



State of
New Hampshire

HOUSE RECORD

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

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Vol. 36

Concord, N.H.

Thursday, March 6, 2014

No. 21

HOUSE JOURNAL No. 8 (cont.)

Wednesday, March 5, 2014

Rep. Kaen moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 9

Thursday, March 6, 2014

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

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

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

We live in challenging times, O God. Incursions into Crimea come right on the heels of joyous Olympics. Warming trends in the earth's atmosphere lead to brutally cold days like this one. Children face not only the old-fashioned threats of bullying but new threats like cyberbullying and what experts are calling texting abuse. There are ample reasons today to live our lives withdrawing, circling the wagons, protecting what we have rather than expanding what may be. Let Your Holy Spirit inspire us in our work to recall that with You, all things are possible. Peace is possible. Hope is everywhere. Kindness is available in significant quantities. Justice is within reach. Let us never fall victim to the dynamics of fear, but always live and move and have our being in the realm of Your grace. Empower us. Bless us that we may be a blessing to those we serve and meet and work with today. In Your Holy name we pray. Amen.

Representative Ken Weyler, member from Kingston, led the Pledge of Allegiance.

Representative Lucy Weber led the singing of "America the Beautiful."

LEAVES OF ABSENCE

Reps. Aguiar, Boisvert, Booras, Charron, Susan Emerson, Friel, Groen, Helmstetter, Jones, John Kelley, Parsons, Reilly, Chip Rice, Rokas and Todd Smith, the day, illness.

Reps. Bick, Rebecca Brown, Burns, Burtis, Carey, Carroll, Fink, Hoell, Gorman, Hinch, Dorothea Hooper, Introne, Irwin, Sally Kelly, Lefebvre, Lovett, Lundgren, McNamara, Menear, Moffett, O'Neil, Oligny, Pelletier, Pastor, Ramsey, Rhodes, Rollo, Jeffrey Shackett, Timothy Smith, Souza, Sytek, Tamburello, Vail, Thomas Walsh, Gerald Ward and Weed, the day, important business.

Rep. Martel, the day, illness in the family.

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

INTRODUCTION OF GUESTS

Jamila Gathright-Scales, daughter of Rep. Harriott-Gathright.

REGULAR CALENDAR - PART II (CONT'D)

HB 1463, relative to the definitions of "priority school" and "focus school." **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Ralph G. Boehm for the Majority of Education. The existing law only ranks schools that accept federal Title I money. Priority and focus schools are the new designation for schools in need of improvement. There

are 84 high schools in the state, but only 9 accept Title I money, so only those 9 high schools are tested to see if they are in the lowest 5%. The lowest 5% of 9 may even be in the top 20% of the 84 high schools, no one really knows. This bill will change the law to use all schools for the ranking of priority and focus schools and not in some cases a small percentage of schools. Vote 14-5.

Rep. Barbara E. Shaw for the Minority of Education. The local school districts determine if Title I money is going to be accepted in their districts. Title I “priority” and “focus” schools are terms which determine the allocation of federal funds according to qualifying data. If the reclassification of this bill were to occur, the resources may not be available, or at least be diminished by the more widespread allocation of funds. The impact on students could be substantial because of a reduction in resources. There are other methods of ranking schools in (1) pure performance and (2) improvement rankings. These methods of ranking can also be addressed by funding from the state with limited resources. Results of all assessment tests are shared with individual schools for local evaluation.

Majority committee report adopted.

HB 1507, relative to university system of New Hampshire in-state tuition rates for students domiciled in New Hampshire. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Barbara E. Shaw for the Majority of Education. This bill is one of many recent attempts to micromanage how the university system does business. The distinction between in-state and out-of-state tuition is based on the student’s domicile according to the University’s definition of domicile, not necessarily the same definition used for voting, taxation, or other purposes. The terminology in this bill could ultimately raise tuition for long-term resident families who currently get in-state tuition since it may reduce the number of students paying out-of-state tuition. Vote 12-6.

Rep. Glenn Cordelli for the Minority of Education. The minority feels that this is a constitutional issue. Our NH constitution states that any person 18 years old or over shall be considered an inhabitant for voting where he/she has their domicile. A person can also be elected into office, providing they meet other constitutional provisions, where they are domiciled. Thus, are we saying that someone can be an elected official in this state, but cannot get in-state tuition? Are we saying that residency rules of the university system trump our state constitution? The minority feels that our NH constitution is the highest law in our state. Period.

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

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

YEAS 178 - NAYS 117

YEAS - 178

BELKNAP

Arsenault, Beth
Raymond, Ian

DiMartino, Lisa

Gulick, Ruth

Huot, David

CARROLL

Buco, Thomas
Ticehurst, Susan

Butler, Edward
Umberger, Karen

Crawford, Karel

Lavender, Tom

CHESHIRE

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

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

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

Chase, Cynthia
Ley, Douglas
Roberts, Kris
Weber, Lucy

COOS

Coulombe, Gary
Richardson, Herbert

Enman, Larry
Theberge, Robert

Hammon, Marcia
Thomas, Yvonne

Moynihan, Wayne

GRAFTON

Almy, Susan
Friedrich, Carol
Massimilla, Linda
Smith, Suzanne

Benn, Bernard
Harding, Laurie
Mulholland, Catherine
Sykes, George

Cooney, Mary
Higgins, Patricia
Nordgren, Sharon
Townsend, Charles

Ford, Susan
Ladd, Rick
Piper, Wendy

HILLSBOROUGH

Backus, Robert
Chandley, Shannon
DiSilvestro, Linda
Goley, Jeffrey
Hammond, Jill
Heden, Ruth

Belanger, James
Connor, Evelyn
Flanagan, Jack
Grady, Brenda
Hansberry, Daniel
Jack, Martin

Brown, Pamela
Cote, David
Gage, Ruth
Graham, John
Harriott-Gathright, Linda
Jasper, Shawn

Campbell, David
Danielson, David
Gale, Sylvia
Hackel, Paul
Heath, Mary
Judy, Jean

Knowles, Mary Ann
MacKay, Mariellen
Nelson, Mary
Schmidt, Janice
Sullivan, Daniel
Willette, Robert

Leishman, Peter
Mangipudi, Latha
O'Brien, Michael
Shaw, Barbara
Sullivan, Peter
Williams, Kermit

Levesque, Melanie
Manley, Jonathan
Porter, Marjorie
Soucy, Timothy
Takesian, Charlene
Winters, Joel

Long, Patrick
McCloskey, David
Rosenwald, Cindy
Spratt, Stephen
Walsh, Robert
Woodbury, David

MERRIMACK

Alicea, Caroletta
Davis, Frank
French, Barbara
Karrick, David
Ratzki, Mario
Shurtleff, Stephen
Webb, Leigh

Bartlett, Christy
Ebel, Karen
Gile, Mary
Lockwood, Priscilla
Richardson, Gary
Turcotte, Alan

Bouchard, Candace
Frambach, Mary
Henle, Paul
MacKay, James
Schamberg, Thomas
Walz, Mary Beth

Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Myler, Mel
Schuett, Dianne
Watrous, Rick

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cahill, Michael
Devine, James
Heffron, Frank
Moody, Marcia
Schlachman, Donna
Till, Mary

Belanger, Ronald
Cali-Pitts, Jacqueline
Emerson-Brown, Rebecca
Hoelzel, Kathleen
Muns, Chris
Sherman, Thomas
Wazlaw, Brian

Borden, David
Copeland, Timothy
Flockhart, Eileen
Lovejoy, Patricia
Pantelakos, Laura
St.James, Kevin
Webb, James

Briden, Steven
Cushing, Robert
Hayes, Jack
Mann, Maureen
Scarlotto, Joe
Sytek, John
Whitemore, Lisa

STRAFFORD

Baber, William
Gray, James
Kaen, Naida
Miller, David
Smith, Marjorie

Berube, Roger
Grossman, Kenneth
Ketel, Stephen
Perry, Robert
Stevens, Audrey

Gardner, Janice
Horrigan, Timothy
Malloy, Dennis
Rogers, Rose Marie
Verschueren, James

Grassie, Anne
Hubbard, Pamela
Merrill, Amanda
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond
Sweeney, Cynthia

Grenier, James
Tanner, Linda

O'Hearne, Andrew

NAYS - 117

BELKNAP

Burchell, Richard
Greemore, Robert
Tilton, Franklin

Comtois, Guy
Holmes, Stephen
Vadney, Herbert

Cormier, Jane
Luther, Robert
Worsman, Colette

Fields, Dennis
Sylvia, Michael

CARROLL

Chandler, Gene
Nelson, Bill

Cordelli, Glenn
Schmidt, Stephen

McConkey, Mark
Wright, Donald

Morrow, Harry

CHESHIRE

Hunt, John

Johnson, Jane

Robertson, Timothy

COOS

Rappaport, Laurence

Rideout, Leon

GRAFTON

Doolan, Ralph

Gionet, Edmond

HILLSBOROUGH

Boehm, Ralph
Christiansen, Lars
Gagne, Larry
Kurk, Neal
Marston, Dick
Murphy, Kelleigh
Ober, Russell
Peterson, Lenette
Sanborn, Laurie
Ulery, Jordan

Burt, John
Coffey, James
Haefner, Robert
Lambert, George
McCarthy, Michael
Murphy, Keith
Palmer, Stephen
Pratt, Calvin
Sandblade, Emily
Vaillancourt, Steve

Byron, Frank
Culbert, Patrick
Hansen, Peter
LeBrun, Donald
Meaney, Richard
Notter, Jeanine
Parison, James
Renzullo, Andrew
Straight, Philip
Villeneuve, Moe

Cebrowski, John
Daniels, Gary
Hikel, John
LeVasseur, Richard
Murotake, David
Ober, Lynne
Pellegrino, Tony
Rowe, Robert
Stroud, Kathleen
Warden, Mark

MERRIMACK

Hess, David
McGuire, Dan

Kidder, David
Patten, Dick

Kotowski, Frank

McGuire, Carol

ROCKINGHAM

Abrami, Patrick
Chirichiello, Brian
Duarte, Joe
Ferrante, Beverly
Griffin, Mary
Kappler, Lawrence
McMahon, Charles
Packard, Sherman
Sapareto, Frank
Tasker, Kyle

Allen, Mary
Comerford, Timothy
Dumaine, Dudley
Fesh, Robert
Harris, Jeffrey
Kolodziej, Walter
Milz, David
Priestley, Anne
Schroadter, Adam
Tucker, Pamela

Baldasaro, Alfred
Danaïs, Romeo
Elliott, Robert
Garcia, Bianca
Hodgdon, Bruce
Major, Norman
Nigrello, Robert
Rice, Frederick
Sedensky, John
Waterhouse, Kevin

Birdsell, Regina
DeSimone, Debra
Emerick, J. Tracy
Gordon, Richard
Itse, Daniel
McKinney, Betsy
O'Connor, John
Sanders, Elisabeth
Sweeney, Joe
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven

Mullen, John

Pitre, Joseph

SULLIVAN

Osgood, Joe

Rollins, Skip

Smith, Steven

and the majority committee report was adopted.

Rep. Barry did not vote and notified the Clerk that he wished to be recorded in favor.

HB 1534, establishing a commission to study fiscal disparities between public school districts. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. James L. Grenier for the Majority of Education. This bill will establish a commission to study fiscal disparity between school districts. Disparity was taken out of the adequacy funding formula in 2011. Differences between a school district's ability to support school costs vary greatly because of several local factors. A weak property tax base, a higher than average percent of special needs students, or the income of school district residents are examples of factors that cause fiscal disparity between school districts. Vote 13-6.

Rep. Ralph G. Boehm for the Minority of Education. In the last ten years, we have changed the adequacy formula at least three times. The Legislature will vote again on winners and losers, which may or may not cause a new bill to pass. We just changed the formula in 2011.

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

Rep. Boehm spoke against and yielded to questions.

Rep. Grenier spoke in favor.

On a division vote, 165 members having voted in the affirmative and 135 in the negative, the majority committee report was adopted and ordered to third reading.

HB 1338, relative to appointment of inspectors of election by selectmen. **INEXPEDIENT TO LEGISLATE.**

Rep. Mary Ann Knowles for Election Law. The committee acknowledges that there is concern about the ability to find willing and qualified inspectors of election. The testimony indicated that it is a larger concern in the cities, since the committee did not hear from the towns. There have been a number of concerns regarding inspectors of election brought to the attention of the committee, and we feel that they would all be more appropriately addressed in the study committee that was established in 2013 by the passage of HB 521. Vote 14-2. Committee report adopted.

HB 1178, relative to the sale and transfer of animals from animal shelters. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Janice S. Gardner for the Majority of Environment and Agriculture. This bill comes from conversations over the last two years between this committee and the Department of Agriculture, Markets & Food, which inspects and licenses New Hampshire animal shelters and rescues, as well as pet stores and commercial kennels, and enforces the statutes and regulations under which these licensees operate. Since the 1970s, animal shelters and rescues have been exempted from requirements regarding minimum age, basic immunizations and health certificates for the dogs, cats and ferrets that they transfer. This bill removes that exemption, which most shelters have not utilized in many years. Stipulating that all four licensees operate under the same rules and laws simplifies enforcement, eliminates public confusion and enhances consumer and animal protections. Vote 10-4.

Rep. Christy D. Bartlett for the Minority of Environment and Agriculture. The bill removes longstanding exemptions that have existed for the benefit of not-for-profit community animal shelters. It imposes upon such shelters all of the health verification requirements that are required of for-profit, commercial pet stores. There was no testimony whatsoever presented to demonstrate that problems were present in the current animal control and adoption processes of shelters. There was substantial testimony that animal welfare and safety have been paramount in shelter operations. The bill was presented as necessary to create a "level playing field" for the commercial pet businesses. Animal shelters do not have the benefit of the controlled and predictable stream of animals that commercial stores enjoy. Shelters must take all comers. They must be available to take responsibility for the stray, abandoned, and unwanted animals found in communities. Shelters provide affordable pets for families. Statewide, the costs of the health certificates required by the

bill will add hundreds of thousands of dollars of costs to current shelter budgets. It will increase the cost of adoptions, and will increase the "time of stay" for the animals. This creates risks for the animals and financial burdens on the shelters. Because of the negative impact on existing shelters, the minority believes this bill should be inexpedient to legislate.

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

Rep. Bartlett spoke against and yielded to questions.

Rep. Gardner spoke in favor.

On a division vote, 157 members having voted in the affirmative and 145 in the negative, the majority committee report was adopted and ordered to third reading.

HB 1179, relative to health certificates for transferred animals. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Janice S. Gardner for the Majority of Environment and Agriculture. This bill carries on with clarifying the protections covered in HB 1178. This bill provides protection for both animals sold or transferred by an entity licensed by the NH Department of Agriculture, Markets and Food (pet stores, commercial kennels, animal shelters and rescues), and for those persons who buy, adopt or accept transfer of these animals. The purpose of this bill is to prevent, as far as possible, the introduction of additional or foreign diseases to NH animals, and to protect the health of New Hampshire's human residents. This bill requires that the new owner be provided with a record of all medical treatments the dog, cat or ferret has received prior to transfer, as far as is known. Also, as protection for dogs, cats or ferrets already in this state, for the transferred animal, and for the new owner, the new owner is given the option of taking the animal to a veterinarian of their choosing for an examination within 14 days of transfer; if this veterinarian declines to issue a health certificate due to the presence of a contagious or infectious condition, the new owner can, within 2 days and with certification from the examining veterinarian, return the animal to the licensee for, at the new owner's option, a refund or a replacement animal of the same value. The new owner can also opt to retain the animal and treat it, under a veterinarian's supervision. If the new owner selects this second option, the licensee will be liable for veterinary cost, only up to the amount paid for the animal. Passage of HB 1178 and HB 1179 will complete the consumer protection aspects of our laws relative to the transfer of dogs, cats or ferrets. The other licensees have functioned with these stipulations since the mid 1970s, and have reportedly found them helpful. Private breeders have similar requirements under Chapter 466. Those who seek a family pet from a shelter or rescue, and the animals transferred from these venues, should have the same protections as are now enjoyed by all other pet owners and pets in our state. Vote 10-4.

Rep. Christy D. Bartlett for the Minority of Environment and Agriculture. As with HB 1178, this bill removes other longstanding exemptions that have existed for the benefit of community animal shelters. The bill creates a new requirement that only certain "accredited veterinarians" can sign the health certificates where now it can be any NH licensed veterinarian. Only 1/3 of vets are "accredited" by the state veterinarian, and this list is not publicly available. This requirement will limit the number of veterinarians available to shelters and will increase the cost. The bill also imposes additional health record requirements. Some committee members believed the bill was important for "consumer protection," however there is an existing "lemon law" for pets (NH RSA 437:13) which protects the consumer in the event an adopted animal is found to be unhealthy. This bill does not increase the protection to the state from imported animals, as those animals must already have a health certificate.

Majority Amendment (0668h)

Amend RSA 437:10, II as inserted by section 1 of the bill by replacing it with the following:

II. The original of the official health certificate accompanying the dog, cat, or ferret offered for transfer by a licensee shall be kept on the premises where dogs, cats, and ferrets are displayed, and made available for inspection upon request. The public will be informed of their right to inspect the health certificate for each dog, cat, or ferret by a sign prominently displayed in the area where the dogs, cats, or ferrets are displayed. Upon transfer of the dog, cat, or ferret, this health certificate shall be updated by the licensee **with the animals full medical history, if known, and** if any other medication or treatment has been given by a licensed veterinarian or the licensee to the dog, cat, or ferret and shall be given to the transferee in addition to any other documents which are customarily delivered to the transferee. The transferee may accept a dog, cat, or ferret that has a noncontagious illness that has caused it to fail its examination by a licensed veterinarian for an official health certificate under paragraph I; the transferee shall sign a waiver that indicates the transferee has knowledge of the dog, cat, or ferret's noncontagious medical condition and then submit such waiver to the licensee who shall send a copy to the state veterinarian. **A person who buys or adopts an animal subject to this section shall have 14 days after the transfer to take the animal to a licensed veterinarian of his or her choice for examination. If such veterinarian states that the transferred animal does not meet the criteria necessary to receive a health certificate under this section due to the existence of an infectious or contagious condition, then the new**

owner may return the animal to the licensee for a full refund. The new owner may elect to keep the animal and provide treatment under the direction of a licensed veterinarian. In this case, the licensee will reimburse the new owner for the cost of veterinary care only up to the original purchase price of the animal.

Majority committee amendment adopted.

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

Rep. Bartlett spoke against.

Rep. Gardner spoke in favor and yielded to questions.

On a division vote, 142 members having voted in the affirmative and 156 in the negative, the majority committee report failed.

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

On a division vote, 205 members having voted in the affirmative and 94 in the negative, the minority committee report was adopted.

Rep. James Belanger declared a conflict of interest and did not participate.

HB 1304, relative to the storage of fluorescent lamps at transfer stations. **INEXPEDIENT TO LEGISLATE.**

Rep. Alan J. Turcotte for Environment and Agriculture. Current federal (EPA) and state (DES) laws and rules require that fluorescent lamps at transfer stations be stored in closed containers at all times. This current procedure is imposed because fluorescent lamps are considered dangerous, are easily broken, and they contain hazardous mercury gas. This bill proposed to exempt transfer stations from storing fluorescent lamps in closed containers when the storage time was for less than one week. However, the bill failed to address the risks, even short term, associated with this form of solid waste including breakage and the exposure of workers and public to hazardous materials and gas. Additionally, the bill would modify the NH storage requirement to the extent that the NH DES program would then fail to be in compliance with preemptive federal EPA rules. For these reason the majority recommended inexpedient to legislate. Vote 14-3.

Rep. Dan McGuire spoke against and yielded to questions.

Rep. Turcotte spoke in favor.

On a division vote, 187 members having voted in the affirmative and 107 in the negative, the committee report was adopted.

HB 1305, relative to the definition of asbestos abatement. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Christy D. Bartlett for the Majority of Environment and Agriculture. This bill would exempt the state requirement for asbestos abatement inspections for buildings constructed after 1994 and smaller than 750 square feet in size. The concerns included how the year of construction could be determined for many buildings in NH that have had additions built at different times, what the repeated effects could be to employees who may be have repeated exposures, the OSHA requirements that may be in conflict with this bill, and whether the state can exempt contractors from federal inspection requirements. In committee discussion, this committee is sympathetic to the building contractors, but we would want to review the federal vs state requirements through the department of environmental services' acting as a delegate for the environmental protection agency, which would protect the NH environment and citizens from contamination, and also, the OSHA requirements to protect the employees from asbestos exposure. Vote 10-7.

Rep. Warren J. Groen for the Minority of Environment and Agriculture. While the federal government exempts buildings as large as four unit apartments from asbestos inspections, NH DES applies our asbestos regulations to all projects performed by a contractor or business. Any job to renovate or demolish a small building or shed is caught up in the DES dragnet of inspections and testing fees. This bill exempts buildings under 750 square feet and those built after 1994, the year asbestos building materials were banned. The whole asbestos removal regime has led to exorbitant charges for doing safe, routine and uncomplicated work. This bill would allow a measure of relief for very small projects and those where asbestos is not present.

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

Rep. Beaudoin spoke against.

Rep. Bartlett spoke in favor.

Rep. Burt requested a roll call; sufficiently seconded.

YEAS 180 - NAYS 120

YEAS - 180

BELKNAP

Arsenault, Beth
Raymond, Ian

DiMartino, Lisa
Tilton, Franklin

Gulick, Ruth

Huot, David

CARROLL

Buco, Thomas
Merrow, Harry

Butler, Edward
Ticehurst, Susan

Crawford, Karel
Umberger, Karen

Lavender, Tom
White, Syndi

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
Young, Harry

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

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Coulombe, Gary
Theberge, Robert

Enman, Larry
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Hammon, Marcia

Moynihan, Wayne

GRAFTON

Almy, Susan
Ford, Susan
Massimilla, Linda
Smith, Suzanne

Benn, Bernard
Friedrich, Carol
Mulholland, Catherine
Sykes, George

Cooney, Mary
Harding, Laurie
Nordgren, Sharon
Townsend, Charles

Doolan, Ralph
Higgins, Patricia
Piper, Wendy
White, Andrew

HILLSBOROUGH

Backus, Robert
Cebrowski, John
Cote, David
Gale, Sylvia
Graham, John
Hansberry, Daniel
Heden, Ruth
Leishman, Peter
Mangipudi, Latha
O'Brien, Michael
Shattuck, Gilman
Sullivan, Peter
Woodbury, David

Beaulieu, Jane
Chandley, Shannon
Danielson, David
Gidge, Kenneth
Hackel, Paul
Hansen, Peter
Jack, Martin
Levesque, Melanie
Manley, Jonathan
Porter, Marjorie
Soucy, Timothy
Takesian, Charlene

Brown, Pamela
Christiansen, Lars
DiSilvestro, Linda
Goley, Jeffrey
Haefner, Robert
Harriott-Gathright, Linda
Judy, Jean
Long, Patrick
McCloskey, David
Rosenwald, Cindy
Spratt, Stephen
Walsh, Robert

Campbell, David
Connor, Evelyn
Gage, Ruth
Grady, Brenda
Hammond, Jill
Heath, Mary
Knowles, Mary Ann
MacKay, Mariellen
Nelson, Mary
Schmidt, Janice
Sullivan, Daniel
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Davis, Frank
French, Barbara
Hunt, Jane
Ratzki, Mario
Shurtleff, Stephen
Webb, Leigh

Bartlett, Christy
Ebel, Karen
Gile, Mary
MacKay, James
Richardson, Gary
Turcotte, Alan

Bouchard, Candace
Frambach, Mary
Henle, Paul
Myler, Mel
Schamberg, Thomas
Walz, Mary Beth

Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Patten, Dick
Schuett, Dianne
Watrous, Rick

ROCKINGHAM

Belanger, Ronald
Cali-Pitts, Jacqueline
Elliott, Robert
Heffron, Frank
Muns, Chris
Schlachman, Donna
Whitemore, Lisa

Borden, David
Copeland, Timothy
Emerson-Brown, Rebecca
Lovejoy, Patricia
Nigrello, Robert
Sherman, Thomas

Briden, Steven
Cushing, Robert
Flockhart, Eileen
Mann, Maureen
Pantelakos, Laura
Till, Mary

Cahill, Michael
Devine, James
Grace, Curtis
Moody, Marcia
Scarlotto, Joe
Wazlaw, Brian

STRAFFORD

Baber, William
Grossman, Kenneth
Malloy, Dennis
Perry, Robert
Spang, Judith

Berube, Roger
Horriggan, Timothy
Merrill, Amanda
Rogers, Rose Marie
Stevens, Audrey

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

Gardner, Janice
Kaen, Naida
Pelletier, Marsha
Smith, Marjorie
Wall, Janet

SULLIVAN

Cloutier, John
Sweeney, Cynthia

Grenier, James
Tanner, Linda

O'Hearne, Andrew

Schmidt, Andrew

NAYS - 120**BELKNAP**

Burchell, Richard
Holmes, Stephen
Worsman, Colette

Comtois, Guy
Luther, Robert

Fields, Dennis
Sylvia, Michael

Greemore, Robert
Vadney, Herbert

CARROLLAhlgren, Christopher
Schmidt, StephenCordelli, Glenn
Wright, Donald

McConkey, Mark

Nelson, Bill

CHESHIRE

Hunt, John

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Gionet, Edmond

Ladd, Rick

HILLSBOROUGHBarry, Richard
Byron, Frank
Flanagan, Jack
Infantine, William
LeBrun, Donald
Meaney, Richard
O'Flaherty, Tim
Parison, James
Renzullo, Andrew
Straight, Philip
Villeneuve, MoeBelanger, James
Coffey, James
Gagne, Larry
Jasper, Shawn
LeVasseur, Richard
Murphy, Kelleigh
Ober, Lynne
Pellegrino, Tony
Rowe, Robert
Stroud, Kathleen
Warden, MarkBoehm, Ralph
Culbert, Patrick
Gargas, Carolyn
Kurk, Neal
Marston, Dick
Murphy, Keith
Ober, Russell
Peterson, Lenette
Sanborn, Laurie
Ulery, Jordan
Willette, RobertBurt, John
Daniels, Gary
Hikel, John
Lambert, George
McCarthy, Michael
Notter, Jeanine
Palmer, Stephen
Pratt, Calvin
Sandblade, Emily
Vaillancourt, Steve
Winters, Joel**MERRIMACK**Hess, David
Lockwood, PriscillaKarrick, David
McGuire, CarolKidder, David
McGuire, Dan

Kotowski, Frank

ROCKINGHAMAbrami, Patrick
Chirichiello, Brian
Duarte, Joe
Fesh, Robert
Harris, Jeffrey
Itse, Daniel
McMahon, Charles
Priestley, Anne
Sedensky, John
Waterhouse, KevinAllen, Mary
Comerford, Timothy
Dumaine, Dudley
Garcia, Bianca
Hayes, Jack
Kappler, Lawrence
Milz, David
Rice, Frederick
St.James, Kevin
Webb, JamesBaldasaro, Alfred
Dana, Romeo
Emerick, J. Tracy
Gordon, Richard
Hodgdon, Bruce
Kolodziej, Walter
Packard, Sherman
Sanders, Elisabeth
Sweeney, Joe
Weyler, KennethBirdsell, Regina
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary
Hoelzel, Kathleen
Major, Norman
Peckham, Michele
Schroadter, Adam
Tucker, Pamela**STRAFFORD**Beaudoin, Steven
Mullen, JohnBickford, David
Pitre, Joseph

Gray, James

Ketel, Stephen

SULLIVAN

Osgood, Joe

Rollins, Skip

Smith, Steven

and the majority committee report was adopted.

Rep. O'Connor declared a conflict of interest and did not participate.

HB 1570-FN, establishing a paint stewardship program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Scott A. Burns for the Majority of Environment and Agriculture. The committee believes the adoption of the paint stewardship program is good for the state. The amendment replaces the entire bill, including the fiscal note, since it was placed under the wrong RSA. Oil-based paint comprises 48% of the hazardous waste collection days. Latex paints are now 75-80% of paint sales, but cannot be included in hazardous waste collections, though disposal is still not easy. Homes have many unused paint cans in basements and garages across NH with an average of 17 cans per household. This program will make disposal of paint more accessible and convenient than the collection once a year now in many towns and cities. This bill will dispose of an estimated 278,000 gallons of paint and generate about \$1 million from the program. There is no cost to the state and will save an estimated \$2.2 million for municipalities that now collect some paint through the hazardous waste collection days. The NH Municipal Association, Statewide Regional Planning Commissions, Northeast Resource Recovery Association, the Department of Environmental Services, Sherwin Williams, Aubuchon & Ace Hardware stores, plus Casella and Waste Management are supporting this initiative. The Retail Merchants and Retail Lumber Association also approve of the language in the bill. The program is managed by a non-profit organization, which has been operating in Canada for 20 years, in Oregon for 3 years, and recently added CA, CT, MN, VT, RI and ME. MA is also reviewing the program for possible implementation. Vote 8-4.

Rep. John T. O'Connor for the Minority of Environment and Agriculture. Conceptually the attempt to recover and recycle liquid paint is commendable, but this bill comes with some unintended consequences, including increased costs, to many small retailers as well as small professional paint contractors. It has been stated that sellers could absorb the fee/tax - currently 75 cents per gallon in the three states where the program is in effect. Maybe large box stores, with deep pockets can, but those small town and regional hardware stores cannot. The current bill as proposed is not ready for prime time and has many weaknesses. There are three major items that have yet to be vetted by the AG's office: 1) anti-trust language, 2) safe harbor review, and 3) an entity doing business as a 501(c)(3) by the charitable trust division. A free market issue is that any paint manufacturer not willing to sign on with the trade association's program will not be allowed to sell their products in NH. A recent review of the State of Oregon's annual report, the first state to sign on to the program, shows that they had sales of 7 million gallons with a fee of .75 cents, resulting in a revenue of \$5.5 million. Their recovery rate was 7.2%, which equates to 581,000 gallons at a dollar value of \$436,000, leaving a balance with the trade association's 501(c) 3 organization of \$5.1 million. The minority commends the sub-committee's attempt to put this through, but there are still too many unanswered questions to pass a bill as complicated as this, and recommends interim study.

Majority Amendment (0618h)

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Paint Stewardship Program. Amend RSA 149-M by inserting after section 60 the following new subdivision:

Paint Stewardship Program

149-M:61 Purpose.

I. The general court recognizes that it is unusual for any painting project to use all of the paints purchased for the project, and that current disposal practices for the remaining paints are inefficient and can be costly. The general court thus establishes a paint stewardship program to support and encourage the collection and recycling of latex paint and of oil-based paints and stains that can be exempt from regulation as hazardous waste if properly managed.

II. The goals of the paint stewardship program are:

(a) To reduce the amount of unwanted paint generated and promote the reuse and recycling of such paint;

(b) To establish collection points for post-consumer paints that are convenient and accessible to all areas of the state;

(c) To manage post-consumer paint collected at the collection points established under the program using environmentally-sound management practices;

(d) To manage post-consumer paint and paint containers using environmentally-sound management practices in an economically sound manner, while adhering to the waste management hierarchy of source reduction, reuse, recycling, energy recovery, and disposal; and

(e) To generate sufficient revenues to cover all costs of the paint stewardship program.

149-M:62 Definitions. In this chapter:

I. "Architectural paint" or "paint" means any interior or exterior architectural coating sold in containers of 5 gallons or less which is either latex-based paint, oil-based paint, or stain that, if properly managed, can be exempt from regulation as hazardous waste under RSA 147-A and has been exempted by rules adopted by the commissioner under RSA 147-A.

II. "Collection point" means a location that is under the direct supervision and control of a retailer, producer, or political subdivision at which there is a suitable container dedicated to collecting and consolidating post-consumer paint.

III. "Consumer" means a purchaser or user of architectural paint.

IV. "Costs of the paint stewardship program" means the actual costs incurred by the stewardship organization to establish and maintain the program plus the actual costs of the department for program oversight and compliance assurance.

V. "Distributor" means a business that has a contractual relationship with one or more producers to market and sell architectural paint to retailers in the state.

VI. "Energy recovery" means recovery in which all or a part of solid waste materials is processed in order to use the heat content or other forms of energy of or from the materials.

VII. "Environmentally-sound management practices" means procedures for the collection, storage, transportation, reuse, recycling, and disposal of post-consumer paint to be implemented to ensure compliance with all applicable federal, state, and local laws, regulations, rules, and ordinances and protection of human health and the environment. Such procedures shall include adequate recordkeeping, tracking, and documentation of the final disposition of collected materials both within the state and beyond, as well as adequate environmental liability coverage for professional services and for the operations of the contractors working on behalf of the stewardship organization.

VIII. "Final disposition" means the point after which no further processing takes place and the paint has been transformed for reuse as a feedstock in producing new products or is disposed of, including for energy recovery, at permitted facilities.

IX. "Paint stewardship assessment" means the amount added to the purchase price of architectural paint sold in the state to cover the costs of the paint stewardship program.

X. "Paint stewardship program" or "program" means a program for management of post-consumer paint to be operated by a stewardship organization.

XI. "Post-consumer paint" means architectural paint that was purchased by or for a consumer that was not used and is no longer wanted by the consumer.

XII. "Producer" means a manufacturer of architectural paint that sells, offers for sale, or distributes such paint in the state under the producer's own name or brand.

XIII. "Recycling rate" means the percentage of the total amount of post-consumer paint collected by a stewardship organization in a calendar year that is recycled within 12 months of being collected.

XIV. "Recycling" means any process by which discarded products, components, and byproducts are transformed into new, usable, or marketable materials in a manner in which the original products may lose their identity but does not include energy recovery or energy generation by means of combusting discarded products, components, and by products with or without other waste products, for purposes of this subdivision.

XV. "Representative organization" means a nonprofit organization created by producers to operate a paint stewardship program that is open to all producers on a nondiscriminatory basis.

XVI. "Retailer" means a person that offers architectural paint for sale directly to consumers in the state, whether from a physical location or through catalogs or electronically via the Internet or similar conduits.

XVII. "Reuse" means the return of a product into the economic stream for use in the same kind of application as originally intended.

XVIII. "Stewardship organization" means a producer or representative organization that has submitted a paint stewardship program plan in accordance with RSA 149-M:63 and has received approval for the plan pursuant to RSA 149-M:64, II.

149-M:63 Proposals to Establish a Paint Stewardship Program.

I. Any producer or representative organization that wishes to become a stewardship organization shall, by January 1, 2015, submit a plan for the establishment of a paint stewardship program to the department for approval, together with a non-refundable application fee as specified in paragraph III.

II. The plan required by paragraph I shall include:

(a) A description of the applicant, including whether it is a producer or a representative organization, how it is managed and operated, how it is funded, and whether it is operating or has operated a paint stewardship program or similar product stewardship program in another jurisdiction and, if so, a description of that program.

(b) A description of how the applicant proposes to collect, transport, recycle, and process post-consumer paint covered by the program to meet the goals stated in RSA 149-M:61, II, including the number and location of proposed collection points, which shall be situated so as to ensure that at least 90 percent of state residents have a permanent collection point within a 15-mile radius of their residence.

(c) A description of how containers used to collect and consolidate post-consumer paint will be managed and protected against damage that could result in a spill, leak, or other discharge.

(d) The proposed initial amount of the paint stewardship assessment and the information on which the initial amount was determined, together with a description of the process by which the applicant will review and adjust the assessment, the frequency of such review and adjustment, and whether any amounts collected in excess of the actual program costs will be used to reduce future assessments or make improvements to the program.

(e) A description of the financial assurance mechanism the applicant proposes to use as required by RSA 149-M:67.

III. The non-refundable application fee paid by an applicant for review of a paint stewardship plan shall be \$5,000 plus any department costs exceeding that amount by \$100 or more. To collect excess costs of \$100 or more, the department shall send an invoice to the applicant with documentation of such costs. The applicant shall pay such costs prior to the department issuing a decision under RSA 149-M:64.

149-M:64 Approval of Plan.

I. The department shall review a plan submitted under RSA 149-M:63 as provided in RSA 541-A:29. The department shall publish a notice on its web site that the plan is available for public review at least 30 days prior to making a determination of whether to approve the plan.

II. The department shall approve a plan and send written notification of such approval to the organization that submitted the plan upon determining that:

(a) The organization submitting the plan appears capable of implementing the plan;

(b) The proposed methods of collecting, transporting, and processing post-consumer paint appear adequate to meet the goals stated in RSA 149-M:61, II;

(c) The funding mechanism proposed in the plan appears adequate to meet the requirements of RSA 149-M:65, I; and

(d) The proposed financial assurance mechanism meets applicable requirements.

III. If the department does not approve the plan, the department shall provide written notification to the organization that submitted the plan of the reason for the denial. Such denial shall not preclude the organization from submitting an amended plan.

149-M:65 Paint Stewardship Program Funding.

I. The stewardship organization shall administer the paint stewardship assessment for all architectural paint sold in the state. The amount of the assessment shall be set so as to recover the costs of the paint stewardship program without exceeding such costs, based on a good faith estimate of those costs. If the funds generated by the assessment exceed the amount necessary to recover the costs of the program, the excess funds shall be used by the stewardship organization as stated in the approved plan to reduce future paint stewardship assessments and to improve services under the program.

II. All producers shall add the paint stewardship assessment to the cost of all architectural paint sold for sale or other distribution in the state. Each producer shall remit the assessments collected to the stewardship organization. Collection of the paint stewardship assessment shall commence no later than July 1, 2015.

III. A retailer or distributor shall add the paint stewardship assessment to the consumer's purchase price of the architectural paint sold by that retailer or distributor. However, nothing in this section shall be construed to require the retailer or distributor to itemize or otherwise display the assessment on a customer receipt or bill of sale.

IV. No charge of any type shall be made at the time of post-consumer paint collection by a retailer or distributor.

V. To recover costs of program oversight and compliance assurance, the department shall send an invoice to the stewardship organization in each quarter that accrued costs exceed \$100, with documentation of the costs being invoiced. The stewardship organization shall pay such costs within 30 days of the date of the invoice. In any quarter that the department's costs do not exceed \$100, the amounts shall continue to accrue and be invoiced when the total exceeds \$100. All funds received at the department as recovered costs shall be deposited to the hazardous waste cleanup fund established under RSA 147-B:3.

149-M:66 Operation of Paint Stewardship Program.

I. The stewardship organization shall implement the approved plan within 3 months of receiving approval under RSA 149-M:64, II.

II. Upon implementation of the plan, no producer shall sell or offer for sale architectural paint in the state unless the producer participates in a paint stewardship program. The stewardship organization shall notify the department within 30 days of which producers are participating in that organization's paint stewardship program.

III.(a) The stewardship organization shall provide consumers and retailers with educational materials regarding the paint stewardship assessment and paint stewardship program. Such materials shall include information regarding available end-of-life management options for architectural paint offered through the paint stewardship program; promote waste prevention, reuse and recycling; and notify consumers that the assessment to fund the paint stewardship program is included in the purchase price of architectural paint sold in the state and that state law prohibits consumers from being charged any fee at the point of collection of waste paint.

(b) The materials provided pursuant to subparagraph (a) may include the following:

(1) Signage that is prominently displayed and easily visible to consumers;

(2) Printed materials and templates of materials for reproduction by retailers to be provided to the consumer at the time of purchase or delivery;

(3) Advertising or other promotional materials that include references to the paint stewardship program; and

(4) A manual for the operator of a collection point to ensure the use of environmentally-sound management practices when handling architectural paints.

IV. The stewardship organization shall notify the department in writing within 30 days of establishing any additional collection points, changing the location of a collection point, or terminating a collection point.

V. If the stewardship organization wishes to change the paint stewardship assessment, the stewardship organization shall submit a request to change the assessment to the department. The organization shall explain in detail the basis for the change and include audited financial reports to support the request. The department shall approve the request if it determines that the change is necessary to cover the actual reasonable costs of the program.

VI. A stewardship organization that organizes the collection, transportation, and processing of post-consumer paint, in accordance with a paint stewardship program approved by the department under this subdivision, shall be exempt from RSA 356 with respect to any claims of a violation of antitrust arising from conduct undertaken in accordance with the paint stewardship program.

149-M:67 Financial Assurance Required.

I. Upon receiving approval of a proposed paint stewardship program, the stewardship organization shall take such steps as are necessary to ensure that financial assurance is in place. No post-consumer paint shall be collected until financial assurance is in place.

II. Financial assurance shall be in the form of a bond, letter of credit, or some other financial mechanism, with or without a trust or standby trust, provided that whatever mechanism is used shall:

(a) Be in an amount sufficient to remove all collected post-consumer paint if the stewardship organization terminates the program unexpectedly or fails to provide collection services that are consistent with the approved plan;

(b) Insure to the benefit of, and be payable to, the state of New Hampshire, department of environmental services, upon presentation of appropriate documentation; and

(c) Require at least 120 days prior notice to the department prior to termination.

149-M:68 Annual Report Required.

I. The stewardship organization shall submit a report to the department annually, with the first report due 90 days after completion of the first year of program implementation, and in no case later than 18 months from the date the plan was approved pursuant to RSA 149-M:64, II. Thereafter, annual reports shall be submitted within 90 days after the end of each operating year. Such reports shall include:

(a) A description of the methods used to collect, transport, reduce, reuse, and process post-consumer paint in the state, including the location of each collection point;

(b) The volume and type of post-consumer paint collected in the state by method of disposition, including reuse, recycling, and other methods of processing;

(c) Whether the recycling rate has increased, decreased, or remained the same;

(d) The total costs of the paint stewardship program, as determined by an independent financial audit which may be funded from the paint stewardship assessment, that includes a breakdown of administrative, collection, transportation, disposition, and communication costs;

(e) A summary of all outreach and educational activities undertaken and samples of educational materials provided to consumers of architectural paint;

(f) The total volume of post-consumer paint collected by the paint stewardship program and a breakdown of the volume collected at each collection site;

(g) Based on the paint stewardship assessment collected by the paint stewardship program, an estimate of the total volume of architectural paint sold in the state during the preceding year;

(h) An evaluation of the effectiveness of the paint stewardship program compared to prior years and anticipated steps the stewardship organization plans to take to improve performance throughout the state, if needed; and

(i) A report on how the stewardship organization has ensured environmental compliance at all collection points within the program.

II. Reports submitted to the department under this section shall be made available to the public, except that proprietary information submitted to the department in a plan, in an amendment to a plan, or pursuant to reporting requirements of this section that is identified by the submitter as proprietary information shall be subject to the exception for confidential information in RSA 91-A. As used in this paragraph, "proprietary information" means information that is a trade secret or production, commercial, or financial information the disclosure of which would impair the competitive position of the submitter and would make available information not otherwise publicly available.

149-M:69 Retailers.

I. Beginning July 1, 2015 or 3 months after a plan is approved by the commissioner under RSA 149-M:64, whichever occurs later, no retailer shall sell architectural paint unless, on the date the retailer ordered the architectural paint from the producer or the producer's agent, the producer or the paint brand is listed by the department's as implementing or participating in an approved paint stewardship program.

II. Any retailer may serve as a paint collection point under the paint stewardship program provided the retailer complies with all applicable requirements of the paint stewardship program, including using environmentally-sound management practices.

149-M:70 List of Producers and Brands. The department shall maintain a list of producers participating and the brands included in a paint stewardship program. Such list shall be made available to the public on the department's web site and by other means as the department deems appropriate.

149-M:71 Liability for Discharges.

I. Any person who causes or suffers a spill, leak, or other discharge of materials collected under this program shall be liable for all costs of containment and removal of the discharged paint and, if the spill, leak, or discharge was onto or into any land surface, sewer or storm water collection network, surface water, or wetland, or in any area where the paint could reach surface water or groundwater, also shall be liable for the costs of cleanup and restoration of the site and surrounding environment.

II. Any person who causes or suffers a spill, leak, or other discharge of materials collected under this program due to gross negligence or reckless disregard, or by intention, shall be subject to the applicable penalty provisions of RSA 149-M and RSA 147-A.

III. Any person who agrees to operate a collection point and who responsibly implements environmentally-sound management practices in good faith shall not be subject to penalties for the acceptance or storage of, or for any spill, leak, or discharge of collected paint, or other materials that are inadvertently accepted pursuant to the program, and which occurs despite the implementation of such practices.

149-M:72 Rulemaking. The commissioner may adopt rules pursuant to RSA 541-A relative to:

I. The content and structure of applications under RSA 149-M:63, including information and other materials to be submitted by an applicant.

II. The types of financial assurance that may be used to comply with RSA 149-M:67.

III. The content and structure of annual reports under RSA 149-M:68, including information and other materials to be submitted by a stewardship organization.

IV. Procedures for filing and review of requests to change the paint stewardship assessment.

V. Environmentally-sound management practices at collection points.

VI. Definitions of terms not defined in this chapter.

VII. Standards for granting any waivers from RSA 149-M:61-71.

MOTION TO SPECIAL ORDER

Rep. Sad moved that **HB 1570-FN**, establishing a paint stewardship program, be made a Special Order as the first order of business on the Regular Calendar for the next Session.

Adopted.

SENATE MESSAGE

The Senate has passed Bills and Resolutions with the following titles, in the passage of which it asks the concurrence of the House of Representatives:

SB 413-FN-A, relative to access to health insurance coverage.

RESOLUTION

Rep. Shurtleff offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 413 shall be by this resolution read a first and second time by the therein listed title and referred to the therein designated committee.

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

YEAS 185 - NAYS 120

YEAS - 185

BELKNAP

Arsenault, Beth
Holmes, Stephen

DiMartino, Lisa
Huot, David

Fields, Dennis
Raymond, Ian

Gulick, Ruth

CARROLL

Buco, Thomas
Morrow, Harry

Butler, Edward
Ticehurst, Susan

Crawford, Karel
White, Syndi

Lavender, Tom

CHESHIRE

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

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

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

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

COOS

Coulombe, Gary
Theberge, Robert

Enman, Larry
Thomas, Yvonne

Hammon, Marcia

Moynihan, Wayne

GRAFTON

Almy, Susan
Friedrich, Carol
Mulholland, Catherine
Sykes, George

Benn, Bernard
Harding, Laurie
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Higgins, Patricia
Piper, Wendy
White, Andrew

Ford, Susan
Massimilla, Linda
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Campbell, David
DiSilvestro, Linda

Barry, Richard
Chandley, Shannon
Flanagan, Jack

Beaulieu, Jane
Connor, Evelyn
Gage, Ruth

Brown, Pamela
Cote, David
Gale, Sylvia

Gidge, Kenneth
Hammond, Jill
Heden, Ruth
Leishman, Peter
Mangipudi, Latha
O'Brien, Michael
Shattuck, Gilman
Sullivan, Daniel
Walsh, Robert

Goley, Jeffrey
Hansberry, Daniel
Jack, Martin
Levesque, Melanie
Manley, Jonathan
Porter, Marjorie
Shaw, Barbara
Sullivan, Peter
Williams, Kermit

Grady, Brenda
Harriott-Gathright, Linda
Judy, Jean
Long, Patrick
McCloskey, David
Rosenwald, Cindy
Soucy, Timothy
Takesian, Charlene
Winters, Joel

Hackel, Paul
Heath, Mary
Knowles, Mary Ann
MacKay, Mariellen
Nelson, Mary
Schmidt, Janice
Spratt, Stephen
Vaillancourt, Steve
Woodbury, David

MERRIMACK

Alicea, Caroletta
Davis, Frank
French, Barbara
Hunt, Jane
MacKay, James
Richardson, Gary
Turcotte, Alan

Bartlett, Christy
Ebel, Karen
Gile, Mary
Karrick, David
Myler, Mel
Schamberg, Thomas
Walz, Mary Beth

Bouchard, Candace
Frambach, Mary
Henle, Paul
Kidder, David
Patten, Dick
Schuett, Dianne
Watrous, Rick

Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Lockwood, Priscilla
Ratzki, Mario
Shurtleff, Stephen
Webb, Leigh

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cali-Pitts, Jacqueline
Fesh, Robert
Kappler, Lawrence
Muns, Chris
Scarlotta, Joe
Wazlaw, Brian

Borden, David
Cushing, Robert
Flockhart, Eileen
Lovejoy, Patricia
Pantelakos, Laura
Schlachman, Donna
Whittemore, Lisa

Briden, Steven
Elliott, Robert
Griffin, Mary
Mann, Maureen
Peckham, Michele
Sherman, Thomas

Cahill, Michael
Emerson-Brown, Rebecca
Hayes, Jack
Moody, Marcia
Priestley, Anne
Till, Mary

STRAFFORD

Baber, William
Gardner, Janice
Hubbard, Pamela
Merrill, Amanda
Rogers, Rose Marie
Stevens, Audrey

Berube, Roger
Grassie, Anne
Kaen, Naida
Miller, David
Schmidt, Peter
Verschuere, James

Bickford, David
Grossman, Kenneth
Ketel, Stephen
Pelletier, Marsha
Smith, Marjorie
Wall, Janet

Bixby, Peter
Horrigan, Timothy
Malloy, Dennis
Perry, Robert
Spang, Judith

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond
Sweeney, Cynthia

Grenier, James
Tanner, Linda

O'Hearne, Andrew

NAYS - 120

BELKNAP

Burchell, Richard
Sylvia, Michael

Comtois, Guy
Tilton, Franklin

Greemore, Robert
Vadney, Herbert

Luther, Robert
Worsman, Colette

CARROLL

Ahlgren, Christopher
Nelson, Bill

Chandler, Gene
Schmidt, Stephen

Cordelli, Glenn
Umberger, Karen

McConkey, Mark
Wright, Donald

CHESHIRE

Hunt, John

Johnson, Jane

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Doolan, Ralph

Gionet, Edmond

Ladd, Rick

HILLSBOROUGH

Belanger, James
Cebrowski, John
Daniels, Gary
Haefner, Robert
Jasper, Shawn
LeVasseur, Richard
Murotake, David
O'Flaherty, Tim
Parison, James
Renzullo, Andrew
Straight, Philip
Warden, Mark

Boehm, Ralph
Christiansen, Lars
Danielson, David
Hansen, Peter
Kurk, Neal
Marston, Dick
Murphy, Kelleigh
Ober, Lynne
Pellegrino, Tony
Rowe, Robert
Stroud, Kathleen
Willette, Robert

Burt, John
Coffey, James
Gagne, Larry
Hikel, John
Lambert, George
McCarthy, Michael
Murphy, Keith
Ober, Russell
Peterson, Lenette
Sanborn, Laurie
Ulery, Jordan

Byron, Frank
Culbert, Patrick
Graham, John
Infantine, William
LeBrun, Donald
Meaney, Richard
Notter, Jeanine
Palmer, Stephen
Pratt, Calvin
Sandblade, Emily
Villeneuve, Moe

MERRIMACK

Kotowski, Frank

McGuire, Carol

McGuire, Dan

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
DeSimone, Debra
Emerick, J. Tracy
Grace, Curtis
Itse, Daniel
McMahon, Charles
Packard, Sherman
Sedensky, John
Tucker, Pamela

Allen, Mary
Comerford, Timothy
Devine, James
Ferrante, Beverly
Harris, Jeffrey
Kolodziej, Walter
Milz, David
Rice, Frederick
St.James, Kevin
Waterhouse, Kevin

Baldasaro, Alfred
Copeland, Timothy
Duarte, Joe
Garcia, Bianca
Hodgdon, Bruce
Major, Norman
Nigrello, Robert
Sanders, Elisabeth
Sweeney, Joe
Webb, James

Belanger, Ronald
Danais, Romeo
Dumaine, Dudley
Gordon, Richard
Hoelzel, Kathleen
McKinney, Betsy
O'Connor, John
Schroadter, Adam
Tasker, Kyle
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven

Gray, James

Mullen, John

Pitre, Joseph

SULLIVAN

Osgood, Joe

Rollins, Skip

Smith, Steven

and the motion was adopted.

INTRODUCTION OF SENATE BILL**First, second reading and referral*****SB 413-FN-A***, relative to access to health insurance coverage. (Finance)**MOTION TO REFER TO COMMITTEE OF THE WHOLE**

Rep. Lambert moved that ***SB 413-FN-A***, relative to access to health insurance coverage, be referred to a Committee of the Whole.

The Speaker ruled the motion out of order.

MOTION TO SUSPEND HOUSE RULES

Rep. Lambert moved that House Rules be so far suspended as to allow ***SB 413-FN-A***, relative to access to health insurance coverage, be referred to a Committee of the Whole.

On a division vote, 42 members having voted in the affirmative and 264 in the negative, the motion failed.

REGULAR CALENDAR – PART II (CONT'D)***HB 1608-FN***, relative to hydraulic fracturing. **INEXPEDIENT TO LEGISLATE.**

Rep. David P. Miller for Environment and Agriculture. The committee feels this bill is before its time. Testimony before the committee reminds us that New Hampshire is based upon a bedrock of granite. Geologists point out that natural gas and oil is found in shale and is not naturally found in granite. Thus, the concern that hydraulic fracturing would be applied in New Hampshire is moot at this time. (The only application of fracking in the state is during the drilling of an artisan well for water.) The second part of the bill expressed a concern that polluted fracking wastewater would be imported into the state and run through a public or private wastewater treatment plant leaving our citizens to worry about what chemicals could be entering our water systems. Currently, such wastewater would mostly likely have to be trucked, piped or delivered by rail from such states as Pennsylvania or New York. However, testimony revealed that large fracking sites have their own wastewater treatment facility and that transporting of wastewater long distances is cost-prohibitive. Vote 17-1.

MOTION TO SPECIAL ORDER

Rep. Horrigan moved that ***HB 1608-FN***, relative to hydraulic fracturing, be made a Special Order for the next Session date in its regular place in the Calendar.

Rep. Horrigan spoke in favor.

Motion adopted.

REGULAR CALENDAR – PART II (CONT'D)***HB 1126***, establishing a committee to study alternative public employee retirement plans. **INEXPEDIENT TO LEGISLATE.**

Rep. Daniel C. Hansberry for Executive Departments and Administration. Presently, the committee has an ongoing ad hoc committee on retirement in place studying alternative retirement plans. The meetings of the ad hoc committee are noticed in the House Calendar and open to all who wish to attend. Creating a second committee charged with the same purpose is unnecessarily redundant. Vote 15-3.

Committee report adopted.

HB 1244, relative to the disclosure of the names of lottery winners. **INEXPEDIENT TO LEGISLATE.**

Rep. Howard M. Moffett for Executive Departments and Administration. Current law (RSA 287-F:10, I-i) provides that "...Upon written request, the commission may release the name, town or residence, date of prize, and the gross and net amounts of the annual prize payment of a winner..." and the commission's current policy is to release such information upon written request by the media or a member of the public. This bill would prohibit public disclosure of a lottery winner's name unless authorized by the winner. Although the committee recognized that a lottery winner may have a privacy interest in avoiding unwanted publicity, a clear majority felt that this personal interest is outweighed by the public's interest in transparency, accountability, and public confidence in the integrity of lottery operations. The public has a right to know how a state agency is distributing lottery revenues collected from the public. Vote 13-5.

Rep. Herb Richardson spoke against.

Rep. Weber spoke in favor.

On a division vote, 149 members having voted in the affirmative and 150 in the negative, the committee report failed.

Rep. Kurk moved Ought to Pass.

On a division vote, 172 members having voted in the affirmative and 130 in the negative, the motion was adopted and ordered to third reading.

HB 1331, relative to the membership and reporting date of the interbranch criminal and juvenile justice council. **OUGHT TO PASS.**

Rep. Dianne E. Schuett for Executive Departments and Administration. This bill adds the chairman of the adult parole board and the executive director of the New Hampshire Coalition Against Domestic and Sexual Violence, or their designees to the existing statutory committee. The bill also changes the reporting deadline for the committee from annual to biennial. Vote 12-5.

Committee report adopted and ordered to third reading.

HB 1564-FN, relative to escheat proceedings. **OUGHT TO PASS.**

Rep. Jeffrey P. Goley for Executive Departments and Administration. This bill establishes an owner outreach and reunification unit within the Abandoned Property Division at the Department of Treasury. The committee heard that on average only 40 percent of property and money received at the treasury is returned to the rightful owners. Currently the Abandoned Property Division does not have someone dedicated to find the rightful owners of abandoned property. The majority of the committee felt that the state should be more proactive in returning property and money it receives to the rightful owners. This would allow the treasury to begin that process. Vote 8-5.

Committee report adopted and ordered to third reading.

MOTION TO SUSPEND HOUSE RULES

Reps. Shurtleff and Chandler moved that House Rules be so far suspended as to allow **HB 1564-FN**, relative to escheat proceedings, be referred to the Committee on Finance as a second committee.

Adopted by the necessary two-thirds vote.

The Speaker referred **HB 1564-FN** to the Committee on Finance.

REGULAR CALENDAR - PART II (CONT'D)

HB 1394-FN-A, relative to funds for chartered public school facilities and making an appropriation therefor.

MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Susan M. Ford for the Majority of Finance. This bill would transfer funding to charter schools so they can make additional payments for leasing space. The additional allocations to these chartered public schools would be equal to 30% of their annual leased space. Members of the majority believe that this would clearly be an unequal distribution of funds. Towns and cities have not been eligible to apply for new building aid for the last 3 budget cycles due to lack of funding. This new allocation, directed only to charter schools, would create two classes of schools - those with support for leasing and those without. The proposed funding has been made available only because four charter schools, anticipated to open this past fall, did not open. The majority is also concerned that this would open the door to any department within the state budget to reopen negotiations for new initiatives whenever there is a funded program that will not be completed within the original time frame. The majority of the committee concluded that charter schools should be asked to live within their original contracts and that no additional money be allocated. Vote 13-10.

Rep. Kenneth L. Weyler for the Minority of Finance. Almost all of our public schools received construction money when they were built. Because the regular public schools are encountering a decline in enrollment, no money for new construction is in the present budget. The charter schools are seeing substantial growth, even though they are presently educating less than 2% of our total students. We have several new schools planning to open as they receive their charters. Delays in opening 4 new charters that were planned for the first year of this biennium resulted in enough surplus in the charter school budget line

that will allow for funding this proposal without new appropriations. In sum, treat charters the same as other public schools, recognize that they are where the growth is, overturn the ITL, and give charters a 30% stipend for leases.

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

Rep. Weyler spoke against.

Reps. Ford and Daniel Eaton spoke in favor.

Majority committee report adopted.

HB 1501-FN, requiring licensing of outpatient abortion facilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas M. Sherman for Health, Human Services and Elderly Affairs. This bill would require further restrictions on abortion at the level of licensing, credentialing and privileging of facilities. Abortion at the level performed in outpatient clinics and offices is legal and, per the peer reviewed medical literature, safe. Current oversight is standard of practice for this level of procedure, including licensing of all providers and inspection of facilities. Vote 17-0.

MOTON TO SPECIAL ORDER

Rep. Chandler moved that **HB 1501-FN**, requiring licensing of outpatient abortion facilities, be made a Special Order for the next Session date in its regular place in the Calendar.

Rep. Chandler spoke in favor.

Motion adopted.

REGULAR CALENDAR - PART II (CONT'D)

HB 1539, relative to the repeal date of the certificate of need law. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Laurie Harding for the Majority of Health, Human Services and Elderly Affairs. The configuration of the new board was drastically changed in 2013. The appointments to the new board were made in the fall of 2013. The new board is also responsible for developing a state health plan. There is currently a repeal for the certificate of need board in the law for 2016. Considering the need for the highest quality of care in New Hampshire and with an increasing need to manage health care costs, it is undesirable to move up the repeal date to 2015. Vote 10-2.

Rep. Stephen J. Schmidt for the Minority of Health, Human Services and Elderly Affairs. The certificate of need board has outlived its' usefulness in the opinion of the minority. Seventeen states have repealed it with no negative impact on their health care costs. Free market principles and competition should also apply to the health care profession. With an increasing requirement for billing transparency and competition, the board should be abolished.

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

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

Rep. Harding spoke in favor.

Rep. Gary Richardson requested a roll call; sufficiently seconded.

YEAS 167 - NAYS 132

YEAS - 167

BELKNAP

DiMartino, Lisa

Gulick, Ruth

Huot, David

Raymond, Ian

CARROLL

Buco, Thomas

Butler, Edward

Lavender, Tom

CHESHIRE

Ames, Richard

Berch, Paul

Butynski, William

Chase, Cynthia

Eaton, Daniel

Ley, Douglas

Mann, John

Parkhurst, Henry

Phillips, Larry

Roberts, Kris

Robertson, Timothy

Sad, Tara

Shepardson, Marjorie

Tatro, Bruce

Weber, Lucy

Young, Harry

COOS

Coulombe, Gary

Enman, Larry

Hammon, Marcia

Moynihan, Wayne

Richardson, Herbert

Theberge, Robert

Thomas, Yvonne

GRAFTON

Almy, Susan

Benn, Bernard

Cooney, Mary

Ford, Susan

Friedrich, Carol

Harding, Laurie

Higgins, Patricia

Massimilla, Linda

Mulholland, Catherine

Nordgren, Sharon

Piper, Wendy

Smith, Suzanne

Sykes, George

Townsend, Charles

White, Andrew

HILLSBOROUGH

Backus, Robert
 Chandley, Shannon
 DiSilvestro, Linda
 Gidge, Kenneth
 Hammond, Jill
 Heden, Ruth
 Kurk, Neal
 MacKay, Mariellen
 Nelson, Mary
 Schmidt, Janice
 Spratt, Stephen
 Williams, Kermit

Beaulieu, Jane
 Coffey, James
 Gage, Ruth
 Goley, Jeffrey
 Hansberry, Daniel
 Jack, Martin
 Leishman, Peter
 Mangipudi, Latha
 O'Brien, Michael
 Shattuck, Gilman
 Sullivan, Daniel
 Winters, Joel

Brown, Pamela
 Connor, Evelyn
 Gale, Sylvia
 Grady, Brenda
 Harriott-Gathright, Linda
 Jeudy, Jean
 Levesque, Melanie
 Manley, Jonathan
 Porter, Marjorie
 Shaw, Barbara
 Sullivan, Peter
 Woodbury, David

Campbell, David
 Cote, David
 Gargas, Carolyn
 Hackel, Paul
 Heath, Mary
 Knowles, Mary Ann
 Long, Patrick
 McCloskey, David
 Rosenwald, Cindy
 Soucy, Timothy
 Walsh, Robert

MERRIMACK

Alicea, Caroletta
 Davis, Frank
 French, Barbara
 Lockwood, Priscilla
 Richardson, Gary
 Shurtleff, Stephen
 Webb, Leigh

Bartlett, Christy
 Ebel, Karen
 Henle, Paul
 MacKay, James
 Rogers, Katherine
 Turcotte, Alan

Bouchard, Candace
 Frambach, Mary
 Hirsch, Geoffrey
 Myler, Mel
 Schamberg, Thomas
 Walz, Mary Beth

Carson, Clyde
 Frazer, June
 Karrick, David
 Ratzki, Mario
 Schuett, Dianne
 Watrous, Rick

ROCKINGHAM

Abrami, Patrick
 Briden, Steven
 Elliott, Robert
 Mann, Maureen
 Pantelakos, Laura
 Till, Mary

Allen, Mary
 Cahill, Michael
 Emerson-Brown, Rebecca
 McMahon, Charles
 Scarlotto, Joe
 Wazlaw, Brian

Andrews-Ahearn, E. Elaine
 Cali-Pitts, Jacqueline
 Flockhart, Eileen
 Moody, Marcia
 Schlachman, Donna
 Whittemore, Lisa

Borden, David
 Cushing, Robert
 Lovejoy, Patricia
 Muns, Chris
 Sherman, Thomas

STRAFFORD

Baber, William
 Grassie, Anne
 Kaen, Naida
 Miller, David
 Schmidt, Peter
 Verschueren, James

Berube, Roger
 Grossman, Kenneth
 Ketel, Stephen
 Pelletier, Marsha
 Smith, Marjorie
 Wall, Janet

Bixby, Peter
 Horrigan, Timothy
 Malloy, Dennis
 Perry, Robert
 Spang, Judith

Gardner, Janice
 Hubbard, Pamela
 Merrill, Amanda
 Rogers, Rose Marie
 Stevens, Audrey

SULLIVAN

Cloutier, John
 Tanner, Linda

Gagnon, Raymond

O'Hearne, Andrew

Schmidt, Andrew

NAYS - 132**BELKNAP**

Burchell, Richard
 Holmes, Stephen
 Vadney, Herbert

Comtois, Guy
 Luther, Robert
 Worsman, Colette

Fields, Dennis
 Sylvia, Michael

Greemore, Robert
 Tilton, Franklin

CARROLL

Ahlgren, Christopher
 McConkey, Mark
 Ticehurst, Susan

Chandler, Gene
 Merrow, Harry
 Umberger, Karen

Cordelli, Glenn
 Nelson, Bill
 White, Syndi

Crawford, Karel
 Schmidt, Stephen
 Wright, Donald

CHESHIRE**COOS****GRAFTON**

Doolan, Ralph

Gionet, Edmond

Ladd, Rick

HILLSBOROUGH

Barry, Richard
 Byron, Frank
 Daniels, Gary
 Graham, John
 Infantine, William
 Marston, Dick
 Murphy, Kelleigh

Belanger, James
 Cebrowski, John
 Danielson, David
 Haefner, Robert
 Lambert, George
 McCarthy, Michael
 Murphy, Keith

Boehm, Ralph
 Christiansen, Lars
 Flanagan, Jack
 Hansen, Peter
 LeBrun, Donald
 Meaney, Richard
 Notter, Jeanine

Burt, John
 Culbert, Patrick
 Gagne, Larry
 Hikel, John
 LeVasseur, Richard
 Murotake, David
 O'Flaherty, Tim

Ober, Lynne
Pellegrino, Tony
Rowe, Robert
Stroud, Kathleen
Villeneuve, Moe

Ober, Russell
Peterson, Lenette
Sanborn, Laurie
Takesian, Charlene
Warden, Mark

Palmer, Stephen
Pratt, Calvin
Sandblade, Emily
Ulery, Jordan
Willette, Robert

Parison, James
Renzullo, Andrew
Straight, Philip
Vaillancourt, Steve

MERRIMACK

Hess, David
McGuire, Dan

Kidder, David

Kotowski, Frank

McGuire, Carol

ROCKINGHAM

Baldasaro, Alfred
Copeland, Timothy
Duarte, Joe
Fesh, Robert
Griffin, Mary
Hoelzel, Kathleen
Major, Norman
O'Connor, John
Rice, Frederick
St.James, Kevin
Waterhouse, Kevin

Birdsell, Regina
Danaïs, Romeo
Dumaine, Dudley
Garcia, Bianca
Harris, Jeffrey
Itse, Daniel
McKinney, Betsy
Packard, Sherman
Sanders, Elisabeth
Sweeney, Joe
Webb, James

Chirichiello, Brian
DeSimone, Debra
Emerick, J. Tracy
Gordon, Richard
Hayes, Jack
Kappler, Lawrence
Milz, David
Peckham, Michele
Schroadter, Adam
Tasker, Kyle
Weyler, Kenneth

Comerford, Timothy
Devine, James
Ferrante, Beverly
Grace, Curtis
Hodgdon, Bruce
Kolodziej, Walter
Nigrello, Robert
Priestley, Anne
Sedensky, John
Tucker, Pamela

STRAFFORD

Beaudoin, Steven

Bickford, David

Gray, James

Mullen, John

SULLIVAN

Grenier, James

Osgood, Joe

Rollins, Skip

Smith, Steven

and the majority committee report was adopted.

HB 1622-FN, permitting qualifying patients and registered caregivers to cultivate cannabis for therapeutic use. **OUGHT TO PASS WITH AMENDMENT.**

Rep. E. Elaine Andrews-Ahearn for Health, Human Services and Elderly Affairs. This bill, as amended, permits qualifying patients and caregivers to cultivate cannabis for therapeutic use. This bill also extends the qualifying conditions to include epilepsy, lupus, Parkinson's disease and dementia associated with Alzheimer's disease as well as Crohn's disease. For patients who were previously ill and dying, this bill also provides an affirmative defense for the use of therapeutic cannabis. Vote 13-3.

Amendment (0548h)

Amend the bill by inserting after section 2 the following and renumbering sections 3-7 to read as 4-8, respectively:

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

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

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

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

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

On a division vote, 227 members having voted in the affirmative and 73 in the negative, the committee report was adopted and ordered to third reading.

HR 26, honoring and recognizing the Cadet Nurse Corps. **OUGHT TO PASS.**

Rep. Barbara C. French for Health, Human Services and Elderly Affairs. The Cadet Nurse Corps was established in 1943 to meet a critical need during WWII. The Corp was comprised of approximately 80% of American hospital nurse staffing at the height of the war and they were credited with sustaining the hospital infrastructure. These women, including a number of New Hampshire residents, have never been recognized for their service. HR 26 honored the courage and contribution of the Cadet Nurse Corps, especially those from New Hampshire. Vote 17-0.

Rep. Tanner spoke in favor.

Committee report adopted and ordered to third reading.

MOTION TO PRINT REMARKS

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

REMARKS

Rep. Tanner: Thank you, Madam Speaker. Thank you for allowing me to speak today on House Resolution number 26 to support and recognize the cadet nurses of World War II. It's a very special bill because it was requested and actually inspired by a woman from Epsom, New Hampshire, Rena McDonald, who was a cadet nurse and who asked that we have this House Resolution. She passed away on February 4th; however, she did get to hear the committee testimony and saw the video of the committee action so this is dedicated to her. There is also a bill in the United States Congress called the U.S. Cadet Nurses Equity Bill and this Resolution will be sent to them on passage here. In 1943, young women were just graduating from high school and probably thinking about getting a job or starting a family and instead their country put out a call to provide an essential service for the war effort. That was to go into nurses training. The Bolton Act that established the United States Cadet Nurses Corp was signed into law by Franklin D. Roosevelt July 1, 1943. It had a policy of nondiscrimination. Women of all races, creeds and backgrounds answered that call. They comprised the largest group of uniformed women and the youngest. The average age was 19. They went through an accelerated and a very demanding training program that changed forever the training of nurses in the United States. They signed a pledge to remain in essential nursing service until the end of the war. They were issued uniforms. They had credentials. They worked in military hospitals where they were referred to as Third Lieutenants. Their orders were to provide nursing care at military hospitals, work in civilian hospitals and serve with the public health division wherever their work was essential to the war effort. They worked on reservations and they also served in the Japanese internment camps. They provided approximately 80% of the American nursing staff at the height of the war and were credited with sustaining the hospital infrastructure of the United States during this time. However, at the end of the war, as happened with other women in uniform such as the Women's Air Force Service Pilots, they were dismissed without fanfare, benefit or recognition. The U.S. Cadet Nurses remain the only uniformed World War II service corps not to be considered veterans and receive recognition. They have been called the unknown heroes of World War II. Now, in their 80's and 90's, they are making one last request. As Thelma Robinson, the President of the U.S. Cadet Nurses Organization stated in a letter to me, "My dream is that Cadet Nurses who served under the Surgeon General of the United States Public Health Service will be remembered for their war service with government headstones or markers." Rena McDonald, one of her wishes was to be buried in the Veterans Cemetery in New Hampshire. So, the time is long past due for these women, members of our greatest generation who served their country courageously, honorably, professionally, and faithfully during World War II, their recognition both at the state and national levels. It's time to say job well done, thank you for your service. Our Resolution is, "Be it resolved, that this House of Representatives recognizes the invaluable courage and contributions to America provided by the United States Cadet Nurses." Please join me in supporting this Resolution. Thank you.

REGULAR CALENDAR - PART II (CONT'D)

CACR 14, relating to disqualifying sheriffs by age. Providing that the age disqualification for sheriffs shall be abolished. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David Woodbury for the Majority of Judiciary. This proposed amendment seeks to remove the age limitation of 70 years for sheriffs. Sheriffs, unlike judges, are elected so the public can weigh in on their qualifications. There did not seem to the committee sufficient interest among the sheriffs for this constitutional amendment to justify amending the constitution. Vote 14-4.

Rep. Timothy O. Horrigan for the Minority of Judiciary. Currently, Part 2nd Art. 78 of the state constitution mandates a 70-year age limit for the office of county sheriff, which is an elected constitutional office. No person over 70 can be elected sheriff. A sitting sheriff who turns 70 during his or her two-year term must give up his or her office, even when he or she is still fully capable of meeting the many demands of this office. This arbitrary age restriction may have made sense in 1792 when this article was established, but today many citizens live active lives, and continue working, long past the age of 70. The minority believes that the people of your county should be allowed to choose the best candidate for the office of sheriff regardless of any arbitrary age restriction. This amendment leaves the age requirement for judges and probate judges in place: those offices are fundamentally different from the office of sheriff, because judgeships are appointed offices with terms of indefinite length.

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

Rep. Winters spoke against and yielded to questions.

Rep. Woodbury spoke in favor and yielded to questions.

On a division vote, 200 members having voted in the affirmative and 88 in the negative, the majority committee report was adopted.

HB 1156-FN-L, making certain changes to the right-to-know law. **OUGHT TO PASS WITH AMENDMENT.** Rep. Marjorie K. Smith for Judiciary. The majority of the Judiciary Committee concludes that the principles of the public's right to know about the workings of our government are central to our efforts to achieve transparency. These are complex matters, as attested to by the years of work that our predecessors on the Judiciary Committee have invested in these matters. This year we considered six bills relating to various aspects of Right-to Know. After hours of hearings and work sessions, we identified a number of adjustments that could be made now, primarily in clarifying questions about non-public sessions. We also agreed with sponsors that a number of issues raised in other bills needed to be addressed, but required detailed analysis in order to best balance competing demands. Therefore, the amendment to this bill creates a Right-to-Know Oversight Commission with significant representation from the public in order to ensure that the public's perspectives are clearly heard. In addition to any other issues that may arise, the commission is specifically charged to develop fair standards and procedures to enable public entities to recover costs related to right-to-know; to determine how to treat private and quasi-public entities carrying out public functions; to establish guidelines for members to participate electronically as technology rapidly outpaces existing practices; and to consider how best to handle grievances that arise out of application of right-to-know issues. The commission would sunset in 2018, giving it one term to further define the problems and identify fair and equitable solutions, and one term to draft legislation and see the bills through the process. The public involvement in our hearings and work sessions was invaluable in helping the committee identify the areas of right to know that needed to be revisited. Vote 12-3.

Amendment (0546h)

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

AN ACT making certain changes to the right-to-know law and establishing the right-to-know oversight commission.

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

1 Right-to-Know Law; Nonpublic Sessions. Amend RSA 91-A:3, II(e) to read as follows:

(e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed **by or** against the public body or any subdivision thereof, or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled. Any application filed for tax abatement, pursuant to law, with any body or board shall not constitute a threatened or filed litigation against any public body for the purposes of this subparagraph.

2 New Subparagraphs; Right-to-Know Law; Nonpublic Sessions. Amend RSA 91-A:3, II by inserting after subparagraph (j) the following new subparagraphs:

(k) Consideration of written advice or information from the public body's legal counsel.

(l) Consideration of individual pupil matters, including but not limited to student discipline, hearings, and other matters relative to a pupil's education.

3 Right-to-Know Law; Nonpublic Sessions. Amend RSA 91-A:3, III to read as follows:

III. Minutes of meetings in nonpublic session shall be kept **as provided in RSA 91-A:2, II** and the record of all actions shall be promptly made available for public inspection, except as provided in this section. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, unless, by recorded vote of 2/3 of the members present, **taken in public session**, it is determined that divulgence of the information likely would affect adversely the reputation of any person other than a member of the public body itself, or render the proposed action ineffective, or pertain to terrorism, more specifically, to matters relating to the preparation for and the carrying out of all emergency functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life. This shall include training to carry out such functions. In the event of such circumstances, information may be withheld until, in the opinion of a majority of members, the aforesaid circumstances no longer apply.

4 New Section; Right-to-Know Oversight Commission. Amend RSA 91-A by inserting after section 9 the following new section:

91-A:9-a Right-to-Know Oversight Commission.

I.(a) There is established the right-to-know oversight commission to study and oversee the right-to-know law. The members of the commission shall be as follows:

(1) Two members of the house of representatives, appointed by the speaker of the house of representatives.

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

(3) The attorney general, or designee.

(4) A representative of the New Hampshire Municipal Association, appointed by the association.

(5) A public information officer, appointed by the governor.

(6) Five public members, one of whom shall be an attorney who has knowledge of and experience with the right-to-know law and one of whom shall be an information technology professional, all appointed by the governor.

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

III.(a) The commission shall study:

(1) The development of standards and procedures to enable public entities to recover costs relative to complying with the right-to-know law.

(2) The treatment under the right-to-know-law of private and quasi-public entities carrying out public functions.

(3) The establishment of guidelines for members of public bodies to participate electronically.

(4) The consideration of how best to handle grievances about application of right-to-know issues.

(5) Any other matter deemed relevant by the commission.

(b) The commission may solicit information from any person or entity the commission deems relevant to its study.

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

V. The commission shall make an annual report beginning on November 1, 2014, together with 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.

5 Repeal. RSA 91-A:9-a, relative to an oversight commission to study and oversee the right-to-know law, is repealed.

6 Effective Date.

I. Section 1 of this act shall take effect January 1, 2015.

II. Section 5 of this act shall take effect November 1, 2018.

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

AMENDED ANALYSIS

This bill clarifies the nonpublic session of the right-to-know law and adds 2 new matters which shall be considered in nonpublic session. This bill also establishes the right-to-know oversight commission to study and oversee the right-to-know law.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 1226, establishing a committee to study end-of-life decisions. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Rick H. Watrous for the Majority of Judiciary. The preamble of our existing medical directive law, RSA 137-J, proclaims: "The state of New Hampshire recognizes that a person has a right, founded in the autonomy and sanctity of the person, to control the decisions relating to the rendering of his or her own medical care." As New Hampshire is rapidly aging, and modern medicine becomes more intrusive, end of life care should be periodically examined by the legislature so that our citizens maintain control over their lives and determine what medicine and procedures they wish to receive. This bill would establish a legislative committee to review New Hampshire's medical directive law, investigate the positive and negative effects of legislation in states that have enacted aid in dying laws, conduct open deliberations about this complex and emotional issue, and study any other matters the committee deems relevant to its objective. The committee shall report its findings and any recommendations for proposed legislation by November 1, 2014. Vote 9-7.

Rep. Lenette M. Peterson for the Minority of Judiciary. There is not enough time left in our term for a study committee to adequately study such an emotional and serious topic.

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

Rep. Peterson spoke against.

Rep. Watrous spoke in favor.

On a division vote, 162 members having voted in the affirmative and 126 in the negative, the majority committee report was adopted and ordered to third reading.

HB 1274, relative to the quarterly or semi-annual payment of rent. **OUGHT TO PASS WITH AMENDMENT.** Rep. David Woodbury for Judiciary. This bill permits a landlord to offer leases calling for quarterly or less often payments. This is most common in college/university communities. At the same time, this bill assures tenants that only one-month's worth of rent is to be considered as security deposit. This clarifies the rights and obligations of both landlords and tenants. Vote 13-5.

Amendment (0285h)

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

AN ACT relative to the payment of rent and security deposits.

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

1 Payment of Rent; Amount of Security Deposit Limited. Amend RSA 540-A:6, I(a) to read as follows:

I.(a) A landlord shall not demand or receive any security deposit in an amount or value in excess of one month's rent or \$100, whichever is greater. ***Nothing in this section shall prohibit a landlord from entering into a written lease that requires the quarterly or less frequent payment of rent; provided, however, that the security deposit received in addition to the initial rent payment may not exceed the equivalent of one month's rent.***

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

AMENDED ANALYSIS

This bill permits a landlord to require the payment of rent on a quarterly or less frequent basis; provided that the security deposit may not exceed the equivalent of one month's rent.
Amendment adopted.

Committee report adopted and ordered to third reading.

HB 1325-FN, relative to death with dignity for certain persons suffering from a terminal condition. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Lenette M. Peterson for the Majority of Judiciary. The majority of the committee realizes that suicide in New Hampshire is not against the law, but believes that assisted suicide is the incorrect approach and would lead to elder abuse and abuse of disabled individuals. It is also putting doctors in a situation that goes against their oath. They are in the business of saving lives, not taking them; they aren't trained to kill their patients. Vote 9-8.

Rep. Larry R. Phillips for the Minority of Judiciary. The bi-partisan minority believe that this bill offers a choice to persons who have been diagnosed with a terminal illness and a prognosis of six months to live by two corroborating physicians. The terminal patient must of her/his own free will seek a lethal prescription from a physician willing to cooperate. In addition to offering choice to the patient this bill allows the physician to legally write the lethal prescription. Once the prescription is obtained the patient has a choice to use or not use depending on his/her perception of quality of remaining life. This bill is not about euthanasia or mercy killing of anyone including those with disabilities.

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

Rep. Winters spoke against.

(Rep. Kaen in the Chair)

Reps. Peterson and Rowe spoke in favor.

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

Rep. Phillips spoke against and yielded to questions.

Rep. Peterson requested a roll call; sufficiently seconded.

YEAS 219 - NAYS 66

YEAS - 219

BELKNAP

Burchell, Richard
Greemore, Robert
Luther, Robert

Comtois, Guy
Gulick, Ruth
Raymond, Ian

DiMartino, Lisa
Holmes, Stephen
Tilton, Franklin

Fields, Dennis
Huot, David
Worsman, Colette

CARROLL

Ahlgren, Christopher
Crawford, Karel
Umberger, Karen

Buco, Thomas
Merrow, Harry
White, Syndi

Chandler, Gene
Nelson, Bill

Cordelli, Glenn
Schmidt, Stephen

CHESHIRE

Ames, Richard
Eaton, Daniel
Parkhurst, Henry
Weber, Lucy

Berch, Paul
Hunt, John
Sad, Tara
Young, Harry

Butynski, William
Johnson, Jane
Shepardson, Marjorie

Chase, Cynthia
Ley, Douglas
Tatro, Bruce

COOS

Hammon, Marcia
Rideout, Leon

Moynihan, Wayne
Thomas, Yvonne

Rappaport, Laurence

Richardson, Herbert

GRAFTON

Doolan, Ralph
Massimilla, Linda

Gionet, Edmond
Piper, Wendy

Harding, Laurie
Smith, Suzanne

Ladd, Rick
Sykes, George

HILLSBOROUGH

Backus, Robert
Burt, John
Chandley, Shannon
Cote, David
DiSilvestro, Linda
Gidge, Kenneth
Hammond, Jill
Heath, Mary
Jack, Martin
LeBrun, Donald
MacKay, Mariellen
McCloskey, David
Murphy, Keith
Palmer, Stephen
Renzullo, Andrew
Sandblade, Emily
Soucy, Timothy
Sullivan, Daniel
Walsh, Robert

Belanger, James
Byron, Frank
Christiansen, Lars
Culbert, Patrick
Gage, Ruth
Goley, Jeffrey
Hansberry, Daniel
Heden, Ruth
Jasper, Shawn
LeVasseur, Richard
Mangipudi, Latha
Meaney, Richard
Nelson, Mary
Parison, James
Rosenwald, Cindy
Schmidt, Janice
Spratt, Stephen
Sullivan, Peter
Willette, Robert

Boehm, Ralph
Campbell, David
Coffey, James
Daniels, Gary
Gagne, Larry
Graham, John
Hansen, Peter
Hikel, John
Jeudy, Jean
Levesque, Melanie
Manley, Jonathan
Murotake, David
Notter, Jeanine
Pellegrino, Tony
Rowe, Robert
Shattuck, Gilman
Straight, Philip
Ulery, Jordan
Williams, Kermit

Brown, Pamela
Cebrowski, John
Connor, Evelyn
Danielson, David
Gargas, Carolyn
Haefner, Robert
Harriott-Gathright, Linda
Infantine, William
Knowles, Mary Ann
Long, Patrick
Marston, Dick
Murphy, Kelleigh
O'Brien, Michael
Peterson, Lenette
Sanborn, Laurie
Shaw, Barbara
Stroud, Kathleen
Villeneuve, Moe
Woodbury, David

MERRIMACK

Alicea, Caroletta
Ebel, Karen
Hess, David
MacKay, James
Rogers, Katherine

Bouchard, Candace
Frambach, Mary
Hirsch, Geoffrey
McGuire, Carol
Schuett, Dianne

Carson, Clyde
Frazer, June
Karrick, David
McGuire, Dan
Turcotte, Alan

Davis, Frank
Gile, Mary
Kotowski, Frank
Myler, Mel
Webb, Leigh

ROCKINGHAM

Abrami, Patrick
Borden, David
Copeland, Timothy
Duarte, Joe
Ferrante, Beverly
Gordon, Richard
Hodgdon, Bruce
Lovejoy, Patricia
Nigrello, Robert
Peckham, Michele
Schroadter, Adam
Tasker, Kyle
Whittemore, Lisa

Allen, Mary
Cahill, Michael
Cushing, Robert
Dumaine, Dudley
Fesh, Robert
Grace, Curtis
Hoelzel, Kathleen
Mann, Maureen
O'Connor, John
Priestley, Anne
Sedensky, John
Tucker, Pamela

Baldasaro, Alfred
Chirichiello, Brian
Danais, Romeo
Elliott, Robert
Flockhart, Eileen
Griffin, Mary
Itse, Daniel
McKinney, Betsy
Packard, Sherman
Rice, Frederick
Sherman, Thomas
Waterhouse, Kevin

Birdsell, Regina
Comerford, Timothy
Devine, James
Emerick, J. Tracy
Garcia, Bianca
Harris, Jeffrey
Kappler, Lawrence
Muns, Chris
Pantelakos, Laura
Schlachman, Donna
Sweeney, Joe
Weyler, Kenneth

STRAFFORD

Baber, William
Grossman, Kenneth
Merrill, Amanda
Perry, Robert
Wall, Janet

Beaudoin, Steven
Horrigan, Timothy
Miller, David
Rogers, Rose Marie

Grassie, Anne
Hubbard, Pamela
Mullen, John
Schmidt, Peter

Gray, James
Malloy, Dennis
Pelletier, Marsha
Stevens, Audrey

SULLIVAN

Cloutier, John
Rollins, Skip

Gagnon, Raymond
Smith, Steven

O'Hearne, Andrew
Sweeney, Cynthia

Osgood, Joe

NAYS - 66**BELKNAP**

Arsenault, Beth

Sylvia, Michael

Vadney, Herbert

CARROLL

Lavender, Tom

McConkey, Mark

Ticehurst, Susan

Wright, Donald

CHESHIRE

Mann, John

Phillips, Larry

Roberts, Kris

Robertson, Timothy

COOS

Coulombe, Gary

Enman, Larry

GRAFTON

Almy, Susan
Friedrich, Carol
White, Andrew

Benn, Bernard
Higgins, Patricia

Cooney, Mary
Mulholland, Catherine

Ford, Susan
Townsend, Charles

HILLSBOROUGH

Beaulieu, Jane
Kurk, Neal
Porter, Marjorie
Warden, Mark

Gale, Sylvia
Lambert, George
Pratt, Calvin
Winters, Joel

Grady, Brenda
Leishman, Peter
Takesian, Charlene

Hackel, Paul
O'Flaherty, Tim
Vaillancourt, Steve

MERRIMACK

Bartlett, Christy
Lockwood, Priscilla
Shurtleff, Stephen

French, Barbara
Ratzki, Mario
Walz, Mary Beth

Henle, Paul
Richardson, Gary

Kidder, David
Schamberg, Thomas

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Kolodziej, Walter
Scarlotta, Joe
Webb, James

Briden, Steven
McMahon, Charles
St.James, Kevin

DeSimone, Debra
Milz, David
Till, Mary

Emerson-Brown, Rebecca
Moody, Marcia
Wazlaw, Brian

STRAFFORD

Bickford, David
Spang, Judith

Gardner, Janice

Ketel, Stephen

Smith, Marjorie

SULLIVAN

Schmidt, Andrew

Tanner, Linda

and the majority committee report was adopted.

HB 1345-FN, relative to forfeiture of items used in connection with a drug offense. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Paul S. Berch for the Majority of Judiciary. This bill seeks to change provisions relating to forfeiture in drug cases. The committee felt that barring initiation of forfeiture proceedings until after a conviction is achieved is neither practical nor wise. Vote 13-6.

Rep. Lenette M. Peterson for the Minority of Judiciary. This bill would protect innocent families from having their homes being taken by law enforcement. Law enforcement agencies should not benefit from sales of forfeited property.

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

Rep. O'Flaherty spoke against.

Rep. Berch spoke in favor.

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

YEAS 188 - NAYS 87

YEAS - 188**BELKNAP**

Arsenault, Beth
Holmes, Stephen

DiMartino, Lisa
Huot, David

Fields, Dennis
Raymond, Ian

Gulick, Ruth
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Schmidt, Stephen

Crawford, Karel
Ticehurst, Susan

McConkey, Mark
Umberger, Karen

Morrow, Harry
White, Syndi

CHESHIRE

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

Berch, Paul
Johnson, Jane
Roberts, Kris
Tatro, Bruce

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

Chase, Cynthia
Mann, John
Sad, Tara
Young, Harry

COOS

Coulombe, Gary
Richardson, Herbert

Enman, Larry
Thomas, Yvonne

Hammon, Marcia

Moynihan, Wayne

GRAFTON

Almy, Susan
Friedrich, Carol
Ladd, Rick
Piper, Wendy
White, Andrew

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

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

Ford, Susan
Higgins, Patricia
Nordgren, Sharon
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Chandley, Shannon

Beaulieu, Jane
Connor, Evelyn

Brown, Pamela
Cote, David

Campbell, David
DiSilvestro, Linda

Gage, Ruth
Grady, Brenda
Hammond, Jill
Heden, Ruth
Knowles, Mary Ann
Long, Patrick
McCloskey, David
Rosenwald, Cindy
Spratt, Stephen
Walsh, Robert

Gagne, Larry
Graham, John
Hansberry, Daniel
Infantine, William
Kurk, Neal
MacKay, Mariellen
Nelson, Mary
Rowe, Robert
Sullivan, Daniel
Woodbury, David

Gale, Sylvia
Hackel, Paul
Harriott-Gathright, Linda
Jasper, Shawn
Leishman, Peter
Mangipudi, Latha
O'Brien, Michael
Schmidt, Janice
Sullivan, Peter

Gargas, Carolyn
Haefner, Robert
Heath, Mary
Judy, Jean
LeVasseur, Richard
Manley, Jonathan
Porter, Marjorie
Shattuck, Gilman
Takesian, Charlene

MERRIMACK

Bartlett, Christy
Frambach, Mary
Henle, Paul
MacKay, James
Rogers, Katherine
Turcotte, Alan

Carey, Lorrie
Frazer, June
Karrick, David
Myler, Mel
Schamberg, Thomas
Walz, Mary Beth

Davis, Frank
French, Barbara
Kidder, David
Ratzki, Mario
Schuett, Dianne
Webb, Leigh

Ebel, Karen
Gile, Mary
Kotowski, Frank
Richardson, Gary
Shurtleff, Stephen

ROCKINGHAM

Abrami, Patrick
Borden, David
Copeland, Timothy
Dumaine, Dudley
Flockhart, Eileen
Kappler, Lawrence
McKinney, Betsy
O'Connor, John
Rice, Frederick
Till, Mary

Allen, Mary
Cahill, Michael
Danais, Romeo
Elliott, Robert
Grace, Curtis
Kolodziej, Walter
Moody, Marcia
Packard, Sherman
Scarlotto, Joe
Wazlaw, Brian

Andrews-Ahearn, E. Elaine
Cali-Pitts, Jacqueline
DeSimone, Debra
Emerson-Brown, Rebecca
Griffin, Mary
Lovejoy, Patricia
Muns, Chris
Pantelakos, Laura
Schlachman, Donna
Whittemore, Lisa

Birdsell, Regina
Chirichiello, Brian
Devine, James
Fesh, Robert
Harris, Jeffrey
Mann, Maureen
Nigrello, Robert
Priestley, Anne
Sherman, Thomas

STRAFFORD

Bickford, David
Hubbard, Pamela
Miller, David
Rogers, Rose Marie
Stevens, Audrey

Grassie, Anne
Ketel, Stephen
Mullen, John
Schmidt, Peter
Wall, Janet

Grossman, Kenneth
Malloy, Dennis
Pelletier, Marsha
Smith, Marjorie

Horrigan, Timothy
Merrill, Amanda
Perry, Robert
Spang, Judith

SULLIVAN

Cloutier, John
Smith, Steven

Gagnon, Raymond
Sweeney, Cynthia

O'Hearne, Andrew
Tanner, Linda

Osgood, Joe

NAYS - 87 BELKNAP

Burchell, Richard
Sylvia, Michael

Comtois, Guy
Vadney, Herbert

Greemore, Robert
Worsman, Colette

Luther, Robert

CARROLL

Buco, Thomas
Wright, Donald

Cordelli, Glenn

Lavender, Tom

Nelson, Bill

CHESHIRE

Hunt, John

Parkhurst, Henry

COOS

Rappaport, Laurence

Rideout, Leon

GRAFTON

HILLSBOROUGH

Belanger, James
Cebrowski, John
Danielson, David
Lambert, George
Murotake, David
O'Flaherty, Tim
Peterson, Lenette
Sandblade, Emily
Stroud, Kathleen
Warden, Mark

Boehm, Ralph
Coffey, James
Hansen, Peter
LeBrun, Donald
Murphy, Kelleigh
Palmer, Stephen
Pratt, Calvin
Shaw, Barbara
Ulery, Jordan
Willette, Robert

Burt, John
Culbert, Patrick
Hikel, John
Marston, Dick
Murphy, Keith
Parison, James
Renzullo, Andrew
Soucy, Timothy
Vaillancourt, Steve
Williams, Kermit

Byron, Frank
Daniels, Gary
Jack, Martin
Meaney, Richard
Notter, Jeanine
Pellegrino, Tony
Sanborn, Laurie
Straight, Philip
Villeneuve, Moe
Winters, Joel

MERRIMACK

Alicia, Caroletta

Bouchard, Candace

McGuire, Carol

McGuire, Dan

ROCKINGHAM

Baldasaro, Alfred
 Ferrante, Beverly
 Hoelzel, Kathleen
 Peckham, Michele
 Tasker, Kyle
 Weyler, Kenneth

Comerford, Timothy
 Garcia, Bianca
 Itse, Daniel
 Schroadter, Adam
 Tucker, Pamela

Duarte, Joe
 Gordon, Richard
 McMahon, Charles
 Sedensky, John
 Waterhouse, Kevin

Emerick, J. Tracy
 Hodgdon, Bruce
 Milz, David
 Sweeney, Joe
 Webb, James

STRAFFORD

Baber, William

Beaudoin, Steven

Gray, James

SULLIVAN

Rollins, Skip

Schmidt, Andrew

and the majority committee report was adopted.

HB 1409, expanding the law against discrimination to prohibit housing discrimination against recipients of rental assistance and victims of domestic violence, sexual assault, or stalking. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Sylvia E. Gale for the Majority of Judiciary. This bill updates our state housing discrimination law. It prohibits discrimination because part of the household's monthly rent will be paid with federal housing assistance, or because someone in the household has been victimized by domestic violence, stalking, or sexual assault. These two shortcomings in our state housing discrimination law have existed for some time, including as identified by the 2010 Statewide Analysis of Impediments to Fair Housing. The bill does NOT prevent landlords from rejecting tenants based on any other lawful reason (like lack of income to pay the rent, or prior evictions), it simply prohibits housing discrimination based on being a victim or for receiving housing assistance. The bill does NOT require any new enforcement agency or add any new remedies for housing. It will help prevent victims from being victimized twice – once by their abuser, and once by a housing provider. It helps give the opportunity to poor persons with housing assistance to be able to live and raise a family in a good neighborhood. The state housing discrimination law already provides some exemptions from the law for small landlords, including owner occupied buildings with 3 separate units or less. While some landlords oppose the bill, some major landlords support it. Existing law makes it a misdemeanor for anyone to make a false report to a law enforcement officer, thereby landlords would not have to consider the unlikely circumstance in which some might claim domestic violence. This bill reinforces the fundamental freedom to live where you choose, so long as you are otherwise qualified. This bill provides those seeking housing to be judged on their own merit, not based on assumptions about victims and survivors of violence and persons receiving housing assistance. Vote 11-7.

Rep. Joseph M. Hagan for the Minority of Judiciary. The minority disagrees that domestic violence victims and recipients of federal housing and urban development (HUD) housing vouchers (Section 8)) should be added as a protected class with all privileges related to same. The business community states that Section 8 vouchers require higher levels of bureaucratic compliance and higher insurance costs both which could ultimately decrease the inventory of affordable housing. The reporting alone of domestic violence would entitle an individual to special treatment and terms of entitlement have no time limitations. When taxes can support action against housing providers, adding unnecessary protected classes is unfair.

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

Rep. Long offered floor amendment (0772h).

Floor Amendment (0772h)

Amend RSA 354-A:2, XVII as inserted by section 1 of the bill by replacing it with the following:

XVII.(a) "Victim of domestic violence, sexual assault, or stalking" means a person who has a current, final protective order under RSA 173-B:5 or RSA 633:3-a, III-a or who had such an order within the previous 5 years.

(b) A victim of domestic violence, sexual assault, or stalking as defined in subparagraph (a) shall be entitled to the protections of this chapter only if the unlawful discriminatory act was directly related to the domestic violence, sexual assault, or stalking underlying the final protective order under RSA 173-B:5 or RSA 633:3-a, III-a. Rep. Long spoke in favor.

On a division vote, 230 members having voted in the affirmative and 30 in the negative, floor amendment (0772h) was adopted.

LAI D ON THE TABLE

Rep. Gary Richardson moved that **HB 1409**, expanding the law against discrimination to prohibit housing discrimination against recipients of rental assistance and victims of domestic violence, sexual assault, or stalking, be laid on the table.

(Speaker Norelli in the Chair)

On a division vote, 220 members having voted in the affirmative and 47 in the negative, the motion was adopted.

Reps. Campbell, Gargasz and Grossman declared conflicts of interest and did not participate.

HB 1442, relative to mental health courts. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Larry R. Phillips for the Majority of Judiciary. This bill can be viewed in the same way as the drug courts program. They function similarly. In fact, drug and mental health issues are frequently co-occurring with dual diagnoses. When an offender has committed a crime that is a result of or related to mental illness, this bill substitutes a requirement of accountability and rehabilitative treatment for incarceration. A team that includes criminal justice, mental health and social work professionals address the offender and monitors the case. In addition to a focus on the crime and the diagnosis, other related circumstances that may contribute to the cause of crimes are also addressed: such as issues regarding housing, employment and physical health. There are nine mental health courts already in operation in the state and they have been highly successful. The committee heard from several witnesses who had been through the mental health court and testified that their success was due to the accountability the court demanded and the help they received. Vote 15-3.

Rep. Joseph M. Hagan for the Minority of Judiciary. "All offenders must be held accountable for their actions" is clearly stated in the purpose of this bill. Unless an individual is legally incompetent to stand trial, they should be treated exactly as their peers.

Majority Amendment (0451h)

Amend RSA 490-H:2, I as inserted by section 1 of the bill by replacing it with the following:

I. Any superior or circuit court may establish one or more mental health courts under which the courts monitor offenders with mental illnesses for compliance with individual services to change behavior which would otherwise result in criminal conduct. In this chapter "mental health court" means a judicial intervention process that incorporates the following elements:

(a) Planning and administration guided by a broad-based group of stakeholders representing the community, criminal justice, mental health, substance abuse treatment, and related systems;

(b) A target population is established that takes into account eligibility criteria that addresses public safety and considers a community's treatment capacity, in addition to the availability of alternatives to pre-trial detention for defendants with mental illnesses. The eligibility criteria shall also take into account the relationship between mental illness and a defendant's offenses, while allowing the individual circumstances of each case to be considered;

(c) Participants are identified, referred, and accepted into mental health court and linked to community based service providers as quickly as possible;

(d) The terms of participation are clear, promote public safety, facilitate the defendant's engagement in treatment, are individualized to correspond to the level of risk that the defendant presents to the community, and provide for positive legal outcomes for those individuals who successfully complete the program;

(e) Informed choice occurs, meaning that defendants fully understand the program requirements before agreeing to participate in a mental health court. Defendants are provided legal counsel to inform them regarding this decision and subsequent decisions about program involvement. Procedures exist in the mental health court to address, in a timely fashion, concerns about a defendant's competency whenever they arise;

(f) The mental health courts connect participants to available comprehensive and individualized treatment supports and services in the community. They strive to use and increase the availability of treatment and services that are evidence-based;

(g) Health and legal information is shared in a way that protects potential participants' confidentiality rights and their constitutional rights as defendants. Information gathered as part of the participants' court-ordered treatment program or services are safeguarded in the event that participations are returned to traditional court processing;

(h) Criminal justice staff, mental health staff and services, and treatment providers receive special, ongoing training and help mental health court participants achieve treatment and criminal justice goals by regularly reviewing and revising the court process;

(i) Criminal justice and mental health staff collaboratively monitor participants' adherence to court conditions, offer individualized graduated incentives and sanctions, and modify treatment as necessary to promote public safety and participants' recovery; and

(j) Data is collected and analyzed to demonstrate the impact of the mental health court, its performance is assessed periodically and procedures are modified accordingly, court processes are institutionalized, and support for the court in the community is cultivated and expanded.

Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

HB 1474, relative to persons held in civil contempt. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Timothy O. Horrigan for the Majority of Judiciary. This bill would have made it harder to collect civil judgments. The losing defendant would be able to delay the collection process by demanding a hearing to find that he had sufficient liquid assets. The bill would do nothing to prevent defendants from diverting their liquid assets. The bill would also exempt principal residences and sole motor vehicles, which especially complicates family law cases. Under current law, the court has to conclude whether or not the individual has the means to comply with the order. Vote 15-3.

Rep. Lenette M. Peterson for the Minority of Judiciary. Civil contempt presumes that the individual to be incarcerated has the power to free themselves; Supreme Court of the United States, *Felock v Felock*. Furthermore, the Supreme Court of the United States (*Williams v IL 1970, Tate v Short 1971*) has determined debtors prison to be unconstitutional. Therefore, we need to be sure that no one is incarcerated under civil contempt pursuant to our laws without ability to free themselves. This requires that there be a finding of fact and a source of fund without borrowing before incarceration.

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

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

YEAS 201 - NAYS 69**YEAS - 201
BELKNAP**

Arsenault, Beth
Gulick, Ruth
Worsman, Colette

Burchell, Richard
Huot, David

Comtois, Guy
Raymond, Ian

DiMartino, Lisa
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Morrow, Harry
White, Syndi

Buco, Thomas
Nelson, Bill

Chandler, Gene
Schmidt, Stephen

Crawford, Karel
Ticehurst, Susan

CHESHIRE

Ames, Richard
Eaton, Daniel
Parkhurst, Henry
Sad, Tara
Young, Harry

Berch, Paul
Johnson, Jane
Phillips, Larry
Shepardson, Marjorie

Butynski, William
Ley, Douglas
Roberts, Kris
Tatro, Bruce

Chase, Cynthia
Mann, John
Robertson, Timothy
Weber, Lucy

COOS

Coulombe, Gary
Moynihan, Wayne

Enman, Larry
Richardson, Herbert

Hammon, Marcia
Thomas, Yvonne

Hatch, William

GRAFTON

Almy, Susan
Ford, Susan
Higgins, Patricia
Nordgren, Sharon
Townsend, Charles

Benn, Bernard
Friedrich, Carol
Ladd, Rick
Piper, Wendy
White, Andrew

Cooney, Mary
Gionet, Edmond
Massimilla, Linda
Smith, Suzanne

Doolan, Ralph
Harding, Laurie
Mulholland, Catherine
Sykes, George

HILLSBOROUGH

Backus, Robert
Byron, Frank
Cote, David
Gagne, Larry
Graham, John
Harriott-Gathright, Linda
Jack, Martin
Kurk, Neal
MacKay, Mariellen
Murotake, David
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Peter
Woodbury, David

Beaulieu, Jane
Campbell, David
Danielson, David
Gale, Sylvia
Hackel, Paul
Heath, Mary
Jasper, Shawn
Leishman, Peter
Mangipudi, Latha
Nelson, Mary
Rowe, Robert
Soucy, Timothy
Takesian, Charlene

Belanger, James
Chandlee, Shannon
DiSilvestro, Linda
Gargas, Carolyn
Hammond, Jill
Heden, Ruth
Judy, Jean
LeVasseur, Richard
Manley, Jonathan
O'Brien, Michael
Schmidt, Janice
Spratt, Stephen
Walsh, Robert

Brown, Pamela
Connor, Evelyn
Gage, Ruth
Grady, Brenda
Hansberry, Daniel
Infantine, William
Knowles, Mary Ann
Long, Patrick
McCloskey, David
Porter, Marjorie
Shattuck, Gilman
Sullivan, Daniel
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Davis, Frank
French, Barbara

Bartlett, Christy
Ebel, Karen
Gile, Mary

Bouchard, Candace
Frambach, Mary
Henle, Paul

Carey, Lorrie
Frazer, June
Karrick, David

Kidder, David
Myler, Mel
Rogers, Katherine
Turcotte, Alan

Kotowski, Frank
Patten, Dick
Schamberg, Thomas
Walz, Mary Beth

Lockwood, Priscilla
Ratzki, Mario
Schuett, Dianne
Webb, Leigh

MacKay, James
Richardson, Gary
Shurtleff, Stephen

ROCKINGHAM

Abrami, Patrick
Borden, David
Cushing, Robert
Emerson-Brown, Rebecca
Griffin, Mary
Mann, Maureen
Nigrello, Robert
Priestley, Anne
Wazlaw, Brian

Allen, Mary
Cahill, Michael
Danaïs, Romeo
Fesh, Robert
Hoelzel, Kathleen
McKinney, Betsy
Packard, Sherman
Schlachman, Donna
Webb, James

Andrews-Ahearn, E. Elaine
Cali-Pitts, Jacqueline
Devine, James
Flockhart, Eileen
Kappler, Lawrence
Moody, Marcia
Pantelakos, Laura
Sherman, Thomas
Whittemore, Lisa

Birdsell, Regina
Chirichiello, Brian
Elliott, Robert
Grace, Curtis
Lovejoy, Patricia
Muns, Chris
Peckham, Michele
Till, Mary

STRAFFORD

Baber, William
Grossman, Kenneth
Malloy, Dennis
Perry, Robert
Spang, Judith

Bickford, David
Horrigan, Timothy
Merrill, Amanda
Rogers, Rose Marie
Stevens, Audrey

Gardner, Janice
Hubbard, Pamela
Miller, David
Schmidt, Peter
Wall, Janet

Grassie, Anne
Kaen, Naida
Pelletier, Marsha
Smith, Marjorie

SULLIVAN

Cloutier, John
Schmidt, Andrew

Gagnon, Raymond
Sweeney, Cynthia

O'Hearne, Andrew
Tanner, Linda

Osgood, Joe

NAYS - 69

BELKNAP

Fields, Dennis
Sylvia, Michael

Greemore, Robert
Vadney, Herbert

Holmes, Stephen

Luther, Robert

CARROLL

Cordelli, Glenn
Wright, Donald

Lavender, Tom

McConkey, Mark

Umberger, Karen

COOS

Rappaport, Laurence

Rideout, Leon

HILLSBOROUGH

Boehm, Ralph
Culbert, Patrick
Hikel, John
Notter, Jeanine
Peterson, Lenette
Straight, Philip
Villeneuve, Moe

Burt, John
Daniels, Gary
Lambert, George
Palmer, Stephen
Renzullo, Andrew
Stroud, Kathleen
Warden, Mark

Cebrowski, John
Haefner, Robert
LeBrun, Donald
Parison, James
Sanborn, Laurie
Ulery, Jordan
Willette, Robert

Coffey, James
Hansen, Peter
Marston, Dick
Pellegrino, Tony
Sandblade, Emily
Vaillancourt, Steve
Winters, Joel

MERRIMACK

McGuire, Carol

McGuire, Dan

ROCKINGHAM

Comerford, Timothy
Emerick, J. Tracy
Harris, Jeffrey
McMahon, Charles
Sedensky, John
Weyler, Kenneth

DeSimone, Debra
Ferrante, Beverly
Hodgdon, Bruce
Milz, David
Sweeney, Joe

Duarte, Joe
Garcia, Bianca
Itse, Daniel
O'Connor, John
Tucker, Pamela

Dumaine, Dudley
Gordon, Richard
Kolodziej, Walter
Rice, Frederick
Waterhouse, Kevin

STRAFFORD

Beaudoin, Steven

Gray, James

Mullen, John

SULLIVAN

Rollins, Skip

Smith, Steven

and the majority committee report was adopted.

HB 1440-FN, including the writing, promoting, or distributing of model legislation to elected officials as lobbying and requiring disclosure of scholarship funds, money, or other financial support received from such lobbyists by elected officials. **REFER FOR INTERIM STUDY.**

Rep. Gary B. Richardson for Legislative Administration. This bill would require registration, as a lobbyist for any entity who provides financial support to an elected official to attend an event whose purpose is to promote

legislation. While the committee supports full disclosure and transparency, this bill appears overly intrusive as drafted and raises important questions relating to our authority to require out of state organizations to register as lobbyists and disclose proprietary information. Because the bill raises important issues that merit additional consideration, the majority of the committee recommends Interim Study. Vote 11-1.
Rep. Moody requested a roll call; sufficiently seconded.

YEAS 240 - NAYS 29**YEAS - 240****BELKNAP**

Burchell, Richard
Greemore, Robert
Luther, Robert
Vadney, Herbert

Comtois, Guy
Gulick, Ruth
Raymond, Ian

DiMartino, Lisa
Holmes, Stephen
Sylvia, Michael

Fields, Dennis
Huot, David
Tilton, Franklin

CARROLL

Buco, Thomas
McConkey, Mark
Ticehurst, Susan

Chandler, Gene
Merrow, Harry
Umberger, Karen

Crawford, Karel
Nelson, Bill
White, Syndi

Lavender, Tom
Schmidt, Stephen
Wright, Donald

CHESHIRE

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

Berch, Paul
Johnson, Jane
Roberts, Kris
Tatro, Bruce

Butynski, William
Mann, John
Robertson, Timothy
Weber, Lucy

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

COOS

Coulombe, Gary
Moynihan, Wayne

Enman, Larry
Rappaport, Laurence

Hammon, Marcia
Richardson, Herbert

Hatch, William
Thomas, Yvonne

GRAFTON

Almy, Susan
Ford, Susan
Ladd, Rick
Piper, Wendy
White, Andrew

Benn, Bernard
Friedrich, Carol
Massimilla, Linda
Smith, Suzanne

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

Doolan, Ralph
Higgins, Patricia
Nordgren, Sharon
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Connor, Evelyn
Gage, Ruth
Grady, Brenda
Hammond, Jill
Heath, Mary
Judy, Jean
Leishman, Peter
Mangipudi, Latha
Nelson, Mary
Pellegrino, Tony
Sanborn, Laurie
Shaw, Barbara
Sullivan, Daniel
Walsh, Robert
Woodbury, David

Beaulieu, Jane
Campbell, David
Cote, David
Gagne, Larry
Graham, John
Hansberry, Daniel
Heden, Ruth
Knowles, Mary Ann
LeVasseur, Richard
Manley, Jonathan
O'Brien, Michael
Porter, Marjorie
Sandblade, Emily
Soucy, Timothy
Sullivan, Peter
Willette, Robert

Belanger, James
Cebrowski, John
Daniels, Gary
Gale, Sylvia
Hackel, Paul
Hansen, Peter
Hikel, John
Kurk, Neal
Long, Patrick
McCloskey, David
Palmer, Stephen
Rosenwald, Cindy
Schmidt, Janice
Spratt, Stephen
Takesian, Charlene
Williams, Kermit

Boehm, Ralph
Chandley, Shannon
DiSilvestro, Linda
Gargas, Carolyn
Haefner, Robert
Harriott-Gathright, Linda
Jack, Martin
Lambert, George
MacKay, Mariellen
Murotake, David
Parison, James
Rowe, Robert
Shattuck, Gilman
Stroud, Kathleen
Vaillancourt, Steve
Winters, Joel

MERRIMACK

Alicea, Caroletta
Davis, Frank
Gile, Mary
Kotowski, Frank
McGuire, Dan
Richardson, Gary
Shurtleff, Stephen

Bartlett, Christy
Ebel, Karen
Henle, Paul
Lockwood, Priscilla
Myler, Mel
Rogers, Katherine
Turcotte, Alan

Bouchard, Candace
Frambach, Mary
Karrick, David
MacKay, James
Patten, Dick
Schamberg, Thomas
Walz, Mary Beth

Carey, Lorrie
French, Barbara
Kidder, David
McGuire, Carol
Ratzki, Mario
Schuett, Dianne
Webb, Leigh

ROCKINGHAM

Abrami, Patrick
Borden, David
Comerford, Timothy
Devine, James

Allen, Mary
Cahill, Michael
Cushing, Robert
Elliott, Robert

Andrews-Ahearn, E. Elaine
Cali-Pitts, Jacqueline
Dana, Romeo
Emerick, J. Tracy

Birdsell, Regina
Chirichiello, Brian
DeSimone, Debra
Emerson-Brown, Rebecca

Ferrante, Beverly
Griffin, Mary
Itse, Daniel
Mann, Maureen
Moody, Marcia
Packard, Sherman
Rice, Frederick
Sweeney, Joe
Webb, James

Fesh, Robert
Harris, Jeffrey
Kappler, Lawrence
McKinney, Betsy
Muns, Chris
Pantelakos, Laura
Schlachman, Donna
Till, Mary
Weyler, Kenneth

Flockhart, Eileen
Hodgdon, Bruce
Kolodziej, Walter
McMahon, Charles
Nigrello, Robert
Peckham, Michele
Sedensky, John
Tucker, Pamela
Whittemore, Lisa

Grace, Curtis
Hoelzel, Kathleen
Lovejoy, Patricia
Milz, David
O'Connor, John
Priestley, Anne
Sherman, Thomas
Wazlaw, Brian

STRAFFORD

Baber, William
Grassie, Anne
Hubbard, Pamela
Miller, David
Schmidt, Peter
Wall, Janet

Beaudoin, Steven
Gray, James
Kaen, Naida
Pelletier, Marsha
Smith, Marjorie

Bickford, David
Grossman, Kenneth
Malloy, Dennis
Perry, Robert
Spang, Judith

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

SULLIVAN

Cloutier, John
Rollins, Skip
Tanner, Linda

Gagnon, Raymond
Schmidt, Andrew

O'Hearne, Andrew
Smith, Steven

Osgood, Joe
Sweeney, Cynthia

NAYS - 29 BELKNAP

Arsenault, Beth

Worsman, Colette

CARROLL

Ahlgren, Christopher

Cordelli, Glenn

CHESHIRE

Ley, Douglas

COOS

Rideout, Leon

GRAFTON

Gionet, Edmond

HILLSBOROUGH

Burt, John
Danielson, David
Notter, Jeanine
Ulery, Jordan

Byron, Frank
Jasper, Shawn
Peterson, Lenette
Villeneuve, Moe

Coffey, James
LeBrun, Donald
Renzullo, Andrew
Warden, Mark

Culbert, Patrick
Marston, Dick
Straight, Philip

MERRIMACK

Frazer, June

ROCKINGHAM

Duarte, Joe
Waterhouse, Kevin

Dumaine, Dudley

Garcia, Bianca

Gordon, Richard

STRAFFORD

Mullen, John

and the committee report was adopted.

HB 1448, relative to vessel registration. **OUGHT TO PASS.**

Rep. Michael B. O'Brien for Transportation. This bill allows the marine patrol to enforce state vessel registration requirements on any vessel 12 feet in length or longer put, placed, or operating on any waters of the state. Current law is worded in such a way that a boat must be in motion on the water before a marine patrol officer can cite the owner for failure to register the boat. This bill closes that loophole. Vote 9-2.

Committee report adopted and ordered to third reading.

HB 1339, relative to "table stakes games." **INEXPEDIENT TO LEGISLATE.**

Rep. Mary R. Cooney for Ways and Means. This bill would have expanded the amount wagered on poker games where chips have monetary value by playing under "table stakes" rules. This bill is silent on the number of times an individual can have an "all chips in" during a single game. This would mean that a single individual would have the potential of losing hundreds of dollars in an evening. The majority believes this is not in keeping with the overall purpose of the mission of charitable gambling. Vote 14-6.

Committee report adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR OF MARCH 5, 2014

HB 1464-FN, exempting New Hampshire agricultural products produced, sold, and consumed in New Hampshire from the FDA Food Safety and Modernization Act. **REFER FOR INTERIM STUDY.**

Rep. Guy Comtois for Environment and Agriculture. The Environment and Agriculture Committee recommends Interim Study on HB 1464-FN pending the FDA promise to revisit their proposed rules due to the public outcry this past summer. The committee will monitor the FDA rule-making process and the impact the Food Safety and Modernization Act will have on New Hampshire Farms and their consumers. Once the rule-making process is complete, the committee will decide what legislative action, if any, is needed and to what extent. Vote 13-0.

Committee report adopted.

HB 1538, relative to medical intervention in the provision of midwife services. **INEXPEDIENT TO LEGISLATE.**

Rep. Laurie Harding for Health, Human Services and Elderly Affairs. This bill would allow a client having a home birth to sign a waiver saying that she is refusing treatment including a transfer to the hospital, thereby allowing the midwife to continue to support her. The bill provides a sanction for the midwife attending the woman. The New Hampshire midwives were strongly opposed to this bill because they felt it endangered clients. The committee agreed. Vote 17-0.

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

On a division vote, 248 members having voted in the affirmative and 20 in the negative, the committee report was adopted.

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 12, 2014 at 10:00 a.m.

Adopted.

LATE SESSION**Third reading and final passage**

HB 1534, establishing a commission to study fiscal disparities between public school districts.

HB 1178, relative to the sale and transfer of animals from animal shelters.

HB 1244, relative to the disclosure of the names of lottery winners.

HB 1331, relative to the membership and reporting date of the interbranch criminal and juvenile justice council.

HB 1622-FN, permitting qualifying patients and registered caregivers to cultivate cannabis for therapeutic use.

HR 26, honoring and recognizing the Cadet Nurse Corps.

HB 1156-FN-L, making certain changes to the right-to-know law and establishing the right-to-know oversight commission.

HB 1226, establishing a committee to study end-of-life decisions.

HB 1274, relative to the payment of rent and security deposits.

HB 1442, relative to mental health courts.

HB 1448, relative to vessel registration.

RECESS MOTION

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

Adopted.

The House recessed at 6:00 p.m.

RECESS

(Speaker Norelli in the Chair)

COMMITTEE ASSIGNMENTS

Rep. Herbert Richardson on the Committee on Science, Technology and Energy.

Rep. Lawrence Kappler on the Committee on Legislative Administration.

RECESS