



State of
New Hampshire

HOUSE RECORD

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Thursday, February 6, 2014

No. 15

CLERK'S NOTE

The House Session scheduled for Wednesday, February 5, 2014 was cancelled due to weather.

HOUSE JOURNAL No. 5

Thursday, February 6, 2014

The House assembled at 2:00 p.m., 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.

Gracious God, the snow has come and gone. Today is a new day. And as we gather to hear the Governor's address, and then to be about our work, let us not forget that what we do here, regardless of the hours we spend or how much of our own hair we pull out, has great import. Thank You for our colleagues in this chamber and across the hall. Thank You for our leadership. Thank You for all of those who support the work of this chamber behind the scenes. Today, as is true almost every time we meet, issues will come up which many of us are passionately concerned about; matters which affect people's lives in very direct ways. Help us to experience one another's passion today as deep concern. Let Your profound and abiding spirit help us to truly hear one another, and to see one another and the people we are called to serve through Your knowing, loving eyes. Open us to Your guiding spirit, that Your voice might be first among those we consult within our hearts, and having opened us, to then do what is right, what is compassionate; what is merciful and life-giving in Your sight. Bless, we pray, those in our lives and in this chamber whose health or whose spirits are failing, and be with all of those we serve in this state, especially those who experience great want. In Your Holy name we pray. Amen.

Representative Dianne Schuett, member from Pembroke, led the Pledge of Allegiance.

Representative Mary Gorman, member from Nashua, led the singing of the National Anthem.

LEAVES OF ABSENCE

Reps. Arsenault, Barry, Bradley, Cali-Pitts, Charron, Comtois, Ebel, Susan Emerson, Helmstetter, Hubbard, LeVasseur, Major, Keith Murphy, O'Connor, Parsons, Peckham, Amy Perkins, Pitre, Chip Rice, Stevens, Straight, Stroud, the day, illness.

Reps. Bailey, Ronald Belanger, Carroll, Chirichiello, Crawford, DiMartino, Rebecca Emerson-Brown, Enman, Fink, Goley, Hagan, Hayes, Hinch, Jasper, Gladys Johnsen, Jane Johnson, Kopka, Lerandean, Ley, Lovett, Lundgren, Martel, McCarthy, McKinney, Menear, Mary Nelson, Nordgren, Michael O'Brien, O'Hearne, O'Neil, Oligny, Pastor, Piper, Rappaport, Rhodes, Herbert Richardson, Roberts, Sanders, Todd Smith, Spang, Joe Sweeney, Tamburello, Vail, Robert Walsh, Thomas Walsh, Watrous and Weed, the day, important business. Reps. Kelleigh Murphy, Lawrence Perkins and Renzullo, the day, illness in the family.

INTRODUCTION OF GUESTS

Girl Scouts from New Hampshire and Vermont participating in the Girls Rock the Capital program, guests of Rep. Carey. Tammy Witham, guest of Rep. Rose-Marie Rogers.

RESOLUTION

Reps. Shurtleff and Chandler offered the following: RESOLVED, that the House of Representatives notify the Honorable Senate that it is ready to meet in Joint Convention for the purpose of hearing the State of the State Address by her Excellency, Governor Margaret Wood Hassan.
Adopted.

SENATE MESSAGE

The Senate is ready to meet with the House of Representatives in Joint Convention for the purpose of hearing the State of the State address by her Excellency, Governor Margaret Wood Hassan.

The Sergeant-at-Arms introduced the Honorable Senate and Senate President, Chuck Morse of Salem.

JOINT CONVENTION

(Speaker Norelli presiding)

INTRODUCTION OF SPECIAL GUESTS

The Sergeant-at-Arms introduced the following: Executive Councilor, Christopher Pappas. State Treasurer, Catherine A. Provencher. Chief Justice of the Supreme Court, Linda Stewart Dalianis. Senior Associate Justice of the Supreme Court, Gary E. Hicks. Associate Justice of the Supreme Court, Robert J. Lynn. Administrative Judge of the Circuit Court, Edwin Kelly. Deputy Administrative Judge of the Circuit Court, David D. King. Associate Justice of the Supreme Court, Carol Ann Conboy.

The Sergeant-at-Arms introduced Governor Margaret Wood Hassan and Thomas Hassan.

Governor Hassan presented her State of the State Address to the Joint Convention.

STATE OF THE STATE ADDRESS

Madam Speaker, Mr. Senate President, Madam Chief Justice, honorable members of the House, Senate and Executive Council, my fellow citizens: A little more than one year ago, I was honored to assume the privilege and responsibility of serving as Governor of the State of New Hampshire. Today, I am proud to report that the state of our state is confident, as we address challenges with cooperation and common sense. The state of our state is determined, as we focus relentlessly on strengthening and growing New Hampshire's economy and middle class. And because of the combined efforts of us all – citizens from the North Country to the Seacoast to the Monadnock Region to the Upper Valley – businesses, non-profits, and community leaders – Republicans, Democrats and Independents alike – the state of our state is strong and growing even stronger. In contrast to the dysfunction in our nation's capital, in New Hampshire, we have worked together to support middle class families, to help innovative businesses thrive and to grow our economy. We have demonstrated that the traditions of hard work, collaboration, and bipartisan problem-solving have returned to Concord. To continue our progress and lay the foundation for a bright future with even stronger economic growth, we must keep working together in the way that the people of New Hampshire expect and demand. I continue to be inspired by the "all-hands-on-deck" spirit of our people. I see it in Granite Staters who finish a hard day of work and then go help a nonprofit, coach a youth team, or engage in their school boards and town meetings. My husband Tom has seen the same spirit at the Tillotson Center in Colebrook, at the Claremont Soup Kitchen, at the New Hampshire Veterans Home, and in every county in the state through his "Help Out New Hampshire" volunteerism tour. Tom, you are an exceptional First Gentleman and husband. Your support and the support of our children Ben and Meg, as well as my mother Peggy, means more to me than you will ever know. Thank you for being by my side. We must also thank the brave men and women of the New Hampshire National Guard, who exemplify the spirit of our people, defending our nation, at home and abroad, and responding to emergencies and disasters. Granite Staters want you to know how grateful we are for your service. And we know that your service is only possible with the support of others, including your employers ... but most importantly your families. Thank you, families and employers, as well. The spirit of our people is also exemplified by the ongoing service and sacrifice of all of our active duty servicemen and women, and our veterans who have made our nation strong. Thank you, and your families, for your unyielding dedication to our freedom. And let us thank our dedicated state employees, who work day in and day out to serve the people of New Hampshire, solve problems and respond to emergencies. Thank you, to all of our public servants, for all that you do to strengthen our state. Time and again, the people of New Hampshire have proven their deep commitment to our communities, and over the past year, we worked together to live up to their expectations and values. With nearly unanimous support from those in this historic chamber, we enacted the most bipartisan budget in more than a decade. While ensuring fiscal responsibility, we made real progress in building a stronger, more innovative New Hampshire, where our businesses are creating more good jobs that can support a thriving middle class. New Hampshire remains one of the safest, healthiest and most livable states in the nation – and the best place to raise a family. Our private sector is creating jobs and our housing market is steadily improving with foreclosures at the lowest rate since 2007 and home prices rising. And state revenues have outpaced projections, indicating a recovering economy. Our state is well positioned to lead the country in innovative economic growth that will lift all of our people, families and businesses. Capturing that bright tomorrow, however, requires hard work from all of us today. We face long-standing challenges – from education to infrastructure to energy to health care. How we come together to address these challenges and position our state for long-lasting prosperity will determine whether we will continue to lead the nation. We have shown in the last year that we can work across party lines to make progress, just as the people of New Hampshire work through problems every day. The great Robert Frost once wrote "the best way out is always

through.” We are out from under the greatest burdens of the recession. Now, we must keep our state and our economy moving forward, and for New Hampshire, the best way forward is always through. There is bipartisan understanding of what our most pressing challenges are. And with that as a foundation, we can work our way through, together, to reach solutions. It won’t be without disagreement and debate – those are essential ingredients of a democracy. But with open minds, open hearts and common purpose, we can work our way through to compromise, and through compromise to progress for our economy and our people. That starts with advancing the priorities that support innovative economic growth and help businesses create good jobs, the kind of jobs that will strengthen and grow our middle class. New Hampshire is home to many, many companies doing innovative work and creating jobs. Next Step Bionics and Prosthetics in Manchester has turned a former textile mill into a state-of-the-art facility developing new technology for people who have lost limbs. Next Step is creating jobs, developing cutting-edge technology – and changing lives. More than anything else, what business leaders like Matt Albuquerque at Next Step tell me they need is a workforce with the skills and critical thinking needed for success in 21st century jobs. To build an even stronger workforce, we must keep more of our young people here in New Hampshire. We took an important step in that effort working together through the budget. We restored higher education funding and made it possible for our universities and community colleges to freeze in-state tuition. New Hampshire’s public schools are often ranked among the nation’s best in graduation rates, in reading proficiency and in math proficiency. And many of our schools are innovating and working to find better ways to educate our students. Pittsfield Middle High School, for example, has brought businesses, parents and the entire community together to develop a student-centered learning program. Educators are working collaboratively with students to identify what they need to learn and what they are having trouble learning. Then together they build plans, including opportunities outside the classroom, that help each student thrive. Pittsfield students are seeing the results in their test scores, with the number of 11th-graders testing proficient in math nearly doubling since the program began. Pittsfield is seeing improvements because they were willing to look at education differently. And that is what we need to do across our state. We may be doing better than most states, but we have heard from our businesses that we still have work to do to ensure that we have a workforce that can compete in the future. That is why, across New Hampshire, local school districts are pursuing college- and career-readiness standards that include the Common Core, an effort that has the support of educators and businesses, of Republicans and Democrats. States came together to develop these robust standards in order to provide a consistent, clear understanding of what students are expected to learn, so that they can develop the skills they need and the ability to think critically – helping our young people succeed in their careers, in higher education and in life. Local school districts continue to have the flexibility to determine whether and how to implement these standards -- and they should be implemented. For our students to succeed, we must work together to ensure that communities are able to implement college- and career-readiness standards effectively, through collaboration with parents, students and educators. These standards are an important step forward, but we must build upon them and make sure that students have access to a strong curriculum in a full range of subjects, from English – to math – to the arts. And to help young people fill the jobs that growing businesses are creating here in New Hampshire, we need to come together as a state to ask tough questions about how we can best educate our young people, especially in the STEM fields of science, technology, engineering and math. Is it acceptable in today’s economy to only require two years of math from our high school students? Should we be requiring computer science as well as biology? How can we better integrate engineering and technology into our classrooms? For New Hampshire to lead the way in building a workforce that is prepared for the high-tech jobs of today and tomorrow, our schools need to provide an even more rigorous STEM education that our businesses believe in, our educators believe in, and our students and families believe in. That is why I will be creating a STEM Education Task Force made up of diverse stakeholders who will make recommendations for modernizing STEM education in our schools. Strengthening education in the STEM fields is just one part of the equation. New Hampshire’s high-tech and advanced manufacturing companies are struggling to fill job openings, even for jobs with wages over 25 percent higher than average. We need to reach our students at a young age and help them understand that they can stay in New Hampshire, find jobs here that are interesting and exciting, and build careers that will allow them to support their families and climb the ladder of opportunity. Building on the work being done by our Advanced Manufacturing Education Advisory Council and the Manufacturing Extension Partnership, I have asked Commissioner Jeff Rose and the Department of Resources and Economic Development to lead a new effort this year to partner manufacturing companies directly with classes at local schools, building relationships that can lead to a stronger workforce pipeline. In addition to a strong workforce, job-creating businesses need to know that New Hampshire’s small, accessible and nimble government will continue to be responsive to their needs. With bipartisan support, we increased funding for travel and tourism promotion, we put in place our first permanent director of economic development since 2008, we modernized our corporations act, and we doubled and made permanent our research and development tax credit. We also increased international trade assistance to help businesses market and sell their products around the globe. Through November, our business exports rose 22 percent in 2013, making New Hampshire the fastest-growing state in the nation for

exports. For New Hampshire's economy to keep moving forward, we need to continue supporting common-sense measures that will help our businesses compete and thrive. Employers and workers have done their part to increase workplace safety, but medical costs are sending workers compensation payments soaring higher than what they would be through the health insurance system. It is an issue that I have heard raised by employers across the state. The House just passed legislation creating a commission to recommend changes in this system. We must come together to reform workers compensation so that our businesses can re-invest these dollars in growing their companies and creating new jobs. A growing economy also depends on growing small businesses, the engines of job creation in communities across New Hampshire. To expand and hire, our small businesses need access to capital investment and support from financial partners. And so this year, we will hold a finance summit to help introduce lending organizations and financing partners to businesses, large and small, who are striving to expand. We also must continue efforts to strengthen fiscal responsibility by innovating in the way state government provides services in order to improve efficiency and protect taxpayer dollars. We're bringing best practices from across the state to the table through our Innovation, Efficiency and Transparency Commission. And through the continued dedication and creativity of our department heads and state employees, we're working to prioritize and improve the state's focus on customer service. That includes building on efforts like our Business One Stop, which makes it possible for businesses to more easily learn what they need to do to start or expand in New Hampshire. We are investing in technology to launch the next phase of this project, and I will soon be issuing an Executive Order directing state agencies to move all possible business-related forms online by the end of the biennium. As we enhance efficiency and innovation in state government, we also should recognize the contributions of our most upstanding corporate citizens, who year after year meet regulations and follow the law. To support these companies, I have directed state agencies to explore the creation of a new Gold Standard program that will ease regulatory hurdles and highlight businesses with exemplary track records. That will help these companies focus even more intently on the growth and job creation our economy needs. Taking action to grow our economy also requires that we acknowledge what is happening around us. Soon, our state will begin to lose 75 million dollars per year to new casinos right across the border in Massachusetts. Developing New Hampshire's own plan for one high-end destination casino will create jobs, boost our economy, and generate revenue to invest in critical priorities. I know that during this debate last year, some members of the House expressed concerns about the state's ability to effectively regulate a casino. Responding to these concerns, Representative Ames and the Gaming Regulatory Oversight Authority brought in experts from across the country. For months, they worked hard to develop thoughtful recommendations for how to best oversee and move forward with one highly regulated destination casino in New Hampshire. I encourage all legislators to fully consider the Authority's carefully developed, bipartisan recommendations, recognize that we can do this in a way that works for our state, and vote in favor of authorizing a casino. Instead of funding Massachusetts' needs, let's take this opportunity to invest in New Hampshire's priorities and help grow New Hampshire's economy. Truly accelerating our economic growth will only be possible when working families and individuals are confident in their own financial circumstances and able to purchase more goods and services. We must restore and increase New Hampshire's minimum wage. I thank Representative Sally Kelly for taking on this issue, and I encourage the business community to work closely with the Legislature to identify the most appropriate level for our state's minimum wage. Because restoring and increasing this important protection will help our economy by putting more money in the pockets of hard-working people of all ages. We must also renew our commitment to a fundamental principle: an equal day's work deserves an equal day's pay. Well over half of the women working in today's economy are either the primary or co-breadwinners in their families. And yet, women in New Hampshire, who are working full-time jobs, earn only 77 cents on the dollar compared to men. Nationally, studies have found that a pay gap exists between men and women in nearly every occupation. Senator Larsen has introduced legislation that will improve the financial security of working families by helping all of our workers access appropriate resources to help them earn a fair and equal paycheck, without fear of retaliation. I ask the legislature to strengthen our economy and our middle class by passing the Paycheck Fairness Act. Keeping New Hampshire's economy moving forward will also require us to work through a pressing challenge that has been neglected for far too long: our aging transportation infrastructure. In the last year, we've been able to make progress to improve the roads and bridges that our people and businesses rely on, opening the new Memorial Bridge in Portsmouth, continuing the widening of I-93 and adding open-road tolling in Hooksett that is making for swifter travel for commuters, tourists and businesses. However, every year an additional 50 miles of state-maintained roads are slipping from "Fair" to "Poor" condition. The number of "Red List" bridges -- already at 145 -- continues to grow. When the project to widen I-93 was first proposed, it was projected to cost about 40 million dollars. Nearly 30 years later, the construction costs are 585 million dollars, and we need 250 million to complete the expansion. We know that a solid, modern transportation infrastructure is the foundation for long-term economic growth, and I appreciate that there is broad agreement in the legislature about the need to strengthen investment in our roads and bridges. Thank you to Senator Rausch for leading efforts to take an important step toward addressing our transportation needs. I know that we can come together and work through this challenge. We can reach a consensus solution to renew our investment

in safe and modern roads and bridges. A modern economy's infrastructure must also include broadband, especially if our rural communities are to compete. Through Network New Hampshire Now, public agencies, private groups and the telecommunications industry came together and helped expand critical broadband access to unserved and underserved areas of our state, reaching into every county. We must keep working together and support ongoing efforts to extend broadband down the last miles in every business, home and community. Businesses, families and seniors also need reliable – and affordable – energy to continue to grow and prosper. We must increase the focus on conservation and energy efficiency to protect our natural resources and lower costs. And we must work to diversify our energy sources so we are not disproportionately reliant on any one source. Over the course of this year, stakeholders throughout the state will be working to develop a long-term energy strategy for New Hampshire that will reduce energy costs, create jobs and improve reliability and diversity. I encourage businesses, workers, communities and individuals from across the state to fully participate in this process. As we develop our long-term plan, though, we must take additional steps to reduce energy costs. While a domestic energy boom is making fuels like natural gas as plentiful as ever, New England still suffers from being at the end of the pipeline. Expanding natural gas pipeline capacity for our region is one way to reduce energy costs in New Hampshire. That is why I have joined with my fellow New England governors in an energy infrastructure collaboration that prioritizes natural gas capacity and ensures that we are able to protect New Hampshire's interests as both transmission and pipeline projects are pursued throughout the region. This effort has already made progress, and the regional grid operator, along with our utilities and pipeline owners, are working on how to put additional natural gas in our region as quickly as possible. By working together, we can take steps to build a stronger, more affordable energy future, and we can do it without sacrificing the scenic views and beautiful natural resources that drive our economy and define us as a place and as a people. Our pressing challenges go beyond energy costs, and right now, we have an opportunity to work through another long-standing issue – healthcare costs and access. New Hampshire has already demonstrated that we can improve health care programs in a cost-effective way through the successful launch of our bipartisan Medicaid managed care program. Thanks to the efforts of the Department of Health and Human Services, our Managed Care Commission, members of the legislature, and partners in our communities, the program is now up and running and is saving taxpayer dollars. And, just a short while ago, Republican and Democratic leaders in the Senate announced that they have agreed to the framework of a workable, realistic plan to extend health care coverage to more than 50,000 hard-working Granite Staters. These Granite Staters are real people and families who we all agree deserve the security of health insurance. They are our restaurant employees, healthcare workers, construction workers, retail clerks. They work in our schools and local grocery stores. People who struggle to make ends meet and put food on the table while earning less than \$16,000 a year. And because their jobs don't provide insurance, when they need health care, they are forced to go to the emergency room, and those costs are shifted to all of our people and businesses. Moving forward with health care expansion is supported by hospitals, providers, businesses, and the people of New Hampshire. With today's positive step forward, it's clear that we can work through this together and help working people access critical health coverage. I thank members of both parties, from both the House and the Senate, for their steadfast commitment to reaching a compromise. Now, let's get this done. Capturing these federal funds will also advance our ongoing efforts to support those with mental illness by providing mental health coverage to tens of thousands. We recognized over the last year that we needed to act quickly to improve our mental health system. We have added beds in our state hospital – and we may need to add additional short-term capacity there. However, people with mental illness are our friends, our family members, our neighbors who are simply in need of appropriate care, and they must be able to access that care before they reach the point of crisis. This is a challenge facing our health care providers, police officers, and communities across the state, and the solutions must be pursued at the community level. That is the work we began with our bipartisan budget, as we came together to strengthen community-based mental health services. That commitment, in turn, brought parties to the table and led to a landmark mental health settlement between the state, the federal government, and New Hampshire residents with mental illness. The settlement agreement further enhances community-based mental health services and increases crisis-support services, helping to address the trend of acute mental health cases at our hospitals' emergency rooms. It also ensures that we can continue addressing our mental health challenges in a fiscally responsible way that protects the state's budget and ensures that New Hampshire citizens are driving improvements in our mental health system – not federal judges. The House will introduce legislation that reflects the settlement agreement, and I encourage the full legislature to pass this bill and reinforce our commitment to a revitalized community-based mental health system. But we must also work to fully integrate these community-based services into our larger health care system, and we need our communities, our hospitals and our health care providers to remain full partners in this effort. We should take care not to build a separate but equal system. We need to work toward a system where all providers have the training, capacity and expertise to effectively treat those with mental illness, just as they treat others with chronic conditions. For those with mental health needs and for all patients, providers need to offer the right care, at the right time, in the right

place. Just as expanding Medicaid will strengthen mental health care, it will bring another important benefit by providing critical coverage for treatment for substance and alcohol abuse. Rising rates of substance abuse are straining our families, hurting the productivity of our workers and undermining the safety of our communities. New Hampshire has among the highest rates in the country of drug and alcohol abuse and dependence, but ranks at the bottom in accessing treatment. Heroin use is on the rise statewide, as the leading cause of drug overdose deaths in 2012, and prescription drug abuse remains high. We have received an important federal grant that will help us take a critical step in reducing prescription drug abuse by finally funding our prescription drug monitoring program. But we must focus on improving access to treatment for all substances, especially among our young people. Legalizing marijuana won't help us address our substance use challenge. Experience and data suggests it will do just the opposite. Marijuana remains illegal under federal law. Our state already has one of the highest rates of marijuana use by young people in the country, and marijuana has real, negative health effects, especially on adolescents. The evidence suggests that legalizing marijuana will increase the number of minors who use this drug, will make our workforce less productive and our roads less safe, and will undermine public health. However, we do need to thoughtfully consider our current policies toward substance abuse to refocus on treatment. I do not believe that a young person with a substance problem should end up in jail, prison or with a criminal record on their first offense. That is why I would support a comprehensive review of our criminal code and our sentences to consider alternative options that will focus on treatment first. Expanding Medicaid will support this treatment-first approach by providing thousands of people with substance and alcohol treatment coverage for the first time, improving lives while strengthening our economy and public safety. And maintaining New Hampshire's distinction as one of the safest states in the nation is our most important responsibility. Together, we recognized this responsibility in our bipartisan budget, which put more State Troopers on the roads, maintained drug task force teams, and invested in school safety. We've also launched an innovative partnership with the Media Power Youth program to help reduce and prevent youth violence. This evidence-based approach helps parents, educators and young people understand media's role in influencing behavior – and the initiative has already received tremendous response in communities throughout the state. And together, we recognized the need to help our most at-risk young people by restoring the Children In Need of Services program. But we know that our work is never complete, that we can always make our communities safer and stronger. One pressing public safety issue is the fact that New Hampshire does not provide the current background check system with information about individuals who should not be sold a firearm due to serious mental illness – even though that information is supposed to be included under federal law. I understand that some oppose changes to this system because they have concerns about the impact on 2nd amendment rights, and some because they fear such changes would stigmatize those with mental illness. Senator Watters has led efforts to address this challenge in a thoughtful way, leading toward a measure to study the issue and make recommendations for further legislation. I encourage both the Senate and House to pass this bill, and I encourage those who have initially opposed the measure to be willing to re-evaluate their positions and to help find a way through this issue, together. Senator Soucy has also introduced a measure that would strengthen the safety of our families and communities by establishing a crime of domestic violence. This common-sense measure will help law enforcement and prosecutors better identify and stop repeat abusers. This effort is spurred in part by the tragic murder of 9-year-old Joshua Savyon at the Manchester YWCA. Joshua's mother, Becky Raney, is here with us today. Becky, none of us can grasp the pain you bear every day, but we are all inspired by your courage in sharing your story and advocating for this bill that will help countless families and communities. Your strength gives us all strength, and your efforts will make us all stronger. I ask the legislature to heed Becky's call and pass this bill, pass "Joshua's Law," in memory of her beautiful son. Each step we take together to improve our communities and allow all of our people to succeed helps set the foundation for a stronger economic future. Many of our challenges will require tough choices and even tougher votes. There will be times when reaching consensus seems impossible, when debates and arguments may get heated. But what matters – to our economy, to our businesses, to the people of our state – is what we do after we argue. Building on our progress and accelerating our economic recovery will require us to set aside preconceived notions. We will need to be rigorous in examining our own long-held positions. We will have to work to identify our common ground – and then seize upon it. I like to say that, in New Hampshire, we do democracy better than anywhere else. And, in the past year, we have proven this to be true despite our status as one of the few states with a legislature split between the parties. Unlike Washington, we have shown time and again that we are capable of engaging with each other, putting arguments aside and coming together to solve problems, leading to progress for our businesses and our families. We must continue to prove the strength of our democracy by working through our challenges together. With vigor, but with constant attention to our shared purpose and vision. Because, for the State of New Hampshire, the best way forward is always through. Thank you.

Sen. Bradley and Rep. Shurtleff moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

HOUSE SESSION
(Speaker Norelli in the Chair)
COMMUNICATION

Via Email
 January 29, 2014

Attn: Speaker of the NH House of Representatives, Terie Norelli

As of the date above, I regret that I must resign my seat in the NH House of Representatives. I can no longer drive my wheelchair lift van without some very expensive repairs. The second reason is that I needed to move to a location closer to public transportation. This new residence is not in my district. I now live in Ward 5 in Manchester. While serving the total of 9 years, I have met some dedicated people who do wonderful work for the people of our state. I felt privileged to serve with them.

Respectfully submitted,
 Carol Ann Williams
 Representative, Hills, 16

MOTION TO VACATE

Rep. Wallner moved that the House vacate the reference of **HB 495-FN**, relative to titles for motor vehicles, to the Committee on Finance.

Adopted.

The Speaker referred **HB 495-FN** to the Committee on Ways and Means.

MOTION TO SUSPEND HOUSE RULES

Reps. Shurtleff and Chandler moved that House Rules be so far suspended as to allow the deadline for reporting of **HB 2014**, relative to the state 10-year transportation improvement program, be extended to March 20, 2014.

Adopted by the necessary two-thirds vote.

RESOLUTION

Reps. Shurtleff and Chandler offered the following: RESOLVED, that late drafting and introduction having been approved by the Rules Committee, House Bill numbered 1635 shall be by this resolution read a first and second time by the therein listed title, sent for printing and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 1635-FN-A, relative to community mental health programs and making appropriations therefor. (Wallner, Merr 10; Nordgren, Graf 12; Larsen, Dist 15; D'Allesandro, Dist 20: Finance)

CONSENT CALENDAR

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

HB 1482-FN, relative to licensure of individuals as private investigators, bail enforcement agents, and security guards, and requiring a skills training course for applicants for such licensure, removed by Rep. Theberge.

CACR 12, relating to nomination and appointment of officers. Providing that judges and the attorney general shall be elected, removed by Rep. Hoell.

HB 1235-FN, establishing a procedure to recall selectmen and school board members, removed by Rep. Hoell.

HB 1229-FN, relative to the oil discharge and gasoline ether cleanup fund, removed by Rep. Hoell.

HB 1553-FN-A, requiring a refund of business profits taxes and business enterprise taxes which exceed an annual revenue cap adopted by the legislature, removed by Rep. Hoell.

Consent Calendar adopted.

HB 1473, recodifying the laws relative to sheriffs, constables, and police officers. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety. The committee feels that this is a county issue, and the committee heard no testimony from the counties on this bill. The committee also feels the bill needs a lot of further study to prevent any unintended consequences. Vote 19-0.

HB 1575-FN-A, requiring state police to wear a camera when interacting with the public. **REFER FOR INTERIM STUDY.**

Rep. Kyle J. Tasker for Criminal Justice and Public Safety. Due to the important and pioneering spirit of this bill, further study is recommended. A lot of work by multiple parties will be required to craft a comprehensive body cam policy that is acceptable to the state police and the citizenry and this will not be done in a timely manner. Through Interim Study, the committee feels this bill will be ready for prime time next session. Vote 19-0.

HB 1243, relative to the confidentiality of criminal background checks of school employees and volunteers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rachel B. Burke for Education. This bill, as written and amended, insures that prospective employees and/or volunteers who are subjected to criminal investigation checks shall not have the resulting information divulged to the public. The information will be given to the proper authorities and destroyed within 30 days of reception. This bill corrects a violation of the federal law of the United States. Vote 20-0.

Amendment (0089h)

Amend the bill by replacing section 2 with the following:

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

HB 1415-FN, establishing a robotics education fund in the department of education. **OUGHT TO PASS.**

Rep. June M. Frazer for Education. This bill would establish a fund to assist school districts in the development of robotics teams, encourage participation in robotics competitions and make robotics available to more public high school students. The fund which would be non-lapsing, would be established in the state treasurer's office and would be administered by the department of education. The fund will come from gifts, grants, donations, or other funding and will not require funding by the state. The committee heard much testimony attesting to the great excitement robotics education is creating among students and its value as an incentive to students to pursue stem studies. Vote 20-0.

Referred to the Committee on Ways and Means.

HB 1157, relative to establishment of fees by certain regulatory boards. **OUGHT TO PASS.**

Rep. Howard M. Moffett for Executive Departments and Administration. This bipartisan bill is intended to ensure that the biennial budgets of the mechanical licensing board and certain other construction industry boards attached to the department of safety, whose revenues are vulnerable to recession, will include enough funds to hire the necessary complement of inspectors as business picks up. The Boards would be required to set fees at a level sufficient to produce estimated revenues equal to 125% of their direct operating expenses for the biennium in which they apply, bringing the fee structure in line with that of other licensing boards under the "125% rule." Vote 19-0.

Referred to the Committee on Ways and Means.

HB 1160-FN, relative to the sale of Lucky 7 tickets. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Daniel J. Sullivan for Executive Departments and Administration. Currently the statute is silent on the use of dispenser devices in bingo halls or the hours that Lucky 7 tickets may be sold in them. HB 1160, as amended, simply clarifies that Lucky 7 tickets may be sold by dispenser devices at places conducting charitable bingo games between the hours of 11 AM and 11 PM. These are the same hours that bingo is allowed to be played. Vote 19-0.

Amendment (0140h)

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Sale of Lucky 7 Tickets. Amend RSA 287-E:7, IV to read as follows:

V. No bingo games shall be conducted prior to 11:00 a.m. on a weekday, prior to noon on a Sunday, or after 11:00 p.m. on any day. ***Lucky 7 tickets sold in conjunction with the operation of bingo games shall not be sold after 11:00 p.m. on any day.***

Referred to the Committee on Ways and Means.

HB 1562-FN, relative to the legal holiday status of the state biennial election day. **INEXPEDIENT TO LEGISLATE.**

Rep. Romeo Danaïs for Executive Departments and Administration. This bill states, "An employer shall permit employees to take leave on the state biennial election day in November of even-numbered years for the purpose of voting." The committee determined that current law already fulfills this need. Vote 18-0.

HB 1280, permitting physician assistants to authorize walking disability plates and placards. **OUGHT TO PASS.**

Rep. E. Elaine Andrews-Ahearn for Health, Human Services and Elderly Affairs. This bill adds a physician assistant to those who authorize walking disability plates and placards which provides for a quicker way for medical offices to provide such assistance to a disabled person. Vote 16-0.

CACR 13, relating to police courts and justices of the peace. Providing that language concerning police courts and justices of the peace is consistent with statute. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter M. Sullivan for Judiciary. While the committee is sympathetic to the concerns raised by the sponsor of this bill, we believe that this amendment is not the proper way to address these concerns. The committee believes that changes to our state constitution should only be made when there is a compelling reason to do so. Adding language to the constitution in matters best addressed by statute runs the risk of using a document intended as a broad statement as a means of implementing the minutiae of public policy. We unanimously believe that this proposed amendment is an inappropriate solution to a legitimate concern. Vote 18-0.

HB 1231, relative to jury instructions in sexual assault cases. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul S. Berch for Judiciary. This bill seeks to change jury instructions in criminal sexual assault trials in two ways. First, it would change the term victim to complainant. However, complainant would be incorrect as the State of New Hampshire is the complainant in these prosecutions. Additionally, the committee learned that it is the practice of the trial judges to use the term "alleged victim" in jury instructions. The second change would mandate that if the court gives an instruction that the alleged victim's testimony need not be corroborated, it must give a similar instruction in all cases as to the defendant's testimony. The committee felt that not only were the two situations not parallel, but that certain problems would arise if the defendant did not testify and wished the court to make no comment about that. Vote 18-0.

HB 1272, excluding certain leases by fraternal or social organizations from the definition of tenancy. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joe Osgood for Judiciary. This bill, as amended, excludes certain fraternal or social organizations from the definition of tenancy. This permits facilities that rent to students to structure leases to conform with semester scheduled. Vote 14-0.

Amendment (0161h)

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

1 New Subparagraph; Actions Against Tenants; Exemption for Fraternal or Social Housing. Amend RSA 540:1-a, IV by inserting after subparagraph (f) the following new subparagraph:

(g) Residential units leased by a member of a fraternal or social organization that provides student housing for a post secondary institution in a structure owned and operated by the fraternal or social organization.

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

HB 1275, permitting a landlord to tow a tenant's vehicle under certain circumstances. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy O. Horrigan for Judiciary. The majority recognizes that this bill, which defines circumstances under which a landlord can tow a tenant's car, is unnecessary. Tenant-landlord agreements and leases can already set detailed restrictions and requirements for parking. This bill would allow landlords to tow cars without advance warning, forcing tenants to pay large sums to recover their vehicles. Some low-income tenants could even lose their cars in the process. Many apartments are located in converted single-family homes where there may be no place to which the tenants can relocate their cars when it snows. This bill would do more harm than good. Vote 13-1.

HB 1380-FN, establishing a citizen appeal panel. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter M. Sullivan for Judiciary. The panel proposed by this bill would attempt to duplicate the role of the existing judicial appellate process. Passage of this legislation would create a confusing environment where the courts and a quasi-judicial panel could issue rulings at odds with each other. Such a climate of chaos and uncertainty would not serve the best interests of our state and its residents. Our system of judicial appeals has served New Hampshire well for over two centuries and should continue to do so. Vote 17-0.

HB 1168, relative to employer documentation of worker eligibility to work in the United States. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Andrew A. White for Labor, Industrial and Rehabilitative Services. The bill requires employers to obtain and retain documentation of an employee's eligibility to work in the United States. Currently, there is no state law requiring employers to obtain or retain the information, which is generally gathered by completing the Federal I-9 form. The bill does not enhance federal requirements, it simply requires New Hampshire employers to keep and maintain these records. Passage will allow the department of labor the tools to help ensure that those working in New Hampshire are eligible to work. The committee amendment removed the requirement to have this documentation on the first day of work, as well as the requirement that contractors be responsible for subcontractors maintenance of these records. Vote 15-0.

Amendment (0116h)

Amend RSA 275-A:4-a as inserted by section 1 of the bill by replacing it with the following:

275-A:4-a Employment of ~~[Illegal Aliens]~~ **Undocumented Workers** Prohibited. No employer may employ ~~[an alien whom the employer knows is not a citizen of the United States and not in possession of Form I-151, Alien Registration Receipt Card or any other document issued by the United States Immigration and Naturalization Service or the Attorney General of the United States which authorizes him to work]~~ **any employee without obtaining documentation showing the employee's eligibility to work in the United States. Acceptable documentation of eligibility to work in the United States shall include documents required by federal law or supporting documentation that satisfies the requirement of federal law.**

AMENDED ANALYSIS

This bill requires employers to obtain documentation of an employee's eligibility to work in the United States.

HB 1169, relative to enforcement of labor laws by the department of labor. **OUGHT TO PASS.**

Rep. William J. Infantine for Labor, Industrial and Rehabilitative Services. This is a cleanup bill requested by the department of labor. The bill changes the word "chapter" to "title" that became necessary when a law was changed in 2011 with different phrasing. Vote 15-0.

HB 1174, establishing a commission to study the payment of subminimum wages to persons with disabilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Douglas A. Ley for Labor, Industrial and Rehabilitative Services. As amended, this bill establishes a study committee rather than a commission to study payment of sub-minimum wages to persons with disabilities. The committee believes a study committee can act more quickly while still gathering necessary information as to advisability of paying such wages and the potential for unintended consequences if the current law is changed. Vote 16-0.

Amendment (0260h)

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

AN ACT establishing a committee to study the payment of subminimum wages to persons with disabilities.

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

2 Payment of Subminimum Wages; Persons with Disabilities; Committee Established; Membership; Compensation.

I. There is established a committee to study and identify New Hampshire laws and rules that permit the payment of subminimum wages to persons with disabilities, and to recommend changing such laws to reflect the contemporary policy and practice of providing wages to individuals with disabilities that are fair and comparable to those wages paid to individuals without disabilities.

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

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

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

III. The committee may work with and obtain information from the following individuals, state agencies, and organizations, and others as deemed appropriate:

(a) Persons with disabilities.

(b) Employers of persons with disabilities.

(c) Advocates for persons with disabilities.

(d) The department of labor.

(e) The bureau of developmental services, department of health and human services.

(f) The governor's commission on disability.

(g) The bureau of vocational rehabilitation.

(h) Special educators who specialize in transition.

(i) The New Hampshire Council on Developmental Disabilities.

(j) The Disabilities Rights Center.

(k) The Community Support Network, Inc.

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

3 Duties. The committee shall:

I. Analyze federal laws on wages, including section 14(c) of the Fair Labor Standards Act.

II. Identify specific state statutes and rules that need to be changed to end the payment of subminimum wages to workers with disabilities.

III. Analyze national and state data on the payment of subminimum wages to workers with disabilities. This analysis shall include the employers and provider agencies in New Hampshire that are currently paying subminimum wages and the circumstances under which such wages are being paid.

IV. Analyze the potential impact in New Hampshire of proposed federal legislation to phase out the payment of subminimum wages to workers with disabilities.

V. Analyze the economic advantages and disadvantages to employers of phasing out the payment of subminimum wages to workers with disabilities in New Hampshire.

VI. Analyze whether public funds are being used in New Hampshire to directly or indirectly support paying subminimum wages to workers with disabilities, and recommend a policy to end such practices.

VII. Develop a strategic plan to be used by employers and provider agencies to effectively phase out the payment of subminimum wages that includes a timeline, mechanisms to provide technical assistance

and training to employers and provider agencies as they phase out subminimum wage arrangements, and access to employment services for individuals with disabilities as they are phased out of subminimum wage arrangements.

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

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

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

AMENDED ANALYSIS

This bill establishes a committee to identify and recommend changes to New Hampshire laws and rules on the payment of subminimum wages to persons with disabilities.

HB 1309, making a technical change in the workers' compensation law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Andrew A. White for Labor, Industrial and Rehabilitative Services. This bill changes the name of a statutory member of the Workers' Compensation Appeals Advisory Board from the New Hampshire Trial Lawyers Association to the New Hampshire Association for Justice. The change reflects the organizational name change and will ensure proper appointments and representation on this very important board. The amendment changes the effective date to upon passage. Vote 15-0.

Amendment (0088h)

Amend the bill by replacing section 2 with the following:

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

HB 1334, relative to contributions to charities by employees. **OUGHT TO PASS.**

Rep. Gary L. Daniels for Labor, Industrial and Rehabilitative. When this statute was last amended, it in advertently created a prohibition that employees working for a charitable organization (i.e. Red Cross) could not voluntarily withhold wages for that organization because it would benefit the employer. This bill removes that prohibition. Vote 14-0.

HB 1561-FN-L, relative to the classification of temporary emergency workers under unemployment compensation laws. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles F. Weed for Labor, Industrial and Rehabilitative Services. The bill sought to exempt volunteer fire fighters from being included in an employer's calculations for the purpose of unemployment insurance. The New Hampshire department of employment security raised concerns that such an exemption could put New Hampshire employers out of compliance with Federal requirements that this class of employees be included. The opinion letter received from the federal program affirmed that excluding volunteer fire fighters on a state level could lead to loss of Federal unemployment tax credits and potentially cost New Hampshire employer's an estimated 178 million dollars per year. For these reasons, the committee felt we had no choice but to recommend inexpedient to legislate. Vote 14-0.

HB 1109, relative to providing notice to abutters of a petitioned warrant article to discontinue a class VI road. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Clyde J. Carson for Municipal and County Government. This bill clarifies responsibilities with regards to petition articles to discontinue class six roads. Selectmen will notify abutters via certified mail and petitioners will pay for the cost of the notification. Vote 14-1.

Amendment (0204h)

Amend RSA 231:43, II as inserted by section 1 of the bill by replacing it with the following:

II. *The selectmen shall give* written notice ~~[shall be given]~~ *by verified mail, as defined in RSA 451-C:1, VII*, to all owners of property abutting such highway, at least 14 days prior to the vote of the town. *In the case of a petitioned warrant article calling for discontinuance of a class VI highway, the petitioners shall bear the cost of notice.*

AMENDED ANALYSIS

This bill requires petitioners to bear the cost of notice when a petitioned warrant article calls for the discontinuance of a class VI highway.

HB 1124, relative to the adoption of zoning ordinances in towns that use official ballot voting. **OUGHT TO PASS.**

Rep. David A. Bickford for Municipal and County Government. This change to RSA 40:13 allows for an increase in the time allocated for zoning hearings in SB 2 towns by at least six days. This has no impact on the items discussed at an SB 2 deliberation session. Vote 14-0.

HB 1371, relative to grading and improving subdivision streets. **OUGHT TO PASS.**

Rep. James Verschuere for Municipal and County Government. In cities and towns in which the planning board or governing body has been granted the power to regulate the grading and improvement of streets within a subdivision, this bill adds “governing body” to the pertinent RSA 236:13, V. It has long been the practice in many towns for the selectmen to regulate grading and improvement of streets within a subdivision subsequent to planning board approval of a subdivision. In the current language of the statute, only the planning board is mentioned as having such authority. The authority of the selectmen to do so was contravened when challenged in court. This bill codifies that authority, bringing statutory language in line with longstanding practices. Vote 15-0.

HB 1123-FN, repealing the prohibition on village districts receiving road funds. **INEXPEDIENT TO LEGISLATE.**

Rep. John R. Cloutier for Public Works and Highways. This bill would permit village districts to receive federal and state highway aid. While the committee sympathizes with the sponsors’ goal of helping certain village districts fix their roads, it is concerned that the bill as written would reduce the amount of municipal bridge and block grant aid that municipalities, containing such village districts, would receive. Furthermore, the committee believes that the state highway fund’s dire fiscal situation precludes any increased bridge and block grant aid to municipalities, including village districts. Vote 14-0.

HB 1202, establishing a commission to study revenue alternatives to the road toll for the funding of the state’s highways and bridges. **REFER FOR INTERIM STUDY.**

Rep. John A. Graham for Public Works and Highways. As introduced, this bill would have created a new statutory committee to study alternatives to the road toll. The committee does not support a permanent study committee. However, while the committee felt that five months was not sufficient time for a worthwhile study, it does believe that the issue overall has merit. Interim Study will allow the committee to begin studying the issue, and to better define the parameters of any future study committee or commission on this issue. Vote 16-0.

HB 1203, repealing provisions relative to the sale of the former Laconia state school property. **OUGHT TO PASS.**

Rep. John A. Graham for Public Works and Highways. This bill repeals a section of the chapter laws of 2011 dealing with the sale of the former Laconia state school and training center property. The 2011 law required that the department of administrative services sell the property not later than May 1, 2013, which did not occur. It also exempted the sale from the provisions of our RSA’s that provide legislative oversight of the sale of state property. While the Laconia property still remains for sale, the repeal of this 2011 exemption will allow legislative oversight of the sale to ensure that we are receiving the best possible price for the property and that this site is treated the same as all other surplus state property. Vote 16-0.

HB 1222, prohibiting commercial use of the law enforcement and fallen firefighters memorials. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Virginia Irwin for Public Works and Highways. The committee unanimously supports respecting the sanctity of the law enforcement and fallen firefighters’ memorials by prohibiting their use for commercial purposes. This bill does allow law enforcement and firefighters’ organizations to use these memorials for their own fundraising efforts, which support their non-profit causes. The amendment makes it a violation to misuse these memorials, subject to a \$500 fine. Vote 17-0.

Amendment (0151h)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Memorials; Commercial Use Prohibited. Amend RSA 4:9-a by inserting after paragraph II the following new paragraph:

III. No person shall use the law enforcement memorial at the legislative office building or the fallen firefighters memorial located at the fire academy for any commercial purpose. This prohibition shall not apply to use by firefighting or law enforcement agencies or firefighter or law enforcement organizations registered with the director of charitable trusts to support the upkeep and maintenance of the memorials or to support their charitable activities, provided that use of the law enforcement memorial is authorized by the division of plant and property management and use of the fallen firefighters memorial is authorized by the New Hampshire State Firemen’s Association. Any person who violates this paragraph shall be guilty of a violation and subject to a fine of \$500.

HB 1335-FN, relative to construction contracts entered into by the university of New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John A. Graham for Public Works and Highways. With the concurrence of the prime sponsor, the committee amendment replaces the entire bill. The original bill would have required that the trustees of the university system approve all construction contracts over one million dollars by a majority vote of the entire board. After hearing the testimony, the committee felt that a study committee of all of the construction and purchasing procedures used by the university system would be an appropriate first step. Vote 14-0.

Amendment (0266h)

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

AN ACT establishing a committee to study the university system of New Hampshire's purchasing process and practices and their effect on the New Hampshire economy.

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

1 Statement of Purpose. The general court finds that it is in the interest of the state of New Hampshire to ensure that the purchasing process and practices used by the university system of New Hampshire maximize its contribution to the economic vitality of New Hampshire.

2 Committee Established. There is established a committee to study the purchasing process and practices used by the university system of New Hampshire.

3 Membership and Compensation.

I. The members of the committee 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.

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

4 Duties. The committee shall:

I. Analyze the purchasing process and practices used by the university system of New Hampshire.

II. Research alternate purchasing processes and practices being used in the public and private sector.

III. Determine if the current purchasing process and practices used by the university system of New Hampshire have a positive or negative effect on the New Hampshire economy.

IV. Make any recommendations relative to enhancing the purchasing process and practices used by the university system of New Hampshire that would contribute positively, or enhance its contribution, to the economic vitality of New Hampshire.

V. Solicit input from, and participation of, the following groups, and may solicit input from, and participation of, any other group that the study committee deems beneficial to its research:

(a) Associated General Contractors of New Hampshire.

(b) New Hampshire chapter of the American Institute of Architects.

(c) New Hampshire Society of Professional Engineers.

(d) A New Hampshire economic public policy think tank.

(e) Labor interests.

(f) University system of New Hampshire board of trustees.

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

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

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

AMENDED ANALYSIS

This bill establishes a committee to study the purchasing process used by the university system of New Hampshire, determine its impact on the New Hampshire economy, and make any recommendations relative to enhancing the process and its resultant contribution to the economic vitality of New Hampshire.

HB 1346, relative to allocations of funds from the highway fund. **INEXPEDIENT TO LEGISLATE.**

Rep. Kevin K. Waterhouse for Public Works and Highways. This bill amends the allocation of highway fund revenue away from primarily the department of safety to the department of transportation. While the committee respects the attempt to increase funding to repair our infrastructure, the fact remains that enacting this bill would cause a major conflict with the current 2013-2014 biennial budget. This bill would create an approximate \$60 million annual deficit in the department of safety budget (which is net of the costs of revenue and fee collection), and likewise a \$60 million shortfall in the general fund. Article 6-a of the state constitution provides that highway funds may be used for the supervision of highways. The committee heard testimony that nearly half of the highway fund revenue comes from vehicle registrations administered by the department of safety, and also that enforcement performed by the department of safety, such as for heavy truck inspections, is necessary to ensure that the state continues to receive federal highway funds. The appropriate time to determine the allocation of highway funds among departments is the biennial budget process. For these reasons, the committee unanimously finds the bill inexpedient to legislate. Vote 14-0.

HB 1406-FN, relative to red list bridges. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David B. Campbell for Public Works and Highways. This bill, as amended, codifies, clarifies and makes more transparent the current department of transportation engineering practice of classifying structurally deficient state or municipally owned bridges as “red listed.” There are reporting requirements for state bridges to state officials and for municipal bridges to the local governing bodies. The bill also clarifies that the two ways a structurally deficient bridge is removed from a red list is by a DOT certification that the bridge has been satisfactorily repaired or replaced, or when the local governing body in the case of municipal bridges, and DOT for state-owned bridges permanently closes a bridge. The amendment also removes the requirement and associated cost of physically identifying a state-owned red list bridge, thereby eliminating any fiscal impact. Vote 12-0.

Amendment (0273h)

Amend RSA 234:25-a as inserted by section 1 of the bill by replacing it with the following:

234:25-a Red List Bridges.

I. The commissioner of transportation shall establish and maintain a list of bridges that are found, after inspection by the department, to be structurally deficient, which shall be known as red list bridges.

II. Separate red lists shall be established and maintained for state-owned bridges and for bridges owned by municipalities.

III. Both red lists under paragraph II shall specify whether a bridge is structurally deficient. The department of transportation shall number and prioritize all state-owned red list bridges relative to the need for repair or replacement.

IV. Any red list bridge that is closed as a result of a department of transportation recommendation shall remain on the red list along with the date of closure and the reason it was closed. Red list bridges shall be removed from the red list when the department certifies that the bridge has been satisfactorily repaired or replaced, or the department permanently closes any state-owned red list bridge, or when the governing body of the municipality permanently closes any municipally-owned red list bridge.

Referred to the Committee on Finance.

HB 1130-FN-L, relative to the Northeastern Interstate Forest Fire Protection Compact. **OUGHT TO PASS.**

Rep. Suzanne H. Gottling for Resources, Recreation and Development. This bill extends liability protection to firefighters who respond to forest fires outside the Northeastern Interstate Forest Fire Protection Compact. It also allows for the state to reimburse municipalities for actual costs incurred when fighting fires on federal lands when there is a known party whose negligence caused the fire. Finally, it allows retired workers to exceed their hourly limits in a declared emergency including a woodland fire. There was no opposition to the bill. Vote 15-0. Referred to the Committee on Executive Departments and Administration.

HB 1441-FN-L, repealing the normal yield tax on timber. **INEXPEDIENT TO LEGISLATE.**

Rep. Suzanne J. Smith for Resources, Recreation and Development. This bill would repeal RSA 79 which provides for a normal yield tax on timbercut. The department of revenue administration estimates that this bill would reduce local revenue by over 2.5 million dollars in 2015 and by more than 2.6 million dollars in future years. The bill would also repeal “notice of intent to cut” requirements. The bipartisan majority of the committee believe that the timber tax provides valuable revenue to municipalities and unincorporated areas. Vote 14-1.

HB 1487-FN, relative to the uniform fine schedule for the division of forests and lands. **OUGHT TO PASS.**

Rep. Jane E. Beaulieu for Resource, Recreation and Development. This bill makes necessary changes to the uniform fine schedule for the division of forests and lands. It allows for a person to plea by mail for a first offense violation instead of appearing in person in court, thus saving the time and expense of the alleged violator, the officer and the court. This legislation is a measure to update the fine schedule to reflect changes in forestry laws and practice. It replaces the current fee and/or fine schedule relative to forest violations. Some fees and fines remain the same while others are either increased or decreased. Overall, there is little net change. Vote 15-0.

Referred to the Committee on Ways and Means.

HB 1279, relative to compliance with 2012 National Defense Authorization Act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Linda Massimilla for State Federal Relations and Veterans Affairs. This bill, as amended, had unanimous support of the committee. The bill requires that New Hampshire officials and the National Guard, while under the command of the governor, refrain from detaining and holding any American citizen or other person lawfully in the United States under the provisions of the National Defense Authorization Act. The committee felt strongly this provision defends New Hampshire citizens against detention in violation of their State and U.S. Constitutional rights. In March 2013, the House voted to support HB 399, which was a very similar bill with an overwhelming vote of 337-15. Vote 13-0.

Amendment (0190h)

Amend the bill by replacing section 1 with the following:

1 New Chapter; Protection Against Unlawful Military Action. Amend RSA by inserting after chapter 642 the following new chapter:

CHAPTER 642-A**PROTECTION FROM MILITARY ACTION**

642-A:1 Protection Against Unlawful Military Action Within New Hampshire. The general court of New Hampshire and the governor of New Hampshire hold that indefinite detention or transfer to jurisdictions outside the United States of citizens of New Hampshire in particular and citizens of the United States in general are unlawful pursuant to the constitution of the state of New Hampshire, part the first, articles 15, 17, and 19, and the Constitution for the United States of America, Amendments IV, V, and VI. Therefore, pursuant to the constitution of the state of New Hampshire, part the first, article 7, and the Constitution for the United States, Amendments IX and X, notwithstanding any provision of law to the contrary, no New Hampshire agency, political subdivision, or employee of either acting in his or her official capacity, and no member of the New Hampshire national guard under the command of the governor, may knowingly engage in any activity that aids an agency of or the armed forces of the United States in the execution of 50 U.S.C. section 1541 as provided by the National Defense Authorization Act for Fiscal Year 2012, Public Law 112-81, section 1021, or any other similar law, order, or regulation, in the investigation, arrest, detention, extra-judicial transfer to foreign jurisdictions or entities, military tribunal, or trial, of any person within the United States. Nothing herein shall be interpreted to prevent cooperation with federal civilian authorities not acting pursuant to 50 U.S.C. section 1541, as provided by the National Defense Authorization Act for Fiscal Year 2012, Public Law 112-81, section 1021, or any other similar law, order, or regulation, nor to any training which may apply to tasks in common with those required to execute 50 U.S.C. section 1541, as provided by the National Defense Authorization Act for Fiscal Year 2012, Public Law 112-81, section 1021.

HB 1390, relative to Gold Star and Blue Star Mothers Service Flags and the Silver Star Service Flag. **IN-EXPEDIENT TO LEGISLATE.**

Rep. Andrew A. White for State Federal Relations and Veterans Affairs. The committee reluctantly voted unanimously for the ITL motion. The very well intentioned bill would have adopted federally recognized service flags and identify occasions on which they would be flown. The committee embraced the concept of honoring our veterans and their families; however, veterans groups were divided on the issue. The committee did not want to be in the position of creating winners and losers. The committee strongly encourages New Hampshire citizens to recognize New Hampshire's veterans and proudly display the Gold, Blue, and Silver Star Service flags as appropriate to properly recognize the service and sacrifice of our veterans and their families. Vote 12-0.

HB 1103-FN-A, authorizing optional enhanced drivers' licenses and optional enhanced nondrivers' picture identification cards. **REFER FOR INTERIM STUDY.**

Rep. Brian K. Chirichiello for Transportation. The Transportation Committee discussed both pros and cons on allowing enhanced driver licenses which contain magnetic strips and radio frequency ID (RFID) on a voluntary basis. While it was presented as a way to cross over to Canada easily, others were concerned this technology could be a step closer to the Federal "Real ID" program. This program was turned down by state law enacted in 2007. Both motions to ITL and Ought To Pass failed. Vote 15-0.

CACR 11, relating to the definitions of "tax" and "fee." Providing that a tax is imposed to raise state revenue and a fee is imposed to recover costs to the state for providing a service to the payer. **INEXPEDIENT TO LEGISLATE.**

Rep. Patricia T. Lovejoy for Ways and Means. This proposed constitutional amendment would require the direct tracing of all income and expenditures of the State. The finances of the State are too complex to fit into this simple formula. Vote 17-0.

HB 256-FN, relative to establishing a voluntary hike safe card for fish and game search and rescue operations, relative to deputy fish and game conservation officers, extending a commission on sustainability of the fish and game department, and establishing a committee to study funding of the fish and game search and rescue fund. **OUGHT TO PASS.**

Rep. Gilman C. Shattuck for Ways and Means. Funding for search and rescue operations is presently partly covered by hunting and fishing licenses fees; the balance of funding for these operations must be covered by other fish and game resources. The large majority of search and rescue operations are for lost and injured hikers and other visitors, not hunters and fishermen. Receipts from hike safe cards from hikers and other visitors will help cover search and rescue operations costs. The commission and committee established by the bill will study funding of the fish and game department search and game rescue operations as well as the sustainability of the fish and game department for the longer term. This bill is supported by the fish and game department. Vote 20-0.

HB 1596-FN-A, allowing for an adjustment to business enterprise taxes for business funds acquired by loan from a financial institution. **REFER FOR INTERIM STUDY.**

Rep. David W. Hess for Ways and Means. As drafted, this bill is flawed; however, its goal warrants further study. That goal is to eliminate a form of possible double taxation, which occurs under the business enterprise tax when a business entity borrows money, which is used to meet payroll. In those instances, the BET is imposed on both the interest paid on the loan and the compensation paid with the loan proceeds. The sponsors believe that in these circumstances, the BET should be levied on only one element of the BET. Addressing this issue raises a whole host of other issues but the committee believes there may be ways to legislatively address the latter. Vote 17-0.

HB 1613, relative to payment of the Medicaid enhancement tax. **OUGHT TO PASS WITH AMENDMENT.** Rep. Patrick F. Abrami for Ways and Means. Currently hospitals remit their Medicaid enhancement tax payment once a year no later than October 15. The committee recognized that this has created a cash flow problem for the hospitals. Under this bill, starting with the taxable period beginning July 1, 2015, and every taxable period thereafter, each hospital shall pay 25 percent of its Medicaid enhancement tax due and payable for the taxable period no later than the fifteenth day of October, January, March and June. The state treasurer testified this will not impact the state's cash flow. Vote 20-0.

Amendment (0224h)

Amend RSA 84-A:3, II as inserted by section 1 of the bill by replacing it with the following:

II. For the taxable period beginning July 1, 2015, and for every taxable period thereafter, each hospital shall pay 25 percent of its Medicaid enhancement tax due and payable for the taxable period no later than the fifteenth day of October, January, March, and June of the taxable period. Notwithstanding any provision of this chapter or any other law, no penalty or interest shall be imposed for failure to make payment of tax when due if such payment is made on or before the last day of the month in which such payment is due.

AMENDED ANALYSIS

This bill changes payment of the Medicaid enhancement tax to 4 times per year.

BILLS REMOVED FROM THE CONSENT CALENDAR (1-8-14)

HB 227, relative to property and casualty insurance. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kermit R. Williams for Commerce and Consumer Affairs. This bill modifies several sections of insurance law. Record retention for property and casualty insurers is modified to take into account the ability to pay bills with debit cards, and insurers can be allowed to pay claims using debit cards as well. Prohibitions against rebates are modified. Auditable policies, such as workman's compensation, have new rules to ensure that audits are completed promptly and premium refunds made quickly. Auto insurers cannot refuse to insure a driver with less than 2 years driving experience. This bill was presented at the request of the insurance department. Issues brought up by the insurance industry caused the bill to be retained; the bill, as amended, has the support of both the industry and the department. Vote 20-0.

Amendment (2298h)

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

3 Insurance Companies and Agents; Premium Refunds. Amend RSA 402:81, I(c) to read as follows:

(c) For auditable policies:

(1) Audits shall be ~~conducted~~ **completed** promptly, no more than 120 days after the expiration or cancellation of the policy, provided that there is no bona fide dispute; and

(2) If there is no bona fide dispute, the refund of gross unearned premium shall become due on the date of the completed audit **or 120 days after the expiration or cancellation of the policy, whichever occurs first.**

(3) Any insurer that violates this subparagraph shall be subject to the penalty provisions of RSA 402:50.

~~[(3)]~~ (4) In cases where the amount of refund is in bona fide dispute, the refund shall not become due until the dispute is resolved and the audit is completed. The insurer shall notify the insured in writing that there is a bona fide dispute and this notice shall toll the 120-day time period until the dispute is resolved. Upon resolution of the dispute, the insurer shall proceed to complete the audit within the time remaining in the 120-day time period.

~~[(4)]~~ (5) A bona fide dispute includes the insured's failure to cooperate with the audit, provided the insurer has notified the insured of:

(A) The acts or omissions that constitute the insured's failure to cooperate; and

(B) The consequences of the insured's failure to cooperate, including delay in the completion of the audit and payment of any refund due.

4 Public Adjusters; Approval of Forms. Amend RSA 402-D:14, II to read as follows:

II. Contracts not containing all of the information required by RSA 402-D:13, *I shall be automatically deemed disapproved*, ~~and shall not be enforceable by the parties~~. ***Any disapproved contract that is used by a public adjuster in violation of this paragraph shall be voidable by the consumer who signed the contract.***

5 Third Party Administrators; Premium Collection and Payment of Claims. Amend RSA 402-H:7, IV to read as follows:

IV. All claims paid by the administrator from funds collected on behalf of or for an insurer shall be paid only on drafts or checks of and as authorized by the insurer, ***provided however that property and casualty claims may also be paid other than by draft or check, pursuant to rules adopted in accordance with RSA 281-A and RSA 417.***

6 Fire Insurance Contract. RSA 407:15 is repealed and reenacted to read as follows:

407:15 Notice to Insured. The insurer shall provide written notice to the insured of any denial of coverage. The notice shall inform the insured that any action based upon the denial shall be barred by law if not commenced within 12 months from the date of the written denial.

7 Regulation of Forms and Rates; Forms. Amend RSA 412:5, II to read as follows:

II. No liability policy issued or delivered in this state ***that insures against personal risk*** shall contain any exclusion which would preclude coverage for intra-family or inter-spousal claims.

8 Regulation of Forms and Rates; Motor Vehicle Coverage. Amend RSA 412:8, II to read as follows:

II. No liability policy issued or delivered in this state ***that insures against personal risk*** shall contain any exclusion which would preclude coverage for intra-family or inter-spousal claims.

9 Regulation of Forms and Rates; Workers' Compensation. Amend RSA 412:35, III to read as follows:

III. Audits shall be completed promptly, no more than 120 days after the expiration or cancellation of the policy, provided that there is no bona fide dispute. ***Any insurer that violates the provisions of this paragraph shall be subject to the penalty provisions of RSA 412:40.***

10 Refusal to Issue, Cancellation and Refusal to Renew Automobile Insurance. Amend RSA 417-A:3 to read as follows:

417-A:3 Cancellation; Refusal to Write; Refusal to Renew; Insufficient Grounds. No insurer shall cancel, refuse to write or refuse to renew a policy of automobile insurance on any person ~~[with at least 2 years' driving experience]~~ solely because of the age, residence, race, color, creed, national origin, ancestry, marital status or lawful occupation, including the military service, of anyone who is or seeks to become insured or solely because another insurer has refused to write a policy, or has cancelled or has refused to renew an existing policy in which that person was the named insured.

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

On a division vote, 263 members having voted in the affirmative and 13 in the negative, the committee amendment was adopted.

Committee report adopted and ordered to third reading.

HB 456-FN, relative to liquor manufacturers. **REFER FOR INTERIM STUDY.**

Rep. John B. Hunt for Commerce and Consumer Affairs. The bill, as introduced, would have allowed liquor manufacturers to distribute samples to licensees for tasting on licensed premises, to sell liquor directly to on-premises and off-premises licensees, and to sell at farmers' markets. As with HB 331, there are many problems with this bill. However, there are some things that could be addressed, so the committee wanted to keep working on it. The committee does hope that by the time the House takes up this bill an amendment could be drafted so we may ask the House to overturn the current motion. Vote 20-0.

Rep. Butler spoke against.

Committee report failed.

Rep. Hunt moved Ought to Pass with Amendment and offered floor amendment (0014h).

Floor Amendment (0014h)

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

AN ACT relative to liquor manufacturers and relative to samples of alcoholic beverages.

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

1 New Paragraph; Definitions; Liquor Manufacturer. Amend RSA 175:1 by inserting after paragraph XLIV the following new paragraph:

XLIV-a. "Liquor manufacturer" means a licensee who produces liquor from raw materials by the process of fermentation and distillation.

2 New Paragraph; Definitions; Rectifier. Amend RSA 175:1 by inserting after paragraph LVIII the following new paragraph:

LVIII-a. "Rectifier" means a licensee who produces liquor by combining liquor with other products.

3 Liquor Manufacturer Licensee. Amend RSA 178:6, I to read as follows:

I. A liquor manufacturer licensee ~~[may]~~ **must** ferment[,], **and** distill **liquor from raw materials, and may** blend, age, and bottle ~~[liquor other than wine]~~ **those liquors or wine produced at the licensed premises** in this state. A liquor manufacturer licensee may sell the liquor it manufactures to the commission for resale in this state.

4 Liquor Manufacturer; Retail Sales. Amend RSA 178:6, III to read as follows:

III. Each liquor manufacturer ~~[distilling less than 5,000 cases of liquor per year]~~ shall have the right to sell at retail at its **licensed manufacturing facility no more than the equivalent of 3,000 9-liter cases** for off-premises consumption any of its liquor. Each retail sale shall be limited to one 9-liter case or less per sale. No liquor manufacturer shall sell more than 12 9-liter cases of liquor to any one customer in any calendar year.

5 Liquor Manufacturer; Sample Fee. Amend RSA 178:6, VI to read as follows:

VI. Each liquor manufacturer shall maintain records and prepare reports for the commission which shall indicate the sales made under paragraph III **and samples distributed under paragraph IX** and shall pay to the commission monthly a fee equal to 8 percent of such sales **or 8 percent of the retail value of such samples** on or before the tenth day of the month following the sale **or the sample distribution**.

6 New Paragraph; Liquor Manufacturer; Distribution of Samples. Amend RSA 178:6 by inserting after paragraph VIII the following new paragraph:

IX. Each liquor manufacturer selling no more than the equivalent of 3,000 9-liter cases of liquor per year at its licensed manufacturing facility shall have the right to distribute samples directly to on-premises and agency store licensees for tasting on the licensed premises in accordance with RSA 179:44.

7 Samples Provided for Tasting. Amend the introductory paragraph of RSA 179:31, II to read as follows:

II. Manufacturers, wholesale distributors, or wine and liquor vendors or their salespersons may distribute samples of their products to licensees for purposes of tasting. The following restrictions shall apply **annually**:

8 Samples Provided for Tasting. Amend RSA 179:31, II(e) to read as follows:

(e) All liquor or wine for this purpose shall be purchased from the commission, **except as provided in RSA 178:6, IX and RSA 178:6, VI. The cost shall be no more than the commission's original cost paid by the commission plus 8 percent.**

9 Free Drinks. Amend RSA 179:44 to read as follows:

179:44 Free Drinks.

I. No licensee shall give away free drinks to customers, patrons, members, or guests, in any manner.

II. Notwithstanding ~~[the above]~~ **paragraph I**, beverage manufacturers, **liquor manufacturers**, beverage vendors, brew pubs, wholesale distributors and their liquor or wine vendors, their liquor and wine representatives, domestic wine manufacturers, and on-premises and off-premises licensees may conduct beverage, liquor, or wine tasting, as applicable, on licensed premises. Liquor, beverage, or wine tasting shall be conducted only during such hours as are authorized by the commission for the sale of the product on the premises.

III. Liquor, beverage, or wine samples shall be consumed on the premises, and, except for wine samples provided by wine manufacturers **and liquor samples provided by liquor manufacturers in accordance with RSA 178:6, IX**, liquor or wine for this purpose shall be purchased from the commission under conditions prescribed by this title. Beverage samples for a tasting shall only be obtained as prescribed by this title.

IV. The commission may adopt rules, pursuant to RSA 541-A, establishing the criteria and procedures for liquor, beverage, and wine tasting within the state.

V. All samples furnished for tasting shall be considered sales for the requirements of RSA 178:26 **and RSA 178:6, VI.**

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

AMENDED ANALYSIS

This bill:

I. Requires that all liquor manufacturer licensees ferment and distill liquor from raw materials.

II. Allows liquor manufacturer licensees to distribute samples to off-premises and agency store licensees for tasting on licensed premises.

III. Establishes annual restrictions on alcoholic beverage samples.

Rep. Hunt spoke in favor and yielded to questions.

Floor amendment (0014h) adopted.

Motion of Ought to Pass with Amendment adopted and referred to the Committee on Ways and Means.

HB 566, regulating guaranteed price plans and prepaid contracts for heating oil, kerosene, or liquefied petroleum gas. **INEXPEDIENT TO LEGISLATE.**

Rep. Joe W. Scarlotto for Commerce and Consumer Affairs. In the past decade, New Hampshire has experienced several high profile oil company failures, costing consumers hundreds of thousands of dollars. Customers who elected to prebuy an entire season's worth of heating fuel sustained significant losses when these companies went under and left no fuel and no assets to make their customers whole. New Hampshire's

current law allows fuel companies to select one of three ways to secure or lock in their prepaid customers' price. Two of these, the surety bond and letter of credit, are costly to the company and result in an increase in price of the fuel for the prebuy customer. Hence, they are rarely or never used. The third, the futures contract, locks in the price of the fuel for the customer but does not require the immediate purchase and storage of said fuel. This is the method most used and it works well most of the time. Problems occur when companies come upon hard times and divert prepaid money to meet other expenses, leaving their prebuy customers literally out in the cold. This bill, similar to several considered in previous years, sought to provide consumers some protection by replacing the futures contract with an escrow account. These accounts would hold no less than 75 percent of the total amount of prepaid customer money; set aside until the time the actual fuel was purchased for said customers. While this made good sense to many on the committee, the difficulty was in monitoring of these accounts. The bill called for the banks to be the escrow agents with the office of the attorney general as the beneficiary. Banks were not interested in taking on this liability, and questioned under what conditions the state becomes the beneficiary. Oil companies testified that this would increase their costs and make it harder for smaller companies, who rely on prepaid contracts during the non-heating months to stay in the business. Finally, there was no convincing testimony that the use of escrow accounts could be monitored adequately to ensure consumer money was going into the accounts and would not be withdrawn prematurely. The committee considered Maine's law that requires all companies offering prebuy contracts to register with the state, pay a small fee, and submit an annual report of their prebuy contracts to the department of professional and financial regulation. The New Hampshire fuel companies that do business in Maine were not averse to this solution. It was rejected, however, when the committee learned that the registration fee would not be enough to hire more staff at the consumer protection bureau to oversee the registration and reporting obligations. The inability to find a way protect consumers from these catastrophic business failures continues to be a source of great concern and frustration to many on the committee. Vote 19-1.

LAI D ON THE TABLE

Rep. Butler moved that **HB 566**, regulating guaranteed price plans and prepaid contracts for heating oil, kerosene, or liquefied petroleum gas, be laid on the table.
Adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR (1-8-14) (CONT'D)

HB 366-FN, relative to showing a ballot. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary L. Till for Election Law. This bill seeks to clarify that distributing an image of a marked ballot by any means including via social media is a violation of RSA 659:35. RSA 659:35 was put in place to protect voters from being intimidated or coerced into proving they voted a particular way by showing their completed ballot or an image of their completed ballot. The committee decided that the most economical way to prevent this practice is to educate voters. Thus, this bill requires the secretary of state to provide a poster to town and ward clerks highlighting the requirement to keep one's ballot secret including photographs of the completed ballot and requiring town and ward clerks to prominently post the poster at each polling location. Vote 17-0.

Amendment (2223h)

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

1 Showing or Specially Marking Ballot. Amend RSA 659:35 to read as follows:
659:35 Showing or Specially Marking Ballot.

I. No voter shall allow his **or her** ballot to be seen by any person with the intention of letting it be known how he **or she** is about to vote **or how he or she has voted** except as provided in RSA 659:20. ***This prohibition shall include taking a digital image or photograph of his or her marked ballot and distributing or sharing the image via social media or by any other means.***

II. No voter shall place a distinguishing mark upon his **or her** ballot nor write in any name as the candidate of his **or her** choice with the intention of thereby placing a distinguishing mark upon [his] **the** ballot.

III. No voter shall use or attempt to use any ballot not given him **or her** by the ballot clerk to accomplish any of the acts or purposes prohibited by paragraph I or II or both.

IV Any person willfully violating any of the provisions of this section shall be guilty of a misdemeanor.

V. Before each state election, the secretary of state shall prepare and distribute to the town and ward clerks a sufficient number of posters measuring 8-1/2 inches by 11 inches highlighting the provisions of paragraphs I through IV.

VI. Each town and ward clerk shall prominently post the posters referred to in paragraph V at each polling place in his or her town or ward.

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

AMENDED ANALYSIS

This bill adds the acts of a voter allowing his or her marked ballot to be seen and a voter distributing or sharing a photograph or digital image of his or her marked ballot to the prohibitions on showing or specially marking ballots. This bill also requires posters at each polling place highlighting the prohibitions on showing or specially marking ballots.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.
Rep. Warden spoke against and yielded to questions.

(Rep. Kaen in the Chair)

Rep. Till spoke in favor and yielded to questions.

MOTION TO LAY ON THE TABLE.

Rep. Peter Sullivan moved that **HB 366-FN**, relative to showing a ballot, be laid on the table.
On a division vote, 115 members having voted in the affirmative and 159 in the negative, the motion failed.

The question now being adoption of the committee report of Ought to Pass with Amendment.
Rep. Vaillancourt spoke against and yielded to questions.

(Speaker Norelli in the Chair)

Rep. Gary Richardson spoke in favor and yielded to questions.

Rep. Marston spoke against.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 156 - NAYS 121**YEAS - 156****BELKNAP**

Flanders, Donald	Huot, David	Raymond, Ian
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CARROLL

Buco, Thomas	Butler, Edward	Chandler, Gene	Nelson, Bill
Ticehurst, Susan	Umberger, Karen		

CHESHIRE

Ames, Richard	Berch, Paul	Butynski, William	Chase, Cynthia
Mann, John	Parkhurst, Henry	Phillips, Larry	Sad, Tara
Shepardson, Marjorie	Tatro, Bruce	Weber, Lucy	Young, Harry

COOS

Coulombe, Gary	Moynihan, Wayne	Theberge, Robert	Thomas, Yvonne
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GRAFTON

Almy, Susan	Cooney, Mary	Doolan, Ralph	Ford, Susan
Friedrich, Carol	Harding, Laurie	Higgins, Patricia	Massimilla, Linda
Mulholland, Catherine	Smith, Suzanne	Sykes, George	Townsend, Charles

HILLSBOROUGH

Backus, Robert	Beaulieu, Jane	Belanger, James	Booras, Efsthathia
Brown, Pamela	Campbell, David	Chandley, Shannon	Connor, Evelyn
Cote, David	Eaton, Richard	Gage, Ruth	Gale, Sylvia
Gorman, Mary	Hackel, Paul	Haefner, Robert	Hammond, Jill
Hansberry, Daniel	Harriott-Gathright, Linda	Heath, Mary	Heden, Ruth
Jack, Martin	Kelley, John	Knowles, Mary Ann	Levesque, Melanie
Long, Patrick	MacKay, Mariellen	Mangipudi, Latha	Manley, Jonathan
McCloskey, David	McNamara, Richard	Porter, Marjorie	Rokas, Ted
Rosenwald, Cindy	Schmidt, Janice	Shattuck, Gilman	Smith, Timothy
Souza, Kathleen	Spratt, Stephen	Sullivan, Daniel	Williams, Kermit
Woodbury, David			

MERRIMACK

Alicea, Caroletta	Bartlett, Christy	Bouchard, Candace	Burns, Scott
Carey, Lorrie	Carson, Clyde	Davis, Frank	Frambach, Mary
Frazer, June	French, Barbara	Gile, Mary	Henle, Paul
Hess, David	Hirsch, Geoffrey	Karrick, David	Kelly, Sally
Kidder, David	Lockwood, Priscilla	MacKay, James	Myler, Mel
Patten, Dick	Ratzki, Mario	Richardson, Gary	Rogers, Katherine
Schuetz, Dianne	Shurtleff, Stephen	Turcotte, Alan	Wallner, Mary Jane
Webb, Leigh			

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cahill, Michael
Flockhart, Eileen
Mann, Maureen
Schlachman, Donna
Ward, Gerald

Birdsell, Regina
Copeland, Timothy
Hoelzel, Kathleen
Moody, Marcia
Sherman, Thomas
Wazlaw, Brian

Borden, David
Cushing, Robert
Kappler, Lawrence
Muns, Chris
Sytek, John
Whitemore, Lisa

Briden, Steven
Elliott, Robert
Lovejoy, Patricia
Pantelakos, Laura
Till, Mary

STRAFFORD

Baber, William
Grassie, Anne
Kaen, Naida
Miller, David
Rollo, Deanna

Bixby, Peter
Gray, James
Ketel, Stephen
Pelletier, Marsha
Schmidt, Peter

Burke, Rachel
Grossman, Kenneth
Malloy, Dennis
Perry, Robert
Wall, Janet

Gardner, Janice
Horrigan, Timothy
Merrill, Amanda
Rogers, Rose Marie

SULLIVAN

Cloutier, John
Rollins, Skip

Gagnon, Raymond
Smith, Steven

Gottling, Suzanne
Tanner, Linda

Grenier, James

NAYS - 121**BELKNAP**

Cormier, Jane
Holmes, Stephen

Fields, Dennis
Luther, Robert

Greemore, Robert
Tilton, Franklin

Gulick, Ruth
Vadney, Herbert

CARROLL

Ahlgren, Christopher
Schmidt, Stephen

Cordelli, Glenn
White, Syndi

McConkey, Mark
Wright, Donald

Merrow, Harry

CHESHIRE

Eaton, Daniel

Hunt, John

Robertson, Timothy

COOS

Rideout, Leon

GRAFTON

Benn, Bernard
Shackett, Jeffrey

Brown, Rebecca
White, Andrew

Gionet, Edmond

Ladd, Rick

HILLSBOROUGH

Boehm, Ralph
Cebrowski, John
Daniels, Gary
Gargas, Carolyn
Hopper, Gary
LeBrun, Donald
Notter, Jeanine
Palmer, Stephen
Rowe, Robert
Soucy, Timothy
Warden, Mark

Boisvert, Ronald
Christiansen, Lars
Danielson, David
Grady, Brenda
Infantine, William
Leishman, Peter
O'Flaherty, Tim
Parison, James
Sanborn, Laurie
Sullivan, Peter
Willette, Robert

Burt, John
Coffey, James
Flanagan, Jack
Graham, John
Judy, Jean
Marston, Dick
Ober, Lynne
Pellegrino, Tony
Sandblade, Emily
Vaillancourt, Steve
Winters, Joel

Byron, Frank
Culbert, Patrick
Gagne, Larry
Hansen, Peter
Kurk, Neal
Murotake, David
Ober, Russell
Peterson, Lenette
Shaw, Barbara
Villeneuve, Moe

MERRIMACK

Hoell, J.R.
Moffett, Howard

Kotowski, Frank
Schamberg, Thomas

McGuire, Carol
Walz, Mary Beth

McGuire, Dan

ROCKINGHAM

Abrami, Patrick
DeSimone, Debra
Emerick, J. Tracy
Garcia, Bianca
Griffin, Mary
Itse, Daniel
Nigrello, Robert
Scarlotto, Joe
Tucker, Pamela

Baldasaro, Alfred
Devine, James
Ferrante, Beverly
Garcia, Marilinda
Harris, Jeffrey
Kolodziej, Walter
Packard, Sherman
Sedensky, John
Waterhouse, Kevin

Bick, Patrick
Duarte, Joe
Fesh, Robert
Gordon, Richard
Heffron, Frank
McMahon, Charles
Rice, Frederick
St.James, Kevin
Webb, James

Comerford, Timothy
Dumaine, Dudley
Friel, William
Grace, Curtis
Introne, Robert
Milz, David
Sapareto, Frank
Tasker, Kyle
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Mullen, John

Bickford, David
Smith, Marjorie

Groen, Warren
Verschueren, James

Jones, Laura

SULLIVAN

Lefebvre, Benjamin

Osgood, Joe

Sweeney, Cynthia

and the committee report was adopted and referred to the Committee on Criminal Justice and Public Safety.

SB 116-FN, relative to the licensure of liquefied propane installation and service technicians. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter B. Schmidt for Executive Departments and Administration. This bill was retained by the committee when it was working on the referenced subject matter in conjunction with another bill, which became law earlier this year, in order to have a vehicle to address any related issues, which might subsequently arise. That eventuality has occurred, and SB 116-FN has been amended to deal with it. Specifically, a loophole in SB 189, (Ch. 275, 2013) led to an improper activity by an unlicensed technician on a municipal system in one town, resulting in damage. Section one of the bill now eliminates that loophole. At the request of the mechanical licensing board on a separate matter, section two of the bill clarifies somewhat ambiguous language in the RSAs to preserve longstanding rights of property owners regarding incidental plumbing repair or installation on their property. Vote 17-2.

Amendment (2368h)

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

AN ACT relative to exceptions from licensure by the mechanical licensing board.

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

1 Mechanical Licensing; Exceptions; Water Systems. Amend RSA 153:36, IV to read as follows:

IV. The license requirements of this subdivision shall not apply to employees of public drinking water systems and public water system operators certified by the department of environmental services for drinking water treatment, ***provided this exception shall not extend to fuel gas fitting, nor shall it extend to the plumbing system of a building beyond the water meter or meter socket, but shall extend to the testing and repair of the drinking water system backflow prevention device.***

2 Mechanical Licensing; Exceptions; Plumbing. Amend RSA 153:36, VIII(b) to read as follows:

(b) To a person, firm, corporation, or limited liability company who regularly employs a person whose duties include ***the incidental repair***, installation, and maintenance of plumbing on the property of that person, firm, corporation, or limited liability company, when such employee is actually so engaged.

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

AMENDED ANALYSIS

This bill clarifies exceptions from licensure by the mechanical licensing board for employees and operators of public drinking water systems, and for incidental repairs and installation of plumbing.

Amendment adopted.

Rep. Carol McGuire offered floor amendment (0127h).

Floor Amendment (0127h)

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

1 Mechanical Licensing; Exceptions; Water Systems. Amend RSA 153:36, IV to read as follows:

IV. The license requirements of this subdivision shall not apply to employees of public drinking water systems and public water system operators certified by the department of environmental services for drinking water treatment ***plants and distribution systems, when performing plumbing tasks within their certifications, as defined in RSA 485:11 and RSA 332-E:3. This exception is specifically limited to the testing, maintenance, repair or replacement, and installation of the water meter, meter horn, and backflow prevention devices directly adjacent to and required as part of the protection of the drinking water distribution system.***

2 Mechanical Licensing; Exceptions; Plumbing. Amend RSA 153:36, VIII to read as follows:

VIII. The license requirements of this subdivision shall not apply to the following persons while performing plumbing work under the circumstances specifically described ***but shall apply to fuel gas fitting in the same circumstances unless otherwise exempted under this subdivision***; provided, however, that plumbing installed or maintained by such persons under such circumstances shall conform to the state plumbing code:

(a) To regular employees of public utilities, as defined in RSA 362:2, when ~~working as such~~ ***performing plumbing tasks within their training, experience, and, if applicable, certification.***

(b) To a person, firm, corporation, or limited liability company who regularly employs a person whose duties include ***the incidental repair***, installation, and maintenance of plumbing on the property of that person, firm, corporation, or limited liability company, when such employee is actually so engaged.

(c) To a property owner or the property owner's agent who installs, repairs, or replaces plumbing in the property owner's own single-family detached or townhouse residence, including new construction, or any property owner or property owner's agent who makes minor installations, repairs, or replacements to the owner's property.

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

Rep. Carol McGuire spoke in favor.

Floor amendment (0127h) adopted.

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

SB 3-FN, eliminating certain ramp tolls on the Everett turnpike in the town of Merrimack. **INEXPEDIENT TO LEGISLATE.**

Rep. David B. Campbell for Public Works and Highways. The committee unanimously recommended this bill as inexpedient to legislate because it felt that removing the Exit 12 toll plaza should more properly be considered as part of the complete array of issues facing the F. E. Everett Turnpike. These include: 1) the lost toll revenue (currently \$1.9 million and growing) from the newly opened airport ramp at Exit 13 and its relation to the location of the mainline toll booth in Bedford when it is converted to overhead tolling; 2) the possible elimination of the toll plazas at Exits 10, 11 and 12 and the resulting costs and net revenue losses; 3) the future ownership of Continental Boulevard in Merrimack; 4) the need to widen the 2-lane choke points to 3-lanes throughout the Merrimack and Bedford stretch; and 5) possible commuter discounts for frequent toll users, which would apply to the entire turnpike system. The committee takes up the state's Ten Year Transportation Improvement Plan in the 2014 session and will address these issues in the overall context of future F. E. Everett Turnpike improvements, and the resulting ramifications to the entire turnpike system. Vote 15-0.

Rep. Notter spoke against.

Rep. Campbell spoke in favor and yielded to questions.

Rep. Dumaine requested a roll call; sufficiently seconded.

YEAS 201 - NAYS 72

YEAS - 201 BELKNAP

Flanders, Donald
Tilton, Franklin

Gulick, Ruth

Huot, David

Raymond, Ian

CARROLL

Ahlgren, Christopher
McConkey, Mark
Ticehurst, Susan

Buco, Thomas
Morrow, Harry
Umberger, Karen

Butler, Edward
Nelson, Bill
White, Syndi

Chandler, Gene
Schmidt, Stephen

CHESHIRE

Ames, Richard
Eaton, Daniel
Shepardson, Marjorie

Berch, Paul
Mann, John
Tatro, Bruce

Butynski, William
Phillips, Larry
Weber, Lucy

Chase, Cynthia
Sad, Tara

COOS

Coulombe, Gary

Moynihan, Wayne

Theberge, Robert

Thomas, Yvonne

GRAFTON

Almy, Susan
Ford, Susan
Higgins, Patricia
Smith, Suzanne

Benn, Bernard
Friedrich, Carol
Ladd, Rick
Sykes, George

Brown, Rebecca
Gionet, Edmond
Massimilla, Linda
Townsend, Charles

Cooney, Mary
Harding, Laurie
Mulholland, Catherine
White, Andrew

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Backus, Robert
Burt, John
Christiansen, Lars
Danielson, David
Gage, Ruth
Graham, John
Harriott-Gathright, Linda
Jack, Martin
LeBrun, Donald
MacKay, Mariellen
Porter, Marjorie
Schmidt, Janice
Spratt, Stephen
Williams, Kermit

Beaulieu, Jane
Campbell, David
Coffey, James
Dobson, Jeremy
Gagne, Larry
Hackel, Paul
Heath, Mary
Judy, Jean
Leishman, Peter
McCloskey, David
Rokas, Ted
Shattuck, Gilman
Sullivan, Daniel
Winters, Joel

Booras, Efsthia
Cebrowski, John
Connor, Evelyn
Eaton, Richard
Gale, Sylvia
Haefner, Robert
Heden, Ruth
Knowles, Mary Ann
Levesque, Melanie
McNamara, Richard
Rosenwald, Cindy
Smith, Timothy
Villeneuve, Moe
Woodbury, David

Brown, Pamela
Chandley, Shannon
Cote, David
Flanagan, Jack
Gorman, Mary
Hammond, Jill
Infantine, William
Kurk, Neal
Long, Patrick
Murotake, David
Sanborn, Laurie
Soucy, Timothy
Willette, Robert

MERRIMACK

Alicea, Caroletta
Carey, Lorrie

Bartlett, Christy
Carson, Clyde

Bouchard, Candace
Davis, Frank

Burns, Scott
Frambach, Mary

Frazer, June
Hess, David
Kotowski, Frank
Myler, Mel
Schuett, Dianne
Walz, Mary Beth

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Lockwood, Priscilla
Ratzki, Mario
Shurtleff, Stephen
Webb, Leigh

Gile, Mary
Kelly, Sally
MacKay, James
Richardson, Gary
Turcotte, Alan

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Kidder, David
Moffett, Howard
Schamberg, Thomas
Wallner, Mary Jane

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Flockhart, Eileen
Griffin, Mary
Kolodziej, Walter
Milz, David
Packard, Sherman
Schlachman, Donna
Ward, Gerald

Borden, David
Cushing, Robert
Elliott, Robert
Friel, William
Heffron, Frank
Lovejoy, Patricia
Moody, Marcia
Pantelakos, Laura
Sherman, Thomas
Waterhouse, Kevin

Briden, Steven
DeSimone, Debra
Ferrante, Beverly
Garcia, Marilinda
Introne, Robert
Mann, Maureen
Muns, Chris
Rice, Frederick
Sytek, John
Wazlaw, Brian

Cahill, Michael
Devine, James
Fesh, Robert
Grace, Curtis
Kappler, Lawrence
McMahon, Charles
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Rollo, Deanna
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Schmidt, Peter

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Grossman, Kenneth
Malloy, Dennis
Pelletier, Marsha
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Cloutier, John
Osgood, Joe

Gagnon, Raymond
Sweeney, Cynthia

Gottling, Suzanne
Tanner, Linda

Grenier, James

NAYS - 72

BELKNAP

Greemore, Robert

Holmes, Stephen

Cormier, Jane
Luther, Robert

Fields, Dennis
Vadney, Herbert

CARROLL

Cordelli, Glenn

Wright, Donald

CHESHIRE

Robertson, Timothy

Hunt, John

Parkhurst, Henry

COOS

Rideout, Leon

GRAFTON

Doolan, Ralph

Shackett, Jeffrey

HILLSBOROUGH

Belanger, James
Gargas, Carolyn
Hopper, Gary
Marston, Dick
Ober, Russell
Peterson, Lenette
Souza, Kathleen

Boehm, Ralph
Grady, Brenda
Kelley, John
Notter, Jeanine
Palmer, Stephen
Rowe, Robert
Sullivan, Peter

Byron, Frank
Hansberry, Daniel
Mangipudi, Latha
O'Flaherty, Tim
Parison, James
Sandblade, Emily
Vaillancourt, Steve

Daniels, Gary
Hansen, Peter
Manley, Jonathan
Ober, Lynne
Pellegrino, Tony
Shaw, Barbara
Warden, Mark

MERRIMACK

Hoell, J.R.
Patten, Dick

Karrick, David
Rogers, Katherine

McGuire, Carol

McGuire, Dan

ROCKINGHAM

Baldasaro, Alfred
Dumaine, Dudley
Harris, Jeffrey
Sedensky, John
Webb, James

Bick, Patrick
Emerick, J. Tracy
Hoelzel, Kathleen
St.James, Kevin
Weyler, Kenneth

Birdsell, Regina
Garcia, Bianca
Itse, Daniel
Tasker, Kyle

Comerford, Timothy
Gordon, Richard
Sapareto, Frank
Tucker, Pamela

STRAFFORD

Beaudoin, Steven

Groen, Warren

Jones, Laura

Rogers, Rose Marie

SULLIVAN

Rollins, Skip
and the committee report was adopted.

Smith, Steven

REGULAR CALENDAR

HB 1144, requiring personal information of a person acquitted of or not charged with a crime to be removed from websites. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jill S. Hammond for Commerce and Consumer Affairs. The original intent of this bill was to have website operators remove personal information relating to persons who have been acquitted of a crime or where charges against that person have been dismissed. Due to issues of freedom of the press and speech, this would be impossible to accomplish. The personal incident that was the impetus for the bill was the case of a young woman being charged with a crime that was duly reported in an ordinary news story and picked up by several news outlets. The hot-button issue involved -- animal cruelty -- sparked widespread blog and online media attacks on the woman from non-news sources. The subsequent dismissal of charges against her went largely unreported. The subcommittee realized that there is no recourse against the (private) blog and online media, other than possible civil legal action. The legitimate press, while acknowledging the dilemma, maintained that they had reported what they knew, it was part of the public record, and they had not misrepresented the facts. The sentiment of the committee is that we should be able to hear "the rest of the story" and hope that the legitimate press will accommodate, which they express interest in doing. To further the dissemination of appropriate police and court information, the committee amended the bill to create a study committee to specifically look at the nature of information about arrests, charges, and adjudication of cases that can be made public in a timely and easily accessible way. This will enable the press to report fully on cases and "set the record straight," especially if an injured individual seeks such from the press. Vote 10-7.

Amendment (0264h)

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

AN ACT establishing a committee to study information included in arrest records and access to information on the disposition of criminal cases.

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

1 Committee Established. There is established a committee to study information included in arrest records and access to information on the disposition of criminal cases.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall study information included in arrest records and access to information on the disposition of criminal cases. The study shall include a review of the information included in arrest records and information currently available online relative to the disposition of cases.

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

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

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

AMENDED ANALYSIS

This bill establishes a committee to study information included in arrest records and access to information on the disposition of criminal cases.

Amendment adopted.

Committee report adopted and referred to the Committee on Criminal Justice and Public Safety.

HB 1172-FN, relative to mandatory ignition interlock device installation. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark Warden for Criminal Justice and Public Safety. This bill would mandate interlock ignition devices to be installed in many more vehicles than currently required. The majority doesn't like removing judicial discretion in these cases. Further, the fiscal note appears to understate expected costs by an order of magnitude. New costs of over \$500,000 per year for this program are not prudent with the state's budgetary constraints. Vote 16-2. Committee report adopted.

HB 1127-FN, relative to fees for certain charitable gaming licenses. **INEXPEDIENT TO LEGISLATE.**

Rep. Carol M. McGuire for Executive Departments and Administration. As written, this bill would change the \$500/year license fee for a primary charitable gaming operator (set in rules) to \$50,000/5 years, and set the fee in statute. Testimony at the public hearing revealed that the bill amended a different statute than intended by the sponsors, and the fee they were concerned with is already set in statute at “no more than \$50,000.” The racing and charitable gaming commission believes \$500/year is enough for the primary operator license, and the committee agrees. Vote 18-1.

Committee report adopted.

HB 1108-FN, requiring voir dire examination of prospective jurors in all criminal cases. **OUGHT TO PASS.**

Rep. Paul L. Hackel for Judiciary. “Voir dire” is a legal process, which permits lawyers to question the prospective jurors before selection. It is presently permitted in civil cases in New Hampshire and this bill permits it to be used also in criminal cases. After the trial judge initial examination, counsel for each party shall have the right to examine, by oral and direct questions, any of the prospective jurors in order to enable counsel to intelligently exercise both peremptory challenges and challenges for cause. The questioning might enable the counsels to discover bias or prejudice with regard to the circumstances of the particular case before the trial begins rather than in the middle of the trial, which would result in a mistrial. Vote 14-3.

Committee report adopted and ordered to third reading.

HB 1201-FN, relative to the accountability of public officials. **INEXPEDIENT TO LEGISLATE.**

Rep. Rick H. Watrous for Judiciary. This bill would expand the definition of official oppression. Currently it is a misdemeanor offense when any public official—acting with the intent to benefit him or herself or to harm another—commits an unauthorized act purported to be an act of his or her office; or refrains or refuses to perform a duty imposed on him or her by law or clearly inherent in the nature of the office. This bill eliminates the requirement of acting with the intent to benefit him or her or to harm another. It also creates the new offense of failing to respond to and rebut with citations of law to an affidavit within 30 days of submission of the affidavit by “any inhabitant.” The committee thought this bill unnecessary and feared that it could generate a substantial increase in the number of criminal complaints against public officials. Vote 17-0.

Committee report adopted.

HB 1267, relative to removing public officials for cause. **INEXPEDIENT TO LEGISLATE.**

Rep. Rick H. Watrous for Judiciary. This bill adds “failure to perform assigned duties” to the list of reasons that a state official who is not a classified employee can be removed from office. It also inserts “the majority of any standing committee of the house of representative or senate” into the removal process, now restricted to the executive branch: the Attorney General, the Governor, any member of the Executive Council or the appointing authority of the official. No one appeared in support of this bill. The committee regarded “failure to perform assigned duties” as overly broad and vague, and inserting the legislature into the removal process unnecessary and unwise, possibly leading to political interference. Vote 18-0.

Committee report adopted.

HB 1234, relative to municipal contracts for police chief. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. James Verschuere for the Majority of Municipal and County Government. This bill would allow selectmen to designate a police chief by contract for a fixed term. Proponents argue that a superior court decree has made it clear that selectmen have the authority to do this but that current law does not make that option clear to selectmen. However, the language of current law clearly provides for appointment of “...special police officers who shall continue in office during the pleasure of the selectmen, or until their successors are chosen or appointed.” Furthermore, committee members were able to cite examples of this occurring in their home communities. The committee heard testimony from a proponent who indicated that offering a contract with a fixed contract termination date was of minimal concern. One police chief testified in opposition, his objection being that the introduction of fixed term contracts as a general practice opened the door to undue influence of selectman over the work of the police chief. The majority of the committee agreed that the bill as proposed was unnecessary and introduced several pitfalls to the process of making a smooth transition of police chiefs. The new language introduced also muddled the process by mandating that an interim appointee remain in the position until the end of the contract even after a successor had been designated. With respect to proponents’ concern that poorly functioning police chiefs are not easily removed, committee members agreed that there are multiple options currently available to selectman to induce the departure of a police chief. Vote 15-4.

Rep. David A. Bickford for the Minority of Municipal and County Government. The intent of the bill is to codify in the statutes the July 12, 2013 decision from the Cheshire Superior Court by Justice John C. Kissinger in *Kassotis v. Town of Fitzwilliam* making it clear that towns can have contracts with their police chief for a set

period of time and not renewing the employment contract does not constitute a “dismissal under RSA 105:2-a.” It would have been nice to have the decision appear in the RSA’s since they are the most available laws to the public as opposed to case law.

Majority committee report adopted.

REMOVED FROM THE CONSENT CALENDAR

HB 1235-FN, establishing a procedure to recall selectmen and school board members. **INEXPEDIENT TO LEGISLATE.**

Rep. Kris E. Roberts for Municipal and County Government. This bill goes against the democratic process. If enacted into law it has the potential to take control away from the voting majority and place it in the hands of a non-voting minority. HB 1235 would allow not 30% of the total registered voters but 30% of the number of voters who voted in the election that placed the selectman or school board member in office to subject him or her to recall. For example, Keene has 13,000 registered voters; about 10% or 1,300 votes. In an election under HB 1235, it would require less than 400 or about 3% of the total registered voters to sign the recall petition. This would make it possible for 400 people who were not even registered to vote at the time of the election to overturn the wishes of the community. New Hampshire has a proud history of following the democratic process. If you don’t like who is on the ballot we have the option of putting ourselves on the ballot, or convincing others to run, failing that we have the opportunity to vote the person out of office. We don’t need a new law that would allow a small group of people to recall someone based on the political views, or because they are rude, or uncooperative. We do not need a law that could make it possible to intimidate under threat of recall. Additionally HB 1235 would require the secretary of state’s office to pay the costs of all such recalls, a backdoor way of having the general court fund local recall elections. Vote 18-1.

Committee report adopted.

REGULAR CALENDAR (CONT'D)

HB 1375, permitting a municipal law enforcement agency to collect unwanted or illegal firearms. **INEXPEDIENT TO LEGISLATE.**

Rep. James P. Belanger for Municipal and County Government. Although turning in illegal and unwanted firearms to the local police dept sounds reasonable and it appears to offer immunity and anonymity, this would not apply to federal law. The disposition of firearms that could later be tied to a crime would impede prosecution, as evidence would not be available. The bill, even with a lot of fixes in a proposed amendment, is not without serious flaws. Vote 16-3.

Committee report adopted.

REMOVED FROM THE CONSENT CALENDAR (CONT'D)

HB 1229-FN, relative to the oil discharge and gasoline ether cleanup fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Leigh A. Webb for Resources, Recreation and Development. This bill accomplishes two things. First, it extends the expiration date of two funds, the oil discharge and disposal cleanup fund (ODD) and the gasoline remediation and elimination of ethers fund (GREE), from July 1, 2015, to July 1, 2025. As the history of both funds adequately demonstrates, the need for these entities will continue as long as gasoline and diesel fuel are used and stored for use in New Hampshire. Secondly, the bill as amended, will allow the oil fund disbursement board, at its discretion, to authorize expenditures between \$1.5m, the existing cap, up to \$2m, if additional remediation is required to contain contamination and make a site economically viable once again. The up to \$500,000 additional funding can only be used for remediation, with the exact amount to be determined by the oil fund disbursement board. There are approximately eight projects, which could exceed the current cap, and therefore be left unusable, lowering property tax revenues, and, potentially, threaten water quality in the area of the remediation. Without making the additional funds available through this bill, the fate of these, and possibly future sites, could be in serious jeopardy. Vote 14-1.

Amendment (0130h)

Amend RSA 146-D:6, III as inserted by section 6 of the bill by replacing it with the following:

III. Owners of facilities or land eligible under this chapter may apply for reimbursement of court-ordered damages to third parties for bodily injury or property damage, and for the costs of onsite and off-site cleanup of oil discharges in amounts not to exceed a total of \$1,500,000. ***After the initial \$1,500,000 is reimbursed, owners may apply for reimbursement of additional onsite and off-site cleanup costs in amounts not to exceed a total of \$500,000.*** The fund shall be deemed excess insurance over any other valid and collectible insurance for the costs of cleanup and damages to third parties. There shall be no right of recovery against the fund for payments made under other insurance.

Amendment adopted.

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

REGULAR CALENDAR (CONT'D)

HB 1455-L, relative to the authority of municipalities to enter into agreements for payments in lieu of taxes. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Charles L. Townsend for the Majority of Science, Technology and Energy. This bill would eliminate the ability for municipalities and renewable energy generators to voluntarily enter into payments in lieu of tax agreements that can be to the mutual benefit of both parties. It is the committee's strongly supported recommendation that payments in lieu of tax agreements should continue to be allowed. Vote: 12-3

Rep. Laurence M. Rappaport for the Minority of Science, Technology and Energy. The minority believes that it is wrong to favor one class of taxpayer over another, and therefore recommends passage.

Majority committee report adopted.

HB 1590-L, relative to payments in lieu of taxes for renewable generation facilities in unincorporated places. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth Grossman for Science, Technology and Energy. This bill is intended to provide a means of relieving an unfair and unnecessary tax burden on the citizens of Millsfield, an unincorporated place in Coos County, without damage to other payments in lieu of tax arrangements for renewable energy facilities. Vote 14-1.

Amendment (0077h)

Amend RSA 72:74, IX as inserted by section 1 of the bill by replacing it with the following:

IX. The revenue collected under paragraph VIII from any payment in lieu of taxes shall be deducted from the total county appropriations in the county budget to be funded through taxes prior to the assessment of county taxes under RSA 29:11. The department of revenue administration shall not equalize any value for a renewable energy generation facility in an unincorporated place during the period a voluntary agreement for the payment in lieu of taxes is in force, when setting the final county tax rate.

Amendment adopted.

Committee report adopted and referred to the Committee on Municipal and County Government.

HB 1135-FN, relative to penalties for driving without a license. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael B. O'Brien for Transportation. The amendment replaces the bill and the bill, as amended, will distinguish between a licensed driver who simply forgot to renew their license, and one who deliberately drives a vehicle without a license. The first offense of driving without a license will be a violation provided the violation occurred under 12 months of the date of expiration. Second offense or operation of over 12 months will be a misdemeanor. This bill will also apply to any person who drives a motor vehicle in this state and their license is not of the appropriate classification of the vehicle being driven. This will be a violation on the first offense and a misdemeanor on the second offense. With the tragedy that occurred last summer in Hampton, where an unlicensed driver was involved in a fatal crash, this bill will assist authorities in preventing unlicensed drivers from our roads. Vote 11-5.

Amendment (0272h)

Amend the bill by replacing section 1 with the following:

1 License Required; Penalty. Amend RSA 263:1 to read as follows:

263:1 License Required; **Penalty.**

I. No person, except those expressly exempted under RSA 263:25 or other provisions of this title, shall drive any motor vehicle upon any way in this state unless such person has a valid driver's license, as required under the provisions of this chapter, for the class or type of vehicle being driven. ~~[Except as otherwise herein provided, any person who drives a motor vehicle in this state without having a valid driver's license of the appropriate class or type shall be guilty of a violation, provided that any person convicted of such offense for the second time in a 12 month period shall be guilty of a misdemeanor.]~~

II. *Any person who drives a motor vehicle in this state who had a valid license that was expired for 12 months or less shall be guilty of a violation and fined not more than \$50 plus penalty assessment, provided that any person convicted of such offense for the second time in a 12 month period shall be guilty of a misdemeanor.*

III. *Any person who drives a motor vehicle in this state whose license is not of the appropriate class for the type of vehicle being driven shall be guilty of a violation and fined not more than \$100 plus penalty assessment, provided that any person convicted of such offense for the second time in a 12 month period shall be guilty of a misdemeanor.*

IV. *Any person who drives a motor vehicle in this state and who has never had a license or whose license to drive has been expired for more than 12 months shall be guilty of a misdemeanor.*

AMENDED ANALYSIS

This bill modifies the penalties for driving a motor vehicle without a valid driver's license or a license that is not appropriate for the vehicle being driven.

Amendment adopted.

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

YEAS 231 - NAYS 33**YEAS - 231****BELKNAP**

Cormier, Jane
Gulick, Ruth

Fields, Dennis
Luther, Robert

Flanders, Donald
Raymond, Ian

Greemore, Robert
Vadney, Herbert

CARROLL

Buco, Thomas
Nelson, Bill

Butler, Edward
Schmidt, Stephen

Cordelli, Glenn
Ticehurst, Susan

Morrow, Harry
White, Syndi

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Robertson, Timothy
Weber, Lucy

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Butynski, William
Parkhurst, Henry
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Chase, Cynthia
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Friedrich, Carol
Ladd, Rick
Smith, Suzanne

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Jeudy, Jean
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MacKay, Mariellen
McNamara, Richard
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Schmidt, Janice
Soucy, Timothy
Sullivan, Peter
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Beaulieu, Jane
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Cebrowski, John
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Hansberry, Daniel
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Belanger, James
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Jack, Martin
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McCloskey, David
Palmer, Stephen
Sanborn, Laurie
Smith, Timothy
Sullivan, Daniel
Willette, Robert

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Alicea, Caroletta
Carey, Lorrie
Frazer, June
Hess, David
Kidder, David
McGuire, Carol
Ratzki, Mario
Shurtleff, Stephen
Webb, Leigh

Bartlett, Christy
Carson, Clyde
French, Barbara
Hirsch, Geoffrey
Kotowski, Frank
Moffett, Howard
Richardson, Gary
Turcotte, Alan

Bouchard, Candace
Davis, Frank
Gile, Mary
Karrick, David
Lockwood, Priscilla
Myler, Mel
Schamberg, Thomas
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Burns, Scott
Frambach, Mary
Henle, Paul
Kelly, Sally
MacKay, James
Patten, Dick
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Abrami, Patrick
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Harris, Jeffrey
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Packard, Sherman

Baldasaro, Alfred
Briden, Steven
DeSimone, Debra
Elliott, Robert
Friel, William
Heffron, Frank
Kolodziej, Walter
Moody, Marcia
Pantelakos, Laura

Bick, Patrick
Cahill, Michael
Devine, James
Emerick, J. Tracy
Grace, Curtis
Hoelzel, Kathleen
Lovejoy, Patricia
Muns, Chris
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Duarte, Joe
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Griffin, Mary
Introne, Robert
Mann, Maureen
Nigrello, Robert
Sapareto, Frank

Scarlotto, Joe
Sytek, John
Ward, Gerald

Schlachman, Donna
Tasker, Kyle
Waterhouse, Kevin

Sedensky, John
Till, Mary
Wazlaw, Brian

Sherman, Thomas
Tucker, Pamela

STRAFFORD

Baber, William
Burke, Rachel
Grossman, Kenneth
Malloy, Dennis
Pelletier, Marsha
Schmidt, Peter

Beaudoin, Steven
Gardner, Janice
Horrigan, Timothy
Merrill, Amanda
Perry, Robert
Smith, Marjorie

Bickford, David
Grassie, Anne
Kaen, Naida
Miller, David
Rogers, Rose Marie
Verschueren, James

Bixby, Peter
Gray, James
Ketel, Stephen
Mullen, John
Rollo, Deanna
Wall, Janet

SULLIVAN

Cloutier, John
Osgood, Joe
Tanner, Linda

Gagnon, Raymond
Rollins, Skip

Gottling, Suzanne
Smith, Steven

Grenier, James
Sweeney, Cynthia

NAYS - 33

BELKNAP

Holmes, Stephen

Huot, David

Tilton, Franklin

CARROLL

McConkey, Mark

Umberger, Karen

Wright, Donald

CHESHIRE

Hunt, John

HILLSBOROUGH

Christiansen, Lars
O'Flaherty, Tim
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Graham, John
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Vaillancourt, Steve

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Comerford, Timothy
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Ferrante, Beverly
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Weyler, Kenneth

Garcia, Bianca
McMahon, Charles
Whittemore, Lisa

Garcia, Marilinda
St.James, Kevin

STRAFFORD

Groen, Warren

Jones, Laura

and the committee report was adopted and referred to the committee on Criminal Justice and Public Safety.

CLERK'S NOTE

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

REGULAR CALENDAR CONT'D

HB 1475, relative to expanding the research and development tax credit against the business profits tax to be a reinvestment tax credit. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Patricia T. Lovejoy for the Majority of Ways and Means. This bill would change the \$2 million dollar manufacturing research and development (R&D) credit to be a reinvestment credit that would be available to any business, including any non-manufacturing business. This bill also expands qualifying expenses to include capital investments made to increase or expand production or services, merger and acquisition costs and costs of buyback or repurchase of outstanding shares. This is contrary to the original purpose of the R&D credit and this would greatly dilute the value of the resultant tax credit, making it immaterial for most any business. The BIA and DRED both testified in opposition to the bill. Vote 9-8.

Rep. Patrick F. Abrami for the Minority of Ways and Means. The minority of the committee feels the bill requires much work. The concept of broadening the tax credit in a more limited way does have some appeal. The minority feels with interim study there is a possibility of making this into a workable bill.

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

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 165 - NAYS 95**YEAS - 165****BELKNAP**

Fields, Dennis

Gulick, Ruth

Huot, David

Raymond, Ian

CARROLLBuco, Thomas
White, Syndi

Butler, Edward

Schmidt, Stephen

Ticehurst, Susan

CHESHIREAmes, Richard
Eaton, Daniel
Robertson, Timothy
Weber, LucyBerch, Paul
Mann, John
Sad, TaraButynski, William
Parkhurst, Henry
Shepardson, MarjorieChase, Cynthia
Phillips, Larry
Tatro, Bruce**COOS**

Moynihan, Wayne

Theberge, Robert

Thomas, Yvonne

GRAFTONAlmy, Susan
Ford, Susan
Massimilla, Linda
Sykes, GeorgeBenn, Bernard
Friedrich, Carol
Mulholland, Catherine
Townsend, CharlesBrown, Rebecca
Harding, Laurie
Shackett, Jeffrey
White, AndrewCooney, Mary
Higgins, Patricia
Smith, Suzanne**HILLSBOROUGH**Backus, Robert
Campbell, David
Connor, Evelyn
Gargas, Carolyn
Harriott-Gathright, Linda
Jeudy, Jean
Leishman, Peter
Mangipudi, Latha
Porter, Marjorie
Shaw, Barbara
Sullivan, Peter
Woodbury, DavidBeaulieu, Jane
Cebrowski, John
Cote, David
Gorman, Mary
Heath, Mary
Kelley, John
Levesque, Melanie
Manley, Jonathan
Rosenwald, Cindy
Smith, Timothy
Vaillancourt, SteveBooras, Efstathia
Chandle, Shannon
Gage, Ruth
Grady, Brenda
Heden, Ruth
Knowles, Mary Ann
Long, Patrick
McCloskey, David
Schmidt, Janice
Spratt, Stephen
Willette, RobertBrown, Pamela
Coffey, James
Gale, Sylvia
Hackel, Paul
Jack, Martin
Kurk, Neal
MacKay, Mariellen
McNamara, Richard
Shattuck, Gilman
Sullivan, Daniel
Williams, Kermit**MERRIMACK**Alicia, Caroletta
Carey, Lorrie
Frazer, June
Hirsch, Geoffrey
MacKay, James
Ratzki, Mario
Schuett, Dianne
Walz, Mary BethBartlett, Christy
Carson, Clyde
French, Barbara
Karrick, David
Moffett, Howard
Richardson, Gary
Shurtleff, Stephen
Webb, LeighBouchard, Candace
Davis, Frank
Gile, Mary
Kidder, David
Myler, Mel
Rogers, Katherine
Turcotte, AlanBurns, Scott
Frambach, Mary
Henle, Paul
Lockwood, Priscilla
Patten, Dick
Schamberg, Thomas
Wallner, Mary Jane**ROCKINGHAM**Borden, David
Cushing, Robert
Heffron, Frank
Moody, Marcia
Schlachman, Donna
Ward, GeraldBriden, Steven
Fesh, Robert
Lovejoy, Patricia
Muns, Chris
Sherman, Thomas
Wazlaw, BrianCahill, Michael
Flockhart, Eileen
Mann, Maureen
Pantelakos, Laura
St.James, Kevin
Webb, JamesCopeland, Timothy
Garcia, Marilinda
McMahon, Charles
Scarlotto, Joe
Till, Mary
Whittemore, Lisa**STRAFFORD**Baber, William
Grassie, Anne
Ketel, Stephen
Pelletier, Marsha
Schmidt, PeterBickford, David
Grossman, Kenneth
Malloy, Dennis
Perry, Robert
Smith, MarjorieBixby, Peter
Horrigan, Timothy
Merrill, Amanda
Rogers, Rose Marie
Verschuere, JamesBurke, Rachel
Kaen, Naida
Miller, David
Rollo, Deanna
Wall, Janet**SULLIVAN**Cloutier, John
Sweeney, CynthiaGagnon, Raymond
Tanner, Linda

Gottling, Suzanne

Grenier, James

NAYS - 95**BELKNAP**Cormier, Jane
Luther, RobertFlanders, Donald
Tilton, FranklinGreemore, Robert
Vadney, Herbert

Holmes, Stephen

CARROLLChandler, Gene
Nelson, BillCordelli, Glenn
Wright, Donald

McConkey, Mark

Merrow, Harry

CHESHIRE

Hunt, John

COOS

Rideout, Leon

GRAFTON

Doolan, Ralph

Gionet, Edmond

Ladd, Rick

HILLSBOROUGHBelanger, James
Christiansen, Lars
Graham, John
Infantine, William
Notter, Jeanine
Parison, James
Sandblade, Emily
Warden, MarkBoehm, Ralph
Daniels, Gary
Haefner, Robert
LeBrun, Donald
Ober, Lynne
Pellegrino, Tony
Soucy, Timothy
Winters, JoelBurt, John
Danielson, David
Hansen, Peter
Marston, Dick
Ober, Russell
Peterson, Lenette
Souza, KathleenByron, Frank
Gagne, Larry
Hopper, Gary
Murotake, David
Palmer, Stephen
Sanborn, Laurie
Villeneuve, Moe**MERRIMACK**

Hess, David

Hoell, J.R.

McGuire, Carol

McGuire, Dan

ROCKINGHAMAbrami, Patrick
Comerford, Timothy
Dumaine, Dudley
Friel, William
Griffin, Mary
Itse, Daniel
Nigrello, Robert
Sedensky, John
Waterhouse, KevinBaldasaro, Alfred
DeSimone, Debra
Elliott, Robert
Garcia, Bianca
Harris, Jeffrey
Kappler, Lawrence
Packard, Sherman
Sytek, John
Weyler, KennethBick, Patrick
Devine, James
Emerick, J. Tracy
Gordon, Richard
Hoelzel, Kathleen
Kolodziej, Walter
Rice, Frederick
Tasker, KyleBirdsell, Regina
Duarte, Joe
Ferrante, Beverly
Grace, Curtis
Introne, Robert
Milz, David
Sapareto, Frank
Tucker, Pamela**STRAFFORD**Beaudoin, Steven
Jones, LauraGardner, Janice
Mullen, John

Gray, James

Groen, Warren

SULLIVAN

Osgood, Joe

Rollins, Skip

Smith, Steven

and the committee report failed lacking the necessary two-thirds vote.

CLERK'S NOTE

The constitutionally required two-thirds of the membership for action by majority vote was declared present.

LAID ON THE TABLERep. Shurtleff moved that **HB 1475**, relative to expanding the research and development tax credit against the business profits tax to be a reinvestment tax credit, be laid on the table.

Rep. Hansen requested a roll call; sufficiently seconded.

YEAS 195 - NAYS 68**YEAS - 195****BELKNAP**Fields, Dennis
Raymond, IanGulick, Ruth
Vadney, Herbert

Holmes, Stephen

Huot, David

CARROLLBuco, Thomas
Ticehurst, SusanButler, Edward
Umberger, KarenMcConkey, Mark
White, Syndi

Schmidt, Stephen

CHESHIREAmes, Richard
Eaton, Daniel
Robertson, Timothy
Weber, LucyBerch, Paul
Mann, John
Sad, TaraButynski, William
Parkhurst, Henry
Shepardson, MarjorieChase, Cynthia
Phillips, Larry
Tatro, Bruce

COOS

Hatch, William

Moynihan, Wayne

Theberge, Robert

Thomas, Yvonne

GRAFTONAlmy, Susan
Doolan, Ralph
Higgins, Patricia
Smith, SuzanneBenn, Bernard
Ford, Susan
Massimilla, Linda
Sykes, GeorgeBrown, Rebecca
Friedrich, Carol
Mulholland, Catherine
Townsend, CharlesCooney, Mary
Harding, Laurie
Shackett, Jeffrey
White, Andrew**HILLSBOROUGH**Backus, Robert
Brown, Pamela
Christiansen, Lars
Daniels, Gary
Gale, Sylvia
Hackel, Paul
Infantine, William
Knowles, Mary Ann
Long, Patrick
McCloskey, David
Rosenwald, Cindy
Shaw, Barbara
Spratt, Stephen
Villeneuve, Moe
Woodbury, DavidBeaulieu, Jane
Campbell, David
Coffey, James
Danielson, David
Gargas, Carolyn
Harriott-Gathright, Linda
Jack, Martin
Kurk, Neal
MacKay, Mariellen
McNamara, Richard
Sanborn, Laurie
Smith, Timothy
Sullivan, Daniel
Warden, MarkBelanger, James
Cebrowski, John
Connor, Evelyn
Eaton, Richard
Gorman, Mary
Heath, Mary
Judy, Jean
Leishman, Peter
Mangipudi, Latha
Pellegrino, Tony
Schmidt, Janice
Soucy, Timothy
Sullivan, Peter
Willette, RobertBooras, Efstathia
Chandley, Shannon
Cote, David
Gage, Ruth
Grady, Brenda
Heden, Ruth
Kelley, John
Levesque, Melanie
Manley, Jonathan
Porter, Marjorie
Shattuck, Gilman
Souza, Kathleen
Vaillancourt, Steve
Williams, Kermit**MERRIMACK**Alicia, Caroletta
Carey, Lorrie
Frazer, June
Hess, David
Lockwood, Priscilla
Myler, Mel
Rogers, Katherine
Turcotte, AlanBartlett, Christy
Carson, Clyde
French, Barbara
Hirsch, Geoffrey
MacKay, James
Patten, Dick
Schamberg, Thomas
Wallner, Mary JaneBouchard, Candace
Davis, Frank
Gile, Mary
Karrick, David
McGuire, Carol
Ratzki, Mario
Schuett, Dianne
Walz, Mary BethBurns, Scott
Frambach, Mary
Henle, Paul
Kidder, David
Moffett, Howard
Richardson, Gary
Shurtleff, Stephen
Webb, Leigh**ROCKINGHAM**Bick, Patrick
Copeland, Timothy
Fesh, Robert
Heffron, Frank
Mann, Maureen
Packard, Sherman
Sherman, Thomas
Wazlaw, BrianBorden, David
Cushing, Robert
Flockhart, Eileen
Introne, Robert
McMahon, Charles
Pantelakos, Laura
St.James, Kevin
Whittemore, LisaBriden, Steven
Duarte, Joe
Friel, William
Kappler, Lawrence
Moody, Marcia
Scarlott, Joe
Till, MaryCahill, Michael
Elliott, Robert
Griffin, Mary
Lovejoy, Patricia
Muns, Chris
Schlachman, Donna
Ward, Gerald**STRAFFORD**Baber, William
Gardner, Janice
Kaen, Naida
Miller, David
Rogers, Rose Marie
Verschueren, JamesBickford, David
Grassie, Anne
Ketel, Stephen
Mullen, John
Rollo, Deanna
Wall, JanetBixby, Peter
Grossman, Kenneth
Malloy, Dennis
Pelletier, Marsha
Schmidt, PeterBurke, Rachel
Horrigan, Timothy
Merrill, Amanda
Perry, Robert
Smith, Marjorie**SULLIVAN**Cloutier, John
Osgood, JoeGagnon, Raymond
Smith, StevenGottling, Suzanne
Sweeney, CynthiaGrenier, James
Tanner, Linda**NAYS - 68****BELKNAP**Cormier, Jane
Tilton, Franklin

Flanders, Donald

Greemore, Robert

Luther, Robert

CARROLLChandler, Gene
Wright, Donald

Cordelli, Glenn

Morrow, Harry

Nelson, Bill

CHESHIRE

Hunt, John

COOS

Rideout, Leon

GRAFTON

Gionet, Edmond

Ladd, Rick

HILLSBOROUGHBoehm, Ralph
Graham, John
LeBrun, Donald
Ober, Lynne
Peterson, LenetteBurt, John
Haefner, Robert
Marston, Dick
Ober, Russell
Sandblade, EmilyByron, Frank
Hansen, Peter
Murotake, David
Palmer, Stephen
Winters, JoelGagne, Larry
Hopper, Gary
Notter, Jeanine
Parison, James**MERRIMACK**

Hoell, J.R.

McGuire, Dan

ROCKINGHAMAbrami, Patrick
DeSimone, Debra
Ferrante, Beverly
Grace, Curtis
Kolodziej, Walter
Sapareto, Frank
Tucker, PamelaBaldasaro, Alfred
Devine, James
Garcia, Bianca
Harris, Jeffrey
Milz, David
Sedensky, John
Waterhouse, KevinBirdsell, Regina
Dumaine, Dudley
Garcia, Marilinda
Hoelzel, Kathleen
Nigrello, Robert
Sytek, John
Webb, JamesComerford, Timothy
Emerick, J. Tracy
Gordon, Richard
Itse, Daniel
Rice, Frederick
Tasker, Kyle
Weyler, Kenneth**STRAFFORD**

Beaudoin, Steven

Gray, James

Groen, Warren

Jones, Laura

SULLIVAN

Rollins, Skip

and the motion was adopted.

CLERK'S NOTE

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

REGULAR CALENDAR CONT'D

HB 1556-FN, defining poker as a game of skill. **INEXPEDIENT TO LEGISLATE.**

Rep. Patricia T. Lovejoy for Way and Means. This bill defines poker as a game of skill. The committee believes that although poker can involve a great deal of skill, it is still a game of chance. If poker were to be classified as a game of chance, it would no longer be regulated by the racing and charitable gaming commission and would no longer be included in charitable gaming; anyone would be able to run poker games. If this bill were passed, most likely charitable gaming would cease to exist. Vote 17-3.

Rep. Hoell requested a roll call; sufficiently seconded.

YEAS 236 - NAYS 23**YEAS - 236****BELKNAP**Fields, Dennis
Holmes, Stephen
Vadney, HerbertFlanders, Donald
Huot, DavidGreemore, Robert
Raymond, IanGulick, Ruth
Tilton, Franklin**CARROLL**Buco, Thomas
McConkey, Mark
Ticehurst, SusanButler, Edward
Merrow, Harry
Umberger, KarenChandler, Gene
Nelson, Bill
White, SyndiCordelli, Glenn
Schmidt, Stephen**CHESHIRE**Ames, Richard
Eaton, Daniel
Phillips, Larry
Weber, LucyBerch, Paul
Hunt, John
Robertson, TimothyButynski, William
Mann, John
Sad, TaraChase, Cynthia
Parkhurst, Henry
Tatro, Bruce**COOS**

Hatch, William

Moynihan, Wayne

Theberge, Robert

Thomas, Yvonne

GRAFTON

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

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

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

Cooney, Mary
Harding, Laurie
Mulholland, Catherine
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Booras, Efstathia
Cebrowski, John
Connor, Evelyn
Eaton, Richard
Gargas, Carolyn
Hackel, Paul
Heath, Mary
Judy, Jean
LeBrun, Donald
MacKay, Mariellen
McCloskey, David
Palmer, Stephen
Porter, Marjorie
Shattuck, Gilman
Souza, Kathleen
Vaillancourt, Steve
Woodbury, David

Beaulieu, Jane
Brown, Pamela
Chandley, Shannon
Cote, David
Gage, Ruth
Gorman, Mary
Haefner, Robert
Heden, Ruth
Kelley, John
Leishman, Peter
Mangipudi, Latha
McNamara, Richard
Parison, James
Rosenwald, Cindy
Shaw, Barbara
Spratt, Stephen
Villeneuve, Moe

Belanger, James
Byron, Frank
Christiansen, Lars
Daniels, Gary
Gagne, Larry
Grady, Brenda
Hansen, Peter
Infantine, William
Knowles, Mary Ann
Levesque, Melanie
Manley, Jonathan
Murotake, David
Pellegrino, Tony
Sanborn, Laurie
Smith, Timothy
Sullivan, Daniel
Willette, Robert

Boehm, Ralph
Campbell, David
Coffey, James
Danielson, David
Gale, Sylvia
Graham, John
Harriott-Gathright, Linda
Jack, Martin
Kurk, Neal
Long, Patrick
Marston, Dick
Notter, Jeanine
Peterson, Lenette
Schmidt, Janice
Soucy, Timothy
Sullivan, Peter
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Carey, Lorrie
Frazer, June
Hess, David
Lockwood, Priscilla
Patten, Dick
Schamberg, Thomas
Wallner, Mary Jane

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

Bouchard, Candace
Davis, Frank
Gile, Mary
Karrick, David
Moffett, Howard
Richardson, Gary
Shurtleff, Stephen
Webb, Leigh

Burns, Scott
Frambach, Mary
Henle, Paul
Kidder, David
Myler, Mel
Rogers, Katherine
Turcotte, Alan

ROCKINGHAM

Abrami, Patrick
Briden, Steven
DeSimone, Debra
Elliott, Robert
Flockhart, Eileen
Grace, Curtis
Hoelzel, Kathleen
Lovejoy, Patricia
Moody, Marcia
Pantelakos, Laura
Schlachman, Donna
Sytek, John
Wazlaw, Brian

Bick, Patrick
Cahill, Michael
Devine, James
Emerick, J. Tracy
Friel, William
Griffin, Mary
Introne, Robert
Mann, Maureen
Muns, Chris
Rice, Frederick
Sedensky, John
Till, Mary
Webb, James

Birdsell, Regina
Copeland, Timothy
Duarte, Joe
Ferrante, Beverly
Garcia, Bianca
Harris, Jeffrey
Kappler, Lawrence
McMahon, Charles
Nigrello, Robert
Sapareto, Frank
Sherman, Thomas
Ward, Gerald
Weyler, Kenneth

Borden, David
Cushing, Robert
Dumaine, Dudley
Fesh, Robert
Garcia, Marilinda
Heffron, Frank
Kolodziej, Walter
Milz, David
Packard, Sherman
Scarlotta, Joe
St.James, Kevin
Waterhouse, Kevin
Whittemore, Lisa

STRAFFORD

Baber, William
Burke, Rachel
Horrigan, Timothy
Miller, David
Rogers, Rose Marie
Verschueren, James

Beaudoin, Steven
Grassie, Anne
Kaen, Naida
Mullen, John
Rollo, Deanna
Wall, Janet

Bickford, David
Gray, James
Malloy, Dennis
Pelletier, Marsha
Schmidt, Peter

Bixby, Peter
Grossman, Kenneth
Merrill, Amanda
Perry, Robert
Smith, Marjorie

SULLIVAN

Cloutier, John
Osgood, Joe

Gagnon, Raymond
Rollins, Skip

Gottling, Suzanne
Sweeney, Cynthia

Grenier, James
Tanner, Linda

**NAYS - 23
BELKNAP**

Cormier, Jane

CARROLL

Wright, Donald

COOS

Rideout, Leon

GRAFTON

Gionet, Edmond

HILLSBOROUGHBurt, John
Winters, Joel

Hopper, Gary

Sandblade, Emily

Warden, Mark

MERRIMACK

Hoell, J.R.

McGuire, Carol

McGuire, Dan

ROCKINGHAMBaldasaro, Alfred
Tasker, KyleComerford, Timothy
Tucker, Pamela

Gordon, Richard

Itse, Daniel

STRAFFORD

Gardner, Janice

Groen, Warren

Jones, Laura

Ketel, Stephen

SULLIVAN

Smith, Steven

and the committee report was adopted by the necessary two-thirds vote.

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 12, 2014 at 10:00 a.m.

Adopted by the necessary two-thirds vote.

LATE SESSION**Third reading and final passage**

HB 569, relative to the placement of all new electric transmission lines in New Hampshire.

HB 1243, relative to the confidentiality of criminal background checks of school employees and volunteers.

HB 1280, permitting physician assistants to authorize walking disability plates and placards.

HB 1272, excluding certain leases by fraternal or social organizations from the definition of tenancy.

HB 1168, relative to employer documentation of worker eligibility to work in the United States.

HB 1169, relative to enforcement of labor laws by the department of labor.

HB 1174, establishing a committee to study the payment of subminimum wages to persons with disabilities.

HB 1309, making a technical change in the workers' compensation law.

HB 1334, relative to contributions to charities by employees.

HB 1109, relative to providing notice to abutters of a petitioned warrant article to discontinue a class VI road.

HB 1124, relative to the adoption of zoning ordinances in towns that use official ballot voting.

HB 1371, relative to grading and improving subdivision streets.

HB 1203, repealing provisions relative to the sale of the former Laconia state school property.

HB 1222, prohibiting commercial use of the law enforcement and fallen firefighters memorials.

HB 1335-FN, establishing a committee to study the university system of New Hampshire's purchasing process and practices and their effect on the New Hampshire economy.

HB 1279, relative to compliance with 2012 National Defense Authorization Act.

HB 256-FN, relative to establishing a voluntary hike safe card for fish and game search and rescue operations, relative to deputy fish and game conservation officers, extending a commission on sustainability of the fish and game department, and establishing a committee to study funding of the fish and game search and rescue fund.

HB 1613, relative to payment of the Medicaid enhancement tax.

HB 227, relative to property and casualty insurance.

HB 1108-FN, requiring voir dire examination of prospective jurors in all criminal cases.

UNANIMOUS CONSENT

Rep. Katherine Rogers requested Unanimous Consent of the House regarding the passing of Mrs. Joan Mondale, wife of former Vice President Mondale.

Rep. Katherine Rogers addressed the House.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of Mrs. Joan Mondale, wife of former Vice President Mondale.

RECESS MOTION

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

Adopted.

The House recessed at 5:12 p.m.

RECESS**REFERRAL DECLINED**

Rep. Pantelakos, Chairman of the Committee on Criminal Justice and Public Safety, under the provisions of House Rule 46 (f), declined the referral of **HB 1144**, establishing a committee to study information included in arrest records and access to information on the disposition of criminal cases.

CLERK'S NOTE

HB 1144 will appear in the third reading list for the next Session date.

RECESS

(Rep. Shurtleff in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bills numbered 15 and 92.

Rep. Shurtleff, Sen. Prescott for the Committee

SENATE MESSAGES**REFERRED FOR INTERIM STUDY**

HB 200, relative to an employer's burden of proof in unemployment compensation hearings.

HB 230, relative to administrative supervision of insurers.

HB 346, establishing a committee to study low-profit limited liability companies.

LAIID ON THE TABLE

HB 186, relative to the authority of the department of state.

NONCONCURRENCE

HB 583, relative to proceedings of medical injury claims screening panels.

RECESS

(Rep. Kaen in the Chair)

RESOLUTION

Rep. French offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 223 shall be by this resolution read a first and second time by the therein listed title and referred to the therein designated committee.

Adopted.

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

SB 223, authorizing municipalities to enter into contracts for the private funding and repayment of construction of sewer systems. (Municipal and County Government)

RECESS