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New Hampshire

HOUSE RECORD

Second Year of the 163rd General Court

Calendar and Journal of the 2014 Session

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Vol. 36

Concord, N.H.

Thursday, March 20, 2014

No. 28

HOUSE JOURNAL No. 12 (Cont.)

Wednesday, March 19, 2014

Rep. Kaen moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 13

Thursday, March 20, 2014

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

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

Prayer was offered by the member from Salem, Representative Robert Elliott.

Our Chaplain has taught us to have a moment of silence and I would ask you to remember some former Representatives, Alan Thulander and Eleanor Kjellman, who are no longer with us. All mighty God, once again we thank Thee for this new day of life. Teach us to number our days and to make each moment precious. Unite us together this day as we deliberate, not for ourselves only, not for our party only, but for all of our constituents in this beautiful, glorious state of New Hampshire. Amen.

Representative Mary Jane Wallner, member from Concord, led the Pledge of Allegiance.

Representative Tara Sad, member from Walpole, led the singing of the National Anthem.

LEAVES OF ABSENCE

Reps. Berube, Boisvert, Booras, Charron, Susan Emerson, Grossman, Helmstetter, John Kelley, LeVasseur, McCloskey, McKinney, Miller, O'Hearne, Pantelakos, Parsons, Pratt, Sanders, Shaw, Spainhower, Straight and Young, the day, illness.

Reps. Rebecca Brown, Cali-Pitts, Carroll, Fink, Friel, Gile, Grace, Greemore, Groen, Hagan, Hinch, Hodgdon, Jane Hunt, Karrick, Katsiantonis, Khan, Kolodziej, Lovett, Lundgren, Marston, McNamara, Menear, Oligny, Piper, Rokas, Rollo, Rosenwald, Andrew Schmidt, Stephen Schmidt, Todd Smith, Daniel Sullivan, Tamburello and Kenneth Ward, the day, important business.

Reps. Ferrante, Hackel and Ulery, the day, illness in the family.

INTRODUCTION OF GUESTS

Cora and Ashlyn Rideout, Jennifer Caron, Danny Kenison, Robin Knippers, and Virginia Cloutier; wife, daughters, son-in-law, sister and aunt of Rep. Rideout. Fourth graders from the Villa Augustina School in Goffstown, guests of the Hillsborough District 6 Delegation. Zamirahan Karabaeva, Tabyldy Orozaliev, Ainagul Supotaeva and Ruslan Tashiev, representatives of Kyrgyzstan sponsored by the Office of International Visitors Bureau of Educational and Cultural Affairs, guests of Rep. Itse.

MOTION TO VACATE

Rep. Bouchard moved that the House vacate the reference of **SB 359**, relative to coverage under motor vehicle liability policies, to the Committee on Transportation.

Adopted.

The Speaker referred **SB 359** to the Committee on Commerce and Consumer Affairs.

REGULAR CALENDAR – PART II (CONT'D)**SPECIAL ORDER**

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.

Majority committee amendment adopted.

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

Rep. Hunt spoke against.

Rep. Sherman spoke in favor and yielded to questions.

Rep. Goley requested a roll call; sufficiently seconded.

YEAS 165 NAYS 124**YEAS - 165
BELKNAP**Arsenault, Beth
Raymond, Ian

DiMartino, Lisa

Gulick, Ruth

Huot, David

CARROLLBuco, Thomas
White, SyndiButler, Edward
Wright, Donald

Lavender, Tom

Ticehurst, Susan

CHESHIREAmes, Richard
Eaton, Daniel
Parkhurst, Henry
Shepardson, MarjorieBerch, Paul
Johnsen, Gladys
Phillips, Larry
Tatro, BruceButynski, William
Ley, Douglas
Robertson, Timothy
Weber, LucyChase, Cynthia
Mann, John
Sad, Tara
Weed, Charles**COOS**Coulombe, Gary
Theberge, RobertHammon, Marcia
Thomas, Yvonne

Moynihan, Wayne

Rideout, Leon

GRAFTONAguir, James
Doolan, Ralph
Higgins, Patricia
Sykes, GeorgeAlmy, Susan
Ford, Susan
Nordgren, Sharon
Townsend, CharlesBenn, Bernard
Friedrich, Carol
Pastor, Beatriz
White, AndrewCooney, Mary
Harding, Laurie
Smith, Suzanne**HILLSBOROUGH**Backus, Robert
Chandley, Shannon
Flanagan, Jack
Goley, Jeffrey
Hansberry, Daniel
Jack, Martin
MacKay, Mariellen
O'Brien, Michael
Sandblade, Emily
Soucy, Timothy
Vail, Suzanne
Woodbury, DavidBeaulieu, Jane
Connor, Evelyn
Gage, Ruth
Gorman, Mary
Harriott-Gathright, Linda
Knowles, Mary Ann
Mangipudi, Latha
O'Neil, William
Schmidt, Janice
Spratt, Stephen
Walsh, RobertBrown, Pamela
Cote, David
Gale, Sylvia
Grady, Brenda
Heath, Mary
Levesque, Melanie
Manley, Jonathan
Porter, Marjorie
Shattuck, Gilman
Sullivan, Peter
Williams, KermitCampbell, David
Eaton, Richard
Gidge, Kenneth
Hammond, Jill
Heden, Ruth
Long, Patrick
Nelson, Mary
Rhodes, Brian
Smith, Timothy
Takesian, Charlene
Winters, Joel**MERRIMACK**Andrews, Christopher
Carson, Clyde
Frazer, June
MacKay, James
Rice, Chip
Schuett, Dianne
Walz, Mary BethBartlett, Christy
Davis, Frank
French, Barbara
Moffett, Howard
Richardson, Gary
Shurtleff, Stephen
Watrous, RickBouchard, Candace
Ebel, Karen
Henle, Paul
Myler, Mel
Rogers, Katherine
Turcotte, Alan
Webb, LeighBurns, Scott
Frambach, Mary
Hirsch, Geoffrey
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane**ROCKINGHAM**Borden, David
Flockhart, Eileen
Moody, Marcia
Schlachman, Donna
Wazlaw, BrianBriden, Steven
Heffron, Frank
Muns, Chris
Sherman, Thomas
Webb, JamesCahill, Michael
Lovejoy, Patricia
Peckham, Michele
Till, Mary
Whitemore, LisaCushing, Robert
Mann, Maureen
Scarlotta, Joe
Ward, Gerald**STRAFFORD**Baber, William
Hooper, Dorothea
Malloy, Dennis
Schmidt, Peter
Verschueren, JamesBixby, Peter
Horrigan, Timothy
Merrill, Amanda
Smith, Marjorie
Wall, JanetBurke, Rachel
Hubbard, Pamela
Perry, Robert
Spang, JudithGrassie, Anne
Kaen, Naida
Rogers, Rose Marie
Stevens, Audrey**SULLIVAN**Cloutier, John
Irwin, VirginiaGagnon, Raymond
Lefebvre, BenjaminGottling, Suzanne
Sweeney, CynthiaGrenier, James
Tanner, Linda**NAYS - 124
BELKNAP**Burchell, Richard
Flanders, Donald
Tilton, FranklinComtois, Guy
Holmes, Stephen
Vadney, HerbertCormier, Jane
Luther, Robert
Worsman, ColetteFields, Dennis
Sylvia, Michael

CARROLLAhlgren, Christopher
McConkey, MarkChandler, Gene
Morrow, HarryCordelli, Glenn
Nelson, BillCrawford, Karel
Umberger, Karen**CHESHIRE**

Hunt, John

Johnson, Jane

COOS

Rappaport, Laurence

Richardson, Herbert

GRAFTON

Gionet, Edmond

Ladd, Rick

Massimilla, Linda

HILLSBOROUGHBarry, Richard
Byron, Frank
Daniels, Gary
Graham, John
Kurk, Neal
McCarthy, Michael
Notter, Jeanine
Palmer, Stephen
Renzullo, Andrew
Sweeney, Shawn
Willette, RobertBelanger, James
Cebrowski, John
Danielson, David
Haefner, Robert
LeBrun, Donald
Murotake, David
O'Flaherty, Tim
Parison, James
Rowe, Robert
Vaillancourt, SteveBoehm, Ralph
Christiansen, Lars
Gagne, Larry
Hikel, John
Leishman, Peter
Murphy, Kelleigh
Ober, Lynne
Pellegrino, Tony
Souza, Kathleen
Villeneuve, MoeBurt, John
Culbert, Patrick
Gargas, Carolyn
Jasper, Shawn
Martel, Andre
Murphy, Keith
Ober, Russell
Peterson, Lenette
Stroud, Kathleen
Warden, Mark**MERRIMACK**Hess, David
Lockwood, PriscillaHoell, J.R.
McGuire, CarolKidder, David
McGuire, DanKotowski, Frank
Walsh, Thomas**ROCKINGHAM**Abrami, Patrick
Bick, Patrick
Comerford, Timothy
Duarte, Joe
Fesh, Robert
Hayes, Jack
Major, Norman
O'Connor, John
Sapareto, Frank
Sytek, John
Weyler, KennethAllen, Mary
Birdsell, Regina
Copeland, Timothy
Dumaine, Dudley
Gordon, Richard
Hoelzel, Kathleen
McMahon, Charles
Packard, Sherman
Sedensky, John
Tasker, KyleBaldasaro, Alfred
Bishop, Franklin
DeSimone, Debra
Elliott, Robert
Griffin, Mary
Itse, Daniel
Milz, David
Priestley, Anne
St.James, Kevin
Tucker, PamelaBelanger, Ronald
Chirichiello, Brian
Devine, James
Emerick, J. Tracy
Harris, Jeffrey
Kappler, Lawrence
Nigrello, Robert
Rice, Frederick
Sweeney, Joe
Waterhouse, Kevin**STRAFFORD**Beaudoin, Steven
Pitre, Joseph

Gray, James

Jones, Laura

Mullen, John

SULLIVAN

Osgood, Joe

Rollins, Skip

Smith, Steven

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

SPECIAL ORDER**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.
Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Hunt offered minority committee amendment (0917h).

Minority Amendment (0917h)

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 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 willfully causes physical injury to a service animal or willfully 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.

Rep. Hunt spoke in favor and yielded to questions.

Minority committee amendment adopted.

Report adopted and ordered to third reading.

SPECIAL ORDER

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.

Majority committee amendment adopted.

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

Rep. Hunt spoke against and yielded to questions.

Rep. Williams spoke in favor.

On a division vote, 173 members having voted in the affirmative and 118 in the negative, the majority committee report was adopted and ordered to third reading.

REMOVED FROM THE TABLE

Rep. Almy moved that **HB 1570-FN**, establishing a paint stewardship program, be removed from the table.

Rep. Almy spoke in favor.

On a division vote, 168 members having voted in the affirmative and 130 in the negative, the motion was adopted.

CONSIDERATION OF HB 1570-FN

HB 1570-FN, establishing a paint stewardship program.

The question before the House is adoption of the majority committee amendment (0618h).

Majority Amendment (0618h)

Amend the bill by replacing section 1 with the following:

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

Paint Stewardship Program

149-M:61 Purpose.

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

II. The goals of the paint stewardship program are:

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

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

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

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

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

149-M:62 Definitions. In this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

II. The plan required by paragraph I shall include:

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

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

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

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

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

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

149-M:64 Approval of Plan.

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

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

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

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

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

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

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

149-M:65 Paint Stewardship Program Funding.

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

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

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

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

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

149-M:66 Operation of Paint Stewardship Program.

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

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

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

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

- (1) Signage that is prominently displayed and easily visible to consumers;
- (2) Printed materials and templates of materials for reproduction by retailers to be provided to the consumer at the time of purchase or delivery;
- (3) Advertising or other promotional materials that include references to the paint stewardship program; and
- (4) A manual for the operator of a collection point to ensure the use of environmentally-sound management practices when handling architectural paints.

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

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

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

149-M:67 Financial Assurance Required.

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

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

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

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

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

149-M:68 Annual Report Required.

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

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

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

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

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

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

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

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

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

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

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

149-M:69 Retailers.

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

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

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

149-M:71 Liability for Discharges.

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

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

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

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

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

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

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

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

V. Environmentally-sound management practices at collection points.

VI. Definitions of terms not defined in this chapter.

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

Rep. Sad spoke against.

Majority committee amendment failed.

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

Rep. Burns offered floor amendment (1053h).

Floor Amendment (1053h)

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

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

Paint Stewardship Program

149-M:61 Purpose.

I. The general court recognizes that it is unusual for any painting project to use all of the paints purchased for the project, and that current disposal practices for the remaining paints are inefficient and can be costly. The general court further recognizes that the recycling cannot be done efficiently and economically, and in a way that allows a level playing field for producer competition, without the collaboration of all paint producers. The general court thus establishes a single paint stewardship program to support and encourage the collection and recycling of latex paint and of oil-based paints and stains that can be exempt from regulation as hazardous waste if properly managed.

II. The goals of the paint stewardship program are:

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

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

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

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

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

149-M:62 Definitions. In this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

II. The plan required by paragraph I shall include:

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

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

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

(d) The proposed initial amount of the paint stewardship assessment and the information on which the initial amount was determined, together with a description of the process by which the applicant will review and propose adjustments to the assessment, and the frequency of such review and proposed adjustments.

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

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

149-M:64 Approval of Plan.

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

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

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

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

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

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

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

149-M:65 Paint Stewardship Program Funding.

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

(a) The original assessment shall not be more than: \$0.35 for a can over a half pint and under 1 gallon, \$0.75 for a one-gallon can, and \$1.60 for cans above one gallon. However, nothing in this section shall be construed to require the product stewardship organization to implement the paint stewardship program if the amount of the approved assessment does not recover the costs of the paint stewardship program based on a good faith estimate of those costs.

(b) After July 1, 2016 the department shall establish the assessment by rule. Any change in the assessment shall be proposed by the department with the approval of the joint legislative committee on administrative rules and copies of the proposal shall be sent to the chairs of the house and senate ways and means committees at least 2 weeks before the public hearing.

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

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

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

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

149-M:66 Operation of Paint Stewardship Program.

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

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

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

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

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

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

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

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

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

V. If the stewardship organization wishes to change the paint stewardship assessment, the stewardship organization shall submit a request to change the assessment to the department. The organization shall explain in detail the basis for the change and include audited financial reports to support the request. The department shall submit the request to the joint legislative committee on administrative rules by the process provided in RSA 149-M:65 (I)(b) if it determines that the change is necessary to cover the actual reasonable costs of the program.

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

149-M:67 Financial Assurance Required.

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

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

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

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

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

149-M:68 Annual Report Required.

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

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

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

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

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

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

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

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

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

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

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

III. The department shall append to each annual report submitted under this section its own accounting of its activities and finances relative to this chapter, and shall provide the combined report to the chairs of the house and senate environmental and ways and means committees.

149-M:69 Retailers.

I. Beginning July 1, 2015 or 3 months after a plan is approved by the commissioner under RSA 149-M:64, whichever occurs later, no retailer shall sell architectural paint unless, on the date the retailer ordered the architectural paint from the producer or the producer's agent, the producer or the paint brand is listed by the department as provided under RSA 149-M:70 as implementing or participating in an approved paint stewardship program.

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

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

149-M:71 Liability for Discharges.

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

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

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

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

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

II. The amount of the assessments for the stewardship organization.

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

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

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

VI. Environmentally-sound management practices at collection points.

VII. Definitions of terms not defined in this chapter.

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

2 Repeal. RSA 149-M:65, I(a), relative to the initial paint stewardship program assessment, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect July 1, 2016.

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

AMENDED ANALYSIS

This bill:

I. Establishes a paint stewardship program wherein a nonprofit organization approved by the department of environmental services organizes a program for the reception of discarded architectural paint.

II. Establishes an assessment to fund the paint stewardship program.

III. Requires the department of environmental services to propose changes to the assessment for approval by the joint legislative committee on administrative rules.

Rep. Burns spoke in favor and yielded to questions.

Rep. Kurk spoke against and yielded to questions.

Rep. Almy spoke in favor and yielded to questions.

MOTION TO LAY ON THE TABLE

Rep. Rideout moved that **HB 1570-FN**, establishing a paint stewardship program, be laid on the table.

Rep. Shurtleff requested a roll call; sufficiently seconded.

YEAS 136 NAYS 169

YEAS - 136

BELKNAP

Burchell, Richard
Flanders, Donald
Tilton, FranklinComtois, Guy
Holmes, Stephen
Vadney, HerbertCormier, Jane
Luther, Robert
Worsman, ColetteFields, Dennis
Sylvia, Michael

CARROLL

Ahlgren, Christopher
McConkey, Mark
Wright, DonaldChandler, Gene
Merrow, HarryCordelli, Glenn
Nelson, BillCrawford, Karel
Umberger, Karen

CHESHIRE

Hunt, John

Johnson, Jane

COOS

Hatch, William

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Doolan, Ralph

Gionet, Edmond

Ladd, Rick

HILLSBOROUGH

Barry, Richard
Byron, Frank
Daniels, Gary
Gargas, Carolyn
Infantine, William
LeBrun, Donald
Murphy, Kelleigh
O'Flaherty, Tim
Pellegrino, Tony
Rowe, Robert
Sweeney, Shawn
Warden, MarkBelanger, James
Cebrowski, John
Danielson, David
Graham, John
Jasper, Shawn
Martel, Andre
Murphy, Keith
Ober, Lynne
Peterson, Lenette
Sandblade, Emily
Takesian, Charlene
Willette, RobertBoehm, Ralph
Christiansen, Lars
Flanagan, Jack
Haefner, Robert
Kurk, Neal
McCarthy, Michael
Notter, Jeanine
Ober, Russell
Ramsey, Peter
Soucy, Timothy
Vaillancourt, SteveBurt, John
Culbert, Patrick
Gagne, Larry
Hikel, John
Lambert, George
Murotake, David
O'Brien, William
Parison, James
Renzullo, Andrew
Stroud, Kathleen
Villeneuve, Moe

MERRIMACK

Hess, David
McGuire, DanHoell, J.R.
Walsh, Thomas

Kotowski, Frank

McGuire, Carol

ROCKINGHAM

Abrami, Patrick
Bick, Patrick
Comerford, Timothy
Devine, James
Emerick, J. Tracy
Gordon, RichardAllen, Mary
Birdsell, Regina
Copeland, Timothy
Duarte, Joe
Fesh, Robert
Griffin, MaryBaldasaro, Alfred
Bishop, Franklin
Danais, Romeo
Dumaine, Dudley
Garcia, Bianca
Harris, JeffreyBelanger, Ronald
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Garcia, Marilinda
Hayes, Jack

Hoelzel, Kathleen
McMahon, Charles
Packard, Sherman
Scarlott, Joe
Sweeney, Joe
Webb, James

Itse, Daniel
Milz, David
Peckham, Michele
Schroadter, Adam
Sytek, John
Weyler, Kenneth

Kappler, Lawrence
Nigrello, Robert
Priestley, Anne
Sedensky, John
Tucker, Pamela

Major, Norman
O'Connor, John
Sapareto, Frank
St.James, Kevin
Waterhouse, Kevin

STRAFFORD

Beaudoin, Steven
Mullen, John

Bickford, David
Pitre, Joseph

Gray, James

Jones, Laura

SULLIVAN

Osgood, Joe

Rollins, Skip

Smith, Steven

NAYS - 169

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

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

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

COOS

Coulombe, Gary
Thomas, Yvonne

Hammon, Marcia

Moynihan, Wayne

Theberge, Robert

GRAFTON

Aguiar, James
Ford, Susan
Massimilla, Linda
Sykes, George

Almy, Susan
Friedrich, Carol
Nordgren, Sharon
Townsend, Charles

Benn, Bernard
Harding, Laurie
Pastor, Beatriz
White, Andrew

Cooney, Mary
Higgins, Patricia
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Chandley, Shannon
Eaton, Richard
Goley, Jeffrey
Hansberry, Daniel
Jack, Martin
Levesque, Melanie
Manley, Jonathan
Palmer, Stephen
Shattuck, Gilman
Sullivan, Peter
Winters, Joel

Beaulieu, Jane
Connor, Evelyn
Gage, Ruth
Gorman, Mary
Harriott-Gathright, Linda
Judy, Jean
Long, Patrick
Nelson, Mary
Porter, Marjorie
Smith, Timothy
Vail, Suzanne
Woodbury, David

Brown, Pamela
Cote, David
Gale, Sylvia
Grady, Brenda
Heath, Mary
Knowles, Mary Ann
MacKay, Mariellen
O'Brien, Michael
Rhodes, Brian
Souza, Kathleen
Walsh, Robert

Campbell, David
DiSilvestro, Linda
Gidge, Kenneth
Hammond, Jill
Heden, Ruth
Leishman, Peter
Mangipudi, Latha
O'Neil, William
Schmidt, Janice
Spratt, Stephen
Williams, Kermit

MERRIMACK

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Hirsch, Geoffrey
Moffett, Howard
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

Bartlett, Christy
Carson, Clyde
Frazer, June
Kidder, David
Myler, Mel
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

Bouchard, Candace
Davis, Frank
French, Barbara
Lockwood, Priscilla
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

Burns, Scott
Ebel, Karen
Henle, Paul
MacKay, James
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cushing, Robert
Mann, Maureen
Schlachman, Donna
Ward, Gerald

Borden, David
Flockhart, Eileen
Moody, Marcia
Sherman, Thomas
Wazlaw, Brian

Briden, Steven
Heffron, Frank
Muns, Chris
Tasker, Kyle
Whittemore, Lisa

Cahill, Michael
Lovejoy, Patricia
Rice, Frederick
Till, Mary

STRAFFORD

Baber, William
Grassie, Anne
Kaen, Naida
Rogers, Rose Marie
Stevens, Audrey

Bixby, Peter
Hooper, Dorothea
Malloy, Dennis
Schmidt, Peter
Verschueren, James

Burke, Rachel
Horrigan, Timothy
Merrill, Amanda
Smith, Marjorie
Wall, Janet

Gardner, Janice
Hubbard, Pamela
Perry, Robert
Spang, Judith

SULLIVAN

Cloutier, John
Irwin, Virginia

Gagnon, Raymond
Lefebvre, Benjamin

Gottling, Suzanne
Sweeney, Cynthia

Grenier, James
Tanner, Linda

and the motion failed.

The question now being adoption of floor amendment (1053h).

Rep. O'Connor spoke against and yielded to questions.

MOTION TO SUSPEND HOUSE RULES

Rep. Vaillancourt moved that House Rules be so far suspended as to allow **HB 1570-FN**, establishing a paint stewardship program, to be referred to the Committee on Ways and Means past the deadline.

Rep. Vaillancourt spoke in favor and yielded to questions.

Rep. Dumaine moved the previous question.

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

YEAS 188 NAYS 112**YEAS - 188****BELKNAP**

Arsenault, Beth
Huot, David

DiMartino, Lisa
Raymond, Ian

Gulick, Ruth
Worsman, Colette

Holmes, Stephen

CARROLL

Butler, Edward
Nelson, Bill

Crawford, Karel
Ticehurst, Susan

Lavender, Tom

Morrow, Harry

CHESHIRE

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

Berch, Paul
Johnsen, Gladys
Phillips, Larry
Tatro, Bruce

Butynski, William
Johnson, Jane
Robertson, Timothy
Weber, Lucy

Chase, Cynthia
Ley, Douglas
Sad, Tara
Weed, Charles

COOS

Hammon, Marcia
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

Theberge, Robert

GRAFTON

Aguiar, James
Ford, Susan
Massimilla, Linda
Smith, Suzanne

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

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

Cooney, Mary
Higgins, Patricia
Pastor, Beatriz

HILLSBOROUGH

Backus, Robert
Campbell, David
Cote, David
Gage, Ruth
Goley, Jeffrey
Hammond, Jill
Jack, Martin
Leishman, Peter
Mangipudi, Latha
O'Neil, William
Schmidt, Janice
Spratt, Stephen
Vail, Suzanne

Beaulieu, Jane
Chandlee, Shannon
Danielson, David
Gale, Sylvia
Gorman, Mary
Harriott-Gathright, Linda
Judy, Jean
Levesque, Melanie
Manley, Jonathan
Porter, Marjorie
Shattuck, Gilman
Stroud, Kathleen
Walsh, Robert

Boehm, Ralph
Christiansen, Lars
DiSilvestro, Linda
Gargas, Carolyn
Grady, Brenda
Heath, Mary
Knowles, Mary Ann
Long, Patrick
Nelson, Mary
Ramsey, Peter
Smith, Timothy
Sullivan, Peter
Williams, Kermit

Brown, Pamela
Connor, Evelyn
Eaton, Richard
Gidge, Kenneth
Haefner, Robert
Heden, Ruth
Lambert, George
MacKay, Mariellen
O'Brien, Michael
Rhodes, Brian
Soucy, Timothy
Takesian, Charlene
Woodbury, David

MERRIMACK

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Hirsch, Geoffrey
Myler, Mel

Bartlett, Christy
Carson, Clyde
Frazer, June
Lockwood, Priscilla
Ratzki, Mario

Bouchard, Candace
Davis, Frank
French, Barbara
MacKay, James
Rice, Chip

Burns, Scott
Ebel, Karen
Henle, Paul
Moffett, Howard
Richardson, Gary

Rogers, Katherine
Turcotte, Alan
Webb, Leigh

Schamberg, Thomas
Wallner, Mary Jane

Schuett, Dianne
Walz, Mary Beth

Shurtleff, Stephen
Watrous, Rick

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cahill, Michael
Devine, James
Hayes, Jack
Mann, Maureen
Sapareto, Frank
Till, Mary

Bishop, Franklin
Copeland, Timothy
Dumaine, Dudley
Heffron, Frank
Moody, Marcia
Scarlotta, Joe
Ward, Gerald

Borden, David
Cushing, Robert
Elliott, Robert
Lovejoy, Patricia
Muns, Chris
Schlachman, Donna
Wazlaw, Brian

Briden, Steven
DeSimone, Debra
Flockhart, Eileen
Major, Norman
Peckham, Michele
Sherman, Thomas
Whittemore, Lisa

STRAFFORD

Baber, William
Gardner, Janice
Horrigan, Timothy
Merrill, Amanda
Smith, Marjorie
Wall, Janet

Bickford, David
Grassie, Anne
Hubbard, Pamela
Perry, Robert
Spang, Judith

Bixby, Peter
Gray, James
Kaen, Naida
Rogers, Rose Marie
Stevens, Audrey

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

SULLIVAN

Cloutier, John
Irwin, Virginia
Tanner, Linda

Gagnon, Raymond
Rollins, Skip

Gottling, Suzanne
Smith, Steven

Grenier, James
Sweeney, Cynthia

NAYS - 112

BELKNAP

Burchell, Richard
Flanders, Donald
Vadney, Herbert

Comtois, Guy
Luther, Robert

Cormier, Jane
Sylvia, Michael

Fields, Dennis
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Umberger, Karen

Chandler, Gene
White, Syndi

Cordelli, Glenn
Wright, Donald

McConkey, Mark

CHESHIRE

Hunt, John

Parkhurst, Henry

COOS

Coulombe, Gary

Richardson, Herbert

Rideout, Leon

GRAFTON

Doolan, Ralph

Gionet, Edmond

Ladd, Rick

White, Andrew

HILLSBOROUGH

Barry, Richard
Cebrowski, John
Flanagan, Jack
Infantine, William
Martel, Andre
Notter, Jeanine
Ober, Russell
Renzullo, Andrew
Sweeney, Shawn
Winters, Joel

Belanger, James
Coffey, James
Gagne, Larry
Jasper, Shawn
Murotake, David
O'Brien, William
Parison, James
Rowe, Robert
Vaillancourt, Steve

Burt, John
Culbert, Patrick
Graham, John
Kurk, Neal
Murphy, Kelleigh
O'Flaherty, Tim
Pellegrino, Tony
Sandblade, Emily
Villeneuve, Moe

Byron, Frank
Daniels, Gary
Hansberry, Daniel
LeBrun, Donald
Murphy, Keith
Ober, Lynne
Peterson, Lenette
Souza, Kathleen
Willette, Robert

MERRIMACK

Hess, David
McGuire, Carol

Hoell, J.R.
McGuire, Dan

Kidder, David
Walsh, Thomas

Kotowski, Frank

ROCKINGHAM

Abrami, Patrick
Bick, Patrick
Danaïs, Romeo
Garcia, Bianca
Harris, Jeffrey
McMahon, Charles
Packard, Sherman
Sedensky, John
Tasker, Kyle
Weyler, Kenneth

Allen, Mary
Birdsell, Regina
Duarte, Joe
Garcia, Marilinda
Hoelzel, Kathleen
Milz, David
Priestley, Anne
St.James, Kevin
Tucker, Pamela

Baldasaro, Alfred
Chirichiello, Brian
Emerick, J. Tracy
Gordon, Richard
Itse, Daniel
Nigrello, Robert
Rice, Frederick
Sweeney, Joe
Waterhouse, Kevin

Belanger, Ronald
Comerford, Timothy
Fesh, Robert
Griffin, Mary
Kappler, Lawrence
O'Connor, John
Schroadter, Adam
Sytek, John
Webb, James

STRAFFORD

Beaudoin, Steven

Jones, Laura

Mullen, John

Pitre, Joseph

SULLIVAN

Lefebvre, Benjamin

Osgood, Joe

and the motion was adopted.

The question now being adoption of floor amendment (1053h).

Rep. Shurtleff requested a roll call; sufficiently seconded.

YEAS 167 NAYS 135**YEAS - 167****BELKNAP**Arsenault, Beth
Raymond, Ian

DiMartino, Lisa

Gulick, Ruth

Huot, David

CARROLL

Butler, Edward

Lavender, Tom

Ticehurst, Susan

White, Syndi

CHESHIREAmes, Richard
Eaton, Daniel
Mann, John
Sad, Tara
Weed, CharlesBerch, Paul
Johnsen, Gladys
Parkhurst, Henry
Shepardson, MarjorieButynski, William
Johnson, Jane
Phillips, Larry
Tatro, BruceChase, Cynthia
Ley, Douglas
Robertson, Timothy
Weber, Lucy**COOS**Coulombe, Gary
Theberge, RobertHammon, Marcia
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

GRAFTONAguiar, James
Ford, Susan
Massimilla, Linda
Smith, SuzanneAlmy, Susan
Friedrich, Carol
Mulholland, Catherine
Sykes, GeorgeBenn, Bernard
Harding, Laurie
Nordgren, Sharon
Townsend, CharlesCooney, Mary
Higgins, Patricia
Pastor, Beatriz
White, Andrew**HILLSBOROUGH**Backus, Robert
Chandley, Shannon
Gale, Sylvia
Hammond, Jill
Heden, Ruth
Leishman, Peter
Mangipudi, Latha
O'Neil, William
Shattuck, Gilman
Sullivan, Peter
Williams, KermitBeaulieu, Jane
Connor, Evelyn
Gidge, Kenneth
Hansberry, Daniel
Jack, Martin
Levesque, Melanie
Manley, Jonathan
Porter, Marjorie
Smith, Timothy
Takesian, Charlene
Winters, JoelBrown, Pamela
Cote, David
Goley, Jeffrey
Harriott-Gathright, Linda
Judy, Jean
Long, Patrick
Nelson, Mary
Rhodes, Brian
Soucy, Timothy
Vail, Suzanne
Woodbury, DavidCampbell, David
Eaton, Richard
Grady, Brenda
Heath, Mary
Knowles, Mary Ann
MacKay, Mariellen
O'Brien, Michael
Schmidt, Janice
Spratt, Stephen
Walsh, Robert**MERRIMACK**Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Hirsch, Geoffrey
Moffett, Howard
Richardson, Gary
Shurtleff, Stephen
Watrous, RickBartlett, Christy
Carson, Clyde
Frazer, June
Kidder, David
Myler, Mel
Rogers, Katherine
Turcotte, Alan
Webb, LeighBouchard, Candace
Davis, Frank
French, Barbara
Lockwood, Priscilla
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary JaneBurns, Scott
Ebel, Karen
Henle, Paul
MacKay, James
Rice, Chip
Schuett, Dianne
Walz, Mary Beth**ROCKINGHAM**Andrews-Ahearn, E. Elaine
Cushing, Robert
Lovejoy, Patricia
Scarlott, Joe
Ward, GeraldBorden, David
Flockhart, Eileen
Mann, Maureen
Schlachman, Donna
Wazlaw, BrianBriden, Steven
Garcia, Bianca
Moody, Marcia
Sherman, Thomas
Whittemore, LisaCahill, Michael
Heffron, Frank
Muns, Chris
Till, Mary**STRAFFORD**Baber, William
Grassie, AnneBixby, Peter
Gray, JamesBurke, Rachel
Hooper, DorotheaGardner, Janice
Hubbard, Pamela

Kaen, Naida
Rogers, Rose Marie
Stevens, Audrey

Malloy, Dennis
Schmidt, Peter
Verschueren, James

Merrill, Amanda
Smith, Marjorie
Wall, Janet

Perry, Robert
Spang, Judith

SULLIVAN

Cloutier, John
Irwin, Virginia

Gagnon, Raymond
Lefebvre, Benjamin

Gottling, Suzanne
Sweeney, Cynthia

Grenier, James
Tanner, Linda

NAYS - 135

BELKNAP

Burchell, Richard
Flanders, Donald
Tilton, Franklin

Comtois, Guy
Holmes, Stephen
Vadney, Herbert

Cormier, Jane
Luther, Robert
Worsman, Colette

Fields, Dennis
Sylvia, Michael

CARROLL

Ahlgren, Christopher
McConkey, Mark
Wright, Donald

Chandler, Gene
Morrow, Harry

Cordelli, Glenn
Nelson, Bill

Crawford, Karel
Umberger, Karen

CHESHIRE

Hunt, John

COOS

Richardson, Herbert

Rideout, Leon

GRAFTON

Doolan, Ralph

Gionet, Edmond

Ladd, Rick

HILLSBOROUGH

Barry, Richard
Byron, Frank
Culbert, Patrick
Flanagan, Jack
Gorman, Mary
Infantine, William
LeBrun, Donald
Murphy, Keith
Ober, Lynne
Peterson, Lenette
Sandblade, Emily
Vaillancourt, Steve

Belanger, James
Cebrowski, John
Daniels, Gary
Gage, Ruth
Graham, John
Jasper, Shawn
Martel, Andre
Notter, Jeanine
Ober, Russell
Ramsey, Peter
Souza, Kathleen
Villeneuve, Moe

Boehm, Ralph
Christiansen, Lars
Danielson, David
Gagne, Larry
Haefner, Robert
Kurk, Neal
Murotake, David
O'Brien, William
Parison, James
Renzullo, Andrew
Stroud, Kathleen
Warden, Mark

Burt, John
Coffey, James
DiSilvestro, Linda
Gargas, Carolyn
Hikel, John
Lambert, George
Murphy, Kelleigh
O'Flaherty, Tim
Pellegrino, Tony
Rowe, Robert
Sweeney, Shawn
Willette, Robert

MERRIMACK

Hess, David
McGuire, Dan

Hoell, J.R.
Walsh, Thomas

Kotowski, Frank

McGuire, Carol

ROCKINGHAM

Abrami, Patrick
Bick, Patrick
Comerford, Timothy
Devine, James
Emerick, J. Tracy
Griffin, Mary
Itse, Daniel
Milz, David
Peckham, Michele
Schroadter, Adam
Sytek, John
Webb, James

Allen, Mary
Birdsell, Regina
Copeland, Timothy
Duarte, Joe
Fesh, Robert
Harris, Jeffrey
Kappler, Lawrence
Nigrello, Robert
Priestley, Anne
Sedensky, John
Tasker, Kyle
Weyler, Kenneth

Baldasaro, Alfred
Bishop, Franklin
Dana, Romeo
Dumaine, Dudley
Garcia, Marilinda
Hayes, Jack
Major, Norman
O'Connor, John
Rice, Frederick
St. James, Kevin
Tucker, Pamela

Belanger, Ronald
Chirichello, Brian
DeSimone, Debra
Elliott, Robert
Gordon, Richard
Hoelzel, Kathleen
McMahon, Charles
Packard, Sherman
Sapareto, Frank
Sweeney, Joe
Waterhouse, Kevin

STRAFFORD

Beaudoin, Steven
Mullen, John

Bickford, David
Pitre, Joseph

Horrigan, Timothy

Jones, Laura

SULLIVAN

Osgood, Joe

Rollins, Skip

Smith, Steven

and floor amendment (1053h) was adopted.

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

YEAS 161 NAYS 142**YEAS - 161
BELKNAP**Arsenault, Beth
Raymond, Ian

DiMartino, Lisa

Gulick, Ruth

Huot, David

CARROLL

Butler, Edward

Lavender, Tom

Ticehurst, Susan

White, Syndi

CHESHIREAmes, Richard
Eaton, Daniel
Phillips, Larry
Tatro, BruceBerch, Paul
Johnsen, Gladys
Robertson, Timothy
Weber, LucyButynski, William
Ley, Douglas
Sad, Tara
Weed, CharlesChase, Cynthia
Mann, John
Shepardson, Marjorie**COOS**Coulombe, Gary
Theberge, RobertHammon, Marcia
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

GRAFTONAguiar, James
Ford, Susan
Massimilla, Linda
Smith, SuzanneAlmy, Susan
Friedrich, Carol
Mulholland, Catherine
Sykes, GeorgeBenn, Bernard
Harding, Laurie
Nordgren, Sharon
Townsend, CharlesCooney, Mary
Higgins, Patricia
Pastor, Beatriz
White, Andrew**HILLSBOROUGH**Backus, Robert
Chandley, Shannon
Eaton, Richard
Goley, Jeffrey
Harriott-Gathright, Linda
Jeudy, Jean
MacKay, Mariellen
O'Brien, Michael
Schmidt, Janice
Sullivan, Peter
Woodbury, DavidBeaulieu, Jane
Connor, Evelyn
Gage, Ruth
Grady, Brenda
Heath, Mary
Knowles, Mary Ann
Mangipudi, Latha
O'Neil, William
Shattuck, Gilman
Vail, SuzanneBrown, Pamela
Cote, David
Gale, Sylvia
Hammond, Jill
Heden, Ruth
Levesque, Melanie
Manley, Jonathan
Porter, Marjorie
Soucy, Timothy
Walsh, RobertCampbell, David
DiSilvestro, Linda
Gidge, Kenneth
Hansberry, Daniel
Jack, Martin
Long, Patrick
Nelson, Mary
Rhodes, Brian
Spratt, Stephen
Williams, Kermit**MERRIMACK**Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Hirsch, Geoffrey
Moffett, Howard
Richardson, Gary
Shurtleff, Stephen
Watrous, RickBartlett, Christy
Carson, Clyde
Frazer, June
Kidder, David
Myler, Mel
Rogers, Katherine
Turcotte, Alan
Webb, LeighBouchard, Candace
Davis, Frank
French, Barbara
Lockwood, Priscilla
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary JaneBurns, Scott
Ebel, Karen
Henle, Paul
MacKay, James
Rice, Chip
Schuett, Dianne
Walz, Mary Beth**ROCKINGHAM**Andrews-Ahearn, E. Elaine
Cushing, Robert
Lovejoy, Patricia
Scarlotta, Joe
Ward, GeraldBorden, David
Emerson-Brown, Rebecca
Mann, Maureen
Schlachman, Donna
Wazlaw, BrianBriden, Steven
Flockhart, Eileen
Moody, Marcia
Sherman, Thomas
Whitemore, LisaCahill, Michael
Heffron, Frank
Muns, Chris
Till, Mary**STRAFFORD**Baber, William
Grassie, Anne
Malloy, Dennis
Schmidt, Peter
Verschuieren, JamesBixby, Peter
Hooper, Dorothea
Merrill, Amanda
Smith, Marjorie
Wall, JanetBurke, Rachel
Hubbard, Pamela
Perry, Robert
Spang, JudithGardner, Janice
Kaen, Naida
Rogers, Rose Marie
Stevens, Audrey**SULLIVAN**Cloutier, John
Lefebvre, BenjaminGagnon, Raymond
Sweeney, CynthiaGottling, Suzanne
Tanner, Linda

Irwin, Virginia

**NAYS - 142
BELKNAP**Burchell, Richard
Flanders, Donald
Tilton, FranklinComtois, Guy
Holmes, Stephen
Vadney, HerbertCormier, Jane
Luther, Robert
Worsman, ColetteFields, Dennis
Sylvia, Michael

CARROLL

Ahlgren, Christopher
McConkey, Mark
Wright, Donald

Chandler, Gene
Morrow, Harry

Cordelli, Glenn
Nelson, Bill

Crawford, Karel
Umberger, Karen

CHESHIRE

Hunt, John

Johnson, Jane

Parkhurst, Henry

COOS

Richardson, Herbert

Rideout, Leon

GRAFTON

Doolan, Ralph

Gionet, Edmond

Ladd, Rick

HILLSBOROUGH

Barry, Richard
Byron, Frank
Culbert, Patrick
Gagne, Larry
Haefner, Robert
Kurk, Neal
Martel, Andre
Notter, Jeanine
Ober, Russell
Ramsey, Peter
Smith, Timothy
Takesian, Charlene
Willette, Robert

Belanger, James
Cebrowski, John
Daniels, Gary
Gargas, Carolyn
Hikel, John
Lambert, George
Murotake, David
O'Brien, William
Parison, James
Renzullo, Andrew
Souza, Kathleen
Vaillancourt, Steve
Winters, Joel

Boehm, Ralph
Christiansen, Lars
Danielson, David
Gorman, Mary
Infantine, William
LeBrun, Donald
Murphy, Kelleigh
O'Flaherty, Tim
Pellegrino, Tony
Rowe, Robert
Stroud, Kathleen
Villeneuve, Moe

Burt, John
Coffey, James
Flanagan, Jack
Graham, John
Jasper, Shawn
Leishman, Peter
Murphy, Keith
Ober, Lynne
Peterson, Lenette
Sandblade, Emily
Sweeney, Shawn
Warden, Mark

MERRIMACK

Hess, David
McGuire, Dan

Hoell, J.R.
Walsh, Thomas

Kotowski, Frank

McGuire, Carol

ROCKINGHAM

Abrami, Patrick
Bick, Patrick
Comerford, Timothy
Devine, James
Emerick, J. Tracy
Gordon, Richard
Hoelzel, Kathleen
McMahon, Charles
Packard, Sherman
Sapareto, Frank
Sweeney, Joe
Waterhouse, Kevin

Allen, Mary
Birdsell, Regina
Copeland, Timothy
Duarte, Joe
Fesh, Robert
Griffin, Mary
Itse, Daniel
Milz, David
Peckham, Michele
Schroadter, Adam
Sytek, John
Webb, James

Baldasaro, Alfred
Bishop, Franklin
Dana, Romeo
Dumaine, Dudley
Garcia, Bianca
Harris, Jeffrey
Kappler, Lawrence
Nigrello, Robert
Priestley, Anne
Sedensky, John
Tasker, Kyle
Weyler, Kenneth

Belanger, Ronald
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Garcia, Marilinda
Hayes, Jack
Major, Norman
O'Connor, John
Rice, Frederick
St.James, Kevin
Tucker, Pamela

STRAFFORD

Beaudoin, Steven
Jones, Laura

Bickford, David
Mullen, John

Gray, James
Pitre, Joseph

Horrigan, Timothy

SULLIVAN

Grenier, James

Osgood, Joe

Rollins, Skip

Smith, Steven

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

PROTEST

I protest HB 1570 OPT/A because of no hearing in Ways and Means on a new tax. Rep. Al Baldasaro.

I protest HB 1570 due to the lack of public input through a public hearing, which increases taxes on our citizens. Rep. Regina Birdsell.

I protest the vote on HB 1570 due to the failure to provide a public hearing on a bill placing a tax on the citizens of New Hampshire. Rep. Frank Byron.

I protest the House vote on HB 1570. House Rule 46B requires all taxes and fees legislation go to the Ways and Means Committee. Rep. Glenn Cordelli.

I protest HB 1570 OPT/A because of no hearing in Ways and Means on a new tax. Rep. Bob Fesh.

Pursuant to Part 2, Article 24 of the NH Constitution, I protest the final House vote on HB 1570, a bill that imposes a new fee on New Hampshire taxpayers. House Rule 46B requires all legislation containing taxes and fees to have a public hearing before the Ways and Means Committee. No such hearing occurred, which is contrary to House Rule 46B, and unfair to our constituents. Reps. Jane Cormier and Richard Gordon.

I protest HB 1570 due to the lack of the public hearing process not being followed due to a new tax being applied. Rep. Jack Flanagan.

I am of the opinion that HB 1570 is in violation of House Rule 46 B as it imposes a new fee without having been heard before the Ways and Means Committee. Rep. Edmond Gionet.

Dear Speaker, the vote on HB 1570 was on a bill that was pulled from the table and creates a new fee/tax and did not have a public hearing. Rep. Hoell.

Pursuant to Part 2, Article 24, I protest the vote on HB 1570 and it leaving the House without the suspension of the Rules by the necessary two-thirds vote. Rep. Daniel Itse.

The purpose of the protest is due to HB 1570 as amended which initiates a tax without first having a public hearing. Rep. Rick Ladd.

Pursuant to Part 2, Article 24 of the NH Constitution, I protest the final House vote on HB 1570, a bill that imposes a new fee on New Hampshire taxpayers. House Rule 46B requires all legislation containing taxes and fees to be heard by the Ways and Means Committee. This did not happen on HB 1570, contrary to House Rule 46B, and unfair to our constituents. Rep. Carol McGuire.

Under the NH Constitution, I object to the refusal to pass HB 1570 to Ways and Means per House Rules as a violation of process. Reps. Rep. Kelleigh Murphy, Keith Murphy, Tracy Emerick, Romeo Danais and John Sedensky.

I protest the vote of OTP/A on HB 1570 because it violates House Rules on handling bills with fees and taxes. Rep. Lynne Ober.

Pursuant to Part 2, Article 24 of the NH Constitution, I protest the final House vote on HB 1570, a bill that imposes a new fee on New Hampshire taxpayers. House Rules 46B requires all legislation containing taxes and fees to have a public hearing before the Ways and Means Committee. No such hearing occurred, which is contrary to House Rule 46B, and unfair to our constituents. Rep. Lenette Peterson.

Pursuant to Part 2, Article 24 of the NH Constitution, I protest the final House vote on HB 1570, a bill that imposes a new fee on New Hampshire taxpayers. House Rule 46B requires all legislation containing taxes and fees to have a public hearing before the Ways and Means Committee. No such hearing occurred, which is contrary to House Rule 46B, and unfair to our constituents. Rep. Andrew Renzullo.

I, Representative Leon H. Rideout, protest the vote on HB 1570 as it was not presented to the required second House Committee. Rep. Leon Rideout.

I, Adam Schroadter, object and protest the voting on HB 1570 without a public hearing in the Ways and Means Committee. Rep. Schroadter.

I protest the vote on HB 1570 and the lack of respect for Rule 46. Rep. Pam Tucker.

According to the Constitution, Part II, Article 24, I exercise my right to protest the OTP vote on HB 1570 as contrary to House Rules and precedent. The bill never went to the Ways and Means Committee, as required. Rep. Vaillancourt.

I protest HB 1570 due to the lack of the public hearing process not being followed due to a new tax being applied. Rep. Moe Villeneuve.

I protest that the bill has not had a public hearing and this bill levies a tax on the people of NH and limits business. Rep. James Webb.

APPEAL OF THE RULING OF THE CHAIR

Rep. William O'Brien appealed the ruling of the Chair on the House not sending **HB 1570-FN**, establishing a paint stewardship program, to the Committee on Ways and Means or taking a vote, requiring two-thirds, to send the bill to the Senate.

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

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

YEAS 178 NAYS 121

YEAS - 178

BELKNAP

Arsenault, Beth
Huot, David

DiMartino, Lisa
Raymond, Ian

Fields, Dennis

Gulick, Ruth

CARROLL

Butler, Edward

Lavender, Tom

Ticehurst, Susan

White, Syndi

CHESHIRE

Ames, Richard
Eaton, Daniel
Parkhurst, Henry
Shepardson, Marjorie

Berch, Paul
Johnsen, Gladys
Phillips, Larry
Tatro, Bruce

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

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

COOS

Coulombe, Gary
Theberge, Robert

Hammon, Marcia
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

GRAFTON

Aguiar, James
Ford, Susan
Massimilla, Linda
Smith, Suzanne

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

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

Cooney, Mary
Higgins, Patricia
Pastor, Beatriz
White, Andrew

HILLSBOROUGH

Backus, Robert
Campbell, David
DiSilvestro, Linda
Gargas, Carolyn
Grady, Brenda
Heath, Mary
Knowles, Mary Ann
Long, Patrick
Nelson, Mary
Ramsey, Peter
Shattuck, Gilman
Sullivan, Peter
Williams, Kermit

Barry, Richard
Chandley, Shannon
Eaton, Richard
Gidge, Kenneth
Hammond, Jill
Heden, Ruth
Kurk, Neal
MacKay, Mariellen
O'Brien, Michael
Rhodes, Brian
Smith, Timothy
Takesian, Charlene
Winters, Joel

Beaulieu, Jane
Connor, Evelyn
Gage, Ruth
Goley, Jeffrey
Hansberry, Daniel
Jack, Martin
Leishman, Peter
Mangipudi, Latha
O'Neil, William
Rowe, Robert
Soucy, Timothy
Vail, Suzanne
Woodbury, David

Brown, Pamela
Cote, David
Gale, Sylvia
Gorman, Mary
Harriott-Gathright, Linda
Judy, Jean
Levesque, Melanie
Manley, Jonathan
Porter, Marjorie
Schmidt, Janice
Spratt, Stephen
Walsh, Robert

MERRIMACK

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Hirsch, Geoffrey
Moffett, Howard
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

Bartlett, Christy
Carson, Clyde
Frazer, June
Kidder, David
Myler, Mel
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

Bouchard, Candace
Davis, Frank
French, Barbara
Lockwood, Priscilla
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

Burns, Scott
Ebel, Karen
Henle, Paul
MacKay, James
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cushing, Robert
Heffron, Frank
Moody, Marcia
Schlachman, Donna
Till, Mary

Borden, David
Emerson-Brown, Rebecca
Lovejoy, Patricia
Muns, Chris
Sherman, Thomas
Ward, Gerald

Briden, Steven
Flockhart, Eileen
Mann, Maureen
Peckham, Michele
St.James, Kevin
Wazlaw, Brian

Cahill, Michael
Garcia, Marilinda
McMahon, Charles
Scarlotto, Joe
Sytek, John
Whittemore, Lisa

STRAFFORD

Baber, William
Grassie, Anne
Merrill, Amanda
Smith, Marjorie
Wall, Janet

Bixby, Peter
Hubbard, Pamela
Perry, Robert
Spang, Judith

Burke, Rachel
Kaen, Naida
Rogers, Rose Marie
Stevens, Audrey

Gardner, Janice
Malloy, Dennis
Schmidt, Peter
Verschueren, James

SULLIVAN

Cloutier, John
Irwin, Virginia

Gagnon, Raymond
Lefebvre, Benjamin

Gottling, Suzanne
Sweeney, Cynthia

Grenier, James
Tanner, Linda

NAYS - 121**BELKNAP**

Burchell, Richard
Holmes, Stephen
Vadney, Herbert

Comtois, Guy
Luther, Robert
Worsman, Colette

Cormier, Jane
Sylvia, Michael

Flanders, Donald
Tilton, Franklin

CARROLL

Ahlgren, Christopher
McConkey, Mark
Wright, Donald

Chandler, Gene
Morrow, Harry

Cordelli, Glenn
Nelson, Bill

Crawford, Karel
Umberger, Karen

CHESHIRE

Hunt, John Johnson, Jane

COOS

Richardson, Herbert Rideout, Leon

GRAFTON

Doolan, Ralph Gionet, Edmond Ladd, Rick

HILLSBOROUGH

Belanger, James	Boehm, Ralph	Burt, John	Byron, Frank
Cebrowski, John	Christiansen, Lars	Coffey, James	Culbert, Patrick
Daniels, Gary	Danielson, David	Flanagan, Jack	Gagne, Larry
Graham, John	Haefner, Robert	Hikel, John	Infantine, William
Jasper, Shawn	Lambert, George	LeBrun, Donald	Martel, Andre
Murotake, David	Murphy, Kelleigh	Murphy, Keith	Notter, Jeanine
O'Brien, William	O'Flaherty, Tim	Ober, Lynne	Ober, Russell
Parison, James	Pellegrino, Tony	Peterson, Lenette	Renzullo, Andrew
Sandblade, Emily	Souza, Kathleen	Stroud, Kathleen	Sweeney, Shawn
Vaillancourt, Steve	Villeneuve, Moe	Warden, Mark	Willette, Robert

MERRIMACK

Hess, David	Hoell, J.R.	Kotowski, Frank	McGuire, Carol
McGuire, Dan	Walsh, Thomas		

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Baldasaro, Alfred	Bick, Patrick
Birdsell, Regina	Chirichiello, Brian	Comerford, Timothy	Copeland, Timothy
Danais, Romeo	DeSimone, Debra	Devine, James	Duarte, Joe
Dumaine, Dudley	Elliott, Robert	Emerick, J. Tracy	Fesh, Robert
Garcia, Bianca	Gordon, Richard	Griffin, Mary	Harris, Jeffrey
Hayes, Jack	Hoelzel, Kathleen	Itse, Daniel	Kappler, Lawrence
Major, Norman	Milz, David	Nigrello, Robert	O'Connor, John
Packard, Sherman	Priestley, Anne	Rice, Frederick	Sapareto, Frank
Schroadter, Adam	Sedensky, John	Sweeney, Joe	Tasker, Kyle
Tucker, Pamela	Waterhouse, Kevin	Webb, James	Weyler, Kenneth

STRAFFORD

Beaudoin, Steven	Bickford, David	Gray, James	Jones, Laura
Mullen, John	Pitre, Joseph		

SULLIVAN

Osgood, Joe	Rollins, Skip	Smith, Steven
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and the ruling of the Chair was upheld.

MOTION TO SUSPEND HOUSE RULES

Rep. Vaillancourt moved that House Rules be suspended to allow Protests by the members that were not presented before intervening business, be accepted.

The Speaker ruled the motion out of order.

MOTION TO PRINT PROTEST

Rep. William O'Brien moved that Protests by the members that were not presented before intervening business, be printed in the Permanent Journal.

Adopted.

PROTEST

Pursuant to Part 2 Article 24 of the NH Constitution, I protest the final House vote on HB 1570, a bill that imposes a new fee on New Hampshire taxpayers. House Rule 46B requires all legislation containing taxes and fees to have a public hearing before the Ways & Means Committee. No such hearing occurred, which is contrary to House Rule 46B, and unfair to our constituents. Rep. John Burt.

Pursuant to Part 2, Article 24 of the NH Constitution, I protest the final House vote on HB 1570, a bill that imposes a new fee on New Hampshire taxpayers. House Rule 46B requires all legislation containing taxes and fees to have a public hearing before the Ways and Means Committee. No such hearing occurred, which is contrary to House Rule 46B, and unfair to our constituents. Rep. Stephen Holmes.

I, Andre Martel, object and protest the voting on HB 1570 without a public hearing in the Ways and Means Committee. Rep. Andre Martel.

On this day of March 18, 2014, I, State Representative Jeanine Notter, representing the District known as Hills 21, hereby submit my written protest over the decision of HB 1570 being passed contrary to House Rules. Rep. Jeanine Notter.

Under the rules set forth in Part 2 Article 24 of the NH Constitution, I protest the final House vote on HB 1570, which imposes a new fee on New Hampshire taxpayers. This vote was taken in violation of House Rule 46B, which requires that all legislation containing taxes and fees must first have a public hearing before the Ways & Means Committee. Since no such hearing occurred, the vote is contrary to House Rule 46B, and is therefore unfair to our constituents. Rep. Frederick Rice.

I protest the final House vote on HB 1570, a bill that imposes a new fee on New Hampshire citizens. Any legislation imposing a tax or fee must have a public hearing before the Ways and Means Committee according to the House Rule 46B. No such hearing occurred, which is contrary to our rules, and unfair to my constituents. Rep. Michael Sylvia.

Dear Madam Speaker, I protest the passage of HB 1570. It was done in violation of the NH State Constitution. It is required that a bill forcing the people of NH to pay a fee without a public hearing. Rep. Kevin Waterhouse.

REGULAR CALENDAR – PART II (CONT'D)

HB 1635-FN-A, relative to community mental health programs and making appropriations therefor. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Sharon Nordgren for the Majority of Finance. This bill makes appropriations to the department of health and human services and the department of justice to comply with a comprehensive settlement agreement between the State of New Hampshire and the United States department of justice arrived at December 2013, but dating back to 2010-2012. New Hampshire was accused of having violated the Americans with Disabilities Act for not serving people in the least restrictive environment. The settlement has been approved by the US district court judge. The appropriation will be used to pay for costs related to mental health services in integrated community settings that focus on four key areas including assertive community treatment (ACT) teams, supported housing, supported employment and mobile crisis response. The settlement agreement covers five years, with this bill including an appropriation for the current biennium. With the increase of people being held in emergency rooms across the state, it is urgent to bring the mental health system back to the communities and serve the people in need as we did in the 1990's. It is wrong to place people at risk with the current system. The various stakeholders in the state, including NAMI NH's board of directors, are in support of the settlement. The attorney general testified that continuing the lawsuit could cost the state \$8 million in legal fees. We must take this fiscally responsible settlement. We need to re-establish a system of care which will promote recovery by providing comprehensive community based supports for some of our most vulnerable residents. Vote 13-7.

Rep. Neal M. Kurk for the Minority of Finance. The court-approved settlement of the mental health lawsuit requires the state to provide specified additional services to those with serious mental illness and pay plaintiffs' legal costs. The legislature can choose whether or not to accept the settlement. If the legislature accepts the settlement, the state must pay a specific dollar amount in legal fees but the state can determine the cost of providing the additional services and how it will pay for that cost. This bill accepts the settlement and reopens the current (2014/15) budget to pay for it. First, the bill determines what the additional services will cost; second, it appropriates an additional \$9 million (\$7 million in general funds) to HHS to pay for the additional services; and third, it appropriates an additional \$2.2 million (all general funds) to the department of justice to pay plaintiffs' legal fees. Under the bill, these general fund sums will, in effect, come from the \$15.3 million of surplus from the last (2012/13) budget that was carried over into the current (2014/15) budget. The minority agrees with the majority that the legislature should accept the settlement. However, the minority disagrees in two important respects with the majority's approach to paying for the settlement. First, the minority believes the additional services could be provided for at least \$900,000 less; the majority rejected an amendment to do that. Second, the minority believes the cost of the settlement should be absorbed within the HHS department's current appropriation, which totals some \$4.0 billion (about \$1.2 billion in general funds). The \$11.2 million settlement cost represents less than 3/10ths of 1% of the department's budget. The department's budget is more than sufficient to absorb this sum, allowing the surplus to be returned to the state's nearly-depleted reserve fund where it properly belongs.

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

Rep. Kurk spoke against and yielded to questions.

Reps. Nordgren and Wallner spoke in favor.

Rep. Wallner requested a roll call; sufficiently seconded.

YEAS 173 NAYS 125

YEAS - 173

BELKNAP

CARROLL

Butler, Edward
White, Syndi

Lavender, Tom
Wright, Donald

Nelson, Bill

Ticehurst, Susan

CHESHIRE

Ames, Richard
Eaton, Daniel
Parkhurst, Henry
Shepardson, Marjorie

Berch, Paul
Johnsen, Gladys
Phillips, Larry
Tatro, Bruce

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

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

COOS

Coulombe, Gary
Theberge, Robert

Hammon, Marcia
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

GRAFTON

Aguiar, James
Ford, Susan
Massimilla, Linda
Smith, Suzanne

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

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

Cooney, Mary
Higgins, Patricia
Pastor, Beatriz
White, Andrew

HILLSBOROUGH

Backus, Robert
Chandley, Shannon
Eaton, Richard
Gidge, Kenneth
Hammond, Jill
Heden, Ruth
LeBrun, Donald
MacKay, Mariellen
O'Brien, Michael
Rhodes, Brian
Soucy, Timothy
Vail, Suzanne
Woodbury, David

Beaulieu, Jane
Connor, Evelyn
Gage, Ruth
Goley, Jeffrey
Hansberry, Daniel
Jack, Martin
Leishman, Peter
Mangipudi, Latha
O'Neil, William
Schmidt, Janice
Spratt, Stephen
Walsh, Robert

Brown, Pamela
Cote, David
Gale, Sylvia
Gorman, Mary
Harriott-Gathright, Linda
Jeudy, Jean
Levesque, Melanie
Manley, Jonathan
Porter, Marjorie
Shattuck, Gilman
Sullivan, Peter
Williams, Kermit

Campbell, David
DiSilvestro, Linda
Gargasz, Carolyn
Grady, Brenda
Heath, Mary
Knowles, Mary Ann
Long, Patrick
Nelson, Mary
Ramsey, Peter
Smith, Timothy
Takesian, Charlene
Winters, Joel

MERRIMACK

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Hirsch, Geoffrey
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

Bartlett, Christy
Carson, Clyde
Frazer, June
MacKay, James
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

Bouchard, Candace
Davis, Frank
French, Barbara
Moffett, Howard
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

Burns, Scott
Ebel, Karen
Henle, Paul
Myler, Mel
Schamberg, Thomas
Wallner, Mary Jane

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cushing, Robert
Heffron, Frank
Moody, Marcia
Sherman, Thomas
Wazlaw, Brian

Borden, David
DeSimone, Debra
Lovejoy, Patricia
Muns, Chris
St.James, Kevin
Whittemore, Lisa

Briden, Steven
Emerson-Brown, Rebecca
Mann, Maureen
Scarlotto, Joe
Till, Mary

Cahill, Michael
Flockhart, Eileen
McMahon, Charles
Schlachman, Donna
Ward, Gerald

STRAFFORD

Baber, William
Grassie, Anne
Kaen, Naida
Rogers, Rose Marie
Stevens, Audrey

Bickford, David
Hooper, Dorothea
Malloy, Dennis
Schmidt, Peter
Verschueren, James

Bixby, Peter
Horrigan, Timothy
Merrill, Amanda
Smith, Marjorie
Wall, Janet

Burke, Rachel
Hubbard, Pamela
Perry, Robert
Spang, Judith

SULLIVAN

Cloutier, John
Lefebvre, Benjamin

Gagnon, Raymond
Sweeney, Cynthia

Gottling, Suzanne
Tanner, Linda

Irwin, Virginia

NAYS - 125**BELKNAP**

Burchell, Richard
Flanders, Donald
Tilton, Franklin

Comtois, Guy
Holmes, Stephen
Vadney, Herbert

Cormier, Jane
Luther, Robert
Worsman, Colette

Fields, Dennis
Sylvia, Michael

CARROLL

Ahlgren, Christopher
McConkey, Mark

Chandler, Gene
Morrow, Harry

Cordelli, Glenn
Umberger, Karen

Crawford, Karel

Hunt, John	Johnson, Jane
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Richardson, Herbert Rideout, Leon

Bailey, Brad	Doolan, Ralph	Gionet, Edmond	Ladd, Rick
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Barry, Richard	Belanger, James	Boehm, Ralph	Burt, John
Byron, Frank	Cebrowski, John	Christiansen, Lars	Coffey, James
Culbert, Patrick	Daniels, Gary	Danielson, David	Flanagan, Jack
Gagne, Larry	Graham, John	Haefner, Robert	Hikel, John
Infantine, William	Jasper, Shawn	Kurk, Neal	Lambert, George
Murotake, David	Murphy, Kelleigh	Murphy, Keith	Notter, Jeanine
O'Brien, William	O'Flaherty, Tim	Ober, Lynne	Ober, Russell
Parison, James	Pellegrino, Tony	Peterson, Lenette	Renzullo, Andrew
Rowe, Robert	Sandblade, Emily	Souza, Kathleen	Stroud, Kathleen
Sweeney, Shawn	Vaillancourt, Steve	Villeneuve, Moe	Warden, Mark
Willette, Robert			

Hess, David	Hoell, J.R.	Kidder, David	Kotowski, Frank
McGuire, Carol	McGuire, Dan	Ratzki, Mario	Walsh, Thomas

Abrami, Patrick	Allen, Mary	Baldasaro, Alfred	Bick, Patrick
Birdsell, Regina	Chirichiello, Brian	Comerford, Timothy	Copeland, Timothy
Danaïs, Romeo	Devine, James	Duarte, Joe	Dumaine, Dudley
Elliott, Robert	Emerick, J. Tracy	Fesh, Robert	Garcia, Bianca
Garcia, Marilinda	Gordon, Richard	Griffin, Mary	Harris, Jeffrey
Hayes, Jack	Hoelzel, Kathleen	Kappler, Lawrence	Major, Norman
Milz, David	Nigrello, Robert	O'Connor, John	Packard, Sherman
Peckham, Michele	Priestley, Anne	Rice, Frederick	Sapareto, Frank
Schroadter, Adam	Sedensky, John	Sweeney, Joe	Sytek, John
Tasker, Kyle	Tucker, Pamela	Waterhouse, Kevin	Webb, James
Weyler, Kenneth			

Beaudoin, Steven	Gray, James	Jones, Laura	Mullen, John
Pitre, Joseph			

Grenier, James Osgood, Joe Rollins, Skip Smith, Steven

The House recessed at 1:05 p.m.

The House reconvened at 2:05 p.m.

Rep. Cebrowski requested a roll call; sufficiently seconded.

YEAS 211 NAYS 86**YEAS - 211
BELKNAP**Arsenault, Beth
Gulick, RuthDiMartino, Lisa
Huot, DavidFields, Dennis
Raymond, IanFlanders, Donald
Sylvia, Michael**CARROLL**Ahlgren, Christopher
Lavender, Tom
Umberger, KarenBuco, Thomas
McConkey, Mark
White, SyndiButler, Edward
Merrow, Harry
Wright, DonaldCrawford, Karel
Ticehurst, Susan**CHESHIRE**Ames, Richard
Hunt, John
Mann, John
Sad, Tara
Weed, CharlesBerch, Paul
Johnsen, Gladys
Parkhurst, Henry
Shepardson, MarjorieChase, Cynthia
Johnson, Jane
Phillips, Larry
Tatro, BruceEaton, Daniel
Ley, Douglas
Robertson, Timothy
Weber, Lucy**COOS**Coulombe, Gary
Theberge, Robert

Hammon, Marcia

Hatch, William

Moynihan, Wayne

GRAFTONAlmy, Susan
Ford, Susan
Ladd, Rick
Pastor, Beatriz
White, AndrewBailey, Brad
Friedrich, Carol
Massimilla, Linda
Smith, SuzanneBenn, Bernard
Harding, Laurie
Mulholland, Catherine
Sykes, GeorgeCooney, Mary
Higgins, Patricia
Nordgren, Sharon
Townsend, Charles**HILLSBOROUGH**Backus, Robert
Campbell, David
Cote, David
Flanagan, Jack
Gidge, Kenneth
Graham, John
Heath, Mary
Knowles, Mary Ann
Levesque, Melanie
Manley, Jonathan
Ober, Lynne
Rhodes, Brian
Smith, Timothy
Sullivan, Peter
Walsh, Robert
Woodbury, DavidBeaulieu, Jane
Chandley, Shannon
Culbert, Patrick
Gage, Ruth
Goley, Jeffrey
Hammond, Jill
Heden, Ruth
Kurk, Neal
Long, Patrick
O'Brien, Michael
Ober, Russell
Sandblade, Emily
Soucy, Timothy
Takesian, Charlene
Warden, MarkBrown, Pamela
Christiansen, Lars
DiSilvestro, Linda
Gale, Sylvia
Gorman, Mary
Hansen, Peter
Jack, Martin
Lambert, George
MacKay, Mariellen
O'Flaherty, Tim
Porter, Marjorie
Schmidt, Janice
Spratt, Stephen
Vail, Suzanne
Williams, KermitByron, Frank
Connor, Evelyn
Eaton, Richard
Gargas, Carolyn
Grady, Brenda
Harriott-Gathright, Linda
Jasper, Shawn
Leishman, Peter
Mangipudi, Latha
O'Neil, William
Ramsey, Peter
Shattuck, Gilman
Stroud, Kathleen
Vaillancourt, Steve
Winters, Joel**MERRIMACK**Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Hirsch, Geoffrey
Moffett, Howard
Richardson, Gary
Shurtleff, Stephen
Walz, Mary BethBartlett, Christy
Carson, Clyde
Frazer, June
Kidder, David
Myler, Mel
Rogers, Katherine
Turcotte, Alan
Watrous, RickBouchard, Candace
Davis, Frank
French, Barbara
Lockwood, Priscilla
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane
Webb, LeighBurns, Scott
Ebel, Karen
Henle, Paul
MacKay, James
Rice, Chip
Schuett, Dianne
Walsh, Thomas**ROCKINGHAM**Allen, Mary
Briden, Steven
Emerick, J. Tracy
Heffron, Frank
McMahon, Charles
Priestley, Anne
Sherman, Thomas
Wazlaw, BrianAndrews-Ahearn, E. Elaine
Cahill, Michael
Emerson-Brown, Rebecca
Lovejoy, Patricia
Moody, Marcia
Scarlotta, Joe
St.James, Kevin
Whittemore, LisaBelanger, Ronald
Copeland, Timothy
Flockhart, Eileen
Major, Norman
Muns, Chris
Schlachman, Donna
Till, MaryBorden, David
Cushing, Robert
Griffin, Mary
Mann, Maureen
Peckham, Michele
Schroadter, Adam
Ward, Gerald**STRAFFORD**Baber, William
Gardner, JaniceBickford, David
Grassie, AnneBixby, Peter
Horriggan, TimothyBurke, Rachel
Hubbard, Pamela

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

Ketel, Stephen
Perry, Robert
Spang, Judith

Malloy, Dennis
Rogers, Rose Marie
Stevens, Audrey

Merrill, Amanda
Schmidt, Peter
Verschueren, James

Cloutier, John
Irwin, Virginia
Sweeney, Cynthia

Gagnon, Raymond
Lefebvre, Benjamin
Tanner, Linda

Gottling, Suzanne
Rollins, Skip

Grenier, James
Smith, Steven

SULLIVAN

NAYS - 86

BELKNAP

Burchell, Richard
Luther, Robert

Comtois, Guy
Tilton, Franklin

Cormier, Jane
Vadney, Herbert

Holmes, Stephen
Worsman, Colette

CARROLL

Cordelli, Glenn

Nelson, Bill

CHESHIRE

Butynski, William

COOS

Richardson, Herbert

Rideout, Leon

GRAFTON

Doolan, Ralph

HILLSBOROUGH

Barry, Richard
Cebrowski, John
Gagne, Larry
Jeudy, Jean
Murphy, Keith
Parison, James
Rowe, Robert
Willette, Robert

Belanger, James
Coffey, James
Haefner, Robert
LeBrun, Donald
Nelson, Mary
Pellegrino, Tony
Sanborn, Laurie

Boehm, Ralph
Daniels, Gary
Hikel, John
Murotake, David
Notter, Jeanine
Peterson, Lenette
Souza, Kathleen

Burt, John
Danielson, David
Infantine, William
Murphy, Kelleigh
O'Brien, William
Renzullo, Andrew
Villeneuve, Moe

MERRIMACK

Hoell, J.R.

Kotowski, Frank

McGuire, Carol

McGuire, Dan

ROCKINGHAM

Abrami, Patrick
Bishop, Franklin
DeSimone, Debra
Elliott, Robert
Gordon, Richard
Kappler, Lawrence
Packard, Sherman
Sytek, John

Baldasaro, Alfred
Chirichiello, Brian
Devine, James
Fesh, Robert
Harris, Jeffrey
Milz, David
Rice, Frederick
Tucker, Pamela

Bick, Patrick
Comerford, Timothy
Duarte, Joe
Garcia, Bianca
Hoelzel, Kathleen
Nigrello, Robert
Sapareto, Frank
Webb, James

Birdsell, Regina
Danais, Romeo
Dumaine, Dudley
Garcia, Marilinda
Itse, Daniel
O'Connor, John
Sedensky, John
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Mullen, John

Gray, James
Pitre, Joseph

Groen, Warren

Jones, Laura

SULLIVAN

Osgood, Joe

and the committee report was adopted.

REGULAR CALENDAR - PART II (CONT'D)

SPECIAL ORDER

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.

Reps. Rideout and Itse spoke against and yielded to questions.

Reps. Notter and Cormier spoke against.

Reps. Huot and Chandley spoke in favor and yielded to questions.

Rep. Shurtleff requested a roll call; sufficiently seconded.

YEAS 176 NAYS 116

YEAS - 176

BELKNAP

Arsenault, Beth
Huot, David

DiMartino, Lisa
Raymond, Ian

Fields, Dennis

Gulick, Ruth

CARROLL

Buco, Thomas
Morrow, Harry

Butler, Edward
White, Syndi

Crawford, Karel

Lavender, Tom

CHESHIRE

Ames, Richard
Hunt, John
Parkhurst, Henry
Shepardson, Marjorie

Berch, Paul
Johnsen, Gladys
Phillips, Larry
Tatro, Bruce

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

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

COOS

Hammon, Marcia

Hatch, William

Moynihan, Wayne

GRAFTON

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

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

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

Ford, Susan
Ladd, Rick
Pastor, Beatriz
White, Andrew

HILLSBOROUGH

Backus, Robert
Chandley, Shannon
Eaton, Richard
Gargas, Carolyn
Grady, Brenda
Heath, Mary
Knowles, Mary Ann
MacKay, Mariellen
O'Flaherty, Tim
Rhodes, Brian
Soucy, Timothy
Vail, Suzanne
Woodbury, David

Beaulieu, Jane
Connor, Evelyn
Flanagan, Jack
Gidge, Kenneth
Graham, John
Heden, Ruth
Kurk, Neal
Mangipudi, Latha
O'Neil, William
Schmidt, Janice
Spratt, Stephen
Walsh, Robert

Brown, Pamela
Cote, David
Gage, Ruth
Goley, Jeffrey
Hammond, Jill
Infantine, William
Leishman, Peter
Manley, Jonathan
Porter, Marjorie
Shattuck, Gilman
Sullivan, Peter
Williams, Kermit

Campbell, David
DiSilvestro, Linda
Gale, Sylvia
Gorman, Mary
Harriott-Gathright, Linda
Jack, Martin
Levesque, Melanie
O'Brien, Michael
Ramsey, Peter
Smith, Timothy
Takesian, Charlene
Winters, Joel

MERRIMACK

Bartlett, Christy
Carson, Clyde
Frazer, June
Kidder, David
Myler, Mel
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

Bouchard, Candace
Davis, Frank
French, Barbara
Lockwood, Priscilla
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

Burns, Scott
Ebel, Karen
Henle, Paul
MacKay, James
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

Carey, Lorrie
Frambach, Mary
Hirsch, Geoffrey
Moffett, Howard
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cahill, Michael

Belanger, Ronald
Cushing, Robert

Borden, David
Emerson-Brown, Rebecca

Briden, Steven
Flockhart, Eileen

Griffin, Mary
Moody, Marcia
Scarlottio, Joe
Till, Mary

Heffron, Frank
Muns, Chris
Schlachman, Donna
Ward, Gerald

Lovejoy, Patricia
Nigrello, Robert
Sherman, Thomas
Wazlaw, Brian

Mann, Maureen
Priestley, Anne
St.James, Kevin
Webb, James

STRAFFORD

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

Bixby, Peter
Horrigan, Timothy
Merrill, Amanda
Schmidt, Peter
Verschueren, James

Burke, Rachel
Hubbard, Pamela
Pelletier, Marsha
Smith, Marjorie
Wall, Janet

Gardner, Janice
Kaen, Naida
Perry, Robert
Spang, Judith

SULLIVAN

Cloutier, John
Irwin, Virginia

Gagnon, Raymond
Lefebvre, Benjamin

Gottling, Suzanne
Sweeney, Cynthia

Grenier, James
Tanner, Linda

NAYS - 116

BELKNAP

Burchell, Richard
Holmes, Stephen
Vadney, Herbert

Comtois, Guy
Luther, Robert
Worsman, Colette

Cormier, Jane
Sylvia, Michael

Flanders, Donald
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Nelson, Bill

Chandler, Gene
Umberger, Karen

Cordelli, Glenn
Wright, Donald

McConkey, Mark

CHESHIRE

Butynski, William

Johnson, Jane

COOS

Coulombe, Gary

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad

Doolan, Ralph

HILLSBOROUGH

Barry, Richard
Byron, Frank
Daniels, Gary
Hansberry, Daniel
Jeudy, Jean
Murphy, Keith
Ober, Lynne
Peterson, Lenette
Sandblade, Emily
Villeneuve, Moe

Belanger, James
Christiansen, Lars
Danielson, David
Hansen, Peter
Lambert, George
Nelson, Mary
Ober, Russell
Renzullo, Andrew
Souza, Kathleen
Willette, Robert

Boehm, Ralph
Coffey, James
Gagne, Larry
Hikel, John
LeBrun, Donald
Notter, Jeanine
Parison, James
Rowe, Robert
Stroud, Kathleen

Burt, John
Culbert, Patrick
Haefner, Robert
Jasper, Shawn
Murotake, David
O'Brien, William
Pellegrino, Tony
Sanborn, Laurie
Vaillancourt, Steve

MERRIMACK

Hess, David
McGuire, Dan

Hoell, J.R.
Walsh, Thomas

Kotowski, Frank

McGuire, Carol

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Danaïs, Romeo
Dumaine, Dudley
Garcia, Bianca
Hoelzel, Kathleen
McMahon, Charles
Peckham, Michele
Sytek, John
Whittemore, Lisa

Allen, Mary
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Garcia, Marilinda
Itse, Daniel
Milz, David
Rice, Frederick
Tasker, Kyle

Baldasaro, Alfred
Comerford, Timothy
Devine, James
Emerick, J. Tracy
Gordon, Richard
Kappler, Lawrence
O'Connor, John
Schroadter, Adam
Tucker, Pamela

Bick, Patrick
Copeland, Timothy
Duarte, Joe
Fesh, Robert
Harris, Jeffrey
Major, Norman
Packard, Sherman
Sedensky, John
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Jones, Laura

Bickford, David
Ketel, Stephen

Gray, James
Mullen, John

Groen, Warren
Pitre, Joseph

SULLIVAN

Osgood, Joe

Rollins, Skip

Smith, Steven

and the majority committee amendment was adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Rep. Rideout offered floor amendment (1091h).

Floor Amendment (1091h)

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

AN ACT including "fetus" in the definition of "another" for the purpose of certain criminal offenses.

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

1 Homicide; Capital Murder. Amend RSA 630:1, IV to read as follows:

IV. As used in this section [~~and RSA 630:1-a, 1-b, 2, 3 and 4~~], the meaning of "another" does not include a [~~foetus~~] **fetus**.

2 New Paragraphs; First Degree Murder; Definition of Another; Exemption for Abortion. Amend RSA 630:1-a by inserting after paragraph III the following new paragraphs:

IV. For the purposes of this section and RSA 630:1-b, RSA 630:2, RSA 630:3, and RSA 630:4, the meaning of "another" shall mean another person, or a fetus as defined in subparagraph V(b).

V.(a) Nothing in this section or RSA 630:1-b, RSA 630:2, RSA 630:3, or RSA 630:4 shall apply to any act committed by the woman pregnant with the fetus, to any medical procedure, including abortion, performed by a physician or other licensed medical professional at the request of the pregnant woman or her legal guardian, or to the lawful dispensation or administration of lawfully prescribed medication. For the purposes of this section and RSA 630:1-b, RSA 630:2, RSA 630:3, or RSA 630:4, "abortion" means the act of using or prescribing any instrument, medicine, drug, or any other substance, device, or means with the intent to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the fetus. Such use, prescription, or means is not an abortion if done with the intent to save the life or preserve the health of a fetus, or to remove a dead fetus caused by spontaneous abortion, or to remove an ectopic pregnancy.

(b) In this section, "fetus" means an unborn offspring, from the embryo stage which is the end of the twelfth week after conception when major structures have formed, until birth.

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

AMENDED ANALYSIS

This bill provides that a fetus shall be included in the definition of "another" for the purpose of first and second degree murder, manslaughter, negligent homicide, and causing or aiding suicide.

Reps. Rideout, Cordelli, Groen and Hikel spoke in favor.

Reps. Hirsch and Weber spoke against.

Rep. Rideout requested a roll call; sufficiently seconded.

YEAS 114 NAYS 170

YEAS - 114

BELKNAP

Burchell, Richard
Holmes, Stephen
Worsman, Colette

Comtois, Guy
Sylvia, Michael

Cormier, Jane
Tilton, Franklin

Flanders, Donald
Vadney, Herbert

CARROLL

Ahlgren, Christopher
Nelson, Bill

Chandler, Gene
Umberger, Karen

Cordelli, Glenn
White, Syndi

McConkey, Mark
Wright, Donald

CHESHIRE

Butynski, William

Johnson, Jane

COOS

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad

Doolan, Ralph

Townsend, Charles

HILLSBOROUGH

Belanger, James
Coffey, James
Flanagan, Jack
Hansen, Peter
Lambert, George
Nelson, Mary
Parison, James
Rhodes, Brian
Souza, Kathleen
Willette, Robert

Boehm, Ralph
Culbert, Patrick
Gagne, Larry
Hikel, John
LeBrun, Donald
Notter, Jeanine
Pellegrino, Tony
Rowe, Robert
Stroud, Kathleen

Burt, John
Daniels, Gary
Haefner, Robert
Jasper, Shawn
Murotake, David
O'Brien, William
Peterson, Lenette
Sanborn, Laurie
Vaillancourt, Steve

Byron, Frank
Danielson, David
Hansberry, Daniel
Judy, Jean
Murphy, Keith
Ober, Lynne
Renzullo, Andrew
Sandblade, Emily
Villeneuve, Moe

MERRIMACK

Hoell, J.R.
Walsh, Thomas

Kotowski, Frank

McGuire, Carol

McGuire, Dan

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Danaïs, Romeo
Dumaine, Dudley
Garcia, Marilinda
Hoelzel, Kathleen
Nigrello, Robert
Priestley, Anne
Sedensky, John
Webb, James

Allen, Mary
Bishop, Franklin
DeSimone, Debra
Emerick, J. Tracy
Gordon, Richard
Itse, Daniel
O'Connor, John
Rice, Frederick
Sytek, John
Weyler, Kenneth

Baldasaro, Alfred
Chirichiello, Brian
Devine, James
Fesh, Robert
Griffin, Mary
Kappler, Lawrence
Packard, Sherman
Sapareto, Frank
Tasker, Kyle
Whittemore, Lisa

Bick, Patrick
Comerford, Timothy
Duarte, Joe
Garcia, Bianca
Harris, Jeffrey
Milz, David
Peckham, Michele
Schroadter, Adam
Tucker, Pamela

STRAFFORD

Beaudoin, Steven
Jones, Laura

Bickford, David
Mullen, John

Gray, James
Pitre, Joseph

Groen, Warren

SULLIVAN

Osgood, Joe

Rollins, Skip

NAYS - 170**BELKNAP**

DiMartino, Lisa
Luther, Robert

Fields, Dennis
Raymond, Ian

Gulick, Ruth

Huot, David

CARROLL

Buco, Thomas

Butler, Edward

Lavender, Tom

Morrow, Harry

CHESHIRE

Ames, Richard
Hunt, John
Phillips, Larry
Tatro, Bruce

Berch, Paul
Ley, Douglas
Robertson, Timothy
Weber, Lucy

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

Eaton, Daniel
Parkhurst, Henry
Shepardson, Marjorie

COOS

Hammon, Marcia

Hatch, William

Moynihan, Wayne

GRAFTON

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

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

Cooney, Mary
Higgins, Patricia
Nordgren, Sharon
White, Andrew

Ford, Susan
Ladd, Rick
Pastor, Beatriz

HILLSBOROUGH

Backus, Robert
Chandlee, Shannon
DiSilvestro, Linda
Gargas, Carolyn
Grady, Brenda
Heden, Ruth
Leishman, Peter
Mangipudi, Latha
O'Neil, William
Schmidt, Janice
Spratt, Stephen
Walsh, Robert

Beaulieu, Jane
Christiansen, Lars
Eaton, Richard
Gidge, Kenneth
Hammond, Jill
Jack, Martin
Levesque, Melanie
Manley, Jonathan
Ober, Russell
Shattuck, Gilman
Sullivan, Peter
Williams, Kermit

Brown, Pamela
Connor, Evelyn
Gage, Ruth
Goley, Jeffrey
Harriott-Gathright, Linda
Knowles, Mary Ann
Long, Patrick
O'Brien, Michael
Porter, Marjorie
Smith, Timothy
Takesian, Charlene
Winters, Joel

Campbell, David
Cote, David
Gale, Sylvia
Gorman, Mary
Heath, Mary
Kurk, Neal
MacKay, Mariellen
O'Flaherty, Tim
Ramsey, Peter
Soucy, Timothy
Vail, Suzanne
Woodbury, David

MERRIMACK

Bartlett, Christy
Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Moffett, Howard
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

Bouchard, Candace
Davis, Frank
French, Barbara
Kidder, David
Myler, Mel
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

Burns, Scott
Ebel, Karen
Henle, Paul
Lockwood, Priscilla
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

Carey, Lorrie
Frambach, Mary
Hess, David
MacKay, James
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cushing, Robert
Heffron, Frank
McMahon, Charles
Schlachman, Donna
Ward, Gerald

Borden, David
Elliott, Robert
Lovejoy, Patricia
Moody, Marcia
Sherman, Thomas
Wazlaw, Brian

Cahill, Michael
Emerson-Brown, Rebecca
Major, Norman
Muns, Chris
St.James, Kevin

Copeland, Timothy
Flockhart, Eileen
Mann, Maureen
Scarlotta, Joe
Till, Mary

STRAFFORD

Baber, William
Grassie, Anne
Ketel, Stephen
Perry, Robert
Spang, Judith

Bixby, Peter
Horrigan, Timothy
Malloy, Dennis
Rogers, Rose Marie
Stevens, Audrey

Burke, Rachel
Hubbard, Pamela
Merrill, Amanda
Schmidt, Peter
Verschueren, James

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

SULLIVAN

Cloutier, John
Irwin, Virginia

Gagnon, Raymond
Lefebvre, Benjamin

Gottling, Suzanne
Tanner, Linda

Grenier, James

and floor amendment (1091h) failed.

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

YEAS 243 NAYS 42**YEAS - 243****BELKNAP**

Burchell, Richard
Fields, Dennis
Huot, David

Comtois, Guy
Flanders, Donald
Luther, Robert

Cormier, Jane
Gulick, Ruth
Raymond, Ian

DiMartino, Lisa
Holmes, Stephen
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Lavender, Tom
Umberger, Karen

Buco, Thomas
McConkey, Mark
White, Syndi

Butler, Edward
Morrow, Harry
Wright, Donald

Chandler, Gene
Nelson, Bill

CHESHIRE

Ames, Richard
Eaton, Daniel
Parkhurst, Henry
Shepardson, Marjorie

Berch, Paul
Hunt, John
Phillips, Larry
Tatro, Bruce

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

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

COOS

Hammon, Marcia
Rideout, Leon

Hatch, William

Moynihan, Wayne

Richardson, Herbert

GRAFTON

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

Bailey, Brad
Ford, Susan
Ladd, Rick
Pastor, Beatriz
White, Andrew

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

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

HILLSBOROUGH

Backus, Robert
Burt, John
Christiansen, Lars
Culbert, Patrick
Gage, Ruth
Goley, Jeffrey
Hammond, Jill
Heath, Mary
Knowles, Mary Ann
Leishman, Peter
Mangipudi, Latha
Notter, Jeanine
Ober, Lynne
Ramsey, Peter
Schmidt, Janice
Spratt, Stephen
Walsh, Robert

Beaulieu, Jane
Byron, Frank
Coffey, James
DiSilvestro, Linda
Gale, Sylvia
Gorman, Mary
Hansberry, Daniel
Heden, Ruth
Kurk, Neal
Levesque, Melanie
Manley, Jonathan
O'Brien, Michael
Parison, James
Rhodes, Brian
Shattuck, Gilman
Sullivan, Peter
Williams, Kermit

Belanger, James
Campbell, David
Connor, Evelyn
Eaton, Richard
Gargas, Carolyn
Grady, Brenda
Hansen, Peter
Jack, Martin
Lambert, George
Long, Patrick
Murotake, David
O'Flaherty, Tim
Peterson, Lenette
Rowe, Robert
Smith, Timothy
Takesian, Charlene
Winters, Joel

Brown, Pamela
Chandley, Shannon
Cote, David
Flanagan, Jack
Gidge, Kenneth
Graham, John
Harriott-Gathright, Linda
Jasper, Shawn
LeBrun, Donald
MacKay, Mariellen
Murphy, Keith
O'Neil, William
Porter, Marjorie
Sanborn, Laurie
Souza, Kathleen
Vail, Suzanne
Woodbury, David

MERRIMACK

Bartlett, Christy
 Carson, Clyde
 Frazer, June
 Kidder, David
 McGuire, Carol
 Rice, Chip
 Schuett, Dianne
 Walsh, Thomas

Bouchard, Candace
 Davis, Frank
 French, Barbara
 Kotowski, Frank
 Moffett, Howard
 Richardson, Gary
 Shurtleff, Stephen
 Walz, Mary Beth

Burns, Scott
 Ebel, Karen
 Henle, Paul
 Lockwood, Priscilla
 Myler, Mel
 Rogers, Katherine
 Turcotte, Alan
 Watrous, Rick

Carey, Lorrie
 Frambach, Mary
 Hirsch, Geoffrey
 MacKay, James
 Ratzki, Mario
 Schamberg, Thomas
 Wallner, Mary Jane
 Webb, Leigh

ROCKINGHAM

Abrami, Patrick
 Bishop, Franklin
 Comerford, Timothy
 Emerson-Brown, Rebecca
 Garcia, Marilinda
 Heffron, Frank
 Lovejoy, Patricia
 Milz, David
 Packard, Sherman
 Schlachman, Donna
 Sytek, John
 Wazlaw, Brian

Allen, Mary
 Borden, David
 Cushing, Robert
 Fesh, Robert
 Gordon, Richard
 Hoelzel, Kathleen
 Major, Norman
 Moody, Marcia
 Peckham, Michele
 Schroadter, Adam
 Till, Mary
 Webb, James

Andrews-Ahearn, E. Elaine
 Cahill, Michael
 DeSimone, Debra
 Flockhart, Eileen
 Griffin, Mary
 Itse, Daniel
 Mann, Maureen
 Muns, Chris
 Priestley, Anne
 Sherman, Thomas
 Tucker, Pamela
 Weyler, Kenneth

Birdsell, Regina
 Chirichiello, Brian
 Elliott, Robert
 Garcia, Bianca
 Harris, Jeffrey
 Kappler, Lawrence
 McMahon, Charles
 Nigrello, Robert
 Scarlotto, Joe
 St.James, Kevin
 Ward, Gerald

STRAFFORD

Baber, William
 Gardner, Janice
 Horrigan, Timothy
 Malloy, Dennis
 Perry, Robert
 Smith, Marjorie
 Wall, Janet

Beaudoin, Steven
 Grassie, Anne
 Hubbard, Pamela
 Merrill, Amanda
 Pitre, Joseph
 Spang, Judith

Bixby, Peter
 Gray, James
 Jones, Laura
 Mullen, John
 Rogers, Rose Marie
 Stevens, Audrey

Burke, Rachel
 Groen, Warren
 Kaen, Naida
 Pelletier, Marsha
 Schmidt, Peter
 Verschueren, James

SULLIVAN

Cloutier, John
 Irwin, Virginia
 Tanner, Linda

Gagnon, Raymond
 Lefebvre, Benjamin

Gottling, Suzanne
 Osgood, Joe

Grenier, James
 Rollins, Skip

NAYS - 42**BELKNAP**

Sylvia, Michael

Vadney, Herbert

Worsman, Colette

CARROLL**CHESHIRE****HILLSBOROUGH**

Boehm, Ralph
 Haefner, Robert
 O'Brien, William
 Sandblade, Emily
 Villeneuve, Moe

Daniels, Gary
 Hikel, John
 Ober, Russell
 Soucy, Timothy
 Willette, Robert

Danielson, David
 Jeudy, Jean
 Pellegrino, Tony
 Stroud, Kathleen

Gagne, Larry
 Nelson, Mary
 Renzullo, Andrew
 Vaillancourt, Steve

MERRIMACK

Hess, David

Hoell, J.R.

McGuire, Dan

ROCKINGHAM

Baldasaro, Alfred
 Devine, James
 O'Connor, John
 Tasker, Kyle

Bick, Patrick
 Duarte, Joe
 Rice, Frederick
 Whittemore, Lisa

Copeland, Timothy
 Dumaine, Dudley
 Sapareto, Frank

Danais, Romeo
 Emerick, J. Tracy
 Sedensky, John

STRAFFORD

Bickford, David

Ketel, Stephen

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

HB 263, relative to reporting a person as medically unfit to drive. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Susan J. Ticehurst for the Majority of Health, Human Services and Elderly Affairs. Medically impaired drivers endanger themselves and the public. As amended, this bill would grant immunity from civil or criminal liability to licensed health care providers who make reports of impairment based on clinical evaluation. Nothing in this bill changes the current ability of any person to report an impaired driver. No changes are made to the review process, or to the confidentiality of records. Vote 12-5.

Rep. Donald L. LeBrun for the Minority of Health, Human Services and Elderly Affairs. The minority of the committee feels this bill will encourage anyone in question not to seek medical treatment. This process is best left to the family with input from the physician in an advisory capacity only.

Majority Amendment (0914h)

Amend the bill by replacing section 1 with the following:

1 New Section; Drivers' Licenses; Medically Unfit Person. Amend RSA 263 by inserting after section 6-c the following new section:

263:6-d Reporting Medically Unfit Person; Immunity. Any licensed health care provider who reasonably and in good faith believes a person cannot safely operate a motor vehicle based on clinical evaluation appropriate to his or her practice and who reports such to the division of motor vehicles shall be immune from any civil or criminal liability that might otherwise result from making the report. All reports made and medical records reviewed and maintained by the division of motor vehicles pursuant to this section shall be considered motor vehicle records under RSA 260:14.

Majority committee amendment adopted.

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

Rep. O'Flaherty spoke against.

(Rep. Kaen in the Chair)

Rep. Dan McGuire spoke against and yielded to questions.

Rep. Ticehurst spoke in favor and yielded to questions.

Rep. Boehm requested a roll call; sufficiently seconded.

YEAS 150 NAYS 128

YEAS - 150

BELKNAP

DiMartino, Lisa
Huot, David

Fields, Dennis
Raymond, Ian

Flanders, Donald

Gulick, Ruth

CARROLL

Buco, Thomas
Ticehurst, Susan

Butler, Edward
Umberger, Karen

Merrow, Harry

Nelson, Bill

CHESHIRE

Ames, Richard
Ley, Douglas
Tatro, Bruce

Butynski, William
Mann, John
Weber, Lucy

Chase, Cynthia
Sad, Tara
Weed, Charles

Eaton, Daniel
Shepardson, Marjorie

COOS

Coulombe, Gary
Theberge, Robert

Hammon, Marcia

Hatch, William

Moynihan, Wayne

GRAFTON

Almy, Susan
Friedrich, Carol
Nordgren, Sharon
Townsend, Charles

Benn, Bernard
Harding, Laurie
Pastor, Beatriz
White, Andrew

Cooney, Mary
Higgins, Patricia
Smith, Suzanne

Ford, Susan
Massimilla, Linda
Sykes, George

HILLSBOROUGH

Beaulieu, Jane
Connor, Evelyn
Eaton, Richard
Goley, Jeffrey
Hammond, Jill
Heden, Ruth
Levesque, Melanie
O'Brien, Michael
Shattuck, Gilman
Walsh, Robert

Brown, Pamela
Cote, David
Gage, Ruth
Grady, Brenda
Hansberry, Daniel
Judy, Jean
MacKay, Mariellen
O'Neil, William
Spratt, Stephen
Willette, Robert

Campbell, David
Culbert, Patrick
Gale, Sylvia
Graham, John
Harriott-Gathright, Linda
Knowles, Mary Ann
Mangipudi, Latha
Porter, Marjorie
Sullivan, Peter
Williams, Kermit

Chandlee, Shannon
DiSilvestro, Linda
Gargas, Carolyn
Haefner, Robert
Heath, Mary
Leishman, Peter
Manley, Jonathan
Ramsey, Peter
Vail, Suzanne
Woodbury, David

MERRIMACK

Andrews, Christopher
 Carey, Lorrie
 Frazer, June
 Lockwood, Priscilla
 Ratzki, Mario
 Schuett, Dianne
 Walz, Mary Beth

Bartlett, Christy
 Davis, Frank
 French, Barbara
 MacKay, James
 Rice, Chip
 Shurtleff, Stephen
 Watrous, Rick

Bouchard, Candace
 Ebel, Karen
 Henle, Paul
 Moffett, Howard
 Richardson, Gary
 Wallner, Mary Jane
 Webb, Leigh

Burns, Scott
 Frambach, Mary
 Hirsch, Geoffrey
 Myler, Mel
 Rogers, Katherine
 Walsh, Thomas

ROCKINGHAM

Andrews-Ahearn, E. Elaine
 Elliott, Robert
 McMahon, Charles
 Schlachman, Donna
 Wazlaw, Brian

Borden, David
 Emerson-Brown, Rebecca
 Moody, Marcia
 Sherman, Thomas
 Whittemore, Lisa

Cahill, Michael
 Flockhart, Eileen
 Muns, Chris
 St.James, Kevin

DeSimone, Debra
 Lovejoy, Patricia
 Packard, Sherman
 Till, Mary

STRAFFORD

Baber, William
 Hubbard, Pamela
 Pelletier, Marsha
 Spang, Judith

Burke, Rachel
 Ketel, Stephen
 Perry, Robert
 Stevens, Audrey

Gardner, Janice
 Malloy, Dennis
 Rogers, Rose Marie
 Verschuere, James

Grassie, Anne
 Merrill, Amanda
 Schmidt, Peter

SULLIVAN

Cloutier, John
 Rollins, Skip

Gottling, Suzanne
 Smith, Steven

Grenier, James
 Sweeney, Cynthia

Irwin, Virginia
 Tanner, Linda

NAYS - 128**BELKNAP**

Burchell, Richard
 Luther, Robert
 Worsman, Colette

Comtois, Guy
 Sylvia, Michael

Cormier, Jane
 Tilton, Franklin

Holmes, Stephen
 Vadney, Herbert

CARROLL

Chandler, Gene
 White, Syndi

Cordelli, Glenn
 Wright, Donald

Lavender, Tom

McConkey, Mark

CHESHIRE

Berch, Paul
 Phillips, Larry

Hunt, John
 Robertson, Timothy

Johnson, Jane

Parkhurst, Henry

COOS

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad

Doolan, Ralph

Ladd, Rick

HILLSBOROUGH

Barry, Richard
 Byron, Frank
 Danielson, David
 Gorman, Mary
 Jack, Martin
 LeBrun, Donald
 Nelson, Mary
 Ober, Lynne
 Peterson, Lenette
 Schmidt, Janice
 Takesian, Charlene
 Winters, Joel

Belanger, James
 Christiansen, Lars
 Flanagan, Jack
 Hansen, Peter
 Jasper, Shawn
 Long, Patrick
 Notter, Jeanine
 Ober, Russell
 Renzullo, Andrew
 Smith, Timothy
 Vaillancourt, Steve

Boehm, Ralph
 Coffey, James
 Gagne, Larry
 Hikel, John
 Kurk, Neal
 Murotake, David
 O'Brien, William
 Parison, James
 Rowe, Robert
 Souza, Kathleen
 Villeneuve, Moe

Burt, John
 Daniels, Gary
 Gidge, Kenneth
 Infantine, William
 Lambert, George
 Murphy, Keith
 O'Flaherty, Tim
 Pellegrino, Tony
 Sandblade, Emily
 Stroud, Kathleen
 Warden, Mark

MERRIMACK

Carson, Clyde
 McGuire, Carol

Hoell, J.R.
 McGuire, Dan

Kidder, David
 Schamberg, Thomas

Kotowski, Frank
 Turcotte, Alan

ROCKINGHAM

Abrami, Patrick
 Birdsell, Regina
 Devine, James
 Fesh, Robert
 Griffin, Mary
 Itse, Daniel

Allen, Mary
 Chirichiello, Brian
 Duarte, Joe
 Garcia, Bianca
 Harris, Jeffrey
 Kappler, Lawrence

Baldasaro, Alfred
 Comerford, Timothy
 Dumaine, Dudley
 Garcia, Marilinda
 Heffron, Frank
 Major, Norman

Bick, Patrick
 Copeland, Timothy
 Emerick, J. Tracy
 Gordon, Richard
 Hoelzel, Kathleen
 Mann, Maureen

Milz, David
Priestley, Anne
Sytek, John
Weyler, Kenneth

Nigrello, Robert
Sapareto, Frank
Tucker, Pamela

O'Connor, John
Schroadter, Adam
Ward, Gerald

Peckham, Michele
Sedensky, John
Webb, James

STRAFFORD

Beaudoin, Steven
Groen, Warren
Pitre, Joseph

Bickford, David
Horrigan, Timothy
Wall, Janet

Bixby, Peter
Jones, Laura

Gray, James
Mullen, John

SULLIVAN

Gagnon, Raymond

Osgood, Joe

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

HB 1213-FN, prohibiting the purchase of alcohol or tobacco products with electronic benefit transfer (EBT) cards. **REFER FOR INTERIM STUDY.**

Rep. Charles E. McMahon for Health, Human Services and Elderly Affairs. This bill is one of several that are being considered dealing with the management and use of EBT cards in New Hampshire. Due to the multiplicity of oversight resources needed to ensure the card is used for only the purposes intended, additional work needs to be completed before a comprehensive bill can be offered. Upon completion of this work, a unified resolution may be attained for a substantive, sustainable EBT card policy going forward. Vote 16-1.

Rep. Beaudoin spoke against and yielded to questions.

Rep. McMahon spoke in favor and yielded to questions.

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

YEAS 174 NAYS 105

YEAS - 174

BELKNAP

DiMartino, Lisa
Raymond, Ian

Fields, Dennis

Gulick, Ruth

Huot, David

CARROLL

Buco, Thomas
Morrow, Harry

Butler, Edward
Ticehurst, Susan

Chandler, Gene
Umberger, Karen

Lavender, Tom

CHESHIRE

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

Berch, Paul
Ley, Douglas
Shepardson, Marjorie

Butynski, William
Mann, John
Tatro, Bruce

Chase, Cynthia
Parkhurst, Henry
Weber, Lucy

COOS

Coulombe, Gary
Richardson, Herbert

Hammon, Marcia

Hatch, William

Moynihan, Wayne

GRAFTON

Almy, Susan
Friedrich, Carol
Nordgren, Sharon
Townsend, Charles

Benn, Bernard
Harding, Laurie
Pastor, Beatriz
White, Andrew

Cooney, Mary
Higgins, Patricia
Smith, Suzanne

Ford, Susan
Massimilla, Linda
Sykes, George

HILLSBOROUGH

Backus, Robert
Chandley, Shannon
Culbert, Patrick
Gage, Ruth
Gidge, Kenneth
Haefner, Robert
Heath, Mary
Kurk, Neal
Mangipudi, Latha
O'Flaherty, Tim
Shattuck, Gilman
Walsh, Robert
Woodbury, David

Beaulieu, Jane
Christiansen, Lars
Danielson, David
Gagne, Larry
Goley, Jeffrey
Hammond, Jill
Heden, Ruth
Levesque, Melanie
Murotake, David
O'Neil, William
Spratt, Stephen
Willette, Robert

Brown, Pamela
Connor, Evelyn
DiSilvestro, Linda
Gale, Sylvia
Gorman, Mary
Hansberry, Daniel
Jack, Martin
Long, Patrick
Nelson, Mary
Porter, Marjorie
Takesian, Charlene
Williams, Kermit

Campbell, David
Cote, David
Eaton, Richard
Gargas, Carolyn
Grady, Brenda
Harriott-Gathright, Linda
Knowles, Mary Ann
MacKay, Mariellen
O'Brien, Michael
Schmidt, Janice
Vail, Suzanne
Winters, Joel

MERRIMACK

Andrews, Christopher
Carey, Lorrie

Bartlett, Christy
Davis, Frank

Bouchard, Candace
Ebel, Karen

Burns, Scott
Frambach, Mary

Frazer, June
Kotowski, Frank
Myler, Mel
Rogers, Katherine
Turcotte, Alan

French, Barbara
Lockwood, Priscilla
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

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

Kidder, David
Moffett, Howard
Richardson, Gary
Shurtleff, Stephen
Webb, Leigh

ROCKINGHAM

Abrami, Patrick
Copeland, Timothy
Flockhart, Eileen
Major, Norman
Muns, Chris
Sytek, John
Weyler, Kenneth

Andrews-Ahearn, E. Elaine
Cushing, Robert
Griffin, Mary
Mann, Maureen
Priestley, Anne
Till, Mary
Whittemore, Lisa

Borden, David
Elliott, Robert
Heffron, Frank
McMahon, Charles
Schlachman, Donna
Ward, Gerald

Cahill, Michael
Emerson-Brown, Rebecca
Lovejoy, Patricia
Moody, Marcia
Sherman, Thomas
Wazlaw, Brian

STRAFFORD

Baber, William
Gardner, Janice
Ketel, Stephen
Perry, Robert
Spang, Judith

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

Bixby, Peter
Horrigan, Timothy
Merrill, Amanda
Schmidt, Peter
Verschuere, James

Burke, Rachel
Hubbard, Pamela
Pelletier, Marsha
Smith, Marjorie
Wall, Janet

SULLIVAN

Cloutier, John
Irwin, Virginia

Gagnon, Raymond
Sweeney, Cynthia

Gottling, Suzanne
Tanner, Linda

Grenier, James

NAYS - 105

BELKNAP

Burchell, Richard
Holmes, Stephen
Vadney, Herbert

Comtois, Guy
Luther, Robert
Worsman, Colette

Cormier, Jane
Sylvia, Michael

Flanders, Donald
Tilton, Franklin

CARROLL

Cordelli, Glenn
Wright, Donald

McConkey, Mark

Nelson, Bill

White, Syndi

CHESHIRE

Hunt, John

Johnson, Jane

Phillips, Larry

Robertson, Timothy

COOS

Rideout, Leon

Theberge, Robert

GRAFTON

Bailey, Brad

Doolan, Ralph

Ladd, Rick

Mulholland, Catherine

HILLSBOROUGH

Barry, Richard
Byron, Frank
Graham, John
Jasper, Shawn
Leishman, Peter
O'Brien, William
Pellegrino, Tony
Rowe, Robert
Sullivan, Peter

Belanger, James
Coffey, James
Hansen, Peter
Judy, Jean
Manley, Jonathan
Ober, Lynne
Peterson, Lenette
Sandblade, Emily
Vaillancourt, Steve

Boehm, Ralph
Daniels, Gary
Hikel, John
Lambert, George
Murphy, Keith
Ober, Russell
Ramsey, Peter
Smith, Timothy
Villeneuve, Moe

Burt, John
Flanagan, Jack
Infantine, William
LeBrun, Donald
Notter, Jeanine
Parison, James
Renzullo, Andrew
Souza, Kathleen
Warden, Mark

MERRIMACK

Carson, Clyde
McGuire, Dan

Henle, Paul
Walsh, Thomas

Hoell, J.R.

McGuire, Carol

ROCKINGHAM

Allen, Mary
Chirichiello, Brian
Duarte, Joe
Garcia, Bianca
Itse, Daniel
O'Connor, John
Schroadter, Adam
Webb, James

Baldasaro, Alfred
Comerford, Timothy
Dumaine, Dudley
Gordon, Richard
Kappler, Lawrence
Packard, Sherman
Sedensky, John

Bick, Patrick
DeSimone, Debra
Emerick, J. Tracy
Harris, Jeffrey
Milz, David
Peckham, Michele
St.James, Kevin

Birdsell, Regina
Devine, James
Fesh, Robert
Hoelzel, Kathleen
Nigrello, Robert
Sapareto, Frank
Tucker, Pamela

STRAFFORD

Beaudoin, Steven
Mullen, John

Gray, James
Pitre, Joseph

Groen, Warren

Jones, Laura

SULLIVAN

Osgood, Joe

Rollins, Skip

Smith, Steven

and the committee report was adopted.

HB 1484-FN, relative to newborn DNA sequencing. **REFER FOR INTERIM STUDY.**

Rep. Laurie Harding for Health, human Services and Elderly Affairs. This bill requires that the DNA sequencing (gene testing, e.g. for cystic fibrosis) done on newborns as a part of the state screening program should be provided only to the parents of the child and should not be retained by the hospital. The bill allows the hospital, or the provider to retain the analysis and recommendations. This bill levies a class B felony on anyone who violates the law. The majority of the committee believes that the privacy concerns raised by this bill are legitimate and complex. In order to avoid unintended consequences, the committee voted Interim Study to create an opportunity to call in experts, such as the laboratory that does the testing for the state, so we can understand the record keeping involved, as well as providers who have the appropriate clinical expertise. There is a commitment from committee members to thoroughly explore this issue. Vote 10-8.

Rep. James MacKay spoke against.

On a division vote, 44 members having voted in the affirmative and 225 in the negative, the committee report failed.

Rep. Kurk moved Ought to Pass with Amendment and offered floor amendment (1004h).

Floor Amendment (1004h)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Newborn Screening. Amend RSA 132:10-a by inserting after paragraph IV the following new paragraph:

V. No whole-genome DNA sequencing shall be performed pursuant to this chapter unless the general court authorizes such sequencing by statute.

AMENDED ANALYSIS

This bill prohibits whole-genome DNA sequencing of newborns.

Rep. Kurk spoke in favor.

(Speaker Norelli in the Chair)

Floor amendment (1004h) adopted.

Motion of Ought to Pass with Amendment adopted and ordered to third reading.

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

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

Reps. Peterson and Souza spoke against.

Reps. Bouchard and Harding spoke in favor.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 188 NAYS 80**YEAS - 188****BELKNAP**

DiMartino, Lisa
Raymond, Ian

Fields, Dennis
Vadney, Herbert

Flanders, Donald

Huot, David

CARROLL

Buco, Thomas
McConkey, Mark
White, Syndi

Butler, Edward
Morrow, Harry

Chandler, Gene
Ticehurst, Susan

Lavender, Tom
Umberger, Karen

CHESHIRE

Ames, Richard
Eaton, Daniel
Parkhurst, Henry
Shepardson, Marjorie

Berch, Paul
Hunt, John
Phillips, Larry
Tatro, Bruce

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

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

COOS

Coulombe, Gary

Hammon, Marcia

Hatch, William

Moynihan, Wayne

GRAFTON

Almy, Susan
Friedrich, Carol

Benn, Bernard
Harding, Laurie

Cooney, Mary
Higgins, Patricia

Ford, Susan
Ladd, Rick

Massimilla, Linda
Smith, Suzanne

Mulholland, Catherine
Sykes, George

Nordgren, Sharon
Townsend, Charles

Pastor, Beatriz
White, Andrew

HILLSBOROUGH

Backus, Robert
Byron, Frank
Connor, Evelyn
DiSilvestro, Linda
Gale, Sylvia
Gorman, Mary
Harriott-Gathright, Linda
Jeudy, Jean
Levesque, Melanie
Manley, Jonathan
O'Neil, William
Schmidt, Janice
Sullivan, Peter
Williams, Kermit

Beaulieu, Jane
Campbell, David
Cote, David
Eaton, Richard
Gargas, Carolyn
Grady, Brenda
Heath, Mary
Knowles, Mary Ann
Long, Patrick
Murotake, David
Porter, Marjorie
Shattuck, Gilman
Takesian, Charlene
Winters, Joel

Belanger, James
Chandley, Shannon
Culbert, Patrick
Gage, Ruth
Gidge, Kenneth
Graham, John
Heden, Ruth
Kurk, Neal
MacKay, Mariellen
O'Brien, Michael
Ramsey, Peter
Smith, Timothy
Vail, Suzanne
Woodbury, David

Brown, Pamela
Christiansen, Lars
Danielson, David
Gagne, Larry
Goley, Jeffrey
Hammond, Jill
Jack, Martin
Leishman, Peter
Mangipudi, Latha
O'Flaherty, Tim
Sandblade, Emily
Spratt, Stephen
Walsh, Robert

MERRIMACK

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Hirsch, Geoffrey
MacKay, James
Rice, Chip
Schuett, Dianne
Walsh, Thomas

Bartlett, Christy
Carson, Clyde
Frazer, June
Kidder, David
Moffett, Howard
Richardson, Gary
Shurtleff, Stephen
Walz, Mary Beth

Bouchard, Candace
Davis, Frank
French, Barbara
Kotowski, Frank
Myler, Mel
Rogers, Katherine
Turcotte, Alan

Burns, Scott
Ebel, Karen
Henle, Paul
Lockwood, Priscilla
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

ROCKINGHAM

Abrami, Patrick
Briden, Steven
Elliott, Robert
Hoelzel, Kathleen
Moody, Marcia
Sherman, Thomas
Wazlaw, Brian

Allen, Mary
Cahill, Michael
Emerson-Brown, Rebecca
Lovejoy, Patricia
Muns, Chris
Sytek, John
Whittemore, Lisa

Andrews-Ahearn, E. Elaine
Copeland, Timothy
Flockhart, Eileen
Major, Norman
Nigrello, Robert
Till, Mary

Borden, David
Cushing, Robert
Heffron, Frank
Mann, Maureen
Schlachman, Donna
Ward, Gerald

STRAFFORD

Baber, William
Horrigan, Timothy
Merrill, Amanda
Schmidt, Peter
Verschueren, James

Burke, Rachel
Hubbard, Pamela
Pelletier, Marsha
Smith, Marjorie
Wall, Janet

Gardner, Janice
Kaen, Naida
Perry, Robert
Spang, Judith

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

SULLIVAN

Cloutier, John
Rollins, Skip

Gottling, Suzanne
Smith, Steven

Grenier, James
Sweeney, Cynthia

Irwin, Virginia
Tanner, Linda

NAYS - 80

BELKNAP

Burchell, Richard
Holmes, Stephen
Worsman, Colette

Comtois, Guy
Luther, Robert

Cormier, Jane
Sylvia, Michael

Gulick, Ruth
Tilton, Franklin

CARROLL

Wright, Donald

CHESHIRE

COOS

GRAFTON

HILLSBOROUGH

Barry, Richard
Daniels, Gary
Infantine, William

Boehm, Ralph
Haefner, Robert
Jasper, Shawn

Burt, John
Hansen, Peter
Lambert, George

Coffey, James
Hikel, John
LeBrun, Donald

Murphy, Keith
Parison, James
Souza, Kathleen

Nelson, Mary
Pellegrino, Tony
Vaillancourt, Steve

Notter, Jeanine
Peterson, Lenette
Villeneuve, Moe

O'Brien, William
Renzullo, Andrew
Willette, Robert

MERRIMACK

Hoell, J.R.

McGuire, Carol

McGuire, Dan

ROCKINGHAM

Baldasaro, Alfred
Comerford, Timothy
Dumaine, Dudley
Gordon, Richard
Kappler, Lawrence
Priestley, Anne
Tucker, Pamela

Bick, Patrick
DeSimone, Debra
Emerick, J. Tracy
Griffin, Mary
Milz, David
Schroadter, Adam
Webb, James

Birdsell, Regina
Devine, James
Fesh, Robert
Harris, Jeffrey
O'Connor, John
Sedensky, John
Weyler, Kenneth

Chirichiello, Brian
Duarte, Joe
Garcia, Bianca
Itse, Daniel
Packard, Sherman
St.James, Kevin

STRAFFORD

Beaudoin, Steven
Jones, Laura

Bickford, David
Mullen, John

Gray, James
Pitre, Joseph

Groen, Warren

SULLIVAN

Gagnon, Raymond
and the committee report was adopted.

Osgood, Joe

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 Tuesday, March 25, 2014 at 10:00 a.m.

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

MOTION TO DIVIDE

Rep. Jasper moved to divide the question to remove **HB 1570-FN**, establishing a paint stewardship program, from the Third Reading Motion.

Rep. Shurtleff requested a roll call; sufficiently seconded.

YEAS 105 NAYS 159

YEAS - 105

BELKNAP

Burchell, Richard
Holmes, Stephen
Vadney, Herbert

Cormier, Jane
Luther, Robert
Worsman, Colette

Fields, Dennis
Sylvia, Michael

Flanders, Donald
Tilton, Franklin

CARROLL

Chandler, Gene
Nelson, Bill

Cordelli, Glenn
Umberger, Karen

McConkey, Mark
Wright, Donald

Merrow, Harry

CHESHIRE

Hunt, John

Johnson, Jane

Parkhurst, Henry

COOS

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad

Doolan, Ralph

Ladd, Rick

HILLSBOROUGH

Belanger, James
Christiansen, Lars
Danielson, David
Hikel, John
Lambert, George
Notter, Jeanine
Pellegrino, Tony
Takesian, Charlene

Boehm, Ralph
Coffey, James
Gargas, Carolyn
Infantine, William
LeBrun, Donald
O'Brien, William
Peterson, Lenette
Vaillancourt, Steve

Burt, John
Culbert, Patrick
Graham, John
Jasper, Shawn
Murotake, David
O'Flaherty, Tim
Renzullo, Andrew
Villeneuve, Moe

Byron, Frank
Daniels, Gary
Haefner, Robert
Kurk, Neal
Murphy, Keith
Parison, James
Souza, Kathleen
Willette, Robert

MERRIMACK

Hoell, J.R.
Walsh, Thomas

Kotowski, Frank

McGuire, Carol

McGuire, Dan

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
DeSimone, Debra
Emerick, J. Tracy
Griffin, Mary
Kappler, Lawrence
O'Connor, John
Sedensky, John
Webb, James

Allen, Mary
Chirichiello, Brian
Devine, James
Fesh, Robert
Harris, Jeffrey
Major, Norman
Packard, Sherman
St.James, Kevin
Weyler, Kenneth

Baldasaro, Alfred
Comerford, Timothy
Duarte, Joe
Garcia, Bianca
Hoelzel, Kathleen
Milz, David
Priestley, Anne
Sytek, John

Bick, Patrick
Copeland, Timothy
Dumaine, Dudley
Gordon, Richard
Itse, Daniel
Nigrello, Robert
Schroadter, Adam
Tucker, Pamela

STRAFFORD

Beaudoin, Steven
Mullen, John

Bickford, David
Pitre, Joseph

Gray, James

Jones, Laura

SULLIVAN

Osgood, Joe

Rollins, Skip

Smith, Steven

NAYS - 159**BELKNAP**

DiMartino, Lisa

Gulick, Ruth

Huot, David

Raymond, Ian

CARROLL

Buco, Thomas
White, Syndi

Butler, Edward

Lavender, Tom

Ticehurst, Susan

CHESHIRE

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

Berch, Paul
Ley, Douglas
Sad, Tara
Weed, Charles

Butynski, William
Mann, John
Shepardson, Marjorie

Chase, Cynthia
Phillips, Larry
Tatro, Bruce

COOS

Coulombe, Gary

Hammon, Marcia

Hatch, William

Moynihan, Wayne

GRAFTON

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

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

Cooney, Mary
Higgins, Patricia
Pastor, Beatriz
White, Andrew

Ford, Susan
Massimilla, Linda
Smith, Suzanne

HILLSBOROUGH

Backus, Robert
Campbell, David
DiSilvestro, Linda
Gale, Sylvia
Grady, Brenda
Heden, Ruth
Leishman, Peter
Mangipudi, Latha
O'Neil, William
Shattuck, Gilman
Vail, Suzanne
Woodbury, David

Barry, Richard
Chandlee, Shannon
Eaton, Richard
Gidge, Kenneth
Hammond, Jill
Jack, Martin
Levesque, Melanie
Manley, Jonathan
Porter, Marjorie
Smith, Timothy
Walsh, Robert

Beaulieu, Jane
Connor, Evelyn
Gage, Ruth
Goley, Jeffrey
Harriott-Gathright, Linda
Judy, Jean
Long, Patrick
Nelson, Mary
Ramsey, Peter
Spratt, Stephen
Williams, Kermit

Brown, Pamela
Cote, David
Gagne, Larry
Gorman, Mary
Heath, Mary
Knowles, Mary Ann
MacKay, Mariellen
O'Brien, Michael
Schmidt, Janice
Sullivan, Peter
Winters, Joel

MERRIMACK

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Hirsch, Geoffrey
Moffett, Howard
Richardson, Gary
Shurtleff, Stephen

Bartlett, Christy
Carson, Clyde
Frazer, June
Kidder, David
Myler, Mel
Rogers, Katherine
Turcotte, Alan

Bouchard, Candace
Davis, Frank
French, Barbara
Lockwood, Priscilla
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

Burns, Scott
Ebel, Karen
Henle, Paul
MacKay, James
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

ROCKINGHAM

Andrews-Ahearn, E. Elaine
Cushing, Robert
Heffron, Frank
Muns, Chris
Ward, Gerald

Borden, David
Elliott, Robert
Lovejoy, Patricia
Schlachman, Donna
Wazlaw, Brian

Briden, Steven
Emerson-Brown, Rebecca
Mann, Maureen
Sherman, Thomas
Whittemore, Lisa

Cahill, Michael
Flockhart, Eileen
Moody, Marcia
Till, Mary

STRAFFORD

Baber, William
 Horrigan, Timothy
 Merrill, Amanda
 Schmidt, Peter
 Verschueren, James

Burke, Rachel
 Hubbard, Pamela
 Pelletier, Marsha
 Smith, Marjorie
 Wall, Janet

Gardner, Janice
 Kaen, Naida
 Perry, Robert
 Spang, Judith

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

SULLIVAN

Cloutier, John
 Irwin, Virginia

Gagnon, Raymond
 Sweeney, Cynthia

Gottling, Suzanne
 Tanner, Linda

Grenier, James

and the motion failed.

The question now being adoption of the Third Reading Motion.
 Rep. William O'Brien requested a roll call; sufficiently seconded.

YEAS 187 NAYS 77**YEAS - 187
BELKNAP**

DiMartino, Lisa
 Luther, Robert

Fields, Dennis
 Raymond, Ian

Gulick, Ruth
 Vadney, Herbert

Huot, David

CARROLL

Buco, Thomas
 Nelson, Bill

Butler, Edward
 Ticehurst, Susan

Lavender, Tom
 White, Syndi

Morrow, Harry

CHESHIRE

Ames, Richard
 Eaton, Daniel
 Parkhurst, Henry
 Shepardson, Marjorie

Berch, Paul
 Johnson, Jane
 Phillips, Larry
 Tatro, Bruce

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

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

COOS

Coulombe, Gary

Hammon, Marcia

Hatch, William

Moynihan, Wayne

GRAFTON

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

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

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

Doolan, Ralph
 Higgins, Patricia
 Pastor, Beatriz
 White, Andrew

HILLSBOROUGH

Backus, Robert
 Brown, Pamela
 Christiansen, Lars
 Eaton, Richard
 Gargas, Carolyn
 Grady, Brenda
 Heden, Ruth
 Kurk, Neal
 Long, Patrick
 Nelson, Mary
 Porter, Marjorie
 Smith, Timothy
 Walsh, Robert
 Woodbury, David

Barry, Richard
 Burt, John
 Connor, Evelyn
 Gage, Ruth
 Gidge, Kenneth
 Hammond, Jill
 Jack, Martin
 LeBrun, Donald
 MacKay, Mariellen
 O'Brien, Michael
 Ramsey, Peter
 Spratt, Stephen
 Willette, Robert

Beaulieu, Jane
 Campbell, David
 Cote, David
 Gagne, Larry
 Goley, Jeffrey
 Harriott-Gathright, Linda
 Judy, Jean
 Leishman, Peter
 Mangipudi, Latha
 O'Neil, William
 Schmidt, Janice
 Sullivan, Peter
 Williams, Kermit

Belanger, James
 Chandley, Shannon
 DiSilvestro, Linda
 Gale, Sylvia
 Gorman, Mary
 Heath, Mary
 Knowles, Mary Ann
 Levesque, Melanie
 Manley, Jonathan
 Pellegrino, Tony
 Shattuck, Gilman
 Vail, Suzanne
 Winters, Joel

MERRIMACK

Andrews, Christopher
 Carey, Lorrie
 Frambach, Mary
 Hirsch, Geoffrey
 Moffett, Howard
 Richardson, Gary
 Shurtleff, Stephen

Bartlett, Christy
 Carson, Clyde
 Frazer, June
 Kidder, David
 Myler, Mel
 Rogers, Katherine
 Turcotte, Alan

Bouchard, Candace
 Davis, Frank
 French, Barbara
 Lockwood, Priscilla
 Ratzki, Mario
 Schamberg, Thomas
 Wallner, Mary Jane

Burns, Scott
 Ebel, Karen
 Henle, Paul
 MacKay, James
 Rice, Chip
 Schuett, Dianne
 Walz, Mary Beth

ROCKINGHAM

Andrews-Ahearn, E. Elaine
 Cushing, Robert
 Flockhart, Eileen

Borden, David
 Devine, James
 Garcia, Bianca

Briden, Steven
 Elliott, Robert
 Griffin, Mary

Cahill, Michael
 Emerson-Brown, Rebecca
 Heffron, Frank

Lovejoy, Patricia
Muns, Chris
Sherman, Thomas
Ward, Gerald

Major, Norman
Priestley, Anne
St.James, Kevin
Wazlaw, Brian

Mann, Maureen
Schlachman, Donna
Sytek, John
Whitemore, Lisa

Moody, Marcia
Sedensky, John
Till, Mary

STRAFFORD

Baber, William
Gardner, Janice
Hubbard, Pamela
Pelletier, Marsha
Smith, Marjorie
Wall, Janet

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

Bickford, David
Gray, James
Malloy, Dennis
Rogers, Rose Marie
Stevens, Audrey

Burke, Rachel
Horrigan, Timothy
Merrill, Amanda
Schmidt, Peter
Verschuere, James

SULLIVAN

Cloutier, John
Irwin, Virginia

Gagnon, Raymond
Rollins, Skip

Gottling, Suzanne
Sweeney, Cynthia

Grenier, James
Tanner, Linda

NAYS - 77

BELKNAP

Burchell, Richard
Sylvia, Michael

Cormier, Jane
Tilton, Franklin

Flanders, Donald
Worsman, Colette

Holmes, Stephen

CARROLL

Chandler, Gene
Wright, Donald

Cordelli, Glenn

McConkey, Mark

Umberger, Karen

CHESHIRE

Hunt, John

COOS

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad

Ladd, Rick

HILLSBOROUGH

Boehm, Ralph
Daniels, Gary
Hikel, John
Murotake, David
O'Flaherty, Tim
Souza, Kathleen

Byron, Frank
Danielson, David
Infantine, William
Murphy, Keith
Parison, James
Takesian, Charlene

Coffey, James
Graham, John
Jasper, Shawn
Notter, Jeanine
Peterson, Lenette
Vaillancourt, Steve

Culbert, Patrick
Haefner, Robert
Lambert, George
O'Brien, William
Renzullo, Andrew
Villeneuve, Moe

MERRIMACK

Hoell, J.R.
Walsh, Thomas

Kotowski, Frank

McGuire, Carol

McGuire, Dan

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
DeSimone, Debra
Fesh, Robert
Itse, Daniel
O'Connor, John
Webb, James

Allen, Mary
Chirichiello, Brian
Duarte, Joe
Gordon, Richard
Kappler, Lawrence
Packard, Sherman
Weyler, Kenneth

Baldasaro, Alfred
Comerford, Timothy
Dumaine, Dudley
Harris, Jeffrey
Milz, David
Schroadter, Adam

Bick, Patrick
Copeland, Timothy
Emerick, J. Tracy
Hoelzel, Kathleen
Nigrello, Robert
Tucker, Pamela

STRAFFORD

Jones, Laura

Mullen, John

Pitre, Joseph

SULLIVAN

Osgood, Joe

Smith, Steven

and the motion was adopted.

LATE SESSION

Third reading and final passage

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

HB 1568-FN, relative to service animals.

HB 1604, establishing a commission to study financial fraud laws and the rights of victims of financial fraud.

HB 1570-FN, establishing a paint stewardship program.

HB 1635-FN-A, relative to community mental health programs and making appropriations therefor.

HB 1503-FN, 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.

HB 263, relative to reporting a person as medically unfit to drive.

HB 1484-FN, relative to newborn DNA sequencing.

UNANIMOUS CONSENT

Rep. DeSimone requested Unanimous Consent of the House regarding memorial remarks.

Rep. DeSimone addressed the House.

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

Rep. Kurk addressed the House.

Rep. Vaillancourt requested Unanimous Consent of the House regarding ethics.

Rep. Vaillancourt addressed the House.

MOTION TO PRINT REMARKS

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

Adopted.

REMARKS

Rep. DeSimone: Thank you, Madam Speaker. If anyone from the Rockingham Delegation wishes to join me, you are invited to do so. She was an absolutely beautiful young lady, both inside and out. Her smile lit up a room and her eyes sparkled. Her name is Amy Perkins. As you can see with the amount of the delegates that come here before you today, wishing to respect her and her family, we understand what a great loss it was that Amy Perkins passed at age 43 after fighting a courageous battle with brain cancer. That day she was surrounded and comforted by her loving family. Amy was a loving, caring and devoted daughter, sister, wife, and her favorite job of all, mother. In addition to raising her children, Amy was employed as a polysomnographer for 10 years at Portsmouth Regional Hospital. She was a member of the Rand Memorial Church where she served proudly as a Sunday school teacher. I remember when Koko gave her a special charm for her bracelet in the shape of a cross, how her eyes sparkled when she showed it off. Amy was also a member of the Raymond E. Walton American Legion Post 70, Women's Auxiliary where she worked tirelessly to benefit others as well as a self-taught pianist and a lover of dune buggies, all eight of them. Amy was serving her third term here in the House representing Rockingham District 20. She served on Municipal and County Government her first term. Her second was Children and Family Law, which is where I had the honor and privilege of sitting next to her and becoming her friend. Then, this term she spent on Legislative Administration and she was an asset to all of her committees and she made friends wherever she went. I could be here all day talking about Amy and how much better life is here in the State of New Hampshire because she was here, but I think that the poem that she left as a message to all of us would state it better. I'm not sure who the author was, but I think it's very apropos and it says,

Don't grieve for me for now I am free
I'm following the path God has chosen for me
I took his hand when I heard him call,
I turned my back and left it all.
I could not stay another day,
To laugh, to love, to work or play.
Tasks left undone must stay that way,
I found peace at the end of the day.
If my parting has left a void,
Then fill it with remembered joy.
A friendship shared, a laugh, a kiss,
Yes, these things too, I will miss.
Be not burdened with times of sorrow,
Look for sunshine for tomorrow.
My life's been full, I've savored much,
Good friends, good times, a loved one's touch.
Perhaps my time seemed all too brief,
Don't lengthen your pain with undue grief.
Lift up your hearts and peace to thee.
God wanted me now. God set me free.

By the grace of God, our friend and colleague, Amy Stasia Perkins is now free and cured of all her pains. Thank you.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of the Representative from Seabrook, the Honorable Amy Perkins.

RECESS MOTION

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

The House recessed at 6:10 p.m.

RECESS

(Rep. Shurtleff in the Chair)

RESOLUTION

Speaker Norelli offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 202, 203, 281, 286, 292, 295, 300, 315, 335, 340, 345, 358, 371, 374, 376, 404, 407, 414 and 418 and Constitutional Amendment Concurrent Resolution numbered 19 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**

CACR 19, relating to dedicated funds. Providing that dedicated funds shall be used solely for the purpose of the fund. (Ways and Means)

SB 202, relative to the elements of the crime of burglary. (Criminal Justice and Public Safety)

SB 203, relative to permissible uses of electronic benefit transfer (EBT) cards. (Health, Human Services and Elderly Affairs)

SB 281-FN, relative to the siting of wind turbines. (Science, Technology and Energy)

SB 286, relative to abatements for prior years' property taxes. (Municipal and County Government)

SB 292, relative to insurance company regulation. (Commerce and Consumer Affairs)

SB 295, prohibiting an employer from using credit history in employment decisions. (Labor, Industrial and Rehabilitative Services)

SB 300, relative to the setting of tax rates and the disposition of rooms and meals tax revenues by the department of revenue administration. (Ways and Means)

SB 315-FN, establishing a board of building officials. (Executive Departments and Administration/Ways and Means)

SB 335-FN, establishing a commission to study career and technical education centers. (Education/Ways and Means)

SB 340-FN, requiring the insurance department to hold public information sessions and provide a comment period before approval of products to be sold on the health exchange. (Commerce and Consumer Affairs)

SB 345, repealing the prospective repeal of the annual public hearing and report on health insurance costs and trends. (Commerce and Consumer Affairs)

SB 358, adding the community college system to the definition of public employer for purposes of the public employee labor relations board. (Labor, Industrial and Rehabilitative Services)

SB 371-FN, requiring the establishment of a senior citizens bill of rights. (Health, Human Services and Elderly Affairs)

SB 374, establishing a commission to review and make recommendations to standardize and make uniform the definitions of "domicile" and "residency" in state statutes. (Election Law)

SB 376, requiring pooled risk management governing board members to comply with financial disclosure requirements. (Executive Departments and Administration)

SB 404-FN, relative to the acquisition of real property for state government purposes. (Public Works and Highways/Finance)

SB 407, relative to wolf hybrids. (Fish and Game and Marine Resources/Criminal Justice and Public Safety)

SB 414-FN, relative to Medicaid-funded services provided as a part of a child's individualized education program. (Education)

SB 418, relative to the proclamation of firefighters memorial day. (Executive Departments and Administration)

ENROLLED BILL AMENDMENT

SB 249, relative to judicial performance evaluations. (Amendment printed SJ 3-13-14)

Adopted.

RECESS