



State of
New Hampshire

HOUSE RECORD

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

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Vol. 36

Concord, N.H.

Wednesday, February 12, 2014

No. 16

HOUSE JOURNAL No. 5 (Cont.)

Thursday, February 6, 2014

Rep. Kaen moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 6

Wednesday, February 12, 2014

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

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

Prayer was offered by Guest Chaplain, Reverend Michael Leuchtenberger of the Unitarian Universalist Church of Concord.

Spirit of kindness and thanksgiving, open our hearts as we take this moment to pause, pause from the busyness of our lives and the many tasks before us. We pause and we breathe. We pause to remember what truly matters in our lives and the lives of those we serve. We pause and we breathe. We pause to remember that what unites us is so much greater than what divides us. We pause to notice the shared humanity among us that implies the worth and dignity of every human being. We pause to pay attention to the voices of those who need our kindness and compassion. We show compassion for ourselves. We pause, we breathe, and we give thanks. We give thanks for those who made this day possible and beautiful. We give thanks for friendships, generosity, and kindness in our lives. We give thanks for the promise of each new day. We pause, we give thanks, and we breathe. May our hearts remain open as our minds and bodies return to the important work of this day. Amen.

Representative Larry Gagne, member from Manchester, led the Pledge of Allegiance.

Representative Gladys Johnson, member from Keene, led the singing of the National Anthem.

LEAVES OF ABSENCE

Reps. Barry, Berube, Bishop, Bradley, Charron, Cormier, Susan Emerson, Groen, Helmstetter, Mary Nelson and Amy Perkins, the day, illness.

Reps. Danais, Friel, Hansen, Jane Johnson, Kotowski, William O'Brien, O'Hearne and Timothy Smith, the day, important business.

Reps. Cormier and Lawrence Perkins, the day, illness in the family.

INTRODUCTION OF GUESTS

Judy Aron, Jesse James Bartlett, Steven Costa, Tyler Crossa and the Honorable Elaine Swinford, former member from Barnstead, guests of Rep. Jones. Andy Gorrill, guest of Rep. Cushing. Fourth Graders from Broken Ground School, guests of the Concord Delegation. Visiting dignitaries from the World Affairs Council, guests of the House.

Ashley Rawson and Christopher Stanton, students at Salem High School, Pages for the day.

CONSENT CALENDAR

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

HB 1122-FN, establishing the crime of filing false lien statements against public officials and employees, removed by Rep. Vaillancourt.
Consent Calendar adopted.

HB 1372-FN-A, making an appropriation for the ongoing training and education of pediatric sexual assault nurse examiners. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Eileen C. Flockhart for Children and Family Law. New Hampshire is in dire circumstances with regard to examination and protection of children who have been sexually abused. We are now down to one physician in the entire state certified to do these critical evaluations. This bill would create a Pediatric Sexual Assault Nurse Examiner education and ongoing training program to address this crisis. The modest request provides for the purchase of software and network access for the ongoing training and education of Pediatric Sexual Assault Nurse Examiners. This program will begin to address this critical need. The amendment clarifies that funds requested go specifically to the grants management unit at the department of justice. Vote 14-0.

Amendment (0339h)

Amend the bill by replacing section 1 with the following:

1 Department of Justice; Appropriation for Pediatric Sexual Assault Nurse Examiner. The sum of \$20,000 for the fiscal year ending June 30, 2014 is hereby appropriated to the department of justice, grants management unit, of which \$10,000 shall be for the purpose of providing ongoing training and education for pediatric sexual assault nurse examiners and \$10,000 shall be for the purchase of software and network access necessary for the ongoing training and education of pediatric sexual assault nurse examiners. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill makes an appropriation to the department of justice, grants management unit, for the ongoing training and education of pediatric sexual assault nurse examiners.
Referred to the Committee on Finance.

HB 1478, relative to state licensing and oversight of child care agencies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ruth P. Gulick for Children and Family Law. This bill amends the procedure for inspection and reporting the results of the inspection of child care providers. This bill gives providers five business days to address the department of health and human services (DHHS), child care licensing unit (CCLU) findings before they are posted on line. For example, previously, the CCLU could cite "toxic material within reach of children," and the provider was limited to a mere objection. Now, they may explain that the "toxic material" was hand cleaner or object to it in another way, consistent with the facts. The amendment also codifies the CCLU's own rule that permits child care providers to file a request for alternative dispute resolution within 14 days and requires that CCLU present its findings within 30 days. Vote 15-0.

Amendment (0400h)

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

AN ACT relative to oversight of child day care agencies.

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

1 Record of Licenses and Monitoring Visits. Amend RSA 170-E:10 to read as follows:

170-E:10 Record of Licenses **and Monitoring Visits.**

I. The department shall keep in a central depository records of licenses issued under this subdivision and all monitoring reports that have been made relative to licensees. When a license is issued to a child day care agency, the department shall give notice to the health officer and fire department of the city or town in which the licensee is located stating the granting of such license and its terms. A like notice shall be given of any suspension or revocation of such license.

II. The license itself, ~~and~~ the findings of monitoring visits, and final decisions relative to licensure of the child day care agency shall be considered public information, **posted on the department's website, and** available for review by members of the public; information submitted in the application process, however, shall be private, confidential, and not available for review.

III. At least 5 business days before posting the results or findings of a monitoring visit on the department's website, the department shall provide the child day care agency with the results or findings by email or, if the child day care agency has not provided an email address, by United States mail. If the child day care agency submits a reasonable response to the department's findings, the child day care agency's response shall be posted with the department's findings on the website.

2 New Section; Informal Dispute Resolution. Amend RSA 170-E by inserting after section 10 the following new section:

170-E:10-a Informal Dispute Resolution.

I. The department shall offer an opportunity for informal dispute resolution to any child day care agency that disagrees with the results or findings of a monitoring visit. The child day care agency shall submit a written request for informal dispute resolution no later than 14 days from the date the findings were issued by the department. Within 30 days of receipt of a request for informal dispute resolution, the department shall review the evidence presented and provide written notice of its decision to the child day care agency.

II. Informal dispute resolution shall not be available to any child day care agency against which the department has initiated action to suspend, revoke, deny, or refuse to renew a license or permit under this chapter.

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

AMENDED ANALYSIS

This bill requires the department to provide the results of a monitoring visit to the child care agency. The bill also provides the child day care agency with the opportunity to respond and have the agency's response posted on the department's website. The bill also establishes a process for informal dispute resolution if the child day care agency disagrees with the department's findings.

Referred to the Committee on Judiciary.

HB 1211, relative to the use of force by persons with special responsibilities. **INEXPEDIENT TO LEGISLATE.** Rep. Barbara E. Shaw for Education. Teachers, administrators and certain school personnel are already required by law to have special training on the issues of appropriate and legal forms of restraining a student from injuring himself, herself or others. The committee deems this bill unnecessary at this time. Vote 18-0.

HB 1161-FN, relative to the definition of slot machines and the duties of game operators and game operator employers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Daniel J. Sullivan for Executive Departments and Administration. HB 1161, as amended, allows certain electronic table games for charitable gaming, and requires that operators using these games must collect auditable records that are available for review by the Racing and Charitable Gaming Commission. The bill also sets specific standards which any such game must meet before it can be put into use. Vote 20-0.

Amendment (0345h)

Amend RSA 287-D:1, II as inserted by section 1 of the bill by replacing it with the following:

II. "Games of chance" means any game involving gambling as defined by RSA 647:2, II, or any lottery prohibited by RSA 647:1, but shall not include any game involving the use of a slot machine or any other device in the nature of a slot machine, 50/50 raffles as defined in RSA 287-A:1, III, or ice-out contests as defined in RSA 287-D:1, IV. ***"Slot machine" shall not include an electronic table that aids in the dealing and administration of approved card games of chance.***

Amend RSA 287-D:2-b, XVI(a) as inserted by section 2 of the bill by replacing it with the following:

XVI.(a) A game operator or game operator employer using an approved electronic table when conducting games of chance where chips have monetary value on behalf of a charity shall maintain the following minimum records provided that the record keeping requirements of this section shall not apply to manually dealt games:

(1) A list of each unique card player each day and the total amount of wagers by that player on that day.

(2) A record available to any player on a day of game play showing how long that player has been playing that day and a list of all monetary transactions by that player on that day in order to assist a player in management of time spent in card play.

Amend RSA 287-D:2-b, XVI(c) as inserted by section 2 of the bill by replacing it with the following:

(c) Electronic devices and software used to aid in the dealing and administration of card games and maintenance of the records required under this paragraph shall be private, secure, free from tampering, comply with all appropriate state laws and administrative rules, be Gaming Laboratories International certified, and shall be licensed in at least one state that has its own internal gaming and or licensing division. Manufacturers or distributors of such devices shall comply with RSA 287-D:3.

Referred to the Committee on Ways and Means.

HB 1182, relative to membership of the state transparency website oversight committee. **OUGHT TO PASS.** Rep. Dianne E. Schuett for Executive Departments and Administration. This bill simply changes the membership of the existing statutory committee from three members of the house and three members of the senate to four members of the house and two members of the senate. Vote 18-0.

HB 1563-FN, granting group II retirement system status to certain positions in the department of corrections. **REFER FOR INTERIM STUDY.**

Rep. Dianne E. Schuett for Executive Departments and Administration. The committee members believed that this bill encompassed too many differing positions at the department of corrections that needed to be considered more carefully. Therefore, the vote to study them thoroughly when the committee has more time was unanimous. Vote 19-0.

HB 1106, relative to disqualification of moderators. **INEXPEDIENT TO LEGISLATE.**

Rep. Kris E. Roberts for Municipal and County Government. The committee overwhelmingly concurs with the potential conflict of interest or impression of such a conflict that a person would be legally allowed to handle a ballot he or she may have been on. What was not addressed was what about close elections that could result in a future recount. The committee was told that communities assign the assistant moderator to handle ballots if the moderator is on the ballot. This works, it has ensured the trust of the voters. Vote 16-0.

HB 1205-FN, relative to reconstruction or rehabilitation of the Vilas Bridge between Walpole, New Hampshire and Bellows Falls, Vermont. **REFER FOR INTERIM STUDY.**

Rep. John R. Cloutier for Public Works and Highways. This bill would add the reconstruction or rehabilitation of the Vilas Bridge between Walpole and Bellows Falls, Vermont to the state's 10-year transportation improvement plan. It would also change the current funding formula for such reconstruction or rehabilitation from 93 percent share from New Hampshire and seven percent from Vermont to 50/50 percent between the states. Vermont officials have indicated a willingness to pay a greater share of the repair costs. The committee voted Interim Study in order to give the New Hampshire department of transportation time to negotiate with its' Vermont counterpart over solutions to fixing the Vilas Bridge. If a proposal is ready for legislative consideration, it could be included in the 2014 10-year transportation improvement plan. Vote 15-0.

HB 1576-FN, relative to required payroll reporting for public works construction projects. **INEXPEDIENT TO LEGISLATE.**

Rep. John R. Cloutier for Public Works and Highways. This bill would require contractors for state-funded public works projects, which exceed \$500,000 to file weekly payroll reports with the agency that has oversight of the contract. The committee received testimony from the university system, community college system, and the department of administrative services on the state's behalf that the bill would increase their construction costs. Also, concerns were raised that, as written, the reporting requirements would jeopardize the confidentiality of private contractors and subcontractors to their competitors. Vote 16-0.

HB 1150-FN, relative to motor vehicle dealer and inspection station licenses. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Brian D. Rhodes for Transportation. This bill is designed to improve the administrative process by extending the license period for auto dealers and inspection stations from one year to two years. Additionally, it staggers the workload by having inspection stations renew in odd years and auto dealers renew in even years. It makes the administrative process more efficient for both the DMV and owners of the dealerships and inspection stations. Vote 14-0.

Amendment (0249h)

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

1 Dealer License; Fee. Amend RSA 261:103-a, II to read as follows:

II. All applications shall be accompanied by the payment of a license fee of [~~\$125~~] **\$250**. If any application is denied or the license applied for is not issued, 75 percent of the license fee shall be refunded to the applicant. ***There shall be no proration of fees for issuance of license for a partial term, however, applications submitted during the second year of the license cycle shall be accompanied by a fee of only \$125.***

2 Dealer License; Expiration. Amend RSA 261:103-a, IV to read as follows:

IV. All licenses issued pursuant to the provisions of this section shall expire [~~annually~~] **biennially in even-numbered years** in the month designated by the director.

3 Inspection Stations. Amend RSA 266:1, V to read as follows:

V. The director may authorize properly qualified persons to make inspections without expense to the state at stations designated by [~~him~~] **the director**, and may at any time revoke such authorization or designation; provided, however, that inspections conducted at such stations at the request and under the direction of a police officer or a [~~highway enforcement officer~~] **state trooper or authorized employee of the department of safety** shall be paid for as follows:

(a) In the event violations of this section are uncovered, by the owner of the vehicle.

(b) In the event no such violations are uncovered, by the agency represented by the police officer or [~~highway enforcement officer~~] **state trooper or authorized employee of the department of safety**.

The [~~annual~~] **biennial** fee to be paid by the inspection station upon authorization to make inspections shall be [~~\$25~~] **\$50** and shall not be refundable ***nor prorated, however, applications submitted during the second year of the license cycle shall be subject to a fee of only \$25.***

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect January 1, 2016.

II. The remainder of this act shall take effect January 1, 2015.

Referred to the Committee on Ways and Means.

HB 1598-FN-A, authorizing friends of animals number plates. **INEXPEDIENT TO LEGISLATE.**

Rep. Steven D. Smith for Transportation. The committee agrees that animal welfare organizations are a worthy cause, and encourages everyone to contribute to them. However, in keeping with the policies of the House, through control by both major parties, we cannot in good conscience authorize the expense of additional custom license plates. Vote 14-0.

REGULAR CALENDAR – PART I**HB 1486-FN**, reducing the fines for underage possession or consumption of alcoholic beverages. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Deanna S. Rollo for the Majority of Children and Family Law. This bill reduces the fines for underage drinking of alcoholic beverages. The majority of the committee felt that reducing the fines sends the wrong signal to teens. Vote 14-1.

Rep. Daniel C. Itse for the Minority of Children and Family Law. The minority of the committee believes that current minimum fines can be overly burdensome and supports the amendment suggested by the Department of Safety. The proposed amendment would make the current minimum fines into maximum fines and create new minimum fines. It further gives judicial discretion to suspend the fines provided that the cause is included in the court order.

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

Rep. Walz spoke in favor.

Rep. Hoell spoke against and requested a roll call; sufficiently seconded.

YEAS 251 - NAYS 68**YEAS - 251****BELKNAP**

Arsenault, Beth
Gulick, Ruth

DiMartino, Lisa
Holmes, Stephen

Fields, Dennis
Huot, David

Flanders, Donald
Luther, Robert

CARROLL

Ahlgren, Christopher
Crawford, Karel
Umberger, Karen

Butler, Edward
Lavender, Tom

Chandler, Gene
Morrow, Harry

Cordelli, Glenn
Ticehurst, Susan

CHESHIRE

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

Berch, Paul
Johnsen, Gladys
Parkhurst, Henry
Tatro, Bruce

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

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

COOS

Coulombe, Gary
Rideout, Leon

Hammon, Marcia
Theberge, Robert

Moynihan, Wayne
Thomas, Yvonne

Richardson, Herbert

GRAFTON

Almy, Susan
Cooney, Mary
Harding, Laurie
Massimilla, Linda
Piper, Wendy
Townsend, Charles

Bailey, Brad
Ford, Susan
Higgins, Patricia
Mulholland, Catherine
Reilly, Harold
White, Andrew

Benn, Bernard
Friedrich, Carol
Ladd, Rick
Nordgren, Sharon
Smith, Suzanne

Brown, Rebecca
Gionet, Edmond
Lovett, Sid
Pastor, Beatriz
Sykes, George

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Chandley, Shannon
Danielson, David
Flanagan, Jack
Gargas, Carolyn
Graham, John
Hansberry, Daniel
Jack, Martin
Kopka, Angeline
Long, Patrick
Marston, Dick
O'Brien, Michael
Rosenwald, Cindy

Beaulieu, Jane
Byron, Frank
Connor, Evelyn
DiSilvestro, Linda
Gage, Ruth
Goley, Jeffrey
Hackel, Paul
Harriott-Gathright, Linda
Jasper, Shawn
LeBrun, Donald
MacKay, Mariellen
Martel, Andre
O'Neil, William
Rowe, Robert

Boehm, Ralph
Carroll, Douglas
Cote, David
Dobson, Jeremy
Gagne, Larry
Gorman, Mary
Haefner, Robert
Heath, Mary
Kelley, John
LeVasseur, Richard
Mangipudi, Latha
McCarthy, Michael
Pellegrino, Tony
Sanborn, Laurie

Boisvert, Ronald
Cebrowski, John
Culbert, Patrick
Eaton, Richard
Gale, Sylvia
Grady, Brenda
Hammond, Jill
Heden, Ruth
Knowles, Mary Ann
Levesque, Melanie
Manley, Jonathan
McNamara, Richard
Porter, Marjorie
Schmidt, Janice

Shattuck, Gilman
Straight, Philip
Walsh, Robert
Woodbury, David

Shaw, Barbara
Stroud, Kathleen
Willette, Robert

Soucy, Timothy
Sullivan, Peter
Williams, Kermit

Spratt, Stephen
Vail, Suzanne
Winters, Joel

MERRIMACK

Alicea, Caroletta
Burns, Scott
Ebel, Karen
Gile, Mary
Hunt, Jane
Lockwood, Priscilla
Patten, Dick
Rogers, Katherine
Smith, Todd
Webb, Leigh

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Henle, Paul
Karrick, David
MacKay, James
Ratzki, Mario
Schamberg, Thomas
Turcotte, Alan

Bartlett, Christy
Carson, Clyde
Frazer, June
Hess, David
Kelly, Sally
Moffett, Howard
Rice, Chip
Schuett, Dianne
Wallner, Mary Jane

Bouchard, Candace
Davis, Frank
French, Barbara
Hirsch, Geoffrey
Kidder, David
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Walz, Mary Beth

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Chirichiello, Brian
Elliott, Robert
Flockhart, Eileen
Hayes, Jack
Khan, Aboul
Milz, David
Packard, Sherman
Sedensky, John
Ward, Gerald

Allen, Mary
Borden, David
Copeland, Timothy
Emerson-Brown, Rebecca
Gordon, Richard
Heffron, Frank
Lovejoy, Patricia
Moody, Marcia
Pantelakos, Laura
Sherman, Thomas
Waterhouse, Kevin

Andrews-Ahearn, E. Elaine
Briden, Steven
Devine, James
Ferrante, Beverly
Grace, Curtis
Introne, Robert
Major, Norman
Muns, Chris
Scarlotta, Joe
Sytek, John
Wazlaw, Brian

Bick, Patrick
Cahill, Michael
Dumaine, Dudley
Fesh, Robert
Griffin, Mary
Kappler, Lawrence
McKinney, Betsy
O'Connor, John
Schlachman, Donna
Till, Mary
Webb, James

STRAFFORD

Baber, William
Gray, James
Hubbard, Pamela
Merrill, Amanda
Perry, Robert
Smith, Marjorie
Verschueren, James

Burdwood, Greg
Grossman, Kenneth
Kaen, Naida
Miller, David
Rogers, Rose Marie
Spainhower, Dale
Wall, Janet

Burke, Rachel
Hooper, Dorothea
Malloy, Dennis
Mullen, John
Rollo, Deanna
Spang, Judith
Ward, Kenneth

Grassie, Anne
Horrigan, Timothy
Menear, H. Robert
Parsons, Robbie
Schmidt, Peter
Stevens, Audrey

SULLIVAN

Cloutier, John
Lefebvre, Benjamin
Smith, Steven

Gagnon, Raymond
Osgood, Joe
Sweeney, Cynthia

Gottling, Suzanne
Rollins, Skip
Tanner, Linda

Irwin, Virginia
Schmidt, Andrew

NAYS - 68

BELKNAP

Comtois, Guy

Fink, Charles

Sylvia, Michael

Vadney, Herbert

CARROLL

Nelson, Bill

Schmidt, Stephen

White, Syndi

Wright, Donald

CHESHIRE

Hunt, John

Robertson, Timothy

COOS

GRAFTON

Doolan, Ralph

Shackett, Jeffrey

HILLSBOROUGH

Belanger, James
Garcia, Michael
Lambert, George
O'Flaherty, Tim
Parison, James
Vaillancourt, Steve

Burt, John
Hikel, John
Meaney, Richard
Ober, Lynne
Peterson, Lenette
Villeneuve, Moe

Christiansen, Lars
Hinch, Richard
Murotake, David
Ober, Russell
Pratt, Calvin
Warden, Mark

Daniels, Gary
Kurk, Neal
Notter, Jeanine
Palmer, Stephen
Renzullo, Andrew

MERRIMACK

Hoell, J.R.

McGuire, Carol

McGuire, Dan

Walsh, Thomas

ROCKINGHAM

Baldasaro, Alfred
DeSimone, Debra
Garcia, Marilinda
Itse, Daniel
Rice, Frederick
Tamburello, Daniel

Belanger, Ronald
Duarte, Joe
Harris, Jeffrey
Kolodziej, Walter
Sanders, Elisabeth
Tasker, Kyle

Cali-Pitts, Jacqueline
Emerick, J. Tracy
Hodgdon, Bruce
Lundgren, David
Sapareto, Frank
Tucker, Pamela

Comerford, Timothy
Garcia, Bianca
Hoelzel, Kathleen
Oligny, Jeffrey
Sweeney, Joe
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven

Jones, Laura

Pitre, Joseph

SULLIVAN

Grenier, James

and the majority committee report was adopted.

HB 1624-FN, modernizing the juvenile justice system to ensure rehabilitation of juveniles and preservation of juvenile rights. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patrick T. Long for Children and Family Law. This bill reforms the juvenile justice system consistent with evidence based data and continues to focus on the best interest of the child. It requires an evaluation of the competency of a juvenile, requires that standards be established for the qualifications of examiners, changes procedures for waiver of counsel by juveniles, and raises the age of delinquency to 18 years of age. The amendment changes the number of days within which the competency evaluation shall be filed to a more appropriate timeframe and eliminates all rule-making. Vote 14-0.

Amendment (0336h)

Amend RSA 169-B:20, IV and V as inserted by section 19 of the bill by replacing them with the following:

IV. If the court determines that a competency determination is necessary, it shall order that a minor be examined to evaluate the minor's competency to proceed. The court shall set the time within which the competency evaluation report shall be filed with the court, which shall be no later than 21 days of the court's order in cases in which at the time of the order the minor is detained, not later than 30 days of the court's order in cases in which at the time of the order the minor is in an out-of-home placement, and not later than 60 days of the court's order in cases in which at the time of the order the minor remains in the home. So that detention or placement outside the home is not unnecessarily extended by the determination of competency, the time within which the report shall be filed with the court shall be appropriately modified by the court in cases in which during the pendency of the competency evaluation the minor's placement changes. Following notice and an opportunity to be heard to the parties, upon a showing of good cause, the court may extend the time for filing of the evaluation report. Any such extension shall be limited to the time necessary for completion of the evaluation report and shall be set out in a written order which details the basis for the extension.

V. A competency evaluation may be conducted by an entity approved by the commissioner of health and human services, which may include an agency other than the Philbrook center, a psychiatrist, or psychologist licensed in the state of New Hampshire. The commissioner shall adopt standards establishing the process for approval as an examiner as well as the qualifications required for approval, which shall be based on generally accepted standards for forensic psychiatrists and psychologists. The expense of such evaluation shall be borne by the department of health and human services as provided in RSA 169-B:40, I(a) and shall not be subject to reimbursement under RSA 169-B:40, I(c).

Amend RSA 169-B:20, VIII as inserted by section 19 of the bill by replacing it with the following:

VIII. Following receipt of the competency examination report from the examiner, the court shall provide copies of the report to the parties and hold a competency determination hearing. The court may consider the report of the examiner, together with all other evidence relevant to the issue of competency, including a subsequent evaluation requested by defense under RSA 604-A, in its determination whether the minor is competent to proceed. If the court finds that the minor is competent to proceed, the court shall promptly resume the proceedings. If the court is not satisfied that the minor is competent to proceed, the court shall dismiss the petition.

Amend RSA 169-B:31-b, III(a) as inserted by section 24 of the bill by inserting after subparagraph (4) the following new subparagraph:

(5) Re-entry into the juvenile justice system.

Amend the bill by replacing sections 25 and 26 with the following:

25 New Section; Juvenile Defense; Assigned Counsel. Amend RSA 604-A by inserting after section 2-d the following new section:

604-A:2-e Counsel in Juvenile Delinquency Cases. Courts assigning counsel in RSA 169-B proceedings shall do so in accordance with standards adopted by the judicial council.

26 New Paragraph; Juvenile Defense; Qualifications. Amend RSA 604-A:10 by inserting after paragraph IV the following new paragraph:

V. The judicial council shall adopt standards relative to appointment for juvenile counsel. Such standards shall establish training, experience, and other qualifications for attorneys to represent minors in such proceedings, and shall be developed with consideration of relevant national standards including, but not limited to, the Juvenile Justice Standards of the Institute of Judicial Administration and American Bar Association.

AMENDED ANALYSIS

This bill:

I. Changes the age of minority for juvenile delinquency proceedings from 17 to 18 years of age.

II. Clarifies competency determinations in juvenile proceedings.

III. Clarifies right to counsel in juvenile hearings under RSA 621:19, I-a.

IV. Changes waiver of counsel procedure for juvenile proceedings.

V. Directs the department of health and human services to collect certain data regarding the juvenile justice program.

VI. Requires the judicial council to adopt standards relative to the appointment and qualification of juvenile defense counsel.

VII. Requires the department of corrections to submit plans for compliance with the Prison Rape Elimination Act (PREA).

Amendment adopted.

Committee report adopted and referred to the Committee on Finance.

HB 1166-FN, relative to fines imposed on corporations for criminal activity. **REFER FOR INTERIM STUDY.** Rep. Kermit R. Williams for Commerce and Consumer Affairs. This bill would increase the maximum fines allowed against corporations and associations convicted of criminal acts. These rates have not been increased since the 1990s. Higher fines would make it less likely that a corporation would benefit financially from criminal acts. While the committee was sympathetic to the goals of the bill, we were not sure what consequences this change would cause, and thus voted for interim study. We would like to hear input from other parties involved, including the judicial system, criminal attorneys, and the business community. Vote 18-0.

Rep. Kermit Williams amended the Committee Report from Inexpedient to Legislate to Refer for Interim Study, as the calendar printing was incorrect.

Committee report adopted.

HB 1232-FN, relative to insurance filing fees. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Edward A. Butler for the Majority of Commerce and Consumer Affairs. This bill does not create a new fee. The language, as presented, was to allow for a more efficient way for the department and the insurance industry to pay, process and audit the current fee charged to filers under our retaliatory law RSA 400-A:35 for form and rate filings. The department's intention in bringing this bill forth was to support ISO (the largest of these companies), NCCI and AAIS as group filers by not requiring them to submit the names and domestic state information for all the companies who may be using the forms they submit for review in New Hampshire -- so that we can properly assess the currently required fee under RSA 400-A: 35. The department believes that the onerous cost for the advisory organizations to provide the currently required documentation and the follow-up retaliatory fee per company filing under RSA 400-A: 35 greatly outweighs the fee being offered under this House Bill. Vote 9-7.

Rep. Pamela Z. Tucker for the Minority of Commerce and Community Affairs. This bill creates a new fee to be paid by advisory organizations for filings they make with the insurance department. Thirty one states do not charge a fee for filings, and the fee proposed in this bill would be the second highest in the country. This bill, which will raise a nominal amount of money (fiscal note estimate is \$ 77,500 total per year), sends the wrong message to insurance companies looking to come into the state. This fee is unnecessary, burdensome, and does not indicate to companies that New Hampshire is "open for business."

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

HB 1589-FN, requiring background checks for all firearm sales. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Edward A. Butler for the Majority of Commerce and Consumer Affairs. This bill, as amended, extends background checks -- currently performed for all sales through licensed dealers as well as inter-state sales -- to commercial sales within our state. This will capture private sales at gun shows, flea markets and any other commercial sale of a gun or guns within our borders. It does not require a check for sale or transfer of a gun or guns between two individuals who know each other and believe each member to the sale or transfer is not in a prohibited class. Those in the 'prohibited class', meaning those not legally allowed to buy a gun, are (1) felons; (2) those who have been involuntarily committed to a mental institution or are judged incompetent to manage their own affairs; or (3) have been judged to be subject of a protective order that restrains them from harassing, stalking, or threatening an intimate partner or child of that partner; or having been convicted

of domestic violence. These are the 3 primary categories for which a person is restricted from purchasing a gun. In February 2013, the Department of Justice issued a study compiling background check statistics from 1999 to 2010. According to the report, over 118 million applications for firearm transfers or permits were subject to background checks March 1994, through December 2010. During this time period, about 2.1 million applications, or 1.8%, were denied. A felony conviction or indictment was the most common reason to deny an application during FBI (63%) and state (50.7%) background checks. Domestic abusers attempting to purchase guns accounted for the second most common reason of denials during FBI (15.5%) and state (13.2%) background checks. [Department of Justice, Background Checks for Firearm Transfers, 2010 - Statistical Tables, February 2013] Those opposing this bill believe that no violent act has been prevented by background checks or could be prevented by its passage. Simply stated keeping guns out of the hands of felons and domestic abusers – the simple goal of this bill -- keeps us all safer and is an important public safety goal. The committee heard passionate testimony on both sides of this issue. One example from those opposing this bill is a study committee amendment which promotes a report that shows that police officers do not support background checks. On the other side, the International Chiefs of Police, a 21,000 member organization supports background checks stating, “Keeping firearms out of the hands of prohibited purchasers is a key factor in reducing gun violence in our communities and protecting our officers.” Congress has passed laws regarding the sale of firearms, including to whom they can and can’t be sold. Congress has also passed laws that deal with the interstate sale of firearms. The 2nd amendment is intended to protect us all from government overreach. Yet these laws have been held to be constitutional, under the 2nd amendment, by the US Supreme Court. This bill extends the protections of background checks to in-state commercial sales. NH is indeed one of the safest states in the country. That is, of course, due to a multiplicity of factors. One of those factors is the care and respect gun owners throughout the state have towards the responsibility they accept with gun ownership. The sponsors of this bill and those who support it do not see this effort at closing the loophole on commercial sales as anything other than improving public safety. Several polls confirm that at the least 84% of Granite Staters – including 60% of gun owners – support background checks to improve public safety. This bill does that and it does it without infringing on the rights of responsible gun owners who proudly own and carry guns. Vote 10-8.

Rep. Laura M. Jones for the Minority of Commerce and Consumer Affairs. New Hampshire is already safer than the majority of New England states. This bill is trying to solve a problem that does not exist here. The language of the proposed committee amendment (which replaces the original bill) is overly broad in the definitions section and vague in the prohibition sections, turning our law abiding citizens into criminals if they fail to obey the ambiguous wording. This language also conflicts with New Hampshire statutes and federal law. In their attempt to meet the requirements in this bill, licensed dealers would be forced to violate federal law and risk losing their licenses. In addition, the bill language shifts the burden of proof to the individual as opposed to the state--a radical shift in our standards of jurisprudence. The penalty portion of the bill takes activities which are currently legal (disposing of one’s private property) and assigns serious penalties to those activities. These are penalties that could affect a person’s ability to get a job (misdemeanor B), and that could put a person in jail if there is a second offense (misdemeanor A). Testimony from the majority of the parties stated that this bill will not reduce the level of murder nor violent crime. Even out-of-state residents that were brought in to testify acknowledged that these measures would not have prevented the violence that took place in Newtown, CT. Additionally, licensed dealers testified that there are problems with the language of this bill, problems that could affect their license to sell firearms. There was significant public opposition to the passage of this legislation during the public hearing, the subcommittee work sessions, and the executive session. In addition, an overwhelming majority of emails and phone calls received by committee members favored an ITL recommendation. During the executive session, the minority of the committee proposed an amendment creating a study committee to investigate current state laws and to investigate why New Hampshire leads the northeast in terms of reduced violence. The duties of the study committee included: reviewing the published reports by “policeone” which show that police officers do not support these types of changes to our laws, reviewing the published FBI violent crime data, and reviewing the criminal justice system in order to seek ways to improve the effectiveness of our laws. Lastly, the study committee was to look specifically at the states of CT and MA to better understand which restrictions work, and which restrictions do not work, in those states. This type of legislation typically goes to the Criminal Justice and Public Safety Committee for policy analysis. During the executive session, it was noted that only four members of the Commerce and Consumer Affairs Committee had even read the appropriate firearms related statutes (RSA 159). The Commerce and Consumer Affairs Committee is ill-equipped for making the policy determination. Even though this bill will eventually go to the Criminal Justice and Public Safety Committee as a second committee, that committee will only weigh in on the penalty portion of this bill, NOT on the policy portion as they normally would. Finally, this bill creates the framework for requiring every sale to go through a Federally Licensed Firearms dealer, and testimony showed that there is a significant error rate (an 8% error rate) when dealing with NICS (National Instant Check System). The committee also heard testimony that licensed dealers are routinely visited by BATFE agents, who are making copies of all 4473 transaction records and have been for the last 20 years. Requiring that every firearm transaction go through a licensed dealer is the key step to creating a national gun registry.

Majority Amendment (0371h)

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

AN ACT requiring a criminal background check for certain firearm sales or transfers.

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

1 Purpose. It is the purpose and intent of the general court in enacting RSA 159-E to require commercial firearm sales and transfers in New Hampshire to be processed through a licensed firearms dealer, who will conduct a background check and create a record of each sale. The general court believes this law will protect public safety by helping to keep guns out of the hands of felons, domestic abusers, the dangerously mentally ill.

2 New Chapter; Universal Background Checks for Firearms Sales. Amend RSA by inserting after chapter 159-D the following new chapter:

CHAPTER 159-E**UNIVERSAL BACKGROUND CHECKS FOR FIREARMS SALES**

159-E:1 Definitions. As used in this chapter:

I. "Commercial sale" means a sale, transfer, or exchange of a firearm that takes place at, or on the curtilage of, a gun show or pursuant to an offer to sell or buy a firearm that took place at a gun show, or pursuant to an advertisement, posting, listing, or display.

II. "Firearm" means any weapon or device designed to be used as a weapon, which will, is designed to, or may be readily converted to expel a projectile by the action of an explosive, explosion, or other means of combustion, or the frame or receiver of such a device, provided the term "firearm" shall not include the term "antique firearm" as defined in 18 U.S.C. section 921(a)(16), or a weapon that has been rendered permanently inoperable and is incapable of being readily restored to a firing condition.

III. "Individual" means a natural person.

IV. "Law enforcement" means any person employed by the United States, or a state, county, city, municipality, village, township, or other political subdivision as a police officer, peace officer, or another position involving the enforcement of the law and protection of the public interest.

V. "Licensed firearms dealer," "licensed dealer," or "dealer" means a person who has a valid federal firearms dealer license under 18 U.S.C. section 923(a), and all additional licenses required by state or local law to engage in the business of selling firearms.

VI. "Person" means any corporation, company, association, firm, partnership, club, organization, society, joint stock company or other entity, and shall include any entity that engages in business in this state, in whole or part, through Internet or mail order sales.

VII. "Prohibited person" means any person who is prohibited from owning or possessing a firearm pursuant to 18 U.S.C. section 922(d) or pursuant to state law.

159-E:2 Firearms Sales to be Conducted Through a Licensed Dealer.

I. No person shall engage in the commercial sale of a firearm unless:

- (a) The person is a licensed firearms dealer;
- (b) The purchaser is a licensed firearms dealer; or
- (c) The requirements of paragraph II are met.

II. If neither party to a prospective firearms transaction is a licensed firearms dealer, the parties to the transaction shall complete the commercial sale through a licensed firearms dealer as follows:

(a) The seller shall deliver the firearm to the dealer, who shall process the sale as if he or she were the seller, except that the seller may remove the firearm from the business premises of the licensed dealer while the background check is being conducted. If the seller removes the firearm from the business premises of the licensed dealer while the background check is being conducted, the purchaser and the seller shall return to the business premises of the licensed dealer, and the seller shall again deliver the firearm to the licensed dealer prior to completing the sale.

(b) Except as provided in subparagraph (a), the dealer shall comply with all requirements of federal, state, and local law that would apply if the licensed dealer were selling the firearm from his or her inventory to the purchaser, including but not limited to, conducting a background check on the prospective purchaser, which shall include a check of the National Instant Criminal Background Check System (NICS), and compliance with all federal, state, and local recordkeeping requirements.

(c) If the transaction is not prohibited, the dealer shall deliver the firearm to the buyer after all legal requirements are met.

(d) If the dealer cannot legally deliver the firearm to the buyer, the dealer shall return the firearm to the seller without requiring a background check and the transfer to the buyer shall not take place.

(e) The dealer may require the purchaser to pay a reasonable fee.

159-E:3 Exception. This chapter shall not apply to a noncommercial, private sale, transfer, or exchange of a firearm between individuals, provided neither party to the transaction is a prohibited person. If the status of either party's eligibility to own or possess a firearm cannot be ascertained, the transaction shall be completed through a federally-licensed firearm dealer pursuant to RSA 159-E:2, II.

159-E:4 Penalties.

I. Any person who violates any provision of this chapter shall be guilty of a class B misdemeanor for a first offense, and a class A misdemeanor for a second or subsequent offense.

II. The local law enforcement agency shall report all violations of this chapter by a licensed firearms dealer to the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

159-E:5 Other Laws.

I. Nothing in this chapter shall be construed to modify or change the duties of the department of safety pursuant to RSA 159-D.

II. Nothing in this chapter shall be construed to require or authorize any state, county, or local law enforcement agency to establish or maintain a registry of firearms sold or transferred in accordance with this chapter.

3 Applicability. The provisions of section 2 of this act shall apply to the sale of a firearm on or after the effective date of this act and shall not apply to sales completed prior to the effective date of this act.

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

AMENDED ANALYSIS

This bill requires commercial firearms sales or transfers in this state to be subject to a criminal background check and provides for a criminal penalty for a violation. The bill excludes private, noncommercial sales or transfers between individuals, provided neither individual is prohibited from owning or possessing a firearm under state or federal law.

MOTION TO LAY ON THE TABLE

Rep. Baldasaro moved that **HB 1589-FN**, requiring background checks for all firearm sales, be Laid on the Table.

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

On a division vote, 163 members having voted in the affirmative and 165 in the negative, the motion failed.

The question now being adoption of majority committee amendment (0371h).

Rep. Meaney spoke against.

Rep. Muns spoke in favor.

Rep. Umberger requested a roll call; sufficiently seconded.

YEAS 174 - NAYS 166**YEAS - 174****BELKNAP**

Arsenault, Beth

DiMartino, Lisa

Fields, Dennis

Huot, David

CARROLL

Buco, Thomas
White, Syndi

Butler, Edward

Lavender, Tom

Ticehurst, Susan

CHESHIRE

Ames, Richard
Johnsen, Gladys
Parkhurst, Henry
Shepardson, Marjorie
Young, Harry

Berch, Paul
Lerandeau, Alfred
Phillips, Larry
Tatro, Bruce

Butynski, William
Ley, Douglas
Robertson, Timothy
Weber, Lucy

Chase, Cynthia
Mann, John
Sad, Tara
Weed, Charles

COOS

Hammon, Marcia

Hatch, William

Moynihan, Wayne

Thomas, Yvonne

GRAFTON

Almy, Susan
Friedrich, Carol
Massimilla, Linda
Piper, Wendy

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

Cooney, Mary
Higgins, Patricia
Nordgren, Sharon
Sykes, George

Ford, Susan
Lovett, Sid
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Carroll, Douglas
Dobson, Jeremy
Gorman, Mary
Hansberry, Daniel
Jack, Martin
Levesque, Melanie
Manley, Jonathan

Beaulieu, Jane
Connor, Evelyn
Eaton, Richard
Grady, Brenda
Harriott-Gathright, Linda
Kelley, John
Long, Patrick
McCloskey, David

Brown, Pamela
Cote, David
Gage, Ruth
Hackel, Paul
Heath, Mary
Knowles, Mary Ann
MacKay, Mariellen
McNamara, Richard

Campbell, David
DiSilvestro, Linda
Gale, Sylvia
Hammond, Jill
Heden, Ruth
Kopka, Angeline
Mangipudi, Latha
Porter, Marjorie

Rosenwald, Cindy
Sullivan, Peter
Winters, Joel

Schmidt, Janice
Vail, Suzanne
Woodbury, David

Shattuck, Gilman
Walsh, Robert

Spratt, Stephen
Williams, Kermit

MERRIMACK

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

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Henle, Paul
Lockwood, Priscilla
Patten, Dick
Rogers, Katherine
Wallner, Mary Jane

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

Bouchard, Candace
Davis, Frank
French, Barbara
Hunt, Jane
Moffett, Howard
Rice, Chip
Schuett, Dianne
Watrous, Rick

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cali-Pitts, Jacqueline
Hayes, Jack
Moody, Marcia
Sherman, Thomas
Wazlaw, Brian

Borden, David
Cushing, Robert
Heffron, Frank
Muns, Chris
Sytek, John

Briden, Steven
Emerson-Brown, Rebecca
Lovejoy, Patricia
Pantelakos, Laura
Till, Mary

Cahill, Michael
Flockhart, Eileen
Mann, Maureen
Schlachman, Donna
Ward, Gerald

STRAFFORD

Baber, William
Grassie, Anne
Horrigan, Timothy
Menear, H. Robert
Rogers, Rose Marie
Spang, Judith
Ward, Kenneth

Bixby, Peter
Gray, James
Hubbard, Pamela
Merrill, Amanda
Rollo, Deanna
Stevens, Audrey

Burdwood, Greg
Grossman, Kenneth
Kaen, Naida
Miller, David
Schmidt, Peter
Verschueren, James

Burke, Rachel
Hooper, Dorothea
Malloy, Dennis
Perry, Robert
Smith, Marjorie
Wall, Janet

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond
Sweeney, Cynthia

Gottling, Suzanne
Tanner, Linda

Irwin, Virginia

NAYS - 166

BELKNAP

Burchell, Richard
Greemore, Robert
Sylvia, Michael

Comtois, Guy
Gulick, Ruth
Tilton, Franklin

Fink, Charles
Holmes, Stephen
Vadney, Herbert

Flanders, Donald
Luther, Robert
Worsman, Colette

CARROLL

Ahlgren, Christopher
McConkey, Mark
Umberger, Karen

Chandler, Gene
Merrow, Harry
Wright, Donald

Cordelli, Glenn
Nelson, Bill

Crawford, Karel
Schmidt, Stephen

CHESHIRE

Eaton, Daniel

Hunt, John

Roberts, Kris

COOS

Coulombe, Gary

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Ladd, Rick

Brown, Rebecca
Reilly, Harold

Doolan, Ralph
Shackett, Jeffrey

Gionet, Edmond

HILLSBOROUGH

Belanger, James
Byron, Frank
Culbert, Patrick
Gagne, Larry
Haefner, Robert
Infantine, William
LeBrun, Donald
Martel, Andre
Notter, Jeanine
Ober, Russell
Peterson, Lenette
Rowe, Robert

Boehm, Ralph
Cebrowski, John
Daniels, Gary
Garcia, Michael
Hikel, John
Jasper, Shawn
Leishman, Peter
McCarthy, Michael
O'Flaherty, Tim
Palmer, Stephen
Pratt, Calvin
Sanborn, Laurie

Boisvert, Ronald
Christiansen, Lars
Danielson, David
Gargas, Carolyn
Hinch, Richard
Kurk, Neal
LeVasseur, Richard
Meaney, Richard
O'Neil, William
Parison, James
Renzullo, Andrew
Sandblade, Emily

Burt, John
Coffey, James
Flanagan, Jack
Graham, John
Hopper, Gary
Lambert, George
Marston, Dick
Murotake, David
Ober, Lynne
Pellegrino, Tony
Rhodes, Brian
Shaw, Barbara

Soucy, Timothy
Sullivan, Daniel
Villeneuve, Moe

Souza, Kathleen
Takesian, Charlene
Warden, Mark

Straight, Philip
Ulery, Jordan
Willette, Robert

Stroud, Kathleen
Vaillancourt, Steve

MERRIMACK

Hoell, J.R.
McGuire, Dan

Karrick, David
Smith, Todd

Kidder, David
Turcotte, Alan

McGuire, Carol
Walsh, Thomas

ROCKINGHAM

Abrami, Patrick
Bick, Patrick
Copeland, Timothy
Dumaine, Dudley
Fesh, Robert
Grace, Curtis
Hodgdon, Bruce
Kappler, Lawrence
Major, Norman
O'Connor, John
Sanders, Elisabeth
St.James, Kevin
Tucker, Pamela

Allen, Mary
Birdsell, Regina
DeSimone, Debra
Elliott, Robert
Garcia, Bianca
Griffin, Mary
Hoelzel, Kathleen
Khan, Aboul
McKinney, Betsy
Oligny, Jeffrey
Sapareto, Frank
Sweeney, Joe
Waterhouse, Kevin

Baldasaro, Alfred
Chirichiello, Brian
Devine, James
Emerick, J. Tracy
Garcia, Marilinda
Hagan, Joseph
Introne, Robert
Kolodziej, Walter
McMahon, Charles
Packard, Sherman
Scarlotta, Joe
Tamburello, Daniel
Webb, James

Belanger, Ronald
Comerford, Timothy
Duarte, Joe
Ferrante, Beverly
Gordon, Richard
Harris, Jeffrey
Itse, Daniel
Lundgren, David
Milz, David
Rice, Frederick
Sedensky, John
Tasker, Kyle
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Pitre, Joseph

Jones, Laura
Spainhower, Dale

Mullen, John

Parsons, Robbie

SULLIVAN

Grenier, James
Smith, Steven

Lefebvre, Benjamin

Osgood, Joe

Rollins, Skip

and the majority committee amendment was adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Jones offered floor amendment (0467h).

Floor Amendment (0467h)

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

AN ACT establishing a committee to study the correlation between current New Hampshire law and the low violent crime rate in this state.

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

1 Committee Established. There is established a committee to study the correlation between current New Hampshire law and the low violent crime rate in this state.

2 Membership and Compensation.

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

(a) Six members of the house of representatives, 3 of whom shall be from the majority party, appointed by the speaker of the house of representatives, and 3 of whom shall be from the minority party, appointed by the minority leader 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:

I. Study the correlation between current New Hampshire law and the low violent crime rate in this state.

II. Study whether stricter gun control laws are effective at reducing the violent crime rate in this state.

III. Review and study national and state publications related to the correlation between stricter gun control measures and the violent crime rate in this state, including data and reports published by the Federal Bureau of Investigation relating to the correlation between stricter gun control legislation and the violent crime rate in this state. The committee shall also review publications by law enforcement departments, including the Police One survey on the potential effects of proposed gun laws on reducing violent crime.

IV. Investigate the gun control measures in Connecticut and Massachusetts to understand the correlation between stricter regulatory controls and higher crime rates.

V. Study the effectiveness of our current criminal justice system in prosecuting violent criminals.

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. 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 study the correlation between current New Hampshire law and the low violent crime rate in this state.

Reps. Jones and Vaillancourt spoke in favor.

Rep. Baldasaro spoke in favor and yielded to questions.

Rep. Butler spoke against.

Rep. Jones requested a roll call; sufficiently seconded.

YEAS 177 - NAYS 175

YEAS - 177

BELKNAP

Burchell, Richard
Greemore, Robert
Sylvia, Michael

Comtois, Guy
Gulick, Ruth
Tilton, Franklin

Fink, Charles
Holmes, Stephen
Vadney, Herbert

Flanders, Donald
Luther, Robert
Worsman, Colette

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Ahlgren, Christopher
Crawford, Karel
Schmidt, Stephen

Buco, Thomas
McConkey, Mark
Umberger, Karen

Chandler, Gene
Morrow, Harry
Wright, Donald

Cordelli, Glenn
Nelson, Bill

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Lerandeau, Alfred

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Richardson, Herbert

Rideout, Leon

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Doolan, Ralph
Reilly, Harold

Gionet, Edmond
Shackett, Jeffrey

HILLSBOROUGH

Beaulieu, Jane
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Flanagan, Jack
Goley, Jeffrey
Hinch, Richard
Kurk, Neal
Marston, Dick
Notter, Jeanine
Ober, Lynne
Pellegrino, Tony
Rowe, Robert
Soucy, Timothy
Takesian, Charlene
Warden, Mark

Belanger, James
Cebrowski, John
Daniels, Gary
Gagne, Larry
Graham, John
Hopper, Gary
Lambert, George
McCarthy, Michael
O'Brien, Michael
Ober, Russell
Peterson, Lenette
Sanborn, Laurie
Souza, Kathleen
Ulery, Jordan
Willette, Robert

Boehm, Ralph
Christiansen, Lars
Danielson, David
Garcia, Michael
Haefner, Robert
Infantine, William
LeBrun, Donald
Meaney, Richard
O'Flaherty, Tim
Palmer, Stephen
Pratt, Calvin
Sandblade, Emily
Straight, Philip
Vaillancourt, Steve
Winters, Joel

Burt, John
Coffey, James
Dobson, Jeremy
Gargas, Carolyn
Hikel, John
Jasper, Shawn
LeVasseur, Richard
Murotake, David
O'Neil, William
Parison, James
Renzullo, Andrew
Shaw, Barbara
Stroud, Kathleen
Villeneuve, Moe

MERRIMACK

Hess, David
McGuire, Carol

Hoell, J.R.
McGuire, Dan

Kidder, David
Smith, Todd

Lockwood, Priscilla
Walsh, Thomas

ROCKINGHAM

Abrami, Patrick
Bick, Patrick
Copeland, Timothy
Dumaine, Dudley
Fesh, Robert
Grace, Curtis
Hayes, Jack
Itse, Daniel
Lundgren, David

Allen, Mary
Birdsell, Regina
DeSimone, Debra
Elliott, Robert
Garcia, Bianca
Griffin, Mary
Hodgdon, Bruce
Kappler, Lawrence
Major, Norman

Baldasaro, Alfred
Chirichiello, Brian
Devine, James
Emerick, J. Tracy
Garcia, Marilinda
Hagan, Joseph
Hoelzel, Kathleen
Khan, Aboul
McKinney, Betsy

Belanger, Ronald
Comerford, Timothy
Duarte, Joe
Ferrante, Beverly
Gordon, Richard
Harris, Jeffrey
Introne, Robert
Kolodziej, Walter
McMahon, Charles

Milz, David
Packard, Sherman
Scarlottio, Joe
Sweeney, Joe
Tucker, Pamela

Nigrello, Robert
Rice, Frederick
Schroadter, Adam
Sytek, John
Waterhouse, Kevin

O'Connor, John
Sanders, Elisabeth
Sedensky, John
Tamburello, Daniel
Webb, James

Oigny, Jeffrey
Sapareto, Frank
St.James, Kevin
Tasker, Kyle
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Mullen, John

Bickford, David
Parsons, Robbie

Gray, James
Pitre, Joseph

Jones, Laura
Spainhower, Dale

SULLIVAN

Grenier, James
Smith, Steven

Lefebvre, Benjamin

Osgood, Joe

Rollins, Skip

NAYS - 175 BELKNAP

Arsenault, Beth
Raymond, Ian

DiMartino, Lisa

Fields, Dennis

Huot, David

CARROLL

Butler, Edward

Lavender, Tom

Ticehurst, Susan

White, Syndi

CHESHIRE

Ames, Richard
Johnsen, Gladys
Phillips, Larry
Tatro, Bruce

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

Butynski, William
Mann, John
Sad, Tara
Weed, Charles

Chase, Cynthia
Parkhurst, Henry
Shepardson, Marjorie
Young, Harry

COOS

Hammon, Marcia

Hatch, William

Moynihan, Wayne

Theberge, Robert

GRAFTON

Almy, Susan
Friedrich, Carol
Mulholland, Catherine
Smith, Suzanne

Benn, Bernard
Harding, Laurie
Nordgren, Sharon
Sykes, George

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

Ford, Susan
Lovett, Sid
Piper, Wendy

HILLSBOROUGH

Backus, Robert
Carroll, Douglas
Eaton, Richard
Grady, Brenda
Harriott-Gathright, Linda
Judy, Jean
Leishman, Peter
Mangipudi, Latha
Porter, Marjorie
Schmidt, Janice
Sullivan, Peter
Woodbury, David

Boisvert, Ronald
Connor, Evelyn
Gage, Ruth
Hackel, Paul
Heath, Mary
Kelley, John
Levesque, Melanie
Manley, Jonathan
Ramsey, Peter
Shattuck, Gilman
Vail, Suzanne

Brown, Pamela
Cote, David
Gale, Sylvia
Hammond, Jill
Heden, Ruth
Knowles, Mary Ann
Long, Patrick
McCloskey, David
Rhodes, Brian
Spratt, Stephen
Walsh, Robert

Campbell, David
DiSilvestro, Linda
Gorman, Mary
Hansberry, Daniel
Jack, Martin
Kopka, Angeline
MacKay, Mariellen
McNamara, Richard
Rosenwald, Cindy
Sullivan, Daniel
Williams, Kermit

MERRIMACK

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

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Henle, Paul
Kelly, Sally
Patten, Dick
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

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

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

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cali-Pitts, Jacqueline
Heffron, Frank
Muns, Chris
Till, Mary

Borden, David
Cushing, Robert
Lovejoy, Patricia
Pantelakos, Laura
Ward, Gerald

Briden, Steven
Emerson-Brown, Rebecca
Mann, Maureen
Schlachman, Donna
Wazlaw, Brian

Cahill, Michael
Flockhart, Eileen
Moody, Marcia
Sherman, Thomas
Whittemore, Lisa

STRAFFORD

Baber, William
Gardner, Janice

Bixby, Peter
Grassie, Anne

Burdwood, Greg
Grossman, Kenneth

Burke, Rachel
Hooper, Dorothea

Horrigan, Timothy
Menear, H. Robert
Rogers, Rose Marie
Spang, Judith
Ward, Kenneth

Hubbard, Pamela
Merrill, Amanda
Rollo, Deanna
Stevens, Audrey

Kaen, Naida
Miller, David
Schmidt, Peter
Verschuere, James

Malloy, Dennis
Perry, Robert
Smith, Marjorie
Wall, Janet

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond
Sweeney, Cynthia

Gottling, Suzanne
Tanner, Linda

Irwin, Virginia

and floor amendment (0467h) was adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Winters spoke in favor.

MOTION TO LAY ON THE TABLE

Rep. Butler moved that **HB 1589-FN**, establishing a committee to study the correlation between current New Hampshire law and the low violent crime rate in this state, be laid on the table.

On a division vote, 173 members having voted in the affirmative and 183 in the negative, the motion failed.

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

MOTION TO INDEFINITELY POSTPONE

Rep. Lambert moved that **HB 1589-FN**, establishing a committee to study the correlation between current New Hampshire law and the low violent crime rate in this state, be Indefinitely Postponed.

Rep. Lambert spoke in favor.

Rep. Vaillancourt spoke against.

On a division vote, 133 members having voted in the affirmative and 226 in the negative, the motion failed.

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

Rep. Butler spoke against.

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

On a division vote, 165 members having voted in the affirmative and 195 in the negative, the majority committee report failed.

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

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

On a division vote, 242 members having voted in the affirmative and 118 in the negative, the minority committee report was adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Chandler moved that the House reconsider its action whereby, on a division vote of 242-118, the House adopted the minority committee report of Inexpedient to Legislate on **HB 1589-FN**, establishing a committee to study the correlation between current New Hampshire law and the low violent crime rate in this state.

Rep. Chandler spoke against.

On a division vote, 113 members having voted in the affirmative and 244 in the negative, the motion failed.

REGULAR CALENDAR – PART I (CONT'D)

HB 1595-FN, establishing a condominium dispute resolution board. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kermit R. Williams for the Majority of Commerce and Community Affairs. This bill was a product of the Committee to Study the Laws relating to Condominium and Homeowners' Associations, which spent many hours over the past year looking the laws related to condominium associations, listening to testimony from New Hampshire citizens from all sides of the issue: condo owners and residents, condominium association board members, property managers who operate condominium facilities, and lawyers who work in the condominium business. One thing we learned in this committee was that the laws of New Hampshire are woefully inadequate in this area. The current law – RSA 356-B or the Condominium Act – really only relates to the development and sale of condominium properties. Once the developer sells the units and turns the operation over to a board, there is very little oversight and very little protection for residents in the law. The rules that control the association are the declaration and bylaws, both of which are originally written by the developer, and usually created for his benefit. There is no standard set for bylaws, so the fairness for residents and the amount of "democracy" in place in the association varies dramatically. Some boards don't follow their own bylaws, and the residents have little recourse other than suing. Others have called condominium associations small local governments; they levy fees, charge fines, maintain common facilities, and make rules for residents. But if they were really governments, the public outcry would be deafening. In New Hampshire, we have very strict rules for local governments, so they are fair to all residents. Open meetings and sunshine laws provide

transparency and ensure that everyone knows what's going on, and has a chance to be heard. There is no standard for bylaws, so none of those protections have to exist. We can (and should) provide more protection for condominium residents in the law. But this bill deals with existing developments, which already have bylaws and some of which have serious problems. There are some wonderful, well-managed developments, where residents are content. The others are the focus of this bill. The Attorney General gets hundreds of complaints each year, but tells the complainer that there is little they can do. Currently, a resident must take issues to court, running up thousands in legal fees. Under current law, the resident is responsible for the association and board legal fees, even if they win their case. This is a tremendous deterrent to legal action, and most residents suffer in silence. This bill will provide a lower-cost method for dispute resolution, with a board of volunteers from all areas of condominium life reviewing the issues and attempting arbitration, or making a decision that will have the force of law through the court system. With 1 in 7 residents of New Hampshire living in condominiums, we have a responsibility to ensure fair treatment of all, way we require that of other local governments. Vote 9-7.

Rep. John B. Hunt for the Minority of Commerce and Consumer Affairs. By current law, (RSA 356-B) owners in NH condominiums elect their Board of Directors. The will of the majority of owners prevails in the election process. The Condominium Dispute Resolution Board will be a governmental intrusion into the workings of a democratic entity that is already subject to governance via the New Hampshire Condominium Act (RSA 356-B) and the Association governing documents. HB 1595 will subject these elected volunteers who serve as Directors of their condominium association to be subject to disgruntled owners by having to respond to complaints filed by a very small percentage of owners not happy with a decision of their elected Board. While the proposed law creating the Condominium Dispute Resolution Board does permit the Association to represent itself pro se, the reality is that at any hearing, the Association's attorney will be required by the Association's Board of Directors to attend Condominium Dispute Resolution Board hearing to represent the Board at the hearing, as decisions made could have a detrimental and adverse impact on the administrative and operation of the association. At any Condominium Dispute Resolution Board, an association board member will need to be present to potentially testify as to the Board's action. This requirement will have a chilling effect on finding owners willing to serve on their Association's Board of Directors once Board Members are made aware of their potential obligation to attend these potential hearings during business hours. This potential day time commitment would require members of an Association's volunteer board of Directors having to take time off from work to attend these hearings. Not to mention the potential stress to board members associated with defending one's actions to a state board. Condominium budgets, and accordingly monthly fees, will go up as Association's will have to budget for and pay for the additional cost incurred by Associations in responding to and defending against the complaint filed by an owner. While an owner filing a complaint incurs a cost of \$250.00, an Association will incur a higher expense (research time, lawyers' fees, costs, mileage reimbursement to members having to attend these hearings, etc.) that will far and away exceed \$250.00. HB 1595 impinges on the democratic process of a condominium association by letting any disgruntled owner, for any reason, file a complaint to a state board about an action taken by a democratically elected Board of Directors. Recourse for owners believing their association is best run by alternative strategies is through the democratic process. Such owners may run for election to the association board and then, if elected, bear the responsibility and authority for making and implementing decisions. The Community Associations Institute, the national trade organization representing over 85,000 condominium associations nationally, latest Zogby national poll of condominium owners found the following: 70 percent of residents in common-interest communities say they are satisfied with their community association experience, while 8 percent express dissatisfaction and 22 percent are neutral on the question. 88 percent of believe their association board members strive to serve the best interests of the community, while 12 percent say the opposite or aren't sure. HB 1595 is creating a state board, with the associated costs to run this complaint resolution board, to address a very small fraction of owners who may have a complaint against their elected Board of Directors. It is possible a determination or finding by the Condominium Dispute Resolution Board could be in contradiction of an association's governing documents which are recorded at the Registry of Deed, thereby creating a legal issue requiring resolution through litigation. While such a ruling may not be intended, the action effectively amends the Association Governing Documents unilaterally without input from the remaining owners. A Condominium Dispute Resolution Board might impose upon the membership of a condominium association a minority view that was not voted or desired by the majority of owners at the association. HB 1595 will establish another Regulatory Board, which increases the size of state government at the expense of all taxpayers. The legislative's "Joint Board of Licensure and Certification states this bill, as introduced, may increase state expenditures by \$65,850 in FY 2015, \$68,151 in FY 2016, \$71,414 in FY 2017 and \$75,829 in FY 2018 and may increase state revenue by an indeterminable amount in FY 2015 and each year thereafter. State expenditures will go up to fund the regulatory board to be established by HB 1595 as this Regulatory Board will need to function which means the requirements of staff, office space, office expenses, legal counsel expenses associated with opinions and review of Board actions by the office of the Attorney General, and mileage reimbursement to

members of the condominium dispute resolution board (as required by law). Yes, some of the increased state expenses associated with this regulatory board will be offset by some small income generated by application fees. However, while the expenses are inevitable with any government commission or board, no one can predict with any certainty the anticipated revenue for any given fiscal year because no one can ascertain the level of consumer discontent with their respective condominium association board of directors, or to the extent this discontent would translate into complaints being filed with the Condominium Dispute Resolution Board. As such, it is fair to say that the HB 1595 will increase state expenses.

Majority Amendment (0207h)

Amend RSA 356-B:71 as inserted by section 1 of the bill by inserting after paragraph I the following and renumbering the original paragraphs II-VI to read as III-VII, respectively:

II. No more than 3 members of the board may be involved professionally and/or financially in the condominium industry.

Amend RSA 356-B:74, II and III as inserted by section 1 of the bill by replacing them with the following:

II. A decision of the board may be appealed, by either party, by requesting a rehearing and appeal pursuant to RSA 541.

III. If no timely appeal is taken pursuant to paragraph II, the decision of the board shall become final. Majority committee amendment adopted.

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

Reps. Hunt and Infantine spoke against.

Rep. Kermit Williams spoke in favor.

On a division vote, 187 members having voted in the affirmative and 160 in the negative, the majority committee report was adopted and referred to the Committee on Ways and Means.

HB 1105-FN-L, relative to aid to school districts for costs of special education. **OUGHT TO PASS.**

Rep. James L. Grenier for Education. Federal and state statutes mandate districts to provide special education services, yet prorated payments to school districts have dropped from 91% in 2009 to 69% in 2012. Projected payments for 2014 will be approximately 72% of entitlement. Of course, the shortfall in funding for special education services constitutes an unfunded mandate. The department of education estimates the additional yearly expenditures to fully fund special education services will be between 8 and 9 million dollars for each of the next four years. It is time for the New Hampshire Legislature to accept its responsibility for financially supporting mandated special education costs for our most vulnerable children. Vote 18-0.

Committee report adopted and referred to the Committee on Finance.

HB 1114-FN, relative to limits on state expenditures for school building aid. **OUGHT TO PASS.**

Rep. Rick M. Ladd for Education. RSA 198:15-a, as currently written, provides that annual school building aid shall not exceed \$50,000,000. Through the moratorium years, the operating budget has reflected only those funds necessary to pay debt. In FY 14, the legislature funded \$45,181,264 and for FY 15, \$42,800,000 has been appropriated. This bill changes RSA 198:15-a in several locations. First, it is mentioned that school building aid for new and renovation projects shall be used to aid local school districts in meeting the costs of school buildings and infrastructure necessary for a 21st century learning environment. Second, starting in 2015 (FY 16), language of the bill states that "grants for construction and renovation projects approved by the state board of education shall not be less than \$50M." The funding change, if funded at the minimum of \$50M per year will bring necessary dollars to school construction. At this level, FY 16 and FY 17 combined would receive \$24.5M for new and renovation projects and \$75.8 for tail obligation. Conditions in many of these schools are unsafe, unsecure, and lack appropriate or adequate instructional space. Vote 19-0.

Committee report adopted and referred to the Committee on Finance.

The House recessed at 12:25 p.m.

RECESS

The House reconvened at 1:35 p.m.

(Speaker Norelli in the Chair)

REGULAR CALENDAR – PART I (CONT'D)

HB 1255, making students whose name appears on the voter checklist eligible for in-state tuition rates at schools in the university system of New Hampshire. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Anne C. Grassie for the Majority of Education. There is no correlation between the right to vote and paying in-state tuition, or out of state tuition. Our state institutions of higher learning have many criteria for qualifying for in-state tuition, while the criteria for voting are distinctly different. Vote 14-6.

Rep. Ralph G. Boehm for the Minority of Education. There should not be two different residency requirements. If it is legal to be a resident for voting, then it should be legal to be a resident for other reasons. Just because there is a monetary reason to not be a legal resident for one is not valid.

The question being adoption of the majority committee report of Inexpedient to Legislate.
 Reps. Hoell and Beaudoin spoke against and yielded to questions.
 Rep. Gorman spoke in favor.
 Rep. Beaudoin requested a roll call; sufficiently seconded.

YEAS 247 - NAYS 105**YEAS - 247****BELKNAP**

Fink, Charles
 Raymond, Ian

Gulick, Ruth
 Tilton, Franklin

Holmes, Stephen
 Worsman, Colette

Huot, David

CARROLL

Buco, Thomas
 McConkey, Mark
 White, Syndi

Butler, Edward
 Schmidt, Stephen

Crawford, Karel
 Ticehurst, Susan

Lavender, Tom
 Umberger, Karen

CHESHIRE

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

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

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

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

COOS

Hammon, Marcia
 Theberge, Robert

Hatch, William

Moynihan, Wayne

Richardson, Herbert

GRAFTON

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

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

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

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

HILLSBOROUGH

Backus, Robert
 Brown, Pamela
 Chandley, Shannon
 Culbert, Patrick
 Flanagan, Jack
 Gidge, Kenneth
 Graham, John
 Heath, Mary
 Jasper, Shawn
 Kelley, John
 Leishman, Peter
 Mangipudi, Latha
 Murotake, David
 Porter, Marjorie
 Schmidt, Janice
 Souza, Kathleen
 Sullivan, Peter
 Walsh, Robert
 Winters, Joel

Beaulieu, Jane
 Byron, Frank
 Coffey, James
 Danielson, David
 Gage, Ruth
 Goley, Jeffrey
 Hackel, Paul
 Heden, Ruth
 Judy, Jean
 Knowles, Mary Ann
 Levesque, Melanie
 Manley, Jonathan
 Murphy, Kelleigh
 Rokas, Ted
 Shattuck, Gilman
 Spratt, Stephen
 Takesian, Charlene
 Warden, Mark
 Woodbury, David

Boisvert, Ronald
 Campbell, David
 Connor, Evelyn
 DiSilvestro, Linda
 Gale, Sylvia
 Gorman, Mary
 Hammond, Jill
 Hinch, Richard
 Katsiantonis, George
 Kopka, Angeline
 Long, Patrick
 McCloskey, David
 O'Flaherty, Tim
 Rosenwald, Cindy
 Shaw, Barbara
 Stroud, Kathleen
 Vail, Suzanne
 Willette, Robert

Booras, Efstathia
 Carroll, Douglas
 Cote, David
 Eaton, Richard
 Gasgasz, Carolyn
 Grady, Brenda
 Hansberry, Daniel
 Jack, Martin
 Katsiantonis, Thomas
 Kurk, Neal
 MacKay, Mariellen
 McNamara, Richard
 O'Neil, William
 Rowe, Robert
 Soucy, Timothy
 Sullivan, Daniel
 Vaillancourt, Steve
 Williams, Kermit

MERRIMACK

Alicea, Caroletta
 Burns, Scott
 Frambach, Mary
 Henle, Paul
 Kelly, Sally
 Moffett, Howard
 Rice, Chip
 Schuett, Dianne
 Walz, Mary Beth

Andrews, Christopher
 Carson, Clyde
 Frazer, June
 Hirsch, Geoffrey
 Kidder, David
 Myler, Mel
 Richardson, Gary
 Shurtleff, Stephen
 Watrous, Rick

Bartlett, Christy
 Davis, Frank
 French, Barbara
 Hunt, Jane
 Lockwood, Priscilla
 Patten, Dick
 Rogers, Katherine
 Turcotte, Alan
 Webb, Leigh

Bouchard, Candace
 Ebel, Karen
 Gile, Mary
 Karrick, David
 MacKay, James
 Ratzki, Mario
 Schamberg, Thomas
 Wallner, Mary Jane

ROCKINGHAM

Abrami, Patrick
 Briden, Steven

Andrews-Ahearn, E. Elaine
 Cahill, Michael

Belanger, Ronald
 Cali-Pitts, Jacqueline

Borden, David
 Copeland, Timothy

Cushing, Robert
Flockhart, Eileen
Lovejoy, Patricia
McMahon, Charles
Packard, Sherman
Scarlott, Joe
Sweeney, Joe
Waterhouse, Kevin

Devine, James
Garcia, Marilinda
Lundgren, David
Moody, Marcia
Pantelakos, Laura
Schlachman, Donna
Sytek, John
Wazlaw, Brian

Duarte, Joe
Heffron, Frank
Major, Norman
Muns, Chris
Peckham, Michele
Sherman, Thomas
Till, Mary
Webb, James

Emerson-Brown, Rebecca
Kappler, Lawrence
Mann, Maureen
Nigrello, Robert
Sapareto, Frank
St.James, Kevin
Ward, Gerald
Whittemore, Lisa

STRAFFORD

Baber, William
Gardner, Janice
Hooper, Dorothea
Ketel, Stephen
Miller, David
Rogers, Rose Marie
Spainhower, Dale
Wall, Janet

Bixby, Peter
Grassie, Anne
Horrigan, Timothy
Malloy, Dennis
Mullen, John
Rollo, Deanna
Spang, Judith

Burdwood, Greg
Gray, James
Hubbard, Pamela
Menear, H. Robert
Pelletier, Marsha
Schmidt, Peter
Stevens, Audrey

Burke, Rachel
Grossman, Kenneth
Kaen, Naida
Merrill, Amanda
Perry, Robert
Smith, Marjorie
Verschueren, James

SULLIVAN

Cloutier, John
Irwin, Virginia
Sweeney, Cynthia

Gagnon, Raymond
Lefebvre, Benjamin
Tanner, Linda

Gottling, Suzanne
Rollins, Skip

Grenier, James
Schmidt, Andrew

NAYS - 105

BELKNAP

Burchell, Richard
Flanders, Donald
Vadney, Herbert

Comtois, Guy
Greemore, Robert

DiMartino, Lisa
Luther, Robert

Fields, Dennis
Sylvia, Michael

CARROLL

Ahlgren, Christopher
Nelson, Bill

Chandler, Gene
Wright, Donald

Cordelli, Glenn

Merrow, Harry

CHESHIRE

Hunt, John

COOS

Coulombe, Gary

Rappaport, Laurence

Rideout, Leon

GRAFTON

Bailey, Brad

Doolan, Ralph

Gionet, Edmond

Reilly, Harold

HILLSBOROUGH

Belanger, James
Christiansen, Lars
Haefner, Robert
Infantine, William
Marston, Dick
Murphy, Keith
Palmer, Stephen
Pratt, Calvin
Straight, Philip

Boehm, Ralph
Daniels, Gary
Harriott-Gathright, Linda
Lambert, George
Martel, Andre
Notter, Jeanine
Parison, James
Renzullo, Andrew
Ulery, Jordan

Burt, John
Dobson, Jeremy
Hikel, John
LeBrun, Donald
McCarthy, Michael
Ober, Lynne
Pellegrino, Tony
Sanborn, Laurie
Villeneuve, Moe

Cebrowski, John
Gagne, Larry
Hopper, Gary
LeVasseur, Richard
Meaney, Richard
Ober, Russell
Peterson, Lenette
Sandblade, Emily

MERRIMACK

Hoell, J.R.
Walsh, Thomas

McGuire, Carol

McGuire, Dan

Smith, Todd

ROCKINGHAM

Allen, Mary
Chirichiello, Brian
Elliott, Robert
Garcia, Bianca
Hagan, Joseph
Hoelzel, Kathleen
Kolodziej, Walter
Oigny, Jeffrey
Sedensky, John

Baldasaro, Alfred
Comerford, Timothy
Emerick, J. Tracy
Gordon, Richard
Harris, Jeffrey
Introne, Robert
McKinney, Betsy
Rice, Frederick
Tamburello, Daniel

Bick, Patrick
DeSimone, Debra
Ferrante, Beverly
Grace, Curtis
Hayes, Jack
Itse, Daniel
Milz, David
Sanders, Elisabeth
Tucker, Pamela

Birdsell, Regina
Dumaine, Dudley
Fesh, Robert
Griffin, Mary
Hodgdon, Bruce
Khan, Aboul
O'Connor, John
Schroadter, Adam
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven

Jones, Laura

Parsons, Robbie

Pitre, Joseph

SULLIVAN

Osgood, Joe

Smith, Steven

and the majority committee report was adopted.

HB 1433, authorizing the community college system to waive tuition and fees for employees and employees' dependents. **WITHOUT RECOMMENDATION.**

Statement in support of Interim Study: Rep. June M. Frazer.

This bill would enable the New Hampshire Community College System to negotiate with the community college bargaining unit over a benefit that would extend a full waiver of tuition and fees, at present available to full-time faculty, to faculty adjuncts, and their dependants. Mindful that employees in a bargaining unit have the right to negotiate benefits, but that, at the same time, an extension of the benefit to so many could be too costly for community college budgets. Committee members voting for Interim Study hope that a study committee can resolve this issue in a way that is fair to all. Vote 9-9.

Statement in support of Inexpedient to Legislate: Rep. Patrick J. Bick.

Testimony from the President of Nashua Community College and a letter from the Chancellor of the Community College System of New Hampshire indicates this bill is unnecessary. The Chancellor stated in his letter "we do not seek this legislation." The Chancellor further stated that CCSNH provides strong support for employee's professional development within budgetary capacity, which is available to part-time staff and adjunct faculty employees as well as full-time employees.

Rep. Frazer moved Refer for Interim Study and spoke in favor.

Adopted.

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

HB 1505-FN, requiring college identification cards to indicate whether the student is an in-state or out-of-state student. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara E. Shaw for Education. This bill would require a modification and reprogramming of data systems of USNH at a cost to the university system. No town clerks testified as to a need for this change. The committee and the college community both agree this bill is unnecessary. Vote 17-2.

Committee report adopted.

HB 1588-FN, requiring suicide prevention education in schools. **INEXPEDIENT TO LEGISLATE.**

Rep. Rick M. Ladd for Education. In accordance with RSA 186:11, Duties of the State Board of Education, the Board is required to provide information about youth suicide prevention to all public and private schools to facilitate the delivery of appropriate courses and programs. Further, this statute also references suicide prevention instruction in schools. Lastly, within recently approved minimum education standards, Ed306:40, the Health and Wellness Program, includes Suicide Prevention Instruction. Vote 10-8.

Rep. Schlachman spoke against and yielded to questions.

Rep. Gargas spoke against.

Rep. Ladd spoke in favor and yielded to questions.

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

On a division vote, 203 members having voted in the affirmative and 145 in the negative, the committee report was adopted.

HB 1357, relative to access to ballots. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary B. Richardson for the Majority of Election Law. This bill would have repealed statutory provisions exempting ballots from provisions of RSA 91-A (Right-to-Know). Contrary to the assertion of the proponents, ballots have never been available for public review except during the recounts. A subcommittee also heard and rejected an amendment that would have allowed any person to inspect ballots cast in every election. Were the amendment to become law, it would be a logistical nightmare for election officials and run the risk of ballot tampering. Vote 14-3.

Rep. Mary L. Till for the Minority of Election Law. The vast majority of votes in New Hampshire are counted out of public view by machines using proprietary software. Less than 1.5% of the higher level races (State Senate and higher) in the last decade were recounted. Until 2003, ballots were included under the right-to-know statute with no apparent problems. Provisions in the sponsor supported amendment would ensure the ballots remain anonymous. Access is delayed until after the election is certified. Thus, the purpose of the inspection is to identify software or hardware issues that may not have impacted the current election but could be decisive in a close future election. The minority believes it is better to address such issues before they surface in a high profile race.

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

On a division vote, 300 members having voted in the affirmative and 37 in the negative, the majority committee report was adopted.

HB 1287-FN, requiring a refundable deposit on beverage containers. **INEXPEDIENT TO LEGISLATE.**

Rep. Scott A. Burns for Environment and Agriculture. Many 'bottle bills' have been introduced over the years, the last one a lengthy study that ended in a recommendation of Inexpedient to Legislate. Rather than a bottle bill, the committee will instead review and research a comprehensive recycling bill, which would include all extended producer responsibility programs for possible future legislation. Vote 18-0.

Committee report adopted.

HB 1148-FN, relative to the reduction in the calculation of state retirement system annuities at age 65.**MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jeffrey P. Goley for the Majority of Executive Departments and Administration. In 1988, the legislature decoupled group I pension benefits from social security, but left a statutory pension reduction of approximately 10 percent that took effect upon reaching the age of 65, then the full retirement age for social security. The normal retirement age for social security has now been increased to age 67. This bill would change the statutory reference from age 65 to "the members full retirement age for social security." Committee members felt more time was needed to study if the intent in 1988 was to mirror the normal retirement age for social security. Vote 14-6.

Rep. Carol M. McGuire for the Minority of Executive Departments and Administration. The minority of the committee is convinced that this change to the pension system does not need to be studied further. The different pension annuities before and after age 65 have been a part of the retirement system since inception, and the current version has been in place since 1988. Changes have been considered by the legislature repeatedly and rejected due to the cost. The minority does not believe that our seriously underfunded pension system should be considering new enhancements to some pensions at this time.

Majority committee report 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. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy M. Weber for Executive Departments and Administration. This bill requires licenses and sets standards for individual private investigators, bail enforcement agents, and security guards. Private investigative agencies, security agencies and bail enforcement agencies are already licensed through the division of state police's licenses and permits unit. Bail recovery agencies are additionally registered with the secretary of state. The bill would require licensure for these professions at the individual level, rather than at the agency or service level. The committee was not persuaded of the need for the change to individual licensing. In addition, the single proposed 40-hour skills course for these very diverse professions is not an effective training method, nor could a single course or multiple courses be set up in time to meet the deadlines in the bill. Vote 19-0.

Rep. Chase spoke against and yielded to questions.

Rep. Rappaport spoke against.

On a division vote, 310 members having voted in the affirmative and 25 in the negative, the committee report was adopted.

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

HB 1494-FN, relative to administration of the New Hampshire retirement system and authority of the board of trustees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jeffrey P. Goley for Executive Departments and Administration. This bill was a request of the New Hampshire retirement system to address a number of changes proposed in RSA 100-A. Section 1 adds a sentence to the definition of "employer" to clarify that political units that combine payroll operation and share a federal tax ID continue to be considered separate employers for the purpose of RSA 100-A. It also adds to the definition of "employee" to clarify that non-classified state employee members are subject to the same membership requirements as classified and unclassified employees. Section 2, as amended, will include "extracurricular and instructional activities" as earnable compensation for other non-teacher, full time school employees. Currently it is limited to just teachers. Section 3 adds a definition of "active member" and "inactive member" and defines "normal retirement age" for Group I and Group II. Section 4 makes changes in statute on how the determination of cost in calculating a member's purchase of prior service credit is done. Section 5 clarifies that service credit is not earned after termination of employment. Section 6 changes the date of the approval of the comprehensive annual financial report from December 1 to December 31. Sections 7 and 8 enable the retirement system to penalize an employer for non-compliance with data reporting requirements, but allows for abatements when the non-compliance is not willful, intentional or grossly negligent. Section 9 repeals two sections of RSA 100-A that dealt with one time transfers of funds. Vote 18-1.

Amendment (0422h)

Amend RSA 100-A:1, XVII as inserted by section 2 of the bill by deleting subparagraph (c).

AMENDED ANALYSIS

This bill:

- I. Clarifies definitions of terms used in RSA 100-A.
- II. Establishes a procedure for the determination of the costs of purchase of service credits.
- III. Clarifies the ability to earn service credit while on a salary continuance plan.
- IV. Changes the date for the approval of the comprehensive annual financial report (CAFR).
- V. Adds a penalty for employers who fail to timely remit data on compensation paid to retired members.
- VI. Repeals obsolete provisions.

Amendment adopted.

Committee report adopted and referred to the Committee on Finance.

HB 1594-FN, requiring licensure of community association property managers. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol M. McGuire for the Majority of Executive Departments and Administration. The bipartisan majority of the committee believes that this bill needs further work before passage. While the condominium study committee that generated this bill made the case for licensure, a number of critical issues remain unaddressed. HB 1594, as written, requires licensing of individuals as property managers – but many of the problems we heard of were concerned with property management companies: should they be licensed, in addition to, or instead of, individuals? Is bonding required for property managers: and is it all of them, or only those who handle funds above a certain level? How big a bond would be required, and are there any acceptable alternatives? “Grandfathering” of currently certified property managers currently certified by various professional organizations is not addressed. All in all, the majority of ED & A believes that additional work to resolve at least some of these concerns is necessary before passing HB 1594. Vote 11-7.

Rep. Peter B. Schmidt for the Minority of Executive Departments and Administration. This bill came to the committee as the considered, bi-partisan work product of a multi-year study committee, which recognized that some condominium owners were, and are, being harmed by inequities in their associations’ functioning, and recommended licensure of property managers in order to achieve greater competence and accountability on the part of property managers. There was no testimony before ED & A in opposition to licensure per se, only the assertion by two witnesses that HB 1594-FN was a flawed instrument to achieve it. An amendment was prepared to improve the bill as filed. That amendment should have been adopted by the committee and the bill recommended for enactment.

The question being adoption of the majority committee report of Refer for Interim Study.

Rep. Kermit Williams spoke against.

Rep. Carol McGuire spoke in favor.

Majority committee report adopted.

HB 1579-FN, prohibiting the use of certain leghold or foothold traps for the taking of animals. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rose Marie Rogers for Fish and Game. The original bill addresses the killing of a dog by an illegal trap. We found the existing penalties insufficient. The bill, as amended, increases the fine and penalties while keeping the infringement a violation. This amendment also establishes a study committee to address other trapping issues which emerged during the discussion and hearings. Vote 12-0.

Amendment (0435h)

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

AN ACT relative to penalties for the injury or death of a domestic animal caused by trapping which is in violation of law or rules, and establishing a committee to study the administration of trapping laws and rules and the issuance of trapping licenses by the fish and game department including education requirements and penalties for violations.

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

1 Trapping; Injury or Death of Domestic Animal; Penalty. Amend RSA 210:18 to read as follows:

210:18 ~~[Damage to]~~ **Injury or Death of Domestic Animals; Penalty.**

I. Any person causing injury or ~~[damage]~~**death** to domestic animals~~[-except for dogs at large pursuant to RSA 466:33,]~~ by the aid or use of traps shall be liable to the owner therefor. An injury to a licensed dog at large shall be reported to the town or city listed on the dog’s tag, and to the owner of the dog if identifiable.

II. *Any person who violates the laws or rules governing trapping under this title, which violation results in the injury or death of a domestic animal, shall be subject to a mandatory minimum fine of \$1,000 for each offense and, in addition, the person’s hunting, fishing, and trapping licenses and permits shall be revoked and the person shall not be issued a license or permit to hunt, fish, or trap for a period of 3 years. Prior to the restoration of such person’s ability to apply for a license or permit to hunt, fish, or trap, the person shall show successful completion of a trapping education program pursuant to RSA 210:25.*

2 Trapping Licenses; Education Requirements. Amend RSA 214:11-b, I(c) to read as follows:

(c) Satisfactory proof that he *or she* has ~~[previously]~~ held a trapping license issued to him *or her* in this state~~[-any other state, province or country]~~ *during any of the previous 3 years.*

3 Committee Established. There is established a committee to study the administration of trapping laws and rules and the issuance of trapping licenses by the fish and game department including education requirements and penalties for violations.

4 Membership and Compensation.

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

(a) Four members of the house of representatives who are members of the fish and game and marine resources committee, 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.

5 Duties. The committee shall study the administration of trapping laws and rules and the issuance of trapping licenses by the fish and game department including education requirements and penalties for violations. The committee shall seek input from the fish and game department and any other persons or organizations as the committee deems relevant.

6 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.

7 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.

8 Effective Date.

I. Sections 1 and 2 of this act shall take effect January 1, 2015.

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

AMENDED ANALYSIS

This bill adds penalties for violations of trapping laws and rules which result in the injury or death of a domestic animal. The bill requires trapping education for license applicants who have not held a trapping license in this state during any of the previous 3 years. This bill also establishes a committee to study the administration of trapping laws and rules and the issuance of trapping licenses by the fish and game department including education requirements and penalties for violations.

Rep. Burt spoke in favor.

Amendment adopted.

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

REFERRAL DECLINED

Rep. Almy, Chairman of the Committee on Ways and Means, under the provisions of House Rule 46 (f), declined the referral of **HB 1579-FN**, relative to penalties for the injury or death of a domestic animal caused by trapping which is in violation of law or rules, and establishing a committee to study the administration of trapping laws and rules and the issuance of trapping licenses by the fish and game department including education requirements and penalties for violations.

REGULAR CALENDAR – PART I (CONT'D)

HB 1396, relative to the smoking policy at the New Hampshire veterans' home. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Thomas M. Sherman for the Majority of Health, Human Services and Elderly Affairs. The New Hampshire Veterans Home introduced a smoke free campus policy last year that grandfathered the current 8 residents, who smoke, moved the smoking facilities to an outdoor shelter and restricted admission to non-smokers. Applicants who smoked were offered cessation therapy and could continue to use tobacco containing electronic cigarettes on campus. The impetus was a concern for safety highlighted by a case in Virginia where a resident with dementia died as a result of his burns and the Veteran Home being cited for issues related to continue on campus smoking. Administrators and residents together crafted and adopted current rules. While the committee was unanimous in their recognition of the service of all veterans as well as the benefit that reexamination of the policy might afford to future applicants, who continue to smoke, having received assurance from the Veterans Home Administration and Residents' Council that the policy will be revisited. The majority of the committee did not believe that legislation would be the appropriate intervention in the local governance process at this time. Vote 9-6.

Rep. Richard E. Meaney for the Minority of Health, Human Services and Elderly Affairs. The bill proposes just two things: The State Veterans' Home accommodates Veterans who smoke and the Home shall not discriminate against smokers who seek admission to the home. The minority of the committee believes this bill should go to Interim Study to ensure that the State Veterans Home understands that it is the will of the legislature that Veterans deserve equal treatment, regardless of habits; that Veterans who smoke can best be served by the State Veterans Home with efforts to cease smoking; and that Veterans, like other adults, have the right to smoke in designated areas.

The question being adoption of the majority committee report of Inexpedient to Legislate.
Rep. Moffett spoke against.

(Rep. Kaen in the Chair)

Reps. Meaney and Baldasaro spoke against and yielded to questions.

Rep. Sherman spoke in favor and yielded to questions.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 157 - NAYS 181

YEAS - 157

BELKNAP

DiMartino, Lisa
Luther, Robert

Fields, Dennis
Raymond, Ian

Gulick, Ruth

Huot, David

CARROLL

Butler, Edward
White, Syndi

Crawford, Karel
Wright, Donald

Lavender, Tom

Ticehurst, Susan

CHESHIRE

Ames, Richard
Phillips, Larry
Tatro, Bruce

Butynski, William
Robertson, Timothy
Weber, Lucy

Lerandeau, Alfred
Sad, Tara
Weed, Charles

Parkhurst, Henry
Shepardson, Marjorie
Young, Harry

COOS

Hammon, Marcia

Hatch, William

Moynihan, Wayne

GRAFTON

Almy, Susan
Lovett, Sid
Smith, Suzanne

Benn, Bernard
Mulholland, Catherine
Sykes, George

Ford, Susan
Nordgren, Sharon
Townsend, Charles

Harding, Laurie
Pastor, Beatriz
White, Andrew

HILLSBOROUGH

Backus, Robert
Campbell, David
Cote, David
Gale, Sylvia
Hammond, Jill
Jack, Martin
Kopka, Angeline
Mangipudi, Latha
O'Flaherty, Tim
Rokas, Ted
Shaw, Barbara
Vail, Suzanne
Williams, Kermit

Booras, Efstathia
Carroll, Douglas
Dobson, Jeremy
Goley, Jeffrey
Hansberry, Daniel
Jasper, Shawn
LeBrun, Donald
McNamara, Richard
O'Neil, William
Rosenwald, Cindy
Spratt, Stephen
Vaillancourt, Steve
Woodbury, David

Brown, Pamela
Chandley, Shannon
Eaton, Richard
Grady, Brenda
Harriott-Gathright, Linda
Kelley, John
Levesque, Melanie
Murotake, David
Porter, Marjorie
Schmidt, Janice
Sullivan, Daniel
Walsh, Robert

Burt, John
Coffey, James
Gage, Ruth
Hackel, Paul
Heden, Ruth
Knowles, Mary Ann
MacKay, Mariellen
Murphy, Kelleigh
Ramsey, Peter
Shattuck, Gilman
Sullivan, Peter
Willette, Robert

MERRIMACK

Alicea, Caroletta
Frambach, Mary
Hirsch, Geoffrey
MacKay, James
Turcotte, Alan

Bouchard, Candace
French, Barbara
Karrick, David
Richardson, Gary
Wallner, Mary Jane

Carson, Clyde
Gile, Mary
Kelly, Sally
Schuett, Dianne
Walz, Mary Beth

Davis, Frank
Henle, Paul
Kidder, David
Shurtleff, Stephen
Watrous, Rick

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cahill, Michael
Dumaine, Dudley
Lovejoy, Patricia
Nigrello, Robert
Till, Mary

Borden, David
Cali-Pitts, Jacqueline
Flockhart, Eileen
Mann, Maureen
Pantelakos, Laura
Ward, Gerald

Briden, Steven
Copeland, Timothy
Hayes, Jack
Moody, Marcia
Schlachman, Donna
Wazlaw, Brian

Burtis, Elizabeth
Cushing, Robert
Heffron, Frank
Muns, Chris
Sherman, Thomas
Whittemore, Lisa

STRAFFORD

Baber, William
Hubbard, Pamela
Miller, David
Rogers, Rose Marie
Verschueren, James

Gardner, Janice
Ketel, Stephen
Mullen, John
Rollo, Deanna
Wall, Janet

Grassie, Anne
Malloy, Dennis
Pelletier, Marsha
Schmidt, Peter

Grossman, Kenneth
Menear, H. Robert
Perry, Robert
Smith, Marjorie

SULLIVAN

Cloutier, John
Sweeney, Cynthia

Gottling, Suzanne
Tanner, Linda

Irwin, Virginia

Schmidt, Andrew

**NAYS - 181
BELKNAP**

Burchell, Richard
Greemore, Robert
Vadney, Herbert

Comtois, Guy
Holmes, Stephen
Worsman, Colette

Fink, Charles
Sylvia, Michael

Flanders, Donald
Tilton, Franklin

CARROLL

Ahlgren, Christopher
McConkey, Mark
Umberger, Karen

Buco, Thomas
Morrow, Harry

Chandler, Gene
Nelson, Bill

Cordelli, Glenn
Schmidt, Stephen

CHESHIRE

Berch, Paul
Johnsen, Gladys

Chase, Cynthia
Ley, Douglas

Eaton, Daniel
Roberts, Kris

Hunt, John

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

Theberge, Robert

GRAFTON

Bailey, Brad
Friedrich, Carol
Massimilla, Linda

Brown, Rebecca
Gionet, Edmond
Piper, Wendy

Cooney, Mary
Higgins, Patricia
Reilly, Harold

Doolan, Ralph
Ladd, Rick
Shackett, Jeffrey

HILLSBOROUGH

Beaulieu, Jane
Byron, Frank
Culbert, Patrick
Gagne, Larry
Haefner, Robert
Infantine, William
Leishman, Peter
Marston, Dick
Murphy, Keith
Ober, Russell
Pratt, Calvin
Sanborn, Laurie
Straight, Philip
Villeneuve, Moe

Belanger, James
Cebrowski, John
Daniels, Gary
Gargas, Carolyn
Heath, Mary
Judy, Jean
LeVasseur, Richard
McCarthy, Michael
Notter, Jeanine
Palmer, Stephen
Renzullo, Andrew
Sandblade, Emily
Stroud, Kathleen
Winters, Joel

Boehm, Ralph
Christiansen, Lars
Danielson, David
Gorman, Mary
Hikel, John
Kurk, Neal
Long, Patrick
McCloskey, David
O'Brien, Michael
Parison, James
Rhodes, Brian
Soucy, Timothy
Takesian, Charlene

Boisvert, Ronald
Connor, Evelyn
Flanagan, Jack
Graham, John
Hopper, Gary
Lambert, George
Manley, Jonathan
Meaney, Richard
Ober, Lynne
Peterson, Lenette
Rowe, Robert
Souza, Kathleen
Ulery, Jordan

MERRIMACK

Andrews, Christopher
Ebel, Karen
McGuire, Carol
Ratzki, Mario
Walsh, Thomas

Bartlett, Christy
Frazer, June
McGuire, Dan
Rice, Chip
Webb, Leigh

Burns, Scott
Hoell, J.R.
Moffett, Howard
Rogers, Katherine

Carey, Lorrie
Lockwood, Priscilla
Patten, Dick
Schamberg, Thomas

ROCKINGHAM

Abrami, Patrick
Bick, Patrick
DeSimone, Debra
Emerick, J. Tracy
Garcia, Bianca
Hagan, Joseph
Introne, Robert
Kolodziej, Walter
O'Connor, John
Rice, Frederick
Schroader, Adam
Sytek, John
Waterhouse, Kevin

Allen, Mary
Birdsell, Regina
Devine, James
Emerson-Brown, Rebecca
Garcia, Marilinda
Harris, Jeffrey
Itse, Daniel
McKinney, Betsy
Oligny, Jeffrey
Sanders, Elisabeth
Sedensky, John
Tamburello, Daniel
Webb, James

Baldasaro, Alfred
Chirichiello, Brian
Duarte, Joe
Ferrante, Beverly
Gordon, Richard
Hodgdon, Bruce
Kappler, Lawrence
McMahon, Charles
Packard, Sherman
Sapareto, Frank
St.James, Kevin
Tasker, Kyle
Weyler, Kenneth

Belanger, Ronald
Comerford, Timothy
Elliott, Robert
Fesh, Robert
Griffin, Mary
Hoelzel, Kathleen
Khan, Aboul
Milz, David
Peckham, Michele
Scarlotto, Joe
Sweeney, Joe
Tucker, Pamela

STRAFFORD

Beaudoin, Steven
Gray, James
Parsons, Robbie

Bickford, David
Horrigan, Timothy
Pitre, Joseph

Bixby, Peter
Jones, Laura
Spang, Judith

Burke, Rachel
Merrill, Amanda
Stevens, Audrey

SULLIVAN

Grenier, James

Osgood, Joe

Rollins, Skip

Smith, Steven

and the majority committee report failed.

Rep. Baldasaro moved the minority committee report of Refer for Interim Study.
Minority committee report adopted.

HB 1555-FN, relative to the neglect of elderly, disabled, or impaired adults and relative to financial exploitation. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Laurie Harding for the Majority of Health, Human Services and Elderly Affairs. This bill establishes financial exploitation of elderly, disabled or impaired adults as a crime and imposes a mandatory sentence of imprisonment for certain offenses. Exploitation is the fastest growing form of abuse. This bill is supported by the Senior Law Project, the medical fraud unit and adult protective services in health and human services as well as many community advocates. Vote 10-3.

Rep. Richard E. Meaney for the Minority of Health, Human Services and Elderly Affairs. This bill has great intentions, but fails to address six vital issues: 1. It does not assure that criminal intent is required to prosecute a fiduciary. 2. The bill does not clarify that it doesn't apply to an agent acting under a health care durable power of attorney. 3. It does not spell out fiduciary positions such as guardian, or trustee. 4. Without reference to RSA 464-A, the bill is inconsistent with other definitions of "incapacitated adult". 5. The bill doesn't specify who has the burden to prove an adult is impaired. 6. The mandatory sentences specified in the bill provides no leeway for judges.

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

HB 1616-FN, making changes to the therapeutic cannabis laws. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. E. Elaine Andrews-Ahearn for the Majority of Health, Human Services and Elderly Affairs. This bill, as amended, has expanded the therapeutic use of cannabis to include the diseases: lupus, epilepsy, Parkinson's disease and dementia associated with Alzheimer's disease. Additionally, the bill expands the definition of prohibitions and limitations as originally included in RSA 126-X-3, II(d) regarding the storing of cannabis in a locked container in a motor vehicle. Vote 9-3.

Rep. Richard E. Meaney for the Minority of Health, Human Services and Elderly Affairs. This bill will diminish the ability of patients to obtain adequate cannabis to treat their illness, symptoms and pain. By reducing cannabis to no more than 2 ounces per month, this bill may result in patients suffering unnecessarily. Further, this bill will provide patients who rent their homes with no viable options when it comes to using therapeutic cannabis. By making it a crime to use cannabis in a motor vehicle, renters (who would need permission from landlords to medicate in a home) will be left without a legal place to use therapeutic cannabis.

Majority Amendment (0084h)

Amend the bill by replacing section 2 with the following:

2 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, IX(a) to read as follows:

(a) "Qualifying medical condition" means the presence of:

(1) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C currently receiving antiviral treatment, amyotrophic lateral sclerosis, muscular dystrophy, Crohn's disease, agitation of Alzheimer's disease, multiple sclerosis, chronic pancreatitis, spinal cord injury or disease, traumatic brain injury, ***epilepsy, lupus, Parkinson's disease***, or one or more injuries that significantly interferes with daily activities as documented by the patient's provider; and

(2) A severely debilitating or terminal medical condition or its treatment that has produced at least one of the following: ***dementia associated with Alzheimer's disease***, elevated intraocular pressure, cachexia, chemotherapy-induced anorexia, wasting syndrome, severe pain that has not responded to previously prescribed medication or surgical measures or for which other treatment options produced serious side effects, constant or severe nausea, moderate to severe vomiting, seizures, or severe, persistent muscle spasms.

Rep. MacKay spoke against.

Majority committee amendment failed.

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

Reps. Meaney and MacKay spoke against.

On a division vote, 3 members having voted in the affirmative and 322 in the negative, the motion failed.

Rep. MacKay moved Refer for Interim Study.

Adopted.

HB 1165-FN-A, relative to the citizen's petition for redress of grievances by the legislature; establishing a special fund, and making an appropriation therefor. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David Woodbury for the Majority of Judiciary. This bill establishes a \$1,000,000 redress of grievance fund as well as a mechanism to allow a representative or senator to file a petition for redress of grievances. The committee noted that the powers and procedures of the relevant redress committees were undefined. Further, the committee noted that the bulk of citizen petitions were for relief for which money would not compensate. Vote 16-2.

Rep. Michael J. Sylvia for the Minority of Judiciary. This bill seeks to provide a mechanism by which this body may fulfill its duty as provided by Article 31, and Article 32 of the NH Constitution. "The people have a right... to request of the legislative body, by way of petition or remonstrance, redress of the wrongs done them, and of the grievances they suffer." It also provides funding for cases where monetary damages are appropriate.

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

(Speaker Norelli in the Chair)

Rep. Sandblade requested a roll call; sufficiently seconded.

YEAS 249 - NAYS 88

YEAS - 249

BELKNAP

DiMartino, Lisa
Holmes, Stephen

Fields, Dennis
Huot, David

Flanders, Donald
Raymond, Ian

Gulick, Ruth
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Crawford, Karel
Ticehurst, Susan

Buco, Thomas
Lavender, Tom
Umberger, Karen

Butler, Edward
Morrow, Harry
White, Syndi

Chandler, Gene
Schmidt, Stephen

CHESHIRE

Ames, Richard
Eaton, Daniel
Parkhurst, Henry
Sad, Tara
Weed, Charles

Berch, Paul
Johnsen, Gladys
Phillips, Larry
Shepardson, Marjorie
Young, Harry

Butynski, William
Lerandeau, Alfred
Roberts, Kris
Tatro, Bruce

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

COOS

Hammon, Marcia
Theberge, Robert

Hatch, William

Moynihan, Wayne

Richardson, Herbert

GRAFTON

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

Bailey, Brad
Doolan, Ralph
Harding, Laurie
Massimilla, Linda
Piper, Wendy
Sykes, George

Benn, Bernard
Ford, Susan
Higgins, Patricia
Mulholland, Catherine
Reilly, Harold
Townsend, Charles

Brown, Rebecca
Friedrich, Carol
Ladd, Rick
Nordgren, Sharon
Shackett, Jeffrey
White, Andrew

HILLSBOROUGH

Backus, Robert
Booras, Efstathia
Chandlee, Shannon
Danielson, David
Gale, Sylvia
Grady, Brenda
Hammond, Jill
Heden, Ruth
Judy, Jean
Kurk, Neal
Long, Patrick
McCarthy, Michael
O'Brien, Michael
Rokas, Ted
Shattuck, Gilman
Stroud, Kathleen
Vail, Suzanne
Winters, Joel

Beaulieu, Jane
Brown, Pamela
Connor, Evelyn
Dobson, Jeremy
Gidge, Kenneth
Graham, John
Hansberry, Daniel
Infantine, William
Kelley, John
Leishman, Peter
MacKay, Mariellen
McCloskey, David
Porter, Marjorie
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Daniel
Vaillancourt, Steve
Woodbury, David

Belanger, James
Campbell, David
Cote, David
Eaton, Richard
Goley, Jeffrey
Hackel, Paul
Harriott-Gathright, Linda
Jack, Martin
Knowles, Mary Ann
LeVasseur, Richard
Mangipudi, Latha
McNamara, Richard
Ramsey, Peter
Rowe, Robert
Soucy, Timothy
Sullivan, Peter
Walsh, Robert

Boisvert, Ronald
Carroll, Douglas
Culbert, Patrick
Gage, Ruth
Gorman, Mary
Haefner, Robert
Heath, Mary
Jasper, Shawn
Kopka, Angeline
Levesque, Melanie
Manley, Jonathan
Murphy, Kelleigh
Rhodes, Brian
Schmidt, Janice
Spratt, Stephen
Takesian, Charlene
Williams, Kermit

MERRIMACK

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

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

Bartlett, Christy
Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Lockwood, Priscilla
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane
Webb, Leigh

Bouchard, Candace
Davis, Frank
French, Barbara
Karrick, David
MacKay, James
Rice, Chip
Schuett, Dianne
Walsh, Thomas

ROCKINGHAM

Abrami, Patrick
Briden, Steven
Chirichiello, Brian
Devine, James
Flockhart, Eileen
Kappler, Lawrence
Mann, Maureen
Nigrello, Robert
Peckham, Michele
Sweeney, Joe
Waterhouse, Kevin

Andrews-Ahearn, E. Elaine
Burtis, Elizabeth
Copeland, Timothy
Elliott, Robert
Griffin, Mary
Khan, Aboul
McKinney, Betsy
O'Connor, John
Scarlotto, Joe
Sytek, John
Wazlaw, Brian

Birdsell, Regina
Cahill, Michael
Cushing, Robert
Emerson-Brown, Rebecca
Heffron, Frank
Kolodziej, Walter
Moody, Marcia
Packard, Sherman
Schlachman, Donna
Till, Mary
Whittemore, Lisa

Borden, David
Cali-Pitts, Jacqueline
DeSimone, Debra
Fesh, Robert
Hoelzel, Kathleen
Lovejoy, Patricia
Muns, Chris
Pantelakos, Laura
Sherman, Thomas
Ward, Gerald

STRAFFORD

Baber, William
Grassie, Anne
Hubbard, Pamela
Menear, H. Robert
Perry, Robert
Smith, Marjorie
Wall, Janet

Bixby, Peter
Gray, James
Kaen, Naida
Merrill, Amanda
Rogers, Rose Marie
Spang, Judith

Burke, Rachel
Grossman, Kenneth
Ketel, Stephen
Miller, David
Rollo, Deanna
Stevens, Audrey

Gardner, Janice
Horrigan, Timothy
Malloy, Dennis
Pelletier, Marsha
Schmidt, Peter
Verschueren, James

SULLIVAN

Cloutier, John
Lefebvre, Benjamin
Sweeney, Cynthia

Gottling, Suzanne
Rollins, Skip
Tanner, Linda

Grenier, James
Schmidt, Andrew

Irwin, Virginia
Smith, Steven

NAYS - 88**BELKNAP**

Burchell, Richard
Luther, Robert

Comtois, Guy
Sylvia, Michael

Fink, Charles
Vadney, Herbert

Greemore, Robert
Worsman, Colette

CARROLL

Cordelli, Glenn

McConkey, Mark

Nelson, Bill

Wright, Donald

CHESHIRE**COOS**

Rappaport, Laurence

Rideout, Leon

HILLSBOROUGH

Boehm, Ralph
Christiansen, Lars
Gagne, Larry
LeBrun, Donald
Murphy, Keith
Ober, Russell
Peterson, Lenette
Sandblade, Emily
Villeneuve, Moe

Burt, John
Coffey, James
Hikel, John
Marston, Dick
Notter, Jeanine
Palmer, Stephen
Pratt, Calvin
Souza, Kathleen
Warden, Mark

Byron, Frank
Daniels, Gary
Hopper, Gary
Meaney, Richard
O'Flaherty, Tim
Parison, James
Renzullo, Andrew
Straight, Philip
Willette, Robert

Cebrowski, John
Flanagan, Jack
Lambert, George
Murotake, David
Ober, Lynne
Pellegrino, Tony
Sanborn, Laurie
Ulery, Jordan

MERRIMACK

Hoell, J.R.

McGuire, Carol

McGuire, Dan

ROCKINGHAM

Allen, Mary
Duarte, Joe
Garcia, Bianca

Baldasaro, Alfred
Dumaine, Dudley
Garcia, Marilinda

Bick, Patrick
Emerick, J. Tracy
Gordon, Richard

Comerford, Timothy
Ferrante, Beverly
Harris, Jeffrey

Hayes, Jack
McMahon, Charles
Sapareto, Frank
Tasker, Kyle

Hodgdon, Bruce
Milz, David
Schroadter, Adam
Tucker, Pamela

Introne, Robert
Oigny, Jeffrey
Sedensky, John
Webb, James

Itse, Daniel
Rice, Frederick
St.James, Kevin
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Parsons, Robbie

Bickford, David
Pitre, Joseph

Jones, Laura

Mullen, John

SULLIVAN

Osgood, Joe

and the majority committee report was adopted.

HB 1142-FN-A, relative to the road toll for alternative fuels. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Karen E. Ebel for Public Works and Highways. The committee believes that as a matter of fairness, all users of our roads and bridges should pay a road toll, regardless of the fuel used. The primary source of revenue for our roads and bridges is the road toll, a user fee paid by purchasers of gasoline and diesel fuel. When the road toll concept was adopted virtually the only fuels used by motorized vehicles were these fuels. As time passed, alternative fuels have been developed. Users of these fuels who use our roads and bridges should also pay a road toll. This bill, as amended, provides that a road toll will be charged on alternative fuels defined as compressed natural gas, liquefied natural gas and propane. As amended, the bill requires the commissioner of safety to adopt rules establishing the conversion rate for alternative fuels to their equivalent in gallons of gasoline or diesel, based on uniform nationally recognized standards for weights and measures. The alternative fuel road toll is subject to current statutory exemptions and refund provisions applicable to the road toll today, namely government entities and non-profit bus companies licensed by NHDOT. HB 1142 also outlines how the road toll will be administered and how alternative fuel dealers will be licensed and regulated. As amended, the bill provides for an effective date of January 1, 2015. While not widely used at this time, the committee felt fairness dictates that the road toll also be charged to users of alternative fuels for their use of state roads and bridges. Vote 15-0.

Amendment (0402h)

Amend the bill by replacing sections 2 and 3 with the following:

2 New Section; Definition; Motor Fuel Equivalent Gallon. Amend RSA 259 by inserting after section 58-a the following new section:

259:58-b Motor Fuel Equivalent Gallon. "Motor fuel equivalent gallon" means the volume of alternative fuel it takes to equal the energy content of one gallon of gasoline or special fuel. The commissioner of safety shall adopt in rules under RSA 260:57 the applicable conversion rates for motor fuel equivalent gallons for compressed natural gas, liquid natural gas, and propane based on nationally recognized standards for weights and measures.

3 New Section; Levy of Road Toll on Alternative Fuels. Amend RSA 260 by inserting after section 32 the following new section:

260:32-a Levy of Road Toll on Alternative Fuels. There is hereby imposed a road toll on alternative fuels, as defined in RSA 259:3-d and sold by licensed alternative fuel dealers, on the motor fuel equivalent gallon, as defined in RSA 259:58-b, for such alternative fuel at the rate per gallon established in RSA 260:32. The alternative fuel road toll shall be subject to the exemptions provided for by RSA 260:32, I-V and the refund provisions as provided in RSA 260:47, RSA 260:52-b, and RSA 260:52-e.

Amend the bill by replacing section 5 with the following:

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

Amendment adopted.

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

HB 1581-FN-A, relative to the bonding of project costs for certain department of transportation bridge capital projects. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John A. Graham for Public Works and Highways. This bill, as amended, gives the commissioner of the department of transportation the ability to ask the Governor and Council for bonding authority to repair or replace a state-owned red list bridge or a non-red list state bridge closed by an order of DOT, which would only occur in an emergency situation. The committee unanimously believes that given the current state of bridge funding and the anticipated increase in red list bridges, this bill gives the commissioner some flexibility to repair or replace an unanticipated problem with a critical state bridge. It could be used in the event the legislature was out of session or if no other funding options were available. DOT testified that it would be a last funding resort because debt service is paid first and, therefore issuing bonds would further reduce its budget and impact other state roads and bridges. The commissioner of transportation, through the state turnpike system, currently has this authority. The total bonded indebtedness shall not exceed 50 million dollars. The second part of the bill was inserted by the sponsors at the suggestion of the state treasurer. It

establishes the same affordable debt limit for the highway fund that currently exists for the general fund, namely 10%. There is no debt ceiling for the highway fund under current law. The highway fund debt is currently at 6.8%. Vote 15-0.

Amendment (0228h)

Amend RSA 228:12-b as inserted by section 1 of the bill by replacing it with the following:

228:12-b Red List Bridge Capital Projects; Bonds Authorized. To provide funds for capital projects to repair or replace state-owned red list bridges, or any state-owned bridge closed in accordance with a department of transportation order, the state treasurer, as may be requested from time to time by the commissioner of the department of transportation, is authorized to borrow from time to time upon the credit of the state such amounts so that the total state obligation shall at no time exceed \$50,000,000 and for said purposes may issue bonds and notes at such time in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A and as authorized by the governor and council. The department shall request and the treasurer shall issue bonds only for such amounts from time to time as are required for the purposes of this section and provided that the principal and interest payments can be satisfied within limitation mandated by RSA 6-C:3. Debt service for such bonds shall be a charge against the highway fund.

Amendment adopted.

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

Rep. Dan McGuire spoke against.

Rep. Kurk spoke in favor.

Rep. Campbell spoke in favor and yielded to questions.

Rep. Hoell requested a roll call; sufficiently seconded.

YEAS 251 - NAYS 82

YEAS - 251

BELKNAP

Burchell, Richard
Flanders, Donald
Tilton, Franklin

Comtois, Guy
Gulick, Ruth

DiMartino, Lisa
Huot, David

Fields, Dennis
Raymond, Ian

CARROLL

Buco, Thomas
Lavender, Tom
Ticehurst, Susan

Butler, Edward
McConkey, Mark
White, Syndi

Chandler, Gene
Merrow, Harry

Crawford, Karel
Schmidt, Stephen

CHESHIRE

Ames, Richard
Eaton, Daniel
Parkhurst, Henry
Sad, Tara
Weed, Charles

Berch, Paul
Johnsen, Gladys
Phillips, Larry
Shepardson, Marjorie
Young, Harry

Butynski, William
Lerandeau, Alfred
Roberts, Kris
Tatro, Bruce

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

COOS

Hammon, Marcia
Theberge, Robert

Hatch, William

Moynihan, Wayne

Richardson, Herbert

GRAFTON

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

Bailey, Brad
Doolan, Ralph
Harding, Laurie
Massimilla, Linda
Piper, Wendy
Sykes, George

Benn, Bernard
Ford, Susan
Higgins, Patricia
Mulholland, Catherine
Reilly, Harold
Townsend, Charles

Brown, Rebecca
Friedrich, Carol
Ladd, Rick
Nordgren, Sharon
Shackett, Jeffrey
White, Andrew

HILLSBOROUGH

Backus, Robert
Booras, Efstathia
Chandley, Shannon
Culbert, Patrick
Gage, Ruth
Goley, Jeffrey
Hackel, Paul
Harriott-Gathright, Linda
Jack, Martin
Knowles, Mary Ann
LeVasseur, Richard

Beaulieu, Jane
Brown, Pamela
Christiansen, Lars
Danielson, David
Gagne, Larry
Gorman, Mary
Haefner, Robert
Heath, Mary
Jasper, Shawn
Kopka, Angeline
Levesque, Melanie

Belanger, James
Campbell, David
Connor, Evelyn
Dobson, Jeremy
Gale, Sylvia
Grady, Brenda
Hammond, Jill
Heden, Ruth
Jeudy, Jean
Kurk, Neal
Long, Patrick

Boisvert, Ronald
Cebrowski, John
Cote, David
Eaton, Richard
Gidge, Kenneth
Graham, John
Hansberry, Daniel
Infantine, William
Kelley, John
Leishman, Peter
MacKay, Mariellen

Mangipudi, Latha
Murotake, David
Ramsey, Peter
Schmidt, Janice
Spratt, Stephen
Vail, Suzanne
Winters, Joel

Manley, Jonathan
O'Brien, Michael
Rhodes, Brian
Shattuck, Gilman
Stroud, Kathleen
Walsh, Robert
Woodbury, David

McCloskey, David
Pellegrino, Tony
Rokas, Ted
Shaw, Barbara
Sullivan, Daniel
Willette, Robert

McNamara, Richard
Porter, Marjorie
Rosenwald, Cindy
Soucy, Timothy
Sullivan, Peter
Williams, Kermit

MERRIMACK

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

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

Bartlett, Christy
Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Lockwood, Priscilla
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane
Webb, Leigh

Bouchard, Candace
Davis, Frank
French, Barbara
Karrick, David
MacKay, James
Rice, Chip
Schuett, Dianne
Walsh, Thomas

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cali-Pitts, Jacqueline
Devine, James
Flockhart, Eileen
Hoelzel, Kathleen
Mann, Maureen
Moody, Marcia
Oligny, Jeffrey
Rice, Frederick
St.James, Kevin
Till, Mary
Whittemore, Lisa

Borden, David
Copeland, Timothy
Elliott, Robert
Griffin, Mary
Khan, Aboul
McKinney, Betsy
Muns, Chris
Packard, Sherman
Scarlotta, Joe
Sweeney, Joe
Ward, Gerald

Briden, Steven
Cushing, Robert
Emerson-Brown, Rebecca
Hayes, Jack
Kolodziej, Walter
McMahon, Charles
Nigrello, Robert
Pantelakos, Laura
Schlachman, Donna
Sytek, John
Waterhouse, Kevin

Cahill, Michael
DeSimone, Debra
Ferrante, Beverly
Heffron, Frank
Lovejoy, Patricia
Milz, David
O'Connor, John
Peckham, Michele
Sherman, Thomas
Tasker, Kyle
Wazlaw, Brian

STRAFFORD

Baber, William
Gardner, Janice
Hubbard, Pamela
Menear, H. Robert
Pelletier, Marsha
Schmidt, Peter
Verschueren, James

Bickford, David
Grassie, Anne
Kaen, Naida
Merrill, Amanda
Perry, Robert
Smith, Marjorie
Wall, Janet

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

Burke, Rachel
Horriggan, Timothy
Malloy, Dennis
Mullen, John
Rollo, Deanna
Stevens, Audrey

SULLIVAN

Cloutier, John
Lefebvre, Benjamin
Tanner, Linda

Gottling, Suzanne
Osgood, Joe

Grenier, James
Schmidt, Andrew

Irwin, Virginia
Sweeney, Cynthia

NAYS - 82 BELKNAP

Fink, Charles
Sylvia, Michael

Greemore, Robert
Vadney, Herbert

Holmes, Stephen
Worsman, Colette

Luther, Robert

CARROLL

Ahlgren, Christopher
Wright, Donald

Cordelli, Glenn

Nelson, Bill

Umberger, Karen

CHESHIRE

Hunt, John

COOS

Rappaport, Laurence

Rideout, Leon

HILLSBOROUGH

Boehm, Ralph
Daniels, Gary
LeBrun, Donald
Murphy, Kelleigh
Ober, Lynne
Peterson, Lenette
Sandblade, Emily
Ulery, Jordan

Burt, John
Flanagan, Jack
Marston, Dick
Murphy, Keith
Ober, Russell
Pratt, Calvin
Souza, Kathleen
Vaillancourt, Steve

Byron, Frank
Hikel, John
McCarthy, Michael
Notter, Jeanine
Palmer, Stephen
Renzullo, Andrew
Straight, Philip
Villeneuve, Moe

Coffey, James
Lambert, George
Meaney, Richard
O'Flaherty, Tim
Parison, James
Sanborn, Laurie
Takesian, Charlene

MERRIMACK

Hoell, J.R.

McGuire, Carol

McGuire, Dan

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Dumaine, Dudley
Garcia, Marilinda
Hodgdon, Bruce
Sapareto, Frank
Webb, James

Allen, Mary
Chirichiello, Brian
Emerick, J. Tracy
Gordon, Richard
Introne, Robert
Schroadter, Adam
Weyler, Kenneth

Baldasaro, Alfred
Comerford, Timothy
Fesh, Robert
Hagan, Joseph
Itse, Daniel
Sedensky, John

Bick, Patrick
Duarte, Joe
Garcia, Bianca
Harris, Jeffrey
Kappler, Lawrence
Tucker, Pamela

STRAFFORD

Beaudoin, Steven
Pitre, Joseph

Gray, James

Jones, Laura

Parsons, Robbie

SULLIVAN

Rollins, Skip

Smith, Steven

and the committee report was adopted and referred to the Committee on Finance.

BILL REMOVED FROM THE CONSENT CALENDAR

HB 1122-FN, establishing the crime of filing false lien statements against public officials and employees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joel F. Winters for Legislative Administration. This bill, as amended, would make it a crime to file a fraudulent lien. These fraudulent liens can take considerable time and money to clear up, and could prevent someone from buying or selling a home. The register of deeds would still accept the document but would have discretion about filing it if the lien was clearly fraudulent. Vote 9-0.

Amendment (0438h)

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

AN ACT relative to the filing with a registry of deeds of a fraudulent document purporting to create a lien or claim against real property.

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

1 New Subdivision; Fraudulent Filings. Amend RSA 478 by inserting after section 41 the following new subdivision:

Fraudulent Filings**478:42 Fraudulent Filings.**

I. A person may not intentionally or knowingly present for filing or cause to be presented for filing in a registry or other public office, any type of document that is an alleged judgment or other document purporting to memorialize or evidence an act, order, directive, or process of creating a lien without having been authorized under state law, the Constitution, or the laws of the United States.

II. For purposes of this section, a document or instrument that purports to create a lien on, assert a claim against, or assert an interest in, real or personal property, is presumed to be fraudulent if it:

(a) Is not certified or ordered by a court or a judicial entity expressly created or established under the Constitution or the laws of this state or of the United States; or

(b) Is not a document or instrument provided for by the Constitution or the laws of this state or the United States.

III. Nothing contained herein shall affect the validity of a mechanic's or statutory lien created pursuant to state or federal law.

IV. If a register of deeds or other public official, believes in good faith that a document filed with the registry of deeds or other public office, purports to create a lien that is fraudulent, the register or other public official, shall index the document only under the signer of the document in the grantor index and shall identify the document as a notice in the document type. No other names appearing on the document shall be indexed.

(a) The register or other public official shall send a notice of the action taken under this paragraph to the person presenting or causing such filing by regular mail at his or her last known address no later than the next business day after such action.

(b) The register or other public official shall send a copy of such document to the New Hampshire attorney general's office for review and possible prosecution.

(c) Any such document or instrument on file with the registry of deeds or other public office, presumed to be fraudulent or deemed fraudulent as described in this section shall be considered invalid, void, and having no force or effect on any named person or persons named within the document or instrument.

(d) Any register of deeds or other public official acting in good faith pursuant to this chapter shall be immune from civil and criminal liability.

V. Any person who shall knowingly or intentionally file a document or instrument with the express intent to fraudulently create a lien on real or personal property shall be guilty of a class A misdemeanor for a first offense, or a class B felony for each subsequent offense, and shall be subject to the costs and reasonable attorney's fees incurred by the aggrieved party in the proceedings.

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

AMENDED ANALYSIS

This bill establishes requirements for registers of deeds or other public official presented with a fraudulent filing of a document purporting to create a lien on or assert a claim or interest on real property. The bill establishes criminal penalties for persons who file fraudulent documents or instruments with the registry of deeds.

Amendment adopted.

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

Rep. Vaillancourt spoke against.

Reps. Winters and Gary Richardson spoke in favor and yielded to questions.

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

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 19, 2014 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 1144, establishing a committee to study information included in arrest records and access to information on the disposition of criminal cases.

HB 1579-FN, relative to penalties for the injury or death of a domestic animal caused by trapping which is in violation of law or rules, and establishing a committee to study the administration of trapping laws and rules and the issuance of trapping licenses by the fish and game department including education requirements and penalties for violations.

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 5:00 p.m.

RECESS

(Speaker Norelli in the Chair)

REFERRAL DECLINED

Rep. Almy, Chairman of the Committee on Ways and Means, under the provisions of House Rule 46 (f), declined the referral of **HB 1150**, relative to motor vehicle dealer and inspection station licenses.

REFERRAL DECLINED

Rep. Marjorie Smith, Chairman of the Committee on Judiciary, under the provisions of House Rule 46 (f), declined the referral of **HB 1478**, relative to oversight of child day care agencies.

CLERK'S NOTE

HB 1150, relative to motor vehicle dealer and inspection station licenses, and **HB 1478**, relative to oversight of child day care agencies, will appear in the third reading list for the next Session date.

RECESS