



State of
New Hampshire

HOUSE RECORD

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

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Concord, N.H.

Thursday, March 13, 2014

No. 23

HOUSE JOURNAL No. 10 (Cont.)

Wednesday, March 12, 2014

Rep. Kaen moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 11

Thursday, March 13, 2014

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker. Prayer was offered by House Chaplain, Reverend Jared A. Rardin, Pastor of the South Congregational Church in Concord.

One of the things I am increasingly mindful of these days is just how many words flow through our ears and across our computer screens on any given day. You and I share at least one thing in common. We are trained to speak, to persuade with our words, which is why, every now and then, fewer words and more listening are a good exercise for us wordsmiths. I have a very brief prayer today. Let us begin this day with a slightly longer period of silence. Holy God, what do You require of us, but to do justice, love mercy, and walk humbly with You? Teach us, we pray, to do these simple things, holding one another in increasing esteem, working hard to be a blessing to the poor and the underprivileged, and being mindful daily of the gifts You bestow upon our lives. May the work we do today honor You. Amen.

Representative Bernard Benn, member from Hanover, led the Pledge of Allegiance.

Representative Mary Griffin, member from Windham, led the singing of the National Anthem.

LEAVES OF ABSENCE

Reps. Allen, Arsenault, Bishop, Boisvert, Burke, Charron, Susan Emerson, Gray, Helmstetter, Ketel, LeVasseur, McCloskey, Pantelakos, Parsons, Pellegrino, Pratt, Roberts and Syndi White, the day, illness.

Reps. Ahlgren, Bailey, Booras, Bouchard, Rebecca Brown, Carroll, Duarte, Fink, Bianca Garcia, Hirsch, Hodgdon, Hoelzel, John Hunt, Jeudy, Lundgren, Meaner, Murotake, William O'Brien, O'Hearne, Oigny, Pastor, Sanders, Andrew Schmidt, Jeffrey Shackett, Takesian, Thomas, Vail, Worsman and Wright, the day, important business.

INTRODUCTION OF GUESTS

Danielle Sellers, guest of Rep. Danais. Mark Oosterman, guest of Rep. Weed.

REGULAR CALENDAR – PART III

HB 1626-FN-A-L, establishing up to 6 gambling establishments in the state and a gaming oversight authority and continually appropriating a special fund. **INEXPEDIENT TO LEGISLATE.**

Rep. Patricia T. Lovejoy for Ways and Means. The bill establishes a gaming oversight authority to staff, manage, and operate 6 video lottery locations, and issue facility licenses for a total of 5,000 video lottery machines with 600 machines at 4 facilities and 1,300 machines at 2 locations. The committee ITL'd this bill because of concerns about the proliferation of video lottery machines and the difficulty of attracting patronage from outside the State of New Hampshire. Vote 16-4.

Rep. Vaillancourt spoke against.

Rep. Almy spoke in favor.

On a division vote, 187 members having voted in the affirmative and 102 in the negative, the committee report was adopted.

HB 1628-FN-A-L, relative to games of chance and establishing a gaming regulatory commission and video lottery gaming. **INEXPEDIENT TO LEGISLATE.**

Rep. Patricia T. Lovejoy for Ways and Means. This bill sets up a gaming authority and allows for 6 small casinos with a maximum of 250 video lottery machines, and requiring that each have charitable gaming at its location. The committee voted to ITL this because of concerns of proliferation issues and believing that the 6 small casinos would attract only NH gamblers. Vote 16-4.

On a division vote, 238 members having voted in the affirmative and 54 in the negative, the committee report was adopted.

HB 1633-FN-A-L, relative to expanded gaming in New Hampshire. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia T. Lovejoy for the Majority of Ways and Means. This bill is an improvement compared to casino bills that have been introduced in the past. The regulations portion has been greatly improved. The Commission engaged a consultant that also manages casinos to help them write the bill. The committee approved an omnibus amendment, which fixed numerous problems and added clarification. Even with the amendment, the majority of the committee still voted to ITL the bill. The amended bill still has regulatory problems; it gives the Gaming Commission too much power - checks and balances are weak, interim rules can be implemented without a public hearing, and the Attorney General has an advisory position only - the gaming commission can override the AG's recommendation. There is no meaningful judicial review of a commission action as the standard in the bill "arbitrary & capricious" is almost impossible to satisfy. The revenue percentage the state will receive from gambling has steadily gone down from casino bills in the past. Bills debated 10 years ago had the State receiving 55% of net gaming revenue. We are down to 35% going to the State in this bill and a proposed omnibus amendment reduces the State's share to 29% (with the difference going to local communities & problem gaming prevention and treatment). We have not seen a completed fiscal note from LBAO but the consultants have said that we should expect to begin with approximately 2000 slots and ramp up to 2500 - significantly fewer than the 3000 - 5000 that were being discussed last year. The consultants based their estimates on the casino being a destination casino. When asked, the consultants would not say what specific amenities they had included in their assessment of this being a destination casino with the exception of a hotel and multiple restaurants. They also stated that the Atlantic City casinos were not in their opinion destination casinos. If Atlantic City casinos with the ocean, boardwalk, hotels, a myriad of dining options and upscale shopping are not destination casinos it seems hard to believe that Salem NH will be able to sustain a destination casino. If a NH casino is NOT a destination casino then it will not draw substantially from outside a 30-mile radius, which will negatively impact the revenues. Using the proponents' revenue numbers and the lowest state costs (only those that can be calculated) the maximum net moneys flowing to the state's general fund will be \$30-\$36 million/year from the \$80 million one-time fee, and \$56-\$77 million/year on-going revenue once the casino is operating fully. The actual net revenues are likely to be smaller, once increased off-site state public safety and judiciary costs and lower tax revenues from business failures are considered. Part of the argument for a casino has been that it would be one casino. History shows us that this would not be the case. Every state that has introduced a casino has seen proliferation. No state has just one casino. The lure of jobs has been another incentive. Building a casino would create about 2000 jobs but there is no guarantee in the bill that they would be NH jobs. The contractor may use out of state sub-contractors as was done in the recent construction of the Merrimack Outlet Mall. Permanent jobs will also most likely go predominantly to Mass citizens - 74% of the population within 30 miles of Salem is in Massachusetts, and the Mass unemployment rate in these communities is higher than the NH rate in its communities within 30 miles of Salem. Slot machines are the most addictive type of gambling. It has been estimated that a casino in NH will create 4,500-8,800 new problem gamblers and 2,400 -5,400 new pathological gamblers. The low-end estimate of these costs are \$27-\$57 million which does not include abused costs (money stolen from families & business that are not reported as crimes). When these are included, the costs soar to \$49 - \$103 million. That still does not include any provision for costs related to suicide and the impact on families and children. The sad fact is that casinos depend on problem gamblers - 40% - 60% of slot machine revenue comes from problem gamblers, and 90% of industry revenue comes from slots. Yes, a casino will bring much needed revenue to the state but at what cost. There will be cannibalization of existing businesses. Individuals have finite entertainment dollars; money spent in the casino is not spent in local restaurants/shops/entertainment & sports venues. Unlike our local businesses, the profits from a casino will be sent out of state. The charitable gaming rooms will most likely cease to exist and the charities they support will suffer. Crime will increase, and the gaming industry will have considerable influence on future legislatures. The social costs and more importantly the impact on our citizens who become problem and pathological gamblers and the negative impacts on our local businesses are too high a price to pay. Vote 11-9.

Rep. Richard Ames for the Minority of Ways and Means. This bill, the work product of the NH Gaming Regulatory Oversight Authority, enables the development of a single New Hampshire-based destination casino. A principal purpose, stated in the bill, is to promote economic recovery, small business development, tax relief, and job creation. No casino may be developed without local acceptance and compliance with local land use

requirements. The bill's capital development and operational specifications are expected to produce a minimum \$450 million capital investment, about 2,000 construction jobs during the initial capital development phase, about 2,000 ongoing jobs at the casino after construction is completed, and annual tax revenues starting at about \$105 million once the casino is operational. The tax revenue forecast is based on a 35% tax on slots revenues, an 18% tax on table games, and a \$600 slot machine annual tax; the forecast is exclusive of new property tax, rooms and meals, and business tax revenues that will result from the new casino development. The \$450 million capital investment requirement in the bill, which is exclusive of land costs, off-site improvements and license fees, is a minimum which is likely to be exceeded during the open competitive bidding process that is required by the bill. Bidders for the single casino license must pay a minimum of \$500,000 for the initial license application and background investigation process. The winning bidder must pay an \$80 million non-refundable license fee and must also commit to an annual capital reinvestment program equal to at least 3.5% of the casino's gross revenues. The bill will authorize the casino to contain between 2,000 and 5,000 slot machines and between 75 and 150 table games. The Authority's expert forecast of \$105 million in annual tax revenues is conservatively based on an assumed initial casino development having just 2,500 slot machines and 85 table games. The bill's tax rate, capital investment requirements, and casino size requirements, and the resulting revenue forecast, also take into account the comparable tax rates and investment requirements that are governing the expected development of three major casinos and a slots parlor in Massachusetts. The best practices regulatory system provided for by the bill was developed by the NH Gaming Regulatory Oversight Authority. It includes provisions designed to bring to the surface and robustly address problem gambling, and includes a new high-level position for a new director of research and problem gambling. The casino will be smoke-free and those under 21 years of age will be excluded from the gaming floor. The bill provides strong and independent roles and responsibilities for local law enforcement, for the Attorney General, and for the State Police. Political contributions and conflicts of interest are strictly limited and regulated. The bill provides for the establishment of a unified gaming system in New Hampshire, bringing the lottery, charitable gaming, and casino gaming under the authority of a new NH Gaming Commission consisting of 5 members appointed by the Governor and Council. The bill requires the winning bidder to have a workforce development plan, including a plan to maximize the use of the state's existing labor force. Live entertainment venue provisions require the winning casino bidder to negotiate agreements with existing venues that address cross marketing limits to exclusivity contracts with performers, coordination of performers schedules, promotions, and ticket prices. The amendment to the bill sets a seating capacity cap of 1,500 seats for a casino-based live entertainment facility, allocates 3% of gross slot machine income to the host community, 1% of gross slot machine income to abutting communities, 1% of gross slot machine income to the host county, and 1% of gross slot machine income to Department of Health and Human Services for programs for problem gambling and related disorders of drug and alcohol addiction. The amendment, which received a 15-5 vote in committee, also includes: a hold harmless provision for charities in the event that there is a downturn in charitable gaming revenues; a provision requiring that the Gaming Commission's rules be adopted in accordance with standard JLCAR procedures; and a provision prohibiting free alcoholic drinks anywhere in the gaming location. A strong majority of NH citizens have repeatedly told pollsters that they want the NH Legislature to permit development of a well-regulated NH-based casino. It is time for the NH House to respond by adopting the proposed amendment and then passing this well-crafted bill.

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

Reps. Ames, Sapareto, and Rogers spoke against and yielded to questions.

Reps. Lovejoy, Hess and Wazlaw spoke in favor and yielded to questions.

Rep. Levesque spoke against.

Reps. Gary Richardson and Dan McGuire spoke in favor.

Rep. Almy requested a roll call; sufficiently seconded.

YEAS 173 - NAYS 144

YEAS - 173

BELKNAP

Burchell, Richard
Greemore, Robert
Raymond, Ian

Comtois, Guy
Holmes, Stephen
Sylvia, Michael

Cormier, Jane
Huot, David
Tilton, Franklin

Flanders, Donald
Luther, Robert
Vadney, Herbert

CARROLL

Chandler, Gene
Nelson, Bill

Cordelli, Glenn
Ticehurst, Susan

Crawford, Karel

Lavender, Tom

CHESHIRE

Chase, Cynthia
Phillips, Larry

Johnson, Jane
Robertson, Timothy

Mann, John
Shepardson, Marjorie

Parkhurst, Henry
Weed, Charles

COOS

Hammon, Marcia

Hatch, William

Rappaport, Laurence

Rideout, Leon

GRAFTON

Aguiar, James
Ford, Susan
Lovett, Sid
Reilly, Harold

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

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

Cooney, Mary
Higgins, Patricia
Piper, Wendy
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Byron, Frank
Connor, Evelyn
Gale, Sylvia
Hansberry, Daniel
Jasper, Shawn
LeBrun, Donald
Notter, Jeanine
Peterson, Lenette
Sanborn, Laurie
Smith, Timothy
Warden, Mark

Barry, Richard
Cebrowski, John
Daniels, Gary
Gargas, Carolyn
Hansen, Peter
Katsiantonis, Thomas
Mangipudi, Latha
O'Flaherty, Tim
Porter, Marjorie
Sandblade, Emily
Sullivan, Peter
Willette, Robert

Boehm, Ralph
Chandle, Shannon
Danielson, David
Graham, John
Heden, Ruth
Kurk, Neal
Murphy, Kelleigh
Palmer, Stephen
Renzullo, Andrew
Schmidt, Janice
Vaillancourt, Steve
Winters, Joel

Burt, John
Coffey, James
Gagne, Larry
Hammond, Jill
Jack, Martin
Lambert, George
Murphy, Keith
Parison, James
Rowe, Robert
Shattuck, Gilman
Villeneuve, Moe
Woodbury, David

MERRIMACK

Bartlett, Christy
Ebel, Karen
Gile, Mary
Karrick, David
McGuire, Carol
Rice, Chip
Walz, Mary Beth

Carey, Lorrie
Frambach, Mary
Hess, David
Kidder, David
McGuire, Dan
Richardson, Gary
Watrous, Rick

Carson, Clyde
Frazer, June
Hoell, J.R.
Lockwood, Priscilla
Moffett, Howard
Smith, Todd

Davis, Frank
French, Barbara
Hunt, Jane
MacKay, James
Myler, Mel
Wallner, Mary Jane

ROCKINGHAM

Abrami, Patrick
Copeland, Timothy
Emerson-Brown, Rebecca
Harris, Jeffrey
Lovejoy, Patricia
Packard, Sherman
Tamburello, Daniel
Ward, Gerald

Bick, Patrick
Danais, Romeo
Flockhart, Eileen
Heffron, Frank
Major, Norman
Rice, Frederick
Tasker, Kyle
Wazlaw, Brian

Borden, David
Dumaine, Dudley
Gordon, Richard
Itse, Daniel
Moody, Marcia
Schlachman, Donna
Till, Mary

Comerford, Timothy
Emerick, J. Tracy
Grace, Curtis
Kappler, Lawrence
Muns, Chris
Sherman, Thomas
Tucker, Pamela

STRAFFORD

Beaudoin, Steven
Groen, Warren
Kaen, Naida
Pelletier, Marsha
Smith, Marjorie

Bickford, David
Hooper, Dorothea
Malloy, Dennis
Perry, Robert
Spang, Judith

Bixby, Peter
Hubbard, Pamela
Merrill, Amanda
Rogers, Rose Marie
Verschueren, James

Grassie, Anne
Jones, Laura
Mullen, John
Schmidt, Peter
Wall, Janet

SULLIVAN

Tanner, Linda

NAYS - 144**BELKNAP**

Gulick, Ruth

CARROLL

McConkey, Mark

Morrow, Harry

CHESHIRE

Ames, Richard
Johnsen, Gladys
Tatro, Bruce

Berch, Paul
Lerandeau, Alfred
Weber, Lucy

Butynski, William
Ley, Douglas
Young, Harry

Eaton, Daniel
Sad, Tara

COOS

Coulombe, Gary
Theberge, Robert

Enman, Larry

Moynihan, Wayne

Richardson, Herbert

GRAFTON

Gionet, Edmond

Ladd, Rick

Massimilla, Linda

HILLSBOROUGH

Beaulieu, Jane	Belanger, James	Brown, Pamela	Campbell, David
Christiansen, Lars	Cote, David	DiSilvestro, Linda	Dobson, Jeremy
Eaton, Richard	Flanagan, Jack	Gage, Ruth	Gidge, Kenneth
Goley, Jeffrey	Gorman, Mary	Grady, Brenda	Hackel, Paul
Haefner, Robert	Harriott-Gathright, Linda	Heath, Mary	Hikel, John
Hinch, Richard	Kelley, John	Knowles, Mary Ann	Leishman, Peter
Levesque, Melanie	Long, Patrick	MacKay, Mariellen	Manley, Jonathan
Marston, Dick	Martel, Andre	McCarthy, Michael	McNamara, Richard
Nelson, Mary	O'Brien, Michael	O'Neil, William	Ober, Lynne
Ober, Russell	Ramsey, Peter	Rhodes, Brian	Rokas, Ted
Rosenwald, Cindy	Shaw, Barbara	Soucy, Timothy	Spratt, Stephen
Straight, Philip	Stroud, Kathleen	Sullivan, Daniel	Ulery, Jordan
Walsh, Robert	Williams, Kermit		

MERRIMACK

Alicea, Caroletta	Andrews, Christopher	Burns, Scott	Henle, Paul
Kelly, Sally	Kotowski, Frank	Patten, Dick	Ratzki, Mario
Rogers, Katherine	Schamberg, Thomas	Schuett, Dianne	Shurtleff, Stephen
Turcotte, Alan	Walsh, Thomas	Webb, Leigh	

ROCKINGHAM

Andrews-Ahearn, E. Elaine	Baldasaro, Alfred	Belanger, Ronald	Birdsell, Regina
Briden, Steven	Burtis, Elizabeth	Cahill, Michael	Cali-Pitts, Jacqueline
Chirichiello, Brian	Cushing, Robert	DeSimone, Debra	Devine, James
Elliott, Robert	Ferrante, Beverly	Griffin, Mary	Kolodziej, Walter
Mann, Maureen	McKinney, Betsy	McMahon, Charles	Milz, David
Nigrello, Robert	O'Connor, John	Peckham, Michele	Perkins, Lawrence
Priestley, Anne	Sapareto, Frank	Scarlotta, Joe	Sedensky, John
St.James, Kevin	Sweeney, Joe	Sytek, John	Waterhouse, Kevin
Webb, James	Weyler, Kenneth	Whittemore, Lisa	

STRAFFORD

Baber, William	Berube, Roger	Grossman, Kenneth	Horrigan, Timothy
Pitre, Joseph	Spainhower, Dale	Stevens, Audrey	Ward, Kenneth

SULLIVAN

Cloutier, John	Gagnon, Raymond	Grenier, James	Irwin, Virginia
Lefebvre, Benjamin	Rollins, Skip	Smith, Steven	Sweeney, Cynthia

and the majority committee report was adopted.

Reps. Muns and Verschueren voted Yea and intended to vote Nay.

MOTON TO INDEFINITELY POSTPONE

Rep. Kurk moved that **HB 1633-FN-A-L**, relative to expanded gaming in New Hampshire, be Indefinitely Postponed.

Rep. Kurk spoke in favor.

Rep. Vaillancourt requested a roll call; sufficiently seconded.

YEAS 151 - NAYS 166

YEAS - 151**BELKNAP**

Burchell, Richard	Comtois, Guy	Cormier, Jane	Flanders, Donald
Greemore, Robert	Holmes, Stephen	Raymond, Ian	Sylvia, Michael
Tilton, Franklin	Vadney, Herbert		

CARROLL

Chandler, Gene	Cordelli, Glenn	Crawford, Karel	Lavender, Tom
Morrow, Harry	Nelson, Bill		

CHESHIRE

Chase, Cynthia	Johnson, Jane	Mann, John	Parkhurst, Henry
Phillips, Larry	Robertson, Timothy	Shepardson, Marjorie	Weed, Charles

COOS

Hammon, Marcia	Rappaport, Laurence
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GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
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Ford, Susan
Mulholland, Catherine
Smith, Suzanne

Friedrich, Carol
Nordgren, Sharon
Sykes, George

Harding, Laurie
Piper, Wendy

Lovett, Sid
Reilly, Harold

HILLSBOROUGH

Backus, Robert
Cebrowski, John
Dobson, Jeremy
Hansberry, Daniel
Jasper, Shawn
LeBrun, Donald
Palmer, Stephen
Sanborn, Laurie
Straight, Philip
Willette, Robert

Barry, Richard
Coffey, James
Gale, Sylvia
Hansen, Peter
Katsiantonis, Thomas
Murphy, Kelleigh
Parison, James
Sandblade, Emily
Sullivan, Peter

Boehm, Ralph
Daniels, Gary
Gargas, Carolyn
Heden, Ruth
Kurk, Neal
Murphy, Keith
Peterson, Lenette
Schmidt, Janice
Villeneuve, Moe

Burt, John
Danielson, David
Graham, John
Jack, Martin
Lambert, George
Notter, Jeanine
Rowe, Robert
Shattuck, Gilman
Warden, Mark

MERRIMACK

Bartlett, Christy
Frambach, Mary
Hess, David
Kidder, David
McGuire, Dan
Richardson, Gary
Watrous, Rick

Burns, Scott
Frazer, June
Hoell, J.R.
Lockwood, Priscilla
Moffett, Howard
Smith, Todd

Davis, Frank
French, Barbara
Hunt, Jane
MacKay, James
Myler, Mel
Wallner, Mary Jane

Ebel, Karen
Gile, Mary
Karrick, David
McGuire, Carol
Rice, Chip
Walz, Mary Beth

ROCKINGHAM

Abrami, Patrick
Comerford, Timothy
Emerick, J. Tracy
Harris, Jeffrey
Lovejoy, Patricia
Packard, Sherman
Sytek, John
Tucker, Pamela

Bick, Patrick
Copeland, Timothy
Flockhart, Eileen
Heffron, Frank
Major, Norman
Peckham, Michele
Tamburello, Daniel
Ward, Gerald

Borden, David
Danais, Romeo
Gordon, Richard
Itse, Daniel
McKinney, Betsy
Rice, Frederick
Tasker, Kyle
Wazlaw, Brian

Cali-Pitts, Jacqueline
Dumaine, Dudley
Grace, Curtis
Kappler, Lawrence
Moody, Marcia
Schlachman, Donna
Till, Mary

STRAFFORD

Beaudoin, Steven
Hooper, Dorothea
Mullen, John
Schmidt, Peter

Bixby, Peter
Jones, Laura
Pelletier, Marsha
Smith, Marjorie

Grassie, Anne
Malloy, Dennis
Perry, Robert
Spang, Judith

Groen, Warren
Merrill, Amanda
Rogers, Rose Marie
Wall, Janet

SULLIVAN

Gottling, Suzanne

Osgood, Joe

NAYS - 166

BELKNAP

DiMartino, Lisa
Luther, Robert

Fields, Dennis

Gulick, Ruth

Huot, David

CARROLL

Buco, Thomas
Ticehurst, Susan

Butler, Edward
Umberger, Karen

McConkey, Mark

Schmidt, Stephen

CHESHIRE

Ames, Richard
Johnsen, Gladys
Tatro, Bruce

Berch, Paul
Lerandeau, Alfred
Weber, Lucy

Butynski, William
Ley, Douglas
Young, Harry

Eaton, Daniel
Sad, Tara

COOS

Coulombe, Gary
Richardson, Herbert

Enman, Larry
Rideout, Leon

Hatch, William
Theberge, Robert

Moynihan, Wayne

GRAFTON

Gionet, Edmond
Townsend, Charles

Higgins, Patricia

Ladd, Rick

Massimilla, Linda

HILLSBOROUGH

Beaulieu, Jane
Campbell, David
Cote, David
Gage, Ruth

Belanger, James
Chandley, Shannon
DiSilvestro, Linda
Gagne, Larry

Brown, Pamela
Christiansen, Lars
Eaton, Richard
Gidge, Kenneth

Byron, Frank
Connor, Evelyn
Flanagan, Jack
Goley, Jeffrey

Gorman, Mary
Hammond, Jill
Hinch, Richard
Levesque, Melanie
Manley, Jonathan
McNamara, Richard
O'Neil, William
Ramsey, Peter
Rosenwald, Cindy
Spratt, Stephen
Vaillancourt, Steve
Woodbury, David

Grady, Brenda
Harriott-Gathright, Linda
Kelley, John
Long, Patrick
Marston, Dick
Nelson, Mary
Ober, Lynne
Renzullo, Andrew
Shaw, Barbara
Stroud, Kathleen
Walsh, Robert

Hackel, Paul
Heath, Mary
Knowles, Mary Ann
MacKay, Mariellen
Martel, Andre
O'Brien, Michael
Ober, Russell
Rhodes, Brian
Smith, Timothy
Sullivan, Daniel
Williams, Kermit

Haefner, Robert
Hikel, John
Leishman, Peter
Mangipudi, Latha
McCarthy, Michael
O'Flaherty, Tim
Porter, Marjorie
Rokas, Ted
Soucy, Timothy
Ulery, Jordan
Winters, Joel

MERRIMACK

Alicea, Caroletta
Henle, Paul
Ratzki, Mario
Shurtleff, Stephen

Andrews, Christopher
Kelly, Sally
Rogers, Katherine
Turcotte, Alan

Carey, Lorrie
Kotowski, Frank
Schamberg, Thomas
Walsh, Thomas

Carson, Clyde
Patten, Dick
Schuett, Dianne
Webb, Leigh

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Briden, Steven
Cushing, Robert
Emerson-Brown, Rebecca
Mann, Maureen
Nigrello, Robert
Sapareto, Frank
St.James, Kevin
Weyler, Kenneth

Baldasaro, Alfred
Burtis, Elizabeth
DeSimone, Debra
Ferrante, Beverly
McMahon, Charles
O'Connor, John
Scarlotta, Joe
Sweeney, Joe
Whittemore, Lisa

Belanger, Ronald
Cahill, Michael
Devine, James
Griffin, Mary
Milz, David
Perkins, Lawrence
Sedensky, John
Waterhouse, Kevin

Birdsell, Regina
Chirichiello, Brian
Elliott, Robert
Kolodziej, Walter
Muns, Chris
Priestley, Anne
Sherman, Thomas
Webb, James

STRAFFORD

Baber, William
Horrigan, Timothy
Spainhower, Dale

Berube, Roger
Hubbard, Pamela
Stevens, Audrey

Bickford, David
Kaen, Naida
Verschuere, James

Grossman, Kenneth
Pitre, Joseph
Ward, Kenneth

SULLIVAN

Cloutier, John
Lefebvre, Benjamin
Tanner, Linda

Gagnon, Raymond
Rollins, Skip

Grenier, James
Smith, Steven

Irwin, Virginia
Sweeney, Cynthia

and the motion failed.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Vaillancourt moved that the House reconsider its action whereby, on a roll call vote of 173-144, the House adopted the majority committee report of Inexpedient to Legislate on **HB 1633-FN-A-L**, relative to expanded gaming in New Hampshire.

Rep. Vaillancourt spoke against.

On a division vote, 139 members having voted in the affirmative and 178 in the negative, the motion failed.

The House recessed at 12:40 p.m.

RECESS

The House reconvened at 1:40 p.m.

(Speaker Norelli in the Chair)

SPECIAL ORDER

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.

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

Rep. Myler spoke in favor.

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

YEAS 160 - NAYS 126**YEAS - 160****BELKNAP**

DiMartino, Lisa

Gulick, Ruth

Huot, David

Raymond, Ian

CARROLL

Buco, Thomas

Butler, Edward

Lavender, Tom

CHESHIREAmes, Richard
Eaton, Daniel
Mann, John
Sad, TaraBerch, Paul
Johnsen, Gladys
Parkhurst, Henry
Shepardson, MarjorieButynski, William
Johnson, Jane
Phillips, Larry
Weber, LucyChase, Cynthia
Ley, Douglas
Robertson, Timothy
Young, Harry**COOS**Coulombe, Gary
Theberge, Robert

Enman, Larry

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
Massimilla, Linda
Smith, Suzanne**HILLSBOROUGH**Backus, Robert
Connor, Evelyn
Gage, Ruth
Goley, Jeffrey
Hammond, Jill
Heden, Ruth
Leishman, Peter
Manley, Jonathan
O'Neil, William
Shattuck, Gilman
Walsh, RobertBeaulieu, Jane
Cote, David
Gale, Sylvia
Gorman, Mary
Hansberry, Daniel
Jack, Martin
Long, Patrick
McNamara, Richard
Porter, Marjorie
Smith, Timothy
Woodbury, DavidBrown, Pamela
DiSilvestro, Linda
Gargas, Carolyn
Grady, Brenda
Harriott-Gathright, Linda
Kelley, John
MacKay, Mariellen
Nelson, Mary
Rosenwald, Cindy
Spratt, StephenChandlee, Shannon
Eaton, Richard
Gidge, Kenneth
Hackel, Paul
Heath, Mary
Knowles, Mary Ann
Mangipudi, Latha
O'Brien, Michael
Schmidt, Janice
Vaillancourt, Steve**MERRIMACK**Alicia, Caroletta
Carey, Lorrie
Frambach, Mary
Henle, Paul
Moffett, Howard
Richardson, Gary
Shurtleff, Stephen
Webb, LeighAndrews, Christopher
Carson, Clyde
Frazer, June
Hunt, Jane
Myler, Mel
Rogers, Katherine
Wallner, Mary JaneBartlett, Christy
Davis, Frank
French, Barbara
Karrick, David
Patten, Dick
Schamberg, Thomas
Walz, Mary BethBurns, Scott
Ebel, Karen
Gile, Mary
Kelly, Sally
Rice, Chip
Schuett, Dianne
Watrous, Rick**ROCKINGHAM**Andrews-Ahearn, E. Elaine
Cali-Pitts, Jacqueline
DeSimone, Debra
Lovejoy, Patricia
Schlachman, Donna
Whittemore, LisaBorden, David
Chirichiello, Brian
Emerson-Brown, Rebecca
Moody, Marcia
Till, MaryBriden, Steven
Copeland, Timothy
Flockhart, Eileen
Muns, Chris
Ward, GeraldCahill, Michael
Cushing, Robert
Heffron, Frank
Scarlotto, Joe
Wazlaw, Brian**STRAFFORD**Baber, William
Hooper, Dorothea
Malloy, Dennis
Rogers, Rose Marie
Stevens, AudreyBixby, Peter
Horrigan, Timothy
Merrill, Amanda
Schmidt, Peter
Wall, JanetGrassie, Anne
Hubbard, Pamela
Pelletier, Marsha
Smith, Marjorie
Ward, KennethGrossman, Kenneth
Kaen, Naida
Perry, Robert
Spang, Judith**SULLIVAN**Gagnon, Raymond
Sweeney, CynthiaGottling, Suzanne
Tanner, Linda

Grenier, James

Lefebvre, Benjamin

NAYS - 126**BELKNAP**Burchell, Richard
Flanders, Donald
Tilton, FranklinComtois, Guy
Greemore, Robert
Vadney, HerbertCormier, Jane
Holmes, StephenFields, Dennis
Luther, Robert

CARROLLCordelli, Glenn
Nelson, BillCrawford, Karel
Schmidt, StephenMcConkey, Mark
Ticehurst, SusanMerrow, Harry
Umberger, Karen**COOS**

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Gionet, Edmond

Ladd, Rick

Reilly, Harold

HILLSBOROUGHBarry, Richard
Byron, Frank
Daniels, Gary
Garcia, Michael
Infantine, William
LeBrun, Donald
Murphy, Kelleigh
Ober, Lynne
Peterson, Lenette
Sandblade, Emily
Sullivan, Peter
Willette, RobertBelanger, James
Cebrowski, John
Danielson, David
Haefner, Robert
Jasper, Shawn
Marston, Dick
Murphy, Keith
Ober, Russell
Renzullo, Andrew
Shaw, Barbara
Ulery, Jordan
Winters, JoelBoehm, Ralph
Christiansen, Lars
Flanagan, Jack
Hansen, Peter
Kurk, Neal
Martel, Andre
Notter, Jeanine
Palmer, Stephen
Rowe, Robert
Straight, Philip
Villeneuve, MoeBurt, John
Coffey, James
Gagne, Larry
Hikel, John
Lambert, George
McCarthy, Michael
O'Flaherty, Tim
Parison, James
Sanborn, Laurie
Stroud, Kathleen
Warden, Mark**MERRIMACK**Hess, David
Lockwood, Priscilla
Walsh, ThomasHoell, J.R.
McGuire, CarolKidder, David
McGuire, DanKotowski, Frank
Smith, Todd**ROCKINGHAM**Abrami, Patrick
Birdsell, Regina
Dumaine, Dudley
Gordon, Richard
Itse, Daniel
McMahon, Charles
Packard, Sherman
Sedensky, John
Tamburello, Daniel
Webb, JamesBaldasaro, Alfred
Comerford, Timothy
Emerick, J. Tracy
Grace, Curtis
Kappler, Lawrence
Milz, David
Peckham, Michele
St.James, Kevin
Tasker, Kyle
Weyler, KennethBelanger, Ronald
Danais, Romeo
Ferrante, Beverly
Griffin, Mary
Major, Norman
Nigrello, Robert
Priestley, Anne
Sweeney, Joe
Tucker, PamelaBick, Patrick
Devine, James
Garcia, Marilinda
Harris, Jeffrey
McKinney, Betsy
O'Connor, John
Rice, Frederick
Sytek, John
Waterhouse, Kevin**STRAFFORD**Beaudoin, Steven
Mullen, JohnBickford, David
Pitre, Joseph

Groen, Warren

Jones, Laura

SULLIVAN

Osgood, Joe

Rollins, Skip

Smith, Steven

and the majority committee report was adopted.

MOTION TO REMOVE FROM THE TABLE

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

On a division vote, 161 members having voted in the affirmative and 133 in the negative, the motion was adopted.

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

Reps. Infantine, Beaudoin and Warden spoke against and yielded to questions.

Rep. Marjorie Smith spoke in favor and yielded to questions.

Reps. Steven Smith and Gale spoke in favor.

Rep. Michael Garcia spoke against.

Rep. Long yielded to questions.

Rep. Sapareto requested a roll call; sufficiently seconded.

YEAS 147 - NAYS 141**YEAS - 147
BELKNAP**DiMartino, Lisa
Raymond, Ian

Flanders, Donald

Gulick, Ruth

Huot, David

CARROLL

Butler, Edward

Lavender, Tom

Ticehurst, Susan

CHESHIREAmes, Richard
Eaton, Daniel
Parkhurst, Henry
Shepardson, MarjorieBerch, Paul
Johnsen, Gladys
Phillips, Larry
Weber, LucyButynski, William
Ley, Douglas
Robertson, Timothy
Young, HarryChase, Cynthia
Mann, John
Sad, Tara**COOS**

Enman, Larry

Hammon, Marcia

Hatch, William

Moynihan, Wayne

GRAFTONAlmy, Susan
Friedrich, Carol
Mulholland, Catherine
Townsend, CharlesBenn, Bernard
Harding, Laurie
Nordgren, Sharon
White, AndrewCooney, Mary
Higgins, Patricia
Smith, SuzanneFord, Susan
Massimilla, Linda
Sykes, George**HILLSBOROUGH**Backus, Robert
Connor, Evelyn
Gage, Ruth
Hackel, Paul
Heden, Ruth
Levesque, Melanie
Manley, Jonathan
Porter, Marjorie
Shattuck, Gilman
Williams, KermitBeaulieu, Jane
Cote, David
Gale, Sylvia
Hammond, Jill
Kelley, John
Long, Patrick
McNamara, Richard
Rhodes, Brian
Smith, Timothy
Winters, JoelChandley, Shannon
DiSilvestro, Linda
Goley, Jeffrey
Harriott-Gathright, Linda
Knowles, Mary Ann
MacKay, Mariellen
O'Brien, Michael
Rosenwald, Cindy
Spratt, Stephen
Woodbury, DavidChristiansen, Lars
Eaton, Richard
Grady, Brenda
Heath, Mary
Leishman, Peter
Mangipudi, Latha
O'Neil, William
Schmidt, Janice
Sullivan, Peter**MERRIMACK**Alicea, Caroletta
Davis, Frank
Hunt, Jane
Moffett, Howard
Richardson, Gary
Shurtleff, StephenBartlett, Christy
Frambach, Mary
Kelly, Sally
Myler, Mel
Rogers, Katherine
Wallner, Mary JaneBurns, Scott
Frazer, June
Kidder, David
Ratzki, Mario
Schamberg, Thomas
Walz, Mary BethCarson, Clyde
French, Barbara
MacKay, James
Rice, Chip
Schuett, Dianne**ROCKINGHAM**Andrews-Ahearn, E. Elaine
Cahill, Michael
Flockhart, Eileen
Moody, Marcia
Sherman, Thomas
Whittemore, LisaBelanger, Ronald
Cali-Pitts, Jacqueline
Heffron, Frank
Muns, Chris
Sytek, JohnBorden, David
Cushing, Robert
Lovejoy, Patricia
Scarlotta, Joe
Till, MaryBriden, Steven
Emerson-Brown, Rebecca
Mann, Maureen
Schlachman, Donna
Ward, Gerald**STRAFFORD**Baber, William
Hubbard, Pamela
Pelletier, Marsha
Smith, Marjorie
Wall, JanetBixby, Peter
Kaen, Naida
Perry, Robert
Spang, JudithGrassie, Anne
Malloy, Dennis
Rogers, Rose Marie
Stevens, AudreyHorrigan, Timothy
Merrill, Amanda
Schmidt, Peter
Verschueren, James**SULLIVAN**Cloutier, John
Smith, StevenGottling, Suzanne
Tanner, Linda

Grenier, James

Irwin, Virginia

NAYS - 141**BELKNAP**Burchell, Richard
Greemore, Robert
Vadney, HerbertComtois, Guy
Holmes, StephenCormier, Jane
Luther, RobertFields, Dennis
Tilton, Franklin**CARROLL**Chandler, Gene
Morrow, HarryCordelli, Glenn
Nelson, BillCrawford, Karel
Schmidt, StephenMcConkey, Mark
Umberger, Karen**COOS**

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

Theberge, Robert

GRAFTON

Gionet, Edmond

Ladd, Rick

Piper, Wendy

Reilly, Harold

HILLSBOROUGH

Barry, Richard
Byron, Frank
Danielson, David
Gidge, Kenneth
Hansberry, Daniel
Jack, Martin
LeBrun, Donald
Murphy, Keith
Ober, Lynne
Peterson, Lenette
Sanborn, Laurie
Straight, Philip
Villeneuve, Moe

Belanger, James
Cebrowski, John
Flanagan, Jack
Gorman, Mary
Hansen, Peter
Jasper, Shawn
Marston, Dick
Nelson, Mary
Ober, Russell
Renzullo, Andrew
Sandblade, Emily
Stroud, Kathleen
Walsh, Robert

Boehm, Ralph
Coffey, James
Gagne, Larry
Graham, John
Hikel, John
Kurk, Neal
McCarthy, Michael
Notter, Jeanine
Palmer, Stephen
Rokas, Ted
Shaw, Barbara
Ulery, Jordan
Warden, Mark

Burt, John
Daniels, Gary
Garcia, Michael
Haefner, Robert
Infantine, William
Lambert, George
Murphy, Kelleigh
O'Flaherty, Tim
Parison, James
Rowe, Robert
Soucy, Timothy
Vaillancourt, Steve
Willette, Robert

MERRIMACK

Carey, Lorrie
Karrick, David
McGuire, Dan

Henle, Paul
Kotowski, Frank
Smith, Todd

Hess, David
Lockwood, Priscilla
Walsh, Thomas

Hoell, J.R.
McGuire, Carol
Webb, Leigh

ROCKINGHAM

Abrami, Patrick
Chirichiello, Brian
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary
Kolodziej, Walter
Milz, David
Priestley, Anne
St.James, Kevin
Tucker, Pamela
Weyler, Kenneth

Baldasaro, Alfred
Comerford, Timothy
Devine, James
Garcia, Marilinda
Harris, Jeffrey
Major, Norman
Nigrello, Robert
Rice, Frederick
Sweeney, Joe
Waterhouse, Kevin

Bick, Patrick
Copeland, Timothy
Dumaine, Dudley
Gordon, Richard
Itse, Daniel
McKinney, Betsy
O'Connor, John
Sapareto, Frank
Tamburello, Daniel
Wazlaw, Brian

Birdsell, Regina
Danaia, Romeo
Emerick, J. Tracy
Grace, Curtis
Kappler, Lawrence
McMahon, Charles
Packard, Sherman
Sedensky, John
Tasker, Kyle
Webb, James

STRAFFORD

Beaudoin, Steven
Mullen, John

Bickford, David
Pitre, Joseph

Groen, Warren

Jones, Laura

SULLIVAN

Gagnon, Raymond
Sweeney, Cynthia

Lefebvre, Benjamin

Osgood, Joe

Rollins, Skip

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

Reps. Campbell, Gargas and Grossman declared a conflict of interest and did not participate.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Daniel Eaton moved that the House reconsider its action whereby, on a roll call vote of 147-141, the House adopted the majority committee report of Ought to Pass with Amendment on **HB 1409**, expanding the law against discrimination to prohibit housing discrimination against recipients of rental assistance and victims of domestic violence, sexual assault, or stalking.

Rep. Daniel Eaton spoke against.

On a division vote, 131 members having voted in the affirmative and 156 in the negative, the motion failed.

REGULAR CALENDAR – PART III (CONT'D)

HB 1451, establishing a canine veterans day. **OUGHT TO PASS.**

Rep. Linda Massimilla for State-Federal Relations and Veterans Affairs. This bill recognizes the service given by dogs who serve the people of this country and the state by proclaiming March 13 of each year as Canine Veterans' Day. As far back as the Revolutionary War, New Hampshire has had dogs in military service. A wolf dog, "Sergeant Beaubien," belonging to Generals William and John Stark was the first known military service dog. This bill would honor, not only dogs serving during wartime, but also police, customs, border patrol, secret service, airport, FBI and local police and fire canine units. Vote 12-0.

Rep. Theberge offered floor amendment (0941h).

Floor Amendment (0941h)

Amend RSA 4:13-s as inserted by section 1 of the bill by replacing it with the following:

4:13-s Canine Veterans Day. In recognition of the service given by the dogs who, night and day, serve the people of this country and the state, and inviting the governments, communities, and people of this state to observe such

day with appropriate ceremonies and activities, the governor shall proclaim March 13th of each year as Canine Veterans Day in honor of the dogs who have bled, suffered, and died while serving in all of our wars and those still serving; as well as police canine units, customs canine units, border patrol canine units, secret service canine units, search and rescue canine units, airport police canine units, federal bureau of investigation canine units, and the local police and fire canine units who protect our neighborhoods should be honored accordingly.

Rep. Theberge spoke in favor.

Floor amendment (0941h) adopted.

Committee report adopted and ordered to third reading.

HCR 10, applying to the Congress of the United States to call for a convention under Article V of the United States Constitution. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jeanine M. Notter for the Majority of State-Federal Relations and Veterans Affairs. Adding Liberty amendments to the Constitution sounds like a wonderful idea, but in order to do that we would have to support a Constitution Convention, or a Con-Con, as it is also commonly known. The danger of a Con-Con or an Article V Convention is that it cannot be limited to a single issue no matter what the resolution reads. The danger of a runaway convention is a very real threat that could throw out our Constitution and replace it with something else. A better way to rein in our out-of-control federal government is state nullification of federal laws. The states have the power to do this based on the enumerated powers of the Constitution and the 10th Amendment. Vote 9-4. Rep. Timothy J. Smith for the Minority of State-Federal and Veterans Affairs. This bill applies to congress, under Article V of the US Constitution, to hold an amendment convention to propose an amendment to overturn the US Supreme Court's disastrous decision in Citizens United vs. FEC. This is specifically an amendment convention, and is not a general "constitutional convention" despite misconceptions which have been espoused by an outside activist group. This is a critical issue aimed at pushing back the tide of corruption in Washington DC. As it deals with a Supreme Court decision, the only constitutional way to address the issue is with an amendment. Thus far, Congress has failed to do so (and will continue to fail, since the status-quo is in their own best interest) so it falls to the states to address the problem. Thankfully, the Founding Fathers gave us Article V, which allows the states to propose an amendment without Congress in case Congress ever became the problem, such as we have now with the institutional corruption that plagues our national politics. Substantial research and legal studies were presented to the committee showing that the convention under Article V can be safely limited to a single topic and HCR-10 contains carefully vetted language to that end. Compatible measures have been introduced in many other states this year, and have already passed one legislative chamber in at least two other states as of this writing.

LAID ON THE TABLE

Rep. Vaillancourt moved that **HCR 10**, applying to the Congress of the United States to call for a convention under Article V of the United States Constitution, be laid on the table.

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

On a division vote, 181 members having voted in the affirmative and 97 in the negative, the motion was adopted.

REGULAR CALENDAR – PART III (CONT'D)

HCR 11, commemorating the ratification of the seventeenth amendment to the United States Constitution. **INEXPEDIENT TO LEGISLATE.**

Rep. Jeanine M. Notter for State-Federal Relations and Veterans Affairs. The other chamber has indicated that it may not be taking up HCRs at this time. Therefore, an effort to pass this resolution is futile. Vote 10-2.

Rep. Horrigan spoke against.

Rep. Notter spoke in favor.

On a division vote, 217 members having voted in the affirmative and 48 in the negative, the committee report was adopted.

HR 21, expressing support for the right of residents of the District of Columbia to be fully represented in the Congress of the United States of America. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert L. Theberge for the Majority of State-Federal Relations and Veterans Affairs. The majority of the committee voted in favor of the resolution. Residents of the District of Columbia pay federal taxes and serve in the armed forces on behalf of our nation. However, they lack one major privilege of citizenship: voting representation in the U.S. Congress. The resolution seeks to achieve equal access to federal democracy. At issue here is "taxation without representation." Vote 9-4.

Rep. Leon H. Rideout for the Minority of State-Federal Relations and Veterans Affairs. The minority of the committee felt that this bill did not provide a clear path forward for providing representation of the residents of the District of Columbia. There remain questions on why the Capitol was set up in this manner and what unintended consequences may result from the change.

The question being adoption of the majority committee report of Ought to Pass.
Rep. Theberge yielded to questions.
Rep. Vaillancourt requested a roll call; sufficiently seconded.

YEAS 145 - NAYS 133**YEAS - 145
BELKNAP**

DiMartino, Lisa
Raymond, Ian

Fields, Dennis

Gulick, Ruth

Huot, David

CARROLL

Butler, Edward

Ticehurst, Susan

CHESHIRE

Ames, Richard
Ley, Douglas
Sad, Tara

Berch, Paul
Mann, John
Shepardson, Marjorie

Butynski, William
Phillips, Larry
Weber, Lucy

Chase, Cynthia
Robertson, Timothy
Young, Harry

COOS

Enman, Larry
Theberge, Robert

Hammon, Marcia

Hatch, William

Moynihan, Wayne

GRAFTON

Almy, Susan
Friedrich, Carol
Nordgren, Sharon
White, Andrew

Benn, Bernard
Harding, Laurie
Smith, Suzanne

Cooney, Mary
Higgins, Patricia
Sykes, George

Ford, Susan
Massimilla, Linda
Townsend, Charles

HILLSBOROUGH

Beaulieu, Jane
Cote, David
Gidge, Kenneth
Hackel, Paul
Heath, Mary
Leishman, Peter
Mangipudi, Latha
O'Flaherty, Tim
Rosenwald, Cindy
Spratt, Stephen
Williams, Kermit

Brown, Pamela
DiSilvestro, Linda
Goley, Jeffrey
Hammond, Jill
Heden, Ruth
Levesque, Melanie
Manley, Jonathan
O'Neil, William
Schmidt, Janice
Sullivan, Peter
Winters, Joel

Campbell, David
Gale, Sylvia
Gorman, Mary
Hansberry, Daniel
Jack, Martin
Long, Patrick
McNamara, Richard
Porter, Marjorie
Shaw, Barbara
Walsh, Robert
Woodbury, David

Chandley, Shannon
Gargas, Carolyn
Grady, Brenda
Harriott-Gathright, Linda
Knowles, Mary Ann
MacKay, Mariellen
O'Brien, Michael
Rhodes, Brian
Smith, Timothy
Willette, Robert

MERRIMACK

Alicea, Caroletta
Davis, Frank
French, Barbara
Kelly, Sally
Ratzki, Mario
Shurtleff, Stephen

Bartlett, Christy
Ebel, Karen
Gile, Mary
MacKay, James
Richardson, Gary
Wallner, Mary Jane

Burns, Scott
Frambach, Mary
Henle, Paul
Moffett, Howard
Rogers, Katherine

Carey, Lorrie
Frazer, June
Karrick, David
Myler, Mel
Schuett, Dianne

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cahill, Michael
Flockhart, Eileen
Muns, Chris
Sherman, Thomas

Baldasaro, Alfred
Cali-Pitts, Jacqueline
Heffron, Frank
Nigrello, Robert
Till, Mary

Borden, David
Cushing, Robert
Lovejoy, Patricia
Priestley, Anne
Wazlaw, Brian

Briden, Steven
Emerson-Brown, Rebecca
Moody, Marcia
Schlachman, Donna
Whittemore, Lisa

STRAFFORD

Baber, William
Horrigan, Timothy
Pelletier, Marsha
Smith, Marjorie
Wall, Janet

Bixby, Peter
Kaen, Naida
Perry, Robert
Spang, Judith

Grassie, Anne
Malloy, Dennis
Rogers, Rose Marie
Stevens, Audrey

Grossman, Kenneth
Merrill, Amanda
Schmidt, Peter
Verschueren, James

SULLIVAN

Cloutier, John
Sweeney, Cynthia

Gagnon, Raymond
Tanner, Linda

Gottling, Suzanne

Irwin, Virginia

**NAYS - 133
BELKNAP**

Burchell, Richard
Greemore, Robert
Vadney, Herbert

Comtois, Guy
Holmes, Stephen

Cormier, Jane
Luther, Robert

Flanders, Donald
Tilton, Franklin

CARROLLCordelli, Glenn
Morrow, HarryCrawford, Karel
Nelson, BillLavender, Tom
Schmidt, StephenMcConkey, Mark
Umberger, Karen**CHESHIRE**

Parkhurst, Henry

COOS

Richardson, Herbert

Rideout, Leon

GRAFTONGionet, Edmond
Reilly, Harold

Ladd, Rick

Mulholland, Catherine

Piper, Wendy

HILLSBOROUGHBackus, Robert
Burt, John
Coffey, James
Eaton, Richard
Garcia, Michael
Jasper, Shawn
LeBrun, Donald
Nelson, Mary
Palmer, Stephen
Rokas, Ted
Shattuck, Gilman
Ulery, JordanBarry, Richard
Byron, Frank
Connor, Evelyn
Flanagan, Jack
Graham, John
Kelley, John
Marston, Dick
Notter, Jeanine
Parison, James
Rowe, Robert
Soucy, Timothy
Vaillancourt, SteveBelanger, James
Cebrowski, John
Daniels, Gary
Gage, Ruth
Haefner, Robert
Kurk, Neal
Murphy, Kelleigh
Ober, Lynne
Peterson, Lenette
Sanborn, Laurie
Straight, Philip
Villeneuve, MoeBoehm, Ralph
Christiansen, Lars
Danielson, David
Gagne, Larry
Hansen, Peter
Lambert, George
Murphy, Keith
Ober, Russell
Renzullo, Andrew
Sandblade, Emily
Sullivan, Daniel
Warden, Mark**MERRIMACK**Carson, Clyde
Lockwood, Priscilla
Schamberg, ThomasHoell, J.R.
McGuire, Carol
Walsh, ThomasKidder, David
McGuire, Dan
Walz, Mary BethKotowski, Frank
Rice, Chip
Webb, Leigh**ROCKINGHAM**Abrami, Patrick
Comerford, Timothy
Devine, James
Garcia, Marilinda
Itse, Daniel
McKinney, Betsy
Packard, Sherman
Sedensky, John
Tucker, Pamela
Weyler, KennethBick, Patrick
Copeland, Timothy
Dumaine, Dudley
Gordon, Richard
Kappler, Lawrence
McMahon, Charles
Rice, Frederick
St.James, Kevin
Ward, GeraldBirdsell, Regina
Danaïs, Romeo
Emerick, J. Tracy
Griffin, Mary
Kolodziej, Walter
Milz, David
Sapareto, Frank
Sweeney, Joe
Waterhouse, KevinChirichiello, Brian
DeSimone, Debra
Ferrante, Beverly
Harris, Jeffrey
Major, Norman
O'Connor, John
Scarlotto, Joe
Sytek, John
Webb, James**STRAFFORD**Beaudoin, Steven
Jones, LauraBickford, David
Mullen, JohnGroen, Warren
Pitre, Joseph

Hubbard, Pamela

SULLIVAN

Grenier, James

Osgood, Joe

Rollins, Skip

Smith, Steven

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

HR 24, urging Congress to investigate the Benghazi incident. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Robert L. Theberge for the Majority of State-Federal Relations and Veterans Affairs. The majority believes that the Benghazi incident will be an ongoing issue for which any solution would not be welcomed by an opposing political party. The investigation is ongoing by the federal government for which no further action by the House is warranted. Vote 10-2.

Rep. Todd P. Smith for the Minority of State-Federal Relations and Veterans Affairs. The minority believes that the issues relating to Benghazi needs to have a comprehensive exploration of exactly what occurred. The question being adoption of the majority committee report of Inexpedient to Legislate.

On a division vote, 191 members having voted in the affirmative and 85 in the negative, the majority committee report was adopted.

HB 1143, relative to the New Hampshire Law Against Discrimination. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Paul S. Berch for the Majority of Judiciary. This bill will update New Hampshire laws against housing discrimination, thereby bringing state and federal laws into conformity. This will enhance the ability to resolve

these matters in New Hampshire, and lessen the necessity for each side to go to Boston to seek resolution; provide one set of legal standards for landlords and tenants to follow and possibly assist in obtaining federal grants. Vote 11-8.

Rep. Joseph M. Hagan for the Minority of Judiciary. The minority believe this bill is an additional surrender of sovereignty to the federal government in exchange for a not guaranteed transfer of federal funding.

Majority Amendment (0471h)

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

1 Change "Creed" or "Religious Creed" to "Religion." Amend the following RSA provisions by replacing "creed" or "religious creed" with "religion": RSA 354-A:1; 354-A:5, VIII and IX; 354-A:6; 354-A:7, III; 354-A:8; 354-A:10, VIII; 354-A:16; 354-A:17; and 354-A:25.

2 Definition of Multiple Dwelling. Amend RSA 354-A:2, XI to read as follows:

XI. "Multiple dwelling" means [2] **4** or more dwellings, as defined in paragraph V, occupied by families living independently of each other.

3 Definition of Person. Amend RSA 354-A:2, XIII to read as follows:

XIII. "Person" includes one or more individuals, partnerships, associations, corporations, **unincorporated organizations**, legal representatives, mutual companies, joint-stock companies, **labor organizations**, trusts, **trustees, fiduciaries**, trustees in bankruptcy, receivers, and the state and all political subdivisions, boards, and commissions thereof.

4 Definition of Reasonable Accommodation. Amend RSA 354-A:2, XIV-b to read as follows:

XIV-b. "Reasonable accommodation" may include, **but not be limited to:**

(a) Making existing facilities used by employees readily accessible to and usable by individuals with disabilities.

(b) Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

(c) **Making the use and equal enjoyment of dwellings, facilities, and services associated with housing accessible to and usable by individuals with disabilities by modifying rules, policies, practices, or services in housing.**

(d) **Making the use and equal enjoyment of public accommodations, as defined in paragraph XIV, accessible to and usable by individuals with disabilities by modifying policies, practices, or services to provide such access.**

5 Power to Initiate Complaints. Amend RSA 354-A:5, VI to read as follows:

VI. To **initiate**, receive, investigate, and pass upon complaints alleging violations of this chapter.

6 Unlawful Discriminatory Practices. Amend the introductory paragraph of RSA 354-A:10 to read as follows:

354-A:10 Unlawful Discriminatory Practices. It shall be an unlawful discriminatory practice for any person~~[-being the owner, lessee, sublessee, assignee, managing agent or other person having the right to rent or lease a dwelling or commercial structure or being in the business of selling or renting dwellings or commercial structures]~~:

7 Fair Housing Exemptions. Amend RSA 354-A:13, I(b) and (c) to read as follows:

(b) To the rental of ~~[a housing accommodation]~~ **living quarters** in a building which contains ~~[housing accommodations]~~ **living quarters** for not more than 3 families living independently of each other, if the owner ~~[or members of his family reside in one of such housing accommodations]~~ **resides in one of the living quarters**; or

(c) To the rental of a room or rooms in a ~~[housing accommodation]~~ **dwelling** with not more than 5 such rooms, if ~~[such rental is by the occupant of the housing accommodation or by the owner of the housing accommodation and the owner or members of the owner's family reside in such housing accommodation]~~ **one room is occupied by the owner of the dwelling**.

8 Fair Housing; Exemptions; Reference Change. Amend RSA 354-A:13, II and III to read as follows:

II. Nothing in this ~~[chapter]~~ **subdivision** shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin.

III. Nothing in this ~~[chapter]~~ **subdivision** shall prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

9 Housing for Older Persons. Amend RSA 354-A:15, IV-VI to read as follows:

IV. ~~[In determining whether housing qualifies as]~~ Housing for persons 55 years or older~~[-the commission shall adopt rules which require at least the following factors]~~ **shall meet the following criteria:**

(a) The existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and service is not practicable, that such housing is necessary to provide important housing opportunities for older persons;

(b) [That] At least 80 percent of the units are occupied by at least one person 55 years of age or older per unit; and

(c) The publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.

V. Housing shall not fail to meet the requirements for housing for older persons by reason of:

(a) Persons residing in such housing as of September 13, 1988, who do not meet the age requirements of [paragraphs] **RSA 354-A:15**, II or III, provided, that new occupants of such housing meet the age requirements of [paragraph] **RSA 354-A:15**, II or III.

(b) Unoccupied units, provided, that such units are reserved for occupancy by persons who meet the age requirements of [paragraph] **RSA 354-A:15**, II or III.

VI. Any rule concerning the exemption available under this section shall be consistent with federal law. In adopting such rules, the commission shall be guided by applicable federal regulations and interpretations concerning housing for older persons [under 42 U.S.C. section 3607(b)].

10 Public Accommodations; Exemption for Religious Organizations. Amend the subdivision heading preceding RSA 354-A:18 and RSA 354-A:18 to read as follows:

[Exemption]

354-A:18 Exemption for Religious Organizations. Nothing contained in this [chapter] **subdivision** shall be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, from limiting admission to or giving preference to persons of the same religion or denomination or from making such selection as is calculated by such organization to promote the religious principles for which it is established or maintained.

11 Retaliation and Required Records; Gender Neutral Reference Added. Amend RSA 354-A:19 to read as follows:

354-A:19 Retaliation and Required Records. It shall be an unlawful discriminatory practice for any person engaged in any activity to which this chapter applies to discharge, expel, or otherwise retaliate or discriminate against any person because he *or she* has opposed any practices forbidden under this chapter or because he has filed a complaint, testified or assisted in any proceeding under this chapter.

12 Procedure on Complaints. RSA 354-A:21 is repealed and reenacted to read as follows:

354-A:21 Procedure on Complaints.

I.(a) Any person claiming to be aggrieved by an unlawful discriminatory practice may make, sign, and file with the commission a verified complaint in writing which shall state the name and address of the respondent alleged to have committed the unlawful discriminatory practice complained of and which shall set forth the particulars thereof and contain such other information as may be required by the commission. Any person claiming to be aggrieved by unlawful housing discrimination is exempt from verifying the complaint. The attorney general or one of the commissioners may, in like manner, make, sign, and file such complaint.

(b) In connection with the filing of such complaint, the commission is authorized to receive, investigate, take proof, issue subpoenas, administer oaths, and decide upon complaints of employment, housing, and public accommodation discrimination. The attorney general is authorized to take proof, issue subpoenas, and administer oaths in the manner provided in the civil practice law and rules.

II. Housing Discrimination Procedure on Complaints.

(a) In complaints filed based on housing discrimination, the commission shall send the aggrieved party notice acknowledging receipt of the complaint together with a notice of choice of forums. The commission shall serve notice of filing of the complaint to the respondent, including a copy of the complaint and notice of procedural rights and duties. Proceedings at the commission shall begin within 30 days of receipt of the complaint. In addition, investigation of the housing discrimination complaint and a determination of reasonable cause shall be completed within 100 days after the filing of the complaint. If the commission is unable to complete the investigation and/or make a determination of cause within 100 days, the commission shall notify the parties in writing of the reason. If the investigating commissioner determines that reasonable cause exists that a discriminatory housing practice has occurred or is about to occur, the investigating commissioner shall immediately issue a charge on behalf of the aggrieved party. If the investigating commissioner determines that no reasonable cause exists, the complaint may be dismissed subject to appeal in the superior court pursuant to subparagraph III(c). Each dismissal shall be subject to public disclosure. No charge may be issued if a trial of a civil action has begun. A final administrative disposition of a housing discrimination complaint shall be made within one year of the date of filing unless it is impractical to do so. If the commission cannot make a final disposition within one year, it shall notify the parties in writing of the reason.

(b)(1) Any party alleging to be aggrieved by housing discrimination, upon issuance of a charge by the investigating commissioner, may elect to have the claims asserted in a civil action in the county in which the

violation is alleged to have occurred in lieu of a public administrative hearing before the commission. The election shall be made not later than 20 days after receipt of service of the charge. The person making such election shall give notice to the commission and all other complainants and respondents to whom the charge relates.

(2) If a civil action is not elected, the commission shall issue written notice, requiring the respondent to attend a public hearing before 3 members of the commission designated by the chair, none of whom were the investigating commissioner. The hearing shall be scheduled not later than 120 days after the charge issues. The location of the hearing shall be in the county in which the discriminatory practice is alleged to have occurred or is about to occur. All parties shall have a right to obtain issuance of subpoenas, appear in person, be represented by counsel, present evidence, cross-examine witnesses, and create a record. If the aggrieved party cannot obtain legal counsel for a public hearing before the commission, the commission shall provide legal counsel for him or her subject to the rules of the state of New Hampshire for appointment of counsel. If the commission cannot schedule a public hearing within 120 days after the charge issues, written notice to the parties explaining why it is impractical to do so shall be provided. The case in support of the charge may be presented before the commissioners by the aggrieved party or his or her representative. The investigating commissioner who issued the charge shall not participate in the hearing or deliberation of the decision. The respondent shall appear in person with or without a representative. The commission or the complainant shall have the power reasonably and fairly to amend any complaint, and the respondent shall have like power to amend his or her answer. The commissioners shall not be bound by the strict rules of evidence prevalent in courts of law or equity. Testimony taken shall be under oath and transcribed at the request of any party. The cost of transcription shall be borne by the party requesting the transcript unless the party is indigent, in which case the commission shall pay the cost upon request for a waiver and proof of indigency.

(3) If the commission finds in favor of the aggrieved party, it may order appropriate relief, including actual damages suffered by the aggrieved person, injunctive and other equitable relief, and reasonable attorney fees. If counsel for the aggrieved party was appointed in accordance with the rules of the state of New Hampshire for the appointment of counsel, any award of attorney fees shall be deposited to the general fund. The civil penalties set forth in the federal Fair Housing Act, as amended in 1988, 42 U.S.C. section 3601, et seq., and any future amendments to the act shall apply to housing discrimination public hearings except that if the acts of housing discrimination that are the object of the charge are committed by the same natural person who has been previously adjudged to have committed acts constituting a discriminatory housing practice, then the civil penalties may be imposed without regard to the period of time within which any discriminatory housing practice occurred.

(4) The commission hearing panel shall issue written findings of fact and rulings of law to the parties within 60 days of the end of the hearing. If the commission is unable to issue findings and rulings within 60 days, written notice to the parties explaining why it is impractical to issue the decision shall be provided.

(c) The commission may bring a civil action in the name of the commission to enforce the New Hampshire fair housing act if the facts as alleged also violate the Fair Housing Act, 42 U.S.C. section 3601, et seq. If the commission determines it will bring a civil action, the parties shall be so notified. If the commission determines not to file a civil action, it shall close the case and inform the parties of the complainant's rights in the matter.

(d) In complaints filed based on housing discrimination, from the time a complaint is filed, and ending with a filing of a charge or a dismissal, the commission shall engage in conciliation of the complaint with the parties. Any conciliation agreement reached shall be between respondent and complainant and will be approved by the commission. Such agreements shall be made public unless the complainant and respondent agree otherwise and the commission determines that disclosure of the agreement is not required to further the overall statutory purpose.

III. Employment and Public Accommodations Procedure on Complaints.

(a) After the filing of any employment or public accommodations complaint, the respondent shall be promptly served with a copy of the complaint and a date by which to file a response and any other information required for investigative purposes. A copy of the notice of service of the complaint shall be provided to the complainant. The commission shall make prompt investigation in connection with the filing of a complaint.

(b) In complaints filed based on employment discrimination and public accommodations discrimination, from the time a complaint is filed and ending with a dismissal, the commission shall assist and provide the parties opportunities to voluntarily resolve the complaint. If an investigating commissioner determines that probable cause exists for crediting the allegations of an employment discrimination or public accommodations discrimination complaint, the commissioner, or his or her designee, shall immediately endeavor to eliminate the unlawful discriminatory practice complained of by conference, conciliation, and persuasion. Any conciliation agreement reached with the assistance of the commissioner shall be between the respondent and complainant, with the commission signing on as a party. Such agreements shall be made public unless the complainant and respondent agree otherwise and the commission determines that disclosure of the agreement is not required to further the overall statutory purpose.

(c) If the investigating commissioner finds no probable cause to credit the allegations in the complaint, the complaint shall be dismissed, subject to a right of appeal to superior court within 30 days of the date of notice of dismissal. To prevail on appeal in superior court, the moving party shall establish that the commission's decision is unlawful or unreasonable by a clear preponderance of the evidence. The findings of the investigating commissioner upon questions of fact shall be upheld as long as the record contains credible evidence to support them. If the court reverses the probable cause finding of the investigating commissioner, the court shall remand the case for further proceedings in accordance with this section, unless the complainant or respondent elects to proceed with a hearing in superior court pursuant to RSA 354-A:21-a.

(d)(1) In case of failure to eliminate an unlawful discriminatory practice complained of, or in advance thereof, if, in the judgment of the commissioner making the investigation, circumstances so warrant, the commissioner shall cause to be issued and served in the name of the commission, a written notice, together with a copy of such complaint as the same may have been amended, requiring the respondent named in such complaint to answer at a hearing before 3 members of the commission, designated by the chair and sitting as the commission, at a time and place to be fixed by the chair and specified in such notice. The place of any such hearing shall be the office of the commission or such other place as may be designated by the commission.

(2) The case in support of the complainant may be presented before the commission by the complainant or complainant's representative. The commissioner who shall have previously made the investigation and caused the notice to be issued shall not participate in the hearing except as a witness, nor shall he or she participate in the subsequent deliberation of the commission in such case. Any prior endeavors at conciliation shall not be received in evidence. The respondent shall appear at the hearing in person or by representative, with or without counsel, and submit evidence. The commission, the complainant, or the complainant's representative shall have the power reasonably and fairly to amend any complaint, and the respondent shall have like power to amend its answer. The commission shall not be bound by the strict rules of evidence prevailing in courts of law or equity when conducting public hearings. The testimony taken at the hearing shall be under oath and transcribed at the request of any party. The cost of transcription shall be borne by the party requesting the transcript unless the party is indigent, in which case the commission shall pay the cost upon that party's request for a waiver and proof of indigency.

(3) If, upon all the evidence at the hearing, the commission finds by a preponderance of evidence that the respondent has engaged in an unlawful discriminatory practice under RSA 354-A:7 or RSA 354-A:17, the commission shall make findings of fact and rulings of law in writing to the parties which shall grant such relief as the commission panel deems just and equitable, including but not limited to: requiring such respondent to cease and desist from such unlawful discriminatory practice and to take such affirmative action, including, but not limited to, hiring, reinstatement or upgrading of employees, with or without back pay, restoration to membership in any respondent labor organization, or the extension of full, equal and unsegregated accommodations, advantages, facilities and privileges to all persons, as in the judgment of the commission, will effectuate the purpose of this chapter and including a requirement for report of the manner of compliance. Such cease and desist orders for affirmative relief may be issued to operate prospectively. The commission may also order compensatory damages to be paid to the complainant by the respondent, shall order reasonable attorney fees to the complainant, and in order to vindicate the public interest, order the respondent to pay an administrative fine. The administrative fine shall be deposited in the general fund. The amount of the administrative fine shall not exceed:

(A) Ten thousand dollars if the respondent has not been adjudged to have committed any prior discriminatory practice in any administrative hearing or civil action.

(B) Fifty thousand dollars if the respondent has been adjudged to have committed a prior discriminatory practice in any administrative hearing or civil action and the adjudication was made no more than 5 years prior to the date of filing the current charge.

(C) Seventy five thousand dollars if the respondent has been adjudged to have committed 2 or more discriminatory practices in any administrative hearings or civil action and the adjudications were made during the 7-year period preceding the date of filing of the charge.

(e) In employment discrimination based public hearings, when issuing an order awarding back pay, the commission shall calculate the back pay award by determining the amount the complainant would have earned but for the unlawful discriminatory practice. The commission shall subtract from that amount any unemployment compensation or interim earnings received by the complainant for the time period covered by the back pay award.

(f) If upon all the evidence the commission finds that a respondent has not engaged in any unlawful discriminatory practice, the commission shall make findings of fact and rulings of law in writing to the parties dismissing the complaint. All public hearing decisions of the commission shall be made public. A copy of the commission's public hearing decision shall be delivered in all cases to the attorney general, and such other public officers as the commission deems relevant or proper. The commission shall establish rules of practice to govern, expedite, and effectuate the foregoing procedure and its own actions.

(g) Any complaint relative to employment or public accommodation discrimination filed pursuant to this paragraph shall be filed within 180 days after the alleged act of discrimination. Any complaint filed pursuant to this paragraph by the attorney general or one of the commissioners shall be so filed within 180 days after the alleged unlawful discriminatory practice.

(h) In administering complaints filed under this paragraph, the commission shall be exempt from the provisions of RSA 541-A:29, II, but shall close each case or commence adjudicative proceedings on such case under this section within 24 months after the filing date of the complaint.

13 Choice of Forum. Amend RSA 354-A:21-a to read as follows:

354-A:21-a Choice of Forum.

I. Any party alleging to be aggrieved by any **employment discrimination or public accommodations discrimination** practice made unlawful under this chapter may, at the expiration of 180 days after the timely filing of a complaint with the commission, or sooner if the commission assents in writing, but not later than 3 years after the alleged unlawful practice occurred, bring a civil action for damages or injunctive relief or both, in the superior court for the county in which the alleged unlawful practice occurred or in the county of residence of the party. **The waiting period described in this paragraph shall not apply to a party aggrieved by housing discrimination.**

II. Any party alleged to have committed any practice made unlawful under this chapter may, in any case in which a determination of probable cause has been made by the investigating commissioner, remove said complaint to superior court for trial. A court in cases so removed may award all damages and relief which could have been awarded by the commission, except that in lieu of an administrative fine, enhanced compensatory damages may be awarded when the court finds the respondent's discriminatory conduct to have been taken with willful or reckless disregard of the charging party's rights under this chapter. A superior court trial shall not be available to any party if a hearing before the commission has begun or has concluded pursuant to RSA 354-A:21, II(b) **or RSA 354-A:21, III(d)**, or to a complainant whose charge has been dismissed as lacking in probable cause who has not prevailed on an appeal to superior court pursuant to RSA 354-A:21, [H(a)] **III(c)**. In superior court, either party is entitled to a trial by jury on any issue of fact in an action for damages regardless of whether the complaining party seeks affirmative relief.

[H:] **III.** The [charging party] **complainant** shall notify the commission of the filing of any superior **or federal** court action, and the respondent shall notify the commission of the removal to superior court after a finding of probable cause **in accordance with commission rules**. After such notice, the commission shall dismiss the complaint without prejudice. A party electing to file a civil action with the superior court under [paragraph I] **this section**, shall be barred from bringing any subsequent complaint before the commission based upon the same alleged unlawful discriminatory practice.

[HH. The commission may, after a finding of probable cause, bring suit in superior court at its own expense on behalf of an aggrieved person in housing discrimination cases.]

14 Criminal Penalty. Amend RSA 354-A:24 to read as follows:

354-A:24 Criminal Penalty. Any person[~~-, employer, labor organization or employment agency,~~] **as defined in RSA 354-A:2, XIII**, who or which shall willfully resist, prevent, impede or interfere with the commission or any of its members or representatives in the performance of duty under RSA 354-A, or shall willfully violate an order of the commission, shall be guilty of a misdemeanor if [~~a natural person,~~] **an individual** or guilty of a felony if any other person. Procedure for the review of the order shall not be deemed to be such willful conduct.

15 Reference Change. Amend RSA 354-A:3, II to read as follows:

II. Any member chosen to fill a vacancy occurring otherwise than by expiration of term shall be appointed for the unexpired term of the member who is to be succeeded. Four members of the commission shall constitute a quorum for the purpose of conducting the commission's business, with the exception of hearings conducted pursuant to RSA 354-A:21[~~-, H(b)~~], **III(d)**. A vacancy in the commission shall not impair the right of the remaining members to exercise all the powers of the commission. Each member of the commission shall be entitled to expenses actually and necessarily incurred by the member in the performance of the member's duties.

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

AMENDED ANALYSIS

This bill amends RSA 354-A, the state Law Against Discrimination to conform to the Fair Housing Act, 42 U.S.C. section 3601, et seq., as amended.

Majority committee amendment adopted.

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

On a division vote, 176 members having voted in the affirmative and 100 in the negative, the majority committee report was adopted and ordered to third reading.

HB 1159, providing immunity from criminal prosecution for seeking medical assistance with an emergency drug or alcohol overdose event. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. Larry R. Phillips for the Majority of Judiciary. This bill views an emergency overdose situation as medical not criminal. It offers the granting of immunity from prosecution of possession/use of illegal drugs or the

illegal use of the drug alcohol for those who report or seek help to/from law enforcement, the 911 system or medical provider. The immediacy of the situation encourages seeking help to address physical damage from the effects of the drug and possibly save lives. Vote 13-6.

Rep. Lenette M. Peterson for the Minority of Judiciary. This bill does not take in to effect personal responsibility and will not help in reducing the number of overdoses; it will just lead to more criminals on the street. Majority committee report adopted and ordered to third reading.

HB 1214, relative to grounds for termination of tenancy. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Peter M. Sullivan for the Majority of Judiciary. The majority of the committee believes that current law provides a fair, balanced and reasonable process that allows landlords to terminate a tenancy while providing tenants with protection from the possibility of homelessness. The language contained in this bill is vague and unclear; it would open the door to landlords initiating evictions without good cause and with little or no consultation with their tenants. It would allow landlords to initiate retaliatory evictions and create a chilling effect that discourages tenants from reporting health and safety violations. The existing system strikes a balance between the interests of the landlord, and tenants, and the committee believes that this bill would only undercut that well-crafted balance. Vote 14-4.

Rep. Michael J. Sylvia for the Minority of Judiciary. Common sense would lead a person to believe that at the end of a lease, with proper notice, a landlord would be able to reclaim his property and if necessary evict the tenant. The courts have ruled that the end of a lease is not valid grounds to begin an eviction. Can you imagine the reverse of this situation where, at the end of a lease the landlord could demand that the tenant must stay and continue to pay rent? Without the provision of this bill, landlords will look closely at a tenant and find other grounds on which to begin eviction. This will add unnecessary burden on the court system and all parties involved.

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

On a division vote, 174 members having voted in the affirmative and 102 in the negative, the majority committee report was adopted.

HB 1253, relative to religious societies. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Timothy O. Horrigan for the Majority of Judiciary. The majority agrees with the minority that RSA 306 is outdated. It dates back to the 19th century. It was written during an era when the separation of church and state was not as great as it is today, and when Christianity was our state's only major religion. However, the majority believes that this bill does more harm than good. The bill's main effect would be to completely eliminate certain restrictions, ranging from \$5,000 to \$10,000 per year, on how much money unincorporated religious societies are allowed to take in. Under current law, religious groups are still free to organize themselves as corporations or unincorporated associations just like secular groups. Once they organize themselves as corporations or unincorporated associations, religious groups can take in as much money as they need. The majority concludes that the most prudent course of action would be to leave RSA 306 the way it has been for many years. Vote 10-7.

Rep. Lenette M. Peterson for the Minority of Judiciary. This bill would recodify the religious societies title, eliminating discrimination between religious sects and removing certain powers of incorporated religious societies associated with their use to settle the state including the power to impose property tax and elders having the same powers as selectmen.

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

On a division vote, 195 members having voted in the affirmative and 81 in the negative, the majority committee report was adopted.

HB 1336, relative to the landlord's agent requirement. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Peter M. Sullivan for the Majority of Judiciary. New Hampshire landlord agent registration law was the product of a collaborative effort involving property owners, tenant rights, advocates, community organizations and local government. It has allowed municipalities to more effectively enforce health and safety regulations and address problems with chronic violators. This bill strengthens the existing laws by giving it some teeth. Landlords who fail to provide the required contact information would be subject to a \$500 civil fine. The committee believes that this will help encourage greater compliance with the current law. Vote 12-6.

Rep. Michael J. Sylvia for the Minority of Judiciary. Requiring landlords to list a registered agent with a municipality is an unnecessary burden. In many towns, there is no process in place to register landlord's agents. This bill adds a \$500 fine for property owners who fail to file. One might ask, if property owners can be found to be fined, why can they not be found for other needs? This bill punishes good property owners with an added regulatory burden, which will reduce quality affordable housing options.

Majority Amendment (0372h)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Landlord's Agent Required. Amend RSA 540:1-b by inserting after paragraph IV the following new paragraph:

V. A municipality may, pursuant to its bylaws or ordinances, establish and collect a \$500 fine for the failure of an owner of restricted property to comply with the requirements of this section.

AMENDED ANALYSIS

This bill enables municipalities to fine landlords who do not provide the city or town clerk with contact information for an agent authorized to accept service on behalf of the owner of the property.

Majority committee amendment adopted.

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

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

YEAS 155 - NAYS 122**YEAS - 155****BELKNAP**

DiMartino, Lisa
Tilton, Franklin

Gulick, Ruth

Huot, David

Raymond, Ian

CARROLL

Buco, Thomas

Butler, Edward

Umberger, Karen

CHESHIRE

Ames, Richard
Ley, Douglas
Robertson, Timothy
Young, Harry

Berch, Paul
Mann, John
Sad, Tara

Butynski, William
Parkhurst, Henry
Shepardson, Marjorie

Chase, Cynthia
Phillips, Larry
Weber, Lucy

COOS

Enman, Larry
Theberge, Robert

Hammon, Marcia

Hatch, William

Moynihan, Wayne

GRAFTON

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

Benn, Bernard
Harding, Laurie
Nordgren, Sharon
White, Andrew

Cooney, Mary
Higgins, Patricia
Smith, Suzanne

Ford, Susan
Ladd, Rick
Sykes, George

HILLSBOROUGH

Backus, Robert
Chandley, Shannon
DiSilvestro, Linda
Gargas, Carolyn
Hammond, Jill
Heden, Ruth
Leishman, Peter
Manley, Jonathan
Porter, Marjorie
Shattuck, Gilman
Sullivan, Peter
Woodbury, David

Beaulieu, Jane
Christiansen, Lars
Eaton, Richard
Goley, Jeffrey
Hansberry, Daniel
Jack, Martin
Levesque, Melanie
McNamara, Richard
Rhodes, Brian
Shaw, Barbara
Walsh, Robert

Brown, Pamela
Connor, Evelyn
Gage, Ruth
Grady, Brenda
Harriott-Gathright, Linda
Kelley, John
Long, Patrick
O'Brien, Michael
Rosenwald, Cindy
Smith, Timothy
Willette, Robert

Campbell, David
Cote, David
Gale, Sylvia
Hackel, Paul
Heath, Mary
Knowles, Mary Ann
MacKay, Mariellen
O'Neil, William
Schmidt, Janice
Sullivan, Daniel
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Davis, Frank
French, Barbara
MacKay, James
Rice, Chip
Schuett, Dianne
Webb, Leigh

Bartlett, Christy
Ebel, Karen
Gile, Mary
Moffett, Howard
Richardson, Gary
Shurtleff, Stephen

Burns, Scott
Frambach, Mary
Henle, Paul
Myler, Mel
Rogers, Katherine
Wallner, Mary Jane

Carey, Lorrie
Frazer, June
Kelly, Sally
Ratzki, Mario
Schamberg, Thomas
Walz, Mary Beth

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cali-Pitts, Jacqueline
Emerson-Brown, Rebecca
Lovejoy, Patricia
Schlachman, Donna
Wazlaw, Brian

Borden, David
Copeland, Timothy
Flockhart, Eileen
Muns, Chris
Sherman, Thomas

Briden, Steven
Cushing, Robert
Griffin, Mary
Nigrello, Robert
Till, Mary

Cahill, Michael
Devine, James
Heffron, Frank
Priestley, Anne
Ward, Gerald

STRAFFORD

Baber, William
 Horrigan, Timothy
 Merrill, Amanda
 Rogers, Rose Marie
 Wall, Janet

Bixby, Peter
 Hubbard, Pamela
 Pelletier, Marsha
 Schmidt, Peter

Grassie, Anne
 Kaen, Naida
 Perry, Robert
 Smith, Marjorie

Grossman, Kenneth
 Malloy, Dennis
 Pitre, Joseph
 Stevens, Audrey

SULLIVAN

Cloutier, John
 Irwin, Virginia

Gagnon, Raymond
 Lefebvre, Benjamin

Gottling, Suzanne
 Smith, Steven

Grenier, James

NAYS - 122**BELKNAP**

Burchell, Richard
 Flanders, Donald
 Vadney, Herbert

Comtois, Guy
 Greemore, Robert

Cormier, Jane
 Holmes, Stephen

Fields, Dennis
 Luther, Robert

CARROLL

Cordelli, Glenn
 Merrow, Harry

Crawford, Karel
 Nelson, Bill

Lavender, Tom
 Schmidt, Stephen

McConkey, Mark
 Ticehurst, Susan

COOS

Richardson, Herbert

Rideout, Leon

GRAFTON

Gionet, Edmond

Massimilla, Linda

Piper, Wendy

Reilly, Harold

HILLSBOROUGH

Barry, Richard
 Byron, Frank
 Danielson, David
 Gorman, Mary
 Hikel, John
 Lambert, George
 Murphy, Kelleigh
 O'Flaherty, Tim
 Parison, James
 Rowe, Robert
 Straight, Philip
 Warden, Mark

Belanger, James
 Cebrowski, John
 Flanagan, Jack
 Graham, John
 Infantine, William
 LeBrun, Donald
 Murphy, Keith
 Ober, Lynne
 Peterson, Lenette
 Sanborn, Laurie
 Ulery, Jordan
 Winters, Joel

Boehm, Ralph
 Coffey, James
 Gagne, Larry
 Haefner, Robert
 Jasper, Shawn
 Mangipudi, Latha
 Nelson, Mary
 Ober, Russell
 Renzullo, Andrew
 Sandblade, Emily
 Vaillancourt, Steve

Burt, John
 Daniels, Gary
 Garcia, Michael
 Hansen, Peter
 Kurk, Neal
 Marston, Dick
 Notter, Jeanine
 Palmer, Stephen
 Rokas, Ted
 Soucy, Timothy
 Villeneuve, Moe

MERRIMACK

Carson, Clyde
 Kidder, David
 McGuire, Dan

Hess, David
 Kotowski, Frank
 Walsh, Thomas

Hoell, J.R.
 Lockwood, Priscilla

Karrick, David
 McGuire, Carol

ROCKINGHAM

Abrami, Patrick
 Chirichiello, Brian
 Dumaine, Dudley
 Harris, Jeffrey
 Major, Norman
 Moody, Marcia
 Scarlotto, Joe
 Sytek, John
 Weyler, Kenneth

Baldasaro, Alfred
 Comerford, Timothy
 Emerick, J. Tracy
 Itse, Daniel
 McKinney, Betsy
 O'Connor, John
 Sedensky, John
 Tucker, Pamela
 Whittemore, Lisa

Bick, Patrick
 Danais, Romeo
 Ferrante, Beverly
 Kappler, Lawrence
 McMahon, Charles
 Packard, Sherman
 St.James, Kevin
 Waterhouse, Kevin

Birdsell, Regina
 DeSimone, Debra
 Gordon, Richard
 Kolodziej, Walter
 Milz, David
 Rice, Frederick
 Sweeney, Joe
 Webb, James

STRAFFORD

Beaudoin, Steven
 Mullen, John

Bickford, David
 Spang, Judith

Groen, Warren

Jones, Laura

SULLIVAN

Osgood, Joe

Rollins, Skip

Tanner, Linda

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

HB 1452, relative to jury nullification. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Peter M. Sullivan for the Majority of Judiciary. The New Hampshire House has heard numerous proposals to expand the use of jury nullification in recent years and has consistently rejected such proposals. New Hampshire judges currently provide a jury with what are called "Wentworth Instructions," which allow a jury

to convict a defendant if the offense is proven beyond a reasonable doubt. While requiring an acquittal if all elements of the offense have not been proven. This system is fair and just. The role of a jury is to serve as a trier of fact, not to serve as a mini-legislature, which makes decisions based on ideological beliefs. By actively encouraging jury nullification, we would be placing a thumb on the scales of justice, encouraging juries to ignore the facts and the law before them. That is contrary to our traditions and the bipartisan majority of the committee agrees that such an approach should once again be rejected. Vote 13-4.

Rep. Gary S. Hopper for the Minority of Judiciary. Last term we passed a law that allowed defense attorneys to explain to a jury their right to find someone not guilty on the basis that they believe the law shouldn't be applied in the case that is before them. In 1851 a few brave men helped the runaway slave, Shadrach Minkins, escape to Canada. Secretary of State Daniel Webster tried to prosecute them under the Fugitive Slave Act. A jury found them not guilty, not because they hadn't done the crime, but because the law was immoral and they weren't willing to enforce it. We heard in committee that although a defense attorney can inform the jury of its right to nullify a law that it is also the right of the prosecutor to pose a counter argument which would, in effect, leave the jury confused as to its options. HB 1452 simply has the Judge explain to the jury its right to use common sense in the implementation of its duties. "the liberties of the American people were dependent upon the ballot-box, the jury-box, and the cartridge-box; that without these no class of people could live and flourish in this country" Frederick Douglass.

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

Rep. Vaillancourt spoke against.

Rep. Lambert spoke against and yielded to questions.

Rep. Peter Sullivan and Rowe spoke in favor and yielded to questions.

Rep. LeBrun requested a roll call; sufficiently seconded.

YEAS 193 - NAYS 84

YEAS - 193

BELKNAP

DiMartino, Lisa
Huot, David

Fields, Dennis
Raymond, Ian

Flanders, Donald
Tilton, Franklin

Gulick, Ruth

CARROLL

Buco, Thomas
McConkey, Mark

Butler, Edward
Ticehurst, Susan

Crawford, Karel
Umberger, Karen

Lavender, Tom

CHESHIRE

Ames, Richard
Eaton, Daniel
Phillips, Larry
Young, Harry

Berch, Paul
Ley, Douglas
Sad, Tara

Butynski, William
Mann, John
Shepardson, Marjorie

Chase, Cynthia
Parkhurst, Henry
Weber, Lucy

COOS

Enman, Larry
Theberge, Robert

Hammon, Marcia

Hatch, William

Moynihan, Wayne

GRAFTON

Almy, Susan
Friedrich, Carol
Massimilla, Linda
Reilly, Harold
White, Andrew

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

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

Ford, Susan
Ladd, Rick
Piper, Wendy
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Campbell, David
Danielson, David
Gage, Ruth
Goley, Jeffrey
Hackel, Paul
Harriott-Gathright, Linda
Jack, Martin
Kurk, Neal
MacKay, Mariellen
Nelson, Mary
Rhodes, Brian
Shattuck, Gilman
Spratt, Stephen
Williams, Kermit

Barry, Richard
Chandley, Shannon
DiSilvestro, Linda
Gagne, Larry
Gorman, Mary
Haefner, Robert
Heath, Mary
Jasper, Shawn
Leishman, Peter
Mangipudi, Latha
O'Brien, Michael
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Daniel
Woodbury, David

Beaulieu, Jane
Connor, Evelyn
Eaton, Richard
Gale, Sylvia
Grady, Brenda
Hammond, Jill
Heden, Ruth
Kelley, John
Levesque, Melanie
Manley, Jonathan
O'Neil, William
Rowe, Robert
Smith, Timothy
Sullivan, Peter

Brown, Pamela
Cote, David
Flanagan, Jack
Gargas, Carolyn
Graham, John
Hansberry, Daniel
Infantine, William
Knowles, Mary Ann
Long, Patrick
McNamara, Richard
Porter, Marjorie
Schmidt, Janice
Soucy, Timothy
Walsh, Robert

MERRIMACK

Alicea, Caroletta
 Carson, Clyde
 Frazer, June
 Hess, David
 Lockwood, Priscilla
 Ratzki, Mario
 Schamberg, Thomas
 Walsh, Thomas

Bartlett, Christy
 Davis, Frank
 French, Barbara
 Karrick, David
 MacKay, James
 Rice, Chip
 Schuett, Dianne
 Walz, Mary Beth

Burns, Scott
 Ebel, Karen
 Gile, Mary
 Kelly, Sally
 Moffett, Howard
 Richardson, Gary
 Shurtleff, Stephen
 Webb, Leigh

Carey, Lorrie
 Frambach, Mary
 Henle, Paul
 Kidder, David
 Myler, Mel
 Rogers, Katherine
 Wallner, Mary Jane

ROCKINGHAM

Andrews-Ahearn, E. Elaine
 Copeland, Timothy
 Flockhart, Eileen
 Lovejoy, Patricia
 Muns, Chris
 Schlachman, Donna
 Till, Mary
 Whittemore, Lisa

Birdsell, Regina
 Cushing, Robert
 Griffin, Mary
 Major, Norman
 Packard, Sherman
 Sherman, Thomas
 Ward, Gerald

Briden, Steven
 Devine, James
 Heffron, Frank
 McMahon, Charles
 Priestley, Anne
 St.James, Kevin
 Wazlaw, Brian

Cahill, Michael
 Emerson-Brown, Rebecca
 Kappler, Lawrence
 Moody, Marcia
 Scarlotto, Joe
 Sytek, John
 Webb, James

STRAFFORD

Baber, William
 Horrigan, Timothy
 Merrill, Amanda
 Schmidt, Peter
 Wall, Janet

Bixby, Peter
 Hubbard, Pamela
 Pelletier, Marsha
 Smith, Marjorie

Grassie, Anne
 Kaen, Naida
 Perry, Robert
 Spang, Judith

Grossman, Kenneth
 Malloy, Dennis
 Rogers, Rose Marie
 Stevens, Audrey

SULLIVAN

Cloutier, John
 Irwin, Virginia
 Tanner, Linda

Gagnon, Raymond
 Lefebvre, Benjamin

Gottling, Suzanne
 Smith, Steven

Grenier, James
 Sweeney, Cynthia

NAYS - 84**BELKNAP**

Burchell, Richard
 Holmes, Stephen

Comtois, Guy
 Luther, Robert

Cormier, Jane
 Vadney, Herbert

Greemore, Robert

CARROLL

Cordelli, Glenn

Morrow, Harry

Nelson, Bill

Schmidt, Stephen

CHESHIRE**COOS****GRAFTON****HILLSBOROUGH**

Belanger, James
 Cebrowski, John
 Garcia, Michael
 LeBrun, Donald
 Notter, Jeanine
 Peterson, Lenette
 Sandblade, Emily
 Villeneuve, Moe

Boehm, Ralph
 Christiansen, Lars
 Hansen, Peter
 Marston, Dick
 O'Flaherty, Tim
 Renzullo, Andrew
 Straight, Philip
 Warden, Mark

Burt, John
 Coffey, James
 Hikel, John
 Murphy, Kelleigh
 Palmer, Stephen
 Rokas, Ted
 Ulery, Jordan
 Willette, Robert

Byron, Frank
 Daniels, Gary
 Lambert, George
 Murphy, Keith
 Parison, James
 Sanborn, Laurie
 Vaillancourt, Steve
 Winters, Joel

MERRIMACK

Hoell, J.R.

Kotowski, Frank

McGuire, Carol

McGuire, Dan

ROCKINGHAM

Abrami, Patrick
 Chirichiello, Brian
 Dumaine, Dudley
 Itse, Daniel
 Nigrello, Robert
 Sweeney, Joe
 Weyler, Kenneth

Baldasaro, Alfred
 Comerford, Timothy
 Emerick, J. Tracy
 Kolodziej, Walter
 O'Connor, John
 Tasker, Kyle

Bick, Patrick
 Danaïs, Romeo
 Gordon, Richard
 McKinney, Betsy
 Rice, Frederick
 Tucker, Pamela

Cali-Pitts, Jacqueline
 DeSimone, Debra
 Harris, Jeffery
 Milz, David
 Sedensky, John
 Waterhouse, Kevin

STRAFFORD

Beaudoin, Steven
Mullen, John

Bickford, David
Pitre, Joseph

Groen, Warren

Jones, Laura

SULLIVAN

Osgood, Joe

Rollins, Skip

and the majority committee report was adopted.

HB 1609-FN, relative to forfeiture of personal property. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David Woodbury for the Majority of Judiciary. This bill seeks to redraft the current law on forfeiture of personal property. It was drafted without consulting the interests of state agencies or the law enforcement community. While the subject of asset forfeiture is current in need of review, the committee felt that because the drafters did not consult other interested state holders and presented a long comprehensive bill with a limited time frame for review, that it would be better to Inexpedient to Legislate this bill with encouragement to present a more balanced bill in the future when there is sufficient time for all concerned to engage in careful evaluation of this important issue. Vote 14-2.

Rep. Michael J. Sylvia for the Minority of Judiciary. Civil asset forfeiture denies our citizens of due process of law. It takes property from the people without a trial and conviction. It also gives law enforcement agencies a perverse incentive to take property for a monetary gain. This bill adds much needed protections to our civil asset forfeiture law.

Majority committee report adopted.

HB 1495, repealing the prohibition on the use of silencing devices for taking wildlife. **INEXPEDIENT TO LEGISLATE.**

Rep. Jonathan F. Manley for Fish and Game and Marine Resources. Concerns in this bill are letting residents be aware when hunters are nearby or in the woods. The benefits of this bill do not outweigh the concerns. No sportsman's group testified in favor of this bill. Vote 9-2.

Rep. Hoell requested a roll call; sufficiently seconded.

YEAS 217 - NAYS 56**YEAS - 217****BELKNAP**

DiMartino, Lisa
Huot, David
Vadney, Herbert

Fields, Dennis
Luther, Robert

Flanders, Donald
Raymond, Ian

Gulick, Ruth
Tilton, Franklin

CARROLL

Buco, Thomas
Lavender, Tom
Ticehurst, Susan

Butler, Edward
Merrow, Harry
Umberger, Karen

Cordelli, Glenn
Nelson, Bill

Crawford, Karel
Schmidt, Stephen

CHESHIRE

Ames, Richard
Eaton, Daniel
Phillips, Larry
Weber, Lucy

Berch, Paul
Ley, Douglas
Robertson, Timothy
Young, Harry

Butynski, William
Mann, John
Sad, Tara

Chase, Cynthia
Parkhurst, Henry
Shepardson, Marjorie

COOS

Hammon, Marcia
Theberge, Robert

Hatch, William

Moynihan, Wayne

Richardson, Herbert

GRAFTON

Almy, Susan
Friedrich, Carol
Ladd, Rick
Smith, Suzanne

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

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

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

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Coffey, James
DiSilvestro, Linda
Gagne, Larry
Gorman, Mary
Haefner, Robert
Harriott-Gathright, Linda
Jasper, Shawn
Leishman, Peter
Mangipudi, Latha

Barry, Richard
Campbell, David
Connor, Evelyn
Eaton, Richard
Gale, Sylvia
Grady, Brenda
Hammond, Jill
Heath, Mary
Kelley, John
Levesque, Melanie
Manley, Jonathan

Beaulieu, Jane
Chandlee, Shannon
Cote, David
Flanagan, Jack
Gargas, Carolyn
Graham, John
Hansberry, Daniel
Heden, Ruth
Knowles, Mary Ann
Long, Patrick
McNamara, Richard

Belanger, James
Christiansen, Lars
Danielson, David
Gage, Ruth
Goley, Jeffrey
Hackel, Paul
Hansen, Peter
Jack, Martin
Kurk, Neal
MacKay, Mariellen
Nelson, Mary

O'Brien, Michael
Rhodes, Brian
Schmidt, Janice
Straight, Philip
Willette, Robert

O'Neil, William
Rokas, Ted
Shattuck, Gilman
Sullivan, Daniel
Williams, Kermit

Palmer, Stephen
Rosenwald, Cindy
Soucy, Timothy
Sullivan, Peter
Winters, Joel

Porter, Marjorie
Rowe, Robert
Spratt, Stephen
Vaillancourt, Steve
Woodbury, David

MERRIMACK

Alicea, Caroletta
Davis, Frank
French, Barbara
Karrick, David
Lockwood, Priscilla
Ratzki, Mario
Schamberg, Thomas
Walsh, Thomas

Bartlett, Christy
Ebel, Karen
Gile, Mary
Kelly, Sally
MacKay, James
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

Carey, Lorrie
Frambach, Mary
Henle, Paul
Kidder, David
Moffett, Howard
Richardson, Gary
Shurtleff, Stephen
Webb, Leigh

Carson, Clyde
Frazer, June
Hess, David
Kotowski, Frank
Myler, Mel
Rogers, Katherine
Wallner, Mary Jane

ROCKINGHAM

Abrami, Patrick
Cahill, Michael
Cushing, Robert
Emerson-Brown, Rebecca
Kappler, Lawrence
McKinney, Betsy
Muns, Chris
Priestley, Anne
Sherman, Thomas
Ward, Gerald
Whittemore, Lisa

Andrews-Ahearn, E. Elaine
Cali-Pitts, Jacqueline
Danaïs, Romeo
Flockhart, Eileen
Kolodziej, Walter
McMahon, Charles
Nigrello, Robert
Scarlott, Joe
St.James, Kevin
Waterhouse, Kevin

Birdsell, Regina
Chirichiello, Brian
DeSimone, Debra
Griffin, Mary
Lovejoy, Patricia
Milz, David
O'Connor, John
Schlachman, Donna
Sytek, John
Wazlaw, Brian

Briden, Steven
Copeland, Timothy
Devine, James
Heffron, Frank
Major, Norman
Moody, Marcia
Packard, Sherman
Sedensky, John
Till, Mary
Webb, James

STRAFFORD

Baber, William
Horrigan, Timothy
Merrill, Amanda
Rogers, Rose Marie
Stevens, Audrey

Bixby, Peter
Hubbard, Pamela
Mullen, John
Schmidt, Peter
Wall, Janet

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

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

SULLIVAN

Cloutier, John
Irwin, Virginia
Tanner, Linda

Gagnon, Raymond
Lefebvre, Benjamin

Gottling, Suzanne
Smith, Steven

Grenier, James
Sweeney, Cynthia

NAYS - 56

BELKNAP

Burchell, Richard
Holmes, Stephen

Comtois, Guy

Cormier, Jane

Greemore, Robert

CARROLL

COOS

GRAFTON

HILLSBOROUGH

Boehm, Ralph
Daniels, Gary
Lambert, George
Murphy, Kelleigh
Peterson, Lenette
Shaw, Barbara
Warden, Mark

Burt, John
Garcia, Michael
LeBrun, Donald
Notter, Jeanine
Renzullo, Andrew
Smith, Timothy

Byron, Frank
Hikel, John
Marston, Dick
O'Flaherty, Tim
Sanborn, Laurie
Ulery, Jordan

Cebrowski, John
Infantine, William
Murphy, Keith
Parison, James
Sandblade, Emily
Villeneuve, Moe

MERRIMACK

Burns, Scott

Hoell, J.R.

McGuire, Carol

McGuire, Dan

ROCKINGHAM

Baldasaro, Alfred
Emerick, J. Tracy
Rice, Frederick
Weyler, Kenneth

Bick, Patrick
Gordon, Richard
Sweeney, Joe

Comerford, Timothy
Harris, Jeffrey
Tasker, Kyle

Dumaine, Dudley
Itse, Daniel
Tucker, Pamela

STRAFFORD

Beaudoin, Steven

Bickford, David

Jones, Laura

Pitre, Joseph

SULLIVAN

Osgood, Joe

Rollins, Skip

and the committee report was adopted.

HB 1154-FN, relative to the use of a laser pointing device for self-defense or defense of others. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Dennis H. Fields for the Majority of Criminal Justice and Public Safety. This bill provides that the use of a laser pointing device in self-defense or defense of others is not a violation of RSA 631:3-a. Under current law, it is a violation for knowingly shining the beam of a laser-pointing device at an occupied motor vehicle, window, or person and a class A misdemeanor if directed at a law enforcement officer or law enforcement vehicle. The committee heard no testimony to indicate problems with the current law or that people are being charged with pointing a laser device in self-defense. The majority believes that this bill would create confusion about what would constitute self-defense and therefore recommends ITL. Vote 13-3.

Rep. Kyle J. Tasker for the Minority of Criminal Justice and Public Safety. The Minority of the Committee feels the effects of this bill were misunderstood by the Majority. This will state in law the exception to the violation level offense that pointing a laser device represents, when this takes place during self-defense or defense of others. The question being adoption of the majority committee report of Inexpedient to Legislate.

On a division vote, 225 members having voted in the affirmative and 40 in the negative, the majority committee report was adopted.

HB 1230-FN, relative to imposition of consecutive sentences. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert R. Cushing for Criminal Justice and Public Safety. This bill would remove judicial discretion to impose sentences for crimes as the judge finds to be appropriate. It does not differentiate between murderers and child rapists with shoplifters and those who write bad checks. At the present time if a defendant feels a sentence is too high, he or she may request a judicial review. This bill is opposed by the New Hampshire Coalition Against Domestic and Sexual Violence. Vote 13-3.

Committee report adopted.

HB 1326, establishing the affirmative defense of unwitting possession of a controlled drug. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety. This bill establishes the affirmative defense of unwitting possession of a controlled drug. The majority of the committee believes that this bill is unnecessary because under current law the prosecution already bears the burden of showing that an act was done knowingly and a defendant who is charged with possession of a controlled drug can assert a defense that the possession was unwitting or accidental. Vote 14-2.

Committee report adopted.

HB 1362-FN, prohibiting enforcement of any federal law which bans certain firearms or limits firearm magazine size and establishing a criminal penalty for such enforcement. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety. This bill establishes a class B felony for a public servant or firearms dealer who enforces or attempts to enforce any federal restriction on firearms manufactured or owned exclusively in this state which remain within the borders of this state and also declares that any federal ban or other restriction on the ownership, possession, or registration of a firearm, firearm accessory, or magazine to be unenforceable. At the public hearing, the sponsor presented the committee with an amendment, which would exempt firearms, firearms accessories, and ammunition manufactured in New Hampshire from federal law and regulation. The majority of the committee believes that it would be extremely difficult to regulate the purely intra-state commerce in firearms and that adding penalties for the enforcement of lawful federal firearms regulations is bad policy. Vote 15-1.

Rep. Hoell requested a roll call; sufficiently seconded.

YEAS 202 - NAYS 67**YEAS - 202****BELKNAP**DiMartino, Lisa
Huot, DavidFields, Dennis
Raymond, IanFlanders, Donald
Tilton, Franklin

Gulick, Ruth

CARROLLBuco, Thomas
Morrow, HarryButler, Edward
Schmidt, StephenCrawford, Karel
Ticehurst, Susan

Lavender, Tom

CHESHIRE

Ames, Richard
Eaton, Daniel
Phillips, Larry
Weber, Lucy

Berch, Paul
Ley, Douglas
Robertson, Timothy
Young, Harry

Butynski, William
Mann, John
Sad, Tara

Chase, Cynthia
Parkhurst, Henry
Shepardson, Marjorie

COOS

Hammon, Marcia
Theberge, Robert

Hatch, William

Moynihan, Wayne

Richardson, Herbert

GRAFTON

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

Benn, Bernard
Gionet, Edmond
Mulholland, Catherine
Smith, Suzanne

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

Ford, Susan
Higgins, Patricia
Piper, Wendy
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Connor, Evelyn
Eaton, Richard
Gargas, Carolyn
Graham, John
Hansberry, Daniel
Jack, Martin
Kurk, Neal
MacKay, Mariellen
Nelson, Mary
Rhodes, Brian
Schmidt, Janice
Spratt, Stephen
Walsh, Robert

Barry, Richard
Campbell, David
Cote, David
Gage, Ruth
Goley, Jeffrey
Hackel, Paul
Harriott-Gathright, Linda
Jasper, Shawn
Leishman, Peter
Mangipudi, Latha
O'Brien, Michael
Rokas, Ted
Shattuck, Gilman
Sullivan, Daniel
Williams, Kermit

Beaulieu, Jane
Chandley, Shannon
Danielson, David
Gagne, Larry
Gorman, Mary
Haefner, Robert
Heath, Mary
Kelley, John
Levesque, Melanie
Manley, Jonathan
O'Neil, William
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Peter
Woodbury, David

Belanger, James
Christiansen, Lars
DiSilvestro, Linda
Gale, Sylvia
Grady, Brenda
Hammond, Jill
Heden, Ruth
Knowles, Mary Ann
Long, Patrick
McNamara, Richard
Porter, Marjorie
Rowe, Robert
Soucy, Timothy
Vaillancourt, Steve

MERRIMACK

Alicea, Caroletta
Carson, Clyde
Frazer, June
Hess, David
Kotowski, Frank
Myler, Mel
Rogers, Katherine
Wallner, Mary Jane

Bartlett, Christy
Davis, Frank
French, Barbara
Karrick, David
Lockwood, Priscilla
Ratzki, Mario
Schamberg, Thomas
Walsh, Thomas

Burns, Scott
Ebel, Karen
Gile, Mary
Kelly, Sally
MacKay, James
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

Carey, Lorrie
Frambach, Mary
Henle, Paul
Kidder, David
Moffett, Howard
Richardson, Gary
Shurtleff, Stephen
Webb, Leigh

ROCKINGHAM

Abrami, Patrick
Cahill, Michael
DeSimone, Debra
Flockhart, Eileen
Kolodziej, Walter
Muns, Chris
Priestley, Anne
St.James, Kevin
Wazlaw, Brian

Andrews-Ahearn, E. Elaine
Cali-Pitts, Jacqueline
Devine, James
Griffin, Mary
Lovejoy, Patricia
Nigrello, Robert
Scarlotto, Joe
Sytek, John
Webb, James

Birdsell, Regina
Copeland, Timothy
Emerick, J. Tracy
Heffron, Frank
Major, Norman
O'Connor, John
Schlachman, Donna
Till, Mary
Whittemore, Lisa

Briden, Steven
Cushing, Robert
Emerson-Brown, Rebecca
Kappler, Lawrence
Moody, Marcia
Packard, Sherman
Sherman, Thomas
Ward, Gerald

STRAFFORD

Baber, William
Grossman, Kenneth
Malloy, Dennis
Rogers, Rose Marie
Stevens, Audrey

Bickford, David
Horrigan, Timothy
Merrill, Amanda
Schmidt, Peter
Wall, Janet

Bixby, Peter
Hubbard, Pamela
Pelletier, Marsha
Smith, Marjorie

Grassie, Anne
Kaen, Naida
Perry, Robert
Spang, Judith

SULLIVAN

Cloutier, John
Irwin, Virginia

Gagnon, Raymond
Lefebvre, Benjamin

Gottling, Suzanne
Sweeney, Cynthia

Grenier, James
Tanner, Linda

NAYS - 67**BELKNAP**

Burchell, Richard
Holmes, Stephen

Comtois, Guy
Luther, Robert

Cormier, Jane
Vadney, Herbert

Greemore, Robert

CARROLL

Cordelli, Glenn

McConkey, Mark

Nelson, Bill

Umberger, Karen

COOS

Rideout, Leon

HILLSBOROUGHBoehm, Ralph
Coffey, James
Hansen, Peter
Murphy, Kelleigh
Parison, James
Sandblade, Emily
Villeneuve, MoeBurt, John
Daniels, Gary
Hikel, John
Murphy, Keith
Peterson, Lenette
Smith, Timothy
Warden, MarkByron, Frank
Flanagan, Jack
Lambert, George
O'Flaherty, Tim
Renzullo, Andrew
Straight, Philip
Willette, RobertCebrowski, John
Garcia, Michael
LeBrun, Donald
Palmer, Stephen
Sanborn, Laurie
Ulery, Jordan
Winters, Joel**MERRIMACK**

Hoell, J.R.

McGuire, Carol

McGuire, Dan

ROCKINGHAMBick, Patrick
Dumaine, Dudley
McKinney, Betsy
Sedensky, John
Weyler, KennethChirichiello, Brian
Gordon, Richard
McMahon, Charles
Sweeney, JoeComerford, Timothy
Harris, Jeffrey
Milz, David
Tucker, PamelaDanais, Romeo
Itse, Daniel
Rice, Frederick
Waterhouse, Kevin**STRAFFORD**

Beaudoin, Steven

Groen, Warren

Mullen, John

Pitre, Joseph

SULLIVAN

Osgood, Joe

Rollins, Skip

Smith, Steven

and the committee report was adopted.

HB 1541-FN, allowing health insurance policies to be sold without mandates. **INEXPEDIENT TO LEGISLATE.** Rep. Edward A. Butler for Commerce and Consumer Affairs. This bill, as proposed, seeks to allow New Hampshire carriers to offer products free of "mandated" services currently contained in products offered under both state and federal insurance laws. By seeking to eliminate mandated benefits and protections, such as covering youths up to age 26 under their parent's policy; parity in costs between men and women; a prohibition against lifetime or annual benefit caps and covering certain preventative services with no cost sharing, it directly conflicts with the federal essential health benefits, other consumer protections and, therefore, would be preempted. This bill would also allow health insurance plans to be sold even if they don't comply with state insurance law. Residents of NH would not benefit from the protections of state law and could not turn to our Insurance Department for assistance if they're mistreated by their insurer. Furthermore, the ACA, as currently structured, requires at least 2 multi-state policies to be available by 2016. The majority knows that this bill would not be able to be implemented and would not be enforceable, if passed. Vote 9-5. Rep. Tucker requested a roll call; sufficiently seconded.

YEAS 162 - NAYS 109**YEAS - 162****BELKNAP**DiMartino, Lisa
Raymond, Ian

Flanders, Donald

Gulick, Ruth

Huot, David

CARROLL

Buco, Thomas

Butler, Edward

Lavender, Tom

Ticehurst, Susan

CHESHIREAmes, Richard
Eaton, Daniel
Phillips, Larry
Weber, LucyBerch, Paul
Ley, Douglas
Robertson, Timothy
Young, HarryButynski, William
Mann, John
Sad, TaraChase, Cynthia
Parkhurst, Henry
Shepardson, Marjorie**COOS**

Hammon, Marcia

Hatch, William

Moynihan, Wayne

Theberge, Robert

GRAFTONAlmy, Susan
Friedrich, Carol
Nordgren, Sharon
Townsend, CharlesBenn, Bernard
Harding, Laurie
Piper, Wendy
White, AndrewCooney, Mary
Higgins, Patricia
Smith, SuzanneFord, Susan
Mulholland, Catherine
Sykes, George

HILLSBOROUGH

Backus, Robert
 Chandley, Shannon
 DiSilvestro, Linda
 Goley, Jeffrey
 Hammond, Jill
 Heden, Ruth
 Kurk, Neal
 MacKay, Mariellen
 Nelson, Mary
 Rhodes, Brian
 Shattuck, Gilman
 Spratt, Stephen
 Williams, Kermit

Beaulieu, Jane
 Christiansen, Lars
 Eaton, Richard
 Gorman, Mary
 Hansberry, Daniel
 Jack, Martin
 Leishman, Peter
 Mangipudi, Latha
 O'Brien, Michael
 Rokas, Ted
 Shaw, Barbara
 Sullivan, Daniel
 Woodbury, David

Brown, Pamela
 Connor, Evelyn
 Gage, Ruth
 Grady, Brenda
 Harriott-Gathright, Linda
 Kelley, John
 Levesque, Melanie
 Manley, Jonathan
 O'Neil, William
 Rosenwald, Cindy
 Smith, Timothy
 Sullivan, Peter

Campbell, David
 Cote, David
 Gale, Sylvia
 Hackel, Paul
 Heath, Mary
 Knowles, Mary Ann
 Long, Patrick
 McNamara, Richard
 Porter, Marjorie
 Schmidt, Janice
 Soucy, Timothy
 Walsh, Robert

MERRIMACK

Alicea, Caroletta
 Carson, Clyde
 Frazer, June
 Karrick, David
 MacKay, James
 Rice, Chip
 Schuett, Dianne
 Webb, Leigh

Bartlett, Christy
 Davis, Frank
 French, Barbara
 Kelly, Sally
 Moffett, Howard
 Richardson, Gary
 Shurtleff, Stephen

Burns, Scott
 Ebel, Karen
 Gile, Mary
 Kidder, David
 Myler, Mel
 Rogers, Katherine
 Wallner, Mary Jane

Carey, Lorrie
 Frambach, Mary
 Henle, Paul
 Lockwood, Priscilla
 Ratzki, Mario
 Schamberg, Thomas
 Walz, Mary Beth

ROCKINGHAM

Andrews-Ahearn, E. Elaine
 Cushing, Robert
 Heffron, Frank
 Scarlotto, Joe
 Ward, Gerald

Briden, Steven
 Devine, James
 Lovejoy, Patricia
 Schlachman, Donna
 Wazlaw, Brian

Cahill, Michael
 Emerson-Brown, Rebecca
 Moody, Marcia
 Sherman, Thomas
 Whittemore, Lisa

Cali-Pitts, Jacqueline
 Flockhart, Eileen
 Muns, Chris
 Till, Mary

STRAFFORD

Baber, William
 Horrigan, Timothy
 Merrill, Amanda
 Schmidt, Peter
 Wall, Janet

Bixby, Peter
 Hubbard, Pamela
 Pelletier, Marsha
 Smith, Marjorie

Grassie, Anne
 Kaen, Naida
 Perry, Robert
 Spang, Judith

Grossman, Kenneth
 Malloy, Dennis
 Rogers, Rose Marie
 Stevens, Audrey

SULLIVAN

Cloutier, John
 Lefebvre, Benjamin

Gagnon, Raymond
 Tanner, Linda

Gottling, Suzanne

Irwin, Virginia

NAYS - 109**BELKNAP**

Burchell, Richard
 Greemore, Robert
 Vadney, Herbert

Comtois, Guy
 Holmes, Stephen

Cormier, Jane
 Luther, Robert

Fields, Dennis
 Tilton, Franklin

CARROLL

Cordelli, Glenn
 Nelson, Bill

Crawford, Karel
 Schmidt, Stephen

McConkey, Mark
 Umberger, Karen

Morrow, Harry

COOS

Richardson, Herbert

Rideout, Leon

GRAFTON

Gionet, Edmond

Ladd, Rick

Reilly, Harold

HILLSBOROUGH

Barry, Richard
 Byron, Frank
 Danielson, David
 Gargas, Carolyn
 Hikel, John
 LeBrun, Donald
 O'Flaherty, Tim
 Renzullo, Andrew
 Straight, Philip
 Warden, Mark

Belanger, James
 Cebrowski, John
 Flanagan, Jack
 Graham, John
 Infantine, William
 Marston, Dick
 Palmer, Stephen
 Rowe, Robert
 Ulery, Jordan
 Willette, Robert

Boehm, Ralph
 Coffey, James
 Gagne, Larry
 Haefner, Robert
 Jasper, Shawn
 Murphy, Kelleigh
 Parison, James
 Sanborn, Laurie
 Vaillancourt, Steve
 Winters, Joel

Burt, John
 Daniels, Gary
 Garcia, Michael
 Hansen, Peter
 Lambert, George
 Murphy, Keith
 Peterson, Lenette
 Sandblade, Emily
 Villeneuve, Moe

MERRIMACK

Hess, David
McGuire, Dan

Hoell, J.R.
Walsh, Thomas

Kotowski, Frank

McGuire, Carol

ROCKINGHAM

Abrami, Patrick
Comerford, Timothy
Dumaine, Dudley
Harris, Jeffrey
Major, Norman
Nigrello, Robert
Rice, Frederick
Sytek, John
Weyler, Kenneth

Bick, Patrick
Copeland, Timothy
Emerick, J. Tracy
Itse, Daniel
McKinney, Betsy
O'Connor, John
Sedensky, John
Tucker, Pamela

Birdsell, Regina
Danais, Romeo
Gordon, Richard
Kappler, Lawrence
McMahon, Charles
Packard, Sherman
St.James, Kevin
Waterhouse, Kevin

Chirichiello, Brian
DeSimone, Debra
Griffin, Mary
Kolodziej, Walter
Milz, David
Priestley, Anne
Sweeney, Joe
Webb, James

STRAFFORD

Beaudoin, Steven
Pitre, Joseph

Bickford, David

Groen, Warren

Mullen, John

SULLIVAN

Grenier, James
Sweeney, Cynthia

Osgood, Joe

Rollins, Skip

Smith, Steven

and the committee report was adopted.

HB 1316-FN, requiring the use of metal detection devices in court-ordered, supervised visitation. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Eileen C. Flockhart for the Majority of Children and Family Law. Although there was total agreement about the value of metal detectors, the implementation of this bill would of necessity require the hiring of personnel to provide for the police protection and or security. We heard testimony that expenditures for this could cause many of these centers to close altogether. The committee felt that this could best be addressed through HB 1236, a commission that is fast-tracked to resolve the broader problem for all of these visitation centers. Vote 17-2.

Rep. Jeffrey D. Oligny for the Minority of Children and Family Law. The bill requires the use of metal detection devices in supervised visitation centers starting on January 1, 2015. The bill was voted Inexpedient to Legislate in committee due to visitation center concerns that they would not have resources available to act in the event that a firearm was detected upon facility entry. Subsequently, the committee passed HB 1236, which establishes a fast track committee to study this topic. The minority believes that decisive action should be taken regardless of any delays incurred in the HB 1236 committee (which the minority also supported). Majority committee report adopted.

BILLS REMOVED FROM THE CONSENT CALENDAR

HB 1276, relative to alcoholic beverage advertising restrictions. **OUGHT TO PASS WITH AMENDMENT.** Rep. Donna L. Schlachman for Commerce and Consumer Affairs. This bill, as amended, provides the Liquor Commission greater discretion and flexibility when accepting a product label for wine, beer or spirits to be sold in New Hampshire. Presently, any label that contains a photograph or artwork depicting a minor would automatically be rejected for sale in New Hampshire. The new language only prohibits those products whose labels can be interpreted to suggest that the content of a bottle is safe for minors to consume. The bipartisan majority of the committee believes the amendment strikes just the right balance of commercial and public health interests. Vote 16-2.

Amendment (0829h)

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

1 Advertising Restrictions. Amend RSA 179:31, VII to read as follows:

VII. Advertising of liquor or beverages shall not contain:

(a) Any reference to minors, pictorial or otherwise, ***that could be interpreted to suggest that the contents are safe for consumption by minors.***

(b) Any subject matter or illustrations inducing persons under the legal drinking age to drink. All coupon offers requiring consumer participation shall contain reference that the coupon offer is available only to persons of legal drinking age.

(c) Any statement that is false or misleading.

VII-a. All coupon offers requiring consumer participation shall contain reference that the coupon offer is available only to persons of legal drinking age.

2 Effective Date. This act shall take effect 30 days after its passage.

AMENDED ANALYSIS

This bill modifies restrictions on alcoholic beverage advertising.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 1322, relative to the definition of “party” for election purposes. **OUGHT TO PASS.**

Rep. Gary B. Richardson for Election Law. HB 1322 modifies the definition of “party” for election purposes to mean any political organization which at the preceding state general election received at least 3 percent of the total number of votes cast for the office of governor or United States Senator. Current law sets the threshold at 4%. Prior to 1999, the requirement was at least 3% of the total number of votes cast for the office of governor. The committee felt that the 3% threshold was reasonable. Vote 14-1.

Rep. Gary Richardson yielded to questions.

Committee report adopted and ordered to third reading.

HB 1497-FN, relative to the definition of “party” and relative to nomination papers. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary B. Richardson for Election Law. HB 1497 would have modified the definition of “party” for election purposes to an organization that received one percent of the total number of votes cast for the office of governor or United States senator in the preceding state general election. The bill also made changes to the number of nomination papers required to nominate a candidate and to the fees paid in lieu of filing nomination papers. In addition to raising significant logistical problems for election officials, the committee felt that the thresholds set in the bill were unrealistically low. Accordingly, the committee recommends that the bill be found inexpedient to legislate. Vote 16-0.

On a division vote, 231 members having voted in the affirmative and 28 in the negative, the committee report was adopted.

HB 1241, relative to the sale of consumer fireworks. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank A. Byron for Executive Departments and Administration. As amended, HB 1241 maintains the existing Fireworks Advisory Committee but expands membership to include representatives of the New Hampshire Association of Fire Chiefs, New Hampshire Fireworks Association and the public. The amendment also requires the provision of safety literature to purchasers of fireworks and the meeting of the Fireworks Advisory Committee twice a year. Vote 18-1.

Amendment (0657h)

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

1 Distribution of Pamphlet Required. Amend RSA 160-C:12 to read as follows:

160-C:12 Distribution of Pamphlet Required. Any person engaged in selling permissible fireworks shall ~~[make available]~~ **provide** to the purchaser a pamphlet, approved by the commissioner, detailing the appropriate and safe use of the permissible fireworks being sold.

2 Permissible Fireworks Advisory Committee. Amend RSA 160-C:13 to read as follows:

160-C:13 Permissible Fireworks Advisory Committee.

I. There is hereby established a permissible fireworks advisory committee. The composition of this committee shall be as follows:

(a) One senator, appointed by the senate president;

(b) One representative, appointed by the speaker of the house of representatives;

(c) The state fire marshal, or designee;

(d) The director of the division of state police, or designee; ~~[and]~~

(e) One member of the New Hampshire Association of Fire Chiefs, appointed by the governor from a list of up to 3 candidates nominated by that organization;

(f) [3] Two public members, [2 of whom shall be] engaged in the retail sale of consumer fireworks in New Hampshire [and one of whom shall be a regular purchaser of consumer fireworks], appointed by the governor, one of whom shall be appointed from a list of up to 3 candidates nominated by the New Hampshire Fireworks Association; and

(g) One public member appointed by the governor, who does not, and never has had any connection to the consumer fireworks business, and is not the spouse of a person with any connection to the consumer fireworks business.

II. No vote of the committee shall take place unless [3] **5** members of the committee are present. The term of office of each member appointed by the governor shall be 2 years and until a successor is appointed and qualified. The other members of the committee shall serve terms coterminous with their terms in office. Vacancies shall be filled in the same manner for the unexpired terms. Members shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate. The committee shall elect a chairperson annually.

~~[H:]~~ **III.** The committee shall meet at least ~~[once]~~ **twice** per calendar year, prior to October 1, and within 30 days of any emergency removal from retail sale of permissible fireworks pursuant to RSA 160-C:16. The purpose of the meeting following the emergency removal of permissible fireworks shall be to review the basis for the commissioner’s decision and to make a recommendation to the commissioner as to whether the items are properly classified pursuant to 27 C.F.R. section 555.11.

[HH:] **IV.** The committee shall review the rules and standards of the Consumer Product Safety Commission regarding consumer fireworks so as to provide information and advice to the commissioner on the application and enforcement of the state's fireworks laws.

[IV:] **V.** On or before ~~[December 1, 2011, and each]~~ December 1 ~~[thereafter]~~ **annually** the committee shall make a report of the committee's activities and any recommendations for legislation to the commissioner, the speaker of the house of representatives, **and** the senate president~~[, the house clerk, the senate clerk, and the state library]~~.

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

AMENDED ANALYSIS

This bill requires a person who sells permissible fireworks to provide a safety pamphlet to the purchaser. The bill also revises membership of the permissible fireworks advisory committee.

Amendment adopted.

Committee report adopted and ordered to third reading.

RESOLUTION

Rep. Shurtleff offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 19, 2014 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 1409, expanding the law against discrimination to prohibit housing discrimination against recipients of rental assistance and victims of domestic violence, sexual assault, or stalking.

HB 1451, establishing a canine veterans day.

HR 21, expressing support for the right of residents of the District of Columbia to be fully represented in the Congress of the United States of America.

HB 1143, relative to the New Hampshire Law Against Discrimination.

HB 1159, providing immunity from criminal prosecution for seeking medical assistance with an emergency drug or alcohol overdose event.

HB 1336, relative to the landlord's agent requirement.

HB 1276, relative to alcoholic beverage advertising restrictions.

HB 1322, relative to the definition of "party" for election purposes.

HB 1241, relative to the sale of consumer fireworks.

UNANIMOUS CONSENT

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

Rep. Danaïs addressed the House.

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

Rep. Weber addressed the House.

RECESS MOTION

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

Adopted.

The House recessed at 5:10 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. (Labor, Industrial and Rehabilitative Services)
- 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. (Fish and Game and Marine Resources)
- 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. (Fish and Game and Marine Resources)
- 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. (Municipal and County Government)
- SB 241**, establishing the division of economic development fund. (Executive Departments and Administration)
- 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. (Ways and Means)
- SB 247**, relative to ignition interlock device violations and interlock device removal protocols. (Transportation)
- SB 248**, establishing a committee to study policies and procedures for the development and maintenance of state-owned abandoned rail corridors. (Transportation)
- 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. (Judiciary)
- SB 264-FN**, requiring the election of benefits by certain members of the judicial retirement plan. (Executive Departments and Administration/Finance)
- 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. (Resources, Recreation and Development)
- 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. (Election Law)
SB 273, relative to information in the statewide centralized voter registration database. (Election Law)
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. (Executive Departments and Administration)
SB 283-FN, relative to disposition of funds obtained by the attorney general. (Finance)
SB 285, relative to the board of dental examiners. (Executive Departments and Administration)
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. (State-Federal Relations and Veterans Affairs/Executive Departments and Administration)
SB 298, establishing a permanent commission on post-traumatic stress disorder and traumatic brain injury. (Health, Human Services and Elderly Affairs)
SB 305, relative to licensure of motor vehicle dealers. (Executive Departments and Administration)
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. (Fish and Game and Marine Resources/Executive Departments and Administration)
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. (Municipal and County Government)
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. (Education)
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. (Election Law)
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. (Transportation)
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. (Public Works and Highways)
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)

RECESS