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HOUSE RECORD

Second Year of the 163rd General Court

Calendar and Journal of the 2014 Session

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Concord, N.H.

Wednesday, March 19, 2014

No. 24

HOUSE JOURNAL No. 11 (Cont.)

Thursday, March 13, 2014

Rep. Kaen moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 12

Wednesday, March 19, 2014

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

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

O Holy God of infinite possibility. In the face of all that weighs on us in life, budgetary constraints, endless piles of information, numerous bills, matters of heavy personal concern. Remind us daily that our vision is limited, and that there is always another way to look at the problems that weigh on us. Remind us that we are blessed with companions and colleagues to lighten the load and help navigate the course. If we should get stuck in dualistic thinking today, give us pause to consider that You might have yet another way to proceed. Show us what it means to give a little bit more of our trust and our awareness over to You, that we might be about the work of giving shape to the possible, and not merely the practical. As You lift us up, so let us, by the work presented to us here in this Chamber, strive to lift, little by little, the lives of those whom we represent, particularly the poor, the homeless, the vulnerable, and the marginalized. Today, O God, we pray for those in this Chamber who are in places of struggle or grief or worry and we pray especially today for the family and fellow department members of Fire Captain Steve McKenna of the Salem Fire Department who died yesterday from job-related cancer. Bless his wife and their two sons and all in that department. This we pray in Your Holy name. Amen.

Representative Tony Pellegrino, member from Merrimack, led the Pledge of Allegiance.

Representative Dianne Schuett, member from Pembroke, led the singing of the National Anthem.

LEAVES OF ABSENCE

Reps., Berube, Boisvert, Charron, Coulombe, Susan Emerson, Helmstetter, LeVasseur, McCloskey, Miller, Packard, Pantelakos and Pratt, the day, illness.

Reps. Burtis, Carroll, Karrick, Khan, Lefebvre, McKinney, McNamara, Oligny, Rhodes, Rollo, Rosenwald, Scarlotto, Timothy Smith, St. James and Ward, the day, important business.

INTRODUCTION OF GUESTS

Ally and Michael Long, guests of Rep. James Webb. Frank Deluca, guest of Rep. Muns. Sean Banks, guest of the Merrimack District 20 Delegation. Carol Lothrop, guest of Rep. Weed. Fourth graders from the Barnstead Elementary School, guests of Rep. Comtois.

COMMUNICATION

Clerk of the House
Room 317, State House
107 North Main Street
Concord, NH 03301

March 12, 2014

To the Clerk:

I resign my position as State Representative for the Town of Goffstown, Hillsborough District 06. My family and I have moved from the district.

I appreciate the opportunity that I was afforded to serve the people of Goffstown and the people of the State of New Hampshire.

Sincerely,

Richard Meaney
Goffstown

MOTION TO VACATE

Rep. Wallner moved that the House vacate the reference of **SB 269**, relative to the reporting requirements for dedicated funds, and **SB 375**, establishing a committee to study the creation of a flood mitigation fund for private property owners, to the Committee on Finance.
Adopted.

The Speaker referred **SB 269** and **SB 375** to the Committee on Ways and Means.

CONSENT CALENDAR

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

HB 650-FN-A, making an appropriation to start a bus service between Claremont and Lebanon, removed by Rep. James Webb.

HB 1114-FN, relative to limits on state expenditures for school building aid, removed by Rep. Cahill.

HB 1315, relative to confidentiality of police personnel files, removed by Rep. DiSilvestro.

HB 1379, excluding firearms records from public records subject to disclosure under the right-to-know law, removed by Rep. Goley.

HB 1139, repealing authority for granting of property tax abatements for watering troughs and shade trees, Removed by Rep. Vaillancourt.

HB 1492-FN-L, relative to the issuance of fines for unlicensed dogs, removed by Rep. Vaillancourt.

HB 1610-FN, relative to the excavation tax, removed by Rep. Daniels.

Consent Calendar adopted.

HB 1416, establishing a state economic development plan and process. **OUGHT TO PASS WITH AMENDMENT.** Rep. Edward A. Butler for Commerce and Consumer Affairs. As its title states, this plan requires of DRED and the Division of Economic Development to create an operational state economic development plan. The prime sponsor worked closely with the commissioner and staff of the department to make this bill something that the department can support and achieve. Though the department believes that most of what this bill requires is achievable within its current budget, and indeed is something that it is currently working to achieve, it also believes that additional funding – up to \$50K – may be needed. Therefore, the first report date was moved back to December of 2015, to allow for inclusion in the next budget cycle. Vote 18-0.

Amendment (0827h)

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

AN ACT establishing an economic development plan and process for the division of economic development.

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

1 Purpose. The purpose of the economic development plan and process is to stimulate both economic and jobs growth through the application of sound operating practices, utilizing available resources, to enhance and preserve the welfare of New Hampshire citizens, business and industry, and state government. The plan will provide a blueprint that functions as a continuing process from which systematic and sustainable economic development initiatives are developed and executed in response to current and anticipated economic circumstances. The plan is to be used by the division of economic development, and others as identified, as a guide to deliver economic development services.

2 Findings. Whereas the general court finds that:

I. This is an opportunity to strengthen the health of the state's economy and improve employment opportunities which are of primary concern to New Hampshire citizens.

II. This is an opportunity to embed in New Hampshire's culture a continuing process for the making and maintenance of an economic development strategy and plan that responds to the needs of the state and business and industry, and to the changing conditions and dynamics of the national and international economy.

III. This is an opportunity for New Hampshire to compete more effectively with other states for economic investment and development.

IV. This is an opportunity for the department of resources and economic development, and the division of economic development, to more effectively lead the state's economic development and be responsive to, and support, the needs of other public and private entities throughout the state that are engaged in economic development.

3 New Subdivision; Economic Development Strategy and Plan. Amend RSA 12-A by inserting after section 61 the following new subdivision:

Economic Development Strategy and Plan

12-A:62 Economic Development Strategy and Plan. The division of economic development, with input and assistance from the economic development advisory council established under RSA 12-A:22-a and other public and private organizations with whom it chooses to work, shall develop a rolling 2-year economic development strategy and operating plan. The plan shall reflect the fact that there are local and regional entities charged with economic development in the state and shall identify and work to support those efforts.

12-A:63 Definitions. In this subdivision:

I. "Plan" means an on-going management operating document that identifies strategies and activities, and the progress thereof, designed to expand the state's economic base and strengthen the economic health of New Hampshire, based on the needs of the state and of business and industry. The plan shall identify specific actions, and the responsibilities, rationales, timeframes, resources required, barriers if any, and the tracking and reporting of outcomes associated with those actions.

II. "Strategy" means an overall direction or course that identifies how the division will convey the state's value to the business and industry community, how it will leverage its strengths and assets, and the broad themes it will emphasize that are attractive to retaining and recruiting business and industry.

12-A:64 Goals and Objectives. The plan shall identify both goals and objectives for the 2-year period and shall track measureable results so as to be able to assess the plan. Goals and objectives may be added, amended, or deleted as both existing and emerging economic conditions and opportunities warrant. The plan shall also benchmark key economic indicators.

12-A:65 Content of the Economic Development Strategy and Plan.

I. The following, as a minimum, shall be considered in constructing the economic development strategy and plan:

(a) Consideration of the entire state.

(b) An analysis, led by the economic development advisory council, relative to business and industry, of New Hampshire strengths and advantages, and how they will be leveraged; analysis of weaknesses and obstacles, and suggestions on how to remedy or mitigate them; identification of opportunities and how to take advantage and benefit from them; and identification of threats and how to meet and deter them. The analysis, where appropriate, should suggest ownership of its various elements.

(c) A needs forecast, based on research from both existing and targeted business and industry, that identifies issues and suggested initiatives so as to strengthen New Hampshire as a business and industry destination and to reinforce retention.

(d) Identification of economic, demographic, and other trends which may have both short-term and long-term influence on the economy of the state.

(e) The identification of business sectors that are of strategic importance to the state's economy and to the state's global business image, and development of specific strategies to promote the development of such sectors; and an analysis of new industries that can be targeted in New Hampshire and the rationale for their identification.

(f) Identification of how economic development ideas, advice, and information from relevant entities throughout the state will be solicited to strengthen strategies and plans; and how potential partners for the implementation of the strategies and plans, including, without limitation, the United States Commerce Department, local governments, regional planning commissions, regional economic development corporations, chambers of commerce, business associations, investors and other relevant entities will be integrated and engaged. Other states should also be studied to build an understanding of best practices that may be emulated.

(g) Innovative programs to position and market the state to aid business recruitment and retention.

(h) Economic performance metrics, to include the previous 3 fiscal years and objectives for the 2 years covered by the plan. Such metrics shall be contained in a state economic dashboard and updated regularly.

(i) Inter-department agreements with selected state agencies recognizing their role in economic development strategies, plans, and programs.

(j) Identification of how the state will petition for and receive moneys, such as grants, to be used for economic development activities.

(k) Consideration of how workforce education and training in cooperation with the university system, the community college system, private colleges and universities, and other workforce training organizations will be leveraged and enhanced.

(l) Provisions for export growth and how relationships will be fostered with New Hampshire's export-related service providers and with the Commerce Department's International Trade Administration; and provisions to improve the state's image as a destination for foreign business investment and location with overseas entities.

(m) Identification of a division liaison to communicate needs to the general court for the benefit of economic development.

(n) Provision to identify and carry out other economic development activities that the governor or the commissioner of the department of resources and economic development may request.

II. The governor, the commissioner of the department of resources and economic development, or the legislature may from time to time establish a commission or committee, as an adjunct to the division of economic development, to work on exceptionally problematic needs associated with economic development.

12-A:66 Annual Report. The division of economic development shall complete the economic development strategy and plan by December 31, 2015, and submit the plan to the governor, the senate president, senate majority leader, senate minority leader, the speaker of the house of representatives, house majority leader, and house minority leader. On or before December 31 each year thereafter the division shall similarly provide results and validation from the closing calendar year and a comprehensive update of the plan so that each annual report shall extend the time frame of the plan by one year, thereby ensuring that a 2-year plan is always in effect.

4 State Development Plan; Reference Added. Amend RSA 9-A:1, III(b)(6) to read as follows:

(6) An economic development section which proposes actions and policies to suit the state's economic goals and needs, based on the current and projected economic strengths and weaknesses. ***The section shall reference the economic development operating plan and process developed by the division of economic development under RSA 12-A:62.***

5 Economic Development Program Plan; Reference Added. Amend RSA 12-A:22, VII to read as follows:

VII. Prepare a written economic development [program] ***operating*** plan [which integrates the various development programs and responsibilities assigned to the division. The program plan shall be consistent with the policies and priorities established in the state development plan required by RSA 9-A] ***and process as required by RSA 12-A:62.***

6 Economic Development Advisory Council. Amend RSA 12-A:22-a, I to read as follows:

I. There is established an economic development advisory council to assist the division of economic development [to assist in establishing goals, measurements, and strategic planning efforts related to economic development. The council shall provide a mechanism for the private sector to advise the division of trends and needs and to disseminate information among public and private sector units. Council members shall act as advocates and work to educate businesses, citizens, and communities on the benefits of economic development] ***in creating and sustaining a continuing state economic development operating plan and process.***

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

AMENDED ANALYSIS

This bill directs the division of economic development to develop and maintain an economic development operating plan and process

HB 1546, relative to insurance coverage for tractors. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward A. Butler for Commerce and Consumer Affairs. Currently, the financial responsibility statute defines farm tractors registered for limited road use as motor vehicles under RSA 264 and requires them to comply with motor vehicle policy minimum requirements under RSA 259:61. The intent of this bill was to exempt farm tractors from the motor vehicle liability requirements. Because motor vehicle insurance is not mandatory, some farmers would like to obtain liability coverage for their tractors on their farm liability policy rather than having to purchase separate motor vehicle insurance. Complying with the current requirement has been costly to some farmers in terms of premium paid. The amendment simply clarifies that an exemption applies for tractors and ensures that a motor vehicle policy would still be available to any tractor owners who wish to buy a motor vehicle policy while exempting farm tractors from the uninsured motorists and medical payments requirements. The language will allow farmers the flexibility of obtaining coverage on either their motor vehicle policy or their farm policy. Vote 18-0.

Amendment (0833h)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Motor Vehicle Liability Policy; Farm Tractor. Amend RSA 259:61 by inserting after paragraph III the following new paragraph:

IV. The minimum coverage requirements described in paragraphs I and II and in RSA 264:15 and RSA 264:16 shall not apply to any tractor with a farm tractor registration.

HB 1469, requiring each school district to establish a special education parent advisory council. **INEXPEDIENT TO LEGISLATE.**

Rep. Mary J. Gorman for Education. This bill is not needed. Local school boards have the authority to set up their own special education parent advisory council. There are several organizations, including the DOE, to provide resources for parents of children with disabilities in need of help. Vote 18-1.

HB 1488-FN, adopting the interstate compact on educational support for military children. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick M. Ladd for Education. The committee recognizes and appreciates the challenges and concerns faced by school-age children who frequently transfer from one school to another while a parent changes military duty stations. This bill facilitates and develops procedures that address: timely enrollment practices, proper placement due to variations in scheduling, grading differences, course content and assessment. The bill further provides a receiving NH school administrative process to work with the sending school in order to assist the student with on-time graduation during his/her high school senior year. Unlike similar bills heard by the committee in previous sessions, amending wording within this bill parallels NH law and terminology while accommodating a positive transition process for the student, family and receiving school. Per amending language, this bill has no fiscal impact. Vote 17-2.

Amendment (0652h)

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

AN ACT establishing the New Hampshire program on educational support for military children.

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

1 New Chapter; New Hampshire Program on Educational Opportunity for Military Children. Amend RSA by inserting after chapter 110-C the following new chapter:

CHAPTER 110-D NEW HAMPSHIRE PROGRAM ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

110-D:1 Program. The New Hampshire program on educational opportunity for military children, herein-after called "the program", is hereby enacted into law as follows in this chapter.

110-D:2 Purpose. It is the purpose of this program to encourage school districts to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by:

I. Facilitating the timely enrollment and cooperative placement of children of military families due to difficulty in the transfer of education records from the previous school district or districts or variations in entrance/age requirements.

II. Facilitating the student placement process for children of military families by recognizing and considering variations in attendance requirements, scheduling, sequencing, grading, course content, or assessment.

III. Providing, upon school administrative review and approval, the qualification and eligibility for enrollment, educational programs, and participation in cocurricular activities.

IV. Encouraging the on-time graduation of children of military families who meet alternative course requirements for graduation approved by school administration.

V. Providing for the sharing of student information between schools and military families.

VI. Promoting coordination between schools and programs affecting military children.

VII. Promoting flexibility and cooperation between the educational system, parents, and the student in order to achieve educational success for the student.

110-D:3 Definitions. As used in this program, unless the context clearly requires a different construction:

I. "Accredited school" means a school accredited by the state or a regional accrediting association, such as the New England Association of Schools and Colleges, that validates the establishment and maintenance of high standards for all levels of education.

II. "Active duty" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. sections 1209 and 1211.

III. "Children of military families" means a school-aged child or school-aged children, enrolled in kindergarten through grade 12, in the household of an active duty member.

IV. "Cocurricular" shall have the same meaning as in RSA 193:1-c, I, and includes those activities which are designed to supplement and enrich regular academic programs of study, provide opportunities for social development, and encourage participation in clubs, athletics, performing groups, and service to school and community.

V. "Deployment" means the period one month prior to the service members' departure from their home station on military orders through 6 months after return to their home station.

VI. "Education records" means those official records, files, and data directly related to a student and maintained by the school or local education agency, including but not limited to records encompassing all the

material kept in the student's cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs.

VII. "Local education agency" means a public authority legally constituted by the state as an administrative agency to provide control of and direction for kindergarten through grade 12 public educational institutions.

VIII. "Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any other U.S. territory. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

IX. "Sending school" means the school from which a child of a military family is sent, brought, or caused to be sent or brought.

X. "Sending state" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any other U.S. territory or United States military installation.

XI. "Student" means the child of a military family for whom the local education agency receives public funding and who is formally enrolled in kindergarten through grade 12.

XII. "Transition" means:

(a) The formal and physical process of transferring from school to school; or

(b) The period of time in which a student moves from one school in the sending state to another school in the receiving state.

XIII. "Uniformed service" or "uniformed services" means the Army, Navy, Air Force, Marine Corps, Coast Guard as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration, and Public Health Services.

XIV. "Veteran" means a person who served in the uniformed services and who was discharged or released there from under conditions other than dishonorable.

110-D:4 Applicability.

I. This program shall apply to the children of:

(a) Active duty members of the uniformed services as defined in this program, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. section 1209 and 1211;

(b) Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement; and

(c) Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.

II. The provisions of the New Hampshire program shall only apply to local education agencies as defined in this program.

III. The provisions of this program shall not apply to the children of:

(a) Inactive members of the national guard and military reserves;

(b) Members of the uniformed services now retired, except as provided in paragraph I;

(c) Veterans of the uniformed services, except as provided in paragraph I; and

(d) Other United States. Department of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

110-D:5 Educational Records and Enrollment.

I. Unofficial or "hand-carried" education records. In the event that official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state or sending school may prepare and furnish to the parent a complete set of unofficial educational records. Upon receipt of the unofficial education records by a receiving school district or school, the school shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible.

II. Official education records/transcripts. Simultaneous with the enrollment and conditional placement of the student, the school in the receiving school district shall request the student's official education record from the school in the sending state. If the sending school is in New Hampshire, the school shall forward the official education records to the receiving school.

III. Immunizations. Enrolling students may be given 30 days from the date of enrollment, or within such time as is determined reasonable by the local education agency, to obtain any immunization or immunizations required under RSA 141-C:20-a. For a series of immunizations, initial vaccinations shall be obtained within 30 days or within such time as is determined reasonable by the local education agency.

IV. Kindergarten and first grade entrance age. Students shall be allowed to continue their enrollment at grade level in the receiving school district or school commensurate with their grade level, including kindergarten, from a local education agency in the sending state at the time of transition, regardless of age. A

student that has satisfactorily completed the prerequisite grade level in the local education agency in the sending state or school shall be eligible for enrollment in the next highest grade level in the receiving school district or school, regardless of age. A student transferring after the start of the school year shall enter the receiving school on their validated level from an accredited sending school.

110-D:6 Placement and Attendance.

I. Course placement. When the student transfers before or during the school year, the receiving school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending school and/or educational assessments conducted at the receiving school. Course placement includes but is not limited to Honors, International Baccalaureate, Advanced Placement, vocational, technical and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This does not preclude the receiving school from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the course or courses.

II. Educational program placement. The receiving school shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation/placement in like programs in the sending state. Such programs include, but are not limited to: (1) remedial reading for a third grade student who is not proficient and not receiving special education; and (2) English language learner. This does not preclude the school in the receiving school from performing subsequent evaluations to ensure appropriate placement of the student. The school placement process should promote and measure knowledge and skills that lead students to meet learning competencies across content domains.

III. Special education services. (1) In compliance with the federal requirements of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C.A. section 1400 et seq, the receiving school shall initially provide comparable services to a student with disabilities based on his or her current Individualized Education Program (IEP); and (2) In compliance with the requirements of section 504 of the Rehabilitation Act, 29 U.S.C.A. section 794, and with Title II of the Americans with Disabilities Act, 42 U.S.C.A. sections 12131-12165, the receiving school shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or Title II Plan, to provide the student with equal access to education. This does not preclude the receiving school from performing subsequent evaluations to ensure appropriate placement of the student.

IV. Placement flexibility. Local education agency administrative officials shall have flexibility in waiving course/program prerequisites, or other preconditions for placement in courses/programs offered under the jurisdiction of the local education agency.

V. Absence as related to deployment activities. A student whose parent or legal guardian is an active duty member of the uniformed services, as defined by the program, and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the local education agency superintendent to visit with his or her parent or legal guardian relative to such leave or deployment of the parent or guardian.

110-D:7 Eligibility.

I. Eligibility for enrollment.

(a) Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

(b) A local education agency shall be prohibited from charging local tuition to a transitioning military child placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent.

(c) A transitioning military child, placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which he/she was enrolled while residing with the custodial parent.

II. Eligibility for cocurricular participation. State and local education agencies shall facilitate the opportunity for transitioning military children's inclusion in cocurricular activities, regardless of application deadlines, to the extent they are otherwise qualified and eligible.

110-D:8 Graduation. In order to facilitate the on-time graduation of children of military families, states and local education agencies shall incorporate the following procedures:

I. Waiver requirements. Local education agency administrative officials shall waive specific courses required for graduation if similar course work has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial.

II. Exit exams. School districts or schools shall accept: (1) exit or end-of-course exams required for graduation from the sending state or school district; or (2) national norm-referenced achievement tests; or (3) alternative testing, in lieu of testing requirements for graduation in the receiving school. If none of these alternatives can be accommodated by the receiving school for a student transferring in his or her senior year, then the provisions of paragraph III shall apply.

III. Transfers during senior year. Should a military student transferring at the beginning or during his or her senior year be ineligible to graduate from the receiving local education agency after all alternatives have been considered, and after verifying from the sending local education agency that the student meets sending school graduation requirements, the receiving school, with authorization from the sending local education agency, shall notify the graduating student of a diploma receipt from the sending school.

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

AMENDED ANALYSIS

This bill establishes a New Hampshire program to support educational opportunity for military children.

HB 1636, relative to eligibility guidelines for participation in the reduced fee companion animal population control program. **OUGHT TO PASS.**

Rep. Lisa I. Whittemore for Environment and Agriculture. The bill clarifies eligibility for participation in the reduced fee companion animal population control program (APCP). It makes no changes to current practice, but rather states that an income level low enough to qualify for a public assistance program is adequate to participate in the spay-neuter program at a reduced rate of payment. It has been found that many elderly NH residents who are eligible do not take advantage of public assistance despite being qualified. The bill states that eligibility rather than participation in the programs is the required standard for the companion APCP. Vote 16-0.

HB 1130-FN-L, relative to the Northeastern Interstate Forest Fire Protection Compact. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jeffrey P. Goley for Executive Departments and Administration. Section 1 of the bill will extend liability protection for NH firefighters who provide mutual aid for forest fires outside of the Northeast compact. Section 2 changes the way municipalities are reimbursed for fires that occur on federal lands. Currently when a fire occurs on federal lands and the person responsible for the fire is known, the state reimburses the local municipality at a fixed rate established in RSA 227-L:12, which often times does not cover all the costs for the municipality in putting out the fire. The change in this bill would allow for reimbursement by the state at actual costs incurred by the municipality for fires on federal land and in which the responsible party is found to be negligent. The state would then seek reimbursement from the federal government, and the federal government would be responsible for collecting costs from the responsible party. Section 3 will allow emergency personnel who are retired members of the NH Retirement system to exceed the allowable 32 hours a week in certain emergency situations, provided that the retired member has not exceeded 1300 hours worked in a calendar year. This will allow qualified personnel to be available during emergencies while at the same time keep in check the practice of "double dipping." Vote 17-0.

Amendment (0955h)

Amend RSA 100-A:7-b as inserted by section 3 of the bill by replacing it with the following:

100-A:7-b Certain Part-Time Employment; Emergency Exception. The hourly limitations on part-time employment as defined in RSA 100-A:1, XXXIV shall be modified for retired members who exceed the 32-hour limit while providing assistance during an emergency under this section. While providing assistance during an emergency under this section, a retired member may exceed the 32-hour limit in a calendar week provided that the member has not exceeded 1300 hours in the current calendar year. For purposes of this section, an emergency includes any event declared by the governor or while working under the direction of the director of the division of forests and lands during woodland fire control.

HB 1406-FN, relative to red list bridges. **OUGHT TO PASS.**

Rep. Kenneth L. Weyler for Finance. We have all heard about "red list bridges." We know that we need to spend money on them. Some on the list were structurally deficient; others were just functionally obsolete, for example, a three-lane road narrowing for a two-lane bridge. This bill narrows the list to the structurally deficient, requires that the list be sent to the Speaker of the House, and that towns be notified of any of their bridges on the list. The bill requires state owned bridges be inspected biannually and municipally owned bridges annually. Procedures for removal from the list are added. The original bill required that signs be placed on each red listed bridge to identify them as such. The House has already removed this requirement and its accompanying expense. Vote 24-1.

HB 1391, relative to blood drawn from patients with hemochromatosis. **REFER FOR INTERIM STUDY.**

Rep. Thomas M. Sherman for Health, Human Services and Elderly Affairs. This bill would require facilities accepting blood donations to seek a waiver allowing them to use blood drawn from patients with hemochromatosis, an inherited disorder of excessive iron absorption. While there is no evidence that blood from these patients should be restricted from the blood supply, federal regulations persist that would make passage of this bill as written, problematic for our blood banks and hospitals. There may be changes pending at the federal level that would allow access to these products. Further work may also avoid any unintended consequences. Therefore, the bill was moved to Interim Study. Vote 18-0.

HB 1395, requiring the department of health and human services to perform an audit of billing practices under the Medicaid managed care program. **INEXPEDIENT TO LEGISLATE.**

Rep. Andre A. Martel for Health, Human Services and Elderly Affairs. This legislation was well meaning in making certain that with the billing issues involved in the contracts between the department of HHS and managed care organizations an audit would be necessary to address these issues. It has become evident that an external auditing firm is going to perform such audit. Upon receiving this information, the committee and sponsor agreed that this legislation be Inexpedient to Legislate because it is not needed. Vote 14-0.

HB 1434, relative to surrogate health care decision making by a family member or friend. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen J. Schmidt for Health, Human Services and Elderly Affairs. This act specifies a process to establish a surrogate decision-maker to make health care decisions on behalf of an individual who has not completed an advance written directive detailing his or her wishes in the event of their incapacity to do so. The act establishes a hierarchy of family members and friends who may apply for surrogacy and attest that they are familiar with the verbally stated wishes of the individual before their incapacity. The act also establishes controls including concurrence of medical practitioners as to the efficacy of treatment, time limits on surrogacy authority, conflict resolution and guardianship procedures designed to protect the individual affected. Vote 18-0.

Amendment (0695h)

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

1 New Paragraph; Directives for Medical Decisions. Amend RSA 137-J:1 by inserting after paragraph II the following new paragraph:

III. While all persons have a right to make a written directive, not all take advantage of that right, and it is the purpose of the surrogacy provisions of this chapter to ensure that health care decisions can be made in a timely manner by a person's next of kin or loved one without involving court action. This chapter specifies a process to establish a surrogate decision-maker when there is no valid advance directive or a guardian, as defined in RSA 464-A, to make health care decisions.

2 Directives for Medical Decisions; Definitions. Amend RSA 137-J:2, V to read as follows:

V. "Capacity to make health care decisions" means the ability to understand and appreciate generally the nature and consequences of a health care decision, including the significant benefits and harms of and reasonable alternatives to any proposed health care. ***The fact that a person has been diagnosed with mental illness, brain injury, or intellectual disability shall not mean that the person necessarily lacks the capacity to make health care decisions.***

3 New Paragraph; Directives for Medical Decisions; Definition Added. Amend RSA 137-J:2 by inserting after paragraph VI the following new paragraph:

VI-a. "Close friend" means any person 21 years of age or older who presents an affidavit to the attending physician stating that he or she is a close friend of the patient, is willing and able to become involved in the patient's health care, and has maintained such regular contact with the patient as to be familiar with the patient's activities, health, and religious and moral beliefs. The affidavit shall also state facts and circumstances that demonstrate such familiarity with the patient.

4 New Paragraph; Directives for Medical Decisions; Definition Added. Amend RSA 137-J:2 by inserting after paragraph XXII the following new paragraph:

XXII-a. "Surrogate decision-maker" or "surrogate" means an adult individual who has health care decision-making capacity, is available upon reasonable inquiry, is willing to make health care decisions on behalf of a patient who lacks health care decision-making capacity, and is identified by the attending physician or APRN in accordance with the provisions of this chapter as the person who is to make those decisions in accordance with the provisions of this chapter.

5 Directives for Medical Decisions: Scope and Duration of Agent's or Surrogate's Authority. Amend RSA 137-J:5, II-V to read as follows:

II. An agent's ***or surrogate's*** authority under an advance directive shall be in effect only when the principal lacks capacity to make health care decisions, as certified in writing by the principal's attending physician or APRN, and filed with the name of the agent ***or surrogate*** in the principal's medical record. When and if the principal regains capacity to make health care decisions, such event shall be certified in writing by the principal's attending physician or APRN, noted in the principal's medical record, the agent's ***or surrogate's*** authority shall terminate, and the authority to make health care decisions shall revert to the principal.

III. If the principal has no attending physician or APRN for reasons based on the principal's religious or moral beliefs as specified in his or her advance directive, the advance directive may include a provision that a person designated by the principal in the advance directive may certify in writing, acknowledged before a notary or justice of the peace, as to the lack of decisional capacity of the principal. The person so designated by the principal shall not be the agent, or a person ineligible to be the agent.

IV. The principal's attending physician or APRN shall make reasonable efforts to inform the principal of any proposed treatment, or of any proposal to withdraw or withhold treatment. Notwithstanding that an advance directive **or a surrogacy** is in effect and irrespective of the principal's lack of capacity to make health care decisions at the time, treatment may not be given to or withheld from the principal over the principal's objection unless the principal's advance directive includes the following statement initialed by the principal, "Even if I am incapacitated and I object to treatment, treatment may be given to me against my objection."

V. Nothing in this chapter shall be construed to give an agent **or surrogate** authority to:

(a) Consent to voluntary admission to any state institution;

(b) Consent to a voluntary sterilization; or

(c) Consent to withholding life-sustaining treatment from a pregnant principal, unless, to a reasonable degree of medical certainty, as certified on the principal's medical record by the attending physician or APRN and an obstetrician who has examined the principal, such treatment or procedures will not maintain the principal in such a way as to permit the continuing development and live birth of the fetus or will be physically harmful to the principal or prolong severe pain which cannot be alleviated by medication.

(d) Consent to psychosurgery, electro-convulsive shock therapy, sterilization, a experimental treatment of any kind.

6 Directives for Medical Decisions; Physician, APRN, and Provider's Responsibilities. Amend RSA 137-J:7, I(d) to read as follows:

(d) If a physician or an APRN, because of his or her personal beliefs or conscience, is unable to comply with the terms of the advance directive **or surrogate's decision**, he or she shall immediately inform the qualified patient, the qualified patient's family, or the qualified patient's agent. The qualified patient, or the qualified patient's agent or family, may then request that the case be referred to another physician or APRN.

7 Directives for Medical Decisions; Physician, APRN, and Provider's Responsibilities. Amend RSA 137-J:7, II to read as follows:

II. An attending physician or APRN who, because of personal beliefs or conscience, is unable to comply with the advance directive **or the surrogate's decision** pursuant to this chapter shall, without delay, make the necessary arrangements to effect the transfer of a qualified patient and the appropriate medical records that document the qualified patient's lack of capacity to make health care decisions to another physician or APRN who has been chosen by the qualified patient, by the qualified patient's agent **or surrogate**, or by the qualified patient's family, provided, that pending the completion of the transfer, the attending physician or APRN shall not deny health care treatment, nutrition, or hydration which denial would, within a reasonable degree of medical certainty, result in or hasten the qualified patient's death against the express will of the qualified patient, the advance directive, or the agent **or surrogate**.

8 Directives for Medical Decisions; Restrictions on Who May Act as Agent or Surrogate. Amend the section heading and the introductory paragraph of RSA 137-J:8 to read as follows:

137-J:8 Restrictions on Who May Act as Agent **or Surrogate**. A person may not exercise the authority of **an agent or a surrogate** while serving in one of the following capacities:

9 Directives for Medical Decisions; Withholding or Withdrawal of Life-Sustaining Treatment. Amend RSA 137-J:10, I to read as follows:

I. In the event a health care decision to withhold or withdraw life-sustaining treatment, including medically administered nutrition and hydration, is to be made by an agent **or surrogate**, and the principal has not executed the "living will" of the advance directive, the following additional conditions shall apply:

(a) The principal's attending physician or APRN shall certify in writing that the principal lacks the capacity to make health care decisions.

(b) Two physicians or a physician and an APRN shall certify in writing that the principal is near death or is permanently unconscious.

(c) Notwithstanding the capacity of an agent **or surrogate** to act, the agent **or surrogate** shall make a good faith effort to explore all avenues reasonably available to discern the desires of the principal including, but not limited to, the principal's advance directive, the principal's written or spoken expressions of wishes, and the principal's known religious or moral beliefs.

10 Directives for Medical Decisions; Immunity. Amend RSA 137-J:12, I and II to read as follows:

I. No person acting as agent pursuant to an advance directive **or as a surrogate** shall be subjected to criminal or civil liability for making a health care decision on behalf of the principal in good faith pursuant to the provisions of this chapter and the terms of the advance directive if such person exercised such power in a manner consistent with the requirements of this chapter and New Hampshire law.

II. No health care provider or residential care provider, or any other person acting for the provider or under the provider's control, shall be subjected to civil or criminal liability or be deemed to have engaged in unprofessional conduct for:

(a) Any act or intentional failure to act, if the act or intentional failure to act is done pursuant to the dictates of an advance directive, the directives of the principal's agent **or surrogate**, and the provi-

sions of this chapter, and said act or intentional failure to act is done in good faith and in keeping with reasonable medical standards pursuant to the advance directive **or a surrogacy** and in accordance with this chapter; or

(b) Failure to follow the directive of an agent **or surrogate** if the health care provider or residential care provider or other such person believes in good faith and in keeping with reasonable medical standards that such directive exceeds the scope of or conflicts with the authority of the agent **or surrogate** under this chapter or the contents of the principal's advance directive; provided, that this subparagraph shall not be construed to authorize any violation of RSA 137-J:7, II or III.

11 Directives for Medical Decisions; Revocation. Amend RSA 137-J:15 to read as follows:

137-J:15 Revocation.

I. An advance directive **or surrogacy** consistent with the provisions of this chapter shall be revoked:

(a) By written revocation delivered to the agent **or surrogate** or to a health care provider or residential care provider expressing the principal's intent to revoke, signed and dated by the principal; by oral revocation in the presence of 2 or more witnesses, none of whom shall be the principal's spouse or heir at law; or by any other act evidencing a specific intent to revoke the power, such as by burning, tearing, or obliterating the same or causing the same to be done by some other person at the principal's direction and in the principal's presence;

(b) By execution by the principal of a subsequent advance directive;

(c) By the filing of an action for divorce, legal separation, annulment or protective order, where both the agent and the principal are parties to such action, except when there is an alternate agent designated, in which case the designation of the primary agent shall be revoked and the alternate designation shall become effective. Re-execution or written re-affirmation of the advance directive following a filing of an action for divorce, legal separation, annulment, or protective order shall make effective the original designation of the primary agent under the advance directive; or

(d) By a determination by a court under RSA 506:7 that the agent's authority has been revoked.

II. A principal's health or residential care provider who is informed of or provided with a revocation of an advance directive **or surrogacy** shall immediately record the revocation, and the time and date when he or she received the revocation, in the principal's medical record and notify the agent, the attending physician or APRN, and staff responsible for the principal's care of the revocation. An agent **or surrogate** who becomes aware of such revocation shall inform the principal's health or residential care provider of such revocation. Revocation shall become effective upon communication to the attending physician or APRN.

12 New Subdivision; Surrogacy. Amend RSA 137-J by inserting after section 33 the following new subdivision:
Surrogacy

137-J:34 Applicability. The surrogacy provisions of this chapter shall not apply to instances in which the patient has a valid and unrevoked living will, or an authorized agent under a durable power of attorney for health care and the patient's condition falls within the coverage of such advance directives, as defined in this chapter. In those instances, the living will or durable power of attorney for health care shall be given effect according to its terms.

137-J:35 Surrogate Decision-making.

I. When a patient lacks capacity to make health care decisions, the physician or APRN shall make a reasonable inquiry pursuant to 137-J:7 as to whether the patient has a valid advance directive and, to the extent that the patient has designated an agent, whether such agent is available, willing and able to act. When no health care agent is authorized and available, the health care provider shall make a reasonable inquiry as to the availability of possible surrogates listed under this paragraph. A surrogate decision-maker may make medical decisions on behalf of a patient without court order or judicial involvement in the following order of priority:

(a) The patient's spouse, or civil union partner or common law spouse as defined by RSA 457:39, unless there is a divorce proceeding, separation agreement, or restraining order limiting that person's relationship with the patient.

(b) Any adult son or daughter of the patient.

(c) Either parent of the patient.

(d) Any adult brother or sister of the patient.

(e) Any adult grandchild of the patient.

(f) Any grandparent of the patient.

(g) Any adult aunt, uncle, niece, or nephew of the patient.

(h) A close friend of the patient.

(i) The agent with financial power of attorney or a conservator appointed in accordance with RSA 464-A.

(j) The guardian of the patient's estate.

II. The physician or APRN may identify a surrogate from the list in paragraph I if the physician or APRN determines he or she is able and willing to act, and determines after reasonable inquiry that neither a legal guardian, health care agent under a durable power of attorney for health care nor a surrogate of higher priority is available and able and willing to act. The surrogate decision-maker, as identified by the attending physician or APRN, may make health care decisions for the patient. The surrogacy provisions of this chapter

shall take effect when the decision-maker names are recorded in the medical record. The physician or APRN shall have the right to rely on any of the above surrogates if the physician or APRN believes after reasonable inquiry that neither a health care agent under a durable power of attorney for health care or a surrogate of higher priority is available or able and willing to act.

137-J:36 Determining Priority Among Multiple Surrogates.

I. Where there are multiple surrogate decision-makers at the same priority level in the hierarchy, it shall be the responsibility of those surrogates to make reasonable efforts to reach a consensus as to their decision on behalf of the patient regarding any health care decision. If 2 or more surrogates who are in the same category and have equal priority indicate to the attending physician or APRN that they disagree about the health care decision at issue, a majority of the available persons in that category shall control, unless the minority or any other interested party initiates guardianship proceedings in accordance with RSA 464-A. There shall not be a recognized surrogate when a guardianship proceeding has been initiated and a decision is pending. The person initiating the petition for guardianship shall immediately provide written notice of the initiation of the guardianship proceeding to the health care facility where the patient is being treated. This process shall not preempt the care of the patient. No health care provider or other person shall be required to seek appointment of a guardian.

II. After a surrogate has been identified, the name, address, telephone number, and relationship of that person to the patient shall be recorded in the patient's medical record.

III. Any surrogate who becomes unavailable or unable or unwilling to act for any reason may be replaced by applying the provisions of RSA 137-J:35 in the same manner as for the initial choice of surrogate.

IV. In the event an individual of a higher priority to an identified surrogate becomes available and is willing and able to be the surrogate, the individual with higher priority may be identified as the surrogate. In the event an individual in a higher, a lower, or the same priority level or a health care provider seeks to challenge the priority or ability of the surrogate or the life-sustaining treatment decision of the recognized surrogate decision-maker, the challenging party may initiate guardianship proceedings in accordance with RSA 464-A.

137-J:37 Limitations of Surrogacy.

I. A surrogate shall not be identified over the express objection of the patient, and shall terminate if at any time a patient for whom a surrogate has been appointed expresses objection to the continuation of the surrogacy.

II. No physician or APRN shall be required to identify a surrogate, and may, in the event a surrogate has been identified, revoke the surrogacy if the surrogate is unwilling or unable to act.

III. A physician or APRN may, but shall not be required to, initiate guardianship proceedings or encourage a family member or friend to seek guardianship in the event a patient is determined to lack capacity to make health care decisions and no guardian, agent under a health care power of attorney, or surrogate has been appointed or named.

IV. Nothing in this chapter shall be construed to require a physician or APRN to treat a patient who the physician or APRN reasonably believes lacks health care decision-making capacity and for whom no guardian, agent, or surrogate has been appointed.

V. The surrogate may make health care decisions for a principal to same extent as an agent under a durable power of attorney for health care for up to 90 days after being identified in RSA 137-J:35, I, unless the principal regains health care decision-making capacity or a guardian is appointed or patient is determined to be near death, as defined in RSA 137-J:2, XVI. The authority of the surrogate shall terminate after 90 days.

13 Durable Power of Attorney; Disclosure Statement. Amend RSA 137-J:19 to read as follows:

137-J:19 Durable Power of Attorney; Disclosure Statement. The disclosure statement which must accompany a durable power of attorney for health care shall be in substantially the following form:

INFORMATION CONCERNING THE DURABLE POWER OF ATTORNEY FOR HEALTH CARE

THIS IS AN IMPORTANT LEGAL DOCUMENT. BEFORE SIGNING IT, YOU SHOULD KNOW THESE IMPORTANT FACTS:

Except if you say otherwise in the directive, this directive gives the person you name as your health care agent the power to make any and all health care decisions for you when you lack the capacity to make health care decisions for yourself (in other words, you no longer have the ability to understand and appreciate generally the nature and consequences of a health care decision, including the significant benefits and harms of and reasonable alternatives to any proposed health care). "Health care" means any treatment, service or procedure to maintain, diagnose or treat your physical or mental condition. Your health care agent, therefore, will have the power to make a wide range of health care decisions for you. Your health care agent may consent (in other words, give permission), refuse to consent, or withdraw consent to medical treatment, and may make decisions about withdrawing or withholding life-sustaining treatment. Your health care agent cannot consent to or direct any of the following: commitment to a state institution, sterilization, or termination of treatment if you are pregnant and if the withdrawal of that treatment is deemed likely to terminate the pregnancy, unless the treatment will be physically harmful to you or prolong severe pain which cannot be alleviated by medication.

You may state in this directive any treatment you do not want, or any treatment you want to be sure you receive. Your health care agent's power will begin when your doctor certifies that you lack the capacity to make health care decisions (in other words, that you are not able to make health care decisions). If for moral or religious reasons you do not want to be treated by a doctor or to be examined by a doctor to certify that you lack capacity, you must say so in the directive and you must name someone who can certify your lack of capacity. That person cannot be your health care agent or alternate health care agent or any person who is not eligible to be your health care agent. You may attach additional pages to the document if you need more space to complete your statement.

~~[If you want to give your health care agent power to withhold or withdraw medically administered nutrition and hydration, you must say so in your directive. Otherwise, your health care agent will not be able to direct that.]~~ Under no conditions will your health care agent be able to direct the withholding of food and drink that you are able to eat and drink normally.

Your agent shall be directed by your written instructions in this document when making decisions on your behalf, and as further guided by your medical condition or prognosis. Unless you state otherwise in the directive, your agent will have the same power to make decisions about your health care as you would have made, if those decisions by your health care agent are made consistent with state law.

It is important that you discuss this directive with your doctor or other health care providers before you sign it, to make sure that you understand the nature and range of decisions which could be made for you by your health care agent. If you do not have a health care provider, you should talk with someone else who is knowledgeable about these issues and can answer your questions. Check with your community hospital or hospice for trained staff. You do not need a lawyer's assistance to complete this directive, but if there is anything in this directive that you do not understand, you should ask a lawyer to explain it to you.

The person you choose as your health care agent should be someone you know and trust, and he or she must be at least 18 years old. If you choose your health or residential care provider (such as your doctor, advanced practice registered nurse, or an employee of a hospital, nursing home, home health agency, or residential care home, other than a relative), that person will have to choose between acting as your health care agent or as your health or residential care provider, because the law does not allow a person to do both at the same time.

You should consider choosing an alternate health care agent, in case your health care agent is unwilling, unable, unavailable or not eligible to act as your health care agent. Any alternate health care agent you choose will then have the same authority to make health care decisions for you.

You should tell the person you choose that you want him or her to be your health care agent. You should talk about this directive with your health care agent and your doctor or advanced practice registered nurse and give each one a signed copy. You should write on the directive itself the people and institutions who will have signed copies. Your health care agent will not be liable for health care decisions made in good faith on your behalf.

EVEN AFTER YOU HAVE SIGNED THIS DIRECTIVE, YOU HAVE THE RIGHT TO MAKE HEALTH CARE DECISIONS FOR YOURSELF AS LONG AS YOU ARE ABLE TO DO SO, AND TREATMENT CANNOT BE GIVEN TO YOU OR STOPPED OVER YOUR CLEAR OBJECTION. You have the right to revoke the power given to your health care agent by telling him or her, or by telling your health care provider, orally or in writing, that you no longer want that person to be your health care agent.

YOU HAVE THE RIGHT TO EXCLUDE OR STRIKE REFERENCES TO APRN'S IN YOUR ADVANCE DIRECTIVE AND IF YOU DO SO, YOUR ADVANCE DIRECTIVE SHALL STILL BE VALID AND ENFORCEABLE.

Once this directive is executed it cannot be changed or modified. If you want to make changes, you must make an entirely new directive.

THIS POWER OF ATTORNEY WILL NOT BE VALID UNLESS IT IS SIGNED IN THE PRESENCE OF A NOTARY PUBLIC OR JUSTICE OF THE PEACE OR TWO (2) OR MORE QUALIFIED WITNESSES, WHO MUST BOTH BE PRESENT WHEN YOU SIGN AND WHO WILL ACKNOWLEDGE YOUR SIGNATURE ON THE DOCUMENT. THE FOLLOWING PERSONS MAY NOT ACT AS WITNESSES:

- ☐ The person you have designated as your health care agent;
- ☐ Your spouse or heir at law;
- ☐ Your attending physician or APRN, or person acting under the direction or control of the attending physician or APRN;

ONLY ONE OF THE TWO WITNESSES MAY BE YOUR HEALTH OR RESIDENTIAL CARE PROVIDER OR ONE OF YOUR PROVIDER'S EMPLOYEES.

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

HB 1446, relative to synthetic marijuana. REFER FOR INTERIM STUDY.

Rep. Donald L. LeBrun for Health, Human Services and Elderly Affairs. This bill has been determined by the committee to be in need of further work to conform more to federal law. Testimony from various agencies maintained there are more questions than answers at this time. There is also a similar bill in the other body. Vote 18-0.

HB 1490-FN, relative to fees paid to providers who transport patients under the Medicaid managed care program. **REFER FOR INTERIM STUDY.**

Rep. Andre A. Martel for Health, Human Services and Elderly Affairs. This legislation deals with the payments paid to transportation providers who transport medicaid wheelchair bound citizens to appointments. Because the current rates paid to providers are the lowest in the country, the industry agrees that due to increases in the cost of doing business, it is time to increase the mileage payments. Another aspect of this legislation is to allow that transportation companies who have been in business for over 5 years in good standing with the state would be grandfathered to not participate in the managed care system. The contracts between the DHHS and the managed care organizations would have to be amended, so further study is necessary to solve these issues. The committee and sponsors agree to Interim Study. Vote 14-0.

HB 1491-FN, relative to certain transportation companies under the Medicaid managed care program. **REFER FOR INTERIM STUDY.**

Rep. Andre A. Martel for Health, Human Services and Elderly Affairs. This legislation is well intended. This bill deals with the reduction of penalty non-reimbursable mileage from 5 miles down to 2 miles. Changes to the contracts between DHHS and the managed care organization would require review by the department, the Governor and Council and would require a waiver by the federal department of health and human services. Thus, the committee and the sponsors agreed to Interim Study while the newly formed medicaid managed care organizations gain experience and competence. Vote 14-0.

HB 1574-FN, relative to the cap on total billings to counties for nursing home care costs. **REFER FOR INTERIM STUDY.**

Rep. Laurie Harding for Health, Human Services and Elderly Affairs. This bill establishes a formula for cultivating the cap on the state's total billings to counties of nursing home care costs for each state fiscal year of subsequent biennias. The counties objected to the formula, but recognize that long-term care financing is a growing problem. The Long Term Care subcommittee of the Health and Human Service Oversight is committed to working on both long-term care policy for New Hampshire as well as a more predictable funding mechanism. Vote 13-0.

HB 1119, relative to forfeiture of inheritance by killer. **INEXPEDIENT TO LEGISLATE.**

Rep. Lenette M. Peterson for Judiciary. The committee concluded that the bill was too broad and would have unintended consequences affecting families involved in accidental deaths or mercy killings. Vote 17-2.

HB 1293, establishing a civil right of action for victims of human trafficking. **INEXPEDIENT TO LEGISLATE.**

Rep. David Woodbury for Judiciary. This bill establishes a civil right of action in favor of victims of human trafficking. The committee felt unanimously that victims of human trafficking should have such a right. However, the committee is also aware of the passage by the Senate of a more comprehensive bill on human trafficking generally, which clearly grants such a civil right of recovery and includes attorneys' fees. This House bill does not grant attorneys' fees, but does introduce punitive damages which have never been allowed in this state and which the committee felt were inappropriate to introduce in this context. Vote 16-1.

HB 1439-FN, relative to the attorney general's authority in investigating combinations and monopolies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank H. Heffron for Judiciary. This bill, filed at the request of the attorney general, authorizes the attorney general to obtain reimbursement for the costs of engaging assistants when evaluating proposed mergers or acquisitions. When New Hampshire companies are considering entering into mergers or acquisitions, they sometimes ask the attorney general to review the proposed agreement to determine whether it would create an unlawful combination or monopoly. In order to do a proper evaluation, it is often necessary to engage the services of outside specialist such as accountants, economists, and analysts, which can be expensive. This bill would authorize the attorney general to obtain from the companies that request such a review reimbursement for reasonable costs of obtaining such assistants. Vote 17-0.

Amendment (0343h)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Combinations and Monopolies; Official Investigation; Assistants. Amend RSA 356:10 by inserting after paragraph V the following new paragraph:

VI. In any investigation authorized under this section, the attorney general shall have the authority to engage the services of consultants, experts, accountants, economists, analysts, and other assistants. When the investigation constitutes the review of a proposed merger of 2 or more entities and is conducted prior to the merger, the reasonable expenses related to these assistants shall be a direct charge to the parties proposing the merger. In any action to enforce this chapter pursuant to RSA 356:4-a, the expenses related to these assistants shall be added to the reasonable costs of the enforcement action and shall be recoverable as set out in RSA 356:4-b.

HB 1618-FN, relative to an additional hearing for persons who meet the standard for involuntary admission to a mental health treatment facility. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sylvia E. Gale for Judiciary. Involuntary admissions and commitment for mental health treatment is a legal status that directly affects as many as 350-400 individuals in NH each year. Individuals admitted on an involuntary admission undergo two hearings in front of two different courts: the District Court where they must be found to be “a danger to themselves or others” by a preponderance of evidence, followed by a Probate Court hearing within 72 hours as deemed necessary which, using a standard of “clear and convincing evidence” may extend this involuntary treatment/commitment status for up to five (5) years. This legal status does not mean that the individual is hospitalized or otherwise institutionalized for that extended period of time, but does provide a mechanism for NH Hospital and this state’s Community Mental Health system to continue to provide all mental health treatment services that may be deemed necessary. Currently under RSA 135-C, said adjudicated individuals may only file an application for discharge from their commitment status if their petition is accompanied by a psychiatrist’s certificate stating their involuntary treatment is no longer necessary. The committee believes that a five-year term of involuntary treatment/commitment status is an extraordinarily long time, and, in fact, NH is the only state which supports this length of time with most other states conferring this status upon Court reviews at only less than two years in duration, many with reviews at six-month intervals. As amended, this bill will provide a mechanism for Probate Court reviews of an individual’s involuntary admission/treatment status at the individual’s request even if the petition is not accompanied by a psychiatrist’s certificate at two-year intervals. The committee believes that making this change to our state’s involuntary admission statute and practice is long overdue and offers a welcome and modest modification on behalf of the effected individuals. Vote 17-1.

Amendment (0490h)

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

AN ACT relative to review hearings in involuntary admission cases.

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

1 Action for Discharge. Amend RSA 135-C:53 to read as follows:

135-C:53 Action for Discharge. Any person who has been involuntarily admitted to a receiving facility may file at the probate court of the county in which he *or she* was originally admitted, or where he *or she* resides, a petition setting forth his *or her* name, the underlying circumstances and date of the prior order of the court ordering his *or her* involuntary admission, a request for discharge from care and custody or admission to a receiving facility, and the reasons for such request. If the petition ~~[shall be]~~ *is* accompanied by the certificate of a psychiatrist stating that the patient is no longer in need of involuntary admission and setting forth the facts upon which such an opinion is based ~~[- Upon receipt of the petition and the certificate]~~, the court shall conduct a hearing pursuant to RSA 135-C:34-54. ***If the petition is not accompanied by the certificate of a psychiatrist, the court shall conduct a hearing pursuant to RSA 135-C:34-54 if 2 years have passed since the last such hearing.***

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

AMENDED ANALYSIS

This bill permits a person who has been involuntarily committed to a treatment facility under RSA 135-C to request a review hearing every 2 years.

HB 1631-FN, relative to debt collection and small claims. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter M. Sullivan for Judiciary. This bill is the result of a collaborative effort by members of the business community, the bar, and the consumer advocates. The bill simplifies and streamlines the law by clarifying exemptions, which are currently scattered across seven statutes. In addition, by increasing the threshold for small claims cases from \$5,000 to \$10,000, the bill expands the number of cases subject to mediation, increasing the chances of a pre-trial settlement. The committee commends the work of the study committee, which brought this proposal forward and unanimously supports passage. Vote 18-0.

Amendment (0428h)

Amend the bill by replacing section 6 with the following:

6 Effective Date.

I. Section 5 of this act shall take effect July 1, 2015.

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

SB 249, relative to judicial performance evaluations. **OUGHT TO PASS.**

Rep. Robert H. Rowe for Judiciary. The Judiciary Committee believes to achieve quality and cost effective government all employees and branches and departments should be subjected to periodic performance reviews. The judicial branch is no exception. RSA 490:32 and Supreme Court Rule 56 require an evaluation of all judges every three years. The sole goal of judicial performance evaluation is to improve the performance of

individual judges. Since New Hampshire judges are appointed for life, they cannot be terminated for poor or mediocre performance, therefore the utilization of reviews as a basis for improving performance is critical. Currently, New Hampshire has approximately 80 full and part time judges. Every three years each judge is evaluated in 7 categories: Performance; Temperament and Demeanor; Judicial Management Skills; Legal Knowledge; Attentiveness; Bias and Objectivity; and Degree of Preparedness. An evaluation of each judge is made by other judges, by a self-evaluation and by attorneys, law professors, witnesses and the public through questionnaires. As a result of this legislation and cooperation from judicial management, we have excellent judges. When RSA 490:32 was amended in 2012, it was the intent of the legislature that in the first evaluation the name of a judge would not be published if the performance of the judge was not satisfactory. This would provide the judge time to correct the inadequacies prior to the next evaluation. If in the second review, the performance was still unsatisfactory, the name of the judge would then be made public. SB 249 merely eliminates an ambiguity in the 2012 amended statute to reflect that the annual court report would not name the nonperforming judge after the first evaluation and then give time for corrective action. Vote 13-0.

HB 1349, relative to the definition of independent contractor. **OUGHT TO PASS WITH AMENDMENT.** Rep. Gary L. Daniels for Labor, Industrial and Rehabilitative Services. The title of the bill does not clearly explain the intent of the bill. The actual intent is to eliminate any late fees or penalties assessed by the department of employment securities on individuals deemed to be employees by the department of employment securities when the same employees were deemed to be independent contractors by the department of labor. Vote 18-0.

Amendment (0751h)

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

AN ACT relative to the definition of employee for purposes of workers' compensation.

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

1 New Section; Unemployment Compensation; Late-Filing Fees; Exemption. Amend RSA 282-A by inserting after section 142 the following new section:

282-A:142-a Exemption.

I. The department of employment security shall not charge an employer interest on past due contributions under RSA 282-A:141 or late filing fees under RSA 282-A:142 to the extent that such employer demonstrates:

(a) Such interest or late filing fees are due to the employer's failure to report the services of an individual; and

(b) The employer failed to report the services of such individual due to reliance in good faith by the employer on a written determination by the New Hampshire department of labor that the individual was not an employee.

II. An election under RSA 281-A:18-a to exclude an executive officer or member of a corporation or limited liability company from workers' compensation coverage shall not constitute a determination by the New Hampshire department of labor that the individual was not an employee.

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

AMENDED ANALYSIS

This bill exempts any employer that relies in good faith on a written determination of the department of labor that an individual is not an employee from certain interest or late fees under RSA 282-A:141 and RSA 282-A:142.

HB 1468, establishing a committee to study the effects of increasing workers' compensation benefits and to study payment schedules for medical reimbursement. **INEXPEDIENT TO LEGISLATE.**

Rep. Janice E. Schmidt for Labor, Industrial and Rehabilitative Services. This bill is rendered unnecessary due to House passage of HB 255 earlier this year, which covers the same subject matter. Vote 17-0.

HB 1571-FN-L, relative to breastfeeding. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William J. Infantine for Labor, Industrial and Rehabilitative Services. This bill as amended by the committee seeks to clarify and responsibly expand the right of a woman to breastfeed in any place open to the public. The bill does not place any additional requirements or restrictions on private businesses. Vote 18-0.

Amendment (0683h)

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

1 Breastfeeding. RSA 132:10-d is repealed and reenacted to read as follows:

132:10-d Breastfeeding. Breastfeeding a child does not constitute an act of indecent exposure and to restrict or limit the right of a mother to breast-feed her child is discriminatory. An individual shall be allowed to feed her child by bottle or her breast in any place open to the public. No person shall prohibit a mother from breastfeeding her child, direct a mother to move to a different location to breastfeed her child, direct a mother to cover her child while breastfeeding, or otherwise restrict a mother from breastfeeding her child.

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

AMENDED ANALYSIS

This bill clarifies the law relative to breastfeeding.

HB 1110, relative to the penalty for sales chasing by certified assessors. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Priscilla P. Lockwood for Municipal and County Government. The amendment replaces the bill. It repeals the directive for the legislature to define sales chasing and makes it part of the assessing standard board's duties. Vote 17-0.

Amendment (0811h)

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

1 Assessing Standards Board; Rules; Sales Chasing. Amend RSA 21-J:14-b, I-a(a)(1) to read as follows:

(a)(1) The establishment of the following standards for assessing officials:

(A) Certification standards;

(B) Continuing education standards; [and]

(C) Decertification, suspension, and other disciplinary standards and sanctions [-]; **and**

(D) The definition and practices which constitute sales chasing and penalties associated with knowingly committing or being party to sales chasing.

2 Repeal. RSA 21-J:14-b, I(d), relative to standards for sales chasing, is repealed.

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

AMENDED ANALYSIS

This bill requires the assessing standards board to adopt rules concerning sales chasing and penalties therefor.

HB 1121, repealing the duty of assessors to compile a list of dogs in the town. **OUGHT TO PASS.**

Rep. Marjorie A. Porter for Municipal and County Government. This bill repeals RSA 466:43, which requires assessors to compile a list of dogs in the town. This RSA is a holdover from a simpler time, when assessors were responsible for maintaining counts of livestock and other farm animals within the town as part of their duty in assessing wealth. Times have changed, and assessors no longer are required to maintain such lists; few if any still keep track of dogs. As town clerks now maintain the list of dogs in a town, RSA 466:43 is no longer needed. Vote 19-0.

HB 1171, relative to eligibility for the veterans' property tax credit. **INEXPEDIENT TO LEGISLATE.**

Rep. Kris E. Roberts for Municipal and County Government. According to the Congressional Research Service Report for Congress #5-5700 dated, January 23, 2014: titled "Who is a Veteran?" states per statute under 38 U.S.C. § 101(2): 38 C.F.R. § 3.1 (d) a veteran is defined as a person who has served in the active military, naval, or air service and who was discharged or released therefore under conditions other than dishonorable. In general, active service means full-time service, other than active duty for training as a member of the Army, Navy, Air Force, Marine Corps, Coast Guard, or Commissioned Officer of Public Service, the Environmental Science Service or the National Oceanic and Atmospheric administration. HB 1171 attempts by the sponsors to have New Hampshire create its own definition of "Who is a Veteran?" for tax purposes only. The bill states, that Title 10 training for active duty by a member of a National Guard or reserve members shall be included as service, which is in direct conflict with federal law. The committee was told, "Technically, this bill is enabling legislation." This would cause a serious problem for the communities that fail to adopt an expanded veterans "Tax Credit. This could result in some people in the same class getting a tax credit while others do not. In the current veterans tax credit provision the General Court wisely enacted a base tax credit while passing enabling legislation allowing each community to determine how much it could afford when it came to honoring its veterans. The committee was told that the Veterans Administration could provide the necessary paperwork to ensure that anyone currently serving on active duty or in any guard or reserve unit nation-wide could prove their eligibility for the tax credit. That is not the VA responsibility that would be the Department of Defense's responsibility. Vote 16-1.

HB 1196, allowing town and cities to waive a portion of the interest due on late property tax payments in special or extraordinary circumstances. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Marjorie A. Porter for Municipal and County Government. RSA 76:16, I grants selectmen the ability to abate property taxes, including interest accrued, when there is "good cause shown." However, a narrow reading of the RSA in a recent decision by the board of land and tax appeals has caused confusion as to when this can be done. This bill as amended clears up the confusion, and allows selectmen to continue to as they had done prior to the BLTA decision. Vote 17-0.

Amendment (0838h)

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

AN ACT relative to abatement of property taxes.

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

1 Property Taxation; Abatement; Applications. Amend RSA 76:16, I to read as follows:

I.(a) Selectmen or assessors, for good cause shown, may abate any tax assessed by them or by their predecessors, including any portion of interest accrued on such tax[-]; **or**

(b) Any person aggrieved by the assessment of a tax and who has complied with the requirements of RSA 74, may, by March 1, following the date of notice of tax under RSA 76:1-a, and not afterwards, apply in writing on the form set out in paragraph III to the selectmen or assessors for an abatement of the tax. The municipality may charge the taxpayer a fee to cover the costs of the form required by paragraph III.

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

AMENDED ANALYSIS

This bill clarifies the authority of selectmen or assessors to abate property taxes or grant an abatement by application of the taxpayer.

HB 1285, relative to recommendations by the department of revenue administration regarding municipal fund balance retention. **INEXPEDIENT TO LEGISLATE.**

Rep. David A. Bickford for Municipal and County Government. This bill would task dept of revenue (DRA) with determining the appropriate level of municipal fund balance retention as opposed to the broad range of 5%-17%. DRA has offered to prepare a worksheet that would assist towns in understanding where they fall within the range. Therefore, the bill is not necessary at this time. Vote 16-0.

HB 1311, relative to the exemption period for the property tax exemption for water and air pollution control facilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Priscilla P. Lockwood for Municipal and County Government. This bill would restore the twenty-five year limit on the water and pollution control tax exemption. The problem is that it is not grand fathered and would present serious difficulties for most facilities. Businesses need to know what to expect for tax imposition. Vote 17-0.

HB 1350, relative to prior public hearings for acceptance of unanticipated funds. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Clyde J. Carson for Municipal and County Government. This bill raises the threshold requiring a public meeting prior to selectmen taking action on unanticipated funds from \$5,000 to \$10,000. The committee believes this is a reasonable update to the RSA, preserving public transparency to significant receipts of unanticipated funds. Vote 16-0.

Amendment (0701h)

Amend RSA 31:95-b, III as inserted by section 1 of the bill by replacing it with the following:

III.(a) For unanticipated moneys in the amount of [~~\$5,000~~] **\$10,000** or more, the selectmen or board of commissioners shall hold a prior public hearing on the action to be taken. Notice of the time, place, and subject of such hearing shall be published in a newspaper of general circulation in the relevant municipality at least 7 days before the hearing is held.

(b) The board of selectmen may establish the amount of unanticipated funds required for notice under this subparagraph, provided such amount is less than [~~\$5,000~~] **\$10,000**. For unanticipated moneys in an amount less than [~~\$5,000~~] **such amount**, the board of selectmen shall post notice of the funds in the agenda and shall include notice in the minutes of the board of selectmen meeting in which such moneys are discussed. The acceptance of unanticipated moneys under this subparagraph shall be made in public session of any regular board of selectmen meeting.

HB 1354, relative to municipal appropriations for certain capital projects. **INEXPEDIENT TO LEGISLATE.**

Rep. Bruce L. Tatro for Municipal and County Government. This bill would allow a municipality to appropriate funds for capitol projects. The mechanism to do this already exists in law. Vote 16-0.

HB 1458, authorizing towns and cities to establish special assessment districts. **REFER FOR INTERIM STUDY.**

Rep. Clyde J. Carson for Municipal and County Government. This bill enables towns to establish special assessment districts, as a means to finance public facilities and services. The use of special assessment districts would complement other financing tools, such as TIF districts, currently available to municipalities. The nature of the bill is complex and it was referred to a bi-partisan subcommittee for review. The subcommittee believes the concept has merit, but needs work before bringing it forward. We unanimously recommended to refer this bill to interim study. Vote 17-0.

HB 1466, relative to modification of a tax increment financing plan. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kathleen M. Stroud for Municipal and County Government. This bill requires that an increase in the amount of bonded indebtedness in a tax increment financing plan shall comply with the 10 percent limit of increases to appropriations recommended by the budget committee in towns under the municipal budget act. Vote 15-1.

Amendment (0649h)

Amend RSA 162-K:9, IV as inserted by section 1 of the bill by replacing it with the following:

IV. A tax increment financing plan may be ~~[modified provided such modification shall be approved]~~ **decreased or increased by vote of** the legislative body upon such notice and hearing and agreements as are required for approval of the original plan, **provided that in a town under the municipal budget act no increase shall be valid which would violate the provisions of RSA 32:18, except as provided in RSA 32:18-a.** Any modification shall maintain use of dedicated tax increments for retirement of bonds and notes as required.

AMENDED ANALYSIS

This bill requires that an increase in a tax increment financing plan shall comply with the 10 percent limit on increases to appropriations recommended by the budget committee in towns under the municipal budget act.

HB 1471-L, relative to the proration of payments in lieu of taxes for renewable generation facilities among school districts. **INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen M. Stroud for Municipal and County Government. This bill attempts to change the method of prorating the payments in lieu of taxes for renewable generation facilities among school districts. The committee concluded that the bill as written is poorly structured. This legislation was opposed by representatives of the City of Concord, the department of revenue administration, and the New Hampshire municipal association. Vote 15-0.

HB 1472, relative to equalized property valuation used to apportion expenses in cooperative and multi-town school districts. **INEXPEDIENT TO LEGISLATE.**

Rep. Bruce L. Tatro for Municipal and County Government. This bill would require cooperative school districts formed after April 1, 2014, and ALL towns with multiple school districts, to use the most recent equalized evaluation when apportioning expenses in the district. Municipal taxes might use a different evaluation. This bill is not enabling legislation and would require all towns with multiple school districts to change how they do business. The committee felt this was not fair for all. Vote 15-0.

HB 1549, relative to assessment of renewable generation facility property subject to a voluntary payment in lieu of taxes agreement. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Marjorie A. Porter for Municipal and County Government. This bill is one of several which came before us concerning payments in lieu of taxes (PILOTs), renewable generating facilities, and the DRA's equalized valuation of those facilities for tax purposes. In an effort to encourage the development of renewable generation facilities and to help reach the state's goal of obtaining 25% of our energy needs from renewable sources by 2025, the legislature enacted RSA 72:74 in 2006. This statute allows municipalities to enter into PILOT agreements with renewable generation facilities. At the same time, the legislature amended its equalization statute, RSA 21-J:3, XII to include these PILOT agreements. Unfortunately, and unintentionally, there is an inconsistency between the two statutes, which is having the effect of penalizing rather than rewarding communities for inviting renewable generation facilities into their town. Municipalities which had thought the new business in town would lower property taxes for its residents are actually seeing their tax rate increase. HB 1549 as amended resolves these unintended and unforeseen inconsistencies, allowing communities to reap the benefits they had anticipated. Vote 16-0.

Amendment (0705h)

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

1 Commissioner of Revenue Administration; Equalization of Property. Amend RSA 21-J:3, XIII to read as follows:

XIII. Equalize annually by May 1 the valuation of the property as assessed in the several towns, cities, and unincorporated places in the state including the value of property exempt pursuant to RSA 72:37, 72:37-b, 72:39-a, 72:62, 72:66, and 72:70, **and** property which is subject to tax relief under RSA 79-E:4, ~~[and property which is the subject of a payment in lieu of taxes under RSA 72:74]~~ by adding to or deducting from the aggregate valuation of the property in towns, cities, and unincorporated places such sums as will bring such valuations to the true and market value of the property, and by making such adjustments in the value of other property from which the towns, cities, and unincorporated places receive taxes or payments in lieu of taxes, **including renewable generation facility property subject to a payment in lieu of taxes agreement under RSA 72:74**, as may be equitable and just, so that any public taxes that may be apportioned among them shall be equal and just. In carrying out the duty to equalize the valuation of property, the commissioner shall follow the procedures set forth in RSA 21-J:9-a.

2 Payment in Lieu of Taxes for Renewable Generation Facilities. Amend RSA 72:74, II to read as follows:

II. A renewable generation facility subject to a voluntary agreement to make a payment in lieu of taxes under this section shall be subject to the laws governing the utility property tax under RSA 83-F. Payments made pursuant to such agreement shall satisfy any tax liability relative to the renewable generation facility

that otherwise exists under RSA 72. ***The payment in lieu of taxes shall be equalized under RSA 21-J:3, XIII in the same manner as other payments in lieu of taxes.*** In the absence of a payment in lieu of taxes agreement, the renewable generation facility shall be subject to taxation under RSA 72.

3 Appraisal of Taxable Property; Renewable Generation Facility PILOT. Amend RSA 75:1 to read as follows:

75:1 How Appraised. The selectmen shall appraise open space land pursuant to RSA 79-A:5, open space land with conservation restrictions pursuant to RSA 79-B:3, land with discretionary easements pursuant to RSA 79-C:7, residences on commercial or industrial zoned land pursuant to RSA 75:11, earth and excavations pursuant to RSA 72-B, land classified as land under qualifying farm structures pursuant to RSA 79-F, buildings and land appraised under RSA 79-G as qualifying historic buildings, residential rental property subject to a housing covenant under the low-income housing tax credit program pursuant to RSA 75:1-a, ***renewable generation facility property subject to a voluntary payment in lieu of taxes agreement under RSA 72:74 as determined under said agreement***, and all other taxable property at its market value. Market value means the property's full and true value as the same would be appraised in payment of a just debt due from a solvent debtor. The selectmen shall receive and consider all evidence that may be submitted to them relative to the value of property, the value of which cannot be determined by personal examination.

4 Applicability. The provisions of this act shall apply beginning with the property tax year ending March 31, 2015.

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

AMENDED ANALYSIS

This bill clarifies assessment of renewable generation facility property provided for in a voluntary payment in lieu of taxes agreement.

HB 1560-FN-L, prohibiting the use of funds received from a political subdivision of the state to lobby. **INEXPEDIENT TO LEGISLATE.**

Rep. David J. Danielson for Municipal and County Government. This bill requests that there be a prohibition on the use of municipal funds to lobby positions of interest to that municipality. Many municipal officials testify on pertinent issues when requested by elected officials. Others in volunteer position may testify with municipal officials/managers who have greater expertise on a new subject. The committee heard from police and school board associations who felt their voices of knowledge and expertise should be considered. The committee unanimously agreed with those who felt this information is of great value to the legislature and executive departments. Vote 17-0.

HB 1590-L, relative to payments in lieu of taxes for renewable generation facilities in unincorporated places. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Marjorie A. Porter for Municipal and County Government. This bill is one of several which came before us concerning payments in lieu of taxes (PILOTs), renewable generating facilities, and the DRA's equalized valuation of those facilities for tax purposes. Inconsistencies in current law have caused confusion. In the case of the unincorporated places of Millsfield and Dixville in Coos County, this confusion resulted in residents being faced with unexpected and astronomically high county tax bills this year. The bill as amended clears up the confusion, and fixes the tax problem. Vote 16-0.

Amendment (0732h)

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

AN ACT relative to the valuation of the Granite Reliable Power project in Coos county.

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

1 Coos County; Granite Reliable Power Project Valuation. For the duration of the current voluntary payment in lieu of taxes agreement under RSA 72:74 between the Granite Reliable Power project and Coos County, the valuation of the project for county tax purposes shall remain at \$113,000,000.

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

AMENDED ANALYSIS

This bill requires Coos county to maintain the valuation of the Granite Reliable Power project for county tax purposes at \$113,000,000 as long as the current payment in lieu of taxes agreement is in effect.

HB 1250, relative to security at state-owned park-and-ride facilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John A. Graham for Public Works and Highways. This bill, as amended by the committee, allows for high-resolution video surveillance at the nine state owned park and ride facilities where regularly scheduled transit service is provided. This is to safeguard our citizens and their property while on state property. It will afford them the same security we enjoy while parking at the Storrs Street garage. The amended bill states that the recording cannot be stored for more than 24 days. Under current law, a vehicle cannot be parked at a park and ride facility for more than 21 consecutive days. The amendment also provides that the same provisions will apply to similar future park and ride facilities and for signage indicating 24 hour video cameras are present. Vote 16-0.

Amendment (0765h)

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; Highway Surveillance Prohibited; Exceptions. Amend RSA 236:130 by inserting after subparagraph III(f) the following new subparagraph:

(g) Is undertaken for security and to facilitate law enforcement in the investigation of criminal activity at the state-owned park and ride facilities that provide regularly scheduled public transit service listed below. A video recording may only be retrieved from the department of transportation's transportation management center, subject to its availability. The storage of any video recording shall be limited by the storage capacity of the individual server at each facility. No video recording shall be stored longer than 24 days. Any video recordings requested and retrieved prior to expiration may only be used by the requesting party for a lawful purpose, including as evidence in a judicial or administrative proceeding, and shall be copied and retained by the department of transportation's transportation management center for no longer than 18 months from the date of the recording. The state-owned park and ride facilities which conduct video surveillance shall display signage indicating the presence of 24 hour video cameras.

- 1) 1-93 Exit 2 in Salem.
- 2) 1-93 Exit 4 in Londonderry.
- 3) 1-93 Exit 5 in Londonderry.
- 4) 1-93 Exit 14 in Concord.
- 5) 1-95 Exit 3 in Portsmouth.
- 6) Spaulding Turnpike Exit 9 in Dover.
- 7) Everett Turnpike Exit 8 in Nashua.
- 8) 1-89 Exit 12 in New London.
- 9) NH Route 101 Exit 7 in Epping.

10) Any future state-owned park and ride facilities that provide regularly scheduled public transit service.

HB 1374, repealing the priority status of the widening of I-93 from Manchester to the Massachusetts border in the state of New Hampshire 10 year transportation improvement plan. **REFER FOR INTERIM STUDY.** Rep. David B. Campbell for Public Works and Highways. The Interstate 93 widening project has been cited in New Hampshire statutes as a priority in New Hampshire's transportation construction since 2000. As of this writing, it is also \$250 million dollars underfunded. This bill proposes to eliminate I-93 as the top priority. The sponsors pointed out to the committee the obvious contradiction in the fact, that because of limited financial resources, the state's number one transportation priority is not fully funded. However, the committee received overwhelming testimony from the business and tourism industries that I-93 is the "main artery" to New Hampshire's economy transporting commerce, goods, commuters and tourists to and from the Granite State. It was also called the "spine" of the states transportation system, linking to other major highways such as NH Routes 101, 3/11, 4, 28, 104, and 302 and Interstates 89, 293 and 393; and to the airport in Manchester. Historically, it has been the highest traveled road in the state, carrying in excess of 6,000 trucks and 100,000 vehicles per day (and about 14% more traffic on summer weekends). I-93 is the highway used by 22 million New Hampshire commuters and 13 million out-of-state visitors each year. The committee voted unanimously to hold this bill for interim study as it considers limited funding options and priorities for Interstate 93 and the rest of the states highways and bridges, more properly, in this year's Ten Year Transportation Improvement Plan, HB 2014. Vote 17-0.

REGULAR CALENDAR - PART I

HJR 12, requesting that Anthem extend its coverage to include one hospital in every county in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. John B. Hunt for Commerce and Consumer Affairs. Although well intentioned, using county lines as a determination for hospital coverage does not make sense. Current laws already determine hospital networks' adequacy and the insurance department is working on updating the rules to insure no one has to drive too far for appropriate healthcare. Vote 17-1.

Rep. Irwin spoke against.

Rep. Butler spoke in favor.

Rep. Cloutier requested a roll call; sufficiently seconded.

YEAS 197 - NAYS 122

YEAS - 197

BELKNAP

Arsenault, Beth
Huot, David
Worsman, Colette

Fields, Dennis
Luther, Robert

Fink, Charles
Sylvia, Michael

Flanders, Donald
Vadney, Herbert

CARROLL

Ahlgren, Christopher
Lavender, Tom
White, Syndi

Butler, Edward
Schmidt, Stephen

Chandler, Gene
Ticehurst, Susan

Cordelli, Glenn
Umberger, Karen

CHESHIRE

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

Berch, Paul
Johnson, Jane
Roberts, Kris
Weber, Lucy

Butynski, William
Lerandeau, Alfred
Sad, Tara
Young, Harry

Eaton, Daniel
Ley, Douglas
Shepardson, Marjorie

COOS

Moynihan, Wayne

Thomas, Yvonne

GRAFTON

Aguiar, James
Brown, Rebecca
Friedrich, Carol
Mulholland, Catherine
Reilly, Harold

Almy, Susan
Cooney, Mary
Gionet, Edmond
Nordgren, Sharon
Smith, Suzanne

Bailey, Brad
Doolan, Ralph
Harding, Laurie
Pastor, Beatriz
White, Andrew

Benn, Bernard
Ford, Susan
Ladd, Rick
Piper, Wendy

HILLSBOROUGH

Barry, Richard
Brown, Pamela
Connor, Evelyn
Gage, Ruth
Goley, Jeffrey
Haefner, Robert
Heath, Mary
Jack, Martin
Kopka, Angeline
Long, Patrick
O'Flaherty, Tim
Porter, Marjorie
Sanborn, Laurie
Spratt, Stephen
Takesian, Charlene
Williams, Kermit

Beaulieu, Jane
Burt, John
Cote, David
Gagne, Larry
Grady, Brenda
Hammond, Jill
Heden, Ruth
Jasper, Shawn
Kurk, Neal
MacKay, Mariellen
Ober, Russell
Ramsey, Peter
Sandblade, Emily
Stroud, Kathleen
Vaillancourt, Steve
Winters, Joel

Belanger, James
Cebrowski, John
Daniels, Gary
Gale, Sylvia
Graham, John
Hansberry, Daniel
Hikel, John
Jeudy, Jean
LeBrun, Donald
Manley, Jonathan
Palmer, Stephen
Renzullo, Andrew
Schmidt, Janice
Sullivan, Daniel
Walsh, Robert

Boehm, Ralph
Chandley, Shannon
Eaton, Richard
Gargas, Carolyn
Hackel, Paul
Harriott-Gathright, Linda
Hinch, Richard
Knowles, Mary Ann
Levesque, Melanie
O'Brien, Michael
Pellegrino, Tony
Rowe, Robert
Shattuck, Gilman
Sullivan, Peter
Warden, Mark

MERRIMACK

Alicea, Caroletta
Davis, Frank
Gile, Mary
Hoell, J.R.
MacKay, James
Rice, Chip
Shurtleff, Stephen
Webb, Leigh

Bartlett, Christy
Frambach, Mary
Henle, Paul
Hunt, Jane
McGuire, Carol
Richardson, Gary
Smith, Todd

Burns, Scott
Frazer, June
Hess, David
Kotowski, Frank
Moffett, Howard
Schamberg, Thomas
Turcotte, Alan

Carson, Clyde
French, Barbara
Hirsch, Geoffrey
Lockwood, Priscilla
Mylar, Mel
Schuett, Dianne
Wallner, Mary Jane

ROCKINGHAM

Abrami, Patrick
Bishop, Franklin
Copeland, Timothy
Elliott, Robert
Flockhart, Eileen
Heffron, Frank
Muns, Chris
Schlachman, Donna
Tasker, Kyle

Andrews-Ahearn, E. Elaine
Borden, David
Cushing, Robert
Emerick, J. Tracy
Friel, William
Lovejoy, Patricia
Nigrello, Robert
Sedensky, John
Till, Mary

Belanger, Ronald
Briden, Steven
Danais, Romeo
Ferrante, Beverly
Garcia, Bianca
Major, Norman
Priestley, Anne
Sherman, Thomas
Wazlaw, Brian

Bick, Patrick
Chirichiello, Brian
Devine, James
Fesh, Robert
Hayes, Jack
McMahon, Charles
Rice, Frederick
Sytek, John
Whittemore, Lisa

STRAFFORD

Baber, William
Grassie, Anne
Mullen, John
Smith, Marjorie

Bixby, Peter
Kaen, Naida
Pitre, Joseph
Spainhower, Dale

Burke, Rachel
Malloy, Dennis
Rogers, Rose Marie
Verschueren, James

Gardner, Janice
Menear, H. Robert
Schmidt, Peter
Wall, Janet

NAYS - 122**BELKNAP**

Burchell, Richard
Greemore, Robert

Comtois, Guy
Gulick, Ruth

Cormier, Jane
Holmes, Stephen

DiMartino, Lisa
Tilton, Franklin

CARROLLCrawford, Karel
Wright, Donald

McConkey, Mark

Merrow, Harry

Nelson, Bill

CHESHIRE

Mann, John

Parkhurst, Henry

Robertson, Timothy

Weed, Charles

COOS

Hammon, Marcia

Richardson, Herbert

Rideout, Leon

GRAFTONHiggins, Patricia
Sykes, GeorgeLovett, Sid
Townsend, Charles

Massimilla, Linda

Shackett, Jeffrey

HILLSBOROUGHByron, Frank
DiSilvestro, Linda
Kelley, John
Martel, Andre
Notter, Jeanine
Parison, James
Vail, SuzanneChristiansen, Lars
Gidge, Kenneth
Lambert, George
McCarthy, Michael
O'Brien, William
Peterson, Lenette
Villeneuve, MoeCulbert, Patrick
Gorman, Mary
Mangipudi, Latha
Murotake, David
O'Neil, William
Souza, Kathleen
Willette, RobertDanielson, David
Hansen, Peter
Marston, Dick
Nelson, Mary
Ober, Lynne
Sweeney, Shawn
Woodbury, David**MERRIMACK**Andrews, Christopher
Kelly, Sally
Ratzki, Mario
Watrous, RickBouchard, Candace
Kidder, David
Rogers, KatherineCarey, Lorrie
McGuire, Dan
Walsh, ThomasEbel, Karen
Patten, Dick
Walz, Mary Beth**ROCKINGHAM**Allen, Mary
Cali-Pitts, Jacqueline
Dumaine, Dudley
Harris, Jeffrey
Lundgren, David
O'Connor, John
Sapareto, Frank
Waterhouse, KevinBaldasaro, Alfred
Comerford, Timothy
Gordon, Richard
Hodgdon, Bruce
Mann, Maureen
Peckham, Michele
Sweeney, Joe
Webb, JamesBirdsell, Regina
DeSimone, Debra
Griffin, Mary
Hoelzel, Kathleen
Milz, David
Perkins, Lawrence
Tucker, Pamela
Weyler, KennethCahill, Michael
Duarte, Joe
Hagan, Joseph
Kappler, Lawrence
Moody, Marcia
Sanders, Elisabeth
Ward, Gerald**STRAFFORD**Beaudoin, Steven
Hooper, Dorothea
Parsons, RobbieGray, James
Horrigan, Timothy
Perry, RobertGroen, Warren
Hubbard, Pamela
Spang, JudithGrossman, Kenneth
Jones, Laura
Stevens, Audrey**SULLIVAN**Cloutier, John
Irwin, Virginia
Schmidt, AndrewGagnon, Raymond
O'Hearne, Andrew
Smith, StevenGottling, Suzanne
Osgood, Joe
Sweeney, CynthiaGrenier, James
Rollins, Skip
Tanner, Linda

and the committee report was adopted.

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

HB 1307, prohibiting the state and political subdivisions from acquiring military-equipped vehicles or equipment which are not readily available in an open national commercial market. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy M. Weber for the Majority of Executive Departments and Administration. HB 1307, as introduced, would have prohibited all state agencies or political subdivisions except the national guard from acquiring any military – equipped vehicle, military grade hardware, or title II weapons unless the equipment or weapons are readily available in an open national commercial market. The adjutant general was required to notify the state attorney general of any breach of the new statute. We had testimony from Major General Bill Reddel of the NH Army and Air National Guard, opposing the bill on the grounds that it would be impossible for him to carry out his duties under the proposed statute. The majority of the committee opposed the bill both because it is unworkable, and because this should be a matter for local decision making. The proposed amendment returned some measure of local control by allowing acquisition if approved by a majority vote of the legislative body at a regular or special meeting. The amendment would have required the adjutant general to be notified of all purchases under the new law, but left it unclear as to why the adjutant general needed to be notified, as the adjutant general was no longer required to report violations to the attorney general. Even with the proposed amendment, the majority of the committee believe that this bill is unworkable and unnecessary. Vote 11-8.

Rep. Calvin D. Pratt for the Minority of Executive Departments and Administration. The committee heard that there is a growing number of communities that are accepting military equipment that is designed for the battlefield. The equipment includes such items as armored personnel carriers and fully automatic firearms. The citizens have expressed through numerous petitions that they are uncomfortable with this armament of the police force. The increase in “no-knock” searches is also on the rise and this equipment could lead to an escalation of tensions and potentially lead to more danger for the patrol officers. Furthermore, the equipment has not been designed for use in the towns and cities of New Hampshire; the equipment was designed to be used on the battlefield. Lastly, this is a very inefficient use of taxpayer funds as this equipment requires special service, and the parts are more expensive than the commercial-off-the-shelf equipment that is already in use by the police force. Two groups raised concerns, one of local control and one of the obligations of the National Guard to report on these acquisitions that have been addressed in a minority amendment. The amendment will allow local political subdivisions to purchase military-equipped vehicles or other similar equipment after approval by that subdivision’s voters. The amendment also satisfies the National Guard reporting concern.

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

Reps. Weber and Daniel Eaton spoke in favor and yielded to questions.

Rep. Vaillancourt spoke against.

Rep. Hoell spoke against, yielded to questions and requested a roll call; sufficiently seconded.

YEAS 195 - NAYS 138

YEAS - 195

BELKNAP

Arsenault, Beth
Huot, David

DiMartino, Lisa
Tilton, Franklin

Flanders, Donald

Gulick, Ruth

CARROLL

Ahlgren, Christopher
Crawford, Karel
Umberger, Karen

Buco, Thomas
Lavender, Tom

Butler, Edward
Morrow, Harry

Chandler, Gene
Ticehurst, Susan

CHESHIRE

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

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

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

Chase, Cynthia
Ley, Douglas
Tatro, Bruce

COOS

Hammon, Marcia
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

Theberge, Robert

GRAFTON

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

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

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

Cooney, Mary
Ladd, Rick
Nordgren, Sharon
Shackett, Jeffrey
White, Andrew

HILLSBOROUGH

Barry, Richard
Campbell, David
Cote, David
Gage, Ruth
Gorman, Mary
Haefner, Robert
Heath, Mary
Judy, Jean
Leishman, Peter
Mangipudi, Latha
O'Neil, William
Shaw, Barbara
Vail, Suzanne

Beaulieu, Jane
Chandley, Shannon
Culbert, Patrick
Gale, Sylvia
Grady, Brenda
Hammond, Jill
Heden, Ruth
Kelley, John
Levesque, Melanie
Manley, Jonathan
Ramsey, Peter
Spratt, Stephen
Walsh, Robert

Booras, Efstathia
Christiansen, Lars
DiSilvestro, Linda
Gidge, Kenneth
Graham, John
Hansberry, Daniel
Jack, Martin
Knowles, Mary Ann
Long, Patrick
Nelson, Mary
Rowe, Robert
Sullivan, Daniel
Williams, Kermit

Brown, Pamela
Connor, Evelyn
Eaton, Richard
Goley, Jeffrey
Hackel, Paul
Harriott-Gathright, Linda
Jasper, Shawn
Kopka, Angeline
MacKay, Mariellen
O'Brien, Michael
Schmidt, Janice
Sullivan, Peter
Woodbury, David

MERRIMACK

Alicea, Caroletta
Burns, Scott
Ebel, Karen
Gile, Mary
Hunt, Jane

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Henle, Paul
Kelly, Sally

Bartlett, Christy
Carson, Clyde
Frazer, June
Hess, David
Kidder, David

Bouchard, Candace
Davis, Frank
French, Barbara
Hirsch, Geoffrey
Lockwood, Priscilla

MacKay, James
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

Patten, Dick
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

ROCKINGHAM

Abrami, Patrick
Briden, Steven
Cushing, Robert
Flockhart, Eileen
Moody, Marcia
Sytek, John

Andrews-Ahearn, E. Elaine
Cahill, Michael
Devine, James
Friel, William
Muns, Chris
Ward, Gerald

Belanger, Ronald
Cali-Pitts, Jacqueline
Dumaine, Dudley
Hayes, Jack
Schlachman, Donna
Waterhouse, Kevin

Borden, David
Copeland, Timothy
Emerson-Brown, Rebecca
Lovejoy, Patricia
Sherman, Thomas
Wazlaw, Brian

STRAFFORD

Baber, William
Grossman, Kenneth
Kaen, Naida
Perry, Robert
Spainhower, Dale
Wall, Janet

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

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

Grassie, Anne
Hubbard, Pamela
Mullen, John
Smith, Marjorie
Verschueren, James

SULLIVAN

Cloutier, John
O'Hearne, Andrew

Gagnon, Raymond
Smith, Steven

Gottling, Suzanne
Sweeney, Cynthia

Irwin, Virginia
Tanner, Linda

NAYS - 138

BELKNAP

Burchell, Richard
Fink, Charles
Sylvia, Michael

Comtois, Guy
Greemore, Robert
Vadney, Herbert

Cormier, Jane
Holmes, Stephen
Worsman, Colette

Fields, Dennis
Luther, Robert

CARROLL

Cordelli, Glenn
White, Syndi

McConkey, Mark
Wright, Donald

Nelson, Bill

Schmidt, Stephen

CHESHIRE

Johnson, Jane
Robertson, Timothy

Mann, John

Parkhurst, Henry

Phillips, Larry

COOS

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Gionet, Edmond

Brown, Rebecca

Doolan, Ralph

Friedrich, Carol

HILLSBOROUGH

Belanger, James
Cebrowski, John
Gargas, Carolyn
Kurk, Neal
Martel, Andre
Murphy, Keith
Ober, Lynne
Pellegrino, Tony
Sandblade, Emily
Sweeney, Shawn
Villeneuve, Moe

Boehm, Ralph
Daniels, Gary
Hansen, Peter
Lambert, George
McCarthy, Michael
Notter, Jeanine
Ober, Russell
Peterson, Lenette
Shattuck, Gilman
Takesian, Charlene
Warden, Mark

Burt, John
Danielson, David
Hikel, John
LeBrun, Donald
Murotake, David
O'Brien, William
Palmer, Stephen
Renzullo, Andrew
Souza, Kathleen
Ulery, Jordan
Willette, Robert

Byron, Frank
Gagne, Larry
Hinch, Richard
Marston, Dick
Murphy, Kelleigh
O'Flaherty, Tim
Parison, James
Sanborn, Laurie
Stroud, Kathleen
Vaillancourt, Steve
Winters, Joel

MERRIMACK

Hoell, J.R.
Moffett, Howard

Kotowski, Frank
Smith, Todd

McGuire, Carol
Walsh, Thomas

McGuire, Dan

ROCKINGHAM

Allen, Mary
Bishop, Franklin
DeSimone, Debra
Ferrante, Beverly
Griffin, Mary
Hodgdon, Bruce
Lundgren, David

Baldasaro, Alfred
Chirichiello, Brian
Duarte, Joe
Fesh, Robert
Hagan, Joseph
Hoelzel, Kathleen
Major, Norman

Bick, Patrick
Comerford, Timothy
Elliott, Robert
Garcia, Bianca
Harris, Jeffrey
Itse, Daniel
Mann, Maureen

Birdsell, Regina
Dana, Romeo
Emerick, J. Tracy
Gordon, Richard
Heffron, Frank
Kappler, Lawrence
McMahon, Charles

Milz, David
Perkins, Lawrence
Sapareto, Frank
Tasker, Kyle
Weyler, Kenneth

Nigrello, Robert
Priestley, Anne
Schroadter, Adam
Till, Mary
Whittemore, Lisa

O'Connor, John
Rice, Frederick
Sedensky, John
Tucker, Pamela

Peckham, Michele
Sanders, Elisabeth
Sweeney, Joe
Webb, James

STRAFFORD

Beaudoin, Steven
Groen, Warren

Bickford, David
Jones, Laura

Burke, Rachel
Parsons, Robbie

Gray, James
Pitre, Joseph

SULLIVAN

Grenier, James

Osgood, Joe

Rollins, Skip

Schmidt, Andrew

and the majority committee report was adopted.

HB 1411-FN-A, relative to restoring moneys to the department of health and human services. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Stephen P. Spratt for the Majority of Finance. This bill addresses the shortfall caused by back of the budget cuts to DHHS in the amount of 7 million dollars. In testimony, the Finance Committee heard that DHHS is facing an approximate \$36 million general fund shortfall as strong demand for services continue. Additionally we heard testimony that program cuts would affect CHINS, ServiceLink and the DD system among others. While the \$7 million would not eliminate the \$36 million shortfall, it would make a significant impact on DHHS's ability to provide essential services supported by the House and wanted by New Hampshire's citizens. The amended bill additionally provides \$8.3 million to the rainy day fund, nearly doubling the existing fund balance. The majority of the committee believes this bill as amended creates a win-win scenario by funding services that the House has already committed to provide and which the public wants, while substantially increasing the fund balance in the rainy day fund. Vote 13-10.

Rep. Neal M. Kurk for the Minority of Finance. The minority believes that this bill is bad public policy. First, it reopens the 2014/2015 budget, contrary to long-standing House practice, by increasing appropriations to the department of health and human services by \$7 million. The state budget covers a two-year period and is the result of difficult compromises. Reopening it for one agency's problems invites reopening it for every other agency and program. Second, this bill spends part of the surplus from the 2012/2013 state budget, thus decreasing the amount that would otherwise go into the rainy day fund. According to the state treasurer, the fund should be at about \$70 million. Today it has \$9 million. Without this bill, the fund would be at \$24 million. With this bill, the fund will be at \$15 million. This is imprudent management of the state's finances.

Majority Amendment (0324h)

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

AN ACT relative to restoring moneys to the department of health and human services and depositing the balance of the surplus into the revenue stabilization reserve account.

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

2 Transfer of Surplus to Revenue Stabilization Reserve Account. The state treasurer shall transfer to the revenue stabilization reserve account, established in RSA 9:13-e, an amount equal to any surplus greater than \$64,000,000 for the fiscal year ending June 30, 2013 as determined by the official audit performed pursuant to RSA 21-I:8, II(a).

Majority committee amendment adopted.

Rep. Chandler offered floor amendment (1024h).

Floor Amendment (1024h)

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

AN ACT transferring surplus revenues to the revenue stabilization reserve account.

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

1 Transfer of Surplus to Revenue Stabilization Reserve Account. Notwithstanding RSA 9:13-e, II, and upon completion of the official audit performed pursuant to RSA 21-I:18, II(a) for the fiscal year ending June 30, 2014, the state treasurer shall transfer \$15,300,000 to the revenue stabilization reserve account, established in RSA 9:13-e.

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

AMENDED ANALYSIS

This bill requires the state treasurer to transfer budget surplus moneys to the revenue stabilization reserve account.

Rep. Kurk spoke in favor.

Rep. Spratt spoke against.

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

YEAS 157 - NAYS 172**YEAS - 157****BELKNAP**

Burchell, Richard
Flanders, Donald
Sylvia, Michael

Comtois, Guy
Greemore, Robert
Tilton, Franklin

Cormier, Jane
Holmes, Stephen
Vadney, Herbert

Fields, Dennis
Luther, Robert
Worsman, Colette

CARROLL

Ahlgren, Christopher
McConkey, Mark
Umberger, Karen

Chandler, Gene
Morrow, Harry
Wright, Donald

Cordelli, Glenn
Nelson, Bill

Crawford, Karel
Schmidt, Stephen

CHESHIRE

Johnson, Jane

Roberts, Kris

Sad, Tara

COOS

Richardson, Herbert

Rideout, Leon

Theberge, Robert

GRAFTON

Bailey, Brad
Harding, Laurie

Brown, Rebecca
Ladd, Rick

Doolan, Ralph
Reilly, Harold

Gionet, Edmond
Shackett, Jeffrey

HILLSBOROUGH

Barry, Richard
Byron, Frank
Daniels, Gary
Gorman, Mary
Hikel, John
LeBrun, Donald
Murotake, David
O'Brien, William
Palmer, Stephen
Renzullo, Andrew
Stroud, Kathleen
Villeneuve, Moe

Belanger, James
Cebrowski, John
Danielson, David
Graham, John
Hinch, Richard
Marston, Dick
Murphy, Kelleigh
O'Flaherty, Tim
Parison, James
Rowe, Robert
Sweeney, Shawn
Warden, Mark

Boehm, Ralph
Christiansen, Lars
Gagne, Larry
Haefner, Robert
Jasper, Shawn
Martel, Andre
Murphy, Keith
Ober, Lynne
Pellegrino, Tony
Sanborn, Laurie
Ulery, Jordan
Willette, Robert

Burt, John
Culbert, Patrick
Gargas, Carolyn
Hansen, Peter
Kurk, Neal
McCarthy, Michael
Notter, Jeanine
Ober, Russell
Peterson, Lenette
Sandblade, Emily
Vaillancourt, Steve
Winters, Joel

MERRIMACK

Andrews, Christopher
Kidder, David
Ratzki, Mario

Ebel, Karen
Kotowski, Frank
Schamberg, Thomas

Hess, David
Lockwood, Priscilla
Walsh, Thomas

Hoell, J.R.
McGuire, Carol

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Danais, Romeo
Dumaine, Dudley
Fesh, Robert
Grace, Curtis
Hayes, Jack
Kappler, Lawrence
Nigrello, Robert
Priestley, Anne
Schroadter, Adam
Tucker, Pamela
Weyler, Kenneth

Allen, Mary
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Friel, William
Griffin, Mary
Hodgdon, Bruce
Lundgren, David
O'Connor, John
Rice, Frederick
Sedensky, John
Waterhouse, Kevin

Baldasaro, Alfred
Comerford, Timothy
Devine, James
Emerick, J. Tracy
Garcia, Bianca
Hagan, Joseph
Hoelzel, Kathleen
Major, Norman
Peckham, Michele
Sanders, Elisabeth
Sweeney, Joe
Wazlaw, Brian

Bick, Patrick
Copeland, Timothy
Duarte, Joe
Ferrante, Beverly
Gordon, Richard
Harris, Jeffrey
Itse, Daniel
Milz, David
Perkins, Lawrence
Sapareto, Frank
Till, Mary
Webb, James

STRAFFORD

Beaudoin, Steven
Jones, Laura

Bickford, David
Mullen, John

Gray, James
Parsons, Robbie

Groen, Warren
Pitre, Joseph

SULLIVAN

Cloutier, John
Smith, Steven

Grenier, James

Osgood, Joe

Rollins, Skip

NAYS - 172**BELKNAP**

Arsenault, Beth

DiMartino, Lisa

Gulick, Ruth

Huot, David

CARROLL

Buco, Thomas
White, Syndi

Butler, Edward

Lavender, Tom

Ticehurst, Susan

CHESHIRE

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

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

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

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

COOS

Hammon, Marcia

Hatch, William

Moynihan, Wayne

Thomas, Yvonne

GRAFTON

Aguiar, James
Ford, Susan
Massimilla, Linda
Piper, Wendy
White, Andrew

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

Benn, Bernard
Higgins, Patricia
Nordgren, Sharon
Sykes, George

Cooney, Mary
Lovett, Sid
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Campbell, David
DiSilvestro, Linda
Gidge, Kenneth
Hammond, Jill
Heden, Ruth
Knowles, Mary Ann
Levesque, Melanie
Manley, Jonathan
Ramsey, Peter
Shaw, Barbara
Takesian, Charlene
Woodbury, David

Beaulieu, Jane
Chandley, Shannon
Eaton, Richard
Goley, Jeffrey
Hansberry, Daniel
Jack, Martin
Kopka, Angeline
Long, Patrick
Nelson, Mary
Rokas, Ted
Spratt, Stephen
Vail, Suzanne

Booras, Efstathia
Connor, Evelyn
Gage, Ruth
Grady, Brenda
Harriott-Gathright, Linda
Jeady, Jean
Lambert, George
MacKay, Mariellen
O'Brien, Michael
Schmidt, Janice
Sullivan, Daniel
Walsh, Robert

Brown, Pamela
Cote, David
Gale, Sylvia
Hackel, Paul
Heath, Mary
Kelley, John
Leishman, Peter
Mangipudi, Latha
O'Neil, William
Shattuck, Gilman
Sullivan, Peter
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Carey, Lorrie
Frazer, June
Hunt, Jane
Myler, Mel
Rogers, Katherine
Wallner, Mary Jane

Bartlett, Christy
Carson, Clyde
French, Barbara
Kelly, Sally
Patten, Dick
Schuett, Dianne
Walz, Mary Beth

Bouchard, Candace
Davis, Frank
Henle, Paul
MacKay, James
Rice, Chip
Shurtleff, Stephen
Watrous, Rick

Burns, Scott
Frambach, Mary
Hirsch, Geoffrey
Moffett, Howard
Richardson, Gary
Turcotte, Alan
Webb, Leigh

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cahill, Michael
Flockhart, Eileen
McMahon, Charles
Sherman, Thomas

Belanger, Ronald
Cali-Pitts, Jacqueline
Heffron, Frank
Moody, Marcia
Sytek, John

Borden, David
Cushing, Robert
Lovejoy, Patricia
Muns, Chris
Ward, Gerald

Briden, Steven
Emerson-Brown, Rebecca
Mann, Maureen
Schlachman, Donna
Whittemore, Lisa

STRAFFORD

Baber, William
Grassie, Anne
Hubbard, Pamela
Menear, H. Robert
Smith, Marjorie
Verschuereen, James

Bixby, Peter
Grossman, Kenneth
Kaen, Naida
Perry, Robert
Spainhower, Dale
Wall, Janet

Burke, Rachel
Hooper, Dorothea
Ketel, Stephen
Rogers, Rose Marie
Spang, Judith

Gardner, Janice
Horriggan, Timothy
Malloy, Dennis
Schmidt, Peter
Stevens, Audrey

SULLIVAN

Gagnon, Raymond
Schmidt, Andrew

Gottling, Suzanne
Tanner, Linda

Irwin, Virginia

O'Hearne, Andrew

and floor amendment (1024h) failed.

Reps. Cloutier, Harding and Sad voted Yea and intended to vote Nay.

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

Rep. Kurk spoke against and yielded to questions.

Rep. Joe Sweeney spoke against.

Rep. Spratt spoke in favor and yielded to questions.

Rep. Daniels requested a roll call; sufficiently seconded.

YEAS 185 - NAYS 153**YEAS - 185****BELKNAP**

Arsenault, Beth
Raymond, Ian

DiMartino, Lisa

Gulick, Ruth

Huot, David

CARROLL

Buco, Thomas
White, Syndi

Butler, Edward

Lavender, Tom

Ticehurst, Susan

CHESHIRE

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

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

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

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

COOS

Hammon, Marcia
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

Theberge, Robert

GRAFTON

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

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

Benn, Bernard
Friedrich, Carol
Massimilla, Linda
Piper, Wendy
White, Andrew

Brown, Rebecca
Harding, Laurie
Mulholland, Catherine
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Campbell, David
DiSilvestro, Linda
Gargas, Carolyn
Grady, Brenda
Harriott-Gathright, Linda
Judy, Jean
Leishman, Peter
Mangipudi, Latha
O'Neil, William
Schmidt, Janice
Sullivan, Daniel
Walsh, Robert

Beaulieu, Jane
Chandley, Shannon
Eaton, Richard
Gidge, Kenneth
Hackel, Paul
Heath, Mary
Kelley, John
Levesque, Melanie
Manley, Jonathan
Porter, Marjorie
Shattuck, Gilman
Sullivan, Peter
Williams, Kermit

Booras, Efstathia
Connor, Evelyn
Gage, Ruth
Goley, Jeffrey
Hammond, Jill
Heden, Ruth
Knowles, Mary Ann
Long, Patrick
Nelson, Mary
Ramsey, Peter
Shaw, Barbara
Takesian, Charlene
Woodbury, David

Brown, Pamela
Cote, David
Gale, Sylvia
Gorman, Mary
Hansberry, Daniel
Jack, Martin
Kopka, Angeline
MacKay, Mariellen
O'Brien, Michael
Rokas, Ted
Spratt, Stephen
Vail, Suzanne

MERRIMACK

Alicea, Caroletta
Burns, Scott
Frambach, Mary
Henle, Paul
MacKay, James
Rice, Chip
Shurtleff, Stephen
Watrous, Rick

Andrews, Christopher
Carey, Lorrie
Frazer, June
Hirsch, Geoffrey
Moffett, Howard
Richardson, Gary
Turcotte, Alan
Webb, Leigh

Bartlett, Christy
Carson, Clyde
French, Barbara
Hunt, Jane
Myler, Mel
Rogers, Katherine
Wallner, Mary Jane

Bouchard, Candace
Davis, Frank
Gile, Mary
Kelly, Sally
Patten, Dick
Schuett, Dianne
Walz, Mary Beth

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cahill, Michael
Emerson-Brown, Rebecca
Mann, Maureen
Schlachman, Donna
Wazlaw, Brian

Belanger, Ronald
Cali-Pitts, Jacqueline
Flockhart, Eileen
McMahon, Charles
Sherman, Thomas
Whittemore, Lisa

Borden, David
Cushing, Robert
Heffron, Frank
Moody, Marcia
Till, Mary

Briden, Steven
DeSimone, Debra
Lovejoy, Patricia
Muns, Chris
Ward, Gerald

STRAFFORD

Baber, William
Grassie, Anne
Hubbard, Pamela
Menear, H. Robert
Smith, Marjorie
Verschuieren, James

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

Bixby, Peter
Hooper, Dorothea
Ketel, Stephen
Rogers, Rose Marie
Spang, Judith

Burke, Rachel
Horrigan, Timothy
Malloy, Dennis
Schmidt, Peter
Stevens, Audrey

SULLIVAN

Cloutier, John
O'Hearne, Andrew

Gagnon, Raymond
Schmidt, Andrew

Gottling, Suzanne
Sweeney, Cynthia

Irwin, Virginia
Tanner, Linda

NAYS - 153**BELKNAP**

Burchell, Richard
Fink, Charles
Luther, Robert
Worsman, Colette

Comtois, Guy
Flanders, Donald
Sylvia, Michael

Cormier, Jane
Greemore, Robert
Tilton, Franklin

Fields, Dennis
Holmes, Stephen
Vadney, Herbert

CARROLL

Ahlgren, Christopher
McConkey, Mark
Umberger, Karen

Chandler, Gene
Merrow, Harry
Wright, Donald

Cordelli, Glenn
Nelson, Bill

Crawford, Karel
Schmidt, Stephen

CHESHIRE

Johnson, Jane

Roberts, Kris

COOS

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Reilly, Harold

Doolan, Ralph
Shackett, Jeffrey

Gionet, Edmond

Ladd, Rick

HILLSBOROUGH

Barry, Richard
Byron, Frank
Daniels, Gary
Haefner, Robert
Jasper, Shawn
Marston, Dick
Murphy, Kelleigh
O'Flaherty, Tim
Parison, James
Rowe, Robert
Stroud, Kathleen
Villeneuve, Moe

Belanger, James
Cebrowski, John
Danielson, David
Hansen, Peter
Kurk, Neal
Martel, Andre
Murphy, Keith
Ober, Lynne
Pellegrino, Tony
Sanborn, Laurie
Sweeney, Shawn
Warden, Mark

Boehm, Ralph
Christiansen, Lars
Gagne, Larry
Hikel, John
Lambert, George
McCarthy, Michael
Notter, Jeanine
Ober, Russell
Peterson, Lenette
Sandblade, Emily
Ulery, Jordan
Willette, Robert

Burt, John
Culbert, Patrick
Graham, John
Hinch, Richard
LeBrun, Donald
Murotake, David
O'Brien, William
Palmer, Stephen
Renzullo, Andrew
Souza, Kathleen
Vaillancourt, Steve
Winters, Joel

MERRIMACK

Ebel, Karen
Lockwood, Priscilla
Schamberg, Thomas

Hess, David
McGuire, Carol
Smith, Todd

Kidder, David
McGuire, Dan
Walsh, Thomas

Kotowski, Frank
Ratzki, Mario

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Copeland, Timothy
Dumaine, Dudley
Fesh, Robert
Grace, Curtis
Hayes, Jack
Kappler, Lawrence
Nigrello, Robert
Priestley, Anne
Schroadter, Adam
Tasker, Kyle
Weyler, Kenneth

Allen, Mary
Bishop, Franklin
Danaïs, Romeo
Elliott, Robert
Friel, William
Griffin, Mary
Hodgdon, Bruce
Lundgren, David
O'Connor, John
Rice, Frederick
Sedensky, John
Tucker, Pamela

Baldasaro, Alfred
Chirichiello, Brian
Devine, James
Emerick, J. Tracy
Garcia, Bianca
Hagan, Joseph
Hoelzel, Kathleen
Major, Norman
Peckham, Michele
Sanders, Elisabeth
Sweeney, Joe
Waterhouse, Kevin

Bick, Patrick
Comerford, Timothy
Duarte, Joe
Ferrante, Beverly
Gordon, Richard
Harris, Jeffrey
Itse, Daniel
Milz, David
Perkins, Lawrence
Sapareto, Frank
Sytek, John
Webb, James

STRAFFORD

Beaudoin, Steven
Jones, Laura

Gardner, Janice
Mullen, John

Gray, James
Parsons, Robbie

Groen, Warren
Pitre, Joseph

SULLIVAN

Grenier, James

Osgood, Joe

Rollins, Skip

Smith, Steven

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

REGULAR CALENDAR – PART II

HB 1343, relative to guardian ad litem fees and complaints. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patrick T. Long for Children and Family Law. This bill addresses the issue of guardians ad litem exceeding the maximum fee or incurring additional fees after the initial order. The amendment adds into statute a requirement for pre-approval by the presiding officer with notification to the parties of the possibility of exceeding the fee. Vote 16-0.

Amendment (0722h)

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

AN ACT relative to guardian ad litem fees.

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

1 New Paragraph; Guardian Ad Litem Services; Cost and Fee Structure. Amend RSA 490:26-f by inserting after paragraph V the following new paragraph:

VI. Whenever a guardian ad litem is appointed pursuant to statutory authority or court order, the guardian ad litem may exceed the maximum fee for the appointment, or additional fees may be authorized, only with the prior approval of the presiding officer and when all parties have been notified.

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

AMENDED ANALYSIS

This bill permits a guardian ad litem to exceed the maximum fee for the appointment only if the guardian ad litem receives prior approval of the presiding officer and the parties are notified.

On a division vote, 316 members having voted in the affirmative and 15 in the negative, the committee amendment was adopted.

Committee report adopted and ordered to third reading.

HB 1242-FN, relative to deductibles, coinsurance, and out-of-pocket maximums under health insurance policies.

MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.

Rep. Donna L. Schlachman for the Majority of Commerce and Consumer Affairs. This bill addresses an issue that arises when individuals change their health plan within the same carrier, or change health insurance carriers, and there is a misalignment between the end date and start date of the policies with regard to out-of-pocket deductible and cost-sharing expenses. Currently, it is possible for someone to have met their deductible under their old policy and then, within one 12-month period, incur another deductible under their new policy. The bill protects consumers from this double jeopardy by requiring that carriers give credit back from 12 months before the end of the new policy so that the insured individual is not responsible for more than the deductible or cost-sharing maximums include under the new policy within a 12-month period. Vote 9-5.

Rep. John B. Hunt for the Minority of Commerce and Consumer Affairs. This bill had multiple meetings and amendments literally up to the last day. HB 1242 is a mandate on health insurance companies for credits for consumers who change policies in the middle of the year. The problem being solved is rare and will not be a problem in the future under the new Federal ACA law because all plans must be on a calendar year. The insurance companies were unanimous in their concern that this new mandate will set an unfair precedent for them and all the attempts to address the fairness to the consumers and the companies kept generating new amendments but still did not fairly address some of the underlying unfairness. Given the problems, the minority feels that rather sending this bill on, more study is necessary.

Majority Amendment (0896h)

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

1 New Section; Insurance; Individual; Yearly Cost Sharing. Amend RSA 415 by inserting after section 6-r the following new section:

415:6-s Credit for Cost Sharing. Each insurer that issues or renews any individual policy, plan, or contract of health insurance that constitutes health coverage, shall credit insured members who maintain continuous coverage, for member cost sharing made during the prior policy period when the new policy is for fewer than 12 months. Credit shall apply to the annual policy deductible, coinsurance, or annual out-of-pocket maximum stated in the new policy. Credit shall be given for cost sharing paid and applied to claims with a date of service within 12 months prior to the termination date of the new policy. This section shall apply regardless of whether the covered member changes carriers, or moves from the group market or self-funded market to the individual market. Credit shall be provided for covered health care services that require cost sharing under the new policy. Nothing in this section shall be construed to require carriers to adopt a 12-month rolling cost sharing cycle.

2 New Section; Insurance; Group; Yearly Cost Sharing. Amend RSA 415 by inserting after section 18-w the following new section:

415:18-x Credit for Cost Sharing. Each insurer that issues or renews any group policy, plan, or contract of health insurance that constitutes health coverage, shall credit insured members who maintain continuous coverage, for member cost sharing made during the prior policy period when the new policy is for fewer than 12 months. Credit shall apply to the annual policy deductible, coinsurance, or annual out-of-pocket maximum stated in the new policy. Credit shall be given for cost sharing paid and applied to claims with a date of service within 12 months prior to the termination date of the new policy. This section shall apply regardless of whether the covered member changes carriers, or moves from the self-funded market to the group market. Credit shall be provided for covered health care services that require cost sharing under the new policy. Nothing in this section shall be construed to require carriers to adopt a 12-month rolling cost sharing cycle.

Amend the bill by inserting after section 2 the following and renumbering the original sections 3-5 to read as 4-6, respectively:

3 Applicability. This act shall take effect for policies effective on or after January 1, 2015, and carriers shall apply credit for member cost sharing payments made up to 11 months prior to this date.

AMENDED ANALYSIS

This bill requires insurers issuing accident and health insurance policies to credit insured members who maintain continuous coverage, for member cost sharing made during the prior policy period when the new policy is for fewer than 12 months.

MOTION TO SPECIAL ORDER

Rep. Butler moved that **HB 1242-FN**, relative to deductibles, coinsurance, and out-of-pocket maximums under health insurance policies, be made a Special Order as the first order of business for the Session of Thursday, March 20, 2014.

Adopted.

REGULAR CALENDAR – PART II (CONT'D)

HB 1328-FN, relative to licensure of insurance exchange navigators. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Emily C. Sandblade for the Majority of Commerce and Consumer Affairs. Health care navigators work with vulnerable populations and have access to confidential data including Social Security numbers, financial information and health records. The affordable care act (ACA) originally set requirements for background checks for health care navigators, but the requirements were omitted in the final version of the ACA due to concerns about the amount of time needed to set up such checks. New Hampshire already has qualification and background checks for both insurance and medical professionals who handle the same types of confidential information that health care navigators handle. Those checks limit the potential for damage to health care consumers by excluding known felons from navigator roles. Nineteen states have implemented background checks before or after navigators start work; as many as one in seven applicants turned up in the FBI's criminal database for charges such as domestic violence, larceny, and child abuse. It is in the best interest of New Hampshire residents for the legislature to limit the damage from known bad actors and join the increasing number of states that have instituted thoughtful controls to protect their constituents. The current funding for health care navigators runs out in a few months, and it is not known at this time if funding will be renewed. In light of the seriousness of this issue, this bill should be sent to interim study in case the funding is renewed. New Hampshire residents deserve the same quality and safety that state law provides for in the insurance and medical professions. Vote 11-7.

Rep. Chris Muns for the Minority of Commerce and Consumer Affairs. The Minority believes that "you cannot have your cake and eat it too." In 2012, the legislature made it illegal for the State of New Hampshire to operate a state based healthcare marketplace exchange under the Affordable Care Act (ACA). In doing that, the legislature made a deliberate decision to accept the federally administered healthcare marketplace exchange. Navigators were established under the ACA to provide guidance and assistance to the people who are eligible to purchase healthcare through an exchange. Federal law provides that states with a state based exchange not only have the right but the duty to oversee and regulate the navigators who are assisting citizens in their state who enroll on their state based exchange. However, those laws are also clear that the federal government has the responsibility to regulate navigators assisting people who are enrolling on the federally-facilitated exchange and limits the role of states in regulating navigators in federal exchanges. A federal court considering a challenge to a Missouri navigator law, in fact, held that states with federally-facilitated exchanges cannot impose any additional rules on navigators. That being the case, the minority believes that if the sponsors of this bill are concerned about the activities of navigators in the state of New Hampshire, then it would have been more appropriate to include in this bill language to repeal the current prohibition on a state based exchange. Absent that, the minority believes that any further consideration of this bill is counterproductive and as such, the bill should be ruled as Inexpedient to legislate.

Majority committee report adopted.

HB 1378, repealing sugar packet requirements. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Chris Muns for the Majority of Commerce and Consumer Affairs. This bill would repeal RSA 143:6-a which provides that "No establishment which serves food or drink to the public with or without charge shall provide sugar except in individually wrapped packets or in covered containers from which sugar is poured through a hole not more than 3/8 of an inch in diameter." The committee heard testimony from only the prime (and sole) sponsor of the bill during the public hearing on this bill, no other parties came forward to speak on behalf or against this bill. The sponsor of this bill suggested that he would like to see restaurants and other public establishments be able to offer sugar to their patrons in open sugar bowls. The majority believe that

when RSA 143:6 was enacted, there were legitimate public health concerns that made it advisable that sugar should not be made available in open bowls. Those concerns continue. In fact, several members of the committee agreed that an open sugar bowl is nothing more than an "invitation" to the fingers of young children. In addition, in the post 9/11 world that we now live in a very strong case can be made that there are now additional public health - and even national security - concerns that would suggest that protecting our food chain is even more important than ever. The majority also believes that "if it isn't broken then don't try to fix it." Since no representatives of the food service industry testified, they do not appear to have any concerns with the current requirement that sugar should be served in individually wrapped packets or in covered containers with an opening of no more than 3/8 of an inch in diameter. For all those reason the committee believes that allowing open sugar bowls would not only be unwise but irresponsible. Vote 11-5.

Rep. Keith Murphy for the Minority of Commerce and Consumer Affairs. Since 1971, state law has forbidden restaurant or hotel operators to make sugar available to customers in any sort of open bowl. The majority believes that there is some sort of potential for contamination of sugar bowls so the law should remain on the books. There were no actual examples of this discussed during the hearing or the executive session. Further, state law is silent on the equally potent potential for pranksters to contaminate salt, pepper, ketchup, mustard, syrup, and other tabletop items, yet diners continue to somehow avoid the horror of poisoning via those means. The bipartisan minority of the committee, which includes two restaurant owners, argue that individual sugar packets are so cheap, approximately \$60 per 10,000, that even without the law there is no reason that any business would switch to open sugar bowls. There is also disagreement as to whether this law is even enforced by health inspectors. The minority point out that the existing law forbids even individual open sugar bowls, so that if a restaurant ran out of packets it would not be able to substitute individual portion cups of sugar, as common sense would dictate. The reason to repeal the prohibition on sugar bowls is that the current law is archaic, and out-of-date, rarely-if-ever enforced laws are unnecessary and should be repealed.

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

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

YEAS 220 - NAYS 116

YEAS - 220

BELKNAP

Arsenault, Beth
Huot, David

DiMartino, Lisa
Raymond, Ian

Fields, Dennis

Flanders, Donald

CARROLL

Buco, Thomas
Lavender, Tom
Umberger, Karen

Butler, Edward
Morrow, Harry
White, Syndi

Cordelli, Glenn
Nelson, Bill

Crawford, Karel
Ticehurst, Susan

CHESHIRE

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

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

Butynski, William
Johnson, Jane
Roberts, Kris
Tatro, Bruce

Chase, Cynthia
Lerandeau, Alfred
Robertson, Timothy
Weber, Lucy

COOS

Hammon, Marcia
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

Theberge, Robert

GRAFTON

Aguiar, James
Brown, Rebecca
Harding, Laurie
Massimilla, Linda
Piper, Wendy
Sykes, George

Almy, Susan
Cooney, Mary
Higgins, Patricia
Mulholland, Catherine
Reilly, Harold
Townsend, Charles

Bailey, Brad
Ford, Susan
Ladd, Rick
Nordgren, Sharon
Shackett, Jeffrey
White, Andrew

Benn, Bernard
Friedrich, Carl
Lovett, Sid
Pastor, Beatriz
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Byron, Frank
Connor, Evelyn
Gage, Ruth
Gidge, Kenneth
Hackel, Paul
Heath, Mary
Kelley, John

Beaulieu, Jane
Campbell, David
Cote, David
Gagne, Larry
Goley, Jeffrey
Hammond, Jill
Heden, Ruth
Knowles, Mary Ann

Booras, Efstathia
Chandley, Shannon
DiSilvestro, Linda
Gale, Sylvia
Gorman, Mary
Hansberry, Daniel
Jack, Martin
Kopka, Angeline

Brown, Pamela
Christiansen, Lars
Eaton, Richard
Gargas, Carolyn
Grady, Brenda
Harriott-Gathright, Linda
Jeudy, Jean
Leishman, Peter

Levesque, Melanie
Manley, Jonathan
O'Brien, Michael
Rokas, Ted
Spratt, Stephen
Vail, Suzanne
Woodbury, David

Long, Patrick
Martel, Andre
O'Neil, William
Schmidt, Janice
Sullivan, Daniel
Walsh, Robert

MacKay, Mariellen
McCarthy, Michael
Porter, Marjorie
Shattuck, Gilman
Sullivan, Peter
Willette, Robert

Mangipudi, Latha
Nelson, Mary
Ramsey, Peter
Shaw, Barbara
Takesian, Charlene
Williams, Kermit

MERRIMACK

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

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

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

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

ROCKINGHAM

Allen, Mary
Briden, Steven
Copeland, Timothy
Fesh, Robert
Hayes, Jack
Mann, Maureen
O'Connor, John
Till, Mary
Whittemore, Lisa

Andrews-Ahearn, E. Elaine
Cahill, Michael
Cushing, Robert
Flockhart, Eileen
Heffron, Frank
Moody, Marcia
Peckham, Michele
Ward, Gerald

Bick, Patrick
Cali-Pitts, Jacqueline
Danaïs, Romeo
Grace, Curtis
Lovejoy, Patricia
Muns, Chris
Schlachman, Donna
Wazlaw, Brian

Borden, David
Chirichiello, Brian
Emerson-Brown, Rebecca
Harris, Jeffrey
Lundgren, David
Nigrello, Robert
Sherman, Thomas
Webb, James

STRAFFORD

Baber, William
Grassie, Anne
Hubbard, Pamela
Menear, H. Robert
Schmidt, Peter
Stevens, Audrey

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

Burke, Rachel
Hooper, Dorothea
Ketel, Stephen
Perry, Robert
Spainhower, Dale
Wall, Janet

Gardner, Janice
Horrigan, Timothy
Malloy, Dennis
Rogers, Rose Marie
Spang, Judith

SULLIVAN

Cloutier, John
Irwin, Virginia
Schmidt, Andrew

Gagnon, Raymond
O'Hearne, Andrew
Sweeney, Cynthia

Gottling, Suzanne
Osgood, Joe
Tanner, Linda

Grenier, James
Rollins, Skip

NAYS - 116

BELKNAP

Burchell, Richard
Greemore, Robert
Sylvia, Michael

Comtois, Guy
Gulick, Ruth
Tilton, Franklin

Cormier, Jane
Holmes, Stephen
Vadney, Herbert

Fink, Charles
Luther, Robert
Worsman, Colette

CARROLL

Ahlgren, Christopher
Wright, Donald

Chandler, Gene

McConkey, Mark

Schmidt, Stephen

CHESHIRE

Ley, Douglas

Phillips, Larry

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Doolan, Ralph

Gionet, Edmond

HILLSBOROUGH

Barry, Richard
Cebrowski, John
Graham, John
Hinch, Richard
LeBrun, Donald
Murphy, Keith
Ober, Lynne
Pellegrino, Tony

Belanger, James
Culbert, Patrick
Haefner, Robert
Jasper, Shawn
Marston, Dick
Notter, Jeanine
Ober, Russell
Peterson, Lenette

Boehm, Ralph
Daniels, Gary
Hansen, Peter
Kurk, Neal
Murotake, David
O'Brien, William
Palmer, Stephen
Renzullo, Andrew

Burt, John
Danielson, David
Hikel, John
Lambert, George
Murphy, Kelleigh
O'Flaherty, Tim
Parison, James
Rowe, Robert

Sanborn, Laurie
Sweeney, Shawn
Warden, Mark

Sandblade, Emily
Ulery, Jordan
Winters, Joel

Souza, Kathleen
Vaillancourt, Steve

Stroud, Kathleen
Villeneuve, Moe

MERRIMACK

Hess, David
McGuire, Dan

Hoell, J.R.
Walsh, Thomas

Kotowski, Frank

McGuire, Carol

ROCKINGHAM

Abrami, Patrick
DeSimone, Debra
Elliott, Robert
Garcia, Bianca
Hodgdon, Bruce
Major, Norman
Priestley, Anne
Schroadter, Adam
Tasker, Kyle

Baldasaro, Alfred
Devine, James
Emerick, J. Tracy
Gordon, Richard
Hoelzel, Kathleen
McMahon, Charles
Rice, Frederick
Sedensky, John
Tucker, Pamela

Birdsell, Regina
Duarte, Joe
Ferrante, Beverly
Griffin, Mary
Itse, Daniel
Milz, David
Sanders, Elisabeth
Sweeney, Joe
Waterhouse, Kevin

Comerford, Timothy
Dumaine, Dudley
Friel, William
Hagan, Joseph
Kappler, Lawrence
Perkins, Lawrence
Sapareto, Frank
Sytek, John
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Jones, Laura

Bixby, Peter
Parsons, Robbie

Gray, James
Pitre, Joseph

Groen, Warren

SULLIVAN

Smith, Steven

and the majority committee report was adopted.

HB 1532, relative to notification of radon level prior to sale or lease of property. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jill S. Hammond for the Majority of Commerce and Consumer Affairs. The original intent of this bill was to require sellers or lessors of a property to disclose to a buyer or lessee the results of any radon testing that had been carried out within the prior 12 months. In the normal processes and forms for disclosure during the buying and selling real estate, the process of home inspection and testing for radon usually is conducted by the buyer; the buyer, being the party paying for the testing, will then have confidence in the results. New language regarding the testing standards was submitted by department of environmental services, as well as information regarding arsenic, a common groundwater contaminant in New Hampshire; this was incorporated into notification requirements in purchase-sale agreements. No radon testing requirements or notification of radon by a lessor to a lessee was retained in the final bill. Vote 12-1.

Rep. Keith Murphy for the Minority of Commerce and Consumer Affairs. The bill as amended requires that the test results from any radon test performed in the last twelve months be provided to a homebuyer. While the minority of the committee recognizes the potential danger posed by radon gas, current law already requires notification to buyers that radon may potentially exist in a home, just as the law requires notification to buyers that lead paint may exist in a home. Further, home inspectors offer to perform a radon test as part of their services to the homebuyer. Should a home buyer decide not to hire a home inspector and purchase a home as-is, he or she has no one else to blame for any number of problems that may be unnoticed during a simple walk through but later prove to be serious, even life-threatening issues, such as bad plumbing, faulty wiring, mold, insect or rodent infestation, flues filled with flammable creosote, severe structural problems, roof leaks, non-functioning appliances, and yes, radon gas. When someone buys a home, he or she is responsible for asking the questions and hiring the professionals as necessary to obtain all of the relevant information to make a fully informed decision. The burden properly belongs on the buyer and not the seller, where this bill places it. Caveat emptor.

Majority Amendment (0880h)

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

AN ACT relative to notification of radon and arsenic levels.

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

1 Notification of Radon and Arsenic Levels Prior to Sale. Amend RSA 477:4-a to read as follows:

477:4-a Notification Required; Radon [Gas], **Arsenic**, and Lead Paint.

I. Prior to the execution of any contract for the purchase and sale of any interest in real property which includes a building, the seller, or seller's agent, shall provide the following notification to the buyer. The buyer shall acknowledge receipt of this notification by signing a copy of such notification:

"Radon [Gas]: Radon [gas], the product of decay of radioactive materials in rock may be found in some areas of New Hampshire. [This] **Radon** gas may pass into a structure through the ground or through water from a deep well. Testing *of the air by a professional certified by the National Environmental Health Association's National Radon Proficiency Program or the National Radon Safety Board and testing of the water by an accredited laboratory* can establish its presence and equipment is available to remove it from the air or water.

Arsenic: Arsenic is a common groundwater contaminant in New Hampshire, occurring at unhealthy levels in more than one in 5 wells in certain areas of the state. Testing by an accredited laboratory is the best way to detect its presence in well water and to guide the selection of appropriate water treatment equipment. Water softeners typically do not remove arsenic from well water.

[¶]Lead Paint: Before 1977, paint containing lead may have been used in structures. The presence of flaking lead paint can present a serious health hazard, especially to young children and pregnant women. Tests are available to determine whether lead is present.”

II. Nothing in this section shall be construed to have any impact on the legal validity of title transferred pursuant to a purchase and sale contract in paragraph I, or to create or place any liability with the seller or seller’s agent for failure to provide the notification described in paragraph I.

2 Effective Date. This act shall take effect January 1, 2016.

AMENDED ANALYSIS

This bill requires the seller to provide notification of radon and arsenic levels prior to the sale of real property. Rep. Hammond spoke in favor.

Majority committee amendment adopted.

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

On a division vote, 220 members having voted in the affirmative and 109 in the negative, the majority committee report was adopted and ordered to third reading.

HB 1568-FN, relative to service animals. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Donna L. Schlachman for the Majority of Commerce and Consumer Affairs. This bill prohibits owners of companion dogs, also called pets, from outfitting their animals with collars, leashes, vests and the like for the purpose of impersonating a service dog. While we all love our animals and may want them to go wherever we go, the right of individuals with disabilities to enter restaurants, hotels, shops, office buildings, libraries and other public buildings as well as public transportation systems with their service animals took decades to acquire. Service dogs are highly trained and perform very specific tasks for their handlers. That some individuals have decided that their pets are entitled to this same right of access makes it increasingly difficult for merchants and others to distinguish who has a right to access and who does not. News media have recently exposed this growing impersonation trend and the problems it creates for the public as well as people who have true service animals. Sixteen states already make it a crime to fraudulently impersonate a service animal for the purpose of gaining access rights reserved for individuals with Disabilities who use service animals. In addition to impersonation prohibitions, HB 1586 makes it unlawful for a companion dog owner to seek the optional New Hampshire service animal registration tag. The bill also amends the penalty section of RSA 167-D: 10 to provide for an enhanced penalty and an avenue for restitution if a person knowingly causes injury to a service animal. Unlike harm to a pet, injury to a service animals can have a profound impact on its owner’s ability to, for example, be mobile, to carry out activities of daily living, and to get to work. With the exception of 6 states, all others already have laws that protect service animals from interference, theft, and assault, with violators facing varying penalties including fines and/or imprisonment. Vote 9-5.

Rep. John B. Hunt for the Minority of Commerce and Consumer Affairs. The minority of the committee is concerned with Section 4, which is the “penalties” of the law. The minority amendment changes “knowingly” causes physical injury back to the original bill as introduced which was “willfully” causes physical injury. There are already laws on the books related to causing or allowing a persons’ dog to harm a service animal.

Majority Amendment (0887h)

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

1 Prohibited Acts; Service Animals. Amend RSA 167-D:8, II-III to read as follows:

II. It is unlawful for any person to fit an animal with a collar, leash, **vest, sign**, or harness of the type which represents that the animal is a service animal, or service animal tag issued under RSA 466:8 **or to request a service animal tag issued under RSA 466:8** if in fact said animal is not ~~[and to thus use the animal to misrepresent the physical status of said person]~~ **a service animal**.

III. It is unlawful for any person to ~~[willfully]~~ **knowingly** interfere or attempt to interfere with a service animal.

IV. It is unlawful for any person to represent that such person has a disability or is a service animal trainer for the purpose of acquiring a service animal unless said person has a disability or is a service animal trainer and to impersonate, by word or action, a person with a disability for the purpose of receiving service dog accommodations or service animal accessories such as a collar, leash, vest, sign, harness, or service animal tag, which represents that the animal is a service animal or to acquire a service animal tag issued under RSA 466:8.

2 Service Animal Trainers. Amend RSA 466:8, II to read as follows:

II. No fee shall be required for the registration and licensing of a service animal dog as defined in RSA 167-D:1, IV. When registering and applying for a license for a dog that is a service animal, the owner or trainer shall present an identification card issued by a recognized dog training agency. If a dog has been trained by its owner and does not have an identification card issued by a recognized dog training agency or school, in order to register and license a dog that is a service animal, the dog shall ~~[pass the Assistance Dogs International Public Access Test administered]~~ **meet the minimum training standards for public access as set by the International Association of Assistance Dog Partners as determined** by a service animal trainer, as defined in RSA 167-D:1, V, and the owner shall present a letter from a health care professional stating that the individual requires the use of a service animal to perform tasks directly related to his or her disability.

3 Service Animal Trainers. Amend RSA 167-D:1, V to read as follows:

V. "Service animal trainer" means any person who is employed ~~[by or volunteers for an organization generally recognized by agencies involved in the rehabilitation of mobility impaired persons as reputable and competent to provide service animals with training, and who is actively involved in the training process]~~ **to train dogs for or is volunteering to raise dogs for a provider of service animals for persons with disabilities or an individual trainer who helps a person with disabilities to train his or her own service animal or an individual trainer who tests an animal to verify its eligibility for the New Hampshire service animal tag.**

4 Penalty. Amend RSA 167-D:10 to read as follows:

167-D:10 Penalty.

I. Any person violating any provision of this chapter shall be guilty of a misdemeanor and **subject to enhanced penalties in paragraphs II and III.**

II. **It is a misdemeanor if a person knowingly causes physical injury to a service animal or knowingly allows his or her animal to cause physical injury to a service animal. If the physical injury to a service animal is severe enough that a veterinarian or service animal trainer determines that the service animal is incapable of returning to service, that person shall be guilty of a class A misdemeanor.**

III. **In any case where a person is convicted of harming a service animal as described in paragraph II, he or she may be ordered by the court to make restitution to the person or agency owning the animal for any bills for veterinary care, the replacement cost of the animal if it is incapable of returning to service, and the salary of the service animal handler or trainer for the period of time his or her services are lost to the agency or self employment.**

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

AMENDED ANALYSIS

This bill makes it a crime to impersonate a person with a disability in order to receive a service animal or service animal accessories.

This bill also changes the evaluation test used to license service animals.

MOTION TO SPECIAL ORDER

Rep. Butler moved that **HB 1568-FN**, relative to service animals, be made a Special Order as the second order of business for the Session of Thursday, March 20, 2014.

Rep. Butler spoke in favor.

Adopted.

REGULAR CALENDAR - PART II (CONT'D)

HB 1604, establishing a commission to study financial fraud laws and the rights of victims of financial fraud. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kermit R. Williams for the Majority of Commerce and Consumer Affairs. This bill is inspired by the FRM financial fraud events, but is not another effort to study the FRM fraud. The committee spent many hours holding hearings and studying FRM Financial, and don't believe that new information would be uncovered by additional study. But we learned that missteps by state agencies made the whole event worse, including the immediate push of FRM into federal bankruptcy court, which resulted in additional losses by victims who had already suffered at the hands of criminals. This bill creates a commission to look at specific changes within the departments involved, with a charter to recommend specific legislation that will make it less likely that a future financial fraud crime will happen, or if it happens, the state will be better prepared to protect victims. Vote 10-7. Rep. John B. Hunt for the Minority of Commerce and Consumer Affairs. This bill establishes a commission to study financial fraud laws and the rights of victims of financial fraud. In particular, this study committee is to address the FRM scandal. The minority is not only opposed to yet another FRM study committee, but we are opposed to this study committee due to its appointees and the study commission responsibilities to study the creation of new state agencies for receiverships and having the AG's office "to standardize adjudicative procedures involving state agencies and enhance their adjudicative capabilities." The make-up of the committee has no Senator and the majority of the members are state agency appointees.

Majority Amendment (0633h)

Amend RSA 21-M:8-n, V as inserted by section 1 of the bill by replacing it with the following:

V. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2015.

Amend section 3 of the bill by replacing paragraph I with the following:

I. Section 2 of this act shall take effect November 2, 2015.

MOTION TO SPECIAL ORDER

Rep. Butler moved that **HB 1604**, establishing a commission to study financial fraud laws and the rights of victims of financial fraud, be made a Special Order as the third order of business for the Session of Thursday, March 20, 2014.

Rep. Butler spoke in favor.

Adopted.

The House recessed at 12:05 p.m.

RECESS

The House reconvened at 1:05 p.m.

(Speaker Norelli in the Chair)**REGULAR CALENDAR - PART II (CONT'D)**

HB 1264, relative to carrying of firearms by nonresidents. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert R. Cushing for the Majority of Criminal Justice and Public Safety. This bill, as amended, would establish a commission to study the effect of firearms legislation on firearms violence in this state, explore options to strengthen the background check system for firearms sales, determine whether existing penalties for the illegal use of a firearm are sufficient, and review whether current laws governing concealed carry licenses allowing nonresidents to carry a loaded pistol or revolver in this state should be revised. Over the years the committee has heard several bills related to the effect of firearms legislation on firearms violence in this state, and believes now is an appropriate time for the legislature to take a comprehensive look at the laws governing these areas. HB 1264, as originally submitted, raised questions about the carrying of firearms by nonresidents, and as such, the committee felt that the bill was an appropriate vehicle for a study of these laws. The proposed commission will include balanced representation from various stakeholders such as law enforcement, gun owners, the mental health community, domestic and sexual violence experts, gun violence prevention advocates, and retail firearm businesses, in addition to legislators. The commission is tasked with reporting out on its findings on or before December 15, 2014. A bi-partisan majority of the committee support the amended version of HB 1264. Vote 12-6.

Rep. Larry G. Gagne for the Minority of Criminal Justice and Public Safety. The committee had two public hearings on this bill. The committee chair reopened the initial public hearing the day of the executive session to allow the prime sponsor to testify. The prime sponsor made it clear that the current statutes are not in sync with the current rules and that this is a housekeeping measure to correct the disconnect between the statutes and the rules, RSA 159:6-d, I requires that any non-resident carry on his person a license from the state which he resides, but Vermont does not require licenses to carry a firearm (open or concealed), nor does the state issue a license. The issue is significant enough, that the department of safety has created a work around in the rules under section Saf-C 2102.03 which instead requires "A letter from the resident's local police department" signed by an authorized representative indicating to the "best of the local police department's knowledge" the person is not a prohibited person to allow those from VT to carry a concealed firearm. Furthermore, the non-resident licenses also require per DOS rule Saf-C 2101.02 the occupation, the employers address and the previous employer and address. None of these additional requirements should be necessary for someone to exercise their natural right to protect themselves. The constitution is clear about everyone having the natural right to protect themselves, "All persons have the right to keep and bear arms in defense of themselves, their families, their property and the state." During the executive session, a member of the committee introduced a study committee to study creating additional firearms regulations, to study the impact of "firearms violence," and to explore options to strengthen the background check system for firearms sales, and to consider measures to promote firearms safety. The proposed committee amendment was considered non-germane by several of the members of the committee as the initial bill dealt with correcting a disconnect between the current DOS rules and the current statutes and the study was about creating a study committee to deal with creating new regulations. Several members of the committee objected to the introduction of the study committee and complained about the lack of public hearing on the proposed amendment. Additionally, there was insufficient evidence presented during the executive session to require this study committee as New Hampshire has one of the lowest violent crime rates already. The minority of the committee felt that the

proposed committee was intentionally biased to create a predetermined political outcome. The amendment was such a significant departure in both content from the initial bill as well as a violation of the process by which statutory committees are created that the minority of the committee felt that the bill should be voted inexpedient to legislate.

Majority Amendment (0659h)

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

AN ACT establishing a commission to study the impact of firearms violence, to explore options to strengthen the background check system for firearms sales, and to consider measures to promote firearms safety.

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

1 New Subdivision; Commission Established. Amend RSA 159 by inserting after section 26 the following new subdivision:

Commission to Study the Impact of Firearms Violence

159:27 Commission Established.

I. There is established a commission to study the impact of firearms violence, to explore options to strengthen the background check system for firearms sales, and to consider measures to promote firearms safety. The members of the commission shall be as follows:

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

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

(c) One member from the National Alliance for Mental Illness-New Hampshire, appointed by that organization.

(d) A chief of police appointed by the New Hampshire Association of Chiefs of Police, appointed by that organization.

(e) One member from an organization which promotes gun violence prevention and firearms safety, appointed by the governor.

(f) One member from Gun Owners of New Hampshire, appointed by that organization.

(g) One member who is the owner of a retail firearms sales business, appointed by the governor.

(h) One member of the New Hampshire Coalition Against Domestic and Sexual Violence, appointed by that organization.

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

III. The commission shall study the impact of firearms violence, explore options to strengthen the background check system for firearms sales, and consider measures to promote firearms safety. The commission shall also study the effect of firearms legislation on firearms violence in this state, the effect of firearms legislation on the ability of a person with a mental illness to obtain a firearm, the efficacy of background checks prior to the sale of a firearm, whether existing penalties for the illegal use of a firearm are sufficient, whether current laws governing concealed carry licenses allowing nonresidents to carry a loaded pistol or revolver in this state should be revised, and any other issue which the committee deems relevant to the purpose of the study.

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

V. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before December 15, 2014.

2 Repeal. The subdivision heading preceding RSA 159:27 and RSA 159:27, relative to the commission to study the impact of firearms violence, to explore options to strengthen the background check system for firearms sales, and to consider measures to promote firearms safety is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect December 16, 2014.

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

AMENDED ANALYSIS

This bill establishes a commission to study the impact of firearms violence, to explore options to strengthen the background check system for firearms sales, and to consider measures to promote firearms safety.

MOTION TO LAY ON THE TABLE

Rep. Vaillancourt moved that **HB 1264**, relative to carrying of firearms by nonresidents, be laid on the table. Rep. Cushing requested a roll call; sufficiently seconded.

YEAS 142 - NAYS 154**YEAS - 142
BELKNAP**

Burchell, Richard
Greemore, Robert
Tilton, Franklin

Comtois, Guy
Holmes, Stephen

Cormier, Jane
Luther, Robert

Flanders, Donald
Sylvia, Michael

CARROLL

Ahlgren, Christopher
Crawford, Karel
Nelson, Bill
Wright, Donald

Buco, Thomas
Lavender, Tom
Schmidt, Stephen

Chandler, Gene
McConkey, Mark
Umberger, Karen

Cordelli, Glenn
Morrow, Harry
White, Syndi

CHESHIRE

Eaton, Daniel

Johnson, Jane

COOS

Richardson, Herbert

Thomas, Yvonne

GRAFTON

Brown, Rebecca
Massimilla, Linda

Doolan, Ralph
Reilly, Harold

Ladd, Rick
Shackett, Jeffrey

Lovett, Sid

HILLSBOROUGH

Barry, Richard
Byron, Frank
Culbert, Patrick
Gagne, Larry
Haefner, Robert
Jasper, Shawn
Notter, Jeanine
Pellegrino, Tony
Souza, Kathleen
Vaillancourt, Steve

Belanger, James
Cebrowski, John
Daniels, Gary
Gargas, Carolyn
Hansen, Peter
Kurk, Neal
O'Brien, William
Peterson, Lenette
Stroud, Kathleen
Villeneuve, Moe

Boehm, Ralph
Christiansen, Lars
Danielson, David
Grady, Brenda
Hikel, John
LeBrun, Donald
O'Flaherty, Tim
Renzullo, Andrew
Sweeney, Shawn
Warden, Mark

Burt, John
Coffey, James
Flanagan, Jack
Graham, John
Jack, Martin
McCarthy, Michael
Parison, James
Sanborn, Laurie
Takesian, Charlene
Willette, Robert

MERRIMACK

Burns, Scott
Lockwood, Priscilla
Walsh, Thomas

Hoell, J.R.
McGuire, Carol

Kidder, David
McGuire, Dan

Kotowski, Frank
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Bick, Patrick
Comerford, Timothy
Devine, James
Emerick, J. Tracy
Garcia, Bianca
Hagan, Joseph
Hoelzel, Kathleen
Major, Norman
O'Connor, John
Rice, Frederick
Sytek, John
Weyler, Kenneth

Allen, Mary
Birdsell, Regina
Copeland, Timothy
Duarte, Joe
Ferrante, Beverly
Gordon, Richard
Harris, Jeffrey
Itse, Daniel
McMahon, Charles
Peckham, Michele
Sanders, Elisabeth
Tucker, Pamela

Baldasaro, Alfred
Cali-Pitts, Jacqueline
Danaïs, Romeo
Dumaine, Dudley
Fesh, Robert
Grace, Curtis
Hayes, Jack
Kappler, Lawrence
Milz, David
Perkins, Lawrence
Sedensky, John
Waterhouse, Kevin

Belanger, Ronald
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Friel, William
Griffin, Mary
Hodgdon, Bruce
Lundgren, David
Nigrello, Robert
Priestley, Anne
Sweeney, Joe
Webb, James

STRAFFORD

Beaudoin, Steven
Mullen, John

Gray, James
Parsons, Robbie

Groen, Warren
Pitre, Joseph

Jones, Laura

SULLIVAN

Grenier, James

Osgood, Joe

Rollins, Skip

Smith, Steven

**NAYS - 154
BELKNAP**

Arsenault, Beth
Huot, David

DiMartino, Lisa
Raymond, Ian

Fields, Dennis

Gulick, Ruth

CARROLL

Butler, Edward

Ticehurst, Susan

CHESHIRE

Ames, Richard
Johnsen, Gladys
Robertson, Timothy
Weber, Lucy

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

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

Chase, Cynthia
Phillips, Larry
Tatro, Bruce

COOS

Hammon, Marcia

Hatch, William

Moynihan, Wayne

Theberge, Robert

GRAFTON

Aguiar, James
Ford, Susan
Nordgren, Sharon
Townsend, Charles

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

Bailey, Brad
Harding, Laurie
Smith, Suzanne

Cooney, Mary
Higgins, Patricia
Sykes, George

HILLSBOROUGH

Backus, Robert
Connor, Evelyn
Gale, Sylvia
Hackel, Paul
Heden, Ruth
Kopka, Angeline
MacKay, Mariellen
Palmer, Stephen
Spratt, Stephen
Williams, Kermit

Booras, Efstathia
Cote, David
Gidge, Kenneth
Hammond, Jill
Judy, Jean
Leishman, Peter
Mangipudi, Latha
Porter, Marjorie
Sullivan, Peter
Winters, Joel

Brown, Pamela
Eaton, Richard
Goley, Jeffrey
Harriott-Gathright, Linda
Kelley, John
Levesque, Melanie
Manley, Jonathan
Schmidt, Janice
Vail, Suzanne
Woodbury, David

Chandley, Shannon
Gage, Ruth
Gorman, Mary
Heath, Mary
Knowles, Mary Ann
Long, Patrick
O'Brien, Michael
Shattuck, Gilman
Walsh, Robert

MERRIMACK

Alicea, Caroletta
Davis, Frank
French, Barbara
Hunt, Jane
Patten, Dick
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

Bartlett, Christy
Ebel, Karen
Gile, Mary
MacKay, James
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

Carey, Lorrie
Frambach, Mary
Henle, Paul
Moffett, Howard
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cushing, Robert
Lovejoy, Patricia
Schlachman, Donna
Wazlaw, Brian

Borden, David
Emerson-Brown, Rebecca
Mann, Maureen
Sherman, Thomas
Whittemore, Lisa

Briden, Steven
Flockhart, Eileen
Moody, Marcia
Till, Mary

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

STRAFFORD

Baber, William
Grassie, Anne
Hubbard, Pamela
Perry, Robert
Spang, Judith

Bixby, Peter
Grossman, Kenneth
Ketel, Stephen
Rogers, Rose Marie
Stevens, Audrey

Burke, Rachel
Hooper, Dorothea
Malloy, Dennis
Schmidt, Peter
Verschueren, James

Gardner, Janice
Horrigan, Timothy
Menear, H. Robert
Smith, Marjorie
Wall, Janet

SULLIVAN

Cloutier, John
O'Hearne, Andrew

Gagnon, Raymond
Schmidt, Andrew

Gottling, Suzanne
Tanner, Linda

Irwin, Virginia

and the motion failed.

The question now being adoption of the majority committee amendment (0659h).

MOTION TO SUSPEND HOUSE RULES

Rep. Vaillancourt moved that House Rules be so far suspended as to allow a non-germane amendment to **HB 1264**, relative to carrying of firearms by nonresidents.

The Speaker ruled the motion out of order.

APPEAL OF THE RULING OF THE CHAIR

Rep. Vaillancourt appealed the ruling of the Chair on the ruling that **HB 1264**, relative to carrying of firearms by nonresidents, is properly before the House.

The question being shall the ruling of the Chair be upheld?

Rep. Vaillancourt spoke against.

Rep. Baldasaro spoke against and yielded to questions.

Rep. Gary Richardson spoke in favor.

Rep. Rideout requested a roll call; sufficiently seconded.

YEAS 182 - NAYS 144**YEAS - 182****BELKNAP**

Arsenault, Beth
Huot, David

DiMartino, Lisa
Raymond, Ian

Fields, Dennis

Gulick, Ruth

CARROLL

Buco, Thomas
White, Syndi

Butler, Edward

Lavender, Tom

Ticehurst, Susan

CHESHIRE

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

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

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

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

COOS

Hammon, Marcia

Hatch, William

Moynihan, Wayne

Thomas, Yvonne

GRAFTON

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

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

Benn, Bernard
Friedrich, Carol
Lovett, Sid
Smith, Suzanne

Brown, Rebecca
Harding, Laurie
Massimilla, Linda
Sykes, George

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Cote, David
Gargas, Carolyn
Grady, Brenda
Harriott-Gathright, Linda
Judy, Jean
Kurk, Neal
MacKay, Mariellen
O'Brien, Michael
Shattuck, Gilman
Vail, Suzanne
Woodbury, David

Barry, Richard
Campbell, David
Eaton, Richard
Gidge, Kenneth
Hackel, Paul
Heath, Mary
Kelley, John
Leishman, Peter
Mangipudi, Latha
Porter, Marjorie
Shaw, Barbara
Walsh, Robert

Beaulieu, Jane
Chandlee, Shannon
Gage, Ruth
Goley, Jeffrey
Hammond, Jill
Heden, Ruth
Knowles, Mary Ann
Levesque, Melanie
Manley, Jonathan
Rowe, Robert
Spratt, Stephen
Williams, Kermit

Booras, Efstathia
Connor, Evelyn
Gale, Sylvia
Gorman, Mary
Hansberry, Daniel
Jasper, Shawn
Kopka, Angeline
Long, Patrick
Nelson, Mary
Schmidt, Janice
Sullivan, Peter
Winters, Joel

MERRIMACK

Alicea, Caroletta
Carey, Lorrie
Frambach, Mary
Henle, Paul
Moffett, Howard
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

Bartlett, Christy
Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

Bouchard, Candace
Davis, Frank
French, Barbara
Hunt, Jane
Patten, Dick
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

Burns, Scott
Ebel, Karen
Gile, Mary
MacKay, James
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cali-Pitts, Jacqueline
Hayes, Jack
Moody, Marcia
Sytek, John
Whittemore, Lisa

Borden, David
Cushing, Robert
Heffron, Frank
Muns, Chris
Till, Mary

Briden, Steven
Emerson-Brown, Rebecca
Lovejoy, Patricia
Schlachman, Donna
Ward, Gerald

Cahill, Michael
Flockhart, Eileen
Mann, Maureen
Sherman, Thomas
Wazlaw, Brian

STRAFFORD

Baber, William
Grassie, Anne
Horrigan, Timothy
Malloy, Dennis
Schmidt, Peter
Verschueren, James

Bixby, Peter
Gray, James
Hubbard, Pamela
Menear, H. Robert
Smith, Marjorie
Wall, Janet

Burke, Rachel
Grossman, Kenneth
Kaen, Naida
Perry, Robert
Spang, Judith

Gardner, Janice
Hooper, Dorothea
Ketel, Stephen
Rogers, Rose Marie
Stevens, Audrey

SULLIVAN

Cloutier, John
O'Hearne, Andrew

Gagnon, Raymond
Schmidt, Andrew

Gottling, Suzanne
Sweeney, Cynthia

Irwin, Virginia
Tanner, Linda

NAYS - 144 BELKNAP

Burchell, Richard
Flanders, Donald
Sylvia, Michael

Comtois, Guy
Greemore, Robert
Tilton, Franklin

Cormier, Jane
Holmes, Stephen
Vadney, Herbert

Fink, Charles
Luther, Robert
Worsman, Colette

CARROLL

Ahlgren, Christopher
McConkey, Mark
Umberger, Karen

Chandler, Gene
Morrow, Harry
Wright, Donald

Cordelli, Glenn
Nelson, Bill

Crawford, Karel
Schmidt, Stephen

CHESHIRE

Johnson, Jane

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Shackett, Jeffrey

Doolan, Ralph

Gionet, Edmond

Reilly, Harold

HILLSBOROUGH

Belanger, James
Cebrowski, John
Daniels, Gary
Graham, John
Hinch, Richard
LeBrun, Donald
Murphy, Keith
Ober, Lynne
Pellegrino, Tony
Sandblade, Emily
Takesian, Charlene
Willette, Robert

Boehm, Ralph
Christiansen, Lars
Danielson, David
Haefner, Robert
Infantine, William
McCarthy, Michael
Notter, Jeanine
Ober, Russell
Peterson, Lenette
Souza, Kathleen
Vaillancourt, Steve

Burt, John
Coffey, James
Flanagan, Jack
Hansen, Peter
Jack, Martin
Murotake, David
O'Brien, William
Palmer, Stephen
Renzullo, Andrew
Stroud, Kathleen
Villeneuve, Moe

Byron, Frank
Culbert, Patrick
Gagne, Larry
Hikel, John
Lambert, George
Murphy, Kelleigh
O'Flaherty, Tim
Parison, James
Sanborn, Laurie
Sweeney, Shawn
Warden, Mark

MERRIMACK

Hess, David
Lockwood, Priscilla
Walsh, Thomas

Hoell, J.R.
McGuire, Carol

Kidder, David
McGuire, Dan

Kotowski, Frank
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Bick, Patrick
Copeland, Timothy
Duarte, Joe
Ferrante, Beverly
Gordon, Richard
Harris, Jeffrey
Kappler, Lawrence
Milz, David
Perkins, Lawrence
Schroadter, Adam
Tucker, Pamela

Allen, Mary
Birdsell, Regina
Danaïs, Romeo
Dumaine, Dudley
Fesh, Robert
Grace, Curtis
Hodgdon, Bruce
Lundgren, David
Nigrello, Robert
Priestley, Anne
Sedensky, John
Waterhouse, Kevin

Baldasaro, Alfred
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Friel, William
Griffin, Mary
Hoelzel, Kathleen
Major, Norman
O'Connor, John
Rice, Frederick
Sweeney, Joe
Webb, James

Belanger, Ronald
Comerford, Timothy
Devine, James
Emerick, J. Tracy
Garcia, Bianca
Hagan, Joseph
Itse, Daniel
McMahon, Charles
Peckham, Michele
Sanders, Elisabeth
Tasker, Kyle
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Mullen, John

Bickford, David
Parsons, Robbie

Groen, Warren
Pitre, Joseph

Jones, Laura

SULLIVAN

Grenier, James

Osgood, Joe

Rollins, Skip

Smith, Steven

and the ruling of the Chair was upheld.

The question now being adoption of the majority committee amendment (0659h).

Rep. Hoell spoke against.

Rep. Hirsch spoke in favor.

Rep. Tucker moved Recommit and spoke in favor.

Rep. Cushing spoke against and yielded to questions.

Rep. Vaillancourt spoke in favor and yielded to questions.

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

YEAS 160 - NAYS 176**YEAS - 160
BELKNAP**

Burchell, Richard
Flanders, Donald
Sylvia, Michael

Comtois, Guy
Greemore, Robert
Tilton, Franklin

Cormier, Jane
Holmes, Stephen
Vadney, Herbert

Fink, Charles
Luther, Robert
Worsman, Colette

CARROLL

Ahlgren, Christopher
Lavender, Tom
Schmidt, Stephen

Chandler, Gene
McConkey, Mark
Umberger, Karen

Cordelli, Glenn
Merrow, Harry
White, Syndi

Crawford, Karel
Nelson, Bill
Wright, Donald

CHESHIRE

Johnson, Jane

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Massimilla, Linda

Doolan, Ralph
Reilly, Harold

Gionet, Edmond
Shackett, Jeffrey

Ladd, Rick

HILLSBOROUGH

Barry, Richard
Burt, John
Coffey, James
Flanagan, Jack
Haefner, Robert
Infantine, William
McCarthy, Michael
Notter, Jeanine
Ober, Russell
Peterson, Lenette
Shaw, Barbara
Sweeney, Shawn
Villeneuve, Moe

Beaulieu, Jane
Byron, Frank
Culbert, Patrick
Gagne, Larry
Hansen, Peter
Kurk, Neal
Murotake, David
O'Brien, William
Palmer, Stephen
Renzullo, Andrew
Soucy, Timothy
Takesian, Charlene
Warden, Mark

Belanger, James
Cebrowski, John
Daniels, Gary
Grady, Brenda
Hikel, John
Lambert, George
Murphy, Kelleigh
O'Flaherty, Tim
Parison, James
Sanborn, Laurie
Souza, Kathleen
Ulery, Jordan
Willette, Robert

Boehm, Ralph
Christiansen, Lars
Danielson, David
Graham, John
Hinch, Richard
LeBrun, Donald
Murphy, Keith
Ober, Lynne
Pellegrino, Tony
Sandblade, Emily
Stroud, Kathleen
Vaillancourt, Steve

MERRIMACK

Andrews, Christopher
Hoell, J.R.
Lockwood, Priscilla
Walsh, Thomas

Burns, Scott
Hunt, Jane
McGuire, Carol

Carey, Lorrie
Kidder, David
McGuire, Dan

Hess, David
Kotowski, Frank
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Bick, Patrick
Copeland, Timothy
Duarte, Joe
Ferrante, Beverly
Garcia, Marilinda
Hagan, Joseph
Itse, Daniel
McMahon, Charles
Peckham, Michele
Sanders, Elisabeth
Sytek, John
Webb, James

Allen, Mary
Birdsell, Regina
Danais, Romeo
Dumaine, Dudley
Fesh, Robert
Gordon, Richard
Harris, Jeffrey
Kappler, Lawrence
Milz, David
Perkins, Lawrence
Schroadter, Adam
Tasker, Kyle
Weyler, Kenneth

Baldasaro, Alfred
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Friel, William
Grace, Curtis
Hodgdon, Bruce
Lundgren, David
Nigrello, Robert
Priestley, Anne
Sedensky, John
Tucker, Pamela

Belanger, Ronald
Comerford, Timothy
Devine, James
Emerick, J. Tracy
Garcia, Bianca
Griffin, Mary
Hoelzel, Kathleen
Major, Norman
O'Connor, John
Rice, Frederick
Sweeney, Joe
Waterhouse, Kevin

STRAFFORD

Beaudoin, Steven
Mullen, John

Bickford, David
Parsons, Robbie

Groen, Warren
Pitre, Joseph

Jones, Laura

SULLIVAN

Grenier, James

Osgood, Joe

Rollins, Skip

Smith, Steven

**NAYS - 176
BELKNAP**

Arsenault, Beth
Huot, David

DiMartino, Lisa
Raymond, Ian

Fields, Dennis

Gulick, Ruth

CARROLL

Buco, Thomas

Butler, Edward

Ticehurst, Susan

CHESHIREAmes, Richard
Eaton, Daniel
Parkhurst, Henry
Sad, Tara
Weed, CharlesBerch, Paul
Johnsen, Gladys
Phillips, Larry
Shepardson, Marjorie
Young, HarryButynski, William
Lerandeau, Alfred
Roberts, Kris
Tatro, BruceChase, Cynthia
Mann, John
Robertson, Timothy
Weber, Lucy**COOS**Hammon, Marcia
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

Theberge, Robert

GRAFTONAguiar, James
Cooney, Mary
Higgins, Patricia
Pastor, Beatriz
Townsend, CharlesAlmy, Susan
Ford, Susan
Lovett, Sid
Piper, Wendy
White, AndrewBenn, Bernard
Friedrich, Carol
Mulholland, Catherine
Smith, SuzanneBrown, Rebecca
Harding, Laurie
Nordgren, Sharon
Sykes, George**HILLSBOROUGH**Backus, Robert
Connor, Evelyn
Gale, Sylvia
Gorman, Mary
Harriott-Gathright, Linda
Jasper, Shawn
Kopka, Angeline
MacKay, Mariellen
O'Brien, Michael
Schmidt, Janice
Sullivan, Peter
Winters, JoelBooras, Efstathia
Cote, David
Gargas, Carolyn
Hackel, Paul
Heath, Mary
Judy, Jean
Leishman, Peter
Mangipudi, Latha
Porter, Marjorie
Shattuck, Gilman
Vail, Suzanne
Woodbury, DavidBrown, Pamela
Eaton, Richard
Gidge, Kenneth
Hammond, Jill
Heden, Ruth
Kelley, John
Levesque, Melanie
Manley, Jonathan
Rokas, Ted
Spratt, Stephen
Walsh, RobertChandley, Shannon
Gage, Ruth
Goley, Jeffrey
Hansberry, Daniel
Jack, Martin
Knowles, Mary Ann
Long, Patrick
Nelson, Mary
Rowe, Robert
Sullivan, Daniel
Williams, Kermit**MERRIMACK**Alicea, Caroletta
Davis, Frank
French, Barbara
MacKay, James
Ratzki, Mario
Schuett, Dianne
Walz, Mary BethBartlett, Christy
Ebel, Karen
Gile, Mary
Moffett, Howard
Rice, Chip
Shurtleff, Stephen
Watrous, RickBouchard, Candace
Frambach, Mary
Henle, Paul
Myler, Mel
Richardson, Gary
Turcotte, Alan
Webb, LeighCarson, Clyde
Frazer, June
Hirsch, Geoffrey
Patten, Dick
Schamberg, Thomas
Wallner, Mary Jane**ROCKINGHAM**Andrews-Ahearn, E. Elaine
Cali-Pitts, Jacqueline
Hayes, Jack
Moody, Marcia
Till, MaryBorden, David
Cushing, Robert
Heffron, Frank
Muns, Chris
Ward, GeraldBriden, Steven
Emerson-Brown, Rebecca
Lovejoy, Patricia
Schlachman, Donna
Wazlaw, BrianCahill, Michael
Flockhart, Eileen
Mann, Maureen
Sherman, Thomas
Whittemore, Lisa**STRAFFORD**Baber, William
Grassie, Anne
Horrigan, Timothy
Malloy, Dennis
Perry, Robert
Spainhower, Dale
Wall, JanetBixby, Peter
Gray, James
Hubbard, Pamela
Menear, H. Robert
Rogers, Rose Marie
Spang, JudithBurke, Rachel
Grossman, Kenneth
Kaen, Naida
Merrill, Amanda
Schmidt, Peter
Stevens, AudreyGardner, Janice
Hooper, Dorothea
Ketel, Stephen
Pelletier, Marsha
Smith, Marjorie
Verschueren, James**SULLIVAN**Cloutier, John
O'Hearne, AndrewGagnon, Raymond
Schmidt, AndrewGottling, Suzanne
Sweeney, CynthiaIrwin, Virginia
Tanner, Linda

and the motion failed.

LAI D ON THE TABLE

Rep. Tucker moved that **HB 1264**, relative to carrying of firearms by nonresident, be laid on the table. On a division vote, 186 members having voted in the affirmative and 150 in the negative, the motion was adopted.

REGULAR CALENDAR - PART II (CONT'D)

HB 1410, including household and domesticated animals under the domestic violence protection statute. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert R. Cushing for the Majority of Criminal Justice and Public Safety. This bill is enabling legislation to strengthen our existing laws to protect victims of domestic violence. It would permit protective orders issued under RSA 173-B for stalking and domestic violence to include protection of household and domestic animals. HB 1410 would allow the court to grant custody of a household pet to a victim of domestic violence and to issue an order to ensure the abuser not be permitted to abuse or dispose of the animal. The committee heard from advocates for victims and victims of domestic violence, veterinarians, law enforcement, animal lovers, court officers and members of the public stories of how domestic abusers take their anger out or attempt to intimidate or scare victims by harming a favorite pet that the person or the children love, or a domesticated household animal. Passage of this bill will prevent further emotional damage to families wracked by domestic violence. Vote 14-2. Rep. Mark Warden for the Minority of Criminal Justice and Public Safety. This bill could add cruelty to animals as one of the acts that causes a petitioner to fear for his or her safety in the domestic violence statute. The minority believes this is an inappropriate definition compared to the current acts of assault, sexual assault, harassment and destruction of property. Cruelty to animals is already a crime. There are already protections in place to provide for protective orders when there is a credible threat; adding custody of domestic animals dilutes these important protections. The flawed language in this bill would allow a party in a domestic violence dispute to use the power of the courts to forbid another party from visiting a beloved pet, further escalating hostilities between parties. With current laws in place, cruelty to animals and domestic violence are crimes; this legislation is not needed.

Majority committee report adopted and ordered to third reading.

HB 1438, relative to the burden of proof for exceptions or exemptions in actions brought under the firearms laws of this state. **INEXPEDIENT TO LEGISLATE.**

Rep. Linda Harriott-Gathright for Criminal Justice and Public Safety. HB 1438 shifts the burden of proof for an exception or exemption claimed in an action brought under the firearms laws of this state from the defendant to the state. This bill seeks to change the burden of proving in certain cases to the state. The bill will require the state to disprove all of the numerous exceptions in a firearms prosecution. This bill will go against the legislative intent of RSA 159:5-a in 1987, which was to make proving these cases clearer, and less burdensome. These exceptions and exemptions allow the defendant to prove an affirmative defense such as insanity. DOS opposed the change in the bill. There has not been a case in the NH Supreme Court disputing RSA 159:5-a since its enactment. The majority believes that the current law is fair to both the state and defendant. Vote 14-3.

Rep. Hoell spoke against.

Rep. Cushing spoke in favor.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 207 - NAYS 126**YEAS - 207****BELKNAP**

Arsenault, Beth
Huot, David

DiMartino, Lisa
Raymond, Ian

Fields, Dennis

Gulick, Ruth

CARROLL

Buco, Thomas
Ticehurst, Susan

Butler, Edward
Umberger, Karen

Crawford, Karel
White, Syndi

Lavender, Tom

CHESHIRE

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

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

Butynski, William
Johnson, Jane
Phillips, Larry
Shepardson, Marjorie
Young, Harry

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

COOS

Hammon, Marcia
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

Theberge, Robert

GRAFTON

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

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

Benn, Bernard
Friedrich, Carol
Lovett, Sid
Pastor, Beatriz
Townsend, Charles

Brown, Rebecca
Harding, Laurie
Massimilla, Linda
Piper, Wendy
White, Andrew

HILLSBOROUGH

Backus, Robert
 Chandley, Shannon
 Danielson, David
 Gale, Sylvia
 Gorman, Mary
 Hammond, Jill
 Heden, Ruth
 Kelley, John
 Levesque, Melanie
 Nelson, Mary
 Rokas, Ted
 Soucy, Timothy
 Sullivan, Peter
 Williams, Kermit

Beaulieu, Jane
 Christiansen, Lars
 Eaton, Richard
 Gargas, Carolyn
 Grady, Brenda
 Hansberry, Daniel
 Jack, Martin
 Knowles, Mary Ann
 MacKay, Mariellen
 O'Brien, Michael
 Schmidt, Janice
 Spratt, Stephen
 Takesian, Charlene
 Winters, Joel

Booras, Efstathia
 Connor, Evelyn
 Flanagan, Jack
 Gidge, Kenneth
 Graham, John
 Harriott-Gathright, Linda
 Jasper, Shawn
 Kopka, Angeline
 Mangipudi, Latha
 Pellegrino, Tony
 Shattuck, Gilman
 Stroud, Kathleen
 Vail, Suzanne
 Woodbury, David

Brown, Pamela
 Cote, David
 Gage, Ruth
 Goley, Jeffrey
 Hackel, Paul
 Heath, Mary
 Jeudy, Jean
 Leishman, Peter
 Manley, Jonathan
 Porter, Marjorie
 Shaw, Barbara
 Sullivan, Daniel
 Walsh, Robert

MERRIMACK

Alicea, Caroletta
 Burns, Scott
 Ebel, Karen
 Gile, Mary
 Hunt, Jane
 Moffett, Howard
 Rice, Chip
 Shurtleff, Stephen
 Watrous, Rick

Andrews, Christopher
 Carey, Lorrie
 Frambach, Mary
 Henle, Paul
 Kidder, David
 Myler, Mel
 Richardson, Gary
 Turcotte, Alan
 Webb, Leigh

Bartlett, Christy
 Carson, Clyde
 Frazer, June
 Hess, David
 Lockwood, Priscilla
 Patten, Dick
 Schamberg, Thomas
 Wallner, Mary Jane

Bouchard, Candace
 Davis, Frank
 French, Barbara
 Hirsch, Geoffrey
 MacKay, James
 Ratzki, Mario
 Schuett, Dianne
 Walz, Mary Beth

ROCKINGHAM

Allen, Mary
 Cahill, Michael
 Devine, James
 Grace, Curtis
 Lovejoy, Patricia
 Muns, Chris
 Sherman, Thomas
 Whittemore, Lisa

Andrews-Ahearn, E. Elaine
 Cali-Pitts, Jacqueline
 Elliott, Robert
 Griffin, Mary
 Major, Norman
 Nigrello, Robert
 Till, Mary

Borden, David
 Copeland, Timothy
 Emerson-Brown, Rebecca
 Hayes, Jack
 Mann, Maureen
 Priestley, Anne
 Ward, Gerald

Briden, Steven
 Cushing, Robert
 Flockhart, Eileen
 Heffron, Frank
 Moody, Marcia
 Schlachman, Donna
 Wazlaw, Brian

STRAFFORD

Baber, William
 Grassie, Anne
 Hubbard, Pamela
 Menear, H. Robert
 Rogers, Rose Marie
 Spang, Judith

Bixby, Peter
 Grossman, Kenneth
 Kaen, Naida
 Merrill, Amanda
 Schmidt, Peter
 Stevens, Audrey

Burke, Rachel
 Hooper, Dorothea
 Ketel, Stephen
 Pelletier, Marsha
 Smith, Marjorie
 Verschuere, James

Gardner, Janice
 Horrigan, Timothy
 Malloy, Dennis
 Perry, Robert
 Spainhower, Dale
 Wall, Janet

SULLIVAN

Cloutier, John
 Irwin, Virginia

Gagnon, Raymond
 O'Hearne, Andrew

Gottling, Suzanne
 Schmidt, Andrew

Grenier, James
 Tanner, Linda

NAYS - 126**BELKNAP**

Burchell, Richard
 Flanders, Donald
 Sylvia, Michael

Comtois, Guy
 Greemore, Robert
 Tilton, Franklin

Cormier, Jane
 Holmes, Stephen
 Vadney, Herbert

Fink, Charles
 Luther, Robert
 Worsman, Colette

CARROLL

Ahlgren, Christopher
 Merrow, Harry

Chandler, Gene
 Nelson, Bill

Cordelli, Glenn
 Schmidt, Stephen

McConkey, Mark
 Wright, Donald

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
 Shackett, Jeffrey

Doolan, Ralph

Gionet, Edmond

Reilly, Harold

HILLSBOROUGH

Barry, Richard
 Byron, Frank
 Daniels, Gary

Belanger, James
 Cebrowski, John
 Gagne, Larry

Boehm, Ralph
 Coffey, James
 Haefner, Robert

Burt, John
 Culbert, Patrick
 Hansen, Peter

Hikel, John
Lambert, George
Murphy, Kelleigh
O'Flaherty, Tim
Parison, James
Sanborn, Laurie
Ulery, Jordan
Willette, Robert

Hinch, Richard
LeBrun, Donald
Murphy, Keith
Ober, Lynne
Peterson, Lenette
Sandblade, Emily
Vaillancourt, Steve

Infantine, William
McCarthy, Michael
Notter, Jeanine
Ober, Russell
Renzullo, Andrew
Souza, Kathleen
Villeneuve, Moe

Kurk, Neal
Murotake, David
O'Brien, William
Palmer, Stephen
Rowe, Robert
Sweeney, Shawn
Warden, Mark

MERRIMACK

Hoell, J.R.
Smith, Todd

Kotowski, Frank
Walsh, Thomas

McGuire, Carol

McGuire, Dan

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Duarte, Joe
Fesh, Robert
Gordon, Richard
Hoelzel, Kathleen
McMahon, Charles
Perkins, Lawrence
Sedensky, John
Tucker, Pamela

Baldasaro, Alfred
Chirichiello, Brian
Dumaine, Dudley
Friel, William
Hagan, Joseph
Itse, Daniel
Milz, David
Rice, Frederick
Sweeney, Joe
Waterhouse, Kevin

Belanger, Ronald
Comerford, Timothy
Emerick, J. Tracy
Garcia, Bianca
Harris, Jeffrey
Kappler, Lawrence
O'Connor, John
Sanders, Elisabeth
Sytek, John
Webb, James

Bick, Patrick
Danais, Romeo
Ferrante, Beverly
Garcia, Marilinda
Hodgdon, Bruce
Lundgren, David
Peckham, Michele
Schroadter, Adam
Tasker, Kyle
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Jones, Laura

Bickford, David
Mullen, John

Gray, James
Parsons, Robbie

Groen, Warren
Pitre, Joseph

SULLIVAN

Osgood, Joe

Rollins, Skip

Smith, Steven

and the committee report was adopted.

HB 1503-FN, including “fetus” in the definition of “another” for the purpose of certain criminal offenses.

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

Rep. Laura C. Pantelakos for the Majority of Criminal Justice and Public Safety. The majority recognizes the significant loss to a woman and her family when a crime is committed that results in a miscarriage or stillbirth. The law should recognize such a loss and provide appropriate justice for the surviving victims. This bill, as amended, allows for stricter penalties for such crimes. Under current New Hampshire law (RSA 631), if an assault results in a miscarriage or stillbirth and the mother survives, the perpetrator faces an enhanced charge and can be sentenced for up to 15 years imprisonment. The amendment recommended by the committee adds similar sentencing enhancements to the homicide statute for crimes that result in the mother's death. Specifically, it nearly doubles the maximum criminal penalties when manslaughter or negligent homicide results in a miscarriage or stillbirth. For second degree murder—which is punishable by up to life in prison—it requires the judge to explicitly state that he or she has considered a miscarriage or stillbirth as a factor in determining a sentence. These enhanced penalties are severe and they focus the criminal law where it should be: on the additional, often devastating injury suffered when a crime against a woman causes the loss of her fetus. Vote 10-7.

Rep. Kyle J. Tasker for the Minority of Criminal Justice and Public Safety. The minority of the committee felt that the original bill was a well written and reasonable bill. The amendment adopted by the Majority of the committee does not provide a remedy or justice that was asked for by the families or by the prime sponsor. The amendment in fact changes the bill completely from an effective bill, similar to 38 other states, and still leaves NH's unborn children and their families unprotected. The amendment appears not to be well thought out, and the enhanced penalties can only be applied upon the conviction of murder or manslaughter of the mother. This leaves mothers who survive, but whose unborn baby dies, with NO avenue for justice. This is contrary to the point of the original bill.

Majority Amendment (0412h)

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

AN ACT relative to the penalties for negligent homicide and manslaughter causing a miscarriage or stillbirth and relative to miscarriage or stillbirth in second degree murder cases.

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

1 Homicide; Manslaughter. Amend RSA 630:2 to read as follows:

630:2 Manslaughter.

I. A person is guilty of manslaughter when he *or she* causes the death of another:

(a) Under the influence of extreme mental or emotional disturbance caused by extreme provocation but which would otherwise constitute murder; or

(b) Recklessly.

II.(a) Manslaughter shall be punishable by imprisonment for a term of not more than 30 years.

(b) Manslaughter which causes a miscarriage or stillbirth, as defined in RSA 631:1, II(a) and (b), shall be punishable by imprisonment for a term of not more than 60 years.

III. In addition to any other penalty imposed, if the death of another person resulted from the driving of a motor vehicle, the court may revoke the license or driving privilege of the convicted person indefinitely.

2 Homicide; Negligent Homicide. Amend RSA 630:3 to read as follows:

630:3 Negligent Homicide.

I. A person is guilty of a class B felony when he *or she* causes the death of another negligently. **A person convicted of class B felony negligent homicide which causes a miscarriage or stillbirth, as defined in RSA 631:1, II(a) and (b), shall be punished by imprisonment for a term of not more than 14 years.**

II. A person is guilty of a class A felony when in consequence of being under the influence of intoxicating liquor or a controlled drug or any combination of intoxicating liquor and controlled drug while operating a propelled vehicle, as defined in RSA 637:9, III or a boat as defined in RSA 265-A:1, II, he or she causes the death of another. **A person convicted of class A felony negligent homicide which causes a miscarriage or stillbirth, as defined in RSA 631:1, II(a) and (b), shall be punished by imprisonment for a term of not more than 25 years.**

III. In addition to any other penalty imposed, if the death of another person resulted from the negligent driving of a motor vehicle, the court may revoke the license or driving privilege of the convicted person for up to 7 years. In cases where the person is convicted under paragraph II, the court shall revoke the license or driving privilege of the convicted person indefinitely and the person shall not petition for eligibility to reapply for a driver's license for at least 7 years. In a case in which alcohol was involved, the court may also require that the convicted person shall not have a license to drive reinstated until after the division of motor vehicles receives certification of installation of an ignition interlock device as described in RSA 265-A:36, which shall remain in place for a period not to exceed 5 years.

3 Homicide; Second Degree Murder. Amend RSA 630:1-b to read as follows:

630:1-b Second Degree Murder.

I. A person is guilty of murder in the second degree if:

(a) He *or she* knowingly causes the death of another; or

(b) He *or she* causes such death recklessly under circumstances manifesting an extreme indifference to the value of human life. Such recklessness and indifference are presumed if the actor causes the death by the use of a deadly weapon in the commission of, or in an attempt to commit, or in immediate flight after committing or attempting to commit any class A felony.

II. Murder in the second degree shall be punishable by imprisonment for life or for such term as the court may order.

III. In cases where a person is convicted of murder in the second degree which causes a miscarriage or stillbirth, as defined in RSA 631:1, II(a) and (b), the judge shall explicitly state for the record that he or she considered the miscarriage or stillbirth as a factor in pronouncing sentence and shall explain what effect, if any, the miscarriage or stillbirth had in determining the sentence imposed.

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

AMENDED ANALYSIS

This bill adds an enhanced term of imprisonment for manslaughter or negligent homicide causing a miscarriage or stillbirth. The bill also requires that in second degree murder convictions, the judge shall state for the record that he or she considered the miscarriage or stillbirth as a factor in pronouncing sentence and shall explain what effect, if any, the miscarriage or stillbirth had in determining the sentence.

MOTION TO SPECIAL ORDER

Rep. Shurtleff moved that **HB 1503-FN**, including "fetus" in the definition of "another" for the purpose of certain criminal offenses, be made a Special Order as the first order of business after the lunch break for the Session of Thursday, March 20, 2014.

Reps. Shurtleff and Chandler spoke in favor.

Adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. William O'Brien moved that the House reconsider its action whereby, on a voice vote, it adopted the committee report of Ought to Pass on **HB 1410**, including household and domesticated animals under the domestic violence protection statute.

Reps. William O'Brien and Vaillancourt spoke in favor.

On a division vote, 130 members having voted in the affirmative and 200 in the negative, the motion failed.

REGULAR CALENDAR – PART II (CONT'D)

HB 1565-FN, establishing the crime of filing false lien or encumbrance against a public servant. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Robert R. Cushing for the Majority of Criminal Justice and Public Safety. This bill would make it a crime to file a fraudulent lien. The committee amended the original bill, which was designed to protect public servants, to make it a crime to make a fraudulent lien against any citizen. These fraudulent liens can take considerable time and money to clear up, prevent someone from buying or selling a home, and wreak havoc upon someone's credit rating. This bill is supported by the registers of deeds from all ten counties of the state. Vote 13-5.

Rep. Steve Vaillancourt for the Minority of Criminal Justice and Public Safety. The minority does not necessarily object to the spirit of this bill. We do however, object to being presented a detailed amendment and then not given enough time to study it properly. There are problems with the amendment which the majority chose to ignore even though there was ample time to see them. Another committee, Legislative Administration has the same bill and is properly fixing it. The minority objects to slipshod work such as this.

Majority Amendment (0241h)

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

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

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

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

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

I. A person may not intentionally or knowingly present for filing or cause to be presented for filing in the registry, any type of document that is an alleged judgment or other document purporting to memorialize or evidence an act, order, directive, or process of creating a lien without having been authorized under state law, the Constitution, or the laws of the United States. For purposes of this section, a document or instrument purporting to create a lien on real or personal property is presumed to be fraudulent if:

(a) The document or instrument alleges to create a lien or assert a claim against real or personal property or an interest in real or personal property and is not certified or ordered by a court or a judicial entity expressly created or established under the Constitution or the laws of this state or of the United States; or

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

(c) Is not created by implied or express consent or agreement of the obligor, debtor, or owner of the real or personal property or an interest in the real or personal property; or

(d) Is not an equitable, constructive, or other lien imposed by a court with jurisdiction created or established under the Constitution or laws of this state or the United States.

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

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

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

III. Any person who shall knowingly or intentionally file a document or instrument with the express intent to fraudulently create a lien on real or personal property shall be guilty of a class B felony.

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

AMENDED ANALYSIS

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

LAI'D ON THE TABLE

Rep. Cushing moved that **HB 1565-FN**, establishing the crime of filing false lien or encumbrance against a public servant, be laid on the table.

On a division vote, 282 members having voted in the affirmative and 43 in the negative, the motion was adopted.

REGULAR CALENDAR – PART II (CONT'D)**HB 1611-FN**, adding certain products to the controlled drug act. **INEXPEDIENT TO LEGISLATE.**

Rep. Steve Vaillancourt for Criminal Justice and Public Safety. After hearing especially poignant testimony from one woman who had become hooked on these so-called Spice or K-2 drugs, the committee very much wanted to do something to ban these cheap and legal substances, which can easily be obtained at local convenience stores. However, we concur with the sponsor of the bill that Inexpedient to Legislate is appropriate and that better solutions need to be found. The committee heard from the director of the department of safety laboratories; he noted that all but one of the chemicals mentioned in this bill have already been placed on the federal list of schedule one controlled substances. (The singular exception would be moved from schedule five to schedule one, which would not be appropriate.) Apparently, as soon as one chemical is outlawed, the producers of this product, basically chemicals sprayed on inert vegetable matter, simply alter the formula to maintain a legal status. In the process, the substances often become more rather than less dangerous, so clearly something needs to be done about what is more scientifically referred to as “synthetic cannabinoid agonist or piperazines and methylenedioxypyrovalerone or bath salts.” This substance must not be confused with marijuana. In fact, the committee learned from the woman in question that she only went to these substances because marijuana is illegal and these Spice drugs are also cheaper. In other words, society is driving people to use truly dangerous drugs by our current laws. The woman revealed that in 2011, she hallucinated upon taking Spice and nearly died trying to climb down a stone wall. In 2012, she was evicted from her apartment; “I could not stop snorting it,” she told us. “One hit can make you pass out.” The drug allegedly is the cause of kidneys shutting down and other health problems. It’s available for a little as five dollars and can be readily found. While the committee recognized the problem, we sadly were compelled to concur with the sponsor that this bill is not the appropriate solution. Vote 16-0.

Committee report adopted.

HB 1262, relative to student assessment data privacy. **REFER FOR INTERIM STUDY.**

Rep. Barbara E. Shaw for Education. Both HB 1262 and HB 1496 bring out excellent points with regards to student assessment data privacy. The committee would like to further study all aspects of this bill and develop a good privacy policy based on expert testimony and evaluation, clarification and review of existing law. Vote 14-5.

MOTION TO SPECIAL ORDER

Rep. Hoell moved that **HB 1262**, relative to student assessment data privacy, be made a Special Order to next week’s Session in its regular place in the Calendar.

Adopted.

REGULAR CALENDAR – PART II (CONT'D)**HB 1586-FN**, relative to student and teacher information protection and privacy. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Anne C. Grassie for the Majority of Education. The majority felt the security issues and the differences between student and teacher privacy issues needed more study and understanding. The committee agreed strongly that future legislation should be the outcome of the study. Vote 14-5.

Rep. Glenn Cordelli for the Minority of Education. The minority believes that the research has been done on the provisions of this bill and further study is not required. There are important data protection and privacy provisions that are not covered in any other legislation. Publication of parental rights, security plans, data breach reporting are included in HB 1586. In addition, teacher data protection and privacy issues are covered in this bill and need to be put into statute.

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

Reps. Hoell and Cordelli spoke against.

Rep. Grassie spoke in favor.

Rep. Hoell requested a roll call; sufficiently seconded.

YEAS 218 - NAYS 104

**YEAS - 218
BELKNAP**

Arsenault, Beth
Gulick, Ruth

Burchell, Richard
Huot, David

DiMartino, Lisa
Raymond, Ian

Fields, Dennis

CARROLL

Buco, Thomas
Morrow, Harry

Butler, Edward
Ticehurst, Susan

Crawford, Karel

Lavender, Tom

CHESHIRE

Ames, Richard
Eaton, Daniel

Berch, Paul
Johnsen, Gladys

Butynski, William
Johnson, Jane

Chase, Cynthia
Mann, John

Parkhurst, Henry
Sad, Tara
Weed, Charles

Phillips, Larry
Shepardson, Marjorie
Young, Harry

Roberts, Kris
Tatro, Bruce

Robertson, Timothy
Weber, Lucy

COOS

Hammon, Marcia
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

Rideout, Leon

GRAFTON

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

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

Bailey, Brad
Ford, Susan
Higgins, Patricia
Mulholland, Catherine
Shackett, Jeffrey
White, Andrew

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

HILLSBOROUGH

Backus, Robert
Booras, Efsthathia
Chandlee, Shannon
Eaton, Richard
Gale, Sylvia
Graham, John
Hansberry, Daniel
Jack, Martin
Kopka, Angeline
Long, Patrick
Nelson, Mary
Rokas, Ted
Shaw, Barbara
Sullivan, Daniel
Walsh, Robert

Barry, Richard
Brown, Pamela
Christiansen, Lars
Flanagan, Jack
Gargas, Carolyn
Hackel, Paul
Harriott-Gathright, Linda
Judy, Jean
Kurk, Neal
MacKay, Mariellen
O'Neil, William
Rowe, Robert
Soucy, Timothy
Sullivan, Peter
Willette, Robert

Beaulieu, Jane
Byron, Frank
Connor, Evelyn
Gage, Ruth
Goley, Jeffrey
Haefner, Robert
Heath, Mary
Kelley, John
Leishman, Peter
Manley, Jonathan
Pellegrino, Tony
Schmidt, Janice
Spratt, Stephen
Takesian, Charlene
Williams, Kermit

Belanger, James
Campbell, David
DiSilvestro, Linda
Gagne, Larry
Grady, Brenda
Hammond, Jill
Heden, Ruth
Knowles, Mary Ann
Levesque, Melanie
McCarthy, Michael
Porter, Marjorie
Shattuck, Gilman
Stroud, Kathleen
Vail, Suzanne
Woodbury, David

MERRIMACK

Alicea, Caroletta
Carson, Clyde
Frazer, June
Hirsch, Geoffrey
MacKay, James
Ratzki, Mario
Schuett, Dianne
Walsh, Thomas

Bartlett, Christy
Davis, Frank
French, Barbara
Hunt, Jane
Moffett, Howard
Rice, Chip
Shurtleff, Stephen
Walz, Mary Beth

Burns, Scott
Ebel, Karen
Gile, Mary
Kidder, David
Myler, Mel
Richardson, Gary
Turcotte, Alan
Watrous, Rick

Carey, Lorrie
Frambach, Mary
Henle, Paul
Lockwood, Priscilla
Patten, Dick
Schamberg, Thomas
Wallner, Mary Jane
Webb, Leigh

ROCKINGHAM

Allen, Mary
Briden, Steven
Cushing, Robert
Emerick, J. Tracy
Heffron, Frank
Mann, Maureen
Muns, Chris
Rice, Frederick
Ward, Gerald

Andrews-Ahearn, E. Elaine
Cahill, Michael
Devine, James
Flockhart, Eileen
Hoelzel, Kathleen
McMahon, Charles
Nigrello, Robert
Schlachman, Donna
Wazlaw, Brian

Belanger, Ronald
Cali-Pitts, Jacqueline
Dumaine, Dudley
Griffin, Mary
Lovejoy, Patricia
Milz, David
Perkins, Lawrence
Sherman, Thomas
Whittemore, Lisa

Borden, David
Copeland, Timothy
Elliott, Robert
Hayes, Jack
Major, Norman
Moody, Marcia
Priestley, Anne
Till, Mary

STRAFFORD

Baber, William
Grassie, Anne
Hubbard, Pamela
Menear, H. Robert
Rogers, Rose Marie
Spang, Judith

Bixby, Peter
Gray, James
Kaen, Naida
Merrill, Amanda
Schmidt, Peter
Stevens, Audrey

Burke, Rachel
Grossman, Kenneth
Ketel, Stephen
Pelletier, Marsha
Smith, Marjorie
Verschueren, James

Gardner, Janice
Hooper, Dorothea
Malloy, Dennis
Perry, Robert
Spainhower, Dale
Wall, Janet

SULLIVAN

Cloutier, John
O'Hearne, Andrew

Gagnon, Raymond
Rollins, Skip

Gottling, Suzanne
Schmidt, Andrew

Irwin, Virginia
Tanner, Linda

NAYS - 104

BELKNAP

Comtois, Guy
Greemore, Robert
Tilton, Franklin

Cormier, Jane
Holmes, Stephen
Vadney, Herbert

Fink, Charles
Luther, Robert
Worsman, Colette

Flanders, Donald
Sylvia, Michael

CARROLL

Ahlgren, Christopher
Nelson, Bill
Wright, Donald

Chandler, Gene
Schmidt, Stephen

Cordelli, Glenn
Umberger, Karen

McConkey, Mark
White, Syndi

COOS

Rappaport, Laurence

Richardson, Herbert

Theberge, Robert

GRAFTON

Doolan, Ralph

Reilly, Harold

HILLSBOROUGH

Boehm, Ralph
Culbert, Patrick
Gorman, Mary
Jasper, Shawn
Murotake, David
O'Brien, William
Palmer, Stephen
Sanborn, Laurie
Ulery, Jordan
Winters, Joel

Burt, John
Daniels, Gary
Hikel, John
Lambert, George
Murphy, Kelleigh
O'Flaherty, Tim
Parison, James
Sandblade, Emily
Vaillancourt, Steve

Cebrowski, John
Danielson, David
Hinch, Richard
LeBrun, Donald
Murphy, Keith
Ober, Lynne
Peterson, Lenette
Souza, Kathleen
Villeneuve, Moe

Coffey, James
Gidge, Kenneth
Infantine, William
Mangipudi, Latha
Notter, Jeanine
Ober, Russell
Renzullo, Andrew
Sweeney, Shawn
Warden, Mark

MERRIMACK

Hoell, J.R.

Kotowski, Frank

McGuire, Carol

McGuire, Dan

ROCKINGHAM

Abrami, Patrick
Comerford, Timothy
Fesh, Robert
Gordon, Richard
Itse, Daniel
Sanders, Elisabeth
Tucker, Pamela

Bick, Patrick
Danaïs, Romeo
Friel, William
Hagan, Joseph
Kappler, Lawrence
Schroadter, Adam
Waterhouse, Kevin

Birdsell, Regina
Duarte, Joe
Garcia, Bianca
Harris, Jeffrey
O'Connor, John
Sedensky, John
Webb, James

Chirichiello, Brian
Ferrante, Beverly
Garcia, Marilinda
Hodgdon, Bruce
Peckham, Michele
Sytek, John
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Jones, Laura

Bickford, David
Mullen, John

Groen, Warren
Pitre, Joseph

Horrigan, Timothy

SULLIVAN

Grenier, James

Osgood, Joe

Smith, Steven

and the majority committee report was adopted.

HB 1101-FN, relative to the recovery of overpayments by the retirement system and establishing a committee to study the policies and procedures of the retirement system for benefits wrongfully paid. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jeffrey P. Goley for the Majority of Executive Departments and Administration. The NH retirement system board of trustees has a fiduciary duty to act in accordance with what will be the best interests of the participants and beneficiaries of the system and already has in place a recoupment process for benefits given or taken in error. This bill was brought forward by the sponsor because of one case that happened last year. Since that case occurred, revisions to the pension recoupment and hardship policies were approved in January at the NH retirement board meeting to further clarify and address any further cases that may occur. The majority of the committee believes that because the retirement system already has policies in place to recoup benefits that this bill is not needed. Vote 10-9.

Rep. Peter T. Hansen for the Minority of Executive Departments and Administration. HB 1101-FN seeks to establish a committee to establish procedures to ensure collection of overpaid benefits by New Hampshire retirement system. In addition, the bill establishes penalty for defrauding the New Hampshire retirement system. This bill also requires the New Hampshire retirement system to collect all overpayments to a retiree in cases of fraud or error by the system. The minority believes the protection of New Hampshire retirement system assets is critical to preserving benefits for current and future retirees and seeks to overturn the Inexpedient to Legislate to Ought to Pass.

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

Rep. Goley spoke in favor

Rep. Carol McGuire spoke against, yielded to questions and requested a roll call; sufficiently seconded.

YEAS 183 - NAYS 138**YEAS - 183
BELKNAP**

Arsenault, Beth

DiMartino, Lisa

Gulick, Ruth

Raymond, Ian

CARROLLBuco, Thomas
Ticehurst, SusanButler, Edward
White, Syndi

Crawford, Karel

Lavender, Tom

CHESHIREAmes, Richard
Eaton, Daniel
Parkhurst, Henry
Shepardson, MarjorieBerch, Paul
Johnsen, Gladys
Roberts, Kris
Tatro, BruceButynski, William
Johnson, Jane
Robertson, Timothy
Weber, LucyChase, Cynthia
Mann, John
Sad, Tara
Weed, Charles**COOS**

Hammon, Marcia

Hatch, William

Moynihan, Wayne

Theberge, Robert

GRAFTONAguiar, James
Cooney, Mary
Higgins, Patricia
Nordgren, Sharon
Sykes, GeorgeAlmy, Susan
Ford, Susan
Lovett, Sid
Pastor, Beatriz
White, AndrewBenn, Bernard
Friedrich, Carol
Massimilla, Linda
Piper, WendyBrown, Rebecca
Harding, Laurie
Mulholland, Catherine
Smith, Suzanne**HILLSBOROUGH**Backus, Robert
Campbell, David
Danielson, David
Gale, Sylvia
Grady, Brenda
Harriott-Gathright, Linda
Judy, Jean
Leishman, Peter
Mangipudi, Latha
O'Brien, Michael
Schmidt, Janice
Spratt, Stephen
Walsh, RobertBeaulieu, Jane
Chandlee, Shannon
DiSilvestro, Linda
Gidge, Kenneth
Hackel, Paul
Heath, Mary
Kelley, John
Levesque, Melanie
Manley, Jonathan
O'Neil, William
Shattuck, Gilman
Sullivan, Daniel
Williams, KermitBooras, Efstathia
Connor, Evelyn
Eaton, Richard
Goley, Jeffrey
Hammond, Jill
Heden, Ruth
Knowles, Mary Ann
Long, Patrick
McCarthy, Michael
Porter, Marjorie
Shaw, Barbara
Sullivan, Peter
Winters, JoelBrown, Pamela
Cote, David
Gage, Ruth
Gorman, Mary
Hansberry, Daniel
Jack, Martin
Kopka, Angeline
MacKay, Mariellen
Nelson, Mary
Rokas, Ted
Soucy, Timothy
Vail, Suzanne
Woodbury, David**MERRIMACK**Alicea, Caroletta
Burns, Scott
Frambach, Mary
Henle, Paul
MacKay, James
Rice, Chip
Shurtleff, Stephen
Watrous, RickAndrews, Christopher
Carey, Lorrie
Frazer, June
Hirsch, Geoffrey
Myler, Mel
Richardson, Gary
Turcotte, Alan
Webb, LeighBartlett, Christy
Carson, Clyde
French, Barbara
Hunt, Jane
Patten, Dick
Schamberg, Thomas
Wallner, Mary JaneBouchard, Candace
Davis, Frank
Gile, Mary
Kelly, Sally
Ratzki, Mario
Schuett, Dianne
Walz, Mary Beth**ROCKINGHAM**Andrews-Ahearn, E. Elaine
Cali-Pitts, Jacqueline
Griffin, Mary
Moody, Marcia
Priestley, Anne
Ward, GeraldBorden, David
Copeland, Timothy
Heffron, Frank
Muns, Chris
Schlachman, Donna
Wazlaw, BrianBriden, Steven
Cushing, Robert
Lovejoy, Patricia
Peckham, Michele
Sherman, ThomasCahill, Michael
Flockhart, Eileen
Mann, Maureen
Perkins, Lawrence
Till, Mary**STRAFFORD**Baber, William
Grassie, Anne
Hubbard, Pamela
Merrill, Amanda
Schmidt, Peter
Stevens, AudreyBixby, Peter
Grossman, Kenneth
Kaen, Naida
Pelletier, Marsha
Smith, Marjorie
Verschueren, JamesBurke, Rachel
Hooper, Dorothea
Ketel, Stephen
Perry, Robert
Spainhower, Dale
Wall, JanetGardner, Janice
Horrigan, Timothy
Menear, H. Robert
Rogers, Rose Marie
Spang, Judith**SULLIVAN**Cloutier, John
Irwin, VirginiaGagnon, Raymond
O'Hearne, AndrewGottling, Suzanne
Sweeney, CynthiaGrenier, James
Tanner, Linda

NAYS - 138**BELKNAP**

Burchell, Richard
Fink, Charles
Luther, Robert
Worsman, Colette

Comtois, Guy
Flanders, Donald
Sylvia, Michael

Cormier, Jane
Greemore, Robert
Tilton, Franklin

Fields, Dennis
Holmes, Stephen
Vadney, Herbert

CARROLL

Ahlgren, Christopher
Schmidt, Stephen

Cordelli, Glenn
Umberger, Karen

McConkey, Mark
Wright, Donald

Morrow, Harry

CHESHIRE

Phillips, Larry

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

Thomas, Yvonne

GRAFTON

Bailey, Brad
Reilly, Harold

Doolan, Ralph
Shackett, Jeffrey

Gionet, Edmond

Ladd, Rick

HILLSBOROUGH

Barry, Richard
Byron, Frank
Culbert, Patrick
Gargas, Carolyn
Hikel, John
Lambert, George
Notter, Jeanine
Ober, Russell
Renzullo, Andrew
Souza, Kathleen
Ulery, Jordan
Willette, Robert

Belanger, James
Cebrowski, John
Daniels, Gary
Graham, John
Infantine, William
LeBrun, Donald
O'Brien, William
Palmer, Stephen
Rowe, Robert
Stroud, Kathleen
Vaillancourt, Steve

Boehm, Ralph
Christiansen, Lars
Flanagan, Jack
Haefner, Robert
Jasper, Shawn
Murphy, Kelleigh
O'Flaherty, Tim
Parison, James
Sanborn, Laurie
Sweeney, Shawn
Villeneuve, Moe

Burt, John
Coffey, James
Gagne, Larry
Hansen, Peter
Kurk, Neal
Murphy, Keith
Ober, Lynne
Peterson, Lenette
Sandblade, Emily
Takesian, Charlene
Warden, Mark

MERRIMACK

Ebel, Karen
Lockwood, Priscilla
Walsh, Thomas

Hess, David
McGuire, Carol

Hoell, J.R.
McGuire, Dan

Kotowski, Frank
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Bick, Patrick
Dana, Romeo
Elliott, Robert
Friel, William
Hagan, Joseph
Itse, Daniel
Milz, David
Sanders, Elisabeth
Sytek, John
Webb, James

Allen, Mary
Birdsell, Regina
Devine, James
Emerick, J. Tracy
Garcia, Bianca
Harris, Jeffrey
Kappler, Lawrence
Nigrello, Robert
Schroadter, Adam
Tasker, Kyle
Weyler, Kenneth

Baldasaro, Alfred
Chirichiello, Brian
Duarte, Joe
Ferrante, Beverly
Garcia, Marilinda
Hodgdon, Bruce
Major, Norman
O'Connor, John
Sedensky, John
Tucker, Pamela

Belanger, Ronald
Comerford, Timothy
Dumaine, Dudley
Fesh, Robert
Gordon, Richard
Hoelzel, Kathleen
McMahon, Charles
Rice, Frederick
Sweeney, Joe
Waterhouse, Kevin

STRAFFORD

Beaudoin, Steven
Jones, Laura

Bickford, David
Malloy, Dennis

Gray, James
Mullen, John

Groen, Warren
Pitre, Joseph

SULLIVAN

Osgood, Joe

Rollins, Skip

Smith, Steven

and the majority committee report was adopted.

HB 1351, prohibiting tanning facilities from tanning persons under 18 years of age. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Peter B. Schmidt for the Majority of Executive Departments and Administration. The committee heard from health professionals, members of the public with experience in the long-term effects of tanning salons, as well as young people on the aftermath of personal use of tanning booths. The clear scientific consensus establishes the danger of skin damage arising from extensive tanning. Numerous countries have either banned commercial tanning booth use by minors, or entirely prohibited commercial tanning. Some US firms are reportedly voluntarily refusing to tan minors; others state that their business from minors is insignificant. Since minors are generally most at risk of skin damage, NH should act to end this form of child endangerment by prohibiting commercial tanning of minors. Vote 10-9.

Rep. Steven P. Beaudoin for the Minority of Executive Departments and Administration. The committee heard compelling testimony in support of the bill and of the obvious dangers of excessive ultraviolet exposure. Though the minority agrees that excessive ultraviolet exposure poses a risk, we feel that current statute, which prohibits anyone under 15 from using tanning salons without a doctor's orders or anyone between the ages of 15 and 18 without written parental consent, is adequate. Further, the minority feels that the state has no business injecting itself into what clearly is, and should remain, a parental right to allow a child to tan or not.

Majority Amendment (0800h)

Amend RSA 313-A:31, II as inserted by section 2 of the bill by replacing it with the following:

II. This section shall not apply to any physician, advanced practiced registered nurse, or physician assistant licensed under RSA 329, RSA 326-B, or RSA 328-D, respectively, who, in his or her practice, uses or prescribes to be used a phototherapy device with respect to a patient of any age.

Majority committee amendment adopted.

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

Rep. Beaudoin spoke against and yielded to questions.

Rep. Peter Schmidt spoke in favor.

Rep. Sally Kelly requested a roll call; sufficiently seconded.

MOTION TO LAY ON THE TABLE

Rep. Lambert moved that **HB 1351**, prohibiting tanning facilities from tanning persons under 18 years of age, be laid on the table.

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

On a division vote, 162 members having voted in the affirmative and 167 in the negative, the motion failed.

MOTION TO INDEFINITELY POSTPONE

Rep. Vaillancourt moved that **HB 1351**, prohibiting tanning facilities from tanning persons under 18 years of age, be Indefinitely Postponed.

Rep. Vaillancourt spoke in favor.

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

On a division vote, 175 members having voted in the affirmative and 154 in the negative, the motion was adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Vaillancourt moved that the House reconsider its action whereby, on a division vote of 175-154, it adopted the motion to Indefinitely Postpone on **HB 1351**, prohibiting tanning facilities from tanning persons under 18 years of age.

Rep. Vaillancourt spoke against.

Motion failed.

REGULAR CALENDAR – PART II (CONT'D)

HB 1480, relative to objections to proposed agency administrative rules by standing committees of the general court. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter B. Schmidt for Executive Departments and Administration. This bill would further complicate the JLCAR process by adding procedures for policy committees or any group of 20 individual representatives to object to proposed rules. Aside from vagueness of some aspects, the bill's major, and fatal, flaw is its inherent unworkability. In pursuit of the implementation of the statutes it enacts, the legislative branch has granted to the executive branch the power to write rules having the force of law. These are narrowly constrained to not exceed the authority, nor violate the intent, of the statute they implement, nor to be contrary to the public interest. The rule writing and promulgation process is a year-round activity, with deadlines, which prevent rules from being sat on by hostile forces; therefore the bill's call for additional vetting would be impossible when the legislature is not in session and its grant of additional authority to any single committee violates our fundamental procedures. The JLCAR has full-time attorneys whose responsibility it is to vet the rules for compliance with the principles enunciated above. They do this work well. HB 1480 would make this process break down and should therefore be rejected. Vote 10-5.

Committee report adopted.

HB 1493-FN-L, relative to members of the retirement system working after retirement, and relative to membership of political subdivision officials appointed for fixed terms. **INEXPEDIENT TO LEGISLATE.**

Rep. Romeo Danais for Executive Departments and Administration. This bill would impose severe penalties on any retired New Hampshire state employee who exceeds the maximum number of hours of part time employment. The committee agreed the penalty would be too harsh. Vote 12-6.

Committee report adopted.

HB 1603, relative to renewal of emergency medical technician-intermediate licenses. **REFER FOR INTERIM STUDY.**

Rep. Carol M. McGuire for Executive Departments and Administration. The EMT-I level has been used in New Hampshire for almost 30 years, but the national registry is phasing it out in favor of the advanced EMT, and will eliminate it completely in 2016. Upgrading from EMT-I to AEMT is not just a matter of taking some advanced training, it requires retesting on the complete scope of knowledge required to be an EMT, a daunting task for a person who's been in the profession and away from school for years. When this bill was submitted, the board of emergency medicine had imposed the new requirement in its rules in 2010, but had taken no action to transition the approximately 1,500 EMT-I's to the new level. In the last six months or so, the board has developed an outreach and education plan, including test-taking guidance and a mobile testing facility. Interim study will allow the committee to monitor the success of this plan and the progress of the state's EMTs in upgrading to the new level. Vote 10-7.

Committee report adopted.

HB 435-FN, relative to funding for chartered public school pupils. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Susan M. Ford for the Majority of Finance. This bill increases the amount paid to charter schools per student from 40% to 50% of the most recent available average cost per pupil for public school pupils, including any differentiated aid for which a pupil is eligible. The fiscal note indicates that this would increase state expenditures by \$2,763,092 in FY 2015 and by an indeterminable amount in each year thereafter. In FY 09, the total General Fund expenditure for charters was \$3.5 million and the estimated expenditure for next year is now over \$23 million and that is without HB 435. HB 435 creates an unpredictable, but ever-increasing, General Fund obligation. If HB 435 is approved, the Department of Education projects (March 03, 2014) that it will likely cost the state \$130 million over just the next 3 years as compared to \$100 million under the current law. Education funding is complicated and there are many demands being made on the general fund budget by towns and cities including building aid and the need for an increase in catastrophic aid. Currently, many towns and cities are losing money to the adequacy cap and others are looking for more state support to alleviate property taxes. With 4 new schools opening in 2015 and 10 more charter schools that are in the application process the majority of the committee was concerned with the huge, unknown, long-term fiscal implication to the general fund. Educational funding of charter schools is a part of the budget, but without having solid information about the long-term implications of raising the funding rate from 40% to 50%, HB 435 is irresponsible. It is the intent of the majority of the Finance Committee to analyze the charter school funding and make a recommendation based on long-term predictions and for this reason moved to interim study for HB 435. Vote 13-8.

Rep. Kenneth L. Weyler for the Minority of Finance. The policy of the New Hampshire Legislature is to support charter schools. HB 435 was passed out of the Committee on Education, and by the House. It was sent to the Finance Committee to assure that all the money was available to fund the increase in per student aid that the bill called for. Subsequently, the successes of the various charter schools led to requests to increase enrollments. These factors, and an increase in the average cost per student led to a requirement to decrease the per student stipend from 50% of the average annual student cost to 47.5% of the annual cost per public school student, now \$13,459.40. In order to not exceed the available charter school appropriation for 2015 the stipend to each charter school student would be \$6,393.22. Although the bill, with the proposed amendment, would restore the relationship of the charter school per pupil spending to nearer what it was when the \$2,000 stipend was first added, it would still fall far short of receiving the support that other public school students receive. The majority of the committee wanted interim study to be assured that going forward the extra stipend would be supported in the future. Since that vote, I have had time to look at future trends and will be presenting those figures at the debate, to show that study is unnecessary and the money is there for 2015 and for the next two biennium.

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

Rep. Shaw spoke against and yielded to questions.

(Rep. Kaen in the Chair)

Rep. Irwin spoke against.

Rep. Ford spoke in favor and yielded to questions.

Rep. Weyler spoke against and yielded to questions.

Rep. Daniel Eaton spoke in favor.

Rep. Boehm requested a roll call; sufficiently seconded.

YEAS 167 - NAYS 151

YEAS - 167

BELKNAP

CARROLLBuco, Thomas
White, Syndi

Butler, Edward

Lavender, Tom

Ticehurst, Susan

CHESHIREAmes, Richard
Johnsen, Gladys
Phillips, Larry
Tatro, BruceBerch, Paul
Lerandeau, Alfred
Robertson, Timothy
Weber, LucyButynski, William
Ley, Douglas
Sad, Tara
Weed, CharlesEaton, Daniel
Parkhurst, Henry
Shepardson, Marjorie**COOS**

Hammon, Marcia

Hatch, William

Moynihan, Wayne

Theberge, Robert

GRAFTONAguiar, James
Cooney, Mary
Higgins, Patricia
Nordgren, Sharon
Smith, SuzanneAlmy, Susan
Ford, Susan
Lovett, Sid
Pastor, Beatriz
Sykes, GeorgeBenn, Bernard
Friedrich, Carol
Massimilla, Linda
Piper, Wendy
Townsend, CharlesBrown, Rebecca
Harding, Laurie
Mulholland, Catherine
Shackett, Jeffrey
White, Andrew**HILLSBOROUGH**Backus, Robert
Connor, Evelyn
Gage, Ruth
Gorman, Mary
Hansberry, Daniel
Jack, Martin
Leishman, Peter
Manley, Jonathan
Porter, Marjorie
Sullivan, Daniel
Williams, KermitBrown, Pamela
Cote, David
Gale, Sylvia
Grady, Brenda
Harriott-Gathright, Linda
Kelley, John
Levesque, Melanie
Nelson, Mary
Schmidt, Janice
Takesian, CharleneCampbell, David
DiSilvestro, Linda
Gidge, Kenneth
Hackel, Paul
Heath, Mary
Knowles, Mary Ann
MacKay, Mariellen
O'Brien, Michael
Shattuck, Gilman
Vail, SuzanneChandley, Shannon
Eaton, Richard
Goley, Jeffrey
Hammond, Jill
Heden, Ruth
Kopka, Angeline
Mangipudi, Latha
O'Neil, William
Spratt, Stephen
Walsh, Robert**MERRIMACK**Alicea, Caroletta
Carey, Lorrie
Frambach, Mary
Henle, Paul
Lockwood, Priscilla
Patten, Dick
Schamberg, Thomas
Wallner, Mary JaneBartlett, Christy
Carson, Clyde
Frazer, June
Hirsch, Geoffrey
MacKay, James
Ratzki, Mario
Schuett, Dianne
Walz, Mary BethBouchard, Candace
Davis, Frank
French, Barbara
Hunt, Jane
Moffett, Howard
Rice, Chip
Shurtleff, Stephen
Watrous, RickBurns, Scott
Ebel, Karen
Gile, Mary
Kidder, David
Myler, Mel
Richardson, Gary
Turcotte, Alan
Webb, Leigh**ROCKINGHAM**Borden, David
Copeland, Timothy
Lovejoy, Patricia
Schlachman, Donna
Wazlaw, BrianBriden, Steven
Cushing, Robert
Mann, Maureen
Sherman, Thomas
Whittemore, LisaCahill, Michael
Flockhart, Eileen
Moody, Marcia
Till, MaryCali-Pitts, Jacqueline
Heffron, Frank
Muns, Chris
Ward, Gerald**STRAFFORD**Baber, William
Grossman, Kenneth
Ketel, Stephen
Pelletier, Marsha
Smith, MarjorieBixby, Peter
Hooper, Dorothea
Malloy, Dennis
Perry, Robert
Stevens, AudreyBurke, Rachel
Horriggan, Timothy
Menear, H. Robert
Rogers, Rose Marie
Verschueren, JamesGrassie, Anne
Hubbard, Pamela
Merrill, Amanda
Schmidt, Peter
Wall, Janet**SULLIVAN**Cloutier, John
Rollins, SkipGagnon, Raymond
Sweeney, CynthiaGottling, Suzanne
Tanner, Linda

O'Hearne, Andrew

NAYS - 151**BELKNAP**Burchell, Richard
Fink, Charles
Luther, Robert
Worsman, ColetteComtois, Guy
Flanders, Donald
Sylvia, MichaelCormier, Jane
Greemore, Robert
Tilton, FranklinFields, Dennis
Holmes, Stephen
Vadney, Herbert**CARROLL**Ahlgren, Christopher
McConkey, Mark
Wright, DonaldChandler, Gene
Morrow, HarryCordelli, Glenn
Nelson, BillCrawford, Karel
Umberger, Karen

CHESHIRE

Johnson, Jane	Mann, John	Roberts, Kris
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COOS

Rappaport, Laurence	Richardson, Herbert	Rideout, Leon
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GRAFTON

Bailey, Brad	Doolan, Ralph	Gionet, Edmond	Ladd, Rick
Reilly, Harold			

HILLSBOROUGH

Barry, Richard	Beaulieu, Jane	Belanger, James	Boehm, Ralph
Burt, John	Byron, Frank	Cebrowski, John	Christiansen, Lars
Coffey, James	Culbert, Patrick	Daniels, Gary	Danielson, David
Flanagan, Jack	Gagne, Larry	Gargas, Carolyn	Graham, John
Haefner, Robert	Hansen, Peter	Hikel, John	Infantine, William
Jasper, Shawn	Kurk, Neal	Lambert, George	LeBrun, Donald
Long, Patrick	McCarthy, Michael	Murotake, David	Murphy, Kelleigh
Murphy, Keith	Notter, Jeanine	O'Brien, William	O'Flaherty, Tim
Ober, Lynne	Ober, Russell	Palmer, Stephen	Parison, James
Peterson, Lenette	Renzullo, Andrew	Rowe, Robert	Sanborn, Laurie
Sandblade, Emily	Shaw, Barbara	Soucy, Timothy	Souza, Kathleen
Stroud, Kathleen	Sullivan, Peter	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Moe	Warden, Mark	Willette, Robert	Winters, Joel
Woodbury, David			

MERRIMACK

Hess, David	Hoell, J.R.	Kotowski, Frank	McGuire, Carol
McGuire, Dan	Walsh, Thomas		

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Baldasaro, Alfred	Belanger, Ronald
Bick, Patrick	Birdsell, Regina	Chirichiello, Brian	Comerford, Timothy
Danais, Romeo	Devine, James	Duarte, Joe	Dumaine, Dudley
Elliott, Robert	Emerick, J. Tracy	Ferrante, Beverly	Fesh, Robert
Friel, William	Garcia, Bianca	Garcia, Marilinda	Gordon, Richard
Grace, Curtis	Griffin, Mary	Hagan, Joseph	Harris, Jeffrey
Hodgdon, Bruce	Hoelzel, Kathleen	Itse, Daniel	Kappler, Lawrence
Major, Norman	McMahon, Charles	Milz, David	Nigrello, Robert
O'Connor, John	Peckham, Michele	Perkins, Lawrence	Priestley, Anne
Rice, Frederick	Sanders, Elisabeth	Schroadter, Adam	Sedensky, John
Sweeney, Joe	Sytek, John	Tucker, Pamela	Waterhouse, Kevin
Webb, James	Weyler, Kenneth		

STRAFFORD

Beaudoin, Steven	Bickford, David	Gardner, Janice	Gray, James
Groen, Warren	Jones, Laura	Mullen, John	Pitre, Joseph
Spang, Judith			

SULLIVAN

Grenier, James	Irwin, Virginia	Osgood, Joe	Smith, Steven
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and the majority committee report was adopted.

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 167-151, the House adopted the majority committee report of Refer for Interim Study on **HB 435-FN**, relative to funding for chartered public school pupils.

Rep. Daniel Eaton spoke against.

On a division vote, 146 members having voted in the affirmative and 171 in the negative, the motion failed.

REGULAR CALENDAR - PART II (CONT'D)

HB 525-FN, raising the age of minority for juvenile delinquency proceedings from 17 to 18 years of age. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David O. Huot for the Majority of Finance. This bill came to the committee for assessment of the fiscal impact associated with the House position that the age of majority should be raised from 17 to 18. Costs associated with the change include services provided by DCYF, which the department estimates at \$2.4 million general funds annually beginning with the next biennial budget. However, caseloads have declined by approximately half over the past decade since the year upon which the department based

its caseload and cost estimates. There will be some additional cost to the court system. Failure to raise the age has potential serious financial implications for the counties, which must comply with the federal Prison Rape Elimination Act. The counties estimate the cost to be between \$3-10 million, including both construction of new facilities and 24-hour one-on-one supervision of incarcerated individuals under the age of 18. Vote 20-2.

Rep. Dan McGuire for the Minority of Finance. Due to the newly enforced federal PREA law, 17 year-olds will be separated from older prisoners, regardless of whether this bill passes or not. If HB 525 passes, 17 year-olds will become the responsibility of HHS, if not they will stay under county supervision. Given that the budget of the Sununu Youth Center is over \$250,000 per inmate per year, and counties spend a fraction of that, it is clear that this bill is not taxpayer friendly.

LAID ON THE TABLE

Rep. Wallner moved that **HB 525-FN**, raising the age of minority for juvenile delinquency proceedings from 17 to 18 years of age, be laid on the table.

On a division vote, 280 members having voted in the affirmative and 22 in the negative, the motion was adopted.

REGULAR CALENDAR – PART I (CONT'D)

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

Rep. David O. Huot for Finance. This bill increases the juvenile delinquency age to 18 from 17 and further amends the process for determination of competence to insure such determinations are consistent for all age categories. It also clarifies the right to counsel in juvenile cases and how that right can be waived as well as establishing standards for qualifications of counsel in juvenile delinquency cases. Many of these provisions have been on the books for over 30 years and are in need of the updating the bill provides. The annual costs associated with this legislation begin with the next biennium, which is when the act takes effect, and are estimated to be \$2.64 million in general funds. Raising the age to 18 has the potential to significantly reduce the cost to the counties for complying with the federal Prison Rape Elimination Act requirements regarding prisoners under age 18. The amendment sets up a mechanism to study how juvenile offenders can be served more efficiently on a timetable to allow for legislation in the next session. It also eliminates a report, which is not necessary for the implementation of the program. Vote 25-0.

Amendment (0891h)

Amend the bill by replacing all after section 26 with the following:

27 Department of Health and Human Services; Juvenile Justice Services Report. The department of health and human services shall review the services provided by the state for juveniles and determine if the services, placements, and programs provided are consistent with current evidence-based practice, and cost effective when compared to other states and service alternatives. Such review shall consider the cost of services on a per person basis compared to other states and service alternatives, and the effectiveness of those services in reducing juvenile delinquency and recidivism. The results of the review shall include a ranking of the services by age group, based on effectiveness, cost per person, and total cost. The department shall report the results of the review to the house and senate finance committees, the house children and family law committee, and the senate health, education and human services committee no later than January 15, 2015.

28 Effective Date.

I. Section 27 of this act shall take effect upon its passage.

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

AMENDED ANALYSIS

This bill:

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

II. Clarifies competency determinations in juvenile proceedings.

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

IV. Changes waiver of counsel procedure for juvenile proceedings.

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

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

VII. Requires the department of health and human services to submit a juvenile justice services report to the legislature.

Reps. William O'Brien and Rowe spoke against.

MOTION TO LAY ON THE TABLE

Rep. Rowe moved that **HB 1624-FN**, modernizing the juvenile justice system to ensure rehabilitation of juveniles and preservation of juvenile rights, be laid on the table.

The Speaker ruled the motion out of order because the member was recognized for a question, not a motion.

MOTION TO LAY ON THE TABLE

Rep. William O'Brien moved that **HB 1624-FN**, modernizing the juvenile justice system to ensure rehabilitation of juveniles and preservation of juvenile rights, be laid on the table.

Rep. Wallner requested a roll call; sufficiently seconded.

YEAS 82 - NAYS 215**YEAS - 82****BELKNAP**

Burchell, Richard
Greemore, Robert

Comtois, Guy
Holmes, Stephen

Fink, Charles
Luther, Robert

Flanders, Donald
Vadney, Herbert

CARROLL

Ahlgren, Christopher

Lavender, Tom

Merrow, Harry

Wright, Donald

CHESHIRE

Parkhurst, Henry

Phillips, Larry

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Doolan, Ralph

Massimilla, Linda

Reilly, Harold

HILLSBOROUGH

Belanger, James
Christiansen, Lars
Gagne, Larry
Lambert, George
Notter, Jeanine
Parison, James
Sandblade, Emily
Willette, Robert

Boehm, Ralph
Coffey, James
Haefner, Robert
LeBrun, Donald
O'Brien, William
Peterson, Lenette
Souza, Kathleen

Burt, John
Culbert, Patrick
Hikel, John
Murphy, Kelleigh
Ober, Russell
Renzullo, Andrew
Takesian, Charlene

Byron, Frank
Daniels, Gary
Infantine, William
Murphy, Keith
Palmer, Stephen
Rowe, Robert
Villeneuve, Moe

MERRIMACK

Kotowski, Frank

McGuire, Dan

Walsh, Thomas

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Duarte, Joe
Hagan, Joseph
Kappler, Lawrence
Schroadter, Adam

Baldasaro, Alfred
Copeland, Timothy
Fesh, Robert
Harris, Jeffrey
Major, Norman
Sedensky, John

Belanger, Ronald
Danaïs, Romeo
Friel, William
Hodgdon, Bruce
O'Connor, John
Webb, James

Bick, Patrick
Devine, James
Garcia, Bianca
Hoelzel, Kathleen
Sanders, Elisabeth

STRAFFORD

Gray, James

Groen, Warren

Mullen, John

Pitre, Joseph

SULLIVAN

O'Hearne, Andrew

Osgood, Joe

Smith, Steven

NAYS - 215**BELKNAP**

DiMartino, Lisa
Raymond, Ian

Fields, Dennis
Sylvia, Michael

Gulick, Ruth
Tilton, Franklin

Huot, David
Worsman, Colette

CARROLL

Buco, Thomas
Crawford, Karel
Umberger, Karen

Butler, Edward
McConkey, Mark
White, Syndi

Chandler, Gene
Nelson, Bill

Cordelli, Glenn
Ticehurst, Susan

CHESHIRE

Ames, Richard
Johnsen, Gladys
Robertson, Timothy
Weber, Lucy

Berch, Paul
Johnson, Jane
Sad, Tara
Weed, Charles

Butynski, William
Ley, Douglas
Shepardson, Marjorie

Eaton, Daniel
Mann, John
Tatro, Bruce

COOS

Hammon, Marcia

Hatch, William

Moynihan, Wayne

Theberge, Robert

GRAFTON

Almy, Susan
Cooney, Mary
Harding, Laurie
Mulholland, Catherine
Shackett, Jeffrey
White, Andrew

Bailey, Brad
Ford, Susan
Higgins, Patricia
Nordgren, Sharon
Smith, Suzanne

Benn, Bernard
Friedrich, Carol
Ladd, Rick
Pastor, Beatriz
Sykes, George

Brown, Rebecca
Gionet, Edmond
Lovett, Sid
Piper, Wendy
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Campbell, David
Cote, David
Gage, Ruth
Goley, Jeffrey
Hackel, Paul
Harriott-Gathright, Linda
Jasper, Shawn
Kurk, Neal
Mangipudi, Latha
Nelson, Mary
Ober, Lynne
Shattuck, Gilman
Sullivan, Daniel
Vaillancourt, Steve
Woodbury, David

Barry, Richard
Cebrowski, John
Danielson, David
Gale, Sylvia
Gorman, Mary
Hammond, Jill
Heath, Mary
Kelley, John
Leishman, Peter
Manley, Jonathan
O'Brien, Michael
Porter, Marjorie
Shaw, Barbara
Sullivan, Peter
Walsh, Robert

Beaulieu, Jane
Chandley, Shannon
DiSilvestro, Linda
Gargas, Carolyn
Grady, Brenda
Hansberry, Daniel
Heden, Ruth
Knowles, Mary Ann
Long, Patrick
McCarthy, Michael
O'Flaherty, Tim
Sanborn, Laurie
Spratt, Stephen
Ulery, Jordan
Williams, Kermit

Brown, Pamela
Connor, Evelyn
Eaton, Richard
Gidge, Kenneth
Graham, John
Hansen, Peter
Jack, Martin
Kopka, Angeline
MacKay, Mariellen
Murotake, David
O'Neil, William
Schmidt, Janice
Stroud, Kathleen
Vail, Suzanne
Winters, Joel

MERRIMACK

Alicea, Caroletta
Carson, Clyde
Frazer, June
Hirsch, Geoffrey
MacKay, James
Patten, Dick
Schamberg, Thomas
Wallner, Mary Jane

Bartlett, Christy
Davis, Frank
French, Barbara
Hoell, J.R.
McGuire, Carol
Ratzki, Mario
Schuett, Dianne
Walz, Mary Beth

Burns, Scott
Ebel, Karen
Henle, Paul
Hunt, Jane
Moffett, Howard
Rice, Chip
Shurtleff, Stephen
Watrous, Rick

Carey, Lorrie
Frambach, Mary
Hess, David
Kidder, David
Myler, Mel
Richardson, Gary
Turcotte, Alan
Webb, Leigh

ROCKINGHAM

Allen, Mary
Cali-Pitts, Jacqueline
Dumaine, Dudley
Flockhart, Eileen
Heffron, Frank
McMahon, Charles
Nigrello, Robert
Schlachman, Donna
Till, Mary
Weyler, Kenneth

Borden, David
Chirichiello, Brian
Elliott, Robert
Gordon, Richard
Itse, Daniel
Milz, David
Peckham, Michele
Sherman, Thomas
Ward, Gerald
Whittemore, Lisa

Briden, Steven
Comerford, Timothy
Emerick, J. Tracy
Grace, Curtis
Lovejoy, Patricia
Moody, Marcia
Priestley, Anne
Sytek, John
Waterhouse, Kevin

Cahill, Michael
Cushing, Robert
Ferrante, Beverly
Griffin, Mary
Mann, Maureen
Muns, Chris
Rice, Frederick
Tasker, Kyle
Wazlaw, Brian

STRAFFORD

Baber, William
Burke, Rachel
Hooper, Dorothea
Ketel, Stephen
Perry, Robert
Spang, Judith

Beaudoin, Steven
Gardner, Janice
Horriggan, Timothy
Malloy, Dennis
Rogers, Rose Marie
Stevens, Audrey

Bickford, David
Grassie, Anne
Hubbard, Pamela
Merrill, Amanda
Schmidt, Peter
Verschueren, James

Bixby, Peter
Grossman, Kenneth
Jones, Laura
Pelletier, Marsha
Smith, Marjorie
Wall, Janet

SULLIVAN

Cloutier, John

Gagnon, Raymond

Gottling, Suzanne

and the motion failed.

The question being adoption of the committee amendment (0891h).

Rep. Itse spoke in favor and yielded to questions.

Rep. Huot spoke in favor.

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

YEAS 249 - NAYS 44**YEAS - 249****BELKNAP**

DiMartino, Lisa
Huot, David
Worsman, Colette

Fields, Dennis
Raymond, Ian

Flanders, Donald
Sylvia, Michael

Gulick, Ruth
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Cordelli, Glenn
Morrow, Harry
White, Syndi

Buco, Thomas
Crawford, Karel
Nelson, Bill

Butler, Edward
Lavender, Tom
Ticehurst, Susan

Chandler, Gene
McConkey, Mark
Umberger, Karen

CHESHIRE

Ames, Richard
Johnsen, Gladys
Roberts, Kris
Tatro, Bruce

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

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

Eaton, Daniel
Parkhurst, Henry
Shepardson, Marjorie

COOS

Hammon, Marcia
Theberge, Robert

Hatch, William

Moynihan, Wayne

Rideout, Leon

GRAFTON

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

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

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

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

HILLSBOROUGH

Backus, Robert
Boehm, Ralph
Cebrowski, John
Connor, Evelyn
DiSilvestro, Linda
Gargas, Carolyn
Grady, Brenda
Hammond, Jill
Heden, Ruth
Jasper, Shawn
Kurk, Neal
MacKay, Mariellen
Murotake, David
O'Flaherty, Tim
Palmer, Stephen
Sandblade, Emily
Spratt, Stephen
Takesian, Charlene
Villeneuve, Moe
Woodbury, David

Barry, Richard
Brown, Pamela
Chandley, Shannon
Cote, David
Eaton, Richard
Gidge, Kenneth
Graham, John
Hansberry, Daniel
Hikel, John
Kelley, John
Lambert, George
Mangipudi, Latha
Murphy, Kelleigh
O'Neil, William
Parison, James
Schmidt, Janice
Stroud, Kathleen
Ulery, Jordan
Walsh, Robert

Beaulieu, Jane
Byron, Frank
Christiansen, Lars
Culbert, Patrick
Gage, Ruth
Goley, Jeffrey
Hackel, Paul
Harriott-Gathright, Linda
Infantine, William
Knowles, Mary Ann
Leishman, Peter
Manley, Jonathan
Nelson, Mary
Ober, Lynne
Porter, Marjorie
Shattuck, Gilman
Sullivan, Daniel
Vail, Suzanne
Williams, Kermit

Belanger, James
Campbell, David
Coffey, James
Danielson, David
Gale, Sylvia
Gorman, Mary
Haefner, Robert
Heath, Mary
Jack, Martin
Kopka, Angeline
Long, Patrick
McCarthy, Michael
O'Brien, Michael
Ober, Russell
Sanborn, Laurie
Shaw, Barbara
Sullivan, Peter
Vaillancourt, Steve
Winters, Joel

MERRIMACK

Alicea, Caroletta
Carey, Lorrie
Frambach, Mary
Hirsch, Geoffrey
McGuire, Carol
Patten, Dick
Schamberg, Thomas
Wallner, Mary Jane

Bartlett, Christy
Carson, Clyde
Frazer, June
Hoell, J.R.
McGuire, Dan
Ratzki, Mario
Schuett, Dianne
Walz, Mary Beth

Bouchard, Candace
Davis, Frank
French, Barbara
Hunt, Jane
Moffett, Howard
Rice, Chip
Shurtleff, Stephen
Watrous, Rick

Burns, Scott
Ebel, Karen
Hess, David
MacKay, James
Myler, Mel
Richardson, Gary
Turcotte, Alan
Webb, Leigh

ROCKINGHAM

Abrami, Patrick
Borden, David
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Harris, Jeffrey
Lovejoy, Patricia

Allen, Mary
Briden, Steven
Comerford, Timothy
Dumaine, Dudley
Flockhart, Eileen
Heffron, Frank
Major, Norman

Bick, Patrick
Cahill, Michael
Cushing, Robert
Elliott, Robert
Grace, Curtis
Hoelzel, Kathleen
Mann, Maureen

Birdsell, Regina
Cali-Pitts, Jacqueline
Danais, Romeo
Emerick, J. Tracy
Griffin, Mary
Itse, Daniel
McMahon, Charles

Milz, David
Priestley, Anne
Sherman, Thomas
Ward, Gerald
Weyler, Kenneth

Moody, Marcia
Sanders, Elisabeth
Sytek, John
Waterhouse, Kevin
Whittemore, Lisa

Nigrello, Robert
Schlachman, Donna
Till, Mary
Wazlaw, Brian

Peckham, Michele
Schroadter, Adam
Tucker, Pamela
Webb, James

STRAFFORD

Baber, William
Burke, Rachel
Grossman, Kenneth
Ketel, Stephen
Perry, Robert
Spang, Judith

Beaudoin, Steven
Gardner, Janice
Horrigan, Timothy
Malloy, Dennis
Rogers, Rose Marie
Stevens, Audrey

Bickford, David
Grassie, Anne
Hubbard, Pamela
Merrill, Amanda
Schmidt, Peter
Verschueren, James

Bixby, Peter
Gray, James
Jones, Laura
Pelletier, Marsha
Smith, Marjorie
Wall, Janet

SULLIVAN

Cloutier, John
Smith, Steven

Gagnon, Raymond

Gottling, Suzanne

Osgood, Joe

NAYS - 44

BELKNAP

Burchell, Richard
Holmes, Stephen

Comtois, Guy
Luther, Robert

Fink, Charles
Vadney, Herbert

Greemore, Robert

CARROLL

Wright, Donald

CHESHIRE

Phillips, Larry

COOS

Rappaport, Laurence

Richardson, Herbert

GRAFTON

Doolan, Ralph

HILLSBOROUGH

Burt, John
LeBrun, Donald
Peterson, Lenette

Daniels, Gary
Murphy, Keith
Renzullo, Andrew

Gagne, Larry
Notter, Jeanine
Souza, Kathleen

Hansen, Peter
O'Brien, William
Willette, Robert

MERRIMACK

Kotowski, Frank

ROCKINGHAM

Baldasaro, Alfred
Fesh, Robert
Hagan, Joseph
Rice, Frederick

Belanger, Ronald
Friel, William
Hodgdon, Bruce
Sedensky, John

Copeland, Timothy
Garcia, Bianca
Kappler, Lawrence
Tasker, Kyle

Duarte, Joe
Gordon, Richard
O'Connor, John

STRAFFORD

Groen, Warren

Mullen, John

Pitre, Joseph

SULLIVAN

O'Hearne, Andrew

and the committee amendment was adopted.

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

(Speaker Norelli in the Chair)

Rep. William O'Brien spoke against and yielded to questions.

Rep. Huot spoke in favor and yielded to questions.

Rep. Walz requested a roll call; sufficiently seconded.

YEAS 256 - NAYS 40

YEAS - 256

BELKNAP

Burchell, Richard
Flanders, Donald
Raymond, Ian
Worsman, Colette

DiMartino, Lisa
Gulick, Ruth
Sylvia, Michael

Fields, Dennis
Holmes, Stephen
Tilton, Franklin

Fink, Charles
Huot, David
Vadney, Herbert

CARROLL

Buco, Thomas
Crawford, Karel
Nelson, Bill
Wright, Donald

Butler, Edward
Lavender, Tom
Ticehurst, Susan

Chandler, Gene
McConkey, Mark
Umberger, Karen

Cordelli, Glenn
Morrow, Harry
White, Syndi

CHESHIRE

Ames, Richard
Johnsen, Gladys
Roberts, Kris
Weber, Lucy

Berch, Paul
Ley, Douglas
Robertson, Timothy
Weed, Charles

Butynski, William
Mann, John
Shepardson, Marjorie

Eaton, Daniel
Parkhurst, Henry
Tatro, Bruce

COOS

Hammon, Marcia
Theberge, Robert

Hatch, William

Moynihan, Wayne

Rideout, Leon

GRAFTON

Almy, Susan
Cooney, Mary
Gionet, Edmond
Lovett, Sid
Pastor, Beatriz
Sykes, George

Bailey, Brad
Doolan, Ralph
Harding, Laurie
Massimilla, Linda
Piper, Wendy
Townsend, Charles

Benn, Bernard
Ford, Susan
Higgins, Patricia
Mulholland, Catherine
Shackett, Jeffrey
White, Andrew

Brown, Rebecca
Friedrich, Carol
Ladd, Rick
Nordgren, Sharon
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Boehm, Ralph
Chandley, Shannon
Cote, David
Eaton, Richard
Gidge, Kenneth
Graham, John
Harriott-Gathright, Linda
Jack, Martin
Kopka, Angeline
Long, Patrick
McCarthy, Michael
O'Brien, Michael
Porter, Marjorie
Shattuck, Gilman
Sullivan, Daniel
Vail, Suzanne
Warden, Mark

Barry, Richard
Brown, Pamela
Christiansen, Lars
Culbert, Patrick
Gage, Ruth
Goley, Jeffrey
Hackel, Paul
Heath, Mary
Jasper, Shawn
Kurk, Neal
MacKay, Mariellen
Murotake, David
O'Flaherty, Tim
Sanborn, Laurie
Shaw, Barbara
Sullivan, Peter
Vaillancourt, Steve
Williams, Kermit

Beaulieu, Jane
Campbell, David
Coffey, James
Danielson, David
Gale, Sylvia
Gorman, Mary
Hammond, Jill
Heden, Ruth
Kelley, John
Lambert, George
Mangipudi, Latha
Murphy, Kelleigh
O'Neil, William
Sandblade, Emily
Spratt, Stephen
Takesian, Charlene
Villeneuve, Moe
Winters, Joel

Belanger, James
Cebrowski, John
Connor, Evelyn
DiSilvestro, Linda
Gargas, Carolyn
Grady, Brenda
Hansberry, Daniel
Hikel, John
Knowles, Mary Ann
Leishman, Peter
Manley, Jonathan
Nelson, Mary
Palmer, Stephen
Schmidt, Janice
Stroud, Kathleen
Ulery, Jordan
Walsh, Robert
Woodbury, David

MERRIMACK

Alicea, Caroletta
Carey, Lorrie
Frambach, Mary
Hirsch, Geoffrey
MacKay, James
Myler, Mel
Richardson, Gary
Turcotte, Alan
Webb, Leigh

Bartlett, Christy
Carson, Clyde
Frazer, June
Hoell, J.R.
McGuire, Carol
Patten, Dick
Schamberg, Thomas
Wallner, Mary Jane

Bouchard, Candace
Davis, Frank
French, Barbara
Hunt, Jane
McGuire, Dan
Ratzki, Mario
Schuett, Dianne
Walz, Mary Beth

Burns, Scott
Ebel, Karen
Hess, David
Kotowski, Frank
Moffett, Howard
Rice, Chip
Shurtleff, Stephen
Watrous, Rick

ROCKINGHAM

Abrami, Patrick
Briden, Steven
Comerford, Timothy
Duarte, Joe
Ferrante, Beverly
Hagan, Joseph
Itse, Daniel
Mann, Maureen
Nigrello, Robert
Sanders, Elisabeth
Sytek, John
Waterhouse, Kevin

Allen, Mary
Cahill, Michael
Cushing, Robert
Dumaine, Dudley
Fesh, Robert
Harris, Jeffrey
Kappler, Lawrence
McMahon, Charles
O'Connor, John
Schlachman, Donna
Till, Mary
Wazlaw, Brian

Bick, Patrick
Cali-Pitts, Jacqueline
Dana, Romeo
Elliott, Robert
Flockhart, Eileen
Heffron, Frank
Lovejoy, Patricia
Milz, David
Peckham, Michele
Schroadter, Adam
Tucker, Pamela
Weyler, Kenneth

Borden, David
Chirichiello, Brian
Devine, James
Emerick, J. Tracy
Grace, Curtis
Hoelzel, Kathleen
Major, Norman
Moody, Marcia
Priestley, Anne
Sherman, Thomas
Ward, Gerald
Whittemore, Lisa

STRAFFORD

Baber, William
Gardner, Janice

Bickford, David
Grassie, Anne

Bixby, Peter
Gray, James

Burke, Rachel
Grossman, Kenneth

Horrigan, Timothy
Ketel, Stephen
Pelletier, Marsha
Schmidt, Peter
Verschuereen, James

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

Jones, Laura
Merrill, Amanda
Pitre, Joseph
Spang, Judith

Kaen, Naida
Mullen, John
Rogers, Rose Marie
Stevens, Audrey

Cloutier, John
Irwin, Virginia
Tanner, Linda

Gagnon, Raymond
Osgood, Joe

Gottling, Suzanne
Rollins, Skip

Grenier, James
Smith, Steven

SULLIVAN

NAYS - 40

BELKNAP

Comtois, Guy

Greemore, Robert

Luther, Robert

CARROLL

Ahlgren, Christopher

CHESHIRE

Phillips, Larry

Sad, Tara

COOS

Rappaport, Laurence

Richardson, Herbert

GRAFTON

Reilly, Harold

HILLSBOROUGH

Burt, John
Haefner, Robert
Murphy, Keith
Peterson, Lenette

Byron, Frank
Hansen, Peter
Notter, Jeanine
Renzullo, Andrew

Daniels, Gary
Infantine, William
O'Brien, William
Souza, Kathleen

Gagne, Larry
LeBrun, Donald
Parison, James
Willette, Robert

MERRIMACK

Walsh, Thomas

ROCKINGHAM

Baldasaro, Alfred
Friel, William
Hodgdon, Bruce

Belanger, Ronald
Garcia, Bianca
Sedensky, John

Birdsell, Regina
Gordon, Richard
Webb, James

Copeland, Timothy
Griffin, Mary

STRAFFORD

Beaudoin, Steven

Groen, Warren

SULLIVAN

O'Hearne, Andrew

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

Rep. Sad voted Nay and intended to vote Yea.

RESOLUTION

Rep. Shurtleff offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 20, 2014 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 1416, establishing an economic development plan and process for the division of economic development.

HB 1546, relative to insurance coverage for tractors.

HB 1488-FN, establishing the New Hampshire program on educational support for military children.

HB 1636, relative to eligibility guidelines for participation in the reduced fee companion animal population control program.

HB 1130-FN-L, relative to the Northeastern Interstate Forest Fire Protection Compact.

HB 1406-FN, relative to red list bridges.

HB 1434, relative to surrogate health care decision making by a family member or friend.

HB 1439-FN, relative to the attorney general's authority in investigating combinations and monopolies.
HB 1618-FN, relative to review hearings in involuntary admission cases.
HB 1631-FN, relative to debt collection and small claims.
SB 249, relative to judicial performance evaluations.
HB 1349, relative to the definition of employee for purposes of workers' compensation.
HB 1571-FN-L, relative to breastfeeding.
HB 1110, relative to the penalty for sales chasing by certified assessors.
HB 1121, repealing the duty of assessors to compile a list of dogs in the town.
HB 1196, relative to abatement of property taxes.
HB 1350, relative to prior public hearings for acceptance of unanticipated funds.
HB 1466, relative to modification of a tax increment financing plan.
HB 1549, relative to assessment of renewable generation facility property subject to a voluntary payment in lieu of taxes agreement.
HB 1590-L, relative to the valuation of the Granite Reliable Power project in Coos county.
HB 1250, relative to security at state-owned park-and-ride facilities.
HB 1411-FN-A, relative to restoring moneys to the department of health and human services and depositing the balance of the surplus into the revenue stabilization reserve account.
HB 1343, relative to guardian ad litem fees.
HB 1532, relative to notification of radon and arsenic levels.
HB 1410, including household and domesticated animals under the domestic violence protection statute.
HB 1624-FN, modernizing the juvenile justice system to ensure rehabilitation of juveniles and preservation of juvenile rights.

UNANIMOUS CONSENT

Rep. Fields requested Unanimous Consent of the House regarding an apology.
Rep. Fields addressed the House.
Rep. Burt requested Unanimous Consent of the House regarding an apology.
Rep. Burt addressed the House.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of the former Representative from Henniker, the Honorable Eleanor Kjellman.

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 5:40 p.m.

RECESS

(Rep. Daniel Eaton in the Chair)

RESOLUTION

Rep. Jasper offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 206, 207, 209, 220, 246, 253, 259, 262, 276, 277, 278, 280, 303, 347, 353, 361, 381, 385, 389, 390, 393, 395 and 405, and Constitutional Amendment Concurrent Resolution numbered 17 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 AND CACR

First, second reading and referral

SB 206-FN, relative to proof of identity by voters.
SB 207-FN, relative to paycheck equity.
SB 209, expanding the good samaritan law to engineers and architects.
SB 220-FN, relative to the regulation of electricians by the electricians' board.
SB 246-FN, relative to penalties for speeding.
SB 253, relative to grounds for termination of parental rights.
SB 259-FN-A, establishing a palliative care center for health care consumers and providers and continually appropriating a special fund.
SB 262-FN, revising the form for "summons instead of arrest" and prohibiting attachments in small claims actions.

SB 276, relative to notifying a UOCAVA voter of an invalid absentee ballot application.

SB 277, relative to absentee voter registration.

SB 278, relative to the absentee voter website.

SB 280, relative to absentee voters.

SB 303-FN, relative to bad faith assertions of patent infringement.

SB 347, relative to municipal enforcement of land use ordinances.

SB 353, recodifying RSA 168-B, relative to surrogacy.

SB 361, relative to the licensing requirements for mortgage bankers and brokers.

SB 381, relative to the membership of the joint legislative oversight committee on the emergency management system.

SB 385, relative to examination requirements for chiropractors.

SB 389, relative to the enforcement of motor vehicle laws by officers of the fish and game department.

SB 390, prohibiting discrimination against employees who are victims of domestic violence and establishing a committee to study the protection of employees from domestic violence.

SB 393, relative to the housing finance authority and surplus lands housing program.

SB 395-FN, relative to the retirement classification of the director of the division of forests and lands.

SB 405-FN, requiring the registration of radon mitigation system installers with the board of home inspectors.

CACR 17, relating to natural rights. Providing that discrimination based on sexual orientation is prohibited.

RECESS