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HOUSE RECORD

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Wednesday, February 19, 2014

No. 17

HOUSE JOURNAL No. 6 (Cont.)

Wednesday, February 12, 2014

Rep. Pantelakos moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 7

Wednesday, February 19, 2014

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

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

Before we begin, I do have the unfortunate news of sharing with you the fact that Representative Lester Bradley of Thornton died early this morning following a long illness. Maybe we hold up his memory and his life in celebration as we enter into our time of silence. I'm sorry to share that news with you. Let us begin with a moment of silence. Gracious God, as the winters grow longer and the snow drifts deepen and deepen, and the wonder of it grows just a little weary, we pray that You might surprise us with something that reminds us we are still alive; an unexpected smile, a sudden outburst of laughter, a joyous song, a glimpse of You. If our hearts have been buried by too many layers of fatigue or accumulated indifference, shovel them out, we pray, and warm them by the fire of Your compassion. If our senses, like pipes, have become frozen to the wonders of life or to the suffering of others, thaw them. If our minds, like winter windows, have unwittingly become closed too long, dare us to throw them open for a moment to the brisk inrushing of new ideas. Stir each one of us, we pray, into aliveness again, that we might be fully present. Awaken us to the humanness in ourselves and in each other, our imperfections and our strengths, our wounds and our triumphs, our weirdness and our wonders. Use us, we pray today, O God, to do good work, meaningful work, blessed work and work that will inspire us and others. May it bless those we are called to serve. May it delight You and may it serve to expand the horizons of hope, learning, trust, justice and well-being, especially those who have far less by way of comfort, warmth, and hope. Be with those in our circles of family or friendship, and in this legislative body, who are struggling in body, mind, or in spirit this day, but especially with the family and the friends of Representative Lester Bradley. May he rest in peace. All this we pray in Your Holy name. Amen.

Representative Linda Harriott-Gathright, member from Nashua, led the Pledge of Allegiance.

Pastor Renee Rouse from Brookline Community Church sang the National Anthem.

LEAVES OF ABSENCE

Reps. Aguiar, Allen, Barry, Berube, Bishop, Booras, Burke, Charron, Susan Emerson, Flanagan, Grace, Hayes, Helmstetter, Jane Hunt, Marston, Mary Nelson, Amy Perkins and Spratt, the day, illness.

Reps. Ronald Belanger, Burtis, Danaïs, Rebecca Emerson-Brown, Gardner, Gargas, Groen, Hatch, Hodgdon, Introne, Luther, Menear, Milz, Michael O'Brien, Oigny, Sanders, St. James and Sweeney, the day, important business.

Reps. Irwin, John Kelley, Martel, Kelleigh Murphy, Lawrence Perkins and Sherman, the day, illness in the family.

Rep. DeSimone, the day, death in the family.

INTRODUCTION OF GUESTS

Social work students from UNH, guests of the Durham-Madbury delegation. Jayson Spring, guest of Rep. Abrami. Kelsey Hoak a student at Bedford High School, and Jalena Gathright a student at Nashua High School North and granddaughter of Rep. Harriott-Gathright, 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 1191, establishing a commission to study manufacturing education in New Hampshire, removed by Rep. Williams.

HB 1117, relative to restricting usage of cellular phones while driving, removed by Rep. Vaillancourt.

HB 1118, prohibiting certain drivers from using hand-held devices for communication, removed by Rep. Vaillancourt.

HB 1184, increasing the speed limit on a portion of Route 101 to 70 miles per hour, removed by Rep. Vaillancourt.

HB 1185, increasing the speed limit on a portion of I-89 to 70 miles per hour, removed by Rep. Vaillancourt.

HB 1342, establishing a committee to study truck registration fees, removed by Rep. Vaillancourt.

HB 1365, permitting certain vehicles to proceed through an intersection after stopping for a red light, removed by Rep. Vaillancourt.

HB 1465-FN, authorizing one-day permits for transportation of trailers for disposal or destruction, removed by Rep. Vaillancourt.

HB 1557-FN, relative to the cost of maintaining certain railroad crossings, removed by Rep. Vaillancourt.

HB 1558-FN, relative to prevention of motor vehicle title fraud, removed by Rep. Vaillancourt.

HB 1585-FN, relative to notice of driver's license suspensions, removed by Rep. Vaillancourt.

HB 1629, adding duties and extending the reporting date of the committee to study options for mitigating damages associated with highway noise and relative to the department of transportation policy and procedural guidelines for the assessment and abatement of traffic noise for type I highway projects, removed by Rep. Vaillancourt.

Consent Calendar adopted.

HB 1198, relative to the procedure for filing a children in need of services (CHINS) petition. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary Beth E. Walz for Children and family Law. This bill corrects a cut and paste error that occurred last year in the CHINS bill. The amendment removes the need to independently prove harm when a child has been sexually abused. The committee believes sexual abuse is inherently harmful. Vote 16-0.

Amendment (0023h)

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

AN ACT relative to the procedure for filing a child in need of services (CHINS) petition and relative to the definition of sexual abuse under the child protection act.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Child Protection Act; Definition of Sexual Abuse. Amend RSA 169-C:3, XXVII-a to read as follows:

XXVII-a. "Sexual abuse" means ~~[the following activities under circumstances which indicate that the child's health or welfare is harmed or threatened with harm:]~~ the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any other person to engage in, any sexually explicit conduct or any simulation of such conduct for the purpose of producing any visual depiction of such conduct; or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children. With respect to the definition of sexual abuse, the term "child" or "children" means any individual who is under the age of 18 years.

AMENDED ANALYSIS

This bill makes a technical correction to the CHINS statute as amended by 2013, 249. It requires the court to inquire whether the child is eligible for special education services during the initial appearance in a CHINS proceeding.

The bill also removes the reference to harm in the definition of sexual abuse under RSA 169-C, the child protection act.

HB 1218, relative to the crime of adultery. **INEXPEDIENT TO LEGISLATE.**

Rep. Kelleigh D. Murphy for Children and Family Law. This bill was designed to address adultery in same-sex relationships. It would redefine the crime of adultery to include "anal penetration" under the definition of sexual intercourse. The committee felt that this language was too narrow to serve the bill's intended purpose. Furthermore, the committee did not see the need to expand the crime of adultery. Vote 15-0.

HB 1177, relative to the anti-rebating law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Emily C. Sandblade for Commerce and Consumer Affairs. Insurance companies and agents are prohibited under RSA 402:41 from issuing rebates worth more than \$50 on policies. Unfortunately, the phrasing of this law also prohibits holding contests or sweepstakes even when all the prizes are under \$50, if the total amount of prizes awarded is over \$1,000 for the entire state. This has led to situations where insurance companies hold safety poster contests (such as "Buckle Up!") for school children in the other 49 states, but from which New Hampshire residents are excluded, even though the prize amounts are very small and all of the contests are opt-in contests. This bill fixes that very specific problem and allows schoolchildren to participate--if their schools choose to--in such contests. Vote 17-0.

Amendment (0398h)

Amend the bill by replacing section 1 with the following:

1 Anti-Rebating; Exceptions. Amend RSA 402:41, I(f) to read as follows:

(f) **Contests, sweepstakes**, raffles, or drawings, conducted in connection with the marketing or promotion of insurance products, if:

(1) The total prize value for all **contests, sweepstakes**, raffles, or drawings in a 12-month period ~~[do]~~ **does** not exceed \$1,000 **provided, however, that this subparagraph shall not apply to insurer contests, sweepstakes, raffles, or drawings;**

(2) There is no participation cost to entrants; and

(3) The **contest, sweepstakes**, raffle, **or drawing** is open to consumers who are not policyholders and the consumer is not required to purchase a policy in order to be eligible to enter the **contest, sweepstakes**, raffle, **or drawing** or receive a ~~[raffle]~~ prize.

AMENDED ANALYSIS

This bill adds certain contests and sweepstakes that are conducted in connection with the marketing or promotion of insurance products to the exceptions to the anti-rebating law.

HB 1278, relative to ownership and operation of liquor licensees. **REFER FOR INTERIM STUDY.**

Rep. Donna L. Schlachman for Commerce and Consumer Affairs. This bill seeks to make adjustments in the three-tiered system of New Hampshire's regulatory framework with regard to the distribution and sale of alcohol by repealing prohibitions against what kinds of partnerships can occur among and between license holders. New Hampshire's three-tiered system provides a separation between the manufacturer, the wholesaler, and the retailer of alcohol. This has served to ensure transparency within these tiers and to prevent the creation of monopolies that can block out start-ups and drive out competition. The bill also repeals the part of the statute that prohibits a holder of a license from employing a license holder in any tier, except in very narrow circumstances. While the committee heard very little testimony in support of this legislation, it would like more time to consider the impact the proposed changes would have on the health of the industry and on public health. Vote 18-0.

HB 1606, relative to assignment of legal costs in suits between condominium associations and condominium members. **OUGHT TO PASS.**

Rep. Kermit R. Williams for Commerce and Consumer Affairs. This bill fixes what the committee views as a mistake in condominium law. Currently, legal actions pursued by any party under RSA 356-B:15 entitles the condominium association to recover its legal fees and costs from the other party, regardless of who brought the suit and regardless of whether the association won or lost the suit. This means that unit owners who win a suit are still responsible to pay costs and fees for the association. This bill will provide fee and cost recovery to the prevailing party, which is the standard rule in other situations. Vote 16-0.

HB 1227, making changes to parole and parole board procedures. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Latha Mangipudi for Criminal Justice and Public Safety. This bill, as amended, clarifies and gives clear direction to parole especially relating to medical parole. In addition to that, this bill also sets clearer direction to parole boards in terms of granting parole based on medical necessary. It passed 15-0 at committee with good debate. The bill itself gives the parole board discretion to make a decision on parole on a case by case basis. It is more supportive of reintegration into community for parolee. Vote 15-0.

Amendment (0240h)

Amend the bill by replacing section 4 with the following:

4 Parole of Prisoners; Medical Parole. Amend RSA 651-A:10-a, III to read as follows:

III. Medical parole shall ~~[only]~~ be granted by a majority vote ~~[which includes at least 3 votes]~~ of the members ~~[who are present and voting]~~ **of the hearing panel.**

Amend RSA 651-A:19, III(b) as inserted by section 7 of the bill by replacing it with the following:

(b) The prisoner was on parole for a sexual offense as defined in RSA 651-B:1, V or an offense against a child as defined in RSA 651-B:1, VII[;] and

~~[(1) The conduct underlying the parole violation is related to his or her offense or offending pattern; or~~
~~(2)] the prisoner has displayed a combination of dynamic risk factors, including but not limited to, homelessness, loss of supports, substance abuse, or non-compliance with treatment, as determined by the department of corrections sexual offender treatment program staff; or~~

~~[(3) Both subparagraphs (1) and (2); or]~~

Amend the bill by replacing section 11 with the following:

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

HB 1257, establishing private prosecution of criminal proceedings. **INEXPEDIENT TO LEGISLATE.**

Rep. Dennis H. Fields for Criminal Justice and Public Safety. This bill would permit the private prosecution of crimes by private citizens. The committee would note that crimes are offenses against the state and that it is therefore appropriate for the state, within its discretion, to prosecute. The majority of the committee believes that allowing a citizen to prosecute another citizen is a situation which is ripe for abuse and which very likely would be used as a form of harassment and therefore recommends ITL. Vote 18-1.

HB 1140, establishing a commission to study merit-based free tuition for certain residents attending schools in the university system of New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. June M. Frazer for Education. This bill proposes to waive tuition at schools in the University System of New Hampshire for students who score at the highly proficient or equivalent level on the statewide assessment during their senior year at high school. This award of free tuition would be independent of a students' academic achievement throughout their school years. The committee concluded that merit-based tuition waivers should be awarded for a record of academic achievement rather than on a test score. It was also observed that the New Hampshire Scholarship Program would be open to the students this bill intended to serve. Vote 18-1.

HB 1147, permitting school districts to advertise. **INEXPEDIENT TO LEGISLATE.**

Rep. Ralph G. Boehm for Education. School districts already have the right to advertise. We also believe that advertising on school busses is a safety issue and should not be allowed. Vote 18-0.

HB 1187, relative to an appeal of a change of school assignment decision by a superintendent. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara E. Shaw for Education. Local school boards develop policy, which is followed by the employees of the school district. The superintendent is employed by the local school board and the district and must adhere to policy. Decisions made by the superintendent are subject to discussion and approval by the local board. This bill is unnecessary. It is policy set by the local boards and enforced accordingly. Vote 17-1.

HB 1199-L, excepting certain students from authorized regional enrollment area agreements. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph A. Pitre for Education. Testimony from department of education and New Hampshire school boards association indicate the bill changes nothing and existing law does not warrant change. Vote 18-0.

HB 1377, authorizing conferral of degrees by private entities. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara E. Shaw for Education. The division of higher education –higher education commission has, by law, the responsibility for overseeing both private postsecondary career schools and private degree granting institutions of higher education, and the administrative rules that apply. This legislation is not necessary because the higher education commission already has the responsibility and authority to work with private postsecondary career schools and issue the license to grant degrees. Their authority falls under the jurisdiction of RSA 188-G, RSA 292:8g and RSA 292:8h. Vote 19-0.

HB 1337, relative to authority for removal of political advertising. **REFER FOR INTERIM STUDY.**

Rep. Robert J. Perry for Election Law. The sponsor indicated the purpose of the bill is to authorize election officers, as defined at RSA 652:14, to remove political advertising from the area immediately surrounding the polling place that is not properly removed by the owner of the advertising. However, the effect of the bill as drafted would be to provide moderators, deputy moderators, assistant moderators, town clerks, deputy town clerks, city clerks, deputy city clerks, ward clerks, selectmen, supervisors of the checklist, registrars and deputy registrars with authority to remove political advertising from any public property or any private property as is already provided the sign owner, persons authorized by the owner, law enforcement officer, state, city or town maintenance or law-enforcement officer. The committee concluded that the appropriate forum for further discussion and possible resolution of these issues is through interim study. Vote 16-0.

HB 1364-FN, relative to political expenditure and contribution reporting requirements and relative to political expenditure limitations for state representative and county office candidates. **REFER FOR INTERIM STUDY.**

Rep. Mary Ann Knowles for Election Law. The committee recognizes the merit in re-visiting the expenditure reporting threshold for state representative and county office candidates, but believes that the exact threshold amount needs to be studied, in order to ensure that it is reasonable and does not cause concerns about transparency in our elections. Vote 14-1.

HB 1459, relative to domicile for voting purposes during a temporary absence. **OUGHT TO PASS.**

Rep. Ruth E. Gage for Election Law. Under current law a voter does not lose his or her domicile for voting purposes due to employment outside of New Hampshire while in the service of the United States. HB 1459 adds language to allow the spouses of military personnel and others employed by the United States to also retain domicile in the state. Vote 15-0.

HB 1461, relative to prohibited coercion of political contributions. **REFER FOR INTERIM STUDY.**

Rep. Robert J. Perry for Election Law. Current law confines the prohibition on coercing political contributions to a discrete class of employees described as classified state employees. It was the intent of the sponsor to expand the prohibition to cover any state employee. However, the committee learned there is no statutory definition for classified employee, nor classified state employee. In addition, the committee learned there are three statutory references to the definition of state employee. However, the bill does not cite which of the three shall provide the applicable definition. For these reasons, the majority of the committee concluded the proper forum for further discussion and possible resolution of these issues is through interim study. Vote 15-1.

HB 1542, relative to nomination of a political organization. **OUGHT TO PASS.**

Rep. Mary Ann Knowles for Election Law. This bill was requested by the secretary of state. It requires that nominating petitions for a political organization seeking placement on the ballot for the state general election shall be signed and dated in the year of the election, beginning January 1 of the political cycle. This will reduce the number of invalid signatures, due to death or relocation, which might arise if signatures are submitted earlier. Vote 15-1.

HB 1547, authorizing voters to remove their names from the checklist. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert J. Perry for Election Law. This bill would require supervisors of the checklist to remove the names of voters requesting removal, but the bill does not specify how that request may be made. If not in writing, it could be problematic for supervisors. In indicating his opposition to the bill, the secretary of state's office said only a minimal number of such requests are made annually. Current statutes protect those who are the applicants of restraining orders and who otherwise seek protections against threats of harm. For these reasons, the committee determined that the bill is unnecessary. Vote 14-1.

HB 1605-FN, relative to audit recounts. **REFER FOR INTERIM STUDY.**

Rep. Mary Ann Knowles for Election Law. The committee agrees unanimously that this bill has much merit and addresses an issue of growing concern. It would require the secretary of state to perform audit recounts of towns and wards, representing 5 percent of the votes cast after each general election. The purpose of the audit would be to check for any signs of ballot manipulation. It would require a good deal of preparation, and there is a question of the cost involved. The committee feels that Interim Study is the most appropriate recommendation at this time. Vote 16-0.

HJR 13-FN, requiring the payment of certain money to Joseph Haas. **INEXPEDIENT TO LEGISLATE.**

Rep. Katherine D. Rogers for Finance. The common law of NH allows for the institution and prosecution of certain criminal complaints by private citizens. It also allows that any such prosecution is subject to the authority of the attorney general or the appropriate county attorney to enter nolle prosequi. In 2010, a private citizen instituted such an action in the Laconia District Court that was nolle prosequi by the NH Attorney General's office. HJR 13 sought to award \$250 in damages to the private citizen who instituted this action stating that the attorney general had acted beyond his duty in this instance. After research and discussion, the majority of the committee found that the attorney general acted within his authority and found no reason to award any payment for the aforementioned unfounded and frivolous legal action. Vote 21-0.

HB 1107, relative to the retention of advance directives by hospitals. **INEXPEDIENT TO LEGISLATE.**

Rep. Laurie Harding for Health, Human Services and Elderly Affairs. This bill requires hospitals to retain advance directives in the patient's medical record. The committee recognizes that there is already language in RSA 137, the directives for medical decisions statute, that addresses this issue. Therefore, HB 1107 is not necessary. Vote 13-0.

HB 1308-FN, adding 2 members to the advisory council on workers' compensation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Christopher R. Andrews for Labor, Industrial and Rehabilitative. The bill, as amended, adds a member representing employees from the New Hampshire Association for Justice to the nine member workers compensation advisory council. The council reviews issues within the workers' compensation system and makes legislative recommendations only; the committee is therefore not concerned with an even number of members. Vote 17-1.

Amendment (0466h)

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

AN ACT adding a member to the advisory council on workers' compensation.

Amend the bill by replacing section 1 with the following:

1 Workers' Compensation; Advisory Council. Amend RSA 281-A:62, I to read as follows:

I. There is hereby established an advisory council on workers' compensation. The advisory council shall consist of [9] **10** members: the commissioner or a designee; the insurance commissioner or a designee; one member of the house of representatives, appointed by the speaker of the house; one member of the senate, appointed by the president of the senate; and [5] **6** persons appointed by the governor and council, one representing the interests of management, who shall not have interests in the insurance field, ***one representing employees from the New Hampshire Association for Justice***, one representing the interests of labor, one representing insurance interests of commercial workers' compensation carriers, one representing self-funded employers and one representing health care providers. The legislative members of the advisory council and the [5] **6** members appointed by the governor and council shall be familiar with the workers' compensation laws of New Hampshire. Any person appointed by the governor and council who is not qualified or who ceases to be qualified in the capacity in which such person is serving on the advisory council shall be replaced by the governor and council. The advisory council shall discuss problems related to the administration of this chapter and shall discuss policy goals. The advisory council shall also ratify managed care programs established under RSA 281-A:23-a. The term of office of each member appointed by the governor and council shall be 3 years and until a successor is appointed and qualified. Vacancies shall be filled in the same manner and for the unexpired terms. Each member of the advisory council shall be reimbursed for necessary travel and other necessary expenses.

AMENDED ANALYSIS

This bill adds one member to the advisory council on workers' compensation.

HB 1368-FN, relative to inquiries into criminal records on employment applications. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sally H. Kelly for Labor, Industrial and Rehabilitative Services. The bill as recommended with amendment by the committee states that a board or commission cannot automatically revoke or deny a professional license or certificate based strictly on a person's prior conviction. However, after conducting a review, the board or commission may then determine to either revoke or deny said license or certificate. Vote 19-0.

Amendment (0450h)

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

AN ACT relative to consideration of criminal records for occupational and professional licensing.

Amend the bill by replacing section 1 with the following:

1 New Section; Criminal Conviction. Amend RSA 332-G by inserting after section 7 the following new section:

332-G:8 Criminal Conviction. No board or commission shall disqualify a person from practicing, pursuing, or engaging in any occupation, trade, vocation, profession, or business for which a license, permit, certificate, or registration is required under this title, nor suspend or revoke such license, certificate, or registration because of a prior conviction of a crime in and of itself. However, a board or commission may deny a license or certificate, or the renewal of a license or certificate, because of a prior conviction after considering the nature of the crime and whether there is a substantial and direct relationship to the occupation, trade, vocation, or profession for which the person has applied; information about the rehabilitation of the convicted person; and the amount of time that has passed since the conviction or release.

AMENDED ANALYSIS

This bill prohibits certain regulatory boards and commissions from denying a license to any person because of a prior conviction of a crime in and of itself.

HB 1407, relative to privacy in the workplace. **OUGHT TO PASS.**

Rep. Michael D. Cahill for Labor, Industrial and Rehabilitative Services. This bill closely limits employers from requesting or requiring employees and prospective employees to provide passwords or access to private social media accounts. Emphasizing maximal individual employee privacy, the bill does include specific exceptions. It allows employers to adopt policies governing and monitoring use of employer-owned electronic equipment, and permits employers to conduct certain investigations consistent with state and federal securities and financial laws, rules, and regulations. The legislation passed the House last year as HB 414 and was attached to an unrelated bill in a committee of conference where it met its end. Vote 17-1.

HB 1498-FN, relative to wages lost when an employee submits to a medical examination required under workers' compensation law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Andrew A. White for Labor, Industrial and Rehabilitative Services. This bill as amended stipulates that when an employee who and was injured at work who subsequently returns to work will be paid for work time lost when he or she is required to attend medical examinations. It also specifies that the requesting party should pay lost wages and that those payments do not restart the clock regarding the statute of limitations. Vote 19-0.

Amendment (0468h)

Amend RSA 281-A:38, III as inserted by section 1 of the bill by replacing it with the following:

III. When an employee who has returned to work is required to submit to an examination pursuant to this section, the employee shall be entitled to receive from the party requesting the examination all wages lost in submitting to the examination. These wages shall not count against the maximum allowable weekly compensation rate set forth in RSA 281-A:28. The payment under this paragraph is not a payment of compensation for disability pursuant to RSA 281-A:28, RSA 281-A:28-a, RSA 281-A:31, RSA 281-A:31-a, RSA 281-A:40, or RSA 281-A:48. The payment under this paragraph does not toll the statute of limitations for compensation payments under RSA 281-A:48.

AMENDED ANALYSIS

This bill requires the party requesting an independent medical examination to reimburse an employee for lost wages if the employee who has returned to work is required to submit to an independent medical examination.

HB 1592-FN, relative to requiring prevailing wages on state-funded public works projects. **REFER FOR INTERIM STUDY.**

Rep. Janice E. Schmidt for Labor, Industrial and Rehabilitative Services. This bill would provide Davis-Bacon wages on construction jobs funded by the state. The specific details of the legislation require much more time than deadlines allow so the committee unanimously voted to support interim study to provide the attention that it deserves. Vote 18-0.

HB 1481-FN, relative to information submitted to a committee of the general court. **INEXPEDIENT TO LEGISLATE.**

Rep. Steven J. Briden for Legislative Administration. The committee felt that this bill may have a "chilling effect" on the free speech of citizens who come to testify before House committees. The citizens who testify before us are giving their opinions on the outcome of legislation that has not been adopted yet. This attempt to hold them responsible, in retrospect, if their opinions turn out to be wrong could send a message that we are only looking to hear from experts who are certain in their predictions, not average people who want to make their positions known. It is our duty as legislators to fact-check assertions that seem implausible, and to do any further due diligence that is required to make sure the legislation is accurate. Additionally, there were concerns that the intended penalty, unsworn falsification, is not currently defined in a way that would allow proper prosecution under this statute, as it is commonly used for written statements only, and this bill includes oral testimony. Vote 9-0.

HB 1535, extending the committee to study the resolution of barriers to the use of telehealth technology in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary B. Richardson for Legislative Administration. This bill would have extended the committee to study the resolution of barriers to the use of telehealth technology in New Hampshire. Since no one appeared to testify in support of the bill, the committee recommends that the bill be found inexpedient to legislate. Vote 9-0.

HB 1559-FN, establishing a New Hampshire state house bicentennial commission and fund. **OUGHT TO PASS.**

Rep. Marsha L. Pelletier for Legislative Administration. This bill establishes a NH state house bicentennial commission and fund to prepare for 200th anniversary of the dedication, education and commemoration of the NH state house on June 2, 2019. The committee unanimously supports creation of this commission. Vote 14-0.

HB 1120, relative to procedures for the county budget and expenditures for Belknap county. **INEXPEDIENT TO LEGISLATE.**

Rep. James Verschueren for Municipal and County Government. This bill is proposed for Belknap County exclusively. It seeks to restrict the authority of county commissioners to transfer funds between specific lines within a department or from one department to another. All such transfers would become subject to approval by the executive committee of the county delegation. The impetus for the bill is a current dispute between the elected county commissioners and some number of members of the elected county delegation. The committee heard testimony from both sides of the issue. The consensus of the committee is that changes in statute to resolve an exclusively local issue is generally poor public policy. In this case, supporters of the bill cited prior special statutory consideration for Hillsborough County as a rationale for granting Belknap County such individual statutory consideration on the same question of transfer of funds. On the same day as this bill was heard, the committee heard testimony on a bill to alter the special statutory consideration for Hillsborough County in order to grant broader authority for budget transfers to the county commissioners. The inadvisability of legislating individual statutory processes for the same government entities was thereby clearly demonstrated. Vote 18-0.

HB 1245, relative to municipal lease agreements for certain equipment. **OUGHT TO PASS.**

Rep. Marjorie A. Porter for Municipal and County Government. Often energy efficiency projects require both equipment and facility improvements to achieve the greatest amount of savings. Although some municipalities

are currently including facility improvements in lease contracts for energy efficiency upgrades, the existing RSA is ambiguous and has raised concerns among those financing such agreements. This bill provides certainty for financiers as well as the clarification sought by the office of energy and planning and the energy technical assistance and planning program. These lease arrangements for energy efficiency upgrades are often self-funding, in that the savings in the cost of energy to the municipality pays for the cost of the lease. Over time, this is a win-win situation for local property tax payers. Vote 19-0.

HB 1246, relative to the composition of public agency boards concerning housing standards. **OUGHT TO PASS.** Rep. James Verschuere for Municipal and County Government. RSA 48-A:3, I requires each town to establish a public agency as the governing body for housing standards. The RSA currently provides 3 options for the composition of this public agency, none of which may prove to be practical for a small town. This bill provides a solution to smaller towns in NH that are not in a position to hire (afford) a qualified health inspector, and must therefore rely upon volunteers to fill the position. This bill allows a fourth option to be added to the three options currently available in the RSA. The new option is specifically tailored to allow an elected official to also volunteer as health inspector. Further, it contains a clause that requires that person to recuse themselves from any situation in which there may be a real or perceived conflict of interest. Vote 19-0.

HB 1259, relative to the functions of the municipal associations. **INEXPEDIENT TO LEGISLATE.** Rep. James P. Belanger for Municipal and County Government. This proposed legislation attempts to restrict and/or regulate the agreements between municipalities and the association they join. Any community has the right not to belong to an association and to terminate membership if they disagree with policy. This bill also attempts to control what association dues are used for but no allegations of misuse were brought to the attention of the committee. The bill would also allow a municipality to join an association but refuse to pay its dues thus imposing a cost increase to those who do. Associations that work with municipalities are generally, if not always, governed by a board of directors and/or advisory board and municipalities that are members, have input to influence policy. The ongoing relationship between municipal associations and their member communities has been beneficial to smaller communities that lack the experience and resources provided by their association and the committee sees no reason to step into the middle of an agreement entered into by two consenting parties. Vote 19-0.

HB 1320, relative to incompatibility of town offices. **OUGHT TO PASS.**

Rep. Kathleen M. Stroud for Municipal and County Government. This bill prohibits a person from filing a declaration of candidacy for incompatible town offices. It prevents a person from running for two town offices, winning both and then choosing his favorite. Vote 19-0.

HB 1373, relative to the transfer of county budget appropriations in the Belknap county budget, and relative to payment of county legal expenses. **INEXPEDIENT TO LEGISLATE.**

Rep. Kris E. Roberts for Municipal and County Government. The sponsors of HB 1373 want to restrict the ability of county commissioners' authority to move any funds between line items without the express approval of the executive committee. HB 1373 would require that an Executive Committee meeting be held to approve all transfers regardless of the reason and or amount of the funds needed to be transferred. Not only would this restrict the commissioners' ability to address unexpected natural or human created events such as ice storms, major snowstorms, flooding, or loss of life-support services at the county nursing home. In such cases, there will be no time to post and get a quorum of the executive committee. The nature of the event could even prevent people from traveling. To require an executive committee meeting could endanger the lives, safety and welfare of our citizens. It would not be unreasonable to expect each executive committee meeting to cost between \$300 to-\$500. Every county has rules concerning the reimbursement of legal fees for any county employee when that employee chooses to take legal action against the county. The employee is required to ask for reimbursement of legal fee prior to engaging a lawyer or legal services. This helps protect the taxpayers by ensuring that the potential legal action is work related not personal. Most importantly, the communities can prepare for a legal bill in advance. The committee doesn't believe it is the General Court's responsibility to enact a law for an employee who failed to follow well-established and written requirements. To do so would result in the General Court being flooded with bills to address individual requests for taxpayer reimbursement of legal fees. Vote 19-0.

HB 1479-L, relative to membership in municipal organizations. **INEXPEDIENT TO LEGISLATE.**

Rep. Dennis J. Malloy for Municipal and County Government. The committee felt that this bill would interfere with a town's ability to use the services of the New Hampshire Association of Assessing Officials, the New Hampshire City and Town Clerks' Association and the New Hampshire Tax Collectors' Association. These organizations help New Hampshire's 234 towns keep abreast of current laws and regulations needed for efficient and effective town management and administration. Membership dues are approved in the annual town budget and transparent to taxpayers. The committee unanimously agreed that required membership is critically important and there is no need to make any changes to the current RSA. Vote 19-0.

HB 1164, designating Interstate 293 as the John Durkin Highway. **REFER FOR INTERIM STUDY.**

Rep. David B. Campbell for Public Works and Highways. This bill proposes naming Interstate 293 in honor of the late United States Senator John Durkin. Senator Durkin passed away on October 16, 2012. However, the committee was informed that Interstate 293 has already been named in honor of the late Charles R. "Dick" Stanton, former Mayor of Manchester. Both the department of transportation and the committee have policies not to name a road or bridge for another once it is dedicated. The sponsors are in the process of researching an alternative road, bridge or other public facility to name in honor of Senator Durkin. Several members of the committee have expressed a willingness to work with the sponsors in the interim and have legislation introduced next session to appropriately honor Senator John Durkin. Vote 14-0.

HB 1197, permitting the construction of a dam at the natural outlet of Jenness Pond in the town of Northwood. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne H. Gottling for Resources, Recreation and Development. This bill allows the Jenness Pond Shore Owners Association, Inc. to remove and replace stoplogs from the Jenness Pond dam in order to control seasonal variations in water level as is routine and customary for many dams. The association will be responsible for this process. There will be no cost to the department of environmental services (DES). The amendment corrected the relevant citation. Vote 13-0.

Amendment (0164h)

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

1 Jenness Pond in Northwood; Dam Construction. Amend 1993, 19:1 and 19:2 to read as follows:

19:1 Purpose. The general court declares that it is in the best interests of both the littoral owners around Jenness Pond in Northwood and the people of New Hampshire to control the waters of this great pond [~~and to establish a constant water level~~] by allowing the construction of a dam at its natural outlet **and using such dam to control the water level of the pond.**

19:2 Dam Construction Authorized. **Subject to the permitting requirements of RSA 482:7**, the Jenness Pond Shore Owners Association, Inc. is specifically authorized to construct a dam at the natural outlet of Jenness Pond in the town of Northwood **and to seasonally vary the water surface elevation of such pond by lowering it at the end of each recreational season and restoring it to its full pond elevation in the spring of each year by manipulation of such dam.** [~~The Jenness Pond Shore Owners Association, Inc. shall apply for a permit as required by RSA 482:7.~~]

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

HB 1303, relative to the Cass Road dam in Epsom. **INEXPEDIENT TO LEGISLATE.**

Rep. Suzanne J. Smith for Resources, Recreation and Development. Cass Pond dam in Epsom is one of 278 state owned dams. It impounds a 15-acre pond that has an average depth of approximately 2 feet. The dam does not meet current safety standards and during flooding on the Suncook River in 2007, the dam nearly breached. The committee heard from several residents that the dam provides for a picturesque setting. The committee encourages dialogue between the department of environmental services and the town of Epsom over resolving the issue of whether to rebuild, repair, or remove the Cass Road dam. The committee believes that to interfere in this process at this juncture would be premature. Vote 12-1.

HB 1340, exempting septic systems from certain requirements where there are grouted wells. **INEXPEDIENT TO LEGISLATE.**

Rep. Brian Wazlaw for Resources, Recreation and Development. This bill would allow for a reduction of the 75-foot protective well radius from a septic system to the well of the property owner or an abutter, provided the well has been grouted. The Department of Environmental Services (DES) and the Water Well Board have recently developed proposed rules that would establish appropriate well construction methods that could be used if the 75-foot radius cannot be realized. The rules will be formally proposed in the spring of 2014. The committee heard from many stakeholders that new proposed rules would be the preferred approach because they allow for flexibility and provide additional options to address a nonconforming well. Vote 13-0.

HB 1554, relative to notice of water release from dams. **INEXPEDIENT TO LEGISLATE.**

Rep. Beverly A. Ferrante for Resources, Recreation and Development. The issue which this bill was intended to address has been resolved. Therefore, the sponsors requested that the bill be found inexpedient to legislate. Vote 13-0.

HB 1209, relative to OBD II testing and the OBD II testing advisory committee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James E. Devine for Science, Technology and Energy. This bill modifies the membership and the meeting and reporting requirements of the On-Board Diagnostics II testing advisory committee. Vote 16-0.

Amendment (0275h)

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

AN ACT relative to On-Board Diagnostics (OBD II) testing and the OBD II testing advisory committee.

Amend the bill by replacing section 1 with the following:

1 Emission Control Equipment; Applicability. Amend RSA 266:59-b, III to read as follows:

III. The commissioner, after public hearing and consultation with the commissioner of the department of environmental services and the air pollution advisory committee, and notification of the house science, technology, and energy committee and the senate environment committee, and with the approval of the air pollution advisory committee, shall adopt rules under RSA 541-A, which require ~~[all model year 1996 and newer gasoline-powered and model year 1997 and newer diesel-powered]~~ motor vehicles equipped with **an** on-board diagnostic ~~[systems]~~ **system** meeting ~~[the]~~ federal EPA OBD II (***On-Board Diagnostics***) standards **that are** driven on the ways of this state **and** which are subject to inspection under this chapter, after a date specified by the commissioner, to be tested for OBD II indications of failures as a component of the inspection. ***Vehicles subject to this requirement shall include model year 1997 and newer diesel-powered motor vehicles and model year 1996 and newer motor vehicles powered by any other fuel source.*** To the extent allowed by EPA OBD II policy, OBD II data may be substituted for visual and functional tests required by paragraph I.

HB 1312, establishing a committee to study off-shore wind energy development. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles L. Townsend for Science, Technology and Energy. The study of the potential for capturing offshore wind energy was strongly supported by committee members. Study would include issues of location and coastal visibility, impact on ocean fisheries and birds, and connections to the power grid. The committee would be disbanded when its report is completed by Nov. 1, 2014. Vote 16-0.

Amendment (0380h)

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

AN ACT establishing a committee to study offshore wind energy and the development of other ocean power technology.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study offshore wind energy and the development of other ocean power technology.

Amend the bill by replacing section 3 with the following:

3 Duties.

I. The committee shall study offshore wind energy and the development of other ocean power technology, including but not limited to:

- (a) Determining potential power generation capacity in New Hampshire offshore waters.
- (b) Identifying opportunities and possible facilities in the Portsmouth Harbor and other coastal communities for support of offshore ocean power development.
- (c) Identifying existing regulatory and jurisdictional challenges to enabling future offshore power development.

(d) Projecting likely benefits to the state economy from this type of development over the next decade.

II. The committee may solicit testimony from any person or organization with information relevant to the committee's objective.

AMENDED ANALYSIS

This bill establishes a committee to study offshore wind energy and other ocean power technology development.

SPECIAL ORDERED

Without objection, the Speaker made **HB 1389**, naming a bridge in Derry the Lance Corporal Michael E. Geary bridge, a Special Order as the first order of business on the Regular Calendar.

REGULAR CALENDAR

SPECIAL ORDER

HB 1389, naming a bridge in Derry the Lance Corporal Michael E. Geary bridge. **OUGHT TO PASS.**

Rep. Kevin K. Waterhouse for Public Works and Highways. The committee is proud to honor the late Lance Corporal Michael E. Geary, a marine killed in combat in Helmand Province, Afghanistan. Corporal Geary was raised in Derry and graduated from Pinkerton Academy. The town of Derry has requested that they be allowed to install and maintain a sign naming the state owned bridge on West Broadway, Route 102 in the town of Derry. The committee unanimously and proudly recommends this bridge forever bear the name of Lance Corporal Geary. Vote 15-0.

Rep. Baldasaro, accompanied by members of the Londonderry and Derry Delegations, spoke in favor. Committee report unanimously adopted and ordered to third reading.

MOTION TO PRINT REMARKS

Rep. Shurtleff moved that the remarks made by Rep. Baldasaro be printed in the Permanent Journal. Adopted.

REMARKS

Rep. Baldasaro: Thank you, Madam Speaker. Lance Corporal Michael E. Geary was born on the 6th of August, 1990, and was killed in action on December 8, 2010 while stationed in Helmand Province, Afghanistan with Fox Company 2nd Battalion, 9th Marine Regiment, 2nd Marine Division. One thing I learned as a young Marine was that Marines don't die; they fade away and take their position guarding the gates of heaven. LCpl Michael Erick Geary was raised in Derry by his mother and grandmother where he was extremely close with his very large extended family of cousins, uncles, and aunts. Michael was an active child, one who loved the outdoors, where he participated in snowboarding, karate, mixed martial arts, football and baseball. He had a love for paintball and Airsoft matches with his friends and cousins. They would frequently travel to Feel Good Farm in Lyndeborough and spend the entire day competing with other Airsoft teams from around New England. Hmm, I wonder if this got him ready for the Marines. His beaming smile and hearty laugh were Michael's defining traits. He was known for his sense of humor and was ever the prankster, his mother and aunts often the victims. His most notorious prank came right before Christmas 2009. Michael has given his own Christmas leave away to another Marine who had a family. His mother, Nancy, was distraught at not seeing her only son for Christmas. Several days before the holiday, Michael was also given leave and allowed to go home. He did not tell his mother, traveling all night so that he could surprise her at her workplace at Elliott hospital. The ensuing scene, where Michael popped out of an adjacent office as his mother returned from her break is one that will never be forgotten by any who were there to see the tearful reunion, and of course, the smile on Michael's face. Having been raised by his mother and grandmother, Michael learned a strong sense of compassion and a protective instinct, especially toward women. Neighbors would tell Mike's mother about things he did such as shoveling their cars out after a snowstorm, carrying their groceries in for them or climbing up an elderly neighbor's porch to unlock her door because she left her keys in the house and was locked out. He never had to be asked, and he never spoke about these acts of kindness unless questions by his mother. Since his death in Helmand Province, Afghanistan on December 8, 2010, where he was serving with Fox Company, story after story has emerged about Michael encouraging others, especially the lonely and the less attractive or popular at school. In one particular case, Michael encouraged a young woman to leave her boyfriend who had been mistreating her. He helped her to overcome self-consciousness about her outward appearance and to see herself in a new light. After Michael's passing, she wrote an open letter to Michael, which ended with, "Michael, the night I got home from your wake, I decided to finally listen to your advice and left him. If you could only see me now and what I have become, you would be so proud." Michael also had a sense of duty. Deeply impacted by the 9/11 attack on America, Michael felt the burden to serve his country and to protect others. The Marines provided that opportunity. He began his Marine training while still at Pinkerton Academy. He brought his school grades up to excellent standards and worked hard to get in shape. What others never saw about Michael was that he worked out every day, before and after high school, in good and bad weather. It is what Michael did behind closed doors that made all the difference in his life. According to his recruiter, Staff Sgt Jose Vera, "When Mike first came in and told me, 'I want to be a Marine,' he was out of shape and at the back of the pack but determined he was. Even though he started at the bottom, he proved everybody wrong. By the time he entered the Marines, Michael had grown into a leader who encouraged many other young men and women to excel. According to Sgt. Vera, "If it wasn't for Michael, some of these people wouldn't be Marines today." Michael's mother, Nancy, was not happy about the idea of him joining the military during these uncertain times. In his senior year of high school, Michael sat down with her and explained his dream of being in the military defending our country and freedom. After seeing how much this meant to Mike, she supported him wholeheartedly. Michael while serving in Helmand Province, Afghanistan, he continually emphasized how he tried to reach out to the Afghani people and to let them know he was there to protect. Michael's unit was in the line of fire almost every day, and Michael's encouraging personality and sense of humor meant the world to the young men with whom he served, all of them on their first tour. So close was that bond where many from his squad have embraced Michael's family as their own, and they continued to remain close. Michael's family, while heartbroken at their loss, is at the same time proud of the man that Michael became and thankful for the well wishes and support of the community who have helped to honor Michael's memory. Michael was no more gifted than any of us. He was the guy next door with the big smile who was quick to help you when you are in a jam or to encourage when you are hurting. He was everything that we want to see in our neighbors and in ourselves. He exemplified the spirit of community and loyalty that built our great state and country. Michael was a man of integrity, motivation with his can-do attitude to serve his country, viewed by his fellow Marines as the "Best of the best," and he committed himself to also be the best. One of Michael's fellow relatives said Geary had been in Afghanistan since August and was due to come home in January. He had other chances at leave but he passed them up to

help buddies with families. "If he had leave, he passed it up to someone who was married and had children." Ronald Reagan once said, "Some people spend an entire lifetime wondering if they made a difference in the world, but the Marines don't have that problem." LCpl Michael Geary, yes, you made a difference in anyone you touched, definitely a lasting memory from your friends, family and fellow US Marines you served with. God bless you, my brother. Rest in peace and Semper Fidelis.

INTRODUCTION OF SPECIAL GUESTS

The Speaker introduced Michael's mother, Nancy Geary, his aunts Krista Cole, Joyce Douglas and Dorothy MacCormack, uncle Michael MacCormack, cousin Kyle Douglas and friend Tony Soares.

REGULAR CALENDAR (CONT'D)

HB 1125-FN, repealing the crime of adultery. **OUGHT TO PASS.**

Rep. Kelleigh D. Murphy for Children and Family Law. This bill would repeal the crime of adultery codified at New Hampshire RSA 645:3. This bill does not repeal the fault ground of adultery as a cause for divorce. Vote 15-0. On a division vote, 268 members having voted in the affirmative and 29 in the negative, the committee report was adopted and ordered to third reading.

HB 1289, relative to interference with custody. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Deanna S. Rollo for the Majority of Children and Family Law. This bill addresses a problem recognized by a court decision. In this decision, the court stated an agency with custody of a child is not a person or guardian. The bill expands the protection afforded parents and guardians to a state agency with legal custody or guardianship of a child. Vote 13-2.

Rep. Daniel C. Itse for the Minority of Children and Family Law. When interference with custody was passed, it was intended to deal solely with custody between parents in a divorce. Extending it to apply to state agencies elevates state agencies parental status. This is a dangerous practice.

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

On a division vote, 205 members having voted in the affirmative and 98 in the negative, the majority committee report was adopted and ordered to third reading.

HB 1341, relative to grounds for divorce for persons with minor children. **INEXPEDIENT TO LEGISLATE.**

Rep. Ruth P. Gulick for Children and Family Law. This bill attempts to disallow irreconcilable differences as a basis for divorce when the parties have a child or children. Its objective is to discourage divorce for married people with children, so that the emotional damage inflicted on minor children of divorce will be ameliorated or even eliminated. Actually, passage of this bill will have the opposite effect. Where children need both parents during a marriage and after the marriage, under this law, one of the parents would be identified as the "bad guy" potentially eliminating any ability for the parties to co-parent agreeably. It would require longer and more costly court hearings. Moreover, intolerable marriages may be forced to stay intact. It could also encourage perjury to dissolve an intolerable marriage, e.g. one inflicted with drug abuse or financial recklessness. Vote 14-0.

Committee report adopted.

HB 1369, adopting the Uniform Marital Property Act. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Ruth P. Gulick for the Majority of Children and Family Law. The origin of this bill is European (French and Spanish) and we see the uniform marital property formula applied in western states and the State of Wisconsin. The rest of our states have a system predicated on the English common law. New Hampshire's current English system aspires to an equitable property distribution upon the dissolution of marriage, as opposed to an equal distribution, the uniform marital property approach. Importantly, the equitable method encourages the accommodation of the best interests of children in the first instance, an important priority for New Hampshire parents and New Hampshire Family Courts. Children should not have to be victimized by their parents' perfectly equal property distribution. For example, their house may have to be sold so Mom and Dad can share equally in the proceeds. Equitable distribution will allow the children to stay in the home with an adjustment to fit with their parents' circumstances. At the same time, our current codified equitable standards accommodate the many financial variables attendant to property distribution. The proponents of this bill argued that pre-nuptial agreements would allow people to circumvent the equal distribution of assets required by this bill. But the reality is that would only apply to large estates because the average citizen is not going to execute a pre-nuptial agreement. New Hampshire has become one of four or five states that are depositories for many large trusts. There was extensive testimony by the bankers association and the bar that passage of this bill would cause many of those trusts to flee the state. Vote 14-2.

Rep. J. R. Hoell for the Minority of Children and Family Law. This bill would make New Hampshire into a community property state. Community property means that property owned prior to marriage or gained by gift or inheritance may remain separate, but property earned during marriage is shared, even if only one spouse

is the breadwinner. Besides basic fairness, the bill has three main advantages. First, property division during divorce will be less contentious since the split is predictable, not determined in court. Second, there are federal capital gains tax advantages to widows and widowers. Finally, it promotes greater financial flexibility, since all provisions of the statutory language changes can be modified by an agreement between the spouses. The main opposition to the bill came from trust attorneys who were worried that they would have a harder time attracting out-of-state trusts to move to New Hampshire. The bill does not affect trusts, and even if it did a marital property agreement could be put in place with any desired terms.

MOTION TO SPECIAL ORDER

Rep. Chandler moved that **HB 1369**, adopting the Uniform Marital Property Act, be made a Special Order as the first order of business after the lunch recess.

Rep. Chandler spoke in favor.

Adopted.

REGULAR CALENDAR (CONT'D)

HB 1632, relative to child support orders for children with disabilities. **OUGHT TO PASS.**

Rep. Daniel C. Itse for Children and Family Law. Last session the legislature amended RSA 461-A:14 IV such that support orders for children with disabilities who are over the age of 18 would terminate at age 21. This bill further amends RSA 461-A:14 IV to make it clear that this only affects orders after the effective date of the 2013 amendment. Caretakers may have created care and financial plans based upon these support orders. Allowing these orders to be changed without anticipation were disruptive to the disabled and their caretakers. This bill is supported by the state and federal constitutions, which prohibit ex post facto or retrospective law. Vote 10-7.

Committee report adopted and ordered to third reading.

HB 1217, allowing wholesale distributors to purchase beverages from nano brewery licensees. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John B. Hunt for the Majority of Commerce and Consumer Affairs. Nano breweries are allowed to sell at retail or wholesale, at farmers' markets, and to the state border for transportation and sale outside the state. Distributors have a list of licensees they are permitted to buy from, and this bill merely adds nano breweries to that list. The bill does not compel either nano breweries or distributors to contract, but allows them to. Vote 12-6.

Rep. Jill S. Hammond for the Minority of Commerce and Consumer Affairs. Several years ago, this legislature created a license giving nano brewers a significantly reduced licensing fee from all other brewers. The nano license was intended to be an incubator license, limited in scope, to allow a brewer to get up and running. This bill seeks to further provide special treatment by allowing nanos to expand their distribution and sell via wholesalers without incurring the costs that other brewers must bear as part of doing business. Given the practical matters of scale and efficiency in brewing, and current nano brewer volumes, it is logical that a brewer looking to expand distribution would have to scale up operations and production, and would simply move up to a beverage manufacturer license. If their business model changes, they can change license types annually; current license options allow for this scenario. The minority noted that there was no industry support for this bill, and believes there is no need for this legislation.

Majority committee report adopted and ordered to third reading.

HB 1288, requiring bottled water labels to indicate the source of water. **INEXPEDIENT TO LEGISLATE.**

Rep. Jill S. Hammond for Commerce and Consumer Affairs. This bill would require bottled water labels to indicate the source of the water. This labeling is currently regulated at the federal level. A bottle of filtered/purified water such as Dasani will name the bottling entity. Bottled spring water such as Poland Spring will list its numerous source springs. Beyond this, the committee heard testimony that too much disclosure of water sources could be a national security issue, due to potential terrorist sabotage of those sources. Certainly, such labeling regulation is beyond the scope of New Hampshire legislation. Vote 17-1. Vote 17-1.

On a division vote, 288 members having voted in the affirmative and 20 in the negative, the committee report was adopted.

HB 1137-FN, relative to annulment of certain obstruction of justice crimes and relative to the crime of escape. **OUGHT TO PASS.**

Rep. Steve Vaillancourt for Criminal Justice and Public Safety. This bill comes to the committee as a result of an actual case involving a constituent who admits to have broken the law in that she slipped out of a police car while being taken into custody. The committee was sympathetic with the plight of this individual and those in similar cases. As currently is the case, such a person would be guilty of a class B felony and could never have that removed from his or her record even though a pardon might be granted. The bill would continue to make escape from custody a class B felony if the act causes serious bodily injury "to another person" otherwise as for the case described above, the crime would be reduced to a misdemeanor. The committee is convinced

that in the interest of balance and proportion in our penalties, a lesser degree is called for in such instances as noted here. The interests of society (and law enforcement) and individuals are both served by this bill, and that is always a good thing. Vote 14-2.

Committee report adopted and ordered to third reading.

HB 1204-FN, relative to perjury by a law enforcement officer. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Robert R. Cushing for the Majority of Criminal Justice and Public Safety. The Majority of the committee felt that issues surrounding perjury and false statements by law enforcement should be studied. Vote 11-7.

Rep. Steve Vaillancourt for the Minority of Criminal Justice and Public Safety. After voting 6-12 against a motion of inexpedient to legislate on this bill, the majority decided on interim study. The minority, however, believes the more appropriate motion would have been ought to pass. This is really a very simple bill. It mandates that any police officer found guilty of perjury shall be prohibited from serving as a police officer in this state. Some issues were raised, fallaciously in the minority's opinion, that this bill is an assault on police officers. That is totally false. The only people who would be affected by this bill would be those who commit perjury thus endangering the lives and well-being of innocent people. By failing to pass this bill, we send a message that we are condoning something we should never condone – lying under oath and getting away with it. Interim study is simply a way out by those who wish to avoid the responsibility of passing this bill. In this case, especially since we're in the second year of the session and this House will never see the results of any study, interim study is simply "death with dignity." This bill deserves to live, not to die a slow death of study. The question being adoption of the majority committee report of Refer for Interim Study.

Reps. Sapareto and Vaillancourt spoke against and yielded to questions.

Reps. Rowe and Cushing spoke in favor and yielded to questions.

Rep. Sapareto requested a roll call; sufficiently seconded.

YEAS 174 - NAYS 148

YEAS - 174

BELKNAP

Fields, Dennis

Gulick, Ruth

Huot, David

Raymond, Ian

CARROLL

Buco, Thomas

Butler, Edward

Crawford, Karel

CHESHIRE

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

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

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

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

COOS

Coulombe, Gary

Enman, Larry

Hammon, Marcia

Moynihan, Wayne

GRAFTON

Almy, Susan
Harding, Laurie
Nordgren, Sharon
Smith, Suzanne

Benn, Bernard
Higgins, Patricia
Pastor, Beatriz
Sykes, George

Cooney, Mary
Lovett, Sid
Piper, Wendy
Townsend, Charles

Friedrich, Carol
Mulholland, Catherine
Reilly, Harold
White, Andrew

HILLSBOROUGH

Backus, Robert
Campbell, David
DiSilvestro, Linda
Goley, Jeffrey
Hansberry, Daniel
Hopper, Gary
Kopka, Angeline
MacKay, Mariellen
McCloskey, David
Ramsey, Peter
Schmidt, Janice
Sullivan, Daniel
Williams, Kermit

Beaulieu, Jane
Chandley, Shannon
Eaton, Richard
Grady, Brenda
Harriott-Gathright, Linda
Jack, Martin
Leishman, Peter
Mangipudi, Latha
McNamara, Richard
Rhodes, Brian
Shattuck, Gilman
Sullivan, Peter
Woodbury, David

Boisvert, Ronald
Connor, Evelyn
Gage, Ruth
Hackel, Paul
Heath, Mary
Judy, Jean
Levesque, Melanie
Manley, Jonathan
O'Neil, William
Rosenwald, Cindy
Smith, Timothy
Vail, Suzanne

Brown, Pamela
Cote, David
Gale, Sylvia
Hammond, Jill
Heden, Ruth
Knowles, Mary Ann
Long, Patrick
McCarthy, Michael
Porter, Marjorie
Rowe, Robert
Soucy, Timothy
Walsh, Robert

MERRIMACK

Alicea, Caroletta
Burns, Scott

Andrews, Christopher
Carey, Lorrie

Bartlett, Christy
Carson, Clyde

Bouchard, Candace
Davis, Frank

Frambach, Mary
Henle, Paul
Kidder, David
Patten, Dick
Rogers, Katherine
Wallner, Mary Jean

Frazer, June
Hirsch, Geoffrey
Lockwood, Priscilla
Ratzki, Mario
Schuett, Dianne
Walz, Mary Beth

French, Barbara
Karrick, David
MacKay, James
Rice, Chip
Shurtleff, Stephen
Webb, Leigh

Gile, Mary
Kelly, Sally
Myler, Mel
Richardson, Gary
Turcotte, Alan

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cali-Pitts, Jacqueline
Flockhart, Eileen
Mann, Maureen
Pantelakos, Laura
Wazlaw, Brian

Borden, David
Copeland, Timothy
Kappler, Lawrence
Moody, Marcia
Scarlotta, Joe

Briden, Steven
Cushing, Robert
Khan, Aboul
Muns, Chris
Schlachman, Donna

Cahill, Michael
Dumaine, Dudley
Lovejoy, Patricia
O'Connor, John
Ward, Gerald

STRAFFORD

Baber, William
Hooper, Dorothea
Merrill, Amanda
Rollo, Deanna
Stevens, Audrey

Bixby, Peter
Hubbard, Pamela
Miller, David
Schmidt, Peter
Verschueren, James

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

Grossman, Kenneth
Ketel, Stephen
Rogers, Rose Marie
Spainhower, Dale

SULLIVAN

Cloutier, John
O'Hearne, Andrew
Tanner, Linda

Gagnon, Raymond
Rollins, Skip

Gottling, Suzanne
Schmidt, Andrew

Lefebvre, Benjamin
Smith, Steven

NAYS - 148

BELKNAP

Burchell, Richard
Flanders, Donald
Tilton, Franklin

Comtois, Guy
Greemore, Robert
Vadney, Herbert

Cormier, Jane
Holmes, Stephen
Worsman, Colette

Fink, Charles
Sylvia, Michael

CARROLL

Ahlgren, Christopher
Nelson, Bill
White, Syndi

Chandler, Gene
Schmidt, Stephen
Wright, Donald

Cordelli, Glenn
Ticehurst, Susan

Morrow, Harry
Umberger, Karen

CHESHIRE

Hunt, John

Johnson, Jane

Phillips, Larry

Tatro, Bruce

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

Theberge, Robert

GRAFTON

Bailey, Brad
Massimilla, Linda

Doolan, Ralph
Shackett, Jeffrey

Gionet, Edmond

Ladd, Rick

HILLSBOROUGH

Belanger, James
Carroll, Douglas
Culbert, Patrick
Gagne, Larry
Haefner, Robert
Infantine, William
LeBrun, Donald
Murphy, Kelleigh
O'Flaherty, Tim
Parison, James
Renzullo, Andrew
Straight, Philip
Vaillancourt, Steve

Boehm, Ralph
Cebrowski, John
Daniels, Gary
Garcia, Michael
Hansen, Peter
Jasper, Shawn
LeVasseur, Richard
Murphy, Keith
Ober, Lynne
Pellegrino, Tony
Sanborn, Laurie
Stroud, Kathleen
Villeneuve, Moe

Burt, John
Christiansen, Lars
Danielson, David
Gorman, Mary
Hikel, John
Kurk, Neal
Meaney, Richard
Notter, Jeanine
Ober, Russell
Peterson, Lenette
Sandblade, Emily
Takesian, Charlene
Warden, Mark

Byron, Frank
Coffey, James
Dobson, Jeremy
Graham, John
Hinch, Richard
Lambert, George
Murotake, David
O'Brien, William
Palmer, Stephen
Pratt, Calvin
Shaw, Barbara
Ulery, Jordan
Winters, Joel

MERRIMACK

Ebel, Karen
McGuire, Carol
Walsh, Thomas

Hess, David
Moffett, Howard
Watrous, Rick

Hoell, J.R.
Schamberg, Thomas

Kotowski, Frank
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Chirichiello, Brian

Baldasaro, Alfred
Comerford, Timothy

Bick, Patrick
Devine, James

Birdsell, Regina
Duarte, Joe

Elliott, Robert
Garcia, Bianca
Hagan, Joseph
Itse, Daniel
McKinney, Betsy
Rice, Frederick
Tamburello, Daniel
Webb, James

Emerick, J. Tracy
Garcia, Marilinda
Harris, Jeffrey
Kolodziej, Walter
McMahon, Charles
Sapareto, Frank
Tasker, Kyle
Weyler, Kenneth

Ferrante, Beverly
Gordon, Richard
Heffron, Frank
Lundgren, David
Nigrello, Robert
Sedensky, John
Tucker, Pamela
Whittemore, Lisa

Fesh, Robert
Griffin, Mary
Hoelzel, Kathleen
Major, Norman
Priestley, Anne
Sytek, John
Waterhouse, Kevin

STRAFFORD

Beaudoin, Steven
Horrigan, Timothy
Parsons, Robbie

Bickford, David
Jones, Laura
Spang, Judith

Grassie, Anne
Malloy, Dennis

Gray, James
Mullen, John

SULLIVAN

Grenier, James

Osgood, Joe

and the majority committee report was adopted.

HB 1237, prohibiting residency restrictions for registered sex offenders and offenders against children. **UGHT TO PASS.**

Rep. Timothy N. Robertson for Criminal Justice and Public Safety. This bill recognizes that these local ordinances were found unconstitutional in Dover District Court and in Merrimack County Superior Court because they deprive registrants of their fundamental property rights and drive them underground. The research explains why banning offenders from most areas of a town forces them into homelessness, destabilizes them, and concentrates them in the outskirts of town, far from buses, services, jobs, and mediators. Victim advocates, police, social workers and researchers widely oppose these codes because they paradoxically endanger the public. They arise from the panic when parents discover a registrant is living near them. It is incumbent on House members to educate citizens to the real safety issue as stated here. Vote 18-1.

Rep. James Webb spoke against.

Rep. Baldasaro spoke against and yielded to questions.

Rep. Cushing spoke in favor and yielded to questions.

MOTION TO LAY ON THE TABLE

Rep. James Webb moved that **HB 1237**, prohibiting residency restrictions for registered sex offenders and offenders against children, be laid on the table.

Rep. Chandley requested a roll call; sufficiently seconded.

YEAS 112 - NAYS 215

YEAS - 112

BELKNAP

Burchell, Richard
Flanders, Donald

Comtois, Guy
Greemore, Robert

Cormier, Jane
Holmes, Stephen

Fink, Charles
Tilton, Franklin

CARROLL

Buco, Thomas
McConkey, Mark
White, Syndi

Chandler, Gene
Nelson, Bill
Wright, Donald

Cordelli, Glenn
Schmidt, Stephen

Crawford, Karel
Umberger, Karen

CHESHIRE

Hunt, John

Johnson, Jane

COOS

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Shackett, Jeffrey

Ladd, Rick

Massimilla, Linda

Reilly, Harold

HILLSBOROUGH

Boehm, Ralph
Christiansen, Lars
Haefner, Robert
Hopper, Gary
McCarthy, Michael
O'Brien, William
Parison, James
Rowe, Robert
Straight, Philip

Burt, John
Culbert, Patrick
Hansen, Peter
Jasper, Shawn
Murphy, Kelleigh
Ober, Lynne
Pellegrino, Tony
Sanborn, Laurie
Ulery, Jordan

Byron, Frank
Daniels, Gary
Hikel, John
Lambert, George
Murphy, Keith
Ober, Russell
Peterson, Lenette
Sandblade, Emily
Villeneuve, Moe

Cebrowski, John
Graham, John
Hinch, Richard
LeBrun, Donald
Notter, Jeanine
Palmer, Stephen
Renzullo, Andrew
Soucy, Timothy

MERRIMACKBurns, Scott
Smith, ToddCarey, Lorrie
Walsh, Thomas

Hess, David

Kotowski, Frank

ROCKINGHAMAbrami, Patrick
Chirichiello, Brian
Dumaine, Dudley
Garcia, Bianca
Hagan, Joseph
Lundgren, David
O'Connor, John
Sapareto, Frank
Tamburello, Daniel
Weyler, KennethBaldasaro, Alfred
Copeland, Timothy
Elliott, Robert
Garcia, Marilinda
Harris, Jeffrey
McKinney, Betsy
Peckham, Michele
Scarlotto, Joe
Tucker, PamelaBick, Patrick
Devine, James
Emerick, J. Tracy
Gordon, Richard
Kappler, Lawrence
McMahon, Charles
Priestley, Anne
Schroadter, Adam
Waterhouse, KevinBirdsell, Regina
Duarte, Joe
Ferrante, Beverly
Griffin, Mary
Kolodziej, Walter
Nigrello, Robert
Rice, Frederick
Sedensky, John
Webb, James**STRAFFORD**

Beaudoin, Steven

Gray, James

Jones, Laura

SULLIVAN

Osgood, Joe

Rollins, Skip

Smith, Steven

Tanner, Linda

NAYS - 215**BELKNAP**Fields, Dennis
Sylvia, MichaelGulick, Ruth
Vadney, HerbertHuot, David
Worsman, Colette

Raymond, Ian

CARROLL

Ahlgren, Christopher

Butler, Edward

Merrow, Harry

Ticehurst, Susan

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

Hammon, Marcia

Moynihan, Wayne

GRAFTONAlmy, Susan
Doolan, Ralph
Harding, Laurie
Nordgren, Sharon
Sykes, GeorgeBenn, Bernard
Ford, Susan
Higgins, Patricia
Pastor, Beatriz
Townsend, CharlesBrown, Rebecca
Friedrich, Carol
Lovett, Sid
Piper, Wendy
White, AndrewCooney, Mary
Gionet, Edmond
Mulholland, Catherine
Smith, Suzanne**HILLSBOROUGH**Backus, Robert
Brown, Pamela
Coffey, James
DiSilvestro, Linda
Gagne, Larry
Gorman, Mary
Hansberry, Daniel
Jack, Martin
Kurk, Neal
Long, Patrick
McCloskey, David
O'Flaherty, Tim
Ramsey, Peter
Shattuck, Gilman
Sullivan, Daniel
Vaillancourt, Steve
Winters, JoelBeaulieu, Jane
Campbell, David
Connor, Evelyn
Dobson, Jeremy
Gale, Sylvia
Grady, Brenda
Harriott-Gathright, Linda
Judy, Jean
Leishman, Peter
MacKay, Mariellen
McNamara, Richard
O'Neil, William
Rhodes, Brian
Shaw, Barbara
Sullivan, Peter
Walsh, Robert
Woodbury, DavidBelanger, James
Carroll, Douglas
Cote, David
Eaton, Richard
Garcia, Michael
Hackel, Paul
Heath, Mary
Knowles, Mary Ann
LeVasseur, Richard
Mangipudi, Latha
Meaney, Richard
Porter, Marjorie
Rosenwald, Cindy
Smith, Timothy
Takesian, Charlene
Warden, MarkBoisvert, Ronald
Chandley, Shannon
Danielson, David
Gage, Ruth
Goley, Jeffrey
Hammond, Jill
Heden, Ruth
Kopka, Angeline
Levesque, Melanie
Manley, Jonathan
Murotake, David
Pratt, Calvin
Schmidt, Janice
Stroud, Kathleen
Vail, Suzanne
Williams, Kermit**MERRIMACK**Alicea, Caroletta
Carson, ClydeAndrews, Christopher
Davis, FrankBartlett, Christy
Ebel, KarenBouchard, Candace
Frambach, Mary

Frazer, June
Hirsch, Geoffrey
Kidder, David
McGuire, Dan
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

French, Barbara
Hoell, J.R.
Lockwood, Priscilla
Moffett, Howard
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

Gile, Mary
Karrick, David
MacKay, James
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

Henle, Paul
Kelly, Sally
McGuire, Carol
Patten, Dick
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cali-Pitts, Jacqueline
Flockhart, Eileen
Khan, Aboul
Moody, Marcia
Sytek, John
Whittemore, Lisa

Borden, David
Comerford, Timothy
Heffron, Frank
Lovejoy, Patricia
Muns, Chris
Tasker, Kyle

Briden, Steven
Cushing, Robert
Hoelzel, Kathleen
Major, Norman
Pantelakos, Laura
Ward, Gerald

Cahill, Michael
Fesh, Robert
Itse, Daniel
Mann, Maureen
Schlachman, Donna
Wazlaw, Brian

STRAFFORD

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

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

Bixby, Peter
Hooper, Dorothea
Ketel, Stephen
Mullen, John
Rollo, Deanna
Spang, Judith

Burdwood, Greg
Horrigan, Timothy
Malloy, Dennis
Parsons, Robbie
Schmidt, Peter
Stevens, Audrey

SULLIVAN

Cloutier, John
Lefebvre, Benjamin

Gagnon, Raymond
O'Hearne, Andrew

Gottling, Suzanne
Schmidt, Andrew

Grenier, James

and the motion failed.

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

Rep. Robertson spoke in favor and yielded to questions.

Rep. James Webb requested a roll call; sufficiently seconded.

YEAS 231 - NAYS 97

YEAS - 231

BELKNAP

Fields, Dennis
Raymond, Ian

Fink, Charles
Sylvia, Michael

Gulick, Ruth
Vadney, Herbert

Huot, David

CARROLL

Ahlgren, Christopher
Schmidt, Stephen

Butler, Edward
Ticehurst, Susan

Merrow, Harry
Umberger, Karen

Nelson, Bill
Wright, Donald

CHESHIRE

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

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

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

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

COOS

Coulombe, Gary
Theberge, Robert

Enman, Larry

Hammon, Marcia

Moynihan, Wayne

GRAFTON

Almy, Susan
Doolan, Ralph
Harding, Laurie
Mulholland, Catherine
Shackett, Jeffrey
White, Andrew

Benn, Bernard
Ford, Susan
Higgins, Patricia
Nordgren, Sharon
Smith, Suzanne

Brown, Rebecca
Friedrich, Carol
Lovett, Sid
Pastor, Beatriz
Sykes, George

Cooney, Mary
Gionet, Edmond
Massimilla, Linda
Piper, Wendy
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Chandley, Shannon
DiSilvestro, Linda
Gagne, Larry

Beaulieu, Jane
Burt, John
Connor, Evelyn
Dobson, Jeremy
Gale, Sylvia

Belanger, James
Campbell, David
Cote, David
Eaton, Richard
Garcia, Michael

Boisvert, Ronald
Carroll, Douglas
Danielson, David
Gage, Ruth
Goley, Jeffrey

Gorman, Mary
Hammond, Jill
Heden, Ruth
Knowles, Mary Ann
Leishman, Peter
Mangipudi, Latha
Murotake, David
Ober, Russell
Renzullo, Andrew
Schmidt, Janice
Stroud, Kathleen
Vail, Suzanne
Williams, Kermit

Grady, Brenda
Hansberry, Daniel
Hinch, Richard
Kopka, Angeline
LeVasseur, Richard
Manley, Jonathan
O'Flaherty, Tim
Porter, Marjorie
Rhodes, Brian
Shattuck, Gilman
Sullivan, Daniel
Vaillancourt, Steve
Winters, Joel

Hackel, Paul
Harriott-Gathright, Linda
Jack, Martin
Kurk, Neal
Long, Patrick
McCloskey, David
O'Neil, William
Pratt, Calvin
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Peter
Walsh, Robert
Woodbury, David

Haefner, Robert
Heath, Mary
Judy, Jean
Lambert, George
MacKay, Mariellen
McNamara, Richard
Ober, Lynne
Ramsey, Peter
Sandblade, Emily
Smith, Timothy
Ulery, Jordan
Warden, Mark

MERRIMACK

Alicea, Caroletta
Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Kidder, David
McGuire, Dan
Ratzki, Mario
Schamberg, Thomas
Turcotte, Alan
Webb, Leigh

Andrews, Christopher
Davis, Frank
French, Barbara
Hoell, J.R.
Lockwood, Priscilla
Moffett, Howard
Rice, Chip
Schuett, Dianne
Wallner, Mary Jane

Bartlett, Christy
Ebel, Karen
Gile, Mary
Karrick, David
MacKay, James
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Walz, Mary Beth

Bouchard, Candace
Frambach, Mary
Henle, Paul
Kelly, Sally
McGuire, Carol
Patten, Dick
Rogers, Katherine
Smith, Todd
Watrous, Rick

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cali-Pitts, Jacqueline
Flockhart, Eileen
Kappler, Lawrence
Major, Norman
Pantelakos, Laura
Tasker, Kyle

Borden, David
Comerford, Timothy
Heffron, Frank
Khan, Aboul
Mann, Maureen
Scarlotta, Joe
Ward, Gerald

Briden, Steven
Cushing, Robert
Hoelzel, Kathleen
Lovejoy, Patricia
Moody, Marcia
Schlachman, Donna
Wazlaw, Brian

Cahill, Michael
Fesh, Robert
Itse, Daniel
Lundgren, David
Muns, Chris
Sytek, John
Whittemore, Lisa

STRAFFORD

Baber, William
Grassie, Anne
Horrigan, Timothy
Malloy, Dennis
Parsons, Robbie
Schmidt, Peter
Stevens, Audrey

Bickford, David
Gray, James
Hubbard, Pamela
Merrill, Amanda
Perry, Robert
Smith, Marjorie
Wall, Janet

Bixby, Peter
Grossman, Kenneth
Kaen, Naida
Miller, David
Rogers, Rose Marie
Spainhower, Dale

Burdwood, Greg
Hooper, Dorothea
Ketel, Stephen
Mullen, John
Rollo, Deanna
Spang, Judith

SULLIVAN

Cloutier, John
Lefebvre, Benjamin

Gagnon, Raymond
O'Hearne, Andrew

Gottling, Suzanne
Osgood, Joe

Grenier, James
Schmidt, Andrew

NAYS - 97

BELKNAP

Burchell, Richard
Greemore, Robert

Comtois, Guy
Holmes, Stephen

Cormier, Jane
Tilton, Franklin

Flanders, Donald
Worsman, Colette

CARROLL

Buco, Thomas
McConkey, Mark

Chandler, Gene
White, Syndi

Cordelli, Glenn

Crawford, Karel

CHESHIRE

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad

Ladd, Rick

Reilly, Harold

HILLSBOROUGH

Boehm, Ralph
Coffey, James
Hansen, Peter
Jasper, Shawn

Byron, Frank
Culbert, Patrick
Hikel, John
LeBrun, Donald

Cebrowski, John
Daniels, Gary
Hopper, Gary
Levesque, Melanie

Christiansen, Lars
Graham, John
Infantine, William
McCarthy, Michael

Meaney, Richard
O'Brien, William
Peterson, Lenette
Straight, Philip

Murphy, Kelleigh
Palmer, Stephen
Rowe, Robert
Takesian, Charlene

Murphy, Keith
Parison, James
Sanborn, Laurie
Villeneuve, Moe

Notter, Jeanine
Pellegrino, Tony
Soucy, Timothy

MERRIMACK

Burns, Scott
Walsh, Thomas

Carey, Lorrie

Hess, David

Kotowski, Frank

ROCKINGHAM

Abrami, Patrick
Chirichiello, Brian
Dumaine, Dudley
Garcia, Bianca
Hagan, Joseph
McMahon, Charles
Peckham, Michele
Sedensky, John
Webb, James

Baldasaro, Alfred
Copeland, Timothy
Elliott, Robert
Garcia, Marilinda
Harris, Jeffrey
Nigrello, Robert
Priestley, Anne
Tamburello, Daniel
Weyler, Kenneth

Bick, Patrick
Devine, James
Emerick, J. Tracy
Gordon, Richard
Kolodziej, Walter
O'Connor, John
Rice, Frederick
Tucker, Pamela

Birdsell, Regina
Duarte, Joe
Ferrante, Beverly
Griffin, Mary
McKinney, Betsy
Packard, Sherman
Schroadter, Adam
Waterhouse, Kevin

STRAFFORD

Beaudoin, Steven

Jones, Laura

Verschueren, James

SULLIVAN

Rollins, Skip

Smith, Steven

Tanner, Linda

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

HB 1301, relative to transportation of alcoholic beverages by a minor. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Steve Vaillancourt for the Majority of Criminal Justice and Public Safety. Many members of the committee did not even know this particular law exists. If we as lawmakers were not aware of it, one can imagine how many of our constituents are breaking the law without even knowing it. That is never a good thing, so this change would simply reflect reality. Currently, a driver under 21 years of age may drive a vehicle with alcohol in the vehicle if accompanied by a parent, legal guardian, or of-age spouse. In other words, that passenger could be drunk and the driver would be acting legally. However, the driver would be acting illegally if accompanied by a perfectly sober 40 or 50 year old. That does not seem right. Keep in mind that this does not apply to open containers. They would remain illegal under all circumstances. This bill would simply allow any adult to be in the car with the underage driver, not necessarily the parent. In other words, it is currently illegal for a 19 year old to drive Grandma home from a grocery store if Grandma has purchased a six pack. The bill would make that common occurrence legal. The Majority feels this not only makes sense but is in the best interest of public safety since the youth will be sober and acting responsibly. Vote 13-4.

Rep. Dennis H. Fields for the Minority of Criminal Justice and Public Safety. This bill creates an exception to allow an underage person to transport an alcoholic beverage any time the alcohol is in possession of a legal age person. Under current law, they can only do so when the legal age person is a parent, guardian or legal-age spouse. This bill will allow more minors to drive with alcohol in vehicles and thus make it far too easy for minor drivers to be in the presence of alcohol when driving and the "barely 21's" will suddenly become the popular companions for underage youth "out for a good time" and make it easier for them to obtain alcohol. This increasing access to alcohol will result in more alcohol consumption by minors, put more alcohol in cars driven by minors, and encourage them to consume alcohol while driving or riding. The minority contends there is no reasonable justification for this bill at a time when New Hampshire's fatal traffic crashes are on the increase and when we should be discouraging alcohol consumption by our most valuable asset, our youth, as well as protecting all the other road users.

Majority committee report adopted and ordered to third reading.

HB 1436, relative to unlawful possession of alcoholic beverages. **WITHOUT RECOMMENDATION.**

Statement in favor of Ought to Pass with Amendment: Rep. Mark Warden.

We believe this is a common-sense approach to add balance to the criminal prohibition on minors possessing alcohol, when the minor is in the presence of a parent or legal guardian. This bill also adds medical and religious exemptions. This applies only to possession, not consumption, which is illegal.

Statement in favor of Inexpedient to Legislate: Rep. Laura Pantelakos.

This bill would create three exemptions for unlawful possession of alcohol by those under 21 years of age; a medical exemption, a religious exemption, and an exemption for someone under 21 in the presence of an adult. This bill appears to be a solution in search of a problem, as the committee heard no testimony of those younger than 21 being arrested or charged under current law who might have qualified under one of the proposed exemptions. The committee could not conceive of any situation where alcohol would be prescribed to someone

under 21 for medical reasons and believes that the religious exemption is far too broad to be enforced. The committee is aware that certain other states have family or location exemptions; however, that is no reason why New Hampshire should follow suit.

Rep. Warden moved Ought to Pass with Amendment (0369h).

Amendment (0369h)

Amend RSA 179:10, V as inserted by section 1 of the bill by replacing it with the following:

V. Any person at least 18 years of age but less than 21 years of age, who is in possession of liquor or alcoholic beverages, who is in a place where alcoholic beverages are not sold, and who is in the physical presence of that person's parent, legal guardian, or spouse who is 21 years of age or older shall be exempt from this section.

Rep. Warden spoke in favor.

Rep. Pantelakos spoke against.

Rep. Carol McGuire spoke in favor and yielded to questions.

On a division vote, 167 members having voted in the affirmative and 131 in the negative, amendment (0369h) was adopted.

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

Rep. Pantelakos requested a roll call; sufficiently seconded.

YEAS 143 - NAYS 185

YEAS - 143

BELKNAP

Burchell, Richard
Flanders, Donald
Sylvia, Michael

Comtois, Guy
Greemore, Robert
Tilton, Franklin

Cormier, Jane
Gulick, Ruth
Vadney, Herbert

Fink, Charles
Holmes, Stephen
Worsman, Colette

CARROLL

Ahlgren, Christopher
McConkey, Mark
Wright, Donald

Butler, Edward
Schmidt, Stephen

Chandler, Gene
Ticehurst, Susan

Cordelli, Glenn
White, Syndi

CHESHIRE

Hunt, John

Robertson, Timothy

COOS

Rappaport, Laurence

Rideout, Leon

GRAFTON

Bailey, Brad
Reilly, Harold

Doolan, Ralph
Shackett, Jeffrey

Friedrich, Carol

Gionet, Edmond

HILLSBOROUGH

Belanger, James
Christiansen, Lars
Daniels, Gary
Garcia, Michael
Hansen, Peter
Jasper, Shawn
Meaney, Richard
Notter, Jeanine
Ober, Russell
Renzullo, Andrew
Shaw, Barbara
Ulery, Jordan
Winters, Joel

Boehm, Ralph
Coffey, James
Danielson, David
Graham, John
Hikel, John
Kurk, Neal
Murotake, David
O'Brien, William
Palmer, Stephen
Rowe, Robert
Straight, Philip
Vaillancourt, Steve

Burt, John
Connor, Evelyn
Dobson, Jeremy
Hackel, Paul
Hinch, Richard
Lambert, George
Murphy, Kelleigh
O'Flaherty, Tim
Parison, James
Sanborn, Laurie
Sullivan, Daniel
Villeneuve, Moe

Cebrowski, John
Culbert, Patrick
Gagne, Larry
Haefner, Robert
Infantine, William
LeBrun, Donald
Murphy, Keith
Ober, Lynne
Pratt, Calvin
Sandblade, Emily
Sullivan, Peter
Warden, Mark

MERRIMACK

Carson, Clyde
Kotowski, Frank
Walsh, Thomas

Henle, Paul
Lockwood, Priscilla
Walz, Mary Beth

Hess, David
McGuire, Carol

Hoell, J.R.
McGuire, Dan

ROCKINGHAM

Abrami, Patrick
Chirichiello, Brian
Emerick, J. Tracy
Garcia, Marilinda

Baldasaro, Alfred
Comerford, Timothy
Ferrante, Beverly
Gordon, Richard

Bick, Patrick
Devine, James
Fesh, Robert
Hagan, Joseph

Birdsell, Regina
Duarte, Joe
Garcia, Bianca
Harris, Jeffrey

Heffron, Frank
Lovejoy, Patricia
Nigrello, Robert
Sapareto, Frank
Tamburello, Daniel
Weyler, Kenneth

Itse, Daniel
Major, Norman
O'Connor, John
Schroadter, Adam
Tasker, Kyle

Kappler, Lawrence
McKinney, Betsy
Packard, Sherman
Sedensky, John
Tucker, Pamela

Kolodziej, Walter
McMahon, Charles
Peckham, Michele
Sytek, John
Waterhouse, Kevin

STRAFFORD

Beaudoin, Steven
Jones, Laura
Mullen, John

Bickford, David
Kaen, Naida
Parsons, Robbie

Gray, James
Ketel, Stephen
Spang, Judith

Grossman, Kenneth
Merrill, Amanda

SULLIVAN

Cloutier, John
Tanner, Linda

Grenier, James

Lefebvre, Benjamin

Rollins, Skip

NAYS - 185

BELKNAP

DiMartino, Lisa

Fields, Dennis

Huot, David

Raymond, Ian

CARROLL

Buco, Thomas
Umberger, Karen

Crawford, Karel

Merrow, Harry

Nelson, Bill

CHESHIRE

Ames, Richard
Eaton, Daniel
Ley, Douglas
Roberts, Kris
Weber, Lucy

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

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

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

COOS

Coulombe, Gary
Richardson, Herbert

Enman, Larry
Theberge, Robert

Hammon, Marcia

Moynihan, Wayne

GRAFTON

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

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

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

Cooney, Mary
Ladd, Rick
Nordgren, Sharon
Sykes, George

HILLSBOROUGH

Backus, Robert
Byron, Frank
Cote, David
Gale, Sylvia
Hammond, Jill
Heden, Ruth
Knowles, Mary Ann
Levesque, Melanie
Manley, Jonathan
O'Neil, William
Ramsey, Peter
Shattuck, Gilman
Takesian, Charlene
Woodbury, David

Beaulieu, Jane
Campbell, David
DiSilvestro, Linda
Goley, Jeffrey
Hansberry, Daniel
Hopper, Gary
Kopka, Angeline
Long, Patrick
McCarthy, Michael
Pellegrino, Tony
Rhodes, Brian
Smith, Timothy
Vail, Suzanne

Boisvert, Ronald
Carroll, Douglas
Eaton, Richard
Gorman, Mary
Harriott-Gathright, Linda
Jack, Martin
Leishman, Peter
MacKay, Mariellen
McCloskey, David
Peterson, Lenette
Rosenwald, Cindy
Soucy, Timothy
Walsh, Robert

Brown, Pamela
Chandlee, Shannon
Gage, Ruth
Grady, Brenda
Heath, Mary
Jeudy, Jean
LeVasseur, Richard
Mangipudi, Latha
McNamara, Richard
Porter, Marjorie
Schmidt, Janice
Stroud, Kathleen
Williams, Kermit

MERRIMACK

Andrews, Christopher
Carey, Lorrie
Frazer, June
Karrick, David
Moffett, Howard
Rice, Chip
Schuett, Dianne
Watrous, Rick

Bartlett, Christy
Davis, Frank
French, Barbara
Kelly, Sally
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Webb, Leigh

Bouchard, Candace
Ebel, Karen
Gile, Mary
Kidder, David
Patten, Dick
Rogers, Katherine
Turcotte, Alan

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

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cali-Pitts, Jacqueline

Borden, David
Copeland, Timothy

Briden, Steven
Cushing, Robert

Cahill, Michael
Dumaine, Dudley

Elliott, Robert
Khan, Aboul
Muns, Chris
Scarlotto, Joe
Webb, James

Flockhart, Eileen
Lundgren, David
Pantelakos, Laura
Schlachman, Donna
Whittemore, Lisa

Griffin, Mary
Mann, Maureen
Priestley, Anne
Ward, Gerald

Hoelzel, Kathleen
Moody, Marcia
Rice, Frederick
Wazlaw, Brian

STRAFFORD

Baber, William
Hooper, Dorothea
Miller, David
Schmidt, Peter
Verschuereen, James

Bixby, Peter
Horrigan, Timothy
Perry, Robert
Smith, Marjorie
Wall, Janet

Burdwood, Greg
Hubbard, Pamela
Rogers, Rose Marie
Spainhower, Dale
Ward, Kenneth

Grassie, Anne
Malloy, Dennis
Rollo, Deanna
Stevens, Audrey

SULLIVAN

Gottling, Suzanne
Smith, Steven

O'Hearne, Andrew

Osgood, Joe

Schmidt, Andrew

and the motion failed.

Rep. Gary Richardson moved Inexpedient to Legislate.

Rep. Pantelakos yielded to questions.

Rep. Vaillancourt moved Recommit and spoke in favor.

MOTION TO LAY ON THE TABLE

Rep. James Webb moved that **HB 1436**, relative to unlawful possession of alcoholic beverages, be laid on the table.

On a division vote, 217 members having voted in the affirmative and 113 in the negative, the motion was adopted.

HB 1347, establishing a house committee to study apportionment of state representative districts. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gary B. Richardson for the Majority of Election Law. This bill creates a study committee to study re-apportionment. The committee amendment directs this study committee to propose methods to ensure that future redistricting plans comply with the New Hampshire constitution; specifically Part II, Article 11, which states that each town and city ward within a reasonable deviation from the ideal population shall have its own representative seat. Vote 13-2.

Rep. Timothy P. Comerford for the Minority of Election Law. Part Second Article Nine of the New Hampshire constitution gives the legislature exclusive authority to redistrict every ten years. This bill seeks to create a study committee to explore the mechanisms by which we redistrict; the committee is entirely unnecessary. This legislation was put forth by legislators who take issue with the previous redistricting plan, which the New Hampshire Supreme Court found constitutional. New Hampshire has now been released from federal pre-clearance requirements under the voting rights act, which will allow us to have more flexibility in the future.

Majority Amendment (0440h)

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study the methods and conditions governing the apportionment of state representative districts. The committee shall propose such procedures and changes as may be required to assure compliance with New Hampshire constitutional requirements in future apportionment plans.

Majority committee amendment adopted.

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

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

YEAS 206 - NAYS 121

YEAS - 206

BELKNAP

Gulick, Ruth

Huot, David

Raymond, Ian

CARROLL

Buco, Thomas
White, Syndi

Butler, Edward

Crawford, Karel

Ticehurst, Susan

CHESHIRE

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

Berch, Paul
Johnsen, Gladys
Mann, John
Robertson, Timothy
Weber, Lucy

Butynski, William
Johnson, Jane
Parkhurst, Henry
Sad, Tara
Weed, Charles

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

COOS

Coulombe, Gary
Theberge, Robert

Enman, Larry

Hammon, Marcia

Moynihn, Wayne

GRAFTON

Almy, Susan
Doolan, Ralph
Higgins, Patricia
Nordgren, Sharon
Sykes, George

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

Brown, Rebecca
Friedrich, Carol
Massimilla, Linda
Piper, Wendy
White, Andrew

Cooney, Mary
Harding, Laurie
Mulholland, Catherine
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Chandlee, Shannon
Culbert, Patrick
Gage, Ruth
Gorman, Mary
Hansberry, Daniel
Jack, Martin
Kopka, Angeline
MacKay, Mariellen
McNamara, Richard
Ramsey, Peter
Schmidt, Janice
Soucy, Timothy
Vail, Suzanne
Woodbury, David

Beaulieu, Jane
Byron, Frank
Christiansen, Lars
Danielson, David
Gale, Sylvia
Grady, Brenda
Harriott-Gathright, Linda
Jasper, Shawn
Leishman, Peter
Mangipudi, Latha
Murotake, David
Rhodes, Brian
Shattuck, Gilman
Sullivan, Daniel
Walsh, Robert

Belanger, James
Campbell, David
Connor, Evelyn
DiSilvestro, Linda
Garcia, Michael
Hackel, Paul
Heath, Mary
Jeudy, Jean
Levesque, Melanie
Manley, Jonathan
O'Neil, William
Rokas, Ted
Shaw, Barbara
Sullivan, Peter
Williams, Kermit

Boisvert, Ronald
Carroll, Douglas
Cote, David
Dobson, Jeremy
Goley, Jeffrey
Hammond, Jill
Heden, Ruth
Knowles, Mary Ann
Long, Patrick
McCloskey, David
Porter, Marjorie
Rosenwald, Cindy
Smith, Timothy
Takesian, Charlene
Winters, Joel

MERRIMACK

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Henle, Paul
Lockwood, Priscilla
Patten, Dick
Rogers, Katherine
Turcotte, Alan

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

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

Burns, Scott
Ebel, Karen
Gile, Mary
Kelly, Sally
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cali-Pitts, Jacqueline
Heffron, Frank
Major, Norman
Muns, Chris
Scarlottio, Joe
Wazlaw, Brian

Borden, David
Cushing, Robert
Hoelzel, Kathleen
Mann, Maureen
Nigrello, Robert
Schlachman, Donna
Whittemore, Lisa

Briden, Steven
Flockhart, Eileen
Khan, Aboul
McKinney, Betsy
Pantelakos, Laura
Sedensky, John

Cahill, Michael
Griffin, Mary
Lovejoy, Patricia
Moody, Marcia
Priestley, Anne
Ward, Gerald

STRAFFORD

Baber, William
Grassie, Anne
Horrigan, Timothy
Malloy, Dennis
Rogers, Rose Marie
Spainhower, Dale
Wall, Janet

Bickford, David
Gray, James
Hubbard, Pamela
Merrill, Amanda
Rollo, Deanna
Spang, Judith
Ward, Kenneth

Bixby, Peter
Grossman, Kenneth
Kaen, Naida
Miller, David
Schmidt, Peter
Stevens, Audrey

Burdwood, Greg
Hooper, Dorothea
Ketel, Stephen
Perry, Robert
Smith, Marjorie
Verschueren, James

SULLIVAN

Cloutier, John
Lefebvre, Benjamin
Tanner, Linda

Gagnon, Raymond
O'Hearne, Andrew

Gottling, Suzanne
Rollins, Skip

Grenier, James
Schmidt, Andrew

NAYS - 121**BELKNAP**

Burchell, Richard
Fink, Charles
Sylvia, Michael

Comtois, Guy
Flanders, Donald
Tilton, Franklin

Cormier, Jane
Greemore, Robert
Vadney, Herbert

Fields, Dennis
Holmes, Stephen
Worsman, Colette

CARROLL

Ahlgren, Christopher
Merrow, Harry
Wright, Donald

Chandler, Gene
Nelson, Bill

Cordelli, Glenn
Schmidt, Stephen

McConkey, Mark
Umberger, Karen

CHESHIRE

Hunt, John

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTONBailey, Brad
Shackett, Jeffrey

Gionet, Edmond

Ladd, Rick

Reilly, Harold

HILLSBOROUGHBoehm, Ralph
Daniels, Gary
Hansen, Peter
Infantine, William
LeVasseur, Richard
Murphy, Keith
Ober, Lynne
Pellegrino, Tony
Rowe, Robert
Stroud, KathleenBurt, John
Gagne, Larry
Hikel, John
Kurk, Neal
McCarthy, Michael
Notter, Jeanine
Ober, Russell
Peterson, Lenette
Sanborn, Laurie
Ulery, JordanCebrowski, John
Graham, John
Hinch, Richard
Lambert, George
Meaney, Richard
O'Brien, William
Palmer, Stephen
Pratt, Calvin
Sandblade, Emily
Vaillancourt, SteveCoffey, James
Haefner, Robert
Hopper, Gary
LeBrun, Donald
Murphy, Kelleigh
O'Flaherty, Tim
Parison, James
Renzullo, Andrew
Straight, Philip
Villeneuve, Moe**MERRIMACK**Hess, David
McGuire, CarolHoell, J.R.
McGuire, DanKidder, David
Walsh, ThomasKotowski, Frank
Webb, Leigh**ROCKINGHAM**Abrami, Patrick
Chirichiello, Brian
Duarte, Joe
Ferrante, Beverly
Gordon, Richard
Kappler, Lawrence
O'Connor, John
Sapareto, Frank
Tasker, Kyle
Weyler, KennethBaldasaro, Alfred
Comerford, Timothy
Dumaine, Dudley
Fesh, Robert
Hagan, Joseph
Kolodziej, Walter
Packard, Sherman
Schroadter, Adam
Tucker, PamelaBick, Patrick
Copeland, Timothy
Elliott, Robert
Garcia, Bianca
Harris, Jeffrey
Lundgren, David
Peckham, Michele
Sytek, John
Waterhouse, KevinBirdsell, Regina
Devine, James
Emerick, J. Tracy
Garcia, Marilinda
Itse, Daniel
McMahon, Charles
Rice, Frederick
Tamburello, Daniel
Webb, James**STRAFFORD**

Beaudoin, Steven

Jones, Laura

Mullen, John

Parsons, Robbie

SULLIVAN

Osgood, Joe

Smith, Steven

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

HB 1462-FN, relative to electioneering by public employees. **INEXPEDIENT TO LEGISLATE.**

Rep. Melanie A. Levesque for Election Law. The purpose of this legislation is to add classes of employee to the description of public employee under the statute prohibiting electioneering (RSA 659:44). Regardless of classification, they are still considered public employees. There is also concern whether the performance of official duties means while on duty or while under employ. In addition, concerns were raised whether idle conversation around the water cooler could be construed as electioneering. Finally, the Judicial Branch states that during the past decade no charges were filed in any court for the violation of RSA 659.44. Accordingly, the committee voted this bill inexpedient to legislate. Vote 10-6.

Committee report adopted.

HB 1506, relative to student identification cards used to satisfy voter identification requirements. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary B. Richardson for Election Law. This bill would have eliminated the use of certain student identification cards to satisfy voter identification requirements. The secretary of state expressed a concern that election officials would be forced to maintain a long list of acceptable student I.D.'s issued by career schools. The majority of the committee did not feel that maintaining an alphabetized list of acceptable career schools was unduly burdensome. The committee also heard testimony that there is no credible evidence that impersonation fraud, which is the only type of fraud that identification cards seek to avoid, is a problem in New Hampshire. Vote 10-6.

On a division vote, 259 members having voted in the affirmative and 65 in the negative, the committee report was adopted.

HB 1146, establishing a committee to study the feasibility of funding a kindergarten to college/career ready program and a universal college savings account. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Susan M. Ford for the Majority of Finance. This bill would establish a study committee to investigate whether it is feasible to offer a kindergarten to college/career ready program in New Hampshire. The study committee, with support from the education and banking community, will focus on creating, structuring, managing, marketing, and funding a program to meet the needs of New Hampshire students. Young students, with limited family finances, never consider that they may have an opportunity to attend college or a technical school. A kindergarten to college/career program provides a bank account for every kindergarten student in the cohort and provides an opportunity for all students to consider a post-secondary education leading to a career. These accounts may be funded by a foundation, a community, the state or an individual; the cohort may be students in the state, a region, a city, or town. Students, parents, and others may add to the fund over the 13 years a student is enrolled in a public school. There are many different kindergarten to career programs being implemented across the country – all organized in very different ways to meet local needs. This study committee will investigate if this program is right for New Hampshire. Vote 16-6.

Rep. Dan McGuire for the Minority of Finance. This bill contemplates yet another scheme for sending public funds to higher education. Over the last generation, we've seen federal spending for colleges balloon to over \$100 billion a year. This is roughly \$5,000 per student per year. All this money has disappeared down the black hole of tuition increases. Students are graduating with higher debt than ever before. More money is not the answer.

Majority Amendment (0223h)

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

1 Committee Established. There is established a committee to study the feasibility of creating, structuring, managing, marketing, and funding a kindergarten to college/career (K2C/C) ready program and a universal college savings account, the purpose of which shall be to promote individual financial literacy among low and moderate income families.

2 Membership and Compensation.

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

(a) Five members of the house of representatives, appointed by the speaker of the house of representatives, one of whom shall be a member of the children and family law committee, one of whom shall be a member of the education committee, one of whom shall be a member of the ways and means committee, one of whom shall be a member of the commerce committee, and one of whom shall be a member of the finance committee.

(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.

3 Duties. The committee shall study the feasibility of creating, structuring, managing, marketing, and funding a K2C/C ready program and a universal college savings account and asset building program in New Hampshire. The committee shall:

I. Review the structure and success of the K2C ready program in San Francisco and the status of similar programs in Ohio, Nevada, Washington, and elsewhere in the United States.

II. Determine the projected population of kindergarten children to be served.

III. Establish contacts with New Hampshire banks, credit unions, philanthropic organizations, and other area financial services that may be involved in similar efforts.

IV. Explore marketing protocols used in San Francisco and other states.

V. Solicit information and testimony from those individuals, agencies, and entities that may be of assistance to the committee in the performance of its duties, including but not limited to, the state treasurer, a principal of an urban elementary school, and a superintendent of a school district that includes a career and technical education center.

VI. Develop a proposal for New Hampshire, based on projected kindergarten enrollment in 2016, that addresses the anticipated investment per student, guidelines for account maintenance, application procedures, and administrative costs.

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.

Majority committee amendment adopted.

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

Rep. Hoell requested a roll call; sufficiently seconded.

YEAS 199 - NAYS 127**YEAS - 199
BELKNAP**

DiMartino, Lisa

Gulick, Ruth

Huot, David

Raymond, Ian

Ahlgren, Christopher
Ticehurst, SusanBuco, Thomas
White, Syndi

Butler, Edward

Crawford, Karel

CHESHIREAmes, Richard
Eaton, Daniel
Mann, John
Robertson, Timothy
Weber, LucyBerch, Paul
Johnsen, Gladys
Parkhurst, Henry
Sad, Tara
Weed, CharlesButynski, William
Lerandeau, Alfred
Phillips, Larry
Shepardson, Marjorie
Young, HarryChase, Cynthia
Ley, Douglas
Roberts, Kris
Tatro, Bruce**COOS**

Coulombe, Gary

Enman, Larry

Hammon, Marcia

Moynihan, Wayne

GRAFTONAlmy, Susan
Cooney, Mary
Higgins, Patricia
Nordgren, Sharon
Sykes, GeorgeBailey, Brad
Ford, Susan
Lovett, Sid
Pastor, Beatriz
Townsend, CharlesBenn, Bernard
Friedrich, Carol
Massimilla, Linda
Piper, Wendy
White, AndrewBrown, Rebecca
Harding, Laurie
Mulholland, Catherine
Smith, Suzanne**HILLSBOROUGH**Backus, Robert
Campbell, David
Connor, Evelyn
Dobson, Jeremy
Grady, Brenda
Harriott-Gathright, Linda
Jack, Martin
Leishman, Peter
Mangipudi, Latha
O'Neil, William
Rosenwald, Cindy
Soucy, Timothy
Walsh, RobertBeaulieu, Jane
Carroll, Douglas
Cote, David
Gage, Ruth
Hackel, Paul
Heath, Mary
Jeudy, Jean
Levesque, Melanie
Manley, Jonathan
Porter, Marjorie
Schmidt, Janice
Sullivan, Daniel
Williams, KermitBoisvert, Ronald
Cebrowski, John
Culbert, Patrick
Gale, Sylvia
Hammond, Jill
Heden, Ruth
Knowles, Mary Ann
Long, Patrick
McCloskey, David
Ramsey, Peter
Shattuck, Gilman
Sullivan, Peter
Winters, JoelBrown, Pamela
Chandley, Shannon
DiSilvestro, Linda
Goley, Jeffrey
Hansberry, Daniel
Infantine, William
Kopka, Angeline
MacKay, Mariellen
McNamara, Richard
Rhodes, Brian
Smith, Timothy
Vail, Suzanne
Woodbury, David**MERRIMACK**Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Henle, Paul
MacKay, James
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary JaneBartlett, Christy
Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Moffett, Howard
Rice, Chip
Schuett, Dianne
Walz, Mary BethBouchard, Candace
Davis, Frank
French, Barbara
Karrick, David
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Watrous, RickBurns, Scott
Ebel, Karen
Gile, Mary
Kelly, Sally
Patten, Dick
Rogers, Katherine
Turcotte, Alan
Webb, Leigh**ROCKINGHAM**Andrews-Ahearn, E. Elaine
Cali-Pitts, Jacqueline
Devine, James
Flockhart, Eileen
Major, Norman
Muns, Chris
Sapareto, Frank
Wazlaw, BrianBorden, David
Chirichiello, Brian
Elliott, Robert
Heffron, Frank
Mann, Maureen
Nigrello, Robert
Scarlotta, Joe
Weyler, KennethBriden, Steven
Copeland, Timothy
Ferrante, Beverly
Khan, Aboul
McMahon, Charles
Pantelakos, Laura
Schlachman, Donna
Whittemore, LisaCahill, Michael
Cushing, Robert
Fesh, Robert
Lovejoy, Patricia
Moody, Marcia
Peckham, Michele
Ward, Gerald**STRAFFORD**Baber, William
Grossman, Kenneth
Ketel, Stephen
Perry, Robert
Smith, Marjorie
Verschueren, JamesBixby, Peter
Hooper, Dorothea
Malloy, Dennis
Rogers, Rose Marie
Spainhower, Dale
Wall, JanetBurdwood, Greg
Hubbard, Pamela
Merrill, Amanda
Rollo, Deanna
Spang, Judith
Ward, KennethGrassie, Anne
Kaen, Naida
Miller, David
Schmidt, Peter
Stevens, Audrey

SULLIVAN

Cloutier, John
Lefebvre, Benjamin
Tanner, Linda

Gagnon, Raymond
O'Hearne, Andrew

Gottling, Suzanne
Schmidt, Andrew

Grenier, James
Smith, Steven

NAYS - 127**BELKNAP**

Burchell, Richard
Fink, Charles
Sylvia, Michael

Comtois, Guy
Flanders, Donald
Tilton, Franklin

Cormier, Jane
Gremore, Robert
Vadney, Herbert

Fields, Dennis
Holmes, Stephen
Worsman, Colette

CARROLL

Chandler, Gene
Nelson, Bill

Cordelli, Glenn
Schmidt, Stephen

McConkey, Mark
Umberger, Karen

Merrow, Harry
Wright, Donald

CHESHIRE

Hunt, John

Johnson, Jane

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

Theberge, Robert

GRAFTON

Doolan, Ralph
Shackett, Jeffrey

Gionet, Edmond

Ladd, Rick

Reilly, Harold

HILLSBOROUGH

Belanger, James
Christiansen, Lars
Gagne, Larry
Haefner, Robert
Jasper, Shawn
LeVasseur, Richard
Murphy, Kelleigh
O'Flaherty, Tim
Parison, James
Renzullo, Andrew
Sandblade, Emily
Ulery, Jordan

Boehm, Ralph
Coffey, James
Garcia, Michael
Hikel, John
Kurk, Neal
McCarthy, Michael
Murphy, Keith
Ober, Lynne
Pellegrino, Tony
Rokas, Ted
Shaw, Barbara
Vaillancourt, Steve

Burt, John
Daniels, Gary
Gorman, Mary
Hinch, Richard
Lambert, George
Meaney, Richard
Notter, Jeanine
Ober, Russell
Peterson, Lenette
Rowe, Robert
Stroud, Kathleen
Villeneuve, Moe

Byron, Frank
Danielson, David
Graham, John
Hopper, Gary
LeBrun, Donald
Murotake, David
O'Brien, William
Palmer, Stephen
Pratt, Calvin
Sanborn, Laurie
Takesian, Charlene

MERRIMACK

Hess, David
Lockwood, Priscilla

Hoell, J.R.
McGuire, Carol

Kidder, David
McGuire, Dan

Kotowski, Frank
Walsh, Thomas

ROCKINGHAM

Abrami, Patrick
Comerford, Timothy
Garcia, Bianca
Hagan, Joseph
Kappler, Lawrence
O'Connor, John
Schroadter, Adam
Tasker, Kyle

Baldasaro, Alfred
Duarte, Joe
Garcia, Marilinda
Harris, Jeffrey
Kolodziej, Walter
Packard, Sherman
Sedensky, John
Tucker, Pamela

Bick, Patrick
Dumaine, Dudley
Gordon, Richard
Hoelzel, Kathleen
Lundgren, David
Priestley, Anne
Sytek, John
Waterhouse, Kevin

Birdsell, Regina
Emerick, J. Tracy
Griffin, Mary
Itse, Daniel
McKinney, Betsy
Rice, Frederick
Tamburello, Daniel
Webb, James

STRAFFORD

Beaudoin, Steven
Jones, Laura

Bickford, David
Mullen, John

Gray, James
Parsons, Robbie

Horrigan, Timothy

SULLIVAN

Osgood, Joe

Rollins, Skip

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

HB 1251-FN-A, making an appropriation for New Hampshire Public Television. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Daniel A. Eaton for Finance. This bill came to the committee asking for a 2.7 million dollar appropriation for New Hampshire Public Television. The committee found that if we repealed a session law that does not allow NHPTV to negotiate with agencies for funds or services, the problem would be solved and no appropriation would be needed. At the current time, NHPTV cannot even respond to an RFP from any state agency even though it might save the state money. NHPTV has to maintain its towers which is expensive and adding additional services on those towers adds to that expense. Agencies currently using those towers

have said that they are willing to pay for that use. The committee amendment eliminates the funding request, repeals a session law and allows NHPTV to respond to RFPs for service. NHPTV believes that this simple change will solve any existing problems and supports the committee's amended version of the bill. Vote 21-0.

Amendment (0217h)

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

AN ACT repealing a limitation on appropriations for New Hampshire Public Television.

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

1 Repeal. 2011, 224:356, relative to appropriations for New Hampshire Public Television, is repealed.

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

AMENDED ANALYSIS

This bill repeals a law that requires appropriations for New Hampshire Public Television in the capital or operating budget to be made directly to New Hampshire Public Television and not appropriated through or expended by the university system or any other state agency.

Rep. Daniel Eaton yielded to questions.

Amendment adopted.

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

Rep. William O'Brien requested a roll call; sufficiently seconded.

YEAS 223 - NAYS 104

YEAS - 223

BELKNAP

DiMartino, Lisa
Raymond, Ian

Fields, Dennis
Worsman, Colette

Gulick, Ruth

Huot, David

CARROLL

Buco, Thomas
Morrow, Harry

Butler, Edward
Ticehurst, Susan

Crawford, Karel
Umberger, Karen

McConkey, Mark
White, Syndi

CHESHIRE

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

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

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

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

COOS

Coulombe, Gary
Rideout, Leon

Enman, Larry
Theberge, Robert

Hammon, Marcia

Moynihan, Wayne

GRAFTON

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

Bailey, Brad
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

HILLSBOROUGH

Backus, Robert
Campbell, David
Connor, Evelyn
Dobson, Jeremy
Gorman, Mary
Hammond, Jill
Heden, Ruth
Kopka, Angeline
MacKay, Mariellen
McNamara, Richard
Porter, Marjorie
Rosenwald, Cindy
Smith, Timothy
Sullivan, Peter
Walsh, Robert

Beaulieu, Jane
Carroll, Douglas
Cote, David
Gage, Ruth
Grady, Brenda
Hansberry, Daniel
Jack, Martin
Leishman, Peter
Mangipudi, Latha
Murotake, David
Ramsey, Peter
Schmidt, Janice
Soucy, Timothy
Takesian, Charlene
Williams, Kermit

Boisvert, Ronald
Cebrowski, John
Danielson, David
Gale, Sylvia
Graham, John
Harriott-Gathright, Linda
Jeudy, Jean
Levesque, Melanie
Manley, Jonathan
O'Flaherty, Tim
Rhodes, Brian
Shattuck, Gilman
Stroud, Kathleen
Vail, Suzanne
Winters, Joel

Brown, Pamela
Chandley, Shannon
DiSilvestro, Linda
Goley, Jeffrey
Hackel, Paul
Heath, Mary
Knowles, Mary Ann
Long, Patrick
McCloskey, David
O'Neil, William
Rokas, Ted
Shaw, Barbara
Sullivan, Daniel
Vaillancourt, Steve
Woodbury, David

MERRIMACK

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

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

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

Burns, Scott
 Ebel, Karen
 Gile, Mary
 Kelly, Sally
 Myler, Mel
 Richardson, Gary
 Shurtleff, Stephen
 Watrous, Rick

ROCKINGHAM

Andrews-Ahearn, E. Elaine
 Cali-Pitts, Jacqueline
 Elliott, Robert
 Garcia, Bianca
 Khan, Aboul
 McKinney, Betsy
 Pantelakos, Laura
 Schlachman, Donna
 Weyler, Kenneth

Borden, David
 Copeland, Timothy
 Ferrante, Beverly
 Garcia, Marilinda
 Lovejoy, Patricia
 Moody, Marcia
 Peckham, Michele
 Ward, Gerald
 Whittemore, Lisa

Briden, Steven
 Cushing, Robert
 Fesh, Robert
 Griffin, Mary
 Major, Norman
 Muns, Chris
 Priestley, Anne
 Waterhouse, Kevin

Cahill, Michael
 Dumaine, Dudley
 Flockhart, Eileen
 Heffron, Frank
 Mann, Maureen
 Nigrello, Robert
 Scarlotto, Joe
 Wazlaw, Brian

STRAFFORD

Baber, William
 Grassie, Anne
 Horrigan, Timothy
 Malloy, Dennis
 Perry, Robert
 Smith, Marjorie
 Verschuere, James

Bickford, David
 Gray, James
 Hubbard, Pamela
 Merrill, Amanda
 Rogers, Rose Marie
 Spainhower, Dale
 Wall, Janet

Bixby, Peter
 Grossman, Kenneth
 Kaen, Naida
 Miller, David
 Rollo, Deanna
 Spang, Judith
 Ward, Kenneth

Burdwood, Greg
 Hooper, Dorothea
 Ketel, Stephen
 Mullen, John
 Schmidt, Peter
 Stevens, Audrey

SULLIVAN

Cloutier, John
 O'Hearne, Andrew
 Tanner, Linda

Gottling, Suzanne
 Rollins, Skip

Grenier, James
 Schmidt, Andrew

Lefebvre, Benjamin
 Smith, Steven

NAYS - 104**BELKNAP**

Burchell, Richard
 Flanders, Donald
 Tilton, Franklin

Comtois, Guy
 Greemore, Robert
 Vadney, Herbert

Cormier, Jane
 Holmes, Stephen

Fink, Charles
 Sylvia, Michael

CARROLL

Ahlgren, Christopher
 Schmidt, Stephen

Chandler, Gene
 Wright, Donald

Cordelli, Glenn

Nelson, Bill

CHESHIRE**COOS****GRAFTON**

Doolan, Ralph

Gionet, Edmond

Reilly, Harold

HILLSBOROUGH

Belanger, James
 Christiansen, Lars
 Gagne, Larry
 Hinch, Richard
 Kurk, Neal
 McCarthy, Michael
 Notter, Jeanine
 Palmer, Stephen
 Pratt, Calvin
 Sandblade, Emily

Boehm, Ralph
 Coffey, James
 Garcia, Michael
 Hopper, Gary
 Lambert, George
 Meaney, Richard
 O'Brien, William
 Parison, James
 Renzullo, Andrew
 Ulery, Jordan

Burt, John
 Culbert, Patrick
 Haefner, Robert
 Infantine, William
 LeBrun, Donald
 Murphy, Kelleigh
 Ober, Lynne
 Pellegrino, Tony
 Rowe, Robert
 Villeneuve, Moe

Byron, Frank
 Daniels, Gary
 Hikel, John
 Jasper, Shawn
 LeVasseur, Richard
 Murphy, Keith
 Ober, Russell
 Peterson, Lenette
 Sanborn, Laurie

MERRIMACK

Hess, David
 McGuire, Carol

Hoell, J.R.
 McGuire, Dan

Kidder, David
 Smith, Todd

Kotowski, Frank
 Walsh, Thomas

ROCKINGHAM

Abrami, Patrick
Chirichiello, Brian
Emerick, J. Tracy
Hoelzel, Kathleen
Lundgren, David
Rice, Frederick
Sytek, John
Webb, James

Baldasaro, Alfred
Comerford, Timothy
Gordon, Richard
Itse, Daniel
McMahon, Charles
Sapareto, Frank
Tamburello, Daniel

Bick, Patrick
Devine, James
Hagan, Joseph
Kappler, Lawrence
O'Connor, John
Schroadter, Adam
Tasker, Kyle

Birdsell, Regina
Duarte, Joe
Harris, Jeffrey
Kolodziej, Walter
Packard, Sherman
Sedensky, John
Tucker, Pamela

STRAFFORD

Beaudoin, Steven

Jones, Laura

Parsons, Robbie

SULLIVAN

Gagnon, Raymond

Osgood, Joe

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

HB 1489-FN-A-L, establishing a fund to reimburse costs associated with firefighters who have heart, lung, and cancer disease and continually appropriating a special fund. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. William A. Hatch for the Majority of Finance. HB 1489-FN's purpose is to establish a dedicated fund to reimburse cost associated with firefighters who have heart, lung and cancer disease and to continually support that dedicated fund. This was established in law but due to Article 28A issues cancer has not been funded and needs this type of mechanism for funds to pay the law. After 3 work sessions, the majority of the committee determined that a study committee was needed to review the many variables in the bill. The option for interim study was first considered but after reconsideration, the majority of the committee determined a study committee would be appropriate. Factors in that determination are the bill does establish a dedicated fund, which is a Ways and Means Committee responsibility, does involve workmen's compensation insurance, which is a Labor Committee responsibility, and insurance, which the Commerce Committee reviews. When all is considered and in recognition of the need to address this issue, the majority believes, all would be better served by this venue. Vote 14-8.

Rep. Karen C. Umberger for the Minority of Finance. This bill requires additional study to insure all the issues associated with firefighters and cancer can be studied. The committee has the concurrence of the fire marshal, the labor department and the insurance department that they would work with us to develop an appropriate methodology to insure firefighters are treated appropriately when they are identified as having cancer as a result of their job. The committee has the background on the issues surrounding the problem. The creation of a study committee with members who were not part of the hearings and work sessions will require an extensive learning curve. The duties of the majority-proposed study committee are quite limited. These limited duties as well as the composition of the study committee may not result in solving the problems associated with firefighters and cancer. We believe the committee has the expertise and the strong desire to work through this issue and to provide appropriate legislation to bring to the House for a vote.

Majority Amendment (0268h)

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

AN ACT establishing a committee to study the establishment of a fund to reimburse costs associated with firefighters who have cancer.

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

1 Committee Established. There is established a committee to study the establishment of a fund to reimburse costs associated with firefighters who have cancer.

2 Membership and Compensation.

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

(a) Three members of the house of representatives, one of whom shall be from the minority party, appointed by the speaker of the house of representatives as follows:

- (1) One member from the ways and means committee.
- (2) One member from the commerce and consumer affairs committee.
- (3) One member from the labor, industrial and rehabilitative services committee.

(b) Three 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.

3 Duties. The committee shall review the impact of the 1990 superior and supreme court cases relative to the constitutionality of enforcing RSA 281-A:17, II. The committee's study may include, but not be limited to, the cost effect to workers' compensation claims relative to firefighter occupational-related cancer disease in New Hampshire and potential funding methods to address the concerns raised by the 1990 court cases.

4 Chairperson; Quorum. The first-named house member shall be the chairperson of the committee and shall call the first meeting of the committee. The first meeting of the committee shall be held within 30 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 establishment of a fund to reimburse costs associated with firefighters who have cancer.

Majority committee amendment adopted.

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

YEAS 196 - NAYS 132

YEAS - 196

BELKNAP

DiMartino, Lisa

Gulick, Ruth

Huot, David

Raymond, Ian

CARROLL

Buco, Thomas

Butler, Edward

Ticehurst, Susan

CHESHIRE

Ames, Richard

Berch, Paul

Butynski, William

Chase, Cynthia

Eaton, Daniel

Johnsen, Gladys

Lerandean, Alfred

Ley, Douglas

Mann, John

Parkhurst, Henry

Phillips, Larry

Roberts, Kris

Robertson, Timothy

Sad, Tara

Shepardson, Marjorie

Tatro, Bruce

Weber, Lucy

Weed, Charles

Young, Harry

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Coulombe, Gary

Enman, Larry

Hammon, Marcia

Moynihan, Wayne

Richardson, Herbert

Theberge, Robert

GRAFTON

Almy, Susan

Benn, Bernard

Brown, Rebecca

Cooney, Mary

Ford, Susan

Friedrich, Carol

Harding, Laurie

Higgins, Patricia

Lovett, Sid

Massimilla, Linda

Mulholland, Catherine

Nordgren, Sharon

Pastor, Beatriz

Piper, Wendy

Smith, Suzanne

Sykes, George

Townsend, Charles

White, Andrew

HILLSBOROUGH

Backus, Robert

Boisvert, Ronald

Brown, Pamela

Campbell, David

Carroll, Douglas

Chandley, Shannon

Christiansen, Lars

Connor, Evelyn

Cote, David

Danielson, David

DiSilvestro, Linda

Dobson, Jeremy

Eaton, Richard

Gage, Ruth

Gale, Sylvia

Goley, Jeffrey

Gorman, Mary

Grady, Brenda

Hackel, Paul

Hammond, Jill

Hansberry, Daniel

Harriott-Gathright, Linda

Heath, Mary

Heden, Ruth

Jack, Martin

Judy, Jean

Knowles, Mary Ann

Kopka, Angeline

Leishman, Peter

Levesque, Melanie

Long, Patrick

MacKay, Mariellen

Mangipudi, Latha

Manley, Jonathan

McCarthy, Michael

McCloskey, David

McNamara, Richard

O'Neil, William

Pellegrino, Tony

Porter, Marjorie

Rhodes, Brian

Rokas, Ted

Rosenwald, Cindy

Schmidt, Janice

Shattuck, Gilman

Smith, Timothy

Soucy, Timothy

Sullivan, Daniel

Sullivan, Peter

Vail, Suzanne

Walsh, Robert

Williams, Kermit

Winters, Joel

Woodbury, David

MERRIMACK

Alicea, Caroletta

Andrews, Christopher

Bartlett, Christy

Bouchard, Candace

Burns, Scott

Carey, Lorrie

Carson, Clyde

Davis, Frank

Ebel, Karen

Frambach, Mary

Frazer, June

French, Barbara

Gile, Mary

Henle, Paul

Hirsch, Geoffrey

Karrick, David

Kelly, Sally

MacKay, James

Moffett, Howard

Myler, Mel

Patten, Dick

Ratzki, Mario

Rice, Chip

Richardson, Gary

Rogers, Katherine

Schamberg, Thomas

Schuett, Dianne

Shurtleff, Stephen

Turcotte, Alan

Wallner, Mary Jane

Walz, Mary Beth

Watrous, Rick

Webb, Leigh

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cali-Pitts, Jacqueline
Devine, James
Heffron, Frank
Muns, Chris
Scarlotta, Joe
Whittemore, Lisa

Borden, David
Chirichiello, Brian
Elliott, Robert
Khan, Aboul
Pantelakos, Laura
Schlachman, Donna

Briden, Steven
Copeland, Timothy
Flockhart, Eileen
Mann, Maureen
Peckham, Michele
Ward, Gerald

Cahill, Michael
Cushing, Robert
Griffin, Mary
Moody, Marcia
Priestley, Anne
Wazlaw, Brian

STRAFFORD

Baber, William
Grassie, Anne
Hubbard, Pamela
Merrill, Amanda
Rollo, Deanna
Spang, Judith
Ward, Kenneth

Bickford, David
Grossman, Kenneth
Kaen, Naida
Miller, David
Schmidt, Peter
Stevens, Audrey

Bixby, Peter
Hooper, Dorothea
Ketel, Stephen
Perry, Robert
Smith, Marjorie
Verschueren, James

Burdwood, Greg
Horrigan, Timothy
Malloy, Dennis
Rogers, Rose Marie
Spainhower, Dale
Wall, Janet

SULLIVAN

Cloutier, John
Lefebvre, Benjamin
Tanner, Linda

Gagnon, Raymond
O'Hearne, Andrew

Gottling, Suzanne
Schmidt, Andrew

Grenier, James
Smith, Steven

NAYS - 132**BELKNAP**

Burchell, Richard
Fink, Charles
Sylvia, Michael

Comtois, Guy
Flanders, Donald
Tilton, Franklin

Cormier, Jane
Greemore, Robert
Vadney, Herbert

Fields, Dennis
Holmes, Stephen
Worsman, Colette

CARROLL

Ahlgren, Christopher
McConkey, Mark
Umberger, Karen

Chandler, Gene
Morrow, Harry
White, Syndi

Cordelli, Glenn
Nelson, Bill
Wright, Donald

Crawford, Karel
Schmidt, Stephen

CHESHIRE**COOS****GRAFTON**

Bailey, Brad
Reilly, Harold

Doolan, Ralph
Shackett, Jeffrey

Gionet, Edmond

Ladd, Rick

HILLSBOROUGH

Beaulieu, Jane
Byron, Frank
Daniels, Gary
Haefner, Robert
Infantine, William
LeBrun, Donald
Murphy, Kelleigh
O'Flaherty, Tim
Parison, James
Rowe, Robert
Stroud, Kathleen
Villeneuve, Moe

Belanger, James
Cebrowski, John
Gagne, Larry
Hikel, John
Jasper, Shawn
LeVasseur, Richard
Murphy, Keith
Ober, Lynne
Peterson, Lenette
Sanborn, Laurie
Takesian, Charlene

Boehm, Ralph
Coffey, James
Garcia, Michael
Hinch, Richard
Kurk, Neal
Meaney, Richard
Notter, Jeanine
Ober, Russell
Pratt, Calvin
Sandblade, Emily
Ulery, Jordan

Burt, John
Culbert, Patrick
Graham, John
Hopper, Gary
Lambert, George
Murotake, David
O'Brien, William
Palmer, Stephen
Renzullo, Andrew
Shaw, Barbara
Vaillancourt, Steve

MERRIMACK

Hess, David
Lockwood, Priscilla
Walsh, Thomas

Hoell, J.R.
McGuire, Carol

Kidder, David
McGuire, Dan

Kotowski, Frank
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Comerford, Timothy
Ferrante, Beverly
Gordon, Richard
Itse, Daniel
Lundgren, David
Nigrello, Robert
Sapareto, Frank
Tamburello, Daniel
Webb, James

Baldasaro, Alfred
Duarte, Joe
Fesh, Robert
Hagan, Joseph
Kappler, Lawrence
Major, Norman
O'Connor, John
Schroadter, Adam
Tasker, Kyle
Weyler, Kenneth

Bick, Patrick
Dumaine, Dudley
Garcia, Bianca
Harris, Jeffrey
Kolodziej, Walter
McKinney, Betsy
Packard, Sherman
Sedensky, John
Tucker, Pamela

Birdsell, Regina
Emerick, J. Tracy
Garcia, Marilinda
Hoelzel, Kathleen
Lovejoy, Patricia
McMahon, Charles
Rice, Frederick
Sytek, John
Waterhouse, Kevin

STRAFFORD

Beaudoin, Steven
Parsons, Robbie

Gray, James

Jones, Laura

Mullen, John

SULLIVAN

Osgood, Joe

Rollins, Skip

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

The House recessed at 12:45 p.m.

RECESS

The House reconvened at 1:55 p.m.

(Speaker Norelli in the Chair)

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

HB 1369, adopting the Uniform Marital Property Act. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Ruth P. Gulick for the Majority of Children and Family Law. The origin of this bill is European (French and Spanish) and we see the uniform marital property formula applied in western states and the State of Wisconsin. The rest of our states have a system predicated on the English common law. New Hampshire's current English system aspires to an equitable property distribution upon the dissolution of marriage, as opposed to an equal distribution, the uniform marital property approach. Importantly, the equitable method encourages the accommodation of the best interests of children in the first instance, an important priority for New Hampshire parents and New Hampshire Family Courts. Children should not have to be victimized by their parents' perfectly equal property distribution. For example, their house may have to be sold so Mom and Dad can share equally in the proceeds. Equitable distribution will allow the children to stay in the home with an adjustment to fit with their parents' circumstances. At the same time, our current codified equitable standards accommodate the many financial variables attendant to property distribution. The proponents of this bill argued that pre-nuptial agreements would allow people to circumvent the equal distribution of assets required by this bill. But the reality is that would only apply to large estates because the average citizen is not going to execute a pre-nuptial agreement. New Hampshire has become one of four or five states that are depositories for many large trusts. There was extensive testimony by the bankers association and the bar that passage of this bill would cause many of those trusts to flee the state. Vote 14-2.

Rep. J. R. Hoell for the Minority of Children and Family Law. This bill would make New Hampshire into a community property state. Community property means that property owned prior to marriage or gained by gift or inheritance may remain separate, but property earned during marriage is shared, even if only one spouse is the breadwinner. Besides basic fairness, the bill has three main advantages. First, property division during divorce will be less contentious since the split is predictable, not determined in court. Second, there are federal capital gains tax advantages to widows and widowers. Finally, it promotes greater financial flexibility, since all provisions of the statutory language changes can be modified by an agreement between the spouses. The main opposition to the bill came from trust attorneys who were worried that they would have a harder time attracting out-of-state trusts to move to New Hampshire. The bill does not affect trusts, and even if it did a marital property agreement could be put in place with any desired terms.

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

Rep. Dan McGuire spoke against.

(Rep. Kaen in the Chair)

Reps. Gulick and Walz spoke in favor.

On a division vote, 243 members having voted in the affirmative and 75 in the negative, the majority committee report was adopted.

CACR 12, relating to nomination and appointment of officers. Providing that judges and the attorney general shall be elected. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank H. Heffron for Judiciary. This proposed constitutional amendment would make a major change in the selection process for all judges and the Attorney General. Under it, these officials would be elected. The majority of the committee did not hear any persuasive arguments for making such a significant change. For decades, the governors of both parties have had a judicial selection system, which has worked well. Also, the committee is aware that in states where judges are elected, candidates for judgeships can be subjected to pressures that are inconsistent with unbiased resolution of legal matters. Vote 16-2.

Rep. Hoell requested a roll call; sufficiently seconded.

YEAS 245 - NAYS 74**YEAS - 245****BELKNAP**

DiMartino, Lisa
Huot, David

Fields, Dennis
Raymond, Ian

Fink, Charles
Tilton, Franklin

Gulick, Ruth
Worsman, Colette

CARROLL

Buco, Thomas
Crawford, Karel
Ticehurst, Susan

Butler, Edward
Merrow, Harry
Umberger, Karen

Chandler, Gene
Nelson, Bill
White, Syndi

Cordelli, Glenn
Schmidt, Stephen

CHESHIRE

Ames, Richard
Eaton, Daniel
Lerandeau, Alfred
Phillips, Larry
Shepardson, Marjorie

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

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

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

COOS

Coulombe, Gary
Richardson, Herbert

Enman, Larry
Rideout, Leon

Hammon, Marcia
Thomas, Yvonne

Moynihan, Wayne

GRAFTON

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

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

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

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

HILLSBOROUGH

Backus, Robert
Byron, Frank
Coffey, James
DiSilvestro, Linda
Gagne, Larry
Gorman, Mary
Haefner, Robert
Heath, Mary
Jasper, Shawn
Kurk, Neal
Long, Patrick
McCloskey, David
Porter, Marjorie
Rokas, Ted
Shattuck, Gilman
Souza, Kathleen
Takesian, Charlene
Williams, Kermit

Beaulieu, Jane
Campbell, David
Connor, Evelyn
Dobson, Jeremy
Gale, Sylvia
Grady, Brenda
Hammond, Jill
Heden, Ruth
Judy, Jean
Leishman, Peter
MacKay, Mariellen
McNamara, Richard
Pratt, Calvin
Rosenwald, Cindy
Shaw, Barbara
Straight, Philip
Vail, Suzanne
Winters, Joel

Boisvert, Ronald
Carroll, Douglas
Cote, David
Eaton, Richard
Gidge, Kenneth
Graham, John
Hansberry, Daniel
Infantine, William
Knowles, Mary Ann
LeVasseur, Richard
Mangipudi, Latha
O'Neil, William
Ramsey, Peter
Rowe, Robert
Smith, Timothy
Sullivan, Daniel
Vaillancourt, Steve
Woodbury, David

Brown, Pamela
Chandle, Shannon
Danielson, David
Gage, Ruth
Goley, Jeffrey
Hackel, Paul
Harriott-Gathright, Linda
Jack, Martin
Kopka, Angeline
Levesque, Melanie
Manley, Jonathan
Peterson, Lenette
Rhodes, Brian
Schmidt, Janice
Soucy, Timothy
Sullivan, Peter
Walsh, Robert

MERRIMACK

Alicea, Caroletta
Burns, Scott
Ebel, Karen
Henle, Paul
Kelly, Sally
Moffett, Howard
Rice, Chip
Shurtleff, Stephen
Walz, Mary Beth

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Hess, David
Kidder, David
Myler, Mel
Richardson, Gary
Smith, Todd
Watrous, Rick

Bartlett, Christy
Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Lockwood, Priscilla
Patten, Dick
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

Bouchard, Candace
Davis, Frank
French, Barbara
Karrick, David
MacKay, James
Ratzki, Mario
Schuett, Dianne
Wallner, Mary Jane

ROCKINGHAM

Abrami, Patrick
Cahill, Michael
Devine, James
Garcia, Bianca
Hoelzel, Kathleen
Lovejoy, Patricia
Moody, Marcia

Andrews-Ahearn, E. Elaine
Cali-Pitts, Jacqueline
Elliott, Robert
Garcia, Marilinda
Kappler, Lawrence
Major, Norman
Muns, Chris

Bick, Patrick
Copeland, Timothy
Fesh, Robert
Griffin, Mary
Khan, Aboul
Mann, Maureen
Nigrello, Robert

Borden, David
Cushing, Robert
Flockhart, Eileen
Heffron, Frank
Kolodziej, Walter
McMahon, Charles
O'Connor, John

Packard, Sherman
Schlachman, Donna
Wazlaw, Brian

Pantelakos, Laura
Sedensky, John
Whittemore, Lisa

Priestley, Anne
Sytek, John

Rice, Frederick
Ward, Gerald

STRAFFORD

Baber, William
Gray, James
Hubbard, Pamela
Miller, David
Pitre, Joseph
Smith, Marjorie
Verschueren, James

Bickford, David
Grossman, Kenneth
Ketel, Stephen
Mullen, John
Rogers, Rose Marie
Spainhower, Dale
Wall, Janet

Bixby, Peter
Hooper, Dorothea
Malloy, Dennis
Pelletier, Marsha
Rollo, Deanna
Spang, Judith
Ward, Kenneth

Grassie, Anne
Horrigan, Timothy
Merrill, Amanda
Perry, Robert
Schmidt, Peter
Stevens, Audrey

SULLIVAN

Cloutier, John
Lefebvre, Benjamin

Gagnon, Raymond
Rollins, Skip

Gottling, Suzanne
Smith, Steven

Grenier, James
Tanner, Linda

NAYS - 74

BELKNAP

Burchell, Richard
Greemore, Robert

Comtois, Guy
Holmes, Stephen

Cormier, Jane
Sylvia, Michael

Flanders, Donald
Vadney, Herbert

CARROLL

Ahlgren, Christopher

McConkey, Mark

Wright, Donald

COOS

Rappaport, Laurence

GRAFTON

Bailey, Brad

Doolan, Ralph

Harding, Laurie

Reilly, Harold

HILLSBOROUGH

Belanger, James
Christiansen, Lars
Hansen, Peter
LeBrun, Donald
Murphy, Keith
Ober, Lynne
Pellegrino, Tony
Ulery, Jordan

Boehm, Ralph
Culbert, Patrick
Hikel, John
McCarthy, Michael
Notter, Jeanine
Ober, Russell
Renzullo, Andrew
Villeneuve, Moe

Burt, John
Daniels, Gary
Hopper, Gary
Meaney, Richard
O'Brien, William
Palmer, Stephen
Sanborn, Laurie

Cebrowski, John
Garcia, Michael
Lambert, George
Murotake, David
O'Flaherty, Tim
Parison, James
Sandblade, Emily

MERRIMACK

Hoell, J.R.
Walsh, Thomas

McGuire, Carol

McGuire, Dan

Schamberg, Thomas

ROCKINGHAM

Baldasaro, Alfred
Duarte, Joe
Gordon, Richard
Peckham, Michele
Waterhouse, Kevin

Birdsell, Regina
Dumaine, Dudley
Hagan, Joseph
Scarlott, Joe
Webb, James

Chirichiello, Brian
Emerick, J. Tracy
Harris, Jeffrey
Schroader, Adam
Weyler, Kenneth

Comerford, Timothy
Ferrante, Beverly
Itse, Daniel
Tucker, Pamela

STRAFFORD

Beaudoin, Steven

Jones, Laura

Parsons, Robbie

SULLIVAN

Osgood, Joe

and the committee report was adopted.

Rep. Harding voted Nay and intended to vote Yea.

CACR 16, relating to the nomination and appointment of officers. Providing that judicial officers shall be confirmed by the legislature. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph M. Hagan for Judiciary. This proposed constitutional amendment would allow either the governor or the executive council to appoint judicial officers and require confirmation by majority vote of the legislature in joint session. The majority feels that this change is not necessary and would needlessly complicate a process that is working well. Vote 16-2.

Reps. Itse and Hoell spoke against.

Rep. Hagan spoke in favor.

Rep. Dumaine requested a roll call; sufficiently seconded.

YEAS 233 - NAYS 83**YEAS - 233****BELKNAP**

DiMartino, Lisa
Huot, David

Fields, Dennis
Raymond, Ian

Flanders, Donald
Tilton, Franklin

Gulick, Ruth

CARROLL

Buco, Thomas
Morrow, Harry
White, Syndi

Butler, Edward
Schmidt, Stephen

Chandler, Gene
Ticehurst, Susan

Crawford, Karel
Umberger, Karen

CHESHIRE

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

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

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

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

COOS

Coulombe, Gary
Richardson, Herbert

Enman, Larry
Thomas, Yvonne

Hammon, Marcia

Moynihan, Wayne

GRAFTON

Almy, Susan
Cooney, Mary
Harding, Laurie
Massimilla, Linda
Piper, Wendy
Sykes, George

Bailey, Brad
Ford, Susan
Higgins, Patricia
Mulholland, Catherine
Reilly, Harold
Townsend, Charles

Benn, Bernard
Friedrich, Carol
Ladd, Rick
Nordgren, Sharon
Shackett, Jeffrey
White, Andrew

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

HILLSBOROUGH

Backus, Robert
Byron, Frank
Chandley, Shannon
DiSilvestro, Linda
Gagne, Larry
Gorman, Mary
Haefner, Robert
Heath, Mary
Jeudy, Jean
Leishman, Peter
MacKay, Mariellen
McCloskey, David
Ramsey, Peter
Rowe, Robert
Shaw, Barbara
Sullivan, Daniel
Vaillancourt, Steve
Woodbury, David

Beaulieu, Jane
Campbell, David
Coffey, James
Dobson, Jeremy
Gale, Sylvia
Grady, Brenda
Hammond, Jill
Heden, Ruth
Knowles, Mary Ann
LeVasseur, Richard
Mangipudi, Latha
McNamara, Richard
Rhodes, Brian
Sanborn, Laurie
Smith, Timothy
Sullivan, Peter
Walsh, Robert

Boisvert, Ronald
Carroll, Douglas
Connor, Evelyn
Eaton, Richard
Gidge, Kenneth
Graham, John
Hansberry, Daniel
Jack, Martin
Kopka, Angeline
Levesque, Melanie
Manley, Jonathan
O'Neil, William
Rokas, Ted
Schmidt, Janice
Soucy, Timothy
Takesian, Charlene
Williams, Kermit

Brown, Pamela
Cebrowski, John
Cote, David
Gage, Ruth
Goley, Jeffrey
Hackel, Paul
Harriott-Gathright, Linda
Jasper, Shawn
Kurk, Neal
Long, Patrick
McCarthy, Michael
Porter, Marjorie
Rosenwald, Cindy
Shattuck, Gilman
Souza, Kathleen
Vail, Suzanne
Winters, Joel

MERRIMACK

Alicea, Caroletta
Burns, Scott
Ebel, Karen
Henle, Paul
Kelly, Sally
MacKay, James
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane
Webb, Leigh

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Hess, David
Kidder, David
Moffett, Howard
Rice, Chip
Schuett, Dianne
Walsh, Thomas

Bartlett, Christy
Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Kotowski, Frank
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Walz, Mary Beth

Bouchard, Candace
Davis, Frank
French, Barbara
Karrick, David
Lockwood, Priscilla
Patten, Dick
Rogers, Katherine
Turcotte, Alan
Watrous, Rick

ROCKINGHAM

Abrami, Patrick
Cali-Pitts, Jacqueline
Elliott, Robert
Griffin, Mary
Kappler, Lawrence
Moody, Marcia

Andrews-Ahearn, E. Elaine
Copeland, Timothy
Fesh, Robert
Hagan, Joseph
Khan, Aboul
Muns, Chris

Borden, David
Cushing, Robert
Flockhart, Eileen
Heffron, Frank
Lovejoy, Patricia
Nigrello, Robert

Cahill, Michael
Devine, James
Garcia, Marilinda
Hoelzel, Kathleen
Mann, Maureen
O'Connor, John

Packard, Sherman
Rice, Frederick
Wazlaw, Brian

Pantelakos, Laura
Schlachman, Donna
Whittemore, Lisa

Peckham, Michele
Sedensky, John

Priestley, Anne
Ward, Gerald

STRAFFORD

Baber, William
Horrigan, Timothy
Merrill, Amanda
Perry, Robert
Smith, Marjorie
Wall, Janet

Bixby, Peter
Hubbard, Pamela
Miller, David
Rogers, Rose Marie
Spainhower, Dale
Ward, Kenneth

Grassie, Anne
Ketel, Stephen
Mullen, John
Rollo, Deanna
Spang, Judith

Grossman, Kenneth
Malloy, Dennis
Pelletier, Marsha
Schmidt, Peter
Stevens, Audrey

SULLIVAN

Cloutier, John
Lefebvre, Benjamin

Gagnon, Raymond
Tanner, Linda

Gottling, Suzanne

Grenier, James

NAYS - 83

BELKNAP

Burchell, Richard
Greemore, Robert
Worsman, Colette

Comtois, Guy
Holmes, Stephen

Cormier, Jane
Sylvia, Michael

Fink, Charles
Vadney, Herbert

CARROLL

Ahlgren, Christopher
Wright, Donald

Cordelli, Glenn

McConkey, Mark

Nelson, Bill

CHESHIRE

Johnson, Jane

COOS

Rappaport, Laurence

Rideout, Leon

GRAFTON

Doolan, Ralph

HILLSBOROUGH

Belanger, James
Culbert, Patrick
Hansen, Peter
Lambert, George
Murphy, Keith
Ober, Lynne
Peterson, Lenette
Straight, Philip

Boehm, Ralph
Daniels, Gary
Hikel, John
LeBrun, Donald
Notter, Jeanine
Ober, Russell
Pratt, Calvin
Ulery, Jordan

Burt, John
Danielson, David
Hopper, Gary
Meaney, Richard
O'Brien, William
Palmer, Stephen
Renzullo, Andrew
Villeneuve, Moe

Christiansen, Lars
Garcia, Michael
Infantine, William
Murotake, David
O'Flaherty, Tim
Parison, James
Sandblade, Emily

MERRIMACK

Hoell, J.R.

McGuire, Carol

McGuire, Dan

Smith, Todd

ROCKINGHAM

Baldasaro, Alfred
Comerford, Timothy
Garcia, Bianca
Kolodziej, Walter
Sytek, John
Weyler, Kenneth

Bick, Patrick
Duarte, Joe
Gordon, Richard
McMahon, Charles
Tucker, Pamela

Birdsell, Regina
Dumaine, Dudley
Harris, Jeffrey
Scarlotta, Joe
Waterhouse, Kevin

Chirichiello, Brian
Emerick, J. Tracy
Itse, Daniel
Schroadter, Adam
Webb, James

STRAFFORD

Beaudoin, Steven
Parsons, Robbie

Bickford, David
Pitre, Joseph

Gray, James

Jones, Laura

SULLIVAN

Osgood, Joe

Rollins, Skip

Smith, Steven

and the committee report was adopted.

HB 1188, relative to paycheck equity. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Charles F. Weed for the Majority of Labor, Industrial and Rehabilitative Services. The majority believes that equal pay for equal work is a fundamental right and that pay disparity based solely on gender is unacceptable; current state law agrees and prohibits this practice. However, because some employers in the state strictly prohibit employees from discussing their pay and other benefits, the law is difficult to enforce. This

bill prohibits employers from restricting employees' ability to speak to each other about their pay or benefits. It in no way requires employees to disclose any information, so an employee can keep information private or disclose it at their discretion. This bill does not restrict employers ability to pay employees differently; it specifically allows pay differences based on many factors including: seniority, merit, production, education, training, experience, or any other bona fide reason other than gender. The bill is a great step forward in assuring employers are not paying men and women differently based solely on their gender. Vote 12-7.

Rep. William J. Infantine for the Minority of Labor, Industrial and Rehabilitative Services. The minority agrees that it should be illegal for an employer to discriminate between two employees based on sex. The minority takes issue with the three aspects of the bill, which do not allow the employer to make rules, sign agreements or discipline employees for disclosing their salary, wages or benefits. Employers need to allow for a harmonious work environment and partial information provided by one employee to another and then passed on through many means including social media will cause considerable discord in the workplace. This bill is one of many that make it harder for employers to want to come to and stay in New Hampshire.

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

Reps. Infantine and Birdsell spoke against.

(Speaker Norelli in the Chair)

Rep. Ley spoke in favor and yielded to questions.

Rep. Andrew White requested a roll call; sufficiently seconded.

YEAS 183 - NAYS 125

YEAS - 183

BELKNAP

DiMartino, Lisa	Gulick, Ruth	Huot, David	Raymond, Ian
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CARROLL

Buco, Thomas	Butler, Edward	Morrow, Harry	Nelson, Bill
Ticehurst, Susan	White, Syndi		

CHESHIRE

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

COOS

Coulombe, Gary	Enman, Larry	Moynihan, Wayne	Richardson, Herbert
Thomas, Yvonne			

GRAFTON

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

HILLSBOROUGH

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

MERRIMACK

Andrews, Christopher	Bartlett, Christy	Bouchard, Candace	Burns, Scott
Carey, Lorrie	Carson, Clyde	Davis, Frank	Ebel, Karen

Frambach, Mary
Henle, Paul
MacKay, James
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

Frazer, June
Hirsch, Geoffrey
Moffett, Howard
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

French, Barbara
Karrick, David
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

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

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cali-Pitts, Jacqueline
Lovejoy, Patricia
Nigrello, Robert
Wazlaw, Brian

Borden, David
Cushing, Robert
Mann, Maureen
Pantelakos, Laura
Whittemore, Lisa

Briden, Steven
Flockhart, Eileen
Moody, Marcia
Schlachman, Donna

Cahill, Michael
Heffron, Frank
Muns, Chris
Ward, Gerald

STRAFFORD

Baber, William
Horrigan, Timothy
Malloy, Dennis
Pelletier, Marsha
Schmidt, Peter
Stevens, Audrey

Bixby, Peter
Hubbard, Pamela
Merrill, Amanda
Perry, Robert
Smith, Marjorie
Wall, Janet

Grassie, Anne
Kaen, Naida
Miller, David
Rogers, Rose Marie
Spainhower, Dale
Ward, Kenneth

Grossman, Kenneth
Ketel, Stephen
Parsons, Robbie
Rollo, Deanna
Spang, Judith

SULLIVAN

Cloutier, John
Rollins, Skip

Gagnon, Raymond
Smith, Steven

Gottling, Suzanne
Tanner, Linda

Lefebvre, Benjamin

NAYS - 125

BELKNAP

Burchell, Richard
Fink, Charles
Tilton, Franklin

Comtois, Guy
Flanders, Donald
Vadney, Herbert

Cormier, Jane
Greemore, Robert
Worsman, Colette

Fields, Dennis
Holmes, Stephen

CARROLL

Ahlgren, Christopher
McConkey, Mark

Chandler, Gene
Schmidt, Stephen

Cordelli, Glenn
Umberger, Karen

Crawford, Karel
Wright, Donald

CHESHIRE

Hunt, John

Johnson, Jane

Roberts, Kris

COOS

Rappaport, Laurence

Rideout, Leon

GRAFTON

Bailey, Brad
Piper, Wendy

Doolan, Ralph
Reilly, Harold

Gionet, Edmond

Ladd, Rick

HILLSBOROUGH

Belanger, James
Cebrowski, John
Daniels, Gary
Graham, John
Infantine, William
LeBrun, Donald
Murphy, Keith
Palmer, Stephen
Pratt, Calvin
Souza, Kathleen
Vaillancourt, Steve

Boehm, Ralph
Christiansen, Lars
Danielson, David
Haefner, Robert
Jasper, Shawn
LeVasseur, Richard
Notter, Jeanine
Parison, James
Renzullo, Andrew
Straight, Philip
Villeneuve, Moe

Burt, John
Coffey, James
Gagne, Larry
Hansen, Peter
Kurk, Neal
Meaney, Richard
O'Brien, William
Pellegrino, Tony
Sanborn, Laurie
Takesian, Charlene
Warden, Mark

Byron, Frank
Culbert, Patrick
Garcia, Michael
Hopper, Gary
Lambert, George
Murotake, David
O'Flaherty, Tim
Peterson, Lenette
Sandblade, Emily
Ulery, Jordan

MERRIMACK

Hess, David
Lockwood, Priscilla

Hoell, J.R.
McGuire, Carol

Kidder, David
McGuire, Dan

Kotowski, Frank

ROCKINGHAM

Abrami, Patrick
Chirichiello, Brian
Duarte, Joe
Garcia, Bianca
Hagan, Joseph
Kappler, Lawrence
Packard, Sherman

Baldasaro, Alfred
Comerford, Timothy
Dumaine, Dudley
Garcia, Marilinda
Harris, Jeffrey
Khan, Aboul
Peckham, Michele

Bick, Patrick
Copeland, Timothy
Emerick, J. Tracy
Gordon, Richard
Hoelzel, Kathleen
Kolodziej, Walter
Priestley, Anne

Birdsell, Regina
Devine, James
Fesh, Robert
Griffin, Mary
Itse, Daniel
O'Connor, John
Rice, Frederick

Scarlotto, Joe
Tasker, Kyle
Weyler, Kenneth

Schroadter, Adam
Tucker, Pamela

Sedensky, John
Waterhouse, Kevin

Sytek, John
Webb, James

STRAFFORD

Beaudoin, Steven
Mullen, John

Bickford, David
Pitre, Joseph

Gray, James

Jones, Laura

SULLIVAN

Grenier, James

Osgood, Joe

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

HB 1404, relative to payroll cards. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Douglas A. Ley for the Majority of Labor, Industrial and Rehabilitative Services. This bill corrects abuses and provides new protections for employees who opt for compensation via electronic pay cards. Conditions set forth in this legislation include elimination of a number of “gotcha” or surprise fees, provide better access to card balances, and mandate disclosure of all payment options and transaction fees in clear and plain language. The committee has been assured that card providers will be able to meet these conditions. Vote 15-3.

Rep. Gary L. Daniels for the Minority of Labor, Industrial and Rehabilitative Services. There is no need for this bill. Existing federal and state laws are sufficient. Further, this bill legislates business policy, furthering the assault on management rights and business in general.

Majority Amendment (0501h)

Amend RSA 275:43, I(d) as inserted by section 1 of the bill by replacing it with the following:

(d) By a payroll card provided that the employer *has offered, and the employee has declined, both the option of receiving his or her wages by direct deposit to a depository account of the employee's choosing and the option of receiving a paper check, and that the employer* shall provide to the employee at least ~~[one free means to withdraw]~~ *3 free withdrawals* up to and including the full amount of the employee balance in the employee's payroll card or payroll card account during each pay period at a financial institution, *automated teller machine within the network of financial institutions of the issuer providing the payroll card account*, or other location convenient to the place of employment. *The payroll card account shall not be linked to any form of credit, including a loan against future pay, a cash advance on future pay, or overdraft protection.* None of the employer's costs associated with a payroll card or payroll card account shall be passed on to the employee; or

Amend RSA 275:43, II(g) as inserted by section 1 of the bill by replacing it with the following:

(g) Ensure that there are no fees charged to employees for the following payroll card account transactions and services:

(1) A declined transaction.

(2) A low balance fee.

(3) Account inactivity.

(4) Access to payroll card balance and transaction history online, by interactive voice response system, at an automated teller machine in the network of an issuer, or by any automated system in conjunction with the payroll card.

(5) Any transaction or service not expressly identified by type and amount in the contract between the employer and the payroll card issuer, or any transaction or service not expressly disclosed to the employee as required in subparagraph II(a).

Majority committee amendment adopted.

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

Rep. Daniels spoke against and yielded to questions.

Reps. James Webb and Sally Kelly spoke in favor.

Rep. Andrew White requested a roll call; sufficiently seconded.

YEAS 201 - NAYS 104

YEAS - 201

BELKNAP

DiMartino, Lisa
Raymond, Ian

Gulick, Ruth

Holmes, Stephen

Huot, David

CARROLL

Buco, Thomas
Ticehurst, Susan

Butler, Edward
Umberger, Karen

Crawford, Karel
White, Syndi

Nelson, Bill

CHESHIRE

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

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

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

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

COOS

Coulombe, Gary
Thomas, Yvonne

Enman, Larry

Moynihan, Wayne

Richardson, Herbert

GRAFTON

Almy, Susan
Ford, Susan
Ladd, Rick
Nordgren, Sharon
Sykes, George

Bailey, Brad
Friedrich, Carol
Lovett, Sid
Pastor, Beatriz
Townsend, Charles

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

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

HILLSBOROUGH

Beaulieu, Jane
Chandley, Shannon
Cote, David
Gage, Ruth
Gorman, Mary
Hansberry, Daniel
Hopper, Gary
Knowles, Mary Ann
Long, Patrick
McCarthy, Michael
Porter, Marjorie
Rosenwald, Cindy
Smith, Timothy
Takesian, Charlene
Winters, Joel

Brown, Pamela
Christiansen, Lars
DiSilvestro, Linda
Gale, Sylvia
Grady, Brenda
Harriott-Gathright, Linda
Infantine, William
Kopka, Angeline
MacKay, Mariellen
McCloskey, David
Ramsey, Peter
Schmidt, Janice
Soucy, Timothy
Vail, Suzanne
Woodbury, David

Campbell, David
Coffey, James
Dobson, Jeremy
Gidge, Kenneth
Hackel, Paul
Heath, Mary
Jack, Martin
Leishman, Peter
Mangipudi, Latha
McNamara, Richard
Rhodes, Brian
Shattuck, Gilman
Sullivan, Daniel
Walsh, Robert

Carroll, Douglas
Connor, Evelyn
Eaton, Richard
Goley, Jeffrey
Hammond, Jill
Heden, Ruth
Judy, Jean
Levesque, Melanie
Manley, Jonathan
O'Neil, William
Rokas, Ted
Shaw, Barbara
Sullivan, Peter
Williams, Kermit

MERRIMACK

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Henle, Paul
Kotowski, Frank
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

Bartlett, Christy
Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Lockwood, Priscilla
Patten, Dick
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

Bouchard, Candace
Davis, Frank
French, Barbara
Karrick, David
MacKay, James
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

Burns, Scott
Ebel, Karen
Gile, Mary
Kelly, Sally
Moffett, Howard
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

ROCKINGHAM

Abrami, Patrick
Cahill, Michael
Flockhart, Eileen
Mann, Maureen
Pantelakos, Laura
Sedensky, John
Webb, James

Andrews-Ahearn, E. Elaine
Cali-Pitts, Jacqueline
Heffron, Frank
Moody, Marcia
Peckham, Michele
Ward, Gerald
Whittemore, Lisa

Borden, David
Copeland, Timothy
Khan, Aboul
Muns, Chris
Scarlotto, Joe
Waterhouse, Kevin

Briden, Steven
Cushing, Robert
Lovejoy, Patricia
Nigrello, Robert
Schlachman, Donna
Wazlaw, Brian

STRAFFORD

Baber, William
Horriggan, Timothy
Malloy, Dennis
Pelletier, Marsha
Schmidt, Peter
Stevens, Audrey

Bixby, Peter
Hubbard, Pamela
Merrill, Amanda
Perry, Robert
Smith, Marjorie
Wall, Janet

Grassie, Anne
Kaen, Naida
Miller, David
Rogers, Rose Marie
Spainhower, Dale
Ward, Kenneth

Grossman, Kenneth
Ketel, Stephen
Mullen, John
Rollo, Deanna
Spang, Judith

SULLIVAN

Cloutier, John
Tanner, Linda

Gagnon, Raymond

Gottling, Suzanne

Lefebvre, Benjamin

NAYS - 104**BELKNAP**

Burchell, Richard
Fink, Charles
Vadney, Herbert

Comtois, Guy
Flanders, Donald
Worsman, Colette

Cormier, Jane
Greemore, Robert

Fields, Dennis
Tilton, Franklin

CARROLLAhlgren, Christopher
Schmidt, StephenChandler, Gene
Wright, Donald

Cordelli, Glenn

McConkey, Mark

CHESHIRE

Hunt, John

Johnson, Jane

COOS

Rappaport, Laurence

Rideout, Leon

GRAFTON

Brown, Rebecca

Doolan, Ralph

Gionet, Edmond

Reilly, Harold

HILLSBOROUGHBelanger, James
Cebrowski, John
Garcia, Michael
Hikel, John
Meaney, Richard
O'Brien, William
Peterson, Lenette
Sandblade, Emily
Vaillancourt, SteveBoehm, Ralph
Daniels, Gary
Graham, John
Jasper, Shawn
Murotake, David
Palmer, Stephen
Pratt, Calvin
Souza, Kathleen
Villeneuve, MoeBurt, John
Danielson, David
Haefner, Robert
Kurk, Neal
Murphy, Keith
Parison, James
Renzullo, Andrew
Straight, Philip
Warden, MarkByron, Frank
Gagne, Larry
Hansen, Peter
LeBrun, Donald
Notter, Jeanine
Pellegrino, Tony
Sanborn, Laurie
Ulery, Jordan**MERRIMACK**Hess, David
McGuire, DanHoell, J.R.
Smith, Todd

Kidder, David

McGuire, Carol

ROCKINGHAMBaldasaro, Alfred
Comerford, Timothy
Emerick, J. Tracy
Gordon, Richard
Hoelzel, Kathleen
O'Connor, John
Schroadter, Adam
Weyler, KennethBick, Patrick
Devine, James
Fesh, Robert
Griffin, Mary
Itse, Daniel
Packard, Sherman
Sytek, JohnBirdsell, Regina
Duarte, Joe
Garcia, Bianca
Hagan, Joseph
Kappler, Lawrence
Priestley, Anne
Tasker, KyleChirichiello, Brian
Dumaine, Dudley
Garcia, Marilinda
Harris, Jeffrey
Kolodziej, Walter
Rice, Frederick
Tucker, Pamela**STRAFFORD**Beaudoin, Steven
Parsons, RobbieBickford, David
Pitre, Joseph

Gray, James

Jones, Laura

SULLIVAN

Grenier, James

Osgood, Joe

Rollins, Skip

Smith, Steven

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

HB 1405, prohibiting an employer from using credit history in employment decisions. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael D. Cahill for the Majority of Labor, Industrial and Rehabilitative Services. There is no correlation between an individual's personal credit history and job performance. Therefore, the routine use of personal credit history information as a standard pre-employment screening tool creates barriers to employment for qualified workers who have experienced financial hardships or long-term unemployment. This bill expands access to employment and protects the privacy of workers and job applicants by prohibiting employers from using personal credit history information in employment decisions, with explicit exceptions for job positions for which personal credit history checks are required by state or federal law, and for positions with primary duties that require substantial management and control of company funds. Vote 12-6.

Rep. Gary L. Daniels for the Minority of Labor, Industrial and Rehabilitative Services. This bill creates government interference in business hiring practices, further eroding incentives for business to stay in or come to, New Hampshire.

Majority Amendment (0219h)

Amend RSA 275:71, II as inserted by section 1 of the bill by inserting after subparagraph (b) the following new subparagraph:

(c) Any individual or entity that is required by federal law or regulation to obtain an employee's or applicant's credit history or credit report.

Majority committee amendment adopted.

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

Rep. Hoell spoke against and yielded to questions.

Rep. Infantine spoke against.

Rep. Andrew White spoke in favor, yielded to questions and requested a roll call; sufficiently seconded.

YEAS 184 - NAYS 119

YEAS - 184

BELKNAP

DiMartino, Lisa	Gulick, Ruth	Huot, David	Raymond, Ian
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CARROLL

Buco, Thomas	Butler, Edward	Ticehurst, Susan	White, Syndi
Wright, Donald			

CHESHIRE

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

COOS

Coulombe, Gary	Enman, Larry	Moynihan, Wayne	Richardson, Herbert
Thomas, Yvonne			

GRAFTON

Almy, Susan	Benn, Bernard	Brown, Rebecca	Cooney, Mary
Ford, Susan	Friedrich, Carol	Gionet, Edmond	Harding, Laurie
Higgins, Patricia	Lovett, Sid	Massimilla, Linda	Mulholland, Catherine
Nordgren, Sharon	Pastor, Beatriz	Smith, Suzanne	Sykes, George
Townsend, Charles	White, Andrew		

HILLSBOROUGH

Backus, Robert	Beaulieu, Jane	Brown, Pamela	Campbell, David
Carroll, Douglas	Chandley, Shannon	Christiansen, Lars	Connor, Evelyn
Cote, David	DiSilvestro, Linda	Dobson, Jeremy	Gage, Ruth
Gale, Sylvia	Gidge, Kenneth	Goley, Jeffrey	Gorman, Mary
Grady, Brenda	Hackel, Paul	Hammond, Jill	Harriott-Gathright, Linda
Heath, Mary	Heden, Ruth	Hopper, Gary	Jack, Martin
Judy, Jean	Knowles, Mary Ann	Kopka, Angeline	Kurk, Neal
Leishman, Peter	Levesque, Melanie	Long, Patrick	MacKay, Mariellen
Mangipudi, Latha	Manley, Jonathan	McCarthy, Michael	McCloskey, David
McNamara, Richard	O'Neil, William	Porter, Marjorie	Ramsey, Peter
Rhodes, Brian	Rosenwald, Cindy	Schmidt, Janice	Shattuck, Gilman
Shaw, Barbara	Smith, Timothy	Soucy, Timothy	Sullivan, Daniel
Sullivan, Peter	Vail, Suzanne	Walsh, Robert	Williams, Kermit
Woodbury, David			

MERRIMACK

Andrews, Christopher	Bouchard, Candace	Burns, Scott	Carey, Lorrie
Carson, Clyde	Davis, Frank	Ebel, Karen	Frambach, Mary
Frazer, June	French, Barbara	Gile, Mary	Henle, Paul
Hirsch, Geoffrey	Karrick, David	Kelly, Sally	Lockwood, Priscilla
MacKay, James	Myler, Mel	Patten, Dick	Ratzki, Mario
Rice, Chip	Richardson, Gary	Rogers, Katherine	Schamberg, Thomas
Schuetz, Dianne	Shurtleff, Stephen	Turcotte, Alan	Wallner, Mary Jane
Walz, Mary Beth	Watrous, Rick	Webb, Leigh	

ROCKINGHAM

Andrews-Ahearn, E. Elaine	Borden, David	Briden, Steven	Cahill, Michael
Cali-Pitts, Jacqueline	Cushing, Robert	Fesh, Robert	Flockhart, Eileen
Heffron, Frank	Lovejoy, Patricia	Mann, Maureen	Moody, Marcia
Muns, Chris	Pantelakos, Laura	Scarlotto, Joe	Schlachman, Donna
Ward, Gerald	Wazlaw, Brian	Webb, James	Whittemore, Lisa

STRAFFORD

Baber, William	Bixby, Peter	Grassie, Anne	Grossman, Kenneth
Horrigan, Timothy	Hubbard, Pamela	Kaen, Naida	Ketel, Stephen
Malloy, Dennis	Merrill, Amanda	Miller, David	Pelletier, Marsha
Perry, Robert	Rogers, Rose Marie	Rollo, Deanna	Schmidt, Peter
Smith, Marjorie	Spainhower, Dale	Spang, Judith	Stevens, Audrey
Wall, Janet	Ward, Kenneth		

SULLIVANCloutier, John
Lefebvre, BenjaminGagnon, Raymond
Rollins, SkipGottling, Suzanne
Tanner, Linda

Grenier, James

NAYS - 119**BELKNAP**Burchell, Richard
Fink, Charles
Tilton, FranklinComtois, Guy
Flanders, Donald
Vadney, HerbertCormier, Jane
Greemore, Robert
Worsman, ColetteFields, Dennis
Holmes, Stephen**CARROLL**Ahlgren, Christopher
McConkey, MarkChandler, Gene
Nelson, BillCordelli, Glenn
Schmidt, StephenCrawford, Karel
Umberger, Karen**CHESHIRE**

Hunt, John

Johnson, Jane

COOS

Rappaport, Laurence

Rideout, Leon

GRAFTONBailey, Brad
Reilly, Harold

Doolan, Ralph

Ladd, Rick

Piper, Wendy

HILLSBOROUGHBelanger, James
Cebrowski, John
Eaton, Richard
Haefner, Robert
Jasper, Shawn
Murotake, David
Parison, James
Renzullo, Andrew
Souza, Kathleen
Vaillancourt, SteveBoehm, Ralph
Coffey, James
Gagne, Larry
Hansen, Peter
Lambert, George
Murphy, Keith
Pellegrino, Tony
Rokas, Ted
Straight, Philip
Villeneuve, MoeBurt, John
Daniels, Gary
Garcia, Michael
Hikel, John
LeBrun, Donald
Notter, Jeanine
Peterson, Lenette
Sanborn, Laurie
Takesian, Charlene
Warden, MarkByron, Frank
Danielson, David
Graham, John
Infantine, William
Meaney, Richard
Palmer, Stephen
Pratt, Calvin
Sandblade, Emily
Ulery, Jordan
Winters, Joel**MERRIMACK**Bartlett, Christy
Kotowski, Frank
Smith, ToddHess, David
McGuire, CarolHoell, J.R.
McGuire, DanKidder, David
Moffett, Howard**ROCKINGHAM**Abrami, Patrick
Chirichiello, Brian
Duarte, Joe
Griffin, Mary
Itse, Daniel
Nigrello, Robert
Priestley, Anne
Sytek, John
Weyler, KennethBaldasaro, Alfred
Comerford, Timothy
Dumaine, Dudley
Hagan, Joseph
Kappler, Lawrence
O'Connor, John
Rice, Frederick
Tasker, KyleBick, Patrick
Copeland, Timothy
Emerick, J. Tracy
Harris, Jeffrey
Khan, Aboul
Packard, Sherman
Schroadter, Adam
Tucker, PamelaBirdsell, Regina
Devine, James
Gordon, Richard
Hoelzel, Kathleen
Kolodziej, Walter
Peckham, Michele
Sedensky, John
Waterhouse, Kevin**STRAFFORD**Beaudoin, Steven
Mullen, JohnBickford, David
Parsons, RobbieGray, James
Pitre, Joseph

Jones, Laura

SULLIVAN

Osgood, Joe

Smith, Steven

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

HB 1261-FN-L, increasing the fee charged for delivery of notice of civil forfeiture of an unlicensed dog. **OUGHT TO PASS.**

Rep. James E. Coffey for Municipal and County Government. This bill amends RSA 466:14 by raising the amount that can be recovered for the cost of service of a "civil forfeiture" relating to the failure to license a dog from \$5.00 to \$10.00. This charge does not apply to other costs incurred, which are addressed separately. This bill was requested by the town clerks association. Vote 14-5.

Committee report adopted and ordered to third reading.

HB 1266, relative to the appointment of the town clerk. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Suzanne M. Vail for the Majority of Municipal and County Government. The majority of the committee believes that HB 1266 is unnecessary. In towns, the selectmen, the clerk and the moderator are elected. The town clerk's office can be appointed when one cannot be elected, or one must leave the position. We heard no compelling testimony that this bill addresses a statewide problem, rather the result of a very few municipalities that may have a local issue. Changing policy that potentially affects every municipality will have unintended consequences. While it sounds reasonable to propose legislation that is enabling, is also contrary to our democratic and time honored, historic way of conducting business in our towns. Clerks are an integral part of the integrity of elections. Clerks are suppose to remain "fair and impartial" in the discharge of all their duties. Clerks are elected in the town by the people and work for the people. When there is an interim, a clerk can be appointed. When the clerk's job and raise are based on the evaluation from the selectmen, town administrator or town manager, the clerk becomes an employee and the separation and balance of power becomes uneven. The assumption that people who are elected are not as qualified as people who are appointed is not substantiated by facts. Town clerk's performance is measured at every election and the voters speak clearly. Town clerks have lost elections when they did an inadequate job. Dismantling a process that works is not necessary. Vote 11-8.

Rep. David A. Bickford for the Minority of Municipal and County Government. This enabling legislation would allow town voters to decide whether their clerk should be elected or appointed. This would give towns the same option that cities have enjoyed for decades. City clerks are appointed by the city manager or the mayor and aldermen. That enables the city to find the most qualified candidate, even if that person lives outside the city. This process works well; when a bill last year sought to require election of city clerks, it was uniformly opposed by city officials, especially city clerks, and our committee voted 20-0 to kill it. Town clerks, however are required to be elected. Because every elected official must be a town resident, this severely limits the field of candidates. The Hanover town clerk testified that for several years, her town had a clerk who held the office in name only because he was the only resident willing to put his name on the ballot. He was not interested in, or qualified for, the position, so an appointed deputy had to perform the job on a day-to-day basis. The committee heard about other towns where no one was willing to run, or where the only person who ran was unqualified. We all know how hard it is to get people to run for local office. A town can limp along without a selectman or a library trustee for a few months or a year, but it must have a clerk every day. Claims that allowing for an appointed clerk will endanger the independence of the position are unpersuasive. Selectmen are prohibited by law from interfering with any local official's duties, whether elected or appointed. Police chiefs, tax collectors, building inspectors, and many other officials must remain independent of the selectmen, yet there is no requirement that they be elected. And again, the practice of appointing city clerks as been successful and uncontroversial. Although the clerk's association opposes this bill, committee members heard from several town clerks who support it, along with the municipal association and many town officials. At the very least, this is an issue on which reasonable people can disagree. On issues like that, it has been the tradition of this legislature to let the question be decided at the local level. This bill does exactly that. It does not require that clerks be appointed; it merely gives local voters that option.

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

Rep. James Belanger spoke against and yielded to questions.

Rep. Vaillancourt requested a quorum call.

The Speaker declared a quorum present.

Reps. Gagnon, Copeland and Vaillancourt spoke in favor.

Rep. Vaillancourt requested a roll call; sufficiently seconded.

YEAS 222 - NAYS 64

YEAS - 222

BELKNAP

Comtois, Guy
Flanders, Donald
Vadney, Herbert

Cormier, Jane
Gulick, Ruth

DiMartino, Lisa
Holmes, Stephen

Fields, Dennis
Raymond, Ian

CARROLL

Ahlgren, Christopher
Crawford, Karel
Ticehurst, Susan

Buco, Thomas
McConkey, Mark
Umberger, Karen

Chandler, Gene
Nelson, Bill
Wright, Donald

Cordelli, Glenn
Schmidt, Stephen

CHESHIRE

Ames, Richard
Hunt, John
Parkhurst, Henry
Weed, Charles

Berch, Paul
Johnsen, Gladys
Roberts, Kris
Young, Harry

Butynski, William
Johnson, Jane
Sad, Tara

Eaton, Daniel
Ley, Douglas
Shepardson, Marjorie

COOS

Enman, Larry
Rideout, Leon

Moynihan, Wayne

Rappaport, Laurence

Richardson, Herbert

GRAFTON

Bailey, Brad
Gionet, Edmond
Piper, Wendy

Brown, Rebecca
Lovett, Sid
Reilly, Harold

Ford, Susan
Massimilla, Linda
Sykes, George

Friedrich, Carol
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Beaulieu, Jane
Byron, Frank
Connor, Evelyn
DiSilvestro, Linda
Gagne, Larry
Goley, Jeffrey
Haefner, Robert
Hikel, John
Jeudy, Jean
Lambert, George
MacKay, Mariellen
McCloskey, David
Notter, Jeanine
Parison, James
Rokas, Ted
Schmidt, Janice
Souza, Kathleen
Ulery, Jordan
Williams, Kermit

Boehm, Ralph
Campbell, David
Cote, David
Dobson, Jeremy
Gale, Sylvia
Gorman, Mary
Hansen, Peter
Infantine, William
Knowles, Mary Ann
LeBrun, Donald
Mangipudi, Latha
Meaney, Richard
O'Brien, William
Peterson, Lenette
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Daniel
Vail, Suzanne

Brown, Pamela
Carroll, Douglas
Daniels, Gary
Eaton, Richard
Garcia, Michael
Grady, Brenda
Harriott-Gathright, Linda
Jack, Martin
Kopka, Angeline
Levesque, Melanie
Manley, Jonathan
Murotake, David
O'Flaherty, Tim
Pratt, Calvin
Sanborn, Laurie
Smith, Timothy
Sullivan, Peter
Vaillancourt, Steve

Burt, John
Cebrowski, John
Danielson, David
Gage, Ruth
Gidge, Kenneth
Graham, John
Heath, Mary
Jasper, Shawn
Kurk, Neal
Long, Patrick
McCarthy, Michael
Murphy, Keith
Palmer, Stephen
Rhodes, Brian
Sandblade, Emily
Soucy, Timothy
Takesian, Charlene
Villeneuve, Moe

MERRIMACK

Andrews, Christopher
Frambach, Mary
Henle, Paul
Kelly, Sally
MacKay, James
Patten, Dick
Turcotte, Alan

Burns, Scott
Frazer, June
Hess, David
Kidder, David
McGuire, Carol
Ratzki, Mario
Walz, Mary Beth

Carson, Clyde
French, Barbara
Hirsch, Geoffrey
Kotowski, Frank
McGuire, Dan
Rogers, Katherine

Davis, Frank
Gile, Mary
Hoell, J.R.
Lockwood, Priscilla
Myler, Mel
Schuett, Dianne

ROCKINGHAM

Abrami, Patrick
Borden, David
Comerford, Timothy
Duarte, Joe
Gordon, Richard
Hoelzel, Kathleen
Kolodziej, Walter
Muns, Chris
Pantelakos, Laura
Scarlotto, Joe
Tucker, Pamela
Weyler, Kenneth

Baldasaro, Alfred
Briden, Steven
Copeland, Timothy
Dumaine, Dudley
Griffin, Mary
Itse, Daniel
Lovejoy, Patricia
Nigrello, Robert
Peckham, Michele
Schroadter, Adam
Ward, Gerald
Whittemore, Lisa

Bick, Patrick
Cahill, Michael
Cushing, Robert
Emerick, J. Tracy
Harris, Jeffrey
Kappler, Lawrence
Mann, Maureen
O'Connor, John
Priestley, Anne
Sedensky, John
Waterhouse, Kevin

Birdsell, Regina
Chirichiello, Brian
Devine, James
Fesh, Robert
Heffron, Frank
Khan, Aboul
Moody, Marcia
Packard, Sherman
Rice, Frederick
Tasker, Kyle
Webb, James

STRAFFORD

Grassie, Anne
Jones, Laura
Parsons, Robbie
Schmidt, Peter
Stevens, Audrey

Gray, James
Ketel, Stephen
Pelletier, Marsha
Smith, Marjorie
Wall, Janet

Horrigan, Timothy
Merrill, Amanda
Perry, Robert
Spainhower, Dale
Ward, Kenneth

Hubbard, Pamela
Miller, David
Pitre, Joseph
Spang, Judith

SULLIVAN

Cloutier, John
Rollins, Skip

Gagnon, Raymond
Smith, Steven

Gottling, Suzanne
Tanner, Linda

Osgood, Joe

NAYS - 64**BELKNAP**

Burchell, Richard

Greemore, Robert

Tilton, Franklin

Worsman, Colette

CARROLL

Butler, Edward

White, Syndi

CHESHIRELerandeau, Alfred
Tatro, BruceMann, John
Weber, Lucy

Phillips, Larry

Robertson, Timothy

COOS

Thomas, Yvonne

GRAFTONAlmy, Susan
Harding, Laurie
Nordgren, SharonBenn, Bernard
Higgins, Patricia
Smith, SuzanneCooney, Mary
Ladd, Rick
White, AndrewDoolan, Ralph
Mulholland, Catherine**HILLSBOROUGH**Backus, Robert
Coffey, James
Leishman, Peter
Winters, JoelBelanger, James
Hackel, Paul
McNamara, Richard
Woodbury, DavidChandley, Shannon
Hammond, Jill
Porter, MarjorieChristiansen, Lars
Heden, Ruth
Walsh, Robert**MERRIMACK**Bartlett, Christy
Karrick, David
Schamberg, ThomasBouchard, Candace
Moffett, Howard
Shurtleff, StephenCarey, Lorrie
Rice, Chip
Wallner, Mary JaneEbel, Karen
Richardson, Gary
Webb, Leigh**ROCKINGHAM**

Flockhart, Eileen

Schlachman, Donna

Sytek, John

Wazlaw, Brian

STRAFFORDBaber, William
Grossman, KennethBeaudoin, Steven
Kaen, NaidaBickford, David
Malloy, DennisBixby, Peter
Mullen, John**SULLIVAN**

Grenier, James

Lefebvre, Benjamin

and the majority committee report was adopted.

Rep. Shannon Chandley voted Nay and intended to vote Yea.

HB 1268, relative to the purposes of town by-laws. **INEXPEDIENT TO LEGISLATE.**

Rep. Priscilla P. Lockwood for Municipal and County Government. This bill attempts to clarify the powers encompassed by the term “prudential affairs.” The amendment to the law still doesn’t make it very clear and the committee felt it became more confusing, so voted to leave the law as originally written. Vote 15-4.

Committee report adopted.

HB 1443, relative to renewable portfolio standards. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Jacqueline A. Cali-Pitts for the Majority of Science, Technology and Energy. This bill would have made significant changes in New Hampshire’s Renewable Portfolio Standards (RPS) statute RSA 362-F. Programs are funded by RPS that aid municipalities, schools, businesses and individuals to develop and implement renewable energy projects. This bill would remove the classes of renewables currently in statute and impede the attainment of the goal set by the state of 25% renewable energy by 2025 by 5%. Changes in the RPS law were made in 2012 and 2013 after extensive review and have not had an adequate trial yet. Changes made without thorough analysis and consideration should not be made and signal inconsistency and discourage the investment community. This is not the time to make changes to a program that is beneficial to the state. Vote 12-4.

Rep. David K. Murotake for the Minority of Science, Technology and Energy. This bill deletes electric renewable energy classes from the electric renewable portfolio standards. This bill would force renewable energy generators to compete against each other for their share of the marketplace, increasing competition and driving down electricity costs to ratepayers. RPS, by definition, picks winners and losers in the electric marketplace by only allowing certain technologies and generators to participate in particular classes. HB 1443 would force the “winners” to compete against each other for their share of the market, reducing the price of electricity paid by suppliers to generators, leading to lower rates for ratepayers. The committee amendment, 2014-0473h, addresses an issue in the original bill as introduced, which might inadvertently bias RPS markets in favor of large-capacity hydropower generators. The amendment defines “Renewable energy source,” “renewable source,” or “source” as energy derived from hydro with a total nameplate capacity of 5 MWs or less, geothermal, wind, solar thermal, photovoltaic, biomass, methane waste, or tidal sources.” This protects existing in-state hydro generators by limiting the total nameplate capacity to 5 MW.

Majority committee report adopted.

HB 1223, relative to driving on limited access highways. **INEXPEDIENT TO LEGISLATE.**

Rep. Bruce E. Hodgdon for Transportation. This bill would restrict use of the left lane of a limited access highway. After two amendments failed to pass, the majority of the committee felt that it would be a problem in the southern part of the state with a larger amount of traffic. Also, the committee felt that it would be difficult to enforce. Vote 8-6.

Committee report adopted.

HB 1476-FN, exempting proprietorships from taxation under the business enterprise tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank W. Davis for Ways and Means. This bill exempts from taxation under the business enterprise tax (BET) persons who perform business activity as a proprietorship and would take effect July 1, 2014, the start of fiscal year (FY) 2015. The committee rejected this legislation for two reasons. First, NH would face the possible loss of about \$17.1 million in revenue based on the historical background of the tax. Proprietorships have usually paid about 7.5% of the total BET, and 7.5% of estimated BET revenue in FY 2015 (\$227,700,000) would be more than \$17 million. Second, legal precedent also indicates that a constitutional challenge could be made as this legislation exempts a classification of taxpayers. Supreme Court decisions in 1975 and 1990 are very clear in stating, "Distinctions in tax treatment must rest upon reasonable classifications of property, not upon classifications of taxpayers owning a common class of property." Vote 18-2.

Rep. Itse requested a roll call; sufficiently seconded.

YEAS 211 - NAYS 67**YEAS - 211****BELKNAP**

Burchell, Richard
Raymond, Ian

DiMartino, Lisa
Tilton, Franklin

Fields, Dennis

Gulick, Ruth

CARROLL

Buco, Thomas
Schmidt, Stephen

Butler, Edward
Ticehurst, Susan

Crawford, Karel
Umberger, Karen

Nelson, Bill
White, Syndi

CHESHIRE

Ames, Richard
Hunt, John
Ley, Douglas
Roberts, Kris
Tatro, Bruce

Berch, Paul
Johnsen, Gladys
Mann, John
Robertson, Timothy
Weber, Lucy

Butynski, William
Johnson, Jane
Parkhurst, Henry
Sad, Tara
Weed, Charles

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

COOS

Enman, Larry

Moynihan, Wayne

Richardson, Herbert

Thomas, Yvonne

GRAFTON

Almy, Susan
Ford, Susan
Higgins, Patricia
Nordgren, Sharon
Sykes, George

Benn, Bernard
Friedrich, Carol
Ladd, Rick
Pastor, Beatriz
Townsend, Charles

Brown, Rebecca
Gionet, Edmond
Massimilla, Linda
Piper, Wendy
White, Andrew

Cooney, Mary
Harding, Laurie
Mulholland, Catherine
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Carroll, Douglas
Coffey, James
DiSilvestro, Linda
Gale, Sylvia
Grady, Brenda
Hammond, Jill
Infantine, William
Knowles, Mary Ann
Levesque, Melanie
McCloskey, David
Rhodes, Brian
Shaw, Barbara
Sullivan, Peter
Walsh, Robert

Beaulieu, Jane
Cebrowski, John
Connor, Evelyn
Dobson, Jeremy
Gidge, Kenneth
Graham, John
Harriott-Gathright, Linda
Jack, Martin
Kopka, Angeline
Long, Patrick
McNamara, Richard
Rokas, Ted
Smith, Timothy
Takesian, Charlene
Williams, Kermit

Brown, Pamela
Chandley, Shannon
Cote, David
Eaton, Richard
Goley, Jeffrey
Hackel, Paul
Heath, Mary
Jasper, Shawn
Kurk, Neal
MacKay, Mariellen
Murotake, David
Rosenwald, Cindy
Soucy, Timothy
Vail, Suzanne
Winters, Joel

Byron, Frank
Christiansen, Lars
Danielson, David
Gage, Ruth
Gorman, Mary
Haefner, Robert
Heden, Ruth
Judy, Jean
Leishman, Peter
Manley, Jonathan
Porter, Marjorie
Schmidt, Janice
Sullivan, Daniel
Vaillancourt, Steve
Woodbury, David

MERRIMACK

Bartlett, Christy
Davis, Frank
French, Barbara

Bouchard, Candace
Ebel, Karen
Gile, Mary

Burns, Scott
Frambach, Mary
Henle, Paul

Carson, Clyde
Frazer, June
Hess, David

Hirsch, Geoffrey
Kotowski, Frank
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Webb, Leigh

Karrick, David
Lockwood, Priscilla
Patten, Dick
Rogers, Katherine
Turcotte, Alan

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

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

ROCKINGHAM

Abrami, Patrick
Chirichiello, Brian
Flockhart, Eileen
Khan, Aboul
Moody, Marcia
Pantelakos, Laura
Schlachman, Donna
Waterhouse, Kevin
Whittemore, Lisa

Borden, David
Copeland, Timothy
Griffin, Mary
Kolodziej, Walter
Muns, Chris
Peckham, Michele
Sedensky, John
Wazlaw, Brian

Briden, Steven
Cushing, Robert
Heffron, Frank
Lovejoy, Patricia
Nigrello, Robert
Priestley, Anne
Sytek, John
Webb, James

Cahill, Michael
Fesh, Robert
Hoelzel, Kathleen
Mann, Maureen
Packard, Sherman
Scarlotta, Joe
Ward, Gerald
Weyler, Kenneth

STRAFFORD

Baber, William
Grossman, Kenneth
Ketel, Stephen
Mullen, John
Schmidt, Peter
Stevens, Audrey

Bickford, David
Horrigan, Timothy
Malloy, Dennis
Pelletier, Marsha
Smith, Marjorie
Wall, Janet

Bixby, Peter
Hubbard, Pamela
Merrill, Amanda
Perry, Robert
Spainhower, Dale
Ward, Kenneth

Grassie, Anne
Kaen, Naida
Miller, David
Rogers, Rose Marie
Spang, Judith

SULLIVAN

Cloutier, John
Tanner, Linda

Gagnon, Raymond

Gottling, Suzanne

Grenier, James

NAYS - 67

BELKNAP

Comtois, Guy
Holmes, Stephen

Cormier, Jane
Vadney, Herbert

Flanders, Donald
Worsman, Colette

Greemore, Robert

CARROLL

Ahlgren, Christopher

Cordelli, Glenn

McConkey, Mark

Wright, Donald

COOS

Rappaport, Laurence

Rideout, Leon

GRAFTON

Bailey, Brad

Doolan, Ralph

Reilly, Harold

HILLSBOROUGH

Belanger, James
Gagne, Larry
Lambert, George
Murphy, Keith
Palmer, Stephen
Sandblade, Emily

Boehm, Ralph
Garcia, Michael
LeBrun, Donald
Notter, Jeanine
Parison, James
Souza, Kathleen

Burt, John
Hansen, Peter
Mangipudi, Latha
O'Brien, William
Peterson, Lenette
Ulery, Jordan

Daniels, Gary
Hikel, John
McCarthy, Michael
O'Flaherty, Tim
Sanborn, Laurie
Villeneuve, Moe

MERRIMACK

Carey, Lorrie

Hoell, J.R.

McGuire, Carol

McGuire, Dan

ROCKINGHAM

Baldasaro, Alfred
Duarte, Joe
Harris, Jeffrey
Rice, Frederick

Bick, Patrick
Dumaine, Dudley
Itse, Daniel
Schroadter, Adam

Birdsell, Regina
Emerick, J. Tracy
Kappler, Lawrence
Tucker, Pamela

Comerford, Timothy
Gordon, Richard
O'Connor, John

STRAFFORD

Beaudoin, Steven
Pitre, Joseph

Gray, James

Jones, Laura

Parsons, Robbie

SULLIVAN

Osgood, Joe

Rollins, Skip

Smith, Steven

and the committee report was adopted.

HB 1477-FN-A, exempting proprietorships from taxation under the business profits tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank W. Davis for Ways and Means. This bill exempts from taxation under the Business Profits Tax (BPT) persons who perform business activity as a proprietorship and would take effect July 1, 2014, the start

of the fiscal year (FY) 2015. The committee rejected this legislation for two reasons. First, NH would face the possible loss of over \$17 million in revenue based on the historical background of the tax. Proprietorships have usually paid about 5% of the total BPT, and 5% of the estimated BPT revenue in FY 2015 (\$341,500,000) would be more than \$17 million. Second, legal precedent also indicates that a constitutional challenge could be made as this legislation exempts a classification of taxpayers. Supreme Court decisions in 1975 and 1990 are very clear in stating, "Distinctions in tax treatment must rest upon reasonable classifications of property, not upon classifications of taxpayers owning a common class of property." Vote 17-3.
Rep. Itse requested a roll call; sufficiently seconded.

YEAS 214 - NAYS 67**YEAS - 214****BELKNAP**

Burchell, Richard
Gulick, Ruth

DiMartino, Lisa
Huot, David

Fields, Dennis
Raymond, Ian

Flanders, Donald
Tilton, Franklin

CARROLL

Buco, Thomas
Nelson, Bill
White, Syndi

Butler, Edward
Schmidt, Stephen

Chandler, Gene
Ticehurst, Susan

Crawford, Karel
Umberger, Karen

CHESHIRE

Ames, Richard
Hunt, John
Ley, Douglas
Roberts, Kris
Tatro, Bruce

Berch, Paul
Johnsen, Gladys
Mann, John
Robertson, Timothy
Weber, Lucy

Butynski, William
Johnson, Jane
Parkhurst, Henry
Sad, Tara
Weed, Charles

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

COOS

Enman, Larry

Moynihan, Wayne

Richardson, Herbert

Thomas, Yvonne

GRAFTON

Almy, Susan
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

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

HILLSBOROUGH

Backus, Robert
Campbell, David
Coffey, James
Dobson, Jeremy
Gidge, Kenneth
Graham, John
Harriott-Gathright, Linda
Jack, Martin
Kopka, Angeline
Long, Patrick
McNamara, Richard
Rokas, Ted
Smith, Timothy
Takesian, Charlene
Williams, Kermit

Beaulieu, Jane
Carroll, Douglas
Connor, Evelyn
Eaton, Richard
Goley, Jeffrey
Hackel, Paul
Heath, Mary
Jasper, Shawn
Kurk, Neal
MacKay, Mariellen
Murotake, David
Rosenwald, Cindy
Soucy, Timothy
Vail, Suzanne
Winters, Joel

Brown, Pamela
Cebrowski, John
Cote, David
Gage, Ruth
Gorman, Mary
Haefner, Robert
Heden, Ruth
Judy, Jean
Leishman, Peter
Manley, Jonathan
Porter, Marjorie
Schmidt, Janice
Sullivan, Daniel
Vaillancourt, Steve
Woodbury, David

Byron, Frank
Chandlee, Shannon
DiSilvestro, Linda
Gale, Sylvia
Grady, Brenda
Hammond, Jill
Infantine, William
Knowles, Mary Ann
Levesque, Melanie
McCloskey, David
Rhodes, Brian
Shaw, Barbara
Sullivan, Peter
Walsh, Robert

MERRIMACK

Bartlett, Christy
Carson, Clyde
Frazer, June
Hess, David
Kidder, David
Moffett, Howard
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

Bouchard, Candace
Davis, Frank
French, Barbara
Hirsch, Geoffrey
Kotowski, Frank
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Webb, Leigh

Burns, Scott
Ebel, Karen
Gile, Mary
Karrick, David
Lockwood, Priscilla
Patten, Dick
Rogers, Katherine
Turcotte, Alan

Carey, Lorrie
Frambach, Mary
Henle, Paul
Kelly, Sally
MacKay, James
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

ROCKINGHAM

Abrami, Patrick
Copeland, Timothy

Borden, David
Cushing, Robert

Briden, Steven
Fesh, Robert

Cahill, Michael
Flockhart, Eileen

Griffin, Mary
Kolodziej, Walter
Nigrello, Robert
Priestley, Anne
Sytek, John
Webb, James

Heffron, Frank
Lovejoy, Patricia
Packard, Sherman
Scarlotto, Joe
Ward, Gerald
Weyler, Kenneth

Hoelzel, Kathleen
Mann, Maureen
Pantelakos, Laura
Schlachman, Donna
Waterhouse, Kevin
Whitemore, Lisa

Khan, Aboul
Moody, Marcia
Peckham, Michele
Sedensky, John
Wazlaw, Brian

STRAFFORD

Baber, William
Grossman, Kenneth
Ketel, Stephen
Mullen, John
Schmidt, Peter
Stevens, Audrey

Bickford, David
Horrigan, Timothy
Malloy, Dennis
Pelletier, Marsha
Smith, Marjorie
Wall, Janet

Bixby, Peter
Hubbard, Pamela
Merrill, Amanda
Perry, Robert
Spainhower, Dale
Ward, Kenneth

Grassie, Anne
Kaen, Naida
Miller, David
Rogers, Rose Marie
Spang, Judith

SULLIVAN

Cloutier, John
Tanner, Linda

Gagnon, Raymond

Gottling, Suzanne

Grenier, James

NAYS - 67

BELKNAP

Comtois, Guy
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Greemore, Robert

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Ahlgren, Christopher

Cordelli, Glenn

McConkey, Mark

Wright, Donald

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Rappaport, Laurence

Rideout, Leon

GRAFTON

Bailey, Brad

Doolan, Ralph

HILLSBOROUGH

Belanger, James
Daniels, Gary
Hansen, Peter
Mangipudi, Latha
O'Brien, William
Peterson, Lenette
Ulery, Jordan

Boehm, Ralph
Danielson, David
Hikel, John
McCarthy, Michael
O'Flaherty, Tim
Sanborn, Laurie
Villeneuve, Moe

Burt, John
Gagne, Larry
Lambert, George
Murphy, Keith
Palmer, Stephen
Sandblade, Emily

Christiansen, Lars
Garcia, Michael
LeBrun, Donald
Notter, Jeanine
Parison, James
Souza, Kathleen

MERRIMACK

Hoell, J.R.

McGuire, Carol

McGuire, Dan

ROCKINGHAM

Baldasaro, Alfred
Comerford, Timothy
Gordon, Richard
O'Connor, John

Bick, Patrick
Duarte, Joe
Harris, Jeffrey
Rice, Frederick

Birdsell, Regina
Dumaine, Dudley
Itse, Daniel
Schroadter, Adam

Chirichiello, Brian
Emerick, J. Tracy
Kappler, Lawrence
Tucker, Pamela

STRAFFORD

Beaudoin, Steven
Pitre, Joseph

Gray, James

Jones, Laura

Parsons, Robbie

SULLIVAN

Osgood, Joe

Rollins, Skip

Smith, Steven

and the committee report was adopted.

HB 1553-FN-A, requiring a refund of business profits taxes and business enterprise taxes which exceed an annual revenue cap adopted by the legislature. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Ames for Ways and Means. This bill seeks to cap business profits tax and business enterprise tax revenues at levels set by the legislature, presumably as part of the main budget bill. The bill would then require refunds to tax payers if annual revenues come in at levels higher than the caps. The proposed system is unworkable. It fails to recognize the dynamic features of these taxes, where tax adjustments are frequently made well after the tax year has ended. DRA states that implementation would require significant new administrative costs. DRA also identified numerous uncertainties in the bill as drafted which would need to be resolved before further action on the bill. Vote 17-0.

Committee report adopted.

RESOLUTION

Rep. Shurtleff offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 249 shall be by this resolution read a first and second time by the therein listed title and referred to the therein designated committee.

Adopted.

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

SB 249, relative to judicial performance evaluations. (Judiciary)

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, March 5, 2014 at 10:00 a.m.

Adopted.

LATE SESSION**Third reading and final passage**

HB 1150-FN, relative to motor vehicle dealer and inspection station licenses.

HB 1478, relative to oversight of child day care agencies.

HB 1198, relative to the procedure for filing a child in need of services (CHINS) petition and relative to the definition of sexual abuse under the child protection act.

HB 1177, relative to the anti-rebating law.

HB 1606, relative to assignment of legal costs in suits between condominium associations and condominium members.

HB 1227, making changes to parole and parole board procedures.

HB 1459, relative to domicile for voting purposes during a temporary absence.

HB 1542, relative to nomination of a political organization.

HB 1308-FN, adding a member to the advisory council on workers' compensation.

HB 1368-FN, relative to consideration of criminal records for occupational and professional licensing.

HB 1407, relative to privacy in the workplace.

HB 1498-FN, relative to wages lost when an employee submits to a medical examination required under workers' compensation law.

HB 1559-FN, establishing a New Hampshire state house bicentennial commission and fund.

HB 1245, relative to municipal lease agreements for certain equipment.

HB 1246, relative to the composition of public agency boards concerning housing standards.

HB 1320, relative to incompatibility of town offices.

HB 1197, permitting the construction of a dam at the natural outlet of Jenness Pond in the town of Northwood.

HB 1209, relative to On-Board Diagnostics (OBD II) testing and the OBD II testing advisory committee.

HB 1312, establishing a committee to study offshore wind energy and the development of other ocean power technology.

HB 1389, naming a bridge in Derry the Lance Corporal Michael E. Geary bridge.

HB 1125-FN, repealing the crime of adultery.

HB 1289, relative to interference with custody.

HB 1632, relative to child support orders for children with disabilities.

HB 1217, allowing wholesale distributors to purchase beverages from nano brewery licensees.

HB 1137-FN, relative to annulment of certain obstruction of justice crimes and relative to the crime of escape.

HB 1237, prohibiting residency restrictions for registered sex offenders and offenders against children.

HB 1301, relative to transportation of alcoholic beverages by a minor.

HB 1347, establishing a house committee to study apportionment of state representative districts.

HB 1146, establishing a committee to study the feasibility of funding a kindergarten to college/career ready program and a universal college savings account.

HB 1251-FN-A, repealing a limitation on appropriations for New Hampshire Public Television.

HB 1489-FN-A-L, establishing a committee to study the establishment of a fund to reimburse costs associated with firefighters who have cancer.

HB 1188, relative to paycheck equity.

HB 1404, relative to payroll cards.

HB 1405, prohibiting an employer from using credit history in employment decisions.

HB 1261-FN-L, increasing the fee charged for delivery of notice of civil forfeiture of an unlicensed dog.

UNANIMOUS CONSENT

Rep. Peterson requested Unanimous Consent of the House regarding an apology.

Rep. Peterson addressed the House.

Rep. Lovett requested Unanimous Consent of the House regarding the former member from New London, the Honorable Alf Jacobson and Iwo Jima.

Rep. Lovett addressed the House.

Rep. Roberts requested Unanimous Consent of the House regarding Black History Month.

Rep. Roberts addressed the House.

MOTION TO PRINT REMARKS

Rep. Baldasaro moved that the remarks made by Rep. Lovett be printed in the Permanent Journal.
Adopted.

REMARKS

Rep. Lovett: Thank you, Madam Speaker. Thank you for your courtesies in letting me speak in honor of the Representative and Senator Alf Jacobson, who graced this House and the Senate for many years, having died I think about two and a half years ago. He was a very bright, able, nimble man, an intellectual, teaching at Colby Sawyer College in the areas of International Relations, Economics. When I first came into this House in the 90's, he was one of the speakers that you really enjoyed hearing. He would come and speak on a subject having done a lot of research, presented as though we were students and made a very good case. He was a Republican, but often referred to as a RINO by those whose purity test he could not match. What we always waited for was Alf Jacobson in February. In February, Alf Jacobson became emotional and on this day, the 19th of February, he became particularly emotional because he was one of the 30,000 Marines, Sailors and Air Force persons who attacked Iwo Jima. Alf, very briefly, only returned to this sense of service on this one day and would remember the 6,821 other Marines and Sailors who were killed and never came home. So, I will remember Alf Jacobson in his glory and in his challenges and in his emotional concern for those who served this country and who failed to come home. I thank you for your privilege.

MOTION TO PRINT REMARKS

Rep. Gary Richardson moved that the remarks made by Rep. Roberts be printed in the Permanent Journal.
Adopted.

REMARKS

Rep. Roberts: Thank you, Madam Speaker and thank you everyone for your patience. Every nation, every culture has men and women who were able to transient their own self-interest, their own personal safety and who "Through strong convictions, moral and personal courage challenged the status quo to inspire a nation." America is no different. Today, I would like to talk about a few Americans who just happen to be black. The first one is Wentworth Chiswell, a New Hampshire native who was elected town constable in 1768. In 1770, he was elected selectman, and later served as Town Moderator, Assessor, and Justice of the Peace. While serving as messenger to the Committee of Safety, he made an all-night ride through New Hampshire to warn the citizens that the British were coming. He was New Hampshire's own Paul Revere. He served in some position in local government from 1768 until his death in 1817 and became Newmarket's unofficial historian. Mr. Chiswell is considered to be the first black American elected to any public office in America. Booker T. Washington, the son of a mulatto slave, who after gaining his freedom, worked in West Virginia coal mines while attending school part-time. In 1881, Washington established a little school in a log cabin and a chicken coop. Within twenty years, that log cabin became Tuskegee University, one of the leading black universities in America. Mr. Washington was conferred an honorary Doctor of Laws Degree by Dartmouth College on September 25, 1901. Harriet Tubman, a fugitive slave who helped over 300 slaves successfully navigate the underground railroad through to Canada, many passing through New Hampshire. In 1862, the Governor of Massachusetts sent Harriet to Beaufort, South Carolina to serve as a nurse and a teacher. She later organized a union spy network. She became the first female in American history to lead a military expedition, helping to free over 750 slaves without the loss of a single union soldier. Eugene Bullard, the world's first black combat aviator, served as a corporal in the French Foreign Legion until being seriously wounded in the Battle of Verdun. While recovering from his wounds, he was granted permission to attend flight school. Upon completion of flight school, he flew combat missions with Lafayette Flying Corps. On Sept 14, 1994, the secretary of the Air Force posthumously appointed him a second lieutenant in the U.S. Air Force. Eugene Bullard has been remembered for his powerful quote, "All blood is red." Charles Drew was rejected by Howard University Medical School, was wait-listed by Harvard so he attended McGill University where he graduated second in a class of 1927. While at McGill he wrote a dissertation on "Banked Blood." Prior to his discovery, blood had to be used within 48 hours. Two major discoveries by Dr. Drew were that everyone's plasma is the same and that by removing plasma, blood could be saved for seven days. Dr. Drew was assigned the position of Project

Director for the American Red Cross but resigned when the War Department stated that blood donations had to be segregated by race. He wrote, "It is fundamentally wrong for any great nation to willfully discriminate against such a large group of people. One can say quite truthfully that on the battlefield nobody is very interested where the plasma comes from when they are hurt." However, to me the real American heroes are the black mothers who worked, two sometimes three low paying jobs in order to ensure their children have a better future, to not only reach their potential but to exceed it, to ensure that their sons and daughters never live down to low expectations. As a result of their effort, there are more than 3.9 million black college students today. Over the past ten years, there has been an 89% increase in blacks with Associate Degrees, 53% with Bachelor Degrees, and 109% increase in Masters. Today, there are about 1.1 million black males between 18-24 in college compared to 164,000 in prison. There are no longer more black men in prison than in college. This is because of the work of black mothers. To the black American fathers who go to work every single day, who become great role models for their sons and daughters. Black fathers who teach their sons the importance of individual responsibility and how to respect women for the person they are and not as some object in a rap-video. To me these are the American heroes of today for they are doing everything in their power to develop the future leaders of tomorrow. Men and women in the words of Martin Luther King Jr. who welcome the opportunity, "To not be judged by the color of their skin but by the content of their character." Thank you for this opportunity.

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

(Rep. Kaen in the Chair)

RESOLUTION

Rep. Shurtleff offered the following: RESOLVED, that late drafting and introduction having been approved by the Rules Committee, House Bill numbered 1636 shall be by this resolution read a first and second time by the therein listed title, sent for printing and referred to the therein designated committee.
Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 1636, relative to eligibility guidelines for participation in the reduced fee companion animal population control program. (C. McGuire, Merr 29; Sad, Ches 1; Rausch, Dist 19: Environment and Agriculture)

RECESS