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Wednesday, March 12, 2014

No. 22

HOUSE JOURNAL No. 9 (Cont.)

Thursday, March 6, 2014

Rep. Kaen moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 10

Wednesday, March 12, 2014

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

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

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

O God of constant surprise and endless hope, we live much of our lives in obedience to the forecasts. Weather forecasts, economic forecasts, environmental forecasts. Forecasts have their place, but help us to remember that You alone have the last word; that expectation is easily outweighed by inspiration and so we pray for Your divine inspiration to work in our midst today. Help us be open to what we don't know. To forever be a learning people and to learn not only from those with whom we agree, but from those we disagree with, and from those whose lives are not necessarily the lives we would choose or the lives we would desire were circumstances different. Turn our cynicism into conviction that with You, and one another, all things are possible. Hunger and health care may not be solved in a day, but the needs of the hungry and the ill can be addressed, and must. Tune our work to the powerful nature of Your justice guided by mercy and remind us that all life is precious in Your sight and that no one is beyond Your love or beyond Your redemption. May we bless those we are called to serve, especially those whose voices and lives reside at the uncomfortable margins of our society, those who have no umbrella to hold in the rain and no shelter from the storms of life. In the words of the West Point Cadet prayer, "Make us to choose the harder right instead of the easier wrong, and let us never be content with a half truth when the whole can be won." O God there are many people we pray for today. We have lost three beloved members or friends of this House. We pray in memoriam for the spirits of Larry Emerton, Doc Jim Pilliod and Dylan Graves, the husband of staff House employee Dawn Graves. We pray also for two of our members in the hospital, Laura Pantelakos, Dean of the House and Representative David Miller. We also lift up the families of those who lost loved ones on Malaysia Airlines Flight MH370. We pray for a peaceful resolution to the situation in the Crimean Peninsula, and we pray for all who are ill or suffering this day. In Your Holy name we pray. Amen.

Representative Wayne Moynihan, member from Dummer, led the Pledge of Allegiance.

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

LEAVES OF ABSENCE

Reps. Arsenault, Barry, Bishop, Boisvert, Burke, Charron, Crawford, Doolan, Susan Emerson, Gray, Helmstetter, LeVasseur, Massimilla, McCloskey, Miller, Myler, Pantelakos, Parsons and Pellegrino, the day, illness.

Reps. Bailey, Booras, Bouchard, Rebecca Brown, Carroll, Dobson, Bianca Garcia, Hayes, Hirsch, John Hunt, Murotake, William O'Brien, O'Hearne, Pastor, Pelletier, Rollo, Sanders, Jeffrey Shackett, Timothy Smith, Takesian, Thomas and Worsman, the day, important business.

INTRODUCTION OF GUESTS

Elizabeth Cushing, Andrew Gorrill and the Honorable Clifton Below, former member from Lebanon; daughter and guests of Rep. Cushing.

CONSENT CALENDAR

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

HB 1276, relative to alcoholic beverage advertising restrictions, removed by Rep. Vaillancourt.

HJR 12, requesting that Anthem extend its coverage to include one hospital in every county in New Hampshire, removed by Rep. Herbert Richardson.

HB 1322, relative to the definition of "party" for election purposes, removed by Rep. Vaillancourt.

HB 1497-FN, relative to the definition of "party" and relative to nomination papers, removed by Rep. O'Flaherty.

HB 1241, relative to the sale of consumer fireworks, removed by Rep. Vaillancourt.

Consent Calendar adopted.

Rep. Rosenwald declared a conflict of interest on **HB 1281-FN** and did not participate in the vote on the Consent Calendar.

HB 1176, relative to grounds for termination of parental rights. **OUGHT TO PASS WITH AMENDMENT.** Rep. Mary Beth E. Walz for Children and Family Law. This bill prevents a rapist from asserting parental rights against the will of his victim and the victim's (his) child. The bill requires that upon request, the court terminate the parental rights of the father when the father has been convicted of sexual assault. The bill also provides a vehicle for the mother to end contact with her assailant without actually terminating parental rights, thus allowing her to collect child support. Both sections of the bill require an analysis of the best interest of the child, with the expectation that in the case of statutory rape, a father may be involved in his child's life. The amendment replaces the entire bill. Vote 16-0.

Amendment (0796h)

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

1 New Section; Termination of the Parent-Child Relationship in Cases of Sexual Assault. Amend RSA 170-C by inserting after section 5 the following new section:

170-C:5-a Termination of the Parent-Child Relationship in Cases of Sexual Assault. A petition for termination of the parent-child relationship shall be granted in cases where the child's birth is the result of sexual assault of the birth mother and where termination of the parent-child relationship is in the best interests of the child. This section shall apply to a person who has been found to be the father of a child and who:

I. Has been convicted of or who has pled guilty or nolo contendere to a violation of sexual assault as defined in RSA 632-A:2 through RSA 632-A:4, or a similar statute in another state against the birth mother for his conduct in fathering the child; or

II. At a fact-finding hearing, is found to have committed an act of non-consensual sexual penetration for his conduct in fathering the child.

2 Determination of Parental Rights and Responsibilities; Sexual Assault. Amend RSA 461-A:6, V-VII to read as follows:

V. If the court finds that the birth of the child is the result of an act of sexual assault by the child's parent, and parental rights have not been terminated under RSA 170-C:5-a, the court may prohibit contact between such parent and the victim of the assault and the child. The court shall make orders that best protect the victim of the assault and the best interests of the child. In this paragraph, "sexual assault" shall mean sexual assault as provided in RSA 632-A:2, RSA 632-A:3, and RSA 632-A:4.

VI. If the court determines that it is in the best interest of the children, it shall in its decree grant reasonable visitation privileges to a party who is a stepparent of the children or to the grandparents of the children pursuant to RSA 461-A:13. Nothing in this paragraph shall be construed to prohibit or require an award of parental rights and responsibilities to a stepparent or grandparent if the court determines that such an award is in the best interest of the child.

[VI-] ***VII.*** The court may appoint a guardian ad litem to represent the interests of the child according to RSA 461-A:16.

[VIH-] ***VIII.*** At the request of an aggrieved party, the court shall set forth the reasons for its decision in a written order.

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

HB 1206, relative to juvenile placement in shelter care facilities and at the youth development center. **INEXPEDIENT TO LEGISLATE.**

Rep. Ruth P. Gulick for Children and Family Law. This bill attempts to undo juvenile justice reforms without these reforms having gone into effect. The committee unanimously believes these reforms should be given a chance to work and observed before we tinker with them. Vote 16-0.

HB 1236, establishing a committee to study supervised visitation centers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Eileen C. Flockhart for Children and Family Law. The amendment replaces the bill. Responding to a recent tragedy and an important need to have supervised visitation centers safe and secure for children and families, this bill proposes a commission to study how to provide secure visitation centers. The report is due by November 1, 2014. Viability of centers, safety of children and families, assessment of current policies and procedures and possible licensing will be the focus of this commission. Vote 16-0.

Amendment (0718h)

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

AN ACT relative to the use of metal detection devices at supervised visitation centers and establishing a commission to study supervised visitation centers.

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

1 Protection of Persons from Domestic Violence; Temporary Relief; Visitation. Amend RSA 173-B:4, I(a)(5) to read as follows:

(5) Denying the defendant visitation, **ordering that visitation shall take place only at a supervised visitation center that uses a metal detection device and has trained security personnel on-site**, ordering that visitation shall be supervised, or ordering a specific visitation schedule. Visitation shall only be ordered on an ex parte basis where such order can be entered consistent with the following requirements. In determining whether visitation can be safely ordered, the court shall consider the following factors:

(A) The degree to which visitation exposes the plaintiff or the children to physical or psychological harm.

(B) Whether the risk of physical or psychological harm can be removed by ordering supervised visitation **or by ordering supervised visitation at a center that uses a metal detection device and has trained security personnel on-site**.

(C) Whether visitation can be ordered without requiring the plaintiff and defendant to have contact regarding the exchange of children.

2 Protection of Persons from Domestic Violence; Relief; Visitation. Amend RSA 173-B:5, I(b)(6) to read as follows:

(6) Establishing visitation rights with regard to the parties' minor children. The court shall consider, and may impose on a custody award, conditions necessary to assure the safety of the plaintiff and minor children. This may include orders denying visitation, [or] requiring supervised visitation **that shall take place only at a visitation center that uses a metal detection device and has trained security personnel on-site, or requiring supervised visitation**, where such order can be entered consistent with the following requirements. In determining whether visitation shall be granted, the court shall consider whether visitation can be exercised by the non-custodial parent without risk to the plaintiff's or children's safety. In making such determination, the court shall consider, in addition to any other relevant factors, the following:

(A) The degree to which visitation exposes the plaintiff or the children to physical or psychological harm.

(B) Whether the risk of physical or psychological harm can be removed by ordering supervised visitation **or by ordering supervised visitation at a center that uses a metal detection device and has trained security personnel on-site**.

(C) Whether visitation can be ordered without requiring the plaintiff and defendant to have contact regarding the exchange of children.

3 New Paragraph; Parental Rights and Responsibilities; Supervised Visitation. Amend RSA 461-A:4 by inserting after paragraph IV the following new paragraph:

V. If the court orders supervised visitation, it may order that such visitation shall take place only at a visitation center that uses a metal detection device and has trained security personnel on-site.

4 New Section; Protection of Persons from Domestic Violence; Commission to Study Supervised Visitation Centers. Amend RSA 173-B by inserting after section 25 the following new section:

173-B:26 Commission to Study Supervised Visitation Centers. There is established a commission to study supervised visitation centers.

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

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives, one of whom shall be a member of the criminal justice and public safety committee, one of whom shall be a member of the children and family law committee, and one of whom shall be a member of the executive departments and administration committee.

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

(c) The commissioner of the department of health and human services, or designee.

(d) A representative from the department of justice, appointed by the attorney general.

(e) A representative from the circuit court, appointed by the circuit court administrative judge.

(f) A representative from the New Hampshire Association of Chiefs of Police, appointed by the president.

(g) A representative from the New Hampshire Coalition Against Domestic and Sexual Violence, appointed by the executive director;

(h) A representative from the New Hampshire Court Appointed Special Advocates, appointed by the executive director.

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

III. The commission shall study:

(a) The availability of supervised visitation centers throughout the state, the range of services offered, and extent to which there is an unmet need for services in the state.

(b) The criteria used by the courts and the division of children, youth and families (DCYF) to determine whether supervised visitation should be required in any particular case and, if required, when supervised visitation is no longer necessary.

(c) The policies and procedures currently in place at visitation centers to ensure the safety of staff and clients, to include those addressing intake and screening, security, and training and qualification of staff, and whether those policies and procedures are consistent with best practices in the field.

(d) Whether supervised visitation centers should be licensed.

IV. The commission shall solicit information from current providers of visitation services, including county-based programs, private centers, and non-profit programs, and may solicit advice and input from any individual, agency, or organization with information or expertise relevant to the commission's duties.

V. Commission members shall be appointed within 30 days after the effective date of this section.

VI. 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 15 days after all members have been appointed. A majority of the members of the commission shall constitute a quorum.

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

5 Repeal. RSA 173-B:26, relative to the commission to study supervised visitation centers, is repealed.

6 Effective Date.

I. Section 5 of this act shall take effect November 1, 2014.

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

AMENDED ANALYSIS

This bill permits that the court to limit visitation to supervised visitation centers that use metal detection devices and have trained security personnel on-site. The bill also establishes a commission to study supervised visitation centers.

HB 1260-FN-L, relative to communication of the cost of services provided under the children in need of services (CHINS) program to parents. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Audrey M. Stevens for Children and Family Law. This bill requires that the department of health and human services (DHHS) provide information to families setting forth the costs of services provided under the CHINS program. The bill offers guidance on the process of requesting financial statements of costs of services to date. The bill also authorizes DHHS to make requests that the families provide health insurance information that may help with the costs of services. Vote 16-0.

Amendment (0708h)

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

3 Petition. Amend RSA 169-D:5, I-a to read as follows:

I-a. The petition shall be in writing and verified under oath. The following notice shall be printed on the front of the petition in bold in no smaller than 14 point font size: "See back for important information and financial obligations." The back of the petition shall include a notice of liability for parents and other individuals chargeable by law for the child's support and necessities, *which shall state: "In accordance with RSA 169-D:29, parents and others chargeable by law for the child's support and necessities are required to reimburse the state for the cost of voluntary or court ordered services. The amount that you will be required to reimburse the state will be based on your ability to pay. You have a right, upon written request, to receive a statement from the department of the cost of services incurred in the case to date. Upon our receipt of notice of a proposed service or placement, you must contact your insurance carrier within 48 hours to see if coverage is available to pay for the proposed service or placement and notify the department of the results. If insurance coverage is available, you must cooperate with your insurance carrier and comply with their requirements for direct payment to the provider."*

HB 1158-FN-L, relative to insurance incentives to lower costs of health care. **REFER FOR INTERIM STUDY.** Rep. Chris Muns for Commerce and Consumer Affairs. The Committee heard testimony from different health-care system stakeholders that the initiatives continued in this bill do merit further discussion. However, there was also a consensus that given the changes that have occurred and will continue to occur this year to the healthcare system, it would not be appropriate for the legislature to mandate the changes suggested in this bill at this time. The sponsor therefore agrees with the committee that the bill should be referred to “real” interim study in the hopes that the committee can continue to facilitate a discussion among all the interested stakeholders regarding the ideas contained in this bill. Furthermore, the sponsor and the committee agreed that the interim study of this bill should be combined with interim study of HB 1612. Vote 18-0.

HB 1193, relative to flood coverage notification. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward A. Butler for Commerce and Consumer Affairs. This bill adds a new section to RSA 407 the Fire Insurance Contract and Suits (homeowner’s coverage). It requires that insurers provide notification to policyholders that flood coverage is not available under a homeowner’s policy. This notification shall occur when a homeowner purchases or renews a policy. The notification shall inform the policyholder about, and provide contact information for, flood coverage offered under the National Flood Insurance Program. This bill was requested by the New Hampshire Insurance Department due to confusion experienced by New Hampshire citizens regarding flood coverage and the numerous calls received each year when “flood” season arrives and people first learn they have no coverage under their homeowner’s policy. Vote 17-0.

Amendment (0844h)

Amend the bill by replacing section 2 with the following:

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

HB 1194, relative to student coverage. **OUGHT TO PASS.**

Rep. Edward A. Butler for Commerce and Consumer Affairs. This bill amends existing RSA 415:18 I-a regarding blanket accident and health insurance. It returns to the statute coverage for students. During a 2010 rewrite of the blanket accident and health insurance law it was believed that “blanket” coverage for students was no longer necessary because students could be covered under a parent’s policy of health insurance up to the age of 26. Thus, the section was deleted. Blanket coverage is not health insurance coverage under RSA 420-G:2, IX. This reinsertion of the “blanket” coverage for students back into law became necessary when it was found that schools and other institutes of higher education still need to cover medical expenses incurred from accidents by students involved in sports and for other related school activities. This bill was requested by the New Hampshire Insurance Department. Vote 18-0.

HB 1215, relative to the rights of franchisees. **REFER FOR INTERIM STUDY.**

Rep. Keith Murphy for Commerce and Consumer Affairs. The bill as drafted would have regulated the sale and operation of franchise businesses. Members of the committee who opposed the bill believed that the hearing did not provide compelling evidence of unfair treatment of franchisees by the franchisors and that the bill amounted to state interference in the right to contract between two parties. There was however some strong sentiment on the committee that it was important for the state to provide additional information for franchisees, especially new startups that may lack expertise, and to support our local small business operators in ensuring they are treated fairly by out-of-state franchisors. Both sides argued that their position was pro-business. Interim study will allow the committee to consider any further information on the necessity of the bill and report back any recommended legislation for the next biennium. Vote 17-1.

HB 1233, allowing a claimant to take possession of his or her lost or stolen property under certain circumstances. **REFER FOR INTERIM STUDY.**

Rep. Kermit R. Williams for Commerce and Consumer Affairs. The committee saw the merit in this bill, which seeks to allow victims of theft to recover their property if it is recovered after they have received payment from their insurance company. We recognized that when personal property is stolen, the sentimental value may be much higher than the intrinsic value that an insurance company would pay and customers would want to buy it back. The problem is more complex than the bill addresses, though. How to handle property held by law enforcement for investigation, time frames in the bill, and whether an owner is required to pay interest when redeeming property are all issues that need further study. Vote 17-0.

HB 1281-FN, relative to copayments for certain specialists. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Chris Muns for Commerce and Consumer Affairs. The Committee heard testimony that Chiropractors and Physical Therapists licensed to practice in New Hampshire are able to diagnose and recommend care for their patients without the patient having to go a primary care physician (PCP) first. So in that way they operate in much the same way as a PCP does. Yet, the committee also learned that in many cases Chiropractors and Physical Therapists are classified as specialists in the claims payment systems of insurance carriers operating in the state. As a result, the co-payments that patients of these providers are required to pay are at the specialist levels and significantly higher than what the copay to visit a PCP is. The committee heard

testimony that these higher copays serve as a detriment to the utilization of these services, which have been proven to sometimes offer more cost-effective care with better outcomes than invasive surgeries and high-cost drug therapies. In addition, the committee heard testimony that in many of these cases (where specialist copays are assessed) the amount that Chiropractors and Physical Therapists receive from insurance carriers as reimbursement for the services rendered is less than the copays that their patients have to pay to the same insurance carriers. This creates a “fairness” issue both with respect to how it impacts providers and patients who think that they have insurance coverage for these “benefits” when in fact they end up paying for all of the care. However, the committee was also concerned about the impact on insurance premiums - particularly for small businesses - if the legislature mandated that the copays for all of these services should be lowered. Therefore the bill, as amended, addresses this concern by requiring that all insurers operating in the state offer small groups the option of a health plan with chiropractic and physical therapist care available at the PCP copay rate, as well as their other plans. The amended bill also provides insurance carriers with the additional time they told the committee that they needed to implement this bill. Vote 18-0.

Amendment (0832h)

Amend the bill by replacing section 2 with the following:

2 New Section; Insurance; Group; Copayments for Certain Specialists. Amend RSA 415 by inserting after section 18-w the following new section:

415:18-x Copayments, Coinsurance, or Office Visit Deductibles for Certain Specialists. Each insurer that issues or renews any policy of group or blanket accident or health insurance that constitutes health coverage for the services of chiropractors licensed under RSA 316-A, or physical therapists licensed under RSA 328-A, shall offer an optional plan which shall not charge a copayment, coinsurance, or office visit deductible that is greater than the copayment, coinsurance, or office visit deductible amount charged to the insured for the services of a primary care physician or osteopath licensed under RSA 329.

Amend the bill by replacing all after section 4 with the following:

5 Applicability; Effective Date. The provisions of sections 1 and 2 of this act shall take effect and apply January 1, 2015 to health insurance plans effective on or after January 1, 2015 and sold exclusively off the federally-facilitated exchange. For health insurance plans sold through the federally-facilitated exchange and those same plans sold off the federally-facilitated exchange, the provisions of sections 1 and 2 shall take effect and apply January 1, 2016.

6 Effective Date.

I. Sections 1 and 2 of this act shall take effect as provided in section 5 of this act.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill declares that under individual policies copayments, coinsurance, or office deductibles for chiropractors and physical therapists shall not be greater than such amounts charged for the services of primary care physicians or osteopaths licensed under RSA 329. Insurers offering group policies shall offer an optional plan which requires that copayments, coinsurance, or office deductibles for chiropractors and physical therapists shall not be greater than such amounts charged for the services of primary care physicians or osteopaths licensed under RSA 329.

HB 1353, relative to recovery under uninsured motorist coverage. **OUGHT TO PASS WITH AMENDMENT.** Rep. Kermit R. Williams for Commerce and Consumer Affairs. This bill closes what the committee views as a loophole in our auto insurance law which in certain circumstances kept injured motorists from collecting the full amount of uninsured motorist coverage they carried when they had an auto accident with an uninsured motorist. The amendment fine tunes the language so that all New Hampshire auto policies will be included under this bill, and New Hampshire drivers who are injured will get what they pay for. Vote 18-0.

Amendment (0748h)

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

1 Uninsured Motor Vehicle. Amend RSA 259:117 to read as follows:

259:117 Uninsured Motor Vehicle. “Uninsured motor vehicle,” for the purposes of RSA 264:15, shall mean, subject to the terms and conditions of the coverage required therein, an insured motor vehicle for which the liability insurer is unable to make payment with respect to the legal liability of its insured within the limits specified therein because of insolvency. The term shall also include an insured motor vehicle if and to the extent that, at the time of the subject accident, ~~[the limits of liability insurance carried as to such motor vehicle are lower than the minimum limits applicable to motor vehicle liability insurance policies issued pursuant to the laws of New Hampshire]~~ **(1) the applicable liability insurance limits are less than the limits of the uninsured motorist coverage applicable to the insured; or (2) the available liability insurance has been reduced by payments to others injured in the subject accident to an amount less than the limits of the uninsured motorist coverage applicable to the insured.**

2 Uninsured Motorist Coverage. Amend RSA 264:15, I to read as follows:

I. No policy shall be issued under the provisions of RSA 264:14, with respect to a vehicle registered or principally garaged in this state, unless coverage is provided therein or supplemental thereto at least in amounts or limits prescribed for bodily injury or death for a liability policy under this chapter, for the protection of persons insured thereunder who are legally entitled to recover damages from owners or drivers of uninsured motor vehicles, and hit-and-run vehicles because of bodily injury, sickness, or disease, including death resulting therefrom. ***No policy shall limit or reduce the uninsured motorist coverage available to the insured to less than the one person minimum coverage required by RSA 259:61 unless the uninsured motorist coverage available to all insureds exceeds the one accident minimum coverage required by RSA 259:61, in which case the one accident limit shall apply.*** When an insured elects to purchase liability insurance in an amount greater than the minimum coverage required by RSA 259:61, the insured's uninsured motorist coverage shall automatically be equal to the liability coverage elected. For the purposes of this paragraph umbrella or excess policies that provide excess limits to policies described in RSA 259:61 shall also provide uninsured motorist coverage equal to the limits of liability purchased, unless the named insured rejects such coverage in writing. Rejection of such coverage by a named insured shall constitute a rejection of coverage by all insureds, shall apply to all vehicles then or thereafter eligible to be covered under the policy, and shall remain effective upon policy amendment or renewal, unless the named insured requests such coverage in writing.

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

AMENDED ANALYSIS

This bill modifies when coverage is available under uninsured motor vehicle coverage provisions.

HB 1381-FN, relative to the auctioning of wine and liquor for charitable purposes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Pamela Z. Tucker for Commerce and Consumer Affairs. This bill will legalize what many charities are already doing; auctioning wine and spirits at non-profit fundraisers without a license. Current statute requires non-profits to purchase a one day license if it is to raffle or auction wine or spirits of any dollar amount. With the addition of the amendment, an auction for wine and spirits at a retail value of \$500 or less will not require a license. This bill is enabling to our charities that help those who most need it. Vote 17-1.

Amendment (0317h)

Amend RSA 178:1, VII as inserted by section 1 of the bill by replacing it with the following:

VII. No educational, political, charitable, or other nonprofit organization shall be required to obtain a license from the commission to offer wine and/or liquor for auction in order to fundraise for such organization so long as the total retail value of the wine and/or liquor offered for auction is \$500 or less.

AMENDED ANALYSIS

This bill exempts charities from requiring any license to auction wine and liquor if the value of the wine and liquor is \$500 or under.

HB 1612, relative to health insurance cost-reduction incentives. **REFER FOR INTERIM STUDY.**

Rep. Chris Muns for Commerce and Consumer Affairs. The Committee heard testimony from different health-care system stakeholders that the initiatives continued in this bill do merit further discussion. However, there was also a consensus that given the changes that have occurred and will continue to occur this year to the healthcare system, it would not be appropriate for the legislature to mandate the changes suggested in this bill at this time. The sponsor therefore agrees with the committee that the bill should be referred to "real" interim study in the hopes that the committee can continue to facilitate a discussion among all the interested stakeholders regarding the ideas contained in this bill. Furthermore, the sponsor and the committee agreed that the interim study of this bill should be combined with interim study of HB 1158. Vote 18-0.

HB 1614, relative to pharmacy benefit cards. **INEXPEDIENT TO LEGISLATE.**

Rep. Donna L. Schlachman for Commerce and Consumer Affairs. This bill is a result of a 2013 committee to study the regulation of pharmacy benefits managers. One of the issues raised, by both consumers and health-care providers, in accessing medications under health plans with a pharmacy benefits manager, is the difficulty in getting to the right people when questions or problems arise. This uncertainty can create a delay in the patient getting the prescribed medication. Having the telephone number of the consumer help line at the New Hampshire Insurance Department printed on subscriber's insurance card or prescription drug card was one of four recommendations that came out of this study. During the study's work sessions, the New Hampshire Insurance Department expressed support for this solution. The committee learned, however, that through the rules process the department already can accomplish the same goal without legislation. In addition, some logistical issues were raised in the hearing regarding whether or not having the department's number might discourage consumers and providers from seeking remedies first through the pharmacy benefit management company's consumer help line. The department will work to find a solution to this problem. Vote 12-0.

HB 1536-FN, relative to penalties for driving under the influence of drugs or liquor. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert R. Cushing for Criminal Justice and Public Safety. The committee felt there were problems with the bill as written and it was not ready for passage. The hearing on this bill brought to light the absence of a funding source to sustain enforcement efforts of the existing alcohol ignition interlock program. Members of the committee hope the department will take steps next year to prioritize resources to ensure continued success of the interlock program. Vote 16-1.

HB 1566-FN, relative to warrant requirements. **REFER FOR INTERIM STUDY.**

Rep. Robert R. Cushing for Criminal Justice and Public Safety. This bill, requiring search warrants to use devices that enhance or extend human services, is vague as introduced and, at the request of the sponsor, the committee voted unanimously to recommend the bill be sent to interim study. Vote 16-0.

HB 1567-FN, requiring a warrant to obtain electronic device location information. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert R. Cushing for Criminal Justice and Public Safety. In a world where new technologies constantly challenge our ability to fashion public policy, HB 1567 is an important step to safeguard our individual privacy. This bill requires members of law enforcement obtain a search warrant before obtaining location information from our cell and smart phones, GPS and other location position service, or other electronic devices. It provides an exception to the requirement to respond to calls for emergency services and a limited number of exigent circumstances. Vote 17-0.

Amendment (0747h)

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

1 New Chapter; Electronic Device Location Information. Amend RSA by inserting after chapter 644 the following new chapter:

**CHAPTER 644-A
ELECTRONIC DEVICE LOCATION INFORMATION**

644-A:1 Definitions. In this chapter:

I. "Electronic communication service" means a service that provides users the ability to send or receive wire or electronic communications.

II. "Electronic device" means a device that enables access to or use of an electronic communication service, remote computing service, or location information service, including without limitation a cellular telephone.

III. "Government entity" means a federal, state, or local agency, including but not limited to a law enforcement agency or any other investigative entity, department, division, bureau, board, or commission, or an individual acting or purporting to act for or on behalf of a federal, state, or local agency. "Government entity" shall not apply to a federal government agency to the extent that federal statute preempts such application.

IV. "Location information" means information concerning the location of an electronic device, including both the current location and any prior location of the device that, in whole or in part, is generated, derived from, or obtained by the operation of an electronic device.

V. "Location information service" means a global positioning service or other mapping or directional information service.

VI. "Owner" means the individual or person having the legal title, claim, or right to an electronic device.

VII. "Person" means a corporation, trust, estate, partnership, limited liability company, association, firm, or any other legal entity.

VIII. "Remote computing service" means computer storage or processing services provided by means of an electronic communication service.

IX. "User" means an individual, person, or government entity that uses an electronic device.

644-A:2 Warrant Required for Acquisition of Location Information.

I. Except as provided in this chapter, a government entity shall not obtain location information from an electronic device without a warrant issued by a judge based on probable cause and on a case-by-case basis.

II. No government entity shall place, locate, or install an electronic device on the person or property of another, or obtain location information from such an electronic device, without a warrant issued by a judge based on probable cause and on a case-by-case basis.

644-A:3 Exceptions to Warrant Requirement. A government entity may obtain the location information without a warrant:

I. To respond to a call for emergency services;

II. With the informed consent of the owner or user of the electronic device concerned, except when the device is known or believed by the owner or user to be in the possession of a third party known to the owner or user;

III. With the informed consent of the parent or foster parent of a minor who is the owner or user, or the legal guardian or next of kin of the owner or user, if the owner or user is believed to be deceased or reported missing and unable to be contacted;

IV. If the government entity reasonably believes that an emergency involving immediate danger of death or serious physical injury to a person requires the disclosure, without delay, of location information concerning a specific person and that a warrant cannot be obtained in time to prevent the identified danger, and the possessor of the location information, in good faith, believes that an emergency involving danger of death or serious physical injury to a person requires the disclosure without delay;

V. Pursuant to a legally-recognized exception to the warrant requirement;

VI. With the informed consent of the employee, if the government entity is the owner of the electronic device and the user is employed by the government entity or the device is attached to personal property owned by the government entity; or

VII. Pursuant to a court-ordered ignition interlock device installed in a motor vehicle.

644-A:4 Conditions of Use of Location Information. No individual or person shall, without consent, place, locate, or install an electronic device on the person or property of another and obtain location information from such electronic device. No such consent shall be required by the parent, foster parent, or legal guardian of a minor or by the legal guardian for the subject of his or her guardianship.

644-A:5 Action Against a Corporation. This chapter shall not be construed to create a cause of action against a corporation or its officers, employees, or agents for providing location information to a government entity in accordance with the provisions of this chapter.

644-A:6 Penalties.

I. A government entity that purposely violates this chapter shall be guilty of a class B misdemeanor.

II. An individual or person who is injured as a result of a violation of this chapter may file a civil action against a government entity, individual, or person that fails to comply with the provisions of this chapter.

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

HB 1580-FN, repealing mandatory minimum sentences. **REFER FOR INTERIM STUDY.**

Rep. Mark Warden for Criminal Justice and Public Safety. The committee is very sympathetic to the idea of reforming existing mandatory minimum sentences, the legacy of "truth in sentencing" laws from the 1980's. Unfortunately, reforming the statutes is a large undertaking, and the effort deserves the full attention of interim study to work out details of this legislation and address some flaws in the original bill. Vote 14-0.

HB 1607-FN, relative to limited driving privileges after revocation for certain financial obligations. **REFER FOR INTERIM STUDY.**

Rep. Mark Warden for Criminal Justice and Public Safety. Currently a person can lose his or her driver's license for not paying child support. The committee believes these two things should be uncoupled, which is the intent of the bill. However, with existing constraints on time for such an important issue, we voted to give it an in-depth consideration later in the year. Vote 17-0.

HB 1619-FN, prohibiting the acquisition, collection, or retention of certain information. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kyle J. Tasker for Criminal Justice and Public Safety. This bill will ensure an individual shall have an expectation of privacy in personal information given or available to third party providers. Vote 16-1.

Amendment (0654h)

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

1 New Chapter; Expectation of Privacy. Amend RSA by inserting after chapter 507-G the following new chapter:

CHAPTER 507-H EXPECTATION OF PRIVACY

507-H:1 Expectation of Privacy.

I. An individual shall have an expectation of privacy in personal information, including personal identifiers, content, and usage, given or available to third-party providers of information and services, including cellular and land-line telephone, electric, water, and other utility services; internet service providers; social media providers; email service providers; banks and financial institutions; insurance companies; and credit card companies.

II.(a) No municipal, state, or federal department, agency, employee, or contractor shall acquire, collect, retain, or use the personal information described in paragraph I, directly or indirectly, related to customers located in New Hampshire except:

(1) With a warrant signed by a judge and based on probable cause or pursuant to a judicially-recognized exception to the warrant requirement.

(2) In the case of the division of emergency services and communications, when handling emergency 911 telecommunications.

(b) Subparagraph (a) shall not apply to personal information described in paragraph I if required by a municipal, state, or federal department, agency, employee, or contractor pursuant to state or federal law,

provided that such information is requested of and supplied by a third-party provider of information and services for named individuals only or, in the case of employees and/or contractors of a third-party provider of information and services, for all of its employees and/or contractors.

III. No municipal, state, or federal department, agency, employee, or contractor shall acquire, collect, or retain individually-identifiable social media data, including such data associated with Facebook and Twitter, whether password-protected or encrypted or not, except:

(a) With a warrant signed by a judge and based on probable cause, or pursuant to a judicially-recognized exception to the warrant requirement.

(b) In connection with hiring an individual to work for such departments or agencies.

(c) Investigating misconduct on the part of employees or contractors of such departments or agencies.

(d) In an emergency involving severe bodily injury or significant damage to property.

(e) If required by a municipal, state, or federal department, agency, employee, or contractor pursuant to state or federal law, provided that such social media data is for named individuals only.

507-H:2 Action Against a Corporation. This chapter shall not be construed to create a cause of action against a corporation or its officers, employees, or agents for providing information to a municipal, state, or federal department, agency, employee, or contractor in accordance with the provisions of this chapter.

507-H:3 Federal Preemption. If federal law preempts any provision of this chapter, that provision shall not apply.

507-H:4 Construction. This chapter shall be construed to provide the greatest possible protection of the privacy of the people of this state.

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

HB 1113, requiring school districts to distribute a concussion and head injury information sheet to student-athletes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick M. Ladd for Education. Education is the key to identification and appropriate management of all concussions. The school board of each school district shall develop guidelines and other pertinent information for student sports to inform and educate coaches, student-athletes and student athletes' parents or guardians of the nature and risk of concussion and head injury including continuing to play after concussion, or head injury. On an annual basis, a school district, or school shall distribute a concussion and head injury information sheet to all student-athletes, and the Brain Injury Association of New Hampshire is available to educate and assist the NH public with implementing and/or updating concussion management protocols. Vote 19-0.

Amendment (0323h)

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

AN ACT requiring school districts to distribute a concussion and head injury information sheet to student-athletes and establishing a definition for head injury.

Amend the bill by replacing section 1 with the following:

1 Head Injury Policies for Student Sports. Amend RSA 200:49 to read as follows:

200:49 Head Injury Policies for Student Sports. Education is the key to identification and appropriate management of all concussions. The school board of each school district ~~[is encouraged to]~~ **shall** develop guidelines and other pertinent information and forms for student sports to inform and educate coaches, student-athletes, and student-athletes' parents or guardians of the nature and risk of concussion and head injury including continuing to play after concussion or head injury. On an annual basis, a school district or school ~~[is encouraged to]~~ **shall** distribute a concussion and head injury information sheet to all student-athletes. ***The Brain Injury Association of New Hampshire is available to educate and assist the public with implementing and/or updating concussion management protocols.***

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

2 New Paragraph; Head Injury Policies for Student Sports; Definitions. Amend RSA 200:52 by inserting after paragraph IV the following new paragraph:

V. "Head injury" means injuries to the scalp, skull, or brain caused by trauma, and shall include a concussion which is the most common type of sports-related brain injury.

AMENDED ANALYSIS

This bill requires school districts to distribute a concussion and head injury information sheet to student-athletes. The bill also inserts a definition of head injury.

HB 1128, establishing a committee to study issues related to students receiving special education services while attending a chartered public school. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mel Myler for Education. The local school district is responsible for the implementation of the individual educational plan (IEP) of a special education student attending a public charter school. The IEP outlines the special education services that are to be provided to a child enrolled in a public charter school. This bill establishes a committee of House and Senate members to study issues related to students receiving special education services while attending a chartered public school. Vote 13-1.

Amendment (0604h)

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study issues related to students receiving special education services who attend a chartered public school, including responsibility for funding and provision of special education services, in a manner that ensures that children with disabilities have an equal opportunity to enroll and fully participate in a chartered public school and to receive all services in the child's individualized education plan, and any other issue deemed relevant by the committee. The committee may solicit testimony from any person or organization with information relevant to the committee's objective.

HB 1141, requiring chartered public schools to share enrollment information with school districts. **OUGHT TO PASS.**

Rep. Mel Myler for Education. This bill would require a public charter school to share information with the public school superintendent of the child's resident school district for each child who enrolls in a public charter school. Such notification would be within 7 days of such enrollment. The information shall consist of the child's name, address, grade and name of the school of last attendance in the child's resident school district. The committee recognized that such notification would allow the resident school district to better plan and make appropriate adjustments when a child leaves the school. Charter school may be in school district. It will enable the ease of the transfer of the child's school records and any special services needed for the child. Finally, this will clarify the process of the transfer of the child to a charter school. Vote 13-1.

HB 1180-FN-L, relative to days of school. **INEXPEDIENT TO LEGISLATE.**

Rep. James L. Grenier for Education. This bill would add ten days to the school year for public schools, or allows for online education equivalent to ten school days. Testimony at the hearing and questions by Education Committee members indicated concern that many other factors than an extended school day could help to improve academic performance of public school students. A common concern was the amount of actual learning time occurring during the present 180-day school year. Another concern was whether added statutory requirements detract from valuable learning time. The bill was studied further in subcommittee. Instead of clarifying the questions raised in committee, more concerns were raised. It may be the case that some schools need a longer school year to adequately educate students and some schools have already made that local decision to do so. The main purpose of the bill is for students to be better educated; that purpose will be better served by a study commission including all stakeholders. Vote 19-0.

HB 1200, relative to student social media policies by educational institutions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ralph G. Boehm for Education. This bill protects students from educational institution access to their private social media accounts. School administration cannot force students to show their accounts without their permission, supply their account information or force student to add school personnel to their social media. This does not apply to school created social media accounts, whereby students and faculty may be members. The amendment was done to protect students' 4th and 5th amendment rights. This bill would apply to public or private schools, colleges, universities, or other institutions that offer students, participants, or trainees an organized course of study or training that is academic, technical, vocational, trade-oriented, or designed to prepare a person for employment. This bill and amendment were approved by Cornerstone, the NH Liberty Alliance and the NH ACLU. Vote 14-0.

Amendment (0584h)

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Educational Institution Policies on Social Media. Amend RSA 189 by inserting after section 64 the following new subdivision:

Educational Institution Policies on Social Media

189:65 Educational Institution Policies on Social Media.

I. An educational institution shall not:

(a) Require or request a student or prospective student to disclose or to provide access to a personal social media account through the student's or prospective student's user name, password, or other means of authentication that provides access.

(b) Require or request a student or prospective student to access a personal social media account in the presence of any employee of the educational institution in a manner that enables the employee to observe the contents of the personal social media account.

(c) Compel a student or prospective student to add anyone to his or her list of contacts associated with a personal social media account or require, request, suggest, or cause a student or prospective student to change the privacy settings associated with a personal social media account.

(d) Take or threaten to take any action against a student or prospective student to discipline or prohibit such student or prospective student from participation in curricular or extracurricular activities for refusal to disclose information or to take actions specified in subparagraphs (a)-(c).

(e) Fail or refuse to admit a prospective student as a result of the refusal by the prospective student to disclose information or to take actions specified in subparagraphs (a)-(c).

II. Nothing in this subdivision shall prohibit an educational institution from adopting a policy which permits:

(a) Conducting an investigation, without requiring or requesting access to a personal social media account through username, password, or other means of authentication, for the purpose of ensuring compliance with applicable law or educational institution's policies against student misconduct based on the receipt of specific information about activity associated with a student's social media account.

(b) Revoking a student's access, in whole or in part, to equipment or computer networks owned or operated by the educational institution.

(c) Monitoring the usage of the educational institution's computer network.

III. This subdivision shall not apply to personal social media accounts that are created or provided by the educational institution if the student has been provided advance notice that the account may be monitored at any time by employees of the educational institution.

IV. In this section:

(a) "Educational institution" means a public or private school, college, university, or other institution that offers students, participants, or trainees an organized course of study or training that is academic, technical, vocational, trade-oriented, or designed to prepare a person for employment.

(b) "Social media account" means an account, service, or profile on a social networking website that is used by a current or prospective student primarily for personal communications. This definition shall not apply to an account opened or provided by an educational institution and intended to be used solely on behalf of the educational institution.

HB 1208, relative to the number of first-year college students from New Hampshire high schools required to take remedial classes. **INEXPEDIENT TO LEGISLATE.**

Rep. Rick M. Ladd for Education. This bill requires the university and community college systems of New Hampshire to submit data on the number of first year students from New Hampshire high schools who are required to take remedial classes. This data would include students recently graduated from high school and those who may have a gap of years between high school graduation and attending the first year of college. The committee believes that comparing first year students who have not had the opportunity to engage in a recent high school math class versus those recent high school graduates will result in data that may not reflect accurately upon the high school attended. Vote 18-1.

HB 1238, relative to access to assessment materials. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Glenn Cordelli for Education. The majority believes that this bill simply requires the DOE to publish items from the statewide assessment on their web site. This is the current practice with the NECAP assessment results and should be continued with the new Smarter Balanced state assessments. Vote 19-0.

Amendment (0735h)

Amend the bill by replacing section 1 with the following:

1 Statewide Educational Improvement and Assessment Program; Accessibility of Assessment Materials. Amend RSA 193-C:10 to read as follows:

193-C:10 Accessibility of Assessment Materials. After the assessment results are released by the department, a pupil's parent or legal guardian shall have the right to inspect and review ~~the pupil's assessment booklet, answer or response sheets, surveys, instructions or directions to the pupil, and any other supplemental materials utilized to administer the assessment~~ **the pupil's assessment, including the questions asked, the pupil's answers, instructions or directions to the pupil, and other supplementary materials related or used to administer the pupil's assessment.** A parent or legal guardian shall direct a request for inspection or review to the pupil's school, and the school shall comply with such request within 45 days of its receipt. **The department of education shall make available released assessment items on the department's website as soon as possible after the statewide assessment results are released.** The commissioner shall adopt rules, pursuant to RSA 541-A, to implement procedures for the review and inspection of assessment materials. These rules shall provide parents and legal guardians with no fewer rights accorded to them under the Family Educational and Privacy Rights Act, 20 U.S.C. 1232g.

AMENDED ANALYSIS

This bill requires the department of education to make available portions of a pupil's assessment on the department's website as soon as possible after the statewide assessment results are released.

HB 1587-FN-L, relative to the collection and disclosure of pupil data. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Anne C. Grassie for Education. This is a well-crafted bill that the sponsor and the department of education agreed will tighten the privacy protections of our students' information. Vote 19-0.

Amendment (0839h)

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

1 New Subdivision; School Boards; Student Information Protection and Privacy. Amend RSA 189 by inserting after section 64 the following new subdivision:

Student Information Protection and Privacy

189:65 Definitions. In this subdivision:

I. "Biometric" means a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual. Examples include fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting.

II. "Board" means the state board of education.

III. "Department" means the department of education.

IV. "District", "school", or "school district" means a school district, including the school administrative unit to which it may belong, and the high school educational program at the state prison or county jail in which an inmate under the age of 21 is participating.

V. "Disclosure" means permitting access to, revealing, releasing, transferring, or otherwise communicating, personally identifiable information contained in education records to any party, by any means, including oral, written, or electronic.

VI. "Statewide longitudinal data system" (SLDS) means the department's statewide longitudinal data system containing student information collected pursuant to RSA 193-E:5 and the state longitudinal database created to house data pursuant to RSA 193-E:5.

VII. "Student personally-identifiable data" means:

(a) The student's name.

(b) The name of the student's parents or other family members.

(c) The address of the student or student's family.

(d) Indirect identifiers, including the student's date of birth, place of birth, social security number, email, social media address, or other electronic address, telephone number, credit card account number, insurance account number, and financial services account number

(e) Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

VIII. "Testing entity" means a third party, within or outside of New Hampshire, contracted to administer the state assessment as defined in RSA 193-C:6.

IX. "Workforce information" means information related to unemployment insurance, wage records, unemployment benefit claims, or employment and earnings data from workforce data sources, such as state wage records, wage record interchange system (WRIS) data or the federal employment data exchange system (FEDES).

189:66 Data Inventory and Policies Publication. The department shall create, maintain, and make publicly available an annually-updated index of data elements containing definitions of individual student personally-identifiable data fields or fields identified in RSA 189:68 currently in the SLDS or any other database maintained by the department, or added or proposed to be added thereto, including:

I. Any individual student personally-identifiable data required to be reported by state or federal law.

II. Any individual student personally-identifiable data which has been proposed for inclusion in the SLDS with a statement explaining the purpose or reason for the proposed collection.

III. Any individual student personally-identifiable data that the department collects or maintains.

IV. Any data identified in RSA 189:68.

189:67 Limits on Disclosure of Information,

I. A school shall, on request, disclose student personally-identifiable data about a student to the parent, foster parent, or legal guardian of the student under the age of 18 or to the eligible student.

II. A school or the department may disclose to a testing entity the student's name or unique pupil identifier, but not both, and birth date for the sole purpose of identifying the test taker. This data shall be destroyed by the testing entity as soon as the testing entity has completed the verification of test takers, shall not be disclosed by the testing entity to any other person, organization, entity or government or any component thereof, other than the district, school or school district, and shall not be used by the testing entity for any other purpose whatsoever, including but not limited to test-data analysis.

III. Neither a school nor the department shall disclose or permit the disclosure of student personally-identifiable data, the unique pupil identifier, or any other data listed in RSA 189:68, I to any testing entity performing test-data analysis. The testing entity may perform the test analysis but shall not connect such data to other student data.

IV. Except as provided in RSA 193-E:5, or pursuant to a court order signed by a judge, the department shall not disclose student personally-identifiable data in the SLDS to any individual, person, organization, entity, government or component thereof, but may disclose such data to the school district in which the student's resides.

V. Student personally-identifiable data shall be considered confidential and privileged and shall not be disclosed, directly or indirectly, as a result of administrative or judicial proceedings.

VI. The department shall report quarterly on its website the number of times it disclosed student personally-identifiable data to any person, organization entity or government or a component thereof, other than the student, his or her parents, foster parents or legal guardian and the school district, early childhood program or post-secondary institution in which the student was enrolled at the time of disclosure; the name of the recipient or entity of the disclosure; and the legal basis for the disclosure.

189:68 Student Privacy.

I. The department shall not collect or maintain the following data in the SLDS:

- (a) Name of the student's parents or other family members.
- (b) Address of the student or student's family.
- (c) Student email or other electronic address.
- (d) Student or family telephone number.
- (e) Student or parent credit card account number, insurance account number, or financial services account number.
- (f) Juvenile delinquency records.
- (g) Criminal records.
- (h) Medical and dental insurance information.
- (i) Student birth information, other than birth date and town of birth.
- (j) Student social security number.
- (k) Student biometric information.
- (l) Student postsecondary workforce information including the employer's name, and the name of a college attended outside of New Hampshire.
- (m) Height and weight.
- (n) Body mass index (BMI).
- (o) Political affiliations or beliefs of student or parents.
- (p) Family income, excluding free and reduced lunch program eligibility as determined by Food Nutrition Services of the United States Department of Agriculture.
- (q) Mother's maiden name.
- (r) Parent's social security number.
- (s) Mental and psychological problems of the student or the student's family.
- (t) Sex behavior or attitudes.
- (u) Indication of a student pregnancy.
- (v) Religious or ethical practices, affiliations, or beliefs of the student or the student's parents.

II. No school shall require a student to use an identification device that uses radio frequency identification, or similar technology, to identify the student, transmit information regarding the student, or monitor or track the student without approval of the school board, after a public hearing, and without the written consent of a parent of legal guardian of an affected student which may be withheld without consequence.

III. No school shall install remote surveillance software on a school supplied computing device provided to a student without the approval of the school board, after a public hearing and without the written consent of a parent, foster parent, or legal guardian of the affected student which may be withheld without consequence. In this paragraph, "surveillance" means observing, capturing images, listening, or recording and shall not include locating equipment when there is reason to believe the equipment is about to be or has been stolen or damaged.

2 Information Technology Council; Members; Commissioner of Education. RSA 21-R:6, II(g) is repealed and reenacted to read as follows:

(g) The commissioner of the department of education, or designee.

3 Unique Pupil Identification. Amend RSA 193-E:5, I(o) to read as follows:

(o) At the request of an early childhood program, **school** district, or postsecondary institution, the department of education shall provide pupil-level data from the unique pupil identification system to an early childhood program, **school** district, or postsecondary institution for pupils pursuing an education in that entity. ***Except as otherwise specifically provided in statute, the department shall not provide for any purpose any student personally-identifiable [pupil-level] data to [an entity not directly involved with the pupil's education] any public or private individual or entity, including the local, state, or federal government, or department or agency thereof, regardless of whether such individual or entity is for profit or not-for-profit, and regardless of whether the public or private individual or entity is involved in any way with the pupil's education.***

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

HB 1225, adding the choice of "none of the above" to state election ballots. **INEXPEDIENT TO LEGISLATE.** Rep. Shawn N. Jasper for Election Law. There are many problems with the idea of having a position on the ballot labeled "none of the above." The most obvious of these is the fact that people already exercise the option

of voting for “none of the above”. The idea that people will stop writing in “Mickey Mouse” or “Donald Duck”, if they have the option of voting for a position labeled “none of the above” is a theory for which there is no supporting evidence, but even if that were an option there are many people who write in the names of actual registered voters, who they would prefer to see elected. On a more practical note, there was no testimony that it is possible to program the machines in the way the bill envisions. The bill would allow for a person to vote for a candidate for office and still vote for “none of the above,” currently our machines would “see” that as an over vote and not count either position checked off. Finally, if “none of the above” received the highest number of votes in a race no person would be elected; this creates a very big issue. We could find our state without a Governor and Executive Council, as well as the possibility of having no Legislature, while that is unlikely to happen, it is a possible ramification of the proposed bill. It is our responsibility to think every bill through to the worst-case scenario and with this bill; the worst-case scenario is absolute chaos. Vote 16-0.

HB 1387, relative to the election of county commissioners in Carroll county. **INEXPEDIENT TO LEGISLATE.** Rep. Marcia G. Moody for Election Law. Carroll County has a good efficient system for electing county commissioners. The population is split equally between the three districts. The candidates must reside in the district in which they are running. All Carroll County residents should be able to cast votes for all of their commissioners. The current system works for everyone and change seems not necessary at this time. Vote 17-0.

HB 1460, relative to the date of appointment of inspectors of election. **OUGHT TO PASS.**

Rep. Mary Ann Knowles for Election Law. This is a simple and sensible bill that moves back the timeframe for the appointment of inspectors of election. This change will allow municipalities more time to train and prepare new inspectors prior to the next election. Vote 16-0.

HB 1138, relative to homestead food producers selling food products at farm stands, farmers markets, or at the homestead residence where they are produced. **OUGHT TO PASS.**

Rep. Christy D. Bartlett for Environment and Agriculture. This is a continuation on a bill from that past legislative year when the limit was set at \$10,000 for annual gross sales. The increase to \$20,000 in annual gross sales will allow and encourage homestead food producers to sell their products at farm stands, farmers’ markets or at the homestead residence where they are produced. It has the support of the Dept of Health & Human Services. It excludes hazardous food as defined in RSA 143-A:12, I(b). Vote 16-0.

HB 1151, establishing a committee to study the solid waste operator training program and financial assurance for corrective action at solid waste landfills. **OUGHT TO PASS.**

Rep. Scott A. Burns for Environment and Agriculture. The Department of Environment Services requested the study and presented great examples of why we need to study the current system of training our solid waste operators, and at the same time determine if the financial assurances presently in place for unexpected corrective action at landfills are adequate. The committee feels this is a necessary study, and voted unanimously in favor of the bill. Vote 17-0.

HB 1295, relative to the definition of livestock. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert H. Haefner for Environment and Agriculture. There are currently four places in the RSAs where there is a definition of livestock, and all four definitions are different. This bill simply makes all four definitions exactly the same while ensuring that they are as complete as possible. The legislation has been supported by the New Hampshire Farm Bureau, the Commissioner of the Department of Agriculture Markets and Food and the State Veterinarian. Vote 14-0.

Amendment (0629h)

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

1 Livestock; Definition. Amend RSA 427:38, III to read as follows:

III. “Livestock” shall ~~mean all~~ **include but not be limited to beef and dairy** cattle, **steer, oxen,** goats, sheep, swine, horses, **mules,** or other equidae, as well as domesticated strains of buffalo, bison, llamas, alpacas, emus, ostriches, **poultry, rabbits,** yaks, elk (Cervus ~~elephas~~ canadensis), fallow deer (Dama dama), red deer (Cervus elephus), **and** reindeer (Rangifer ~~tarandus~~ **tarandus**).

2 Livestock; Definition. RSA 21:34-a, II(a)(4) is repealed and reenacted to read as follows:

(4) The raising and sale of livestock which shall include but not be limited to all beef and dairy cattle, steer, oxen, goats, sheep, swine, horses, mules or other equidae, as well as domesticated strains of buffalo, bison, llamas, alpacas, emus, ostriches, poultry, rabbits, yaks, elk (Cervus canadensis), fallow deer (Dama dama), red deer (Cervus elephus), and reindeer (Rangifer tarandus).

3 Livestock; Definition. RSA 427:2, XVIII is repealed and reenacted to read as follows:

XVIII. “Livestock” shall include but not be limited to all beef and dairy cattle, steer, oxen, goats, sheep, swine, horses, mules, or other equidae, as well as domesticated strains of buffalo, bison, llamas, alpacas, emus, ostriches, rabbits, yaks, elk (Cervus canadensis), fallow deer (Dama dama), red deer (Cervus elephus), reindeer (Rangifer tarandus), and poultry.

4 Livestock; Definition. Amend RSA 427:33, II to read as follows:

II. The term “livestock” shall include but not be limited to cattle, steer, oxen, horses, swine, sheep, goats, as well as domesticated strains of buffalo, bison, llamas, alpacas, emus, ostriches, yaks, elk (*Cervus [elephus] canadensis*), fallow deer (*Dama dama*), red deer (*Cervus elephus*), reindeer (*Rangifer [taradus] tarandus*), poultry, rabbits, and other species of animals susceptible of use in the production of meat and meat products;

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

HB 1300, creating an exemption from licensure for low volume seed sellers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Christy D. Bartlett for Environment and Agriculture. This bill allows hobbyists to process and sell various types of fruit, flower or vegetable seeds exempt from licensing and limited to no more than 25 pounds annually. Vote 12-0.

Amendment (0689h)

Amend RSA 433:9-a as inserted by section 1 of the bill by replacing it with the following:

433:9-a Licensing Requirements. No person shall label agricultural, vegetable, flower, and tree and shrub seeds for planting purposes for distribution or sale in this state without first having obtained a seed labeling license. The license application shall be submitted on forms furnished by the commissioner and shall be accompanied by the license fee as prescribed by the commissioner. ***Sellers of less than 25 pounds of fruit, flower, or vegetable seeds per year shall be exempt from the licensure requirements of this section.*** Amend RSA 433:6, III as inserted by section 2 of the bill by replacing it with the following:

III. The provisions of RSA 433:3 and 4 shall not apply to tree seed produced by the consumer ***or sellers of less than 25 pounds of fruit, flower, or vegetable seeds per year.***

HB 1344, relative to the disposal of sharps waste by retail establishments. **REFER FOR INTERIM STUDY.** Rep. Scott A. Burns for Environment and Agriculture. The committee feels there may be a need for this bill in the future to address the increased volume of sharps. The committee agrees to do an interim study to review other options and further study of pharmacy participation in taking in sharps. The committee feels further review of the current system is needed. Vote 13-0.

HB 1367, relative to the sale of birds. **OUGHT TO PASS.**

Rep. John T. O'Connor for Environment and Agriculture. This bill corrects the unintended consequences of a 2013 legislation that required that birds for sale and transfer needed to have a health certificate. Although the state veterinarian recognizes that the relative risk is extremely small, it is our recommendation that the buyer of high-end species have their vets examine the birds at their discretion if they so wish. Vote 13-0.

HB 1382, defining “farm stand.” **REFER FOR INTERIM STUDY.**

Rep. Wayne T. Moynihan for Environment and Agriculture. This bill was presented because independent, small farmers in Northern NH have been attempting to use available space in a village enterprise to place and sell their farm produced products. They desire to use the available space on a longer-term basis but that exceeds the current rules regarding “farmers markets.” The farmers have also been confronted with problems because some of their plans do not falls within the regulations regarding “roadside farm stands.” The testimony received by the committee was compelling as to the farmers’ plans and products. The input received from the state agencies was encouraging as to finding a solution to expand the markets for these independent businesses. These circumstances present an opportunity to improve the food marketing rules for the benefit of all the small farmers in the state. However, time being what it is, additional study will be necessary to create an appropriate, workable policy. Therefore, the committee unanimously voted to refer the issue for interim study. Vote 13-0.

HB 1578-FN, relative to record keeping for sold or transferred animals. **REFER FOR INTERIM STUDY.**

Rep. Robert H. Haefner for Environment and Agriculture. The bill requires licensed animal transferors to keep certain records and submit copies of such to the Attorney General’s Office of Charitable Trusts. The legislation is needed by the Attorney General’s Office because they suspect that some 501-C3s may be misrepresenting their non-profit status. The bill was not ready to pass, so the committee will take the time to fix it in Interim Study. Vote 12-0.

HB 1102, relative to membership of the police standards and training council. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter T. Hansen for Executive Departments and Administration. This bill, as amended, increases the membership of the New Hampshire Police Standards and Training Council from 12 to 14 members. The council will now have 2 members from the general public. The committee unanimously concurred with the bill’s intent. Vote 12-0.

Amendment (0294h)

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

1 Police Standards and Training Council; Public Members Added. Amend RSA 188-F:24, I to read as follows:

I. There is established a police standards and training council. It shall consist of ~~[12]~~ **14** members as follows:

- (a) ~~[2]~~ **Two** members shall be chiefs of police in towns;
- (b) ~~[2]~~ **Two** members shall be chiefs of police in cities;
- (c) ~~[2]~~ **Two** members shall be county sheriffs;
- (d) ~~[2]~~ **Two** members shall be judges of courts with criminal jurisdiction;
- (e) The chancellor of the community college system of New Hampshire, or designee;
- (f) The director of the division of state police, or designee;
- (g) The attorney general, or designee~~[-and];~~
- (h) The commissioner of the department of corrections, or designee~~[-];~~ **and**
- (i) **Two public members, neither of whom shall be a certified police officer, lawyer, or judge, and neither of whom shall have a spouse, sibling, or parent, by birth, adoption, or marriage, who is a certified police officer, lawyer, or judge.**

2 Police Standards and Training Council. Amend RSA 188-F:24, IV to read as follows:

IV. Notwithstanding the provisions of any statute, ordinance, local law, or charter provision to the contrary **and except as otherwise provided in subparagraph I(i) regarding qualification of public members**, membership on the council shall not disqualify any member from holding any other public office or employment, or cause the forfeiture of any office or employment.

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

AMENDED ANALYSIS

This bill adds 2 public members to the police standards and training council.

HB 1152-FN, terminating the benefit program for call, substitute or volunteer firemen administered by the New Hampshire retirement system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Raymond G. Gagnon for Executive Departments and Administration. This bill was requested by the New Hampshire Retirement System after consultation with independent tax counsel. As amended, the bill merely transfers to a subtrust the assets required to fund this benefit. All individuals who are entitled to benefits will continue to receive them in full. Vote 19-0.

Amendment (0017h)

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

1 Repeal. RSA 100-A:19, relative to benefits for call, substitute, or volunteer firemen, is repealed.

2 Administration of Benefit Payments to Existing Beneficiaries.

I. For each person receiving an annual allowance under RSA 100-A:19 as of the effective date of this act, the retirement system shall continue to pay the annual allowance to each such person as had been provided under RSA 100-A:19 prior to its repeal.

II. The retirement system shall fund the benefits required under paragraph I with the remaining funds available for RSA 100-A:19 as of the effective date of this act. All such funds shall be transferred to and held in a subtrust of the retirement system which is tax exempt pursuant to Section 115 of the Internal Revenue Code.

III. The retirement system shall be reimbursed from available funds in the subtrust a reasonable annual fee for administration of the benefit until payments under paragraph I have terminated.

IV. Upon cessation of all benefit payments under paragraph I, any remaining funds held in the subtrust under paragraph II shall be refunded to the individual call firefighter, governmental entity, or other organization which paid the annual sums under RSA 100-A:19 for the 2013 fiscal year. Said refund shall be paid in a lump sum to the respective fire chief, clerk, or other responsible officer or governmental representative who remitted such annual sums on a pro rata basis based upon the total amounts remitted pursuant to RSA 100-A:19 for the 2013 fiscal year. Each such fire chief, clerk, or other responsible officer or governmental representative shall, in turn, make payments of the refunded sums, on a pro rata basis as reasonably determined, to the individual call firefighter, if then surviving and located by the remitting entity, without unreasonable delay.

3 Retirement System; Annuity Accumulation Fund; Call, Substitute, or Volunteer Firemen Amounts. Amend RSA 100-A:16, II(a) to read as follows:

(a) The state annuity accumulation fund shall be the fund in which shall be accumulated all reserves for the payment of all state annuities payable from contributions made by employers, any amounts transferred thereto from a similar fund under one or more of the predecessor systems, **and** amounts transferred from the member annuity savings fund, ~~[and all amounts paid to the system by or on account of call, substitute, or volunteer firemen]~~ and from which shall be paid all benefits payable under the system other than those payable from the member annuity savings fund.

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

HB 1155-FN, relative to state retiree health coverage premium contributions. **INEXPEDIENT TO LEGISLATE.** Rep. Dianne E. Schuett for Executive Departments and Administration. The bill would have allowed the commissioner of administrative services to change premiums for health coverage for state retirees with approval by the legislative fiscal committee. The committee believed that this would be abrogating the responsibility of the full legislature to approve or deny these changes. Vote 19-0.

HB 1173, relative to the report submission date of the state retiree health plan commission. **OUGHT TO PASS.** Rep. Carol M. McGuire for Executive Departments and Administration. This bill simply sets the required due date for this report to be in odd numbered years, using data from the even numbered years. This has been the practice since the retiree health plan commission was instituted, since compiling data and the required actuarial analyses takes a considerable amount of time. The committee agreed that changing the due date makes more sense than either skipping a year or generating, at considerable cost, an extra report and analyses. Vote 13-0.

HB 1175, prohibiting state contracts with individuals or for corporations who have been convicted of certain criminal offenses or found liable of certain civil offenses. **INEXPEDIENT TO LEGISLATE.**

Rep. Carol M. McGuire for Executive Departments and Administration. This bill would further add to the current restrictions on state contracting, in a number of problematic ways. For example, individuals accused of some offenses, but not convicted, would also be barred from contracting, as would companies with any delinquent taxes and companies that had been fined as little as \$1000 in two years by the EPA, for any reason. Under the current system, bidders provide an affidavit that they are not barred from contracting, and typically, if they are incorrect in this assertion, their competition brings it to the attention of the Executive Council, which is charged with reviewing and approving all state contracts. This bill has no fiscal note, but expanding the background checks on bidders could prove a costly undertaking. Finally, all of the issues brought forth in favor of tightening the contracting process involved DOT projects – but DOT has a different process entirely and is exempted from the statute changed by this bill. The committee was not convinced that contracting with criminal organizations was a major problem in New Hampshire, nor that this bill would be the correct solution to the problem if it were. Vote 15-0.

HB 1210, correcting certain references to divisions of the department of revenue administration. **OUGHT TO PASS.**

Rep. Carol M. McGuire for Executive Departments and Administration. This bill updates several statutory references to the divisions of the DRA, so that they agree with the organizational change we passed in 2013's HB 252. No duties or responsibilities are changed, just the cross references which will now call for the current organizational title. Vote 18-0.

HB 1219, relative to the work schedules of pharmacists. **REFER FOR INTERIM STUDY.**

Rep. Jeffrey P. Goley for Executive Departments and Administration. This bill was brought forward to address an issue in which pharmacists are working long hours without breaks or lunch breaks. While the majority of the committee believes that a pharmacist who works long hours should get a break, the majority felt that this bill was not the way to solve the problem, and that it would be better to interim study the bill so we can work with the Department of Labor and come up with legislation under the labor statutes to address the issue. Vote 17-2.

HB 1269, relative to expungement of agency records. **INEXPEDIENT TO LEGISLATE.**

Rep. Carol M. McGuire for Executive Departments and Administration. This bill would allow any person to petition the court to expunge records relating to a frivolous or unfounded investigation by any state or local agency. While concerned about misleading or outdated data available on websites, the committee was not convinced that this method would be effective, and feared that an attempt to do so would be expensive and futile. Since we did not believe this bill would accomplish the sponsor's goals, we voted it should be Inexpedient to Legislate. Vote 13-0.

HB 1327, establishing a commission to review the security of data collected by the state of New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dianne E. Schuett for Executive Departments and Administration. The committee believed that rather than creating an entirely new statutory commission the duties suggested in the bill should simply be added to the charge of the Information Technology Council which already exists in RSA 21-R:6. The proposed amendment adds those duties. Vote 19-0.

Amendment (0696h)

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

AN ACT relative to the duties of the information technology council.

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

1 New Subparagraph; Information Technology Council. Amend RSA 21-R:6, I by inserting after subparagraph (g) the following new subparagraph:

(h) The security of data shared with the federal government, methods to improve state data security practices, and suggested legislation, policies, and procedures to limit data sharing when its confidentiality cannot be assured.

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

AMENDED ANALYSIS

This bill directs the information technology council to advise the department of information technology on ways in which state data sharing practices may be improved.

HB 1398-FN, allowing the retirement system to make payments in lieu of payments to estates in certain instances. **OUGHT TO PASS.**

Rep. Raymond G. Gagnon for Executive Departments and Administration. This legislation allows the retirement system to make payments of \$15,000 or less directly to the next of kin of a deceased member of a beneficiary when no probate proceedings are pending. Conditions are clearly outlined for making the payment: six months have passed since the death of such a member or beneficiary; no demand for payment has been made from a duly appointed executor or administrator; no probate proceedings have been instituted, or all such probate proceedings have closed; and lastly next of kin have provided a written request for such payment and an affidavit in a form approved by the board of trustees. This bill is an administrative change designed to more efficiently pay beneficiaries and will have no fiscal impact on state, county or local revenues and expenditures. Vote 17-0.

HB 1537, relative to acceptance of grants by state agencies. **INEXPEDIENT TO LEGISLATE.**

Rep. Dianne E. Schuett for Executive Departments and Administration. The bill would require approval by the governor and council before any state agency could accept any grant from any source, public or private. The committee believes this bill would add another unneeded layer of bureaucracy to the process of accepting grants. It would require redundant reporting by clerical and accounting personnel damaging efficiency without increasing transparency from the current processes. Vote 13-0.

HB 1552, establishing a commission to study cyber security for critical state infrastructure. **INEXPEDIENT TO LEGISLATE.**

Rep. Jeffrey P. Goley for Executive Departments and Administration. The committee supports the efforts of the sponsors, but felt that instead of creating another commission, believes that the concerns of cyber security are already being dealt with in meetings already being held between department heads and information technology and Department of Safety personnel, and in the Information Technology Council that is in place under RSA 21-R:6. There were also concerns from committee members about the bill requiring the committee hearings to be public. Members felt that commission hearings about cyber security and threats within state based infrastructure, including data and communication systems, banking and financial records, natural gas, water systems and the electrical grid, should not be required to be public and could compromise our systems security. Vote 13-2.

HB 1569-FN, permitting licensing requirements to be waived for buyers and sellers. **INEXPEDIENT TO LEGISLATE.**

Rep. John Sytek for Executive Departments and Administration. This bill would permit an unlicensed person to perform a service for which the state requires licensing if the buyer is willing. While this bill may have some limited appeal, its scope is too wide. There are no limitations or conditions. Without such conditions, there could be and would be serious issues affecting public health and safety. Vote 15-0.

HB 1617-FN, permitting the retirement system to access death, marriage, and divorce records of the division of vital records administration for the administration of RSA 100-A. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Raymond G. Gagnon for Executive Departments and Administration. As amended, this legislation permits the retirement system to access death, marriage, and divorce records of the Division of Vital Records Administration for the administration of RSA 100-A. Recognizing the sensitive nature of the requested information, the amended version is the result of collaborative agreement between the New Hampshire Retirement System and the New Hampshire Secretary of State who has oversight regarding these vital records. As amended, this makes the vital records legislation even narrower and respective of privacy concerns. Vote 13-0.

Amendment (0144h)

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

1 Vital Records Administration; Privacy. Amend RSA 5-C:4, II to read as follows:

II. In collecting information, prime consideration shall be given to the protection of the privacy of the individuals about whom information is given. In accordance with the provisions of this chapter, the secretary of state shall ensure that, when information is collected, the minimum of data shall be collected to accomplish a specific purpose, that no information shall be available to unauthorized personnel, that only the minimum be made available to authorized personnel, and that no information that could possibly adversely affect an

identified individual be made public. The department of health and human services shall have access to vital records information in accordance with the provisions of RSA 126:24-c. ***The New Hampshire retirement system shall have access to a limited data set of vital records information in accordance with the provisions of RSA 100-A:14, XVI.***

2 New Paragraph; Vital Records; Disclosure of Information. Amend RSA 5-C:9 by inserting after paragraph VII the following new paragraph:

VIII. The New Hampshire retirement system shall have a direct and tangible interest in a limited data set of death, marriage and divorce information of members and beneficiaries for purposes of administering RSA 100-A, limited to name of registrant, date of birth, place of birth, social security number, date of vital event, place of vital event, marital status, and name of spouse. The secretary of state and the executive director of the New Hampshire retirement system shall enter into a memorandum of understanding for the purposes of delineating specific procedures for access to this limited data set.

3 New Paragraph; Retirement System Administration. Amend RSA 100-A:14 by inserting after paragraph XV the following new paragraph:

XVI. Access to Information From Vital Records for Retirement System Purposes. The retirement system shall have a direct and tangible interest in death, marriage, and divorce vital records information of members and beneficiaries, limited to name of registrant, date of birth, place of birth, social security number, date of vital event, place of vital event, marital status, and name of spouse. The secretary of state and the executive director of the New Hampshire retirement system shall enter into a memorandum of understanding for the purposes of delineating specific procedures for access to this limited data set.

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

AMENDED ANALYSIS

This bill grants the retirement system authority to establish electronic access to a limited data set of vital records data on deaths, marriages, and divorces held by the division of vital records administration for the purposes of the administration of RSA 100-A.

This bill is a request of the New Hampshire retirement system.

HB 1627-FN-A-L, relative to video lottery and table gaming. **INEXPEDIENT TO LEGISLATE.**

Rep. Patrick F. Abrami for Ways and Means. When this bill was introduced to Ways and Means, the prime sponsor requested that this bill be ITL'd. The committee concurred with the prime sponsor. Vote 18-2.

SPECIAL ORDER BILLS

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.

LAID ON THE TABLE

Rep. Almy moved that **HB 1570-FN**, establishing a paint stewardship program, be laid on the table. On a division vote, 284 members having voted in the affirmative and 13 in the negative, the motion was adopted.

SPECIAL ORDER BILLS (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.

Reps. Whittemore and Horrigan spoke against.

Rep. Moynihan spoke in favor and yielded to questions.

On a division vote, 248 members having voted in the affirmative and 66 in the negative, the committee report was adopted.

REGULAR CALENDAR – PART I - CONTINUED FROM MARCH 6

HB 1207, relative to identification of the source of legislative bill proposals. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary B. Richardson for Legislative Administration. This bill would require the identification of a private organization responsible for distributing a model act used by a legislator to propose legislation. The committee is supportive of the concept of full disclosure and transparency in legislation. Just as we require lobbyists to identify themselves with orange badges because we believe that legislators are entitled to know where the information is coming from, we believe that legislators are entitled to know when legislation is being proposed by outside interests, whether that special interest is a state agency or an out of state PAC. However, we believe that this issue is better addressed through House Rules rather than a statute. Accordingly, the committee recommends that this bill be found Inexpedient to Legislate, but urges the House to adopt a rule next session to require the disclosure of all sources of proposed legislation that is being offered by a member. Vote 12-0.

Rep. Emerson-Brown spoke against.

Rep. Winters spoke in favor.

Rep. Rogers spoke against and yielded to questions.

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

On a division vote, 268 members having voted in the affirmative and 57 in the negative, the committee report was adopted.

HB 1195, establishing a commission to study the impacts of the property tax on New Hampshire's residents, businesses, municipalities, and the economy. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kris E. Roberts for the Majority of Municipal and County Government. This bill would establish a Property Tax Study Committee to study the impacts of the property tax on New Hampshire's residents, businesses, municipalities and the state's economy. HB 1195 is not a back-door attempt to implement broad based taxes, such as an income or sale tax. HB 1195 states that the committee shall study the impacts of the property tax and evaluate options, limited exclusively to alternatives for structuring the property tax as listed. The majority of the committee felt HB 1195 is a pro-active means of enhancing long-term land-use management and tax policy to ensure that businesses not only want to remain in New Hampshire but also seriously consider moving to New Hampshire. In addition, the current property tax policies are resulting in far too many of our elderly citizens being forced out of their homes due to ever increasing property taxes; this results in increased financial and social costs in other areas. New Hampshire is an aging state; we must be more pro-active to ensure that our young people remain here after graduation; to do so we need to provide more job opportunities and make the cost of owning a home and raising a family more competitive. An important issue is the effect

of land easements and the permanence of those easements on the property tax rates and the future growth of businesses and residents in many municipalities. New Hampshire has placed a great deal of importance on renewable energy but this has resulted in numerous issues over how the property taxes and payment in lieu of taxes should be divided between municipalities. Hopefully, this study committee would begin to address these issues. Vote 14-1.

Rep. James E. Coffey for the Minority of Municipal and County Government. New Hampshire relies on the property tax more than almost any other state to fund the operation of state and local government. A fixed amount of revenue needs to be raised each year and attempts to “fix” perceived issues will simply gore someone else’s ox. For each proposed winner, with lower taxes, there must be a corresponding loser paying more. The charge being proposed to the study committee is totally amorphous: to “study the impacts of the property tax on New Hampshire residents, businesses, municipalities, and the economy, and evaluate options, limited exclusively to alternatives for structuring the property tax” including a laundry list of references to tax rates, exemptions, incentives and valuation. With no focus, it is highly doubtful that even one of these topics could be adequately addressed in such a short time frame. It furthermore goes on to remove any consideration of education property taxes in the context of education funding policy. For many of us, that removes the lion’s share of the property taxes taken from us. This bill, as amended, proposes a committee of three representatives appointed by the Speaker of the House, and two Senators appointed by the President of the Senate, with its findings and recommendations for proposed legislation to be completed in an election year by November 1, 2014. We should not create a study that cannot be adequately performed, and given the short time to complete and the politically charged nature of the study it should be left for another time with a better focus.

Majority Amendment (0610h)

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

AN ACT establishing a committee to study the impacts of the property tax on New Hampshire’s residents, businesses, municipalities, and the economy.

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

1 Property Tax Study Committee Established. There is established a committee to study the impacts of the property tax on New Hampshire’s residents, businesses, municipalities, and the economy.

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

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

(b) Two members of the senate, appointed by the president of the senate.

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

III. The committee shall solicit testimony from persons or organizations with expertise or information relevant to property tax impacts on business, state, regional and municipal economics, municipal and regional land use planning, housing, and municipal governance.

IV. The committee shall study the impacts of the property tax on New Hampshire’s residents, businesses, municipalities, and the economy, and evaluate options, limited exclusively to alternatives for structuring the property tax, including:

(a) Options for establishing tax rates.

(b) Options for a broader range of exemptions that are consistent with the New Hampshire constitution including a more robust homestead exemption.

(c) Property tax incentives to achieve public benefit goals.

(d) An evaluation of the costs and effectiveness of property tax incentives as a tool for promoting economic development on both a local and statewide basis.

(e) Enabling municipal or inter-municipal taxation and revenue sharing structures.

(f) Evaluating the impact of property taxes on capital-intensive businesses.

(g) Evaluating the use of property taxation on land value versus the market value of the entire property.

V. The committee’s work shall not focus on education property taxes in the context of education funding policy.

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

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

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

AMENDED ANALYSIS

This bill establishes a committee to study the impacts of the property tax on New Hampshire's residents, businesses, municipalities, and the economy.

MOTION TO LAY ON THE TABLE

Rep. Coffey moved that **HB 1195**, establishing a commission to study the impacts of the property tax on New Hampshire's residents, businesses, municipalities, and the economy, be laid on the table.

On a division vote, 129 members having voted in the affirmative and 189 in the negative, the motion failed.

The question being adoption of the majority committee amendment.

Majority committee amendment adopted.

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

Rep. Hoell requested a roll call; sufficiently seconded.

YEAS 201 - NAYS 128

YEAS - 201

BELKNAP

DiMartino, Lisa

Gulick, Ruth

Huot, David

Raymond, Ian

CARROLL

Buco, Thomas
White, Syndi

Butler, Edward

McConkey, Mark

Ticehurst, Susan

CHESHIRE

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

COOS

Coulombe, Gary
Theberge, Robert

Hammon, Marcia

Hatch, William

Moynihan, Wayne

GRAFTON

Aguiar, James
Ford, Susan
Higgins, Patricia
Piper, Wendy
White, AndrewAlmy, Susan
Friedrich, Carol
Lovett, Sid
Smith, SuzanneBenn, Bernard
Gionet, Edmond
Mulholland, Catherine
Sykes, GeorgeCooney, Mary
Harding, Laurie
Nordgren, Sharon
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Chandley, Shannon
Danielson, David
Gale, Sylvia
Goley, Jeffrey
Hammond, Jill
Heden, Ruth
Knowles, Mary Ann
Long, Patrick
McNamara, Richard
Porter, Marjorie
Rosenwald, Cindy
Soucy, Timothy
Vail, Suzanne
Woodbury, DavidBeaulieu, Jane
Christiansen, Lars
DiSilvestro, Linda
Garcia, Michael
Gorman, Mary
Hansberry, Daniel
Jack, Martin
Kopka, Angeline
MacKay, Mariellen
Nelson, Mary
Ramsey, Peter
Schmidt, Janice
Spratt, Stephen
Walsh, RobertBrown, Pamela
Connor, Evelyn
Eaton, Richard
Gargasz, Carolyn
Grady, Brenda
Harriott-Gathright, Linda
Jeudy, Jean
Leishman, Peter
Mangipudi, Latha
O'Brien, Michael
Renzullo, Andrew
Shattuck, Gilman
Sullivan, Daniel
Williams, KermitCampbell, David
Cote, David
Gage, Ruth
Gidge, Kenneth
Hackel, Paul
Heath, Mary
Kelley, John
Levesque, Melanie
Manley, Jonathan
O'Neil, William
Rhodes, Brian
Shaw, Barbara
Sullivan, Peter
Winters, Joel

MERRIMACK

Alicia, Caroletta
Carson, Clyde
French, Barbara
Karrick, David
MacKay, James
Rice, Chip
Schuett, Dianne
Walsh, ThomasAndrews, Christopher
Davis, Frank
Gile, Mary
Kelly, Sally
Moffett, Howard
Richardson, Gary
Shurtleff, Stephen
Walz, Mary BethBurns, Scott
Ebel, Karen
Henle, Paul
Kidder, David
Patten, Dick
Rogers, Katherine
Turcotte, Alan
Watrous, RickCarey, Lorrie
Frambach, Mary
Hunt, Jane
Lockwood, Priscilla
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Burtis, Elizabeth
Cushing, Robert
Flockhart, Eileen
Khan, Aboul
Moody, Marcia
Schlachman, Donna
Till, Mary

Belanger, Ronald
Cahill, Michael
Danais, Romeo
Garcia, Marilinda
Lovejoy, Patricia
Muns, Chris
Sedensky, John
Ward, Gerald

Borden, David
Cali-Pitts, Jacqueline
Elliott, Robert
Grace, Curtis
Mann, Maureen
Nigrello, Robert
Sherman, Thomas
Wazlaw, Brian

Briden, Steven
Copeland, Timothy
Emerson-Brown, Rebecca
Heffron, Frank
McKinney, Betsy
Scarlotto, Joe
St.James, Kevin
Whittemore, Lisa

STRAFFORD

Baber, William
Gardner, Janice
Horrigan, Timothy
Merrill, Amanda
Smith, Marjorie
Verschueren, James

Berube, Roger
Grassie, Anne
Hubbard, Pamela
Perry, Robert
Spainhower, Dale
Wall, Janet

Bickford, David
Grossman, Kenneth
Kaen, Naida
Rogers, Rose Marie
Spang, Judith
Ward, Kenneth

Bixby, Peter
Hooper, Dorothea
Malloy, Dennis
Schmidt, Peter
Stevens, Audrey

SULLIVAN

Cloutier, John
Irwin, Virginia

Gagnon, Raymond
Lefebvre, Benjamin

Gottling, Suzanne
Rollins, Skip

Grenier, James
Tanner, Linda

NAYS - 128**BELKNAP**

Burchell, Richard
Fink, Charles
Luther, Robert

Comtois, Guy
Flanders, Donald
Sylvia, Michael

Cormier, Jane
Greemore, Robert
Tilton, Franklin

Fields, Dennis
Holmes, Stephen
Vadney, Herbert

CARROLL

Chandler, Gene
Schmidt, Stephen

Cordelli, Glenn
Umberger, Karen

Merrow, Harry
Wright, Donald

Nelson, Bill

CHESHIRE

Johnson, Jane

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Ladd, Rick

Reilly, Harold

HILLSBOROUGH

Barry, Richard
Cebrowski, John
Flanagan, Jack
Hansen, Peter
Jasper, Shawn
LeBrun, Donald
Murphy, Kelleigh
Ober, Lynne
Peterson, Lenette
Sandblade, Emily
Ulery, Jordan
Willette, Robert

Boehm, Ralph
Coffey, James
Gagne, Larry
Hikel, John
Katsiantonis, Thomas
Marston, Dick
Murphy, Keith
Ober, Russell
Pratt, Calvin
Straight, Philip
Vaillancourt, Steve

Burt, John
Culbert, Patrick
Graham, John
Hinch, Richard
Kurk, Neal
Martel, Andre
Notter, Jeanine
Palmer, Stephen
Rowe, Robert
Stroud, Kathleen
Villeneuve, Moe

Byron, Frank
Daniels, Gary
Haefner, Robert
Infantine, William
Lambert, George
McCarthy, Michael
O'Flaherty, Tim
Parison, James
Sanborn, Laurie
Sweeney, Shawn
Warden, Mark

MERRIMACK

Bartlett, Christy
McGuire, Carol

Hess, David
McGuire, Dan

Hoell, J.R.
Webb, Leigh

Kotowski, Frank

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Devine, James
Ferrante, Beverly
Hagan, Joseph
Itse, Daniel
Major, Norman
Oligny, Jeffrey
Priestley, Anne
Sweeney, Joe
Waterhouse, Kevin

Allen, Mary
Chirichiello, Brian
Duarte, Joe
Fesh, Robert
Harris, Jeffrey
Kappler, Lawrence
McMahon, Charles
Packard, Sherman
Rice, Frederick
Sytek, John
Webb, James

Baldasaro, Alfred
Comerford, Timothy
Dumaine, Dudley
Gordon, Richard
Hodgdon, Bruce
Kolodziej, Walter
Milz, David
Peckham, Michele
Sapareto, Frank
Tasker, Kyle
Weyler, Kenneth

Bick, Patrick
DeSimone, Debra
Emerick, J. Tracy
Griffin, Mary
Hoelzel, Kathleen
Lundgren, David
O'Connor, John
Perkins, Lawrence
Schroadter, Adam
Tucker, Pamela

STRAFFORDBeaudoin, Steven
Pitre, Joseph

Groen, Warren

Jones, Laura

Mullen, John

SULLIVAN

Osgood, Joe

Schmidt, Andrew

Smith, Steven

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

HB 1601, relative to mandatory headlamp use. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gladys Johnsen for the Majority of Transportation. This bill is relative to mandatory headlamp use. Every vehicle, or combination of vehicles, shall have a light or set of lights that shall be visible from the front and rear during the period from sunset to sunrise and whenever fog or precipitation in the form of rain or snow is present. These lights shall be displayed using at least two lamps on the front; one lighted lamp on the front of a motorcycle shall be sufficient. Headlights should be visible within a distance of 200 feet, and 150 feet for motorcycles. Vote 8-3.

Rep. Tim O'Flaherty for the Minority of Transportation. The existing law on headlight usage allows drivers some leeway from 30 minutes after sunset and before sunrise to activate their lights. The committee heard no testimony other than from the sponsor for the need for this bill.

Majority Amendment (0265h)

Amend the bill by replacing sections 1-2 with the following:

1 Use of Lights. Amend RSA 265:109 to read as follows:

265:109 Period of Lighting. Every vehicle or combination of vehicles, whether stationary or in motion, on any way or bridge, shall have attached to it a light or lights, which shall be so displayed as to be visible from the front and rear, during the period from [1/2 hour after] sunset to [1/2 hour before] sunrise.

2 Headlamps; When Use is Required. Amend RSA 266:31 to read as follows:

266:31 Front Lights. Every motor vehicle driven during the period from [1/2 hour after] sunset to [1/2 hour before] sunrise, and whenever ***fog or precipitation in the form of rain[,] or snow[,] or fog shall interfere with the proper view of the road so that persons and vehicles on the way are not clearly discernible at a distance of 1000 feet ahead*** ***is present***, shall display at least 2 lighted lamps on the front; provided, however, that one suitable lighted lamp on the front of a motorcycle shall be sufficient. The headlamp shall throw sufficient light ahead within the travelled portion of the way to make clearly visible all vehicles, persons, or substantial objects within a distance of 200 feet, except that the headlamps of motorcycles shall be sufficient if they make clearly visible objects within a distance of 150 feet. No headlamp shall be used unless it is approved by the director and is equipped with a proper lens or other device designed to prevent glaring rays. All headlamps on every motor vehicle shall be located at a height of not more than 54 inches nor less than 24 inches from the ground on an unladen vehicle. The measurement shall be made from the ground to the center of the lens. No device which obstructs, reflects, or alters the beam of such headlamp shall be used in connection therewith unless approved by the director. Every lens or other device to prevent glaring rays, the use of which on motor vehicles has been approved by the director, shall be arranged, adjusted, and operated in accordance with the requirements of the certificate approving the use thereof. Every lamp, bulb, or light used in any headlamp shall be of such candle power as may be specified for the approved device in the certificate approving the use thereof. Every reflector which is used as a part of such headlamp shall have a reflecting surface approved by the director after satisfactory tests have been made, and every reflecting surface shall be free from dents, rust, and other imperfections. The driver of every motor vehicle shall permit any properly authorized person to inspect the headlighting equipment of such motor vehicle and to make such tests as he ***or she*** may deem necessary to determine whether the provisions of this section are being complied with.

Rep. James Webb spoke against and yielded to questions.

Rep. Michael O'Brien spoke in favor.

Rep. Chirichiello requested a roll call; sufficiently seconded.

YEAS 164 - NAYS 161

YEAS - 164

BELKNAP

DiMartino, Lisa

Gulick, Ruth

Huot, David

Raymond, Ian

CARROLL

Buco, Thomas

Butler, Edward

Ticehurst, Susan

CHESHIRE

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

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

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

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

COOS

Coulombe, Gary
Theberge, Robert

Hammon, Marcia

Hatch, William

Moynihan, Wayne

GRAFTON

Aguiar, James
Ford, Susan
Mulholland, Catherine
Sykes, George

Almy, Susan
Harding, Laurie
Nordgren, Sharon
Townsend, Charles

Benn, Bernard
Higgins, Patricia
Reilly, Harold
White, Andrew

Cooney, Mary
Lovett, Sid
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Chandley, Shannon
Eaton, Richard
Gidge, Kenneth
Hammond, Jill
Jack, Martin
Kopka, Angeline
MacKay, Mariellen
Nelson, Mary
Rhodes, Brian
Shattuck, Gilman
Sullivan, Daniel
Winters, Joel

Beaulieu, Jane
Christiansen, Lars
Gage, Ruth
Gorman, Mary
Harriott-Gathright, Linda
Katsiantonis, Thomas
Leishman, Peter
Mangipudi, Latha
O'Brien, Michael
Rokas, Ted
Shaw, Barbara
Vail, Suzanne
Woodbury, David

Brown, Pamela
Connor, Evelyn
Gale, Sylvia
Grady, Brenda
Heath, Mary
Kelley, John
Levesque, Melanie
Manley, Jonathan
O'Neil, William
Rosenwald, Cindy
Soucy, Timothy
Walsh, Robert

Campbell, David
Cote, David
Gargas, Carolyn
Hackel, Paul
Heden, Ruth
Knowles, Mary Ann
Long, Patrick
McNamara, Richard
Ramsey, Peter
Schmidt, Janice
Spratt, Stephen
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Davis, Frank
Henle, Paul
Moffett, Howard
Richardson, Gary
Wallner, Mary Jane

Bartlett, Christy
Frambach, Mary
Kelly, Sally
Patten, Dick
Rogers, Katherine
Walz, Mary Beth

Burns, Scott
French, Barbara
Kidder, David
Ratzki, Mario
Schuett, Dianne
Watrous, Rick

Carson, Clyde
Gile, Mary
MacKay, James
Rice, Chip
Shurtleff, Stephen
Webb, Leigh

ROCKINGHAM

Abrami, Patrick
Cahill, Michael
Emerson-Brown, Rebecca
Major, Norman
Muns, Chris

Andrews-Ahearn, E. Elaine
Cali-Pitts, Jacqueline
Ferrante, Beverly
Mann, Maureen
Whittemore, Lisa

Belanger, Ronald
Copeland, Timothy
Flockhart, Eileen
McKinney, Betsy

Burtis, Elizabeth
Cushing, Robert
Heffron, Frank
Moody, Marcia

STRAFFORD

Baber, William
Grassie, Anne
Hubbard, Pamela
Rogers, Rose Marie
Stevens, Audrey

Berube, Roger
Grossman, Kenneth
Kaen, Naida
Schmidt, Peter
Verschueren, James

Bixby, Peter
Hooper, Dorothea
Merrill, Amanda
Smith, Marjorie
Wall, Janet

Gardner, Janice
Horrigan, Timothy
Perry, Robert
Spang, Judith

SULLIVAN

Cloutier, John
Lefebvre, Benjamin
Tanner, Linda

Gagnon, Raymond
Schmidt, Andrew

Gottling, Suzanne
Smith, Steven

Irwin, Virginia
Sweeney, Cynthia

NAYS - 161**BELKNAP**

Burchell, Richard
Flanders, Donald
Sylvia, Michael

Cormier, Jane
Greemore, Robert
Tilton, Franklin

Fields, Dennis
Holmes, Stephen
Vadney, Herbert

Fink, Charles
Luther, Robert

CARROLL

Chandler, Gene
Nelson, Bill
Wright, Donald

Cordelli, Glenn
Schmidt, Stephen

McConkey, Mark
Umberger, Karen

Morrow, Harry
White, Syndi

CHESHIRE

Eaton, Daniel

Johnson, Jane

Roberts, Kris

COOS

Rappaport, Laurence	Richardson, Herbert	Rideout, Leon
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GRAFTON

Friedrich, Carol	Gionet, Edmond	Ladd, Rick	Piper, Wendy
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HILLSBOROUGH

Barry, Richard	Boehm, Ralph	Burt, John	Byron, Frank
Coffey, James	Culbert, Patrick	Daniels, Gary	Danielson, David
DiSilvestro, Linda	Flanagan, Jack	Gagne, Larry	Garcia, Michael
Goley, Jeffrey	Graham, John	Haefner, Robert	Hansberry, Daniel
Hikel, John	Hinch, Richard	Infantine, William	Jasper, Shawn
Jeady, Jean	Kurk, Neal	Lambert, George	LeBrun, Donald
Marston, Dick	Martel, Andre	McCarthy, Michael	Murphy, Kelleigh
Murphy, Keith	Notter, Jeanine	O'Flaherty, Tim	Ober, Lynne
Ober, Russell	Palmer, Stephen	Parison, James	Peterson, Lenette
Pratt, Calvin	Renzullo, Andrew	Rowe, Robert	Sanborn, Laurie
Sandblade, Emily	Straight, Philip	Stroud, Kathleen	Sullivan, Peter
Sweeney, Shawn	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe
Warden, Mark	Willette, Robert		

MERRIMACK

Andrews, Christopher	Carey, Lorrie	Ebel, Karen	Hess, David
Hoell, J.R.	Hunt, Jane	Karrick, David	Kotowski, Frank
Lockwood, Priscilla	McGuire, Carol	McGuire, Dan	Schamberg, Thomas
Turcotte, Alan	Walsh, Thomas		

ROCKINGHAM

Allen, Mary	Baldasaro, Alfred	Bick, Patrick	Birdsell, Regina
Borden, David	Briden, Steven	Chirichiello, Brian	Comerford, Timothy
Danais, Romeo	DeSimone, Debra	Devine, James	Duarte, Joe
Dumaine, Dudley	Elliott, Robert	Emerick, J. Tracy	Fesh, Robert
Garcia, Marilinda	Gordon, Richard	Grace, Curtis	Griffin, Mary
Hagan, Joseph	Harris, Jeffrey	Hodgdon, Bruce	Hoelzel, Kathleen
Itse, Daniel	Kappler, Lawrence	Khan, Aboul	Kolodziej, Walter
Lovejoy, Patricia	Lundgren, David	McMahon, Charles	Milz, David
Nigrello, Robert	O'Connor, John	Oigny, Jeffrey	Packard, Sherman
Peckham, Michele	Perkins, Lawrence	Priestley, Anne	Rice, Frederick
Sapareto, Frank	Scarlottio, Joe	Schlachman, Donna	Schroadter, Adam
Sedensky, John	Sherman, Thomas	St.James, Kevin	Sweeney, Joe
Sytek, John	Till, Mary	Tucker, Pamela	Ward, Gerald
Waterhouse, Kevin	Wazlaw, Brian	Webb, James	Weyler, Kenneth

STRAFFORD

Beaudoin, Steven	Bickford, David	Groen, Warren	Jones, Laura
Malloy, Dennis	Mullen, John	Pitre, Joseph	Spainhower, Dale

SULLIVAN

Grenier, James	Osgood, Joe	Rollins, Skip
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and the majority committee amendment was adopted.

MOTION TO LAY ON THE TABLE

Rep. James Webb moved that **HB 1601**, relative to mandatory headlamp use, be laid on the table.

On a division vote, 161 members having voted in the affirmative and 169 in the negative, the motion failed.

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

Rep. Beaudoin spoke against.

Rep. Manley spoke in favor and yielded to questions.

Rep. James Webb spoke against and yielded to questions.

Rep. Michael O'Brien spoke in favor.

MOTION TO INDEFINITELY POSTPONE

Rep. Michael Garcia moved that **HB 1601**, relative to mandatory headlamp use, be Indefinitely Postponed.

Rep. Gary Richardson moved the previous question.

On a division vote, 255 members having voted in the affirmative and 78 in the negative, the motion was adopted.

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

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

YEAS 151 - NAYS 182**YEAS - 151
BELKNAP**

DiMartino, Lisa

Gulick, Ruth

Raymond, Ian

Tilton, Franklin

CARROLL

Buco, Thomas

Butler, Edward

CHESHIREAmes, Richard
Johnsen, Gladys
Robertson, Timothy
Weber, LucyBerch, Paul
Lerandeau, Alfred
Sad, Tara
Weed, CharlesButynski, William
Ley, Douglas
Shepardson, Marjorie
Young, HarryChase, Cynthia
Mann, John
Tatro, Bruce**COOS**

Coulombe, Gary

Hammon, Marcia

Hatch, William

Moynihan, Wayne

GRAFTONAguiar, James
Harding, Laurie
Nordgren, Sharon
Townsend, CharlesAlmy, Susan
Higgins, Patricia
Reilly, Harold
White, AndrewCooney, Mary
Lovett, Sid
Smith, SuzanneFord, Susan
Mulholland, Catherine
Sykes, George**HILLSBOROUGH**Backus, Robert
Chandley, Shannon
DiSilvestro, Linda
Gargas, Carolyn
Hammond, Jill
Jack, Martin
Kopka, Angeline
Mangipudi, Latha
O'Brien, Michael
Rosenwald, Cindy
Soucy, Timothy
Williams, KermitBeaulieu, Jane
Christiansen, Lars
Eaton, Richard
Gidge, Kenneth
Harriott-Gathright, Linda
Katsiantonis, Thomas
Levesque, Melanie
Manley, Jonathan
O'Neil, William
Schmidt, Janice
Spratt, StephenBrown, Pamela
Connor, Evelyn
Gage, Ruth
Grady, Brenda
Heath, Mary
Kelley, John
Long, Patrick
McNamara, Richard
Porter, Marjorie
Shattuck, Gilman
Vail, SuzanneCampbell, David
Cote, David
Gale, Sylvia
Hackel, Paul
Heden, Ruth
Knowles, Mary Ann
MacKay, Mariellen
Nelson, Mary
Rokas, Ted
Shaw, Barbara
Walsh, Robert**MERRIMACK**Alicia, Caroletta
French, Barbara
MacKay, James
Richardson, Gary
Wallner, Mary JaneBartlett, Christy
Gile, Mary
Patten, Dick
Rogers, Katherine
Walz, Mary BethDavis, Frank
Kelly, Sally
Ratzki, Mario
Schuett, Dianne
Watrous, RickFrambach, Mary
Kidder, David
Rice, Chip
Shurtleff, Stephen
Webb, Leigh**ROCKINGHAM**Abrami, Patrick
Briden, Steven
Copeland, Timothy
Flockhart, Eileen
McKinney, BetsyAndrews-Ahearn, E. Elaine
Burtis, Elizabeth
Cushing, Robert
Lovejoy, Patricia
Moody, MarciaBelanger, Ronald
Cahill, Michael
Emerson-Brown, Rebecca
Major, Norman
Sherman, ThomasBorden, David
Cali-Pitts, Jacqueline
Ferrante, Beverly
Mann, Maureen
Whittemore, Lisa**STRAFFORD**Baber, William
Grassie, Anne
Hubbard, Pamela
Perry, Robert
Stevens, AudreyBerube, Roger
Grossman, Kenneth
Kaen, Naida
Rogers, Rose Marie
Verschueren, JamesBixby, Peter
Hooper, Dorothea
Meneer, H. Robert
Schmidt, Peter
Wall, JanetGardner, Janice
Horrigan, Timothy
Merrill, Amanda
Smith, Marjorie
Ward, Kenneth**SULLIVAN**Cloutier, John
Smith, StevenGottling, Suzanne
Sweeney, CynthiaIrwin, Virginia
Tanner, Linda

Lefebvre, Benjamin

NAYS - 182**BELKNAP**Burchell, Richard
Fink, Charles
Huot, DavidComtois, Guy
Flanders, Donald
Luther, RobertCormier, Jane
Greemore, Robert
Sylvia, MichaelFields, Dennis
Holmes, Stephen
Vadney, Herbert

CARROLL

Chandler, Gene
Nelson, Bill
White, Syndi

Cordelli, Glenn
Schmidt, Stephen
Wright, Donald

McConkey, Mark
Ticehurst, Susan

Merrow, Harry
Umberger, Karen

CHESHIRE

Eaton, Daniel
Roberts, Kris

Johnson, Jane

Parkhurst, Henry

Phillips, Larry

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

Theberge, Robert

GRAFTON

Benn, Bernard
Piper, Wendy

Friedrich, Carol

Gionet, Edmond

Ladd, Rick

HILLSBOROUGH

Barry, Richard
Byron, Frank
Daniels, Gary
Garcia, Michael
Haefner, Robert
Hinck, Richard
Kurk, Neal
Marston, Dick
Murphy, Keith
Ober, Russell
Pratt, Calvin
Rowe, Robert
Stroud, Kathleen
Ulery, Jordan
Willette, Robert

Belanger, James
Cebrowski, John
Danielson, David
Goley, Jeffrey
Hansberry, Daniel
Infantine, William
Lambert, George
Martel, Andre
Notter, Jeanine
Palmer, Stephen
Ramsey, Peter
Sanborn, Laurie
Sullivan, Daniel
Vaillancourt, Steve
Winters, Joel

Boehm, Ralph
Coffey, James
Flanagan, Jack
Gorman, Mary
Hansen, Peter
Jasper, Shawn
LeBrun, Donald
McCarthy, Michael
O'Flaherty, Tim
Parison, James
Renzullo, Andrew
Sandblade, Emily
Sullivan, Peter
Villeneuve, Moe
Woodbury, David

Burt, John
Culbert, Patrick
Gagne, Larry
Graham, John
Hikel, John
Judy, Jean
Leishman, Peter
Murphy, Kelleigh
Ober, Lynne
Peterson, Lenette
Rhodes, Brian
Straight, Philip
Sweeney, Shawn
Warden, Mark

MERRIMACK

Andrews, Christopher
Ebel, Karen
Hunt, Jane
McGuire, Carol
Turcotte, Alan

Burns, Scott
Henle, Paul
Karrick, David
McGuire, Dan
Walsh, Thomas

Carey, Lorrie
Hess, David
Kotowski, Frank
Moffett, Howard

Carson, Clyde
Hoell, J.R.
Lockwood, Priscilla
Schamberg, Thomas

ROCKINGHAM

Allen, Mary
Chirichiello, Brian
Devine, James
Emerick, J. Tracy
Grace, Curtis
Heffron, Frank
Kappler, Lawrence
McMahon, Charles
O'Connor, John
Perkins, Lawrence
Scarlott, Joe
St.James, Kevin
Till, Mary
Wazlaw, Brian

Baldasaro, Alfred
Comerford, Timothy
Duarte, Joe
Fesh, Robert
Griffin, Mary
Hodgdon, Bruce
Khan, Aboul
Milz, David
Oigny, Jeffrey
Priestley, Anne
Schlachman, Donna
Sweeney, Joe
Tucker, Pamela
Webb, James

Bick, Patrick
Danais, Romeo
Dumaine, Dudley
Garcia, Marilinda
Hagan, Joseph
Hoelzel, Kathleen
Kolodziej, Walter
Muns, Chris
Packard, Sherman
Rice, Frederick
Schroadter, Adam
Sytek, John
Ward, Gerald
Weyler, Kenneth

Birdsell, Regina
DeSimone, Debra
Elliott, Robert
Gordon, Richard
Harris, Jeffrey
Itse, Daniel
Lundgren, David
Nigrello, Robert
Peckham, Michele
Sapareto, Frank
Sedensky, John
Tasker, Kyle
Waterhouse, Kevin

STRAFFORD

Beaudoin, Steven
Malloy, Dennis
Spang, Judith

Bickford, David
Mullen, John

Groen, Warren
Pitre, Joseph

Jones, Laura
Spainhower, Dale

SULLIVAN

Gagnon, Raymond
Schmidt, Andrew

Grenier, James

Osgood, Joe

Rollins, Skip

and the majority committee report failed.

Rep. Vaillancourt moved the minority committee report of Inexpedient to Legislate.
Minority committee report adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR OF MARCH 5

HB 1323, relative to candidates for state representative. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary B. Richardson for Election Law. HB 1323 would create provisions related to persons filing for the office of state representative before attaining 18 years of age. The committee strongly supports participation in government by young people, but the New Hampshire constitution limits the right to serve in the state legislature to inhabitants who are 18 years of age and upward. The committee feels that requiring candidates to be at least 18 years of age when the candidate files for office is not unreasonable. Accordingly, the committee recommends that HB 1323 be found inexpedient to legislate. Vote 16-0.

Rep. Winters spoke against and yielded to questions.

Rep. Jasper spoke in favor.

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

On a division vote, 272 members having voted in the affirmative and 53 in the negative, the committee report was adopted.

HB 1577-FN, relative to regulating alkaline hydrolysis for the disposal of human remains. **OUGHT TO PASS.**

Rep. Lucy M. Weber for Executive Departments and Administration. This language was passed last year by a voice vote of the House on HB 316, after extensive study and discussion by the committee on Health, Human Services and Elderly Affairs, and by the committee on Executive Departments and Administration. As such, it is currently the House position. Committee members heard no reasons to change their votes on the issue. Vote 13-2.

Reps. Kappler and Notter spoke against.

Rep. Weber spoke in favor.

Rep. Notter requested a roll call; sufficiently seconded.

YEAS 209 - NAYS 116

YEAS - 209

BELKNAP

Burchell, Richard
Tilton, Franklin

Gulick, Ruth
Vadney, Herbert

Raymond, Ian

Sylvia, Michael

CARROLL

Butler, Edward
Schmidt, Stephen
Wright, Donald

Chandler, Gene
Ticehurst, Susan

McConkey, Mark
Umberger, Karen

Morrow, Harry
White, Syndi

CHESHIRE

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

Berch, Paul
Lerandean, Alfred
Robertson, Timothy
Weed, Charles

Chase, Cynthia
Ley, Douglas
Sad, Tara
Young, Harry

Eaton, Daniel
Mann, John
Shepardson, Marjorie

COOS

Coulombe, Gary

Hammon, Marcia

Hatch, William

Moynihan, Wayne

GRAFTON

Aguiar, James
Ford, Susan
Lovett, Sid
Smith, Suzanne

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

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

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

HILLSBOROUGH

Backus, Robert
Campbell, David
Cote, David
Gage, Ruth
Gidge, Kenneth
Graham, John
Heath, Mary
Jasper, Shawn
Kopka, Angeline
Levesque, Melanie
Manley, Jonathan
O'Flaherty, Tim
Pratt, Calvin
Schmidt, Janice
Sullivan, Daniel
Willette, Robert

Beaulieu, Jane
Chandlee, Shannon
Culbert, Patrick
Gagne, Larry
Goley, Jeffrey
Hackel, Paul
Heden, Ruth
Jeudy, Jean
Kurk, Neal
Long, Patrick
McNamara, Richard
O'Neil, William
Ramsey, Peter
Shaw, Barbara
Sweeney, Shawn
Williams, Kermit

Brown, Pamela
Coffey, James
DiSilvestro, Linda
Gale, Sylvia
Gorman, Mary
Hammond, Jill
Infantine, William
Kelley, John
Lambert, George
MacKay, Mariellen
Murphy, Keith
Ober, Russell
Renzullo, Andrew
Spratt, Stephen
Vaillancourt, Steve
Winters, Joel

Byron, Frank
Connor, Evelyn
Eaton, Richard
Garcia, Michael
Grady, Brenda
Harriott-Gathright, Linda
Jack, Martin
Knowles, Mary Ann
Leishman, Peter
Mangipudi, Latha
O'Brien, Michael
Porter, Marjorie
Rhodes, Brian
Stroud, Kathleen
Walsh, Robert
Woodbury, David

MERRIMACK

Alicea, Caroletta
Carey, Lorrie

Andrews, Christopher
Carson, Clyde

Bartlett, Christy
Davis, Frank

Burns, Scott
Ebel, Karen

Frambach, Mary
Hess, David
MacKay, James
Rice, Chip
Shurtleff, Stephen
Watrous, Rick

French, Barbara
Hunt, Jane
McGuire, Carol
Richardson, Gary
Wallner, Mary Jane
Webb, Leigh

Gile, Mary
Kidder, David
McGuire, Dan
Schamberg, Thomas
Walsh, Thomas

Henle, Paul
Lockwood, Priscilla
Ratzki, Mario
Schuett, Dianne
Walz, Mary Beth

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Burtis, Elizabeth
Cushing, Robert
Flockhart, Eileen
Major, Norman
Oligny, Jeffrey
Sherman, Thomas
Tasker, Kyle
Wazlaw, Brian

Belanger, Ronald
Cali-Pitts, Jacqueline
Elliott, Robert
Heffron, Frank
Mann, Maureen
Sapareto, Frank
St.James, Kevin
Till, Mary
Whittemore, Lisa

Borden, David
Comerford, Timothy
Emerick, J. Tracy
Itse, Daniel
McMahon, Charles
Schlachman, Donna
Sweeney, Joe
Ward, Gerald

Briden, Steven
Copeland, Timothy
Emerson-Brown, Rebecca
Lovejoy, Patricia
Muns, Chris
Schroadter, Adam
Sytek, John
Waterhouse, Kevin

STRAFFORD

Baber, William
Hooper, Dorothea
Kaen, Naida
Mullen, John
Smith, Marjorie
Verschuere, James

Bickford, David
Horrigan, Timothy
Malloy, Dennis
Perry, Robert
Spainhower, Dale
Wall, Janet

Bixby, Peter
Hubbard, Pamela
Menear, H. Robert
Rogers, Rose Marie
Spang, Judith
Ward, Kenneth

Grassie, Anne
Jones, Laura
Merrill, Amanda
Schmidt, Peter
Stevens, Audrey

SULLIVAN

Cloutier, John
Osgood, Joe

Gottling, Suzanne
Rollins, Skip

Grenier, James
Schmidt, Andrew

Irwin, Virginia
Tanner, Linda

NAYS - 116

BELKNAP

Comtois, Guy
Flanders, Donald
Luther, Robert

Cormier, Jane
Greemore, Robert

Fields, Dennis
Holmes, Stephen

Fink, Charles
Huot, David

CARROLL

Ahlgren, Christopher

Buco, Thomas

Cordelli, Glenn

Nelson, Bill

CHESHIRE

Butynski, William
Tatro, Bruce

Johnson, Jane

Parkhurst, Henry

Roberts, Kris

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

Theberge, Robert

GRAFTON

Gionet, Edmond

Ladd, Rick

Reilly, Harold

HILLSBOROUGH

Belanger, James
Christiansen, Lars
Haefner, Robert
Katsiantonis, Thomas
McCarthy, Michael
Ober, Lynne
Rokas, Ted
Sandblade, Emily
Sullivan, Peter

Boehm, Ralph
Daniels, Gary
Hansberry, Daniel
LeBrun, Donald
Murphy, Kelleigh
Palmer, Stephen
Rosenwald, Cindy
Shattuck, Gilman
Ulery, Jordan

Burt, John
Danielson, David
Hansen, Peter
Marston, Dick
Nelson, Mary
Parison, James
Rowe, Robert
Soucy, Timothy
Vail, Suzanne

Cebrowski, John
Gargas, Carolyn
Hikel, John
Martel, Andre
Notter, Jeanine
Peterson, Lenette
Sanborn, Laurie
Straight, Philip
Villeneuve, Moe

MERRIMACK

Hoell, J.R.
Turcotte, Alan

Karrick, David

Kotowski, Frank

Patten, Dick

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
DeSimone, Debra
Ferrante, Beverly
Grace, Curtis
Hodgdon, Bruce

Allen, Mary
Cahill, Michael
Devine, James
Fesh, Robert
Griffin, Mary
Hoelzel, Kathleen

Baldasaro, Alfred
Chirichiello, Brian
Duarte, Joe
Garcia, Marilinda
Hagan, Joseph
Kappler, Lawrence

Bick, Patrick
Danais, Romeo
Dumaine, Dudley
Gordon, Richard
Harris, Jeffrey
Khan, Aboul

Kolodziej, Walter
Moody, Marcia
Peckham, Michele
Scarlotta, Joe
Weyler, Kenneth

Lundgren, David
Nigrello, Robert
Perkins, Lawrence
Sedensky, John

McKinney, Betsy
O'Connor, John
Priestley, Anne
Tucker, Pamela

Milz, David
Packard, Sherman
Rice, Frederick
Webb, James

STRAFFORD

Beaudoin, Steven
Grossman, Kenneth

Berube, Roger
Pitre, Joseph

Gardner, Janice

Groen, Warren

SULLIVAN

Gagnon, Raymond

Smith, Steven

Sweeney, Cynthia

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

HB 1502-FN, relative to induced termination of pregnancy statistics. **REFER FOR INTERIM STUDY.**

Rep. Donald L. LeBrun for Health, Human Services and Elderly Affairs. The committee realized the bill needed further work and recommends it be passed on to interim study with the intent to make further improvements. The committee was in unanimous agreement. The committee is committed to collect any meaningful public health data in an aggregated form. Vote 17-0.

MOTION TO SPECIAL ORDER

Rep. Chandler moved that **HB 1502-FN**, relative to induced termination of pregnancy statistics, be made a Special Order for March 19, in its regular place in the Calendar.

Rep. Chandler spoke in favor.

Adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR OF MARCH 5 (CONT'D)

HB 1572-FN, establishing a commission to create a New Hampshire state plan for Alzheimer's disease and requiring certain training and education programs regarding Alzheimer's disease and other related dementia. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles E. McMahon for Health, Human Services and Elderly Affairs. This bill establishes a permanent subcommittee on Alzheimer disease to determine policies and actions in meeting the needs for New Hampshire individuals, families and caregivers living with Alzheimer's disease. Further, the subcommittee shall establish a New Hampshire state plan to carry out the goals of helping identify the service needs of those with the disease. Vote 17-0.

Amendment (0298h)

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

AN ACT establishing a permanent subcommittee of the health and human services oversight committee relative to Alzheimer's disease and other related dementia and requiring certain training and education programs regarding Alzheimer's disease and other related dementia.

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

1 New Section; Health and Human Services Oversight Committee; Permanent Subcommittee on Alzheimer's Disease and Other Related Dementia. Amend RSA 126-A by inserting after section 15 the following new section:
126-A:15-a Subcommittee on Alzheimer's Disease and Other Related Dementia.

I. In addition to the subcommittees established under RSA 126-A:15, II, the health and human services oversight committee shall create a permanent subcommittee on Alzheimer's disease and other related dementia.

II. Members of the subcommittee shall be as follows:

- (a) One member of the house of representatives, appointed by the speaker of the house of representatives.
- (b) One member of the senate, appointed by the president of the senate.
- (c) The commissioner of the department of health and human services, or designee.
- (d) The attorney general, or designee.
- (e) A representative of the Alzheimer's Association, appointed by the association.
- (f) A representative of the New Hampshire Medical Society, appointed by the society.
- (g) The following persons appointed by the governor:
 - (1) A person who has Alzheimer's disease.
 - (2) A caregiver of a person who has Alzheimer's disease.
 - (3) A representative of the nursing facility industry.
 - (4) A representative of the assisted living industry.
 - (5) A representative of the adult day care services industry.
 - (6) A researcher with Alzheimer's-related expertise in basic transitional, clinical, or drug development science.

ment science.

- (h) A representative of the New Hampshire Nurse Practitioner Association, appointed by the association.
- (i) A representative of the Home Care Association of New Hampshire, appointed by the association.
- (j) A representative of the board of nursing, appointed by the board.

III. The subcommittee shall:

- (a) Review other states' plans for Alzheimer's disease.
- (b) Survey individuals with Alzheimer's disease to more accurately estimate the number of persons in the state with the disease.
- (c) Study existing services and resources, including but not limited to:
 - (1) The type, cost, and availability of dementia services.
 - (2) Dementia-specific training requirements for long-term care staff.
 - (3) Quality care measures across all care settings.
 - (4) Capacity of public safety and law enforcement to respond to persons with Alzheimer's disease.
 - (5) Availability of home and community-based resources for persons with Alzheimer's disease and respite care to assist families and caregivers.
 - (6) Inventory of long-term care dementia care units and beds.
 - (7) Adequacy and appropriateness of geriatric-psychiatric units for persons with behavior disorders associated with Alzheimer's disease and related dementia.
 - (8) Assisted living residential options for persons with dementia.
 - (9) State support of Alzheimer's disease research through New Hampshire universities and other resources.
- (d) Determine state policies and responses that are necessary to provide clear and coordinated services and supports to persons, families, and caregivers living with Alzheimer's disease and develop strategies to address any identified gaps in service.
- (e) Establish a New Hampshire state plan for Alzheimer's disease and other related dementia as approved by the health and human services oversight committee.

IV. Beginning November 1, 2014, and each November 1 thereafter, the health and human services oversight committee shall submit an annual report to the chairperson of the health, human services, and elderly affairs committee, the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library relative to:

(a) The status of implementation of the New Hampshire state plan for Alzheimer's disease and other related dementia.

(b) The subcommittee's findings and recommendations, including any recommendations for legislation.

2 New Paragraph; Commissioner of Health and Human Services; Alzheimer's Disease and Other Related Dementia. Amend RSA 126-A:5 by inserting after paragraph XXII the following new paragraph:

XXIII. The commissioner, in collaboration with the commissioner of the department of safety, the director of the police standards and training council, and the local chapter of the Alzheimer's Association, shall develop an educational program on Alzheimer's disease and other related dementia, for both the general public and special interest groups, including law enforcement. Depending upon available resources, additional information and input may be sought from the fish and game department, the adjutant general's department, the board of medicine, the New Hampshire Medical Society, and other interested parties. The commissioner shall provide an interim report on or before January 1, 2015 with a final report on or before July 1, 2015 on the status of the implementation of the educational program to the oversight committee on health and human services established in RSA 126-A:13 and the subcommittee on Alzheimer's disease and other related dementia established in RSA 126-A:15-a. The commissioner shall post a link to the local chapter of the Alzheimer's Association on the department's website.

3 New Section; Police Standards and Training Council; Alzheimer's Disease and Other Related Dementia Training. Amend RSA 188-F by inserting after section 28 the following new section:

188-F:28-a Alzheimer's Disease and Other Related Dementia Training. The director of the police standards and training council shall provide education and training to the law enforcement community on Alzheimer's disease and other related dementia. The director may use the educational program developed in conjunction with the department of health and human services under RSA 126-A:5, XXIII and may include such additional components as may be appropriate to effectively assist law enforcement officers in responding to incidents involving persons with Alzheimer's disease and other related dementia.

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

AMENDED ANALYSIS

I. Establishes a permanent subcommittee of the health and human services oversight committee relative to Alzheimer's disease and other dementia.

II. Requires the department of health and human services to develop an educational program on Alzheimer's disease and to include a link to the Alzheimer's Association on the state website.

III. Requires the police standards and training council to provide training to the law enforcement community on Alzheimer's disease.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.
Rep. Warden offered floor amendment (0836h).

Floor Amendment (0836h)

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

AN ACT establishing a subcommittee of the health and human services oversight committee relative to Alzheimer's disease and other related dementia and requiring certain training and education programs regarding Alzheimer's disease and other related dementia.

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

1 New Section; Health and Human Services Oversight Committee; Subcommittee on Alzheimer's Disease and Other Related Dementia. Amend RSA 126-A by inserting after section 15 the following new section:

126-A:15-a Subcommittee on Alzheimer's Disease and Other Related Dementia.

I. In addition to the subcommittees established under RSA 126-A:15, II, the health and human services oversight committee shall create a subcommittee on Alzheimer's disease and other related dementia.

II. Members of the subcommittee shall be as follows:

- (a) One member of the house of representatives, appointed by the speaker of the house of representatives.
- (b) One member of the senate, appointed by the president of the senate.
- (c) The commissioner of the department of health and human services, or designee.
- (d) The attorney general, or designee.
- (e) A representative of the Alzheimer's Association, appointed by the association.
- (f) A representative of the New Hampshire Medical Society, appointed by the society.
- (g) The following persons appointed by the governor:
 - (1) A person who has Alzheimer's disease.
 - (2) A caregiver of a person who has Alzheimer's disease.
 - (3) A representative of the nursing facility industry.
 - (4) A representative of the assisted living industry.
 - (5) A representative of the adult day care services industry.
 - (6) A researcher with Alzheimer's-related expertise in basic transitional, clinical, or drug development science.

- (h) A representative of the New Hampshire Nurse Practitioner Association, appointed by the association.
- (i) A representative of the Home Care Association of New Hampshire, appointed by the association.
- (j) A representative of the board of nursing, appointed by the board.

III. The subcommittee shall:

- (a) Review other states' plans for Alzheimer's disease.
- (b) Survey individuals with Alzheimer's disease to more accurately estimate the number of persons in the state with the disease.
- (c) Study existing services and resources, including but not limited to:
 - (1) The type, cost, and availability of dementia services.
 - (2) Dementia-specific training requirements for long-term care staff.
 - (3) Quality care measures across all care settings.
 - (4) Capacity of public safety and law enforcement to respond to persons with Alzheimer's disease.
 - (5) Availability of home and community-based resources for persons with Alzheimer's disease and respite care to assist families and caregivers.
 - (6) Inventory of long-term care dementia care units and beds.
 - (7) Adequacy and appropriateness of geriatric-psychiatric units for persons with behavior disorders associated with Alzheimer's disease and related dementia.
 - (8) Assisted living residential options for persons with dementia.
 - (9) State support of Alzheimer's disease research through New Hampshire universities and other resources.

(d) Determine state policies and responses that are necessary to provide clear and coordinated services and supports to persons, families, and caregivers living with Alzheimer's disease and develop strategies to address any identified gaps in service.

(e) Establish a New Hampshire state plan for Alzheimer's disease and other related dementia as approved by the health and human services oversight committee.

IV. Beginning November 1, 2014, and each November 1 thereafter, the health and human services oversight committee shall submit an annual report to the chairperson of the health, human services, and elderly affairs committee, the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library relative to:

- (a) The status of implementation of the New Hampshire state plan for Alzheimer's disease and other related dementia.

(b) The subcommittee's findings and recommendations, including any recommendations for legislation.

2 New Paragraph; Commissioner of Health and Human Services; Alzheimer's Disease and Other Related Dementia. Amend RSA 126-A:5 by inserting after paragraph XXII the following new paragraph:

XXIII. The commissioner, in collaboration with the commissioner of the department of safety, the director of the police standards and training council, and the local chapter of the Alzheimer's Association, shall develop an educational program on Alzheimer's disease and other related dementia, for both the general public and special interest groups, including law enforcement. Depending upon available resources, additional information and input may be sought from the fish and game department, the adjutant general's department, the board of medicine, the New Hampshire Medical Society, and other interested parties. The commissioner shall provide an interim report on or before January 1, 2015 with a final report on or before July 1, 2015 on the status of the implementation of the educational program to the oversight committee on health and human services established in RSA 126-A:13 and the subcommittee on Alzheimer's disease and other related dementia established in RSA 126-A:15-a. The commissioner shall post a link to the local chapter of the Alzheimer's Association on the department's website.

3 New Section; Police Standards and Training Council; Alzheimer's Disease and Other Related Dementia Training. Amend RSA 188-F by inserting after section 28 the following new section:

188-F:28-a Alzheimer's Disease and Other Related Dementia Training. The director of the police standards and training council shall provide education and training to the law enforcement community on Alzheimer's disease and other related dementia. The director may use the educational program developed in conjunction with the department of health and human services under RSA 126-A:5, XXIII and may include such additional components as may be appropriate to effectively assist law enforcement officers in responding to incidents involving persons with Alzheimer's disease and other related dementia.

4 Contingency. Sections 5 and 6 of this act shall take effect on the date the chairperson of the health and human services oversight committee certifies to the director of the office of legislative services that the subcommittee on Alzheimer's disease and other related dementia, established in RSA 126-A:15-a, has completed the state plan for Alzheimer's disease and other related dementia.

5 Reference Change. Amend RSA 126-A:5, XXIII to read as follows:

XXIII. The commissioner, in collaboration with the commissioner of the department of safety, the director of the police standards and training council, and the local chapter of the Alzheimer's Association, shall develop an educational program on Alzheimer's disease and other related dementia, for both the general public and special interest groups, including law enforcement. Depending upon available resources, additional information and input may be sought from the fish and game department, the adjutant general's department, the board of medicine, the New Hampshire Medical Society, and other interested parties. The commissioner shall provide an interim report on or before January 1, 2015 with a final report on or before July 1, 2015 on the status of the implementation of the educational program to the oversight committee on health and human services established in RSA 126-A:13 ~~and the subcommittee on Alzheimer's disease and other related dementia established in RSA 126-A:15-a~~. The commissioner shall post a link to the local chapter of the Alzheimer's Association on the department's website.

6 Repeal. RSA 126-A:15-a, establishing the subcommittee on Alzheimer's disease and other related dementia, is repealed.

7 Effective Date.

I. Section 5 and 6 of this act shall take effect as provided in section 4 of this act.

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

AMENDED ANALYSIS

I. Establishes a subcommittee of the health and human services oversight committee relative to Alzheimer's disease and other dementia.

II. Requires the department of health and human services to develop an educational program on Alzheimer's disease and to include a link to the Alzheimer's Association on the state website.

III. Requires the police standards and training council to provide training to the law enforcement community on Alzheimer's disease.

Rep. McMahon spoke against.

Floor amendment (0836h) failed.

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

Rep. LeBrun requested a roll call; sufficiently seconded.

YEAS 268 - NAYS 59

YEAS - 268

BELKNAP

Burchell, Richard
Fink, Charles
Huot, David

Comtois, Guy
Flanders, Donald
Luther, Robert

DiMartino, Lisa
Greemore, Robert
Raymond, Ian

Fields, Dennis
Gulick, Ruth
Tilton, Franklin

CARROLL

Ahlgren, Christopher
McConkey, Mark
Ticehurst, Susan

Butler, Edward
Merrow, Harry
Umberger, Karen

Chandler, Gene
Nelson, Bill
White, Syndi

Cordelli, Glenn
Schmidt, Stephen
Wright, Donald

CHESHIRE

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

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

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

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

COOS

Coulombe, Gary
Richardson, Herbert

Hammon, Marcia
Theberge, Robert

Hatch, William

Moynihan, Wayne

GRAFTON

Aguiar, James
Ford, Susan
Higgins, Patricia
Nordgren, Sharon
Sykes, George

Almy, Susan
Friedrich, Carol
Ladd, Rick
Piper, Wendy
Townsend, Charles

Benn, Bernard
Gionet, Edmond
Lovett, Sid
Reilly, Harold
White, Andrew

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

HILLSBOROUGH

Backus, Robert
Byron, Frank
Christiansen, Lars
Culbert, Patrick
Gagne, Larry
Goley, Jeffrey
Hackel, Paul
Harriott-Gathright, Linda
Jasper, Shawn
Knowles, Mary Ann
Leishman, Peter
Mangipudi, Latha
Murphy, Kelleigh
Porter, Marjorie
Rosenwald, Cindy
Shattuck, Gilman
Stroud, Kathleen
Vail, Suzanne
Winters, Joel

Beaulieu, Jane
Campbell, David
Coffey, James
DiSilvestro, Linda
Gale, Sylvia
Gorman, Mary
Haefner, Robert
Heath, Mary
Judy, Jean
Kopka, Angeline
Levesque, Melanie
Manley, Jonathan
Nelson, Mary
Ramsey, Peter
Rowe, Robert
Shaw, Barbara
Sullivan, Daniel
Walsh, Robert
Woodbury, David

Belanger, James
Cebrowski, John
Connor, Evelyn
Eaton, Richard
Gargas, Carolyn
Grady, Brenda
Hammond, Jill
Heden, Ruth
Katsiantonis, Thomas
Kurk, Neal
Long, Patrick
Martel, Andre
O'Brien, Michael
Rhodes, Brian
Sanborn, Laurie
Soucy, Timothy
Sullivan, Peter
Willette, Robert

Brown, Pamela
Chandle, Shannon
Cote, David
Gage, Ruth
Gidge, Kenneth
Graham, John
Hansberry, Daniel
Jack, Martin
Kelley, John
LeBrun, Donald
MacKay, Mariellen
McNamara, Richard
O'Neil, William
Rokas, Ted
Schmidt, Janice
Spratt, Stephen
Sweeney, Shawn
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Carey, Lorrie
Frambach, Mary
Hess, David
Kidder, David
Moffett, Howard
Richardson, Gary
Turcotte, Alan
Webb, Leigh

Andrews, Christopher
Carson, Clyde
French, Barbara
Hunt, Jane
Kotowski, Frank
Patten, Dick
Schamberg, Thomas
Wallner, Mary Jane

Bartlett, Christy
Davis, Frank
Gile, Mary
Karrick, David
Lockwood, Priscilla
Ratzki, Mario
Schuett, Dianne
Walz, Mary Beth

Burns, Scott
Ebel, Karen
Henle, Paul
Kelly, Sally
MacKay, James
Rice, Chip
Shurtleff, Stephen
Watrous, Rick

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Cahill, Michael
Dana, Romeo
Ferrante, Beverly
Grace, Curtis
Khan, Aboul
Mann, Maureen
Moody, Marcia
Oigny, Jeffrey
Sapareto, Frank
Sherman, Thomas
Till, Mary
Webb, James

Andrews-Ahearn, E. Elaine
Borden, David
Cali-Pitts, Jacqueline
Devine, James
Fesh, Robert
Griffin, Mary
Lovejoy, Patricia
McKinney, Betsy
Muns, Chris
Packard, Sherman
Scarlotto, Joe
St.James, Kevin
Ward, Gerald
Weyler, Kenneth

Belanger, Ronald
Briden, Steven
Copeland, Timothy
Elliott, Robert
Flockhart, Eileen
Heffron, Frank
Lundgren, David
McMahon, Charles
Nigrello, Robert
Peckham, Michele
Schlachman, Donna
Sweeney, Joe
Waterhouse, Kevin

Bick, Patrick
Burtis, Elizabeth
Cushing, Robert
Emerson-Brown, Rebecca
Garcia, Marilinda
Hoelzel, Kathleen
Major, Norman
Milz, David
O'Connor, John
Priestley, Anne
Sedensky, John
Sytek, John
Wazlaw, Brian

STRAFFORD

Baber, William
Bixby, Peter
Hooper, Dorothea
Malloy, Dennis
Perry, Robert
Spainhower, Dale
Wall, Janet

Beaudoin, Steven
Gardner, Janice
Horrigan, Timothy
Menear, H. Robert
Rogers, Rose Marie
Spang, Judith
Ward, Kenneth

Berube, Roger
Grassie, Anne
Hubbard, Pamela
Merrill, Amanda
Schmidt, Peter
Stevens, Audrey

Bickford, David
Grossman, Kenneth
Kaen, Naida
Mullen, John
Smith, Marjorie
Verschueren, James

SULLIVAN

Cloutier, John
Irwin, Virginia
Schmidt, Andrew

Gagnon, Raymond
Lefebvre, Benjamin
Smith, Steven

Gottling, Suzanne
Osgood, Joe
Sweeney, Cynthia

Grenier, James
Rollins, Skip
Tanner, Linda

NAYS - 59**BELKNAP**

Holmes, Stephen

Sylvia, Michael

Vadney, Herbert

COOS

Rappaport, Laurence

Rideout, Leon

HILLSBOROUGH

Boehm, Ralph
Garcia, Michael
Marston, Dick
O'Flaherty, Tim
Parison, James
Sandblade, Emily
Villeneuve, Moe

Burt, John
Hansen, Peter
McCarthy, Michael
Ober, Lynne
Peterson, Lenette
Straight, Philip
Warden, Mark

Daniels, Gary
Hikel, John
Murphy, Keith
Ober, Russell
Pratt, Calvin
Ulery, Jordan

Danielson, David
Lambert, George
Notter, Jeanine
Palmer, Stephen
Renzullo, Andrew
Vaillancourt, Steve

MERRIMACK

Hoell, J.R.

McGuire, Carol

McGuire, Dan

Walsh, Thomas

ROCKINGHAM

Allen, Mary
DeSimone, Debra
Gordon, Richard
Itse, Daniel
Rice, Frederick
Whittemore, Lisa

Baldasaro, Alfred
Duarte, Joe
Hagan, Joseph
Kappler, Lawrence
Schroadter, Adam

Chirichiello, Brian
Dumaine, Dudley
Harris, Jeffrey
Kolodziej, Walter
Tasker, Kyle

Comerford, Timothy
Emerick, J. Tracy
Hodgdon, Bruce
Perkins, Lawrence
Tucker, Pamela

STRAFFORD

Groen, Warren

Jones, Laura

Pitre, Joseph

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

HB 1190, relative to approval of budget transfers in Hillsborough county. **OUGHT TO PASS.**

Rep. Kathleen M. Stroud for Municipal and County Government. This bill provides that approval of the Hillsborough county executive committee for budget transfers requested by a Hillsborough county department is required when the request exceeds \$10,000. At the committee hearing, there was no opposition to this legislation. Vote 18-0.

Rep. Williams offered floor amendment (0754h).

Floor Amendment (0754h)

Amend the bill by replacing section 1 with the following:

1 County Conventions; Hillsborough; Transfer of Funds. Amend RSA 24:13-c, VI to read as follows:

VI. Any request to transfer funds must be made in writing by a department head to the county commissioners who ~~if they~~ **may approve such requests for transfers up to such amount as the executive committee may from time to time approve by majority vote. If the amount of the department's request exceeds such amount, and the county commissioners approve [same] the request, the commissioners** shall report in writing their recommendation to the executive committee. The executive committee by majority vote may approve such transfer of funds in whole or in part.

AMENDED ANALYSIS

This bill provides that approval of the Hillsborough county executive committee for budget transfers requested by a Hillsborough county department is required when the request exceeds an amount approved by the executive committee.

Rep. Williams spoke in favor.

Floor amendment (0754h) adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.
Rep. Hoell requested a roll call; not sufficiently seconded.
Committee report adopted and ordered to third reading.

REGULAR CALENDAR – PART II

HB 1282-FN, relative to consumer protection for propane fuel users. **OUGHT TO PASS WITH AMENDMENT.** Rep. Donna L. Schlachman for Commerce and Consumer Affairs. The bill, as introduced, sought to regulate contracts for propane services and contained considerable detail with regard to the contents of said contracts and processes that must be adhered to in the dealer - customer relationship. The president of the Propane Gas Association of New England, to whom the attorney general's office refers consumer complaints, indicated that the few dozen annual complaints regarding delivery or tank issues are by and large easily resolved. The committee learned that the contracts used by New Hampshire companies vary widely. Given the consumer concerns expressed in the hearing, the bill was amended to create a study committee to look at propane service contracts to determine whether or not some minimum requirements are needed. The bill was further amended to address the prebuy oil contract problems raised in previous sessions and in HB 566, which this House laid on the table. After months of work on the part of the committee and the fuel dealers, the amendment adds 4 new provisions to the requirements for guaranteed price plans and prepaid contracts for home heating oil under RSA 339:79. It prohibits residential contracts from being offered prior to May first or later than October 31 of the year in which the heating fuel season begins. It adds an additional choice, 75% of the outstanding volume in gallons that have been contracted, to the current list of options dealers have to secure fuel to cover their obligation under prepaid contracts. The amendment further requires dealers to register with the secretary of states office if they will be offering prepaid contracts and to file a report as to how prepaid fuel is being secured. Finally, failure to provide timely delivery of home heating fuel has been added as a prohibited act under RSA 358-A, the Consumer Protection Act. This provides penalties if a dealer violates a prepaid contract. The committee considered and rejected the two other ways that could prevent the kind of harm New Hampshire consumers have experienced when fuel companies go out of business. One is to simply ban the sale of prepaid contracts in New Hampshire, as they do in some states. The other, which was the subject of HB 566, is to place the prepaid money in an escrow account. This would come at a cost to the state, as it would require adding staff for the attorney general's office to monitor the bank accounts in order to ensure that the funds were kept at the level required by the contracts. While some on the committee support this increase in staff, the majority believes that the statutory changes in the amendment, while not a guarantee, are a significant improvement to the status quo. Vote 14-4.

Amendment (0698h)

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

AN ACT relative to prepaid contracts for home heating fuel.

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

1 Definition of Heating Fuel and Heating Fuel Season. Amend RSA 339:78, II to read as follows:

II. ***"Heating fuel" means heating oil, kerosene, or liquefied petroleum gas.***

III. ***"Heating [oil] fuel season" means a period of 12 months beginning no earlier than May 1.***

2 Requirements for Guaranteed Price Plans and Prepaid Contracts for Home Heating Fuel. Amend RSA 339:79, III to read as follows:

III. A contract that requires prepayment by the consumer or caps the price of heating [oil] ***fuel*** shall comply with paragraphs I and II of this section. Such contract also:

(a) Shall not ~~require~~ ***allow residential*** consumers to commit for a term of more than one heating [oil] ***fuel*** season. Such contracts shall ~~be offered no earlier than January 1~~ ***not be advertised, solicited, or signed earlier than May 1 or later than October 31*** of the year in which the heating [oil] ***fuel*** season begins.

(b) Shall require dealers to reimburse consumers at the contract price for any undelivered pre-purchased [oil] ***fuel***, within 30 days after the contract ends, unless the dealer and consumer agree to different terms.

(c) Shall include a clear explanation of the means by which the dealer will meet the obligations of the contract for the entire contract period, including supplier agreements, futures contracts, bonding, ~~or~~ a line of credit ***or liquid product inventory***.

(d) Shall not falsely claim coverage. Any dealer who falsely claims coverage or fails to maintain coverage until the completion of the contract shall be guilty of a class A misdemeanor, in addition to other penalties as provided in paragraph VI.

3 Guaranteed Price Plans and Prepaid Contracts; Inventory Requirement. Amend RSA 339:79, IV(b) and (c) to read as follows:

(b) A surety bond, made payable to the attorney general, in an amount not less than 50 percent of the total amount of funds paid to the dealer by consumers pursuant to prepaid heating oil, kerosene, or liquefied petroleum gas contracts; ~~or~~

(c) A letter of credit, made payable to the attorney general, from an FDIC-insured institution in an amount that represents 100 percent of the cost to the dealer of the maximum number of gallons that the dealer is committed to deliver pursuant to all prepaid contracts entered into by the dealer. The cost shall be calculated at the time the contracts are entered into[-]; **or**

(d) A liquid product inventory of home heating oil, kerosene, or liquefied petroleum gas in an amount equal to 75 percent of the outstanding volume in gallons that the dealer is obligated to deliver under the terms of prepaid contracts in force.

4 New Paragraphs; Registration and Reporting Requirement; Dedicated Fund. Amend RSA 339:79 by inserting after paragraph V the following new paragraphs:

V-a. A home heating oil, kerosene, or liquefied petroleum gas dealer who offers prepaid contracts under this section shall register the dealer's intent to offer such contracts with the secretary of state by May 1 of each year. Registration shall be on a form provided by the secretary of state, shall be accompanied by a fee of \$100, and shall indicate which securitization method or combination of methods listed in paragraph IV are used to secure the contracts. Fees received under this paragraph shall be deposited in the petroleum sales contract fund, a nonlapsing fund established in the office of the treasurer and continually appropriated to the secretary of state. The fund shall be kept distinct and separate from all other funds and shall be used by the secretary of state to administer this section.

V-b. A home heating oil, kerosene, or liquefied petroleum gas dealer who offers prepaid contracts under this section shall file an annual report with the secretary of state by December 1 of each year demonstrating how the dealer has satisfied the requirements of this section, including how the prepaid contracts are secured. The report shall be made on a form provided by the secretary of state. The form shall conspicuously bear the warning that making a false statement on the form shall constitute an unfair or deceptive act or practice in violation of RSA 358-A. The report shall be signed by the dealer. If the dealer is a corporation, the report shall be signed by either the president or an officer of the corporation and shall include a list of all of the members of the board of directors of the corporation. The secretary of state may not charge a fee for the form or for filing the report.

5 New Subparagraph; Application of Receipts; Petroleum Sales Contract Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (316) the following new subparagraph:

(317) Moneys deposited in the petroleum sales contract fund established in RSA 339:79, V-a.

6 New Paragraph; Acts Prohibited Under the Consumer Protection Act; Failure to Provide Timely Delivery of Home Heating Fuel. Amend RSA 358-A:2 by inserting after paragraph XIV the following new paragraph:

XV. Failing to deliver home heating fuel in accordance with a prepaid contract.

7 Committee to Study Propane Service Contracts Established. There is established a committee to study propane service contracts.

I. The committee shall be comprised of 3 members of the house of representatives, appointed by the speaker of the house of representatives.

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

III. The committee shall:

(a) Study the statutory requirements for propane contracts in other states and consider whether these laws have had a negative effect on consumers by, for example, raising the cost of propane.

(b) Identify the specific areas, if any, in which consumers are financially or otherwise harmed by current contract requirements. Areas to consider shall include:

(1) Payment and delivery practices.

(2) Charges for services outside of regularly scheduled deliveries.

(3) Minimum orders or deliveries.

(4) Tank ownership or transfer practices and agreements.

(5) Termination of services by the consumer or the propane provider.

(c) Recommend appropriate consumer protection measures intended to remedy harmful practices.

(d) Propose minimum requirements for propane service contracts in New Hampshire.

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

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

8 Effective Date.

I. Sections 1-6 of this act shall take effect January 1, 2015.

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

AMENDED ANALYSIS

This bill:

I. Establishes minimum inventory, registration, reporting requirements for home heating oil, kerosene, or liquefied petroleum gas dealers who offer prepaid contracts.

II. Makes the failure to deliver home heating fuel in accordance with a prepaid contract a violation of the consumer protection act.

III. Establishes a committee to study propane service contracts.

Amendment adopted.

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

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

YEAS 226 - NAYS 98

YEAS - 226

BELKNAP

DiMartino, Lisa
Raymond, Ian

Fields, Dennis

Gulick, Ruth

Huot, David

CARROLL

Buco, Thomas
Ticehurst, Susan

Butler, Edward
Wright, Donald

Merrow, Harry

Nelson, Bill

CHESHIRE

Ames, Richard
Eaton, Daniel
Ley, Douglas
Robertson, Timothy
Weber, Lucy

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

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

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

COOS

Coulombe, Gary
Richardson, Herbert

Hammon, Marcia
Theberge, Robert

Hatch, William

Moynihan, Wayne

GRAFTON

Aguiar, James
Ford, Susan
Mulholland, Catherine
Smith, Suzanne

Almy, Susan
Harding, Laurie
Nordgren, Sharon
Sykes, George

Benn, Bernard
Higgins, Patricia
Piper, Wendy
Townsend, Charles

Cooney, Mary
Lovett, Sid
Reilly, Harold
White, Andrew

HILLSBOROUGH

Backus, Robert
Campbell, David
Cote, David
Gage, Ruth
Gidge, Kenneth
Hackel, Paul
Heath, Mary
Katsiantonis, Thomas
Kurk, Neal
MacKay, Mariellen
McNamara, Richard
Porter, Marjorie
Rosenwald, Cindy
Soucy, Timothy
Vail, Suzanne
Winters, Joel

Beaulieu, Jane
Chandley, Shannon
Culbert, Patrick
Gagne, Larry
Goley, Jeffrey
Hammond, Jill
Heden, Ruth
Kelley, John
Leishman, Peter
Mangipudi, Latha
Nelson, Mary
Ramsey, Peter
Schmidt, Janice
Spratt, Stephen
Walsh, Robert
Woodbury, David

Brown, Pamela
Christiansen, Lars
DiSilvestro, Linda
Gale, Sylvia
Gorman, Mary
Hansberry, Daniel
Jack, Martin
Knowles, Mary Ann
Levesque, Melanie
Manley, Jonathan
O'Brien, Michael
Rhodes, Brian
Shattuck, Gilman
Sullivan, Daniel
Willette, Robert

Byron, Frank
Connor, Evelyn
Eaton, Richard
Gargas, Carolyn
Grady, Brenda
Harriott-Gathright, Linda
Judy, Jean
Kopka, Angeline
Long, Patrick
Martel, Andre
O'Neil, William
Rokas, Ted
Shaw, Barbara
Sullivan, Peter
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Carey, Lorrie
Frambach, Mary
Hunt, Jane
Kotowski, Frank
Patten, Dick
Schamberg, Thomas
Wallner, Mary Jane

Andrews, Christopher
Carson, Clyde
French, Barbara
Karrick, David
Lockwood, Priscilla
Ratzki, Mario
Schuett, Dianne
Walz, Mary Beth

Bartlett, Christy
Davis, Frank
Gile, Mary
Kelly, Sally
MacKay, James
Rice, Chip
Shurtleff, Stephen
Watrous, Rick

Burns, Scott
Ebel, Karen
Henle, Paul
Kidder, David
Moffett, Howard
Richardson, Gary
Turcotte, Alan
Webb, Leigh

ROCKINGHAM

Abrami, Patrick
Burtis, Elizabeth

Andrews-Ahearn, E. Elaine
Cahill, Michael

Borden, David
Cali-Pitts, Jacqueline

Briden, Steven
Chirichiello, Brian

Copeland, Timothy
Devine, James
Flockhart, Eileen
Heffron, Frank
Major, Norman
Moody, Marcia
Peckham, Michele
Scarlotta, Joe
Till, Mary
Webb, James

Cushing, Robert
Elliott, Robert
Grace, Curtis
Hoelzel, Kathleen
Mann, Maureen
Muns, Chris
Perkins, Lawrence
Schlachman, Donna
Ward, Gerald
Whittemore, Lisa

Danais, Romeo
Emerson-Brown, Rebecca
Griffin, Mary
Kolodziej, Walter
McMahon, Charles
Nigrello, Robert
Priestley, Anne
Sedensky, John
Waterhouse, Kevin

DeSimone, Debra
Fesh, Robert
Hagan, Joseph
Lundgren, David
Milz, David
O'Connor, John
Sapareto, Frank
Sherman, Thomas
Wazlaw, Brian

STRAFFORD

Baber, William
Gardner, Janice
Horrigan, Timothy
Menear, H. Robert
Schmidt, Peter
Stevens, Audrey

Berube, Roger
Grassie, Anne
Hubbard, Pamela
Merrill, Amanda
Smith, Marjorie
Verschueren, James

Bickford, David
Grossman, Kenneth
Kaen, Naida
Perry, Robert
Spainhower, Dale
Wall, Janet

Bixby, Peter
Hooper, Dorothea
Malloy, Dennis
Rogers, Rose Marie
Spang, Judith
Ward, Kenneth

SULLIVAN

Cloutier, John
Irwin, Virginia
Sweeney, Cynthia

Gagnon, Raymond
Lefebvre, Benjamin
Tanner, Linda

Gottling, Suzanne
Osgood, Joe

Grenier, James
Schmidt, Andrew

NAYS - 98

BELKNAP

Burchell, Richard
Greemore, Robert
Tilton, Franklin

Comtois, Guy
Holmes, Stephen
Vadney, Herbert

Fink, Charles
Luther, Robert

Flanders, Donald
Sylvia, Michael

CARROLL

Ahlgren, Christopher
Schmidt, Stephen

Chandler, Gene
Umberger, Karen

Cordelli, Glenn
White, Syndi

McConkey, Mark

COOS

Rappaport, Laurence

Rideout, Leon

GRAFTON

Gionet, Edmond

Ladd, Rick

HILLSBOROUGH

Belanger, James
Coffey, James
Graham, John
Infantine, William
Marston, Dick
Notter, Jeanine
Palmer, Stephen
Renzullo, Andrew
Straight, Philip
Vaillancourt, Steve

Boehm, Ralph
Daniels, Gary
Haefner, Robert
Jasper, Shawn
McCarthy, Michael
O'Flaherty, Tim
Parison, James
Rowe, Robert
Stroud, Kathleen
Villeneuve, Moe

Burt, John
Danielson, David
Hansen, Peter
Lambert, George
Murphy, Kelleigh
Ober, Lynne
Peterson, Lenette
Sanborn, Laurie
Sweeney, Shawn
Warden, Mark

Cebrowski, John
Garcia, Michael
Hikel, John
LeBrun, Donald
Murphy, Keith
Ober, Russell
Pratt, Calvin
Sandblade, Emily
Ulery, Jordan

MERRIMACK

Hess, David
Walsh, Thomas

Hoell, J.R.

McGuire, Carol

McGuire, Dan

ROCKINGHAM

Allen, Mary
Comerford, Timothy
Ferrante, Beverly
Hodgdon, Bruce
Oligny, Jeffrey
St.James, Kevin
Tucker, Pamela

Baldasaro, Alfred
Duarte, Joe
Garcia, Marilinda
Itse, Daniel
Packard, Sherman
Sweeney, Joe
Weyler, Kenneth

Bick, Patrick
Dumaine, Dudley
Gordon, Richard
Kappler, Lawrence
Rice, Frederick
Sytek, John

Birdsell, Regina
Emerick, J. Tracy
Harris, Jeffrey
McKinney, Betsy
Schroadter, Adam
Tasker, Kyle

STRAFFORD

Beaudoin, Steven
Pitre, Joseph

Groen, Warren

Jones, Laura

Mullen, John

SULLIVAN

Rollins, Skip

Smith, Steven

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

The House recessed at 12:55 p.m.

RECESS

The House reconvened at 1:55 p.m.

(Speaker Norelli in the Chair)

REGULAR CALENDAR – PART II (CONT'D)

HB 1170-FN, repealing the death penalty in New Hampshire. **OUGHT TO PASS.**

Rep. Robert R. Cushing for Criminal Justice and Public Safety. HB 1170 was the subject of a long and at times moving public hearing that included testimony from scores of citizens who were overwhelmingly in support of repealing the death penalty. Among the witnesses were two former Attorneys General, both of whom had supported the death penalty when they were in office, a former judge, a former police chief, a former deputy police chief, two bishops and the president of the NH Council of Churches, and 8 people who had lost members of their immediate families to murder. In addition, over 130 citizens signed-in at the hearing support of HB 1170 but chose not to testify. HB 1170 is supported by an incredibly diverse group of lawmakers, and 117 representatives have joined in as co-sponsors for the permanent journal. The majority of both democrats (8-1) and republicans (6-2) on the committee conclude that as a matter of public policy the death does not work and is a distraction from addressing important criminal justice issues and should be repealed. The death penalty does not protect public safety, it does not shield our police officers, it does not meet the needs of many families of murder victims, it is not consistent with the values we hear from our religious leaders, mistakes are made, and it costs the state more money than the alternative: a process that states simply that those who commit first degree murder will spend the rest of their lives in prison with no chance for parole. New Hampshire has not executed anyone since 1939. The majority of nations of the world recognize the death penalty is not a criminal justice sanction but a human rights violation. In the past 6 years, six states have repealed the death penalty. The governors of Washington and Oregon have imposed moratoriums on executions to allow the legislatures to act on repeal legislation. Passage of HB 1170 is consistent with New Hampshire's long tradition of respect for human rights. It is time to repeal the death penalty. Vote 14-3.

Rep. Keith Murphy offered floor amendment (0205h).

Floor Amendment (0205h)

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

AN ACT establishing the murder of a person 12 years of age or younger as a capital offense.

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

1 Capital Murder; Murder of a Person Twelve Years of Age or Under. Amend RSA 630:1, I to read as follows:

I. A person is guilty of capital murder if he *or she* knowingly causes the death of:

(a) A law enforcement officer or a judicial officer acting in the line of duty or when the death is caused as a consequence of or in retaliation for such person's actions in the line of duty;

(b) Another before, after, while engaged in the commission of, or while attempting to commit kidnapping as that offense is defined in RSA 633:1;

(c) Another by criminally soliciting a person to cause said death or after having been criminally solicited by another for his personal pecuniary gain;

(d) Another after being sentenced to life imprisonment without parole pursuant to RSA 630:1-a, III;

(e) Another before, after, while engaged in the commission of, or while attempting to commit aggravated felonious sexual assault as defined in RSA 632-A:2;

(f) Another before, after, while engaged in the commission of, or while attempting to commit an offense punishable under RSA 318-B:26, I(a) or (b); ~~or~~

(g) Another, who is licensed or privileged to be within an occupied structure, or separately secured or occupied section thereof, before, after, or while in the commission of, or while attempting to commit, burglary as defined in RSA 635:1; *or*

(h) Another, who is 12 years of age or younger at the time of the offense.

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

AMENDED ANALYSIS

This bill establishes the murder of a person 12 years of age or younger as a capital offense.

Reps. Keith Murphy and Baldasaro spoke in favor and yielded to questions.

Reps. Cebrowski, Gagnon, Wallner, Warden, Levesque, Rowe and Cushing spoke against.

Rep. Cebrowski requested a roll call; sufficiently seconded.

YEAS 83 - NAYS 247

YEAS - 83

BELKNAP

CARROLL

Chandler, Gene

CHESHIRE

Phillips, Larry

COOS

Rideout, Leon

GRAFTON

Ladd, Rick

Reilly, Harold

HILLSBOROUGH

Barry, Richard
Culbert, Patrick
Graham, John
Infantine, William
Kurk, Neal
Murphy, Kelleigh
Renzullo, Andrew
Stroud, Kathleen

Boehm, Ralph
Daniels, Gary
Haefner, Robert
Jasper, Shawn
MacKay, Mariellen
Murphy, Keith
Rokas, Ted
Sullivan, Daniel

Burt, John
Flanagan, Jack
Hansen, Peter
Katsiantonis, Thomas
Marston, Dick
Notter, Jeanine
Sanborn, Laurie
Villeneuve, Moe

Byron, Frank
Gagne, Larry
Hinch, Richard
Kopka, Angeline
McCarthy, Michael
Peterson, Lenette
Straight, Philip
Willette, Robert

MERRIMACK

McGuire, Dan

Walsh, Thomas

ROCKINGHAM

Allen, Mary
Birdsell, Regina
DeSimone, Debra
Elliott, Robert
Griffin, Mary
McKinney, Betsy
Perkins, Lawrence
Schroadter, Adam
Webb, James

Baldasaro, Alfred
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Hagan, Joseph
McMahon, Charles
Rice, Frederick
St.James, Kevin
Weyler, Kenneth

Belanger, Ronald
Copeland, Timothy
Duarte, Joe
Gordon, Richard
Hodgdon, Bruce
Milz, David
Sapareto, Frank
Sytek, John

Bick, Patrick
Danais, Romeo
Dumaine, Dudley
Grace, Curtis
Kolodziej, Walter
Nigrello, Robert
Scarlottio, Joe
Tasker, Kyle

STRAFFORD

Beaudoin, Steven

Groen, Warren

Jones, Laura

SULLIVAN

Osgood, Joe

Rollins, Skip

Smith, Steven

NAYS - 247**BELKNAP**

Comtois, Guy
Gulick, Ruth
Sylvia, Michael

DiMartino, Lisa
Huot, David
Tilton, Franklin

Fields, Dennis
Luther, Robert
Vadney, Herbert

Flanders, Donald
Raymond, Ian

CARROLL

Ahlgren, Christopher
McConkey, Mark
Umberger, Karen

Buco, Thomas
Nelson, Bill
White, Syndi

Butler, Edward
Schmidt, Stephen
Wright, Donald

Cordelli, Glenn
Ticehurst, Susan

CHESHIRE

Ames, Richard
Eaton, Daniel
Ley, Douglas
Robertson, Timothy
Weber, Lucy

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

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

Chase, Cynthia
Lerandeau, Alfred
Roberts, Kris
Tatro, Bruce

COOS

Coulombe, Gary
Rappaport, Laurence

Hammon, Marcia
Richardson, Herbert

Hatch, William
Theberge, Robert

Moynihan, Wayne

GRAFTON

Aguiar, James
Ford, Susan
Higgins, Patricia
Piper, Wendy
White, Andrew

Almy, Susan
Friedrich, Carol
Lovett, Sid
Smith, Suzanne

Benn, Bernard
Gionet, Edmond
Mulholland, Catherine
Sykes, George

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

HILLSBOROUGH

Backus, Robert
Campbell, David
Coffey, James
DiSilvestro, Linda
Garcia, Michael
Gorman, Mary
Hansberry, Daniel
Hikel, John
Knowles, Mary Ann
Levesque, Melanie
McNamara, Richard
O'Neil, William
Parison, James
Rhodes, Brian
Schmidt, Janice
Spratt, Stephen
Vail, Suzanne
Williams, Kermit

Beaulieu, Jane
Cebrowski, John
Connor, Evelyn
Eaton, Richard
Gargas, Carolyn
Grady, Brenda
Harriott-Gathright, Linda
Jack, Martin
Lambert, George
Long, Patrick
Nelson, Mary
Ober, Lynne
Porter, Marjorie
Rosenwald, Cindy
Shattuck, Gilman
Sullivan, Peter
Vaillancourt, Steve
Winters, Joel

Belanger, James
Chandley, Shannon
Cote, David
Gage, Ruth
Gidge, Kenneth
Hackel, Paul
Heath, Mary
Jeudy, Jean
LeBrun, Donald
Mangipudi, Latha
O'Brien, Michael
Ober, Russell
Pratt, Calvin
Rowe, Robert
Shaw, Barbara
Sweeney, Shawn
Walsh, Robert
Woodbury, David

Brown, Pamela
Christiansen, Lars
Danielson, David
Gale, Sylvia
Goley, Jeffrey
Hammond, Jill
Heden, Ruth
Kelley, John
Leishman, Peter
Manley, Jonathan
O'Flaherty, Tim
Palmer, Stephen
Ramsey, Peter
Sandblade, Emily
Soucy, Timothy
Ulery, Jordan
Warden, Mark

MERRIMACK

Alicea, Caroletta
Carey, Lorrie
Frambach, Mary
Hoell, J.R.
Kidder, David
McGuire, Carol
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

Andrews, Christopher
Carson, Clyde
French, Barbara
Hunt, Jane
Kotowski, Frank
Moffett, Howard
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

Bartlett, Christy
Davis, Frank
Gile, Mary
Karrick, David
Lockwood, Priscilla
Patten, Dick
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

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

ROCKINGHAM

Abrami, Patrick
Burtis, Elizabeth
Cushing, Robert
Flockhart, Eileen
Hoelzel, Kathleen
Lovejoy, Patricia
Muns, Chris
Peckham, Michele
Sherman, Thomas
Ward, Gerald

Andrews-Ahearn, E. Elaine
Cahill, Michael
Emerick, J. Tracy
Garcia, Marilinda
Itse, Daniel
Major, Norman
O'Connor, John
Priestley, Anne
Sweeney, Joe
Waterhouse, Kevin

Borden, David
Cali-Pitts, Jacqueline
Emerson-Brown, Rebecca
Harris, Jeffrey
Kappler, Lawrence
Mann, Maureen
Oligny, Jeffrey
Schlachman, Donna
Till, Mary
Wazlaw, Brian

Briden, Steven
Comerford, Timothy
Fesh, Robert
Heffron, Frank
Khan, Aboul
Moody, Marcia
Packard, Sherman
Sedensky, John
Tucker, Pamela
Whittemore, Lisa

STRAFFORD

Baber, William
Gardner, Janice
Horrigan, Timothy
Malloy, Dennis
Perry, Robert
Smith, Marjorie
Verschueren, James

Berube, Roger
Grassie, Anne
Hubbard, Pamela
Menear, H. Robert
Pitre, Joseph
Spainhower, Dale
Wall, Janet

Bickford, David
Grossman, Kenneth
Kaen, Naida
Merrill, Amanda
Rogers, Rose Marie
Spang, Judith
Ward, Kenneth

Bixby, Peter
Hooper, Dorothea
Ketel, Stephen
Mullen, John
Schmidt, Peter
Stevens, Audrey

SULLIVAN

Cloutier, John
Irwin, Virginia
Tanner, Linda

Gagnon, Raymond
Lefebvre, Benjamin

Gottling, Suzanne
Schmidt, Andrew

Grenier, James
Sweeney, Cynthia

and floor amendment (0205h) failed.

The question now being adoption of the committee report of Ought to Pass.
Rep. Vaillancourt offered floor amendment (0916h).

Floor Amendment (0916h)

Amend the bill by inserting after section 22 the following and renumbering the original sections 23-24 to read as 24-25, respectively:

23 Applicability. Any person sentenced to death pursuant to RSA 630:1 for an offense committed prior to the effective date of this act shall, in lieu of death, serve a sentence of life imprisonment without parole.

AMENDED ANALYSIS

This bill repeals the death penalty in New Hampshire and provides that any person sentenced to death pursuant to RSA 630:1 for an offense committed prior to the effective date of this act shall, in lieu of death, serve a sentence of life imprisonment without parole.

Rep. Vaillancourt spoke in favor and yielded to questions.
 Rep. Harriott-Gathright spoke against.
 Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 85 - NAYS 245**YEAS - 85****BELKNAP**

Fink, Charles	Flanders, Donald	Tilton, Franklin
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CARROLL

Ahlgren, Christopher	Cordelli, Glenn	Nelson, Bill	Ticehurst, Susan
Umberger, Karen	White, Syndi		

CHESHIRE

Butynski, William	Johnsen, Gladys	Ley, Douglas	Parkhurst, Henry
Phillips, Larry	Roberts, Kris	Robertson, Timothy	

COOS

Coulombe, Gary	Hammon, Marcia	Rideout, Leon
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GRAFTON

Mulholland, Catherine	Townsend, Charles
-----------------------	-------------------

HILLSBOROUGH

Belanger, James	Coffey, James	Culbert, Patrick	Danielson, David
Eaton, Richard	Gidge, Kenneth	Gorman, Mary	Graham, John
Heden, Ruth	Lambert, George	Marston, Dick	O'Flaherty, Tim
Ober, Lynne	Parison, James	Sandblade, Emily	Schmidt, Janice
Shaw, Barbara	Sullivan, Peter	Sweeney, Shawn	Vaillancourt, Steve
Warden, Mark			

MERRIMACK

Davis, Frank	Hunt, Jane	Kelly, Sally	Kidder, David
Lockwood, Priscilla	McGuire, Carol	McGuire, Dan	Moffett, Howard
Rice, Chip	Turcotte, Alan	Walsh, Thomas	Watrous, Rick

ROCKINGHAM

Borden, David	Briden, Steven	Burtis, Elizabeth	Comerford, Timothy
Danaïs, Romeo	Emerick, J. Tracy	Hoelzel, Kathleen	Itse, Daniel
Kappler, Lawrence	Lovejoy, Patricia	Milz, David	Moody, Marcia
Nigrello, Robert	O'Connor, John	Oligny, Jeffrey	Sedensky, John
St.James, Kevin	Sytek, John	Tasker, Kyle	Tucker, Pamela
Ward, Gerald			

STRAFFORD

Bickford, David	Gardner, Janice	Horrigan, Timothy	Jones, Laura
Menear, H. Robert	Mullen, John	Spang, Judith	Stevens, Audrey
Ward, Kenneth			

SULLIVAN

Smith, Steven

NAYS - 245**BELKNAP**

Burchell, Richard	Comtois, Guy	DiMartino, Lisa	Fields, Dennis
Greemore, Robert	Gulick, Ruth	Holmes, Stephen	Huot, David
Luther, Robert	Raymond, Ian	Sylvia, Michael	Vadney, Herbert

CARROLL

Buco, Thomas	Butler, Edward	Chandler, Gene	McConkey, Mark
Schmidt, Stephen	Wright, Donald		

CHESHIRE

Ames, Richard	Berch, Paul	Chase, Cynthia	Eaton, Daniel
Johnson, Jane	Lerandau, Alfred	Mann, John	Sad, Tara
Shepardson, Marjorie	Tatro, Bruce	Weber, Lucy	Weed, Charles
Young, Harry			

COOS

Hatch, William	Moynihan, Wayne	Rappaport, Laurence	Richardson, Herbert
Theberge, Robert			

GRAFTON

Aguiar, James
Ford, Susan
Higgins, Patricia
Piper, Wendy
White, Andrew

Almy, Susan
Friedrich, Carol
Ladd, Rick
Reilly, Harold

Benn, Bernard
Gionet, Edmond
Lovett, Sid
Smith, Suzanne

Cooney, Mary
Harding, Laurie
Nordgren, Sharon
Sykes, George

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Cebrowski, John
Cote, David
Gage, Ruth
Gargas, Carolyn
Haefner, Robert
Harriott-Gathright, Linda
Infantine, William
Katsiantonis, Thomas
Kurk, Neal
Long, Patrick
McCarthy, Michael
Nelson, Mary
Ober, Russell
Pratt, Calvin
Rokas, Ted
Shattuck, Gilman
Stroud, Kathleen
Villeneuve, Moe
Winters, Joel

Barry, Richard
Burt, John
Chandley, Shannon
Daniels, Gary
Gagne, Larry
Goley, Jeffrey
Hammond, Jill
Heath, Mary
Jack, Martin
Kelley, John
LeBrun, Donald
MacKay, Mariellen
McNamara, Richard
Notter, Jeanine
Palmer, Stephen
Ramsey, Peter
Rosenwald, Cindy
Soucy, Timothy
Sullivan, Daniel
Walsh, Robert
Woodbury, David

Beaulieu, Jane
Byron, Frank
Christiansen, Lars
DiSilvestro, Linda
Gale, Sylvia
Grady, Brenda
Hansberry, Daniel
Hikel, John
Jasper, Shawn
Knowles, Mary Ann
Leishman, Peter
Mangipudi, Latha
Murphy, Kelleigh
O'Brien, Michael
Peterson, Lenette
Renzullo, Andrew
Rowe, Robert
Spratt, Stephen
Ulery, Jordan
Willette, Robert

Boehm, Ralph
Campbell, David
Connor, Evelyn
Flanagan, Jack
Garcia, Michael
Hackel, Paul
Hansen, Peter
Hinch, Richard
Judy, Jean
Kopka, Angeline
Levesque, Melanie
Manley, Jonathan
Murphy, Keith
O'Neil, William
Porter, Marjorie
Rhodes, Brian
Sanborn, Laurie
Straight, Philip
Vail, Suzanne
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Carey, Lorrie
French, Barbara
Karrick, David
Ratzki, Mario
Schuett, Dianne
Webb, Leigh

Andrews, Christopher
Carson, Clyde
Gile, Mary
Kotowski, Frank
Richardson, Gary
Shurtleff, Stephen

Bartlett, Christy
Ebel, Karen
Henle, Paul
MacKay, James
Rogers, Katherine
Wallner, Mary Jane

Burns, Scott
Frambach, Mary
Hoell, J.R.
Patten, Dick
Schamberg, Thomas
Walz, Mary Beth

ROCKINGHAM

Abrami, Patrick
Belanger, Ronald
Cali-Pitts, Jacqueline
DeSimone, Debra
Elliott, Robert
Flockhart, Eileen
Griffin, Mary
Hodgdon, Bruce
Mann, Maureen
Packard, Sherman
Rice, Frederick
Schroadter, Adam
Waterhouse, Kevin
Whittemore, Lisa

Allen, Mary
Bick, Patrick
Chirichiello, Brian
Devine, James
Emerson-Brown, Rebecca
Garcia, Marilinda
Hagan, Joseph
Khan, Aboul
McKinney, Betsy
Peckham, Michele
Sapareto, Frank
Sherman, Thomas
Wazlaw, Brian

Andrews-Ahearn, E. Elaine
Birdsell, Regina
Copeland, Timothy
Duarte, Joe
Ferrante, Beverly
Gordon, Richard
Harris, Jeffrey
Kolodziej, Walter
McMahon, Charles
Perkins, Lawrence
Scarlott, Joe
Sweeney, Joe
Webb, James

Baldasaro, Alfred
Cahill, Michael
Cushing, Robert
Dumaine, Dudley
Fesh, Robert
Grace, Curtis
Heffron, Frank
Major, Norman
Muns, Chris
Priestley, Anne
Schlachman, Donna
Till, Mary
Weyler, Kenneth

STRAFFORD

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

Beaudoin, Steven
Groen, Warren
Kaen, Naida
Perry, Robert
Smith, Marjorie

Berube, Roger
Grossman, Kenneth
Ketel, Stephen
Pitre, Joseph
Spainhower, Dale

Bixby, Peter
Hooper, Dorothea
Malloy, Dennis
Rogers, Rose Marie
Verschueren, James

SULLIVAN

Cloutier, John
Irwin, Virginia
Schmidt, Andrew

Gagnon, Raymond
Lefebvre, Benjamin
Sweeney, Cynthia

Gottling, Suzanne
Osgood, Joe
Tanner, Linda

Grenier, James
Rollins, Skip

and floor amendment (0916h) failed.

Rep. St. James voted Yea and intended to vote Nay.

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

Reps. Notter and Peterson spoke against.

Rep. Mangipudi spoke in favor.

Rep. Cushing requested a roll call; sufficiently seconded.

YEAS 225 - NAYS 104**YEAS - 225****BELKNAP**

Comtois, Guy
Flanders, Donald
Raymond, Ian

DiMartino, Lisa
Gulick, Ruth
Sylvia, Michael

Fields, Dennis
Huot, David
Tilton, Franklin

Fink, Charles
Luther, Robert
Vadney, Herbert

CARROLL

Ahlgren, Christopher
Schmidt, Stephen
Wright, Donald

Butler, Edward
Ticehurst, Susan

Cordelli, Glenn
Umberger, Karen

Nelson, Bill
White, Syndi

CHESHIRE

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

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

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

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

COOS

Coulombe, Gary
Rappaport, Laurence

Hammon, Marcia
Rideout, Leon

Hatch, William
Theberge, Robert

Moynihan, Wayne

GRAFTON

Aguiar, James
Ford, Susan
Lovett, Sid
Sykes, George

Almy, Susan
Friedrich, Carol
Mulholland, Catherine
Townsend, Charles

Benn, Bernard
Gionet, Edmond
Nordgren, Sharon
White, Andrew

Cooney, Mary
Higgins, Patricia
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Cebrowski, John
Cote, David
Gale, Sylvia
Gorman, Mary
Hansberry, Daniel
Jack, Martin
LeBrun, Donald
Mangipudi, Latha
Nelson, Mary
Parison, James
Rosenwald, Cindy
Shattuck, Gilman
Sweeney, Shawn
Walsh, Robert
Woodbury, David

Beaulieu, Jane
Chandlee, Shannon
Danielson, David
Garcia, Michael
Grady, Brenda
Harriott-Gathright, Linda
Knowles, Mary Ann
Leishman, Peter
Manley, Jonathan
O'Brien, Michael
Porter, Marjorie
Rowe, Robert
Shaw, Barbara
Ulery, Jordan
Warden, Mark

Brown, Pamela
Coffey, James
Eaton, Richard
Gargas, Carolyn
Hackel, Paul
Heath, Mary
Kopka, Angeline
Levesque, Melanie
Marston, Dick
O'Flaherty, Tim
Pratt, Calvin
Sandblade, Emily
Spratt, Stephen
Vail, Suzanne
Williams, Kermit

Campbell, David
Connor, Evelyn
Gage, Ruth
Gidge, Kenneth
Hammond, Jill
Heden, Ruth
Lambert, George
Long, Patrick
McNamara, Richard
Ober, Lynne
Ramsey, Peter
Schmidt, Janice
Sullivan, Peter
Vaillancourt, Steve
Winters, Joel

MERRIMACK

Alicea, Caroletta
Davis, Frank
Henle, Paul
Kelly, Sally
McGuire, Carol
Rice, Chip
Shurtleff, Stephen
Watrous, Rick

Bartlett, Christy
Ebel, Karen
Hoell, J.R.
Kidder, David
Moffett, Howard
Richardson, Gary
Turcotte, Alan
Webb, Leigh

Carey, Lorrie
French, Barbara
Hunt, Jane
Kotowski, Frank
Patten, Dick
Rogers, Katherine
Wallner, Mary Jane

Carson, Clyde
Gile, Mary
Karrick, David
MacKay, James
Ratzki, Mario
Schamberg, Thomas
Walz, Mary Beth

ROCKINGHAM

Abrami, Patrick
Briden, Steven
Comerford, Timothy
Emerson-Brown, Rebecca
Heffron, Frank
Major, Norman
O'Connor, John
Schroadter, Adam
Tasker, Kyle
Waterhouse, Kevin

Andrews-Ahearn, E. Elaine
Burtis, Elizabeth
Cushing, Robert
Fesh, Robert
Kappler, Lawrence
Mann, Maureen
Oigny, Jeffrey
Sedensky, John
Till, Mary
Wazlaw, Brian

Birdsell, Regina
Cahill, Michael
Elliott, Robert
Flockhart, Eileen
Khan, Aboul
Moody, Marcia
Peckham, Michele
Sherman, Thomas
Tucker, Pamela
Whittemore, Lisa

Borden, David
Cali-Pitts, Jacqueline
Emerick, J. Tracy
Harris, Jeffrey
Lovejoy, Patricia
Muns, Chris
Schlachman, Donna
Sweeney, Joe
Ward, Gerald

STRAFFORD

Baber, William
Gardner, Janice

Berube, Roger
Grassie, Anne

Bickford, David
Grossman, Kenneth

Bixby, Peter
Hooper, Dorothea

Horrigan, Timothy
Malloy, Dennis
Perry, Robert
Spang, Judith
Ward, Kenneth

Hubbard, Pamela
Menear, H. Robert
Rogers, Rose Marie
Stevens, Audrey

Kaen, Naida
Merrill, Amanda
Schmidt, Peter
Verschueren, James

Ketel, Stephen
Mullen, John
Smith, Marjorie
Wall, Janet

Cloutier, John
Irwin, Virginia

Gagnon, Raymond
Schmidt, Andrew

Gottling, Suzanne
Sweeney, Cynthia

Grenier, James
Tanner, Linda

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Burchell, Richard

Greemore, Robert

Holmes, Stephen

CARROLL

Buco, Thomas

Chandler, Gene

McConkey, Mark

CHESHIRE

Johnson, Jane

COOS

Richardson, Herbert

GRAFTON

Ladd, Rick

Piper, Wendy

Reilly, Harold

HILLSBOROUGH

Barry, Richard
Byron, Frank
DiSilvestro, Linda
Graham, John
Hinch, Richard
Katsiantonis, Thomas
McCarthy, Michael
O'Neil, William
Renzullo, Andrew
Soucy, Timothy
Villeneuve, Moe

Belanger, James
Christiansen, Lars
Flanagan, Jack
Haefner, Robert
Infantine, William
Kelley, John
Murphy, Kelleigh
Ober, Russell
Rhodes, Brian
Straight, Philip
Willette, Robert

Boehm, Ralph
Culbert, Patrick
Gagne, Larry
Hansen, Peter
Jasper, Shawn
Kurk, Neal
Murphy, Keith
Palmer, Stephen
Rokas, Ted
Stroud, Kathleen

Burt, John
Daniels, Gary
Goley, Jeffrey
Hikel, John
Judy, Jean
MacKay, Mariellen
Notter, Jeanine
Peterson, Lenette
Sanborn, Laurie
Sullivan, Daniel

MERRIMACK

Andrews, Christopher
McGuire, Dan

Burns, Scott
Schuett, Dianne

Frambach, Mary
Walsh, Thomas

Lockwood, Priscilla

ROCKINGHAM

Allen, Mary
Chirichiello, Brian
Devine, James
Garcia, Marilinda
Hagan, Joseph
Kolodziej, Walter
Nigrello, Robert
Rice, Frederick
Sytek, John

Baldasaro, Alfred
Copeland, Timothy
Duarte, Joe
Gordon, Richard
Hodgdon, Bruce
McKinney, Betsy
Packard, Sherman
Sapareto, Frank
Webb, James

Belanger, Ronald
Dana, Romeo
Dumaine, Dudley
Grace, Curtis
Hoelzel, Kathleen
McMahon, Charles
Perkins, Lawrence
Scarlott, Joe
Weyler, Kenneth

Bick, Patrick
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary
Itse, Daniel
Milz, David
Priestley, Anne
St.James, Kevin

STRAFFORD

Beaudoin, Steven
Spainhower, Dale

Groen, Warren

Jones, Laura

Pitre, Joseph

SULLIVAN

Lefebvre, Benjamin

Osgood, Joe

Rollins, Skip

Smith, Steven

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

(Rep. Kaen in the Chair)

HB 1620-FN, relative to the use of drones. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Steve Vaillancourt for Criminal Justice and Public Safety. After a great deal of work on getting the word-ing just right and dealing with a wide series of concerns, the committee voted 17-0 to pass the amendment and then 12-5 to pass the bill, as amended. This represents an attempt to balance privacy concerns in the age of ever expanding technology with the right of people to operate drones. The committee was concerned about the potential use of drones to “spy” on one’s neighbor as well as the use of drones by government agen-

cies. Thus, the bill contains two parts and numerous definitions. The heart of one part is that “no person shall use a drone to conduct surveillance without the prior consent of each affected person.” Surveillance is defined as “the willful monitoring, tracking or following while photographing, taking images of, listening to, or making a record of a recognizable individual or a group of individuals including their movements, activities, or communication or the interior of a building or structure.” Government use of drones is limited to: first obtaining a search warrant based on probable cause; reasonable suspicion that swift action is needed to prevent imminent harm (and then use of the drone would be limited to a 48 hour period); and prior consent. While no one will claim that this bill is the absolutely perfect solution for the threat drones will increasingly pose to our privacy, the committee is convinced that it is a worthy effort and should be passed. Something better in the future may surface, but drones are becoming a problem today, and this bill will deal with them. Enforcement of provisions of this bill at all times will obviously be a problem, but the committee agreed with the bill’s sponsor, “Laws are based on the assumption that people will follow them.” By passing this law, we are assuming one will not use a drone to spy on one’s neighbor (or anyone else). Penalties are set at the misdemeanor level. Vote 12-5.

Amendment (0653h)

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

1 New Chapter; Drones. Amend RSA by inserting after chapter 644 the following new chapter:

CHAPTER 644-A DRONES

644-A:1 Definitions. In this chapter:

- I. “Airspace” means the space above the ground in New Hampshire.
- II. “Drone” means an aerial vehicle that:
 - (a) Does not carry a human operator;
 - (b) Uses aerodynamic forces to provide vehicle lift;
 - (c) Can fly autonomously or be piloted remotely; and
 - (d) Can be expendable or recoverable.
- III. “Government” means federal, state, and local agencies and departments and any political subdivisions thereof, including employees, agents, and contractors.
- IV. “Individual” means a living human being.
- V. “Information” means any evidence, images, sounds, or data gathered by a drone.
- VI. “Person” means individuals, corporations, organizations, and for-profit and not-for-profit entities, excluding the government.
- VII. “Surveillance” means the willful act of monitoring, tracking, or following, while photographing, taking images of, listening to, or making a recording of:
 - (a) A recognizable individual or a group of individuals, including their movements, activities, or communications; or
 - (b) The interior of a building or structure.

644-A:2 Government Use of Drones Limited; Exceptions.

- I.(a) A government may use a drone for law enforcement purposes only under the following conditions:
 - (1) If a government first obtains a search warrant signed by a judge and based on probable cause or the use is pursuant to a legally-recognized exception to the warrant requirement.
 - (2) If a government possesses reasonable suspicion that, under particular circumstances, swift action is needed to prevent imminent harm to life or serious damage to property, or to forestall the imminent escape of a suspect, or the destruction of evidence. The use of a drone under this subparagraph shall be limited to a period of 48 hours of its initial use. Within 24 hours of the initiation of the use of a drone under this subparagraph, the government shall report in writing the use of a drone to the attorney general who shall annually post such reports on the department of justice website in a searchable format.
 - (3) If a government obtains the prior consent of the person who is the subject of the surveillance and the owner or lessee of the property which is the subject of the surveillance.
- (b) If a government uses a drone under this paragraph, it shall within 24 hours permanently destroy all information gathered by the drone other than that relating directly to the purpose for which the drone was used or any evidence of another crime discovered inadvertently, and only such information may be retained or disclosed to another government.
- (c) Evidence obtained by a government through the use of a drone in violation of this paragraph shall not be admissible in any judicial or administrative proceeding and shall not be used to establish reasonable suspicion or probable cause to believe that an offense has been committed.
- II. No government shall own, use, or exercise control over a drone that is equipped with any kind of lethal or non-lethal weapon.
- III. Except as provided in paragraph I, no government shall use a drone for surveillance.

IV. A government that owns, uses, or exercises control over a drone in this state that causes injury to a person or a person's property shall be strictly liable for such injury.

V. A government that owns, uses, or exercises control over one or more drones shall annually on July 1 submit a written report to the attorney general containing information on the number of such drones and the number of times each such drone was used during the prior year. The attorney general shall annually post such reports on the department of justice website in a searchable format.

644-A:3 Non-government Use of Drones Limited; Exceptions.

I. No person shall use a drone to conduct surveillance without the prior consent of each affected person and each owner or possessor of affected buildings or structures or parts thereof. It shall not be a defense to a charge of violating this chapter that the buildings or structures were not marked with a no-trespassing sign or similar notice.

II. No person shall own, use, or exercise control over a drone that is equipped with any kind of lethal or non-lethal weapon.

III. Any person that owns, uses, or exercises control over a drone in this state that causes injury to a person or such person's property shall be strictly liable for the injury.

644-A:4 Federal Preemption. If federal law preempts any provision of this chapter, that provision shall not apply. This section shall be construed to provide the greatest possible protection of the privacy of the people of this state.

644-A:5 Construction. This chapter shall be construed to provide the greatest possible protection of the privacy of the people of this state.

644-A:6 Penalties.

I. An individual, including a government employee, agent, and contractor, who violates RSA 644-A:2 shall be guilty of a class A misdemeanor.

II. A government that violates RSA 644-A:2 shall be subject to a civil penalty of up to \$10,000 which shall be deposited in the general fund of the state.

III. A person who violates RSA 644-A:3 shall be guilty of a class B misdemeanor.

IV. Any person who suffers injury caused by a drone operated in violation of this chapter shall be entitled to damages from the person or government that committed the violation of not less than \$1,000 and an award of reasonable attorney fees.

V. In addition to any other remedies allowed by law, a person who willfully gains unauthorized control over a drone shall be liable to the owner of the drone in an amount of not less than \$1,000 and an award of reasonable attorney fees.

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

Amendment adopted.

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

Rep. Kurk offered floor amendment (0950h)

Floor Amendment (0950h)

Amend the introductory paragraph of RSA 644-A:1, II as inserted by section 1 of the bill by replacing it with the following:

II. "Drone" means an aerial vehicle, excluding a geosynchronous satellite, that:

Amend RSA 644-A:1, VII as inserted by section 1 of the bill by replacing it with the following:

VII.(a) "Surveillance" means:

(1) The willful act of tracking or following, while photographing, taking images of, listening to, or making a recording of a recognizable individual or a group of individuals, including their movements, activities, or communications; or

(2) Photographing, taking images of, listening in, or making a recording in the interior of a building or structure in which there is a reasonable expectation of privacy.

(b) "Surveillance" shall not apply to a newsworthy event or an event to which the public is invited.

Amend RSA 644-A:3 as inserted by section 1 of the bill by inserting after paragraph III the following new paragraph:

IV. No person shall use a drone to harass or stalk another person.

Amend RSA 644-A:4 and RSA 644-A:5 as inserted by section 1 of the bill by replacing them with the following:

644-A:4 Federal Preemption. If federal law preempts any provision of this chapter, that provision shall not apply.

644-A:5 Construction. This chapter, as civilly applied, shall be construed to provide the greatest possible protection of the privacy of the people of this state.

Reps. Kurk and Cushing spoke in favor.

Floor amendment (0950h) adopted.

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

Rep. Gulick spoke against.

Rep. Kurk spoke in favor.

Committee report adopted and ordered to third reading.

HB 1625-FN, relative to penalties for possession of marijuana in the amount of one ounce or less and the cultivation of marijuana plants. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Geoffrey D. Hirsch for Criminal Justice and Public Safety. This bill reforms NH marijuana possession laws and assigns penalties more in line with a growing realization that excessive penalties are not only disconnected from reducing marijuana use, but are in direct conflict with the NH Constitution. Article 18 of the NH Constitution states that “all penalties ought to be proportioned to the nature of the offense.” Under our current marijuana related statutes, penalties of jail time and criminal records are clearly not proportional to the conduct of possessing small amounts of marijuana (or its derivatives) for personal use. Shouldn’t we as a society spend our limited resources arresting, convicting, and incarcerating people we are afraid of, rather than people we are mad at? Haven’t we more to fear from a host of other controlled substances? Shouldn’t we be putting our resources there? Recent Public Policy and Granite State Polls reveal that 60% or more of voters support a reduction, even elimination of criminal penalties associated with possession of small amounts of marijuana. Sixteen states, including all other New England states have passed laws decriminalizing small amounts of marijuana. More states are working on similar bills. Typically, decriminalization means no prison time or criminal record because, as in this bill, the conduct is treated as a violation. Violations do not haunt people as misdemeanor arrests and convictions do – possibly denying them employment, financial assistance, public housing, licenses, etc. Such collateral consequences clearly exacerbate the already disproportional nature of current penalties. It is time for a change. This bill does not endorse the use of marijuana, nor ignore the problems that can be associated with its use, and includes appropriate provisions that address some of these concerns. Simply put, this bill seeks to stop making criminals out of regular citizens by placing our marijuana laws more in line with voter opinion, the New Hampshire Constitution, and common sense. Vote 12-5.

Amendment (0771h)

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

1 New Sections; Controlled Drug Act; Personal Possession of Marijuana. Amend RSA 318-B by inserting after section 2-b the following new sections:

318-B:2-c Personal Possession of Marijuana.

I. Any person possessing one ounce or less of marijuana, including adulterants or dilutants, shall be guilty of a violation.

II. Any person possessing 5 grams or less of hashish, including adulterants or dilutants, shall be guilty of a violation.

III.(a) Any person 18 years of age or older who is convicted of violating paragraph I or II shall be subject to a fine not to exceed \$100 and shall forfeit the marijuana or hashish.

(b) Any person under 18 years of age who is convicted of violating paragraph I or II shall forfeit the marijuana or hashish. The offender’s parents or legal guardians shall be notified of the offense. The court shall order the offender to complete an approved alcohol and substance abuse education program, at the offender’s expense, within one year of the date of the offense. Further, the court shall order the offender to participate in community service, which shall be completed within one year of the date of the offense. The offender shall furnish the court with evidence of completion of both an approved alcohol and substance abuse education program and community service. An offender who fails to complete both an alcohol and substance abuse education program and community service shall be subject to an additional fine of \$750.

(c) Any person who is not yet 21 years of age on the date of the incident, who is convicted of an offense under paragraph I or II may, at the discretion of the court, be subject to the revocation or denial of a driver’s license or privilege to drive for not less than 90 days but not more than one year on the first finding or conviction under this paragraph, and not less than 6 months but not more than 2 years for a subsequent finding or conviction. Nothing in this paragraph shall prevent the court from requiring any person subject to its provisions to successfully completing a substance abuse education program in lieu of a loss or denial of driving license or privilege. The director, upon receipt of a notification from the court that the court has ordered the suspension of a person’s license or driving privilege pursuant to this paragraph, shall forthwith issue a formal order of suspension and, in the case of denial of an application for a license, the period imposed shall begin on the date the person is eligible by age for the issuance of a license. Notwithstanding any other law regarding confidentiality, any court which convicts or makes a finding that an offense described in this paragraph has occurred involving a person who meets the age limits specified in this paragraph, and which orders the revocation or denial of a driver’s license or privilege to drive, shall forward a notice of such conviction or finding to the director. The director shall maintain the confidentiality of notices received.

(d) The director shall, when ordered by the court, revoke the driver’s license or privilege to drive or deny an application for a license for not less than 90 days but not more than one year on the first finding or conviction under paragraph I or II, and not less than 6 months but not more than 2 years for a subsequent

finding or conviction; provided, however, that the director shall not revoke or deny a license or privilege to drive under this paragraph without first giving the person an opportunity for a hearing to determine that the person is the individual who was convicted of the offense and against whom the court order applies. In the case of denial of an application for a license, the period imposed shall begin on the date the person is eligible by age for the issuance of a license.

IV.(a) No record of a violation of this section shall be recorded in any database of criminal offenders.

(b) No record that includes personally-identifiable information resulting from a violation of this section shall be made accessible to the public, federal agencies, or agencies from other states or countries.

V.(a) Except as provided in this section, no person shall be subject to arrest for a violation of paragraph I or II.

(b) Any person in possession of an identification card, license, or other form of identification issued by the state or any state, country, city, or town, or any college or university, who fails to produce the same upon request of a police officer who informs the person that he or she has been found to be in possession of what appears to the officer to be an ounce or less of marijuana or 5 grams or less of hashish, may be arrested for a violation of paragraph I or II.

(c) Any person who fails to produce a form of identification provided for in subparagraph (b) may be arrested for a violation of paragraph I or II if the person fails or refuses to truthfully provide his or her name, address, and date of birth to a police officer who has informed such person that he or she has been found in possession of what appears to the officer to be an ounce or less of marijuana or 5 grams or less of hashish.

VI.(a) Except as specifically provided in RSA 263:56-b, III and IV, neither the state nor any of its political subdivisions shall impose any form of penalty on a person for possessing one ounce or less of marijuana, 5 grams or less of hashish, or paraphernalia for marijuana use, nor shall any penalties or obligations exceeding those outlined in RSA 263:56-b, III or IV be imposed by the state nor any of its political subdivisions solely for having cannabinoids or cannabinoid metabolites in the urine, blood, sweat, hair, fingernails, toenails, or other tissue or fluid of the human body.

(b) Possession of one ounce or less of marijuana, possession of 5 grams or less of hashish, possession of paraphernalia for marijuana use, or the presence of cannabinoids or cannabinoid metabolites in the urine, blood, sweat, hair, fingernails, toenails, or other tissue or fluid of the human body shall not constitute grounds for denying a person student financial aid, public housing, or any form of public financial assistance including unemployment benefits, or denying a person the right to operate a motor vehicle, or disqualifying a person from serving as a foster parent or adoptive parent.

318-B:2-d Plea by Mail.

I. Any person 18 years of age or older who is charged with a violation of RSA 318-B:2-c, I or II may enter a plea of guilty, nolo contendere, or not guilty, by mail in a circuit court, district division.

II. Such defendant shall receive, in addition to the summons, a fine notice entitled "Notice of Fine" which shall contain the amount of the fine for a violation of RSA 318-B:2-c I or II. A defendant who is issued a summons and notice of fine and who wishes to plead guilty or nolo contendere shall enter his or her plea on the summons and return it with payment of the fine within 30 days of the date of the summons. Payment by credit card may be accepted in lieu of cash payment.

III. If the defendant wishes to enter a plea of not guilty, he or she shall enter such plea on the summons and return it within 30 days of the date of the summons. The circuit court, district division shall schedule a trial.

IV. Whenever a defendant does not enter a plea by mail within 30 days of the date of the summons, the defendant shall be defaulted and shall be subject to an additional \$100 fine.

V. Whenever a defendant fails to pay a fine in connection with a conviction for a violation of RSA 318-B:2-c, I or II, or payment of such fine is uncollectible, the defendant shall be defaulted and the fine shall increase to \$200.

2 Controlled Drug Act; Penalties. Amend RSA 318-B:26, I(b)-(d) to read as follows:

(b) In the case of a violation involving any of the following, a person may be sentenced to a maximum term of imprisonment of not more than 20 years, a fine of not more than \$300,000, or both. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person may be sentenced to a term of imprisonment of not more than 40 years, a fine of not more than \$500,000, or both:

(1) A substance or mixture referred to in subparagraph I(a)(1) of this section, other than crack cocaine, in a quantity of 1/2 ounce or more, including any adulterants or dilutants;

(2) A substance classified in schedule I or II other than those specifically covered in this section, or the analog of any such substance, in a quantity of one ounce or more including any adulterants or dilutants;

(3) Lysergic acid diethylamide, or its analog, in a quantity of less than 100 milligrams including any adulterants or dilutants, or where the amount is undetermined, or phencyclidine (PCP) or its analog, in a quantity of less than 10 grams, including any adulterants or dilutants, or where the amount is undetermined;

(4) Heroin or its analog or crack cocaine in a quantity of one gram or more, including any adulterants or dilutants;

(5) Methamphetamine or its analog, in a quantity of one ounce or more including any adulterants or dilutants;

(6) ~~Marijuana in a quantity of 5 pounds or more including any adulterants or dilutants, or hashish in a quantity of one pound or more including any adulterants and dilutants;~~

(7) Flunitrazepam in a quantity of 500 milligrams or more.

(c) In the case of a violation involving any of the following, a person may be sentenced to a maximum term of imprisonment of not more than 7 years, a fine of not more than \$100,000, or both. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person may be sentenced to a maximum term of imprisonment of not more than 15 years, a fine of not more than \$200,000, or both:

(1) A substance or mixture referred to in subparagraph I(a)(1) of this section, other than crack cocaine, in a quantity less than 1/2 ounce including any adulterants or dilutants;

(2) A substance or mixture classified as a narcotic drug in schedule I or II other than those specifically covered in this section, or the analog of any such substance, in a quantity of less than one ounce including any adulterants or dilutants;

(3) Methamphetamine, or its analog in a quantity of less than one ounce including any adulterants or dilutants;

(4) Heroin or its analog or crack cocaine in a quantity of less than one gram, including any adulterants or dilutants;

(5) Marijuana in a quantity of ~~[one ounce]~~ **5 pounds** or more including any adulterants or dilutants, or hashish in a quantity of ~~[5 grams]~~ **one pound** or more including any adulterants or dilutants;

(6) Flunitrazepam in a quantity of less than 500 milligrams;

(7) Any other controlled drug or its analog, other than those specifically covered in this section, classified in schedules I, II, III or IV.

(d) In the case of a violation involving any of the following, a person may be sentenced to a maximum term of imprisonment of not more than 3 years, a fine of not more than \$25,000, or both. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person may be sentenced to a maximum term of imprisonment of not more than 6 years, a fine of not more than \$50,000, or both:

(1) Marijuana in a quantity of ~~[less]~~ **more** than one ounce including any adulterants or dilutants, or hashish in a quantity of ~~[less]~~ **more** than 5 grams including any adulterants or dilutants;

(2) Any schedule V substance or its analog.

(e) Any person who possesses, propagates, cultivates, grows, harvests, or manufactures 6 or fewer marijuana plants shall be guilty of a class A misdemeanor.

3 Controlled Drug Act; Penalties. Amend RSA 318-B:26, II to read as follows:

II. Any person who knowingly or purposely obtains, purchases, transports, or possesses actually or constructively, or has under his control, any controlled drug or controlled drug analog, or any preparation containing a controlled drug or controlled drug analog, except as authorized in this chapter, shall be sentenced as follows, except as otherwise provided in this section:

(a) In the case of a controlled drug or its analog, classified in schedules I, II, III or IV, other than those specifically covered in this section, the person shall be guilty of a class B felony, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of not more than \$25,000 may be imposed. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person shall be guilty of a class A felony, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of up to \$50,000 may be imposed;

(b) In the case of a controlled drug or its analog classified in schedule V, the person shall be sentenced to a maximum term of imprisonment of not more than 3 years, a fine of not more than \$15,000, or both. If a person commits any such violation after one or more prior offenses as defined in RSA 318-B:27, such person shall be guilty of a class B felony, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of not more than \$25,000 may be imposed;

(c) ~~In the case of more than 5 grams of hashish, the person shall be guilty of a misdemeanor, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of not more than \$5,000 may be imposed.~~

~~(d)~~ In the case of **more than one ounce** of marijuana, including any adulterants or dilutants, or **more than 5 grams** or less of hashish, the person shall be guilty of a class A misdemeanor.

(d) In the case of one ounce or less of marijuana, including any adulterants or dilutants, or 5 grams or less of hashish, including adulterants or dilutants, the person shall be guilty of a violation pursuant to RSA 318-B:2-c.

4 Controlled Drug Act; Penalties. Amend RSA 318-B:26, III(a) to read as follows:

(a) ***Except as provided in RSA 318-B:2-c***, controls any premises or vehicle where he knows a controlled drug or its analog is illegally kept or deposited;

5 Other Alcohol or Drug Offenses; Possession of Drugs. Amend RSA 265-A:43 to read as follows:

265-A:43 Possession of Drugs. Any person who drives on any way a vehicle while knowingly having in his or her possession or in any part of the vehicle a controlled drug or controlled drug analog in violation of the provisions of RSA 318-B shall be guilty of a misdemeanor, and his or her license shall be revoked or his or her right to drive denied for a period of 60 days and at the discretion of the court for a period not to exceed 2 years. ***This section shall not apply to possession of marijuana or hashish as provided in RSA 318-B:2-c.***

6 Effective Date. This act shall take effect January 1, 2015.
Amendment adopted.

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

Rep. Vaillancourt requested a quorum call.

The Speaker declared a quorum present.

Reps. Schroadter, Vaillancourt and Baldasaro spoke in favor and yielded to questions.

Rep. Mangipudi spoke in favor.

Rep. Tasker requested a roll call; sufficiently seconded.

YEAS 215 - NAYS 92

YEAS - 215

BELKNAP

Comtois, Guy
Huot, David

Fink, Charles
Raymond, Ian

Greemore, Robert
Sylvia, Michael

Gulick, Ruth
Vadney, Herbert

CARROLL

Ahlgren, Christopher
Ticehurst, Susan

Buco, Thomas
Umberger, Karen

Butler, Edward
White, Syndi

Schmidt, Stephen
Wright, Donald

CHESHIRE

Ames, Richard
Johnsen, Gladys
Robertson, Timothy
Weber, Lucy

Berch, Paul
Ley, Douglas
Sad, Tara
Weed, Charles

Chase, Cynthia
Mann, John
Shepardson, Marjorie
Young, Harry

Eaton, Daniel
Phillips, Larry
Tatro, Bruce

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William

Moynihan, Wayne

Rideout, Leon

GRAFTON

Almy, Susan
Friedrich, Carol
Mulholland, Catherine
Townsend, Charles

Benn, Bernard
Gionet, Edmond
Nordgren, Sharon
White, Andrew

Cooney, Mary
Higgins, Patricia
Piper, Wendy

Ford, Susan
Lovett, Sid
Sykes, George

HILLSBOROUGH

Backus, Robert
Byron, Frank
Danielson, David
Gale, Sylvia
Grady, Brenda
Heath, Mary
Kelley, John
LeBrun, Donald
Mangipudi, Latha
Murphy, Keith
Palmer, Stephen
Ramsey, Peter
Sanborn, Laurie
Shaw, Barbara
Stroud, Kathleen
Vail, Suzanne
Williams, Kermit

Beaulieu, Jane
Chandley, Shannon
Flanagan, Jack
Garcia, Michael
Hackel, Paul
Hikel, John
Knowles, Mary Ann
Leishman, Peter
Manley, Jonathan
O'Brien, Michael
Parison, James
Renzullo, Andrew
Sandblade, Emily
Smith, Timothy
Sullivan, Daniel
Vaillancourt, Steve
Winters, Joel

Brown, Pamela
Cote, David
Gage, Ruth
Gidge, Kenneth
Hammond, Jill
Infantine, William
Kopka, Angeline
Levesque, Melanie
McNamara, Richard
O'Flaherty, Tim
Porter, Marjorie
Rokas, Ted
Schmidt, Janice
Soucy, Timothy
Sullivan, Peter
Walsh, Robert
Woodbury, David

Burt, John
Culbert, Patrick
Gagne, Larry
Gorman, Mary
Harriott-Gathright, Linda
Jack, Martin
Lambert, George
MacKay, Mariellen
Murphy, Kelleigh
Ober, Lynne
Pratt, Calvin
Rosenwald, Cindy
Shattuck, Gilman
Spratt, Stephen
Ulery, Jordan
Warden, Mark

MERRIMACK

Alicea, Caroletta
Carson, Clyde
Gile, Mary
Kelly, Sally
Moffett, Howard
Schamberg, Thomas
Walz, Mary Beth

Andrews, Christopher
Ebel, Karen
Henle, Paul
Lockwood, Priscilla
Ratzki, Mario
Shurtleff, Stephen
Watrous, Rick

Bartlett, Christy
Frambach, Mary
Hoell, J.R.
McGuire, Carol
Rice, Chip
Turcotte, Alan

Carey, Lorrie
French, Barbara
Karrick, David
McGuire, Dan
Richardson, Gary
Wallner, Mary Jane

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cahill, Michael
Cushing, Robert
Emerick, J. Tracy

Baldasaro, Alfred
Cali-Pitts, Jacqueline
Danais, Romeo
Emerson-Brown, Rebecca

Briden, Steven
Chirichiello, Brian
Duarte, Joe
Flockhart, Eileen

Burtis, Elizabeth
Comerford, Timothy
Elliott, Robert
Garcia, Marilinda

Grace, Curtis
Lovejoy, Patricia
Milz, David
O'Connor, John
Scarlotta, Joe
Tasker, Kyle
Wazlaw, Brian

Heffron, Frank
Major, Norman
Moody, Marcia
Oligny, Jeffrey
Schroadter, Adam
Till, Mary
Webb, James

Itse, Daniel
Mann, Maureen
Muns, Chris
Peckham, Michele
Sweeney, Joe
Ward, Gerald
Whittemore, Lisa

Kolodziej, Walter
McKinney, Betsy
Nigrello, Robert
Sapareto, Frank
Sytek, John
Waterhouse, Kevin

STRAFFORD

Baber, William
Grassie, Anne
Jones, Laura
Perry, Robert
Stevens, Audrey

Bickford, David
Grossman, Kenneth
Ketel, Stephen
Rogers, Rose Marie
Verschueren, James

Bixby, Peter
Horrigan, Timothy
Malloy, Dennis
Smith, Marjorie
Wall, Janet

Gardner, Janice
Hubbard, Pamela
Merrill, Amanda
Spang, Judith
Ward, Kenneth

SULLIVAN

Cloutier, John
Irwin, Virginia
Tanner, Linda

Gagnon, Raymond
Lefebvre, Benjamin

Gottling, Suzanne
Schmidt, Andrew

Grenier, James
Sweeney, Cynthia

NAYS - 92

BELKNAP

Burchell, Richard
Holmes, Stephen

DiMartino, Lisa
Luther, Robert

Fields, Dennis
Tilton, Franklin

Flanders, Donald

CARROLL

Chandler, Gene

Cordelli, Glenn

McConkey, Mark

CHESHIRE

Butynski, William

Johnson, Jane

Parkhurst, Henry

Roberts, Kris

COOS

Hammon, Marcia

Rappaport, Laurence

Richardson, Herbert

GRAFTON

Harding, Laurie

Ladd, Rick

Smith, Suzanne

HILLSBOROUGH

Barry, Richard
Coffey, James
Eaton, Richard
Haefner, Robert
Jasper, Shawn
McCarthy, Michael
Rhodes, Brian

Boehm, Ralph
Connor, Evelyn
Gargasz, Carolyn
Hansberry, Daniel
Kurk, Neal
Nelson, Mary
Straight, Philip

Cebrowski, John
Daniels, Gary
Goley, Jeffrey
Hansen, Peter
Long, Patrick
Notter, Jeanine
Villeneuve, Moe

Christiansen, Lars
DiSilvestro, Linda
Graham, John
Heden, Ruth
Marston, Dick
Peterson, Lenette
Willette, Robert

MERRIMACK

Burns, Scott
MacKay, James
Walsh, Thomas

Davis, Frank
Patten, Dick
Webb, Leigh

Kidder, David
Rogers, Katherine

Kotowski, Frank
Schuett, Dianne

ROCKINGHAM

Abrami, Patrick
Borden, David
Fesh, Robert
Harris, Jeffrey
McMahon, Charles
Schlachman, Donna
Tucker, Pamela

Allen, Mary
Copeland, Timothy
Gordon, Richard
Hodgdon, Bruce
Packard, Sherman
Sedensky, John
Weyler, Kenneth

Bick, Patrick
Devine, James
Griffin, Mary
Hoelzel, Kathleen
Priestley, Anne
Sherman, Thomas

Birdsell, Regina
Dumaine, Dudley
Hagan, Joseph
Kappler, Lawrence
Rice, Frederick
St.James, Kevin

STRAFFORD

Beaudoin, Steven
Schmidt, Peter

Groen, Warren

Mullen, John

Pitre, Joseph

SULLIVAN

Osgood, Joe

Rollins, Skip

Smith, Steven

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

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

HB 1392-FN-L, removing the restriction on the number of pupils eligible to transfer to a chartered public school. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Ralph G. Boehm for the Majority of Education. Presently, the restriction of students who may be removed to attend a public charter school, in any given district, is 10% per grade level. This bill repeals RSA 194 B:3. That restriction has never been challenged or met. This repeal may then allow a charter school to open in an area with limited public school population. The lottery in public charter schools limits the influx or rush of students and provides opportunities for alternative education. Vote 10-8.

Rep. Mel Myler for the Minority of Education. The Minority was not convinced that the 10% restriction limiting students to transfer from a public school to a public charter school was warranted. There has been no past problem for any student wishing to attend a charter school. Furthermore, the unintended consequence could negatively impact the public school by depleting a grade level of attendance or curriculum options.

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

On a division vote, 191 members having voted in the affirmative and 99 in the negative, the majority committee report was adopted and ordered to third reading.

(Speaker Norelli in the Chair)

HB 1393-FN-L, relative to tuition payments for students attending a chartered public school in the student's district of residence. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Mel Myler for the Majority of Education. This bill would mandate a school district with no elementary or high school to provide to a charter school an amount not less than 80% of the amount of tuition which would have been paid to another district for the pupil attending a charter school. The majority saw no need for this bill because there is no provision for a local vote for such funding. Local districts currently have an option to make certain contractual arrangements with alternate school districts. This bill would end this permissive practice and make such payment mandatory. Vote 11-7.

Rep. Ralph G. Boehm for the Minority of Education. It would be common sense for money to follow the child. If a school district tuitions their students to another district and students then go to a charter school, the school district would have a budget windfall.

MOTION TO SPECIAL ORDER

Rep. Gile moved that **HB 1393-FN-L**, relative to tuition payments for students attending a chartered public school in the student's district of residence, be made a Special Order as the first order of business after the lunch break for the Session of March 13, 2014.

Rep. Gile spoke in favor.

Adopted.

REGULAR CALENDAR – PART II (CONT'D)

HB 1449, relative to the requirements for filing a charter school application. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. June M. Frazer for the Majority of Education. The purpose of this bill is to strengthen the application process for charter schools. Since the future success of the proposed school will depend upon how well the group seeking the charter has visualized the need the school is intended to fill, a clear and evidence-based mission statement must be a very strong component of the application. If New Hampshire is to put the funds budgeted for public education to maximum advantage in meeting needs, it is necessary to prevent mere duplication of existing public schools in a district. To that end, this bill gives more specific guidelines for what is expected in the mission statement than the relevant RSA now offers. Vote 14-1.

Rep. Glenn Cordelli for the Minority of Education. The Minority believes that this bill will complicate the DOE approval process for charter schools by re-allocating 50% of points awarded in the application review to the mission statement. The remaining 25+ evaluation criteria will have a dramatically reduced role in the application review. If school mission statements are to be given such importance, then the same weight should be given to BOTH chartered public and traditional public schools.

Majority Amendment (0779h)

Amend the bill by replacing section 1 with the following:

1 Chartered Public Schools; Application. Amend RSA 194-B:3, II(a) to read as follows:

(a) Educational mission *statement, which provides the foundation for all other elements in the application and which shall include details of the specific purpose and goals of the school. The educational mission statement shall count for not less than 50 percent in the criteria for evaluating a chartered public school application. The mission statement shall make a clear and documented case that the proposed school will serve a student population in a geographic area where chartered public schools are not present or reasonably accessible, or will meet a need not currently being met in the school district in which it will be located by broadening learning opportunities for an underserved student population, offering an alternative curriculum, employing an alternative and innovative methodology, or some combination of the same. The application shall demonstrate that the school's academic program will vary from those of the other schools in the district serving the same grade levels as follows:*

(1) If innovation is cited in the educational mission statement as a justification for applying for a charter, there shall be a clear and specific description of the innovations to be used and evidence that such innovations do not duplicate those already in use in the other public schools in the district.

(2) If specialization in a certain disciplinary area, such as science, technology, engineering, and mathematics subjects, or the arts, is cited in the educational mission statement as a justification for applying for a charter, there shall be a clear and specific description of the academic program for each area of specialization and evidence that the program will differ from those in the other public schools in the district.

Majority committee amendment adopted.

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

Rep. Cordelli spoke against.

Rep. Grassie spoke in favor.

On a division vote, 180 members having voted in the affirmative and 112 in the negative, the majority committee report was adopted and ordered to third reading.

HB 1399 FN, relative to the application for a vested deferred retirement allowance in the retirement system. **WITHOUT RECOMMENDATION.**

Statement in support of Ought to Pass: Rep. Carol McGuire.

This bill simply requires a person eligible for a “vested deferred” pension to apply for it on the same schedule as a person still working. “Vested deferred” is a term of art in the pension business, referring to a pension due to a person who leaves employment after earning the right to a pension (ten years’ service for the state retirement system), but does not actually retire at that time. In most cases, the person is not yet old enough to retire, regardless of their years of service. HB 1399 does not change who is eligible for such a pension in any way, nor does it re-define the word “vested.” It merely states that when starting to collect this pension, notice is required on the same time frame as active workers.

Statement in support of Inexpedient to Legislate: Rep. Daniel Sullivan.

HB 1399, an act relative to the application for a vested deferred retirement allowance, would change the time frame and application requirements for retirees to file an application to receive their benefit. The issue of “vested employees” as used in the current statute is presently being litigated before the NH Supreme Court. Committee members who supported Inexpedient to Legislate believe that this procedural change requested by the Retirement System should wait until after the resolution of the pending lawsuit. Vote 9-9.

Rep. Carol McGuire moved Ought to Pass.

LAID ON THE TABLE

Rep. Goley moved that **HB 1399 FN**, relative to the application for a vested deferred retirement allowance in the retirement system, be laid on the table.

On a division vote, 200 members having voted in the affirmative and 92 in the negative, the motion was adopted.

REGULAR CALENDAR – PART II (CONT'D)

HB 1444, recognizing the month of April as Genocide Awareness Month. **OUGHT TO PASS.**

Rep. Peter B. Schmidt for Executive Departments and Administration. This bill would make New Hampshire the fourth state to recognize April as Genocide Awareness Month. While committee members were unanimous in deploring genocide whenever and wherever it occurs, there was significant discussion among committee members about whether the designation of a month in recognition was the most appropriate way of recognizing the issue. The committee was presented with powerful testimony by survivors of past genocidal events, including the Holocaust. Although we are fully conscious of the difficulty of impacting the actions of foreign governments or non-governmental actors in distant lands, we cannot accept that averting our eyes in the face of merciless atrocities often committed against helpless and innocent civilians is better than urging our fellow citizens to inform themselves and to raise their consciousness and their voices in protest against such inhumanity. Ultimately, the majority of the committee was persuaded that the importance of this issue and the ever-present possibility of another such episode of inhumanity requires that we do all we can to promote education about genocide past and present. We choose to light this candle rather than curse the darkness. Vote 14-1. Committee report adopted and ordered to third reading.

HB 1403-FN, establishing a state minimum hourly wage. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Sally H. Kelly for the Majority of Labor, Industrial and Rehabilitative Services. HB 1403 reinstates NH minimum wage and does it with a moderate, gradual and sustainable increase. In January 2015, it would increase from the Federal level of \$7.25 per hour to \$8.25 per hour. In 2016, it would become \$9.00 per hour and in 2017 and going forward it would be indexed according to the Consumer Pricing Index (CPI). Currently, NH has the

lowest minimum wage of any of the six New England states. If New Hampshire takes its minimum wage from \$7.25 to \$9.00 per hour, nearly 76,000 workers would see a direct or indirect increase in their wages, according to an analysis of US Census Bureau data conducted by the Economic Policy Institute. Two out of every three of those workers are adults over the age of twenty and one out of three are over the age of thirty. A nationwide survey found that two-thirds of small business owners supported an increase in the Federal minimum wage on the grounds that it "will help the economy because the people with the lowest incomes are the most likely to spend any pay increases..." A recent Granite State Poll found very strong support for increasing the NH minimum wage to \$9.00 with overall support at 76% with 64% of Republicans, 70% of Independents and 91% of Democrats favoring this increase. Vote 10-8.

Rep. Gary L. Daniels for the Minority of Labor, Industrial and Rehabilitative Services. Employers are best positioned to determine the financial benefit an individual will bring to that business. When government increases the minimum wage, it not only forces them to pay a higher starting wage, but also causes them to adjust the wages of their other employees as a necessary action to maintain a wage differential between untrained, entry level workers in a probation period and their trained, post-probation employees. Through this action, employers incur a cost greater than just that associated with raising the wage of any minimum wage earner they employ. Because employers have finite funds to cover the cost of those they employ, when a minimum wage increase is imposed upon them, those who are affected most are the young seeking to enter the workforce, the elderly seeking a part-time employment to make ends meet, and those with disabilities working at a legal subminimum wage. When forced to pay higher payroll prices, some employers will seek experienced workers over entry level applicants or cut the hours of their employees to keep their budgets balanced. Small business owners are likely to take on additional duties within the business in an effort to keep their budget intact and their business solvent, all to the detriment of those seeking employment. Beginning in September 2016 this bill would cause the minimum wage to be index driven by the CPI, and adjusted annually in September, without regard to the fact that the index can increase in a bad economy. This bill is hurtful to employers, who should not be subject to further government intrusion into the hiring and management practices of their business. We should instead allow employers to run their business without this government mandate, hire as they are able within their means, and create a pro-economic growth environment that attracts businesses to New Hampshire and creates jobs. HB 1403 does just the opposite.

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

Rep. Infantine offered floor amendment (0730h).

Floor Amendment (0730h)

Amend the bill by replacing section 2 with the following:

2 Minimum Hourly Rate. Amend the introductory paragraph of RSA 279:21 to read as follows:

279:21 Minimum Hourly Rate. Unless otherwise provided by statute, no person, firm, or corporation shall employ any employee at an hourly rate lower than **\$9.00 or** that set forth in the federal minimum wage law, as amended. Tipped employees of a restaurant, hotel, motel, inn or cabin, who customarily and regularly receive more than \$30 a month in tips directly from the customers will receive a base rate from the employer of not less than 45 percent of the applicable minimum wage. If an employee shows to the satisfaction of the commissioner that the actual amount of wages received at the end of each pay period did not equal the minimum wage for all hours worked, the employer shall pay the employee the difference to guarantee the applicable minimum wage. The limitations imposed hereby shall be subject to the following exceptions:

AMENDED ANALYSIS

This bill establishes a state minimum hourly wage.

Rep. Infantine spoke in favor.

Rep. Sally Kelly spoke against and yielded to questions.

On a division vote, 65 members having voted in the affirmative and 227 in the negative, floor amendment (0730h) failed.

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

Rep. Infantine offered floor amendment (0969h).

Floor Amendment (0969h)

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

1 Minimum Hourly Rate. Amend the introductory paragraph of RSA 279:21 to read as follows:

279:21 Minimum Hourly Rate. Unless otherwise provided by statute, no person, firm, or corporation shall employ any employee at an hourly rate lower than **\$7.50 or** that set forth in the federal minimum wage law, as amended.

Tipped employees of a restaurant, hotel, motel, inn, or cabin, who customarily and regularly receive more than \$30 a month in tips directly from the customers will receive a base rate from the employer of not less than 45 percent of the applicable minimum wage. If an employee shows to the satisfaction of the commissioner

that the actual amount of wages received at the end of each pay period did not equal the minimum wage for all hours worked, the employer shall pay the employee the difference to guarantee the applicable minimum wage. The limitations imposed hereby shall be subject to the following exceptions:

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

AMENDED ANALYSIS

This bill establishes a state minimum hourly rate.

Rep. Infantine spoke in favor and yielded to questions.

Rep. Sally Kelly spoke against and yielded to questions.

MOTION TO LAY ON THE TABLE

Rep. Kappler moved that **HB 1403-FN**, establishing a state minimum hourly wage, be laid on the table.

Rep. Sally Kelly requested a roll call; sufficiently seconded.

YEAS 115 - NAYS 179

YEAS - 115

BELKNAP

Burchell, Richard
Flanders, Donald
Sylvia, Michael

Comtois, Guy
Greemore, Robert
Tilton, Franklin

Fields, Dennis
Holmes, Stephen
Vadney, Herbert

Fink, Charles
Luther, Robert

CARROLL

Ahlgren, Christopher
Schmidt, Stephen

Chandler, Gene
Umberger, Karen

Cordelli, Glenn
Wright, Donald

McConkey, Mark

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Gionet, Edmond

Ladd, Rick

HILLSBOROUGH

Barry, Richard
Coffey, James
Gagne, Larry
Hansen, Peter
Kurk, Neal
McCarthy, Michael
O'Flaherty, Tim
Renzullo, Andrew
Straight, Philip
Warden, Mark

Boehm, Ralph
Culbert, Patrick
Garcia, Michael
Hikel, John
Lambert, George
Murphy, Kelleigh
Palmer, Stephen
Rokas, Ted
Ulery, Jordan
Willette, Robert

Burt, John
Daniels, Gary
Graham, John
Infantine, William
LeBrun, Donald
Murphy, Keith
Parison, James
Sanborn, Laurie
Vaillancourt, Steve

Byron, Frank
Danielson, David
Haefner, Robert
Jasper, Shawn
Marston, Dick
Notter, Jeanine
Pratt, Calvin
Sandblade, Emily
Villeneuve, Moe

MERRIMACK

Hoell, J.R.
McGuire, Dan

Kotowski, Frank
Walsh, Thomas

Lockwood, Priscilla

McGuire, Carol

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Danais, Romeo
Elliott, Robert
Griffin, Mary
Hoelzel, Kathleen
Major, Norman
O'Connor, John
Rice, Frederick
Tucker, Pamela

Allen, Mary
Chirichiello, Brian
Devine, James
Emerick, J. Tracy
Hagan, Joseph
Itse, Daniel
McKinney, Betsy
Packard, Sherman
Sedensky, John
Waterhouse, Kevin

Baldasaro, Alfred
Comerford, Timothy
Duarte, Joe
Fesh, Robert
Harris, Jeffrey
Kappler, Lawrence
McMahon, Charles
Peckham, Michele
Sweeney, Joe
Webb, James

Bick, Patrick
Copeland, Timothy
Dumaine, Dudley
Grace, Curtis
Hodgdon, Bruce
Kolodziej, Walter
Milz, David
Priestley, Anne
Sytek, John
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Mullen, John

Bickford, David
Pitre, Joseph

Groen, Warren

Jones, Laura

SULLIVAN

Osgood, Joe

Smith, Steven

NAYS - 179

BELKNAP

DiMartino, Lisa

Gulick, Ruth

Huot, David

Raymond, Ian

CARROLL

Buco, Thomas

Butler, Edward

Ticehurst, Susan

White, Syndi

CHESHIREAmes, Richard
Eaton, Daniel
Mann, John
Sad, Tara
Weed, CharlesBerch, Paul
Johnsen, Gladys
Phillips, Larry
Shepardson, Marjorie
Young, HarryButynski, William
Johnson, Jane
Roberts, Kris
Tatro, BruceChase, Cynthia
Ley, Douglas
Robertson, Timothy
Weber, Lucy**COOS**Coulombe, Gary
Theberge, Robert

Hammon, Marcia

Hatch, William

Moynihan, Wayne

GRAFTONAlmy, Susan
Friedrich, Carol
Mulholland, Catherine
Sykes, GeorgeBenn, Bernard
Harding, Laurie
Nordgren, Sharon
Townsend, CharlesCooney, Mary
Higgins, Patricia
Piper, Wendy
White, AndrewFord, Susan
Lovett, Sid
Smith, Suzanne**HILLSBOROUGH**Backus, Robert
Cebrowski, John
Cote, David
Gale, Sylvia
Gorman, Mary
Hansberry, Daniel
Jack, Martin
Leishman, Peter
Mangipudi, Latha
O'Brien, Michael
Rosenwald, Cindy
Smith, Timothy
Sullivan, Peter
Winters, JoelBeaulieu, Jane
Chandley, Shannon
DiSilvestro, Linda
Gargas, Carolyn
Grady, Brenda
Harriott-Gathright, Linda
Kelley, John
Levesque, Melanie
Manley, Jonathan
Porter, Marjorie
Schmidt, Janice
Soucy, Timothy
Vail, Suzanne
Woodbury, DavidBrown, Pamela
Christiansen, Lars
Eaton, Richard
Gidge, Kenneth
Hackel, Paul
Heath, Mary
Knowles, Mary Ann
Long, Patrick
McNamara, Richard
Ramsey, Peter
Shattuck, Gilman
Spratt, Stephen
Walsh, RobertCampbell, David
Connor, Evelyn
Gage, Ruth
Goley, Jeffrey
Hammond, Jill
Heden, Ruth
Kopka, Angeline
MacKay, Mariellen
Nelson, Mary
Rhodes, Brian
Shaw, Barbara
Sullivan, Daniel
Williams, Kermit**MERRIMACK**Alicea, Caroletta
Carey, Lorrie
Frambach, Mary
Kelly, Sally
Patten, Dick
Rogers, Katherine
Turcotte, Alan
Webb, LeighAndrews, Christopher
Carson, Clyde
French, Barbara
Kidder, David
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary JaneBartlett, Christy
Davis, Frank
Gile, Mary
MacKay, James
Rice, Chip
Schuett, Dianne
Walz, Mary BethBurns, Scott
Ebel, Karen
Henle, Paul
Moffett, Howard
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick**ROCKINGHAM**Andrews-Ahearn, E. Elaine
Cahill, Michael
Gordon, Richard
Moody, Marcia
Sherman, Thomas
Whittemore, LisaBorden, David
Cali-Pitts, Jacqueline
Heffron, Frank
Muns, Chris
Till, MaryBriden, Steven
Cushing, Robert
Lovejoy, Patricia
Nigrello, Robert
Ward, GeraldBurtis, Elizabeth
Flockhart, Eileen
Mann, Maureen
Schlachman, Donna
Wazlaw, Brian**STRAFFORD**Baber, William
Grossman, Kenneth
Ketel, Stephen
Rogers, Rose Marie
Stevens, AudreyBixby, Peter
Horrigan, Timothy
Malloy, Dennis
Schmidt, Peter
Verschueren, JamesGardner, Janice
Hubbard, Pamela
Merrill, Amanda
Smith, Marjorie
Wall, JanetGrassie, Anne
Kaen, Naida
Perry, Robert
Spang, Judith
Ward, Kenneth**SULLIVAN**Cloutier, John
Irwin, Virginia
Tanner, LindaGagnon, Raymond
Lefebvre, BenjaminGottling, Suzanne
Rollins, SkipGrenier, James
Sweeney, Cynthia

and the motion failed.

The question now being adoption of floor amendment (0969h).
Rep. Infantine requested a roll call; sufficiently seconded.

YEAS 95 - NAYS 199**YEAS - 95
BELKNAP**

Burchell, Richard
Flanders, Donald
Tilton, Franklin

Comtois, Guy
Greemore, Robert
Vadney, Herbert

Fields, Dennis
Luther, Robert

Fink, Charles
Sylvia, Michael

CARROLL

Ahlgren, Christopher

Schmidt, Stephen

Wright, Donald

CHESHIRE

Parkhurst, Henry

COOS

Rappaport, Laurence

Richardson, Herbert

GRAFTON

Gionet, Edmond

Ladd, Rick

HILLSBOROUGH

Barry, Richard
Coffey, James
Graham, John
Kurk, Neal
McCarthy, Michael
O'Flaherty, Tim
Renzullo, Andrew
Vaillancourt, Steve

Boehm, Ralph
Culbert, Patrick
Hansen, Peter
Lambert, George
Murphy, Kelleigh
Palmer, Stephen
Sandblade, Emily
Villeneuve, Moe

Burt, John
Gagne, Larry
Hikel, John
LeBrun, Donald
Murphy, Keith
Parison, James
Straight, Philip
Warden, Mark

Byron, Frank
Gargas, Carolyn
Infantine, William
Marston, Dick
Notter, Jeanine
Pratt, Calvin
Ulery, Jordan
Willette, Robert

MERRIMACK

Kotowski, Frank

Lockwood, Priscilla

McGuire, Dan

ROCKINGHAM

Abrami, Patrick
Chirichiello, Brian
Devine, James
Emerick, J. Tracy
Hagan, Joseph
Kappler, Lawrence
McMahon, Charles
Peckham, Michele
Sytek, John
Weyler, Kenneth

Allen, Mary
Comerford, Timothy
Duarte, Joe
Fesh, Robert
Harris, Jeffrey
Kolodziej, Walter
Milz, David
Priestley, Anne
Tucker, Pamela

Baldasaro, Alfred
Copeland, Timothy
Dumaine, Dudley
Grace, Curtis
Hodgdon, Bruce
Major, Norman
Nigrello, Robert
Rice, Frederick
Waterhouse, Kevin

Birdsell, Regina
Danais, Romeo
Elliott, Robert
Griffin, Mary
Itse, Daniel
McKinney, Betsy
Packard, Sherman
Sedensky, John
Webb, James

STRAFFORD

Beaudoin, Steven

Groen, Warren

Mullen, John

SULLIVAN

Rollins, Skip

Smith, Steven

NAYS - 199**BELKNAP**

DiMartino, Lisa
Raymond, Ian

Gulick, Ruth

Holmes, Stephen

Huot, David

CARROLL

Buco, Thomas
McConkey, Mark

Butler, Edward
Ticehurst, Susan

Chandler, Gene
Umberger, Karen

Cordelli, Glenn
White, Syndi

CHESHIRE

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

Berch, Paul
Johnsen, Gladys
Phillips, Larry
Tatro, Bruce

Butynski, William
Johnson, Jane
Roberts, Kris
Weber, Lucy

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

COOS

Coulombe, Gary
Rideout, Leon

Hammon, Marcia
Theberge, Robert

Hatch, William

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
Lovett, Sid
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Cebrowski, John
Cote, David
Eaton, Richard
Gidge, Kenneth
Hackel, Paul
Harriott-Gathright, Linda
Jasper, Shawn
Leishman, Peter
Mangipudi, Latha
O'Brien, Michael
Rokas, Ted
Shattuck, Gilman
Spratt, Stephen
Walsh, Robert

Beaulieu, Jane
Chandley, Shannon
Daniels, Gary
Gage, Ruth
Goley, Jeffrey
Haefner, Robert
Heath, Mary
Kelley, John
Levesque, Melanie
Manley, Jonathan
Porter, Marjorie
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Daniel
Williams, Kermit

Brown, Pamela
Christiansen, Lars
Danielson, David
Gale, Sylvia
Gorman, Mary
Hammond, Jill
Heden, Ruth
Knowles, Mary Ann
Long, Patrick
McNamara, Richard
Ramsey, Peter
Sanborn, Laurie
Smith, Timothy
Sullivan, Peter
Winters, Joel

Campbell, David
Connor, Evelyn
DiSilvestro, Linda
Garcia, Michael
Grady, Brenda
Hansberry, Daniel
Jack, Martin
Kopka, Angeline
MacKay, Mariellen
Nelson, Mary
Rhodes, Brian
Schmidt, Janice
Soucy, Timothy
Vail, Suzanne
Woodbury, David

MERRIMACK

Alicea, Caroletta
Carey, Lorrie
Frambach, Mary
Hoell, J.R.
McGuire, Carol
Rice, Chip
Schuett, Dianne
Walsh, Thomas

Andrews, Christopher
Carson, Clyde
French, Barbara
Kelly, Sally
Moffett, Howard
Richardson, Gary
Shurtleff, Stephen
Walz, Mary Beth

Bartlett, Christy
Davis, Frank
Gile, Mary
Kidder, David
Patten, Dick
Rogers, Katherine
Turcotte, Alan
Watrous, Rick

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

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Burtis, Elizabeth
Flockhart, Eileen
Lovejoy, Patricia
O'Connor, John
Till, Mary

Bick, Patrick
Cahill, Michael
Gordon, Richard
Mann, Maureen
Schlachman, Donna
Ward, Gerald

Borden, David
Cali-Pitts, Jacqueline
Heffron, Frank
Moody, Marcia
Sherman, Thomas
Wazlaw, Brian

Briden, Steven
Cushing, Robert
Hoelzel, Kathleen
Muns, Chris
Sweeney, Joe
Whittemore, Lisa

STRAFFORD

Baber, William
Grassie, Anne
Jones, Laura
Merrill, Amanda
Schmidt, Peter
Verschuieren, James

Bickford, David
Grossman, Kenneth
Kaen, Naida
Perry, Robert
Smith, Marjorie
Wall, Janet

Bixby, Peter
Horriggan, Timothy
Ketel, Stephen
Pitre, Joseph
Spang, Judith
Ward, Kenneth

Gardner, Janice
Hubbard, Pamela
Malloy, Dennis
Rogers, Rose Marie
Stevens, Audrey

SULLIVAN

Cloutier, John
Irwin, Virginia
Tanner, Linda

Gagnon, Raymond
Lefebvre, Benjamin

Gottling, Suzanne
Osgood, Joe

Grenier, James
Sweeney, Cynthia

and floor amendment (0969h) failed.

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

Reps. Dan McGuire and Danais spoke against.

Rep. Weed spoke in favor.

Rep. Daniels spoke against and yielded to questions.

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

YEAS 173 - NAYS 118**YEAS - 173****BELKNAP**

DiMartino, Lisa

Gulick, Ruth

Huot, David

Raymond, Ian

CARROLL

Buco, Thomas

Ticehurst, Susan

White, Syndi

CHESHIRE

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

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

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

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

COOS

Coulombe, Gary
Theberge, Robert

Hammon, Marcia

Hatch, William

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
Lovett, Sid
Smith, Suzanne

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Backus, Robert
Chandley, Shannon
Eaton, Richard
Goley, Jeffrey
Hammond, Jill
Heden, Ruth
Kopka, Angeline
MacKay, Mariellen
Nelson, Mary
Rhodes, Brian
Shaw, Barbara
Sullivan, Daniel
Williams, Kermit

Beaulieu, Jane
Connor, Evelyn
Gage, Ruth
Gorman, Mary
Hansberry, Daniel
Jack, Martin
Leishman, Peter
Mangipudi, Latha
O'Brien, Michael
Rosenwald, Cindy
Smith, Timothy
Sullivan, Peter
Woodbury, David

Brown, Pamela
Cote, David
Gale, Sylvia
Grady, Brenda
Harriott-Gathright, Linda
Kelley, John
Levesque, Melanie
Manley, Jonathan
Porter, Marjorie
Schmidt, Janice
Soucy, Timothy
Vail, Suzanne

Campbell, David
DiSilvestro, Linda
Gidge, Kenneth
Hackel, Paul
Heath, Mary
Knowles, Mary Ann
Long, Patrick
McNamara, Richard
Ramsey, Peter
Shattuck, Gilman
Spratt, Stephen
Walsh, Robert

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Carey, Lorrie
Frambach, Mary
Kelly, Sally
Patten, Dick
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

Andrews, Christopher
Carson, Clyde
French, Barbara
Kidder, David
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

Bartlett, Christy
Davis, Frank
Gile, Mary
MacKay, James
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

Burns, Scott
Ebel, Karen
Henle, Paul
Moffett, Howard
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cahill, Michael
Heffron, Frank
Muns, Chris
Till, Mary

Borden, David
Cali-Pitts, Jacqueline
Lovejoy, Patricia
Priestley, Anne
Ward, Gerald

Briden, Steven
Cushing, Robert
Mann, Maureen
Schlachman, Donna
Wazlaw, Brian

Burtis, Elizabeth
Flockhart, Eileen
Moody, Marcia
Sherman, Thomas
Whitemore, Lisa

STRAFFORD

Baber, William
Grossman, Kenneth
Ketel, Stephen
Rogers, Rose Marie
Stevens, Audrey

Bixby, Peter
Horrigan, Timothy
Malloy, Dennis
Schmidt, Peter
Verschueren, James

Gardner, Janice
Hubbard, Pamela
Merrill, Amanda
Smith, Marjorie
Wall, Janet

Grassie, Anne
Kaen, Naida
Perry, Robert
Spang, Judith
Ward, Kenneth

SULLIVAN

Cloutier, John
Irwin, Virginia
Tanner, Linda

Gagnon, Raymond
Lefebvre, Benjamin

Gottling, Suzanne
Rollins, Skip

Grenier, James
Sweeney, Cynthia

NAYS - 118**BELKNAP**

Burchell, Richard
Greemore, Robert
Tilton, Franklin

Comtois, Guy
Holmes, Stephen
Vadney, Herbert

Fields, Dennis
Luther, Robert

Flanders, Donald
Sylvia, Michael

CARROLL

Ahlgren, Christopher
McConkey, Mark

Butler, Edward
Schmidt, Stephen

Chandler, Gene
Umberger, Karen

Cordelli, Glenn
Wright, Donald

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Gionet, Edmond

Ladd, Rick

HILLSBOROUGH

Barry, Richard
 Cebrowski, John
 Daniels, Gary
 Gargas, Carolyn
 Hikel, John
 Lambert, George
 Murphy, Kelleigh
 Palmer, Stephen
 Rokas, Ted
 Ulery, Jordan
 Willette, Robert

Boehm, Ralph
 Christiansen, Lars
 Danielson, David
 Graham, John
 Infantine, William
 LeBrun, Donald
 Murphy, Keith
 Parison, James
 Sanborn, Laurie
 Vaillancourt, Steve
 Winters, Joel

Burt, John
 Coffey, James
 Gagne, Larry
 Haefner, Robert
 Jasper, Shawn
 Marston, Dick
 Notter, Jeanine
 Pratt, Calvin
 Sandblade, Emily
 Villeneuve, Moe

Byron, Frank
 Culbert, Patrick
 Garcia, Michael
 Hansen, Peter
 Kurk, Neal
 McCarthy, Michael
 O'Flaherty, Tim
 Renzullo, Andrew
 Straight, Philip
 Warden, Mark

MERRIMACK

Hoell, J.R.
 McGuire, Dan

Kotowski, Frank

Lockwood, Priscilla

McGuire, Carol

ROCKINGHAM

Abrami, Patrick
 Birdsell, Regina
 Danais, Romeo
 Elliott, Robert
 Grace, Curtis
 Hodgdon, Bruce
 Kolodziej, Walter
 Nigrello, Robert
 Rice, Frederick
 Tucker, Pamela

Allen, Mary
 Chirichiello, Brian
 Devine, James
 Emerick, J. Tracy
 Griffin, Mary
 Hoelzel, Kathleen
 Major, Norman
 O'Connor, John
 Sedensky, John
 Waterhouse, Kevin

Baldasaro, Alfred
 Comerford, Timothy
 Duarte, Joe
 Fesh, Robert
 Hagan, Joseph
 Itse, Daniel
 McMahon, Charles
 Packard, Sherman
 Sweeney, Joe
 Webb, James

Bick, Patrick
 Copeland, Timothy
 Dumaine, Dudley
 Gordon, Richard
 Harris, Jeffrey
 Kappler, Lawrence
 Milz, David
 Peckham, Michele
 Sytek, John
 Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
 Mullen, John

Bickford, David
 Pitre, Joseph

Groen, Warren

Jones, Laura

SULLIVAN

Osgood, Joe

Smith, Steven

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

HB 1134, permitting municipalities to reimburse persons who assist applicants in obtaining social security benefits. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Timothy D. Copeland for the Majority of Municipal and County Government. This bill would set a dangerous precedent for municipalities to pay for professional representative services to a claimant for social security disability. The claimant would gain a permanent benefit from using taxpayer dollars to gain a benefit. The representative's fee for such services is done on a sliding scale with a maximum of \$6,000.00 for those services rendered if approved. If a case is approved by an arbitrator, it is retroactive in some cases to the original day of filing, going back several years, representing a large sum of money to the claimant. Municipalities should not supplement with tax dollars already expended in welfare benefits the fee for a social security disability representative. Welfare benefits expended by a municipality should be returned back to the taxpayers of that municipality when the claimant becomes financially stable with the new social security disability benefits. This legislation as written would have the municipality wave the pay back of the welfare funds expended to the claimant in order for the social security representative to recoup his or her total fee for their services rendered being deducted from what the claimant owes from those welfare benefits expended by that municipality. This will hurt the bottom line of the larger municipality's budget welfare line. Vote 12-5. Rep. Dennis J. Malloy for the Minority of Municipal and County Government. This bill serves to strengthen the safety net for our state's most vulnerable citizens, while at the same time increasing the likelihood that cities and towns may recoup funds spent for persons on their welfare roles. It permits municipalities to reimburse persons who assist applicants in obtaining Social Security (SSI). To qualify for SSI benefits, persons must be both disabled and indigent, and most are receiving welfare from their city or town. Without representation throughout the application process, these folks stand only a 30% chance of approval. With representation, that rate is increased to 70%. When a person is approved, there is a retroactive payment from Social Security going back to the date the disability occurs. This payment is used first to reimburse the town or city for the welfare expenses incurred. Only after that can a representative take a portion in payment for services. Unfortunately,

this amount is often very small, and hardly recompenses the representative for the work done. Consequently, few representatives are willing to take on these cases. In the past, legal aid would assist, but with cuts in funding and staff, this is happening less often, leaving more and more people without representation. This bill would allow the municipality to reimburse representatives at a more reasonable rate from the retroactive funds they receive. This is a win-win-win situation – the town recoups more funds when more applicants are approved, and spends less on welfare once applicants are granted SSI; the disabled person gets the funds they need through SSI to live a more dignified life; and the representative receives a fair wage for work done. Majority committee report adopted.

HB 1310, allowing towns and cities to terminate the application of the property tax exemption for water and air pollution control facilities within the town or city. **INEXPEDIENT TO LEGISLATE.**

Rep. Bruce L. Tatro for Municipal and County Government. This bill would allow cities and towns the option to collect property tax for pollution control facilities. Currently, long standing law prevents them from doing so. The committee believes this would not be beneficial and would raise taxes on businesses, which are mandated by law to have the pollution control facility, resulting in higher rates for consumers. The committee has heard the substance of this bill many times over the course of many years. It has always been voted Inexpedient to Legislate for valid reason. Vote 17-0.

Committee report adopted.

HB 1333, relative to the elderly property tax exemption. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dennis J. Malloy for Municipal and County Government. This bill would establish a study committee to determine the feasibility of prorating the elderly property tax exemption if the owner shares occupancy with a person or persons over 18 and not the person's spouse. The combined personal income of such occupants may exceed the qualifying amount for the elderly exemption adopted by a city or town causing problems. The study committee will determine the benefits to the state of New Hampshire, its local subdivision, and its senior population when elderly individuals are able to maintain their independence from state and local support, and make recommendations for a solution that benefits the individuals, local community, and the state of New Hampshire. Vote 10-7.

Amendment (0799h)

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

AN ACT establishing a committee to study the feasibility of prorating the elderly property tax exemption in certain cases.

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

1 Statement of Purpose. The general court finds that:

I. It is in the interest of New Hampshire taxpayers to ensure that recipients of the elderly property tax exemption do not have household income that exceeds the qualifying amount adopted by a city or town.

II. It is in the interest of the state of New Hampshire, its local subdivisions, and its senior population to enable elderly individuals to maintain their independence from state and local support.

2 Study Committee Established.

I. There is established a committee to study the feasibility of prorating the elderly exemption in certain cases. The members of the study committee shall be as follows:

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

(b) Two members of the senate, appointed by the president of the senate.

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

III. The study committee shall:

(a) Study the feasibility of prorating the elderly property tax exemption if the owner shares occupancy in the residence with a person or persons who are not the person's spouse and who are over 18 years of age, and the combined personal income of such occupants exceeds the qualifying amount for the elderly exemption adopted by a city or town.

(b) Determine the benefits derived by the state of New Hampshire, its local subdivisions, and its senior population when elderly individuals are able to maintain their independence from state and local support.

(c) Make recommendations for a solution that mutually benefits the interests in both subparagraphs (a) and (b).

IV. Pursuant to its duties and goals as described in paragraph III, the study committee shall solicit input from, and participation of, all interested parties that the study committee deems beneficial to its research.

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

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

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

AMENDED ANALYSIS

This bill establishes a committee to study the feasibility of prorating the elderly property tax exemption in certain cases.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 1271, establishing a committee to study the powers and duties of conservation commissions. **REFER FOR INTERIM STUDY.**

Rep. Suzanne J. Smith for Resources, Recreation and Development. After public hearing on HB 1271, a subcommittee reviewed Chapter 36-A, the Conservation Committee statutes and heard from a number of stakeholders. Many RR & D members serve or have served on their city or town conservation commissions. The committee realizes that there are perceived incongruities in the statute and believes that interim study can accomplish the desired effect – clarification of the statute. Vote 10-4.

Committee report adopted.

HB 1376, requiring the department of environmental services to examine the potential harm to the public and the environment of New Hampshire from the transportation of bituminous tar sands through Coos county by the Portland-Montreal pipeline. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Marjorie J. Shepardson for Science, Technology and Energy. The bill, as amended, would study the safety of moving gas and oil by train, road and pipeline and would also develop an emergency plan to deal with leaks and spills, including clarifying financial obligation for cleanup. Vote 14-1.

Amendment (0645h)

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

AN ACT establishing a committee to study pipeline safety and development in the state of New Hampshire.

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

1 Committee Established. There is established a committee to study pipeline safety and development in the state of New Hampshire.

2 Membership and Compensation.

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

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

(b) Three members of the senate, appointed by the president of the senate.

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

3 Duties. The committee shall, in consultation with the department of environmental services, the public utility commission, and the office of energy and planning:

I. Review existing Pipeline and Hazardous Materials Safety Administration reports on New Hampshire pipeline safety.

II. Study the safety of the existing pipeline system for oil and gas.

III. Study the safety, environmental, and economic impact of any expansion or repurposing of pipelines.

IV. Develop an emergency plan to deal with spills and leaks.

V. Study the safety of moving gas and oil (including but not limited to diluted bitumen) over land transport, meaning rail or road.

VI. Clarify financial obligations for cleanup.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, the state library, the websites of the department of environmental services, the public utility commission, and the office of energy and planning, and newspapers of general circulation in the state on or before May 1, 2015.

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

AMENDED ANALYSIS

This bill establishes a committee to study pipeline safety and development in the state of New Hampshire.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 1456, relative to the issuance of certificate for energy facilities by the site evaluation committee. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert A. Backus for the Majority of Science, Technology and Energy. This bill would make modest changes to the current law governing the New Hampshire Site Evaluation Committee. The majority believes that changes to the siting criteria or procedures of the SEC should reflect the full stakeholder process recently competed under SB 99. Vote 14-2.

Rep. David K. Murotake for the Minority of Science, Technology and Energy. This bill requires that the Site Evaluation Committee(SEC) under RSA 162-H make a finding concerning applicant capability, municipal and regional concerns, and adverse effects before issuing a certificate for an energy facility. By addressing the concerns of stakeholders identified in the SB 99 Final Report directly in RSA 162-H:1, Declaration of Purpose, as well as the introductory paragraph of RSA 162-H:16, IV, the bill attempts to shift the balance in SEC proceedings in the favor of: 1) municipal and regional planning commissions, municipal governing bodies, property owners and other concerned parties, 2) avoiding adverse effects on aesthetics, historic sites, air and water quality, the natural environment, and public health and safety, and 3) strengthening the natural rights of New Hampshire citizens guaranteed by Section 1, Article 2 of the state constitution. Majority committee report 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 Thursday, March 13, 2014 at 10:00 a.m. Adopted.

LATE SESSION

Third reading and final passage

HB 1176, relative to grounds for termination of parental rights.

HB 1236, relative to the use of metal detection devices at supervised visitation centers and establishing a commission to study supervised visitation centers.

HB 1260-FN-L, relative to communication of the cost of services provided under the children in need of services (CHINS) program to parents.

HB 1193, relative to flood coverage notification.

HB 1194, relative to student coverage.

HB 1281-FN, relative to copayments for certain specialists.

HB 1353, relative to recovery under uninsured motorist coverage.

HB 1381-FN, relative to the auctioning of wine and liquor for charitable purposes.

HB 1567-FN, requiring a warrant to obtain electronic device location information.

HB 1619-FN, prohibiting the acquisition, collection, or retention of certain information.

HB 1113, requiring school districts to distribute a concussion and head injury information sheet to student-athletes and establishing a definition for head injury.

HB 1128, establishing a committee to study issues related to students receiving special education services while attending a chartered public school.

HB 1141, requiring chartered public schools to share enrollment information with school districts.

HB 1200, relative to student social media policies by educational institutions.

HB 1238, relative to access to assessment materials.

HB 1587-FN-L, relative to the collection and disclosure of pupil data.

HB 1460, relative to the date of appointment of inspectors of election.

HB 1138, relative to homestead food producers selling food products at farm stands, farmers markets, or at the homestead residence where they are produced.

HB 1151, establishing a committee to study the solid waste operator training program and financial assurance for corrective action at solid waste landfills.

HB 1295, relative to the definition of livestock.

HB 1300, creating an exemption from licensure for low volume seed sellers.

HB 1367, relative to the sale of birds.

HB 1102, relative to membership of the police standards and training council.

HB 1152-FN, terminating the benefit program for call, substitute or volunteer firemen administered by the New Hampshire retirement system.

HB 1173, relative to the report submission date of the state retiree health plan commission.

HB 1210, correcting certain references to divisions of the department of revenue administration.

HB 1327, relative to the duties of the information technology council.

HB 1398-FN, allowing the retirement system to make payments in lieu of payments to estates in certain instances.

HB 1617-FN, permitting the retirement system to access death, marriage, and divorce records of the division of vital records administration for the administration of RSA 100-A.

HB 1195, establishing a committee to study the impacts of the property tax on New Hampshire's residents, businesses, municipalities, and the economy.

HB 1577-FN, relative to regulating alkaline hydrolysis for the disposal of human remains.

HB 1572-FN, establishing a permanent subcommittee of the health and human services oversight committee relative to Alzheimer's disease and other related dementia and requiring certain training and education programs regarding Alzheimer's disease and other related dementia.

HB 1190, relative to approval of budget transfers in Hillsborough county.

HB 1282-FN, relative to prepaid contracts for home heating fuel.

HB 1170-FN, repealing the death penalty in New Hampshire.

HB 1620-FN, relative to the use of drones.

HB 1625-FN, relative to penalties for possession of marijuana in the amount of one ounce or less and the cultivation of marijuana plants.

HB 1392-FN-L, removing the restriction on the number of pupils eligible to transfer to a chartered public school.

HB 1449, relative to the requirements for filing a charter school application.

HB 1444, recognizing the month of April as Genocide Awareness Month.

HB 1403-FN, establishing a state minimum hourly wage.

HB 1333, establishing a committee to study the feasibility of prorating the elderly property tax exemption in certain cases.

HB 1376, establishing a committee to study pipeline safety and development in the state of New Hampshire.

UNANIMOUS CONSENT

Rep. Gile requested Unanimous Consent of the House regarding the passing of a former member.

Rep. Gile addressed the House.

MOTION TO PRINT REMARKS

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

Adopted.

REMARKS

Rep. Gile: Thank you, Madam Speaker. Madam Speaker, I would like to invite those members of the Concord Delegation who are still here to join me at the podium. Madam Speaker, I rise to pay tribute to the former Honorable Carol Moore, Representative from Concord, Ward 6 or Merrimack District 15, who died Saturday, January 25, 2014. Carol and I had been friends since the 1980's and it was she who invited me to run for the House in 1996 and continued as a mentor during my freshman term. Carol served ten years in the NH House from 1992 to 2002 and worked on three different committees, Children, Youth and Families, Health and Human Services and lastly, Finance. Carol sponsored and co-sponsored 33 Bills, 18 House Bills and 15 Senate Bills. Twenty-one of her Bills were signed by the Governor and enacted into law. A very significant record for any legislator. Carol's legislative efforts focused on children and families, co-sponsoring Bills establishing the Child Impact Seminars, the Guardian Ad Litem Board and Child Support Laws, Adoption Services, prevention of child abuse and neglect, and creating a council for children and adolescents with chronic health conditions. She co-sponsored the Parents as Scholars Program and Bills prohibiting discrimination on the basis of sexual orientation, funding, and improving services for persons with developmental disabilities and broadening insurance coverage for early intervention and other services and, of course, repealing the death penalty. Quite an amazing record. In addition to sponsoring legislation, Carol served on legislative-related boards and committees and was recognized for such. Carol was a founding director of the NH Women's Lobby and Legislative Caucus for Young Children. She was a dedicated and active member of the NH Association of Social Workers, NH Children's Alliance, NH Coalition Against Sexual and Domestic Violence, NH Family Planning and Planned Parenthood, NARAL-NH and NH Citizens Alliance. Carol was also very active in the Concord community. She was a founder of the Womankind Counseling Center and was one of the members of the Board of Directors to establish the Red River Theater. Most recently, Carol immersed herself in assisting two Bhutanese families relocate to Concord, specifically helping them find homes, jobs and child care, making sure their children were safe and well-cared for while the parents work. In fact, she was adopted as a grandmother to two children of one of the families. Carol received her BA and MSW from Boston University in 1967 and 1977, respectively. She devoted her professional and personal energies to legislation to improve the lives of children, low-income families, single mothers and most recently, refugee families. Representative Carol Moore will be remembered as a passionate advocate for social justice, peace and the betterment of humankind and I know that it is a privilege to recognize, it is our privilege, meaning the Concord Delegation, to recognize and remember her as a former colleague and friend. Thank you, Madam Speaker.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of the former member from Concord, the Honorable Carol Moore.

RECESS MOTION

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

Adopted.

The House recessed at 6:40 p.m.

RECESS

(Rep. James MacKay in the Chair)

RESOLUTION

Rep. Shurtleff offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 91, 120, 141, 151, 183, 186, 193, 201, 205, 210, 211, 212, 215, 216, 219, 221, 225, 226, 229, 230, 231, 232, 233, 236, 241, 242, 243, 247, 248, 254, 260, 261, 263, 264, 265, 266, 269, 270, 271, 272, 273, 274, 275, 279, 282, 283, 285, 289, 290, 291, 294, 296, 298, 305, 306, 309, 310, 311, 317, 318, 319, 333, 336, 339, 343, 346, 348, 349, 350, 351, 355, 357, 359, 363, 372, 373, 375, 386, 392 and 400 shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

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

SB 91, relative to drug use not approved by the Food and Drug Administration. (Commerce and Consumer Affairs)

SB 120-FN, relative to political contributions and expenditures and relative to reporting by political committees. (Election Law)

SB 141-FN, establishing the Granite State farm to plate program. (Environment and Agriculture/Finance)

SB 151-FN, relative to the payment of witness fees and other fees for services in criminal cases. (Judiciary)

SB 183-FN, relative to identification of voters, processing absentee ballots, and voluntary political expenditure limitations. (Election Law)

SB 186, relative to training of certain board officers of nonprofit corporations. (Executive Departments and Administration)

SB 193-FN, establishing a commission to study pathways to oral health care in New Hampshire. (Health, Human Services and Elderly Affairs)

SB 201, relative to marriage registration forms. (Judiciary)

SB 205-FN, relative to the use of metal detection devices at supervised visitation centers and establishing a commission to study supervised visitation centers. (Children and Family Law)

SB 210, relative to registration of vehicles by motor vehicle manufacturers. (Transportation)

SB 211, relative to reporting requirements in fatal motor vehicle accident reports. (Transportation)

SB 212, relative to the Honor and Remember Flag as an official symbol to recognize and honor fallen members of the armed forces. (State-Federal Relations and Veterans Affairs)

SB 215-FN, authorizing benefit corporations. (Commerce and Consumer Affairs)

SB 216, relative to designating an alternate trustee of the trust fund. (Municipal and County Government)

SB 219, relative to funds received from the sale of cemetery lots. (Municipal and County Government)

SB 221, relative to private postsecondary career schools and relative to the authority of the board of barbering, cosmetology, and esthetics. (Education/Executive Departments and Administration)

SB 225, relative to the city of Manchester employees' contributory retirement system.

SB 226, relative to reporting of health care associated infections. (Health, Human Services and Elderly Affairs)

SB 229, relative to the use and disclosure of protected health information. (Health, Human Services and Elderly Affairs)

SB 230, relative to the definition of utility terrain vehicles.

SB 231-FN, relative to regulation of tractors and utility vehicles. (Transportation)

SB 232, relative to speed limits for off highway recreational vehicles and snowmobiles.

SB 233, relative to property tax exemption for district fire mutual aid systems. (Municipal and County Government)

SB 236, relative to delivery of the final budget and recommendation of the municipal budget committee to the governing body.

SB 241, establishing the division of economic development fund.

SB 242, relative to coverall bingo games. (Ways and Means)

- SB 243**, relative to the carry forward of a credit against the business profits tax, rulemaking concerning the real estate transfer tax, the disclosure of certain department of revenue administration records, and the tax on unstamped tobacco products.
- SB 247**, relative to ignition interlock device violations and interlock device removal protocols.
- SB 248**, establishing a committee to study policies and procedures for the development and maintenance of state-owned abandoned rail corridors.
- SB 254**, relative to the governor's commission on alcohol and drug abuse prevention, intervention, and treatment. (Health, Human Services and Elderly Affairs)
- SB 260-FN**, permitting electronic signatures on criminal complaints for certain offenses. (Judiciary)
- SB 261**, allowing the commissioner of administrative services to administer the health benefits of certain retirees of the State Employees' Association of New Hampshire. (Executive Departments and Administration)
- SB 263**, allowing state court judges to solemnize marriages.
- SB 264-FN**, requiring the election of benefits by certain members of the judicial retirement plan.
- SB 265**, making a technical correction to the disposition of meals and rooms tax revenues. (Ways and Means)
- SB 266**, relative to membership on the exotic aquatic weeds and species committee.
- SB 269**, relative to the reporting requirements for dedicated funds. (Finance)
- SB 270**, establishing a commission to study mental health implementation in New Hampshire. (Health, Human Services and Elderly Affairs)
- SB 271**, relative to retention of voter affidavits and identity verification. (Election Law)
- SB 272**, relative to notice of voter registration.
- SB 273**, relative to information in the statewide centralized voter registration database.
- SB 274**, relative to the form of a candidate's name on a ballot. (Election Law)
- SB 275**, relative to refusal to certify an absentee ballot application. (Election Law)
- SB 279**, relative to challenges of voters. (Election Law)
- SB 282**, relative to disciplinary proceedings by the board of architects.
- SB 283-FN**, relative to disposition of funds obtained by the attorney general. (Finance)
- SB 285**, relative to the board of dental examiners.
- SB 289**, relative to validated wills and revising the uniform trust act. (Judiciary)
- SB 290**, authorizing credit unions to provide group accidental death and dismemberment insurance. (Commerce and Consumer Affairs)
- SB 291**, relative to distribution of seedling trees for educational purposes. (Resources, Recreation and Development)
- SB 294**, relative to the deadline for requesting a recount of an election. (Election Law)
- SB 296**, relative to preferences for veterans and disabled veterans in public employment.
- SB 298**, establishing a permanent commission on post-traumatic stress disorder and traumatic brain injury.
- SB 305**, relative to licensure of motor vehicle dealers.
- SB 306**, establishing a commission to study New Hampshire mortgage foreclosure law, new federal regulations, and fair foreclosure practices. (Commerce and Consumer Affairs)
- SB 309**, relative to the New Hampshire vaccine association. (Health, Human Services and Elderly Affairs)
- SB 310-FN**, authorizing tenant brewing. (Commerce and Consumer Affairs)
- SB 311**, authorizing the executive director of the fish and game department to execute an agreement allowing reciprocal snowmobile riding privileges with the states of Vermont and Maine.
- SB 317-FN**, relative to trafficking in persons. (Criminal Justice and Public Safety)
- SB 318-FN**, establishing the crime of domestic violence. (Criminal Justice and Public Safety)
- SB 319-FN**, relative to access to reproductive health care facilities. (Judiciary)
- SB 333**, relative to property taxation of manufactured housing.
- SB 336-FN**, prohibiting the taking of deer from baited areas on state-owned lands. (Fish and Game and Marine Resources)
- SB 339-FN**, relative to instituting a credit card affinity program in which fees received are directed to offset the retirement system's unfunded liability. (Finance)
- SB 343**, relative to the duties of the statewide education improvement and assessment program legislative oversight committee and repealing the school administrative unit legislative oversight committee.
- SB 346**, relative to rectifiers. (Commerce and Consumer Affairs/Executive Departments and Administration)
- SB 348**, establishing a commission to study sexual abuse prevention education in elementary and secondary schools. (Education)
- SB 349**, relative to the election of delegates to state party conventions.
- SB 350**, relative to the transfer of adequacy aid calculation data from the department of education to the department of revenue administration. (Education)
- SB 351**, relative to the requirement for notice of non-compete agreements prior to the start of employment. (Labor, Industrial and Rehabilitative Services)

SB 355, relative to access to social media by educational institutions. (Education)

SB 357, naming a scenic overlook and the visitor center on the northbound side of I-93 in Hooksett in honor of Raymond S. Burton. (Public Works and Highways)

SB 359, relative to coverage under motor vehicle liability policies.

SB 363, relative to insurance coverage for facilities for the Winnepesaukee River basin control. (Resources, Recreation and Development)

SB 372-FN-L, relative to a state infrastructure bank.

SB 373-FN, relative to procedure and jurisdiction of the superior courts. (Judiciary)

SB 375, establishing a committee to study the creation of a flood mitigation fund for private property owners. (Finance)

SB 386, relative to the authority and duties of the department of revenue administration. (Executive Departments and Administration)

SB 392, establishing a commission on rural affairs. (Environment and Agriculture)

SB 400-FN, relative to the penalty for violations of the taking of American eels. (Fish and Game and Marine Resources/Criminal Justice and Public Safety)

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