare reports on any matter within the scope of this chapter.

X. Establish fees for registration and for renewal of registration to practice as a medical technician, including late fees, and fees for transcribing and transferring records and other services.

328-I:5 Rulemaking. The board shall adopt rules, pursuant to RSA 541-A, relative to:

I. The registration application form and content, and the registration application procedures.

II. The application form, content, and procedure for a renewal or reinstatement of a registration to work as a medical technician.

III. The establishment of fees required under this chapter.

IV. The conduct of investigations and hearings, in accordance with RSA 328-I:12.

V. Procedures for notice and hearing prior to denial, suspension, or revocation of a registration, and the imposition of administrative fines.

VI. Procedures for the handling and resolving complaints.

VII. Procedures for the approval or denial of an application.

VIII. Procedures for suspension or revocation of a registration.

IX. Procedures for appeal of decisions made pursuant to the provisions of this chapter and rules adopted pursuant to this chapter.

X. Procedures for sharing information with other in-state boards, out-of-state boards and law enforcement entities.

328-I:6 Registration of Medical Technicians Required.

I. Persons engaging in work as a medical technician in New Hampshire shall be registered in accordance with this chapter.

II. Any person who is not registered as a medical technician under this chapter, advertises himself or herself as being a medical technician, practices as a medical technician, or engages in such acts after receiving notice that such person's registration has been revoked shall be guilty of a misdemeanor.

III. The board, after hearing and upon making an affirmative finding under paragraph II, that the person is engaged in unlawful practice, may take action in any one or more of the following ways:

(a) A cease and desist order in accordance with paragraph IV.

(b) The imposition of an administrative fine not to exceed \$50,000.

(c) The imposition of an administrative fine for continuation of unlawful practice in the amount of \$1,000 for each day the activity continues after notice from the board that the activity shall cease.

(d) The denial or conditional denial of a license application, application for renewal, or application for reinstatement.

IV. The board is authorized to issue a cease and desist order against any person or entity engaged in unlawful practice. The cease and desist order shall be enforceable in superior court.

V. The attorney general, the board, or the prosecuting attorney of any county or municipality where the act of unlawful practice takes place may maintain an action to enjoin any person or entity from continuing to do acts of unlawful practice. The action to enjoin shall not replace any other civil, criminal, or regulatory remedy. An injunction without bond is available to the board.

VI. In addition, every health care facility and medical establishment employing medical technicians, shall ensure that such technicians are registered in compliance with this chapter. Any health care facility violating this paragraph shall be subject to appropriate fines and penalties pursuant to RSA 151.

328-I:7 Initial Registration; Application, Fees.

I. The board may register any person who submits a completed application.

II. Completed applications shall include:

(a) Payment of fees established by the board, including a non-refundable application fee;

(b) Reports of any pending criminal charges, criminal convictions, plea agreements in lieu of convictions, or complaints made to or dispositions made by licensing, certification or registration boards.

(c) A complete set of fingerprints and a notarized criminal history record release form pursuant to RSA 328-I:8.

(d) The applicant's work history over the last 10 years.

III. All applications shall include at a minimum, the applicant's name, social security number, place and date of birth, place of employment in New Hampshire and the home address and shall be duly signed and verified. Applications shall be available for public inspection.

IV. Upon approval of the application by the board, the applicant shall be registered as a medical technician for 2 years. Such registration shall take effect within 90 days after the filing of such completed application.

V. Any medical technician who changes his or her name, place or status of employment in New Hampshire, or residence shall notify the board in writing within 30 days. For failure to report such a change within 30 days, the board may suspend the medical technician's registration.

328-I:8 Criminal History Record Checks.

I. Every applicant for initial registration or reinstatement shall submit to the board a notarized criminal history record release form, as provided by the New Hampshire division of state police, which authorizes the release of his or her criminal history record, if any, to the board.

II. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the board may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

III. The board shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the board.

IV. The board shall review the criminal record information prior to making a registration decision and shall maintain the confidentiality of all criminal history records received pursuant to this section.

V. The applicant shall bear the cost of a criminal history record check.

328-I:9 Renewal of Registration. Certificates of registration issued under this chapter shall be subject to renewal every 2 years and shall expire unless renewed in the manner prescribed by the board. Certificates of registration for medical technician shall be renewed upon the payment of the renewal fee.

328-I:10 Refusal to Issue or Renew Certificate; Return of Certificate.

I. The board may deny the application for registration or refuse to issue a renewal thereof if it is determined after hearing that such applicant or registrant:

(a) Has made a material false statement or concealed or omitted a material fact in connection with his or her application for registration;

(b) Had a registration issued under this chapter suspended previously;

(c) Has been convicted of a felony under the laws of the United States or any state or any offense involving moral turpitude;

(d) Has willfully or repeatedly failed to comply with any other provision of this chapter or any rules adopted by the board; or

(e) Is a habitual user of drugs or intoxicants.

II. Upon the suspension or revocation of a certificate of registration by the board and the issuance of a notice thereof, the registrant shall within 5 days, not including Sundays and holidays, deliver to the board the certificate of registration. If surrendered by mail, the certificate of registration shall be sent by registered or certified mail, postmarked no later than 3 days, not including Sundays and holidays, following notice of suspension or revocation. Failure to return a certificate of registration which has been revoked or suspended hereunder within the prescribed time shall constitute a misdemeanor.

328-I:11 Disciplinary Action; Remedial Proceedings.

I. The board is authorized to undertake investigations and disciplinary proceedings upon:

- (a) The board's initiative.
- (b) A written complaint made by any person complaining that a registrant has committed an act of misconduct and specifying the nature of the misconduct.
- (c) A written complaint made by any person that a person is engaged in unauthorized practice.
- (d) Notification by a licensing or certifying agency of this state that a registrant has been disciplined by that agency.
- (e) Notification by the regulatory authority of another domestic or foreign jurisdiction that a registrant has been disciplined in that jurisdiction.
- (f) A report made pursuant to the obligation to report imposed by this chapter.

II. The board may undertake non-disciplinary remedial proceedings (a) upon its own initiative or (b) upon written complaint of any person which charges that a person registered by the board is afflicted with a condition as set forth in paragraph VII and which specifies the grounds therefor.

III. Every facility administrator, or designee, for any licensed hospital, health clinic, ambulatory surgical center, or other health care facility within the state shall report to the board any disciplinary or adverse action, within 30 days after such action is taken, including situations in which allegations of misconduct are settled by voluntary resignation without adverse action, against a person registered by the board. Disciplinary or adverse action shall include the requirement that a registrant undergo counseling or be subject to any policy with regard to disruptive behavior.

IV. In cases involving imminent danger to life or health, the board may order suspension of a license pending hearing for a period of no more than 120 days. In such cases, the basis for the board's finding of imminent danger to life or health shall be reduced to writing and combined with a hearing notice which complies with RSA 328-I:12. A licensee may be allowed additional time to prepare for a hearing, but any additional time for preparation shall result in an extension of license suspension commensurate with the additional time extended.

V. The board, after hearing, may take disciplinary action against any person registered by it upon finding that the person:

- (a) Has knowingly provided false information during any application for registration or employment, whether by making any affirmative statement which was false at the time it was made or by failing to disclose any fact material to the application.
- (b) Is a habitual user of drugs or intoxicants.
- (c) Has engaged in dishonest or unprofessional conduct, or has negligently or intentionally injured a patient while practicing as a medical technician or performing such ancillary activities.
- (d) Has willfully or repeatedly violated any provision of this chapter or any substantive rule of the board.
- (e) Has been convicted of a felony under the laws of the United States or any state.

VI. The board may take non-disciplinary remedial action against any person registered by it upon finding that the person is afflicted with physical or mental disability, disease, disorder, or condition deemed dangerous to the public health. Upon making an affirmative finding, the board, may take non-disciplinary remedial action:

- (a) By suspension, limitation, or restriction of a registration for a period of time as determined reasonable by the board.
- (b) By revocation of registration.
- (c) By requiring the person to submit to the care, treatment, or observation of a physician, counseling service, health care facility, professional assistance program, or any combination thereof which is acceptable to the board.
- (d) By requiring the person to practice under the direction of a physician in a public institution, public or private health care program, or private practice for a period of time specified by the board.

VII. The board, upon making an affirmative finding under paragraph V, may take disciplinary action in any one or more of the following ways:

- (a) By reprimand.
- (b) By suspension, limitation, or restriction of a registration or probation for a period of time as determined reasonable by the board.
- (c) By revocation of registration.
- (d) By requiring the person to submit to the care, treatment, or observation of a physician, counseling service, health care facility, professional assistance program, or any combination thereof which is acceptable to the board.
- (e) By assessing administrative fines in amounts established by the board which shall not exceed \$3,000 per offense, or, in the case of continuing offenses, \$300 for each day that the violation continues, whichever is greater.

VIII. The board may issue a non-disciplinary confidential letter of concern to a registrant advising that, the board believes the medical technician should modify or eliminate certain practices, and that continuation of the activities which led to the information being submitted to the board may result in action against the registrant's registration. This letter shall not be released to the public or any other licensing authority, except that the letter may be used as evidence in subsequent disciplinary proceedings by the board.

IX. Disciplinary or non-disciplinary remedial action taken by the board under this section may be appealed to the supreme court under RSA 541.

X. No civil action shall be maintained against the board or any member of the board or its agents or employees with regard to any action or activity taken in the performance of any duty or authority established by this chapter. No civil action shall be maintained against any organization or its members or against any other person for or by reason of any good faith statement, report, communication, or testimony to the board or determination by the board in relation to proceedings under this chapter.

XI. The board shall send all notices of hearing, and notices of suspension or revocation of registration to the department of health and human services and the department of safety.

XII. Allegations of professional misconduct or other violations of this chapter enforceable by the board shall be brought within 6 years from the time the board could reasonably have discovered the act, omission or failure complained of, except that conduct which resulted in a criminal conviction or in a disciplinary action by a relevant licensing authority in another jurisdiction may be considered by the board without time limitation in making registration or disciplinary decisions if the conduct would otherwise be a ground for discipline under this chapter. The board may also consider registrant conduct without time limitation when the ultimate issue before the board involves a pattern of conduct or the cumulative effect of conduct which becomes apparent as a result of conduct which has occurred within the 6-year limitation period prescribed by this paragraph.

XIII. When an investigation of a complaint against a registrant is determined to be unfounded, the board shall dismiss the complaint and explain in writing to the complainant and the registrant its reason for dismissing the complaint. The board shall destroy all information collected during the course of the investigation after 6 years. The board shall retain a record only noting that an investigation was conducted and that the board determined the complaint to be unfounded. For the purpose of this paragraph, a complaint shall be deemed to be unfounded if it does not fall within the jurisdiction of the board, does not relate to the actions of the registrant, or is determined by the board to be frivolous.

328-I:12 Investigations; Procedure for Complaints; Hearings; Judicial Review.

I. The board may investigate possible misconduct by registrants and applicants for registration, as well as the unauthorized practice under this act and other matters within the scope of this chapter. Board investigations and the information gathered in such investigations, including information provided to the board under RSA 328-I:11, I and III and paragraphs III and V, shall be exempt from the public disclosure provisions of RSA 91-A, except to the extent such information may later become the subject of a public disciplinary hearing. The board may disclose information acquired in an investigation to law enforcement or health licensing agencies in this state or any other jurisdiction, or in response to specific statutory requirements or court orders.

II. No certificate of registration shall be suspended or revoked until after a hearing before the board, which shall be held in accordance with RSA 541-A, and upon written notice mailed to the registrant by certified or registered mail. If, when a notice of hearing is mailed to a registrant at the address shown in the records of the board, such a registrant fails to attend such hearing, then the board may suspend his or her registration without a hearing pending his or her attendance at such hearing.

III. Upon the denial of an application for a certificate of registration, the board shall grant a hearing to an applicant therefor upon receipt of a request for a hearing made within 30 days after the applicant is notified of denial. The board shall have the power to require the attendance of witnesses and issue subpoenas duces tecum in the conduct of such hearing.

IV. If a certificate of registration is revoked or suspended or an application is denied, no such certificate shall be issued to such former registrant or applicant for at least 6 months, or thereafter, except in the discretion of the board.

V. The applicant or registrant may be heard in person or by counsel. The board shall notify the applicant of the time and place of the hearing. The board shall have the power to subpoena any person in this state, or document, record or other relevant evidence, and administer an oath to and take the testimony of any such person or cause his or her deposition to be taken.

328-I:13 Civil Claims. Any person injured by the actions of a person engaged as a medical technician in violation of any of the provisions of this chapter may bring a civil action to recover damages suffered by reason of the violation.

328-I:14 Administrative Fines. The board after notice and hearing, pursuant to rules adopted under RSA 541-A, may impose an administrative fine in an amount which shall not exceed \$3,000 per offense, or, in the case of continuing offenses, \$300 for each day that the violation continues, whichever is greater, upon any

person who violates any provision of this chapter or rules adopted under this chapter. Rehearings and appeals from a decision of the board shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under this chapter.

328-I:15 Investigative Costs. For any order issued in resolution of a disciplinary proceeding by the board, where the board has found misconduct sufficient to support disciplinary action, including but not limited to a violation of this chapter or an administrative rule adopted under this chapter, the board may require the registrant who is the subject of such finding to pay the board a sum not to exceed the reasonable cost of investigation and prosecution of the proceeding. This sum shall not exceed \$5,000. This sum may be imposed in addition to any otherwise authorized administrative fines levied by the board as part of the penalty. The investigative and prosecution costs shall be assessed by the board and any sums recovered shall be credited to the board's fund and disbursed by the board for any future investigations of complaints and activities that violate this chapter or rules adopted under this chapter.

328-I:16 Annual Report. The board shall make an annual report commencing on November 1, 2016 relative to the conduct of activities under this chapter to the speaker of the house of representatives, the president of the senate, and the governor and council.

2 New Section; Verification of Medical Technician Registration. Amend RSA 151 by inserting after section 3-c the following new section:

151:3-d Verification of Medical Technician Registration. Every facility administrator, or designee, for any health care facility licensed under this chapter shall verify with the board of registration of medical technicians established under RSA 328-I:3, prior to employing a medical technician, as defined in RSA 328-I:2, VI, that such medical technician is registered with the board.

3 Health Facility Licensure; Report of Disciplinary Action. Amend RSA 151:6-b to read as follows:

151:6-b Report of Disciplinary Action. Every facility administrator, or designee, for any health care facility licensed under this chapter shall report to the board of medicine [or], the board of nursing, **or the board of registration of medical technicians** any disciplinary or adverse action taken against a licensee **or registrant** of the board. Such report shall be made within 30 days after such action is taken. Actions reported shall only involve misconduct sufficient to support disciplinary proceedings by the board and shall include all situations in which allegations of misconduct are settled by voluntary resignation without adverse action.

4 Board of Registration of Medical Technicians; Staggered Terms. The members of the board of registration of medical technicians as inserted by section one of this act shall serve staggered terms as follows: the public member shall be appointed to a term of 2 years and the health care providers shall be appointed to terms of 3, 4 and 5 years.

5 Appropriation. The sum of \$20,672 for the fiscal year ending June 30, 2015, is hereby appropriated to the department of health and human services/administratively attached boards and advisory committees for the purpose of paying for the expenses of establishing and maintaining the board of registration of medical technicians and paying the compensation and mileage of board members. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

6 Effective Date. This act shall take effect July 1, 2014.

AMENDED ANALYSIS

This bill establishes the board of registration of medical technicians which shall be administratively attached to the department of health and human services. This bill requires persons employed as medical technicians to register with the board. The bill also requires licensed health care facilities employing such technicians to ensure that they are registered in accordance with this chapter.

Majority committee amendment adopted.

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

(Rep. Kaen in the Chair)

Rep. Byron spoke in favor.

Rep. LeBrun requested a roll call; sufficiently seconded.

YEAS 228 - NAYS 92

YEAS - 228
BELKNAP

Burchell, Richard
Gulick, Ruth

DiMartino, Lisa
Huot, David

Fields, Dennis
Raymond, Ian

Flanders, Donald

CARROLL

Buco, Thomas
Ticehurst, Susan

Butler, Edward
Umberger, Karen

Crawford, Karel
White, Syndi

Nelson, Bill

CHESHIRE

Ames, Richard
Johnsen, Gladys
Phillips, Larry
Shepardson, Marjorie

Berch, Paul
Johnson, Jane
Roberts, Kris
Weber, Lucy

Butynski, William
Ley, Douglas
Robertson, Timothy
Weed, Charles

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

COOS

Coulombe, Gary
Moynihan, Wayne
Thomas, Yvonne

Enman, Larry
Rappaport, Laurence

Hammon, Marcia
Richardson, Herbert

Hatch, William
Theberge, Robert

GRAFTON

Almy, Susan
Doolan, Ralph
Higgins, Patricia
Mulholland, Catherine
Shackett, Jeffrey
White, Andrew

Benn, Bernard
Ford, Susan
Ladd, Rick
Pastor, Beatriz
Smith, Suzanne

Brown, Rebecca
Gionet, Edmond
Lovett, Sid
Piper, Wendy
Sykes, George

Cooney, Mary
Harding, Laurie
Massimilla, Linda
Reilly, Harold
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Christiansen, Lars
Danielson, David
Gage, Ruth
Goley, Jeffrey
Hammond, Jill
Heath, Mary
Jeudy, Jean
Leishman, Peter
Mangipudi, Latha
Nelson, Mary
Rokas, Ted
Souza, Kathleen
Takesian, Charlene

Beaulieu, Jane
Byron, Frank
Coffey, James
DiSilvestro, Linda
Gale, Sylvia
Gorman, Mary
Hansberry, Daniel
Heden, Ruth
Kelley, John
Levesque, Melanie
Manley, Jonathan
O'Neil, William
Rosenwald, Cindy
Spratt, Stephen
Walsh, Robert

Boisvert, Ronald
Campbell, David
Connor, Evelyn
Eaton, Richard
Gargasz, Carolyn
Grady, Brenda
Hansen, Peter
Jack, Martin
Knowles, Mary Ann
Long, Patrick
McCloskey, David
Porter, Marjorie
Schmidt, Janice
Sullivan, Daniel
Williams, Kermit

Booras, Efstathia
Chandley, Shannon
Cote, David
Flanagan, Jack
Gidge, Kenneth
Graham, John
Harriott-Gathright, Linda
Jasper, Shawn
Kopka, Angeline
MacKay, Mariellen
McNamara, Richard
Rhodes, Brian
Shattuck, Gilman
Sullivan, Peter
Woodbury, David

MERRIMACK

Alicea, Caroletta
Burns, Scott
Ebel, Karen
Gile, Mary
Kidder, David
Moffett, Howard
Rice, Chip
Schuett, Dianne
Walsh, Thomas

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Hirsch, Geoffrey
Kotowski, Frank
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Walz, Mary Beth

Bartlett, Christy
Carson, Clyde
Frazer, June
Karrick, David
Lockwood, Priscilla
Patten, Dick
Rogers, Katherine
Turcotte, Alan
Watrous, Rick

Bouchard, Candace
Davis, Frank
French, Barbara
Kelly, Sally
MacKay, James
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane
Webb, Leigh

ROCKINGHAM

Abrami, Patrick
Briden, Steven
Cushing, Robert
Elliott, Robert
Hayes, Jack
Khan, Aboul
Moody, Marcia
Peckham, Michele
Sedensky, John
Ward, Gerald

Allen, Mary
Cahill, Michael
Danais, Romeo
Emerson-Brown, Rebecca
Heffron, Frank
Lovejoy, Patricia
Muns, Chris
Rice, Frederick
Sherman, Thomas
Wazlaw, Brian

Andrews-Ahearn, E. Elaine
Chirichiello, Brian
DeSimone, Debra
Flockhart, Eileen
Hodgdon, Bruce
Mann, Maureen
Nigrello, Robert
Sanders, Elisabeth
St.James, Kevin
Webb, James

Borden, David
Copeland, Timothy
Devine, James
Griffin, Mary
Kappler, Lawrence
McKinney, Betsy
O'Connor, John
Schlachman, Donna
Till, Mary
Whittemore, Lisa

STRAFFORD

Baber, William
Grassie, Anne
Merrill, Amanda
Perry, Robert
Smith, Marjorie
Wall, Janet

Bixby, Peter
Grossman, Kenneth
Miller, David
Rogers, Rose Marie
Spang, Judith
Ward, Kenneth

Burdwood, Greg
Horrigan, Timothy
Mullen, John
Rollo, Deanna
Stevens, Audrey

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

SULLIVAN

Cloutier, John
O'Hearne, Andrew
Sweeney, Cynthia

Gottling, Suzanne
Osgood, Joe
Tanner, Linda

Grenier, James
Schmidt, Andrew

Irwin, Virginia
Smith, Steven

NAYS - 92**BELKNAP**

Greemore, Robert
Vadney, Herbert

Holmes, Stephen
Worsman, Colette

Sylvia, Michael

Tilton, Franklin

CARROLL

Ahlgren, Christopher
Wright, Donald

Cordelli, Glenn

McConkey, Mark

Morrow, Harry

CHESHIRE

Eaton, Daniel

Hunt, John

Mann, John

COOS

Rideout, Leon

GRAFTON

Bailey, Brad

HILLSBOROUGH

Barry, Richard
Cebrowski, John
Haefner, Robert
LeBrun, Donald
Meaney, Richard
Ober, Lynne
Pellegrino, Tony
Rowe, Robert
Vaillancourt, Steve
Winters, Joel

Belanger, James
Culbert, Patrick
Hikel, John
LeVasseur, Richard
Murotake, David
Ober, Russell
Peterson, Lenette
Sandblade, Emily
Villeneuve, Moe

Boehm, Ralph
Daniels, Gary
Hopper, Gary
Marston, Dick
O'Brien, William
Palmer, Stephen
Pratt, Calvin
Straight, Philip
Warden, Mark

Burt, John
Gagne, Larry
Kurk, Neal
McCarthy, Michael
O'Flaherty, Tim
Parison, James
Renzullo, Andrew
Ulery, Jordan
Willette, Robert

MERRIMACK

Henle, Paul
McGuire, Dan

Hess, David
Smith, Todd

Hoell, J.R.

McGuire, Carol

ROCKINGHAM

Baldasaro, Alfred
Duarte, Joe
Fesh, Robert
Hagan, Joseph
Itse, Daniel
Schroadter, Adam
Tucker, Pamela

Bick, Patrick
Dumaine, Dudley
Garcia, Bianca
Harris, Jeffrey
McMahon, Charles
Sweeney, Joe
Waterhouse, Kevin

Birdsell, Regina
Emerick, J. Tracy
Garcia, Marilinda
Hoelzel, Kathleen
Milz, David
Sytek, John
Weyler, Kenneth

Comerford, Timothy
Ferrante, Beverly
Gordon, Richard
Introne, Robert
Packard, Sherman
Tamburello, Daniel

STRAFFORD

Bickford, David
Pitre, Joseph

Gray, James

Groen, Warren

Jones, Laura

SULLIVAN

Rollins, Skip

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

HB 341-FN, relative to the cost of fiscal analysis of legislation relating to the retirement system. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Bernard L. Benn for the Majority of Finance. This bill prohibits the use of pension trust assets to pay for the costs of actuarial and professional assessment of proposed legislation. In addition, such costs are not allowed to be charged as expenses of administration. The majority agrees with the minority that unreasonable and unnecessary expenditures must not be made from retirement system assets to protect the interest of its participants and beneficiaries. However, under RSA 14:44 IV, fiscal analysis of proposed legislation that impacts the retirement system is essential. The NHRS is required to provide information in the form of "fiscal note worksheets" even if an analysis were performed by and paid for by another entity. HB 341 proposes a payment system that is problematic. According to the executive director, "there is a significant potential that such an arrangement would lead to incurring redundant expense and interference with the fiduciary duties of the NHRS Board of Trustees." The retirement system budget includes the cost of actuarial analysis. This expenditure varies year to year. Even for the most costly years, these expenses are minor, a rounding error, in relation to the size of the corpus and have virtually no impact on its performance. The NHRS has significant concerns with HB 341 and does not support its passage. Vote 17-4.

Rep. Katherine D. Rogers for the Minority of Finance. An amendment to HB 341 would clarify that actuarial studies performed to analyze the effects of proposed legislation affecting the NH retirement system would be

charged to the Legislative Branch and shall not be taken from the assets of the retirement system or charged as expenses of administration. Currently those expenses are paid for out of the retirement system's assets. These funds are in fact the source for retiree pension payments. What the bill does not do is require duplicate studies or increase costs for these studies. Opponents of this bill argued that the bill was not needed because the system paid for the studies from employer contributions. The minority disagrees with this representation, but assuming it were true, this argument should lead to legislative support for the law. They also argued that the bill is not needed because no matter the source of payment, the money all comes from the taxpayers. In New Hampshire, all revenues are not created equal, but again this argument also requires the bill to pass this House. Two years ago, the legislature downshifted over \$90 million in retirement costs to local property taxpayers by eliminating the state's 35% subsidy to public employers for their contributions to the retirement system. That did one thing-increased cost for communities and school districts. Ultimately, property taxpayers picked up the bill. Assuming the opponents contention that the cost of these studies are paid only by employers, or that one tax is just like another, HB 341 would give some level of relief to property taxpayers by removing the employer as the funding source for pension studies. Other opponents have argued that this amount of money is *insignificant* in relation to the overall assets of the retirement system. Over the course of the last 5 (five) years these costs have come close to \$500,000, which is equivalent to over 26 average pensions. The minority does not believe that half a million dollars is insignificant, nor is 26 pensions. Passing this bill is the first step towards correcting a very bad practice of passing costs onto the backs of property taxpayers. Defeating it is just continuing a practice that cannot be justified in this economy.

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

Reps. Katherine Rogers, Christopher Andrews and Dan McGuire spoke against.

Rep. Benn spoke in favor.

Rep. Katherine Rogers requested a roll call; sufficiently seconded.

YEAS 221 - NAYS 103

YEAS - 221

BELKNAP

Burchell, Richard
Gulick, Ruth
Sylvia, Michael

Fields, Dennis
Holmes, Stephen
Tilton, Franklin

Flanders, Donald
Huot, David
Vadney, Herbert

Greemore, Robert
Raymond, Ian
Worsman, Colette

CARROLL

Ahlgren, Christopher
McConkey, Mark
Umberger, Karen

Butler, Edward
Merrow, Harry

Chandler, Gene
Nelson, Bill

Crawford, Karel
Ticehurst, Susan

CHESHIRE

Chase, Cynthia
Parkhurst, Henry
Shepardson, Marjorie

Eaton, Daniel
Roberts, Kris
Weber, Lucy

Johnsen, Gladys
Robertson, Timothy

Mann, John
Sad, Tara

COOS

Enman, Larry
Rideout, Leon

Hatch, William

Moynihan, Wayne

Rappaport, Laurence

GRAFTON

Almy, Susan
Cooney, Mary
Ladd, Rick
Piper, Wendy

Bailey, Brad
Gionet, Edmond
Lovett, Sid
Reilly, Harold

Benn, Bernard
Harding, Laurie
Mulholland, Catherine
Smith, Suzanne

Brown, Rebecca
Higgins, Patricia
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Barry, Richard
Campbell, David
Connor, Evelyn
Eaton, Richard
Gidge, Kenneth
Haefner, Robert
Hikel, John
Kopka, Angeline
Levesque, Melanie
Marston, Dick
O'Brien, William
Pellegrino, Tony
Rosenwald, Cindy
Takesian, Charlene
Warden, Mark

Belanger, James
Cebrowski, John
Cote, David
Flanagan, Jack
Gorman, Mary
Hammond, Jill
Jack, Martin
Kurk, Neal
Long, Patrick
McCarthy, Michael
Ober, Lynne
Porter, Marjorie
Rowe, Robert
Ulery, Jordan
Williams, Kermit

Boisvert, Ronald
Chandlee, Shannon
Culbert, Patrick
Gagne, Larry
Grady, Brenda
Hansberry, Daniel
Jasper, Shawn
Leishman, Peter
MacKay, Mariellen
McNamara, Richard
Ober, Russell
Pratt, Calvin
Sandblade, Emily
Vaillancourt, Steve

Byron, Frank
Christiansen, Lars
Daniels, Gary
Gargas, Carolyn
Graham, John
Hansen, Peter
Kelley, John
LeVasseur, Richard
Mangipudi, Latha
Murotake, David
Palmer, Stephen
Renzullo, Andrew
Spratt, Stephen
Villeneuve, Moe

MERRIMACK

Alicea, Caroletta
 Carson, Clyde
 Frazer, June
 Hess, David
 Kotowski, Frank
 Moffett, Howard
 Shurtleff, Stephen
 Watrous, Rick

Bouchard, Candace
 Davis, Frank
 French, Barbara
 Hoell, J.R.
 Lockwood, Priscilla
 Myler, Mel
 Smith, Todd
 Webb, Leigh

Burns, Scott
 Ebel, Karen
 Gile, Mary
 Karrick, David
 MacKay, James
 Ratzki, Mario
 Wallner, Mary Jane

Carey, Lorrie
 Frambach, Mary
 Henle, Paul
 Kidder, David
 McGuire, Carol
 Richardson, Gary
 Walz, Mary Beth

ROCKINGHAM

Abrami, Patrick
 Bick, Patrick
 Cushing, Robert
 Duarte, Joe
 Flockhart, Eileen
 Harris, Jeffrey
 Hoelzel, Kathleen
 Lovejoy, Patricia
 Nigrello, Robert
 Peckham, Michele
 Schroadter, Adam
 Sytek, John
 Waterhouse, Kevin
 Whittemore, Lisa

Allen, Mary
 Birdsell, Regina
 Danais, Romeo
 Elliott, Robert
 Garcia, Bianca
 Hayes, Jack
 Introne, Robert
 McMahon, Charles
 O'Connor, John
 Rice, Frederick
 Sedensky, John
 Tasker, Kyle
 Wazlaw, Brian

Andrews-Ahearn, E. Elaine
 Borden, David
 DeSimone, Debra
 Emerick, J. Tracy
 Garcia, Marilinda
 Heffron, Frank
 Kappler, Lawrence
 Milz, David
 Packard, Sherman
 Sanders, Elisabeth
 Sherman, Thomas
 Tucker, Pamela
 Webb, James

Baldasaro, Alfred
 Briden, Steven
 Devine, James
 Ferrante, Beverly
 Griffin, Mary
 Hodgdon, Bruce
 Khan, Aboul
 Moody, Marcia
 Pantelakos, Laura
 Schlachman, Donna
 Sweeney, Joe
 Ward, Gerald
 Weyler, Kenneth

STRAFFORD

Baber, William
 Grassie, Anne
 Malloy, Dennis
 Mullen, John
 Schmidt, Peter
 Wall, Janet

Bickford, David
 Gray, James
 Menear, H. Robert
 Perry, Robert
 Smith, Marjorie

Burdwood, Greg
 Grossman, Kenneth
 Merrill, Amanda
 Pitre, Joseph
 Spang, Judith

Burke, Rachel
 Jones, Laura
 Miller, David
 Rogers, Rose Marie
 Verschueren, James

SULLIVAN

Cloutier, John
 Osgood, Joe

Gottling, Suzanne
 Rollins, Skip

Grenier, James
 Schmidt, Andrew

Irwin, Virginia

**NAYS - 103
BELKNAP**

DiMartino, Lisa

CARROLL

Buco, Thomas

Cordelli, Glenn

White, Syndi

Wright, Donald

CHESHIRE

Ames, Richard
 Johnson, Jane
 Young, Harry

Berch, Paul
 Ley, Douglas

Butynski, William
 Phillips, Larry

Hunt, John
 Weed, Charles

COOS

Coulombe, Gary
 Thomas, Yvonne

Hammon, Marcia

Richardson, Herbert

Theberge, Robert

GRAFTON

Doolan, Ralph
 Sykes, George

Ford, Susan
 White, Andrew

Massimilla, Linda

Shackett, Jeffrey

HILLSBOROUGH

Backus, Robert
 Brown, Pamela
 DiSilvestro, Linda
 Heath, Mary
 Jeudy, Jean
 McCloskey, David
 O'Neil, William
 Rokas, Ted
 Souza, Kathleen
 Walsh, Robert

Beaulieu, Jane
 Burt, John
 Gage, Ruth
 Heden, Ruth
 Knowles, Mary Ann
 Meaney, Richard
 Parison, James
 Schmidt, Janice
 Straight, Philip
 Willette, Robert

Boehm, Ralph
 Coffey, James
 Gale, Sylvia
 Hopper, Gary
 LeBrun, Donald
 Nelson, Mary
 Peterson, Lenette
 Shattuck, Gilman
 Sullivan, Daniel
 Winters, Joel

Booras, Efstathia
 Danielson, David
 Goley, Jeffrey
 Infantine, William
 Manley, Jonathan
 O'Flaherty, Tim
 Rhodes, Brian
 Shaw, Barbara
 Sullivan, Peter
 Woodbury, David

MERRIMACK

Andrews, Christopher
McGuire, Dan
Schuett, Dianne

Bartlett, Christy
Patten, Dick
Turcotte, Alan

Hirsch, Geoffrey
Rogers, Katherine

Kelly, Sally
Schamberg, Thomas

ROCKINGHAM

Cahill, Michael
Dumaine, Dudley
Hagan, Joseph
Muns, Chris
Strafford
Bixby, Peter
Rollo, Deanna

Chirichiello, Brian
Emerson-Brown, Rebecca
Itse, Daniel
St.James, Kevin

Comerford, Timothy
Fesh, Robert
Mann, Maureen
Tamburello, Daniel

Copeland, Timothy
Gordon, Richard
McKinney, Betsy
Till, Mary

Groen, Warren
Stevens, Audrey

Horrigan, Timothy
Ward, Kenneth

Pelletier, Marsha

SULLIVAN

Lefebvre, Benjamin
Tanner, Linda

O'Hearne, Andrew

Smith, Steven

Sweeney, Cynthia

and the majority committee report was adopted.

HB 657-FN, requiring state agencies to submit efficiency expenditure requests as part of the biennial budget process. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David O. Huot for Finance. This bill replaces the current "maintenance budget" with an "efficiency budget" in the agency, or first, phase of the budget process. This new budget submission is designed to help align the state's budget culture with the emerging culture of ingenuity and innovation, which seeks to drive higher quality services to the public by encouraging new and better ways to provide the services while minimizing costs. The bill requires the governor to set budget targets for department heads, and spells out key information requirements like departmental goals, performance measures and barriers to performance. Also required is identification of special or problematic needs; improvements in staff development, reorganization or restructuring, process improvement initiatives, and investments in technology. The bill maintains the need to identify what is required to maintain the authorized and funded services of the preceding biennium, but it eliminates the need to provide an unnecessary 10% reduction budget since the governor and finance committees have the flexibility to require decreased or increased submissions when needed. The efficiency budget submission will be a worthwhile improvement to the budget process. Vote 21-0.

Amendment (2279h)

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

1 Requests for Appropriations and Statement of Objectives. RSA 9:4 is repealed and reenacted to read as follows:

9:4 Requests for Appropriations and Statement of Objectives; Efficiency Expenditure Requests.

I. On or before October 1 prior to each biennial legislative session, all departments of the state shall transmit to the commissioner of administrative services, on forms to be furnished by the commissioner, an efficiency expenditure request for each fiscal year of the following biennium for administration, operation, and program services, including costs for workers' compensation and unemployment compensation. In case of the failure of any department to submit such requests within the time specified, the commissioner of administrative services shall cause to be prepared such requests for such department as in the commissioner's opinion are reasonable and proper.

II. In this section, "efficiency expenditure request" means the cost of providing the services authorized and funded in the preceding biennium, considering and incorporating changes in the population and other factors outside the control of the department, consistent with the objectives in paragraph III. The governor shall communicate additional parameters, including desired departmental organization chart content and formats, and the total expenditure target for the development of efficiency expenditure requests, on or before August 1 prior to each biennial legislative session.

III. The primary objective of the efficiency expenditure request is to identify expenditure requests to fund current statutory requirements, and those additional statutes and rules, consistent with parameters and expectations as defined in paragraph IV, that will provide improved quality of services to the citizens of New Hampshire as a result of improved department efficiencies and performance. Additional objectives of the efficiency expenditure request are to embed a management culture of continuous improvement, prudence, and accountability and to provide the governor and department heads with a fiscal management work product that extends and emphasizes these objectives.

IV. The efficiency expenditure request shall include:

(a) An expenditure estimate for the first year of the next biennium. In accordance with this paragraph, the governor shall provide a total expenditure target for each department which shall be a percentage of the adjusted authorized budget for the second year of the current biennium. The adjusted authorized budget is the level of funding for the second year of the current operating budget including budget footnote adjustments,

executive orders, and adjustments by law including additional appropriations and any changes in laws that affect revenues and expenses outside of the operating budget. The target shall have as its basis revenue and economic forecasts and the forecasted financial condition of the state for the first year of the next biennium.

(b) An estimate for the second year of the next biennium. In accordance with this paragraph, the governor shall provide a total expenditure target for each department which is a percentage of the estimate developed for the first year of the next biennium. The target shall have as its basis revenue and economic forecasts for the second year of the next biennium and the financial condition of the state and shall reflect any changes in law that affect both revenues and expenses.

(c) The current mission statement of the department and its divisions.

(d) The goals of the department and its divisions for the next biennium.

(e) The impact of salary grade and steps for each authorized and requested position.

(f) The identification of special or problematic needs to be funded or supported, consistent with department goals, which will support improved department efficiencies and deliverables. The department shall identify the risks or implications associated with not funding or supporting these special or problematic needs. Such needs are expected to be few and prioritized.

(g) All current performance measures, displaying trends over time, and the data used by the department to create those measures, to evaluate the quality and consequence of services it delivers; and the identification of performance measures it may develop and implement in the following biennium.

(h) Planned reorganization or restructuring initiatives that promise performance improvement and savings.

(i) The identification of information technology or other technology investments, and the linkage for which the net effect is process improvement, improved quality of deliverables, and the resultant cost reduction.

(j) The results of innovation initiatives in process improvement and delivery of services executed in the past biennium, if any, and those innovations planned for the following biennium that hold promise of improved efficiencies.

(k) Investments in staff training and development consistent with department goals, and with the objectives in paragraph III, that show promise of improved productivity, service, and results within a specific time frame.

(l) Inclusion of additional operating costs associated with previously authorized capital improvement projects to be completed during the biennium.

(m) The source of funding for all expenditures.

V. Within the meaning of this section, the governor shall make the final determination as to whether a particular cost shall be deemed to be an efficiency expenditure.

VI. The efficiency expenditure request shall incorporate recommendations for any necessary changes to state statutes and administrative rules which are barriers to the mission of the department, barriers to the attainment of goals, and barriers to enabling delivery of improved quality of services or services which have not been funded and have a financial burden on the department and/or taxpayers.

VII. Subsequent to submission to the commissioner of administrative services, requests and estimates submitted pursuant to this section shall be made publicly available by each department under RSA 91-A.

2 Reference Changes. Amend RSA 9:6 to read as follows:

9:6 Tentative Budget. Upon the receipt of the [~~estimates of~~] **efficiency** expenditure [~~requirements~~] **requests** called for by RSA 9:4 and the preparation of the estimates of income called for by RSA 9:5, and not later than November 1 next succeeding, the commissioner of administrative services shall cause to be prepared a tentative budget conforming as to scope, contents, and character to the requirements of RSA 9:3 and containing the [~~estimates of~~] **efficiency** expenditure **requests** and **estimates of** revenue as called for by RSA 9:4 and RSA 9:5, which tentative budget shall be transmitted to the director of the budget for submittal to the governor. The tentative budget shall comply with the requirements of RSA 9:9-b. The budget shall be made available in printed format and in at least one electronic computer file format in common use at the time. The sections of the budget that state: gross appropriations from the highway fund, the highway block grant aid appropriation, the highway fund appropriation to the department of safety, and highway fund appropriations that are transferred to other agencies that comply with part II, article 6-a of the New Hampshire constitution relative to the use of highway funds, shall be reported to the president of the senate, the speaker of the house of representatives, and the chairmen of the house and senate standing committees on finance.

3 Repeal. RSA 9:4, III, relative to reduction level expenditures, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect June 30, 2015.

Amendment adopted.

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

On a division vote, 307 members having voted in the affirmative and 4 in the negative, the committee report was adopted and ordered to third reading.

HB 685, relative to state agency communications under the right-to-know law. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Marjorie K. Smith for the Majority of Judiciary. This bill came to us with several unrelated sections. The committee held a hearing and despite extensive subsequent discussion could not reach agreement but thought two components were important to resolve. After additional work this fall, and drawing from detailed testimony over the course of our deliberations a strong majority agreed on two sections. The first clarifies some procedures governing how the office of the legislative budget analyst carries out its responsibilities. One change of note reserves for the elected house and senate members of the joint fiscal committee, rather than the attorney general, the right to resolve questions that relate to the legislatively mandated audit functions of the LBA. The second section relates to RSA 91-A, the right to know law. The judiciary committee has worked hard over the years to move toward a strong and effective right to know process. For a number of years a right to know commission met to identify problems and suggest legislation to resolve those problems. A previous legislature eliminated that commission. We heard sufficient testimony including oral testimony from the attorney general last spring – followed up with a letter from the attorney general in October – about a number of unanticipated problems for us to conclude that a new commission could serve an important purpose in addressing at least some difficulties. The committee concluded that thoughtful analysis, understanding competing pressures, could help the legislature fulfill its commitment to right to know. Vote 14-2.

Rep. Michael J. Sylvia for the Minority of Judiciary. The bipartisan minority object to section 2 of the bill which was originally an amendment to RSA 91-A:5 which sought to bring under the Right-to-Know Law final contracts awarded by the state or political subdivisions. In October, long after public hearings were completed, the Attorney General's Office drafted and proposed the establishment of a commission to study the costs related to responding to 91-A requests. As amended, section 2 now creates a Commission to Study the Costs of Responding to the Right-to-Know Law. It is the opinion of the minority that this significant change to the original bill has not provided proper opportunity to the public to be heard on the subject on establishing such a commission. Further, the composition of the commission is stacked against the citizens and will likely seek to impose restrictions and fees to Right-to-Know requests. Citizens should not have to pay for the Right-to-Know.

Majority Amendment (2312h)

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

AN ACT relative to state agency communications and establishing a commission to study the costs of responding to the right-to-know law.

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

1 Office of Legislative Budget Assistant; General Duties. Amend RSA 14:31, III-VI to read as follows:

III. Both the audit division and the budget division shall conduct such investigations, analyses, or research into the financial activities and condition or the financial management procedures, or any specific area thereof, of any department, board, institution, commission, agency, political subdivision, or entity authorized to expend state funds for the information of the legislature, as the fiscal committee shall specifically direct. The authority of the legislative budget assistant to investigate, analyze, or research non-state agencies shall be limited to 5 entities in a 5-year period. In making any such investigation, analysis, or research, the legislative budget assistant, **and any assistants appointed pursuant to RSA 14:34 and under the direction of the legislative budget assistant**, shall have the power to examine whatever **operations**, accounts, or records of, or property or things of value held by, said department, board, institution, commission, agency, political subdivision, or entity authorized to expend state funds the ~~[fiscal committee shall deem]~~ **legislative budget assistant deems** useful to said investigation, analysis, or research.

IV. All state departments, boards, institutions, commissions, agencies, and political subdivisions, and other entities authorized to expend state funds, shall be required to furnish to the legislative budget assistant any information, including confidential information, he or she may request in the course of carrying out the duties as prescribed by this section, RSA 14:31-a, and RSA 14:31-b, **including online access to such information in the state's integrated, multi-module, information technology system, and any related subsystems**, except that access to records, files, returns, or information deemed confidential information maintained by the department of revenue administration shall be controlled solely by the provisions of RSA 21-J:14. If the legislative budget assistant requires access to confidential information, the state entity shall furnish the information~~], except for work papers as described in RSA 91-A:4, V].~~ In such situations, the legislative budget assistant shall be subject to the same restrictions and penalties regarding disclosure of the information as the original custodian of the information. The work product of the legislative budget assistant shall also be confidential to the extent required to preserve confidentiality required by law. Disclosure of confidential information to the legislative budget assistant shall be only for the purpose of, and to the extent necessary for, conducting audits as are required **or permitted** by law. The legislative budget assistant shall notify the head of any state department, board, institution, commission, agency, or political subdivision, or other entity authorized to expend state funds, before requiring the state entity to furnish any confidential information which was obtained by the entity through an exchange of information agreement

with another state or the federal government. This paragraph shall not be construed to authorize disclosure to any member of the legislature or to any expert consultants, including certified public accountants and data processing experts, hired by the legislative budget assistant to assist him or her in the carrying out of the duties, except such summaries and results which do not disclose any identity required by law to be confidential. If any entity objects to providing confidential information under the provisions of this paragraph, the state entity may apply to the ~~[attorney general]~~ **fiscal committee of the general court** for disapproval of the request. ~~[The attorney general may examine any confidential information to which the legislative budget assistant has requested access to determine whether or not it is necessary for the legislative budget assistant to examine the information to carry out his or her duties as required by law. If the attorney general finds that such examination is not necessary, he or she shall disapprove the request, and the agency shall not be required to provide such information. If the entity agrees to provide the requested information, or if the attorney general determines that it is necessary for the legislative budget assistant to examine the requested information, such information shall be provided to the legislative budget assistant in a mutually agreeable and compatible format.]~~

V. The commissioner of administrative services shall deliver to the legislative budget assistant the official financial information under the control of the commissioner as required by this section in a form unaltered from that which is finally reported in the **state's** integrated ~~[financial]~~, **multi-module, information technology** system, **including any related subsystems**. The approval of the governor, the speaker of the house of representatives, and the senate president shall be required for delivery of any other information, other than the official financial information required by this section. The right of access to information under this section shall not arise until after each transaction or event subject to RSA 91-A has taken place. Such information shall be provided to the legislative budget assistant in a mutually agreeable and compatible format at the end of each business day. The legislative budget assistant shall be subject to the provisions of RSA 21-I:13-a, II. This paragraph shall not be construed as granting the legislative budget assistant access to any information or any information system relative to the internal functions of the office of the governor or any executive agency, department, board, commission, or institution ~~[through the integrated financial system]~~.

VI. In addition to any other reports required by statute or by the fiscal committee to be submitted by the legislative budget assistant, he **or she** shall submit to the members of the ~~[appropriations,] finance[;]~~ and ways and means committees a report of the results of post-audits, program result audits, and investigations he **or she** has conducted since the date of his **or her** last such report. The fiscal committee shall determine which policy committees of both houses of the general court, in addition to those listed in this paragraph, shall receive reports pursuant to this paragraph. The report required by this paragraph shall be submitted not later than January 25 of each regular legislative session.

2 New Section; Commission to Study the Costs of Responding to the Right-to-Know Law. Amend RSA 91-A by inserting after section 10 the following new section:

91-A:10-a Commission to Study the Costs of Responding to the Right-to-Know Law.

I. There is established a commission to study funding options or alternative ways to allocate the cost to governmental bodies of responding to right-to-know requests. The members of the commission shall be as follows:

- (a) Three members of the house of representatives, appointed by the speaker of the house of representatives.
- (b) Two members of the senate, appointed by the president of the senate.
- (c) Three municipal officials, appointed by the New Hampshire Municipal Association.
- (d) One county official, appointed by the New Hampshire Association of Counties.
- (e) Four members of the public, 2 of whom shall be members of the media, appointed by the governor with approval of the executive council.
- (f) Two executive branch officials, appointed by the governor.
- (g) The attorney general, or designee.

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

III. The commission shall:

- (a) Study the costs to governmental bodies associated with responding to right-to-know requests.
- (b) Review laws from other jurisdictions pertaining to public access to governmental records to determine whether there is a charge to the requestor and if so, how that charge is assessed; whether the law allows for a page-limited initial response at no or minimal costs; whether there are agencies or staff dedicated to responding to government records requests and, if so, how those units are funded; how costs are allocated; and whether the laws limit the scope of permissible requests.
- (c) Make recommendations for legislation that would fairly balance the public's right to access government records with the need of each governmental body to ensure that its staff is not unduly diverted from their core work functions to respond to right-to-know requests.

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

V. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2014.

3 Repeal. RSA 91-A:10-a, relative to a commission to study the costs of responding to the right-to-know law, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect November 1, 2014.

II. Section 1 of this act shall take effect 60 days after its passage.

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

AMENDED ANALYSIS

This bill clarifies state agency communications with the office of the legislative budget assistant.

This bill also establishes a commission to study funding options or alternative ways to allocate the cost to governmental bodies of responding to right-to-know requests.

Rep. Marjorie Smith spoke against.

Majority committee amendment failed.

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

Rep. Marjorie Smith offered floor amendment (0259h).

Floor Amendment (0259h)

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

AN ACT relative to state agency communications.

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

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

AMENDED ANALYSIS

This bill clarifies state agency communications with the office of the legislative budget assistant.

Reps. Marjorie Smith and Rowe spoke in favor.

Floor amendment (0259h) adopted.

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

Rep. Lynne Ober spoke in favor.

Majority committee report adopted and ordered to third reading.

HB 169, establishing an employers' private right of action to enforce the payment of workers' compensation coverage. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Linda A. DiSilvestro for the Majority of Labor, Industrial and Rehabilitative Services. This bill would have allowed a third party to file suit against an employer who allegedly has not paid their workers' compensation premiums. Through committee, it was decided that the department of labor (DOL) should be encouraged to search out these employers and take appropriate action. As more data becomes available, the concept should be reexamined. Vote 18-1.

Rep. Charles F. Weed for the Minority of Labor, Industrial and Rehabilitative Services. The minority believes that there is substantial abuse regarding illegal classification of employees as independent contractors to avoid the expense of providing workers compensation insurance. The state needs many tools to address this illegal activity in addition to discovery and enforcement by the DOL. The private right of action by employers who discover that their competitor may be avoiding the legal requirement to provide workers compensation insurance is just such a tool that has been effective in states where the private right of action is in place. We can use this kind of tool in NH.

Majority committee report adopted.

HB 114, relative to abutter access over subdivided land. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James E. Coffey for Municipal and County Government. This bill, as amended, allows, but does not require, planning boards when processing a subdivision application to consider requiring deeded access to an abutting property that might be otherwise left without suitable access to a public way (landlocked), when the owner of the land being subdivided has had knowledge of the abutter accessing through the property. Said access to allow the same access as before the subdivision. Current law is not clear as to whether the planning board has that authority and this bill clarifies that. The dissenting vote on the committee was relative to the need for this bill and not the subject matter of it. Vote 14-1.

Amendment (2382h)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Subdivision Regulations; Easement Required. Amend RSA 674:41 by inserting after paragraph IV the following new paragraph:

V. The planning board may require that an applicant deed a right of way to a property owner with no legal access to his or her property if the applicant's subdivision would block the property owner's access to a public way. The right of way shall be of the same or similar dimensions as had been in use by the property owner prior to subdivision, or meet the dimensional requirements for a driveway in the zoning ordinance, whichever is greater. The right of way shall be recorded on the subdivision plat at the registry of deeds and shall be considered ownership of land for access purposes.

AMENDED ANALYSIS

This bill requires a subdivider to deed a right of way to an abutting owner of property with no legal access to a public way.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 532, relative to energy efficiency and clean energy districts. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Clyde J. Carson for the Majority of Municipal and County Government. Under RSA 53-F titled Energy Efficiency and Clean Energy Districts, municipalities are enabled to help finance energy efficiency improvement projects on structures within the municipality through various funding avenues, including bonds, grants and private investors. The current law limits the size of these projects to \$60,000. This limit essentially precludes participation by businesses, since their energy efficiency projects frequently cost more than \$60,000. This bill removes the \$60,000 cap and lets the stakeholders – business, financing and municipality, determine the size of the project and amount to be financed. It also clarifies the rules that apply in a default situation. This bill has the support of the NH Bankers Association and the NH Municipal Association. It is pro-business and improves the current law, so that municipalities, that choose to take advantage of the law, can attract and retain businesses in their community. Vote 9-6.

Rep. James E. Coffey for the Minority of Municipal and County Government. A minority found that while the primary intent of the bill to fund “green” improvements for businesses through the issuance of revenue bonds was certainly creative, it also contains some unanswered potential problems for a municipality that issues those bonds. During the testimony, we learned that this bill was an attempt to keep some businesses from moving from their existing communities and to help those that might be financially marginal by funding certain energy improvements that conform to the bill. This was touted as being of no cost to the municipality, which by definition can be cities, towns or village districts. There are some hidden costs such as the need for additional financial audit work and administration. A significant concern, not answered by the proponents of the bill, was what would happen if the property owner or business failed. The proposed method of repayment for the bond is for the municipality to collect the necessary annual debt repayment through an additional assessment applied to the property tax bill, and use that income to repay the bond. Should the taxes not be paid, the property would be lienied by the taxing authority. This means that the city or town would be left to make payments on the revenue bond without the necessary income. The issuance of revenue bonds by a village district for this purpose might also raise some additional concerns since village districts whose taxes are collected by the town in which the village district is located, do not usually perform tax liens. Would they go to the town for the missing payment? While this may be a novel attempt to obtain low cost financing for improving energy efficiency and reducing green house gases, having municipalities go into the business of cosigning and administering long-term loans for private business is not a good idea. This is best done by the financial community with local government finding better ways to create a favorable business climate.

Majority Amendment (2301h)

Amend RSA 53-F:1, V as inserted by section 1 of this act by replacing it with the following:

V. “Property owner” means the owner of record of real property within the boundaries of the district, whether zoned or used for residential, commercial, industrial, or other uses, ***excluding residential property containing less than 5 dwelling units.***

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

3 Agreements With Property Owners. Amend RSA 53-F:4, V to read as follows:

V. Any personal ***or business*** financial information provided to a municipality or an entity administering a program under this chapter on behalf of a municipality by a participating property owner or potential participating property owner shall be confidential and shall not be disclosed to any person except as required to administer the program and only on a need-to-know basis.

4 Eligibility of Property Owners. Amend RSA 53-F:5, II to read as follows:

II. Prior to entering into an agreement with a property owner, the municipality shall determine that all property taxes and any other assessments levied with property taxes are current and have been current for

3 years or the property owner's period of ownership, whichever is less; that there are no involuntary liens such as mechanic's liens on the property; and that no notices of default or other evidence of property-based debt delinquency have been recorded during the past 3 years or the property owner's period of ownership, whichever is less. The municipality shall adopt additional criteria, appropriate to property-assessed clean energy finance programs, for determining the creditworthiness of property owners. ***The municipality shall determine whether any mortgages or liens of record exist in the registry of deeds on the property and whether they are current in the obligations. If any such mortgage or lien exists, the municipality shall notify each such mortgagee or lienholder in writing that it is considering making a loan secured by a municipal lien pursuant to the provisions of this chapter and request the consent of each such mortgagee or lienholder to the making of such loan. Each mortgagee or lienholder shall have the right to determine in its sole discretion whether or not it will consent to such loan. If all of the mortgagees or lienholders of record elect to consent, the consents shall be in writing and recorded with the municipal lien in the registry of deeds. The legal effect of having all consents shall be that the municipal lien shall not be extinguished in the event of a foreclosure or sheriff's sale by the mortgagee or lienholder as provided in RSA 53-F:8. If all of the mortgagees or lienholders of record do not consent, but the municipality determines that it will proceed in making such loan, then in the event of a foreclosure or sheriff's sale by a mortgagee or lienholder, the municipal lien shall be extinguished.***

5 Financing Terms. RSA 53-F:7 is repealed and reenacted to read as follows:

53-F:7 Financing Terms.

I. Improvements shall be financed pursuant to an agreement under this chapter only on terms such that the total energy cost savings realized by the property owner and the property owner's successors during the useful lives of the improvements are expected to exceed the total cost to the property owner and the property owner's successors of the improvements.

II. A municipality that provides financing to participating property owners shall establish a loss reserve account and maintain funds in such account at a level that meets generally accepted standards for property-assessed clean energy finance programs. Funds in a loss reserve account shall not be provided from general municipal revenues.

III. A property owner who escrows property taxes with the holder of a mortgage on a property subject to an agreement under this chapter may be required by the holder to escrow amounts due on the assessment under this chapter and the mortgage holder shall remit such amounts to the municipality in the manner that property taxes are escrowed and remitted.

IV. The maximum term of finance provided pursuant to an agreement under this chapter shall be 30 years.

6 Priority; Collection and Enforcement. Amend RSA 53-F:8 to read as follows:

53-F:8 Priority; Collection and Enforcement. Collection of assessments under this chapter shall be made by the tax collector or other official responsible for property tax or municipal service charge collection. A municipality shall commit bills for amounts due on the assessments, including interest and any charges, to the tax collector with a warrant signed by the appropriate municipal officials requiring the tax collector to collect them. Each year bills for amounts due on the assessments shall coincide with bills for property taxes or municipal service charges. Each assessment on the property of a participating property owner shall create a lien on the property pursuant to RSA 80:19, except that the lien shall be junior to existing liens of record at the time the bill for the assessment is mailed to the participating property owner. Enforcement powers for nonpayment shall be those provided under RSA 80 relative to property tax collection, including RSA 80:19; provided, however, a tax sale of the property shall not extinguish prior liens of record. At the time of enforcement, only the past due balances of the assessment under this chapter, including all interest, charges, and penalties, shall be due for payment. Notwithstanding any other provision of law, in the event of a transfer of property ownership through foreclosure or a sheriff's sale by a senior ~~lienor, the lien of the municipality shall be extinguished~~, ***mortgagee or lienholder which has consented to the making of a loan by a municipality under the provisions of this chapter, the lien of the municipality shall not be extinguished, and the net proceeds of the sale, if any, after payment of all prior obligations to mortgagees and lienholders, costs and expenses of foreclosure or sheriff's sale, shall be first applied to the payment of any past due balances of the municipal loan and then any excess shall be applied against the remaining balance of the loan. If a senior mortgagee or lienholder has not given its consent to the loan, a foreclosure or sheriff's sale by the mortgagee or lienholder shall extinguish all junior mortgages and liens.*** Payment of a past due balance from the loss reserve established under this chapter shall not relieve a participating property owner from the obligation to pay that amount.

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

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
 Reps. Coffey and Carol McGuire spoke against and yielded to questions.
 Reps. Carson, Pastor and Mann spoke in favor and yielded to questions.

(Speaker Norelli in the Chair)

Rep. Baber spoke in favor.

MOTION TO LAY ON THE TABLE

Rep. Baldasaro moved that **HB 532**, relative to energy efficiency and clean energy districts, be laid on the table.
 On a division vote, 135 members having voted in the affirmative and 171 in the negative, the motion failed.

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 167 - NAYS 140

YEAS - 167

BELKNAP

DiMartino, Lisa	Gulick, Ruth	Huot, David	Raymond, Ian
-----------------	--------------	-------------	--------------

CARROLL

Butler, Edward	Ticehurst, Susan
----------------	------------------

CHESHIRE

Ames, Richard	Berch, Paul	Butynski, William	Chase, Cynthia
Eaton, Daniel	Johnsen, Gladys	Johnson, Jane	Ley, Douglas
Mann, John	Phillips, Larry	Robertson, Timothy	Sad, Tara
Shepardson, Marjorie	Weber, Lucy	Weed, Charles	Young, Harry

COOS

Enman, Larry	Hammon, Marcia	Hatch, William	Moynihan, Wayne
Thomas, Yvonne			

GRAFTON

Almy, Susan	Benn, Bernard	Brown, Rebecca	Cooney, Mary
Ford, Susan	Harding, Laurie	Higgins, Patricia	Lovett, Sid
Massimilla, Linda	Mulholland, Catherine	Pastor, Beatriz	Piper, Wendy
Smith, Suzanne	Sykes, George	Townsend, Charles	White, Andrew

HILLSBOROUGH

Backus, Robert	Beaulieu, Jane	Boisvert, Ronald	Booras, Efstathia
Brown, Pamela	Campbell, David	Chandley, Shannon	Connor, Evelyn
Cote, David	DiSilvestro, Linda	Eaton, Richard	Gage, Ruth
Gale, Sylvia	Grady, Brenda	Hammond, Jill	Hansberry, Daniel
Heath, Mary	Heden, Ruth	Jack, Martin	Jeady, Jean
Kelley, John	Knowles, Mary Ann	Kopka, Angeline	Leishman, Peter
Levesque, Melanie	Long, Patrick	MacKay, Mariellen	Mangipudi, Latha
Manley, Jonathan	McCloskey, David	McNamara, Richard	Nelson, Mary
O'Neil, William	Porter, Marjorie	Rhodes, Brian	Rokas, Ted
Rosenwald, Cindy	Schmidt, Janice	Shattuck, Gilman	Shaw, Barbara
Spratt, Stephen	Sullivan, Daniel	Sullivan, Peter	Walsh, Robert
Williams, Kermit	Woodbury, David		

MERRIMACK

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

ROCKINGHAM

Borden, David	Briden, Steven	Cahill, Michael	Cushing, Robert
Emerson-Brown, Rebecca	Flockhart, Eileen	Mann, Maureen	Moody, Marcia
Muns, Chris	Pantelakos, Laura	Peckham, Michele	Schlachman, Donna
Till, Mary	Ward, Gerald	Wazlaw, Brian	Whittemore, Lisa

STRAFFORD

Baber, William
Grassie, Anne
Malloy, Dennis
Pelletier, Marsha
Schmidt, Peter
Verschuereen, James

Bixby, Peter
Grossman, Kenneth
Menear, H. Robert
Perry, Robert
Smith, Marjorie
Wall, Janet

Burdwood, Greg
Horrigan, Timothy
Merrill, Amanda
Rogers, Rose Marie
Spang, Judith
Ward, Kenneth

Burke, Rachel
Kaen, Naida
Miller, David
Rollo, Deanna
Stevens, Audrey

SULLIVAN

Cloutier, John
O'Hearne, Andrew

Gottling, Suzanne
Sweeney, Cynthia

Irwin, Virginia
Tanner, Linda

Lefebvre, Benjamin

NAYS - 140**BELKNAP**

Burchell, Richard
Holmes, Stephen
Worsman, Colette

Fields, Dennis
Sylvia, Michael

Flanders, Donald
Tilton, Franklin

Greemore, Robert
Vadney, Herbert

CARROLL

Ahlgren, Christopher
Crawford, Karel
Umberger, Karen

Buco, Thomas
McConkey, Mark
White, Syndi

Chandler, Gene
Merrow, Harry
Wright, Donald

Cordelli, Glenn
Nelson, Bill

CHESHIRE

Hunt, John

Parkhurst, Henry

Roberts, Kris

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

Theberge, Robert

GRAFTON

Bailey, Brad
Reilly, Harold

Doolan, Ralph
Shackett, Jeffrey

Gionet, Edmond

Ladd, Rick

HILLSBOROUGH

Belanger, James
Cebrowski, John
Danielson, David
Graham, John
Jasper, Shawn
Marston, Dick
O'Brien, William
Peterson, Lenette
Sanborn, Laurie
Ulery, Jordan
Willette, Robert

Boehm, Ralph
Coffey, James
Flanagan, Jack
Hansen, Peter
Kurk, Neal
McCarthy, Michael
O'Flaherty, Tim
Pratt, Calvin
Sandblade, Emily
Vaillancourt, Steve
Winters, Joel

Burt, John
Culbert, Patrick
Gagne, Larry
Hikel, John
LeBrun, Donald
Meaney, Richard
Palmer, Stephen
Renzullo, Andrew
Souza, Kathleen
Villeneuve, Moe

Byron, Frank
Daniels, Gary
Gorman, Mary
Infantine, William
LeVasseur, Richard
Murotake, David
Parison, James
Rowe, Robert
Takesian, Charlene
Warden, Mark

MERRIMACK

Hoell, J.R.
McGuire, Carol

Kidder, David
McGuire, Dan

Kotowski, Frank

Lockwood, Priscilla

ROCKINGHAM

Abrami, Patrick
Bishop, Franklin
Danais, Romeo
Dumaine, Dudley
Fesh, Robert
Griffin, Mary
Heffron, Frank
Itse, Daniel
McKinney, Betsy
O'Connor, John
Sedensky, John
Tucker, Pamela

Allen, Mary
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Garcia, Bianca
Hagan, Joseph
Hodgdon, Bruce
Kappler, Lawrence
McMahon, Charles
Packard, Sherman
St.James, Kevin
Waterhouse, Kevin

Baldasaro, Alfred
Comerford, Timothy
Devine, James
Emerick, J. Tracy
Garcia, Marilinda
Harris, Jeffrey
Hoelzel, Kathleen
Khan, Aboul
Milz, David
Rice, Frederick
Sweeney, Joe
Webb, James

Bick, Patrick
Copeland, Timothy
Duarte, Joe
Ferrante, Beverly
Gordon, Richard
Hayes, Jack
Introne, Robert
Lovejoy, Patricia
Nigrello, Robert
Schroadter, Adam
Tasker, Kyle
Weyler, Kenneth

STRAFFORD

Bickford, David
Mullen, John

Gray, James
Pitre, Joseph

Groen, Warren

Jones, Laura

SULLIVAN

Grenier, James
Smith, Steven

Osgood, Joe

Rollins, Skip

Schmidt, Andrew

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

SB 29, relative to the motorist service signing program. **REFER FOR INTERIM STUDY.**

Rep. John R. Cloutier for Public Works and Highways. This bill would make two changes in the current state law regarding the motorist service signing program. First, it would exempt the signing program from rulemaking since the program is controlled by federal regulations. Second, it would require rulemaking for the process of determining the rental fee process. While the majority of the committee is sympathetic to the bill's goals of helping motorists more easily find tourist-related businesses, as well as increasing exposure to the affected businesses, it believes there are still several unresolved issues with the legislation as now written. These include the proliferation of service signs along our interstates, where the signs would be placed on the interstates, and which businesses would have prime locations for such signs. Thus, the majority of the committee recommended further study. Vote 13-2.

Committee report adopted.

HB 292-FN-A, requiring milfoil decals on private vessels registered in other states or countries and operating on the inland waters of New Hampshire. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Suzanne H. Gottling for the Majority of Resources, Recreation and Development. This bill was retained in order to study the feasibility of assessing out-of-state boaters a fee for control of milfoil and other exotic invasive species through mandatory purchase of a boat decal. The concept had support from all constituencies. However, testimony showed that purchase of over 35,000 decals would be the minimum required for the program to break even. Further research revealed that best estimates for out-of-state registered boat users were 9,000 to 10,000, not close to the originally anticipated number. The reason for the lower number is that NH uses the federal bow-numbering system. This means that boats may be registered in NH by anyone who states that his/her boat is primarily operated on NH waters. Many of our out-of-state boaters choose to register in NH since they avoid taxes that would be assessed in their home state. As a result of these facts, establishing a decal requirement for out-of-state boaters was abandoned. Attention turned to the underlying intent of the bill: supporting the important work of preventing, controlling, and eradicating invasive species in our NH water bodies. In the past twenty years, NH has seen the number of infested waters increase from 4 to almost 80. The amended bill increases the boating registration fee by \$2.00, all of which is applied to the control of exotic weeds section of the Lake Restoration and Prevention portion of the boat registration fee. The amended bill was supported by the department of safety, marine patrol division, the department of environmental services, and the president of the New Hampshire marine trades. The committee vote reflected bipartisan support. Vote 13-5.

Rep. Andrew Renzullo for the Minority of Resources, Recreation and Development. The bill, as submitted, would have required non-New Hampshire registered boats that use our lakes and waterways to contribute, as New Hampshire registered boats presently contribute, to the efforts at eradicating milfoil and other invasive species. The committee majority, upon the recommendation of a sub-committee, voted to amend and completely changed the bill into a fee increase in the portion of the registration fee allocated for the Lake Restoration and Preservation Fund from \$7.50 to \$9.50 – a \$2.00 (26.7%) increase. The increase in this portion of the registration fee is a deviation from the original bill. The bill, as introduced would have established equity in bearing the costs of combating invasive species between boats registered in New Hampshire and boats not registered in New Hampshire but still using our waterways. The bill, as amended, is simply an increase in the registration fee on New Hampshire registered boats. Please note that the amended bill leaves in place the inequity of having New Hampshire boats pay the full costs of invasive species eradication while out-of-state boats sail away scot-free. It should also be noted that the bill, as amended, or the amendment alone, did not have a noticed public hearing alerting the public of a potential fee increase. Only then would those upon whom this fee would be levied could have had a chance to voice their opinion and submit evidence to the committee.

Majority Amendment (2269h)

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

AN ACT relative to registration fees for commercial, private, and pleasure vessels.

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

1 Vessel Registration; Registration Fees. Amend RSA 270-E:5, II(a) to read as follows:

(a) [~~\$7.50~~] **\$9.50** for each registration specified in paragraph I. The fees collected under this subparagraph shall be paid into the lake restoration and preservation fund established under RSA 487:25.

2 Lake Restoration and Preservation Fund; Addition to Boat Registration. Amend RSA 487:25, I to read as follows:

I. The fee of [~~\$7.50~~] **\$9.50** collected under the provisions of RSA 270-E:5, II(a) shall be paid to the director of the division of motor vehicles. The director of the division of motor vehicles shall pay over said fee to the state treasurer who shall keep the fee in a special fund to be expended by the department of environmental services. The department shall use \$.50 of the fee for lake restoration and preservation measures, exclusive of exotic aquatic weed control, [~~\$3~~] **\$5** of the fee for the control of exotic aquatic weeds, and \$4 of the fee for

the milfoil and other exotic aquatic plants prevention program. The department shall deposit the \$4 into a special account within the lake restoration and preservation fund which shall be used to administer the milfoil and other exotic aquatic plants prevention program. The special fund shall be nonlapsing. All funds received under this section are continually appropriated to the department for the purposes of this subdivision.

3 Effective Date. This act shall take effect January 1, 2015.

AMENDED ANALYSIS

This bill increases the additional fee for commercial, private, and pleasure vessels.

Rep. Renzullo spoke against.

Rep. Lovett spoke in favor.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 171 - NAYS 120

YEAS - 171

BELKNAP

DiMartino, Lisa
Raymond, Ian

Flanders, Donald

Gulick, Ruth

Huot, David

CARROLL

Butler, Edward
Morrow, Harry

Cordelli, Glenn
Nelson, Bill

Crawford, Karel
Ticehurst, Susan

McConkey, Mark
Umberger, Karen

CHESHIRE

Ames, Richard
Eaton, Daniel
Parkhurst, Henry
Shepardson, Marjorie

Berch, Paul
Johnsen, Gladys
Phillips, Larry
Weber, Lucy

Butynski, William
Ley, Douglas
Robertson, Timothy
Weed, Charles

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

COOS

Enman, Larry
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

Theberge, Robert

GRAFTON

Almy, Susan
Ford, Susan
Massimilla, Linda
Reilly, Harold
White, Andrew

Benn, Bernard
Harding, Laurie
Mulholland, Catherine
Smith, Suzanne

Brown, Rebecca
Higgins, Patricia
Pastor, Beatriz
Sykes, George

Cooney, Mary
Lovett, Sid
Piper, Wendy
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Cote, David
Gale, Sylvia
Heath, Mary
Kelley, John
Levesque, Melanie
Manley, Jonathan
Porter, Marjorie
Schmidt, Janice
Sullivan, Peter
Woodbury, David

Beaulieu, Jane
Campbell, David
Danielson, David
Grady, Brenda
Heden, Ruth
Knowles, Mary Ann
Long, Patrick
McCloskey, David
Rhodes, Brian
Shattuck, Gilman
Takesian, Charlene

Boisvert, Ronald
Coffey, James
Eaton, Richard
Hammond, Jill
Jack, Martin
Kopka, Angeline
MacKay, Mariellen
McNamara, Richard
Rokas, Ted
Spratt, Stephen
Walsh, Robert

Booras, Efstathia
Connor, Evelyn
Gage, Ruth
Hansberry, Daniel
Judy, Jean
Leishman, Peter
Mangipudi, Latha
O'Neil, William
Rosenwald, Cindy
Sullivan, Daniel
Willette, Robert

MERRIMACK

Alicea, Caroletta
Burns, Scott
Ebel, Karen
Henle, Paul
Lockwood, Priscilla
Patten, Dick
Schamberg, Thomas
Wallner, Mary Jane

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Karrick, David
MacKay, James
Ratzki, Mario
Schuett, Dianne
Walz, Mary Beth

Bartlett, Christy
Carson, Clyde
French, Barbara
Kelly, Sally
Moffett, Howard
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

Bouchard, Candace
Davis, Frank
Gile, Mary
Kidder, David
Myler, Mel
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

ROCKINGHAM

Borden, David
Flockhart, Eileen
Moody, Marcia
Till, Mary

Cahill, Michael
Heffron, Frank
Muns, Chris
Ward, Gerald

Cushing, Robert
Lovejoy, Patricia
Pantelakos, Laura
Waterhouse, Kevin

Emerson-Brown, Rebecca
Mann, Maureen
Schlachman, Donna
Wazlaw, Brian

STRAFFORD

Baber, William
Burke, Rachel
Malloy, Dennis
Pelletier, Marsha
Schmidt, Peter
Wall, Janet

Bickford, David
Grassie, Anne
Merrill, Amanda
Perry, Robert
Smith, Marjorie
Ward, Kenneth

Bixby, Peter
Grossman, Kenneth
Miller, David
Rogers, Rose Marie
Spang, Judith

Burdwood, Greg
Kaen, Naida
Mullen, John
Rollo, Deanna
Verschueren, James

SULLIVAN

Gottling, Suzanne
Tanner, Linda

Lefebvre, Benjamin

O'Hearne, Andrew

Schmidt, Andrew

NAYS - 120**BELKNAP**

Burchell, Richard
Sylvia, Michael

Fields, Dennis
Tilton, Franklin

Greemore, Robert
Vadney, Herbert

Holmes, Stephen
Worsman, Colette

CARROLL

Ahlgren, Christopher
Wright, Donald

Buco, Thomas

Chandler, Gene

White, Syndi

CHESHIRE

Hunt, John

Johnson, Jane

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad

Doolan, Ralph

Gionet, Edmond

Ladd, Rick

HILLSBOROUGH

Belanger, James
Chandley, Shannon
Flanagan, Jack
Hansen, Peter
Kurk, Neal
Meaney, Richard
O'Flaherty, Tim
Pratt, Calvin
Sandblade, Emily
Vaillancourt, Steve
Winters, Joel

Boehm, Ralph
Culbert, Patrick
Gagne, Larry
Hikel, John
LeBrun, Donald
Murotake, David
Palmer, Stephen
Renzullo, Andrew
Shaw, Barbara
Villeneuve, Moe

Burt, John
Daniels, Gary
Gorman, Mary
Infantine, William
Marston, Dick
Nelson, Mary
Parison, James
Rowe, Robert
Souza, Kathleen
Warden, Mark

Byron, Frank
DiSilvestro, Linda
Graham, John
Jasper, Shawn
McCarthy, Michael
O'Brien, William
Peterson, Lenette
Sanborn, Laurie
Ulery, Jordan
Williams, Kermit

MERRIMACK

Hirsch, Geoffrey
McGuire, Dan

Hoell, J.R.

Kotowski, Frank

McGuire, Carol

ROCKINGHAM

Abrami, Patrick
Bishop, Franklin
Copeland, Timothy
Duarte, Joe
Ferrante, Beverly
Harris, Jeffrey
Itse, Daniel
Milz, David
Peckham, Michele
Tasker, Kyle
Whittemore, Lisa

Allen, Mary
Briden, Steven
Danais, Romeo
Dumaine, Dudley
Fesh, Robert
Hodgdon, Bruce
Kappler, Lawrence
Nigrello, Robert
Rice, Frederick
Tucker, Pamela

Baldasaro, Alfred
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Gordon, Richard
Hoelzel, Kathleen
Khan, Aboul
O'Connor, John
Sedensky, John
Webb, James

Bick, Patrick
Comerford, Timothy
Devine, James
Emerick, J. Tracy
Griffin, Mary
Introne, Robert
McKinney, Betsy
Packard, Sherman
St.James, Kevin
Weyler, Kenneth

STRAFFORD

Gray, James
Pitre, Joseph

Groen, Warren
Stevens, Audrey

Horrigan, Timothy

Jones, Laura

SULLIVAN

Cloutier, John
Smith, Steven

Irwin, Virginia

Osgood, Joe

Rollins, Skip

and the majority committee amendment was adopted.

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

MOTION TO LAY ON THE TABLE

Rep. Vaillancourt moved that **HB 292-FN-A**, relative to registration fees for commercial, private, and pleasure vessels, be laid on the table.

Rep. Vaillancourt requested a roll call; sufficiently seconded.

YEAS 126 - NAYS 165**YEAS - 126****BELKNAP**

Burchell, Richard
Holmes, Stephen
Worsman, Colette

Fields, Dennis
Sylvia, Michael

Flanders, Donald
Tilton, Franklin

Greemore, Robert
Vadney, Herbert

CARROLL

Ahlgren, Christopher
Umberger, Karen

Buco, Thomas
Wright, Donald

Chandler, Gene

Cordelli, Glenn

CHESHIRE

Hunt, John

Johnson, Jane

Parkhurst, Henry

COOS

Rappaport, Laurence
Grafton
Bailey, Brad

Richardson, Herbert

Rideout, Leon

Doolan, Ralph

Gionet, Edmond

Ladd, Rick

HILLSBOROUGH

Belanger, James
Byron, Frank
Danielson, David
Gorman, Mary
Jasper, Shawn
Marston, Dick
Nelson, Mary
Parison, James
Rowe, Robert
Souza, Kathleen
Villeneuve, Moe

Boehm, Ralph
Coffey, James
Flanagan, Jack
Hansen, Peter
Kurk, Neal
McCarthy, Michael
O'Brien, William
Peterson, Lenette
Sanborn, Laurie
Takesian, Charlene
Warden, Mark

Boisvert, Ronald
Culbert, Patrick
Gagne, Larry
Hikel, John
LeBrun, Donald
Meaney, Richard
O'Flaherty, Tim
Pratt, Calvin
Sandblade, Emily
Ulery, Jordan

Burt, John
Daniels, Gary
Gale, Sylvia
Infantine, William
Mangipudi, Latha
Murotake, David
Palmer, Stephen
Renzullo, Andrew
Shaw, Barbara
Vaillancourt, Steve

MERRIMACK

Andrews, Christopher
McGuire, Carol

Hirsch, Geoffrey
McGuire, Dan

Hoell, J.R.
Patten, Dick

Kotowski, Frank

ROCKINGHAM

Abrami, Patrick
Bishop, Franklin
Copeland, Timothy
Duarte, Joe
Ferrante, Beverly
Harris, Jeffrey
Itse, Daniel
Milz, David
Peckham, Michele
Tasker, Kyle
Weyler, Kenneth

Allen, Mary
Briden, Steven
Danais, Romeo
Dumaine, Dudley
Fesh, Robert
Hodgdon, Bruce
Kappler, Lawrence
Nigrello, Robert
Rice, Frederick
Tucker, Pamela
Whittemore, Lisa

Baldasaro, Alfred
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Gordon, Richard
Hoelzel, Kathleen
Khan, Aboul
O'Connor, John
Sedensky, John
Waterhouse, Kevin

Bick, Patrick
Comerford, Timothy
Devine, James
Emerick, J. Tracy
Griffin, Mary
Introne, Robert
McKinney, Betsy
Packard, Sherman
St.James, Kevin
Webb, James

STRAFFORD

Bickford, David
Jones, Laura

Gray, James
Pitre, Joseph

Groen, Warren
Stevens, Audrey

Horrigan, Timothy

SULLIVAN

Osgood, Joe

Rollins, Skip

Smith, Steven

NAYS - 165**BELKNAP**

DiMartino, Lisa

Gulick, Ruth

Huot, David

Raymond, Ian

CARROLL

Butler, Edward
Nelson, Bill

Crawford, Karel
Ticehurst, Susan

McConkey, Mark
White, Syndi

Morrow, Harry

CHESHIRE

Ames, Richard
Eaton, Daniel
Phillips, Larry
Weber, Lucy

Berch, Paul
Johnsen, Gladys
Robertson, Timothy
Weed, Charles

Butynski, William
Ley, Douglas
Sad, Tara
Young, Harry

Chase, Cynthia
Mann, John
Shepardson, Marjorie

COOS

Enman, Larry
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

Theberge, Robert

GRAFTON

Almy, Susan
Ford, Susan
Massimilla, Linda
Reilly, Harold
White, Andrew

Benn, Bernard
Harding, Laurie
Mulholland, Catherine
Smith, Suzanne

Brown, Rebecca
Higgins, Patricia
Pastor, Beatriz
Sykes, George

Cooney, Mary
Lovett, Sid
Piper, Wendy
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Campbell, David
DiSilvestro, Linda
Graham, John
Heden, Ruth
Knowles, Mary Ann
Long, Patrick
McNamara, Richard
Rokas, Ted
Spratt, Stephen
Willette, Robert

Beaulieu, Jane
Chandley, Shannon
Eaton, Richard
Hammond, Jill
Jack, Martin
Kopka, Angeline
MacKay, Mariellen
O'Neil, William
Rosenwald, Cindy
Sullivan, Daniel
Williams, Kermit

Booras, Efstathia
Connor, Evelyn
Gage, Ruth
Hansberry, Daniel
Judy, Jean
Leishman, Peter
Manley, Jonathan
Porter, Marjorie
Schmidt, Janice
Sullivan, Peter
Winters, Joel

Brown, Pamela
Cote, David
Grady, Brenda
Heath, Mary
Kelley, John
Levesque, Melanie
McCloskey, David
Rhodes, Brian
Shattuck, Gilman
Walsh, Robert
Woodbury, David

MERRIMACK

Alicea, Caroletta
Carey, Lorrie
Frambach, Mary
Karrick, David
MacKay, James
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

Bartlett, Christy
Carson, Clyde
French, Barbara
Kelly, Sally
Moffett, Howard
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

Bouchard, Candace
Davis, Frank
Gile, Mary
Kidder, David
Myler, Mel
Schamberg, Thomas
Wallner, Mary Jane

Burns, Scott
Ebel, Karen
Henle, Paul
Lockwood, Priscilla
Ratzki, Mario
Schuett, Dianne
Walz, Mary Beth

ROCKINGHAM

Borden, David
Flockhart, Eileen
Moody, Marcia
Till, Mary

Cahill, Michael
Heffron, Frank
Muns, Chris
Ward, Gerald

Cushing, Robert
Lovejoy, Patricia
Pantelakos, Laura
Wazlaw, Brian

Emerson-Brown, Rebecca
Mann, Maureen
Schlachman, Donna

STRAFFORD

Baber, William
Grassie, Anne
Merrill, Amanda
Perry, Robert
Smith, Marjorie
Ward, Kenneth

Bixby, Peter
Grossman, Kenneth
Miller, David
Rogers, Rose Marie
Spang, Judith

Burdwood, Greg
Kaen, Naida
Mullen, John
Rollo, Deanna
Verschueren, James

Burke, Rachel
Malloy, Dennis
Pelletier, Marsha
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
O'Hearne, Andrew

Gottling, Suzanne
Schmidt, Andrew

Irwin, Virginia
Tanner, Linda

Lefebvre, Benjamin

and the motion failed.

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

YEAS 164 - NAYS 127**YEAS - 164****BELKNAP**

DiMartino, Lisa

Gulick, Ruth

Huot, David

Raymond, Ian

CARROLL

Butler, Edward
Morrow, Harry

Cordelli, Glenn
Nelson, Bill

Crawford, Karel
Ticehurst, Susan

McConkey, Mark

CHESHIRE

Ames, Richard
Eaton, Daniel
Parkhurst, Henry
Shepardson, Marjorie

Berch, Paul
Johnsen, Gladys
Phillips, Larry
Weber, Lucy

Butynski, William
Ley, Douglas
Robertson, Timothy
Weed, Charles

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

COOS

Enman, Larry

Hatch, William

Moynihan, Wayne

Thomas, Yvonne

GRAFTON

Almy, Susan
Ford, Susan
Massimilla, Linda
Sykes, George

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

Brown, Rebecca
Higgins, Patricia
Piper, Wendy
White, Andrew

Cooney, Mary
Lovett, Sid
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Campbell, David
DiSilvestro, Linda
Grady, Brenda
Heden, Ruth
Knowles, Mary Ann
Long, Patrick
McCloskey, David
Rokas, Ted
Spratt, Stephen
Willette, Robert

Beaulieu, Jane
Connor, Evelyn
Eaton, Richard
Hammond, Jill
Jack, Martin
Kopka, Angeline
MacKay, Mariellen
McNamara, Richard
Rosenwald, Cindy
Sullivan, Daniel
Williams, Kermit

Booras, Efstathia
Cote, David
Gage, Ruth
Hansberry, Daniel
Jeudy, Jean
Leishman, Peter
Mangipudi, Latha
O'Neil, William
Schmidt, Janice
Sullivan, Peter
Woodbury, David

Brown, Pamela
Danielson, David
Gale, Sylvia
Heath, Mary
Kelley, John
Levesque, Melanie
Manley, Jonathan
Porter, Marjorie
Shattuck, Gilman
Walsh, Robert

MERRIMACK

Alicea, Caroletta
Carey, Lorrie
Frambach, Mary
Karrick, David
MacKay, James
Ratzki, Mario
Schuett, Dianne
Walz, Mary Beth

Bartlett, Christy
Carson, Clyde
French, Barbara
Kelly, Sally
Moffett, Howard
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

Bouchard, Candace
Davis, Frank
Gile, Mary
Kidder, David
Myler, Mel
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

Burns, Scott
Ebel, Karen
Henle, Paul
Lockwood, Priscilla
Patten, Dick
Schamberg, Thomas
Wallner, Mary Jane

ROCKINGHAM

Borden, David
Flockhart, Eileen
Moody, Marcia
Till, Mary

Cahill, Michael
Heffron, Frank
Muns, Chris
Ward, Gerald

Cushing, Robert
Lovejoy, Patricia
Pantelakos, Laura
Wazlaw, Brian

Emerson-Brown, Rebecca
Mann, Maureen
Schlachman, Donna

STRAFFORD

Baber, William
Burke, Rachel
Malloy, Dennis
Pelletier, Marsha
Schmidt, Peter
Wall, Janet

Bickford, David
Grassie, Anne
Merrill, Amanda
Perry, Robert
Smith, Marjorie
Ward, Kenneth

Bixby, Peter
Grossman, Kenneth
Miller, David
Rogers, Rose Marie
Spang, Judith

Burdwood, Greg
Kaen, Naida
Mullen, John
Rollo, Deanna
Verschuere, James

SULLIVAN

Cloutier, John
O'Hearne, Andrew

Gottling, Suzanne
Schmidt, Andrew

Irwin, Virginia
Tanner, Linda

Lefebvre, Benjamin

NAYS - 127**BELKNAP**

Burchell, Richard
Holmes, Stephen
Worsman, Colette

Fields, Dennis
Sylvia, Michael

Flanders, Donald
Tilton, Franklin

Greemore, Robert
Vadney, Herbert

CARROLL

Ahlgren, Christopher
White, Syndi

Buco, Thomas
Wright, Donald

Chandler, Gene

Umberger, Karen

CHESHIRE**COOS**

Hunt, John

Johnson, Jane

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

Theberge, Robert

GRAFTON

Bailey, Brad
Pastor, Beatriz

Doolan, Ralph
Reilly, Harold

Gionet, Edmond

Ladd, Rick

HILLSBOROUGH

Belanger, James
Byron, Frank
Daniels, Gary
Graham, John
Jasper, Shawn
McCarthy, Michael
O'Brien, William
Peterson, Lenette
Rowe, Robert
Souza, Kathleen
Villeneuve, Moe

Boehm, Ralph
Chandley, Shannon
Flanagan, Jack
Hansen, Peter
Kurk, Neal
Meaney, Richard
O'Flaherty, Tim
Pratt, Calvin
Sanborn, Laurie
Takesian, Charlene
Warden, Mark

Boisvert, Ronald
Coffey, James
Gagne, Larry
Hikel, John
LeBrun, Donald
Murotake, David
Palmer, Stephen
Renzullo, Andrew
Sandblade, Emily
Ulery, Jordan
Winters, Joel

Burt, John
Culbert, Patrick
Gorman, Mary
Infantine, William
Marston, Dick
Nelson, Mary
Parison, James
Rhodes, Brian
Shaw, Barbara
Vaillancourt, Steve

MERRIMACK

Andrews, Christopher
McGuire, Carol

Hirsch, Geoffrey
McGuire, Dan

Hoell, J.R.

Kotowski, Frank

ROCKINGHAM

Abrami, Patrick
Bishop, Franklin
Copeland, Timothy
Duarte, Joe
Ferrante, Beverly
Harris, Jeffrey
Itse, Daniel
Milz, David
Peckham, Michele
Tasker, Kyle
Weyler, Kenneth

Allen, Mary
Briden, Steven
Danais, Romeo
Dumaine, Dudley
Fesh, Robert
Hodgdon, Bruce
Kappler, Lawrence
Nigrello, Robert
Rice, Frederick
Tucker, Pamela
Whittemore, Lisa

Baldasaro, Alfred
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Gordon, Richard
Hoelzel, Kathleen
Khan, Aboul
O'Connor, John
Sedensky, John
Waterhouse, Kevin

Bick, Patrick
Comerford, Timothy
Devine, James
Emerick, J. Tracy
Griffin, Mary
Introne, Robert
McKinney, Betsy
Packard, Sherman
St.James, Kevin
Webb, James

STRAFFORD

Gray, James
Pitre, Joseph

Groen, Warren
Stevens, Audrey

Horrigan, Timothy

Jones, Laura

SULLIVAN

Osgood, Joe

Rollins, Skip

Smith, Steven

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

HB 523-FN, relative to voluntary certification for road salt applicators. **INEXPEDIENT TO LEGISLATE.** Rep. Leigh A. Webb for Resources, Recreation and Development. After this bill was retained and during the committee of conference process for HB 2, the content of this bill was added to HB 2, was passed, and subsequently signed into law. This bill is no longer necessary. Vote 15-2.
Committee report adopted.

HB 663-FN, relative to appeals within the department of environmental services. **REFER FOR INTERIM STUDY.**

Rep. James D. Aguiar for Resources, Recreation and Development. This bill would establish a board to hear appeals of cases originating in the department of environmental services. There are four councils (air resources; waste management; water council; and wetlands council) within the department of environmental services (DES). Request for permits are reviewed by the councils. This bill attempts to create a diversified appeals board. The proposed board would consist of nine members. Four members representing the governed community would be selected from the individual councils. Four members would be selected from the councils representing the specific environmental communities. There would be an independent hearing officer to bring the total to nine members of the appeals board. There were many concerns voiced about the mechanics of such an appeals board as defined by this proposed legislation. There was limited support for the goal of establishing a more independent appeals process. A majority of the committee felt that this bill did merit further study. Vote 10-8.

Committee report adopted.

HB 284-FN, providing for collection of the E-911 surcharge from certain prepaid cellular telephones. **INEXPEDIENT TO LEGISLATE.**

Rep. Jacqueline A. Cali-Pitts for Science, Technology and Energy. This bill dealt with the billing of prepaid cell phones for the 911 system. The bill did not resolve the methodology for billing. The committee felt that at this time the best thing to do was to ITL this bill. The commissioner has referred the matter of existing law to the attorney general's office and will look for solutions. Vote 17-1

Committee report adopted.

HB 286, relative to broadband infrastructure. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles L. Townsend for Science, Technology and Energy. Broadband connection is a key tool for economic development, health care delivery and education. There are areas in many towns throughout the state that have no access to high speed internet services. Businesses and households in these underserved areas have inadequate access for current needs such as small business connection, medical monitoring, video conferencing and distance learning. Passage of the bill will provide an opportunity for municipalities to bond for the purpose of building open-access broadband infrastructure. The towns will not provide services: they will lease the infrastructure on an open, competitive basis to any providers of internet services who are interested in providing services to areas currently unserved or underserved. The telecom industry has been reluctant to serve these areas because of the slow rate of recovery of their infrastructure investment. Allowing municipalities to bond to build such infrastructure could remove a major stumbling block for high speed-internet access for our citizens. Vote 13-5.

Amendment (2354h)

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

1 Findings and Purpose. The general court finds that:

I. Universal, easy, and affordable access to high speed Internet service in New Hampshire is essential for economic development, job creation, small business growth, state, federal, and local service delivery, and educational opportunities.

II. Current New Hampshire law makes universal access to broadband Internet services effectively impossible and discourages competition. Such lack of universal access is a significant missed opportunity for building the state's economy and putting people back to work.

III. The state of New Hampshire must act decisively to facilitate the infrastructure investments that are needed to make broadband/high speed Internet available to its citizens, just as it does with electricity, telephone service, highways, and roads.

IV. Open access networks and universal access are the keys to establishing a thriving, competitive market offering low cost, high-speed Internet services to the public.

V. The state should allow our counties and municipalities to provide access to service by building broadband infrastructure, provided they do not provide broadband services themselves.

VI. The state should facilitate rigorous competition in the broadband market and remove barriers that protect vested interests and discourage competition.

VII. Public-private partnerships are critical to achieving success in effectively building out infrastructure to the premises (i.e. "Last Mile" buildout to residential and businesses in communities) because more stakeholders, rather than fewer, get engaged in and take ownership of any build-out initiative.

VIII. The state should stimulate high speed Internet expansion by providing targeted tax credits and eliminating barriers that limit our counties' and municipalities' ability to use revenue bonds and other financial instruments to access the capital needed for infrastructure development.

IX. Municipalities should have control over whether to develop high speed Internet infrastructure, provided that their citizens request and approve such action through the local legislative process.

2 Municipal Finance; Purpose of Issue of Bonds or Notes. Amend RSA 33:3 to read as follows:

33:3 Purpose of Issue of Bonds or Notes. A municipality or county may issue its bonds or notes for the acquisition of land, for planning relative to public facilities, for the construction, reconstruction, alteration, and enlargement or purchase of public buildings, for other public works or improvements of a permanent nature including broadband infrastructure as defined in RSA 38:38, I(e), ~~[to be purchased or constructed in areas not served by an existing broadband carrier or provider]~~ **providing broadband service to the municipality including, at a minimum, those areas of the municipality having no service or no adequate service**, for the purchase of departmental equipment of a lasting character, for the payment of judgments, and for purposes of economic development which shall include public-private partnerships involving capital improvements, loans, and guarantees. The public benefit in any public-private partnership must outweigh any benefit accruing to a private party. Bonds or notes for the purposes of economic development may be issued only after the governing body of the municipality or county has held hearings and presented the public benefit findings to the public and after such issuance has been approved by the legislative body. A municipality or county shall not issue bonds or notes to provide for the payment of expenses for current maintenance and operation except as otherwise specifically provided by law.

3 Definitions; Revenue-Producing Facilities. Amend RSA 33-B:1, VI to read as follows:

VI. "Revenue-producing facilities" means water works, broadband infrastructure as defined in RSA 38:38, I(e), ~~[purchased or constructed in areas not served by an existing broadband carrier or provider,]~~ sewerage systems, sewage treatment or disposal facilities, solid waste disposal or resource recovery facilities, parking facilities, facilities for the production, generation, transmission, or distribution of electricity or gas, any other real or personal property or interests in a municipality or regional water district owned or controlled by the municipality or regional water district, from the operation of which revenues are or are expected to be derived by the municipality, or regional water district, and qualifying energy conservation and clean energy improvements for which a municipality provides financing pursuant to RSA 53-F.

4 New Sections; Issuance of Revenue Bonds. Amend RSA 38 by inserting after section 41 the following new sections:

38:42 Issuance of Revenue Bonds. A municipality shall not issue revenue bonds under RSA 33-B for the purpose of financing the development, construction, reconstruction, renovation, improvement, and acquisition of broadband infrastructure unless:

I. A request for proposals for private broadband investment in the municipality has been issued and responses considered;

II. The local legislative body determines that the benefit to the public accruing from any planned public-private partnership relating to the issuance of revenue bonds outweighs the benefit accruing to the private member of the partnership. Such public benefit requirement is satisfied without limitation if the governing body of the municipality has held hearings and presented the public benefit findings to its citizens, and, as a consequence of weighing the testimony elicited in such hearings, the legislative body approves the issuance of such bonds as required under RSA 33-B.

38:43 Broadband Infrastructure; Exclusion from Debt Limit. Any debt incurred for broadband infrastructure by the issuance of bonds consistent with RSA 38:42 shall be outside the debt limit prescribed in RSA 33. Such debt shall at no time be included in the net indebtedness of any municipality for the purpose of determining its borrowing capacity.

38:44 Expenditure of Funds. Funds from the issuance of a revenue bond for broadband infrastructure shall only be expended to deploy broadband infrastructure in a universal and nondiscriminatory manner and, at a minimum, in those areas of the municipality having no service or no adequate service.

38:45 License and Permit Neutrality. In determining whether the public good requires a municipality to grant, change, or revoke any permit or license to any entity under RSA 231:161 or RSA 231:163, the effect that such action may have upon the viability or success of the municipality's broadband infrastructure, whether existing, planned, or contemplated, shall not be a factor in such determination or in determining the terms and conditions of any license or permit that results.

5 Broadband Access; Definitions. RSA 38:38 is repealed and reenacted to read as follows:

38:38 Broadband Access.

I. In this subdivision:

(a) "Access tariff" means the fee charged on a monthly or annual basis to broadband carriers for access to the broadband infrastructure.

(b) "Adequate" means an area that has broadband service that meets the FCC definition of broadband as it shall be revised over time

(c) "Broadband" means advanced communications systems capable of providing high-speed transmission of services such as data, voice, and video over the Internet and other networks with transmission provided by a range of technologies including digital subscriber line and fiber optic cable, coaxial cable, wireless technology, and satellite. Broadband enables the convergence of voice, video, and data services onto a single network.

(d) "Broadband carrier" means any provider of broadband services, except aggregators of broadband services, as defined in section 226 of the 1996 Telecommunications Act.

(e) "Broadband infrastructure" means all equipment and facilities, including all changes, modifications, and expansions to existing facilities, as well as the customer premises equipment used to provide broadband, and any software integral to or related to the operations, support, facilitation, or interconnection of such equipment, including upgrades, and any installation, operations and support, maintenance, and other functions required to support the delivery of broadband.

(f) "Broadband service" means the offering of broadband for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

(g) "Open access network" means any broadband infrastructure which is open to any third party users in a nondiscriminatory manner on a fair and equitable basis using publicly available access tariffs for services.

(h) "Open access technology" means the technical and operational means, manners, and methods for any third party access to the broadband infrastructure, which shall be provided on the basis of generally acceptable industry standards available at the time of access.

II. Except for municipally-owned networks which exclusively serve to connect municipal or school offices, or both, a municipality shall use its broadband infrastructure for the purpose of providing an open access network and shall make use of open access technology. No municipality shall be a provider of broadband service.

6 Broadband Access Tariffs. Amend RSA 38:39 to read as follows:

38:39 Broadband Access Tariffs. For defraying the cost of acquisition, construction, payment of the interest on any debt incurred, management, maintenance, operation, and repair of broadband infrastructure, or the construction, enlargement, or improvement of such systems, the governing body ~~may~~ **shall** establish a scale of rates called access tariffs, ~~may~~ **shall** prescribe the manner and the time for the payment of such tariffs, and may change such tariffs when it deems advisable.

7 New Paragraph; Pole Attachments. Amend RSA 374:34-a by inserting after paragraph VIII the following new paragraph:

IX. Pole attachments sought by a municipality for the provision of broadband access pursuant to RSA 38:38 through RSA 38:45 shall be subject to this section.

8 Repeal. The following are repealed:

I. RSA 33:3-c, I(e), relative to the issuance of bonds for preliminary expenses.

II. RSA 33:3-g, relative to broadband infrastructure bonds.

III. RSA 33:6-f, relative to exclusion from debt limit; broadband infrastructure.

9 Effective Date. This act shall take effect July 1, 2014.

Amendment adopted.

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

Rep. Murotake requested a roll call; sufficiently seconded.

YEAS 204 - NAYS 78

YEAS - 204

BELKNAP

DiMartino, Lisa
Huot, David

Flanders, Donald
Raymond, Ian

Greemore, Robert
Tilton, Franklin

Gulick, Ruth

CARROLL

Ahlgren, Christopher
Nelson, Bill

Butler, Edward
Ticehurst, Susan

Crawford, Karel
Umberger, Karen

McConkey, Mark
White, Syndi

CHESHIRE

Ames, Richard
Eaton, Daniel
Ley, Douglas
Robertson, Timothy
Weed, Charles

Berch, Paul
Hunt, John
Mann, John
Sad, Tara
Young, Harry

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

Chase, Cynthia
Johnson, Jane
Phillips, Larry
Weber, Lucy

COOS

Enman, Larry
Richardson, Herbert

Hatch, William
Theberge, Robert

Moynihan, Wayne
Thomas, Yvonne

Rappaport, Laurence

GRAFTON

Almy, Susan
Cooney, Mary
Higgins, Patricia
Pastor, Beatriz
Sykes, George

Bailey, Brad
Doolan, Ralph
Lovett, Sid
Piper, Wendy
Townsend, Charles

Benn, Bernard
Ford, Susan
Massimilla, Linda
Reilly, Harold
White, Andrew

Brown, Rebecca
Harding, Laurie
Mulholland, Catherine
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Connor, Evelyn
Eaton, Richard
Grady, Brenda
Heath, Mary
Jasper, Shawn
Kopka, Angeline
MacKay, Mariellen
Nelson, Mary
Rhodes, Brian
Shaw, Barbara
Takesian, Charlene

Beaulieu, Jane
Campbell, David
Cote, David
Gage, Ruth
Graham, John
Heden, Ruth
Judy, Jean
Leishman, Peter
Manley, Jonathan
O'Flaherty, Tim
Rosenwald, Cindy
Spratt, Stephen
Walsh, Robert

Belanger, James
Chandley, Shannon
Culbert, Patrick
Gale, Sylvia
Hammond, Jill
Infantine, William
Kelley, John
Levesque, Melanie
McCloskey, David
O'Neil, William
Schmidt, Janice
Sullivan, Daniel
Williams, Kermit

Boisvert, Ronald
Coffey, James
DiSilvestro, Linda
Gorman, Mary
Hansberry, Daniel
Jack, Martin
Knowles, Mary Ann
Long, Patrick
McNamara, Richard
Porter, Marjorie
Shattuck, Gilman
Sullivan, Peter
Woodbury, David

MERRIMACK

Alicea, Caroletta
Burns, Scott
Ebel, Karen
Henle, Paul
Kidder, David
Moffett, Howard
Richardson, Gary
Shurtleff, Stephen
Webb, Leigh

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Hirsch, Geoffrey
Kotowski, Frank
Myler, Mel
Rogers, Katherine
Turcotte, Alan

Bartlett, Christy
Carson, Clyde
French, Barbara
Karrick, David
Lockwood, Priscilla
Patten, Dick
Schamberg, Thomas
Wallner, Mary Jane

Bouchard, Candace
Davis, Frank
Gile, Mary
Kelly, Sally
MacKay, James
Ratzki, Mario
Schuett, Dianne
Walz, Mary Beth

ROCKINGHAM

Abrami, Patrick
Chirichiello, Brian
Elliott, Robert
Hoelzel, Kathleen
McKinney, Betsy
Packard, Sherman
Sedensky, John
Wazlaw, Brian

Borden, David
Copeland, Timothy
Emerson-Brown, Rebecca
Introne, Robert
Moody, Marcia
Pantelakos, Laura
Till, Mary
Whittemore, Lisa

Briden, Steven
Cushing, Robert
Flockhart, Eileen
Lovejoy, Patricia
Muns, Chris
Peckham, Michele
Ward, Gerald

Cahill, Michael
Danaïs, Romeo
Heffron, Frank
Mann, Maureen
Nigrello, Robert
Schlachman, Donna
Waterhouse, Kevin

STRAFFORD

Baber, William
Grassie, Anne
Kaen, Naida
Pelletier, Marsha
Schmidt, Peter
Verschueren, James

Bixby, Peter
Gray, James
Malloy, Dennis
Perry, Robert
Smith, Marjorie
Wall, Janet

Burdwood, Greg
Grossman, Kenneth
Merrill, Amanda
Rogers, Rose Marie
Spang, Judith
Ward, Kenneth

Burke, Rachel
Horrigan, Timothy
Miller, David
Rollo, Deanna
Stevens, Audrey

SULLIVAN

Cloutier, John
O'Hearne, Andrew

Gottling, Suzanne
Schmidt, Andrew

Irwin, Virginia
Tanner, Linda

Lefebvre, Benjamin

NAYS - 78**BELKNAP**

Burchell, Richard
Vadney, Herbert

Fields, Dennis
Worsman, Colette

Holmes, Stephen

Sylvia, Michael

CARROLL

Buco, Thomas

Cordelli, Glenn

Wright, Donald

COOS

Rideout, Leon

GRAFTON

Gionet, Edmond

HILLSBOROUGH

Boehm, Ralph
Danielson, David
Kurk, Neal
McCarthy, Michael
Palmer, Stephen
Renzullo, Andrew
Ulery, Jordan
Willette, Robert

Burt, John
Flanagan, Jack
LeBrun, Donald
Meaney, Richard
Parison, James
Rowe, Robert
Vaillancourt, Steve
Winters, Joel

Byron, Frank
Gagne, Larry
Mangipudi, Latha
Murotake, David
Peterson, Lenette
Sandblade, Emily
Villeneuve, Moe

Daniels, Gary
Hansen, Peter
Marston, Dick
O'Brien, William
Pratt, Calvin
Souza, Kathleen
Warden, Mark

MERRIMACK

Hoell, J.R.

McGuire, Carol

McGuire, Dan

ROCKINGHAM

Allen, Mary
DeSimone, Debra
Emerick, J. Tracy
Griffin, Mary
Kappler, Lawrence
Rice, Frederick
Webb, James

Baldasaro, Alfred
Devine, James
Ferrante, Beverly
Harris, Jeffrey
Khan, Aboul
St.James, Kevin
Weyler, Kenneth

Bick, Patrick
Duarte, Joe
Fesh, Robert
Hodgdon, Bruce
Milz, David
Tasker, Kyle

Comerford, Timothy
Dumaine, Dudley
Gordon, Richard
Itse, Daniel
O'Connor, John
Tucker, Pamela

STRAFFORD

Bickford, David
Pitre, Joseph

Groen, Warren

Jones, Laura

Mullen, John

SULLIVAN

Osgood, Joe

Rollins, Skip

Smith, Steven

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

HB 586, establishing a one-year moratorium on applications for certificates for electric transmission facilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Marjorie J. Shepardson for Science, Technology and Energy. The majority felt that the Site Evaluation Committee has an effective and rigorous process in place for making determinations on the issuance of site

evaluation certificates, and that this process will be improved further with the recommendations and rulings developed through the SB 99 study of the SEC. Vote 15-4.

Committee report adopted.

HB 493-FN, relative to emergency compacts. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Alfred P. Baldasaro for the Majority of State Federal Relations and Veterans Affairs. The committee feels that this bill tries to fix something that is not broken. The Canadians are our friends and we do over a billion dollars in trade. When we had a major disaster in New Hampshire, power out for 14 days, our friends from Canada were invited in to work with our electric companies. This legislation is not necessary. Vote 10-1.

Rep. Jeanine M Notter for the Minority of State Federal Relations and Veterans Affairs. This bill would repeal that part of Chapter 108 of the New Hampshire Statutes that creates an international compact with Canada. This compact requires New Hampshire to provide a variety of supplies and equipment to Canada in case it declares an emergency. Since many of the items are nonexistent at the state level, they could be taken from businesses and private institutions as authorized under RSA 4:46. It is the minority's opinion that this violates Pt. I, Art. 19 of the State Constitution. Under Chapter 108, the Director of Emergency Management may arrange for cross-border policing which would allow Canadian police, unfamiliar with our laws, to operate in New Hampshire. Such plans are being implemented by the federal government. Chapter 108 also allows for the federal government to use Canadian military in New Hampshire during an emergency. They would remain under the command of their regular leaders in violation of Pt. I, Art. 26 of the State Constitution. Under Chapter 108, New Hampshire participates with five Canadian provinces and the New England states in the International Emergency Management Group which makes emergency management plans without our legislative oversight. Each state and province has equal voting rights which would place New Hampshire under the control of an international body, violating Pt. I, Art. 7 of the State Constitution. New Hampshire may be asked to suspend state statutes in an emergency, something that can only be done by the legislature according to Pt. I, Art. 29. According to Pt. II, Art. 5-a, such suspension can only be done in case of an enemy attack and not under any other form of emergency. The minority is of the opinion that Chapter 108 has the potential of violating six articles of the State Constitution, and Art. I, Section 10, Clause 1 of the U. S. Constitution. For the above reasons, the minority is opposed to the motion to ITL HB 493.

Majority committee report adopted.

HB 263, establishing a committee to study examination of elderly drivers. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Sherman A. Packard for the Majority of Transportation. The amendment replaces the bill. This bill, as amended, allows for the medical reporting of a person of any age who a medical person rules is unfit to operate a motor vehicle. The bill as amended allows that the reporting person will be immune from any civil or criminal liability. This also makes all medical records received by department of safety to be confidential except by an order or the court or administrative hearing. Vote 15-3.

Rep. Tim O'Flaherty for the Minority of Transportation. In the opinion of the minority, this well intentioned bill could produce troubling, unintended consequences by encouraging health care providers to violate doctor-patient confidentiality by allowing them to report private information to the department of safety with immunity. The primary obligation of a health care provider to the patient could become compromised if the confidential information entrusted with providers is shared with a state agency.

Majority Amendment (2282h)

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

AN ACT relative to reporting a person as medically unfit to drive.

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

1 New Section; Drivers' Licenses; Medically Unfit Person. Amend RSA 263 by inserting after section 6-c the following new section:

263:6-d Reporting Medically Unfit Person; Immunity. Any person including a physician, physical therapist, occupational therapist, chiropractor, psychiatrist, psychologist, or mental health worker who reasonably and in good faith believes a person cannot safely operate a motor vehicle based upon personal observation or professional opinion and who reports such to the department shall be immune from any civil or criminal liability that might otherwise result from making the report. All reports made and medical records reviewed and maintained by the department pursuant to this section shall be kept confidential except upon an order of a court of competent jurisdiction or as necessary in an administrative hearing.

2 Effective Date. This act shall take effect January 1, 2015.

AMENDED ANALYSIS

This bill immunizes from civil and criminal liability persons who report someone as medically unfit to drive. On a division vote, 196 members having voted in the affirmative and 84 in the negative, the majority committee amendment was adopted.

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

YEAS 178 - NAYS 104

YEAS - 178

BELKNAP

DiMartino, Lisa
Huot, David

Fields, Dennis
Raymond, Ian

Flanders, Donald
Tilton, Franklin

Gulick, Ruth

CARROLL

Butler, Edward
Umberger, Karen

Crawford, Karel
White, Syndi

Nelson, Bill

Ticehurst, Susan

CHESHIRE

Ames, Richard
Johnsen, Gladys
Phillips, Larry
Weber, Lucy

Butynski, William
Johnson, Jane
Robertson, Timothy
Weed, Charles

Chase, Cynthia
Ley, Douglas
Sad, Tara
Young, Harry

Eaton, Daniel
Mann, John
Shepardson, Marjorie

COOS

Enman, Larry
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

Richardson, Herbert

GRAFTON

Almy, Susan
Harding, Laurie
Massimilla, Linda
Reilly, Harold
White, Andrew

Benn, Bernard
Higgins, Patricia
Mulholland, Catherine
Smith, Suzanne

Brown, Rebecca
Ladd, Rick
Pastor, Beatriz
Sykes, George

Cooney, Mary
Lovett, Sid
Piper, Wendy
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Chandley, Shannon
DiSilvestro, Linda
Grady, Brenda
Heath, Mary
Knowles, Mary Ann
MacKay, Mariellen
McNamara, Richard
Rokas, Ted
Spratt, Stephen
Walsh, Robert

Beaulieu, Jane
Connor, Evelyn
Eaton, Richard
Graham, John
Heden, Ruth
Kopka, Angeline
Mangipudi, Latha
O'Neil, William
Rosenwald, Cindy
Sullivan, Daniel
Woodbury, David

Brown, Pamela
Cote, David
Gage, Ruth
Hammond, Jill
Jasper, Shawn
Leishman, Peter
Manley, Jonathan
Porter, Marjorie
Rowe, Robert
Sullivan, Peter

Campbell, David
Culbert, Patrick
Gale, Sylvia
Hansberry, Daniel
Judy, Jean
Levesque, Melanie
McCloskey, David
Rhodes, Brian
Shattuck, Gilman
Takesian, Charlene

MERRIMACK

Alicea, Caroletta
Burns, Scott
Ebel, Karen
Hirsch, Geoffrey
Kotowski, Frank
Patten, Dick
Schuett, Dianne
Webb, Leigh

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Karrick, David
MacKay, James
Ratzki, Mario
Shurtleff, Stephen

Bartlett, Christy
Carson, Clyde
French, Barbara
Kelly, Sally
Moffett, Howard
Richardson, Gary
Wallner, Mary Jane

Bouchard, Candace
Davis, Frank
Gile, Mary
Kidder, David
Myler, Mel
Rogers, Katherine
Walz, Mary Beth

ROCKINGHAM

Abrami, Patrick
Cahill, Michael
Devine, James
Ferrante, Beverly
Kappler, Lawrence
Moody, Marcia
Pantelakos, Laura
Waterhouse, Kevin

Allen, Mary
Copeland, Timothy
Dumaine, Dudley
Flockhart, Eileen
Lovejoy, Patricia
Muns, Chris
Rice, Frederick
Whittemore, Lisa

Borden, David
Cushing, Robert
Elliott, Robert
Heffron, Frank
Mann, Maureen
Nigrello, Robert
Schlachman, Donna

Briden, Steven
DeSimone, Debra
Emerson-Brown, Rebecca
Hoelzel, Kathleen
Milz, David
Packard, Sherman
Till, Mary

STRAFFORD

Baber, William
Grossman, Kenneth
Miller, David
Rollo, Deanna
Verschuere, James

Burdwood, Greg
Kaen, Naida
Mullen, John
Schmidt, Peter
Ward, Kenneth

Burke, Rachel
Malloy, Dennis
Pelletier, Marsha
Smith, Marjorie

Grassie, Anne
Merrill, Amanda
Rogers, Rose Marie
Spang, Judith

SULLIVAN

Cloutier, John
O'Hearne, Andrew
Tanner, Linda

Gottling, Suzanne
Osgood, Joe

Irwin, Virginia
Schmidt, Andrew

Lefebvre, Benjamin
Smith, Steven

NAYS - 104**BELKNAP**

Burchell, Richard
Vadney, Herbert

Greemore, Robert
Worsman, Colette

Holmes, Stephen

Sylvia, Michael

CARROLL

Ahlgren, Christopher
Wright, Donald

Buco, Thomas

Cordelli, Glenn

McConkey, Mark

CHESHIRE

Berch, Paul

Hunt, John

Parkhurst, Henry

COOS

Rappaport, Laurence
Grafton
Bailey, Brad

Rideout, Leon

Theberge, Robert

Doolan, Ralph

Gionet, Edmond

HILLSBOROUGH

Belanger, James
Byron, Frank
Flanagan, Jack
Hikel, John
Kurk, Neal
Meaney, Richard
O'Flaherty, Tim
Pratt, Calvin
Shaw, Barbara
Villeneuve, Moe
Winters, Joel

Boehm, Ralph
Coffey, James
Gagne, Larry
Infantine, William
LeBrun, Donald
Murotake, David
Palmer, Stephen
Renzullo, Andrew
Souza, Kathleen
Warden, Mark

Boisvert, Ronald
Daniels, Gary
Gorman, Mary
Jack, Martin
Long, Patrick
Nelson, Mary
Parison, James
Sandblade, Emily
Ulery, Jordan
Willette, Robert

Burt, John
Danielson, David
Hansen, Peter
Kelley, John
Marston, Dick
O'Brien, William
Peterson, Lenette
Schmidt, Janice
Vaillancourt, Steve
Williams, Kermit

MERRIMACK

Henle, Paul
McGuire, Dan

Hoell, J.R.
Schamberg, Thomas

Lockwood, Priscilla
Turcotte, Alan

McGuire, Carol

ROCKINGHAM

Baldasaro, Alfred
Danaïs, Romeo
Gordon, Richard
Introne, Robert
Peckham, Michele
Tucker, Pamela
Weyler, Kenneth

Bick, Patrick
Duarte, Joe
Griffin, Mary
Itse, Daniel
Sedensky, John
Ward, Gerald

Chirichiello, Brian
Emerick, J. Tracy
Harris, Jeffrey
Khan, Aboul
St.James, Kevin
Wazlaw, Brian

Comerford, Timothy
Fesh, Robert
Hodgdon, Bruce
O'Connor, John
Tasker, Kyle
Webb, James

STRAFFORD

Bickford, David
Horriggan, Timothy
Stevens, Audrey

Bixby, Peter
Jones, Laura
Wall, Janet

Gray, James
Perry, Robert

Groen, Warren
Pitre, Joseph

SULLIVAN

Rollins, Skip

and the majority committee report was adopted and referred to the Committee on Health, Human Services and Elderly Affairs.

***HB 495-FN*, relative to titles for motor vehicles. OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael B. O'Brien for Transportation. Current law allows a vehicle 15 years and older exempt from a title. This bill, as amended, will require a vehicle from the year 2000 on to be required to maintain a title. By having a title protects the consumer with a documented history of the odometer, and ownership of the vehicle. It protects the vehicle owner from theft and fraud. It would also allow resider or non-resider to meet the requirement of having a title to register their vehicle in another state that requires all vehicles be titled. This bill is jointly supported by the New Hampshire Division of Motor Vehicles, New Hampshire Automobile Dealers Association, and the Auto Recyclers Association. Vote 13-5.

Amendment (2231h)

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

1 Certificate of Title; Exempted Vehicles. Amend RSA 261:3, I(k) to read as follows:

(k) Any motor vehicle whose manufacturer's model year is ~~[older than 15 years]~~ *before the year 2000*, except heavy trucks and truck-tractors whose gross vehicle weight exceeds 18,000 pounds.

2 Effective Date. This act shall take effect January 1, 2015.

AMENDED ANALYSIS

This bill limits the exemption from the certificate of title requirement for older vehicles to those whose manufacturer's model year is before the year 2000.

Amendment adopted.

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

YEAS 218 - NAYS 61

YEAS - 218

BELKNAP

DiMartino, Lisa
Huot, David

Fields, Dennis
Raymond, Ian

Flanders, Donald
Tilton, Franklin

Gulick, Ruth
Worsman, Colette

CARROLL

Buco, Thomas
Nelson, Bill

Butler, Edward
Ticehurst, Susan

Cordelli, Glenn
Umberger, Karen

Crawford, Karel

CHESHIRE

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

Berch, Paul
Johnsen, Gladys
Parkhurst, Henry
Shepardson, Marjorie

Butynski, William
Johnson, Jane
Phillips, Larry
Weber, Lucy

Chase, Cynthia
Ley, Douglas
Robertson, Timothy
Young, Harry

COOS

Enman, Larry
Theberge, Robert

Hatch, William
Thomas, Yvonne

Moynihan, Wayne

Richardson, Herbert

GRAFTON

Almy, Susan
Harding, Laurie
Massimilla, Linda
Smith, Suzanne

Benn, Bernard
Higgins, Patricia
Pastor, Beatriz
Sykes, George

Brown, Rebecca
Ladd, Rick
Piper, Wendy
Townsend, Charles

Cooney, Mary
Lovett, Sid
Reilly, Harold
White, Andrew

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Coffey, James
Danielson, David
Gage, Ruth
Grady, Brenda
Hansen, Peter
Jasper, Shawn
Kurk, Neal
MacKay, Mariellen
Nelson, Mary
Rhodes, Brian
Schmidt, Janice
Sullivan, Daniel
Walsh, Robert

Beaulieu, Jane
Byron, Frank
Connor, Evelyn
DiSilvestro, Linda
Gagne, Larry
Graham, John
Heath, Mary
Judy, Jean
Leishman, Peter
Mangipudi, Latha
O'Neil, William
Rokas, Ted
Shattuck, Gilman
Sullivan, Peter
Willette, Robert

Belanger, James
Campbell, David
Cote, David
Eaton, Richard
Gale, Sylvia
Hammond, Jill
Heden, Ruth
Kelley, John
Levesque, Melanie
McCloskey, David
Porter, Marjorie
Rosenwald, Cindy
Shaw, Barbara
Takesian, Charlene
Williams, Kermit

Boisvert, Ronald
Chandlee, Shannon
Culbert, Patrick
Flanagan, Jack
Gorman, Mary
Hansberry, Daniel
Jack, Martin
Knowles, Mary Ann
Long, Patrick
McNamara, Richard
Renzullo, Andrew
Rowe, Robert
Spratt, Stephen
Ulery, Jordan
Woodbury, David

MERRIMACK

Alicea, Caroletta
Burns, Scott
Frambach, Mary
Hirsch, Geoffrey
Kotowski, Frank
Moffett, Howard
Richardson, Gary
Shurtleff, Stephen
Webb, Leigh

Andrews, Christopher
Carey, Lorrie
French, Barbara
Karrick, David
Lockwood, Priscilla
Myler, Mel
Rogers, Katherine
Turcotte, Alan

Bartlett, Christy
Davis, Frank
Gile, Mary
Kelly, Sally
MacKay, James
Patten, Dick
Schamberg, Thomas
Wallner, Mary Jane

Bouchard, Candace
Ebel, Karen
Henle, Paul
Kidder, David
McGuire, Dan
Ratzki, Mario
Schuett, Dianne
Walz, Mary Beth

ROCKINGHAM

Abrami, Patrick
Cahill, Michael

Bick, Patrick
Copeland, Timothy

Borden, David
Cushing, Robert

Briden, Steven
Danaais, Romeo

DeSimone, Debra
Fesh, Robert
Heffron, Frank
Khan, Aboul
Muns, Chris
Peckham, Michele
Ward, Gerald
Whittemore, Lisa

Dumaine, Dudley
Flockhart, Eileen
Hoelzel, Kathleen
Lovejoy, Patricia
Nigrello, Robert
Schlachman, Donna
Waterhouse, Kevin

Elliott, Robert
Griffin, Mary
Introne, Robert
Mann, Maureen
O'Connor, John
Sedensky, John
Wazlaw, Brian

Emerson-Brown, Rebecca
Harris, Jeffrey
Kappler, Lawrence
Moody, Marcia
Packard, Sherman
Till, Mary
Webb, James

STRAFFORD

Baber, William
Burke, Rachel
Horrigan, Timothy
Miller, David
Rogers, Rose Marie
Spang, Judith
Ward, Kenneth

Bickford, David
Grassie, Anne
Kaen, Naida
Mullen, John
Rollo, Deanna
Stevens, Audrey

Bixby, Peter
Gray, James
Malloy, Dennis
Pelletier, Marsha
Schmidt, Peter
Verschuere, James

Burdwood, Greg
Grossman, Kenneth
Merrill, Amanda
Perry, Robert
Smith, Marjorie
Wall, Janet

SULLIVAN

Cloutier, John
O'Hearne, Andrew
Smith, Steven

Gottling, Suzanne
Osgood, Joe
Tanner, Linda

Irwin, Virginia
Rollins, Skip

Lefebvre, Benjamin
Schmidt, Andrew

NAYS - 61 BELKNAP

Burchell, Richard
Vadney, Herbert

Greemore, Robert

Holmes, Stephen

Sylvia, Michael

CARROLL

Ahlgren, Christopher

McConkey, Mark

White, Syndi

Wright, Donald

CHESHIRE

Hunt, John

Weed, Charles

COOS

Rappaport, Laurence

Rideout, Leon

GRAFTON

Bailey, Brad
Hillsborough
Boehm, Ralph
Kopka, Angeline
Meaney, Richard
Palmer, Stephen
Sandblade, Emily
Warden, Mark

Gionet, Edmond
Burt, John
LeBrun, Donald
Murotake, David
Parison, James
Souza, Kathleen
Winters, Joel

Mulholland, Catherine
Daniels, Gary
Manley, Jonathan
O'Brien, William
Peterson, Lenette
Vaillancourt, Steve

Hikel, John
Marston, Dick
O'Flaherty, Tim
Pratt, Calvin
Villeneuve, Moe

MERRIMACK

Carson, Clyde

Hoell, J.R.

McGuire, Carol

ROCKINGHAM

Allen, Mary
Devine, James
Gordon, Richard
Rice, Frederick
Weyler, Kenneth

Baldasaro, Alfred
Duarte, Joe
Hodgdon, Bruce
St.James, Kevin

Chirichiello, Brian
Emerick, J. Tracy
Itse, Daniel
Tasker, Kyle

Comerford, Timothy
Ferrante, Beverly
Milz, David
Tucker, Pamela

STRAFFORD

Groen, Warren

Jones, Laura

Pitre, Joseph

and the committee report was adopted and referred to the Committee on Finance.

HB 650-FN-A, making an appropriation to start a bus service between Claremont and Lebanon. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael B. O'Brien for Transportation. This bill, as amended, allows the formation of a joint private venture between the state department of transportation (DOT) and Community Alliance Transportation Services, to seek private funding and grants for a bus line between Claremont and Lebanon. This bill as amended will allow, if the DOT agrees and with the prior approval of the fiscal committee, the Governor and Council to authorize additional funding up to \$250,000 dollars if matching funds are met. If no sufficient matching funds are procured on are not received by June 30, 2017 the appropriation will lapse and any private funds accepted will be returned to the donating entities. The amendment reduces the \$250,000 appropriation to the department of transportation to \$1 dollar. Vote 13-5.

Amendment (0294h)

Amend the bill by replacing section 1 with the following:

1 Department of Transportation; Bus Service Between Claremont and Lebanon; Appropriation.

I. The sum of \$1 is hereby appropriated to the department of transportation for the fiscal year ending June 30, 2014 to be used to institute bus service between Claremont and Lebanon. Such funds shall be expended as a supplement to private and/or federal funding to the community alliance transportation services in Newport. The governor is authorized to draw a warrant out of any sums in the treasury not otherwise appropriated.

II. Upon receipt of private funds raised, and of notification of the award of a federal matching grant, the department of transportation may request, with prior approval of the fiscal committee of the general court, that the governor and council authorize additional funding up to the sum of \$250,000 for the purposes of paragraph I. For funds requested and approved, the governor is authorized to draw a warrant from any money in the treasury not otherwise appropriated.

III. The community alliance transportation services, with the support of the department of transportation, shall actively solicit federal funds and the community alliance transportation services shall actively solicit private matching funds to finance all or part of the proposed start-up costs. If sufficient federal funds are not received by June 30, 2017, any appropriation shall lapse and any private matching funds received for the project plus interest shall be returned to the donating entities.

Amendment adopted.

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

Rep. Tucker requested a roll call; sufficiently seconded.

YEAS 192 - NAYS 89**YEAS - 192****BELKNAP**

Burchell, Richard
Gulick, Ruth

DiMartino, Lisa
Huot, David

Fields, Dennis
Raymond, Ian

Flanders, Donald
Tilton, Franklin

CARROLL

Buco, Thomas
White, Syndi

Butler, Edward
Wright, Donald

Crawford, Karel

Ticehurst, Susan

CHESHIRE

Ames, Richard
Eaton, Daniel
Parkhurst, Henry
Shepardson, Marjorie

Berch, Paul
Johnsen, Gladys
Phillips, Larry
Weber, Lucy

Butynski, William
Ley, Douglas
Robertson, Timothy
Weed, Charles

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

COOS

Enman, Larry
Theberge, Robert

Hatch, William
Thomas, Yvonne

Moynihan, Wayne

Richardson, Herbert

GRAFTON

Almy, Susan
Doolan, Ralph
Lovett, Sid
Piper, Wendy
Townsend, Charles

Benn, Bernard
Gionet, Edmond
Massimilla, Linda
Reilly, Harold
White, Andrew

Brown, Rebecca
Harding, Laurie
Mulholland, Catherine
Smith, Suzanne

Cooney, Mary
Higgins, Patricia
Pastor, Beatriz
Sykes, George

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Connor, Evelyn
DiSilvestro, Linda
Gorman, Mary
Hansberry, Daniel
Jeudy, Jean
Leishman, Peter
Mangipudi, Latha
Nelson, Mary
Rokas, Ted
Spratt, Stephen
Williams, Kermit

Beaulieu, Jane
Campbell, David
Cote, David
Eaton, Richard
Grady, Brenda
Heath, Mary
Kelley, John
Levesque, Melanie
Manley, Jonathan
O'Neil, William
Schmidt, Janice
Sullivan, Daniel
Woodbury, David

Belanger, James
Chandley, Shannon
Culbert, Patrick
Gage, Ruth
Graham, John
Heden, Ruth
Knowles, Mary Ann
Long, Patrick
McCloskey, David
Porter, Marjorie
Shattuck, Gilman
Sullivan, Peter

Boisvert, Ronald
Coffey, James
Danielson, David
Gale, Sylvia
Hammond, Jill
Jack, Martin
Kopka, Angeline
MacKay, Mariellen
McNamara, Richard
Rhodes, Brian
Shaw, Barbara
Walsh, Robert

MERRIMACK

Alicea, Caroletta
Burns, Scott

Andrews, Christopher
Carey, Lorrie

Bartlett, Christy
Carson, Clyde

Bouchard, Candace
Davis, Frank

Ebel, Karen
Henle, Paul
Kotowski, Frank
Myler, Mel
Rogers, Katherine
Turcotte, Alan

Frambach, Mary
Hirsch, Geoffrey
Lockwood, Priscilla
Patten, Dick
Schamberg, Thomas
Wallner, Mary Jane

French, Barbara
Karrick, David
MacKay, James
Ratzki, Mario
Schuett, Dianne
Walz, Mary Beth

Gile, Mary
Kelly, Sally
Moffett, Howard
Richardson, Gary
Shurtleff, Stephen
Webb, Leigh

ROCKINGHAM

Abrami, Patrick
Copeland, Timothy
Flockhart, Eileen
Lovejoy, Patricia
Nigrello, Robert
Till, Mary
Whittemore, Lisa

Borden, David
Cushing, Robert
Gordon, Richard
Mann, Maureen
Pantelakos, Laura
Ward, Gerald

Briden, Steven
Elliott, Robert
Heffron, Frank
Moody, Marcia
Peckham, Michele
Waterhouse, Kevin

Cahill, Michael
Emerson-Brown, Rebecca
Khan, Aboul
Muns, Chris
Schlachman, Donna
Wazlaw, Brian

STRAFFORD

Baber, William
Grassie, Anne
Malloy, Dennis
Pelletier, Marsha
Schmidt, Peter
Verschuere, James

Bixby, Peter
Grossman, Kenneth
Merrill, Amanda
Perry, Robert
Smith, Marjorie
Wall, Janet

Burdwood, Greg
Horrigan, Timothy
Miller, David
Rogers, Rose Marie
Spang, Judith
Ward, Kenneth

Burke, Rachel
Kaen, Naida
Mullen, John
Rollo, Deanna
Stevens, Audrey

SULLIVAN

Cloutier, John
O'Hearne, Andrew

Gottling, Suzanne
Schmidt, Andrew

Irwin, Virginia
Smith, Steven

Lefebvre, Benjamin
Tanner, Linda

NAYS - 89

BELKNAP

Greemore, Robert
Worsman, Colette

Holmes, Stephen

Sylvia, Michael

Vadney, Herbert

CARROLL

Ahlgren, Christopher
Umberger, Karen

Cordelli, Glenn

McConkey, Mark

Nelson, Bill

CHESHIRE

COOS

Rappaport, Laurence

Rideout, Leon

GRAFTON

Bailey, Brad

Ladd, Rick

HILLSBOROUGH

Boehm, Ralph
Flanagan, Jack
Jasper, Shawn
Meaney, Richard
Palmer, Stephen
Renzullo, Andrew
Souza, Kathleen
Villeneuve, Moe

Burt, John
Gagne, Larry
Kurk, Neal
Murotake, David
Parison, James
Rosenwald, Cindy
Takesian, Charlene
Warden, Mark

Byron, Frank
Hansen, Peter
LeBrun, Donald
O'Brien, William
Peterson, Lenette
Rowe, Robert
Ulery, Jordan
Willette, Robert

Daniels, Gary
Hikel, John
Marston, Dick
O'Flaherty, Tim
Pratt, Calvin
Sandblade, Emily
Vaillancourt, Steve
Winters, Joel

MERRIMACK

Hoell, J.R.

Kidder, David

McGuire, Carol

McGuire, Dan

ROCKINGHAM

Allen, Mary
Comerford, Timothy
Duarte, Joe
Fesh, Robert
Hoelzel, Kathleen
Milz, David
Sedensky, John
Webb, James

Baldasaro, Alfred
Danais, Romeo
Dumaine, Dudley
Griffin, Mary
Introne, Robert
O'Connor, John
St.James, Kevin
Weyler, Kenneth

Bick, Patrick
DeSimone, Debra
Emerick, J. Tracy
Harris, Jeffrey
Itse, Daniel
Packard, Sherman
Tasker, Kyle

Chirichiello, Brian
Devine, James
Ferrante, Beverly
Hodgdon, Bruce
Kappler, Lawrence
Rice, Frederick
Tucker, Pamela

STRAFFORD

Bickford, David
Pitre, Joseph

Gray, James

Groen, Warren

Jones, Laura

SULLIVAN

Osgood, Joe

Rollins, Skip

and the committee report was adopted and referred to the Committee on Finance.

RESOLUTION

Rep. Shurtleff offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, February 5, 2014 at 10:00 a.m. Adopted.

LATE SESSION**Third reading and final passage**

HB 427, relative to tobacco tax laws.

HB 485-FN-A, establishing keno.

HB 654-FN, relative to licensure and renewal fees.

HB 343-FN, establishing a commission to study regulatory requirements for pawnbrokers and secondhand dealers in New Hampshire.

HB 430, requiring insurance companies sending out solicitations for insurance to include a disclosure on such solicitations.

HB 496-FN, relative to driving privileges for certain first-time DWI offenders.

HB 533, relative to the mathematics requirement for high school graduation.

HB 421, relative to regulation of real estate brokerage and sales by the real estate commission.

HB 657-FN, requiring state agencies to submit efficiency expenditure requests as part of the biennial budget process.

HB 685, relative to state agency communications.

HB 114, relative to abutter access over subdivided land.

HB 532, relative to energy efficiency and clean energy districts.

HB 286, relative to broadband infrastructure.

UNANIMOUS CONSENT

Rep. Shurtleff requested Unanimous Consent of the House regarding the passing of the former member from Concord, the Honorable Carol Moore.

Rep. Shurtleff addressed the House.

Reps. Dan McGuire, Jeudy and Itse requested Unanimous Consent of the House regarding the passing of the former member from Hopkinton, the Honorable Richard Kennedy.

Reps. Dan McGuire, Jeudy and Itse addressed the House.

Rep. Till requested Unanimous Consent of the House regarding the passing of the former member from Derry, the Honorable Barbara McCarthy.

Rep. Till addressed the House.

Rep. DeSimone requested Unanimous Consent of the House regarding the passing of the former member from Atkinson, the Honorable Natalie Flanagan.

Rep. DeSimone addressed the House.

Rep. Griffin requested Unanimous Consent of the House regarding the passing of the former member from Auburn, the Honorable C. Donald Stritch.

Rep. Griffin addressed the House.

Rep. Groen requested Unanimous Consent of the House regarding Thomas Jefferson, Susan B. Anthony and Mother Teresa.

Rep. Groen addressed the House.

Rep. Rowe requested Unanimous Consent of the House regarding comradery, friendship and respect.

Rep. Rowe addressed the House.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of the former member from Concord, the Honorable Carol Moore.

MOTION TO PRINT REMARKS

Rep. Shurtleff moved that the remarks made by Reps. Dan McGuire, Jeudy and Itse be printed in the Permanent Journal.

Adopted.

REMARKS

Rep. Dan McGuire, accompanied by Reps. Jeudy, Itse and Gary Richardson: Thank you, Madam Speaker. Madam Speaker and colleagues, former Representative Richard “Stretch” Kennedy sadly passed away two weeks ago. In preparing this speech, I’ve had the great pleasure of reminiscing with some of Stretch’s friends, colleagues, relatives, neighbors, employees and acquaintances. The same adjectives were mentioned time and time again: unique, larger than life, kind, generous, gruff, fearless, honest, playful, politically incorrect, strong willed, unruly, outdoorsman and collector. He had a character so large it sometimes seemed like he’d stepped off a movie screen. Stretch was extremely generous with his time, his money and his friendship in matters both large and small. He constantly supported Republicans for office. For example, at a time when most campaign signs were held up with wooden stakes, Stretch would buy a whole trailer truckload of stakes and get his friends to help distribute them to candidates. Over and over again, people told me that Stretch frequently helped those in need with no thought of garnering credit for himself. Stretch was a Sheriff’s Deputy in Maine for over forty years, emphasizing community service and setting young people straight. For that reason, he really preferred the term “peace officer” to “law enforcement officer.” One of Stretch’s best friends was Secretary of State, Bill Gardner, who I see in the Gallery right now and I’m going to appropriate one of his stories that he used in his eulogy. Bill first heard of Stretch by reading a newspaper article that reported that Stretch was the largest donor to Republicans in the state. Shortly thereafter, he went to a meeting in Washington DC with the FEC. They were demonstrating their new computer system which had a record of all political contributions made in the country. The man running the system asked for a name of a donor, so Bill, remembered the name from the article and gave it to him, Richard Kennedy. The man typed in the name, hit the button, and the machine started to spew paper. The paper came out, came out, and came out. The man looked at Bill and said, “Who is this person?” and Bill said, “I don’t know.” The man said he’d never seen anything like it, and he invited them to browse through the paper. Bill picked up the print out and he noticed there was one name that was a Democrat. So, he remembered it and several months later, Stretch came into the Secretary of State’s office to ask some questions, and they got to chatting and just as Stretch was about to leave Bill said to him, “I didn’t know you gave to Democrats.” Stretch said, “I don’t give to Democrats!” Bill said, “Are you sure?” Stretch leaned over and whispered, “What do you know?” Stretch’s political roots were forged in Maine where he lived before moving to New Hampshire roughly 25 years ago. He was an admirer and protégé of Maine’s Republican Senator Margaret Chase Smith, who was known for her strong stand against McCarthyism. He became an ardent student of the constitution and a tireless advocate for both the first and second amendments. While Stretch loved the game of politics, he was much more concerned with the bigger picture and he always voted with his constituents in mind. As an avid outdoorsman, Stretch was a strong environmentalist. Perhaps his most significant legislative accomplishment was a bill co-sponsored with Democrat Rep. Jay Phinizy and others, which banned the burning of demolition waste in New Hampshire, thus keeping lead and mercury out of our atmosphere. Of course, not everything Stretch did in the legislature was serious. During one interminable debate on a gambling bill where supporters kept going on and on about how much extra money would be going to education, Stretch strode to the podium and suggested that we cut out the middleman and put slot machines in the schools so that the kids could pay for their own goddamn education! One of the funniest moments occurred when a Representative who was an attorney objected with feigned insult to the use of the term “shyster” regarding his profession. Stretch dutifully went to the well to apologize for the person taking offense to the use of the word to describe an unscrupulous and useless lawyer. Stretch then proceeded to repeat the word shyster about twenty times, describing its origin from the German word Scheißer, its place in literature and ended by saying if it was good enough for Shakespeare, it was good enough for him. One of Stretch’s passions was guns and he had one of the most extensive gun collections in the country. For years, Stretch would visit Riley’s Gun Shop in Hooksett every Thursday night, arriving a little before they closed at 9:00 p.m. Owner Ralph Demicco and sometimes other employees would stay late so that Stretch could have the store to himself after closing. Ralph told me that it was simply impossible to sell Stretch a gun; Stretch had to choose it on his own and then start the inevitable haggling over price. Only once was Ralph able to sell Stretch a gun. Stretch came in on a Saturday afternoon. That morning Ralph had received a special gun, a drilling, which is a combination of a rifle and a shotgun. It was in a box in the front of the store because he hadn’t had time to take it to the back where they would prepare it for sale. When Ralph saw Stretch come in, he picked up the box under his left arm, and went to walking through the store by Stretch and he was greeting Stretch and shaking his hand and went to walk past him. Stretch took the bait and said, “Hey, wait a minute, what have you got there under your arm?” One thing led to another and Stretch bought that one, so Ralph got one over on him. Guns weren’t the only things that Stretch collected. He loved anything that moved. He was an avid pilot with several planes, cars, motorcycles, construction equipment, and so on. Anything he owned, he wanted to operate. One time after purchasing an excavator, he discovered that he wasn’t quite agile enough to climb up to the controls, so he got himself into the bucket of a backhoe and had his assistant lift him up onto the excavator. He was so enamored of it that for fun he proceeded to dig himself a crater big enough to swallow a four-car garage! Stretch was absolutely fearless. One time he was driving a bulldozer on one of the roads on his property. He saw what

he thought was an old path, so he pulled the bulldozer off the road and proceeded to climb a very steep hill off to the side. Unfortunately, the hill was made out of ledge covered in a thin layer of topsoil. When he got high up on the ridge he turned the bulldozer sideways and it slid out of control down the ledge about 150 feet before coming to rest against a tree. Stretch just sat there laughing his head off. I am deeply indebted to the following people for contributing their stories and memories, even though for reasons of decorum I've had to be a little selective today: Omer Ahern, Gene Chandler, Sam Cohen, Ralph Demicco, Crow Dickenson, Don Drescher, Virginia Drew, Ann Fitzgerald, Cameron Ford, Bill Gardner, Dick and Judy Hampe, Dan Itse, Karen and Mildred Kennedy, Harry Levine, Lee Marden, Paul Mirski, Jeff Newman, Myla Padden, Terry Pfaff, Jay Phinizy, Gary Richardson, Andy Sanborn, Paul Smith, Jordan Ulery, Steve Vaillancourt and Fran Wendelboe. Stretch was very proud of his Irish heritage, so perhaps an Irish saying is an appropriate way to close: "There's no need like the lack of a friend." We have lost someone special, but we will always be grateful that we had the chance to know Stretch Kennedy. Madam Speaker, at this time I'd like to recognize Stretch's family, his wife Karen, daughter Mildred, grandchildren Avis and Oscar, and friend Vincent Griffin, who are with us in the gallery today.

Rep. Jeudy: Thank you, Madam Speaker. Honorable colleagues, when I was here in 2005-2007, until today, I met Representative Kennedy. He came to me and shook my hand and said, "Jean, I heard you are a Mason." I told him, yes. Keep up the good work. God bless you and I want to continue following our conversation. Because of that, I'm going to play a song we were talking about at that time. Rest in peace. Thank you.

(Rep. Jeudy played a musical tribute on the harmonica)

Rep. Itse: When I first came here thirteen years ago, which is a thought in its own right, Stretch Kennedy was already an established institution in this House. He was a man who seemed kind of, rather, larger than life and he had developed the persona of the irascible elder statesman. He liked to poke and tease just to see what kind of a rise he could get out of you. I suppose I looked like this young freshman full of strange ideas and he wanted to see just what I was made of. The second year of my freshman term and I had introduced a bill to Criminal Justice regarding child pornography. At that time, they had the room arranged so that as you walked into the hearing room, you had to walk right past Stretch. He looked up at me and said, "Itse, I'm a pagan, but I'm with you on this one." I leaned over and said, "Stretch, you may be a pagan, but you're a conservative pagan." His eyes twinkled and I had a friend for life. He always referred to me as "Itse." We would be at a taxpayer's picnic, "Itse, I want to talk about something with you." We would go off and kibitz. Stretch, may your soul rest in peace.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of the former member from Hopkinton, the Honorable Richard Kennedy.

(Rep. Gary Richardson in the Chair)

MOTION TO PRINT REMARKS

Rep. James Webb moved that the remarks made by Rep. Till be printed in the Permanent Journal. Adopted.

REMARKS

Rep. Till: Thank you, Mister Speaker. We rise to request a moment of silence to remember Barbara McCarthy, a former state representative from Derry who served here between 2008 and 2010. She passed away on January 18 at her home after a period of failing health. Barbara, in her early years, was a social worker at Lawrence General Hospital and taught at St. Augustine School in Lawrence. For a number of years, she owned and operated McCarthy's antiques in Derry. The people in Derry best remember her for her devotion to rescuing unwanted animals and finding them good homes. She was the force behind the Greater Derry Humane Society for 30 years. She also conducted dog-training classes. She will not only be missed by the people of Derry, but by the dogs and cats she loved so dearly.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of the former member from Derry, the Honorable Barbara McCarthy.

MOTION TO PRINT REMARKS

Rep. James Webb moved that the remarks made by Reps. DeSimone and Griffin be printed in the Permanent Journal. Adopted.

REMARKS

Rep. DeSimone: Thank you, Mister Speaker. I invite all of the delegates from Rockingham County to join me if you choose. I thank you all for spending time at the end of a very long day to stay here and listen to

these remarks. Mrs. Natalie Flanagan would be embarrassed and she would admonish me, but I would say to her, "Oh Nat," and all would be good. We unfortunately have heard of many people who have passed and have served in this wonderful House. Mrs. Natalie Flanagan was born to be involved in politics. She was born on August 6, 1913, which was the very first year for New Hampshire's primary – first in the nation. She was raised by a dad and a mom who stood on circumstance, you acted like a lady, you were prim and proper, you acted like a gentleman, and that's how Natalie Flanagan lived her life. She was always a lady. She grew up with her father in politics and learned to be a civic-minded human being who would knit and crochet mittens, hats, and scarves for the poor kids. She continued knitting and crocheting into her very late years and would ask our own Secretary of State, Bill Gardner, to pick up some specific yarn that she liked and you could see him sporting some of the vests that she knitted for him. She worked tirelessly in this House for 30 years, from 1974 to 2004. She worked with Bill Gardner, who, she would be very upset that I said that. I'm supposed to call him Mr. Secretary. She worked tirelessly with him on Election Law and many other laws that have helped this State come to where it is today. When she mentored me to become a legislator, she said to me, "You can wear pants on committee days, but always a dress. You are representing me on Wednesday." She was a lovely, lovely lady who loved this legislature more than almost anything else with the exception of her nieces and nephews. It bothered her tremendously when she had to give this up when she broke her hip and the doctors would not allow her to come back. I told her I would drive her, but the doctor said no. Former Representative Natalie Flanagan, she has the same birth year, as I said, as the presidential primary in this state. She was the oldest former representative in the country after having served those 30 years. For many of those years, she chaired the House committee responsible for the election laws that we have today and she co-sponsored two presidential primary bills, which successfully helped to preserve the first in the nation primary tradition, which she told me, "By golly that will never end. We worked hard for that and we deserve it and it will never stop." Thankfully, she was right. Natalie shared some of her thoughts with those attending her 100th birthday last August 6th. She said, "I think a lot of people in the country count on the New Hampshire primary to figure out if they can run for President. They had no idea if they could possibly win, but they had to have hope. If you don't have hope, you don't get very far." That is the epitome of Mrs. Natalie Flanagan who holds all of our respect and love. I thank you for your time.

REMARKS

Rep. Griffin: Thank you, Mister Speaker and my colleagues. We are here today to remember C. Donald Stritch. Don Stritch was born on July 6, 1931. He died on January 5, 2014 at the age of 82. Don was a Rockingham County Commissioner from 2003 to 2013 where he came to his office daily. He served 6 terms in the New Hampshire House of Representatives, since 1983, where he was vice chairman and later chairman of the Election Law Committee, as well as chairman of the Special Committee on Legislative Redistricting. He was also selected as a member of the U.S. Election Commission Standards Board from 2003 to 2005. He served in the United States Air Force. For more than 50 years, he served the town of Auburn in his capacity as principal of Auburn Village School, Longmeadow Cemetery trustee, Auburn sesquicentennial committee, president of Auburn Historical Society, school moderator, member of the School Board, Auburn Lions Club, Volunteer Fire Department and more than 40 years as the town moderator. Devoted to public service, Don served in a plethora of local, county, state and federal positions in his lifetime. Don was a wonderful gentleman, a very good friend and will surely be missed by everyone. Thank you very much.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of the former member from Atkinson, the Honorable Natalie Flanagan and the former member from Auburn, the Honorable C. Donald Stritch.

MOTION TO PRINT REMARKS

Rep. William O'Brien moved that the remarks made by Rep. Groen be printed in the Permanent Journal. Rep. William O'Brien requested a roll call; sufficiently seconded.

CLERK'S NOTE

Lacking a quorum, the roll call vote on the motion to print remarks was invalid and the motion failed.

RECESS MOTION

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

The House recessed at 6:40 p.m.

CLERK'S NOTE

Lacking a quorum, the Recess Motion was invalid and the House stands adjourned.